

The Gold Trading Center
7025 Liberty Road
Vladimir Leytush, Petitioner
Case No. 94-314-SPH

* BEFORE THE
* BALTIMORE COUNTY
* ZONING COMMISSIONER

PETITIONER'S POST-HEARING MEMORANDUM

The Petitioner, Vladimir Leytush, by Julius W. Lichter and Kathryn T. May, his attorneys, respectfully submits this Post-Hearing Memorandum for consideration by the Baltimore County Zoning Commissioner.

Statement of the Case

Pursuant to a letter dated October 22, 1993, the Gold Trading Center was advised by a Baltimore County Zoning Inspector that a pawn shop is not a permitted use in the BL zone.¹ The Zoning Inspector advised the Petitioner to cease operations or file a petition for special hearing. The Petitioner filed a Petition for Special Hearing and a hearing on this matter was held before the Baltimore County Zoning Commissioner on March 23, 1994. At the close of the hearing, the Zoning Commissioner consented to the Petitioner's request for the opportunity to submit this Memorandum.

Statement of Facts

Vladimir Leytush and Zakhar Trustatli own and operate the Gold

The Zoning Inspector, Derek Propolis, testified that his investigation of the Gold Trading Center was pursuant to a blanket complaint about pawn shops in the Liberty Road corridor.

The facts stated in this Memorandum were proffered by Mr. Lichter in his opening statement and confirmed by the testimony of Mr. Leytush.

Trading Center located in the Woodmoor Shopping Center on Liberty Road. Mr. Leytush and Mr. Trustatli are immigrants from the former Soviet Union who have resided in the United States for about 13 years.

In 1991, Mr. Leytush and Mr. Trustatli leased tenant space in the Woodmoor Shopping Center from The Gutman Realty Company/Honolulu Limited for a 1-year term. The Lease was extended for a 5-year term pursuant to an Agreement to Extend the Lease dated March 19, 1992. (See Petitioner's Exhibit No. 1). The current lease term expires March 31, 1997.

The Lease expressly describes the permitted use of the premises as follows:

7. (t) Use: Not to use, permit or suffer the use of the premises or any part thereof for any purpose other than the sale and purchase of gold, electronics, ~~automobiles and the general operation of a pawn shop~~, specifically excluding any merchandise that is considered drug paraphernalia by the landlords and not for any other purpose whatsoever. . . . [Emphasis added]

Thus, the landlord was cognizant of the Petitioner's intention to use the premises, at least in part, for pawn transactions.

Moreover, prior to opening the business, the Petitioner obtained a Trader's license from Baltimore County (Petitioner's Exhibit No. 2B). The application for the Trader's license indicates the type of business as "pawn shop". (See Petitioner's Exhibit No. 2A). The Petitioner also obtained the requisite licenses from the Maryland Department of Licensing & Regulation to

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operate as secondhand precious metal and gem dealers (alias "pawn brokers"). (See Petitioner's Exhibit Nos. 2C and 2D). Mr. Leytush testified that prior to executing the Lease and when obtaining these licenses, he obtained verification from the Baltimore County Zoning Office that a pawn shop was a permitted use at the 7025 Liberty Road location. Thus, the Petitioner had no reason to believe that the Baltimore County Zoning Regulations ("BCZR") prohibited pawn transactions at this site, and in fact, the Petitioner was lead to believe that such a use was permitted.

The Gold Trading Center business is primarily the retail sale and repair of jewelry and electronics (e.g. stereos, televisions, video cam recorders, and the like). This aspect of the business consumes about seventy-five percent (75%) of the square footage of the store. (See Petitioner's Exhibit No. 3).

About twenty-five percent (25%) of the income from the business is derived from pawn transactions. (See Petitioner's Exhibit No. 7). The average pawn transaction is \$30.00 - \$35.00. Approximately seventy percent (70%) of the pawned items are redeemed by their original owners. The pawn items are stored and the pawn transactions are consummated in the rear of the shop (the storage area), where the repair work is also done. (See Petitioner's Exhibit No. 3).

Most of the Petitioner's customers reside in the surrounding residential communities. Over 50 such customers signed petitions supporting the Petitioner in his request before the Zoning Commissioner. (See Petitioner's Exhibit No. 6A). The tenants in

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the Woodmoor Shopping Center also signed a petition supporting the Petitioner in this request. (See Petitioner's Exhibit No. 6B).

By law, the Petitioner is required to accurately record all pawn transactions. Thus, for each item that is pawned, the Petitioner must complete a "Daily Return" which specifically describes the item pawned and identifies (through driver's license and other identification) the person who pawned the item. (See Petitioner's Exhibit No. 4). By law, the completed Daily Returns are deposited each day with the Baltimore County Police Department. The law prohibits anyone under the age of 18 from engaging in a pawn transaction.

Although the Protestants testified that they oppose the Petition for Special Hearing because of burglaries or thefts of residents in the neighborhood, there was no evidence or testimony to support the bald allegation that the Gold Trading Center was in any way related to the area's criminal activity. Moreover, Mr. Leytush testified that he has cooperated with the Police Department and as a result arrests have been made on the few occasions that he has encountered stolen goods.

The Gold Trading Center operates Monday through Saturday from 9:00am to 6:30pm.

Relief Sought

The Petitioner has requested that the Zoning Commissioner allow the pawn aspect of his business to continue as an accessory use to his retail sale and repair business until the Lease expires on March 31, 1997. In exchange, the Petitioner has agreed to

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remove all signs and symbols from the premises advertising "pawn" activity.

Authority To Grant Relief

The power of the Baltimore County Zoning Commissioner is set forth in the Baltimore County Zoning Regulations as follows:

§500.6 In addition to his aforesaid powers, the zoning commissioner shall have the power . . . to conduct hearings involving violation or alleged violation or non-compliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon . . .

§500.7 The said zoning commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations. . . . The power given hereunder shall include the right of any interested person to petition the zoning commissioner for a public hearing . . . to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations. [Emphasis added]

The Petitioner is not asking the Zoning Commissioner to ignore the zoning regulations, but rather, is asking the Zoning Commissioner to use his authorized discretion in enforcing the regulations in light of the facts and equities in this case. The undisputed facts clearly indicate that the Petitioner leased the subject premises, after obtaining zoning verification from the zoning authority, with the good-faith and reasonable belief that pawn transactions were permitted, a belief based on the landlord's consent to the use and on the Zoning Office's confirmation that a pawn shop was a permitted use at this location. Moreover, the facts indicate that the Petitioner's pawn transactions are

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necessary to the viability of the business and a necessary accessory to the retail sale and repair of jewelry and electronics. Finally, the Petitioner has operated his shop for 3 years without incident and has maintained good-neighbor relationships with customers and other tenants.

The Petitioner respectfully submits that the Zoning Commissioner may grant the relief sought pursuant to the authority vested in the Zoning Commissioner under §500.6 and §500.7, as well as on the theories of equitable estoppel and amortization.

Equitable Estoppel: The Maryland Court of Appeals applied the doctrine of equitable estoppel in holding that Montgomery County was estopped from enforcing the height restrictions of the county zoning ordinance against a developer who had erected a building which exceeded the height limitations. *Permanent Financial Corporation v. Montgomery County*, 308 Md. 239, 516 A.2d 123 (1986). The Court in this case defined equitable estoppel as follows:

Equitable estoppel operates to prevent a party from asserting his rights under a general technical rule of law, when that party has so conducted himself that it would be contrary to equity and good conscience to allow him to do so. *Id.*, 516 A.2d 127, citing *Elch v. Double Day Sales Corp.*, 212 Md. 324, 179 A.2d 93 (1967).

In this case, the Petitioner asserts that Baltimore County is estopped from prohibiting the continued use of a portion of the subject premises for pawn transactions because the Zoning Office verified the use as a permitted use when the Petitioner obtained the requisite licenses to operate the shop. The Petitioner, in

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good faith, relied on the Zoning Office's interpretation of the zoning regulations and based on that interpretation proceeded to expend funds to open and operate the business. Thus, at a minimum, the Petitioner should be permitted to continue his business until the Lease expires on March 31, 1997.

Amortization: Amortization is a middle ground between immediate cessation of a land use and the indefinite continuance thereof. The idea is to give the property owner a period of grace during which he is entitled to continue the use in order to amortize his investment. At the end of this grace period, the use must terminate. *See*, Robert Anderson, *American Law of Zoning*, §d, §6.69, 6.71, 6.72 (1986). The Petitioner is obligated to perform the terms of the Lease inclusive of the payment of rent and charges even if the Zoning Commissioner determines that the pawn use must cease. This obligation, together with the Petitioner's investment, would destroy the Petitioner's business and cause irreparable financial loss. This should not occur under the facts present in this case.

Amortization is not a foreign concept in Maryland; it has been applied in zoning cases around the State. *See, e.g., Shifflett v. Baltimore County*, 247 Md. 151, 230 A.2d 210 (1967) (upholding a 3-year amortization period in which a nonconforming junkyard could continue to exist in a residential zone) and *Lone v. Montgomery County*, 85 Md.App. 777, 584 A.2d 142 (1991) (upholding a 10-year amortization period in which multi-family residences could continue to exist in a single-family zone).

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As noted previously, the Baltimore County Zoning Commissioner has been delegated authority to conduct hearings involving violations of the zoning regulations and to pass his order thereon. BCZR §500.6. The Zoning Commissioner has also been granted the power to utilize his discretion to "determine any rights whatsoever" of a person whose property has been affected by the zoning regulations. BCZR §500.7. Implicit in this delegation of power is the right of the Zoning Commissioner to order the termination of an illegal use. The power to terminate such a use implies an authority to permit termination through amortization where the Petitioner has exercised due diligence to comply with the law, has not caused any harm to the County and its citizens, and would be put to serious and irreparable financial hardship were he not permitted to amortize the operation of the pawn activity through March 31, 1997.

In rendering a decision in this case, the Zoning Commissioner should balance the harm to the Petitioner if the use is required to terminate immediately with the harm to the community if the use is required to terminate when the Lease term expires. The Petitioner testified that the pawn transactions account for about twenty-five percent (25%) of his business income. However, the pawn customers also comprise a substantial portion of his retail sale and repair customers. Thus, the elimination of the pawn transactions will adversely impact the entire business.

There was no evidence presented at the hearing that the Gold Trading Center adversely impacts the neighborhood. Although there

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were assertions that the Gold Trading Center is in the business of receiving stolen goods, this assertion was unsubstantiated. Moreover, the tenants of the Woodmoor Shopping Center support the Petitioner's zoning request, as do numerous residents in the surrounding area. (See Petitioner's Exhibit No.s 6A and 6B).

The Protestants cited the Liberty Road Revitalization Area 1990 Action Plan Update as support for their position that the Petitioner's use should cease. However, this document also supports the Petitioner's position. The following statement is found of page 5 of this document: "The retention and expansion of the local business community is vital to the continued health of the Liberty Road communities". On page 10, the document discusses the need to find solutions to the neglected buildings and vacancies in commercial areas inside the Beltway and specifically mentions the Woodmoor Shopping Center as an example. The document goes on to state that "resources should be specifically designed to contain and reverse the existing trend of disinvestment and deterioration". Thus, the denial of the Petitioner's zoning request would be in direct contradiction to the stated goals of business retention set forth in the 1990 Action Plan Update. (See Exhibit 8 attached hereto).

Conclusion

In sum, the Petitioner opened the Gold Trading Center with the reasonable belief, verified by the Baltimore County Zoning Office, that pawn transactions are permitted. To require the immediate termination of this use, which is accessory to the Petitioner's

retail sale and repair of jewelry and small appliances, would be inequitable and damaging to the Petitioner's business. The Zoning Commissioner is authorized to pass orders on zoning violations and to determine any rights of a person whose property is affected by the PCZR. Implicit in this delegation of power is the right to permit the termination of a use via amortization. Thus, the Petitioner asserts that the Zoning Commissioner has the power to grant the relief requested.

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Attorneys for Petitioner Leytush

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of March, 1994, a copy of the Petitioner's Post-Hearing Memorandum was sent by telefax (fax number 686-1995) to Mr. Ella Campbell, Liberty Road Community Council, and mailed to William Scott, Woodlawn Community Association, 7109 Minna Road, Baltimore, Maryland 21207.

Kathryn T. May
Kathryn T. May

Liberty Road Community Council, Inc.

P.O. Box 31555
Baltimore, MD 21207

April 5, 1994

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

RE: Vladimir Leytush, Petitioner
Case No. 94-314-SPH

Dear Commissioner Schmidt:

Pursuant to your instructions at the close of the March 23, 1994 hearing on the above referenced matter, please find enclosed the reply to the Petitioner's Post-Hearing Memorandum. We were placed at a disadvantage because we received the Petitioner's Post-Hearing Memorandum on the eve of the start of our religious holidays.

Thank you for giving us the opportunity to respond and for your thorough and courteous consideration of this matter.

Respectfully,

Vivian Noonan
Vivian Noonan
President

Judith Berger
Judith Berger
1st Vice President

Ella White Campbell
Ella White Campbell
Executive Director



The Gold Trading Center
7025 Liberty Road
Vladimir Leytush, Petitioner
Case No. 94-314-SPH

* BEFORE THE BALTIMORE COUNTY
* ZONING COMMISSIONER
*

COMMUNITY'S RESPONSE TO PETITIONER'S POST-HEARING MEMORANDUM

The Liberty Road Community Council, Inc., an umbrella group for community organizations in the Liberty Road Corridor, respectfully submits this reply to the Petitioner's Post-Hearing Memorandum.

Statement of the Case

After receiving numerous complaints from community organizations about operation of the Gold Trading Center in the Woodmoor Shopping Center, the Liberty Road Community Council, Inc. examined the Baltimore County Zoning Regulations and discovered that a pawn shop is not a permitted use in a BL zone. Various associations then filed a complaint with the Baltimore County Office of Zoning. Mr. Derek Propolis, a Baltimore County Zoning Inspector, visited the site, issued a citation, and advised the Petitioner to cease the illegal pawn shop operation. The Petitioner filed a Petition for Special Hearing, and a hearing on this matter was held before the Baltimore County Zoning Commissioner on March 23, 1994. At the close of the hearing, the Zoning Commissioner consented to allowing the community five days to respond to the Petitioner's Post-Hearing Memorandum.

Statement of Facts

Vladimir Leytush and Zahkar Trustatsi own and operate an illegal pawn shop in the Woodmoor Shopping Center. In 1991, they indicated that their business was a jewelry store (not a PAWN SHOP) on the license application. In 1992, they indicated that their type of business was "traders" (not a PAWN SHOP) on the application for a business license (See attached copy of License Application). Then in 1993, this same business indicated that the type of business was a pawn shop (See Petitioner's Exhibit No. 2A and 4B). The conflicting terminology used by the Petitioner on the license application clearly indicates that the owners knew or should have known that the pawn shop operation in a BL zone was illegal. Although the zoning office signed-off on the application by mistake, this in no way is an excuse to operate an illegal business.

The current issue of the C & P Yellow Pages lists the Gold Trading center under Pawnbrokers; this listing is found on page 725, in the first column. This advertisement clearly places pawn as the principal type of business. The Yellow Pages listed this principal type of business in 1992 and 1993. Therefore, although the type of license differed from 1991 thru 1993, the principal type of business has remained consistent. This advertisement clearly indicates that The Gold Trading Center business is not primarily the retail sale and repair of jewelry and electronics, and was not intended to be this retail sale and repair from the

onset.

The Petitioners argue that "most of the Petitioner's customers reside in the surrounding communities." Yet, the petitioner could only produce a resident from Baltimore City to testify as to his good neighborliness. Of the fifty-two (52) signatures on the Petition in Support of the Gold Trading Center, seventeen (17) of the signatories live in Baltimore City. Ten (10) of the signatories live closer to the Petitioner's other legal pawn shop on Liberty Road. The Petitioner's Exhibit No. 6A clearly indicates that most of the Petitioner's customers do not reside in the surrounding residential communities of Woodmoor, Lochearn, Villa Nova, Forest Gardens and Haywood Heights. The documentation indicates quite the contrary.

The owners consciously made the choice to extend the lease for a five year term. The lease agreement is a standard agreement for tenants in the Woodmoor Shopping Center. The term specified on the lease agreement allows for a one-year Anniversary Date for Renewal. The owners could have taken this option. Furthermore, the Agreement to Extend the Lease is not signed to indicate legality. The onus is upon the Tenant, not the Landlord to comply with Zoning Regulations in the operation of a business. Therefore, the argument for equitable estoppel and amortization are null and void, in our view. Furthermore, the legal reference cited for the equitable estoppel pertains to a building code violation, not a zoning code violation. The legal reference cited for the amortization theory pertains to allowing a nonconforming junkyard

to continue to exist in a residential zone. The Gold Trading Center can continue to exist, without economic hardship, if it merely increases retail sales operations and ceases the pawn operation. Therefore, the legal references cited for equitable estoppel and amortization should not be likened to this case.

The Petitioner has not proven economic hardship beyond a reasonable doubt since no record books were submitted for examination. The Petitioner testified that about twenty-five percent (25%) of the business is pawn related. Subtracting this percentage from the total profit will still yield the owner a sizable profit of 2,286.58 a month (See Petitioner's Exhibit No. 7). Furthermore, the owners operate a legal pawn shop which is located at 8074 Liberty Road, less than ten blocks away, enabling the owners to shift their pawn business from 7025 Liberty Road to the store located at 8074 Liberty Road.

SUMMARY

The Liberty Road Community Council, Inc. (LRCC) was founded in 1958 to provide a mechanism to enable residents to define concerns; to plan problem-solving strategies; to coordinate all efforts of individual community groups for the betterment of the community-at-large; to lend mutual support for individual community groups; to assure community stability and to lessen neighborhood tensions. As the community's watchdog, LRCC is obligated to investigate all zoning uses and bring illegalities to the attention of the Office of Zoning. Therefore, it is incumbent upon the citizenry to

correct any errors of omission or commission in the above areas and the various petitioners cannot be granted relief because they willfully choose to violate the law.

The Gold Trading Center would have gone unnoticed as an illegal operation if the business had been operated in a productive manner in the community. The Gold Trading Center became the center of controversy as a result of the frequent neighborhood complaints about loitering and the increase of thefts since the pawnshop located in our community in 1991. Our Woodlawn Police Precinct is short of personnel. If our policemen must take the time to track stolen items in a nearby pawn shop, the community is adversely affected. We do not have enough policemen to adequately monitor stolen items brought to a pawn shop. Furthermore, many stolen items are not trackable, since they lack the proper identification modalities. The Petitioner has failed to prove that the area's increased criminal activity is not related to the location of The Gold Trading Center.

The amortization and equitable estoppel arguments are futile grasps for legal straws to avoid adherence to well-spelled out, long-standing statutes of the Baltimore County Zoning Regulations. Permitted uses in various zones are not open to interpretation or misinterpretation. They are inclusive or exclusive as clearly stated in the RCZR.

Relief Sought

The Liberty Road Community Council, Inc. implores the zoning Commissioner to enforce the Zoning Regulations and not grant the

relief sought by the Petitioner. In rendering a decision in this case, it is hoped that the Zoning Commissioner will not sacrifice the general welfare, safety and health of communities to benefit the profit motive of one businessman. The Liberty Road Revitalization Area 1990 Action Plan Update and the Woodlawn Community Plan resulted from years of work by its citizenry. The retention and expansion of local legitimate businesses are vital to the continued health of our communities. One key area of concern in both plans is the upgrading of the Woodmoor Shopping Center. Baltimore County has invested large sums of money in major improvements in the Woodmoor Shopping Center. Please do not allow our tax dollars and our welfare to be adversely impacted by a decision in favor of the Petitioners. Ignorance is no excuse for violating the law.

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ORDER RECEIVED FOR FILING
Date 3/14/97
By [Signature]

State of Maryland
COUNTY OF BALTIMORE
Petitioner: LITVIN, BLANKIN & TRUYER, JARNA
Respondent: [Name]
Case No. 91
Filing Fee: \$100.00
Total: \$100.00

ORDER RECEIVED FOR FILING
Date 3/14/97
By [Signature]

State of Maryland
COUNTY OF BALTIMORE
Petitioner: LITVIN, BLANKIN & TRUYER, JARNA
Respondent: [Name]
Case No. 92
Filing Fee: \$100.00
Total: \$100.00

ORDER RECEIVED FOR FILING
Date 3/14/97
By [Signature]

State of Maryland
COUNTY OF BALTIMORE
Petitioner: LITVIN, BLANKIN & TRUYER, JARNA
Respondent: [Name]
Case No. 93
Filing Fee: \$100.00
Total: \$100.00

IN RE: PETITION FOR SPECIAL HEARING
OF BALTIMORE COUNTY
Case No. 94-314-BW

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 7025 Liberty Road in the Woodmoor section of Baltimore County. The Petition is filed by the property owners, Honolulu Ltd. Partnership/Gutman Realty Company and their Lessee/Tenant, Vladimir Leytush. Special Hearing relief is requested seeking approval of the continued dealing of second hand precious metal objects, gem transactions and related purchase and sale transactions as an accessory use to the retail sale of jewelry and small appliances.

Appearing at the requisite public hearing held for this case was Vladimir Leytush, the proprietor of the business known as the Gold Trading Center. Mr. Leytush was represented by Julius W. Lichter, Esquire and Kathryn May, Esquire. Appearing in opposition to the request were numerous citizens from the surrounding locale. They included D'Armond Burnett and Ann D. Burnett from the Woodmoor Community Association, Ella Campbell from the Liberty Road Community Council and numerous other individuals who reside nearby.

Although the issues presented in this case are vigorously contested by the litigants, the underlying facts are relatively simple and beyond dispute. The subject property is a site of approximately 5.15 acres located immediately adjacent to the Liberty Road in the Woodmoor area of Baltimore County.

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more County. This is an older established community inside the Baltimore Beltway, not far from the Baltimore City line. The subject site is zoned B.L.-C.C.-G. and has been developed and in use for many years as the Woodmoor Shopping Center. This shopping center features approximately 16 stores and is laid out as a strip center. Moreover, 351 parking spaces are provided, more than sufficient to serve the tenants' needs. The Petitioner, Vladimir Leytush, leases one of the stores, known as Unit 7725 Liberty Road. His business, as shown from the various photographs of the site, is known as The Gold Trading Center.

Mr. Leytush testified that he is an immigrant from the former Soviet Union and has been in business at this location for approximately 3 years. Originally, he signed a lease for a term of one year but renewed same in 1992 for a 5 year term. Thus, he is locked into a lease of this subject property until March of 1997. He also described in great detail the operation of his business. He indicated that the business sells and repairs jewelry and some small appliances. Mr. Leytush testified and produced his company's financial records corroborating that approximately 75% of the business is comprised of sales of new and antique jewelry, electronics, the making of jewelry and the repair of same. However, the remaining 25% of the business is devoted to a pawn shop operation. In fact, the photographs are clear that signage on the store advertises the business as a pawn shop. This is further made clear by advertisements in the yellow pages which identifies the business as a pawn shop.

It is the operation of this pawn shop business which is disturbing to the neighbors. Testimony from the various community representatives present was consistent that they do not want this type of business at this location. They fear increased opportunities for crime if the pawn shop operation is allowed to continue. Specifically, they believe that stolen

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goods will be sold at the shop. They also believe that to have such a business near their community makes it easier for criminals to dispose of stolen goods obtained illegally from within the area. The community residents perceive the proposed business as a general nuisance and believe that its continued operation is harmful to the welfare of this community. In fact, their testimony was that the continued operation of this business would imperil the vitality and health of this community and be inconsistent with the revitalization plans for this area. Specific testimony regarding the concerns of those individuals who testified at the hearing is contained within the record of this case. It is clear that this case has stirred the emotions of many of the citizens within this locale. The residents see the shop as a real threat to the welfare of their community whereas the Petitioner fears that a denial of the Petition will irreparably harm his business operation.

Based upon the testimony and evidence offered, it is clear that, at the least, a significant portion of the business is devoted to pawn shop operations. Although this may only comprise 25% to 35% of the total sales, it is clear that the pawn shop operation is an integral part of this business. Thus, the Petition for Special Hearing is filed in an attempt to validate this use.

In considering this issue, it is important to note that the Baltimore County Zoning Regulations (B.C.Z.R.) are written in the inclusive. That is, any use except those specifically permitted by the B.C.Z.R. by right or special exception is prohibited. Language to this effect is found within the general preamble of the B.C.Z.R. Specifically, within Section 102.1, it is provided that no land shall be used or occupied except in conformance with the regulations. Moreover, case law has buttressed this conclusion. In *Kowalski v. Lame*, 33 Md. App. 493, 334 A.2d 536

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(1975), the Court of Special Appeals of Maryland held that only uses permitted by the B.C.Z.R. by special exception, or as of right, are allowed.

The Petitioner, through counsel, acknowledges this point of law. They agree that a pawn shop operation is not allowed within the B.L. zone as of right or by special exception. Therefore, it is clear that the use is illegal and cannot continue, save the application of other provisions of law which would validate this use.

In this respect, the Petitioner offers two theories in an attempt to justify and allow the continuation of this business. The first theory relates to the doctrine of equitable estoppel. Equitable estoppel has been defined by the courts of this State as the effect of the voluntary conduct of a party whereby that party is thereafter precluded, both at law and in equity, from asserting rights which might have, otherwise, existed. See *Paramount Financial Corporation v. Montgomery County* 308 Md. 239, 518 A.2d 123 (1936). Moreover, this doctrine has been extended to municipalities. See *Kent County Planning Inspector v. Abel* 246 Md. 395, 228 A.2d 247 (1967). That is, the doctrine of equitable estoppel can be applied municipalities and governmental agencies, such as Baltimore County.

Armed with those holdings, the Petitioner argues that the doctrine of equitable estoppel should be applied in this case. Specifically, it is alleged that Mr. Leytush applied for and received the necessary business licenses when his pawn operation business opened. Thus, he argues that the County cannot now revoke the permission which was previously given. Although, the Petitioner properly identifies the doctrine of equitable estoppel, the doctrine is inapplicable here for, at least, two reasons. First, a review of the record of the case discloses no specific evidence that Baltimore County ever issued any approvals through its zoning office permitting this business. A series of exhibits were offered (Petitioner's

2A through 2D) evidencing the licenses which were obtained by the Petitioner prior to the establishment of the business. These licenses were all issued through the State of Maryland and not Baltimore County. The licenses identify the business as a second hand precious metal and gem dealer (Petitioner's 2C and 2D), a pawn shop (Petitioner's 2A), and a public trader (Petitioner's 2B). All four of the exhibits offered were issued by the State of Maryland and not Baltimore County. Thus, clearly, the County cannot be held to the State's issuance of these licenses under the doctrine of equitable estoppel. Secondly, the doctrine of equitable estoppel will not go so far as to assert a permit which was illegally issued. In *Liggett v. Parr* 164 Md. 222, 164 A.2d 743 (1933), the Court of Appeals would not apply the doctrine of estoppel when a permit was illegally issued. It is abundantly clear that even if Baltimore County had issued a permit for the pawn shop previously, such issuance would have been an illegal act. Thus, for both of these reasons, it is clear that the doctrine of equitable estoppel is not applicable in this case.

The second theory offered in support of the Petition is that known as amortization. The Petitioner identifies this theory as a middle ground between immediate cessation of a land use and the permissible continuation of same for a definite period. The purpose of the application of this doctrine is to give a property owner a period of grace during which he is entitled to continue in an otherwise illegal use in order to amortize his investment. In this case, the Petitioner is obligated under a 5 year lease until March 1997. Thus, he argues that the use should be allowed to continue until the lease terminates.

In support of its theory, the Petitioner offers two cases which have considered this doctrine. The first is *Lane v. Montgomery County*, 85 Md. App. 477, 584 A.2d 142 (1991). A review of this case discloses that

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the amortization theory was applied within a zoning statute passed by the legislative authority in Montgomery County. Specifically, as a way to eliminate certain nonconforming uses, the Montgomery County Council adopted an amortization schedule to eliminate such uses within a specific time frame. The Court of Special Appeals was called on to determine whether the amortization schedule was appropriate.

Clearly, the holding in *Lane v. Montgomery County*, infra, is not relevant here. In that case, the amortization schedule was specifically established by the legislature as part of a legislatively developed scheme to regulate nonconforming uses.

In the other case cited by the Petitioner, namely, *Shifflett v. Baltimore County*, 247 Md. 351, 230 A.2d 310 (1967), the Court considered a similar statute. Therein, the Baltimore County Council had adopted an ordinance regulating junk yards. Specifically, the Council adopted an amortization schedule which provided that illegally existing junk yards be completely eliminated not later than two years after the date of the ordinance. Both *Shifflett* and *Lane*, supra, present significantly different factual scenarios than what is presented here. In both of these cases, the Court was called upon to consider a legislatively adopted amortization schedule to eliminate undesirable uses. I see nothing within the body of those cases which would permit this Zoning Commissioner to extend the life of an otherwise illegal use.

However, the Petitioner cites Sections 500.6 and 500.7 of the B.C.Z.R. as authority for the adoption of the amortization theory. Those sections do empower the Zoning Commissioner with wide discretion and authority to interpret the zoning regulations and pass such orders as shall be necessary for the proper enforcement thereof.

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Irrespective of the authority conferred upon this office by that section, I decline to adopt the Petitioner's request in this case. As noted above, only uses which are specifically allowed by right or special exception are permissible. The pawn shop operation is not permissible in this zone. Although appreciative of the Petitioner's business initiative, I cannot rescue him from a poor business decision. As importantly, I am persuaded that the welfare of this community will be adversely affected by the pawn operations conducted in this shop. Although no direct evidence was offered to link the increase in crime or other undesirable effects to the subject operation, the inherent nature of the use, itself, is clearly incompatible with the revitalization of the residential communities which surround this site. This is an older and well established community in Baltimore County which need and must be protected and preserved. Businesses which might disrupt the community should be discouraged. For these reasons, I must conclude that the proposed use should not be continued.

Therefore, based upon the testimony and evidence presented, as well as a review of the legal arguments advanced by the parties in their legal memorandums, I am convinced that the Petition for Special Hearing should be denied.

Moreover, the Petitioner shall be given no longer than a reasonable period (60 days) to discontinue pawn shop operations. Thereafter, the subject site and business may only be utilized to support permissible uses under the R.C.Z.R.

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

-7-

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of May, 1994 that, pursuant to the Petition for Special Hearing, approval of the continued dealing of second hand precious metal objects, gem transactions and related purchase and sale transactions as an accessory use to the retail sale of jewelry and small appliances, be and is hereby DENIED.

1. The Petitioner shall discontinue all pawn operations on the subject site and remove all advertising reference thereto on this property within 60 days from the date of this order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4306

May 9, 1994

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-314-SPH
Petition for Special Hearing
Legal Owner: Honolulu Limited/Gutman Realty Co.
Lessee: Vladimir Laytush

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mm

cc: Mr. and Mrs. D'Armond Burnett, Woodmore Community Association
cc: Ms. Ella Campbell, Liberty Road Community Council

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 7025 Liberty Road
which is presently zoned BL-CCO

This Petition shall be read with the Office of Zoning Administration & Development Management. The undersigned, Legal Owner of the property located in Baltimore County and which is described in the description and plat attached hereto, and who is a natural person, hereby petition for a Special Hearing under Section 102 of the Zoning Regulations of Baltimore County, to determine whether the proposed use of the property should be approved.

the continued dealing of second-hand precious metal objects, gem transactions and related purchase and sale transactions, as an accessory use to the retail sale and repair of jewelry and small appliances.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, the undersigned, hereby agree to pay the costs of posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and regulations of Baltimore County which are in effect at the time of the filing of this petition.

Legal Owner: Honolulu Limited/Gutman Realty Co.
Lessee: Vladimir Laytush

7025 Liberty Road
Baltimore, MD 21207

Joel Winegarten - Vice President

5518 Baltimore National Pike
Baltimore, MD 21228-1595

Julius W. Lichter, Esquire
305 W. Chesapeake Ave
Towson, MD 21204

321-0600

ATTEST: I, the undersigned, being duly sworn, certify that the foregoing is a true and correct copy of the petition filed with the Office of Zoning Administration & Development Management.

Notary Public for Baltimore County

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

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Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

94-314-SPH

(410) 887-3353

DURING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL RESULT IN DENIAL OF ZONING ORDER.

Belja
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 316
Petitioner: Vladimir Kordach
Location: 7025 LIBERTY ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Vladimir Kordach
ADDRESS: 7025 Liberty Road
Baltimore, Md 21247
PHONE NUMBER: _____

A/jpg

(Revised 04/09/93)

MARCH 1, 1994

94-314-SPH

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on:

Room 109, Old Courthouse, 600 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NO. 94-314-SPH (Item 316)

Woodrow Shopping Center - The Solid Trading Center

7025 Liberty Road

RE: Case No. 94-314-SPH, Item No. 316

Petitioner: Honolulu Limited, et al.

Petition for Special Hearing

Location: Old Courthouse

HEARING: MARCH 22, 1994 at 9:00 A.M., Rm. 119, Old Courthouse.

Special Hearing to approve the continued dealing of second-hand previous metal objects, gun transactions, and related products and sale transactions as an accessory use to the retail sale and repair of jewelry and small appliances.

Arnold Jablon, Director

Belja

Arnold Jablon, Director

Arnold Jablon, Director

Arnold Jablon, Director

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(410) 887-3353

March 11, 1994

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-314-SPH, Item No. 316
Petitioner: Honolulu Limited, et al.
Petition for Special Hearing

Dear Mr. Lichter:

The Zoning Planning Advisory Committee (ZPAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, i.e., zoning commission, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 15, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

3-1-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 94-314 (WCR)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for **DAVID H. EATON, ACTING CHIEF**
John C. Cresswell, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2226 (Toll Free)
Relay Address: P.O. Box 717, Baltimore, MD 21201-0717
Street Address: 737 North Calvert Street, Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: March 1, 1993

SUBJECT: 7025 Liberty Road

INFORMATION:

Item Number: 316

Petitioner: Honolulu Limited

Property Size: _____

Zoning: BL-CCC

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The Gold Trading Center is located in the Woodrow Shopping Center on land zoned BL-CCC and lies within the boundaries of the "1990 Liberty Action Plan Update" area.

The Baltimore County Zoning Regulations do not permit pawn shops in BL zones. The "1990 Liberty Action Plan Update" (a document adopted by the County Council) states, "Zoning should be used as a tool to both attract desirable businesses to the road and to curtail the proliferation and concentration of uses which inhibit the necessary mix of a healthy economy."

Consistent with the goals of the 1990 Liberty Action Plan Update and the intent of the B.C.Z.R., the Office of Planning and Zoning recommends that the applicant's request be denied.

Prepared by: *Jeffrey M. Long*

Division Chief: *Pat Keller*

PK/SLW

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
WHL: CROW-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time. FOR THE FOLLOWING ITEM NUMBERS: 312, 313, 316, 317, 318, 319 AND 322.

RECEIVED
FEB 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAVERNOLO
Fire Prevention, PHONE: 887-6881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: W. Carl Richards

DATE: February 18, 1994

FROM: James H. Thompson

RE: Item No. 316
7025 Liberty Road
Vladimir Laytush - Petitioner

Please be advised that the referenced petition is subject to an active district court case, 94-139.

When this matter is scheduled for a hearing, please notify the following parties:

1. Stevensonwood N.A.A.C.P.
c/o Ella White Campbell
8544 Stevensonwood Road
Baltimore, MD 21244
2. Phyllis Bloom
3629 Tucka Circle
Randallstown, MD 21133
3. R.E.W.E.
c/o Diane Goldblum
3936 Penn Road
Randallstown, MD 21133
4. Vivian Noonan
3674 Cliffmar Road
Baltimore, MD 21244
5. L.C.D.C.
3960 Liberty Road
Randallstown, MD 21133

PETITION FOR SPECIAL HEARING
7025 Liberty Road
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO: 94-314-SPH
HONOLULU LIMITED, et al

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

RECEIVED
MAR 2 1994
ZONING COMMISSIONER

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County
Cresswell
Carole S. Dweil
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-1108

I HEREBY CERTIFY THAT on this 25th day of March, 1994, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq. 305 W. Chesapeake Avenue, Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

February 25, 1994

Julius W. Lichter, Esquire
Levin & Gann
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item 8316)
Legal Owner: Honolulu Limited/Gutman
Realty Company
Lessee: Vladimir Leytush
7025 Liberty Road (Woodmoor Shopping
Center)
2nd Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file the revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Add prior hearing for sign.
2. In south-side parking area, correct "19" spaces to "20".

APPROVAL

STATE OF MARYLAND
BALTIMORE COUNTY, MD:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Assessors) (Zoning Committee) of the BALTIMORE COUNTY GOVERNMENT.

ATTEST:

Heleen Aiken
Judith Berger
Nita White-Sampbell

William Hogan
John McPaul
William Obichukwu

Joseph Berger
Helen Kooner

SECRETARY PRESIDENT

Julius W. Lichter, Esquire
February 25, 1994
Page 2

3. There appears to be enough parking (even though no calculation breakdown is shown). Without knowing the percentage of each use of 8707 Retail/Restaurant and 8709, 850 Retail/Medical Office, 351 spaces are provided and 340 appear to be required.

If you need further information or have any questions, please do not hesitate to contact me at 867-3391.

Very truly yours,

J. J. Sullivan

John J. Sullivan
Planner II

J38:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

June 9, 1994

(410) 867-4366

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Request for Reconsideration
PETITION FOR SPECIAL HEARING
(7025 Liberty & Md)
Case No. 94-314-SPH

Dear Mr. Lichter:

In response to your letter dated May 19, 1994 in which you request a modification of the Order issued in the above-captioned matter, the following comments are offered and will serve as an amendment to the Order issued May 9, 1994.

On behalf of the Petitioners, you requested an extension of the time required to discontinue pawn operations on the subject site to 120 days, in lieu of the required 60 days pursuant to my Order. In consideration of the facts and circumstances presented in your letter as to the need for such an extension, I am persuaded to grant your request. Clearly, my Order still stands and the operation of the pawn shop on the subject property is illegal; however, I find no evidence that the Petitioners intentionally violated the law and are in the pawn shop business for legitimate reasons. Therefore, I find the requested extension of time to be a proper request and necessary in order for the Petitioners to have adequate time to relocate to a suitable site. Notwithstanding my approval, however, the Petitioners must remove all advertising reference to the pawn shop operation within 60 days of the date of my Order.

Should you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LEB:bjs

cc: All Protestants

People's Counsel: Case File

IMPORTANT MESSAGE

TO: *Julius W. Lichter*

DATE: *6/25/94*

FROM: *John J. Sullivan*

PHONE: *651-0653*

FAX:

TELEPHONED: ☐ PLEASE CALL

CALL TO ME: ☐ RETURN YOUR CALL

CALL TO ME: ☐ I WILL CALL AGAIN

CALL TO ME: ☐ I WILL CALL AGAIN

Message: *Woodmoor*
J.C.
Team Shop
AW

Signed: *AW*

Baltimore County, Maryland

Date: *6/25/94*

To: *ZAMM*

From: *John J. Sullivan*

☐ Please Home & File ☐ To be Signed

☐ For Your Information ☐ Please Comment

☐ Please Note Return ☐ Please See Me

☐ Please Handle ☐ Investigate & Report

Please answer, sending me Copy of your letter

Please Prepare reply for my Signature

Remarks: *7/5/94*
to: w/c
and his son
I ask
you to
if you do
can be about
a day
2/2/94

CPS-004

RANDALLSTOWN BRANCH N.A.A.C.P.
P.O. Box 103
Randallstown, Maryland 21133
(410) 922-2446

Sara J. Lee, President
Rosita Doub, Vice President
Juanita Briggs, Vice President
Derrick Lennon, Vice President
Mary J. Fair, Treasurer

May 27, 1994

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

RE: Request for Reconsideration
Case No. 94-314-SPH
Vladimir Leytush, Petitioner

Dear Commissioner Schmidt:

This is a letter in protest of the petitioner's (Mr. Leytush) request for reconsideration of your Order and modification of the time required to discontinue pawn operations on the site (Woodmoor Shopping Center) from 60 days to within 120 days of the date of the your original Order. We strongly support your Order on May 9, 1994, in the above referenced matter, wherein you denied the petitioner's request seeking approval of the continued dealing of second-hand retail objects, gun transactions and related purchase and sale transaction as an accessory use to the retail sale of jewelry and small appliances. Your Order also required Mr. Leytush to discontinue all pawn operations on the site and remove all advertising reference thereto within 60 days. We are in accord that the 60 day period, as cited in your Order, is in fact a very generous and reasonable timeframe for any serious-minded business owner to relocate. Similarly, we are strongly opposed to any delaying tactics used by Mr. Leytush's attorney to extend the Trading Center's business operations or other such efforts to circumvent the decision you issued on May 9, 1994.

As residents of the Liberty Road communities, we feel very strongly that the criminal element is vying for the upper hand in this locale; one has only to listen to the news, or read the newspapers. Some neighbors complain of the latest break-in, while others tell of elaborate security systems purchased to ward off thefts and break-ins. We have long fought the influx of businesses such as the Gold Trading Center (pawn shops) that

Mr. William C. Scott, President, and Mr. & Mrs. D'Armond Burnett
c/o Woodmoor/Roodmoor Comm. Assoc., P.O. Box 21632, Balt., Md. 21207

Ms. Judith Berger, 1st Vice President, Liberty Road Comm. Council, Inc.
3801 Lochearn Drive, Baltimore, Md. 21207-6363

Ms. Vivian Noonan, President, Liberty Road Community Council, Inc.
P.O. Box 21555, Baltimore, Md. 21207

Ms. Sara J. Lee, President, Randallstown Branch NAACP
P.O. Box 103, Randallstown, Md. 21133

Ms. Patricia Ferguson, President, NAACP
P.O. Box 21064, Baltimore, Md. 21228

People's Counsel: File

NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF COLORED PEOPLE
BALTIMORE COUNTY BRANCH

P.O. Box 21061
Baltimore, MD 21226
(410) 747-7200

May 27, 1994

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

RE: Request for Reconsideration
Case No. 94-314-SPH
Vladimir Leytush, Petitioner

Dear Commissioner Schmidt:

Pursuant to the above referenced zoning issue, the Baltimore County Branch of the NAACP is vehemently opposed to extending the time limit to 120 days. Since the Petitioner testified that pawn is only 25% of his business, there should be no basis for an extension of time. The community begs you to allow your order to stand as is.

Sincerely,

Patricia Ferguson
Patricia Ferguson
President



N. SCOTT PHILLIPS

Attorney at Law

1317 DILLON HEIGHTS ROAD
BALTIMORE, MD 21228
410 788-9547

June 28, 1994

Mr. Lawrence Schmidt
Zoning Commissioner
Baltimore County Maryland
400 Washington Avenue
Towson, MD 21204

RE: Woodmoor Community Association

Dear Commissioner:

The Woodmoor Community Association has asked me to serve as its legal representative and I have consented. I will be providing this service pro bono. I am writing this letter to request that you place me on the notification list for all zoning change requests that occur within the Woodmoor Community Association area.

In addition, I know the community is concerned about the operation of Mr. Vladimir Leytush's establishment as a pawn shop. It is my understanding the Gold Trading Center as it is referred to has not been authorized to operate as a pawn shop. Please inform me of the zoning board's actions in this matter (case number 94-314-SPH).

I look forward to hearing from you.

Sincerely,

N. Scott Phillips

NSP:VP
cc: William C. Scott
Woodmoor Community Association

*Self copy of order
in 94-314-SPH
and David Gann is
getting his
meeting date
set.*

WOODLAWN COMMUNITY ASSOCIATION

(Woodmoor Area)
P.O. Box 31612
Baltimore, Maryland 21207

May 28, 1994

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Request for Reconsideration
Case No. 94-314-SPH
Vladimir Leytush, Petitioner

Dear Commissioner Schmidt:

The Woodmoor Community Association (MCA) is responding to the letter of May 19, 1994 from the law offices of Levin & Gann representatives for Mr. Vladimir Leytush of the Gold Trading Center (GTC), Woodmoor Shopping Center. First, we need to clarify that Mr. Lichter was in error by identifying Mr. Burnett as one who testified at the hearing representing the MCA. The fact is that Mr. William C. Scott, President, testified.

Mr. Lichter requests reconsideration of your decision to allow the GTC to remain in the Woodmoor Shopping Center for an additional 60 days beyond the original 60 days granted by your office.

We, the MCA, oppose the request for extension of your original order of 60 days to 120 days. The GTC has operated illegally in the Woodmoor Shopping Center since its inception irrespective of the circumstances of the issuance of its license.

According to the petitioner's post-hearing memorandum dated March 31, 1994, pg. 4, Mr. Leytush testified, in part, that "he had encountered stolen goods", therefore that in and of itself does not state that the business provides an opportunity for illegal goods to be presented whether the goods are accepted or not. A representative from the police department testified at the hearing that the police department does not have the resources nor the manpower to properly monitor these businesses.

The MCA has been working diligently with the Baltimore County officials in connection with the upgrading and maintenance of the Woodmoor Shopping Center which is a part of the total revitalization of the Liberty Road corridor. To that end, we believe it is unconscionable to allow the interest of one businessman to supersede the interest, concerns and welfare of the many law-abiding property owners in the Woodmoor neighborhood.



LIBERTY ROAD COMMUNITY COUNCIL, INC.

6834 Alder Street
Holding Address: P.O. Box 31555
Baltimore, Maryland 21207

May 25, 1994

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

Dear Commissioner Schmidt:

The Liberty Road Community Council, Inc. received the copy of the Request for Reconsideration of Case No. 94-314-SPH, dated May 19, 1994, on behalf of Vladimir Leytush, petitioner. LRCI is opposed to the 120-day extension and respectfully requests that your Order stand as issued.

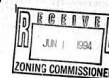
The central issue is adherence to the Zoning Law. The Petitioner states in his letter that he is amenable to removing all advertising of the pawn operations at 7025 Liberty Road, but the letter does not state that the Petitioner is willing to discontinue all pawn operations until a new location is found. This decision is a serious one, in our opinion.

We pray that you will not modify your original order of May 9, 1994.

Sincerely,

Vivian Noonan (RC)

Vivian Noonan
President



LAW OFFICES
LEVIN & GANN

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELEPHONE 410-788-9547

KATHRYN T. MAY

94-314-SPH
February 14, 1994

HAND DELIVERED

Arnold Jablon, Director
Zoning Administration and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Gold Trading Center
7025 Liberty Road

Dear Mr. Jablon:

Please accept the enclosed Petition for Special Hearing for the above referenced property. A check for \$285.00 is also enclosed.

Please contact me or Julius Lichter if you have any questions about this Petition.

Sincerely,

Kathryn T. May
Kathryn T. May

enclosures

c.c. James Thompson, Chief, Zoning Enforcement
Derik Propolis, Zoning Inspector

316

LEVIN & GANN (1993-1994)

LAW OFFICES

LEVIN & GANN

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELEPHONE 410-788-9547

LEVIN & GANN (1993-1994)

March 31, 1994

HAND DELIVERED

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

RE: Vladimir Leytush, Petitioner
Case No. 94-314-SPH

Dear Commissioner Schmidt:

Pursuant to your instructions at the close of the March 31, 1994 hearing on the above referenced matter, enclosed please find the Petitioner's Post-hearing Memorandum. A copy of this Memorandum will be telefaxed to Dr. Campbell and mailed to Mr. Scott today.

Thank you for your careful consideration of this matter.

Sincerely,

Julius W. Lichter

c.c. Dr. Ella Campbell
Mr. William Scott



May 19, 1994

HAND DELIVERED

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

RE: Request for Reconsideration
Case No. 94-314-SPH
Vladimir Leytush, Petitioner

Dear Commissioner Schmidt:

On May 9, 1994 you issued an Order in the above referenced matter denying the Petitioner's request seeking approval of the continued display of second hand personal metal objects, gun transactions and related purchases and sale transactions as an accessory use to the retail sale of jewelry and small appliances. Your Order also requires Mr. Leytush to discontinue all pawn operations on the site and remove all advertising reference thereto within 60 days of the date of your Order.

Although Mr. Campbell and Mr. Burnett alleged at the hearing that the Gold Trading Center is the situs of criminal activity, there was absolutely no evidence to support such bald accusations. Moreover, the customers of the Gold Trading Center are comprised primarily of residents in the surrounding neighborhood. Nearly 50 such customers signed petitions supporting the Gold Trading Center's zoning petition. As evidenced at the hearing indicated, their business is well-run and serves a legitimate and legal purpose.

If the Gold Trading Center were the menace Mr. Campbell and Mr. Burnett described it as, surely the other tenants in the Woodmoor Shopping Center would have complained about their use. To the contrary, Mr. Leytush testified that he had never received any complaints from the other tenants, all of whom signed petitions supporting this zoning petition.

Mr. Leytush and his partner have no plans to abandon the



3801 Lockman Drive
Baltimore, Maryland 21207-6363
May 26, 1994

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204
Dear Commissioner Schmidt,

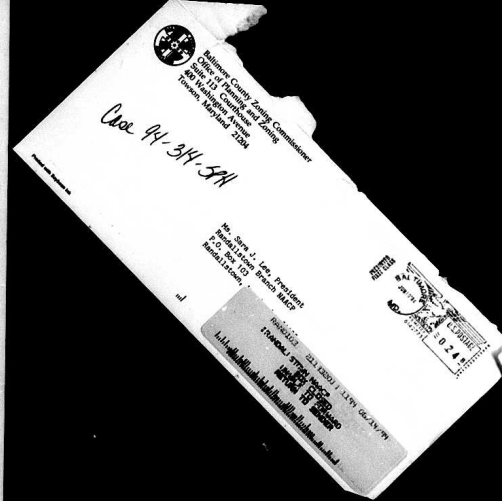
In response to the communication proffered by counsel for Vladimir Leytush and Jonathan Propolis, I, the Zoning Hearing Officer, Case 94-314-SPH, I would offer this position. The counsel for the Gold Trading Center is not trying to win this case on their letter; their focus has been made and settled.

The petitioner wants another pawn business elsewhere in Liberty Road and removing this pawn presence of their business from the Woodmoor Center would not be a hardship. They are playing on your sympathy to simply give themselves more time, exhausting our patience, and exploiting the community.

Sellers, if you have I am sure make creative efforts to evade the law, or alter an order by the zoning Commissioner. A final word on this case would be appreciated. Thank you for your time.

Sincerely,

David R. Boyer
1st Vice President
Liberty Road Community Council, Inc.



EXAMINERS
EXAMINER

Photographs
in Case
94-314-SPH

I understand that Gold Trading Center has applied for a special hearing before the Baltimore County Zoning Commissioner seeking approval to continue its existing business, including retail sales and related transactions as an accessory use to a jewelry and small appliances. I am a tenant in the Woodmoor Shopping Center and I support Gold Trading Center in its request before the Zoning Commissioner.

EXHIBIT 23

PEPPER'S
EXHIBIT

**PETTY OWNER'S
EXHIBIT 2**

1,595,458

159545

[illegible]

February 27, 1993

Gold Trading Center
7025 Liberty Road
Baltimore, MD 21207

Gentlemen:

The accompanying financial information for Gold Trading Center as of January 31, 1993 and the related statement of income and expenses for the period then ended have been compiled by us.

A compilation is limited to presenting, in the form of financial statements, information that is the representation of management. We have not audited nor reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

The accompanying financial information is not designed for those who are not informed about such matters.

Respectfully submitted,

Liberty Road Revitalization Area



1990 Action Plan Update

Submitted to the Baltimore County Council as Adopted by the Baltimore County Planning Board
May 16, 1991

A plan prepared by the Liberty Communities
Development Corporation, Inc.

EXH. 9

