· · · / of 1

IN THE MATTER OF
THE APPLICATION OF
EASTERN BOULEVARD
CENTER, INC.,
FAMOUS PAWN, INC.
FOR A SPECIAL EXCEPTION
ON PROPERTY LOCATED AT
1235-1237 EASTERN BOULEVARD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

- * BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 99-310-X

ORDER

This matter comes before the Board as a Petition for Special Exception for a pawnshop in the Middlesex East Shopping Plaza, located in a B.R.-A.S. zone at 1235-37 Eastern Boulevard in the Seventh Councilmanic District of Baltimore County. Special Exception relief is requested to approve the exchange of leased space in an existing pawnshop from 1227 Eastern Boulevard to 1235 Eastern Boulevard (within the Middlesex East Shopping Plaza) as required Baltimore County Zoning Regulations ("BCZR"), including Council Bill No. 112-95, which created a new Section 436.

This case comes on an appeal from a ruling of the Zoning Commissioner on May 4, 1999 in which a Petition for Special Exception was granted by the Zoning Commissioner.

The Petitioner in this case is Christopher J. Lee, Regional Vice-President of Famous Pawn, Inc., Lessee, represented by Robert A. Hoffman, Esquire and Timmy F. Ruppersberger, Esquire.

The Appellant is People's Counsel of Baltimore County, Peter Zimmerman,

Esquire. Prior to the scheduled hearing on this case People's Counsel agreed not to

oppose the entering of this Order following a <u>de novo</u> hearing, provided that the actual

amount of retail space used for a pawn shop at this location is not increased as a result of the exchange of leased space within the shopping center granted by the Special Exception.

Legislative Background

The County Council used its legislative authority and judgment to determine standards and regulations for pawnshops in Baltimore County, and on July 20, 1995, Bill No. 112-95 was enacted. The Act was declared to be an emergency measure affecting the public health, safety and welfare.

The principle of community conservation is an expressed goal in Baltimore County (Section 436.1, Baltimore County Zoning Regulations). The Master Plan, 1989-2000, proposes that commercial activities incompatible with local neighborhoods should be restricted in such locales. The goal of revitalization of neighborhoods and communities in the Essex area is a high priority of the County, based on findings of crime, economic decline, housing and the general neighborhood image. The Council cited, in Section 436.1(C) that "an undue concentration or the inappropriate siting or design of pawnshop businesses has a reasonable probability of causing adverse effects on nearby residential and commercial areas by creating an impression of community decline and instability." The intent, as stated in Section 436.1, is to avoid an undue concentration or the inappropriate location of pawnshops so as to avoid deleterious effects on older communities, which the County is trying to conserve and revitalize. Section 436.4(A) also stipulates that a pawnshop may not be located within a one-mile radius of any other pawnshop, and that no more than two pawnshops may be located in a councilmanic district.

Section 6 of Bill No. 112-95 further enacts that pawnshops lawfully in existence and operating on the effective date of the Act are not subject to the requirements of Section 436.4. This particular pawnshop is one of those grandfathered by County Council Bill No. 112-95. The pawnshop was in business at this location prior to the effective date of that Bill, July 6, 1995. Although under different ownership (Mr. Lee acquired the business in 1996), the pawnshop is grandfathered under that Bill. However, special exception relief is necessary to approve the exchange of lease space of this business within the shopping center building.

People's Counsel appealed because the petition appeared, to his office, to involve an expansion of pawnshop operation. Petitioner has clarified, however, that there shall be no expansion in retail space appurtenant to the business. Rather, the proposal involves an exchange of lease space.

Proffered Testimony

Mr. Hoffman, Esquire proffered testimony to the effect that the subject property is an irregularly shaped parcel containing approximately 2.00 acres in area, split zoned B.R.-A.S. and B.L.-A.S. The predominant zoning of the property is B.R.-A.S. (1.7138 acres) and it is that portion of the site which is the subject of the request. The property is improved with a strip shopping center, known as the Middlesex East Shopping Plaza, and features an accessory parking area, and a freestanding office building, known as the Middlesex Health Center. As shown on the site plan, the shopping center is comprised of eight (8) units, each approximately 25' wide by 75' deep. The building is designed in this manner to allow individual tenants to occupy a separate unit of the building. Testimony and evidence presented revealed that Mr. Lee's business, Famous Pawn, Inc.,

presently occupies Unit #4 of the shopping center, and bears the address 1227 Eastern Boulevard.

Unit No. 4 is an approximately 25' x 75' area (1875 square feet) where the retail business is transacted. Mr. Lee presently uses another unit (Unit No. 7), known as 1235 Eastern Boulevard, as the storage area. The storage space is separated from the retail business area by two other retail uses. Mr. Lee, therefore, proposes consolidating his operation by exchanging lease space so that the entire business is located in two contiguous units, known as 1235-1237 Eastern Boulevard. The new space will be 45' wide by 75' deep and will be large enough to accommodate not only all of Mr. Lee's storage needs in Unit 7 (1237 Eastern Boulevard), but will also allow for the retail transaction of business in Unit 6 (1235 Eastern Boulevard).

Mr. Hoffman proffers, and it appears, that in this case there is no relocation of a pawnshop from one property to another, but rather the exchange of a special exception area of a pawnshop within a single building. Although the total space at 1235-1237 Eastern Boulevard is larger than the available space at 1227 Eastern Boulevard as was stated in the original order, the retail area of 1235-37 Eastern Boulevard where the actual exchange of business occurs will be somewhat reduced from the existing use. Moreover, the proposed total square footage at 1235-1237 Eastern Boulevard is smaller than the existing total square footage used at 1227 and 1235 Eastern Boulevard.

ORDER

THEREFORE, IT IS THIS 13th day of October, 1999, by the County Board of Appeals of Baltimore County

ORDERED, that the special exception to approve relocation of an existing pawnshop be and the same is hereby GRANTED subject to the following restriction:

1) Any future expansion resulting in an increase in retail square footage greater than 1687.5, which is one-half of the 3375.0 square feet of space identified as "Proposed Relocated Pawn Shop" and marked in yellow on Petitioner's Exhibit 1 (the relevant portion of which is attached hereto for reference) shall be subject to a new special exception.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Margaret Worrall

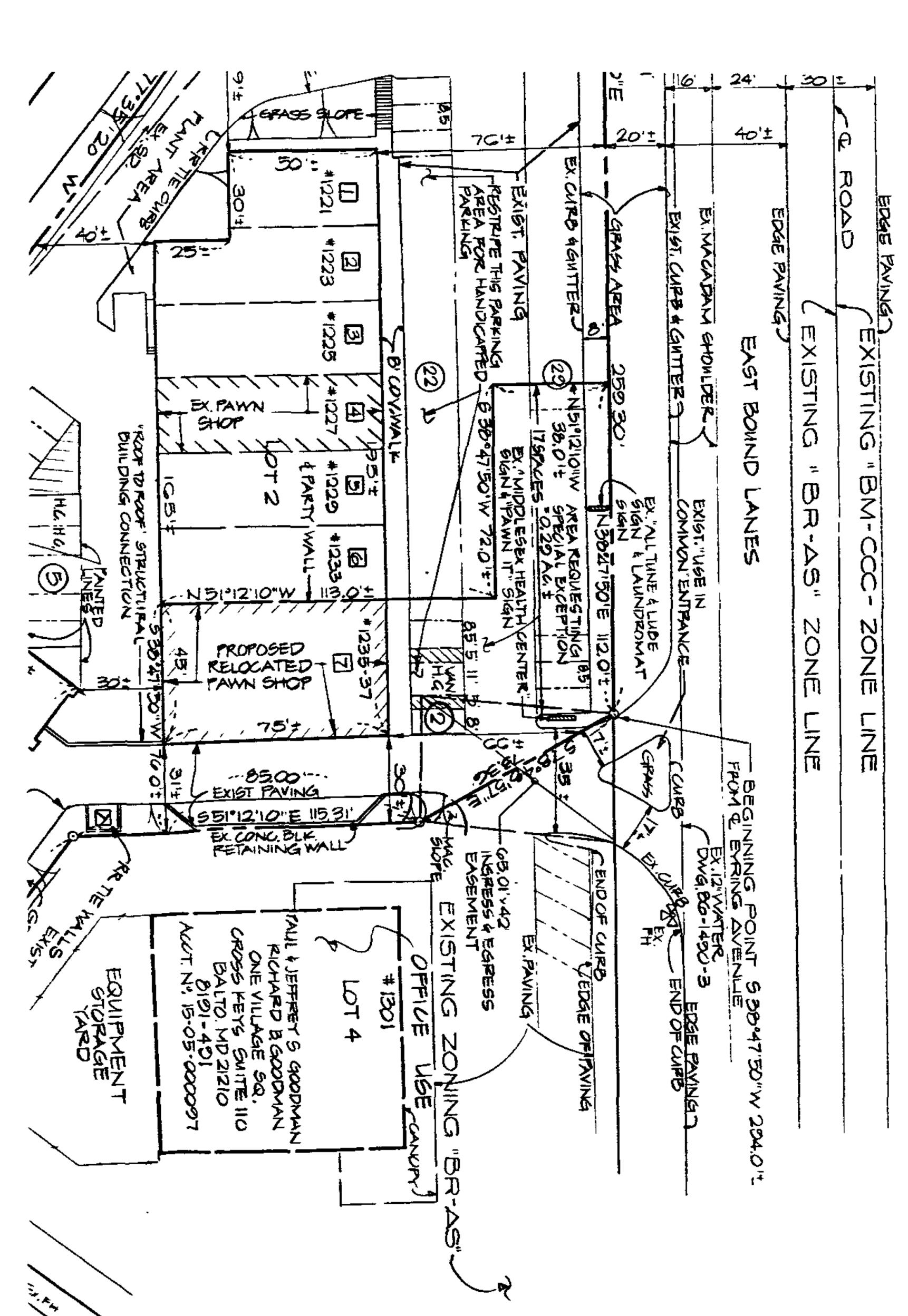
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RELEVANT PORTION OF PETITIONER'S EXHIBIT 1 -- CASE NO. 99-310-X

PERSON POLITICATION FOR THE TOO

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

October 13, 1999

Peter Max Zimmerman People's Counsel for Baltimore County Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204

RE: In the Matter of Eastern Boulevard Center, Inc. /Famous Pawn, Inc -C.P. /Petitioners
Case No. 99-310-X

Dear Mr. Zimmerman:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco

Administrator

encl.

CC: Timmy Ruppersberger, Esquire
Robert A. Hoffman, Esquire
Famous Pawn, Inc. /Christopher Lee, Regional V.P.
Eastern Boulevard Center, Inc.
/Dennis Norris and Robyn L. Vilsack, Reps.)
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR SPECIAL EX

IN RE: PETITION FOR SPECIAL EXCEPTION
SE/S Eastern Boulevard, 294' W of the c/l
Eyring Avenue
(1235-37 Eastern Boulevard)
15th Election District
7th Councilmanic District

Eastern Boulevard Center, Inc., Owners; Famous Pawn, Inc., Contract Lessee

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-310-X

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Eastern Boulevard Center, Inc., by Martin Mendelsohn, President, and the Contract Lessee, Famous Pawn Inc., by Christopher J. Lee, Regional Vice-President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception for a pawnshop on the subject property, as permitted pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dennis Norris and Robyn L. Vilsack, representatives of Eastern Boulevard Center, Inc., property owner, Christopher J. Lee, Regional Vice-President for Famous Pawn, Inc., the Proprietor of the pawnshop in question, Richard L. Smith, Professional Engineer with KCI Technologies, Inc., who prepared the site plan for this property, and Robert A. Hoffman, Esquire and Timmy Ruppersberger, Esquire, Counsel for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel containing approximately 2.00 acres in area, split zoned B.R-A.S. and B.L.-A.S. The predominant zoning of the property is B.R.-A.S. (1.7138 acres) and it is that portion of the site which is the subject of this request. The property is improved with a strip shopping center, known

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OFFICER RESENTED

PEDER FEGINGS FOR FILING

as the Middlesex East Shopping Plaza, and features an accessory parking area, and a freestanding office building, known as the Middlesex Health Center. As shown on the site plan, the shopping center is comprised of eight (8) units, each approximately 25' wide by 75' deep. The building is designed in this manner to allow individual tenants to occupy a separate unit of the building. Testimony and evidence presented revealed that Mr. Lee's business, Famous Pawn, Inc., presently occupies Unit #4 of the shopping center, and bears the address 1227 Eastern Boulevard. Moreover, this particular pawnshop is one of those grandfathered by County Council Bill No. 112-95. That is, the pawnshop was in business at this location prior to the effective date of that Bill, July 6, 1995. Although under different ownership (Mr. Lee acquired the business in 1996), the pawnshop is grandfathered under that Bill.

The pawnshop has for some time occupied a space (Unit No. 4), 25' x 75' in area where business is transacted, merchandise displayed, and storage space provided. Mr. Lee recently entered into negotiations with the shopping center and presently uses a portion of another Unit, (No. 7) known as 1235 Eastern Boulevard, for additional storage space. Obviously, the storage space is separated from the retail business area by two other retail uses. Mr. Lee, therefore, proposes consolidating his operation and relocating the entire business to two units, known as 1235-1237 Eastern Boulevard. The new space will be 45' wide by 75' deep and will be large enough to accommodate not only all of Mr. Lee's storage needs, but will also allow for the transaction of business and the display of merchandise. However, special exception relief is necessary to approve the relocation of this business within the shopping center building.

Although no Protestants appeared at the hearing, Zoning Plans Advisory Committee (ZAC) comments were received from various Baltimore County reviewing agencies. One such comment was received from the Office of Planning and raised several issues relative to this case. The first questioned whether a move within the shopping center building constitutes a change in location of the pawnshop. Section 436.4A of the B.C.Z.R. prohibits the location of two pawnshops within a case-mile radius of one another. Although the area of the special exception shown on the plan constitutes only a small part of the entire property, the record of the case before me relates to the

entire site, which is nearly 2.00 acres in area. In my judgment, there is a significant difference between the relocation of a pawnshop from one property to another versus the movement of the special exception area of a pawnshop within a given property, particularly a single building.

A review of Section 436 (Bill No. 112-95) in its entirety is persuasive to a finding that there is no language prohibiting the relocation of a pawnshop from one part of a shopping center to another location within the same shopping center. In my judgment, the proposed relocation in this case is not prohibited under the language of Section 436. For so long as the proposal satisfies the criteria for special exception relief set forth in Section 502.1 for any special exception, as well as the specific criteria required in Section 436 for pawnshops, the use may be allowed.

The second issue raised by the Office of Planning relates to this neighborhood. The Office of Planning opines, "...This pawnshop is located in the heart of the business district, and not immediately adjacent to a residential area under stress. In other words, this site would not adversely impact the community." I agree. A review of the site plan, as well as testimony offered about this property and the neighborhood is persuasive that this is indeed an appropriate location for a pawnshop. This conclusion is contrary to the ZAC comment submitted by the Department of Economic Development (DED). That Department notes that the subject property is located within the Essex Revitalization District. The comment notes that the area is characterized by, "...declining property values, marginal uses, increased vacancies, and a generally weak appearance." Based partly on these characteristics, the DED recommends denial. Taking their position to its logical conclusion, would the DED recommend approval of a pawnshop in an area of increasing property values, vibrant uses, few vacancies, and a strong appearance? Should pawnshops be in thriving commercial areas near residential development? I think not. Pawnshops surely are not popular uses with Land Planners. They are generally perceived as undesirable land uses. Nonetheless, they are permitted in certain locations and are not illegal.

In my judgment, the more important factor is the location of the pawnshop versus residential communities. The fact that this pawnshop is located entirely within a commercial/business district is significant. For so long as pawnshops are legitimate businesses

under the law, I do not consider them as inherently incompatible with other legitimate commercial uses. Thus, I believe that the proposed use passes muster under the special exception tests set out in Sections 502.1 and 436 of the B.C.Z.R.

The third issue raised by the Office of Planning relates to the expansion of the business. Indeed, the area of the special exception will increase. However, the testimony offered indicated that most of this increase will be due to a greater demand for storage space. The display of merchandise and that area of the building where the actual exchange of business occurs will remain largely the same.

After due consideration of the testimony and evidence presented, I am persuaded that the proposed expansion is not inherently impermissible under the law. The proposed expansion of an existing pawnshop business is not prohibited by Bill No. 112-95. Thus, the special exception criteria should be applied.

Based upon the cumulative testimony and evidence presented, I am persuaded to grant the relief requested. For the reasons stated above, I believe that the use at this location is appropriate and will not be detrimental to the health, safety or general welfare of the surrounding locale. Moreover, I find no inherent prohibition on the use and/or the expansion of same as proposed in Section 436 (Bill No. 112-95) of the B.C.Z.R. In my judgment, the use is appropriate at this location, and thus the Petition for Special Exception shall be granted. However, in so granting I will require that any further expansion be allowed only following a public hearing where input from the community and County agencies can be received and considered. In this case, the Office of Planning generally supports the request and there was no community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the special exception shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1999 that the Petition for Special Exception for a pawnshop on the subject property, as permitted under Section 236.4 of the Baltimore County Zoning Regulations

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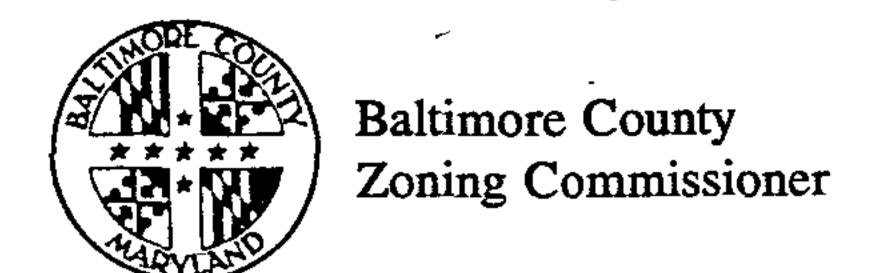
(B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Any further expansion shall only be allowed following a public hearing where input from the community and County agencies can be received and considered.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

May 4, 1999

Robert A. Hoffman, Esquire Timmy Ruppersberger, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SE/S Eastern Boulevard, 294' W of the c/l Eyring Avenue
(1235-37 Eastern Boulevard)
15th Election District – 7th Councilmanic District
Eastern Boulevard Center, Inc., Owners; Famous Pawn, Inc., Lessee - Petitioners
Case No. 99-310-X

Dear Messrs Hoffman & Ruppersberger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Martin Mendelsohn, President, Eastern Boulevard Center, Inc.

36 S. Charles Street, suite 1818, Baltimore, Md. 21201

Mr. Christopher J. Lee, Regional Vice President, Famous Pawn, Inc.

1227 Eastern Boulevard, Baltimore, Md. 21221

Office of Planning; Department of Economic Development; People's Counsel; Case File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1235-37 Eastern Boulevard

which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a pawnshop as permitted under Section 236.4 of the Baltimore County Zoning Regulations.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the per the legal owner(s) of the property which is the subject of	
Contract Purchaser/Lessee:			Legal Owner(s):	
Famous Pawn Incorporated (Type or Print Name)			Eastern Boulevard Center Incorporated (Type of Print Name)	
Signature Christopher J. Lee, Regional View	ce-President	<u> </u>	Signature Marchin Mandal cabo Drogi dan	Luy 1
Address 1227 Eastern Boulevard Baltimore	MD State	21221 Zipcode	(Type or Print Name) (Type or Print Name) (Signature) Martin Mendelsohn, President (Type or Print Name) (Type or Print Name) (Type or Print Name) (Signature)	<u>-</u>) <u>2</u>
City	State	zipode	Charles Center South 36 S. Charles Street - Suite 1818 Address	410- 685-5512 Phone No.
Attorney for Petitioner:				
Robert A. Hoffman	. D			MD 21201 State Zipcode
Venable, Baetjer and Howard, L (Type or Print Name)	<u>.LP</u>		Name, Address and phone number of legal owner, or representative to be contacted	•
Signature Signature			Robert A. Hoffman Venable, Baetjer and Howard, LLP Name	·
210 Allegheny Ave.		(410) 494-6200	210 Allegheny Ave, Towson, MD 21204	(410) 494-6200
dress	MD	Phone No 21204	Address OFFICE USE ONL	Phone No. day 110)561.5232 A.3 At Y
Towson O J	State	Zipcode	ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates Next Two Months ALL OTHER	
20190CS am01#77284 v1			REVIEWED BY BR	DATE <u>2//0</u> 99
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DESCRIPTION LOT 2, MIDDLESEX EAST SHOPPING PLAZA ELECTION DISTRICT NO. 15, BALTIMORE COUNTY, MARYLAND

This description is for Variances at the Middlesex East Shopping Plaza; 1221 - 1237 Eastern Avenue.

BEGINNING FOR THE SAME at a point on the southeast right of way line of Eastern Boulevard (150' wide), said point of beginning being S 38° 47' 50" W 294.0' ± from the center line of Eyring Avenue (where said center line intersects the southeast right of way line of Eastern Boulevard); thence leaving said Eastern Boulevard and binding on the east side of Lot 2 as shown on the subdivision plat titled Middlesex East Shopping Plaza, recorded EHK Jr 54-66 the three following courses and distances; (1) S 78° 48' 57" E 73.36'; (2) S 51° 12' 10" E 115.31'; (3) N 77° 35' 20" E 122.16' to intersect the northwest right of way line of Eyring Avenue; thence binding on said right of way line (4) S 12° 24' 21" E 131.95' to a point on said line; thence binding on the south and west lines of Lot 2, as shown on said plat recorded EHK Jr 54-66 (5) S 77° 35' 20" W 362.45' and (6) N 61° 10' 56" W 134.64' to intersect the aforementioned southeast right of way line of Eastern Boulevard; thence binding on said right of way line (7) N 38° 47' 50" E 259.30' ± to the point of beginning.

CONTAINING 1.7138 acres of land, more or less.



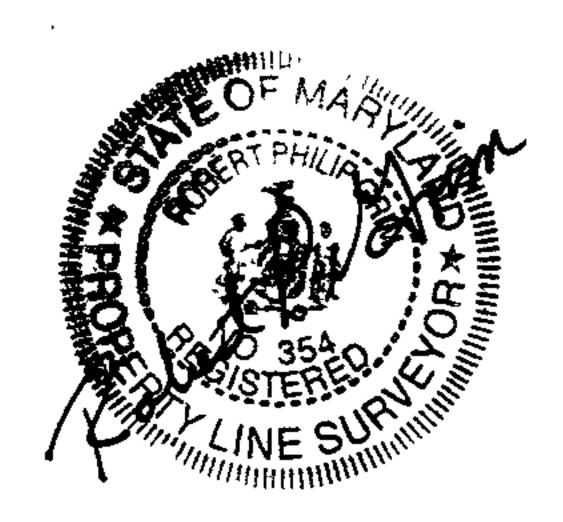


DESCRIPTION PORTION OF LOT 2, MIDDLESEX EAST SHOPPING PLAZA ELECTION DISTRICT NO. 15, BALTIMORE COUNTY, MARYLAND

This description is for a special exception for buildings at number 1235 and 1237 Eastern Boulevard.

BEGINNING FOR THE SAME at a point on the southeast right of way line of Eastern Boulevard (150' wide), said point of beginning being S 38° 47' 50" W 294.0' ± from the center line of Eyring Avenue (where said center line intersects the southeast right of way line of Eastern Boulevard); thence leaving said Eastern Boulevard and binding on the east side of Lot 2 as shown on the subdivision plat titled Middlesex East Shopping Plaza, recorded EHK Jr 54-66 the two following courses and distances; (1) S 78° 48' 57" E 73.36'; (2) S 51° 12' 10" E 85.0' ± to a point; thence leaving said line and binding in part on the outside rear wall of numbers 1235 through 1237 Eastern Boulevard (3) S 38° 47' 50" W 76.0' ± to a point on said wall; thence binding in part on the center line of the party wall between numbers 1233 and 1235 Eastern Boulevard (4) N 51° 12' 10" W 113.0' ± to a point in an existing parking area; thence through said parking area the two following courses and distances (5) S 38° 47' 50" W 72.0' ± and, (6) N 51° 12' 10" W 38.0' ± to intersect the aforementioned southeast right of way line of Eastern Boulevard; thence binding on said right of way line (7) N 38° 47' 50" E 112.0' ± to the point of beginning.

CONTAINING 0.29 acres of land, more or less.



BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 063734	FROCESS ACTUAL TIME 2/10/1999 2/10/1999 10:30:25 REP WOOL CASHIER CLUM CAL DRAWER 5 WISCOLLANGER CASH RELEDT
DATE 2/10/99 ACCOUNT	2001-6150	Repipt # 199740
AMOUNT \$	300.00	CR NO. 063734 300.00 CHECK
	d Howard	CR NO. 063734 300.00 CHECK Baltimore County, Maryland
FOR: Special Exception	-> 4~	310-X
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTON	MER	CASHIER'S VALIDATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Begulations of Baltimore County will bold a public bearing in Tow-son. Maryland on the property identified herein as follows:

1295-37 Eastern Boulevard
E/S Eastern Boulevard, 580' N
of centerine Selig Avenue
15th Election District
7th Councilmanic District
Legal Owner(s):

Eastern Boulevard Center Inc.
Corticat Purchaser
Eastern Paris Inc.

Hearing: Wednesday, March 31, 1999 at 9:00 a.m. in Room: 106 County Office

Building, 111 West Chesapeaks Avenue.

LAWRENCE E SCHMIDT

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for special accommodations
Please Contact the Zoning Commissioner's Office at

(410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/152 March 11 G296481

CERTIFICATE OF PUBLICATION

	1 1	
TOWSON, MD.,	3/11	, 1999
THIS IS TO CERTIFY, that the a	nnexed adver	tisement was
published in THE JEFFERSONIAN, a w	eekly newspa	per published
in Towson, Baltimore County, Md., once	e in each of_	successive
weeks, the first publication appearing o	n 3 11	, 1999
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THE JEFFERSONIAN,

J. W. LUNG LEGAL ADVERTISING

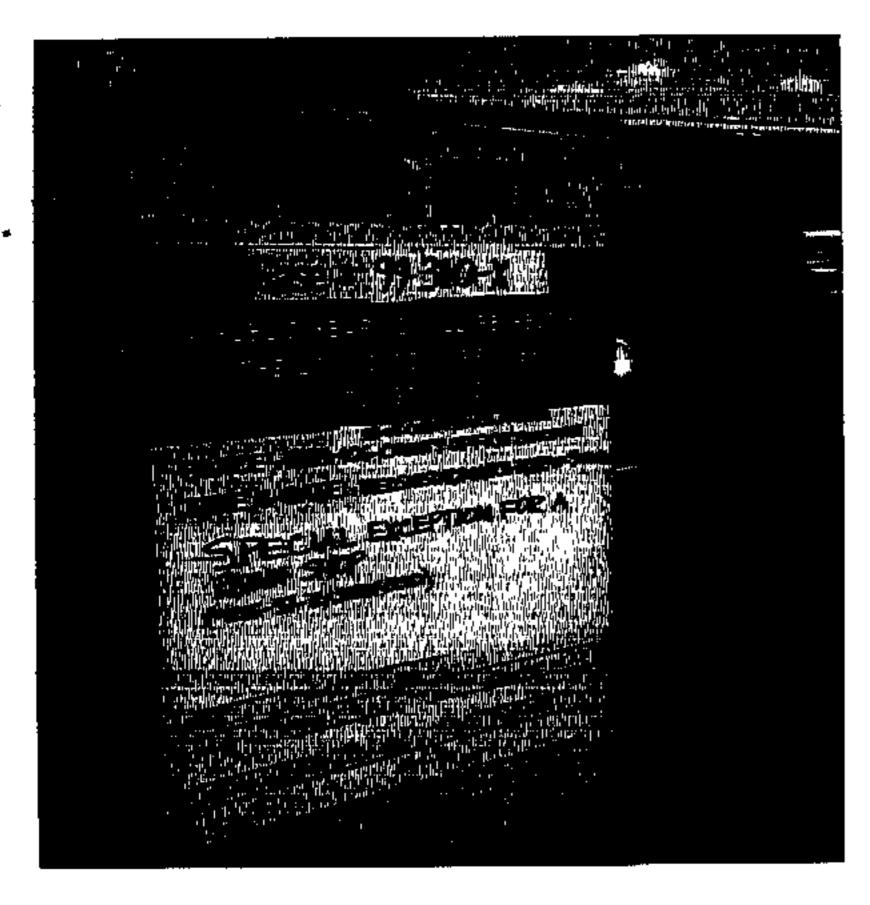
CERTIFICATE OF POSTING

RE Case No 99-310-X
Petitioner/Developer FAMOUS PAWN, ETAL
% R. HOFFMAN, ESD
Date of Hearing/Closing. 3/31/99

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen



99-310-X 1235-37-EASTERN AVE PAWN :3/31/99

Sincerely,

Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366; CELL-410-905-8571

(Telephone Number)

CERTIFICATE PF POSTING

R	E: Case No.: 99-310-X
•	Petitioner/Developer:
	FAMOUS PAUN INC.
	Date of Hearing/Closing:
Baitimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	•
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjurwere posted conspicuously on the property located	
BLVD.	
The sign(s) were posted on $6/30/99$	
	nth, Day, Year)
	Sincerely,
	Muy Frien 6/30/99
•	(Signature of Sign Poster and Date)
	GARY FREUND
	(Printed Name)
•	(Address)
	(City, State, Zip Code)
•	(Telephone Number)

Exhibit B		
Request for Zoning: V	Variance, Special Exception, or Special Hearing	
Date to be Posted: Any	ytime before but no later than	
Format for Sign Printin	ing, Black Letters on White Background:	
	ZONING NOTICE	•
	Case No.: 99-310-X	
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	
PLACE:		
DATE AND TIME:		<u> </u>
REQUEST: Specia	al Exception to permit a pown	shop

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-3/0 - X
Petitioner: <u>Famous Pewn Inc.</u>
Address or Location: 1235-37 Eastern 13/vd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Robert A. Hoffman
Address: Yenable, Bactyer - Howard, LLA
210 Alleghany Ave. Touson MD 21204
Telephone Number: <u>410・494・6200</u>

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY March 11, 1999 Issue – Jeffersonian

Please forward billing to:

Robert A. Hoffman 410-494-6200 Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-310-X 1235-37 Eastern Boulevard

E/S Eastern Boulevard, 580' N of centerline Selig Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Eastern Boulevard Center Incorporated

Contract Purchaser: Famous Pawn Incorporated

Special Exception for a pawn shop.

HEARING: Wednesday, March 31, 1999 at 9:00 a.m. in Room 106, County Office

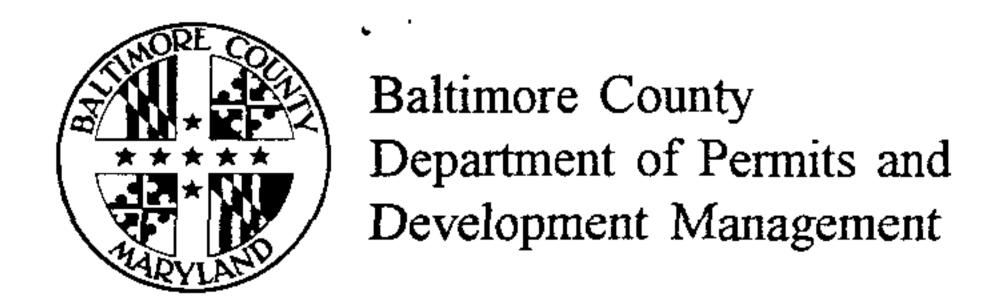
Building, 111 West Chesapeake Avenue



LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 23, 1999

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-310-X 1235-37 Eastern Boulevard

E/S Eastern Boulevard, 580' N of centerline Selig Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Eastern Boulevard Center Incorporated

Contract Purchaser: Famous Pawn Incorporated

Special Exception for a pawn shop.

HEARING: Wednesday, March 31, 1999 at 9:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

Arnoid Jablon
Director

c: Robert A. Hoffman, Esquire Eastern Boulevard Center Inc. Famous Pawn Incorporated

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 16, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180

Hearing Room - Room 48

FAX: 410-887-3182

Old Courthouse, 400 Washington Avenue

June 29, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-310-X

(Z.C. GRANTED special exception with restrictions.)

ASSIGNED FOR:

THURSDAY, JULY 29, 1999 at 10:00 a.m.

NOTICE:

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

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

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

Kathleen C. Bianco Administrator

cc: Appellant

ppellant of the state of the st

: Peter Max Zimmerman, People's Counsel for Baltimore County

Carole S. Demilio, Deputy People's Counsel

Counsel for Petitioners

Robert A. Hoffman, Esquire

Timmy Ruppersberger, Esquire

Petitioners

Dennis North and Robyn L. Vilsack /

Eastern Boulevard Center Inc.

Christopher J. Lee, Regional V.P. /

Famous Pawn Incorporated

Richard L. Smith /KCI Technologies

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180

Hearing Room - Room 48

FAX: 410-887-3182

Old Courthouse, 400 Washington Avenue

July 27, 1999

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 99-310-X

IN THE MATTER OF: FAMOUS PAWN INCORPORATED Contract Purchaser; Eastern Boulevard Center Inc Legal Owner 1235-37 Eastern Boulevard
15th Election District; 7th Councilmanic

(Z.C. GRANTED special exception with restrictions.)

which was scheduled for hearing on 7/29/99 has been POSTPONED by request of counsel; and has been

REASSIGNED FOR:

WEDNESDAY, SEPTEMBER 8, 1999 at 10:30 a.m.

NOTICE:

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

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

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

Kathleen C. Bianco Administrator

cc: Appellant

: Peter Max Zimmerman, People's Counsel

for Baltimore County

Carole S. Demilio, Deputy People's Counsel

Counsel for Petitioners

Robert A. Hoffman, Esquire

Timmy Ruppersberger, Esquire

Petitioners

Dennis North and Robyn L. Vilsack /

Eastern Boulevard Center Inc.

Christopher J. Lee, Regional V.P. /

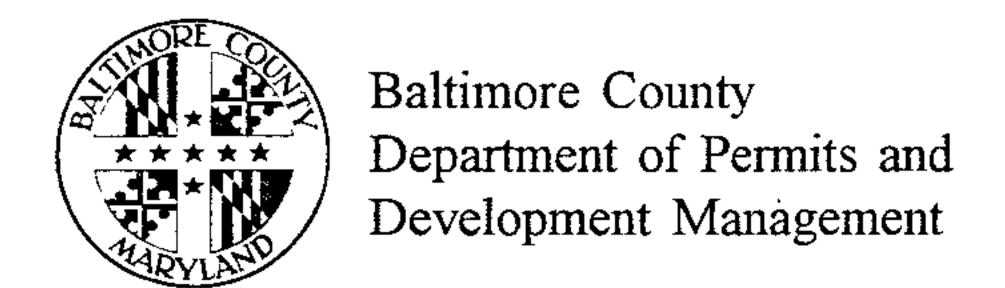
Famous Pawn Incorporated

Richard L. Smith /KCI Technologies

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnbart County Atto

Virginia W. Barnhart, County Attorney





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

March 25, 1999

Robert A. Hoffman, Esq. 210 Allegheny Avenue Towson, MD 21204

> Case No.: 99-310-X RE:

> > Petitioner: Famous Pawn Inc. Location: 1235-37 Eastern Blvd.

Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 10, 1999.

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

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

Very truly yours,

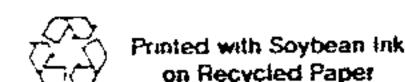
W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: March 19, 1999

Department of Permits & Development

Management

- ארטקים

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 29, 1999

Item Nos. 305, 306, 307, 308, 309,

(310) 312, and 313

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:jrb

cc: File



Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.19.99

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

RE: Baltimore County

Item No. 310

BR

Dear. Ms Stephens:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Grell.

Ir Michael M. Lenhart, Acting Chief

Engineering Access Permits Division



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

March 11, 1999

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 22, 1999

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

298, 305, 307, 308, 309, (310), 321, 312,

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE:

Permits and Development Management

FROM:

R. Bruce Seeley, Project Manager

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 2/22/99

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s:

2/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 4, 1999

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT:

1235-1237 Eastern Boulevard

INFORMATION:

Item Number:

310

Petitioner:

Famous Pawn Inc.

Zoning:

BR-AS

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, the staff offers the following comments:

Existing pawnshops were grandfathered into the legislation by enactment of Bill 112-95; however, the Circuit Court has ruled that the exemption for existing pawnshop businesses was site specific and not for the operator of the business itself. It is a matter of legal interpretation as to whether a move within the same shopping is a change in location. The Office of Planning defers to the Zoning Commissioner on this point.

Preliminary conversations with the Essex-Middle River Civic Council indicate that the location of this business might not be as detrimental as the business that moved to the Country Ridge Shopping Center. Unlike the previously mentioned site, this pawnshop is located in the heart of the business district, and not immediately adjacent to a residential area under stress. In other words, this site would not adversely impact the community.

The second issue is the doubling of the size of the business. From a planning point of view, this request is similar to a request to expand a non-conforming use by more than 25%. If the additional storefront is used for storage, and is not an expansion of the retail

portion of the business, a case could be made that this is not a true expansion. It will be incumbent upon the petitioner to articulate this important distinction to the satisfaction of the Zoning Commissioner.

Based on our reading of Bill 112-95, we do not believe that expanding existing businesses was addressed in the bill. This legislation placed a limitation on the number of pawnshops and allowed only the ones in operation at the time of the legislation to continue to operate; therefore, the issue of expansion in size of more than 25% will need to be addressed.

If the special exception is granted, further expansion should be prohibited.

Section Chief:___

AFK/JL:



400 Washington Avenue Towson, MD 21204 (410) 887-8000 Fax (410) 887-8017

MEMORANDUM

To: Carl Richards

Zoning Review Supervisor

From: Andrea Van Arsdale

Revitalization Director

Date: February 26, 1999

Re: Famous Pawn Inc. (ZAC Item No. 310)

The Department of Economic Development recommends the denial of the special exception for the proposed pawnshop on 1235-37 Eastern Boulevard. The site is within the Essex Revitalization District, an area characterized by declining property values, marginal uses, increased vacancies, and a generally weak appearance.

Recognizing this, the County has increased its business retention and development efforts and invested heavily in an extensive streetscape project to improve the appearance of Eastern Boulevard. To encourage new businesses that will meet the retail and service needs of the area, the County assisted in an extensive renovation to the Middlesex Shopping Center, with a private investment of \$950,000. The center garnered 2 major tenants, the MVA and Fashion Bug. However, in an area as economically vulnerable as Essex, undesirable uses such as a pawnshop can seriously undermine public and private revitalization efforts. In addition, as indicated § 502 subsection 502.1, G, the proposed use is inconsistent with the spirit and intent of the Zoning Regulations.

The proposed pawnshop is currently located at 1227 Eastern Boulevard and plans to expand its operations. As is often the case, pawnshops have a tendency to undermine the stability and positive development of the area. The Department believes that the pawnshop may in fact, detract from the marketabilty of Essex. In the past 15 years, older communities such as Essex have lost their retail and service base to outlying commercial strip centers and malls. With the extensive investment by both the public and select private sectors there is a chance to bring needed uses back to the district. However, a concentration of undesirable uses such as a pawnshop may deter that reinvestment into the area.

*	BEFORE THE
*	ZONING COMMISSIONER
*	FOR
*	BALTIMORE COUNTY
*	Case Number: 99-310-X
	* *

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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zinneman Claude S. Domilio

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of February, 1999, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



APPEAL



Petition for Special Exception
1235-37 Eastern Boulevard
SE/S Eastern Boulevard, 294' W of centerline Eyring Avenue
15th Election District – 7th Councilmanic District
Eastern Boulevard Center Incorporated – Legal Owner
Famous Pawn Incorporated – Contract Purchaser
Case Number: 99-310-X

Petition for Special Exception

Description of Property

Certificate of Posting (Patrick M. O'Keefe – 3/20/99)

Certification of Publication (Jeffersonian – 3/11/99)

Zoning Advisory Committee Comments

Entry of Appearance by People's Counsel

Petitioner(s) Sign-In Sheet

List of Pawn Shops with Pre-7/6/95 Approval

2 Photographs (not marked exhibits)

Petitioners' Exhibits:

1. Plat to accompany petition for special exception

Zoning Commissioner's Order dated May 4, 1999 (Granted)

Notice of Appeal received on May 28, 1999 from People's Counsel for Baltimore County

/and Timmy Ruppersberger, Esquire

C: Robert A. Hoffman, Esquire, VENABLE, BAETJER & HOWARD LLP, 210 Alliegheny Ave., Towson, MD 21204

**People's Counsel of Baltimore County, MS #2010

Lawrence Schmidt, Zoning Commissioner

Arnold Jablon, Director of PDM

Famous Pawn, Inc., 1227 Eastern Boulevard, Baltimore, MD 21221 (Christopher J. Lee, Regional V.P.)
Eastern Boulevard Center Incorporated, Charles Center South, 36 S. Charles Street, Suite 1818, Balto., MD 21201
(Dennis Norris and Robyn L. Vilsack, Reps.)

Case No. 99-310-X

SE -For a pawnshop on the subject property as permitted pursuant to Section 236.4 of the BCZR.

5/04/99 -Z.C.'s Order in which Petition for Special Exception was GRANTED with restrictions.

6/29/99 - Notice of Assignment for hearing scheduled for Thursday, July 29, 1999 at 10:00 a.m. sent to following:

Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Robert A. Hoffman, Esquire
Timmy Ruppersberger, Esquire
Dennis North and Robyn L. Vilsack /
Eastern Boulevard Center Inc.
Christopher J. Lee, Regional V.P. /
Famous Pawn Incorporated
Richard L. Smith /KCI Technologies
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

- 7/22/99 -Conference call from PMZ and R. Hoffman requesting postponement of this matter to 9/08/99 (Bare Hills reclass scheduled for 9/08/99 will be opened and continued, thus providing the day for the instant hearing on Famous Pawn). Request granted; CER notified Board and court reporter; to be postponed.
- 7/27/99 -Notice of PP and Reassignment sent to parties (copy to R. Hoffman by FAX and to P. Zimmerman hand-delivered); reassigned to Wednesday, September 8, 1999 at 10:30 a.m. as agreed.
- 9/08/99 -Concluded at hearing as indicated on the record; proposed Order to be submitted by counsel. (Marks, Worrall, Barranger)
- 10/07/99 -Proposed Order submitted by T. Ruppersburger, Esquire.
- 11/12/99 -Letter from R. Hoffman, Esquire -- regarding page 4, end of second paragraph, prior to Order -- "...square footage at 1235-1237...is smaller...than total...1227 and 1235..." -- measurements taken indicate that 1235-1237 and that of 1227 and 1235 are the same size. Mr. Zimmerman and Mr. Hoffman agree that this does not materially affect decision, but request that this letter be included in the case file. That has been done.

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 3, 1999

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Petition for Special Exception, Case No. 99-310-X, 1235-37 Eastern Boulevard, District:15c7

Please be advised that an appeal of the above referenced case was filed in this office on May 28, 1999 by People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,

Arnold Jabion Director

AJ:scj

c: Eastern Boulevard Center Incorporated Famous Pawn Incorporated People's Counsel 99 JUN 8 - MII: 1:8





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel May 27, 1999

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL EXCEPTION

1235-37 Eastern Boulevard, E/S Eastern Blvd.,

580' N of centerline Selig Avenue, 15th Election Dist., 7th Councilmanic

Legal Owner: Eastern Blvd. Center, Inc.,

Contract Purchaser: Famous Pawn, Inc., Petitioners

Case No.: 99-310-X

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Finding of Fact and Conclusions of Law dated May 4, 1999 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Petr Hax Timmerman

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Robert A. Hoffman, Esq. and Timmy Ruppersberger, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, Attorneys for Petitioners

PAWN SHOPS WITH PRE-7/6/95 APPROVAL

REFERENCE WITH PAWN SHOP BILL #112-95

Baltimore National Pike, 5204

County Pawnbrokers

Licensee: James Howard Phelps

Baltimore National Pike, 5516

C&D Pawn & Loan

Licensee: Deborah Ann Cornias

Country Ridge Lane, 1508

Quick Cash

Licensee: Meyer Scherr

Dundalk Avenue, 3401

Fast Cash Pawnbrokers

Licensee: Christopher J. Debard

East Drive, 5305

National Gold & Silver Exchange, Inc.

Licensee: John Roylin Little

Eastern Avenue, 138

Gold Marina Limited

Licensee: Howard I. Dubick

Eastern Boulevard, 1227

Famous Pawn, Inc. (FKA Pawn-It, Inc. Essex)

Licensee: Faye Lee Kemon

Liberty Road, 5912

Liberty Loan & Jewelry Company Licensee: John Thomas Glorioso

Liberty Road, 7106

Gold Trading Center 1
Licensee: Zakhar Truststsi

Liberty Road, 8702

Gold Trading Center III
Licensee: Vladimir Leytush

North Rolling Road, 708

A&M Jewelers, Inc./B.A.D.G.E., Inc.

Licensee: Sergio Arturo Acle

Poplar Place, 1709 (Transferred from 75 Shipping Place - zoning case #97-25-SPHX)

Family Jewelry and Pawn Licensee: Harry James Ohle

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE:

June 5, 2000

TO:

Arnold Jablon, Director

Permits & Development Management

FROM:

Charlotte E. Radcliffe

Board of Appeals

SUBJECT: CLOSED FILES:

99-11-SPH -Robert F. Webbert, et ux

99-54-SPHXA -David M. Coleman-LO; Francis Honeywell-CP

99-57-A - Stamatios Papastefanou, et ux

99-73-SPHXA -Donald E. Warrener, Jr.

99-113-A - Emil A. Budnitz, Jr. -LO; Jeff Budnitz-CP

99-215-SPH – Ida A & Benjamin A. Petrilli

99-242-XA - Ernest Diegert-LO; Eller Media Co.-CP

99-279-A – Ruth Phillips & Andrew Erdman

99-291-SPH -Schoolden's Automotive Repair, Inc.

99-310-X - Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)

99-318 -Roddick Realty Partnership I-LO;

and Cloverland Farms Dairy, Inc.-CP

99-359-A - Shirley & David Morrison-LO; David Waldhauser-CP

99-492-SPH -William A. and Mary H. Kraft

99-504-SPHXA -Estate of Sol Goldman-LO; Eller Media-CP

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-359-A; 99-492-SPH; and 99-504-SPHXA



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com OFFICES IN

MARYLAND WASHINGTON, D.C VIRGINIA

Timmy F. Ruppersberger 410-494-6353



October 6, 1999

Ms. Kathleen C. Bianco
Legal Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In The Matter Of the Application of Eastern Boulevard

Center, Inc., Famous Pawn, Inc. For A Special Exception On Property Located At 1235-1237 Eastern Boulevard 15th Election District 7th Councilmanic District

Case No. 99-310-X

Dear Kathy:

At the September 8th Board of Appeals Hearing in connection with the referenced transaction, Pete Zimmerman and Rob Hoffman advised the Board that they would prepare and agree on an Order in this case. That proposed, and agreed upon Order is included herewith and we would appreciate your forwarding it to the Board for consideration.

Please call if you have any questions.

Very truly yours,

Timmy F.)Ruppersberge

TFR/s Enclosure

TO1DOCS1/sam01/#89880 v1

TIME: 07/27/1999 16:25 NAME: BOARD OF APPEALS FAX: 4108873182 TEL: 4108873180

DATE, TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

07/27 16:24 94108210147 00:00:44 01 OK STANDARD ECM

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210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Robert A. Hoffman (410) 494-6262

rahoffman@venable.com

VENABLE

November 9, 1999

Kathleen C. Weidenhammer Administrative Assistant County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

Re:

Case No. 99-310-X

Dear Ms. Weidenhammer:

Enclosed is a copy of the Opinion and Order issued in the referenced case. At page 4, at the end of the second paragraph, prior to the Order, it states as follows:

"Moreover, the proposed total square footage at 1235-1237 Eastern Boulevard is smaller than the existing total square footage at 1227 and 1235 Eastern Boulevard."

In taking measurements at the three separate existing store fronts, it has come to our attention that 1235-1237 Eastern Boulevard is approximately the same size as 1227 and 1235 Eastern Boulevard. In speaking with Mr. Zimmerman about this issue, we agreed that this does not materially alter the findings or Order in the case, but that we should make the Board aware of this correction.

We would both ask that this letter be included in the case file.

Yours truly,

Robert A Hoffman

RAH/sm

cc: Peter Max Zimmerman, Esquire People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, Maryland 21204 TO1DOCS1/sam01/#91389 v1

APPENL.

presently occupies Unit #4 of the shopping center, and bears the address 1227 Eastern Boulevard.

Unit No. 4 is an approximately 25' x 75' area (1875 square feet) where the retail business is transacted. Mr. Lee presently uses another unit (Unit No. 7), known as 1235 Eastern Boulevard, as the storage area. The storage space is separated from the retail business area by two other retail uses. Mr. Lee, therefore, proposes consolidating his operation by exchanging lease space so that the entire business is located in two contiguous units, known as 1235-1237 Eastern Boulevard. The new space will be 45' wide by 75' deep and will be large enough to accommodate not only all of Mr. Lee's storage needs in Unit 7 (1237 Eastern Boulevard), but will also allow for the retail transaction of business in Unit 6 (1235 Eastern Boulevard).

Mr. Hoffman proffers, and it appears, that in this case there is no relocation of a pawnshop from one property to another, but rather the exchange of a special exception area of a pawnshop within a single building. Although the total space at 1235-1237 Eastern Boulevard is larger than the available space at 1227 Eastern Boulevard as was stated in the original order, the retail area of 1235-37 Eastern Boulevard where the actual exchange of business occurs will be somewhat reduced from the existing use. Moreover, the proposed total square footage at 1235-1237 Eastern Boulevard is smaller than the existing total square footage used at 1227 and 1235 Eastern Boulevard.

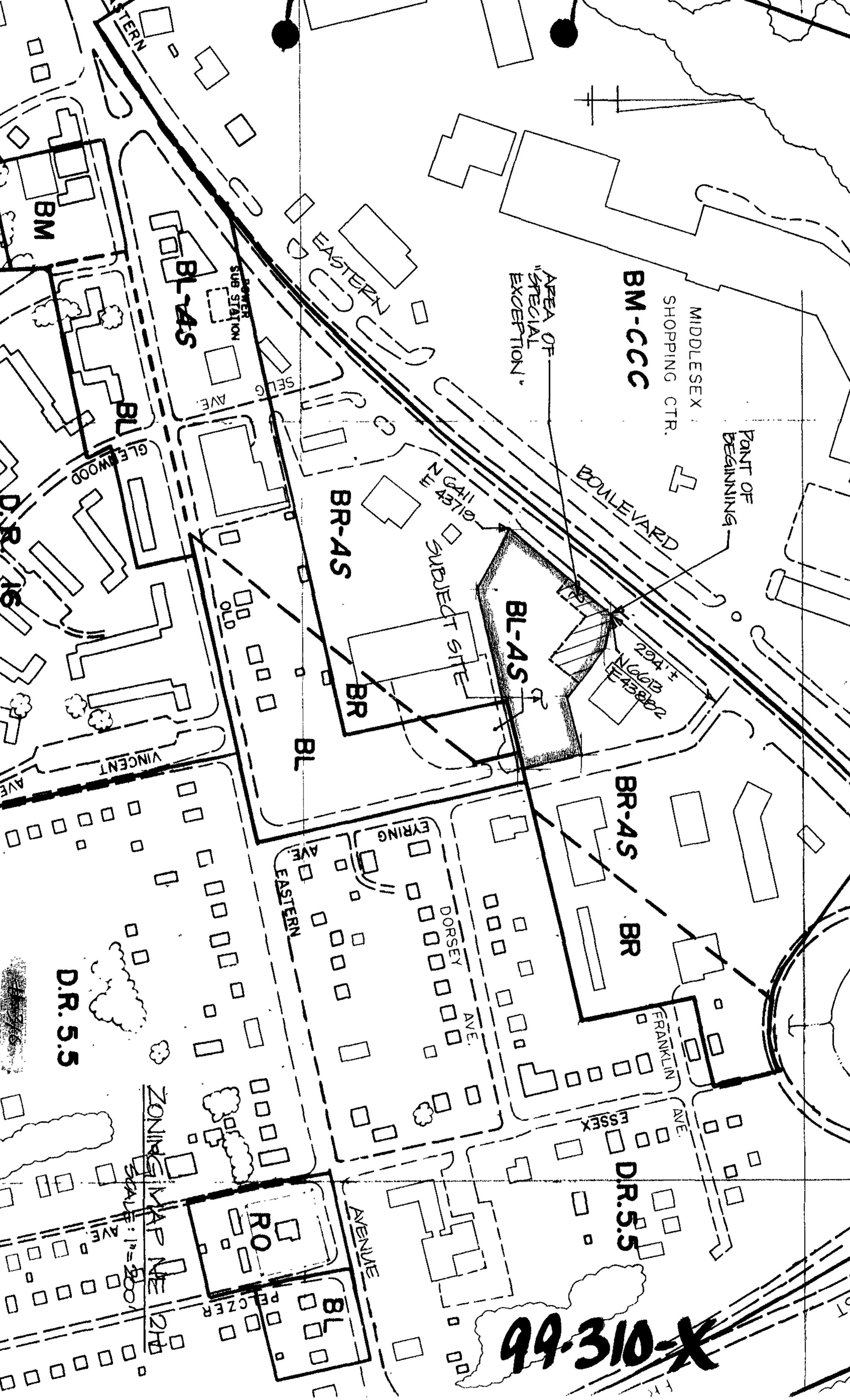
ORDER

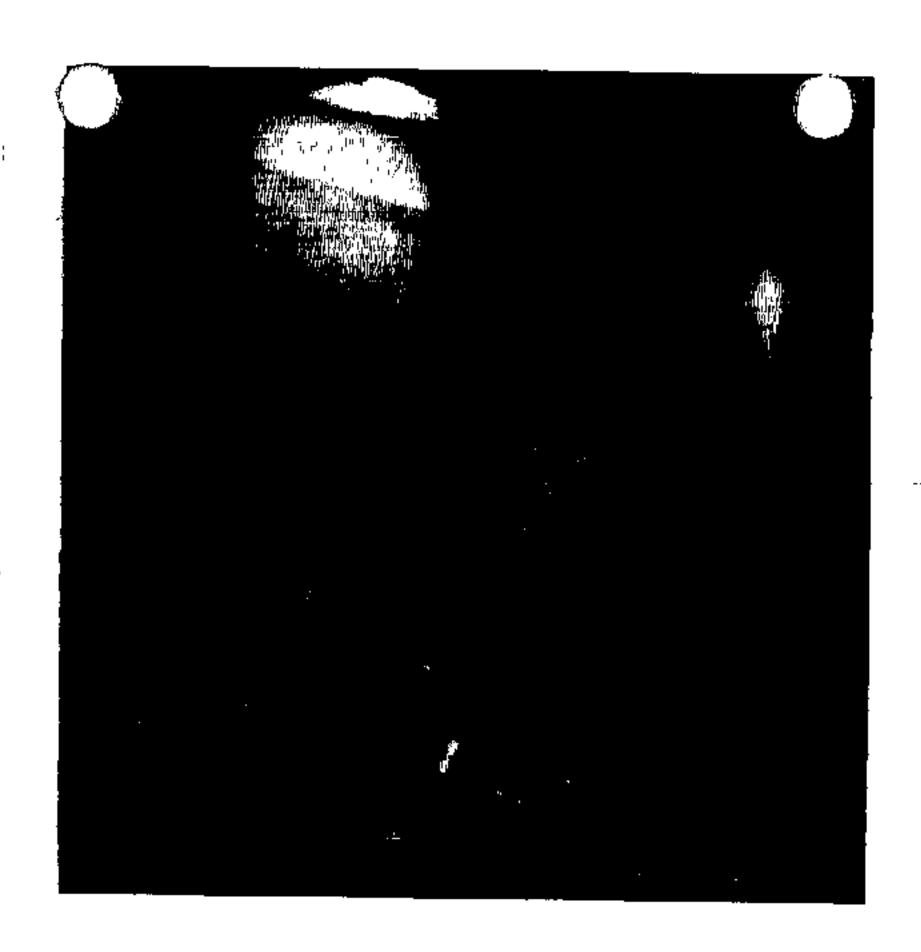
THEREFORE, IT IS THIS 13th day of October, 1999, by the County Board of Appeals of Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME /	ADDRESS
Robyn L. V. Isack (hristopher J Lee Richard L Smith Rob Hoffman Timmy Ruppersberger	1227 Enstaus Blue But. 21221 1227 Eastern Blue Balt. 21221 2128 North Fare Drive Hunt Value 21030 210 Allegham Lex. Tousan 21204 210 Allegham Lex. Tousan 21204
FIRST CASH	1227 Eastern Blvd. Baltimore, MD 21221 (410) 574-7296 (410) 780-4372 Fax (888) 541-6976 Pager http://www.firstcash.com
	http://www.firstcash.com DENNIS NORRIS





ANNEX



AMNEX



FIRST CASH #52 FASTERN BLUD BACTIMORE, MD 21221

