

IN THE MATTER OF
THE APPLICATION OF
EUCLAY REALTY CORP. – LEGAL OWNER
PETITION FOR SPECIAL HEARING
ON PROPERTY LOCATED ON THE NW / S
OF EASTERN BLVD., 425' SW C/L
WILTSHIRE ROAD
(138-140 EASTERN BOULEVARD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 08-443-SPH
*

* * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from the July 9, 2008 Order of the Deputy Zoning Commissioner in which the subject Petition was granted.

WHEREAS, a hearing was scheduled to be held before this Board on Wednesday, February 4, 2009 at 10:00 a.m. The Board convened at the scheduled hearing time. At the hearing on February 4, 2009, Petitioner's attorney, Edward C. Covahey, Jr., indicated that he had reviewed the matter and that he had decided to withdraw the application for the Petition for Special Hearing on behalf of his client, Euclay Realty Corp., Legal Owner; and

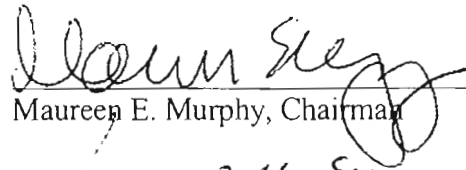
WHEREAS, the Board is in receipt of a Notice of Dismissal of the application for Special Hearing filed February 4, 2009 by Edward C. Covahey, Jr., Esquire, Counsel for Euclay Realty Corp., Legal Owner/Petitioner (a copy of which is attached hereto and made a part hereof); and

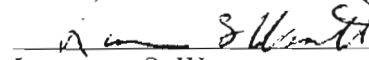
WHEREAS, said Counsel for Petitioner requests that the Petition filed in the above-referenced matter be withdrawn as of February 4, 2009;

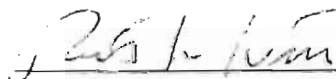
IT IS THEREFORE this 13th day of February, 2009, by the Board of Appeals of Baltimore County;

ORDERED that said Petition filed in Case No. 08-443-SPH is **WITHDRAWN AND DISMISSED**, rendering moot the appeal filed in this matter; and that the Deputy Zoning Commissioner's Order dated July 9, 2008, including any and all relief granted therein, is rendered **null and void**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Lawrence S. Wescott


Robert W. Witt

IN THE MATTER OF

ECULAY REALTY CORP.-LO
HOWARD DUBICK-Lessee

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. 08-443-SPH

* * * * *

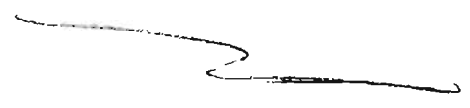
NOTICE OF DISMISSAL

Please dismiss the application for special hearing as filed in the above-captioned matter.


EDWARD C. COVAHEY, JR.
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204
410-828-9441
Attorneys for Lessee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4 day of February, 2009, a copy of the foregoing Notice of Dismissal was hand-delivered to Peter Max Zimmerman, People's Counsel for Baltimore County, 105 W. Chesapeake Avenue, Towson, Maryland 21204.


EDWARD C. COVAHEY, JR.

ldr090201

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NW side Eastern Blvd., 425 feet SW		
c/l Wiltshire Road	*	DEPUTY ZONING
Election District		
Councilmanic District	*	COMMISSIONER
(138 - 140 Eastern Boulevard)	*	FOR BALTIMORE COUNTY
Euclay Realty Corporation		
<i>Legal Owner</i>		
Howard Dubick	*	Case No. 2008-0443-SPH
<i>Lessee</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Robin B. Cohen on behalf of Euclay Realty Corporation, the legal property owner, and Howard Dubick, the lessee of the subject property. Special Hearing relief is requested in accordance with Section 500.7 and pursuant to Sections 450.4.5(n), 436.3.B.1 and 436.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a projecting sign for a pawnshop in lieu of the requirements for a wall mounted sign. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief was Petitioner Howard Dubick, the lessee of the subject property, and his attorney, Edward C. Covahey, Jr., Esquire. Also appearing in support of the requested relief was Brian Dietz with Dietz Surveying Co., the professional land surveyor that prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular-shaped and is zoned B.L. The subject property is part of a larger parcel containing the Essex Plaza strip shopping center. It is located on the north side of Eastern Boulevard just east of Back River where

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Eastern Boulevard becomes Eastern Avenue headed west across the Back River bridge in the Essex area of Baltimore County. As shown on the site plan, the property is improved with a large one-story building containing a number of smaller units (126 through 144 Eastern Boulevard) that are rented by various businesses. At this location, the road is two lanes in each direction with a concrete median in between. There is also a large concrete sidewalk area that extends the length of Essex Plaza with a width from the curb to the front of each unit of approximately 27 feet.

Petitioner has leased the subject property at 138-140 Eastern Boulevard since 1994 and has operated "Essex Pawn" at the location. Petitioner rents two units, with each storefront being approximately 20 feet wide, for a total store frontage of 40 feet. In order to increase his business's visibility, Petitioner proposes a new projecting sign to replace the current flat sign. The current sign is approximately three feet high and is erected directly over the 138 Eastern Boulevard unit. Petitioner proposes a new sign that would be erected over the center of the two units. It would be four feet in height and diagonally project outward 42 inches. It would essentially be two signs affixed together to the building side-by-side at an outward angle in the center. Each side would be 10 feet long and be labeled with "Essex Pawn." The proposed sign would achieve visibility from front and side views of the pawnshop. The sign is also proposed to be interior illuminated with two lines of changeable copy. A rendering of the sign with elevations was marked and accepted into evidence as Petitioner's Exhibit 2.

Petitioner's land surveying and land planning consultant, Mr. Dietz, testified in support of the plan. He was offered and accepted as an expert in planning and zoning and interpretation of the B.C.Z.R. Mr. Dietz submitted a number of photographs of the subject location and the surrounding areas. These photographs were marked and accepted into evidence as Petitioner's Exhibits 4A through 4E. Petitioner's Exhibit 4A shows the Essex Plaza from one end to the other.

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Petitioner's Exhibits 4B through 4E show the commercial areas near the Essex Plaza. Mr. Dietz also submitted a photograph of a sign that is very similar to the one proposed by Petitioner. The photograph, marked and accepted into evidence as Petitioner's Exhibit 5, shows a two-sided angled sign with interior illumination. It is located at a carryout restaurant on Harford Road known as "Belisimo's." Finally, Mr. Dietz offered the opinion that Petitioner's requested sign would not be detrimental to the health, safety, or general welfare of the area, and would be within the spirit and intent of the zoning regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated April 29, 2008 indicate that the property is in the Essex Revitalization Area. The office supports the request if certain conditions are met: that the sign may not be illuminated by light directed onto it; no freestanding signs may be constructed on site; the sign will be white with black script; no flashing lights, strobe lights or colored lights are permitted; the sign should only be three feet high with one line of hand changeable copy and not electronic changeable copy.

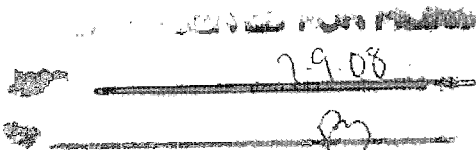
Section 450.4 of the B.C.Z.R. contains the Table of Sign Regulations and specifies the allowable combinations of sign classes and sign types, along with the use, permit, area, height and other pertinent limitations. Section 436.3 of the B.C.Z.R. establishes the buffer and sign requirements for pawnshops in Baltimore County. Sections 436.3.B.1 and 436.3.B.2 of the B.C.Z.R. state that one wall-mounted business sign is permitted with a surface area of no more than twice the length of the wall on which it is mounted, but in no case more than 50 square feet, and the placement of any sign shall be similar to the placement of signs mounted on walls of neighboring businesses, except that no such sign may extend above the eaves line of a pitched roof or the parapet of a flat roof building.

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[Signature]

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief and permit the sign as requested by Petitioner. In my judgment, Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale. Indeed, this area of Eastern Boulevard is a commercial corridor lined with various businesses including restaurants, shopping centers, and auto service stations. In addition to Petitioner's pawnshop, Essex Plaza contains a number of merchants including a seafood restaurant, an auto parts store, an animal grooming shop, and a leather retail store. This area of Eastern Boulevard is also lined with commercial signs along both sides of the road. Clearly, Petitioner's request is not out of line with other free standing and affixed signs in this area. Hence, I will allow Petitioner's projecting sign as depicted in Petitioner's Exhibit 2, in lieu of a wall mounted sign. In addition, although the Office of Planning recommended a height of three feet and one line of changeable copy, I will allow the four foot height as requested by Petitioner and two lines of hand changeable copy as depicted on Petitioner's Exhibit 2.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 9th day of July, 2008 that Petitioner's request for Special Hearing relief in accordance with Section 500.7 and pursuant to Sections 450.4.5(n), 436.3.B.1 and 436.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a projecting sign for a pawn shop in lieu of the requirements for a wall mounted sign, consistent with the rendering and elevations depicted in Petitioner's Exhibit 2, be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:



1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The sign may not be illuminated by light directed onto it.
3. No freestanding signs may be constructed on the site.
4. The sign will be white with black script.
5. No flashing lights, strobe lights or colored lights are permitted.
6. The sign should be no more than four feet high with two lines of hand changeable copy as depicted in Petitioner's Exhibit 2.
7. The sign must not be electronic changeable copy.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

STREET FRONTAGE FROM FRONT
7.9.06
m



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 25, 2008

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JUL 25 2008

.....*li*.....

Hand-delivered

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

Re: PETITION FOR SPECIAL HEARING
NW/S Eastern Blvd, 425' SW c/l Wiltshire Road
(138-140 Eastern Blvd)
15th Election District; 7th Council District
Euclay Realty Corporation, Legal Owner
Howard Dubick - Lessee
Case No.: 08-443-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated July 9, 2008 by the Baltimore County Deputy Zoning Commissioner.

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

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Edward C. Covahey, Jr, Esquire

**CBCA**

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 138-140 EASTERN BOULEVARD
which is presently zoned BL

This Petition shall be filed with the Department of Permits and 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 a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a projecting sign for a pawn shop in lieu of the requirements for a wall mounted sign per the requirements of Section 450.4.5.(n) and Sections 436.B.1. and 436.B.2. of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

HOWARD Dubick
Name - Type or Print
[Signature]
Signature
138-140 EASTERN BLVD 410687-5045
Address Telephone No.
ESSEX MD 21221
City State Zip Code

Attorney For Petitioner:

EDWARD C. COVAHEY JR
Name - Type or Print
[Signature]
Signature
COVAHEY, BOOZER, DEVAN + DORE PA
Company
614 BOSLEY AVE 410828 9441
Address Telephone No.
TOWSON MD 21204
City State Zip Code

Legal Owner(s):

Euclay Realty Corporation
Name - Type or Print
[Signature]
Signature
Robin B. Cohen
Name - Type or Print
[Signature]
Signature
601 S. Broadway 4106750306
Address Telephone No.
Baltimore MD 21221-2915
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2008-0643-SPH

Reviewed By BR Date 3.24.08

REV 9/15/98

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[Signature]

Brian R. Dietz
Professional Land Surveyor #21080
7867 Oakdale Avenue, Baltimore, MD 21237
Phone 410-686-1198 Fax 410-682-6021

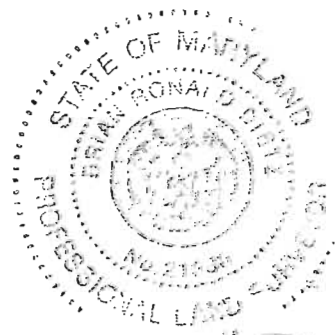
Zoning Description
For
138-140 Eastern Boulevard

March 24, 2008

Beginning at a point on the Northwest side of Eastern Boulevard, at the distance of 425' +/- feet Southwest of the centerline of Wiltshire Road, thence binding on said Eastern Boulevard

1. Southwesterly 40 feet, thence leaving said Eastern Boulevard
2. Northwesterly 100 feet,
3. Northeasterly 40 feet, and
4. Southeasterly 100 feet to the place of beginning.

Containing 4000 square feet of land more or less. Being known as 138-140 Eastern Boulevard and located in the 15th Election District, 7th Councilmanic District.



Brian Dietz

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12111**

Date: 3/24/08

PAID RECEIPT

WITNESS ACTUAL TIME
 3/25/2008 3/24/2008 11:31:04
 RECEIPT # 437671 3/24/2008
 S 528 ZONING VERIFICATION
 012111
 Recpt Tot 4325.00
 Baltimore County, Md (2031)

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			100				

Total: _____

Rec

From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

443

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: #2008-0443-SPH

138-140 Eastern Boulevard

N/west side of Eastern Blvd., 425 feet s/west of centerline of Wiltshire Road

15th Election District — 7th Councilmanic District

Legal Owner(s): Euclay Realty Corporation,
Robin Cohen

Contract Purchaser/Lessee: Howard Dubick

Special Hearing: to approve a projecting sign for a pawnshop in lieu of the requirements for a wall mounted sign.

Hearing: Wednesday, May 28, 2008 at 9:00 a.m. In Room 108, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

JT 5/661 May 13

172978

CERTIFICATE OF PUBLICATION

5/15, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/13, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 05/11/08

Case Number: 2008-0443-SPH

Petitioner / Developer: EDWARD COVAHEY ESQ.~HOWARD DUBICK
ROBIN COHEN

Date of Hearing (Closing): MAY 28, 2008

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
138-140 EASTERN BOULEVARD

The sign(s) were posted on: 05/09/08

ZONING NOTICE

CASE # 2008-0443-SPH

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

ROOM 106, COUNTY OFFICE BUILDING
PLACE: 111 WEST CHESAPEAKE AVE. TOWSON 21204
DATE AND TIME: WEDNESDAY, MAY 28, 2008
AT 9:00AM
REQUEST: SPECIAL HEARING TO APPROVE A
PROJECTING SIGN FOR A PAWN SHOP IN LIEU
OF THE REQUIREMENTS FOR A WALL MOUNTED
SIGN.
38-140 EASTERN BOULEVARD

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-1371

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2008-0443-SPH

Petitioner: ESSEX PAWN

Address or Location: 138-140 EASTERN BLVD BALTO, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: ESSEX PAWN

Address: 138-140 EASTERN BLVD
BALTO, MD 21221

Telephone Number: 410 687-5075

Revised 7/11/05 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 13, 2008 Issue - Jeffersonian

Please forward billing to:

Essex Pawn
Attn: Howard Dubick
138-140 Eastern Boulevard
Essex, MD 21221

410-687-5045

NOTICE OF ZONING HEARING

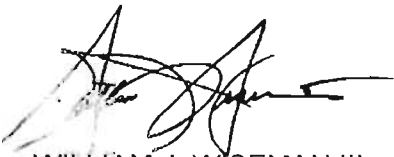
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0443-SPH

138-140 Eastern Boulevard
N/west side of Eastern Blvd., 425 feet s/west of centerline of Wiltshire Road
15th Election District – 7th Councilmanic District
Legal Owners: Euclay Realty Corporation, Robin Cohen
Contract Purchaser/Lessee: Howard Dubick

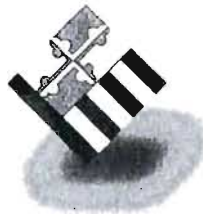
Special Hearing to approve a projecting sign for a pawnshop in lieu of the requirements for a wall mounted sign.

Hearing: Wednesday, May 28, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

Covahey, Boozer, Devan& Dore P.A.
614 Bosley Ave.
Towson, MD 21204

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 22, 2008

Dear Covahey, Boozer, Devan& Dore P.A.

RE: Case Number: 2008-0443-SPH , Address: 138-140 Eastern Blvd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 13, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robin B. Cohen: Euclay Realty Corporation, 601 S. Broadway, Baltimore, MD 21231
Howard Dubick, 138-140 Eastern Blvd., Essev, MD 21221

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director
Department of Permits and
Development Management

DATE: April 29, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 138-140 Eastern Blvd.
INFORMATION:

Item Number: 08-443

Petitioner: Robin B. Cohen (dba: Euclay Realty Corp.)

Zoning: BL

Requested Action: Special Hearing

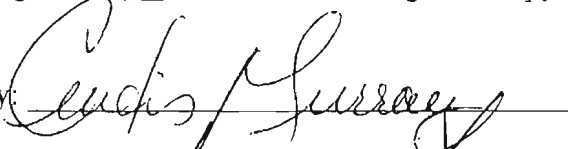
The petitioner is seeking to permit a marquee style changeable copy sign to project 3.5 ft. from the building front.

SUMMARY OF RECOMMENDATIONS:

The Office Of Planning has reviewed the petitioner's request and does not oppose it provided the following conditions are met:

1. The subject property is in the Essex Revitalization Area.
2. The staff supports the request only if the following conditions are met.
3. The sign may not be illuminated by light directed onto it.
4. No freestanding signs may be constructed on the site.
5. The sign will be white with black script.
6. No flashing lights, strobe lights or colored lights are permitted.
7. The sign should be only 3 ft. high with one line of hand changeable copy.
8. The sign must not be electronic changeable copy.

Prepared By:



Section Chief:

AFK/JM/JRA



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *SWL*

DATE: May 22, 2008

SUBJECT: Zoning Item # 08-443-SPH
Address 138-140 Eastern Boulevard
(Euclay Realty Corporation)

Zoning Advisory Committee Meeting of March 31, 2008

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

 Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

 Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

 Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glenn Shaffer

Date: May 22, 2008



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: April 4, 2008

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

RE: Baltimore County
Item No. 8-443-SPH
138-140 EASTERN BLVD.
EUCRAY REALTY CORP.
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-443-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441, 442, 443, 444, 445, 446, 447, 449

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

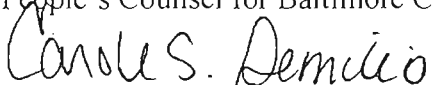
RE: PETITION FOR SPECIAL HEARING * BEFORE THE
138-140 Eastern Boulevard; NW/S Eastern
Boulevard, 425' SW c/line of Wiltshire Road* ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts
Legal Owner(s): Euclay Realty Corporation * FOR
Contract Purchaser(s): Howard Dubick
Petitioner(s) * BALTIMORE COUNTY
* 08-443-SPH

* * * * *

ENTRY OF APPEARANCE

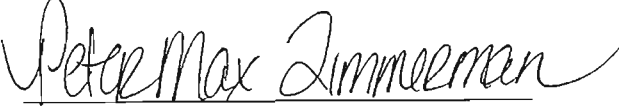
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing date or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

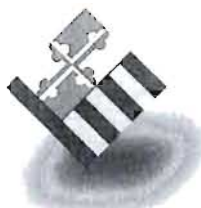
RECEIVED
APR 03 2008
Per 


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
September 23, 2008
*Department of Permits and
Development Management*

Edward Covahey
Covahey, Boozer, Devan & Dore
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Covahey:

RE: Case: 2008-0443-SPH, 138-140 Eastern Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on July 25, 2008 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Howard Dubick, 138 Eastern Blvd., Essex 21221
Brian Dietz, 8119 Oakdale Avenue, Baltimore 21234

Requested: September 24, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-443-SPH

138-140 Eastern Blvd

15th ELECTION DISTRICT

APPEALED: 7/25/2008

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-443-SPH

LEGAL OWNER: Howard Dubick

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

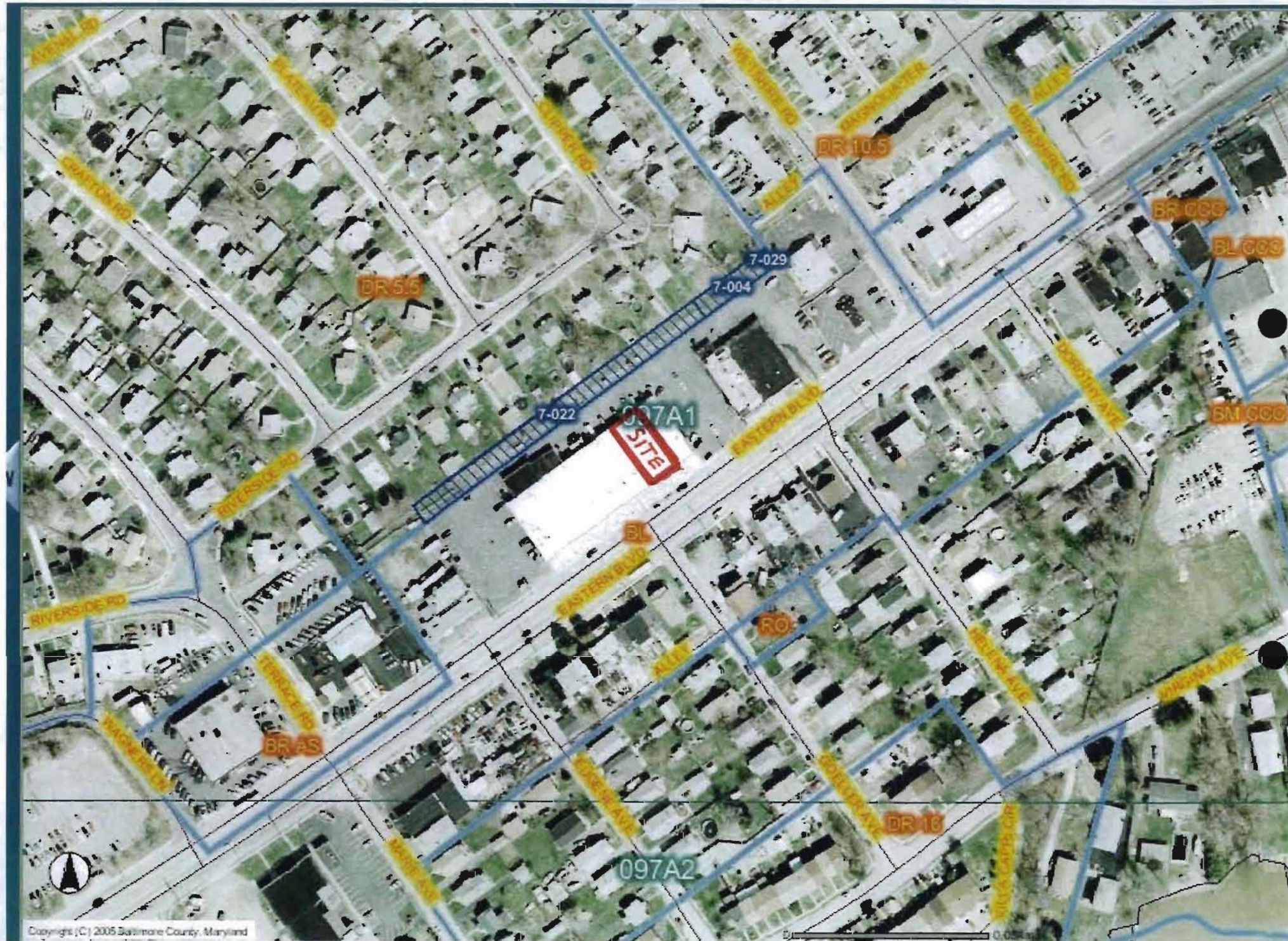
138-140 EASTERN BLVD
NW S/OF EASTERN BLVD., 425' SW C/L WILTSHIRE RD

The sign was posted on 12-4-08, 2008.

By: M Stuart Kelly

(Signature of Sign Poster)

M STUART KELLY
(Print Name)



#443

PHOTOGRAPHIC RECORD

Citation/Case No.: 08-443 - SPH

Date of Photographs: 12-4-08



I HEREBY CERTIFY that I took the 2 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

Michael Kelly
Enforcement Officer

CASE NAME _____
CASE NUMBER _____
DATE 5-2008

[illegible]

Case No.: 08-443-SPH

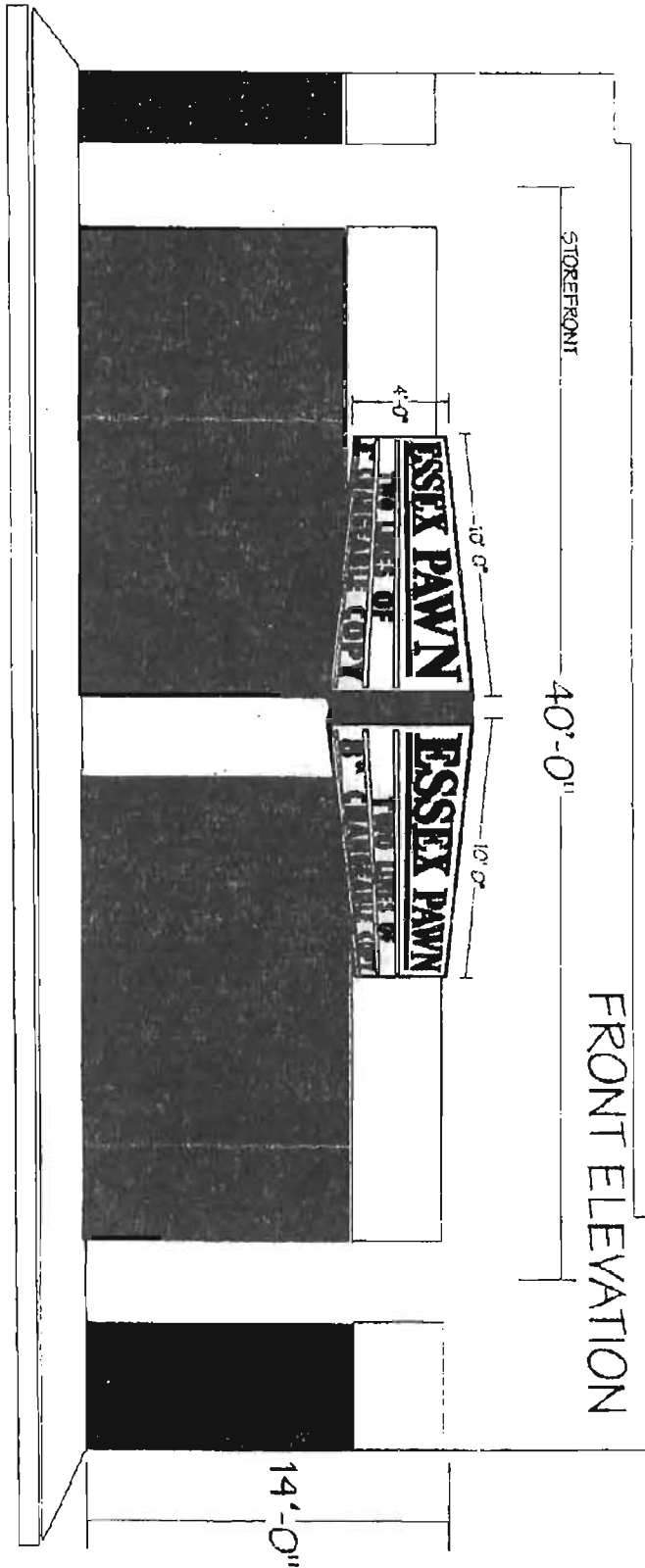
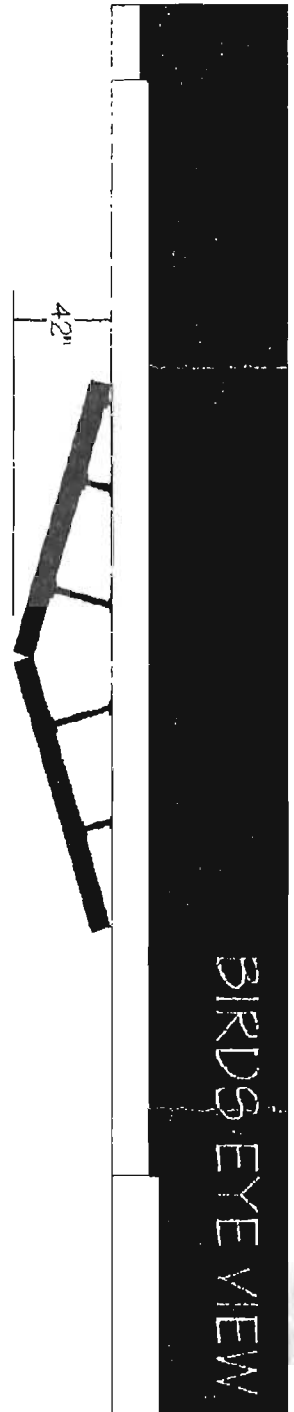
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>site plan</i>	
No. 2	<i>design of proposed sign</i>	
No. 3	<i>list of pre-7-9-1995 pawn shops w/ approval as non-conforming use</i>	
No. 4 A-E	<i>photo's of Essex Plaza including subject prop/business</i>	
No. 5	<i>Example of similar sign at 8600 Harford Road</i>	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL



Pasadena
SIGNS
Since 1963

Quality Sign Displays Since 1965

6300 Arundel Gate Avenue
Baltimore, Maryland 21226

410-355-5400 fax 410-355-8343

This Original Design is The Property Of Pasadena Sign Company Inc. (PSC Inc.) and is Protected By Federal Copyright Laws. Any Country One Imbedded Means is Expressly Forbidden. Should Such Construction Occur, PSC Inc. is Due \$1,000.00 As Compensation For The Time And

ACCEPTED

DATE

Client	Essex Pawn	Draftman	TWS
Salesperson	Jerry Sterling Sr.	Scale	NTS
Date	28 Nov 07	Version	1A
File	Gerber File name.pht	Price	\$555.55

PETITIONER'S

EXHIBIT NO.

Due to the phys. limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint.

#443

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

96-026 DENIED
BY JUDITH CT

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 Gloriosio

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

PETITIONER'S

EXHIBIT NO.

3



PETITIONER'S

EXHIBIT NO. 4A



PETITIONER'S

EXHIBIT NO. 4B





PETITIONER'S

EXHIBIT NO.

4C



PETITIONER'S

EXHIBIT NO.

40



PETITIONER'S
EXHIBIT NO. 4E



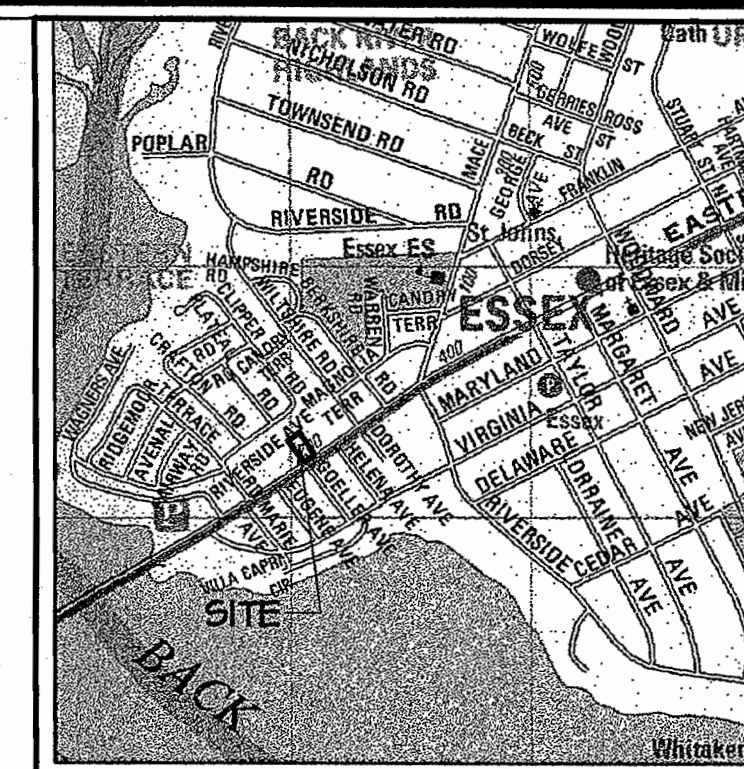
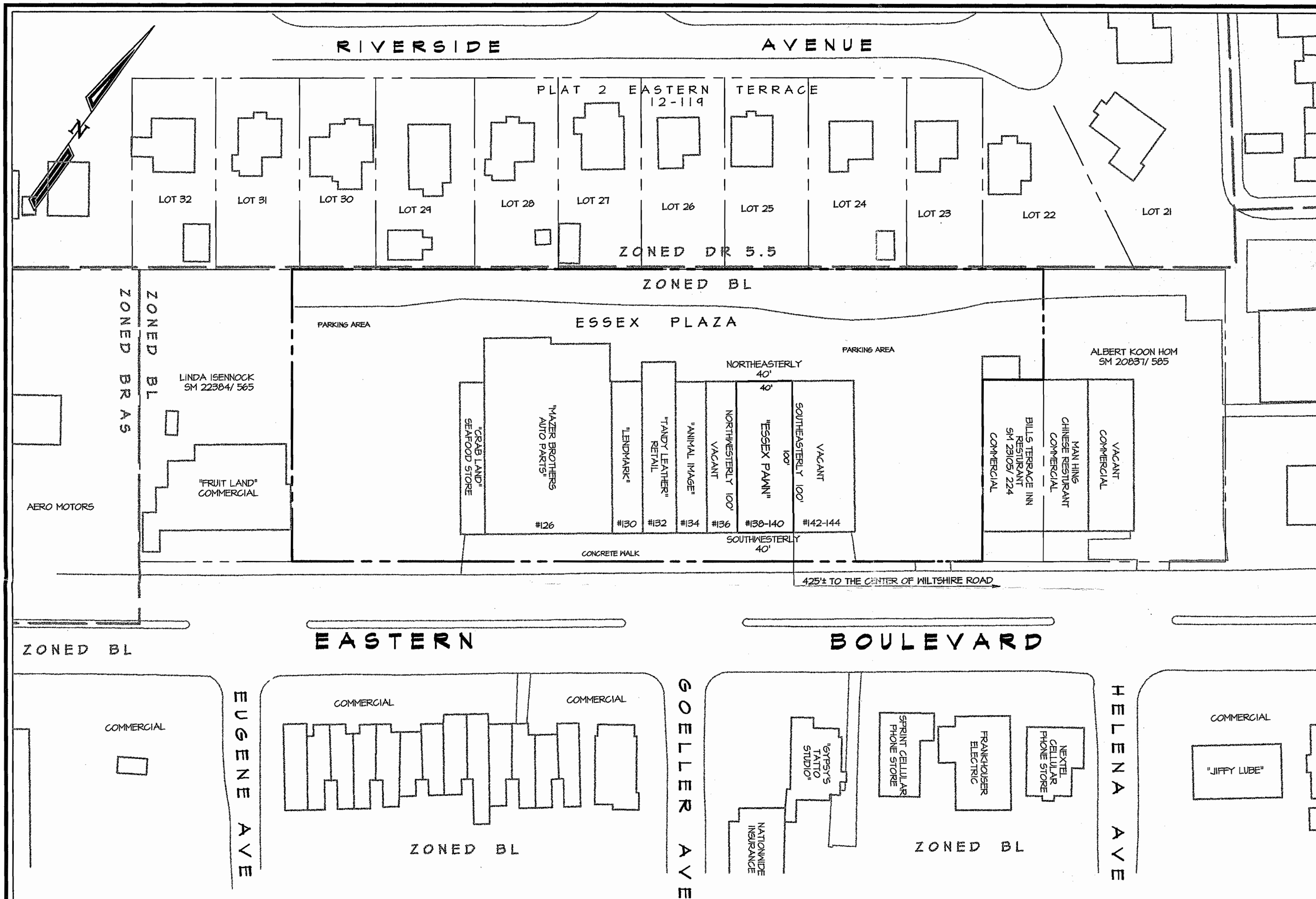
HARFORD Rd

Baltimore County

PETITIONER'S

EXHIBIT NO.

5

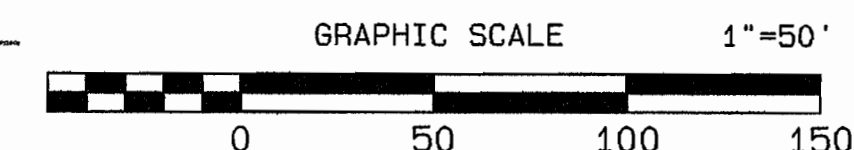


Vicinity Map

Scale: 1" = 2000'

Notes

1. Owner: Howard Dubick
138 Eastern Blvd
Baltimore MD. 21221
2. Zoned: BL
3. This site is in the Chesapeake Bay Critical Area.
4. This site is not in the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public sewer and water.
8. No prior Zoning Hearings.
9. This pawn shop is on the Police Departments list of approved Pawn Shops.

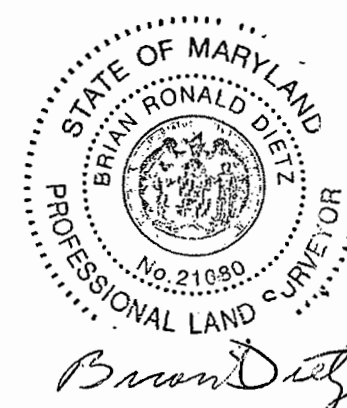


Plat to Accompany a Petition for a Special Hearing

ESSEX PAWN SHOP

138-140 Eastern Boulevard
Baltimore County, Maryland

15th Election District 7th Councilmanic District
Scale: 1"=50' Date: March 12, 2008

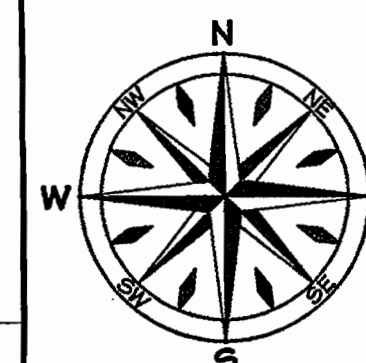


PETITIONER'S

EXHIBIT NO. 1

Revisions

Date



Dietz Surveying, Co.
Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.com

Plot Date: 3/24/2008

Job No. 08039

File Name: X:\Eastern Blvd 138\Zoning.pro

#445