

IN THE MATTER OF

ALBERT KOON YU AND KIRBY HOM

- LEGAL OWNERS

HOWARD AND JUDITH DUBICK

-PETITIONERS FOR

SPECIAL HEARING ON THE PROPERTY

LOCATED AT 202-204 EASTERN BOULEVARD

15TH ELECTION DISTRICT

7TH COUNCILMANIC DISTRICT

BEFORE THE

BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO.: 14-023-SPH

* * * * *

ORDER OF DISMISSAL

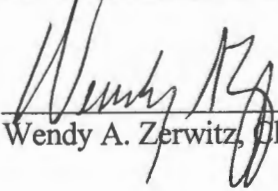
This matter comes to the Board of Appeals by way of an appeal filed by Edward Covahey, Jr., Esquire on behalf of Albert Koon Yu and Kirby Hom, Legal Owners and Howard and Judith Dubick, Petitioners, from a decision of the Administrative Law Judge dated September 30, 2013, in which the requested Petition for Special Hearing was granted with restrictions.

WHEREAS, the Board is in receipt of a voluntary letter of withdrawal of the Petition for Special Hearing, filed January 31, 2014 and signed by Edward Covahey, Jr, Esquire, Counsel for Legal Owners and Petitioners, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petition for Special Hearing taken in this matter be withdrawn as of January 31, 2014,

IT IS THEREFORE ORDERED this 4th day of February, 2014 by the Board of Appeals of Baltimore County that the Petition for Special Hearing taken in Case No. 14-023-SPH be and the same is hereby **DISMISSED WITH PREJUDICE**, thereby rendering the September 30, 2013 Opinion and Order of the Administrative Law Judge as **null and void** in this matter.

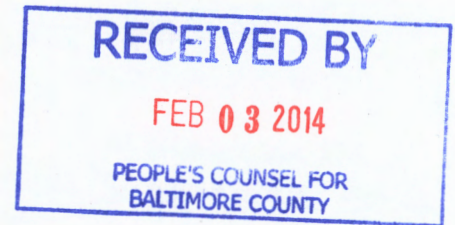
**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendy A. Zerwitz, Chairperson



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182



February 4, 2014

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: *In the Matter of: Albert Koon Yu and Kirby Hom – Legal Owners
Howard and Judith Dubick - Lessees/Petitioners*
Case No.: 14-023-SPH

Dear Mr. Covahey:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above 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*, **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,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

Enclosure

c: Albert Koon Yu Hom and Kirby Hom
Alex K. Hwang, Associate
Howard and Judith Dubick
Brian Dietz
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

RECEIVED
JAN 31 2014

RE: PETITION FOR SPECIAL HEARING
(202-204 Eastern Boulevard)
15th Election District
7th Councilmanic District
Albert Koon Yu & Kirby Hom,
Legal Owners
Howard L. & Judith M. Dubick
Contract Purchaser/Lessee

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY

* CASE NO.: 14-023-SPH

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners

MOTION TO WITHDRAW

Please withdraw the Petition filed in the above-captioned matter and dismiss same in accordance with Rule 3.B.2 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals.



EDWARD C. COVAHEY, JR.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204
410-828-9441
Attorneys for Petitioners

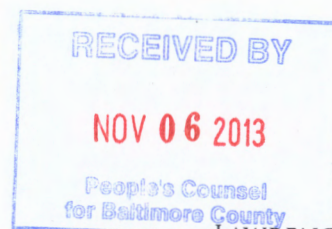
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of January, 2014, a copy of this Motion to Withdraw was mailed via first class mail to Peter Max Zimmerman, People's Counsel, and Carole S. DeMilio, Deputy People's Counsel, Office of People's Counsel, Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, Maryland, 21204.



EDWARD C. COVAHEY, JR.

KEVIN KAMENETZ
County Executive



GP
PMZ

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 31, 2013

Edward C. Covahey, Jr., Esquire
Covahey, Boozer, Devane & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2014-0023-SPH
Location: 202-204 Eastern Boulevard

Dear Mr. Covahey:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 30, 2013. 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 contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County

CRB
PM
Follow

RE: PETITION FOR SPECIAL HEARING
(202-204 Eastern Boulevard)
15th Election District
7th Councilmanic District
Albert Koon Yu & Kirby Hom,
Legal Owners
Howard L. & Judith M. Dubick
Contract Purchaser/Lessee

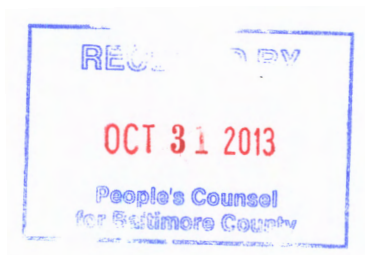
* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* CASE NO.: 2014-0023-SPH

Petitioners

NOTICE OF APPEAL

Albert Koon Yu, Kirby Hom, Howard L. Dubick and Judith M. Dubick, Petitioners, by Edward C. Covahey, Jr., Bruce E. Covahey and Covahey, Boozer, Devan & Dore, P.A., file this Appeal to the County Board of Appeals from the Order and Opinion of the Administrative Law Judge dated September 30, 2013.



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 2013, a copy of this Notice of Appeal was mailed via first class mail to Peter Max Zimmerman, People's Counsel, and Carole S. DeMilio, Deputy People's Counsel, Office of People's Counsel, Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, Maryland, 21204

EDWARD C. COVAHEY, JR.

9/30

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(202-204 Eastern Blvd.)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Councilmanic District		
Albert Koon Yu & Kirby Hom,	*	HEARINGS FOR
Legal Owners		
Howard L. & Judith M. Dubick	*	BALTIMORE COUNTY
Contract Purchaser/Lessee		
Petitioners	*	CASE NO. 2014-0023-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by Edward C. Covahey, Jr., Esquire, on behalf of the legal owners, Albert Koon Yu & Kirby Hom, and the contract purchaser, Howard L. & Judith M. Dubick, ("Petitioners"). The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the relocation of Essex Pawn Shop from 136-140 Eastern Boulevard, Essex, Baltimore County, MD 21221 to 202-204 Eastern Boulevard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 12.

Appearing at the public hearing held for this case was Howard and Judith Dubick and Brian Dietz, a licensed surveyor who prepared the site plan. Edward C. Covahey, Jr., Esquire appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Bureau of Development Plans Review (DPR), indicating

that a landscape plan must be received and approved prior to the issuance of any permits.

Testimony and evidence revealed that the subject property is 0.563 +/- acres and is zoned BL. Pawnshops are not permitted as of right or by special exception in the BL zone, but Mr. Dubick has operated his pawnshop ("Essex Pawn") for over 22 years. Since he was operating on the effective date of Bill No. 112-1995, the operation is grandfathered. Exhibit 13. Counsel for Petitioners presented a chart prepared and maintained by the County indicating that Mr. Dubick's business was a "pawn shop with pre- 7/6/95 approval." Exhibit 14. Carl Richards, the Director of the County's Office of Zoning, testified he would have permitted the business to move within the strip of stores to which it is attached without a hearing, but that he believed a petition for Special Hearing was required in this case, where the shop is proposing to relocate to a newly constructed building which is approximately 150 feet from the existing location.

Mr. Dubick testified he has never been convicted of a crime, and that he operates his business with integrity. As evidence of that fact he presented a "Distinguished Citizen's Award" he received from the Baltimore County Police Department in 2010. Exhibit 11. The Petitioner also presented letters of support from the community and the owner of the business that would about the new operation. Exhibits 5 & 6. Mr. Dubick testified he now leases space, but wants to purchase the dilapidated property located next door and construct a new building on the lot. Exhibits 7-10 (color photos). The Petitioner would be investing over \$500,000 in purchasing the land and constructing a new building for his shop. Proposed elevation drawings were submitted (Exhibit 4), showing plans for an attractive new store at the location, which will no doubt be a significant "facelift" for this property.

Section 6 of Bill 112-95 provides that pawnshops in operation before July 6, 1995 are not subject to B.C.Z.R. §436.4, which provides (among other things) that there may not be "more than

two pawn shops . . . in a Councilmanic district.” The evidence here established there are 3 pawn shops in the 7th District, Exhibit 3, although the Petitioner is grandfathered and not subject to this provision. Mr. Dubick explained that the nearest pawn shop is located approximately 3 miles from his, in Dundalk, and that his was the only pawn shop in Essex.

In legal parlance, the Petitioner enjoys non-conforming use status with respect to the pawn shop operation at 136-140 Eastern Boulevard. Should the operation be moved to a new location, using different facilities, structures, etc., Maryland law - - which disfavors non-conforming uses - - provides that the status would be lost, and the Petitioner would then need to comply with current zoning regulations.

In this case, that rule produces a harsh result. The Petitioner proposes to move to an adjacent parcel, and would in the process be constructing an attractive building to replace a dilapidated eyesore that has been vacant for over five years. But the danger in permitting the relocation (at least without conditions, discussed below) is that the owner of the property at 136-140 Eastern Boulevard would be entitled to continue the operation of a pawn shop at the original location. An “established nonconforming use runs with the land, and hence a change in ownership will not destroy the right to continue the use.” 8A McQuillin, the Law of Municipal Corporations, § 25.183.50. In addition, “a nonconforming use is not personal to the current owner or tenant, but attaches to the land itself.” 83 Am. Jur. 2d, Zoning and Planning, § 587. This would increase the number of pawn shops in the County and would thereby be at odds with the goals articulated in Bill No. 112-1995.

But I believe there is a way in which the proposed relocation can be accommodated. If Mr. Dubick secures from his landlord an affidavit wherein the owner unequivocally relinquishes whatever right he or a future tenant might enjoy to operate a pawn shop on the premises as a non-

conforming use, the status quo would be preserved. In other words, there would then be no increase in the number of pawn shops in the County and the Petitioner would continue operating the same business he has for over 20 years, albeit at a new (and improved) location just down the block.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing request should be granted. The Petitioner operates a reputable, long-standing pawn shop, and has the support of the community and neighboring businesses. Granting the Petition with conditions will not increase the number of pawn shops in the county, but will simply allow the business to move to an attractive new building immediately adjacent to its existing location.

THEREFORE, IT IS ORDERED, this 30th day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the relocation of Essex Pawn Shop from 136-140 Eastern Boulevard, Essex, Baltimore County, MD 21221 to 202-204 Eastern Boulevard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition
2. Petitioners must within 30 days of the date of this Order provide to the Office of Administrative Hearings and to Carl Richards at the zoning office a copy of the affidavit referenced in the above Opinion.
3. Petitioners must submit for approval by Baltimore County a landscape plan, prior to the issuance of any permits.

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

A handwritten signature in black ink, appearing to read 'JEB', is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 30, 2013

Edward C. Covahey, Jr., Esquire
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No.: 2014-0023-SPH
Property: 202 & 204 Eastern Boulevard

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 202-204 Eastern Blvd., Essex, MD 21221 which is presently zoned BL

Deed References: 20837 / 585 10 Digit Tax Account # 1 6 0 0 0 1 3 0 4 2

Property Owner(s) Printed Name(s) Albert Koon Yu Hom and Kirby Hom

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE EXHIBIT "A" ATTACHED HERETO

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Howard L. Dubick and Judith M. Dubick

Name - Type or Print

Signature

Judith M. Dubick

138 Eastern Blvd., Essex, MD

Mailing Address City State

21221 443-463-4367 howard.dubick@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward C. Covahey, Jr., Esquire

Name - Type or Print

Signature

614 Bosley Avenue, Towson, MD

Mailing Address City State

21204 410-828-9441

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Albert Koon Yu Hom, Kirby Hom

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10351 Lightner Drive, Tampa, FL

Mailing Address City State

33626 571-366-8813 ministertan@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Alex K. Hwang, Associate

Name - Type or Print

Signature

Trout Daniel & Assoc, LLC, 9690 Deereco Rd.,

Mailing Address City State

Suite 100, Timonium, MD 21093 410-435-4004 ahwang@troutdaniel.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0023-SPH Filing Date 8/1/13 Do Not Schedule Dates: Reviewer JCM

**PETITION FOR ZONING HEARING
SPECIAL HEARING**

EXHIBIT "A"

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the relocation of Essex Pawn Shop from 136 – 140 Eastern Boulevard, ~~(BL)~~ Essex, Baltimore County, Maryland, 21221 to 202 – 204 Eastern Boulevard. (BL)

Baltimore County Council Bill No. 112-1995, Section 6, enacted on July 6, 1995, further provided "that pawnshops lawfully in existence and operating on the effective date of this ACT are not subject to the requirements of Sections 436.4."

The pawnshop at 136 – 140 Eastern Boulevard is approximately 165 ft. from the property at 202 – 204 Eastern Boulevard.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 18, 2013

Albert Koon Yu Hom & Kirby Hom
10351 Lightner Drive
Tampa Florida 33626

RE: Case Number: 2014-0023 SPH, Address: 202-204 Eastern Boulevard, 21221

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 1, 2013. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson MD 21204
Howard L. Dubick & Judith M. Dubick, 138 Eastern Boulevard, Essex MD 21221
Alex K. Hwang, Associate, Trout Daniel & Assoc., LLC, 9690 Deereco Road, Timonium MD 21093

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



Maryland Department of Transportation

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 8-7-13

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0023-SPH
Special Hearing
Albert Koon Ya Horn &
Kimby Horn
202-204 Eastern Boulevard
MD150

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8-5-13. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Case Number 2014-0023 SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ~~DAK~~ Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 12, 2013
Item No. 2014-0023

DATE: August 7, 2013.

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A landscape plan shall be received and approved prior to the approval of any permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0023-08122013.doc

9142

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: September 11, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 202-204 Eastern Boulevard

Item Number: 14-023

Petitioner: Albert Koon Yu Hom and Kirby Hom

Zoning: BL

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

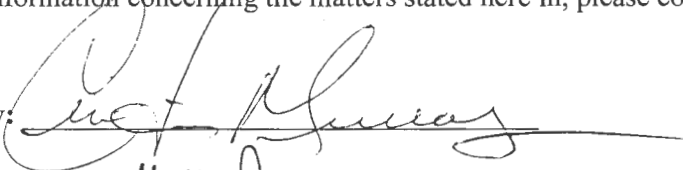
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning is not opposed to the special hearing request. The subject pawn shop is in a Commercial Revitalization District, and the existing community has not expressed opposition to the request. From the information provided, it appears that the petitioner intends to relocate the pawn shop, and not to continue the use at the previous location in the same strip center.

Notwithstanding the aforementioned, the Department of Planning requests the following conditions be imposed on any relief granted:

1. The existing sidewalk in front of the subject establishment should be repaired.
2. Provide landscaping along the property frontage.
3. Update exterior business signage. Old signage shall be removed and properly disposed of.
4. Repair any damaged lighting and/or install higher quality lighting fixtures on the exterior of the building.
5. Repair or replace any damaged windows on the subject establishment.
6. General upkeep and removal of trash and debris from the store front shall be completed on a ongoing basis.
7. Restore and refinish the existing building surface. Old chipping and fading paint shall be refinished or upgraded with high quality finish materials.

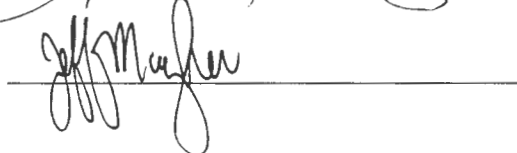
For further information concerning the matters stated here in, please contact Matt Diana at 410-887-3480.

Prepared By:



Deputy Director:

AVA/LL:cjm



RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
202-204 Eastern Boulevard; NW/S Eastern
Boulevard, 140' SW of c/line Whitshire Road * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts
Legal Owner(s): Albert Koon Yu & Kirby Hom* HEARINGS FOR
Contract Purchaser(s): Howard & Judith Dubick
Petitioner(s) * BALTIMORE COUNTY
* 2014-023-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates 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

AUG 08 2013

LL

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 8th day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Alex Hwang, Associate, Trout Daniel & Assoc., LLC, 9690 Deereco Road, Suite 100, Timonium, MD 21093 and Edward C. Covahey, Jr., 614 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8119 Oakleigh Road
Parkville, Maryland 21234
Phone: 410-661-3160
Fax: 410-661-3163

Dietz Surveying

July 31, 2013

Ed Covahey
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204

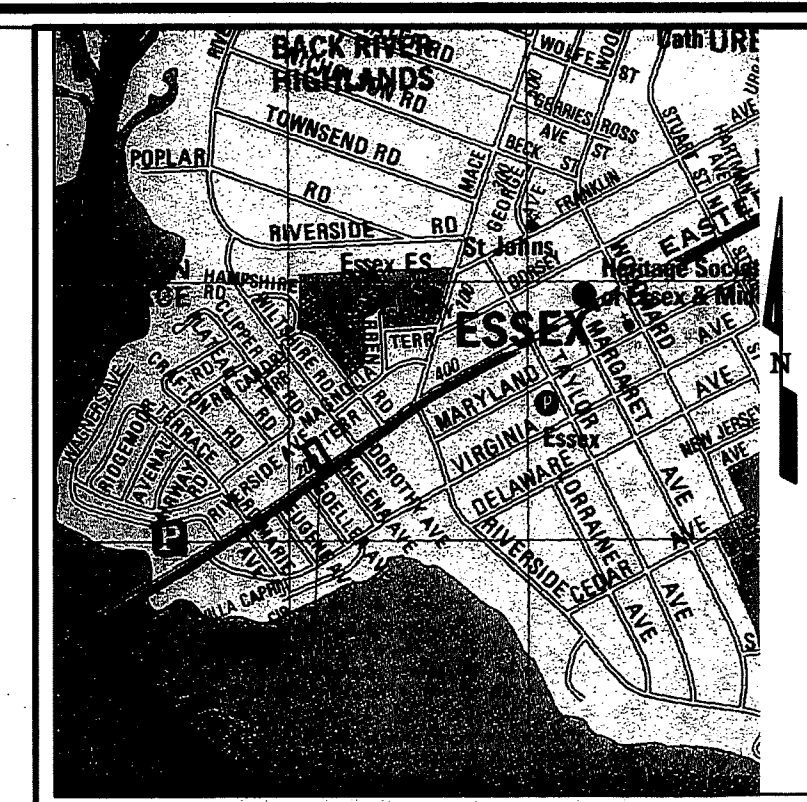
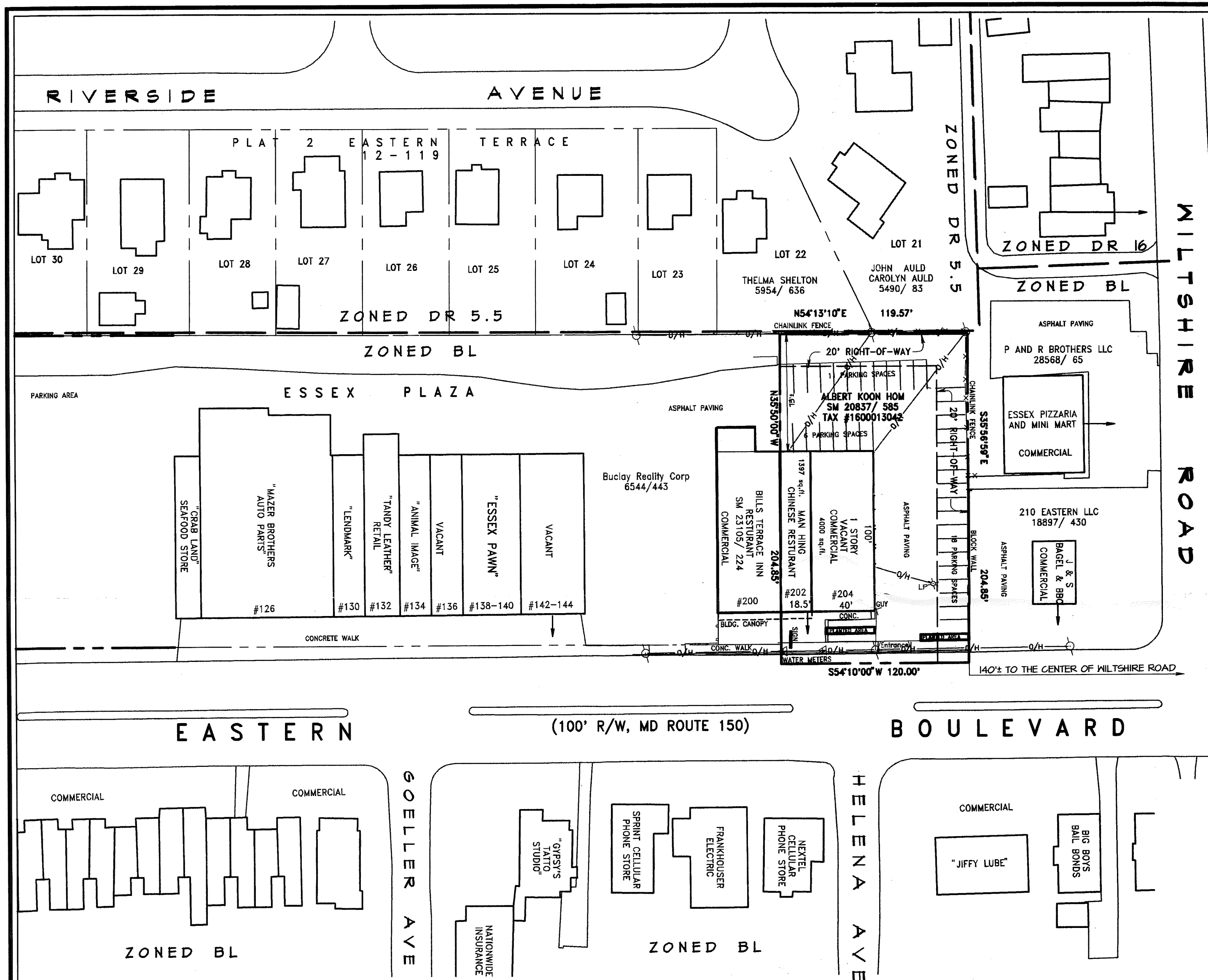
Reference: Essex Pawn Shop
202 & 204 Eastern Boulevard

Dear Mr. Covahey:

Enclosed are 3 copies of the Plat to Accompany a Petition for a Special Hearing for your file.
If you have any questions, I may be reached at the number above.

Sincerely,
Brian Dietz

[Click here and type slogan]



Vicinity Map Scale: 1" = 2000'

Notes

- Owner: ALBERT HON
10351 LIGHTNER DRIVE
TAMPA FL 33626

Contract Purchaser:
Howard Dubick
138 Eastern Blvd
Baltimore MD. 21221
- Site Area= 0.563 Ac.±
- Zoned: BL
- This site is in the Chesapeake Bay Critical Area.
- This site is not in the 100 year Flood plain.
- There are no underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by public sewer and water.
- Prior Zoning Hearing:
06-595-SPHX-A
Variance to permit a 0' wide Landscape Buffer in lieu of the required 6'; Granted 6-28-07
Special Hearing to permit existing commercial parking in a residential zone; Granted 6-28-07
Special Exception to permit the continued use of a service garage; Granted 6-28-07
- 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

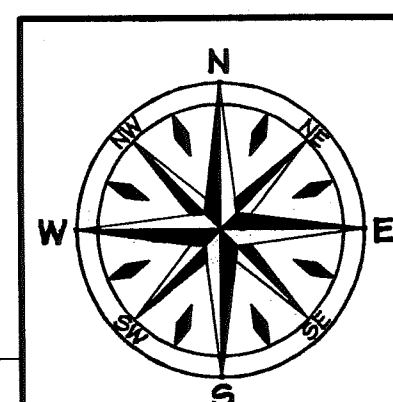
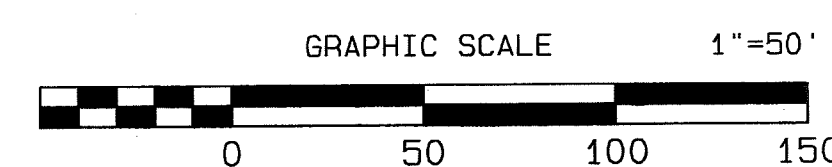
202-204 Eastern Boulevard
Baltimore County, Maryland

15th Election District 7th Councilmanic District
Scale: 1"=50' Date: April 29, 2013

PARKING CALCULATIONS

1397 SQ.FT. RESTAURANT: 16 PER 1,000 SQ.FT. = 22 PARKING SPACES REQUIRED
4000 SQ.FT. RETAIL: 3 PER 1000 SQ.FT. = 12 PARKING SPACES REQUIRED

34 PARKING SPACES REQUIRED
35 PARKING SPACES PROVIDED



Dietz Surveying, Co.
Land Surveying and Land Planning

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

Plot Date: 7/30/2013

Job No. 2013-105