

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION**

(11222 York Road) *

8th Election District *

3rd Council District *

11222 York Road Investments, LLC, *

Legal Owner *

Diamond Exchange USA II, Inc., *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0236-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of 11222 York Road Investments, LLC, legal owner, and Diamond Exchange USA II Inc., lessee ("Petitioners"). The Petition for Special Hearing seeks to permit an existing freestanding sign to remain for a pawnshop. A Petition for Special Exception seeks to use the herein described property for a pawnshop in a BR zone.

Appearing at the public hearing in support of the request were Justin Carmody (owner) and professional engineer Rick Richardson. John B. Gontrum, Esquire represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.). There were no protestants or interested citizens in attendance. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the petition, but requested that certain conditions be included in the final order. These will be included in the order which follows.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz

ORDER RECEIVED FOR FILING

Date 6-30-15

By [Signature]

standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. There was no such evidence in this case.

Baltimore County permits only 12 pawnshops within the entire county. B.C.Z.R. § 436.2.D. At present, there are 11 such businesses in existence (Exhibit 4B), and thus the Petitioners were permitted to file the petition for special exception. Mr. Richardson testified (via proffer) that this would be the only pawnshop in the 3rd Council district and that no other pawnshop is located within a one-mile radius. B.C.Z.R. § 436.4.A. In addition, Mr. Richardson testified that the proposed location does not abut a residential zone, school or church, and thus the enhanced screening requirements (i.e., fence or brick wall) are not applicable. B.C.Z.R. § 436.3.A. As such, the special exception petition will be granted.

Special Hearing

The petition for special hearing seeks approval to retain an existing freestanding sign at the site. That sign (Exhibit 2D) was erected over five (5) years ago and does not contain the word "pawn" or the "three golden ball symbol designating a pawnshop." B.C.Z.R. § 436.3.D. The regulations provide that a "freestanding business sign is not permitted." B.C.Z.R. § 436.3.B.3. But that prohibition (in my opinion) applies to a pawnshop sign, not a legal, pre-existing sign that contains no reference whatsoever to "pawn" or "pawnshop." Petitioner has for several years operated a diamond exchange and precious metal dealership at the location; and under the B.C.Z.R. that is not a "pawnshop." B.C.Z.R. § 101.1. The sign pertains only to the diamond and precious

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Date 6-30-15

By ESW

metal dealership, and is otherwise lawful under the Regulations. A restriction will be included in the Order below prohibiting the sign from containing any reference to pawn or pawnshop.

THEREFORE, IT IS ORDERED this 30th day of **June 2015**, by this Administrative Law Judge, that the Petition for Special Hearing, to permit the existing freestanding sign to remain at the site, be and is hereby GRANTED; and

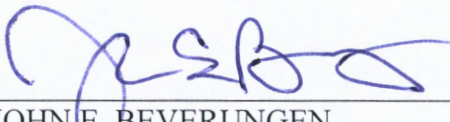
IT IS FURTHER ORDERED that the Petition for Special Exception to use the herein described property for a pawnshop in a BR zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Special Exception granted in Case No. 1982-0147-XA, permitting living quarters within a commercial building, be and is hereby RESCINDED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Petitioners shall submit for approval by the Baltimore County Landscape Architect a landscape plan for the site.
3. The existing freestanding sign on the property may remain, but it shall not contain any reference to "pawn" "pawnshop" or use the three golden ball symbol designating a pawnshop.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 6-30-15 3

By (signature)



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 11222 York Road which is presently zoned BR-IM, ML-IM

Deed References: 31074/148 10 Digit Tax Account # 0 8 1 1 0 1 5 8 0 0

Property Owner(s) Printed Name(s) 11222 York Rd Investments, LLC

(SELECT THE HEARING(S) BY MARKING X 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. 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

An existing freestanding sign to remain for a pawn shop (Section 436.3.B.3 BCZ)

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

A PAWN SHOP IN A BR ZONE

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:

Diamond Exchange USA II, Inc.

Name - Type or Print

Justin P. Carmody

Signature

Justin P. Carmody

11222 York Road, Cockeysville, MD

Mailing Address

City

State

21030 / 301-230-1212 /

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 / 410-832-2055 / jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

11222 York Rd Investments, LLC /

Name #1 - Type or Print

Name #2 - Type or Print

Justin Carmody /

Signature #1

Signature #2

P.O. Box 907, Sparks, MD

Mailing Address

City

State

21152 /

Zip Code

Telephone #

Email Address

Representative to be contacted:

John B. Gontrum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 / 410-832-2055 / jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0236-X Filing Date 4/24/15

Do Not Schedule Dates:

Reviewer JF

REV. 10/4/11

**ZONING DESCRIPTION FOR
11222 YORK ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the West side of York Road (80' ultimate width R.O.W.) at a distance of 365 feet south of the centerline intersection of Schilling Road and York Road, thence (1) South 85 degrees 11 minutes 08 seconds West 189.47 feet, (2) South 18 degrees 58 minutes 29 seconds East 80.06 feet; (3) North 85 degrees 06 minutes 31 seconds East 190.25 feet to a point on the west side of York Road, thence along the western right of way of York Road, (4) North 19 degrees 33 minutes 43 seconds West 80.00 feet to the point of beginning;

Containing a net area of 14,717 square feet, or 0.34 acres of land, more or less.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2015.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **123598**

Date: **4/24/15**

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/24/2015 4/24/2015 10:17:06

REC W002 WALKIN JENN JEE
 RECEIPT # 019637 4/24/2015 9FLY

2.525 ZONING VERIFICATION
 123598

Receipt Tot \$1,000.00
 \$1,000.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		6100				1,000.00

Total: **1,000.00**

Rec From: **Whiteford, Taylor & Preston, LLC**

For: **Paid for Special Exemption & Variation**
11222 York Rd. Ind.

Corr # 2015 - 0236 - XA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Case No.:

2015-0236-SPHX

Exhibit Sheet

Petitioner/Developer

DW
6-30-15

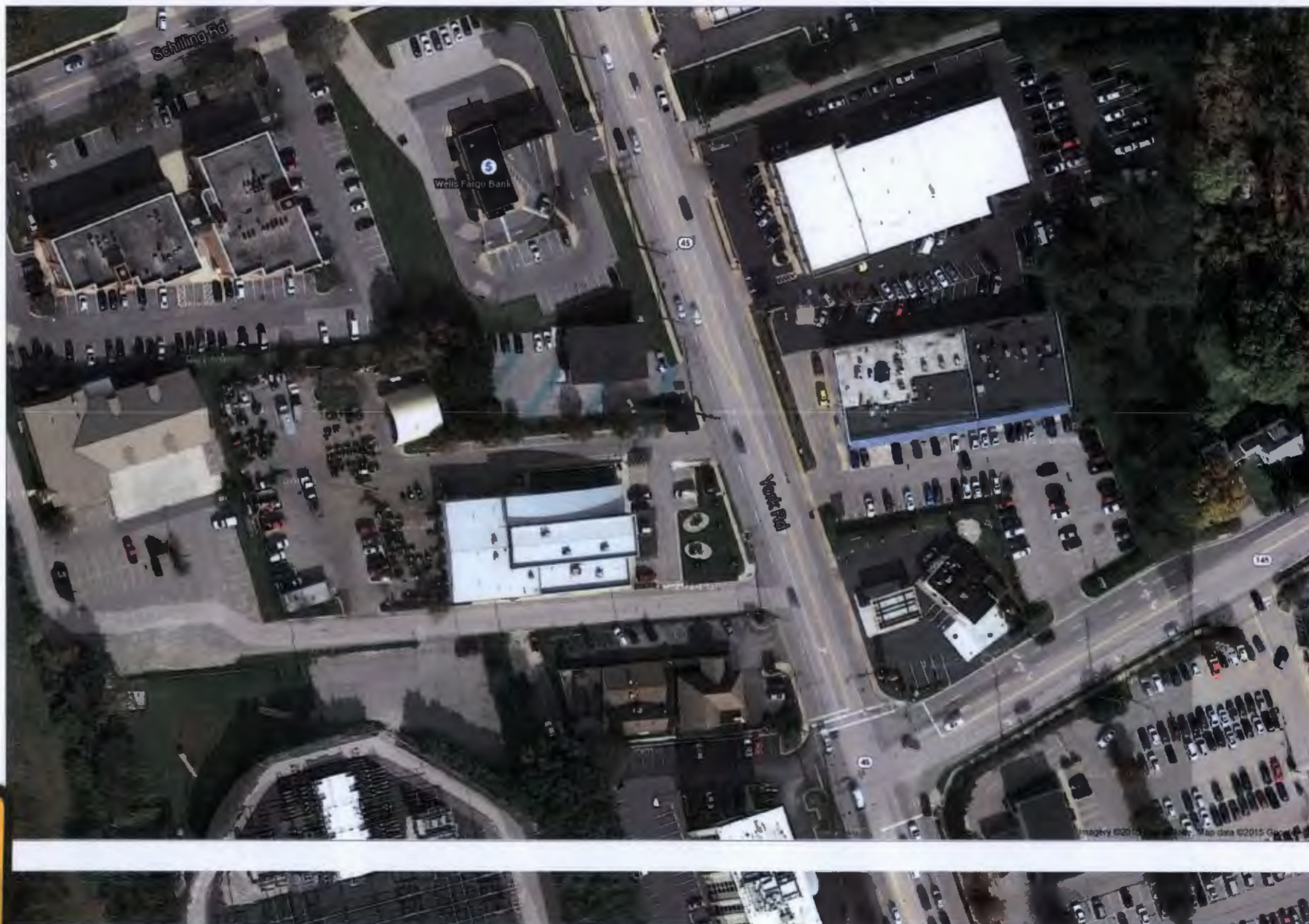
Protestants

DW
8-4-15

No. 1	Plan	
No. 2	2A-2D Photos	
No. 3	Zoning Map	
No. 4	4A 4B } Listing of Pawn Shops	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



EXHIBIT

20

6/26/2015

11250 MD-45 - Google Maps



11250 MD-45

Cockeysville, Maryland

Street View - Sep 2013

Image capture: Sep 2013 © 2015 Google



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



EXHIBIT

2C

**11250 MD-45**

Cockeysville, Maryland

Street View - Sep 2013

Image capture: Sep 2013 © 2015 Google

EXHIBIT

20



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or completeness of this data. All warranties with regard to the data, express or implied, of merchantable quality, are hereby disclaimed. No liability for damages, including but not limited to consequential damages, attorneys' and costs, arising from or in connection with this data.

3

PAWN SHOPS WITH PRE-7/6/95 APPROVAL

REFERENCE WITH PAWN SHOP BILL #112-95

Post-Net Fax Note	7871	Date 3-5-98	Page 1
To: Newton Williams		From: John Sullivan	
Co. Dept. Nelson		Copy: zoning	
Blow hard & wide		Phone: (410) 887-3381	
3-5-98		Fax: (410) 887-3381	
296-2765			

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 Truststai

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. [REDACTED]

PAWN SHOPS – BALTIMORE COUNTY (list updated 3/3/15)

Pawn Shop Bill # 112-95

1. Essex Pawn-138 Eastern Blvd. 21221 (410 687-5045)
2. Fast Cash Pawn- 3401 Dundalk Ave. 21222 (410 285-4495)
3. First Cash Pawn- 1235 Eastern Blvd. 21221 (410 574-7296)
4. Poplar Fine Jewelry & Pawn- 1735 E. Joppa Rd. 21234 (410 882-7296)
5. Poplar Pawn- 1709 Poplar Place 21222 (410 284-7296)
6. Gold Trading 1- 7106 Liberty Rd. 21207 (410 653-8080)
7. Gold Trading 3- 8702 Liberty Rd. 21133 (410 922-3221)
8. Liberty Loan & Pawn- 5912 Liberty Rd. 21207 (410 944-2336)
9. J.D. Loan & Pawn- 11412 Reisterstown Rd. 21117 (410 998-9237)
10. County Pawn Brokers- 5623 Baltimore National Pike 21228 (410 788-0557)
11. Catonsville C&D Pawn- 5210 A Baltimore National Pike 21229 (410 744-0885)

Detective K. Thomas
Pawn Unit/Scrap
Baltimore County Police Department
Cell-443-506-5861
Office-(410)887-6293
Fax-(410)832-8529

EXHIBIT

4B

M E M O R A N D U M

DATE: August 4, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0236-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on July 31, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

Baltimore County, MD
Tuesday, March 3, 2015

ARTICLE 4. SPECIAL REGULATIONS

SECTION 436. Pawnshops

[Bill No. 112-1995^[1]]

[1]: *Editor's Note: This bill also provided that "... pawnshops lawfully in existence and operating on the effective date of this act shall comply with the requirements of Section 436.3 within 18 months from the effective date of this act" and that "... pawnshops lawfully in existence and operating on the effective date of this act are not subject to the requirements of Section 436.4."*

§ 436.1. Legislative findings.

- A. The principle of community conservation is an expressed goal in Baltimore County. The Master Plan 1989-2000 proposes that commercial activities incompatible with local neighborhoods should be restricted in such areas.
- B. The State of Maryland requires that businesses which purchase or loan on deposit of secondhand precious metals and other valuables obtain a "dealer's" license and report transactions to the local law enforcement agency to help prevent stolen items from being traded.
- C. The Baltimore County Council finds 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.
- D. Based upon reports submitted by the Baltimore County Police Department, the County Council finds that pawnshops which deal in a wide variety of valuable goods are more likely to have a greater deleterious effect on neighborhoods than businesses which deal exclusively in secondhand precious metals and gems where pawn transactions are merely incidental to the sale of new or secondhand jewelry.
- E. Such adverse effects would directly conflict with the county's commitment to conserving and revitalizing older communities and would be inordinately difficult to overcome once ill-sited pawnshops have been established.
- F. The County Council finds that the number of existing pawnshops in Baltimore County is more than sufficient to meet the needs of the community and that it is consistent with the intent of these regulations for promoting the public health, safety and welfare to establish a limit on the total number of businesses in Baltimore County which loan on deposit of items other than secondhand precious metals and gems.

§ 436.2. Procedure.

[Bill No. 122-2010]

- A. The Chief of Police, based on transaction sheets submitted by licensed dealers, shall report the names and addresses of all licensed dealers in Baltimore County who, in calendar year 1995, made loans on deposit of an item other than a secondhand precious metal to the Director of Permits, Approvals and Inspections.
- B. Upon receipt of a dealer's transaction sheet reporting a loan on deposit of any item other than a secondhand precious metal, the Chief of Police shall report the name and address of the business to the Director of Permits, Approvals and Inspections if this information has not been previously reported.
- C. For any license reported to the Director of Permits, Approvals and Inspections, the Chief of Police shall promptly notify the Director when the state renews or revokes the license or when the license expires.
- D. The Director of Permits, Approvals and Inspections may not accept a special exception petition for a pawnshop if there are 12 valid dealers' licenses in the county used to operate pawnshops.
- E. A dealer may, by affidavit, annually declare to the Director of Permits, Approvals and Inspections that all future pawn transactions shall be limited solely to secondhand precious metals, and the Director shall remove the name and address of that pawnshop from the list during such time as the affidavit remains in effect.

§ 436.3. Buffer and sign requirements.

A pawnshop is subject to the following requirements:

- A. A pawnshop abutting a residential zone line (other than a street right-of-way), a school or a church shall provide a buffer in the form of a six-foot high board-on-board fence or a brick wall in combination with landscaping.
- B. Notwithstanding the requirements of Section 450.4:
 - 1. 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.
 - 2. 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.
 - 3. A freestanding business sign is not permitted.
 - 4. Miscellaneous exterior temporary signs, as described in Sections 450.4 and 450.7.E, are not permitted to be displayed anywhere on the premises, including windows.
- C. The Zoning Commissioner may reasonably regulate the letter size, lighting, color and other design aspects of all signage for consistency and compatibility with signage on neighboring businesses.
- D. The use of the word "pawn" or the use of the three golden ball symbol designating a pawnshop is restricted to pawnshops, as defined in these regulations, and may not be used by any other business.
- E. The sale of firearms is prohibited, unless authorized by the appropriate federal and state agencies.

§ 436.4. Special exception petition.

In addition to the requirements of Section 436.3 and such other requirement of these regulations relating to a special exception petition, a pawnshop is subject to the following requirements:

- A. Location may not be within a one-mile radius of any other pawnshop, and no more than two pawnshops may be located in a councilmanic district.
- B. The Zoning Commissioner may reasonably limit the hours of operation.

§ 436.5. Enforcement.

[Bill Nos. 137-2004; 122-2010]

The Director of Permits, Approvals and Inspections shall provide for the enforcement of this section in accordance with the provisions of Article 32, Title 3 of the Baltimore County Code and Article 5 of these regulations.

CASE NAME 11 222 York Ave.
CASE NUMBER 2015-0236
DATE 6/29/15

[illegible]

CASE NO. 2015-0236-SPHX

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

5/8/15

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/c

5/29/15

DEPS
(if not received, date e-mail sent _____)

N/c

FIRE DEPARTMENT

5/19/15

PLANNING
(if not received, date e-mail sent _____)

C

5/6/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

6/9/15

SIGN POSTING

Date:

6/8/15

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Sherry Nuffer

From: Kristen L Lewis
Sent: Wednesday, June 17, 2015 2:12 PM
To: Sherry Nuffer
Subject: RE: 2015-0236-SPHX

Sherry,

Arnold indicated that the ad didn't have to be done again since it was already ran showing the original hearing date, but he indicated to all involved parties that they needed to correct the sign showing new date.

Kristen Lewis
PAI - Zoning Review
410-887-3391

From: Sherry Nuffer
Sent: Wednesday, June 17, 2015 1:54 PM
To: Kristen L Lewis
Cc: Debra Wiley; June Wisnom
Subject: 2015-0236-SPHX

Kristen,

The newspaper posting for this case that you e-mailed to me this morning reflects a Hearing date of June 18, 2015. The sign posting does, however, reflect the correct hearing date of June 29, 2015.

Thank you,

Sherry

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 08 Account Number - 0811015800								
Owner Information										
Owner Name:		11222 YORK RD INVESTMENTS LLC				Use: Principal Residence:		COMMERCIAL NO		
Mailing Address:		P O BOX 907 SPARKS MD 21152-				Deed Reference:		/31074/ 00148		
Location & Structure Information										
Premises Address:		11222 YORK RD 0-0000				Legal Description:		LT WS YORK RD 11222 YORK RD 480 N SHAWAN RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0042	0015	0293		0000				2014	Plat Ref:	
Special Tax Areas:				Town: Ad Valorem: Tax Class:		NONE				
Primary Structure Built 1988		Above Grade Enclosed Area 4595		Finished Basement Area		Property Land Area 15,600 SF		County Use 23		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
		RETAIL STORE								
Value Information										
			Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014		As of 07/01/2015			
Land:			573,200	573,200						
Improvements			375,600	338,900						
Total:			948,800	912,100	912,100		912,100			
Preferential Land:			0					0		
Transfer Information										
Seller: 11222 YORK ROAD LLC Type: NON-ARMS LENGTH OTHER				Date: 08/08/2011 Deed1: /31074/ 00148		Price: \$745,500 Deed2:				
Seller: ELLIOTT PARTNERS I LLC Type: ARMS LENGTH IMPROVED				Date: 09/09/2008 Deed1: /27310/ 00573		Price: \$1,170,000 Deed2:				
Seller: LEO STANLEY C/GRACE K Type: ARMS LENGTH IMPROVED				Date: 12/29/2004 Deed1: /21192/ 00413		Price: \$975,000 Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										

New Search (<http://sdat.resiusa.org/RealProperty>)

[illegible]

Order the **TAX MAP** [click here...](#)

(<http://imsweb05.mdp.state.md.us/website/mosp/>)

 Loading... Please Wait. Loading... Please Wait.

 $\rightarrow$



KEVIN KAMENETZ
County Executive

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

June 17, 2015

11222 York Road Investments LLC
Justin Carmody
P O Box 907
Sparks MD 21152

RE: Case Number: 2015-0236 SPHX, Address: 11222 York Road

Dear Mr. Carmody:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on, 2015. 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: jaw

Enclosures

c: People's Counsel
Diamond Exchange USA II Inc., Justin Carmody, 11222 York Road, Cockeysville MD 21030
John B Gontrum, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 5/6/15

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

RE: Baltimore County

Item No. 2015-0236-SPHX
Special Exception Special Hearing
11222 York Road Investments, LLC
11222 York Road.
MD45

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 5/6/15. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception Special
Hearing Case Number 2015-0236-SPHX

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

JS 6-29
1:30 PM

BALTIMORE COUNTY, MARYLAND

RECEIVED

MAY 29 2015

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 29, 2015

SUBJECT: DEPS Comment for Zoning Item # 2015-0236-SPHX
Address 11222 York Road
(11222 York Rd Investments, LLC Property)

Zoning Advisory Committee Meeting of May 4, 2015.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

JB 6-29
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 19, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 11222 York Road

RECEIVED

INFORMATION:

MAY 28 2015

Item Number: 15-236

Petitioner: 11222 York Road Investments, LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR-IM, ML-IM

Requested Action: Special Hearing, Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether or not an existing freestanding sign can remain and the Petition for Special Exception to use the property for a pawn shop.

The Department of Planning has no objection to granting the petitioned zoning requests subject to the following conditions:

1. Amend the Order in prior zoning case No. 1982-0147-XA to remove the use of the property for living quarters within a commercial building as the use established in that case requiring the living quarters no longer exists on site.
2. The property lacks landscaping in the front of the building. Install native deciduous and evergreen trees and shrubs to the extent possible and in a way that sight distance safety is not compromised so that the proposal complies with the Hunt Valley Timonium Master Plan. Applicant shall submit a landscape plan to the Baltimore County Landscape Architect for approval prior to the issuance of any required permits.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief: Kathy S. Nabeach
AVA/KS
cc: Wallace S. Lippincott, Jr.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 11, 2015
Item No. 2015-0236, 0238 and 0240

DATE: May 8, 2015

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

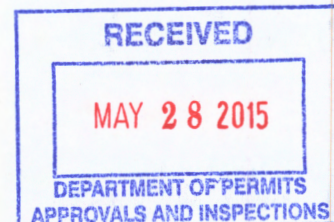
DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05112015.doc

Carl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

DATE: May 19, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 11222 York Road

INFORMATION:

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Division Chief: Kathy S. Nalbach
AVA/KS
cc: Wallace S. Lippincott, Jr.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2015-0236-XA

Petitioner: Diamond Exchange USA II, Inc.

Address or Location: 11222 York Road, Cockeysville, MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: Diamond Exchange USA II, Inc.

Address: 11222 York Rd.

Cockeysville, Md. 21030

c/o Justin Carmody

Telephone Number: 301-230-1212

CERTIFICATE OF POSTING

CASE NO: 2015-0236-SPHX

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING:

6/29/15

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

11222 YORK ROAD

THIS SIGN(S) WERE POSTED ON June 8, 2015
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 6/8/15
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2015-0234-SPHX

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

PLACE: ROOM 205 JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: MONDAY, JUNE 29, 2015
AT 1:30 P.M.

REQUEST:

SPECIAL HEARING TO APPROVE AN EXISTING
FREE STANDING SIGN TO REMAIN FOR A PAWNI
SHOP. SPECIAL EXCEPTION TO USE PROPERTY FOR
A PAWNI SHOP IN A BR ZONE.

POSTPONEMENTS DUE TO WEATHER AND OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY
TO CONSIDER REQUESTS. (11-11-15) 610-897-1201

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

MEETING IS HANDICAP ACCESSIBLE

meeting 6/8/15

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0236-SPHX

11222 York Road

W/s York Road, south of center line of Schilling Road

W/s Chesham Division, 2nd Corner Annapolis District

Legal Owner(s) 11222 York Road Investments, LLC

Contract Purchaser/Lessee: Diamond Exchange USA II, Inc.

Special Hearing: to approve an existing freestanding sign to remain for a pawn shop.

Special Exception: to use property for a pawn shop in a III zone.

Hearing: Thursday, June 18, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are handicapped accessible; for special accommodations please contact the Administrative Hearings Office at (410) 887-3168.

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

IT 61683 June 9

3338184



JB 6/29 1:30 PM

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3338184

Sold To:

DIAMOND EXCHANGE USA II INC - CU00448803
11222 York Rd
Cockeysville, MD 21030-1908

Bill To:

DIAMOND EXCHANGE USA II INC - CU00448803
11222 York Rd
Cockeysville, MD 21030-1908

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jun 09, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0236-SPHX

11222 York Road

W/s York Road, south of centerline of Schilling Road

8th Election District - 3rd Councilmanic District

Legal Owner(s) 11222 York Road Investments, LLC

Contract Purchaser/Lessee: Diamond Exchange USA II, Inc.

Special Hearing: to approve an existing freestanding sign to remain for a pawn shop.

Special Exception: to use property for a pawn shop in a BR zone.

Hearing: Thursday, June 18, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 6/83 June 9

3338184



KEVIN KAMENETZ
County Executive

May 15, 2015

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

NOTICE OF ZONING HEARING

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11222 York Road

W/s York Road, south of centerline of Schilling Road

8th Election District – 3rd Councilmanic District

Legal Owners: 11222 York Road Investments, LLC

Contract Purchaser/Lessee: Diamond Exchange USA II, Inc.

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Hearing: Monday, June 29, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Diamond Exchange, Inc., Justin Carmody, 11222 York Road, Cockeysville 21030
11222 York Rd Investments, LLC, P.O. Box 907, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 9, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 9, 2015 Issue - Jeffersonian

Please forward billing to:

Justin Carmody
Diamond Exchange USA II, Inc.
11222 York Road
Cockeysville, MD 21030

301-230-1218

NOTICE OF ZONING HEARING

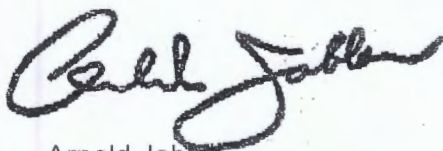
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11222 York Road
W/s York Road, south of centerline of Schilling Road
8th Election District – 3rd Councilmanic District
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION *
11222 York Road; W/S York Road, S of * OF ADMINISTRATIVE
c/line of Schilling Road *
8th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): 11222 York Rd Investments LLC *
Contract Purchaser(s): Diamond Exchange * BALTIMORE COUNTY
USA II, LLC *
Petitioner(s) * 2015-236-SPHX

* * * * *

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
MAY 12 2015

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

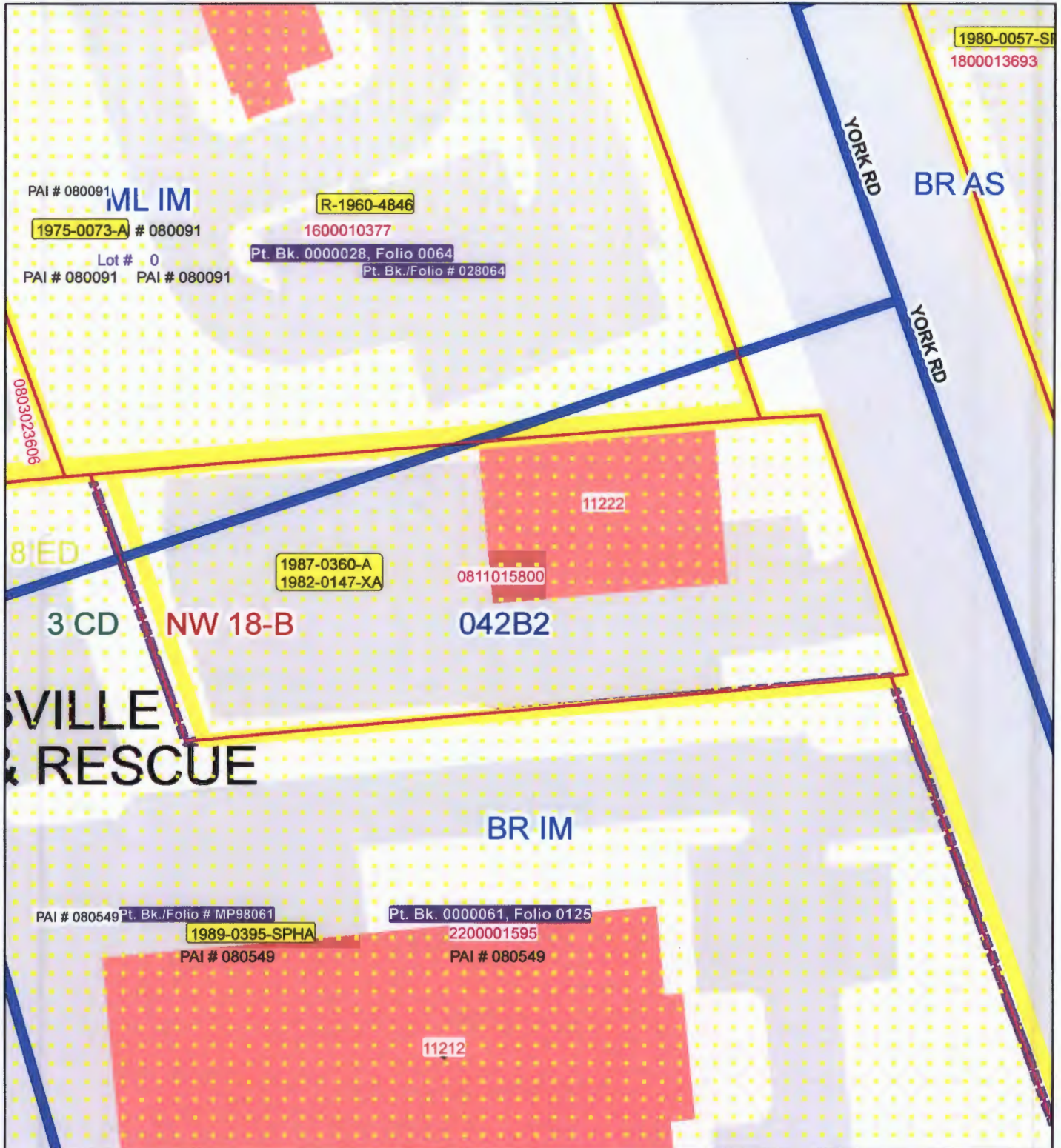
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May, 2015, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

11222 York Road



Publication Date: 4/24/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

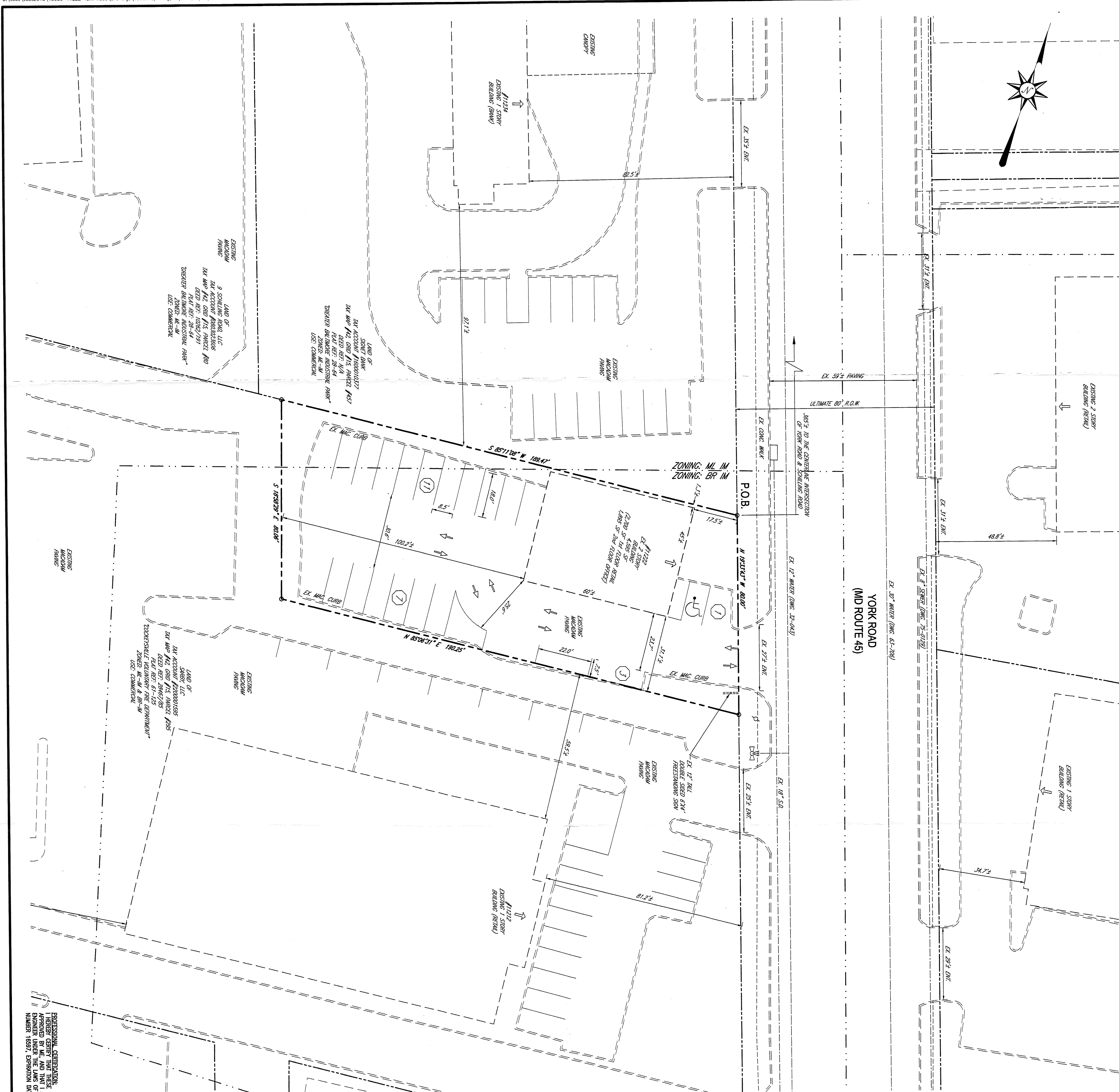
1 inch = 40 feet

PAWN SHOPS – BALTIMORE COUNTY (list updated 3/3/15)

Pawn Shop Bill # 112-95

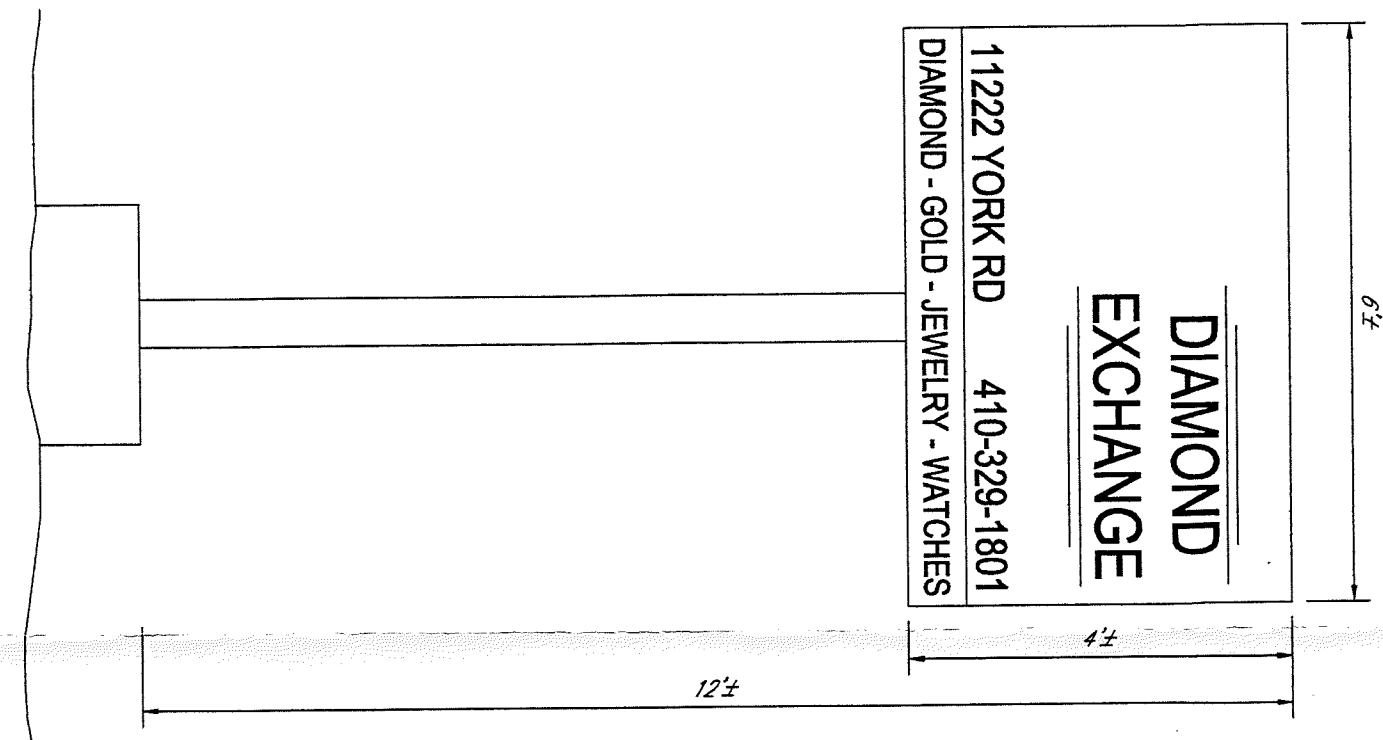
1. Essex Pawn-138 Eastern Blvd. 21221 (410 687-5045)
2. Fast Cash Pawn- 3401 Dundalk Ave. 21222 (410 285-4495)
3. First Cash Pawn- 1235 Eastern Blvd. 21221 (410 574-7296)
4. Poplar Fine Jewelry & Pawn- 1735 E. Joppa Rd. 21234 (410 882-7296)
5. Poplar Pawn- 1709 Poplar Place 21222 (410 284-7296)
6. Gold Trading 1- 7106 Liberty Rd. 21207 (410 653-8080)
7. Gold Trading 3- 8702 Liberty Rd. 21133 (410 922-3221)
8. Liberty Loan & Pawn- 5912 Liberty Rd. 21207 (410 944-2336)
9. J.D. Loan & Pawn- 11412 Reisterstown Rd. 21117 (410 998-9237)
10. County Pawn Brokers- 5623 Baltimore National Pike 21228 (410 788-0557)
11. Catonsville C&D Pawn- 5210 A Baltimore National Pike 21229 (410 744-0885)

Detective K. Thomas
Pawn Unit/Scrap
Baltimore County Police Department
Cell-443-506-5861
Office-(410)887-6293
Fax-(410)832-8529



EX SIGN DETAIL

1" = 2'

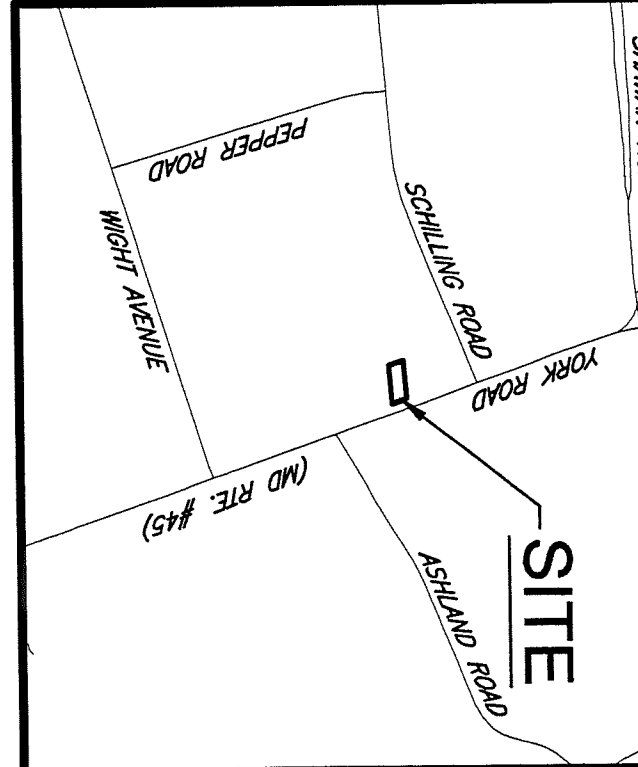


GENERAL NOTES:

- OWNER: YORK ROAD INVESTMENTS, LLC
PO BOX 907
SPARKS, MD 21152
- SITE AREA:
GROSS: 17,116 SF or 0.39 Ac.±
NET: 14,717 SF or 0.34 Ac.±
EXISTING BUILDING AREA:
1st FLOOR: 2,700 SF
TOTAL: 2,700 SF
- UTILITIES
PUBLIC WATER.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100235F, PANEL # 235 OF 580 DATED SEPTEMBER 26, 2008.
- PARKING CALCULATIONS
2,700 SF RETAIL @ 5 PER 1,000 = 14 SPACES
1,895 SF OFFICE @ 3.3 PER 1,000 = 7 SPACES
TOTAL = 21 SPACES
PROVIDED:
22 SPACES (1 HANDICAPPED, 21 REGULAR)
- SETBACKS FOR BR:
FRONT: 17.5' ±
FROM P.L. 17.5' ±
SIDE: 0' ±
REAR: 30' ±
* PER ZONING CASE 1982-0147-XA
8. DEED REF: 31074/148
9. TAX ACCOUNT: #081015800
10. COUNCILMANIC DISTRICT: 3rd
11. WATERSHED: LOCH RAVEN RESERVOIR
12. ZONING: BR-IM & ML-IM
(PER 200 SCALE GIS TILE # 042B2)
13. TAX MAP #42, GRID #15, PARCEL #293
14. PREVIOUS ZONING CASES TO PERMIT A FRONT YARD SETBACK OF 17.5 FEET IN LIEU OF THE REQUIRED AVERAGE OF 50.0 FEET, AND 39 PARKING SPACES IN LIEU OF THE REQUIRED 58 SPACES. ADDITIONALLY, A SPECIAL EXCEPTION TO ALLOW LIVING QUARTERS WITHIN A COMMERCIAL BUILDING WAS GRANTED MARCH 11, 1982.
15. 1987-0360-A; VARIANCE TO PERMIT 28 PARKING SPACES IN LIEU OF THE REQUIRED 58 AND TO DELETE A PORTION OF RESTRICTION #4 OF CASE 1982-0147-XA IN WHICH 32 SPACES WERE GRANTED IN LIEU OF 58 (13 OFF SITE DENIED PARKING, 1982)
16. FLOOR AREA FOR BR:
MAXIMUM PERMITTED: 2.0
EXISTING: 4,595 ± 17,116 = 0.27
17. EXISTING FREE STANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR.
18. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA. HISTORIC FEATURES ON SITE NOR THE SITE ITSELF HISTORIC.
19. NO PREVIOUS DRC OR CREG'S EXISTS ON FILE.
20. BASIC SERVICE MAPS (2014)
21. TYPE DEFICIENT (Y/N) NOTE
WATER N
SEWER N
TRANSPORTATION =

LOCATION MAP

1" = 1000'



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY
ZONING PETITION
FOR

DIAMOND EXCHANGE

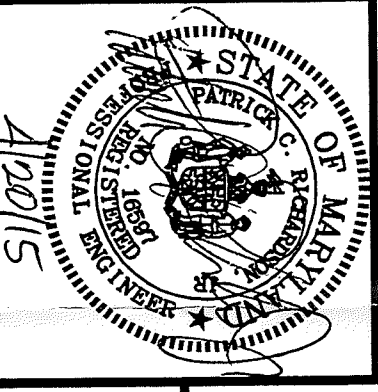
11222 YORK ROAD
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

PETITIONER'S

EXHIBIT NO. 1



PROFESSIONAL CERTIFICATION:
THESE PLANS AND SPECIFICATIONS WERE PREPARED BY
ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 1697, EXPIRATION DATE 08-15-2015