

IN THE MATTER OF

2700 North Point, LLC
Property Owners

2700 North Point Road
Dundalk, MD 21222

15th Election District
7th Councilmanic District

* BEFORE THE
* BOARD OF
* APPEALS OF
* BALTIMORE COUNTY
* **Case No.: 18-134-SPHXA**
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ORDER

This matter comes before the Baltimore County Board of Appeals as a *de novo* appeal of the February 1, 2018 decision of Administrative Law Judge (“ALJ”) John E. Beverungen of the Office of Administrative Hearings related to the above captioned matter. In his Opinion and Order, ALJ Beverungen granted a Petition for Special Hearing and Petition for Variance for the above captioned property filed by its owner, 2700 North Point Road LLC. The granted special hearing relief confirmed that an electrical contractor’s shop is the principal use on the property and that such use, as well as the existing improvements, structures and parking provided on site, are permitted under the property’s zoning classification. Further, the ALJ confirmed that existing storage containers on the property are permitted as an accessory use to the electrical contractor’s shop. However, ALJ Beverungen limited the number of permitted containers located on the property to six. ALJ Beverungen also granted the Petition for Variance to permit existing building setbacks. Due to his grant of the Petition for Special Hearing as to the principal use of the property, ALJ Beverungen denied the Petition for Special Exception seeking approval for a trucking facility on the property.

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The Appellant, 2700 North Point, LLC, filed a limited appeal of the ALJ's decision as to the conditions/restrictions imposed in the ALJ's order. The appeal cited the condition that limited the number of containers allowed on the property to six. The Board held a public hearing on this matter on May 9, 2018 and publicly deliberated the matter immediately thereafter. At the hearing before the Board, Lawrence E. Schmidt, Esquire represented Appellant 2700 North Point, LLC. The material facts and evidence were presented to the Board via a proffer by Counsel. Also appearing at the public hearing in support of the appeal was Brandon Weaver (Vice President of Dvorak, LLC) and professional engineer William Bafitis, who prepared the site plan.

The proffered testimony and evidence was that Dvorak, LLC is an electrical contracting company, which specializes in large and complex lighting projects. Many of these projects are with federal, state or local governments, including (for example) replacement lighting for the Baltimore Harbor Tunnel, the Baltimore County Courts Building, etc. Although these job sites are throughout Maryland and the region, the subject property is the headquarters of the company. In addition to its corporate offices, the property is used for storage of equipment, product and material associated with the business. The property is zoned ML-IM and ML-AS and an electrical contractor's shop is permitted under that zoning by right.

In addition to the building on the site (which is used both for offices and storage), the plan shows that there are approximately thirteen shipping containers on the site, which are used for industrial storage. Most of these containers are forty (40) feet in length, though several are "half containers" which are twenty (20) feet in length. These containers are similar to the "trailers" frequently attached to large trucks for inter-state commerce. There is a row of six containers (three pairs of one container permanently affixed atop another) and several other freestanding single containers. The containers are used by Dvorak to keep material safely out of the elements and for

security purposes. In addition to providing needed security and protection from the elements, these storage units improve the appearance of the site, as material can be stored inside and not strewn throughout the property. During the hearing, Mr. Weaver requested that the container quantity restriction allow up to twenty rather than six, so as to accommodate for the large intake of supplies and materials needed for various ongoing projects.

Based upon the evidence offered, the Board finds that the shipping containers are accessory to the principal use of the site (i.e. the electrical contractor's shop) and are necessary for the storage of electrical supplies, materials and equipment on site. We concur that the containers provide necessary security, allow safe storage and improve the appearance of the site; as opposed to the alternative of storing large spools of wire, conduit and other construction materials outside and in open view. A limitation in the number of units to twenty is appropriate based upon the size of the property and the use thereof.

In addition to this issue, during the *de novo* hearing it was noted by counsel that ALJ Beverungen proposed landscaping (via the approval of a landscape plan) for the property as a condition of the granting of relief. This property is located in an established manufacturing area, and there is existing mature vegetation to the rear of the property. The property abuts two heavily travelled roads and is more attractively maintained than the adjoining properties. For these reasons, we do not believe that landscape plan approval for the proposed use, as limited herein, is necessary.

ORDER

THEREFORE, IT IS THIS 13th day of June, 2018 by
the Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Hearing is granted to allow shipping/sea containers on the property as a permitted accessory use to the principal use (electrical contractor's shop) on the property; and it is further,

ORDERED that the property owner may maintain no more than twenty (20) shipping containers on the property; and it is further,

ORDERED that the property owner need not submit for approval to Baltimore County any landscape plan for the site as a condition to the grant of this relief and that no further landscaping is required; and it is further,

ORDERED that all of the other terms and conditions of the Opinion and Order of ALJ John E. Beverungen dated February 1, 2018 shall remain in full force and effect except as modified herein.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Joseph L. Evans


Deborah C. Dopkin



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

June 13, 2018

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: In the Matter of: *2700 North Point, LLC*
Case No.: 18-134-SPHXA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order 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,

A handwritten signature in cursive script that reads "Sunny Cannington" with a small "Hoy" written below it.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Brandon Weaver/2700 North Point, LLC
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law