

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

*

* * * * *

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.

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,

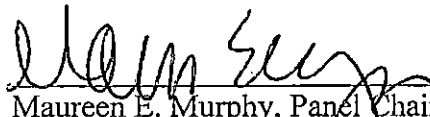
ORDERED that the property owner may maintain no more than twenty (20) shipping containers on the property; and it is further,

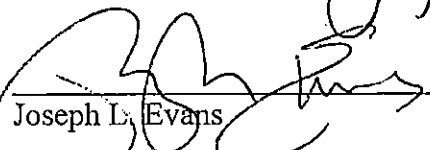
ORDERED that the property owner need not submit for approval to Baltimore County any landscape plan for the site as a condition to the grant of this relief and that no further landscaping is required; and it is further,

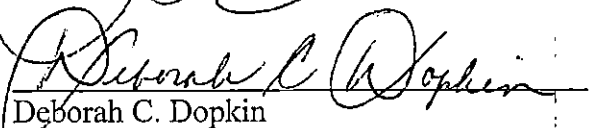
ORDERED that all of the other terms and conditions of the Opinion and Order of ALJ John E. Beverungen dated February 1, 2018 shall remain in full force and effect except as modified herein.

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, reading "Sunny Cannington".

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

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: 2700 North Point, LLC

18-134-SPHXA

DATE: May 9, 2018

BOARD/PANEL: Maureen E. Murphy, Chairman
Deborah C. Dopkin
Joseph L. Evans

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Appeal of the grant of the Petition for Special Hearing permitting the location of six containers on the property and the restrictions as to the number permitted as stated in the Opinion and Order dated February 1, 2018 by the Administrative Law Judge.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

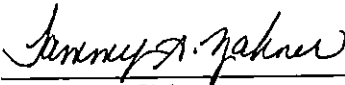
DISCUSSION:

- The Board convened for a hearing in the above referenced matter, and immediately following the hearing held a public deliberation.
- At the hearing, counsel for the Petitioner offered a proffer of evidence. The Board agreed that there shouldn't be a limit of six containers on the property or on the location of the containers. The Board found that up to twenty containers is reasonable provided placement of the containers does not create a safety issue, traffic management problem or fire hazard.
- Counsel for Petitioner is to submit a draft Order to the Board.

CONCLUSION: After thorough review of the stipulated facts and evidence, and applicable law in the matter, the Board unanimously agreed to GRANT the Petition for Special Hearing.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. Zahner



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

May 8, 2018

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

Maureen Murphy, Panel Chair
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: 2700 North Point LLC
2700 North Point Boulevard
Hearing Date: May 9, 2018 at 10 a.m.
Case No.: 2018-134-SPHXA



Dear Chair Murphy,

Please enter our appearance in this matter. We met with the attorney, primarily to register our opposition to the interpretation of the use as a trucking facility, requiring a special exception.

It is our understanding that the Petitioner is proceeding on a limited appeal relating to the special hearing/variance. We agree with the ALJ that the use is an electrical contractor's shop. Judge Beverungen ruled the requested containers are an accessory use but imposed limits on number and location. It appears Petitioner has appealed this portion of the ruling. We will leave this issue to the Board for now, based on the law, and evidence presented at the hearing.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

cc: Lawrence Schmidt, Esquire (sent via email and first class mail)

Krysundra Cannington

From: Peoples Counsel
Sent: Tuesday, May 08, 2018 1:04 PM
To: Lawrence Schmidt
Cc: Krysundra Cannington
Subject: 2700 North Point LLC - 2700 North Point Blvd - 2018-134-SPHXA
Attachments: 20180508130804534.pdf

Mr. Schmidt,

Attached please find a copy of the letter our office filed today with the Board of Appeals relating to the above-mentioned case. A hardcopy will follow by U.S. mail.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188



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

March 16, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: 2700 North Point, LLC
2700 North Point Road
18-134-SPHXA 15th E; 7th C

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR as follows:

- 1) For confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the BCZR; and
- 2) To confirm that the existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principal use on the property.

Petition for Variance as follows:

- (a) 74 ft. ± front yard setback in lieu of the required 75 ft. setback;
- (b) 48 ft. ± & 35 ft. ± side yard setbacks in lieu of the required 50 ft. setback; and
- (c) To allow a trucking facility less than 100 ft. from the freeway or expressway.

Petition for Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop.

2/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, subject to Condition No. 2 below; and the Petition for Special Exception was DENIED; and the Petition for Variance was GRANTED, subject to

- 1) Within 60 days the Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
- 2) Petitioner shall be entitled to keep only those six (6) shipping containers which are bolted together and covered with metal roofing, as shown in photograph marked and admitted as Exhibit 3H. All other shipping containers must be removed from the site within 60 days.

ASSIGNED FOR: **MAY 9, 2018, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington,
Administrator**

c: Counsel for Petitioner
Petitioner

: Lawrence E. Schmidt, Esquire
: 2700 North Point, LLC c/o Brandon Weaver

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

Board of Appeals of Baltimore County

JEFFERSON BUILDING
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105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

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Brandon Weaver
2700 North Point, LLC
2700 North Point Road
Baltimore,

Dvorak, LLC

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KEVIN KAMENETZ
County Executive

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

March 2, 2018

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



RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0134-SPHXA (**Appeal for Special Hearing Only**)
Property: 2700 North Point Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 1, 2018. 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 "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/dlw

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement,
111 West Chesapeake Avenue, Room 213, Towson, Maryland 21204
✓ Baltimore County Board of Appeals
People's Counsel

IN THE MATTER OF
BIRD RIVER GROVE, LLC
11319 Bird River Grove Road
15th Election District; 6th Councilmanic District

RE: Petitions for Special Hearing and Variance
to confirm 4 lots of record, and setbacks
for building 3 single family dwellings

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 17-122-SPHA
*

* * * * *

OPINION

This matter comes to the Board of Appeals on appeal by Richard Pitz (the "Protestant") of the portion of the Opinion and Order issued by John E. Beverungen, Administrative Law Judge for Baltimore County (the "ALJ"), dated December 30, 2016 granting Petitions for Variance with respect to Lots 1 and 2 that are owned by Bird River Grove, LLC (the "Petitioner"), located at 11319 Bird River Grove Road, White Marsh, Maryland 21162 (the "Property").

In the proceedings before the Board, the Petitioner was represented by Lawrence E. Schmidt, Esquire and the Protestant appeared *pro se*. In addition, Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, appeared at, and participated in, the hearing.

A hearing was held before the Board on April 13, 2017, and the Board conducted a public deliberation on May 9, 2017.

STATEMENT OF FACTS

The Property, which is approximately $\frac{3}{4}$ of an acre in size in total, is zoned R.C.2 (Agricultural) and consists of four separate lots (Lot 1, Lot 2, Lot 3, and Lot 4). The lots are part of the Bird River Grove subdivision, which dates to 1925.

Petitioner
CBA Exhibit

4

By way of background, the Petitioner originally filed Petitions for Special Hearing to confirm that Lot 1 and Lot 2 are "lots of record" that can be developed with detached single family dwellings on each lot and to permit the consolidation of Lot 3 and Lot 4 as lots of record so that the consolidated lot also could be improved with a third single family dwelling. In addition, the Petitioner filed Petitions for Variance from the setbacks for the proposed single family dwellings and proposed decks on Lot 1, Lot 2, and combined Lots 3 and 4. The ALJ granted the Petition for Special Hearing in part, ruling that Lot 1 and Lot 2 are lots of record and can be developed with detached single family dwellings as non-conforming lots of record, and granted the Petition for Variance in connection with the proposed setbacks for the planned single family dwellings and decks on Lot 1 and Lot 2. The ALJ denied the Petition for Special Hearing seeking to permit the consolidation of Lot 3 and Lot 4 as two existing lots of record to become a single lot to be improved with a single family dwelling and denied the Petition for Variance in connection with Lot 3 and Lot 4. As set forth above, the Protestant only appealed the Variances granted in connection with Lot 1 and Lot 2, and the Petitioner did not file an appeal.

The Petitioner filed a Motion to Dismiss the Protestant's appeal, arguing that the Protestant could not file an appeal on behalf of the "Essex Middle River Civic Counsel" or the adjacent neighbors. The Motion also requested that this Board hear all issues presented before the ALJ, and not limit the proceedings on appeal to the Variances granted in connection with Lot 1 and Lot 2, in the event that the Board denied the Motion to Dismiss.

This Board denied the Motion to Dismiss, ruling that the Protestant had standing to appeal the ALJ's decision in his individual capacity, but not in a representative capacity. In addition, based on the holdings in *Daihl v. County Board of Appeals*, 258 Md. 157 (1970), *County Fed. Sav. and Loan Ass'n v. Equitable Sav. and Loan Ass'n*, 261 Md. 246 (1971), and *Halle Cos. v. Crofton*

Civic Ass'n, 339 Md. 131 (1994), among other cases, the Board determined that the scope of a *de novo* hearing is restricted to the specific issue or issues which have been appealed and not on every matter litigated below before the ALJ. Based on the foregoing cases, only the Petitions for Variance for Lot 1 and Lot 2 are, therefore, at issue on appeal before the Board.

Lot 1 is 0.368 acres in size and is located at the end of a peninsula along Bird River Creek in eastern Baltimore County, with water on three sides. There currently is a dilapidated and uninhabitable single family dwelling and a deteriorated boat ramp on Lot 1. Petitioner proposes to raze the existing house and construct a new, two-story single family dwelling on approximately the same location as the existing structure. Lot 2 is 0.145 acres in size and is irregularly shaped with water along one side. There are no existing structures on Lot 2, although there is evidence that there may have been a house or other building at one time on this parcel based on the Plat of Bird River Grove dated March 26, 1925 (the "Plat"). (Pet. Ex. 2). Petitioner also proposes building a two-story single family dwelling on Lot 2.

Both Lot 1 and Lot 2 are lots of record since they were created in 1925 pursuant to the recordation of the Plat, long before the adoption of the Baltimore County Zoning Regulations ("BCZR") and the creation of the R.C.2 zone in 1979. *See* BCZR 101.1 (defining "lot of record" as "[a] parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof"). As noted by Judge Beverungen, Lot 1 and Lot 2, as lots of record, "can be improved with dwellings, provided that all other zoning, development, and environmental regulations are satisfied."

Under Section 1A01.3.B.3 of the BCZR, "[n]o principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of

any street or within 35 feet of any lot line other than a street line." Section 301.1 of the BCZR further provides that, "[i]f attached to the main building, . . . a one-story open porch, with or without a roof, may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard." The Petitioner seeks variances in connection with Lot 1, in relevant part, as follows:

- (a) To allow a principal building (dwelling) with a setback of 16 ft. +/- and 34 ft. +/- to a property line in lieu of the required 35 ft.;
- (b) To allow a principal building (dwelling) with a setback to the street centerline of 30 ft. +/- in lieu of the required 75 ft.; and
- (c) To allow an open projection (deck) to extend into the yard area by a distance of 18.5 ft. in lieu of the maximum permitted 8.75 ft. (with a setback of 17 ft. +/- in lieu of 26.25 ft.).

With regard to Lot 2, the Petitioner seeks variance relief, in relevant part, as follows:

- (a) To allow a principal building (dwelling) with a setback of 14 ft. +/-, 17 ft. +/- and 22 ft. +/- to a property line in lieu of the required 35 ft.;
- (b) To allow a principal building (dwelling) with a setback to the street centerline of 34.5 ft. in lieu of the required 75 ft.; and
- (c) To allow an open projection (deck) to extend into the yard area by a distance of 10 ft. in lieu of the maximum permitted 8.75 ft. (with a setback as little as 14 ft. in lieu of the required 26.25 ft.)

DECISION

Pursuant to BCZR § 307.1, the Board has the power to grant a variance from the BCZR's area regulations "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." In addition, "any such variance shall be granted only if in strict harmony with the spirit

and intent of said . . . area . . . regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare." BCZR § 307.1.

The Court of Special Appeals has set forth the analytical framework for considering a request for a variance:

[I]t is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is – in and of itself – unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance *caused by* the property's uniqueness, exists.

Cromwell, 102 Md. App. 691, 694-95 (1995).

The Board concludes that the Petitioner has satisfied the requirements established in *Cromwell* to obtain the variances sought for Lot 1 and Lot 2. Specifically, Lot 1 is uniquely shaped and is located at the end of a peninsula extending into Bird Creek, surrounded on water by three sides. Lot 2 also is irregularly shaped and has water on one side. Due to their shape, size, location, and shoreline, these lots are unique. In addition, the Petitioner would experience practical difficulty and/or unreasonable hardship if the BCZR's setback regulations were applied strictly to Lot 1 and Lot 2 in that the Petitioner would be unable to build dwellings with reasonably sized decks on the lots.

Moreover, the Board finds no evidence that a grant of the variance relief sought by the Petitioner would be in any way injurious to public health, safety, and general welfare. In fact, the evidence presented at the hearing demonstrates that the lots in question are littered with debris and

In the matter of Bird River Grove, LLC
Case No: 17-122-SPHA

trash along the shoreline and that the house on Lot 1 is uninhabitable, with a large, visible hole in its roof. (See, e.g., Pet. Exs. 5P and 7A-7J). Based on the Petitioner's plans for Lot 1 and Lot 2, the public health, safety, and general welfare of the community should be substantially enhanced by the cleanup and improvement of Lot 1 and Lot 2. Moreover, no County agency has opposed the Petitioner's requested variances and Michael Rhea, the only neighbor to testify at the hearing, articulated no objection to the Petitioner's plans for Lots 1 and 2.

For all of the foregoing reasons, the Board grants variances requested by the Petitioner in connection with Lot 1 and Lot 2.

ORDER

THEREFORE, it is this 7th day of July, 2017, by the Board of Appeals of Baltimore County,

ORDERED, that the Petition for Variance with regard to Lot 1: (a) To allow a principal building (dwelling) with a setback of 16 ft. +/- and 34 ft. +/- to a property line in lieu of the required 35 ft.; (b) To allow a principal building (dwelling) with a setback to the street centerline of 30 ft. +/- in lieu of the required 75 ft.; and (c) To allow an open projection (deck) to extend into the yard area by a distance of 18.5 ft. in lieu of the maximum permitted 8.75 ft. (with a setback of 17 ft. +/- in lieu of 26.25 ft.), be and hereby is GRANTED.

IT IS FURTHER ORDERED, that the Petition for Variance with regard to Lot 2: (a) To allow a principal building (dwelling) with a setback of 14 ft. +/-, 17 ft. +/- and 22 ft. +/- to a property line in lieu of the required 35 ft.; (b) To allow a principal building (dwelling) with a setback to the street centerline of 34.5 ft. in lieu of the required 75 ft.; and (c) To allow an open projection (deck) to extend into the yard area by a distance of 10 ft. in lieu of the maximum

In the matter of Bird River Grove, LLC

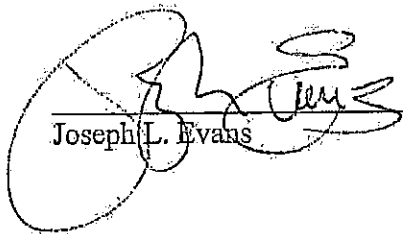
Case No: 17-122-SPHA

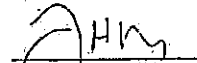
permitted 8.75 ft. (with a setback as little as 14 ft. in lieu of the required 26.25 ft.), be and hereby is GRANTED.

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.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Joseph L. Evans


James H. West



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 2700 North Point Blvd.

which is presently zoned ML AS and ML IM

Deed References: 35385/00454

10 Digit Tax Account # 1502003180

Property Owner(s) Printed Name(s) 2700 North Point 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. ☒ 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 attached

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

See attached

3. ☒ a **Variance** from Section(s)

See attached

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)

TO BE PRESENTED AT HEARING

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

2700 North Point LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2700 North Point Blvd. Baltimore MD

Mailing Address

City

State

21222

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0134-SPHYA Filing Date 11/14/17

Do Not Schedule Dates: _____

Reviewer JF

ATTACHMENT TO PETITION FOR ZONING RELIEF

2700 North Point Boulevard

Special Hearing to determine whether or not the ALJ should approve:

1. This request for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the Baltimore County Zoning Regulations ("BCZR"); and
2. To confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principle use on the property pursuant to BCZR §§ 253.2.A.13, 253.1.F.3 and/or 415.6; and
3. To grant such other and further relief as deemed necessary by the ALJ in order for the property and improvements thereon to continue to be used/located as shown on the attached site plan, including a determination of the orientation of the existing building and a finding (if necessary) that the property is non-conforming per BCZR § 104.

Variance from Section(s): (if necessary)

1. 255.1, 255.2, 243 & 253.4 of the BCZR to allow the following setbacks:
 - a. 74' +/- front yard setback in lieu of the required 75 foot setback;
 - b. 48' +/- & 35' +/- side yard setbacks in lieu of the required 50 foot setback;
 - c. To allow a trucking facility less than 100' from the freeway or expressway; and
2. To grant such other and further relief as deemed necessary by the ALJ.

Special Exception:

1. To permit a trucking facility as a use in combination with an electrical contractor's shop pursuant to BCZR 253.1.C.10, 253.1.E and 253.2.A.13.



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 2700 North Point Blvd.

which is presently zoned ML AS and ML IM

Deed References: 35385/00454

10 Digit Tax Account # 1502003180

Property Owner(s) Printed Name(s) 2700 North Point 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. ☒ **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 attached

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

See attached

3. ☒ **a Variance** from Section(s)

See attached

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)

TO BE PRESENTED AT HEARING

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:

Name- Type or Print _____
Signature _____
Date 2/1/18
Mailing Address _____ City _____ State _____
By _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print _____
Signature _____
600 Washington Avenue, Suite 200 Towson MD
Mailing Address _____ City _____ State _____
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

2700 North Point LLC
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
2700 North Point Blvd. Baltimore MD
Mailing Address _____ City _____ State _____
21222
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name - Type or Print _____
Signature _____
600 Washington Avenue, Suite 200 Towson MD
Mailing Address _____ City _____ State _____
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0134-SPHXA Filing Date 11/14/17

Do Not Schedule Dates: _____

Reviewer JF

ATTACHMENT TO PETITION FOR ZONING RELIEF

2700 North Point Boulevard

Special Hearing to determine whether or not the ALJ should approve:

1. This request for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the Baltimore County Zoning Regulations ("BCZR"); and
2. To confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principle use on the property pursuant to BCZR §§ 253.2.A.13, 253.1.F.3 and/or 415.6; and
3. To grant such other and further relief as deemed necessary by the ALJ in order for the property and improvements thereon to continue to be used/located as shown on the attached site plan, including a determination of the orientation of the existing building and a finding (if necessary) that the property is non-conforming per BCZR § 104.

Variance from Section(s): (if necessary)

1. 255.1, 255.2, 243 & 253.4 of the BCZR to allow the following setbacks:
 - a. 74' +/- front yard setback in lieu of the required 75 foot setback;
 - b. 48' +/- & 35' +/- side yard setbacks in lieu of the required 50 foot setback;
 - c. To allow a trucking facility less than 100' from the freeway or expressway; and
2. To grant such other and further relief as deemed necessary by the ALJ.

Special Exception:

1. To permit a trucking facility as a use in combination with an electrical contractor's shop pursuant to BCZR 253.1.C.10, 253.1.E and 253.2.A.13.



ZONING DESCRIPTION

FOR
#2700 NORTH POINT BLVD.
BALTIMORE, MARYLAND 21222
7th COUNCILMANIC DISTRICT
15th ELECTION DISTRICT

BEGINNING AT A POINT ON THE NORTH SIDE OF NORTH POINT BLVD. 150' WIDE; AND
812' +/- SOUTHEASTERLY FROM CENTERLINE INTERSECTION OF TRAPPE ROAD 50' WIDE;
THENCE RUNNING ALONG NORTH POINT BLVD. THE FOLLOWING TWO COURSES AND DISTANCES:

- 1) NORTH $58^{\circ}-20'-22''$ WEST 314.66' TO A POINT;
- 2) NORTH $51^{\circ}-59'-59''$ WEST 85.16' TO A POINT;

THENCE LEAVING SAID BLVD. THE TWO FOLLOWING COURSES AND DISTANCES:

- 3) NORTH $01^{\circ}-28'-11''$ WEST 40.08' TO A POINT;
- 4) NORTH $56^{\circ}-18'-52''$ EAST 131.15' TO A POINT ON THE SOUTH SIDE OF
INTERSTATE 695;

THENCE RUNNING ALONG INTERSTATE 695;

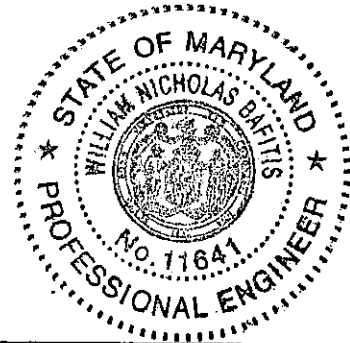
- 5) SOUTH $70^{\circ}-07'-45''$ EAST 335.64' TO A POINT;

THENCE LEAVING SAID INTERSTATE THE TWO FOLLOWING COURSES AND DISTANCES:

- 6) SOUTH $33^{\circ}-47'-39''$ EAST 130.73' TO A POINT;
- 7) SOUTH $56^{\circ}-18'-52''$ WEST 194.11' TO THE POINT OF BEGINNING;

CONTAINING: 86,244 S.F. OR 1.97 AC. MORE/LESS


WILLIAM N. BAFITIS, P.E. MD. REG. #11641



SEAL

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/12</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>11/29</u>	DEPS (if not received, date e-mail sent _____)	<u>no Comment</u>
_____	FIRE DEPARTMENT	_____
<u>12/21</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objection. all conditions</u>
<u>11/21</u>	STATE HIGHWAY ADMINISTRATION	<u>no Objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: <u>1/9/18</u>		
SIGN POSTING Date: <u>1/10/18</u> by <u>O'Keefe</u>		
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 9, 2018 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

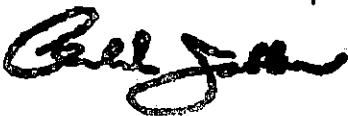
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0134-SPHXA

2700 North Point Road
N/s North Point Blvd., 812 +/- ft. SE from centerline of Trappe Road
15th Election District – 7th Councilmanic District
Legal Owners: 2700 North Point, LLC

Special Hearing 1. For confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the BCZR; and
2. To confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principle use on the property; and 3. To grant such other and further relief as deemed necessary by the Administrative Law Judge (ALJ) in order for the property and improvements thereon to continue to be used/located as shown on the attached site plan, including a determination of the orientation of the existing building and a finding (if necessary) that the property is non-conforming. Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop. Variance 1. To allow the following setbacks: a. 74 ft. +/- front yard setback in lieu of the required 75 ft. setback. b. 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback. c. To allow a trucking facility less than 100 ft. from the freeway or expressway; and 2. To grant such other and further relief as deemed necessary by the ALJ.

Hearing: Tuesday, January 30, 2018 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 ACCOMODATIONS, 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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0134-SPHXA

Property Address: 2700 NORTH POINT BLVD.

Property Description: _____

Legal Owners (Petitioners): Brandon Weaver 2700 North Point LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 400 Washington Ave., suite 200
Towson, MD 21204

Telephone Number: 410 821 0070



KEVIN KAMENETZ
County Executive

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

March 2, 2018

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



RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0134-SPHXA (**Appeal for Special Hearing Only**)
Property: 2700 North Point Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 1, 2018. 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 "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/dlw

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement,
111 West Chesapeake Avenue, Room 213, Towson, Maryland 21204
Baltimore County Board of Appeals
People's Counsel

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

№ 143370

Date: **3-1-18**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				2165.00

Total: **2165.00**

Rec From: **Smith, Melba E Schmidt**

For: **2018-0134-SPHX A CK# 2236**

appearing ~~Veranda~~ ^{Special Hearing} Only
240 North Point Rd

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/05/2018 3/01/2018 14:10:12 2

REG WSD2 WALKIN JEE

>>RECEIPT # 016282 3/01/2018 OFLN

Dept 5 528 ZONING VERIFICATION

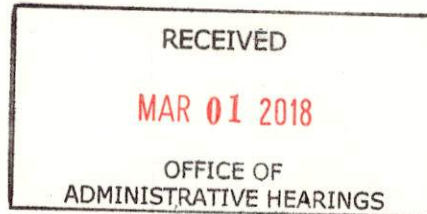
CR NO. 143370

Recpt Tot \$265.00
 \$265.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI



CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

March 1, 2018

Via Hand Delivery

Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 2700 North Point Road
Case No. 2018-0134-SPHXA

Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, 2700 North Point, LLC, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$265.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt

LES/amf
Enclosures

cc: Administrative Law Judge John E. Beverungen
Bill Galiazzo, Code Enforcement
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
2700 North Point, LLC

IN RE: ·
PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
2700 North Point Road

15th Election District
7th Councilmanic District

2700 North Point, LLC, *Legal Owner*
Appellant

Case No. 2018-0134-SPHXA

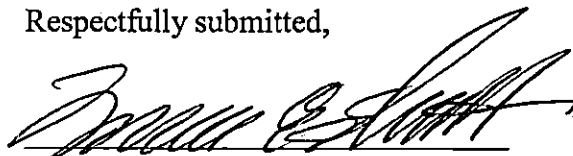
* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: _____
*

* * * * *

NOTICE OF APPEAL

The Appellant, 2700 North Point, LLC, by and through its attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the grant of the Petition for Special Hearing permitting the location of six containers on the property and the restrictions as to the number permitted as stated in the Opinion and Order dated February 1, 2018 by the Administrative Law Judge (ALJ) for Baltimore County in the above-captioned matter, hereby notes this appeal to the County Board of Appeals for Baltimore County, as to those issues only, in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections. The Appellant does not appeal the ALJ's findings as to the use of the Property (Electrical Contractor's Shop) or Variance as to the building setbacks.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

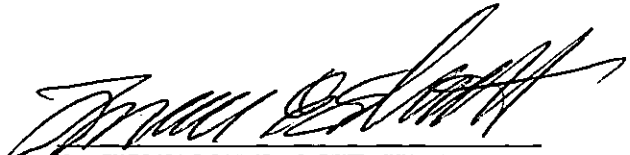
I **HEREBY CERTIFY** that on this 1st day of **March, 2018**, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Bill Galiazzo
Permits, Approvals and Inspections – Code Enforcement
111 W. Chesapeake Avenue, Room 213
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204



LAWRENCE E. SCHMIDT

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(2700 North Point Road) *
15th Election District
7th Council District *
2700 North Point, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0134-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 2700 North Point, LLC, legal owner ("Petitioner").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the B.C.Z.R.; and (2) to confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principal use on the property.

A Petition for Variance seeks the following:

- (a) 74 ft. +/- front yard setback in lieu of the required 75 ft. setback;
- (b) 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback; and
- (c) To allow a trucking facility less than 100 ft. from the freeway or expressway.

Finally, a Petition for Special Exception was filed to permit a trucking facility as a use in combination with an electrical contractor's shop.

Appearing at the public hearing in support of the requests was Brandon Weaver and professional engineer William Bafitis. Lawrence E. Schmidt, Esq. represented the legal owner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The DOP objected to the request seeking confirmation that a trucking facility is operated on the property.

Mr. Weaver is a principal in the Dvorak company, which specializes in large and complex lighting projects. He noted that at present the company (which has approximately 80 employees) is replacing all of the lights in the Harbor Tunnel and has in the past replaced lighting on the Bay Bridge, both of which were multi-year projects. Mr. Weaver explained that many times Dvorak will be awarded a contract for work and will thereafter obtain supplies and materials for the project, which are most often shipped to and stored at the job site.

But if the start date is delayed and Dvorak has already obtained the materials for the project, it needs somewhere to safely store the items. He noted that at present he has a large project for Baltimore City which has been delayed, which required him to store a large amount of copper wire in several of the shipping containers at the site. He said that if the materials are stored outside they would be stolen from the site by scrap metal thieves.

Special Exception

The petition for special exception seeks approval for a trucking facility on the property. As discussed below, I believe the principal use of the site is for an electrical contractor's shop, and the shipping containers are permitted accessory storage structures. I concur with the DOP that the property is not used primarily for "the transfer of goods or chattels from trucks" to other

trucks, which is how a "trucking facility" is defined in B.C.Z.R. §101.1. As such the petition for special exception will be denied

Special Hearing

As noted above, based on the evidence and testimony presented I believe an electrical contractor's shop is the principal use on the property, which is permitted by right in the ML zone. I also believe the storage containers are accessory to the electrical shop, and the petition for special hearing will be granted to confirm these findings.

I am mindful of the concerns expressed by the DOP regarding the proliferation of these shipping containers, which I concede are somewhat unsightly. But, this property is located in a manufacturing zone and many of the uses and structures in such a zone are inherently noisy and/or unsightly. Counsel noted the B.C.Z.R. does not contain a prohibition on such containers, and I too was unable to locate any guidance in the Regulations. A taxidermist is located next to the subject property and the neighborhood is an entirely industrial area with a junkyard or scrap yard also near this site. Mr. Bafitis estimated the nearest dwelling was 500-1,000 feet away from the site. Thus, I do not believe the shipping containers will have a detrimental impact upon the community.

Of course, if Petitioner did not use the shipping containers it would nonetheless be entitled to store the wire and other electrical supplies on site. I believe storing such industrial materials in a structure is preferable (from an aesthetic standpoint) to storing them outside. Stated otherwise, I do not believe the containers are any more unsightly than large spools of wire, conduit and other construction materials which could be stored at this location.

Variances

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has an irregular shape and is therefore unique. In addition, the deficient setbacks have existed since 1982 when the commercial building was constructed. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to raze or relocate the building. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County and community opposition. More to the point, the building has been in place for over 35 years and has not in that time negatively impacted the community.

THEREFORE, IT IS ORDERED this 1st day of February, 2018, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the B.C.Z.R.; and (2) subject to Condition No. 2 below, to confirm that existing storage containers on the property are permitted as accessory to the principal use on the property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance to allow:

(a) 74 ft. +/- front yard setback in lieu of the required 75 ft. setback; and
(b) 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback, be and is hereby
GRANTED.

The relief granted herein shall be subject to the following:

1. Within 60 days of the date hereof Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
2. Petitioner shall be entitled to keep on the site only those six (6) shipping containers which are bolted together and covered with metal roofing, as shown in the photograph marked and admitted as Exhibit 3H. All other shipping containers must be removed from the site within 60 days of the date hereof.

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:slh



KEVIN KAMENETZ
County Executive

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

February 1, 2018

RECEIVED

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Smith, Gilden & Schmidt

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0134-SPHXA
Property: 2700 North Point Road

Dear Mr. Schmidt:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement, 111
West Chesapeake Avenue, Room 213, Towson, Maryland 21204

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

March 1, 2018

Via Hand Delivery

Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 2700 North Point Road
Case No. 2018-0134-SPHXA



Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, 2700 North Point, LLC, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$265.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt

LES/amf
Enclosures

cc: Administrative Law Judge John E. Beverungen
Bill Galiazzo, Code Enforcement
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
2700 North Point, LLC

IN RE:
PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
2700 North Point Road

15th Election District
7th Councilmanic District

2700 North Point, LLC, *Legal Owner*
Appellant

Case No. 2018-0134-SPHXA

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

* Case No.: _____

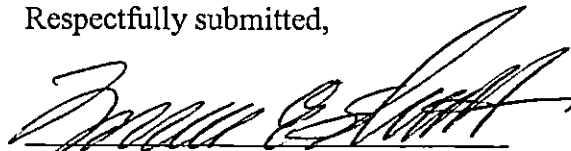
*

* * * * *

NOTICE OF APPEAL

The Appellant, 2700 North Point, LLC, by and through its attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the grant of the Petition for Special Hearing permitting the location of six containers on the property and the restrictions as to the number permitted as stated in the Opinion and Order dated February 1, 2018 by the Administrative Law Judge (ALJ) for Baltimore County in the above-captioned matter, hereby notes this appeal to the County Board of Appeals for Baltimore County, as to those issues only, in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections. The Appellant does not appeal the ALJ's findings as to the use of the Property (Electrical Contractor's Shop) or Variance as to the building setbacks.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

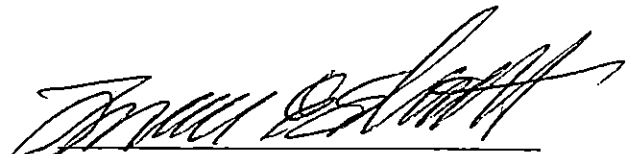
I HEREBY CERTIFY that on this 1st day of March, 2018, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Bill Galiazzo
Permits, Approvals and Inspections – Code Enforcement
111 W. Chesapeake Avenue, Room 213
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204



LAWRENCE E. SCHMIDT

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(2700 North Point Road) *
15th Election District
7th Council District *
2700 North Point, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0134-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 2700 North Point, LLC, legal owner ("Petitioner").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the B.C.Z.R.; and (2) to confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principal use on the property.

A Petition for Variance seeks the following:

- (a) 74 ft. +/- front yard setback in lieu of the required 75 ft. setback;
- (b) 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback; and
- (c) To allow a trucking facility less than 100 ft. from the freeway or expressway.

Finally, a Petition for Special Exception was filed to permit a trucking facility as a use in combination with an electrical contractor's shop.

Appearing at the public hearing in support of the requests was Brandon Weaver and professional engineer William Bafitis. Lawrence E. Schmidt, Esq. represented the legal owner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The DOP objected to the request seeking confirmation that a trucking facility is operated on the property.

Mr. Weaver is a principal in the Dvorak company, which specializes in large and complex lighting projects. He noted that at present the company (which has approximately 80 employees) is replacing all of the lights in the Harbor Tunnel and has in the past replaced lighting on the Bay Bridge, both of which were multi-year projects. Mr. Weaver explained that many times Dvorak will be awarded a contract for work and will thereafter obtain supplies and materials for the project, which are most often shipped to and stored at the job site.

But if the start date is delayed and Dvorak has already obtained the materials for the project, it needs somewhere to safely store the items. He noted that at present he has a large project for Baltimore City which has been delayed, which required him to store a large amount of copper wire in several of the shipping containers at the site. He said that if the materials are stored outside they would be stolen from the site by scrap metal thieves.

Special Exception

The petition for special exception seeks approval for a trucking facility on the property. As discussed below, I believe the principal use of the site is for an electrical contractor's shop, and the shipping containers are permitted accessory storage structures. I concur with the DOP that the property is not used primarily for "the transfer of goods or chattels from trucks" to other

trucks, which is how a "trucking facility" is defined in B.C.Z.R. §101.1. As such the petition for special exception will be denied

Special Hearing

As noted above, based on the evidence and testimony presented I believe an electrical contractor's shop is the principal use on the property, which is permitted by right in the ML zone. I also believe the storage containers are accessory to the electrical shop, and the petition for special hearing will be granted to confirm these findings.

I am mindful of the concerns expressed by the DOP regarding the proliferation of these shipping containers, which I concede are somewhat unsightly. But, this property is located in a manufacturing zone and many of the uses and structures in such a zone are inherently noisy and/or unsightly. Counsel noted the B.C.Z.R. does not contain a prohibition on such containers, and I too was unable to locate any guidance in the Regulations. A taxidermist is located next to the subject property and the neighborhood is an entirely industrial area with a junkyard or scrap yard also near this site. Mr. Bafitis estimated the nearest dwelling was 500-1,000 feet away from the site. Thus, I do not believe the shipping containers will have a detrimental impact upon the community.

Of course, if Petitioner did not use the shipping containers it would nonetheless be entitled to store the wire and other electrical supplies on site. I believe storing such industrial materials in a structure is preferable (from an aesthetic standpoint) to storing them outside. Stated otherwise, I do not believe the containers are any more unsightly than large spools of wire, conduit and other construction materials which could be stored at this location.

Variances

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has an irregular shape and is therefore unique. In addition, the deficient setbacks have existed since 1982 when the commercial building was constructed. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to raze or relocate the building. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County and community opposition. More to the point, the building has been in place for over 35 years and has not in that time negatively impacted the community.

THEREFORE, IT IS ORDERED this 1st day of February, 2018, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the B.C.Z.R.; and (2) subject to Condition No. 2 below, to confirm that existing storage containers on the property are permitted as accessory to the principal use on the property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance to allow:

(a) 74 ft. +/- front yard setback in lieu of the required 75 ft. setback; and
(b) 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback, be and is hereby
GRANTED.

The relief granted herein shall be subject to the following:

1. Within 60 days of the date hereof Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
2. Petitioner shall be entitled to keep on the site only those six (6) shipping containers which are bolted together and covered with metal roofing, as shown in the photograph marked and admitted as Exhibit 3H. All other shipping containers must be removed from the site within 60 days of the date hereof.

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:sln



KEVIN KAMENETZ
County Executive

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

February 1, 2018

RECEIVED

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Smith, Gilden & Schmidt

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0134-SPHXA
Property: 2700 North Point Road

Dear Mr. Schmidt:

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,

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JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement, 111
West Chesapeake Avenue, Room 213, Towson, Maryland 21204



KEVIN KAMENETZ
County Executive

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

February 1, 2018

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

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Case No. 2018-0134-SPHXA
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Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement, 111
West Chesapeake Avenue, Room 213, Towson, Maryland 21204

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(2700 North Point Road) *
15th Election District *
7th Council District *
2700 North Point, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0134-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 2700 North Point, LLC, legal owner ("Petitioner").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the B.C.Z.R.; and (2) to confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principal use on the property.

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ORDER RECEIVED FOR FILING

Date 2/1/18
By sen

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Date

2/1/18

By

sen

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ORDER RECEIVED FOR FILING

Date 2/1/18

By Sen

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
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THEREFORE, IT IS ORDERED this 1st day of **February, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the B.C.Z.R.; and (2) subject to Condition No. 2 below, to confirm that existing storage containers on the property are permitted as accessory to the principal use on the property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance to allow:

ORDER RECEIVED FOR FILING

Date 2/1/18
By Sen

(a) 74 ft. +/- front yard setback in lieu of the required 75 ft. setback; and
(b) 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback, be and is hereby
GRANTED.

The relief granted herein shall be subject to the following:

1. Within 60 days of the date hereof Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
2. Petitioner shall be entitled to keep on the site only those six (6) shipping containers which are bolted together and covered with metal roofing, as shown in the photograph marked and admitted as Exhibit 3H. All other shipping containers must be removed from the site within 60 days of the date hereof.

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:sln

ORDER RECEIVED FOR FILING

Date 2/1/18

By sln



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 2700 North Point Blvd.

which is presently zoned ML AS and ML IM

Deed References: 35385/00454

10 Digit Tax Account # 1502003180

Property Owner(s) Printed Name(s) 2700 North Point 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. ☒ 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 attached

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

See attached

3. ☒ a **Variance** from Section(s)

See attached

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)

TO BE PRESENTED AT HEARING

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

By

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners)

2700 North Point LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2700 North Point Blvd.

Baltimore

MD

Mailing Address

City

State

21222

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0134-SPHXA Filing Date 11/14/17

Do Not Schedule Dates: _____

Reviewer JP

ATTACHMENT TO PETITION FOR ZONING RELIEF

2700 North Point Boulevard

Special Hearing to determine whether or not the ALJ should approve:

1. This request for confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the Baltimore County Zoning Regulations ("BCZR"); and
2. To confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principle use on the property pursuant to BCZR §§ 253.2.A.13, 253.1.F.3 and/or 415.6; and
3. To grant such other and further relief as deemed necessary by the ALJ in order for the property and improvements thereon to continue to be used/located as shown on the attached site plan, including a determination of the orientation of the existing building and a finding (if necessary) that the property is non-conforming per BCZR § 104.

Variance from Section(s): (if necessary)

1. 255.1, 255.2, 243 & 253.4 of the BCZR to allow the following setbacks:
 - a. 74' +/- front yard setback in lieu of the required 75 foot setback;
 - b. 48' +/- & 35' +/- side yard setbacks in lieu of the required 50 foot setback;
 - c. To allow a trucking facility less than 100' from the freeway or expressway; and
2. To grant such other and further relief as deemed necessary by the ALJ.

Special Exception:

1. To permit a trucking facility as a use in combination with an electrical contractor's shop pursuant to BCZR 253.1.C.10, 253.1.E and 253.2.A.13.



Bafitis & Associates, Inc.

ZONING DESCRIPTION

FOR

#2700 NORTH POINT BLVD.
BALTIMORE, MARYLAND 21222
7th COUNCILMANIC DISTRICT
15th ELECTION DISTRICT

BEGINNING AT A POINT ON THE NORTH SIDE OF NORTH POINT BLVD. 150' WIDE; AND
812' +/- SOUTHEASTERLY FROM CENTERLINE INTERSECTION OF TRAPPE ROAD 50' WIDE;
THENCE RUNNING ALONG NORTH POINT BLVD. THE FOLLOWING TWO COURSES AND DISTANCES;

- 1) NORTH 58°-20'-22" WEST 314.66' TO A POINT;
- 2) NORTH 51°-59'-59" WEST 85.16' TO A POINT;

THENCE LEAVING SAID BLVD. THE TWO FOLLOWING COURSES AND DISTANCES:

- 3) NORTH 01°-28'-11" WEST 40.08' TO A POINT;
- 4) NORTH 56°-18'-52" EAST 131.15' TO A POINT ON THE SOUTH SIDE OF
INTERSTATE 695;

THENCE RUNNING ALONG INTERSTATE 695;

- 5) SOUTH 70°-07'-45" EAST 335.64' TO A POINT;

THENCE LEAVING SAID INTERSTATE THE TWO FOLLOWING COURSES AND DISTANCES:

- 6) SOUTH 33°-47'-39" EAST 130.73' TO A POINT;
- 7) SOUTH 56°-18'-52" WEST 194.11' TO THE POINT OF BEGINNING;

CONTAINING: 86,244 S.F. OR 1.97 AC. MORE/LESS


WILLIAM N. BAFITIS, P.E. MD. REG. #11641



SEAL



KEVIN KAMENETZ
December 28, 2017

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

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 NUMBER: 2018-0134-SPHXA

2700 North Point Road

N/s North Point Blvd., 812 +/- ft. SE from centerline of Trappe Road

15th Election District – 7th Councilmanic District

Legal Owners: 2700 North Point, LLC

Special Hearing 1. For confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the BCZR; and 2. To confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principle use on the property; and 3. To grant such other and further relief as deemed necessary by the Administrative Law Judge (ALJ) in order for the property and improvements thereon to continue to be used/located as shown on the attached site plan, including a determination of the orientation of the existing building and a finding (if necessary) that the property is non-conforming. Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop. Variance 1. To allow the following setbacks: a. 74 ft. +/- front yard setback in lieu of the required 75 ft. setback. b. 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback. c. To allow a trucking facility less than 100 ft. from the freeway or expressway; and 2. To grant such other and further relief as deemed necessary by the ALJ.

Hearing: Tuesday, January 30, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Brandon Weaver, 2700 North Point Blvd., Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 10, 2018.**
(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.**



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 5382913

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

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

Jan 09, 2018

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: # 2018-0134-SPHXA
2700 North Point Road
N/s North Point Blvd., 812 +/- Ft. SE from centerline of Trappe Road
15th Election District - 7th Councilmanic District
Legal Owner(s) 2700 North Point, LLC

Special Hearing 1. For confirmation that the property is being used as an electrical contractor's shop (a permitted use by right) and that the existing improvements, uses, structures and parking provided (office and warehouse parking requirements) as shown on the site plan are in conformance with the BCZR; and 2. To confirm that existing storage containers on the property are permitted as a Class II Trucking Facility and/or as accessory to the principle use on the property; and 3. To grant such other and further relief as deemed necessary by the Administrative Law Judge. (ALJ) in order for the property and improvements thereon to continue to be used/located as shown on the attached site plan, including a determination of the orientation of the existing building and a finding (if necessary) that the property is non-conforming. Special Exception to permit a trucking facility as a use in combination with an electrical contractor's shop. Variance 1. To allow the following setbacks: a. 74 ft. +/- front yard setback in lieu of the required 75 ft. setback. b. 48 ft. +/- & 35 ft. +/- side yard setbacks in lieu of the required 50 ft. setback. c. To allow a trucking facility less than 100 ft. from the freeway or expressway; and 2. To grant such other and further relief as deemed necessary by the ALJ.

Hearing: Tuesday, January 30, 2018 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 1/685 January 9 5382913

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/10/2018

Case Number: 2018-0134-SPHXA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
BRANDON WEAVER

Date of Hearing: JANUARY 30, 2018

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:
2700 NORTH POINT BLVD.

The sign(s) were posted on: JANUARY 10, 2018



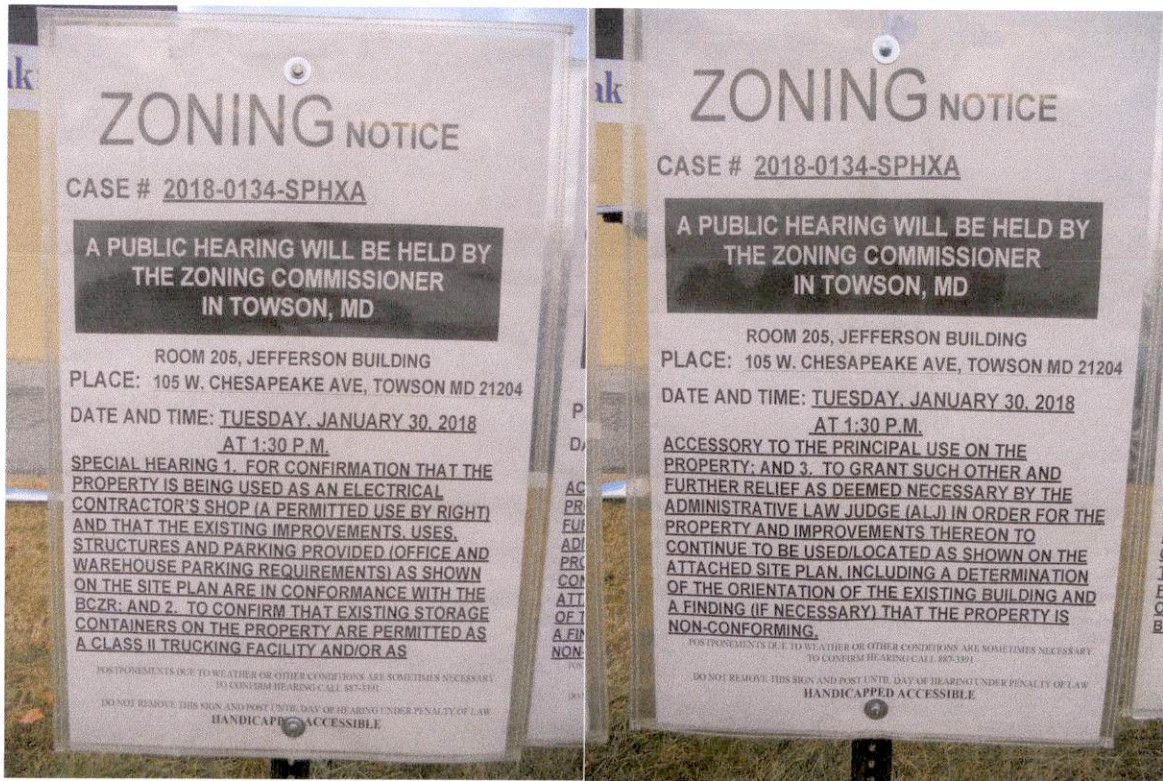
Linda O'Keefe
(Signature of Sign Poster)

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)

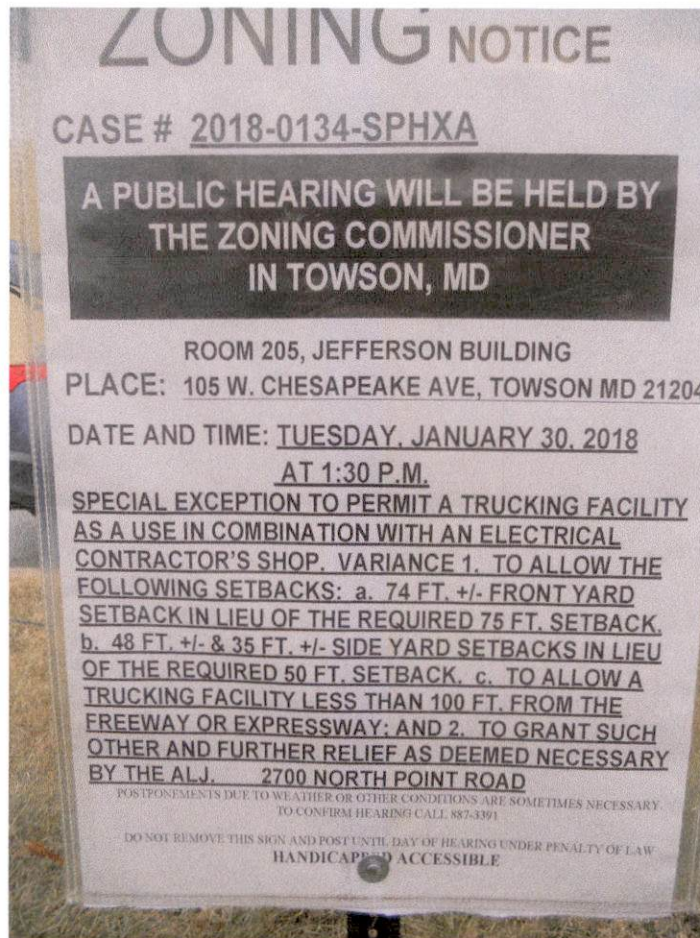
410 - 666 - 5366
(Telephone Number of Sign Poster)



Sign #1

Sign #2

2700 North Point Blvd.



Sign #3
2700 N. Point Blvd.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
2700 North Point Blvd; N/S North Point Blvd	*	OF ADMINISTRATIVE
812' SE from c/line of Trappe Road		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 2700 North Point LLC		
By Brandon Weaver	*	BALTIMORE COUNTY
Petitioner(s)	*	2018-134-SPHXA

* * * * *

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
NOV 21 2017

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 21st day of November, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Petitioners

CASE NAME Novack
CASE NUMBER 2018-134-SPHX4
DATE 11/30/18

CITIZEN'S SIGN - IN SHEET

E - MAIL

[illegible]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: November 26, 2018

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2018
Item No. 2019-0129-A, 0130-A, 0131-A, 0132-A, 0133-SPHA, 0134-A,
0135-A, 0136-A, 0137-A, 0096-A, 0139-A, 0140-A, 0144-SPHA and 0149-
A

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 26 2017

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: December 26, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0133-X
Address 911 Shawan Road
(St. Mary's Orthodox Catholic
Church Property)

Zoning Advisory Committee Meeting of **November 27, 2017**.

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

X Development of this 2-acre property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

X Development activities on the remainder of the church property must comply with both 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) and the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Michael S. Kulis
Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 4/13/18
By Sen

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

NO 160533

Date: 11/14/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					1,200.00

Total: 1,200.00

Rec From: Smith, Gildea & Schmidt, LLC

For: SPAXA
2700 North Point Blvd.
2018-0134-SPAXA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME MIN
11/15/2017 11/14/2017 14:19:45 3
REG 0503 WALKIN CASH
>>RECEIPT # 753119 11/14/2017 051H
Dept 3 528 ZONING VERIFICATION
CR NO. 160533
Receipt Tot \$1,200.00
\$1,200.00 CN \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

January 23, 2018

2700 North Point LLC
Brandon Weaver
2700 North Point Boulevard
Baltimore MD 21222

RE: Case Number: 2018-0134 SPHXA, Address: 2700 North Point Boulevard

Dear Mr. Weaver:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 14, 2017. 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
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2017
Item No. 2018-0134-SPHXA

DATE: December 12, 2017

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

If Special Exception, Hearing and Zoning Relief is granted, a landscape plan is required per the requirement of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: efc
cc: file

1-30-18

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-134



INFORMATION:

Property Address: 2700 North Point Boulevard
Petitioner: Brandon Weaver
Zoning: ML AS, ML IM
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing, variance and special exception seeking a ruling by Administrative Law Judge (ALJ) on the multiple requests for zoning relief as listed on the attachment filed in support of the petitions.

A site visit was conducted on November 28, 2017. There exists an open violation case # CC1710893 associated with the subject property.

The Department has no objection in part and objects in part to granting the petitioned zoning relief as follows:

- The Department will concur with the decision of the Administrative Law Judge subsequent to the public hearing as to the use of the property for a by right electrical contractors shop.
- If it is the determination of the Administrative Law Judge that the use of the property is as an electrical contractors shop, the Department recommends the petitioners submit a landscape plan for review by the Baltimore County Landscape Architect showing how Condition G of the Baltimore County Landscape Manual is being met.
- The Department has no objection to granting setback variance relief at all places where said relief is attached to and necessary for the existing enclosed as-built 2 story building.

Continuing,

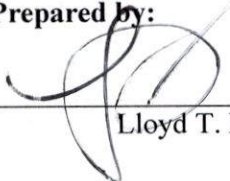
- The Department **objects** to any interpretation that would establish the use of the illegal shipping containers as a Class II trucking facility either as a principal special exception use in combination with or as an accessory to the as yet to be determined electrical contractors shop. The plan is not successful in demonstrating how the land is primarily used for the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers. The shipping containers on site, not being structures subject to setback and landscaping requirements, have a permanence about them that belies the definition of a trucking facility contained in BCZR §101.1. That definition for

"Trucking Facility" goes on to state, "*Land used for the parking, storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage area forms a part shall not be considered a trucking facility within the meaning of this definition.*" The semi-permanent construct with loosely stored equipment surrounding it, situated on a non-durable non-dustless surface exists outside of county zoning and possibly building regulations and presents an unsafe situation with its elevated doors having no permanent physical access thereby requiring temporary mechanical means to lift persons and or materials in and out of the illegal shipping containers.

- The Department recommends allowing the use of shipping containers in a permanent manner as presented in this case will set a precedent which will have a negative impact on the County from an esthetic and safety perspective.
- The Department does not find a trucking facility as defined so therefore recommends the requested setback relief to allow a trucking facility less than 100' from a freeway or expressway is moot. In the alternative, if the special exception or accessory use trucking facility is established, the Department **objects** to granting the requested relief.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 29 2017

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: November 29, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0134-SPHXA
Address 2700 North Point Road
(2700 North Point Property)

Zoning Advisory Committee Meeting of **November 27, 2017**.

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

Reviewer: Steve Ford



Date: 11/21/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 11/20/17. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for _____, Case Number 2018-0134-SPHXA

Special Exception, Special Hearing, Variance
2700 North Point, LLC
2700 North Point Boulevard
MD 151

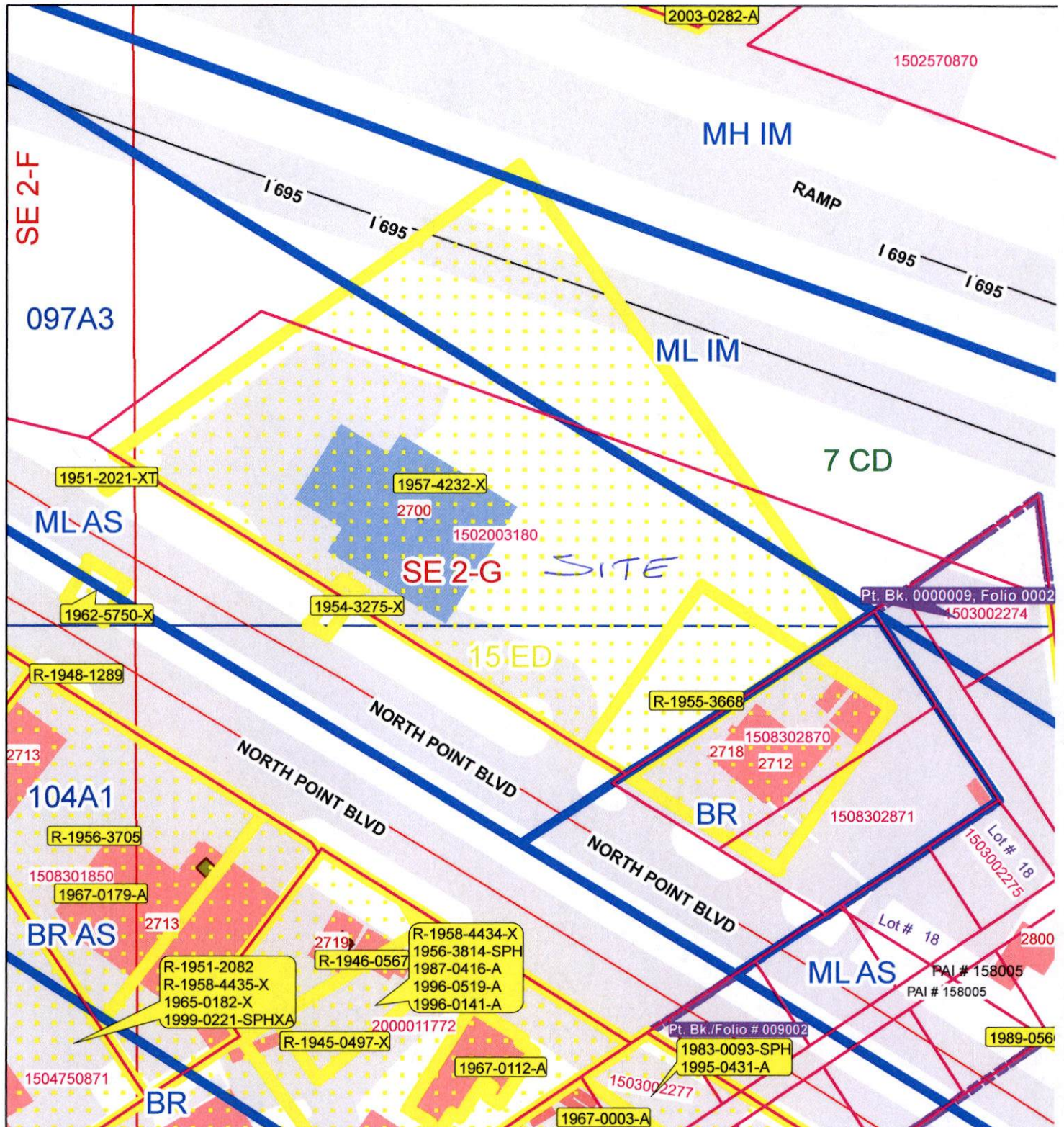
Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

2700 North Point Boulevard



Publication Date: 11/14/2017



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

2018-0134-SPH XA

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 15 Account Number - 1502003180							
Owner Information										
Owner Name:		2700 NORTH POINT LLC			Use:		COMMERCIAL			
Mailing Address:		2700 NORTH POINT BLVD BALTIMORE MD 21222-			Principal Residence:		NO			
					Deed Reference:		/35385/ 00454			
Location & Structure Information										
Premises Address:		2700 NORTH POINT BLVD BALTIMORE 21222-			Legal Description:		1.98 AC 2700 NORTH POINT BLVD NE SE COR NORRIS LANE			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0104	0001	0062		0000				2018		
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1982		15248				1.7500 AC		06		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
		STORAGE WAREHOUSE								
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2017		07/01/2018		
Land:		217,000		217,000						
Improvements		952,100		881,200						
Total:		1,169,100		1,098,200		1,169,100		1,098,200		
Preferential Land:		0						0		
Transfer Information										
Seller: THE RIVER INTERNATIONAL				Date: 09/23/2014			Price: \$1,100,000			
Type: ARMS LENGTH IMPROVED				Deed1: /35385/ 00454			Deed2:			
Seller: RIVER INTERNATIONAL WORSHIP				Date: 06/26/2014			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /35113/ 00232			Deed2:			
Seller: KEY WORSHIP CENTER				Date: 07/27/2010			Price: \$500,000			
Type: ARMS LENGTH IMPROVED				Deed1: /29712/ 00138			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						

Board of Appeals

Case No: 2018-134-SIPA Case Name: In re 2700 North Point LLC

Exhibit List

Party: Petitioner Date: May 8, 2018

Exhibit No:	Description:
1	Site Plan
2.	Correction Notice Aug/Sept 2017
3A-32	Photos
4	Board of Appeals Decision 17-122-SPRTA
5A-5B	Aerial Photo of area
VERIFIED BY _____	DATE: _____

*Petitioner's
No 2*

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

2700 NORTH POINT LLC
2700 NORTH POINT BLVD
BALTIMORE, MD 21222

CASE NUMBER	PROP.TAX ID
CC1710893	15-02-003180
VIOLATION ADDRESS	
2700 NORTH POINT BLVD DUNDALK, MD 21222-1601	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 400: Illegal accessory structure B.C.Z.R 500.9 BCZR; ZCPM; BCC: 32-3-102: Violation of commercial site plan and /or zoning order	Obtain required approval and permits for illegal accessory structure Violation of current site plan

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the Inspector for more information and details.

COMPLIANCE DATE: 09/30/2017	INSPECTOR ID: 56
	ISSUED DATE: 08/30/2017

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

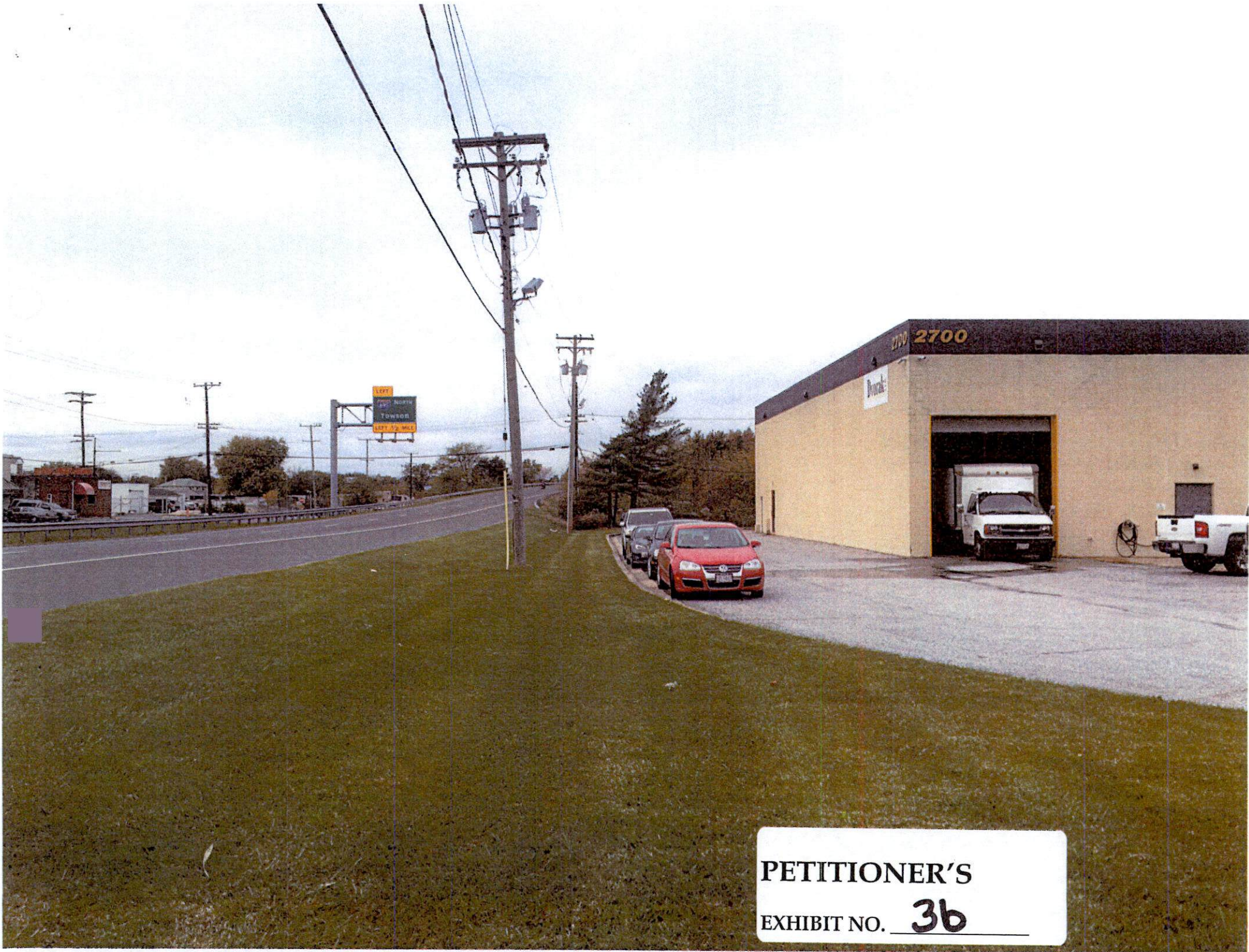
1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

*Petitioner
CBA Exhibit 2*



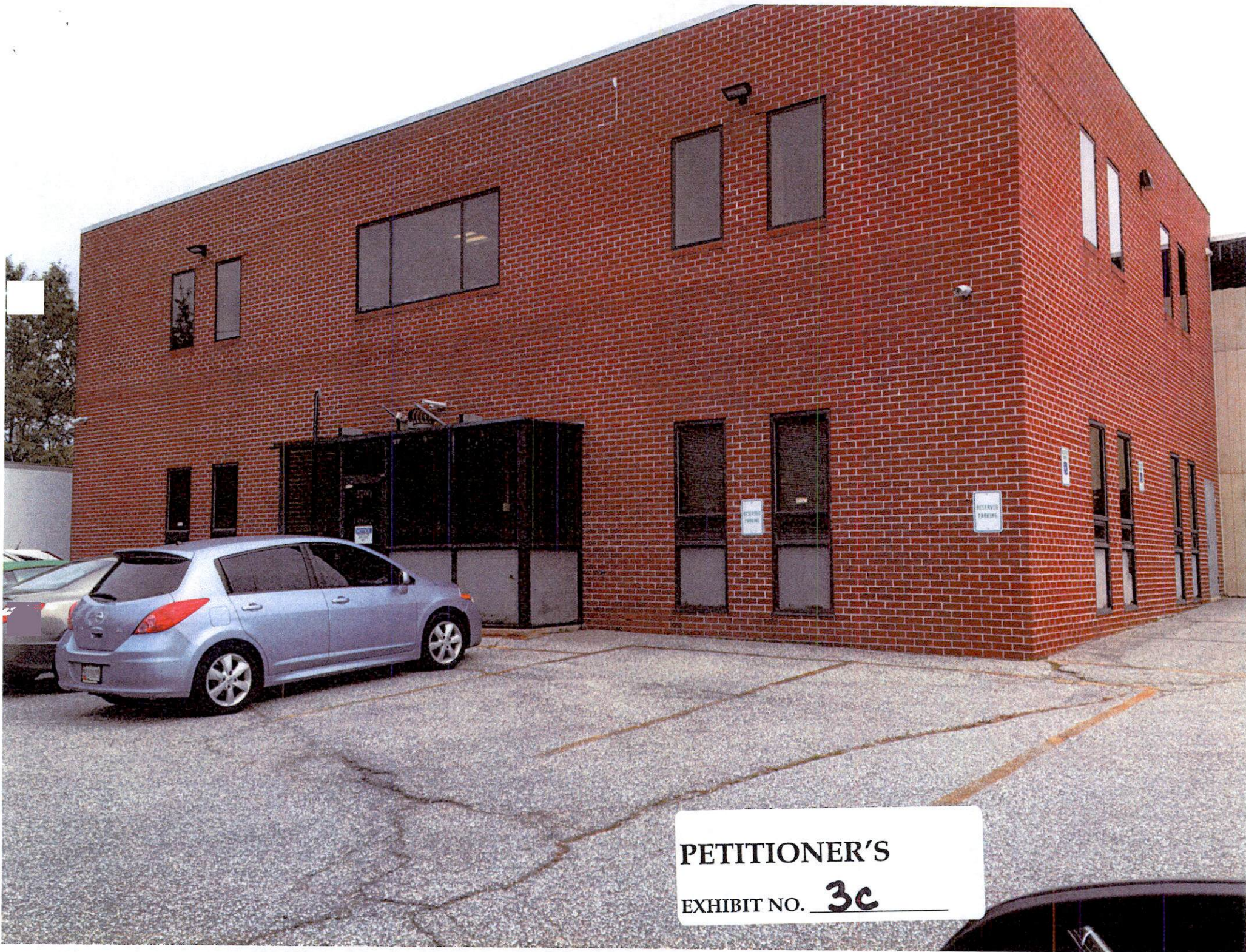
PETITIONER'S

EXHIBIT NO. 3a



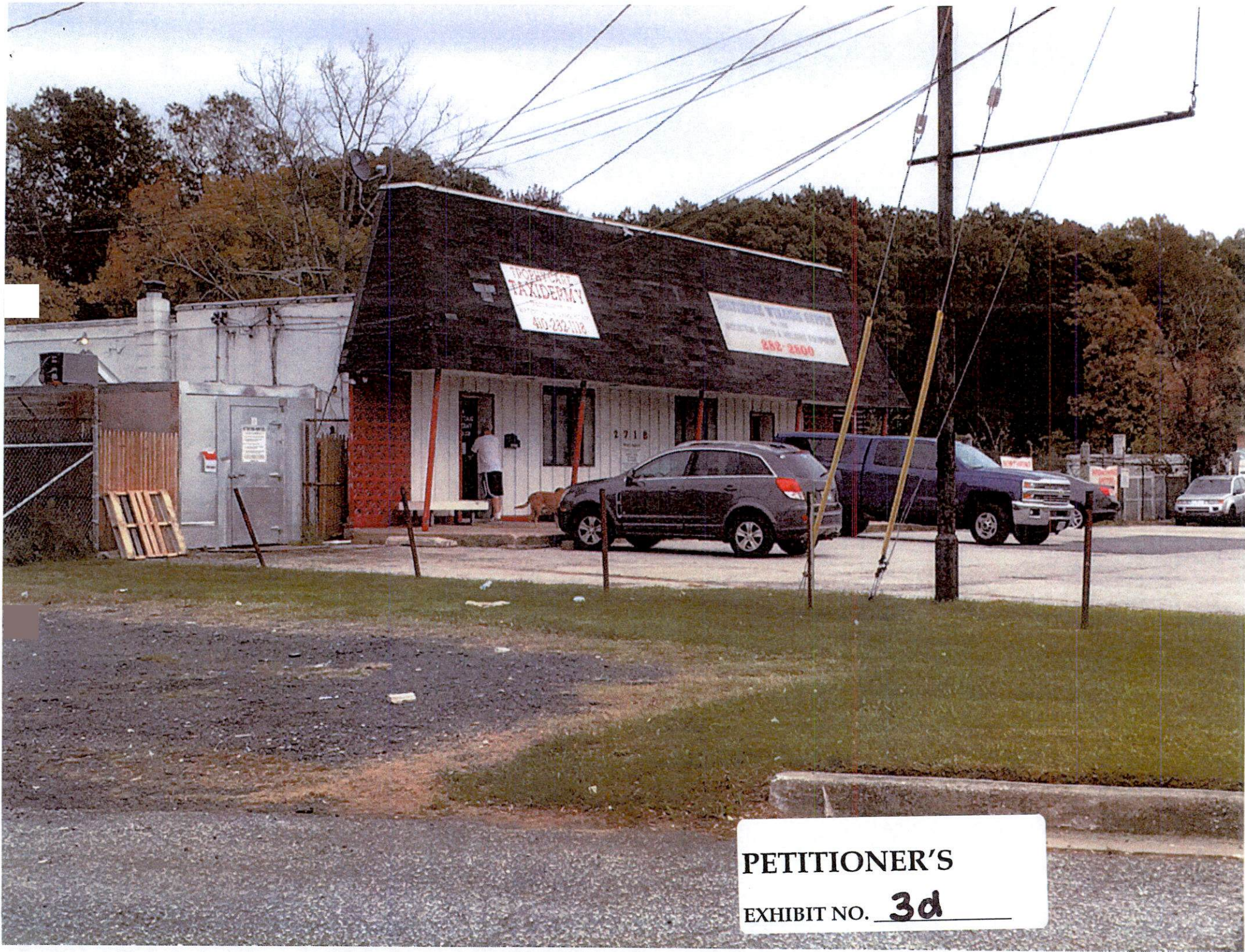
PETITIONER'S

EXHIBIT NO. 3b



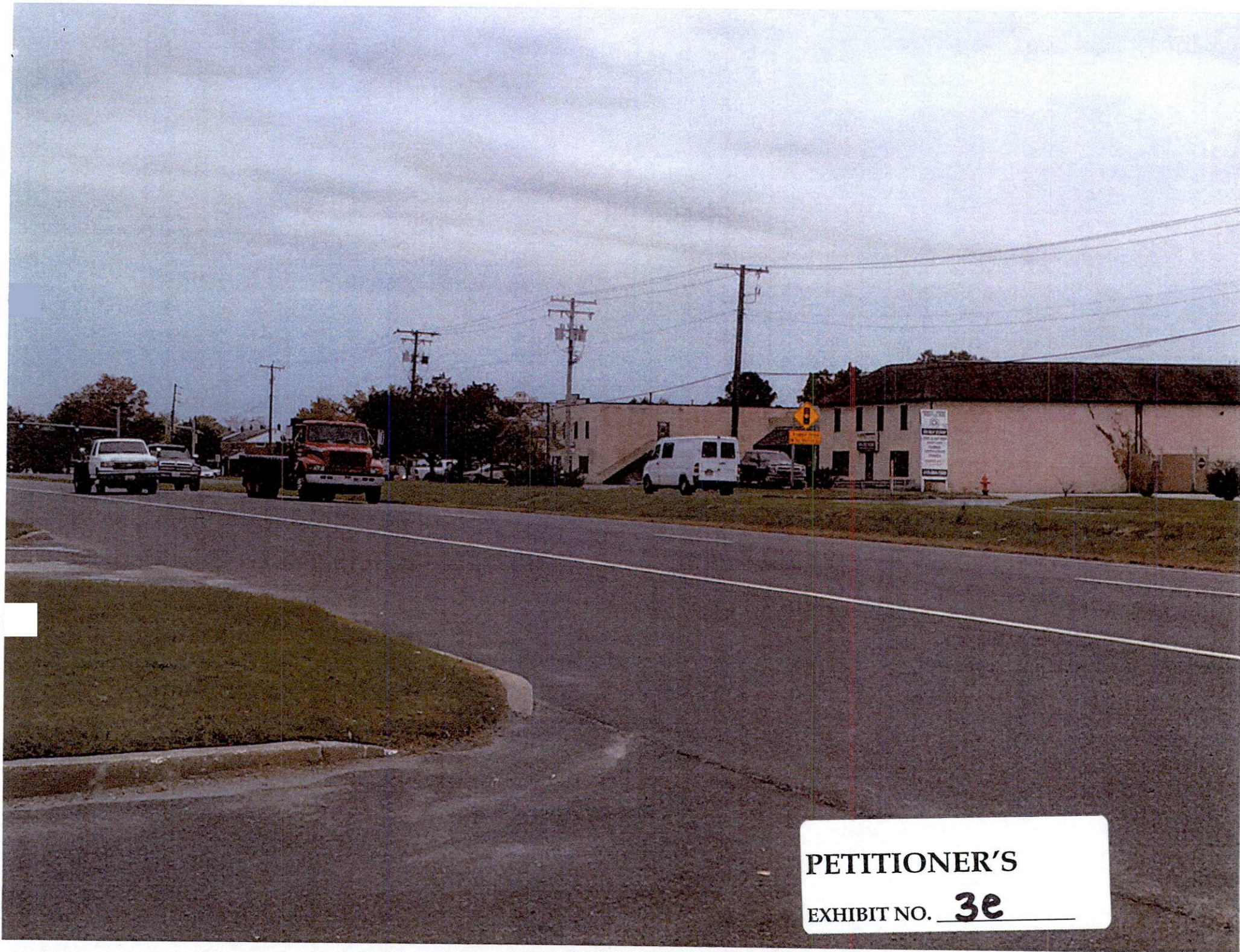
PETITIONER'S

EXHIBIT NO. **3c**



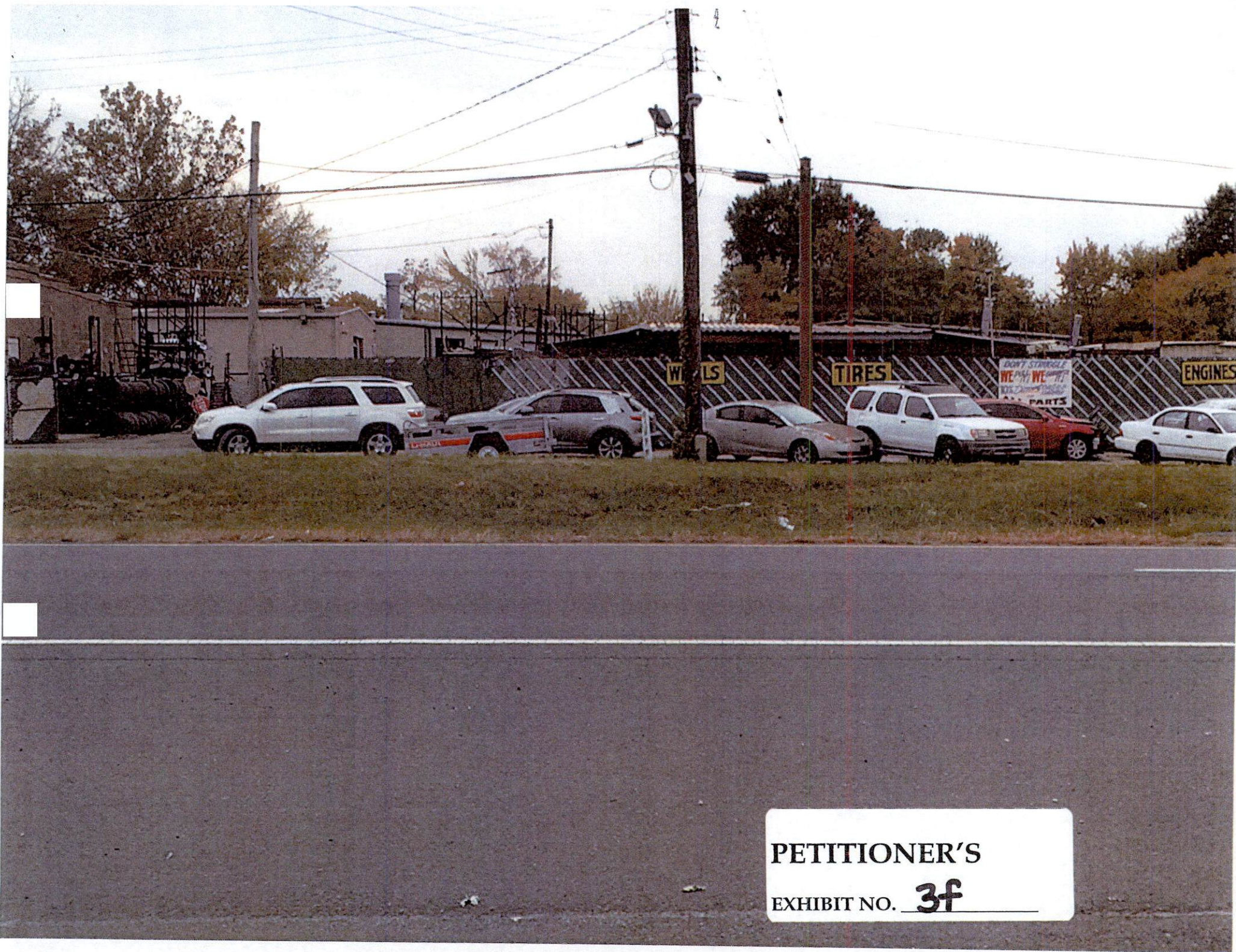
PETITIONER'S

EXHIBIT NO. 3d



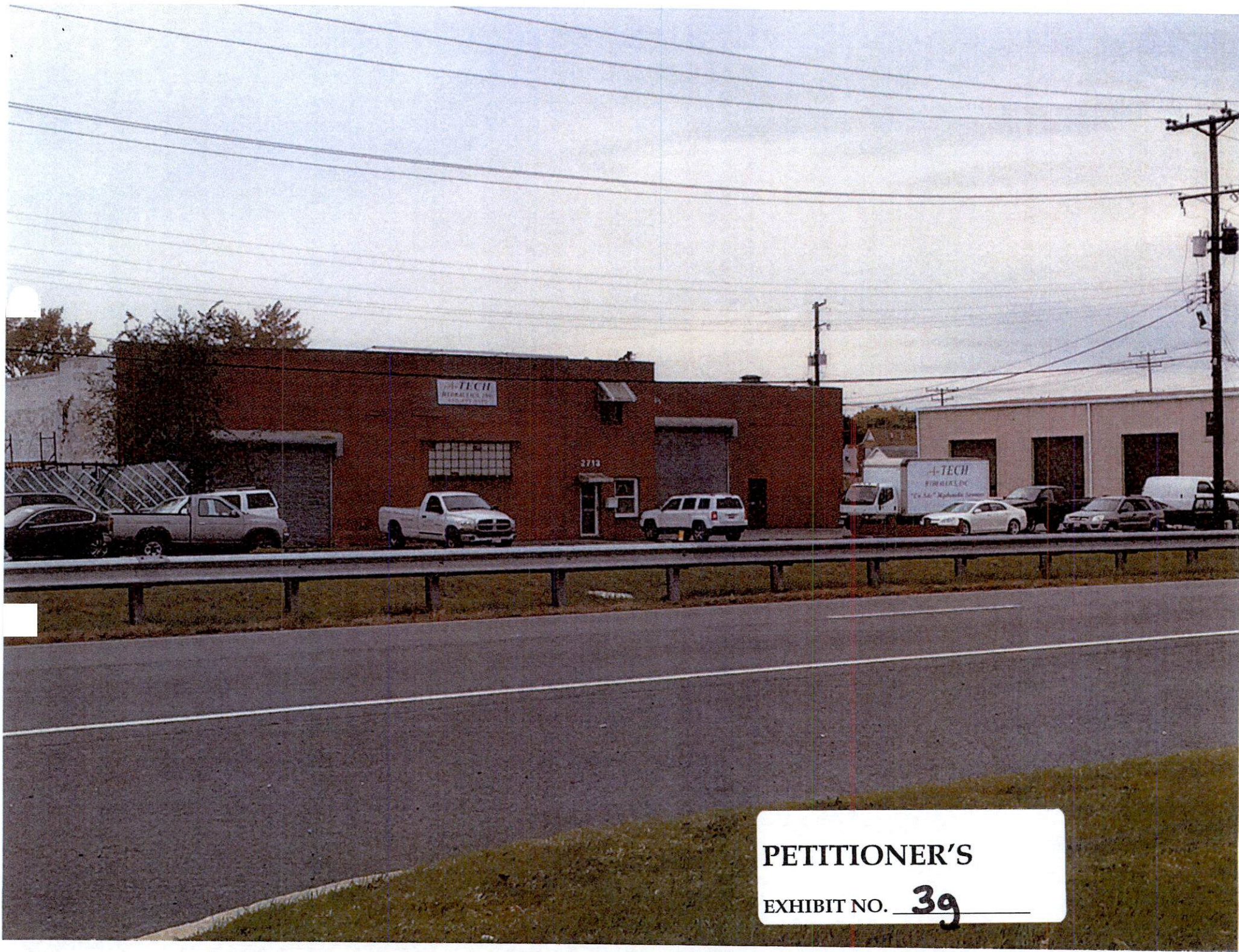
PETITIONER'S

EXHIBIT NO. 3e

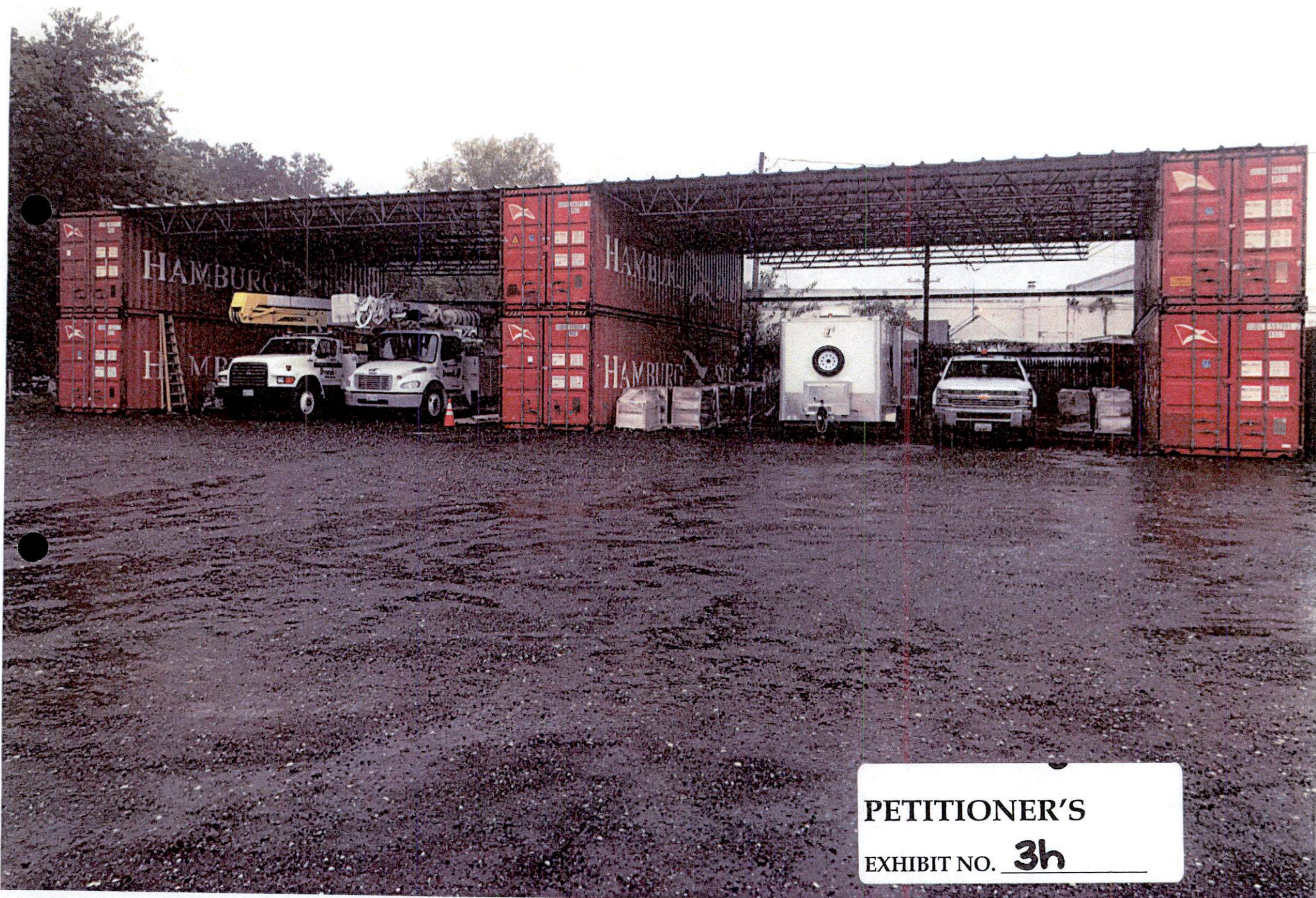


PETITIONER'S

EXHIBIT NO. 3f

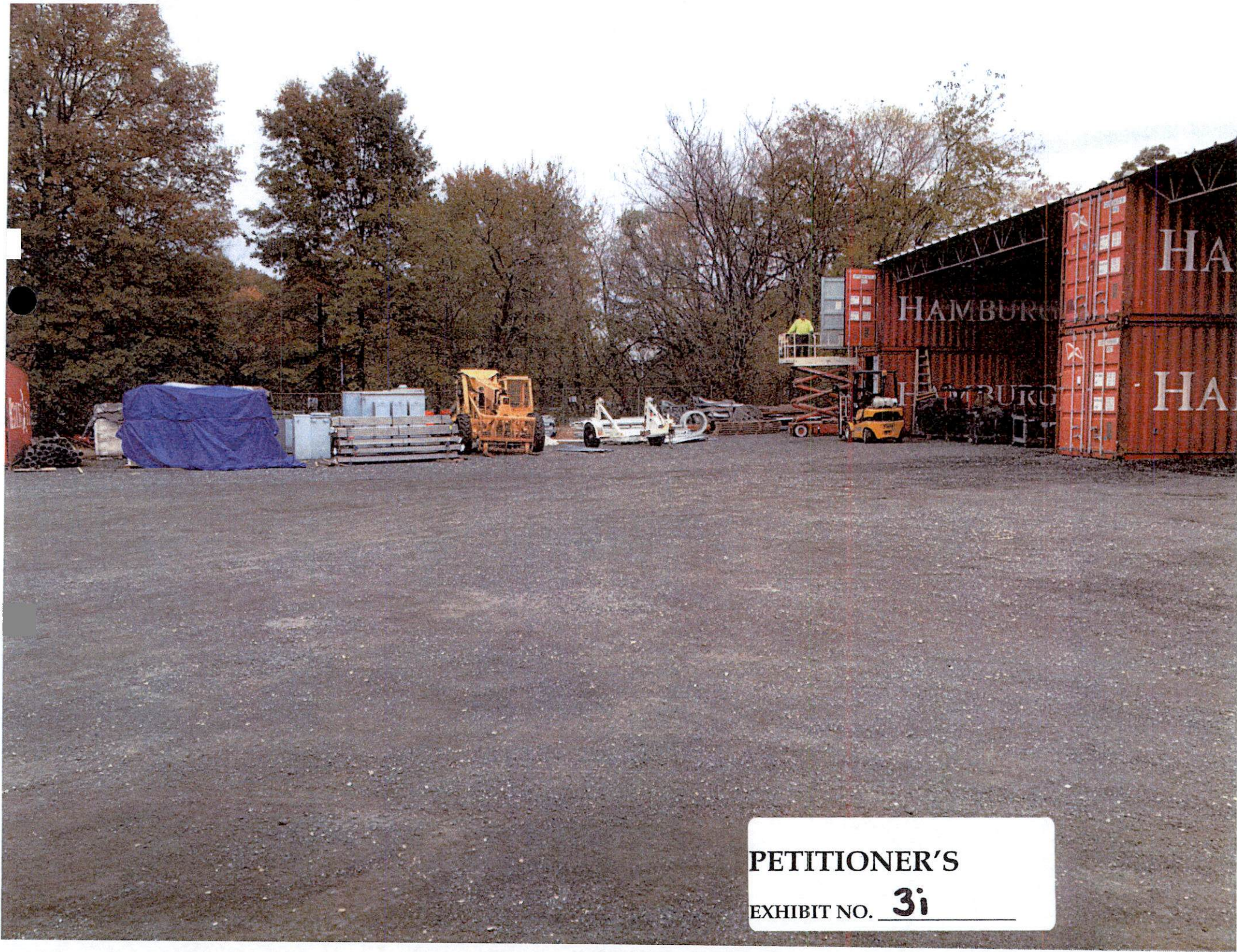


PETITIONER'S
EXHIBIT NO. 39



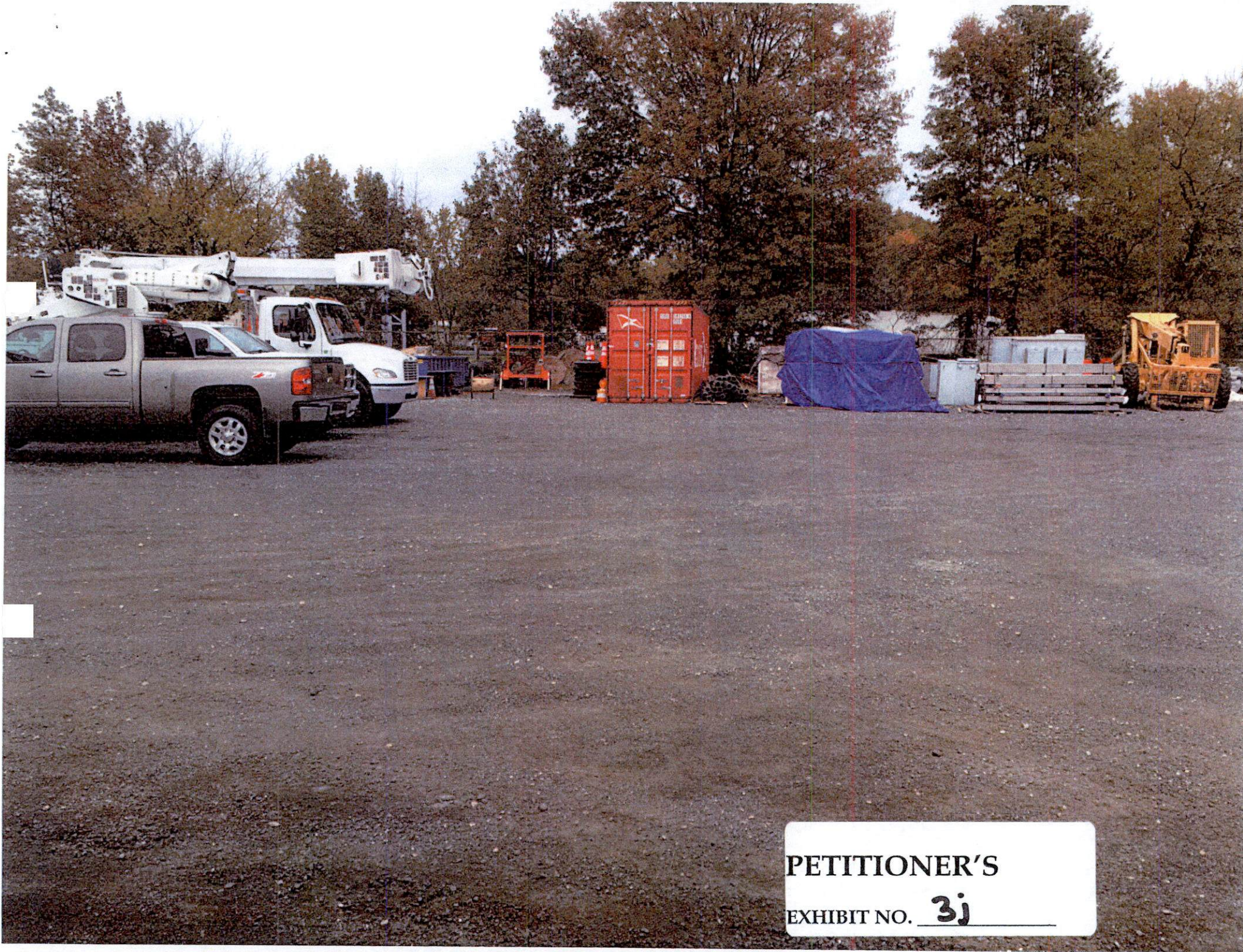
PETITIONER'S

EXHIBIT NO. 3h



PETITIONER'S

EXHIBIT NO. 3i



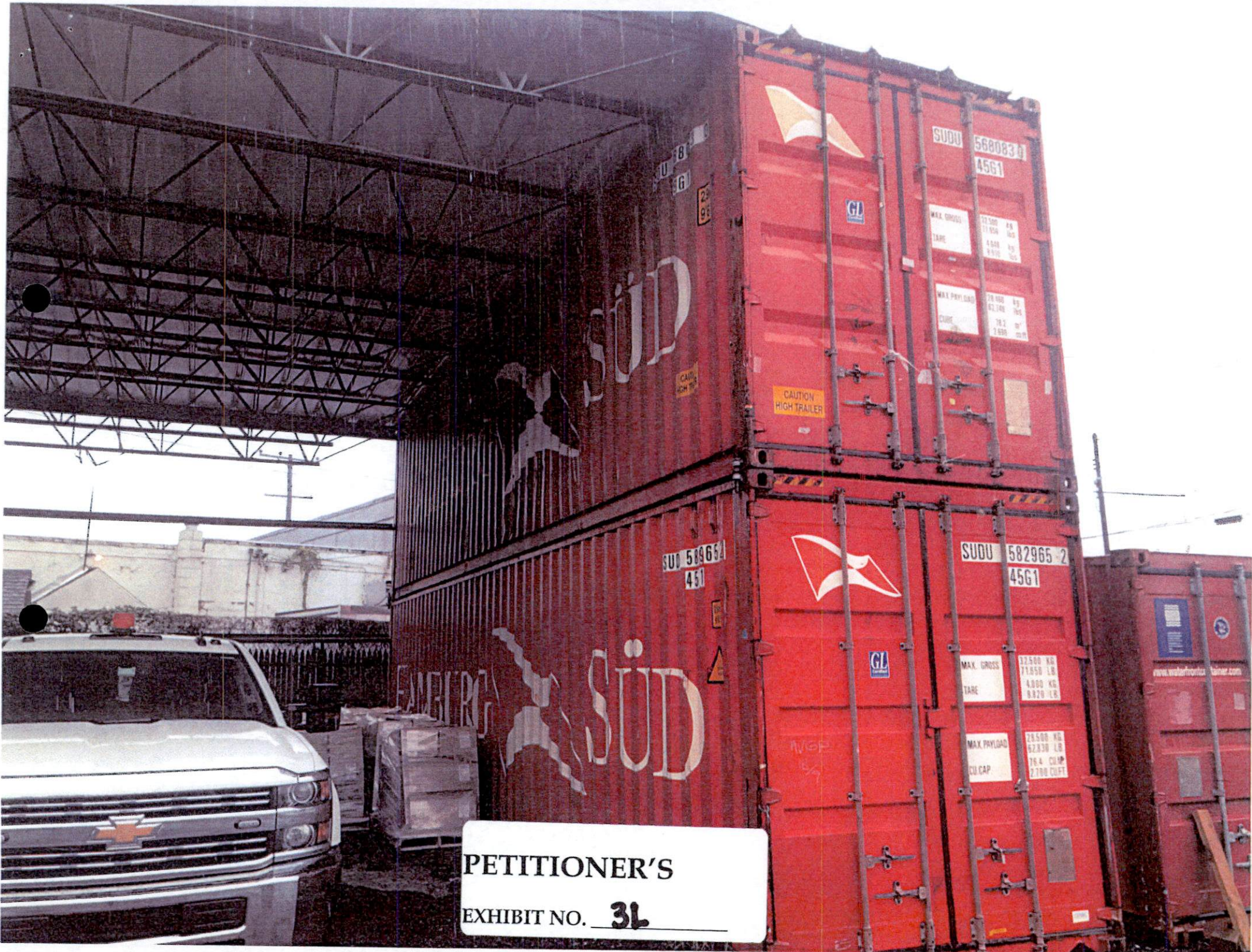
PETITIONER'S

EXHIBIT NO. 3j



PETITIONER'S

EXHIBIT NO. **3K**



PETITIONER'S

EXHIBIT NO. 3L



PETITIONER'S

EXHIBIT NO. 3m

Baltimore County - My Neighborhood

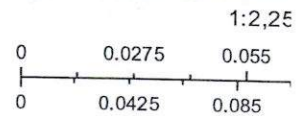


January 29, 2018

- Zoning
- Property
- County Boundary

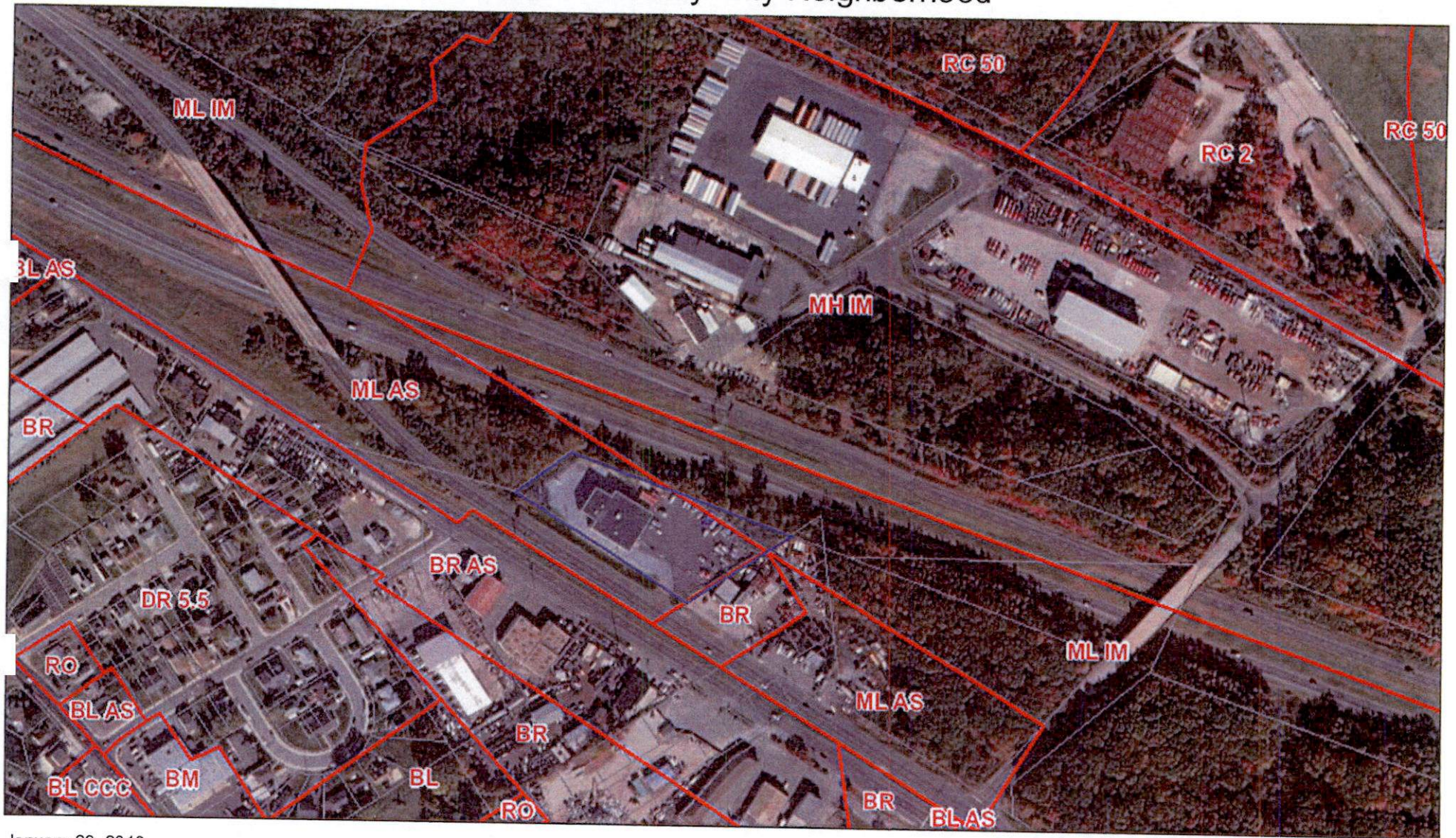
Petitioner
CBA Exhibit

SA



Source: Esri, DigitalGlobe, Geo
CNES/Airbus DS, USDA, USGS, Ae
Community

Baltimore County - My Neighborhood

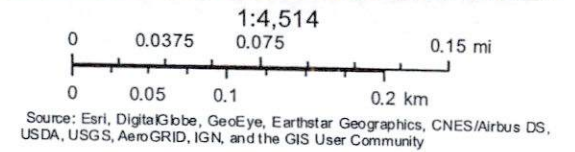


January 29, 2018

- Zoning
- Property
- County Boundary

Petitioner
CBA Exhibit

SB



Ret No 4

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

2700 NORTH POINT LLC
2700 NORTH POINT BLVD
BALTIMORE, MD 21222

CASE NUMBER	PROP.TAX ID
CC1710893	15-02-003180
VIOLATION ADDRESS	
2700 NORTH POINT BLVD DUNDALK, MD 21222-1601	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 400: Illegal accessory structure B.C.Z.R 500.9 BCZR; ZCPM; BCC: 32-3-102: Violation of commercial site plan and /or zoning order	Obtain required approval and permits for illegal accessory structure Violation of current site plan

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 09/30/2017	INSPECTOR ID: 56
	ISSUED DATE: 08/30/2017

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

Baltimore County - My Neighborhood

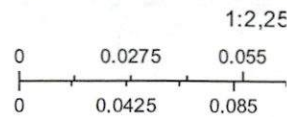


January 29, 2018

- Zoning
- Property
- County Boundary

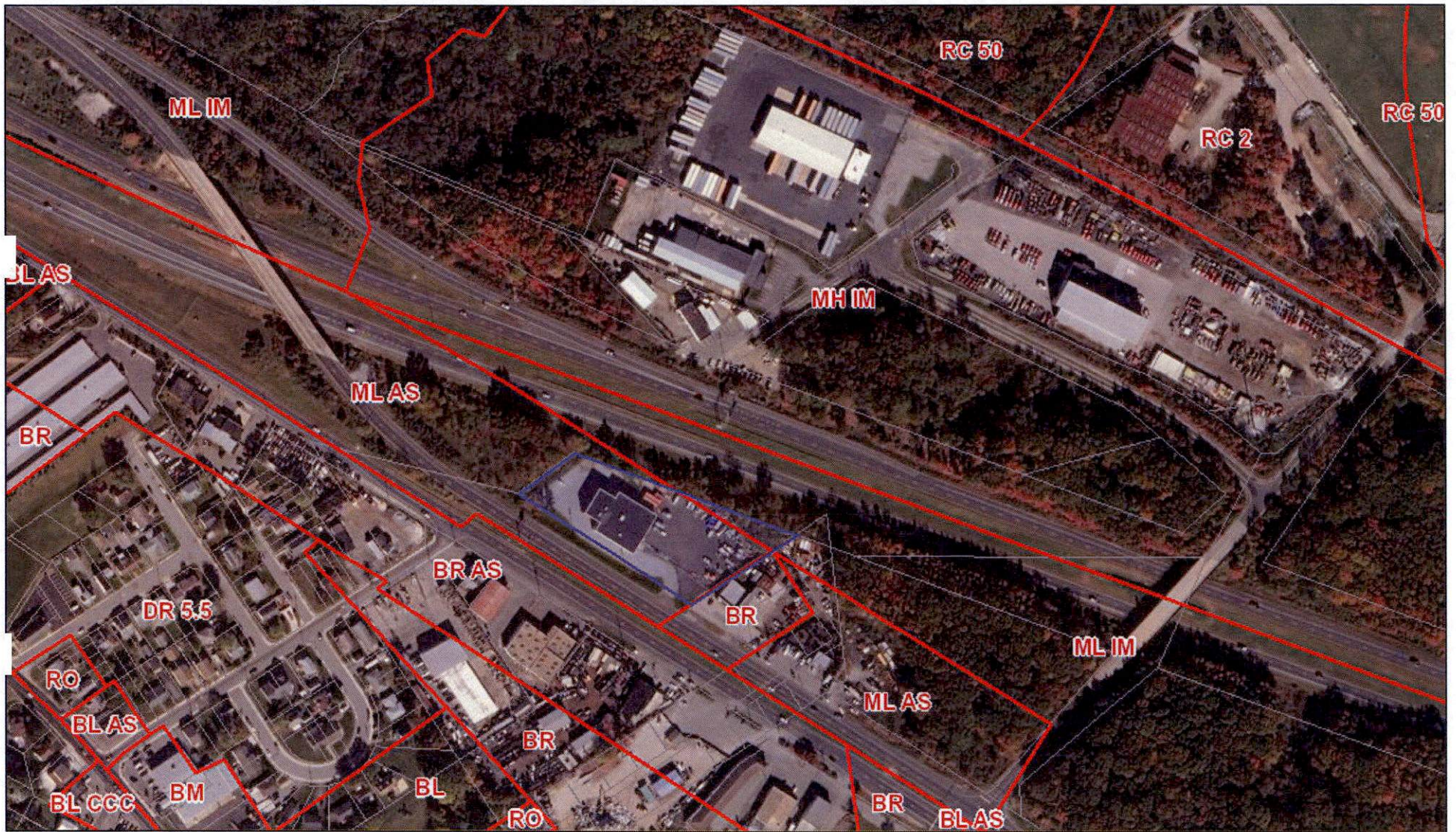
PETITIONER'S

EXHIBIT NO. 2a



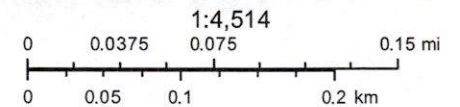
Source: Esri, DigitalGlobe, Geo
CNES/Airbus DS, USDA, USGS, Aero
Community

Baltimore County - My Neighborhood



January 29, 2018

- Zoning
- Property
- County Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

PETITIONER'S

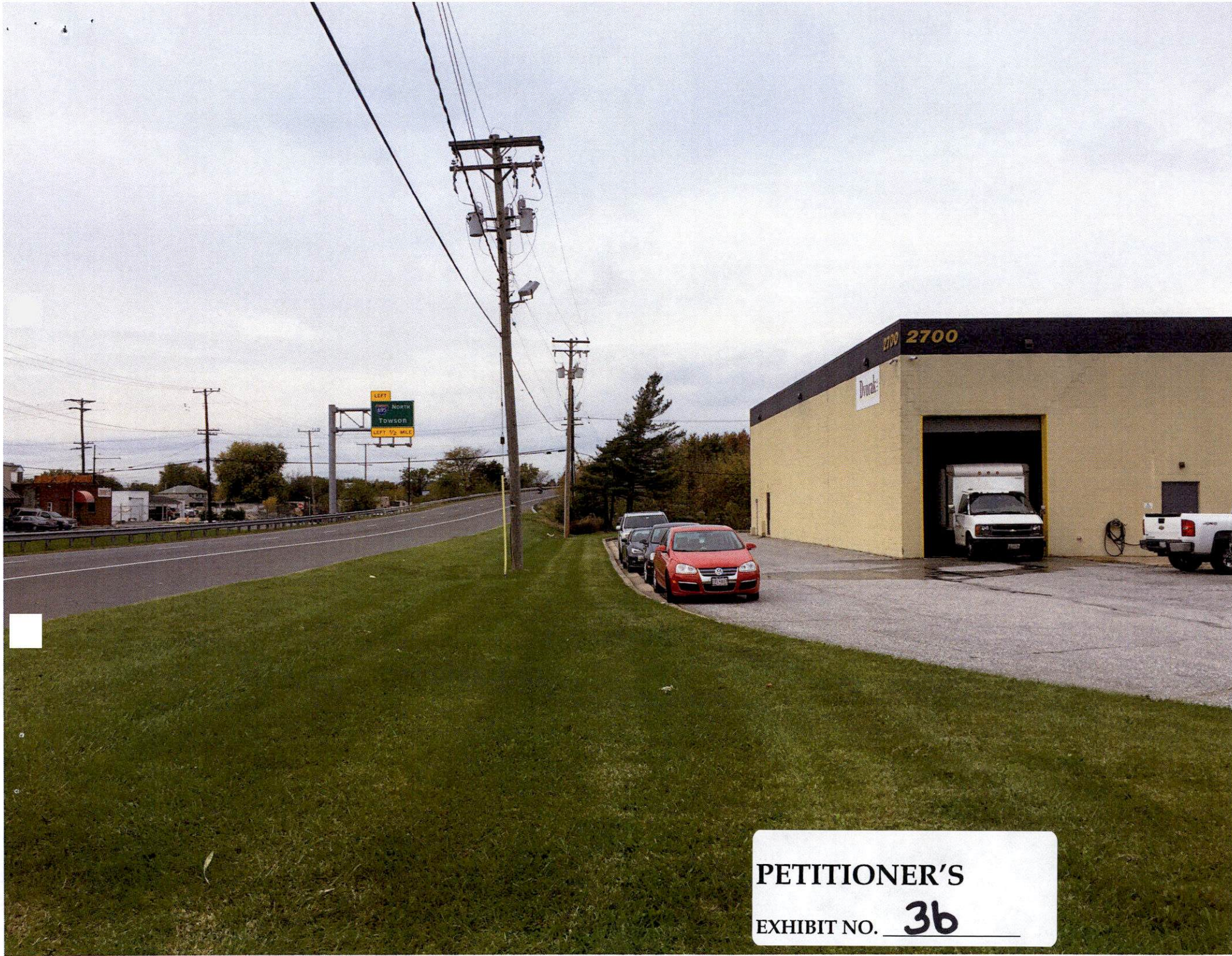
EXHIBIT NO. 2b

Baltimore County GIS - Web Application
Microsoft



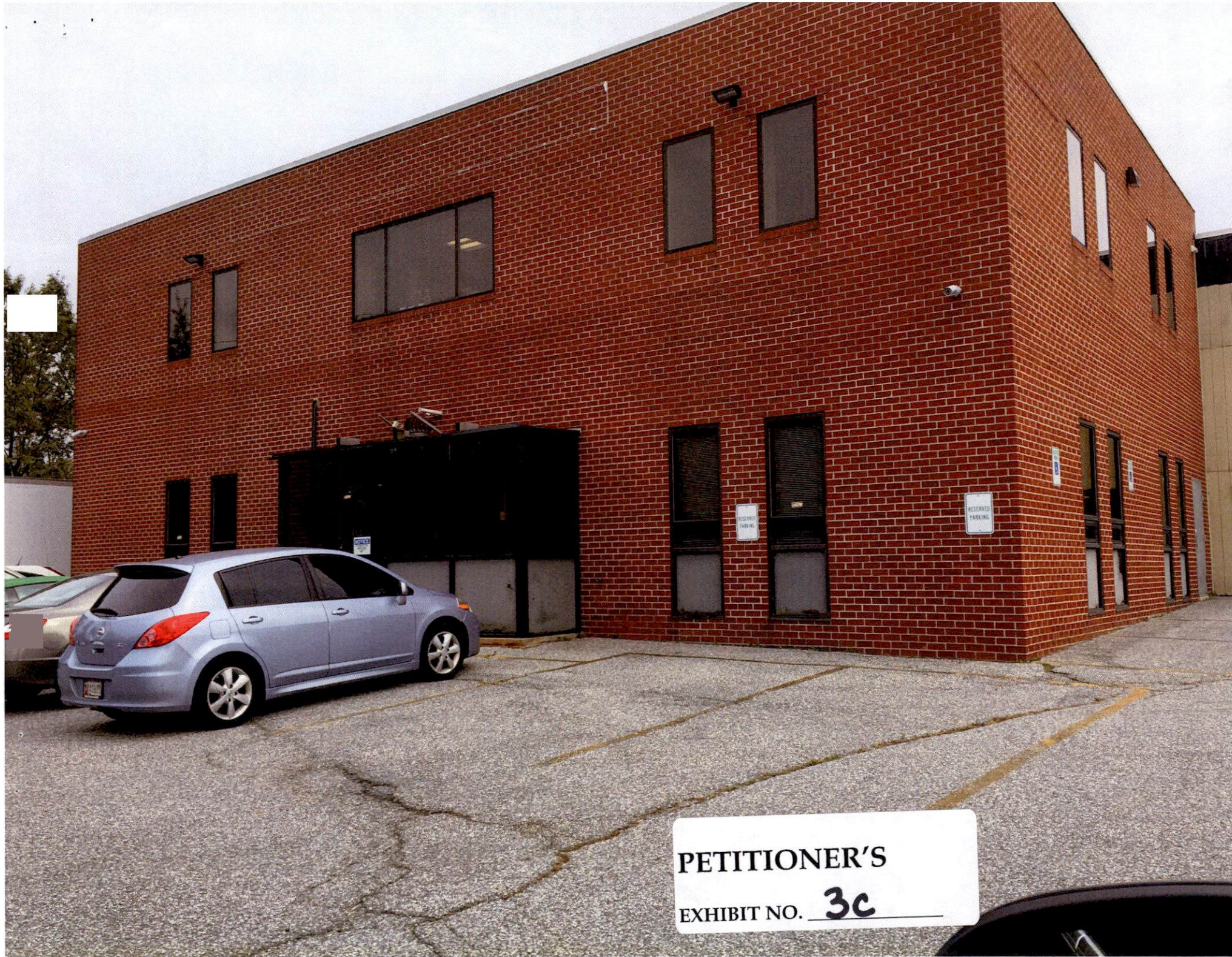
PETITIONER'S

EXHIBIT NO. 3a



PETITIONER'S

EXHIBIT NO. 3b



PETITIONER'S

EXHIBIT NO. 3c



PETITIONER'S

EXHIBIT NO. 3d



PETITIONER'S

EXHIBIT NO. 3e



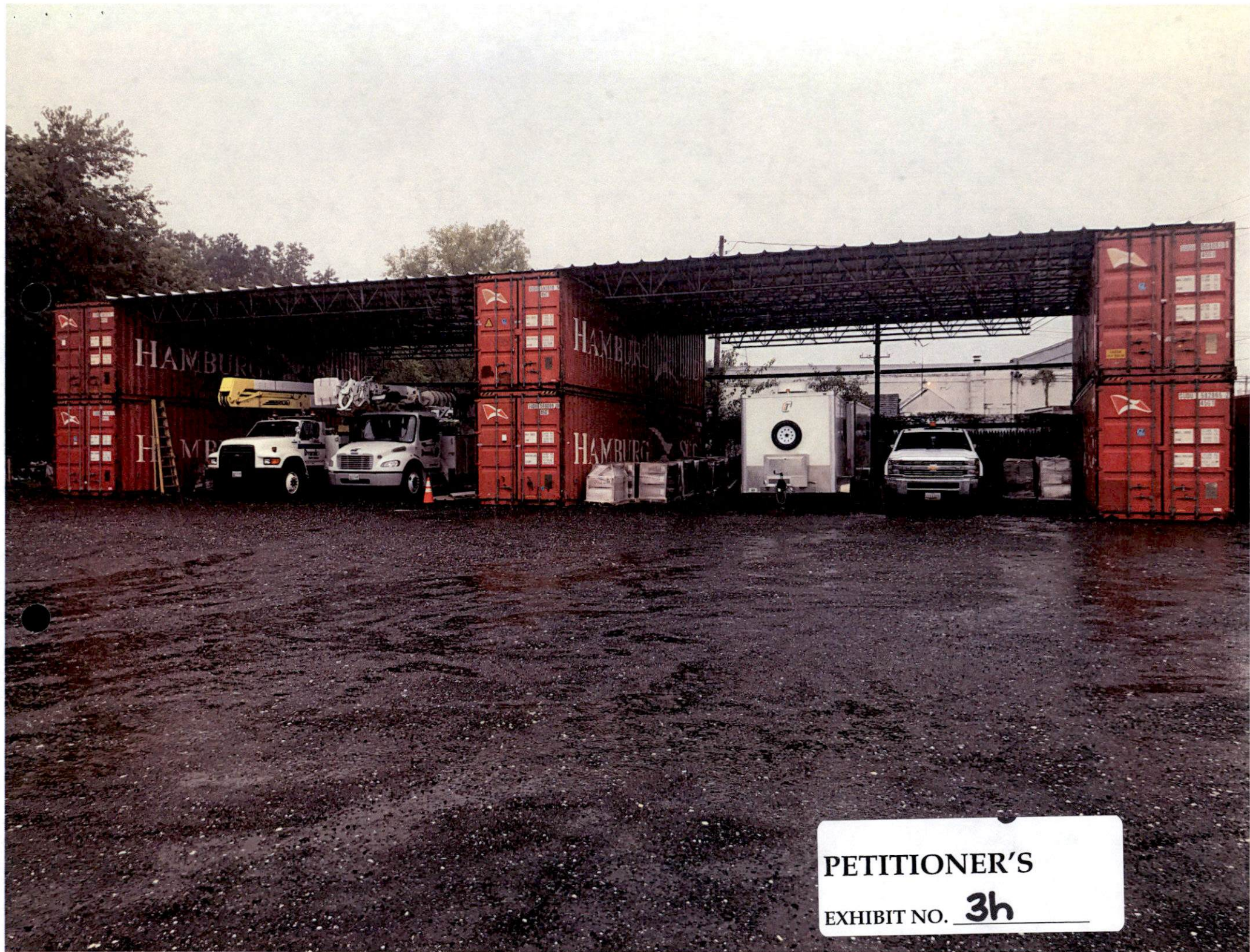
PETITIONER'S

EXHIBIT NO. 3f



PETITIONER'S

EXHIBIT NO. 39



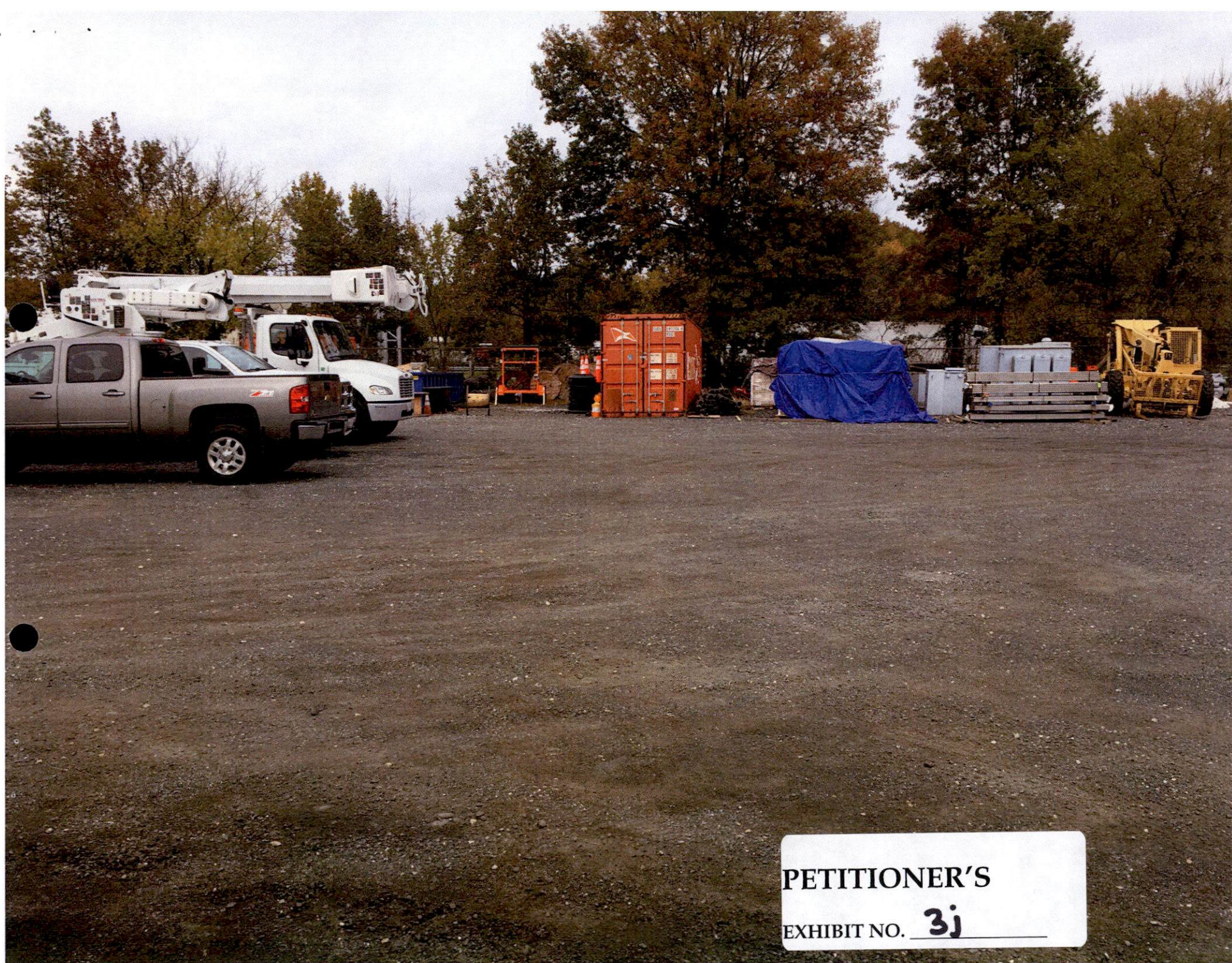
PETITIONER'S

EXHIBIT NO. 3h



PETITIONER'S

EXHIBIT NO. 3i

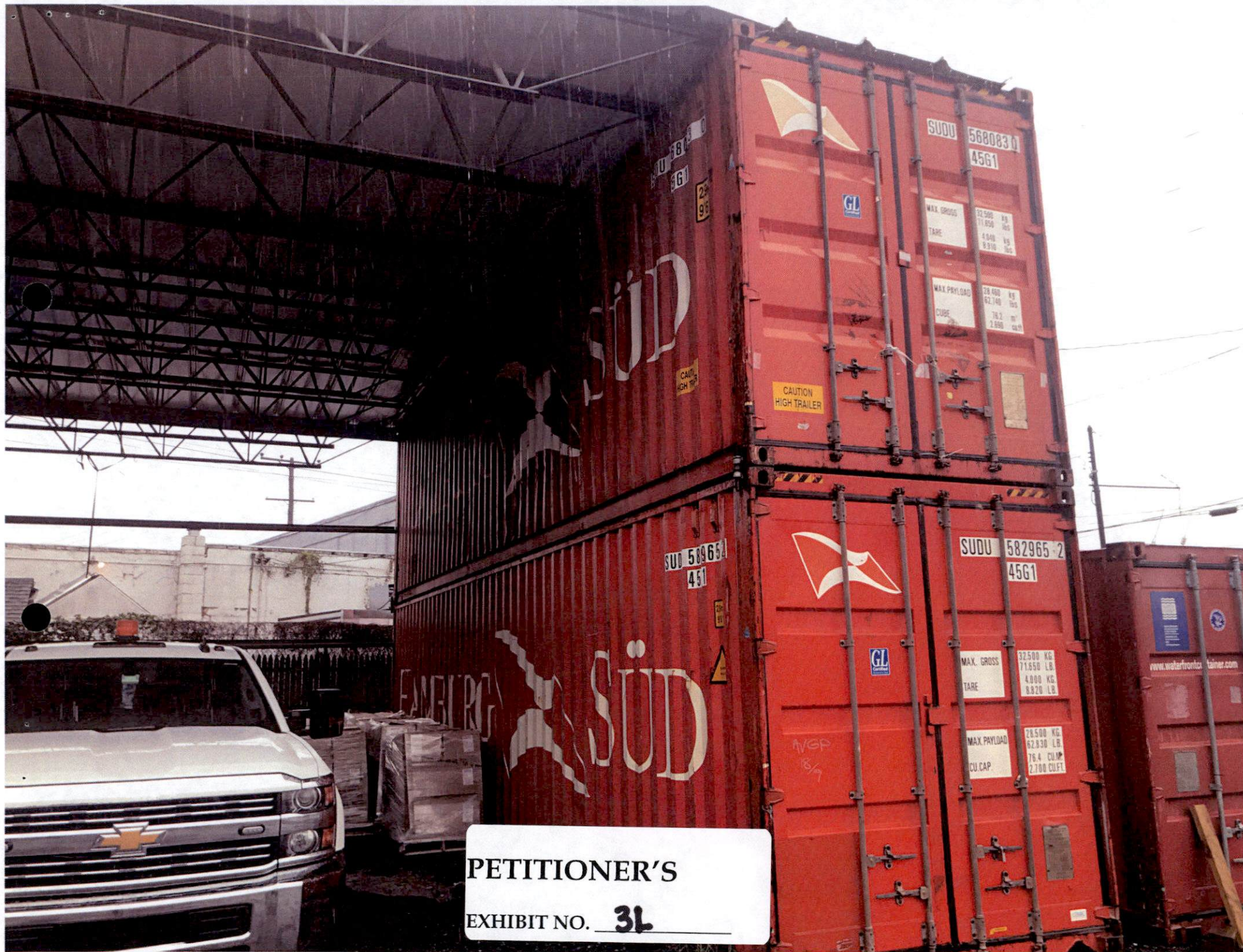


PETITIONER'S

EXHIBIT NO. 3j



PETITIONER'S
EXHIBIT NO. 3K



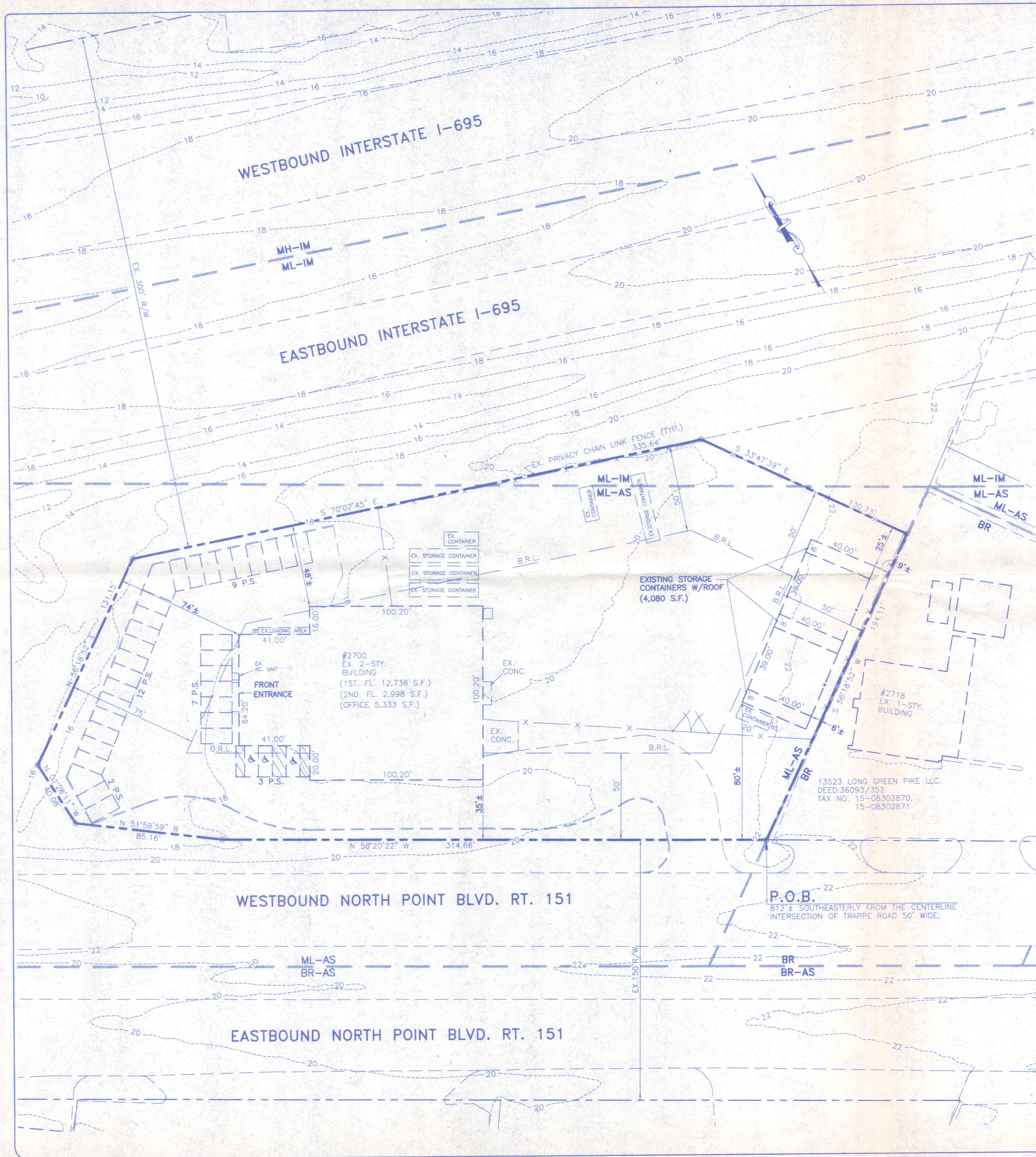
PETITIONER'S

EXHIBIT NO. **3L**



PETITIONER'S

EXHIBIT NO. 3m



NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography.
- The Firm Insurance Rate Map, 240010-0440 C indicates this is situated within flood Zone X.
- Property lines shown hereon were established by a boundary survey done by Frank Lee.
- This site is not situated within the Chesapeake Bay Critical Areas (Map 104).
- There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- There are no forest or developed woodlands on this site.
- There are no Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water and sewer serve this site.
- This site has not been the subject of the ORG, DRC, or Waiver Processes.
- Caution underground utilities may exist in North Point Blvd. & onsite, contact Miss Utility (800-257-7777) prior to any construction.

CODE ENFORCEMENT CORRECTION NOTICE

CASE NUMBER: CC1710893 DATED: 08/30/2017

B.C.Z.R. 400: ILLEGAL ACCESSORY STRUCTURE

B.C.Z.R. 500.9 BCZR/CCPM; CCC: VIOLATION OF COMMERCIAL SITE PLAN AND/OR ZONING ORDER.

ZONING HISTORY

THERE ARE THREE CASES FOR THIS SITE:

R-1955-3668

1957-4232-X

1954-3725-X

ZONING REQUEST

SPECIAL HEARING

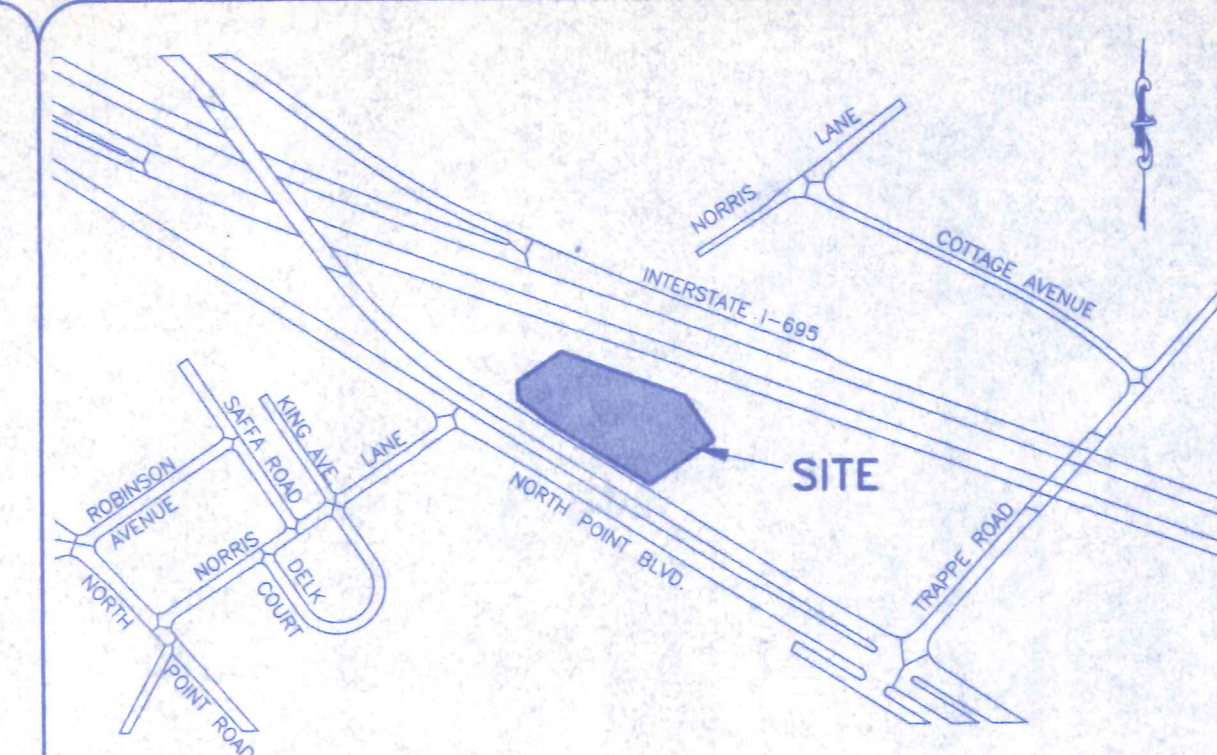
- THIS REQUEST FOR CONFIRMATION THAT THE PROPERTY IS BEING USED AS AN ELECTRICAL CONTRACTOR'S SHOP (A PERMITTED USE BY RIGHT) AND THAT THE EXISTING IMPROVEMENTS, USES, STRUCTURES AND PARKING PROVIDED (OFFICE AND WAREHOUSE PARKING REQUIREMENTS) AS SHOWN ON THE SITE PLAN ARE IN CONFORMANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR); AND
- TO CONFIRM THAT EXISTING STORAGE CONTAINERS ON THE PROPERTY ARE PERMITTED AS A CLASS II TRUCKING FACILITY AND/OR AS ACCESSORY TO THE PRINCIPLE USE ON THE PROPERTY PURSUANT TO BCZR 253.2.A.13, 253.1.F.3 AND/OR 415.6; AND
- TO GRANT SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ALJ. IN ORDER FOR THE PROPERTY AND IMPROVEMENTS THEREON TO CONTINUE TO BE USED/LOCATED AS SHOWN ON THE ATTACHED SITE PLAN, INCLUDING A DETERMINATION OF THE ORIENTATION OF THE EXISTING BUILDING AND A FINDING (IF NECESSARY) THAT THE PROPERTY IS NON-CONFORMING PER BCZR 104.

VARIANCES FROM SECTIONS

- 255.1, 255.2, 253.4 & 243 OF THE BCZR TO ALLOW THE FOLLOWING SETBACKS:
 - A. 74'± FRONT YARD SETBACK IN LIEU OF THE REQUIRED 75' SETBACK;
 - B. 48'± & 35'± SIDE YARDS SETBACK IN LIEU OF THE REQUIRED 50' SETBACK;
 - C. TO ALLOW A TRUCKING FACILITY LESS THAN 100' FROM THE FREEWAY OR EXPRESSWAY;
- TO GRANT SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ALJ.

SPECIAL EXCEPTION

- TO PERMIT A TRUCKING FACILITY AS A USE IN COMBINATION WITH AN ELECTRICAL CONTRACTOR'S SHOP PURSUANT TO BCZR 253.1.C.10, 253.1.E AND 253.2.A.13.



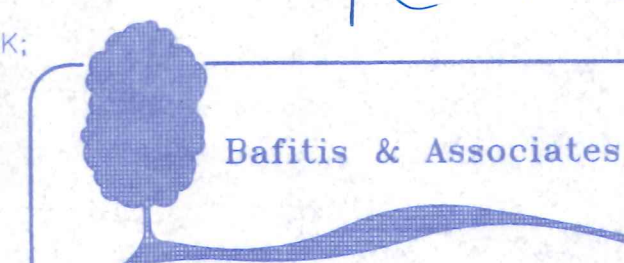
VICINITY MAP

(SCALE: 1" = 1000')

SITE DATA

- OWNER: 2700 NORTH POINT LLC.
#2700 NORTH POINT BLVD.
BALTIMORE, MARYLAND 21222
TELEPHONE: 443-677-1920
- DEED REF: 35385/454
- TAX ACC. NO.: 15-02003180
- TAX MAP: 104 PARCEL: 62 LOT: NONE
- PLAT REF: NONE
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: 330
- CENSUS TRACT: 4525
- ZONING: ML-AS & ML-IM
- ZONING MAP: 097A3 & 104A1
- USE: EXISTING: COMMERCIAL, ONE STORY BUILDING W/PARKING
PROPOSED: COMMERCIAL, ONE STORY BUILDING W/PARKING
- SITE AREA: 86,244 S.F. OR 1.97 AC. +/-
- PARKING:
 - EXISTING:
 - 1 P.S. PER EMPLOYEE PER SHIFT
 - 3 EMPLOYEES X 1 P.S. = 3
 - 3.3 P.S. PER 1,000 S.F. FOR OFFICE (5,333 S.F.)
 - 3.3/1,000 = 0.0033 X 5,333 = 17.59
 - TOTAL 21 P.S.
 - PROVIDED:
 - ADA PARKING = 3 P.S.
 - PARKING = 30 P.S.
 - TOTAL 33 P.S.

Attachment No 1



Bafitis & Associates, Inc.

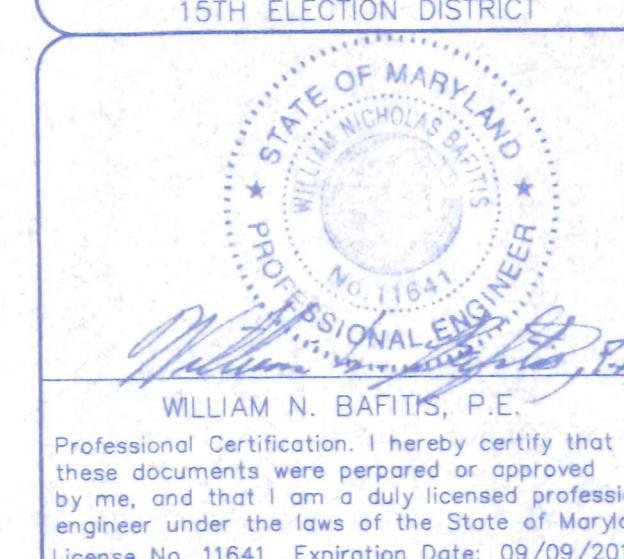
William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
ZONING PETITION FOR
SPECIAL HEARING & VARIANCES
& SPECIAL EXCEPTION
FOR
#2700 NORTH POINT BLVD.
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

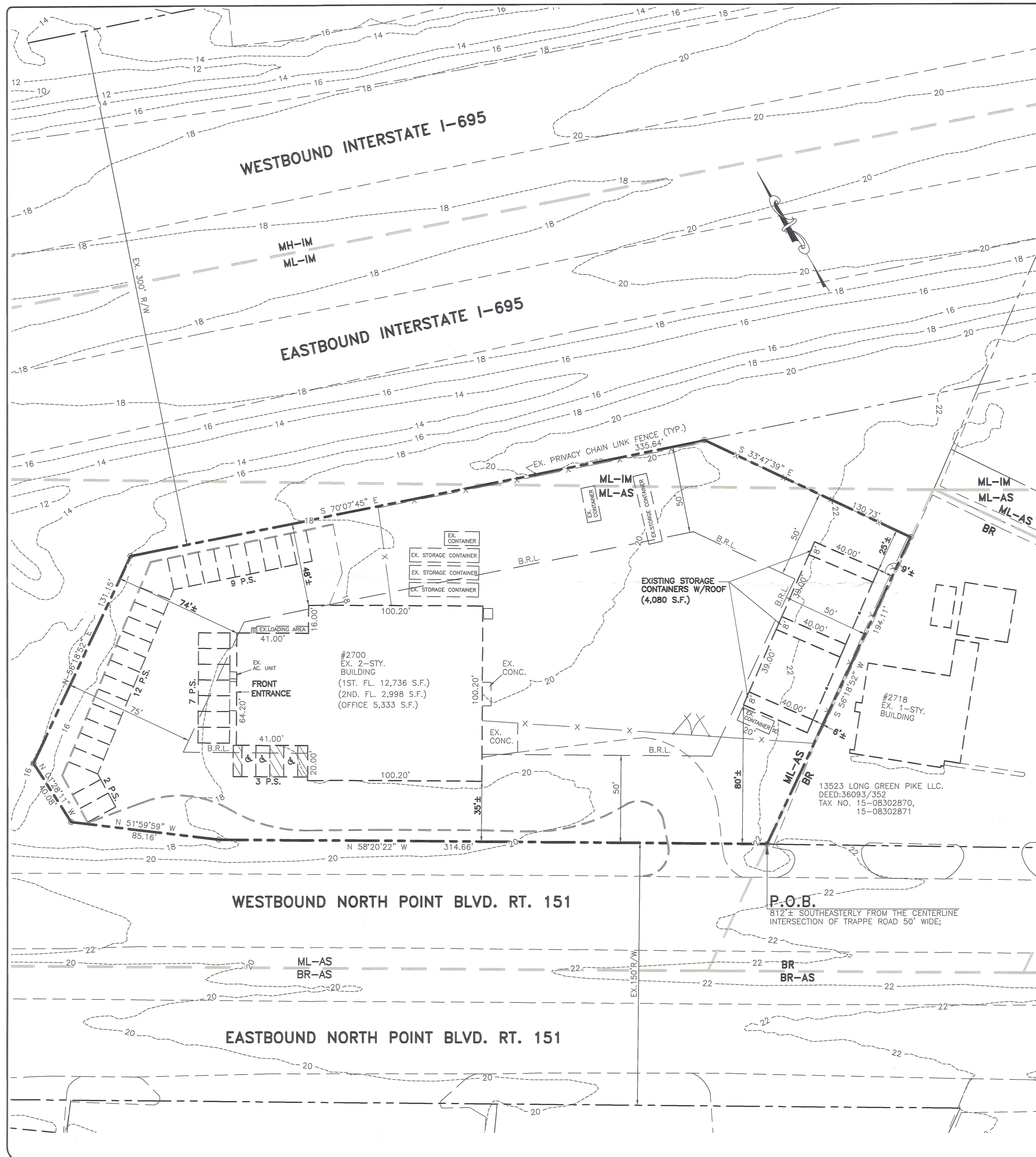


Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 11641 Expiration Date: 09/09/2019

1

SCALE:
1" = 30'
JOB ORDER NO:
21722
DATE:
11/10/17
CHECKED:
W.N.B.
DRAWN:
N.W.B.

NO.	REVISIONS	DATE



NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography.
- The Firm Insurance Rate Map, 240010-0440 G indicates this is situated within flood Zone X.
- Property lines shown hereon were established by a boundary survey done by Frank Lee.
- This site is not situated within the Chesapeake Bay Critical Areas.(Map 104)
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- There are no slopes greater than 15% on this site.
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- Caution underground utilities may exist in North Point Blvd. & onsite, contact Miss Utility (800-257-7777) prior to any construction.

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CASE NUMBER: CC1710893 DATED: 08/30/2017

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B.C.Z.R. 500.9 BCZR;CCPM; CCC: VIOLATION OF COMMERCIAL SITE PLAN AND/OR ZONING ORDER.

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THERE ARE THREE CASES FOR THIS SITE;
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ZONING REQUEST

SPECIAL HEARING

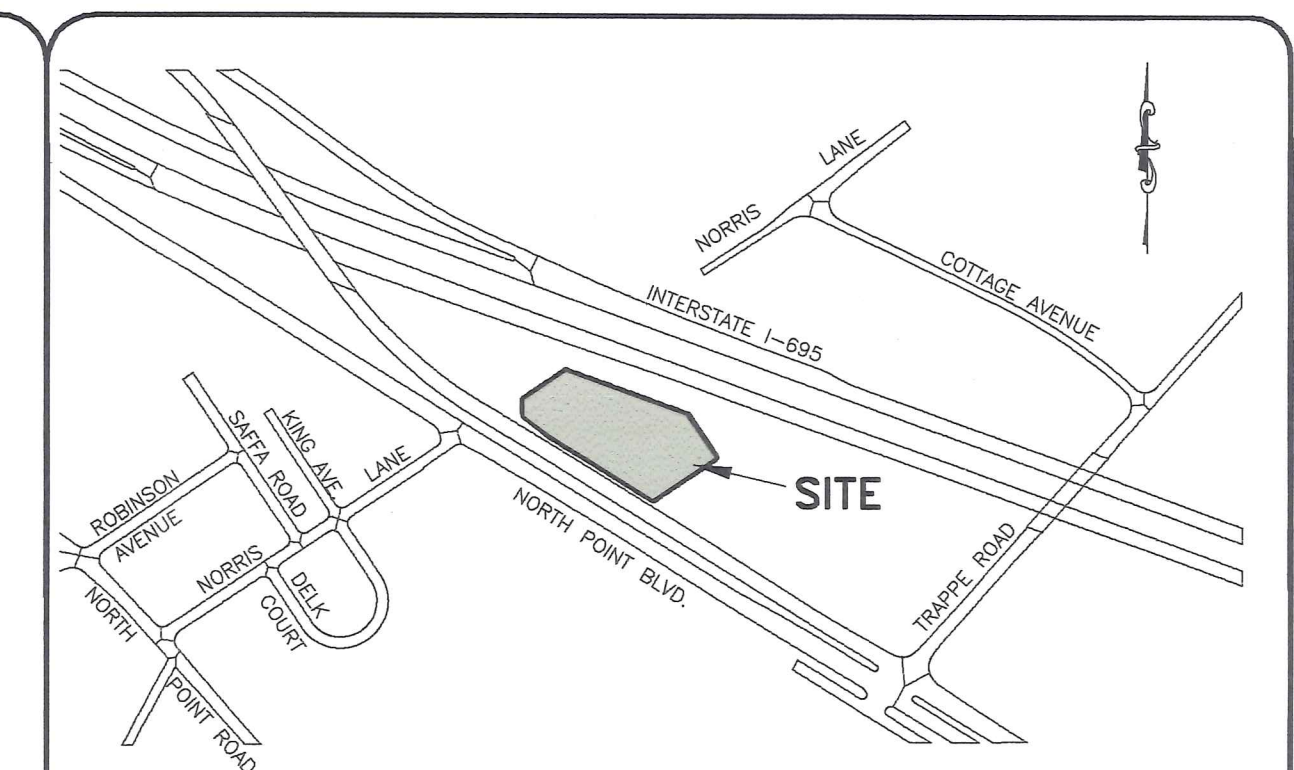
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VICINITY MAP

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SITE DATA

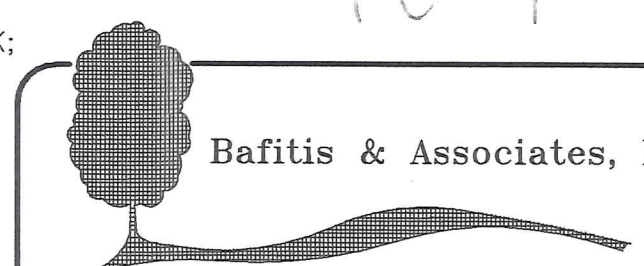
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#2700 NORTH POINT BLVD.
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TELEPHONE: 443-677-1920
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- TAX ACC. NO.: 15-02003180
- TAX MAP: 104 PARCEL: 62 LOT: NONE
- PLAT REF: NONE
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- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: 330
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- PARKING:

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1 P.S. PER EMPLOYEE PER SHIFT	3 P.S.
3 EMPLOYEES X 1 P.S. = 3	
3.3 P.S. PER 1,000 S.F. FOR OFFICE (5,333 S.F.)	18 P.S.
3.3/1,000 = 0.0033 X 5,333 = 17.59	
TOTAL	21 P.S.

PROVIDED

ADA PARKING =	3 P.S.
PARKING =	30 P.S.
TOTAL	33 P.S.



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

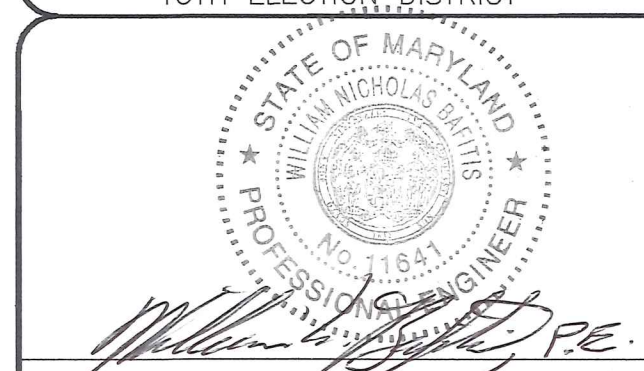
Civil Engineers/Land Planners
SURVEYORS

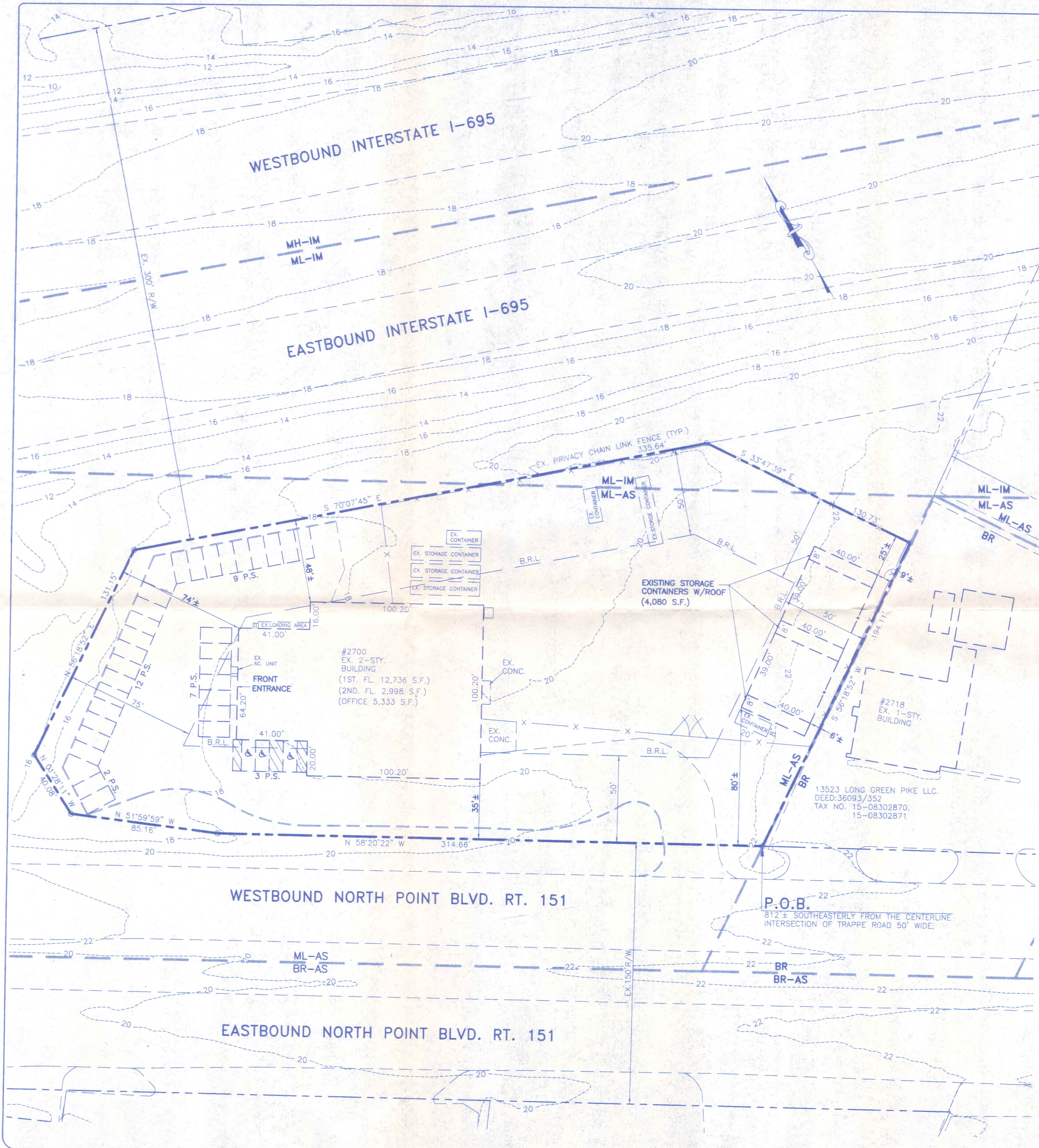
1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING & VARIANCES & SPECIAL EXCEPTION FOR #2700 NORTH POINT BLVD.

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

 WILLIAM N. BAFITIS, P.E. 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 No. 11641 Expiration Date: 09/09/2019	1	SCALE: 1" = 30'
		JOB ORDER NO: 21722
CHECKED: W.N.B.	DRAWN: N.W.B.	DATE: 11/10/17
		SHEET <u>1</u> OF <u>1</u>
NO.	REVISIONS	DATE



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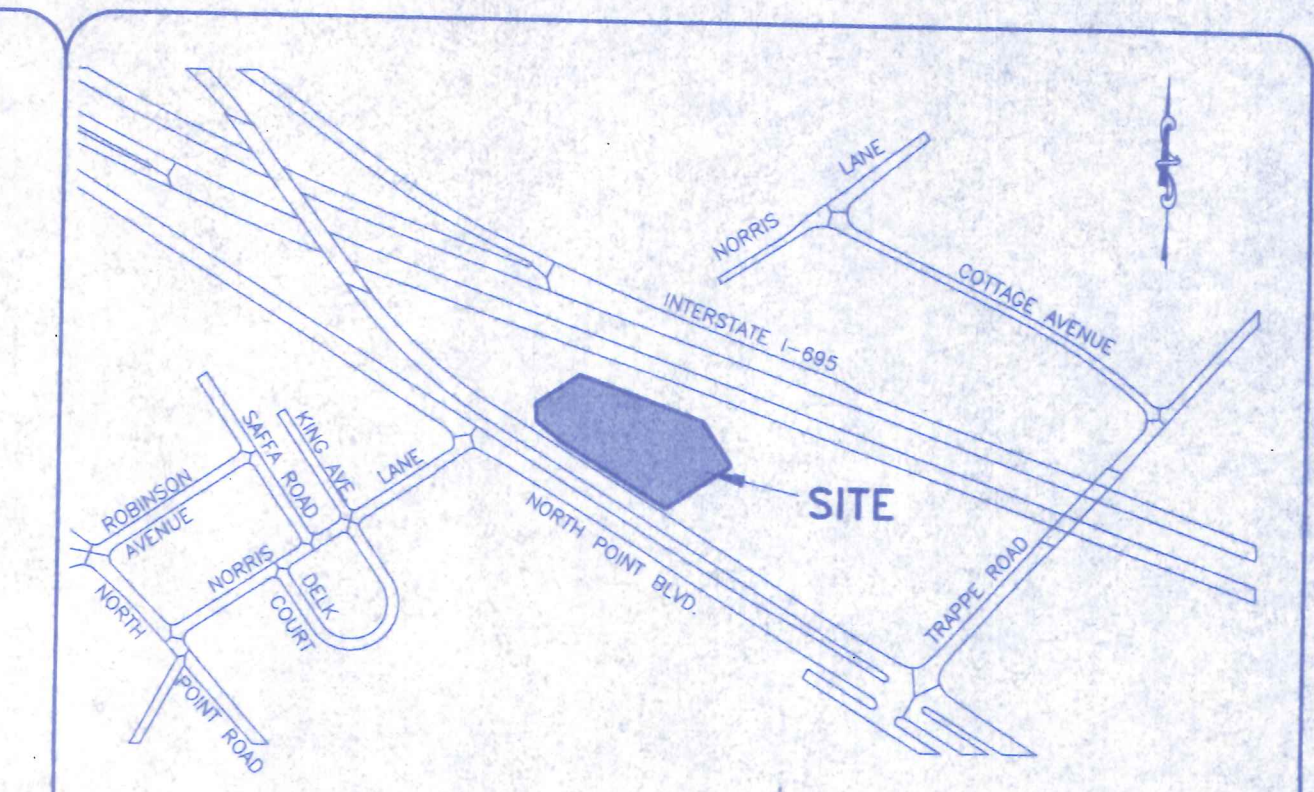
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VICINITY MAP
(SCALE: 1" = 1000')

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#2700 NORTH POINT BLVD.
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TELEPHONE: 443-677-1920
- 2) DEED REF: 35385/454
- 3) TAX ACC. NO.: 15-02003180
- 4) TAX MAP: 104 PARCEL: 62 LOT: NONE
- 5) PLAT REF: NONE
- 6) ELECTION DISTRICT: 15TH
- 7) COUNCILMANIC DISTRICT: 7TH
- 8) REGIONAL PLANNING DISTRICT: 330
- 9) CENSUS TRACT: 4525
- 10) ZONING: ML-AS & ML-IM
- 11) ZONING MAP: 097A3 & 104A1
- 12) USE: EXISTING: COMMERCIAL, ONE STORY BUILDING W/PARKING
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- 13) SITE AREA: 86,244 S.F. OR 1.97 AC. +/-
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EXISTING

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3.3 P.S. PER 1,000 S.F. FOR OFFICE (5,333 S.F.)	
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TOTAL	21 P.S.

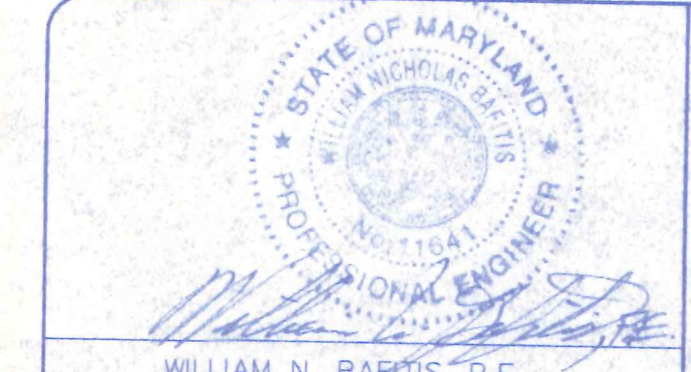
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ADA PARKING =	3 P.S.
PARKING =	30 P.S.
TOTAL	33 P.S.



Bafitis & Associates, Inc.
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
1249 Engleberth Rd. Baltimore, MD 21221
(410) 391-2336

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING & VARIANCES & SPECIAL EXCEPTION FOR #2700 NORTH POINT BLVD. 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



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 No. 11641 Expiration Date: 09/09/2019

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CHECKED: W.N.B.
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SHEET 1 OF 1

NO.	REVISIONS	DATE