

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(Patapsco Avenue)		
13 th Election District	*	OFFICE OF
1 st Council District		
AV & E Industries, <i>Legal Owners</i>	*	ADMINISTRATIVE HEARINGS
Copart, Inc., <i>Contract Purchaser</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2019-0077-SPH
* * * * *		* * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of AV & E Industries, *et. al.* legal owners and Copart, Inc., contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to Sections 102.4 & 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve the temporary outdoor storage of used and damaged operable and inoperable vehicles for wholesale on-line auction. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Professional engineer Dan Loveless and Philip Weber appeared in support of the petition. Joseph R. Woolman, III, Esq. represented the contract purchaser. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

The subject property is a portion of an approximately 62.93 acres tract comprised of nine separate parcels with different owners. The property is zoned M.L. and the Baltimore City/County line bisects the site. The property at issue in this case is approximately 26.37 acres in size.

Copart, Inc. is under contract to purchase the property. That firm conducts on-line auctions wherein it sells damaged and/or disabled vehicles usually acquired from insurance companies. Mr.

Weber explained that this site would be known as “sub-lot,” which means that vehicles would be stored here awaiting sale. He stated most vehicles are sold and removed from the site within 45-60 days. Copart’s primary facility in this area is located in Finksburg, where vehicles are also stored and all administrative functions are handled.

As noted above part of the site is in Baltimore City and Copart recently filed a similar petition with the Board of Municipal and Zoning Appeals for Baltimore City (BMZA). The BMZA issued a Resolution dated October 3, 2018 finding the use to be permitted as an “outdoor storage yard.” Based on Mr. Weber’s testimony I believe a similar finding is appropriate in this case. As such the special hearing will be granted based upon a determination the use is permitted in the M.L. zone pursuant to BCZR §253.1.B.16, which permits “storage, warehousing or wholesale distribution “

THEREFORE, IT IS ORDERED this **8th** day of **November, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve the temporary outdoor storage of used and damaged operable and inoperable vehicles for wholesale on-line auction, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with DOP and DEPS ZAC comments, copies of which are attached hereto and made a part hereof.

Any appeal of this decision must be filed within thirty (30) days of the date of this

Order.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm