

**IN RE: PETITION FOR VARIANCE**  
**(6633 Security Blvd.)**  
1<sup>st</sup> Election District  
4<sup>th</sup> Councilman District  
Fox Chevrolet, Inc.  
*Legal Owner*  
Petitioner

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2013-0297-A**

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Marvin I. Singer, Esquire, on behalf of the legal owner, Fox Chevrolet, Inc. The Variance was filed pursuant to Baltimore County Zoning Regulations (“B.C.Z.R”) §450.4 Attachment 1.3 as follows: (1) to permit a new directional wall sign of 33.8 square feet (“Certified Service”) in lieu of the permitted 8 square feet; (2) to permit an existing free-standing directional sign (“Certified Service”) of 19.25 square feet in area and 8 feet in height in lieu of the permitted 8 square feet in area and 6 feet in height; (3) to permit an existing free-standing directional sign (“Entrance”) 7 feet in overall height in lieu of the required 6 feet; (4) to permit a free-standing pylon sign (“Chevrolet-Autonation”) 37 feet in height in lieu of the permitted 25 feet, of 226.25 square feet in area pursuant to §450.4, Attachment 1.5(g); and (5) to permit a second, existing free-standing pylon sign (“Certified Pre-Owned”) of 75 square feet in area, 25 feet in height, in lieu of the single permitted sign of 50 square feet pursuant to §450.4, Attachment 1.5(g). The Petition was amended at the hearing to reduce the size of the “Chevrolet-Autonation” pylon sign, following counsel’s discussions with the Office of People’s Counsel.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the requests was Torey King, General Manager of the dealership. Marvin I. Singer, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 3.982+/- acres and zoned BM. The Petitioner has for many years operated an automobile dealership at the site which now has over 100 employees. The Petitioner proposed an additional wall mounted sign (“Service”) at the dealership, which necessitated the current zoning petition.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People’s Counsel*, 407 Md. 53, 80 (2008).

Petitioner has met this test. As shown on the site plan (Exhibit 1) the property is uniquely shaped and fronts on an extremely congested state highway (Security Blvd.) Thus, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, since it would be unable to install the proposed signage which would help to direct motorists to, and throughout, the site. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to

the public health, safety, and general welfare. This is demonstrated by the absence of County and/or community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 20<sup>th</sup> day of August, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations (“B.C.Z.R”) § 450.4 Attachment 1.3 as follows: (1) to permit a new directional wall sign (“Certified Service”) of 33.8 square feet in lieu of the permitted 8 square feet; (2) to permit an existing free-standing directional sign (“Certified Service”) of 19.25 square feet in area and 8 feet in height in lieu of the permitted 8 square feet in area and 6 feet in height; (3) to permit an existing free-standing directional sign (“Entrance”) 7 feet in overall height in lieu of the required 6 feet; (4) to permit a free-standing pylon sign (“Chevrolet-Autonation”) of 127 square feet, in lieu of 50 square feet in area pursuant to §450.4, Attachment 1.5(g); and (5) to permit a second, existing free-standing pylon sign (“Certified Pre-Owned”) of 75 square feet in are in lieu of the single permitted 50 square feet sign pursuant to §450.4, Attachment 1.5(g), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB: sln