

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(3597 & 3531 Washington Blvd.)		
13 th Election District	*	OF ADMINISTRATIVE
1 st Councilmanic District		
Venture BG LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0189-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David H. Karceski, Esquire, of Venable, LLP on behalf of the legal owner, Venture BG LLC, Petitioner. The Variance was filed pursuant to § 450.4 Attachment 1 of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) from 7(b) (IX) for a freestanding joint identification sign to display a maximum of 14 lines of text; and (2) from 7(b) (IX) for a freestanding joint identification sign to display lines of text with a sign copy a minimum of 1.5 inches in lieu of the required 8 inch height for sign copy. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibits 1A & 1B.

Appearing at the public hearing in support of the requests was Ken Bernstein and Stephen Warfield, professional engineer from Matis Warfield, Inc., the firm that prepared the site plan. David H. Karceski, Esquire represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, nor does the file contain any letters of opposition. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 61± acres and is improved with a large shopping

center with a Wal-Mart and other tenants. The property has nearly 800,000 square feet of tenant space, and is split-zoned BL-AS, ML-IM and DR 5.5. The property is known as Landsdowne Station, and the relief sought pertains only to the existing joint identification sign.

Based upon the testimony and evidence presented, I will grant the petition for variance.

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. The large property has irregular dimensions and Mr. Warfield (who was accepted as an expert) noted there exists a significant grade change (over 80') across the site. As such the property is unique. If the B.C.Z.R. were strictly interpreted the Petitioner would suffer a practical difficulty, since it would be unable to identify the center's major retail tenants on the sign. 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.

THEREFORE, IT IS ORDERED, this 13th day of June, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to §450.4 Attachment 1 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) from 7(b)(IX) for a freestanding joint identification sign to display a maximum of 14 lines of text; and (2) from 7(b) (IX) for a freestanding joint identification sign to display lines of text with a sign copy a minimum of 1.5 inches in lieu of the required 8 inch height for sign copy, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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