

IN RE: PETITION FOR VARIANCE
(901 Merritt Blvd.)
12th Election District
7th Councilman District
George R. Norris, Inc.
Petitioner

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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0222-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 David H. Karceski, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to allow a total of three wall-mounted enterprise signs on a single façade of a single tenant building in lieu of the three signs permitted on the building with no more than two on each façade pursuant to §450.4 Attachment 1.5(a); and (2) to allow a wall-mounted directional sign with a sign area/face of 37 sq. ft. in lieu of the 8 sq. ft. permitted pursuant to §450.4 Attachment 1.3(a). The subject property and requested relief is more fully depicted on the two-sheet 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 Mitchell Kellman, whose firm prepared the plan. Mr. Karceski represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 3.592 acres in the aggregate, and is zoned BM. The

Petitioner operates a Ford automobile dealership on the property. Petitioner is undertaking a major renovation of the facility (approximately \$1 million investment), which will include new signage required by the manufacturer. To do so, variance relief is required.

Based upon the testimony and evidence presented, I will grant the request. To obtain variance relief a petitioner must show 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 property is irregularly shaped, and is bisected by a significant utility easement for high-power lines. In addition, there is a significant grade change from the front to the rear of the site. As such, the property is unique. The Petitioner would experience a practical difficulty if the Regulations were strictly interpreted, since it would be unable to install the "sign package" that Ford requires for its dealers across the country.

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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 17th day of June, 2014 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") as follows: (1) to allow a total of three wall-mounted enterprise signs on a single façade of a single tenant building in lieu of the three signs permitted on the building with no more than two on each façade pursuant to §450.4 Attachment 1.5(a); and (2) to allow a wall-mounted directional sign with a sign area/face of 37 sq. ft. in lieu of the 8 sq. ft. permitted pursuant to §450.4 Attachment 1.3(a), 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