

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1201 Eastern Blvd.)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
Tammi Reeder	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0163-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance 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.) §450.4 to permit two existing joint identification signs on the same frontage in lieu of one per frontage with a total of 172 sq. ft. in lieu of the permitted 100 ft. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner’s Exhibit 1.

Owner Tammi Reeder and David Billingsley, whose firm prepared the plan, appeared in support of the petition. There were no Protestants or interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments was received from the Department of Planning (DOP), and the conditions recommended by that agency will be included in the Order below.

The subject property is approximately 0.830 acres and is zoned BR-AS. The property fronts on Eastern Blvd., a heavily traveled state roadway. Ms. Reeder operates a ReMax Realty business on the property, and she also leases space to a State Farm Insurance office and Enterprise Rental Car agency. There are two existing freestanding signs at the property, which

were lawful (according to the zoning office) under former B.C.Z.R. §413, which was repealed as of 1997. Thus, the signs were nonconforming since that time, and became illegal upon the expiration of the amortization period in November 2012.

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 property is of irregular dimensions and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to retain the signs which have been in place for over 25 years without complaint. 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 March, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §450.4 to permit two existing joint identification signs on the same frontage in lieu of one per frontage, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.

2. Petitioner must comply with the March 4, 2015 ZAC comment of the DOP, a copy of which is attached hereto and incorporated herein.

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

JEB: sln

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