

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(23 Crossroads Drive)		
3 rd Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Lifebridge 23 Crossroads Drive	*	HEARINGS FOR
Medical Office Building, LLC		
<i>Legal Owner</i>	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2016-0181-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 Lifebridge 23 Crossroads Drive Medical Office Building LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450 as follows: (1) to allow three (3) wall-mounted enterprise signs on a multi-tenant building in the OR2 zone in lieu of the one sign permitted (Sign Nos. 1,2,3) and to allow a sign area/face of 268 sq. ft. (Sign No. 1) in lieu of the permitted 150 sq. ft. for an individual enterprise sign; (2) to allow directional signs with a sign area/face of 28 and 11 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 5,7); and (3) to allow a sign displaying a street address with letter height a maximum of 24 inches in lieu of the permitted 8 inches in height (Sign No. 8). A two-sheet site plan was marked as Petitioner’s Exhibit 1A & 1B.

Dennis Bodley, Director of Real Estate for Lifebridge, and professional engineer Kevin Anderson appeared in support of the Petition. David H. Karceski, Esq. and A. Neill Thupari, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is 3.40 acres and zoned OR 2. The property is improved with a four-story medical office building constructed in 1989. The site is situated within a much larger office park campus known as “McDonogh Crossroads,” approved by the County Review Group (CRG) in 1983. Petitioner proposes to install one new sign on the building (“Lifebridge Health,” Sign No.1) and the remainder of the variance requests seek to “legitimize” (in light of the abatement provisions of B.C.Z.R. §450.8.D) long-existing signage.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The site is irregularly shaped (like an “L”) and there is a significant topographical change (approximately 25 ft. +/-) from Reisterstown Road up to the building, as shown on the “Site [sic] Line Exhibit” marked as Petitioner’s Ex. No. 4. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to install the proposed sign and retain long-existing signage. 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 9th day of **May, 2016**, 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 as follows: (1) to allow three (3) wall-mounted enterprise signs on a multi-tenant building in the OR2 zone in lieu of the one sign permitted (Sign

Nos. 1,2,3) and to allow a sign area/face of 268 sq. ft. (Sign No. 1) in lieu of the permitted 150 sq. ft. for an individual enterprise sign; (2) to allow directional signs with a sign area/face of 28 and 11 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 5,7); and (3) to allow a sign displaying a street address with letter height a maximum of 24 inches in lieu of the permitted 8 inches in height (Sign No. 8), 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.

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