

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(10100 Reisterstown Road)		
3 rd Election District	*	OF ADMINISTRATIVE
2 nd Council District		
GGCV Real Estate, LLC.	*	HEARINGS FOR
<i>Legal Owner</i>	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0298-A
Petitioner	*	
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of GGCV Real Estate, LLC, owner of the subject property (“Petitioner”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 as follows: (1) To permit wall-mounted enterprise signs accessory to each of the commercial entities of multi-tenant retail buildings C1, C2, C3, D, E, F1, F2, G, H, I, K and L on the side and rear facades without customer entrances and with a maximum face area for each façade of two times the length of that façade; (2) To permit a wall-mounted joint identification sign with a maximum face area of 3,916 sq. ft. in lieu of the permitted 480 sq. ft. (12% of area of wall upon which sign is erected); and (3) To permit projecting enterprise signs accessory to each of the commercial entities of multi-tenant retail buildings C1, C2, C3, D, E, F1, F2, G, H, I, K, and L with visible structural framework and supporting elements to extend 6 ft. from the wall to which they are attached in lieu of the required 4 ft. extension and to extend 6 ft. into the curb face over a sidewalk or walkway in lieu of the required 1 ft. A site plan was marked as Petitioner’s Exhibit 1A & 1B.

Civil engineer Troy Slevin and Gustavo Rango (on behalf of the owner) appeared in support of the petition. Jason T. Vettori, Esq. represented the Petitioner. The Petition was

advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. There were no substantive Zoning Advisory Committee (ZAC) comments received from any of the County agencies.

The subject property is zoned BM and is known as the Foundry Row Shopping Center. The site is approximately 50 acres and will contain a variety of retail and commercial establishments. This case concerns signage for retail and commercial tenants that will occupy space at the center.

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 large site is irregularly shaped and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide appropriate signage for existing and prospective tenants. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this **18th** day of July, 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.”) §450.4 as follows: (1) To permit wall-mounted enterprise signs accessory to each of the commercial entities of multi-tenant retail buildings C1, C2, C3, D, E, F1, F2, G, H, I, K and L on the side and rear facades without customer entrances and with a maximum face area for each façade of two times the length of that façade; (2) To permit

a wall-mounted joint identification sign with a maximum face area of 3,916 sq. ft. in lieu of the permitted 480 sq. ft. (12% of area of wall upon which sign is erected); and (3) To permit projecting enterprise signs accessory to each of the commercial entities of multi-tenant retail buildings C1, C2, C3, D, E, F1, F2, G, H, I, K, and L with visible structural framework and supporting elements to extend 6 ft. from the wall to which they are attached in lieu of the required 4 ft. extension and to extend 6 ft. into the curb face over a sidewalk or walkway in lieu of the required 1 ft., 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.

JEB: sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County