

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(11987-12001 Reisterstown Road)		
4 th Election District	*	OFFICE OF
2 rd Council District		
GGCL RSC, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Chick-fil-A, Inc.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2017-0299-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of GGCL RSC LLC, legal owner and Chick-fil-A, Inc., lessee (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to approve a freestanding enterprise sign for a pad site in a shopping center.

John Martinez (on behalf of Chick-fil-A) and professional engineer Andrew Stine appeared in support of the petition. David H. Karceski, Esq. represented the lessee. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received any of the reviewing county agencies.

This case involves a strip shopping center located on a parcel 20.57 acres in size and zoned BM-CCC. The center has operated for many years at this location and has approximately 15-20 retail/commercial tenants. Chick-fil-A is in the process of constructing a new restaurant at the site, on the periphery of the parking lot nearest Reisterstown Road. The “subject property” at issue in this case is the 57,768 sq. ft. lot enclosed by lease lines as shown on the site plan. Petitioners’ Ex.

SPECIAL HEARING

Petitioners filed a request for special hearing at the direction of the zoning office. Though the B.C.Z.R. does not speak directly to the issue, Petitioners seek a determination the subject property (which is approximately 1.33 acres in size) qualifies as a “pad site,” which would then entitle them to a freestanding enterprise sign. In other words, the inquiry focuses upon whether the physical features and attributes of the property are such that it may be fairly classified as a stand-alone parcel or site.

In this case I believe the answer is in the affirmative. Mr. Stine noted the 1.33 acre property is in fact a separately deeded lot, and lease lines are also shown on the plan demarcating the boundaries of the site. Also, the site is located immediately adjacent to Reisterstown Road, a considerable distance from the in-line stores in the center. In these circumstances I find the property qualifies as a pad site and the petition for special hearing will be granted.

THEREFORE, IT IS ORDERED this 19th day of **June, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve a freestanding enterprise sign for a pad site in a shopping center, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

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

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

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

JEB:sln