

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(1544 York Road)		
8 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
3 <sup>rd</sup> Council District		
Regent Development Company	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	<b>CASE NO. 2017-0352-A</b>

\* \* \* \* \*

**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, Esq., on behalf of Regent Development Company, the legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from §450.4 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to allow a freestanding joint identification sign with a sign area/face of 161 sq. ft. per side and sign copy a minimum of 3 in. in height in lieu of the permitted 100 sq. ft. per side and required 8 in. height for sign copy. A site plan was marked as Petitioner’s Exhibit 1.

Joel Epstein and professional engineer Rick Richardson appeared in support of the petition. David H. Karceski, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Development Plans Review (DPR).

The property is approximately 0.84 acres in size and zoned BL. The site is located at the intersection of York Road and Bellona Avenue along a busy commercial corridor. The property is improved with a two-story commercial building constructed in 1981. This case concerns an existing freestanding sign at the site which has been in its present location for over 30 years.

Even so, the sign is now nonconforming due to the sign abatement provisions in the Regulations, and a variance is required. B.C.Z.R. §450.8.D.

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).

Mr. Richardson testified via proffer that the property is unique due to its irregular shape, which he described as like a diamond. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to remove a sign which has been in place for many years without complaint. Finally, I find that the variances 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 community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 1<sup>st</sup> day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §450.4 to allow a freestanding joint identification sign with a sign area/face of 161 sq. ft. per side and sign copy a minimum of 3 in. in height in lieu of the permitted 100 sq. ft. per side and required 8 in. height for sign copy, 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. Prior to issuance of permits Petitioner must submit for approval by the Baltimore County Landscape Architect a landscape plan for the site.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln