

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7699 Harford Road)	*	OFFICE OF
14 th Election District		
6 th Council District	*	ADMINISTRATIVE HEARINGS
CEM Securities Corp., <i>Legal Owner</i>		
Panda Express	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0102-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of CEM Securities Corp., legal owner and Panda Express, lessee (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a freestanding enterprise sign for a single tenant pad site within a shopping center. A Petition for Variance seeks to permit a proposed freestanding sign for a single tenant with shared access to a shopping center with an existing joint ID frontage sign, creating two frontage signs in lieu of the maximum allowed one sign per frontage. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Professional engineer Richard Matz appeared in support of the requests. Timothy M. Kotroco, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR). That agency did not oppose the request.

SPECIAL HEARING

This case concerns the Parkville Shopping Center, which is situated along Harford Road and is bisected by the Baltimore City-Baltimore County boundary line. While in the aggregate the site is in excess of 5.3 acres, the property at issue here is approximately 13,180 sq. ft. (0.3 acres) in size and zoned BL-CCC.

The subject property is improved with a one-story commercial building which until recently was a SunTrust bank branch. The property is now vacant and Panda Express proposes to open a fast food restaurant at the location. The SunTrust bank for many years had its own freestanding enterprise sign, and the support pole for that sign remains on site. Panda Express proposes its own freestanding sign in the same location, and elevation drawings were submitted at the hearing. The proposed sign would comply with the height and area requirements in B.C.Z.R. §450.

Pursuant to longstanding policy, an owner/tenant occupying a “pad site” in a shopping center is entitled to have its own freestanding enterprise sign. The property here is in fact a separate legal parcel which is owned by a discrete legal entity. As such, I believe the property clearly qualifies as a “pad site,” which would then entitle the owner/lessee to have a freestanding sign on the parcel.

THEREFORE, IT IS ORDERED this 1st day of **December, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) to allow a freestanding enterprise sign for a single tenant pad site within a shopping center, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking to permit a proposed freestanding sign for a single tenant with shared access to a shopping center with an existing joint ID frontage sign, creating two frontage signs in lieu of the maximum allowed one sign per frontage, be and is hereby DISMISSED WITHOUT PREJUDICE.

The relief granted herein shall be subject to 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.
2. Prior to issuance of permits Petitioners must submit for approval by Baltimore County a landscape and lighting plan for the site.

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