

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2015 Mt. Carmel Road)		
15 th Election District	*	OFFICE OF
3 rd Council District		
Cedar Grove Church Cemetery, Inc.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0103-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 Cedar Grove Church Cemetery, Inc., legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a “changeable copy” sign for a church located outside of the urban/rural demarcation line (URDL) in lieu of the prohibition requirements of Section 450.7.B.1.d of the B.C.Z.R.

Robert Ryan appeared in support of the petition. Katie Lee Douglas, Esq. represented Petitioner. Several neighbors opposed the request. 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 Department of Planning (DOP). That agency “strongly” opposed the request. A site plan was marked and admitted as Petitioner’s Exhibit 1.

According to the site plan the subject property is approximately 1 acre in size and zoned RC-2. The site is improved with a small church and cemetery, and is located along Mt. Carmel Road (Md. Rt. 137) in northern Baltimore County. In March of this year a vehicle left the roadway and destroyed the church’s sign. The church replaced the sign with one that has a “changeable

copy” component, which is not permitted in the rural portion of the County. A zoning violation citation was issued and that case was stayed to allow Petitioner to seek special hearing relief.

While I am sympathetic to the plight of the Church, I am not able to grant the petition. The Regulations expressly prohibit changeable copy signs outside of the URDL, and nothing in B.C.Z.R. §500.7 provides the Administrative Law Judge (ALJ) with the authority to ignore that mandate. There are simply no standards or guidelines by which to consider such a request, and I cannot decide such matters based on what appears equitable.

The Baltimore County Code (BCC) states that in a zoning case the ALJ is authorized to: (1) grant variances from area and height regulations; (2) interpret the zoning regulations; and (3) grant special exceptions. BCC §32-3-301. This case does not involve a request for variance or special exception. As such the ALJ in this case is only authorized to interpret the zoning regulations, and the prohibition at issue is explicitly and unambiguously stated; i.e., “changeable copy signs are not permitted...outside the urban rural demarcation line.” B.C.Z.R. §450.7.B.1.d.

Several citizens noted that schools in the area have changeable copy signs. While a good case can be made that schools, as members of the community, should be subject to the same rules as their neighbors, the law is otherwise. *Board of Child Care v. Harker*, 316 Md. 683 (1989) (state is exempt from Baltimore County zoning regulations).

THEREFORE, IT IS ORDERED this 4th day of **December, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit a “changeable copy” sign for a church located outside of the urban/rural demarcation line (URDL) in lieu of the prohibition requirements of Section 450.7.B.1.d of the B.C.Z.R., be and is hereby DENIED.

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:slh