

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(118 Shawan Road)		
8 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
3 <sup>rd</sup> Council District		
Hunt Valley Towne Center, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Lifebridge Health, Inc.	*	BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	<b>CASE NO. 2018-0175-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 Hunt Valley Towne Center, LLC, legal owner of the subject property and Lifebridge Health, Inc., lessee (“Petitioners”). The Petition seeks variance relief from §450.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit a wall-mounted enterprise sign with a sign area/face of 155 sq. ft. in lieu of the permitted 121.66 sq. ft. A two-sheet site plan was marked as Petitioners’ Exhibit 1A & 1B.

Professional engineer Douglas Kennedy appeared in support of the petition. David H. Karceski, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR.

The subject property is over 60 acres in size and zoned BM-CT, BM and MLR. This site contains the Hunt Valley Town Center and this case concerns one tenant at the complex, Lifebridge Health. Lifebridge occupies approximately 10,000 sq. ft. of space at the center, where it provides out-patient medical services. The lessee proposes to install a new sign which is slightly larger than the existing sign, necessitating zoning relief.

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).

The property is irregularly shaped and there is a significant grade change across the site. As such it is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to install the proposed sign. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 5<sup>th</sup> day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §450.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit a wall-mounted enterprise sign with a sign area/face of 155 sq. ft. in lieu of the permitted 121.66 sq. ft., be and is hereby GRANTED.

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.

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