

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(9804 Reisterstown Road)	*	OFFICE OF
3 rd Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
9804 RR, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
Petitioner	*	Case No. 2018-0176-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 9804 RR LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to determine whether an enterprise sign which is comprised of 3 words constitutes one (1) sign where the words are separated by more than 12 inches (Sign 4).

A petition for variance seeks: (1) to permit a 15.5 sq. ft. directional sign in lieu of the otherwise permitted 8 sq. ft. in accordance with BCZR Section 450.4, Attachment 1, 3 (a) (Sign 1); (2) in the alternative, to permit 24 in. between words for an enterprise sign in lieu of the otherwise permitted 12 in. between words in accordance with the definition of a "contiguous sign" in BCZR Section 450.3 (Sign 4); (3) to permit 4 enterprise signs in lieu of the otherwise permitted 3 in accordance with BCZR Section 450.4, Attachment 1, 5 (a) (Signs 2-5); and (4) in the alternative, to permit 6 enterprise signs in lieu of the otherwise permitted 3, of which more than 2 are on the same wall, in accordance with BCZR Section 450.4, Attachment 1, 5 (a) (Signs 2-5). A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Marc Cohen and professional engineer Tory Pierce appeared in support of the requests. Adam Baker, Esq. represented Petitioner. There were no protestants or interested citizens in

attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

SPECIAL HEARING

The petition for special hearing concerns sign no. 4 shown on the sign detail exhibit Exhibit 2. That sign reads: "Audi Owings Mills." There is a 2 ft. separation between the words "Audi" and "Owings," and the Audi sign is red while the remainder of the sign is black. As such I believe "Audi" and "Owings Mills" constitute two signs. While the words "Owings" and "Mills" are separated by 16 inches (and thus under a strict reading of the B.C.Z.R. would constitute two signs since separated by greater than 12 inches) I do not believe an objective observer would consider these to be separate signs.

VARIANCE

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 narrow and deep and is shaped like an arrow head. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide appropriate signage for the business along this busy commercial thoroughfare. Finally, I find that the variance 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 absence of County and/or community opposition.

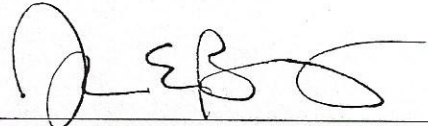
THEREFORE, IT IS ORDERED this 6th day of **March, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) for a determination than an enterprise sign (Sign 4) which is comprised of 3 words constitutes two (2) signs, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a 15.5 sq. ft. directional sign in lieu of the otherwise permitted 8 sq. ft. (Sign 1); (2) to permit five (5) enterprise signs on the premises in lieu of the otherwise permitted three (3) (Signs 2-5); and (3) to permit three (3) enterprise signs on the same façade in lieu of the otherwise permitted two (2) (Signs 3-4), 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln