

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(10300 Mill Run Circle)		
4 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
4 <sup>th</sup> Council District		
Owings Mills Mall, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	<b>CASE NO. 2018-0214-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 Owings Mills Mall, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §450 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; (2) to allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); (3) to allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 ft. in lieu of the maximum 25 ft.; (4) to allow freestanding joint identification signs with a face area of up to 288.24 sq. ft. in lieu of the maximum of 150 sq. ft. (3 Sign Cs); (5) to permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 sq. ft. as follows: (a) Sign G on Building M: 351.56 sq. ft.; (b) Sign V on Building A: 245.10 sq. ft., and (c) Signs W and W-1 on Building A: 379.65 sq. ft.; (6) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade (Signs W, X, and V on Building A and signs G, H, and I on Building M); (7) to permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); (8) to permit one wall-mounted enterprise sign on the rear of a multi-tenant building

without a customer entrance (Buildings F, G, H, I, J and K); and (9) to allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance. A site plan was marked as Petitioner's Exhibit 1.

Greg Reed and professional engineer Michael Gesell appeared in support of the petition. Lawrence Schmidt, Esq. represented the Petitioner. One neighbor (Linda Dorsey-Walker) attended the hearing and indicated the community opposed the renaming of the Owings Mills Town Center. The Petition was advertised and posted as required by the BCZR. While the Department of Planning (DOP) supported the majority of the requests that agency indicated a height variance (30' height in lieu of 25') was not justified for the freestanding joint identification signs.

The site is approximately 77 acres in size and zoned BM-CT. The former Owings Mills Town Center was located at this site. The mall has been razed and Petitioner proposes to construct a new retail center (featuring a Costco store) at the property, which would be known as "Mill Station." This case concerns only the signage proposed for the new center. The signage is identified in the Petition and order which follows by a letter and/or numerical reference which corresponds to the buildings and signage shown on the site plan marked as Exhibit 1.

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).

This large property has an irregular shape and is therefore unique. If the Regulations were strictly

interpreted Petitioner would experience a practical difficulty because it would be unable to provide adequate signage for this commercial project. Finally, I find that the variance 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 County or community opposition.

I have read and considered the ZAC comment submitted by the DOP, but I do not believe granting the variance for the joint-identification signage (30' height in lieu of the maximum 25') will have a detrimental impact upon the surrounding area. Mr. Reed noted his firm was making an \$80 million investment at the site, and I believe the signage proposed is appropriate for this much-needed redevelopment project on a 77 acre parcel. In addition, Mr. Reed submitted several photos (Ex. 4) he took which show that mature (and in some cases unkempt) vegetation and trees could potentially obstruct a motorist's view of the proposed free-standing signs, and thus I believe this is an additional justification for granting the request.

THEREFORE, IT IS ORDERED, this 3rd day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §450 of the Baltimore County Zoning Regulations ("BCZR"): (1) to permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; (2) to allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); (3) to allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 ft. in lieu of the maximum 25 ft.; (4) to allow freestanding joint identification signs with a face area of up to 288.24 sq. ft. in lieu of the maximum of 150 sq. ft. (3 Sign Cs); (5) to permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 sq. ft. as follows: (a) Sign G on Building M: 351.56 sq. ft.; (b) Sign V on Building A: 245.10 sq. ft., and (c) Signs

W and W-1 on Building A: 379.65 sq. ft.; (6) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade (Signs W, X, and V on Building A and signs G, H, and I on Building M); (7) to permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); (8) to permit one wall-mounted enterprise sign on the rear of a multi-tenant building without a customer entrance (Buildings F, G, H, I, J and K); and (9) to allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance, 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.

Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln