

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1313 York Road)		
9 th Election District	*	OF ADMINISTRATIVE
3 rd Council District		
1313 York Road, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2018-0230-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 1313 York Road, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §450.4 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to allow a freestanding joint identification sign with a maximum sign area/face of 119 sq. ft. in lieu of the permitted 100 sq. ft. with copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height; and (2) to allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces. Prior to the hearing, and based upon discussions between Petitioner and the community, the Petition was amended to delete the variance request pertaining to the size of the freestanding sign. A redlined site plan was marked as Petitioner’s Exhibit 1.

Joe McCormick and landscape architect David Martin appeared in support of the petition. David H. Karceski, Esq. represented the Petitioner. Maxwell Collins II, Esq. appeared on behalf of the Dulaney Valley Improvement Association, Inc., which opposed the requests. The Petition was advertised and posted as required by the BCZR. There were no substantive Zoning Advisory Committee (“ZAC”) comments received from any of the reviewing agencies.

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 subject property is narrow and deep, and that configuration renders the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide signage for its tenants on the second and third floor of the building. 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.

THEREFORE, IT IS ORDERED, this 27th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §450.4 of the Baltimore County Zoning Regulations (“BCZR): (1) to allow a freestanding joint identification sign with copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height; (2) to allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces; and (3) to allow a freestanding joint-identification sign 75 ft. from a residential zone in lieu of the required 100 ft., 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