

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(10100 Reisterstown Road)		
3 rd Election District	*	OF ADMINISTRATIVE
2 nd Council District		
GGCV Real Estate, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Palio-Foundry Row, LLC	*	BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	CASE NO. 2018-0297-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by GGCV Real Estate, LLC, legal owner of the subject property and Palio-Foundry Row, LLC, lessee (“Petitioners”). The Petition seeks variance relief from § 450.4 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) To allow a total of seven enterprise signs (wall-mounted, canopy, blade structural types) for a tenant with three separate facades within a multi-tenant building in lieu of the four enterprise signs permitted (two canopy and two wall-mounted); and (2) To allow a wall-mounted enterprise sign for a tenant within a multi-tenant building to exceed the permitted sign/face area of two times the length of the wall defining the space occupied by the separate commercial entity (south façade without an exterior entrance--320 sq. ft. in lieu of the permitted 160 sq. ft.). A two-sheet site plan was marked as Petitioners’ Exhibit 1A & 1B.

Michael Gibbons and landscape architect Michael Pieranunzi appeared in support of the petition. David H. Karceski, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the requests.

The site is approximately 39.159 acres in size and zoned BM. This case involves the mixed use project known as Foundry Row, located at the intersection of Reisterstown and Painters Mill Roads. The center features retail, residential, office and services uses, and the lessee recently opened an Italian-themed restaurant known as “Palio.” The zoning request concerns signage for this tenant.

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 tract has irregular dimensions and a significant grade change across the site. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to provide appropriate signage for this new restaurant. 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 and/or community opposition.

THEREFORE, IT IS ORDERED, this 20th day of **June, 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 total of seven enterprise signs (wall-mounted, canopy, blade structural types) for a tenant with three separate facades within a multi-tenant building in lieu of the four enterprise signs permitted (two canopy and two wall-mounted); and (2) To allow a wall-mounted enterprise sign for a tenant within a multi-tenant building to exceed the permitted sign/face area of two times the length of the wall defining the space occupied

by the separate commercial entity (south façade without an exterior entrance--320 sq. ft. in lieu of the permitted 160 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:dlw