

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1740 E. Joppa Road)		
9 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
1740 E. Joppa Road, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2018-0312-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 1740 E. Joppa Road, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from Section 450 of the Baltimore County Zoning Regulations (“BCZR”) as follows: **(1)** To approve a Joint ID sign located on the building parapet without street frontage and without the words "The" & "Building"; **(2)** To approve a new tenant enterprise sign for Old Line Bank located on the drive-thru canopy facing west, without a customer entrance; **(3)** To allow an existing enterprise tenant bank sign to remain on a lower vestibule entrance canopy with indirect customer access and to allow two (2) canopy signs in lieu of one (1); and **(4)** To allow an existing joint ID sign to remain without the words "The" & "Building". A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer Rick Richardson appeared in support of the petition. Timothy M. Kotroco, Esq. represented the Petitioner. 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 34,899 sq. ft. in size and zoned BLR & DR 5.5. The property is

improved with a 3-story office building, and was the former headquarters of Bay Bank. Petitioner purchased the property last year and has undertaken significant renovations and improvements.

The present request concerns signage for certain tenants in the building.

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).

Though the lot is fairly large and has ample parking, the office building itself is positioned fairly close to Joppa Road. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to install appropriate signage. 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 19th day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 450 of the Baltimore County Zoning Regulations ("BCZR"): **(1)** To approve a Joint ID sign located on the building parapet without street frontage and without the words "The" & "Building"; **(2)** To approve a new tenant enterprise sign for Old Line Bank located on the drive-thru canopy facing west, without a customer entrance; **(3)** To allow an existing enterprise tenant bank sign to remain on a lower vestibule entrance canopy with indirect customer access and to allow two (2) canopy signs in lieu of one (1); and **(4)** To allow an existing joint ID sign to remain without the words "The" & "Building", 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