

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1600 Sparrows Point Blvd.)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
Tradepoint Atlantic, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2018-0365-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Tradepoint Atlantic, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from Section 450.5 of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow a freestanding joint identification sign with a sign face/area of 388 sq. ft. in lieu of the allowed maximum of 75 sq. ft.; and (2) to allow a freestanding joint identification sign with a height of 35 ft. in lieu of the maximum height of 12 ft. A site plan was marked as Petitioner’s Exhibit 1.

John Martin and professional engineer Michael Gesell appeared in support of the petition. Christopher D. Mudd, Esq. and Jennifer Frankovich, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the County reviewing agencies.

The site is approximately 2,768.50 acres in size and zoned MH-IM. This case involves the sprawling Tradepoint Atlantic site, which was the former headquarters of Bethlehem Steel. The sole zoning request pertains to a proposed freestanding pylon sign which will identify the complex and be visible from surrounding roadways.

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 is one of the largest industrial sites in the County, which makes the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed sign. 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 11th day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 450.5 of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow a freestanding joint identification sign with a sign face/area of 388 sq. ft. in lieu of the allowed maximum of 75 sq. ft.; and (2) to allow a freestanding joint identification sign with a height of 35 ft. in lieu of the maximum height of 12 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