

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(5400 Old Court Road)	*	OFFICE OF
2 nd Election District		
4 th Council District	*	ADMINISTRATIVE HEARINGS
LifeBridge Health, Inc.	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2019-0036-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of LifeBridge Health, Inc., legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a Special Hearing for an amendment to the Order and site plan approved in Case No. 2016-0069-A to allow two (2) additional wall-mounted identification signs, each with a sign area/face of 29 sq. ft. A petition for variance seeks to allow a total of five (5) identification signs (four wall-mounted and one freestanding) in lieu of the three (3) identification signs [two wall-mounted and one freestanding] approved in Case No. 2016-0069-A on a property with one road frontage. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Maurice Spielman and professional engineer Mark Tsitlik appeared in support of the requests. David H. Karceski, 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.

SPECIAL HEARING

The special hearing is not seeking substantive zoning relief. Instead, the petition merely seeks to amend a recent zoning order involving this property to reflect the relief requested in this case. As such this request will be granted.

VARIANCE

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 property has irregular dimensions and a grade change across the site. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide adequate “way finding” signage for this large medical campus. 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 10th day of **October, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve a Special Hearing for an amendment to the Order and site plan approved in Case No. 2016-0069-A to allow two (2) additional wall-mounted identification signs, each with a sign area/face of 29 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to allow a total of five (5) identification signs (four wall-mounted and one freestanding) in lieu of the three (3) identification signs [two wall-mounted and one freestanding] approved in Case No. 2016-0069-A on a property with one road frontage, 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