

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(8700 Liberty Road)		
2 nd Election District	*	OF ADMINISTRATIVE
4 th Council District		
Liberty Plaza Holdings, LLC	*	HEARINGS FOR
<i>Legal Owners</i>		
SunTrust Bank	*	BALTIMORE COUNTY
<i>Lessee</i>		
	*	CASE NO. 2019-0054-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Liberty Plaza Holdings, LLC, the legal owners of the subject property and SunTrust Bank, lessee (“Petitioners”). Petitioners are requesting variance relief from Section 450 of the Baltimore County Zoning Regulations (“BCZR”) to allow two (2) wall-mounted enterprise signs on a single tenant structure with sign areas/faces of 12.5 sq. ft. each in lieu of the permitted 6 sq. ft. each. A site plan was marked as Petitioners’ Exhibit 1.

Professional engineer Brian Conlon and Kristin Stone from SunTrust appeared in support of the petition. David H. Karceski, Esq. represented 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 request.

The site is approximately seven (7) acres in size and zoned BM-CCC. The subject property is a portion of a 25 acre parcel improved with a Wal-Mart Supercenter and several other commercial enterprises. This case involves an extremely small area of the site on which is constructed a SunTrust ATM kiosk.

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).

Cromwell and similar cases emphasize that it is the physical attributes of the property itself which must be examined to determine if a variance is justified. The subject property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to have signage for the bank kiosk. 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.

The DOP indicated in its ZAC comment that a dumpster on the property does not have an appropriate enclosure. As noted above this is a large site and it is unclear from the comment which commercial establishment owns/maintains the dumpster. SunTrust will not have a dumpster on its leased property; as such, I believe this is a matter that should be investigated by the Code Enforcement Bureau, and a copy of this Order will be sent to that agency.

THEREFORE, IT IS ORDERED, this 5th day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR Section 450 to allow two (2) wall-mounted enterprise signs on a single tenant structure with sign areas/faces of 12.5 sq. ft. each in lieu of the permitted 6 sq. ft. each, 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:sln