

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(7923, 7925, & 7927 Belair Road)		
14 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
FP SUB, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2019-0062-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by FP SUB LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) To permit a freestanding identification sign with a maximum size of 228 sq. ft. in lieu of the permitted 150 sq. ft. (Sign #1); (2) To permit a joint identification sign with a minimum sign copy of six (6) inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #1); (3) To permit a joint identification sign with a minimum sign copy of 2.5 inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #2); (4) To allow wall-mounted enterprise signs on building facades without separate, exterior customer entrances (Sign #3 and #4); (5) To allow wall-mounted enterprise signs to be installed in a different location than the tenant space (Sign #3 and #4); and (6) To permit two (2) additional electronic changeable copy, freestanding joint identification signs accessory to a planned shopping center for a total of four (4) on a single premises in lieu of the permitted one (1) sign (Sign #1 and #2). A site plan was marked as Petitioner’s Exhibit 1.

Michael Gesell, Alex Ororbia and Michael Ogden appeared in support of the petition.

Justin Williams, Esq. represented 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 reviewing County agencies.

The site is approximately 18.37 acres in size and split-zoned BR, BL & DR 5.5. A shopping center is operated at the site and features a Weis grocery store and fuel service station along with several other retail tenants. A large fitness facility will soon be added to the center, and Petitioner seeks certain changes to its existing signage to accommodate this tenant. In addition, Weis also proposes signage for the facades of its store which can be seen by motorists on Rossville Boulevard.

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 parcel has an irregular shape and is therefore unique, as confirmed by similar findings in several prior variance cases. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide signage for its tenants. 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 3rd day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance as follows: (1) To permit a freestanding identification sign with a maximum size of 228 sq. ft. in lieu of the permitted 150 sq.

ft. (Sign #1); (2) To permit a joint identification sign with a minimum sign copy of six (6) inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #1); (3) To permit a joint identification sign with a minimum sign copy of 2.5 inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #2); (4) To allow wall-mounted enterprise signs on building facades without separate, exterior customer entrances (Sign #3 and #4); (5) To allow wall-mounted enterprise signs to be installed in a different location than the tenant space (Sign #3 and #4); and (6) To permit two (2) additional electronic changeable copy, freestanding joint identification signs accessory to a planned shopping center for a total of four (4) on a single premises in lieu of the permitted one (1) sign (Sign #1 and #2), 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