

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(10 Village Center Road)		
4 th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Reisterstown Village Investors, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2019-0082-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Reisterstown Village Investors, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) as follows: **(A)** Variances from BCZR Section 450.4 Attachment 1: **(1)** To permit one (1) wall-mounted enterprise sign affixed to a wall without a separate exterior customer entrance (Sign L); **(2)** To permit a wall-mounted enterprise sign of 47.13 sq. ft. in lieu of the permitted 44.00 sq. ft. (Sign H1); **(3)** To permit two (2) wall-mounted enterprise signs on the front wall with customer entrance in lieu of the permitted one (1) wall-mounted sign (Sign A & Prop. Sign 1); and **(4)** To permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Signs B1 & B2); and **(B)** Variance from BCZR Section 450.5.b.1.a to permit an enterprise sign on the vertical face of an awning with a height of 12 inches in lieu of the permitted 9 inches (Sign H2). A three-sheet site plan was marked as Petitioner’s Exhibit 1, and elevations of the signs—which correspond to the letter and number coding above—are found on pages 2 & 3 of the plan.

Professional engineer Michael Gesell appeared in support of the petition. Justin Williams, Esq. and Caroline L. Hecker, 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 seven (7) acres in size and zoned BM and BL. The subject property (known as the Reisterstown Village Shopping Center) is improved with a commercial building with a grocery store and several other retail stores. The variance requests in this case involve one (1) new sign proposed for the Weis Market, which has operated at the site since 2016; the other requests are simply to "legitimize" existing signage at the shopping center.

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 is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to remove several signs which have been in place for many years. 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 **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance: **(A)** from BCZR Section 450.4 Attachment 1: **(1)** To permit one (1) wall-mounted enterprise sign affixed to a wall without a separate exterior customer entrance (Sign L); **(2)** To permit a wall-mounted enterprise sign of

47.13 sq. ft. in lieu of the permitted 44.00 sq. ft. (Sign H1); **(3)** To permit two (2) wall-mounted enterprise signs on the front wall with customer entrance in lieu of the permitted one (1) wall-mounted sign (Sign A & Prop. Sign 1); and **(4)** To permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Signs B1 & B2); and **(B)** Variance from BCZR Section 450.5.b.1.a to permit an enterprise sign on the vertical face of an awning with a height of 12 inches in lieu of the permitted 9 inches (Sign H2), 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