

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(1100 Westminster Pike)</b>		
4 <sup>th</sup> Election District	*	OFFICE OF
4 <sup>th</sup> Council District		
Robin L. Buettner	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
<b>Petitioner</b>		
	*	<b>Case No. 2019-0084-SPH</b>

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Robin L. Buettner, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”): (1) to replace a previously existing freestanding changeable copy sign for a commercial establishment in a business (BL) zone located outside the URDL; and (2) to amend the site plan previously approved in Case No. 2007-0546-SPHX. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Robin L. Buettner appeared in support of the petition. Jason Vettori, Esq. represented the Petitioner. Michael Pierce and George Harman opposed the special hearing request concerning the sign. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”). The DOP opposed the request for an Electronic Changeable Copy (ECC) sign at the site.

Petitioner operates a restaurant at the site, known as Full Moon Pub & Grill. That business in or about 2004 erected an ECC sign at the property, and permits were issued by the County. A vehicle struck and destroyed that sign recently, and the Petitioner seeks special hearing relief to

permit a replacement ECC sign outside the Urban Rural Demarcation Line (“URDL”).

As discussed at the hearing, this issue arose in a recent case involving a church on Mt. Carmel Road. See Case No. 2018-0103-SPH. Like the Petitioner, the Church had a sign at the premises for some time until it was struck by a motor vehicle and destroyed. The church sought zoning relief to permit an ECC sign on the property, which request was denied pursuant to BCZR Section 450.7, which prohibits ECC signs outside the URDL. I believe a similar finding is appropriate in this case. The prohibition at issue is explicitly and unambiguously stated; i.e., “changeable copy signs are not permitted...outside the urban rural demarcation line.” BCZR §450.7.B.1.d. In light of this regulation I do not believe the ALJ would have authority to approve the request. As also discussed at the hearing, the prohibition outside the URDL is only upon ECC signs. Petitioner would be entitled to have a changeable copy sign at the premises, provided the message aspect comprised no more than 50% of the sign face area and the analog text/copy was changed by hand.

The other aspect of the special hearing request concerned the parking at the restaurant. The lot was restriped recently and some of the spaces are now configured differently than shown on the site plan approved in connection with a 2007 zoning case. See Case No. 2007-0546-SPHX. This is a reasonable request and will assist the County should it need to review an accurate and updated plan for the site.

THEREFORE, IT IS ORDERED this 30<sup>th</sup> day of **November, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to replace a previously existing freestanding changeable copy sign for a commercial establishment in a business (BL) zone located outside the URDL, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the site plan

previously approved in Case No. 2007-0546-SPHX, to reflect certain changes to the off-street parking as shown on Petitioner's Ex. No.1 admitted herein, 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 her 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.
2. Petitioner must comply with the ZAC comment submitted by DEPS, a copy of which is attached.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln