

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(5361 Nottingridge Road)		
11 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Sheehy White Marsh Property, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2019-0088-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Sheehy White Marsh Property, 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 allow three wall-mounted enterprise signs on one façade of a single tenant commercial building in lieu of the three enterprise signs permitted with no more than two on each façade (Signs A, C, D) and to allow a wall-mounted enterprise sign with a sign area/face of 191 square feet in lieu of the 150 square feet permitted for a single sign (Sign A); **(2)** To allow a wall-mounted sign to extend 4 feet from the wall to which it is attached in lieu of the permitted 18 inches (Sign A); **(3)** To allow directional signs (wall-mounted and freestanding) with sign area/faces a maximum of 16 square feet in lieu of the permitted 8 square feet (Signs E, F, G, H, I, J, L, M) and to allow a sign height of 7 and 8 feet in lieu of the permitted 6 feet in height (Signs G, H, I, J); **(4)** To allow a freestanding sign to be erected as close as 48 feet from another freestanding sign in lieu of the permitted 100 feet (Signs B-J, H-B, H-I, J-G, G-L, L-M); and **(5)** To allow a wall-mounted enterprise sign to extend 3 feet and 6 inches above the top of the wall to which it is attached without any eaves or a parapet (Sign A). A 2-sheet site plan was marked as Petitioner’s Exhibit 1A & 1B.

Professional engineer James Matis and Brad Fowler (on behalf of Sheehy) appeared in support of the petition. David H. Karceski, Esq. represented Petitioner. Mike Pierce attended the hearing to obtain additional information regarding the requests. 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 5.50 acres in size and zoned BM. Petitioner recently constructed a commercial building on the site and will soon open a Nissan automobile dealership. This case concerns the signage proposed for the dealership.

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 unable to provide sufficient signage to alert motorists on Md. Route 7 to the location of the dealership. 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 5th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance as follows: **(1)** To allow three wall-mounted enterprise signs on one façade of a single tenant commercial building in lieu of the three enterprise signs permitted with no more than two on each façade (Signs A, C, D) and to

allow a wall-mounted enterprise sign with a sign area/face of 191 square feet in lieu of the 150 square feet permitted for a single sign (Sign A); **(2)** To allow a wall-mounted sign to extend 4 feet from the wall to which it is attached in lieu of the permitted 18 inches (Sign A); **(3)** To allow directional signs (wall-mounted and freestanding) with sign area/faces a maximum of 16 square feet in lieu of the permitted 8 square feet (Signs E, F, G, H, I, J, L, M) and to allow a sign height of 7 and 8 feet in lieu of the permitted 6 feet in height (Signs G, H, I, J); **(4)** To allow a freestanding sign to be erected as close as 48 feet from another freestanding sign in lieu of the permitted 100 feet (Signs B-J, H-B, H-I, J-G, G-L, L-M); and **(5)** To allow a wall-mounted enterprise sign to extend 3 feet and 6 inches above the top of the wall to which it is attached without any eaves or a parapet (Sign A), 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.
- (2) No banners, temporary signs, glittering car sale signs, balloons, laser projections or similar displays shall be placed along the property road frontages or on the buildings.

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