

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(222 North Point Boulevard)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
200 220 North Point EAT, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
U-Haul Co. of Maryland, Inc.	*	BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	CASE NO. 2019-0112-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Cathleen Ward, Esquire on behalf of 200 220 North Point EAT, LLC, legal owner, and U-Haul Co. of Maryland, Inc., lessee of the subject property (“Petitioners”). The Petitioners are requesting variance relief from Section 450.4 Attachment 1:3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a 1,650 sq. ft. wall-mounted enterprise sign in lieu of the maximum permitted 150 sq. ft. A two-sheet site plan was marked as Petitioners’ Exhibit 1.

William T. Pickens appeared in support of the petition. Cathleen Ward, Esquire appeared and represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. There were no adverse ZAC comments received from any of the County reviewing agencies.

The site is approximately 10.68 acres and is zoned BR-IM. The property is improved with two (2) large commercial buildings, one of which was operated for many years as a K-Mart. That store closed last year and U-Haul now operates in that building a self-storage and truck/trailer rental facility. This case concerns only one wall-mounted sign on the building.

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, Petitioners would experience a practical difficulty because they would be unable to have the proposed sign on the façade facing North Point Boulevard. 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. While at first blush the relief requested appears unprecedented (i.e., a sign more than ten times the permitted size), on closer examination it is clear the actual text of the sign is approximately 300 sq. ft. The sign has geometric design features on both sides of the sign face, and in keeping with its long-standing practice the Zoning Review Office measures the entire sign face in such a scenario.

THEREFORE, IT IS ORDERED, this 15th day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 450.4 Attachment 1:3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a 1,650 sq. ft. wall-mounted enterprise sign in lieu of the maximum permitted 150 sq. ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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:dlw