

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1541-1565 & 1580 Hyde Park Road)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
Hyde Park Station Owner, LLC &	*	HEARINGS FOR
Sweta Investment, LLC		
<i>Legal Owners</i>	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2019-0137-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Hyde Park Station Owner, LLC and Sweta Investment, LLC, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”) to allow a free-standing joint identification sign with a sign area/face of 175 sq. ft. in lieu of the permitted 150 sq. ft. and a height of 35 ft. in lieu of the permitted 25 ft. A two-sheet site plan was marked as Petitioners’ Exhibits 1A and 1B.

Professional engineer Jim Matis and architect Shellie Curry appeared in support of the petition. David H. Karceski, Esq., represented the Petitioners. 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 10.07 acres in size and is split-zoned BM, BM-AS, BL and DR 3.5. A strip shopping center is located at the site, and is bound on three sides by public roadways: Back River Neck Road, Hyde Park Road and Maryland Route 702. The center has joint identification signs along two of the frontages, and Petitioners now propose to install a

freestanding joint identification sign on the Route 702 frontage. Such a sign is permitted by right, although Petitioners seek variances for the height of the sign and a larger sign face.

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).

Mr. Matis testified via proffer the site has an irregular shape and is burdened by a substantial critical area easement. Based on this testimony, I believe the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to install a sign on the Route 702 frontage which would be visible to motorists. 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 **8th** day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to allow a free-standing joint identification sign with a sign area/face of 175 sq. ft. in lieu of the permitted 150 sq. ft. and a height of 35 ft. in lieu of the permitted 25 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