

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(8415 Bellona Lane)	*	OFFICE OF
9 th Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
Ruxton Towers, LLC	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2019-0162-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Ruxton Towers, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for proposed wall mounted identification signs (two) on walls that do not have "frontage" as defined in BCZR Section 450.3. In addition, a Petition for Variance was filed pursuant to BCZR Section 450.4.E(6)(a) Columns V and VII, to permit two (2) proposed wall mounted identification signs with an area/face of 156 sq. ft. and a height of 12.667' in lieu of the maximum allowed 25 sq. ft. and 6', respectively. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Property manager Jeffrey Dahne appeared in support of the requests. Larry Caplan, Esquire appeared and represented the Petitioner. There were no protestants or interested citizens in attendance at the hearing. 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.

SPECIAL HEARING

The special hearing request concerns the multi-story Ruxton Towers building which has existed at the site for over 50 years. The special hearing is required because the proposed

identification signs (which would replace existing identification signs of the same size and in the same location) would be located on facades without “frontage” or patient/tenant access. This is a reasonable request, especially considering that the existing signs have been in place for over 50 years.

VARIANCE

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 replace the existing identification signs. 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 15th day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for proposed wall mounted identification signs (two) on walls that do not have "frontage" as defined in BCZR Section 450.3, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section Section 450.4.E(6)(a) Columns V and VII, to permit two (2) proposed wall mounted identification

signs with an area/face of 156 sq. ft. and a height of 12.667' in lieu of the maximum allowed 25 sq. ft. and 6', respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 his 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:dlw