

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(9101 Franklin Square Drive)		
14 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Healthcare Realty Trust, Inc	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0182-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Healthcare Realty Trust, Inc., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit two (2) wall mounted identification signs on the same building frontage in lieu of the permitted one (1), and each with a square footage of up to 97.2 sq. ft. in lieu of the permitted 25 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer Peter Soprano and Mike Baldwin from Medstar Health appeared in support of the petition. Jennifer R. Busse, Esq. represented Petitioner. 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 County reviewing agencies.

The site is approximately 0.57 acres in size and is zoned OR-1. The property is improved with a medical arts building owned by Medstar/Franklin Square Hospital. This case concerns signage for 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).

Peter Soprano testified the property has irregular dimensions and that the front façade of the building does not directly face Franklin Square Drive, which makes it difficult for motorists or pedestrians to locate the building. As such I believe the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide appropriate and necessary signage for the medical building. 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 1st day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit two (2) wall mounted identification signs on the same building frontage in lieu of the permitted one (1), and each with a square footage of up to 97.2 sq. ft. in lieu of the permitted 25 sq. ft., 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.

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:slh