

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(11023 Liberty Road)		
2 nd Election District	*	OF ADMINISTRATIVE
4 th Council District		
Wards Chapel United Methodist Church	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0195-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Wards Chapel United Methodist Church, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a manual changeable copy sign with a total square footage of 50 sq. ft. in lieu of the maximum 25 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

Bridget Wetzel appeared in support of the petition. Mike Pierce attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the county reviewing agencies.

The site is approximately 2.4 acres in size and is zoned RC-2. The property is improved with a historic church and a child care center. Petitioner received a donation from a parishioner and proposes to install a new double sided sign on the property. The existing double-sided sign will be removed and the new sign will be installed in the same location.

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 an irregular shape and is also historic. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to replace the existing sign. 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.

The BCZR permits one freestanding changeable copy sign (as is proposed in the petition) when accessory to an institutional (i.e., church) structure or use. Petitioner also has on the site a ground-mounted, stone monument sign with the name of the church; “Wards Chapel United Methodist Church.” I believe this existing sign, which is located to the west of the proposed changeable copy sign, is permitted as an identification and/or memorial sign. In either instance, no zoning relief is required for the existing “Monumental Sign” shown on the site plan.

THEREFORE, IT IS ORDERED, this 21st day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 450.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a manual changeable copy sign with a total square footage of 50 sq. ft. in lieu of the maximum 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:sln:dlw