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| IN RE: PETITION FOR VARIANCE | * | BEFORE THE OFFICE |
| (8836 Waltham Woods Road) | | |
| 9 th Election District | * | OF ADMINISTRATIVE |
| 5 th Council District | | |
| North Plaza I, LLC | * | HEARINGS FOR |
| <i>Legal Owner</i> | | |
| Petitioner | * | BALTIMORE COUNTY |
| | * | CASE NO. 2019-0306-A |

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by North Plaza I, LLC, *et. al.*, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. without a separate customer entrance in addition to the one existing wall-mounted enterprise sign; and (2) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. in lieu of the maximum 40 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

Barry Silber and surveyor Bruce Doak appeared in support of the petition. Herbert Burgunder, 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 any of the County reviewing agencies.

The site is approximately 31.57 acres in size and is zoned BL. The North Plaza shopping center is located on the property, and this case concerns a single tenant (“Great Clips”) in the center. Petitioner seeks approval for a second enterprise sign on a façade without a separate customer entrance. A photo was submitted (Exhibit 4) showing the prior tenant (“J. Florist”) also

had two signs of a similar size to those requested.

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 large property has an irregular shape and several means of access to the tenant space at issue. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to have the signage necessary to direct potential customers to the store. 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 12th day of **July, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (“BCZR”): (1) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. without a separate customer entrance in addition to the one existing wall-mounted enterprise sign; and (2) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. in lieu of the maximum 40 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