

IN RE: **PETITION FOR VARIANCE**
(2927 Cub Hill Road)

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BEFORE THE

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OFFICE OF

9th Election District
3rd Council District

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ADMINISTRATIVE HEARINGS

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FOR BALTIMORE COUNTY

Cub Hill Bible Presbyterian Church
Petitioner

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Case No. 2019-0308-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Variance filed on behalf of Cub Hill Bible Presbyterian Church, LLC, legal owner, (“Petitioner”). A Petition for Variance was filed pursuant to § 450 Sign Table 6.A of the Baltimore County Zoning Regulations (“BCZR”) to permit an identification sign 52 sq. ft. in size in lieu of the permitted 25 sq. ft., and 10 ft. in height in lieu of the permitted 6 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Pastor David Lewis and professional engineer Patrick C. Richardson with Richardson Engineering appeared in support of the request. Alfred L. Brennan, Esq. represented the 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 subject property is 163,036 sq. ft. (3.74 acres) and is split-zoned DR 3.5, DR 5.5 and RO. The property is improved with a 1-½ story single-family dwelling (known as 10040 Harford Road) and a 2-story church building with a large parking lot adjacent to the church. The church’s existing sign is old and in need of an update. Petitioner proposes to install a new sign along the Harford Road frontage. The sign would have an electronic changeable copy component which

would allow the church to publicize its special events and other messages. The State Highway Administration did not object to the size of the sign or its location along Harford Road (Md. Rt. 147).

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 is larger than most other parcels in the area and it has an irregular shape. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide adequate “way finding” signage. 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 **13th** day of **August, 2019**, by this Administrative Law Judge, that the Petition for Variance seeking relief from § 450 Sign Table 6.A of the Baltimore County Zoning Regulations (“BCZR”) to permit an identification sign 52 sq. ft. in size in lieu of the permitted 25 sq. ft., and 10 ft. in height in lieu of the permitted 6 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.
2. In addition to the other requirements set forth in BCZR § 450, the electronic changeable copy portion of the proposed sign may not display video, flashing, blinking, strobing or scrolling messages or images, and the message may only have a maximum frequency of one change per 15-second cycle.

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