

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(6331 Tradepoint Avenue)		
15 th Election District	*	OFFICE OF
7 th Council District		
TPA Properties 17, LLC,	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Floor and Décor Outlets of America, Inc.,	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2019-0343-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Variance filed on behalf of TPA Properties 17, LLC, legal owner, and Floor and Décor Outlets of America, Inc., Lessee (“Petitioners”). A Petition for Variance was filed pursuant to §§ 450.4 Attachment 1.5(a)(VI) and (IX) of the Baltimore County Zoning Regulations (“BCZR”) to allow a total of 4 wall-mounted enterprise signs (one on each façade) in lieu of the permitted 3 enterprise signs with no more than 2 on a single façade, and to allow individual enterprise signs with sign areas/faces of 1,031 sq. ft. (Signs A, C) and 301 sq. ft. (Signs B, D) in lieu of the permitted 150 sq. ft. for each sign. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Professional engineer Joseph Ucciferro with Bohler Engineering appeared in support of the request. David H. Karceski, Esq. represented the Petitioners. 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 4,078,590 sq. ft. (93.63 acres) in size and is zoned Manufacturing – Heavy – Industrial – Major (“MH-IM”). The site is in the sprawling Tradepoint Atlantic

Industrial Park, which is a redevelopment of the former Bethlehem Steel facility. The Lessee is a major east coast distributor for tile, slate and other home flooring products. The warehouse building is extremely large (approximately 1,500,000 sq. ft.) and Petitioners seek approval for signage which would accurately identify this large building, which will be visited by more than 100 tractor-trailer trucks on a daily basis.

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 extremely large and has an irregular shape. As such, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to provide adequate “way finding” signage for this large site. 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 §§ 450.4 Attachment 1.5(a)(VI) and (IX) of the Baltimore County Zoning Regulations (“BCZR”) to allow a total of 4 wall-mounted enterprise signs (one on each façade) in lieu of the permitted 3 enterprise signs with no more than 2 on a single façade, and to allow individual enterprise signs with sign areas/faces of

1,031 sq. ft. (Signs A, C) and 301 sq. ft. (Signs B, D) in lieu of the permitted 150 sq. ft. for each sign, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners 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