

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(9126 Harford Road)		
9 th Election District	*	OFFICE OF
5 th Council District		
Response One, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0428-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Response One, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for approval of an existing 4 x 15 roof sign (Family Car Care). A site plan was marked and admitted as Petitioner’s Exhibit 1.

Jay Attar, the owner of Response One LLC, the owner of the property, appeared in support of the petition. Michael Pierce appeared in opposition to the Petition. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (“DOP”). That agency opposed the request.

An anonymous complaint was filed with Baltimore County alleging that there was an illegal roof top sign atop the subject property. A hearing was held by the Administrative Law Judge on October 16, 2019 and the violation was upheld. The ALJ imposed a fine of \$1,000.00 but suspended the fine pending the application for a Special Hearing concerning the zoning violation. This Special Hearing is being held as a result of such application and the proper advertisement and posting thereof.

SPECIAL HEARING

Mr. Benjamin Attar introduced the Site Plan (Petitioner's Exhibit 1) as well as a series of "before and after" photos showing the property when he purchased it and the improvements he has made. (Petitioner's Exhibits 2, 3, and 4). Mr. Attar testified that he owns and operates Family Car Center on the premises and that the roof top sign in question is critical to his business because it is the only sign that is plainly visible to traffic on Harford Road. He explained that the property lies on Harford Road just off the ramp to I-695 and that visibility is therefore a problem. He testified that he has invested substantial monies to improve the exterior appearance of the property and that his life savings are tied up in this business. He further testified that he was told by the County zoning office that he did not need a permit to change the face of the sign (from the former Goodyear sign to the current Family Car Center sign) because he was not changing the size of the sign. He stated that he was also told by the zoning office that he could not have a free-standing monument sign because of the ramp to I-695 at the site. He testified that he believed his business would be greatly impacted if he is required to remove the roof top sign.

Mr. Michael Pierce testified as an interested County resident. He also produced a photo of the property which was admitted as Protestant's Exhibit 1. The photo depicts the large sign on the face of the building as well as additional free-standing signage along Harford Road, which Pierce noted is also illegal. Pierce acknowledged that Mr. Attar has made substantial improvements to the subject property and he applauded him for that. However, Pierce testified that roof top signs such as the one at issue are prohibited in Baltimore County under Bill 89-97, and that pursuant to this Bill there was a 15 year abatement period, which expired in 2012. Mr. Pierce stated that he understands that a permit is not required to change the text on an existing sign, but only if it is a *legally* existing sign and this one is not. In response, Mr. Attar stated that

he has seen other roof top signs throughout the County and that he hopes that he is allowed to keep this sign because it will greatly injure his business if he has to remove it.

I am sympathetic to Mr. Attar. I understand that he has invested substantial time and money in this property and that he is working hard to make a living and to be a responsible businessman in the County. However, the fact is that the roof top sign on his building is illegal and should have been removed by 2012 at the latest. I believe that he was told by the zoning office that he could change the face of the sign without a permit because zoning was not informed that the sign in question was an illegal roof top sign. As noted by the Department of Planning, “the site can accommodate legal signage and if the roof sign were to remain a negative precedent would be established within the Harford Road commercial corridor.”

THEREFORE, IT IS ORDERED this **14th** day of **November, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for approval of an existing 4 x 15 roof sign (Family Car Care), be and is hereby DENIED.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln