

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(913 Southerly Road)		
9 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
Bozzuto Group,	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0450-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Bozzuto Group, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4.E of the Baltimore County Zoning Regulations (“BCZR”) to permit a monument sign with 29 sq. ft. of signage (on each side) in lieu of the maximum allowed 25 sq. ft. (on each side). A site plan was marked as Petitioner’s Exhibit 1.

Jeffrey Sparhawk, the owner and President of Severn Graphics, Inc. (the firm that designed and will install the sign) appeared in support of the petition. 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 4.22 acres in size and is zoned BM-DT. Ms. Nyren proffered that the Bozzuto Group owns and operates a 295 unit apartment complex at the intersection of Dulaney Valley and Southerly Roads in Towson. She explained that Dulaney Valley is a five lane road at this intersection and that due to the congested nature of this area it is difficult for visitors to these apartments to find the proper ingress. That is why they are requesting this

monument signage with a slightly larger face. She explained that this will reduce traffic confusion in the area and that this sign will link to the leasing office signage.

Under BCZR Section 307, and Maryland common law, in order to be entitled to a variance the applicant must satisfy a two-step legal analysis, 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 subject property fronts on a five lane road in a very congested area with limited sight distance for motorists from certain approaches. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because their tenants and guests, as well as would be tenants, would have difficulty locating the entrance to the apartment complex. I find that the minor variance relief requested 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 7th day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (“BCZR”) to permit a monument sign with 29 sq. ft. of signage (on each side) in lieu of the maximum allowed 25 sq. ft. (on each side), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln/dlw