

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(9000 Franklin Square Drive)		
14 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
6 <sup>th</sup> Council District		
HH Medstar Health, Inc	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2019-0455-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by HH Medstar Health, Inc., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to permit two (2) wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one (1) sign. (East Elevation); (2) to permit three (3) wall mounted identification signs, each with a square footage of up to 190 sq. ft. in lieu of the permitted 25 sq. ft.; and (3) to permit a freestanding monument sign of 75 sq. ft. in lieu of the otherwise permitted 25 sq. ft., and 12 ft. 5 inches in height in lieu of the otherwise permitted 6 ft. A site plan was marked as Petitioner’s Exhibit 1.

Connor Mildrum from Medstar Health appeared in support of the petition. Professional Engineer, Peter Soprano, also testified. Jennifer R. Busse, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. 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 did not oppose the request.

The site is approximately 3.11 acres in size and is zoned OR-1. The property is improved with a medical facility owned by Medstar/Franklin Square Hospital Center. This case concerns

signage for HH Medstar Health, Inc.

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).

Mr. Soprano explained that the building in question is part of the Franklin Square Medstar Health campus and that it houses the Surgical Pavilion. He further explained that the building does not sit parallel with the street that it fronts and that this causes problems for drivers trying to locate the facility. Hence the need for enhanced signage to assist with “wayfinding” and avoid traffic confusion. 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 appropriate and necessary signage for the medical building. 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 **13th** 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”) as follows: **(1)** to permit two **(2)** wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one **(1)** sign. (East Elevation); **(2)** to permit three **(3)** wall mounted identification signs, each with a square footage of up to 190 sq. ft. in lieu of the permitted 25 sq. ft.; and **(3)** to permit a freestanding monument sign of 75 sq. ft. in lieu of the otherwise permitted 25 sq. ft., and 12 ft. 5 inches in height in lieu of the

otherwise 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. Prior to issuance of permits, Petitioner must comply with ZAC comment received from the DOP, a copy of which is attached hereto and made a part hereof.

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

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

PMM:sln