

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
20' W of c/line Carlson Lane		
(5415 Old Court Road and	*	ZONING COMMISSIONER
8505 Carlson Lane)		
2 nd Election District	*	OF
4 th Council District		
	*	BALTIMORE COUNTY
Northwest Hospital Center, Inc.,		
<i>Petitioner</i>	*	Case No. 2010-0192-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Northwest Hospital Center, Inc. (Northwest Hospital), by and through its attorneys, David H. Karceski, Esquire and Kedrick N. Whitmore, Esquire with Venable LLP. Petitioner requests variances from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) relating to the installation of new signage at the Northwest Hospital. Specifically, Northwest Hospital is requesting a variance from B.C.Z.R. Section 450.4.6 to permit two (2) freestanding identification signs to be located on Carlson Lane, each with a sign face of 60 square feet and a height of 10 feet. Without a variance, B.C.Z.R. Section 450.4.6 permits only one (1) freestanding identification sign on this frontage with a sign face area of 25 square feet and height of 6 feet with a second similar freestanding identification sign permitted along the frontage of Old Court Road. In addition, Northwest Hospital proposes two (2) wall-mounted enterprise signs. One of the two (2) proposed signs meets the requirements of B.C.Z.R. Section 450.4.5 as it has a sign face area of 20 square feet, which is less than the maximum permitted 100 square feet. Northwest Hospital is requesting a variance from B.C.Z.R. Section 450.4.5 to allow a second wall-mounted enterprise sign in lieu of the permitted one (1) wall-mounted enterprise sign per building and to allow this second enterprise sign to have a sign face area of

225 square feet in lieu of the maximum permitted sign face area of 100 square feet, for a total sign face area of 245 square feet. The subject property and requested relief are more particularly described on Petitioner's amended site plan, which was submitted into evidence and marked as Petitioner's Exhibits 1A through 1E.

At the requisite public hearing, David Karceski, Esquire and Kedrick Whitmore, Esquire appeared as attorneys for Petitioner. Also appearing in support of the requested relief were Andrew Armetta, Director of Property and Fleet Management for Lifebridge Health (parent company of Petitioner); Kimberly Echols of Obrecht Properties (owner of the medical office building on the subject site, a portion of which is leased to Petitioner); Michael Pieranunzi of Century Engineering, Inc., the engineer who oversaw preparation of the site plan; and Peirce Macgill, a Commercial Revitalization Specialist with the Baltimore County Department of Economic Development. As there were no Protestants or other interested parties present, the hearing proceeded on a proffer from Mr. Karceski.

Testimony and evidence revealed that the subject site is comprised of approximately 16 acres and is located within the Liberty Road Commercial Revitalization District at the southwest corner of Old Court Road and Carlson Lane. The subject site is made up of three (3) separate parcels, giving it an irregular shape, and is split-zoned OR-1 and D.R.5.5. This petition pertains only to that portion of the subject site zoned OR-1. Access to the subject site is available only from Carlson Lane, and the site has an extremely long frontage on this road, over 1,600 feet. A three-story medical office building and associated surface parking are currently located on the site.

The subject site is part of the larger Northwest Hospital Center campus, which totals approximately 32 acres. Petitioner's Exhibit 4, a previously approved development plan for

Northwest Hospital Center, shows the layout of the entire facility. Carlson Lane bisects the campus, separating the subject site from the remainder of the hospital buildings on the east side of the road. An elevated footbridge over Carlson Lane connects the medical office building on the subject site with the rest of the hospital improvements.

As was explained at the hearing, the need for the proposed signs stems from the expansion of Northwest Hospital Center, which has involved shifting a number of uses from the hospital campus on the east side of Carlson Lane to the medical office building on the subject site. Both medical uses, such as doctor's offices and operating rooms, and non-medical uses, such as offices for hospital executives, finance, and human resources personnel, have been relocated to this building.

The proposed signage will identify the medical office building and will assist in directing visitors to the new and relocated uses within the building. As shown on Petitioner's Exhibit 1A, the two (2) proposed freestanding signs will mark entrances to the site from Carlson Lane, with a single sign proposed at each of the two (2) entrances nearest the intersection of Old Court Road and Carlson Lane. The signs will identify both the medical office building itself and the location of certain hospital services within the building. Petitioner's Exhibit 1A also shows that the proposed wall-mounted signs will be located on the north façade of the medical office building. These signs will be visible from both Old Court Road and Carlson Lane, with one sign displaying the name of the building and the other identifying the street number of the building. Details of the signs are provided for illustrative purposes as Petitioner's Exhibits 1D and 1E and on the color sign elevation details marked as Petitioner's Exhibits 6A through 6D.

Northwest Hospital is a regional medical center and, as such, draws patients from a wide geographic area, many of whom are not familiar with the location of the subject site or the

medical office building. Even visitors familiar with Northwest Hospital Center may need these signs, because many uses at the campus have recently moved across Carlson Lane to the medical office building. Additionally, many visitors to the medical office building will be ill, under stress, or elderly and, therefore, would be assisted by signage that provides for quick identification of the building and its uses. Indeed, since the new medical office building has opened, security officials at Northwest Hospital have been contacted numerous times about the inability of visitors to find their destination due to the lack of necessary signage. As stated at the hearing, the vast majority of these visitors to the campus travel southwest on Old Court Road, turning south on Carlson Lane to access the site. As shown on the photographs marked as Petitioner's Exhibits 5A through 5E, no signs identifying the medical office building or its uses are located currently along either of these roads. Petitioner has chosen the size and location of the proposed signs to provide information to visitors traveling along this preferred route.

Mr. Macgill testified that Northwest Hospital Center is located within the Commercial Revitalization District and is considered an "anchor" in this northwest corridor, providing approximately 1,500 jobs in the area. As he explained, the hospital is a vital contributor to the economic health of the District as a whole, and his department supports the variance request as a necessary part of the hospital's continued expansion. Additionally, the Office of Planning issued a Zoning Advisory Committee (ZAC) comment recommending approval of the variance request.

After consideration of the testimony and evidence presented, I find that the proposed signage, as shown on Petitioner's Exhibits 1A through 1E and 6A through 6D, is appropriate in the locations proposed and that the subject requests meet the standards set forth in B.C.Z.R. Section 307 for the grant of a variance. The subject site is physically unique by virtue of its size, irregular shape, and extended frontage on Carlson Lane, as well as its inclusion within the larger

Northwest Hospital Center campus and its separation from the remainder of the campus by Carlson Lane. Additionally, the multiple uses within the medical office building and its status as a part of the County's regional hospital network further contribute to its uniqueness and provide justification for the relief requested.

If the zoning regulations were interpreted strictly, these unique features would cause Petitioner to face a practical difficulty. Without the requested relief, Petitioner would be permitted to erect only one freestanding sign along the site's entire Carlson Lane frontage, leaving the second entrance to the subject site unmarked and providing inadequate information to visitors. Further, the single wall-mounted sign permitted by the B.C.Z.R. would limit Petitioner's ability to display sufficient information in terms of name and address of the medical office building on its façade. The maximum permitted sign face area for this single sign would also be inadequate to identify the building to visitors traveling along Old Court Road and Carlson Lane. In either case, the signage permitted by the B.C.Z.R. would not adequately identify the medical office building or its uses, particularly in light of the campus layout and the difficult circumstances facing many of its visitors.

No evidence was presented that granting the requested relief would, in any way, be detrimental to the surrounding area. Rather, I find the proposed signs to be reasonably sized given the breadth of the Northwest Hospital Center campus and the variety of uses located at the medical office building. Also, the proposed signs are consistent with existing signs on the campus, photographs of which are marked as Petitioner's Exhibits 5F and 5G. Mr. Armetta stated that, as part of the hospital expansion, Petitioner is undertaking a total overhaul of its sign package on the campus. In doing so, Petitioner will ensure that all signage, including that proposed here, is consistent.

Finally, the requested relief clearly falls within the spirit and intent of Baltimore County's sign regulations. As indicated above, the proposed signage is reasonable considering the size of the campus and is designed in consideration of the need for direction to multiple medical services. Petitioner has taken great care to propose the minimum amount of signage necessary to achieve its goals, further complying with the spirit and intent of the sign regulations. Therefore, I am easily persuaded to grant the requested relief.

Pursuant to the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the variance relief shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of March, 2010, that the Petition for Variance seeking relief from Section 450.4.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) freestanding identification signs on one (1) road frontage, each with a sign face area of 60 square feet and height of 10 feet, in lieu of the permitted two (2) freestanding identification signs (one per frontage) with a total sign face area of 50 square feet (25 square feet per frontage) and height of 6 feet each; and from B.C.Z.R. Section 450.4.5 to allow two (2) wall-mounted enterprise signs in lieu of the permitted one (1) wall-mounted enterprise sign per building, and to allow an enterprise sign with a sign face area of 225 square feet in lieu of the permitted sign face area of 100 square feet, in accordance with Petitioner's Exhibits 1 and 6, be and is hereby GRANTED, subject to:

1. Petitioner may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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

____SIGNED____
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County