

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
NE side of Stevenson Road; 165 feet N		
of the c/l of Hillside Road	*	DEPUTY ZONING
3 <sup>rd</sup> Election District		
2 <sup>nd</sup> Councilmanic District	*	COMMISSIONER
(10401-10417 Stevenson Road)		
	*	FOR BALTIMORE COUNTY
<b>Stevenson Village, LLC</b>		
<i>Petitioner</i>	*	<b>CASE NO. 2011-0009-A</b>

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Stevenson Village, LLC by Robert Max, Managing Member. Petitioner is requesting Variance relief from Section 450.4.C.5.(b) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit 3 free standing joint identification signs (single sided) along the Stevenson Road frontage in lieu of the permitted 1 free standing joint identification sign per frontage. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Robert Max, Managing Member, on behalf of Petitioner Stevenson Village, LLC, and C. William Clark, Esquire, attorney for the Petitioner. Also appearing in support of the requested relief was Rick Richardson with Richardson Engineering, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is irregular shaped and consists of approximately 6.17 acres, more or less, zoned B.L. The property is located on the east side of Stevenson Road, just north of Hillside Road and east of Park Heights Avenue, in the Stevenson/Greenspring Valley area of Baltimore County. As depicted in the photograph of the

currently existing sign that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is known as the "Stevenson Village Center" and is home to a number of commercial ventures. The property is improved with at least seven buildings with various businesses, including offices, a post office, hair salon, retail shops, a greenhouse, and a produce stand. There are also 135 parking spaces provided, though only 125 spaces are required by the Regulations.

Recently, Petitioner has been upgrading the commercial and retail center with new facades and paint for a cleaner, fresher look for the businesses and their customers; however, as shown on the site plan and depicted in Petitioner's Exhibit 2, there is only one sign that identifies the different businesses located at the Center, and that sign is located at the far north end of the property. According to Mr. Clark and Mr. Max, and Petitioner's engineer, Mr. Richardson, the present sign location is not conducive to observing it until one is practically past the property. This is due to the length of the property's frontage on Stevenson Road, as well as the curvature of the road, the abundance of trees and vegetation along the property, and the unusual topography along the property. In particular, the road is rather hilly and winding from Interstate 695 through Greenspring Valley Road to the subject property.

Another distinctive feature of the property is that the main improvements along Stevenson Road consist of three separate buildings that house very different businesses. As alluded to above, as one travels north on Stevenson Road, the first building is comprised of various office uses; the second building is comprised of the post office and hair salon; and the third building is where the retail shops are located. Photographs of the buildings were marked and accepted into evidence as Petitioner's Exhibits 3A through 3C. Because of these separate uses as well as the natural features of the property, Petitioner desires 3 free standing joint identification signs (single sided) along the Stevenson Road frontage in lieu of the permitted 1 free standing sign. Elevations and renderings of the proposed signs, as well as their proposed locations, are shown on the site plan.

In further support of the requested relief, Mr. Clark, Petitioner's attorney, referenced the comments from the Office of Planning, which generally supports the variance for the three signs, and the comment from the State Highway Administration offering no objection to the requested relief. These comments were collectively marked and accepted into evidence as Petitioner's Exhibit 4. As an additional matter, Mr. Clark submitted a letter of support dated July 9, 2010 from Teresa Moore, Executive Director of The Valleys Planning Council, Inc. ("VPC"), which was marked and accepted into evidence as Petitioner's Exhibit 5. This letter indicates that the VPC reviewed Petitioner's plans and found the facelift and proposed new signage will improve the overall appearance and utility of the site. Although noting that VPC often opposes variance requests, Ms. Moore indicated that the subject signs would be unlighted and situated close to the buildings and appear to be unobtrusive.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. As indicated above, comments were received from the Office of Planning dated July 28, 2010 which indicates that the variance request is for a rural shopping center that is within the Greenspring Valley National Register District. Petitioner is to be commended for undertaking an effort to upgrade this shopping center which has a quaint rural village sensibility. As that upgrade is occurring, it appears that a dumpster enclosure is needed. The angle of the proposed dumpster is askew and should be adjusted. A landscape plan with upgraded landscape treatment from the street frontage and interior parking lot landscaping is needed. The Planning Office recommends that the variance be granted provided the signs are in accordance with the sign details submitted by Richardson Engineering on the site plan dated March 18, 2010, and an updated landscaping and lighting plan be provided and the dumpster location revised.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the

land or structure which is the subject of the variance request. These include the aforementioned topography, the length of frontage along Stevenson Road and the curvature of the road, which limits the sight lines of one sign, whether located at the north or south end of the property, or somewhere in between. I also find the variety of the uses and tenants to be a unique feature of the property, and although there are a number of buildings on the property, it is considered only one property of record according to the SDAT Real Property Data Search printout. These are the kinds of characteristics that render the property unique in a zoning sense and drive the need for variance relief for additional signage.

Further, I find that strict compliance with the Zoning Regulations would create a practical difficulty and unreasonable hardship that would result in a denial of a reasonable and beneficial use of the property. Finally, I find that the variance request can be granted in strict harmony with the spirit and intent of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995), and in such a manner as to grant relief without injury to the public health, safety and general welfare. It is significant that The Valleys Planning Council is supportive of the variance request. This organization works hard at protecting the rural character of northern Baltimore County, and I am impressed by their support of Petitioner's plan, and their comment that the proposed signage should be relatively unobtrusive.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 6<sup>th</sup> day of October, 2010 by this Deputy Zoning Commissioner, that Petitioner's request for Variance relief from Section 450.4.C.5.(b) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 3 free standing joint identification signs (single sided) along the Stevenson Road frontage in lieu of the permitted 1 free standing

joint identification sign per frontage as depicted on the site plan accepted into evidence as Petitioner's Exhibit 1, be and is hereby **GRANTED**. The following shall be conditions precedent to the relief granted herein:

1. Petitioner may apply for its building permit 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The signs shall be in accordance with the sign details submitted by Richardson Engineering on the site plan dated March 18, 2010 and accepted into evidence as Petitioner's Exhibit 1.
3. A landscape plan with upgraded landscape treatment from the street frontage and interior parking lot landscaping shall be provided to the Office of Planning for review and approval.
4. A lighting plan shall also be provided to the Office of Planning for review and approval.
5. The dumpster location shall be revised and approved by the Office of Planning and a dumpster enclosure provided.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz