

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
NE Corner of Reisterstown Road and		
Hillfield Roads	*	OFFICE OF
4 th Election District		
2 nd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(Reisterstown Road)		
	*	FOR BALTIMORE COUNTY
Reisterstown Shopping Center		
<i>Petitioner</i>	*	CASE NO. 2011-0262-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Admiral Construction Corporation and Reisterstown Shopping Center, LLP, legal owners of the Reisterstown Shopping Center. Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows:

- From Section 450.4 Attachment 1.7(b) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a freestanding joint identification sign with a sign face area of 201 square feet in lieu of the permitted sign face of 150 square feet; and
- From Section 450.4 Attachment 1.7(b) of the B.C.Z.R. to display 18 lines of sign text with a sign copy of a minimum of 3 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Bob Pollokoff, on behalf of the legal owners of the for Reisterstown Shopping Center, Bill Monk and Josh Sharon of Morris & Ritchie Associates, Inc., the consulting engineer who prepared the site plan for the Property, and David H. Karceski, Esquire, and Kedrick Whitmore, Esquire, attorneys for Petitioner. No Protestants attended the hearing, nor were any letters of protest or objection received by this Office.

Testimony and evidence offered revealed that the subject property is located on the northeast side of Reisterstown Road, just north of its intersection with Cherry Hill Road in the Reisterstown area of the County. The subject property is the site of the Reisterstown Shopping Center. The property is a large 20.57 acre parcel of property zoned BM-CCC which is improved with a Mars Supermarket, a Wacovia Bank, as well as many other retail tenants. The owners of the property are investing considerable sums of money toward the renovation of this existing shopping center, and have been making much needed improvements to the subject site. The purpose of the hearing before me involves the identification sign for the Reisterstown Shopping Center which is located at the entranceway into this property along Reisterstown Road. The owners are desirous of taking down the old Reisterstown Shopping Center sign which is depicted on Petitioner's Exhibit 6 and replacing that sign with a newly constructed identification sign a rendering of which is depicted on Petitioner's Exhibit 1. The new sign to be constructed on the property is much more attractive than the old steel I-beam sign that has existed on the property for many years. Once constructed, this new identification sign will be a great improvement to the entranceway to the property and will make the site much more aesthetically pleasing to motorists passing by on Reisterstown Road. In order to proceed with the construction of this new sign, the variance request is necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies. The County's Department of Economic Development, by Memorandum dated April 4, 2011, indicated it "supports the requested variances submitted by Reisterstown Shopping Center." See Exhibit 4.

Based upon the testimony and evidence presented, I am persuaded to grant the request for 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. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED this 25 day of April, 2011 by this Administrative Law Judge that Petitioner's Variance request from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- From Section 450.4 Attachment 1.7(b) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a freestanding joint identification sign with a sign face area of 201 square feet in lieu of the permitted sign face of 150 square feet; and
- From Section 450.4 Attachment 1.7(b) of the B.C.Z.R. to display 18 lines of sign text with a sign copy of a minimum of 3 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy

be and are hereby GRANTED, subject to the following:

1. Petitioner may apply for 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz