

IN RE: <b>PETITION FOR VARIANCE</b>	*	BEFORE THE
NE side of Twin Springs Road; 1,485		
feet NW of the c/l of Washington Blvd.	*	OFFICE OF ADMINISTRATIVE
<b>(1701 Twin Springs Road)</b>		
13 <sup>th</sup> Election District	*	HEARINGS FOR
1 <sup>st</sup> Council District		
	*	BALTIMORE COUNTY
Kaiser Foundation Health Plan		
of the Mid-Atlantic States, Inc.		
<i>Petitioner</i>	*	<b>CASE NO. 2012-0064-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Petitioner Kaiser Foundation Health Plan of Mid-Atlantic States, Inc. (“Kaiser”), legal property owner, requesting variance relief from Section 405.4 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for free-standing signage (entry sign and on-site directional signs) on the campus of its new medical facility and for certain wall-mounted signage at the new facility. In particular, Petitioner requested variances from: Section 450.4 Attachment 1, 5(b)(V) to permit a free-standing enterprise sign with a sign face/area of 290.0 sq. ft. in lieu of the maximum permitted 75 sq. ft. (Sign 1); Section 450.4 Attachment 1, 5(a)(VI) to permit a total of 4 wall-mounted enterprise signs on building façades in lieu of the maximum permitted 3 signs (Signs 4-7); Section 450.4 Attachment 1, 5(a)(V) to permit a wall-mounted enterprise sign with a sign face/area of 297.0 sq. ft. in lieu of the maximum permitted 210.6 sq. ft. (Sign 5); Section 450.4 Attachment 1, 5(a)(IX) to permit four wall-mounted enterprise signs with sign face/areas of 483.0 sq. ft., 297.0 sq. ft., 154.00 sq. ft., and 154.00 sq. ft. in lieu of the maximum permitted 150 square feet each (Signs 4-7); Section 450.4 Attachment 1, 3(b)(V) and (VII) to permit 4 free-standing directional signs with a sign face/area of 9 sq. ft. and a height of 6.25 feet each in lieu of the maximum permitted 8 sq. ft.

and 6 feet each (Sign 2); and Section 450.4 Attachment 1, 3(b)(V) and (VII) to permit a free-standing directional sign with a sign face/area of 50 sq. ft. and a height of 20 feet in lieu of the maximum permitted 8 sq. ft. and 6 feet each (Sign 3). The subject property and requested relief are more fully described on the site plan marked and accepted into evidence as Petitioner's Exhibit 1A and 1B.

Appearing at the public hearing on behalf of Kaiser in support of the requested relief were Patrick Farrell, Director of Capital Projects, and Kimberley Roberts, Program Director. Iwona Rostek-Zarska, Professional Engineer, and Valek Zarski, Project Manager, appeared on behalf of Baltimore Land Design Group, Inc., the engineering firm responsible for preparation of the site plan submitted into evidence. Patricia Malone, Esquire, appeared as legal counsel for the Petitioner. Dan Pallace with Merritt Properties, LLC also appeared in support of the request. There were no Protestants or other persons in attendance.

At the outset of the hearing, Ms. Malone explained that, after meetings with the Department of Planning, Kaiser had agreed to eliminate all relief related to Sign 6 from its request. Ms. Malone introduced amended petition language, and Ms. Rostek-Zarska revised the site plan (Petitioner's Exhibit 1A and 1B) to reflect the elimination of Sign 6. With this change, as reflected in its Zoning Advisory Committee (ZAC) comment, the Department of Planning offered no objection to the approval of the requested variance relief, and none of the other ZAC comments indicated any opposition or agency comment concerning the requested relief. Prior to the hearing, the undersigned received correspondence, dated May 12, 2011, from Peirce Macgill, Commercial Revitalization Specialist with the Department of Economic Development, voicing strong support of the requested relief. The ZAC comments and the memorandum from Mr. Macgill were made part of the case file.

Ms. Malone then proffered the evidence presented, and I accepted the proffer and exhibits into the record of the case. As Ms. Malone explained, Petitioner is in the process of constructing a new regional Kaiser Permanente medical facility in Halethorpe on a 9.6± acre site located off Washington Boulevard. The property is split-zoned BM-IM and ML and is accessed through a private drive - Twin Springs Road - off of Washington Boulevard.

Kaiser selected the site because of its central location in terms of its other facilities in the area, as reflected on a facilities map introduced into evidence. Kaiser intends for this location to act as a “hub” for other Kaiser facilities in the area, which do not provide the full spectrum of services to be offered at this facility. This location will be a full-service outpatient medical center, providing surgical and diagnostic services, along with medical offices, laboratory, and pharmacy. Kaiser produced a floor plan of the proposed medical center to show the services to be provided and the layout of the building.

Ms. Malone next described the proposed signage for the site and the relief necessary. The proposed signs include an entrance sign from Twin Springs Road into the site and on-site directional signs to direct patients to the parking garage and to the medical services. Wall-mounted “Kaiser Permanente” signs are also proposed. Detailed sign measurements and sign elevations were introduced.

As Ms. Malone explained, the site has an irregular shape with a narrow panhandle leading into the site from the private Twin Springs Road. The bulk of the site is located to the rear. Given the site’s unusual configuration and the location of the buildable area on the site, the view from Washington Boulevard is very limited, which will make it more difficult for patients, who may be ill, elderly, or under stress, to locate the medical center. For this reason, Kaiser requests variance relief in order to provide adequate signage to help patients and

visitors more easily locate the facility and navigate through the site. As a regional facility, it will draw patients from other jurisdictions, who may be unfamiliar with the area. The need for visible notification signage in this instance is, therefore, particularly important.

Having considered the testimony and evidenced offered at the hearing, I am convinced that the requested variance relief should be granted. The physical characteristics of the property certainly make it difficult to locate and identify the site. Requiring strict compliance with the B.C.Z.R. with regard to signage would result in practical difficulty for Kaiser and potential hardship for its patients, who may have difficulty in locating the medical center from the main roads. Without the grant of a variance, Kaiser cannot provide sufficient notice for a facility of this size.

Based on the evidence presented, I find that the variances can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The requests will not result in any adverse impact as there are no residential properties nearby. The area is a commercial/industrial corridor. Even so, the signs, as designed, are tasteful and non-obtrusive. Some of the smaller signs, when in place, may not even be visible off campus. Those that are visible will provide much needed directional guidance without being distracting. For these reasons, I find that the variance requests satisfy the requirement that they be consistent with the spirit and intent of B.C.Z.R. and not result in injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County this 7th day of November, 2011 that Petitioner's Petition for Variance, as amended, from

Section 450.4 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit the following variances:

1. Section 450.4 Attachment 1, 5(b)(V) to permit a free-standing enterprise sign with a sign face/area of 290.0 sq. ft. in lieu of the maximum permitted 75 sq. ft. (Sign 1);
2. Section 450.4 Attachment 1, 5(a)(V) to permit a wall-mounted enterprise sign with a sign face/area of 297.0 sq. ft. in lieu of the maximum permitted 210.6 sq. ft. (Sign 5);
3. Section 450.4 Attachment 1, 5(a)(IX) to permit three wall-mounted enterprise signs with sign face/areas of 483.0 sq. ft., 297.0 sq. ft., and 154.00 sq. ft. in lieu of the maximum permitted 150 square feet each. (Signs 4,5,7);
4. Section 450.4 Attachment 1, 3(b)(V) and (VII) to permit 4 free-standing directional signs with a sign face/areas of 9 sq. ft. and a height of 6.25 feet each in lieu of the maximum permitted 8 sq. ft. and 6 feet each. (Sign 2);
5. Section 450.4 Attachment 1, 3(b)(V) and (VII) to permit a free-standing directional sign with a sign face/area of 50 sq. ft. and a height of 20 feet in lieu of the maximum permitted 8 sq. ft. and 6 feet each. (Sign 3),

be and is hereby GRANTED.

The relief granted herein is subject to the following condition:

1. Petitioner is advised that it 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 the 30-day appeal period from the date of 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.

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Signed  
TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK/pz

