

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
SW side of Liberty Road; 178 feet		
NW of the c/l of Brenbrook Drive	*	OFFICE OF ADMINISTRATIVE
2 <sup>nd</sup> Election District		
4 <sup>th</sup> Council District	*	HEARINGS FOR
<b>(8727 Liberty Road)</b>	*	BALTIMORE COUNTY
MFB Ransdalltown, LLC		
<i>Legal Owner</i>		
Chase Braxton Health Services, Inc.	*	
<i>Contract Purchaser</i>		
Petitioners	*	<b>CASE NO. 2012-0162-A</b>
* * * * *		

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, MFB Ransdalltown, LLC and Chase Braxton Health Services, Inc., contract purchaser. The Petitioners are requesting Variance relief from Section 450.4.5(d) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit four (4) wall mounted signs in lieu of the required one (1). The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the variance request were Bruce Doak of Gerhold Cross & Etzel, Ltd., the property line surveyor, and Geri O’Donoghue from Chase Braxton Health Services, Inc., the Lessee of the property, and Neil Lanzi, Esquire counsel for the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants in attendance.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. No comments were adverse to the Petitioner’s request.

Testimony and evidence offered revealed that the subject is located on the south side of Liberty Road near the intersection with Brenbrook Drive. The property consists of 5.581 acres of land is split zoned BM and OR 1. The property is improved with a one story masonry building which contains retail and medical office uses. The Applicant herein is desirous of adding some signage to the building façade which will identify the type of medical services by Chase Braxton Health Services, Inc., one of the tenants of the building. The signage which is to be added to the face of the building is attractive and will fit in nicely with the overall design of the building. It will also assist those patients who are traveling to this property to find the medical services which they are seeking.

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. I further find that the property is unique, based on the testimony presented at the hearing.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on this Petition, 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   day of March, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 450.4.5(d) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit four (4) wall mounted signs in lieu

of the required one (1), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for its building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will 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