

**IN RE: PETITION FOR VARIANCE**  
**(2033 Joppa Road)**  
Satyr Limited Partnership  
Petitioner

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2013-0035-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by Charles E. Brooks, Esquire, with Brooks and Kosloski, on behalf of the legal owner, Satyr Limited Partnership. The Petitioner is requesting Variance relief from § 450.4 Attachment 1.7(b) as follows:

- (1) To permit the maximum area of the "Joint Identification Freestanding" sign to be 190.9' in lieu of the 122 square feet permitted,
- (2) To permit the maximum sign height of the "Joint Identification Freestanding" sign to be 27' in lieu of 25' permitted, and
- (3) To permit the maximum number of tenant lines displayed on the sign from five (5) to seven (7).

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 I.

Appearing at the public hearing in support for this case was Rick Gabell of Gebhart Properties, and Michael Domeier with Strickler Signs. Charles E. Brooks, Esquire and Jean M. Kosloski, Esquire appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning (DOP) on September 13, 2012, as follows:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for variances from Section 450.4 of the BCZR (Joint Identification Freestanding). The existing freestanding joint identification sign is in poor condition. Although the proposed sign is much larger than the existing sign, it will serve more tenants and will be constructed of quality materials, as shown by the provided sign elevation.

The proposed freestanding sign shall be landscaped at the base, to provide screening and mitigate the appearance of the height. The Department of Planning has no additional comments on the modifications to the freestanding Goodyear sign or the removal of the other two signs on the lot.

Testimony and evidence revealed that the subject property is approximately 5.19 acres in size, and is zoned BL-CCC. The site is improved with a shopping center constructed in 1956, which counsel described as one of the oldest in the county. Mr. Rick Gabell, Director of Development for Petitioner, testified that the existing joint identification sign at the center was struck by a truck and destroyed. He explained the new sign would update the look and appearance of the center, and the height proposed would allow for all tenants to be identified.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

Petitioner has met this test.

As shown on the site plan, the property is uniquely shaped, and has frontages on both Joppa and Satyr Hill Roads. The center has been in existence for over 55 years, and as noted by the DOP, the new sign will improve the look of the center, and will allow shoppers and motorists to properly identify the businesses on site.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship. The Petitioner would be unable to reconstruct the damaged sign as proposed. 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. This is demonstrated by the lack of opposition from the community and the lack of negative comments from Baltimore County reviewing agencies. In addition, the Petitioner noted that two signs presently on site (identified on the plan as signs "B" and "C") would be removed, so the end result is that the number of signs is reduced, and the appearance is enhanced, which is the goal of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED, this 17<sup>th</sup> day of October, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 450.4 Attachment 1.7(b) as follows:

- (1) To permit the maximum area of the "Joint Identification Freestanding" sign to be 190.9' in lieu of the 122 square feet permitted,
- (2) To permit the maximum sign height of the "Joint Identification Freestanding" sign to be 27' in lieu of 25' permitted, and
- (3) To permit the maximum number of tenant lines displayed on the sign from five (5) to seven (7),

be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for its appropriate permits 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.
2. The Petitioner must provide and install vegetative material and plants at the base of the joint identification sign on Joppa Road, in accordance with Exhibit H attached hereto.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:dlw