

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(16 Greenmeadow Dr.)		
8 th Election District	*	OF ADMINISTRATIVE
3 rd Councilman District		
The Meadows LLC, Mona Family, LLLP,	*	HEARINGS FOR
Mona Management, Inc.		
Legal Owners/ Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2013-0139-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David H. Karceski, Esquire, on behalf of The Meadows LLC, Mona Family, LLLP, and Mona Management, Inc., the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing wall-mounted enterprise sign for a tenant within a multi-tenant building without a separate, exterior customer entrance. 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 requests were Mark Knott (on behalf of the owners) and Paul Ratych, a licensed surveyor who prepared the site plan.. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the record of this case. There were no substantive comments from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 64,915 square feet and is zoned RO. Mr. Ratych (who was accepted as an expert and testified via proffer) stated that the sign in question was erected in 1986, pursuant to case no.: 1987-0063-A. See Petitioner's Exhibit 5A and 5 B. The sign is 76 square feet in size, and has been in place for over 25 years without complaint. Zoning relief is required at this juncture because of the B.C.Z.R.'s sign abatement provisions.

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).

Petitioners have met this test. As Mr. Ratych testified, the site is irregularly shaped, and has significant topographical (grade) changes that dictated the layout and development of the site. Thus, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship, since they would be required to dismantle the sign. 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 amply demonstrated by the lack of opposition from the community and County agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 21st day of February, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing wall-mounted enterprise sign for a tenant within a multi-tenant building without a separate, exterior customer entrance, be and is hereby GRANTED.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln