

**IN RE: PETITION FOR VARIANCE**  
Corner of N side Taylor Avenue at  
W side of Beverly Avenue  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(1812 Taylor Avenue)

**Meeram Realty, LLC**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **CASE NO. 2010-0055-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Mayur Sevalia on behalf of the legal owner of the subject property, Meeram Realty, LLC. Petitioner is requesting Variance relief from Section 450.4.5.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wall sign with a face area of 165 feet on a side wall (without a customer entrance) in lieu of the one (1) permitted canopy sign (with a customer entrance). The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioner Mayur Sevalia, for Meeram Realty, LLC, and Frank R. Shaulis, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Dwight Little, with Little & Associates, Inc., the engineering and surveying firm that prepared the site plan. There were no Protestants or other interested persons in attendance at the public hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 0.61 acres of land zoned B.L. The property is located at the intersection of Taylor Avenue and Beverly Avenue in the Parkville area of Baltimore County. It is improved with an existing building, approximately 4,992 square feet in size, which has been used to operate Maria's Carryout, Tavern, and Package Goods store for over fifty years.

Testimony revealed that Petitioner has lived in the area for over ten years and formerly operated a convenience store in Parkville. Petitioner purchased the subject property approximately six months prior to the hearing and has already spent over half a million dollars renovating the property.

The relief requested in this Petition does not propose any additional construction or expansion of the existing building, and relates solely to signage. Petitioner submitted a number of photographs looking east (which were marked and accepted into evidence as Petitioner's Exhibits 2A through 2C), looking west from the front of the property along Taylor Avenue (Exhibit 3) and several looking west from the east side of the building (Exhibits 4A through 4C). These photographs provided an understanding of the existing signs and the request for variance. There is currently a free standing sign with an electronic board on the front of the property along Taylor Avenue. The front side of the building has a sign that appears to be a canopy sign, but due to the mansard roof, is technically considered a wall sign. The majority of the parking for the business is on the east side of the building bordering Beverly Avenue, and the structure currently has a wall sign facing the parking area. There is frontage but no customer entrance on the east side of the building, so Petitioner is requesting variance relief to continue to maintain a sign on that side of the building facing the parking area.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

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. The existing building is unique in

that the side that faces Taylor Avenue has a mansard roof -- simulating a canopy. However, the sign overhanging the customer entrance is treated as a wall sign instead of a canopy sign, even though it serves the same function as a canopy sign for all intents and purposes. As such, the sign facing the parking area on the side of the building is treated as an additional wall sign, and is not technically permitted due to the fact that there is no customer entrance on that side of the building.

I conclude that given the layout and structure of the existing building, the subject property is unique in a zoning sense and that Petitioner would suffer practical difficulty and undue hardship if the variance were to be denied. Petitioner could legitimize the existing sign by changing the structure of the existing building and constructing an additional entrance. However, this would cause an unnecessary expense to Petitioner and would negatively affect the surrounding community by creating an unnecessary construction area and decreasing the appearance of the existing structure. I find that the variance, however, can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. Petitioner has gone to great lengths to improve the appearance of the property and maintaining the existing sign will not have any negative affect on the surrounding locale. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 1<sup>st</sup> day of December, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance relief from Section 450.4.5.D of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wall sign with a face area of 165 feet on a side wall (without a customer entrance) in lieu of the one (1) permitted canopy sign (with a customer entrance) be and is hereby **GRANTED**. The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
2. Petitioner must ensure that the electronic sign fronting Taylor Avenue remains in a constant state for at least 15 seconds at a time.
3. The wall sign on the east side of the building must be lowered so that the top of the sign is at or below the parapet wall of the building.
4. Petitioner shall not be permitted to hang additional temporary signs on the east side of the building.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz