

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E side of Belair Road; 87 feet SW of		
Belair Road and Rossville Boulevard	*	OFFICE OF
14 th Election District		
6 th Council District	*	ADMINISTRATIVE HEARINGS
(7927 Belair Road)		
	*	FOR
FP Sub, LLC, <i>Legal Owner</i>		
McDonald's USA, LLC,	*	BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	CASE NO. 2012-0186-SPH
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by FP Sub, LLC, the legal property owner, and McDonald's USA, LLC, the contract purchaser, the ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a free standing enterprise sign with an electronic message board on a pad site within a shopping center in addition to the permitted shopping center joint identification signs. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requested relief were Lee May and Jerry Rush, on behalf of McDonald's, USA, LLC, and Iwona Zarska and Valek Zarski, with Baltimore Land Design Group, Inc., the firm who prepared the site plan. Stanley S. Fine, Esquire and Caroline L. Hecker, Esquire, appeared as Counsel for the Petitioner. There were no Protestants or other persons present, and the file does not contain any letters of protest or opposition from neighboring owners.

It should be noted that this matter came before me as a result of an internal review by the Office of Zoning Review which revealed a violation with the illegal freestanding sign. A Code Inspections and Enforcement Correction Notice¹ was issued to the Petitioners on February 2, 2012, for failure to meet the maintenance requirements stated in Section 450.6.C (Permit or Special Exception is required when changing from manual to electronic reader). Hence, Petitioners filed the instant Petition to cure this technical defect.

Testimony and evidence revealed that the subject property is the site of a McDonald's fast food restaurant located on the corner of Belair Road and Rossville Boulevard in Fullerton. This McDonald's was recently renovated and has now re-opened. A new sign has been installed, which replaced the old freestanding sign that was on the premises when the site was a Roy Rogers. With the addition of the changeable copy electronic message board, the Special Hearing relief is needed to legitimize the sign.

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.

After due consideration of the evidence presented, I am persuaded to grant the special hearing relief. The Special Hearing can be granted without any injury to the public and will have no adverse impacts on the surrounding community.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' special hearing request should be granted.

¹ Case No: CO-0105541

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 20th day of March, 2012 that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a free standing enterprise sign with an electronic message board on a pad site within a shopping center in addition to the permitted shopping center joint identification signs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for its building permit and may be granted same upon receipt of this Order. However the Petitioners are 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 Petitioners 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/dlw