

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(Reisterstown Road)		
3 rd Election District	*	OF ADMINISTRATIVE
2 nd Councilman District		
Woodholme Properties Ltd. Partnership	*	HEARINGS FOR
& Greenebaum and Rose Investments, Ltd.		
<i>Legal Owners</i>	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2013-0250-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 legal owners of the subject property. The Petitioners are requesting Variance relief from Sections 450.4 Attachment 1.7(b)(IX) and 450.4 Attachment 1.7(d)(V) and (d)(VII) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit: (1) a freestanding joint identification sign to display 12 lines of text with a sign copy a minimum of 4 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for a sign copy (Pylon Sign II (South)); and (2) a freestanding joint identification sign with a sign face/area of 114 square feet and sign height of 16 ft. in lieu of the permitted sign face/area of 100 square feet and sign height of 12 feet (Pylon Sign IV [North]).

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1A & 1B.

Appearing at the public hearing in support of the requests was John Fitzpatrick, Jack deVilliers and Joe Ucciferro, from Bohler Engineering, the firm that prepared the site plan. David H. Karceski, Esquire represented the Petitioners. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. 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 substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 13.674 acres and is zoned BM and OR2. The site is improved with a commercial center known as Festival at Woodholme Shopping Center. The owners of the center would like to update the signage for the facility, and propose to install two pylon signs along Reisterstown Road, as shown on Exhibit 1B. The plan indicates that the shopping center has 1120 feet of frontage on Reisterstown Road. The Petitioners require variance relief to install the proposed signs.

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. The split-zoned property is of very irregular dimensions and shape, and is thus unique for zoning purposes. If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to install adequate signage to gain attention of motorists on this busy roadway. 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 absence of County and /or community opposition.

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 14th day of June, 2013, by the Administrative Law

Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations (“B.C.Z.R”) to permit: (1) a freestanding joint identification sign to display 12 lines of text with a sign copy a minimum of 4 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for a sign copy (Pylon Sign II (South)); and (2) a freestanding joint identification sign with a sign face/area of 114 square feet and sign height of 16 ft. in lieu of the permitted sign face/area of 100 square feet and sign height of 12 feet (Pylon Sign IV [North]), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would 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
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln