

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(5609 Old Court Road)		
2 nd Election District	*	OF ADMINISTRATIVE
2 nd Councilman District		
New Antioch Baptist Church of	*	HEARINGS FOR
Randallstown Md., Inc.		
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0089-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Timothy M. Kotroco, Esq., on behalf of the legal owner of the subject property, New Antioch Baptist Church of Randallstown Md., Inc. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), §450.4 Attachment 1, to permit a freestanding identification sign with an area of 41.97 sq. ft. +/- in lieu of the required 25 sq. ft. and a height of 9.36 ft. +/- in lieu of the required 6 ft. 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 was Allen C. Gee, III, and Paul Lee with Century Engineering, Inc., who prepared the site plan. Timothy M. Kotroco, Esq. with Whiteford, Taylor & Preston, LLP, appeared and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

The only substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated November 4, 2013. That agency did not oppose the

relief.

Testimony and evidence revealed that the subject property is approximately 8 acres and is zoned DR 3.5. The site is improved with a large church, constructed in the late 1990s. To date, the church has not had a sign on this parcel, and relief is now sought to erect one freestanding identification sign with a changeable copy component.

Based upon the testimony and evidence presented, I will grant the petition for variance.

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. The site is triangular in shape, and is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given it would be unable to properly identify its church and the functions scheduled therein. 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.

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 17th day of December, 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"), from §450.4, Attachment 1, to permit a freestanding identification sign with an area of 41.97 sq. ft. +/- in lieu of the required 25 sq. ft. and a height of 9.36 ft. +/- in lieu of the required 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.

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:dlw