

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(6440 Baltimore National Pike)		
1 st Election District	*	OF ADMINISTRATIVE
1 st Councilman District		
A & I Realty, LLP	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0158-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Hillel Traub, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting variance relief from Section 450.4 Attachment 1 #3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a directional sign of 23 sq. ft.¹ in lieu of the permitted 8 sq. 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 request was Brian Dolan and Wayne Zinn. Hillel Traub, Esquire appeared and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition. There were no adverse Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 3.3 acres and is zoned BR-AS. Petitioner operates a Hyundai new and used car dealership on the premises. Like other Hyundai dealers in the area, the Petitioner is installing new signage, and variance

¹ In fact, the sign detail plan (Exhibit 2) shows the sign is 23.7 sq. ft. To account for this minor discrepancy, the Order which follows will indicate the sign is 24 sq. ft.

relief is required for one of the signs (indicating the location of the service department).

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 subject property is irregularly shaped, 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 adequately identify the location of its service department. The service area sign is situated 98 feet from a busy roadway (U.S. 40), and the increased sign area is necessary to identify the service location. 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 lack of community and/or County agency 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 25th day of March, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 450.4 Attachment 1 #3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a directional sign of 24 sq. ft. in lieu of the permitted 8 sq. 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