

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(16 Greenmeadow Drive)		
8 th Election District	*	OF ADMINISTRATIVE
3 rd Councilman District		
The Meadows LLC, Mona Family LLLP	*	HEARINGS FOR
<i>Legal Owners</i>		
Brotman Financial Group, Inc., <i>Lessee</i>	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2014-0051-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, of Venable, LLP on behalf of the legal owners, The Meadows LLC, Mona Family LLLP, and lessee, Brotman Financial Group, Inc. (“Petitioners”). The Variance was filed pursuant to Baltimore County Zoning Regulations (“B.C.Z.R”) §450.4, Attachment 1.5(d)(V) to allow a wall-mounted enterprise sign for a tenant within a multi-tenant building without a separate, exterior customer entrance. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

Appearing at the public hearing in support of the requests was Michelle Roberts and Paul Ratych. David H. Karceski, Esquire and Justin Williams, Esquire with Venable, LLP, appeared as counsel and represented the Petitioners. Two community members (Eric Rockel & Debbie Henninger) attended the hearing and expressed certain concerns, which will be included as conditions to the Order which follows. The file reveals that the Petition was advertised and 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 1.490 +/-

acres and zoned RO-BL. The property is improved with an office building, and the second largest tenant in the building (Brotman Financial Group, Inc.) would like to erect a wall mounted enterprise sign, but requires variance relief to do so. The largest tenant in the building (Long and Foster) was granted variance relief in Case No.: 2013-0139-A to install a sign which is similar in size and appearance to the sign proposed in this case.

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).

Petitioners have met this test. As noted in the earlier case, there is a significant topographical change throughout the property, which along with the irregular shape of the parcel renders it unique.

If the B.C.Z.R. were strictly interpreted the Petitioners would indeed suffer a practical difficulty, since they would be unable to install the sign to announce their presence in the building, and a representative of Brotman indicated that clients frequently complain about the lack of signage. 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 14th day of November, 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”) § 450.4, Attachment 1.5(d) (V) to allow a wall-mounted enterprise sign for a tenant within a multi-tenant building without a separate, exterior customer entrance, 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.
- There shall be no more than two (2) wall mounted signs on the exterior of the building on the subject premises.
- Should Brotman vacate the premises, the sign approved herein shall be removed within 90 days of the tenant’s departure.
- The variance relief granted herein shall be personal to Brotman, and shall not run with the land.

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