

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(8731 Liberty Road)		
4 th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
MFB Randallstown LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Ruby Tuesday, Inc.	*	BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	CASE NO. 2015-0229-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of MFB Randallstown LLC, legal owner and Ruby Tuesday, Inc., lessee (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 Attachment 1 #5(a) to permit a 4th enterprise wall sign on a single tenant building in lieu of the permitted 3 wall signs. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Edward J. Gilliss, Esq. appeared and represented the Petitioners. No Protestants or interested citizens were in attendance. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 5 ½ acres and is zoned BM. The property is the site of the Brenbrook Plaza Shopping Center, and the Ruby Tuesday restaurant has a pad site in the center. Petitioners propose a 4th wall-mounted enterprise sign (although the “sign” is actually painted onto the wall) which requires variance relief.

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 property is of irregular dimensions and is therefore unique. Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to install the proposed sign, which is part of a rebranding effort on the part of Ruby Tuesday. 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 County and/or community opposition.

THEREFORE, IT IS ORDERED, this 10th day of June, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) §450.4 Attachment 1 #5(a) to permit a 4th enterprise wall sign on a single tenant building in lieu of the permitted 3 wall signs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County