

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
<b>(100 &amp; 101 Cobble Drive)</b>		
4 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
4 <sup>th</sup> Council District		
Community Development Capital Group,	*	HEARINGS FOR
LLC & Beazer Homes Corp.		
Petitioners	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2015-0069-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 to allow two (2) ground-mounted entry features at the intersection of Franklin Boulevard and Cobble Drive with a total of three (3) community signs on each entry feature (1 sign with a sign area/face of 56 sq. ft.- Sign Type A and 2 signs with sign area/faces of 4 sq. ft.- Sign Type B) for six (6) total signs in lieu of the permitted two (2) freestanding community signs with sign area/faces of 25 sq. ft. each; and (2) to allow two (2) freestanding community signs to be erected a minimum of 60 ft. apart in lieu of the required 100 ft. between such signs. The subject property and requested relief is more fully depicted on the three-sheet site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1A-1C.

Appearing at the public hearing in support of the request was Michael Pieranunzi and Rich Hoehn, both of whom are landscape architects. David H. Karceski, Esquire from Venable, LLP, represented the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. The only substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR). That agency did not oppose the request but

indicated that a revised landscape plan may be required.

This case concerns the Delight Quarry project, a large mixed use development in northwest Baltimore County. The project is under construction and will feature single family dwellings, townhomes, condominiums and commercial/office uses, oriented around a large quarry which ceased operations several years ago. The variances sought in this case pertain to the signage which will be positioned at the primary entrance to the development located off of Franklin Boulevard. Mr. Hoehn indicated there are other entrances to the residential portion of the project, and that the signage at those locations will comply with B.C.Z.R. §450.

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 large property (approximately 119 acres) is irregularly shaped and involves the adaptive reuse of an abandoned quarry. As such, the property is unique. If the regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to provide appropriate signage for this large project. As counsel noted, the pattern book (Exhibit 5) for the project depicted signage very similar to that proposed herein. 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 17th day of November, 2014, 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.") to allow two (2) ground-mounted

entry features at the intersection of Franklin Boulevard and Cobble Drive with a total of three (3) community signs on each entry feature (1 sign with a sign area/face of 56 sq. ft.- Sign Type A and 2 signs with sign area/faces of 4 sq. ft.- Sign Type B) for six (6) total signs in lieu of the permitted two (2) freestanding community signs with sign area/faces of 25 sq. ft. each; and (2) to allow two (2) freestanding community signs to be erected a minimum of 60 ft. apart in lieu of the required 100 ft. between such signs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. Prior to issuance of permits, Petitioners must obtain approval from the County's landscape architect of a revised landscape plan.

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