

**IN RE: PETITION FOR VARIANCE**  
**(1801 York Road)**  
8<sup>th</sup> Election District  
3<sup>rd</sup> Council District  
1801 YR, LLC  
Petitioner

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2015-0048-A**

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**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 as follows: (1) to allow a second freestanding joint identification sign on the York Road frontage with a height of 5' and a total sign area/face of 32 sq. ft. in lieu of installing the sign with a maximum height of 25' and total sign area/face of 100 sq. ft. on the Ridgely Road frontage; and (2) to allow sign copy to be a minimum of 3" in height in lieu of the required 8" and to allow 6 lines of text to be displayed in lieu of the permitted 5 lines of text. 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 Torrence Pierce, Professional Engineer, whose firm prepared the plan. David H. Karceski, Esquire, represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated October 2, 2014. That agency had no objection to the request, but indicated that certain landscaping needed to be added and/or replaced at the site.

The subject property is approximately 2.72 acres and is zoned BR. The site was formerly occupied by an auto dealership, which was razed in or about 2009. Thereafter, a Walgreen's store was constructed, and an undeveloped pad site was located at the rear of the lot. The Petitioner proposes to construct a 1 story retail building on the pad site, which would have 2 or 3 commercial tenants. Petitioner would like to have signage for these stores, but requires variance relief since the Walgreens and AT & T store already erected a freestanding joint identification sign at the site, and they will not permit any other businesses to be identified on that sign. Petitioner's Exhibits 4A & 4B.

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 of irregular dimensions, and there is a grade change throughout the property. As such, the property is unique. If the B.C.Z.R. were strictly interpreted, the Petitioner would suffer a practical difficulty, given it would be unable to have signage for the commercial tenants in the new building. 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 opposition and the support of the Greater Timonium Community Council (as reflected in Mr. Rockel's e-mail dated October 21, 2014, which is included with the file).

THEREFORE, IT IS ORDERED, this 27<sup>th</sup> day of October, 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.") §450.4 as follows: (1) to allow a second

freestanding joint identification sign on the York Road frontage with a height of 5' and a total sign area/face of 32 sq. ft. in lieu of installing the sign with a maximum height of 25' and total sign area/face of 100 sq. ft. on the Ridgely Road frontage; and (2) to allow sign copy to be a minimum of 3" in height in lieu of the required 8" and to allow 6 lines of text to be displayed in lieu of the permitted 5 lines of text, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner must prior to issuance of permits submit for approval to the County's Landscape Architect a landscape plan for the site.

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

JEB:sln

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County