

IN RE: <b>PETITIONS FOR SPECIAL HEARING</b> *	BEFORE THE
<b>AND VARIANCE</b>	
(6810 Loch Raven Blvd.) *	OFFICE OF
5 <sup>th</sup> Election District	
9 <sup>th</sup> Council District *	ADMINISTRATIVE HEARINGS
Loch Raven Improvements, LLC, <i>Owner</i>	
Bridgestone Retail Operations, LLC *	FOR BALTIMORE COUNTY
<i>Lessee</i>	
Petitioners *	<b>Case No. 2015-0050-SPHA</b>

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Loch Raven Improvements, LLC, legal owner, and Bridgestone Retail Operations, LLC, lessee, (“Petitioners”). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a freestanding enterprise sign for a single tenant pad site within a shopping center. In addition, a Petition for Variance seeks the following: (1) to allow a freestanding sign within 95' ± of another freestanding sign in lieu of the minimum 100' required; and (2) to allow more than one freestanding sign on a single street frontage.

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 were Ken Padgett and Brian Collins, a landscape architect whose firm prepared the site plan. Lawrence E. Schmidt, Esquire, represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated September 26, 2014. That agency did not oppose the request, but suggested that landscaping be installed at the site.

The subject property is zoned BL and CCC. The site contains a large shopping center with a strip center portion as well as several discrete pad sites. The Firestone Car Care Center has been a pad site tenant at the center for many years. It had a longstanding roof-mounted sign that became illegal after the expiration of the abatement period in the sign regulations. As a result, the Petitioner was obliged to install a new sign in compliance with the B.C.Z.R.

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 irregularly shaped and is situated within a much larger shopping center. As such it is unique. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would be unable to install a sign identifying their business. 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. The rooftop sign was both old and unsightly. The proposed sign is more attractive, and is much smaller than the existing roof top sign. As such, I believe the goals and intent of the sign regulations (i.e., to reduce excessive signage and visual clutter) have been satisfied in this instance. I am mindful of the DOP's comment, but Petitioner noted there has never been landscaping at the site, and I do not believe it would be appropriate to impose such a requirement in this scenario.

THEREFORE, IT IS ORDERED this 27<sup>th</sup> day of October, 2014, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a freestanding enterprise sign for a single tenant pad site within a shopping center, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. as follows: (1) to allow a freestanding sign within 95' ± of another freestanding sign in lieu of the minimum 100' required; and (2) to allow more than one freestanding sign on a single street frontage, be and is hereby GRANTED.

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