

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(6666 Security Blvd.)		
1 st Election District	*	OF ADMINISTRATIVE
1 st Council District		
Four Sixes Building LLC, <i>Owner</i>	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0092-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 Four Sixes Building, LLC, legal owner of the subject property (“Petitioner”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 to allow an enterprise sign on a front façade of 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 as Petitioner’s Exhibit 1.

Mark Arena and Joseph Uccifferro, a professional engineer whose firm prepared the site plan, appeared in support of the petition. David H. Karceski, Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), which noted screening is required for the parking area.

The subject property is approximately 1.3 acres in size and is zoned BM-CCC and BM-AS. The property is improved with a strip shopping center constructed in the 1950s, which has an unusual two-story configuration. Petitioner has recently renovated the property (a \$1 million investment) and proposes to update the signage for the center, which is the subject of related Case

No. 2016-0093-A. In this case, Petitioner seeks an enterprise sign for its largest tenant (Mattress Discounters) which requires variance relief.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity necessitates variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property has an irregular shape and there is a significant grade change across the site. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would not be able to have a sign for its largest tenant, which does not have an entrance facing Security Boulevard (hence the need for variance relief). 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.

THEREFORE, IT IS ORDERED, this 17th day of December, 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 to allow an enterprise sign on a front façade of 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:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide landscaping or vegetative screening for the parking lot, as determined in the sole discretion of the Baltimore County Landscape Architect.

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