

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1809 Reisterstown Road)		
3 rd Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Woodholme Properties Limited Partnership	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0134-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 Woodholme Properties Limited Partnership, owner of the subject property (“Petitioner”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 as follows: (1) to allow wall-mounted enterprise signs on a multi-tenant building to exceed two times the length of the wall defining the spaces occupied by separate commercial entities (93 square feet in lieu of 76 sq. ft. for Sign X, 63 sq. ft. in lieu of 42 sq. ft. for Sign Z, 42 sq. ft. in lieu of 26 sq. ft. for Sign BB); and (2) to allow three wall mounted enterprise signs to be installed on a wall that does not define the space occupied by the commercial entities and without separate customer entrance (Signs K, L, M). A site plan was marked as Petitioner’s Exhibit 1A & 1B.

Professional engineer Joseph Ucciferro appeared in support of the Petition. David H. Karceski, Esq. represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. There were no substantive Zoning Advisory Committee (ZAC) comments received from any of the county agencies.

The subject property is approximately 7.05 acres and is zoned BM. The property is improved with a strip shopping center, and is part of a much larger (approximately 27 acres)

commercial center (“Festival at Woodholme”) originally approved as a CRG plan.

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 must necessitate 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 is irregularly shaped (counsel noted it is shaped like an “hourglass”) and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide appropriate signage for each of its tenants. 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. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 2nd day of February, 2016, 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 wall-mounted enterprise signs on a multi-tenant building to exceed two times the length of the wall defining the spaces occupied by separate commercial entities (93 square feet in lieu of 76 sq. ft. for Sign X, 63 sq. ft. in lieu of 42 sq. ft. for Sign Z, 42 sq. ft. in lieu of 26 sq. ft. for Sign BB); and (2) to allow three wall mounted enterprise signs to be installed on a wall that does not define the space occupied by the commercial entities and without separate customer entrance (Signs K, L, M), 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.

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

____ Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:/sln