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| IN RE: PETITION FOR VARIANCE | * | BEFORE THE OFFICE |
| (5840 Baltimore National Pike) | | |
| 1 st Election District | * | OF ADMINISTRATIVE |
| 1 st Council District | | |
| Westview Center Associates, LLC | * | HEARINGS FOR |
| <i>Legal Owner</i> | | |
| American Signature, Inc. | * | BALTIMORE COUNTY |
| <i>Lessee</i> | | |
| Petitioners | * | CASE NO. 2016-0273-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 Westview Center Associates, LLC, owner of the subject property, and American Signature, Inc., lessee (“Petitioners”). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 as follows: (1) to allow an illuminated wall-mounted Enterprise Sign of 168 sq. ft. without a separate customer entrance in addition to the one wall-mounted Enterprise Sign permitted; and (2) to allow a directional wall-mounted sign (customer pick-up) of 42 sq. ft. in lieu of the 8 sq. ft. permitted. A site plan was marked as Petitioners’ Exhibit 1.

Timothy Shaun Beavin (a manager employed by the lessee) and surveyor Bruce E. Doak appeared in support of the petition. J. Neil Lanzi, Esq. represented the Petitioners. 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 41.983 acres and is zoned BM-CT. The Westview shopping center is operated at the property, as it has for over 40 years. This case concerns signage for the Value City Furniture Store which opened at this location in 1989. A wall-mounted

enterprise sign (on a façade without a separate customer entrance) already exists at the proposed location. Value City has recently changed their corporate logo and the zoning relief would simply allow Petitioners to replace the existing sign with one of a similar size with the new branding. In addition Petitioners propose to install a directional sign identifying for customers the pick-up location for their purchases.

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).

Petitioners have met this test. The large tract is irregularly shaped and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to update their existing signage to assist their customers in navigating through the site. 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 24th day of June, 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 an illuminated wall-mounted Enterprise Sign of 168 sq. ft. without a separate customer entrance in addition to the one wall-mounted Enterprise Sign permitted; and (2) to allow a directional wall-mounted sign (customer pick-up) of 42 sq. ft. in lieu of the 8 sq. ft. permitted, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners 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.

JEB:sln

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