

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(2331 York Road)		
8 th Election District	*	OF ADMINISTRATIVE
3 rd Council District		
2331 York Road LLC, <i>Legal Owner</i> *		HEARINGS FOR
Team Towson LLC, <i>Lessee</i>		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0078-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 2331 York Road LLC, legal owner of the subject property, and Team Towson, LLC, lessee (“Petitioners”). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 450.4 to permit two (2) wall-mounted signs on a multi-tenant office building, accessory to a separate commercial entity without a separate exterior customer entrance in lieu of the allowed one (1) wall-mounted sign with a separate exterior customer entrance. A site plan was marked as Petitioners’ Exhibit 1.

Jeff Aumiller appeared in support of the petition. Adam D. Baker, 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is improved with an office building (21,844 sq. ft.) and is located along a busy commercial corridor (York Road) in Timonium. Keller Williams Realty (lessee) is the largest tenant in the building, and as such it is permitted to have an exterior sign. Mr. Aumiller noted that clients often have a hard time locating the office along this heavily travelled roadway,

and the requested signs would greatly assist motorists to safely identify and enter the site.

The ZAC comments concerned landscaping along York Road, and the lessee Petitioner was amenable to that request. But Mr. Aumiller noted the owner Petitioner installed updated landscaping in 2012, and may therefore not grant permission for the tenant to make such improvements. In light of this situation, a condition will be added to the Order below requiring the lessee to attempt to secure permission for the installation of landscaping as requested by the DOP and the DPR.

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 property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to install the proposed signs. 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 16th day of November, 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 permit two (2) wall-mounted signs on a multi-tenant office building, accessory to a separate commercial entity without a separate exterior customer entrance in lieu of the allowed one (1) wall-mounted sign with a separate exterior

customer entrance, 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.
2. No trees at the subject property may be cut or removed in connection with the installation of the signs.
3. The lessee shall use commercially reasonable efforts to obtain approval from the legal owner of the subject property to install landscaping along York Road, as requested by the DOP and DPR.

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