

<b>11N RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(1700 N. Rolling Road)		
1 <sup>st</sup> Election District	*	OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Security Station Investors, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Octapharma Plasma, Inc.	*	BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	<b>CASE NO. 2017-0064-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Security Station Investors, LLC, owner of the subject property and Octapharma Plasma, Inc., lessee (“Petitioners”). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) as follows: (1) to allow a wall-mounted sign, accessory to a separate commercial entity, on a wall without an exterior customer entrance in lieu of a wall with an exterior customer entrance; and (2) to permit the spacing between portions of a sign to be separated by 2 ft. in lieu of the permitted 1 ft. In the alternative, Petitioners seek variance relief: (3) to allow 2 canopy signs, accessory to a separate commercial entity, on a wall with an exterior customer entrance in lieu of the permitted 1 canopy sign on a wall with an exterior customer entrance; and (4) to allow 2 wall-mounted signs, accessory to a separate commercial entity, on a wall without an exterior customer entrance in lieu of a wall with an exterior customer entrance. A site plan was marked as Petitioners’ Exhibit 5.

Professional engineer Ken Colbert appeared in support of the petition. Keith Martin, Esq. represented the Petitioners. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 3.7 acres and is split-zoned BL (3.6 AC.+/-) & DR 16 (0.12 AC.+/-). The property is improved with a strip shopping center and is located across from Security Square Mall and adjacent to I-70. Petitioners would like a wall-mounted sign oriented towards Rolling Road, to provide greater visibility to patrons. Since the façade facing the roadway has no exterior customer entrance, a variance is needed.

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 is irregularly shaped and there is a grade change across the site. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to have adequate signage to alert motorists to the location. 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 community opposition.

THEREFORE, IT IS ORDERED, this 4<sup>th</sup> day of November, **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) as follows: (1) to allow a wall-mounted sign, accessory to a separate commercial entity, on a wall without an exterior customer entrance in lieu of a wall with an exterior customer entrance; and (2) to permit the spacing between portions of a sign to be separated by 2 ft. in lieu of the permitted 1 ft., 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.

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln