

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(11311 Reisterstown Road)	*	OFFICE OF
4 th Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
Colonial Stoler, LLC		
<i>Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2017-0023-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Petitioner in the above case sought variance and special hearing relief in connection with a proposed freestanding sign at a Lexus automobile dealership. Both requests were denied in an Order dated September 29, 2016. Petitioner seeks reconsideration of the ruling on the petition for special hearing, which pertains to the calculation of the sign area.

Petitioner’s primary argument is that the Administrative Law Judge should not defer to the zoning office’s interpretation of the regulations concerning the “area” of a sign. Petitioner’s expert agreed the zoning office adhered in this case to its longstanding pattern and practice in calculating the sign area. The zoning office determined the entire face of the sign (rather than just the 45 sq. ft. rectangle containing the “Lexus” lettering and logo) must be included in the area calculation since the color and design of the structure constituted part of the sign’s message.

Petitioner contends this interpretation disregards “exclusion A” found in the definition of “area” at B.C.Z.R. § 450.3. I respectfully disagree. That provision would exclude from the calculation any support structures or features which “are not part of the message of the sign.” *Id.* (emphasis added). For example, a structural support pole on which a sign was located would not be included in the area calculation. But the zoning office here determined the color and design

of the sign face was integral to the message (i.e., “Lexus”) and so should be part of the sign “area.”

The Zoning Commissioner’s Policy Manual, at p. 4-69.9 (a copy of which is attached hereto), Example 5, shows how the area of a Volvo automobile dealership sign is calculated, and I believe the zoning office’s interpretation is consistent with this example.

WHEREFORE, IT IS ORDERED this 14th day of **October, 2016**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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