

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(7111 Security Blvd.)		
1st Election District	*	OF ADMINISTRATIVE
1st Council District		
Chadwick Manor, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
Deloitte, LLP	*	BALTIMORE COUNTY
<i>Contract Purchaser</i>		
	*	CASE NO. 2020-0069-A
Petitioner		
	* * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Chadwick Manor, LLC legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.5 (Table of Sign Regulations) 5 (d) of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow a wall-mounted enterprise sign for a tenant without a separate exterior customer entrance in a location that does not define the pace occupied by the tenant.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. David H. Karceski, Esq. represented the Petitioner. The engineer, Stephen Warfield, P.E., also attended the hearing and was accepted as an expert in engineering, site design, and the BCZR. His site plan was admitted as Petitioner’s Exhibit 1. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The site is approximately 14.6596 AC in size and zoned BL-A5. Mr. Karceski explained that the parcel is irregularly shaped and has frontage on five public roads. The building is set back

over 300 feet from Security Boulevard, the street that the proposed sign will face. Although there are residences in the area they are on the other side of the subject building and the proposed sign will not be visible to any residences. The building itself houses several different businesses but there is only one central door, which is what generates the need for the sign variance.

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).

As noted above, the property is unique in that it is irregularly shaped with frontage on several different public roads. Further, it is set far back from any roads so a large, wall mounted sign is necessary in order for Petitioner's clients to locate their offices. If this variance were denied the Petitioner would therefore experience practical difficulty and hardship. Finally, the sign in question is well designed, and is aesthetically pleasing and in scale with the building. I therefore find that the variance can be granted within the spirit and intent of the BCZR.

THEREFORE, IT IS ORDERED, this 25th day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance, to allow a wall-mounted enterprise sign for a tenant without a separate exterior customer entrance, in a location that does not define the space occupied by the tenant, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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_____
PAUL M. MAYHEW
Administrative Law Judge for
Baltimore County

PMM:dlm