

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(1951-1955 East Joppa Road) *	OFFICE OF
9th Election District	
6th Council District *	ADMINISTRATIVE HEARINGS
d/b/a Pennsylvania Shopping Center	
Associates Limited Partnership, et al. *	FOR BALTIMORE COUNTY
<i>Legal Owner</i>	
	Case No. 2021-0112-SPHA
Petitioner	
* * * * *	* * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of d/b/a Pennsylvania Shopping Center Associates Limited Partnership, et al., Petitioner. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to confirm removal of a wall-mounted sign for which a variance was granted in Zoning Case No. 2012-284-A (Sign S in the 2021Case).

A Variance from BCZR § 450.4 Table of Sign Regulations 5(d) to allow wall-mounted enterprise signs on a wall of a multi-tenant building that does not define the space occupied by the tenants and without separate exterior customer entrances for each tenant (Sign J1-J6).

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). They did not oppose the relief requested.

Geoff Sharpe, the Vice President of Federal Realty Investment Trust, the property owner, appeared in support of the Petition. Brandon Rowe, the engineer who prepared the site plan, also attended, as did the architect who designed the signage, Pedro Sales. They were accepted as experts

in their fields. David Karceski, Esquire and Kaitlin Peach, Esquire represented the Petitioner. There were no protestants or interested citizens in attendance at the hearing.

The property is approximately 29.36 acres and is zoned BL-CCC. Because there was no opposition at the hearing Mr. Karceski was allowed to proffer the testimony supporting the requested relief. He explained the zoning history at the site and then described the relief sought in some detail. Specifically, he explained that the proposed signs (J1 thru J6 on the site plan) will be located on the rear of this section of the Perring Plaza shopping center and that they are needed in order to identify these businesses to motorists and pedestrians. He also explained that a wall mounted sign (the Micro Centre sign) that was approved in Case No. 2012-284-A will be removed and remounted in a slightly different location, which necessitates the Special Hearing relief.

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).

The site is unique for a variety of reasons, as was recognized in Case No. 2012-284-A. It is an irregular “amoeba” like shape and has significant grade changes. Further, it is bounded on three sides by public streets. The Petitioner would suffer practical difficulty and hardship if the variances were denied because they would be unable to erect the signage needed for the viability of these businesses. Mr. Karceski explained that the architect, Mr. Sales, worked diligently with the DOP to arrive at the final design for these proposed signs. In addition, Mr. Karceski noted that he had spoken with People’s Counsel and that they do not oppose the requested variances. I find that the requested relief is within the spirit and intent of the BCZR and that it will not harm the

public health, safety or welfare. To the contrary, Mr. Sharp's company is investing approximately \$5,000,000.00 dollars to substantially modernize and beautify the Perring Plaza shopping center and this signage is a part of those upgrades. These upgrades will enhance this county neighborhood.

THEREFORE, IT IS ORDERED this 15th day of **June 2021**, by this Administrative Law Judge that the Petition for Special Hearing from BCZR § 500.7 to confirm removal of a wall-mounted enterprise sign for which a variance was granted in Zoning Case No. 2012-284-A (Sign S in the 2021 Case) is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Variance from BCZR, § 450.4 Table of Sign Regulations 5(d) to allow wall-mounted enterprise signs on a wall of a multi-tenant building that does not define the space occupied by the tenants and without separate exterior customer entrances for each tenant (Signs J1-J6) 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 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, 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
Managing Administrative Law Judge
for Baltimore County

PMM/dlm