

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(8858 Waltham Woods Road) *	OFFICE OF
9th Election District	
5th Council District *	ADMINISTRATIVE HEARINGS
North Plaza, LLC	
<i>Legal Owner</i> *	FOR BALTIMORE COUNTY
Petitioner *	Case No. 2021-0044-SPHA
* * * * *	* *

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 North Plaza LLC, Petitioner. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to allow a freestanding enterprise sign for a pad site (Sign 1C and 4F); to allow the name of the shopping center only on the side of the freestanding joint identification signs (Signs A, B1, B2, B3, B4).

A Variance from BCZR § 450.4 (Table of Sign Regulations) –

From 7(b) to allow four (4) freestanding joint identification signs on Waltham Woods Road with sign areas/faces of 265, 150, 43 and 43 ft. (Signs A, B1, B2, B3) and height of 35 ft. (Sign A only) in lieu of the one (1) permitted freestanding sign with a total sign area/face of 150 sq. ft. and height of 25 ft.

From 7(b) to allow freestanding joint identification signs to display a maximum of 8 lines of text for names of tenants (Sign A only) with a sign copy a minimum of 3 in. in height in lieu of the permitted 5 lines of text and required 8 in. in height (Signs A, B1, B2, B3 and B4).

From 7(a) to allow a joint identification sign on a parapet wall facing Satyr Hill Road and a wall-mounted joint identification sign on a parapet wall facing East Joppa Road, two roads which the property does not have frontage (Signs D1, D2).

From 3 to allow a freestanding directional sign with a sign area/face of 15 sq. ft. and a maximum height of 7 ft. in lieu of the permitted 8 sq. ft. and 6 ft. in height (Sign E) and to allow company names/logos to occupy more than 30 percent of the total sign area (Signs E and F).

From 5(d) to allow wall-mounted enterprise signs on a building facade of a multi-tenant building without separate exterior customer entrances (Signs 5B, 10A).

From 5(d) to allow a wall-mounted enterprise signs on a building facade of a multi-tenant building that exceed two times the length of the wall containing the exterior entrance and defining the space occupied by the tenant to which the signs are affixed (Signs 8, 8B, 10, 17, 20, 22, 25, 28-28A, 31, 32).

From 5(d) to allow a wall-mounted enterprise sign on a facade of a building that does not define the space occupied by the commercial entity (Signs 9B and 10A). From 3(a) to allow freestanding directional signs 8 ft. and 7 ft. in height in lieu of the permitted 6 ft. (Signs H1 and H2) and to allow a wall mounted directional sign with a sign area face of 30 sq. ft. feet in lieu of the permitted 8 sq. ft. (Sign H3).

From 5(a) to allow a total of five (5) wall-mounted enterprise signs on a single tenant building with no more than two (2) signs on a single facade in lieu of the three (3) signs permitted with no more than two (2) on each facade (Signs 4A, 4B, 4C, 4D, 4E).

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

Blake Dickinson and Cherene Keenan of Continental Realty, Inc. appeared on behalf of North Plaza, LLC in support of the requested relief. David Karceski, Esquire and Drew Robinson, Esquire of Venable LLC appeared and represented the Petitioner. Thomas Sheckells from Morris & Ritchie Associates, the civil engineer who prepared the site plans also appeared and was accepted as an expert in civil engineering, land planning, and the BCZR. A revised site plan was admitted as Petitioner's Exhibit 1 and the original site plan was admitted as Petitioner's Exhibit 2.

There were no protestants or interested citizens in attendance at the hearing. The property is the site of the North Plaza Mall in Parkville. It is approximately 31.57 acres and is entirely zoned BL. Mr. Karceski explained that during the site planning process he and Mr. Sheckells had constructive discussions with People's Counsel and as a result some of the variance relief was withdrawn, as reflected in the revised site plan. A letter from Deputy People's Counsel, Carole S. Demilio, was received by the undersigned on April 20, 2021. This letter documents the discussions with Mr. Karceski and the four major changes that Petitioner made to their requested relief as part of the revised site plan. This letter was also submitted by Mr. Karceski as Petitioner's Exhibit 7. The input and expertise of People's Counsel is much appreciated, as is the constructive dialogue between their office and Mr. Karceski, which resulted in Petitioner agreeing to reasonable concessions. The site plans prepared by Mr. Sheckells are very well done and also appreciated.

Mr. Karceski and Mr. Dickinson explained that the mall is being totally refurbished and that several new tenants are slated to move in, which necessitates much of the new signage, including the free standing signage for the pad site that is requested in the Special Hearing. Mr. Karceski explained that much of the requested relief is for the purpose of bringing the signage at the site into conformance with the current regulations. This was also noted by the Department of Planning in their ZAC comments. Of note, the rooftop sign on the former K-Mart building will be removed.

Mr. Karceski explained the numerous unique features of the site, including the fact that it is bordered at odd angles by several public roads, its significant grade changes, and its distance from the main arterial, Joppa Road, which makes signage difficult to see from that road.

Mr. Dickinson explained that Continental Realty owns and manages this site and that they are investing approximately \$350,000 dollars in just the proposed sign upgrades, and a total of nearly \$4,000,000 on the entire North Plaza refurbishing project.

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 detailed above, the site is unique for a variety of reasons. I find that the Petitioner would suffer practical difficulty and hardship if the variance relief was denied because they would be unable to construct and install the necessary signage for the viability of their tenants. I further find that the requested relief is within the spirit and intent of the BCZR and that the variances will actually enhance the public's safety and convenience.

THEREFORE, IT IS ORDERED this 24th day of **May 2021**, by this Administrative Law Judge that the Petition for Special Hearing from BCZR § 500.7 to allow a freestanding enterprise sign for a pad site (Sign 1C and 4F); to allow the name of the shopping center only on the side of the freestanding joint identification signs (Signs A, B1, B2, B3, B4).is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Variance from BCZR, § 450.4 (Table of Sign Regulations) –

From 7(b) to allow four (4) freestanding joint identification signs on Waltham Woods Road with sign areas/faces of 265, 150, 43 and 43 ft. (Signs A, B1, B2, B3) and height of 35 ft. (Sign A only) in lieu of the one (1) permitted freestanding sign with a total sign area/face of 150 sq. ft. and height of 25 ft.

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H2) and to allow a wall mounted directional sign with a sign area face of 30 sq. ft. feet in lieu of the permitted 8 sq. ft. (Sign H3).

From 5(a) to allow a total of five (5) wall-mounted enterprise signs on a single tenant building with no more than two (2) signs on a single facade in lieu of the three (3) signs permitted with no more than two (2) on each facade (Signs 4A, 4B, 4C, 4D, 4E) are 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm