

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(9830 Reisterstown Road)		
3rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Avalon Foundry Row, LLC	*	HEARINGS FOR
<i>Legal Owner</i>	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2020-0115-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Avalon Foundry Row, LLC. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 450.4 Attachment 1.5 (a)(vi) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade; and from BCZR § 450.4 Attachment 1.5 (a)(vi) to permit ten (10) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises.

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 site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Petitioner, Mariafe Mazurski, appeared on behalf of Avalon Foundry Row, Inc. and in support of the requested relief. Michael Pieranunzi, the engineer who prepared and sealed the site plan, also appeared. Petitioner was represented by Jason Vettori, Esquire. There were no protestants in attendance.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the agency did not oppose the requested relief.

The record evidence established the following. The subject property is irregularly shaped. It is approximately 49.57 acres and is zoned BM. The Petitioner owns the Foundry Row apartment complex, consisting of 437 units in multi-story buildings. The complex is located behind the St. Thomas shopping center and is therefore not easily visible from Reisterstown Road. The complex is also well below the grade of Reisterstown Road. Further, the “Courts at Avalon” apartment complex is adjacent to the subject property and the additional signage is needed to direct tenants and visitors to the proper location.

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 is what necessitates the requested 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 subject property is unique due to its irregular shape and because of the significant grade difference and distance from Reisterstown Road. The Petitioner will experience hardship and practical difficulty if the variance relief is not granted because their tenants and guests will have difficulty locating the complex. Finally, I find that the variances can be granted within the spirit and intent of the BCZR and without harming the public health, safety, or welfare.

THEREFORE, IT IS ORDERED, this 9th day of **October, 2020** by the Administrative Law Judge for Baltimore County, that the Petition for Variance from, BCZR § 450.4 Attachment 1.5 (a)(vi) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade; and from BCZR § 450.4 Attachment 1.5 (a)(vi) to permit ten (10) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises be and are hereby GRANTED.

- 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.

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge for
Baltimore County

PMM:dlm