

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(6001 Bethlehem Boulevard)		
15th Election District	*	OF ADMINISTRATIVE
7th Council District		
TPA Properties 2, LLC	*	HEARINGS FOR
<i>Legal Owners</i>		
Diana P. Patille	*	BALTIMORE COUNTY
<i>Contract Purchaser</i>		
	*	CASE NO. 2020-0184-A
Petitioners		
	* * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by TPA Properties 2, LLC, legal owners of the subject property and Diana P. Patille, Contract Purchaser (“Petitioners”). Petitioners are requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 450.4 - Table of Sign Regulations - 5 (Enterprise)(a) to allow three wall-mounted enterprise signs with sign area/faces of 312, 312 and 293 sq. ft. in lieu of the maximum permitted 150 sq. ft. each (Signs A1, A2 and B). A site plan was marked as Petitioners’ Exhibit 1.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation.

Diane Patille, Construction Manager for Amazon appeared in support of the petition. David Karceski, Esq. represented the Petitioner. Joseph Ucciferro of Bohler Engineering prepared and sealed the plan and attended the hearing. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection Sustainability (“DEPS”) and the Department of Planning (“DOP”). They did not oppose the requested relief.

The site is within the Tradepoint Atlantic project on the former grounds of Bethlehem Steel. It is zoned MH-IM. The subject building is over a million square feet and will house an Amazon logistics center, which is the sole tenant.

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 subject property is quite unique. It is part of the largest commercial tract in Baltimore County. In fact, as Mr. Karceski pointed out, it is the largest intermodal commercial hub on the entire east coast. In addition, it is an “intermodal” site that can be accessed by ship, rail, and highway. In a recent sign variance case for another Tradepoint Atlantic tenant, ALJ Beverungen aptly described the property as a “sprawling industrial complex.” *See*, Case No. 2019-343-A. In that case the ALJ approved signage substantially larger than that requested here on the grounds that it was needed for “wayfinding” due to the sheer size of the complex. I find that Amazon would likewise experience hardship and practical difficulty if the variance were denied because it too needs this larger signage for wayfinding. Temporary signage has already been approved by the County and will be removed when the proposed permanent signage is installed.

THEREFORE, IT IS ORDERED, this **30th** day of **October, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to (“BCZR”) § 450.4 - Table of Sign Regulations - 5 (Enterprise)(a) to allow three wall-mounted enterprise signs with sign area/faces of 312, 312 and 293 sq. ft. in lieu of the maximum permitted 150 sq. ft. each (Signs A1, A2 and B) is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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