

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(9103 Franklin Square Drive)		
14 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
6 <sup>th</sup> Council District		
Medstar Ambulatory Services, Inc.	*	HEARINGS FOR
<i>Legal Owner</i>		
Petitioner	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2020-0081-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Medstar Ambulatory Services, Inc., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Baltimore County Zoning Regulation (“BCZR”) § 450.4 (a) to permit three (3) wall mounted/ integral identification signs on the same frontage in lieu of the otherwise permitted one (1) sign; (b) to permit two (2) additional wall identification signs, with a square footage of up to 128 sq. ft. in lieu of the permitted 25 sq. ft.; and (c) to permit the continuation of an existing one (1) wall mounted identification sign with a sq. ft. of 36 sq. ft. in lieu of the otherwise permitted 25 sq. ft.

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 Petitioner’s Exhibit 1.

A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) dated June 5, 2020. That agency acknowledged the need for the additional signage due to site conditions.

Mike Hartnett from Medstar Health appeared in support of the petition. Professional Engineer, Peter Soprano, also testified. Jennifer R. Busse, Esq. represented the Petitioner. There

were no protestants or interested citizens in attendance.

The site is approximately 22,532 square feet in size and is zoned OR-1. The property is improved with a medical facility owned by Medstar/Franklin Square Hospital Center. This case concerns signage for the Harry and Jeanette Weinberg Cancer Institute. Mr. Soprano was accepted as an expert in engineering, land use, and the BCZR. He testified that the subject property is unique in several respects. First, there are numerous medical buildings on the campus which house a variety of different medical specialties, thus necessitating enhanced signage to differentiate them. Second, the buildings are set unusually far back off of the fronting roads so larger signage is necessary in order to direct drivers to the particular building they are going to. Ms. Busse also explained that the building is set at an odd angle to the streets.

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 explained above, the site and building in question are unique in several respects. I find that the Petitioner would suffer practical difficulty and hardship if the variance relief were not granted because their patients would have difficulty locating the building. .

THEREFORE, IT IS ORDERED, this **24th** day of **September, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (“BCZR”) as follows: (a) to permit three (3) wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one (1) sign; (b) to permit two (2) additional wall identification signs, with a square footage of up to 128 sq. ft.

in lieu of the permitted 25 sq. ft.; and (c) to permit the continuation of an existing one (1) wall mounted identification sign with a sq. ft. of 36 sq. ft. in lieu of the otherwise permitted 25 sq. ft. 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.

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

PMM:dlm