

IN RE: PETITION FOR VARIANCE
(1726 Reisterstown Road)
3rd Election District
2nd Council District
Hotel Pikesville, LLC
Legal Owner

Petitioner

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* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY

Case No: 2021-0180-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Jonathan Ehrenfeld Member of Hotel Pikesville, LLC, Petitioner for property located at 1726 Reisterstown Road. The Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 450 Supplement 4:194.7(b) "Joint Identification Signs, Freestanding", to permit the removal and replacement of an existing second Joint Identification sign with a new sign, in lieu of the permitted one sign per street frontage; and for such other and further relief as the nature of this cause may require.

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 3.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”). They did not oppose the requested relief. In addition, the relief was approved by the Baltimore County Design Review Panel at its meeting on September 8, 2021. The minutes of that meeting were admitted as Petitioner’s Exhibit 6.

Jonathan Ehrenfeld appeared at the hearing in support of the requested relief. Richard Matz, a principal of the engineering firm Colbert Matz Rosenfelt was also present. Timothy Kotroco, Esq., represented the Petitioner. There were no opposing parties or interested citizens.

Because there was no opposition to the requested relief Mr. Kotroco was allowed to proffer the facts of the case. He explained the site and requested relief in some detail. He noted, and Mr. Matz confirmed, that the “double horseshoe” configuration of the beltway interchanges and ramps at I-695 and Reisterstown Road are the only such configuration in the entire state. In addition to this unique feature, the southbound traffic on Reisterstown Road must engage in a “zipper” merge in front of this site. The site itself is irregularly shaped and has frontage on both I-695 and Reisterstown Road. Mr. Kotroco explained that the site has almost 500’ of frontage on Reisterstown Road, which necessitates the additional signage being requested. Finally, he explained that the three existing signs are being removed so that there will actually be a net reduction in the number of signs at the 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 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 in a variety of ways. Petitioners would suffer practical difficulty and hardship if the variance relief were denied because they would be unable to construct the signage needed to properly and safely identify the existing and proposed businesses at the site. I find that the requested relief is within the spirit and intent of the BCZR. I further find that the requested additional signage will enhance the safety and aesthetics at the site.

THEREFORE, IT IS ORDERED, this **6th** day of **December, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § 450 Supplement 4:194.7(b) "Joint Identification Signs, Freestanding", to permit the removal and

replacement of an existing second Joint Identification sign with a new sign, in lieu of the permitted one sign per street frontage; 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 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