

87-326-A

#208

E/S York Rd., 290' S of the c/1 of Halesworth Rd.
(10015 York Rd.)

8th Elec. Dist.

12/22/86

Variance - filing fee \$100.00 - Southern States Cooperative, Inc. -
Cockeysville Service

12/22/86

Hearing set for 2/10/87, at ~~9:45 a.m.~~ 2:45 p.m.

2/10/87

Advertising and Posting - \$80.75

2/12/87

Ordered by the Zoning Commissioner that the Petition for Zoning Variance to permit a free-standing business sign totaling 168 sq. ft., 84 sq. ft. per side, is GRANTED with conditions.

IN RE: PETITION ZONING VARIANCE	*	BEFORE THE
E/S of York Road, 290' S of	*	ZONING COMMISSIONER
the centerline of Halesworth	*	
Road (10015 York Road) -	*	OF BALTIMORE COUNTY
8th Election District	*	
	*	Case No. 87-326-A
Southern States Cooperative,	*	
Inc. - Cockeysville Service,	*	
	*	
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a free-standing business sign totaling 168 square feet in lieu of the permitted 100 square feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Paul K. Barr, Manager of the subject location, appeared and testified. Dwight Barnett, Cobb Sign Company, testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, located on York Road near Cranbrook Road and zoned B.L., is improved by Southern States Cooperative, Inc. (Southern States), which has recently been renovated. The Petitioner wishes to replace the existing sign to conform with the exterior renovation of the store. The proposed sign, containing 84 square feet on each side, would provide greater identification for Southern States, which is located on a major thoroughfare and is surrounded by commercial uses having many signs. Southern States faces an "identity" crisis and is attempting to rectify the public's perception that it exists solely for agricultural purposes.

The Petitioner requests relief from Section 413.2.f, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Inasmuch as the Zoning Commissioner and the Baltimore County Board of Appeals have disagreed over the interpretation of Section 413.2.f, it would be

inappropriate to place the Petitioner in between the conflicting interpretations, and as the matter is presently before the Court of Special Appeals, to deny the Petitioner its requested relief would be unfair. Until the issue is decided by the appellate court, the conflicting interpretations should not accrue to the detriment of the Petitioner. The Petitioner is asking for 84 square feet per side for a total of 168 square feet of signage. However, even if the Zoning Commissioner's interpretation is upheld on appeal, the Petitioner has met its burden of proof under Section 307.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of

the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of February, 1987, that the Petition for Zoning Variance to permit a free-standing business sign totaling 168 square feet, 84 square feet per side, be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Paul K. Barr

People's Counsel