

87-379-A

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2/11/87

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4/6/87

4/8/87

E/S Belair Road, 327' S of the c/l of Raab Avenue
(8717 Belair Road)

11th Election District

Variance - filing fee \$100.00 - MM&M Associates

Hearing set forth 4/6/87, at 9:45 a.m.

Advertising and Posting - \$65.72

Ordered by the Zoning Commissioner that the Petition for Zoning Variance to permit a free-standing sign totaling 42.8 sq. ft., 21.4 sq. ft. per side, in lieu of the permitted 8 sq. ft. sign attached to a building be and is GRANTED with conditions.

IN RE: PETITION ZONING VARIANCES	*	BEFORE THE
E/S of Belair Road, 327' S of		
the centerline of Raab Avenue	*	ZONING COMMISSIONER
(8717 Belair Road) -		
11th Election District	*	OF BALTIMORE COUNTY
MM&M Associates,	*	Case No. 87-379-A
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a free-standing sign totaling 42.8 square feet in lieu of the permitted 8 square foot sign attached to a building, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Frances X. Meadowcroft, part owner, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, located on Belair Road and zoned R-0, is improved with a Class A office building. Presently, there are two tenants, a real estate office and a tax accountant, and the Petitioner proposes to add his law office as well. Adjacent to the property to the east is a real estate office on land zoned B.L. and to the west is another Class A office building. The real estate office has a large free-standing sign approved pursuant to Section 413.2.f, Baltimore County Zoning Regulations (BCZR). The Petitioner requests permission to place a free-standing sign, 21.4 square feet per side, on the property in lieu of one attached to the building in order to provide site recognition.

The current tenants complain that the 8 square foot sign attached to the building is not adequate for their clients to locate the site. Even with the existing sign, which has been in place since the dwelling was converted to a Class A office building approximately one year ago, clients traveling Belair Road have easily by-passed the building due to its lack of visibility. The

Perry Hall Crossing Shopping Center immediately across the street has, along with other commercial properties in the vicinity, contributed to obscuring the Petitioner's building.

The Petitioner seeks relief from Section 203.3.C, pursuant to Section 307, BCZR.

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 variances 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 variances 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 variances 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 variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of April, 1987, that the Petition for Zoning Variance to permit a free-standing sign totaling 42.8 square feet, 21.4 square feet per side, in lieu of the permitted 8 square foot sign attached to a building 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: Francis X. Meadowcroft, Esquire

People's Counsel