

**Tax Map/Block/Parcel
No. 46-14-557**

**Building Permit/Zoning
Certificate No. 99-3287**

Case 4510

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPELLANT: PNE Media, LLC
519 W. Pratt Street, Suite 101
Baltimore, Maryland 21201

ATTORNEY: Fred M. Lauer, Esquire
120 E. Baltimore Street, Suite 1210
Baltimore, Maryland 21202

REQUEST: An appeal of the Zoning Administrator's decision under Zoning Ordinance Section 14.24(c), PNE Media, LLC is requesting permission to allow the V-type unipole structure to remain, as built, and an amended plat plan reflecting 85' from the structure that was removed .

LOCATION: 509 Old Westminster Pike, Westminster, MD 21157

BASIS: Basis: Article 17, Section 2(a); Zoning Ordinance 1E

HEARING HELD: July 26, 2000

FINDINGS AND CONCLUSION

On July 26, 2000, the Board of Zoning Appeals (the Board) convened to hear the appeal of PNE Media (the Appellant) of the Zoning Administrator's denial of a building permit to replace and enlarge a sign on a non-conforming site located at 509 Old Westminster Pike, Westminster, MD 21157. The following are the Board's findings.

On or about November 19, 1999, the Appellant applied for a building permit/zoning certificate to replace a damaged wooden billboard sign at 509 Old Westminster Pike, Westminster, MD, with a new double face "V-type unipole." The application was reviewed and approved by the Code Official and the Zoning Administrator and the building permit/zoning certificate was issued on December 13, 1999. The Application and follow up correspondence from the Appellant to the Zoning Administrator noted that the new sign was to be located approximately 45 feet from the present location and 300 feet from another billboard on the site. The billboard was erected

and a request for a "completion certificate"/use and occupancy permit was made to the Code Official. The final inspection revealed that the sign had been erected only 260 feet from the existing billboard and 85 feet from the original site. Based upon this information, the new Acting Zoning Administrator concurred with the Code Official, and reversed the decision of the previous Zoning Administrator and the Appellant was advised that it would not receive a use and occupancy permit for the sign.

The Board finds that the Appellant's billboard is in fact 85 feet from the site of the structure that was demolished and removed. In addition, the Board finds that the current location of the billboard is only 260 feet from the existing sign on the site. The Board also finds that what was clearly requested and "signed off on" by the Code Official and the prior Zoning Administrator was a "double face V-type unipole."

The Board is concerned that the final location of the sign differs substantially from the location set forth in the Application and is not 300 feet from the existing sign as stated by the appellant. That said, the Board is not convinced that the destruction and/or removal of the sign to the correct location would serve any purpose. The State Highway Administration has determined that the new billboard is far safer than the previous billboard. While we are concerned with the Appellant's feckless handling of this matter, we find that the failure to issue the permit would be too extreme a sanction, and would constitute an error. Accordingly, the Appellant's request is granted.

8/11/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman