

Tax Map/Block/Parcel
No. 59-18-574

Building Permit/Zoning
Certificate No. 06-2654

Case 5260

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

APPELLANT: Clear Channel Outdoor, Inc.
c/o Joseph King
9590 Lynn Buff Court, Suite 5
Laurel, MD 20723

ATTORNEY: N/A

REQUEST: An appeal of a Notice of Violation issued by the Zoning Administrator concerning the enlargement of a non-conforming outdoor advertising sign.

LOCATION: The site is located at 3201 Baltimore Blvd., Finksburg, on property zoned "B-G" Business General District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-129 (C) and 223-186 A

HEARING HELD: October 25, 2006

FINDINGS AND CONCLUSION

On October 25, 2006, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator concerning the enlargement of a non-conforming outdoor advertising sign. The Board made the following findings and conclusion:

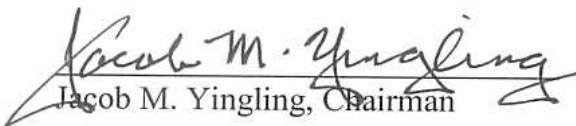
On July 2, 1999, in Case No. 4410, the Board granted an application to remove and replace a non-conforming billboard at 3201 Baltimore Boulevard in Finksburg. The replacement structure had the same dimensions as the previous billboard, namely a 14 foot by 48 foot face. The billboard is now owned by the Appellant. After receiving several citizen complaints, the Zoning Administrator visited the site and determined that a new 3 foot high appendage had been affixed to the billboard displaying the word "Chevrolet". Under Carroll County Public Local Laws and Ordinances, §223-139 (C), nonconforming billboards may not be enlarged in height or area beyond that which existed on August 18, 2003. Accordingly, the Zoning Administrator notified the Appellant that they had improperly expanded the nonconforming billboard and that the enlargement needed to be removed. An appeal was noted to the Board.

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The Board is empowered under Carroll County Public Local Laws and Ordinances, 223-186 (A) (1) to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of the Zoning Ordinance or any regulation adopted pursuant to it. In this case, the Appellant urges the Board to overturn the Zoning Administrator's determination that the addition of the "Chevrolet" lettering to the top of the billboard constituted an unauthorized expansion of the nonconforming billboard. Appellant argues that the lettering constituted a mere lighting fixture to enhance the visibility of the sign and that it did not increase the sign face area or height. The Board is not persuaded. Under any conceivable definition, the addition of the lettering was an enlargement of the billboard. The addition was clearly designed to make the sign bigger. The sign was already illuminated before the addition of the lettering. It was clearly designed to enlarge the face of the sign. The addition of the word "Chevrolet" increased the size of the advertisement on the billboard. The County Commissioners, in enacting Carroll County Public Local Laws and Ordinances, §223-139 (C), limited nonconforming billboards to the size existing as of August 2003. The Zoning Administrator did not err in issuing the Notice of Violation and her decision is upheld.

Accordingly, the Board directs that the illegal addition to the billboard discussed in this decision be removed immediately.

11-20-06
Date


Jacob M. Yingling, Chairman