

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: R. C. Theatres
231 West Cherry Hill Road
Reisterstown, Maryland 21136-1056

AGENT: J. Wayne Anderson, President
Carrolltowne Center Associates
400 East Pratt Street, Suite 606
Baltimore, Maryland 21202

REQUEST: A variance for sign area in excess of the maximum allowable sign area of 200 square feet for a free standing double-faced shopping center sign.

LOCATION: On the southeast corner of Liberty Road (Md. Rt. 26) and West Hemlock Drive intersection in Election District 5.

BASES: Article 14, Division VI, Section 14.63(f)2; Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: October 29, 1987

FINDINGS

The record of this case is hereby included by reference in this decision. The pertinent findings include the following facts:

The applicant, one of many tenants of Carrolltowne Mall, requests relaxation of the maximum allowable sign area for a free standing double-faced sign to provide space to advertise motion pictures showing at the new theatre complex being constructed in the southwest corner of the shopping center. The complex will consist of 6 individual theatres, capable of showing up to 8 movies a day. The location of the proposed sign at the northwest corner of the shopping center would be visible to potential patrons passing by on Liberty Road, and is considered to be a vital element in assuring that the venture is successful.

The titles of the motion pictures would be displayed on the sign using letters 10 inches in height, which are deemed appropriate to insure legibility due to the posted speed limit on Liberty Road of 45 miles per hour. Applicant's Exhibit 3

which includes an elevation drawing of the sign, drawn to scale, shows that the cinema portion of the sign is about 9 feet 6 inches by 12 feet for a total of 114 square feet per side. However, 2 additional signs, and a logo, are also part of the sign. Thus, the total sign area is well in excess of 100 square feet per side, and would serve the additional parties, including the mall. The proposed sign would be similar to, but larger than, the existing free standing double-faced sign located at the northeast corner of the shopping center.

Provisions of the zoning ordinance governing variances appear in Article 20, Section 20.39; and Article 15, Sections 15.0 and 15.5, which read respectively:

"A variance is a relaxation of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship."

"The regulations specified in this ordinance shall be subject to the following exceptions, modifications, and interpretations."

"The Board may authorize, upon appeal, in accordance with Section 17.2, variances from height, lot area, lot width, yard regulations, parking space requirements, sign regulations, and distance requirements specified in Section 4.12 and Section 14.31(c)4. The Board may grant such variance only in cases where the strict compliance with the terms of this ordinance would result in practical difficulty and unreasonable hardship, and only if in strict harmony with the spirit and intent of such regulations and only in a manner so as to grant relief without substantial injury to public health, safety and general welfare."

CONCLUSION

It is evident from the record of this case that there are no inherent circumstances of the premises causing practical difficulty and unreasonable hardship that would justify the requested variance increasing the maximum allowable sign area for the proposed sign. Therefore, the requested variance must be, and is hereby, denied.

Dec. 10, 1987

Date


John Totura, Chairman