

Tax Map/Block/Parcel  
No. 73-12-277

Building Permit/Zoning  
Certificate No. 92-0633

Case 3712

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

**APPLICANT:** Penn Advertising of Baltimore, Inc.  
3001 Remington Avenue  
Baltimore, Maryland 21211

**ATTORNEY:** Fred Lauer, Esquire  
3001 Remington Avenue  
Baltimore, Maryland 21211

**REQUEST:** A variance reducing the minimum required distance of 300 feet from the center line of an intersection to approximately 175 feet for a proposed outdoor advertising sign

**LOCATION:** 1437 Liberty Road (Md. Rt. 26) in Election District 5

**BASES:** Article 14, Division II, Section 14.24(b)(5); Article 15, Section 15.5; Ordinance 1E. (The Carroll County Zoning Ordinance)

**HEARING HELD:** May 1, 1992

On May 1, 1992, the Board of Zoning Appeals heard testimony and received evidence concerning a variance to reduce the minimum required distance of 300 feet from the center line of an intersection to approximately 175 feet for a proposed outdoor advertising sign on the premises of 1437 Liberty Road (Md. Rt. 26).

The Board visited the site April 22, 1992.

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board must deny the request.

The pertinent findings determining the Board's decision include the following facts:

**FINDINGS OF FACT**

The property is located on the south side of Liberty Road (Md. Rt. 26), adjacent to the intersection of Georgetown Boulevard, and is improved with two buildings occupied by several businesses and one apartment. The building located on the premises nearest the front property line is two stories. The building located on the adjoining property to the east is one

story. Both buildings are portrayed by photographs identified as Applicant's Exhibits 2a, b, and c.

A lease agreement for ten years has been executed between the property owner and the applicant, subject to authorization for erection of a proposed outdoor advertising sign on the premises. As depicted on Applicant's Exhibit 1, the face of the sign would be 10 and 1/2 feet in height by 36 feet in width. The sign would be erected on a single post, and have a maximum height of 30 feet, apparently measured from the grade of the adjacent roadway to the top of the sign. The sign is proposed to be approximately 175 feet east of the center line of Georgetown Boulevard and set back 12 feet from the front property line. Sign copy would be placed only on the easterly side of the sign so as to be visible to westbound traffic on Liberty Road.

In behalf of the request, the applicant stated that a sign permit for an outdoor advertising sign had been authorized for the premises about two years ago, and that an extension of time had been authorized to erect the sign. However, due to economic difficulties, the sign was not erected. The applicant was subsequently advised that the proposed sign did not comply with the provisions of the zoning ordinance. No evidence was introduced in the substantiation of the testimony.

Regardless of authorization of a sign permit for such a sign, the now proposed sign does not comply with the minimum requirements of the zoning ordinance.

The applicant contends that the variance is now justified due to economic hardship that would result from inability to erect the proposed outdoor advertising sign as planned.

#### APPLICABLE LAW

Articles and Sections cited below are of Ordinance 1E.

The property is zoned "B-G" General Business District as depicted on zoning map 73B.

Article 14, Division II, Section 14.24 reads in relevant part:

- (a) Outdoor advertising signs pertaining to use "off the premises" shall be a principal permitted use in the "B" and "I" districts.
- (b) Outdoor advertising signs shall be subject to the following restrictions:
  - (5) A minimum of 300 feet from an intersection on the following major

highways, MD Routes 26,...; provided, however, that outdoor advertising signs may be affixed to or located directly adjacent to a building at intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. The distance from an intersection shall be measured from the centerline of an intersecting street.

Article 20, Section 20.39 defines a variance as:

...a relaxation of the terms 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.

Article 15, Section 15.5 (Amended 2/25/76) reads in relevant part:

The Board may authorize, upon appeal, in accordance with Section 17.2, variances from..., sign regulations,.... 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.

The Board is aware that the State Enabling Act has been amended regarding the definition of a variance. Based on the amendment, the Board views the standard for a variance as being practical difficulty or unreasonable hardship; not practical difficulty and unreasonable hardship as expressed above in Section 15.5.

#### REASONING

Although the existing building may be located slightly less than 30 feet from the front property line, or right-of-way line of Liberty Road as scaled on Applicant's Exhibit 1, the proposed sign would extend over 18 feet in front of the building at a height of 19 and 1/2 feet to 30 feet. Thus, the sign would at least partially block visibility of the building on the property. Applicant's Exhibits 2a, b, and c, portray views of the existing

improvements from both directions from Liberty Road, but do not depict the extent that the sign would project in front of the existing building on the property, and whether or not visibility of the adjoining building to the east would be obstructed.

From the record of this case, there is no evidence that would justify authorization of the variance to the minimum distance requirement of 300 feet from the intersection of Georgetown Boulevard and Md. Rt. 26, or that the outdoor advertising sign would be located "...in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself." Section 14.24(5).

CONCLUSION

Accordingly, the variance reducing the minimum required distance of 300 feet from the center line of an intersection to approximately 175 feet for the proposed outdoor advertising sign on the premises of 1437 Liberty Road (Md. Rt. 26) is hereby denied.

May 8, 1992  
Date

John Totura  
John Totura, Chairman

JDN/bdc/C3712DEC  
May 7, 1992