

Tax Map/Block/Parcel
No. 46-8-556
Case 5739

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Michael W. Domeier
3999 Carlisle Pike
New Oxford, PA 17350

ATTORNEY: N/A

REQUEST: A request for variance of allowable space based upon the length of the front wall only, to allow calculation to be based on the entire length of the building facing roadway.

LOCATION: The site is located at 437 Baltimore Boulevard, Westminster, on property zoned "BG" Business General in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-138 (C)

HEARING HELD: January 28, 2014

FINDINGS AND CONCLUSION

On January 28, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for a variance of allowable space based upon the length of the front wall only, to allow calculation to be based on the entire length of the building facing roadway. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Mike Domeier testified as the sign company representative. Enterprise Rent a Car is now using the facility at the site. The rental car company has a sign on the building. The company is requesting of the Board the ability to place a sign near the road where the current "Harry's Subs" a 192 square foot sign is now located. The company wants to replace the Harry's Subs sign with a two sided sign of about 95.06 square feet. The sign on the building and the pole sign would come to a total of 181.49 square feet when the existing Harry's Subs sign is 192 square feet.

The case came to the Board rather than the Zoning Administrator, because the sign requested was larger than that allowed in the zoning code. The code would only allow for a one hundred foot sign based on the entire length of the front wall of the building. The company requested a variance based on the entire length of the building facing roadway.

Testifying on behalf of the sign were Mike Domeier, the sign company representative; Harry Sirinakis, the son of the owner Zoe A. Sirinakis; and Sabrina Sauer, operations manager for Enterprise. No one testified in opposition to the Board granting the sign request.

Based on a January 15, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a January 6, 2014 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the 2007 Westminster Environs Community Comprehensive Plan, and the Carroll County Master Plan for Water & Sewerage, and other functional plans. Planning did not believe that the requested size of the signage would be out of character or have an adverse impact on the immediate neighborhood. The Board accepted and agreed with these findings.

The Board found that replacing the current sign at 192 square feet with a smaller sign of 95.06 lessens the impact of the current sign. A business would naturally want a sign along the roadway where passersby could quickly see it while driving. The request for a company moving to the new location made common sense. Drivers could not see the building sign without taking their eyes off the road for a longer period of time than the time it would take to view the pole sign next to the roadway.

The Board found that the relaxation of the rules with regards to signs would not be contrary to the public interest. A literal enforcement of the sign rules would harm a business recently locating at the site without the benefit of a sign near the roadway. The county certainly did not want to take steps to impede a legitimate business from advertising to the public with the use of a pole sign near the roadway. The sign to be placed would be smaller than the current sign that has been in place since the 1970s. Therefore, there would be less of an impact with the placement of the smaller sign. The Board approved of the sign requested by the applicant.

Signed 1/31/14
Date

Harvey Tegeler, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.