



**REPORT TO THE BOARD OF APPEALS**  
**Request for a Variance**  
**Docket #1301**  
**February 12, 2013**

**SUMMARY OF REQUEST**

**Project Name/Applicant:** Baldus/Salem Partnership

**Project #:** Docket #1301 (BOA 120024)

**Project Request:** The applicant is requesting to re-construct a 200 square foot billboard which was removed by the adjoining property owner during site work and construction of a retail shopping center.

**Subject Property:** Located at 8030 Matthews Road in Bryans Road, MD, Tax Map 5, Parcel 449, Grid 24

**Property Owner/Applicant:** Francis G. Dunn

**Background:** Per Article XIX §297-319, G, (1) of the sign regulations, “The erection or construction of new billboard signs of any size are prohibited. (2) “Any existing outdoor advertising sign shall be properly removed if damaged or destroyed in excess of 50% of the estimated expense of the reconstruction cost”.

Per Article XIX, §297-327, Nonconforming signs, prohibits the replacement of a nonconforming sign. It was determined per our documentation, the previously existing billboard sign was a legal nonconforming sign. This sign was removed by an adjoining property owner without permission or knowledge of the property owner’s as part of the site work and construction of a retail shopping center known as Country Carpet.

With permission of the property owner, the applicant is requesting approval to locate a one sided, 10’ x 20’ billboard sign located on the Country Carpet site south of the entrance to the building. The applicant states that the location would better serve the needs of the community and Charles County if it were relocated on the adjoining property owner’s parcel of land where the retail center is now located.

Special Exception #1302

**Criteria for Approval and Findings:** Compliance with the current Zoning Ordinance requires the proposed development to satisfy all minimum yard requirements per Article VI, §297-90, Figure VI-4 for the RM- Medium-Density Residential Zone, and standards set forth in Article XXV, §297-416, as well as any conditions of approval imposed by the Board.

- 1) Special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

**Staff Finding:** *Since the non-conforming sign was not removed by the applicant, this creates a special condition that exists which is unique to the subject property that the strict enforcement of the sign regulations would result in unwarranted hardship which is not generally shared by owners of property line the same land use classification.*

- 2) Strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.

**Staff Finding:** *Strict enforcement of the provisions of this chapter will not deprive the property owner of rights commonly shared by other owners of property in the area.*

- 3) That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.

**Staff Finding:** *Based upon the unique circumstances, the granting of the requested variance will not confer upon the applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.*

- 4) The variance request is not based upon conditions or circumstances which are self-created or self-imposed.

**Staff Finding:** *The request is not based upon conditions or circumstances which are self created or self-imposed by the applicant.*

- 5) Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.

**Staff Finding:** *The applicant is not claiming greater profitability or lack*

*of knowledge of the restrictions.*

- 6) The proposed variance is consistent with the Charles County Comprehensive Plan.

***Staff Finding:***     *The proposed sign is not consistent with the Comprehensive Plan.*

Staff finds that due to the above unique circumstances, staff concurs with the applicant.

**Attachments:**       Zoning, Vicinity, Aerial Maps