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|--|---|---------------------|
| IN THE MATTER OF                       | : | BEFORE THE          |
|  | : | HOWARD COUNTY       |
| <b>JOHNS HOPKINS UNIVERSITY</b>        | : |                     |
| <b>APPLIED PHYSICS LABORATORY, LLC</b> | : | BOARD OF APPEALS    |
|  | : | HEARING EXAMINER    |
| Petitioner                             | : |                     |
|  | : | BA Case No. 14-003S |

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**DECISION AND ORDER**

On July 31, 2014, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of Johns Hopkins University Applied Physics Laboratory, LLC, (JHUAPL) for variances to replace three freestanding signs in the county right-of-way (ROW) with three freestanding, changeable text directional identification signs with illuminated LED message panels, to be located within county rights-of-way, in a PEC (Planned Employment Center) Zoning District. The petition is filed pursuant to § 3.513, Title 3, of the Howard County Code (the HCC or Sign Code).

The Petitioner certified that notice of the hearing was advertised and that the subject property was posted as required by the Howard County Code. The Hearing Examiner viewed the subject property as required by the Hearing Examiner Rules of Procedure.

Raissa Kirk, Esquire, represented the Petitioner. Glenn Carey testified in support of the petition. No one appeared in opposition to the petition.

**FINDINGS OF FACT**

Based upon the preponderance of evidence presented at the hearing, the Hearing Examiner finds the following facts:

**Johns Hopkins University Applied Physics Laboratory, LLC**

1. Property Identification. The subject property is located in the 5<sup>th</sup> Election District with an address of 11101 Johns Hopkins Road. It is referenced as Tax Map 41, Block 16, Parcel/Lot 123 (the "Property").

2. Property Description. The 360-acre Property is part of the JHUAPL Campus.

3. Variance History. On February 23, 2005, the Hearing Examiner in Board of Appeals Case No. 04-007S denied the petition of the JHUAPL for variances to allow 13 freestanding signs ranging in size from 4sf to 20sf, to be located in the ROW of Johns Hopkins Road and Sanner Road. The examiner concluded he lacked jurisdiction to consider the variances under HCC §§ 3.513(a) and 3.505, which prohibit the Board of Appeals from granting variances for signs placed in a county ROW.

The Hearing Examiner took notice during the proceeding of an email attached to the technical staff report. This email correspondence between Glenn Carey (JHUAPL) and Edgar Marquardt, Department of Inspections, Licenses and Permit (DILP), dated August 29, 2013, references the BA 04-007S sign variance denial. It further states that upon review of that decision, the JHUAPL and Jim Irvin, the Director of Public Works, determined that "replacement of the legacy signs would be allowed in their present locations because they are approximately the same size." The Hearing Examiner understands the term "legacy signs" to mean signs that predate county sign regulations.

4. The Sign Variance Requests. Petitioner is requesting three variances under HCC § 3.513 to replace three freestanding signs in the county right-of-way (ROW) with three freestanding,

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changeable text directional identification signs with illuminated LED message panels. The signs will direct vehicles to various locations within the campus. The proposed size of each sign is as follows.

Sign A. 6ft./8in. (H) x 5ft./3in. (W), 35.44sf, top of sign would be 8ft./2in. above grade  
Location: 7ft./8in. from the curb face of Johns Hopkins Road (in the ROW)

Sign B. 5ft./1in. (H) x 5ft./3in. (W), 26.7sf, top of sign would be 6ft./6in. above grade  
Location: 6ft./10in. from the curb face of Johns Hopkins Road (in the ROW)

Sign C. 5ft./8in. (H) x 5ft./3in. (W,) 29.7sf, top of sign would be 7ft./1in. above grade  
Location: 12ft./8in. from the curb face of Sanner (in the ROW)

**CONCLUSIONS OF LAW**

The Hearing Examiner explained during the proceeding that HCC § 3.513(a) bars the Board of Appeals from granting variances for signs prohibited by HCC § 3.505. Section 3.505(a)(5), in turn, bars signs placed in a county ROW, excepting signs permitted pursuant to HCC § 3.505A. HCC § 305A(b), *subject to DILP prior approval and permit*, allows in county rights-of-way identification signs for a community, development or subdivision project, identification signs for residential apartment complexes and condominiums, temporary subdivision directional signs and temporary signs announcing public, charitable, educational or religious events.

The proposed signs are permanent directional signs proposed to be located within the rights-of-way of Johns Hopkins Road and Sanner Road. Because HCC § 3.513(a) prohibits the Board of Appeals Hearing Examiner from granting variances for signs in county rights-of-way, the Hearing Examiner is compelled to deny the requested variances.

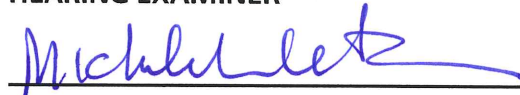
Johns Hopkins University Applied Physics Laboratory, LLC

**ORDER**

Based upon the foregoing, it is this **14<sup>th</sup> day of August 2014**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the petition of Johns Hopkins University Applied Physics Laboratory, LLC, to replace three existing signs with three freestanding, changeable text directional identification signs with illuminated LED message panels, to be located within county rights-of-way, in a PEC (Planned Employment Center) Zoning District is hereby **DENIED**.

**HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER**



Michele L. LeFaivre

Date Mailed: 8/18/14

**Notice:** A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 calendar days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.