HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS
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MEMORANDUM

MEMO TO: Hearing Examiner for Howard County

THROUGH: Robert Frances, P.E., Director
Department of Inspections, Licenses & Permits

TO: Sean Kelly, Division Chief
Inspections and Enforcement Division

FROM: Ed Marquardt, Sign Code Inspector
Inspections and Enforcement Division

DATE: July 21, 2014

SUBJECT: Sign Variance Petition BA 13-009S: Norris Automotive Group
Sign Permit Application: S13000435
Sign location: 8528 Baltimore National Pike, Ellicott City, MD 21043

Request Description:

The petitioner is requesting a variance of the Howard County Sign Code proposing to erect a commercial freestanding pylon illuminated identification sign with logo. Located below the identification sign will be two illuminated LED message panels.

The proposed sign has three faces totaling 67.5 sq. ft., and the combined height and width is 9ft. /0 in. x 7ft. /6 in. The proposed sign would be a height of 18ft. /11in. from finished grade to top of sign.

Findings of Fact:

This technical evaluation from the perspective of the Howard County Sign Code is based upon the site plan submitted with the variance petition by Robert H. Vogel Engineering, Inc. dated March 20, 2014. This plan depicts the current configuration of the Norris Automotive Group property located at 8504 and 8528 Baltimore National Pike with the proposed sign. This site plan lists sign permit S13000147; this permit has been closed out because a new sign permit, S13000435, was applied for rather than amending the original permit changing the setback from 68 ft. to 30 ft. The variance relates to the new sign permit S13000435.

The proposed signs described within the variance petition, would be in violation of the following sections of the Howard County Sign Code, To Wit:

Section 3.501(c) (2) (c) Sign standards by district

> *Commercial Districts, Commercial Areas, all Areas within Downtown Columbia, Industrial Districts and Industrial Areas*
>
> *Freestanding signs:*
> *The provisions of this paragraph shall not apply in Downtown Columbia. Where a building does not cover the full area of the property, business signs may be freestanding or ground-supported and may be located in the front yard. The height of the sign may not exceed one foot for each two feet the sign is set back from the right-of-way and shall not exceed 26 feet from the grade level to the top of the sign. Freestanding signs shall be permitted only where there is a minimum of 40 lineal feet of lot frontage. The maximum allowable area for a freestanding sign shall be one square foot for each one foot the sign is set back from the road right-of-way. The largest single face of a freestanding sign shall be considered for the purpose of computing allowable area under this section. No part of the sign shall extend beyond a property line or right-of-way line.*

The proposed sign is to be located only 30 ft. from the Baltimore National Pike right-of-way. At this 30ft. right-of-way location, the sign code would allow for a sign height of only 15 ft. The proposed sign has a height of 18ft. /11in. above finished grade, making it 3 ft. /11in. higher than the height the sign code would allow. At the proposed location, the sign would be 37.5 sq. ft. more than the code allows.

Section 3.508 (b) Illumination. Blinking or Flashing. Except as provided in section 3.502A of this subtitle

> *Sec. 3.508 (b) Illumination. Blinking or Flashing. Except as provided in section 3.502A of this subtitle, a sign shall not have blinking, flashing or fluttering lights or other illuminating devices which have a changing light operated as to create an appearance or illusion of writing or printing. A variance may be granted by the Board of Appeals for movement showing the date, the time and the temperature exclusively. Nothing contained in this section shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes.*

The Department of Inspections, Licenses and Permits will approve illuminated LED message panel signs if the property owner submits a signed agreement indicating that the LED sign will not change text more than once in a 24 hour period. The petitioner has included a signed statement of compliance with this policy with the sign permit application submittal.

Variance Requirement Questions:

Are there unique physical conditions or exceptional topographical conditions peculiar to the property on which the proposed sign is to be located, including the location of existing buildings and other structures, irregularity, narrowness or shallowness of the lot, irregularity of the road right-of-way, location on a highway that has a dependency on nonlocal use?

No. The property's existing site topography is at or above the Baltimore National Pike (U.S. Route 40) grade.

Are there obstructions, such as excessive grade, building interference, structures or landscaping on abutting property or properties which seriously interfere with the visibility of a proposed sign?

No. When traveling along Baltimore National Pike (U.S. Route 40) in either the west or eastbound directions, there are no obstructions of any type that would affect the visibility of the sign at the proposed location.

Are there are historical, architectural or aesthetic characteristics which shall be considered?

Please see the attached Internal Memorandum from the Department of Planning and Zoning dated 12/2/13.

If the variance is granted, will it adversely affect the appropriate use or development of adjacent properties, or result in a dangerous traffic condition?

Please see the attached Internal Memorandum from the Department of Planning and Zoning dated 12/2/13.

Is the requested Variance the minimum necessary to afford relief, and can it be granted without substantial impairment of the intent, purpose and integrity of the code?

Please see the attached Internal Memorandum from the Department of Planning and Zoning dated 12/2/13.

Were the practical difficulties or hardships created by the Applicant?

No.

As of this writing, he hearing date for this case has not been scheduled.

Report Prepared by: _____
Ed Marquardt, Sign Code Inspector

Report Reviewed by: _____
Brenda Saucedo, Supervising Sign Code Inspector

Report Reviewed by: _____
Sean Kelly, Division Chief

Report Approved by: _____
Robert Frances, P.E., Director
Department of Inspections, Licenses and Permits

BA 13-009S Norris -BMP Sign Variance .doc

Attachment: Brad Killian, DPZ Review of BA 13-009S, dated December 2, 2013

Howard County

Internal Memorandum

Subject: Case No. BA 13-009s/Sign Variance Petition

To: Bob Frances, Director, DILP

Through: Marsha McLaughlin, Director, DPZ

From: Brad Killian, DPZ

Date: December 2, 2013

I have reviewed the Sign Variance Petition (BA 13-009s) submitted by Norris-BMP, LLC, and would like to offer the following comments:

1. The *Route 40 Design Manual* (Manual) recommends utilizing ground-mounted free-standing signs rather than pole-mounted signs (see page 38).
2. The Manual recommends that, where practical, wall-mounted signs be used instead of free-standing signs and that such signs be incorporated into the design of the building.

Because the subject property is adjacent an emerging Traditional Neighborhood Center (TNC), the community would be best served if the cluster of B-2 properties, including the subject property, were developed in a consistent fashion. The proposed sign appears to be fundamentally a "pole-mounted" design. The applicant is encouraged to select a sign design standard that adheres to the aforementioned recommendations.

A goal of the *Route 40 Design Manual* is to establish more consistent scaling, placement, and orientation of signage in order to reduce visual clutter and provide aesthetic cohesion. It is unclear how, given the proposed combination of size and setback, the proposed sign will help achieve this goal. Additionally, because the property is located adjacent to an emerging TNC, it is my opinion that the proposed plan is not consistent with the recommendations or overall design intent of the *Route 40 Design Manual* and should not be approved.

Thank you for considering these comments your report. If you have questions or would like further clarification about these comments, please contact me at ext. 4364.

cc: Bill Mackey, Chief, Division of Comprehensive and Community Planning