

<p>IN THE MATTER OF</p> <p>JOHNS HOPKINS UNIVERSITY</p> <p>APPLIED PHYSICS LABORATORY, LLC</p> <p>Petitioner</p>	<p>: BEFORE THE</p> <p>: HOWARD COUNTY</p> <p>: BOARD OF APPEALS</p> <p>: HEARING EXAMINER</p> <p>: BA Case No. 11-003S</p>
--	---

.....

DECISION AND ORDER

On November 14, 2011, 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 erect two signs. Monument signs A and B would each be 5' (height) x 13'9" (width) (70-sq.ft.) and set back 10 feet from the Johns Hopkins right-of-way ("ROW"). The signs would be erected in a PEC (Planned Employment Center) Zoning District. The petition is filed pursuant to Section 3.513, Title 3, of the Howard County Code (the "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. I viewed the subject property as required by the Hearing Examiner Rules of Procedure.

Raissa Kirk, Esquire, represented the Petitioner. No one appeared in opposition to the petition.

FINDINGS OF FACT

Based upon the preponderance of evidence presented at the hearing, I find the

Johns Hopkins University Applied Physics Laboratory, LLC

following facts:

1. Property Identification. The subject property is located on the south side of Johns Hopkins Road with an address of 11101 Johns Hopkins Road (the "Property"). The Property is located in the 5th Election District and is referenced as Tax Map 41, Block 22, Parcel/Lot 300.
2. Property Description. The 35-acre Property is part of The JHUAPL Campus and will be improved with a new, 5-story, campus building.
3. Vicinal Properties. The PEC-zoned property to the north is improved by the main or North Campus. To the northwest, the RR-MXD-3 (Rural Residential Mixed Use) zoned property is improved by a Sun Trust Bank and Columbia Academy. To the southeast, the RR-MXD-3 zoned property is improved by the Maple Lawn residential development. To the southeast, the RR-MXD-3 zoned property is improved by Price Farm.
4. Speed Limit. The speed limit on Johns Hopkins Road is 35 MPH.
5. The Sign Variance Request. The Petitioner is requesting variances under Section 3.501.C of the Sign Code for two identical monument signs. Signs A and B would each be 5' (height) x 13'9" (width) (70-sq.ft.) and set back 10 feet from the Johns Hopkins right-of-way ("ROW"), rather than the 10' setback required in relation to the sign height and the 70' setback required in relation to the aggregate sign area. The signs would be located near the northeast side of the property, 10 feet behind the ROW, one at each entrance, as depicted on the plan submitted with the petition. The proposed monument signs will be illuminated by timed floodlights. The top and a portion of the bottom section will be precast to match the building exterior signs with

Johns Hopkins University Applied Physics Laboratory, LLC

a brick wall and precast cap in front of the sign. The top section, on both sides, would contain the words Johns "Hopkins University Applied Physics Laboratory" and "South Campus."

6. Conditions. The view of entrance B is partially blocked by large deciduous trees, traffic control boxes, and utility poles and lines, while travelling southeast on Johns Hopkins Road. The elevation of Johns Hopkins Road rises from Maple Lawn Blvd. to about 100 feet from entrance B.

CONCLUSIONS OF LAW

Section 3.513(b) of the Sign Code permits the Board of Appeals to grant variances from the provisions of the Sign Code where certain determinations are made. Based upon the foregoing Findings of Facts, I conclude as follows:

1. That there are 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, which conditions lead to practical difficulty and unnecessary hardship in complying strictly with the provisions of this subtitle.

As improved, the Property will be lower in elevation than Johns Hopkins Road, causing a conforming sign to be difficult to see by motorists. I therefore conclude these conditions lead to practical difficulty and unnecessary hardship in complying strictly with the setback requirements of the Sign Code, in accordance with Section 3.513(b)(1).

Johns Hopkins University Applied Physics Laboratory, LLC

2. Or, that there are 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, resulting in practical difficulties and unnecessary hardship in complying strictly with the provisions of this subtitle.

The view of entrance B is partially blocked by large deciduous trees, traffic control boxes, and utility poles and lines while travelling southeast on Johns Hopkins Road. The elevation of Johns Hopkins Road rises from Maple Lawn Blvd. to about 100 feet from entrance B.

3. Or, that there are historical, architectural, or aesthetic characteristics which shall be considered.

There are no historical, architectural, or aesthetic characteristics of the Property to be considered under section 3.513(b)(3).

4. That the variance, if granted, will not adversely affect the appropriate use or development of adjacent properties, nor result in a dangerous traffic condition.

There is no evidence that granting of the variance would adversely affect the appropriate use of development of adjacent properties, nor result in a dangerous traffic condition.

5. That the requested variance is the minimum necessary to afford relief, and can be granted without substantial impairment of the intent, purpose and integrity of this subtitle.

The proposed sign is the minimum needed for a motorist to identify the entrances. The Hearing Examiner therefore concludes the proposed sign is the minimum necessary to afford

Johns Hopkins University Applied Physics Laboratory, LLC

relief and can be granted with substantial impairment of the intent, purpose and integrity of the Sign Code, in accordance with Section 3.513(b)(5).

6. That such practical difficulties or hardships have not been created by the applicant; provided, however, that where required findings pursuant to section 3.513 are made, the purchase or lease of the property on which a proposed sign is to be located subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

The practical difficulties are a result of unique Property conditions, vicinal obstructions, and highway conditions. The Petitioner did not create these conditions, in accordance with Section 3.513(b)(6).

Johns Hopkins University Applied Physics Laboratory, LLC

ORDER

Based upon the foregoing, it is this 21st day of November 2011, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the petition of Johns Hopkins University Applied Physics Laboratory, LLC, to erect two 5' (height) x 13'9" (width) (70-sq.ft.), freestanding monument signs set back 10 feet from the Johns Hopkins right-of-way, in a PEC (Planned Employment Center) Zoning District is hereby **GRANTED;**

Provided, however, that:

1. The variances shall apply only to the uses and structures as described in the petition and plan submitted, and not to any other activities, uses, structures, or additions on the Property.

**HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER**



Michele L. LeFaivre

Date Mailed: _____

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 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.