

IN THE MATTER OF : BEFORE THE  
  
CATTAIL CREEK COUNTRY CLUB : HOWARD COUNTY  
  
Petitioner : BOARD OF APPEALS  
  
: HEARING EXAMINER  
  
: BA Case No. 16-001S

.....

**DECISION AND ORDER**

On July 18, 2016, 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 Cattail Creek Country Club (Petitioner) for a variance to erect a 4.0-foot tall, 24.08sf, freestanding, double-sided, commercial identification sign to be located one foot from the Route 97 right-of-way (ROW) in an RC-DEO (Rural Conservation: Density Exchange Option) zoning district, filed pursuant to § 3.501.(c)(2).c of Subtitle 5 of Title 3 of the Howard County Code (the Sign Code).<sup>1</sup>

Petitioner certified to compliance with the notice and advertising requirements of the Howard County Code. The Hearing Examiner viewed the subject property as required by the Hearing Examiner Rules of Procedure. The Petitioner was not represented by counsel. Chris Harriman 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

---

<sup>1</sup> The petition gives the height as 4'2". This decision and order uses the measurements provided in the technical staff report.

Examiner finds the following facts:

1. Property Identification. The subject property is located on the west side of Route 97 (Roxbury Mills Road) and about 349 feet north of the Willow Birch Drive and Cattail Creek Drive intersection and lies in the 4<sup>th</sup> Election District. It is referenced as Tax Map 0021, Grid 0008, Parcel 211 and is known as 3600 Cattail Creek Drive (the Property).

2. Property Description. The irregularly shaped 106.97-acre Property is the home of the Cattail Creek Country Club, which was established in the early 1990s and approved by the Board of Appeals as a private golf course and country club special exception use in Board of Appeals Case No. 90-02E. It has a golf course, driving range, clubhouse, swimming pool and tennis facility. These principal improvements are located in the eastern portion of the Property, which is accessed from Cattail Creek Drive, a 21-foot wide roadway that extends about 1,500 feet into the Property.

The north side of Cattail Creek Drive entrance has existing landscaping comprising dense shrubbery and trees with a downward steep grade that leads to a pond. The south side of the entrance has a steep rise covered by the same landscaping as the north side.

3. The Requested Sign Variance. Petitioner is seeking a variance for this proposed sign.
- The proposed sign is to be located one foot from the MD 97 ROW on the north side of Cattail Creek Drive and 15 feet from the Cattail Creek Drive ROW.
  - Petitioner is requesting a variance to erect a freestanding, double-sided, commercial identification sign comprising two columns with a natural stone base, with matching sign faces on both sides.
  - The sign cabinet is 6.5' thick, 6.25' wide and 4.0' high. The height is measured from finished grade to the top of the sign. The proposed sign has 24.08sf of signage. On the left side of the sign cabinet is the country club logo. To the right of the logo are the words "Cattail Creek Country Club." Below the logo and this wording are the words "clubhouse entrance."

- The sign will be 23.08sf larger than the Sign Code allows at the proposed location for this type of sign.

4. The Technical Staff Report (TSR) and DPZ Comments. All Department of Inspections, Licenses and Permits (DILP) TSRs evaluate a proposed sign variance petition against the criteria for granting a variance, but do not make a recommendation. The June 13, 2016 TSR issued for the proposed sign concluded there are unique physical conditions, including dense shrubbery and trees on both sides of the entrance, and a steep rise on the south side of the entrance. It further notes the heavy north and southbound traffic along Route 97. The posted speed limit is 50MPH. These conditions hinder the visibility of a code-compliant sign at the proposed location.

5. Chris Harriman testified to being the golf course superintendent. He testified to the variance request being the minimum necessary to improve safety by providing clear directions to the golf course. Route 97 has a 55 MPH speed limit and visitors are currently breaking quickly at the entrance, which is not easily visible. The lettering is standard size for the road speed.

### CONCLUSIONS OF LAW

#### Specific Sign Variance Criteria (§ 3.513.(b))

Based upon the foregoing Findings of Facts, the Board of Appeals Hearing Examiner concludes 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.

The Property is located on a highway that has a dependency on nonlocal use by regional

commuters. The Hearing Examiner routinely travels along this segment of MD 97 and is aware that motorists regularly drive at speeds exceeding the 50 MPH speed limit. These conditions lead to practical difficulty and unnecessary hardship in complying strictly with the setback requirements of the Sign Code, in accordance with § 3.513.(b)(1).

**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 proposed sign would be located in an area of the Property that is not easily visible due to existing dense landscaping on both side of the entrance. The petition accords with § 3.513.(b)(2).

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

There are no aesthetic, historical or architectural characteristics to be considered. Still, the stone foundation and the appearance of the sign cabinet are compatible with the rural area, in accordance with § 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 of adverse effect on the use or development at adjacent properties. The variance will not result in a dangerous traffic condition. Rather, as Chris Harriman testified, the variance request would improve safety by providing clear directions to the golf course. The petition accords with § 3.513.(b)(4).

**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 a reasonable size and therefore the minimum necessary to afford relief, in accordance with § 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 Petitioner did not create the practical difficulties or hardships pertaining to §§ 3.513.(b)(1) & (2).

**ORDER**

Based upon the foregoing, it is this **8<sup>th</sup> Day of September 2016**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the petition of Cattail Creek Country Club for a variance to erect a 4.0-foot tall, 24.08sf, freestanding, double-sided, commercial identification sign to be located one foot from the Route 97 right-of-way (ROW) in an RC-DEO (Rural Conservation: Density Exchange Option) zoning district is **GRANTED**;

Provided, however, that:

1. The sign variance shall apply only to the use and structure as described in the petition and this decision and order and not to any other activities, uses, structures, or additions on the Property.
2. The Petitioner shall obtain all necessary permits.

**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.