

IN THE MATTER OF	:	BEFORE THE
Gable Signs and Graphics, Inc.	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	BA Case No. 20-002S

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DECISION AND ORDER

On July 27, 2020, 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 Gable Signs and Graphics, Inc. (Petitioner) for variances to erect two monument building signs in an TOD (Transit Oriented Development) Zoning District, filed pursuant to Section 3.513(b), Subtitle 5 of Title 3 of the Howard County Code (the Sign Code).

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. Petitioner was not represented by counsel. Mark Thompson, Jim Sullivan, and Jack Lunkenheimer testified in support of the Petition. No one appeared in opposition to the Petition.

Petitioner introduced into evidence the following exhibits:

1. Aerial photo of proposed location of Sign1.
2. Aerial photo of proposed location of Sign 2.
3. Entrance signage May 8, 2020.
4. June 10, 2020 DAP Meeting Summary
5. Planting Exhibit, July 17, 2020

6. DPZ July 27, 2020
7. Site Survey Analysis

FINDINGS OF FACT

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

1. Property Identification. The subject Property is located in the Sixth Election District, on the southeast side of North Second Street at its intersection with Laurel Park Boulevard. It is referenced as Tax Map 0050, Block10, Parcel 384, contains approximately 6.6887 acres of land and is identified as 10111 N. Second Street and 10129 Washington Boulevard Laurel.
2. Property Description. The Property is the pipestem entrance for a 63-acre site approved for mixed use residential development including residential, commercial and retail uses. Construction has begun onsite by Ryan Homes.
3. Requested Sign Variance. The Petitioner, Gable Signs and Graphics, Inc. is requesting a variance of the Howard County Sign Code to install two identical, single-sided, illuminated, freestanding monument style identification signs. These two proposed matching, freestanding monument signs will identify the northbound (Sign 1) and southbound (Sign 2) "Paddock Pointe" community entrances from US. Route 1. Paddock Pointe at the Maryland Jockey Club is a new community in Laurel, Maryland and it is in the early construction phases. Each of the two matching monument signs will contain an upper and lower single-sided sign cabinet. Both sign cabinets have a width of 16 ft./8 in. and a height of 1 ft./9.25 in. with a total square footage of 29.5 square feet per display cabinet. The combined total square footage for the upper and lower sign cabinets is 59.0 square feet.

These two sign cabinets, upper and lower, are mounted atop a 3 ft./4 5/8 in. high masonry wall with terra color fiber cement (Nichiha Panels) exterior finish. The total height from grade to the top of the sign is 8 ft./0 in. the overall width of the sign is 23 ft./0 in. for each of the two matching monument signs.

The proposed two matching monument signs upper sign cabinet will contain 1 ft./10 in. high, white, face-lit channel letters that spell out PADDOCK with a logo. The lower sign cabinet will contain matching 1 ft./10 in. high letters that spell out POINTE. In this same lower cabinet, there will be 6 in. +/- inch high white face-lit channel letters that spell out AT THE MARYLAND JOCKEY CLUB. The back side of each sign cabinet will be a non-illuminated panel painted black.

See Photo Attachment (A) below; Updated 4/21/2020 Version 3 of the final sign design was submitted May 27, 2020.

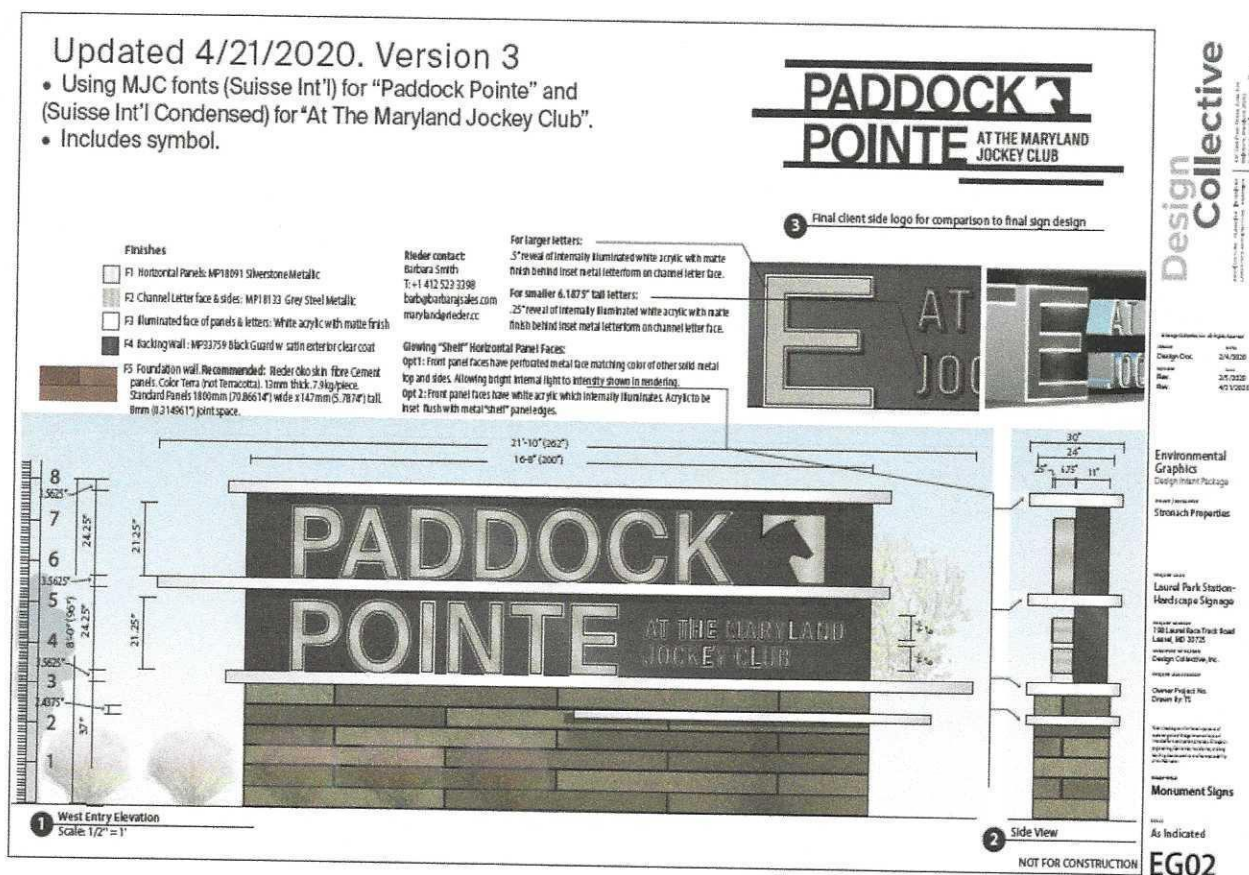


Photo Attachment (A) – The attachment above depicts the proposed two matching monument signs for the Paddock Pointe community entrance Signs 1 and 2. Updated 4/21/2020 Version 3 of the final sign design was submitted May 27, 2020.

4. Technical Staff Report. All Department of Inspection, Licenses, and Permits (DILP) Technical Staff Reports evaluate a proposed sign variance Petition against the criteria for granting a variance and make recommendations. The June 3, 2020 Technical Staff Report, as amended by the July 27, 2020 memo from the Division of Land Development, and the June 10, 2020 meeting summary by the Design Advisory Panel (DAP) found compliance with the variance criteria.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board of Appeals Hearing Examiner concludes as follows:

1. **Section 3.514(u)** defines:

***Sign, monument building* means a sign where the entire base or bottom of the sign is ground mounted.**

2. The proposed two signs are in violation of the following sections of the Howard County Sign Code:

Section 3.502. – Signs permitted in all districts.

Subject to the other conditions of this subtitle, the following signs shall be permitted anywhere within the County:

* * * * *

(e) **Permanent Identification Signs.**

(1) **Signs of a permanent nature setting forth the names of religious facilities, communities, subdivisions, apartments, schools, public/quasi-public institutions, and neighborhoods shall be permitted and are exempt from the setback requirements established in subsection 3.501(c)(2) c. Illumination shall be in accordance with restrictions set forth in section 3.508. Except as provided in paragraph (2), of this subsection, such signs shall not exceed 32 square feet in area or six feet in height.**

* * * * *

and

Section 3.508 – Illumination

- (a) Shading.** The light from any illuminated sign or billboard or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect on or into residential structures.

* * * * *

The Paddock Pointe community entrance Sign 1 (#S20000134) is located at the intersection of northbound Washington Blvd. and Laurel Park Blvd. (Post Office address: 10111 N. Second Street, Laurel, MD 20725)

The Paddock Point community entrance Sign 2 (S00000135) is located at the intersection of southbound Washington Blvd. and Laurel Park Blvd. (Post Office address: 10129 Washington Blvd. Laurel, MD 20725)

For each of the proposed Paddock Pointe community entrance sign locations, the Sign Code allows only for a total sign height of 6 ft./0 in. and a total of 32.0 square footage of signage for each monument to sign.

The two matching proposed monument entrance signs are each 8 ft./0 in. above finished grade and contain 59.0 square feet of signage each. At the proposed height, both of the matching signs are 2 ft./0 in. over the allowable sign height, and both contain 27.0 square feet of signage more than the Code allows for each sign.

3. Section 3.513 – Variances

- b. The Board of Appeals may grant variances outside of Downtown Columbia from the provision of this subtitle where the following determinations are made:**

(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; or

When traveling either north or southbound on Washington Blvd. there are four travel lanes at the posted speed limit of thirty-five miles per hour. Approaching either of the Paddock Pointe community entrance Signs 1 or 2 there is an obstructed view along the roadway. US Route 1 is a highway with a dependency on non-local use and your Examiner routinely drives along this road and has often observed speed limits much higher than 35 mph. Throughout the day or night, the north and southbound travel lanes carry a constant heavy volume of traffic with a posted speed limit of 35 miles per hour. Washington Blvd, is a main thoroughfare for this area of Howard County. **See Photo Attachments (B) and (C) below:**



Photo Attachment (B) - The photo above depicts the proposed location for Paddock Pointe community entrance Sign 1 (#S20000134). The view is facing the four

lanes of northbound traffic coming towards you on Washington Blvd. This proposed location is at the intersection of northbound Washington Blvd. and Laurel Park Blvd. (Post Office address: 10111 N. Second St. Laurel, MD 20725). Normally there is a constant heavy volume of traffic traveling in this area at the posted speed limit of thirty-five miles per hour.



Photo Attachment (C) - The photo above is a view while traveling southbound on Washington Blvd. of the proposed location for Paddock Pointe community entrance Sign 2 (#S2000013). This proposed location is the intersection of southbound Washington Blvd. and Laurel Park Blvd. (Post Office address: 10129 Washington Blvd., Laurel, MD 20725.) It would be located approximately where the Ryan builder sign is now located on the left.

(2) 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; or

Southbound Washington Blvd. has four travel lanes along the proposed location for the Paddock Pointe community entrance Sign 2 (#S200013). Approaching entrance Sign 2, there is a steep downhill grade and the posted speed limit is thirty-five mile per hour. The speed limit at this location is reduced from forty-five mile per hour to thirty-five mile per hour at the top of the hill. **See Photo Attachment (D) below:**



Photo Attachment (D) - The photo above was taken standing near the proposed location for the Paddock Pointe community entrance Sign 2 facing the four travel lanes of southbound Washington Blvd. This photo depicts the steep downhill grade with traffic coming towards you at the posted speed limit of thirty-five mile per hour. Normally, there is a constant heavy volume of traffic in this area.

(3) That there are historical, architectural, or aesthetic characteristics which shall be considered; and

Petitioner has redesigned the signs to be more compliant with the Route 1 Manual signage recommendations and has provided additional screening and a new landscape plan (Exhibit 5) in compliance with the DAP's recommendation. (Exhibit 6)

The proposed sign will be consistent with the signage recommendations set forth in the 2009 Route 1 Manual (p. 44) The Manual prefers low-profile signs over pylon signs.

Freestanding Signs

Goals:

The Route 1 corridor, being an older commercial and industrial corridor, has many freestanding signs that have, over time, helped to create an overall chaotic appearance of the corridor. Citizens have stated that the existing signage along the Route 1 roadway contributes to the corridor's overall negative character. Providing a more consistent placement and orientation of signage should reduce this sense of visual clutter.

Requirements:

1. Comply with the requirements of the Howard County Sign Code, administered by the Department of Inspections, Licenses and Permits.

Recommendations:

1. Instead of freestanding signs, select building mounted or wall signs that are integrated into the building's architecture.
2. For wall signs, please see the chapter on Building Design and the section entitled Signs Attached to Buildings
3. Use durable materials, subdued colors and professionally executed graphic design.
4. Select monument or low-profile, ground mounted type signs instead of freestanding pole signs (Figure 4.21).

Without limiting sight distance, place freestanding signs closer to the property line to promote a street edge appearance.

Coordinate materials and colors for freestanding signs with materials and design elements/character from the principal buildings on the site. This helps bring the identity of the building to the street edge (Figure 4.22).

Eliminate any glare visible to motorists and pedestrians from the sign's lighting source.
Freestanding signs may be internally or externally lit.

(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; and

The larger ground mounted monument signs will be less visually distracting to travelers than pylon signs, the lighting will be the minimum necessary and will be used to create a halo effect during the night time, and will allow cars more time to switch lanes and to safely enter or exit the residential development. There is no evidence that the requested variance would adversely affect the appropriate use or development of adjacent properties or 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; and

There is a lot of traffic and visual activity along Route 1. Petitioner's site survey (Exhibit 7) established the metrics to create the optimum sized signage taking into account the amount of traffic, the line of sight, proper notice to drivers (both those using the entrances and those attempting to avoid those drivers using the entrances). The proposed signage was prepared in accordance with best practices standard in the industry.

(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.

Much of this area along US Route 1 is developed one lot deep with residential zoning to the rear. The developers of Paddock Pointe are using the existing pipe stem access used by the Maryland Jockey Club. The practical difficulty is not self-created.

ORDER

Based upon the foregoing, it is this 7th day of August 2020, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

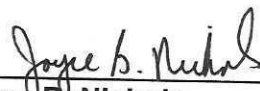
That the Petition of Gable Signs and Graphics, Inc. for variances to erect two new monument building signs in a TOD (Transit Oriented Development) Zoning District, is hereby **GRANTED;**

Provided, however, that:

1. The sign variances shall apply only to the two signs described in the Petition and Plan as revised and shown on pg. 3 of this Decision and Order.
2. Landscaping for Sign 2 shall be in accordance with the Planting Exhibit, dated July 17, 2020, Exhibit 5. All other development shall be in accordance with Exhibit 3, Entrance Signage, May 8, 2020.
3. The signs shall not be located in a public right-of-way.
4. The Petitioner shall obtain all necessary permits.

HOWARD COUNTY BOARD OF APPEALS

HEARING EXAMINER



Joyce B. Nichols

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.