

IN THE MATTER OF	:	BEFORE THE
RLJ LODGING TRUST	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	BA Case No. 18-005S

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DECISION AND ORDER

On June 7, 2019, 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 RLJ Lodging Trust (Petitioner) for a variance to relocate a commercial freestanding identification sign in a B-2 (Business General) zoning district, filed pursuant to § 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. Gary Brent testified in support of the petition. No one appeared in opposition to the petition.

At the outset of the hearing, Petitioner introduced into evidence a revised petition and plan showing the relocation of the sign 38 feet back from Twin Knolls Road.

Petitioner introduced in evidence these exhibits.

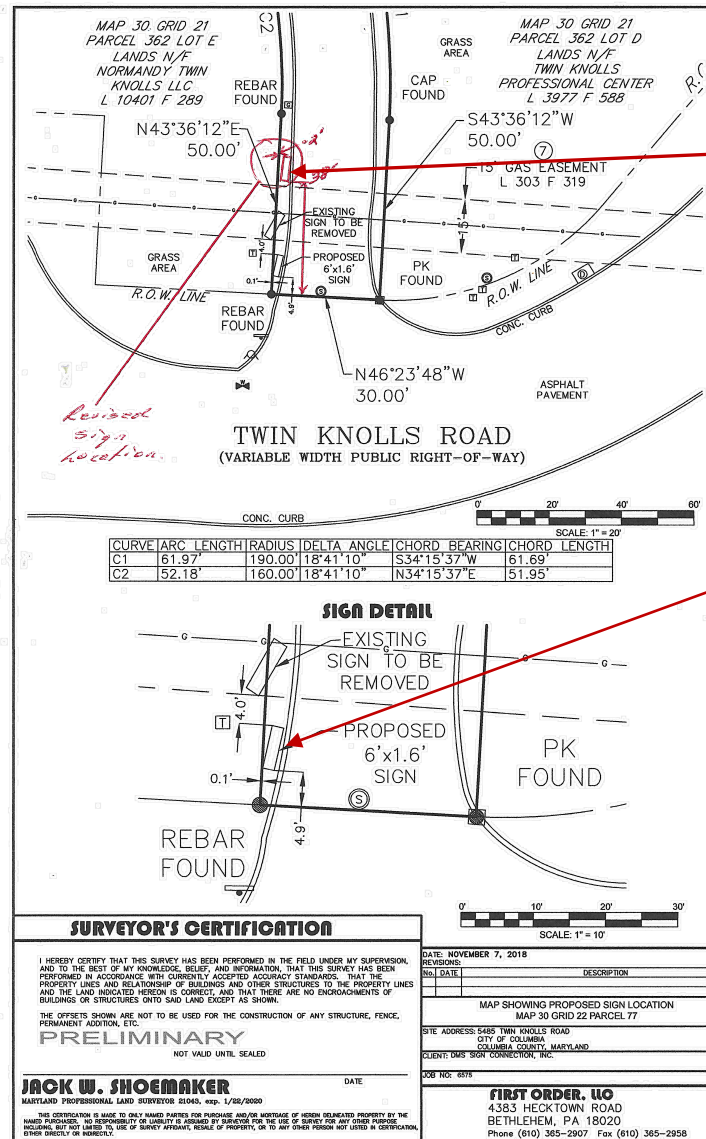
1. Revised Sign Variance Plan
2. Image of Relocated Sign in new location

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 north side of Twin Knolls Road at the intersection of Old Columbia Road and Twin Knolls Road. It is referenced as Tax Map 0030, Block 0022, Parcel 77, and is known as 5485 Twin Knolls Road (the Property).
2. Property Description. The 3.95-acre Property is the site of the Hilton Double Tree Hotel. The hotel building sits deep into the site because the Property is a flag lot. While the hotel is visible from Route 175 to the north, it cannot be seen from Twin Knolls Road. The petition explains that the sign in its current location is located within a BGE underground gas transmission pipeline, as BGE discovered during a recent inspection. The 900-foot Double Tree Hotel driveway has a narrow right-of-way; between the driveway's curb and property line there is no more than a 3-4 foot wide right-of-way.
3. Vicinal Properties. To the north is Route 175. The other properties are improved with commercial uses. This section of Twin Knolls Road in the area of the hotel driveway is curved, making the view of a conforming sign difficult. There is also a rise in the ROW elevation from the Twin Knolls Road paving. These conditions severely limit the viewing of code compliant signage on the Property.
4. The Requested Sign Variance. The June 7, 2019 Revised Plan (the Revised Plan) shows the relocated sign sitting 38 feet from Twin Knolls. Image # 1 shows the new sign location. Image # 2 shows the sign's dimensions.



New location
of sign – 38'
from Twin
Knolls Road
ROW, 0.2'
from hotel
driveway

Location of
sign in
petition as
submitted
and evaluated
in TSR

Image # 1. Revised Sign Location

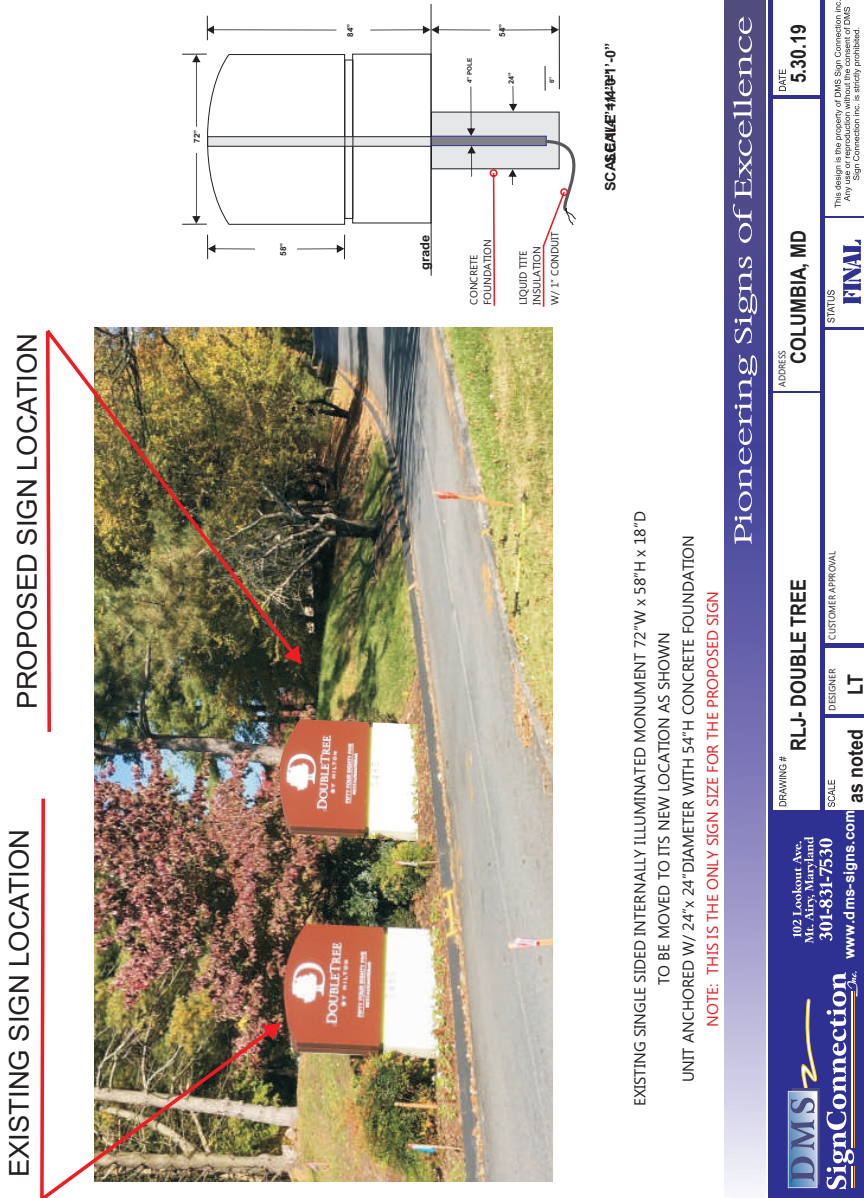


Image # 2. Visual, Revised Sign Location

Petitioner requests variance relief from this section of the Sign Code.

3.501(c)(2)(c). Sign standards by district. Commercial Areas, all Areas within Downtown Columbia, Industrial Districts and Industrial areas.

c. 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.

As proposed, the sign would be located 38 feet from the Double Tree Hotel property line.¹

The 29 square footage of the sign area is shown on Image # 2. It is seven feet above finished grade.

5. The Technical Staff Report. All Department of Inspections, Licenses, and Permits (DILP) TSRs evaluate a proposed sign variance petition against the criteria for granting a variance, but make recommendations. The December 28, 2018 TSR found unique physical and topographical conditions, including the narrow 900-foot hotel driveway, for the sign at the proposed location.

6. Gary Brent testified that after the petition was submitted, Petitioner discovered the presence of a Verizon communication line where the sign was proposed to be relocated.

7. The Hearing Examiner questioned Mr. Brent about the need for a variance at this location, since the original sign was erected 30 feet from the ROW, as per code in 2011, under

¹ If there is any error or discrepancy in the written findings and what is shown in Images ## 1 and 2, the sign location shown in these images controls.

sign permit #S11000149. In an abundance of caution, Mr. Brent stated the variance is requested, just in case.

CONCLUSIONS OF LAW

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 proposed location of the new sign is some 38 feet back from Twin Knolls Road. The ROW topographical conditions and the pipestem configuration of the Property are unique physical conditions.

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.

There are now obstructions causing practical difficulty in complying with the Sign Code.

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

There are no such characteristics to be considered.

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 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.

In the Hearing Examiner's view, the proposed sign relocation is reasonable and therefore the minimum necessary.

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 the Sign Code.

ORDER

Based upon the foregoing, it is this **13th Day of June 2019**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the petition of RLJ Lodging Trust for a variance to relocate a commercial freestanding identification sign in a B-2 (Business General) zoning district, is **GRANTED**;

Provided, however, that:

1. The sign variance shall apply only to the sign described in the petition and plan as revised and shown on pgs. 3 & 4 of this decision and order.
2. The Petitioner shall obtain all necessary permits.

**HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER**



Michele L. LeFaivre

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.

In accordance with C.B. 51-2016, § 1 (HCC Sec. 22.902 - Computation of time), if the deadline to appeal is a Saturday, Sunday, or holiday, or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.