

AMENDED

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

<b>RECEIVED</b>  DEC - 1 2011  <b>HARFORD COUNTY COUNCIL</b>	Case No. <u>5762</u>
	Date Filed <u>1/29/11</u>
	Hearing Date _____
	Receipt _____
	Fee <u>\$450.00</u>
Type <u>Variance</u>	

*Shaded areas for Office Use Only*

**Information to be Submitted with Application**

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

**NOTE:**

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning prior to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

**CASE 5762 MAP 61 TYPE Variance**

**ELECTION DISTRICT 01 TAX ID 01396508**

**LOCATION 3411 Merchant Boulevard, Abingdon 21009 &**

**3491 Merchant Boulevard, Abingdon 21009**

**BY Boulevard at Box Hill 21, LLC, 2700 Philadelphia Road, Edgewood 21040**

Appealed because a variance pursuant to Section 267-33K(10)(c) of the Harford County Code to permit a freestanding sign with a setback of less than 20 feet (0.5 feet proposed), a second freestanding sign with a setback of less than 20 feet (0 feet proposed), a third freestanding sign with a setback of less than 20 feet (11.48 feet proposed), and to permit more than 2 freestanding signs (3 freestanding signs proposed) for a road frontage of the subject property which exceeds 500 linear feet in the CI District requires approval by the Board.

**Owner (please print or type)**

Name Village at Bright Oaks, Inc. Phone Number call attorney

Address 2700 Philadelphia Road Edgewood MD 21040  
*Street Number Street City State Zip Code*

Co-Applicant Boulevard at Box Hill 21 LLC Phone Number call attorney

Address 2700 Philadelphia Road Edgewood MD 21040  
*Street Number Street City State Zip Code*

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative John J. Gessner, Esquire Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014  
*Street Number Street City State Zip Code*

**Land Description**

Address and Location of Property 3411 Merchant Boulevard, Abingdon, MD 21009  
3491 Merchant Boulevard, Abingdon, MD 21009

Subdivision Boulevard at Box Hill Lot Number 5 & 21

Acreage/Lot Size 27.24; 3.54 Election District First Zoning CI Tax ID # 01-396507; 01-396508

Tax Map No. 0061 Grid No. 0002F Parcel 0588 Water/Sewer: Private \_\_\_\_\_ Public

List ALL structures on property and current use: Vacant

Estimated time required to present case: 45 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? Yes \_\_\_\_\_ No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No

**Request**

see attached

**Justification**

see attached

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

AMENDED ATTACHMENT TO THE APPLICATION OF VILLAGE OF BRIGHT  
OAKS, INC. AND BOULEVARD AT BOX HILL 21 LLC

**REQUEST:**

1. A variance pursuant to Section 267-11 of the Harford County Code ("Code") from the provisions of Section 267-33(I)(10)(c) of the Code to permit three (3) freestanding signs ("Signs") to be located on the subject property zoned CI, Commercial Industrial, to be approved as an Integrated Community Shopping Center ("ICSC") with setbacks less than 20.00 feet, i.e., the first, Sign 6/L3, with a proposed setback of 0.5 feet, the second, Sign 10/L3, with a proposed setback of 0 feet and the third, Sign 11/L3, with a proposed setback of 11.48 feet as shown on the attached Sign Variance Plan Key Plan.

2. A variance pursuant to Section 267-11 of the Code from the provisions of Section 267-33(I)(10)(c) of the Code to permit more than two (2) freestanding signs (3 freestanding signs proposed, i.e., Sign 4/L2, Sign 11/L3 and Sign 10/L3) to be permitted for a road frontage of the subject property, zoned CI, Commercial Industrial and to be approved as an ICSC, which exceeds 500 linear feet, as shown on the attached Sign Variance Plan Key Plan.

**JUSTIFICATION:** 1 and 2. The subject property is unique due to its location, relationship with adjoining properties and site conditions. In order to provide legible signs advertising tenants located on the subject property and the Boulevard at Box Hill project, the Signs must be located as proposed. Granting the requested variances will not cause any adverse impact, create any sight distance or other problems. In fact, granting the requested variances will promote traffic safety.

**HARFORD COUNTY ZONING CODE PART 1. STANDARDS.  
ARTICLE V. SUPPLEMENTARY REGULATIONS**

PER SECTION §267-33.B OF THE HARFORD COUNTY ZONING CODE:

- (2) FREESTANDING SIGNS. THE MAXIMUM AREA OF ANY FREESTANDING SIGN SHALL NOT EXCEED 120 SQUARE FEET. THE SETBACK MEASURED TO THE EDGE OF THE SIGN SHALL BE EQUAL TO 1/3 OF THE REQUIRED BUILDING SETBACK. UNLESS OTHERWISE PROVIDED HEREIN, THE MAXIMUM HEIGHT ALLOWED FOR ANY FREESTANDING SIGN IS 20 FEET MEASURED FROM THE BASE OF THE SIGN.
- (3) WALL SIGNS. WALL SIGNS SHALL INCLUDE ALL FLAT SIGNS WHICH ARE PLACED AGAINST A BUILDING OR OTHER STRUCTURE AND ATTACHED TO THE EXTERIOR FRONT, REAR OR SIDE WALL OF ANY BUILDING OR OTHER STRUCTURE. FLAT WALL MOUNTED SIGNS MAY BE LOCATED ON ANY WALL OR A BUILDING AND MAY EXTEND NOT MORE THAN 5 FEET ABOVE THE PARAPET WALL OR ROOFLINE OF THE BUILDING TO WHICH THEY ARE ATTACHED. HOWEVER, NO WINDOW, OR PART OF A WINDOW, SHALL BE COVERED BY THE SIGN AREA OR ITS SUPPORTING STRUCTURE.
- (6) DIRECTIONAL SIGNS. THE MAXIMUM AREA OF ANY DIRECTIONAL SIGN SHALL NOT EXCEED 8 SQUARE FEET. DIRECTIONAL SIGNS CAN BE LOCATED AT THE NEAREST INTERSECTION OF ANY MAJOR COLLECTOR OR ARTERIAL ROAD AND SET BACK 10 FEET FROM THE PROPERTY LINE. UNLESS OTHERWISE PROVIDED HEREIN, THE MAXIMUM HEIGHT ALLOWED FOR ANY DIRECTIONAL SIGN IS 8 FEET ABOVE THE NEAREST PUBLIC ROAD GRADE.

PER SECTION §267-33.(10) OF THE HARFORD COUNTY ZONING CODE FOR COMMERCIAL ORIENTED BUILDINGS:

- (a) SIGNS ERECTED ON AND ATTACHED TO COMMERCIAL OR INDUSTRIAL BUILDINGS. THE TOTAL AREA OF ALL SIGNS ERECTED ON AND ATTACHED TO COMMERCIAL OR INDUSTRIAL BUILDINGS SHALL NOT EXCEED 2 SQUARE FEET PER EACH LINEAR FOOT OF BUILDING WIDTH, MEASURED ALONG THE FRONT WALL OR ENTRANCE WALL OF A BUILDING. IF A BUILDING IS LOCATED ON A LOT HAVING FRONTAGE ON 2 STREETS, THEN THE SIGN AREA FOR EACH SIDE SHALL BE CALCULATED SEPARATELY. THE FOLLOWING TYPES OF SIGNS SHALL BE PERMITTED:  
[1] WALL SIGNS.
- (b) TWO FREESTANDING SIGNS IDENTIFYING COMMERCIAL OR INDUSTRIAL ACTIVITY OTHER THAN INTEGRATED COMMUNITY SHOPPING CENTERS SHALL BE ALLOWED ON EACH ROAD FRONTAGE IF THE PROPERTY HAS A MINIMUM OF 40 FEET OF ROAD FRONTAGE. THE SIGN AREA SHALL BE CALCULATED ON THE BASIS OF 1 SQUARE FOOT OF SIGN FOR EVERY FOOT OF PROPERTY ROAD FRONTAGE, AND THE MAXIMUM SIGN AREA SHALL BE DETERMINED IN ACCORDANCE WITH THE RESTRICTIONS CONTAINED IN SUBSECTION B (2) OF THIS SECTION.

PER SECTION §267-33.D OF THE HARFORD COUNTY ZONING CODE:

- (1) DOUBLE FACED SIGNS. ONE FACE OF A SIGN HAVING OBLVERSE AND REVERSE FACES SHALL BE CONSIDERED IN CALCULATING THE ADVERTISING AREA. IN THE EVENT THAT THE FACES OF A SIGN ARE OF A DIFFERENT AREA, THE FACE HAVING THE LARGER AREA SHALL DETERMINE THE ADVERTISING AREA OF THE SIGN.
- (2) MULTIFACED OR CURVED SURFACE SIGNS. THE ADVERTISING AREA OF A MULTIFACED OR CURVED SURFACE SIGN SHALL BE CALCULATED FROM DIMENSIONS DERIVED FROM ITS GREATEST PLANE PROJECTION.
- (3) MODULAR SIGNS. THE ADVERTISING AREA OF SIGNS CONSISTING OF 2 OR MORE INDIVIDUAL LETTERS, CHARACTERS, NUMBERS OR FIGURES SHALL BE DETERMINED BY THE AREA OF A DESCRIBED RECTANGLE COMPLETELY ENCLOSED THE EXTREMITIES OF ALL OF THE INDIVIDUAL LETTERS, CHARACTERS, NUMBERS OR FIGURES. PROVIDED, HOWEVER, THAT IF INDIVIDUAL MODULES ARE MOUNTED ON A BACKGROUND, OTHER THAN AN INTEGRAL STRUCTURE COMPONENT OF A BUILDING, THE ENTIRE AREA OF SUCH A BACKGROUND SHALL BE CALCULATED AS ADVERTISING AREA.

PER SECTION §267-33.(10) OF THE HARFORD COUNTY ZONING CODE FOR ICSC DEVELOPMENTS:

- (C) FREESTANDING SIGNS IDENTIFYING INTEGRATED COMMUNITY SHOPPING CENTERS ARE ALLOWED, BUT THE MAXIMUM SIGN AREA SHALL BE DETERMINED INDEPENDENTLY FROM THE SIGN AREA RESTRICTIONS CONTAINED IN THIS SECTION. FREESTANDING SIGNS SHALL NOT EXCEED 1 SQUARE FOOT IN AREA FOR EACH LINEAR FOOT OF ROAD FRONTAGE OR 200 SQUARE FEET, WHICHEVER IS SMALLER. ONE SUCH SIGN SHALL BE PERMITTED FOR EACH ROAD FRONTAGE, OR NOT MORE THAN 2 SIGNS SHALL BE PERMITTED ALONG ANY FRONTAGE WHICH EXCEEDS 500 FEET. THE SIGN HEIGHT SHALL NOT EXCEED 40 FEET AND SHALL BE SET BACK NOT LESS THAN 20 FEET FROM THE FRONT PROPERTY LINE.
- (D) DIRECTIONAL INFORMATION SIGNS SHALL BE ADEQUATELY PROVIDED AND DESIGN COORDINATED.

**PROPOSED FREESTANDING SIGNS**

SIGN NUMBER	LOT	ROAD FRONTAGE	LINEAR FEET	SIGNS ALLOWED	TOTAL SQUARE FEET ALLOWED	SIGNS PROPOSED	TOTAL SQUARE FEET PROPOSED
3A.2	1	EMMORTON ROAD	±185 LF	2 @ 120 SF EA	240 SF	1	111 SF
		BOX HILL SOUTH PARKWAY	±178 LF	2 @ 120 SF EA	240 SF	-	-
		MERCHANT BOULEVARD	±168 LF	2 @ 120 SF EA	240 SF	-	-
2A.2	3	EMMORTON ROAD	±220 LF	2 @ 120 SF EA	240 SF	-	-
2A.2	4	EMMORTON ROAD	±200 LF	2 @ 120 SF EA	240 SF	1 SHARED SIGN	43 SF
		WEGMANS BOULEVARD	±120 LF	2 @ 120 SF EA	240 SF	-	-
		MERCHANT BOULEVARD	±275 LF	2 @ 120 SF EA	240 SF	-	-
7A.3	20	BOX HILL CORPORATE CENTER DRIVE	±570 LF	2 @ 120 SF EA	240 SF	1	38 SF
8A.3		WOODSDALE ROAD	±482 LF	2 @ 120 SF EA	240 SF	1	348 SF
		MERCHANT BOULEVARD	±878 LF	2 @ 120 SF EA	240 SF	-	-
		WEGMANS BOULEVARD	±454 LF	2 @ 120 SF EA	240 SF	-	-
1A.2		EMMORTON ROAD	±805 LF	2 @ 120 SF EA	240 SF	1	270 SF
8A.3		BOX HILL CORPORATE CENTER DRIVE	±345 LF	2 @ 120 SF EA	240 SF	1	25 SF
	ICSC						
5A.2	5	BOX HILL SOUTH PARKWAY	±382 LF	1 @ 200 SF	200 SF	1	45 SF
4A.2		BOX HILL CORPORATE CENTER DRIVE	±1,880 LF	2 @ 200 SF EA	400 SF	-	-
11A.3		MERCHANT BOULEVARD	±1,018 LF	2 @ 200 SF EA	400 SF	1	200 SF
		MERCHANT BOULEVARD				1	80 SF
10A.3	21	MERCHANT BOULEVARD	±554 LF	2 @ 120 SF EA	240 SF	1	45 SF
		TOTAL		33	4,380 SF	10	1,203 SF

**HEIGHT AND SETBACK REQUIREMENTS**

SIGN NUMBER	LOT	ROAD FRONTAGE	HEIGHT ALLOWED	HEIGHT PROPOSED	SETBACK ALLOWED	SETBACK PROPOSED
3A.2	1	EMMORTON ROAD	20 FT	16 FT	8.33 FT	4.3 FT
		BOX HILL SOUTH PARKWAY	20 FT	-	8.33 FT	-
		MERCHANT BOULEVARD	20 FT	-	8.33 FT	-
2A.2	3	EMMORTON ROAD	20 FT	5.67 FT	8.33 FT	16.5 FT
2A.2	4	EMMORTON ROAD	20 FT	5.67 FT	8.33 FT	16.5 FT
		WEGMANS BOULEVARD	20 FT	-	8.33 FT	-
		MERCHANT BOULEVARD	20 FT	-	8.33 FT	-
7A.3	20	BOX HILL CORPORATE CENTER DRIVE	20 FT	8.33 FT	8.33 FT	7.5 FT
8A.3		WOODSDALE ROAD	20 FT	-	8.33 FT	-
		MERCHANT BOULEVARD	20 FT	-	8.33 FT	-
		WEGMANS BOULEVARD	20 FT	-	8.33 FT	-
1A.2		EMMORTON ROAD	20 FT	40 FT	20 FT	8.33 FT
	ICSC					
5A.2	5	BOX HILL SOUTH PARKWAY	40 FT	40 FT	20 FT	41 FT
4A.2		MERCHANT BOULEVARD	40 FT	38.42 FT	20 FT	18.5 FT
11A.3		MERCHANT BOULEVARD	40 FT	4.5 FT	20 FT	11.88 FT
10A.3	21	MERCHANT BOULEVARD	20 FT	3 FT	20 FT	0 FT
8A.3		BOX HILL CORPORATE CENTER DRIVE	20 FT	5 FT	20 FT	0.37 FT

**VARIANCE REQUESTS**

**LOT 5 & 21: FREESTANDING ICSC SIGNS**  
LOCATION: MERCHANT BOULEVARD  
3 ICSC SIGNS ON ROAD FRONTAGE (SIGNS 4A.2, 11A.3, & 10A.3)  
ALLOWED: 2 SIGNS  
PROPOSED: 3 SIGNS  
REQUESTED VARIANCE: 1 ADDITIONAL SIGN

**LOT 1: FREESTANDING SIGN**  
LOCATION: EMMORTON ROAD & BOX HILL SOUTH PARKWAY  
SETBACK VARIANCE (SIGN 3A.2)  
ALLOWED: 8.33'  
PROPOSED: 4.3'  
REQUESTED VARIANCE: 4.03'

**LOT 6: FREESTANDING ICSC SIGNS**  
LOCATION: MERCHANT BOULEVARD  
SETBACK VARIANCE(4A.2)  
ALLOWED: 20'  
PROPOSED: 18.50'  
REQUESTED VARIANCE: 1.50'

**LOT 20: FREESTANDING SIGN**  
LOCATION: WEGMANS BOULEVARD & EMMORTON ROAD  
SIGN FACE VARIANCE (SIGN 1A.2)  
ALLOWED: 120 SF  
PROPOSED: 270 SF  
REQUESTED VARIANCE: 150 SF  
  
HEIGHT VARIANCE (SIGN 1A.2)  
ALLOWED: 20'  
PROPOSED: 40'  
REQUESTED VARIANCE: 20'

LOCATION: MERCHANT BOULEVARD  
SETBACK VARIANCE(11A.3)  
ALLOWED: 20'  
PROPOSED: 11.48'  
REQUESTED VARIANCE: 8.52'

**LOT 21: FREESTANDING ICSC SIGN**  
LOCATION: MERCHANT BOULEVARD & BOX HILL CORPORATE CENTER SOUTH  
SETBACK VARIANCE (SIGN 8A.3)  
ALLOWED: 20'  
PROPOSED: 0.9'  
REQUESTED VARIANCE: 19.9'

LOCATION: WOODSDALE ROAD  
SIGN FACE VARIANCE (SIGN 8A.3)  
ALLOWED: 120 SF  
PROPOSED: 348 SF  
REQUESTED VARIANCE: 228 SF

LOCATION: MERCHANT BOULEVARD  
SETBACK VARIANCE (SIGN 10A.3)  
ALLOWED: 20'  
PROPOSED: 0'  
REQUESTED VARIANCE: -

LOCATION: MERCHANT BOULEVARD  
SETBACK VARIANCE (SIGN 7A.3)  
ALLOWED: 8.33'  
PROPOSED: 7.5'  
REQUESTED VARIANCE: 0.83'

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

MARY F. CHANCE  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

January 3, 2012

Department of Planning and Zoning

**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5762**

APPLICANT/OWNER: Village at Bright Oaks, Inc.  
2700 Philadelphia Road, Edgewood, MD 21040

CO-APPLICANT: Boulevard at Box Hill 21 LLC  
2700 Philadelphia Road, Edgewood, MD 21040

REPRESENTATIVE: John J. Gessner, Esquire  
Gessner, Snee, Mahoney & Lutche, P.A.  
11 S. Main Street, Bel Air, MD 21014

LOCATION: 3411 Merchant Boulevard, Abingdon, MD 21009  
3491 Merchant Boulevard, Abingdon, MD 21009  
Tax Map: 61 / Grid: 2F / Parcel: 588  
Election District: First (1)

ACREAGE: 30.78+/- Acres

ZONING: CI/Commercial Industrial

DATE FILED: November 7, 2011

HEARING DATE: January 11, 2012

**APPLICANTS' REQUEST and JUSTIFICATION:**

See Attachment 1.



~ Preserving Harford's past; promoting Harford's future ~

STAFF REPORT

Board of Appeals Case Number 5762

Village at Bright Oaks, Inc.

Page 2 of 6

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-33I(10)(c) of the Harford County Code to permit a freestanding sign with a setback of less than 20-feet (0.5-foot proposed), a second freestanding sign with a setback of less than 20-feet (0-foot setback proposed), a third freestanding sign with a setback of less than 20-feet (11.48-foot setback proposed), and to permit more than two freestanding signs (3 signs proposed) on a road frontage that exceeds 500-feet in the CI/Commercial Industrial District.

Section 267-33I(10)(c) of the Harford County Code reads:

- (10) *Integrated Community Shopping Center (ICSC). Signs for an ICSC shall comply with the following:*
- (c) *Freestanding signs identifying Integrated Community Shopping Centers are allowed, but the maximum sign area shall be determined independently from the sign area restrictions contained in this section. Freestanding signs shall not exceed 1 square foot in area for each linear foot of road frontage or 200 square feet, whichever is smaller. One such sign shall be permitted for each road frontage, or not more than 2 signs shall be permitted along any frontage which exceeds 500 feet. The sign height shall not exceed 40 feet and shall be set back not less than 20 feet from the front property line.*

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

The Applicants' property is located on the north side of Box Hill Corporate Center Drive approximately 400-feet east of MD Route 924 (Emmorton Road). Enclosed with the report are copies of a location map and the Applicants' site plan (Attachments 2 and 3).

The subject property is located inside the Development Envelope. The predominant land use designations in this area of the County are Medium Intensity, High Intensity and Industrial Employment. The Natural Features Map reflects Stream Systems. The subject property is designated as Industrial/Employment and is located within a Community Center which are defined by the 2004 Master Plan as:

*Industrial/Employment - Areas of concentrated manufacturing, distribution, technical, research, office, and other activities generally located along major transportation corridors.*

STAFF REPORT

Board of Appeals Case Number 5762

Village at Bright Oaks, Inc.

Page 3 of 6

*Community Centers - Areas combining civic, social, and cultural facilities with more intensive commercial and service oriented activities. These centers are usually located along major highways.*

Enclosed with the report are copies of a portion of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the intent of the 2004 Master Plan. There is a mix of commercial, industrial, residential and institutional uses in this area of the County. The predominant land uses in this area of the County are commercial and residential. Commercial uses are concentrated along the MD Route 924 and MD Route 24 corridors. Commercial uses include shopping centers, restaurants, pharmacies, medical offices, gas stations, convenience stores, grocery stores and various other retail and service uses. This area of the County also has a mix of residential uses; including single-family residential, townhomes, apartments and condominiums. Institutional uses include churches, schools and daycare facilities.

The subject properties were originally created as part of the Box Hill Corporate Center commercial subdivision. Lots 5 and 21 are the subject of this request. Development of the Corporate Center began in the late 1990's, with numerous office buildings being constructed since that time. The office buildings primarily house professional service uses such as engineering firms, doctor's offices, and corporate offices. The Social Security Administration and the Walter and Betty Ward YMCA are also located within the Corporate Center. More recently, a large grocery store was constructed on Lot 20. A bank and two restaurants are currently under construction on lots that front directly on MD Route 924.

The subject properties are generally located within the center of the overall Corporate Center. Lot 5 is a large lot containing 27.24/- acres that is bounded to the north by Box Hill South Parkway and to the south and east by Box Hill Corporate Center Drive. Lot 21 was previously created from Lot 5 and has frontage on Box Hill Corporate Center Drive. A private driveway known as Merchant Boulevard has been constructed from Box Hill South Parkway to Box Hill Corporate Center Drive between Lot 5 and the lots that have frontage on MD Route 924. It is important to note that the Applicants have submitted a Preliminary Plan (P11-124: Boulevard at Box Hill – Lot 2) to subdivide Lot 2 from Lot 5 for review and approval. The plan also proposes to create a private 70-foot wide road right-of-way along Merchant Boulevard. The Department is currently reviewing the proposed subdivision plan.

A Site Plan (S11-076: Boulevard at Box Hill – Lot 5) for the 85,775 square foot retail building was previously reviewed through the Development Advisory Committee (DAC) and approved on November 17, 2011. Enclosed with the report are copies of the approved Lot 5 Site Plan, proposed Lot 2 Preliminary Plan and site photos (Attachments 6, 7 and 8).

STAFF REPORT

Board of Appeals Case Number 5762

Village at Bright Oaks, Inc.

Page 4 of 6

Zoning:

The zoning classifications in this area of the County are generally consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning in the area includes R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes RO/Residential Office District, B2/Community Business District, B3/General Business District and CI/Commercial Industrial District. The subject properties are zoned CI/Commercial Industrial District (Attachment 9).

**SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-33I(10)(c) of the Harford County Code to permit a freestanding sign with a setback of less than 20-feet (0.5-foot proposed), a second freestanding sign with a setback of less than 20-feet (0-foot setback proposed), a third freestanding sign with a setback of less than 20-feet (11.48-foot setback proposed), and to permit more than two freestanding signs (3 signs proposed) on a road frontage that exceeds 500-feet in the CI/Commercial Industrial District.

Section 267-33I(10)(c) of the Harford County Code reads:

- (10) *Integrated Community Shopping Center (ICSC). Signs for an ICSC shall comply with the following:*
- (c) *Freestanding signs identifying Integrated Community Shopping Centers are allowed, but the maximum sign area shall be determined independently from the sign area restrictions contained in this section. Freestanding signs shall not exceed 1 square foot in area for each linear foot of road frontage or 200 square feet, whichever is smaller. One such sign shall be permitted for each road frontage, or not more than 2 signs shall be permitted along any frontage which exceeds 500 feet. The sign height shall not exceed 40 feet and shall be set back not less than 20 feet from the front property line.*

**Variance:**

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty or unreasonable hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants are requesting variances for signs associated with Case No. 5760, which is a request for approval of a Special Development for an Integrated Community Shopping Center (ICSC). The Box Hill South Corporate Center has developed similar to other large

STAFF REPORT

Board of Appeals Case Number 5762

Village at Bright Oaks, Inc.

Page 5 of 6

developments that contain several sections or phases. In a large residential project, it is not uncommon to have several sections that have been developed under different standards; such as conventional, Conventional with Open Space (COS), and Housing for the Elderly. Similarly, the Box Hill Corporate Center has developed with different and distinct sections.

The proposed shopping center is unique in that it is contained within the Corporate Center as a separate and distinct section. Appropriate signage is necessary to direct patrons to the appropriate section of the Corporate Center. The Applicants are requesting a variance to allow three freestanding signs along Merchant Boulevard, where only two such signs are permitted (Signs 4/L2, 11/L3, and 10/L3) on road frontages of greater than 500-feet. A total of 5 freestanding signs would be permitted based on the shopping center's three road frontages. The Applicants are only proposing a total of 5 freestanding signs for Lots 5 and 21. It is more appropriate to consolidate these signs along Merchant Boulevard since this is the primary access to the shopping center.

The Applicants are also requesting setback variances for Signs 4/L2, 11/L3, 6/L3 and 10/L3. These variances are necessary since the proposed signs will also serve as directional signs for patrons of the shopping center. The signs will need to be highly visible and close to the right-of-way to aid patrons looking for the location of specific establishments. Furthermore, the steep slopes along Box Hill Corporate Center Drive dictated that Merchant Boulevard be the primary access to the shopping center.

The requested variances will not adversely impact adjacent lots or the surrounding community. They will enhance the Corporate Center and shopping center and aid in traffic circulation and ease of identification of establishments within the shopping center.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variances be approved subject to the following conditions:

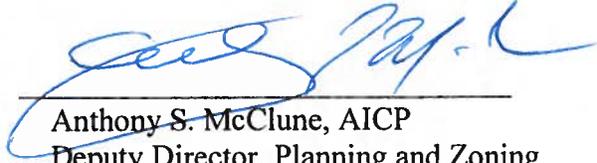
1. The Applicants shall obtain all permits and inspections for the proposed signs.
2. The signs shall be in general compliance with the renderings approved by the Board of Appeals. Minor changes to the designs may be approved by the Director of Planning.

STAFF REPORT  
Board of Appeals Case Number 5762  
Village at Bright Oaks, Inc.  
Page 6 of 6



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Shane P. Grimm, Chief  
Site Plan & Building Permits Review



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Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

SG/ASM/jf