

APPLICANT:
1 Barrington Place LLC

REQUEST: Variances to permit a
64 square foot free-standing sign within
the required front yard setback and a 48
square foot wall sign in the RO District

HEARING DATE: January 16, 2008

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

Case No. 5632

ZONING HEARING EXAMINER'S DECISION

APPLICANT: 1 Barrington Place LLC

LOCATION: 1 Barrington Place, Bel Air
Tax Map: 56 / Grid: 1C / Parcel: 590 / Lot: 200
Third (3rd) Election District

ZONING: RO / Residential Office

REQUEST: Variances, pursuant to Sections 219-13B and 219-5B of the Harford County Sign Code, to permit a free-standing sign to be erected with a front yard setback of 2 feet, 64 square feet in size and 9 feet in height above road grade, and a wall sign which shall be not greater than 48 square feet in size in the RO District.

TESTIMONY AND EVIDENCE OF RECORD:

For the Applicant testified Dennis Allgeir, project manager employed by Morris & Ritchie Associates. Mr. Allgeir explained that he has more than 37 years in the business of site design and management, and is familiar with the subject property.

Mr. Allgeir explained that the Applicant wishes to construct a 96 square foot free-standing sign¹ and to install a 48 square foot wall sign. The free-standing sign will be placed approximately 2 feet off the front property line of the subject parcel, and will extend to about 9 feet above road grade. The signs are to be for the benefit of an existing 12,500 square foot office building.

¹ The free-standing sign structure is, in fact, in existence, having been built without a permit, but displays no signage.

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Mr. Allgeir explained that the subject property is somewhat unique in that, while it has frontage on MD Route 924, it has no direct access to MD Route 924. Instead, access is through Barrington Place and then to the northerly part of the subject property.

Mr. Allgeir explained the variances which are being requested. For the free-standing sign the Harford County Development Regulations require a front yard setback, in the Applicant's specific situation, of 11 feet 8 inches. A proposal is made for a setback of 2 feet; therefore, a variance of 9 feet 8 inches is requested. Furthermore, the Development Regulations normally limit the sign to 6 feet above road grade, whereas 9 feet is proposed, with, accordingly, a 3 foot variance requested. The wall sign is, by Development Regulations, to be 24 square feet in size, whereas the proposal is for 48 square feet, or approximately double that allowed by Code. (See Applicant's Exhibit 9.)

Mr. Allgeir explained that, in his opinion, the subject property is unique as its access is off Barrington Place, despite its fairly lengthy road frontage along MD Route 924 of about 300 feet. It is unusual, in his experience, for such a large office building to have access to an interior drive such as Barrington Place, which services, except for the subject property, only residential units.

The existing free-standing sign, for which the variance is requested, has been in its present location for some years, and has had no negative impact on sight lines or traffic on MD Route 924, stated Mr. Allgeir. The free-standing sign can only be placed perpendicular to MD Route 924. The sign would have little effect if it were located parallel to MD Route 924, or located further back in the parking area.

The topography of the subject property is basically level, says Mr. Allgeir. The sign is located at a grade which is approximately level with that of MD Route 924. The witness also believes that the free-standing sign compliments the existing masonry building, matching it in construction, design and color. He believes both signs are necessary in order to give motorists passing on MD Route 924, which has a 40 m.p.h. speed limit, an opportunity to identify the site as it is approached. This will enhance driving safety along the road in more clearly and quickly directing users into the subject property.

The witness testified that the request would meet all requirements of Section 267-9I, Limitations, Guides and Standards, and would have no adverse impact.

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The application states, among other things:

“The subject property has frontage on Route 924 but no access from that road. Access is from Barrington Parkway. Given the speed limit of cars traveling on Route 924, the distance the building is set back from the road and that access is from Barrington Parkway, signage that complies with the Sign Code is not adequate to identify the tenants such that customers and clients can find the building in time to safely turn onto Barrington Parkway. The proposed signs are attractively designed and compatible with the architectural design of the building. Property zoned B3 adjoins the subject property to the south which contains a bank which has commercial signs. No residential properties are located across Route 924 from the subject property. The Barrington Community Association which governs properties which abut the subject property has no objection to the proposed signs.”

Next for the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune finds the property to be unique. The proposed location for the freestanding sign is the only potential location on the subject property in which to erect such a sign. The sign as proposed will help direct traffic onto the property, and is crucial for motorists’ safety. The size of the sign is also appropriate given the size of the building and subject property. The signs, of the size requested, are necessary in order to identify the subject site and direct motorists onto the subject site.

The Department of Planning and Zoning Staff Report concludes:

“The Department finds that there are unique circumstances regarding the subject property. The building faces MD 924, however the entrance is off of Barrington Place. Since there is not a direct entrance off of Route 924, a larger sign and proper placement of the sign will help with traffic flow. The variance will not have an adverse impact on adjoining properties, traffic along MD 924 or the intent of the Code. The sign will compliment the Architectural features of the existing building.”

No testimony or evidence given in opposition.

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APPLICABLE LAW:

Section 219-13(B) of the Harford County Sign Code states:

“B. Residential/Office District (RO).

(1) The following signs shall be allowed:

(a) One free-standing sign per parcel, which shall have a maximum of eight square feet in area, shall be no more than six feet in height and shall be placed perpendicular to the road; and

(b) A wall sign for each use, which shall be attached only to the front of a building, shall be adjacent to the front entryway and shall be no larger than four square feet in area.

(2) Free-standing and wall signs shall be constructed of wood, brass or bronze and shall not be internally illuminated. Both free-standing and wall signs may be externally illuminated.

(3) Signs shall be constructed in an unobtrusive manner which compliments the architectural element of the building and reflects the architectural period of the building.

(4) Temporary signs shall be prohibited in the RO District.”

Section 219-5(B) of the Harford County Code states:

“B. Free-standing signs. A free-standing sign shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Business signs may be free-standing if the property has a minimum of 40 feet of road frontage. The sign area shall be calculated on the basis of one square foot of sign for every foot of property road frontage. However, the maximum area of any free-standing sign shall not exceed 200 square feet. The setback measured to the edge of the sign shall be equal to one-third (1/3) of the required building setback. Unless otherwise provided herein, the maximum height allowed for any free-standing sign is 35 feet above the nearest public road grade.”

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Section 219-17 of the Harford County Sign Code states:

“The Board may grant a variance from the provisions of this Chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The subject property is a 1.28 acre parcel upon which is located a significantly sized, nicely constructed and attractive office building. Typical of the RO District, but somewhat unusual for a business use parcel of this size, the property is subject to fairly significant restrictions on signage. The building is almost 12,500 square feet in size, and yet the parcel may have only one free-standing sign of approximately 98 square feet which must be located, given the frontage of the parcel, almost 12 feet off the front property line, and can be no more than 6 feet above road grade. One wall sign is also allowed of no more than 48 square feet. No other signage is allowed.

The subject property is also unusual as, despite its fairly extensive road frontage on MD Route 924, access is through the residential subdivision road of Barrington Place. The subject property also adjoins, to its rear, the townhome community of Barrington Place. Also significant, although not in any sense unusual, is the finding that the building is exposed to the relatively heavy traffic flow which MD Route 924 experiences most days, and most hours of the day.

There can be no finding of adverse impact, as the residents of Barrington Place have expressed no opposition, and the Barrington Community Association has signified its lack of concern with the proposal. There was, further, uncontradicted testimony that the variances, if approved, would result in signage which would have no adverse impact on traffic.

Quite obviously, these relatively minor variances would have no adverse impact and would be a benefit to both the tenants of the subject property and to those attempting to find and access the subject property.

In order to be entitled to the variances requested, the Applicant must make a showing that the circumstances of the property are unique, and that those unique circumstances contribute to a practical difficulty or unnecessary hardship. The resulting variance requests, if granted, must be the minimum necessary to alleviate the practical difficulty or hardship.

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While not, perhaps, the most compelling evidence, quite clearly there are aspects of the subject property which are different from many, if not most other similarly situated commercial properties. Access to the property, off a heavily traveled road with a 40 m.p.h. speed limit, in an area of mixed commercial and residential uses, does present problems of center identification. Access problems are caused by the need to traverse what would appear to be a residential subdivision road, Barrington Place.

Furthermore, the free-standing sign itself cannot be located as far back as approximately 12 feet off the front yard lot line as required, as that would place it in the middle of the Applicant's parking area. It is further noted that, nevertheless, the free-standing sign will remain approximately 16 feet behind the travel portion of MD Route 924.

It is, accordingly, found that the Applicant suffers a practical difficulty due to the unusual nature of its property. That difficulty can be alleviated by the variances requested, which request a larger wall sign than allowed by Code, a higher free-standing sign than allowed by Code, and a free-standing sign that is closer to the front yard setback line than as required by Code. None of these variances will cause an adverse impact to the neighborhood and are the minimum necessary to alleviate the practical difficulty.

CONCLUSION:

Accordingly, it is recommended that the requested variances be granted, subject to the following:

1. The Applicant shall obtain all necessary permits and inspections for the requested signs.
2. The existing wood sign shall be removed.

Date: February 11, 2008

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on MARCH 11, 2008.