

APPLICANTS:
Village at Bright Oaks, Inc. and
Boulevard at Box Hill 21, LLC

Boulevard at Box Hill 1, LLC

Village at Bright Oaks, Inc. and
Boulevard at Box Hill 21, LLC

Boulevard at Box Hill 20, LLC

REQUEST: Special development approval for
an Integrated Community Shopping Center, and
various sign variances in CI District

BEFORE
THE
ZONING HEARING EXAMINER
FOR
HARFORD COUNTY
Consolidated Case Nos.: 5760 - 5763
HEARING DATE: January 11, 2012

ZONING HEARING EXAMINER'S DECISION

APPLICANTS:	Village at Bright Oaks, Inc. Boulevard at Box Hill 21, LLC	Case No. 5760
	Boulevard at Box Hill 1, LLC	Case No. 5761
	Village at Bright Oaks, Inc. Boulevard at Box Hill 21, LLC	Case No. 5762
	Boulevard at Box Hill 20, LLC	Case No. 5763

LOCATION: 3410, 3411 and 3491 Merchant Boulevard,
21 Wegmans Boulevard, Abingdon
Tax Map: 61 / Grid: 2F / Parcel: 588 and 676 / Lots 1, 5 and 21
First (1st) Election District

ZONING: CI / Commercial Industrial

REQUEST: Special development approval for an Integrated Community Shopping
Center, and variances to locate free-standing signs in the Commercial
Industrial District.

The Applicants, through their counsel, made a motion to consolidate the above referenced matters. After review of the Staff Reports, the motion to consolidate was granted. The above referenced cases will proceed as a consolidated matter and the decision will be contained in the following opinion. Applicants' counsel also advised there was no variance requested for sign 7/L3.

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TESTIMONY AND EVIDENCE OF RECORD:

James Martin, President of Ward Properties, testified on behalf of the Applicants. Ward Properties is a commercial real estate and property management company involved in various aspects of the commercial real estate market. Mr. Martin oversees new developments and leasing. He was present to offer testimony on behalf of the Applicants in the above consolidated matter. He is a licensed attorney and practiced for seven years. He then served as general counsel for Ward Properties before becoming President. He is a member of various professional associations and also teaches "Introduction to Commercial Real Estate". He manages over 600,000 square feet of commercial property. Mr. Martin was offered and accepted as an expert in commercial real estate development.

Mr. Martin, relying upon various exhibits, testified to Exhibit No. 3 ICSC No. 1, which showed a parcel of approximately 30 acres, with Lot 21 and Lot 5. Lot 21 was designated for retail and Lot 5 currently contains 5 buildings. He explained the Applicants requested an integrated community shopping center (hereinafter referred to as ICSC), for Lots 21 and 5 because the shared access and parking were integral to the development of the site. Lot 21 will not be further subdivided. Lot 5 may be subdivided in the future. The proposed development will be 220,175 square feet.

Mr. Martin next testified to Exhibit No. 7, which references ICSC No. 4. He stated that the planned retail development will be an attractive, upscale, first-class project. He described how the buildings will be constructed. He also noted the development is in an ideal location one mile from Interstate 95 and near MD Routes 24 and 924. The property is also appropriately zoned, and there is currently retail uses on the property. It will not have any negative impact on the surrounding community or road structure. He said the development has been planned for over 20 years.

There was a traffic impact study performed, which showed that there was no dangerous traffic impact. He noted that the request still needs to go before DAC (Development Advisory Committee).

Mr. Martin reviewed the various recommended conditions contained in the Staff Reports of the Department of Planning and Zoning, and indicated that the conditions were acceptable to the Applicants.

Mr. Martin also testified with respect to the request for a variance concerning signage. Mr. Martin testified their goal is to have uniform signs for the project and to locate the signs in the most conspicuous locations. The Applicants also are taking into consideration that the signs be legible for vehicles passing the development. The signs will be attractive and eye-catching. The Applicants have tried to limit the signs. The Applicants could put more signs in the development; however, the Applicants only want to put signs in designated areas. He explained that, under the Code, the Applicants could have a total of 18 signs for the ICSC, for a total of 4,360 square feet of signage allowed. The request is only for a total of 1,203 square feet of signage. Mr. Martin explained the development also will have smaller directory signs throughout the development. Mr. Martin also stated, for the record, that there will be no increase in signs once the property is developed.

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With respect to Lots 5 and 21, the Applicants are allowed 2 signs, but are requesting 3 additional signs. Two of the signs are to hide electrical transformers. Mr. Martin testified that they could not avoid the need for 3 signs as they need a sign at the entrance of the development and then the 2 other signs midway in the development. Mr. Martin also testified the Applicants are seeking setback variances.

Mr. Martin then testified with respect to Lot 1. The Applicants are requesting a 4.03 foot setback variance for Sign 3/LT. The Applicants had granted the State a right-of-way which took away part of the property for signage. The Applicants have insufficient space to place a sign because of the State right-of-way. This is a prominent corner and Applicants need a sign there in order to guide traffic into the development.

Mr. Martin next testified with respect to the request for Lot 20, designated as Sign 1/L2. The Applicants are requesting a variance for a 20 foot height variance and a variance with respect to the sign face in the amount of 150 square feet. Mr. Martin explained Applicants need a height variance in order to make the sign compatible with other signage. He said it will allow visitors to see the signage to direct them where to go on the property. He also explained that the topography is steep and without the increased height and sign face variance, the sign would not be effective for the development.

With respect to the Sign 8/L3, the Applicants are requesting a variance of 228 square feet of sign face. This is a sign that will be located on the retaining wall. It is difficult to read the sign that is currently on the retaining wall and a larger and more prominent sign is needed to direct visitors to the property.

Mr. Martin testified the Applicants have reviewed the property and there are multiple limitations with the property to support their request. First, the Applicants surrendered a right-of-way easement to the State which limited their ability to place signage at the entrances. Second, the Applicants also need the signage to cover the transformers, as well as a storm water area. Finally, the Applicants could not erect the signs without the appropriate variances. The variances will also allow traffic to move smoothly into the development.

Next testified Ken Schmid, a traffic engineer with Traffic Concepts, Inc. He has testified 200-300 times in State Court as a traffic engineer. He has previously been qualified as an expert in Harford County. He was proffered and accepted as an expert traffic engineer. He has prepared over 1,000 traffic impact studies. He reviewed the site plan and prepared a traffic impact study. He specifically reviewed 16 area intersections in the morning, afternoon and evening, as well as on Saturday. He evaluated the intersections based upon three different scenarios involving traffic flow, other developments and future developments. He submitted the traffic impact study in December 2011. The traffic impact study was accepted into evidence as "Applicants' Exhibit No. 1". He noted that his traffic impact study indicated that the intersections operated at acceptable levels, but he identified five particular issues. He indicated that three intersections need mitigation and two need their lanes lengthened. He said the way the network was built to handle the traffic flow was planned for many years. He noted that with the five issues that he identified, the intersections will be operating properly. There is still sufficient time to complete suggestions as the DAC review process has not been initiated. Mr. Schmid testified the intersections can handle the traffic flow.

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Next testified Jennifer Leonard, who is the director of planning for Frederick Ward Associates. She is also a licensed landscape architect. She has testified in over 100 cases in issues involving land planning, zoning, and environmental issues. Ms. Leonard was proffered and accepted as an expert in land planning. Ms. Leonard reviewed the applications and staff reports, traffic impact study, and Harford County's Zoning Code. Ms. Leonard testified that the applications comply with all the requirements of an ICSC. She specifically testified to Section 267-9I, "Limitations, Guides and Standards", and agreed with the Department of Planning and Zoning's staff report that the property meets all the requirements. She also noted that the planned development is appropriate for the land use and is in line with the Master Plan. The development has been planned for 20 years for retail and office space development, and the roads were designed to meet the needs of the site. She also testified there will be no adverse impact on the community.

With respect to Case No. 5760, Ms. Leonard reviewed the conditions of the Staff Report and indicated that those conditions are acceptable for the ICSC. With respect to the variances for the signs, Ms. Leonard testified that she prepared the exhibits and documents with respect to the signage requests. She specifically reviewed Section 267-11 of the Harford County Code concerning variances. She testified that the variance for the signs will make it easy for customers to identify the stores. Two of the signs proposed will screen the utilities and make the area appropriate for arrival.

With respect to Lot 5, Ms. Leonard indicated that the property is unique because without the signage, the retailers would have significant issues and patrons would be unable to identify the stores. The variance would also make it easier for patrons arriving to identify where they need to turn to locate the stores. If the Applicants tried to move the signs to comply with the letter of the law, they would not be able to because of the transformers, storm water management issues, as well as the State right-of-way and easements. Further, the sight distances do not allow the Applicants to put the signs in any other locations. The signs will assist patrons in locating the stores when they arrive at the site. The signs will also make it easier for patrons to make decisions concerning entering the facility. She agrees with the testimony of Mr. Martin, and the Staff Reports with respect to the signage variances.

Next for the Harford County Department of Planning and Zoning testified Anthony McClune, Deputy Director for the Harford County Department of Planning and Zoning. Mr. McClune testified and referenced the Staff Reports of the Department that are incorporated herein by reference as evidence in the record. Mr. McClune noted that he visited the subject property and the surrounding area. He noted the property is located in a Commercial Industrial District and is identified as a community center. The proposed ICSC is consistent with the Harford County Master Land Use Plan. He explained that this property site was designated several years ago and the project is the center of the community center project. The location of the ICSC fits in with the property. In particular, Mr. McClune reviewed the requirements of Section 267-79 and indicated that the site meets all the requirements. He also testified to the requirements of Section 267-9I, "Limitations, Guides and Standards", and indicated that the request meets all of the requirements.

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Mr. McClune specifically noted the traffic conditions and the traffic impact analysis. He referenced the 5 intersections as testified to by Mr. Schmid, and noted that the issues identified at the intersections must be addressed and the improvements completed. This can be reviewed at the DAC process; however, a final traffic study will be required to address the improvements required. He noted that, as per the study, the impact was appropriate for the site. He noted that, overall, the proposed ICSC is consistent with the Master Land Use Plan.

With respect to the signs, Mr. McClune testified that the requested variances are appropriate. The variances will allow the signs to help orientate motorists to the development. The site sits back from MD Route 924 and the signage will allow the center to be easily identified from Route 924.

With respect to the existing sign on the retaining wall, it does not fit the scale for the development and is too small. The proposed sign is acceptable and appropriate, as it can easily identify the facility. He pointed out that the topography of the development and the configuration of the land necessitates the need for the variance with respect to the signage. He testified that this would be the minimum relief required to alleviate the problem. He also noted that the Applicants are under the total number of signs and square footage of signs permitted by the Code.

APPLICABLE LAW:

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

“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.”*

Section 267-33I(6)(b) of the Harford County Code states:

- “(6) B1 Neighborhood Business, B2 Community Business, B3 General Business, C1 Commercial Industrial, LI Light Industrial and GI General Industrial Districts. In addition to the requirements set forth in this section, signs in the B1, B2, B3, C1, LI and GI Districts must comply with the following standards:*

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- (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.*

Section 267-33B(2) of the Harford County Code states:

“General provisions. Signage shall be constructed in an unobtrusive manner which compliments the architectural elements of quality, style, color and material of the building, and the architectural period of the building(s). The following broad categories of sign types are regulated by this section unless otherwise provided herein:

- (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.”*

Section 267-79 of the Harford County Code states:

“Integrated community shopping center (ICSC).

A. Development standards.

- (1) *Permitted uses. The uses permitted shall be those permitted in the appropriate district.*
- (2) *Site design.*
- (a) *The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.*
- (b) *The project shall be designed with regard to the topography and other natural features of the parcel.*
- (c) *Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.*
- (d) *Outside storage shall be limited as applicable in the appropriate district.*
- (e) *Lighting shall be designed and controlled so that any light shall be*

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shaded, shielded or directed so that light intensity or brightness does not adversely affect the operation of vehicles or reflect into residential lots or buildings. The lighting fixtures shall be designed to assure compatibility with the building style.

(f) *Landscaping should provide for a transition from surrounding uses to the uses on the site. All other requirements set forth in Section 267-29 (Landscaping) must be met.*

(3) *Vehicular circulation and access.*

(a) *The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.*

(b) *A comprehensive pedestrian circulation system must link all uses with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.*

(4) *Loading and service areas.*

(a) *All establishments must have vehicular service access, either from an individual service drive or from a common service yard.*

(b) *All such service areas must be segregated from public areas and buffered from public view.*

(c) *Establishments over 10,000 square feet in area must have loading berths at the rate of 1 berth per 20,000 square feet or part thereof.*

B. Specific design requirements. An ICSC shall meet the following requirements:

(1) *Minimum road frontage of 300 feet.*

(2) *Maximum building coverage not to exceed:*

<i>District</i>	<i>Percentage</i>
<i>B2</i>	<i>40%</i>
<i>B3</i>	<i>45%</i>
<i>CI</i>	<i>45%</i>

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- (3) *Maximum impervious surface not to exceed:*
- | <i>District</i> | <i>Percentage</i> |
|-----------------|-------------------|
| <i>B2</i> | <i>85%</i> |
| <i>B3</i> | <i>85%</i> |
| <i>CI</i> | <i>85%</i> |
- (4) *No building shall be within 40 feet of the public road rights-of-way or 10 feet of parking areas.*
- (5) *No building shall be less than 30 feet from the parcel boundary or 50 feet from an adjacent residential district.*

Harford County Code Section 267-9I, "Limitations, Guides and Standards", is also applicable to this request and states:

"In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood, Natural Resource District, Chesapeake Bay Critical Area or is protected by a permanent easement. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:

- (1) *The number of persons living or working in the immediate area.*
- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*
- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*
- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*
- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.*

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- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*
- (7) *The structures in the vicinity, such as schools, houses or worship, theaters, hospitals, and similar places of public use.*
- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*
- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*
- (10) *The preservation of cultural and historic landmarks.*

Section 267-11 of the Harford County Code states:

- "A. Except as provided in Section 267-63H (Chesapeake Bay Critical Area Overlay District, Variances), variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:
 - (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
 - (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.
- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after 2 years from the date of such disapproval."

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FINDINGS OF FACT AND CONCLUSIONS OF LAW:

I. Application for Integrated Community Shopping Center (ICSC) – Case No. 5760

The Applicants are requesting approval of a special development, pursuant to Section 267-79 of the Harford County Code, to construct an integrated community shopping center (ICSC) in the CI/Commercial Industrial District. In order to obtain approval, the Applicants must meet the requirements of Section 267-79 and Section 267-9I of the Harford County Code.

Based upon the testimony presented by the experts and the testimony from the Department of Planning and Zoning, the Applicants have met the requirements of Sections 267-79 and 267-9I of the Harford County Code for approval of the ICSC. The Applicants provided compelling evidence for approval of the ICSC, based upon the testimony of their experts, as well as the various exhibits. From the evidence presented, it was established that the project had been planned for several years. The Applicants have made every effort to comply with Section 267-79 and meet all of the criteria of Section 267-79. The Hearing Examiner hereby accepts and incorporates, by reference, the Staff Report dated January 3, 2012, for Board of Appeals Case No. 5760, and the Department of Planning and Zoning's findings with respect to the application of Section 267-79 and 267-9I of the Harford County Code.

The only concern presented was with respect to the preliminary traffic impact analysis. The analysis recommended 5 improvements, which will require the Applicants to submit a final traffic impact analysis in accordance with the Adequate Public Facilities Regulations of the Harford County Code, and address all of the concerns with respect to the traffic impact analysis.

II. Application for variance, Lot 1, Sign 3/L2 – Case No. 5761

The Applicants are requesting a variance, pursuant to Section 267-33B(2) of the Harford County Code, to permit a freestanding sign with a setback of less than 8.33 feet in the Commercial Industrial District. The Applicants are proposing a setback of 4.3 feet.

As discussed above, the request for variance is part of the overall ICSC application. Lot 1 of the ICSC is located on the southeast corner of Box Hill South Parkway and MD Route 924. Lot 1 is uniquely configured due to the right-of-way that was required by the State. The developer was required to dedicate a significant portion of the corner of Lot 1 at the intersection to the State as a right-of-way. The portion of the right-of-way that was dedicated to the State is significantly more than that was required for the lot on the north side of Box Hill South Parkway. The identified intersection is one of the main entrance points into the Corporate Center and Boulevard at Box Hill. The Hearing Examiner recognizes that the corner at the intersection is an ideal location for the proposed sign. If the Applicants were to comply with the Harford County Code as stated, the unique configuration of the lot and the required setback of 8.33 feet would reduce the visibility and purpose for the sign. In essence, the sign would serve no purpose for the development. Obviously, it would be difficult to construct any sort of practical identification sign with the literal enforcement of the Harford County Code.

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The subject property is unique based upon the dedication to the State with respect to Lot 1. The dedication of the right-of-way to the State results in a uniquely configured lot. Because of the configuration of the lot and the required setback, along with the topography of the lot, the overall visibility and purpose of the sign is reduced.

The Applicants have demonstrated that, without the variance, the sign will be of no use to the ICSC. The proposed sign will be similar to others in the ICSC, will be attractive in appearance and design, and will have no adverse impact on any adjoining property owner. Also, the Applicant has indicated that there will be no additional signage placed on the property after it is completed. The dedication of a significant portion of the corner of Lot 1 by the State, resulting in the unique shape of the lot, the topography of the lot, along with the negative impact of the literal compliance with the Code, all result in the need for the requested variance. There will be no impact to any adjoining property, or to the purposes of the Harford County Code if the variance were granted, allowing a modification of the setback of 4.3 feet.

III. Application for variances, Signs 6/L3, 10/L3, 11/L3 and 4/L2 – Case No. 5762

The Applicants are requesting a variance, pursuant to Section 267-33I(10)(c) of the Harford County Code, to permit a freestanding sign, 6/L3, with a setback of less than 20 feet (0.5 feet proposed), a second freestanding sign, 10/L3, with a setback of less than 20 feet (0 foot setback proposed), a third freestanding sign, 11/L3, with a setback of less than 20 feet (11.48 foot setback proposed), a fourth freestanding sign, 4/L2, with a setback of less than 20 feet (1.50 feet proposed) and to permit more than 2 freestanding signs (3 signs proposed), on a road frontage that exceeds 500 feet in the Commercial Industrial District. (See Applicants Exhibit No. 4)

As discussed above, the Applicants are requesting variances for signs associated with the ICSC, which is part of the consolidated matters. In reviewing the request, the proposed shopping center is unique in that it is contained within the Corporate Center as a separate, distinct section. The Hearing Examiner accepts the testimony submitted by Applicants witness James Martin, as well as Jennifer Leonard, with respect to this request for variance. The Applicant has tried to locate signs in the most conspicuous areas to be visible for cars passing and attractive for the community. The Applicants have also tried to limit signs. It is noted that the Applicants could have put more signs in the designated areas. The Applicants could have also requested more square feet of signage. The Applicants have also proffered that there will be no increase in signs once the property is developed. Ms. Leonard had also offered expert testimony that the signs will make it easy for drivers to identify the stores. The signs also are to screen utilities and make it appropriate for arrival into the shopping center.

The Applicants are also requesting a variance to allow 3 freestanding signs (4/L2, 11/L3 and 10/L3) along Merchant Boulevard, where only 2 signs are permitted on road frontages greater than 500 feet. A total of 5 freestanding signs would be permitted based on the shopping center's 3 road frontages. The Applicants are only proposing a total of 5 freestanding signs for Lots 5 and 21.

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Further, the Applicants' request for setback variances are necessary since the proposed signs will also serve as directional signs for patrons of the shopping center. The steep slopes along Box Hill Corporate Center Drive provide the basis that Merchant Boulevard be the primary access to the shopping center. By relocating the signs to Merchant Boulevard, they will be highly visible and close to the right-of-way to aid patrons looking for specific establishments.

There is no evidence that the requested variances will adversely impact any adjacent lot owners. Further, based on the uniqueness of the property and topographical conditions, literal enforcement of the Code would result in practical difficulty or unreasonable hardship if the variances were not granted. Literal enforcement of the Code would require that the signs be placed in inappropriate locations, which would not serve any benefit to the ICSC, patrons or traffic flow into the shopping center.

IV. Application for variances, Signs 1/L2 and 8/L3 (Lot 20) – Case No. 5763

The last request for variance is pursuant to Section 267-33I(6)(b) and 267-33B(2), to permit a freestanding sign, 1/L2, with a height in excess of 20 feet (40 feet proposed), and a sign area in excess of 120 square feet (270 square feet proposed). The Applicants are also requesting a second sign, 8/L3, with an area in excess of 120 square feet (348 square feet proposed).

As previously stated, the proposed shopping center is unique in that it is contained within the Corporate Center as a separate and distinct section. The requested variances are to allow an existing sign (Sign 1/L2), located on Lot 20, at the intersection of Wegmans Boulevard, to be expanded from 20 feet to 40 feet in height, and the sign be expanded from 120 square feet to 270 square feet.

The purpose of the variance is to incorporate signage for the tenants within the proposed shopping center. Because of the unique topography of the land, the shopping center portion of the project will not be visible from MD Route 924. The expanded tenant identification sign will accommodate tenants within the shopping center, along with existing tenants within the Corporate Center. According to Mr. Martin, the reason is to provide a cohesive and uniform signage design for the overall development that is uniform for the project, legible for cars passing, and attractive to the community.

The Applicants are also requesting a variance to allow a second sign to exceed the allowable sign area on the retaining wall adjacent to Woodsdale Road. The Applicants are requesting to replace the existing Boulevard at Box Hill sign and logo on the retaining wall with a 348 square foot sign. The new sign will exceed the maximum allowable square footage by 228 feet.

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As stated previously, the property is unique as it is contained within the Corporate Center of a separate and distinct section. The property is also unique because of the topography as the shopping center cannot be seen from MD Route 924. The property is also obscured from view from Woodsdale Road because of a large retaining wall due to the unique topography of the shopping center. Because of the topography of the lot and the ICSC, the Applicants felt the request to increase the square footage of signage would be an overall benefit to the entire area. It is the minimal relief requested. The signage is requested because it is difficult to read the existing sign on the retaining wall and a larger, more prominent sign will allow potential customers to be directed into the shopping center.

The evidence also indicated that the proposed signage will allow traffic to flow smoother. There are no other alternatives to provide the appropriate signage for the ICSC, if the requested variances were not granted. It is also noted that the Applicants are under the total number of signs and signage for the entire development.

The requested variances will not adversely impact the adjacent lots or the surrounding community. The Applicants could have additional freestanding signs on Lot 20 based on the road frontage, but the request to consolidate will be an overall benefit to the surrounding community. As per the testimony of the experts, the larger signs will enhance the Corporate Center and aid in traffic circulation by easy identification of establishments within the overall project.

CONCLUSION:

The ICSC approval and variances, as requested, are hereby granted, subject to the following conditions:

1. The Applicants shall submit a detailed site plan to the Department of Planning and Zoning for review and approval through the Development Advisory Committee (DAC).
2. The Applicants shall submit a final Traffic Impact Analysis (TIA) in accordance with the Adequate Public Facilities regulations of the Harford County Code.
3. The site plan for the shopping center shall be in general compliance with the site plan approved by the Board of Appeals. Minor changes to the site plan may be approved by the Director of Planning.
4. The architecture of the buildings shall be in general compliance with the renderings presented to the Board of Appeals. The material used on the rear of the buildings shall be consistent with those used for the front and sides. The Director of Planning shall approve the final architectural renderings for the project.
5. The Applicants shall obtain all necessary Federal, State and County permits and inspections prior to and during the construction of the project.

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6. The Applicants shall submit a detailed lighting and landscaping plan to the Department of Planning and Zoning for review and approval at the time of submission of the DAC site plan.
7. The Applicants shall obtain all necessary permits and inspections for the proposed signs.
8. The signs shall be in general compliance with the renderings approved by the Board of Appeals. Minor changes to the design may be approved by the Director of Planning.

Date: March 23, 2012


MICHAEL H. DANNEY
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on APRIL 20, 2012.