

IN THE MATTER OF  
THE APPLICATION OF  
KC SIGN COMPANY

\* BEFORE THE CECIL COUNTY  
\* BOARD OF APPEALS  
\* CASE NO.: 3657

(Variance)

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\*

\* \* \* \* \*

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of KC Sign Company (the “Applicant”). Applicant seeks a variance from the sixty square foot signage size requirement in order to erect a sign on property owned by Gary McQuilty (“Owner”) located at 320 Old Zion Road, North East, Maryland 21901, designated as Parcel 96 on Tax Map 12, in the Ninth Election District of Cecil County (the “Property”). The Property is in an area zoned Business Local (“BL”).

Under the provisions of Article XVII, Part I, Section 306, Paragraph 1, variances, as defined in Article II, may be granted by the Board of Appeals. Paragraph 2 of Section 306 requires the Board to examine all facts of the case and render a decision based upon the following criteria:

A. The variance requested is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.

B. Special conditions and circumstances exist that are peculiar to the land, buildings, or structures involved, and that are not applicable to other lands, buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

C. The granting of the variance will not confer upon the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.

D. The variance request does not arise from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

Applicant and Owner appeared with Jay C. Emrey, III, Esq. and requested the variance in order to construct a sign on the Property. The Applicant testified that the request is for a sixty square foot variance from the signage size requirements. The Property is a former boat canvas building that was purchased and restored by the Owner. The Owner turned the building into office space, which has the capacity to house four possible tenants. Currently, the Owner operates his contracting business from the Property and Owner's wife operates her accounting business from the Property. Owner's father also operates what was described as an antique/hobby shop. All of the businesses operating out of the Property have a total of four to five employees.

Applicant testified that the Owner is limited to a forty square foot sign in the BL zone, but that the BG zone allows for a 400 square foot sign size. The sign would be located along Route 272 and would be approximately 100 square feet in size. The sign has been designed to match the building on the Property. There are mature trees lining the Property along Old Zion Road, and Applicant testified that the placement of the sign is designed to minimize visibility by neighbors.

Counsel argued that a literal enforcement of the signage requirements would not allow for sufficient advertisement for all of the businesses located at the Property. He went on to state that the shape and location of the Property constitute special circumstances warranting the granting of a variance.

The Applicant went on to testify that the high output lighting used on the sign is standard and that it allows the sign to turn on quickly at night. He further testified that the LED light display

can be dimmed at night and that all of the other components of the sign are permissible within the BL zone except for the proposed sign. He testified that studies show that larger lettering on signs is safer for passing traffic as it is easier to read and allows passing drivers to keep their eyes on the road longer. He further testified that software controls for the sign control dimness, content, and time that message is displayed.

The Owner further testified that the sign would not be left on all night and that he is willing to plant tall, fast growing trees to shield the sign from neighboring property owners. Applicant and owner further proposed through counsel the possibility of erecting a seventy square foot sign that would require only a thirty square foot variance from the signage size requirements. The Owner further testified that there is no intention of using the sign as a digital billboard for use by others.

William Eugene Parker, of 327 Old Zion Road, testified in opposition to the variance. He testified that the sign would be in the middle of a residential neighborhood. He testified that the nearest sign of this size is up at the Citgo gas station and that other signs are smaller and more unobtrusive.

Paul Zachary Taylor, of 343 Old Zion Road, testified in opposition to the variance. He testified that while the Owner did a nice job renovating the building, the sign will be visible from area homes at night and will be visible from bedrooms and decks and will have a negative effect on neighbors' ability to enjoy their property.

Carol Parker testified in opposition to the variance. She testified that she disagreed with the size of the sign and that the LED lights will cause light pollution. She testified that the proposed sign will be almost nineteen feet high. She testified that she enjoys using a telescope to look at the stars and that the sign will interfere with that. She further testified that one can't enjoy the outdoors

at night with the light from the sign and that it will cause traffic issues as people slow down to look at the sign.

Jeff Coale, of 20 Steeplechase Lane, testified in opposition to the variance. He testified that the size of the sign and light are excessive. He testified that the LED light display will cause issues at night and that people going to that location already know where it is. He went on to testify that the area is predominately farmland and residential, unlike Route 40.

From the evidence presented the Board is satisfied that the criteria set forth in Section 306 has been met, and makes the following findings:

1. The variance request is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance. Although the Property is in a designated business zone, because of the number of occupants of the renovated Property the Applicant is unable to erect sufficient signage to promote the commercial uses at the Property due to the signage size restrictions. Other properties of the size of the Parcel with multiple commercial tenants are able to construct signs of sufficient size to promote commercial activities; however, without a variance, the Applicant will be unable to do so.

2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings, or structures in the same zone. The number of commercial occupants in the Property and the need to advertise and promote each commercial occupant is a circumstance peculiar to the subject land and buildings involved.

3. The granting of the variance will not confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone. Other owners of properties

containing similar numbers of commercial tenants are able to erect sufficient signage to promote each tenant in the manner proposed by Applicant.

4. There is no evidence that the variance request arises from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **APPROVED** subject to the following conditions: (1) the LED display will be set to dim after dark; (2) the LED display will be turned off at 10:00 p.m.; (3) approval is for the smaller sign option of seventy square feet; (4) a tree line consisting of two rows of eight foot high white pine trees will be planted along Old Zion Road; and (5) there is to be no sale of LED space to non-tenants of the Property.

10/29/2013  
Date

David Willis, Jr.  
David Willis, Chairperson

**BOARD OF APPEALS APPLICATION**  
**CECIL COUNTY, MARYLAND**

MEET. MONTH: Sept. 2013  
FILE NO. 3657

**RECEIVED**

- THIS REQUEST IS FOR:
- SPECIAL EXCEPTION RENEWAL ( )
  - SPECIAL EXCEPTION ( )
  - VARIANCE (✓)
  - APPEAL ( )

JUL 25 2013

DATE FILED: 7/25/13  
 AMOUNT PD: 200.00  
 ACCEPTED BY: CFH

**A. APPLICANT INFORMATION**

CECIL COUNTY OFFICE  
PLANNING & ZONING

KC Sign Co.  
CK # 12284

mail to →

KC Sign Company - Joe Clark  
APPLICANT NAME - PLEASE PRINT CLEARLY

142 Conchester Hwy Aston PA 19014  
ADDRESS CITY STATE ZIP CODE

[Signature]  
APPLICANT SIGNATURE 610-637-1749  
PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

mail to →

Gary McQuitty  
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

320 Old Zion Road North East MD 21901  
ADDRESS CITY STATE ZIP CODE

[Signature]  
PROPERTY OWNER SIGNATURE 410-658-6240  
PHONE NUMBER

**C. PROPERTY INFORMATION**

320 Old Zion Road, North East MD 21901 9<sup>th</sup> 9-014152  
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

12 19 96 - 1.8 BL  
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

**D. PURPOSE OF APPLICATION** - Indicate reasons why this application should be granted. (attach separate sheet if necessary)

Requesting a 60 sq ft variance from the signage requirements in the BL zone

**E. On an attached sheet, PLEASE submit a sketch of the property indicating the proposed project. Show distances from the front, side and rear property lines and the dimensions of the project.**

**F. LAND USE DESIGNATION**

- Is property in the Critical Area? \_\_\_\_\_ YES \_\_\_\_\_ NO ✓
- If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: \_\_\_\_\_
- Is property in the 100 year Floodplain? \_\_\_\_\_ YES \_\_\_\_\_ NO ✓
- Is property an Agricultural Preservation District? \_\_\_\_\_ YES \_\_\_\_\_ NO ✓

If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

**G. PROVISION OF ZONING ORDINANCE:**

Sect 306

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL:

N/A

**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

Will unit be visible from the road? \_\_\_\_\_ If yes, distance: \_\_\_\_\_

Will unit be visible from adjoining properties? \_\_\_\_\_ If yes, distance: \_\_\_\_\_

Distance to nearest manufactured home: \_\_\_\_\_ Size/Model/Year of Unit: \_\_\_\_\_

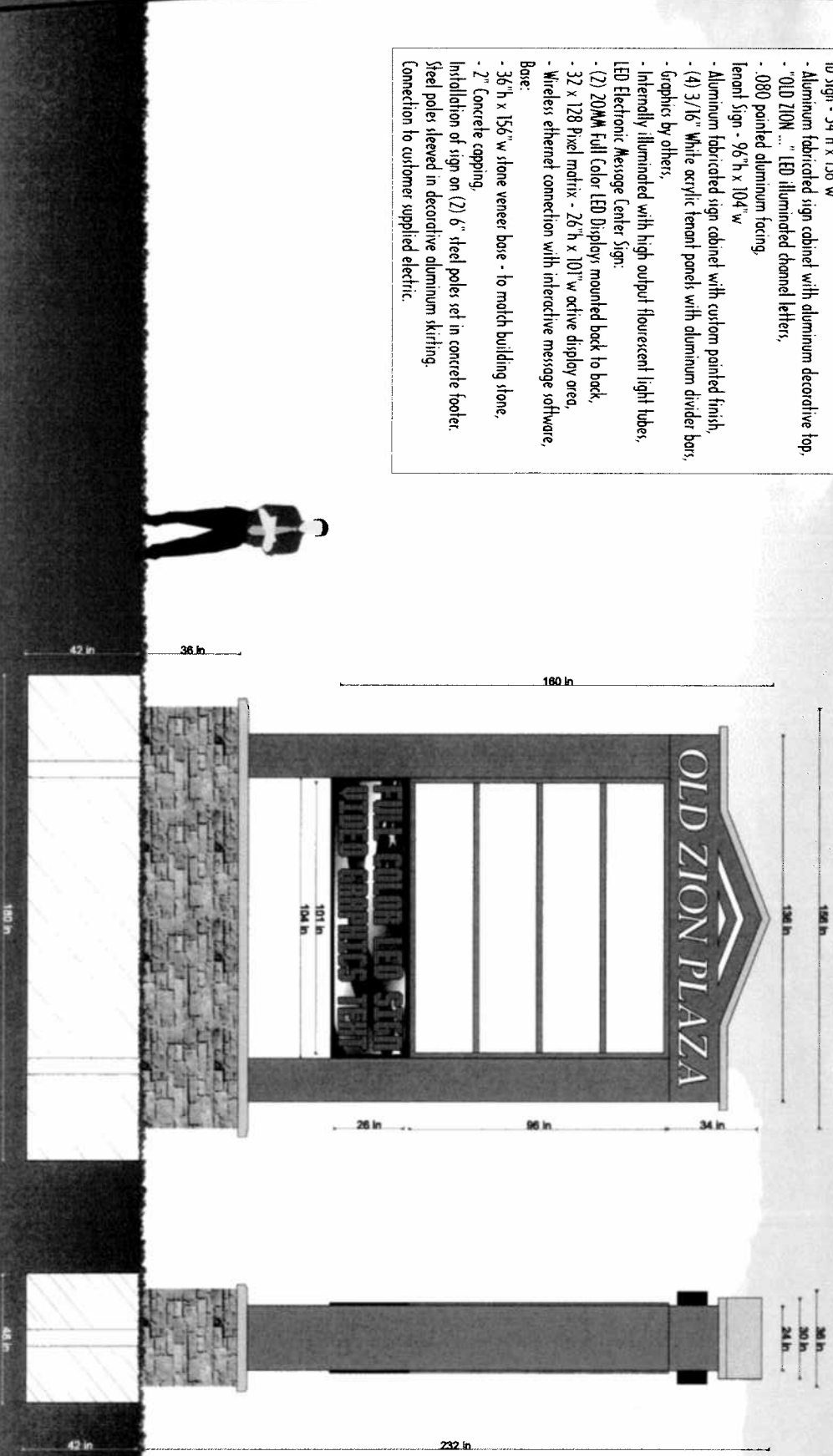
Number of units on property at present time: \_\_\_\_\_

N/A

**OPTION 1**

Custom fabricated double sided Pylon Sign, to include:

- ID Sign - 34" h x 136" w
  - Aluminum fabricated sign cabinet with aluminum decorative top,
  - "OLD ZION ... LED illuminated channel letters,
  - .080 painted aluminum facing,
  - Tenant Sign - 96" h x 104" w
  - Aluminum fabricated sign cabinet with custom painted finish,
  - (4) 3/16" White acrylic tenant panels with aluminum divider bars,
  - Graphics by others,
  - Internally illuminated with high output fluorescent light tubes,
  - LED Electronic Message Center Sign.
  - (2) 20MM Full Color LED Display mounted back to back,
  - 32 x 128 Pixel matrix - 26" h x 101" w active display area,
  - Wireless ethernet connection with interactive message software,
- Base:
- 36" h x 156" w stone veneer base - to match building stone,
  - 2" Concrete capping,
- Installation of sign on (2) 6" steel poles set in concrete footer.  
Steel poles sleeved in decorative aluminum skirting.  
Connection to customer supplied electric.



**PRELIMINARY ART - NOT FOR CONSTRUCTION.**  
DESIGN IS SUBJECT TO CHANGE TO CONFORM  
TO MANUFACTURING CAPABILITIES.

\*NOTE\* DUE TO VARIANCES AMONG COLOR PRINTED & COMPUTER MONITORS  
THE COLORS YOU SEE ON YOUR PROOF MAY NOT BE THE EXACT COLORS OF  
OUR PRODUCTS. THE COLORS YOU SEE SHOULD BE CONSIDERED CLOSE  
RENDITIONS TO THE ACTUAL COLORS AVAILABLE.

CUSTOMER	McQuitty Construction	JOB NAME	009836 - Pylon Sign	LOCATION	North East, MD
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DESIGNER: JC	SALES REP: JC	DESIGN DATE: 7/15/13
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THIS IS AN ORIGINAL UNPUBLISHED DRAWING, CREATED BY KC SIGN CO. IT IS SUBMITTED FOR YOUR APPROVAL. IN CONNECTION  
OR EXHIBITED IN ANY FASHION, THIS DRAWING IS PROPERTY OF KC SIGN CO. REPRODUCED, COPIED

Map 11  
P. 27

File # 3657

KC Sign Co

Gary McQuitty

map 12/parcel 96

Subject  
Property

