FINDINGS AND RECOMMENDATION OFFICE OF PLANNING AND ZONING ANNE ARUNDEL COUNTY, MARYLAND

APPLICANT: Five Pumphrey's Partnership LLC/ **ASSESSMENT DISTRICT**: 3

8004 Jumpers LLC (Property Owner)

CASE NUMBER: 2024-0232-V COUNCILMANIC DISTRICT: 2

HEARING DATE: February 27, 2025 PREPARED BY: Sara Anzelmo

Planner

REQUEST

The applicant is requesting a variance to allow a directional sign not located within the lot lines of the use to which it refers and to allow an extension in time for the implementation and completion of the variance on property located at 8004 Jumpers Hole Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 1.24 acres of land and is located on the west side of Jumpers Hole Road. It is identified as Parcel 493-R in Grid 16 on Tax Map 16.

The property is zoned C4 – Highway Commercial District. It is currently improved with a commercial building and associated parking.

PROPOSAL

The applicant seeks approval to construct a 2.7 square foot freestanding directional sign in the northeast corner of the property. The sign would be located where the shared access driveway meets the west side of Jumpers Hole Road. The applicant also seeks an extension in time for the implementation and completion of the sign variance, if approved.

REQUESTED VARIANCES

§ 18-3-303(c) of the Anne Arundel County Zoning Ordinance provides that a sign shall be located within the lot lines of the use to which it refers, except that a directional sign may be located within a County right-of-way to the extent permitted by § 18-3-305 and § 18-3-306. The applicant proposes to develop a gas station and convenience store on the adjacent property to the west and seeks permission to construct a directional sign on the subject lot not within the lot lines of the use to which it refers.

§ 18-16-405(a) of the Code provides that a variance that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within eighteen months of approval. The applicant is seeking a variance to extend the required 18-month period for the applicant to obtain a building permit to 36 months, necessitating a variance of 18 months.

FINDINGS

The subject property is located to the south of the intersection of Mountain Road and Jumpers Hole Road. The adjacent property to the west is being developed with a gas station and convenience store. The proposed directional sign would alert drivers traveling both north and south along Jumpers Hole Road of the entrance for the gas station and convenience store.

The **Health Department** has no objection to the request.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot, or, because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The applicant's letter explains that the unique location of the access drive to the site necessitates directional signage along Jumpers Hole Road. The drive aisle entrance to the proposed Wawa cuts between two large commercial buildings, each with signage of their own. The directional sign would inform drivers of the specific location of the entrance driveway as Wawa has limited visibility from the road. The Wawa site is significantly set back from Jumpers Hole and, due to its location behind two other commercial buildings, may be difficult for drivers to spot. Additionally, due to the curve of the road, drivers traveling north on Jumpers Hole Road would not see a directional sign located on the adjacent property to the northeast, 8000 Jumpers Hole Road. By the time drivers saw the entrance sign it would be too late to turn in. This further supports the need for the directional sign on the adjacent property with a street address of 8004 Jumpers Hole Road, rather than the property on which the access driveway is actually located, 8000 Jumpers Hole Road. These exceptional circumstances create practical difficulties in conforming with the directional signage provisions of the Code.

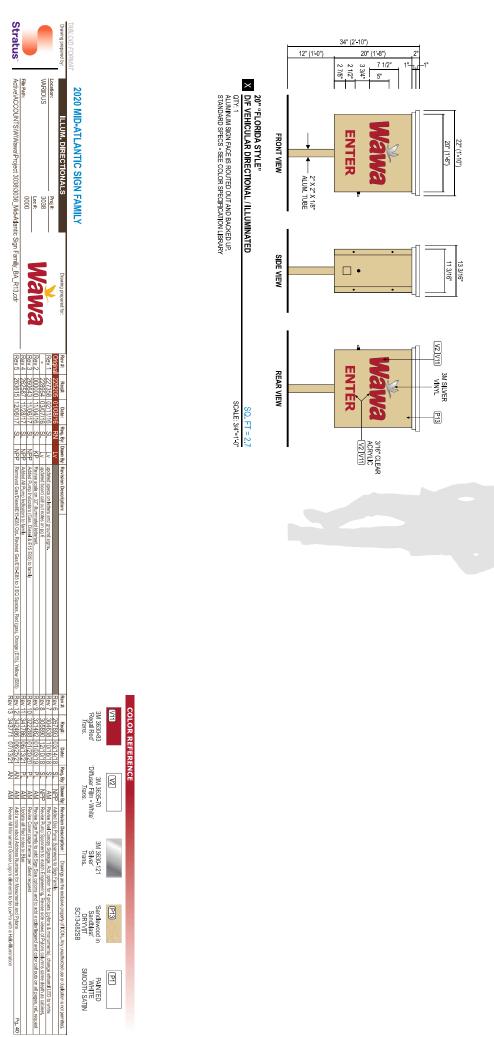
With regard to the requested time extension variance, the applicant attests that designing and processing the new gas station and convenience store plans through the County plan review and permit process will require extensive agency coordination and responses from the applicant's team. Therefore, due to the character of the project, they feel that additional time is warranted.

Approval of the locational and time variances would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of the adjacent properties, or be detrimental to the public welfare. In fact, proper directional signage would contribute to safer vehicular access from Jumpers Hole Road, resulting in a benefit to the public welfare. The proposed 2.7 square foot directional sign falls well below the maximum six square foot directional sign allowed. As such, the variance request is considered to be the minimum necessary to afford relief. Similarly, given the complexity of the overall gas station and convenience store development proposal, the request for a simultaneous extension in time is reasonable.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of variances to § 18-3-303(c) and § 18-16-405(a).

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.





December 17, 2024

Ms. Sterling Seay Anne Arundel County Office of Planning and Zoning 2664 Riva Road, 3rd Floor Annapolis, MD 21401

Re: PRE-FILE APPLICATION/Variance for offsite directional sign, 97

Mountain Road, Pasadena, Tax Map 16, Grid 15, Parcels 1036 and 873 (the

"Property")/Letter of Explanation

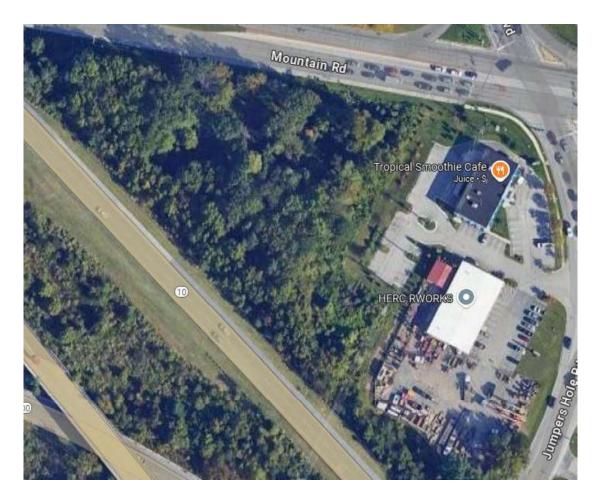
Dear Ms. Seay:

We represent Pasadena Mountain Rd Developers LLC, the developer of the Property (the "Applicant"), regarding the enclosed variance application, which seeks relief from certain zoning regulations to construct an offsite directional sign adjacent to the Property.

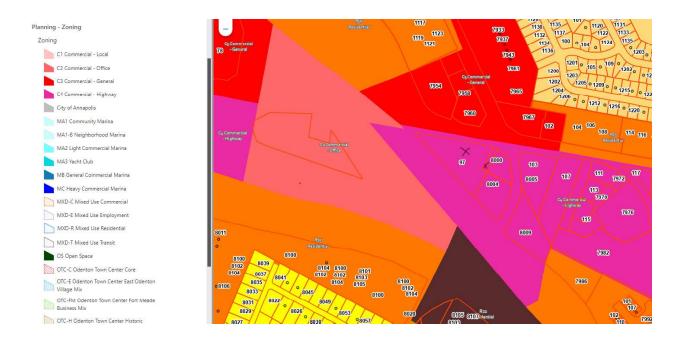
Description of the Property

The Property comprises approximately 2.59 acres at the intersection of Mountain Road and Jumpers Hole Road in Pasadena. A copy of the recent Lot Consolidation Deed for the Parcel is attached hereto as **Exhibit A**. ("Lot Consolidation Deed"). Both Mountain Road and Jumpers Hole Road are classified as a Minor Arterial Roads on the County's Functional Road Classification Map.

The Property is currently unimproved except for a small portion on the easternmost side that is improved with parking for the adjacent lot. An aerial photograph showing existing conditions of the Property is attached as **Exhibit B**. The Property is accessed both from the existing Jumpers Hole connection and the proposed right-in, right-out only entrance and exit along Mountain Road. The Property will be accessed from Jumpers Hole Road via a connecting ingress/egress driveway through the adjacent property to the east, 8000 Jumpers Hole Road and 8004 Jumpers Hole Road. 8000 Jumpers Hole Road is improved by a mixed use commercial building, Severn River Business Center. Current tenants include Chesapeake Salons, Farmers Insurance, and Tropical Smoothie Café. 8004 Jumpers Hole Road is improved with another commercial building and storage yard occupied by Rental Works. The Wawa driveway cuts between these two commercial buildings. The connecting driveway goes through the adjacent property (8000 Jumpers Hole Road) and splits into ingress-only and egress-only driveways leading to and from the Wawa site. The access road to the Property from Jumpers Hole already exists as shown below.



The Property is classified in the C4- Highway Commercial District. A gas station is permitted as a conditional use in the C4 District, and a convenience store is a permitted as accessory use, customarily found and incidental to gas stations. The Property is located within a Priority Funding Area and within a designated Targeted Growth Area. The surrounding neighborhood is characterized by commercial retail and office uses. The immediately adjacent parcels and those parcels along the southerly side of Mountain Road are also classified within the C4 District. Properties along the north side of Mountain Road across from the Property are zoned C3 District.



In order to develop the Property as proposed on the plan, the Applicant is requesting a variance from the sign regulations found in § 18-3-303(c) of the Code. The gas station and convenience store will comply with all relevant bulk regulations for the C4- Highway Commercial District. Specifically, the Applicant seeks a variance from the following requirement:

A variance is requested from the provisions of Code § 18-3-303(c) to allow a directional sign not located within the lot lines of the use to which it refers but to be located on the adjacent property. A directional sign may be located within a County right of way to the extent permitted by Code § 18-3-305 and § 18-3-306, but the Applicant proposes a directional sign on the adjacent property to the east (Parcel 493-R, Tax ID: 02-03-90014169, owned by 8004 Jumpers LLC). Authorization from 8004 Jumpers LLC is attached hereto as **Exhibit C**.

THE PROPOSED SIGNAGE

The proposed directional sign consisting of 2.7 square feet will alert drivers traveling both north and south along Jumpers Hole Road of the entrance for the Wawa. The text that will be installed on both sides of the sign reads "Wawa Enter." The proposed offsite directional sign measurements are shown below and the entire signage plan for the project is attached hereto as **Exhibit D**. The directional sign plan and dimensions are described on page 2 of **Exhibit D**. As shown on **Exhibit D**, the offsite directional sign will measure 20 inches by 20 inches for the copy section of the sign, with the white trim at the top of the sign measuring 22 inches in length. The total height of the directional sign is 32 inches.

Variance Required

Prohibited Signs; location; removal from County rights-of-way (§ 18-3-303)

Pursuant to § 18-3-303(c), a sign shall be located within the lot lines of the use to which it refers, except that a directional sign may be located within a County right-of-way to the extent permitted by § 18-3-305 and § 18-3-306. The proposed gas station seeks to have a directional sign along Jumpers Hole Road outside of the County right-of-way.

The Variance Criteria

Section 18-16-305 of the Code sets forth the requirements for granting a zoning variance. Variances may be granted when the Administrative Hearing Officer finds "that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done." A variance may only be granted if the Administrative Hearing Officer affirmatively finds the following:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Code § 18-16-305(a)(1) & (2). Additionally, the Administrative Hearing Officer must also find that:

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located:
 - (ii) substantially impair the appropriate use or development of adjacent property;
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area:
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
 - (v) be detrimental to the public welfare.

Code, § 18-16-305(c).

Compliance with the County's Variance Requirements

The Applicant seeks a variance from the sign regulations and submits that this request meets the requirements of the County's variance provisions, as detailed below.

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The Administrative Hearing Officer should make both of these findings as a result of the unique configuration of the Property, specifically the access driveway to enter and exit the Property. The sign will be visible to traffic traveling in both directions on Jumpers Hole Road. The directional sign will be illuminated so that it is visible to traffic and will not cast excess light pollution or distract drivers' attention away from the road.

The unique location of the access drive to the site necessitates directional signage along Jumpers Hole Road. The drive aisle entrance to the Wawa cuts between two large commercial buildings, each with signage of their own. The directional sign will inform drivers of the specific location of the entrance driveway as Wawa has limited visibility from the road. The Wawa site is significantly setback from Jumpers Hole and due to its location behind two other commercial buildings, may be difficult for drivers to spot. Additionally, due to the curve of the road, drivers traveling north on Jumpers Hole Road would not see a directional sign located on the adjacent property to the northeast, 8000 Jumpers Hole Road. By the time drivers saw the Wawa entrance sign it would be too late to turn in. This further supports the need for the directional sign on the adjacent property with a street address of 8004 Jumpers Hole Road, rather than the property on which the access driveway is actually located, 8000 Jumpers Hole Road. These exceptional circumstances create practical difficulties in conforming with the directional signage provisions of the Code.

The variance is the minimum variance necessary to afford relief. Code, \S 18-16-305(c)(1).

The Applicant proposes an offsite directional sign smaller than the maximum permitted (2.7 square feet as opposed to 6 square feet). The sign is only large enough to be visible to traffic traveling in both directions on Jumpers Hole Road. The sign will inform drivers of the specific location of the entrance driveway as there is limited visibility from the road and the driveway is located between two other commercial properties. Additionally, the Applicant is only requesting one directional sign in total for the project. The Applicant has minimized this variance request.

The variance will not alter the essential character of the neighborhood or district in which the lot is located. Code, \S 18-16-305(c)(2(i).

The Applicant submits that the essential character of the Property and surrounding neighborhood is a high-traffic volume commercial character. The requested variances will not alter the character of the neighborhood or district in which this Property is located. The proposed sign is modest in in size and of high quality construction and nature.

The variance will not substantially impair the appropriate use or development of adjacent property. Code, \S 18-16-305(c)(2)(ii).

The adjacent properties are already developed. The limited variance relief will not impair the appropriate use or development of these adjacent properties. The small freestanding entrance sign will have no impact on the use or development of adjacent properties and will help drivers determine the location of the correct driveway for Wawa access, reducing the confusion due to the driveway's location between two other commercial buildings. The sign simply provides information to those looking for the Wawa entrance.

The variances would not reduce forest cover in the limited development and resource conservation areas of the critical area. Code, \S 18-16-305(c)(2)(iii).

The Property is not located within the critical area, so this requirement is inapplicable.

The variance would not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area. Code, § 18-16-305(c)(2)(iii).

The Property is not located within the critical area or bog protection area, so this requirement is inapplicable.

The variance will not be detrimental to the public welfare. Code, \S 18-16-305(c)(2)(v).

The granting of the variance will benefit the public welfare because it will inform all patrons, including emergency responders, of its access location. The modest directional sign will not, in any way, distract drivers or interfere with commercial businesses or residences in the area.

Request for Variance to Extend the Time to Obtain a Building Permit

We are also requesting that the Administrative Hearing Officer grant variance approval to extend the required 18-month period provided in Code § 18-16-405(a) for the Applicant to obtain a building permit. Designing and processing the new gas station and convivence store plans through the County plan review and permit process will require extensive agency coordination and responses from the Applicant's team. Therefore, due to the character of the proposed project, we respectfully request a variance for an additional 18-month period to obtain a building permit. We believe this request meets the variance approval standards discussed above.

The Applicant also requests as a condition of any variance approval that it be permitted to make modifications to the signage plan to address comments by the County during the plan and permit review process, so long as no greater variances are required for such modifications.

Conclusion

For the foregoing reasons, and for good cause shown, cause shown, the Applicant respectfully requests variance approval to allow for the directional sign to be placed on the adjacent property and for an eighteen (18) month time extension to obtain a building permit.

Should you have any questions regarding the enclosed variance application, please contact me at kbray@yvslaw.com or 443-569-5974. We look forward to your comments and appreciate your considered review of the proposed application.

Very truly yours,

YVS Law, LLC

Kinley R. Bray

Cc: Client Attachments

BOOK: 40551 PAGE: 165

EXHIBIT A



Dynamic Survey, LLC 125 West Street, Suite 201 Annapolis, Maryland 21412 T. 732-749-8780

April 17, 2024

PROPOSED LOT CONSOLIDATION

Parcels 3000-1102-7810 & 3000-9007-8537 Pasadena, Anne Arundel County, Maryland

BEGINNING at a capped rebar where the southerly sideline of Mountain Road (a.k.a. State Route 177) (Variable Width Right of Way) intersects the westerly sideline of Jumpers Hole Road (Variable Width Right of Way), and running;

- South 55 degrees 45 minutes 35 seconds East along said westerly sideline of Jumpers Hole Road, a distance of 54.07 feet to a capped rebar where the westerly sideline of Jumpers Hole Road is intersected by the division line between Proposed Lot A and Parcel 312-R, thence;
- 2. South 26 degrees 31 minutes 23 seconds West along the division line between Proposed Lot A and Parcels 312-R and 493-R, a distance of 381.29 feet to a mag nail on the northeasterly sideline of Maryland Route 10 (a.k.a. State Route 100) (a.k.a. Arundel Expressway) (Variable Right of Way Width per Tax Map), thence;

Running the following three (3) courses along said northeasterly sideline of Maryland Route 10 (a.k.a. State Route 100) (a.k.a. Arundel Expressway):

- 3. North 43 degrees 54 minutes 55 seconds West, a distance of 12.04 feet to a mag nail, thence;
- 4. North 40 degrees 06 minutes 04 seconds West, a distance of 300.67 feet to a capped rebar, thence;
- 5. North 42 degrees 31 minutes 50 seconds West, a distance of 301.44 feet to a capped rebar where the northeasterly sideline of Maryland Route 10 (a.k.a. State Route 100) (a.k.a. Arundel Expressway) is intersected by the aforementioned southerly sideline of Mountain Road (a.k.a. State Route 177), thence;
- 6. South 80 degrees 28 minutes 13 seconds East along said southerly sideline of Mountain Road (a.k.a. State Route 177), a distance of 538.80 feet to the point and place of BEGINNING.

Containing a calculated area of 112,783 square feet or 2.589 acres.

The above described area is subject to the rights and restrictions of easements as described in Liber 2578, Folio 863 (portion of vacated Jumpers Hole Road), Liber 2578, Folio 865 (portion of vacated Jumpers Hole Road), Liber 29691, Folio 289 (Forest Conservation Easement), Liber 31023, Folio 248 (Access Easement), and Liber 31150, Folio 313 (Blanket Stormwater Management Easement) and others, if any, and any not disclosed by public record.

The description above is written in accordance with maps entitled "Lot Consolidation Exhibit, Paramount Realty, Tax ID's 3000-1102-7810, 3000-9007-8537, Tax Map 16 Parcels 1036 & 873, Mountain Rd. & Jumpers Hole Rd., Pasadena, Anne Arundel County, Maryland', prepared by Dynamic Survey, LLC, dated 03/13/2024 and revised through

www.dynamic-surveyservices.com

BOOK: 40551 PAGE: 166

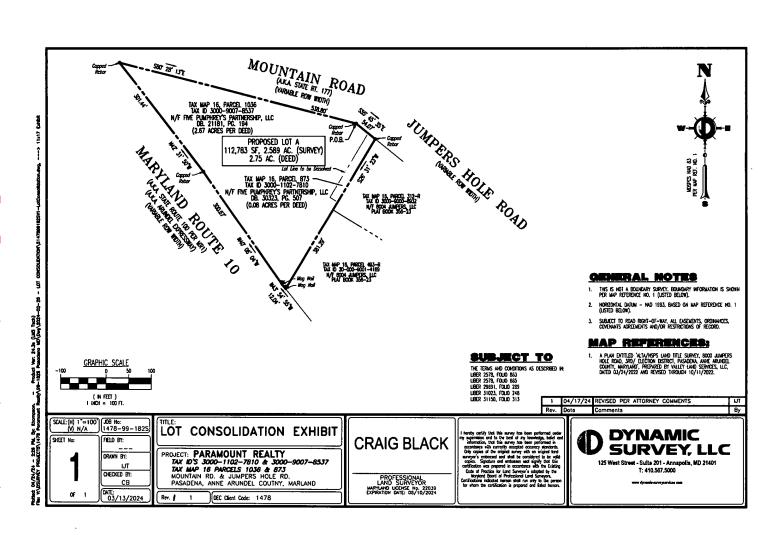
04/17/2024, a plan entitled ALTA/NSPS Land Title Survey, 8000 Jumpers Hole Road, 3rd Election District, Pasadena, Anne Arundel County, Maryland", prepared by Valley Land Services, LLC, dated 03/24/2022 and revised through 10/11/2022.

Craig Black, PLS

Date

Professional Land Surveyor MD License No. 22039

V:\DSURVEY PROJECTS\1478 Paramount Realty\99-182S Pasadena MD\Design (Survey)\Legal Descriptions\Proposed Lot Consolidation.docx/IJT/CB



AOC-CC-300 (5/2007)

Canary – SDAT Goldenrod – Prepar

EXHIBIT B Aerial Photograph



AUTHORIZATION

We, fee simple title owners of 97 Mountain Road, Pasadena, Maryland, Tax Map 16, Grid 15, Parcels 1036 and 873 hereby authorize Kinley R. Bray and the firm of YVS Law, LLC to electronically file on our behalf the Sign Variance Application which proposes an offsite directional sign.

FIVE PUMPHREY'S PARTNERSHIP, LLC

By: Kayhlein Along of Title: Costodean / agent Date: 11-24-2024

AUTHORIZATION

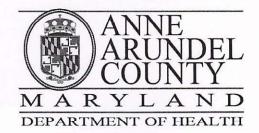
We, fee simple title owners of 8004 Jumpers Hole Road, Pasadena, Maryland, Tax Map 16, Grid 16, Parcel 493-R, Tax ID: 02-03-90014169, hereby authorize Pasadena Mountain Rd Developers LLC to apply for a variance from the provisions of Anne Arundel County Code § 18-3-303(c) in order to allow a directional sign on our property and to locate and construct such sign pursuant to that certain plan set dated December 22, 2023 prepared by Dynamic Engineering, such sign described as "20" Florida Style D/F Vehicular Directional/Illuminated" consisting of 2.7 square feet.

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By: Daid Oranam

Title: Magaging Meuber

Date: 1/18/25



J. Howard Beard Health Services Building 3 Harry S. Truman Parkway Annapolis, Maryland 21401 Phone: 410-222-7095 Fax: 410-222-7294 Maryland Relay (TTY): 711 www.aahealth.org

Tonii Gedin, RN, DNP Health Officer

MEMORANDUM

TO:

Sadé Medina, Zoning Applications

Planning and Zoning Department, MS-6301

FROM:

Brian Chew, Program Manager

Bureau of Environmental Health

DATE:

December 30, 2024

RE:

Five Pumphrey's Partnership, LLC.

97 Mountain Road Pasadena, MD 21122

NUMBER:

2024-0232-V

SUBJECT:

Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a directional sign not located within the lot lines of the use to which it refers and to allow an extension in time for the implementation and completion of the variance.

The Health Department has no objection to the above referenced variance request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc:

Sterling Seay

