



**TOWN OF PORT DEPOSIT APPLICATION
BOARD OF APPEALS
FOR SPECIAL EXCEPTION, VARIANCE OR APPEAL**

REQUEST IS FOR: () Special Exception () Variance () Variance Critical Area Appeal () Renewal

Fee – Submit with Application

Appeals	<u>\$1000</u>	Special Exception w/site plan	\$300
Special Exception w/out site plan	\$200	Variance	\$200

TOWN USE ONLY

File No: _____ Filing Date: _____ Fee: _____

Received By (Name and Title): _____

PC or HAC Meeting: _____

Board of Appeals Meeting: _____

Appeal Decision by: _____ Permit No. _____ Date: _____

A. PROPERTY INFORMATION

75 N MAIN ST PORT DEPOSIT MD 21904
PROPERTY ADDRESS – PLEASE PRINT CLEARLY

<u>028C</u>	<u>—</u>	<u>0213</u>	<u>14</u>	<u>2385 SQ FT</u>	<u>R210 3</u>
TAX MAP#	BLOCK	PARCEL NO.	LOT NO.	#ACRES	ZONE

Existing Use of Property: RESIDENCE

B. LAND USE DESIGNATION

Is property in the Chesapeake Bay Critical Area: no yes no
 Is property in the Floodplain Overlay District: no yes no
 Is property in the Historic District: no yes no

C. APPLICANT INFORMATION

ROBERT L KLINE JR
APPLICANT NAME – PLEASE PRINT CLEARLY

73 N MAIN ST PORT DEPOSIT, MD 21904 410 790 2654
ADDRESS CITY STATE ZIP CODE PHONE

D. PROPERTY OWNER INFORMATION

ROBERT L KLINE JR
PROPERTY OWNER NAME – PLEASE PRINT CLEARLY

75 N MAIN ST PORT DEPOSIT MD 21904 410 790 2654
ADDRESS CITY STATE ZIP CODE PHONE

E. PURPOSE OF APPLICATION – Indicate reasons why this application is submitted)

Zoning Ordinance Provision of the Chesapeake Bay Critical Area Program under which this application is being submitted (if applicable):

APPEAL

Port Deposit Zoning Ordinance Provision under which this application is submitted (Section and Paragraph):

N/A

E. REASON FOR REQUEST Indicate the reasons why the applicant/owner feels this request should be granted:

SEE ATTACHED, ATTACHMENT # 1

F. PROPOSED PROJECT – Submit required site plans of property that includes the proposed project location on the property, distance from front, sides and rear property lines, and dimensions of the project, etc.

G. ADDITIONAL REQUIREMENTS/INFORMATION

How will the literal enforcement of the provisions of the Zoning Ordinance result in hardship for the applicant/owner:

N/A

Describe all special conditions and circumstances that exist which are peculiar to the land, structure, or building involved:

N/A

How will the provision of the Zoning Ordinance deprive the applicant/owner of rights commonly enjoyed by other properties in the same district:

N/A

Does the special conditions and circumstances result from the actions of the applicant/owner: ___ Yes No

Will the character of the historic district be changed by granting this application: _____ Yes No

If yes, please explain: N/A

Describe why granting this application will not be detrimental to the neighborhood or public welfare:

 SEE ATTACHED - ATTACHMENT #2

H. APPLICANT IS RESPONSIBLE FOR THE FOLLOWING:

- Meeting the criteria for a Special Exception, Appeal, or Variance as set forth in Town ordinances.
- Contacting any Cecil County offices as required for the application request.
- Contacting the Chesapeake Bay Critical Area Commission, the Maryland Department of the Environment or any other state agency as required for the application request.
- Subject properties located in the Chesapeake Bay Critical Area, Floodplain Overlay District, and Historic Area Overlay District may require additional information and must meet all provisions and requirements pertaining to those areas.

I. APPLICANT CERTIFICATIONS – Please initial line items and sign below:

Handwritten initials:

- I am the owner of this property, or am providing a notarized letter of authorization from the owner.
- Information provided on this application represents an accurate description of the proposed project. I have omitted no information that may affect the decision of the BOA.
- I or my representative will attend the public meeting about this application. I understand that failure to appear at the hearing will result in the withdrawal of the application and subsequent fee to reapply.
- I or my representative understands that approval of this application is good for one year from the time of approval.
- I may request an extension through the Town of Port Deposit if needed 30 days before the expiration date.
- I understand that other permits may be required for the proposed project.
- I have read, understand, and agree to all statements in this application.

APPLICANT(S) SIGNATURE

Handwritten signature

APPLICANT SIGNATURE

5/16/23

DATE

APPLICANT SIGNATURE

DATE

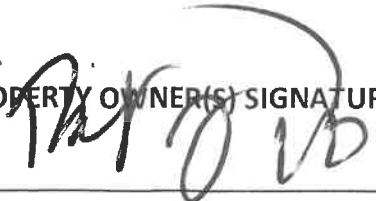
APPLICANT SIGNATURE

DATE

APPLICANT SIGNATURE

DATE

PROPERTY OWNER(S) SIGNATURE:



PROPERTY OWNER SIGNATURE



DATE

PROPERTY OWNER SIGNATURE

DATE

PROPERTY OWNER SIGNATURE

DATE

PROPERTY OWNER SIGNATURE

DATE

TOWN USE ONLY

Date reviewed by HAC/PC: _____

Date reviewed by BOA: _____

Action: _____

Action: _____

Authorized Signature: _____

Authorized Signature: _____

Contingencies/ Conditions: _____

Contingencies/Conditions: _____

Critical Area Regulations Applicable: Yes ___ No ___

Flood Plain Regulations Applicable: Yes ___ No ___

If yes, approved by: _____

100 Year Flood Elevation _____

Date Approved: _____

Proposed structural lowest floor elevation _____

Critical Area Designation: _____

Is structure elevated/ flood proofed? _____

Total Disturbed Area: _____

Elevation Certificate required? _____

Non-conversion Agreement required? _____

If yes, date received EC: _____

COMPLIANCE REPORT

Date: _____

Compliance: Yes ___ No ___

Project Completed: _____

Attachment #1

Reason for Request –

I submitted a Town of Port Deposit Sign Permit Application, with the requisite fee, on or about April 6, 2023.

The Town of Port Deposit (the “Town”), through its Town Administrator, Ms. Vicky Rinkerman, denied my Application, by letter dated April 19, 2023

I am appealing the decision made by Ms. Rinkerman. This appeal has been filed within the appropriate thirty (30) day period to appeal said decision(s).

Attachment #2

Describe why the Application will not be detrimental to the neighborhood or public welfare -

The proposed illuminated sign does not:

- a. impede traffic;
- b. face the front of North Main Street;
- c. require any special electrical requirements;
- d. impede or hamper people going to sleep at night as it is only illuminated from 10 am through 9 pm;
- e. encompass a majority percentage of the square footage of the side of 75 N Main Street; and
- f. illuminate a residence as the illumination would be towards a public parking lot (space immediately adjacent to the property);

The proposed illuminated sign does:

- a. provide a public service to the residents of Town of Port Deposit;
- b. provide proposed additional revenue to the Town of Port Deposit without any expenditures incurred by the Town of Port Deposit to receive same;
- c. provide a public service to visitors to the Town of Port Deposit;
- d. provide further safety measures through illumination onto the public parking lot; and
- e. provide a warning device through potential public service announcement(s) to the residents of Town of Port Deposit

Town of Port Deposit

64 S. Main Street
Port Deposit, MD 21904
410.378.2121
www.portdeposit.org



Robert Kuhs
Mayor

Vicky Rinkerman
Town Administrator

April 19, 2023

Mr. Robert Kline
73 N. Main Street
Port Deposit, MD 21904

RE: Application – Permanent LED Illuminated Sign

Dear Mr. Kline:

The town has reviewed the application submitted to install a permanent LED illuminated sign on the structure at 75 N. Main Street. The interpretation of your request is to install a permanent illuminated sign with off-site and off-premises business advertisements and announcements mounted on a residential home in the Central Business District (CBD).

Section 254 of the Port Deposit Zoning Ordinance (ZO), requires that all illuminated signs meet the provisions and restrictions of the ZO. Section 264 of the ZO defines permitted signs in the zoning districts. Subsection 2 governs signs in the CBD. Regulations stated in this section specifically reference type, lighting, location and size of signs that are permitted to be displayed, and subsection 2.b. allows indirectly lit freestanding sign advertising “only the business conducted in the building to which it is attached.” The proposed sign would be permanently mounted on the side of the residential building and there is no business located on the property to advertise. The dimensions of the signage proposed do not meet any applicable category of signs permitted in the CBD either, and would not be an indirectly illuminated sign. In short, Section 264 does not permit the sign proposed.

Moreover, under Section 266 of the ZO, the only off-site and off-premises sign(s) permitted are for specific types of special events and there is a defined size and display period for the temporary off-site and off-premises signs as defined in this section. There is no provision in this section that permits an off-site and off-premises sign to be directly illuminated. Business advertisements for off-site and off-premises businesses and announcements are not permitted to be displayed on the subject property.

The application is denied because the proposed permanent illuminated sign advertising off-site and off-premises businesses and announcements is not permitted on the subject property and does not comply with the referenced sections of the Port Deposit Zoning Ordinance. Since the sign is denied based on the zoning regulations, it does not have to be heard by the Historic Area Commission.

As per Section 71 of the Ordinance, if the applicant is aggrieved by the decision of the Town Administrator, the applicant has thirty (30) days after the date of the decision to appeal to the Port Deposit Board of Appeals. An

application can be obtained by contacting Town Hall at 410.378.2121 or visit our website at www.portdeposit.org.

If you have any questions or need more information, please contact the Town Administrator, Vicky Rinkerman at 410.378.2121 or via email to vrinkerman@portdeposit.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicky Rinkerman", with a long horizontal flourish extending to the right.

Vicky Rinkerman
Town Administrator

Cc: Thomas McCarron, Town Counsel



TOWN OF PORT DEPOSIT SIGN PERMIT APPLICATION

17-2023 DENIED

Received by [signature]
Fee 35.00
Date 4/10/23
Zone: CBD

Submit application in accordance with attached directions and sign regulations. Submit with your application:

- Sign graphics, drawing, rendering of sign
Show sign dimensions on drawing (width, length and height)
Layout of the property showing location of the proposed sign
If sign is attached to ground, indicate distance between property line and sign If sign is to be placed on the building, show placement location on photo.

Note: If the sign is proposed within the State Highway Right of Way, applicant shall receive approval from SHA prior to Town sign approval.

Table with 2 columns: Fee Description, Amount. Includes Zoning Certificate for Permanent Sign or Graphic Display (\$35) and Temporary Sign/Banner Display (\$15).

Note: The proposed sign may require a Certificate of Appropriateness from the Port Deposit Historic Area Commission. HAC meets on the third Wednesday of each month. You will notified if you need to appear before HAC.

Please circle correct answer:

Property Address for Location of Sign Installation: 75 N MAIN STREET

Off premise? Yes / (No) If yes, address of business:

New Sign? (Yes) No Replacement Sign? Yes / (No) Temporary Sign/Banner? Yes / (No)

Sign Material: METAL HOUSING / LED Sign Post Material: ATTACHED TO STRUCTURE

Will the sign be illuminated? (Yes) / No If yes: Internal lighting / External independent lighting

If external, what type of external lighting on sign? N/A

IMPORTANT: Call Cecil County Permits to verify if you need an electrical permit prior to installation 410-996-5235

Height: 4' Width: 8" Length: 8' Sq.Footage: 32 sq ft.

Temporary Sign Temporary Banner Special Event Pennant Ground Awning
Projecting X Suspended Directional X Electronic Message X Attached to building
Other:

If Temporary - Duration: days / weeks Install date: Remove Date:

Location of temporary sign/banner: How will it be secured?

Applicant: ROBERT KUMÉ Address: 73 N MAIN ST
Phone: 410 790 2654 Email: RK22286@YAHOO.COM
Signature of Applicant: [Signature] Date: 4/6/23

Property Owner: ROBERT KUMÉ Address: 75 N MAIN ST
Phone: 410 790 2654 Email: RK22286@YAHOO.COM
Signature of Owner: [Signature] Date: 4/6/23

Permanent Sign(s) – May need to be approved by the Historic Area Commission (depends on location of sign on the property)

Temporary Sign/Banner(s) – Must be approved by the Zoning Administrator or Agent

TOWN USE ONLY

Approved: DENIED 4/1/23
Zoning Administrator or Agent Date

Date reviewed by HAC (if required): NOT APPLICABLE

Action: DENIED BASED ON ZONING CODE

Contingencies/ Conditions: _____

Signature: _____
Chair, Historic Area Commission



Build your next Outdoor LED Sign on the XIGNZ Modular Platform

The future of modular sign technology has arrived with a completely configurable and scalable platform for outdoor LED signs. Build any size and resolution application. With XIGNZ LED platform, your new outdoor LED sign can grow to meet your changing advertising needs.

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Bright LED Signs Up to 8500 Nits

QOLR PRO RF22
Brighter LED Signs Up to 10000 Nits



Gr8img Plus Series Single-Sided Outdoor Modular SMD Full Color, Fully Programmable LED Sign, w/ Wireless Communication

- Customize the dimesions of your LED Sign
<https://ledsigncity.com/pages/outdoor-led-signs>

We're Online!
How may I help you toda...



X Choose from three high resolution display options

- Super bright screens with up to 8500 Nits

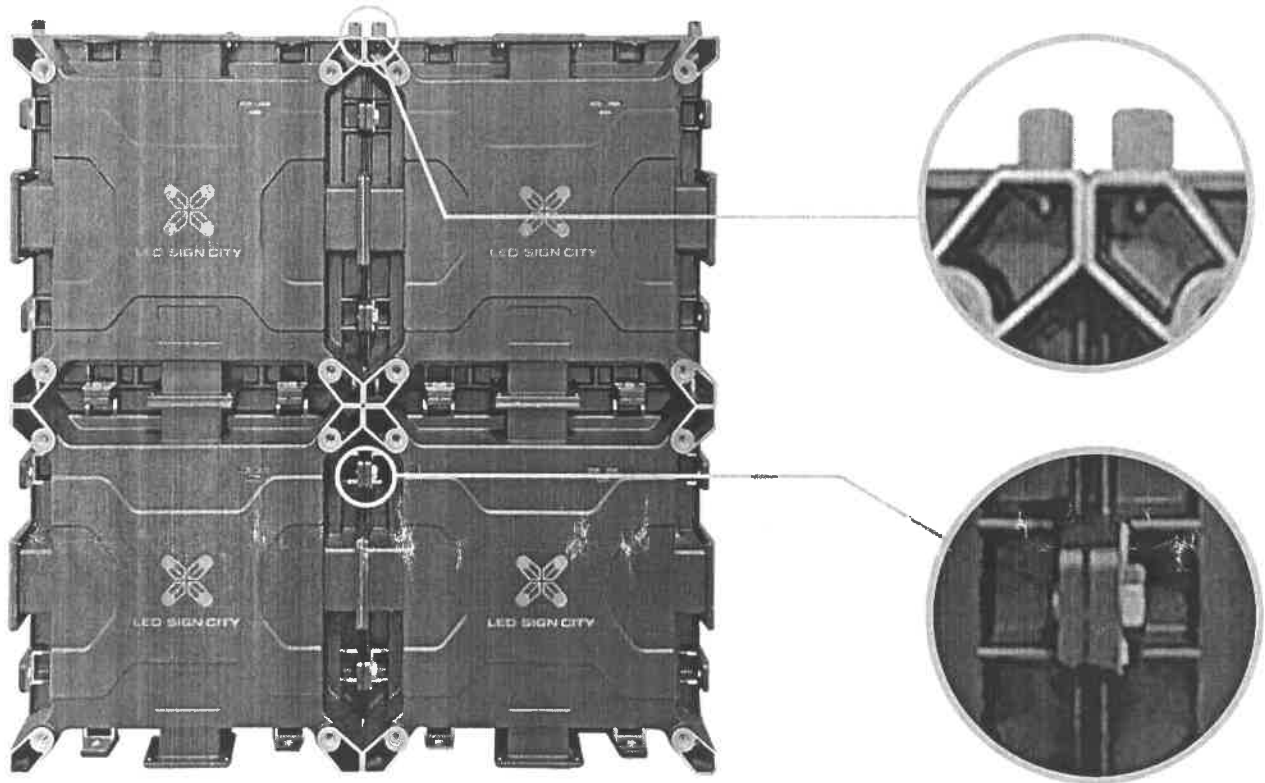


Gr8img Plus Series Double-Sided Outdoor Modular SMD Full Color, Fully Programmable LED Sign, w/ Wireless Communication

- Customize the dimensions of your LED Sign
- Choose from three high resolution display options
- Super bright screens with up to 8500 Nits

We're Online!
How may I help you toda...





Modular Outdoor LED Signs built on our exclusive platform: Introducing XIGNZ.

We created XIGNZ because we want you to feel great about your LED sign purchase for generations to come. That and ugly outdated LED make us cringe :).

XIGNZ offers an easy and cost-effective solution to keep your sign looking even better than the day you install it. At the core of our outdoor LED Signs is a scalable and upgradeable LED sign platform that we build to last a

We're Online!
How may I help you toda...



April 6, 2023

Town of Port Deposit
64 S Main Street
Port Deposit, MD 21904

17-2023
Demo
4/13/23

Re: Application – Permanent LED Illuminated Sign

Dear Ms. Rinkerman:

Please find enclosed my Application for a Permanent LED Exterior Illuminated Sign to be attached to the parking lot side of 75 N Main Street, Port Deposit, MD 21904. The following information is being submitted in conjunction with the Application for the Town’s consideration.

The sign will be LED illuminated sign and will be no larger than 8’ long x 4’ high x approximately 8” in width. The sign will be permanently attached to the parking lot side of 75 N Main Street. The sign will not be suspended over Main Street, nor will the sign extend into the “porch area” of 75 N Main Street. The sign will literally be attached and be confined by the area of the granite wall on the parking lot of 75 N Main Street and anticipated to be elevated off the ground approximately eight to ten feet. The sign will be illuminated only from 10 am through 9 pm 7 days a week (the “Illumination Period”).

32' high
feet

During the Illumination Period each day, I will donate a portion of “screen time” to the Town for announcement of local events and meetings. It is envisioned that the sign would illuminate an advertisement for a set time period before proceeding to the next advertiser. It is at the start and/or end of the Illumination Period and/or in between the advertisement(s) that the sign would broadcast the Town’s events/meetings for brief amount of time providing a public service to the Town.

To further engender goodwill, and in addition to the free public announcement(s), I will pay to the Town a three percent (3%) “licensing fee” for all gross ad income realized on a monthly basis. The 3% fee equates to the franchise fee that Atlantic Broadband remits to the Town. The monthly remittance check will include a monthly revenue report to support the remittance payment amount. There is no minimum and/or maximum that the Town could receive. In other words there is no “floor” or “cap” that the Town is to, or could receive.

The Town will not have any input as to what advertisers are accepted and promoted. Local businesses in the Town will receive home town discounted advertisement rates. Rates charged, however, are at my sole discretion and not subject to review by the Town.

I have enclosed a printout of literature of a representative sign that could be purchased upon and after approval by HAC. At this point no sign has been purchased nor has any contract for purchasing a sign been executed. The information for the sign was downloaded from the LED Sign City website (www.ledsigncity.com), located in Wilmington, DE should you wish to more closely review the attributes of the illuminated sign.

Thank you for your time and attention to this matter.

Sincerely,

Robert L. Kline, III

A handwritten signature in blue ink, appearing to read 'R. L. Kline, III', is written over the printed name. The signature is stylized and cursive.