

RE: PETITION FOR VARIANCE
from Section 413.5(d) and
Section 413.2(e) of Baltimore
County Zoning Regulations,
SE corner Baltimore National
Pike and Ingleside Avenue
1st District,
Sun Oil Company,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 67-162-A

OPINION

This case is a request made by the Sun Oil Company for a variance for a sign with reference to its automotive service station on the southeast corner of Baltimore National Pike and Ingleside Avenue, in the First District of Baltimore County.

The variance requested is to permit a height of 62 feet instead of the 25 feet allowed by the Zoning Regulations, and a sign of 192 square feet instead of the allowed 150 square feet. The Zoning Commissioner passed an Order denying the variance as to the number of square feet but granting a variance in height to a maximum of 35 feet. The present sign is 25 feet high and is of a standard design used by the Sun Oil Company. The new proposed sign is approximately 12 feet high by 24 feet wide on top of a 50 foot two-post standard, making a total height of 62 feet.

A number of other signs in the immediate vicinity advertising other uses are substantially higher than the required maximum under the Zoning Regulations, apparently as a result of special exceptions granted in times past by the Zoning Commissioner and not appealed to this Board. These cases are represented by Zoning files Nos. 63-150-V, 65-333-A and 67-137-A, and most of the signs involved, including the Sun Oil Company one, are clearly evident in the photograph pictures (Exhibit #2).

We sympathize with the petitioner in this case, but we feel bound by the Court of Appeals case of Park Shopping Center v. The Lex Park Theater, 216 Md. 271, in which it was determined that "surrounding ill advised or illegal variances are not grounds for granting additional variances." Furthermore, we are

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: Jan. 23, 1967
Posted for: Sun Oil Company
Petitioner: Sun Oil Company
Location of property: SE corner of Baltimore National Pike and Ingleside Ave.
Location of Sign: 40' Baltimore National Pike 100' E. of Ingleside Ave.
Remarks:
Posted by: J. J. [Signature] Date of return: Feb. 2, 1967

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: March 29, 1967
Posted for: Appeal
Petitioner: Sun Oil Company
Location of property: SE corner Baltimore National Pike & Ingleside Ave.
Location of Sign: 30' Baltimore National Pike 30' E. of Ingleside Ave.
Remarks:
Posted by: J. J. [Signature] Date of return: March 30, 1967

inclined to agree with the comment of the Office of Planning and Zoning which questioned seriously whether any condition of hardship or practical difficulty exists here to a degree sufficient to warrant the granting of the entire variance requested. We believe that the most practical solution is to affirm the decision of the Zoning Commissioner denying the variance as to size, and allowing a height of 35 feet, which will bring the Sun Oil Company sign up to the same height as those on the neighboring properties without creating any serious problem to the neighborhood or creating a precedent which might lead to a chaotic reaction on height variance in this immediate area, which in our opinion is already "over signed".

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of December, 1967, by the County Board of Appeals ORDERED, that the variance requested for an increase in area of the sign is denied, and a variance allowing a maximum height of 35 feet is allowed, subject to site plan approval by the Department of Planning and Zoning, Bureau of Public Services, and State Roads Commission. Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman
W. Giles Parker
John A. Slawik

OFFICE OF THE BALTIMORE COUNTEEN

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue CATONVILLE, MD.

January 30, 1967.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTEEN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for One consecutive week before
the 30th day of January, 1967, that is to say
the same was inserted in the issues of
January 20, 1967.

THE BALTIMORE COUNTEEN

By Paul J. Morgan
Editor and Manager of

PETITION FOR A
VARIANCE
1st DISTRICT
ZONING: Petition for
Variance for a Sign.
LOCATION: Southeast cor-
ner of Baltimore National Pike
and Ingleside Avenue.
DATE & TIME: THURS-
DAY, FEBRUARY 16, 1967,
at 1:00 P.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner
of Baltimore County, by au-
thority of the Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing:
Petition for Variance from
the Zoning Regulations of Bal-
timore County to permit a sign
height of 62 feet instead of the
required 25 feet; to permit
a sign of 192 square feet in-
stead of the required 150
square feet.
The Zoning Regulations to be
excepted as follows:
Section 413.5 (d) - Sign
Height 25 feet.
Section 413.2 (e) - 150
square feet in area.
All that parcel of land in the
First District of Baltimore
County,
BEGINNING at a point in the
southeast intersection of Bal-
timore National Pike and
Ingleside Avenue, thence,
easterly 5 feet to a point;
thence, at an angle and run-
ning in a southerly direction
66.30 feet to a point; thence,
at an angle and running in a
westerly direction 5 feet to
a point; thence, in an angle
direction 66.30 feet to the point
and place of beginning.
Forming a rectangle 5 feet
by 66.30 feet for the location
of the proposed sign.
Being the property of Sun
Oil Company, as shown on plat
filed with the Zoning De-
partment.
Hearing: Thursday, Febru-
ary 16, 1967, at 1:00 P.M.,
Public Hearing: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Md.

BY ORDER OF
JOHN G. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY,
Jan. 26,

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

To: Sun Oil Company
1910 Russell Street
Baltimore, Md. 21206

No. 43000
DATE: Feb. 14, 1967

BILLED
Zoning Dept. of Balto. Co.

QUANTITY	DEBIT TO ACCOUNT NO. 01-622	RECEIVE THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property 67-162-A	PAID	44.75
1	1-166	44.58	44.58
1	1-166	44.30	44.30

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Sun Oil Company, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.5 (d) to permit height of 62 feet instead of the required 25 feet, and 192 sq. feet instead of the allowed 150 sq. feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To give this location visibility from I-695 interchange and to afford the motoring public ample time to identify this location, hence preventing sudden right turns off of this heavily travelled highway.

This area has many highrise motels, hotels, etc. This location could be seen by tourists using I-695 if identified adequately offering Baltimore County a chance to secure some of this tourist trade.

See attached description
There are other signs in this location that are of the same size and height.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Address: _____
Contract purchase: _____
Address: _____
Legal Owner: _____

Petitioner's Attorney: _____
Protestant's Attorney: _____
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day

of January, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 30th day of January, 1967, at 11:00 o'clock
A.M.

John G. Rose
Zoning Commissioner of Baltimore County

Sun Oil Company
1910 Russell Street
Baltimore, Maryland 21206

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

3rd day of Jan., 1967.

John G. Rose
Zoning Commissioner

Petitioner: Sun Oil Company

Petitioner's Attorney: _____

Reviewed by: James E. [Signature]
Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts

the above Variance should be had; and it further appearing that by reason of

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of February, 1967, that the herein Petition for a variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of failure to show practical difficulty the variance to permit a sign of 192 square feet instead of the required 150 square feet is DENIED.

A Variance to permit a sign height of 62 feet instead of the required 25 feet is DENIED, but because of the many signs and buildings west of the property, there is sufficient cause of hardship to warrant the GRANTING of the maximum height allowable of 35 feet.

that the variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of February, 1967, that the above Variance be and the same is hereby DENIED, and GRANTED in accordance with the above, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning, and the State Roads Commission.

Zoning Commissioner of Baltimore County

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

To: Sun Oil Company
1910 Russell Street
Baltimore, Md. 21206

No. 42960
DATE: Jan. 23, 1967

QUANTITY	DEBIT TO ACCOUNT NO. 01-622	RECEIVE THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Petition for Variance 67-162-A	PAID	25.00
1	1-234	25.00	25.00
1	1-234	25.00	25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

To: John R. Survey, Jr., Esq.,
22 W. Pennsylvania Ave.,
Towson, Maryland 21206

No. 44332
DATE: 3/10/67

BILLED
Office of Planning & Zoning
119 County Office Bldg.
Towson, Md. 21204

QUANTITY	DEBIT TO ACCOUNT NO. 01-622	RECEIVE THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of appeal - Sun Oil Company No. 67-162-A	PAID	35.00
1	1-166	44.58	44.58
1	1-166	44.30	44.30

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BEGINNING at a point in the southeast intersection of Baltimore National Pike and Ingleside Avenue; thence, easterly 5 feet to a point; thence, at an angle and running in a southerly direction 66.50 feet to a point; thence, at an angle and running in a westerly direction 5 feet to a point; thence, in an angle and running in a northerly direction 66.50 feet to the point and place of beginning.

Forming a rectangle 5 feet by 66.50 feet for the location of the proposed sign.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 3, 1967

FROM: George E. Gavrillis

SUBJECT: Petition #67-162-A. Variance to permit a sign height of 62 feet instead of the required 25 feet; and to permit 192 square feet in area instead of the required 150 square feet. Southeast corner of Baltimore National Pike and Ingleside Avenue. Being the property of Sun Oil Company.

1st District

HEARING: Thursday, February 16, 1967 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a variance to the height and area of a sign. We question whether or not the condition of hardship or practical difficulty exists here and note that this petition seeks to advertise the location of this station from the highway rather than identify the existence of service station for motorists traveling on Baltimore National Pike

GEC:hrs



BALTIMORE NATIONAL PIKE
U. S. 40 WEST
CATONSVILLE, MARYLAND

PETITION FOR A VARIANCE
1st DISTRICT

ZONING: Petition for Variance for a sign.

160-1700, southeast corner of Baltimore National Pike and Ingleside Avenue.

DATE & TIME: Thursday, February 16, 1967 at 11:00 A.M.

PLACE: Baltimore County, Md., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a variance from the Zoning Regulations of Baltimore County to permit a sign height of 62 feet instead of the required 25 feet; and to permit 192 square feet in area instead of the required 150 square feet.

The Zoning Regulations to be amended as follows:

Section 111.2 (a) - Sign Height (1) feet.

All that parcel of land in the First District of Baltimore County, Maryland, beginning at a point in the southeast intersection of Baltimore National Pike and Ingleside Avenue, thence, easterly 5 feet to a point; thence, at an angle and running in a southerly direction 66.50 feet to a point; thence, at an angle and running in a westerly direction 5 feet to a point; thence, in an angle and running in a northerly direction 66.50 feet to the point and place of beginning.

Forming a rectangle 5 feet by 66.50 feet for the location of the proposed sign.

Being the property of Sun Oil Company, as shown on plat filed with the Zoning Department (Planning Department, February 16, 1967 at 11:00 A.M.).

Public Hearing, Room 114, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

In Order of:
JOHN G. ROSE
Zoning Commissioner of Baltimore County.
Jan. 24.

CERTIFICATE OF PUBLICATION

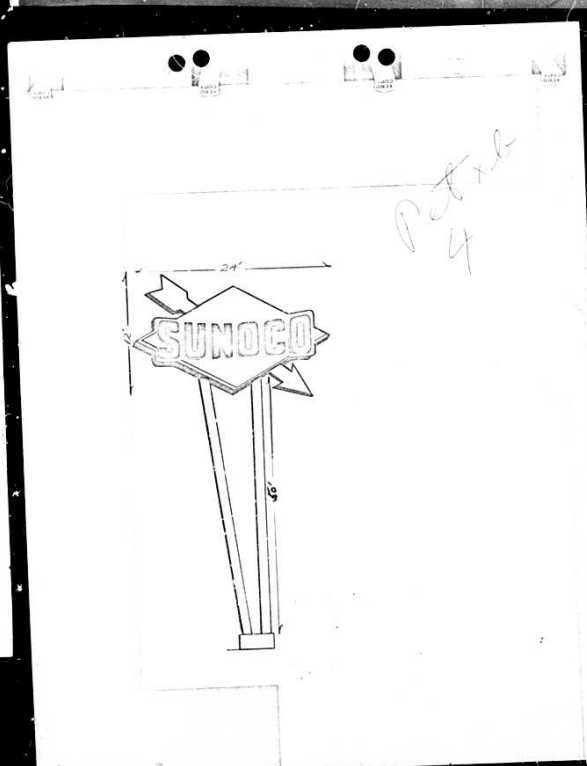
TOWSON, MD. January 25, 1967.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 25th day of January, 1967, before the 16th day of February, 1967, the 2nd publication appearing on the 26th day of January, 1967.

THE JEFFERSONIAN,

Richard M. Henry
Manager.

Cost of Advertisement, \$.....



BALTIMORE NATIONAL PIKE
U. S. 40 WEST
CATONSVILLE, MARYLAND

RESOLUTION

WHEREAS, the Board of Governors/Zoning Committee of the Westview Park Improvement and Civic Association, Inc., of Baltimore County did consider Zoning Case Number:

67-162A, and

WHEREAS, the said Board of Governors/Zoning Committee did find that the reclassification and/or special exception, and/or variance petitioned for in said zoning case would, if granted, be detrimental to and otherwise adversely affect the value and the enjoyment of the properties of one or more of the members of the Westview Park Improvement and Civic Association, Inc., of Baltimore County; now, therefore

BE IT RESOLVED that the Westview Park Improvement and Civic Association, Inc., of Baltimore County is opposed to the reclassification and/or special exception and/or variance petitioned for in Zoning Case Number

67-162A

For the Zoning Committee *Richard M. Henry*
Typed Name *Richard M. Henry*
Date of Signature *June 13, 1967*
Signature of President *Touglas R. Due*
Typed Name of President *Touglas R. Due*
Date of Signature *June 13, 1967*

Attested By:

Signature of Secretary *Barbara Mund*
Typed Name of Secretary *Barbara Mund*
Date of Signature *June 13, 1967*

Rule 8c, Bill 108

that the above named person is authorized to speak for and present the views of said Association in regard to Zoning Case Number 67-162A.

In accordance with the By-Laws of the Westview Park Improvement and Civic Association, Inc., of Baltimore County, a company is an appointed member of the Zoning Committee.

It is an elected member of the Board of Governors of the Westview Park Improvement and Civic Association, Inc., of Baltimore County.

It is an attorney appointed to represent the Westview Park Improvement and Civic Association, Inc., of Baltimore County.

This is to certify that:

Mr. Richard M. Henry

is:

Manager

Print A

RESOLUTION

WHEREAS, the County Council of Baltimore County, Maryland, did on January 3, 1966, pass Bill No. 108, approving the "Rules of the County Board of Appeals," by adding Section 1-15 to the Baltimore County Code, 1958, title "General Provisions," and

WHEREAS, the County Executive of Baltimore County, Maryland, did on January 6, 1966, approve and enact said Bill No. 108, and

WHEREAS, the Chairman of the County Council of Baltimore County, Maryland, did certify that Bill No. 108 would take effect February 21, 1966, and

WHEREAS, said Bill No. 108 did take effect on February 21, 1966, and

WHEREAS, Rule 8 of said Bill No. 108 is a special rule pertaining to persons appearing before the Board of Appeals as representatives of civic or improvement associations and said Rule 8 establishes and stipulates the conditions whereby said persons may testify, and

WHEREAS, The Westview Park Improvement and Civic Association, Inc. (full name of civic or improvement association), hereinafter called "the Association" (the Association or similar entity, action), did hold its annual meeting or first meeting of the year or other legally called meeting on February 21, 1967 (date) at Emmanuel Lutheran Church -- Ingleside and Catonsville, Catonsville, Md. (location); and,

WHEREAS, the By-Laws of the Association stipulate that one of the permanent Standing Committees of the Association shall be Zoning, and,

WHEREAS, the By-Laws of the Association stipulate that the President appoints chairman and members of standing committees; now, therefore

BE IT RESOLVED and officially recorded to meet the conditions of said Bill No. 108 that the responsibility for review and action on all zoning matters be and hereby is placed in the Zoning Committee or the Board of Governors (the Board of Directors; the Board of Governors; the zoning committee or similar group).

Signature of President *Touglas R. Due*
Typed Name of President *Touglas R. Due*
Date of Signature *June 13, 1967*

Attested By:

Signature of Secretary *Barbara Mund*
Typed Name of Secretary *Barbara Mund*
Date of Signature *June 13, 1967*

Rule 8c, Bill No. 108

10.1
AVENUE

N

OFFICE COPY

BALTIMORE

NATIONAL PIKE (ROUTE 40)

150'

Sight Area

INGLESIDE

