

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 405.4.A.2.a. To permit a sign setback of 2 1/2 ft. instead of the required 6 ft. setback, 413.2.F. to permit a sign of 181.3 sq. ft. instead of the required 100 sq. ft. or less.

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

- Sign Setback: Less than 6' has been in same location for approximately 15 years and we do not have the space to relocate it further back as it would impede the flow of traffic at the pumps.
- Sign Size: We are enlarging the price sign and the pole by 81.30 sq. ft. over the maximum allowed 100 sq. ft. for better visibility to the public. We are not increasing the square footage of our Crown Logo.

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 of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s): (Type or Print Name) _____
Signature by W. R. Snyder, Vice President _____
(Type or Print Name) _____
Signature _____
Address _____
City and State _____

Attorney for Petitioner: (Type or Print Name) _____
Address _____
City and State _____

J. Gregory Yaman (Type or Print Name) _____
Address _____
City and State _____

P. O. Box 1168 (Type or Print Name) _____
Address _____
City and State _____

Baltimore, MD 21203 (Type or Print Name) _____
Address _____
City and State _____

Attorney's Telephone No.: 538-7400 (Type or Print Name) _____
Address _____
City and State _____

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 1986, 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 held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of February, 1986, at 10:00 o'clock.

(over)

IN RE: PETITIONS ZONING VARIANCES * BEFORE THE
Crown Stations, Inc., * ZONING COMMISSIONER
Petitioner * OF BALTIMORE COUNTY
* Case Nos. 86-317-A, 86-318-A, and 86-319-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a sign setback from a street right of way of 2 1/2 feet in Case No. 86-317-A, 2 1/2 feet in Case No. 86-318-A, and 1 foot in Case No. 86-319-A instead of the required 6 feet and other business signs of 181.3 square feet instead of the permitted 100 square feet in each of the cases, as more particularly described on Petitioner's Exhibits 1 in each case.

Inasmuch as the requested variances and the facts surrounding each request are similar, or identical, the three Petitions referenced above have been combined for the purpose of this Order.

The Petitioner, by Vernon Mannon, its Real Estate Representative, appeared and was represented by Counsel. George Coppinger, a dealer at one of the sites, also appeared on behalf of the Petitioner. Alice LeGrand, representing the Reisterstown-Owings Mills-Glyndon Coordinating Council, and Mary Ginn and Kay Turner, representing The Alliance of Baltimore County Community Councils, Inc., appeared in opposition to Case No. 86-319-A. They were not opposed to Case Nos. 86-317-A and 86-318-A.

Testimony indicated that the Petitioner is requesting permission to replace existing signs at three locations, i.e., Loch Raven Boulevard and Yakona Road (Case No. 86-317-A), Reisterstown and Old Court Roads (Case No.

86-318-A, and Reisterstown and Straw Hat Roads (Case No. 86-319-A), all zoned B.U. Presently, one pylon bearing an identification (ID) sign with the familiar Crown Logo and price signs attached below has existed at each location for many years. At Loch Raven Boulevard, the existing sign is 2 1/2 feet from the street right of way and measures approximately 141 square feet counting both sides. The ID sign measures approximately 104 square feet and the price sign measures 37 square feet. At Reisterstown and Old Court Roads, the existing sign is also located 2 1/2 feet from the street right of way and measures 104 square feet counting both sides. The price signs at this location are placed on a separate pylon. At Reisterstown and Straw Hat Roads, the sign is located 1 foot from the right of way and measures approximately 141 square feet, including the ID and price signs.

The Petitioner proposes to replace these signs with a uniform sign bearing the Crown ID on the top of two pylons within which will be a panel identifying the gasoline prices. The size of the sign will be 181.3 square feet, which includes both sides of the ID sign, the price box, and the structure. The only difference among the three signs is that the one at Reisterstown and Old Court Roads will be placed into a 10' x 10' brick fountain.

It is clear that the distances of the signs to the right-of-way lines are nonconforming. At the time the existing signs were erected, the long-standing policy of the Zoning Commissioner was to count all multiple-sided signs as one side only for the purpose of computing the permitted 100 square feet for other business signs. Indeed, if this latter policy had not been changed in In Re: C-F Property Partnership, Case No. 85-113-SPHA, November 5, 1984, wherein it was decided by the Zoning Commissioner that this policy was illegal, the Petitioner would be able to erect these signs without the need for variances.

For many years, as indicated, the policy permitted both sides of a multiple-faced business sign to be computed as one for the purpose of determining the size permitted. If a business sign such as the multiple-faced, free-standing sign proposed here was computed to be 98 square feet on each side, past policy would have counted only one side. Section 413.2.f, BCZR, permits other business signs if limited to a total area of 100 square feet, and therefore, a sign such as described above would be permitted as a matter of right without the need for a variance. Of course, if both sides were counted for a total of 196 square feet, a variance would be required.

This interpretation does not comport to either the language or the intent of the BCZR. By their inherent nature, policies facilitate and improve the implementation of procedures, but they are equally subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. They may be used to interpret and/or to construe the law but cannot supplant or contradict the law. Official administrative interpretations of statutes in the form of policy that have long-continued and unvaried application should not be disregarded except for the strongest reason. Hufmeister v. Frank Realty Co., 373 A.2d 273, 281 (1977). As long as the rules and regulations adopted by the administrative official are reasonable and consistent with the statute, they should be applied. Farber's, Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md. 44 (1972).

The basic principles of statutory construction were comprehensively set out in the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1975):
The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Parfroy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327

of all of the provisions concerning signs so that the several parts of those regulations are given their intended effect. Moreover, the relationship between those various provisions regulating signs must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

Only Section 413.2.e, BCZR, permits a multiple-faced sign to be considered as one and that is limited to an identification sign for a shopping center or other interpreted group of stores or commercial buildings. The introductory language of Section 413.2 does not provide the right to treat all business signs alike. The language is not all inclusive nor all permissive. It provides a preamble to the section's intent and conditions any permission to place a business sign of a particular size in only those business or industrial zones permitted in subsequent subsections. If all of the subparagraphs of Section 413.2 are read and their intent interpreted as a whole, any such interpretation must conclude that the Baltimore County Council intended each face of a sign to be counted, except for shopping center identification signs. Section 413.5.a, BCZR, buttresses this clear and unequivocal reading, i.e., the size of any sign is computed by determining its surface area including the entire face or faces.

An ordinance should be construed "so that no word, clause, sentence, or phrase shall be rendered surplusage, superfluous, meaningless or nugatory." Supervisor v. Southgate Harbor, 279 Md. 586 (1977). If all multiple-faced business signs were to be considered as one, the language of Section 413.2.e would be meaningless, or at the very least, superfluous.

The language of Section 413.2 is clear and unambiguous; therefore, the long-standing and customary application of the policy which considers all

multiple-faced business signs as one should be disregarded for the strongest and most urgent of reasons, i.e., the policy conflicts with the plain meaning of the statute. Smith v. Higginbotham, 187 Md. 115. If after computation, the two sides of the multiple-faced business sign exceed the permitted size as delineated by law, a variance shall be required.

The Petitioner seeks relief from Sections 405.4.A.2.a and 413.2.f, pursuant to Section 307, BCZR.

The requested increase is not excessive, but very reasonable. Indeed, the height of the proposed signs, i.e., 21 feet 11 inches is approximately the same as the existing ones. There will be no practical difference in size between the old and the new signs. In fact, the proposed signage is the same. The increase in the area requested is because the structure is now computed in the area of the sign, not the sign panels only.

There is one exception. The proposed change at Reisterstown and Straw Hat Roads will create a problem inasmuch as the existing sign base is only 1 foot from the right of way of Reisterstown Road. The sign's pylon is placed at a 45 degree angle away from the road. Because of this, the sign is not as close to the road as the base. A change to the two pylon structure will negate this, and its close proximity to a major road could, in this Commissioner's view, cause a danger to the public health, safety, and welfare of the community. This problem does not exist at the other two locations, and indeed, the Protestants recognize this and do not object to those signs.

As for the setbacks, it is a long-standing policy to require the Petitioner to bring up to current standards all deficient setbacks when requesting other variances.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing in this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of March, 1986, that the Petitions for Zoning Variances to permit sign setbacks of 2 1/2 feet from street rights of way instead of the required 6 feet and other business signs of 181.3 square feet instead of the

permitted 100 square feet in Case Nos. 86-317-A and 86-318-A be and are hereby GRANTED from and after the date of this Order.

It is FURTHER ORDERED that the Petition for Zoning Variances to permit a sign setback of 1 foot from a street right of way instead of the required 6 feet and other business signs of 181.3 square feet instead of the permitted 100 square feet in Case No. 86-319-A be held SUB CURIA pending further information from the Petitioner.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Andrew LaPayowker, Esquire
Mrs. Mary Ginn
Mrs. Alice LeGrand
People's Counsel

ZONING DESCRIPTION

Crown MD-9
Beginning on the northeast corner of Loch Raven Boulevard and Yakona Road.
Thence the five following courses and distances:
1. Northerly vinding on the east side of Loch Raven Blvd. 81.35 feet
2. S. 87° 23' 21" E. 100 feet
3. S. 5° 35' 17" W. 100 feet
4. N. 87° 23' 00" W. 80 feet
5. Curve to the right radius 19.72'
for a distance of 29.95 feet to the place of beginning. Containing .226 acres.
Also known as 8623 Loch Raven Blvd. in the 9th Election District.

PETITION FOR ZONING VARIANCES 9th Election District

LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road
DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, 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:

Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.

Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
Beginning at NE/Corner of : OF BALTIMORE COUNTY
Loch Raven Blvd. & Yakona Rd., :
9th District
CROWN STATIONS, INC., Petitioner : Case No. 86-317-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of January, 1986, a copy of the foregoing Entry of Appearance was mailed to J. Gregory Yawman, Esquire, P. O. Box 1168, Baltimore, MD 21203, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
DATE March 2, 1986
BY J. Gregory Yawman
ADMINISTRATIVE ASSISTANT

- 8 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 18, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

J. Gregory Yawman, Esquire
Post Office Box 1168
Baltimore, Maryland 21203

RE: Petition for Zoning Variances
Beg. @ NE/cor. of Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc. - Petitioner
Case No. 86-317-A

Dear Mr. Yawman:

This is to advise you that \$68.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 018506

DATE 2/24/86 ACCOUNT R-011-15-000

AMOUNT \$ 198.49

RECEIVED Arnold Jablon 2/24/86

FOR Advertising & Posting 86-317-A 68.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012373

DATE 11/20/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED Crown Stations, Inc. 11/20/85

FOR Variance # 195 Loch Raven + Yakona MD-9

VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
Beg. @ NE/cor. of Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc. - Petitioner
Case No. 86-317-A

TIME: 10:45 a.m.

DATE: Monday, February 24, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 5, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 5, 1986.

TOWSON TIMES.

Publisher

38.25

86-317-A

PETITION FOR ZONING VARIANCES
LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road
DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, 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:
Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.
Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 6, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 6, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

24.75

86-317-A

PETITION FOR ZONING VARIANCES
LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road
DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, 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:
Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.
Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 86-317-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

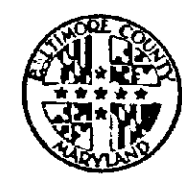
Your petition has been received and accepted for filing this 21st day of January, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Crown Stations, Inc.
Petitioner's Attorney J. Gregory Yawman, Esquire

Received by: James E. Ayer
Chairman, Zoning Appeals Advisory Committee

MAR 23 1986



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 17, 1986

Mr. Adam H. Weber
13821 Baldwin Mill Road
Baldwin, MD 21013

RE: Case No. 86-317-A
CROWN STATIONS, INC.

Dear Mr. Weber:

Enclosed is a copy of the Opinion and Order passed today by the Board of Appeals in the subject matter.

Very truly yours,

Kathi Weidenhammer
Kathi Weidenhammer
Administrative Secretary

Encl.

cc: Crown Stations, Inc.
G. K. Holmes
Andrew LaPawowker, Esquire
Mr. Adam H. Weber
Mrs. Mary Ginn
Mrs. Kay Turner
Phyllis C. Friedman, Esquire
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN: PETITION FOR VARIANCE : BEFORE
BY CROWN STATIONS, INC. : COUNTY BOARD OF APPEALS
RE: SIGN AND SETBACK : OF
PROPERTY KNOWN AS 8623 LOCH :
RAVEN BOULEVARD : BALTIMORE COUNTY
9TH DISTRICT :
CASE NO. 86-317-A

OPINION

This matter comes before the Board on an appeal from the Order of the Zoning Commissioner of Baltimore County granting variances sought by Crown Stations, Inc. In its petition for variances, Crown requests relief from Sections 405.4.A.2.a and 413.2.f of the Baltimore County Zoning Regulations (BCZR). Specifically insofar as BCZR section 405, Crown requests a variance to permit a sign setback of 2.5 feet rather than the required 6-foot setback; insofar as 413.2, a variance is sought to permit a sign of 181.3 square feet, on both sides, rather than the required 100 square feet or less.

The facts of this matter are simple and not in dispute. There exists at the site a Crown Gasoline Station, which has existed there for some years. The station offers an advertising sign on that side of the lot bordering Loch Raven Boulevard. As part of a company-wide effort to modernize their stations and make their appearance uniform, Crown proposes replacing the current sign with a sign identical in appearance to signs at other Crown stations. The new sign retains the same size and appearance of the Crown logo, enlarges the supporting pole and price sign. It will also be located within 6 feet of the same location where the current sign stands.

In first considering the variance from BCZR 405.4.A.2.a, this Board is persuaded to grant the relief requested. The new sign, as indicated, is to be located at nearly the same spot as the old. There was no persuasive

CROWN STATIONS INC.
Case No. 86-317-A

evidence that this location has had any adverse impact on the general area in the past. Additionally, the evidence presented indicated that a variance would not normally be needed but for the "rounding" of the corner of this lot, that the lot lines do not intersect at 90 degrees, but are rounded, thereby placing the setback deeper into the property. Based upon these factors, we believe the variance should be granted.

Insofar as relief from BCZR 413.2.f, we are also persuaded to grant this variance. In our view, the reasons for the erection of a new sign are logical and sound, and the new sign is not dramatically different from the old. We are therefore inclined to grant the requested variance from this section. We also, in passing, note this Board's opinion in Case No. CBA-85-132 (re: The Olman Corp.). Although the matter before us concerns the merits of the requested variance, this Board in Olman struck down the Zoning Commissioner's interpretations of BCZR 413, wherein he counted both sides of a sign in determining square footage.

Therefore, based upon the testimony before this Board and argument presented, we are persuaded that both variances should be granted and we will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of September, 1986, by the County Board of Appeals of Baltimore County, ORDERED that the variance to permit a sign setback of 2.5 feet in lieu of the required 6 feet be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the variance to permit a sign of 181.3 sq. ft. (both sides) rather than the required 100 square feet or less be and is hereby GRANTED.

CROWN STATIONS, INC.
Case No. 86-317-A

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE: Crown Stations, Inc. * Case No. 86-317-A
N. E. Cor. Loch Raven *
Blvd & Yakona Road *

MOTION TO DISMISS APPEAL

Petitioner (Appellee) Crown Stations, Inc., by its attorney, Andrew Lapawowker, hereby moves to dismiss the appeal of Adam H. Weber on the grounds that Mr. Weber did not appear or participate in any manner in the hearing before the Zoning Commissioner.

Mr. Weber's failure to participate deprived the Zoning Commissioner of the opportunity to hear and rule on any objections he may have had to the petition for a variance. To permit appeals to this Board by persons who failed to participate, either directly or indirectly, in the proceedings below renders proceedings before the Zoning Commissioner meaningless.

As set forth in the attached Memorandum of Law, Maryland case law is clear that a person who fails to appear before this Board may not pursue an appeal through the courts and a person who fails to participate before the Circuit Court cannot pursue a further appeal. The same principle should bar a person who fails to appear before the Zoning Commissioner from pursuing an appeal before this Board.

WHEREFORE, Petitioner Crown Stations, Inc. hereby moves to dismiss the appeal of Adam H. Weber.

Respectfully submitted,

Andrew Lapawowker
Andrew Lapawowker
P. O. Box 1168
Baltimore, MD 21203
(301) 539-7400
Attorney for Crown Stations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1986, I mailed a copy of the foregoing by first class mail, postage prepaid, to Adam H. Weber, 13821 Baldwin Mill Road, Baldwin, MD 21013; Arnold Jablon, Zoning Commissioner of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court, House, Towson, MD 21204; and Mary Ginn, 606 Horncrest Road, Towson, MD 21204.

Andrew Lapawowker
Andrew Lapawowker

RECEIVED
COUNTY BOARD OF APPEALS
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COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE: Crown Stations, Inc. * Case No. 86-317-A
N. E. Cor. Loch Raven *
Blvd & Yakona Road *

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL

Petitioner (Appellee), Crown Stations, Inc., by its attorney, Andrew Lapawowker, hereby submits its Memorandum of Law in Support of its Motion to Dismiss the appeal of Adam H. Weber.

FACTS

On February 24, 1986, a hearing was held before the Zoning Commissioner of Baltimore County on Crown Stations, Inc.'s ("Crown") petition for a variance pursuant to §307 of the Zoning Regulations of Baltimore County. Crown's petition sought variances of §§405.4.A.2.a and 413.2(f) to permit a sign setback of 2.5 feet from the right of way and a sign totaling 181.3 square feet (including logo sign, price box and supporting poles). The sign is actually a total of 90.65 square feet on each side.

As explained by Crown at the hearing, Crown was merely seeking to replace its existing sign with a new design. The new sign would incorporate the identical "CROWN" logo as the old sign. The increase in square footage comes solely from a slight increase in the size of the price box (+ 12 sq. ft.) and a larger increase in the size of the supporting poles (+ approx. 35 sq. ft.). The proposed new setback would be identical to the old setback.

At the hearing, Crown introduced photographs of the site, including a photograph showing that the site had been properly posted with a Zoning Notice. While representatives of the Alliance of Baltimore County Community Councils appeared at the hearing, no opposition was raised to the proposed variances in this case. Mr. Weber did not enter an appearance, did not submit a written statement or written testimony, and did not appear at the hearing.

On March 20, 1986, Commissioner Jablon entered his order granting the variances in this case. On April 14, 1986, Mr. Weber filed a written notice of appeal. In his letter, Mr. Weber concedes his lack of participation before the Zoning Commissioner:

I own the adjoining property, which I have rented and did not learn of the hearing until after it was held.

Letter from Adam H. Weber to Zoning Commissioner and County Board of Appeals, dated April 9, 1986.

LAW

In *Slusher v. Hanson Road Joint Venture*, 25 Md. App. 356 (1975), the Maryland Court of Special Appeals considered a Zoning Appeal from the Harford County Council. After a review by a hearing examiner, the County Council in *Slusher* denied the property owner's request to rezone its property. On appeal, the Circuit Court reversed and ordered the rezoning. Two individuals, *Slusher* and *Marcin*, appealed to the Court of Special Appeals. The record before the appellate court showed no indication that either one had participated in the process below, although they claimed to have written a letter to the President of the County Council.

The *Slusher* Court referred first to *Brynarski v. Montgomery County Board of Appeals*, 247 Md. 137 (1967), where the Court of Appeals held that:

Under the applicable statutory law, two conditions precedent must be met before a person has standing to appeal to the Circuit Court for Montgomery County from a decision of the Board [of Appeals]: (1) he must have been a party to the proceeding before the Board, and (2) he must be aggrieved by the decision of the Board.

Id. at 143 (emphasis in original).

The Court went on to note the decision in Largo Civic Association v. Prince George's County, 21 Md. App. 76 (1974), where it was held that an aggrieved person need not testify before a zoning authority to have standing to appeal, "provided the record shows he was, in fact, a party." Id. at 81 (emphasis added).

In Slusher, the Court of Special Appeals concluded that the appellants had no standing and dismissed their appeal:

We declare that in order to have standing in a zoning case before this Court, the record must disclose that the party not only participated, as in Brynarski and Largo, before the administrative agency or County Council, but must have also been a party before the Circuit Court. A person may not be a party before the agency or legislative body, disappear from the case while it is before the Circuit Court, and then reemerge in the appellate tribunal.

25 Md. App. at 359.

These three cases show that the Maryland courts require allegedly aggrieved parties to participate in some manner at each stage of the zoning process in order to proceed with appeals. The record in this matter, from the Commissioner's decision to Mr. Weber's own letter, shows that Mr. Weber did not participate below. Participation could be by way of oral testimony or, as noted in Largo, could be as simple as merely appearing at the hearing. Presumably it could be accomplished by submission of a written statement. Mr. Weber availed himself of none of those methods.

By failing to participate, Mr. Weber deprived the Zoning Commissioner of any opportunity to hear his complaints, to apply his expertise, or to fashion appropriate relief. To allow Mr. Weber to step in at this stage would render hearings before the Commissioner meaningless. No protestant, indeed no petitioner, would ever have to appear at those hearings.

This Board should adopt the analysis of the courts in Brynarski, Largo, and Slusher and dismiss Mr. Weber's appeal.

WHEREFORE, Crown Stations, Inc. hereby requests that this Honorable Board grant its Motion to Dismiss.

Respectfully submitted,

Andrew LaPayowker
Andrew LaPayowker
P. O. Box 1168
Baltimore, MD 21203
(301) 539-7400

Attorney for Crown Stations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1986, I mailed a copy of the foregoing by first class mail, postage prepaid, to Adam H. Weber, 13821 Baldwin Mill Road, Baldwin, MD 21013; Arnold Jablon, Zoning Commissioner of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, MD 21204; and Mary Ginn, 606 Horncrest Road, Towson, MD 21204.

Andrew LaPayowker
Andrew LaPayowker

RECEIVED
COUNTY BOARD OF APPEALS
JUL 28 A 10 35

Adam H. Weber
13821 Baldwin Mill Rd
Baldwin, Md 21013
April 9 - 1986

Zoning Commissioner
County Board of Appeals, I wish to make an
appeal in regards to a larger sign for the
Crown Station located at Loch Raven Blvd
and Yakona St. Case # 86-317-A.
I own the adjoining
property, which I have rented and did not
learn of the hearing until after it was held.

With kind regards,
Adam H. Weber

APR 14 AM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016133

DATE 4/15/86 ACCOUNT 86-317-000

AMOUNT \$ 20.00

RECEIVED FROM Adam H. Weber

FOR Appeal Fee for Case No. 86-317-A

VALIDATION OR SIGNATURE OF CASHIER

CROWN CENTRAL PETROLEUM CORPORATION

PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS
GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1168 • BALTIMORE, MARYLAND 21203
(301) 539-7400

July 25, 1986

County Board of Appeals of
Baltimore County
Room 200 Court House
Towson, Maryland 21204

RE: CROWN STATIONS, INC.
CASE NO. 86-317-A

Dear Sir or Madam:

Enclosed please find a Motion to Dismiss Appeal and Memorandum of Law in support thereof in the above-captioned case. The hearing is currently scheduled for Thursday, July 31, 1986, and I would appreciate the opportunity to argue the Motion at that time.

Very truly yours,

Andrew LaPayowker
Andrew LaPayowker
Staff Attorney

AL/sab

enclosures

cc: Messrs. Adam H. Weber
Arnold Jablon
Ms. Phyllis Cole Friedman
Ms. Mary Ginn

RECEIVED
COUNTY BOARD OF APPEALS
JUL 28 A 10 34



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

April 16, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Andrew LaPayowker, Esquire
One North Charles Street
P. O. Box 1168
Baltimore, MD 21203

RE: PETITION FOR VARIANCE
Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc., Petitioner
Case No. 86-317-A

Dear Mr. LaPayowker:

Please be advised that an appeal has been filed by Mr. Adam H. Weber, protestant in the case, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bg

cc: Mr. Adam H. Weber

Mrs. Mary Ginn

Mrs. Kay Turner

People's Counsel



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
June 19, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-317-A

CROWN STATIONS, INC.

FOR VARIANCE - SIGN SETBACK AND SIZE

NE COR. LOCH RAVEN BLVD. & YAKONA ROAD

9th DISTRICT

3/20/86 - Z.C. GRANTED PETITION IN PART

ASSIGNED FOR:

THURSDAY, JULY 31, 1986 at 10 a.m.

cc: Andrew LaPayowker, Esq.

Counsel for Petitioner

W. B. Snyder, V.P.
Crown Stations, Inc.

Petitioner

G. K. Holmes (Crown Stations)

Mr. Adam H. Weber

Protestant

Mrs. Mary Ginn

"

Mrs. Kay Turner

"

Phyllis Cole Friedman

People's Counsel

Norman E. Gerber

James G. Hoswell

Arnold Jablon

Jean M. H. Jung

James E. Dyer

Edith T. Eisenhart, Adm. Secretary



Baltimore County, Maryland

Date 4-16-86

To: Betty

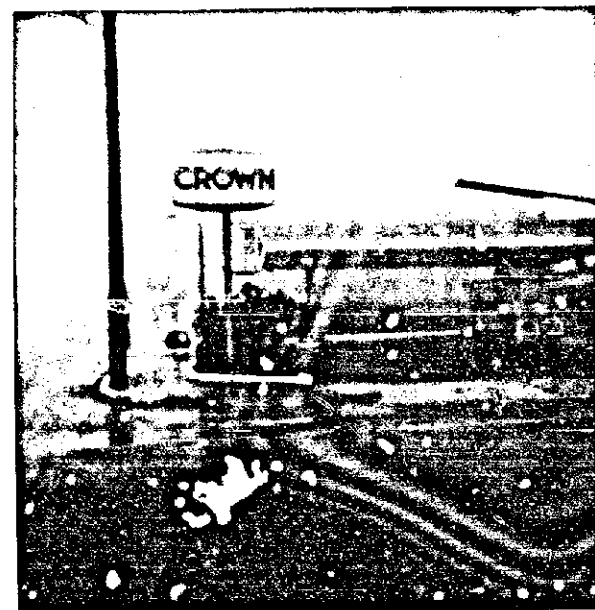
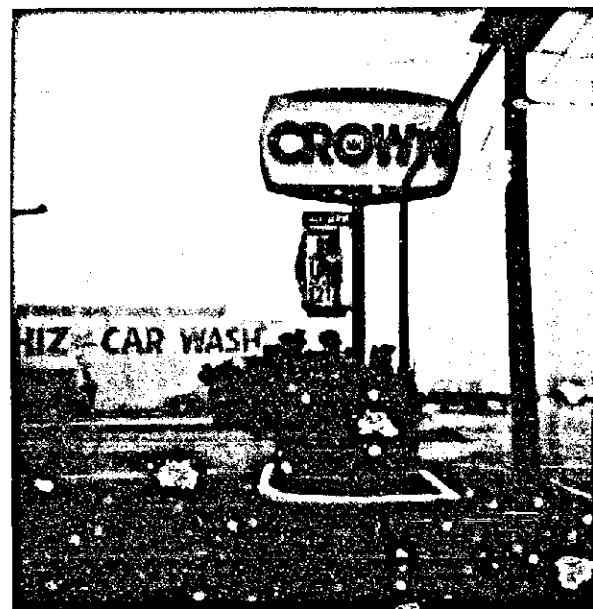
From: Beth

- ☐ Please Note & File ☐ To be Signed
☐ For Your Information ☐ Please Comment
☐ Please Note & Return ☐ Please See Me
☐ Please Handle ☐ Investigate & Report
☐ Please answer, Sending me Copy of your letter
☐ Please Prepare reply for my Signature

Remarks:

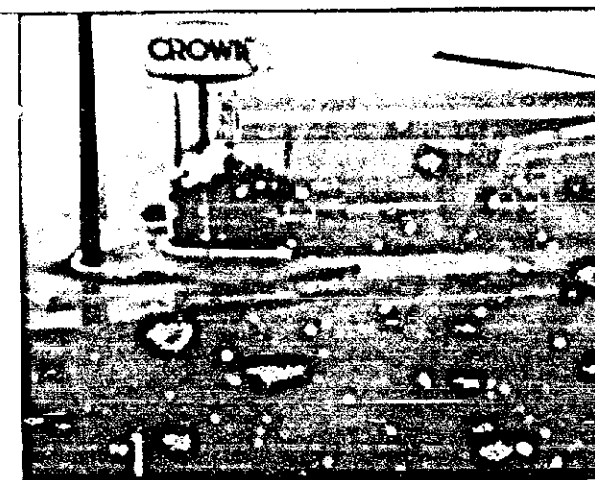
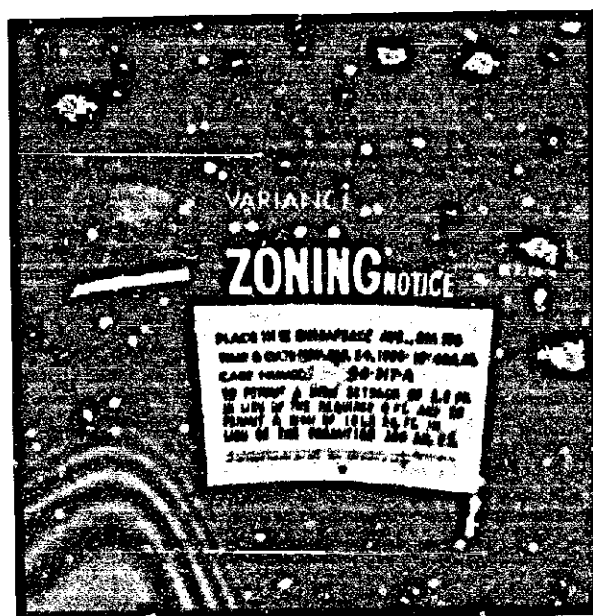
Please docket the following appeal:

Case No. 86-317-A
Crown Stations Inc. - Petitioner
Appeal filed 4/16/86 by
Adam H. Weber
Fee: \$ 20.00
Recycled Paper



LOCK RAVEN & YAKONNA RD.

PETITIONER'S
EXHIBIT ✓



6/19/86 - Notified of appeal hearing scheduled for THURSDAY, JULY 31, 1986 at 10 a.m.

Andrew LaPayowker, Esq.
W. R. Snyder - Crown Stations
G. K. Holmes - " "
Adam H. Weber
Mary Ginn
Kay Turner
Phyllis C. Friedman

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-317-A

District 974 Date of Posting 7/23/86
Posted for: Appeal
Petitioner: Crown Stations, Inc.
Location of property: NE Cor. Lock Raven Blvd. & Yakonna Rd.
Location of Signs: Facing Lock Raven Blvd., across 8' Fr. roadway
on property of Petitioner
Remarks: _____
Posted by: M. Healey Date of return: _____
Number of Signs: 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 405.4.A.2.a. To permit a sign setback of 2 1/2 ft. instead of the required 6 ft. setback, 413.2.F. to permit a sign of 181.3 sq. ft. instead of the required 100 sq. ft. or less.

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

- Sign Setback: Less than 6' has been in same location for approximately 15 years and we do not have the space to relocate it further back as it would impede the flow of traffic at the pumps.
- Sign Size: We are enlarging the price sign and the pole by 81.30 sq. ft. over the maximum allowed 100 sq. ft. for better visibility to the public. We are not increasing the square footage of our Crown Logo.

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 of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s): (Type or Print Name) _____
Signature by W. R. Snyder, Vice President _____
(Type or Print Name) _____
Signature _____
City and State _____

Attorney for Petitioner: _____
J. Gregory Yaman (Type or Print Name) _____
Signature _____
Address _____
City and State _____

P. O. Box 1168, 532-7490 (Type or Print Name) _____
Address _____
Baltimore, Maryland 21203 (City and State) _____

P. O. Box 1168, 532-7490 (Type or Print Name) _____
Address _____
Baltimore, Maryland 21203 (City and State) _____

Attorney's Telephone No.: 532-7490

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 1986, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of February, 1986, at 10:00 o'clock.

(over)

IN RE: PETITIONS ZONING VARIANCES * BEFORE THE
Crown Stations, Inc., * ZONING COMMISSIONER
Petitioner * OF BALTIMORE COUNTY
* Case Nos. 86-317-A, 86-318-A, and 86-319-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a sign setback from a street right of way of 2 1/2 feet in Case No. 86-317-A, 2 1/2 feet in Case No. 86-318-A, and 1 foot in Case No. 86-319-A instead of the required 6 feet and other business signs of 181.3 square feet instead of the permitted 100 square feet in each of the cases, as more particularly described on Petitioner's Exhibits 1 in each case.

Inasmuch as the requested variances and the facts surrounding each request are similar, or identical, the three Petitions referenced above have been combined for the purpose of this Order.

The Petitioner, by Vernon Mannon, its Real Estate Representative, appeared and was represented by Counsel. George Coppinger, a dealer at one of the sites, also appeared on behalf of the Petitioner. Alice LeGrand, representing the Reisterstown-Owings Mills-Glyndon Coordinating Council, and Mary Ginn and Kay Turner, representing The Alliance of Baltimore County Community Councils, Inc., appeared in opposition to Case No. 86-319-A. They were not opposed to Case Nos. 86-317-A and 86-318-A.

Testimony indicated that the Petitioner is requesting permission to replace existing signs at three locations, i.e., Loch Raven Boulevard and Yakona Road (Case No. 86-317-A), Reisterstown and Old Court Roads (Case No.

86-318-A, and Reisterstown and Straw Hat Roads (Case No. 86-319-A), all zoned B.U. Presently, one pylon bearing an identification (ID) sign with the familiar Crown Logo and price signs attached below has existed at each location for many years. At Loch Raven Boulevard, the existing sign is 2 1/2 feet from the street right of way and measures approximately 141 square feet counting both sides. The ID sign measures approximately 104 square feet and the price sign measures 37 square feet. At Reisterstown and Old Court Roads, the existing sign is also located 2 1/2 feet from the street right of way and measures 104 square feet counting both sides. The price signs at this location are placed on a separate pylon. At Reisterstown and Straw Hat Roads, the sign is located 1 foot from the right of way and measures approximately 141 square feet, including the ID and price signs.

The Petitioner proposes to replace these signs with a uniform sign bearing the Crown ID on the top of two pylons within which will be a panel identifying the gasoline prices. The size of the sign will be 181.3 square feet, which includes both sides of the ID sign, the price box, and the structure. The only difference among the three signs is that the one at Reisterstown and Old Court Roads will be placed into a 10' x 10' brick fountain.

It is clear that the distances of the signs to the right-of-way lines are nonconforming. At the time the existing signs were erected, the long-standing policy of the Zoning Commissioner was to count all multiple-sided signs as one side only for the purpose of computing the permitted 100 square feet for other business signs. Indeed, if this latter policy had not been changed in In Re: C-F Property Partnership, Case No. 85-113-SPHA, November 5, 1984, wherein it was decided by the Zoning Commissioner that this policy was illegal, the Petitioner would be able to erect these signs without the need for variances.

For many years, as indicated, the policy permitted both sides of a multiple-faced business sign to be computed as one for the purpose of determining the size permitted. If a business sign such as the multiple-faced, free-standing sign proposed here was computed to be 98 square feet on each side, past policy would have counted only one side. Section 413.2.f, BCZR, permits other business signs if limited to a total area of 100 square feet, and therefore, a sign such as described above would be permitted as a matter of right without the need for a variance. Of course, if both sides were counted for a total of 196 square feet, a variance would be required.

This interpretation does not comport to either the language or the intent of the BCZR. By their inherent nature, policies facilitate and improve the implementation of procedures, but they are equally subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. They may be used to interpret and/or to construe the law but cannot supplant or contradict the law. Official administrative interpretations of statutes in the form of policy that have long-continued and unvaried application should not be disregarded except for the strongest reason. Hufmeister v. Frank Realty Co., 373 A.2d 273, 281 (1977). As long as the rules and regulations adopted by the administrative official are reasonable and consistent with the statute, they should be applied. Farber's, Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md. 44 (1972).

The basic principles of statutory construction were comprehensively set out in the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1975):
The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Parfroy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327

of all of the provisions concerning signs so that the several parts of those regulations are given their intended effect. Moreover, the relationship between those various provisions regulating signs must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

Only Section 413.2.e, BCZR, permits a multiple-faced sign to be considered as one and that is limited to an identification sign for a shopping center or other interpreted group of stores or commercial buildings. The introductory language of Section 413.2 does not provide the right to treat all business signs alike. The language is not all inclusive nor all permissive. It provides a preamble to the section's intent and conditions any permission to place a business sign of a particular size in only those business or industrial zones permitted in subsequent subsections. If all of the subparagraphs of Section 413.2 are read and their intent interpreted as a whole, any such interpretation must conclude that the Baltimore County Council intended each face of a sign to be counted, except for shopping center identification signs. Section 413.5.a, BCZR, buttresses this clear and unequivocal reading, i.e., the size of any sign is computed by determining its surface area including the entire face or faces.

An ordinance should be construed "so that no word, clause, sentence, or phrase shall be rendered surplusage, superfluous, meaningless or nugatory." Supervisor v. Southgate Harbor, 279 Md. 586 (1977). If all multiple-faced business signs were to be considered as one, the language of Section 413.2.e would be meaningless, or at the very least, superfluous.

The language of Section 413.2 is clear and unambiguous; therefore, the long-standing and customary application of the policy which considers all

multiple-faced business signs as one should be disregarded for the strongest and most urgent of reasons, i.e., the policy conflicts with the plain meaning of the statute. Smith v. Higginbotham, 187 Md. 115. If after computation, the two sides of the multiple-faced business sign exceed the permitted size as delineated by law, a variance shall be required.

The Petitioner seeks relief from Sections 405.4.A.2.a and 413.2.f, pursuant to Section 307, BCZR.

The requested increase is not excessive, but very reasonable. Indeed, the height of the proposed signs, i.e., 21 feet 11 inches is approximately the same as the existing ones. There will be no practical difference in size between the old and the new signs. In fact, the proposed signage is the same. The increase in the area requested is because the structure is now computed in the area of the sign, not the sign panels only.

There is one exception. The proposed change at Reisterstown and Straw Hat Roads will create a problem inasmuch as the existing sign base is only 1 foot from the right of way of Reisterstown Road. The sign's pylon is placed at a 45 degree angle away from the road. Because of this, the sign is not as close to the road as the base. A change to the two pylon structure will negate this, and its close proximity to a major road could, in this Commissioner's view, cause a danger to the public health, safety, and welfare of the community. This problem does not exist at the other two locations, and indeed, the Protestants recognize this and do not object to those signs.

As for the setbacks, it is a long-standing policy to require the Petitioner to bring up to current standards all deficient setbacks when requesting other variances.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing in this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of March, 1986, that the Petitions for Zoning Variances to permit sign setbacks of 2 1/2 feet from street rights of way instead of the required 6 feet and other business signs of 181.3 square feet instead of the

permitted 100 square feet in Case Nos. 86-317-A and 86-318-A be and are hereby GRANTED from and after the date of this Order.

It is FURTHER ORDERED that the Petition for Zoning Variances to permit a sign setback of 1 foot from a street right of way instead of the required 6 feet and other business signs of 181.3 square feet instead of the permitted 100 square feet in Case No. 86-319-A be held SUB CURIA pending further information from the Petitioner.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Andrew LaPayowker, Esquire

Mrs. Mary Ginn

Mrs. Alice LeGrand

People's Counsel

ZONING DESCRIPTION

Crown MD-9

Beginning on the northeast corner of Loch Raven Boulevard and Yakona Road.

Thence the five following courses and distances:

1. Northerly vinding on the east side of Loch Raven Blvd. 81.35 feet
2. S. 87° 23' 21" E. 100 feet
3. S. 5° 35' 17" W. 100 feet
4. N. 87° 23' 00" W. 80 feet
5. Curve to the right radius 19.72'

for a distance of 29.95 feet to the place of beginning. Containing .226 acres. Also known as 8623 Loch Raven Blvd. in the 9th Election District.

PETITION FOR ZONING VARIANCES

9th Election District

LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road

DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.

PUBLIC HEARING: Room 106, 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:

Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.

Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
Beginning at NE/Corner of : OF BALTIMORE COUNTY
Loch Raven Blvd. & Yakona Rd., :
9th District

CROWN STATIONS, INC., Petitioner : Case No. 86-317-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of January, 1986, a copy of the foregoing Entry of Appearance was mailed to J. Gregory Yawman, Esquire, P. O. Box 1168, Baltimore, MD 21203, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
DATE March 2, 1986
BY J. Gregory Yawman
ADMINISTRATIVE ASSISTANT

- 8 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 18, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

J. Gregory Yawman, Esquire
Post Office Box 1168
Baltimore, Maryland 21203

RE: Petition for Zoning Variances
Beg. @ NE/cor. of Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc. - Petitioner
Case No. 86-317-A

Dear Mr. Yawman:

This is to advise you that \$68.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 018506

e County, Maryland, and remit
ding, Towson, Maryland

DATE 2/24/86 ACCOUNT R-01115-000

AMOUNT \$ 198.49

RECEIVED Arnold Jablon 2/24/86

FOR Advertising & Posting 86-317-A 68.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012373

DATE 11/20/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED Crown Stations, Inc. 11/20/85

FOR Variance # 195 Loch Raven + Yakona MD-9

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 5, 1986.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 5, 1986.

TOWSON TIMES.

Publisher

38.25

86-317-A

PETITION FOR
ZONING VARIANCES
9th Election District
LOCATION: Beginning at Northeast
Corner of Loch Raven Boulevard and
Yakona Road
DATE AND TIME: Monday, February
24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106,
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:
Petition for Zoning Variances to
permit a sign setback of 2.5 feet
in lieu of the required 6 feet and to
permit a sign of 181.3 square feet
in lieu of the permitted 100 square
feet.
Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 6, 1986.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 6, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

24.75

86-317-A

PETITION FOR ZONING
VARIANCES
9th Election District
LOCATION: Beginning at Northeast
Corner of Loch Raven Boulevard and
Yakona Road
DATE AND TIME: Monday, February
24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106,
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:
Petition for Zoning Variances to
permit a sign setback of 2.5 feet in lieu of
the required 6 feet and to permit a sign
of 181.3 square feet in lieu of the permitted
100 square feet.
Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 86-317-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
21st day of January, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Crown Stations, Inc.
Petitioner's
Attorney J. Gregory Yawman, Esquire

Received by: *James E. Ayer*
Chairman, Zoning Appeals
Advisory Committee

MAR 23 1986



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 17, 1986

Mr. Adam H. Weber
13821 Baldwin Mill Road
Baldwin, MD 21013

RE: Case No. 86-317-A
CROWN STATIONS, INC.

Dear Mr. Weber:

Enclosed is a copy of the Opinion and Order passed today by the Board of Appeals in the subject matter.

Very truly yours,

Kathi Weidenhammer
Kathi Weidenhammer
Administrative Secretary

Encl.

cc: Crown Stations, Inc.
G. K. Holmes
Andrew LaPayowker, Esquire
Mr. Adam H. Weber
Mrs. Mary Ginn
Mrs. Kay Turner
Phyllis C. Friedman, Esquire
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN: PETITION FOR VARIANCE : BEFORE
BY CROWN STATIONS, INC. : COUNTY BOARD OF APPEALS
RE: SIGN AND SETBACK : OF
PROPERTY KNOWN AS 8623 LOCH :
RAVEN BOULEVARD : BALTIMORE COUNTY
9TH DISTRICT :
CASE NO. 86-317-A

OPINION

This matter comes before the Board on an appeal from the Order of the Zoning Commissioner of Baltimore County granting variances sought by Crown Stations, Inc. In its petition for variances, Crown requests relief from Sections 405.4.A.2.a and 413.2.f of the Baltimore County Zoning Regulations (BCZR). Specifically insofar as BCZR section 405, Crown requests a variance to permit a sign setback of 2.5 feet rather than the required 6-foot setback; insofar as 413.2, a variance is sought to permit a sign of 181.3 square feet, on both sides, rather than the required 100 square feet or less.

The facts of this matter are simple and not in dispute. There exists at the site a Crown Gasoline Station, which has existed there for some years. The station offers an advertising sign on that side of the lot bordering Loch Raven Boulevard. As part of a company-wide effort to modernize their stations and make their appearance uniform, Crown proposes replacing the current sign with a sign identical in appearance to signs at other Crown stations. The new sign retains the same size and appearance of the Crown logo, enlarges the supporting pole and price sign. It will also be located within 6 feet of the same location where the current sign stands.

In first considering the variance from BCZR 405.4.A.2.a, this Board is persuaded to grant the relief requested. The new sign, as indicated, is to be located at nearly the same spot as the old. There was no persuasive

CROWN STATIONS INC.
Case No. 86-317-A

2.
evidence that this location has had any adverse impact on the general area in the past. Additionally, the evidence presented indicated that a variance would not normally be needed but for the "rounding" of the corner of this lot, that the lot lines do not intersect at 90 degrees, but are rounded, thereby placing the setback deeper into the property. Based upon these factors, we believe the variance should be granted.

Insofar as relief from BCZR 413.2.f, we are also persuaded to grant this variance. In our view, the reasons for the erection of a new sign are logical and sound, and the new sign is not dramatically different from the old. We are therefore inclined to grant the requested variance from this section. We also, in passing, note this Board's opinion in Case No. CBA-85-132 (re: The Olman Corp.). Although the matter before us concerns the merits of the requested variance, this Board in Olman struck down the Zoning Commissioner's interpretations of BCZR 413, wherein he counted both sides of a sign in determining square footage.

Therefore, based upon the testimony before this Board and argument presented, we are persuaded that both variances should be granted and we will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of September, 1986, by the County Board of Appeals of Baltimore County, ORDERED that the variance to permit a sign setback of 2.5 feet in lieu of the required 6 feet be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the variance to permit a sign of 181.3 sq. ft. (both sides) rather than the required 100 square feet or less be and is hereby GRANTED.

CROWN STATIONS, INC.
Case No. 86-317-A

3.
Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE: Crown Stations, Inc. * Case No. 86-317-A
N. E. Cor. Loch Raven *
Blvd & Yakona Road *

MOTION TO DISMISS APPEAL

Petitioner (Appellee) Crown Stations, Inc., by its attorney, Andrew LaPayowker, hereby moves to dismiss the appeal of Adam H. Weber on the grounds that Mr. Weber did not appear or participate in any manner in the hearing before the Zoning Commissioner.

Mr. Weber's failure to participate deprived the Zoning Commissioner of the opportunity to hear and rule on any objections he may have had to the petition for a variance. To permit appeals to this Board by persons who failed to participate, either directly or indirectly, in the proceedings below renders proceedings before the Zoning Commissioner meaningless.

As set forth in the attached Memorandum of Law, Maryland case law is clear that a person who fails to appear before this Board may not pursue an appeal through the courts and a person who fails to participate before the Circuit Court cannot pursue a further appeal. The same principle should bar a person who fails to appear before the Zoning Commissioner from pursuing an appeal before this Board.

WHEREFORE, Petitioner Crown Stations, Inc. hereby moves to dismiss the appeal of Adam H. Weber.

Respectfully submitted,

Andrew LaPayowker
Andrew LaPayowker
P. O. Box 1168
Baltimore, MD 21203
(301) 539-7400
Attorney for Crown Stations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1986, I mailed a copy of the foregoing by first class mail, postage prepaid, to Adam H. Weber, 13821 Baldwin Mill Road, Baldwin, MD 21013; Arnold Jablon, Zoning Commissioner of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court, House, Towson, MD 21204; and Mary Ginn, 606 Horncrest Road, Towson, MD 21204.

Andrew LaPayowker
Andrew LaPayowker

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COUNTY BOARD OF APPEALS
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COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE: Crown Stations, Inc. * Case No. 86-317-A
N. E. Cor. Loch Raven *
Blvd & Yakona Road *

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL

Petitioner (Appellee), Crown Stations, Inc., by its attorney, Andrew LaPayowker, hereby submits its Memorandum of Law in Support of its Motion to Dismiss the appeal of Adam H. Weber.

FACTS

On February 24, 1986, a hearing was held before the Zoning Commissioner of Baltimore County on Crown Stations, Inc.'s ("Crown") petition for a variance pursuant to §307 of the Zoning Regulations of Baltimore County. Crown's petition sought variances of §§405.4.A.2.a and 413.2(f) to permit a sign setback of 2.5 feet from the right of way and a sign totaling 181.3 square feet (including logo sign, price box and supporting poles). The sign is actually a total of 90.65 square feet on each side.

As explained by Crown at the hearing, Crown was merely seeking to replace its existing sign with a new design. The new sign would incorporate the identical "CROWN" logo as the old sign. The increase in square footage comes solely from a slight increase in the size of the price box (+ 12 sq. ft.) and a larger increase in the size of the supporting poles (+ approx. 35 sq. ft.). The proposed new setback would be identical to the old setback.

At the hearing, Crown introduced photographs of the site, including a photograph showing that the site had been properly posted with a Zoning Notice. While representatives of the Alliance of Baltimore County Community Councils appeared at the hearing, no opposition was raised to the proposed variances in this case. Mr. Weber did not enter an appearance, did not submit a written statement or written testimony, and did not appear at the hearing.

On March 20, 1986, Commissioner Jablon entered his order granting the variances in this case. On April 14, 1986, Mr. Weber filed a written notice of appeal. In his letter, Mr. Weber concedes his lack of participation before the Zoning Commissioner:

I own the adjoining property, which I have rented and did not learn of the hearing until after it was held.

Letter from Adam H. Weber to Zoning Commissioner and County Board of Appeals, dated April 9, 1986.

LAW

In *Slusher v. Hanson Road Joint Venture*, 25 Md. App. 356 (1975), the Maryland Court of Special Appeals considered a Zoning Appeal from the Harford County Council. After a review by a hearing examiner, the County Council in *Slusher* denied the property owner's request to rezone its property. On appeal, the Circuit Court reversed and ordered the rezoning. Two individuals, *Slusher* and *Marcin*, appealed to the Court of Special Appeals. The record before the appellate court showed no indication that either one had participated in the process below, although they claimed to have written a letter to the President of the County Council.

The *Slusher* Court referred first to *Brynarski v. Montgomery County Board of Appeals*, 247 Md. 137 (1967), where the Court of Appeals held that:

Under the applicable statutory law, two conditions precedent must be met before a person has standing to appeal to the Circuit Court for Montgomery County from a decision of the Board [of Appeals]: (1) he must have been a party to the proceeding before the Board, and (2) he must be aggrieved by the decision of the Board.

Id. at 143 (emphasis in original).

The Court went on to note the decision in Largo Civic Association v. Prince George's County, 21 Md. App. 76 (1974), where it was held that an aggrieved person need not testify before a zoning authority to have standing to appeal, "provided the record shows he was, in fact, a party." Id. at 81 (emphasis added).

In Slusher, the Court of Special Appeals concluded that the appellants had no standing and dismissed their appeal:

We declare that in order to have standing in a zoning case before this Court, the record must disclose that the party not only participated, as in Brynarski and Largo, before the administrative agency or County Council, but must have also been a party before the Circuit Court. A person may not be a party before the agency or legislative body, disappear from the case while it is before the Circuit Court, and then reemerge in the appellate tribunal.

25 Md. App. at 359.

These three cases show that the Maryland courts require allegedly aggrieved parties to participate in some manner at each stage of the zoning process in order to proceed with appeals. The record in this matter, from the Commissioner's decision to Mr. Weber's own letter, shows that Mr. Weber did not participate below. Participation could be by way of oral testimony or, as noted in Largo, could be as simple as merely appearing at the hearing. Presumably it could be accomplished by submission of a written statement. Mr. Weber availed himself of none of those methods.

By failing to participate, Mr. Weber deprived the Zoning Commissioner of any opportunity to hear his complaints, to apply his expertise, or to fashion appropriate relief. To allow Mr. Weber to step in at this stage would render hearings before the Commissioner meaningless. No protestant, indeed no petitioner, would ever have to appear at those hearings.

This Board should adopt the analysis of the courts in Brynarski, Largo, and Slusher and dismiss Mr. Weber's appeal.

WHEREFORE, Crown Stations, Inc. hereby requests that this Honorable Board grant its Motion to Dismiss.

Respectfully submitted,

Andrew LaPayowker
Andrew LaPayowker
P. O. Box 1168
Baltimore, MD 21203
(301) 539-7400

Attorney for Crown Stations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1986, I mailed a copy of the foregoing by first class mail, postage prepaid, to Adam H. Weber, 13821 Baldwin Mill Road, Baldwin, MD 21013; Arnold Jablon, Zoning Commissioner of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, MD 21204; and Mary Ginn, 606 Horncrest Road, Towson, MD 21204.

Andrew LaPayowker
Andrew LaPayowker

RECEIVED
COUNTY BOARD OF APPEALS
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Adam H. Weber
13821 Baldwin Mill Rd
Baldwin, Md 21013
April 9 - 1986

Zoning Commissioner
County Board of Appeals, I wish to make an
appeal in regards to a larger sign for the
Crown Station located at Loch Raven Blvd
and Yakona St. Case # 86-317-A.
I own the adjoining
property, which I have rented and did not
learn of the hearing until after it was held.

With kind regards,
Adam H. Weber

APR 14 AM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016133

DATE 4/15/86 ACCOUNT 86-317-000

AMOUNT \$ 20.00

RECEIVED FROM Adam H. Weber

FOR Appeal Fee for Case No. 86-317-A

VALIDATION OR SIGNATURE OF CASHIER

CROWN CENTRAL PETROLEUM CORPORATION

PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS
GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1168 • BALTIMORE, MARYLAND 21203
(301) 539-7400

July 25, 1986

County Board of Appeals of
Baltimore County
Room 200 Court House
Towson, Maryland 21204

RE: CROWN STATIONS, INC.
CASE NO. 86-317-A

Dear Sir or Madam:

Enclosed please find a Motion to Dismiss Appeal and Memorandum of Law in support thereof in the above-captioned case. The hearing is currently scheduled for Thursday, July 31, 1986, and I would appreciate the opportunity to argue the Motion at that time.

Very truly yours,

Andrew LaPayowker
Andrew LaPayowker
Staff Attorney

AL/sab

enclosures

cc: Messrs. Adam H. Weber
Arnold Jablon
Ms. Phyllis Cole Friedman
Ms. Mary Ginn

RECEIVED
COUNTY BOARD OF APPEALS
JUL 28 A 10 34



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

April 16, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Andrew LaPayowker, Esquire
One North Charles Street
P. O. Box 1168
Baltimore, MD 21203

RE: PETITION FOR VARIANCE
Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc., Petitioner
Case No. 86-317-A

Dear Mr. LaPayowker:

Please be advised that an appeal has been filed by Mr. Adam H. Weber, protestant in the case, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bg

cc: Mr. Adam H. Weber

Mrs. Mary Ginn

Mrs. Kay Turner

People's Counsel



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
June 19, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-317-A

CROWN STATIONS, INC.

FOR VARIANCE - SIGN SETBACK AND SIZE

NE COR. LOCH RAVEN BLVD. & YAKONA ROAD

9th DISTRICT

3/20/86 - Z.C. GRANTED PETITION IN PART

ASSIGNED FOR:

THURSDAY, JULY 31, 1986 at 10 a.m.

cc: Andrew LaPayowker, Esq.

Counsel for Petitioner

W. B. Snyder, V.P.
Crown Stations, Inc.

Petitioner

G. K. Holmes (Crown Stations)

Mr. Adam H. Weber

Protestant

Mrs. Mary Ginn

"

Mrs. Kay Turner

"

Phyllis Cole Friedman

People's Counsel

Norman E. Gerber

James G. Hoswell

Arnold Jablon

Jean M. H. Jung

James E. Dyer

Edith T. Eisenhart, Adm. Secretary



Baltimore County, Maryland

Date 4-16-86

To: Betty

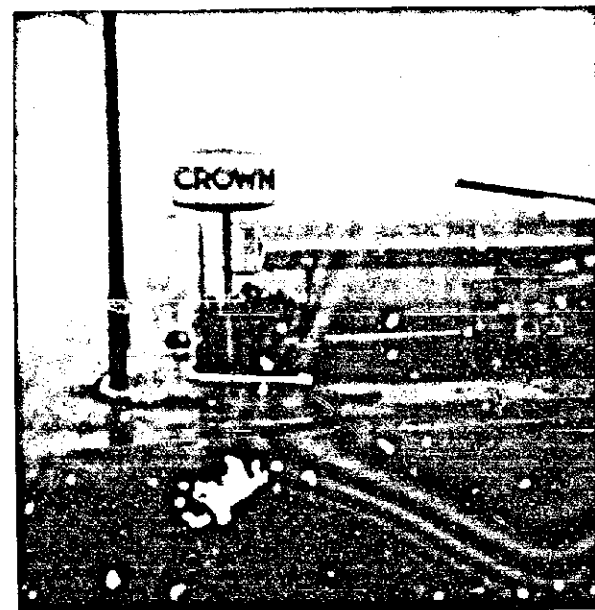
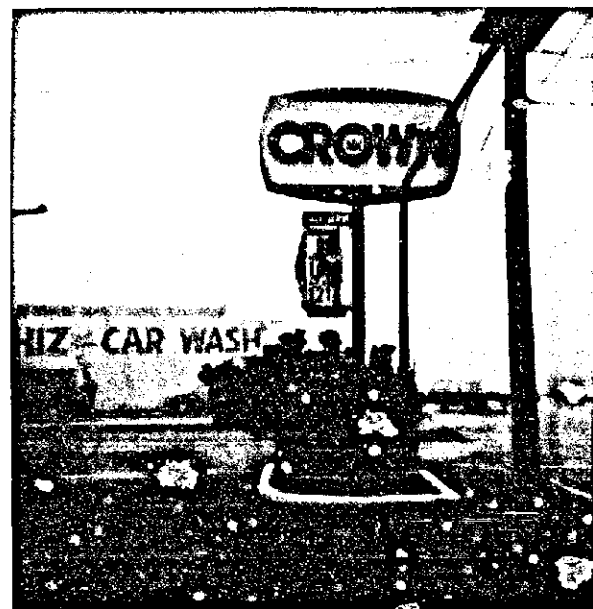
From: Beth

- ☐ Please Note & File ☐ To be Signed
☐ For Your Information ☐ Please Comment
☐ Please Note & Return ☐ Please See Me
☐ Please Handle ☐ Investigate & Report
☐ Please answer, Sending me Copy of your letter
☐ Please Prepare reply for my Signature

Remarks:

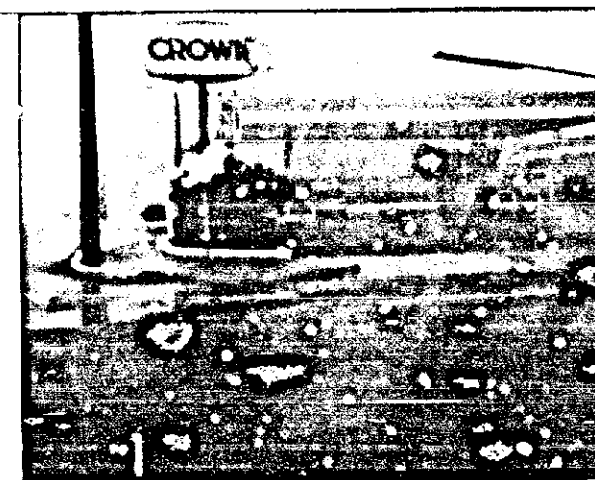
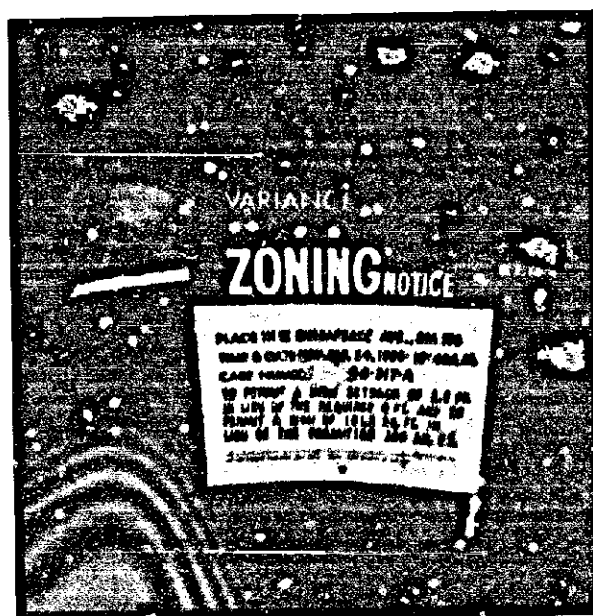
Please docket the following appeal:

Case No. 86-317-A
Crown Stations Inc. - Petitioner
Appeal filed 4/16/86 by
Adam H. Weber
Fee: \$ 20.00
Recycled Paper



LOCK RAVEN & YAKONNA RD.

PETITIONER'S
EXHIBIT ✓



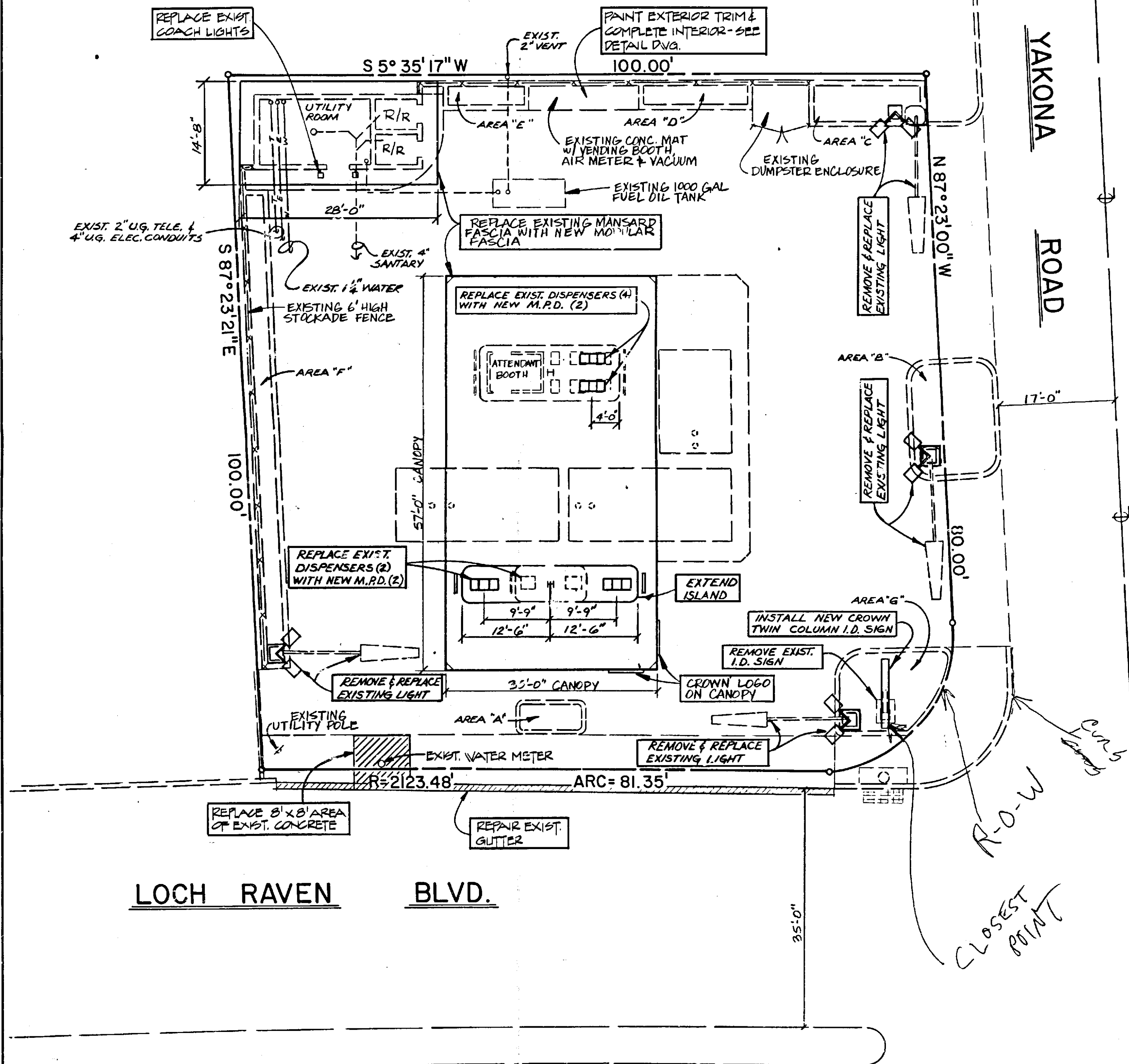
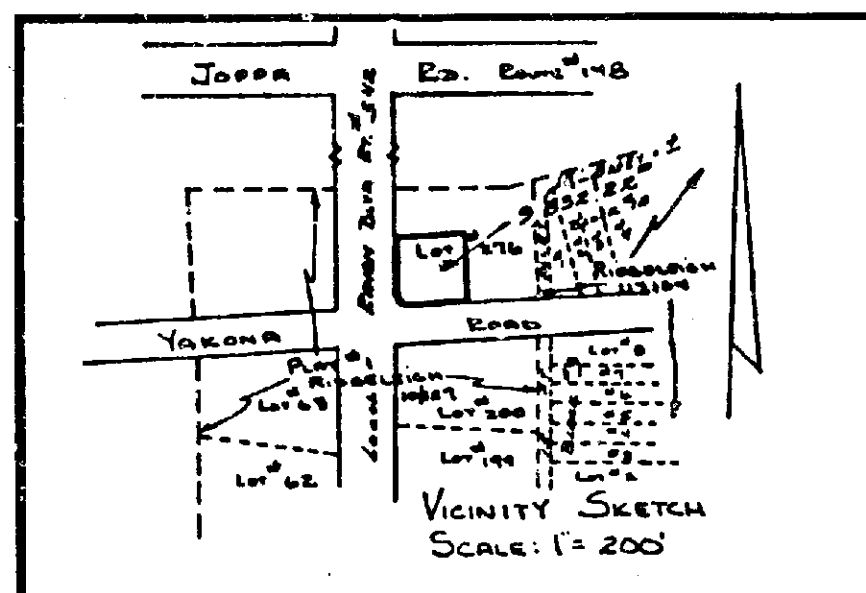
6/19/86 - Notified of appeal hearing scheduled for THURSDAY, JULY 31, 1986 at 10 a.m.

Andrew LaPayowker, Esq.
W. R. Snyder - Crown Stations
G. K. Holmes - " "
Adam H. Weber
Mary Ginn
Kay Turner
Phyllis C. Friedman

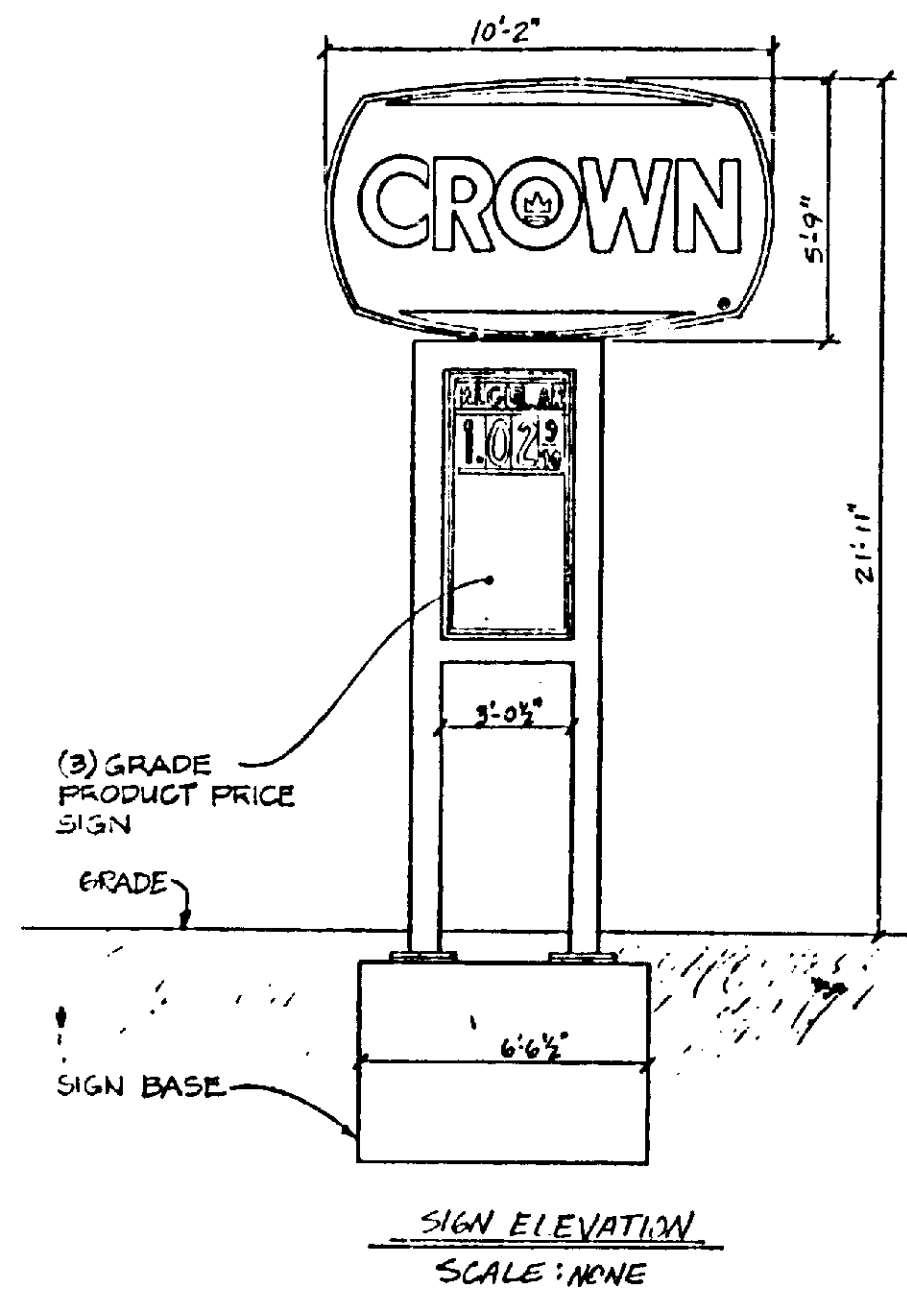
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-317-A

District 974 Date of Posting 7/23/86
Posted for: Appeal
Petitioner: Crown Stations, Inc.
Location of property: NE Cor. Lock Raven Blvd. & Yakonna Rd.
Location of Signs: Facing Lock Raven Blvd., across 8' Fr. roadway
on property of Petitioner
Remarks: _____
Posted by: M. Healy Date of return: _____
Number of Signs: 1



1.0 SIGN	104.3
1.00 F SIGN	36.0
STRUCTURE	41.0
TOTAL PROPOSED	181.3
SQ. FT.	



ZONING STATUS

EXISTING ZONING: PARCEL #1 BL

EXISTING DISTRICT: CNS

AREA REQUIREMENTS

2 # DISPENSER ISLANDS WITH 4 # MULTI-PRODUCT DISPENSERS CAPABLE OF SERVING 6 CARS AT ANY ONE TIME.

TOTAL SERVICING SPACES	6
TOTAL SERVICING DAYS	0
TOTAL BAYS & SPACES	6

SITE AREA REQUIRED TOTAL BAYS & SPACES 6 # x 1500 SQUARE FEET = 9,000 SQUARE FEET. MINIMUM AREA REQUIRED 15,000 SQ. FT.

PROPOSED ANCILLARY & ADDITIONAL AREA REQUIRED MOTOR OIL, ANTIFREEZE, CIGARETTES, VACUUM, REPAIRS

PROPOSED COMBINATION USES ADDITIONAL AREA REQUIRED _____

TOTAL AREA REQUIRED	9,000 SQ. FT.
TOTAL AREA OF TRACT	9,832 SQ. FT.

ACCESS POINTS

NUMBER OF DRIVEWAYS ON FRONT STREET 2 TIMES 65 = 130 (REQUIRED WIDTH)

ACTUAL SITE WIDTH 81.35'

LANDSCAPING

AREA "A" = 50 SQUARE FEET	AREA "C" = 75 SQUARE FEET	AREA "E" = 21 SQ. FT.
AREA "B" = 64 SQUARE FEET	AREA "D" = 45 SQUARE FEET	AREA "F" = 204 SQ. FT.
		AREA "G" = 145 SQ. FT.

TOTAL 604 SQ. FT. = 6.1 % OF TRACT

5% OF TRACT 491 SQ. FT.

LANDSCAPING CONSISTS OF (DESCRIPTION) SHRUBS AND ASTROTURF

LIGHTING

- (4) TYPE METAL HALIDE HEIGHT 14' TALL W/TWIN 2'x4'x8'x10' (DESCRIPTION)
- (2) TYPE _____ HEIGHT _____ (DESCRIPTION)

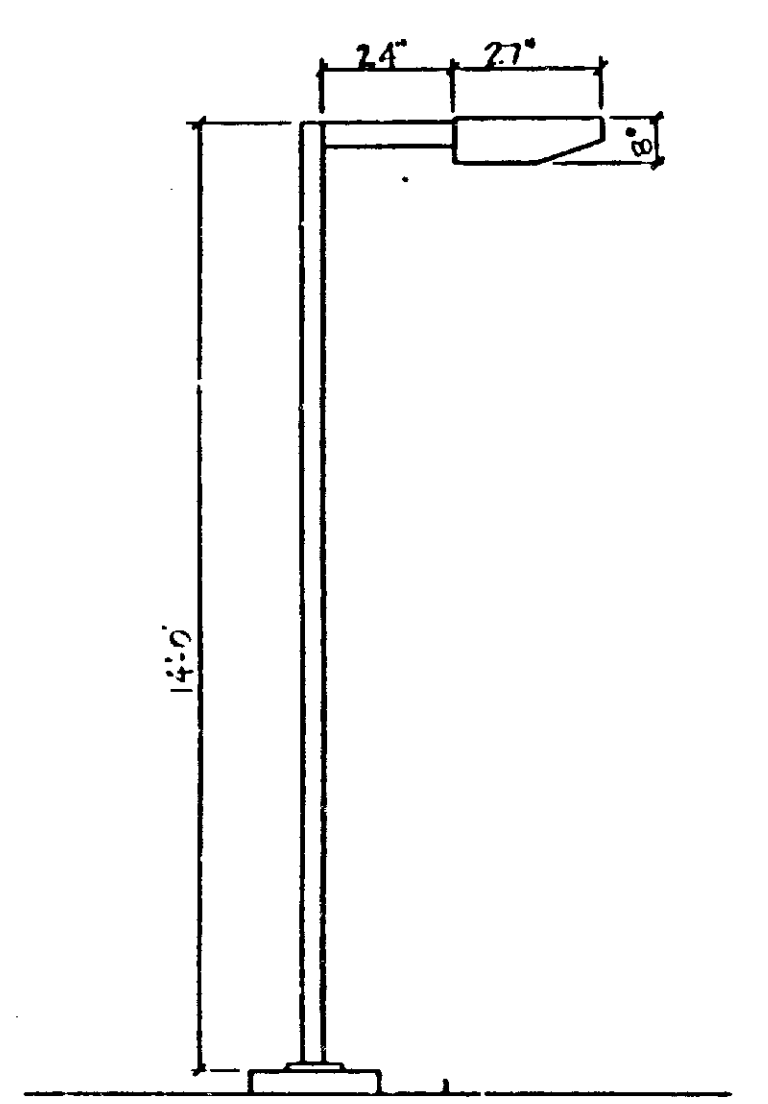
PARKING

PARKING SPACES REQUIRED THREE FOR EACH BAY

PARKING SPACES PROVIDED 0

(ALL PARKING MUST BE SET BACK 8 FEET FROM STREET PROPERTY LINE)

NOTE: NO INDUSTRIAL WATER WILL BE USED OR INDUSTRIAL WASTE WATER DISCHARGED FROM THIS STATION.



LIGHT DETAIL
NO SCALE

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 16 1
MD-9

CROWN CENTRAL PETROLEUM CORPORATION			
PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS			
GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1168 • BALTIMORE, MARYLAND 21203			
PLOT PLAN OF MD-9, 8623 LOCH RAVEN BLVD., BALTIMORE, MD. 21204			
SCALE: 1"=10'-0"	DATE: 8-8-85	STATION NUMBER MD-9	
1 12-2-85	REPLACE CONCRETE, REPAIR EXIST GUTTER	DRAWN BY R.S.	CHECKED BY
REVISIONS			
DRAWING NUMBER CCP-7206R			
REV. NO.			

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 405.4.A.2.a. To permit a sign setback of 2 1/2 ft. instead of the required 6 ft. setback, 413.2.F. to permit a sign of 181.3 sq. ft. instead of the required 100 sq. ft. or less.

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

- Sign Setback: Less than 6' has been in same location for approximately 15 years and we do not have the space to relocate it further back as it would impede the flow of traffic at the pumps.
- Sign Size: We are enlarging the price sign and the pole by 81.30 sq. ft. over the maximum allowed 100 sq. ft. for better visibility to the public. We are not increasing the square footage of our Crown Logo.

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 of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s): (Type or Print Name) _____
Signature by W. R. Snyder, Vice President _____
(Type or Print Name) _____
Signature _____
City and State _____

Attorney for Petitioner: _____
J. Gregory Yaman (Type or Print Name) _____
Signature _____
Address _____
City and State _____

P. O. Box 1168, 532-7490 (Type or Print Name) _____
Address _____
Baltimore, Maryland 21203 (City and State) _____

P. O. Box 1168 (Type or Print Name) _____
Address _____
Baltimore, MD 21203 (City and State) _____

Attorney's Telephone No.: 532-7490 (Type or Print Name) _____
Address _____
Baltimore, MD 21203 (City and State) _____

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 1986, 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 held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of February, 1986, at 10:00 o'clock.

(over)

IN RE: PETITIONS ZONING VARIANCES * BEFORE THE
Crown Stations, Inc., * ZONING COMMISSIONER
Petitioner * OF BALTIMORE COUNTY
* Case Nos. 86-317-A, 86-318-A, and 86-319-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a sign setback from a street right of way of 2 1/2 feet in Case No. 86-317-A, 2 1/2 feet in Case No. 86-318-A, and 1 foot in Case No. 86-319-A instead of the required 6 feet and other business signs of 181.3 square feet instead of the permitted 100 square feet in each of the cases, as more particularly described on Petitioner's Exhibits 1 in each case.

Inasmuch as the requested variances and the facts surrounding each request are similar, or identical, the three Petitions referenced above have been combined for the purpose of this Order.

The Petitioner, by Vernon Mannion, its Real Estate Representative, appeared and was represented by Counsel. George Coppinger, a dealer at one of the sites, also appeared on behalf of the Petitioner. Alice LeGrand, representing the Reisterstown-Owings Mills-Glyndon Coordinating Council, and Mary Ginn and Kay Turner, representing The Alliance of Baltimore County Community Councils, Inc., appeared in opposition to Case No. 86-319-A. They were not opposed to Case Nos. 86-317-A and 86-318-A.

Testimony indicated that the Petitioner is requesting permission to replace existing signs at three locations, i.e., Loch Raven Boulevard and Yakona Road (Case No. 86-317-A), Reisterstown and Old Court Roads (Case No.

86-318-A, and Reisterstown and Straw Hat Roads (Case No. 86-319-A), all zoned B.U. Presently, one pylon bearing an identification (ID) sign with the familiar Crown logo and price signs attached below has existed at each location for many years. At Loch Raven Boulevard, the existing sign is 2 1/2 feet from the street right of way and measures approximately 141 square feet counting both sides. The ID sign measures approximately 104 square feet and the price sign measures 37 square feet. At Reisterstown and Old Court Roads, the existing sign is also located 2 1/2 feet from the street right of way and measures 104 square feet counting both sides. The price signs at this location are placed on a separate pylon. At Reisterstown and Straw Hat Roads, the sign is located 1 foot from the right of way and measures approximately 141 square feet, including the ID and price signs.

The Petitioner proposes to replace these signs with a uniform sign bearing the Crown ID on the top of two pylons within which will be a panel identifying the gasoline prices. The size of the sign will be 181.3 square feet, which includes both sides of the ID sign, the price box, and the structure. The only difference among the three signs is that the one at Reisterstown and Old Court Roads will be placed into a 10' x 10' brick fountain.

It is clear that the distances of the signs to the right-of-way lines are nonconforming. At the time the existing signs were erected, the long-standing policy of the Zoning Commissioner was to count all multiple-sided signs as one side only for the purpose of computing the permitted 100 square feet for other business signs. Indeed, if this latter policy had not been changed in In Re: C-F Property Partnership, Case No. 85-113-SPHA, November 5, 1984, wherein it was decided by the Zoning Commissioner that this policy was illegal, the Petitioner would be able to erect these signs without the need for variances.

For many years, as indicated, the policy permitted both sides of a multiple-faced business sign to be computed as one for the purpose of determining the size permitted. If a business sign such as the multiple-faced, free-standing sign proposed here was computed to be 98 square feet on each side, past policy would have counted only one side. Section 413.2.f, BCZR, permits other business signs if limited to a total area of 100 square feet, and therefore, a sign such as described above would be permitted as a matter of right without the need for a variance. Of course, if both sides were counted for a total of 196 square feet, a variance would be required.

This interpretation does not comport to either the language or the intent of the BCZR. By their inherent nature, policies facilitate and improve the implementation of procedures, but they are equally subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. They may be used to interpret and/or to construe the law but cannot supplant or contradict the law. Official administrative interpretations of statutes in the form of policy that have long-continued and unvaried application should not be disregarded except for the strongest reason. Hufmeister v. Frank Realty Co., 373 A.2d 273, 281 (1977). As long as the rules and regulations adopted by the administrative official are reasonable and consistent with the statute, they should be applied. Farber's, Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md. 44 (1972).

The basic principles of statutory construction were comprehensively set out in the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1975):
The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Parfroy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327

of all of the provisions concerning signs so that the several parts of those regulations are given their intended effect. Moreover, the relationship between those various provisions regulating signs must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Depart. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

Only Section 413.2.e, BCZR, permits a multiple-faced sign to be considered as one and that is limited to an identification sign for a shopping center or other interpreted group of stores or commercial buildings. The introductory language of Section 413.2 does not provide the right to treat all business signs alike. The language is not all inclusive nor all permissive. It provides a preamble to the section's intent and conditions any permission to place a business sign of a particular size in only those business or industrial zones permitted in subsequent subsections. If all of the subparagraphs of Section 413.2 are read and their intent interpreted as a whole, any such interpretation must conclude that the Baltimore County Council intended each face of a sign to be counted, except for shopping center identification signs. Section 413.5.a, BCZR, buttresses this clear and unequivocal reading, i.e., the size of any sign is computed by determining its surface area including the entire face or faces.

An ordinance should be construed "so that no word, clause, sentence, or phrase shall be rendered surplusage, superfluous, meaningless or nugatory." Supervisor v. Southgate Harbor, 279 Md. 586 (1977). If all multiple-faced business signs were to be considered as one, the language of Section 413.2.e would be meaningless, or at the very least, superfluous.

The language of Section 413.2 is clear and unambiguous; therefore, the long-standing and customary application of the policy which considers all

multiple-faced business signs as one should be disregarded for the strongest and most urgent of reasons, i.e., the policy conflicts with the plain meaning of the statute. Smith v. Higginbotham, 187 Md. 115. If after computation, the two sides of the multiple-faced business sign exceed the permitted size as delineated by law, a variance shall be required.

The Petitioner seeks relief from Sections 405.4.A.2.a and 413.2.f, pursuant to Section 307, BCZR.

The requested increase is not excessive, but very reasonable. Indeed, the height of the proposed signs, i.e., 21 feet 11 inches is approximately the same as the existing ones. There will be no practical difference in size between the old and the new signs. In fact, the proposed signage is the same. The increase in the area requested is because the structure is now computed in the area of the sign, not the sign panels only.

There is one exception. The proposed change at Reisterstown and Straw Hat Roads will create a problem inasmuch as the existing sign base is only 1 foot from the right of way of Reisterstown Road. The sign's pylon is placed at a 45 degree angle away from the road. Because of this, the sign is not as close to the road as the base. A change to the two pylon structure will negate this, and its close proximity to a major road could, in this Commissioner's view, cause a danger to the public health, safety, and welfare of the community. This problem does not exist at the other two locations, and indeed, the Protestants recognize this and do not object to those signs.

As for the setbacks, it is a long-standing policy to require the Petitioner to bring up to current standards all deficient setbacks when requesting other variances.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing in this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of March, 1986, that the Petitions for Zoning Variances to permit sign setbacks of 2 1/2 feet from street rights of way instead of the required 6 feet and other business signs of 181.3 square feet instead of the

permitted 100 square feet in Case Nos. 86-317-A and 86-318-A be and are hereby GRANTED from and after the date of this Order.

It is FURTHER ORDERED that the Petition for Zoning Variances to permit a sign setback of 1 foot from a street right of way instead of the required 6 feet and other business signs of 181.3 square feet instead of the permitted 100 square feet in Case No. 86-319-A be held SUB CURIA pending further information from the Petitioner.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Andrew LaPayowker, Esquire
Mrs. Mary Ginn
Mrs. Alice LeGrand
People's Counsel

ZONING DESCRIPTION

Crown MD-9

Beginning on the northeast corner of Loch Raven Boulevard and Yakona Road. Thence the five following courses and distances:
1. Northerly vinding on the east side of Loch Raven Blvd. 81.35 feet
2. S. 87° 23' 21" E. 100 feet
3. S. 5° 35' 17" W. 100 feet
4. N. 87° 23' 00" W. 80 feet
5. Curve to the right radius 19.72'
for a distance of 29.95 feet to the place of beginning. Containing .226 acres. Also known as 8623 Loch Raven Blvd. in the 9th Election District.

PETITION FOR ZONING VARIANCES 9th Election District

LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road
DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, 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:

Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.

Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
Beginning at NE/Corner of : OF BALTIMORE COUNTY
Loch Raven Blvd. & Yakona Rd., :
9th District :
CROWN STATIONS, INC., Petitioner : Case No. 86-317-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of January, 1986, a copy of the foregoing Entry of Appearance was mailed to J. Gregory Yawman, Esquire, P. O. Box 1168, Baltimore, MD 21203, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
DATE March 2, 1986
BY J. Gregory Yawman
ADMINISTRATIVE ASSISTANT

- 8 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 18, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

J. Gregory Yawman, Esquire
Post Office Box 1168
Baltimore, Maryland 21203

RE: Petition for Zoning Variances
Beg. @ NE/cor. of Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc. - Petitioner
Case No. 86-317-A

Dear Mr. Yawman:

This is to advise you that \$68.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 018506

DATE 2/24/86 ACCOUNT R-011-15-000

AMOUNT \$ 198.49

RECEIVED BY Arnold Jablon DATE 2/24/86

FOR Advertising & Posting AMOUNT \$68.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012373

DATE 11/20/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED BY Crown Stations, Inc. DATE 11/20/85

FOR Variance # 195 AMOUNT \$100.00

FOR Loch Raven & Yakona MD-9 DATE 11/20/85

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 5, 1986.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 5, 1986.

TOWSON TIMES.

Publisher

38.25

86-317-A

PETITION FOR ZONING VARIANCES
9th Election District
LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road
DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, 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:
Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.
Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 6, 1986.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 6, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

24.75

86-317-A

PETITION FOR ZONING VARIANCES
9th Election District
LOCATION: Beginning at Northeast Corner of Loch Raven Boulevard and Yakona Road
DATE AND TIME: Monday, February 24, 1986, at 10:45 a.m.
PUBLIC HEARING: Room 106, 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:
Petition for Zoning Variances to permit a sign setback of 2.5 feet in lieu of the required 6 feet and to permit a sign of 181.3 square feet in lieu of the permitted 100 square feet.
Being the property of Crown Stations, Inc., as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/31/86
Posted for: Variance
Petitioner: Crown Stations, Inc.
Location of property: NE/cor. Loch Raven Blvd. & Yakona Rd.
Location of Sign: Loch Raven Blvd. & Yakona Rd., approx. E. of Crown Stations, Inc. property
Remarks: None
Posted by: Arnold Jablon Date of return: 2/1/86
Number of Signs: 1

Case No. 86-317-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 21st day of January, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Crown Stations, Inc.
Petitioner's Attorney J. Gregory Yawman, Esquire

Received by: *James E. Ayer*
Chairman, Zoning Appeals Advisory Committee

MAR 23 1986

Case No. 86-317-A NE Cor. Loch Raven Blvd. and Yakona Road
 Item No. 195 9th Election District
 Date: April 9, 1986
 Var. To permit a sign setback of 2.5 ft. in lieu of req. 6 ft. and
 to permit a sign of 181.3' in lieu of the req. 100' or less.

RECEIVED
 COUNTY BOARD OF APPEALS
 APR 11 A 8 42E

1. Copy of Petition
 2. Copy of Description of Property
 3. Copy of Certificate of Posting (1 Sign)
 4. Copy of Certificates of Publication
 5. Copy of Zoning Advisory Committee Comments
 6. Copy of Comments from the Director of Planning
 7. Planning Board Comments and Accompanying Map
 8. Copy of Order to Enter Appearance
 9. Copy of Order - Zoning/Planning Commissioner - 3/20/86, Setbacks GRANTED IN PART
 10. Copy of Plat of Property (See Petitioner's Exhibit 1)
 11. 200' Scale Location Plan
 12. 1000' Scale Location Plan
 13. Memorandum in Support of Petition
 14. Letter(s) from Protestant(s)
 15. Letter(s) from Petitioner(s)
 16. Protestants' Exhibits to
 17. Petitioner's Exhibits 1 to 2
 #1 - Plan of Property; #2 - Photographs
 18. Letter of Appeal, 4/14/86 by Adam H. Weber, Protestant.

Crown Stations, Inc. Petitioner
 W. R. Snyder, Vice President
 P. O. Box 1168
 Baltimore, MD 21203

Andrew LaPayowker, Esquire Attorney for Petitioner
 One North Charles Street
 P. O. Box 1168
 Baltimore, MD 21203

Mr. Adam H. Weber Protestants
 13821 Baldwin Mill Road
 Balduin, MD 21013

Mrs. Mary Ginn Protestants
 606 Horncrest Road
 Towson, MD 21204

Mrs. Kay Turner Protestants
 618 W. Chesapeake Avenue
 Towson, MD 21204

Phyllis C. Friedman, Esquire People's Counsel
 Norman E. Gerber
 Request Notification
 James Hoswell
 Request Notification
 Arnold Jablon
 Request Notification
 Jean M. H. Jung
 Request Notification
 James E. Dyer
 Request Notification

G.K. Holmes (w/ Crown Stations)
 1644 E. Belvidere Ave.
 (21239)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner Date: January 31, 1986
 Norman E. Gerber, AICP, Director
 FROM: Office of Planning and Zoning
 SUBJECT: Zoning Petitions No. 86-317-A, 86-318-A and 86-319-A

If the sign is to be placed on the existing base, this office is not concerned with the setback variance; if a new base is to be poured, it could and should be set further back from the property line.

As to the variance to sign size, this office is opposed. If better visibility to the public satisfies the "unreasonable hardship" criterion, then perhaps regulations governing sign size are superfluous.

Norman E. Gerber, AICP
 Director

NEG:JGH:sim

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

January 29, 1986

Chairman

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

J. Gregory Yawman, Esquire
 P. O. Box 1168
 Baltimore, Maryland 21203

RE: Item No. 195 - Case No. 86-317-A
 Petitioner - Crown Stations, Inc.
 Variance Petition

Dear Mr. Yawman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:nr

Enclosures



William K. Hellman
 Secretary
 Hal Kassoff
 Administrator

December 6, 1985

Mr. A. Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Baltimore County
 Item # 195
 Property Owner: Crown
 Stations, Inc.
 Location: NE corner Loch
 Raven Blvd. (Rte 542)
 and Yakona Road
 Existing Zoning: B.L. C.N.S.
 Proposed Zoning Var. to
 permit a sign setback of
 2.5' instead of the
 required 6' setback, and
 to permit a sign of 181.3
 sq. ft. instead of the
 required 100 sq. ft. or
 less
 Acres: 9.832
 District 9th

Att: James Dyer

Dear Mr. Dyer:

On review of the submitted for sign variance for
 Outdoor Advertising, the site plan has been forwarded to
 the State Highway Administration Beautification Section,
 C/O Morris Stein (659-1642) for all comments relative
 to zoning.

Very truly yours,

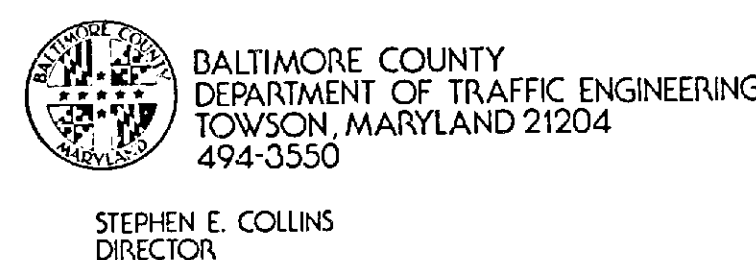
Charles Lee, Chief
 Bureau of Engr. Access Permits
 by: George Wittman

CL-GW:es

cc: J. Ogle
 M. Stein w/att.

My telephone number is 301-659-1350

Telephone for Impaired Hearing or Speech
 303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-9282 Statewide Toll Free
 P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



STEPHEN E. COLLINS
 DIRECTOR

January 7, 1986

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. -22C- Meeting of November 3, 1985
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

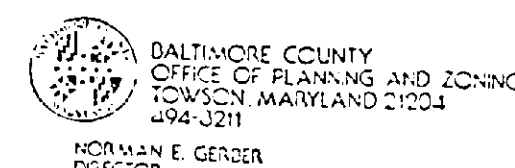
Acres:
 District:

Dear Mr. Jablon:

The department of Traffic Engineering has no comments for items number
 190, 191, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205,
 and 206.

Michael S. Flanigan
 Traffic Engineer Associate II

MSF/bld



NORMAN E. GERBER
 DIRECTOR

JANUARY 28, 1986

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

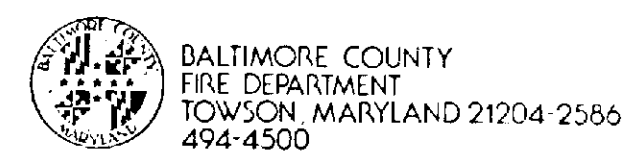
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject
 petition and offers the following comments. The items checked below are
 applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () The property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () The property is located in a deficient service area as defined by the Baltimore County Land Use Manual, 8111 178-79. No building permit may be issued until a Deficient Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by 5111 172-79, and as conditions change are reevaluated annually by the County Council.
- () Additional comments: _____

cc: James Hoswell

Eugene A. Sobor
 Chief, Current Planning and Development



PAUL H. REINCKE
 CHIEF

December 17, 1985

Mr. Arnold Jablon
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Crown Stations, Inc.

Location: NE corner Loch Raven Boulevard and Yakona Road

Item No.: 195 Zoning Agenda: Meeting of December 3, 1985

Gentlemen:

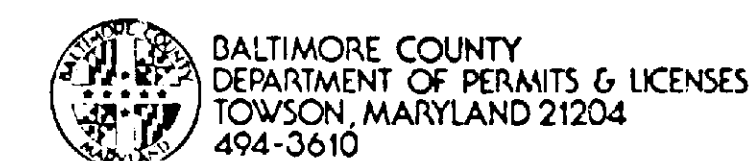
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: _____
 Planning Dept.
 Special Inspection Division

Noted and Approved: _____
 Fire Prevention Bureau

/ab



TED ZALESKI, JR.
 DIRECTOR

December 23, 1985

Mr. Arnold Jablon, Zoning Commissioner
 Office of Planning and Zoning
 Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 195 Zoning Advisory Committee Meeting are as follows:

Property Owner: Crown Stations, Inc.
 Location: NE corner Loch Raven Boulevard and Yakona Road
 District: 9th.

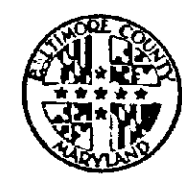
APPLICABLE ITEMS ARE CHECKED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Landscaped and Land.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (X) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All the Groups except B-4, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4, See Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1207, Section 1206.2 and Table 1207. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Final Use. See Section 312 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard, or Flood Hazard Area. Please see the attached copy of Section 210.0 of the Building Code as adopted by Bill #17-85. Site plan must show the correct elevations above sea level for the lot and the finish floor levels including basement.
- (X) Comments: Separate permits are required for the various improvements.

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the Applicant may obtain additional information by visiting Room 107 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Dyer
 Building Plans Section

L/22/85



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 17, 1986

Mr. Adam H. Weber
13821 Baldwin Mill Road
Baldwin, MD 21013

RE: Case No. 86-317-A
CROWN STATIONS, INC.

Dear Mr. Weber:

Enclosed is a copy of the Opinion and Order passed today by the Board of Appeals in the subject matter.

Very truly yours,

Kathi Weidenhammer
Kathi Weidenhammer
Administrative Secretary

Encl.

cc: Crown Stations, Inc.
G. K. Holmes
Andrew LaPawowker, Esquire
Mr. Adam H. Weber
Mrs. Mary Ginn
Mrs. Kay Turner
Phyllis C. Friedman, Esquire
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN: PETITION FOR VARIANCE : BEFORE
BY CROWN STATIONS, INC. : COUNTY BOARD OF APPEALS
RE: SIGN AND SETBACK : OF
PROPERTY KNOWN AS 8623 LOCH :
RAVEN BOULEVARD : BALTIMORE COUNTY
9TH DISTRICT :
CASE NO. 86-317-A

OPINION

This matter comes before the Board on an appeal from the Order of the Zoning Commissioner of Baltimore County granting variances sought by Crown Stations, Inc. In its petition for variances, Crown requests relief from Sections 405.4.A.2.a and 413.2.f of the Baltimore County Zoning Regulations (BCZR). Specifically insofar as BCZR section 405, Crown requests a variance to permit a sign setback of 2.5 feet rather than the required 6-foot setback; insofar as 413.2, a variance is sought to permit a sign of 181.3 square feet, on both sides, rather than the required 100 square feet or less.

The facts of this matter are simple and not in dispute. There exists at the site a Crown Gasoline Station, which has existed there for some years. The station offers an advertising sign on that side of the lot bordering Loch Raven Boulevard. As part of a company-wide effort to modernize their stations and make their appearance uniform, Crown proposes replacing the current sign with a sign identical in appearance to signs at other Crown stations. The new sign retains the same size and appearance of the Crown logo, enlarges the supporting pole and price sign. It will also be located within 6 feet of the same location where the current sign stands.

In first considering the variance from BCZR 405.4.A.2.a, this Board is persuaded to grant the relief requested. The new sign, as indicated, is to be located at nearly the same spot as the old. There was no persuasive

CROWN STATIONS INC.
Case No. 86-317-A

evidence that this location has had any adverse impact on the general area in the past. Additionally, the evidence presented indicated that a variance would not normally be needed but for the "rounding" of the corner of this lot, that the lot lines do not intersect at 90 degrees, but are rounded, thereby placing the setback deeper into the property. Based upon these factors, we believe the variance should be granted.

Insofar as relief from BCZR 413.2.f, we are also persuaded to grant this variance. In our view, the reasons for the erection of a new sign are logical and sound, and the new sign is not dramatically different from the old. We are therefore inclined to grant the requested variance from this section. We also, in passing, note this Board's opinion in Case No. CBA-85-132 (re: The Olman Corp.). Although the matter before us concerns the merits of the requested variance, this Board in Olman struck down the Zoning Commissioner's interpretations of BCZR 413, wherein he counted both sides of a sign in determining square footage.

Therefore, based upon the testimony before this Board and argument presented, we are persuaded that both variances should be granted and we will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of September, 1986, by the County Board of Appeals of Baltimore County, ORDERED that the variance to permit a sign setback of 2.5 feet in lieu of the required 6 feet be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the variance to permit a sign of 181.3 sq. ft. (both sides) rather than the required 100 square feet or less be and is hereby GRANTED.

CROWN STATIONS, INC.
Case No. 86-317-A

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE: Crown Stations, Inc. * Case No. 86-317-A
N. E. Cor. Loch Raven *
Blvd & Yakona Road *

MOTION TO DISMISS APPEAL

Petitioner (Appellee) Crown Stations, Inc., by its attorney, Andrew Lapawowker, hereby moves to dismiss the appeal of Adam H. Weber on the grounds that Mr. Weber did not appear or participate in any manner in the hearing before the Zoning Commissioner.

Mr. Weber's failure to participate deprived the Zoning Commissioner of the opportunity to hear and rule on any objections he may have had to the petition for a variance. To permit appeals to this Board by persons who failed to participate, either directly or indirectly, in the proceedings below renders proceedings before the Zoning Commissioner meaningless.

As set forth in the attached Memorandum of Law, Maryland case law is clear that a person who fails to appear before this Board may not pursue an appeal through the courts and a person who fails to participate before the Circuit Court cannot pursue a further appeal. The same principle should bar a person who fails to appear before the Zoning Commissioner from pursuing an appeal before this Board.

WHEREFORE, Petitioner Crown Stations, Inc. hereby moves to dismiss the appeal of Adam H. Weber.

Respectfully submitted,

Andrew Lapawowker
Andrew Lapawowker
P. O. Box 1168
Baltimore, MD 21203
(301) 539-7400
Attorney for Crown Stations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1986, I mailed a copy of the foregoing by first class mail, postage prepaid, to Adam H. Weber, 13821 Baldwin Mill Road, Baldwin, MD 21013; Arnold Jablon, Zoning Commissioner of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court, House, Towson, MD 21204; and Mary Ginn, 606 Horncrest Road, Towson, MD 21204.

Andrew Lapawowker
Andrew Lapawowker

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COUNTY BOARD OF APPEALS
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COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE: Crown Stations, Inc. * Case No. 86-317-A
N. E. Cor. Loch Raven *
Blvd & Yakona Road *

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL

Petitioner (Appellee), Crown Stations, Inc., by its attorney, Andrew Lapawowker, hereby submits its Memorandum of Law in Support of its Motion to Dismiss the appeal of Adam H. Weber.

FACTS

On February 24, 1986, a hearing was held before the Zoning Commissioner of Baltimore County on Crown Stations, Inc.'s ("Crown") petition for a variance pursuant to §307 of the Zoning Regulations of Baltimore County. Crown's petition sought variances of §§405.4.A.2.a and 413.2(f) to permit a sign setback of 2.5 feet from the right of way and a sign totaling 181.3 square feet (including logo sign, price box and supporting poles). The sign is actually a total of 90.65 square feet on each side.

As explained by Crown at the hearing, Crown was merely seeking to replace its existing sign with a new design. The new sign would incorporate the identical "CROWN" logo as the old sign. The increase in square footage comes solely from a slight increase in the size of the price box (+ 12 sq. ft.) and a larger increase in the size of the supporting poles (+ approx. 35 sq. ft.). The proposed new setback would be identical to the old setback.

At the hearing, Crown introduced photographs of the site, including a photograph showing that the site had been properly posted with a Zoning Notice. While representatives of the Alliance of Baltimore County Community Councils appeared at the hearing, no opposition was raised to the proposed variances in this case. Mr. Weber did not enter an appearance, did not submit a written statement or written testimony, and did not appear at the hearing.

On March 20, 1986, Commissioner Jablon entered his order granting the variances in this case. On April 14, 1986, Mr. Weber filed a written notice of appeal. In his letter, Mr. Weber concedes his lack of participation before the Zoning Commissioner:

I own the adjoining property, which I have rented and did not learn of the hearing until after it was held.

Letter from Adam H. Weber to Zoning Commissioner and County Board of Appeals, dated April 9, 1986.

LAW

In *Slusher v. Hanson Road Joint Venture*, 25 Md. App. 356 (1975), the Maryland Court of Special Appeals considered a Zoning Appeal from the Harford County Council. After a review by a hearing examiner, the County Council in *Slusher* denied the property owner's request to rezone its property. On appeal, the Circuit Court reversed and ordered the rezoning. Two individuals, *Slusher* and *Marcin*, appealed to the Court of Special Appeals. The record before the appellate court showed no indication that either one had participated in the process below, although they claimed to have written a letter to the President of the County Council.

The *Slusher* Court referred first to *Brynarski v. Montgomery County Board of Appeals*, 247 Md. 137 (1967), where the Court of Appeals held that:

Under the applicable statutory law, two conditions precedent must be met before a person has standing to appeal to the Circuit Court for Montgomery County from a decision of the Board [of Appeals]: (1) he must have been a party to the proceeding before the Board, and (2) he must be aggrieved by the decision of the Board.

Id. at 143 (emphasis in original).

The Court went on to note the decision in Largo Civic Association v. Prince George's County, 21 Md. App. 76 (1974), where it was held that an aggrieved person need not testify before a zoning authority to have standing to appeal, "provided the record shows he was, in fact, a party." Id. at 81 (emphasis added).

In Slusher, the Court of Special Appeals concluded that the appellants had no standing and dismissed their appeal:

We declare that in order to have standing in a zoning case before this Court, the record must disclose that the party not only participated, as in Brynarski and Largo, before the administrative agency or County Council, but must have also been a party before the Circuit Court. A person may not be a party before the agency or legislative body, disappear from the case while it is before the Circuit Court, and then reemerge in the appellate tribunal.

25 Md. App. at 359.

These three cases show that the Maryland courts require allegedly aggrieved parties to participate in some manner at each stage of the zoning process in order to proceed with appeals. The record in this matter, from the Commissioner's decision to Mr. Weber's own letter, shows that Mr. Weber did not participate below. Participation could be by way of oral testimony or, as noted in Largo, could be as simple as merely appearing at the hearing. Presumably it could be accomplished by submission of a written statement. Mr. Weber availed himself of none of those methods.

By failing to participate, Mr. Weber deprived the Zoning Commissioner of any opportunity to hear his complaints, to apply his expertise, or to fashion appropriate relief. To allow Mr. Weber to step in at this stage would render hearings before the Commissioner meaningless. No protestant, indeed no petitioner, would ever have to appear at those hearings.

This Board should adopt the analysis of the courts in Brynarski, Largo, and Slusher and dismiss Mr. Weber's appeal.

WHEREFORE, Crown Stations, Inc. hereby requests that this Honorable Board grant its Motion to Dismiss.

Respectfully submitted,

Andrew LaPayowker
Andrew LaPayowker
P. O. Box 1168
Baltimore, MD 21203
(301) 539-7400

Attorney for Crown Stations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1986, I mailed a copy of the foregoing by first class mail, postage prepaid, to Adam H. Weber, 13821 Baldwin Mill Road, Baldwin, MD 21013; Arnold Jablon, Zoning Commissioner of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, MD 21204; and Mary Ginn, 606 Horncrest Road, Towson, MD 21204.

Andrew LaPayowker
Andrew LaPayowker

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COUNTY BOARD OF APPEALS
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Adam H. Weber
13821 Baldwin Mill Rd
Baldwin, Md 21013
April 9 - 1986

Zoning Commissioner
County Board of Appeals, I wish to make an
appeal in regards to a larger sign for the
Crown Station located at Loch Raven Blvd
and Yakona St. Case # 86-317-A.
I own the adjoining
property, which I have rented and did not
learn of the hearing until after it was held.

With kind regards,
Adam H. Weber

APR 14 AM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016133

DATE 4/15/86 ACCOUNT 86-317-000

AMOUNT \$ 20.00

RECEIVED FROM Adam H. Weber

FOR Appeal Fee for Case No. 86-317-A

VALIDATION OR SIGNATURE OF CASHIER

CROWN CENTRAL PETROLEUM CORPORATION

PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS

CROWN

GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1168 • BALTIMORE, MARYLAND 21203
(301) 539-7400

July 25, 1986

County Board of Appeals of
Baltimore County
Room 200 Court House
Towson, Maryland 21204

RE: CROWN STATIONS, INC.
CASE NO. 86-317-A

Dear Sir or Madam:

Enclosed please find a Motion to Dismiss Appeal and Memorandum of Law in support thereof in the above-captioned case. The hearing is currently scheduled for Thursday, July 31, 1986, and I would appreciate the opportunity to argue the Motion at that time.

Very truly yours,

Andrew LaPayowker
Andrew LaPayowker
Staff Attorney

AL/sab

enclosures

cc: Messrs. Adam H. Weber
Arnold Jablon
Ms. Phyllis Cole Friedman
Ms. Mary Ginn

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COUNTY BOARD OF APPEALS
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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

April 16, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Andrew LaPayowker, Esquire
One North Charles Street
P. O. Box 1168
Baltimore, MD 21203

RE: PETITION FOR VARIANCE
Loch Raven Blvd. and Yakona Rd.
9th Election District
Crown Stations, Inc., Petitioner
Case No. 86-317-A

Dear Mr. LaPayowker:

Please be advised that an appeal has been filed by Mr. Adam H. Weber, protestant in the case, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bg

cc: Mr. Adam H. Weber

Mrs. Mary Ginn

Mrs. Kay Turner

People's Counsel



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
June 19, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-317-A

CROWN STATIONS, INC.

FOR VARIANCE - SIGN SETBACK AND SIZE

NE COR. LOCH RAVEN BLVD. & YAKONA ROAD

9th DISTRICT

3/20/86 - Z.C. GRANTED PETITION IN PART

ASSIGNED FOR:

THURSDAY, JULY 31, 1986 at 10 a.m.

cc: Andrew LaPayowker, Esq.	Counsel for Petitioner
W. B. Snyder, V.P.	Petitioner
Crown Stations, Inc.	
G. K. Holmes (Crown Stations)	
Mr. Adam H. Weber	Protestant
Mrs. Mary Ginn	"
Mrs. Kay Turner	"
Phyllis Cole Friedman	People's Counsel
Norman E. Gerber	
James G. Hoswell	
Arnold Jablon	
Jean M. H. Jung	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary



Baltimore County, Maryland

Date 4-16-86

To: Betty

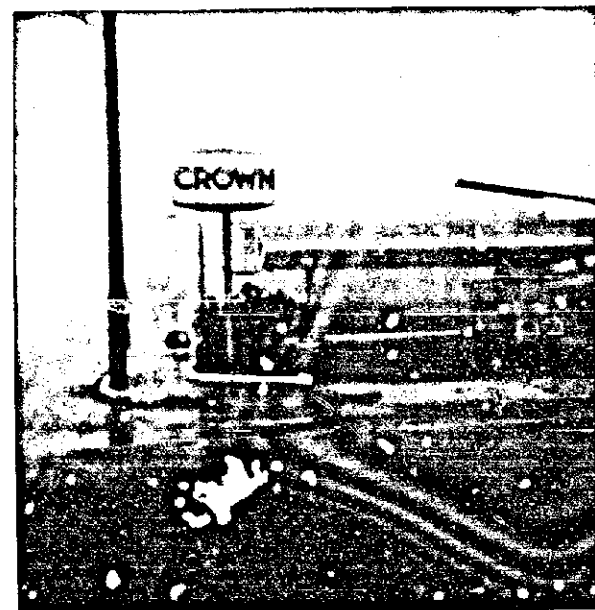
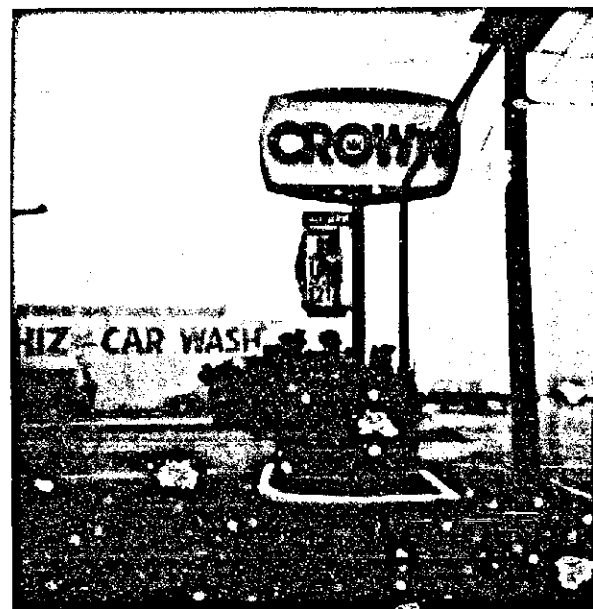
From: Beth

- | | |
|--|---|
| ☐ Please Note & File | ☐ To be Signed |
| ☐ For Your Information | ☐ Please Comment |
| ☐ Please Note & Return | ☐ Please See Me |
| ☐ Please Handle | ☐ Investigate & Report |
| ☐ Please answer, Sending me Copy of your letter | |
| ☐ Please Prepare reply for my Signature | |

Remarks:

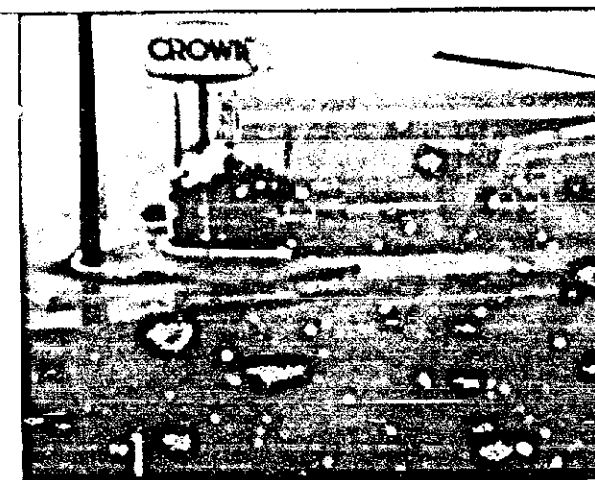
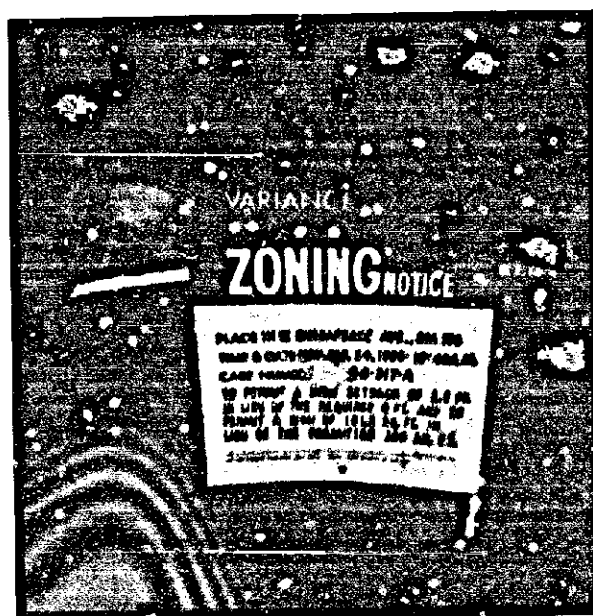
Please docket the following appeal:

Case No. 86-317-A
Crown Stations Inc. - Petitioner
Appeal filed 4/16/86 by
Adam H. Weber
Fee: \$ 20.00
Recycled Paper



LOCK RAVEN & YAKONNA RD.

PETITIONER'S
EXHIBIT ✓



6/19/86 - Notified of appeal hearing scheduled for THURSDAY, JULY 31, 1986 at 10 a.m.

Andrew LaPayowker, Esq.
W. R. Snyder - Crown Stations
G. K. Holmes - " "
Adam H. Weber
Mary Ginn
Kay Turner
Phyllis C. Friedman

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-317-A

District 974 Date of Posting 7/23/86
Posted for: Appeal
Petitioner: Crown Stations, Inc.
Location of property: NE Cor. Lock Raven Blvd. & Yakona Rd.
Location of Signs: Facing Lock Raven Blvd., across 8' Fr. roadway
on property of Petitioner
Remarks: _____
Posted by: M. Healy Date of return: _____
Number of Signs: 1

