

IN RE: PETITIONS ZONING VARIANCE BEFORE THE UTF - Maryland Limited ZONING COMMISSIONER OF BALTIMORE COUNTY Property Owner Case Nos. 86-495, 496, 497, 498, 499, 500, 501, 503, 504, and 505-A William J. Schafer, et ux, Case No. 86-502-A Property Owner * * * * * * * * * * *

The Petitioner herein requests a variance in each of the above-referenced cases to permit a free-standing business sign totaling 181.3 square feet in lieu of the permitted 100 square feet, as more particularly described on Petitioner's Exhibits 1, respectively marked in each case.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by Stephen Broache, Engineering Manager; Bernard Manu on, Real Estate Representative; and G. Kenneth Holmes, Real Estate Consultant, all of whom represented Crown Central Petroleum Corporation (Crown), appeared and testified and were represented by Counsel. Mary Ginn, The Alliance of Baltimore County Community Councils, Inc., appeared in opposition.

Testimony indicated that 10 of the 11 gas stations presented are existing BP stations recently taken over by Crown and that it proposes to replace the existing BP station identification signs with its own. The eleventh gas station, Case No. 86-504-A, is an abandoned BP station which will be renovated and reopened as a Crown station. In each case, the existing sign will be replaced in its entirety with the standard Crown sign containing 181.3 square feet, which includes the Crown logo containing 104.3 square feet, the price signs containing 36 square feet, and the structure holding the signs, which by s monstruction is part of the overall sign, containing 41 square feet. In

299. 302 (1949), '[a]dherence to the meaning of words does

not require or permit isolation of words from their

context *** [since] the meaning or the plainest words in

a statute may be controlled by the context...' In

construing statutes, therefore, results that are unreason-

able, illogical or inconsistent with common sense should

be avoided whenever possibly consistent with the statutory language, with the real legislative intention prevailing

over the intention indicated by the literal meaning. B F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226

In applying these principles to the BCZR, particularly Section 413.2, the

The intent of the BCZR must be determined as being construed as a

Only Section 413.2.e, BCZR, permits a multiple-faced sign to be consid-

A.2d 317 (1967); Height v. State, supra.

ten of the sites, the square footage of existing signs will be reduced anywhere from 5.3 square feet to 227.9 square feet, inasmuch as two sites with two signs will have been replaced by one. Only on one site will there be an increase, Case No. 86-495-A, from 121.4 square feet to 181.3 square feet.

All of the existing signs were erected at a time when the policy of the Zoning Commissioner was to compute only one side of a multi-faced sign; therefore, if a sign had less than 100 square feet per side, the sign was legal. If the requests here were denied, the Petitioner would only need to replace the actual logo and leave the size of the signs as they are. The Petitioner does not like the existing sign and believes its sign is better suited to the sites, both aesthetically and practically. The policy has been changed and all sides of a sign are now computed in accordance with the language of Section 413.2, BCZR.

For many years, a Zoning Office 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 multiplefaced, 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 or 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 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. Hofmeister 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, 260 Md. 44

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 423 U.S. 942 (1976):

> The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be 'considered in its entirety, and in the context of the purpose underlying [its] enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.23 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import or its language, since it is the language or the statute which constitutes the primary source for determining the legislative intent. Grosvencr v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc.-Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d

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. Higinbothom, 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.

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. 209 (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 buidensome:

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;

3. 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 uses 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 practical difficulties or unreasonable hardships 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 these particular parcels. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions 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 _____day of June, 1986, that the Petitions for Zoning Variance to permit a free-standing business sign totaling 181.3 square feet in lieu of the permitted 100 square feet in each of the referenced cases be and are hereby GRAVIED, from and after the date of this Order, subject to the following restructions which are conditions precedent to the relief granted herein:

1. All signs must comply with Section 405.4.A.2.a,

2. The Petitioner may apply for its sign permits and be granted same upon receipt of this Order;

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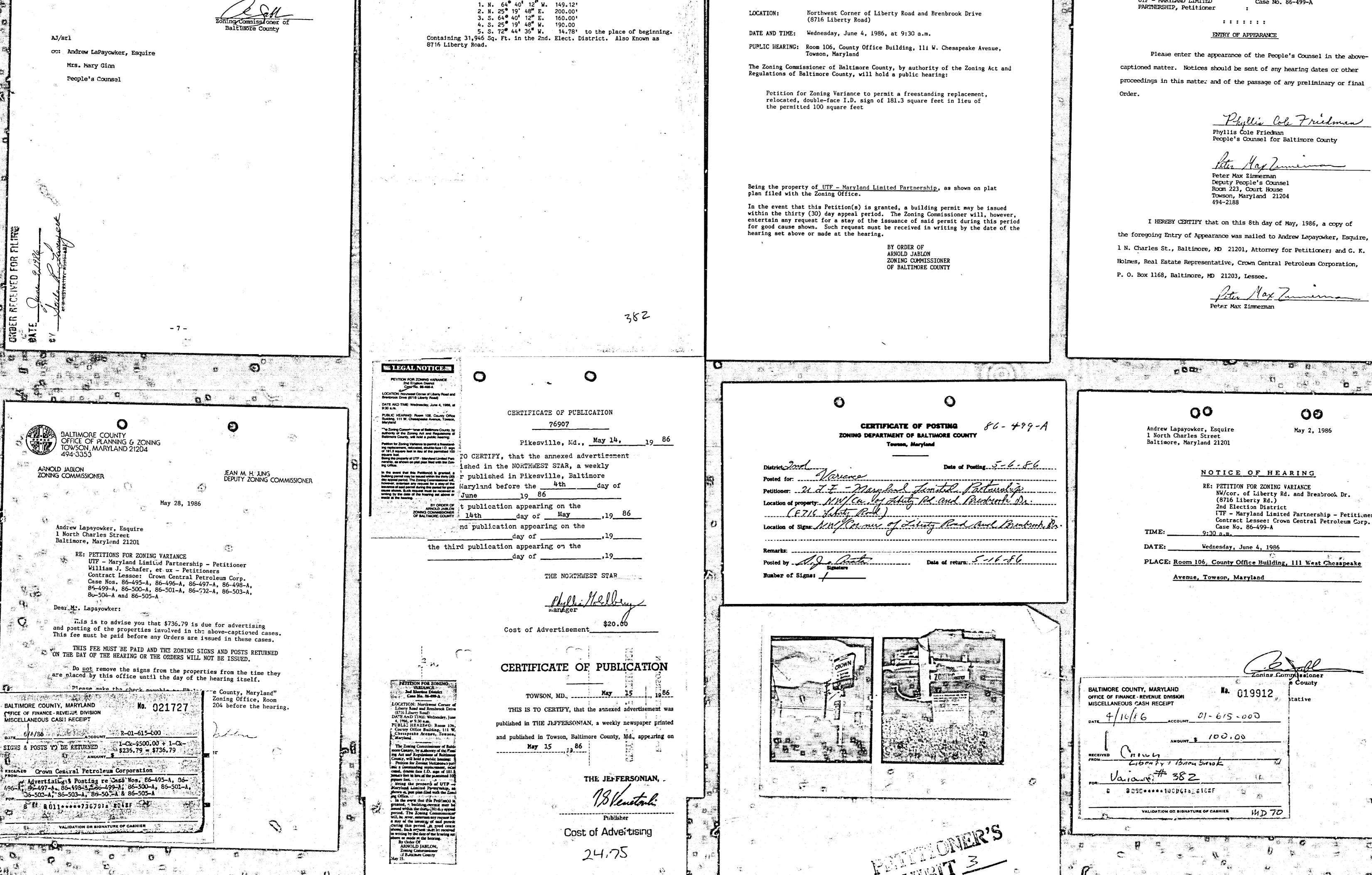
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however, Petitioner is hereby made aware that

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Congress)



ZONING DESCRIPTION

Beginning on the NW/Cor of Liberty Road and Brenbrook Dr.

proceeding at this time is at its own risk until such time as the applicable appellate process from

this Order has expired. If, for whatever reason,

this Order is reversed, the Petitioner would be

required to return, and be responsible for return-

ing, said properties to their original condition.

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PETITION FOR ZONING VARIANCE

2nd Election District

Case No. 86-499-A

90

P. O. Box 1168, Baltimore, MD 21203, Lessee. 00 Andrew Lapayowker, Esquire May 2, 1986 Baltimore, Maryland 21201 NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE NW/cor. of Liberty Rd. and Brenbrook Dr. (8716 Liberty Rd.) 2nd Election District Contract Lessee: Crown Central Petroleum Corp. Case No. 86-499-A 9:30 a.m. Wednesday, June 4, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland Na. 019912 01-615-000 AMOUNT \$ 100.00 MD 70

Lyllis Cole Friedman

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE OCUNTY

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

I HEREBY CERTIFY that on this 8th day of May, 1986, a copy of the foregoing Entry of Appearance was mailed to Andrew Lapayowker, Esquire, 1 N. Charles St., Baltimore, MD 21201, Attorney for Petitioner; and G. K. Holmes, Real Estate Representative, Crown Central Petroleum Corporation,

RE: PETITION FOR VARIANCE

NW/Corner Liberty Rd.

UTF - MARYLAND LIMITED

and Brenbrook Dr. (8716

Liberty Rd.), 2nd District

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon Pate ____ May 29, 1986 TO Zonine Commissioner

Norman E. Gerber, AICP, Director FROM Office of Planning and Zoning

SUBJECT Zoning Petitions No. 86-495-A, 86-496-A, 86-497-A, 86-498-A, 86-499-A, 86-500-A, 86-501-A, 86-502-A, 86-503-A, 86-504-A and 86-505-A

We are not opposed to the granting of this request, particularly in view of the fact that the replacement is slightly smaller.



NEG:JGH:slm

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 21, 1986

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

Chairman

MEMBERS

Department of Traffic Engineering

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

State Roads Commission

Bureau of Engineering

Andrew Lapayowker, Esquire Crown Central Petroleum Corporation 1 North Charles Street Baltimore, Maryland 21201

> PETITION FOR ZONING VARIANCE Item No. 382, Case No. 86-499-A UTF - Maryland Limited Partnership - Petitioner

Dear Mr. Lapayowker:

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,

lames 6. Next/med MES E. DYER

Zoning Plans Advisory Committee

JED:med Enclosures

cc: Mr. G. K. Holmes Real Estate Representative Crown Central Petroleum Corporation

Maryland Department of Transportation

William K. Hellmann Hal Kassoff

May 6, 1986

Re: Baltimore County

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

Item # 382 Property Owner: U.T.F. Maryland Limited partn. (Crown Lessee) Location: NW/cor. Liberty Road (Route 26) and Brenbrook Existing Zoning: B.L.

Proposed Zoning: Var. to allow a free standing replacement, relocated double face I.D. sign of 181.3 sq. ft. in lieu of the allowed 100 sq. ft. Acres: 31,946 District: 2nd

Dear Mr. Dyer:

ATT: James Dyer

On review of the submittal for sign variances for Outdoor Advertising, the site plan has been forwarded to the S.H.A. 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-Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro -- 565-0451 D.C. Metro -- 1-800-492-5062 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 May 12, 1986 Conting Advisory Meeting of April 29, 1986 Property Connert U.T. F. -MD. LIMITED PART. Location: (CROWN LESSEE) The Division of Current Planning and Development has reviewed the subject MU/CORNER LIBERTY RD. + PRECEDON There are no site planning factors requiring comment.

A County Review Group Meeting is required.

Forward by the Bureau of Fublic Services.

Subdivision. The plan must snow the entire tract.

A record plat will be required and must be recorded orion to issuance of a building permit.

The access is not satisfactory.

The parking arrangement is not satisfactory.

Parking calculations must be snown on the plan.

development on these soils which are defined as werkers.)Parking calculations must be shown on the plan.

[This property contains soils which are defined as wetlands, and development on these soils is prohibited.

[Construction in or alteration of the floodplain is prohibited benulations.] under the provisions of Section 22-95 of the Development Regulations.

()Development of this site may constitute a potential conflict with the Saltimore County Haster Plan.

()The amended Development Plan was approved by the Planning Soard On

Standscaping: Must comply with delitimore County Landscape Manual.

The property is located in a deficient service area as defined by Bill 173-79. No building permit may be issued until a Reserve to the deficient service. ()The property is located in a crarric dred controlled by a "D" level intersection as defines by Bill 172-79, and as conditions change traffic capacity may become more limited. The Basic Services Armas are re-evaluated annually by the Gounty Council. Europe A. Bober

Ching Current Planning and Development

BALTIMORE COUNTY
FIRE DEPARTMENT
TOW'SON, MARYLAND 21204-2586

494-4500

apaul H. Reincke

Item No.:

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

RE: Property Owner: U.T.F. - Maryland Limited Partnership (Crown Lessee)

Location: NW/corner Liberty Rd. & Brenbrook Dr.

Zoning Agenda: Meeting of April 29, 1966

Centlemen: Pursuant to your r. quest, 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 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved soad in accordance with Baltimore County Standards as published by the Department of Public Works.

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.

7. The Fire Prevention Buresu has no comments, at this time

REVIEWER: CAN Sale Kelly 5-12-16 Approved:

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES DEPARTMENT OF PERMITS & I TOWSON, MARYLAND 21204 494-3610

TED ZALESKI, JR.

Office of Planning and Zoning Towson, Maryland 21204

DIRECTOR

Comments on Item # 304 Zoning Advisory Committee Meeting are as follows: Property Owner: U.T.F. - Maryland Limited Partnership (Crown Lessee) NW/corner Liberty Road and Brenbrook Drive

All structures shall conform to the Baltimore County Building Code as adopted by Counci. Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 = 1980) and other applicable Codes and Standards.

B.) A building and other miscellaneous permits shall be required before the start of any construction. C. 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.

D) 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. E. All Use Groupe except R-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 Use Groupe 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 1407, Section 1406.2 and Table 1402. No openings are permitted in an

F. The structure doer not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office carnot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 201 and 505 and have your Architect/Engineer contact this department

G. The requested variance appears to conflict with Section(s) ______.

County Building Code.

il. When filing for a required Change of Use/Cocupency Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing atructure 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 Mixed Uses

I. The proposed project appears to be located in a Flood Flain, Tidal/Riverine. Pleas: see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

E. These abbreviated comments reflect only on the information provided by the drawings lubmitted 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 122 of the County Office Building at 111 Marke E. Jumban.
BY: C. R. Burnhan, Chief
Building Flans Reviou

