

388 86-505 A **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 make a part hereof, hereby petition for a Variance from Section 413.2f, 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. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Better visibility for the motoring public.
2. To conform to the 6' sign set back requirement.
3. To convert the existing BP sign, price box and pole to Crown's I.D. logo and image.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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: Lessee
Crown Central Petroleum Corp.
(Type or Print Name)
G.K. Holmes
Signature
P.O. Box 116
Baltimore, Md. 21201
City and State
Attorney for Petitioner:
Andrew LaPayowker
(Type or Print Name)
Signature
1111 Charles Street
Baltimore, MD 21201
City and State
Attorney's Telephone No.: 532-7400

Legal Owner(s):
UTF - Maryland Limited Partnership
(Type or Print Name)
Crown Central Petroleum Corporation
By: Signature G. K. Holmes
(Type or Print Name)
Signature G. K. Holmes
Address
4170 Biscayne Boulevard
Miami, Florida 33137
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
G. K. Holmes, Real Estate Representative
Name
Crown Central Petroleum Corporation
1111 Charles Street-21201-532-7400
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of June, 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 106, County Office Building in Towson, Baltimore County, on the 4th day of June, 1986, at 9:30 o'clock.

Carl J. ...
Zoning Commissioner of Baltimore County.

(over)

6411 North Rd & Windsorwood Dr

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 unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. P. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

In applying these principles to the BCZR, particularly Section 413.2, the conclusion is inescapable that under the plain wording of Section 413.2, the policy as described above is in conflict and therefore wrong.

The intent of the BCZR must be determined as being construed as a whole. See Smith v. Miller, 249 Md. 390. Thus, the specific language delineating the use regulations in Section 413, BCZR, must be construed in light 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 on 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

IN RE: PETITIONS ZONING VARIANCE * BEFORE THE
UTF - Maryland Limited Partnership * ZONING COMMISSIONER
Property Owner * OF BALTIMORE COUNTY
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 *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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.

The Petitioner, by Stephen Broache, Engineering Manager; Bernard Mannion, 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 sign containing 36 square feet, and the structure holding the signs, which by its construction is part of the overall sign, containing 41 square feet. In

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 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 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 of 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

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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, 266 Md. 44 (1972).

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, 425 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.2d 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. Grossvener 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

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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.

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:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. 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

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 9th 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 GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. All signs must comply with Section 405.4.A.2.a, BCZR.
2. The Petitioner may apply for its sign permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

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 returning, said properties to their original condition.

Carl J. ...
Zoning Commissioner of Baltimore County

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

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ZONING DESCRIPTION

Beginning on the SE/Cor. of York Road and Windwood Ave. Thence:
 1. S. 12° 25' 08" E. 125.00'
 2. S. 17° 34' 52" W. 156.00'
 3. N. 79° 20' 00" W. 125.29'
 4. N. 17° 34' 52" E. 164.55' to the place of beginning.
 Containing 20,034 So. Ft. in the 9th. Election District. Also known as 6411 York Road.

PETITION FOR ZONING VARIANCE
 9th Election District
 Case No. 86-505-A

LOCATION: Southeast Corner of York Road and Windwood Avenue (6411 York Road)

DATE AND TIME: Wednesday, June 4, 1986, at 9:30 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 Variance to permit a freestanding, replacement, relocated, double-face I.D. sign of 181.3 square feet in lieu of the permitted 100 square feet

Being the property of UTF-Maryland Limited Partnership, 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 VARIANCE : BEFORE THE ZONING COMMISSIONER
 SE/Corner of York Rd. : OF BALTIMORE COUNTY
 and Windwood Ave. :
 (6411 York Rd.) :
 9th District :

UTF - MARYLAND LIMITED : Case No. 86-505-A
 PARTNERSHIP, Petitioner :

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, 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, P. O. Box 1168, Baltimore, MD 21203, Lessee.

Peter Max Zimmerman
 Peter Max Zimmerman

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

ARNOLD JABLON
 ZONING COMMISSIONER

JEAN M. H. JUNG
 DEPUTY ZONING COMMISSIONER

May 28, 1986

Andrew Lapayowker, Esquire
 1 North Charles Street
 Baltimore, Maryland 21201

RE: PETITIONS FOR ZONING VARIANCE
 UTF - Maryland Limited Partnership - Petitioner
 William J. Schafer, et ux - Petitioners
 Contract Lessee: Crown Central Petroleum Corp.
 Case Nos. 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

Dear Mr. Lapayowker:

This is to advise you that \$736.79 is due for advertising and posting of the properties involved in the above-captioned cases. This fee must be paid before any Orders are issued in these cases.

THIS FEE MUST BE PAID AND THE ZONING SIGNS AND POSTS RETURNED ON THE DAY OF THE HEARING OR THE ORDERS WILL NOT BE ISSUED.

Do not remove the signs from the properties from the time they are placed by this office until the day of the hearing itself.

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

No. 021727

DATE: 6/4/86 ACCOUNT: R-01-615-000
 SIGNS & POSTS TO BE RETURNED 1-Ck-\$500.00 + 1-Ck-\$236.79 = \$736.79
 AMOUNT \$

RECEIVED FROM: Crown Central Petroleum Corporation
 FOR: Advertising & Posting re Case Nos. 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 & 86-505-A

B R 011*****736787a 8048F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 15, 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 May 15, 1986.

THE JEFFERSONIAN,

JB Kentz
 Publisher
 Cost of Advertising

24.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 14, 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 May 14, 1986.

TOWSON TIMES,

JB Kentz
 Publisher

38.25

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 5/19/86

Posted for: Variance

Petitioner: UTF - Maryland Limited Partnership

Location of property: SE/Cor. York Rd. & Windwood Ave. (6411 York Rd.)

Location of Signs: 6411 York Rd. & Windwood Ave. 10000 W. Chesapeake Ave. & York Rd.

Remarks: 10000 W. Chesapeake Ave. & York Rd.

Posted by: JB Kentz Date of return: 6/10/86

Number of Signs: 1

Andrew Lapayowker, Esquire
 1 North Charles Street
 Baltimore, Maryland 21201

May 2, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
 SE/Cor. of York Rd. and Windwood Ave.
 (6411 York Rd.)
 UTF - Maryland Limited Partnership - Petitioner
 Contract Lessee: Crown Central Petroleum Corp.
 9th Election District
 Case No. 86-505-A

TIME: 9:30 a.m.

DATE: Wednesday, June 4, 1986

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

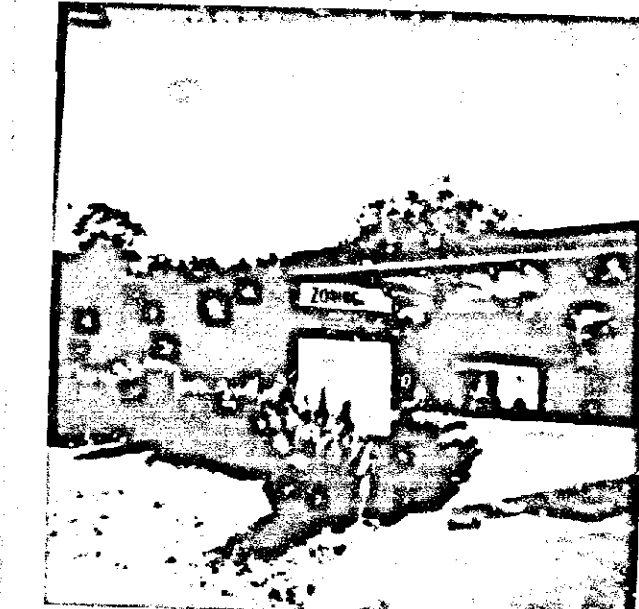
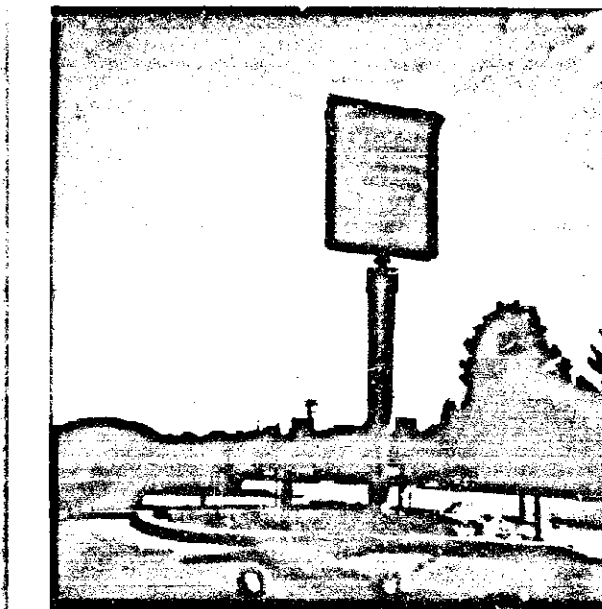
BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 019918

DATE: 4/16/86 ACCOUNT: 01-615-000
 AMOUNT \$ 100.00

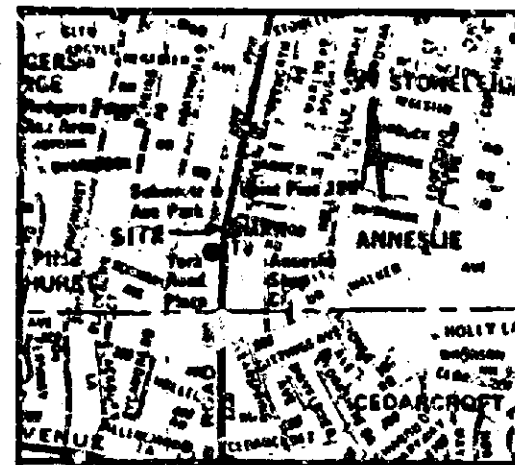
RECEIVED FROM: Crown Central Petroleum Corporation
 FOR: Variance # 388

VALIDATION OR SIGNATURE OF CASHIER MD 80



PETITIONER'S
 EXHIBIT 3

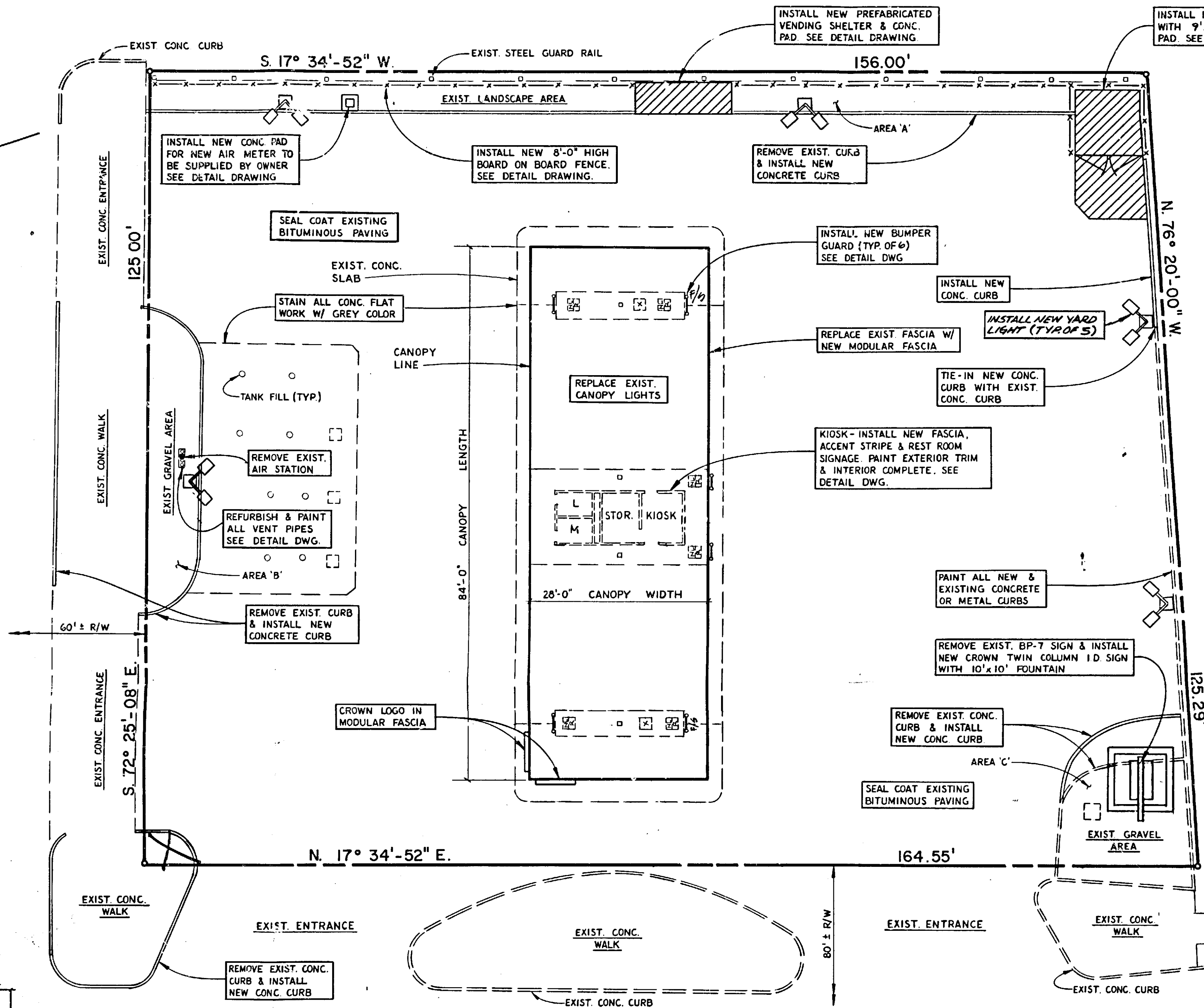
Md-80 York & Windwood Ave. Case No. 86-505 A



LOCATION MAP
SCALE: 1"=2000'

WINDWOOD AVENUE

ZONED: BL CSA



YORK ROAD

ZONED: BL CCC

ZONING STATUS

EXISTING ZONING: PARCEL #1 BL

EXISTING DISTRICT: CSA

AREA REQUIREMENTS

3 # DISPENSER ISLANDS WITH 8 # SINGLE DISPENSER PUMPS CAPABLE OF SERVING 12 CARS AT ANY ONE TIME.

TOTAL SERVICING SPACES 12
TOTAL SERVICING BAYS 12
TOTAL BAYS & SPACES 12

SITE AREA REQUIRED TOTAL BAYS & SPACES 12 # x 1500 SQUARE FEET = 18,000 SQUARE FEET. MINIMUM AREA REQUIRED 15,000 SQ. FT.

PROPOSED ANCILLARY & W/20' QUANT. PREPARED PRODUCTS & MATERIALS STORAGE

PROPOSED COMBINATION USES

ADDITIONAL AREA REQUIRED

TOTAL AREA REQUIRED 18,000

TOTAL AREA OF TRACT

ACCESS POINTS

NUMBER OF DRIVEWAYS ON FRONT STREET 2 TIMES 65' = 130

(REQUIRED WIDTH)

ACTUAL SITE WIDTH 164.55'

LANDSCAPING

AREA "A" = 500 SQUARE FEET AREA "C" = 200 SQUARE FEET

AREA "B" = 1000 SQUARE FEET AREA "D" = 1000 SQUARE FEET

TOTAL 1800 SQ. FT. = 10% OF TRACT

5% OF TRACT SQ. FT.

LANDSCAPING CONSISTS OF (DESCRIPTION)

LIGHTING

(1) TYPE METAL HALIDE HEIGHT 16' 1/2" TWIN ARMS (DESCRIPTION)

(2) TYPE HEIGHT (DESCRIPTION)

PARKING

PARKING SPACES REQUIRED THREE FOR EACH BAY

PARKING SPACES PROVIDED

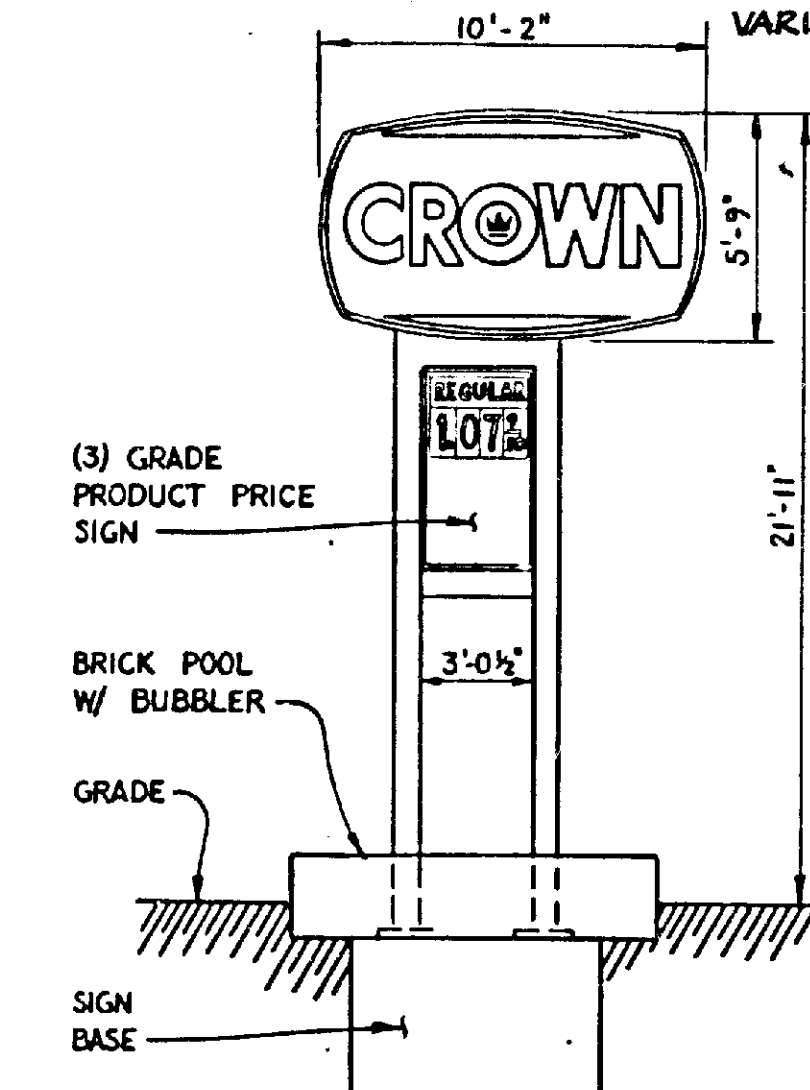
(ALL PARKING MUST BE SET BACK 8 FEET FROM STREET PROPERTY LINE)

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

SPECIAL EXCEPTION NO. 157 (BOARD OF APPEALS) 6/30/41

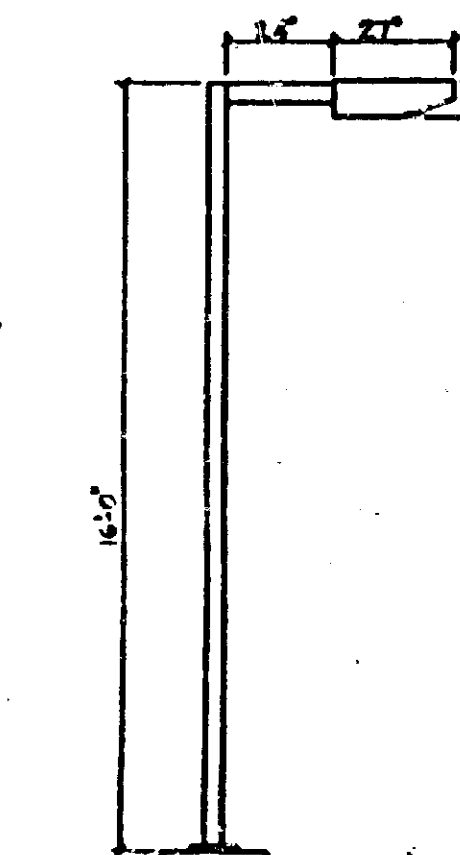
VARIANCE NO. 388

I.D. SIGN	104.3
PRICE SIGN	36.0
STRUCTURE	41.0
TOTAL PROPOSED	181.3
SQ. FT.	



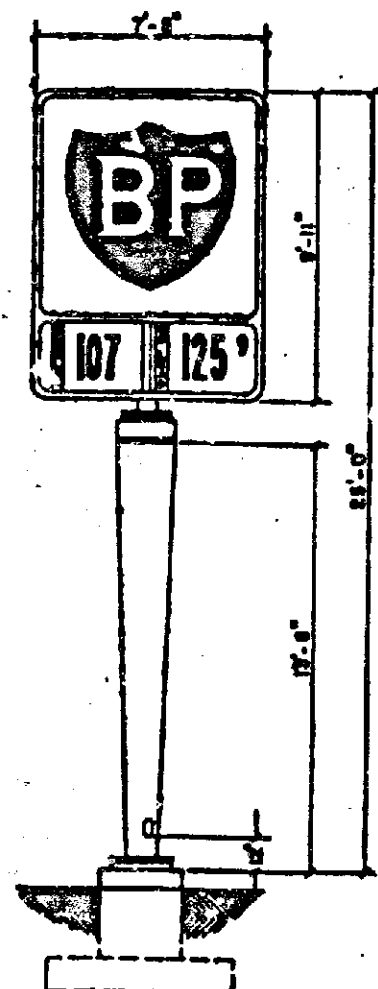
I.D. SIGN W/ FOUNTAIN
NOT TO SCALE

PETITIONER'S
EXHIBIT



LIGHT DETAIL
NO SCALE

I.D. SIGN	80.0
PRICE SIGN	37.0
STRUCTURE	39.4
TOTAL EXISTING	156.4
SQ. FT.	



EXISTING SIGN ELEVATION
NO SCALE

GP-5
MD-80 OFFICE COPY

CROWN CENTRAL PETROLEUM CORPORATION
PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS
GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1166 • BALTIMORE, MARYLAND 21203

PLOT PLAN - CROWN SERVICE STATION
YORK ROAD & WINDWOOD AVE. 388
ANNESLIE, BALTIMORE CO., MD.

SCALE: 1" = 10'-0" DATE: 10-13-85 STATION NUMBER MD-80
DRAWN BY MSM CHECKED BY CCP-85 REV. NO. 1

REV. NO.	DATE	DESCRIPTION
2	4-2-86	FINAL REVISIONS
1	2-2-86	ADDED ZONING