

IN THE MATTER OF

* BEFORE THE

SUN OIL COMPANY

* BALTIMORE COUNTY

11701 Reisterstown Road

* BOARD OF APPEALS

4th Election District

* CASE NO.: N 01-310-A

3rd Councilmanic District

* * * * *

OPINION AND ORDER

Upon consideration of evidence in a *de novo* trial hearing on December 5, 2001, and upon public deliberation on February 12, 2002, this Board enters the following Opinion and Order upon the Amended Petition for Variances filed in this case:

The property is zoned business light (BL-AS) and is located at 11701 Reisterstown Road, in the area of Reisterstown above Owings Mills. Petitioner seeks relief from the sign regulations in an effort to upgrade the station in accordance with Sunoco's national image, and in the process of doing so, is removing several of the signs on the site to reduce clutter. The current identification sign has a changeable copy portion on the bottom which is being removed. There were two (2) other freestanding pole signs, one containing a price sign and one containing an advertisement that credit cards are accepted as well as price, which signs are being combined into one (1) sign. The number of wall mounted signs is also being reduced.

Excluding the square footage of the identification sign that is attributable to the price information, the goal post type identification sign is within the requirements of the Zoning Regulations, that is, not greater than 75 square feet in area. The amount of signage required for the pricing is found in Maryland Business Regulation Code Annotated Section 10-315 which provides that the numerals on the sign must be at least 8" high and 3.5" wide,

but does not create a maximum. The statute is clear, however, that any sign required at a service station under that Section is exempt from the provisions of any local law or ordinance which regulates the number or area of the signs permitted. Additionally, the remaining signs, being along the canopy and the building facia, consist primarily of the Sunoco horizon graphics which is principally blue with some orange and red splashing, and which are deemed "signs" within the sign regulations. In our opinion, the new graphics and the overall reduction in signage will be an improvement to this site.

Petitioners were represented by Anthony J. DiPaula, Esquire. People's Counsel, Peter Max Zimmerman, Esquire appeared to defend the BCZR, but recognized that Petitioner had reduced its requests from what was presented to and granted by the Deputy Zoning Commissioner. The Board heard testimony from Thomas J. Hoff, Registered Landscape Architect and Petitioner's site planner, as well as from Michael Day, Senior Retail Marketing Rep. on behalf of Sunoco.

Based on the evidence, the Board finds that the Petitioner has satisfied the requirements of Section 450.8 of the BCZR sign regulations, and the variance standards of BCZR Section 307 under the Court of Special Appeals' decision in Cromwell v. Ward, 102 Md. App. 6981 (1995), which sets forth the legal standards under which a variance may be granted. As to the spirit and intent of the Zoning Regulations, this Board further finds that there would be no injury to public safety and welfare by granting the variances requested.

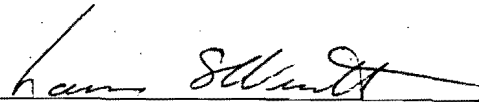
The Board Orders and grants variances from the following Sections this 13th day of February, 2002:

1. Section 450.4.5(b) to allow a service station with two (2) existing freestanding signs with areas of 102.0 square feet (including price sign) and 41.25 square feet (including price sign) in lieu of the permitted two (2) signs of 75 square feet each.

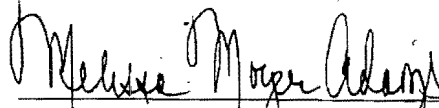
2. Section 450.4(a) to allow a wall-mounted sign of 180.0 square feet in lieu of the permitted one (1) sign of 120 square feet, and to allow a wall-mounted sign greater than 150 square feet.

3. Section 450.4.5(a) to allow one (1) wall-mounted sign of 84 square feet in lieu of the permitted 56 square feet.

4. Section 450.4.5(e) to allow two (2) canopy signs with 138 square feet each and one (1) with 90.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.



Lawrence S. Wescott, Chairman



Melissa Moyer Adams, Panel Member



Charles L. Marks, Panel Member



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 13, 2002

Peter M. Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Room 47, Old Courthouse
Towson, MD 21204

FEB 14

RE: *In the Matter of: Sun Oil Company*
Case Nos. 01-310-A; 01-311-A; and 01-312-A

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. This file will be closed upon the expiration of 30 days from today's date.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Anthony J. DiPaula, Esquire
Sun Oil Company /Mark Morin
Thomas J. Hoff, Inc.
D. J. Dusholder /Tara Smidinger (01-311-A)

SHOULD P.C. APPEAL?

GRANTED g

Protestants involved?

M

Yes No

PMZ:

NO PMZ 2/25/02

CSD:

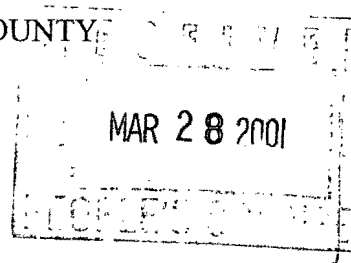
WO / LD
agreed to

3/26/01

IN RE: PETITION FOR VARIANCE
NEC Reisterstown Road
and Roaches Lane
4th Election District
3rd Councilmanic District
(11701 Reisterstown Road)

Sun Oil Company
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-310-A



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, the Sun Oil Company. The Petitioner is requesting variances for property located at 11701 Reisterstown Road, which property is zoned BL-AS. The variance requests are as follows:

- (1) from Section 450.4.5.(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a service station with two (2) existing freestanding signs with areas of 106.8 sq. ft. and 19 sq. ft. in lieu of the permitted one (1) sign of 75 sq. ft.;
- (2) from Section 450.4.5(a) of the B.C.Z.R., to allow a wall-mounted sign of 186.0 sq. ft. in lieu of the permitted one (1) sign of 120 sq. ft.;
- (3) from Section 450.4.5.(a) of the B.C.Z.R., to allow a wall-mounted sign greater than 150 sq. ft.; *— what will it be — too vague!*
- (4) from Section 450.4.5(a) of the B.C.Z.R., to allow two (2) wall-mounted signs of 84 sq. ft. each in lieu of the permitted 56 sq. ft. each;
- (5) from Section 450.5.b.1(b) of the B.C.Z.R., to allow two (2) logotypes of 1.5 sq. ft. total in lieu of one (1) logotype not exceeding 8 sq. ft., and to allow the logotype on a vertical surface of the awning in lieu of a non-vertical surface; and
- (6) from Section 450.4.5(e) of the B.C.Z.R., to allow two (2) canopy signs with 138 sq. ft. each and one (1) with 90.0 sq. ft. in lieu of the permitted six (6) canopy signs with 25 sq. ft. each.

■ Appearing at the hearing on behalf of the variance request were Thomas J. Hoff and
■ Raymond McKeeman, professional engineers who prepared the site plan of the property and

Anthony J. DiPaula, attorney at law, representing the Petitioner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of these variance requests is located at the northeast corner of the intersection of Reisterstown Road and Roaches Lane. The subject property is currently improved with a Sunoco gasoline service station. Sunoco has implemented a nationwide program to upgrade and improve the signage associated with their many gasoline service stations. That is what the Petitioner is proposing to do in this particular case. The details of the signage for the property are shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. The old signs will be removed and the new signs installed on the property. In order to proceed with the installation of the new sign package, the variance requests are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and their 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been

established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

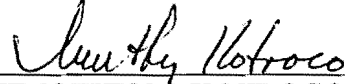
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 26th day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variances:

- (1) from Section 450.4.5.(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a service station with two (2) existing freestanding signs with areas of 106.8 sq. ft. and 19 sq. ft. in lieu of the permitted one (1) sign of 75 sq. ft.;
- (2) from Section 450.4.5(a) of the B.C.Z.R., to allow a wall-mounted sign of 186.0 sq. ft. in lieu of the permitted one (1) sign of 120 sq. ft.;
- (3) from Section 450.4.5.(a) of the B.C.Z.R., to allow a wall-mounted sign greater than 150 sq. ft.;
- (4) from Section 450.4.5(a) of the B.C.Z.R., to allow two (2) wall-mounted signs of 84 sq. ft. each in lieu of the permitted 56 sq. ft. each;
- (5) from Section 450.5.b.1(b) of the B.C.Z.R., to allow two (2) logotypes of 1.5 sq. ft. total in lieu of one (1) logotype not exceeding 8 sq. ft., and to allow the logotype on a vertical surface of the awning in lieu of a non-vertical surface; and
- (6) from Section 450.4.5(e) of the B.C.Z.R., to allow two (2) canopy signs with 138 sq. ft. each and one (1) with 90.0 sq. ft. in lieu of the permitted six (6) canopy signs with 25 sq. ft. each.

be and are hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty
(30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11701 Reisterstown Road

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. 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(s)

See Attachment 1 attached hereto.

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

The variances are needed to upgrade the property to nationally-implemented signage requirements, and are required due to varying interpretations of the current Zoning Regulations.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Anthony J. DiPaula

Name - Type or Print

DiPaula & Sullivan, LLC

Signature

Company

34 S. Main St.

410-893-4255

Address

Bel Air, MD 21014

City

State

Zip Code

Legal Owner(s):

Sun Oil Co.

Name - Type or Print

Signature

Mark Morin, Reg. Engr. & Maint. Mgr.

Name - Type or Print

Signature

1801 Market St., Ten Penn Center

Address

Philadelphia

PA

Telephone No.
19103-3197

City

State

Zip Code

Representative to be Contacted:

Thomas J. Hoff

Name

406 W. Pennsylvania Ave.

410-296-3668

Address

Towson, MD 21204

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING *

Reviewed By JL Date 2/26/01

Case No. 01-310-A

REV 9/15/98

* Please schedule with case # 311 + 312 and contact attorney prior to scheduling

11701 Reisterstown Road

Attachment to Petition for Variances

1. Section 450.4.5(b) to allow a service station with two (2) existing freestanding signs with areas of 106.8 square feet and 19 square feet in lieu of the permitted one (1) sign of 75 square feet.
2. Section 450.4.5(a) to allow a wall-mounted sign of 186.0 square feet in lieu of the permitted one (1) sign of 120 square feet.
3. Section 450.4.5(a) to allow a wall mounted sign greater than 150 square feet.
4. Section 450.4.5(a) to allow two (2) wall-mounted signs of 84 square feet each in lieu of the permitted 56 square feet each.
5. Section 450.5.b.1(b) To allow two (2) logotypes of 1.5 square feet total in lieu of one (1) logotype not exceeding 8 square feet, and to allow the logotype on a vertical surface of the awning in lieu of a non-vertical surface.
6. Section 450.4.5(e) to allow two (2) canopy signs with 138 square feet each and one (1) with 90.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 16, 2001

Anthony J DiPaula
DiPaula & Sullivan LLC
34 S Main Street
Bel Air MD 21014

Dear Mr. DiPaula:

RE: Case Number: 01-310-A, 11701 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mark Morin, Sun Oil Co, 1801 Market Street, Ten Penn Center,
Philadelphia PA 19103
Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204
People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 20, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 11701 Reisterstown Road

INFORMATION:

Item Number: 01-310

Petitioner: Sun Oil Company

Zoning: BL-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that it is incumbent upon the petitioner to demonstrate practical difficulty and unreasonable hardship.

Prepared by: Maeda C. Cunniff

Section Chief: Jeffrey W. Long

AFK:MAC:

BALTIMORE COUNTY, MARYLAND

crb
pmz

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 20, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 11701 Reisterstown Road

INFORMATION:

Item Number: 01-310

Petitioner: Sun Oil Company

Zoning: BL-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that it is incumbent upon the petitioner to demonstrate practical difficulty and unreasonable hardship.

Prepared by: Maeda C. Cunniff

Section Chief: Jeffrey W. Long

AFK:MAC:



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 13, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 12, 2001

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

305, 306, 307, 309, 310, 311, 312, 313,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.13.01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 310

JLL

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 140 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 7, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2001
Item Nos. 305, 306, 307, 309, 310, 311,
and 312

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

RE: PETITION FOR VARIANCE
11701 Reisterstown Road, NEC Reisterstown Rd
and Roaches Ln
4th Election District, 3rd Councilmanic

Legal Owner: Sun Oil Company
Petitioner(s)

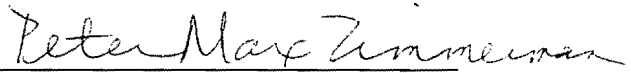
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-310-A

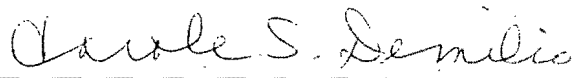
* * * * *

ENTRY OF APPEARANCE

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

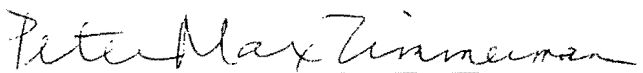
All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., DiPaula & Sullivan, 34 S. Main Street, Bel Air, MD 21014, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

April 9, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered



Re: PETITION FOR VARIANCE
11701 Reisterstown Road, NEC Reisterstown Rd
and Roaches Ln,
4th Election Dist., 3rd Councilmanic
Sun Oil Company, Petitioner
Case No.: 01-310-A

Dear Mr. Jablon:

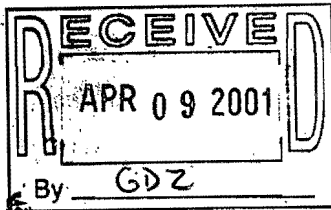
Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated March 26, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel



PMZ/CSD/caf

cc: Anthony J. DiPaula, Esq., DiPaula & Sullivan, 34 S. Main Street, Bel Air, MD 21014
Attorney for Petitioner

DiPAULA & SULLIVAN, LLC

ATTORNEYS AT LAW

34 South Main Street
Bel Air, Maryland 21014

Telephone: 410-893-4255

Fax: 410-893-4277

January 15, 2002

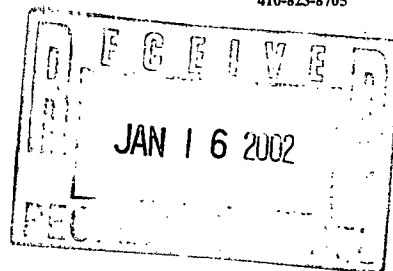
Anthony J. DiPaula*
ajd@dipaulasullivan.com

Roger J. Sullivan
rjs@dipaulasullivan.com

*also Admitted in D.C.

Towson Office

300 Allegheny
Avenue
Suite 106
Towson, MD 21204
410-823-8705



Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathy Bianco

RE: In The Matter Of: Sun Oil Company
11701 Reisterstown Road, Case No. 01-310-A
10812 Reisterstown Road, Case No. 01-311-A
6324 Baltimore National Pike, Case No. 01-312-A

Dear Kathy

Enclosed please find draft Opinions and Orders done for each of the three (3) cases. They have been reviewed by Peter Zimmerman and I have incorporated his requested revisions. This will confirm our conversation that notice should be coming out of the public deliberation which has been scheduled for February 12, 2002 at 11:45 a.m. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/dh
enclosures

cc: Peter Max Zimmerman, People's Counsel (w/enclosures)
Thomas J. Hoff, Inc. (w/enclosures)

s:\das\ajd\Engineering Solutions\Board.ltr.5

IN THE MATTER OF

* BEFORE THE

SUN OIL COMPANY

* BALTIMORE COUNTY

6324 Baltimore National Pike

* BOARD OF APPEALS

4th Election District

* CASE NO.: N 01-312-A

3rd Councilmanic District

* * * * *

OPINION AND ORDER

Upon consideration of evidence in a *de novo* trial hearing on December 5, 2001, and upon public deliberation _____, this Board enters the following Opinion and Order upon the Amended Petition for Variances filed in this case:

The property is zoned business roadside (BR-AS) and is located at 6324 Baltimore National Pike, Route 40, near its intersection with Rolling Road, a very developed section of Baltimore County. It is located in the most intensive commercial zone in the Zoning Regulations. Route 40 is three (3) lanes in each direction, with vehicles traveling in excess of 50 to 60 miles per hour. Petitioner proposes to reduce the existing identification sign from 594 square feet to 264 square feet and add a 26.9 square foot price sign to the lower portion of the freestanding identification sign, while simultaneously removing a separate freestanding sign. In addition, the property enjoys a variance from 1966 that permits a sign height of 50' in lieu of the permitted 25', however the Petitioner is voluntarily reducing the height of the sign to 39.5'. The identification sign would otherwise not be visible at all due to the freestanding sign on the neighboring property, the Double T Diner. Several photographs were introduced into evidence clearly evidencing this practical problem. In addition, the sign on the Petitioner's property cannot be moved further out towards the right of way due to the existence of utility easements and the street right of way boundary.

IN THE MATTER OF

* BEFORE THE

SUN OIL COMPANY

* BALTIMORE COUNTY

10812 Reisterstown Road

* BOARD OF APPEALS

4th Election District

3rd Councilmanic District

* CASE NO.: N 01-311-A

* * * * *

OPINION AND ORDER

Upon consideration of evidence in a *de novo* trial hearing on December 5, 2001, and upon public deliberation _____, this Board enters the following Opinion and Order upon the Amended Petition for Variances filed in this case:

The property is zoned business light (BL) and is located at 10812 Reisterstown Road, in the Owings Mills area of Baltimore County. This is an area where Reisterstown Road is improved by five (5) lanes. The site sits on the crest of a hill and is difficult to see for traffic traveling at sometimes high rates of speed. There are other stations in the area that have a competitive advantage because they are sited differently. This property is triangular-shaped, and is more deep than wide. It also has a paved road along its eastern boundary, however, the road is closed and blocked to traffic from Reisterstown Road.

This particular site provides automobile service work which is very important and provides ninety-five percent (95%) of the income to the station. Petitioner has made great efforts to reduce sign clutter on this site, by removing one other freestanding sign with pricing information and an advertisement that an ASE Certified Mechanic is on duty. Petitioner is retaining one additional freestanding sign of 19.5 square feet (in addition to the identification sign) to assist with the visibility problem at this site. The goal post type identification sign is within the requirements of the Zoning Regulations, that is, not greater

IN THE MATTER OF

* BEFORE THE

SUN OIL COMPANY

* BALTIMORE COUNTY

11701 Reisterstown Road

* BOARD OF APPEALS

4th Election District

* CASE NO.: N 01-310-A

3rd Councilmanic District

* * * * *

OPINION AND ORDER

Upon consideration of evidence in a *de novo* trial hearing on December 5, 2001, and upon public deliberation _____, this Board enters the following Opinion and Order upon the Amended Petition for Variances filed in this case:

The property is zoned business light (BL-AS) and is located at 11701 Reisterstown Road, in the area of Reisterstown above Owings Mills. Petitioner seeks relief from the sign regulations in an effort to upgrade the station in accordance with Sunoco's national image, and in the process of doing so, is removing several of the signs on the site to reduce clutter. The current identification sign has a changeable copy portion on the bottom which is being removed. There were two (2) other freestanding pole signs, one containing a price sign and one containing an advertisement that credit cards are accepted as well as price, which signs are being combined into one (1) sign. The number of wall mounted signs is also being reduced.

Excluding the square footage of the identification sign that is attributable to the price information, the goal post type identification sign is within the requirements of the Zoning Regulations, that is, not greater than 75 square feet in area. The amount of signage required for the pricing is found in Maryland Business Regulation Code Annotated Section 10-315 which provides that the numerals on the sign must be at least 8" high and 3.5" wide,

but does not create a maximum. The statute is clear, however, that any sign required at a service station under that Section is exempt from the provisions of any local law or ordinance which regulates the number or area of the signs permitted. Additionally, the remaining signs, being along the canopy and the building facia, consist primarily of the Sunoco horizon graphics which is principally blue with some orange and red splashing, and which are deemed "signs" within the sign regulations. In our opinion, the new graphics and the overall reduction in signage will be an improvement to this site.

Petitioners were represented by Anthony J. DiPaula, Esquire. People's Counsel, Peter Max Zimmerman, Esquire appeared to defend the BCZR, but recognized that Petitioner had reduced its requests from what was presented to and granted by the Deputy Zoning Commissioner. The Board heard testimony from Thomas J. Hoff, Registered Landscape Architect and Petitioner's site planner, as well as from Michael Day, Senior Retail Marketing Rep. on behalf of Sunoco.

Based on the evidence, the Board finds that the Petitioner has satisfied the requirements of Section 450.8 of the BCZR sign regulations, and the variance standards of BCZR Section 307 under the Court of Special Appeals' decision in Cromwell v. Ward, 102 Md. App. 6981 (1995), which sets forth the legal standards under which a variance may be granted. As to the spirit and intent of the Zoning Regulations, this Board further finds that there would be no injury to public safety and welfare by granting the variances requested.

The Board Orders and grants variances from the following Sections this _____ day of _____, 2002:

1. Section 450.4.5(b) to allow a service station with two (2) existing freestanding signs with areas of 102.0 square feet (including price sign) and 41.25 square feet (including price sign) in lieu of the permitted two (2) signs of 75 square feet each.
2. Section 450.4(a) to allow a wall-mounted sign of 180.0 square feet in lieu of the permitted one (1) sign of 120 square feet, and to allow a wall-mounted sign greater than 150 square feet.
3. Section 450.4.5(a) to allow one (1) wall-mounted sign of 84 square feet in lieu of the permitted 56 square feet.
4. Section 450.4.5(e) to allow two (2) canopy signs with 138 square feet each and one (1) with 90.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.

Lawrence S. Wescott, Chairman

Melissa Moyer Adams, Panel Member

Charles L. Marks, Panel Member

s:\das\ajd\Engineering Solutions.2\Opinion and Order

81-310-A 11701 Rustenburg Road

Eliminate changeable sign -

USC is on sign B

—————

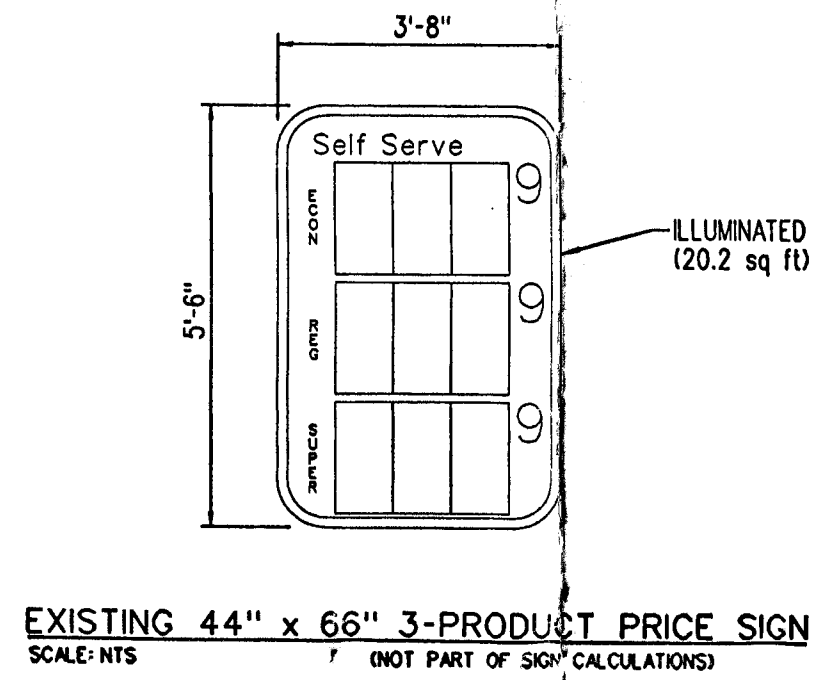
Sun Oil

11701 Reisterstown Rd

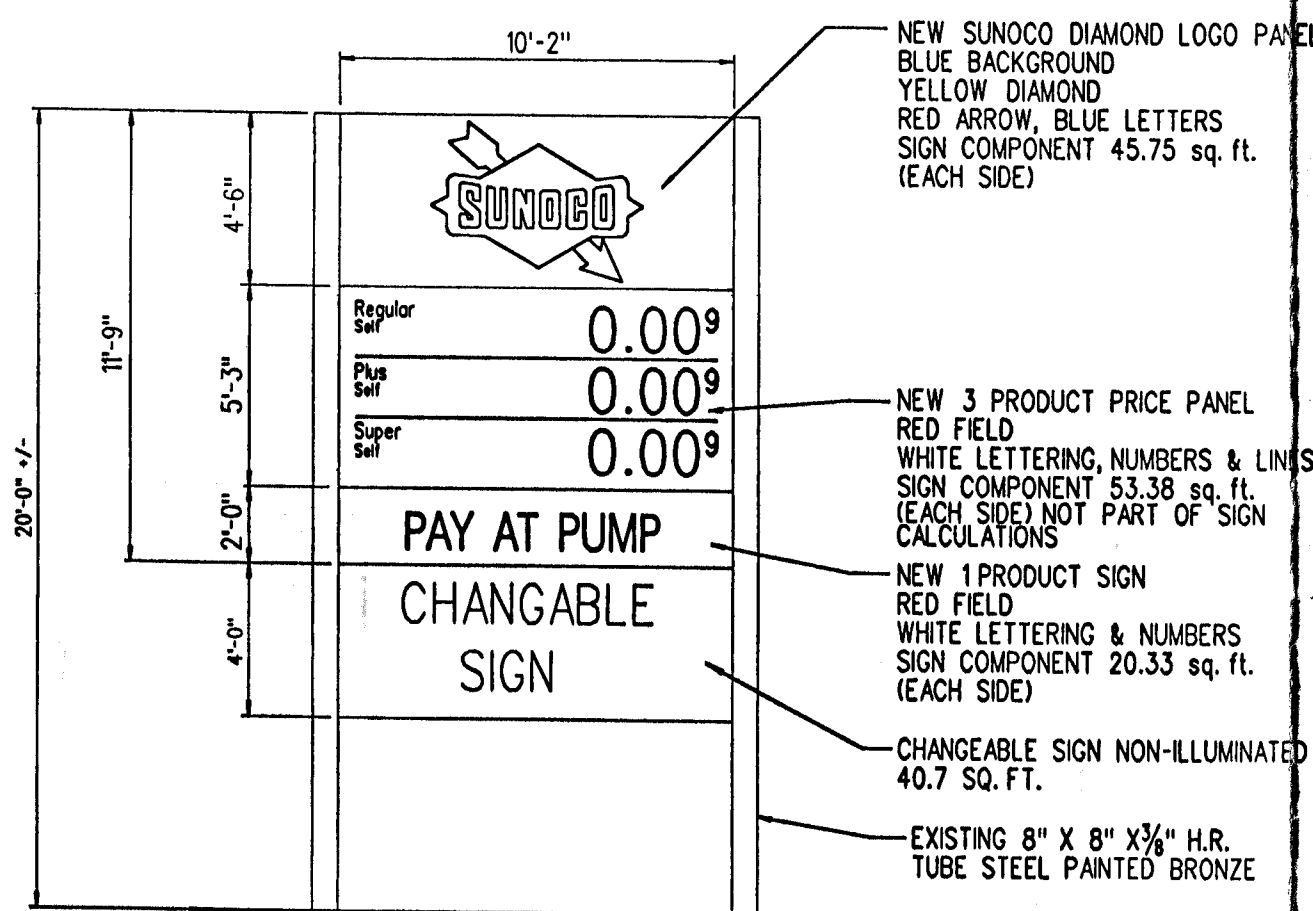
- ① 2 freestanding
- ③ wall mounted > 150 - what is requested?
- ⑥ 150 Canopy permitted on 6
366 " requested for 3

Total signs permitted - 12 w/ 1 sq. ft of 620

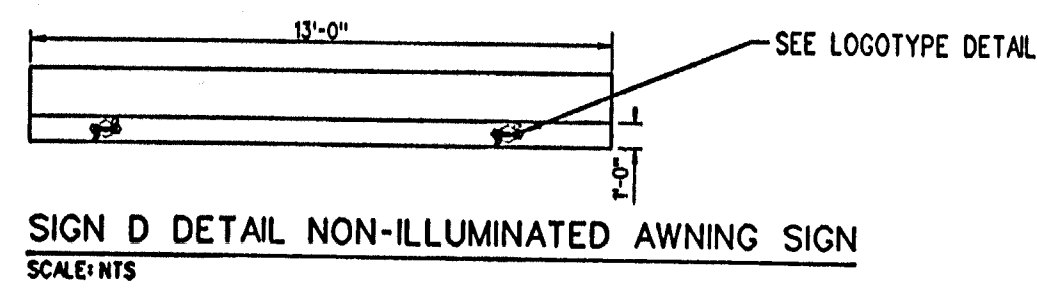
Total signs requested - 10 w/ 849^{sq. ft} + 7150 (21 less 1000)



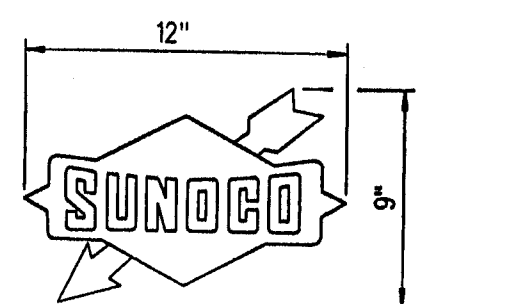
EXISTING 44' x 66' 3-PRODUCT PRICE SIGN
SCALE: N.T.S.



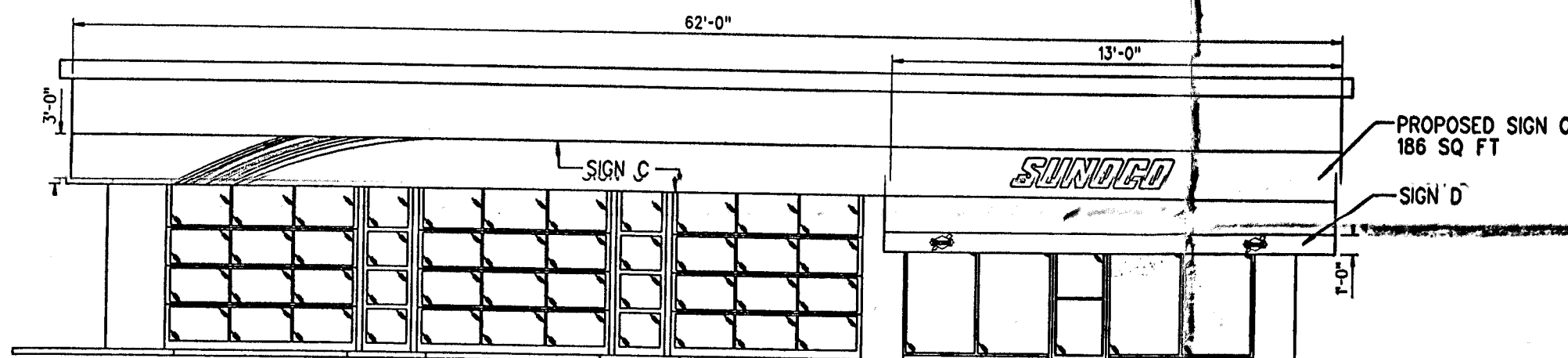
ILLUMINATED GOALPOST SIGN A
SCALE: N.T.S.



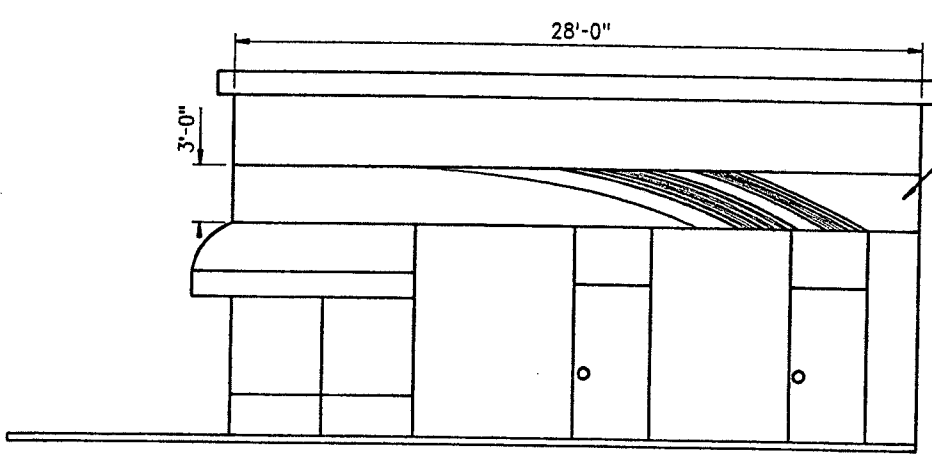
SIGN D DETAIL NON-ILLUMINATED AWNING SIGN
SCALE: N.T.S.



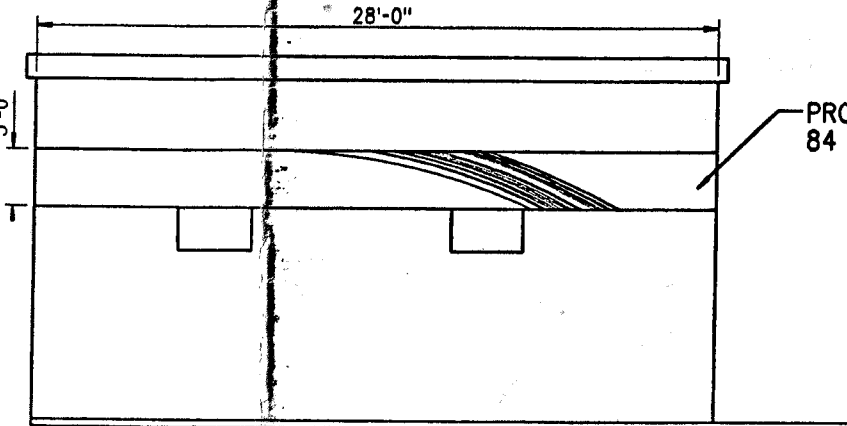
LOGOTYPE DETAIL (0.75 SQ. FT.)
SCALE: N.T.S.



PROPOSED FRONT VIEW
SIGN C - 186 SQ. FT.
SIGN D - 13.0 SQ. FT.

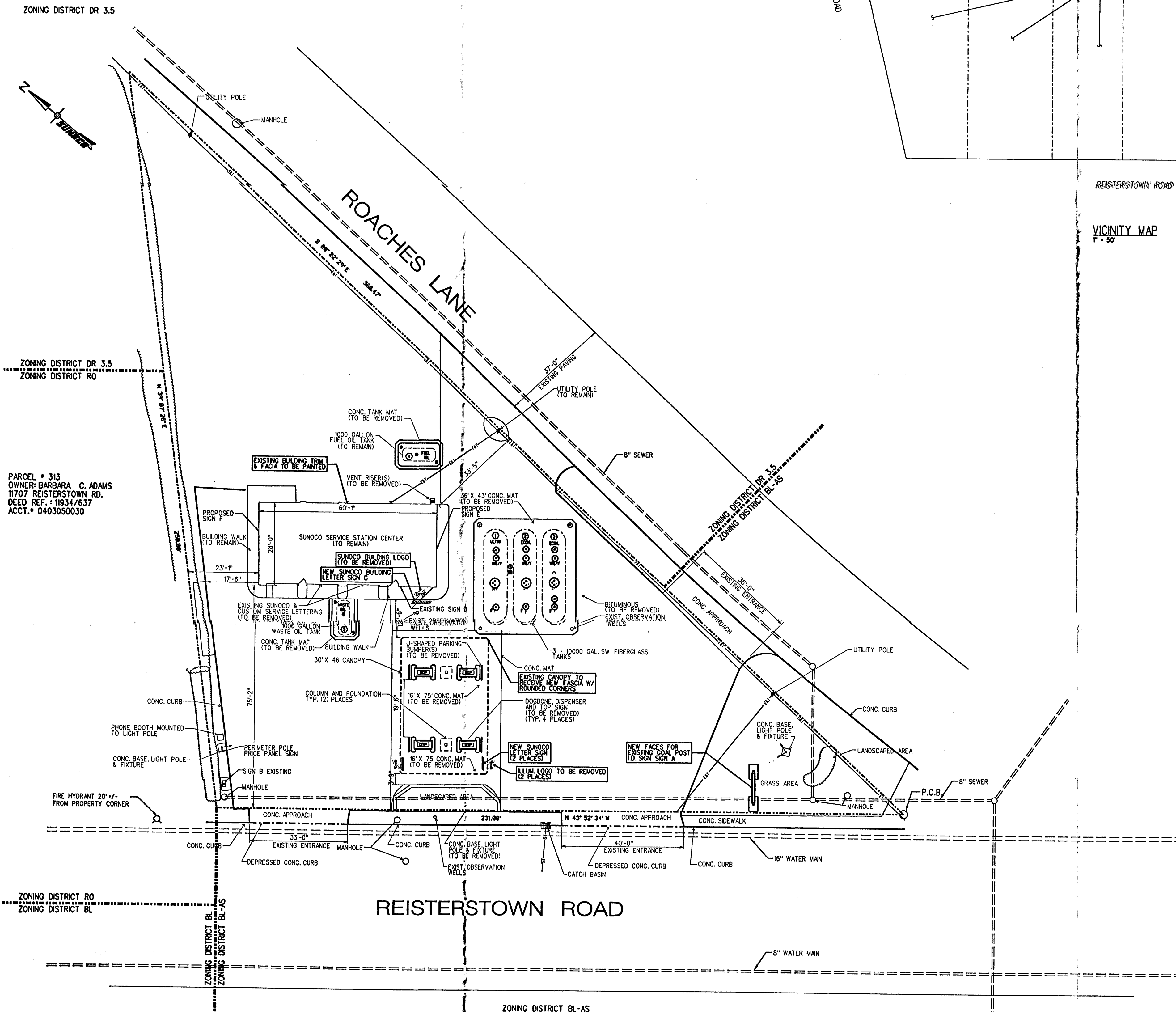


RIGHT VIEW



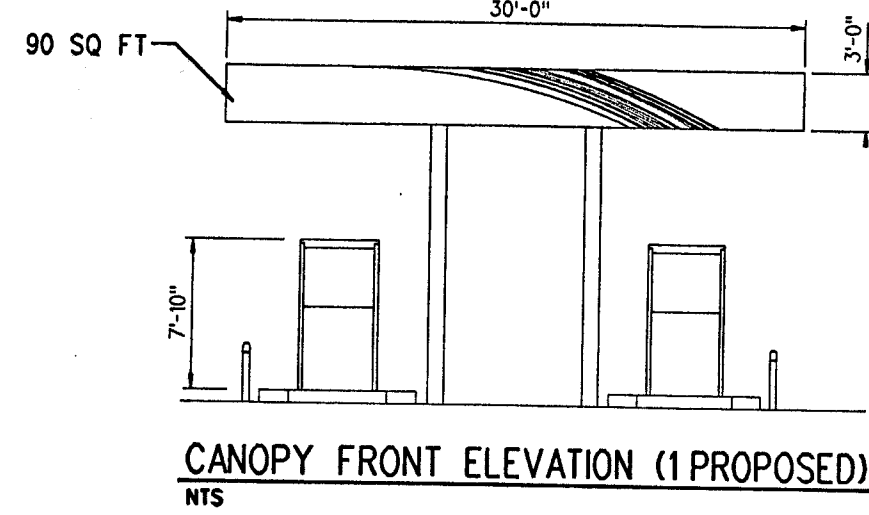
LEFT VIEW

ELEVATION - EXISTING SERVICE STATION

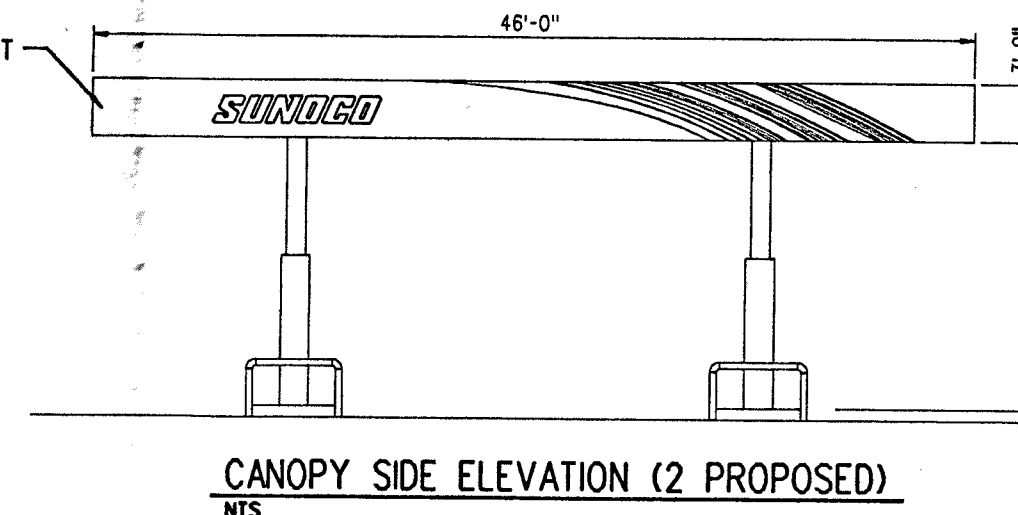


NEW ILLUMINATED SUNOCO BUILDING LETTER SIGN
(PART OF SIGN "C")
SCALE: N.T.S.

NEW SUNOCO ILLUMINATED CANOPY LETTER SIGN
SCALE: N.T.S.



CANOPY FRONT ELEVATION (1 PROPOSED)
N.T.S.



CANOPY SIDE ELEVATION (2 PROPOSED)
N.T.S.

SITE DATA:
GROSS SITE AREA: 49120.02 S.F. 1.13 AC.
NET SITE AREA: 28659.78 S.F. 0.66 AC.
EXISTING ZONING: BL-AS
ZONING MAP: N-14
OWNER/APPLICANT:
SUN CO.
1801 MARKET ST.
JEN PENN CENTER
PHILADELPHIA, PA 19103-1628
TEL: 215-595-5426
DEED REF: 4531/5
ACCT: 0410081200

ZONING HISTORY:
CASE #5367 - RECLASSIFICATION FROM 'R-10' TO 'BL' ZONE, DENIED 12/01/61.
CASE #65-310-RX - RECLASSIFICATION FROM 'R-10' TO 'BL' ZONE WITH SPECIAL EXCEPTION FOR A "SERVICE STATION", GRANTED 05/05/65

- ZONING RELIEF REQUESTED
- SECTION 450.4.5(b) TO ALLOW A SERVICE STATION WITH TWO (2) EXISTING FREESTANDING SIGNS WITH AREAS OF 106.8 SQUARE FEET AND 19.0 SQUARE FEET IN LIEU OF THE PERMITTED ONE (1) SIGN OF 75 SQUARE FEET.
 - SECTION 450.4.5(a) TO ALLOW A WALL-MOUNTED SIGN OF 186.0 SQUARE FEET IN LIEU OF THE PERMITTED ONE (1) SIGN OF 120 SQUARE FEET.
 - SECTION 450.4.5(a) TO ALLOW A WALL-MOUNTED SIGN GREATER THAN 150 SQUARE FEET EACH IN LIEU OF THE PERMITTED 56 SQUARE FEET EACH.
 - SECTION 450.4.5(a) TO ALLOW TWO (2) LOGOTYPES OF 1.5 SQUARE FEET TOTAL IN LIEU OF ONE (1) LOGOTYPE NOT EXCEEDING 8 SQUARE FEET, AND TO ALLOW THE LOGOTYPE ON A VERTICAL SURFACE OF THE AWNING IN LIEU OF A NON-VERTICAL SURFACE.
 - SECTION 450.4.5(a) TO ALLOW TWO (2) CANOPY SIGNS WITH 138 SQUARE FEET EACH AND ONE (1) WITH 50.0 SQUARE FEET IN LIEU OF THE PERMITTED SIX (6) CANOPY SIGNS WITH 25 SQUARE FEET EACH.

SIGNAGE SCHEDULE:

EXISTING	ENTERPRISE	66.1 SQ. FT.	EXISTING TO REMAIN (SEE NOTE 2)
SIGN 'A'	CHANGEABLE	40.7 SQ. FT.	EXISTING TO REMAIN
SIGN 'B'	TOTAL	106.8 SQ. FT.	EXISTING TO REMAIN
SIGN 'C'		19 SQ. FT.	EXISTING TO REMAIN

WALL MOUNTED	FRONT OF BUILDING	186 SQ. FT.	NEW SIGN
SIGN 'C'	SIGN 'D'	13.0 SQ. FT.	EXISTING TO REMAIN
RIGHT SIDE OF BUILDING	SIGN 'E'	84 SQ. FT.	NEW SIGN
LEFT SIDE OF BUILDING	SIGN 'F'	84 SQ. FT.	NEW SIGN

CANOPY	FRONT SIDE	80 SQ. FT.	NEW SIGN
		2 @ 138 SQ. FT. EACH	NEW SIGN

NOTE:
1. ALL OTHER EXISTING SIGNS ARE TO BE REMOVED.
2. CHANGEABLE PORTION OF SIGN IS LESS THAN 50% OF THE TOTAL SIGN AREA.

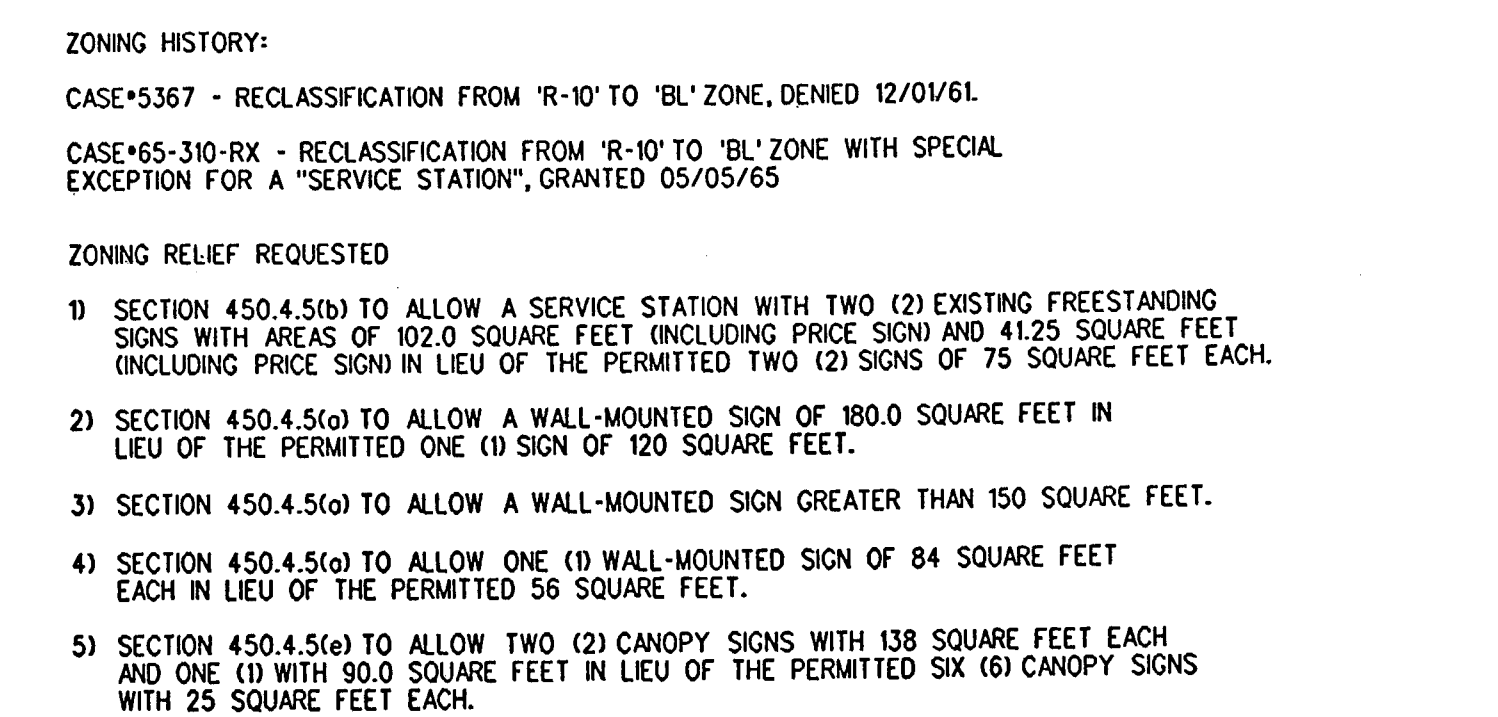
LEGEND

- F - FILL MANHOLE
- S - SPION
- CO - CLEANOUT
- DB - DRYBREAK MANHOLE
- VR - VAPOR RECOVERY
- S/P - SUBMERSIBLE PUMP
- U/G - UNDERGROUND
- DISP - PRODUCT DISPENSER
- U.S.T. - UNDERGROUND STORAGE TANK
- CONC. CURB-NEW
- CONC. CURB-EXISTING
- DEPRESSED CONC. CURB-NEW
- DEPRESSED CONC. CURB-EXISTING
- CONC. CURB (TO BE REMOVED)
- CANOPY OUTLINE-EXISTING
- CANOPY OUTLINE-NEW
- PROPERTY LINE
- SETBACK EASEMENT OR R.O.W.
- SA - UNDERGROUND SANITARY SEWERS
- ST - UNDERGROUND STORM SEWERS
- G - UNDERGROUND GAS LINES
- E - UNDERGROUND ELECTRIC LINES
- T - UNDERGROUND TELEPHONE LINES
- W - UNDERGROUND WATER LINES
- OH - OVERHEAD LINES
- E - OVERHEAD ELECTRIC LINES
- T - OVERHEAD TELEPHONE LINES
- GLD - RAIL
- CH - CHAIN LINK FENCE
- POST AND RAIL FENCE
- STOCKADE FENCE

NOTES

- INDICATES NEW WORK TO BE DONE UNDER THIS CONTRACT
- YARD LIGHTS
- MANHOLE
- INLET
- UTILITY POLES
- TRAFFIC SIGNAL
- CONDUITS
- PARKING SPACE NUMBER
- TANK NUMBER

2	1/22/2001	REVISED PER COUNTY COMMENTS	KRS	RM	DSO
1	8/27/2000	REVISED PER COMMENTS	KRS	DSO	DSO
REV. NO.	DATE	REVISIONS	DRAWN BY	CHKD BY	APPROV.
SUNOCO Inc. Engineering Department Willow Grove, PA					
17101 REISTERSTOWN ROAD TAX MAP # 57.0*6, PARCEL # 334 ELEC. DIST. #4 COUNCILMANIC DIS-13 BALTIMORE, MD.			PROJECT NO. E92112		
PLAN TO ACCOMPANY ZONING PETITION FOR SIGN VARIANCES					
APPROVED: S. DEFLAVIS CHECKED: R. MOOREMAN DATE: 2-25-00		FACILITY NO. 0003-4736		DRAWING NO. ZON-1	
ESR PROJ. NO. C98693 ESR PHASE NO. 204		436 Community Way Suite 100, PA 19341 Phone: 610.224.1297 Fax: 610.224.1317		SCALE: 1" = 20'	



WALL MOUNTED		
FRONT OF BUILDING		
SIGN 'C'	180 SQ. FT.	NEW SIGN
SIGN 'D'	13.0 SQ. FT.	EXISTING TO BE REMOVED
RIGHT SIDE OF BUILDING		
SIGN 'E'	84 SQ. FT.	NEW SIGN

SITE DATA:
GROSS SITE AREA: 49120.02 S.F. 1.13 AC.;
NET SITE AREA: 28659.78 S.F. 0.66 AC.;
EXISTING ZONING: BL-AS
ZONING MAP: N.W. 14-J

OWNER/APPLICANT
SUN OIL CO
1801 MARKET ST.
TEN PENN CENTER
PHILADELPHIA, PA19103-1628
TEL. 215-859-5426
DEED REF.: 4531/5
ACCT.: * 0419087300



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SEE SHEET 36-2

5	10/2 2001	REVISED PER MEETING AND SITE INSPECTION ON 10/29/01	KRS	EFM	CAS
4	10/25 2001	SHOWED AINING SIGN TO BE REMOVED, COMBINED EXISTING 3-PRODUCT PRICE SIGN AND POLE MERCHANDISING SIGN TO ONE POLE	KRS	EFM	CAS
3	9/19 2001	REVISED SIGNS INCLUDING REMOVAL OF CHANGEABLE SIGN	ATB	RM	RWD
2	1/29 2001	REVISED PER COUNTY COMMENTS	KRS	RM	DSD
1	8/27 2000	REVISED PER COMMENTS	KRS	DSD	DSD

SUNOCO, Inc.
Engineering Department
Willow Grove, PA

LOCATION: 11701 REISTERSTOWN ROAD
TAX MAP • 57.G*6, PARCEL • 334
ELEC. DIST.: 4 COUNCILMANIC DIS.:
BALTIMORE MD.

PROJECT NO.
F92112

SIGN PLAN

SCALE: 1" = 20'

APPROVED <u>S. DEFLAVIS</u>	FACILITY NO.	DRAWING NO.	REV. NO.
CHECKED <u>R. MCKEEMAN</u>	0003-4736	SG-1	5
DRAWN <u>JGR</u>			
DATE <u>2-25-00</u>			

ESI PROJ. NO.	C01605
ESI PHASE NO.	200



438 Creamery Way
Suite 100
Exton, PA 19341
Phone: 610.524.1350
Fax: 610.524.1317