IN RE: PETITION FOR VARIANCE
SWC Reisterstown Road
and Dolls Road
4th Election District
5th Councilmanic District
(10812 Reisterstown Road)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 01-311-A

David F. Burkholder & Jane B. Smidinger Legal Owners and Sun Oil Company, Lessee Petitioners

. \* \* \* \* \* \* \* \* \* \*

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, David F. Burkholder & Jane B. Smidinger and the lessee, the Sun Oil Company. The Petitioners are requesting variances for property located at 10812 Reisterstown Road. The subject property is zoned BL. The variance requests for the property 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 three (3) existing freestanding signs with areas of 50.9 sq. ft. and 7.5 sq. ft. and 19.5 sq. ft. in lieu of the permitted one (1) sign of 75 sq. ft.;
- (2) from Section 450.5.b.4(a) of the B.C.Z.R., to allow two (2) freestanding signs having an area larger than 8 sq. ft. to be 20 ft. apart in lieu of the required 100 ft.;
- (3) from Section 450.5.b.4(b) of the B.C.Z.R., to allow a freestanding enterprise sign to be 20 ft. from a residential zone line in lieu of the required 25 ft.;
- (4) from Section 450.4.5(e) of the B.C.Z.R., to allow two (2) canopy signs with 147 sq. ft. each and one (1) with 96.0 sq. ft. in lieu of the permitted six (6) canopy signs with 25 sq. ft. each;
- (5) from Section 450.5.b.1(a) of the B.C.Z.R., to allow an awning sign with one (1) copy line of 12 inches in lieu of 9 inches; and
- (6) 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.

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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. The Petitioners were represented by Anthony J. DiPaula, attorney at law. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of these variance requests, consist of 0.66 acres, more or less, zoned BL. The subject property is located on the southwest corner of the intersection of Reisterstown Road and Dolls Lane, in the Owings Mills area of Baltimore County. The subject property is currently improved with an existing 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).

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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 <u>36</u> 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 three (3) existing freestanding signs with areas of 50.9 sq. ft. and 7.5 sq. ft. and 19.5 sq. ft. in lieu of the permitted one (1) sign of 75 sq. ft.;
- 2. from Section 450.5.b.4(a) of the B.C.Z.R., to allow two (2) freestanding signs having an area larger than 8 sq. ft. to be 20 ft. apart in lieu of the required 100 ft.;
- 3. from Section 450.5.b.4(b) of the B.C.Z.R., to allow a freestanding enterprise sign to be 20 ft. from a residential zone line in lieu of the required 25 ft.;
- 4. from Section 450.4.5(e) of the B.C.Z.R., to allow two (2) canopy signs with 147 sq. ft. each and one (1) with 96.0 sq. ft. in lieu of the permitted six (6) canopy signs with 25 sq. ft. each;
- 5. from Section 450.5.b.1(a) of the B.C.Z.R., to allow an awning sign with one (1) copy line of 12 inches in lieu of 9 inches; and
- 6. 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.

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

OHDEN FORMANDE FOR FILMS

IN THE MATTER OF \* BEFORE THE

SUN OIL COMPANY \* BALTIMORE COUNTY

10812 Reisterstown Road \* BOARD OF APPEALS

4<sup>th</sup> Election 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 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) 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

than 75 square feet in area if the pricing information is not counted. The amount of signage required for the pricing is found in Maryland Business Regulation Code Annotated Section 10-315. That statute 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.

Peter Max Zimmerman, Esquire appeared to defend the BCZR, but was 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.

- 1. Section 450.4.5(b) to allow a service station with two (2) existing freestanding signs with areas of 102.08 square feet (including price sign) and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet.
- 2. Section 450.5.B.4(a) to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet.
- 3. Section 450.5.B.4(b) to allow a freestanding enterprise sign to be 20 feet from a residential zone line in lieu of the required 25 feet.
- 4. Section 450.4.5(e) to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 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.1\Opinion & Order

IN THE MATTER OF \* BEFORE THE

SUN OIL COMPANY \* BALTIMORE COUNTY

10812 Reisterstown Road \* BOARD OF APPEALS

4<sup>th</sup> Election District \* CASE NO.: N 01-311-A

**AMENDED PETITION FOR VARIANCE** 

Sun Oil Company, Petitioner/Appellant, by its undersigned counsel, hereby files this Amended Petition for Variance from the sections on Attachment 1 attached hereto, of the Zoning Regulations of Baltimore County, for the same reasons as set forth in the original Petition filed before the Zoning Commissioner of Baltimore County.

Anthony J. DiPaula DiPaula & Sullivan, LLC 34 South Main Street Bel Air, Maryland 21014 410-893-4255

### CERTIFICATE OF SERVICE

Peter Max Zimmerman, People's Counsel for Baltimore County Room 47, Old Courthouse 400 Washington Avenue Towson, Maryland 21204

Anthony . DiPaula

s:\das\ajd\Engineering Solutions.1\Amended Petition

### ATTACHMENT TO AMENDED PETITION FOR VARIANCE

- 1. Section 450.4.5(b) to allow a service station with two (2) existing freestanding signs with areas of 102.08 square feet (including price sign) and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet.
- 2. Section 450.5.B.4(a) to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet.
- 3. Section 450.5.B.4(b) to allow a freestanding enterprise sign to be 20 feet from a residential zone line in lieu of the required 25 feet.
- 4. Section 450.4.5(e) to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.

10812 Reisterstown Road



REV 9/15/98

# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	10812 Reisterstown Road
which is	presently zoned B.L.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

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. Gostract Runghaser/Lessee: <u>Legal Owner(s):</u> David F. Burkholder Sun Oil Co. Name - Type or Print Name - Type or Print Signature Mark Morin, Reg. Engnr. & Maint. Mgr. Signature <u> 1801 Market St., Ten Peen Center</u> Address Telephone No. Name - Type or Print Philadelphia, PA 19103-3197 State Zip Code **Signature** .CONTRCT Attorney For Petitioner: 590 Gorswich Road Address Telephone No. Name -Anthony J. DiPaula Westminster, MD 21157 Type of Print City State Zip Gode DiFaula & Sullivan, LLC Representative to be Contacted: Signature Thomas J. Hoff Company Name 34 9. Main St. 406 W. Pennsylvania Ave. 410-893-4255 410-296-3668 Acidine Se Telephone No. Address Telephone No. Air, MD 21014 Towson, MD 21204 State Zip Code City Zip Code State

Reviewed By Ji \* Sleave set outh case # 5 310 \$ 312 centuct attorny prior to setting dates

#### 10812 Reisterstown Road

### Attachment to Petition for Variances

- 1) Section 450.4.5(b) to allow a service station with three (3) existing freestanding signs with areas of 50.9 square feet, 7.5 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet.
- 2) Section 450.5.b.4(a) to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet.
- 3) Section 450.5.b.4(b) to allow a freestanding enterprise sign to be 20 feet from a residential zone line in lieu of the required 25 feet.
- 4) Section 450.4.5(e) to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.
- 5) Section 450.5.b.1(a) to allow an awning sign with one (1) copy line of 12 inches in lieu of 9 inches.
- 6) 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.

### THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

January 8, 2001

Description of the Sunoco Station, 10812 Reisterstown Road, to Accompany Petition for Variances.

**BEGINNING FOR THE SAME** at a point at the intersection of the west side of Reisterstown Road and the south side of Dolls Lane.

Thence binding on the west side of Reisterstown Road,

(1) South 43 degrees 43 minutes 31 seconds East 191.27 feet,

thence leaving the west side of Reisterstown Road,

- (2) South 45 degrees 31 minutes 29 seconds West 149.980 feet,
- (3) North 43 degrees 43 minutes 31 seconds West 190.00 feet, to the south side of Dolls Lane,

thence binding on the south side of Dolls Lane,

(4) North 45 degrees 02 minutes 29 seconds East 150.00 feet,

to the point of beginning containing 0.66 acres (28,588 square feet) of land more or less.

Note:

This Description has been prepared for zoning purposes only.

2

### PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

NAME	<u>ADDRESS</u>
A.J. DiPAULA (ATTY)	34 5. MIN 55-BERAIN, MD 21014
THOMAS J. HOFF	406 W. PENNSYLVANIAAWE
THOMAS J. HOFF RAYMOND P. NEKBBNAN	436 CROMNER WAY, &XGN, PA 19341
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RE: PETITION FOR VARIANCE 10812 Reisterstown Road, SWC Reisterstown Rd	*	BEFORE THE
and Dolls Rd	*	ZONING COMMISSIONER
4th Election District, 3rd Councilmanic	*	FOR
Legal Owner: David F. Burkholder and Jane B. Smidinger		
Contract Purchaser: Sun Oil Company	*	BALTIMORE COUNTY
Petitioner(s)		
	*	Case No. 01-311-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

Peter Mar Timmerman

Reter May Zimmennan

Oxule S, Demilio

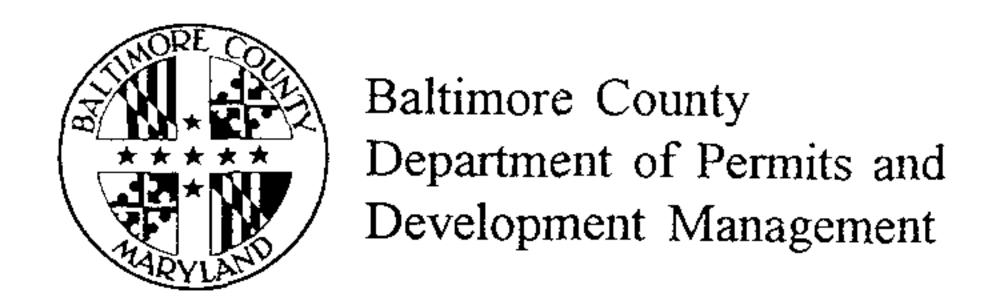
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(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



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

February 14, 2001

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-311-A
10812 Reisterstown Road
SWC Reisterstown and Dall

SWC Reisterstown and Dolls Roads

4<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District

Legal Owners: Jane B Smidinger & David F Burkholder

Contract Purchaser: Lessee: Sun Oil Company

<u>Variance</u> to allow a service station with three (3) existing freestanding signs with areas of 50.9 square feet, 7.5 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet; to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet; to allow a freestanding enterprise sign to be 20 feet from a residential zone line in lieu of the required 25 feet; to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each; to allow an awning sign with one (1) copy line of 12 inches in lieu of 9 inches; and 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.

HEARING: Wednesday, March 21, 2001 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Anthony J. DiPaula, DiPaula & Sullivan LLC, 34 S Main Street, Bel Air 21014 Jane B Smidinger & David F Burkholder, 590 Gorsuch Road, Westminster 21157 Mark Morin, Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103

Thomas June Hoff, 406 W Pennsylvania Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 6, 2001.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

The Zoning Commissioner of Fallingre County by author ity of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson. Maryland on the propenty identified herein as follows: Case: #01-311-A

40812 Reisterstown Road SINC Reisterstown Road and Dolls Roads ...

4th Election District - 5th Councilmanic District

Legal Owner(s): Jane B. Smidinger & David F. Burkholder Contract Purchaser: Lessee: Sun Oil Company, And Marie St.

Variance: to allow a service station with three (3) existing treestanding signs with areas of 50.9 square feet, 7.5 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet, to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet to allow a freestanding enterprise signation be 20 feet from a residential zone line in fieu of the required 25 feet, to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 square feet in lieu classifier permitted six (6) canopy signs with 25 square feet each; to allow an awning sign with one (1) copy line of 12 thenes in lieu of 9 inches, and 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 togetype on a vertical surface of the awning in field of a non-vertical surface.

Hearing: Wednesday, March 21, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner of County

sioner's Office at (4(0) 887-4386.

(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391

JT/3/624 March 6

C454563

### CERTIFICATE OF PUBLICATION

• .
TOWSON, MD, 39, 2001
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Fowson, Baltimore County, Md., once in each ofsuccessive
weeks, the first publication appearing on 36, 2001.
THE JEFFERSONIAN,
J. WULMAN
LEGAL ADVERTISING

RE Case No Ol-	311-A
Petitioner Developer	SUNIOCO, ETAL
DIPAULA &	SULLIVAN
PIPAULA & Date of Hearing/Closin	3/21/01

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

MAR

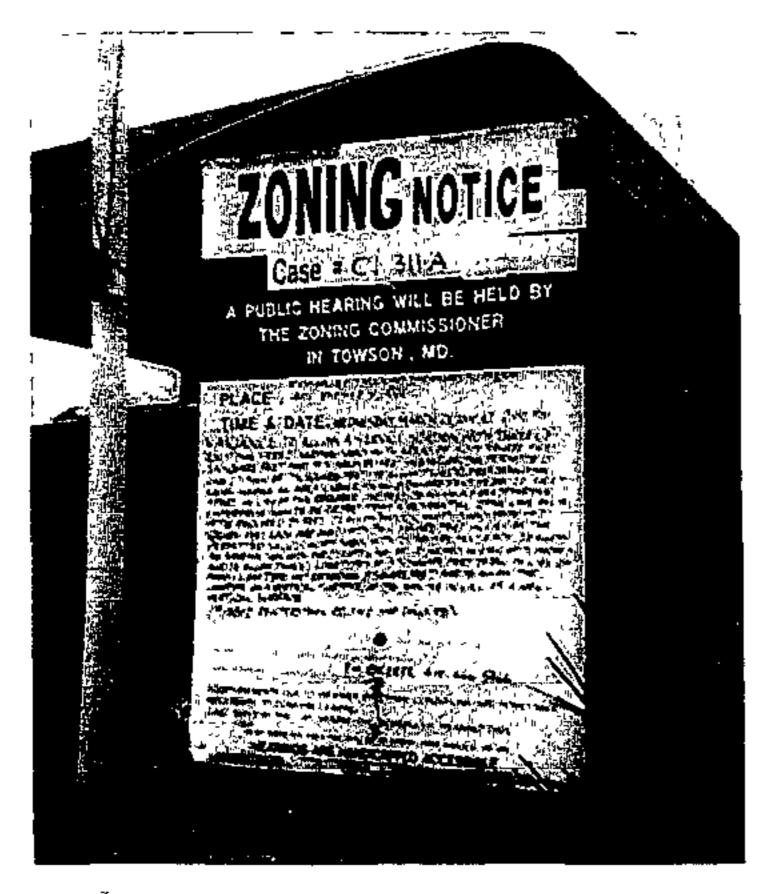
Attention: Ms. Gwendolyn Stephens

Ladles and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at REISTERSTOWN PD. & Doll'S LA.

The sign(s) were posted on 3/2/01

(Month, Day, Year)



01-311-A

Sincerely,

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366; CELL-410-905-8571

(Telephone Number)



## County Board of Appeals of Baltimore County

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

\*\*\* HEARING ROOM - Room 48 \*\*\*

Basement –Old Courthouse 400 Washington Avenue

### APPEAL HEARINGS SCHEDULED FOR THE WEEK OF FEBRUARY 11, 2002

**TUESDAY** 

2/12 10:00 am

Case No.: CBA-01-156

/HEARING

In the Matter of:

Air Flow Systems, Inc. and Theodore Cavey, Jr.

Numerous addresses (79 locations throughout County)

RE: Civil Citation #01-3570

Code Inspections and Enforcement Violation

11:00 am

Case No.: 01-310-A

/Deliberation

01-311-A and 01-312-A

In the Matter of:

Sun Oil Company/Petitioner

11701 Reisterstown Road; 10812 Reisterstown Road;

and 6324 Baltimore National Pike

1:00 pm

Case No.: CBA-02-101

/HEARING

In the Matter of:

Lois Ann Fearson

1 Broadship Road

Baltimore, MD 21222

RE:

AHB Decision/Dangerous animals; civil monetary penalties;

to be removed from 1 Broadship and proof provided of person

taking possession

WEDNESDAY

2/13

10:00 am

Case No.: 01-156-A

/HEARING

In the Matter of:

Stefanie Malkowski

N/s Armstrong Road, 200' N of Park Road

401 Armstrong Road

15th Election; 7th Councilmanic

RE:

VAR - to allow legitimize old pier and new addition

**THURSDAY** 

2/14 10:00 am

Case No.: R-01-455

/HEARING

In the Matter of:

Michael James Lynch, et al

N/s Sweet Air Road, E of Sunburst Road

10 th Election; 6th Councilmanic

RE:

Reclassification: From R.C. 2 to R.C. 5

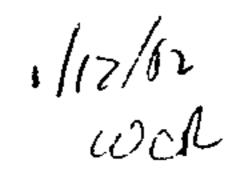
Out of Cycle Day #2 from 8/22/01

c:

Executive Office Law Office

People's Counsel Planning Office Director /PDM Court Info. Desk

County Council Board Members Court Reporter





## Jounty Board of Appeals of Baltimore County

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

January 16, 2002

#### **NOTICE OF DELIBERATION**

IN THE MATTER OF:

Sun Oil Company – Petitioner

Cases No. 01-310-A, No. 01-312-A

Having heard this matter on 12/05/01, public deliberation has been scheduled for the following date /time:

DATE AND TIME

TUESDAY, FEBRUARY 12, 2002 at 11:00 a.m.

**LOCATION** 

Hearing Room 48, Basement, Old Courthouse

Kathleen C. Bianco Administrator

c:

Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner

Petitioner

: Anthony J. DiPaula, Esquire

Thomas J. Hoff, Inc.

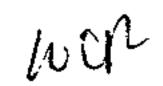
: Sun Oil Company /Mark Morin

David Burkholder /Jane Smidinger (01-311-A)

Pat Keller, Director /Planning Lawrence Schmidt /Z.C. Arnold Jablon, Director /PDM

FYI copy: C.S.M.

Printed with Soyboan Int





### County Board of Appeals of Baltimore County

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

\*\*\* HEARING ROOM - Room 48 \*\*\* Basement -Old Courthouse 400 Washington Avenue

### APPEAL HEARINGS SCHEDULED FOR THE WEEK OF DECEMBER 3, 2001

TUESDAY

12/04 10:00 am

Case No.: CBA 01-106

/Hearing

*In the Matter of:* 

Beth Tfiloh Congregation of Baltimore City,

Inc. - Developer "Camp Glyndon" 407 Central Avenue 4th E: 3rd C

RE: DRC No.: 101600D/File IV-455

Denial of 26-171 exemptoin request

WEDNESDAY

12/05 9:00 am

Case Nos.: 01-310-A

/Hearing

01-311-A

01-312-A

*In the Matter of:* 

Sun Oil Company (01-310-A – Legal Owner) 11701 Reisterstown Rd and Roaches Ln. 4<sup>nd</sup> E; 3<sup>rd</sup> C

Sun Oil Company (01-311-A - Lessee)

10821 Reisterstown Rd 4<sup>nd</sup> E; 3<sup>rd</sup> C

Sun Oil Company (01-312-A- Legal Owner) 6324 Baltimore National Pike 1st E; 1st C

THURSDAY

12/06 10:00 am

Case No.: CBA-00-138

/Hearing

In the Matter of:

Douglas Wagner - Applicant

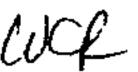
932 Hobart Road, Hanover, PA 17331

RE: ERS Decision / G- Ordinary Disability

Executive Office Law Office Director /PDM

People's Counsel Planning Office Court Info. Desk

County Council Board Members Court Reporter





### County Board of Appeals of Baltimore County

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

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

September 4, 2001

#### **NOTICE OF ASSIGNMENT**

CASE #: 01-310-A

IN THE MATTER OF: Sun Oil Company -Legal Owner

11701 Reisterstown Road

4th Election District; 3rd Councilmanic District

AND

CASE #: 01-311-A

IN THE MATTER OF: Sun Oil Company -Legal Owner

10812 Reisterstown Road

4th Election District; 3rd Councilmanic District

AND

CASE #: 01-312-A

IN THE MATTER OF: Sun Oil Company - Legal Owner

6324 Baltimore National Pike

1st Election District; 1st Councilmanic District

3/26/01 -Decision of the D.Z.C. in which Petitons for Variance were GRANTED (sign variances to permit Sunoco to upgrade stations)

ASSIGNED FOR:

WEDNESDAY, NOVEMBER 28, 2001 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco /Administrator

c:

Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner

: Anthony J. DiPaula, Esquire

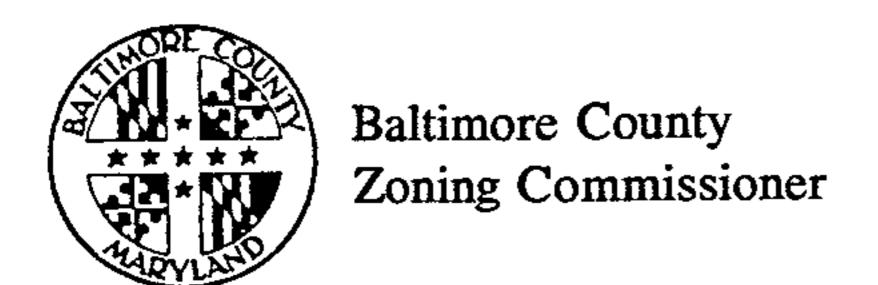
Petitioner

: Sun Oil Company /Mark Morin

Thomas J. Hoff, Inc.

David Burkholder /Jane Smidinger (01-311-A)

Pat Keller, Director /Planning Lawrence Schmidt /Z.C. Arnold Jablon, Director /PDM



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

Anthony J. DiPaula, Esquire DiPaula & Sullivan, LLC 34 S. Main Street Bel Air, Maryland 21014

> Re: Petition for Variance Case No. 01-311-A

Property: 10812 Reisterstown Road

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

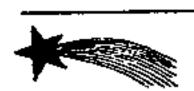
Muthy 16 troco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Mr. Mark Morin c/o Sun Oil Company 1801 Market Street Ten Penn Center Philadelphia, PA 19103-3197 Thomas J. Hoff, P.E. 406 W. Pennsylvania Avenue Towson, MD 21204



Printed with Soybean Ink on Recycled Paper

Census 2000

For You, For Baltimore County



Census 2000





# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 10812 Reisterstown Road which is presently zoned B.L.

I/We do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which

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.

If 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.

Gentract/Rurchaser/Lessee: <u>Legal Owner(s):</u> David F. Burkholder Sun Oil Co. Name - Type or Print Name - Type or Print Signature Mark Morin, Reg. Engnr. & Maint. Mgr. Signature 1801 Market St., Ten Peen Center Address Telephone No. Name - Type or Print Philadelphia, PA 19103-3197 State Zip Code Signature CONTRCT ATTNY Attorney For Petitioner: 590 Gorsuch Road Address Telephone No. Anthony J. DiPaula Westminster, MD 21157 Name - Type or Print City State Zip Gode DiPaula & Sullivan, LLC Representative to be Contacted: Signature Thomas J. Hoff Company Name 34 S. Main St. 406 W. Pennsylvania Ave. 410-893-4255 410-296-3668 Address Telephone No. Address Telephone No. Bel Air, MD 21014 Towson, MD 21204 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. O(-3)/-AUNAVAILABLE FOR HEARING \* \* please set with case# 5310\$312 contact attorney private setting dates. REV 9|15|98

#### 10812 Reisterstown Road

### Attachment to Petition for Variances

- 1) Section 450.4.5(b) to allow a service station with three (3) existing freestanding signs with areas of 50.9 square feet, 7.5 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet.
- 2) Section 450.5.b.4(a) to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet.
- 3) Section 450.5.b.4(b) to allow a freestanding enterprise sign to be 20 feet from a residential zone line in lieu of the required 25 feet.
- Section 450.4.5(e) to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.
- 5) Section 450.5.b.1(a) to allow an awning sign with one (1) copy line of 12 inches in lieu of 9 inches.
- 6) 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 6, 2001 Issue – Jeffersonian

Please forward billing to:
Thomas J. Hoff Inc
406 W Pennsylvania Avenue

Towson MD 21204

410 296-3668

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-311-A 10812 Reisterstown Road

SWC Reisterstown and Dolls Roads

4<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District

Legal Owners: Jane B Smidinger & David F Burkholder

Contract Purchaser: Lessee: Sun Oil Company

<u>Variance</u> to allow a service station with three (3) existing freestanding signs with areas of 50.9 square feet, 7.5 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet; to allow two (2) freestanding signs having an area larger than 8 square feet to be 20 feet apart in lieu of the required 100 feet; to allow a freestanding enterprise sign to be 20 feet from a residential zone line in lieu of the required 25 feet; to allow two (2) canopy signs with 147 square feet each and one (1) with 96.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each; to allow an awning sign with one (1) copy line of 12 inches in lieu of 9 inches; and 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.

**HEARING:** 

Wednesday, March 21, 2001 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

Lawrence E. Schmidt

らりて

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



CASE NO. 01-311-A

## DAVID BURKHOLDER & JANE SMIDINGER --LO SUN OIL COMPANY - Lessee

SW/c Reisterstown Road and Dolls Road (10812 Reisterstown Road)

4<sup>th</sup> Election District

Appealed 4/09/01

Attachment – (Plan to accompany Petition - Petitioner's Exhibit No. 1)

CERTIFICATE OF POSTING
TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204
Attention: Charlotte Radcliffe Appeals Clerk
RE: Case No. <u>01-311-A</u> Petitioner/Developer:  Sun Oil Co.
This is to certify that the necessary appeal sign(s) was posted conspicuously on
property located at 10812 Reisterstown Rd.
The sign(s) was posted on $5/2$ , 2001.
By Hay C See See (Signature of Sign Poster)  GARY C-FREUND

### 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

10812 Reisterstown Road, SWC Reisterstown Rd

and Dolls Rd.

4th Election Dist., 3rd Councilmanic

Legal Owners: David Burkholder & Jane Smidinger

Lessee: Sun Oil Company

Case No.: 01-311-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

Varole S. Demiles

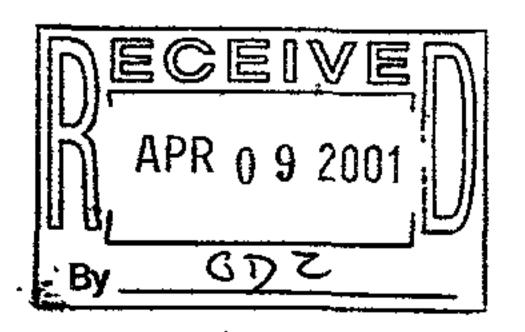
Pet Hax Zumeur

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 Petitioners



### APPEAL SIGN POSTING REQUEST

CASE NO. 01-311-A

## DAVID BURKHOLDER & JANE SMIDINGER –LO SUN OIL COMPANY – Lessee

SW/c Reisterstown Road and Dolls Road (10812 Reisterstown Road)

4<sup>th</sup> Election District

Appealed 4/09/01

Attachment – (Plan to accompany Petition - Petitioner's Exhibit No. 1)

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

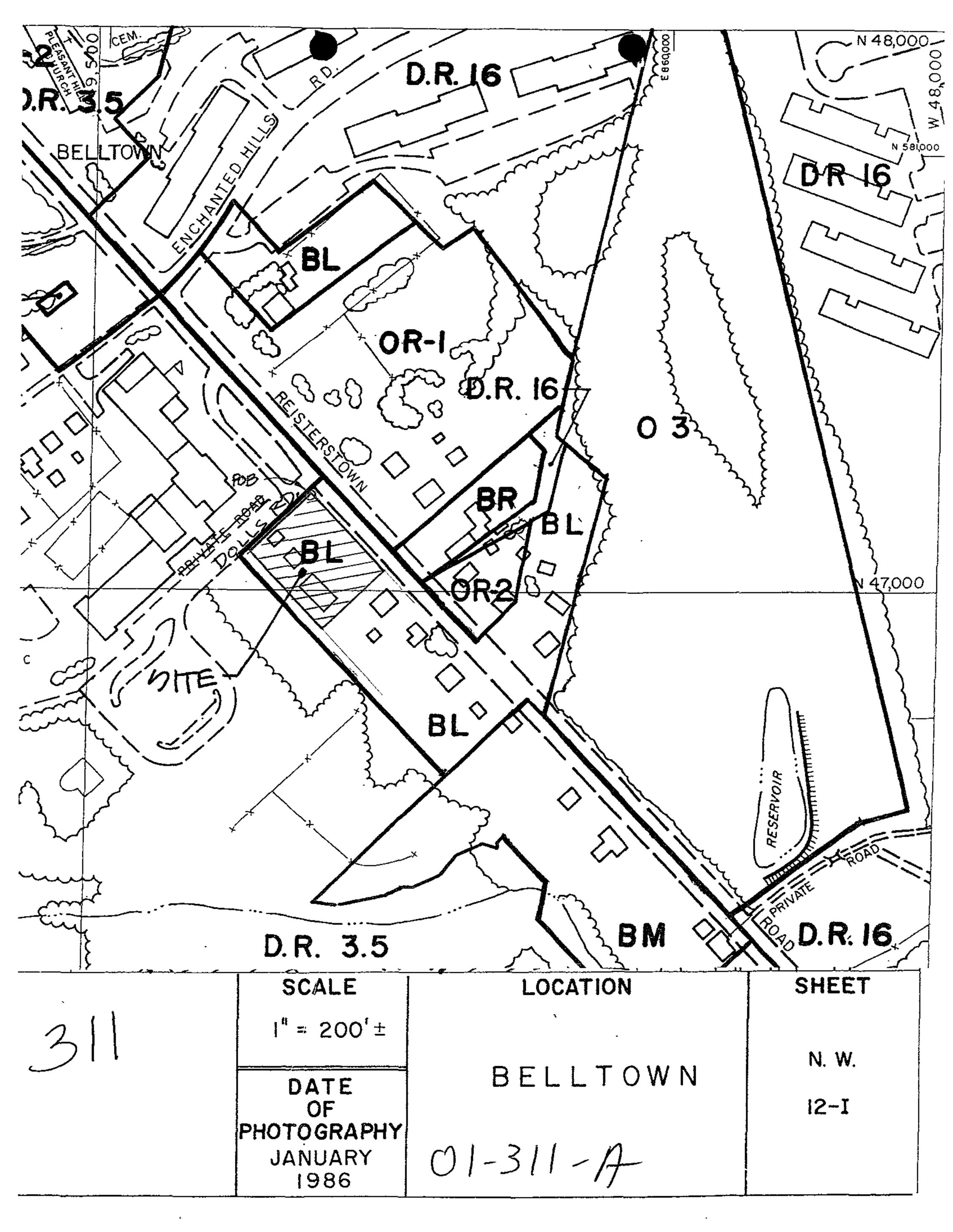
### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

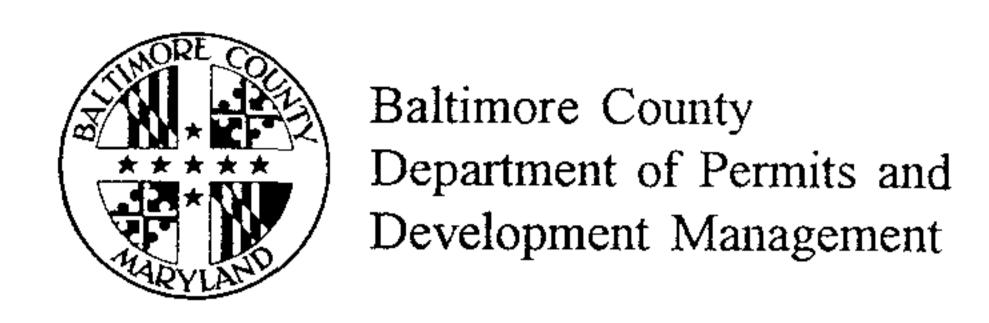
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: <u>01-311-人</u>
Petitioner: DAVID BURKHOLDER & JANE SMIDINGER
Address or Location: 10812 REISTERSTOWN RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: THOMAS J. HOFF, INC.
Address: 400 W. PENNSYLVANIA AUE.
TOWSON, MD. 21204
Telephone Number: 410-046-3668





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: 01-311-A, 10812 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. 602

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Jane Smidinger & David F Burkholder, 590 Gorsuch Road, Westminster 21157 Mark Morin, Sun Oil Co, 1801 Market St, Ten Penn Center, Philadelphia PA 19103 Thomas Hoff, 406 W Pennsylvania Avenue, Towson 21204 People's Counsel



### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 20, 2001

Department of Permits and Development Management

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

FEB 2 1

**SUBJECT:** 

10812 Reisterstown Road

**INFORMATION:** 

**Item Number:** 

01-311

**Petitioner:** 

Sun Oil Company

Zoning:

BL

**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:

Section Chief: John W Jong

AFK:MAC:

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 20, 2001

Department of Permits and Development Management

FROM:

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

**SUBJECT:** 

10812 Reisterstown Road

**INFORMATION:** 

**Item Number:** 

01-311

Petitioner:

Sun Oil Company

Zoning:

BL

**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.

Section Chief: MAC:



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.

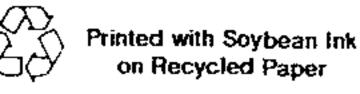
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

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

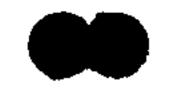
REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

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. 311 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/VS / 40 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,

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

1. 1. Aredla

My telephone number is \_\_\_\_\_\_

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

d Jablon, Director

DATE: March 7, 2001

Department of Permits & Development Mgmt.

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

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

): Arnold Jablon

FROM: R. Bruce Seeley 1/1/18

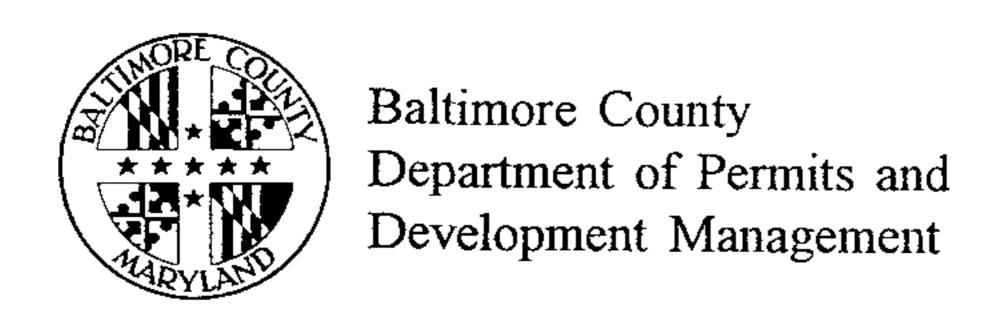
DATE: March 19, 2001

SUBJECT: Zoning Petitions

Zoning Advisory Committee Meeting of February 12, 2001

DEPRM has no comments for the following zoning petitions:

14921 Tanyard Road	11701 Reisterstown Road	10812 Reisterstown Road		6324 Baltimore l
ehurst Lane	nyard Koad	nyard Koad isterstown Road	isterstown Road isterstown Road	14921 Tanyard Koad  11701 Reisterstown Road  10812 Reisterstown Road  6324 Baltimore National Pike



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

April 10, 2001

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

Dear Mr. DiPaula:

RE: Case No. 01-311-A, 10812 Reisterstown Road

COUNTY BOARD OF ACT

Please be advised that an appeal of the above-referenced case was filed in this office on April 9, 2001 by Peter M Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon GDZ

Director

AJ: gdz

c: David Burkholder & Jane Smidinger, 590 Gorsuch Road, Westminster 21157 Mark Morin, Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103

Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204

Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204 Timothy M Kotroco, Deputy Zoning Commissioner

People's Counsel



# County Board of Appeals of Baltimore County

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

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

September 4, 2001

### **NOTICE OF ASSIGNMENT**

CASE #: 01-310-A

IN THE MATTER OF: Sun Oil Company -Legal Owner

11701 Reisterstown Road

4<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

AND

CASE #: 01-311-A

IN THE MATTER OF: Sun Oil Company -Legal Owner

10812 Reisterstown Road

4<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

AND

CASE #: 01-312-A

IN THE MATTER OF: Sun Oil Company - Legal Owner

6324 Baltimore National Pike

1st Election District; 1st Councilmanic District

3/26/01 -Decision of the D.Z.C. in which Petitons for Variance were GRANTED (sign variances to permit Sunoco to upgrade stations)

**ASSIGNED FOR:** 

WEDNESDAY, NOVEMBER 28, 2001 at 10:00 a.m.

**NOTICE:** 

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco /Administrator

c: Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner

: Anthony J. DiPaula, Esquire

Petitioner

: Sun Oil Company /Mark Morin

Thomas J. Hoff, Inc.

David Burkholder /Jane Smidinger (01-311-A)

Pat Keller, Director /Planning Lawrence Schmidt /Z.C. Arnold Jablon, Director /PDM

Printed with Soybean Ink on Recycled Paper



Anthony J. DiPaule\*
aid@dipaulesullivan.com

Roger J. Sullivan ris@dipaulasullivan.com

\*also Admitted in D.C.

ATTORNEYS AT LAW

34 South Main Street Bel Air, Maryland 21014

Telephone: 410-893-4255 Fax: 410-893-4277

July 25, 2001

Board of Appeals for Baltimore County Old Courthouse, Ground Floor 400 Washington Avenue Towson, Maryland 21204

ATTN: Kathy Bianco

RE: 6324 Baltimore National Pike

Case No. 01-312-A 10812 Reisterstown Road

Case No. 01-311-A

11701 Reisterstown Road Case NO.: 01-310-A

Dear Kathy:

Please schedule the above three (3) cases for a hearing at the earliest convenience of the Board. Please note that all three (3) were heard together before the Deputy Zoning Commissioner, and the issues are exactly the same, only some sign variances so that Sunoco can upgrade their stations. Even if heard together, these three (3) cases will take no more than one-half day. In the meantime, we hope to schedule a meeting with People's Counsel and/or representatives of the Planning Office to try to resolve what issues exist.

I look forward to hearing back from you promptly. It would be a shame to let these simple sign cases go beyond this calendar year, and frankly, Sunoco is hopeful to have these stations completed by the end of this year. Thanks for your help.

Very truly yours,

Anthony J. DiPaula

Anthony J. DiPaula

AJD/dh

cc: Thomas J. Hoff

Engineering Solutions, Inc.

People's Counsel

s:\das\ajd\Engineering Solutions\Board.ltr.1

Towson Office

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

01 JUL 26 PH 12:

Case No. 01-310-A Case No. 01-311-A Case No. 01-312-A Sun Oil Company – 11701 Reisterstown Road Sun Oil Company – 10812 Reisterstown Road Sun Oil Company – 6324 Baltimore National Pike

VAR – Sign variances (3 free-standing ilo one; wall-mounted signs; square footage of signs; canopy sign of 90 sq ft ilo 25 sf) – to upgrade Sunoco Stations.

3/26/01 - D.Z.C.' Order in which requested variances were GRANTED.

7/26/2001 – Letter from Anthony J. DiPaula, Esquire – requesting hearing at earliest convenience of Board; to be heard together (same issue; heard together before DZC); sign variances to permit Petitioner (Sun Oil) to upgrade Sunoco stations nationwide.

9/04/01- Notice of Assignment sent to following parties; case assigned for hearing on Wednesday, November 28, 2001 at 10:00 a.m.:

People's Counsel for Baltimore County
Anthony J. DiPaula, Esquire
Sun Oil Company /Mark Morin
Thomas J. Hoff, Inc.
David Burkholder /Jane Smidinger (01-311-A)
Pat Keller, Director /Planning
Lawrence Schmidt /Z.C.
Arnold Jablon, Director /PDM

11/16/01 – T/C from T. DiPaula; requests postponement of 11/28/01 hearing; agreement reached with People's Counsel as to certain issues; hearing to be brief; requesting 9 a.m. time first date available.

-- Confirmed same with People's Counsel; awaiting letter from Mr. DiPaula requesting same.

11/19/01 – Letter via FAX from T. DiPaula as confirmation of 11/16/01 telephone conversation; postponement to be granted and matter reassigned to 9:00 a.m. on Wednesday, 12/05/01. Notice to be sent.

11/20/01 - Notice of PP and Reassignment sent to parties indicating that this matter has been specially set for Wednesday, December 5, 2001 at 9:00 a.m. by agreement of counsel.

Case No. 01-310-A Case No. 01-311-A Case No. 01-312-A Sun Oil Company – 11701 Reisterstown Road Sun Oil Company – 10812 Reisterstown Road Sun Oil Company – 6324 Baltimore National Pike

VAR – Sign variances (3 free-standing ilo one; wall-mounted signs; square footage of signs; canopy sign of 90 sq ft ilo 25 sf) – to upgrade Sunoco Stations.

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Pat Keller, Director /Planning
Lawrence Schmidt /Z.C.
Arnold Jablon, Director /PDM

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- 11/20/01 Notice of PP and Reassignment sent to parties indicating that this matter has been specially set for Wednesday, December 5, 2001 at 9:00 a.m. by agreement of counsel.
- 11/29/01 FAX from Tony DiPaula Amended Petition for Variance /Case No. 01-310-A; Case No. 01-311-A; and Case No. 01-312-A.
- 11/30/01 Original received above noted Amended Petitions. To each file.
- 12/05/01 Board convened for hearing specially set by agreement of People's Counsel and Counsel for Petitioner (Wescott, Marks, Adams); awaiting submittal by Counsel for Petitioner (after review by People's Counsel); upon receipt of same, deliberation to be scheduled and notice sent.
- 1/14/02 T/C from T. DiPaula has the Board scheduled a deliberation? Advised Mr. DiPaula that originals of his final draft had not been received nor the FAX sent on 1/04/02 (have copy of FAX; Mr. DiPaula to mail original documents). Notice of Deliberation to be sent to parties for 2/12/02 at 11:45 a.m. upon confirmation of availability of C (S and M scheduled for 2/12) and PC.
- 1/16/02 Original submittal received from T. DiPaula; Notice of Deliberation sent to parties; scheduled for Tuesday, February 12, 2002 at 11:00 a.m. (11 a.m. time confirmed with Messrs. DiPaula and Zimmerman).
- 2/12/02 Board convened for deliberation (C.S.M.); variance requests granted pursuant to restrictions /conditions. Orders to be issued in each matter (01-310-A; 01-311-A; and 01-312-A).

### **BOARD OF APPEALS OF BALTIMORE COUNTY**

### MINUTES OF DELIBERATION

IN THE MATTER OF:

Sun Oil Company - Petitioner

Case Nos: 01-310-A; 01-311-A and 01-312-A

DATE:

Febaruary 12, 2002

**BOARD/PANEL:** 

Lawrence S. Wescott

LSW

Charles L. Marks

**CLM** 

Melissa Moyer Adams

**MMA** 

**RECORDED BY:** 

Theresa R. Shelton / Legal Secretary

**PURPOSE:** The review notes and applicable law and to review opinion and order.

### PANEL MEMBERS DISCUSSED THE FOLLOWING:

All in agreement that Orders should be signed and that the petitioners has adequately set forth and met the uniqueness requirements.

### **DECISIONS BY BOARD MEMBERS:** The Board grants the following variances:

- 1. Section 450.4.5(b) to allow a service station with one (1) existing freestanding sign with a reduced area of 264 square feet in lieu of the permitted one (1) sign of 75 square feet.
- 2. Section 450.4.5(b) to allow one (1) freestanding enterprise sign with a height of 36 feet, 6 inches in lio the permitted 25 feet.
- 3. Section 450.4.5(a) to allow a total of three (3) wall mounted signs as follows: two (2) wall mounted signed on one (1) façade with a total of 232.9 square feet ilo the permitted 1 sign per façade with 90 square feet; and to allow one (1) wall mounted sign on one (1) façade with a total of 85.5 square feet ilo the permitted 57.0 square ft; and to allow a wall mounted sign greater than 150 square feet.
- 4. Section 450.4.5(e) to allowthree (3) canopy signs, two (2) with 165.0 square feet each and one (1) with 126.0 square feet ilo the permitted six (6) canopy signs with 25 square feet each.

FINAL DECISION:	Petition for Variance -	GRANTED
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NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

County Board of Appeals



## County Board of Appeals of Baltimore County

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

January 16, 2002

### NOTICE OF DELIBERATION

IN THE MATTER OF:

Sun Oil Company – Petitioner Cases No. 01-310-A, No. 01-311-A, and No. 01-312-A

Having heard this matter on 12/05/01, public deliberation has been scheduled for the following date /time:

DATE AND TIME : <u>TUESDAY, FEBRUARY 12, 2002 at 11:00 a.m.</u>

LOCATION : <u>Hearing Room 48, Basement, Old Courthouse</u>

Kathleen C. Bianco Administrator

c: Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner

: Anthony J. DiPaula, Esquire

Petitioner

: Sun Oil Company /Mark Morin

Thomas J. Hoff, Inc.

David Burkholder /Jane Smidinger (01-311-A)

Pat Keller, Director /Planning Lawrence Schmidt /Z.C. Arnold Jablon, Director /PDM

FYI copy: C.S.M.





# County Board of Appeals of Baltimore County

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

FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

November 20, 2001

### NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-310-A IN THE MATTER OF: Sun Oil Company –Legal Owner

11701 Reisterstown Road

4<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District AND

CASE #: 01-311-A IN THE MATTER OF: Sun Oil Company -Legal Owner

10812 Reisterstown Road

4<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District Al

AND

CASE #: 01-312-A IN THE MATTER OF: Sun Oil Company – Legal Owner

6324 Baltimore National Pike

1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

3/26/01 -Decision of the D.Z.C. in which Petitons for Variance were GRANTED (sign variances to permit Sunoco to upgrade stations)

which was assigned to be heard on 11/28/01 has been POSTPONED by agreement of counsel and specially rescheduled to an agreed date and time; and has been

**REASSIGNED FOR:** 

WEDNESDAY, DECEMBER 5, 2001 at 9:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco /Administrator

c:

Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner

: Anthony J. DiPaula, Esquire

Petitioner

: Sun Oil Company /Mark Morin

Thomas J. Hoff, Inc.

David Burkholder /Jane Smidinger (01-311-A)

Pat Keller, Director /Planning Lawrence Schmidt /Z.C. Arnold Jablon, Director /PDM

### **APPEAL**

Petition For Variance
10812 Reisterstown Road
SWC Reisterstown Road and Dolls Road
4<sup>th</sup> Election District — 3<sup>rd</sup> Councilmanic District
David Burkholder & Jane Smidinger - Legal Owner
Sun Oil Company - Lessee
Case No.: 01-311-A

Petition for Variance (dated 2/1/01)

Zoning Description of Property

Notice of Zoning Hearing (dated 2/14/01)

Certification of Publication (The Jeffersonian issue 3/6/01)

Certificate of Posting (Patrick M O'Keefe posted 3/2/01)

Entry of Appearance by People's Counsel (2/20/01)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (none)

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plan to Accompany Zoning Petition For Sign Variances (dated 2/16/99)

Protestants' Exhibits: (none)

Miscellaneous (Not Marked as Exhibits): (none)

Deputy Zoning Commissioner's (3/26/01 - Granted)

Notice of Appeal received on 4/9/01 from Office of People's Counsel Baltimore County

c: Anthony J. DiPaula, DiPaula & Sullivan LLC, 34 S Main Street, Bel Air 21014 David Burkholder & Jane Smidinger, 590 Gorsuch Road, Westminster 21157 Mark Morin, Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103
Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM

date sent 4/10/01

Que # 01-311-A Dun Oil Retetioners 2A )
2B (4 photos)
20) 5516 5516 651



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