IN RE: PETITION FOR VARIANCE
N/S Baltimore National Pike, 360'
W of Rolling Road
1st Election District
1st Councilmanic District
(6324 Baltimore National Pike)

Sun Oil Company Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-312-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 they own at 6324 Baltimore National Pike. The subject property is zoned BR-AS. 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 594 sq. ft., 7.3 sq. ft. and 19.5 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 two a total of six (6) wall-mounted signs as follows: three (3) wall-mounted signs on one (1) façade with a total of 294.3 sq. ft. in lieu of the permitted 2 signs per façade with 90 sq. ft.; to allow two (2) wall-mounted signs on one (1) façade with a total of 102.1 sq. ft. in lieu of the permitted 56.7 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 a total of six (6) wall-mounted signs in lieu of the permitted total of three (3) wall-mounted signs;
- (5) from Section 450.4.5(e) of the B.C.Z.R., to allow a canopy sign with 90.0 sq. ft. in lieu of the permitted 25 sq. ft. each; and
- (6) to amend the previously approved sign variance in Case No. 67-27-A.

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 Petitioner was

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 0.62 acres, more or less, zoned BR-AS. The subject property is located on the north side of Baltimore National Pike, west of its intersection with Rolling Road. 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 signage on the property, 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 three (3) existing freestanding signs with areas of 594 sq. ft., 7.3 sq. ft. and 19.5 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 two a total of six (6) wall-mounted signs as follows: three (3) wall-mounted signs on one (1) façade with a total of 294.3 sq. ft. in lieu of the permitted 2 signs per façade with 90 sq. ft.; to allow two (2) wall-mounted signs on one (1) façade with a total of 102.1 sq. ft. in lieu of the permitted 56.7 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 a total of six (6) wall-mounted signs in lieu of the permitted total of three (3) wall-mounted signs;
- 5. from Section 450.4.5(e) of the B.C.Z.R., to allow a canopy sign with 90.0 sq. ft. in lieu of the permitted 25 sq. ft. each; and
- 6. to amend the previously approved sign variance in Case No. 67-27-A.

be and are hereby GRANTED.

The Comment of the Co

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

IN THE MATTER OF

SUN OIL COMPANY

6324 Baltimore National Pike 4th Election District

3rd Councilmanic District

* BEFORE THE

* BALTIMORE COUNTY

* BOARD OF APPEALS

* CASE NO.: N 01-312-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 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.

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, the only sign portion of which is an "A plus" semicircle arch which denotes the existence of a convenience store at this site. These graphics are deemed "signs" within the definitions of the BCZR. The new graphics and the overall reduction in signage will be an improvement to this site. Petitioner has made good faith attempts to reduce the signage and sign clutter, and to comply with the requirements of the BCZR.

Peter Max Zimmerman, Esquire appeared to defend the BCZR, but recognized that Petitioner had vastly improved and 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 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 Mully, 2002:

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 lieu of 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 signs on one (1) facade with a total of 232.9 square feet in lieu of 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 in lieu of the permitted 57.0 square feet; and to allow a wall mounted sign greater than 150 square feet.

4. Section 450.4.5(e) to allow three (3) canopy signs, two (2) with 165.0 square feet each and one (1) with 126.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.

Lawrence S. Wescott, Chairman

Maringonaum

Melissa Moyer Adams, Panel Member

Charles L. Marks, Panel Member

s:\das\ajd\Engineering Solutions\Opinion & Order

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

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

I DO HEREBY CERTIFY, that on this ______ day of November, 2001, a copy of the foregoing Amended Petition for Variance was mailed, first class, postage prepaid to:

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

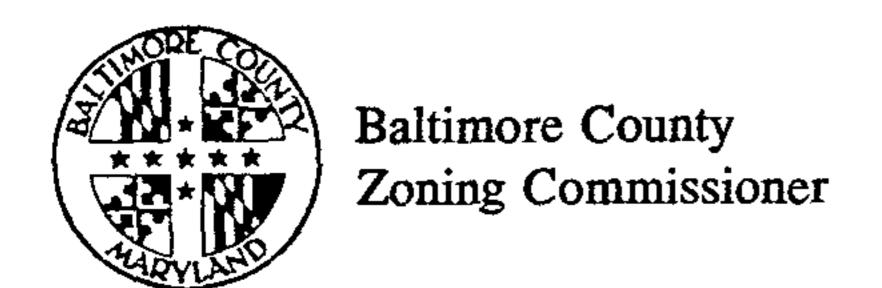
Anthony J. DiPaula

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

ATTACHMENT TO AMENDED PETITION FOR VARIANCE

- 1. Section 450.4.5(b) to allow a service station with one (1) existing freestanding sign with 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' 6" in lieu of the permitted 25' 0".
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 - 4. Section 450.4.5(a) to allow a wall mounted sign greater than 150 square feet.
- 5. Section 450.4.5(e) to allow three (3) canopy signs, two (2) with 165.0 square feet each and one (1) with 126.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.

6324 Baltimore National Pike



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

Fax: 410-887-3468

March 23, 2001

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

> Re: Petition for Variance Case No. 01-312-A

> > Property: 6324 Baltimore National Pike

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,

Timothy M. Kotroco

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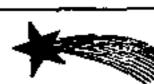
Deputy Zoning Commissioner

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



Census 2000



For You, For Baltimore County



Census 2000



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6324 Baltimore National Pike

which is presently zoned BR-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.

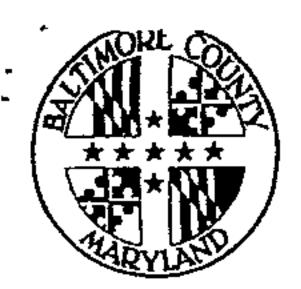
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Sun Oil Co. Name - Type or Print Name Type or Print Signature Signature Mark Morin, Reg. Engnr. & Maint. Mgr. Address Telephone No. Name - Type or Print City State Zip Code Signature CONTACT 1801 Market St., Ten Penn Center ATORNSY Attorney For Petitioner: Address Telephone No. Anthony J. DiPaula Philadelphia PA 19103-3197 Name - Type or Print City State Zip Code 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. 01-312-A UNAVAILABLE FOR HEARING Reviewed By _______ Date 2/0/

* * please set with case#\$ 310 and 311 contact attry. prior to settly dotes.

6324 Baltimore National Pike

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 594 square feet, 7.3 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet.
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- 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 a total of six (6) wall mounted signs in lieu of the permitted total of three (3) wall mounted signs.
- Section 450.4.5(e) to allow three (3) canopy sign **, two (2) with 19.6 square feet each and enc (1) with 90.0 square feet in lieu of the permitted six (6) canopy signs with 25 square feet each.
- 6) TO AMEND THE PREVIOUSLY APPROLED SIGN VARIANCE. CASE # 67-27-A 13#



Pétition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6324 Baltimore National Pike

which is presently zoned BR-AS

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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)

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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.

y ===p=== paroaant	to the zoring 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:	Legal Owner(s):
Name - Type or Print	Sun Oil Co. Name - Type or Print
Signature	Signature
Address Telephone No.	Mark Morin, Reg. Engnr. & Maint. Mgr.
City	Name - Type or Print
State Zip Code Attorney For Petitioner:	Signature 1801 Market St., Ten Penn Center Allows:
Anthony J. DiPaula	Address Philadelphia PA 19103-3197
Name - Type or Print DiPaula & Sullivan, LLC	City State Zip Code
Signature // //	Representative to be Contacted:
Spmpany	Thomas J. Hoff Name
34 S. Main St. 410-893-4255 Address Telephone No.	406 W. Pennsylvania Ave. 410-296-3668
Pol λir MD 21014	Address Towson, MD 21204
State Zip Code	City State Zip Code
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Case No. 01-312-A	ESTIMATED LENGTH OF HEARING HR
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* PLEASE SET WITH GASE#15 310	> \$ 3(1

CONTACT ATTORNEY PRIOR TO SETTING DATES.

6324 Baltimore National Pike

Attachment to Petition for Variances

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- 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 a total of six (6) wall mounted signs in lieu of the permitted total of three (3) wall mounted signs.
- Section 450.4.5(e) to allow three (3) canopy signs, two (2) with 19.6 square feet each and one (1) with 90.0 square feet in lieu of the permitted six (6) eanopy signs with 25 square feet each.
- 6) TO AMEND THE PREMOUSLY APPROVED SIGN VARIANCE. LASE #67-27-A DH

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 11, 2001

Description of the Sunoco Station, 6324 Baltimore National Pike, to Accompany Petition for Variances.

BEGINNING FOR THE SAME at a point on the northt side of Baltimore National Pike 360 feet more or less west of the centerline of Rolling Road.

Thence binding on the north side of Baltimore National Pike,

(1) By a curve to the right having a radius of 3744.72 feet and a length of 205.04 feet subtended by the chord North 68 degrees 00 minutes 00 seconds West 205.01 feet,

thence leaving the north side of Baltimore National Pike,

- (2) North 22 degrees 00 minutes 00 seconds East 130.00 feet,
- (3) South 68 degrees 00 minutes 00 seconds East 205.00 feet,
- (4) South 22 degrees 00 minutes 00 seconds West 130.00 feet,

to the point of beginning containing 0.62 acres (26,834 square feet) of land more or less.

Note:

This Description has been prepared for zoning purposes only.

2/2

The Zoning Commissioner of Baltimore County by author-ity of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the prop-erty identified herein as follows.

Case: #01-312-A 6324 Baltimore National Pike N/S Baltimore National Pike; 360° W of Rolling Road 1st Election District - 1st Councilmanic District

Legal Owner(s): Sun Oil Company Variance: to allow a service station with three (3) existing freestanding signs with areas of 594 square feet, 7.3 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet, to allow three (3) wall mounted signs on one (1) taçade with a total of 294.3 square feet in lieu of the permitted 2 signs per façade with 90 square feet; to allow two (2) wall mounted signs on one (1) façade with a total of 102.1 square feet in lieu of the permitted 56.7 square feet; to allow a wall mounted sign greater than, 150 square feet; to allow a total of six (6) wall mounted signs in lieu of the per-mitted total of three (3) wall mounted signs; to allow canopy sign with 90 square feet in lieu of the permitted 25 square feet each; and to amend the previously approved sign vari-

ance case #67-27-A.

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 Battimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commis-

sioner's Office at (410) 887-4386.

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

JT/3/623 March 6

C454542

CERTIFICATE OF PUBLICATION

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THIS IS TO CERTIFY, that t	he annex	ed ad	vertise	ment was
published in THE JEFFERSONIAN,	a weekly	newsp	aper pu	iblished in
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RE: Case No. 01-312-A

Petitioner/Developer SUN-OLL-CO.

90 DEPAOLA-SULLIVAN.

Date of Hearing/Closing: 3/2

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

MAR | 9

Attention: Ms. Gwendolyn Stephens

Ladies 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 #6524

The sign(s) were posted on (Month, Day, Year)

(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)

A PUBLIC REARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON , MD. LACE COLLEGE OF THE PARTY OF TH ME & DATE WELL AFTENCE TO ALLOW A CHARLE FREE TAND 175 SAME! "HELE (A) ME TO SOME FEET: TO ALTER



CASE NO. 01-312-A

SUN OIL COMPANY - LO

N/S Baltimore National Pike, 360' W of Rolling Road (6324 Baltimore National Pike)

1st Election District

Appealed 4/09/01

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

**********COMPLETE AND RETURN BELOW INFORMATION*********

	CERTIFICATE OF POSTING
	Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204
Atter	ntion: Charlotte Radcliffe Appeals Clerk
RE:	Case No. 01-312-A Petitioner/Developer: Sun OIL Co.
	is to certify that the necessary appeal sign(s) was posted conspicuously on erty located at 6324 BALTIMORE NATIONAL PIKE.
The s	sign(s) was posted on $4/24/01$, 2001.
Ву_(Gignature of Sign Poster)
_	GARY C. FREUND (Printed Name)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, Marcy 6, 2001 Issue - Jeffersonian

Please forward billing to:

Thomas J. Hoff Inc 406 W Pennsylvania Avenue Towson MD 21204

410 2963668

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: 01-312-A
6324 Baltimore National Pike
N/S Baltimore National Pike, 360' W of Rolling Road
1st Election District – 1st Councilmanic District
Legal Owner: Sun Oil Company

Variance to allow a service station with three (3) existing freestanding signs with areas of 594 square feet, 7.3 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet; to allow three (3) wall mounted signs on one (1) façade with a total of 294.3 square feet in lieu of the permitted 2 signs per façade with 90 square feet; to allow two (2) wall mounted signs on one (1) façade with a total of 102.1 square feet in lieu of the permitted 56.7 square feet; to allow a wall mounted sign greater than 150 square feet; to allow a total of six (6) wall mounted signs in lieu of the permitted total of three (3) wall mounted signs; to allow canopy sign with 90 square feet in lieu of the permitted 25 square feet each; and to amend the previously approved sign variance case # 67-27-A.

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

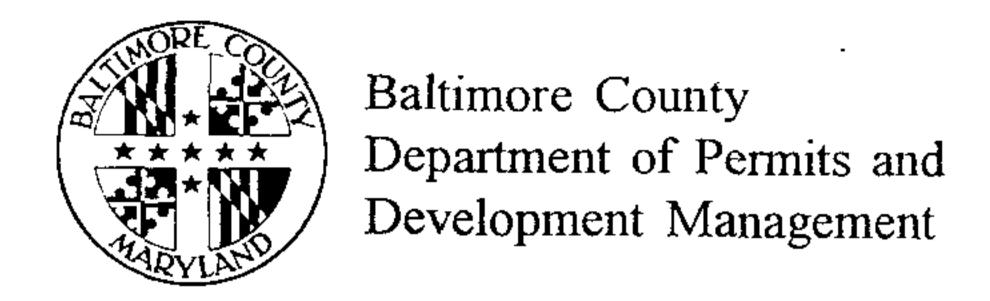
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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: 01-312-A
6324 Baltimore National Pike
N/S Baltimore National Pike, 360' W of Rolling Road
1st Election District – 1st Councilmanic District
Legal Owner: Sun Oil Company

<u>Variance</u> to allow a service station with three (3) existing freestanding signs with areas of 594 square feet, 7.3 square feet and 19.5 square feet in lieu of the permitted one (1) sign of 75 square feet; to allow three (3) wall mounted signs on one (1) façade with a total of 294.3 square feet in lieu of the permitted 2 signs per façade with 90 square feet; to allow two (2) wall mounted signs on one (1) façade with a total of 102.1 square feet in lieu of the permitted 56.7 square feet; to allow a wall mounted sign greater than 150 square feet; to allow a total of six (6) wall mounted signs in lieu of the permitted total of three (3) wall mounted signs; to allow canopy sign with 90 square feet in lieu of the permitted 25 square feet each; and to amend the previously approved sign variance case # 67-27-A.

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 Mark Morin Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103 Thomas J. 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.





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.
- 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

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,

Mures A Shelta

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

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

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)

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.

5 an accorney.

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 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.



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



Anthony J. DiPaula* aid@dipantasnljivan.com

Roger J. Sullivan ris@dipaulesullivan.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 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 onehalf 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

Thomas J. Hoff CC:

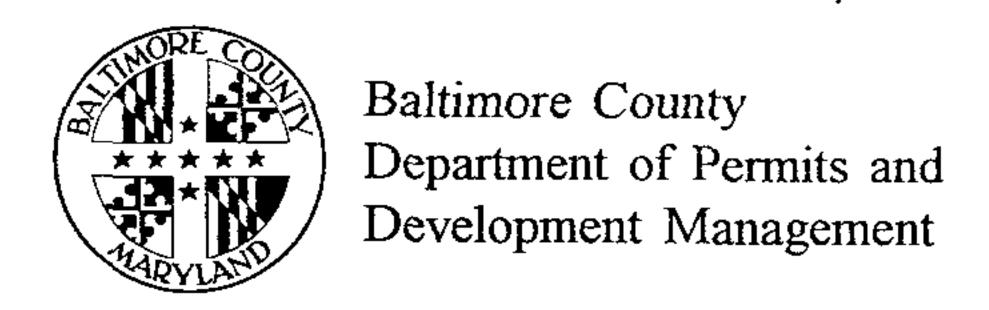
Engineering Solutions, Inc.

People's Counsel

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

Towson Office

300 Allegheny Avenue Suite 106 Towson, MD 21264 410-823-8705



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. 01-312-A, 6324 Baltimore National Pike

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 Director

GDZ

AJ: gdz

c: Mark Morin, Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103 Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204 Timothy M Kotroco, Deputy Zoning Commissioner People's Counsel

PH 3: 0

AC OSVOB A IMPOS

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

6324 Baltimore National Pike, N/S Baltimore

National Pk, 360' W of Rolling Rd, 11st Election Dist., 1st Councilmanic Sun Oil Company, Petitioner

Case No.: 01-312-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,
Pet Maxameur

Peter Max Zimmerman

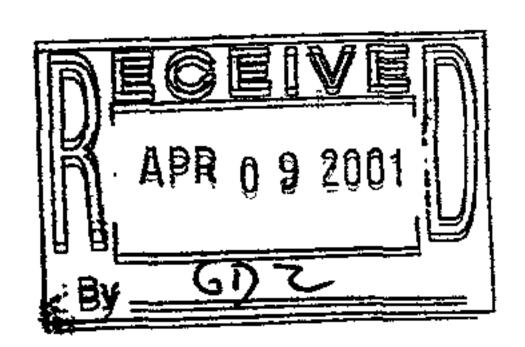
People's Counsel for Baltimore County

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



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RE: PETITION FOR VARIANCE 6324 Baltimore National Pike, N/S Baltimore National Pk, 360' W of Rolling Rd 11st Election District, 1st Councilmanic

Legal Owner: Sun Oil Company Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-312-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 Max Zimmeiman

daule 5. Demilio

Peter Marc Zimmeinan

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

400 Washington Avenue

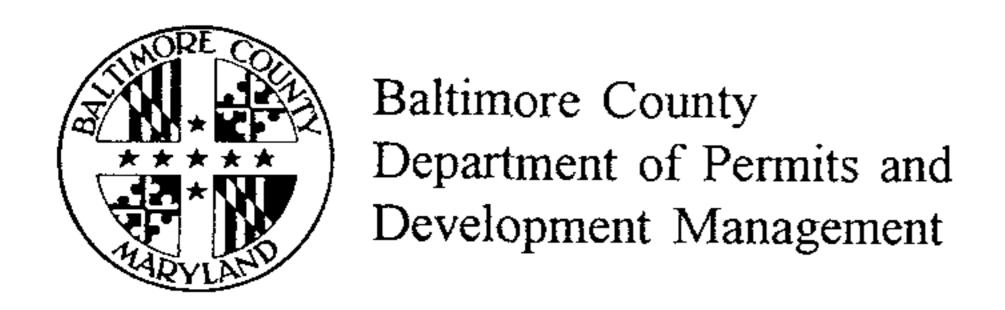
Towson, MD 21204

(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



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: 01-312-A,

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. G D て Supervisor, Zoning Review

W. Carl Ruchards, Sr.

WCR: gdz

Enclosures

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

1mm

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:

6324 Baltimore National Pike

FEB 2 1

INFORMATION:

Item Number:

01-312

Petitioner:

Sun Oil Company

Zoning:

BR-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:

Section Chief: Jan W

AFK: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: Filè



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 2./3-0/

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

RE: Baltimore County

Item No. 312 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 1.

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

My telephone number is ______

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold 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

O: Arnold Jablon

FROM: R. Bruce Seeley 1/1/15

DATE: March 19, 2001

SUBJECT: Zoning Petitions

Zoning Advisory Committee Meeting of February 12, 2001

DEPRM has no comments for the following zoning petitions:

							
314	312	311	310	307	306	305	Item #
1229 North Rolling Road	6324 Baltimore National Pike	10812 Reisterstown Road	11701 Reisterstown Road	14921 Tanyard Road	710 Maplehurst Lane	2516 Summerson Road	Address

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

May 3, 2002

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton W

Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILE

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	<u>LOCATION</u>
01-312-A	01-312-A	SUN OIL COMPANY	6324 BALTIMORE NATIONAL PIKE
01-311-A	01-311-A	SUN OIL COMPANY	10812 REISTERSTOWN ROAD
01-310-A	01-310-A	SUN OIL COMPANY	11701 REISTERSTOWN ROAD

Attachment: SUBJECT FILE(S) ATTACHED

Towner Office

300 Allegberry

416-823-8705

Towner, MD 21294

ATURE

Suite 186

DIPAULA & SULLIVAN, LLC

Anthony J. Directo* addiding in the street

Roger J. Suillvan riskeltraufatalilvan.com

*also Admitted in E.C.

ATTORNEYS AT LAW

34 South Main Street Bel Air, Maryland 21014

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

November 29, 2001

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

Kathy Bianco

RE:

In The Matter Of: Sun Oil Company-Legal Owner 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 Amended Petitions for Variance on each of the three (3) cases which are scheduled for December 5, 2001. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/dh enclosures

Peter Max Zimmerman, People's Counsel (w/enclosures via facsimile & first class mail) cc: Thomas J. Hoff, Inc. (w/enclosures via facsimile & first class mail) s:\dus\njd\Engineering Solutions\Board.ltr.3

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

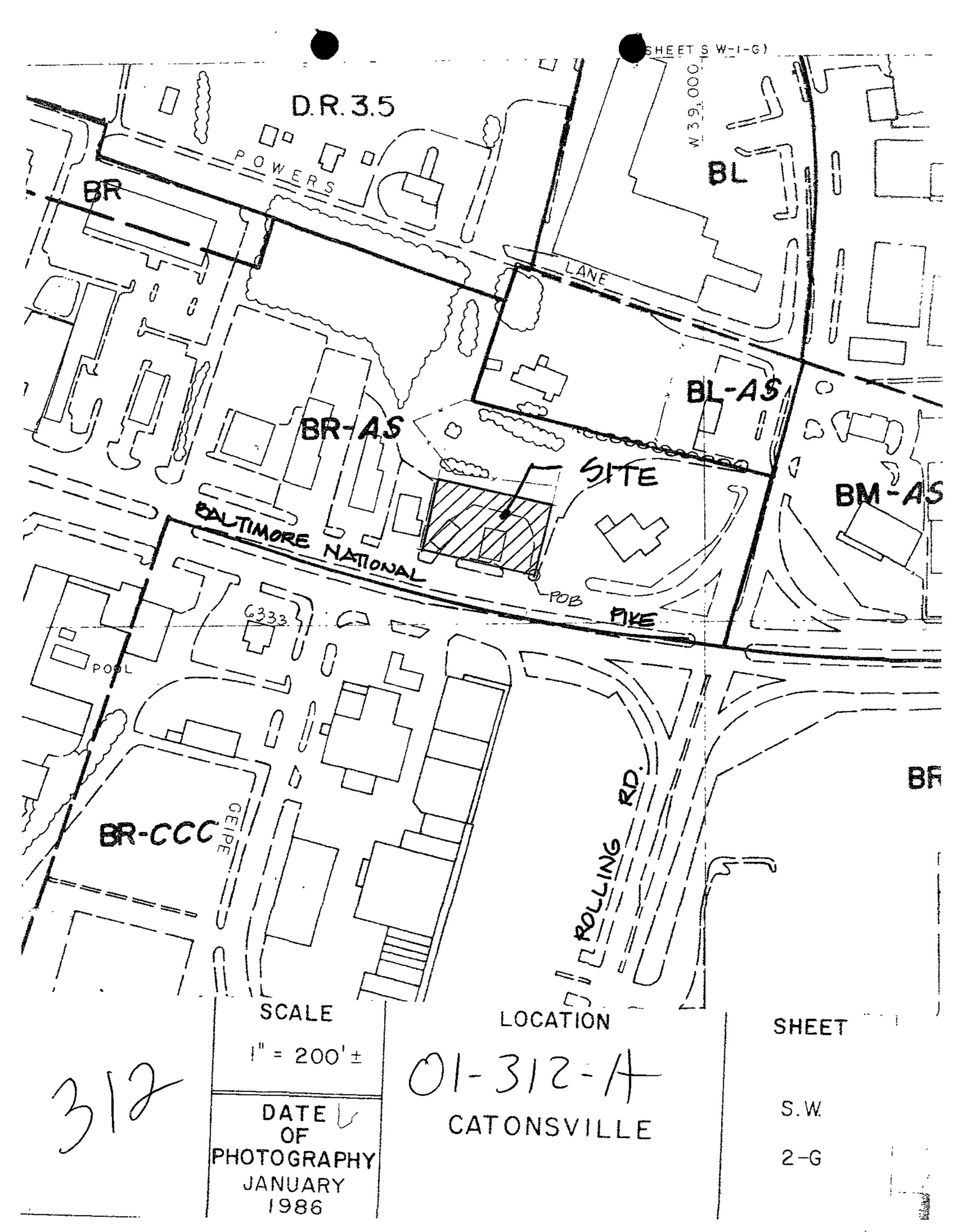
<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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>01-312-A</u> Petitioner: <u>ついり のし</u> , しゅ・
Address or Location: 6324 BALTIMORE NATIONAL PIKE
PLEASE FORWARD ADVERTISING BILL TO: Name: THOMAS J. HOFF, INC.
Address: 406 W. PENNSYLVANIA AVE.
<u>Τοωσον, M.D. 21204</u> Telephone Number: <u>410-296-3668</u>



RE: PETITION FOR VARIANCE 6324 Baltimore National Pike, N/S Baltimore National Pk, 360' W of Rolling Rd 11st Election District, 1st Councilmanic

Legal Owner: Sun Oil Company Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-312-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

iti May Zun merman

Axidie S. Demilio

Detellar Comminan

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



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 4 2-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 Case No.: 01-156-A 2/13 10:00 am /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

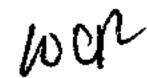
RE:

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

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

c:

Executive Office Law Office Director /PDM People's Counsel Planning Office Court Info. Desk County Council Board Members Court Reporter





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. 4nd E; 3rd C

Sun Oil Company (01-311-A - Lessee) 10821 Reisterstown Rd 4nd E; 3rd 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

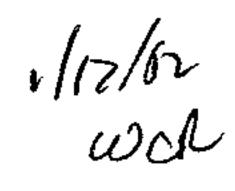
RE: ERS Decision / G- Ordinary Disability

NOV 27 200

J:

Executive Office
Law Office
Director /PDM

People's Counsel Planning Office Court Info. Desk County Council
Board Members
Court Reporter





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

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.

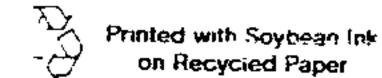
: Sun Oil Company /Mark Morin

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

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

FYI copy: C.S.M.

J 1 1 - 1







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

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

Dear Mr. Jablon:

Re: PETITION FOR VARIANCE

6324 Baltimore National Pike, N/S Baltimore

National Pk, 360' W of Rolling Rd, 11st Election Dist., 1st Councilmanic Sun Oil Company, Petitioner

Case No.: 01-312-A

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,
Pat Maxameur

Peter Max Zimmerman

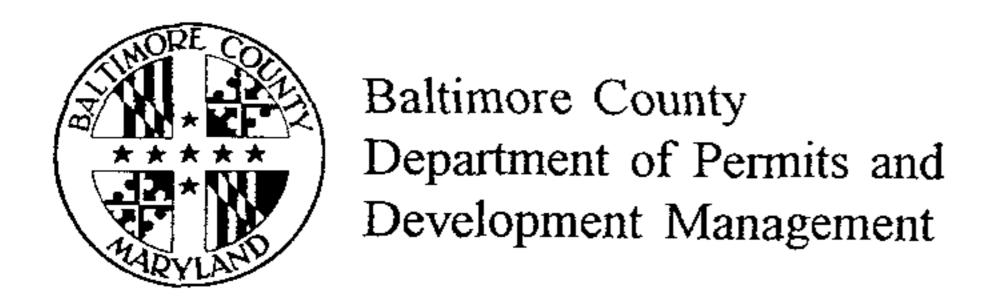
People's Counsel for Baltimore County

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



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. 01-312-A, 6324 Baltimore National Pike

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

Director GDZ

AJ: gdz

c: Mark Morin, Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103
Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204
Timothy M Kotroco, Deputy Zoning Commissioner People's Counsel

APPEAL

Petition For Variance
6324 Baltimore National Pike
N/S Baltimore National Pike, 360' W of Rolling Road
1st Election District — 1st Councilmanic District
Sun Oil Company - Legal Owner
Case No.: 01-312-A

Petition for Variance (dated 2/1/01) Zoning Description of Property Motice 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 (none) Protestant(s) Sign-In Sheet (none) Citizen(s) Sign-In Sheet (none) Zoning Advisory Committee Comments "Petitioners' Exhibits: 1. Proposed Sign Plan (dated 11/30/99) Protestants' Exhibits: (none) _Miscellaneous (Not Marked as Exhibits): (none)_ Deputy Zoning Commissioner's (3/26/01 - Granted) Motice 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 Mark Morin, Sun Oil Company, 1801 Market Street, Ten Penn Center, Philadelphia PA 19103 Thomas J Hoff, 406 W Pennsylvania Avenue, Towson 21204

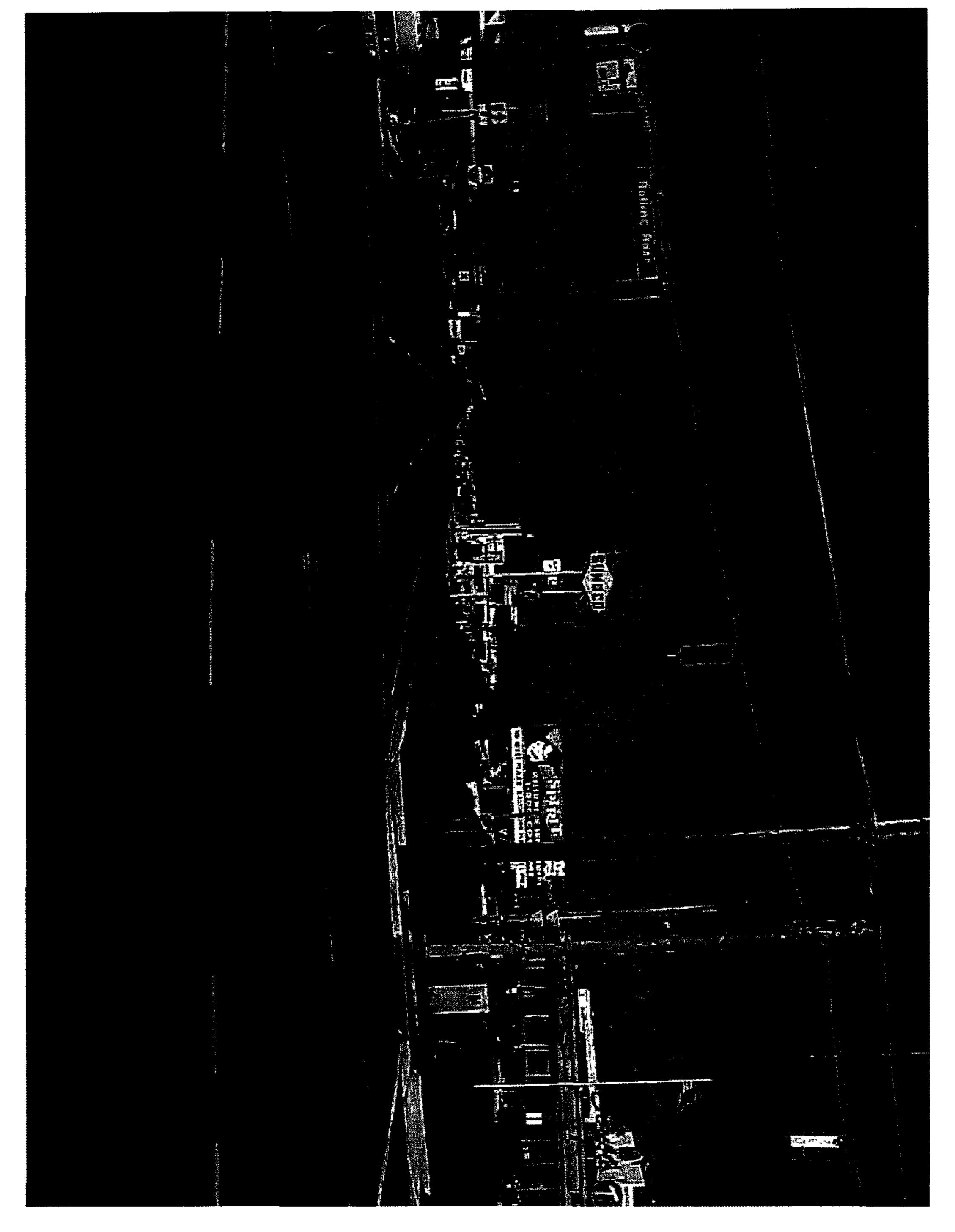
date sent 4/10/01

*People's Counsel of Baltimore County, MS #2010

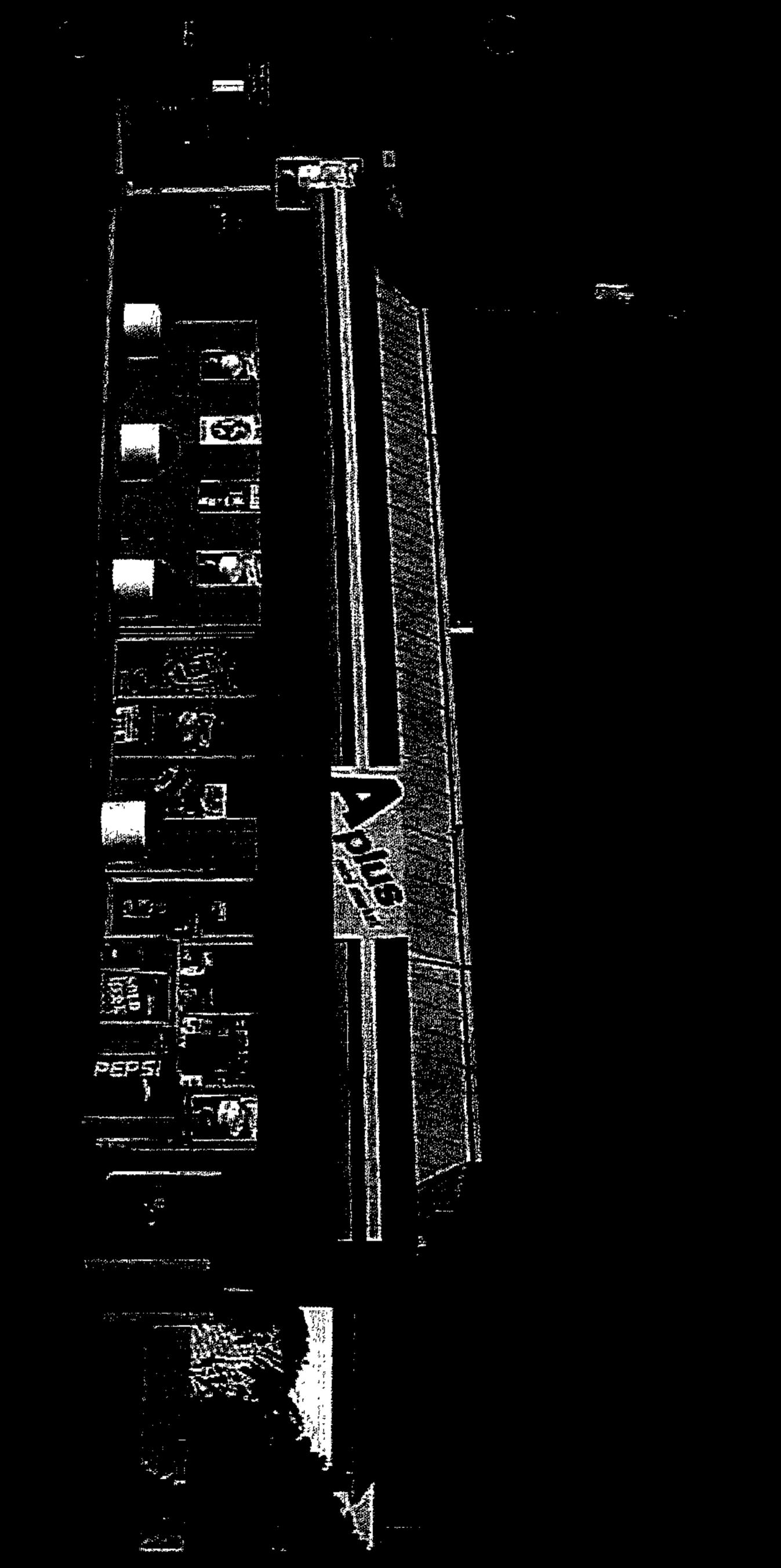
Timothy Kotroco, Deputy Zoning Commissioner

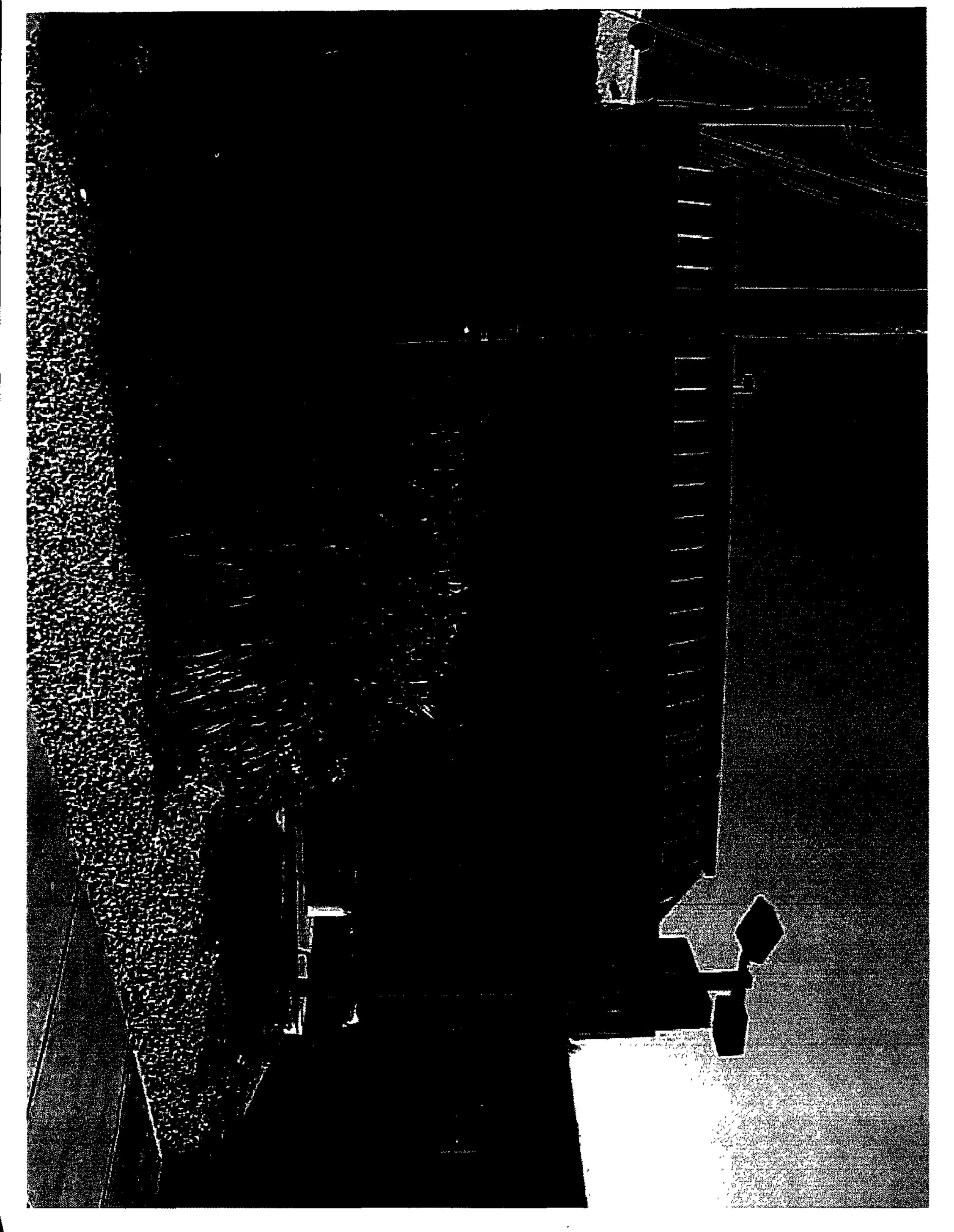
Arnold Jablon, Director of PDM

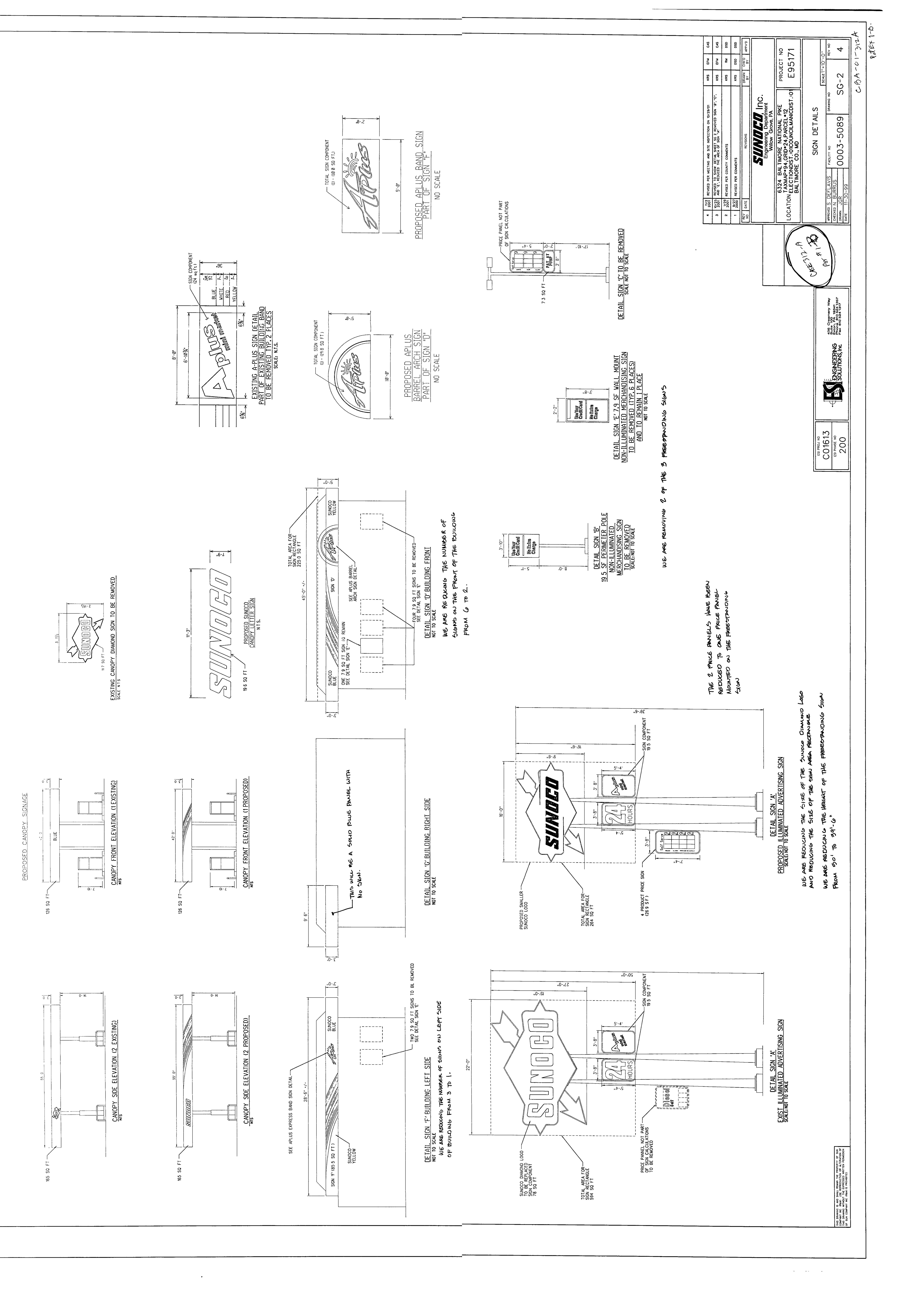
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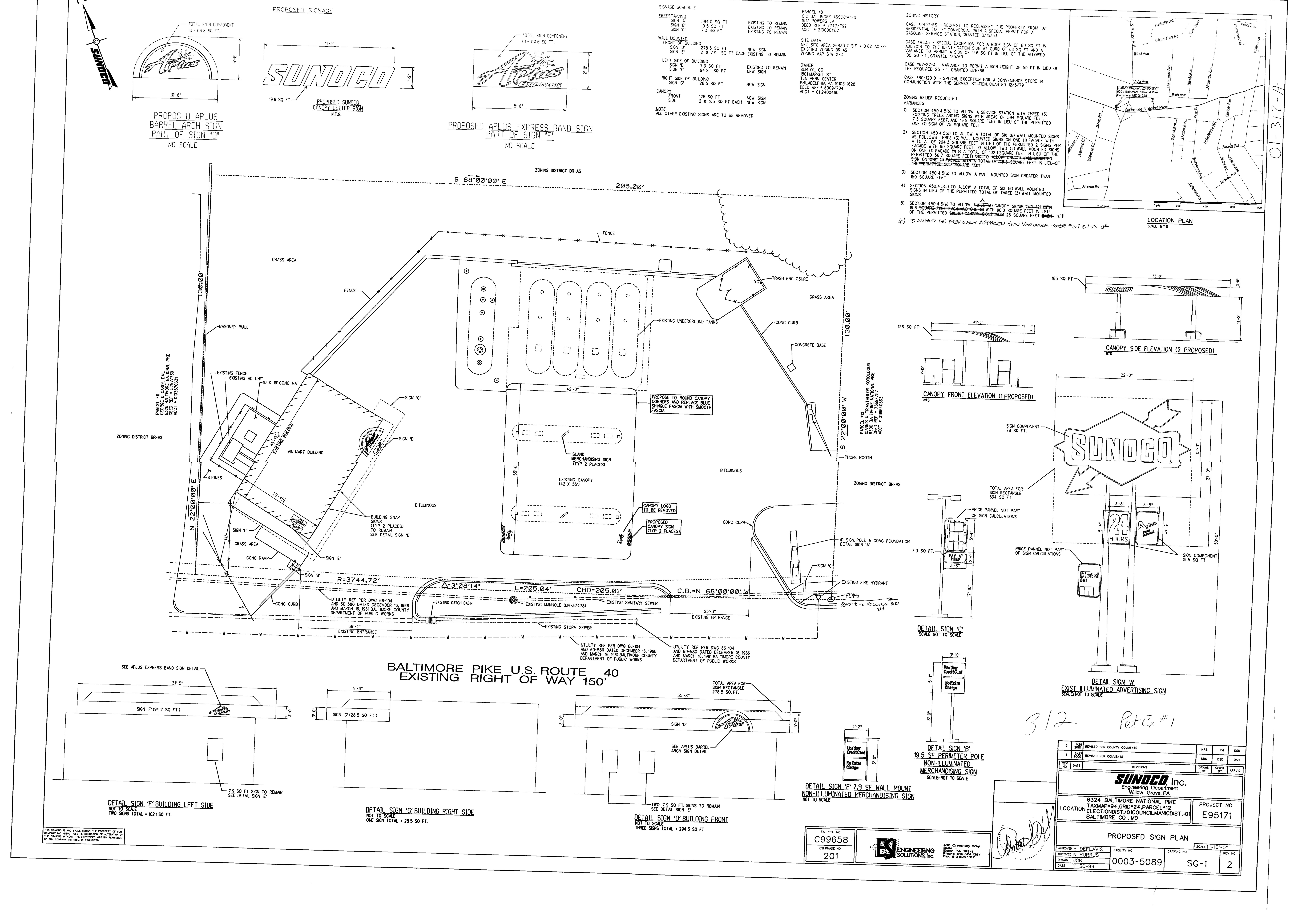




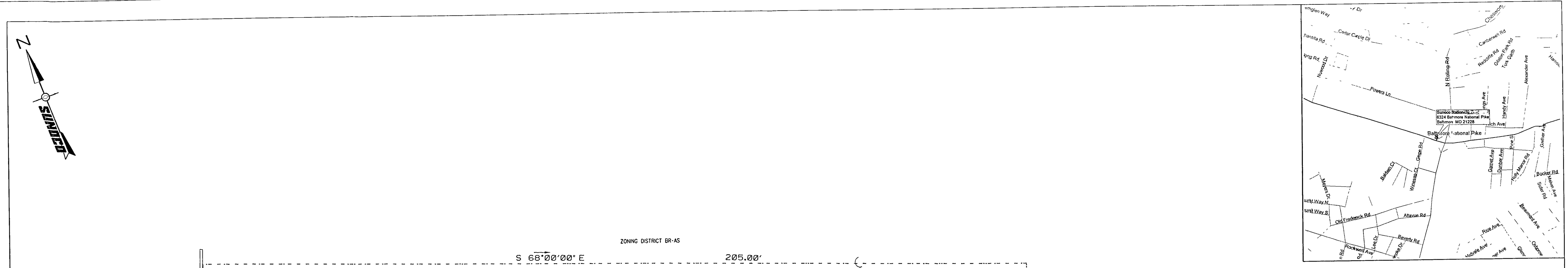








ZONING DISTRICT BR-AS GRASS AREA GRASS AREA CONCRETE BASE __MASONRY WALL -----PHONE BOOTH ZONING DISTRICT BR-AS MERCHANDISING SIGN (TYP 2 PLACES) MIN! MART BUILDING BITUMINOUS ZONING DISTRICT BR-AS SEE DETAIL SIGN 'E' BITUMINOUS CONC CURB PROPOSED
CANOPY SIGN
(TYP 2 PLACES)
VARIANCE NO 5 ---FIVE BUILDING SNAP SIGNS 4 TO BE REMOVED EXISTING SIGN 'A'ID SIGN, POLE & CONC FOUNDATION VARIANCES NO 1 & 2 1 TO REMAIN SEE DETAIL SIGN 'E' VARIANCE NO 3 / SIGN 'F' GRASS AREA R=3744.72' EXISTING ENTRANCE AND MARCH 16, 1961 BALTIMORE COUNTY BALTIMORE PIKE U.S. ROUTE 40 EXISTING RIGHT OF WAY 150'



CASE *4835 - SPECIAL EXCEPTION FOR A ROOF SIGN OF 80 SQ FT IN ADDITION TO THE IDENTIFICATION SIGN AT CURB OF 66 SQ FT AND A VARIANCE TO PERMIT A SIGN OF 146 SQ FT IN LIEU OF THE ALLOWED 100 SQ FT, GRANTED 1/5/60

CASE *67-27-A - VARIANCE TO PERMIT A SIGN HEIGHT OF 50 FT IN LIEU OF THE REQUIRED 25 FT, GRANTED 8/8/66 CASE •80-120-X - SPECIAL EXCEPTION FOR A CONVENIENCE STORE IN CONJUNCTION WITH THE SERVICE STATION, GRANTED 12/5/79

ZONING RELIEF REQUESTED

- 1) SECTION 450 4 5(b) TO ALLOW A SERVICE STATION WITH ONE (1) EXISTING FREESTANDING SIGN WITH AREA OF 264 SQUARE FEET IN LIEU OF THE PERMITTED ONE (1) SIGN OF 75 SQUARE FEET
- 2) SECTION 450 45(b) TO ALLOW ONE (1) FREESTANDING ENTERPRISE SIGN WITH A HEIGHT OF 39'-6" IN LIEU OF THE PERMITTED 25'-0"
- 4) SECTION 450 45(a) TO ALLOW A WALL MOUNTED SIGN GREATER THAN 150 SQUARE FEET

SIGNAGE SCHEDULE

EXISTING TO BE REDUCED IN SIZE FROM 594 0 S F (SEE DETAIL SHEET SG-2)
EXISTING TO BE REMOVED
EXISTING TO BE REMOVED

NEW SIGN (REPLACES EXISTING OF SAME SIZE) EXISTING TO REMAIN EXISTING TO BE REMOVED

126 SQ FT NEW SIGN (REPLACES EXISTING OF SAME SIZE)
2 @ 165 SQ FT EACH NEW SIGN (REPLACES EXISTING OF SAME SIZE)

PARCEL •8 C C BALTIMORE ASSOCIATES 1917 POWERS LA DEED REF • 7747/792

SITE DATA
NET SITE AREA 26833 7 S F = 0 62 AC +/EXISTING ZONING BR-AS
ZONING MAP S W 2-G

OWNER
SUN OIL CO
1801 MARKET ST
TEN PENN CENTER
PHILADELPHIA, PA 19103-1628

EXAIBIT 1-A

4	11/2 2001	REVISED PER MEETING AND SITE INSPECTION ON 10/29/01			KRS	EFM	CAS
3	10/25 2001	REVISED TO SHOW DETAIL SHEET SG 2 REMOVED SIGN "B", "C", AND 'E", REDUCED THE AREA OF SIGN "A"			C", KRS	EFM	CAS
2	1/29 2001	REVISED PER COUNTY COMMENTS			KRS	RM	DSD
1	9/27 2000				KRS	DSD	DSD
REV NO	DATE		REVISIONS			CHK D BY	APPV D
LO	CATIC	6324 BA TAXMAP*! NELECTION	LTIMORE NATIO 94,GRID*24,PAF IDIST: 01COUNCI	NAL PIKE RCEL•12 LMANICDIST	.:01 PRO	JECT 951	
		BALTIMOR	E CO, MD			901	/
·							
			SIGN	PLAN	SCALE 1	''=10'-	O''
APPRO	VED S	DEFLAVIS	FACILITY NO	DRAWING			REV NO
			1				