IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE – NW/Corner Wise Avenue & Wortman Road

(7730 Wise Avenue) 12<sup>th</sup> Election District 7<sup>th</sup> Council District

BP Amoco, Owners Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 03-458-SPHA

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, BP Amoco, through their attorney, Sebastian A. Cross, Esquire. The Petitioners request zoning relief as it relates to proposed signage. The nature of the proposed signage is two-fold; that signage located on the canopy and a freestanding sign. As to the canopy signage, the Petitioners request a special hearing seeking a determination that canopy background colors and bull nose striping do not contribute to any sign's message and therefore, should not be included in the area of the sign, as per Section 450.3 "Area" A of the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, variance relief is requested from Section 450.4 of the B.C.Z.R. to permit 564 sq.ft. of canopy signage in lieu of the maximum allowed 25 sq.ft. per canopy sign. As to the freestanding sign, special hearing relief is requested for a determination that only those portions of a freestanding sign displaying words and symbolic representations should be included in the area calculations, and that the one "freestanding" sign shown on the site plan is in full compliance with the B.C.Z.R. In the alternative, a variance is requested to allow a 110.5 sq.ft. freestanding sign in lieu of the maximum allowed 75 sq.ft., and, to permit two (2) freestanding signs per frontage in lieu of the allowed one. The subject property and requested relief are more particularly described on the three-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

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Appearing at the requisite public hearing in support of the requests were Robert L. Blake, Zoning and Development Manager for BP Amoco, property owners, Gregory H. Reed, Professional Engineer with Bohler Engineering, the consultants who prepared the site plan for this property, and Sebastian Cross, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northwest corner of Wise Avenue and Wortman Road in Dundalk. The property contains a gross area of .52 acres, more or less, zoned B.M.-C.T., and is improved with a 758 sq.ft. BP service station building and four multi-product dispensers that have existed on the site for many years. The Petitioners propose significant renovations to the property to enhance the station's appearance and revitalize the property. The existing fuel service station is one among many sites owned by the Petitioners that are proposed for renovation and upgrades. As more particularly shown on the site plan, a 118 sq.ft. kiosk building is proposed along with a 640 sq.ft. car wash facility. The zoning relief requested all relates to the proposed new sign package for the site. The existing and proposed signs are more particularly shown on Sheets 2 and 3 of the three-page plan marked as Petitioner's Exhibit 1.

Turning first to the Petition for Special Hearing, two issues are presented relative to advertising on the canopy. The canopy itself will not be affected; however, there will be new signage placed thereon consisting of three, 7 sq.ft. signs containing the BP "helios" and approximately 1.9" raised bull nose stripes with a 1" lighted bar running along three of the canopy's four faces. The helios is a sunburst schematic that serves as BP's corporate logo. The bull nose stripes are green colored stripes on the face of the canopy. The Petitioners argue that the proposed sign package satisfies the requirements contained in Section 450.4 of the B.C.Z.R. BP contends that the three signs containing the "helios" are all under 25 sq.ft. each and thus, comply with the sign requirements. However, during the filing of the instant Petitions, it was determined by the Department of Permits and Development Management (DPDM) that the submitted sign package constituted one 564 sq.ft. sign encompassing the entire area of all three faces of the

canopy. This interpretation was based upon the fact that the canopy itself is white in color, but that the raised bull nose striping and bars are green. Apparently, DPDM defined the entire face of the canopy as "corporate colors" and thus, part of the sign.

BP contends that this interpretation is incorrect and argues that the raised bull nose striping and lit bar should not be included when calculating the area of the sign. BP contends that the bull nose striping and lit bar are utilized solely as decorative colors to break up and enhance the canopy's appearance and contain no advertisement, wording, logo or idea relating to the operation of the fuel service station. BP further contends that these bars and decals exist as an aesthetic choice made by the BP Corporation in order to enhance an otherwise monotone canopy façade.

Counsel for BP submitted an extensive Memorandum setting forth their arguments in support of the special hearing and variance requests. The Memorandum has been entered into the case file and the arguments presented therein will not be repeated at length here. Essentially, as noted above, BP contends that the bull nose striping and lit bar are decorative features and are not part of the sign and may be considered architectural features of the building.

Turning to the points and authorities offered within their Memorandum, the Petitioners rely upon a prior decision of this office authored by then Deputy Zoning Commissioner Timothy M. Kotroco in Case No. 02-399-SPHA. Counsel for the instant Petitioners also served as Counsel for a different corporate client in that case, which related to a Shell gasoline service station that was being renovated. Similarly to the instant case, Shell proposed a corporate logo on the canopy, which featured a yellow-painted façade and red decorative stripes. Commissioner Kotroco ruled that the yellow painting of the canopy and the red decorative stripes were not part of the message of the sign and indicated that those areas should not be considered as part of the square footage of permissible signage under the B.C.Z.R.

Similar cases have also been considered by the undersigned Zoning Commissioner. In prior Case No. 02-371-A, variance relief was granted for the renovation of an existing Sunoco service station. In that case, the applicants sought only variance relief for a number of signs and did not request a special hearing to resolve whether the colorized and striped portion of the canopy

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should be considered when calculating total sign area. Similarly, variance relief was granted in Case No. 03-019-A for the redevelopment of a 7-Eleven site which also sold fuel to allow a canopy painted green with red stripes consistent with 7-Eleven's color scheme.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the special hearing relief relative to the canopy. Obviously, the canopy will be of some color, be it white, or a brighter color. Additionally, depending upon how the canopy is painted, it may be striped. In any event, I concur with former Deputy Commissioner Kotroco's decision that the bull nose striping and lit bars are decorative features and should not be included in calculating the area of the sign. They convey no message and do not contain any lettering, symbols, numeral image or corporate logo. In my judgment, the painting of a building or structure does not constitute signage under the B.C.Z.R. Thus, I find that the background colors, bull nose striping and lit bars should not be included in the area of the sign as defined and as such, that portion of the special hearing shall be granted. Moreover, the relief requested in the Petition for Variance relative to the canopy signage shall be dismissed as moot.

Turning next to the proposed freestanding sign, as more particularly shown on the site plan, the Petitioners propose razing an existing sign and erecting a new sign in its place. The new sign will feature two message areas contained on a single pole. The top message area contains the BP logo, as identified above (helios). The bottom portion of the sign will advertise fuel prices, the name of the service station and that a car wash is offered.

There are several issues raised by this proposal. First, when the Petition for Special Hearing was filed, DPDM directed the Petitioners to include that portion of the sign containing the pricing information as within the total area of the signage. Counsel for the Petitioners argued that this interpretation is contrary to Section 10-315(f) of the Annotated Code of Maryland, Business Regulation Article. That Section requires pricing of fuel to be displayed by signage at a fuel service station and further provides that the area of the sign dedicated to the display of the pricing information is exempt from the area of the sign as computed under the local zoning regulations. Thus, special hearing relief should be granted to eliminate this area as a part of the sign. However,

ORDER RECEIVED FOR FILING Date 2000/03/03 the second portion of the special hearing requests relates to the fact that there are two separate sign envelopes proposed on a single pole. As noted above, the top area of the sign contains the BP logo and the bottom portion identifies the company, fuel prices and the car wash facility. The Petitioner properly argues that in computing the area of the signage under the B.C.Z.R., Section 450 excludes the air space between the sign, and thus, that area of space between the signs is not properly part of the sign for computation purposes. However, it is equally clear that the elimination of air space must result in a finding that there are two separate signs on this pole. The Petitioners have requested alternative variance relief to allow two freestanding signs per frontage in lieu of the one allowed.

Testimony and evidence presented demonstrated that the sign package as proposed is appropriate for this location. The proposed signs represent an attractive enhancement to this property and will not be detrimental to traffic patterns in the area. For these reasons, special hearing relief will be granted as provided above, and variance relief to permit two freestanding signs on one pole as shown on the site plan shall be approved.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Zoning day of July, 2003 that canopy background colors and bull nose striping do not contribute to any sign's message and therefore should not be included in the area of the sign, as per Section 450.3 "Area" A of the Baltimore County Zoning Regulations (B.C.Z.R.), and that only portions of a freestanding sign displaying words and symbolic representations should be included in the area calculations, and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4 of the B.C.Z.R. to permit 564 sq.ft. of canopy signage in lieu of the maximum allowed 25 sq.ft. per canopy sign and a 110.5 sq.ft. freestanding sign in lieu of the maximum allowed 75 sq.ft., be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief to permit two (2) freestanding signs per frontage in lieu of the allowed one, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building/sign permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve that the one "freestanding" sign shown on the site plan is in full compliance with the B.C.Z.R., be and is hereby DENIED.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

9/12/03

IN THE MATTER OF

THE APPLICATION OF

ROBERT BLAKE /BP AMOCO -LEGAL

OWNER /PETITIONER FOR A SPECIAL

HEARING AND VARIANCE ON PROPERTY \*

LOCATED ON THE N/S OF WISE AVENUE,

450' W OF C/L OF CHURCH ROAD

(7730 WISE AVENUE)

12<sup>th</sup> ELECTION DISTRICT
7<sup>th</sup> COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

**BALTIMORE COUNTY** 

Case No. 03-458-SPHA

#### ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, from the July 29, 2003 Order of the Zoning Commissioner in which the subject Petitions were granted in part with restriction.

WHEREAS, the Board is receipt of a letter of withdrawal of Petitions filed September 8, 2003 by Sebastian A. Cross, Esquire, and GILDEA, LLC, Counsel for BP Amoco, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition for Special Hearing and Petition for Variance filed in the above-referenced matter be withdrawn as of September 8, 2003,

IT IS THEREFORE. this 12 th day of yellow, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 03-458-SPHA are WITHDRAWN AND DISMISSED, rendering moot the appeal filed in this matter; and that the Zoning Commissioner's Order of July 29, 2003, including any relief granted therein, is rendered null and void.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Lawrence S. Wescott

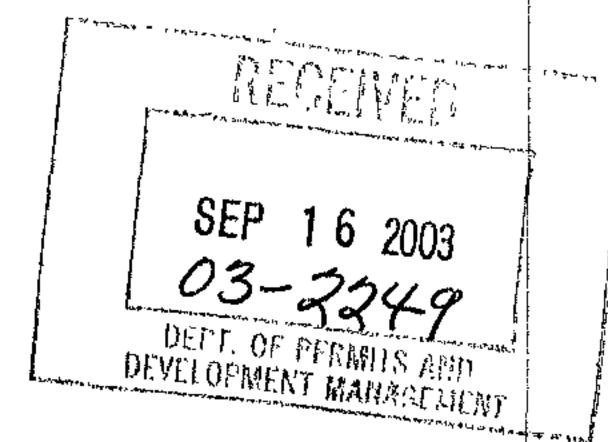
Margaret Worrall



## County Board of Appeals of Baltimore County

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

FAX: 410-887-3182



TO FILM

September 12, 2003

Sebastian A. Cross, Esquire GILDEA, LLC 301 N. Charles Street Suite 800 Baltimore, MD 21201

> RE: In the Matter of: Robert Blake /BP Amoco -Petitioner/Case No. 03-458-SPHA

Dear Mr. Cross:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

Kathleen C. Bianco

Administrator

Enclosure

Joseph Woolman, Esquire c: Robert Blake /BP Amoco Office of People's Counsel Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Timothy M. Kotroco, Director /PDM

6/27/03

PETITIONS FOR SPECIAL HEARING
AND VARIANCE - N/W CORNER
Wise Avenue & Wortman Road
(7730 Wise Avenue)

12<sup>th</sup> Election District
\* OF BALTIMORE COUNTY
7<sup>th</sup> Council District
\* Case No.: 03-458-SPHA

BP Amoco, Owners
Petitioners

#### AMENDED ORDER

WHEREAS, the Petitioner requested a Special Hearing to approve a canopy signage package to be incorporated into various sites throughout Baltimore County and a Variance from Section 450 of the Baltimore County Zoning Regulations ("BCZR") in accordance with the plan submitted and marked Petitioners Exhibit 1;

WHEREAS, the Petitions for Special Hearing and Variance relief was granted by the previous decision in Case No. 03-458-SPHA on July 29, 2003;

WHEREAS, subsequent to the issuance of said Order, Petitioners requested a modification of the language to clarify the Special Hearing relief for the canopy signage package related only to BP's current reimaging program;

WHEREAS, a review of the case file and testimony presented at the hearing indicates that such modification is appropriate in this instance.

IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August, 2003 that the Order issued July 29, 2003 be and the same is hereby AMENDED to read as follows:

"The ruling herein shall apply to this property location and any other BP/Amoco service station, whereupon this exact same sign and canopy package is proposed to being installed. Given that the redevelopment of this service station and the sign and canopy package is appropriately designed, it shall not be necessary for the Petitioner to have to request this Special Hearing and Variance relief for each and every gasoline service station they intend to renovate."

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Date
By
By

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued July

29, 2003 shall remain in full force and effect.

Lawrence E. Schmidt Zoning Commissioner for

**Baltimore County** 

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August 26, 2003

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

Fax: 410-887-3468

Sebastian Cross, Esquire Gildea, LLC 301 N. Charles Street Baltimore, Maryland 21201

RE: MOTION FOR RECONSIDERATION
PETITIONS FOR SPECIAL HEARING & VARIANCE
NW/Corner Wise Avenue & Wortman Road
(7730 Wise Avenue)
12<sup>th</sup> Election District – 7<sup>th</sup> Council District
BP Amoco - Petitioners
Case No. 03-458-SPHA

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Motion for Reconsideration has been granted in accordance with the attached Amended Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Messrs. Robert Blake & Marty Stumbrowski, BP Products North America P.O. Box 820, Uwchland, PA 19480
Mr. Greg Reed, Bohler Engineering 810 Gleneagles Court, Suite 300, Towson, Md. 21286
People's Counsel; Case File

8/12/03

PETITIONS FOR SPECIAL HEARING AND VARIANCE – N/W CORNER Wise Avenue & Wortman Road (7730 Wise Avenue) 12<sup>th</sup> Election District 7<sup>th</sup> Council District

BP Amoco, Owners Petitioners

**BEFORE THE** 

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No.: 03-458-SPHA

#### MOTION FOR RECONSIDERATION

This Motion for Reconsideration comes as a result of the decision handed down by Zoning Commissioner Lawrence E. Schmidt on July 29, 2003, in the above referenced matter. In this case, Petitioners received Special Hearing relief for the reimaged BP canopy signage package. This new image included bull nose striping and helios logos on the canopy face and was deemed by the Commissioner to satisfy the Zoning Regulations. This decision also granted Variance relief for two freestanding signs in lieu of the allowed one. BP Amoco now submits this Motion for Reconsideration in order to amend this previous decision.

On August 20, 2003, BP Amoco attended a meeting with the Department of Permits and Development Management ("PDM") for Baltimore County in order to discuss the decision handed down in Case No. 03-458-SPHA. At this meeting, PDM revealed concerns they had over the "broad language" contained in the decision. In particular, PDM raised the issue that this decision was not narrowly tailored to deal specifically with only the BP signage package and, rather, could be utilized in future zoning cases by other parties to allow a wide variety of signage to be incorporated on fuel service station canopies. In his decision Commissioner Schmidt referenced Case No. 02-399-SPHA (see attached) and Case No. 02-371-A in which Deputy Zoning Commissioner Timothy Kotroco dealt with the similar issue of treatment of canopy signage. Commissioner Schmidt stated he agreed with Deputy Commissioner Kotroco's decision that bull nose striping and illuminated bars are decorative features and should not be included in calculating the area of canopy signage; however, in

these previous decisions Deputy Commissioner Kotroco narrowly tailored the wording of his ruling so as to make the decision apply only to the specific signage package submitted with the Petitions for relief.

PDM desires similar wording to be incorporated into Case No. 02-458-SPHA. Specifically, PDM requested the zoning relief granted through the Special Hearing regarding canopy signage be tailored to apply only the current BP signage package. Such wording would allow BP Amoco to reimage its sites while also protecting future fuel service stations from relying on this decision to incorporate disfavored signage packages. With the decision applying only to the current signage package, other fuel service stations would attempt to gain approval for their canopy signage through a similar Special Hearing and/or Variance process as that underwent by BP Amoco. This hearing process for approving canopy signage was also followed by the Petitioners in the Case No. 02-399-SPHA and Case No. 02-371-A.

In the hope this Motion for Reconsideration is granted, and with the desire to expedite this process, BP Amoco has attached an Amended Order which may be utilized to amend the former decision. This Amended Order of decision 03-458-SPHA attempts to clarify the wording so as to set precedent only to the current BP Amoco signage package. BP Amoco understands PDM's position and wishes to enter this amendment into the decision through this Motion for Reconsideration. BP Amoco believes all parties will welcome such an amendment to the Order.

As such, BP Amoco respectfully requests a reconsideration of the above referenced matter in order that the language may be amended to provide more clarity.

Sebastian A. Cross

Gildea, LLC

301 N. Charles Street, Suite 900

Baltimore, MD 21201

(410) 234-0070

**Attorney for Petitioners** 

#### GILDEA. LLC

DAVID K. GILDEA DAVIDGILDEA & GILDEALLC.COM 301 NORTH CHARLES STREET

SUITE 900

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August 22, 2003

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D. DUSKY HOLMAN

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STUART W. COX SCOX@GILDEALLC.COM

Sent Via Facsimile & Regular Mail

Mr. Lawrence E. Schmidt Baltimore County Zoning Commissioner 4th Floor 401 Bosley Avenue Towson, MD 21204

> Re: **BP/7730** Wise Avenue Case No.: 03-458-SPHA

Dear Commissioner Schmidt:

Enclosed please find a Motion for Reconsideration and Amended Order for the above referenced case.

Upon receipt and review, please contact this office with any further details you may require. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: dls

Peter Max Zimmerman, People's Counsel Cc:

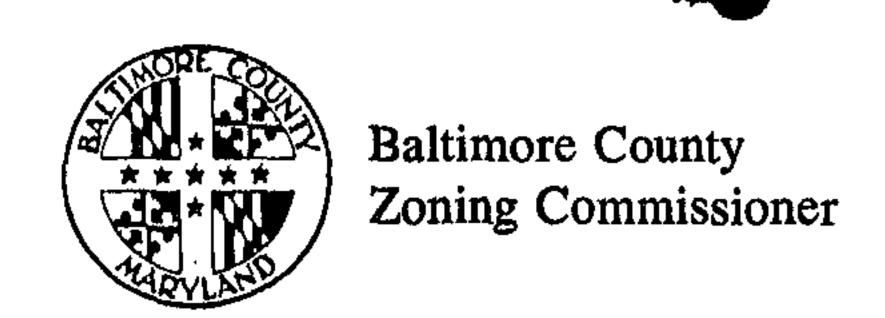
Timothy Kotroco, Office of Permits & Development Management W. Carl Richards, Jr., Office of Permits & Development Management John Lewis, Office of Permits & Development Management Craig McGraw, Office of Permits & Development Management Marty Stumbrowski, BP Products North America, Inc. Robert Blake, BP Products North America, Inc.

Gregory H. Reed, Bohler Engineering

David K. Gildea, Esquire

RECEIVED

ZONING COMMISSIONER



July 29, 2003

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

Fax: 410-887-3468

Sebastian Cross, Esquire Gildea, LLC 301 N. Charles Street Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE NW/Corner Wise Avenue & Wortman Road (7730 Wise Avenue)

12<sup>th</sup> Election District – 7<sup>th</sup> Council District BP Amoco - Petitioners Case No. 03-458-SPHA

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Robert Blake, Zoning & Development Manager, BP Amoco

P.O. Box 820, Uwchland, PA 19480

Mr. Greg Reed, Bohler/Engineering

810 Gleneagles Court, Suite 300, Towson, Md. 21286

People's Counsel; Case File

6/4/03

PETITION OF BP/AMOCO FOR SPECIAL HEARING AND VARIANCE 7730 Wise Avenue BEFORE THE

RECEIVED

\* ZONING COMMISSIONED - 4 2003

\* FOR

ZONING COMMISSIONER

\* BALTIMORE COUNTY

\* Case No.: 03-458-SPHA

#### MEMORANDUM IN SUPPORT OF SPECIAL HEARING AND VARIANCE REQUESTS

The following memoranda comes in support of BP/Amoco, Incorporated ("BP") Petition for Special Hearing currently scheduled to be heard in the above referenced case by the Zoning Commissioner for Baltimore County on June 4, 2003. This Special Hearing request was filed in order that the zoning commissioner could determine canopy background colors, and raised-bull nose striping are not signs in and of themselves and, furthermore, do not contribute to any sign's message or theme. These findings would disallow these colored bands to be included in the area calculations for signs. Also, BP filed a Petition for Special Hearing to determine that pricing panels and open air space cannot be calculated into total signage area or, in the alternative, that separation of space between information panels on the same supporting structure does not create two freestanding signs on the same supporting element.

#### I. SPECIAL HEARING FOR CANOPY SIGNAGE

BP is currently the owner of a fuel service station located at 7730 Wise Avenue. This fuel service station currently has three (3) pump islands containing a total of six (6) MPDs. In an attempt to enhance the station's appearance and revitalize the station's property, BP desires to modify its current signage contained upon the canopy over the fuel service islands. The canopy itself will not be affected; however, there will be new signage placed upon the canopy consisting of three seven square foot signs containing the BP "Helios," an approximate 1'9" raised bull nose stripe with a 1" lighted

bar running along three of the canopy's four faces. As provided by Section 450.4 of the Baltimore County Zoning Regulations ("BCZR"), service station canopies are allowed six canopy signs of 25 square feet each.

BP submits the current signage package satisfies the requirements outlined in Section 450.4 of the BCZR in that the three signs containing the BP "Helios" are all under 25 square feet each. However, during their filing of the proposed development plan PDM interpreted the signage regulations in such a way that the submitted signage package created one 564 square foot sign encompassing the entire area of all three faces of the canopy. This interpretation was defended due to the fact that the supporting structure of the canopy itself is white in color and the raised bull nose and lit bar are green. PDM stated as white and green were deemed to be "corporate colors," the entire surface of the canopy was to be treated as one sign. This position would alter BP's submitted signage package from three seven square foot canopy signs into one 564 square foot canopy sign.

Additionally, PDM interpreted the zoning regulations to require any airspace and pricing panels to be included into the overall area calculations for a freestanding sign which again placed BP's proposed free-standing sign in violation of allowable area requirements. As an alternative to this position, PDM also founds that this gap between the advertising elements on the freestanding sign, in fact, created two free-standing signs.

Due to this interpretation from PDM, BP then drafted and submitted the current Petitions for zoning relief in the above referenced case. Although BP has applied for zoning relief and filed this Memorandum in Support of its Petitions, BP submits this interpretation of the signage regulations by PDM is incorrect in their view that raised bull nose and lit bar should be included in the total area of signage calculations. Also BP submits that airspaces and pricing panels can not be included in a free-

standing sign's area and locating advertising elements separately upon the same support structure does not create two freestanding signs.

In support of this position, BP states the following as its reasoning.

#### II. COMPOSITION OF RAISED BULL NOSE AND LIT BAR

The submitted canopy improvements consist of three canopy signs each containing a "Helios," which is BP's new corporate symbol symbolizing their status as an energy company. The canopy also consists of a white background with a raised green bull nose stripe within which is a light green lit bar to create one bi-colored band running along three of the canopy's faces. This stripe and bar contain no writing, lettering, figures, symbols, characters, or distinctive meaning to which an individual could attach any unique significance.

This bull nose and lit bar are utilized solely as decorative colors to break up and enhance the canopy's appearance and contain no advertisement, logo, or idea related to the operation of a fuel service station or the BP Corporation itself. As such, these bars and decals exist as an aesthetic choice made by the BP Corporation in order to enhance an otherwise monotone canopy façade. This bull nose and lit bar in no way communicate any messages to the general public and, rather, exist as mere decorative architectural feature comprising the canopy's structure itself.

#### III. GOVERNING REGULATIONS

Title III of the Baltimore County Code and Section 450 of the BCZR contain regulations regarding signage for advertising signs in Baltimore County. The Zoning Commissioner is empowered to rule on the interpretation of certain Zoning Regulations under Sections 500.6 and 500.7 of the BCZR. This same power to interpret statutes is granted to similar bodies of the judicial branch including the Maryland State courts. However, this type of interpretational review is limited in scope and has been discussed at great length in the Maryland courts.

#### A. Court's Discretion to Review an Interpretation of a Statute is Limited.

There are times when courts or other quasi-judicial bodies are called upon in order to define the true intention of a statute. Usually these cases arise when two parties have differing opinions over what effect and meaning should be applied to certain language within the statute. In these limited circumstances where a clear definition is not attainable, the courts have formulated a process by which a holding can be handed down as to what exactly a statute means. When the court goes through this process it is labeled "statutory interpretation."

"Statutory interpretation" was discussed at great length in the recent Court of Appeals case, <u>Ridge Heating, Air Conditioning & Plumbing, Inc. v. Brennen</u>, 366 Md. 336, 783 A.2d 691 (2000). The <u>Ridge Heating</u> Court stated the scope of a judicial review of a statutory interpretation when it stated:

"The cardinal rule of statutory interpretation is to ascertain and give effect to the intent of a legislature. See Mayor & City Council of Baltimore v. Chase, 360 Md. 121, 128, 756 A.2d 987, 991 (2000); see also Oakes v. Connors, 339 Md. 24, 35, 660 A.2d 423, 429 91995); Montgomery County v. Buckman, 333 Md. 516, 523, 636 A.2d 448, 451, (1994); Condon v. State, 332 Md. 481, 491, 632 A.2d 753, 755 (1993). The primary source for determining legislative intention is the language of the statute. See Marriott Employees Fed. Credit Union v. Motor Vehicle Admin., 346 Md. 437, 444-45, 697 A.2d 455, 458 (1997). To this end, we begin our inquiry with the words of the statute and, ordinarily, when the words of the statute are clear and unambiguous, according to their commonly understood meaning, that is where our inquiry concludes. See Oakes, supra, 339 Md. at 35, 660 A.2d at 429; Tidewater v. Mayor of Havre de Grace, 337 Md. 338, 344, 653 A.2d 468, 472 (1995); Buckman, supra, 333 Md. at 523, 636 A.2d at 451; Condon, supra, 332 Md. at 491, 632 A.2d at 755; Harris v. State, 331 Md. 137, 145-46, 626 A.2d 946, 950 (1993). Thus, if the statutory language is plain and admits of no more than one meaning, our function is to enforce it according to its terms. See Board of License Comm'rs v. Toye, 354 Md. 116, 122, 729 A.2d 407, 410 (1999); Marriott Employees Fed. Credit Union, supra, 346 Md. at 444-45, 697 A.2d 455, 458.

The words of the statute are to be given their ordinary meaning. See <u>Chase, supra</u>, 360 Md. at 126, 756 A.2d at 990; see also <u>Chesapeake & Potomac Telephone Company of Maryland v.</u> <u>Director of Finance for Mayor & City Council of Baltimore</u>, 343 Md. 557, 578, 683 A.2d 512, 51(1996)."

<u>Ridge Heating, Air Conditioning & Plumbing, Inc. v. Brennen</u>, 366 Md. 336, 349-50, 783 A.2d 691, 699 (2000).

As this extensively supported citation demonstrates, if the words of and by themselves are clear and unambiguous a reviewing judicial body can take no further action in investigating any other interpretation other than what is contained in the text itself.

This is due to the duty being imposed upon a Court to declare laws the General Assembly (or in the instance case the Baltimore County Council) has made so as to give effect of the true legislative intent behind the statute, but if the language is of clear import, this inquiry should end. <a href="Crawley v. General Motors Corp.">Crawley v. General Motors Corp.</a>, 70 Md. App. 100, 105, 519 A.2d 1348, 1351 (Md. App. 1987)(citing State v. Berry, 287 Md. 491, 495-96, 413 A.2d 557 (1980); Bledsoe v. Bledsoe, 294 Md. 183, 189, 448 a.2d 353 (1982). The primary source from which to determine the intention of the General Assembly is from the language of the statute itself. McAlar v. McAlar, 298 Md. 320, 469 A.2d 1256 (1984). Therefore one should look to the definition of signs in both the Baltimore County Code and BCZR to determine what actually comprises a sign.

#### B. Definition of Signs in the Baltimore County Code and the BCZR

Baltimore County Code Section 3-1(a) defines sign as:

"Sign includes any bill, poster, placard, handbill, flyer, painting, sign, notice, advertisement, or other similar object or matter which contains printed or written matter in words, symbols, or pictures or any combination thereof."

#### BCZR Section 450.3 defines a sign as:

- "Any structure or other object, or part thereof, which displays any word, illustration, decoration, or other symbolic representation which:
- (a) Is used to intend or inform, advertise or otherwise attract attention or convey a message regarding an activity, condition, or commercial or non-commercial organization, person, place, or thing.
- (b) Has a "face" that is "visible" from a "highway" as each of these terms is defined in this Section.

These definitions vary greatly from each other with the definition of sign in BCZR Section 450 of the BCZR containing multiple characteristics which are not considered requirements for a sign under Section 3.1 of the Baltimore County Code.<sup>1</sup>

It should be noted that any conflicting terms contained in the Baltimore County Code and the BCZR shall be controlled by the Baltimore County Code as provided for in Section 450.2(b)(4) of the BCZR. Using Section 3.1 of the Baltimore County Code, these raised stripes and lighted bars do not qualify under the language of the definition section as signage and, as such, cannot be counted. This is due to the definition of printed matter, written matter, words, symbols or pictures not being characterized by the elements contained in a bull nose and lit bar as demonstrated through the interpretation of Webster's Third International Dictionary. Webster's is the mandated source for defining all terms in the Baltimore County Code and the BCZR.

# IV. BULL NOSE AND LIT BAR SHOULD NOT BE CALCULATED AS PART OF THE TOTAL AREA FOR ANY CANOPY SIGNAGE AS DEFINED IN BCZR SECTION 450.3

As previously stated, BP is entitled to six 25 square feet signs on its fuel service station canopy. BP falls short of exceeding this requirement as it has presented only three signs consisting of the word BP "Helios," each existing as seven square feet each. This area calculation for canopy signage is defined in Section 450.3 as

Area – The number of square feet within the perimeter of one contiguous rectangular enclosing the face of a sign. Except in the case of a wall- mounted sign, "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. "Area" does not include:

- Any structural, supporting, or decorative features which are not part of the message of the sign;
- B. Architectural features of the building upon which the sign may be erected, provided that such features are distinguishable from the sign by means of differences in color or similar attributes; or
- C. Air spaces located between the freestanding signs of different classes which are erected on a common or shared supporting structure.

As demonstrated by this Section, not all features attached to a canopy shall be included in the signage area calculations. Section 450.3(A) and (B) provide certain exemptions whereby features surrounding, supporting or adding decoration to a sign exist as exemptions from the area calculation.

#### A. Bull Nose and Lit Bar as Decorative Features.

As stated previously, this bull nose and lit bar are decorative features of the canopy containing one bi-colored band. This green coloring contains no letters, symbols or characters intended to relate a message and, indeed, a solid color band can provide no message.

As Section 450.3(A) demonstrates, these decorative elements are not considered part of the area if they are not a part of the message of the sign. Message is defined in Section 450.3 of the BCZR as:

"A communication, statement, or display of information or ideas through written words, letters, numerals, symbols, images, colors, illumination, or theme comprising the face of the sign. The 'message' may be distinguishable from the structural and supportive elements of the sign."

This definition makes it clear that a message must communicate a statement, information or ideas, none of which colored bands can be argued to do. This list of what may comprise a message is also exhaustive as the definition says a message "must be a communication, statement or display of information or ideas" and then goes on to state in what form these ideas can be related as a message. Since this message is exhaustive, "corporate colors" or any significance gleaned from them which does not act as a communication, statement, display of information or ideas is not part of the message. Colors certainly are not a communication, statement, display of information or ideas and, therefore, cannot make up the message of a sign.

## B. In the Alternative, Bull Nose and Lit Bar Shall be Seen as Architectural Features of the Building.

The canopy itself is made up of a structure which will have a background color of white covering the entire facie of the canopy. The bull nose as before are distinguishable from this color but contain no significance besides this differentiation of color. Similarly, the lit bar exists as a simple light green bar extending over three faces of the canopy. The exemption listed in Section 450.3(B) omits calculating the area of these types of architectural features into any overall signage calculations. This bull nose is attached directly to the structure of the canopy and is only distinguishable from the canopy itself by existing as green bars on top of a white background. As such, an exemption is not only found for this bull nose as before under Section 450.3(A) due to their

decorative nature and lack of message, but also these bull nose and lit bar should be exempted under Section 450.3(B) as they can be seen as architectural features distinguishable only by difference in color.

#### C. Corporate Colors as Messages.

PDM has stated since the background of the canopy is white and these bars and decals are green, this color scheme exists as "corporate colors" and, therefore, rises to the qualification of a sign. Nowhere in the BCZR are corporate colors defined or any reference made to any messages corporate colors may send to individuals. Arguing that a single color can be a comprise communication, statement, information or idea due to its juxtaposition with another color is an aberration of what the definition of a message as deemed by the BCZR itself.

It is not within the authority of PDM to speculate anytime someone sees a white background with a green stripe placed on top of it they acknowledge BP or the BP/Amoco Corporation. This ordainment not only fails logic but also places colors into the category of a message without requiring any of the necessary elements for signage as defined by the BCZR itself. Since these colored bands (even as "corporate color") cannot contribute to the area calculations due to a lack of message being contained within them, the three seven square feet signs should be granted as a matter of right in fulfillment of the signage regulations.

# D. PDM's Interpretation Goes Against the Spirit and Intent of the Signage Regulations.

Section 450.4 of the BCZR states clearly that service station canopies are allowed six twenty-five square foot signs per canopy. As these Regulations specifically provide to allow six individual signs to be attached to one canopy, stating that the entire canopy structure (in the case *sub justice* 574 s.f.) should be calculated as one signs is illogical in light of these Regulations. While the three Helios

symbols would be allowed to exist as-of-right well below the maximum number of allowable signs, PDM has decided that the additional colored banding around the canopy transforms these Helios and banding into one large canopy sign.

If this entire canopy exists as one sign it seems preposterous that the Baltimore County

Council would have provided for smaller signs being allowed to exist upon the canopy itself and instead would have provided for an overall square footage maximum for each fuel service station canopy. The fact that fuel service station canopies exist as their own classification within the signage regulation chart relayed in Section 450.4 only demonstrates this point more clearly. In allowing six small signs on a canopy to be permitted, the County Council saw the structure itself as being separate from the signage placed upon it. Now PDM apparently wants to disregard this contemplated legislation in order that all canopies be classified as one large sign. This clearly is against the spirit and intent of the County Council. This is perhaps no more evident than in the fact the Department of Planning submitted no negative comments as to BP's interpretation of the signage guidelines.

As service station canopies have now become commonplace in this industry, easily observable by the County legislatures, it cannot rationally be argued that the County Council contemplated six, separate twenty-five square foot canopies to be placed upon one fuel service station. This would provide for very small individual canopies located directly above each fuel pump. This does not serve the function that canopies provide customers nor could have been contemplated by the legislature in drafting canopy signage regulations.

The result of agreeing with PDM's interpretation would also present uncertainty for developers. This uncertainty as to what part of structures will be calculated in the square footage of a sign would be compounded by the fact that PDM seemingly would be the sole entity able to define what color arrangements combine to form an overall message of information to individuals. The

undesired result would an arbitrary system of defining and calculating signage for future development and, as such, should be avoided.

#### V. FREESTANDING SIGN - SPECIAL HEARING

BP is also proposing to place one freestanding sign comprising of the letters BP and the new BP corporate image "Helios" on top of the pole structure to which are attached state-required pricing panels in addition to a panel reading "Amoco Fuels" and another reading "Car Wash." Combining the area of the BP "Helios" signage square footage and these two advertising panels, the entire square footage of the sign exists as 69.46 square feet, in compliance with Section 450.4 of permitting 75 square feet per freestanding sign, per frontage.

A. Pricing Panels and Open Space Should Not Be Included Within Sign's Calculated Area.

Upon filing this plan, PDM interpreted BP's proposed freestanding sign as existing with an area exceeding 75 square feet and in violation of Section 450 of the BCZR. PDM derived this calculation by including the open air space between the BP "Helios" sign and the first pricing panel, as well as including the area of these pricing panels down to the border with the first advertising panel reading "Amoco Fuels." PDM stated such a calculation was necessary due to a sign having to contain one "envelope" that must fully be connected from top to bottom. This "envelope" must account for all spaces within its borders. Using this interpretation, PDM included both the open space area between the BP "Helios," as well as the pricing panels, in their total area calculations for the sign.

Allowing this interpretation to regulate fuel service station signs in Maryland would be in violation of Maryland State Law. Maryland State Code, Business Regulation, Section 10-315 mandates that pricing panels of the type proposed for the BP station must be included on-site. This

Maryland Code Section also dictates the size required for these pricing panels as well as the lettering. Section 10-315(f) states:

Local laws, ordinances, or regulations – In general; exemption – a sign required at a service station by this section or any other state or federal law is exempt from the provision of a local law ordinance or regulation for the purpose of determining; (1) the total number of signs permitted; and (2) the area of signs permitted.

Therefore, by including the area of these three pricing panels required under Maryland State Law, PDM is acting in violation of a clear prohibition of a Business Regulation Code of Maryland.

Similarly, PDM should not be authorized to include the airspace between the BP "Helios" sign and the first pricing panel due to the previously outlined definition of "Area in the BCZR. This definition states area of signs does not include airspace and can only encompass the portions which "enclose the face of the sign." Open airspace can not be said to enclose a message of a sign and therefore can not be included into a free-standing sign's area calculations.

B. Placing Different Portions of Freestanding Sign Separately on Same Structure

Does Not Create Two Freestanding Signs.

BP's proposed freestanding sign contains a airspace and pricing panels between its BP "Helios" sign and two advertising panels located further down the pole structure. As an alternative argument to the previously listed position of PDM, PDM also stated BP could apply for a variance for two freestanding signs rather than the permitted one with such a signage package. PDM derived this position again due to the airspace and pricing panels creating a gap to which they determined could not exist in order to create one signage "envelope." Since such a gap exists between these two sections of the sign, PDM found they could classify these different sections as two freestanding signs.

Section 450.5(B)(4) defines freestanding signs as:

A sign that is maintained on a structural frame or supporting element, including a post or pole, fixed in the ground, but is not attached to the building.

As this definition indicates, freestanding signs are classified as such due to the structural support these signs rest upon and not due to them being one contiguous piece. The fact that BP has spaced two different advertising elements apart from one another on the same supporting structure does not change this sign into two separate freestanding signs. The regulation in BCZR Section 450.4 of only allowing one freestanding sign per frontage relates only to allowing one pole structure to be placed upon a property's frontage, and not to how that signage can be broken up upon the pole itself. As such, these two advertising sections can be combined together in order to achieve a calculation for the total area for the freestanding sign of 69.46 square feet as per legislative intent. As this square footage is below that permitted by Section 450.4, such a freestanding sign should be allowed as of right.

#### VIII. CONCLUSION

WHEREFORE, for the aforementioned reasons, BP/Amoco, Incorporated submits its signage package as presented should be allowed as a matter or right as it is in compliance with Title III of the Baltimore County Code and Section 450.4 of the Baltimore County Zoning Regulations. This is due to the fact that bull nose and lit bar does not constitute a sign under the definitions contained in either the Baltimore County Code or the Baltimore County Zoning Regulations and send no message or information to individuals outside simple aesthetics. Treating all company facie as one large sign goes against the spirit and intent of the signage regulations and creates an arbitrary system of approval in the development process with uncertainty as its only by-product.

Also, the airspace and state-required pricing panels can not be included in the area of the sign as prohibited by state law and demonstrated through analysis the BCZR. Similarly, spacing different elements of a sign on different portions of a supporting structure for freestanding signs does not create multiple free standing signs.

As such, BP/Amoco, Incorporated submits the three seven square foot canopy signs and free standing sign currently submitted satisfy all signage regulations for Baltimore County and should be granted as proposed.

Respectfully submitted,

Sebastian A. Cross

Gildea, LLC

301 N. Charles Street, Suite 900

Baltimore, MD 21201

(410) 234-0071

Attorneys for Petitioner



ORDER RECK

# REN 9/15/98

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

UNAVAILABLE FOR HEARING

Reviewed By 500 Date 04.07.0

for the property located at 7730 Wise Avenue					
which is presently zoned BM-CT					

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached

Tase No. 03-458-5000

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

I, or we, agree to pay expenses of above Special Hearing, 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): Robert Blake/BP Amoco Name - Type or Print Name - Type or Print Zoning Manager Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: P.O.Box 820 (610) 321-0441 Address Telephone No. Sebastian A. Cross, Esquire Uwchland, PA 19480 Name - Type or Frint Clty Zlp Code State Representative to be Contacted: Signature Gildea, LLC Sebastian A. Cross FILING Company Name N.Charles St., 301 N.Charles St., Suite 900 Suite 900 Address Telephone No. Address Telephone No. Haltimore, MD 21201 Baltimore, 234-0070 410) MD 21201 410) 234-0070 State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

#### Attachment for Special Hearing

- 1. For determination that canopy background colors do not contribute to any sign's message and, therefore, should not be included in the area of the sign as per section 450.3 "Area" A of the BCZR.
- 2. For determination that raised bull nose striping does contribute to any sign's message and, therefore, should not be included in the area of the sign as per section 450.3 "Area" A of the BCZR.
- 3. For a determination that only portions of freestanding sign displaying words and symbolic representations should be included in the area calculations of a sign.
- 4. For a determination that **x** site plan as presented contains one "Free-standing" sign in full compliance with the BCZR.



## Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 7730 Wise Avenue which is presently zoned BM-CT

Legal Owner(s):

Baltimore,

City

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 attached.

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

To be presented at hearing.

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.

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.

MD 21201 (410)234-0070

State

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_

UNAVAILABLE FOR HEARING

Reviewed By San

Zip Code

Date 040203

(indicate

#### Contract Purchaser/Lessee:

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* <del></del>			Robert Blake/BP Amoco	[
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Attorney For Petitione	er:		P.O.Box 820 (610)321-04	41
			Address	Telephone No
Sebastian A. Cr	oss, Esquire	<b>e</b>	Uwchland, PA 19480	
Name - Type or Fint	1		City	Zip Code
Signature	au		Representative to be Contacted:	)   
Gildea, LLC			Sebastian A. Cross	j ļ
Company	<del></del>		Name	
301 N.Charles S	t, Suite 90	00	301 N.Charles St., Suite	900
Address	<del> </del>	Telephone No.	Address	Telephone No

Zip Code

Case No. 03-458-Spull.

MD 21201 (410)234-0070

State

REV 9/15/98

City

Baltimore,





#### Attachment to Petition for Variance

- From BCZR Section 450.4 to permit 564 square feet of canopy signage in lieu of the required 25 square feet per canopy sign.
- From BCZR Section 450.4 to permit a 110.5 square foot freestanding sign in lieu of the permitted 75 square feet.

  or in the alternative:

From BCZR Section 450.4 to permit two freestanding signs per frontage in lieu of the 3. permitted one.

ORDER RECEIVED

03-458-SPUL



810 Gleneagles Court, Suite 300 Towson, MD 21286 410.821.7900 410.821.7987 fax md@bohlereng.com

April 01, 2002

# ZONING DESCRIPTION OF PART OF THE LANDS KNOWN AS PARCEL 303, TAX MAP 103 AS RECORDED IN LIBER 6102 FOLIO 562 BALTIMORE COUNTY, MARYLAND 7<sup>TH</sup> COUNCILMANIC DISTRICT

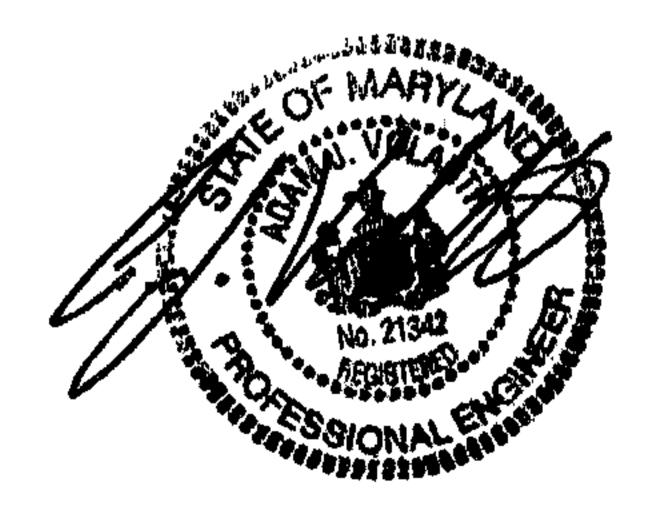
BEGINNING AT A POINT ON THE NORTH SIDE OF WISE AVENUE WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 450 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, CHURCH ROAD WHICH IS OF VARIABLE WIDTH.

THENCE, BINDING ON THE WESTERN MOST OUTLINE OF PARCEL 678, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

- 1. NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST; 90.29 FEET TO A POINT.
- 2. CURVING TOWARDS THE WEST WITH A RADIUS OF 238.96 FEET FOR A DISTANCE OF 34.85 FEET, THE CHORD OF SAID ARC BEING NORTH 04 DEGREES 11 MINUTES 00 SECONDS WEST; 34.82 FEET TO A POINT.
- 3. NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST; 155.47 FEET TO A POINT.
- 4. SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST; 145.00 FEET TO A POINT.
- 5. NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST; 138.02 FEET TO A POINT.
- 6. CURVING TOWARDS THE NORTH WITH A RADIUS OF 20.00 FEET FOR A DISTANCE OF 31.39 FEET, THE CHORD OF SAID ARC BEING NORTH 45 DEGREES 00 MINUTES 37 SECONDS EAST; 28.26 FEET TO A POINT TO THE PLACE OF BEGINNING.

BEING ALSO KNOWN AS 7730 WISE AVENUE AS RECORDED IN BALTIMORE COUNTY LIBER 6102 FOLIO 56. CONTAINING IN ALL 22,796 SQUARE FEET OR 0.52 ACRES OF LAND MORE OR LESS.

Prepared by: MG Reviewed by: GHR



#### Other Office Locations:

■ Watchung, NJ 908.668.8300

■ North Wales, PA 215 393 8300

■ Melville, NY 631.872.2000

■ Sterling, VA 703.709.9500

■ Southboro, MA 508.480 9900 Albany, NY 518.438.9900 ■ Center Valley, PA 610.797.3000

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**ASHIER'S VALIDATION** 

#### 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: #03-458-SPHA

: 7730 Wise Avenue.

N/side of Wise Avenue, 450 feet west of centerline of Church Road

12th Election District - 7th Councilmanic District
Legal Owner(s): Robert Blake/BP Amoco
Special Hearing: to determine that canopy background colors do not contribute to any sign message and therefore, should not be included in the area of the sign. To determine that raised built nose striping does contribute to any sign's message and therefore, should not be included in the area of the sign. To determine that passage and therefore, should not be included in the area of the sign. In the area of the sign. To determine that only portions of freestanding sign display words and symbolic representation should be included in the area calculations of a sign.
To determine that the site plans presented contain one
"Free-standing sign in full compliance with the BCZR.

Variance: to permit 564 square feet of canopy sign in fleu
of the required 25 square feet per canopy sign. To permit a 110.5 square feet or in the alternative, to permit two freestanding signs per frontage in lieu of the permitted one. Hearing: Wednesday, June 4, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Basiey Avenue.

LAWRENCE E/ SCHMIDT.

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings, are Handicapped Accessible; for special accommodations 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.

JT 5/759 May 20 C805116

### CERTIFICATE OF PUBLICATION

523,2003	7
THIS IS TO CERTIFY, that the annexed advertisement was pub	lished
n the following weekly newspaper published in Baltimore County,	Md.,
nce in each ofsuccessive weeks, the first publication appe	aring
m = 5  20 ,2003.	
The Jeffersonian	! !
🗖 Arbutus Times	<u> </u>
☐ Catonsville Times	i i
Towson Times	ļ
Owings Mills Times	İ
☐ NE Booster/Reporter	
☐ North County News	1
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LEGAL ADVERTISING

Ulkingar

# CERTIFICATE OF POSTING

	]	RE: Case No.: 03-45	18-5PHA
		Petitioner/Developer:	COBERT
			moco
		Date of Hearing/Closing	6/4/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	-		
ATTN: Becky Hart {(410) 887-3394}			
Ladies and Gentlemen:	3		
This letter is to certify under the penaltic posted conspicuously on the property loc	es of perjury that eated at:	the necessary sign(s) require	d by law were
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		And the	5/17/12
	•	(Signature of Sign Poster)	(Date)
	- 	SSG Robert Black	
		(Print Name)	
	 	1508 Leslie Road	
		(Address)	<del></del>
	  -	Dundalk, Maryland 212	22
		(City, State, Zip Code	<del></del>
	-	(410) 282-7940	
•		(Telephone Number)	<del></del>

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 03-458 - SPHA
Petitioner: Robert Blatte
Address or Location: 7730 Wise Ave
PLEASE FORWARD ADVERTISING BILL TO:
Name: Gildea LLC
Address: 30/ N. Charles 57
Scite 900
Baltimore Md 2/201
Telephone Number:

Revised 2/20/98 - SCJ

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, May 20, 2003 Issue - Jeffersonian

Please forward billing to:

Gildea LLC 301 N Charles Street, Ste. 900

Baltimore, MD 21201

410-234-0070

## **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: 03-458-SPHA

7730 Wise Avenue

N/side of Wise Avenue, 450 feet west of centerline of Church Road

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Robert Blake/BP Amoco

Special Hearing to determine that canopy background colors do not contribute to any signs message and therefore, should not be included in the area of the sign. To determine that raised bull nose striping does contribute to any sign's message and therefore, should not be included in the area of the sign. To determine that only portions of freestanding sign display words and symbolic representation should be included in the area calculations of a sign. To determine that the site plans presented contains one "Free-standing sign in full compliance with the BCZR. Variance to permit 564 square feet of canopy sign in lieu of the required 25 square feet per canopy sign. To permit a 110.5 square feet or in the alternative, to permit two freestanding signs per frontage in lieu of the permitted one.

Hearings:

Wednesday, June 4, 2003 at 11:00 a.m. in Rm. 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.



Baltimore County
Department of Permits and
Development Management

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

Fax: 410-887-5708

April 14, 2003

## 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: 03-458-SPHA

7730 Wise Avenue

N/side of Wise Avenue, 450 feet west of centerline of Church Road

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Robert Blake/BP Amoco

Special Hearing to determine that canopy background colors do not contribute to any signs message and therefore, should not be included in the area of the sign. To determine that raised bull nose striping does contribute to any sign's message and therefore, should not be included in the area of the sign. To determine that only portions of freestanding sign display words and symbolic representation should be included in the area calculations of a sign. To determine that the site plans presented contains one "Free-standing sign in full compliance with the BCZR. Variance to permit 564 square feet of canopy sign in lieu of the required 25 square feet per canopy sign. To permit a 110.5 square feet or in the alternative, to permit two freestanding signs per frontage in lieu of the permitted one.

Hearings:

Wednesday, June 4, 2003 at 11:00 a.m. in Rm. 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

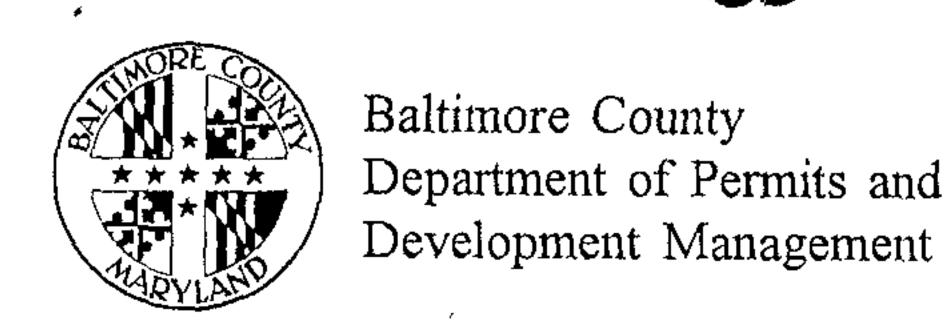
Director

AJ:klm

C: Sebastian Cross, Esq., Gildea LLC, 301 N. Charles St., Suite 900, Baltimore 21201 Robert Blake/BP Amoco, P.O. Box 820, Uwchland, PA 19480

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 20, 2003.

- (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.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 30, 2003

Sebastian A. Cross, Esq. Gildea, LLC 301 N. Charles Street, Ste. 900 Baltimore, MD 21201

Dear Mr. Cross:

RE: Case Number: 03-458-SPHA, 7730 Wise Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2003.

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,

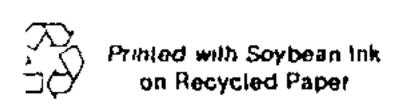
u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

**Enclosures** 

c: People's Counsel Robert Blake/BP Amoco, P.O. Box 820, Uwchland, PA 19480





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Scoretary Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.11.23

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

RE:

Baltimore County

Item No. 458

J 72A

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration 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

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** May 2, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7730 Wise Avenue

INFORMATION:

Item Number:

03-458

Petitioner:

Robert Blake/BP Amoco

Zoning:

**BM-CT** 

Requested Action:

Varaince

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning support the petitioner's request to permit one (1) 110.5 square foot free standing sign in lieu of the permitted 75 square feet.

Prepared by:

Section Chief:

AFK/LL:MAC:

RECEIPED

MAY 6 2003

"两点是用来对3个的。" "从2006年11月20日11日第14年1

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 29, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 21, 2003. Item Nos. 456, 458, 460, 461, 462, 463, and 464

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

RWB:CEN:jrb

cc: File



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 17, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 14, 2003

Item No.:

456 - 464

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

# Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



# Baltimore County

James T Smith, Jr., County Executive | Timothy M Kotroco, Director

September 2, 2003

Mr. Sebastian Cross Gildea, LLC 301 N. Charles Street Baltimore, MD 21201

Dear Mr. Cross:

RE: Case: 03-458-SPHA, 7730 Wise Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on August 13, 2003. 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.

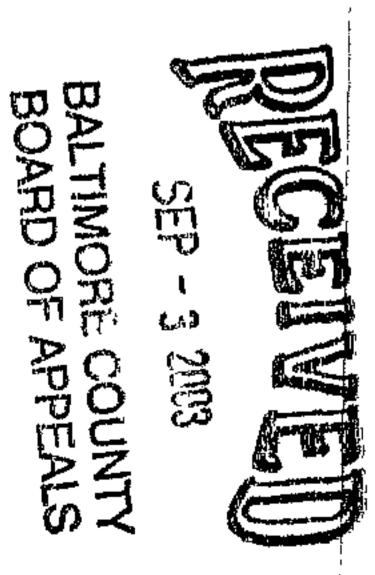
If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely

Timothy Kotroco Director

KT:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Robert Blake, /BP Amoco, P.O. Box 820, Uwchland, PA 19480



#### **APPEAL**

Petition for Special Hearing and Variance
7730 Wise Avenue
N/side of Wise Avenue, 450 feet west of centerline of Church Road
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District
Robert Blake/BP Amoco – Legal Owner

Case No.: 03-458-SPHA

Petition for Special Hearing (4/7/03)	
Zoning Description of Property	
Notice of Zoning Hearing (4/4/03)	
Certification of Publication (5/20/03)	
Certificate of Posting (5/17/03) by	
Entry of Appearance by People's Counsel (4/16/03)	
Petitioner(s) Sign-In Sheet One sheet	
V Protestant(s) Sign-In Sheet None	
√Citizen(s) Sign-In Sheet None	
Zoning Advisory Committee Comments	
Petitioners' Exhibit  1. Site Plan to accompany Petition for Special Hearing	
V Protestants' Exhibits: MoxL	
<ul> <li>Miscellaneous (Not Marked as Exhibit)</li> <li>1. Memo to file from Planner</li> </ul>	
Zoning Commissioner's Order (July 29, 2003 – GRANTED subject to the following restrictions)	<b>)</b>
Notice of Appeal received on August 13, 2003 from Peter Max Zimmerman, People's Counsel Baltimore County	of

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Sebastian Cross, Esquire, Gildea, Inc., 301 N. Charles Street, Suite 900, Baltimore 21201

date sent 9/03/03 rlh



Note to File: Case # 03-458-SPHA

From: John Alexander

The Zoning Office understands the continuation of Logo Colors and theme design and symbols to be a continuation and therefore a part of the signage that identifies and advertises a specific brand or business, as per Section 450.3 "General Sign Definitions" of area and message.

# BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

November 12, 2003

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton HA
Board of Appeals

SUBJECT:

**CLOSED APPEAL CASE FILES** 

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

BOARD OF APPEALS CASE NUMBER	<u>PDM</u> FILE NUMBER	NAME	LOCATION
03-458-SPHA	03-458-SPHA	ROBERT BLAKE BP AMOCO	7730 WISE AVENUE
03-387-A	03-387-A	THOMAS J MURPHY, III	BRIAR POINT ROAD
02-437-SPHA	02-437-SPHA	REISTER COURT, LLC	3757 OLD COURT ROAD
03-179-SPH	03-179-SPH	GEORGE KOSMAKOS MARYLAND TOWING & RECOVERY	NO ADDRESS NO LOCATION
02-105-A	02-105-A	MARK E. GREEN	8 GREENSPRING VALLEY ROAL

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 26, 2003

RECEIVED

AUG 2 7 2003

ZONING COMMISSIONER

Lawrence E. Schmidt, Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, MD 21204

Re:

Robert Blake/BP Amoco

03-458-SPHA

Dear Mr. Schmidt:

We are in receipt of Petitioner's Motion for Reconsideration dated August 22, 2003. Our office appealed this case to the County Board of Appeals on August 13, 2003. As a result, jurisdiction is now vested in the Board. We also enclose your letter dated January 27, 2003 in Case No. 02-179-SPH on the same issue.

In addition, we disagree with the merits of the Motion for Reconsideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel for Baltimore County

400 Washington Avenue, Room 47

Towson, Maryland 21204

cc: Sebastian Cross, Esquire

Timothy Kotroco, Director of PDM



February 27, 2003

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

Fax: 410-887-3468

Edward J. Gillis, Esquire C. Robert Loskot, Esquire Baltimore County Office of Law 400 Washington Avenue, Room 219 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

No Particular Location
George Kosmakos and Maryland Towing & Recovery – Petitioners
Case No. 03-179-SPH

Dear Messrs. Gillis & Loskot:

In response to the Motion for Reconsideration filed by you in the above-captioned matter on February 6, 2003, the following comments are offered.

You are no doubt aware by now that the Office of People's Counsel for Baltimore County filed an appeal of my decision on January 15, 2003. The filing of their appeal vests jurisdiction over this matter with the County's Board of Appeals. Therefore, I am unable to entertain the Motion and the Board will ultimately conduct a de novo hearing on this matter in the near future.

Should you have any questions in this regard, please do not hesitate to call me.

Very truly yours,

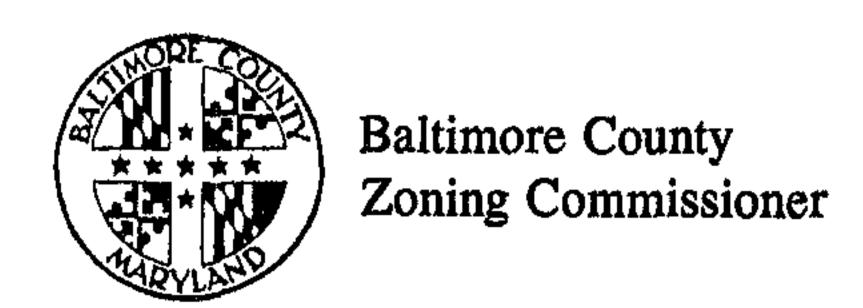
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

CC:

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000, Towson, Md. 21204
Mr. Arnold Jablon, Director, DPDM; People's Counsel; Case File



August 28, 2003

Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

410-887-4386 Fax: 410-887-3468

Peter Max Zimmerman
People's Counsel for Baltimore County
Carole S. Demilio
Deputy People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204

RE: MOTION FOR RECONSIDERATION
PETITIONS FOR SPECIAL HEARING & VARIANCE
NW/Corner Wise Avenue & Wortman Road
(7730 Wise Avenue)
12<sup>th</sup> Election District - 7<sup>th</sup> Council District
BP Amoco - Petitioners
Case No. 03-458-SPHA

Dear Mr. Zimmerman & Ms. Demilio:

In response to your letter of August 26, 2003 concerning the above-captioned matter, please be advised that I was unaware that you had filed an appeal. I agree that if an appeal has been filed, that jurisdiction is then vested with the Board. Although I rendered a decision on the Motion on Monday, August 25, 2003, it is clear that my decision is now moot and that the Board will henceforth decide the issues in this case.

Thank you for bringing this matter to my attention.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Sebastian Cross, Esquire, Gildea, LLC

301 N. Charles Street, Baltimore, Md. 21201

Messrs. Robert Blake & Marty Stumbrowski, BP Products North America

P.O. Box 820, Uwchland, PA 19480

Mr. Greg Reed, Bohler Engineering

810 Gleneagles Court, Suite 300, Towson, Md. 21286

Yase File

### GILDEA, LLC

#### 301 NORTH CHARLES STREET SUITE 900

DAVID K. GILDEA DAVIDGILDEA@GILDEALLO.COM BALTIMORE, MARYLAND 21201

TELEPHÓNE 410-284-0070 FACSIMILE 410-284-0072

www.gildeallc.com

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III

JWOOLMAN@GILDEALLC.COM

April 9, 2003

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

# Sent Via Hand Delivery

Mr. John Alexander Department of Permits and Development Management 111 W. Chesapeake Ave. Towson, MD 21204

Re:

BP/7730 Wise Avenue

Filing Receipt

Case No.: 03-458-SPHA

Dear John:

Enclosed please find the receipt for the above referenced filing. Please contact me if there is any other documentation you will require.

Thank you very much for your corporation in this matter. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC:dls

David K. Gildea, Esquire CC:

#### GILDEA. LLC

DAVID K. GILDEA DAVIDGILDEA # GILDEALL C.COM

301 NORTH CHARLES STREET SUITE 900

SDBASTIAN A. CROSS SCROSS 6 GILDEALLC.COM BALTIMORE, MARYLAND 21201 TELEPHONE 410-234-0070 FACSIMILE 410-234-0072

JOSEPH R. WOOLMAN, III JWOOLMAN GOTLDEALLO.COM www.gildeallc.com

D. DUSKY HOLMAN DHOLMAN@GILDEALLO.COM

September 4, 2003

STUART W. COX SCOX@GILDEALLO.COM

ATTN: CLERK Baltimore County Board of Appeals Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204

Re:

BP/7730 Wise Avenue Case No.: 03-458-SPHA

Dear Clerk:

This letter serves as a request by Appellees, BPAmoco, through their attorneys, Sebastian A. Cross and Gildea, LLC, to withdraw the Petition for Special Hearing and Petition for Variance submitted in the above referenced case. This withdrawal is being made with the knowledge that the previous decision shall become null and void upon the Board's entry of its Order.

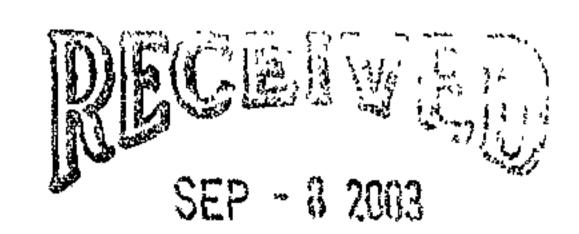
Respectfully submitted,

Sebastian A. Cross

### SAC:bhb

Cc:

Lawrence E. Schmidt, Zoning Commissioner Peter Max Zimmerman, People's Counsel Robert Blake, BP Products North America, Inc. Gregory H. Reed, Bohler Engineering David K. Gildea, Esquire



BALTIMORE COUNTY BOARD OF APPEALS

7 4 7	CASE NUMBER	CASE NAME

		COLUMN TAT CHERT	
	ADDRESS	CITY STATE 71P	
BECORY H. REED	SPORTER ENGLES OF 300	10w 501 MD 21286	
T	PROCEDIANO PA 19460		
Sebastian Closs	301 N. Charles 27. 2/224		
	•		

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

7730 Wise Avenue; N/side Wise Avenue,

450' W c/line Church Road

12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts Legal Owner(s): Robert Blake/BP Amoco

Petitioner(s)

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

BALTIMORE COUNTY

\* 03-458-SPHA

ENTRY OF APPEARANCE

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

People's Counsel for Baltimore County

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

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

RECEIVED

APR 1 6 2003

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

# 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

August 13, 2003

Deputy People's Counsel

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

Hand-delivered

Re:

PETITION FOR SPECIAL HEARING & VARIANCE NW corner Wise Avenue & Wortman Road (7730 Wise Avenue)

(7730 Wise Avenue)
12<sup>th</sup> Election District; 7<sup>th</sup> Council District

BP Amoco- Petitioners

Case No.: 03-458-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated July 29, 2003 by the Baltimore County Zoning Commissioner in the above-entitled case

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

RECEIVED

AUG 1 3 2003

Per....

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Sebastian Cross, Esquire

