IN RE: PETITION FOR VARIANCE SW/S of Paper Mill Road and SE/S of Jarrettsville Pike 10th Election District 3rd Councilmanic District (14243 Jarrettsville Pike)

Petitioners

Susanne G. Pearce, Barbara L. Goldberg, Marvin Wayne Goldberg, Jr. & Wanda Schnider, Legal Owners

and
BP North America Products, Inc.,

Contract Purchaser

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

k CASE NO. 04-566-A

\*

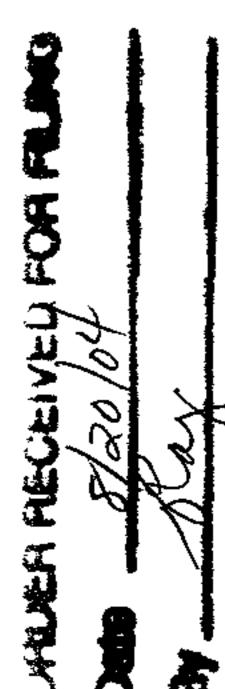
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#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Susanne G. Pearce, Barbara L. Goldberg, Marvin Wayne Goldberg, Jr. & Wanda Schnider, Legal Owners and BP North America Products, Inc., lessee. The Petitioners are requesting variance relief for property located at 14243 Jarrettsville Pike in the Jacksonville area of Baltimore County. The variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 259.3.C.7(c), to permit an illuminated BP Helios sign in lieu of non-illuminated signs;
- 2. from Section 259.3.C.7(b), to permit a sign 76.49 sq. ft. in area in lieu of the permitted 25 sq. ft.; and
- 3. from Section 259.3.C.7(a), to permit 3 wall-mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall-mounted sign at 8 sq. ft. each.

The property was posted with Notice of Hearing on July 31, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 3, 2004 to notify any interested persons of the scheduled hearing date.



#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated August 3, 2004 stating that they did not oppose the Petitioners' request provided that the height of the proposed sign is reduced to 15 ft. to conform with the sign guidelines of the Jacksonville Community Plan (page 27), a copy of which is attached hereto and made a part hereof.

#### **Amended Petition**

PACE RECEIVED

At the start of the hearing the Petitioner noted that its second request for variance should read "to permit a sign 85.51 sq. ft. in area in lieu of the permitted 25 sq. ft.". The original request referred to a request to permit a sign of 76.49 sq. ft. which Mr. Cross indicated did not include the State mandated pricing information on the sign which the County counts as sign area.

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#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Joseph W. Heacock, Jr., and Greg Reed of Bohler Engineering. Sebastian Cross, Esquire, represented the Petitioners. Appearing as interested citizens at the hearing were James V. McCoy, Glen A. Thomas, Betsy Lehmann, Barb Cook and Pat Egan. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Mr. Cross proffered that the property, which is the subject of this variance request, consists of 0.689 acres of land, more or less, and is zoned BM-CR. The subject property is presently improved by an operating Amoco fuel service station. Mr. Cross explained that BP Corporation had acquired Amoco stations in the mid-Atlantic area and that this station was nearly the last to be converted. Basically, the conversion was signage replacing the oval and torch symbol of Amoco with the helio symbol of PB Corporation wherever these signs occurred. This would occur by replacing the sign panels with new panels and keeping the same foundation and structure of the existing signs.

Mr. Cross noted that even though BP is asking for a variance to permit a sign 85.51 sq. ft. the existing Amoco sign is 106 sq. ft. He also noted, as did members of the community, that the new sign was much smaller than a similar sign for the Exxon station across the street. This sign is also illuminated, as is the present Amoco sign and the Exxon sign previously mentioned. In regard to the Planning Office comment that the main identification sign be lowered to 15 ft., Mr. Cross indicated that his client agreed and had already made the change on Petitioner's Exhibit No. 1. He presented photographs depicting the approach to the station along Jarrettsville Pike, which showed the need for a readable and illuminated identification sign given the obstructions and competing signs in the area. Finally, he noted that since the service station was located on

the corner of Sweet Air and Jarrettsville Pike, BP would be entitled to two identification signs but were only asking to replace the panels on one sign at its present location.

In regard to the wall-mounted signs, he again explained that BP was simply replacing existing signs on the building with their own version of same. The arguments and evidence above apply equally to the wall-mounted signs.

Mr. Cross noted that the CR district was initiated in 1988. Mr. Heacock, a nearby property owner indicated that the fuel service station had been located on that corner since the 1940's. He strongly supported the request as an improvement to the corner noting that the present owner had performed community service for the area.

The Protestants generally were not opposed to the variances after hearing what was being sought. They generally noted that this service station sign was much more in keeping with the Jacksonville Community Plan than, for example the Exxon station signs.

#### Findings of Fact and Conclusions of Law

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I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The CR district, which contains the size and limitations, was established in 1988. The Amoco station has been operating at this location since the 1940's. I find that imposition of the new regulations after the service station was operating and signs in place impact this property more harshly than similar properties in the area which were begun after the CR regulations went into effect.

Similarly, I find that compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The signs already exist with panel sizes and foundations. The only change will be to lower the identification sign to comply with the Office of Planning's request. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury

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to the public health, safety and general welfare. The signs, while not completely compatible with the new CR district regulations, are an improvement and from the testimony of the community, as well as the Petitioner, are markedly better than existing signs in the area on competing service stations. The Petitioner has fully complied with the Office of Planning's request to lower the height of the identification sign to better comply with the Jacksonville Community Plan.

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 Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 30 day of August, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 259.3.C.7(c), to permit an illuminated BP Helios sign in lieu of non-illuminated signs;
- 2. from Section 259.3.C.7(b), to permit a sign 76.49 sq. ft. in area in lieu of the permitted 25 sq. ft.; and
- 3. from Section 259.3.C.7(a), to permit 3 wall-mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall-mounted sign at 8 sq. ft. each.

be and they are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments made by the Office of Planning dated August 3, 2004, a copy of which is attached hereto and made a part hereof; and

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONÉR

FOR BALTIMORE COUNTY

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BEFORE THE IN THE MATTER OF THE APPLICATION OF PEARCE, GOLDBERG, SCHNIDER, BALTIMORE COUNTY ÷ Legal Owners; AND **BOARD OF APPEALS** BP North America Products, Inc., **Contract Purchasers** Case No.: 04-566-A \* Petitioners For Variance on Property Located On \* SW/S of Paper Mill Road and SE/S of Jarrettsville Pike \* 10<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District \*\*\*\*\*\*\*\*\*\*\*\*

#### OPINION AND ORDER

Upon consideration of the evidence in the *de novo* hearing held on November 18, 2004 and upon public deliberations that same day, this Board enters the following Opinion and Order upon the Petition for Variance.

The subject property is located on the southwest side of Paper Mill Road and the southeast side of Jarrettsville Pike. The property contains a gross area of 0.689 acres of land, is zoned BM-CR and is improved with a fuel service station. The property is located in the Four Corners area of Jacksonville and is surrounded by a number of other business and retail uses. The proposal is to reimage the existing Amoco signage on site with the new BP logo while otherwise maintaining the current existing fuel service station use. In particular, the new signage package requires the following variances from the Baltimore County Zoning Regulations ("BCZR"):

- 1. from Section 259.3.C.7(c) to permit an illuminated BP Helios sign in lieu of non-illuminated signs;
- 2. from Section 259.3.C.7(b) to permit a sign 66.43 sq. ft. in area in lieu of the permitted 25 sq. ft.; and
- from Section 259.3.C 7(a) to permit 3 wall mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall mounted sign at 8 sq. ft. each.

Petitioners were represented by Sebastian A. Cross, Esquire on behalf of BP. People's Counsel, Carole S. DeMilio, appeared to defend the Zoning Maps. The Board heard testimony from Gregory H. Reed with Bohler Engineering as to the proposed improvements upon the site.

Upon agreement of both parties, an amended site plan was submitted due to concern raised by People's Counsel over the freestanding sign variance granted. In agreement of all aforementioned parties, the previously granted sign variance was amended and a new freestanding sign was proposed to be placed along Jarrettsville Pike. The former variance granted by the Zoning Commissioner permitted a 76.49 sq. ft. sign in lieu of the permitted 25 sq. ft. After negotiations between the parties, an amended site plan proposing a freestanding sign measuring 66.43 sq. ft. was submitted to this Board. Upon submittal of this amended signage proposal, People's Counsel stated they had no objection to the amended freestanding sign or the remaining requested variances.

Based on the evidence and testimony submitted, the Board finds the proposed signage package with the amended freestanding sign, as conditioned below, satisfies the variance standards of BCZR Section 307. Special circumstances and conditions exist that are peculiar to the land or structure which is the subject of this variance request and compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, these variances can be granted in strict harmony with the spirit and intent of said regulations and in such a manner as to grant relief without injury to the public health, safety or general welfare. Additionally, there are no residential areas which will be adversely affected by granting this Variance request.

The Board ORDERS as follows this 5th day of hurry 2005:

- 1. Variance granted from Section 259.3.C.7(c) to permit an illuminated BP Helios sign in lieu of non-illuminated signs;
- 2. Variance granted from Section 259.3.C.7(b) to permit a sign 66.43 sq. ft. in area in lieu of the permitted 25 sq. ft.; and

Variance granted from Section 259.3.C.7(a) – to permit 3 wall mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall mounted sign at 8 sq. ft. each.

Any Petition for Judicial Review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chair

Margaret Brassil, Ph.D.

\* See note below.

<sup>\*</sup> Donald I. Mohler III, the third member of this panel, who participated in this unanimous decision, including deliberation, was no longer a member of the Board of Appeals at the time of signature of this Opinion.

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
SW/S of Paper Mill Road and SE/S of Jarrettsville Pike	*	DEPUTY ZONING COMMISSIONER
10th Election District  3rd Councilmanic District	*	OF BALTIMORE COUNTY
(14243 Jarrettsville Pike)	*	CASE NO. 04-566-A
Susanne G. Pearce, Barbara L. Goldberg,		
Marvin Wayne Goldberg, Jr. & Wanda	*	
Schnider, Legal Owners		
and	*	
BP North America Products, Inc.,		
Contract Purchaser	*	
Petitioners		
* * * * * *	* * *	<pre>k * * * * *</pre>

#### AMENDED ORDER

WHEREAS, the Petitioners herein filed a Petition for Variance for the property located at 14243 Jarrettsville Pike in the Jacksonville area of Baltimore County. A variance was requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 259.3.C.7(c), to permit an illuminated BP Helios sign in lieu of non-illuminated signs;
- 2. from Section 259.3.C.7(b), to permit a sign 76.49 sq. ft. in area in lieu of the permitted 25 sq. ft.; and
- 3. from Section 259.3.C.7(a), to permit 3 wall-mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall-mounted sign at 8 sq. ft. each.

WHEREAS, at the hearing held on this matter, the Petitioners' attorney requested an amendment to the second request for variance to read, "to permit a sign 85.51 sq. ft. in area in lieu of the permitted 25 sq. ft.". The original request referred to a variance request to permit a sign of 76.49 sq. ft. which Mr. Cross indicated did not include the State mandated pricing information on the sign which the County counts as sign area.

WHEREAS, this office received a letter dated August 30, 2004 from the Petitioners' attorney, Sebastian A. Cross, Esquire, advising that even though the August 20, 2004 Order made reference to Petitioners' amended request to change the freestanding sign to 85.51 sq. ft.

from 76.49 sq. ft. throughout the order, the eventual language of the Order failed to include the requested amendment to the second request and reverted back to the original 76.49 sq. ft.

request;

WHEREAS, the Petitioners have requested that this office issue an Amended Order to

change the permitted square footage for the freestanding sign from 76.49 sq. ft. to the requested

85.51 sq. ft. as requested at the hearing in this matter;

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner of Baltimore

County, this 32 day of September, 2004, that the Petitioners' request to amend the Order dated

August 20, 2004, on page 5, variance request no. 2, to read "to permit a sign 85.51 sq. ft. in area

in lieu of the permitted 25 sq. ft.", be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty

(30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

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# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14243 Jarrettsville Pike which is presently zoned BM-CR

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.

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

To be presented at hearing.

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.

Legal Owner(s):

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:

ð

BP North America Products Inc.	Please see attached signatures.
	SUSAND PEARCE
Signature Robert Blake, Zoning & Development Manager 281 Torch Parkway, (610)321-0441	Signature June
Address Telephone No.	Name - Type or Print
Warrenville, IL 60555	
City State Zip Code	Signature
Attorney For Petitioner:	16909 Pretty Boy Dam Road
	Address Telephone No.
Sebastian A. Cross	Parkton, MD 21120
Name - Type or Print	State Zip Code
sela con	Representative to be Contacted:
Signature	
John Charles Street, Suite 900,440	Sebastian A. Cross
300 Stul	Name
301 M. Charles Street, Suite 900 1440	301 N.Charles St., Suite 900
Telephone No.	Address Telephone No.
Baltimere, MD 21201 (410)234-0070	Baltimore, MD 21201 (410)234-0070
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Casend. 04566. (-).	ESTIMATED LENGTH OF HEARING
REV9/15/98	UNAVAILABLE FOR HEARING  Date  Date

#### Attachment to the Petition

We the undersign as joint owners of the property existing at 14243 Jarrettsville Pike hereby authorize BP/Amoco to pursue the attached Petition for Variance.

Susanne G. Pearce

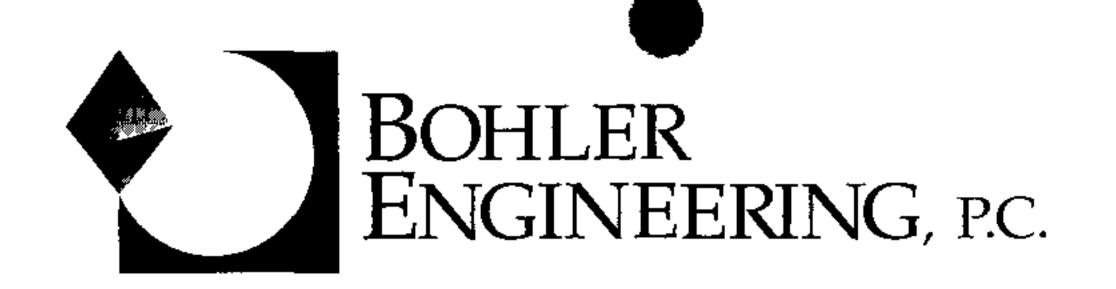
Barbara L. Goldberg

Marvin Wayne Goldberg, Jr.

Wanda Schnider

#### Attachment to Variance Request

- 1. From BCZR Section 259.3.C.7(c) to permit an illuminated BP Helios sign in lieu of non-illuminated signs.
- 2. From BCZR Section 259.3.C.7(b) to permit a sign 76.49 s.f. in area in lieu of the permitted 25 s.f.
- From BCZR Section 259.3.C.7(a) to permit 3 wall mounted "Shop" signs of 19.34 s.f. each in lieu of 1 wall mounted sign at 8 s.f. each.



810 Gleneagles Court, Suite 300 Towson, MD 21286 410 821.7900 410.821.7987 fax md@bohlereng.com

June 4, 2004

# ZONING DESCRIPTION OF PART OF THE LANDS KNOWN AS PARCEL 217, TAX MAP 35 WITH DEED REF. 14725/243; AS RECORDED IN THE DATABASES OF BALTIMORE COUNTY, MD 10<sup>ST</sup> ELECTION DISTRICT

BEGINNING AT A POINT ON THE SOUTH SIDE OF MD ROUTE 145 (PAPER MILL ROAD) WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 0 FEET EAST OF THE CENTERLINE OF THE INTERSECTING STREET MD ROUTE 146 (JARRETTSVILLE PIKE).

THENCE, BINDING ON THE NORTHERNMOST OUTLINE OF PARCEL 217, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID NAD 83 NORTH;

- 1. SOUTH 28 DEGREES 16 MINUTES 58 SECONDS EAST; 260.58 FEET TO A POINT.
- 2. SOUTH 62 DEGREES, 15 MINUTES, 12 SECONDS WEST; 142.57 FEET TO A POINT.
- 3. NORTH 24 DEGREES, 00 MINUTES, 00 SECONDS EAST; 25.15 FEET TO A POINT.
- 4. NORTH 00 DEGREES, 08 MINUTES, 01 SECONDS WEST; 54.79 FEET TO A POINT.
- 5. NORTH 24 DEGREES, 00 MINUTES, 00 SECONDS EAST; 15.00 FEET TO A POINT.
- 6. NORTH 66 DEGREES, 00 MINUTES, 00 SECONDS WEST; 123.24 FEET TO A POINT.
- 7. NORTH 23 DEGREES, 21 MINUTES, 47 SECONDS EAST; 165.90 FEET TO A POINT.
- 8. CURVING TOWARD THE EAST WITH A RADIUS OF 15.00 FEET FOR A DISTANCE OF 23.56 FEET, THE CHORD OF SAID ARC BEING NORTH 68 DEGREES, 21 MINUTES, 47 SECONDS EAST; 21.21 TO A POINT.
- 9. SOUTH 66 DEGREES, 38 MINUTES, 13 SECONDS EAST, 14.80 FEET TO A POINT TO THE PLACE OF BEGINNING.

BEING ALSO KNOWN AS 14243 JARRETTSVILLE PIKE, BALTIMORE COUNTY, AS RECORDED IN THE BALTIMORE COUNTY DATABASE CONTAINING IN ALL 30,002 SQUARE FEET OR 0.689 ACRES OF LAND MORE OR LESS.

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

BALTIMORE COUNTY, MARCHARD

OFFICE OF BIDGET 4 FRANCE

MISCELL ANEOUS RECEIPT

ACCOUNT RECEIPT

AMOUNT SANDER

# The Zening County School of Regulations of Balances Thorny of the Zoning Act and Regulations of Balances County will hold a public hearing in Towson Maryland on the properly identified herein as follows Case: #04-566-A 14243 Jarrettsville Pike S/west side of Paper Mill Road, and s/east side of Jarrettsville Pike 10th Election District — 3rd Councilmanic District Legal Owner(s): Susan Peance, Marvin & Barbara Goldberg, and Wanda Schnider Contract Purchaser: BP North America Products, Inc., Robert Blake, Manager Variance: to permit an Illuminated BP Helios sign in lieu of the non-illuminated signs. To permit a sign 76.49 sq. ft. in area in lieu of the permitted 25 square feet. To perpiit 3 wall mounted sign at 8 sq. ft. Hearing: Wednesday: Jugast 18, 2004 at 18:00 a.m. in Roome.

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.

37 8/607 August 3

### CERTIFICATE OF PUBLICATION

<u> 8/5/</u> , 20 <u>04</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 83,,20 <u>04.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

#### APPEAL SIGN POSTING REQUEST

CASE NO.: 04-566-A

Suzanne Pearce, et at—LEGAL OWNER

14243 Jarrettsville Pike – Monkton

10<sup>th</sup> ELECTION DISTRICT

APPEALED: 9/9/2004

APPEAL ON AMENDED ORDER: 10/4/2004

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

#### **CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204

Attention:

Kathleen Bianco Administrator

CASE NO.: 04-566-A

Petitioner/Developer:

Suzanne Pearce, et al— LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

#### 14243 Jarrettsville Pike – Monkton

The sign was posted on \( \lambda \sqrt{0} \sqrt{1} \\ \gamma \sqrt{2}	, 2004
By: Chen Jerry (Signature of Sign Poster)	
(Printed Name)	

#### APPEAL SIGN POSTING REQUEST

CASE NO.: 04-566-A

Suzanne Pearce, et at-LEGAL OWNER

14243 Jarrettsville Pike - Monkton

10<sup>th</sup> ELECTION DISTRICT

APPEALED: 9/9/2004

APPEAL ON AMENDED ORDER: 10/4/2004

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

### CERTIFICATE OF POSTING

RE: Case No.: 94-566-A

Petitioner/Developer: BP N. AMERICA

PRODUCTS ROBERT BLAKE Date of Hearing/Closing: AUG 18, 2.004 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: 14243 JARRETTSUILLE PIKE The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 3, 2004 Issue - Jeffersonian

Please forward billing to:

Gildea, LLC

300 E. Lombard St., Ste. 1440

Baltimore, MD 21202

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: 04-566-A

14243 Jarrettsville Pike

S/west side of Paper Mill Road, and s/east side of Jarrettsville Pike

10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Susan Pearce, Marvin & Barbara Goldberg, and Wanda Schnider Contract Purchasers: BP North America Products, Inc., Robert Blake, Manager

<u>Variance</u> to permit an illuminated BP Helios sign in lieu of the non-illuminated signs. To permit a sign 76.49 sq. ft. in area in lieu of the permitted 25 square feet. To permit 3 wall mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall mounted sign at 8 sq. ft.

Hearing: Wednesday, August 18, 2004 at 10:00 a.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.

# 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

June 15, 2004

#### **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: 04-566-A

14243 Jarrettsville Pike

S/west side of Paper Mill Road, and s/east side of Jarrettsville Pike

10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Susan Pearce, Marvin & Barbara Goldberg, and Wanda Schnider Contract Purchasers: BP North America Products, Inc., Robert Blake, Manager

Variance to permit an illuminated BP Helios sign in lieu of the non-illuminated signs. To permit a sign 76.49 sq. ft. in area in lieu of the permitted 25 square feet. To permit 3 wall mounted "Shop" signs of 19.34 sq. ft. each in lieu of 1 wall mounted sign at 8 sq. ft.

Hearing: Wednesday, August 18, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, Gildea, 300 E. Lombard St., Ste. 1440, Baltimore 21202 Susanne Pearce, 16909 Pretty Boy Dam Road, Parkton 21120 Robert Blake, BP North America, 281 Torch Parkway, Warrenville, IL 60555

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 3, 2004.

- (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.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

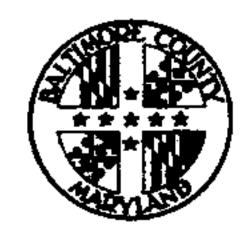
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

Item Number	or Case Number: 04-566-17.
Petitioner:	BP. North Hugana
Address or Lo	ocation: 14243 SAARG-TTESULUG-PLKG
DI EASE COD	NAZADO ADMEDTICIAIO DILETO.
PLEASE FOR Name:	RWARD ADVERTISING BILL TO:
	Gildea LCC 300 E. Lambard St.
Name:	Gildea LCC
Name:	Gildea LCC 300 E. Lambard St.

Revised 2/20/98 - SCJ



#### 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 5, 2004

#### NOTICE OF ASSIGNMENT

CASE #: 04-566-A

IN THE MATTER OF: Pearce, Goldberg, Schnider – Legal Owners; BP North America Products, Inc. – Contract Purchasers 14243 Jarrettsville Pike 10<sup>th</sup> E; 3<sup>rd</sup> C

8/20/04 – DZC's Order in which requested variance relief was GRANTED. 9/22/04 – DZC's Amended Order as requested by Petitioner

This matter has been specially assigned by agreement of Counsel to the following date and time; and has been

#### **ASSIGNED FOR:**

#### THURSDAY, NOVEMBER 18, 2004 at 9:00 a.m.

NOTICE: Please refer to the Board's Rules of Practice & Procedure, Appendix B, 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

: Office of People's Counsel

: M. Singh /BP North America Products, Inc.

Counsel for Petitioners

Petitioners /Legal Owners Petitioner /Contract Purchaser

: Suzanne Pearce, et al

: Sebastian Cross, Esquire

Greg Reed /Bohler Engineering

Joseph Heacock, Jr. James McCoy Glen A. Thomas Betsy Lehmann Pat Eagan

William J. Wiseman III /Zoning Commissioner Timothy M. Kotroco, Director /PDM

Pat Keller, Director /Planning

#### Department of Permits an Development Management

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





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

August 10, 2004

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

Dear Mr. Cross:

RE: Case Number:04-566-A, 14243 Jarrettsville Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 2004.

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.

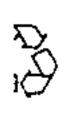
Very truly yours,
U. Callilal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

C: People's Counsel Susanne Pearce 16909 Pretty Boy Dam Road Parkton 21120 BP North America Products, Inc. Robert Blake 281 Torch Parkway Warrenville IL 60555



2/18

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**DATE:** August 3, 2004

AUG - 5 2004

ZONING COMMISSIONER

**SUBJECT:** 

14243 Jarrettsville Pike

**INFORMATION:** 

**Item Number:** 

4-566

Petitioner:

BP North America Products, Inc.

Zoning:

**BM-CR** 

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the height of the proposed sign is reduced to 15 feet to conform with the sign guidelines of the Jacksonville Community Plan (page 27).

Prepared by:

**Division Chief:** 

AFK/II-MAC



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

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.15.04

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

RE:

Baltimore County

Item No. 566

JRA

Dear Ms.Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS / 45. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

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

1. J. Societ



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

June 17, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 14, 2004

Item No.: 3550, 554-557, 559-571

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.

6. 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

October 13, 2004

Sebastian A. Cross, Esquire Gildea, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

Dear Mr. Cross:

RE: Case: 04-566-A, 14243 Jarrettsville Pike

Please be advised that an appeal of the above-referenced case was filed in this office on September 9, 2004. 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 similarity 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,

Muthy Kotroco Timothy Kotroco

Director

#### TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Suzanne Pearce, 16909 Pretty Boy Dam Rd., Parkton 21120 Greg Reed, Bohler Engineering, 810 Glen Eagles Court, Ste. 300, Towson 21286 Joseph Heacock, Jr., 14518 Jarrettsville Pike, Monkton 21111 James McCoy, 11726 Mays Chapel Road, Timonium 21093 Glen A. Thomas, 3806 Donerin Way, Phoenix 21131 Betsy Lehmann, 4104 Green Glade Road, Phoenix 21131 Pat Eagan, 14012 Fox Land Road, Phoenix 21131

#### **APPEAL**

Petition for Variance
14243 Jarrettsville Pike
SW/s of Paper Mill Rd., & SE/s of Jarrettsville Pike
10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: Pearce, Goldberg, Schnider
Contract Purchasers: BP North America Products, Inc.

Case No.: 04-566-A

RECEIVEN

OCT 14 2004

**BALTIMORE COUNTY** 

BOARD OF APPEALS

VPetition for Variance (June 6, 2004)

√Zoning Description of Property

Notice of Zoning Hearing (June 15, 2004)

Certification of Publication (August 3, 2004)

VCertificate of Posting (July 31, 2004) by SSG Robert Black

Entry of Appearance by People's Counsel (June 23, 2004)

Petitioner(s) Sign-In Sheet - One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None / Alet

Zoning Advisory Committee Comments 8-10-04

✓ Petitioners' Exhibit

Site Plan to accompany petition for Hearing

√2. Site Plan to accompany petition for

√Protestants' Exhibits:

None

✓ Miscellaneous (Not Marked as Exhibit)
None

✓ Deputy Zoning Commissioner's Order (GRANTED - August 20, 2004)

Notice of Appeal received on September 9, 2004 from People's Counsel of Baltimore County

✓Deputy Zoning Commissioner's Amended Order (GRANTED – September 22, 2004)

Notice of Appeal on Amended Order received on October 4, 2004 from People's Counsel

C: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Sebastian Cross, Gildea, LLC, 300 E. Lombard St., Ste 1440, Baltimore 21202
Suzanne Pearce, 16909 Pretty Boy Dam Rd., Parkton 21120
Greg Reed, Bohler Engineering, 810 Glen Eagles Court, Ste. 300, Towson 21286
Joseph Heacock, Jr., 14518 Jarrettsville Pike, Monkton 21111
James McCoy, 11726 Mays Chapel Road, Timonium 21093
Glen A. Thomas, 3806 Donerin Way, Phoenix 21131
Betsy Lehmann, 4104 Green Glade Road, Phoenix 21131
Pat Eagan, 14012 Fox Land Road, Phoenix 21131

date sent October 13, 2004, klm

SEBASTIAN CROSS, ESQUIRE GILDEA, LLC 300 EAST LOMBARD STREET SUITE 1440 BALTIMORE, MD 21201 ATTORNEY FOR PETITIONER

BOHLER ENGINEERING 810 GLEN EAGLES COURT STE 300 TOWSON MD 21286

GREG REED

SUZANNE PEARCE, ET AL 16909 PRETTY BOY DAM ROAD PARKTON, MD 21120 OWNERS M SINGH
BP NORTH AMERICAN PRODUCTS INC.
281 TORCH PARKWAY
WARRENVILLE IL 60555
LESSEE

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

#### MINUTES OF DELIBERATION

IN THE MATTER OF:

Pearce, Goldberg, Schnider - Legal Owners

BP North American Products, Inc. -C.P.

14243 Jarrettsville Pike Case No.: 04-566-A

DATE:

November 18, 2004

**BOARD/PANEL:** 

Lawrence M. Stahl

Margaret Brassil

LMS

MB

Donald L. Mohler III

DLM

**RECORDED BY:** 

Theresa R. Shelton / Legal Secretary

**PURPOSE:** 

To deliberate the Petition for Variance filed by Susan Pearce, Barbara Goldberg, Marvin Goldberg and Wanda Schnider, through their attorney, Sebastian Cross, Esquire, requesting to permit an illuminated BP Helios sign ilo non-illuminated signs; to permit a sign 76.49 sq ft ilo req'd 25 sq. ft.; and to permit 3 'wall mounted' SHOP signs of 19.34 sq. ft. each ilo

req'd 1 wall mounted sign at 8 sq. ft.

#### PANEL MEMBERS DISCUSSED THE FOLLOWING:

Section 450, Signs [Bill No. 89-1997] 450.6 General sign requirements

- ✓ The specific signage regulations for a district created pursuant to Section 259 are applicable to the extent that they impose more stringent requirements than Section 450.
- Signs and displays. Signs are permitted, subject to Section 450 and the following additional restrictions: [Bill No. 89-1997
  - a. Only one wall-mounted enterprise sign which does not project more than six inches from the building and does not have a surface area exceeding eight square feet is permitted.
  - b. Only one freestanding enterprise sign with a surface area of no more than 25 square feet per side is permitted. The sign shall be integrated with the landscaping, and the location shall be approved by the Director of the Office of Planning
  - c. No sign shall be illuminated unless approved by the Zoning Commissioner after a hearing.
  - d. Display of goods, vehicles and equipment is permitted in the front yard, but not more than five feet in front of the required front building line.

FILE COPY

- ✓ Uncontraverted Variance both by location and law placed it
- ✓ Petitioner has submitted enough information to find the location unique
- ✓ Practical Difficulty site lines; lay of land
- ✓ Elimination of shop signs
- ✓ 28 instead of 25
- ✓ previously approved by the Zoning Commissioner

**DECISIONS BY BOARD MEMBERS:** Unanimous decision by the panel to grant the Variance.

FINAL DECISION: That the Petition for Variance filed by Susan Pearce, Barbara Goldberg, Marvin Goldberg and Wanda Schnider, through their attorney, Sebastian Cross, Esquire, requesting to permit an illuminated BP Helios sign ilo non-illuminated signs; to permit a sign 76.49 sq ft ilo req'd 25 sq. ft.; and to permit 3 'wall mounted' SHOP signs of 19.34 sq. ft. each ilo req'd 1 wall mounted sign at 8 sq. ft. is 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,

Theresa R. Shelton

County Board of Appeals

PETITION FOR VARIANCE RE:

14243 Jarrettsville Pike; SW/side of Paper

Mill Road SE/side of Jarrettsville Pike

10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s):Susanne G Pearce, Barbara L\*

& Marvin W Goldberg, Jr, Wanda Schnider

Contract Purchaser(s): BP North America

Products, Inc, Robert Blake, Zoning & Dev Mgr

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

04-566-A

#### 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 ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED
JUN 2 3 2004

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 23<sup>rd</sup> day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Gildea, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





#### OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

October 4, 2004

CAROLE S. DEMILIO 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 VARIANCE

SW/S of Paper Mill Road & SE/S of Jarrettsville Pike

(14243 Jarrettsville Pike)

10<sup>th</sup> Election District; 3<sup>rd</sup> Council District

Susanne G Pearce, Barbara L. Goldberg, Marvin Wayne Goldberg, Jr & Wanda Schnider, Legal Owners and BP North America Products, Inc Contract Purchaser- Petitioner(s)

Case No.: 04-566-A

Dear Mr. Kotroco:

This letter is to serve as a supplemental appeal of the Amended Order dated September 22, 2004. We are filing this supplemental appeal to accompany the appeal we filed on September 9, 2004 of the Findings of Fact and Conclusions of Law dated August 20, 2004 by 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.

RECEIVED

CC: 64 2004

Very truly yours,

Lee Max dimmeenan pour Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

Sebastian Cross, Esquire cc:

> Mr. James V. McCoy Ms. Betsy Lehmann

#### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

February 15, 2005

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

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
04-566-A	04-566-A	PEARCE, GOLDBERG, SCHNIDER	PAPER MILL ROAD AND JARRETTSVILLE PIKE

BP NORTH AMERICA

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

#### GILDEA, LLC

DAVID K. GILDEA DAVIDGILDEA@GILDEALLCCOM

SEBASTIAN A. CROSS SCROSS@GILDEALLCCOM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

STUART W.CON SCOX@GILDEALLCCOM

#### 300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com



August 30, 2004

Mr. John V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Avenue, 4th Floor
Towson, MD 21204

Re: BP North America Products, Inc./14243 Jarrettsville Pike

Case No.: 04-566-A

Dear Commissioner Murphy:

As discussed with you previously, it appears in viewing your decision dated August 20, 2004 for the above referenced case that an omission may have been made in the language of your final Order.

In particular, on page two of the decision, reference is made to a requested amendment seeking to change the Variance from 76.49 square feet for the freestanding sign to 85.51 square feet. Although this 85.51 square foot amended request is repeated throughout the decision as the new Variance sought, the eventual language in the Order portion of the decision refers back to the original 76.49 square foot request. We believe this section of the Order contained in the second enumerated line of the Order paragraph in your decision may have been committed in error.

As such, BP North America Products, Inc. respectfully request an amended Order be issued to change the permitted square footage for the freestanding feet from 76.49 square feet to the requested 85.51 square feet. Please contact this office if there is any additional information you require. We thank you in advance for your attention to this matter. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: dls

Mohinder Singh, BP North America Products, Inc.

Gregory H. Reed, Bohler Engineering

David K. Gildea, Esquire

PLEASE PRINT CLEARLY

CASE NAME 14243 Janua CASE NUMBER 041566-6 DATE 8/18/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
GREG REED 1	BOHLER BYGINEERING P.C Sto GLEN EAGLES OF STE 300		greed & BOHLERENG COM
Joseph WHEncock	12/8 JAKRET	Le MenktonMozull	
Sehasfun Cross	301 E. Lonhad Sur 1940	1202 MM 21202	Scrosse gildralle can

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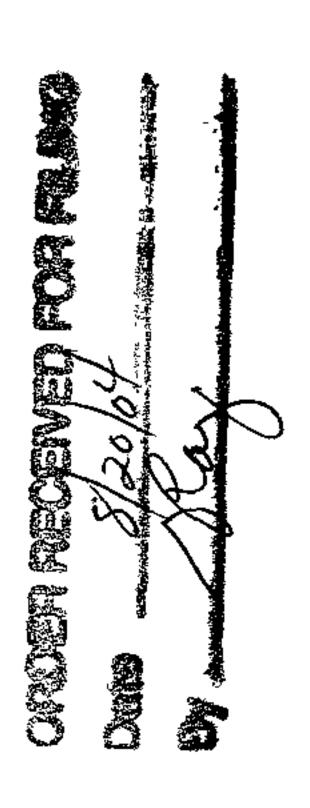
CASE NAME 14 245 (WINDER VILLE)
CASE NUMBER 04-506-A TUE
DATE 8/18/04

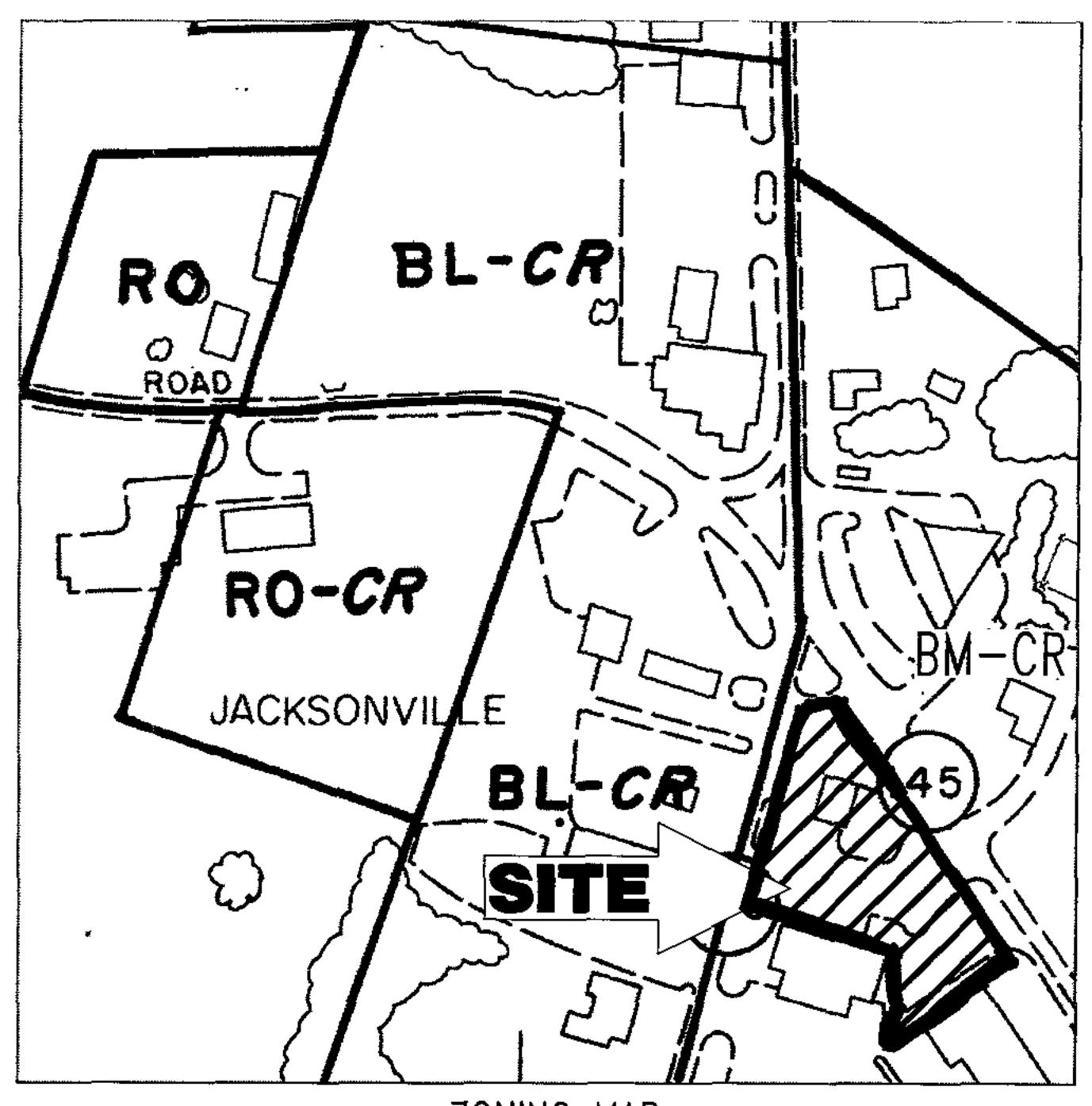
CITIZEN'S SIGN-IN SHEET

SN Wordshift ADDRESS CITY, STATE, ZIP E-MAIL	HAVE BRIETO MAD 21219	120 2002 11 1000 12	Non Dhuniy MD 2/13/	34 Arean Alake (Re) 1 Sheering Mitsall 31 Ehlnnasal.	4 MV 21131 Wall somma	Granter D. Rein my 200 MANY Clock 12								
Share sugaring	あるかのないのう	くのからいいのと	Glen A. Thomas	Jetsy Lamnamme.	With Filler	Bulllond								

pillar-style of mounting be used (Figure 6).

- 4. The height of freestanding signs is limited to 15 feet above the nearest curb elevation.
- 5. Complexes of shops or offices should use building or center names, e.g., Manor Center, or street numbers for ease of identification of businesses rather than extensive directories.
- 6. All signs must be set back at least 15 feet from face of curb, so that a driver's vision is not impaired.
- 7. Window signs may not exceed 20% of glass area.
- 8. Lighting must be shielded from vehicular and pedestrian traffic and directed away from neighboring sites. Light intensity should not exceed 75 foot-candles at the sign face. Back lighting shall be discouraged, but if necessary, it shall be limited to name lettering and logo only.
- 9. Lighting must be shielded in such a way as to avoid unnecessary illumination of the night sky. Sign lighting should be directed from overhead and be directed generally downward, and should be no brighter than necessary, especially when businesses are closed.
- 10. Temporary commercial signs should be limited to one per road frontage, with a maximum size of 25 square feet, and may remain in place for a maximum of 30 days within any 120-day period.
- 11. Exterior free-standing signs advertising specific products are prohibited.
- 12. Cigarette advertising on outdoor signs is strictly prohibited.
- 13. A business directory sign at a shopping center is permitted if absolutely necessary, although not recommended. It should meet general signage requirements, be of a dark, earthtone background with white lettering, located at each entrance of a shopping center, with one line per business to a maximum of five lines. Illumination shall meet other stated requirements and be confined to the face of the sign. Changeable copy space should be limited to no more than two lines incorporated into the directory and not freestanding (e.g., see Figure 5).
- 14. All abandoned or discontinued signs shall be removed from the premises within 30 days by the owner.
- 15. Signs advertising special events may be posted ahead of the event and must be removed at the close of the event.





ZONING MAP SCALE: 1"=200"

