

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, C. E. Kimmel & Co., legal owner 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 235.2 to permit a rearward setback of 9 feet in lieu of the required 30 feet

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

The demands of our customers require this minimum expansion to improve our facilities. There is no other practical way to develop this property.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance as recited, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

C. E. Kimmel & Co.
Contract purchaser
Address: 505 Lane Street
Baltimore, Md. 21204
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County this 14th day

of December 1970, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of January 1971, at 10:00 o'clock.

Edward S. Hardisty
Zoning Commissioner of Baltimore County.

(over)

MCA

MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301/823-0900

DESCRIPTION

0.17 ACRE PARCEL, 97 FEET SOUTHWEST OF YORK ROAD, 1000 FEET, MORE OR LESS, SOUTHEAST OF WEST AVENUE, NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for Yard Variance
Kimmel Tire Shop on York Road

Beginning for the same at the beginning of the fourth line of the land conveyed to Charles R. Kimmel and others, in Liber O.T.G. 4860, page 518, said point being distant S 73° 10' N 97.00 feet from a point on the southwest side of York Road, said last mentioned point being distant 1000 feet, more or less, as measured southeasterly along the southwest side of York Road from the south-out side of West Avenue, running thence, binding on the fourth and first lines of said deed, two courses: (1) S 14° 45' 00" E 74.50 feet, and (2) S 75° 45' W 57 feet, more or less, to the beginning of the land conveyed to Charles R. Kimmel and others in Liber O.T.G. 5090 page 532, thence binding on the first and second lines of said last mentioned land, two courses: (3) S 63° 31' 00" W 35.00 feet, and (4) N 27° 23' 30" W 79 feet, more or less, thence binding on the third line of said last mentioned land and running to and continuing to bind on the third line of said first mentioned land, (5) N 73° 30' 00" E 109 feet, more or less.

We Supply Sewerage Drainage Highways Structures Developments Planning Reports

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MATZ, CHILDS & ASSOCIATES, INC.

to the place of beginning
Containing 0.17 acres of land, more or less.

TPD:mp J.O. #70139 September 11, 1970

C. E. Kimmel & Co.
205 Lane Street
Baltimore, Maryland 21204
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received and accepted for filing this 14th day of December, 1970
Edward S. Hardisty
Zoning Commissioner
Petitioner: C. E. Kimmel & Co.
Petitioner's Attorney: *Edward S. Hardisty*
Reviewed by: *Edward S. Hardisty*
Chairman of the Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 24, 1970

C. E. Kimmel & Co.,
505 Lane Street
Baltimore, Maryland 21204

RE: Type of Hearings: Variance to permit rear yard setback
Location: SW/4 of York Rd., 250' NW of Fairmount Ave.
Petitioner: C. E. Kimmel & Co.
Committee Meeting of October 27, 1970
5th District
Item 56

Comments:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a three-bay service area for the Kimmel tire company. The property to the north is improved with a used car lot and several commercial structures. The property to the east is improved with a motel, restaurant, and service station. The property to the south is improved with an automatic car wash and the used car lot for Towson Ford. The property to the west is improved with the Towson Junior High School athletic field. York Road in this location is partially improved with concrete curb and gutter.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

York Road (U.S. 111) is a State road; therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission requirements.

The status of the land contiguous to the southernmost outline of the subject site is unknown. It appears to be a strip of land 35 feet wide, at sometime known as Gerard Road. However, there is indication that this strip of land is a part of the Baltimore County Board of Education property.

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west of the subject site (Towson Junior High School), Baltimore County has utility easement rights within "Gerard Road" (for 55-264) and a public water main was extended therein (Drawing 55-1213, A-44b).

The car wash operation to the south is utilizing this strip of land as its entrance from York Road. The submitted plan suggests that the petitioner may be considering possible additional use of the strip of land as his means of ingress and/or egress.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public buildings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permit.

Storm Drains:

Provision for accommodating storm water or drainage have not been indicated on the submitted plan.

York Road (U.S. 111) is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewers:

Both public water supply and sanitary sewerage are available to serve this property.

No encroachment by construction of any structure or footings, retaining walls, etc. will be permitted over the aforesaid 35-foot wide utility easement (for 55-264). The protection of any utilities contained therein, and any damage sustained, would be the full responsibility of the petitioner.

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DEPT. OF TRAFFIC ENGINEERING:

The subject petition appears to provide parking as required by the Baltimore County Zoning Regulations. However, based on a field inspection of the subject site, there is not sufficient parking and the petitioner is presently using a parking lot across the street.

FIRE DEPARTMENT:

Owner shall be required to comply with all applicable requirements of the Fire Prevention Code and the 101 Life Safety Code, 1967 edition, when construction plans are submitted for approval.

BOARD OF EDUCATION:

No bearing on student population.

BUILDINGS ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of Baltimore County Building Code and regulations when plans are submitted.

STATE ROADS COMMISSION:

The subject plan must clearly indicate if there is to be access to the site by way of Gerard Ave., a road which is adjacent to the south side of the property.

It is our opinion that a hearing date should not be assigned until such time as the matter is clarified and the plan is revised.

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as the petitioner submits revised drawings in accordance with the State Roads Commission's comments in the foregoing. If the petitioner requests access to Gerard Avenue, some type of improvement would have to be done to this road as required by the Bureau of Engineering and State Roads Commission.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:BD
Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: November 13, 1970
FROM: Ian J. Forrest
SUBJECT: Item 56 - Zoning Advisory Committee Meeting, October 27, 1970

56. Property Owner: C. E. Kimmel and Co.
Location: SW/4 of York Road 250' NW of Fairmount Ave.
Present Zoning: BR
Proposed Zoning: Variance from 238.2 rear yard District: W
No. Acres: 0.17

Public water and sewers are available.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

John J. Forrest
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJF/ca

03-17-71

[illegible]

EXIST. ZONING BR W/SPECIAL EXCEPTION
USED CAR SALES

EXIST. ZONING PUBLIC LANDS
TOWSON TOWN JR. HIGH SCHOOL

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *W. D. Quincy*
DATE: *4/1/71*

NEW PAVING TO BE 4" CEMENT RUN STONE BASE
W/ 2" BITUMINOUS CONCRETE TOPPING
TOTAL AREA OF PROPERTY 17200 SF

PARKING DATA
SQUARE FEET DETAIL 600' x 100' = 3 1/2 A.
SQUARE FEET SHOP 4200' x 100' = 15 1/2 A.
PROVIDED - EXTERIOR - 10 7/8 TOTAL
INTERIOR - 1 1/8 TOTAL PROVIDED
9TH DISTRICT



SECTION THRU CURVED RAMP (CONTINUED)
(FOR DIMENSIONS & DIMEN. SEE SET 44-10-52)

SITE PLAN
CE KIMMEL AND COMPANY
YORK ROAD - TOWSON MD
LAWRENCE CONSTRUCTION CO., INC.
5710 BELLONA AVE.
BALTIMORE, MD. 21212
DWG SAI DRAWN BY: SCS CHECKED: AGM SCALE 1" = 20' 3/2/71

