

75-82-XA (Item No. 23) PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Charles R. Kinstler and Vera Kinstler, 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone, for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, 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.

Leroy M. Merritt, Lessee
Patrick Auto Painting, Inc.
Ronald D. Rudic, Contract purchaser
sub-leasee
Address: _____

Charles R. Kinstler
Vera Kinstler
Legal Owner
Address: _____

W. Lee Harrison, Petitioner's Attorney
Address: 601 Equitable Building, Towson (21204)
823-1200

Protestant's Attorney
Address: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____, 1974, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1974, at _____ o'clock.

Eric D. Nenna
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Charles R. Kinstler and Vera Kinstler, 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 408.2(b)(5) of the Zoning Code to permit _____ a total of 3" parking spaces instead of the required 40 spaces (a variance _____ of 18 spaces).

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

Practical Difficulty. This is a consumer oriented establishment with the normal associated volume of traffic. Vehicles on the site will remain within the building for the proposed operation and the necessity for exterior parking would be for employees only.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, 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.

Leroy M. Merritt, Lessee
Patrick Auto Painting, Inc.
Ronald D. Rudic, Contract purchaser
sub-leasee
Address: _____

Charles R. Kinstler
Vera Kinstler
Legal Owner
Address: _____

W. Lee Harrison, Petitioner's Attorney
Address: 601 Equitable Building, Towson (21204)
823-1200

Protestant's Attorney
Address: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____, 1974, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1974, at _____ o'clock.

Eric D. Nenna
Zoning Commissioner of Baltimore County.

(over)



DESCRIPTION

0.47 ACRE PARCEL, MORE OR LESS, EAST OF HOLLINS FERRY ROAD, NORTHWEST OF BALTIMORE WASHINGTON EXPRESSWAY, THIRTEENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR "ML ZONING WITH SPECIAL EXCEPTION AND PARKING VARIANCE"

Beginning for the same at a point on the third or N 86° 49' 54" E 800.63 foot line of the land as described in the lease agreement to Leroy M. Merritt dated July 26, 1972 and recorded among the Land Records of Baltimore County in Liber O. T. G. 5319 page 435, said point of beginning being distant N 86° 49' 54" E 120 feet, more or less, from the beginning of said third line, said last mentioned point being distant southerly 332 feet, more or less, from the intersection of the northeast side of Hollins Ferry Road with the center line of Gebb Avenue, running thence binding on part of said third line, (1) N 86° 49' 54" E 64 feet, more or less, thence three courses: (2) S 03° 10' 06" E 70 feet, more or less, (3) S 11° 31' 16" E 318 feet, more or less, and (4) S 46° 08' 01" E 48 feet, more or less, to a point in the seventh or S 43° 51' 59" W 258.725 foot line of the land as mentioned in said lease agreement, thence binding on part of said seventh line, (5) S 43° 51' 59" W 45 feet, more or less, thence five courses:

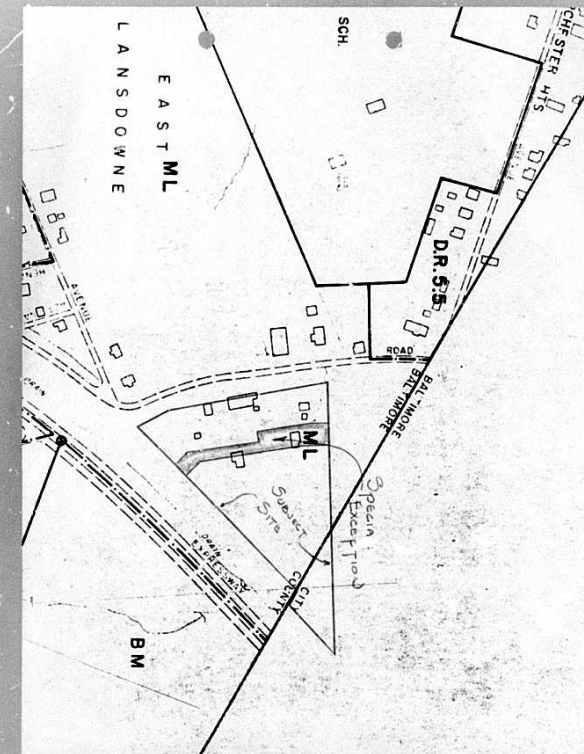
(6) N 46° 08' 01" W 38 feet, more or less, (7) N 11° 31' 16" W 218.7 feet, more or less, (8) S 78° 28' 44" W 30 feet, more or less, (9) N 11° 31' 16" W 163.3 feet, more or less, and (10) N 03° 10' 06" W 48 feet, more or less, to the place of beginning.

Containing 0.47 of an acre of land, more or less.

MDier

J.O. # 174030

June 20, 1974



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 3, 1974
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition 75-82-XA. Petition for Special Exception for Garage, Service Petition for Variance for Off-Street Parking. East side of Hollins Ferry Road 332 feet, more or less, South of Gebb Avenue. Petitioner - Charles R. and Vera Kinstler

13th District

HEARING: Thursday, October 17, 1974 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

A service garage could be consistent with the character of the surrounding uses.

The parking requirements should be considered minimum and variances thereto should not be granted except that rare case wherein the petitioner can show a genuine practical difficulty or unreasonable hardship.

William D. Fromm
William D. Fromm
Director of Planning

VDF:NEG:rw

2-SIGNS

75-82-XA

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: Sept. 23, 1974
Posted for: Petition for Special Exception & Variance
Petitioner: Charles R. Kinstler
Location of property: E/S of Hollins Ferry Rd. 332' S of Gebb Ave.
Location of Signs: E/S of Hollins Ferry Rd. 75' S of Gebb Ave.
Remarks: IN EXISTING PARKING AREA
Posted by: Thomas E. Holland Date of return: Oct. 4, 1974

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met.

the above reclassification should NOT BE HAD, and/or the Special Ex., on should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of October, 1974, that the herein described property or area should be and the same is hereby granted a Special Exception for a Garage, Service, should be and the same is granted, from and after the date of this order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Ex., on should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of October, 1974, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit 22 off-street parking spaces in lieu of the required 40 spaces should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of October, 1974, that the herein Petition for a Variance to permit 22 off-street parking spaces in lieu of the required 40 spaces should be and the same is GRANTED, from and after the date of this order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of October, 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1974

W. Lee Harrison, Esq.
601 Equitable Building
Towson, Maryland 21204

RE: Variance Petition
Item #3
Charles R. Kinastler and Vera
Kinastler - Petitioners

Dear Mr. Harrison:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the east side of Hollins Ferry Road, approximately 100 feet north of the Baltimore Washington Expressway, in the 13th Election District of Baltimore County. It is presently improved with an existing one-story masonry warehouse and a small service garage.

Various warehouse and service garage uses exist opposite the site on Hollins Ferry Road. The easternmost portion of the property extends into Baltimore City.

The petitioner is requesting a Special Exception to permit an automobile paint shop and proposes to establish this use within a portion of the

W. Lee Harrison, Esq.
Re: Item #3
September 16, 1974

existing warehouse structure.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: MCA
1020 Cromwell Bridge Road
Towson, Maryland 21204

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Bureau of Engineering
ELLSWORTH M. DYER, P. E., CHIEF

August 19, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #23 (1974-1975)
Property Owner: Charles R. & Vera Kinastler
T/W of Hollins Ferry Rd., W/W of Balto. Wash. Expressway
Existing Zoning: W-1
Proposed Zoning: Special Exception for Automobile Paint Shop, Variance from Section 109.2(b) (5) of the Zoning Code to permit a total of 22 parking spaces instead of the required 40 spaces.
No. of Acres: 0.17 District: 13th

Dear Mr. DiNenna:

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.

General:

Baltimore County utilities and highway requirements are as secured by Public Works Agreement #137206 and/or stipulated in the formal comments supplied the Petitioner July 17, 1972 in connection with Commercial Building Permit #134-72, which are referred to for consideration.

It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

ELLSWORTH M. DYER, P.E.
Chief, Bureau of Engineering

END:EAH:PAR:as

0-35 Key Sheet
17 & 18 SW 6 Pos. Sheets
SW 5 B Topo
109 Tax Map



W. Lee Harrison, Esq.
601 Equitable Building
Towson, Maryland 21204

July 31, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: Mr. James B. Byrnes, III

Re: Z.A.C. meeting, July 30, 1974
Item #23 Property Owner: Charles R. & Vera Kinastler
Location: E/W of Hollins Ferry Road, W/W of Balto., Wash. Expressway, Existing Zoning: M-1, Proposed Zoning: Special Exception for Automobile Paint Shop
Variance from section 409.2 (b) (5) of the zoning code to permit a total of 22 parking spaces instead of the required 40 spaces. No. of Acres: 0.17
District: 13th
BALTIMORE WASHINGTON EXPRESSWAY

Dear Mr. DiNenna:

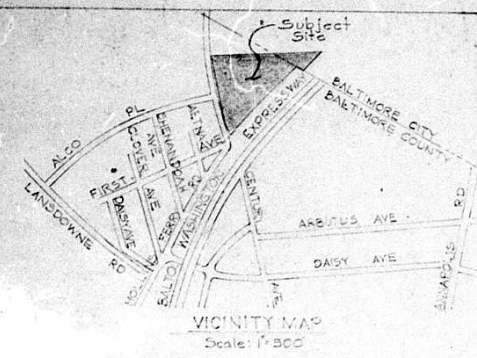
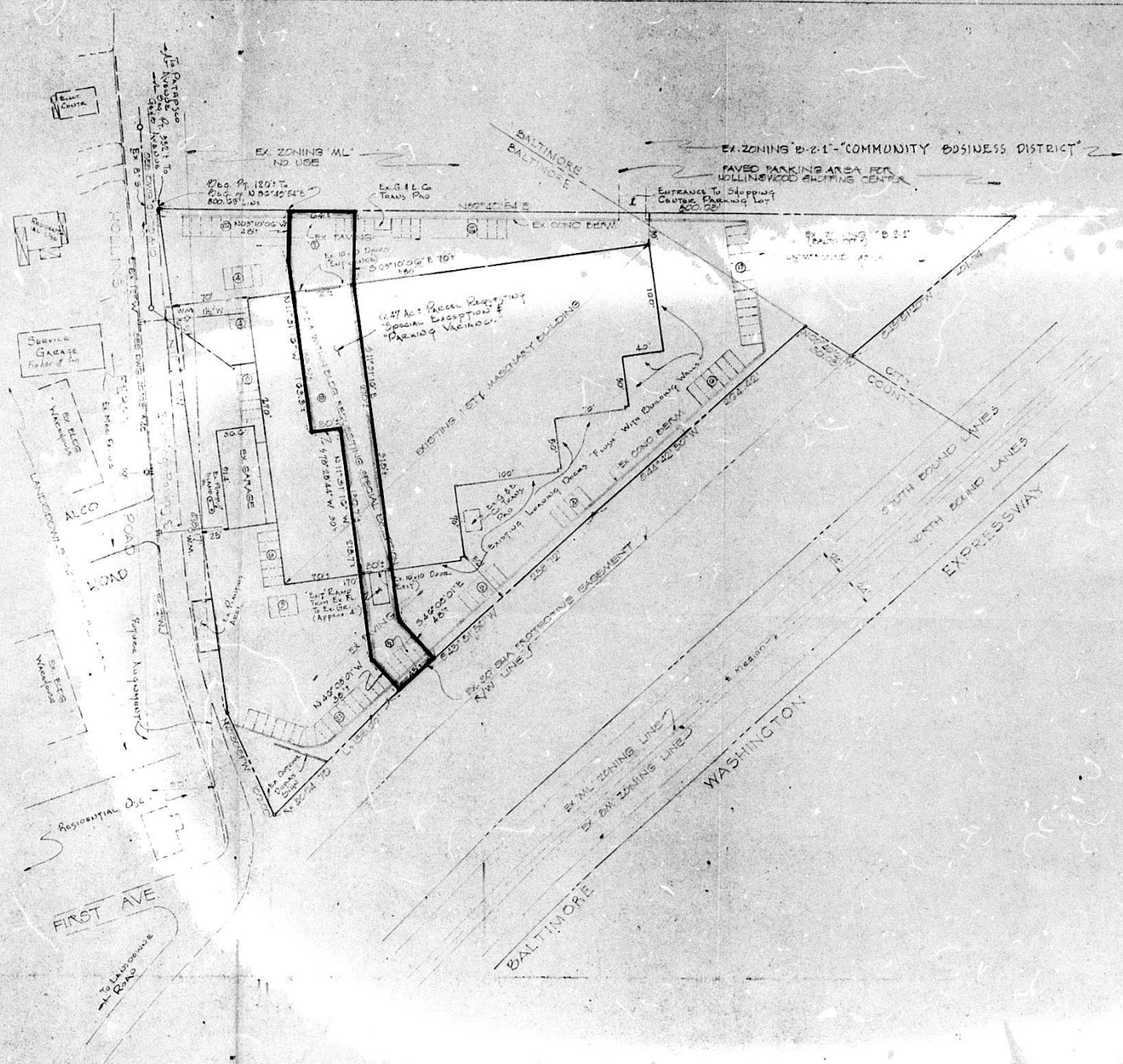
The subject proposal should have no adverse effects on the State Highway.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:jn





1. TOTAL AREA OF PROPERTY EQUALS 4.000 AC.
2. EXISTING ZONING OF PROPERTY (BALTO. CO.) IS D-2-1.
3. EXISTING USE OF PROPERTY (BALTO. CO.) IS SERVICE GARAGE.
4. AREA OF PROPERTY IS 4.000 AC. (SPECIAL EXCEPTION - 0.47 AC.)
5. PROPOSED ZONING OF PROPERTY IS D-2-1 (BALTO. CO.) WITH SPECIAL EXCEPTION & PARKING VARIANCE & 100' (BALTO. CITY).
6. PROPOSED USE OF PROPERTY IS PAINT SHOP.
7. OFF-STREET PARKING DATA:
 - A. AREA OF BUILDING IN WAREHOUSE USE EQUALS 60,000 SQ. FT.
 - B. NUMBER OF EMPLOYEES IN WAREHOUSE AREAS EQUALS 60 (100' x 100' x 10' = 1,000,000 CU. FT. / 16,667 = 60 EMPLOYEES).
 - C. AREA OF BUILDING IN EXISTING SERVICE GARAGE EQUALS 10,000 SQ. FT. (100' x 100' = 10,000 SQ. FT.).
 - D. AREA OF BUILDING FOR PAINT SHOP IS 10,000 SQ. FT. (100' x 100' = 10,000 SQ. FT.).
 - E. TOTAL SPACES REQUIRED EQUALS 71.
 - F. NUMBER OF SPACES PROVIDED IN PAINT SHOP EQUALS 10.
 - G. NUMBER OF SPACES PROVIDED IN SERVICE GARAGE EQUALS 100.
 - H. TOTAL NUMBER OF SPACES PROVIDED EQUALS 110.
8. ALL PAINT WORK WILL BE DONE WITHIN THE BUILDING.
9. HOURS OF OPERATION WILL BE FROM 8:00 AM TO 5:00 PM.
10. AVERAGE WORK LOAD WILL BE 100 CARS PER DAY.
11. ANY CARS LEFT OVER NIGHT WILL BE STORED IN THE BUILDING (MINIMUM OF 10 SPACES).
12. PETITIONER IS REQUESTING A VARIANCE TO SECTION 1002(b)(5) OF THE ZONING CODE TO PERMIT A TOTAL OF 22 PARKING SPACES INSTEAD OF THE REQUIRED 40 SPACES (A VARIANCE OF 18 SPACES).

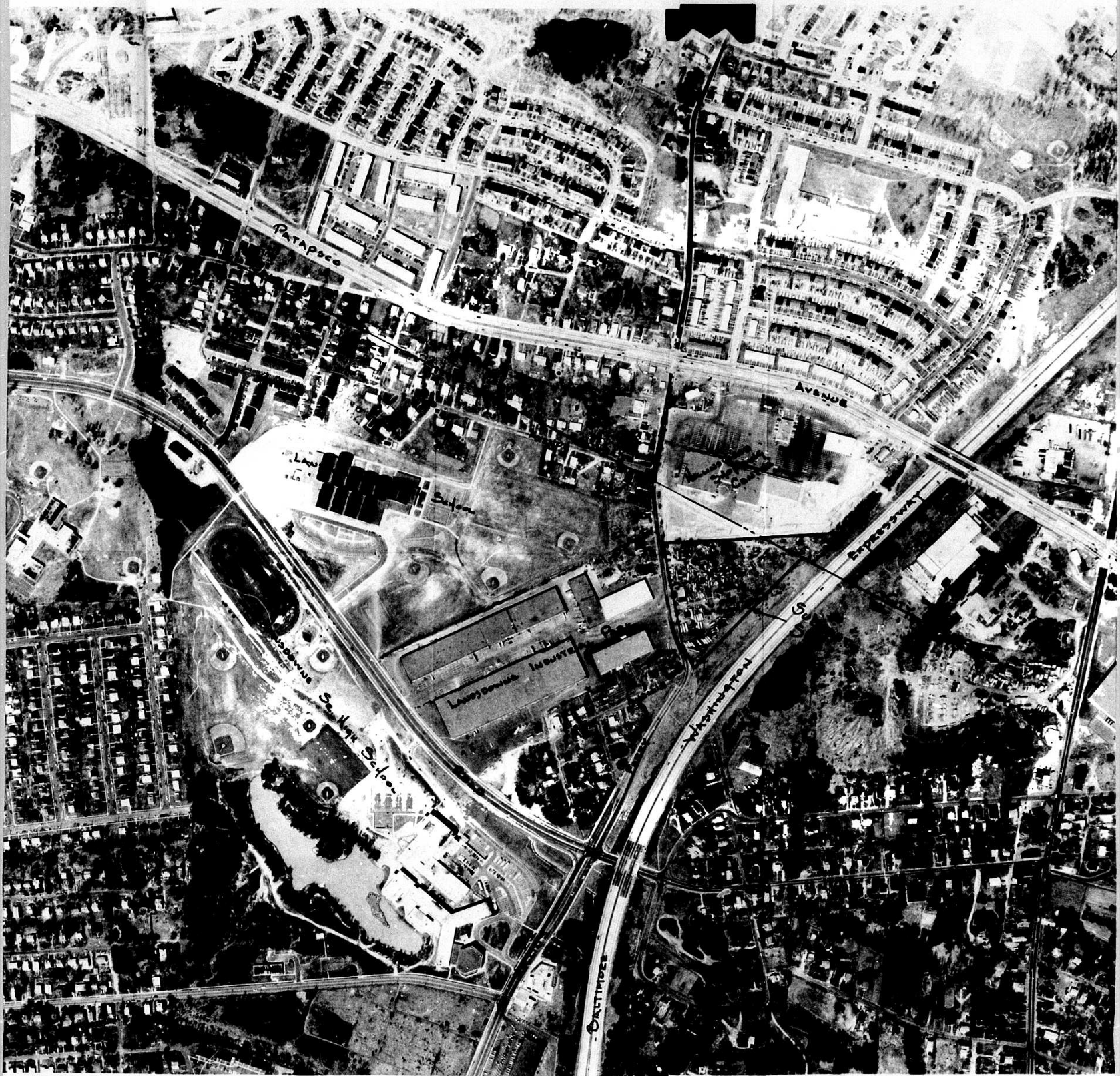
PETITIONER'S EXHIBIT No 1

PLAN TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION & PARKING VARIANCE
PORTION OF PROPERTY VICINITY
HOLLINS FERRY RD & FIRST AVE

Election District No. 13 Baltimore County Md.
Scale: 1" = 50' JUNE 5, 1974



MDA DOD



13- 4

Scale: 1" = 200'
PETITIONER'S EXHIBIT N^o 8