

76-156-A 12/1 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Kimmel Tire Company, 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 232.3b to permit a rear yard setback of 3', in lieu of the required 20 feet.

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

Business has grown, we can expand only by adding to existing building as shown on plans.

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 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.

DATE January 23, 1976
 ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of January, 1976, 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 18th day of February, 1976, at 7:15 o'clock.

Zoning Commissioner of Baltimore County.

(over)



February 17, 1976

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

Re: Item #121 (1975-1976)
 Property Owner: Kimmel Tire Co.
 S/W of Reisterstown Rd., 194.59' N/W of Milford Mill Rd.
 Existing Zoning: DR 5.5 and BL-CS1
 Proposed Zoning: Variance from Sec. 232.2b to permit a rear yard setback of 3' in lieu of the required 20'.
 District: 3rd

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.

Highways:

Reisterstown Road (Md. 140) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The alley adjacent to this site is for residential use only. Therefore, the Petitioner shall provide means to prevent ingress or egress of vehicular traffic for this site. The submitted plan should be revised to indicate this existing alley.

Sediment Control:

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

Storm Drains:

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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 Southwest side of Reisterstown Rd.,
 194.59 feet Northwest of Milford Mill Rd.,
 3rd District : OF BALTIMORE COUNTY
 KIMMEL TIRE COMPANY, Petitioners : Case No. 76-156-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated the refore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
 Charles E. Kountz, Jr.
 Deputy People's Counsel

John W. Hession, III
 John W. Hession, III
 People's Counsel
 County Office Building
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Kimmel Tire Company, 505 Kane Street, Baltimore, Maryland 21224, Petitioners.



Item #121 (1975-1976)
 Property Owner: Kimmel Tire Co.
 Page 2
 February 17, 1976

Storm Drains: (Cont'd)

to improper grading or improper installation of drainage facilities would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving this property. It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

Ellsworth N. Diver
 ELLSWORTH N. DIVER, P.E.
 Chief, Bureau of Engineering

END:EAM:FWR:SS

cc: Wm. Munchel

O-SW Key Sheet
 24 NW 19 Pos. Sheet
 NW 7 E Topo
 78 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 9, 1976
 FROM: William D. Fromm, Director of Planning
 SUBJECT: Petition #76-156-A, Petition for a Variance for a Rear Yard S/W of Reisterstown Road, 194.59 feet N/W of Milford Mill Road. Petitioner - Kimmel Tire Company.

3rd District

Hearing: Wednesday, February 18, 1976 at 7:15 P.M.

There are no comprehensive planning factors requiring comment on this petition at this time.

William D. Fromm
 WILLIAM D. FROMM
 Director of Planning

WDF:JGH:mjs



Beginning at a point on the SW side of Reisterstown Road, said point being 194.59 feet NW of Milford Mill Road, thence running southwesterly for approximately 135' 0" (N 58° 54' 30" E), running thence northwesterly at a right angle (S 31° 05' 30" E), for a distance of 70' 0", running thence northeasterly for a distance of 135' 0" (S 58° 54' 30" W); thence running southeasterly for a distance of 70' 0" (N 31° 05' 30" W), back to the beginning point.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

MAY 20 1976

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 Petitioner.

the above 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 a rear yard setback of three (3) feet in lieu of the required twenty (20) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of February, 1976, that the herein Petition for the aforementioned Variance 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 day of 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



STEPHENE COLLINS
DIRECTOR

January 8, 1976

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

Re: Item 121 - ZAC - December 30, 1975
Property Owner: Kimmel Tire Co.
Location: SW/S of Reisterstown Rd. 194.59' NW of Milford Mill Rd.
Existing Zoning: DR 5.5 & BL-C51
Proposed Zoning: Var. from Sec. 232.2b to permit a rear yard setback of 3' in lieu of the required 20'
No. of Acres: 121
District: 3rd

Dear Mr. DiNenna:

No problems are anticipated by the requested variance to a rear yard setback.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate

MSF:nc



Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

January 8, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. Franklin Hoggans

Dear Mr. DiNenna:

The existing entrance is acceptable to the State Highway Administration.

Re: Z.A.C. Meeting, December 30, 1975
ITEM: 121
Property Owner: Kimmel Tire Co.
Location: SW/S of Reisterstown Rd. (Route 140) 194.59' NW of Milford Mill Rd.
Existing Zoning: DR 5.5 & BL-C51
Proposed Zoning: Variance from Sec. 232.2b to permit a rear yard setback of 3' in lieu of the required 20'
No. of Acres: 121
District: 3rd

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:vr

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 23, 1976

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. Hoggans
Chairman

Kimmel Tire Company
505 Kane Street
Baltimore, Maryland 21224

RE: Variance Petition
Item 121
Kimmel Tire Company - Petitioner

Gentlemen:

The Zoning Plans 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 southwest side of Reisterstown Road, 194.59 feet northwest of Milford Mill Road, and is currently improved with a one-story block building utilized as a retail tire sales and installation operation. The petitioner is requesting a Variance to permit a rear yard setback of 3 feet in lieu of the required 20 feet, in order that a two-bay addition may be constructed to the rear of the building. This site abuts a restaurant to the south and an abandoned service station to the north.

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

Kimmel Tire Company
Re: Item 121
January 23, 1976
Page 2

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,

Franklin T. Hoggans
Chairman, Zoning Plans
Advisory Committee

PTH:JD

cc: Lawrence Construction Co., Inc.
5710 Bellona Avenue
Baltimore, Maryland 21212

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 7, 1976

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

Z.A.C. Meeting of: December 30, 1975

Re: Item 121
Property Owner: Kimmel Tire Co.
Location: SW/S of Reisterstown Rd. 194.59' N.W. of Milford Mill Rd.
Present Zoning: D.R. 5.5 & B.L.-C.S.1
Proposed Zoning: Variance from Sec. 232.2b to permit a rear yard setback of 3' in lieu of the required 20'.

District: 3rd
No. Acres: 121

Dear Mr. DiNenna:

No bearing on student population.

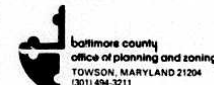
Very truly yours,

W. Nick Petrovich
Field Representative.

EMILY PARKER, President
EUGENE C. HESS, Vice-President
MR. ROBERT L. BERRY

MARCUS H. GOTTARIS
JOSEPH H. MCCORMAN
ALVIN LOBECK
JOSHUA R. WHEELER, Superintendent

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.D.
MR. RICHARD A. GUERTEL



WILLIAM D. FROMM
DIRECTOR

January 12, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #121, Zoning Advisory Committee Meeting, December 30, 1975, are as follows:

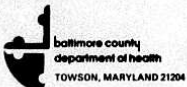
Property Owner: Kimmel Tire Co.
Location: SW/S of Reisterstown Road 194.59' NW of Milford Mill Road
Existing Zoning: D.R. 5.5 and B.L.-C.S.1
Proposed Zoning: Variance from Sec. 232.2b to permit a rear yard setback of 3' in lieu of the required 20'
No. of Acres: 121
District: 3rd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER
January 12, 1976

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

Dear Mr. DiNenna:

Comments on Item #121, Zoning Advisory Committee Meeting, December 30, 1975, are as follows:

Property Owner: Kimmel Tire Co.
Location: SW/4 of Reisterstown Rd. 194.59' NW of Milford Mill Rd.
Existing Zoning: DR 5.5 & BL-CS1
Proposed Zoning: Variance from Sec. 232.2b to permit a rear yard setback of 3' in lieu of the required 20'.

No. of Acres: 1.0
District: 3rd

Metropolitan water and sewer are existing.

A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973; therefore approval may be withheld for this connection.

Water Resources Administration Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Administration requirements.

Very truly yours,
Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

PETITION FOR A VARIANCE
TO THE ZONING ORDINANCE
OF BALTIMORE COUNTY, MARYLAND
FOR THE PROPOSED CONSTRUCTION OF A
REAR YARD SETBACK OF 3' IN LIEU OF THE
REQUIRED 20' SETBACK.
THE PETITIONER, KIMMEL TIRE CO.,
111 W. CHESAPEAKE AVENUE, TOWSON,
MARYLAND 21204, REQUESTS A VARIANCE
FROM THE ZONING ORDINANCE, DR 5.5 & BL-CS1,
TO PERMIT A REAR YARD SETBACK OF 3' IN LIEU OF THE
REQUIRED 20' SETBACK.
THE PETITIONER REPRESENTS THAT THE PROPOSED
VARIANCE IS NECESSARY FOR THE PROPER
DEVELOPMENT OF THE PROPERTY AND THAT THE
VARIANCE IS IN THE BEST INTERESTS OF THE
COMMUNITY.
THE PETITIONER REQUESTS THAT THE VARIANCE
BE GRANTED FOR A PERIOD OF 12 MONTHS
FROM THE DATE OF THE DECISION OF THE
ZONING COMMISSIONER.
THE PETITIONER REQUESTS THAT THE VARIANCE
BE GRANTED FOR A PERIOD OF 12 MONTHS
FROM THE DATE OF THE DECISION OF THE
ZONING COMMISSIONER.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 22, 1976

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week at one time, on January 22, 1976, before the 18th day of February, 1976, the 29th day of January, 1976.

THE JEFFERSONIAN
S. Frank Smith
Manager

Cost of Advertisement, \$.....

PETITION FOR A VARIANCE
TO THE ZONING ORDINANCE
OF BALTIMORE COUNTY, MARYLAND
FOR THE PROPOSED CONSTRUCTION OF A
REAR YARD SETBACK OF 3' IN LIEU OF THE
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THE PETITIONER, KIMMEL TIRE CO.,
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TO PERMIT A REAR YARD SETBACK OF 3' IN LIEU OF THE
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ZONING COMMISSIONER.
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FROM THE DATE OF THE DECISION OF THE
ZONING COMMISSIONER.



RANDALLSTOWN, MD. 21133 Jan. 28, 1976

THIS IS TO CERTIFY that the annexed advertisement of Petition for a Variance- Kimmel Tire Co. was inserted in the following

- ☐ Catonsville Times
- ☐ Dundalk Times
- ☐ Essex Times
- ☐ Towson Times
- ☐ Arbutus Times
- ☒ Community Times

weekly newspapers published in Baltimore County, Maryland, once a week for one week before the 18th day of February, 1976, that it to say, the same was inserted in the issues of Jan. 28, 1976.

STROMBERG PUBLICATIONS, INC.
By *Pat Strome*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 17 day of January 1976. Filing Fee \$ 25.00. Received ☒ Check ☐ Cash ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner *Kimmel Tire Co.* Submitted by *S. Eric DiNenna*

Petitioner's Attorney *S. Eric DiNenna* Reviewed by *S. Eric DiNenna*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



1-SIGN 76-156-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: FEB. 1, 1976

Posted for: PETITION FOR VARIANCE

Petitioner: KIMMEL TIRE CO.

Location of property: SW/4 OF REISTERSTOWN RD. 194.59' NW OF MILFORD MILL RD.

Location of Signs: FROM 208 REISTERSTOWN RD.

Remarks: *Thomas H. Devlin*

Posted by: *Thomas H. Devlin* Date of return: FEB. 6, 1976

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>DDL</i>	Revised Plans: Change in outline or description ☐ Yes ☐ No									
Previous case: _____	Map # _____									

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 31612

DATE: Feb. 17, 1976 ACCOUNT: 01-662

AMOUNT: \$41.00

RECEIVED: Kimmel 505 Kane St., Balto, Md. 21224

FROM: *Advertising and posting of property #76-156-A*

FOR: 4 6 72 FEB 17 4 10 00 PM

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 28265

DATE: Jan. 26, 1976 ACCOUNT: 01-662

AMOUNT: \$85.00

RECEIVED: Lawrence Construction Co., Inc., 5710 Rollins A

FROM: Baltimore, Md. 21212

FOR: Petition for Variance for Kimmel Tire Co. #76-156-A

32 0 92 JAN 27 2 50 00 PM

VALIDATION OR SIGNATURE OF CASHIER

DR 5.5 BL-C51

FORMER
SERV. STATION

EXIST. DRAIN & CONNECTION

EXIST. STORM WATER DRAIN
7" INLET

700 INLET
EL. 482.2

TEN PARKING SPACES
@ 9'-0" X 20'-0"

MACADAM PAVING

PROPOSED 2 Bay
Addition

EXISTING 3 Bay Tire Changing Area
& RETAIL STORE

FIN FL 484.3

EXISTING
SIGN

EXIST.
CONCRETE
WALK

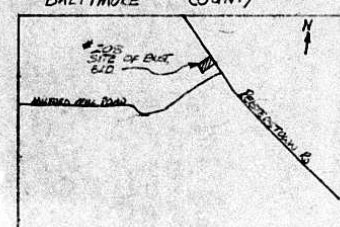
UTILITY
POLE

EXISTING
CURB &
GUTTER

P.O.B.

STEAK & EGG
KITCHEN
NO. 206 - 1 STORY
BRICK

LOCATION MAP
BALTIMORE COUNTY



PIVOTING DATA:
P.O.B. - 2740 S.F.T.
1 SHALE @ EACH 300 S.F.T.
10 SHALES REQUIRED
7 SHALES SHOWN

C.E. KIMMEL & COMPANY

208 REISTERSTOWN ROAD
BALTIMORE MARYLAND

LAWRENCE CONSTRUCTION CO., INC.
5710 BELLONA AVENUE
BALTIMORE, MARYLAND

SHEET
#1