

78-89-A (Case No. 38) **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

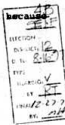
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Eastern Tire Company, Inc., the 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 238.2 to permit side yard setback of 5' instead of 30'.

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

1. Petitioner needs to add additional work area of increase in business.

See attached description



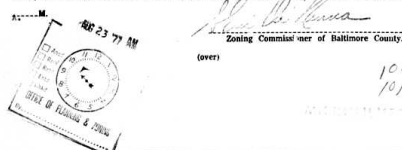
Property is to be posted and advertised as prescribed by Zoning Regulations.

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.

Contract purchaser
Legal Owner
Address
Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day

1977, 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 24th day of October, 1977 at 10:30 a.m.



RE: PETITION FOR VARIANCE
S/S of Old North Point Rd. 330.79'
SE of Merritt Blvd., 12th District
Case No. 78-89-A
EASTERN TIRE COMPANY, INC.,
Petitioners

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 therefore, and of the passage of any preliminary or final Order in connection therewith.

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

I HEREBY CERTIFY that on this 11th day of October, 1977, a copy of the foregoing Order was mailed to Eastern Tire Company, Inc., 1105 North Point Road, Dundalk, Maryland 21222, Petitioners.

John W. Hession, III
People's Counsel



MICROFILMED

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 494-3261
S. ERIC DI NENNA
ZONING COMMISSIONER

October 26, 1977

Mr. Patrick Smith, President
Eastern Tire Company, Inc.
1105 North Point Road
Dundalk, Maryland 21222

RE: Petition for Variance
S/S of Old North Road, 330.79' SE of
Merritt Blvd. - 12th Election District
Eastern Tire Company, Inc. -
Petitioner
NO. 78-89-A (Item No. 38)

Dear Mr. Smith:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/sf

Attachment

cc: John W. Hession, III, Esquire
People's Counsel

MICROFILMED

DESCRIPTION OF EASTERN TIRE COMPANY

Beginning at a point on the southeast side of Old North Point Road, 330.79' from the E of Merritt Boulevard, hence running S 46° 15' 50" E a distance of 150.27' to a point, hence running S 43° 44' 10" W, a distance of 316.57' to a point, hence running N 14° 19' 50" W a distance of 268.36' to a point, hence running N 33° 38' 00" E a distance of 25.08' to a point, hence running S 46° 15' 50" E a distance of 90.00' to a point, hence running N 39° 38' 00" E a distance of 150.00' to the point of the beginning. Containing 1.006 acres.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Services Manager Date: October 13, 77
FROM: Leslie H. Gneef, Director of Planning

SUBJECT: Petition #78-89-A, Petition for Variance for a Side Yard.
South side of Old North Point Road 330.79 feet Southeast of Merritt Boulevard
Petitioner - Eastern Tire Company, Inc.

12th District

Hearing: Monday, October 24, 1977 (10:30 A.M.)

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

Leslie H. Gneef
Director of Planning

LGH:JGH:HW

MICROFILMED

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 11, 1977

COUNTY OFFICE BLDG.
211 N. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
Nicholas L. Conodari
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC AND HIGHWAYS
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Eastern Tire Company, Inc.
1105 North Point Road
Dundalk, Maryland 21222

Attention: Mr. Patrick Smith,
President

RE: Variance Petition
Item Number 38
Petitioner - Eastern Tire Co.

Dear Mr. Smith:

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.

Located on the southwest side of Old North Point Road approximately 330 feet southeast of Merritt Boulevard, this E.C. zoned site is presently improved with a one-story concrete block building utilized for the sales, reoccupying and installation of tires. Surrounding properties are similarly zoned and consists of vacant land to the southeast and west, while a liquor and seafood carryout store exists to the northwest.

This petition is necessitated by your proposal to construct an additional service bay to the side of the existing building within 5 feet of the property line in lieu of the required 30 feet.

MICROFILMED

Eastern Tire Company
Page 2
Item Number 38
October 11, 1977

Particular attention should be afforded to the comments of the Bureau of Engineering concerning the existing utility easement traversing this site. In addition, revised plans indicating the loading areas, curbing or railroad ties around the perimeter of the parking area and a note indicating no outside storage of disabled vehicles will be stored on the property, should be submitted at the time of building permit application if the Variance is granted.

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,

NICHOLAS L. CONODARI,
Chairman
Zoning Plans Advisory Committee

NBC:rcf

cc: Kennedy-Rode Engineering, Inc.
2319 Maryland Avenue
Baltimore, Maryland 21218

MICROFILMED

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 the 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 FACTUAL of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a side setback of five feet in lieu of the required 30 feet should be granted.

IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of October, 1977, 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 Zoning Commissioner of Baltimore County Department of Public Works, and the Office of Planning and Zoning.

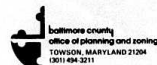
Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED



September 20, 1977

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

Dear Mr. DiNenna:

Comments on Item #38, Zoning Advisory Committee Meeting, August 23, 1977, are as follows:

Property Owner: Eastern Tire Company
Location: SW/S Old North Point Road 330.79' SE Merritt Blvd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 30'
Acres: 1.006
District: 12th

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.

Loading areas must be clearly shown on the site plan.

Very truly yours,

John L. Wibley
John L. Wibley
Planner III

MICROFILMED



Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

August 25, 1977

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

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Aug. 23, 1977

Item: 38
Property Owner: Eastern Tire Co.
Location: SW/S Old North Point Rd.
(Rite. 20) 330.79' SE Merritt Blvd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 30'

Acres: 1.006
District: 12th

Dear Mr. DiNenna:

The existing entrances are acceptable to the State Highway Administration.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Meyers

CL:JEN:dj

MICROFILMED

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



THORNTON M. MAURING, P.E.
DIRECTOR

September 13, 1977

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

Re: Item #38 (1977-1978)
Property Owner: Eastern Tire Co.
SW/S Old North Point Rd. 330.79' SE Merritt Blvd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 30'.
Acres: 1.006 District: 12th

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 highway and utility improvements are not directly involved. However, there is a Baltimore County sanitary sewage force main (Gray Manor 42-inch) within a Baltimore County utility easement (15 feet wide) traversing and contiguous to, this site (see Drawings 668-0933 and 68-0934, File 1), which are not indicated on the submitted plan.

The Petitioner is cautioned that no encroachment by construction of any structure, including footings, will be permitted within County right-of-way or utility easements. Additional fire hydrant protection is required in the vicinity.

Very truly yours,
Edward M. Dyer, P.E.
Chief, Bureau of Engineering

END:EAM/PWR:SS

cc: S. Bellocchi, W. Munchel

F-W Key Sheet
4 SE 21 x 22 Pos. Sheets
SE 1 F Topo
96 Tax Map

MICROFILMED



Paul H. Reinecke
CHIEF

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Eastern Tire Co.

Location: SW/S Old North Point Rd. 330.79' SE Merritt Blvd.

Item No. 38

Zoning Agency August 23, 1977

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle load condition shown at _____

REMOVED THE SIGNAGE ALLOWED BY THE FIRE DEPARTMENT.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

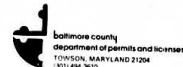
(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 301 "Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as shown.

() 7. The Fire Prevention Bureau has no comments, at this time.

Approved: H. P. Hall
Special Inspection Division
Noted and Approved: George M. Kappert
Fire Prevention Bureau

MICROFILMED



JOHN D. SEVERTY
DIRECTOR

August 18, 1977

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

Dear Mr. DiNenna:

Comments on Item # 38 Zoning Advisory Committee Meeting, August 23, 1977 are as follows:

Property Owner: Eastern Tire Co.
Location: SW/S Old North Point Road 330.79' SE Merritt Blvd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 30'.
Acres: 1.006
District: 12th

The items checked below are applicable:

- (x) A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- (x) B. A building permit shall be required before construction can begin.
- () C. Three sets of construction drawings will be required to file an application for a building permit.
- (x) D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- () E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- (x) F. Building shall conform to height and area requirement of Table 6, 1970 Edition of B.C.C.A. Code.
- () G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CER:rj

MICROFILMED

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 25, 1977

Z.A.C. Meeting of: August 23, 1977

Re: Item No: 38
Property Owner: Eastern Tire Co.
Location: SW/S Old North Point Rd. 330.79' SE Merritt Blvd.
Present Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 30'.
District: 12th
No. Acres: 1.006

Dear Mr. DiNenna:

No bearing on student population.

MICROFILMED

Very truly yours,

W. H. P. Hall
W. H. P. Hall
Field Representative

NSP/tp

JOSEPH D. MCCORMICK, PRESIDENT
C. HARVEY WILLIAMS, JR., VICE PRESIDENT
RODOLPH M. HARTMAN

THOMAS A. DYER
WILLIAM L. BARNES
RODOLPH M. HARTMAN
ALVIN L. BROWN
WILLIAM L. BARNES
RODOLPH M. HARTMAN
ROBERT E. DYER, REPRESENTATIVE



STEPHEN COLLINS
DIRECTOR

September 23, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item No. 38 - ZAC - August 23, 1977
Property Owner: Eastern Tire Co.
Location: SW/S Old North Point Rd. 330.79' SE Merritt Blvd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 30'.
Acres: 1.006
District: 12th

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variance to the side setback.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate

NSP/KAM

MICROFILMED

79-29A

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD L. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

November 1, 1977

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

Dear Mr. DiNenna:

Comments on Item #38, Zoning Advisory Committee Meeting, August 23, 1977 are as follows:

Property Owner: Eastern Tire Co.
Location: SW/8 014 North Point Rd.
330-79 SE Herriott Blvd.
Existing Zoning: S.R.
Proposed Zoning: Variance to permit a wide setback of 5' in lieu of the required 30'.
Acres: 1.006
District: 12th

A revised plat must be submitted showing the location of metropolitan sewer.

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

KS:mah

Eastern Tire Co., Inc.
1105 North Point Road
Dundalk, Maryland 21223

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 22nd day of August 1977.

Eric Di Nenna
ERIC DI NENNA
Zoning Commissioner

Petitioner: **Eastern Tire Co., Inc.**
Petitioner's Attorney: _____
Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

cc: **Kennedy-Rode Engineering, Inc.**
2310 Maryland Avenue
Baltimore, Maryland 21218

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

No. 57256

DATE: Oct. 26, 1977 ACCOUNT: 01-662

AMOUNT: \$44.00

RECEIVED: **Eastern Tire Co., Inc. 1105 North Point Rd.**
Baltimore, Md. 21202
FOR: **Advertising and posting of property**
#78-89-A

2862 21201 25 44.00 CMC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 10 day of August 1977. Filing Fee \$ 25.00. Received ☒ Cash ☐ Check ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: **PSM (Eastern Tire)** Submitted by: *Don W. Williams*
Petitioner's Attorney: _____ Reviewed by: *SP*

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 10-6-77

Posted for: Heavy, Monday, Oct. 24, 1977, 8:00 a.m. to 5:00 p.m.

Petitioner: Eastern Tire Co.

Location of property: SW/8 of 014 North Point Rd. 330-79 SE of
Marshall Rd.

Location of Sign: 1 sign posted in front of lot with a sign for
Eastern Tire Co. 330-79 SE of Marshall Rd.

Remarks: _____

Posted by: *Don W. Williams* Signature Date of return: 10-13-77

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 6, 1977.

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 each week, on the line THURSDAY before the 21st day of October, 1977, the last publication appearing on the 6th day of October, 1977.

THE JEFFERSONIAN
H. L. Smith
Manager

Cost of Advertisement, \$ _____

OFF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 October 6, 1977

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

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 7th day of October, 1977, that is to say, the same was inserted in the issues of October 6, 1977.

STROMBERG PUBLICATIONS, INC.
BY *Edna Berger*

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 October 6, 1977

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

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 7th day of October, 1977, that is to say, the same was inserted in the issues of October 6, 1977.

STROMBERG PUBLICATIONS, INC.
BY *Edna Berger*

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

No. 57187

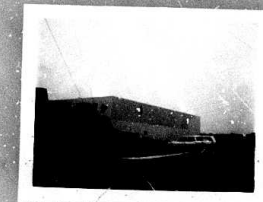
DATE: Sept. 30, 1977 ACCOUNT: 03-662

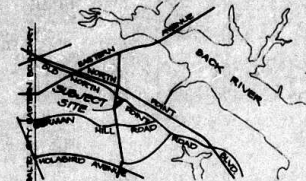
AMOUNT: \$25.00

RECEIVED: **Kennedy-Rode Engineering, Inc. 2310 Maryland Ave.**
Baltimore, Md. 21218
FOR: **Petition for Variance for Eastern Tire Co., Inc.**
#78-89-A

2893421 3 25.00 CMC

VALIDATION OR SIGNATURE OF CASHIER





GENERAL NOTES

- | | | |
|----|--|-----------------------|
| 1. | AREA OF TRCT | 1,0000 AC. |
| 2. | EXISTING ZONING | "BR" |
| 3. | EXISTING USAGE | TIRE SALES & RECAPPIN |
| 4. | PROPOSED USAGE | TIRE SALES & RECAPPIN |
| 5. | PROPOSED SQ. FT. AREA OF BUILDING | 1986 ± |
| 6. | EXISTING SQ. FT. AREA OF BUILDING | 1986 ± |
| | TOTAL | <u>6450 ±</u> |
| 7. | OFF-STREET PARKING | |
| | A. REQUIRED | |
| | RETAIL (600 ± / 1 RS / 800 ±) | 4 P.S. |
| | SERVICE (800 ± / 1 RS / 800 ±) | 80 P.S. |
| | TOTAL | <u>84 P.S.</u> |
| | B. PROVIDED | |
| | D = 20' | 20 P.S. |
| | IN DAY | 0 P.S. |
| | TOTAL | <u>20 P.S.</u> |
| 8. | NO OUTSIDE STORAGE OF DISABLED VEHICLES WILL BE PERMITTED ON PROPERTY. | |
| 9. | ALL DELIVERIES ARE MADE THRU OVERHEAD DOORS (BAYS) IN FRONT OF BUILDING. | |

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY John J. [Signature]
DATE 12-12-77
78-89-A

**FOR
EASTERN TIRE COMPANY**
12TH ELECTION DISTRICT BALTO. COUNTY, MD.
SCALE: 1"=20' JULY, 1977

KENNEDY-BODE ENGINEERING INC.
CONSULTING ENGINEERS
BALTIMORE, MARYLAND

