

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

or we, Earl K. Phillips, & Janice N. Phillips, 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 1A.00.2b (3) to permit a side yard setback of 16 feet to the required 50 feet.

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

- (1) To include a carport to a garage
- (2) To make room for storage of a tractor & a car.
- (3) To add to the improvement of the home.

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

Janice N. Phillips
Legal Owner
Address: 1668 YAKONA RD
TOWSON, MD 21204

Petitioner's Attorney

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 13th 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 through Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of February 1976 at 10:00 o'clock

John W. Hession, III
Zoning Commissioner of Baltimore County
(over)

RE: PETITION FOR VARIANCE
South side of Everett Road 207.6
feet West of York Road,
7th District
EARL K. PHILLIPS, Petitioner
Case No. 76-163-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 therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kautz, Jr.
Deputy People's Counsel
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 Mr. Earl K. Phillips, 1668 Yakona Road, Towson, Maryland 21204, Petitioner.



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 #76-163-A, Petition for Variance from Zoning Regulations to permit a side yard setback of 16 feet instead of the required 50 feet. South side of Everett Road 207.6 feet West of York Road. Petitioner - Earl K. and Janice N. Phillips

7th District

Hearing: Monday, February 23, 1976 at 10:00 A.M.

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

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

WDF:NEG:mjs

FEB 10 1976 PM

William D. Fromm
Director of Planning

February 24, 1976

Mr. & Mrs. Earl K. Phillips
1668 Yakona Road
Towson, Maryland 21204

RE: Petition for Variance
S/S of Everett Road, 207.6' W of
York Road - 7th Election District
Earl K. Phillips, et ux -
Petitioners
NO. 76-163-A (Item No. 124)

Dear Mr. & Mrs. Phillips:

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

Very truly yours,

George J. Martinak
Deputy Zoning Commissioner

GJM/mc

Attachments

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

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

February 11, 1976

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

Re: Item #120 (1975-1976)
Property Owner: LeRoy, Dennis, Thomas L. Peddy
E/S of Falls Rd., 475' N. of Greenspring Valley Rd.
Existing Zoning: BR-CR, DR 2 & RDP
Proposed Zoning: Special Exception for a community building (tennis barn)
No. of Acres: 2.07 District: 8th

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

The proposed development of this property should receive comprehensive review by the Joint Subdivision Planning Committee and subdivision regulations may be applicable.

Highways

Falls Road and the Jones Falls Expressway (Md. 25 and I-83) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State 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.

It is the responsibility of the Petitioner to ascertain and clarify his rights in and to that portion of the former Joppa Road which apparently has reverted from State Road to private road status (subject to Baltimore County utilities easement rights).

Sediment Control and Storm Water Management Comments:

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.

Item #120 (1975-1976)
Property Owner: LeRoy, Dennis, Thomas L. Peddy
Page 2
February 11, 1976

Sediment Control and Storm Water Management Comments:

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

All proposed developments are subject to the requirements of the Storm Water Management Program. It shall be the responsibility of the Developer's engineer to obtain and familiarize himself with the requirements and design criteria available from this office.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year frequency storm must be provided on the site.

Storm Drains

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

Storm drainage facilities and necessary rights-of-way will be required in connection with any grading or building permit application. The Developer will be required to furnish the Bureau of Engineering with a drainage study, adequate data and a revised plan indicating proposed provisions for accommodating storm water or drainage and the flood plain for a 100-year storm. Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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.

Drainage and utility easements will be required through this property.

Water and Sanitary Sewer

There is a 12-inch water main and 15-inch sanitary sewer to serve this property, which however, is tributary to the Jones Falls Sewerage System, subject to State Health Department imposed moratorium restrictions.

Very truly yours,

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

END:EAM:FWR:ss

cc: H. Shalowitz

S-SE & SW Key Sheets
45, 46 & 47 NW 10 & 11 Pos. Sheets
NW 12 C Topo
60 Tax Map

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

February 17, 1976

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

Re: Item #124 (1975-1976)
Property Owner: Earl K. & Janice N. Phillips
S/S of Everett Rd., 207.6' W. of York Rd.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.2b (3) to permit a side yard setback of 16' in lieu of the required 50'.
No. of Acres: 100 x 225 District: 7th

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

Everett Road, an existing public road, is proposed to be improved in the future on a 50-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening including any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information may be obtained from the Bureau of Engineering. The submitted plan must be revised accordingly.

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

Item #124 (1975-1976)
Property Owner: Earl K. & Janice N. Phillips
Page 2
February 17, 1976

Water and Sanitary Sewer

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. The Baltimore County Comprehensive Water and Sewerage Plan, amended August 1974, indicates "No Planned Service" in this area.

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Trenner

NW-SE Key Sheet
106 NW 10 Pos. Sheet
NW 27 C Topo
22 Tax Map

MAY 14 1976

ORDER RECEIVED FOR FILING
DATE February 24, 1976
FILED 2-24-76

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

to permit a side yard setback of 16 feet instead of a Variance the required 50 feet

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th 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 Department of Public Works and the Office of Planning and Zoning. Deputy 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 above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 124

Mr. Earl K. Phillips
1668 Yakona Road
Towson, Md. 21204

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

Your Petition has been received and accepted for filing this 13th day of January, 1976

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner Earl K. & Janice N. Phillips

Petitioner's Attorney
cc: Dollenberg, Gerhold, Cross & Etzel
Surveyors & Civil Engineers
412 Delaware Avenue
Towson, Md. 21204

Reviewed by Franklin T. Hoggans, Jr.
Chairman,
Zoning Advisory
Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 30, 1976

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

Franklin T. Hoggans, Jr.
Chairman

Mr. Earl K. Phillips
1668 Yakona Road
Towson, Maryland 21204

RE: Variance Petition
Item 124
Earl K. & Janice N. Phillips -
Petitioners

Dear Mr. Phillips:

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 south side of Everett Road, 207.6 feet west of York Road, and is currently improved with a single family dwelling, the home of the petitioner. Adjacent properties are also improved with single family homes.

The petitioner is requesting a Variance to permit a side yard setback of 16 feet in lieu of the required 50 feet in order that an existing open carport on the east side of the subject dwelling may be enclosed.

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

Mr. Earl K. Phillips
Re: Item 124
January 30, 1976
Page 2

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, Jr.
FRANKLIN T. HOGANS, JR.,
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

cc: Dollenberg, Gerhold, Cross & Etzel
Surveyors & Civil Engineers
412 Delaware Avenue
Towson, Md. 21204



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

January 13, 1976

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

Dear Mr. DiNenna:

Comments on Item #124, Zoning Advisory Committee Meeting, December 30, 1975, are as follows:

Property Owner: Earl K. & Janice N. Phillips
Location: S/S of Everett Rd. 207.6' W of York Rd.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3b (3) to permit a side yard setback of 16' in lieu of the required 50'.
No. of Acres: 100 x 225
District: 7th

Since this is a variance for an existing carport and both the septic system and water well are functioning properly, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

RJW:dlac

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 124
Property Owner: Earl K. & Janice N. Phillips
Location: S/S of Everett Rd. 207.6' W. of York Rd.
Present Zoning: R.D.P.
Proposed Zoning: Variance from Sec. 1A00.3b (3) to permit a side yard setback of 16' in lieu of the required 50'.

District: 7th
No. Acres: 100 x 225

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

H. EMBLE PARKS, President
EUGENE C. HESS, Vice-President
MRS. ROBERT L. BERRY

MARCUS M. BOTSARIS
JOSEPH N. MCDONNAN
ALVIN LORICK
JOSHUA R. WHEELER, Superintendent

T. BAYARD WILLIAMS, Jr.
RICHARD W. TRACEY, V.M.D.
MRS. RICHARD X. MURFEL

MAY 14 1976

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 #124, Zoning Advisory Committee Meeting, December 30, 1975, are as follows:

Property Owner: Earl K and Janice N. Phillips
Location: S/5 of Everett Road 207.6' W. of York Road
Existing Zoning: R.D.P.
Proposed Zoning: V (variance from Sec. 1A00.3b(3) to permit a side yard setback of 16' in lieu of the required 50'.
No. of Acres: 100 x 225
District: 7th

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

DESCRIPTION OF 421 EVERETT ROAD - PORTION RD. 21111

Beginning at a point on the South side Everett Road, 207.6 feet west of York Road, and running the following courses and distances: 1st South 225 feet, 189' x 100' ft. to the place of beginning.
Also known as 421 Everett Road.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th
Posted for: PETITION FOR VARIANCE
Petitioner: EARL K. PHILLIPS
Location of property: S/5 of EVERETT RD. 207.6' W of YORK RD.
Location of Sign: FRONT 421 EVERETT RD.
Remarks: Thomas E. Roland
Posted by: Thomas E. Roland
Date of Posting: Feb. 7, 1976
Date of return: Feb. 13, 1976

FUNCTION	Well 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: JJ										
Previous case:										
Revised Plans: Change in outline or description										
Map #										

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 19 day of DEC 1975. Item #

S. Eric DiNenna,
Zoning Commissioner

Petitioner: E.K. PHILLIPS Submitted by: E.K. PHILLIPS
Petitioner's Attorney: Reviewed by: JF

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

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

DATE: Jan. 30, 1976 ACCOUNT: 01-662
AMOUNT: \$25.00

RECEIVED FROM: Earl K. Phillips, Jr., 1668 Yakona Rd., Balto., Md. 21204
FOR: Petition for Variance #76-163-A

59 OFFER 2 25.00 REC
VALIDATION OR SIGNATURE OF CASHIER

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

DATE: Feb. 23, 1976 ACCOUNT: 01-662
AMOUNT: \$39.25

RECEIVED FROM: Earl K. Phillips, Jr., 1668 Yakona Rd., Towson, Md. 21204
FOR: Advertising and posting of property #76-163-A

59 OFFER 23 39.25 REC
VALIDATION OR SIGNATURE OF CASHIER



PETITION FOR A VARIANCE

ZONING: Petition for a Variance for Side Yard.
LOCATION: South side of Everett Road 207.6 feet West of York Road.

DATE & TIME: Monday, February 23, 1976 at 10:00 A.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Variance from the Zoning Regulations of Baltimore County to permit a side yard setback of 16 feet instead of the required 50 feet.

The Zoning Regulation to be amended is as follows:
Section 1A00.3b(3) - Minimum distance between any building and any street shall be 50 feet.

All that parcel of land in the Seventh District of Baltimore County.

Beginning at a point on the South side Everett Road, 207.6 feet west of York Road, and running the following courses and distances: 1st South 225 feet, 189' x 100' ft. to the place of beginning. Also known as 421 Everett Road.

Being the property of Earl K. Phillips and Janice N. Phillips, as shown on plat filed with the Zoning Department.

Hearing Date: Monday, February 23, 1976 at 10:00 A.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order of:
S. ERIC DINENNA
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 5, 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., on the 23rd day of February, 1976, the first publication appearing on the 5th day of February, 1976.

THE JEFFERSONIAN
Manager

Cost of Advertisement, \$.....

OFFICE OF
THE TIMES
NEWSPAPERS

RANDALLSTOWN, MD. 21133 Feb. 5, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance- Phillips 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 23rd day of February, 1976, that it, to say, the same was inserted in the issues of Feb. 5, 1976.

STROMBERG PUBLICATIONS, INC.

By: Pat Sminkle

PETITION FOR A VARIANCE

ZONING: Petition for a Variance for Side Yard.
LOCATION: South side of Everett Road 207.6 feet West of York Road.

DATE & TIME: Monday, February 23, 1976 at 10:00 A.M.
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Being the property of Earl K. Phillips and Janice N. Phillips, as shown on plat filed with the Zoning Department.

Hearing Date: Monday, February 23, 1976 at 10:00 A.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order of:
S. ERIC DINENNA
ZONING COMMISSIONER OF BALTIMORE COUNTY

OFFICE OF
THE TIMES
NEWSPAPERS

RANDALLSTOWN, MD. 21133 Feb. 5, 1976

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☐ Community Times

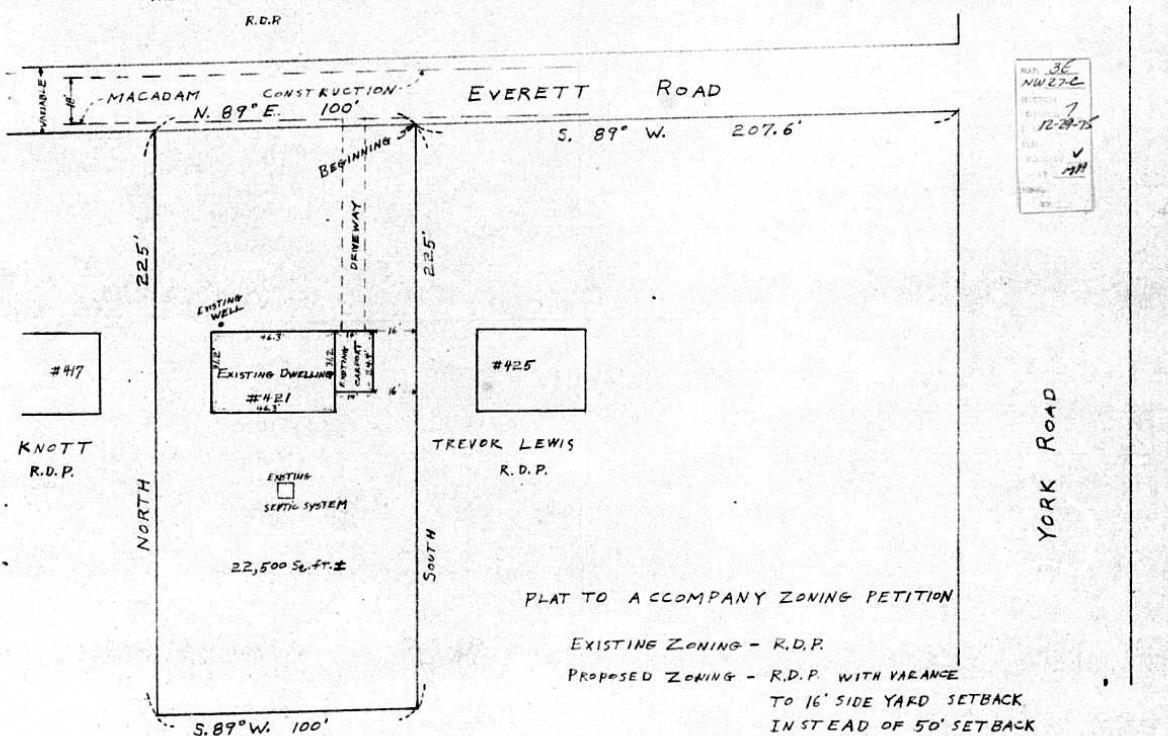
weekly newspapers published in Baltimore County, Maryland, once a week for one week before the 23rd day of February, 1976, that it, to say, the same was inserted in the issues of Feb. 5, 1976.

STROMBERG PUBLICATIONS, INC.

By: Pat Sminkle

VACANT LOT AND GARDEN
R.D.P.

VICINITY SKETCH SCALE: 1"=2000'



NOTE:
PRIVATE WELLS & SEPTIC SYSTEMS

NO PUBLIC WATER
NO PUBLIC SEWER

PROPERTY OF
EARL K. PHILLIPS & WIFE - ENK. JR.
No. 535B-CB6
LOCATED IN 7TH DIST BALTO. CO. MD.



Scale: 1"=30' Dec. 18, 1975
DOLLENBERG, GERNOLD, CROSS & ETZEL
Surveyors & Civil Engineers
412 Dalgarno Avenue
Towson, Maryland 21204



MAY 14 1976