

# 76-222-A 180 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ESCO TOLLIVER, et ux, 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 1.802.3.C.1 to permit side yard setbacks of 23 feet for each side in lieu of the required 25 feet respectively.

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

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 20th day of April 1976

Address 1140 S. Paca St. 21230

Contract purchaser Phyllis J. Tolliver Legal Owner

Petitioner's Attorney Charles E. Kuntz, Jr. Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of April 1976, at 10:15 o'clock A.M.

George J. Martinak  
Zoning Commissioner of Baltimore County

(over)

May 12, 1976

Mr. & Mrs. Esco Tolliver  
1140 S. Paca Street  
Baltimore, Maryland 21230

RE: Petition for Variance  
N/S Tulip Avenue, 200.51' W of  
Myrtle Avenue - 13th Election District  
Esco Tolliver, et ux - Petitioners  
NO. 76-222-A (Item No. 180)

Dear Mr. & Mrs. Tolliver:

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

Very truly yours,  
George J. Martinak  
GEORGE J. MARTINAK  
Deputy Zoning Commissioner

GJM/me

Attachments

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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
North side of Tulip Avenue 200.51 feet : OF BALTIMORE COUNTY  
West of Myrtle Avenue, 13th District :  
ESCO & PHYLLIS TOLLIVER, Petitioners : Case No. 76-222-A

## **ORDER TO ENTER APPEARANCE**

Mr. Commissioner:

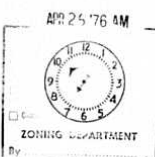
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

Charles E. Kuntz, Jr.  
Charles E. Kuntz, 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 on this 23rd of April, 1976, a copy of the foregoing

Order was mailed to Mr. & Mrs. Esco Tolliver, 1140 S. Paca Street, Baltimore, Maryland 21230, Petitioners.



WILLIAM D. FROMM  
DIRECTOR

April 2, 1976

Mr. S. 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 #180, Zoning Advisory Committee Meeting, March 2, 1976, are as follows:

Property Owner: Esco & Phyllis Tolliver  
Location: N/S Tulip Avenue 200.51' W. Myrtle Avenue  
Existing Zoning: D.R. 16  
Proposed Zoning: Variance to permit side setbacks of 23' in lieu of required 25'  
Acres: 100 x 125  
District: 13th

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  
John L. Wimbley  
Planning Specialist II  
Project and Development Planning

## **DESCRIPTION FOR VARIANCE**

BEGINNING at a point on the north side of Tulip Ave. 200.51 feet west of Myrtle Ave. and known as Lots 498-499-500-501 of English Consul Estates and recorded among Balto. Co. Records Liber 3 Folio 109

## **BALTIMORE COUNTY, MARYLAND**

### **INTER-OFFICE CORRESPONDENCE**

TO: S. Eric DiNenna, Zoning Commissioner Date: April 14, 1976

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition 76-222-A Petition for Variance for Side Yards  
North side of Tulip Avenue 200.51 feet West of Myrtle Avenue.  
Petitioner Esco Tolliver and Phyllis J. Tolliver

13th District

HEARING: Monday, April 26, 1976 (10:15 A.M.)

There are no comprehensive planning factors requiring comment on this petition. However, in view of the marshiness of this tract, it is suggested that the granting of any variance here be conditioned by the approval of the required building permit by the appropriate Baltimore County agencies.

William D. Fromm  
William D. Fromm, Director  
Office of Planning

WDF:JGH:rw



baltimore county  
department of health  
TOWSON, MARYLAND 21204

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

April 20, 1976

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

Dear Mr. DiNenna:

Comments on Item 180, Zoning Advisory Committee Meeting, March 2, 1976, are as follows:

Property Owner: Esco & Phyllis Tolliver  
Location: N/S Tulip Avenue 200.51' W Myrtle Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: Variance to permit side setbacks of 23' in lieu of required 25'.  
Acres: 100 X 125  
District: 13th

Metropolitan water and sewer are available.

Very truly yours,

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

RJM:pb6

## **BALTIMORE COUNTY**

### **ZONING PLANS**

### **ADVISORY COMMITTEE**



### **PETITION AND SITE PLAN**

### **EVALUATION COMMENTS**

AUG 03 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 Petitioners

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, a Variance to permit side yard setbacks of 23 feet for each side instead of the required 25 feet should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 12th day of May, 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

Mr. Esco Tolliver  
1140 S. Paca Street  
Baltimore, Md. 21230

Item 180

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 10th day of March 1976

S. Eric DiNenna,  
Zoning Commissioner

Petitioner Esco & Phyllis Tolliver

Petitioner's Attorney Reviewed by Franklin T. Hoggans, Jr.  
Chairman,  
Zoning Advisory  
Committee

# BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

April 9, 1976

Franklin T. Hoggans, Jr.  
Chairman

Mr. Esco Tolliver  
1140 S. Paca Street  
Baltimore, Maryland 21230

RE: Variance Petition

Item 180

Esco & Phyllis Tolliver - Petitioner

Dear Mr. Tolliver:

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 north side of Tulip Avenue, 200.51 feet west of Myrtle Avenue, and is currently an unimproved parcel of land comprising four lots, each 25 feet wide, as recorded on the plat of English Consul Estates. The petitioner is requesting a Variance in the existing D.R. 16 zone to permit side yard setbacks of less than the required 25 feet, in order that a single family detached dwelling may be constructed on the subject site. Adjacent properties are currently improved with single family dwellings.

Field inspection revealed this property to be lower in elevation than the road pavement, and to be adjacent to the stream bed along its rear boundary. In light of this fact, particular attention should be afforded the comments of the Bureau of Engineering.

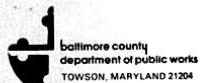
Mr. Esco Tolliver  
Re: Item 180  
April 9, 1976  
Page 2

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,

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

FTH:JD



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

April 9, 1976

Re: Item #180 (1975-1976)  
Property Owner: Esco & Phyllis Tolliver  
N/S Tulip Ave., 200.51' W. Myrtle Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: Variance to permit side setbacks of 23' in lieu of required 25'.  
Acres: 100 x 125 District: 13th  
100 125

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:

Tulip Avenue, an existing public street, is proposed to be improved in the future as a 30-foot closed section roadway on a 40-foot right-of-way, minimum. Highway improvements are not required at this time. Highway right-of-way, 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 Baltimore County Bureau of Engineering.

## 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:

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

This property is below the grade of Tulip Avenue, marshy and "wet-land" in character.

Item #180 (1975-1976)  
Property Owner: Esco & Phyllis Tolliver  
Page 2  
April 9, 1976

## Storm Drains: (Cont'd)

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.

## Water and Sanitary Sewer:

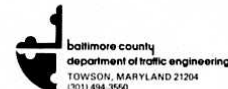
Public water supply and sanitary sewerage exist adjacent to this property.

Very truly yours,

Elsworth N. Dyer, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss

G-SE Key Sheet  
20 SW 16 Pos. Sheet  
SW 5 B Topo  
109 Tax Map



STEPHEN E. COLLINS  
DIRECTOR

March 4, 1976

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

Re: Item 180 - ZAC - March 2, 1976

Property Owner: Esco & Phyllis Tolliver

Location: N/S Tulip Ave. 200.51' W of Myrtle Ave.

Existing Zoning: D.R. 16

Proposed Zoning: Variance to permit side setbacks of 23' in lieu of required 25'

No. of Acres: 100 X 125

100 125

District: 13th

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate

MSF:inc



Paul H. Reincke  
CHIEF

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

Attention: Mr. Jack Dillon, Chairman  
Zoning Advisory Committee

Re: Property Owner: Esco & Phyllis Tolliver

Location: N/S Tulip Avenue 200.51' W Myrtle Avenue

Item No. 180

Zoning Agenda

March 2, 1976

Gentlemen:

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.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 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 dead-end condition shown at

EXCEEDS the maximum 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.

( ) 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. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

(X) 6. Site plans are approved as drawn.

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

Reviewed: Planning Group Special Inspection Division  
Noted and Approved: Acting Deputy Chief  
Fire Prevention Bureau





April 2, 1976

Mr. S. 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 #180, Zoning Advisory Committee Meeting, March 2, 1976, are as follows:

Property Owner: Esco & Phyllis Tolliver  
Location: N/5 Tulip Avenue 200.51' W. Myrtle Avenue  
Existing Zoning: D. R. 16  
Proposed Zoning: Variance to permit side setbacks of 23' in lieu of required 25'  
Acres: 100 x 125  
100' 125'  
District: 13th

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

## TOWSON, MARYLAND - 21204

**Date:** March 3, 1976

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

Z.A.C. Meeting of: March 2, 1976

Re: Item 180  
Property Owner: Esco & Phyllis Toliiver  
Location: N/S Tulip Ave. 200.51' W. Myrtle Ave.  
Present Zoning: D.R. 16  
Proposed Zoning: Variance to permit side setbacks of 23' in lieu of required 25'.

District: 13th  
No. Acres:  $\frac{100}{100} \times \frac{125}{125}$

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

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

H. Emslie Parks, President  
Eugene C. Hess, Vice-President  
Mrs. Robert L. Berney

MARCUS M. BOTSAKIS  
JOSEPH N. MCGOWAN  
ALVIN LORECK  
JOSHUA B. WHEELER

T. BAYARD WILLIAMS, JR.  
RICHARD W. TRACEY, VMD  
MRS. RICHARD F. TRACEY

CERTIFICATE OF PUBLICATION

TOWSON, MD, April 8, 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~~ ~~at~~ ~~the~~ ~~same~~ ~~time~~ ~~as~~ ~~the~~ ~~same~~ ~~time~~ before the 26th day of April, 1976, the 98th publication appearing on the 8th day of April 1976.

THE JEFFERSONIAN.

-----  
**Manager**

Cost of Advertisement, \$.....

PLEDGE FOR A VARIANCE

**ZONING** Petition for Variance for Side Yards.  
**LOCATION:** North side of Tulip Avenue 200.51 feet West of Myrtle Avenue.  
**DATE & TIME:** MONDAY, APRIL 26, 1978 at 10:15 A.M.  
**PUBLIC HEARING:** Room 106, County Office Building, 111 W. Chestnut Street, 10:15 A.M.

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

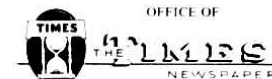
The Zoning Regulation to be excepted as follows:  
Section 1803.3.C.1 - Side Yards - 25 feet

All that parcel of land in the Thirteenth District of Baltimore County BEGINNING at a point on the north side of Tulp Ave. 200.51 feet west of Myrtle Ave. and known as Lots 498-499-500-501 of English Consul Estates and recorded among Baltimore Co.

Records Liber 3 Folio 108  
Being the property of Ecco Toliver  
and Phyllis J. Toliver, as shown on plat  
plat filed with the Zoning Department.  
Hearing Date: Monday, April 25,  
1976 at 10:15 A.M.  
Public Hearing Room 106, County  
Office Building, 515 W. Commercial

BY ORDER OF  
S. ERIC DINENNO  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY  
AR April 7 1980

OFFICE OF



TOWSON, MD. 21204

APR 11 1976

THIS IS TO CERTIFY, that the annexed advertisement of  
Petition for a Variance- Tolliver  
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 ~~SIXTY-SIX~~ weeks before the 26th day of April 1976, that is to say, the same was inserted in the issues of April 8, 1976.

STROMBERG PUBLICATIONS, INC.

BY C. Patricia Sullivan

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 13th Date of Posting April 19, 1976  
 Posted for Petition For Variance  
 Petitioner ESCO TALKER  
 Location of property N/S of Tulip Ave. 200.51' W of Myrtle Ave.  
 Location of Sign Opposite 2623 Tulip Ave.  
 Remarks \_\_\_\_\_  
 Posted by Therese X. Boland Date of return April 15, 1976

