

A.S.

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
W/S Dutton Avenue at intersection with Overhill Road
16-A Dutton Avenue
1st Election District
1st Councilmanic District
Edward B. Okonski, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-337-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Edward B. Okonski, Jr., and Betty Jean Okonski, his wife, for that property known as 16-A Dutton Avenue in the Catonsville section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a window to tract boundary setback of 15 ft. in lieu of the required 35 ft.; and a building to tract boundary setback of 15 ft., in lieu of the required 30 ft., for an addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of April, 1996 that the Petition for a Zoning Variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a window to tract boundary setback of 15 ft., in lieu of the required 35 ft.; and a building to tract boundary setback of 15 ft., in lieu of the required 30 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID
(SEARCH ON THIS FIELD):

19960337

Case Type Prefix: Case Year: Case Number: Case Type Suffix:

1996 0337 A

Existing Use:

Residential

Legal Owners/Petitioner
(SEARCH ON THIS FIELD):

Edward Bernard OKonski, Jr. & Betty J. OKonski

House/St. Number: House/Street Number Range: House/St. No. Prefix Dir.: Pre. Type: Street Name (SEARCH ON THIS FIELD): Suf. Type: Dir.: Suite/Apt./Unit Number:

16 A DUTTON AVE

Property Description (SEARCH ON THIS FIELD):

W/S Dutton Avenue at intersection with Overhill Road (#16-A Dutton Avenue)

Existing Zoning Classification: D.R.-3.5 Area: .5976 +/- acre Election District: 1st Councilmanic District: 1st

Critical Area: NO Floodplain: Historic Area: Related (Prior and Future) Cases:

Violation Cases: Concurrent Cases:

Tax Account ID: Deed Liber #: Deed Folio #: Miscellaneous Notes

1.) 2.) 3.) 1.) 2.) 3.)

Contract Purchaser: N/A

Attorney: N/A

Petition Reviewer: JCM Petition Reviewer 2: Petition Filing Date:

Day of Week: Hearing Date: Hearing Time: Hearing Location:

04/01/1996

Closing Date: Commissioner Hearing Continued From Commisioner Hearing Resceduled From Formal Request For Hearing

Case Number:

1996 0337

A

Petition Type # 1: ADMINISTRATIVE VARIANCE

Petition Request # 1: ADMINISTRATIVE VARIANCE to permit a window to tract boundary setback of 15 feet in lieu of the required 35 feet and a building to tract boundary setback of 15 feet in lieu of the required 30 feet for an addition.

Petition Type # 2:

Petition Request # 2:

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot
Scale Map
Reference:

Existing Use:

Residential

Proposed Use:

Existing Zoning Classification

D.R.-3.5

Requested Zoning Classification:

Existing District:

Requested District:

North/South Coordinate:

East/West Coordinate:

Census Tract:

1000 Foot
Scale Map
Reference:

Commissioner Case Number	1996	0337	A	Circuit Court Case Number	
Zon. Comm. or Dep. Zon. Comm				Circuit Court Filing Date:	
Commissioner Order Dat				Circuit Court Decision Date	
Commissioner Decision				Circuit Court Decision:	
Commissioner Order Restrictions					
				MD Court of Special Appeals Filing Date	
				MD Court of Special Appeals Decision Date:	
				MD Court of Special Appeals Decision:	
Board of Appeals Case Number	96-337-A				
Appeal to Board of Appeals?:	NO			MD Court of Appeals Filing Date	
Appellant:				MD Court of Appeals Decision Date:	
Board of App. Description				MD Court of Appeals Decision:	
Board of Appeals Filing Date					
Date Case Sent To Board:				U.S. Supreme Court Filing Date	
Board of Appeals Hearing Date:				U.S. Supreme Court Decision Date	
Board of Appeals Decision Date:				U.S. Supreme Court Decision	
Board of Appeals Decision					

Find Record	Next Record	Previous Record	Preview ZAC	Public Hearings	Admin Variances	Open MS Word	Exit Access	Scanned Image
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