IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – S/S Dutton Court, 304' W of the c/l Dutton Avenue **(1 Dutton Court)** 1st Election District 1st Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-323-SPHA
Ross J. Brechner & Frances M. Brousseau Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Ross J. Brechner and Frances M. Brousseau. The Petitioners request a special hearing to approve proposed Lots 1 and 2 as two undersized lots, which do not increase overall tract density. In addition, variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: For Lot 1: to permit a minimum side yard of 9 feet in lieu of the required minimum 15 feet, a front setback of 27 feet in lieu of the required 40 feet, a rear yard setback of 32 feet in lieu of the required 40 feet, a lot area of approximately 11,000 sq.ft. in lieu of the minimum required 20,000 sq.ft., and to approve the subject property as an undersized lot; for Lot 2: to permit a side yard of 10 feet in lieu of the required 15 feet, a side yard aggregate of 20 feet in lieu of the minimum required 40 feet, a lot width of 60 feet in lieu of the required 100 feet, a lot area of 7,000 sq.ft. in lieu of the required 20,000 sq.ft., and to approve the subject property as an undersized lot; and, for Lot 3: to permit a side yard setback of 10 feet in lieu of the required 15 feet.

Appearing at the requisite public hearing in support of the request were Ross Brechner, co-owner of the property, and J. Scott Dallas, the Surveyor who prepared the site plan for this property. Several residents from the surrounding community appeared, including Jane Nitsch, Marjean C. Irwin, Thomas W. Keech, Stephen Hook, Pamela Warfield, Robert and Marion Flint, Stanley and Jenny Sunderwirth, Marshall Handy, Chris Kosojet, and Alice Dorshow. Most of

ORDER RECEIVED FOR FILING
Date 4/5/04
By

these individuals appeared in opposition to the original proposal; however, do not object to the amended plan that was submitted at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel with frontage on Dutton Court, just west of Dutton Avenue in Catonsville. The property contains 1.391 acres, more or less, zoned D.R.2, and is presently improved with a 2½-story single family dwelling, known as 1 Dutton Court. In addition to the dwelling, there is an in-ground swimming pool, two detached garages and a shed. As initially proposed and shown on the site plan marked as Petitioner's Exhibit 1, the Petitioners proposed the creation of two additional lots. New Lot 1 would consist of 11,814 sq.ft. and contain the existing single family dwelling and one of the garage buildings. New Lot 2 would consist of 7,678 sq.ft., and contain that area of the site where the swimming pool and shed are located. The swimming pool would be removed and replaced with a dwelling. New Lot 3 would consist of the balance of the site (41,104 sq.ft.) and would be developed with a new dwelling. The layout of this three-lot proposal was largely driven by the environmental constraints associated with the site. As shown on the site plan and in photographs submitted at the hearing, a stream bisects the western portion of the site. In addition, the property features steep slopes, and is forested. Due to the relevant environmental regulations, no construction, grading, or improvements could be made within the stream area or required buffers. Thus, all disturbance and improvements would be clustered on the east side of the property to preserve the requisite streams and buffers. The proposal shown also generated the need for a number of variances as to lot size, setbacks, etc. as described above.

The neighbors who appeared objected to the proposed three-lot subdivision. They believe that the proposal will overcrowd the land and is inconsistent with the neighborhood. The undersigned Zoning Commissioner also expressed a concern at the hearing as to whether sufficient density exists for a three-lot subdivision. As noted above, the property is zoned D.R.2, which permits two dwelling units per acre. The overall tract is less than 1½ acres in area; however, may be larger insofar as gross area is concerned. Some acreage of the original tract may have been lost due to the construction of Dutton Court.

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In any event, the neighbors' objections and my concerns regarding density are eliminated by an alternate proposal, which was offered at the hearing (see Petitioner's Exhibit 2). Under the alternate proposal, the Petitioners now propose to create only one additional lot. New Lot 1 will consist of 14,000 sq.ft. and contain the existing dwelling, garage and swimming pool. Proposed Lot 2 will encompass the remaining area of the property (approximately 46,000 sq.ft.), the second garage and shed and will be developed with a new dwelling. Under the new proposal, no variances are necessary for Lot 2 and the environmental buffers will be maintained; however, variances are still necessary to legitimize the location of the existing dwelling on Lot 1. As shown on the site plan, that dwelling is located 27 feet from the right-of-way for Dutton Court, 9 feet from the side property line, and 32 feet from the rear property line. All of these existing setbacks are less than that required by Code. Additionally, Lot 1 at 14,000 sq.ft. in area, is still less than the minimum required 20,000 sq.ft. for a D.R.2 zoned lot.

Based upon the testimony and evidence presented, I am persuaded to grant the amended relief and will approve the alternate plan shown as Petitioner's Exhibit 2. Clearly, relief is necessary and appropriate to legitimize the existing dwelling. Moreover, I find that the amended plan for development of Lot 2 is appropriate and satisfies the concerns raised by the neighbors and addresses the environmental issues associated with this property. Lastly, I find that the Petitioner has satisfied the requirements contained in Section 307 of the B.C.Z.R. for variance relief and that there will be no detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the amended relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of April 2004 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum side yard of 9 feet in lieu of the required minimum 15 feet, a front setback of 27 feet in lieu of the required 40 feet, a rear yard setback of 32 feet in lieu of the required 40 feet, and a lot area of approximately 14,000 sq.ft. in lieu of the minimum required 20,000 sq.ft., for proposed Lot 1 and the existing dwelling

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By

thereon, and development of Lot 2 with a single family dwelling, all in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve two undersized lots, which do not increase overall tract density, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of approximately 11,000 sq.ft. in lieu of the minimum required 20,000 sq.ft. for proposed Lot 1; to permit a side yard of 10 feet in lieu of the required 15 feet, a side yard aggregate of 20 feet in lieu of the minimum required 40 feet, a lot width of 60 feet in lieu of the required 100 feet, a lot area of 7,000 sq.ft. in lieu of the required 20,000 sq.ft., and to approve proposed Lot 2 as an undersized lot; and, to permit a side yard setback of 10 feet in lieu of the required 15 feet for proposed Lot 3, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

April 2, 2004

Mr. Ross J. Brechner
Ms. Frances M. Brousseau
1 Dutton Court
Baltimore, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
S/S Dutton Court, 304' W of the c/l Dutton Avenue
(1 Dutton Court)
1st Election District – 1st Council District
Ross J. Brechner & Frances M. Brousseau - Petitioners
Case No. 04-323-SPHA

Dear Mr. Brechner & Ms. Brousseau:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance, as modified, have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. J. Scott Dallas, 13523 Long Green Pike, Baldwin, Md. 21013
Ms. Jane Nitsch, 9 Dutton Court, Catonsville, Md. 21228
Ms. Marjean C. Irwin, 24 Overhill Road, Catonsville, Md. 21228
Mr. Thomas W. Keech, 11 Dutton Court, Catonsville, Md. 21228
Mr. Stephen Hook, 131 Edgewood Avenue, Catonsville, Md. 21228
Ms. Pamela Warfield, 1822 Frederick Road, Catonsville, Md. 21228
Robert M. Flint & Marion Flint, 14 Dutton Avenue, Catonsville, Md. 21228
Stanley A. and Jenny Sunderwirth, 12 Dutton Court, Catonsville, Md. 21228
Ms. Marshall Handy, 18 Dutton Avenue, Catonsville, Md. 21228
Ms. Chris Kosojet, 16C Dutton Avenue, Catonsville, Md. 21228
Ms. Alice Dorshow, 1820 Frederick Road, Catonsville, Md. 21228
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at # 1 DUTTON COURT
which is presently zoned D.R. 2

This Petition shall be filed with the Department of *Permits and Development Management.* The undersigned, legal owner(s) 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Lot 1 and Lot 2 as proposed to allow two undersized lots which do not increase overall tract density.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Ross J. Brechner
Name - Type or Print

Signature

Frances M. Brousseau
Name - Type or Print

Frances M. Brousseau
Signature

1 Dutton Court 410-925-3121
Address Telephone No.

Baltimore, MD 21228
City State Zip Code

Representative to be Contacted:

J. Scott Dallas
J. S. Dallas, Inc.
Name

P. O. Box 26
13523 Long Green Pike 410-817-4600
Address Telephone No.

Baldwin, MD 21013
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HRS

UNAVAILABLE FOR HEARING —

Reviewed By JL Date 1/13/04
JJS/WCR

Case No. 04-323 SPHA

RBV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 1 DUTTON COURT

which is presently zoned D.R. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) 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(s) (see attached sheet)

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

Creation of DEPRM environmental buffer and setback from stream bank will force all improvements to east side of site. Property is an oddly shaped conglomeration of platted lots and rear parcels. Most neighborhood lots would be "undersized" from a strict D.R. 2 definition.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Ross J. Brechner

Name - Type or Print

Signature

Frances M. Brosseau

Name - Type or Print

Signature

1 Dutton Court — 410-925-3121

Address — Telephone No.

Baltimore, MD — 21228

City — State — Zip Code

Representative to be Contacted:

J. Scott Dallas
J. S. Dallas, Inc.

Name

P. O. Box 26
13523 Long Green Pike — 410-817-4600

Address — Telephone No.

Baldwin, MD — 21013

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HRS

UNAVAILABLE FOR HEARING

Reviewed By JL/JJS/WCR Date 7/13/04

ORDER RECEIVED FOR FILING
Date 7/7/04
By

Case No. 04-323-SPHA

REV 9/15/98

#1 DUTTON COURT

PROPOSED LOTS 1,2 AND 3 -REQUESTED VARIANCES

PROPOSED LOT 1

1. VARIANCE FROM SECTION 1B02.3 C.1. TO ALLOW A LOT WITH A MINIMUM SIDEYARD OF 9 FEET IN LIEU OF THE REQUIRED MINIMUM 15 FEET, A FRONT SETBACK OF 27 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FEET, A REAR YARD SETBACK OF 32 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FEET, A LOT AREA OF APPROXIMATELY 11,000 SQUARE FEET IN LIEU OF THE REQUIRED MINIMUM 20,000 SQUARE FEET AND TO APPROVE AN UNDERSIZED LOT.

PROPOSED LOT 2

2. VARIANCE FROM SECTION 1B02.3 C.1. TO ALLOW A LOT WITH A MINIMUM SIDEYARD OF 10 FEET IN LIEU OF THE REQUIRED MINIMUM 15 FEET, A SIDEYARD AGGREGATE OF 20 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FEET, A LOT WIDTH OF 60 FEET IN LIEU OF THE REQUIRED MINIMUM 100 FEET, A LOT AREA OF APPROXIMATELY 7,000 SQUARE FEET IN LIEU OF THE REQUIRED MINIMUM 20,000 SQUARE FEET AND TO APPROVE AN UNDERSIZED LOT.

PROPOSED LOT 3

3. VARIANCE FROM SECTION 1B02.3 C.1. TO ALLOW A LOT WITH A MINIMUM SIDEYARD OF 10 FEET IN LIEU OF THE REQUIRED MINIMUM 15 FEET.

ORDER RECEIVED FOR FILING
Date 4/5/19
By

323

#1 DUTTON COURT

PROPOSED LOTS 1,2 AND 3 -REQUESTED VARIANCES

PROPOSED LOT 1

1. VARIANCE FROM SECTION 1B02.3 C.1. TO ALLOW A LOT WITH A MINIMUM SIDEYARD OF 9 FEET IN LIEU OF THE REQUIRED MINIMUM 15 FEET, A FRONT SETBACK OF 27 FEET IN LIEU OF THE REQUIRED ~~MINIMUM~~ MAXIMUM 40 FEET, A REAR YARD SETBACK OF 32 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FEET, A LOT AREA OF APPROXIMATELY 11,000 SQUARE FEET IN LIEU OF THE REQUIRED MINIMUM 20,000 SQUARE FEET ~~AND TO APPROVE AN UNDERSIZED LOT~~. JSD JSD

PROPOSED LOT 2

2. VARIANCE FROM SECTION 1B02.3 C.1. TO ALLOW A LOT WITH A MINIMUM SIDEYARD OF 10 FEET IN LIEU OF THE REQUIRED MINIMUM 15 FEET, A SIDEYARD AGGREGATE OF 20 FEET IN LIEU OF THE REQUIRED MINIMUM 40 FEET, A LOT WIDTH OF 60 FEET IN LIEU OF THE REQUIRED MINIMUM 100 FEET, A LOT AREA OF APPROXIMATELY 7,000 SQUARE FEET IN LIEU OF THE REQUIRED MINIMUM 20,000 SQUARE FEET AND TO APPROVE AN UNDERSIZED LOT. PER SECTION 304 JSD

PROPOSED LOT 3

3. VARIANCE FROM SECTION 1B02.3 C.1. TO ALLOW A LOT WITH A MINIMUM SIDEYARD OF 10 FEET IN LIEU OF THE REQUIRED MINIMUM 15 FEET.

J. S. DALLAS, INC.
SURVEYING & ENGINEERING

13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

323

ZONING DESCRIPTION OF LOT 3 Dutton Court

BEGINNING *on the south side of Dutton Court, 30 feet wide, at the distance of 304 feet west from the center of Dutton Avenue, 40 feet wide, thence leaving said Dutton Avenue and Running the six following courses and distances:* ***(1) South 28 Degrees 21 Minutes 14 Seconds West 130.55 feet (2) North 87 Degrees 00 Minutes 09 Seconds West 273.09 feet (3) North 04 Degrees 20 Minutes 00 Seconds East 147.00 feet (4) South 63 Degrees 43 Minutes 29 Seconds East 147.25 feet (5) North 15 Degrees 22 Minutes 25 Seconds East 60.87 feet*** *and* ***(6) North 82 Degrees 00 Minutes 35 Seconds East 114.78 feet*** *to intersect said north side of Dutton Court thence running with and binding on said north side of Dutton Court* ***(7) southeasterly by a curve to the left with a radius of 61.07 feet for an arc distance of 54.38 feet*** *and* ***(8) South 63 Degrees 50 Minutes 00 Seconds East 32.34 feet*** *to the place of beginning.*

CONTAINING 41,104 SF +- or 0.943 AC. +- of land, more or less.

ALSO *known as* ***LOT 3 Dutton Court*** *and located in the 1st Election District, 1st Councilmanic District.*

Note: above description is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 4[illegible]
REGISTERED PROPERTY LINE SURVEYOR

INTER-OFFICE CORRESPO[redacted]E
RECOMMENDATION FO[redacted]

TO: Director, Office of Planning & Community Conservation
Attention: ~~Jeffrey Long~~ LYNN L.
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 04-323-SPHA

1/13/04
OP PACK SENT
KEEP THIS
COPY IN
ZONING CASE FILE

FROM: Arnold Jablon, Director
Department of Permits & Development Management

Residential Processing Fee Paid
($50.00)

Accepted by JL
Date 1/13/04

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

JONATHAN SCOTT DALLAS, SR. — 13523 LONG GREEN PIKE, P.O. BOX 26, BALDWIN MD. 21013 — 410-817-4600
Print Name of Applicant — Address — Telephone Number

Lot Address #1 DUTTON CT ([redacted] LOT 2) (JSD) Election District 1 (JSD) Councilmanic District 1 Square Feet [redacted] (JSD)

Lot Location: N E S W side/corner of DUTTON CT. [redacted] 246 (street) feet from ~~N E S W corner~~ ℄ of DUTTON AVE. (street) LOT 2 - 7678

Land Owner: ROSS J. BRECHNER, FRANCES M. BROSSEAU Tax Account Number 1600001747

Address: #1 DUTTON CT. BALT, MD. 21228 Telephone Number (410) 925-3121

CHECKLIST OF MATERIALS-. (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? YES	NO	
1. This Recommendation Form (3 copies)	X		
2. Permit Application		X	
3. Site Plan			
Property (3 copies)	X		
Topo Map (2 copies): *available* in Room 206, County Office Building - ***(please label site clearly)***	X		
4. Building Elevation Drawings		X	(WILL CONFORM W/NEIGHBORHOOD)
5. Photographs (please label all photos clearly)			
Adjoining Buildings	X		
Surrounding Neighborhood	X		

6. Current Zoning Classification: DR 2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

FILE WITH
04-323
SPHA

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date _____

Revised 2/25/99

SCHEDULED DATE CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avevnue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by _____ on _____.
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is $50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES_____ NO_____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

_____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

Revised 2/25/99

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-323-SPHA
1 Dutton Court
N/side of Sutton Court, 150 feet w/of Dutton Avenue
1st Election District – 1st Councilmanic District
Legal Owner(s): Ross Brechner and Frances Brosseau

Special Hearing: to allow 2 undersized lots, which do not increase overall tract density. **Variance: (Lot 1)** to permit side yard setback of 9 feet in lieu of the 15 feet, a front setback of 27 feet in lieu of the required 40 feet, a rear yard setback of 32 feet in lieu of the required 40 feet and a lot area of 11,000 sq. ft. in lieu of the required 20,000 sq. ft. **Variance: (Lot 2)** to permit a side yard setback of 10 feet in lieu of the required 15 feet, also a sum of side yards of 20 feet in lieu of 40 feet, a lot width of 60 feet in lieu of the 100 feet, an area of 7,000 sq. feet in lieu of the required 20,000 sq. feet; and to approve an undersized lot. **Variance: (Lot 3)** to allow a minimum side yard of 10 feet in lieu of the required 15 feet.

Hearing: Wednesday, March 17, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/3/604 Mar. 2 C652135

CERTIFICATE OF PUBLICATION

3/4/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/2/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

323 No. 32676

DATE 1/13/04 ACCOUNT 001-006-6150

AMOUNT $ 390.00

RECEIVED FROM: J. S. Dallas

FOR: 3 variances, 2 SPH, 1 nonconforming
#65.00 ea. 390.00 TOTAL

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/14/2004	1/13/2004	14:50:30	1

MSC MISC WALKIN WALKIN
RECEIPT # 172130 1/13/2004 OFLN
Rept 5 523 ZONING VERIFICATION
CK NO. 03262
Rept Tot $390.00
$390.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Attention: Becky Hart Date: March 5, 2004

RE: Case Number 04-323-SPHA
Petitioner/Developer: ROSS BRECHNER + FRANCES BROSSEAU/J.S. DALLAS
Date of Hearing/Closing: March 17, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1 Dutton Court.

The sign(s) were posted on February 28, 2004
(Month, Day, Year)

Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	1 Dutton Court; N/side Dutton Court, 150' W of Dutton Avenue	*	ZONING COMMISSIONER
	1st Election & 1st Councilmanic Districts	*	FOR
	Legal Owner(s): Ross J Brechner & Frances M. Brousseau	*	BALTIMORE COUNTY
	Petitioner(s)	*	04-322-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc, P.O. Box 26, 13523 Long Green Pike, Baldwin, MD 21012, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
FEB 04 2004
Per.....

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: SPHA 04323

Petitioner: Ross J. Brechner, Frances M. Brosseau

Address or Location: #1 Dutton Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ross J. Brechner

Address: #1 Dutton Ct.

Balt, MD. 21228

Telephone Number: 410-925-3121

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 28, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-323-SPHA
1 Dutton Court
N/side of Sutton Court, 150 feet w/of Dutton Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Ross Brechner and Frances Brosseau

Special Hearing to allow 2 undersized lots, which do not increase overall tract density. Variance (Lot 1) to permit side yard setback of 9 feet in lieu of the 15 feet, a front setback of 27 feet in lieu of the required 40 feet, a rear yard setback of 32 feet in lieu of the required 40 feet and a lot area of 11,000 sq. ft. in lieu of the required 20,000 sq. ft. Variance (Lot 2) to permit a side yard setback of 10 feet in lieu of the required 15 feet, also a sum of side yards of 20 feet in lieu of 40 feet, a lot width of 60 feet in lieu of the 100 feet, an area of 7,000 sq. feet in lieu of the required 20,000 sq. feet; and to approve an undersized lot. Variance (Lot 3) to allow a minimum side yard of 10 feet in lieu of the required 15 feet.

Hearing: Wednesday, March 17, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Ross Brechner & Frances Brosseau, 1 Dutton Ct., Baltimore 21228
J. Scott Dallas, P.O. Box 26, 13523 Long Green Pike, Baldwin 21013

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 2, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 2, 2004 Issue - Jeffersonian

Please forward billing to:
Ross Brechner
1 Dutton Court
Baltimore, MD 21228

410-925-3121

NOTICE OF ZONING HEARING

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Hearing: Wednesday, March 17, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 9, 2004

Ross J. Brechner
Frances M. Brosseau
1 Dutton Court
Baltimore, Maryland 21228

Dear Mr. Brechner and Ms. Brosseau:

RE: Case Number: 04-323-SPHA , 1 Dutton Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 13, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
J. Scott Dallas P.O. Box 26 13525 Long Green Pike Baldwin 21013

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 30, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 26, 2004

Item No.: 321-328 323

Dear Ms. Hart:

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

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 30, 2004

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
JAN 30 2004
ZONING COMMISSIONER

SUBJECT: 1 Dutton Court

INFORMATION:

Item Number: 04-323

Petitioner: Ross J. Brecher

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner request. Lots 1 and 2 should be combined to create 1 lot. This office does not oppose the creation of lot 3. This office recommends that the subject property be subdivided into 2 lots only.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS

DATE: February 3, 2004

SUBJECT: Zoning Item # 04-323
Address 1 Dutton Court
Brechner Property

Zoning Advisory Committee Meeting of January 26, 2004

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

It appears that the location of the on-site stream is correct, however, an approved Forest Buffer easement is not shown. Without approved delineations of the wetland, 100 year floodplain, and Forest Buffer easement, we cannot comment on the proposed single family dwelling. According to the Baltimore County Soil Survey, hydric soils exist on this site.

Reviewer: John Russo Date: February 2, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 10, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 2, 2004
Item No. 323

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The builder must show that the 100-year flood plain is contained inside of the 100-foot forest buffer.

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 30, 2004

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1 Dutton Court

INFORMATION:

Item Number: 04-323

Petitioner: Ross J. Brecher

Zoning: DR 2

Requested Action: Variance

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Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 1.29.04

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 323 JLL

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ~~Jeffrey Long~~ LYNN L.
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 04 323 SPHA

Residential Processing Fee Paid ($50.00)
Accepted by JL
Date 1/13/04

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

JONATHAN SCOTT DALLAS, SR. — 13523 LONG GREEN PIKE, P.O. BOX 26, BALDWIN MD. 21013 — 410-817-4600
Print Name of Applicant — Address — Telephone Number (JSD)

Lot Address #1 DUTTON CT (LOT 2) (JSD) — Election District 1 — Councilmanic District 1 — Square Feet LOT 2 - 7678

Lot Location: N E S W side/corner of DUTTON CT. (street) 240 (JSD) feet from ~~N E S W corner~~ of DUTTON AVE. (street)

Land Owner: ROSS J. BRECHNER, FRANCES M. BROSSEAU — Tax Account Number 1600001747

Address: #1 DUTTON CT. BALT, MD. 21228 — Telephone Number (410) 925-3121

CHECKLIST OF MATERIALS-. (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	X	
2. Permit Application		X
3. Site Plan Property (3 copies)	X	
Topo Map (2 copies): *available* in Room 206, County Office Building - *(please label site clearly)*	X	
4. Building Elevation Drawings		X (WILL CONFORM W/NEIGHBORHOOD)
5. Photographs (please label all photos clearly) Adjoining Buildings Surrounding Neighborhood	X	

6. Current Zoning Classification: DR 2

Post-It® Fax Note 7671	Date 1/30/04	# of pages ▶ 2
To John Lewis	From Lynn Lanham	
Co./Dept. Zoning	Co. Planning	
Phone #	Phone #	
Fax # 2824	Fax #	

TO BE FILLED IN BY THE OFFICE OF PLANNING

RECOMMENDATIONS / COMMENTS:

☐ Approval ☑ Disapproval ☐ Approval conditioned on require

See attached ZAC comments

RECEIVED JAN 14 2004 OFFICE OF PLANNING

Signed by: Lynn Lanham
for the Director, Office of Planning and Community Conservation

Date: 1/30/04

Revised 2/25/99

Thomas W. Keech
11 Dutton Court
Baltimore, Maryland 21228
Phone: (410) 744-4526

RECEIVED
MAR 1 6 2004
ZONING COMMISSIONER

March 12, 2004

Zoning Variance Office
Room 407
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: 04-323-SPHA
1 Dutton Court
Requested Zoning Variance
Hearing Date: 3/17/04

Dear Sir or Madam:

I **withdraw** my approval of the zoning variance requested for my street. Since my signature was solicited, I have met with the petitioners and discussed the plan in detail, together with a number of my other neighbors. I have come to realize that putting two houses on that tiny parcel of land will detrimentally affect the character of tiny Dutton Court.

Only by the barest technicality does this meet the density requirements (if it does meet those requirements at all). Much of the land at issue is actually on the other side of a stream. That separate portion of the property, plus stream setbacks, constitutes probably the majority of the land. The place where the two houses are actually planned is actually very tiny. If this plan meets the letter of the density requirements, it meets only the letter, not the spirit of those requirements.

As a result, the plan does not meet either the letter or the spirit of the setback requirements. The requested variances for those setbacks are unacceptable. For example, the reduction of the setbacks between the houses to 20 feet is unacceptable. No one who approved the density rollback to DR2 could have contemplated new houses being built 20 feet apart.

The setback between my house and the house next door (established before the downzoning to DR2) is 30 feet, according to my measurements, and it is much too narrow and in itself not compatible with the rest of the neighborhood. Two additional houses, with a setback of 20 feet between them would change the court into a new pocket of high-density housing in a DR2 zone. This is not the intent of the zoning.

The other variances from other setback provisions would only exacerbate the problem.

I don't think, however, that one (not two) additional houses would be a major problem on Dutton Court. This could probably be done without any variances.

Sincerely yours,

Thomas W. Keech

Thomas W. Keech

I agree: Sharon S Keech

Sharon S. Keech

5 Dutton Avenue
Catonsville, MD 21228

March 9, 2004

Zoning Office
11 W. Chesapeake Ave.
Towson, MD 21204

Dear Sir or Madam:

I am writing regarding case #04 323 SPHA 1 Dutton Court.

It is my understanding that Dutton Avenue is currently zoned DR 2 and that the aforementioned case exceeds the allowances for DR 2 zoning. I object to the zoning variance because it does not adhere to the DR 2 zoning specification.

Sincerely,

Thomas J. Henninger

RECEIVED
MAR 11 2004
04-626
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

AMIS I T RAN

To: Lanny
ASAP.

March 11, 2004

RECEIVED

MAR 2 5 2004

ZONING COMMISSIONER

Baltimore County Zoning Office
111 W. Chesapeake Ave.
Towson, MD 21204

re: Case # 04 323 SHPA 1 Dutton Court

To the zoning commissioners:

With some regret, I must ask you to reject the request for zoning variances for 1 Dutton Court. I am unable to attend the March 17 hearing.

I was the president of the neighborhood association covering this address in the 1980s, when we successfully petitioned the county to down-zone the area to DR 2. The Greater Catonsville Junction Community Association had overwhelming support for the change on grounds that we needed to maintain the overall character of the neighborhood, in view of the traffic and flooding problems that currently exist. More than a dozen people attended the county hearings to support our request.

I have visited with the petitioner, and have sympathy for his desire to build an additional house for his family to reside in. However, his request for two additional lots, and for variances from required setbacks, are excessive. The houses would be too close together, and one of the proposed lots would be too small.

Granting these variances would set a precedent for others throughout the neighborhood to try to carve up their property into undersized lots. There are several multi-acre parcels in the neighborhood -- I own one of them -- and our quality of life and housing values would decline if everyone chopped them up to the maximum extent and beyond. The restrictions under DR 2 are appropriate and should be enforced.

Thanks for your consideration,

Steve Gettinger

Mary C. Hamill (spouse)

Steve Gettinger

19 Overhill Road
Catonsville, MD 21228

cc: Councilman Sam Moxley, Alice Dorshow

RECEIVED
MAR 2 5 2004
DEPT. OF PERMITS AND DEVELOPMENT MANAGEME

RECEIVED
MAR 2 5 2006
DEVELOPMENT

We, who were among those members of the Greater Catonsville Junction Association behind the effort to downzone the Dutton Avenue/Overhill area in 1988, wish to bring two zoning notices to your attention. Each has the following heading.

CASE # 04 323 SPHA
1 Dutton Court
A Public Hearing will be held by the zoning Commissioner
in Towson, Maryland, 401 County Courts Building
Room #407 County Courts Building,
401 Bosley Avenue
March 17, 2004, 11 AM

Zoning Variance sign one for 1 Dutton Court reads:
Special Hearing to allow 2 undersized lots which do not increase overall tract density. Variance (lot 1) to permit a side yard set back of 9 feet in lieu of the required 15 feet, a front setback of 27 feet in lieu of the required 40 feet, a rear yard setback of 32 feet in lieu of the required 40 feet and a lot area of 11,000 sq. feet in lieu of the required 20,000 sq. feet.

Zoning Variance sign two for 1 Dutton Court reads:
Variance (lot 2) to permit a side yard setback of 10 feet in lieu of the required 15 feet, also a sum of side yards of 20 feet in lieu of the required 40 feet, a lot width of 60 feet in lieu of the required 100 feet, an area of 7,000 sq. feet in lieu of the required 20,000 sq. feet, and to approve an undersized lot variance (lot 3) to allow a minimum side yard of 10 feet in lieu of the required 15 feet.

By choice and through our efforts in 1988, this Dutton Avenue/Overhill Road area of Catonsville was down zoned from DR 3.5 to DR 2 (2 houses per acre which equates to one house per 20,000sq.feet . The above requested size variances for two of the lots far exceed allowances within DR 2 parameters. Less density, not more, was and is our goal, and we object to these variances.

If you agree with our opposition, we encourage you to attend the hearing. If this is not possible we encourage you to write your objection (send to: Zoning Office, 111 W. Chesapeake Ave, Towson, MD, 21204, Attention of Zoning Officer, mentioning case # 04 323 SPHA 1 Dutton Court, your reasons and your address). This notice will be followed up with a call or visit from one of us asking whether you would be willing to sign a petition opposing these variances.

We thank you for your time and attention.

Burch Harmon (410) 744-6886 Alice Dorshow (410) 747-8854 Marjean Irwin

We agree. HARSHA + CATHERINE DESAI
17 Overhill Rd 21228

R: Case # 04 323 SPHA 1 Dutton Court Hearing March 17th, 2004

Because of the size of lot 1 and lot 2, we oppose the granting of variances for the proposed three lot subdivision at 1 Dutton Court

Name:	Address:
Deborah J. Anderson	21 Overhill Road
John L Moore	21 Overhill Rd

R: Case # 04 323 SPHA 1 Dutton Court Hearing March 17th, 2004

Because of the size of lot 1 and lot 2, we oppose the granting of variances for the proposed three lot subdivision at 1 Dutton Court

Name:	Address:
Patrice Shackelford	13 Dutton Ave.
[illegible]	13 DUTTON AVE
~~[illegible] J. Anderson~~	~~21 Overhill Road~~ duplicate
Mary C. Harnell	19 Overhill Ave
[illegible]	19 OVERHILL AVE.
Kathleen Blackwell	14 Overhill Rd.
Roy Benjamin	15 overhill Rd
Mary Dee Benjamin	15 Overhill Rd.
Margaret O. Irwin	24 Overhill Rd. 21228
Sharon S. Keech	11 Dutton Ct. 21228
Thomas W. Keech	11 Dutton Court 21228
Jane [illegible]	9 Dutton Court 21228
Stanley A. Sundsmith	12 Dutton Court 21228

Re: Case #04323

I live in one of the homes south of 1 Dutton Court, and I am opposed to the proposed creation of the two undersized lots. A 7,000 sq. feet and an 11,000 sq. feet lot are not in keeping with the DR-2 zoning of the neighborhood.

Anne R. Kaufman
1814 Frederick Rd 21228
410-747-5725

Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Dear Zoning Officer: March 10, 2004

We are opposed to the zoning variance case # **04 323 SPHA 1 Dutton Court** because Dutton Court feeds into Dutton Avenue, which already has a congestion and speeding problem. Dutton Ave. is currently contracted to receive three speed bumps to help curb this problem. In addition to this, in 1988 our neighborhood had the county down zone the houses per acre from DR 3.5 to DR 2 (2 houses per acre which equates to one house per 20,000 sq. feet). The Zoning Variance listed above requests that two of the lots far exceed allowances within the DR 2 parameters. Less density remains our goal. We feel that this proposed zoning variance will set a precedence for future building in our neighborhood and depreciate the value of our property. We object to any of the changes in this case.

Edward and Allyson Williams
11 Dutton Avenue
Catonsville ,MD 21228
410-744-6129

Edward M. Williams 3-10-04
Allyson S. Williams 3-10-04

file @ ZC's
JGB 3/10

Call + spoke to they got faxed copy 3/12/04

RECEIVED
MAR 12 2004
04-648
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

DEAN
DEAN'S OFFICE
MAR 15 2004
RECEIVED

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JANE NITSCH	9 Dutton Court	Catonsville, MD 21228	JANE.NITSCH@SSA.GOV
Marjean C. Irwin	24 Overhill Rd.	Catonsville, MD 21228	—
Thomas W. Keech	11 Dutton Court	Catonsville, MD 21228	TWKEECH @ AOL.COM
STEPHEN HOOK	131 EDGEWOOD AVE.	Catonsville, MD 21228	SRES1@COMCAST.NE
PAMELA WARFIELD	1822 FREDERICK RD	CATONSVILLE, MD 21228	pamela.warfield@verizon.net
Marion Flint	14 Dutton Ave	Catonsville, MD 21228	mflint@comcast.net
Robert M. Flint	14 Dutton Ave	Catonsville, MD 21228	mflint@comcast.net
Jenny Sunderwirth	12 Dutton Ct.	Catonsville MD 21228	slashjunk @ yahoo.com
MARSHALL HANDY	18 DUTTON AVE	CATONSVILLE MD 21228	—
Chris Kosojet	16 C Dutton AVE	Catonsville Md. 21228	—
Alice Dorshow	1820 Frederick Rd	Catonsville, MD 21228	—
Stanley A. Sunderwirth	12 Dutton Ct	Catonsville, MD 21228	sasunderwirth@yahoo.com

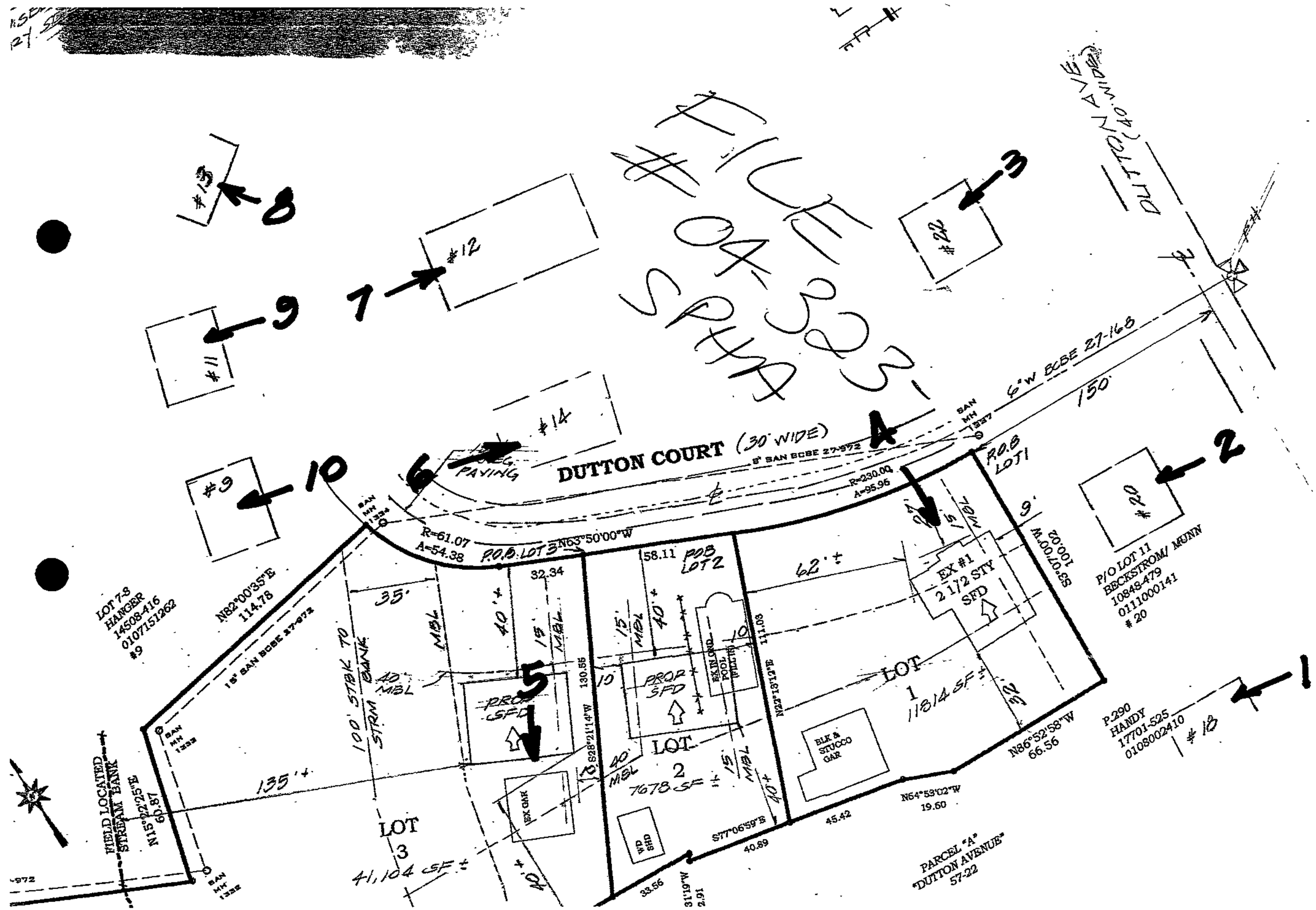
PLEASE PRINT CLEARLY

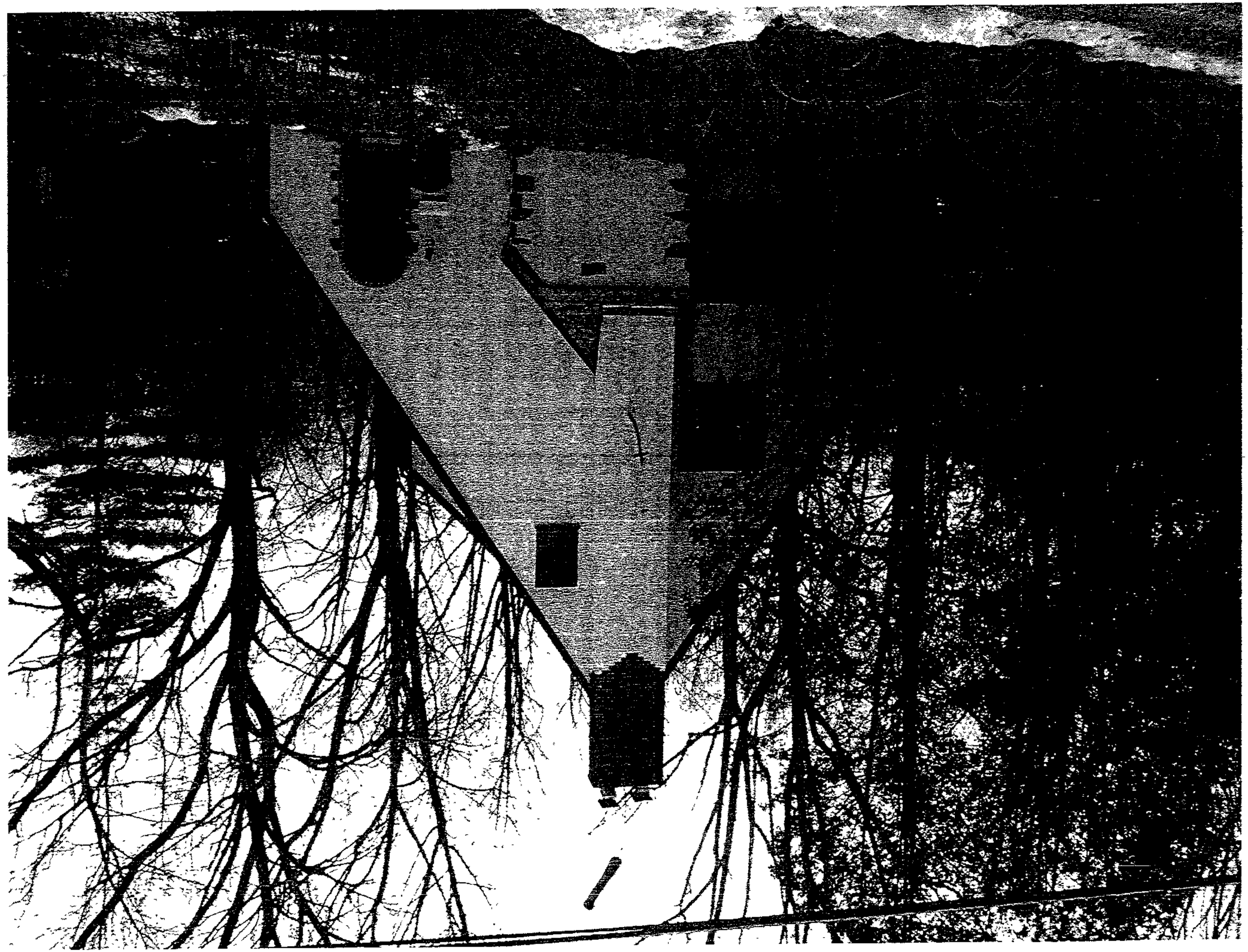
CASE NAME Brechner - Broussegau
CASE NUMBER 04-323-SPHP
DATE 3/17/04

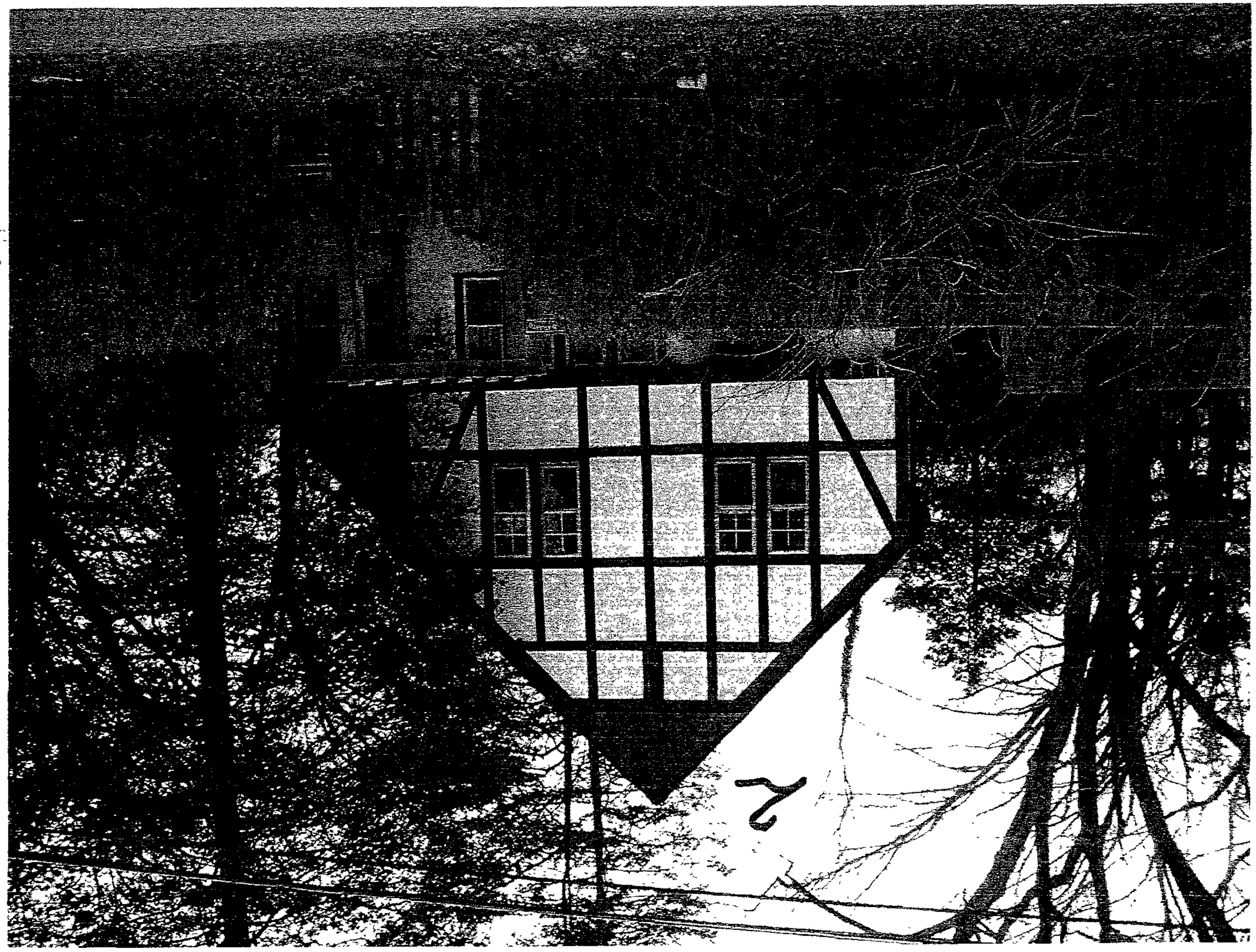
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Ross Brechner	1 Dutton Ct	Catonsville, 21228	rbrechner@yahoo.com
J Scott Dullen			

#1 DUTTON CT. PHOTO KEY



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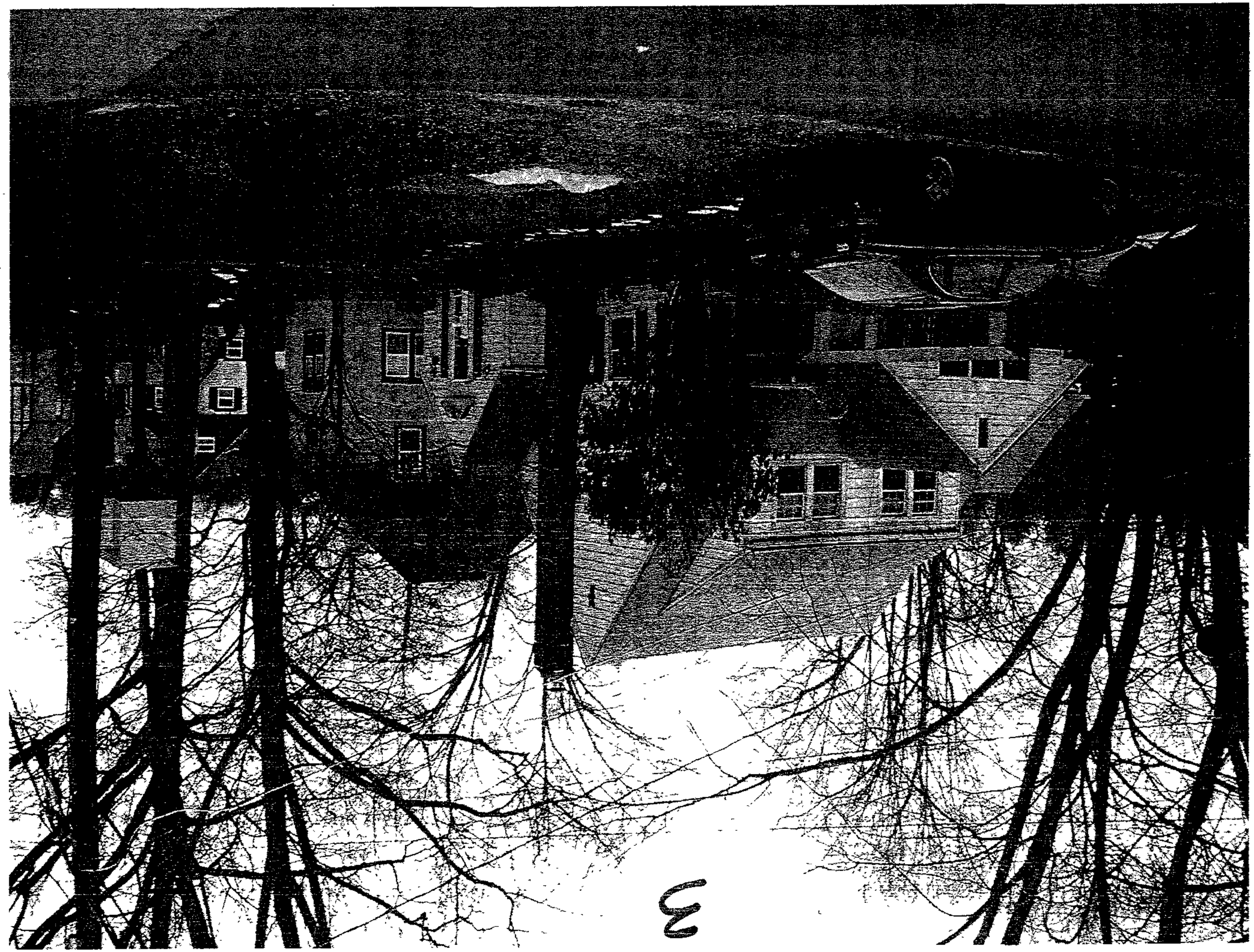

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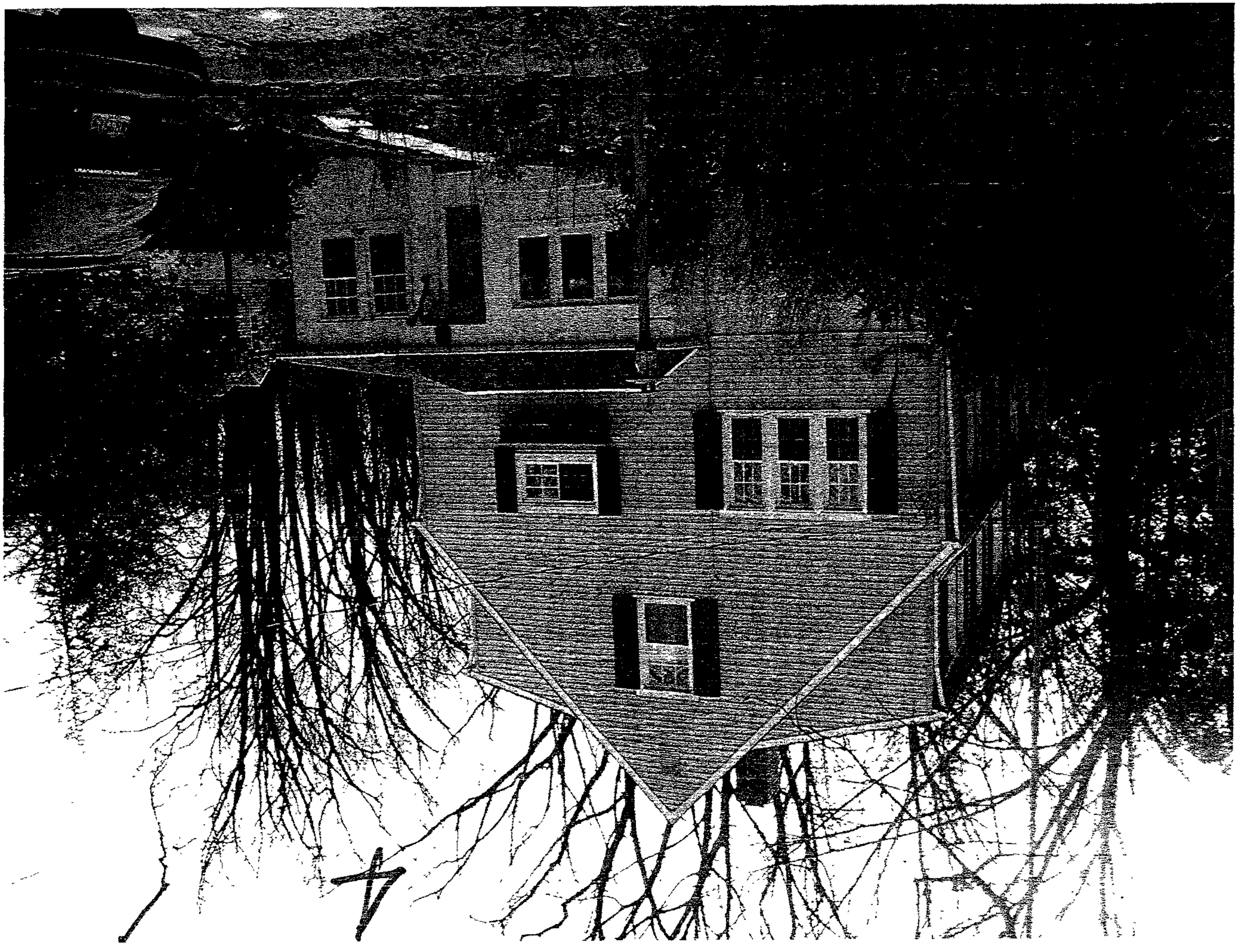

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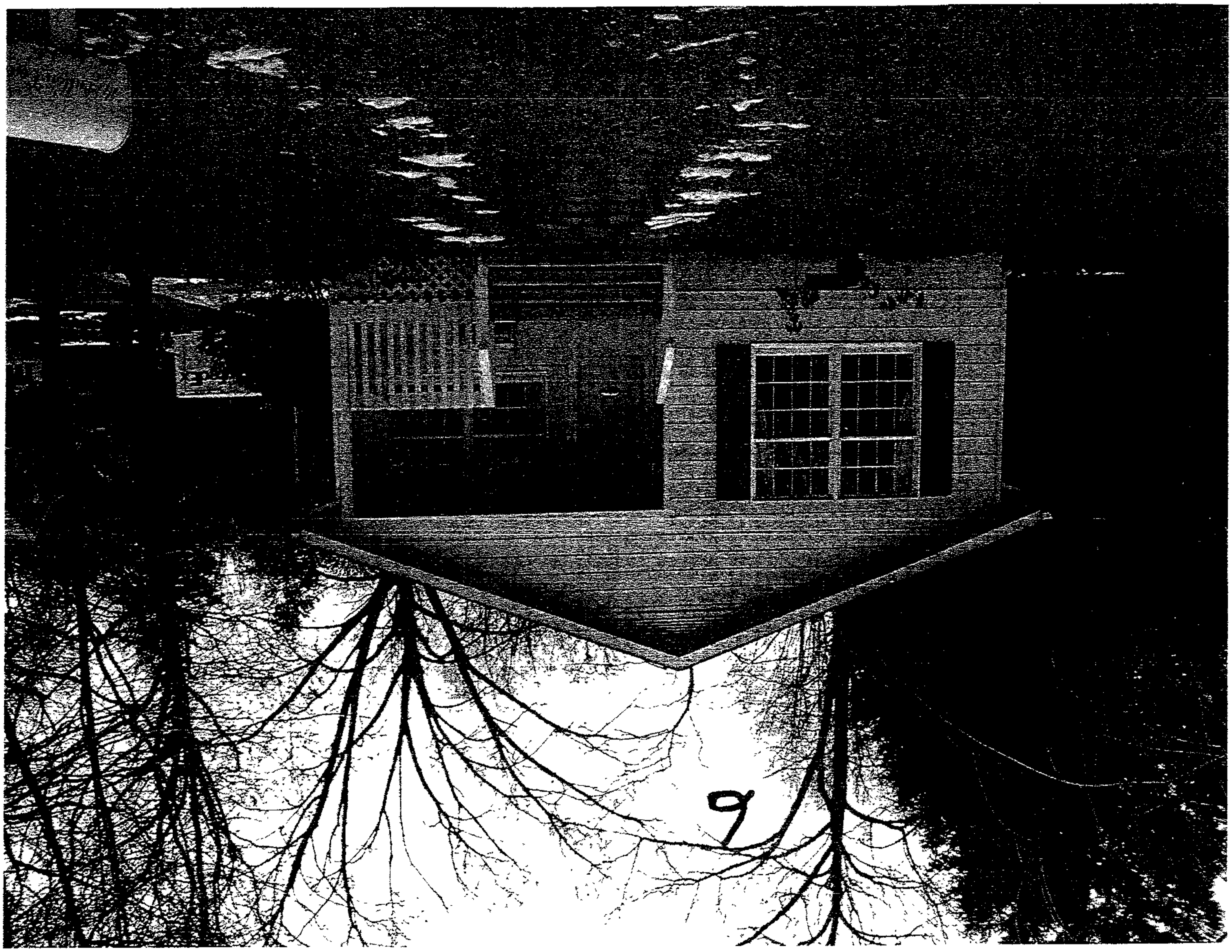
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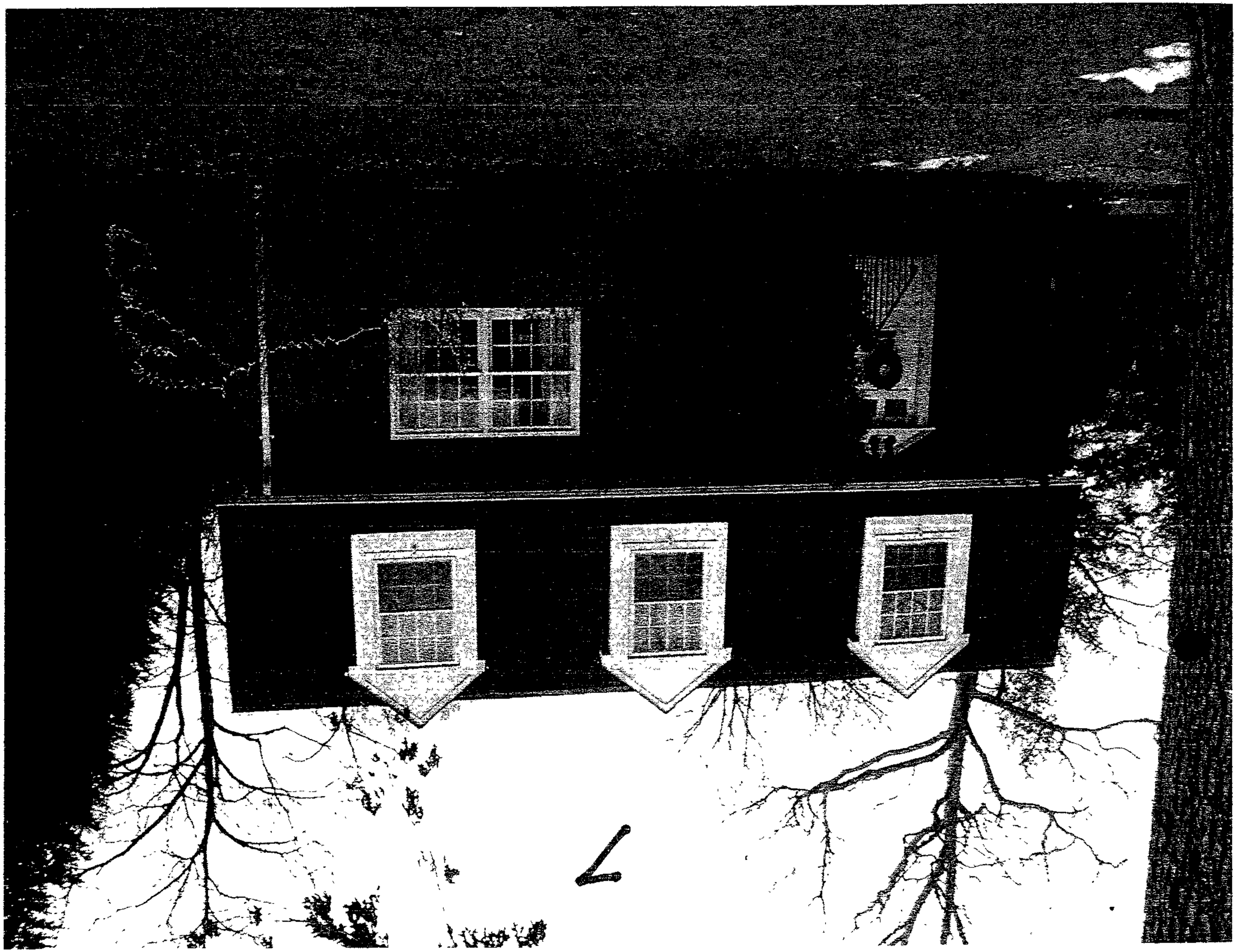
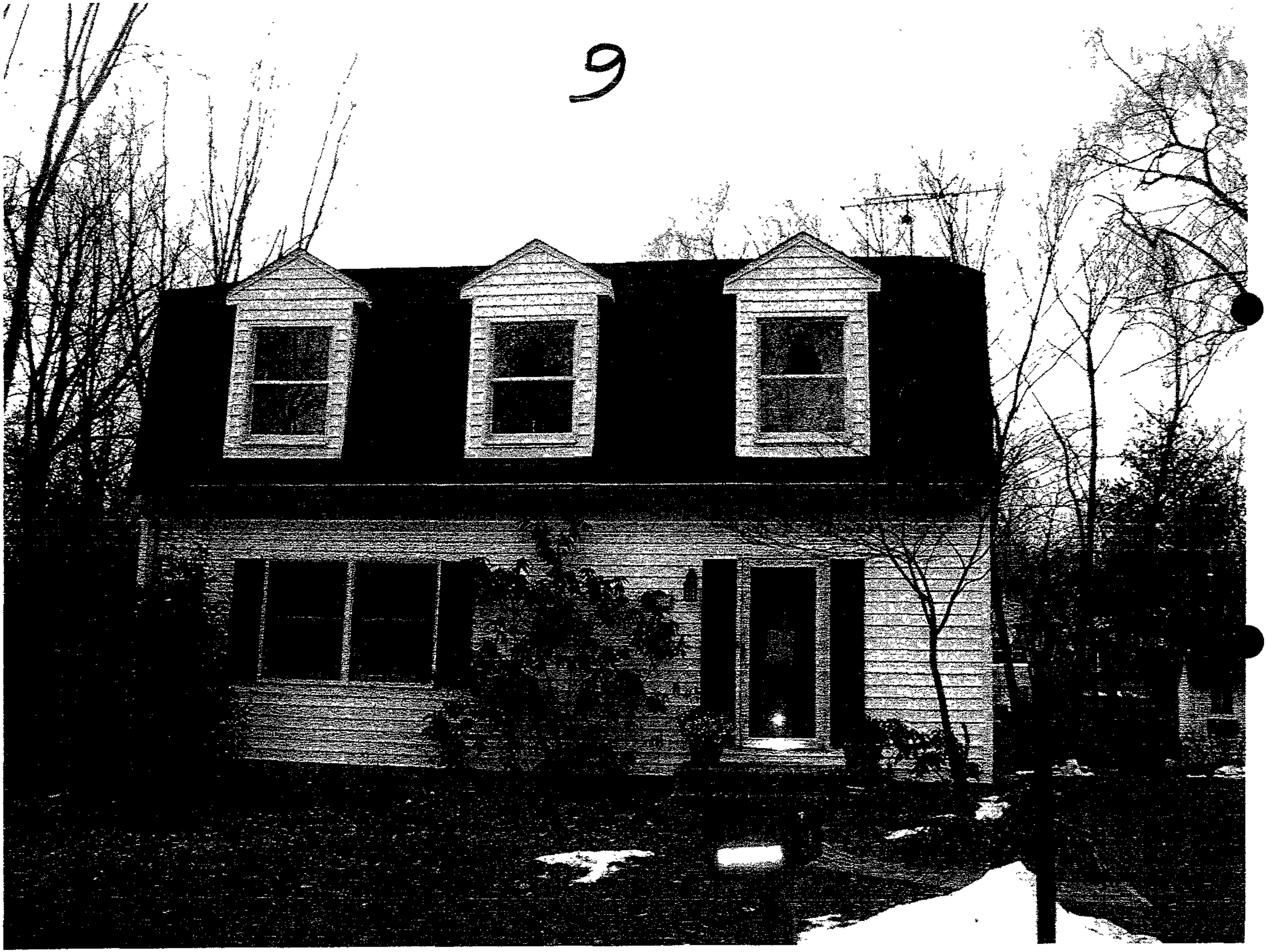
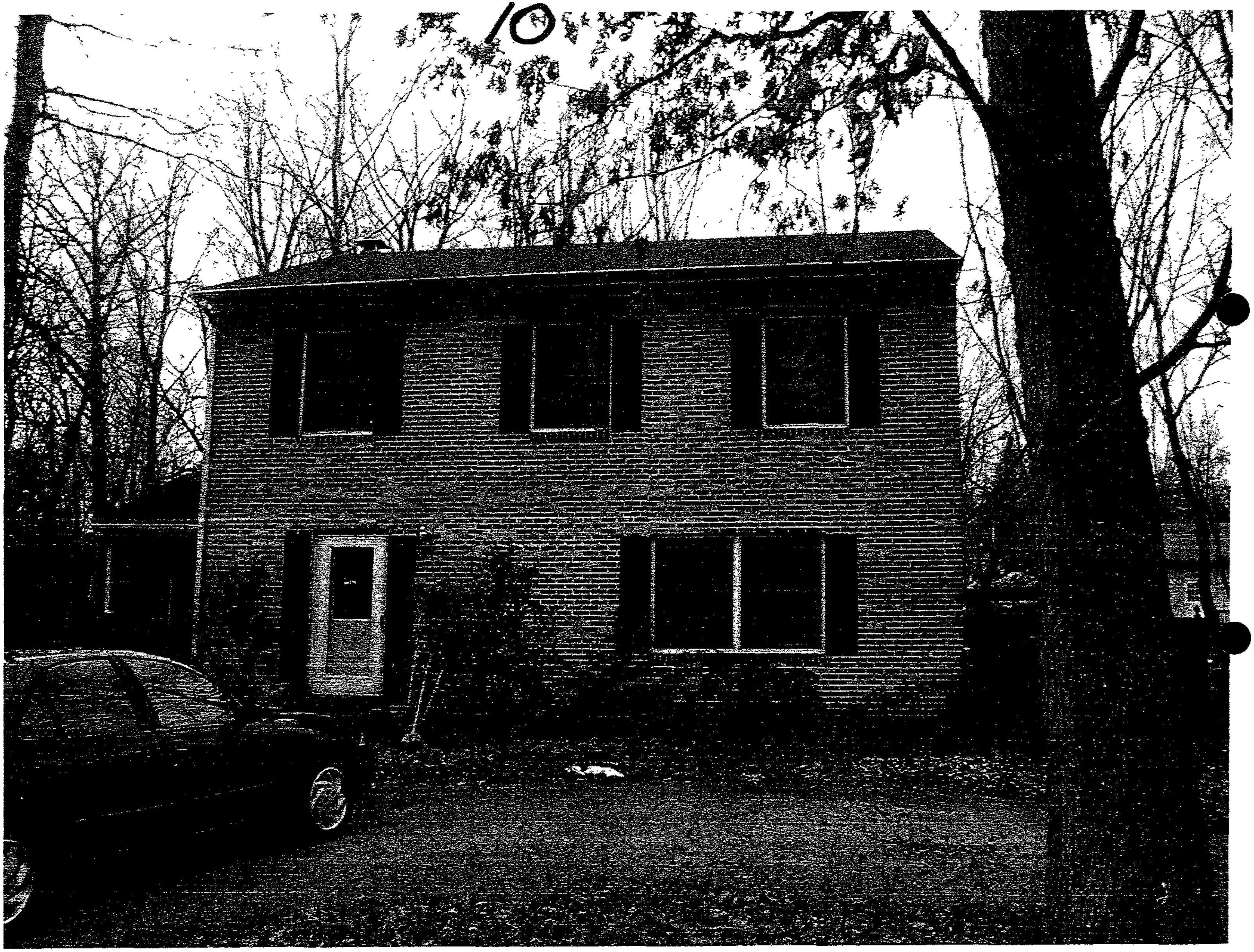
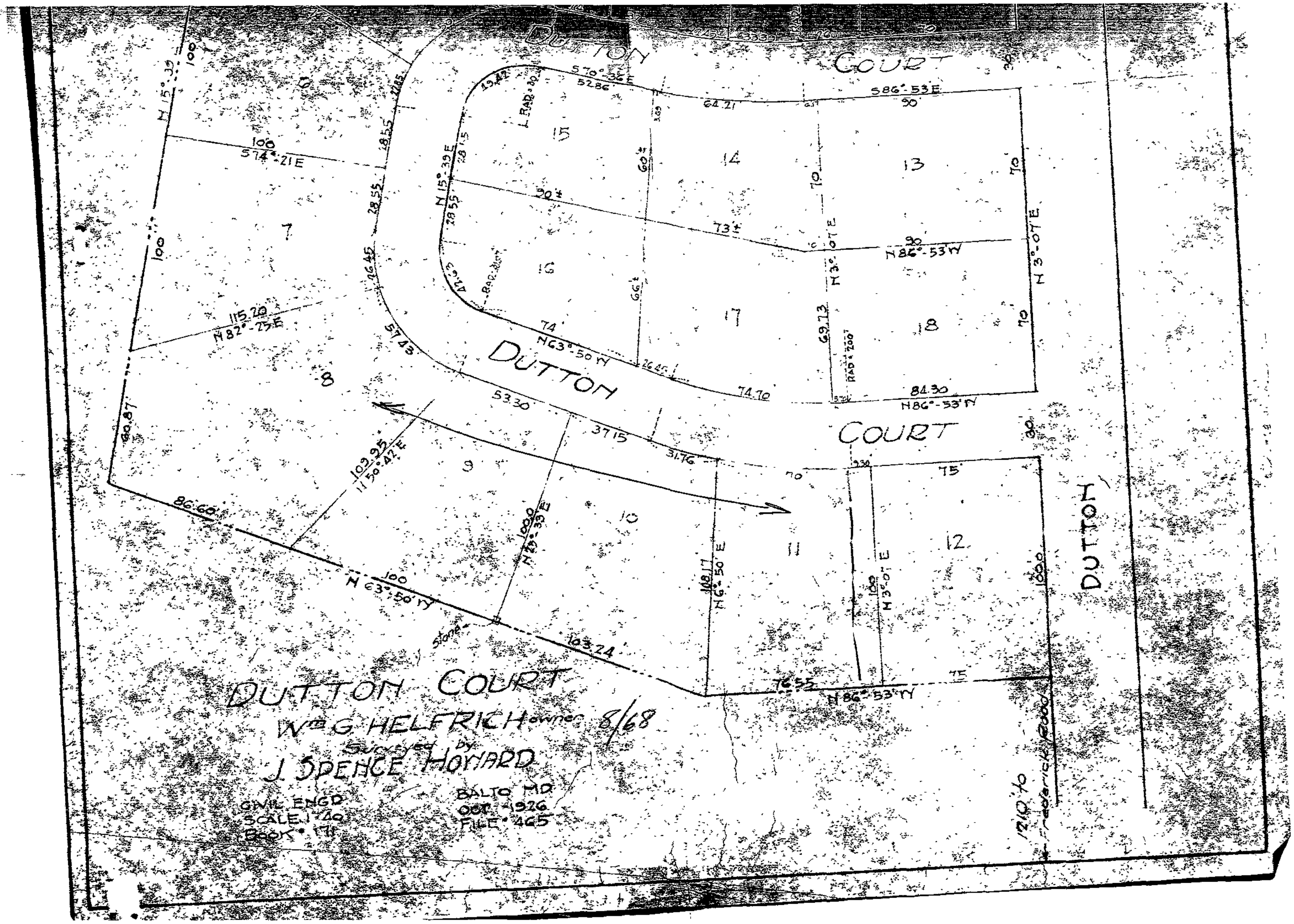
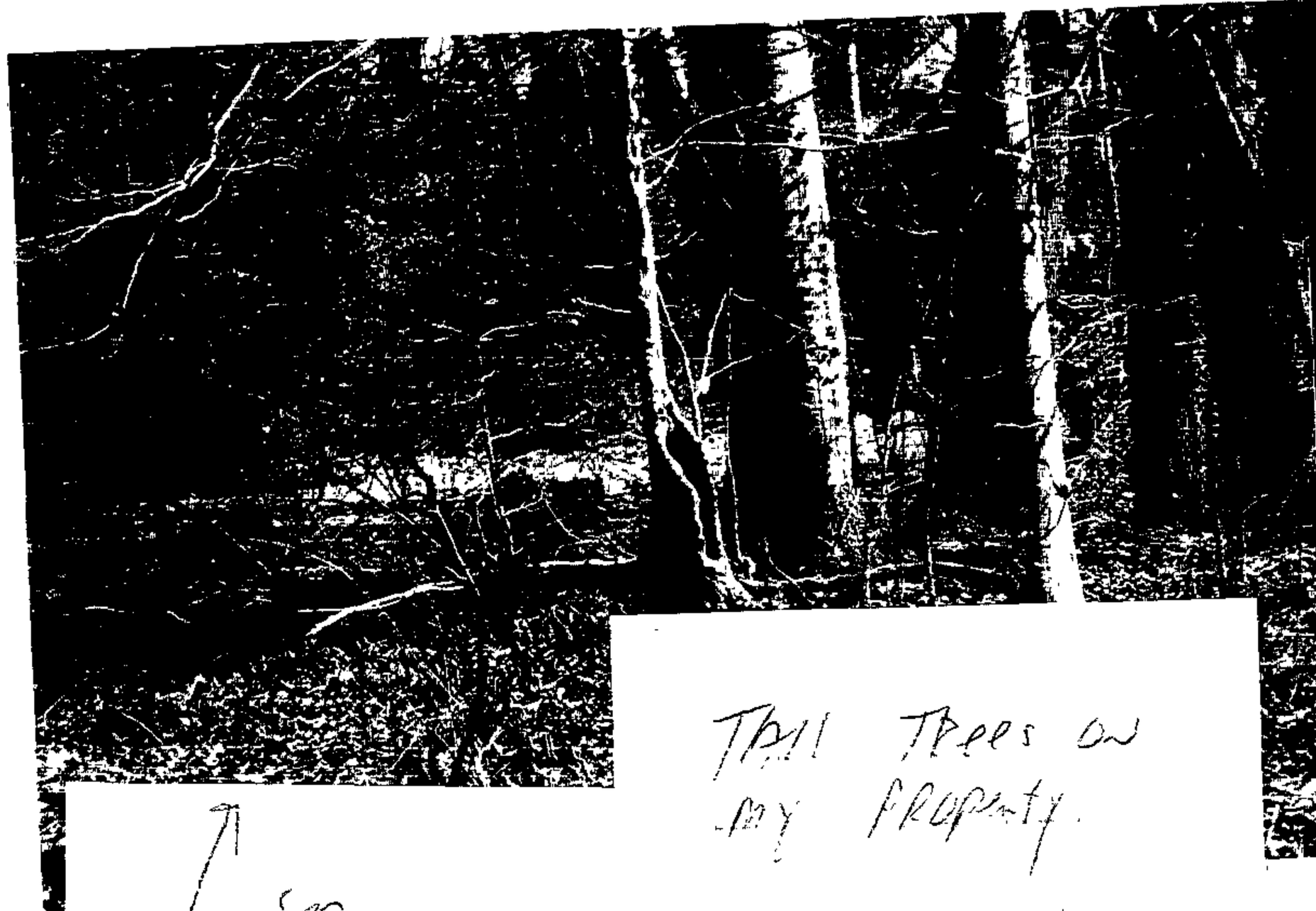






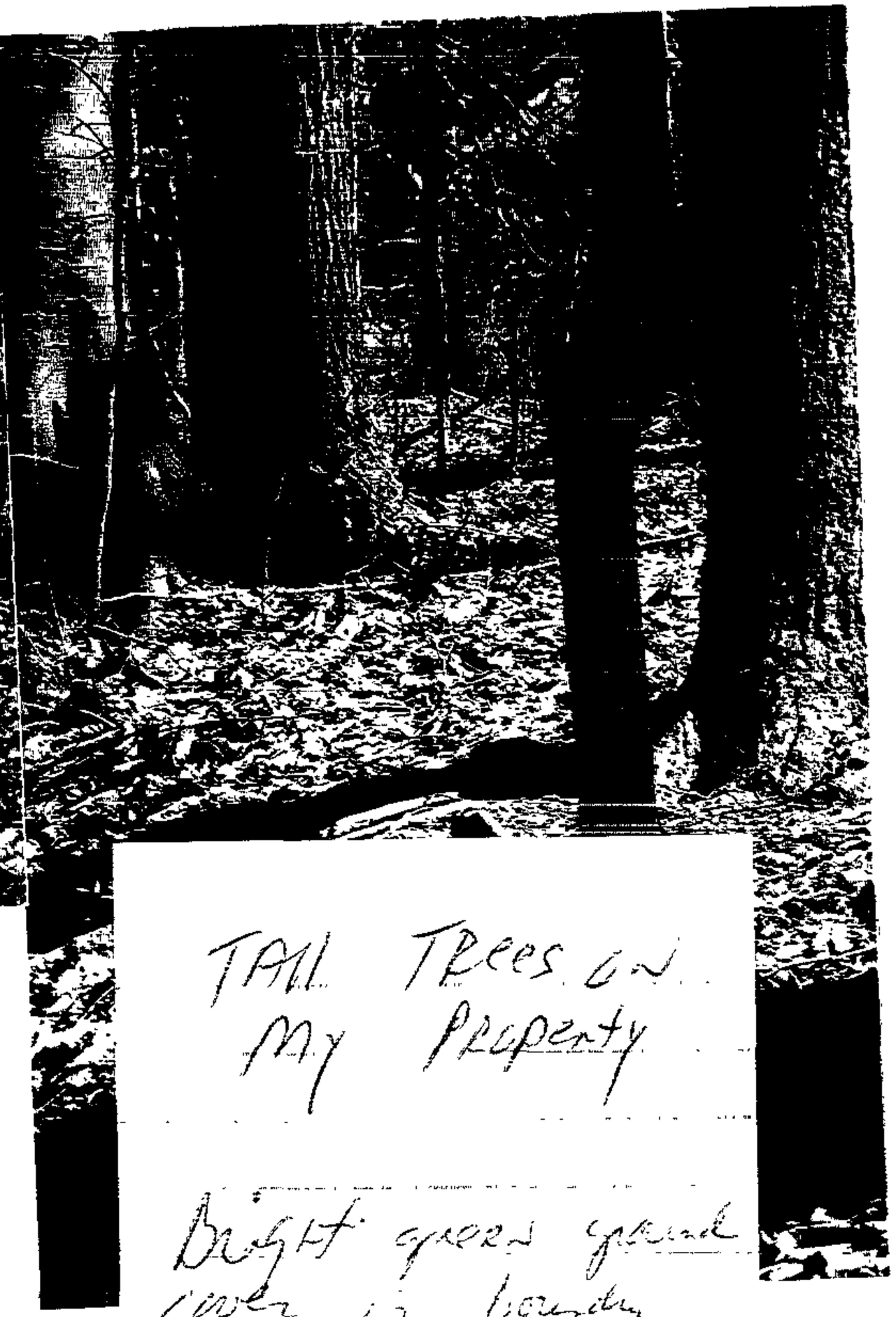

DUTTON COURT
DUTTON COURT
DUTTON COURT
DUTTON COURT
Wm G. HELFRICH Owner 8/68
Surveyed by
J. SPENCE HOWARD
CIVIL ENGR
BALTO MD
SCALE 1"=40
OCT. 1926
BOOK 171
FILE 465
N 15° 39 E
S 74° 21 E
N 82° 25 E
N 63° 50 W
S 70° 36 E
S 86° 53 E
N 86° 53 W
N 3° 07 E
N 26° 33 E
N 50° 42 E
N 6° 50 E
N 3° 07 E
N 86° 53 W
Stone
L RAD = 30
RAD = 200
RAD = 200
1210 ±0



TALL TREES ON MY PROPERTY.

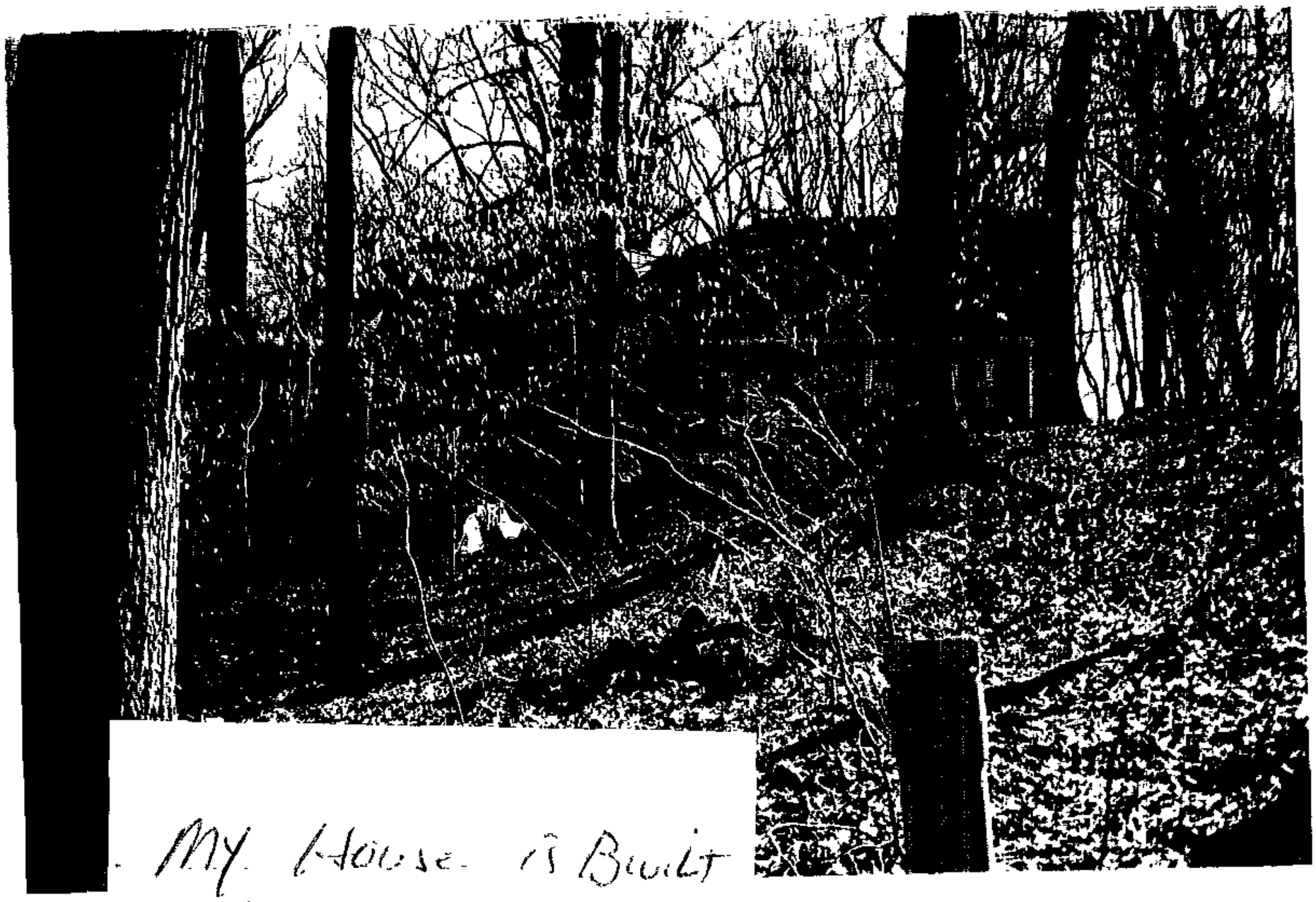
SAME SURVEY RIBBON

LIGHT GREEN LOW GROUND COVER IS ON BOUNDARY



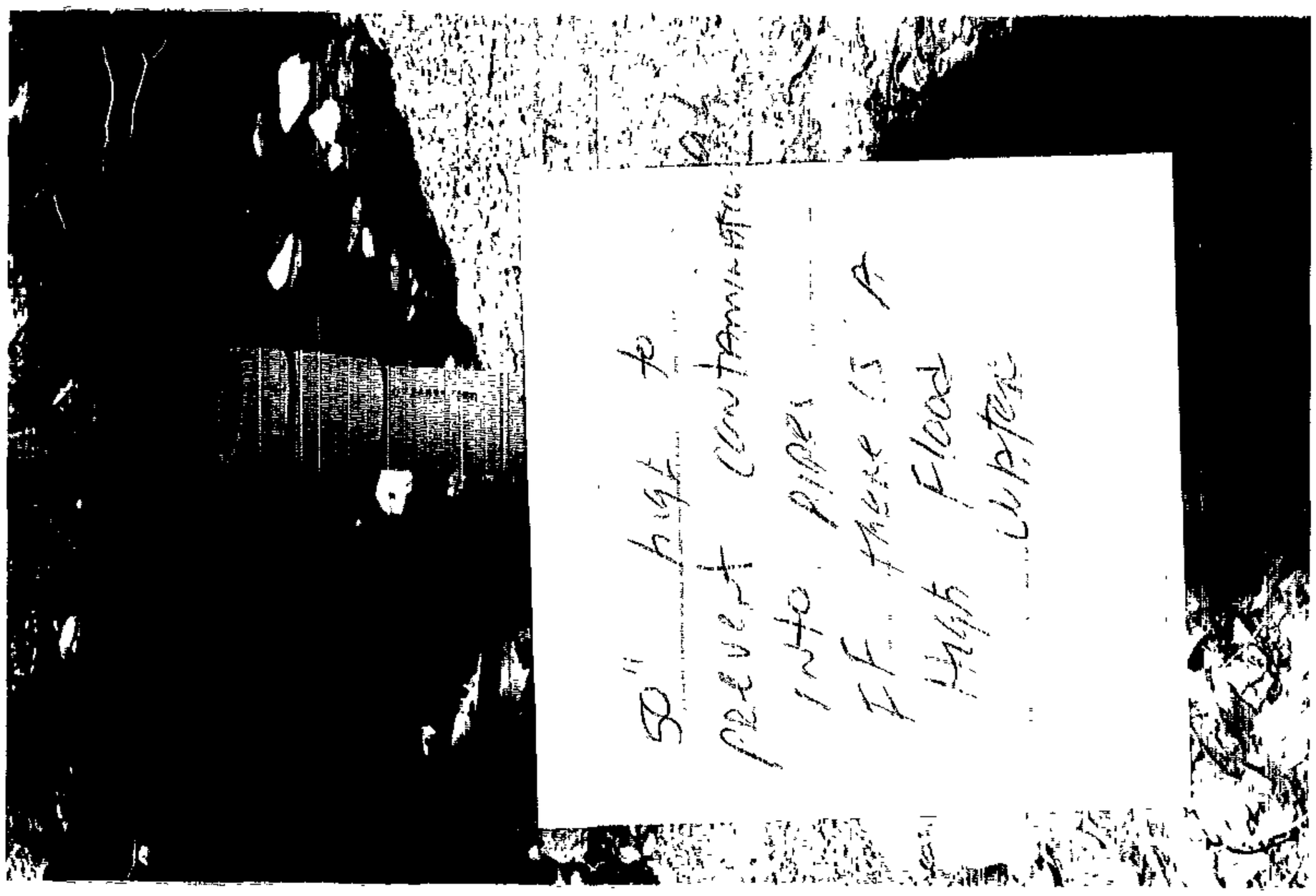
TALL TREES ON MY PROPERTY

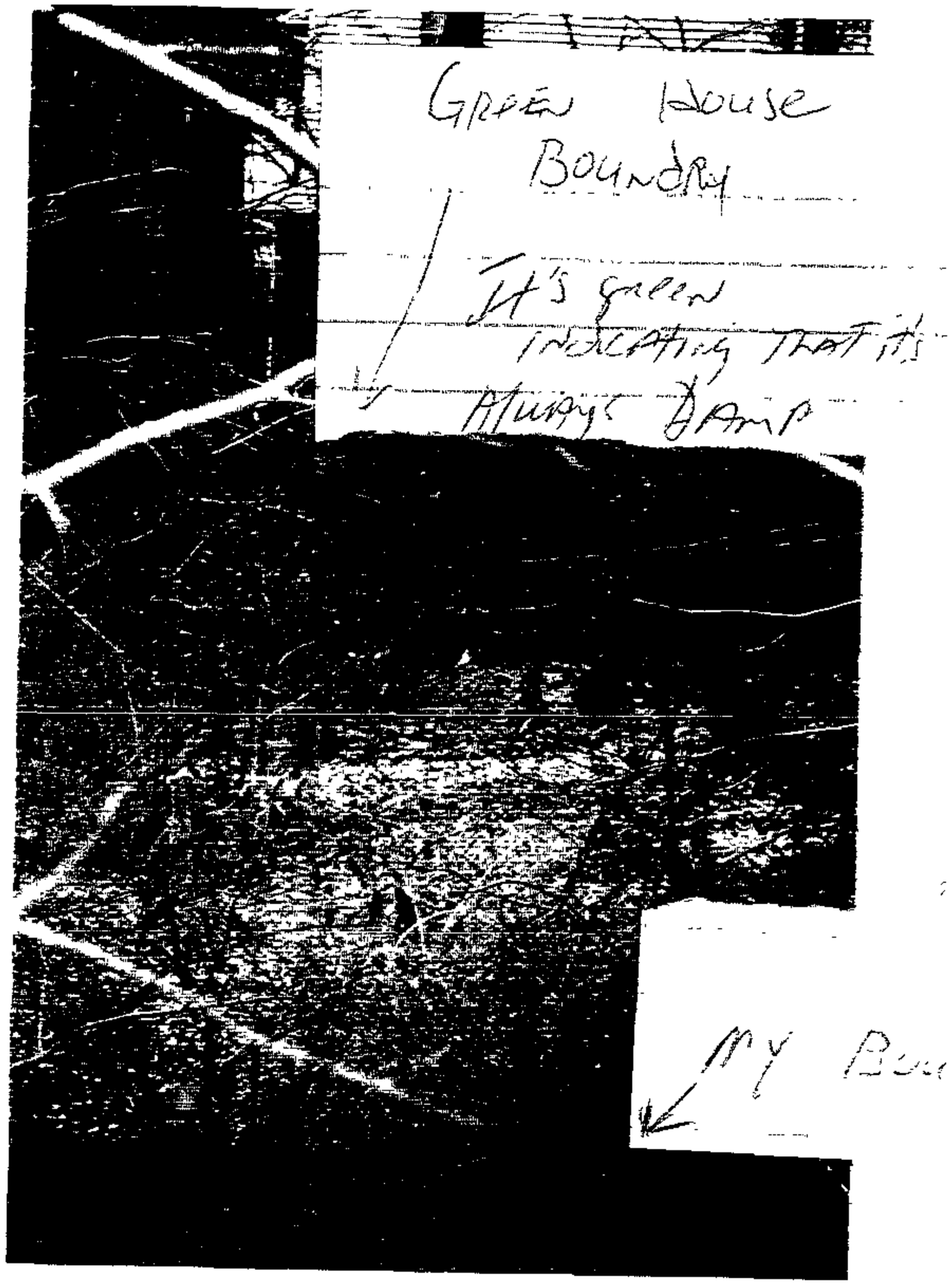
BRIGHT GREEN GROUND COVER ON BOUNDARY



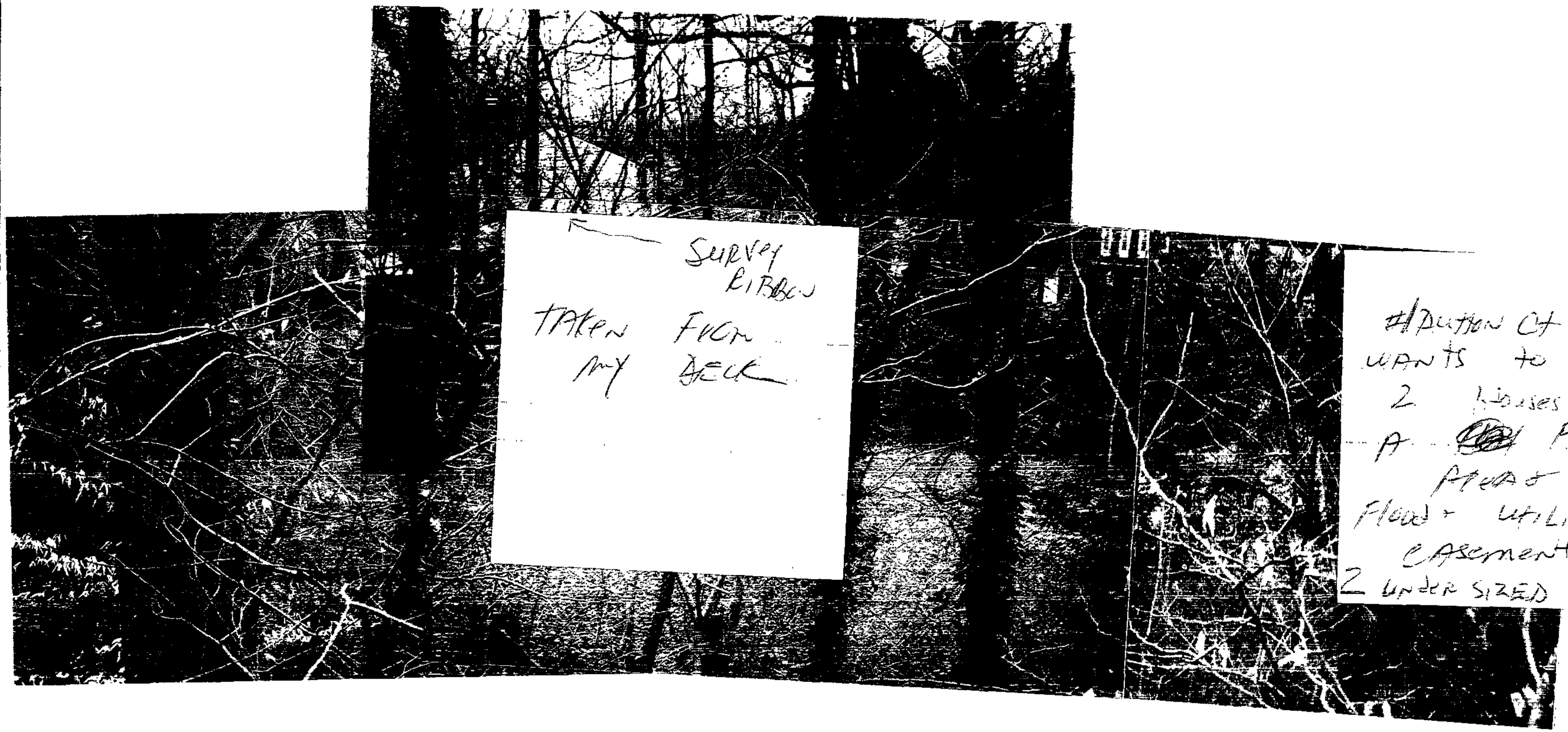
MY House is Built
on top OF Hill

All water runs away,




Green House
Boundry
It's green
indicating that it's
always Damp
My Boundry

My Boundry is
The Low
Line Area


SURVEY RIBBON
TAKEN FROM MY DECK
#1 PORTION OF OWNER WANTS TO BUILD 2 HOUSES IN A FLAT AREA & A FLOOD + UTILITY EASEMENT ON 2 UNDER SIZED LOTS

2 STY SFD

Ex No 2

#9
2 STY
SFD

LOT 7-8
HANGER
14508-416
0107151262
#9

MD COORD SYS.

BALT CO, MD
1336-387
0102199003
MEYER PLAT 9-34

SAN MH 1331

15' SAN BGBE 27-972

S63°43'29"E
147.25

147.00

N4°20'00"E

FIELD LOCATED STREAM BANK

N15°22'25"E
60.87

SAN MH 1332

EX. STREAM

EX STREAM

N82°00'35"E
114.78

SAN MH 1333

15' SAN BGBE 27-972

SAN MH 1334

15' ± IRREG. PAVING

#14
1 STY
SFD

R=61.07
A=54.38

DUTTON COURT (30' WIDE)

N63°50'00"W

8' SAN BGBE 27-972

SAN MH 1337

R=230.00
A=95.96

35'

100' STBK TO STRM BANK

40' MBL

MBL

40' ±

64'

24'

140' ±

PROP DWLG. AREA

LOT 2
NO
VARIANCES
46,000 SF±

117' ±

EX IN GND POOL (FILL IN)

14,000 SF±

27'

15' MBL

EX #1
2 1/2 STY
SFD

S30°07'00"W

EX GAR

40' MBL

LOT 2

LOT 1

BLK & STUCCO GAR

WD SHD

40' ±

32'

S77°06'59"E

15'

71'

N87°00'09"W

S24°31'19"W
2.91

N64°53'02"W
19.60

N86°52'58"W
66.56

LOT 1 - SAME VARIANCES & UND. LOT

P.310 LOT 1
"DUTTON AVENUE"
57-22
KOSOJET
9048-534
2100000366

PARCEL "A"
"DUTTON AVENUE"
57-22

SKETCH PLAN FOR
2. LOT ALTERNATIVE SUBDIVISION
#1 DUTTON COURT

3.04

1" = 30' ±

GENERAL NOTES:

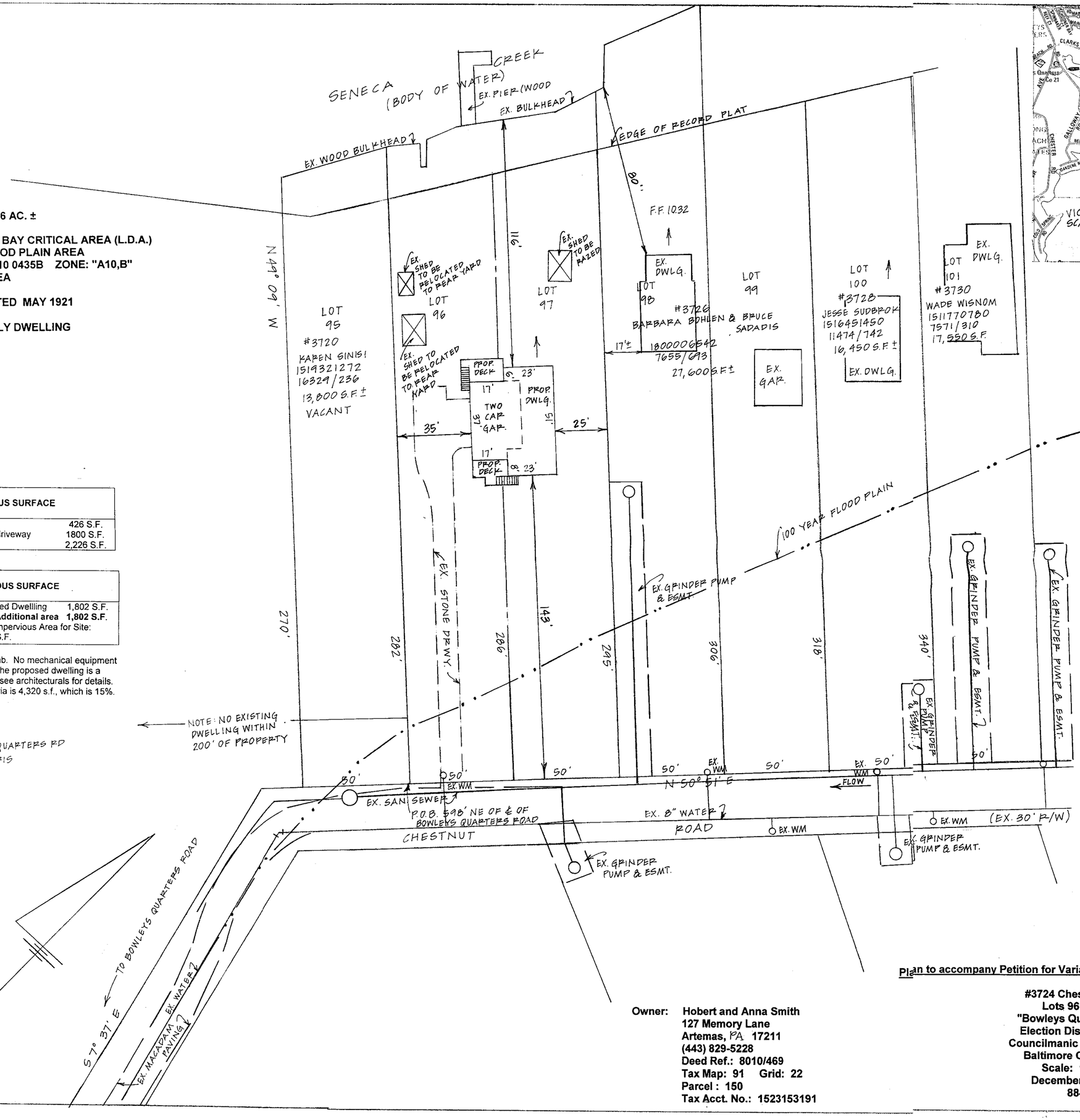
1. EXISTING ZONING: R.C.5
2. 200' SCALE MAP: N.E. 2-K
3. LOT AREA: 28,800 S.F.± OR 0.66 AC. ±
4. PUBLIC WATER AND SEWER
5. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (L.D.A.)
6. LOCATED IN THE 100 YEAR FLOOD PLAIN AREA
   COMMUNITY PANEL NO. 240010 0435B ZONE: "A10,B"
7. NOT LOCATED IN HISTORIC AREA
8. NO PRIOR ZONING HEARING
9. LOT OF RECORD PER PLAT DATED MAY 1921
10. EXISTING USE: VACANT
    PROPOSED USE: SINGLE FAMILY DWELLING

TABLE FOR MANMADE IMPERVIOUS SURFACE		
Existing man-made Impervious Surface	Sheds	426 S.F.
	Gravel driveway	1800 S.F.
	TOTAL:	2,226 S.F.

TABLE FOR MAN-MADE IMPERVIOUS SURFACE		
Proposed man-made Impervious Surface	Proposed Dwellling	1,802 S.F.
	Total Additional area	**1,802 S.F.**
	Total Impervious Area for Site: 4,028 S.F.	

Notes:

* The proposed dwelling is being built of slab. No mechanical equipment will exist below the first floor living space. The proposed dwelling is a one story frame with two car garage below, see architecturals for details.
* Allowable impervious surface per lot criteria is 4,320 s.f., which is 15%.



Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

Owner: Hobert and Anna Smith
127 Memory Lane
Artemas, PA 17211
(443) 829-5228
Deed Ref.: 8010/469
Tax Map: 91 Grid: 22
Parcel : 150
Tax Acct. No.: 1523153191

Plan to accompany Petition for Variance and Undersize Lot Application

#3724 Chestnut Road
Lots 96 and 97
"Bowleys Quarters" 7/13
Election District No. 15
Councilmanic District No. 5
Baltimore County, MD
Scale: 1" = 30'
December 23, 2003
8842

#324