

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Dutton Court, 218 ft. W		
centerline of Dutton Avenue	*	ZONING COMMISSIONER
1st Election District		
1st Councilmanic District	*	OF BALTIMORE COUNTY
(3 Dutton Avenue)		
	*	CASE NO. 05-665-A
Ross J. Brechner & Frances M. Brousseau		
Petitioners	*	
* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Ross J. Brechner and Frances M. Brousseau. The variance request is for property located at 3 Dutton Avenue in the western area of Baltimore County. The variance request is from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear building face to rear property line setback of 28 ft. +/- in lieu of the required 30 ft. to approve an existing garage that will be utilized as a "bonus room". The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

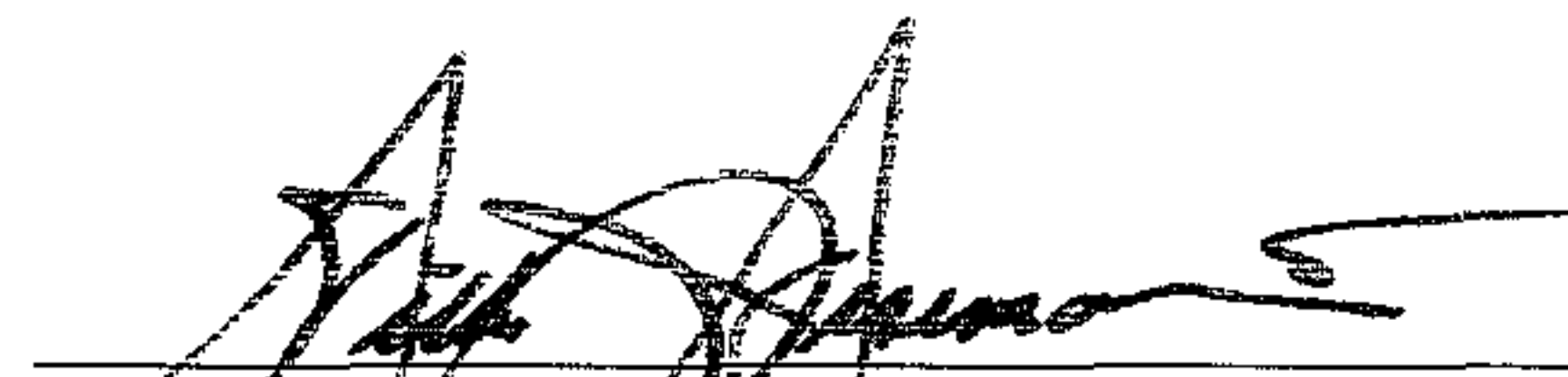
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 26, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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.

ORDER RECEIVED FOR FILING
 2/18/05
 [Signature]

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 18th day of July, 2005, that a variance from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear building face to rear property line setback of 28 ft. +/- in lieu of the required 30 ft. to approve an existing garage that will be utilized as a "bonus room", be and is hereby GRANTED.


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

RECEIVED FOR FILING

7/18/05

raj

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
William J. Wiseman III, Zoning Commissioner

July 18, 2005

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 05-665-A
Property: 3 Dutton Court

Dear Ms. Busse:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

c: Mr. Ross J. Brechner
Ms. Frances M. Brousseau
3 Dutton Court
Baltimore, Maryland 21227

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3 Dutton Ct

which is presently zoned

DR 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)

please see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Ross J Brechner

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Jennifer R. Busse

Name

same

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By

SK

Date

6/15/05

Estimated Posting Date

6/20/05

CASE NO.

05-665-A

RECEIVED

9/15/05

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

3 Dutton Ct
Address
Baltimore MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Reasons ~~as follows~~: provided on
attached sheets.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Frances M. Brousseau
Signature

FRANCES M BROUSSEAU
Name - Type or Print

Ross J. Breckner
Signature

ROSS J BRECKNER
Name - Type or Print

FRANCES M. BROUSSEAU & ROSS J. BRECKNER

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21ST day of APRIL, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

APRIL 21 2005
Date

Gary J. Connolly
Notary Public

My Commission Expires 12/1/06

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 3 Dutton Ct
City Baltimore State MD Zip Code 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Reasons ~~as follows~~ provided on
attached sheets.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Frances M. Brousseau
Signature

FRANCES M BROUSSEAU

Name - Type or Print

Ross J. Brechner
Signature

ROSS J BRECHNER

Name - Type or Print

FRANCES M. BROUSSEAU & ROSS J. BRECHNER

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21ST day of APRIL, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Frances M. Brousseau and Ross J. Brechner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

APRIL 21 2005
Date

Gary J. Connolly
Notary Public

My Commission Expires 12/1/06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3 Dutton Ct
which is presently zoned PR 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)

please see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.
Name - Type or Print

410 832 2077
Signature

Whiteford, Taylor & Preston
Company

210 W. Pennsylvania Ave.
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Ross J Brechner
Name - Type or Print

Frances M Brousseau
Signature

Frances M. Brousseau
Name - Type or Print

Frances M. Brousseau
Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name

same
Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-665-A

Reviewed By BH Date 6/15/05

Estimated Posting Date 6/26/05

REV 9/15/98

Attachment to Petition for Administrative Variance
3 Dutton Court

Introduction / Statement of Relevant Facts

The creation of this lot, now known as #3 Dutton Court, was approved in Zoning Case # 04-323-SPHA. A copy of that Opinion is attached hereto. At the time this lot's creation was approved, the property contained an existing, 2 story, 24' x 24' frame garage. The rear setback for this existing garage is approximately 28 feet. The relief sought herein is to approve this existing condition since the property owner now proposes to utilize this garage structure as a "bonus room" in connection with the use of the newly constructed dwelling. This existing 2 story garage is more than adequate in size for use by the property owner as a "bonus room". Due to the fact that the property owner seeks to improve the garage structure with plumbing, the Zoning Office has required that the structure be connected to the newly constructed dwelling. In this situation, the zoning office's position is that the rear yard setback for principal structures applies to the distance from the existing garage structure to the rear property line.

After the approval given in Case # 04-323-SPHA, and as envisioned in that Order, the property owner constructed a new residence on this lot - #3 Dutton Court.

Relief Sought

Variance from BCZR § 1B01.2C.1.b

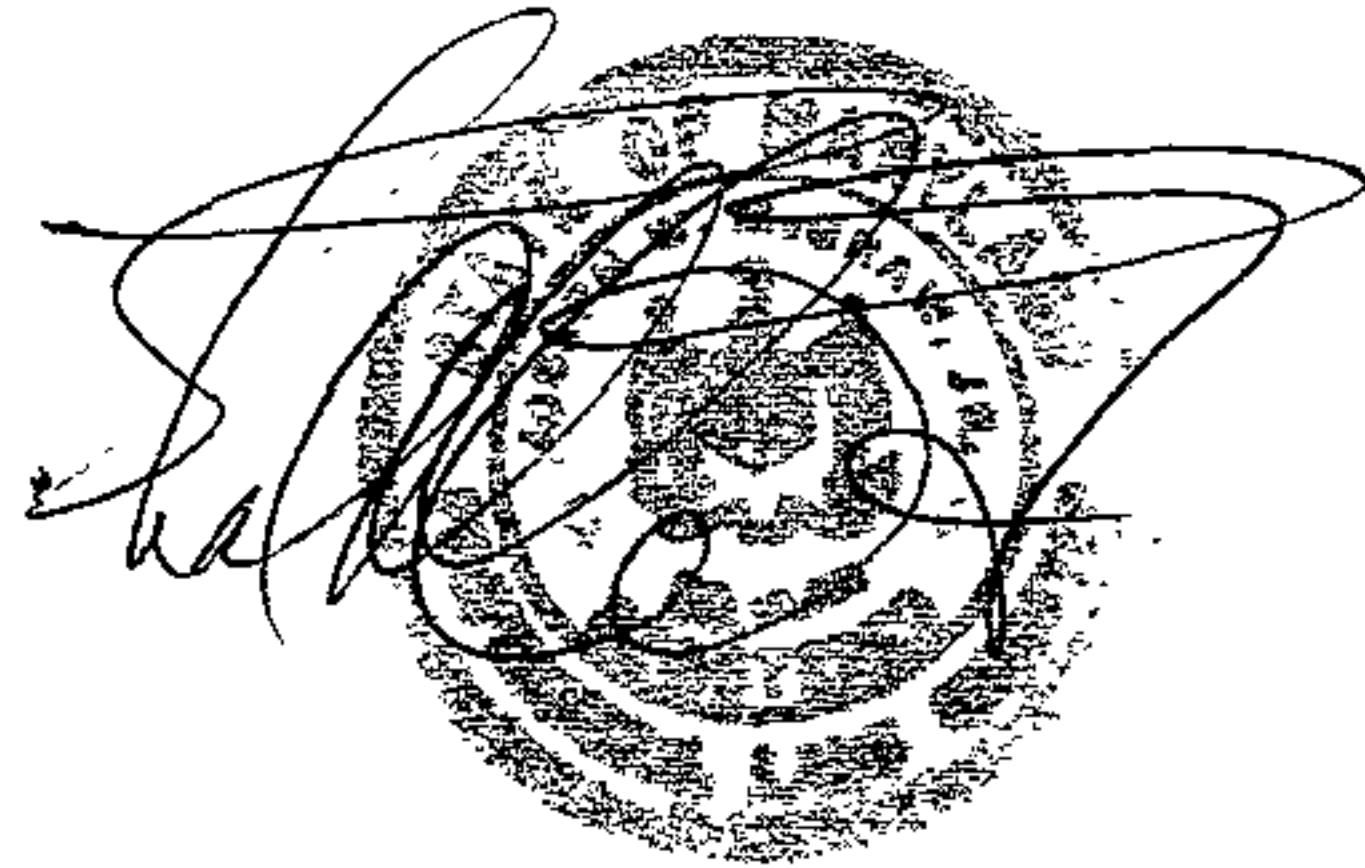
Variance from Baltimore County Zoning Regulation ("BCZR") § 1B01.2C.1.b to permit a rear building face to rear property line setback of 28 feet +/- in lieu of the required 30 feet.

Reasons in Support of Petition for Administrative Variance

The property is an irregular and unique shaped parcel with frontage on Dutton Court, just west of Dutton Avenue in Catonsville. The property contains 46,060 square feet, more or less. When this lot was created, it contained the existing 24' x 24' frame garage and shed. The uniqueness of the property includes the shape of the lot and the fact that the subject garage structure existed at the time the lot was created. The environmental constraints of the lot further contribute to the uniqueness of the lot. Specifically, there is a stream on the property and thus the stream and existing forest buffer limit the buildable area of this lot. Making use of the existing garage structure and incorporating it into the dwelling is efficient and practical. The dwelling and garage structure will be connected by a less than 20' in length breezeway. No other new construction is proposed. Furthermore, should this relief not be granted, the practical difficulty which will result is clear. It is impossible for the property owner to meet the rear yard setback unless the existing garage is actually removed and/or relocated. Importantly, granting the variance relief will not detrimentally impact the health, safety or general welfare of the surrounding locale.

ZONING DESCRIPTION FOR #3 DUTTON COURT

Beginning at a point on the south side of Dutton Court, which is 30 feet wide at the distance of 218+/- feet west of the centerline of the nearest improved intersecting street Dutton Avenue which is 30 feet wide thence N.63 50' 00" W. 67.45 ft., Northwesterly by curve to the right with radius of 61.07 ft., arc length of 54.38 ft. and chord of N.38 29' 45" W. 52.60 ft., S.82 00' 35" W. 114.78 ft., S.15 22' 25" W. 60.87 ft., N.63 43' 29" W. 147.25 ft., S.04 20' 00" W. 147.00 ft., S.87 00' 09" E. 306.65 ft., S.24 31' 19" W. 2.91 ft., S.77 07' 00" E. 15.67 ft., N.23 10' 12" E. 116.72 ft. as recorded in Deed Liber 20115, Folio 214, containing 1.0574 acres. Also known as #3 Dutton Court and located in the 1ST Election District, 1ST Councilmanic District.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 446345

DATE 6/18/2006 ACCOUNT 18021-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Wheatland Taylor, Robin L.

FOR: Wheatland Taylor, Robin L.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Item # 665

PAID RECEIPT

AMOUNT PAID FOR
6/18/2006 6/18/2006 18021-006-6150
DEPT 5 523 ZERLES OFFICE
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-665-A

Petitioner/Developer: DR. ROSS
BRECHNER (CONTACT JEN BUSSE)

Date of Hearing/Closing: 7-11-05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

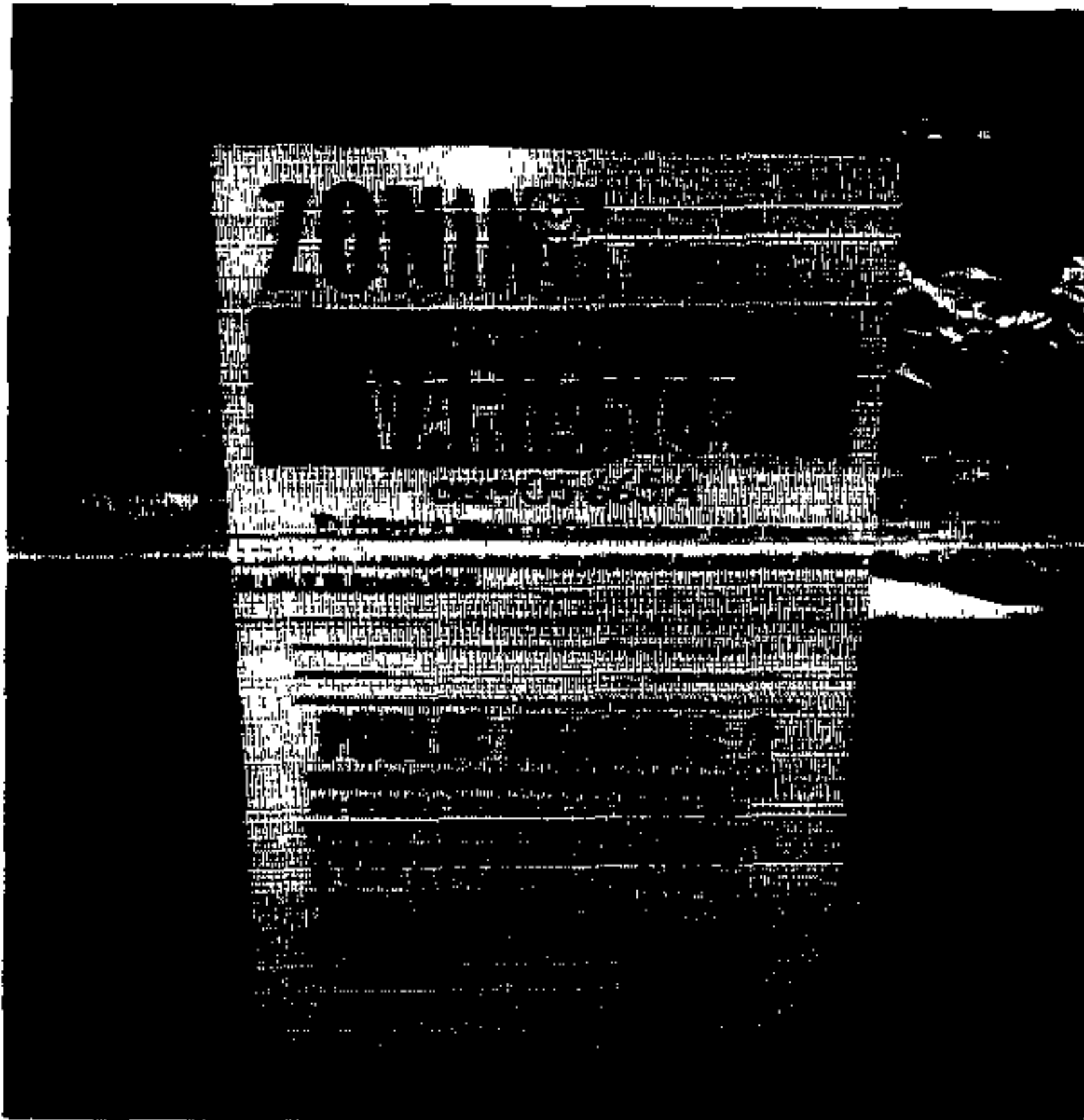
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3 DUTTON CT.

The sign(s) were posted on 6-26-05
(Month, Day, Year)

Sincerely,



3 DUTTON CT

Robert Black 6-27-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**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: 05-665-A
Petitioner: Ross Brechner
Address or Location: 3 Dutton Ct

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer R. Basse, Esq.
Address: c/o Whitford, Taylor & Preston
210 W. Pennsylvania Ave Ste 400
Towson MD 21204
Telephone Number: 410 832 2077

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 665 -A

Address 3 Dutton Ct

Contact Person: Bruno Rudakovic
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/15/05

Posting Date: 6/26/05

Closing Date: 7/11/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 665 -A

Address 3 Dutton Ct

Petitioner's Name Ross Brechner - contact Jenn Busse Telephone 410 832 2077

Posting Date: 6/26/05 Closing Date: 7/11/05

Wording for Sign: To Permit a variance from BCZR § 1B 01.2C.1.b
to allow a rear building face to property line setback of
28 1/2 feet in lieu of the required 30 feet.

**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

July 11, 2005

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Ms. Busse:

RE: Case Number: 05-665-A, 3 Dutton Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-⁽⁴⁵⁾~~666~~, 668-678

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lt J.D.Mezick
Fire Marshal's Office
410-887-5178
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 6.27.05

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

RE: Baltimore County
Item No. 665 BPR

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
RECEIVED

INTER-OFFICE CORRESPONDENCE

JUN 30 2005

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

ZONING COMMISSIONER
DATE: June 29, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-665- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Barber

CM/LL

Granted 7/18/05

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 30, 2005
Item No. 665

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 665-07052005.doc

Bill Wiseman - FW: Zoning Case 05-665-A

From: "Busse, Jennifer R." <jbusse@wtplaw.com>
To: "Bill Wiseman" <wwiseman@co.ba.md.us>
Date: 7/18/2005 9:55:48 AM
Subject: FW: Zoning Case 05-665-A

Bill - please see Dennis' comment below. I think this clears up my question on whether his (Development Plans Review / Dept of Public Works') comment was intended, etc.

Jennifer R. Busse, Esquire
 Whiteford, Taylor & Preston, L.L.P.
 210 W. Pennsylvania Avenue, Suite 400
 Towson, Maryland 21204
 direct dial - 410-832-2077
 fax - 410-832-2015

From: Dennis Kennedy [mailto:DKennedy@co.ba.md.us]
Sent: Monday, July 18, 2005 9:40 AM
To: Busse, Jennifer R.
Cc: Gontrum, John
Subject: Re: Zoning Case 05-665-A

Jen:

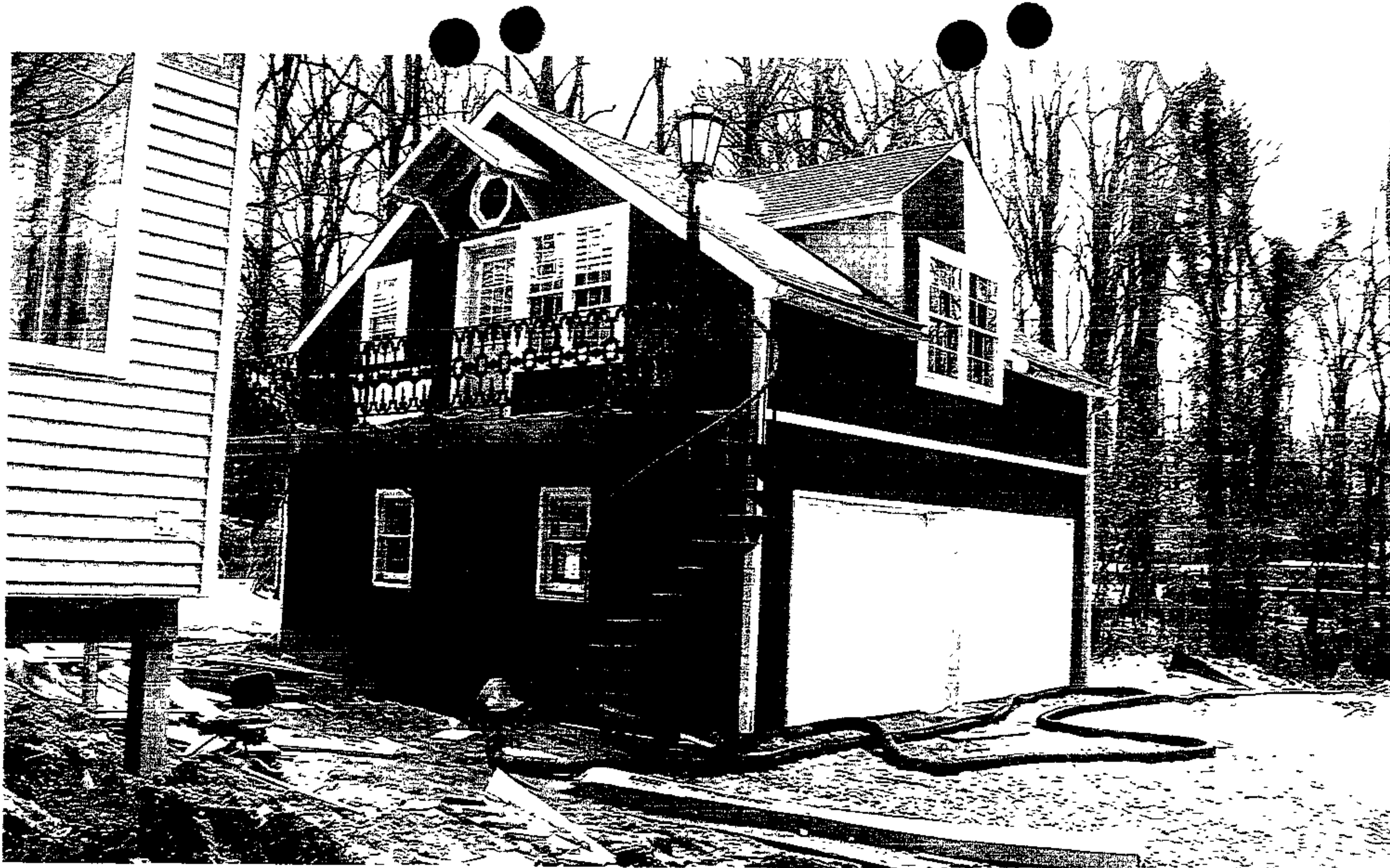
This is one of our standard comments. It was created a few years ago when we failed to make any comments on a zoning item just like yours, i.e. the front setback was not an issue. After the hearing on that item, the site came in for development, and we tried to get the right-of-way. The attorney for the developer argued (successfully) that since we didn't make any comment on the zoning item, we had no right to make it on the subsequent development. Our comment will remain and the Hearing Officer can decide if it is appropriate to this variance request.

>>> "Busse, Jennifer R." <jbusse@wtplaw.com> 07/11/05 12:59 PM >>>

Hi Dennis - I just got the ZAC comment for this - property is 3 Dutton Court. It is an administrative variance. Your comment states that the minimum ROW for public roads is 40' and the setback must be adjusted accordingly. This administrative variance has nothing to do with the ROW for the public road. The house on the property already exists. This administrative variance is for the rear setback for the garage (which also already exists) since the garage will now be considered to be part of the main structure (the house) for setback purposes. To the best of my knowledge (and our paralegal will check in with the zoning office tomorrow to confirm) - no one has asked for a public hearing. Thus, my concern is that your comment needs to be amended ASAP since the Zoning Commissioner will very quickly be considering this case without a public hearing. Do you want me to come see you or call you?

Jennifer R. Busse, Esquire
 Whiteford, Taylor & Preston, L.L.P.
 210 W. Pennsylvania Avenue, Suite 400
 Towson, Maryland 21204
 direct dial - 410-832-2077
 fax - 410-832-2015

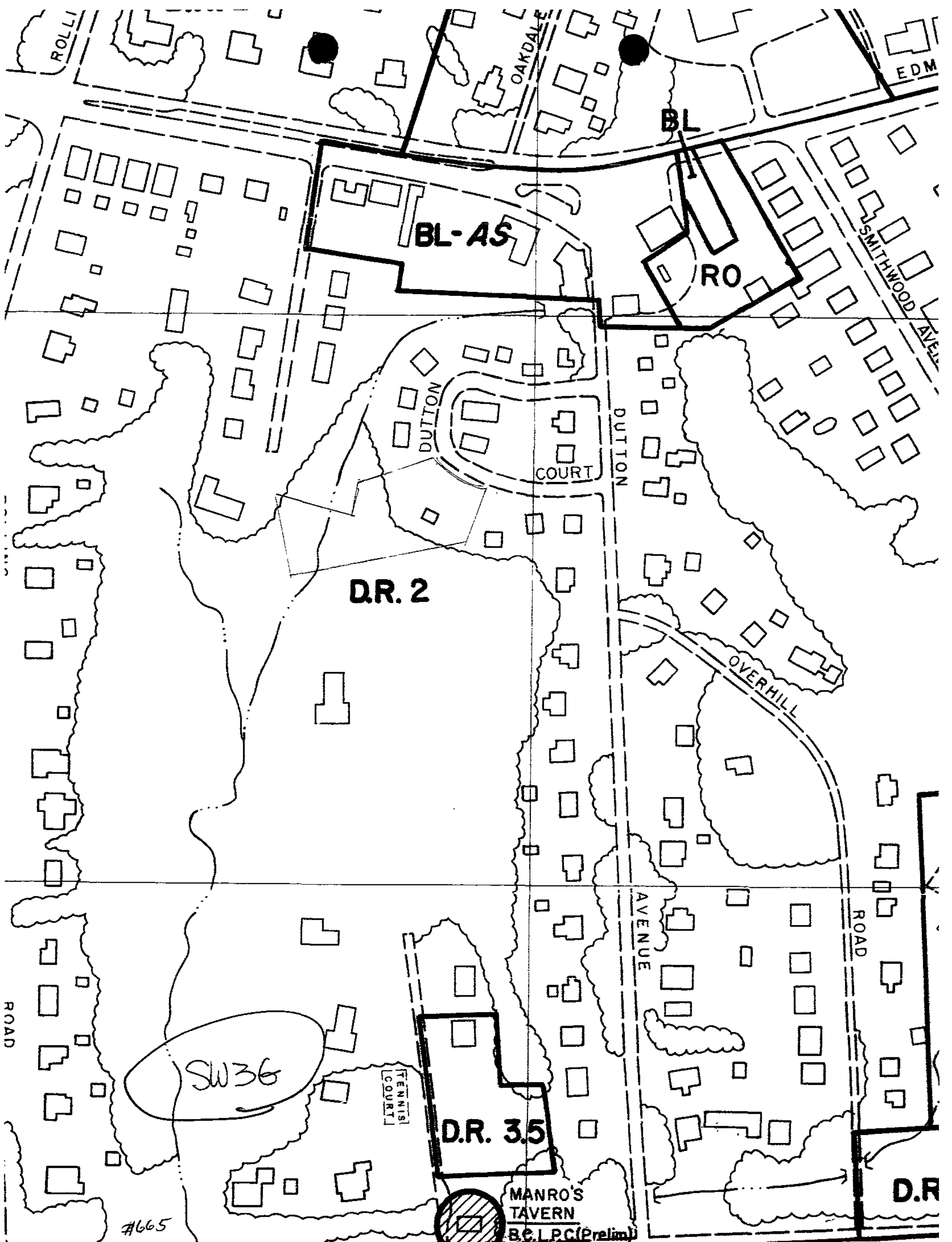
This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other



#3 Dutton Court: Front & Left Side of Existing Garage: Shown is Metal Sprial Stair & Balcony to 2nd Floor



#3 Dutton Court: Rear Yard: 18' Between New House & Existing Garage
New House has covered entry, to be extended as a breezeway to the balcony already attached to the garage.



BL-AS

R0

D.R. 2

D.R. 3.5

SW36

MANRO'S TAVERN

B.C. LPC (Prelim)

D.R.

#665

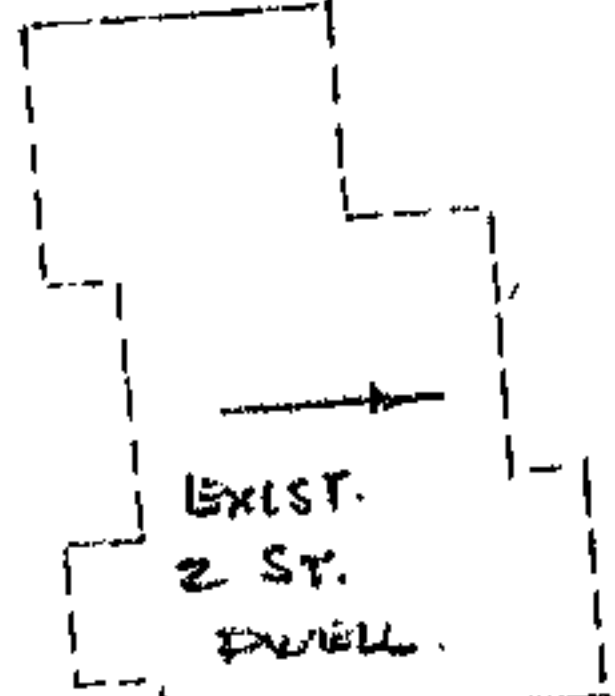
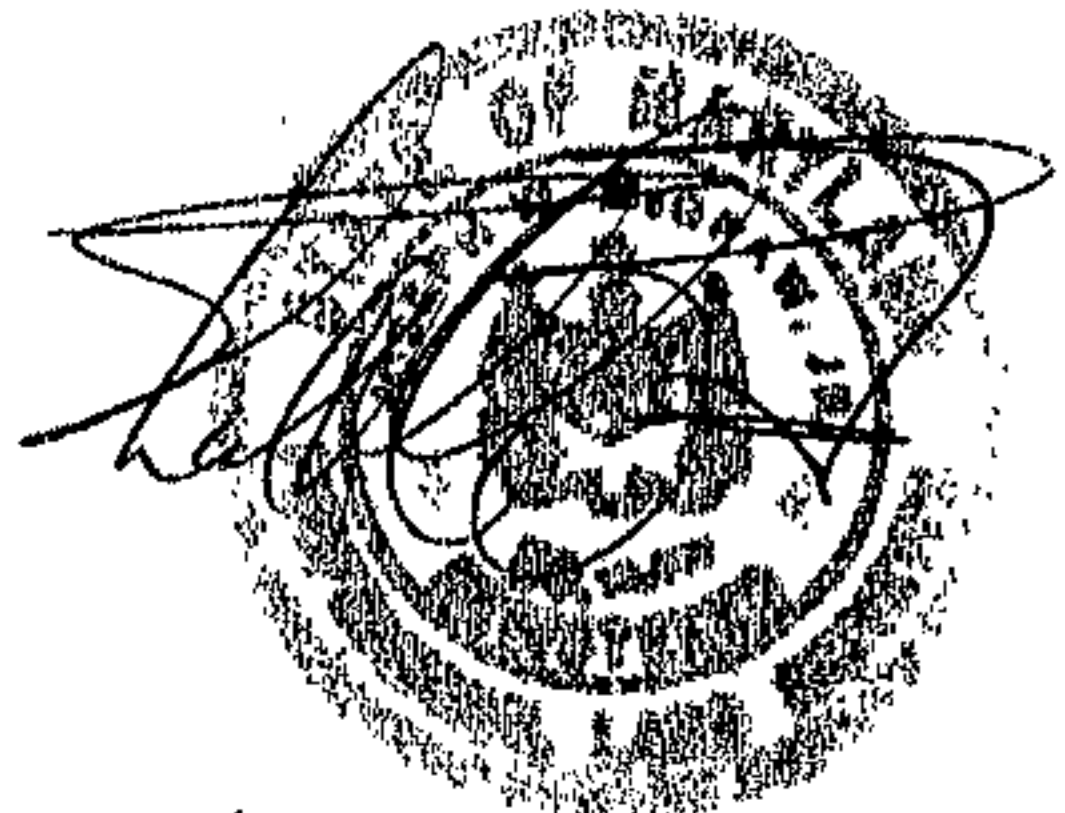
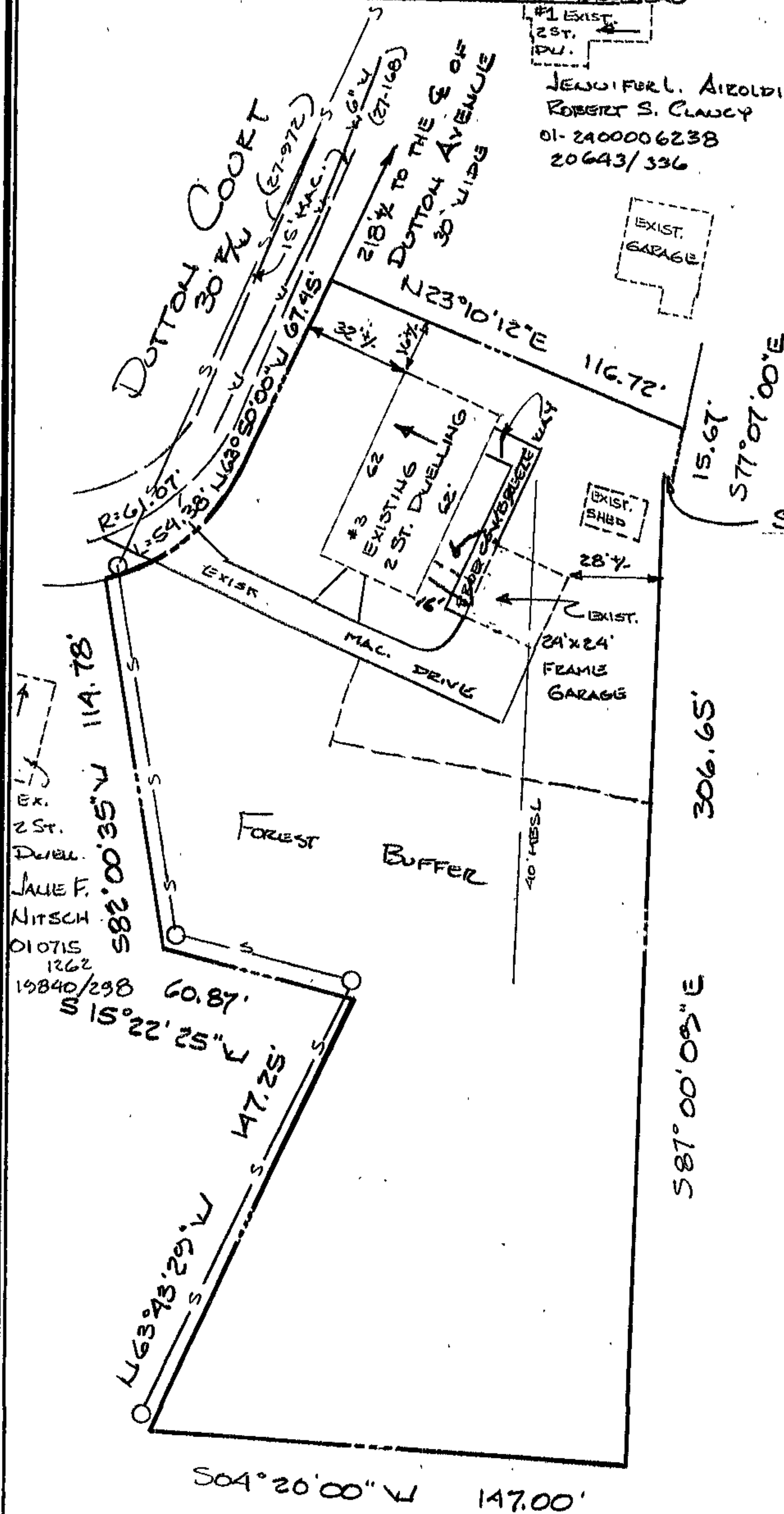
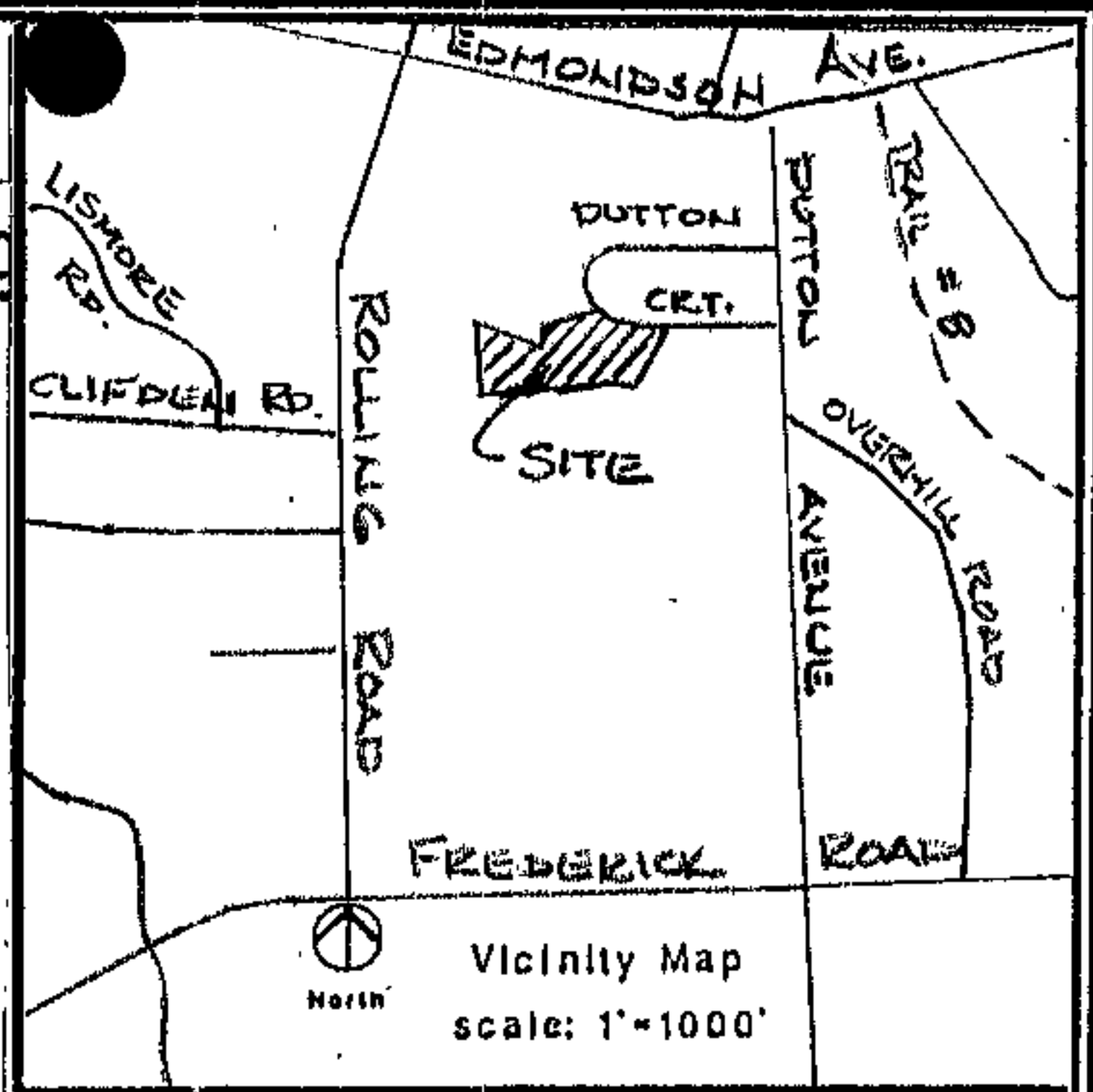
Plat to accompany Petition for
Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3 DUTTON COURT

Subdivision name: N/A
plat book# _____, folio# _____, lot# _____, section# _____

OWNER: ROSS J. BRECHNER & FRANCES M. BROSEAU

#1 EXIST.
2 ST.
DW.
JENNIFER L. AIZOLDI
ROBERT S. CLAWCE
01-2400006238
20643/336



JOSEPH G. & MARY C. KOSAR
01-2100000366
02048/534

LOCATION INFORMATION

Election District: 1ST
Councilmanic District: 1ST
1"=200' scale map#: SW 3-G
Zoning: D.R. 2
Lot size: 1.0574 Acs. 46060.39 S.F.
acreage square feet

public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:
04-323-SPHA

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410-335-9142 Fax 410-335-9144

Scale: 1"=50' Date: 6-1-05

Pet. Ex #1

gh | *665* | *05-665-A*