

IN RE: PETITION FOR ADMIN. VARIANCE
W/Side of Dutton Avenue, S/Side of
Dutton Court
1st Election District
1st Councilmanic District
(20 Dutton Avenue)

Mark A. Beckstrom & Judith A. Munn,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-190-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Mark A. Beckstrom and Judith A. Munn, Petitioners. The variance request is for property located at 20 Dutton Avenue in the Catonsville area of Baltimore County. The variance request is from Sections 1B02.3.C.1 & 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 1B02.3.C.1.a of the Zoning Commissioner's Policy Manual (Z.C.P.M.), to permit a proposed open projection (open porch) with a side street set back of 24-feet in lieu of the minimum required 30-feet. (The "addition" was previously varianced in Case #05-458-A to permit a side street set back of 34-feet in lieu of the minimum required 40-feet). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 14, 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 Deputy Zoning

ORDER RECEIVED FOR FILING

Date 11-9-05

By

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 Deputy Zoning Commissioner for Baltimore County, this 9 day of November, 2005, that a variance from Sections 1B02.3.C.1 & 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 1B02.3.C.1.a of the Zoning Commissioner's Policy Manual (Z.C.P.M.), to permit a proposed open projection (open porch) with a side street set back of 24-feet in lieu of the minimum required 30-feet, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 11-9-05
By Deputy Zoning

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

November 8, 2005

Mr. Mark A. Beckstrom
Ms. Judith A. Munn
20 Dutton Avenue
Baltimore, Maryland 21228

Re: Petition for Administrative Variance
Case No. 06-190-A
Property: 20 Dutton Avenue

Dear Mr. Crosby:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Mr. Richard Wilson, 1600 East West Highway, Hyattsville, MD 20783
People's Counsel; Case File

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



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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20 Dutton Ave
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) 1B02, 3.C.1.9 301.1.A, BCZR AND
Section 1B02.3.C.1.a, ZCPM, To Permit a proposed open Projection (open
pouch) with a Side Street set back of 24 Feet in lieu of the minimum
Required 30 Feet.

(The "Addition" was previously VARIANCED in Case # 05-458-A To permit a
side street setBACK of 34 feet in Lieu of The minimum Required 40 Feet)

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:

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

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

Legal Owner(s):

MARK A. Beckstrom

Name - Type or Print

Signature

JUDITH A. MURPHY

Name - Type or Print

Signature

20 DUTTON AVE 410-455-0421

Address

Telephone No.

Baltimore (CATOWSVILLE) MD. 21228

City

State

Zip Code

Representative to be Contacted:

RICHARD WILSON

Name

1600 EAST WEST HWY 202-409-8976

Address

Telephone No.

Hyattsville MD. 20783

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By BK Date 10/3/05

Estimated Posting Date 10/16/05

CASE NO. 06-190-A

REV 10/25/01

ORDER RECEIVED FOR FILING
06-11-05
11-11-05
11-11-05

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

20 Dutton Ave
Address
Baltimore (Catonville) 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):

NEED ACCESS TO NEW ADDITION (ALREADY BUILT) ON
DUTTON COURT SIDE OF HOME.

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.

X Mark A Beckstrom
Signature

MARK A. Beckstrom
Name - Type or Print

X Judith A. Munn
Signature

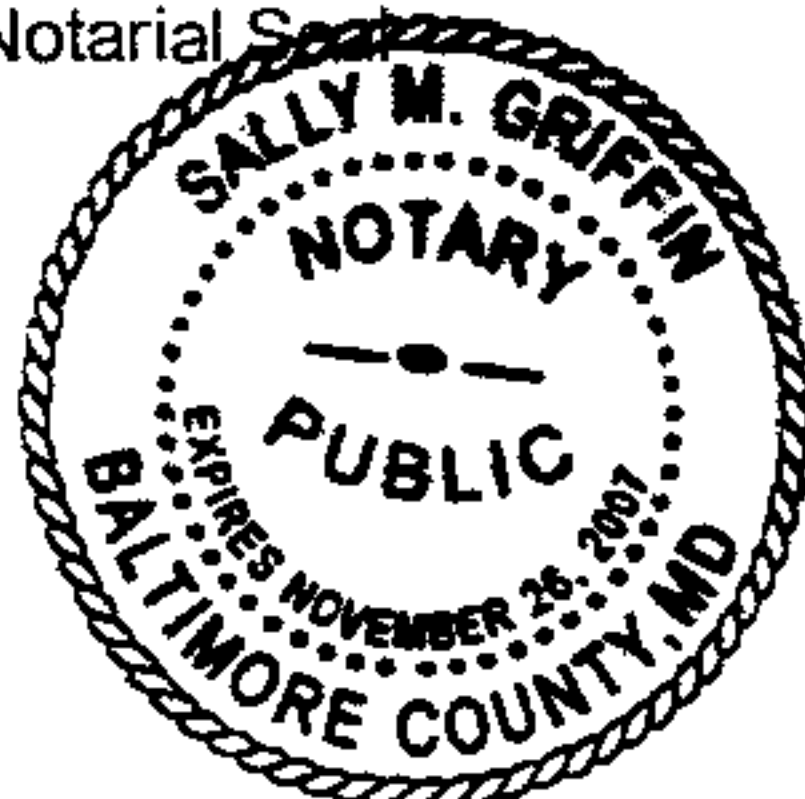
JUDITH A. MUNN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3RD day of October, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark A Beckstrom & Judith A. Munn
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Sally M Griffin Sally M. Griffin
Notary Public

My Commission Expires 11/26/07

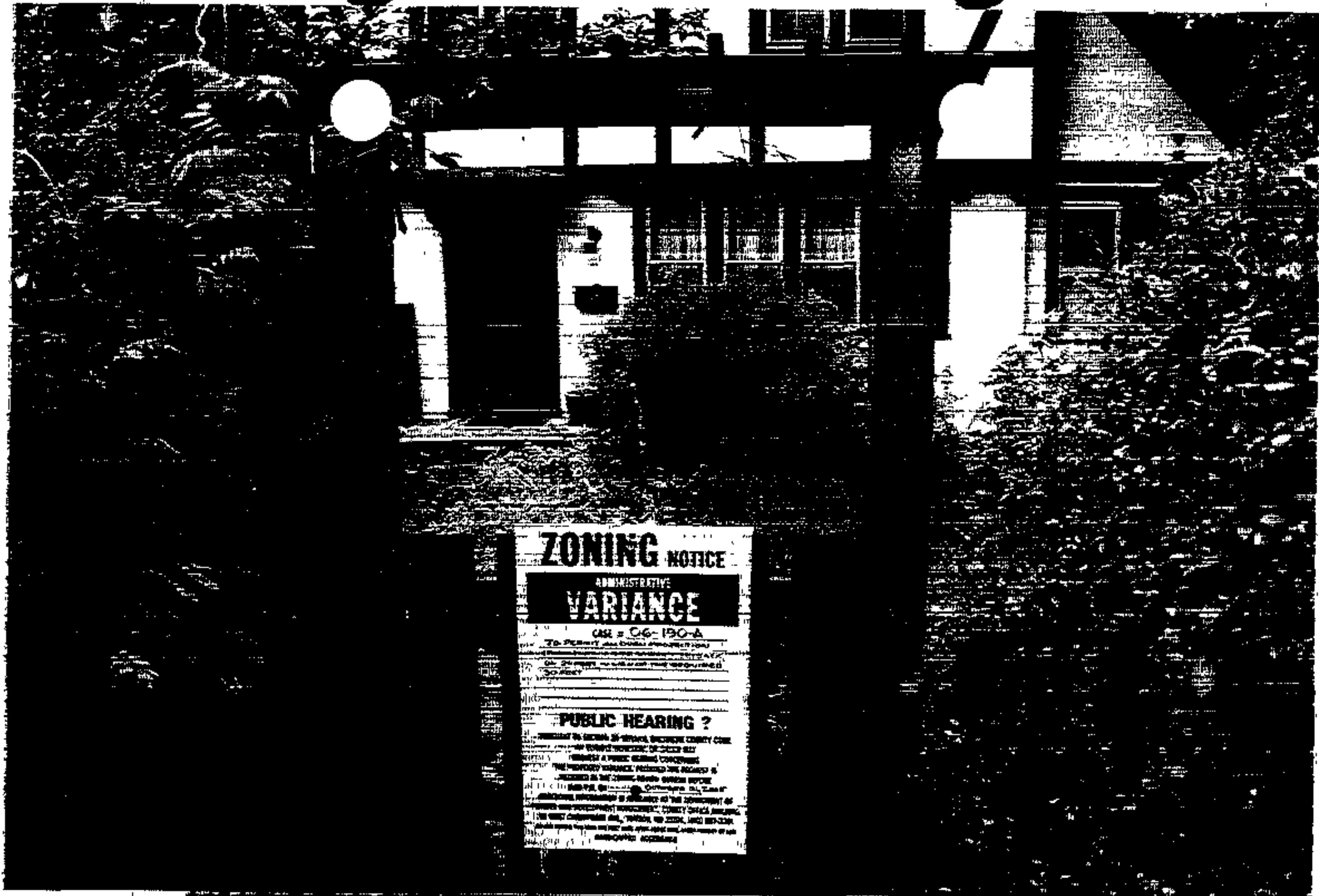
Mark Bextrom & Jesse Munn
20 Dutton Avenue
Catonsville
Baltimore, MD 21228
410-554-0421

Zoning description for 20 Dutton Avenue.

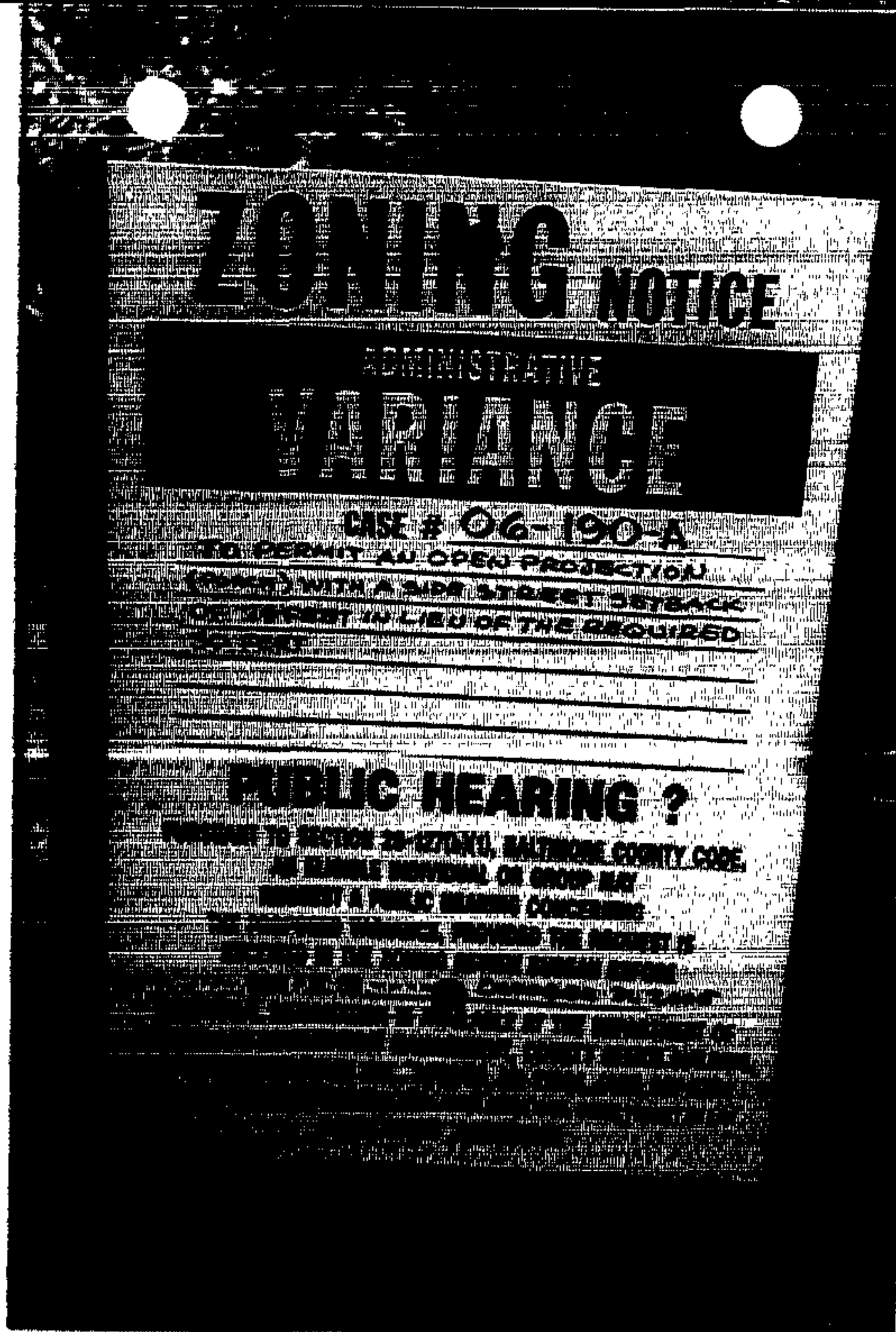
Beginning at the corner of the West side of Dutton Avenue, which is 30 feet of right of way wide and the south side of Dutton Court, which is 30 feet wide.

Being Lot #12 and part of Lot # 11 in the subdivision of Dutton Court as recorded in Baltimore County Plat Book 8 Folio #68 containing 8500 square feet.

Also known as 20 Dutton Court and located in the 1st Election District, and 1st Councilmanic District.



ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 06-190-A
TO PERMIT AN OPEN PROJECTION
ON A SIDE STREET OR BACK
LOT WITH A SIDE STREET OR BACK
LOT IN LIEU OF THE REQUIRED
FENCE
PUBLIC HEARING ?
PURSUANT TO SECTION 20-622(a), BALTIMORE COUNTY CODE,
A PUBLIC HEARING ON GROUP MAY
BE HELD AT THE BALTIMORE COUNTY
PLANNING AND ZONING COMMISSION
HEARING ROOM, 10000 ROCKHILL
ROAD, BALTIMORE, MARYLAND 21234
ON WEDNESDAY, MAY 10, 2006, AT 7:00 PM
FOR THE VARIANCE REQUESTED BY
THE APPLICANT.



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 06-190-A

TO PERMIT AN OPEN PROJECTION
ON A SIDE STREET OR BACK
LOT WITH A SIDE STREET OR BACK
LOT IN LIEU OF THE REQUIRED
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HEARING ROOM, 10000 ROCKHILL
ROAD, BALTIMORE, MARYLAND 21234
ON WEDNESDAY, MAY 10, 2006, AT 7:00 PM
FOR THE VARIANCE REQUESTED BY
THE APPLICANT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0315

PAID RECEIPT

DATE 10/3/05 ACCOUNT K 001-006 615 0

AMOUNT \$ 65.00

RECEIVED FROM Laurel Nichols

FOR Administrative Variance

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

Flm # 190

BUSINESS	ACTUAL	TIME	DEPT
10/04/2005	10/04/2005	09:24:21	1
RES USD1 MAIL	JRIC JRP		
RECEIPT # 256344	9/30/2005		DEPT
Dept. 3	528 ZONING REGISTRATION		
CK NO. 000315			
Receipt Tot		645.00	
1.00 CK		1100.00 CK	
		135.00 CB	
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-190-A

Petitioner/Developer: BECKSTROM & DUNN

Date of Hearing/Closing: OCT. 31, 2005

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

Attention: **Christen Matthews**

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 _____

20 DUTTON AVENUE

The sign(s) were posted on OCT. 14, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(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: 06-190-A

Petitioner: MARK Beckstrom & Judith MUNN

Address or Location: 20 DUTTON AVE CATONSVILLE, 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD Wilson

Address: 1600 EAST West Highway
Hyattsville, MD 20783

Telephone Number: 202-409-8976

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 190 -A Address 20 Dutton Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 10/3/05 Posting Date: 10/16/05 Closing Date: 10/31/05

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 06- 190 -A Address 20 Dutton Ave.
Petitioner's Name Mark Beckstrom & Judith Dunn Telephone 410/455-8421
Posting Date: 10/16/05 Closing Date: 10/31/05
Wording for Sign: To Permit an open projection (porch) with a side street setback of 24 ft. in lieu of the required 30 ft.

WCR - Revised 6/25/04

**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

October 31, 2005

Mark A. Beckstrom
Judith A. Munn
20 Dutton Avenue
Baltimore, Maryland 21228

Dear Mr. Beckstrom:

RE: Case Number: 06-190-A, 20 Dutton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 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 a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Richard Wilson 1600 East West Highway Hyattsville 20783

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

October 18, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 17, 2005

Item No.: 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197
198, 199, 200, 201, 202, 203

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

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

Acting Lieutenant William F. Connolly, Jr.
Fire Marshal's Office
(O) 410-887-4880
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 10.14.05

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

RE: Baltimore County
Item No. 190 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

INTER-OFFICE CORRESPONDENCE

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

DATE: October 25, 2005

OCT 26 2005

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

ZONING

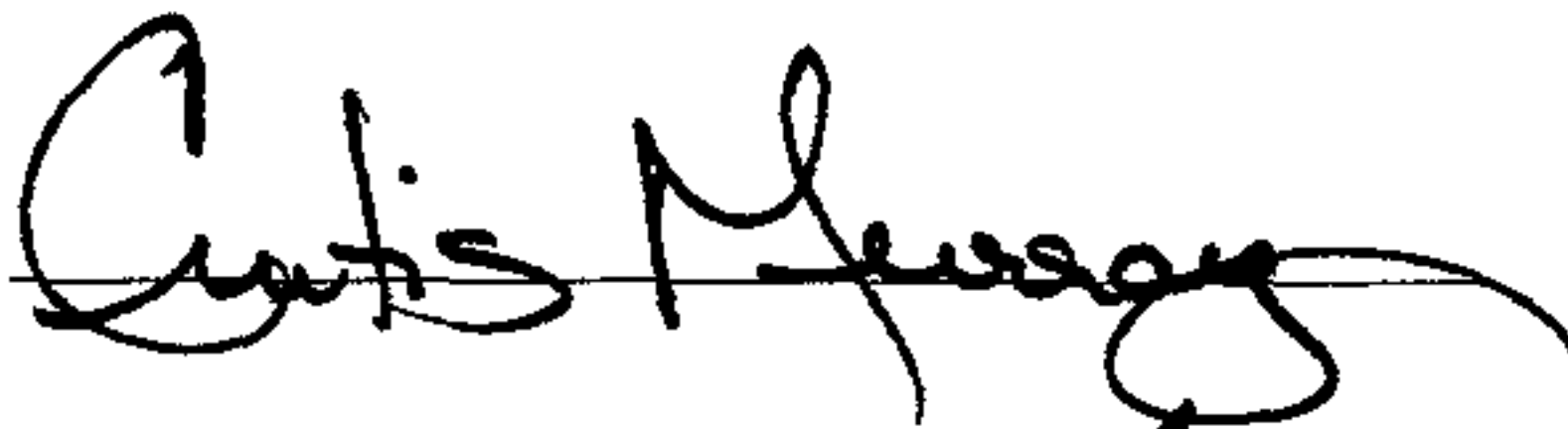
ASSIGNER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-190- 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:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 27, 2005

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 24, 2005
Item No. 190

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-feet. Show the right-of-way for Dutton Avenue and Dutton Court centered on 30-foot existing right-of-way. Adjust the setbacks accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 190-10272005.doc

✓





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 10 Dutton Avenue

SUBDIVISION NAME Dutton Court

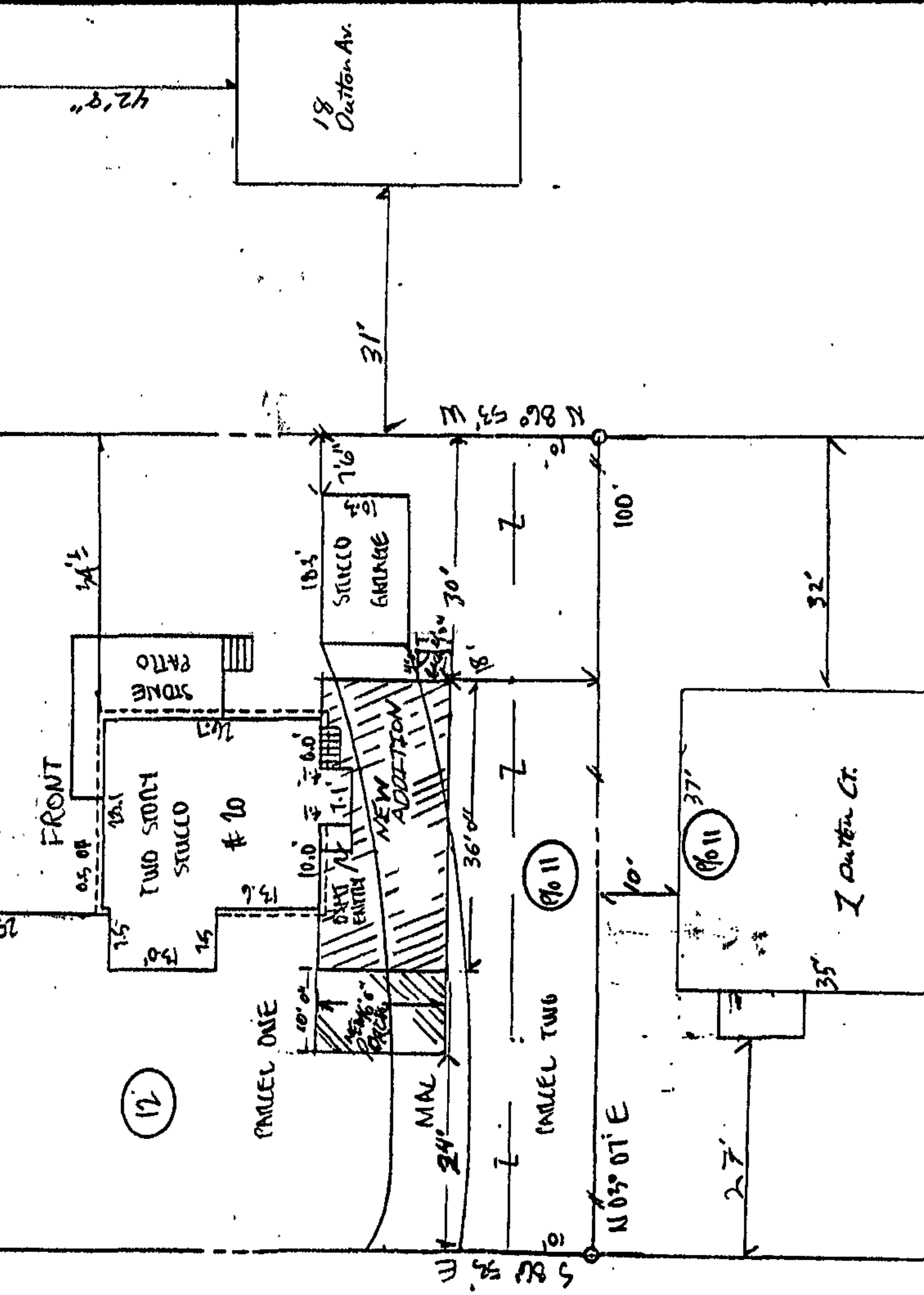
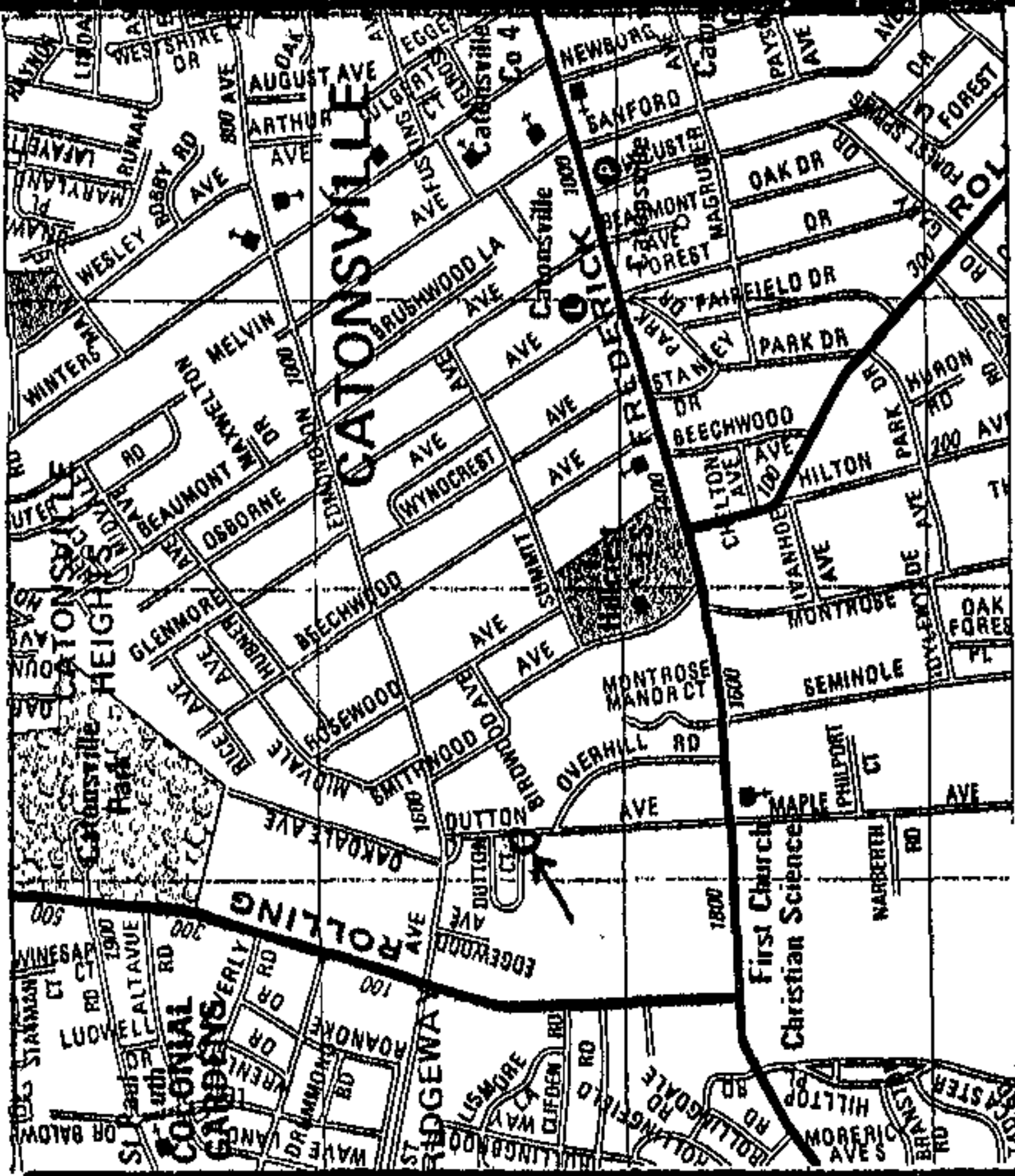
PLAT BOOK # 8 FOLIO # 68 LOT # 9011 SECTION # 12

OWNER Mark Beckstrom & Judith Munn

DUTTON AVENUE (30' R/W, 30' PAVING)

DUTTON COURT (30' R/W, 30' PAVING)

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



PREPARED BY Richard Wilson

SCALE OF DRAWING: 1" = 20'

LOCATION INFORMATION

ELECTION DISTRICT /

COUNCILMANIC DISTRICT /

1"=200' SCALE MAP # SW 3-C

ZONING DR2

LOT SIZE 195 ACRES 8500 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING 05-458-A

ZONING OFFICE USE ONLY
REVIEWED BY 190 ITEM # 06-190-A CASE #

Per. Ex. A



20 DUTTON AVE



20 DUTTON AVE