

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Dutton Avenue, 24⁵ feet N
of the c/l of Overhill Road
1st Election District
1st Councilmanic District
(19 Dutton Avenue)

Tricia R. Dring
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0132-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Tricia R. Dring. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 14 feet and a sum of side yards of 25 feet in lieu of the required 25 feet and 40 feet, respectively, for an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioners desire to construct an addition measuring 10 feet x 22 feet to replace an existing covered patio. This addition will expand the kitchen area for the growing family.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 27, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

ORDER RECEIVED FOR FILING

Date 12-19-11

By jr

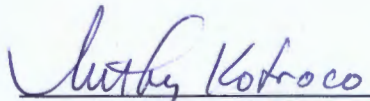
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements 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 Petitioner.

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 Administrative Law Judge for Baltimore County, this 19th day of December, 2011 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 14 feet and a sum of side yards of 25 feet in lieu of the required 25 feet and 40 feet, respectively, for an addition, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 12-19-11

By PJ



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

December 19, 2011

TRICIA R. DRING
19 DUTTON AVENUE
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2012-0132-A
Property: 19 Dutton Avenue

Dear Ms. Dring:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Rich English, Wall to Wall Construction, 11 Newburg Avenue #100, Catonsville MD 21228



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 19 DUTTON AVE, CATONSVILLE
which is presently zoned DR 2

Deed Reference: 24178/368 Tax Account # 0118720871

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

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

19 DUTTON AVE

410-788-0630

Address

CATONSVILLE

MO

Telephone No.

21228

City

State

Zip Code

Representative to be Contacted:

RICH ENGLISH / WALTOWALL CONSTRUCTION

Name

11 NEWBURG AVE

#100 410-788-3990

Address

CATONSVILLE

MO

Telephone No.

21228

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. 2012-0132-A

Reviewed By BK

Date

11/17/11

ORDER RECEIVED FOR FILING

Filing Date

11/22/11

FRM476_09

Date

12-19-11

By

[Signature]

Rev 3/09

1B02.3.C.1 to permit a side yard setback of 14 ft. and a sum of side yards of 25 ft. in lieu of the required 25 ft. and 40 ft., respectively for a proposed addition.

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 own and reside at

19 DUTTON AVENUE

Address number

Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

Mr. & Mrs. Dring need a larger kitchen and more space for a growing family. Due to the real estate market they were unable to sell their house and have been forced to expand. The decision to expand out the side is a cost effective and practical use of space.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

TRICIA R DRING

Name- print or type

Signature

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 15th day of NOVEMBER, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here):

TRICIA R. DRING

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

11/07/2011
Commission expires

PLACE SEAL HERE:

THOMAS EDWARD TOULAN
NOTARY PUBLIC STATE OF MARYLAND
County of Baltimore
My Commission Expires November 7, 2011

ZONING DESCRIPTION FOR

DRING RESIDENCE, 19 DUTTON AVENUE.
CATONSVILLE, MD 21228.

Typical metes and bounds: N. 08 07" 00" E. 72.00 ft, N. 86 53' 00" W.
241.58 ft., S. 28 17' 00" E. 87.87 ft. and S. 86 3' 00" E. 195.81 ft. to the
place of the beginning

CERTIFICATE OF POSTING

2012-0132-A

RE: Case No.: _____

Petitioner/Developer: _____

Tricia Dring

December 12, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

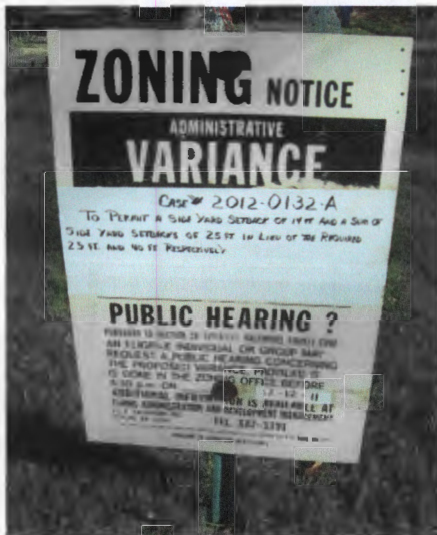
Ladies and Gentlemen:

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: _____

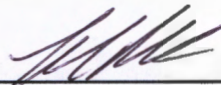
19 Dutton Ave

November 27, 2011

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 November 27, 2011
(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, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2012-0132-A

Petitioner: TRICIA R DRING

Address or Location: 19 DUTTON AVE CATONSVILLE MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: TRICIA R DRING

Address: 19 DUTTON AVE
CATONSVILLE MD 21228

Telephone Number: 410-788-0630

Revised 2/17/11 DT

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0132 -A Address 19 Dutton Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/17/11 Posting Date: 11/27/11 Closing Date: 12/12/11

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

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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 2012- 0132 -A Address 19 Dutton Ave.
Petitioner's Name Tricia Dring Telephone 410-788-3990
Posting Date: 11/27/11 Closing Date: 12/12/11
Wording for Sign: To Permit a side yard setback of 14 ft. and a sum of
side yard setbacks of 25 ft. in lieu of the required 25 ft. and 40ft.
respectively.

Revised 7/06/11

No. 74903

Date:

PAID RECEIPT

ADDRESS	ACTUAL	TIME	WCH
12-2011	11/17/2011	10:15:49	✓
0005	WAFIN REGS LRG		
0011	559570	11/17/2011	REFL
5	5.2 ANNUAL VERIFICATION		
0010	004903		

Receipt Tot \$75.00
 \$75.00 Cr 1.00 Cr
 Baltimore County, Maryland

[illegible]

Total: \$ 21.00

For:

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 5, 2011

Tricia R. Dring
19 Dutton Avenue
Catonsville, MD 21228

RE: Case Number 2012-0132-A, 19 Dutton Avenue

Dear Ms. Dring,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Richard English/Wall to Wall Construction, 11 Newburg Ave., Ste. 100, Catonsville, MD 21228

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: November 28, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2011
Item Nos. 2012-126, 127, 128, 129, 130, 132, 133
And 134

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12052011 -NO COMMENTS.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-22-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

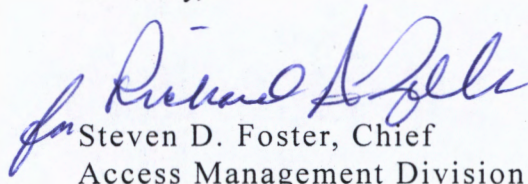
RE: Baltimore County
Item No. 2012-0132-A
Administrative Variance
Tricia Dring
19 Dutton Avenue

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0132-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

M E M O R A N D U M

DATE: January 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0132-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 18, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

2012-0132-A

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 01 Account Number - 0118720871

Owner Information

Owner Name: DRING TRICIA R **Use:** RESIDENTIAL
Mailing Address: 19 DUTTON AVE **Principal Residence:** YES
BALTIMORE MD 21228-4917 **Deed Reference:** 1) /24178/ 00368
2)

Location & Structure Information

Premises Address
19 DUTTON AVE
0-0000

Legal Description

19 DUTTON AVE
240FT N OVERHILL RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0100	0012	0807		0000				1	Plat Ref:

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1940	1,496 SF	17,658 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	144,160	144,100		
Improvements:	272,370	266,000		
Total:	416,530	410,100	410,100	410,100
Preferential Land:	0			0

Transfer Information

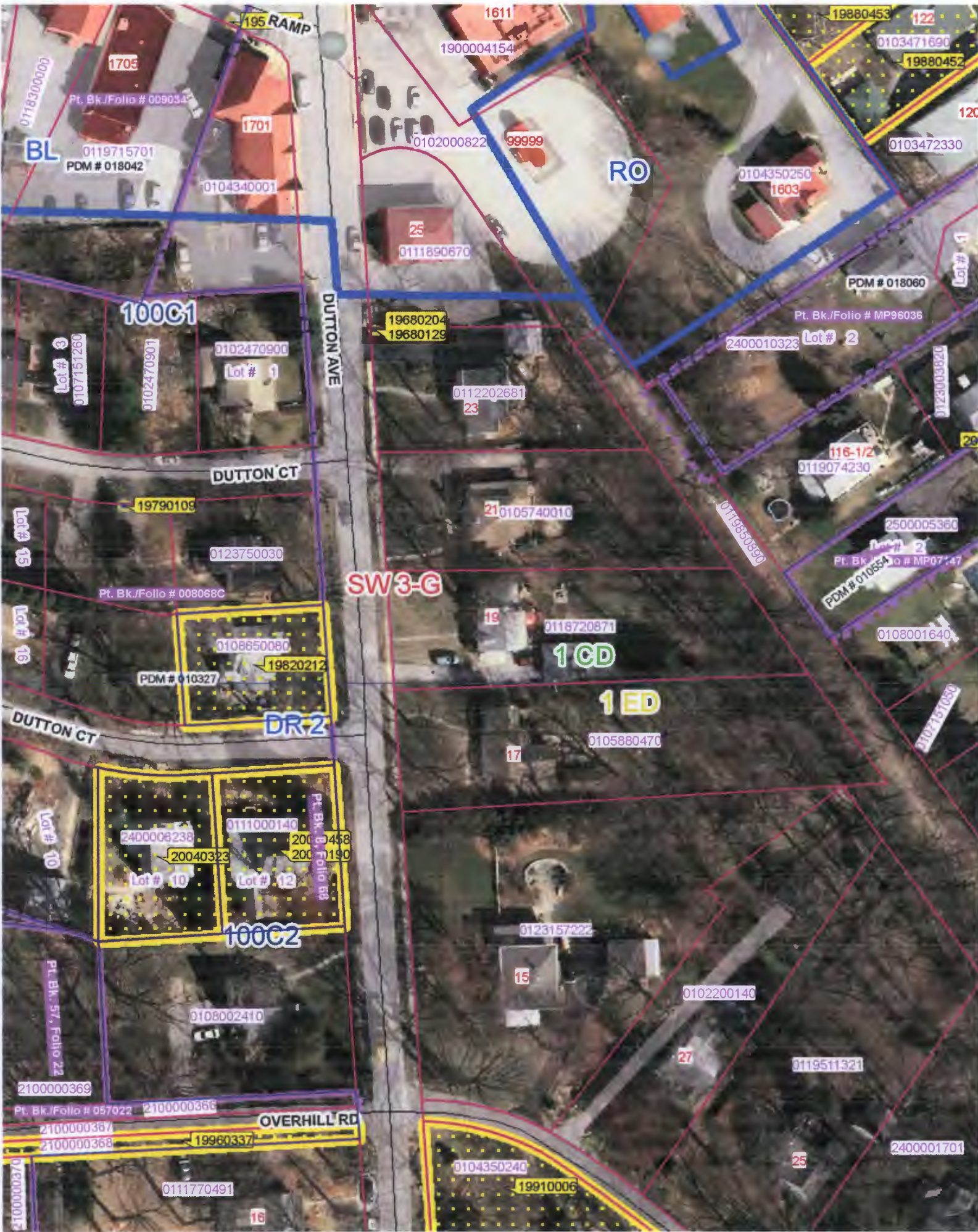
Seller:	Date:	Price:
DINGLE FRANK W	07/19/2006	\$449,900
Type: ARMS LENGTH IMPROVED	Deed1: /24178/ 00368	Deed2:
MILLER DOUGLAS C	12/23/2003	\$350,310
Type: ARMS LENGTH IMPROVED	Deed1: /19341/ 00329	Deed2:
RUSSELL KATHLEEN G	05/31/1996	\$145,000
Type: ARMS LENGTH IMPROVED	Deed1: /11613/ 00112	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:







Case No.: 2012-0132-A

Exhibit Sheet

Petitioner/Developer

1/20/12
192-2012
Protestant

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

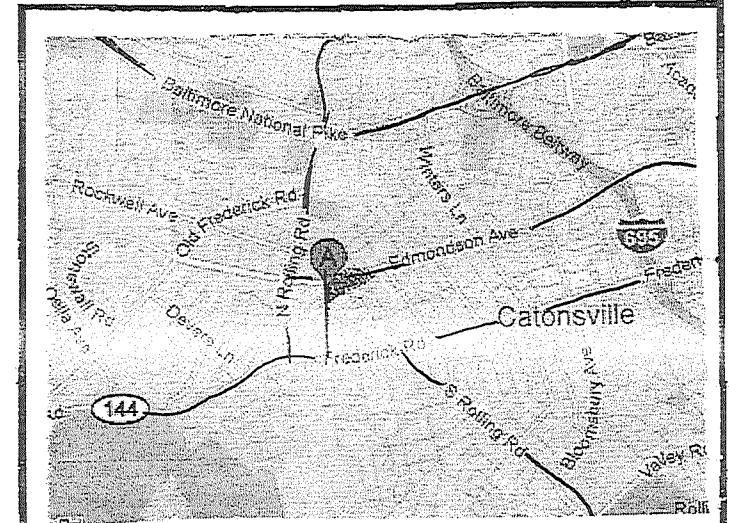
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 19 Dutton Ave., Catonsville SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER Todd & Tricia Dring



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1 st

COUNCILMANIC DISTRICT 1 st 100C1+C2

1" = 200' SCALE MAP # XXXXXXXXXX

ZONING DR2

LOT SIZE 17658 sf
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

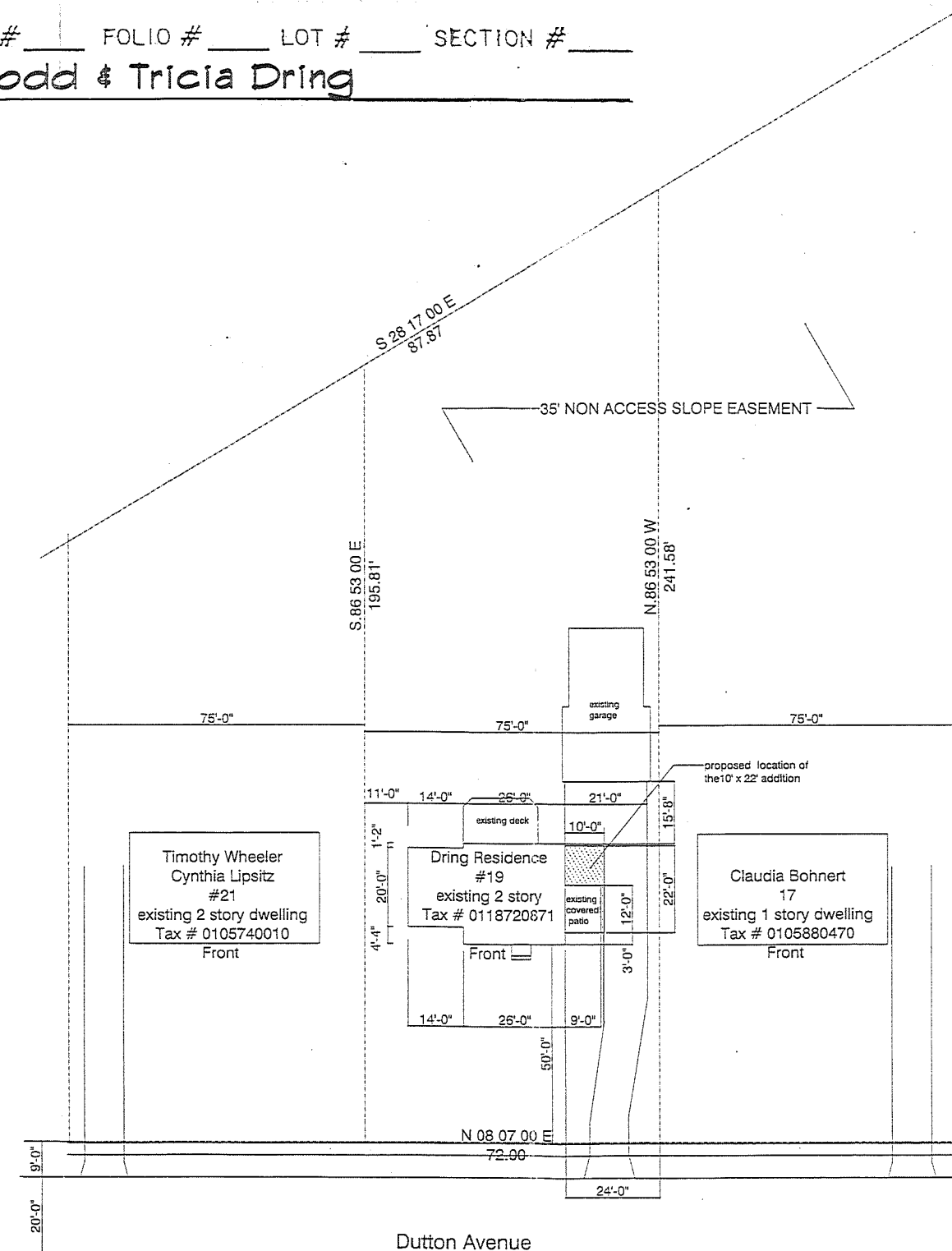
100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY / BUILDING	☐	☒
------------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

AK | 0132 | 2012-0132-A



NORTH

PREPARED BY RJE

SCALE OF DRAWING: 1" = 40

EXHIBIT 1