IN RE: PETITION FOR ADMIN. VARIANCE N/S of Chrishem Court, 230' W of Ingleside Avenue 1st Election District 1st Councilmanic District (12 Chrishem Court) Huna Gia Trang *Petitioner*	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-528-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Variance filed by Huna Gia Trang, legal owner of that property known as 12 Chrishem Court in the Catonsville area of Baltimore County. The Petitioner herein seeks relief from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 15 ft. in lieu of the permitted 22.5 ft. for a deck and to amend the prior Order and plan in Case No. 98-309-A and the Final Development Plan for Lot No. 16. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

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

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

6/5/03
L. Jones

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 Zoning Commissioner for Baltimore County, this 5th day of June, 2003, that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 15 ft. in lieu of the permitted 22.5 ft. for a deck and to amend the prior Order and plan in Case No. 98-309-A and the Final Development Plan for Lot No. 16, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

6/5/03
D. Jenkins

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 4, 2003

Mr. Huna Gia Trang
12 Chrishem Court
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 03-528-A
Property: 12 Chrishem Court

Dear Mr. Trang:

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,

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12 CHRISHEM CT

which is presently zoned DR10.5

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) 1B01.2.C.1.b AND 301.1 TO PERMIT A REAR DECK SETBACK OF 15 FT IN LIEU OF 22 1/2 FT AND TO AMEND THE PRIOR ORDER AND PLAN IN CASE # 98-309-A AND THE FINAL DEVELOPMENT PLAN FOR LOT # 16

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

Legal Owner(s):

HUNG GIA TRANG
Name - Type or Print

Hung Trang
Signature

~~HUNG GIA TRANG~~
Name - Type or Print

Signature

12 CHRISHEM CT (410) 749-0824
Address — Telephone No.

CATONSVILLE MD 21228
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

Name

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. 03-528-A

Reviewed By JL **Date** 5/06/03

Estimated Posting Date 5/18/03

REV 10/25/01

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 12 CHRISHEM CT
Address
CATONSVILLE 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):

See Attached

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.

Signature Hung Trang
HUNG GIA TRANG
Name - Type or Print

Signature Hung Trang
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of 5, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared HUNG GIA TRANG the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 5-1-2006

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES 5-1-2006

REV 10/25/01

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 12 CHRISHEM CT
Address

CATONSVILLE 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):

See attached.

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.

Signature Hung Trang

HUNG GIA TRANG
Name - Type or Print

Signature HUNG TRANG

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of 5, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared HUNG GIA TRANG the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
COMMISSION EXPIRES 5-1-2006

Notary Public

My Commission Expires 5-1-2006

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12 CHRISHEM CT

which is presently zoned DR 10.5

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) 1B01.2.C.1.b AND 301.1 to PERMIT A REAR DECK SETBACK OF 15 FT. IN LIEU OF 22 1/2 FT. AND TO AMEND THE PRIOR ORDER AND PLAN IN CASE # 98-309-A AND THE FINAL DEVELOPMENT PLAN FOR LOT 16

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

Legal Owner(s):

HUNG GIA TRANG
Name - Type or Print

Hung Trang
Signature

~~HUNG GIA TRANG~~
Name - Type or Print

Signature

12 CHRISHEM CT (410) 744-0184
Address Telephone No.

CATONSVILLE MD 21228
City State Zip Code

Representative to be Contacted:

Name

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. 03 528 A

Reviewed By JL **Date** 5/06/03

Estimated Posting Date 5/18/03

REV 10/25/01

ATTACHMENT

REASONS PRACTICAL DIFFICULTY

528

1. HOUSE IS TOO SMALL

2. WE DID NOT KNOW IT NEEDS VARIANCE TO BUILD DECKS.

3. WE NEED A DECK FOR EXTRA LIVING SPACE.

Zoning Description

12 Chrishem Ct.

Beginning at a point on the North side of Chrishem Court 40 ft R/W at a distance of 230 ft. East of Ingleside Ave.

Being Lot #16 in the subdivision of Calverton Court as recorded in Plat Book 72 Folio 28, 1st Council and 1st Election District, being 3,306 sq ft. Also known as Lot #12 Chrishem Court.

Hung Poang 5/6 03

528

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

528 JL

No. 22363

DATE 5/06/03 ACCOUNT 001 006 6150

AMOUNT $ 130.00

RECEIVED FROM: TRANS.

FOR: Res Var + Amend.

12 CHRISHEM CT.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone. (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-528-A
PETITIONER/DEVELOPER:
Hung G. Trang
DATE OF HEARING:
N/A

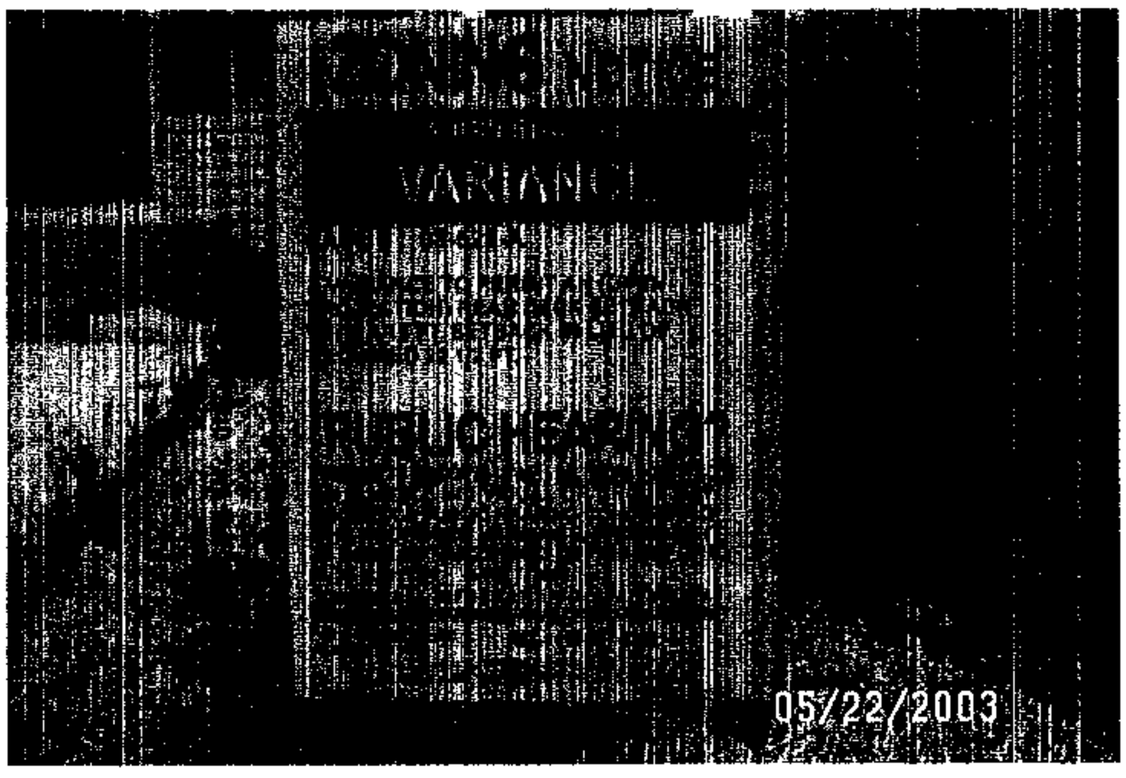
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

LOCATION:
12 Chrishem Court



POSTED ON: May 22, 2003

DATE:
May 23, 2003

Bruce E. Doak
SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

owner has this + list

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 528 -A Address 12 CHRISHEM CT.

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/06/03 **Posting Date:** 5/18/03 **Closing Date:** 6/02/03

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 03- 528 -A Address 12 CHRISHEM CT.

Petitioner's Name HUNG GIA TRANG Telephone (410) 744-0184

Posting Date: 5/18/03 **Closing Date:** 6/02/03

Wording for Sign: To Permit AN (OPEN PROJECTION) REAR DECK SETBACK WITH A 15 FT. SETBACK IN LIEU OF 22½ FT.

WCR - Revised 6/28/00

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: 03 528 A

Petitioner: HUNG GIA TRANG

Address or Location: 12 CHRISHEM CT

PLEASE FORWARD ADVERTISING BILL TO:

Name: HUNG GIA TRANG

Address: 12 CHRISHEM CT
CATONSVILLE, MD 21228

Telephone Number: (410) 744-0184

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 2, 2003

Hung Gia Trang
12 Chrishem Court
Catonsville MD 21228

Dear Mr. Trang:

RE: Case Number: 03-528-A, 12 Chrishem Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 2003.

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:klm

Enclosures

c: People's Counsel

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

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.: 512, 514-516, 518-526, 528-531

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.

7. 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

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, *Acting Administrator*

Date: 5-9-03

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

RE: Baltimore County
Item No. 528 JL

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

BALTIMORE COUNTY, MARYLAND

6/2

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 13, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03- 528 – 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 Mark A. Cunningham in the Office of Planning at 410-887-3480.

RECEIVED
MAY 14 2003
ZONING COMMISSIONER

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\nocomment doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 23, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2003
Item Nos. 512, 514, 515, 516, 517, 518,
520, 521, 522, 524, 525, 526, 527,
528, 529, 530, and 531

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

RWB:CEN:jrb

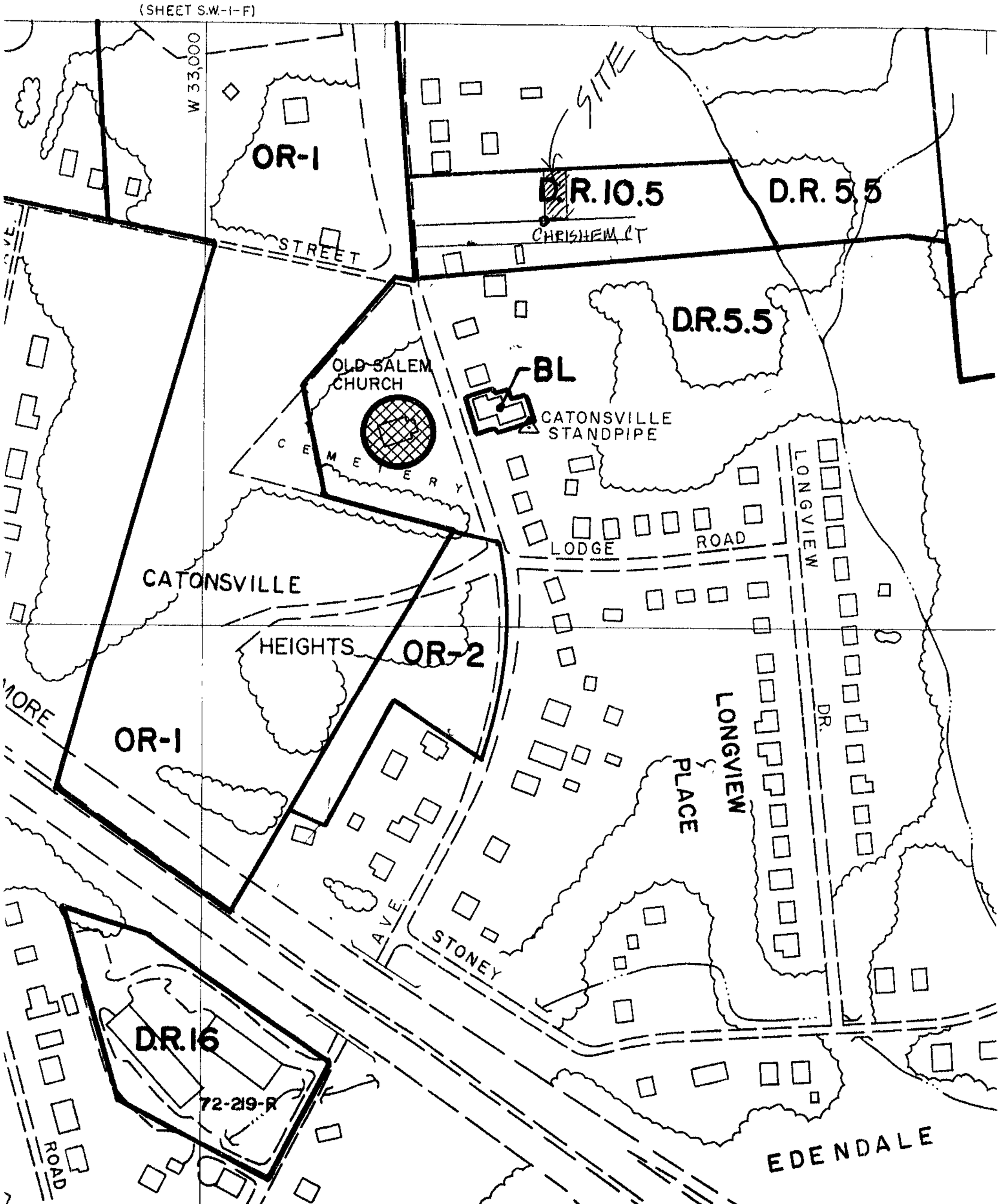
cc: File

I will provide the necessary photos in a timely manner for inclusion in the case file.

Hong Pang

03-528-A

528 SW 2F 1" = 200'



NOTES:

B.R.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
Building line and/or Flood Zone Information is subject to the interpretation of the originator.
NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
Property markers NOT found, or guaranteed by this location.
Setback distance accuracy: 1'±

Subject property is shown in Zone C on the FIRM Map of Baltimore County, Maryland on Community Panel # 240010 0390 B. Effective March 2, 1981

ZONING VARIANCE PLAN

1 CHRISHEM COURT

OWNER HUNG GIA TRANG

DR 10.5 ZONE

LOT SIZE 3,306 ±

PUBLIC WATER + SEWER

NOT HISTORIC

NOT CBCA OR FLOOD PLAIN.

COUNCIL DIST. 1

ELECTION DIST. 1

ZONING-MAP: SW 2F

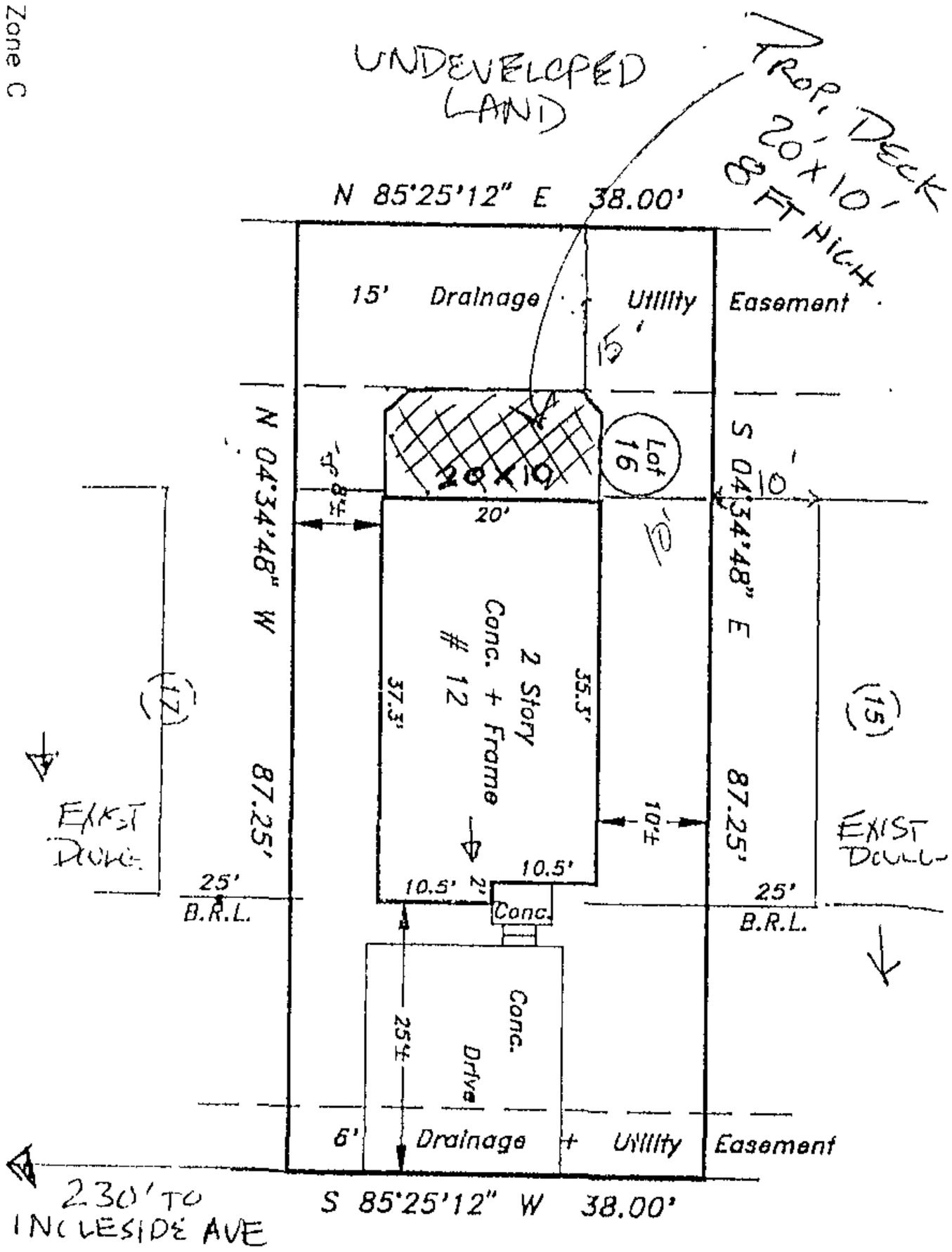
SUBDIVISION CALVERTON CT.

LOT 16

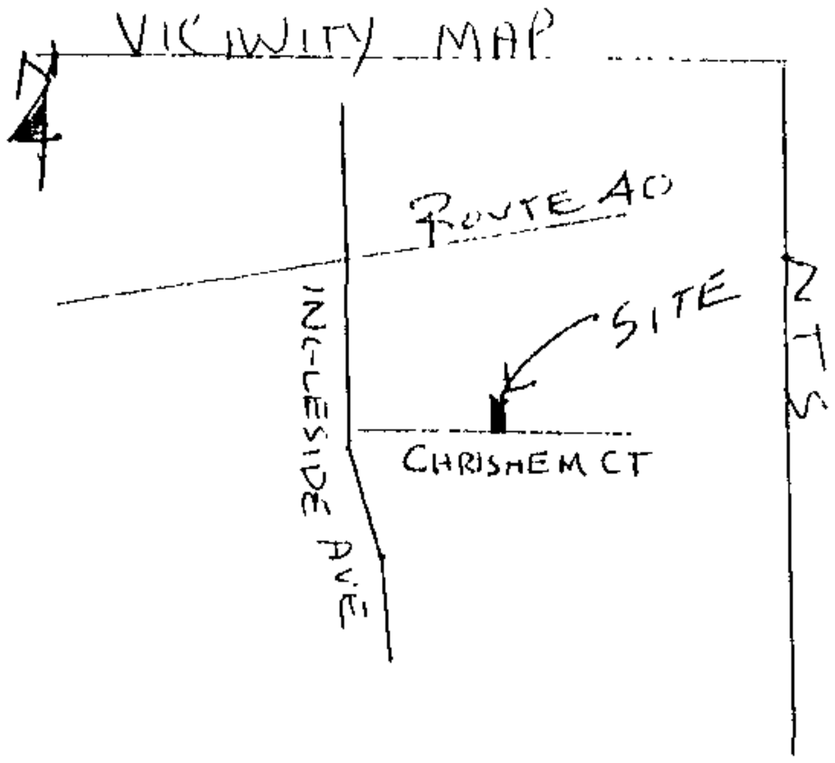
I AM RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION AS PROVIDED AND OR DRAWN BY BALTO CO. FOR THIS PETITION

[illegible] 5/6/03

OWNER DATE



VICINITY MAP



328

Pet. Ex. #1