

IN RE: PETITION FOR ADMIN. VARIANCE

W side Torque Way, 180 feet N of
Chandelle Road
15th Election District
6th Councilmanic District
(79 Torque Way)

Ngo Reily and Quyen To Ngo
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-275-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 owners of the subject property, Ngo Reily and Quyen To Ngo for property located at 79 Torque Way. The variance request is from Sections 211.2 and 301.1 (1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open porch with roof with a front street setback of 14 feet in lieu of the required 18 feet, 9 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. A letter requesting additional information was sent to the Petitioners on January 24, 2008 and the Petitioners' contractor responded on February 1, 2008. He submitted photographs and confirmed that there are a number of similar porch-type structures in the neighborhood. The Petitioners wish to construct a small front porch with an awning. Currently, there is one tiny off-center cement step which is insufficient to safely enter and exit the home. The awning will provide shelter during inclement weather.

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.

ORDER RECEIVED FOR FILING
2-1-08
PM

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 30, 2007 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 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. The Petitioners would suffer practical difficulty and hardship if they could not safely enter and exit the home and have some protection from inclement weather. A nearby neighbor has a porch similar to the one proposed by 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 15th day of February, 2008 that a variance from Sections 211.2 and 301.1 (1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open porch with roof with a front street setback of 14 feet in lieu of the required 18 feet, 9 inches is hereby GRANTED, subject to the following:

COPIES RECEIVED FOR FILING
2-1-08
pm

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.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILED
2-1-08
13

ORIGINAL KEPT IN FILE



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 79 TORQUE WAY
which is presently zoned DR 5.5

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) 211.2 AND 301.1 (1955 BCZR)

TO PERMIT AN OPEN PORCH WITH ROOF WITH A ^{FRONT STREET} SETBACK OF
14 FT. IN LIEU OF THE REQUIRED 18 FT. 9"

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

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 21 day of 08 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.

08 275 A

Reviewed By VL

Date 12/20/07

REV 10/25/01

~~ORDER RECEIVED FOR FILE~~

Estimated Posting Date

1/14/08

2-1-08

m

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

79 TORQUE WAY
Address
MIDDLE RIVER MD 21220
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):

Variance is asked for due to inadequate entrance at front of home. Currently there isn't any steps or landing at the entrance. Also no shelter at entrance aesthetically unpleasing. Just a muddy yard. Hardship is suffered due to the front entrance being insufficient. Difficulty in using front entry. Currently there is no front porch or steps to enter 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.

Ngokub
Signature
NGO Ricky
Name - Type or Print

Quyen
Signature
Quyen To NGO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of December, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ricky Ngo & Quyen Ngo

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

AS WITNESS my hand and Notarial Seal

Tracie Smith

Notary Public

My Commission Expires 6/9/2010

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 79 TORQUE WAY
Address
MIDDLE RIVER MD 21220
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):

Variance is asked for due to inadequate entrance at front of home currently there isnt any steps or landing at the entrance. also no shelter at entrance aesthetickly unpleasing. Just a muddy yard. hardship is suffered due to the front entrance being insufficient. Difficulty in using front entry currently there is no front Porch or steps to enter 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.

Ngo Keul
Signature
Ngo Ricky
Name - Type or Print

Quyen
Signature
Quyen T O NGO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of December, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ricky Ngo & Quyen Ngo

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

AS WITNESS my hand and Notarial Seal

Tracie Smith
Notary Public

My Commission Expires 6/9/2010



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 79 TORQUE WAY
which is presently zoned DR 5.5

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) 211.2 AND 301.1 (1955 BCZR)
TO PERMIT AN OPEN PORCH WITH ROOF WITH A ^{FRONT STREET} SETBACK OF
14 FT. IN LIEU OF THE REQUIRED 18 FT. 9"

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.

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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

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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. 08 275 A

REV 10/25/01

Reviewed By VL

Date 12/20/07

Estimated Posting Date

1/14/08

2-1-08

PM

Zoning Description for 79 TORQUE WAY.

Beginning at the point on the WEST side of TORQUE WAY which is 30 FEET wide at the distance of 180 FEET NORTH of the centerline of the nearest improved intersecting street CHANDELLE ROAD which is 40 FEET wide. *Being Lot # 52, Block n/a, Section # 1 in the subdivision of VICTORY VILLA as recorded in Baltimore County Plat Book # 22, Folio # 105, containing 7021.00 Square Feet. Also known as 79 TORQUE WAY and located in the 15 Election District, 6 Councilmanic District.

275

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **08759**

PAID RECEIPT

Date: **12/20/07**

BUSINESS ACTUAL TIME URM
 12/20/2007 12/20/2007 14:35:49 1

REG #01 WALKIN JRIC JHR
 >>RECEIPT # 358536 12/20/2007 OPLN

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Dept 5 520 ZONING VERIFICATION

008759

Recpt Tot \$65.00

\$65.00 CK \$0.00 CA

Baltimore County, Maryland

Total: **65.00**

Rec

From: **NO**

For:

Res Variance Jelling 79 TORQUE WAY

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Wrong #
ON SIGN

DATE OF POSTING

RE: Case No.: 08-075-A

Petitioner/Developer: NGO

Date of Hearing/Closing: 1-14-08

→
Contacted poster
Will correct +
Send photo 1/10/08
any

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:

79 TORQUE WAY

The sign(s) were posted on 12-30-07
(Month, Day, Year)

Sincerely,



Robert Black 1-2-08
(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)

APP HAS OR + POST COST

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 075 -A Address 79 TORQUE WAY
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 12/20/07 Posting Date: 12/30/07 Closing Date: 1/14/08

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 08- 075 -A Address 79 TORQUE WAY
Petitioner's Name NGO Telephone 410 485 8185
Posting Date: 12/30/07 Closing Date: 1/14/08
Wording for Sign: To Permit AN OPEN DECK PORCH WITH ROOF WITH A FRONT
STREET SETBACK OF 14 FT. IN LIEU OF THE REQUIRED
18' 9"

WCR - Revised 6/25/04

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/neighbor 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: 08-275-A

Petitioner: * NGO

Address or Location: * 79 TORQUE WAY MIDDLE RIVER MD

PLEASE FORWARD ADVERTISING BILL TO:

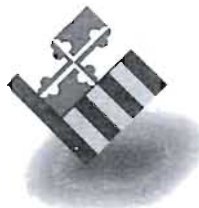
Name: RICKY NGO

Address: 79 TORQUE WAY
MIDDLE RIVER MD 21220

Telephone Number: 410 485 8185

Revised 7/11/05 - SCJ

* *RW*
APPLICANT WILL BRING IN
LABELED PHOTOS IN A TIMELY
FASHION FOR INCLUSION IN FILE



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 14, 2008

Ngo Residence
79 Torque Way
Baltimore, MD 21220

To Whom It May Concern:

RE: Case Number: 08-275-A, 79 Torque Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 2007. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: JANUARY 7, 2008

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

RE: Baltimore County
Item No. 8-275-A
79 TORQUE WAY
REILY-NGO PROPERTY
ADMINISTRATIVE VARIANCE

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. 8-275-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey". The signature is written in a cursive, flowing style.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 8, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2008
Item Nos. 08-082, 275, 276, 277, 278,
279, 280, 281, and 285

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-01082008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 18, 2008

RECEIVED
JAN 23 2008

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

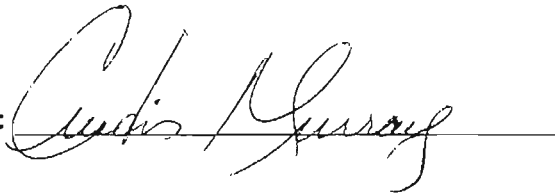
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-275- Administrative Variance**

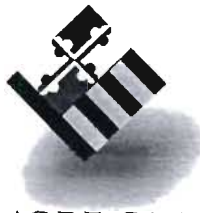
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



CM/LL



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 24, 2008

NGO REILY AND QUYEN TO NGO
79 TORQUE WAY
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 08-275-A
Property: 79 Torque Way

To Whom It May Concern:

I have been given your administrative variance for review. I note that you are requesting to add a porch onto the front of your house. This addition would result in your home jutting out more than the average setback which will be very noticeable.

Any variance which requests to build in the front yard is cause for very careful scrutiny. These structures can change the character of the neighborhood. Homes are required in DR 5.5 zones to be set back the average distance of the other homes on the street so that the view of the houses from the street is uniform.

I am very reluctant to grant this request for the reasons given. However, I did not want to deny the request without giving you an opportunity to submit further evidence about the neighborhood or to request a public hearing in this regard.

Please let me hearing from you in writing at your convenience.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

PLAT TO ACCOMPANY PETITION FOR ☒ VARIANCE ☐ SPECIAL HEARING

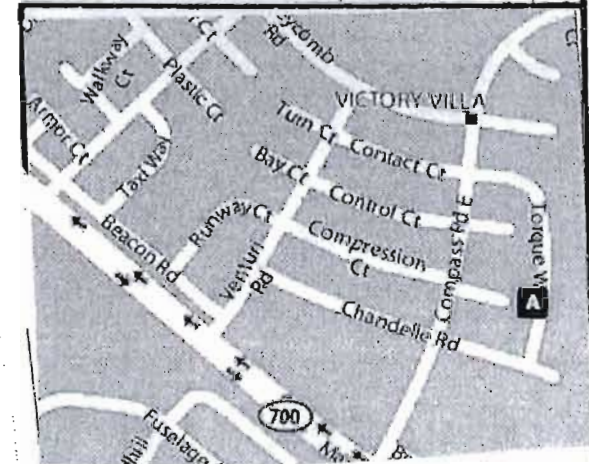
PROPERTY ADDRESS 79 Torque Way

SUBDIVISION NAME Victory Villa

PLAT BOOK # 22 FOLIO # 105 LOT # 52 SECTION # 1

OWNER Ricky Van Ngo

OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # DR5.5

ZONING 090B1

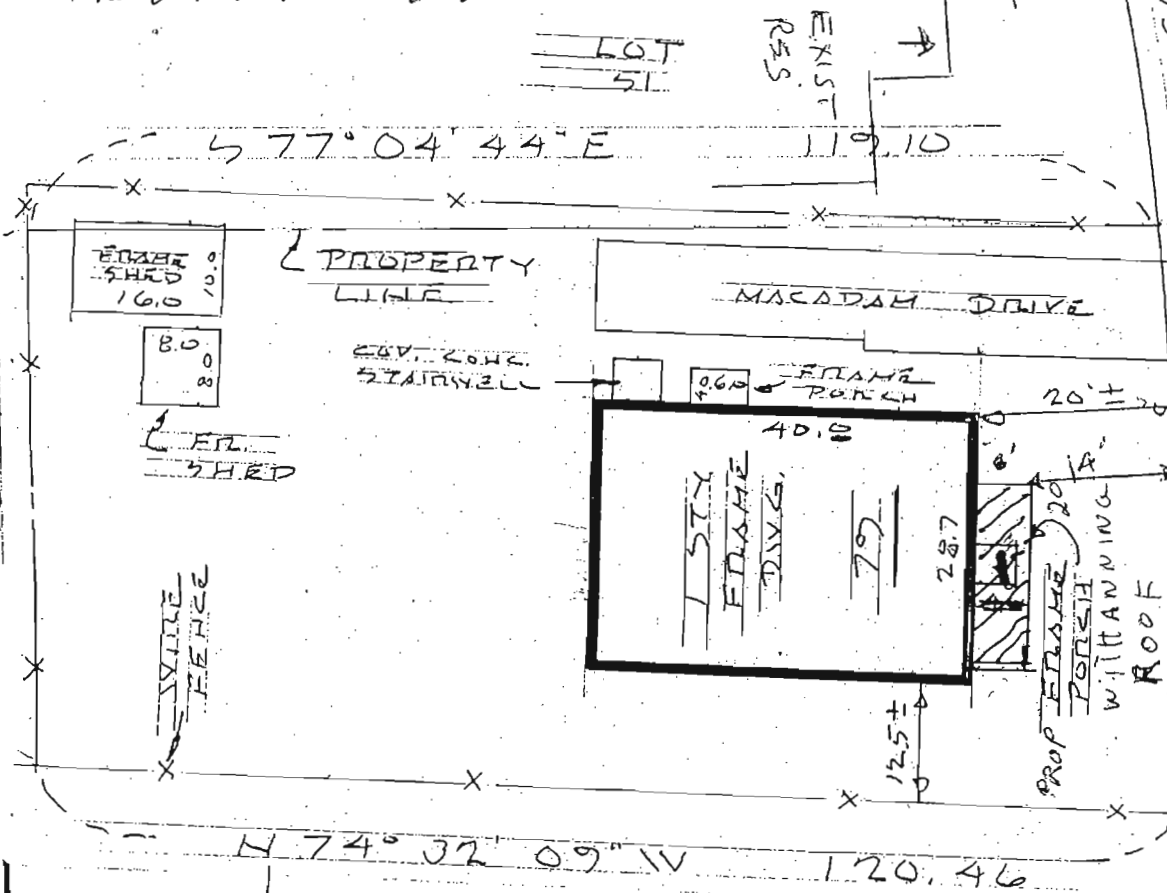
LOT SIZE .1611799 7021.00
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY
REVIEWED BY JL ITEM # 275 CASE # 08-275-A

112° 55' 16" E
56.79



NORTH

REV 12/20/07

LOT 53

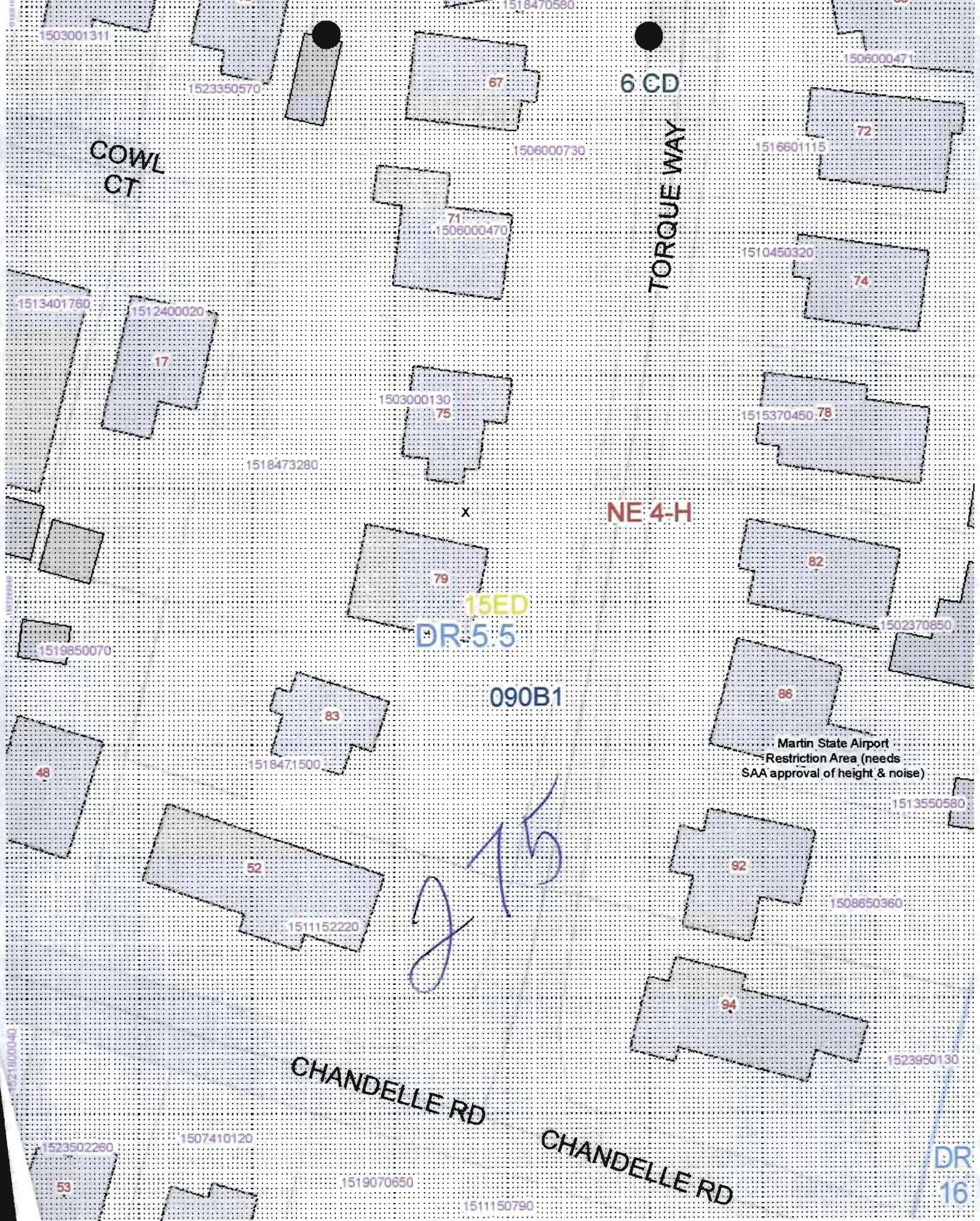
LOCATED IN MARTIN AIRPORT RESTRICTION ZONE APP. CANNOT BE USED

LOCATED IN MARTIN AIRPORT RESTRICTION ZONE APP. HAS

PREPARED BY TCS

SCALE OF DRAWING: 1" = 20' FORMS

PLAT



1503001311

1523350570

1518470580

1506000471

6 CD

COWL CT

1506000730

TORQUE WAY

1516601115

1513401760

1512400020

1510450320

17

1506000470

74

1503000130

75

1515370450

1518473280

x

NE 4-H

79

15ED

DR-5.5

82

1502370850

1519850070

090B1

83

86

Martin State Airport
Restriction Area (needs
SAA approval of height & noise)

1518471500

1513550580

48

215

52

92

1508650360

1511152220

1523950130

94

CHANDELLE RD

CHANDELLE RD

1523502260

1507410120

1519070650

1511150790

53

DR
16



File no 275



House on Left

83 Torque Way



75 Torque Way House on Right

File No. 275