IN RE: PETITION FOR ADMIN. VARIANCE *

N side of Jacinth Way, 180 feet +/- E of c/l of Hedge Row Way

11th Election District

5th Councilmanic District

(4014 Jacinth Way)

Thu and Dan Nguyen *Petitioners*

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

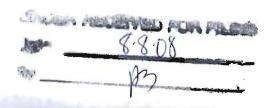
* Case No. 08-428-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by Thu and Dan Nguyen for property located at 4014 Jacinth Way. The variance request is from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an attached carport with a 0 foot setback in lieu of the required 7.5 feet. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. Petitioners desire to construct the carport to protect them 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.

In considering a request for variance, I must do so in accordance with the mandate of *Cromwell v. Ward, 102 Md.App. 691 (1995)* and Section 307 of the B.C.Z.R. In that case, the Court of Special Appeals of Maryland interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly,



upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome.

In the instant matter, I am not persuaded that the shape of Petitioners' lot, in and of itself, makes it unique such that the zoning regulations disproportionately affect the subject property as compared to others in the zoning district. In fact, the adjacent properties are also square-shaped and affected in the same manner as Petitioners' property. I must also determine whether the request is within the spirit and intent of the zoning regulations and its impact, if any, on adjacent properties. Although I am certainly understanding and empathetic with Petitioners in their desire to have cover from inclement weather, in my view, the configuration of the subject property and the orientation of the dwelling does not lend itself to the construction of a carport as proposed on the site plan. Therefore, the request is not within the spirit and intent of the zoning regulations. I cannot find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Thus, for the reasons stated above, I am persuaded in this case to deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this day of August 2008, that an Administrative Variance from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an attached carport with a 0 foot setback in lieu of the required 7.5 feet, is hereby DENIED.

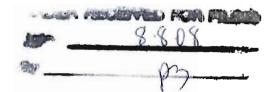


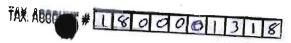
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner for Baltimore County

THB:pz







Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned DR 5.

to Permit A	In Attack	red corpor	t with A Zero Fort	setback
In Lieu of	the R	equived 7	t with A zero Fort	
of the zoning regulations of of this petition form.	Baltimore Cou	nty, to the zoning	aw of Baltimore County, for the reaso	ons indicated on the back
Property is to be posted and I, or we, agree to pay expense regulations and restrictions of	es of above Varia	ince, advertising, po	zoning regulations. sting, etc. and further agree to and are to to the zoning law for Baltimore County.	be bounded by the zoning
			I/We do solemnly declare and affirm perjury, that I/we are the legal owne is the subject of this Petition.	
Contract Purchaser/Les	ssee:	. .	Legal Owner(s):	
Name - Type or Print	Dayyer	<i>)</i>	Name - Type or Print	IGUYEN
Signature			Signature OAL THE	G.11/41/
Address		Telephone No.	Name - Type or Print	CLUY ELV
City	State	Zip Code	Signature	(4 43)
Attorney For Petitioner:			Address 4014 tag with way	527 - 96/6 Telephone No.
Name - Type or Print			City Bultimore	State My Zip Code 2/73(
Signature			Representative to be Conta	cted:
Company	·	·	TAI CA	(240)
Address		Telephone No.	5/10 Roanske Pl. # 10 Address	Telephone No.
City	State	Zip Code	College Park 1	State Zip Code
A Public Hearing having been for this day of regulations of Baltimore County an	, that	the subject matter of t	required, it is ordered by the Zoning Comr his petition be set for a public hearing, advert	missioner of Baltimore County, ised, as required by the zoning
			36	
CASE NO. 08-	-428-	A Pa	Zoning Commissioner of Balti	Thore County
REV 10/25/01	MANUTE	desirants arest van abit	imated Posting Date	3/23
_	8 8 08			
- Str	Dr.	-		

for the property located at

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) | 1.802.3.C. | 3=1.1.4, BC 7R,

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	eat 4014 Jacinth way Address Baltimore ws 21236 City State Zip Code			
	Address	. 0	21221	
	City	State	2/236 Zip Code	
That based upon personal knowledge, the follovariance at the above address (indicate hardship)			ne request for an Administrative	
For my senior Parents & ye	oury childre	en that ar	e living with me	
to have Easy Access to dan	when rain	JShow, Ice.	i is safer	
due to traffice on how	₹ ,			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is file additional information	d, Affiant(s) will be re	equired to pay a reposting and	
Signature THU NGUC NGUYE Name - Type or Print	<u> </u>	nature Print	NOUYEN	
STATE OF MARYLAND, COUNTY OF BALTIN				
I HEREBY CERTIFY, this 17 day of Maryland, in and for the County aforesaid, per	مہدل rsonally appeared	, <u>2028</u> , before	me, a Notary Public of the State	
Thu NGOC NGOJEN the Affiant(s) herein, personally known or satisfa		th: Nov le as such Affiant(s).	y e n	
AS WITNESS my hand and Notarial Seal		Alala Am		

My Commission Expires

Notary Public

REV 10/25/01

ROBERT J. BRUCE
NOTARY PUBLIC
HARFORD COUNTY
STATE OF MARYLAND
MY COMMISSION EXPIRES
JULY 1, 2009

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.

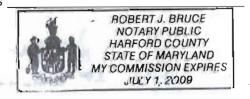
That the Affiant(s) does/do presently reside at	4014	Jacinth	way	
	Address	ne. s		21236
	,			Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	p or practical diff	iculty):		
for my senior Parents me to have Easy Ac	& young	children	that a	re Gving with
me to have Easy Ac	cess to	car w	hen rais	n, show, I ce,
is safer due to	traffic	on Ro	and .	
,				
the state of the s				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s)	will be require	ed to pay a reposting and
		1 -	<i></i>	
- pr		- ha		
Signature		Signature	1 52000	
Name - Type of Print	<u> </u>	Name - Type of Pri	AV TH	LAGYEN
Name - Type of Pant		Traine Type of The		
Han Fo		. 		
STATE OF MARYLAND, COUNTY OF BALTIN	1			
of Maryland, in and for the County aforesaid, pe	عممه rsonally appeare	d, 2008	_, before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	Dan	Th: NO	Suyen	2 1
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Af	Tiant(s).	

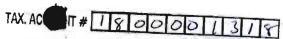
Notary Public

My Commission Expires

REV 10/25/01

AS WITNESS my hand and Notarial Seal





I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at Palfimore, no 2123 (
which is presently zoned DR 5.5

To Permit An Attached carport with A zero Foot Setback In Lieu of the Reguired 7.5 FT

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Signature Address Telephone No. City State Zip Code Signature Attorney For Petitioner: 2.1236 Name - Type or Print Zip Code Representative to be Contacted: 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, 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.	08-428-A	Reviewed By Date 3/12/07
REV 10/25/01	8.808	Estimated Posting Date 3/23
	and on	

Zoning Description

Zoning Description For 4014 Jacinth Way Baltimore Maryland 21236.

Beginning at a point on the **North** side of **Jacinth way** which is **50 Feet** wide at the distance of **180 Feet** East of the centerline of the nearest improved intersecting street **Hedge Row Way** which is **50 Feet** wide. Being lot **#28**, Block C in the subdivision of **Perryvale** as recorded in Baltimore County Plat Book **#41**, Folio **# 63**, containing **5,600 S. F.** Also known as **4014 Jacinth Way** and located in the **11**th Eletion District, **5**th Councilmanic District.

BALTIMORE COUNTY, MARY AND OFFICE OF BUDGET AND FINANCE No. 11411 MISCELLANEOUS RECEIPT Date: 3.12.08 3/13/2000 3/12/2009 14:25:34 2 502 NATE JEVA JEE >>RECEIPT N 567963 3/12/2008 DFLH Sub Rev Sub Rept BS 5 S28 JOHUNG VERIFICATION Dept Acct Fund Orgn Orgn Source Rev Catg **Amount** Agcy 011411 001 006 6150 65. -Recpt Tot #45,00 \$65,00 CK \$100 CA Baltimore County, Naryland Total: Rec From: For: CASHIER'S DISTRIBUTION VALIDATION

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

CERTIFICATE OF POSTING

RE: Case No.: 08. 428-A

Politimer/Developer: 7/1

Nouven

Date of Hearing Closing: 7-21-05

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

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

Ladies and Gentlemen: 4

posted conspicatorsly on the property located at This letter is to certify under the penalties of perjury that the nece ary sign(8) required by law were

YOIH JACINTA WAY

The sign(s) were posted on_

7.6.00

(Month, Day, Year)

Sincerely,

POLICE TO STATE OF THE PROPERTY OF THE PROPERT

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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

·
Case Number 08- 428 -A Address 4014 JACINTH WAY
Contact Person: J. Merley Phone Number: 410-887-3391
Contact Person: J. Merica Phone Number: 410-887-3391
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. <u>DEADLINE</u> : 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 (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- 428 -A Address 4014 JACINTH WAY
Petitioner's Name THY NGUYEN Telephone 443-527-9616
Posting Date: $3/23$ Closing Date: $4/7$
Nording for Sign: To Permit A CARPORT WITH A ZERO FOOT
SIDEYARD SETBALK IN LIEU of The REQUIRED

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: Petitioner: \(\sum_{\text{Dan Thi}} \) Address or Location: \(\sum_{\text{VOI}} \)	1428 Nguyen i Thu	Ngoc vynyen
Address or Location: 🗶 💆	4 Jacinth way	Battimore MD 2123
PLEASE FORWARD ADVERTIS Name: Y Dan Th Address: Y 4014 Jac Baltimore	inth way mi) 21236	
Telephone Number: 44	13-527-9616 D	an cell

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 7, 2008

Dan Thi Nguyen Thu Ngue Nguyen 4014 Jacinth Way Baltimore, MD 21236

Dear Mr. and Mrs. Nguyen:

RE: Case Number: 08-428-A, Address

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 12, 2008. 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

Tai La 5110 Roanoke Place, #106 College Park 20740

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

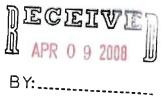
Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 8, 2008



SUBJECT: Zoning Advisory Petition(s): Case(s) 08-428- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

CM/LL



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

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

Maryland Department of Transportation

Date: MARCH 21, 200 B

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

RE:

Baltimore County

Item No. 8-428-A

4014 JACINTH WAY

NGUYEN 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. 8-428-4.

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,

Steven D. Foster, Chief **Engineering Access Permits**

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 1, 2008

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 31, 2008

Item Nos. 08-401, 418, 419, 420, 421, 422, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, and 440

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-03282008.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 26, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 24, 2008

Item Number: 418,419,420,421,422,423,424,426,427 428,429,430,431,432,433,434 and 435

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE:

April 11, 2008

TO:

Kristen Matthews

Dept. of Permits and Development Management

FROM:

Patricia Zook, Legal Secretary to

Thomas Bostwick, Deputy Zoning Commissioner

RE:

Petition for Administrative Variance

Case No. 08-428-A located at 4014 Jacinth Way

The Petitioners and their representative confirm that the property has not yet been posted for the administrative variance request. Therefore, we are returning the file to you so that the property can be posted.

Thank you for your attention and cooperation in this matter.

SCALE OF DRAWING: 1" = 40

PREPARED BY

PLAT TO ACCOMPAN	IY PETITION FOR ZONING VARIA	IST FOR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME Perr	yvale	IST TO ABOTTONAL REGULED IN ONIGINO
PLAT BOOK # 41 FOLIO # 63	LOT # 28 SECTION #	
OWNER Nguyen, Thu		the diameter of
	Hedge Row	Joppe Por Redoctor
		VICINITY MAP SCALE: 1" = 1000'
		LOCATION INFORMATION
		ELECTION DISTRICT
	1	COUNCILMANIC DISTRICT 19 5 15
LL N	0:2	1"=200' SCALE MAP # 072 BZ
8 8		ZONING DR. 5.5
$\frac{2}{5}$. $\frac{2}{5}$.		LOT SIZE STATE STATE FEET
	[initial content of the content of t	PUBLIC PRIVATE SEWER TV [7]
5 4	2 1.5 SIONY	SEWER [V]
, <u>z</u>	FRANK S	. WATER [7]
Wedg	conc est	CHESAPEAKE BAY CRITICAL AREA
, 6	ALI SEMENT	100 YEAR FLOOD PLAIN
P	5 CV	HISTORIC PROPERTY/
E	6 30 OX.	PRIOR ZONING HEARING
NORTH &	To se d	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY	SCALE OF DRAWING: 1" = 40	1 1

