

IN RE: PETITIONS FOR SPECIAL HEARING \*

AND VARIANCE

SW/S Gunpowder Road, 383' NW c/line of \*

Jerome Road

(5660 Gunpowder Road) \*

11<sup>th</sup> Election District

5<sup>th</sup> Council District \*

Den Canh Phan, et ux \*

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0105-SPHA

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the property, Thanh Tam Nguyen and her husband Den Canh Phan. Special hearing relief is requested to allow an existing accessory structure larger than the principal dwelling on **Lot #2**. The Petitioners also request variance relief from Sections 1B02.3C.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), for **(Lot #1)**, to allow an existing dwelling with a side yard setback of 5 feet in lieu of the minimum required setback of 15 feet and to allow an existing swimming pool in the front and side yards in lieu of the required rear yard, and for **(Lot #2)**, to allow an existing dwelling with a side yard setback of 9 feet and front yard setback of 11 feet in lieu of the required 15 and 40 feet, respectively, and to allow an existing accessory structure (garage) with a height of 21 feet in lieu of the maximum allowed 15 feet. The subject property and the requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of these petitions were Thanh Tam Nguyen and Den Canh Phan, property owners, and J. Scott Dallas, of J.S. Dallas, Inc., the consultant who prepared the site plan for this property. A number of adjacent residents appeared

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as concerned citizens, namely Glenn Bittorf, Chris Betts, Gary A. Lentz, Thomas Neuwiller and Kimberly Fretwell. In addition, these neighbors presented a petition signed by some 65 persons who reside in the community expressing opposition to the request, which was marked as Protestants' Exhibit 2.

It should be noted that a significant amount of testimony and evidence submitted at the hearing by the neighbors in attendance was relative to the conversion of the dwellings to house multiple families and the negative impacts regarding the numerous calls for service by County Police, Fire and Solid Waste agencies. The types of calls varied from noise complaints and disturbances, to a stabbing and shooting incident. Although complaints were not registered with the Code Enforcement Division of the Department of Permits and Development Management – Section 506 of the B.C.Z.R. vests the Zoning Commissioner with authority to conduct hearings involving any violation or alleged violation/non-compliance with any zoning regulation. Similarly, Section 500.7 allows the Zoning Commissioner to pass such Orders as shall be necessary for the proper enforcement of all zoning regulations.

Notwithstanding the indiscretions that have taken place on the property since the Petitioners purchase in December, 2006 the facts surrounding the actual petitions are clear and are, for the most part, not in dispute. The first person to testify was J. Scott Dallas, a property line surveyor who was accepted as an expert in the area of engineering and land planning. He stated that he is familiar with the property located at 5660 Gunpowder Road between Pulaski Highway (MD Rt. 40) and Philadelphia Road (MD Rt. 7). He visited the site which he describes as an irregularly “flagged shaped” property and prepared the plat which indicates all lot dimensions, improvements, adjoining streets and rights-of-way as well as all other pertinent environmental features of the site. The property is approximately 1.47 acres in gross area zoned

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D.R. 2 and had been improved for many years by two existing dwellings. It is the owners' desire to divide this long-existing situation of two houses on a single lot into two lots. The proposed lot line between the two residences creates a need for variances from the applicable requirements as to minimum front and side yard setbacks and legitimize the size and location of previously constructed structures. It was Mr. Dallas' opinion that the houses which have long-existed on the property and are (except for the multiple family occupancy) in complete harmony with the rest of the neighborhood. As illustrated on Exhibit 1, proposed Lot 1 is improved with a one-story brick dwelling featuring a large patio and in-ground swimming pool (eastern side) and will contain 40,000 square feet in area. Lot 2 was improved with a two-story dwelling positioned on the southeastern corner of the lot presently accessed from Gunpowder Road by means of a panhandle driveway that runs along the western boundary of the site past proposed Lot 1. This lot (Lot 2) will contain 20,000 square feet. A large garage was constructed centrally on this lot by the previous owner and is 66 feet deep x 32 feet wide x 21 feet high. It had been used to house antique cars and for storage on the upper level. The evidence offered was that the approved configuration of these lots would result in the most logical and compatible lot configuration possible. Neither of these two lots can be further improved with additional dwellings.

One of the issues raised by the zoning office is whether the existing garage can be larger than the existing house on Lot 2 and whether it can remain rather than being razed. Testimony revealed that the garage is in excellent condition and will be accessory to the dwelling on Lot 2. There is no reason for it to be taken down. It is structurally sound and is and has been in continuous use for cars and storage. The garage would not be used as second dwelling or serve

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as an apartment. Petitioners agree that they and their assigns will not put a kitchen in the garage or use it commercially.

The "small lot table" set out in Section 1B02.3C.1 of the B.C.Z.R. applies to the subject property and requires that each of these lots be a minimum of 20,000 square feet in size. Clearly, both lots would exceed that minimum required size. The legal owners purchased the subject property in its current state, had no role in the construction of the existing dwellings or accessory structures, and own no adjoining land. Both homes are currently served by public water and sewer systems. The plan introduced at the hearing illustrates all existing improvements, the reconfigured lot lines to be approved by the Design Review Committee (DRC), and includes all information required by the zoning petition submission checklist depicting the subject property accurately. It was Mr. Dallas' further opinion that a grant of the requested variances would be in harmony with the intent of the zoning regulations and would create no injury to public health, safety or general welfare.

Testimony was next received by Den Cahn Phan, an owner of the property. Mr. Phan and his wife purchased the property as the two-story structure at the rear of the lot was advertised as a multiple family building with three apartments. He and his family plan to leave their present home in the Dundalk area and move into the one-story rancher (Lot 1), but wish to wait until their nine year old daughter finishes elementary school and to allow time to sell their hair salon business. Since the purchase, however, they have (as have his neighbors) become frustrated and spent considerable time and money in court attempting to evict tenants residing in the apartment structure (Lot 2). It is now his intention to subdivide the property, sell the improvements on proposed Lot 2 and reside on Lot 1. Without the requested variances, he cannot make full use of the property as separate residences and convey Lot 2.

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The neighbors who appeared primarily expressed concern about the negative impacts of a multiple family use at this location. Gary Lentz, who for 15 years has resided to the northwest of the property, provided a historical overview of its use. Apparently, in the early 1950s a family named Huskins or Malone, had resided in the one-story brick rancher and had a number of children. The two-story home at the rear of the property was built for the children who then used the home for three apartments. The property was later sold to George Stoecker, who resided in the rancher and rented out the two-story home as apartments. Stoecker build the garage to house his antique car collection. The neighbors indicated that the renters never caused problems as Stoecker ran a tight ship and took good care of the property. Following the sale to the Petitioners in 2006, the disturbances started -- dogs barked, dirt bikes were ridden without regard to neighboring property lines, calls for service and Police responses generated from or directed to the property were required. Ms. Fretwell, residing across the street, has young children and became afraid for their safety. Mr. Bittorf, who works for the County, spoke of trash associated with solid waste and recycling pickups at the property that caused continuing problems. Mr. Betts believed auto repairs and commercial uses were being made of the garage and disabled vehicles were kept on the property. Likewise, Mr. Neuwiller did not oppose the garage or swimming pool structures where located as they had been on the property for years. He did voice concern about how the property was being used, that the Petitioners were not taking responsibility for what was taking place on the premises and their failure to maintain the property in good order.

At the conclusion of the hearing, I informed the parties of the pertinent issues before me and gave them time to speak to one another. While, at first blush, the number of variances requested by the Petitioners might tend to signal a dramatic change from the existing conditions

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on the property and in the neighborhood. In fact, this is not so. The uncontradicted testimony is that these residences and accessory structures have existed on the lot(s) for 40 to 50 years. The adjoining neighbor that shares the eastern boundary and is most affected (5702 Gunpowder Road) has no objection – *see* Petitioners' Exhibit 2. After further discussions, the neighbors who appeared expressed no objection to the variances and other relief sought and would indeed support the proposed subdivision of the property that would allow in-fee ownership for single family use rather than rental units.

The evidence and testimony was substantial in showing the existing conditions and existing improvements documented the subject property unique to other similarly zoned property in the community. I am persuaded to grant the relief requested. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. There is no justification to force the garage or pool to be razed only to have them replaced later. Section 400 of the B.C.Z.R. pertaining specifically to accessory structures in residential zones does not prohibit an accessory structure from being larger in size than the principal use. Historically, it has been the Zoning Review Office's interpretation of the "accessory building" definition as contained in Section 101 of the B.C.Z.R. that leads to this conclusion. The definition of accessory building in that Section states in pertinent part – "...one which is subordinate and customarily incidental to and on the same lot with a main building....". While I recognize the concern, I am convinced that the garage will continue to be used for vehicles and storage. I further find that the relief granted will not have a detrimental impact to the health, safety or general welfare of the surrounding locale and is appropriate in this instance. The relief requested is the minimum relief necessary to permit each existing dwelling to be located on its own lot such that it can be separately financed and/or conveyed. No additional residential density results

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from the requested relief and the relief brings the subject property into compliance with development already existing in the community – each house on its own lot. The spirit and intent of the B.C.Z.R. will be observed by granting the final relief necessary for recordation of the reconfigured lot lines yielding compatible, existing development.

The issues raised in the petitions are pursuant to the authority granted in Sections 307 and 500.7 of the B.C.Z.R. Thus, my decision is based on the zoning of the subject property, the proposed dimensions for each lot and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the Development Regulations which have been relegated by the County Council to the Development Review Committee. See *Longmeadow Association, Inc. et al, v. Druid Ridge LLP, et al*, 393 Md. 478 (2006) and County Council Bill 54-05. However, a review of the facts, evidence and testimony presented in this case reveals that the parties are in agreement and they jointly request a reconfiguration of existing lot of record that will result in lots with frontage on and served by a public roadway. Moreover, I find that the proposal will not be detrimental to the health, safety or general welfare of the surrounding locale nor create congestion in the roads or interfere with public utilities.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted with conditions.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30<sup>th</sup> day of December, 2008, that the Petition for Special Hearing seeking approval to permit an existing accessory structure larger than the principal dwelling on proposed **Lot #2**, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

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[Signature]

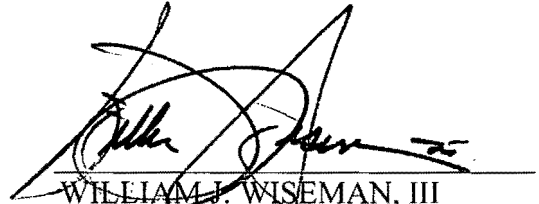
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3C.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), for (Lot #1), to allow an existing dwelling with a side yard setback of 5 feet in lieu of the minimum required setback of 15 feet and to allow an existing swimming pool in the front and side yards in lieu of the required rear yard, and for (Lot #2), to allow an existing dwelling with a side yard setback of 9 feet and front yard setback of 11 feet in lieu of the required 15 and 40 feet, respectively, and to allow an existing accessory structure (garage) with a height of 21 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED; subject to the following restrictions which are conditions precedent to the relief granted herein:

1. ADVISORY: The Petitioners shall be required to apply to the Development Review Committee for a limited exemption under Baltimore County Code (B.C.C.) Section 32-4-106(a)(1)(viii) concerning the lot line adjustment.
2. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
3. Within six months (180 days) of the date hereof, the Petitioners shall discontinue any multi-family, boarding or rooming house activities and remove from the premises any disabled vehicles, car parts, and trash.
4. The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the property and dwellings thereon in order to inspect them and to assure compliance with this Order and the uses on proposed Lots 1 and 2 to those as defined in Section 102 of the B.C.Z.R.
5. Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), and the Office of Planning. Copies of those comments, dated November 20, 2008, and December 3, 2008, respectively, have been attached hereto and are made a part hereof.

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[Signature]

6. When applying for a permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

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

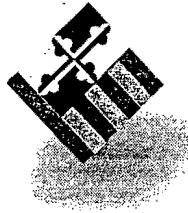


WILLIAM J. WISEMAN, III  
Zoning Commissioner  
of Baltimore County

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**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

December 30, 2009

Thanh Tam Nguyen and Den Canh Phan  
3405 Dundalk Avenue  
Dundalk MD. 21222

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
Den Canh Phan, et ux -- Petitioner  
**(5660 Gunpowder Road)**  
Case No. 2009-0105-SPHA

Dear Ms. Nguyen and Mr. Phan:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:pz

Enclosure

c: J. Scott Dallas, JS Dallas, Inc., PO Box 26, Baldwin MD 21013  
Glenn Bittorf, 5636 Gunpowder Road, Baltimore MD 21162  
Chris Betts, 5667 Gunpowder Road, White Marsh MD 21162  
Gary Lentz, 5652 Gunpowder Road, White Marsh MD 21162  
Thomas Neuwiller, 5597 Gunpowder Road, White Marsh MD 21162  
Kimberly Fretwell, 5661 Gunpowder Road, White Marsh MD 21161  
People's Counsel; Office of Planning; File



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5660 Gunpowder Road Lot 2  
which is presently zoned DR2

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve  
(This box to be completed by planner)

To allow an existing accessory structure larger than the principal dwelling on lot # 2.

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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):

Thanh Tam Ngyuyen  
Name - Type or Print \_\_\_\_\_  
Signature Thanh tam Ngyuyen  
Den Conh Phan  
Name - Type or Print \_\_\_\_\_  
Signature D Conh Phan  
3405 Dundalk Ave 443-935-2866  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Dundalk MD 21222  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

J.S. Dallas Inc. J. Scott Dallas  
Name \_\_\_\_\_  
P.O. Box 26 410-817-4600  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Baldwin MD 21013  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

Case No. 2009-0105-SPHA  
REV 9/15/98

UNAVAILABLE FOR HEARING  
Reviewed By JF Date 10/17/08

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# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 5660 Gunpowder Road Proposed Lot 1 & Lot  
which is presently zoned DR2

Deed Reference: 24844 / 084 Tax Account # 11-22-00-022482

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) 1002.3.C.1, 400.1 & 400.3 BCZ

- Lot #1 To allow an existing dwelling with a side yard setback of 5' in lieu of the minimum required setback of 15' and to allow an existing swimming pool in the front & side yard in lieu of the required rear yard.
- Lot #2 To allow an existing dwelling with a side yard setback of 9' & front yard setback of 11' in lieu of the required 15' & 40', respectively, and to allow an existing accessory structure (garage) with a height of 21' in lieu of the maximum required 15'.
- of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) Two buildings exist on the subject site. The variances are required to create a new line of division. No new construction is proposed.

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 bound 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):

Thanh Tam Ngyuyen

Name - Type or Print

Signature

Den Conh Phan

Name - Type or Print

Signature

3405 Dundalk Ave

443-935-2866

Address

Dundalk, MD 21222

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

J.S. Dallas, Inc. J.Scott Dallas

Name

P.O. Box 26

Address

Baldwin

MD

21013

Telephone No.

City

State

Zip Code

Case No. 2009-0105-SPHA

## Office Use Only

Estimated Length of Hearing  
Unavailable For Hearing

Reviewed by JF

Date 10/17/08

REV 8/20/07

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P.O. BOX 26  
BALDWIN, MD 21013  
(410) 817-4600  
FAX (410) 817-4602

**ZONING DESCRIPTION**  
**#5660 GUNPOWDER ROAD**

***BEGINNING*** for the same at a point on the southwest side of Gunpowder Road, 50' wide, at the distance of 383± northwest of the centerline of Jerome Road, as shown on B.C.B.E Drawing No. 94-0685, thence leaving the southwest side of said Gunpowder Road and running the seven following courses and distances: ***(1) South 40 degrees 12 minutes 50 seconds West 334.38 feet (2) North 54 degrees 42 minutes 27 seconds West 132.43 feet (3) North 37 degrees 34 minutes 27 seconds East 195.90 feet (4) North 29 degrees 56 minutes 18 seconds West 84.95 feet (5) North 35 degrees 19 minutes 26 seconds East 145.44 feet to the southwest side of said Gunpowder Road, thence binding on said road (6) South 54 degrees 40 minutes 34 seconds East 125.05 feet and (7) South 32 degrees 14 minutes 10 seconds East 113.98 feet to the place of beginning.***

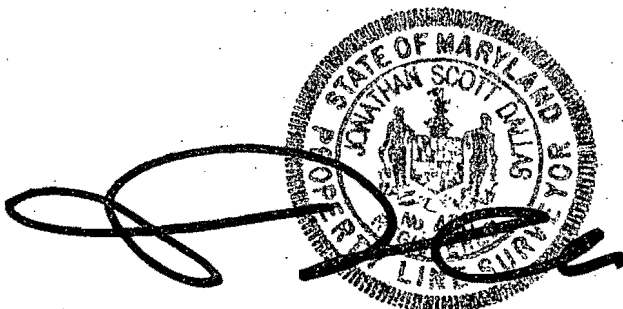
***COMPRISING*** Proposed Lots 1 and 2.

***CONTAINING*** 64028 square feet or 1.4699 acres of land, more or less.

***ALSO KNOWN AS*** #5660 Gunpowder Road and located in the 11<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

***BEING*** all of that parcel of land which by deed dated October 30, 2006 and recorded among the Land Records of Baltimore County in Liber S.M. No. 24844 folio 084 etc. was conveyed by George A. Stoecker and Rose M. Stoecker to Thanh Tam Nguyen and Den Canh Phan.

***Note: above description is for zoning purposes only.***



## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**Case: #2009-0105-SPHA**

5660 Gunpowder Road

S/west side of Gunpowder Road at the distance of 383 +/-  
n/west centerline of Jerome Road

11th Election District — 5th Councilmanic District

Legal Owner(s): Thanh Tam Nguyen & Den Conh Phan

**Special Hearing:** to allow an existing accessory structure larger than the principal dwelling on Lot #2. **Variance:** (Lot 1) to allow an existing dwelling with a sideyard setback of 5 feet in lieu of the minimum required setback of 15 feet and to allow an existing swimming pool in front and side yard in lieu of the required rear yard. (Lot 2) to allow an existing dwelling with a side yard setback of 9 feet and front yard setback of 11 feet in lieu of the required 15 feet and 40 feet, respectively, and to allow an existing accessory structure (garage) with a height of 21 feet in the lieu of the maximum allowed 15 feet.

**Hearing:** Friday, December 19, 2008 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/735 Nov: 25

189240

## CERTIFICATE OF PUBLICATION

11/25, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/25, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

**No**

Date \_\_\_\_\_

| Fund | Dept | Unit | Sub Unit | Obj | Sub Obj | Dept Obj | BS Acct | Amount |
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|------|------|------|----------|-----|---------|----------|---------|--------|

Total: \$125.00

From: SCOTT DAVIS

For:

Position for Variances (Cot 1 & 2)  
Position for Special Hearing (Cot 2)  
STGO Group in the Pol. Unit

CASE # 2009-0005-SPH-A

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PHILADELPHIA

| BUSINESS  | ACTUAL     | TIME     | DEF |
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|  | 10-99  |
|  | 10-100 |

Page 12 Page 13

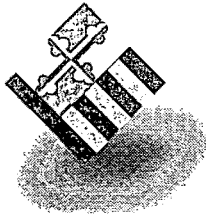
*Journal of Management Education* 30(6)

Polymers containing

**CASHIER'S  
VALIDATION**

(EK# 7687

(Telephone Number of Sign Poster)



**BALTIMORE COUNTY**  
MARYLAND

November 10, 2008

JAMES T. SMITH, JR.  
County Executive

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

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2009-0105-SPHA**

5660 Gunpowder Road

S/west side of Gunpowder Road at the distance of 383 +/- n/west of centerline of Jerome Road  
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Thanh Tam Nguyen & Den Conh Phan

Special Hearing to allow an existing accessory structure larger than the principal dwelling on Lot #2. Variance (Lot 1) to allow an existing dwelling with a sideyard setback of 5 feet in lieu of the minimum required setback of 15 feet and to allow an existing swimming pool in front and side yard in lieu of the required rear yard. (Lot 2) to allow an existing dwelling with a side yard setback of 9 feet and front yard setback of 11 feet in lieu of the required 15 feet and 40 feet, respectively, and to allow an existing accessory structure (garage) with a height of 21 feet in lieu of the maximum allowed 15 feet.

Hearing: Friday, December 19, 2008 at 9:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Nguyen/Phan, 3405 Dundalk Avenue, Dundalk 21222  
J. Scott Dallas, P.O. Box 26, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 24, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, November 25, 2008 Issue - Jeffersonian

Please forward billing to:  
Thanh Tam Ngyuyen  
5660 Gunpowder Road  
White Marsh, MD 21162

443-935-2866

---

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2009-0105-SPHA**

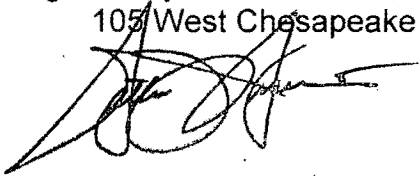
5660 Gunpowder Road

S/west side of Gunpowder Road at the distance of 383 +/- n/west of centerline of Jerome Road  
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Thanh Tam Nguyen & Den Conh Phan

Special Hearing to allow an existing accessory structure larger than the principal dwelling on Lot #2. Variance (Lot 1) to allow an existing dwelling with a sideyard setback of 5 feet in lieu of the minimum required setback of 15 feet and to allow an existing swimming pool in front and side yard in lieu of the required rear yard. (Lot 2) to allow an existing dwelling with a side yard setback of 9 feet and front yard setback of 11 feet in lieu of the required 15 feet and 40 feet, respectively, and to allow an existing accessory structure (garage) with a height of 21 feet in lieu of the maximum allowed 15 feet.

Hearing: Friday, December 19, 2008 at 9:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 2009 - 0105 - SP4A

Petitioner: THANH TAM NGUYEN

Address or Location: 5660 GUNPOWDER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

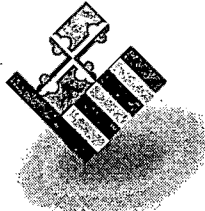
Name: THANH TAM NGUYEN

Address: 5660 GUNPOWDER ROAD

WHITE MARSH, MD. 21162

Telephone Number: 443. 935. 2866

Revised 7/11/05 - SCJ



**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*  
December 11, 2008

Thanh Tam Nguyen & Den Conh Phan  
3405 Dundalk Ave.  
Dundalk, MD 21222

Dear: Thanh Tam Nguyen & Den Conh Phan

RE: Case Number 2009-0105-SPHA, 5660 Gunpowder Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 17, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
J.S. Dallas, INC.; P.O. Box 26, Baldwin, MD 21013

Bus 12/19  
9am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** December 3, 2008

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

RECEIVED  
C 8 1999

**SUBJECT:** 9-105 -Variance

BY:.....

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Typically this office would request at least a 10 foot side yard, however taking into consideration the fact that this is an existing condition the Office of Planning does not oppose the petitioner's request for setback variances as well provided there is a minor subdivision applied for and approved by all county review agencies.

For further information concerning the matters stated herein, please contact Donnell Zeigler at 410-887-3480.

Prepared by:

*David M. Gandy*

Section Chief:  
AFK/LL: CM

*Mr. Johnson*

NOT RECORDED FOR FILE

12-30-08

BW 12/19  
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: November 20, 2008  
SUBJECT: Zoning Item # 09-105-SPHA  
Address 5660 Gunpowder Road)  
(Nguyen/ Phan Property)

RECEIVED  
NOV 20 2008

BY: .....

Zoning Advisory Committee Meeting of October 27, 2008.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

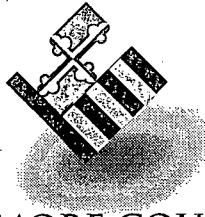
There is a stream that is located on-site and shown on the plan. It appears that a portion of the pool, concrete pad and brick wall are located within the 100' buffer. A steep slope/erodible soils analysis needs to be submitted to EIR for review and approval to establish the forest buffer. If these structures are located within the established forest buffer then a forest buffer variance will need to be approved by EIR for the continued use.

Reviewer: Shawn Krout

Date: 11/14/08

C:\DOCUME~1\dwiley\LOCALS~1\Temp\ZAC 09-105-SPHA 5660 Gunpowder Road.doc

12/30/08  
Bj



**BALTIMORE COUNTY**  
M A R Y L A N D

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

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107  
105

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.

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

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** October 31, 2008

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 3, 2008  
Item Nos. 2009-0100, 101, 102, 103, 104,  
(105), 106, 107 and 108

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

DAK:CEN:cab  
cc: File  
ZAC- 11032008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: Oct. 24, 2009

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

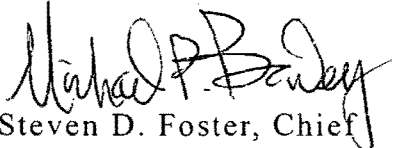
RE: Baltimore County  
Item No. 2009-0105 SPHA  
5660 GUNPOWDER RD  
NGUYEN & PHAN PROPERTY  
SPECIAL HEARING  
VARIANCE

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. 2009-0105 SPHA.

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,

  
For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING  
AND VARIANCE

5660 Gunpowder Road; SW/S Gunpowder  
Road, 383' NW of c/lien Jerome Road  
11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Thanh Tam Ngyuyen &  
Den Conh Phan

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 09-105-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

OCT 30 2008

*[Signature]*

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to J.S. Dallas, Inc., P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Maryland December 16, 2008

To whom is concern

I, Thanh Tam Nguyen, trust my husband who Den Canh Phan is behalf for me for zoning hearing on Dec. 19, 2008

Thank you very much.

Sincerely,

*Thanh tam Nguyen*

Thanh Tam Nguyen

I hereby certify, that on this 15<sup>th</sup> day of December 2008, before me, a Notary Public in and for the State of Maryland and City of Baltimore, personally appeared Thanh Tam Nguyen and she acknowledged the foregoing letter to be her free act and deed.

My Commission Expires: \_\_\_\_\_

*[Signature]*  
Notary Public

**My Commission Expires September 01, 2009**

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 60313

Den Canh Phan   
Thanh Tam Ngyuyen

5660 Gunpowder Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 28, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 500.9, failure to comply with Zoning Commissioner's Order on Special Hearing dated December 30, 2008 Case # 2009-0105 SPH on residential property zoned DR 2 known as 5660 Gunpowder Road, 21162.

On June 29, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Keith Parker issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Den Phan, Respondent and, Keith Parker, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued on June 29, 2009 for failure to comply with the Zoning Commissioner's Order dated December 30, 2008 in Case No. 2009-0105-SPHA.

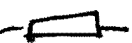
B. This property contains two houses and the owner desired to divide the property into two lots. In his Order, Zoning Commissioner William J. Wiseman, III granted Respondent's Petition for Special Hearing and Variance, subject to six restrictions that are conditions precedent to the relief ordered. The Order granted several requested variances including (1) to permit an existing accessory structure larger than the principal dwelling on Lot #2, and (2) to allow on Lot #1 an existing dwelling with a smaller than usual side yard setback, and an existing swimming pool, and on Lot #2 an existing dwelling with smaller than usual setbacks and an existing accessory structure (garage) with greater height than usually permitted.

C. The six restrictions include Restriction #3, "Within six months (180 days) of the date hereof, the Petitioners shall discontinue any multi-family, boarding or rooming house activities and remove from the premises any disabled vehicles, car parts and trash."

D. Inspector Keith Parker testified that he inspected the property in May and June 2009 and interviewed tenants and determined that the multi-family tenancy continued past the deadline set by the Zoning Commissioner. The 180 day period expired June 27, 2009. One family lives in the building on Lot #1. In the building on Lot #2, there are two families living in three apartment units. A mother and grandmother live upstairs with a lease expiring September 30, 2009. Three sons live in another unit, with a lease expiring March 30, 2010. A third unit is occupied by a different family. A copy of the Rental Agreement for Apartment #3 is in the file; it commenced September 20, 2008 and ends on September 30, 2009.

E. Mr. Phan testified that this information is correct and that he entered into one of the leases in March 2009, after the Zoning Commissioner's order.

F. Based on information presented, it appears that the tenants of Apartments #1 and #2 are related and that their joint occupancy of the house would not violate zoning restrictions governing boarding and rooming houses. However, the tenants of Apartment #3 are not related to the other tenants. Baltimore County's zoning regulations restrict the number of unrelated adults who can occupy a house for compensation. Because this is not the owner's domicile, the house can only be occupied by two unrelated adults absent a permit for a boarding or rooming house. BCZR Section 101.1; Section 408B.

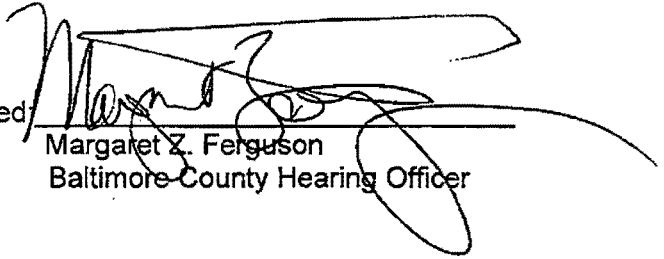
G. In order to comply with the terms of the Order issued by Zoning Commissioner Wiseman, one of the families should have been removed from the house by June 27, 2009. Failure to satisfy this restriction, which was a condition precedent to the relief granted by the Zoning Commissioner, may cause that relief to be rescinded, but it is not a code violation. The Citation as issued fails to specify a Code violation. See County Code Section 3-6-205. 

IT IS ORDERED by the Code Enforcement Hearing Officer that the Citation is DISMISSED.

IT IS FURTHER ORDERED that this Order be forwarded to the Zoning Commissioner.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12<sup>th</sup> day of August 2009.

Signed   
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf

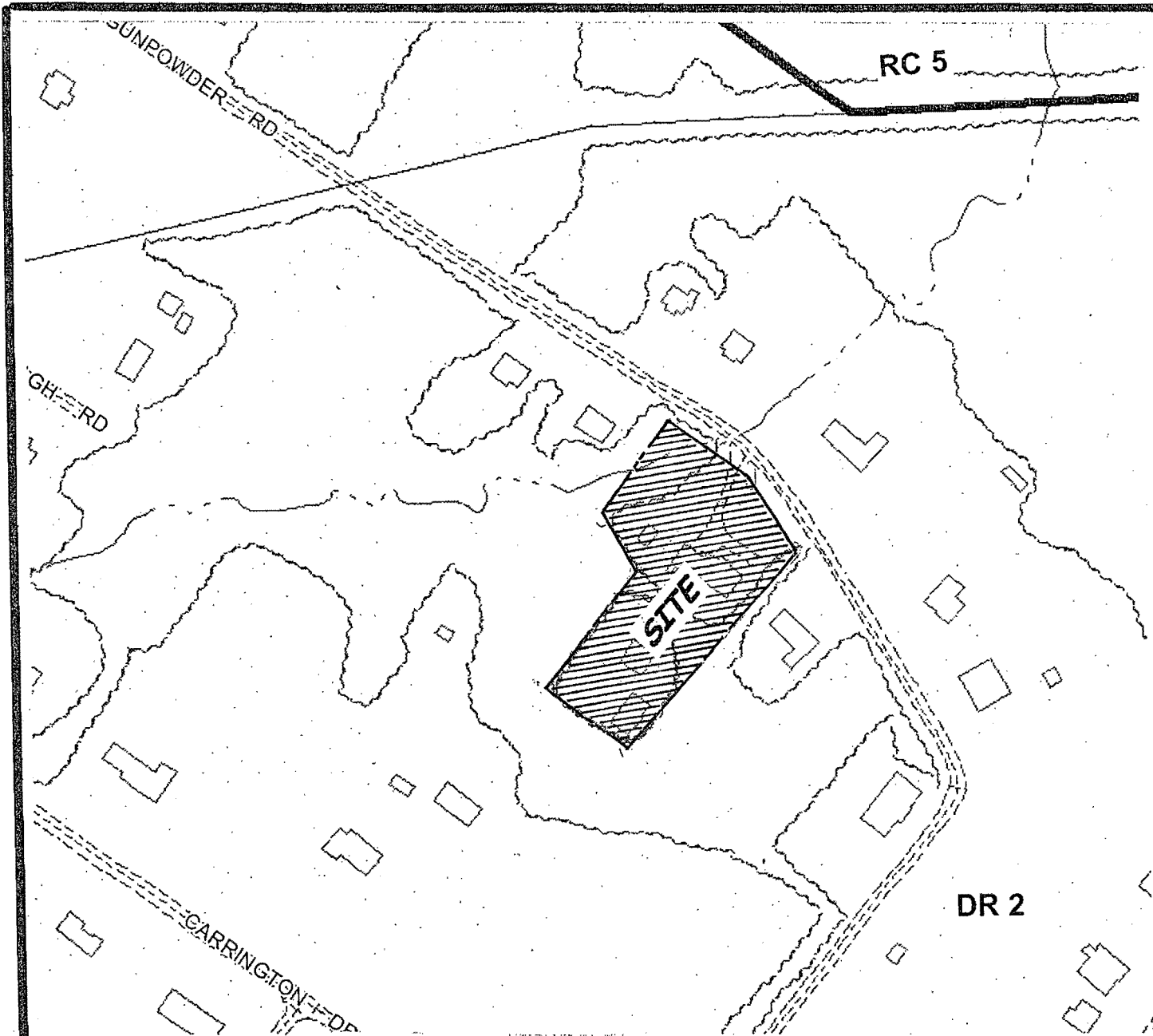
CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]



**ZONING MAP 1"=200'**  
(B.C.O.P.Z. MAP 073B1)

**# 5660 GUNPOWDER ROAD**

Case No.: 2009-0105-SPHA 5660 Gunpowder RD

Exhibit Sheet

Petitioner/Developer

Protestant

|                    |                   |  |
|--------------------|-------------------|--|
| No. 1              | SITE PLAN         |  |
| No. 2<br>objection | Letter of Support |  |
| No. 3              |                   |  |
| No. 4              |                   |  |
| No. 5              |                   |  |
| No. 6              |                   |  |
| No. 7              |                   |  |
| No. 8              |                   |  |
| No. 9              |                   |  |
| No. 10             |                   |  |
| No. 11             |                   |  |
| No. 12             |                   |  |

**To whom it may concern: Case # 2009-0105-SPHA (scheduled 12-19-08)**  
**I have reviewed the Site Plan to Accompany Petition for Zoning Variance**  
**and Special Hearing - #5660 Gunpowder Road and am aware of Mr. Den**  
**Phan's plans to divide the existing property, for a total of 2 lots, one for**  
**each existing dwelling.**

**I am not opposed to their plans and feel that the variances and special**  
**hearing request should be granted.**

Marcia Kloch  
**Name**

5702 Gunpowder Rd.  
**Address**

Marcia Kloch  
**Signature**

11-21-08  
**Date**

**Name**

**Address**

**Signature**

**Date**

**Name**

**Address**

**Signature**

**Date**

**Name**

**Address**

**Signature**

**Date**

PETITIONER'S

EXHIBIT NO. 2

[About Us](#) | [myManta](#) | [FAQ](#) | [View Cart](#)Login: Not a member? [Learn more](#)Tuesday, Dec. 16, 2008  
57,460,826 companies**New! Premium Report**  
**Search Now on Manta**

COMPANIES: U.S., U.S. Public, Australia, Canada, U.K., Worldwide

RESOURCES: Jobs, Report Finder, Vendor Quotes, Free Advertising



BUSINESS CENTERS: Small Business, Travel, Career, Tech, Sales

[Company Profiles](#) > [Find Companies](#) > [White Marsh, MD](#) > [Food & Beverage](#) > [Beverages](#) > [Wine and Distilled Alcoholic Beverages](#) > [Wine](#) > [Bon Spronza Wine Co](#)  
Company Profile[Go to my](#)[Add Company](#)[Set Company](#)

## Bon Spronza Wine Co

5662 Gunpowder Rd Apt A, White Marsh, MD 21162-1129

**Contact Phone:** (410) 256-1119**URL (web address):****Business Category:** Whol Wine/Distilled Beverages in White Marsh, MD**Industry (SIC):** Wine and Distilled Alcoholic Beverages

Ads by Google

[Restaurant Wine Lists](#) Over 1,000 Wine Lists at Your Fingertips! Check Them Out for Free[Wisconsin Cheese Cupid](#) Find the perfect cheese to pair with your favorite beverages[Beer, Wine & Liquor](#) Citysearch, the top destination for everything local

The ads are not affiliated with Bon Spronza Wine Co

### Related info:

Other companies  
[Bon Spronza Wine Co](#)

More Companies

• [This Industry](#)  
• [White Marsh, MD](#)Find [Jobs in White Marsh, MD](#)

### Business Information

This company profile is for the private company Bon Spronza Wine Co, located in White Marsh, MD. Bon Spronza Wine Co's line of business is whol wine/distilled beverages.

**Company Name:** **Bon Spronza Wine Co** [Is This Your Company?](#)**Address:** 5662 Gunpowder Rd Apt A, White Marsh, MD 21162-1129 ([Map](#))**Alt Business Name:****Location Type:** Single Location**Est. Annual Sales:** \$330,000**Est. # of Employees:** 2**Est. Empl. at Loc.:** 2**Year Started:****State of Incorporation:****SIC #Code:** 5182**Contact's Name:**

PROTESTANT'S

EXHIBIT NO. 1

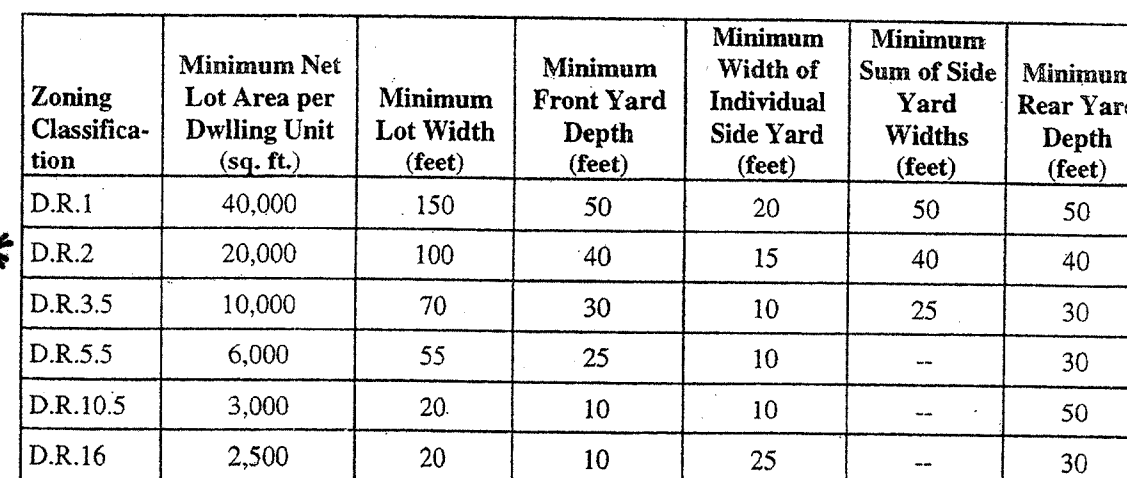
This petition is opposing the allowance of an existing structure larger than the principal dwelling on lot#2 variance (lot 1) to allow an existing dwelling with a side yard setback of 5 feet in lieu of the minimum required setback of 15 feet and to allow an existing swimming pool in front and side yard in lieu of the required rear yard. (Lot 2) And an existing dwelling with a side yard setback of 9ft and front yard setback of 11ft in lieu of the required 15ft and 40ft respectively and to allow an existing accessory structure (garage) with a height of 21ft in lieu of the maximum allowed 15ft at 5660 Gunpowder Rd.

|                               |                     |
|-------------------------------|---------------------|
| 1. <u>Linda A. Zuck</u>       | 5671 Gunpowder Rd   |
| 2. <u>Stephen S. Zuck</u>     | 5671 Gunpowder Road |
| 3. <u>Steven R. Zuck</u>      | " " "               |
| 4. <u>Bernadette Borawski</u> | 5669 " "            |
| 5. <u>Michael Young</u>       | 5669 " "            |
| 6. <u>Maria C. Zuck</u>       | 5635 Gunpowder Rd.  |
| 7. <u>Pete Hyslop</u>         | 5643 Gunpowder Rd   |
| 8. <u>Diane Lenth</u>         | 5652 Gunpowder Rd   |
| 9. <u>Rhonda Lenth</u>        | 5648 Gunpowder Rd   |
| 10. <u>Dolores C. Cooper</u>  | 5648 Gunpowder Rd   |
| 11. <u>Jim Loughran</u>       | 5641 Gunpowder Rd   |
| 12. <u>Joe Lippett</u>        | 5637 Gunpowder Rd   |
| 13. <u>Rick Lippett</u>       | 5635 Gunpowder Rd   |
| 14. <u>John Lippett</u>       | 5635 Gunpowder Road |
| 15. <u>John Lippett</u>       | 5636 Gunpowder Rd.  |
| 16. <u>Shirley Betty</u>      | 5636 Gunpowder Rd   |
| 17. <u>Christine Lippett</u>  | 5637 Gunpowder Rd.  |
| 18. <u>Ch. Betty</u>          | " " " "             |
| 19. <u>Elizabeth Betty</u>    | 5667 Gunpowder Rd   |
| 20. <u>Robert E. Betty</u>    | 5667 Gunpowder Rd   |
| 21. <u>Kimberly Betty</u>     | 5661 Gunpowder Rd.  |
| 22. <u>Allen M. Betty</u>     | 5661 Gunpowder Rd   |
| 23. <u>Robert L. Betty</u>    | 5599 Gunpowder Rd   |
| 24. <u>Mary L. Betty</u>      | 5599 Gunpowder Rd   |
| 25. <u>Robert L. Betty</u>    | 5651 Gunpowder Rd.  |
| 26. <u>Patricia L. Betty</u>  | 5639 Gunpowder Rd   |
| 27. <u>Deborah L. Betty</u>   | 5639 Gunpowder Rd   |
| 28. <u>Dean L. Betty</u>      | 5639 Gunpowder Rd.  |
| 29. <u>Michael O'Mara</u>     | 5634 Gunpowder Rd   |
| 30. <u>Barbara L. Betty</u>   | 5613 Gunpowder Rd   |

PROTESTANT' S

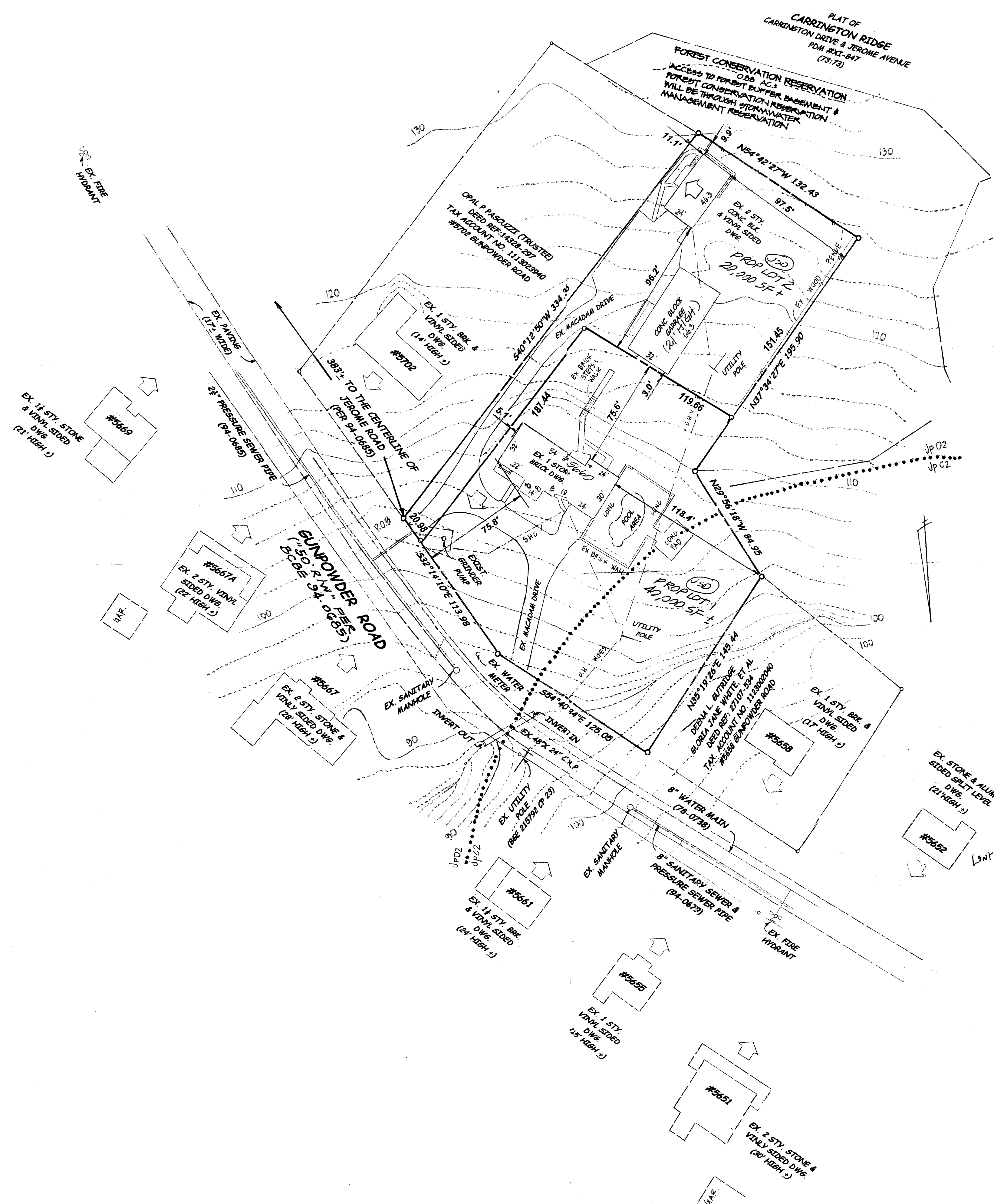
EXHIBIT NO.

2



**SETBACK INFORMATION**

- NOTES:
1. OWNERSHIP:  
THANH TAM NGUYEN  
DEN CANH PHAN  
5660 GUNPOWDER ROAD  
WHITE MARSH, MD 21162  
PHONE: 443-935-2866
  2. PROPERTY INFORMATION:  
TAX MAP 73 GRID 3 PARCEL 317  
TAX ACCOUNT NO. 220022482  
3. DEED REFERENCE: 24844-084  
4. AREA OF SUBJECT PROPERTY: 1.4699 AC.  $\pm$  (SDAT) (64028 SF $\pm$ )  
5. EXISTING BALTIMORE COUNTY UTILITIES SHOWN HEREON PER PLANS.  
6. SITE LIES IN FLOOD ZONE C PER F.I.R.M. 240010-0295B.  
7. NO KNOWN ADJACENT WELLS OR SEPTIC.  
8. EXISTING ZONING OF SITE DR 2 (NO KNOWN ZONING HISTORY)  
9. SITE DOES NOT LIE IN C.B.C.A.  
10. TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY G.I.S. TOPO (TITLE ID 07381)  
11. NOT A HISTORIC SITE.



**J.S. DALLAS, INC.**  
SURVEYING & ENGINEERING  
P.O. BOX 26  
BALDWIN, MD. 21013  
(410) 817-4600



2009-0105-SPHA

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION JSD  
FOR ZONING VARIANCE & SPECIAL HEARING  
#5660 GUNPOWDER ROAD  
11TH ELECTION DISTRICT BALTIMORE COUNTY, MD  
5TH COUNCILMANIC DISTRICT  
SCALE 1"=40' 10-17-08 JOB. NO. 08-1222