IN RE: PETITION FOR ADMIN. VARIANCE *

(909 Bardswell Road)

1st Election District 1st Council District

Hong T. and Dung Viet Nguyen

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0054-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Hong T. and Dung Viet Nguyen. The Petitioners are requesting Variance relief from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached open projection addition (carport) with a side setback of 2.2 ft. in lieu of the required minimum side setback of 9 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 6, 2013, 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 (B.C.C.). 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

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Date	10-7-13
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welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the 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, this 7th day of October, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached open projection addition (carport) with a side setback of 2.2 ft. in lieu of the required minimum side setback of 9 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. The Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Building materials for the carport addition shall be consistent with those of the existing principal dwelling.
- 3. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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Date 10-7-13

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

Order.

JOHNE. BEVERONGEN
Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date	10-1-13	
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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 7, 2013

Long V. Bui P.O. Box 21406 Baltimore, Maryland 21282

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(909 Bardswell Road) Case No. 2014-0054-A

Dear Mr. Bui:

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 Office of Administrative Hearings at 410-887-3868.

Very truly yours,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Hong T. and Dung Viet Nguyen, 909 Bardswell Road, Baltimore, MD 21228

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Address ADG BARDS WELL PARTICLE PROPERTY Owner(s) Printed Name(s) HONG	of Baltimore County for the property located at: which is presently zoned DR 5.5 10 Digit Tax Account # 01-11-001500 DUNG V NGUYEN
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROACH Administrative Variances require that the Affidavit	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) ton the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s)	
BCZR: 1B02.3.B; 301.1 → To permit a	an attached open projection addition (carport)
	the required minimum side setback of 9 feet.
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve Section 32-4- 416(a)(2): (indicate type of work in this space	ve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and to raze, alter or construct addition to building)
restrictions of Baltimore County adopted pursuant to the zoning law for Bal	ations. etc. and further agree to and are to be bounded by the zoning regulations and
	HONG T. NGUYEN DUNG V. NGUYEN
Name- Type or Print	Name #1 - Type or Frint Name #2 - Type or Print
Signature	Signature #1 Signature #2
	and BARDSWELL RD
Mailing Address City State	Mailing Address DOES NOT City State
Zip Code Telephone # FOR Final Address Attorney for Petition VED 13	21228, SPEAK ENGLISH)
Zip Code Telephone # FOR Pemail Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
GROER HE	LONG V BUI
Name Type or Print	Name - Type or Print MANAGEMBALL
Signature	Signature
By	P.O. BOX 21406, BALTO. MD
Mailing Address City State	Mailing Address City State
	21282,410,262,5467 LVBE davids brow
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address Com
A PUBLIC HEARING having formally demanded and/or found to be rethis	equired, it is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
Adminis	strative Law Judge of Baltimore County
CASE NUMBER 2014-0054-A FILING Data 8 7	9,13 Estimated Posting Date 9,8,13 Reviewer JS

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 909 BARDSWELL RD., CATONSVILLE, MD 2/228 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
WE ARE, THE SENIOR RESIDENTS OF THIS PROPERTY,
APPYING FOR THE VARIANCE TO BUILT A CARPORT
ON TOP OF EXISTING CONCRETE DRIVEWAY ON THE
PIGHT SIDE OF THIS LOT TO FACILITATE OUR TRANSPORTATION
ACTIVITIES ESPECIALLY IN INCLEMENT WEATHER. IT'S THE
MOST SUITABLE PLACE AS IT'S DIFFICULT TO PRACTICE AT AN
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Affiant Signature of Affiant
HONG T. NGUYEN Name- Print of Type DUNG VIET NGUYEN Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
HEREBY CERTIFY, this 27 day of Quyet, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared
Hong T. Nguyen, Dune Viet Nguyen he Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal
AMY WOOTEN Notary Public Baltimore County My Commission Expires

REV, 10/12/11

Maryland

My Commission Expires June 04, 2017

ZONING PROPERTY DESCRIPTION FOR 909 BADSWELL ROAD

Beginning at a point on the south side of Bardswell Road which is 50 feet wide at the distance of 294.5 feet east of the centerline of Moorehead Road which is 50 feet wide.

Being Lot No. 24, Block L, Section 3B in the subdivision of West View Park as recorded in Baltimore County Plat Book G.L.B. 22, Folio 23, containing 6,500 square feet or 0.1492 acres. Located in the First Election District and the First Council District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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: 2014-0054-A	
Petitioner: NGUYEN	
Address or Location: 909 BARDSWELL RD.	
PLEASE FORWARD ADVERTISING BILL TO: Name: HONG + DUNG NGUYEN	
Address: 909 BARDSWELL RD.	
CATONSVILLE, MS 21228	
Telephone Number: MR. BUI, REPRESENTATIVE 410	-262-5467

OFFICI	E OF BUI	DGET AN	MARYLANI D FINANC RECEIPT	E		No. Date:		2581 24)13	PAID RECEIPT MOREMESS ACTUAL THE NEW 9729/2013 6:22/2013 10:12:34 5
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/08/2013

Case Number: 2014-0054-A

Petitioner / Developer: NGUYEN

Date of Hearing (Closing): SEPTEMBER 23, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 909 BARDSWELL ROAD

The sign(s) were posted on: SEPTEMBER 6, 2013



Kindu O'Keife
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

MEMORANDUM

DATE:

November 7, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0054-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 6, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

CASE NO. 2014- 00 54-19

Support/Oppose/

CHECKLIST

Comment Received	Department	Conditions/ Comments/ No Comment
9-13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
	DEPS (if not received, date e-mail sent)	· · · · · · · · · · · · · · · · · · ·
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
9-12	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	TION (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: 9-6-13	by O'Keefe
	SEL APPEARANCE Yes No SEL COMMENT LETTER Yes No	Rows 10/3
Comments, if any:	Sp. to Pet. rep. to be contacted, dr. Bui, M news pies be'll email - Coave him	10-3-13@3:198m.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Revised 7/25/13



KEVIN KAMENETZ County Executive

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

September 24, 2013

Hong T Nguyen & Dung V Nguyen 909 Bardswell Road Baltimore MD 21228

RE: Case Number: 2013-0054 A, Address: 909 Bardswell Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 29, 2013. 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,

U. Cal Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Long V Bui, P O Box 21406, Baltimore MD 21228 Maryland Department of Transportation

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 9-12-13

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

RE: **Baltimore County**

Item No 2014-0054-A.
Administrative Variance
Hong T. & Dung V. Nguyen
909 Bardswell Road

Dear Ms. Lewis:

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. 2014-0054-A.

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

Sincerely,

Development Manager

Access Management Division

SDF/raz

Administrative Hearings - 909 Bardswell Road - Case No. 2014-0054-A

From:

Long Van Bui <long@DavidSBrown.com>

To:

"'administrativehearings@baltimorecountymd.gov'" <administrativehearings...

Date:

10/3/2013 3:30 PM

Subject:

909 Bardswell Road - Case No. 2014-0054-A

Attachments: IMG 1867.jpg; IMG 1866.jpg

Please review attached photos. Thanks, Long V Bui 410-262-5467





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 13, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 16, 2013

Item No. 2014-0047, 0048, 0049, 0050, 0051, 0052, 0054, 0055, 0056,

0057, 0058 and 0059

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

DAK:CEN Cc: file Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

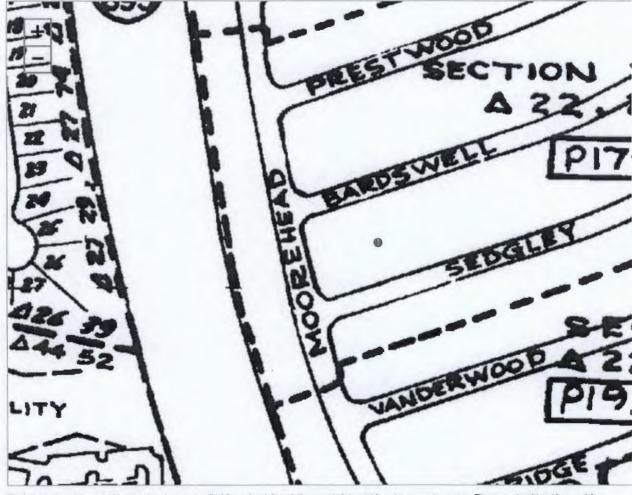
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View Map	1	View GroundRent Registration						
<u>View Map</u> <u>View GroundRent Redemption</u> Account Identifier: District - 01 Account Number - 01								
Account Identifier.	District		Information					
Owner Name:	N HONG T N DUNG VIET	Use: Principal Residence:			RESIDENTI	AL		
Mailing Address:		DSWELL RD ORE MD 21228	3-1202	Deed Reference:			1) /23996/ 00 2)	133
		Location & St	ructure Infor	mation	1			
Premises Address:	909 BAR 0-0000	DSWELL RD	300	Legal	Description		909 BARDSV WESTVIEW	
Map: Grid: Parcel: 0095 0013 0179	Sub District: Subc	livision: Secti 3B	on: Block: L	_	Assessment 2013	Year:		0022/ 0023
Special Tax Areas:			Town: Ad Valoren Tax Class:	<u>n:</u>			NONE	
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		Value	Information					
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			As of 01/01/2013		As of 07/01/20	13	As of 07/01/2	2014
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Improvements	100,00		69,900					
Total:	184,50	00	133,400		133,400		133,40	U
Preferential Land:	0	70 6	Y 6				0	
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Seller: ROHLEDER A		Date: 12/2					ice: \$69,133	
Type: ARMS LENGT			1155/ 00094				ed2:	
Seller: KASCHAK VI		Date: 12/2					ice: \$97,500	
Type: ARMS LENGT			9343/ 00020				ed2:	
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Exempt Class:		AL BIANK						

Baltimore County

District: 01 Account Number: 0111001500

New Search



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

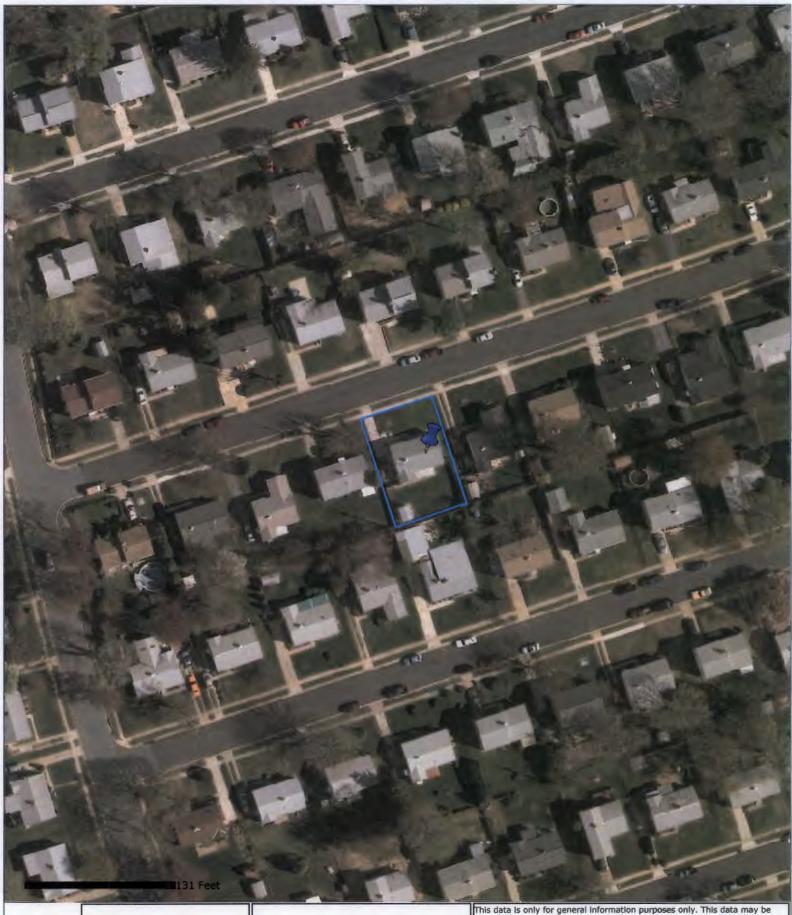
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning @2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



x Loading... Please Wait. Loading... Please Wait.





My Neighborhood Map

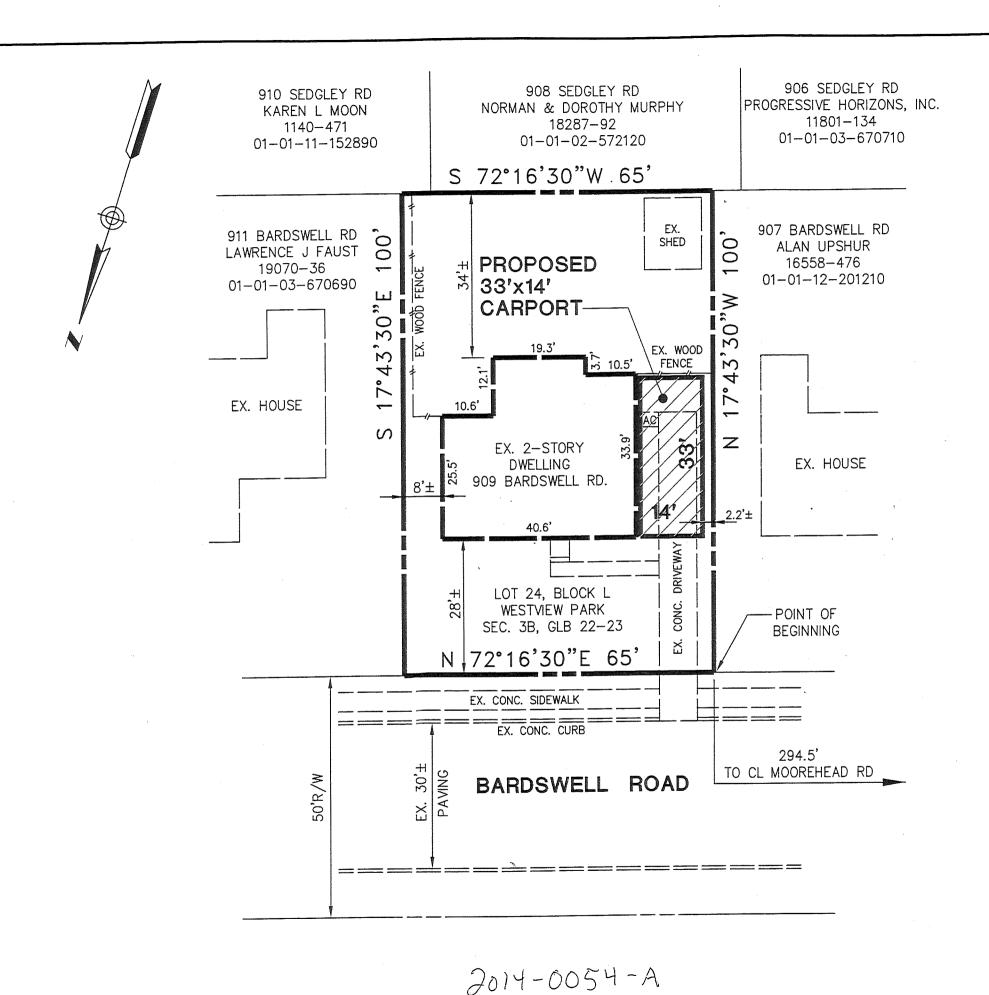
Created By Baltimore County My Neighborhood

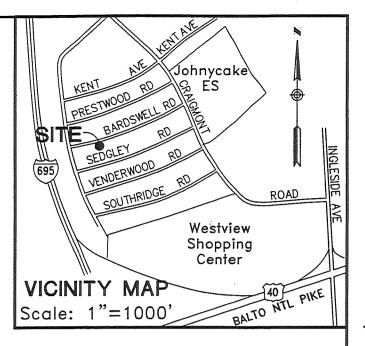


2014-0054-A

inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.







NOTES

GIS Tile No.: 095A3 (40 Scale)

Site Zoned: DR 5.5
Election District: 1
Councilmanic District: 1

Lot Area: 6,500 sf or 0.149 ac±

Historic: No In CBCA: No In Floodplain: No Utilities: Water is: Public

Sewer is: Public Prior Hearing: No

OWNERS:

Hong T Nguyen and Dung Viet Nguyen
Deed 23996-133
Map 0095, Grid 0013, Parcel 0179, Acct. No. 01-11-001500
Subdivision: Westview Park, Section 3B, Block L, Lot 24
Plat Book GLB 22-23

VARIANCE REQUEST

For a side yard of 2.2^{2} in lieu of the required 9^{2}

ZONING HEARING PLAN FOR ADMINISTRATIVE VARIANCE

909 Bardswell Road Baltimore, MD 21228

Scale: 1°=20'
Date: August 26, 2013

Pet. Exh.