

M E M O R A N D U M

DATE: April 28, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0190-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 27, 2015. 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(401 Dixie Drive)
9th Election District *
5th Council District *
Karen P. and Cao-Ly Tran *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0190-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, Karen P. and Cao-Ly Tran. The Petitioners are requesting Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed rear yard addition with a rear setback of 11 ft. 2 in. in lieu of the required 30 ft. setback; and (2) To approve an existing garage addition in the side yard of a corner lot with a setback of 18 ft. in lieu of the required 25 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 received from any of the County reviewing agencies. However, it is to be noted that a letter of support was received from adjacent neighbors Todd and Ellen Briggs, who reside at 403 Dixie Drive, and have no objections to the project.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 7, 2015, 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
ORDER RECEIVED FOR FILING

Date 3-26-15

By [Signature]

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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 26th day of **March, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed rear yard addition with a rear setback of 11 ft. 2 in. in lieu of the required 30 ft. setback; and (2) To approve an existing garage addition in the side yard of a corner lot with a setback of 18 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

JEB:dlw


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3-26-15

By ISV



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 26, 2015

Karen Tran
Cao-Ly Tran
401 Dixie Drive
Towson, Maryland 21204

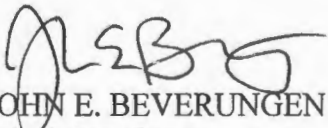
RE: Petition for Administrative Variance
Case No. 2015-0190-A
Property: 401 Dixie Drive

Dear Petitioners:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Todd and Ellen Briggs, 403 Dixie Drive, Towson, MD 21204



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 Hearings for Baltimore County for the property located at:

Address 401 Dixie Dr. Towson MD 21204 Currently zoned DR 5.5
Deed Reference 21668 10484 10 Digit Tax Account # 090 3233520
Owner(s) Printed Name(s) Karen Tran, Cao-Ly Tran

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

Sections: ~~1B01.2.3.C.1~~ 1B01.2.C.1.b.

To permit a proposed rear yard addition with a rear set back of 11'2" in lieu of the required 30' set back and to approve an existing garage addition in the side yard of a corner lot with a setback of 18' of the required 25 feet.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Karen Tran / Cao-Ly Tran
Name #1 - Type or Print Name #2 - Type or Print
Karen Tran / Cao-Ly Tran
Signature #1 Signature #2

401 Dixie Dr. Towson MD
Mailing Address City State
21204 / 4103778225 / ktran50@gmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Cao-Ly Tran
Name- Type or Print
Cao-Ly Tran
Signature

401 Dixie Dr. Towson MD
Mailing Address City State
21204 / 4435193104 / trancaoly@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 3-26-15 day of March, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0190-A Filing Date 3/26/15 Estimated Posting Date 3/8/15 Reviewer JS

The Owner proposes to build a two story addition at the rear of the house, connecting to the existing living room and kitchen on the first floor. A new kitchen will go into the addition space and the existing kitchen will be removed. The upstairs addition will connect to the existing master bedroom and bathroom. Both sides of the addition will be in line with the existing exterior sides of the house and extend back 14'-0" off the back of the house into the backyard. Due to the current site orientation of the house, the back yard setback requirement would need to be modified to accommodate the new addition.

The proposed rear of the house addition would require a rear setback of 11'2" in lieu of the required 30' setback. Additionally, the setback of 18' to an existing garage in the side yard of a corner lot is requested in lieu of the required 25 feet.

Thank you,

Cao-Ly Tran
443.519.3104
trancaoly@gmail.com

Karen Tran
443.838.0439
ktran50@gmail.com

ZONING PROPERTY DESCRIPTION FOR 401 Dixie Drive, Towson MD 21204

Beginning at a point on the north side of Dixie Drive which is 50' wide, the property line is 131.51' east of the centerline. The property continues south 57' to Alabama Road which is 50' wide. The property then follows Alabama Road west 128.9' and curves around in a gentle arch that is 42.98' and joins with Dixie Drive and continues north along Dixie Drive 71.50' along the right of way to the northernmost point of the property.

Being Lot #(22), Block (), Section #(3) in the subdivision of (Southland Hills) as recorded in Baltimore County Plat Book #(0008), Folio #(00056), containing (10,360 square feet). Located in the (9) Election District and (5) Council District.

Thank you,

Cao-Ly Tran
443.519.3104
trancaoly@gmail.com

Karen Tran
443.838.0439
ktran50@gmail.com

2015-0190-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0190 -A Address 401 DIXIE DRIVE

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/26/15 Posting Date: 3/8/15 Closing Date: 3/23/15

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, 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 2015- 0190 -A Address 401 DIXIE DRIVE

Petitioner's Name TRAN Telephone 410-377-8225

Posting Date: 3/8/15 Closing Date: 3/23/15

Wording for Sign: TO PERMIT A PROPOSED REARYARD ADDITION WITH A REAR SETBACK OF
11 FEET 2 INCHES IN LIEU OF THE REQUIRED 30 FEET SETBACK AND TO APPROVE AN
EXISTING GARAGE ADDITION IN THE SIDEYARD OF A CORNER LOT WITH A SETBACK OF
18 FEET IN LIEU OF THE REQUIRED 25 FEET

Revised 7/18/14

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/7/2015

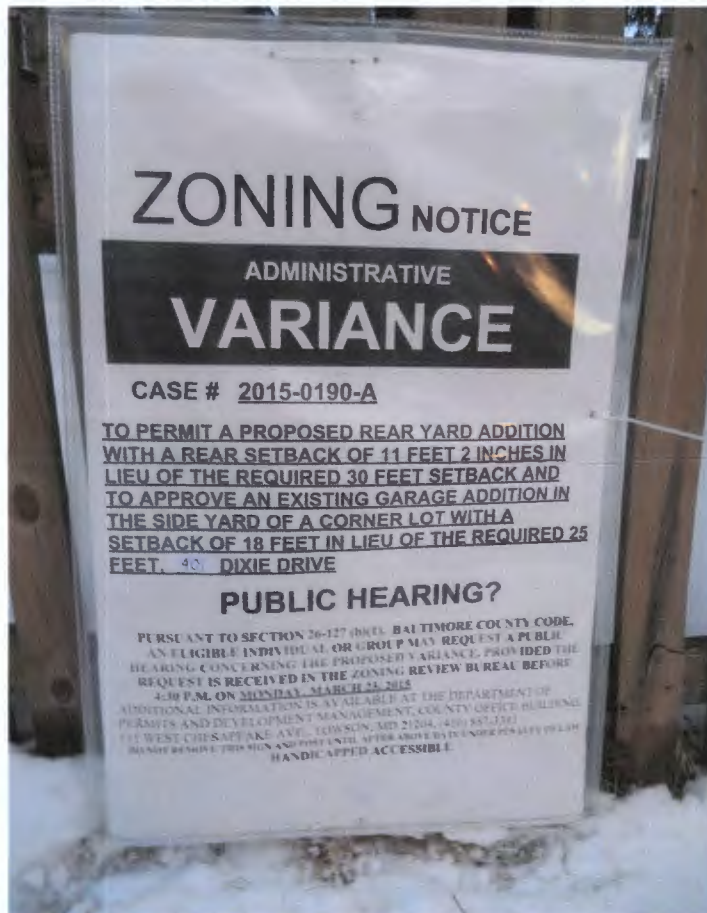
Case Number: 2015-0190-A

Petitioner / Developer: KAREN TRAN

Date of Hearing (Closing): MARCH 23, 2015

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:
401 DIXIE DRIVE

The sign(s) were posted on: MARCH 7, 2015



Linda O'Keefe
(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)

CASE NO. 2015- 0190-A

CHECKLIST

**Comment
Received**

Department

**Support/Oppose/
Conditions/
Comments/
No Comment**

3-9

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 _____)

3-9

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

2-24

ADJACENT PROPERTY OWNERS

Briggs

No objection

403 Dixie Drive

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 3-7-15

by: O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

February 24, 2015

Todd and Ellen Briggs
403 Dixie Drive
Towson, MD 21204

To Whom It May Concern,

We are the neighbors of Karen and Cao-Ly Tran who reside at 401 Dixie Drive, Towson, MD. Our address is 403 Dixie Drive, Towson, MD. It is our understanding that the Trans wish to build an addition on their property that comes within approximately 11.5 feet of our property line. **We have no objections to this project.**

Sincerely,

Todd Briggs

Ellen Briggs

Todd and Ellen Briggs

2015-0190-A



KEVIN KAMENETZ
County Executive

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

March 24, 2015

Karen & Cao-ly Tran
401 Dixie Drive
Towson MD 21204

RE: Case Number: 2015-0190 A, Address: 401 Dixie Drive

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 February 26, 2015. 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: jaw

Enclosures

c: People's Counsel

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 3/9/15

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

RE: Baltimore County
Item No 2015-0190-A
Administrative Variance
Karen & Cao-Ly Tran
401 Dixie Drive

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. 2015-0190-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 9, 2015

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 9, 2015
Item No. 2015-0183, 0185, 0186, 0188 and 0190

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC03092015.doc

Tran

401 Dixie Dr Tomsion 21204



front



house from side

Addition ends at this point

2015-0190-A

Tran

401 Dixie Dr Towson 21204



rear



garage

2015-0190-A

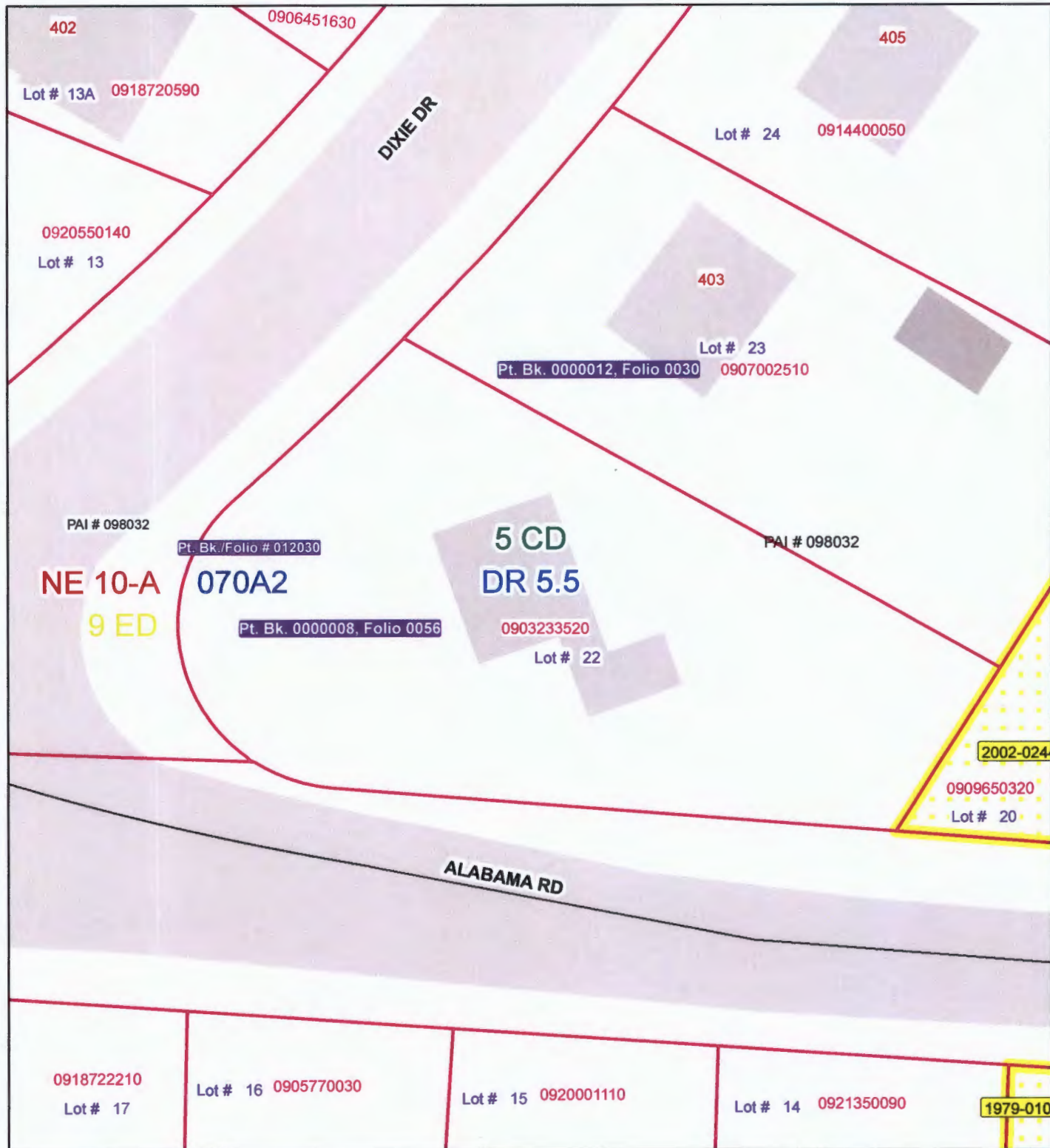
Tran 4101 Dixie Dr. Towson 21204



addition ends here

2015-0190-A

401 Dixie Drive 2015-0190-A



Publication Date: 2/20/2015



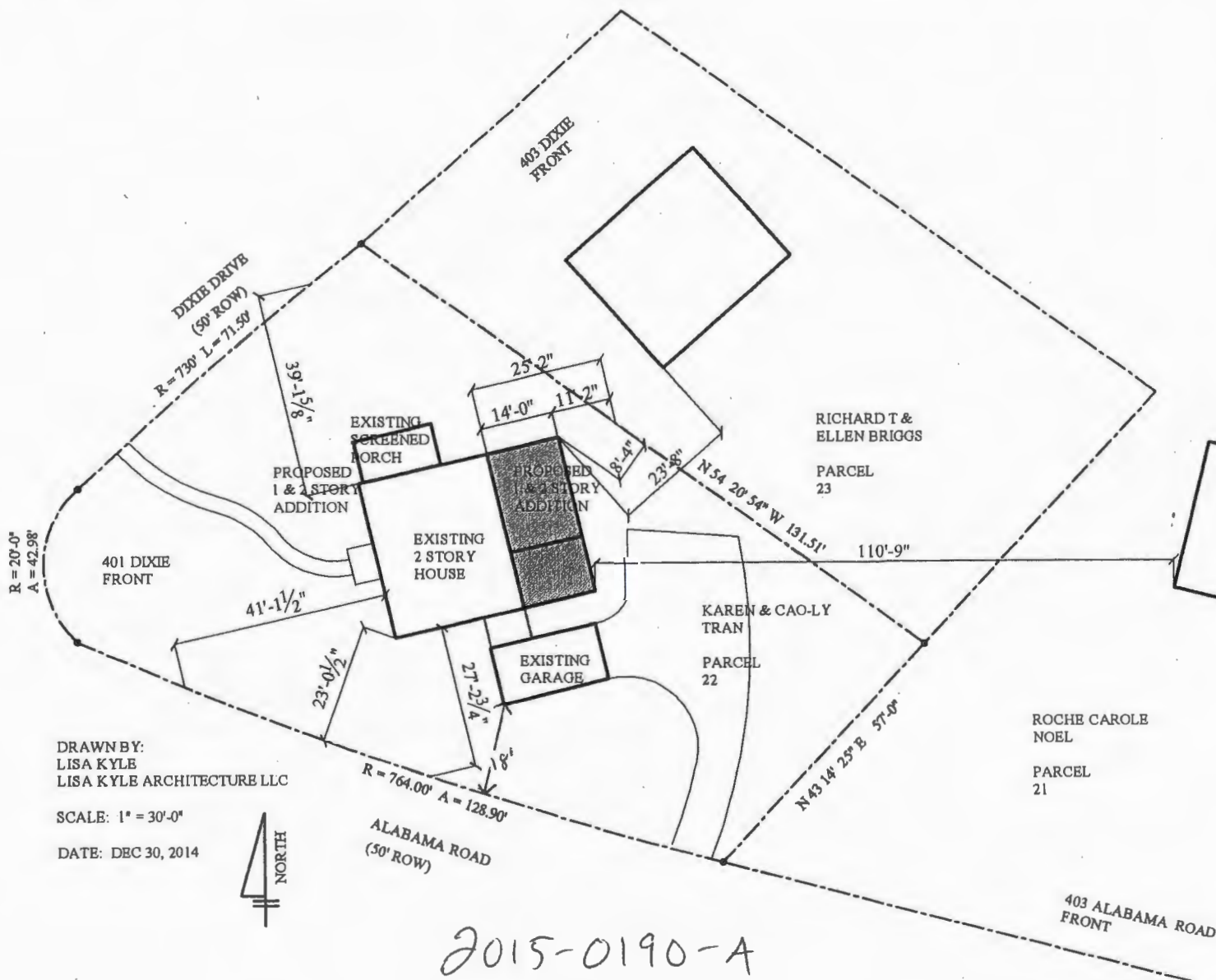
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



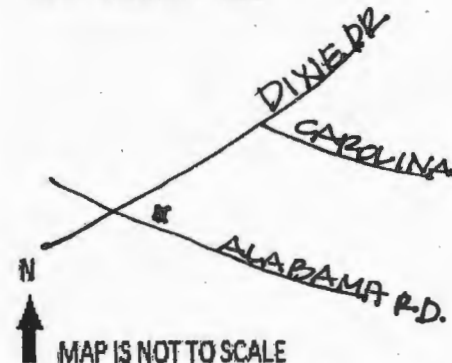
0 5 10 20 30 40 Feet

1 inch = 30 feet

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)
 ADDRESS 401 DIXIE DRIVE OWNER(S) NAME(S) KAREN + CAO-LY TRAN
 SUBDIVISION NAME SOUTHLAND HILLS LOT # 22 BLOCK # SECTION # 3
 PLAT BOOK # 0008 FOLIO # 00056 10 DIGIT TAX # 0903232520 DEED REF. # 2166810484



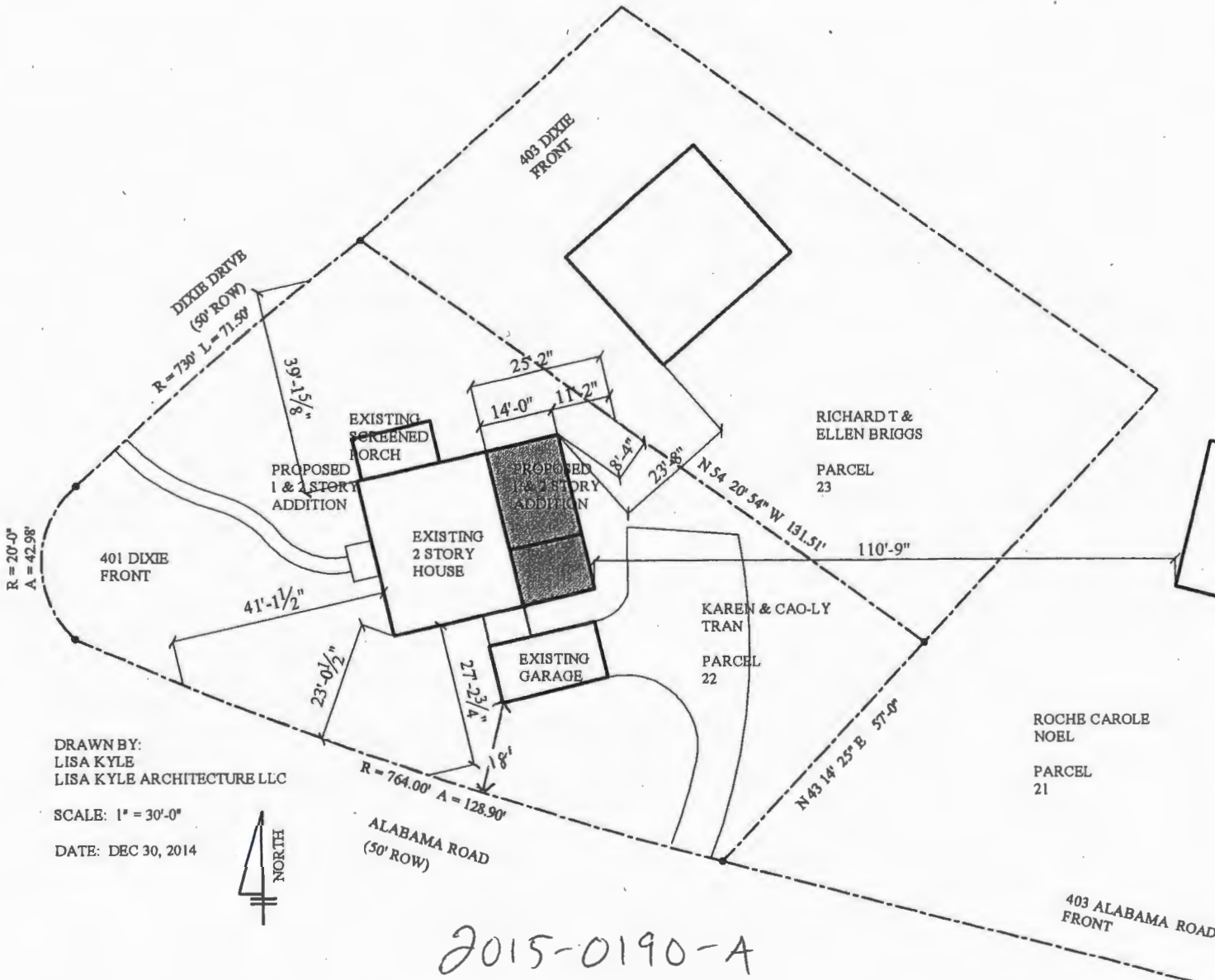
SITE VICINITY MAP



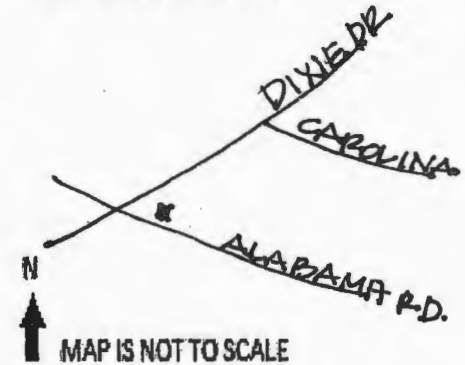
ZONING MAP# 70A2
 SITE ZONED DR 55
 ELECTION DISTRICT 9
 COUNCIL DISTRICT 5
 LOT AREA ACREAGE .25
 OR SQUARE FEET 11105 SF ±
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE ☐
 SEWER IS:
 PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING?
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 401 DIXIE DRIVE OWNER(S) NAME(S) KAREN + CAO-LY TRAN
 SUBDIVISION NAME SOUTHLAND HILLS LOT # 22 BLOCK # _____ SECTION # 3
 PLAT BOOK # 0008 FOLIO # 00056 10 DIGIT TAX # 0903233520 DEED REF. # 21668/0484



SITE VICINITY MAP



ZONING MAP# 70A2
 SITE ZONED DR 55
 ELECTION DISTRICT 9
 COUNCIL DISTRICT 5
 LOT AREA ACREAGE .25
 OR SQUARE FEET 11105 SF ±
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

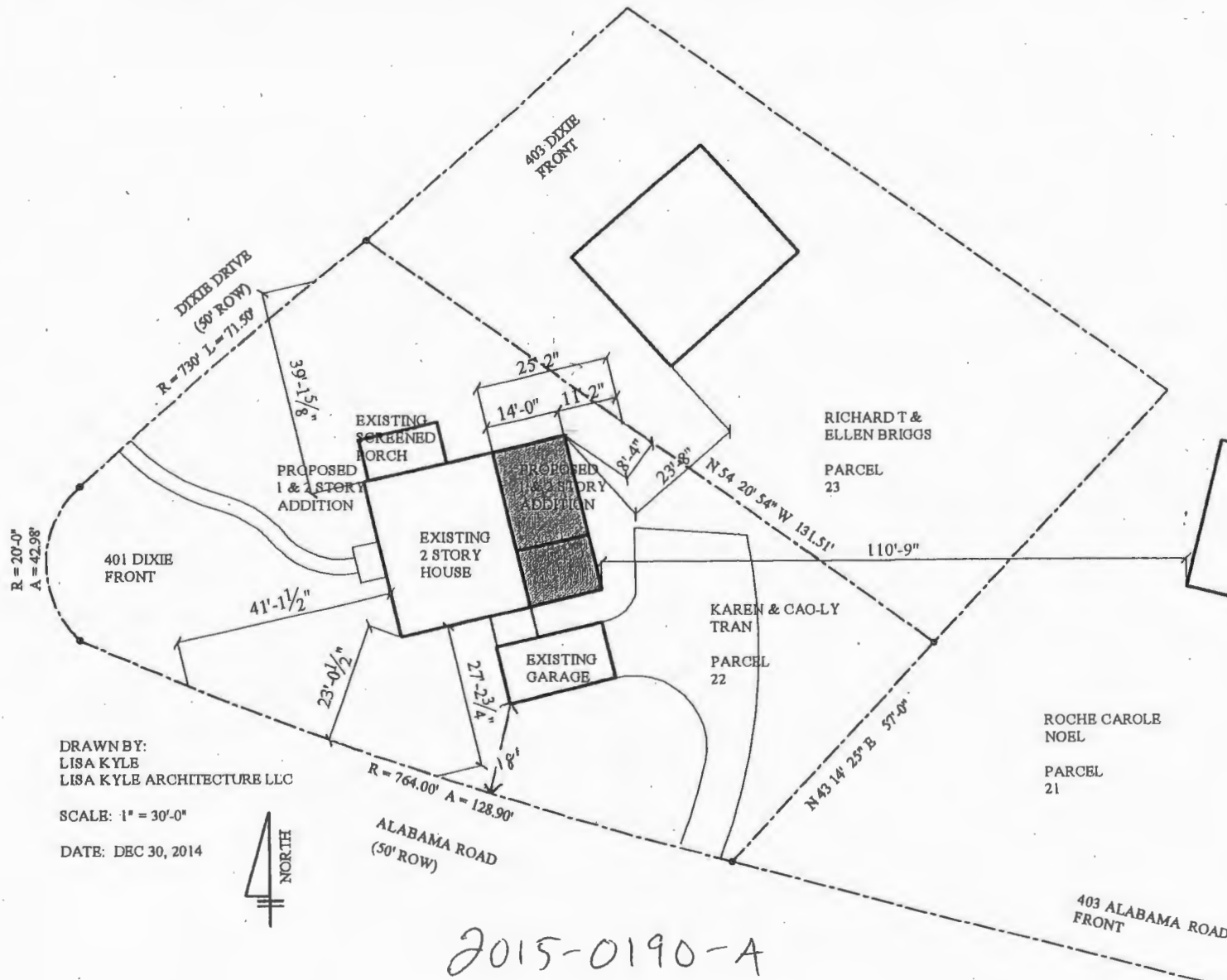
VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)

ADDRESS 401 DIXIE DRIVE OWNER(S) NAME(S) KAREN + CAO-LY TRAN

SUBDIVISION NAME SOUTHLAND HILLS LOT # 22 BLOCK # SECTION # 3

PLAT BOOK # 0008 FOLIO # 00056 10 DIGIT TAX # 0903232520 DEED REF. # 21668/0484



DRAWN BY:
LISA KYLE
LISA KYLE ARCHITECTURE LLC

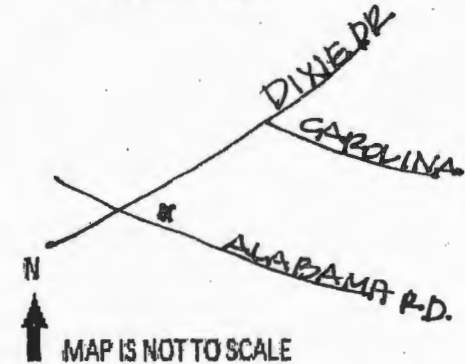
SCALE: 1" = 30'-0"

DATE: DEC 30, 2014



2015-0190-A

SITE VICINITY MAP



ZONING MAP# 70A2

SITE ZONED DR 55

ELECTION DISTRICT 9

COUNCIL DISTRICT 5

LOT AREA ACREAGE .25

OR SQUARE FEET 11105 SF ±

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE ☐

SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING?

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Pet Ech. 1