IN RE: PETITION FOR VARIANCE

(23 Granny Smith Ct.)

15th Election District

6th Council District

Huynh Long and Luu Mai Long

Legal Owners

* BEFORE THE OFFICE

* OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

Petitioners

* CASE NO. 2017-0265-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Huynh Vu and Luu Mai L, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an existing second story deck with a setback of 19 ft. in lieu of the required 30 ft. A site plan was marked as Petitioners' Exhibit 1.

Huynh Long appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing agencies.

The site is approximately 6,000 square feet in size and zoned D.R 3.5. The property is improved with a single family dwelling constructed in 2000. Petitioners constructed a deck off of the second floor in the rear of their home. They were cited by Baltimore County Code Enforcement for construction without a permit and were advised to obtain a variance prior to applying for the requisite permit(s).

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate ORDER RECEIVED FOR FILING

Date 5/35/17
By Sen

variance relief; and

If variance relief is denied, Petitioner will experience a practical difficulty or (2)hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be required to raze the existing deck. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 25th day of May, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an existing second story deck with a setback of 19 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

JOHNE. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

2



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

Administrative Law Judge

May 25, 2017

Huynh and Luu Mai Long 23 Granny Smith Ct. Middle River, Maryland 21220

RE: Petition for Variance

Case No. 2017-0265-A

Property: 23 Granny Smith Ct.

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 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.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

c: Tim Kidd, Code Enforcement, Permits, Approvals & Inspections



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: Address 13 Granny Smith of Middle River which is presently zoned 10 Digit Tax Account # 3 5 0 () () Property Owner(s) Printed Name(s) HUYNH (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan 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 a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a Variance from Section(s) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Contract Purchaser/Lessee: Legal Owners (Petitioners): Name-Type or Prin Name #1 Signature Mailing Address uulanma 1980 Email Address Zip Code Telephone # **Email Address** (a) yahov. a ORDER RECEIVED FOR FILING Attorney for Petitioner: Representative to be contacted: Name- Type or Print Name - Type or Pri Signature Signature Mailing Address State Mailing Address City State Telephone # Zip Code **Email Address** Zip Code Telephone # **Email Address**

Do Not Schedule Dates:

Filing Date 33/

Zoning Property Description for 23 Granny Smith Court

Beginning at a point on the South West side of Granny Smith court which is 50 feet wide at a distance of 135 feet south East of the centerline of the nearest improved intersecting street Macintosh Court which is 50 feet wide

Being lot #38 in the suddivision of the Alma Smith Property as recorded in Baltimore County Plat Book #71, Folio #43 containing \$14 acres. Located in the 15 Election District and 6 Council District.

<i>€</i> V + *	•		PAID RECEIPT			
BALTIMORE COUNTY OFFICE OF BUDGET A MISCELLANEOUS CAS	AND FINANCE	Nº 151411 Date: 3/31/17	EUSINESS ACTUAL TIME DRM 3/31/2017 3/31/2017 09:29:56 2 REG USO2 WALKIN JEE >>RECEIPT 0 005014 3/31/2017 0FLN Dept 5 528 ZONING VERIFICATION CR NO. 151411			
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			- Baltimore County, Naryland			
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501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4926998

Sold To:

Huynh Vu Long - CU00596789 23 Granny Smith Ct Middle River, MD 21220-1750

Bill To:

Huynh Vu Long - CU00596789 23 Granny Smith Ct Middle River, MD 21220-1750

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 04, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0265-A

23 Granny Smith Court SW/s Granny Smith Court, 135 ft. +/- E/of centerline of Macintosh Court

Macintosh Court
15th Election District - 6th Councilmanic District
Legal Owner(s) Huynh Vu Long
Variance to permit an existing second story deck with a
setback of 19 ft. in lieu of the required 30 ft.
Hearing: Thursday, May 25, 2017 at 1:30 p.m. in Room
205, Jefferson Building, 105 West Chesapeake Avenue,
Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

The Baltimore Sun Media Group

S. Wilkinson

Legal Advertising

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

May 8, 2017

Re:

Zoning Case No. 2017-0265-A Legal Owner: Huynh Vu Long Hearing date: May 25, 2017

Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 23 Granny Smith Court.

The sign was posted on May 4, 2017.

Sincerely,

Bruce E. Doak MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



ZONING NOTICE

CASE NO. 2017-0265-A

23 Granny Smith Court

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday May 25, 2017 1:30 PM

Variance to permit an existing second story deck with a setback of 19 feet in lieu of the required 30 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE





TO: PATUXENT PUBLISHING COMPANY Thursday, May 4, 2017 Issue - Jeffersonian

Please forward billing to:
Huynh Vu Long
23 Granny Smith Court
Middle River, MD 21220

443-857-8864

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0265-A

23 Granny Smith Court SW/s Granny Smith Court, 135 ft. +/- E/of centerline of Macintosh Court 15th Election District — 6th Councilmanic District Legal Owners: Huynh Vu Long

Variance to permit an existing second story deck with a setback of 19 ft. in lieu of the required 30 ft.

Hearing: Thursday, May 25, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabion

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 24, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0265-A

23 Granny Smith Court

SW/s Granny Smith Court, 135 ft. +/- E/of centerline of Macintosh Court

15th Election District - 6th Councilmanic District

Legal Owners: Huynh Vu Long

Variance to permit an existing second story deck with a setback of 19 ft. in lieu of the required 30 ft.

Hearing: Thursday, May 25, 2017 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablor Director

AJ:kl

C: Huynh Vu Long, 23 Granny Smith Court, Middle River 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 5, 2017.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:
Case Number: 2017 -0265-A
Property Address: 23 GRANNY SMITH CI,
Property Description: SW/S of GRANNY SMITH CT, 135+7
SE of MACINTOSH CT.
Legal Owners (Petitioners): HUVNH VU L.
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: HUYNH VIII
Company/Firm (if applicable):
Address:
Telephone Number: 443-857-8864



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 18, 2017

Huynh Vu Long
·23 Granny Smith Court
Middle River MD 21220

RE: Case Number: 2017-0265 A, Address: 23 Granny Smith Court

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 March 31, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Date: 4/5/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017 - 6265 - A

Variance Huynh Vu L. Luce Mai L 23 Granny Smith Court

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA

Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: 4/17/2017

RECEIVED

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-265

INFORMATION:

Property Address:

23 Granny Smith Court

Petitioner:

Huynh Vu Long and Luu Lan Mai Long

Zoning:

DR 3.5

Requested Action:

Variance

The Department of Planning has reviewed the petition for a variance to permit an existing second story deck with a setback of 19 feet in lieu of the required 30 feet.

The property is the subject of open code violation case # CB1700107.

The Department of Planning has no objection granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Division Chief:

AVA/KS/LTM/ka

c: Ngone Seye Diop

Huynh Vu Long

Lloy

Office of the Administrative Hearings People's Counsel for Baltimore County

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 10, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2017

Item No. 2017-0257, 0258, 0259, 0260, 0262, 0263, 0264, 0265, 0267

and 0268

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

DAK:CEN cc:file

RE: PETITION FOR VARIANCE

23 Granny Smith Court; SW/S Granny Smith Ct,
135' E of c/line of Macintosh Court

15th Election & 6th Councilmanic Districts
Legal Owner(s): Huynh Vu L & Luu Mai L

Contract Purchaser(s): Huynh Vu Long

Petitioner(s)

*

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2017-265-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

APR 0 5 2017

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 5th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to Huynh Vh L & Luu Mai L, 23 Granny Smith Court, Middle River, Maryland 21220, Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Peter Max Zimmerman

MEMORANDUM

DATE: June 27, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0265-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 26, 2017. 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

Real Property Data Search

Search Result for BALTIMORE COUNTY

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∠3 Granny Smith Court

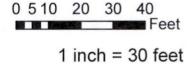


Publication Date: 3/21/2017



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





ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
ADDRESS 23 Granny Smith of OWNER(S) NAME(S) Hough val Lunian Mai	
	(3/\ c
SUBDIVISION NAME The Alma Smith troperty LOT# 38 BLOCK# SECTION#	27 78
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ANN.	🛊 /
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AND MACINIOSH COURT	COUNCIL DISTRICT
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1. Sylvin Lroposed	IF SO GIVE CASE NUMBER
LOT 35 PLAT 77-43 PLAT 77-43	AND ORDER RESULT BELOW
PLAT 71-43 P24 MACINTOSH COURT 2nd Story deck addition	
	
PLAN DRAWN BY VU HOUND H.U DATE 3/21/17 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:
L	1 MOPULLAND CHREAT

EX.1



2) GRANNES SINTER



WAIVER APPLICATION SITE PLAN FILING REQUIREMENTS

- 1. Scale: For property area less than 40 acres use one inch equals 20, 30, 40 or 50 feet. If larger, use one inch equals 100 feet.
- 2. Property Boundaries: Depict using heavy bold line with dimensions. Show north arrow.
- 3. <u>Streets/Rights-of-Way</u>: Show boundary streets and rights-of way; show internal roads and rights-of-way; show impervious areas such as paving and widths.
- 4. Adjacent Ownership: Show names and addresses of owners of your lot and all adjacent lots.
- 5. <u>Buildings & Setbacks</u>: Show building front and side set backs and indicate with an arrow the locations of the fronts oxall buildings.
- 6. <u>Aerial Map</u>: Provide an aerial map view of requested fence location. (This may be obtained from the Zoning Office in Room 111).
- 7. Fence: Include fence type, height, location and setbacks from the property lines.
- 8. Pictures: Include two (2) photographs of the affected fence location.

ALL OF THE ABOVE INFORMATION MUST BE COMPLETE AND ACCURATE OR THE APPLICATION WILL NOT BE PROCESSED. THE PLANNERS IN THE ZONING REVIEW OFFICE CAN EXPLAIN THE ABOVE REQUIREMENTS IN MORE DETAIL, IF REQUIRED.

<u>Ouestions</u>? Contact the Zoning Review Office by phone at 410-887-3391 and in person at Room 111, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

PDM GA9 Rev 10/19/2016