

Denial
5/1/85

MAP 30
NE 20A
E.D. 10
DATE 5/1/85
200
1000
DP

86-207-A
#92

86-207-A
#92

ORDER RECEIVED FOR FILING
DATE 1/20/85
BY State of Maryland

IN RE: PETITION ZONING VARIANCE
N/S of Lochwynd Court,
533' W of the centerline
of Highland Ridge Drive
(6 Lochwynd Court) -
10th Election District
Hyungchul Charles Kim, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-207-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 30 feet instead of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Sunhee R. Kim, appeared and testified and were represented by Counsel. Mr. and Mrs. Randall Perkins, adjacent property owners, appeared in opposition.

Testimony indicated that the subject property, located on Lochwynd Court, is part of the Highlands of Hunt Valley subdivision, which was zoned R.D.P. when vested. The Petitioners and Protestants purchased their homes about two years ago, and their properties adjoin on the Petitioners' west property line.

The Petitioners propose to construct a 25' x 27' two-car garage to the west side of their home. Although there is an existing two-car garage located off the kitchen, they propose to convert it to a family room so the children can have a play area close to the kitchen for appropriate supervision. There is a room on the second floor at the far side of the home which could be utilized for this purpose, but the Petitioners feel it is too far away. The house is constructed on a slab and has no basement.

The 1.26-acre lot is one of the smallest in the development and has a distinctly unusual topography. The house is constructed on the crest of a hill, and the lot slopes to the front and down the back. Further, the

property is extremely rocky, which makes it difficult, if not impossible, to construct the new garage anywhere else.

The Protestants argued that property values would diminish and their privacy would be invaded. Their kitchen, which is glass enclosed, faces the side of the Petitioners' existing garage, and they believe that if the proposed garage is allowed to extend into the side yard, the lights from the Petitioners' vehicles would invade the sanctity of their kitchen and impact negatively on the quiet enjoyment of their home.

The Petitioners seek relief from Sections 103.3 and 1A00.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the

ORDER RECEIVED FOR FILING
DATE 1/20/85
BY State of Maryland

ZONING DESCRIPTION

Beginning on the north side of Lochwynd Court approx. 533' west of the centerline of Highland Ridge Drive and known as Lot # 15 as shown on the Amended Plat of the Highlands of Hunt Valley which is recorded in Liber 39 - Folio 77. Also known as # 6 Lochwynd Court.

PETITION FOR VARIANCE

10th Election District

LOCATION: Northside of Lochwynd Court, 533' West of the centerline of Highland Ridge Drive, (6Lochwynd Court)

DATE AND TIME: Wednesday, November 20, 1985 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 103.3 (1 A00.3B. 3) to permit a side yard setback of 30' in lieu of the required 50'.

Being the property of Hyungchul Charles Kim, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 103.3 (1 A00.3B. 3) to permit a side yard setback of 30' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Extense of garage
Garage change to family room

Sloping topography and extreme rocky conditions preclude construction of an unattached garage in the rear.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance Advertising, posting, etc., upon filing of this petition, 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:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
(Type or Print Name)
Signature

Attorney for Petitioner:
S. Eric D. Nenna
Address
City and State
Attorney's Telephone No.

6 Lochwynd Ct. 683-1488
Address Phone No.
Phoenix MD 21131
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Hyungchul C. Kim
Name
6 Lochwynd Ct. Phoenix 683-1488
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of October, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of November, 1985, at 10:00 o'clock.

Arnold Jarlon
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 1/20/85
BY State of Maryland

RE: PETITION FOR VARIANCE
N/S Lochwynd Ct., 533'
W of the Centerline of
Highland Ridge Dr.
(6 Lochwynd Ct.),
10th District

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-207-A
HYUNGCHUL CHARLES KIM,
et ux, Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Hyungchul Charles Kim, 6 Lochwynd Ct., Phoenix, MD 21131, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
DATE 1/20/85
BY State of Maryland



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

September 26, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Hyungchul Charles Kim

Location: N/S Lochwynd Court, 533' W. of centerline of Highland Ridge Drive

Item No.: 92 Zoning Agenda: Meeting of 9/17/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

Case No. 86-207-A N/S Lochwynd Ct., 533' W of the c/l
Item No. 92 of Highland Ridge Dr. (6 Lochwynd Ct.)
Date: December 23, 1985 10th Election District
Hyungchul Charles Kim, et ux, Petitioners
Case No. 86-207-A
Var.-Spec. 103.3 (1 ADO-3B-3) to permit a side vd. setback of 30' in lieu of 50'.
Copy of Petition

- X 2. Copy of Description of Property
- X 3. Copy of Certificate of Posting (1 Sign)
- X 4. Copy of Certificates of Publication
- X 5. Copy of Zoning Advisory Committee Comments
- X 6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
- X 8. Copy of Order to Enter Appearance
9. Copy of Order - Zoning/ENFORCEMENT/Commissioner-11/25/85, GRANTED w/restrictions.
- X 10. Copy of Plat of Property (Petitioner's Exhibit 1)
11. 300' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits _____ to _____
- X 17. Petitioners' Exhibits 1 to 7
- X 18. Letter of Appeal, 12/23/85 by Randall and Pamela Perkins, Protestants.

Mr. and Mrs. Hyungchul Charles Kim
6 Lochwynd Court
Phoenix, Maryland 21131

Petitioners

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

Attorney for Petitioners

Mr. and Mrs. Randall W. Perkins
8 Lochwynd Court
Phoenix, Maryland 21131

Protestants

Phyllis C. Friedman, Esquire
Norman E. Gerber
James Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Request Notification
Request Notification
Request Notification
Request Notification
Request Notification

Alvin C. Monshower, Esq.
Suite 900
1 N. Charles St. (21201)

Counsel for Protestants

RECEIVED
COUNTY BOARD OF APPEALS
FEB 26 1987



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

November 5, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 92 Zoning Advisory Committee Meeting are as follows:

Property Owner: Hyungchul Charles Kim
Location: N/S Lochwynd Court, 533' W of c/l of Highland Ridge Drive
District: 10th.

APPLICABLE STANDARDS:

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, The Maryland Code for the Handicapped and Aged (A.R.S.I. #17-1 - 1980) and other applicable Codes and Standards.

A building and other miscellaneous permits shall be required before the start of any construction.

Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.

Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 7'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 106.2 and Table 102. No openings are permitted in an exterior wall within 7'-0" of an interior lot line.

The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this Department.

The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

When filing for a required Change of Use/Accessory Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 312 of the Building Code.

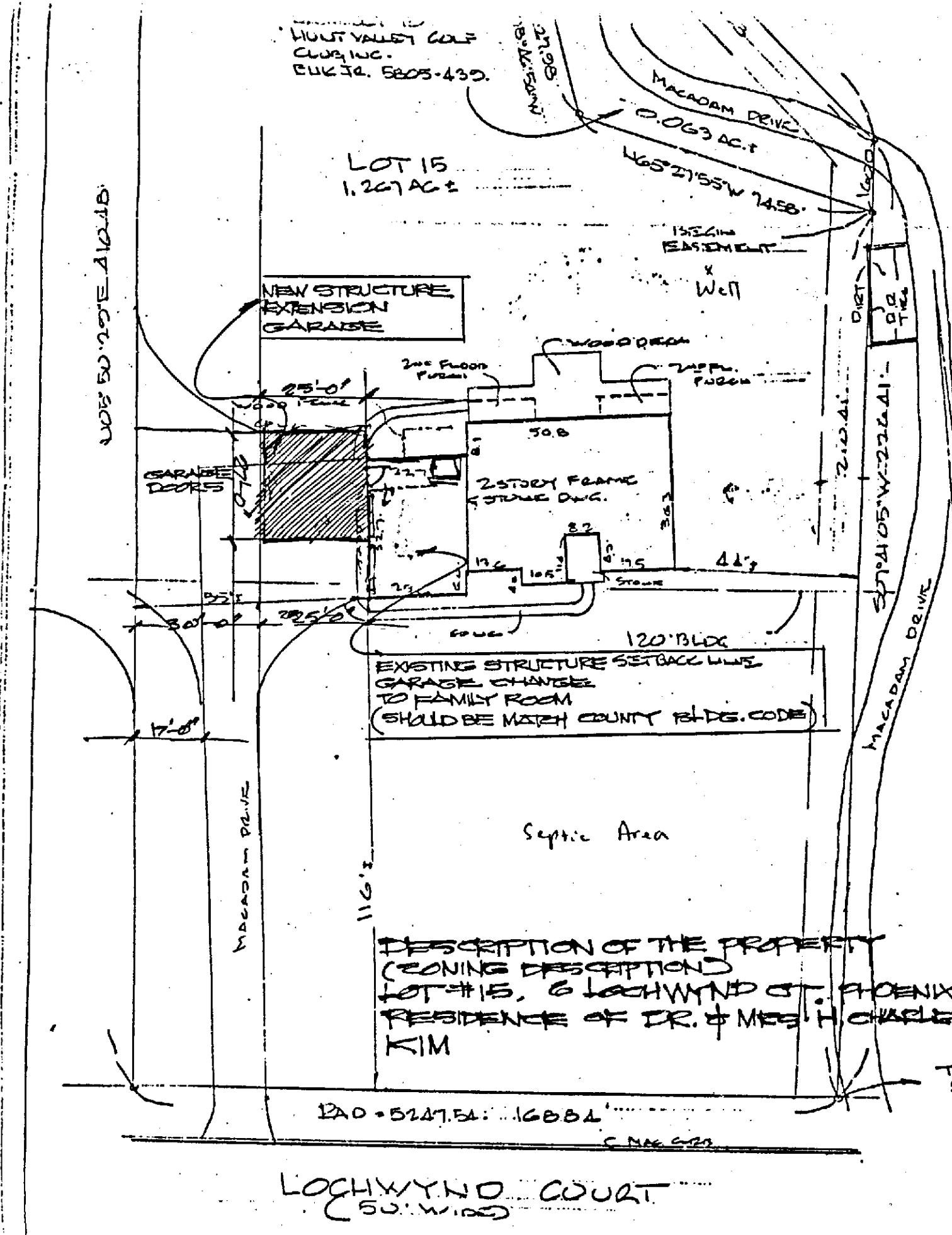
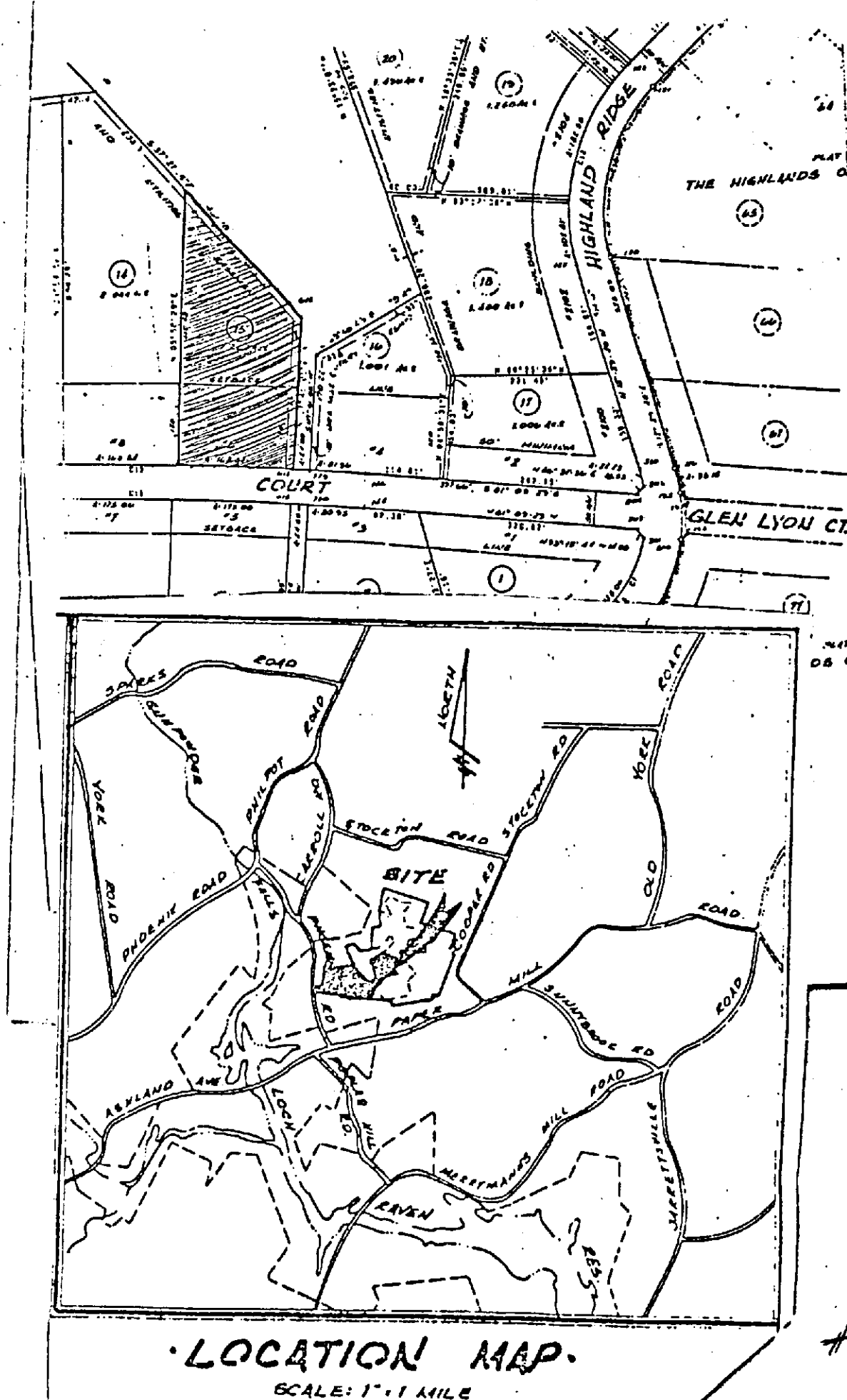
The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Comments:

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Michael E. Berman
City of Baltimore, Chief
Building Plans Review

11/20
86-207-A 11/22/85



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

SEPTEMBER 3, 1986

Mr. and Mrs. Randall W. Perkins
8 Lochwynd Court
Phoenix, MD 21131

Re: Case No. 86-207-A
Hyungchul C. Kim, et ux

Dear Mr. and Mrs. Perkins:

Enclosed herewith is a copy of the Majority Opinion passed today by the County Board of Appeals in the above entitled case. Also enclosed is a copy of the Dissenting Opinion by Mrs. Phipps.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart,
Adm. Secretary

Enclosure

cc: Mr. and Mrs. Hyungchul C. Kim
S. Eric DiNenna, Esquire
Alvin C. Monshower, Esquire
Phyllis C. Friedman
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF THE APPLICATION OF HYUNGCHUL CHARLES KIM, ET UX FOR VARIANCE FROM §103.3 (1 ADO-3B-3) OF THE BALTIMORE COUNTY ZONING REGULATIONS N/S LOCHWYND COURT 533' W OF C/L HIGHLAND RIDGE DRIVE (6 LOCHWYND COURT) 10TH DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. 86-207-A

OPINION

This case comes before this Board on appeal from a decision of the Baltimore County Zoning Commissioner granting the requested side yard variance from the required 50 foot setback to a 30 foot setback in order to convert an existing two car garage into a family room and erect a new garage the same size as the existing one. The subject property is located on the north side of Lochwynd Court 533 feet west of the centerline of Highland Ridge Drive in the Tenth Election District of Baltimore County.

Dr. Hyungchul C. Kim, property owner, testified as to his wish to convert the existing garage into a family room and to erect a new garage which would require the area variance from the required 50 foot setback to a 30 foot side yard setback. Dr. Kim testified that the proposed location was the only feasible one to meet his desires because of the topography of the site and the extremely rocky conditions existing on the site. He stated these conditions met the hardship requirements of §307 of the Baltimore County Zoning Regulations (BCZR). He further testified at length as to the general conditions existing on his site and some conditions of neighboring sites. He also said that should this variance be granted, some relocation of his driveway would be necessary. His testimony also disclosed that no architect for the proposed garage has been engaged nor has any contractor for its erection. Mrs. Kim

HYUNGCHUL KIM - #86-207-A

2.

testified that she had Security Builders inspect the proposed site and got from them a rough estimate of \$40,000.00 to convert the existing garage to a family room and erect a new garage on the site designated on Zoning Commissioner's Petitioner's Exhibit #6. This concluded Petitioner's case.

Mr. and Mrs. Randall Perkins, neighbors directly abutting the subject site, testified in opposition to the granting of this variance. Their testimony indicated that they purchased their property in December, 1983, at which time the subject site was complete and the local covenants entered as Protestants' Exhibit #4 seemed to preclude any major physical changes in the neighborhood. Testimony indicated that relocation of the driveway necessary for the proposed location of the new garage would reduce the privacy now afforded their home, and that this privacy and open space were factors in 1983 in the purchase of their home. Mr. Perkins also testified that he had encountered no insurmountable rock problems in some work he did on their site. This concluded Protestants' case. As in all cases, the record will speak for itself and this brief summation of testimony shall in no way indicate the total testimony received.

The Board has before it a request for a side yard setback variance in an established community of rather exclusive upper-class homes. The Board has no testimony that the proposed site is the only one possible for the garage but has merely the owner's opinion that this is the only possible location, and it is his desire to have it erected there. The Board is not convinced that the rocky soil conditions and the area topography prevent any other location since the existing home and garage are already erected under those same soil conditions. It would appear instead that the proposed location of the new garage is the selected and desired location by Dr. Kim without regard to the effect

HYUNGCHUL KIM - #86-207-A

of this proposal and that of the relocated driveway upon the neighbors.

Section 307 of the ECZR grants this Board the right to approve a variance only in cases where strict compliance with the regulations would result in practical difficulty or unreasonable hardship, and such variance shall be granted only if in strict harmony with the spirit and intent of said area regulations and only in such a manner as to grant relief without substantial injury to public health, safety and the general welfare. The Board finds that these conditions of §307 of the ECZR have not been complied with and that until all possible alternate locations for this garage have been proved unfeasible, the requested variance should be denied. The Petitioner's desire alone to use the proposed site is not persuasive. The Board shall, therefore, deny the requested variance and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of September, 1986, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

IN THE MATTER OF
THE APPLICATION OF
HYUNGCHUL CHARLES KIM, et ux
FOR VARIANCE FROM SECTION
103.3 (1) 400.3B.3) TO PERMIT A
SIDE YARD SETBACK OF 30 FEET IN
LIEU OF THE REQUIRED 50 FEET
ON PROPERTY LOCATED ON THE
NORTH SIDE LOCHWYND CT., 533 FT.
WEST OF THE CENTER LINE OF HIGH-
LAND RIDGE DR. (6 LOCHWYND CT.)
10th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS

OF
BALTIMORE COUNTY

No. 86-207-A

D I S S E N T

This case comes before the Board on appeal from an Order of the Zoning Commissioner dated November 25, 1985, wherein the Zoning Commissioner granted a side yard setback of thirty feet in lieu of the required fifty feet, subject to certain conditions.

The matter was tried de novo and testimony provided by Dr. and Mrs. Kim, Petitioners, indicated that the subject property, located in the Highlands of Hunt Valley, is one of the smaller lots containing 1.26 acres. Most of the lots in this subdivision are over 2 acres.

The lot is located on a hill with the house sitting on the very crest of the hill. The front yard has a steep grade down to the street and the rear yard is also steeply down graded. Dr. Kim further testified that the lot is rocky and there are large rocks and boulders in the ground to the rear of his property. The house has no basement. Because of the described topography and rocks, the addition cannot be built to the rear.

The Petitioners wish to construct a garage adjoining an existing garage and will convert said garage to a family room. The proposed family room would adjoin the kitchen. To add an addition on the other side of the house would also require a variance. The proposed addition would be constructed on what is now a driveway pad.

Hyungchul Charles Kim, et ux
Case No. 86-207-A

The Protestants, Mr. and Mrs. Randall Perkins, live directly next door to the proposed construction. They indicated that the distance from their house to the Petitioners is approximately 150 feet to 175 feet. They further indicated that this area was a play area for their children and that their house is situated so that the front portion is the living area. They were concerned with the glare of headlights and with their privacy. Upon questioning, Mr. Perkins admitted that the variance would not be detrimental to his health, safety or general welfare.

An area variance may be granted where strict application of the Zoning Regulation would cause practical difficulty and unreasonable hardship to the Petitioners.

I am of the opinion, after consideration of testimony and evidence presented including the plat and various pictures, that practical difficulty and unreasonable hardship exists in the strict compliance with the Baltimore County Zoning Regulations. In addition, the variance requested will not be detrimental to the health, welfare and general safety of the community.

I therefore feel that a variance on the subject property should be granted, with adequate screening.

Patricia Phipps
Patricia Phipps

Date: September 3, 1986



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

December 27, 1985

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Lochwynd Ct., 533' W of the
c/1 Highland Ridge Drive
(6 Lochwynd Court)
10th Election District
Hyungchul Charles Kim, et ux, Petitioners
Case No. 86-207-A

Dear Mr. DiNenna:

Please be advised that an appeal has been filed by the Protestants, Mr. and Mrs. Randall W. Perkins, from the decision rendered by the Zoning Commissioner in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bq

cc: People's Counsel

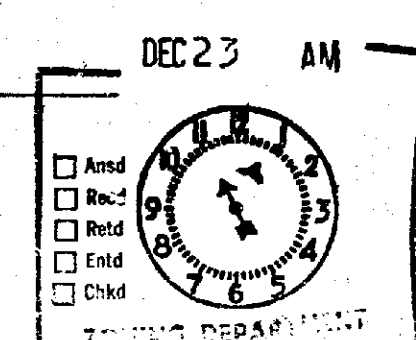
Reference: Request for Appeal in the PETITION ZONING
VARIANCE 533' W of the centerline of
Highland Ridge Drive (6 Lochwynd Court)
10th Election District

Hyungchal Charles Kim, et ux,
Petitioner
Case #86-207-A

The Zoning Commissioners of Baltimore County granted a
Petition for Zoning Variance to the above Petitioners on
November 25, 1985. We are the adjacent property owners
and we appeared at the original hearing as Protestors of
the variance.

We exercise our right of appeal by issuing this request
with a check for \$80.00 and respectfully request the Zoning
Commissioner to schedule a hearing to rule on the appeal
of the findings in the H. Charles Kim Case #86-207-A. Our
request for an appeal is based on the fact that the
Petitioners presented no expert testimony regarding the
inability to construct the proposed garage behind their
house in order to comply with the Zoning regulations. The
only testimony was provided by the Petitioner which
indicated the property had a "distinctly unusual
topography" and the property is "extremely rocky, which
makes it difficult, if not impossible, to construct the
new garage anywhere else."

These facts vs. Soley, 270
BALTIMORE COUNTY, MARYLAND No. 016181
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 12/27/85
AMOUNT \$ 80.00
RECEIVED BY Randall W. Perkins
APPEAL Fee for Case No. 86-207-A
DATE 1/2/86



ORDER RECEIVED FOR FILING

DATE 1/2/86
BY [Signature]

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204
(301) 296-6820

February 26, 1986

County Board of Appeals
Court House
Towson, Maryland 21204

RE: Case No.: 86-207A
Kim, et ux Petitioners

Dear Mr. Chairman:

Please be advised that I represent Dr. and Mrs. Kim, Petitioners, with
reference to the above-captioned matter.

Please have your office call me so that a hearing date may be discussed
that would not be in conflict with different schedules.

Thank you for your cooperation in this matter.

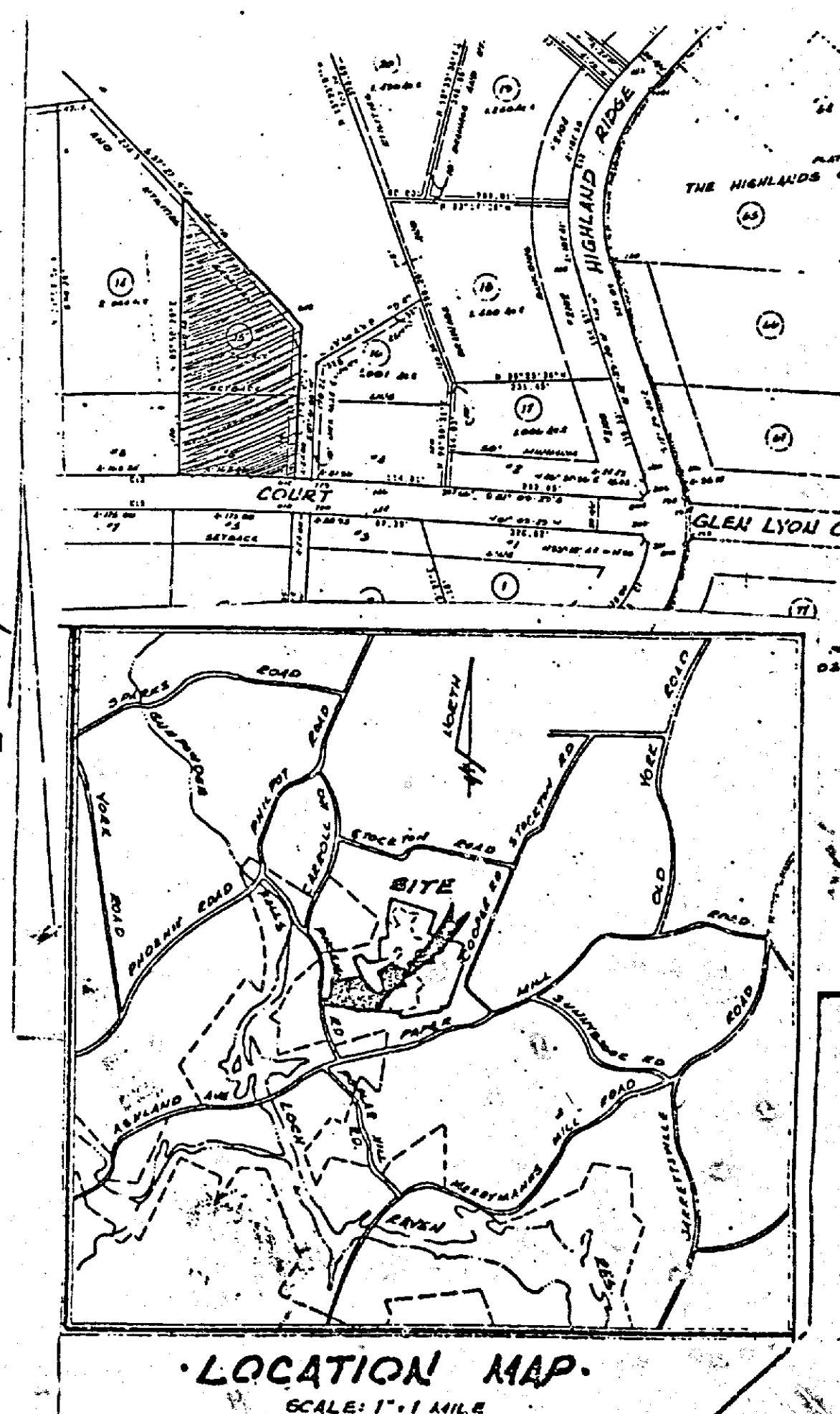
Very truly yours,
S. Eric Dinenna
S. ERIC DINENNA

SED:kar

cc: Dr. and Mrs. Kim

RECEIVED
COUNTY BOARD OF APPEALS
FEB 28 9 49

PETITIONER'S
EXHIBIT



FEB 26 1987

LINE 5555 PAGE 096

the request for approval is accompanied by all necessary information to permit an intelligent appraisal, such as, but not limited to, the exact area to be enclosed, the contemplated special use thereof, the landscape screening to be provided, and a full description and specifications of the contemplated enclosure, together with such other information Developer may request.

(15) Aluminum awnings of any kind shall not be permitted.
(16) No building lot shall be used for any commercial purposes.

(17) All garages or parking enclosures must be entered from side or rear of dwelling.

(18) All outside laundry drying, refuse storage and lawn maintenance equipment storage areas shall be appropriately screened or landscaped so as to preserve the scenic beauty and integrity of both the development and the golf course play areas.

(19) Parged block may not be exposed to view unless appropriately finished as approved by the Developer. All veneers must be carried to grade.

(20) All asphalt shingle roofs must be at least 3004/100 S.P.

(21) No through roof vents may be visible from front elevation.

(22) Anytime after twenty-five (25) or more lots have been sold and deeds recorded, Developer may renounce its right to approve plans and specifications and delegate said right to a committee of three (3) owners of record residing in the development, which delegation shall be accomplished by a written instrument signed by Developer and accepted by the appointees, which instrument shall be recorded in the Land Records of Baltimore County. Such designated owners shall serve until a majority of owners of record act in accordance with the following paragraph.

Should the Developer, its personal representatives or assigns refuse to act or fail to appoint a committee, then the majority of the owners of record of the fee simple and leasehold property (excluding mortgages and owners of reversionary interests) shall have the right and power, by a written instrument recorded among the Land Records of Baltimore County, to appoint a committee of three (3) persons to approve or disapprove said plans and specifications and to set forth in said written instrument the duties and authority of said committee and the manner in which it shall act and how members of said committee can be changed.

(23) Subject to the provisions of Paragraph 22 hereof, any and all of the rights and powers (including discretionary powers and rights) herein reserved by or conferred upon Developer may be assigned or transferred by it, its personal representatives or assigns, to any one or more corporations or associations, agreeing to accept same, provided that such assignment or transfer

-5-

LINE 5555 PAGE 097

far be evidenced by an appropriate written instrument recorded among the Land Records of Baltimore County, and from the time of such recordation only, such assignee or assignees shall have the right and authority to exercise and perform all the powers and duties reserved by or conferred upon Developer by this Declaration.

(24) For all "Panhandle" lots, it shall be the Developer's responsibility to provide a 16 foot wide, paved drive from the public road to the termination of the panhandle at the interior lot line. Where two or more "panhandles" are adjacent, and subject to the approval of Baltimore County governmental authorities, one 12 foot wide drive will be constructed along the center of the panhandle strips for the joint use of the following lots whose owners shall have equal rights and privileges for the use of same.

Lots 20 and 21 in common
Lots 53 and 54 in common
Lots 69, 70 and 71 in common

The owner of each of these lots, except for lots 69, 70 and 71, shall likewise share equally all costs and maintenance of this common use drive.

The cost of the maintenance on the common use drive for lots 69, 70 and 71 shall be shared in the following manner: lot 69 will pay 1/3, lot 70 will pay 1/3 and lot 71 will pay 1/3 of the cost of maintenance of the common drive.

(25) Developer further reserves unto itself, its personal representatives and assigns:

(a) The title in fee simple to the beds of all streets or public highways as shown on the aforesaid Plat.

(b) The right, at or after the time of grading any street, or any part thereof, to enter upon any abutting lot and grade the portion of such lot adjacent to such street, without any obligation or duty to so grade or maintain any slope thereon.

(c) Developer reserves the right to adjust lot lines on lots still owned by the Developer.

(d) The right to waive such portion of the protective covenants placed on this development as he deems necessary or desirable in the best interests of the development.

(26) Enforcement shall be by proceedings at law or in equity, against any person or persons violating or attempting to violate any covenant, and it shall be lawful for any person or persons owning any part of this tract to prosecute such proceedings for the enforcement of any one of these covenants by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

(27) Any failure by any party entitled to enforce any of the covenants, restrictions, conditions, reservations and agree-

-6-

LINE 5555 PAGE 098

wants herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach, or as to one occurring prior or subsequent thereto.

(28) These covenants are to run with the land and shall be binding on the Developer and all persons claiming by, through or under him for a period of twenty (20) years from the date of recording, after which they shall be automatically extended for successive periods of ten (10) years, unless an instrument, signed by more than fifty per cent (50%) of the then owners of the lots (not including mortgages or ground rent owners), has been recorded agreeing to change said covenants in whole or in part.

(29) The said Richard B. Edgar, "Lot Owner", joins herein for the purpose of subjecting his lots, namely lots 73 and 74 as shown on the plat entitled, "Plat 2, The Highlands of Hunt Valley", which Plat is recorded among the Plat Records of Baltimore County in Plat Book EXH. No. 18, Folio 111, to the covenants, conditions and reservations set forth in this Declaration of Restrictions.

WITNESS the hands and seals of the "Developer" and the "Lot Owner" the day and year first above written.

WITNESS:

HUNT VALLEY ASSOCIATES,
A Maryland Limited Partnership
By Caledon Development Corporation,
General Partner
By C. Dennis Webster, President
Richard B. Edgar
Lot Owner

STATE OF MARYLAND,
TO WIT:
I HEREBY CERTIFY that on this 11th day of August, 1975, before me, a Notary Public of the State aforesaid, personally appeared C. DENNIS WEBSTER, President of Caledon Development Corporation, a General Partner of Hunt Valley Associates, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Notary Public
My Commission expires July 1, 1978

LINE 5555 PAGE 099

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that on this 11th day of August, 1975, before me, a Notary Public of the State aforesaid, personally appeared RICHARD B. EDGAR, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Carolyn L. Bryson
Carolyn L. Bryson, Notary Public
My Commission expires July 1, 1978

0722-000 PLO 482 CL-8-87

0722-000 PLO 482 CL-8-87

Not a Notary Public AUG 8 1975
For Elmer W. Kahle, Jr., Clerk
Mail to THE TITLE GUARANTEE COMPANY
Receipt No. 74-70



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
March 6, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-207-A HYUNGCHUL C. KIM, ET UX
N/S Lochwynd Ct., 533' W of the c/l
of Highland Ridge Dr.
10th District
Var.-To permit a side yard setback of
30' in lieu of 50'.
11/25/85 - Z.C.'s Order-Granted

ASSIGNED FOR: TUESDAY, JUNE 10, 1986, at 10 a.m.

cc: Mr. and Mrs. H. C. Kim Petitioners
S. Eric DiNenna, Esq. Counsel For Petitioners
Mr. and Mrs. Randall Perkins Protestants
Phyllis C. Friedman People's Counsel
Norman Gerber
James Howell
Arnold Jablon
Jean Jung
James Dyer

Alvin C. Monahan, esq. - Protestants.
Suite 900
1700 E. St. 21201.

June Holmen, secy.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1074 Date of Posting 11/1/86
Posted for: Appeal
Petitioner: Hyungchul Charles Kim, et al.
Location of property: N/S Lochwynd Ct., 533' W of Highland Ridge Rd.
6 Lochwynd Ct.
Location of Signs: Front, Lochwynd Ct., across 10' E. of roadway
on property of petitioner.
Remarks: N/A
Posted by: [Signature] Date of return: 11/24/86
Number of Signs: 1



EB 26 087