

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
 NW/S Kelly Ann Way, 1000' NW of the c/l
 Lennings Lane * ZONING COMMISSIONER
(6638 Kelly Ann Way)
 14th Election District * OF BALTIMORE COUNTY
 6th Council District *
 * Case No. 06-293-A
 Shin I. Lee & Hae Suk Lee
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Myung Sup Lee and Young Ja Lee. The Petitioners seek relief from Sections 1B02.3.C.1 (Chart) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18' in lieu of the minimum required 22½' for a proposed open projection (deck), and to amend the Final Development Plan of Lennings Crossing, Lot 17, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

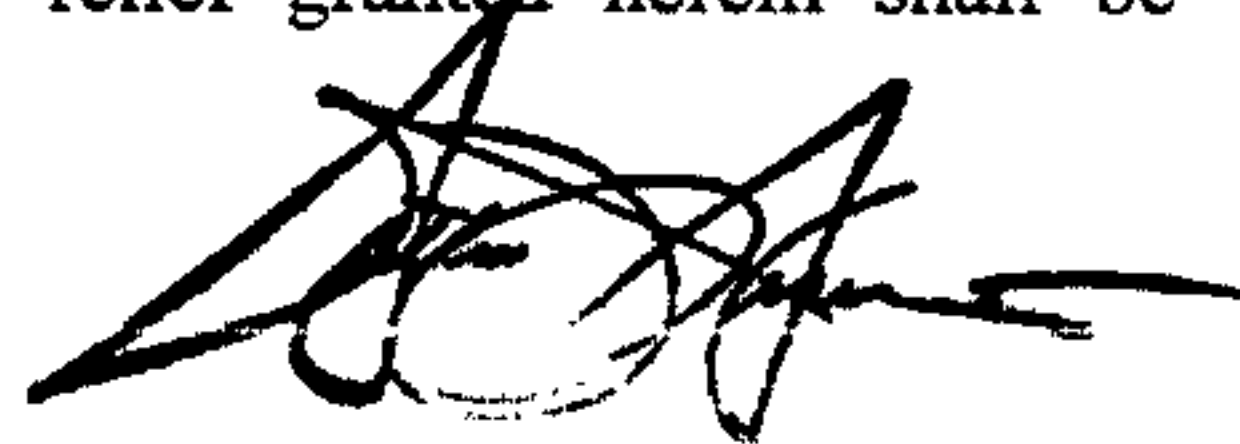
ORDER RECEIVED FOR FILING
 Date 11/10/16
 By [Signature]

Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the small size of the property and the location of existing improvements thereon. As shown on the site plan, the existing house is located 25 feet from the rear property line. Thus, the construction of any deck of practical size to the rear of the home would require variance relief. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent properties.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of January 2006 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 (Chart) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18' in lieu of the minimum required 22½' for a proposed open projection (deck), and to amend the Final Development Plan of Lennings Crossing, Lot 17, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
1/10/06
bjs



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Shin I. Lee & Hae Suk Lee
6638 Kelly Ann Way
Rosedale, Maryland 21237

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
NW/S Kelly Ann Way, 1000' NW of the c/l Lennings Lane
(6638 Kelly Ann Way)
14th Election District – 6th Council District
Shin I. Lee & Hae Suk Lee - Petitioners
Case No. 06-293-A

Dear Mr. & Mrs. Lee:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a large, stylized "X" mark.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File ✓



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6638 KELLY ANN WAY
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1, 301.1 (BCZR)

TO PERMIT A SINGLE FAMILY DWELLING WITH OPEN PROJECTION (DECK) TO HAVE A 21' REARYARD SETBACK IN LIEU OF THE REQUIRED 22.5' AND TO APPROVE A SINGLE LOT AMENDMENT FOR LOT 17, LEHMAN'S CROSSING FINAL DEVELOPMENT PLAN.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By LTm

Date 12/7/05

Estimated Posting Date

12/13/05

CASE NO. OC-293-A

REV 10/25/01

ORDER RECEIVED FOR FILING
DATE 12/13/05
BY [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at

Address 6638 KELLY ANN WAY
City ROSEDALE, MD State 21237 Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We are requesting a variance permit in constructing a deeper deck, so that we are able to have larger barbecue-style parties outside in our backyard. We expect these parties to draw many family members with children and friends with both children and grandparents or great-grandparents.

Additionally, since we (primary house caretakers) are almost senior citizens, we wish to reduce the workload required in lawn maintenance by building a deeper deck.

We plan to employ the same contractor as the homeowners at 6612 Aaron Mee Way, who are also requesting variance. A deeper deck will enable us to save on building and labor cost and also provide the contractor a larger project.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature [Signature]
Name - Type or Print SHIN LEE

Signature _____
Name - Type or Print _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Shin Lee

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires July 1, 2006

ZONING DESCRIPTION FOR 6638 KELLY ANN WAY
(address)

Beginning at a point on the NW side of
(north, south, east or west)

KELLY ANN WAY which is 50
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 55 NE of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street AARON MEE WAY
(name of street)

which is 50 wide. *Being Lot # 17
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of LENNINGS CROSSING
(name of subdivision)

as recorded in Baltimore County Plat Book # 76, Folio # 23,

containing 6499 sq ft. Also known as 6638 KELLY ANN WAY
(square feet or acres) (property address)

and located in the 14 Election District, 6 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **1588**

DATE 12/07/05 ACCOUNT 122010066150

AMOUNT \$ 115.00

RECEIVED FROM:

CASH (SHELL)

FOR:

206-203-A

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACNUM

TRF

12/08/2005 12/07/2005 11:45:12

RECEIPT # 42408 12/07/2005

Dept - 5 528 200000 VERIFICATION

TR NO. 001583

Paid Tot

1115.00

1.00 OX

1115.00 CA

Baltimore County, Maryland

CERTIFICATE OF POSTING

Date: 12/18/05

RE: Case Number: 06-293-A

Petitioner/Developer: SMIN LEE

Date of Hearing/Closing: 1/2/06

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 6638 KELLY ANN WAY

The sign(s) were posted on ~~12/2/06~~ 12/18/05
(Month, Day, Year)

Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Madledt Road
Baltimore, MD 21234
410-665-5562

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 06-293-A

VARIANCE TO PERMIT A SINGLE
FAMILY DWELLING WITH OPEN
PROJECTION (DECK) TO HAVE A 21'
REAR YARD SETBACK IN LIEU OF
THE REQUIRED 22'S AND TO
APPROVE A SINGLE LOT AMENDMENT
FOR LOT 11 LENNING'S CROSSING
FORD DEVELOPMENT PLAN

PUBLIC HEARING 2

RESOLUTION NO. 06-293-A

APPROVED BY THE BOARD OF SUPERVISORS

ON MAY 15, 2006

AT THE REGULAR MEETING

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

AT THE CITY OF ALAMEDA

OFFICE OF THE CLERK

OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF ALAMEDA

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 06-293-A
Petitioner SHIN I. LEE
Address or Location 6638 KELLY ANN WAY, ROSEDALE MD 21237

PLEASE FORWARD ADVERTISING BILL TO

Name SHIN I. LEE
Address 6638 KELLY ANN WAY
ROSEDALE MD 21237

Telephone Number 410-358-8040

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 293 -A

Address 6638 KELLY ANN WAY

Contact Person: LLOYD T. MOXLEY

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 12/7/05

Posting Date: 12/18/05

Closing Date: 1/2/06

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 (typically within 7 to 10 days of the closing date) 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 06- 293 -A

Address 6638 KELLY ANN WAY

Petitioner's Name SHUN I. LEE ET UX

Telephone 410 358 8040

Posting Date: 12/18/05

Closing Date: 1/2/06

Wording for Sign: To Permit A SINGLE FAMILY DWELLING WITH OPEN
PROJECTION (DECK) TO HAVE A 21' REAR YARD SETBACK IN
LIEU OF THE REQUIRED 27.5' AND TO APPROVE A
SINGLE LOT AMENDMENT FOR LOT 17, CERTAINLY CROSSING
FINAL DEVELOPMENT PLAN

WCR - Revised 6/25/04

I HAVE RECEIVED POSTING NOTICE

**Department of Permits
Development Management**

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 2, 2006

Shin I. Lee
Hae Suk Lee
6638 Kelly Ann Way
Rosedale, Maryland 21237

Dear Mr. and Mrs. Lee:

RE: Case Number: 06-293-A, 6638 Kelly Ann Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 7, 2005.

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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c. People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 20, 2005

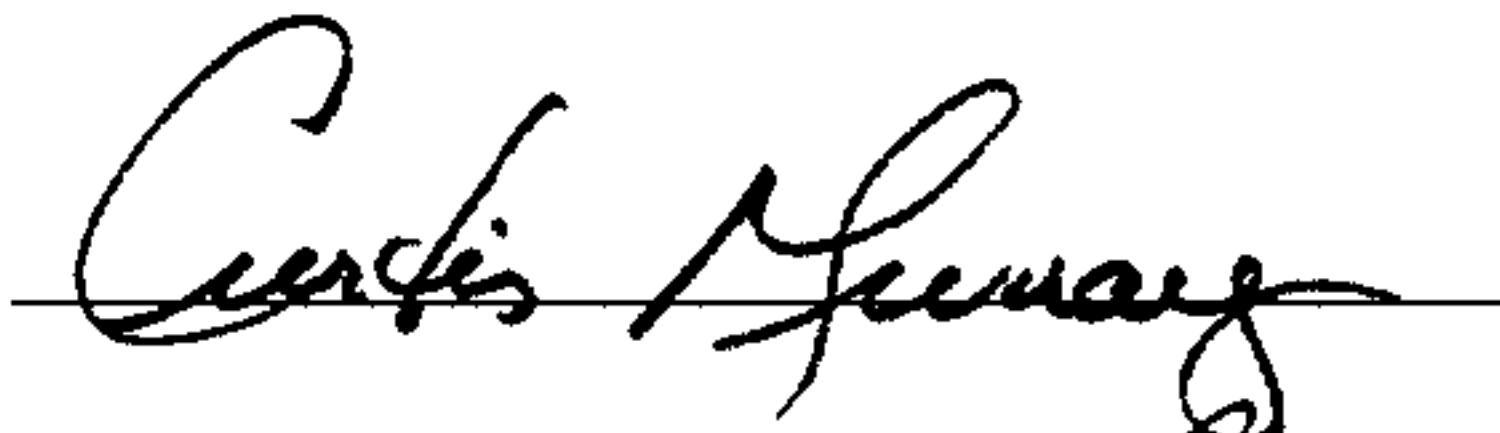
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-293- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 12.9.05

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

RE: Baltimore County
Item No. 293 LTM

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **December 05, 2005**

Item No.: **281, 287-293**

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 16, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2005
Item Nos. 281, 287, 288, 291, 292, 293

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-12162005 doc

06-293

From: Kevin Brittingham
To: Moxley, Lloyd
Date: 12/7/2005 12:04:42 PM
Subject: open deck permit

Lloyd,

This email is pertaining to an open wood deck permit for 6638 Kelly Ann Way. DEPRM does not require a variance for a setback to a Forest Conservation Easement for open wood decks. This only applies to open wood decks. If you have any questions, please contact Kevin D Brittingham at 410-887-3980.

thanks,

Kevin Brittingham
(December 7, 2005)

Kevin D. Brittingham
Natural Resource Specialist II
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
410-887-3980

☒ VARIANCE ☐ SPECIAL HEARING

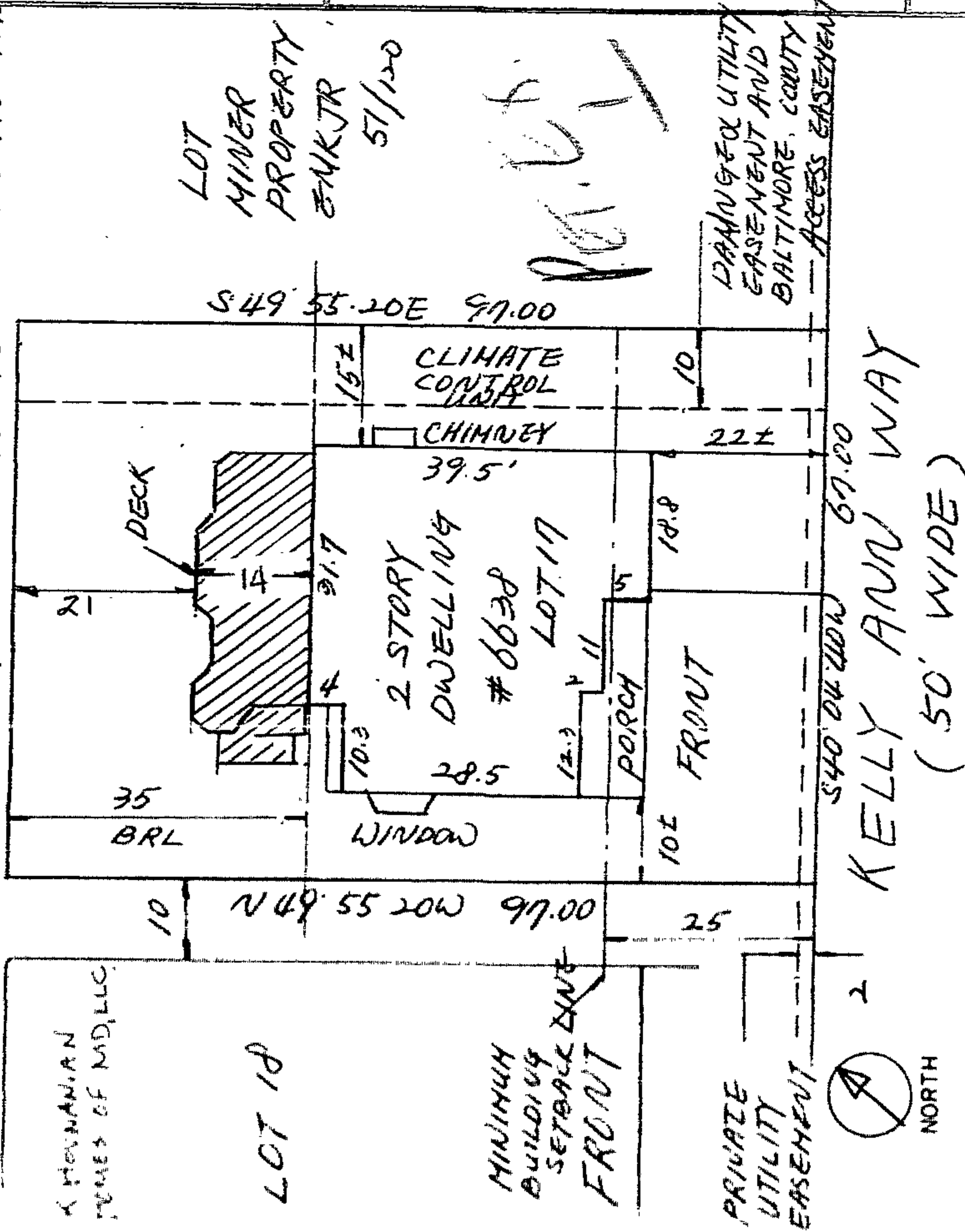
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME	LENNINGS CROSSING
------------------	-------------------

PLAY BOOK # 26 FOLIO # 23 LOT # 17 SECTION #

OWNER SHIN I. AND HAE SUK LEE

FOREST CONSERVATION RESERVATION



PREPARED BY STAN I. LEE

SCALE OF DRAWING: 1" = 20'

5621293

HIGH

LOCATION INFORMATION

ELECTION DISTRICT 14

6
COUNCILMANIC DISTRICT

1"=200' SCALE MAP # 0901

ZONING DISTRICT 2.1

LOT SIZE 0.5

ACREAGE

PUBLIC PRIVATE

SEWER

WATER

CHESAPEAKE BAY

CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY /

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

#		REVIEWED BY	ITEM #	CASE #
---	--	-------------	--------	--------

SCALE OF DRAWING: 1" = 20'

5621293

REAR OF PROPOSED STREET PROPERTY

