

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Aaron Mee Way, SE of
Kelly Ann Way
14th Election District
6th Councilmanic District
(6622 Aaron Mee Way)

Chai-Chai and Muyung-hee Kang
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-603-AV

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Chai-Chai and Muyung-hee Kang. The variance request is for property located at 6622 Aaron Mee Way. The variance request is from Sections 1B01.C.1.b and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit for a rear yard setback of 18 feet in lieu of the required 22.5 feet for a deck and to amend the Final Development Plan of Lennings Crossing, Lot #25 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners state that due to the configuration of the property the deck would be too narrow to use without the zoning variance. They are trying to build a deck that is similar in shape and size to a neighbor's deck. That neighbor lives two doors down from the Petitioners.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

RECEIVED FOR FILING
6-21-06
[Signature]

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 3, 2006, 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 and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no

6-24-06
P3

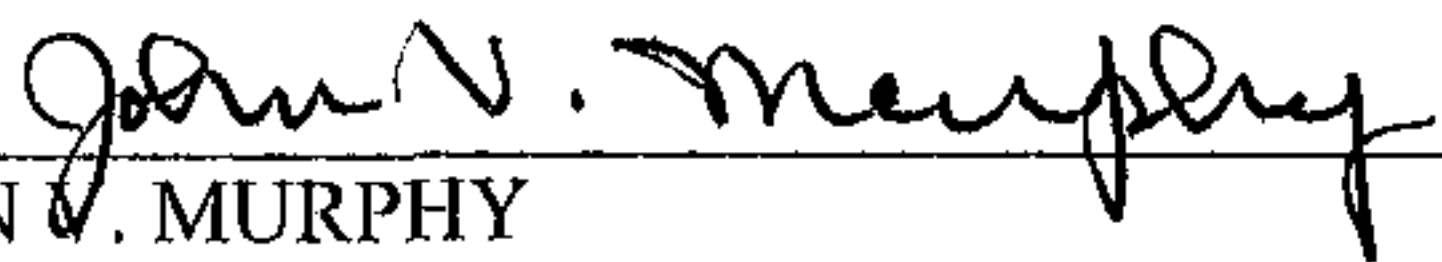
evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that 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 Petitioner.

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, by the Deputy Zoning Commissioner for Baltimore County, this 21st day of June, 2006, that a variance from Sections 1B01.C.1.b and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit for a rear yard setback of 18 feet in lieu of the required 22.5 feet for a deck and to amend the Final Development Plan of Lennings Crossing, Lot #25 only be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 21, 2006

CHAI-CHAI KANG AND MYUNG-HEE KANG
6622 AARON MEE WAY
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 06-603-A
Property: 6622 Aaron Mee Way

Dear Mr. and Mrs. Kang:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure



Petition for Administrative Variance

TO AMEND THE FDP OF LENNINGS CROSSING.

to the Zoning Commissioner of Baltimore County

for the property located at 6622 Aaron Mee Way
which is presently zoned DR3.5

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) BO1.C.1.b; BC22, TO PERMIT A REARYARD SETBACK OF 18ft. IN LIEU OF THE REQUIRED 22.5ft FOR A DECK (303.1), AND TO AMEND THE FINAL DEVELOPMENT PLAN OF LENNINGS CROSSING.

~~NOT FOR FURTHER FOR TABLE AND FURTHERS.~~

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 Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 06 day of June, 2006, 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

CASE NO. 06-6030-A

REV 10/25/01

Reviewed By [Signature] Date 5.26.06

Estimated Posting Date 6.4.06

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 _____

City _____

State _____

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):

Due to the configuration of property, the deck would be too narrow to use for practical use without any zoning variance. We are trying to build a deck which is very similar in shape and size to our neighbor's deck which is 2 doors down.

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 _____

Name - Type or Print _____

Signature _____

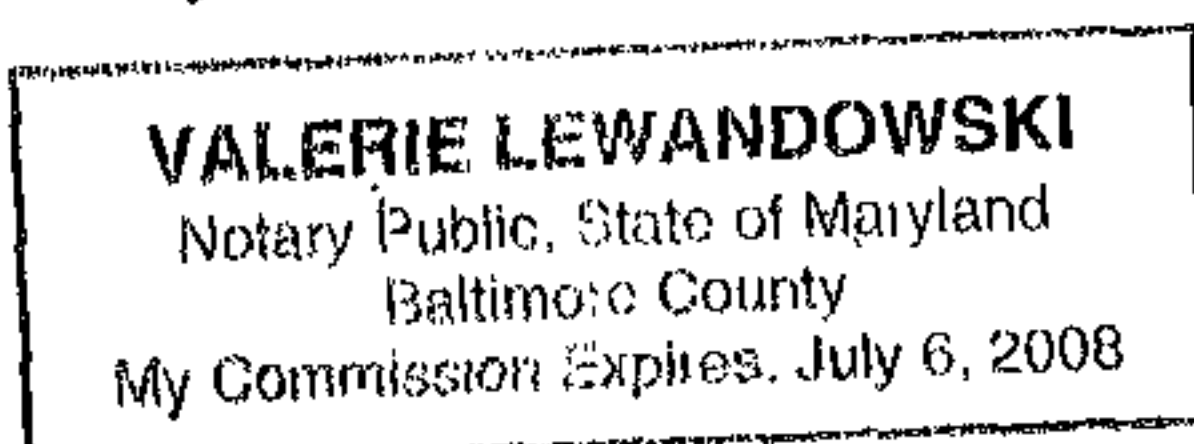
Name - Type or Print _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of MAY 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Chai-Chul Kang and Myung-Hee Kang
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Notary Public _____

My Commission Expires July 6, 2008

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

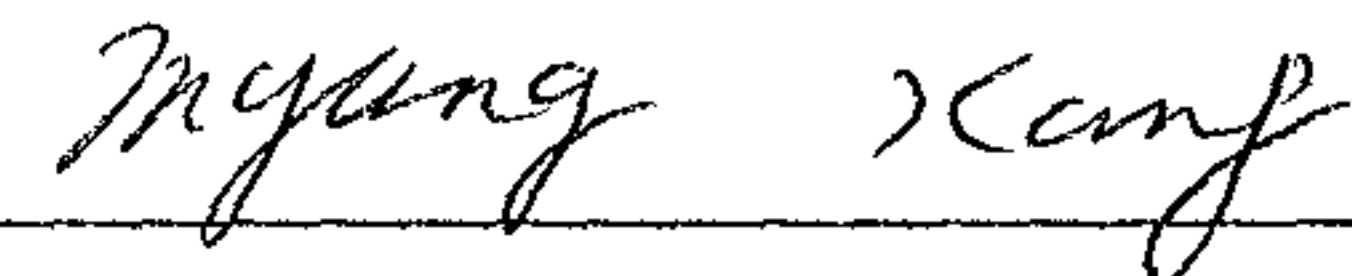
6622 AARON MEE WAY
Address
BALTIMORE MD 21237
City State Zip Code

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):

Due to the configuration of property, the deck would be too narrow to use for practical use without any zoning variance. We are trying to build a deck which is very similar in shape and size to our neighbor's deck which is 2 doors down.

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
KANG, Chai-Chul
Name - Type or Print

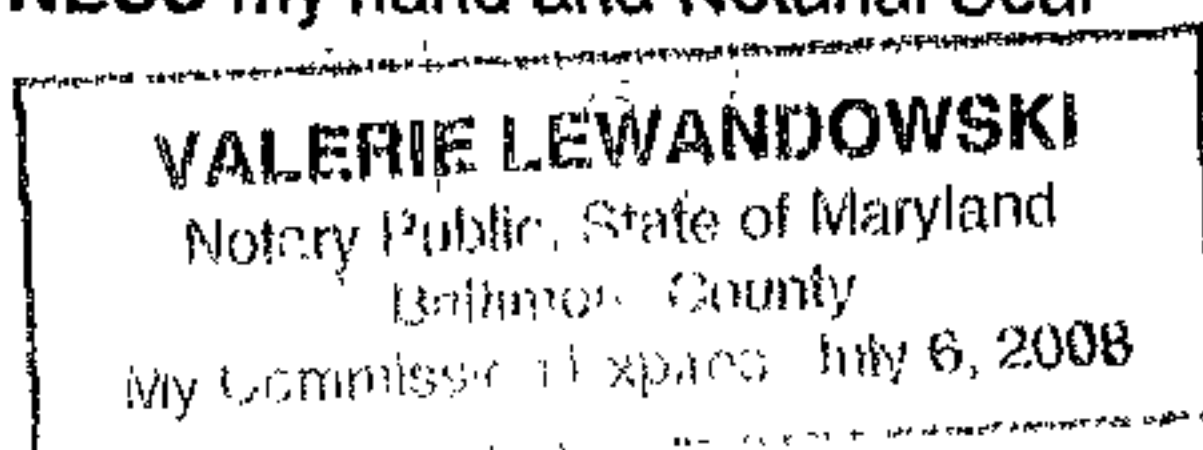

Signature
KANG ~~HEE~~ MYUNG Hee
Name - Type or Print

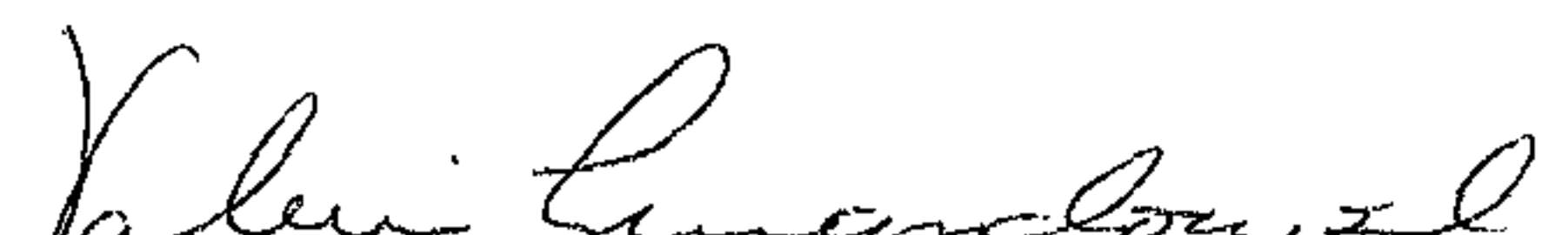
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of MAY 2006 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Chai-Chul Kang AND Myung-Hee Kang
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal




Notary Public
My Commission Expires July 6, 2008

ZONING DESCRIPTION FOR 6622 Aaron Mee Way.

Beginning at a point on the southwest side of Aaron Mee Way which is 50 feet wide at the distance of 200 feet southeast of the centerline of the nearest improved intersecting street Kelly Ann Way which is 50 feet wide.

Being Lot #25 in the subdivision of Lennings Crossing as recorded in Baltimore County Plat Book #76, Folio #23, containing 6,208 square feet. Also known as 6622 Aaron Mee Way and located in the 14th Election District, 6th Councilmanic District.

663

No. 119

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

2067-006-6150

DATE 5-26-06 ACCOUNT

AMOUNT \$ 115.00

6622-0152

WAL

RECEIVED FROM:

Kang Chai Chai

AA VPR

FOR:

friend FDP

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS

5725 CUM

RECEIPT & DISBURSEMENT

DEPT. 3

OFFICE OF BUDGET & FINANCE

115.00

6622-0152

CERTIFICATE OF POSTING

RE: Case No: 06-603-A

Petitioner/Developer: KANG
CHAI-CHUL

Date Of Hearing/Closing: 6/19/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6622 AARON MEE WAY

This sign(s) were posted on June 3, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 6/3/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Yachtz 6/3/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 603 -A Address 6622 Aaron Mee Way
Contact Person: J. MURPHY Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 5-26-06 Posting Date: 6-4-06 Closing Date: 6-19-06

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- 603 -A Address 6622 Aaron Mee Way
Petitioner's Name Kang Chai-Chul Telephone 410-682-3228
Posting Date: 6-4-06 Closing Date: 6-19-06
Wording for Sign: AD VARIANCE
To Permit A REAR YARD SETBACK OF 18ft
FOR A DECK IN LIEU OF THE REQUIRED 22.5ft,
AND TO AMEND THE FINAL DEVELOPMENT PLAN
OF LENNINGS CROSSING.

WCR - Revised 6/25/04

**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: 603

Petitioner: KANG Chai-Chul

Address or Location: 6622 Aaron MEE WAY BALD., Md 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: SAME

Telephone Number: 410-682-3228

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

June 20, 2006

Chai-Chal Kang
Myung-hee Kang
6622 Aaron Mee Way
Baltimore, MD 21237

Dear: Mr. & Mrs. Kang,

RE: Case Number: 06-603-A, 6622 Aaron Mee Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 26, 2006.

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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





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

June 6, 2006

C03

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 5, 2006

Item Numbers: Item Number 176, 598 through 608

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
~~603~~, 604, 605, 606, 607, and 608

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-06072006.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
~~603~~, 604, 605, 606, 607, and 608

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-06202006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 14, 2006

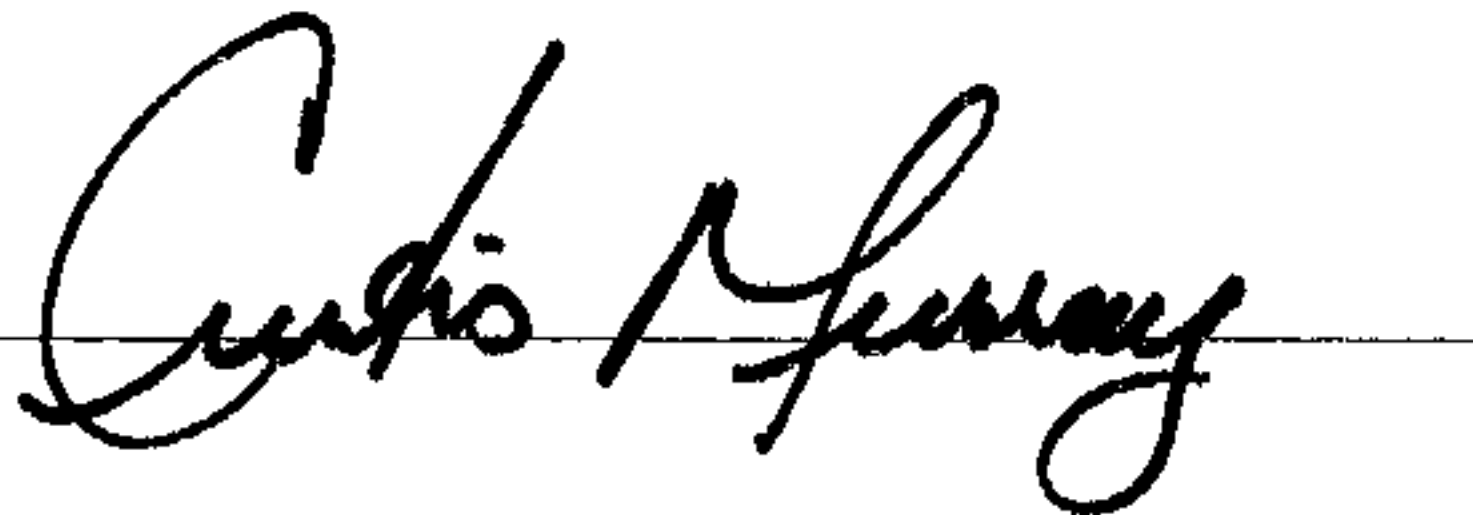
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-603- Administrative Variance**

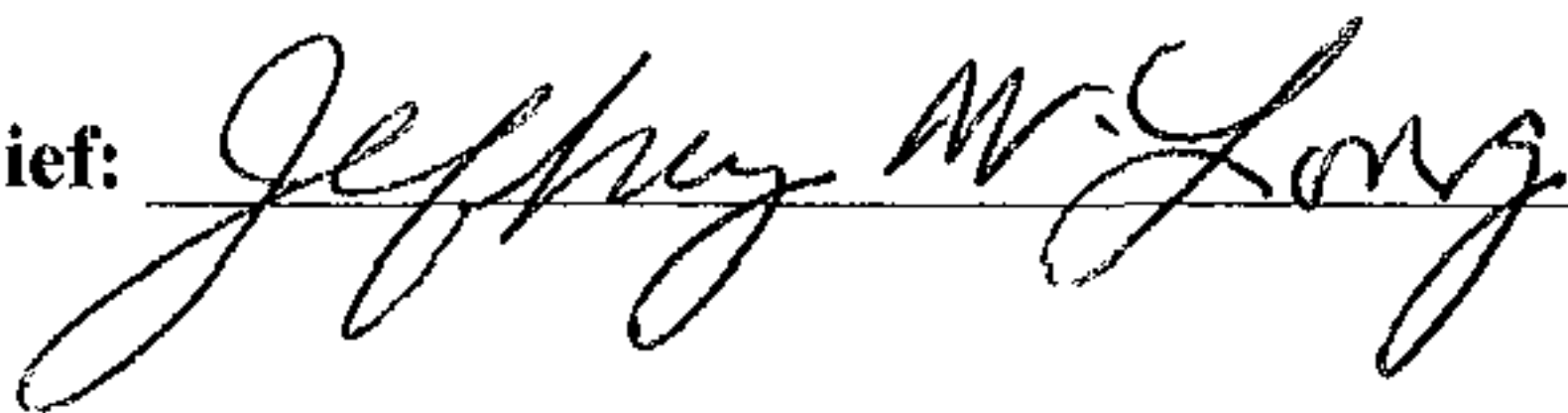
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

RECEIVED

JUN 19 2006

ZONING COORDINATOR



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

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

Maryland Department of Transportation

Date: 6-5-06

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

RE: Baltimore County
Item No. 603 JCM

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

Owners of adjacent parcels of property:

Name: Doan Son T
Address: 6624 Aaron Mee Way
Baltimore, MD. 21237-4339
Lot #: 24
Subdivision Name: Lennings Crossing
Tax Account#: 2400003810

Name: Moore Sanford/Moore Irma
Address: 6620 Aaron Mee Way
Baltimore, MD. 21237-4339
Lot #: 26
Subdivision Name: Lennings Crossing
Tax Account#: 2400003812

Name: K Hovnanian Homes Of Maryland LLC
Address: 6621 Kelly Ann Way
Baltimore, MD. 21237
Lot #: 45
Subdivision Name: Lennings Crossing
Tax Account#: 2400003831

Name: Cooke Albert B/Cooke Erica
Address: 6625 Aaron Mee Way
Baltimore, MD. 21237-4337
Lot #: 13
Subdivision Name: Lennings Crossing
Tax Account#: 2400003799

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 6632 Aaron Mee Way

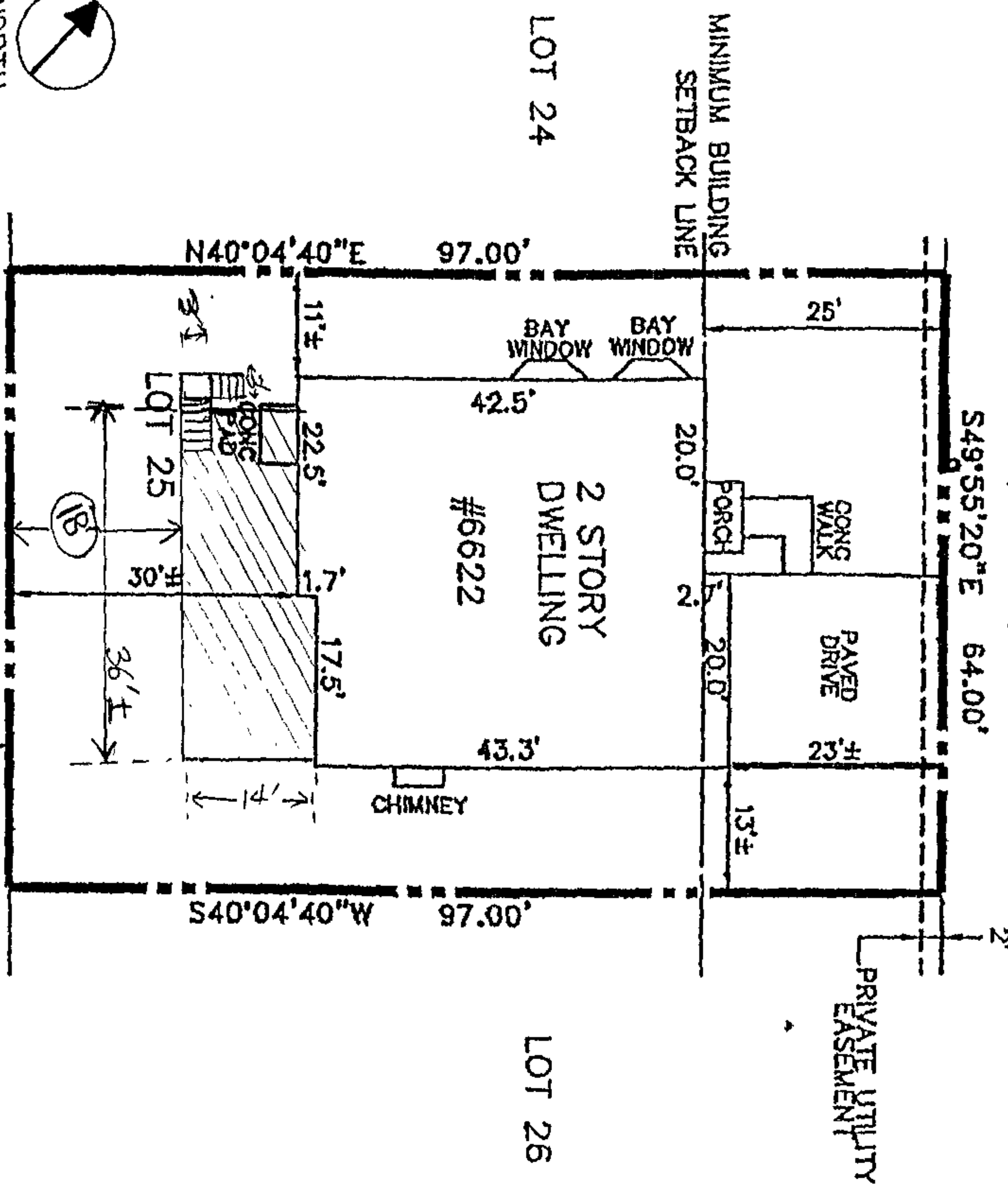
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Leunings Crossing

PLAT BOOK # 76 FOLIO # 23 LOT # 25 SECTION #

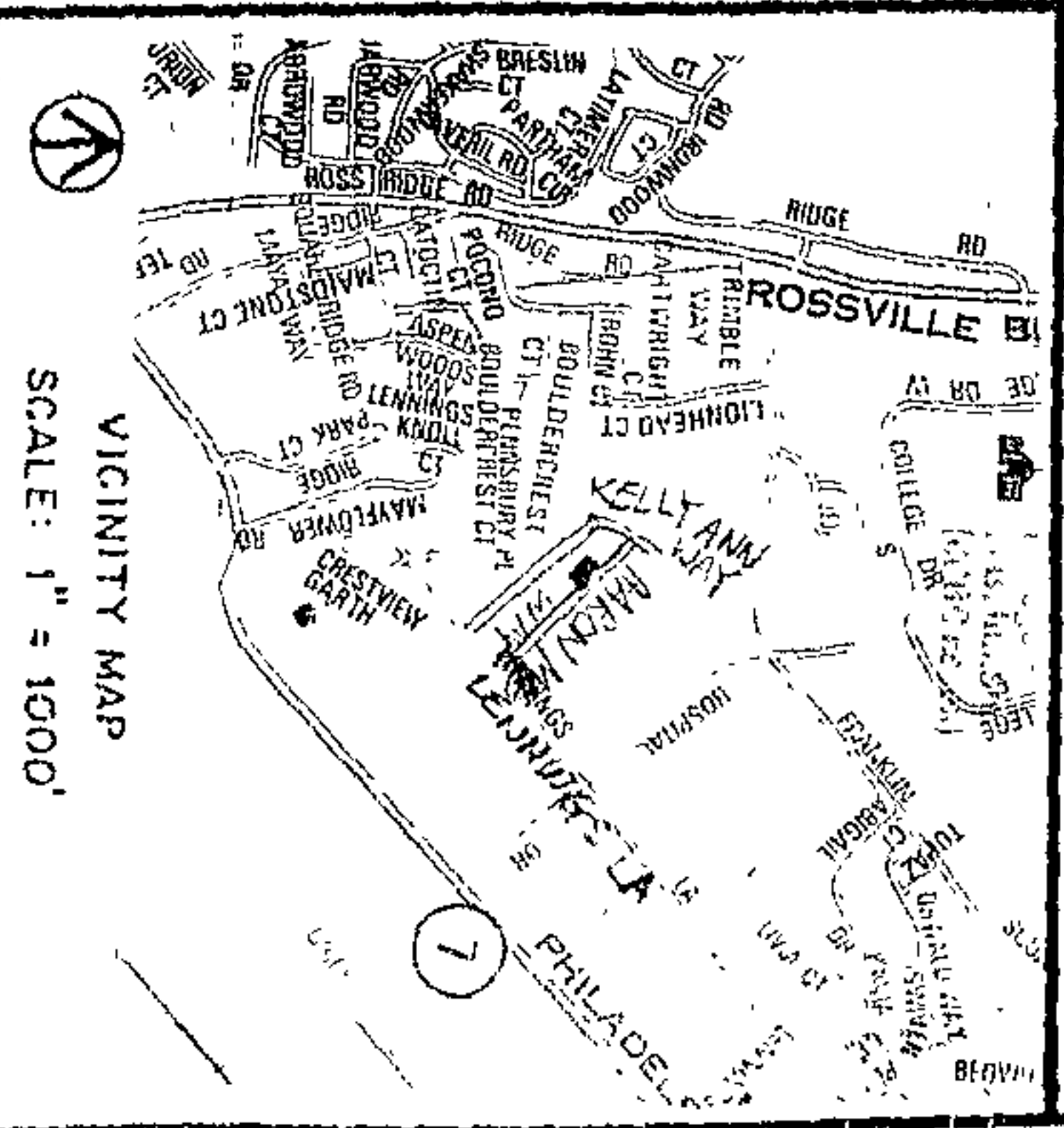
OWNER Chai Chul Kang

AARON MEE WAY
(50' WIDE)



PREPARED BY Chai Chul Kang

SCALE OF DRAWING: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 14

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 082 A3

ZONING DR 3.5

LOT SIZE 6,208 SQUARE FEET

ACREAGE 0.142

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

082-A-5.
1"=200 FT.

