

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Britinay Lane
N of Magledt Road
11th Election District
5th Councilmanic District
(9714 Britinay Lane)

Jong Ham and Jae Sun Ham
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-657-A

* * * * *

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, Jong Ham and Jae Sun Ham. The variance request is for property located at 9714 Britinay Lane. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 6 feet for an addition (sunroom) in lieu of the minimum required 30 feet (15 feet minimum per Final Development Plan). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners want to build a 16 foot x 19 foot sunroom on the rear of their home. The home is located on a shallow panhandle lot with a rear setback of only 22 feet. The sunroom would leave them with a 6 foot setback instead of the required 15 feet. The location on the rear of the house is the only place the sunroom can be constructed. There is an existing sliding door that will be used to enter the sunroom. There is an existing deck that will be torn down and replaced with a new insulated polydeck for the sunroom.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office

7-26-06
JH

of Planning dated July 18, 2006. That office does not object to the proposed sunroom addition.

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 July 2, 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 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.

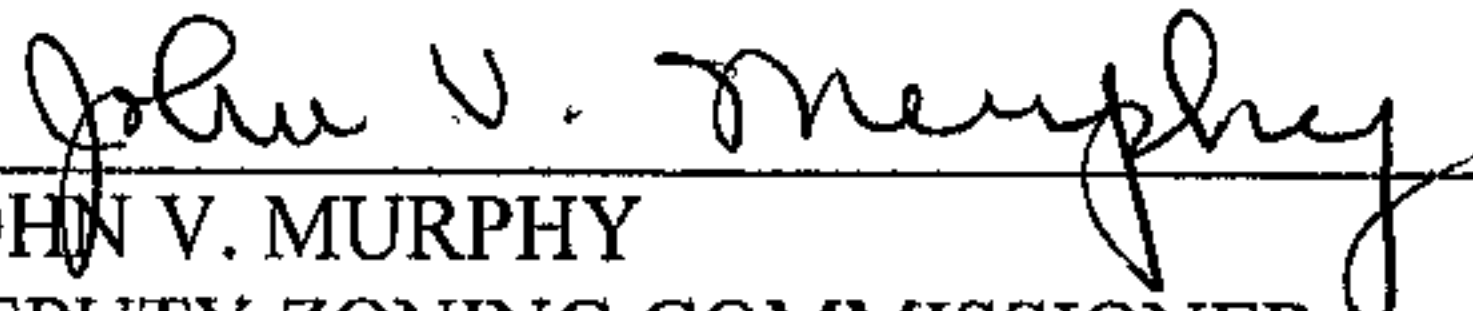
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7-26-06
PZ

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 26th day of July, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 6 feet for an addition (sunroom) in lieu of the minimum required 30 feet (15 feet minimum per Final Development Plan) 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



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3714 Britinay Lane
which is presently zoned DR 5.5

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, to permit a rear yard setback of 6 feet for an addition (sunroom) in lieu of the maximum permitted 30 feet (15 feet maximum per FDP)

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):

Ham, Jong

Name - Type or Print

Signature

Ham, Jae Sun

Name - Type or Print

Signature

9714 Britinay Lane

410-882-7408

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Representative to be Contacted:

Mike Diehl

Name

7110 Golden Ring Road

410-780-0062

Address

Telephone No.

Baltimore

MD

21221

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 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

CASE NO.

06-657-A

Reviewed By

RDD

Date

6/21/06

REV 10/25/01

Estimated Posting Date

7/2/06

JADA RECEIVED FOR FILING

7-26-06

RD

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 9714 Brittain Lane
Address
Baltimore MD 21234
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):

We would like to build a 16'x19' sunroom on the rear of our home. Our problem is that our house is located on a panhandler lot, this lot is extremely shallow with an existing rear set back of only 22'. our proposed sunroom would leave us with a 6' rear setback in lieu of the required 15'. This location on the rear of our house is the only location the sunroom can be constructed, being there is an existing sliding door that will be used to enter our sunroom. There is also an existing deck that will be torn down and replaced with a new insulated polydeck for the sunroom. Our back yard is adjacent to a large local open space which is densely wooded there is also a typical 4' high compact screen planting on the east side of our property so the room would not effect out neighbors on any side.

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

X Ham, Jong
Name - Type or Print

[Signature]
Signature

X Ham, Jae Sun
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

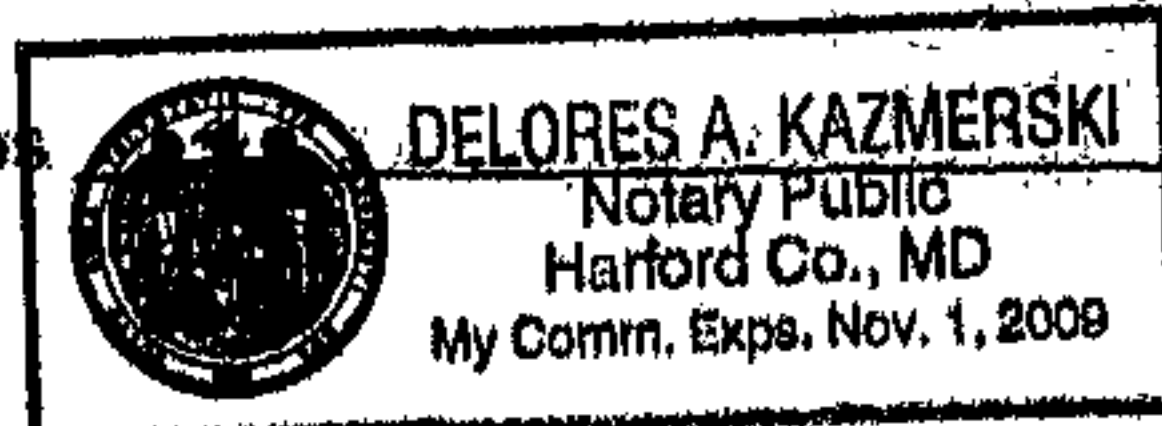
I HEREBY CERTIFY, this 15 day of June, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jong & Jae Sun Ham
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



Zoning Description for 9714 Britinay Lane.

Located on the North side of a 24ft. Wide access road leading to 2 panhandler lots located at a distance of 101 ft west of Britinay Lane. which is 50 ft. wide at the distance of 350 ft. North of the centerline of the nearest improved intersecting street Magledt road. which is 50 ft. wide. *Being lot #8, in the subdivision of Britinay Hill as recorded in the Baltimore county Plat Book #52, Folio #80, containing 8,399 sq. ft. Also known as 9714 Britinay Lane. and located in the 11th election district, 5th Councilmanic District.

Item # 657

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE 8/2/2006 ACCOUNT 2006-011-6150

AMOUNT \$ 155.00

RECEIVED FROM WALKER DONOR

FOR RECEIPT # 167401

DISTRIBUTION
WHITE CASHIER PINK AGENCY YELLOW CUSTOMER

PAID RECEIPT

BUSINESS - ACTING TIME 10:00
8/21/2006 8:21/2006 07:24:00 2

RECEIPT # 167401 8/21/2006 10:00

RECEIPT # 167401 VERIFICATION

RE MI. 00728

Receipt for \$55.00

\$55.00 OK \$10.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Photo

Case No.: 06-657-A

Petitioner/Developer: JONG

HAM

Date of Hearing/Closing: 7-17-06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at:

9714 BRITINAY LANE

The sign(s) were posted on 7-2-06
(Month, Day, Year)

Sincerely,

Robert Black 7-3-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

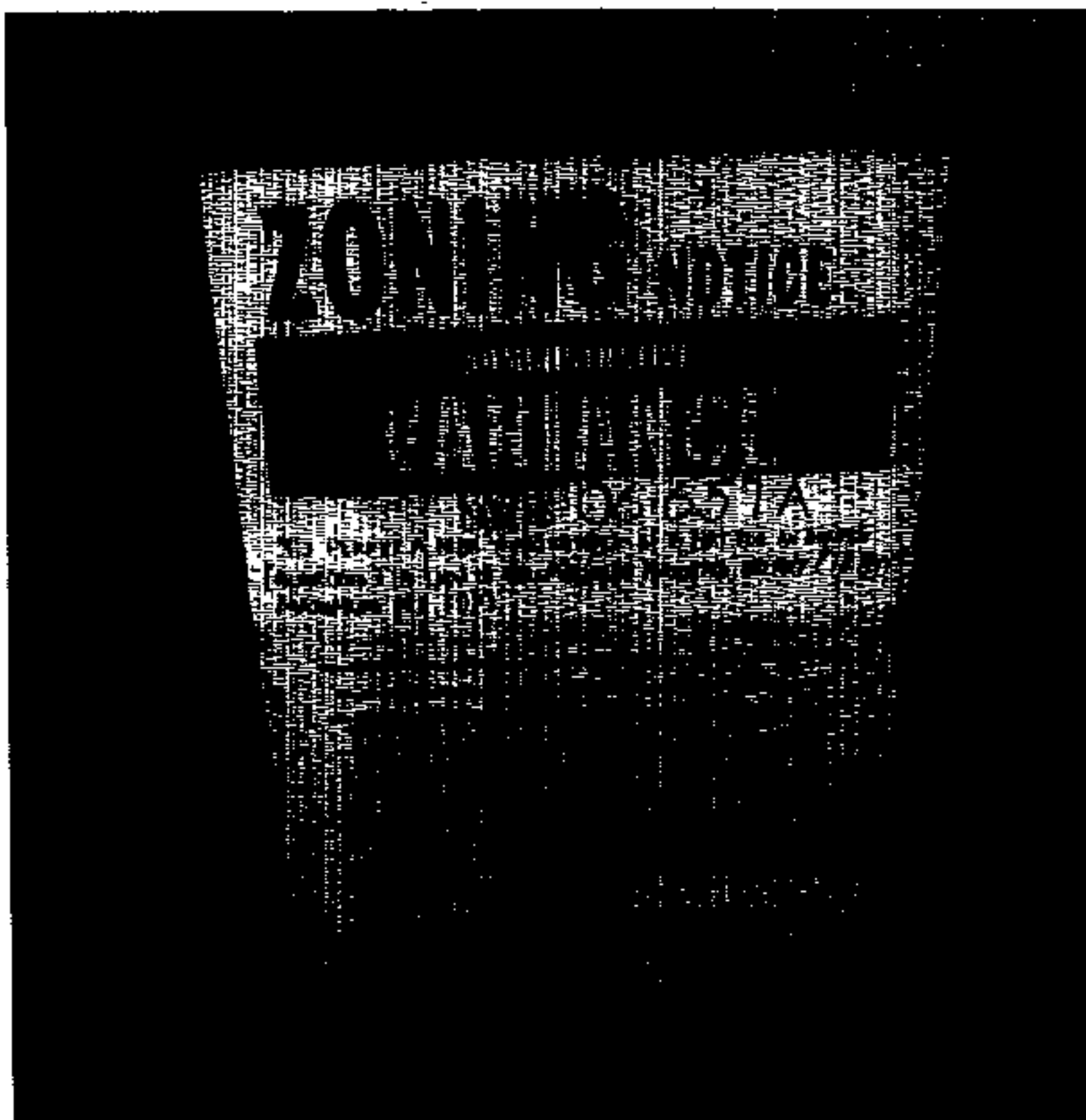
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 06-657-A

Petitioner: Mam, Jong + Jae Sun

Address or Location: 9714 Britinay Ln

PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion

Address: 7110 Golden Ring Rd
Balto Md 21221

Telephone Number: (410) 780-0062

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 657 -A Address 3714 Britinay Lane
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 6/21/06 Posting Date: 7/2/06 Closing Date: 7/17/06

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- 657 -A Address 3714 Britinay Lane
Petitioner's Name Jong Ham Telephone 410 882 7408
Posting Date: 7/2/06 Closing Date: 7/17/06
Wording for Sign: To Permit a rear yard setback of 6 feet for an
addition (sunroom) in lieu of the maximum permitted 30 feet
(15 feet maximum per FDP)

WCR - Revised 6/25/04

**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

July 17, 2006

Jong Ham
Jae Sun Ham
9714 Britinay Lane
Baltimore, MD 21234

Dear Mr. and Mrs. Ham:

RE: Case Number: 06-657-A, 9714 Britinay Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Mike Diehl 7110 Golden Ring Road Baltimore 21221

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

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 657 through 673

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



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



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

Maryland Department of Transportation

Date: 6.30.06

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

RE: Baltimore County
Item No. 657 DD

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, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 18, 2006

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

RECEIVED

SUBJECT: 9717 Britinay Lane

JUL 26 2006

INFORMATION:

Item Number: 6-657

ZONING COMMISSIONER

Petitioner: Jong Ham

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a rear yard setback of 6 feet for a proposed sunroom addition in lieu of the required 30 feet (15 feet per Final Development Plan for the Britinay Hill subdivision).

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Cecilia Murray

Division Chief:
AFK/LL: CM

Lynne L. L...

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 10, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 10, 2006
Item Nos. 231, 657, 658, 659, 661, 662,
663, 664, 666, 670, 671, and 672

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-07072006.doc

PROPERTY ADDRESS 9714 Britany Ln

SUBDIVISION NAME Brittany Hill

PLAT BOOK # 53 FOLIO # 20 LOT # 8 SECTION #

OWNER Ham, Jong K + Yae Sun

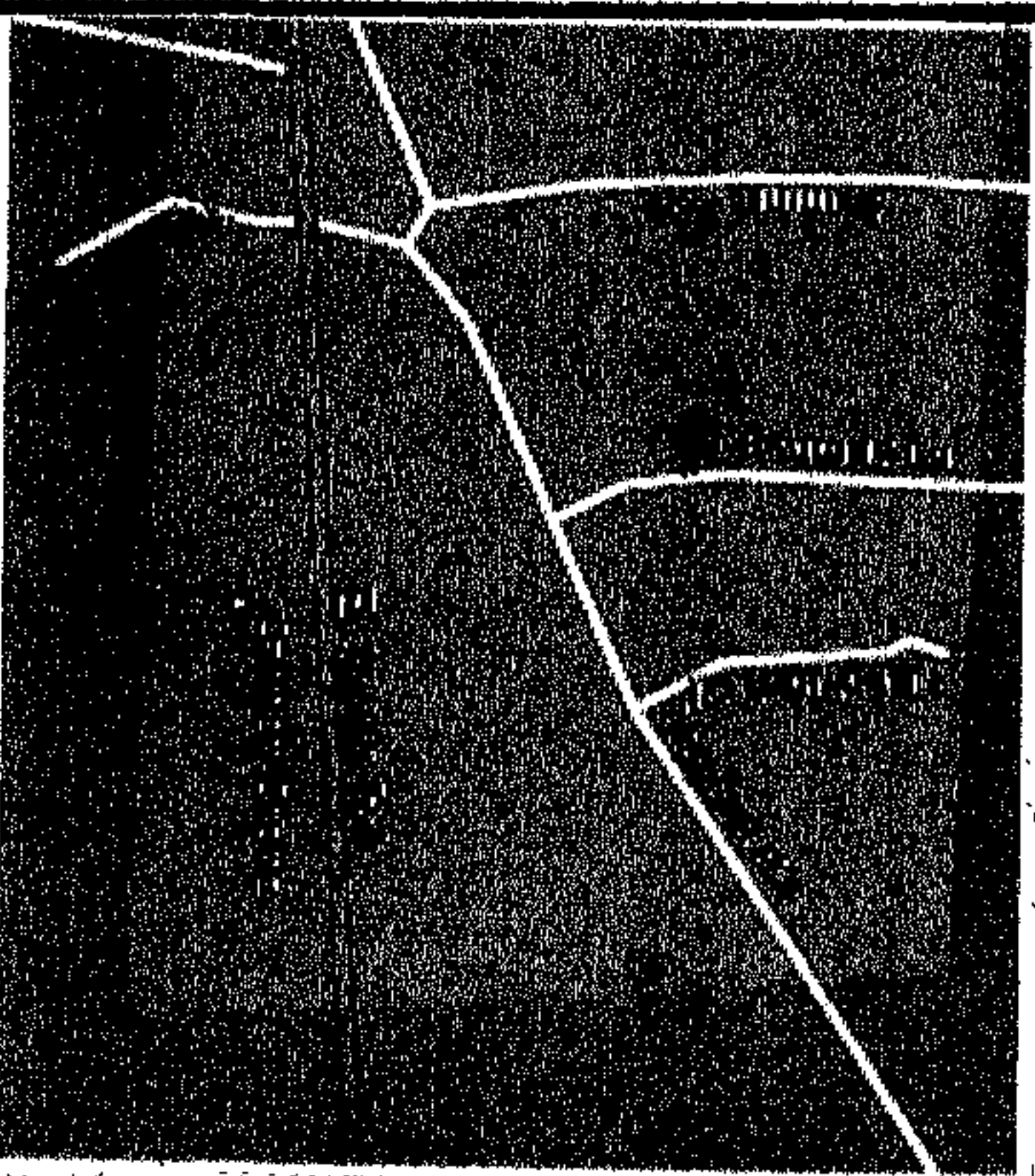


NORTH



PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 40'

**LOCATION INFORMATION**

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 07182, C2

ZOMING D/R 5.5

LOT SIZE

ACREAGE 8,399
SQUARE FEET

PUBLIC PRIVATE

SEWER

☒ WATER

CHESAPEAKE BAY
CRITICAL AREA

YES ☐

NO ☒

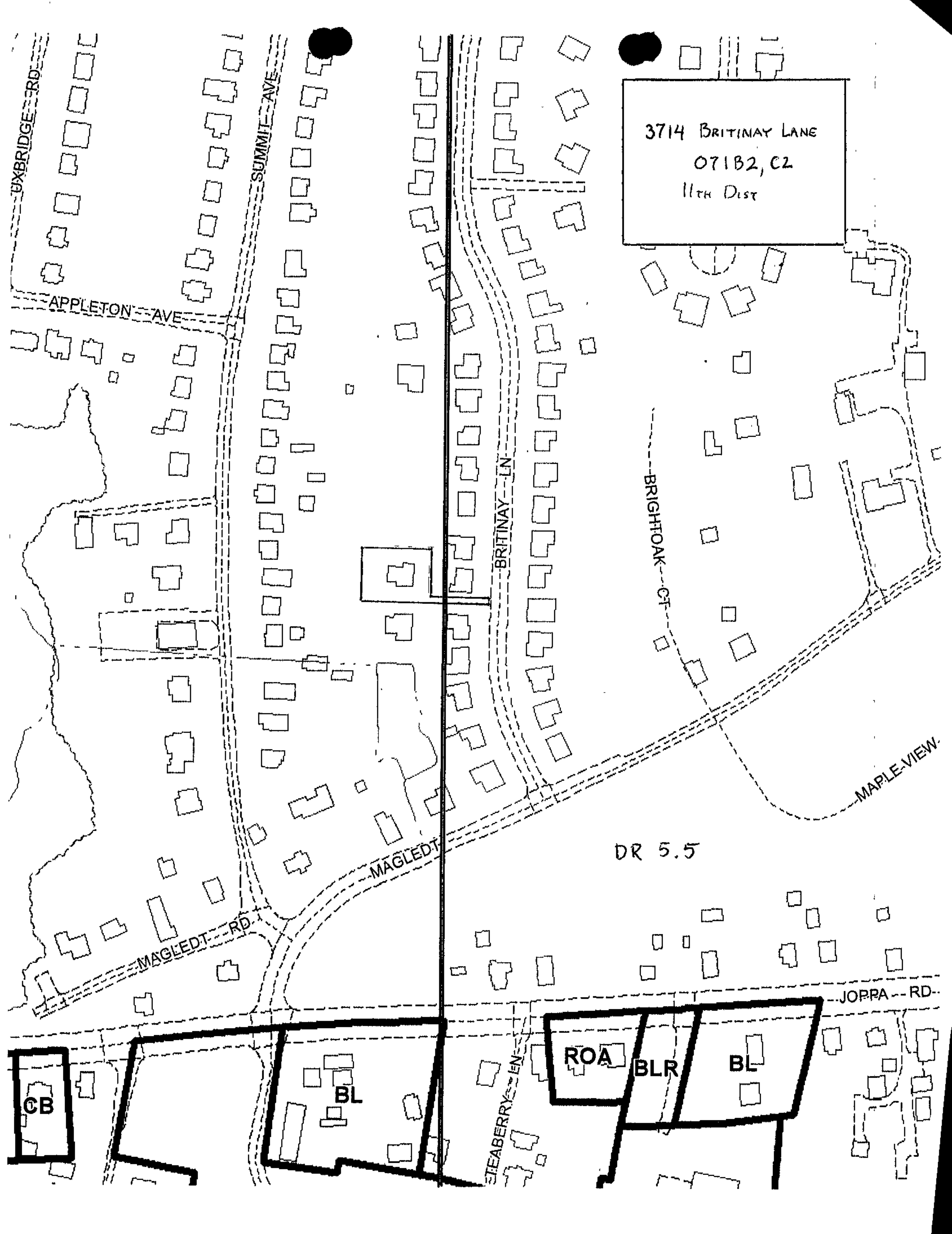
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

657, 06-657-A



3714 BRITINAY LANE
07182, C2
11th Dist

DR 5.5

CB

BL

ROA

BLR

BL



9714 Britinay Lane



rear veiw from 9714 britinay lane lookin
towards the rear of 1916 britinay lane.

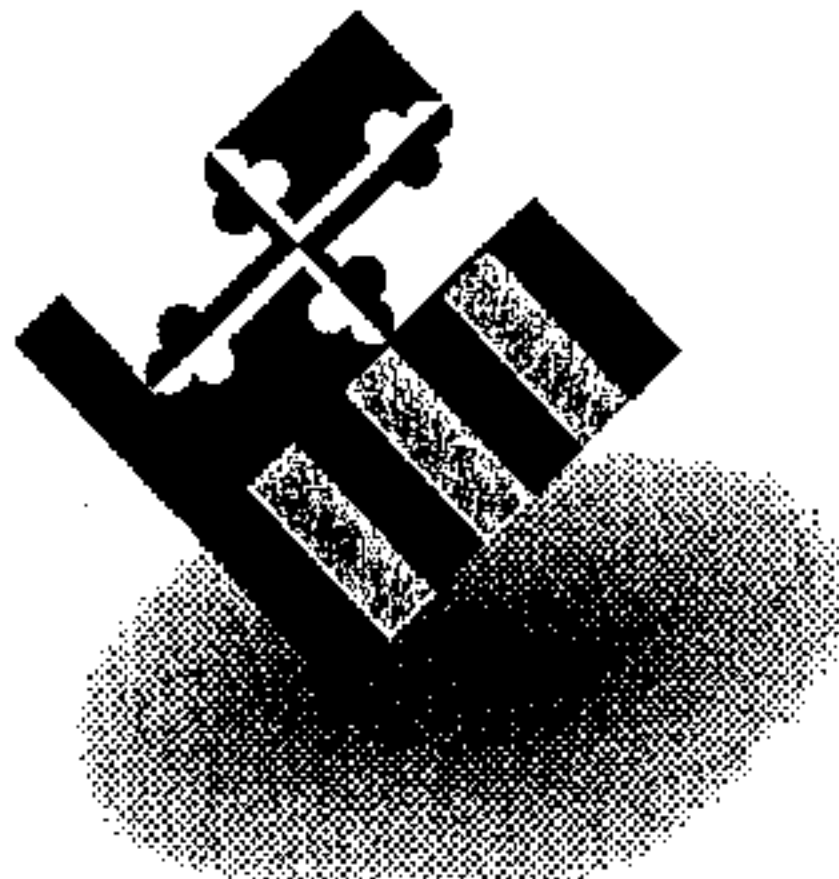


veiw of rear yard of 9714 britinay Lane



Location of proposed sunroom on existing
deck

Item #657



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 26, 2006

JONG HAM AND JAE SUN HAM
9714 BRITINAY LANE
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 06-657-A
Property: 9714 Britinay Lane

Dear Mr. and Mrs. Ham:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Mike Diehl, 7110 Golden Ring Road, Baltimore MD 21221

7-26-06
pz