IN RE: PETITION FOR VARIANCE NE side of Sollers Point Road, 250 feet +/- NE of Pine Street 12th Election District 7th Councilmanic District **(317 Sollers Point Road)** Sang Duck Han *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 07-167-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Sang Duck Han. The Petitioner is requesting variance relief for property located at 317 Sollers Point Road. The variance request is from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 12 parking spaces in lieu of the required 19 spaces, and from Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an aisle width of 12 feet 9 inches in lieu of the required 22 feet.

The property was posted with Notice of Hearing on November 20, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 28, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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

12-14-06

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 5, 2006. That Office requests that the decision be held until after the January 11, 2007 meeting of the Baltimore County Landmarks Preservation Commission. A subsequent recommendation will follow after that time.

As the Petitioner's representative had not seen this recommendation, the representative approached the Planning Office on the morning of the hearing to discuss the request. He spoke to Karin Brown, of the Preservation Section of the Planning Office, who after investigation determined that the ZAC comment was in error. Ms. Brown appeared at the hearing and indicated the Planning Office withdrew the comment.

Interested Persons

Appearing at the hearing on behalf of the variance request were Jae H. Lee, Sang Duck Han, Petitioner, and Amrish Patel, with AST Consultant, Inc., who prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

12-14-06

Testimony and Evidence

The subject site contains 9,710 square feet zoned BL. The site is improved by a 2,740 square feet existing building. The proposed addition measures 1,133.25 square feet in size. See Petitioner's exhibit 1.

Mr. Patel indicated that the Petitioner operates a local convenience store from this site, that the building was deteriorating and had internal walls and doors which made shopping difficult for customers. The western end of the building is in the worst shape. The Petitioner determined to renovate the existing structure, remove the western end and to provide more useable and useful space inside for customers by adding a 25 x 45 foot structure to the western end.

This addition means that the entire building will have 3,858 square feet and therefore require 19 parking spaces. Mr. Patel explained that presently there is no striped parking field and as a result patrons park in any way they determine to be convenient. He presented photographs of the site in exhibit 2 showing vehicles parked somewhat randomly.

In order to improve the parking, Mr. Patel designed the parking field shown on exhibit 1. He indicated that this design meets the County specifications for parking spaces and aisles. However because of the small lot size and no available property to purchase, he cannot meet the required 19 spaces.

He opined that the 12 spaces provided are adequate for this site as many customers walk to the store. See photographs, exhibit 2. He also noted that this property lies along a dead end road known as Turner Avenue on which customers could park if needed.

PCH FILES
12-1406

Findings of Fact and Conclusions of Law

It appears from the photographs that the Petitioner operates the convenience store from an old fuel service station. The old station has the traditional office and two bay repair shop construction. I can understand how the internal walls of the station are not conducive to efficient use as a convenience store. Apparently a customer has to open internal doors to gain access to parts of the store. It is also apparent from the photographs that the building is in very poor condition. Major renovation should be welcomed by the community.

I appreciate Mr. Patel's effort to layout a parking field that meets the present specifications. I worry about existing parking fields in these older neighborhoods which often have inherent safety problems. I am very reluctant to grant variances that simply documents old parking fields with safety problems.

He has anticipated these concerns and designed an up to date parking field which he indicated would not have inherent safety problems. Considering the extensive pedestrian traffic shown in the photographs, the new parking field will bring order from chaos and improve safety on the premises.

However even with redesign, the site is too small to allow the full number of spaces. I accept his proffer that many customers walk to the store and that if necessary customer can park on dead end Turner Avenue.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The existing buildings are deteriorated and require major renovation. The interior structure of this old fuel service station is not conducive to use

Jan 12-14-06

as a convenience store. As such I find these are the kind of peculiar circumstances concerning a structure on the property that make the property unique from a zoning standpoint.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other property available to expand the parking field.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Planning Office objections were withdrawn so this is not a Landmarks property. The renovation will clearly improve the building and community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 14th day of December, 2006 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 12 parking spaces in lieu of the required 19 spaces, and from Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an aisle width of 12 feet 9 inches in lieu of the required 22 feet is hereby GRANTED subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall implement the parking field shown on exhibit 1.

FILING
Date 12-14-06
By

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

Date 12-14-06
By

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 317 SOLLERS POINT RD.

which is presently zoned BL

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)

SECTION 409.6.A.2; BCZR, TO PERMIT 12 PARKING SPACES IN LIEU OF THE REQUIRED 19 SPACES, AND FROM SECTION 409.4.C, TO PERMIT AN AISLE WIDTH OF ~~[illegible]~~ 12'9" ft. IN LIEU OF THE REQUIRED 22ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED SHEET

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

N/A

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

SANG DUCK HAN
Name - Type or Print

Signature

Name - Type or Print

Signature

443-834-3702

1212 MEADOWLARK Dr. — 410-752-5793
Address — Telephone No.

TOWSON — MD — 21286
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

N/A

Company

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

AMRISH PATEL
Name

8775 CLOUDLEAF Ct., SUITE 231 — 410-772-0072
Address — Telephone No.

COLUMBIA — MD — 21045
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 10-11-06

Case No. 07-167-A

REV 9/15/98

12-14-06

LEGAL DESCRIPTION OF
THE PROPERTY OF
HAN SANG DUCK
PARCEL 45, TAX MAP 110, GRID 5
LIBER 23589, FOLIO 292
12TH ASSESSMENT DISTRICT
BALTIMORE COUNTY, MARYLAND

Being lots number 19, 20, 21 and 22, as shown on the plat entitled " Turner Park " and recorded among the Land Records of Baltimore County, Maryland in Plat Book WPC 5, folio 82.

Being the same property as described in deed dated august 25, 2005 and recorded among the Land Records of Baltimore County as Liber 23589 in folio 288 which was granted and conveyed by Rodney B. Smith unto Bay Capital Corporation.

The improvements thereon being known as 317 Sollers Point Road, Baltimore, Maryland 21222.

10/10/06

STATE OF MARYLAND
MOHAMMAD NAJIB ROSHAN
No. 11049
PROFESSIONAL LAND SURVEYOR

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 07-167-A
317 Sollers Point Road
N/east side of Sollers Point Road, 250 ft. +/- n/east of Pine Street
12th Election District — 7th Councilmanic District
Legal Owner(s): Sang Duck Han

Variance: to permit 12 parking spaces in lieu of the required 19 spaces, and from Section 409.4.c to permit an aisle width of 12 feet 9 inches in lieu of the required 22 feet.

Hearing: Thursday, December 14, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 11/730 Nov. 28 117346

CERTIFICATE OF PUBLICATION

11/30/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/28/, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND 167
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21729

DATE 10·11·06 ACCOUNT R001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Village Corp, Inc. — 317 Sollers Pt.

FOR: VAR.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	TIME	BY
10/11/2006	10/11/2006 12:08:14	6

RECEIPT # 515699 10/11/2006 OFLW
Dept 5 ZONING VERIFICATION
OR NO. 021729
Recpt Tot $325.00
$325.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-167-A
PETITIONER/DEVELOPER:
Sang Duck Han
DATE OF HEARING: Dec. 14, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:
317 Sollers Point Road

(see page 2 for full size photo)

POSTED ON: November 20, 2006

SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE # :07-167-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

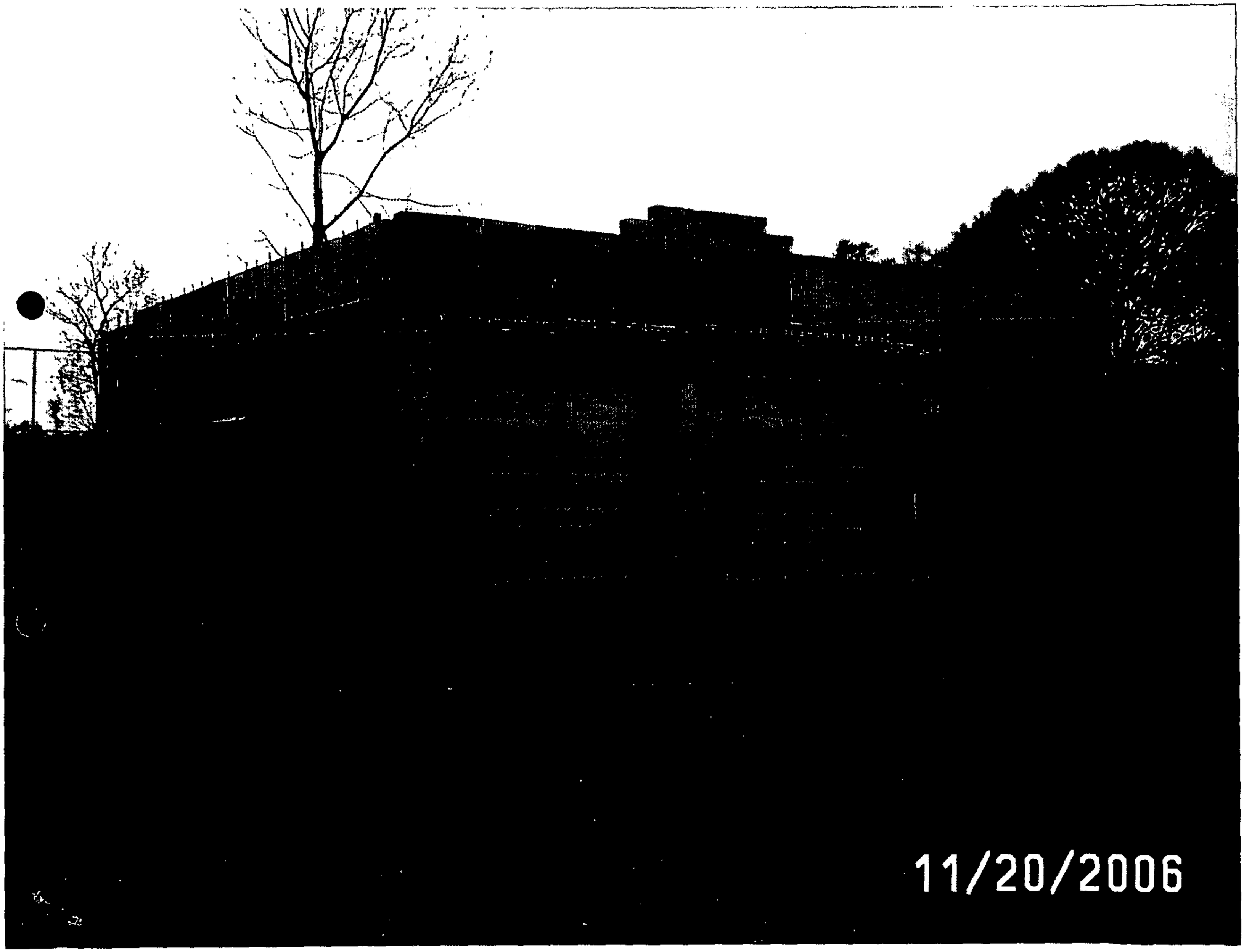
TIME & DATE : 11:00 am Thursday, December 14, 2006

Variance: to permit 12 parking spaces in lieu of the required 19 spaces, and from section 409.4.c to permit an aisle width of 12 feet 9 inches in lieu of the required 22 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
UNAVOIDABLE. PLEASE CALL TO CONFIRM HEARING
[illegible] THE DAY BEFORE THE SCHEDULED HEARING DATE

[illegible] UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

11/20/2006


11/20/2006

Department of Permits and Development Management

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

Baltimore County

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

November 8, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-167-A
317 Sollers Point Road
N/east side of Sollers Point Road, 250 ft. +/- n/east of Pine Street
12th Election District – 7th Councilmanic District
Legal Owner: Sang Duck Han

Variance to permit 12 parking spaces in lieu of the required 19 spaces, and from Section 409.4.c. to permit an aisle width of 12 feet 9 inches in lieu of the required 22 feet.

Hearing: Thursday, December 14, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sang Duck Han, 1212 Meadowlark Drive, Towson 21286
Amrish Patel, 8775 Cloudleaf Court, Ste. 231, Columbia 21045

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 29, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 28, 2006 Issue - Jeffersonian

Please forward billing to:
Sang Duck Han
1212 Meadowlark Drive
Towson, MD 21286

443-834-3702

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-167-A
317 Sollers Point Road
N/east side of Sollers Point Road, 250 ft. +/- n/east of Pine Street
12th Election District – 7th Councilmanic District
Legal Owner: Sang Duck Han

Variance to permit 12 parking spaces in lieu of the required 19 spaces, and from Section 409.4.c. to permit an aisle width of 12 feet 9 inches in lieu of the required 22 feet.

Hearing: Thursday, December 14, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE:	PETITION FOR VARIANCE 317 Sollers Point Road; NE/S Sollers Point Road, 250' NE Pine Street 12th Election & 7th Councilmanic Districts Legal Owner(s): Sang Duck Han Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-167-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed to, Amrish Patel, 8775 Cloudleaf Court, Suite 231, Columbia, MD 21045, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
OCT 17 2006
PET

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: 07-167-A

Petitioner: MR. SANG DUCK HAN

Address or Location: 317 SOLLERS POINT ROAD
DUNDALK, BALTIMORE COUNTY, MARYLAND 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. SANG DUCK HAN

Address: 1212 MEADOWLARK DRIVE
TOWSON, MD 21286 PHONE 443-834-3702

Telephone Number: 410-752-5793

Revised 7/11/05 - SCJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 7, 2006

Sang Duck Han
1212 Meadowlark Drive
Towson, MD 21286

Dear Mr. Han:

RE: Case Number: 07-167-A, 317 Sollers Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 11, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Amrish Patel 8775 Cloudleaf Court, Suite 231 Columbia 21045

From: Caren Hoffberger
To: Brown, Karin; Nevy, Vicki; Rising, Teri; Swam, Doug; Wisnom, Raymond
Date: 11/13/2006 3:59:57 PM
Subject: New item for January - 123 Sollers Point Road - Civil Citation #06-6310

Ladies and gentlemen - The contractor for Mr. and Mrs. Alice and Richard Bellamy for their home at 123 Sollers Point Road was in today. Rick has written an order requiring either demolition or rehabilitation. This property is located within the African American Survey District of Turners Station. Therefore, it has an MHT number and must come to the Landmarks Preservation Commission to decide on whether or not it can be razed (and Doug - have a hearing possibly too?). The owner lives around the corner and would like to move in to a brand new house on this same footprint.

The next LPC meeting is Thursday, Jan. 11 and we will put it on the agenda.

In the meantime, please do not continue to fine her. Please tell Kim Wood this is on our agenda. The contractor (Richard Cosgrove) was very agreeable to meeting with our LPC members and going along with their judgement of the situation. We see this as moving appropriately in a forward, positive fashion. We will ask commission members to form a technical committee and pick a date and time to go out to the house and meet with this contractor to assess what should be done.

Thanks!

Caren Beth Hoffberger

CC: rpccontracting@verizon.net

Jm 12/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 5, 2006

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

SUBJECT: 317 Sollers Point Road

INFORMATION:

Item Number: 7-167

Petitioner: Sang Duck Han

Zoning: BL

Requested Action: Variances

DEC 6 " 2006

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and has discovered that the subject request involves the Baltimore County Landmarks Preservation Commission. The subject property has been slated to go before the commission on January 11, 2007. The Office of Planning respectfully requests that the Zoning Commissioner hold any decision until after that time. A subsequent recommendation is to follow after such time.

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

Reviewed by: Cindy Murray

Division Chief: Lynn Lanham
AFK/LL: CM

This is not correct for K. Brown

W:\DEVREV\ZAC\7-167.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For October 23, 2006
Item Nos. 07-102, 157, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 169

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-10182006.doc

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

October 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 157 through 169
167

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

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

SHA State Highway Administration Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 20, 2006

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

RE: Baltimore County
Item No. 7-167-A
317 Sollers Point Rd
Sang Duck Han Property
Variance To Permit 12 Parking Spaces In Lieu Of Required 19 Spaces

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-167A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

AST Consultants Inc.

8775 Cloudleap Court, Suite # 231
Columbia, Maryland 21045
410.772.0072 (P) 410.456.2402 (P) 301.560.8848 (Fax)
Email: astc1@verizon.net

Zoning Commissioner
Baltimore County

Subject: Petition & Justification for Variance to Section 409.6.A.2

Owner's Name & Address:

Mr. Sang Duck Han
1212 Meadowlark drive
Towson, Maryland 21286
443.834.3703

Consultants Name & Address:

Amrish Patel, P.E
AST Consultants Inc.
8775 Cloudleap Court, Suite 231
Columbia, MD 21045

Dear Sir,

The existing building is located at 317 Sollers Point Road, Dundalk in Baltimore County in the Turner Park Development. The total lot size is 9,710 square feet. The current zoning for the lot is BL.

The existing building has an area or approx. 2,700 sq.ft. The new addition will be 1,165 sq. ft which will include the rehabilitation of existing deteriorated structure. We are enclosing photographs herewith to facilitate a quick glance of deteriorated structure.

The new addition mainly comprises of storage space for food items. There will not be any kitchen associated with the new building. We request the county to provide the owner a chance to upgrade the existing structure and construct an addition through this application.

We request the county to grant a variance for parking requirements. Total number of parking spaces required for the existing structure and new addition is 19 spaces, based on 1 parking space per 200 sq.ft.

On behalf of our clients, we request a variance to Section 409.6.A.2 for off-street parking requirements for commercial use in BL zoning. As per Section 409.6.A.2 we would require 19 parking spaces. Under the proposed plan, 12 spaces are provided. Considering the residential nature of the neighborhood (see location map on Drawing C-1 attached), the fact that most customers to the existing store are pedestrians and the very limited space available for providing additional parking, we feel that 14 spaces provided will be adequate to serve the proposed development. Additionally, the adjoining street, Turner Avenue, is a dead end street with minimal traffic and 5-6 on-street parking spaces can be utilized, if needed for a short duration as per the convenient nature of business. Bearing in mind the existing

conditions, we feel the proposed plan that includes the renovation and addition will improve the outlook of the existing structure and the neighborhood in general.

This variance will enhance the overall neighborhood characteristic in the spirit and interest of the regulations of Baltimore County. Please grant this variance.

We thank you for your consideration and guidance in this regard and look forward to your recommendations. Please feel free to call us in case you have any questions.

Sincerely,

Amrish Patel, P.E
AST Consultants, Inc.
8775 Cloudleap Court # 231
Columbia, MD 21045

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 14, 2006

SANG DUCK HAN
1212 MEADOWLARK DRIVE
TOWSON MD 21286

Re: Petition for Variance
Case No. 07-167-A
Property: 317 Sollers Point Road

Dear Mr. Han:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Amrish Patel, 8775 Cloudleaf Court, Suite 231, Columbia MD 21045
Jae M. Lee, 2229 Wonderview Road, Timonium MD 21093

12/14/06

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-167A
DATE 12-14-06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sang Duck Han.	1212 Meadowlark Dr.	Towson, MD. 21286	
AMRISH PATEL	7894 JAMES AVE	ELLICOTT CITY, MD 21043.	astconsultant@GMAIL.COM.
AST CONSULTANTS INC			410.456 2402
Jae H. Lee	2229 Wonderview Rd	Timonium, MD. 21093	410-683-0156

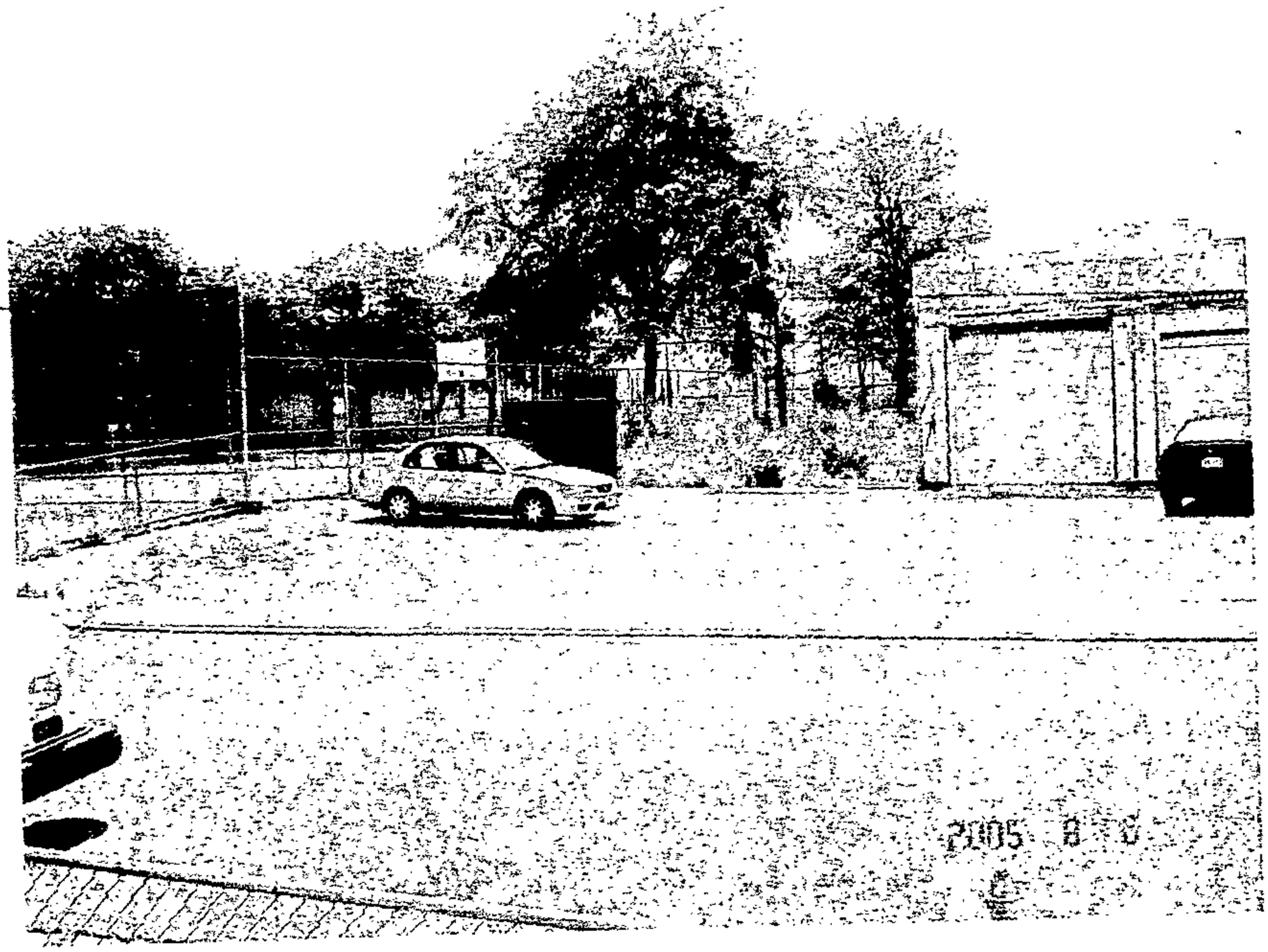
AST Consultants Inc.
7885 Cloudleap Court, Suite # 231
Columbia, Maryland 21045
443.325.7633 (P) 410.456.2402 (P) 301.560.8848 (Fax)
E-Mail :

Donald T. Rascoe, Deputy Director
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, Maryland, 21204
410 887-3353
410 887-5708(FAX)

EXISTING PICTURES

HAN FOODMART
317 SOLLERS POINT ROAD
DUNDALK, BALTIMORE COUNTY, MD 21222

HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK,
BALTIMORE COUNTY, MD 21222



HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK, BALTIMORE COUNTY, MD 21222

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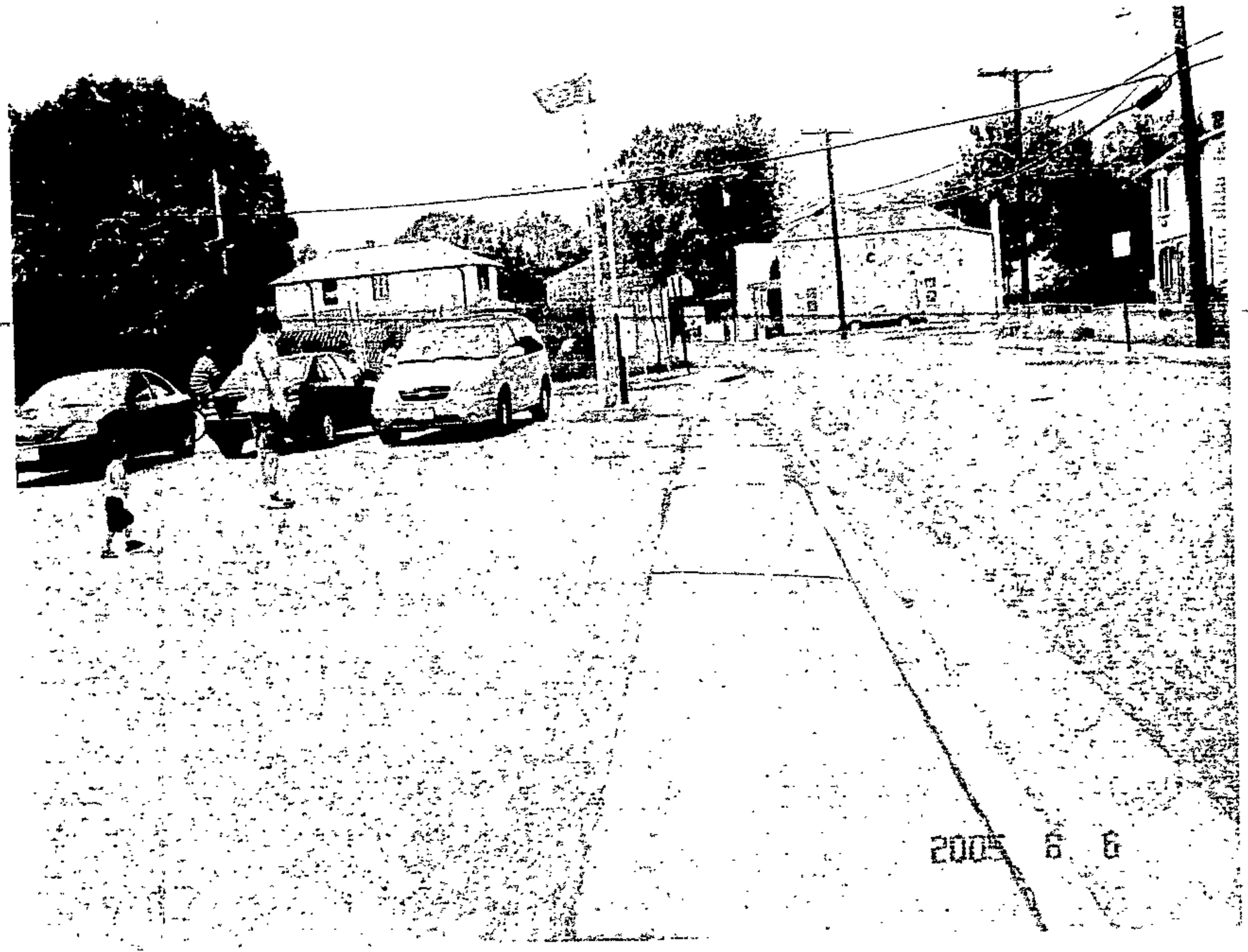
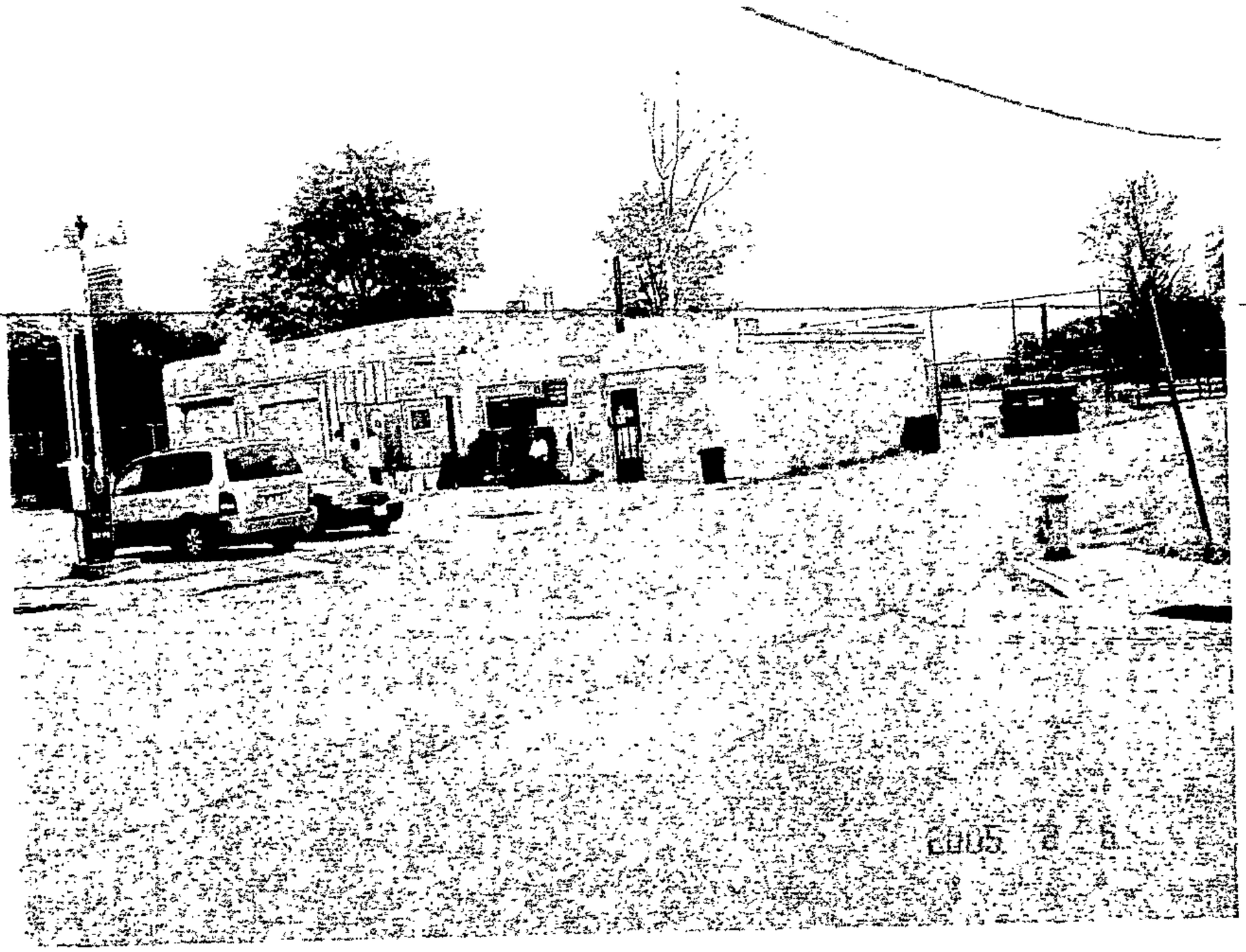
HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK, BALTIMORE COUNTY, MD 21222

(3)

HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK, BALTIMORE COUNTY, MD 21222



HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK, BALTIMORE COUNTY, MD 21222



(6)

HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK, BALTIMORE COUNTY, MD 21222

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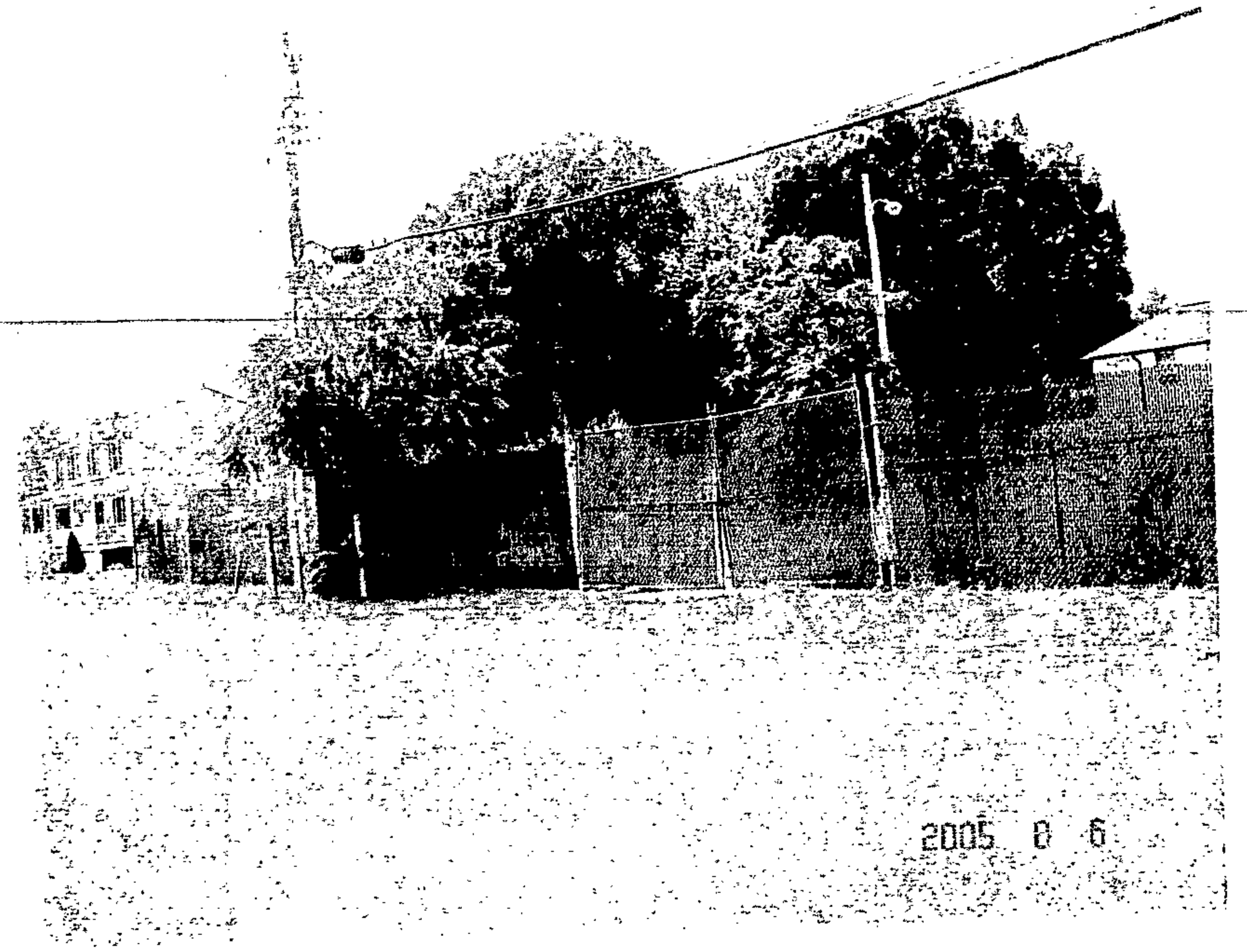

HAN FOODMART – 317 SOLLERS POINT ROAD, DUNDALK, BALTIMORE COUNTY, MD 21222

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BALTIMORE COUNTY, MD 21222

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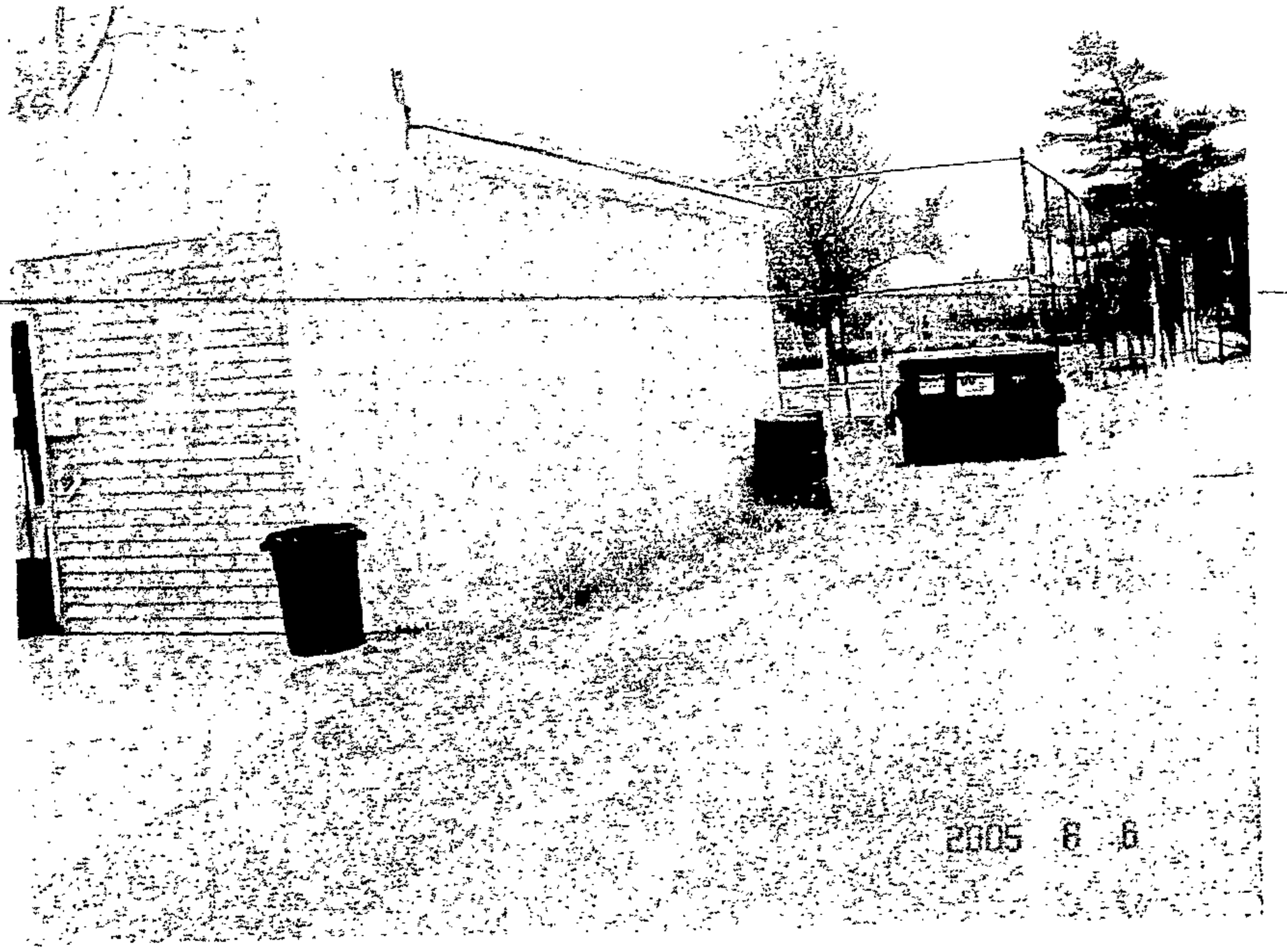

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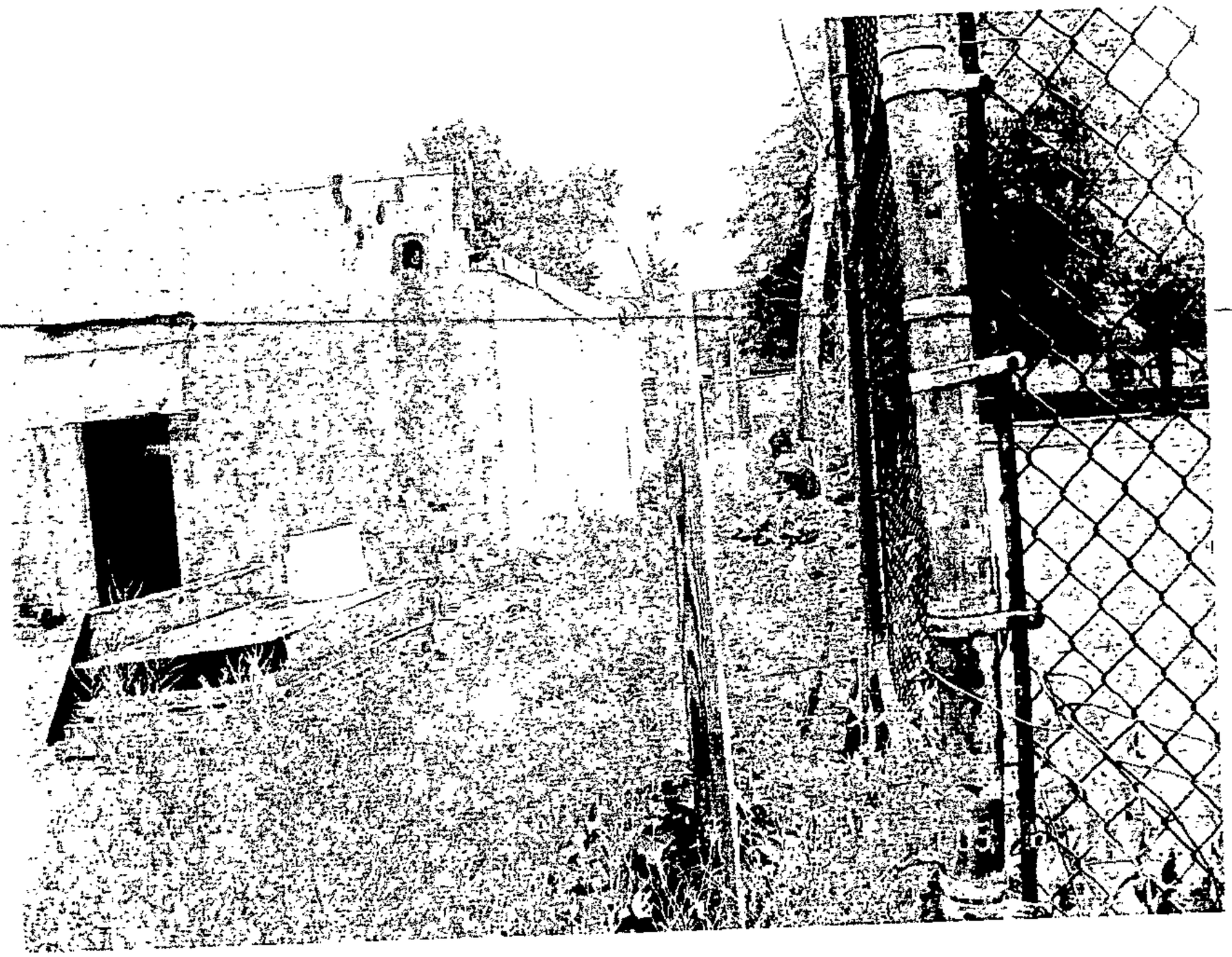


NOTES:
1) PARKING REQUIRED:
5PS/1,000SF = (3,858SF/1,000) *5 = 19
PARKING PROVIDED = 12
2) EXISTING BUILDING AREA = 2727 SQ. FT.

3) SITE AREA = 9710 SQ. FT.

4) CURRENT ZONING: BL

5) BUILDING ADDITION = 1135 SQ. FT.

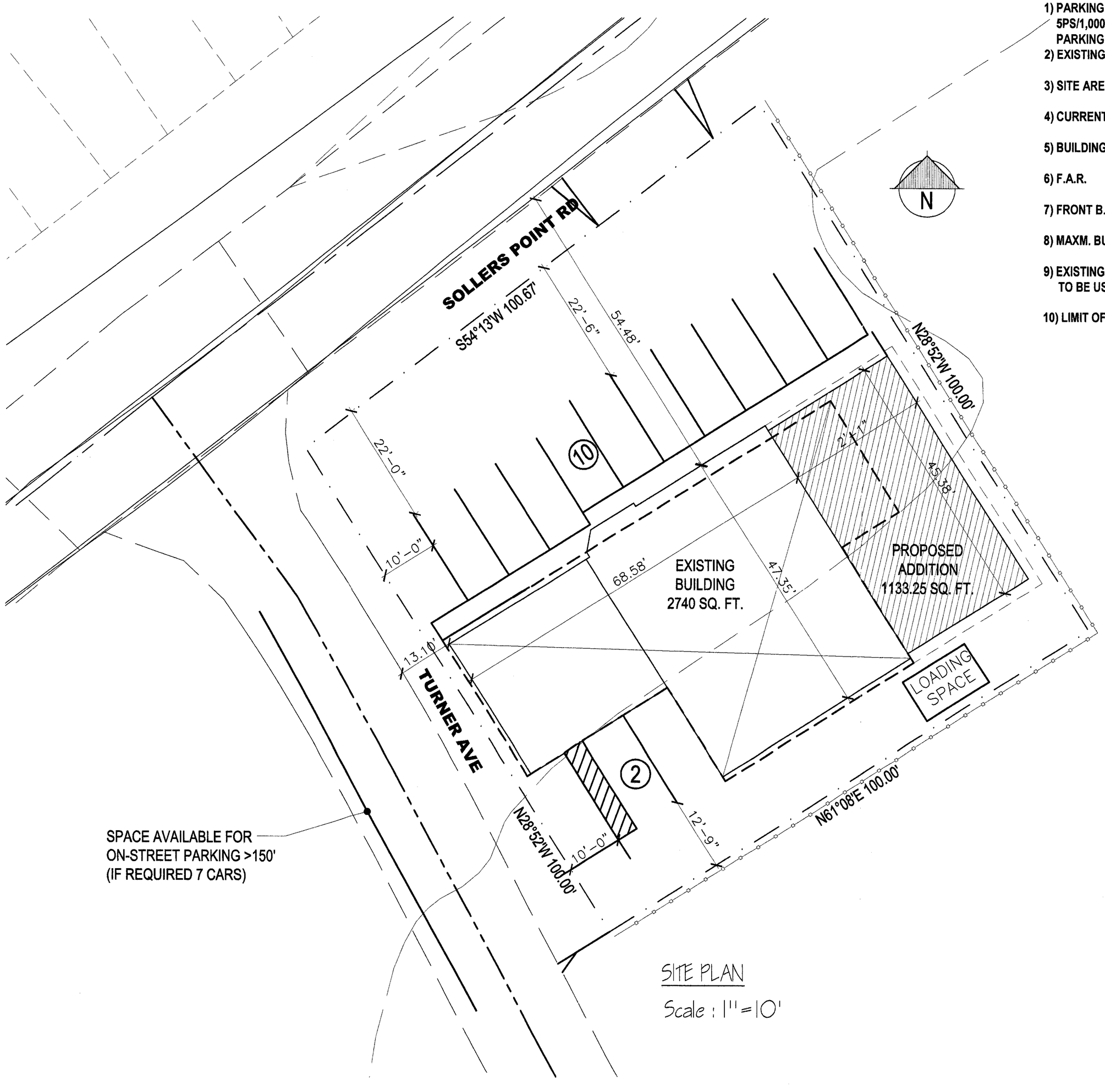
6) F.A.R. = 3.0

7) FRONT B.R.L. = 10'

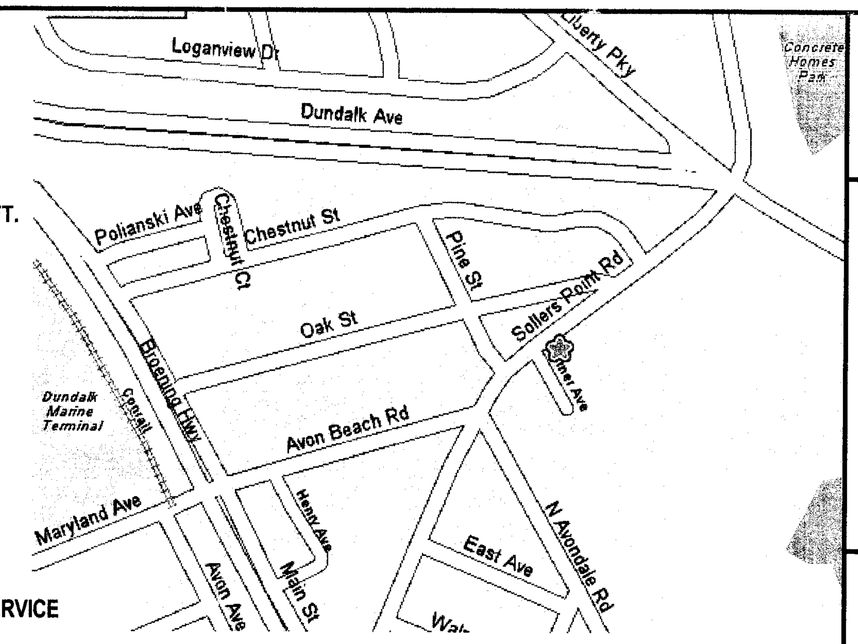
8) MAXM. BUILDING HT. = 40'

9) EXISTING PUBLIC WATER & SEWER SERVICE TO BE USED.

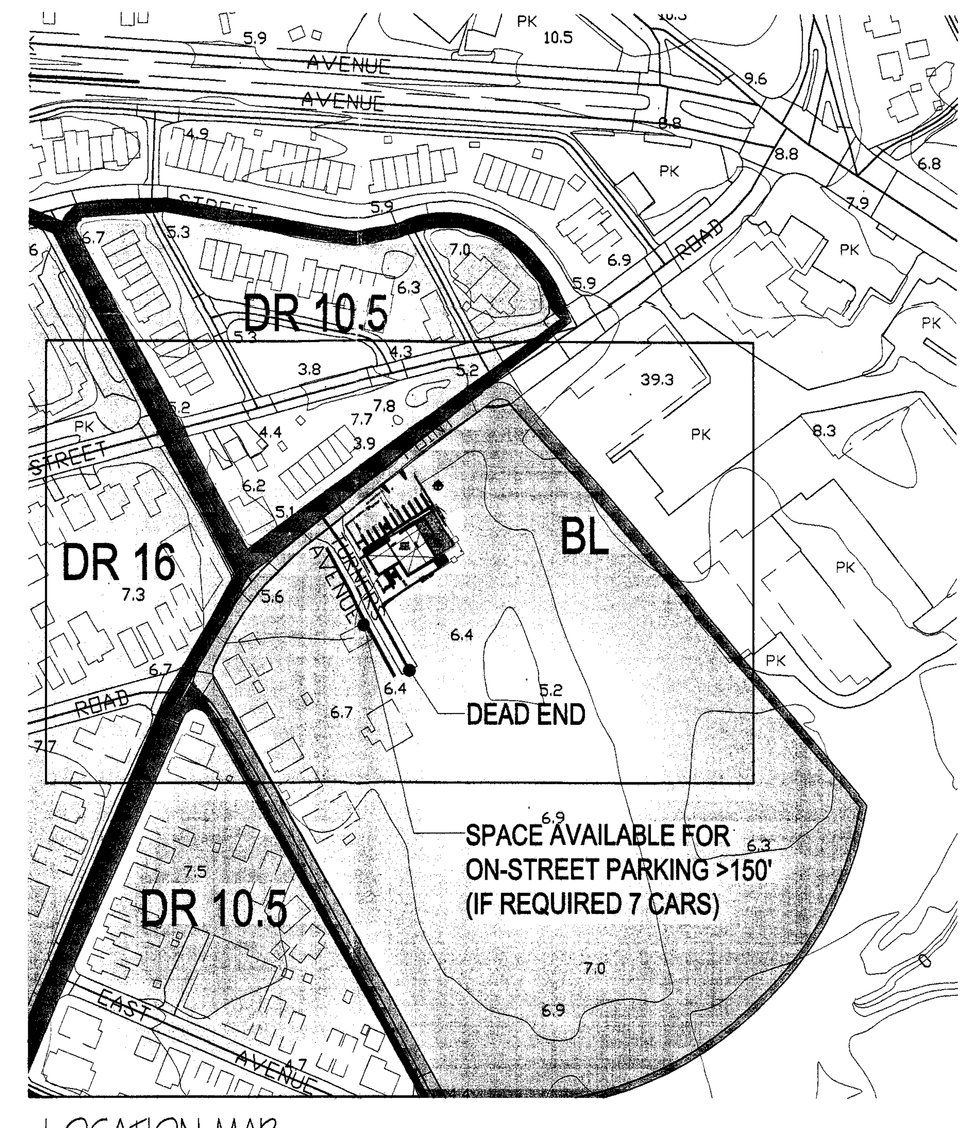
10) LIMIT OF DISTURBANCE = 1200 SQ.FT.



SITE PLAN
Scale : 1" = 10'



VICINITY MAP
Scale : 1" = 2000'



LOCATION MAP
Scale : 1" = 100'

OWNER:
Mr. SANG DUCK HAN
1212 MEADOWLARK DRIVE,
TOWNSON, MD 21286

OCCUPANT:
HAN SUPERMARKET

REVISIONS

PROPOSED
HANS SUPERMARKET
317 SOLLERS POINT RD.
DUNDALK
BALTIMORE COUNTY,
MARYLAND 21222

ADC GRID:
TAX MAP:
TAX ACCT: 12-1201806090
PARCEL #42
DEED#: 23589/292
ELECTION DISTRICT: 12

SITE
AST CONSULTANT INC.
78775 CLOUDLEAF CT.
SUITE #251
COLUMBIA, MD 21045
(410) 772-0072
FAX: (301) 960-8848

DRAWN BY CADD
CHECKED BY AP
DATE 10/11/06
Scale : AS SHOWN

SHEET TITLE
PLAN TO ACCOMPANY DRC REQUEST

PETITION FOR VARIANCE

DRAWING NO. 1 OF 1
C-1

Pet #1