IN RE: PETITION FOR VARIANCE

E/S Rolling Road, 985' N

Tudsbury Road

(2615 North Rolling Road)

2<sup>nd</sup> Election District

4<sup>th</sup> Council District

Jeong Mok Choi, Young Ja Choi, Andrew Daeho Lee & Mi Seon Lee Petitioner(s) **BEFORE THE** 

**ZONING COMMISSIONER** 

OF

**BALTIMORE COUNTY** 

Case No. 08-168-A

#### ORDER OF DISMISSAL

This matter came before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jeong Mok Choi, Young Ja Choi, Andrew Daeho Lee and Mi Seon Lee, seeking approval from Section 243.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a side yard setback of 10 feet in lieu of the required 50 feet, and from Section 253.4 of the B.C.Z.R. as it references Section 241.1 to allow M.L.-I.M. uses within 75 feet of a residential zoned right-of-way in lieu of 100 feet.

Although a public hearing was scheduled on the matter for Tuesday, December 11, 2007, Petitioner(s) failed to appear, call or otherwise notify this Office of a reason for their inability to attend the hearing. Moreover, a review of the case file disclosed that the property was not posted for this particular hearing. It is to be further noted that the Zoning Advisory Committee (ZAC) comments contained within the case file would indicate that the plans to develop this property would most likely be delayed for 3 or 4 years as the site is in a "area of special concern". See ZAC comments from Dennis A. Kennedy, P.E., Supervisor, Bureau of Development Plans Review, dated October 15, 2007.

Date PARCHIVED FOR FILING

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of December 2007 that the Petition for Variance seeking approval from Section 243.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a side yard of 10 feet in lieu of the required 50 feet, and from Section 253.4 of the B.C.Z.R. as it references Section 241.1 to allow M.L.-I.M. uses within 75 feet of a residential zoned right-of-way in lieu of 100 feet, be and the same is hereby DISMISSED without prejudice.

Zoning Commissioner for Baltimore County

 Jeong Mok Choi & Young Ja Choi and Andrew Daeho Lee and Mi Seon Lee, 5005 Jericho Road, Columbia, MD 21044
 Richardson Engineering, LLC, 30 East Padonia Road, Suite 500, Timonium, MD 21093
 People's Counsel; Development Plans Review; Office of Planning; DEPRM; File

ate 12-12-07



09/0//200*f* 

## Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 2615 N. Rolling Road which is presently zoned \_\_\_ MCIM

This Petition shall be filed with the Department of Permits and Development Management.	The understaned, legal owner(s)
or the property situate in Baltimore County and which is described in the description and plat a	ttached hereto and made a part
hereof, hereby petition for a Variance from Section(s)	

343.2 for a side yard of 10 feet in lieu of the required 50 feet. MO 253.4 AS IT REFERENCES SECTION 241.1 TO ACCOM ML-IM USES NITHIN 75' OF A RESIDENTIAL ZONED R/W IN LIEU OF 100 FT. PER

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of the Zoning Regula	tions of Baltin	nore County, to the	zoning law of	Baltimore County,	for the follow	ving reasons:	(indicate hards	Aio
or practical difficulty)	(1) to	maseinio-e	space	for parki	ria d d	- P2	(CD. )	
or practical difficulty)	(3) St	Le Clow	of tra	Par		rarre	4-600	
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3) AS DETERMINED AT HEARING Property is to be posted and advertised as prescribed by the zoning regulations.

, 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 Pi	ennou.			
Contract Purchaser/L	essee:		Legal Owner(s	<u>5):</u>		
	<u> </u>		Joong Mok	< Choi/Youn	s Ja Choi	
lame - Type or Print			Name - Type or Print	m phaih		
Signature			Signature	er contra	and choi	
Address		Telephone No.	Name - Type or Print		Seon Lee	
			andrew slas		Feon Lee	
ity	State	Zip Code	Cignatore			
Attorney For Petition	<u>er:</u>		SOOS Je Address	richo Road	410-964-4376	
			Columbi a		Telephone No.	
lame - Type or Print		· · · · · · · · · · · · · · · · · · ·	City	State	21044 Zip Code	
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City	State	Zip Code	City	State	Zip Code	
			9	OFFICE USE ONLY	· · · · · · · · · · · · · · · · · · ·	
Case No	168	A	ESTIMATED LEI	NGTH OF HEARING	/HR	
Just 110	<del></del>		UNAVAILABLE	FOR HEARING		
REV 9/15/98	OFFICE	Reviewed B	A PHIMA	Date <u>/0/29/67</u>		
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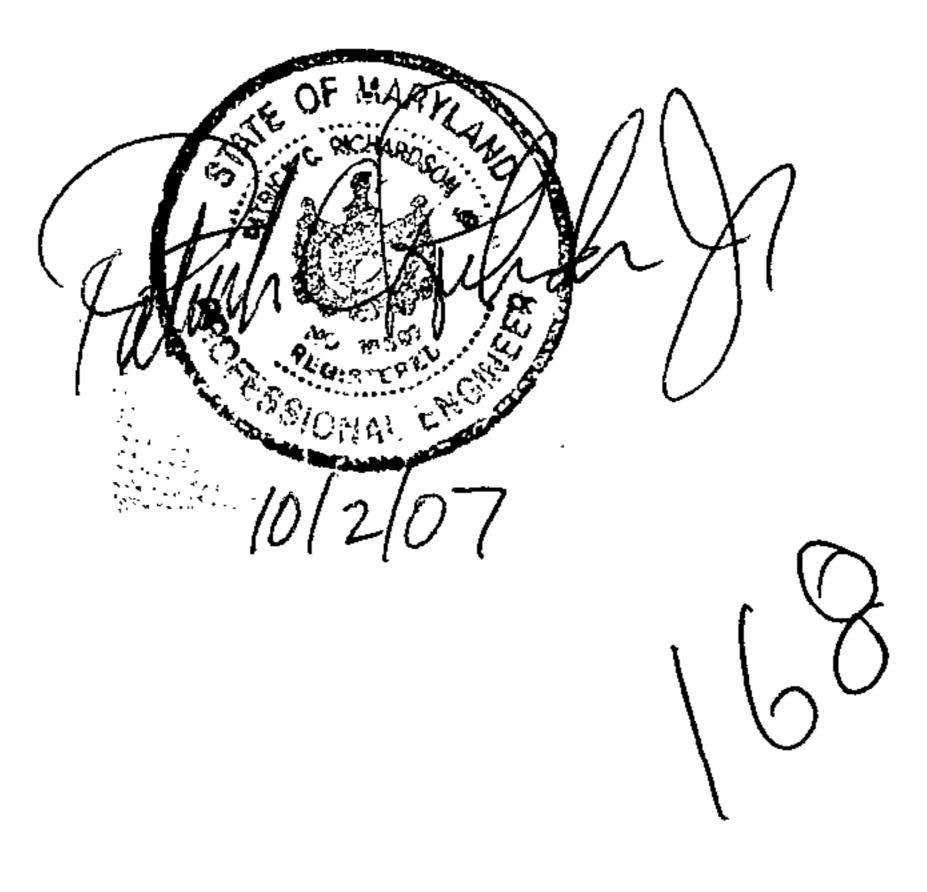
30 East Padonia Road, Suite 500 Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

# ZONING DESCRIPTION 2615 N. ROLLING ROAD 2ND ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the east side of North Rolling Road 75 feet wide; at the northernmost point along Rolling Road, and running thence from said place of beginning binding on the east side of North Rolling Road, (1) South 09 degrees 03 minutes 00 seconds West 126.55 feet, (2) South 12 degrees 25 minutes 12 seconds West 108.78 feet; to a point being a distance of 985 feet more or less, from the centerline intersection of Tudsbury Road and North Rolling Road, (3) thence leaving the right of way of North Rolling Road South 76 degrees 47 minutes 07 seconds East 225.00 feet, (4) North 13 degrees 12 minutes 53 seconds East 193.00 feet, (5) North 65 degrees 57 minutes 07 seconds West 223.39 feet to the point of beginning.

Containing a net area of 45,291 square feet, or 1.040 acres of land, more or less.



### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: <u>08-168-</u> A
Petitioner: CHOI ETAL
Address or Location: 2615 N. ROLLING RD
PLEASE FORWARD ADVERTISING BILL TO:
Name: LEONG MOK CHOI
Address: 5005 JERICHO RD
Address: 5005 JERICHO RD  COLUMBIA MD 2044
Telephone Number: 4/0 - 964 - 4376

## **CE OF ZONING HEARING** NOTE

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: # 08-168-A

2615 N. Rolling Road

Z615 N. Rolling Ro

\_\_\_\_

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.
JF 11/786 Nov. 27

# OF PUBLICATION

1,20<u>5</u>1

THIS IS TO CERTIFY, that the annexed advertisement was published ve weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., successi of each once in on

The Jeffersonian

- Arbutus Times
- Catonsville Times
- Towson Times
- NE Booster/Reporter Owings Mills Times
- North County News

Mulus

LEGAL ADVERTISING



JAMES T. SMITH, JR. County Executive

October 18, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and

#### **NOTICE OF ZONING HEARING**

Department of Permits and Development Management

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: 08-168-A

2615 N. Rolling Road

E/side of North Rolling Road, 985 feet north of Tudsbury Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Jeong Mok Choi & Young Ja Choi & Andrew Lee & Mi Lee

Variance to permit a side yard of 10 feet in lieu of the required 50 feet and to allow ML-IM uses with 75 feet of a residential zoned right of way in lieu of the 100 feet.

Hearing: Tuesday, December 11, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Choi & Mr. & Mrs. Lee, 5005 Jericho Road, Columbia 21044

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 26, 2007.

- (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 27 Issue - Jeffersonian

Please forward billing to:
Jeong Mok Choi
5005 Jericho Road
Columbia, MD 21044

410-964-4376

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 5, 2007

Jeong Mok and Young Ja Choi Andrew Daeho and Mi Seon Lee 5005 Jericho Road Columbia, Maryland 21044

Dear Mr. and Mrs. Choi and Mr. and Mrs. Lee:

RE: Case Number: 08-168-A, 2615 N. Rolling Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 1, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

NOV 1 3 2007

SUBJECT:

Zoning Advisory Petition:

Case 08-168

2615 N. Rolling Rd.

The Office of Planning has reviewed the above referenced case and recommends approval subject to compliance with the following comments:

- 1. Submit a landscape plan to include street trees and compact dense evergreen screen along the front of the property.
- 2. Provide elevation drawings and use building materials and architecture compatible with existing structures surrounding the proposed site.
- 3. Install a 5' wide sidewalk along Rolling Road.
- 4. Install a sidewalk connection from the building entrance to the public sidewalk along Rolling Road.
- 5. Install human scale (less than 14 foot tall) lighting standards and direct all lights away from residential uses across the street.
- 6. Provide adequate screening around the dumpster.

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

Prepared By: 1- Bune Hele

**Division Chief:** 

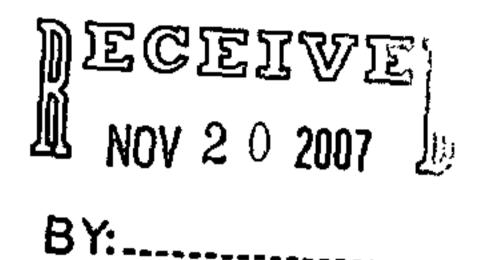
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BW BYII

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Correspondence





TO:		Timothy M. K	Cotroco	
FROM:	•	Dave Lykens,	DEPRM - Development Coo	rdination W
DATE:		November 19,	, 2007	
SUBJE	CT:	Zoning Item Address	# 08-168-A 2615 North Rolling Road (Mok, Choi, Kaeho, Lee Pro	perty)
	Zoning	g Advisory Con	nmittee Meeting of October 1	5, 2007
		-	nvironmental Protection and F ve-referenced zoning item.	Resource Management has no
		•	nvironmental Protection and Entry on the above-referenced zeros	<del>-</del>
	<del></del>	Protection of	of the property must comply water Quality, Streams, Wetlands ugh 33-3-120 of the Baltimore	ands and Floodplains (Section
	<u>X</u>	•	of this property must comply Regulations (Sections 33-6-10 anty Code).	
	<del>_</del> ,	Critical Area I	of this property must comply Regulations (Sections 33-2-10 s, of the Baltimore County Co	11 through 33-2-1004, and
	Additio	onal Comments	<u>S:</u>	
	Reviev	ver: J. Russ	SO	Date: 11/14/07



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: OCTUBER 17, 2007

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

RE:

Baltimore County

Item No. 8-168-A

2615 ROLLING ROAD

MOK/CHONKARHO/LEE PROPERTY

VARIANCE

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. 8-168-4

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,

ASteven D. Foster, Chia

Engineering Access Permits

Division

SDF/MB

4.3

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition:

Case 08-168

2615 N. Rolling Rd.

DATE: November 1, 2007

The Office of Planning has reviewed the above referenced case and recommends approval subject to compliance with the following comments:

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- 6. Provide adequate screening around the dumpster.

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

Prepared By: 1- Bune Hely

Division Chief:

rbs



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

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

October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 15, 2007

Item Number: Item Number 156,160, 162, 163, 164, 165, 166,167,168, 169,170

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 410-887-4880 (C)443-829-2946 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 15, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 22, 2007

Item No. 08-168

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to granting the requested variance. We do however; wish to advice the petitioner that this site is in an "area of special concern," as shown on the adequate public facilities map for sewer. This means that no development plans, building permits or record plats will be approved in this area until the sewer problems have been solved.

DAK:CEN:clw cc: File ZAC-ITEM NO 08-168-10152007.doc Case No.: 08-168-A 2615 N. Rolling RD

#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

		·
No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9	,	
No. 10		
No. 11		
No. 12		

(SIGN IN SHEETS - OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning - My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. THESE PROCEEDINGS ARE BEING RECORDED

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 08-168 A Special Hearing \_\_\_Special Exception for property located at and zoned ML - IM. "Read language from file" The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted an approved sign poster and shows the time, date, place and subject matter of the hearing. The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication. I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN **OPPOSITION TO THE REQUEST?** NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. , since there is no opposition, if you want to make AN INFORMAL PROFFER of the testimony and evidence, you're welcome to do so. IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table.

You will be able to see and hear better, so come forward and I have a sign-in sheet here for you

OP- 6 significant Conditions

to sign so that we can mail you a copy of the decision in this case.





RE: PETITION FOR VARIANCE

2615 N. Rolling Road; E/S Rolling Road,

985' N Tudsbury Road

2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Jeong Mck, Young Choi,

Andrew Kaeho & Mi Lee

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

08-168-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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 15th day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to, Jeong Mok, Young Choi, Andrew Kaeho & Mi Lee 5005 Jericho Road, Columbia, MD 21044, Petitioner(s).

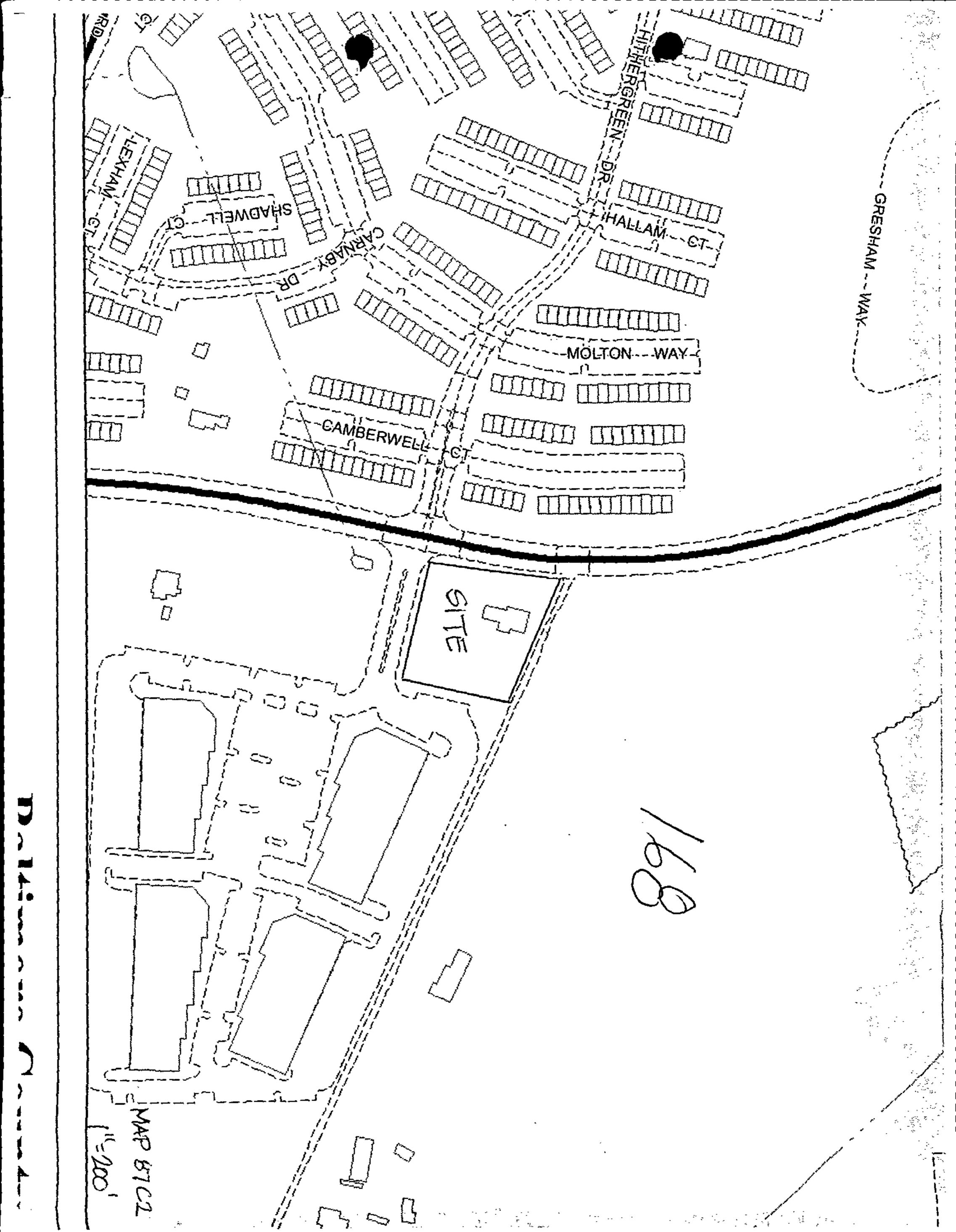
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
CCT 15 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....





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		AND FINANCE	
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