IN RE: PETITION FOR ADMIN. VARIANCE

SE corner of Lennings Lane and Crestview Garth
14th Election District
6th Councilmanic District
(8911 Lennings Lane)

Melvin Win Kway and Cho Cho Oo Petitioners

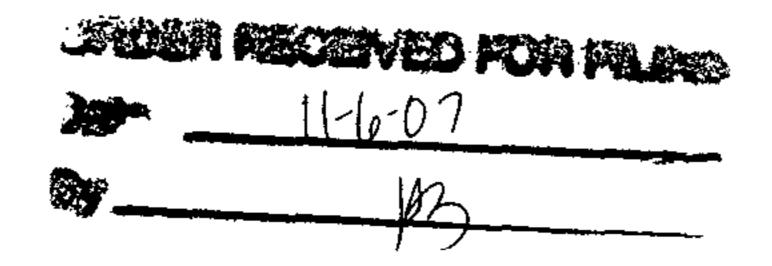
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-172-A

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, Melvin Win Kway and Cho Cho Oo for property located at 8911 Lennings Lane. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 21 feet in lieu of the required 30 feet and to amend the Final Development Plan of Rustic Ridge for Lot #15 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an enclosed addition measuring 13 feet x 30 feet in size. Currently there is a roofed patio which will be enclosed with windows and doors. Pictures submitted by the Petitioners show a similar type addition at 8913 Lennings Lane

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 21, 2007 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 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.

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 day of November, 2007 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 21 feet in lieu of the required 30 feet and to amend the Final Development Plan of Rustic Ridge for Lot #15 only 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.

Deputy Zoning Commissioner

for Baltimore County

THB:pz

2000 ROWED FOR FRANCE

11-6-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 6, 2007

MELVIN WIN KWAY 8911 LENNINGS LANE ROSEDALE MD 21237

> Re: Petition for Administrative Variance Case No. 08-172-A Property: 8911 Lennings Lane

Dear Mr. Win Kyaw:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

. TARYLAND	for the property	located at <u>8911 Le</u> which is present	ennings In ly zoned DR	3.5
his Petition shall be filed with the winer(s) of the property situate in Balnade a part hereof, hereby petition for	Department of Permi	ts and Development Man th is described in the descr	agement. The undiption and plat attac	dersigned, legal
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the required 30. And				•
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Property is to be posted and advertise or we, agree to pay expenses of above egulations and restrictions of Baltimore C	Variance, advertising, pos	sting, etc. and further agree to		ed by the zoning
		I/We do solemnly declare perjury, that I/we are the is the subject of this Petit	legal owner(s) of the	•
Contract Purchaser/Lessee:		Legal Owner(s):		
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ddress	Telephone No.	Name - Type or Print		
State	Zip Code	Signature		
Attorney For Petitioner:		8911 Lennings Address	<u>Ln</u> 410	7 Telephone No.
lame - Type or Print		Rosedale City	MD State	21237 Zip Code
		Representative to b		-
Signature				
ompany		Name		
ddress	Telephone No.	Address		Telephone No.
ity State	Zip Code	City	State	Zip Code
Public Hearing having been formally dennisday of egulations of Baltimore County and that the pr	_ that the subject matter of the contract o	required, it is ordered by the Z his petition be set for a public hea	T	
		Zoning Commission	oner of Baltimore County	. /
CASE NO. 08-172-1	A Rev	iewed By	Date	<u> </u>
REV 10/25/01	FOR MANY Esti	mated Posting Date	10-21-07	/
11-10-0).7			

Affida Vit 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.

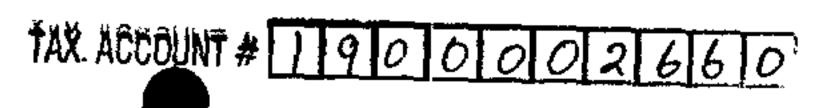
That the Affiant(s) does/do present	ly reside at 8911 Address	Lennings	<u>ln</u>	
	Rosed	ale	State	21237 Zip Code
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and the property line	is only at in	stead of refu	NG 30.	
We need the entra	room too the	safety of the	hids instead of	playing outsid
they can play inside	of the house and	it is more	sater.	
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STATE OF MARYLAND, COUNTY	OF BALTIMORE, to	vit: 7		5. (1) (5.1)
of Maryland, in and for the County Nelvin	day of South	peared ,	 _	ary Public of the State
the Affiant(s) herein, personally known	own or satisfactorily ide	ntified to me as suc	h Affiant(s).	
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Ann M. Ca NOTARY PL Anna Arundai	BLIC	Votary Public	- Care	
State of Mar My Commission March 1, 2	yland Expires	My Commission Ex	oires <u>MAM</u>	15010
REV 10725/01	• *			

Affida Vit 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	8911 Address	lennings	ln	<u> </u>
	<u>Rosedale</u>	<u> </u>	State	21237 Zip Code
That based upon personal knowledge, the folio	wing are the fa	acts upon whi lifficulty):	ch I/we base the r	equest for an Administrative
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We could not get the permit b	recause the	distance	between H	no and of patio
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we need the extra room too	the safety	of the K	ids to play i	nside.
Instead of playing outside id is				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand additional infor	is filed, Affia mation.	nt(s) will be requ	ired to pay a reposting and
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STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:			
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	ersonally appea	1007,_ red	, before me $\mathcal{O}_{\mathcal{G}}$, a Notary Public of the Stat
the Affiant(s) herein, personally known or satisf	actorily identifie	ed to me as su	$\iota \circ$	
AS WITNESS my hand and Notarial Seal Ann M. Casey NOTARY PUBLIC		- Dublia	De Carl	<u>}</u>
Anne Arendel County State of Manyland http://www.commission.html	3	ry Public Commission E	xpires	IM 12010

REV 10/25/01





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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To permit an ad	dition with	a rear	yard setbac	k of 21'.	n lieu ox	1
the required 30.	And to a	mend the F	DP of Ru	stie Ridge to	or let #15	only.
of the zoning regulations of of this petition form.	Baltimore Coun	ty, to the zoning	law of Baltimore	County, for the re	asons indicated	d on the back
Property is to be posted and or we, agree to pay expense egulations and restrictions of	s of above Variar	nce, advertising, p	osting, etc. and fur	ther agree to and ar	re to be bounded y.	l by the zoning
			perjury, that	emnly declare and and lawer are the legal of this Petition.	•	
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ddress		Telephone No.	Cho Name - Type	cho Oo or Print		<u> </u>
City	State	Zip Code	Signature	cho Oo.		
Attorney For Petitioner	<u>:</u>		Address Roseda	Lennings In	410 MD	391 0687 Telephone No. 21237
lame - Type or Print	<u> </u>		City		State	Zip Code
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ompany			Name	<u></u>		<u> </u>
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Public Hearing having been for this day of day are gulations of Baltimore County are	, that t	the subject matter of	e required, it is ord this petition be set f	lered by the Zoning Coor a public hearing, ad	ommissioner of Balvertised, as require	altimore County, ed by the zoning
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CASE NO	172 - A	Re	eviewed By	JF Dat	te <u>/0~/</u>	1-0>
REV 10/25/01	11-7-07	Es	timated Posting	Date	~2/-07	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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2.	a torma	ı requ	lest for	a public	hearing.	Please	an occupant understand nplete on th	that •	mer within 1,000 even if there is ing date.	o feet to file no formal
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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: 08-172-A
Petitioner: Melvin Win Kyaw / Cho Cho Oo
Address or Location: 8911 Lennings In
PLEASE FORWARD ADVERTISING BILL TO: Name: Melvin Win Kyow / Cho Cho Oo
Address: 8911 Lennings In Rosedale, MD 21237
Telephone Number:410 391 0687

ZONING DESCRIPTION FOR 8911 LENNINGS LN						
Beginning at a point on the <u>SOUTH EAST</u> side of						
LENNINGS LN which is 50 feet						
wide at the distance of <u>56 FEET SOUTH EAST</u> of the						
centerline of the nearest improved intersecting street <u>LENNINGS LN</u>						
which is wide. *Being Lot #15,						
Block, Section # in the subdivision of RUSTIC RIDGE						
as recorded in Baltimore County Plat Book # 47, Folio # 150,						
containing 8189 SF Also known as 8911 LENNINGS LN						
and located in the 14 Election District, 6 Councilmanic District.						

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CERTIFICATE OF POSTING

	RE: Case No: 08-172-A
	Petitioner/Developer:
**	Date Of Hearing/Closing: 11/5/27
Baltimore County Department Permits and Development Mar County Office Building, Room I I I West Chesapeake Avenue	nagement
Attention:	•
Ladies and Gentlemen:	
	the penalties of perjury that the necessary osted conspicuously on the property
ıt	8911 LEDNINGS LN
This sign(s) were posted on	October 21, 2007 (Month, Day, Year)
•	Sincerely, Mada 20/2407
	(Signature of sign Poster and Date) Martin Ogle
	Sign Poster
	16 Salix Court
	Address Ralto Md 21220
	Balto. Md 21220 (443-629 3411)





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 5, 2007

Melvin Win Kyaw 8911 Lennings Lane Rosedale, Maryland 21237

Re: Case Number 08-172- 8911 L:ennings Lane

Dear Mr. Win Kyaw:

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

c: Peoples Council

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 1, 2007

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(s): Case(s) 08-172

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

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: (Buncyfully

Division Chief: Lynn Lanham Mys

rbs



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: OCTOBER 25, 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.08-112-A
894 LENNIBGS LANE

KWAY/OD PROPERTY Administrative 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. 8-172-4.

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 23, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 29, 2007.

Item Nos. 08-171,172, 173, 174, 175, 176,

177, 178, 179, 180, 181, and 182

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-10232007.doc

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 8911 Leanings La SEE PAGES 5 & 6 OF THE CHECKLIST FOR SUBDIVISION NAME Rustic Ridge.	SPECIAL HEARING R ADDITIONAL REQUIRED INFORMATION
PLAT BOOK # 47 FOLIO # 150 LOT # 15 SECTION # OWNER Melvin Win Kyaur, Cho Cho Co LENNING LANE 50' R/W R=8673.00' L=78.10' FRONT	VICINITY MAP
SO.1 20.0' 2 STORY FRAME ABSII 30.1' PROP, 13' LOT ENGLOS EN ADDITION MT	LOCATION INFORMATION ELECTION DISTRICT 14 COUNCILMANIC DISTRICT 6 1"=200' SCALE MAP # 090A1 ZONING DR 3.5 LOT SIZE 188 818982 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER NOT 1
30' B.R.L. S 49'51'34" W 90.75' LOT 14 H3	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
NORTH SCALE OF DRAWING: 1" = 30 SCALE OF DRAWING: 1" = 30	JF 172 108-172

· 	PLAT TO ACCOMP	ANY PETITION FOR	ZONING XVARIANCE SEE PAGES 5 & 6 OF THE CHECKLIST FOR	SPECIAL HEARING
•	PROPERTY ADDRESS 8911 SUBDIVISION NAME Rustic	Ridge ISO LOT # 15 SECTION #	SEE PAGES 5 & 6 OF THE CHECKETO	LENHINGS LAL
		ENNING LANE 50' R/V		VICINITY MAP SCALE: 1" # 1000'
	RESTVIEW GARTH 50' R,		8913 LOT 18 ADDITION	LOCATION INFORMATION ELECTION DISTRICT 14 COUNCILMANIC DISTRICT 6 I"*200' SCALE MAP # 090A1 ZONING DR 3.5 LOT SIZE BB BIB95 ACREAGE SQUARE FEET PLIBLIC PRIVATE SEWER X []
	30' B.R.L.	5 49'51'34" W 90.75' LOT 14 H3	•	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
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PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE PROPERTY ADDRESS 8911 Leanings La SEE PAGES 5 & 6 OF THE CHECKLIST FO	E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME Rustic Ridge	\
PLAT BOOK # 47 FOLIO # 150 LOT # 15 SECTION #	
OWNER Melvin Win Kyaur, Cho Cho Co	LENAINGS LA TOP SUBJECT
	PROPER'
LENNING LANE 50' R/W	
R=8875.00' L=78.10'	
FRONT W	VICINITY MAP
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OR/WY	LOCATION INFORMATION
30.1	ELECTION DISTRICT 14
2 STORY FRAME N	COUNCILMANIC DISTRICT
50.1' m 1 0913	1" = 200' SCALE MAP # 090A
20.0' DE LOT 18 18	ZONING DR 3.5
PROP,	LOT SIZE ACREAGE SOUARE FEET
LOT ENGLOSED ADDITION	PUBLIC PRIVATE
S W	WATER (X)
30' B.R.L. 5 49'51'34" W 90.75'	CHESAPEAKE BAY SES NO CRITICAL AREA
LOT 14	100 YEAR FLOOD PLAIN
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A +3	PRIOR ZONING HEARING NONE
NORTH	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY ST SCALE OF DRAWING: 1" = 30_	JF 172 08-172-A

