MEMORANDUM

DATE:

March 9, 2020

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case Nos. 2019-0517-SPHA & 2019-0518-A -

Appeal Period Expired

The appeal period for the above-referenced cases expired on March 6, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: Case File

Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(6120 (Lot 35) Rich Avenue & Lot 34 * OFFICE OF

1st Election District

1st Council District * ADMINISTRATIVE HEARINGS

Guizhi Liang & Yonghul Yang

Legal Owners

FOR BALTIMORE COUNTY

Petitioners * Case No. 2019-0517-SPHA 2019-0518-A

OPINION AND ORDER

These consolidated cases come before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and the Variance filed by the owners of the two (2) properties and the contract purchaser of Lot 34 Rich Avenue (Petitioner). Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm that a lot merger has not occurred between the 6120 Rich Avenue and the adjacent vacant parcel at 6122 Rich Avenue (Lot 34). In addition, a Petition for Variance was filed in this case seeking relief from § 1B02.3.C.1 of the ("BCZR") to permit a proposed dwelling with a lot width of 50 ft. in lieu of the required minimum 55 ft. A site plan showing both adjacent lots was marked Petitioners' Exhibit 1.

Maxim Gaudreauld, contract purchaser and Benjamin Gary of John Mellema, land surveyors appeared in support of the requests. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee ("ZAC") comments were received from any of the County reviewing agencies.

Testimony that 6120 Rich Avenue is approximately 9,544 square foot and Lot 34 contains approximately 9,808 square foot in size. Both properties are zoned DR 5.5.

ORDER RECEIVED FOR FILING
Date 2/5/2020

Mr. Gary testified that the existing structure on Lot 34 was constructed in 1953 upon a Plat that was approved in 1924. He further testified that there is no connection between this lot and the adjacent lot 34. Specifically he noted that there is no garage on the constructed site, its driveway is located completely on 6120 Rich Avenue and no land of Lot 34 is utilized by 6120 Rich Avenue. He further testified that the proposed dwelling will meet all of the setback height and area requirements of the DR 5.5 regulations and, as the lot is under contract for construction, the new owner would not own sufficient adjoining land to satisfy the otherwise required 55 foot minimum lot width.

SPECIAL HEARING

Based on the evidence detailed above, I find that no merger has occurred between the parcels at 6120 Rich Avenue and adjacent lot 34. I further find that Lot 34 has always been a separate lot.

VARIANCE

I believe this case is more appropriately resolved under BCZR § 304, which (unlike § 307) does not require a showing of uniqueness or practical difficulty, *Muller v. People's Counsel*, 177 Md. App. 43 (2007) (discussing application of BCZR §304). The Petitioner satisfies each of the requirements set forth at BCZR § 304.1:

- 1. The lot was created long before 1955.
- 2. The proposed dwelling would be constructed in compliance with the setback height and area requirements of the DR 5.5 regulations; and
- 3. The owner does not own sufficient adjoin land to satisfy the lot width requirement.

THEREFORE, IT IS ORDERED this <u>5th</u> day of **February**, **2020**, by this Administrative Law Judge, that the Petition for Special Hearing to confirm that a lot merger has not occurred with the adjacent vacant parcel at 6122 Rich Avenue (Lot 34), be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

IT IS FURTHER ORDERED that the Petition for Variance to construct the proposed dwelling on Lot 34 with a lot 50' width in lieu of the required 55' lot width, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

Administrative Law Judge for Baltimore County

LMS: sln

ORDER RECEIVED FOR FILING

Date 25/2020



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at: Address 6/20 Rich Ave (Lot 35) which is presently zoned DR 5.5 10 Digit Tax Account # 0 1 0 3 4 7 0 7 9 2 Deed References: 41832/00032 Property Owner(s) Printed Name(s) Yonghui Yang, Guizhi Liang (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: 1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve And for Centian that A 107 mergen has not occurred with the Adjacent vacant parcel AT 6122 Rich Are (Lot 34) a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3. X a Variance from Section(s) 1 BOZ. 3. C. 1 BCZR, To permit on Existing Dwalling, with A lot width of 50 FT in lieu of the Minimum required 55 FT. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) Be presented AT HEARing Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Contract Purchaser/Lessee: Legal Owners (Petitioners): YONGHUI YANG **GUIZHI LIANG** Name- Type or Print Name #1 - Type or Print Signature 11803 CHAPEL WOODS CT CLARKSVILLE Mailing Address State State Mailing Address oner:

RECEIVED FORMAN Address 734-604-8307 liangquizhi@yahoo.com Zip Code Telephone # Zip Code Telephone # **Email Address** Representative to be contacted: Attorney for Petitioner: John MELLEMA SURVEYURS Name - Type or Print Signature 5409 EAST DR. City Mailing Address Mailing Address State 2(227 I JCMLS EVERIZON. NEI Zip Code Email Address Zip Code Telephone # Email Address Telephone #

CASE NUMBER 2019 - 0517-5PHA Filing Date 11/4/2019

Do Not Schedule Dates:

JOHN C. MELLEMA SR., INC. LAND SURVEYORS

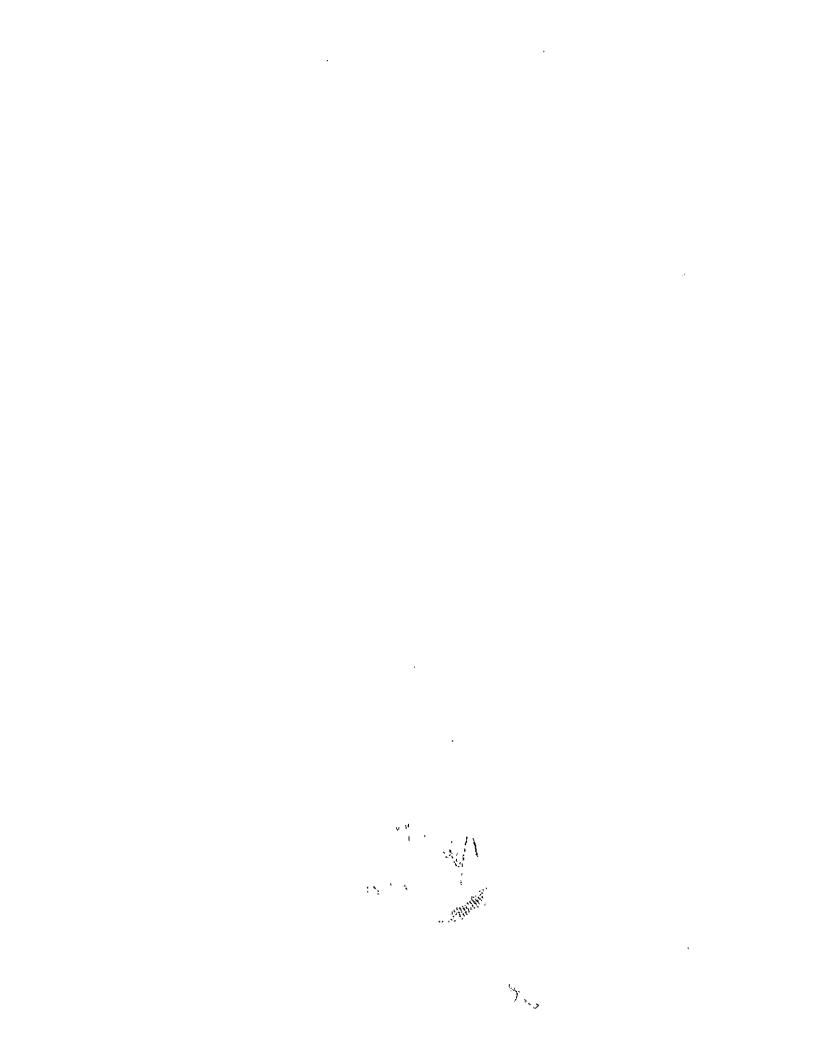
5409 EAST DRIVE BALTO. MD. 21227 PHONE: 410-247-7488 FAX: 410-247-2507 NOVEMBER 13,2018

ZONING DESCRIPTION
#6120 RICH AVENUE (1-0T 35)
DEED REFERENCE 41832/32
TAX MAP 94 GRID 24 PARCEL 96

BEGINNING FOR THE SAME AT A POINT ONT THE NORTHERN RIGHT OF WAY LINE OF RICH AVENUE EASTERLY 135 FEET MORE OR LESS FROM THE CENTERLINE INTERSECTION OF RICH AVENUE AND CUMMINGS AVENUE, THENCE RUNNING EASTERLY ALONG THE NORTHERN RIGHT OF WAY OF RICH AVENUE 50 FEET, THENCE NORTHERLY 187 FEET MORE OR LESS, THENCE WESTERLY 50.55 FEET, THENCE SOUTHERLY 194 FEET MORE OR LESS TO THE POINT OF BEGINNING CONTAINING 9,544 SQUARE FEET OF LAND MORE OR LESS.

BEING LOT 35 AS SHOWN ON A PLAT OF DOUGLAS PARK RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK W.P.C. NO 7 FOLIO 170 AS DESCRIBED IN A DEED DATED AUGUST 2, 2019 BY AND BETWEEN DARREN PALMER, PERSONAL REPRESENTATIVE OF THE ESTATE OF ARLENE COLLINS PALMER, PARTY OF THE FIRST PART AND YONGHUI YANG AND GUIHZI LIANG, PARTIES OF THE FIRST PART AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND IN DEED LIBER J.L.E. 41832 FOLIO 32.





The Daily Record

200 St. Paul Place Suite 2480 Baltimore, Maryland 21202 1 (443) 524-8100 www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/6/2019

Order #:

11818160

Case #: 2019-0517-SPHA

Description:

NOTICE OF ZONING HEARING - CASE NUMBER:

2019-0517-SPHA

Darlene Miller, Public Notice Coordinator (Representative Signature)

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0517-SPHA

6120 Rich Avenue (Lot 35)

N/s Rich Avenue, East of Cummings Avenue

1st Election District-1st Councilmanic District
Legal Owners: Yonghui Yang, Guizhi Liang
Special Hearing to confirm that a merger has not occurred with the adjacent

special hearing to comminist a merger has not occurred with the adjacent, vacant parcel at 6122 Rich Avenue (Lot 34). Variance to permit an existing dwelling with a lot width of 50 ft. In lieu of the minimum required 55 ft.

Hearing: Friday, December 27, 2019 at 1:30 p.m. in Room 205, Jefferson Bullding, 105 West Chesapeake Avenue, Towson 21204

Director of Permits, Approvals and Inspections for BaltimoreCounty NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

November 19, 2019

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0517-SPHA

6120 Rich Avenue (Lot 35) N/s Rich Avenue, East of Cummings Avenue 1st Election District — 1st Councilmanic District Legal Owners: Yonghui Yang, Guizhi Liang

Special Hearing to confirm that a merger has not occurred with the adjacent vacant parcel at 6122 Rich Avenue (Lot 34). Variance to permit an existing dwelling with a lot width of 50 ft. in lieu of the minimum required 55 ft.

Hearing: Friday, December 27, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff Director

Hum

MM:ki

C: Yonghui Yang, Guizhi Liang, 11803 Chapel Woods Court, Clarksville 21029 John Mellema, 5409 East Drive, Arbutus 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 7, 2019

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD

Friday, December 6, 2019 - Issue

Please forward billing to:

Maxim, LLC 983 Chesterfield Road Annapolis, MD 21401 443-871-4584

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0517-SPHA

6120 Rich Avenue (Lot 35) N/s Rich Avenue, East of Cummings Avenue 1st Election District – 1st Councilmanic District Legal Owners: Yonghui Yang, Guizhi Liang

Special Hearing to confirm that a merger has not occurred with the adjacent vacant parcel at 6122 Rich Avenue (Lot 34). Variance to permit an existing dwelling with a lot width of 50 ft. in lieu of the minimum required 55 ft.

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE
6120 Rich Avenue (Lot 35); N/S of Rich

Avenue, 135' E of Cummings Avenue

1st Election & 1st Councilmanic Districts

Legal Owner(s): Yonghui Yang & Guizhi Liang

OF ADMINSTRATIVE

BEFORE THE OFFICE

HEARINGS FOR

BALTIMORE COUNTY

2019-517-SPHA

ENTRY OF APPEARANCE

Petitioner(s)

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

NOV 21 2019

Palan Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November, 2019, a copy of the foregoing Entry of Appearance was mailed to John Mellema Surveyors, 5409 East Drive, Arbutus, Maryland 21227, Representative for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

DEC 2 3 2019

CERTIFICATE OF POSTING

OFFICE OF ADMINISTRATIVE HEARINGS

RECERT. 12/73/19
Date: DECEMBER 6, 2109

6120 RICH AVENUE #1 RE: Project Name: 2019-0517-SPHA Case Number /PAI Number: MAXIM, LLC Petitioner/Developer: **DECEMBER 27, 2019** Date of Hearing/Closing: This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6120 RICH AVENUE RECERT 12/23/19 DECEMBER 6, 2019 The sign(s) were posted on (Month, Day, Year) Dec 23, 2019 10:56:12 AM David Bellingsleg **ZONING NOTICE** DAVID W. BILLINGSLEY CASE NO. 2019-0517-SPHA (Printed Name of Sign Poster) 6120 RICH AVENUE (LOT 35) 601 CHARWOOD COURT A HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE (Street Address of Sign Poster) PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE, TOWSON, MD 22204 TIME: FRIDAY, DECEMBER 27, 2019 @ 1 30 PM EDGEWOOD, MD. 21040 SPECIAL HEARING TO CONFIRM THAT A MERGER (City, State, Zip Code of Sign Poster) HAS NOT OCCURRED WITH THE ADJACENT WACANT PARCEL AT 6122 RICH AVENUE (LOT 34) VARIANCE TO PERMIT AN EXISTING DIVELLING (410) 679-8719 WITH A LET WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET (Telephone Number of Sign Poster)

RECERT 12/23/19
DECEMBER 6 2109

Date: DECEMBER 6, 2109

ŘE:	Project Name:	6120 RI	CH AVENUE #2	<u>}</u>
	Case Number /PAI Number:	2019-0	517-SPHA	
	Petitioner/Developer:	MAXIM, LLC		
	Date of Hearing/Closing:	DECEMBER	R 27, 2019	
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			(Signature of S	
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	EARING WILL BE HELD BY THE		EDGEWOOD, MD.	
PLACE: ROON	MINISTRATIVE LAW JUDGE N 205 JEFFERSON BUILDING, 1	05 WEST	(City, State, Zip Co	ode of Sign Poster)
CHESAPE	AKE AVENUE, TOWSON, MD. 2)AY, DECEMBER 27, 2019 @ 1	/1204	(410) 679-8719	
SPECIAL HEA	ARING TO CONFIRM THAT A I OCCURRED WITH THE ADJA ICEL AT 6122 RICH AVENUE (VIERGER CENT	(Telephone Numb	er of Sign Poster)

VARIANCE TO PERMIT AN EXISTING DWELLING WITH A LOT WIDTH OF SO FEET IN LIEU OF THE

REQUIRED 55 FEET

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RECERT 17/73/19
Date: DECEMBER 6, 2109

RE:	Project Name:	6122 RI	CH AVENUE #1
	Case Number /PAI Number:	2019-0	518-A
	Petitioner/Developer:	MAXIM, LLC	***************************************
	Date of Hearing/Closing:	DECEMBE	R 27, 2019
were	This is to certify under the perposted conspicuously on the p		that the necessary sign(s) required by law at 6122 RICH AVENUE
	The sign(s) were posted on _		RECERT /2/23/19 DECEMBER 6, 2019
2	Dec 23, 2019 10:55:49 AM		(Month, Day, Year)
			David Billingsly
usilgadar Santa Santa			(Signature of Sign Poster)
L)	MING NO		(Printed Name of Sign Poster)
	CASE NO. <u>2019-051</u> 8	8 - 4	601 CHARWOOD COURT
	TAL MICH AVENUE (LO	T34)	(Street Address of Sign Poster)
	Andrews and delicibles and delicibles with the second translation of t	rric Established	EDGEWOOD, MD. 21040
``	The second	pilos west. Liospota Liospota	(City, State, Zip Code of Sign Poster)
			(410) 679-8719
			(Telephone Number of Sign Poster)

RECERT. 12/23/19
Date: DECEMBER 6, 2109

RE:	Project Name:	6122 RICH AVENUE #2
	Case Number /PAI Number:	2019-0518-A
	Petitioner/Developer:	MAXIM, LLC
r	Date of Hearing/Closing:	DECEMBER 27, 2019
were		nalties of perjury that the necessary sign(s) required by law roperty located at 6122 RICH AVENUE
	The sign(s) were posted on	RECERT: 12/23/19 DECEMBER 6, 2019
	Dec 23, 2019 10:55:22 AM	(Month, Day, Year)
	DNINGNOT	David Billery (Signature of Sign Poster)
	CAGE NO MUNICIPALIS. 122 RICH AVENUE (LOT	DAVID W. BILLINGSLEY
	A HEARING WILL BE LIGHT BY TH AUNIDUS BASING WAYNOGE	601 CHARWOOD COURT
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WITH	NCE TO PERMIT A PROPOSED DWI A LOT WIDTH OF SO FEET IN LIEU O REQUIRED MINIMUM OP 55 FEET	(City, State, Zip Code or Sign Poster)
confirm he /Applicate Applicate Applicate	ments did to conventing of the second	(410) 679-8719 (Telephone Number of Sign Poster)

Date: DECEMBER 6, 2109 **6120 RICH AVENUE #1** Project Name: _ RE: 2019-0517-SPHA Case Number /PAI Number: MAXIM, LLC Petitioner/Developer: **DECEMBER 27, 2019** Date of Hearing/Closing: This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6120 RICH AVENUE **DECEMBER 6, 2019** The sign(s) were posted on __ (Month, Day, Year) Dec 6, 2019 10:22:34 AM ZONING NOTICE CASE NO. 2019-0517-SPHA DAVID W. BILLINGSLEY (Printed Name of Sign Poster) 6120 RICH AVENUE (LOT 35) A HEARING WILL BE HELD BY THE 601 CHARWOOD COURT ADMINISTRATIVE LAW JUDGE (Street Address of Sign Poster) PLACE:: ROOM 205 JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE, TOWSON, MD. 21204. TIME: FRIDAY, DECEMBER 27, 2019 @ 1:30 PM EDGEWOOD, MD. 21040 SPECIAL HEARING TO CONFIRM THAT A MERGER (City, State, Zip Code of Sign Poster) HAS NOT OCCURRED WITH THE ADJACENT VACANT PARCEL AT 6122 RICH AVENUE (LOT 34) (410) 679-8719 VARIANCE TO PERMIT AN EXISTING DWELLING (Telephone Number of Sign Poster) WITH A LOT WIDTH OF SOFEET IN LIEU OF THE

REQUIRED 55 FEET

Date: DECEMBER 6, 2109

RE:	Project Name:	6120 RICH AVENUE #2	
/4×\	Case Number /PAI Number:	2019-0517-SPHA	
	Petitioner/Developer:	MAXIM, ILLC	
	Date of Hearing/Closing:	DECEMBER 27, 2019	
were	This is to certify under the pe posted conspicuously on the p	enalties of perjury that the necessary sign(s) required by larger to large the necessary sign(s) required by larger to have a sign (s) required by	aw
	The sign(s) were posted on _	DECEMBER 6, 2019 (Month, Day, Year)	
Z 0	Peg 6, 20 (9) (10) 22 07 AM NING NOT	(Signature of Sign Poster) DAVID W. BÎLLINGSLEY	7
61: •	SE NO. 2019-0517-SPH 20 RICH AVENUE (LOT A HEARING WILL BE HELD BY TH ADMINISTRATIVE LAW JUDGE DOM: 205 JEFFERSON BUILDING.	601 CHARWOOD COURT (Street Address of Sign Poster)	
CHES/ TIME:	NPEAKE AVENUE, TOWSON, MD FRIDAY, DECEMBER 27, 2019 @ 1 HEARING TO CONFIRM THAT A	EDGEWOOD, MD. 21040 (City, State, Zip Code of Sign Poster)
HAS I VACANT	NOT OCCURRED WITH THE ADJ PARCEL AT 6122 RICH AVENUE NEE TO PERMIT AN EXISTING DV	ACENT (410) 679-8719 (Telephone Number of Sign Poster)	

WITH A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:
Case Number:
Legal Owners (Petitioners): Yon ghui Yang & Guizhī Līang Contract Purchaser/Lessee: NA PLEASE FORWARD ADVERTISING BILL TO:
Name:
Company/Firm (if applicable): MAXIM LLC Address: 983 CHESTERCIEU Pd.
Anapolis MO 21401
Telephone Number: 443-871-4584



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

December 17, 2019

John Mellema 5409 East Drive Arbutus MD 21227

RE: Case Number: 2019-0517-SPHA, 6120 Rich Ave (Lot 35)

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 14, 2019. 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.

0 116

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

Yonghui Yang 11803 Chapel Woods Court Clarsville MD 21029

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Michael D. Mallinoff

DATE: 12/4/2019

Director, Department of Permits, Approvals and Inspections

FROM:

C. Pete Gutwald

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-517

INFORMATION:

Property Address:

6122 Rich Avenue (Lot 35) Yonghui Yang, Guizhi Liang

Petitioner: Zoning:

DR 5.5

Requested Action:

Special Hearing, Variance

The Department of Planning has reviewed the petition for:

1. A special hearing under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the zoning commissioner should approve and/or confirm that a lot merger has not occurred with the adjacent vacant parcel at 6122 Rich Avenue (Lot 34)

2. A variance from Section 1B02.3.C.1, BCZR to permit an existing dwelling with a lot width of 50 feet in lieu of the required 55 feet.

A site visit was conducted on November 25, 2019. The subject property is located to the north of Rich Avenue and Baltimore National Pike. The site is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan.

The applicant is proposing to improve lot 34 with a two-story dwelling. The applicant owns the contiguous lots (#34 and #35). The applicant has requested variance relief for lot 34 (Case Number 2019-0518-A). From staff observation, it doesn't look like merger of lots has occurred.

The Department of Planning has no objection to granting the petitioned zoning variance relief and will concur with the decision of the administrative law judge, subsequent to the public hearing, as to whether lots (34 and 35) have merged through use.

For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Division Chief

Jenifer G. Nugent

CPG/JGN/LTM/

c: Josephine Selvakumar John Mellema Surveyors Office of the Administrative Hearings People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Michael D. Mallinoff

DATE: 12/4/2019

Director, Department of Permits, Approvals and Inspections

FROM:

C. Pete Gutwald

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-517

INFORMATION:

Property Address: 6122 Rich Avenue (Lot 35) Yonghui Yang, Guizhi Liang

Petitioner: Zoning:

DR 5.5

Requested Action: Special Hearing, Variance

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feet in lieu of the required 55 feet.

A site visit was conducted on November 25, 2019. The subject property is located to the north of Rich Avenue and Baltimore National Pike. The site is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan.

The applicant is proposing to improve lot 34 with a two-story dwelling. The applicant owns the contiguous lots (#34 and #35). The applicant has requested variance relief for lot 34 (Case Number 2019-0518-A). From staff observation, it doesn't look like merger of lots has occurred.

The Department of Planning has no objection to granting the petitioned zoning variance relief and will concur with the decision of the administrative law judge, subsequent to the public hearing, as to whether lots (34 and 35) have merged through use.

For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Division Chief

CPG/JGN/LTM/

c: Josephine Selvakumar John Mellema Surveyors Office of the Administrative Hearings

People's Counsel for Baltimore County

12-21-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

November 22, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0517-SPHA

Address

6120 Lot 35 Rich Avenue

(Yang & Liang Property)

Zoning Advisory Committee Meeting of November 15, 2019.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 11/20/19

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019 - 0517 - 5PHA

Spocia (Heaving, Variance Youghus Yang, buich Ling 6120 15t 35 Rich Avanue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

CASE NAME $\widehat{\underline{\mathcal{R}}}$	ICH AVE	
CASE NUMBER	19-0517-SPHA	
DATE	1-0518-A	
HEET	. 1-31-2020	

PETITIONER'S SIGN-IN SHEET

E - MAIL **ADDRESS** NAME CITY, STATE, ZIP JCMCSEVENTENIM BALTO MO 2(227 BEN Gray 1319 STEVENS Are Annapolis MD 21401 983 Chesterfield AD maxim 14 gandreaultegrail.com

Sherry Nuffer

From:

Sherry Nuffer

Sent:

Monday, December 30, 2019 9:57 AM

To:

Kristen L Lewis

Cc:

Michael Mallinoff; Paul Mayhew

Subject:

2019-0517-SPHA and 2019-0518-A

Kristen,

Per Larry these cases never happened on Friday.

The contract purchaser for 2019-0518-A showed. He knew nothing about what was to be presented to get a variance or about a "merger".

No one showed for the 2019-0517-SPHA case at all.

Both cases had the same engineer (assuming that they confused this with an administrative variance).

Larry did open and continue the cases so that the engineer can get a new date.

I am sending the files back to you. Larry will be back on the 2nd if you have any further questions.

Thank you,

Sherry

Sherry Nuffer Legal Assistant Baltimore County Office of Administrative Hearings 410-887-3868

CHECKLIST

Comment Received	<u>Depar</u>	rtment			Support/Oppose/ Conditions/ Comments/ No Comment
					NO
11/22	DEPS (if not received, da	te e-mail sent)	Comment
	FIRE DEPARTMI	ENT			10
12/4	PLANNING (if not received, da	te e-mail sent _	_		Objection
11/20	STATE HIGHWA	Y ADMINIST	RATIO	N	NO Objection
	TRAFFIC ENGIN	EERING			
	COMMUNITY AS	SSOCIATION			
	ADJACENT PROJ	PERTY OWNE	ERS		
ZONING VIOLATION	ON (Cas	se No			
PRIOR ZONING	(Cas	se No		. 22	
NEWSPAPER ADV	ERTISEMENT	Date:	12	16/19	
SIGN POSTING (1s	et)	Date:	12	16/19	by Billingsley
SIGN POSTING (2 ^r	nd)	Date:	12	23 19	by
Development No Comment					
	LE COMMENT LET	. TEX TES		NO L	
Comments, if any:					

Real Property Data Search

Search Result for BALTIMORE COUNTY

	View GroundRent R			oundRent Reg	,							
Tax Exempt: None	Special Tax Recapture; None											
Exempt Class: None												
Account Identifier:	Distric		nt Number - 01	03470792								
			r Information									
Owner Name:		YONGHUI GUIZHI		Use: Principal	Residen		ESIDENTI/ ES	AL				
Mailing Address:	6120 F	RICH AVE MORE MD 21	228	Deed Refe			1832/.0003	32				
			tructure Informa	tion								
Premises Address:		RICH AVE MORE 21228	-	Legal Des	cription	•	OUCLASE	A DIV				
Map: Grid: Parcel:	Neighborhood:	Subdivision	: Section:	Block:	Lot:	Assessmen	OUGLAS F	AKK				
•	_				0.5	Year:	No:					
0094 0024 0096	1050082.04	0000			35	2019	Plat Ref:	0007/ 0170				
Special Tax Areas: None			Town:				None					
•			Ad Val	orem:			None					
			Tax Cl	ass:			None					
Primary Structure Built 1953	Above Grade Livin 2,024 SF	g Area F	inished Basem	ent Area	Prop 9,700	erty Land Area	a Cour	nty Use				
Stories Basement T	ype Ext	erior Qua	lity Full/Half Bath	Ga		Last Notice of						
	TANDARD BLO NIT	OCK/ 3	2 full									
		Value	Information	**								
	Base Value		/alue	Ph	ase-in A	ssessments	-					
			As of 01/01/2019		of /01/2019		s of 7/01/2020					
Land:	69,900		92,400									
Improvements	124,000		142,700			_						
Total: Preferential Land:	193,900 0	2	235,100	. 20	7,633	2:	21,367					
		Transfe	er Information	-		<u> </u>						
Seller: PALMER ARLENE	COLLINS		/05/2019			Price: \$218,	000	_				
Type: ARMS LENGTH MUI			41832/ 00032			Deed2:	,					
Seller: COLLINS AVON H		Date: 10	/31/1995			Price: \$45,0	00					
Type: NON-ARMS LENGTI	H OTHER	Deed1: /	11281/ 00270			Deed2:						
Seller: COLLINS CARRIE			/23/1992			Price: \$0		***************************************				
Type: NON-ARMS LENGTI	HOTHER		09148/ 00465			Deed2:						
Partial Exempt Assessment	s: Class	Exempti	on Information	07/01/201	9		7/01/2020					
County:	000			0.00	-	ŭ	.,					
State:	000			0.00								
Municipal:	000		****	0.00 0.00		0	.00,00					
Tax Exempt: None		Spec	ial Tax Recaptu	ure: None								
Exempt Class: None						<u>- </u>						
Homestead Application Stat		Homestead Ap	plication Inform	ation								
BOMOSTORA ANNHASTIAN Stat	us' No Application											

Received for Record

Cor 2 g 1924/at 3.4

same day recorded in libs

N. P. C. No. — follow.

One of the — Records o

Battimore County and exactined, per

SCALE, 100 PT PER IN Thos. H. Disney, Surveyor April, 1324

czerk

PETITIONER'S

EXHIBIT NO.

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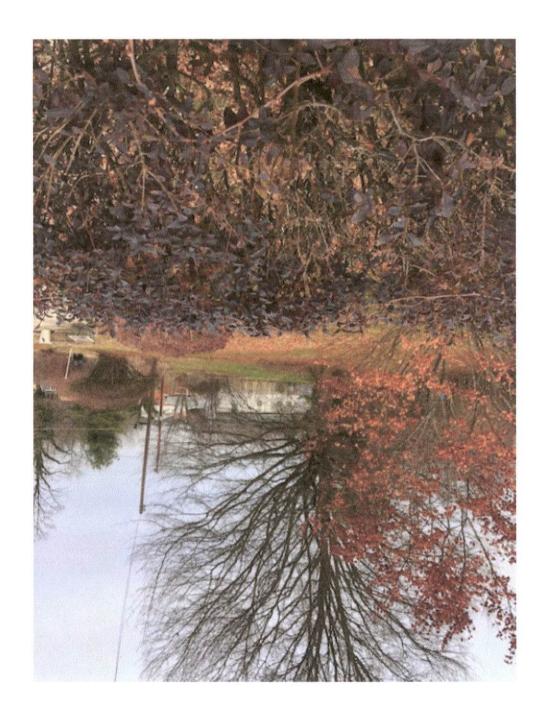


PETITIONER'S

EXHIBIT NO.



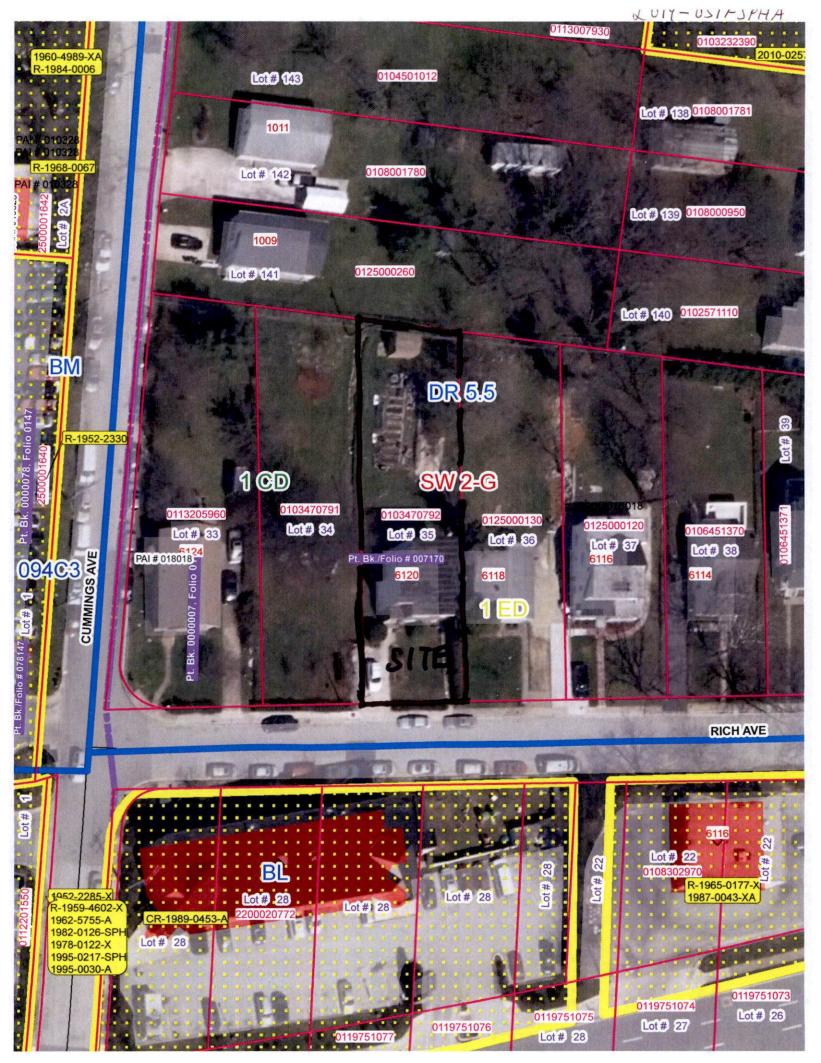
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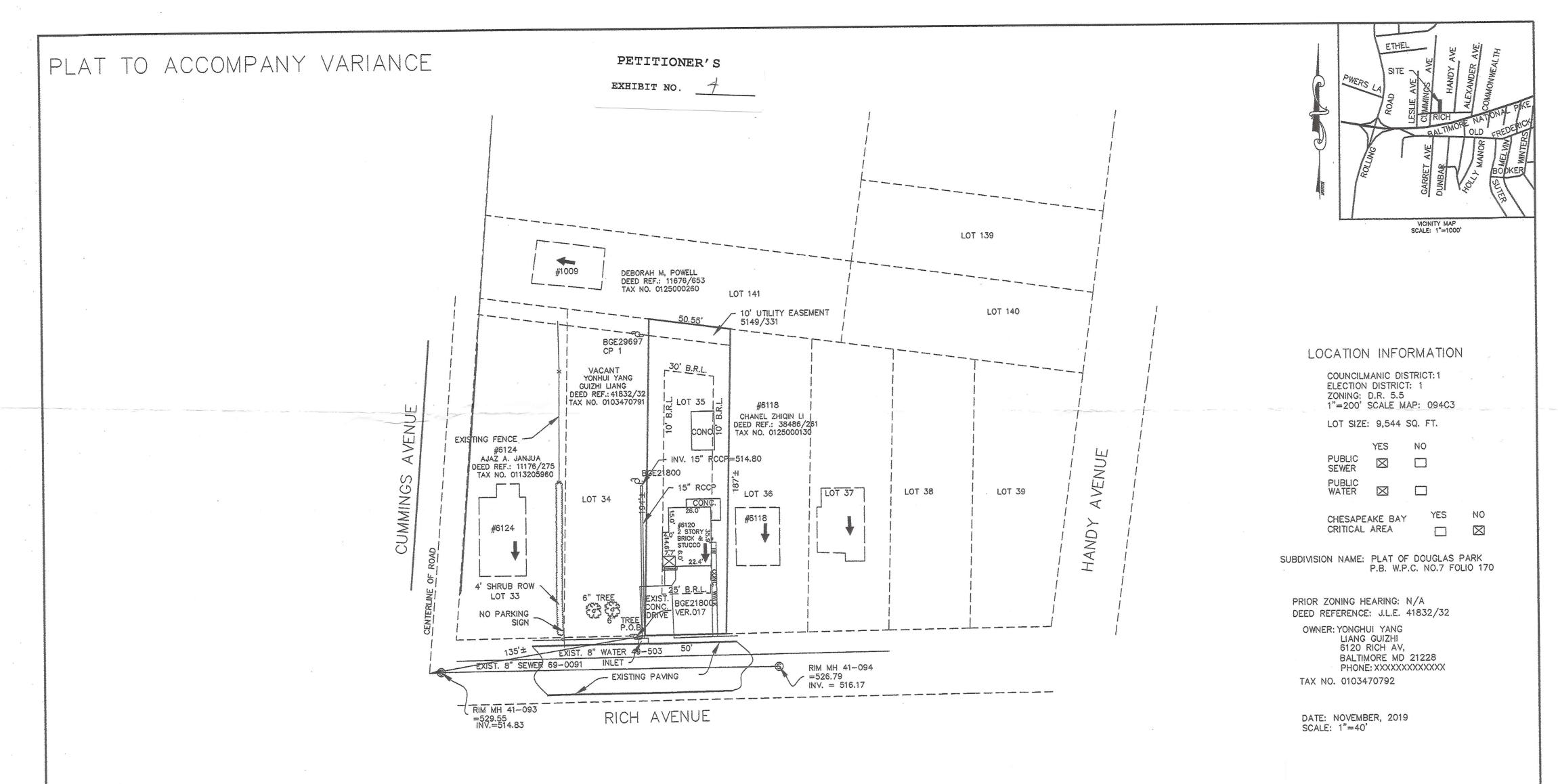
1

win thony









#6120 RICH AVENUE

LOT 35

PLAT OF DOUGLAS PARK

BALTIMORE COUNTY, MARYLAND

TAX MAP 94 GRID 24 PARCEL 96

SCALE: 1"=40' DATE: NOVEMBER, 2019



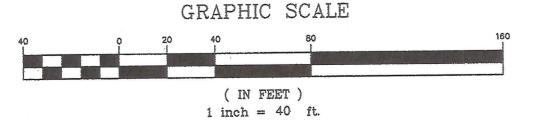


EXHIBIT NO. LOT 139 DEBORAH M, POWELL DEED REF.: 11676/653 TAX NO. 0125000260 #1009 - 10' UTILITY EASEMENT 5149/331 LOT 140 LOCATION INFORMATION YONGHUI YANG GUIZHI LIANG DEED REF.: 41832/32 TAX NO. 0103470792 COUNCILMANIC DISTRICT: 1 AVENUE ELECTION DISTRICT: 1 ZONING: D.R. 5.5 CHANEL ZHIQIN LI DEED REF.: 38486/261 TAX NO. 0125000130 1"=200' SCALE MAP: 094C3 LOT 35 CONC LOT 34 EXISTING FENCE -LOT SIZE: 9,908 SQ. FT. #6124 AJAZ A. JANJUA DEED REF.: 11176/275 TAX NO. 0113205960 AVENUE NV. 15" RCCP=514.80 CUMMINGS LOT 37 PUBLIC \boxtimes - 15" RCCP LOT 38 LOT 39 LOT 36 PUBLIC WATER \boxtimes #6118 HANDY #6120 #6120 #20° 2 STORY & BRICK & 9 #6124 YES NO CHESAPEAKE BAY CRITICAL AREA \boxtimes SUBDIVISION NAME: PLAT OF DOUGLAS PARK P.B. W.P.C. NO.7 FOLIO 170 4' SHRUB ROW LOT 33 NO PARKING PRIOR ZONING HEARING: N/A DEED REFERENCE: J.L.E. 41832/32 EXIST. 8" WATER 49-50 OWNER: YANG YONGHUI GUIZHI LIANG EXIST. 8" SEWER 69-0091 RIM MH 41-094 6120 RICH AV, =526.79BALTIMORE MD 21228 INV. = 516.17PHONE: XXXXXXXXXXXXX TAX NO. 0103470791 RIM MH 41-093 RICH AVENUE =529.55 INV.=514.83 DATE: NOVEMBER, 2019 SCALE: 1"=40"

CONTRACT PURCHASER
MAIM LLC
983 CHESTERFIELD ROAD
ANNAPOLIS MD. 21401
PHONE 443-871-4584

#6122 RICH AVENUE

LOT 34

PLAT OF DOUGLAS PARK

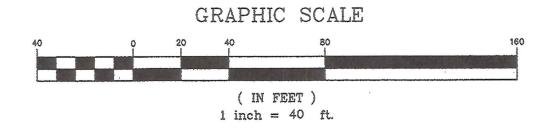
BALTIMORE COUNTY, MARYLAND

TAX MAP 94 GRID 24 PARCEL 96

SCALE: 1"=40' DATE: NOVEMBER, 2019



PLAT TO ACCOMPANY VARIANCE



D.R.5.5 REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

PETITIONER'S

PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507