

IN RE: PETITION FOR ADMIN. VARIANCE *

(7214 Denberg Road)

3rd Election District *

2nd Council District

Oleg and Benedikta Vesnovsky *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0198-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Oleg and Benedikta Vesnovsky. The Petitioners are requesting Variance relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a side yard setback of 8 feet for a proposed carport in lieu of the minimum required setback of 15 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 10, 2013, 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 (B.C.C.). 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 Administrative Law

ORDER RECEIVED FOR FILING

Date 4-2-13

By [Signature]

Judge, 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 Petitioners.

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, this 2nd day of April, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a side yard setback of 8 feet for a proposed carport in lieu of the minimum required setback of 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for any appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 4-2-13

2

By low



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 2, 2013

Oleg Vesnovsky
Benedikta Vesnovsky
7214 Denberg Road
Baltimore, Maryland 21209

Re: Petition for Administrative Variance
Case No. 2013-0198-A
Property: 7214 Denberg Road

Dear Mr. and Mrs. Vesnovsky:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in dark ink, appearing to read "JEB", with a long, sweeping horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 7214 Denberg Rd, Baltimore MD 21209 which is presently zoned DR2

Deed Reference 15383/0153 10 Digit Tax Account # 1600007848

Property Owner(s) Printed Name(s) Oleg Vesnovsky, Benedikta Vesnovsky

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. **X** **ADMINISTRATIVE VARIANCE** from section(s) 1B02.3.C.1 To permit a side yard set back of 8 feet for a proposed carport in lieu of the minimum 15 feet set back

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Oleg Vesnovsky, Benedikta Vesnovsky

Name #1- Type or Print Name #2- Type or Print

Oleg Vesnovsky, B. Vesnovsky

Signature #1 Signature #2

7214 Denberg Rd, Baltimore, MD

Mailing Address City State

21209, 410-653-9530, oleg.vesnovsky@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

SAME

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0198-A

Filing Date 2/29/13

Estimated Posting Date 3/19/13

Reviewer G. H

Affidavit in Support Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

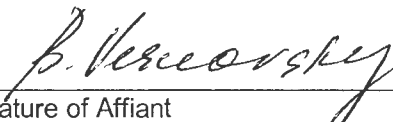
Address: 7214 Denberg Rd BALTIMORE MD 21209
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

We would like to build a carport because we go to work
early and, during bad weather, we have to scrape ice
and snow off cars before we can leave. As we are
getting older, we need to avoid this hardship.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Affiant
Oleg Vesnovsky
Name- Print or Type


Signature of Affiant
Benedikta Vesnovsky
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of February 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Oleg Vesnovsky and Benedikta Vesnovsky
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal


Notary Public

My Commission Expires

ALLA SHEIN
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES MARCH 25, 2016

ZONING PROPERTY DESCRIPTION

for 7214 Denberg Road, Baltimore, Maryland 21209

Beginning at a point on the *west* side of **Denberg Road** which is **50'** wide at the distance of **390'** ^{*South*}~~*north*~~ of the centerline of the nearest improved intersecting street **Burdock Road** which is **50'** wide.

Being Lot #14, Block **D**, Plat #1, Section #3 in the subdivision of **Greengate** as recorded in Baltimore County Plat Book #**O.T.G. No. 35**, Folio #**116**, containing **0.41** acres. Located in the **3** Election District and **2** Council District.

2013-0198-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0198 -A Address 7214 Denberg RD

Contact Person: Gary Hwik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/26/13 Posting Date: 3/10/13 Closing Date: 3/25/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2012- 0198 -A Address 7214 Denberg RD

Petitioner's Name Oleg Vesnovsky Telephone 410-653-9530

Posting Date: 3/10/13 Closing Date: 3/25/13

Wording for Sign: To Permit a side yard set back of 8 feet
for a proposed Carport in lieu of the required 15
feet minimum with a sum of 40 feet

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 94127

Date: 2/26/13

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	206	200		6150						75.00

Total: 75.00

Rec From: Oleg Vesnovsky

For: Administrative Variance

2013-0198-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2013-0198-A

Petitioner/Developer OLEG VESNOUSKY

Date Of Hearing/Closing: 3/25/13

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 7214 DENBERG ROAD

This sign(s) were posted on March 10, 2013
Month, Day, Year

Sincerely,

Martin Ogle 3/10/13
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE 2013-0198-A

TO PERMIT A SIDE YARD SET BACK OF 8 FEET
FOR A PROPOSED CARPORT IN LIEU OF THE REQUIRED
15 FEET MINIMUM

PUBLIC HEARING ?

PURSUANT TO SECTION 26-17(b)(1) BALTIMORE CITY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON

MONDAY, MARCH 25, 2013

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3381

NO INFORMATION TO BE GIVEN AND NOT UNTIL AFTER THE DATE UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

madeyle 3/10/13

M E M O R A N D U M

DATE: May 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0198-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 2, 2013. 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.'

c: / Case File
Office of Administrative Hearings

CASE NO. 2013-

0198-A

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
Received

Department

3-13DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NC3-26DEPS
(if not received, date e-mail sent _____)NC

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)3-5

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 3-10-13 by OglePEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 26, 2013

Oleg & Benedikta Vesnovsky
7214 Denberry Road
Baltimore MD 21209

RE: Case Number: 2013-0198 A, Address: 7214 Denberry Road

Dear Mr. & Ms. Vesnosky:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 26, 2013. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2013
Item Nos. 2013-0196, 0198, 0200, 0201 and 0202.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 26, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0198-A
Address 7214 Denberg Road
(Vesnovsky Property)

Zoning Advisory Committee Meeting of March 4, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

MAR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-5-13

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

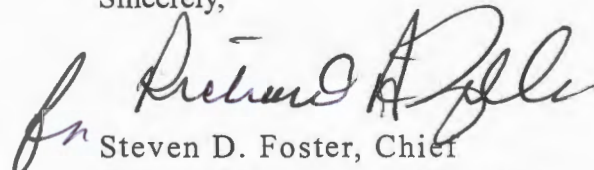
RE: Baltimore County
Item No 2013-0198-A
Administrative Variance
Oleg & Benedikta Vesnovsky
7214 Denberg Road.

Dear Ms. Lewis:

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. 2013-0198-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier:

District - 03 Account Number - 1600007848

Owner Information

Owner Name: VESNOVSKY OLEG
VESNOVSKY BENEDIKTA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7214 DENBERG RD
BALTIMORE MD 21209-1006
Deed Reference: 1) /15383/ 00153
2)

Location & Structure InformationPremises Address7214 DENBERG RD
0-0000Legal Description7214 DENBERG RD
GREEN GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0069	0019	1078		0000	3	D	14	2	Plat Ref:	0035/ 0116

Town

NONE

Special Tax AreasAd ValoremTax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1974	2,098 SF	17,949 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	145,730	145,700		
Improvements:	323,870	184,500		
Total:	469,600	330,200	330,200	330,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
KRAVITZ WILLARD P	07/13/2001	\$235,000
Type: ARMS LENGTH IMPROVED	Deed1: /15383/ 00153	Deed2:
Seller: H M H CONSTRUCTION COMPANY	Date: 12/07/1973	Price: \$54,000
Type: ARMS LENGTH IMPROVED	Deed1: /05413/ 00728	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:Special Tax Recapture:Exempt Class:

NONE

Homestead Application Information

Homestead Application Status: Approved 07/14/2008

[Go Back](#)
[View Map](#)
[New Search](#)

TE PLAT 2

1079

SEC 3

P. 1118

OPEN SPACE

CALYPSO CT

DENBERG

35:117

35:110

P. 1078

OPEN AREA

208

209

207

206

205

204

203

202

201

SPACE

GREEN GATE PLAT 1 SEC. 3

1057

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ROAD CROSS

GREEN GATE Δ1 SEC. 2

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DR

Property maps provided courtesy of the Maryland Department of Planning ©2011.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



7216

7212

7214 Denberg Road – front view from Denberg Road



Location of proposed edition – front view from Denberg Road

2013-0198-A



Location of proposed edition closer view – front view from Denberg Road



Location of proposed edition – view from the back

Screen Room

2013-0198-A



Location of proposed edition – front view



Location of proposed edition – side view

2013-0198-12



Side view from Harris backyard (7212 Denberg)



Side view of Harris house from the back

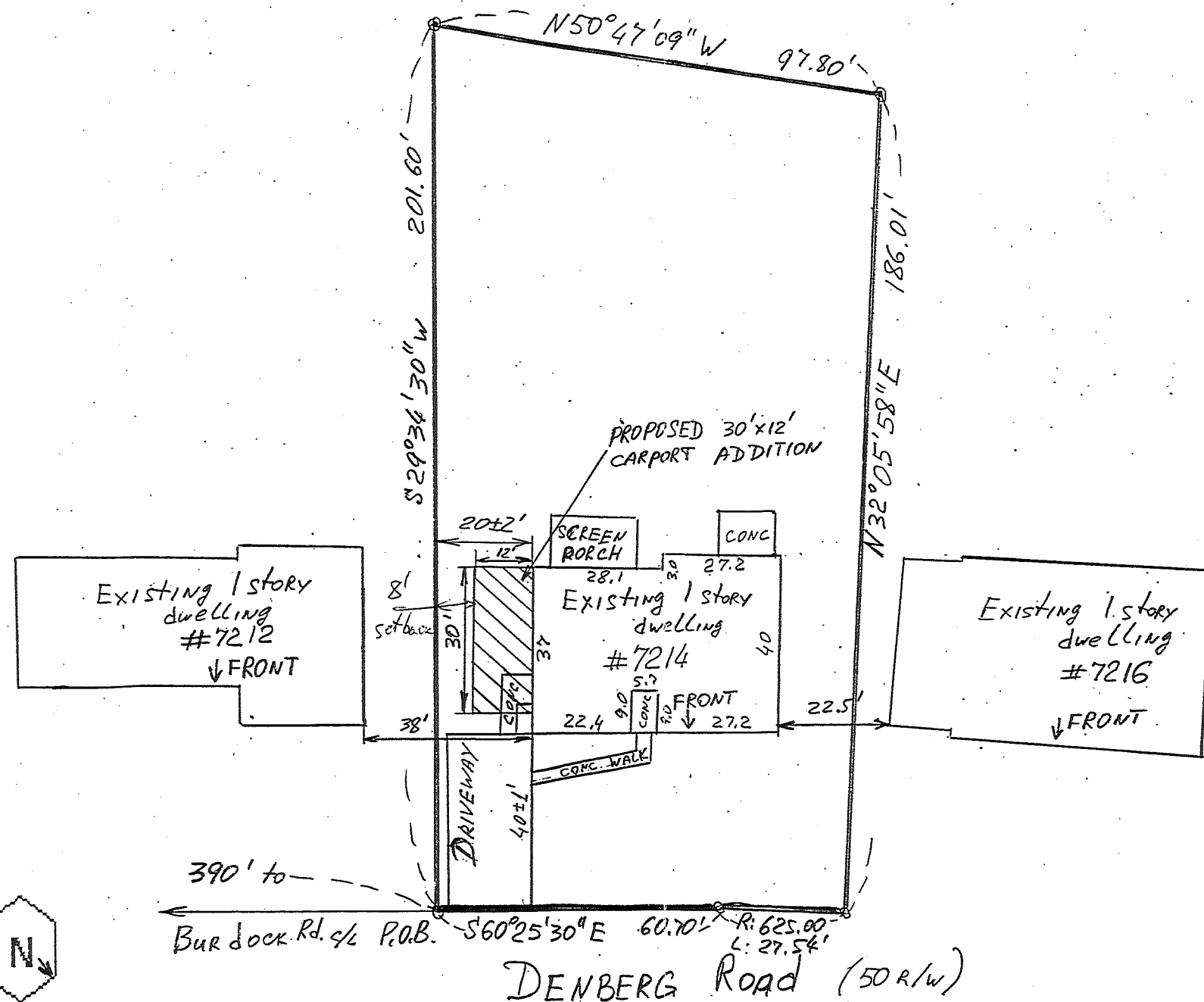
2013-0198-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 7214 DENBERG Rd, BALTIMORE, MD 21209 OWNER(S) NAME(S) Oleg & Benedikta Vesnovsky

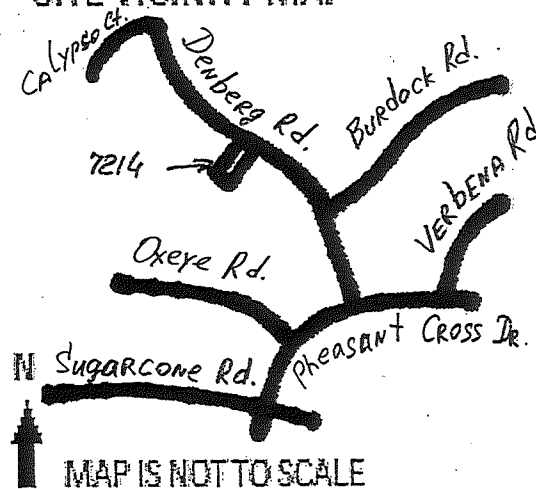
SUBDIVISION NAME Greengate LOT # 14 BLOCK # D SECTION # 3

PLAT BOOK # 35 FOLIO # 116 10 DIGIT TAX # 1600007848 DEED REF. # 1538310153



PLAN DRAWN BY Oleg Vesnovsky DATE Feb. 18, 2013 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 069A3

SITE ZONED DR 2

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE 0.41

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A

Pet. Ech. 1