

IN RE: PETITION FOR ADMIN. VARIANCE *

(6806 Cherokee Drive)

3rd Election District *

2nd Council District *

Tatyana Khazanova *

Petitioner *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0052-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Tatyana Khazanova. The Petitioner is requesting Variance relief from § 1B02.3.C.1 (1954 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached garage addition onto the side of the dwelling with a side yard setback of 3 ft. in lieu of the required 7 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 2014, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 10-10-14

By DW

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 Petitioner.

Although the Department of Planning did not make any recommendations related to the proposed garage height and usage, I will impose conditions that the garage not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 10th day of October, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 1B02.3.C.1 (1954 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached garage addition onto the side of the dwelling with a side yard setback of 3 ft. in lieu of the required 7 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

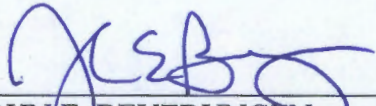
ORDER RECEIVED FOR FILING

Date 10-10-14

By bw

2. The Petitioner or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.

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

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-10-14

By dlw



KEVIN KAMENETZ
County Executive

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

October 10, 2014

Tatyana Khazanova
6806 Cherokee Drive
Baltimore, Maryland 21209

RE: Petition for Administrative Variance
Case No. 2015-0052-A
Property: 6806 Cherokee Drive

Dear Ms. Khazanova:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish 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 6806 Cherokee Dr Balto 21209 which is presently zoned DR 5.5

Deed Reference 12905/155

10 Digit Tax Account # 0319087940

Property Owner(s) Printed Name(s) TATYANA KHAZANOVA

(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) 1B02.3C.1 (1954 BCZR Regulations) of BCZR to permit an attached garage addition onto the side of the dwelling, with a side yard setback of 3 feet in lieu of the required 7 feet.

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:

Tatyana Khazanova

Name #1 – Type or Print

Name #2 – Type or Print

T. Khazanova

Signature #1

Signature #2

6806 Cherokee Dr Baltimore MD

Mailing Address City State

21209, 4109160685, tykhaz@yahoo.com

Zip Code Telephone # Email Address

Representative to be contacted:

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

2015/0052-A

Filing Date

9/10/2014

Estimated Posting Date

9/21/14

Reviewer

AT

~10/06/14

Rev 10/12/11

Affidavit in Support of 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: 6806 Cherokee Drive 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 need to build a garage for:
1. Security reason - personal and a car safety,
2. To use existing carport to build a new garage is only one
a practical place for it.
3. Save money. It's a financial hardship to remove all and
then rebuild.
4. We need to apply for a variance anyway, does not matter
where we decide to build our garage on our property.

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

T. Kharanova

Signature of Affiant

Tatyana Kharanova

Name- Print or Type

Signature of Affiant

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 2nd day of September, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Tatyana Yevgenyevna Kharanova
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

Charles Admire
Notary Public

4/25/2018
My Commission Expires

ZONING DESCRIPTION FOR

6806 CHEROKEE DR

BEGINNING AT A POINT ON THE WEST
SIDE OF CHEROKEE DR, 50 FT R/W AT
THE DISTANCE 294 FT. $\pm$ NORTH OF THE
CENTERLINE OF CHIPPEWA DR, 50 FT R/W.

BEING (KNOWN AS) LOT #21 BLOCK D SECTION 2
IN THE SUBDIVISION VALLEY STREAM AS
RECORDED IN BALTIMORE COUNTY PLAT
BOOK #20 FOLIO 085 CONTAINING 0.17 ACRE
(7,490 SQ FT). LOCATED IN THE 3RD ELECTION
DISTRICT AND 2ND COUNCIL DISTRICT.

2015-0052-A

ZONING DESCRIPTION FOR 6806 CHEROKEE DR

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

No. **116254**
 Date: **9/10/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 9/12/2014 9/10/2014 11:27:51 3
 REG WSD5 WALKIN R805 LRS
 RECEIPT # 761055 9/10/2014 OPEN
 Dept 5 520 ZONING VERIFICATION
 CP NO. 116254
 Recpt Tot \$75.00
 \$75.00 OK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75-
Total:								\$75-

Rec From:

For:

6806 CHEROKEE DR.

2015-0052-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/21/2014

Case Number: 2015-0052-A

Petitioner / Developer: TATYANA KHAZANOVA

Date of Hearing (Closing): OCTOBER 6, 2014

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:
6806 CHEROKEE DRIVE

The sign(s) were posted on: **SEPTEMBER 20, 2014**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0052 -A Address 6806 CHEROKEE DRIVE

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/10/2014 Posting Date: 9/21/14 Closing Date: 10/06/14

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

1. **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.
2. **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.
3. **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.
4. **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 2015- 0052 -A Address 6806 CHEROKEE DRIVE

Petitioner's Name TATYANA KHAZANOVA Telephone 410-916-0685

Posting Date: 9/21/14 Closing Date: 10/06/14

Wording for Sign: TO PERMIT AN ATTACHED GARAGE ADDITION ONTO
THE SIDE OF THE DWELLING WITH A SIDE YARD SETBACK
OF 3 FEET IN LIEU OF THE REQUIRED 7 FEET.

Revised 7/18/14



KEVIN KAMENETZ
County Executive

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

October 7, 2014

Tatyana Khazanova
6806 Cherokee Drive
Baltimore MD 21209

RE: Case Number: 2015-0052 A, Address: 6806 Cherokee Drive

Dear Ms. Khazanova:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 10, 2014. 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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 22, 2014
Item No. 2015-0049, 0050, 0051 and 0052

DATE: September 17, 2014

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC09222014 -.doc

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 9/15/14

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

RE: Baltimore County
Item No. 2015-0052-A
Administrative Variance
Tatyana Khazanov
6806 Cherokee Drive

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. 2015-0052-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/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

MEMORANDUM

DATE: November 12, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0052-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 10, 2014. 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

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0319087940			
Owner Information					
Owner Name:		KHAZANOVA TATYANA		Use:	RESIDENTIAL
Mailing Address:		6806 CHEROKEE DR BALTIMORE MD 21209-		Principal Residence:	YES
				Deed Reference:	/12905/ 00155
Location & Structure Information					
Premises Address:		6806 CHEROKEE DR BALTIMORE 21209-0000		Legal Description: 6806 CHEROKEE DR VALLEY STREAM	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0078	0006	0536		0000	2 D 21
				Assessment Year:	Plat No:
				2014	0020/0085
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1959	1,649 SF		7,490 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	SPLIT LEVEL	SIDING	1 full/ 1 half	1 Carport
Last Major Renovation					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2014	07/01/2014	07/01/2015
Land:		80,900	80,900		
Improvements		143,900	160,100		
Total:		224,800	241,000	230,200	235,600
Preferential Land:		0			0
Transfer Information					
Seller: SURELL HOWARD S		Date: 05/28/1998		Price: \$103,500	
Type: ARMS LENGTH IMPROVED		Deed1: /12905/ 00155		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 08/27/2014					

6806 Cherokee Drive



Publication Date: 8/29/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 30 feet

2015-0052-A



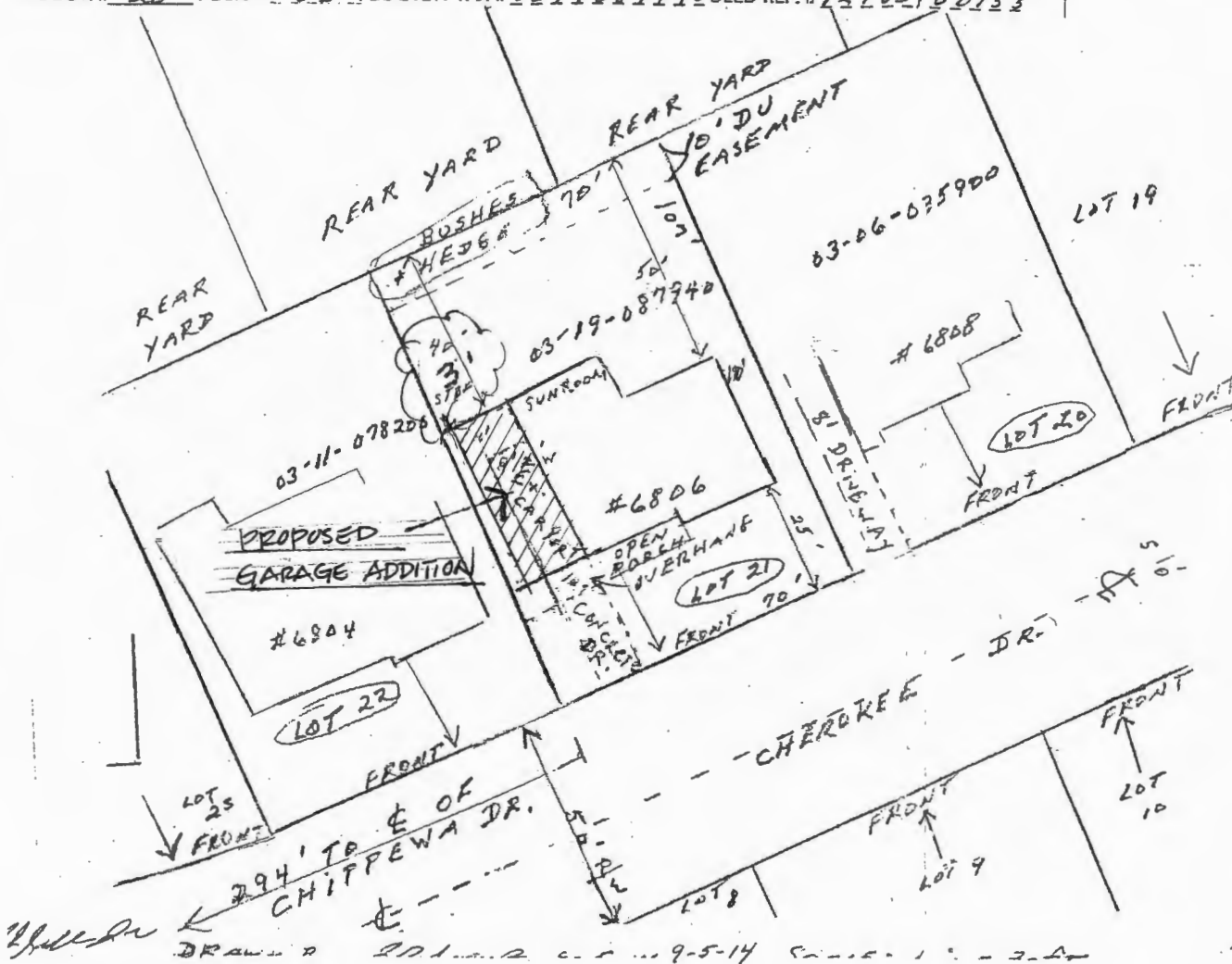








JOINING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 6806 CHEROKEE DR. OWNER(S) NAME(S) TATYANA KHAZANOVA
 SUBDIVISION NAME VALLEY STREAM LOT # 21 BLOCK # D SECTION # 2
 AT BOOK # 20 FOLIO # 85 10 DIGIT TAX # 0319087940 DEED REF. # 13905100155



GARAGE =

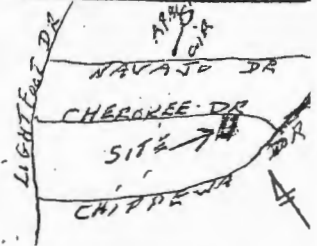
EXISTING
 CARPORT IS
 9'1/2" wide x 22' L.

PROPOSED ATTACH
 GARAGE = 4' wide
 & EXTEND TO BE
 EVEN WITH REAR
 SUNROOM WALL.
 NO CHANGE TO
 FRONT SETBACK
 HGT. = SAME AS
 SFD.

STRUCTURE
 BUILT IN 1959
 MAP 0078
 GRID 0061
 PARCEL 0536

SCALE: 1" = 30' FT.
 2015-0052-A

SITE VICINITY MAP

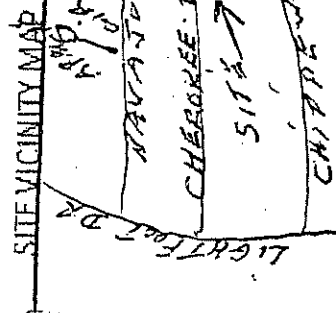
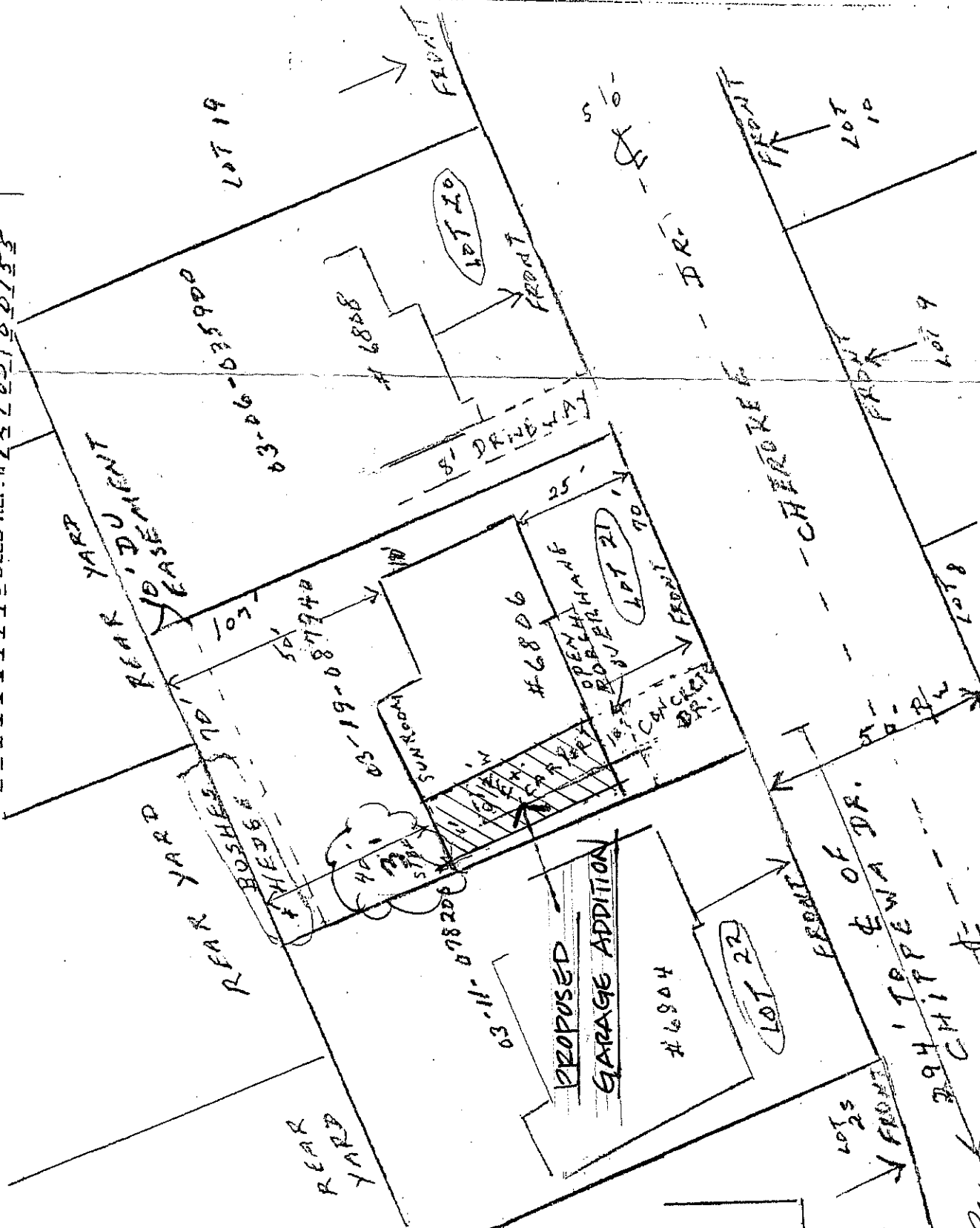


MAP IS NOT TO SCALE

ZONING MAP # 07861 (FKA 07861)
 SITE ZONED DR-5.5
 ELECTION DISTRICT 3RD
 COUNCIL DISTRICT 2ND
 LOT AREA ACREAGE 0.17
 OR SQUARE FEET 7490
 HISTORIC? N/A
 IN CBCA? N/A
 IN FLOOD PLAIN? N/A
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? -
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLETION CASE INFO: N/A

PLANNING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 6806 CHEROKEE DR. OWNER(S) NAME(S) TATYANA KHARANOVA
DIVISION NAME VALLEY STREAM LOT # 21 BLOCK # D SECTION # 2
AT BOOK # 20 FOLIO # 85 10 DIGIT TAX # 0319087840 DEED REF. # 13905100155



MAP IS NOT TO SCALE
ZONING MAP # 02861 (FKA NEWB)
SITE ZONED DR-5.5
ELECTION DISTRICT 3RD
COUNCIL DISTRICT 2ND
LOT AREA ACREAGE 0.17
OR SQUARE FEET 7490
HISTORIC? N/A
IN CBCA? N/A
IN FLOOD PLAIN? N/A
UTILITIES? MARK WITH X
WATER IS: PUBLIC X PRIVATE
SEWER IS: PUBLIC X PRIVATE
PRIOR HEARING? -
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
Pet. EDR
A
VIOLATION CASE INFO: 47

GARAGE =
EXISTING
CARPORT IS
9 1/2' wide x 22'.
PROPOSED ATTACHED
GARAGE = 4' wide
& EXTEND TO REAR
EVEN WITH REAR
SUN ROOM WALL.
NO CHANGE TO
FRONT SETBACK
HGT. = SAME AS
SFD.
STRUCTURE 1959
BUILT IN 1959
MAP 0078
GRID 0001
PARCEL 0536

SCALE: 1" = 30' T
2013-0052-A
Drawn by 2013-05-14