

M E M O R A N D U M

DATE: January 20, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0129-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 19, 2016. 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



KEVIN KAMENETZ
County Executive

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

December 17, 2015

Joseph Kulikosky
207 N. Branch Road
Dundalk, Maryland 21222

RE: Petition for Administrative Variance
Case No. 2016-0129-A
Property: 207 N. Branch Road

Dear Mr. Kulikosky:

Enclosed please find a copy of the Order 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 stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Robert Infussi, 1536 Dunkeld Way, Bel Air, MD 21015

IN RE: PETITION FOR ADMIN. VARIANCE *
(207 N. Branch Road)
12th Election District *
7th Council District *
Joseph Kulikosky *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0129-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, Joseph Kulikosky ("Petitioner"). The Petitioner is requesting Variance relief from § 1B01.2.C.1.b to permit a front yard addition with a front setback of 19 ft. in lieu of the required 25 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 submitted from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 29, 2015, 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

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply
ORDER RECEIVED FOR FILING

Date 12-17-15

By SW

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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 17th day of **December, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1B01.2.C.1.b to permit a front yard addition with a front setback of 19 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 12-17-15

By DW



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 Hearings for Baltimore County for the property located at:

Address 207 N BRANCH ROAD 21222 Currently zoned DR-5.5
Deed Reference 30494100233 10 Digit Tax Account # 1213085960
Owner(s) Printed Name(s) Joseph Kulikowsky

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 1B01.2.C.1.b → To permit a front yard addition with a front setback of 19 feet in lieu of the required 25 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 Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Joseph Kulikowsky
Name #1 – Type or Print Name #2 – Type or Print
Joseph Kulikowsky
Signature #1 Signature #2
207 N BRANCH RD BALTIMORE MD
Mailing Address City State
21222 443-722-6544 jkul@msn.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
Signature
Mailing Address City State
Date 12-17-15
Zip Code Telephone # Email Address

Representative to be contacted:

Robert Infussi
Name – Type or Print
Robert Infussi
Signature
1536 DUNDALK WAY BAL AIR MD
Mailing Address City State
21015 4081222361
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 11 day of 19, 2015 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0129-A Filing Date 11/19/15 Estimated Posting Date 11/29/15 Reviewer JS

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 207 N Branch Rd. Baltimore Md 21222
Print or Type Address of property City State Zip Code

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

Due to the small footprint of the house (under 1,000 sq feet) I would
like to put the additions on the house so I can have more room to
start / raise a family.

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

Joseph Kulikowsky
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Joseph Kulikowsky
Name- Print or Type

Name- Print or Type

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

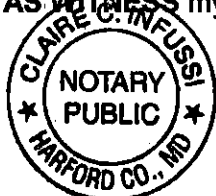
STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ Harford, to wit:

I HEREBY CERTIFY, this 3rd day of November 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Joseph Kulikowsky

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal



CLAIRE C. INFUSSI
Notary Public, State of Maryland
County of Harford
My Commission Expires October 18, 2019

Claire Infussi
Notary Public
10/19/19
My Commission Expires

NOTARY PUBLIC, State of Maryland
My Comm. Expires 06/01/2014

CLARE C. JIMENEZ
Notary Public, State of Maryland
County of Howard
My Comm. Expires 06/01/2014



ZONING PROPERTY DESCRIPTION
#207 N. BRANCH ROAD

BEGINNING at a point on the south side of N. Branch Road which is 50 feet wide at the distance of 25 feet east of the center line of W. Branch which is 50 feet wide. Being Lot #171 in the subdivision of "Gray Manor" as recorded in Baltimore County Plat Book #13, folio #4, containing 8,658 square feet. Located in the 12th Election District, 7th Councilmanic District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

2016-0129-A

CERTIFICATE OF POSTING

CASE NO: 2016-0129-A

PETITIONER/DEVELOPER

BOB INFUSS
EXPEDITE, LLC CONSULTING

DATE OF HEARING/CLOSING:

12/14/15

**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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____**

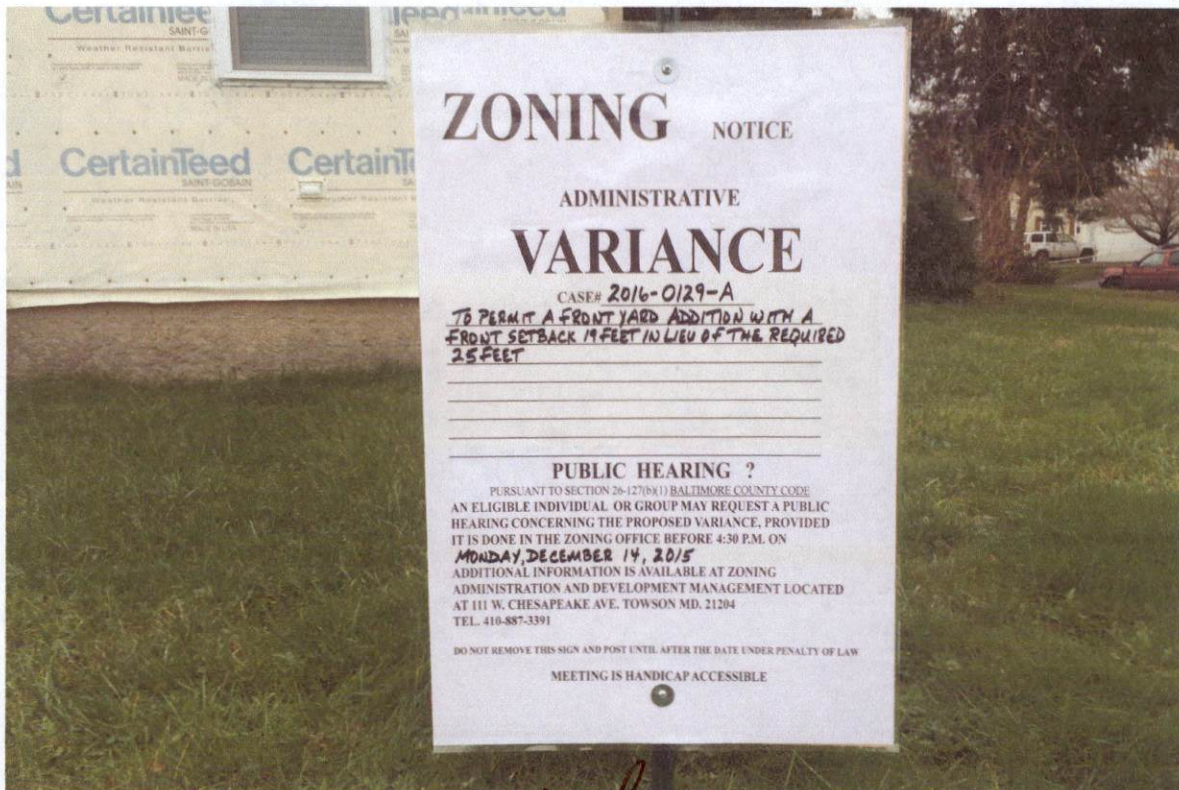
207 N. BRANCH RD

**THIS SIGN(S) WERE POSTED ON November 29, 2015
(MONTH, DAY, YEAR)**

SINCERELY,

 11/29/15
SIGNATURE OF SIGN POSTER AND DATE:

**MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411**



Martin J. 11/29/15

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0129 -A Address 207 N. BRANCH RD.

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/19/15 Posting Date: 11/29/15 Closing Date: 12/14/15

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 2016- 0129 -A Address 207 N. BRANCH RD.

Petitioner's Name KULIKOSKY Telephone 443-722-6544

Posting Date: 11/29/15 Closing Date: 12/14/15

Wording for Sign: To Permit A FRONT YARD ADDITION WITH A FRONT SET BACK
19 FEET IN LIEU OF THE REQUIRED 25 FEET.

Revised 7/21/15

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2016-0129-A
Petitioner: Robert Infussi
Address or Location: 207 North Branch St. 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Infussi (Exped. Fe, LLC)
Address: 1536 Dunkeld Way
Bel Air, Md 21015
Telephone Number: 410 812 2236

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

No. **132574**

Date: **11/19/15**

PAID RECEIPT

BUSINESS ACTUAL TIME ORN
 11/19/2015, 11:17 AM MD-01-177
 8881 CASH 100 00
 8881 8 247 111 705 000
 5 TO BUDGET FUNDING
 B. 132574
 Receipt for \$75.00
 11/19/15 1:00 PM
 8881-1000-111111

		Rev		Sub							
		Source/		Rev/							
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount		
001	806	0000		610					\$ 75.00		

Total: **\$ 75.00**

Rec From: **JOSEPH KULIKOSKY**

For: **700 N. BRADEN ST.**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12-1</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12-3</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>11-29-15</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w3)

Guide to searching the database

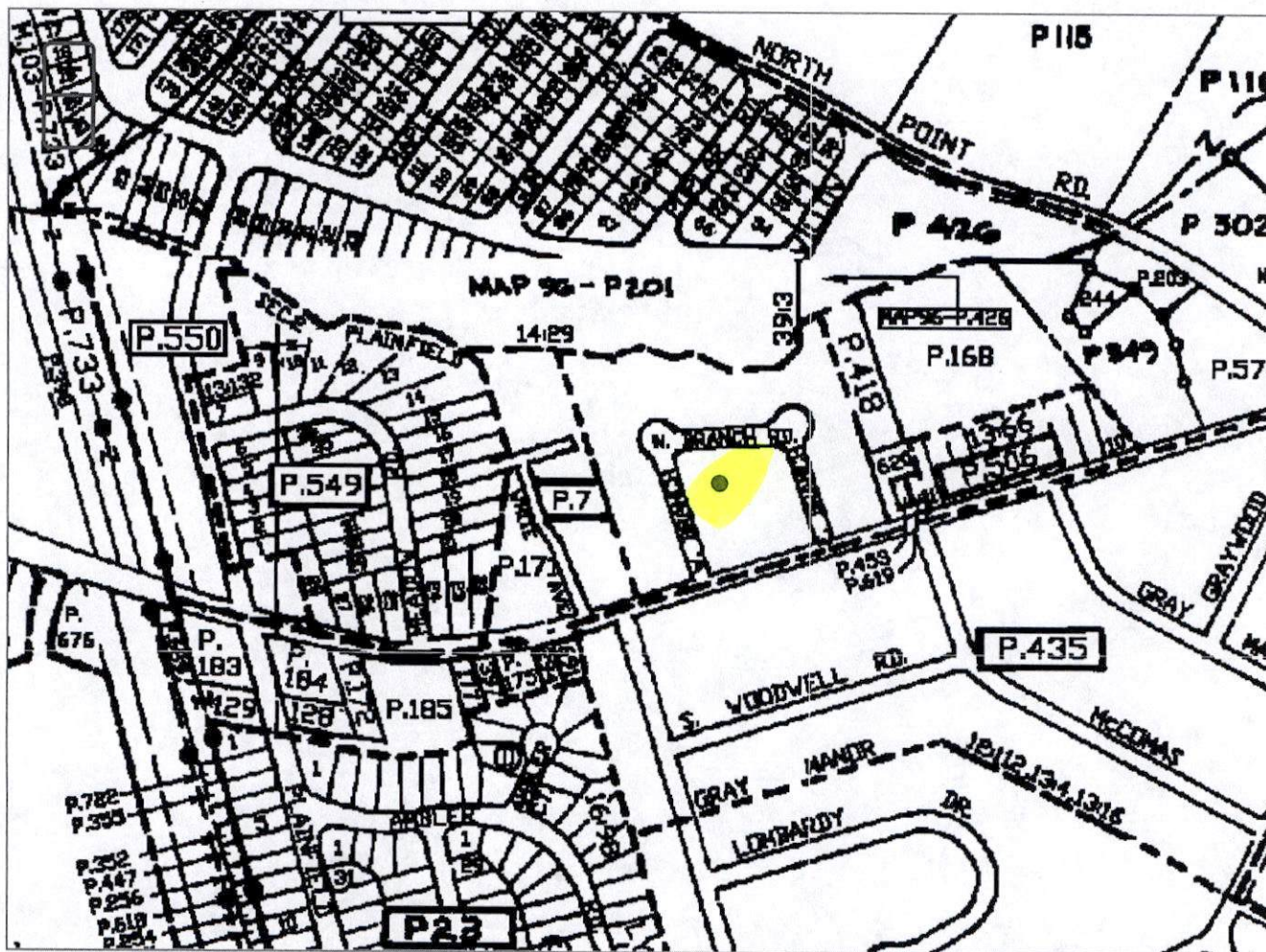
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1213085960			
Owner Information					
Owner Name:		KULIKOSKY JOSEPH		Use:	RESIDENTIAL
Mailing Address:		207 N BRANCH RD BALTIMORE MD 21222-1508		Principal Residence:	YES
				Deed Reference:	/30494/ 00233
Location & Structure Information					
Premises Address:		207 N BRANCH RD 0-0000		Legal Description: 207 N BRANCH RD GRAY MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0103	0006	0435		0000	171 2015 0013/0004
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1943	702 SF		8,658 SF	04	
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT		1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		50,100	50,100		
Improvements		51,900	51,500		
Total:		102,000	101,600	101,600	101,600
Preferential Land:		0			0
Transfer Information					
Seller: MURPHY CLARA H		Date: 02/10/2011		Price: \$60,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /30494/ 00233		Deed2:	
Seller: MURPHY WILLIAM J		Date: 11/22/1976		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /16038/ 00415		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015	07/01/2016	
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 07/05/2013					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 12 Account Number: 1213085960



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



KEVIN KAMENETZ
County Executive

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

December 14, 2015

Joseph Kulikosky
207 N Branch Road
Baltimore MD 21222

RE: Case Number: 2016-0129 A, Address: 207 N Branch Road

Dear Mr. Kulikosky:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 19, 2015. 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: jaw

Enclosures

c: - People's Counsel
Robert Infussi, 1536 Dunkeld Way, Bel Air MD 21015

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/3/15

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

RE: Baltimore County
Item No. 2016-0129-A
Administrative Variance
Joseph Kulikosky
207 N. Branch 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. 2016-0129-A.

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@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 7, 2015
Item No. 2016-0129, 0130 and 0132

DATE: December 1, 2015

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

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC11302015.doc

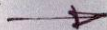
#207
Subject
Property ↓

Rear



subject property

#207



Front



standing in N. Branch Road
looking toward E. Branch Road



#207 N. Branch Road
Subject Property



Front





Subject Property side view
(W. Branch Road view)



