

M E M O R A N D U M

DATE: September 22, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0019-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(7514 Days Woods Ct.)
11th Election District *
5th Council District *
Dennis & Barbara Kurgansky *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0019-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, Dennis & Barbara Kurgansky ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To allow an attached garage to be 27 ft. from a lot line in lieu of the required 50 ft.; and (2) To amend the Final Development Plan (FDP) of Days Woods Manor, Lot No. 8 only. 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 July 30, 2016, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

ORDER RECEIVED FOR FILING

Date 8-22-16

By [Signature]

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 with the requirements of § 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 22nd day of **August, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To allow an attached garage to be 27 ft. from a lot line in lieu of the required 50 ft.; and (2) To amend the Final Development Plan (FDP) of Days Woods Manor, Lot No. 8 only, 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.

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-22-16

By [Signature]



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 7514 Day's Woods Court, Kingsville MD 21087

which is presently zoned RC 5

Deed Reference: /13004 / 00136 Tax Account # 2200028729

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s)

A variance of Section 1A04.3.B.2.b - B.C.ZR., to allow an attached garage to be 27 feet, from a lot line in lieu of the required 50 feet. *AND TO AMEND THE FINAL DEVELOPMENT PLAN OF DAY'S WOODS MANOR LOT #8 ONLY*

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 Administrative Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Dennis Kurgansky

Name - Type or Print

Signature

Barbara Kurgansky

Name - Type or Print

Signature

7514 Day's Woods Court

(410) 292 0719

Address

Telephone No.

Kingsville

MD

21087

City

State

Zip Code

Representative to be Contacted:

Carl Dyhrberg

Name

1619 Mussula Road

(443) 465 6899

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner 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.

Zoning Commissioner of Baltimore County

Case No. 2017-0019-A

Reviewed By [Signature]

Date 7/19/16

ORDER RECEIVED FOR FILING

Estimated Posting Date _____

Date FRM476_09 8-22-16

Rev 3/09

By [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently own and reside at 7514 Day's Woods Court
Address number Road or Street name
and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) We wish to construct an 8' x 8' attached Breezeway and a 24' x 24' Garage to the side of our existing residence that will encroach some 23' into the 50' BRL. The present side yard setback is some 50' at its closest point to the side boundary and after the addition has been completed, this measurement will be some 27'. This hardship is peculiar to our property in contrast with other neighboring properties in the zoning district because of it's size and shape and is not the result of our own actions. Failure to grant this request for a variance would also result in our inability to make a reasonable use of our property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Dennis Kurgansky
Signature
Dennis Kurgansky

Name- print or type

Barbara Kurgansky
Signature
Barbara Kurgansky

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 13 day of July, 2016 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Beverly H. Rhodes
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

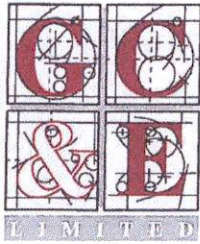
AS WITNESS my hand and Notarial Seal

Beverly H. Rhodes
Name of Notary Public

8-11-19
Commission expires

PLACE SEAL HERE:

2017-0019-A



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

July 13, 2016

ZONING PROPERTY DESCRIPTION FOR 7514 DAYS WOODS COURT

Beginning at a point on the northeast side of Days Woods Court, which is 50 feet wide, at the distance of 1855 feet, more or less, southeast of the centerline of Cedar Lane, being Lot 8 in the subdivision of "Plat No. 2, Day's Woods Manor" as recorded in Baltimore County Plat Book S.M. No. 69, folio 33, containing 24.651 acres of land, more or less, located in the 11th Election District and 5th Council District.



License expires/renews 2/26/17

2017-0019-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/31/2016

Case Number: 2017-0019-A

Petitioner / Developer: DENNIS & BARBARA KURGANSKY ~
CARL DYHRBERG of C.D. DESIGN CONSULTANTS

Date of Hearing (Closing): AUGUST 15, 2016

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:
7514 DAYS WOODS CT.

The sign(s) were posted on: JULY 30, 2016



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0019 -A Address 7514 Days Woods Court

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/19/16 Posting Date: 7/31/16 Closing Date: 8/15/16

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 2017- 0019 -A Address 7514 Days Woods Ct.

Petitioner's Name Dennis & Barbara Kurgansky Telephone 410-292-0719

Posting Date: 7/31/16 Closing Date: 8/15/16

Wording for Sign _____

- To permit a proposed garage addition with a side yard setback of 27 feet in lieu of the
- required 50 feet setback, and to amend the Final Development Plan of "Day's Woods Manor" for
- Lot 8 only.

Revised 7/6/16

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

No. 141346

Date: 7/19/16

PAID RECEIPT

BUSINESS ACTUAL TIME 7/19/2016 7/19/2016 09:23:42 5

WALKIN LRB

RECEIPT # 658727 7/19/2016 OFLA

S 328 ZCUNG VERIFICATION

NO. 141346

Recpt Tot \$150.00

\$150.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					150.00

Total: 150.00

Rec From:

For: 7514 Day's Woods Ct

2017-0019-A

Approved FDP

DISTRIBUTION

WHITE - CASHIER. PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

August 16, 2016

Dennis & Barbara Kurgansky
7514 Days Woods Court
Kingsville MD 21087

RE: Case Number: 2017-0019 A, Address: 7514 Days Woods Court

Dear Mr. & Ms. Kurgansky

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 19, 2016. 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
Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286

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



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

Date: 7/25/16

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
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. 2017-0019-A.

*Administrative Variance
Dennis Kurgansky
7514 Days Woods Court*

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 blue ink that reads "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: August 2, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For August 1, 2016
Item No. 2016-0340, 2017-0002, 0013, 0014, 0019 and 0021

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\ZAC08012016.doc

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: July 29, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0019-A
Address 7514 Days Woods Court
(Kurgansky Property)

Zoning Advisory Committee Meeting of **July 25, 2016**.

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

Reviewer: Steve Ford

Date: 07-29-2016

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>8-2</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>7-29</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>7-25</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>7-30-16</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

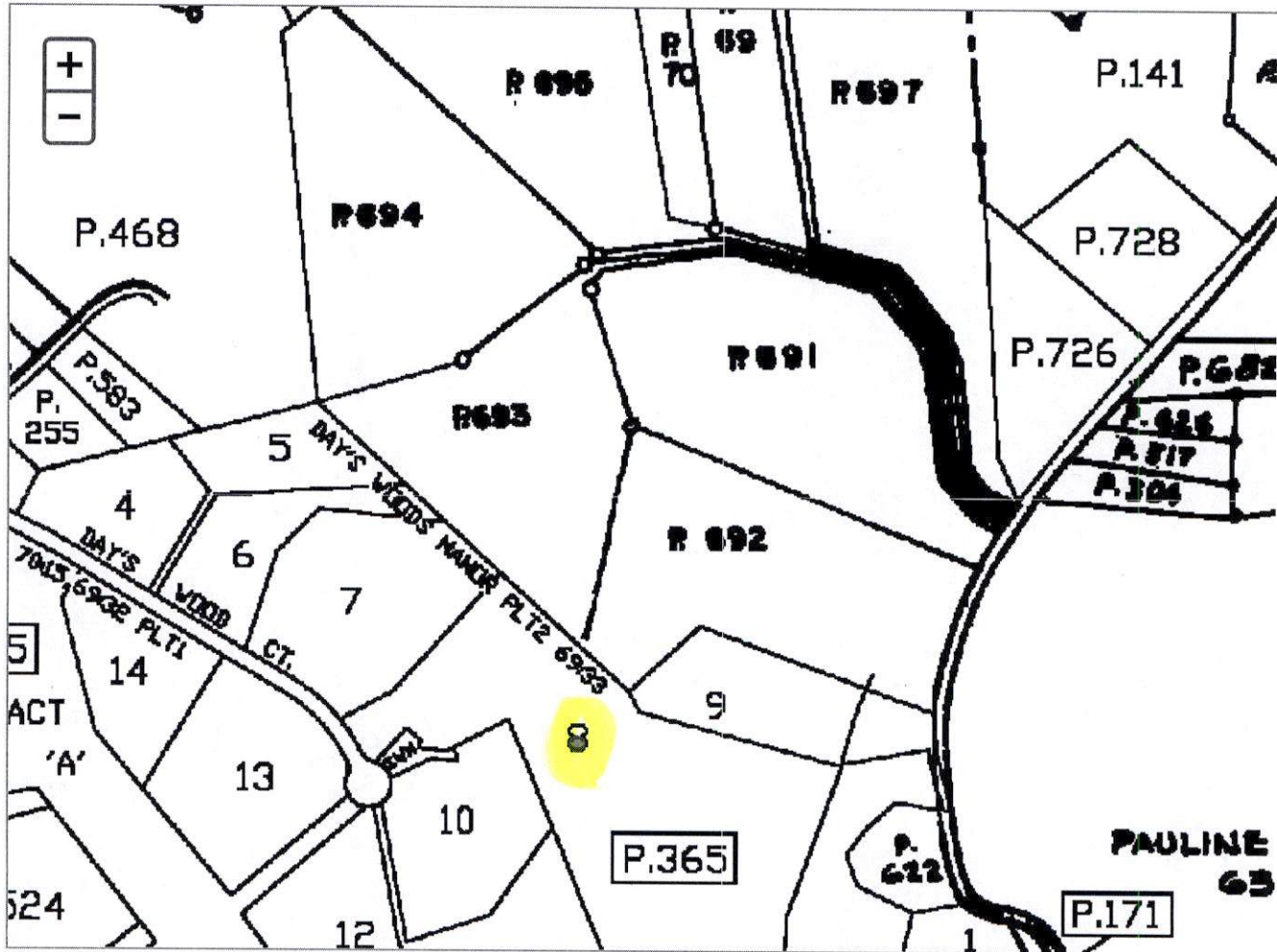
Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200028729			
Owner Information					
Owner Name:		KURGANSKY DENNIS KURGANSKY BARBARA		Use:	RESIDENTIAL
Mailing Address:		7514 DAYS WOODS CT KINGSVILLE MD 21087-1751		Principal Residence:	YES
				Deed Reference:	/13004/ 00136
Location & Structure Information					
Premises Address:		7514 DAYS WOODS CT 0-0000		Legal Description:	24.651 AC 7514 DAYS WOODS CT SSR DAYS WOODS MANOR
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0064	0008	0365		0000	8
				Assessment Year:	Plat No:
				2015	0069/0033
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1999		5,583 SF			24.6500 AC
					County Use
					04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	SIDING	4 full/ 1 half	1 Attached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2015	As of 07/01/2016	As of 07/01/2017
Land:		323,600	323,600		
Improvements		537,900	631,700		
Total:		861,500	955,300	924,033	955,300
Preferential Land:		0			0
Transfer Information					
Seller: JWR MT VISTA LIMITED PARTNERSHIP		Date: 07/13/1998		Price: \$170,000	
Type: ARMS LENGTH IMPROVED		Deed1: /13004/ 00136		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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 01/27/2009					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **11** Account Number: **2200028729**

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>).



2017-0019-A

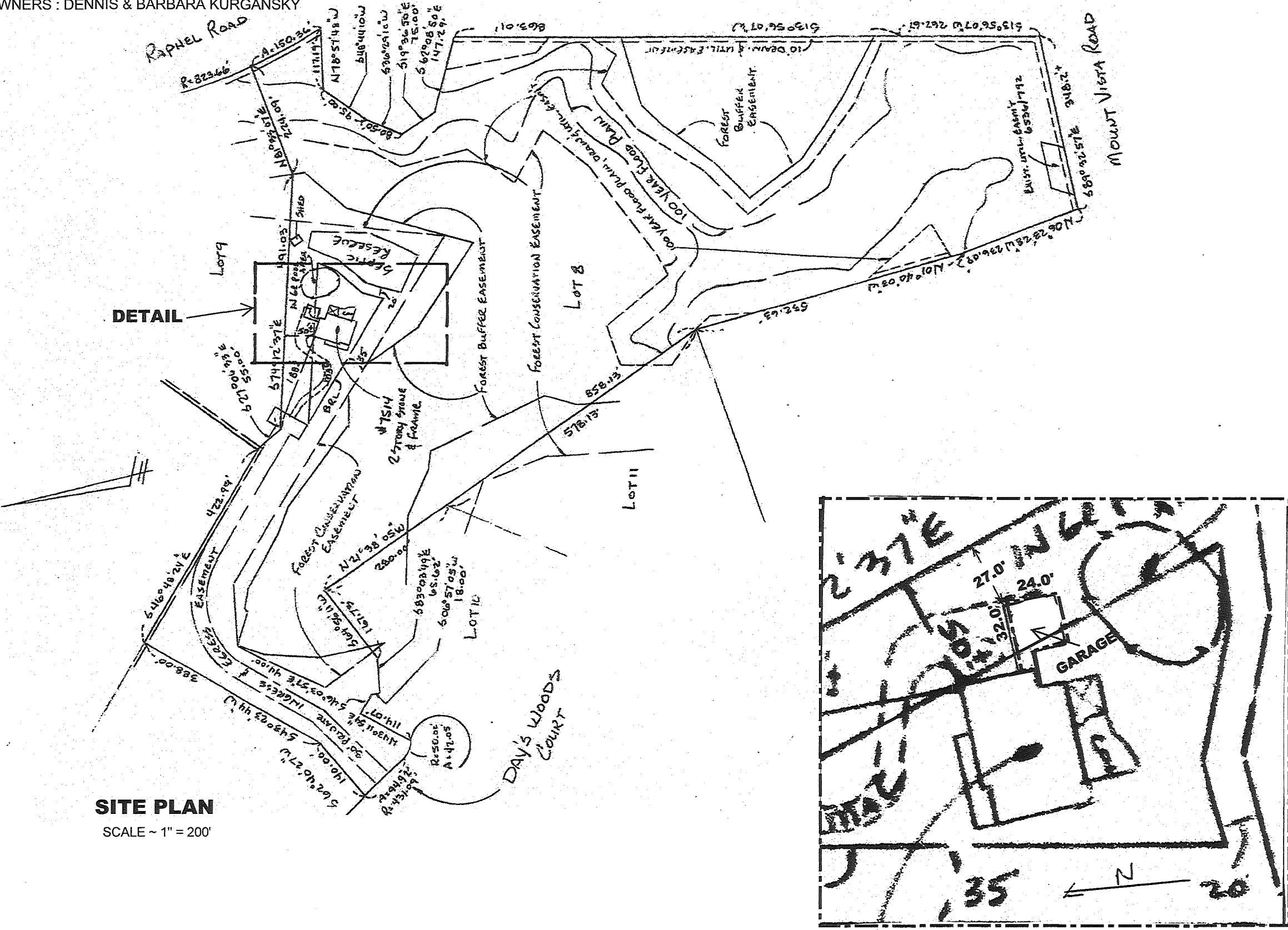
2017-0019-A



Breezeway Site

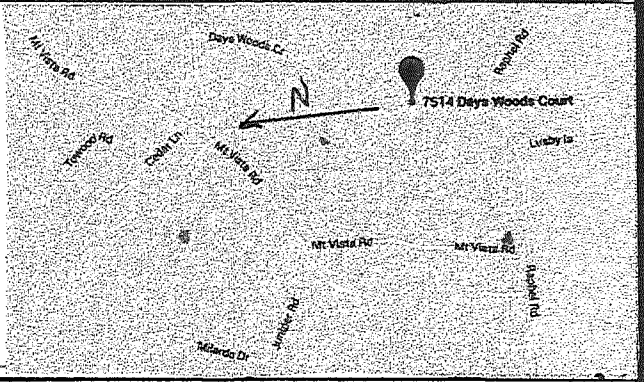
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

7514 DAYS WOODS COURT, KINGSVILLE DEED REF : /13004/ 00136 TAX MAP 0064
GRID 0008, PARCEL 0365, LOT 8
OWNERS : DENNIS & BARBARA KURGANSKY



SITE PLAN
SCALE ~ 1" = 200'

DETAIL SCALE ~ 1" = 50'



VICINTY MAP - NOT TO SCALE

LOCATION INFORMATION

ELECTION DISTRICT	11
COUNCILMANIC	5
GIS TITLE 1"=200' SCALE MAP #	064A2
ZONING	RC5
LOT SIZE	24.65 ACRES
SITE COVERAGE	EXISTING PRPOPOSED
	0.0005 % 0.0006 %
SEPTIC SEWER	
PRIVATE WATER	
CHESAPEAKE BAY CRITICAL AREA -	NO
100-YEAR FLOOD PLAIN -	NO
HISTORIC PROPERTY -	NO
PRIOR ZONING HEARING -	NONE

2017 - 0019 - A

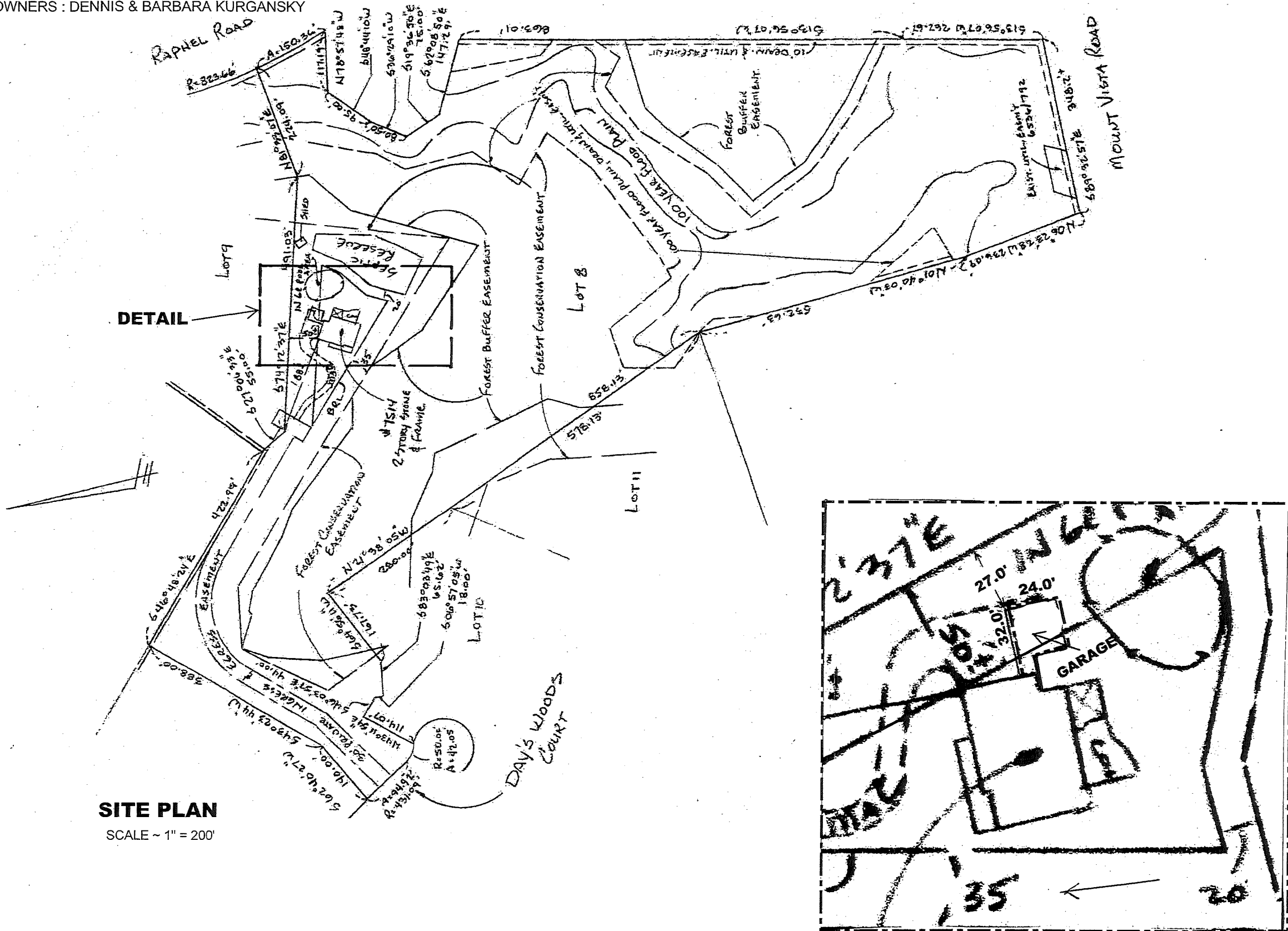
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

Pet. Exh. 1

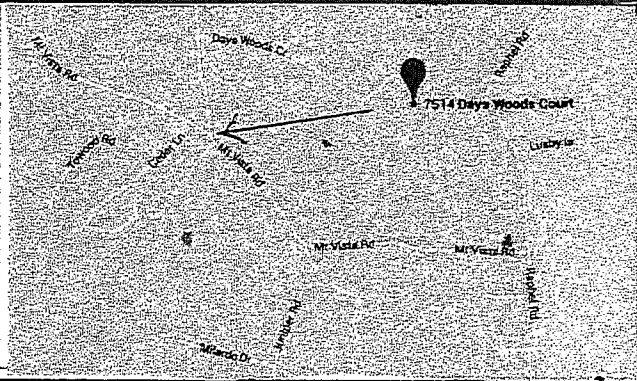
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

7514 DAYS WOODS COURT, KINGSVILLE DEED REF : /13004/ 00136 TAX MAP 0064
GRID 0008, PARCEL 0365, LOT 8
OWNERS : DENNIS & BARBARA KURGANSKY



SITE PLAN
SCALE ~ 1" = 200'

DETAIL SCALE ~ 1" = 50'



VICINTY MAP - NOT TO SCALE

LOCATION INFORMATION

ELECTION DISTRICT	11
COUNCILMANIC	5
GIS TITLE 1"=200' SCALE MAP #	064A2
ZONING -	RC5
LOT SIZE	24.65 ACRES
SITE COVERAGE	EXISTING PRPOPOSED
	0.0005 % 0.0006 %
SEPTIC SEWER	
PRIVATE WATER	
CHESAPEAKE BAY CRITICAL AREA -	NO
100-YEAR FLOOD PLAIN -	NO
HISTORIC PROPERTY -	NO
PRIOR ZONING HEARING -	NONE

2017-0019-A

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #