

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 27, 2024

Vldislav Zagronichny and Svetlana Ostrowsky – <u>vlad@bzacpos.com</u> 709 Nicholas Lane Cockeysville, MD 21030

RE: Petition for Administrative Variance

Case No. 2024-0050-A Property: 709 Nicholas Lane

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlw Enclosure

c: Stephanie Milway – <u>smilway@woodfieldoutdoor.com</u>

IN RE: PETITION FOR ADMIN. VARIANCE

(709 Nicholas Lane)

8th Election District

3rd Council District

Vladislav Zagronichny &

Svetlana Ostrowsky

* HEARINGS FOR

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2024-0050-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Vladislav Zagronichny and Svetlana Ostrowsky ("Petitioners") for the property located at 709 Nicholas Lane, Cockeysville (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Sections 1A08.6.B.5.a.3 and 301.1.A, to permit an addition to a rear yard deck with a rear setback of 8.75 ft. in lieu of the required 37.5 ft. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2B). Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), dated March 12, 2024, indicating development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). An additional DEPS comment indicated the following:

"The proposed covered portions of the deck will extend the principal structure to within the 35-foot minimum setback from the Forest Buffer Easement on the adjoining lot. An approved Forest Buffer Variance will be required to permit structures within the 35-foot setback, per BCC 33-3-111(d)."

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on March 9, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners propose replacing an existing deck which is currently 12 ft. from the property line, with a new one that would be 8.75 ft. from the property line. Petitioners explain that new stairs will be added to the present design to provide an additional emergency exit. The unique curved nature of the property's eastern property line cause setbacks to vary along that side of the property, being most narrow at the location of the current and proposed deck.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). 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 with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that 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.

Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

¹ As noted by DEPS, an approved Forest Buffer Variance will be required to permit structures within the 35-foot setback, per BCC 33-3-111(d).

THEREFORE, IT IS ORDERED, this <u>27th</u> day of March, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Sections 1A08.6.B.5.a.3 and 301.1.A, to permit an addition to a rear yard deck with a rear setback of 8.75 ft. in lieu of the required 37.5 ft., be, and they are each hereby, **GRANTED.**

The relief granted herein shall be subject to the following:

- Petitioners may apply for their 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.
- Petitioners shall comply with the DEPS ZAC comment, dated March 12, 2024; a copy of which is attached hereto and made a part hereof.

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

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlw

AV

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

March 12, 2024

SUBJECT:

DEPS Comment for Zoning Item

2024-0050-A

Addrage.

709 NICHOLAS LANE

Legal Owner: Vladislav Zagronichny, Svetlana Ostrowsky

Zoning Advisory Committee Meeting of March 11, 2024.

 \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

<u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

The proposed covered portions of the deck will extend the principal structure to within the 35-foot minimum setback from the Forest Buffer Easement on the adjoining lot. An approved Forest Buffer Variance will be required to permit structures within the 35-foot setback, per BCC 33-3-111(d)

Reviewer:

Art Garcia

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 709 Nicholas Lane, Cockeysville, MD 21030 currently Zoned Residential
Deed Reference 45102 / 00098 10 Digit Tax Account # 2 3 0 0 0 0 7 7 9 8
Owner(s) Printed Name(s) Vladislav Zagranichy and Svetlana Ostrowsky
(SELECT THE HEARING(S) BY MARKING \underline{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. X ADMINISTRATIVE VARIANCE from Section(s)
BCZR: 1A08.6.B.5.a.3. & 301.1.A. $ ightarrow$ To permit an addition to a rear yard deck with a rear setback of 8.75
feet in lieu of the required 37.5 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)
County of Bullians County to the parting law of Bultimore County
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. If 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):
Vladislav Zagranichny / Svetlana Ostrowsky Name #1 - Type or Print Svetlana Ostrowsky
Signature # 2
769 Nicholas/Lane Cockeysuille MD Mailing Address City State
21030/410-902-0233/443-865-8186/VIQE BZQCPQS-COM Zip Code Telephone #s (Cell and Home) Email Address
Attorney for Owner(s)/Petitioner(s): Representative to be Contacted:
Name - Type or Print Name - Type or Print Name - Type or Print
Station / Value
Signature Signature
Mailing Address City State Mailing Address 513 City State
21047/443299-6504/smilwayewoodfr
Zip Code Telephone # Email Address 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, thisday of 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 2024 - 0050 - A Filing Date 2, 26/24 Estimated Posting Date 3, 10, 24 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: 709 Nicholas Lanc Cockeysvi Print or Type Address of Property Based upon personal knowledge, the following are the facts upon which variance at the above address. (Clearly state practical difficulty of the existing deck is 12' from the property An existing deck is 12' from the property To be at 8'9" will allow for plus allow an additional stair of the existing deck is 12' from the property.	state on I/we base the request for hardship here)	Our request
Print or Type Address of Property Based upon personal knowledge; the following are the facts upon which variance at the above address. (Clearly state practical difficulty of An existing deck is 12' from the protection of the pr	ch I/we base the request to hardship here) perty line.	Our request
An existing deck is 12' from the protection of t	perty line.	Our request
to be at 8'9" will allow for	the dick reno	ovations
5		
Vladislav Zansanichny	nature of Owner (Affiant)	attach it to this Form)
The following information is to be completed by a	Notary Public of the S	state of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:		
I HEREBY CERTIFY, this 24th day of Jonuary and for the County aforesaid, personally appeared:	750	me a Notary of Maryland, in
Print name(s) here: Viadislav Zagranichny and S	vetlana Ostrows	ky
the Affiant(s) herein, personally known or satisfactorily identified to n	ne as such Affiant(s).	
AS WITNESS my hand and Notaries Seal Notary Public	Notar H My Co	PHANIE MILWAY y Public-Maryland larford County ommission Expires anuary 08, 2028

THE ZONING PETITION PROPERTY DESCRIPTION

ZONING PROPERTY DESCRIPTION FOR: 709 Nicholas Lane - Cokeysville, 21030, Maryland

PART A

Beginning at a point on the northeast side of Nicholas Lane which is 50 feet right of way wide at the distance of 50 feet.

PART B

Being Lot # (12), Block (N/A), Section # (N/A) in the subdivision of (name of subdivision) as recorded in Baltimore County Plat Book # (72), Folio # (35), containing (1.09 AC. / 47,480 SQ.FT.). Located in the (8th) Election District and (3rd) Council District.

OFFIC	E OF BUD	GET AN	MARYLAN D FINANC RECEIPT	E		No.	2294 2/20	170 5/24	
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Real Property Data Search ()
Search Result for BALTIMORE COUNTY

Vîew Map	View GroundRent	Redemption		View GroundRent Registration			
Special Tax Recapture: No							
Account Identifier:	District - 0	8 Account Numbe	r - 230000779	8			
		Owner Inform	nation				
Owner Name:	ZAGRANIC	HNY VLADISLAV	Use:		RESIDENTI	AL	
	OSTROWS	KY SVETLANA D		oal Residence:	YES		
Mailing Address:	709 NICHO			Reference:	/45102/ 00098		
		TLLE MD 21030-1319					
	Lo	cation & Structure	Information				
Premises Address:	709 NICHO		Legal	Description:	1.092 AC 709 NICHOLAS LN ES HAYFIELDS MANOR		
	COCKEYSV	ILLE 21030-1319					
				134.			
Map: Grid: Parcel: Neig		ision: Section:		ssessment Year:	Plat No:	0072/0035	
	0000 0000		12 20	023	Plat Rei:	0072/0033	
Town: None							
Primary Structure Built	Above Grade Living	J	l Basement A		Land Area	County Use	
2001	5,482 SF	2720 SF		1.0900 AC		04	
Stories Basement Type	Exterior	Quality Full/Half E	Bath Garage	Last Notice	of Major Imp	rovements	
2 YES STAND	DARD UNIT SIDING/	6 6 full/1 ha	lf 2 Attach	ned			
		Value Inform	nation				
	Base Value	. Value		Phase-in Assessn	nents		
	2000 10120	As of	,	\s of	As of		
		01/01/20)20 (07/01/2022	07/01/20)23	
Land:	302,700	302,700)				
Improvements	563,200	563,200)				
Total:	865,900	865,900) (365,900			
Preferential Land:	0						
		Transfer Infor	mation				
Seller: DIAKOULAS JOHN	F	Date: 07/13/2021		Price	≥: \$1,500,000		
Type: ARMS LENGTH IMP		Deed1: /45102/ 0					
Seller: NVR.INC		Date: 11/19/2001		Price	: \$582,690		
Type: ARMS LENGTH IMP	ROVED	Deed1: /15771/ 0	0700	Deed			
Seller: HAYFIELD INC		Date: 10/26/200		Price	: \$165,000		
Type: ARMS LENGTH VAC	Deed1: /15697/ 0		Deed	· · ·			
		Exemption Info					
3.							
	outer Class	exemption init	07/01/	2022	U2/U1/2U24		
Partial Exempt Assessme		exemption inic	07/01/2	2022	07/01/2023		
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DEPARTMENT OF PERMIT'S, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

rec	
For Newspaper Advertising:	
Case Number:	
Property Address: 709 NICHOLS LANE	
Legal Owners (Petitioners): VLASISLAV ZAGRANICHNY + SUETLANA OSTROWSKY	
Contract Purchaser/Lessee:	iĝ.
PLEASE FORWARD ADVERTISING BILL TO: Name: Company/Firm (if applicable):	
Address: _ 2112 BELAIR RUAS	
FALLSTON, MD 21047	
Telephone Number:	

^{*}Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

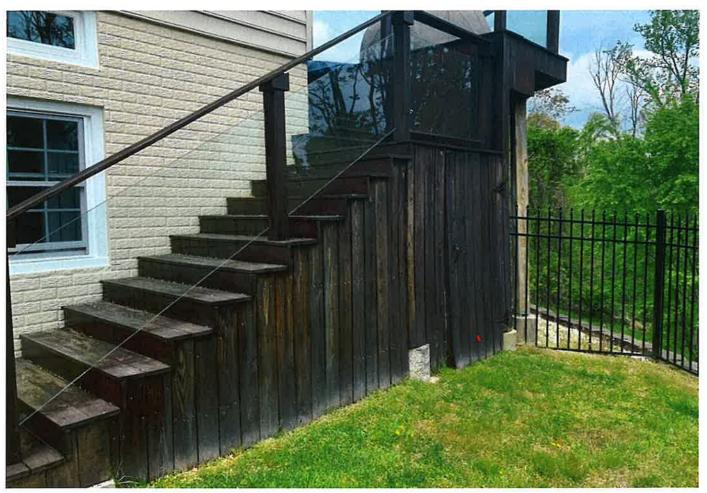
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0050 -A Address 709 NICHOLS LANE
Contact Person: JASON SEIDELMAN Planner, Please Print Your Name Filing Date: A 26 24 Posting Date: 3 10 24 Closing Date: 3 25 24
Filing Date: $\frac{\partial \left \partial \delta \right \partial \gamma}{\partial \delta}$ Posting Date: $\frac{3}{3} \frac{\partial \delta}{\partial \gamma}$ Closing Date: $\frac{3}{3} \frac{\partial \delta}{\partial \gamma} \frac{\partial \gamma}{\partial \gamma}$
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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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.
Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number: 2024 - 0050 -A: Address 709 NIChols LANE STEPHANIE MILWAY
Posting Date: 3 10 24 Closing Date: 3 25 24
Posting Date: 3 10 24 Closing Date: 3 25 24
Wording for Sign:
To permit an addition to a rear yard deck with a rear setback of 8.75 feet in lieu of the required 37.5 feet.
Revised 1/2022



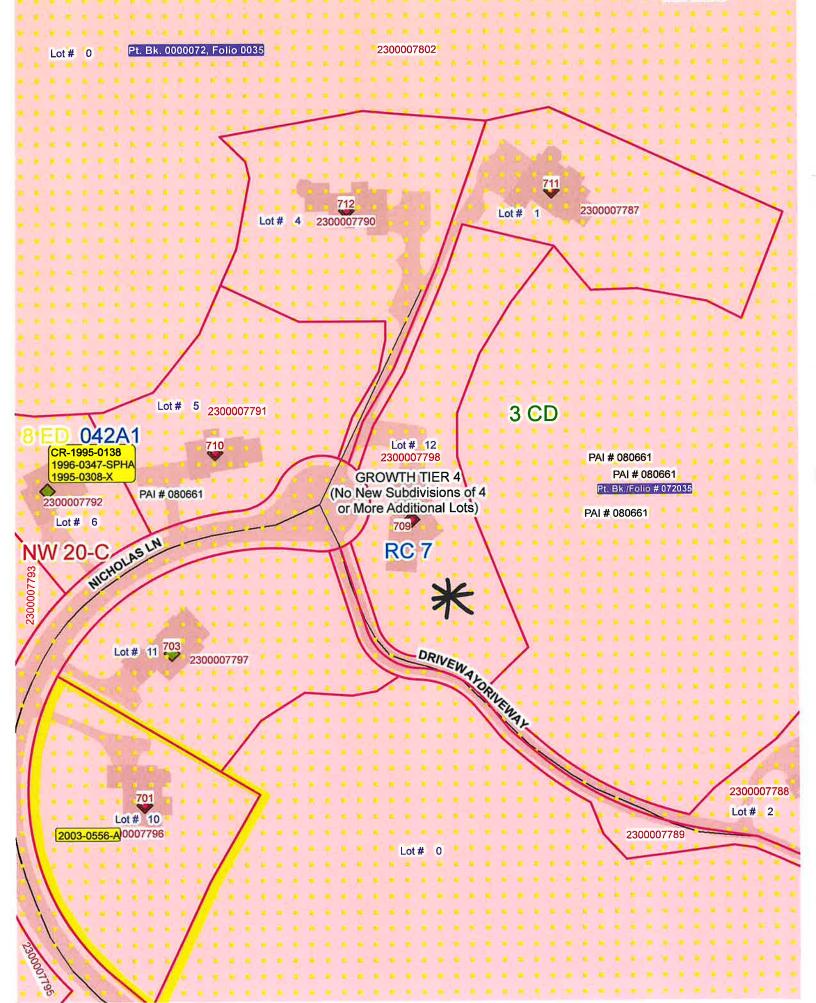


2024-0050-A





2024-0050-A



Certification of Posting

Case No 2024-0050-A



709 Nichols Lane

Richard E. Hoffman (signed) 3/9/24

Richard E. Hoffman
004 Delluyand Drive
904 Dellwood Drive
Fallston, Md. 21047
443-243-7360

CERTIFICATION OF POSTING

	RE: Case No. 2024-0250- A
	Petitioner: Zagranichuy / Ostrowsky
	Closing Date: <u>3/25/2024</u>
Baltimore County Departr	ment of
Permits, Approvals and In	spections
Room 111, County Office	Building
111 W. Chesapeake Ave.	
Towson, Md. 21204	
This letter is to confirm, u	nder penalties of perjury, that the necessary sign(s)
were posted conspicuous	ly on the property located at
709 Nichols Lane	
on <u>3/9/24</u>	
	Sincerely,
	Richard E. Hoffman (signed) 3/9/24
	904 Dellwood Drive
	Fallston, Md. 21047
	(443) 243-7360

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: March 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0050-A

ddress: 709 NICHOLAS LANE

Legal Owner: Vladislav Zagronichny, Svetlana Ostrowsky

Zoning Advisory Committee Meeting of March 11, 2024.

 \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

<u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

The proposed covered portions of the deck will extend the principal structure to within the 35-foot minimum setback from the Forest Buffer Easement on the adjoining lot. An approved Forest Buffer Variance will be required to permit structures within the 35-foot setback, per BCC 33-3-111(d)

Reviewer: Art Garcia

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: March 7, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0050-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

