

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
SE/Corner Joppa Road and
Sunset Knoll Court * ZONING COMMISSIONER
(1 Sunset Knoll Court) * OF BALTIMORE COUNTY
9th Election District *
2nd Council District * **Case No. 06-181-A**

Daniel A. Hirschfeld, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Daniel A. Hirschfeld, and his wife, Stephanie H. Hirschfeld. The Petitioners request variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the third of the rear yard closest to the street in lieu of the third of the yard furthest removed from any street. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING
Date 11/26/05
By [Signature]

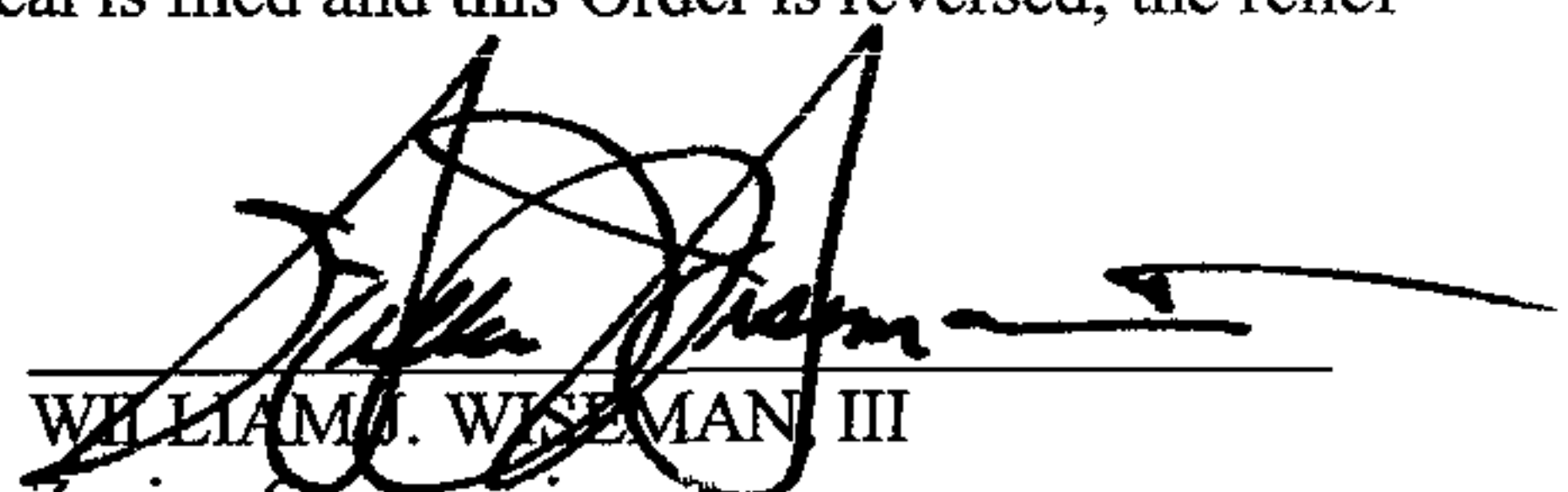
Based upon the evidence contained therein, I am persuaded to grant the requested relief. Variance relief is necessitated given the property's corner location and the location of existing improvements on the subject and adjacent lots. As shown on the site plan, the Petitioners propose locating the pool towards the rear of the existing dwelling in approximately the center of the lot, approximately 80 feet from the property line adjoining the street. Due to the unique configuration of the house on the adjacent lot, the rear of that house faces the side yard of the subject property and is located approximately 55 feet from the common property line. Thus, strict compliance with the regulations would adversely impact the neighbor's use and enjoyment of their rear yard and patio areas. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors apparently support the proposal. Thus, it appears that the relief requested can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of October 2005 that the Petition for Administrative Variance seeking relief from Sections 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the third of the rear yard closest to the street in lieu of the required third of the yard furthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 26, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Daniel A. Hirschfeld
1 Sunset Knoll Court
Timonium, Maryland 21093

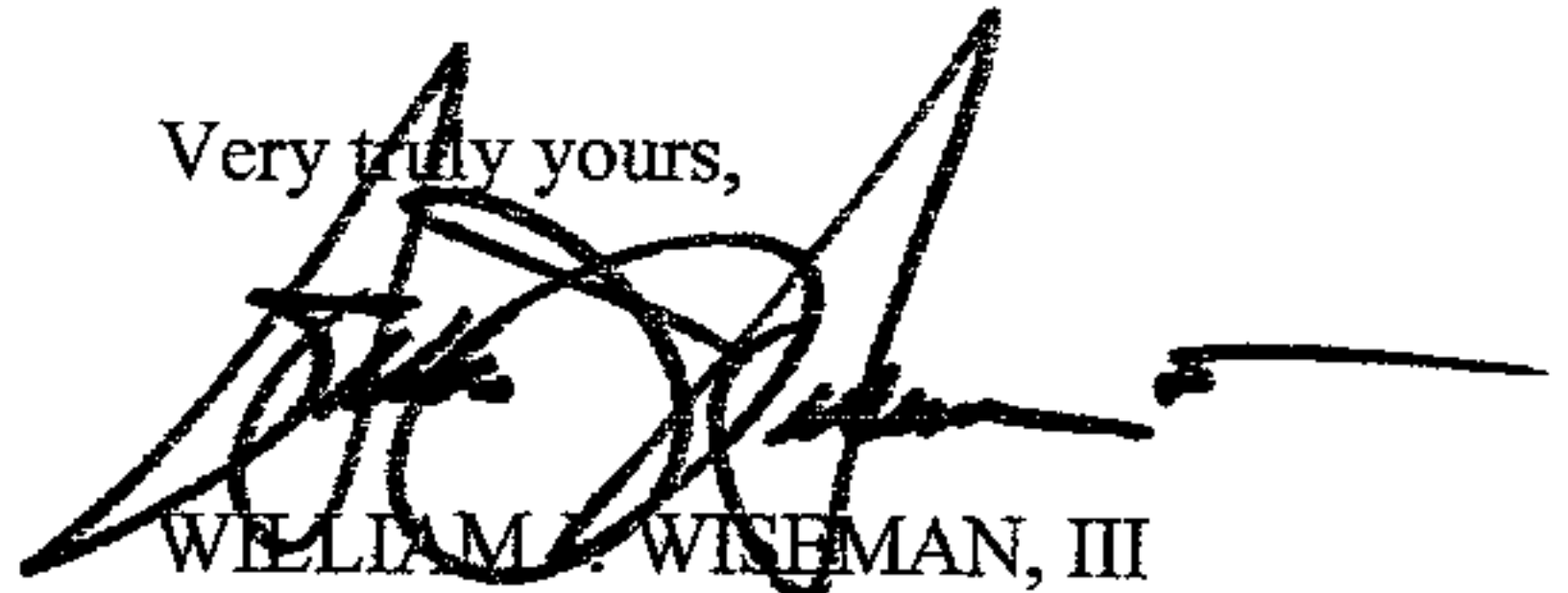
RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
SE/Corner Joppa Road and Sunset Knoll Court
(1 Sunset Knoll Court)
9th Election District – 2nd Council District
Daniel A. Hirschfeld, et ux - Petitioners
Case No. 06-181-A

Dear Mr. & Mrs. Hirschfeld:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1 Sunset Knoll Ct, Timonium MD 21093
which is presently zoned _____

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) _____

400.1 to permit an accessory structure (swimming pool) be located in the third portion of the rear yard closest to the road in lieu of the required third portion farthest from the road.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above 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):

Daniel A Hirschfeld
Name - Type or Print _____
Signature D. Hirschfeld _____
Name - Type or Print Stephanie H. Hirschfeld _____
Signature Stephanie H. Hirschfeld _____
Address 1 Sunset Knoll Ct Telephone No. (410) 828-1616
Timonium MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Stephanie Hirschfeld
Name _____
Address 1 Sunset Knoll Ct. Telephone No. (410) 828-1616
Timonium MD 21093
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. 06-181-A

Reviewed By AK Date 9/26/05

REV 10/25/01

Estimated Posting Date 10/9/05

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 reside at

1 Sunset Knoll Court
Address
Timonhon MD 21093
City State Zip Code

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 hardship or practical difficulty):

Based on the current zoning the pool would be located 100' from our neighbors backyard and patio. Given their lot size and design they only have a backyard, not sideyard when they want to go outside. They spend virtually every night outside and granting the variance would move the pool 10' feet further from their patio, thereby reducing noise to them. Moving the pool would move it closer to Joppa Road and would not impact or interfere with any neighbors.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Stephanie H. Hirschfeld
Signature
Stephanie H. Hirschfeld
Name - Type or Print

Daniel A. Hirschfeld
Signature
Daniel A. Hirschfeld
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stephanie H. Hirschfeld and Daniel A. Hirschfeld
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

ANGELA D. SOBCZYNSKI
Notary Public
Baltimore County
Maryland
My Commission Expires: Nov 1, 2007
REV 10/25/01

Angela D. Sobczynski
Notary Public
My Commission Expires 11/1/07

ZONING DESCRIPTION

Zoning Description For 1 Sunset Knoll court

Beginning at a point on the Southwest corner of Sunset Knoll Court, which is 44 feet wide and Joppa Road which is 60 feet wide. Being Lot #2 in the subdivision known as Sunset Knoll as recorded in Baltimore County Plat Book #60, Folio# 84, containing 1.020 acres. Also known as 1 Sunset Knoll Court and located in the 9th Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 0300

DATE 8/18/15 ACCOUNT 6001-2000-6110

AMOUNT \$ 65.00

RECEIVED FROM Shelley Smith Alfred Jones

FOR Admission to Home Depot

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER
7/18/15

PAID RECEIPT

RECEIVED DATE 9/24/2015 TIME 10:11:00

RECEIVED BY JEFF JEL

RECEIVED FOR 500 ZONING VERIFICATION

RECEIVED FOR 665.00

RECEIVED FOR 665.00

RECEIVED FOR 665.00

RECEIVED FOR 665.00

RECEIVED FOR 665.00

RECEIVED FOR 665.00

CERTIFICATE OF POSTING

RE: **06-181-A**

Petitioner/Developer:

**Daniela Stephanie
Hirschfeld**

Closing Date: **10/24/05**

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

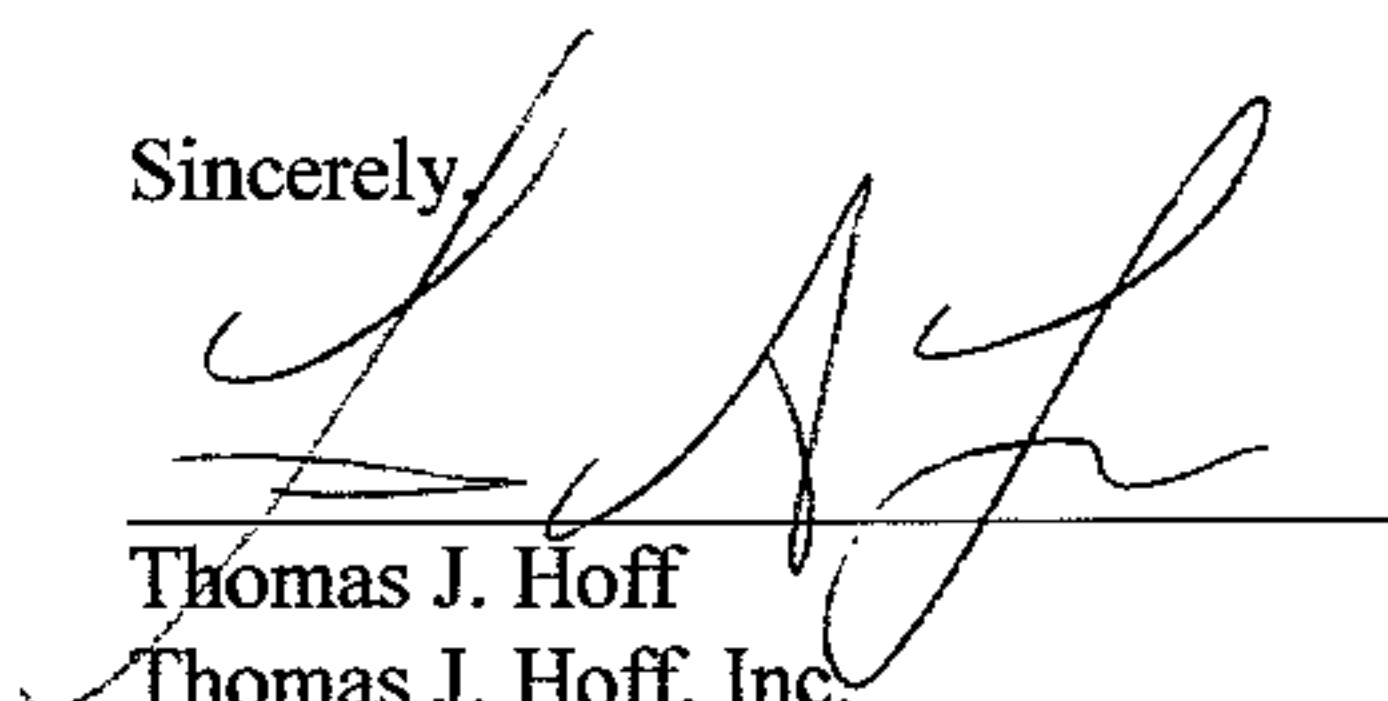
Attention: Ms. Kristen Matthews

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 located at **1 Sunset Knoll Ct.**

The sign(s) were posted on **10/9/05**.

Sincerely,



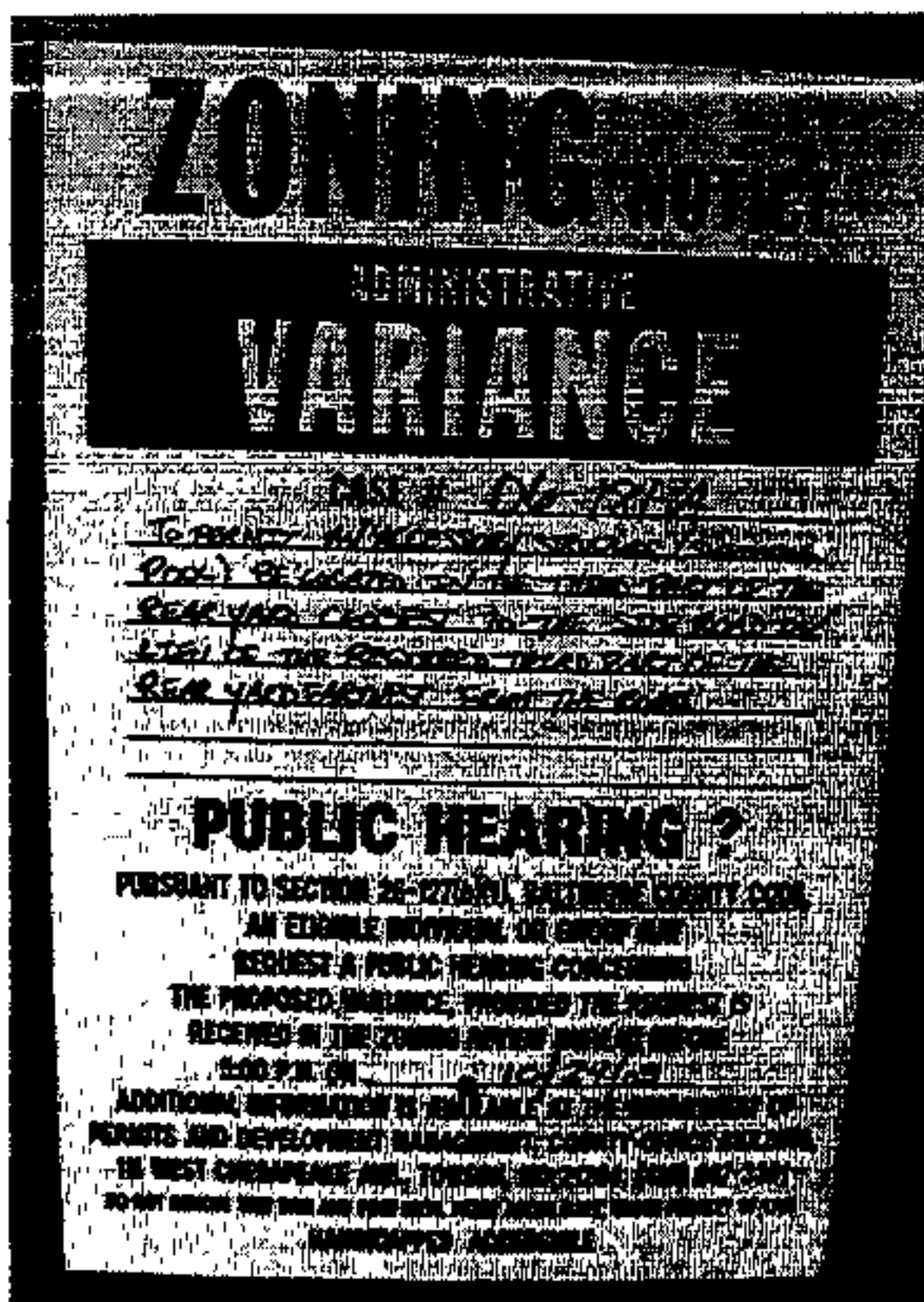
Thomas J. Hoff

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD 21204

410-296-3668



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 06-181-A
Petitioner: Stephanie H. Hirschfeld
Address or Location: 1 Sunset Knoll Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Stephanie Hirschfeld
Address: 1 Sunset Knoll Court
Timonium, Md. 21093

Telephone Number: 410-828-1616

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 181 -A Address 1 Sunset Knoll Ct.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/26/05 Posting Date: 10/9/05 Closing Date: 10/24/05

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 (typically within 7 to 10 days of the closing date) 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 06- 181 -A Address 1 Sunset Knoll Rd.

Petitioner's Name Daniel & Stephanie Hirschfeld Telephone 410-828-1616

Posting Date: 10/9/05 Closing Date: 10/24/05

Wording for Sign: To Permit an accessory structure (swimming pool)
be located in the third part of the rear yard closest to
the side road in lieu of the required third part of the
rear yard farthest from the road.

WCR - Revised 6/25/04

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 24, 2005

Daniel H. Hirschfeld
Stephanie H. Hirschfeld
1 Sunset Knoll Court
Timonium, Maryland 21093

Dear Mr. and Mrs. Hirschfeld:

RE: Case Number: 06-181-A, 1 Sunset Knoll Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 26, 2005.

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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

Oct. 6, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18, 2005

Item No.: 167 thru 174 178 thru 184 Also case # 05-502-A

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: October 19, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2005
Item Nos. 169, 170, 171, 172, 173, 176,
178, 180, 181, 182, 183 and 184

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-10192005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 13, 2005

RECEIVED

OCT 17 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

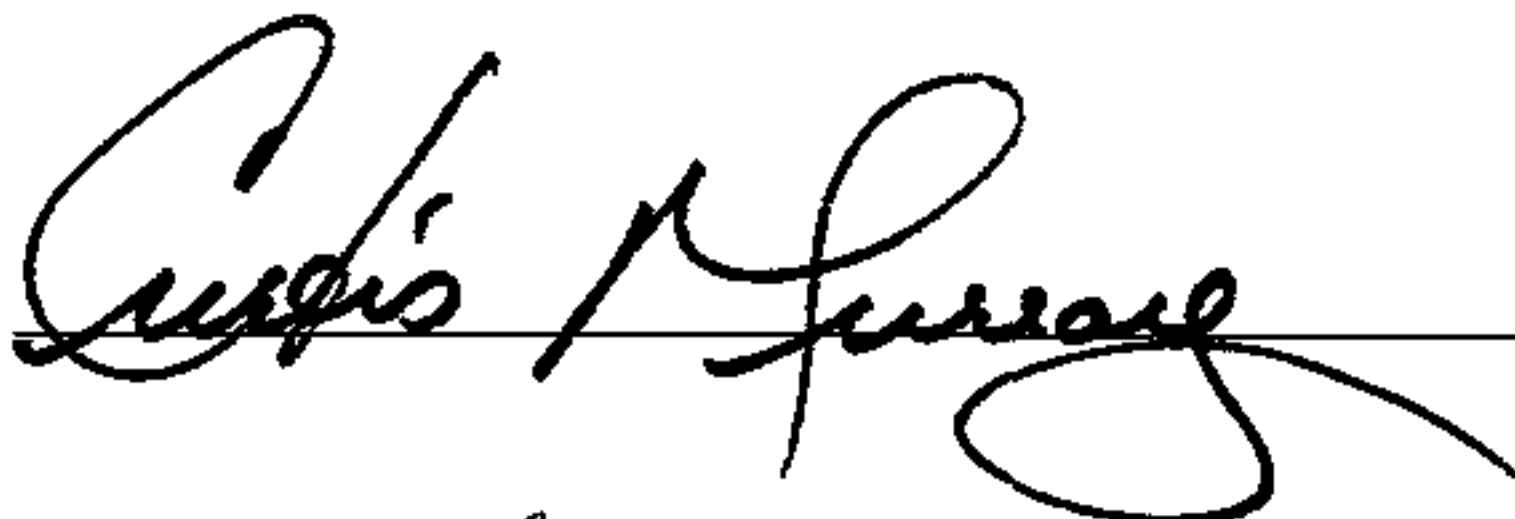
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-181- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 10.4.05

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

RE: Baltimore County
Item No. 181 BPR

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

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.marylandroads.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

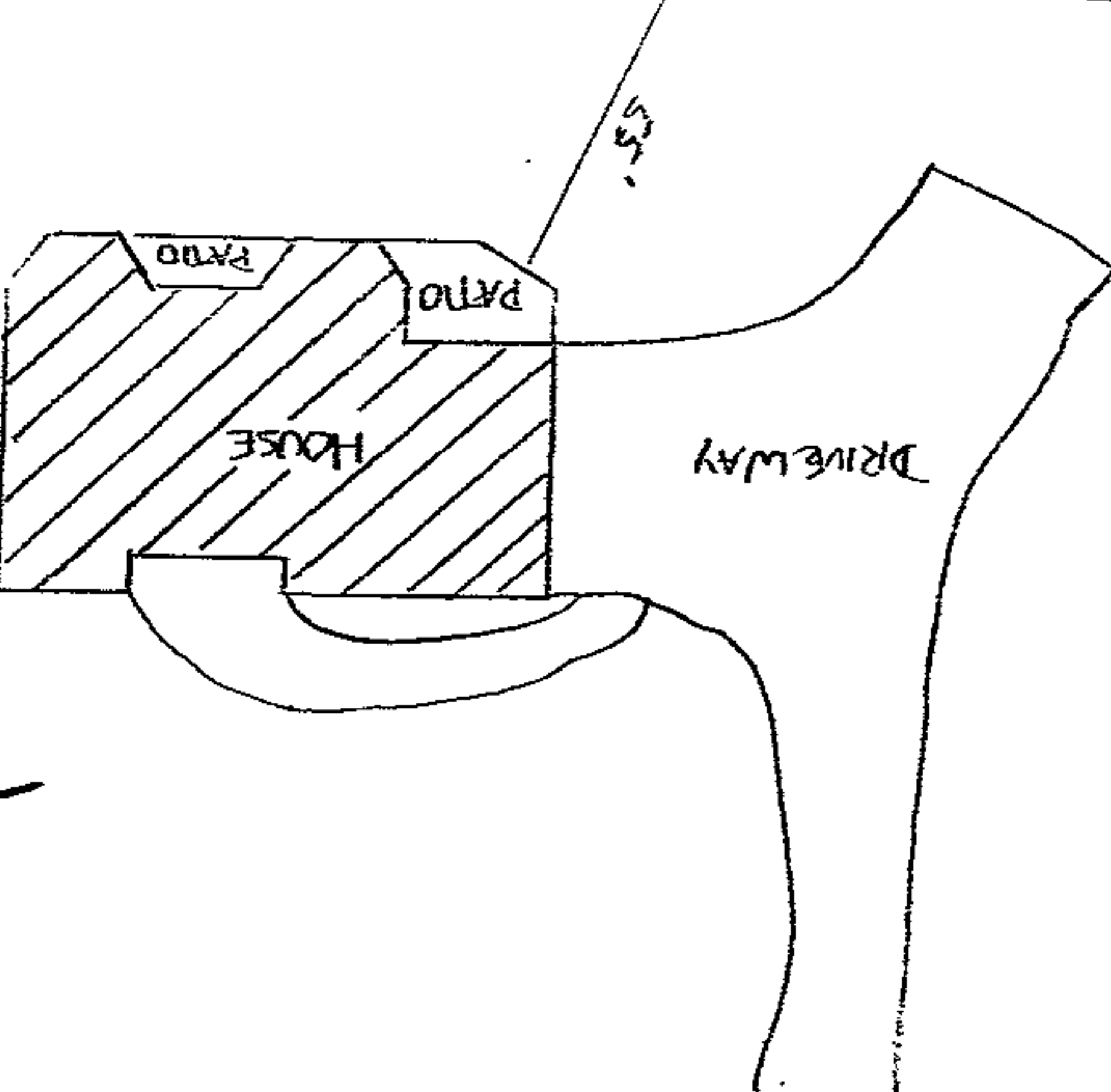
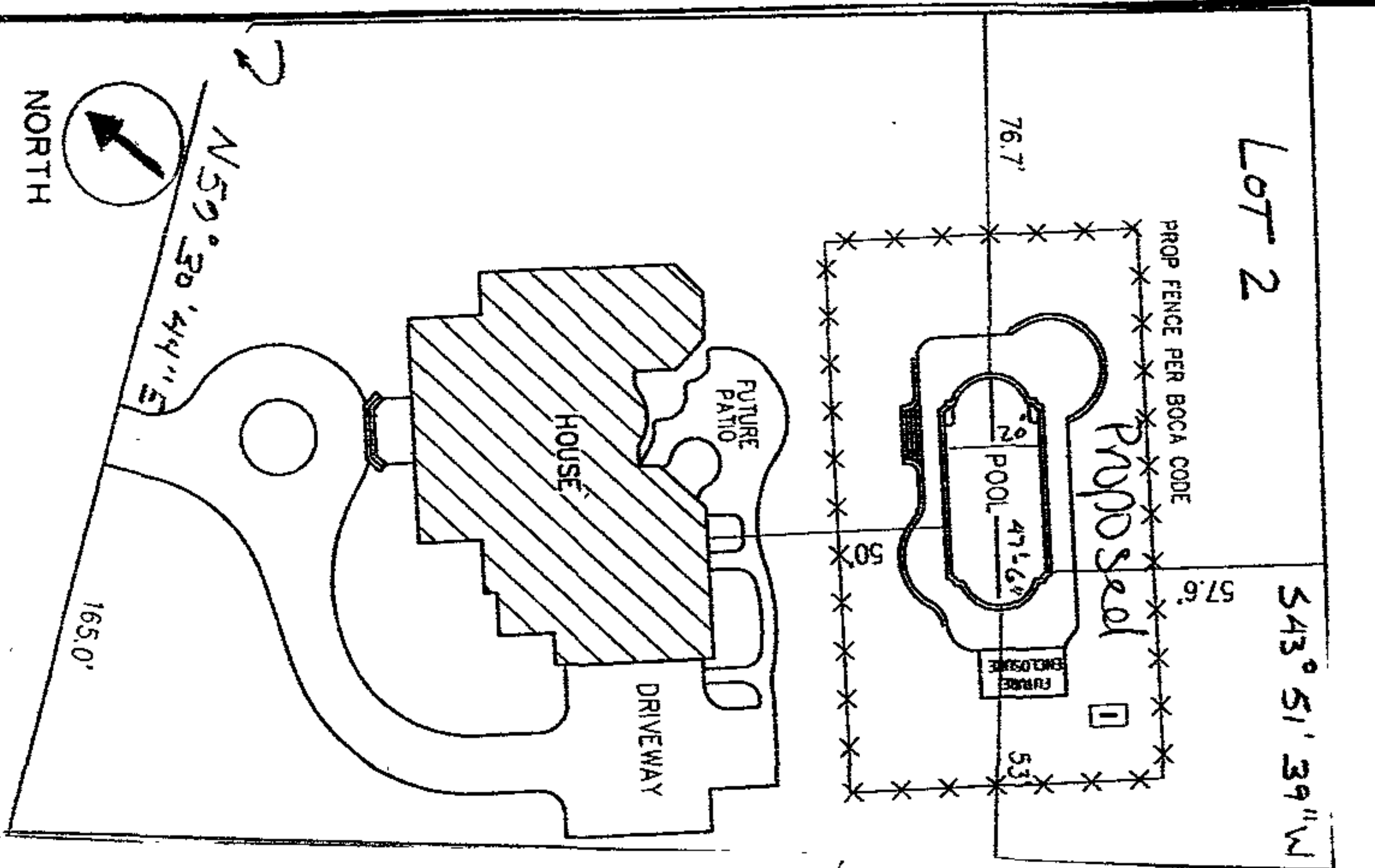
PROPERTY ADDRESS Sunset Knoll Court

SUBDIVISION NAME Sunset Knoll

PLAT BOOK # 68/184 FOLIO # 2 LOT # 2 SECTION # ---

OWNER Daniel + Stephanie Hirschfeld

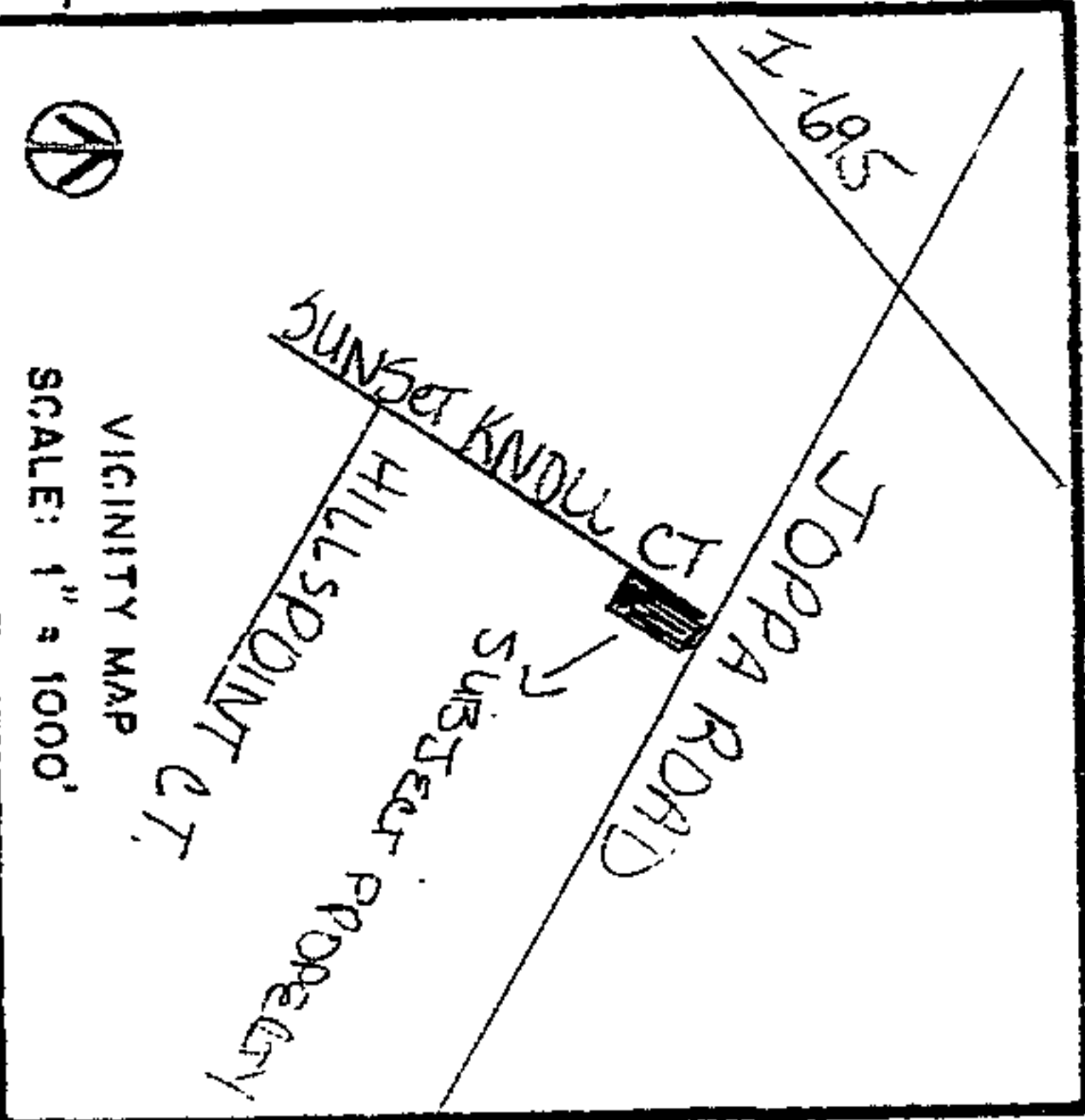
MAP 69
GRID 3
PARCEL 183



PER LOT 1

PREPARED BY CM BEAVER

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # Q69B1

ZONING DL-1

LOT SIZE 1.02 44,431 SQUARE FEET

ACREAGE ---

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

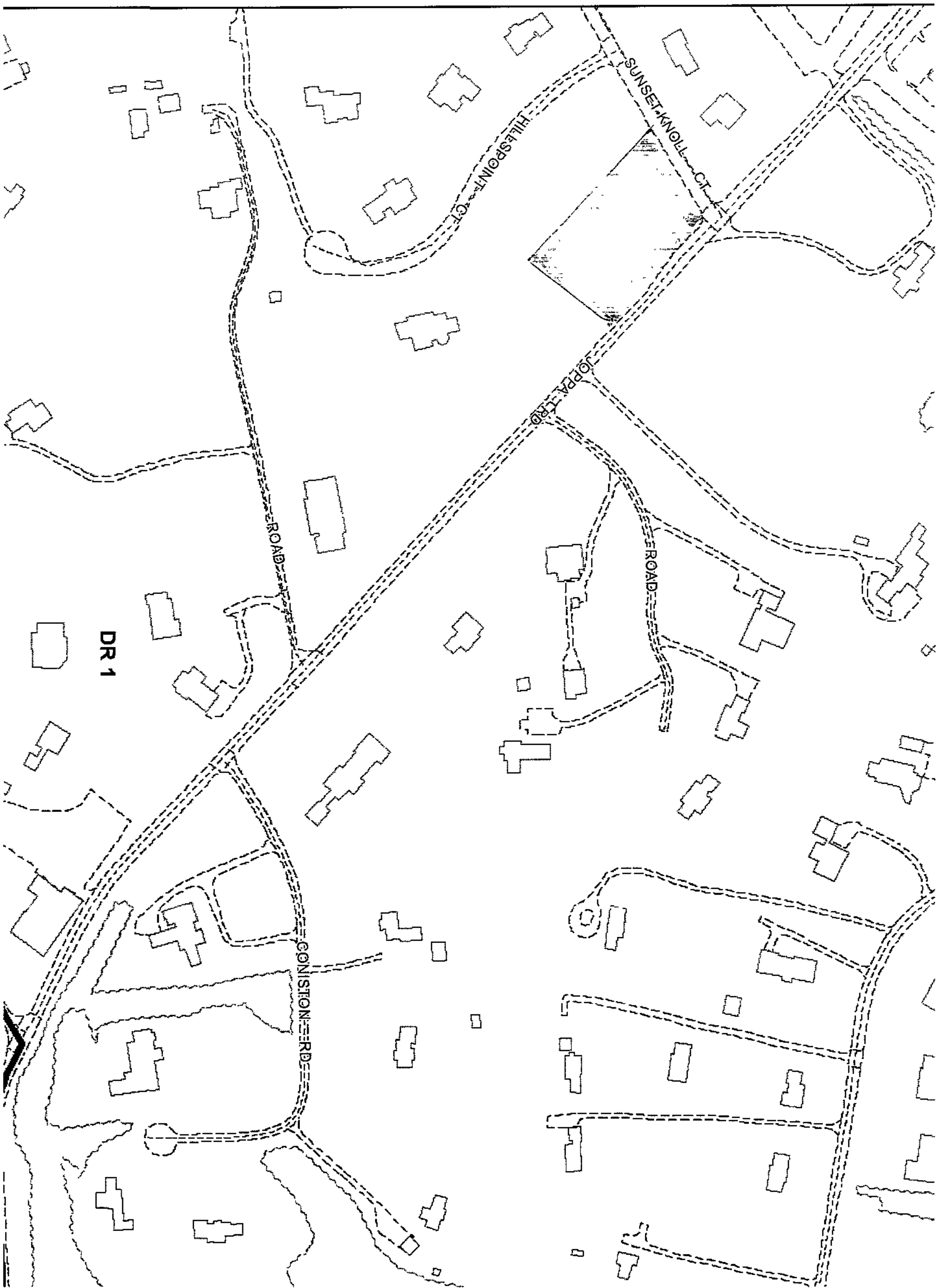
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY MC ITEM # 181 CASE # 66-181-4

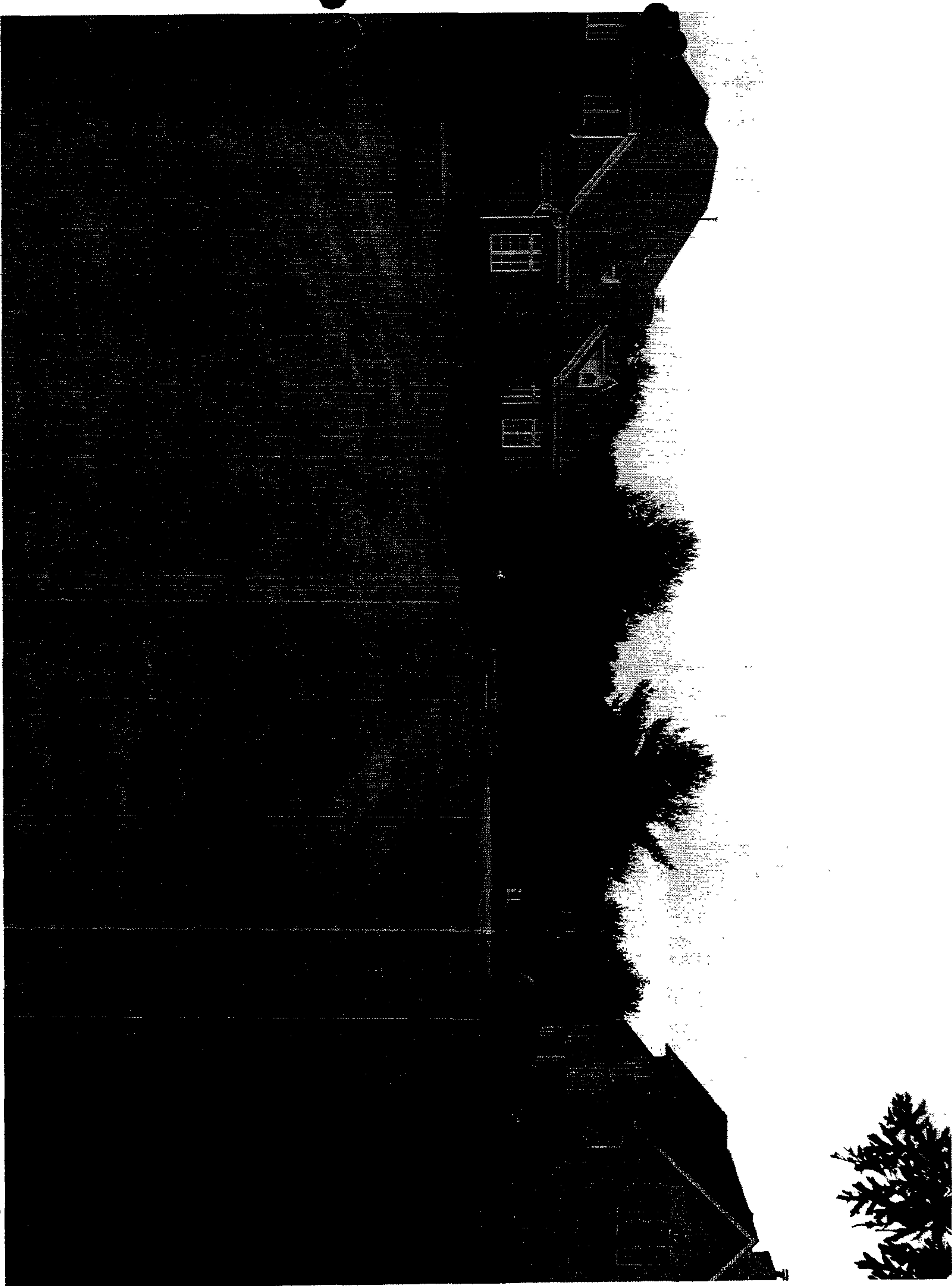


from #181

map # 06981

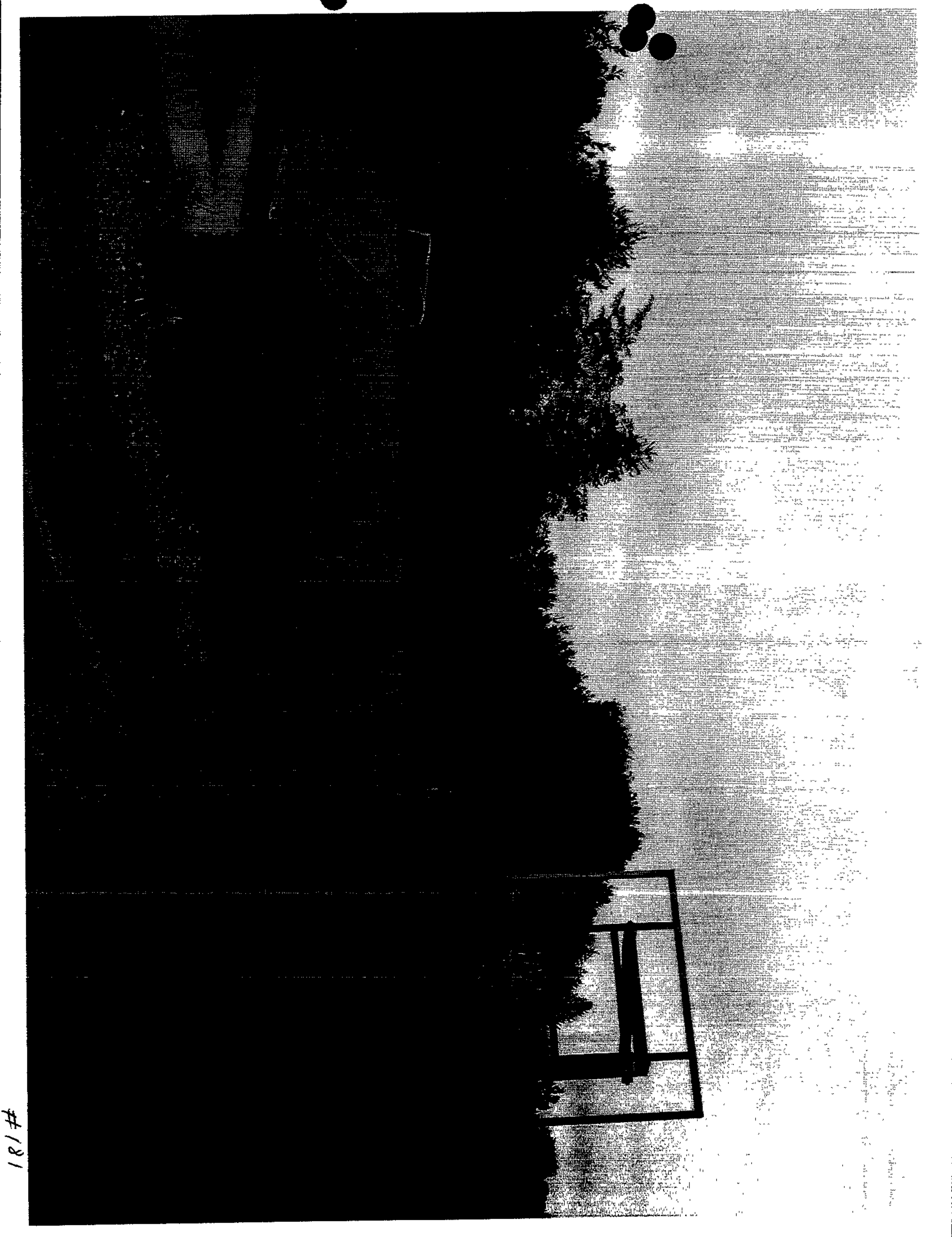


#187



181#





#181

