

IN RE: PETITION FOR ADMIN. VARIANCE

W side Monaghan Court, 1400 feet
S of the c/l Padonia Road
8th Election District
2nd Councilmanic District
(1003 Monaghan Court)

Leslie D. Hershfield and Heidi Beilis
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-447-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Leslie D. Hershfield and Heidi Beilis for property located at 1003 Monaghan Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition in the side yard with a setback of 30 feet and open projection (deck) with a side yard setback of 16 feet in lieu of the required 50 feet and 38 feet respectively, and to amend the Final Development Plan of "Smith Property" for Lot 6, Section 2 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The dwelling was constructed 53 feet from the northwest side property line without the optional conservatory addition. Petitioners now wish to construct the addition to accommodate the growing family, heirloom piano and art collection. The house was designed to have the conservatory where it is shown on the site plan to accompany. After extensive survey and feasibility study, it was determined that the only possible area for the expansion is on the northwest side of the house. The subject property contains 1.048 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 21, 2008

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which indicates that the property is within a major subdivision known as the Smyth Property. The development plan was approved prior to the effective date of Bill 55-04 and is not subject to the RC 5 compliance requirements. However, the proposed design and articulation of the addition must be consistent with the architectural elevation drawings or pattern book submitted with the Smyth Property development plan. Detailed architectural elevation drawings shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 4, 2008 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 Section 32-3-303 of the Baltimore County Code. 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 Deputy Zoning Commissioner, 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 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, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of May, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition in the side yard with a setback of 30 feet and open projection (deck) with a side yard setback of 16 feet in lieu of the required 50 feet

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and 38 feet respectively, and to amend the Final Development Plan of "Smith Property" for Lot 6, Section 2 only is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Submit detailed architectural elevation drawings to the Office of Planning for review and approval prior to the issuance of any building permits.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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TAX # 24 0000 6419



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1003 Monaghan Ct.
which is presently zoned RC-5

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) 1A04.3.B.2b

To permit an addition in the side yard with a set back of 30 feet and open projection (deck) with a side yard set back of 16 feet in lieu of the required 50' and 38' respectively, and to amend the FDP of "Smith Property" for Lot 6 Section 2 only.

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 bound 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):

Leslie D. Hershfield
Name - Type or Print _____
Signature MDHAN
Heidi Bellis
Name - Type or Print _____
Signature [Signature]
1003 Monaghan Court **410-960-0055**
Address Telephone No.
Lutherville, Maryland 21093
City State Zip Code

Representative to be Contacted:

AUSTIN CHILDS
Name _____
16260 Falls Rd **410 472 2488**
Address Telephone No.
Monkton MD **21111**
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. 2008-447-A

Reviewed By [Signature] Date 3/25/08

REV 10/25/01 **NOT RECORDED FOR FILING**

Estimated Posting Date 4/6/08

5.6.08
[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 reside at 1003 MONAGHAN CT.
Address
LUTHERVILLE 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):

The house was constructed 53 ft from the northwest side property line, without the optional conservatory addition. The owners wish to construct the addition to accommodate their growing family, heirloom piano, and art collection. The house was designed to have the conservatory where it is shown (see attached plat), and after extensive survey and feasibility study, we have determined that the only possible area for expansion is on the northwest side of the house, as shown on the site plan.

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

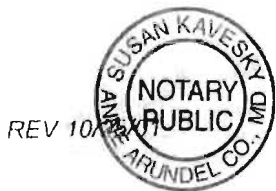
[Signature]
Signature
Leslie D. Hershfield
Name - Type or Print

[Signature]
Signature
Heidi Beilis
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 19th day of March, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Leslie D. Hershfield and Heidi Beilis the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 03-01-11



SUSAN KAVESKY
Notary Public, State of Maryland
County of Anne Arundel
My Commission Expires March 1, 2011

TAX # 24000064M



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1003 Monaghan Ct.
which is presently zoned RC-5

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) 1A04.3.B.2b

To permit an addition in the side yard with a set back of 30 feet and open projection (deck) with a side yard set back of 16 feet in lieu of the required 50' and 38' respectively, and to amend the FDP of "Smith Property" for Lot 6 Section 2 only.

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 bound 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

Legal Owner(s):

Leslie D. Hershfield
Name - Type or Print
Signature
Heidi Beilis
Name - Type or Print
Signature

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

1003 Monaghan Court 410-960-0055
Address Telephone No.
Lutherville, Maryland 21093
City State Zip Code

Representative to be Contacted:

AUSTIN CHILDS
Name
16260 FAUSD RD 410 472 2488
Address Telephone No.
MONKTON MD 21111
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 five days 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. 2008-0447-A

Reviewed By [Signature] Date 3/25/08

REV 10/25/01

Estimated Posting Date 4/6/08

ORDER RECEIVED FOR PLANNING
5-6-08
[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 reside at

Address 1003 MONAGHAN CT.
City LUTHERVILLE State MD Zip Code 21093

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):

The house was constructed 53 ft from the northwest side property line, without the optional conservatory addition. The owners wish to construct the addition to accommodate their growing family, heirloom piano, and art collection. The house was designed to have the conservatory where it is shown (see attached plat), and after extensive survey and feasibility study, we have determined that the only possible area for expansion is on the northwest side of the house, as shown on the site plan.

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

LDH-1
Signature

Leslie D. Hershfield

Name - Type or Print

Heidi Beilis
Signature

Heidi Beilis

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of March, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Leslie D. Hershfield and Heidi Beilis

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

AS WITNESS my hand and Notarial Seal



SUSAN KAVESKY Notary Public

Notary Public, State of Maryland

County of Anne Arundel

My Commission Expires March 1, 2011

[Signature]

03-01-11

ZONING DESCRIPTION for the
HERSHFIELD PROPERTY, 1003 MONAGHAN CT,
LUTHERVILLE, MARYLAND 21093

Beginning at a point on the West side of Monaghan Court, which is 50 ft. wide at the distance of 1400 ft. south of the centerline of the nearest intersecting street, Padonia Road, which is 60 ft. wide, thence running W 271.82 ft., thence S 172.55 ft., thence E 263.18 ft., thence N 172.04 ft., to the point of beginning, containing 1.048 acres. Also known as Lot #6, Section 2 in the subdivision of the Smyth Property located in the 08 Election District, 02 Councilmanic District.

447-A



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 22, 2008

Leslie D. Hershfield
Heidi Beilis
1003 Monaghan Court
Lutherville, Maryland 21093

Dear Mr. Hershfield and Ms. Beilis:

RE: Case Number: 2008-0447-A, 1003 Monaghan Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 25, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Austin Childs 16260 Falls Road Monkton 21111



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441,442,443,444,445,446,447,449

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File



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

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 11, 2008

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

RE: Baltimore County
Item No. 08-447-A
1003 MONAGHAN COURT
HERSHFIELD/BELLIS PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

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. 08-447-A

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

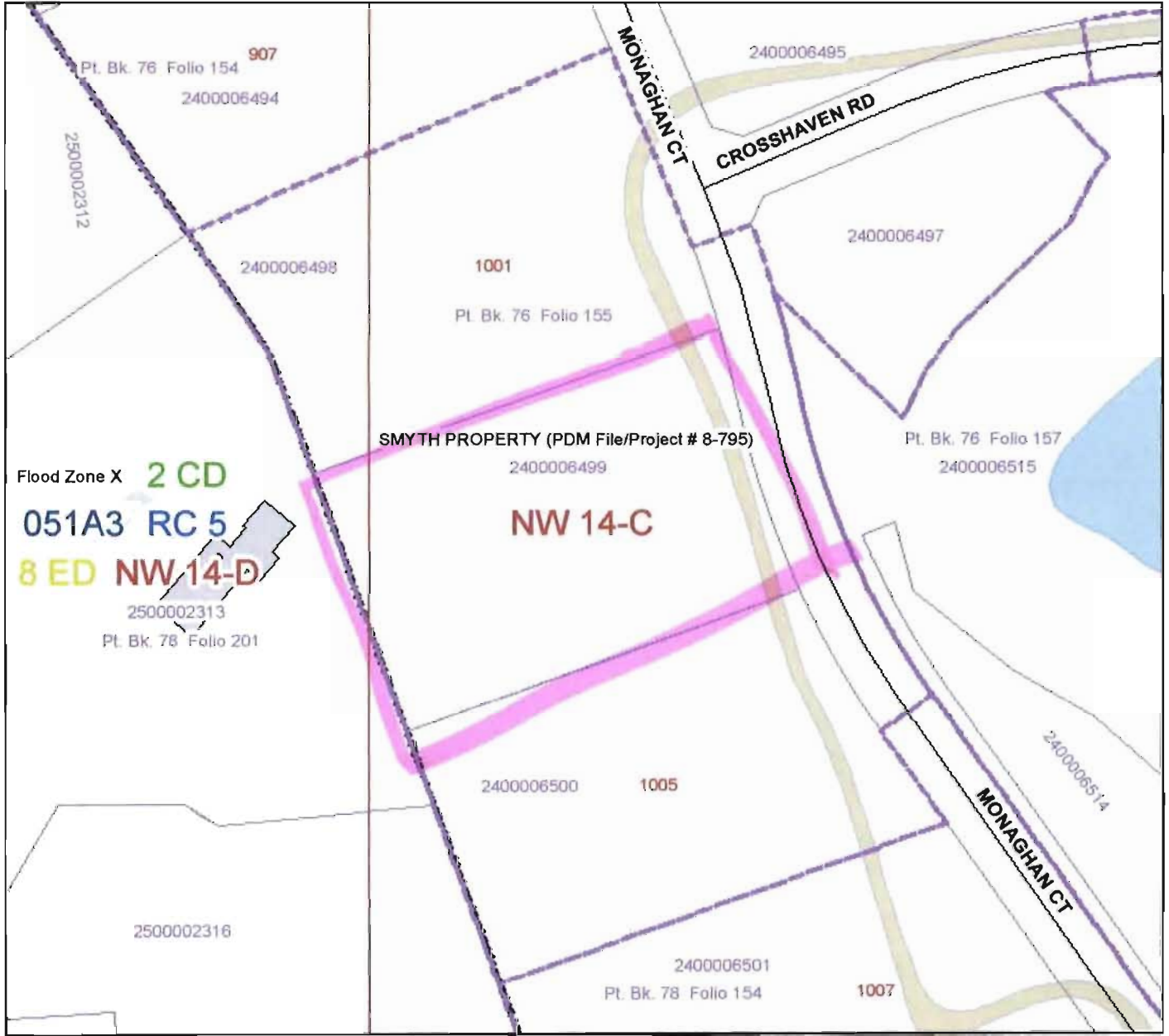
SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

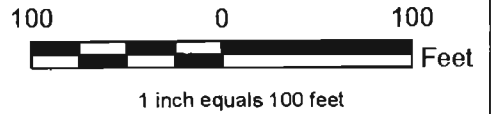
Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

1003 Monaghan Court



Publication Date: March 25, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



08-447-A

2400006494

2400006495

2400006498

1001

Pt. Bk. 76 Folio 154 2400006497

2 CD

8 ED

RC 5

051A3

SMYTH PROPERTY (PDM File/Project # 8-795)

NW 14-C

Flood Zone X

1003

Pt. Bk. 76 Folio 157
2400006515

Pt. Bk. 76 Folio 155
2400006499

NW 14-D

2400006500

1005

2400006514

MONAGHAN CT

2500002316

Pt. Bk. 78 Folio 201

2400006501

Pt. Bk. 78 Folio 154

2008-447-A

**SITE PHOTOS for the
HERSHFIELD PROPERTY, 1003 MONAGHAN CT,
LUTHERVILLE, MARYLAND 21093**



PHOTO A



PHOTO B

4/47



PHOTO C



PHOTO D

