

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Monaghan Court, 1400 feet S
of 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. 2009-0052-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 allow a side yard setback of 30 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 14 feet x 20 feet in size. The dwelling was constructed 55 feet from the south side property line without the optional studio addition. The Petitioners require the addition to accommodate their growing family and to provide reasonable access to the back yard area. This house was designed to have the studio where it is shown on the site plan and after extensive survey and feasibility study, Petitioners have determined that the only possible area for this addition is on the south side of the house. The adjacent neighbor at 1005 Monaghan Court has given their full support of the project. The property contains 1.048 acres and is served by private well and septic system.

RECEIVED FOR FILING
9.22.08
m

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 28, 2008 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. 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 Petitioner.

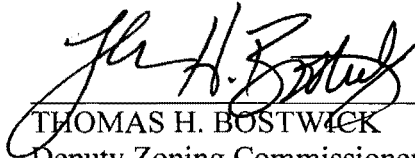
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of September, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 30 feet in lieu of the required 50 feet 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.

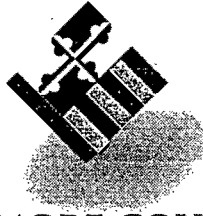
RECEIVED FOR FILED
9-22-08
[Signature]

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

RECEIVED FROM PLANNING
9-22-08
pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 22, 2008

LESLIE D. HERSHFIELD AND HEIDI BEILIS
1003 MONAGHAN COURT
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Case No. 2009-0052-A
Property: 1003 Monaghan Court

Dear Mr. Hershfield and Ms. Beilis:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Austin B. Childs AIA, 16260 Falls Road, Monkton MD 21111



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.D.2.b TO ALLOW A

SIDE YARD SETBACK OF 38 FEET IN LIEU OF THE REQUIRED
50 FEET

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):

Leslie D. Hershfield

Name - Type or Print

Signature

Heidi Beilis

Name - Type or Print

Signature

1003 Monaghan Court

Address

Lutherville, Maryland 212093

Telephone No.

City

State

Zip Code

Representative to be Contacted:

AUSTIN B. CHILDS AIA

Name

16260 FALLS RD. A10 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.

2009-0052-A

Reviewed By

CM

Date

8-22-08

REV 10/25/01

Estimated Posting Date

8-31-08

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 Court
Address Lutherville, Maryland 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 55 ft from the south side property line, without the optional (NV Homes) studio addition. The owners wish to construct the addition to accommodate their growing family, and to provide reasonable access to the back yard area. The house was designed to have the studio where it is shown (see attached plat), and after extensive survey and feasibility study, we have determined that the only possible area for this expansion is on the south side of the house, as shown on the site plan. The adjacent neighbors have acknowledged the plan and have given their full support.

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.

Leslie D. Hershfield
Signature
Name - Type or Print

Heidi Beilis
Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of August, 2008, 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

KATHLEEN SWIETKOSKI
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 11, 2011

Kathleen Swietkoski
Notary Public

My Commission Expires 10/11/2011

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 Court
Lutherville, Maryland 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 55 ft from the south side property line, without the optional (NV Homes) studio addition. The owners wish to construct the addition to accommodate their growing family, and to provide reasonable access to the back yard area. The house was designed to have the studio where it is shown (see attached plat), and after extensive survey and feasibility study, we have determined that the only possible area for this expansion is on the south side of the house, as shown on the site plan. The adjacent neighbors have acknowledged the plan and have given their full support.

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.

Leslie D. Hershfield
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 20th day of August, 2008, 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

KATHLEEN SWIETKOSKI
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 11, 2011

Kathleen Swietkoski
Notary Public

My Commission Expires 10/11/2011

**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 Waterford Preserve located in the 08 Election District, 02 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18582**

Date: **8-22-08**

PAID RECEIPT

BUSINESS ACTUAL TIME IN
 8/22/2008 8/22/2008 11:12:47
 REP #02 MAIL JFVA JEE
 >>RECEIPT # 600011 8/22/2008 DECH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
1001		1010		10150				65.00

Total: **65.00**

Rec
From:

For:

HERSHFIELD

1003 MONAGHAN & 71093

As VAD 71093-0052

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5 528 ZONING VERIFICATION
 018582
 Recpt Tot \$45.00
 \$45.00 OK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/02/08

Case Number: 2009-0052-A

Petitioner / Developer: HERSFIELD~AUSTIN B. CHILDS, AIA

Date of Hearing (Closing): SEPTEMBER 15, 2008

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:
1003 MONAGHAN COURT

The sign(s) were posted on: AUGUST 28, 2008



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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0052 -A Address 1003 MONAGHAN CT

Contact Person: CRAIG McGRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-22-08 Posting Date: 8-31-08 Closing Date: 9-15-08

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 (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.
- 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.
- 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.
- 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

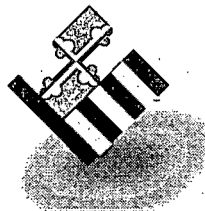
Case Number 2009- 0052 -A Address 1003 MONAGHAN CT

Petitioner's Name HERSHFIELD Telephone

Posting Date: 8-31-08 Closing Date: 9-15-08

Wording for Sign: To Permit A SIDE SETBACK OF 38 FEET IN
LIEU OF THE REQUIRED 50 FEET

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 15, 2008

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

Dear: Leslie D. Hershfield & Heidi Beilis

RE: Case Number 2009-0052-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 August 22, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Austin B. Childs, 16260 Falls Rd., Monkton, MD 21111

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 9, 2008,
Item Nos. 09-0051, 0052, 0053, 0054,
0055, 0056, 0057

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

DAK:CEN:lrk
cc: File
ZAC-08282008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: **SEPT. 8, 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 **2009-0082-A**
1003 MONAGHAN CT.
HERSHFIELD/BEILS PROPERTY
ADMIN. 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. **2009-0082-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.marylandmade.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2008

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

RECEIVED
SEP 11 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-052- 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 Jeff Mayhew in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



2400006489

2400006488

2400006487

910

912

2400006486

Pt. Bk. 76 Folio 153

NW 15-C

857

0807048340

903

2400006485

905

2400006493

2400006496

Pt. Bk. 76 Folio 154

914

2400006495

916

2400006494

907

910

937

2500002312

Flood Zone X

2400006498

Pt. Bk. 76 Folio 155

1001

2400006497

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

051A3

RC 5

2 CD

8 ED

PDM # 080825

NW 14-D

941

NW 14-C

2400006499

2500002313

Pt. Bk. 78 Folio 201

SITE

2400006500 1005

2400006515

HYDROLOGY AREA

Pt. Bk. 76 Folio 157

2500002316

2400006501

1007

Pt. Bk. 78 Folio 154

2400006514

2400006502 1009

Pt. Bk. 40 Folio 89

1800013417

1800002960

11710

FALLSWOOD TER

1800002959

2400006503

2400006513

1010

0052

Jones Falls Hydrology 100 Foot Stream Buffer



View 'A'

KEYED IN ON
SITE PLAN

0052



View 'B'

KEYED IN ON
SITE PLAN

0057



View 'C'

KEYED IN ON
SITE PLAN

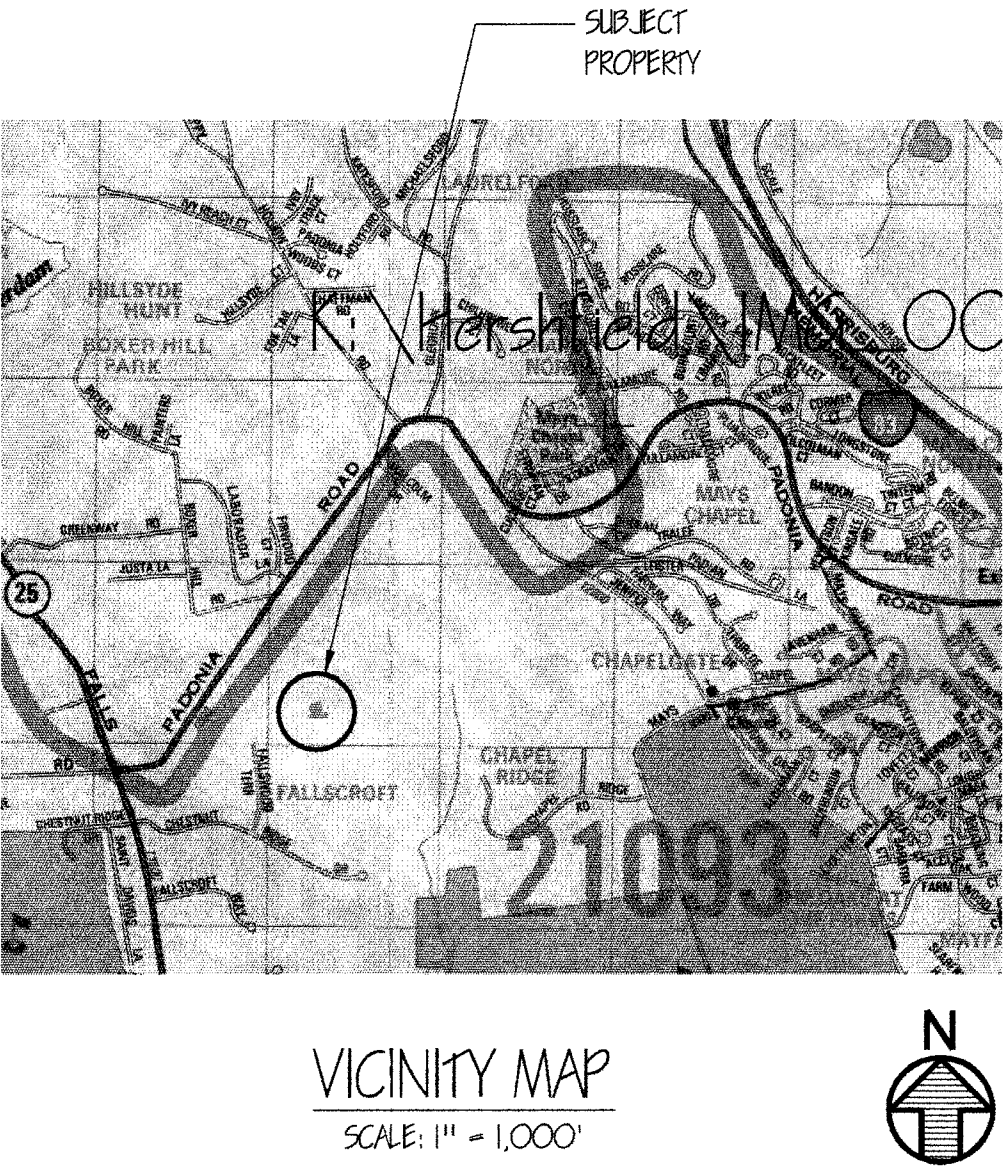
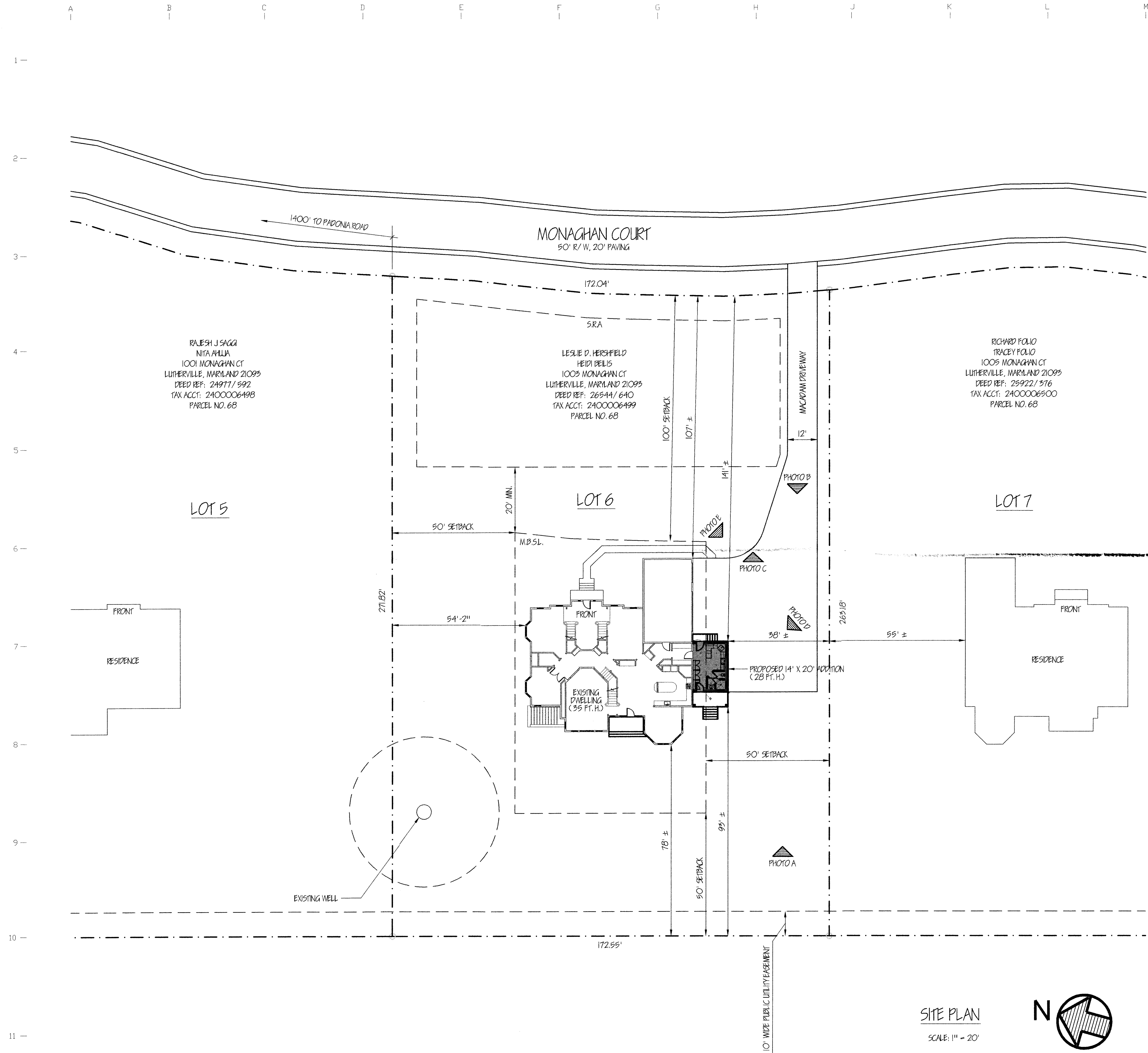
0052



View 'D'

KEYED IN ON
SITE PLAN

0052



PROJECT DATA:

PROPERTY ADDRESS:	1003 MONAGHAN CT
OWNER:	LESLIE D. HERSHFIELD & HEIDI BEILIS
LOCATION INFORMATION	
SUBDIVISION NAME:	WATERFORD PRESERVE
ELECTION DISTRICT:	08
COUNCILMANIC DISTRICT:	2
1" = 200' SCALE MAP #:	OS1A3
ZONING:	RC 5
LOT SIZE:	1.048 ACRES (45,650 SF)
SEWER:	PRIVATE SEPTIC SYSTEM
WATER:	WELL
CHES. BAY CRITICAL AREA:	NO
100 YEAR FLOOD PLAIN:	NO
HISTORIC PROPERTY:	NO

NO PRIOR ZONING HISTORY

THE
HERSHFIELD
HOUSE

ADDITION

1003 Monaghan Ct.
Lutherville, Maryland 21093

Copyright Austin B. Childs Architecture, LLC 2003.
Unauthorized use, reproduction or distribution
strictly prohibited.

No.	Date	Item
REVISIONS		

Drawn _____

Checked _____

Approved _____

austin b childs
architecture

chickenranch design studio

16260 falls road
monkton, maryland 21111
410.472.4686
achildsaia@msn.com

SITE PLAN /
PROJECT DATA

CONTRACT NO. _____

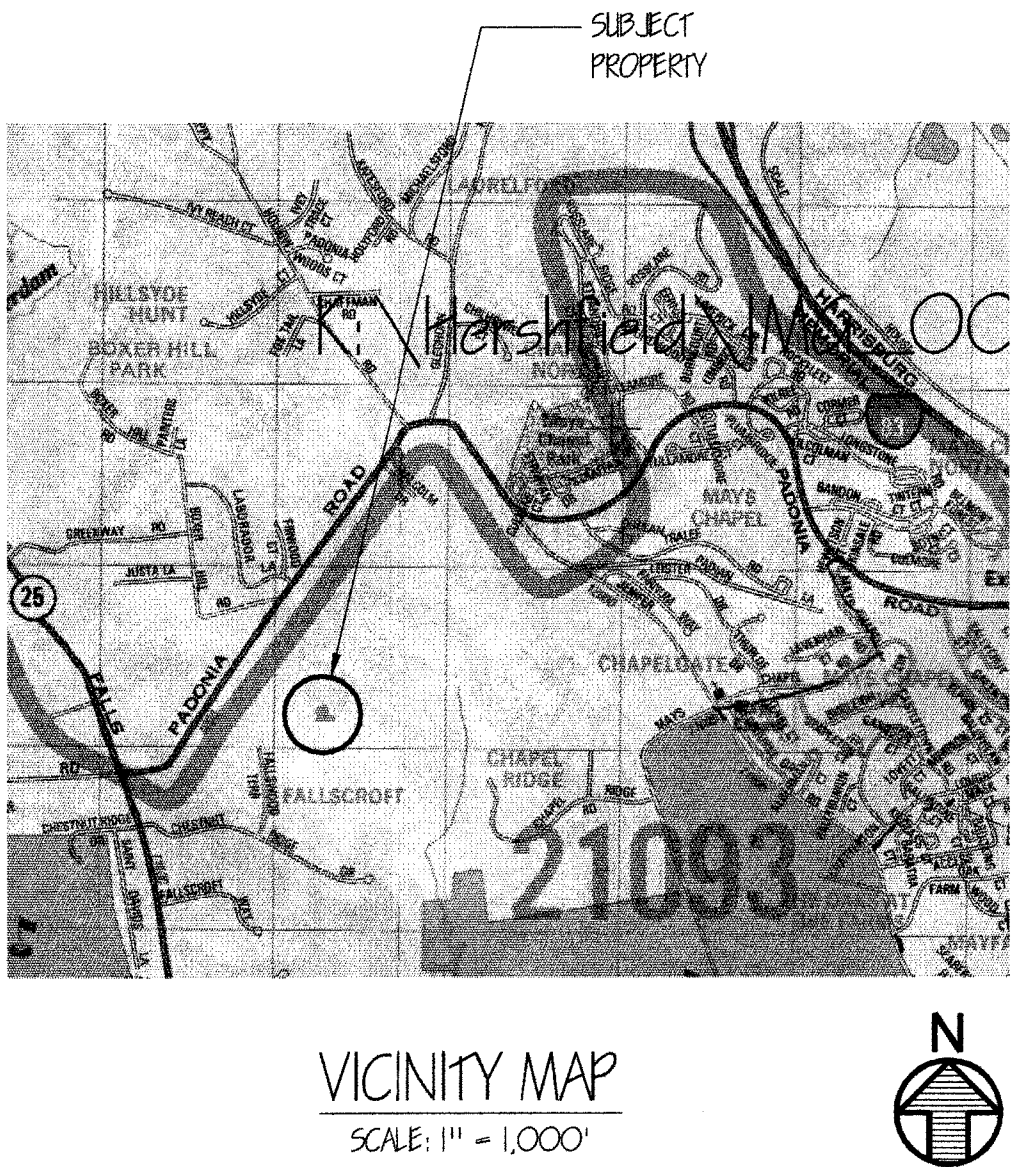
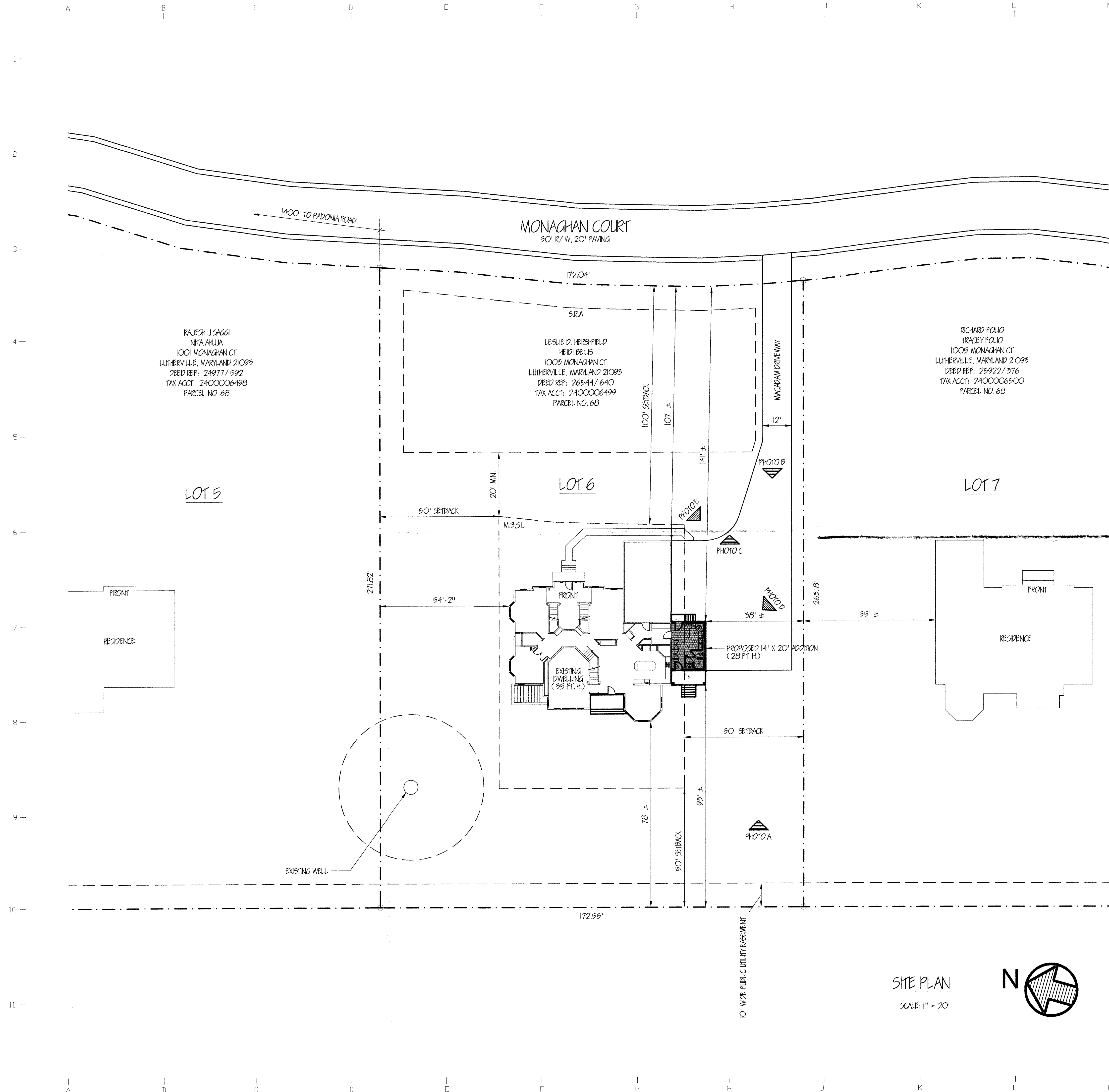
SCALE 1" = 20'

DATE AUGUST 22, 2008

SP-101

0052

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE



PROJECT DATA:	
PROPERTY ADDRESS:	1003 MONAGHAN CT
OWNER:	LESLIE D. HERSHFIELD & HEIDI BELLIS
LOCATION INFORMATION	
SUBDIVISION NAME:	WATERFORD PRESERVE
ELECTION DISTRICT:	08
COUNCILMANIC DISTRICT:	2
1"=200' SCALE MAP #:	OS1A3
ZONING:	RC 5
LOT SIZE:	1.048 ACRES (45,680 SF)
SEWER:	PRIVATE SEPTIC SYSTEM
WATER:	WELL
CHES. BAY CRITICAL AREA:	NO
100 YEAR FLOOD PLAIN:	NO
HISTORIC PROPERTY:	NO
NO PRIOR ZONING	HEARINGS

THE HERSHFIELD HOUSE

ADDITION

1003 Monaghan Ct.
Lutherville, Maryland 21093

Copyright Austin B. Childs Architecture, LLC 2003.
Unauthorized use, reproduction or distribution
strictly prohibited.

No.	Date	Item
REVISIONS		

Drawn _____
Checked _____
Approved _____

austin b childs

architecture

chickenranch design studio

16260 falls road
monkton, maryland 21111
410.472.4686
achildsaia@msn.com

SITE PLAN /
PROJECT DATA

CONTRACT NO.	
SCALE	1" = 20'
DATE	AUGUST 22, 2008

SP-101

0052

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE