

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
W/S of Wake Robin Drive, and
the S/S side of Sherwood Rd.
401 Wake Robin Drive
8th Election District
3rd Councilmanic District
Bernard J. Meinschein, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-86-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Bernard J. Meinshcein and Beverly S. Meinschein, his wife, property owners, for that property known as 401 Wake Robin Drive in the Dun Rovin subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit a pool to be located in the half of the rear yard closest to the side street, in lieu of the half farthest from the side street. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, 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 26-127 (b)(1) 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORIGINAL FILED FOR FILING

Date

By

9/23/98
M. J. Novak

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.

1. The 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

[Handwritten signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 23, 1998

Mr. and Mrs. Bernard J. Meinschein
401 Wake Robin Drive
Cockeysville, Maryland 21030

RE: Petition for Administrative Variance
Property: 401 Wake Robin Drive
Case No. 99-86-A

Dear Mr. and Mrs. Meinschein:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



5 Copies
both sides



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 WAKE Robin Dr Cockeysville Md
which is presently zoned _____

This Petition shall be filed with the Dept. of Permits & 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 A DELAYED ACCESSORY STRUCTURE (POOL) IN THE HALF OF THE REAR YARD CLOSEST TO THE SIDE STREET IN LIEU OF THE HOLE FURNISH FROM THE SIDE STREET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE REVERSE SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, 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

BERNARD J MEINSCHEIN
(Type or Print Name)
Bernard J Meinschein
Signature
401 WAKE Robin Drive
Address
Cockeysville Md 21030
City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

BERNARD J MEINSCHEIN
(Type or Print Name)
Bernard J Meinschein
Signature
BEVERLY S MEINSCHEIN
(Type or Print Name)
Beverly S Meinschein
Signature

401 WAKE Robin Dr 410 666-0516
Address Phone No
Cockeysville Md 21030
City State Zipcode
Name, Address and phone number of representative to be contacted

BERNARD J MEINSCHEIN
Name
401 WAKE Robin Dr 410 666-0516
Address Phone No
Cockeysville Md

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JOH DATE: 8-25-98
ESTIMATED POSTING DATE: 9-6-98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 86

99-86-A

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 401 WAKE ROBIN DRIVE
address
Cockeysville Md 21031
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)

BEING CORNER LOT pool should be in center of lot. Due to location of septic system with 20' clearance this is not possible. We ARE requesting pool be moved 2 1/2 feet towards WAKE ROBIN DRIVE with resulting measurements of 75' to WAKE ROBIN & 80' feet to Northwest property line.

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

Bernard J. Meinschein
(signature)
Bernard J. Meinschein
(type or print name)



Beverly S. Meinschein
(signature)
Beverly S. Meinschein
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bernard J. Meinschein and Beverly S. Meinschein

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of ~~his~~ their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 25, 1998
date

Sonia Carreras
NOTARY PUBLIC

My Commission Expires:

SONIA CARRERAS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 1, 1999

A-28-PP

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 401 WARE Robin Drive
address
Lockeysville Md 21030
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)

Being a CORNER Lot pool should be IN center of Lot
Due to location of Septic System require minimum
20' SEPARATION this is NOT possible, we are
requesting pool be moved 2 1/2' TOWARDS WARE Robin
Drive with resulting measurements of 75' to WARE
Robin & 80 Feet to West property line.

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

Bernard J. Meinschein
(signature)
BERNARD J. MEINSCHIEIN
(type or print name)



Beverly S. Meinschein
(signature)
Beverly S. Meinschein
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bernard J. Meinschein and Beverly S. Meinschein

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 25, 1998
date

Sonia Carreras
NOTARY PUBLIC

SONIA CARRERAS
My Commission Expires: NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 1, 1999

A-DB-PP

3 copies



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 WAKE ROBIN DR Cockeysville Md
which is presently zoned _____

This Petition shall be filed with the Dept. of Permits & 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 A DETACHED Accessory Structure (Pool) in the back of the rear yard closest to the side street in lieu of the half furthest from the side street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE REVERSE SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, 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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JFA

DATE: 8-25-98

ESTIMATED POSTING DATE: 9-6-98



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on Recycled Paper

ITEM #: 86

99-86-A

3 Copies

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

June 23, 1995

401 Wake Robin Drive

Remainder of Lot 1, Dun Rovin - Plat No. 2

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the point of intersection of the lot line between Lot 1 and Lot 2 as shown and laid out on a plat titled "Dun Rovin - Plat No. 2" which plat is recorded among the Plat Records of Baltimore County in Plat book G.L.B. No. 23 folio 13 with the west side of Wake Robin Drive, 50 feet wide, as shown on said plat and running thence and binding on the westernmost side of said Wake Robin Drive, as the courses are referred to the meridian as shown on said plat and from which this description is now compiled, Northeasterly, by a line curving to the right having a radius of 490 feet, for an arc distance of 87.19 feet (the chord of said arc bearing North 44 degrees 37 minutes 10 seconds East 87.08 feet), thence by a line connecting the said westernmost side of Wake Robin Drive with the southwesternmost side of Sherwood Road, as widened, and shown on said plat, North 5 degrees 06 minutes 38 seconds East 35.11 feet, thence running and binding on the southwest side of Sherwood Road as shown on said plat, the two following lines viz: North 39 degrees 30 minutes 00 seconds West 98.05 feet and Northwesterly, by a line curving to the left having a radius of 382 feet for an arc distance of 56.18 feet (the chord of said arc bearing North 43 degrees 42 minutes 49 seconds West 56.13 feet) to the northeast corner of the 12 foot Easement Right-of-Way as shown on said plat, thence binding on the southeast side of said right-of-way and running for a new line of division, now made, South 33 degrees 59 minutes 29 seconds West 141.63 feet to intersect the aforesaid lot line between Lot 1 and Lot 2 and thence running and binding reversely on a part of said lot line South 50 degrees 28 minutes 27 seconds East 150.45 feet to the place of beginning.

Containing 0.467 of an Acre of land, more or less.

Being the remainder of Lot 1, Dun Rovin - Plat No. 2 and firstly mentioned in a Deed dated October 13, 1979 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6090 folio 535 which was conveyed by Lanious K. Reighard, Personal Representative of the Estate of Dora W. Keen to Bernard J. Meinschein and Beverly S. Meinschein, his wife.

86

99-86-A

**BALTIMORE COUNTY, MD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 056147

DATE 8-25-98 ACCOUNT 12-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Mr & Mrs H. C. INSUELL
610 E. S. DAVIS DR
 FOR: 10000

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

100
90
80
70
60
50
40
30
20
10
0

PROCESS	ACTUAL	TIME
8/25/1998	8/25/1998	11:45:18
RFU	US03	CASHIER PMS NEW DRAWER
		5 MISCELLANEOUS CASH RECEIPT
	Receipt #	055948
	CR NO.	056149
		UTLN

Baltimore County, Maryland
50.00 Clerk

99-86-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VAR.

RE: Case No.: 99-86-A

Petitioner/Developer: B. MEINSCHN, ETAL

Date of Hearing/Closing: 9/21/98

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

Attention: Ms. Gwendolyn Stephens

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 #401 WAKE ROBIN DR.

The sign(s) were posted on 9/1/98
(Month, Day, Year)

Sincerely,

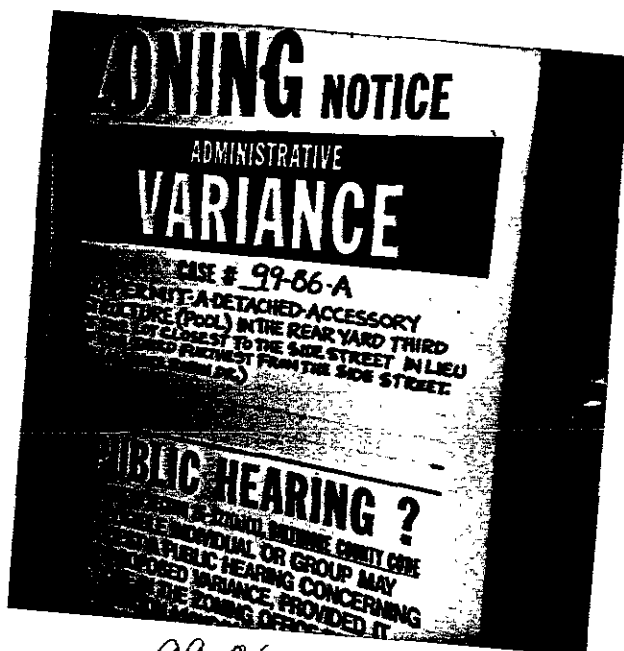
Patrick M. O'Keefe 9/4/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



99-86-A
#401 WAKE ROBIN DR.
B. MEINSCHN
P-9/1/98

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 86 -A Address 401 WAKE ROBIN DR

Contact Person: JOHN R ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-25-98 Posting Date: 9-6-98 Closing Date: 9-21-98

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 0to 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 99- 86 -A Address 401 WAKE ROBIN DR
Petitioner's Name HEINSCHEIN Telephone 410-666-0516
Posting Date: 9-6-98 Closing Date: 9-21-98
Wording for Sign: ~~To Permit~~ ADMIN. VARIANCE TO PERMIT A DETACHED
ACCESSORY STRUCTURE (POOL) IN THE REAR YARD THIRD OF
THE LOT CLOSEST TO THE SIDE STREET UNVIEW OF THE
THIRD FURTHEST FROM THE SIDE STREET.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Av
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 86

Petitioner: BERNARD J. MEINSCHN

Location: 401 WALKER ROBIN DR. COCKEYSVILLE MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BERNARD J. MEINSCHN

ADDRESS: 401 WALKER ROBIN DRIVE COCKEYSVILLE MD 21030

PHONE NUMBER: 410-666-0576

AJ:ggs

(Revised 09/24/96)

99.86-A

86.



Baltimore County
Department of Permits and
Development Management

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

September 21, 1998

Mr. Bernard Meinschein
401 Wake Robin Drive
Cockeysville, MD 21030

RE: Item No.: 86
Case No.: 99-86-A
Location: 401 Wake Robin Drive

Dear Mr. Meinschein:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 25, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: September 4, 1998

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 83, 84, 85, 86, and 87

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Section Chief:

Jeffrey W. Long

AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 10, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 084, 085, 086, 087, 088, 089 AND 090.



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 17, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 14, 1998
Item Nos. 084, 086, 087, 089, and
090

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

RWB:HJO:jrb

cc: File

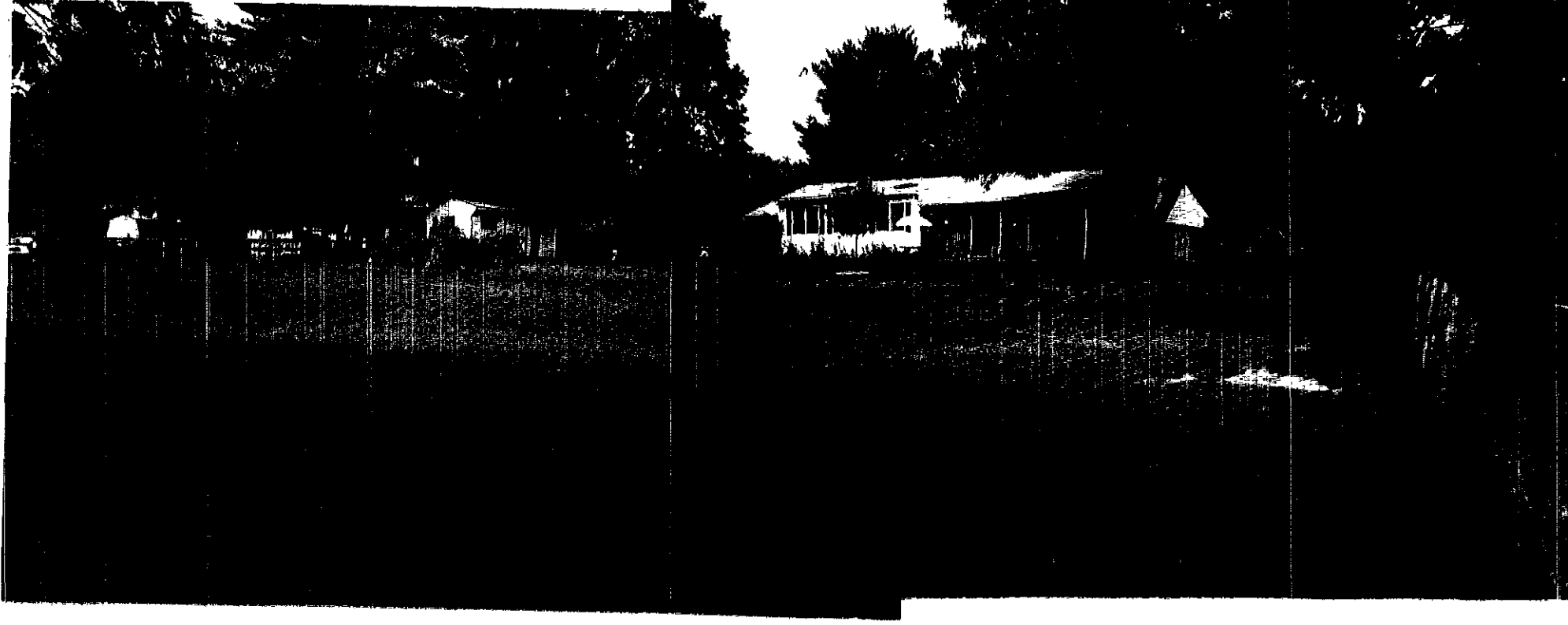
ZONE0914.NOC



99-86-A



99-86-A



99-86-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	COCKEYSVILLE	N.W. 17-A
DATE OF PHOTOGRAPHY JANUARY 1986		

Nw 17-A.

D.R. 2

W 3,000

7

HOLLOW

401 WARE
ROBIN
Drive

7000

Sherwood Rd

PRIVATE

POOL

Q PART RIDGE
NUTTHATCH
CT

JUNCO
CT
ROBIA

D.R. 2

99.86-A

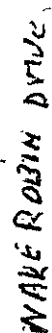
86

18 LPP/ES

see pages 5 & 6 of the CHECKLIST for additional required information

plat book# _____, folio# _____, lot# _____, section# _____

405 WAKE-ROBIN



	public	private
SEWER:	☐	☒
WATER:	☒	☐

Zoning Office USE ONLY!

807 | 86-99-86-A

Scale of Drawing: 1" = Not to Scale

99-86-A