

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S Wesley Chapel Road, 1650' SW		
centerline of McComas Road	*	DEPUTY ZONING COMMISSIONER
10th Election District		
6th Councilmanic District	*	OF BALTIMORE COUNTY
(17515 Wesley Chapel Road)		
	*	CASE NO. 01-249-A
Agustin D. and Mary Jo Vinck		
Petitioners	*	

* * * * *

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, Agustin D. and Mary Jo Vinck. The variance request is for property located at 17515 Wesley Chapel Road in the Monkton area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (pool) in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative 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.

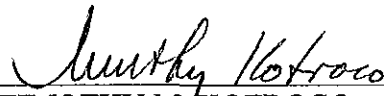
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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.

DATE 1/9/01
 BY [Signature]

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 9th day of January 2001, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (pool) in the side yard in lieu of the required rear yard., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED
DATE 1/9/01
BY R. Jensen



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 9, 2001

Mr. & Mrs. Agustin D. Vinck
17515 Wesley Chapel Road
Monkton, Maryland 21111

Re: Petition for Administrative Variance
Case No. 01-249-A
Property: 17515 Wesley Chapel Road

Dear Mr. & Mrs. Vinck:

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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Census 2000



For You, For Baltimore County



Census 2000



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on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

Just 3 copies



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17515 Wesley Chapel Rd Monkton
which is presently zoned RC 2

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 (BCZR) to permit an accessory structure (pool) in the side yard in lieu of the required rear yard

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

17515 Wesley Chapel Rd (410) 706-3576 W
Address Telephone No.

Name - Type or Print

Monkton MD 21111
City State Zip Code

Signature

Representative to be Contacted:

Company

Name

Address Telephone No.

Address Telephone No.

City State Zip Code

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, 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. 01-249-A

Reviewed By JNP Date 12/15/00

Estimated Posting Date 12/24/00

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

17515 Wesley Chapel Rd
Address
Monkton MD 21111
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 layout of our wooded lot would make it extremely difficult to construct an inground pool in the rear of our house. This area is wooded and approximately 20 ft from the rear of the house the lot takes a steep downward slope. Therefore, construction in this area would necessitate the destruction of trees & shrubs which is what we are trying to avoid. For this reason, we are making every effort to construct this pool in a previously cleared area which is level.

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.

Agustin Vinck
Signature
AGUSTIN VINCK
Name - Type or Print

Mary Jo Vinck
Signature
MARY JO VINCK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

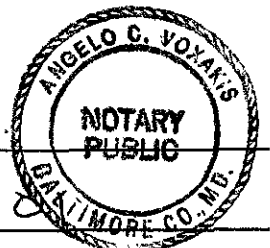
I HEREBY CERTIFY, this 11th day of December, 2000 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARY JO VINCK and AGUSTIN DAVID VINCK
the Affiant(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

12-11-2000
Date

Angelo C. Voxanis
Notary Public
My Commission Expires 11-01-01



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 17515 Wesley Chapel Rd
Address Monkton MD 21111
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 layout of our wooded lot would make it extremely difficult to construct an inground pool in the rear of our house. This area is wooded and approximately 20 ft from the rear of the house the lot takes a steep downward slope. Therefore construction in this area would necessitate the destruction of trees & shrubs which is what we are trying to avoid. In this reason, we are making every effort to construct this pool in a previously cleared area which is level.

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.

Agustin Vinick
Signature
Agustin Vinick
Name - Type or Print

Mary Jo Vinick
Signature
MARY JO VINICK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of December, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

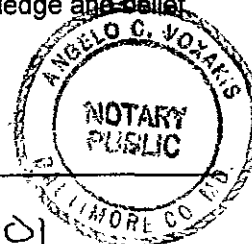
MARY JO VINICK AND AGUSTIN DAVID VINICK

the Affiant(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

12-11-2000
Date

Angelo C. Voxakis
Notary Public
My Commission Expires 11-01-01





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17515 Wesley Chapel Rd - Monkton
which is presently zoned RC2

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 (BCZR) to permit an accessory structure (pool) in the side yard in lieu of the required rear yard

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):

Austin D. Vinick
Name - Type or Print

Austin Vinick
Signature

Mary Jo Vinick
Name - Type or Print

Mary Jo Vinick (410) 706-3576 W
Signature (410) 343-2065-H

17515 Wesley Chapel Rd
Address

Monkton MD 21111
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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. 01-249-A

REV 9/15/98

Reviewed By JNP Date 12/15/00

Estimated Posting Date 12/24/00

ZONING DESCRIPTION FOR 17515 WESLEY CHAPEL ROAD

Beginning at a point SOUTH side of Wesley Chapel Road which is 60 feet wide at a distance of 1650 feet SOUTHWEST of the centerline of the nearest improved intersecting street McComas Road which is 60 feet wide. *Being lot#5 in the subdivision of Wesley Chapel as recorded in Baltimore County Plat Book # 40, Folio # 75 containing 2.490 acres. Also known as 17515 Wesley Chapel Road and located in the 10th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

90129

DATE

12/15/00

ACCOUNT

R001-6150

AMOUNT

\$ 50.00

RECEIVED
FROM:

Vinick

FOR:

17515 Wesley Chapel Road
#0 (01-249-A)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
12/15/00 12/15/00 11:40:00
PER 0002 CASHIER DUAL END TRAILER 2
Post 5 529 300000 VERIFICATION
Receipt # 164719 OFLN
CR NO. 090129

Receipt Tot 50.00
50.00 00 00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN

RE: Case No.: 01-249-A

Petitioner/Developer: J. VINCK, ETAL

Date of Hearing/Closing: 1/8/01

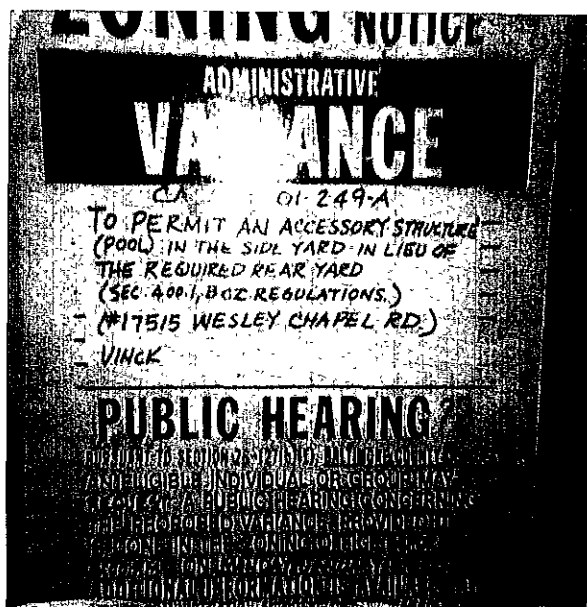
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 #17515 WESLEY CHAPEL RD

The sign(s) were posted on 12/20/00
(Month, Day, Year)



Sincerely,

[Signature] 1/3/01
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 249 -A Address 17515 Wesley Chapel Rd., Monkton

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/15/00 Posting Date: 12/24/00 Closing Date: 1/8/01

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 01- 249 -A Address 17515 Wesley Chapel Road, Monkton

Petitioner's Name Vinck Telephone _____

Posting Date: 12/24/00 Closing Date: 1/8/01

Wording for Sign: To Permit an accessory structure (pool) in the side yard in lieu of the required rear yard (Section 400.1, BC2R)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: January 18, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 2, 2001
Item Nos. 233, 234, 235, 236, 238, 239,
240, 241, 244, 246, 247, 248, 249, and 250

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 27, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 26, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244,
245, 246, 247, 249, and 250

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: January 18, 2001
SUBJECT: Zoning Item #249
17515 Wesley Chapel Road

Zoning Advisory Committee Meeting of December 26, 2000.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X _____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X _____ Groundwater Management: The pool must be located at least 20 feet from the septic system and septic reserve area.

Reviewer: Sue Farinetti

Date: January 18, 2001

AV
1/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JAN 3

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

DATE: January 2, 2000

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-231, 01-234, 01-235, 01-238, & 01-249.

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 Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1.3.01

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

RE: Baltimore County
Item No. 249 JNP

Dear Ms. Jackson:

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,

/s/ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

December 11, 2000

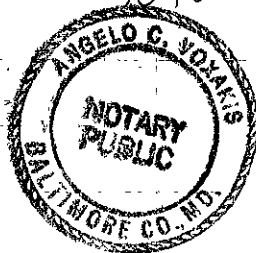
We Agustin D Vinck and
Mary Jo Vinck, reside at 17515
Wesley Chapel Rd. Monkton,
Md 21111.

Mary Jo Vinck
Agustin Vinck 12/11/00

I hereby certify this 11th day of December 2000
before me a Notary Public of the State of Maryland in and
for the County, aforesaid, personally appeared

MARY JO VINCK and AGUSTIN DAVID VINCK

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



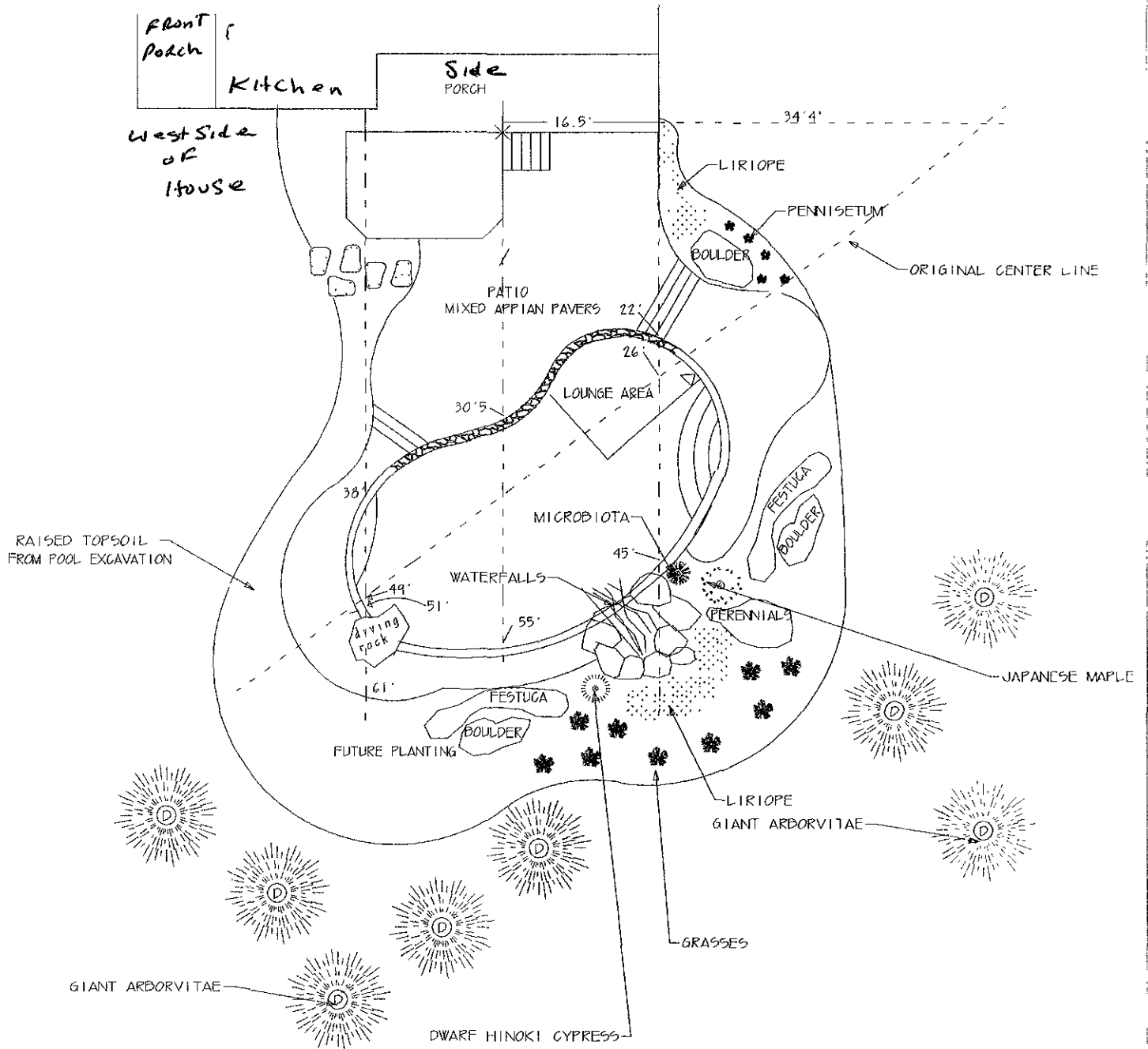
Angelo Vojakis

My Commission expires 11-01-01

01-249-A

Proposed Constructions and Land Scaping

THE NURSERY AND LANDSCAPING LLC
14820 OLD YORK ROAD
FREDERICK, MARYLAND 21114
(410) 771-4247



VINK RESIDENCE
SCALE 1" = 16'

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

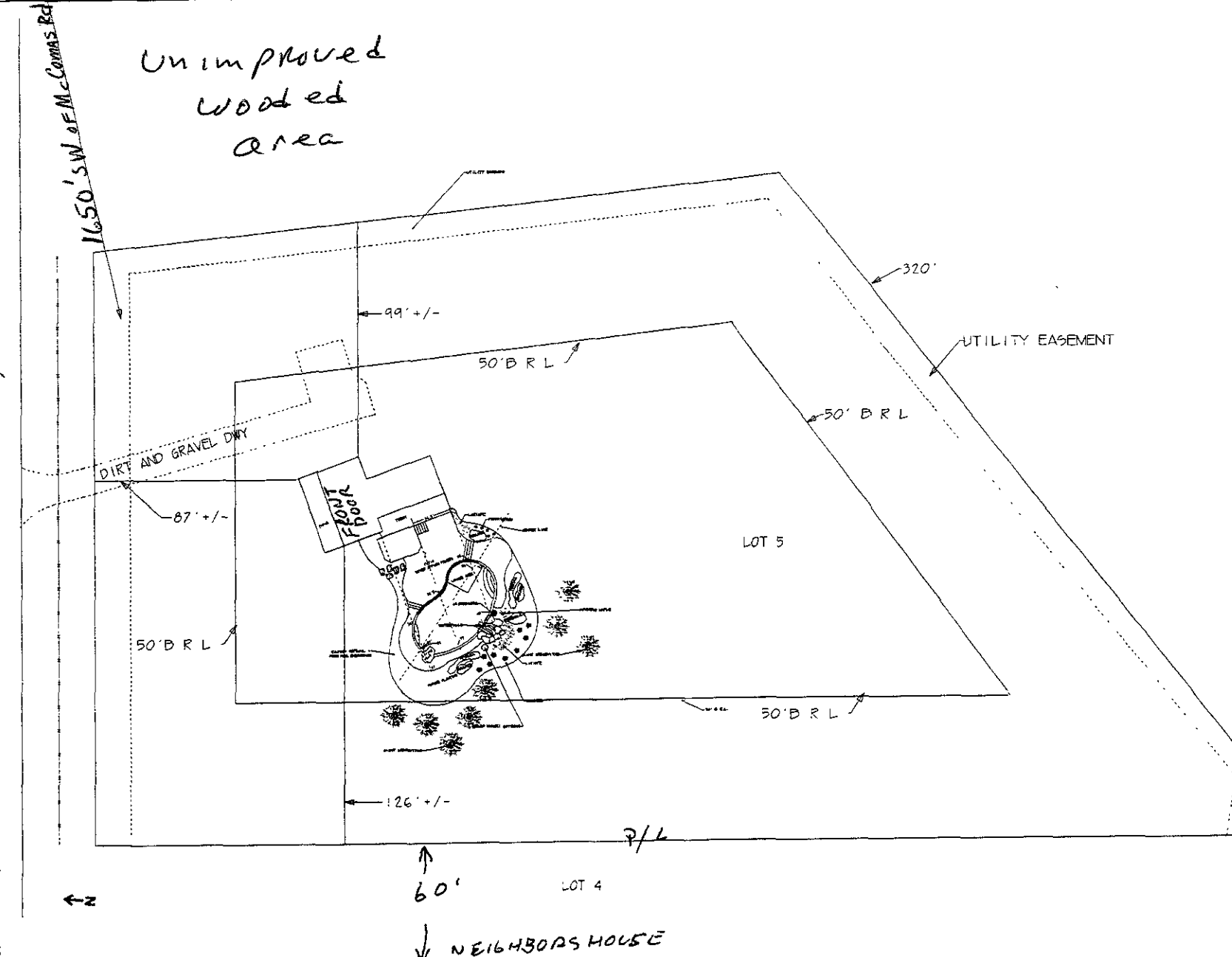
PROPERTY ADDRESS: 17515 Wesley Chapel Rd

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

Subdivision name: Wesley CHAPEL

plat book # 40, folio # 75, lot # 5, section #

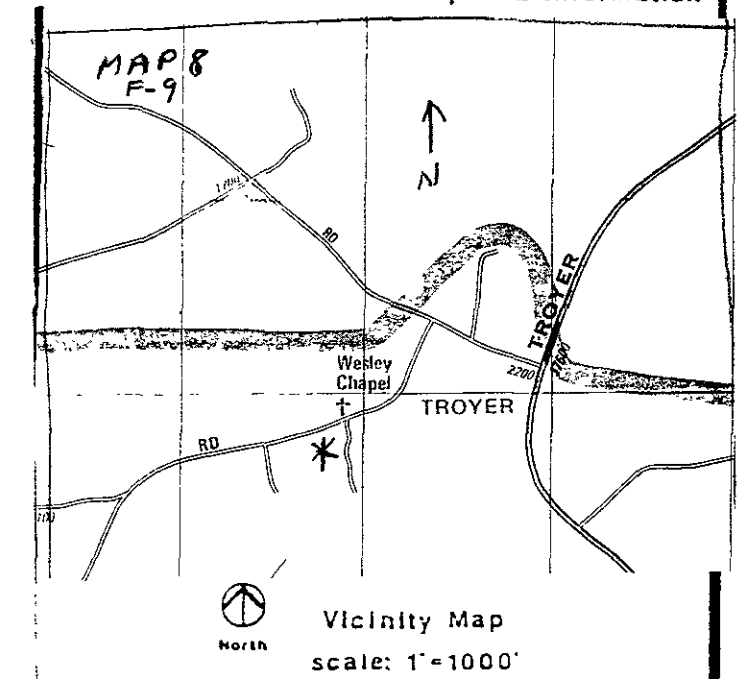
OWNER: Agustin + Mary Jo VINCK



date: 12-15-00

prepared by: Mary Jo Vinck

Scale of Drawing: 1" = 60'



LOCATION INFORMATION

Election District: 10

Councilmanic District: 6

1"=200' scale map #: NE 28B

Zoning: RC 2

Lot size: 2.49 AC ± 108,464
acreage square feet

SEWER: ☐ public ☒ private
WATER: ☐ yes ☒ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

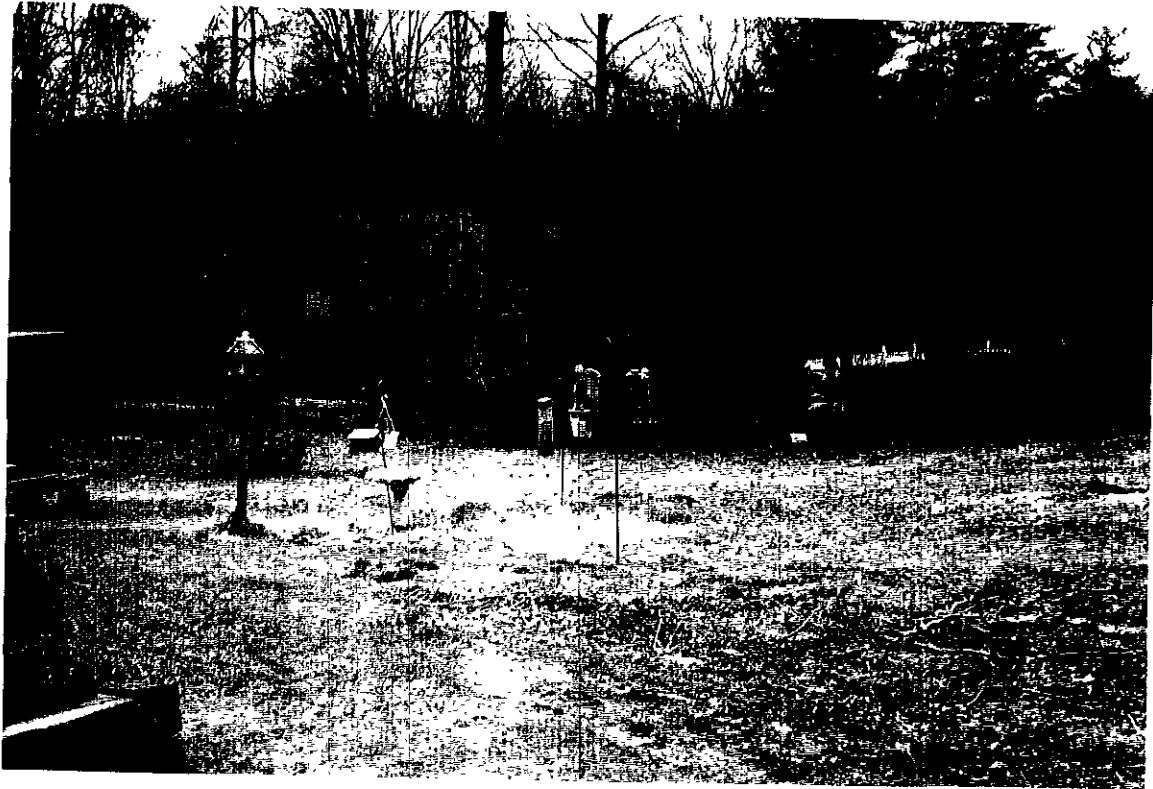
Zoning Office USE ONLY!

reviewed by: JNP ITEM #: 249 CASE #: 01-249-A

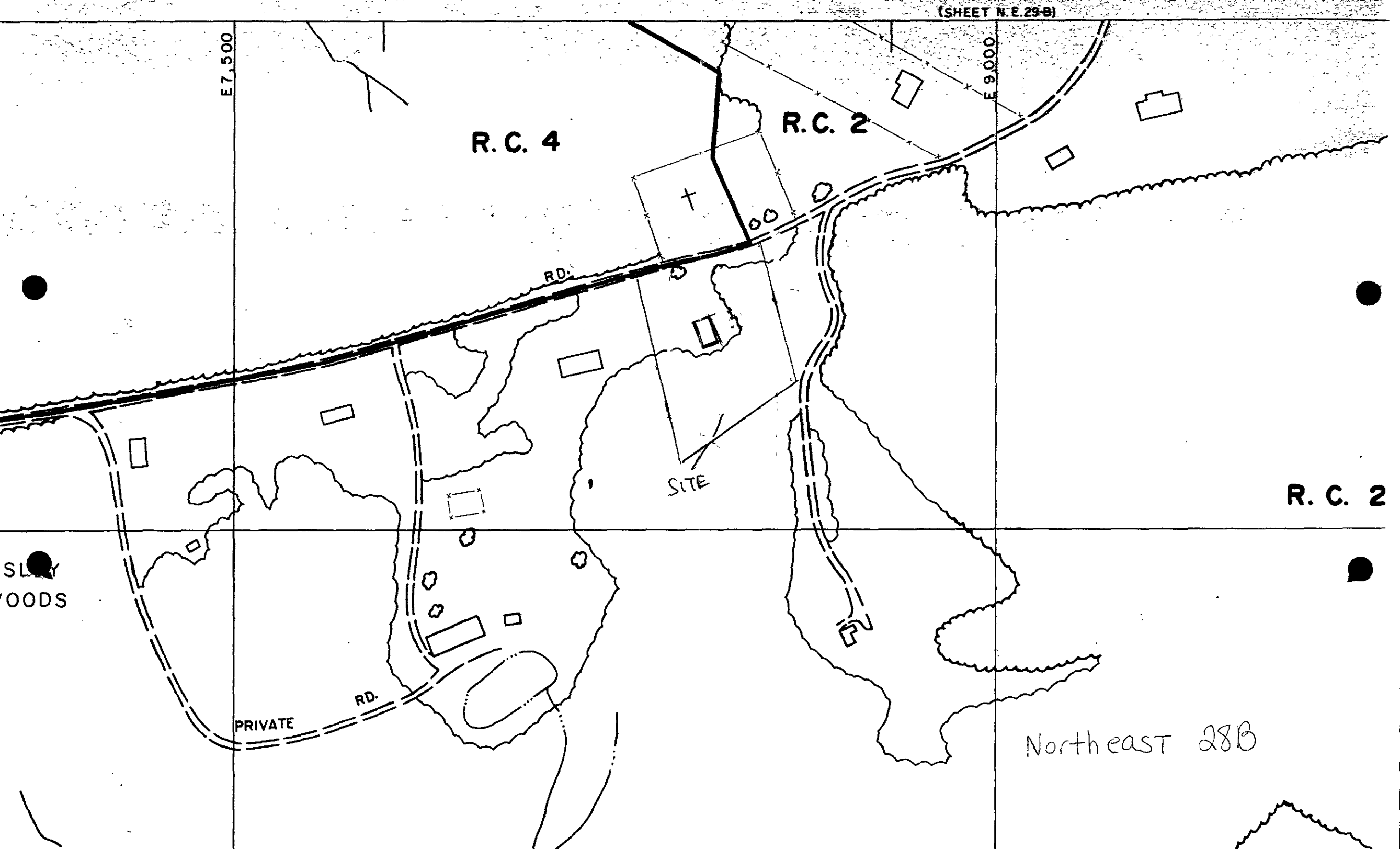
Rel. Ex. #1













SCALE	LOCATION	SHEET
1" = 200' ±	SOUTH OF TROYER	N. E. 28-B
DATE OF PHOTOGRAPHY JANUARY 1986		

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

