

M E M O R A N D U M

DATE: December 27, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0117-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 22, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *
(1421 Wine Spring Lane)
9th Election District *
2nd Council District *
James W. Ancel, Sr. *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0117-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, James W. Ancel, Sr. The Petitioner is requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) and associated gazebo/shed to be located in the side yard in lieu of the required in the rear of the dwelling. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

It is to be noted that this administrative variance case closed on November 14, 2016 but was not received by OAH until November 21, 2016; the whereabouts of the case file between these dates is unknown.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 28, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 11-22-16

By 195

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). 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 Administrative Law Judge, 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.

Although the Department of Planning did not make any recommendations related to the proposed gazebo/shed and pool equipment storage structures' height and usage, I will impose conditions that the gazebo/shed and pool equipment storage structures shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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, this 22nd day of **November, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) and associated gazebo/shed to be located in the side yard in lieu of the required in the rear of the dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this

ORDER RECEIVED FOR FILING

Date 11-22-16

By DW

Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- Petitioner or subsequent owners shall not convert the gazebo/shed and pool equipment storage structures into a dwelling unit or apartment. The gazebo/shed and pool equipment storage structures shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The garage shall not be used for commercial purposes.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-22-16

By dlw



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 1421 Wine Spring Lane, Baltimore, MD 21204 **Currently zoned** DR 2
Deed Reference 16318 / 674 **10 Digit Tax Account #** 0923750110
Owner(s) Printed Name(s) James W. Ancel, Sr.

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 of BCZR to permit a proposed accessory structure (swimming pool) and associated gazebo to be located in the side yard in lieu of required in the rear yard of the dwelling.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

James W. Ancel, Sr.
Name #1 – Type or Print _____ Name #2 – Type or Print _____
Signature #1 _____ Signature #2 _____
1421 Wine Spring Lane Baltimore MD
Mailing Address City State
21204 / 410-583-0420 / jim@jwancel.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Not Applicable
Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Date _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Same as Owner
Name – Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0117-A Filing Date 10/26/16 Estimated Posting Date 10/30/16 Reviewer At

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1421 Wine Spring Lane Baltimore MD 21204
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

Practical difficulty and hardship are based on the fact that the construction of the pool and associated gazebo/shed cannot be constructed in the rear yard due to existing grade. There is a steep hill in the rear with a toe of slope so close to the home that construction of a pool and associated gazebo/shed is not practical and it would be a hardship on the owner. The grades on the side of the home, as shown on the attached site plan, are closer to the grade of the home and construction would be feasible.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF Carroll ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 25th day of October, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

James W. Ancel, Sr.

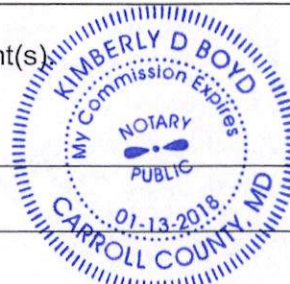
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

Kimberly D Boyd
1-13-18



REV. 5/5/2016

2017-0117-A

Zoning Property/Land Description for
1421 Wine Spring Lane
Tax Map 69, Parcel 732, Baltimore County, Maryland

BEGINNING FOR THE SAME at an iron pipe near the southerly side of Wine Spring Lane having a width of 30 feet as shown on a plat entitled Plat of Walnut Hill as recorded among the Land Records of Baltimore County in Plat Book JWS 2, page 131, at an approximate distance of 502 feet northeasterly from the intersection of the center line of said lane and with the centerline of Sherwood Avenue having a width of 40 feet as shown on a plat recorded among said land records in Plat Book JWS 2, page 124; thence departing said point so fixed with all bearings herein being referred to the Maryland State Coordinate System NAD83/2011

1. South 12°13'08" East for a distance of 353.39 feet to an iron pipe; thence
2. South 73°30'03" West for a distance of 192.43 feet to a point; thence
3. North 69°46'34" West for a distance of 353.95 feet to a point; thence
4. North 00°17'25" East for a distance of 89.61 feet to a point; thence
5. North 44°54'59" West for a distance of 32.67 feet to a point on the centerline of said Wine Spring Lane; thence binding on and running with said centerline of lane for the following five courses and distances
6. North 79°41'55" East for a distance of 110.50 feet; thence
7. North 64°30'06" East for a distance of 75.30 feet; thence
8. North 56°25'44" East for a distance of 132.14 feet; thence
9. North 64°39'18" East for a distance of 93.64 feet; thence
10. North 76°42'21" East for a distance of 90.87 feet to a point; thence departing said centerline of lane
11. South 12°13'08" East for a distance of 21.79 feet to the point of beginning,

CONTAINING 137,693 square feet or 3.161 acres of land, per my survey calculation

This description and the related field work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor and Licensing, and Regulations Subtitle 13, Minimum Standards of Practice as adopted in August of 2005.

Joseph E. Filippone, II
Maryland Professional Land Surveyor No. 21212
Expiration Date: 1/22/2018

Joseph E. Filippone, II
10.25.2016



L:\Survey\16000\16112_Winespring Lane\Land descriptions\16112_winespring_descr102016.doc

215 Bynum Road ▲ Forest Hill, Maryland 21050 ▲ 410-879-7200 ▲ Fax: 410-838-1811
129 Industry Lane ▲ Forest Hill, Maryland 21050 ▲ 410-838-7484 ▲ Fax: 410-838-5290
7250 Parkway Drive, Suite 140 ▲ Hanover, Maryland 21076 ▲ 410-220-3838

E-mail: cnamail@cna-engineers.com

2017-0117-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2016

Case Number: 2017-0117-A

Petitioner / Developer: JAMES ANCEL, SR.

Date of Hearing (Closing): NOVEMBER 13, 2016

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:
1421 WINE SPRING LANE

The sign(s) were posted on: OCTOBER 28, 2016



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0117 -A

Address 1421 Wine Spring Lane

Contact Person: Aaron Tsui
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 10/26/2016

Posting Date: 10/30/16

Closing Date: 11/13/16

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, 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.
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 2017- 0117 -A Address 1421 Wine Spring Lane

Petitioner's Name James Ancel, Sr. Telephone 410-583-0420

Posting Date: 10/30/16 Closing Date: 11/13/16

Wording for Sign: To permit a proposed accessory structure (swimming pool) and associated gazebo to be located in the side yard in lieu of required in the rear yard of the dwelling.

Revised 8/9/16

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

NO 145725

Date: 10/26/16

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
0001	206	000		6150				\$75.00

Total: \$75.00

Rec From: _____
For: 1451 NINE SPRING LN
2017 - 0117 - A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
10/27/2016 10/26/2016 11:25:42 3
REG W003 WALKIN CAN
>>RECEIPT # 702331 10/26/2016 OFLH
Dept: 5 528 ZONING VERIFICATION
CR NO. 145725
Receipt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

November 21, 2016

James W Ansel, Sr.
1421 Wine Spring Lane
Towson MD 21204

RE: Case Number: 2017-0117 A, Address: 1421 Wine Spring Lane

Dear Mr. Ansel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 26, 2016. 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: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/31/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0117-A

*Administrative Variance
James W. Ansel Sr.
1421 Wine Spring Lane.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Zeller', written over a horizontal line.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: November 7, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2016
Item No. 2017-0115, 0116, 0117 and 0118

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC11072016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 2, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0117-A
Address 1421 Wine Spring Lane
(Ansel Property)

Zoning Advisory Committee Meeting of November 7, 2016

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 11-02-2016



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 22, 2016

James W. Ancel, Sr.
1421 Wine Spring Lane
Baltimore, MD 21204

Re: Petition for Administrative Variance
Case No. 2017-0117-A
Property: 1421 Wine Spring Lane

Dear Petitioner:

I am writing in regard to the captioned matter, wherein an administrative variance has been requested. The Baltimore County Code (B.C.C.) requires that a property be owner occupied in order to qualify for administrative hearing relief. State records in this case show the property is owned by 1421 Wine Spring Lane, LLC, and is not the principal residence of the Petitioner. As such, a public hearing is usually required in this scenario.

If, however, you're a member or principal of the corporate entity listed as the owner, it may be that a hearing would not be required. If that is the case, please **sign the attached Affidavit with notary seal**, attesting to the fact that this is your principal residence, although legal title is in the name of a corporate entity you control. Otherwise, a public hearing would be necessary.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0923750110			
Owner Information					
Owner Name:		1421 WINE SPRING LANE LLC		Use:	RESIDENTIAL
Mailing Address:		1421 WINE SPRING LN BALTIMORE MD 21204-3667		Principal Residence:	NO
				Deed Reference:	/38202/ 00476
Location & Structure Information					
Premises Address:		1421 WINE SPRING LN 0-0000		Legal Description:	3.30 AC 1421 WINE SPRING LA 200FT E OF BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0069	0004	0732		0000	2017
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1996		9,098 SF		3.3000 AC	
County Use		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	BRICK	4 full/ 2 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2014		07/01/2016	
				As of	
				07/01/2017	
Land:	658,000	658,000			
Improvements	1,410,700	1,410,700			
Total:	2,068,700	2,068,700		2,068,700	
Preferential Land:	0				
Transfer Information					
Seller: GOKASLAN ZIYA L		Date: 11/01/2016		Price: \$1,950,000	
Type: ARMS LENGTH IMPROVED		Deed1: /38202/ 00476		Deed2:	
Seller: WALSH JOHN A		Date: 04/16/2002		Price: \$1,800,000	
Type: ARMS LENGTH IMPROVED		Deed1: /16318/ 00674		Deed2:	
Seller: MELVIN C BENHOFF BUILDERS INC		Date: 10/26/1995		Price: \$440,000	
Type: ARMS LENGTH VACANT		Deed1: /11273/ 00348		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

IN RE: PETITION FOR ADMIN. VARIANCE *
9th Election District
2nd Councilmanic District *
(1421 Wine Spring Lane) *

James W. Ancel, Sr. /
1421 Wine Spring Lane, LLC *
Petitioner *

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2017-0177-A

* * * * *

AFFIDAVIT

I, James W. Ancel, Sr., am over the age of 18 and have personal knowledge of and am competent to testify to the following:

1. The residence at 1421 Wine Spring Lane is owned by 1421 Wine Spring Lane, LLC. I am the sole/majority shareholder of this corporate entity. No other person or entity has an interest in the operation and/or affairs of 1421 Wine Spring Lane.
2. I reside year round and actually occupy the property known as 1421 Wine Spring Lane, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

James W. Ancel, Sr.

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>11-2</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-31</u>	STATE HIGHWAY ADMINISTRATION	<u>No objections</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-28-16</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Debra Wiley

From: Debra Wiley
Sent: Tuesday, November 22, 2016 10:35 AM
To: 'jim@jwancel.com'
Subject: Admin. Var. - Case No. 2017-0117-A
Attachments: 20161122103353351.pdf

Good Morning,

As you're aware, the Office of Administrative Hearings was not in receipt of your case file when you contacted us regarding the status of the Order.

In reviewing your case file, it appears that the property is owned by 1421 Wine Spring, LLC, and is not your principal residence --- according to State records (attached). Please be advised that the Baltimore County Code requires that a property be owner-occupied in order to qualify for administrative hearing relief.

Per the Administrative Law Judge's instructions, please see attached and respond accordingly.

Thanks in advance.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Tuesday, November 22, 2016 10:34 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.22.2016 10:33:53 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 22, 2016

James W. Ancel, Sr.
1421 Wine Spring Lane
Baltimore, MD 21204

Re: Petition for Administrative Variance
Case No. 2017-0117-A
Property: 1421 Wine Spring Lane

Dear Petitioner:

I am writing in regard to the captioned matter, wherein an administrative variance has been requested. The Baltimore County Code (B.C.C.) requires that a property be owner occupied in order to qualify for administrative hearing relief. State records in this case show the property is owned by 1421 Wine Spring Lane, LLC, and is not the principal residence of the Petitioner. As such, a public hearing is usually required in this scenario.

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Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0923750110			
Owner Information					
Owner Name:		1421 WINE SPRING LANE LLC		Use:	RESIDENTIAL
Mailing Address:		1421 WINE SPRING LN BALTIMORE MD 21204-3667		Principal Residence:	NO
				Deed Reference:	/38202/ 00476
Location & Structure Information					
Premises Address:		1421 WINE SPRING LN 0-0000		Legal Description:	3.30 AC 1421 WINE SPRING LA 200FT E OF BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0069	0004	0732		0000	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1996	9,098 SF		3.3000 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	BRICK	4 full/ 2 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2014	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	658,000	658,000			
Improvements	1,410,700	1,410,700			
Total:	2,068,700	2,068,700	2,068,700		
Preferential Land:	0				
Transfer Information					
Seller: GOKASLAN ZIYA L		Date: 11/01/2016	Price: \$1,950,000		
Type: ARMS LENGTH IMPROVED		Deed1: /38202/ 00476	Deed2:		
Seller: WALSH JOHN A		Date: 04/16/2002	Price: \$1,800,000		
Type: ARMS LENGTH IMPROVED		Deed1: /16318/ 00674	Deed2:		
Seller: MELVIN C BENHOFF BUILDERS INC		Date: 10/26/1995	Price: \$440,000		
Type: ARMS LENGTH VACANT		Deed1: /11273/ 00348	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00	0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

IN RE: PETITION FOR ADMIN. VARIANCE *

9th Election District

2nd Councilmanic District

(1421 Wine Spring Lane)

James W. Ancel, Sr. /

1421 Wine Spring Lane, LLC

Petitioner

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2017-0177-A

* * * * *

AFFIDAVIT

I, James W. Ancel, Sr., am over the age of 18 and have personal knowledge of and am competent to testify to the following:

1. The residence at 1421 Wine Spring Lane is owned by 1421 Wine Spring Lane, LLC. I am the sole/majority shareholder of this corporate entity. No other person or entity has an interest in the operation and/or affairs of 1421 Wine Spring Lane.
2. I reside year round and actually occupy the property known as 1421 Wine Spring Lane, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

James W. Ancel, Sr.

Debra Wiley

From: Jim Ancel <jim@jwancel.com>
Sent: Tuesday, November 22, 2016 11:23 AM
To: Debra Wiley
Subject: Re: Admin. Var. - Case No. 2017-0117-A
Attachments: signed Affidavit 11-22-16.pdf

Good Morning Ms. Wiley.

Pursuant to the November 22, 2016 correspondence from The Honorable John E. Beverungen, attached you will find the signed and sealed Affidavit.

Thank you for your cooperation in this matter. It is greatly appreciated. Have a good Thanksgiving.

James W. Ancel, Sr.
President
James W. Ancel, Inc.
408 Bosley Avenue
Towson, Maryland 21204

(410) 583-0420 (phone)
(410) 583-0425 (fax)
(443) 847-0154 (cell)

On Tue, Nov 22, 2016 at 10:35 AM, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:
Good Morning,

As you're aware, the Office of Administrative Hearings was not in receipt of your case file when you contacted us regarding the status of the Order.

In reviewing your case file, it appears that the property is owned by 1421 Wine Spring, LLC, and is not your principal residence --- according to State records (attached). Please be advised that the Baltimore County Code requires that a property be owner-occupied in order to qualify for administrative hearing relief.

Per the Administrative Law Judge's instructions, please see attached and respond accordingly.

Thanks in advance.

IN RE: PETITION FOR ADMIN. VARIANCE *

9th Election District

2nd Councilmanic District *

(1421 Wine Spring Lane) *

James W. Ancel, Sr. /

1421 Wine Spring Lane, LLC *

Petitioner *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2017-0177-A

* * * * *

AFFIDAVIT

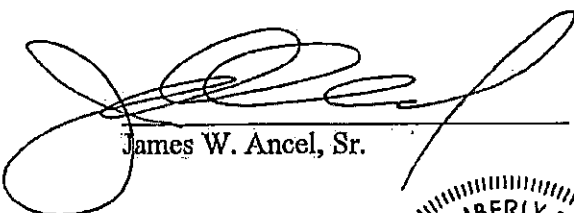
I, James W. Ancel, Sr., am over the age of 18 and have personal knowledge of and am competent to testify to the following:

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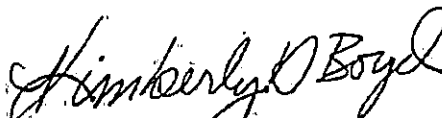
I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

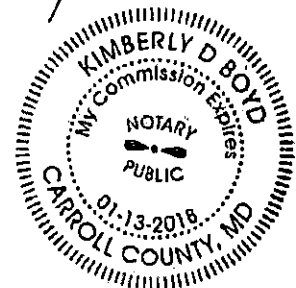
11-22-16

Date

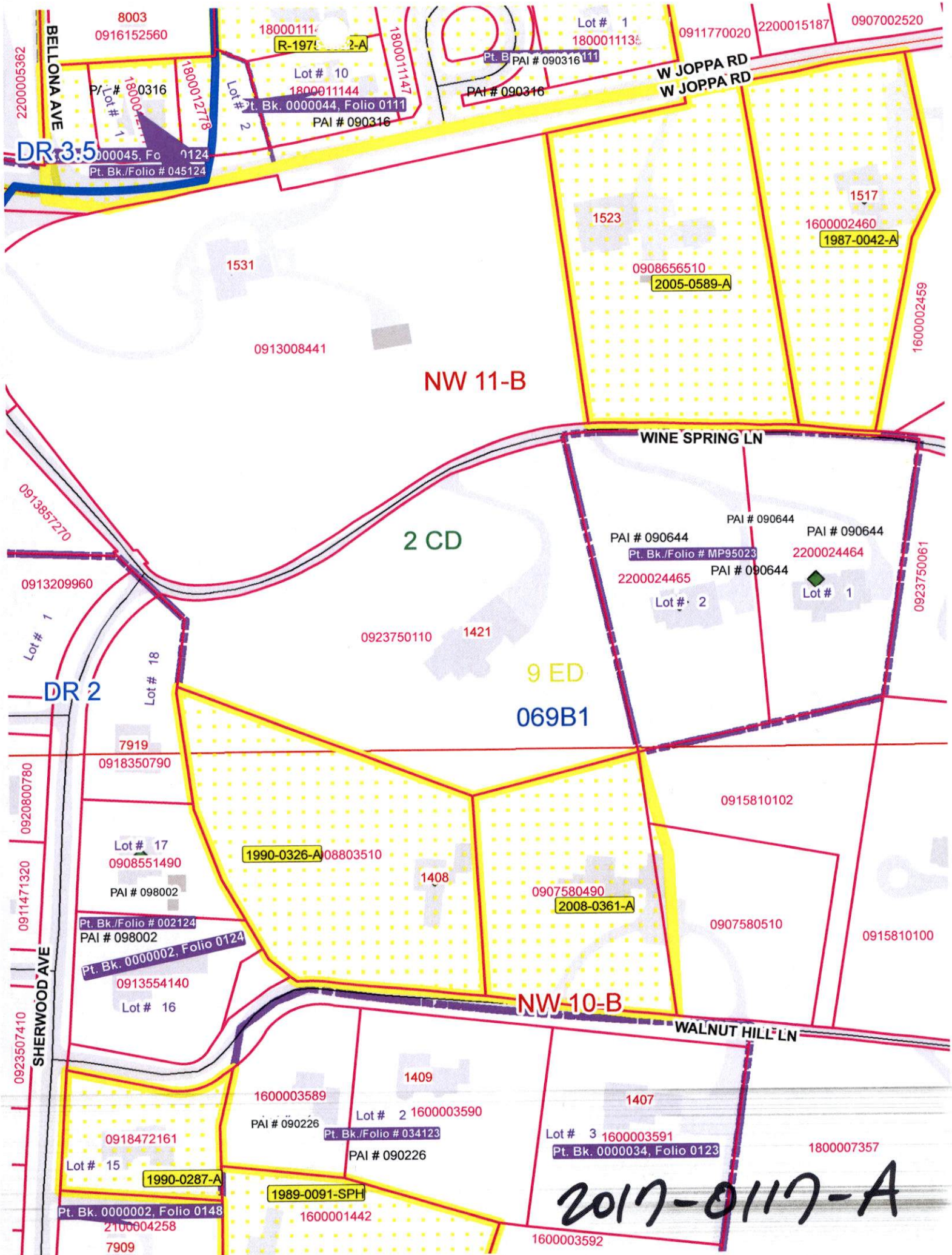

James W. Ancel, Sr.

Sworn and subscribed to before me
this 22nd day of November, 2016.


Kimberly D Boyd







1-0113-0103



1421 WINE SPRING LANE

2017-0117-A

8201



2017-0117-A

8
2
2
2
2
2



2017-0117-A

2014

2019 07 14





2019-0117-A

5-11-2021

2017-0117-A

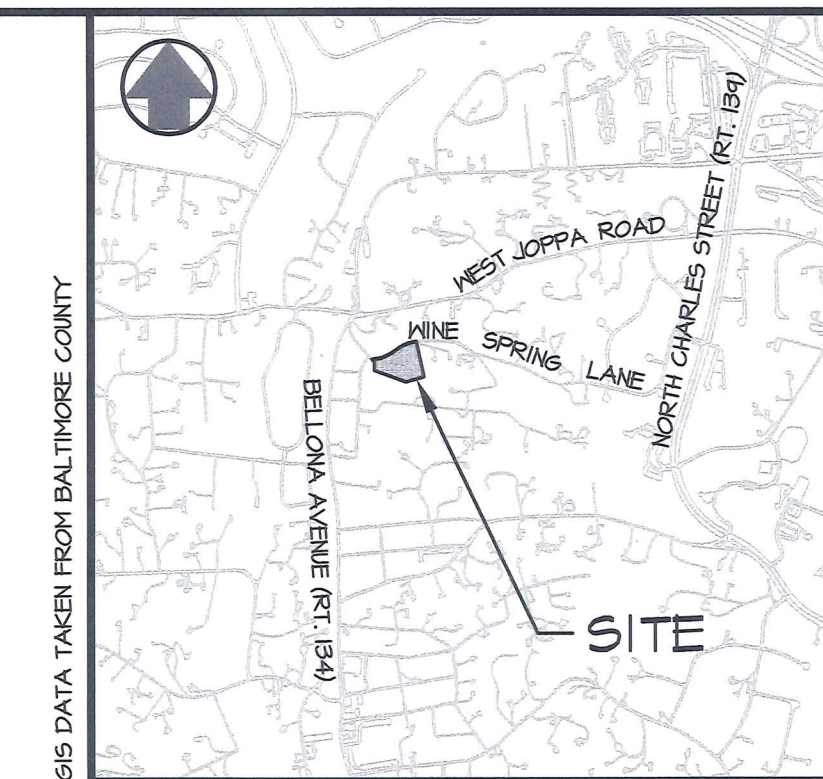
3704

2017-0117-A



2020





LANDS N/F
JAMES CLAGGETT OWINGS, JR.
TM 69 PAR 632
L. JLE 32266 F.290
TAX ACCOUNT #0915810102
ZONING CATEGORY: DR2

LANDS N/F
ROBERT T. CASHMAN &
KIMBERLY H. CASHMAN
TM 69 PAR 135
L. SM 16339 F.317
TAX ACCOUNT #0907580490
ZONING CATEGORY: DR2

LANDS N/F
NICOLETTE CAROL ANTILL
& KEVIN ANTILL
TM 69 PAR 127I
L. JLE 35163 F.25
MS 11242/97
LOT 2
BENHOFF PROPERTY,
MINOR SUBDIVISION PLAT
TAX ACCOUNT #22000224465
ZONING CATEGORY: DR2

LANDS N/F
JAMES W. ANGEL, SR.
TM 69 PAR 732
L. SM 16318 F.674
TAX ACCOUNT #
0923750110 ZONING

LANDS N/F
ALBERT C. HUBBARD JR.
& PENNEY C. HUBBARD
TM 69 PAR 353
L. OTG 5008 F.455
TAX ACCOUNT #0908803510
ZONING CATEGORY: DR2

LANDS N/F
G. GRAYSON BOYCE
& DOROTHY C. BOYCE
TM 69, PAR 899, LOT 18,
SHERWOOD PARK SUBDIVISION
L. EH# 5324 F.500
TAX ACCOUNT #0918350790
ZONING CATEGORY: DR2

SITE DATA

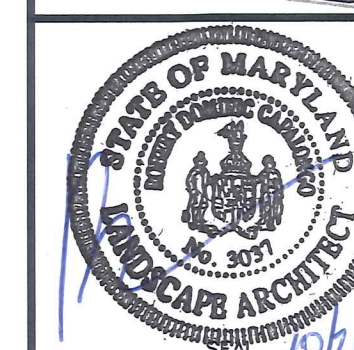
1. OWNER/DEVELOPER: JAMES W. ANGEL, SR.
1421 WINE SPRING LANE
BALTIMORE, MD 21204
2. PLAN PREPARED BY: CNA, LLC.
215 BYNUM ROAD
FOREST HILL, MD 21050
3. TAX MAP: 0069
4. PARCEL: PARCEL 0732
TOTAL SITE AREA: 137,693 SF ± OR 3.161 AC ±
5. ZONING: DR2
6. BUILDING SETBACKS:
- | | |
|---|-----|
| <u>FROM FRONT BUILDING FACE TO:</u> | |
| PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE | 25' |
| <u>FROM SIDE BUILDING FACE TO:</u> | |
| SIDE BUILDING FACE | 30' |
| PUBLIC STREET RIGHT-OF-WAY | 25' |
| PAVING OF A PRIVATE ROAD | 30' |
| TRACT BOUNDARY | 25' |
| <u>FROM REAR BUILDING FACE TO:</u> | |
| REAR PROPERTY LINE | 30' |
| PUBLIC STREET RIGHT-OF-WAY | 30' |
7. USE: EXISTING: RESIDENTIAL
PROPOSED: RESIDENTIAL WITH SWIMMING POOL
8. COUNCILMANIC DISTRICT: 2ND
9. ELECTION DISTRICT: 9TH
10. FEMA FLOODPLAIN MAP: THIS PROPERTY IS NOT LOCATED IN THE 100 YEAR FLOODPLAIN PER FEMA-FLOODPLAIN MAP 2400100245F, EFFECTIVE 8/2/2011.
11. THIS PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA OR HISTORIC DISTRICT.
12. THERE ARE NO KNOWN PREVIOUS ZONING CASES ON RECORD FOR THIS PROPERTY.
13. BOUNDARY AND TOPOGRAPHIC INFORMATION IS FROM A CNA, LLC SURVEY DATED OCTOBER, 2016.
14. LOCATION OF ADJACENT RESIDENCES IS APPROXIMATE BASED ON COUNTY GIS INFORMATION.

NOTE

1. A VARIANCE FROM SECTION 400.1 TO CONSTRUCT A SWIMMING POOL IN A SIDE YARD IS BEING REQUESTED UNDER THIS PLAN.

CNA
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cnamail@cna-engineers.com

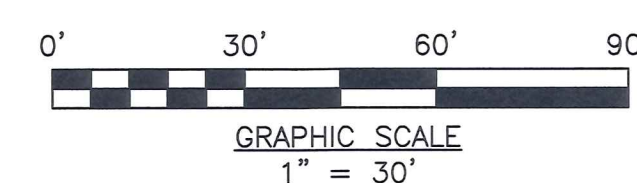


SITE PLAN TO ACCOMPANY AN
ADMINISTRATIVE VARIANCE REQUEST
FOR
A PROPOSED SWIMMING POOL
AT 1421 WINE SPRING LANE
BALTIMORE, MD 21204

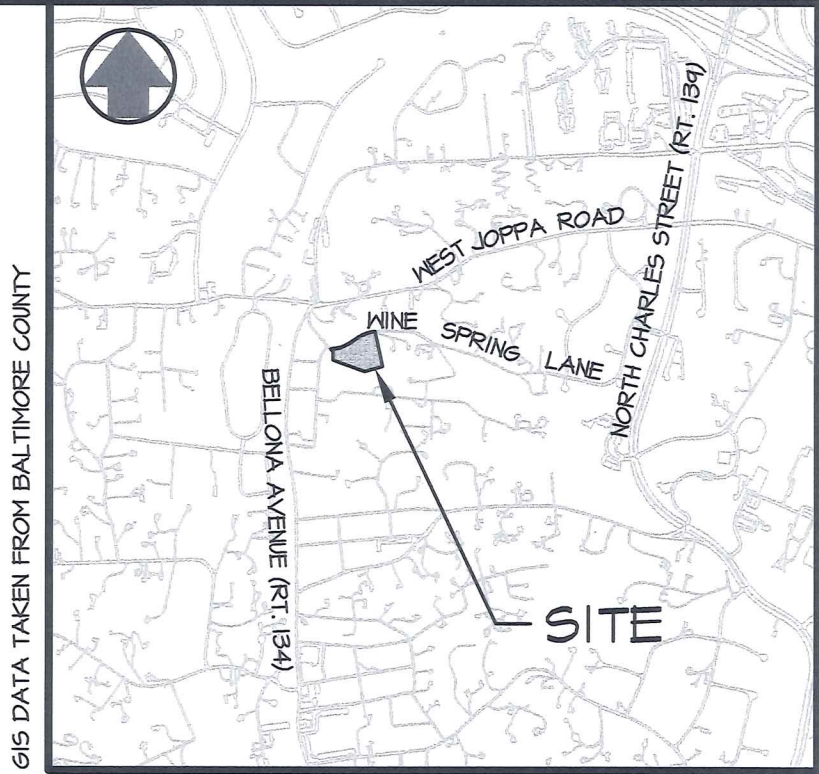
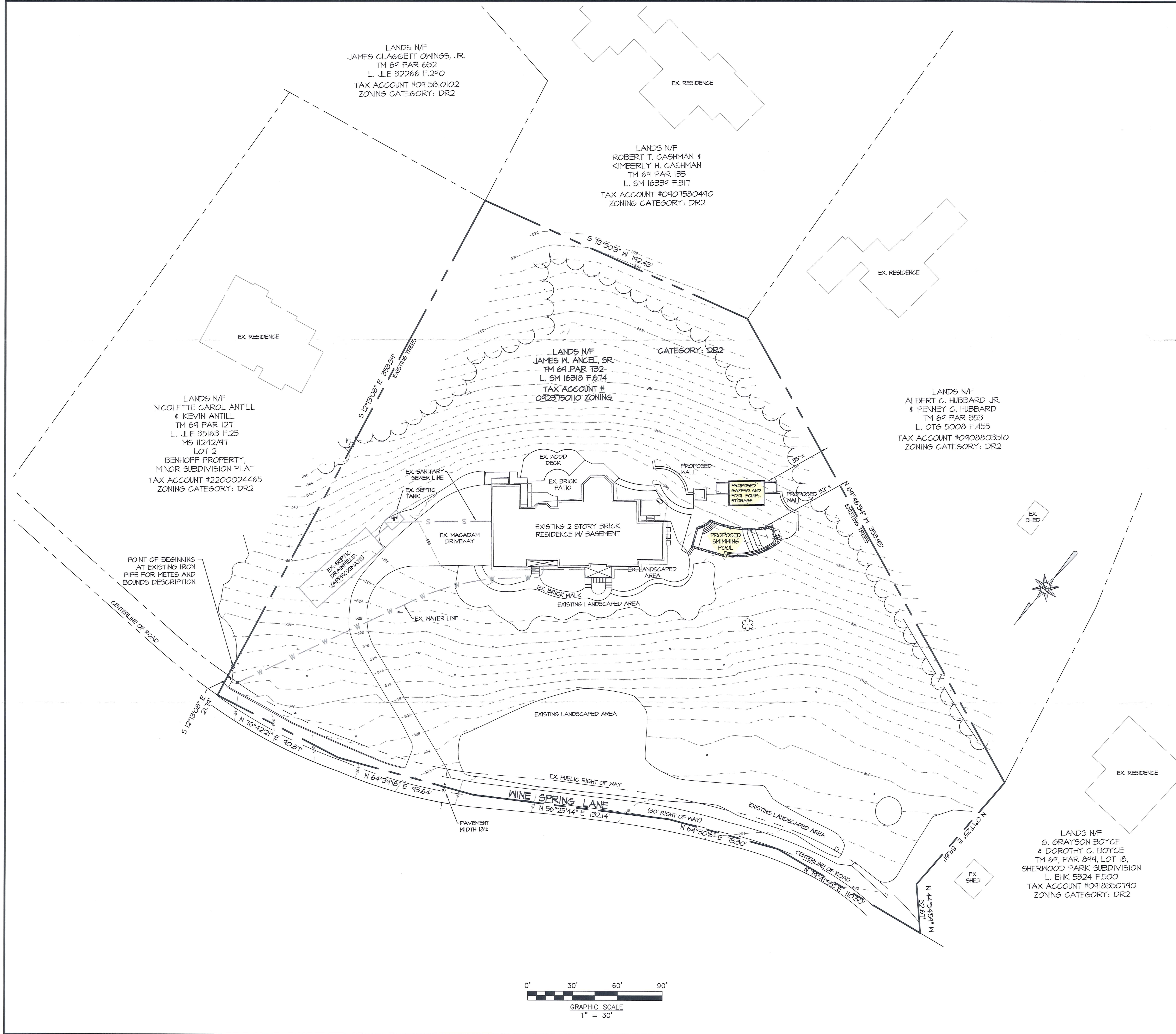
9TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Date	Revisions	Date: 10/26/16	Scale: 1"=30'
		Drawn By: BC	Job No: 16112
		Design By: BC	Sheet: 1 of 1
		Review By:	



2017-0117-F



LOCATION MAP
SCALE: 1" = 2000'

SITE DATA

- OWNER/DEVELOPER: JAMES W. ANGEL, SR.
1421 WINE SPRING LANE
BALTIMORE, MD 21204
- PLAN PREPARED BY: CNA, LLC.
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FOREST HILL, MD 21050
- TAX MAP: 0069
- PARCEL: PARCEL 0732
TOTAL SITE AREA: 137,693 SF± OR 3.161 AC±
- ZONING: DR2
- BUILDING SETBACKS:

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PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE	25'
FROM SIDE BUILDING FACE TO:	
SIDE BUILDING FACE	30'
PUBLIC STREET RIGHT-OF-WAY	25'
PAVING OF A PRIVATE ROAD	30'
TRACT BOUNDARY	25'
FROM REAR BUILDING FACE TO:	
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PUBLIC STREET RIGHT-OF-WAY	30'
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Civil Engineers & Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers

215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cna@mail@cna-engineers.com

SEAL 10/26/16

SITE PLAN TO ACCOMPANY AN
ADMINISTRATIVE VARIANCE REQUEST
FOR
A PROPOSED SWIMMING POOL
AT 1421 WINE SPRING LANE
BALTIMORE, MD 21204

9TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Date	Revisions	Date	Scale:
		10/26/16	1"=30'
	Prop. Exp. 1	Drawn By:	Job No:
		BC	16112
		Design By:	Sheet:
		BC	1 of 1
		Review By:	
		BC	

2017-0117-A