

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE corner of Wesley Woods Court	*	DEPUTY ZONING
and Belair Road	*	
11 th Election District	*	COMMISSIONER
3 rd Councilmanic District	*	
(3 Wesley Woods Court)	*	FOR BALTIMORE COUNTY
Ronald and Dawn Silverthorn-Cerra	*	
<i>Petitioners</i>	*	Case No. 2009-0011-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, Ronald and Dawn Silverthorn-Cerra for property located at 3 Wesley Woods Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an in-ground swimming pool as an accessory structure in a residential zone to be placed in the rear and in the third of the lot closest to the street in lieu of being in the third lot farthest removed from the street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The proposed in-ground pool, which is actually under construction, replaces an above ground swimming pool of similar size, but different configuration. An above-ground swimming pool was installed according to a plot plan that accompanied a permit application that was approved in July, 1995 under permit number B242840. The existing dwelling, septic tank and septic reserve area make it prohibitive to install the in-ground pool in a location different than depicted on the site plan. Many of the Petitioners' neighbors signed a letter acknowledging that they are not opposed to the proposed in-ground swimming pool.

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 July 27, 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 20th day of August, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an in-ground swimming pool as an accessory structure in a residential zone to be placed in the rear and in the third of the lot closest to the street in lieu of being in the third lot farthest removed from the street 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.

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

____SIGNED_____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz