

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Oella Road, 500 feet NW of the
c/l of Race Road * BEFORE THE

1st Election District * DEPUTY ZONING

1st Councilmanic District * COMMISSIONER

(715 Race Road) * FOR BALTIMORE COUNTY

Dennis and Lynette Burns * **Case No. 2009-0311-A**

Petitioners

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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, Dennis and Lynette Burns for property located at 715 Race Road, whch is a private road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) in the side yard in lieu of the permitted rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Due to the steep slopes and forested terrain of the rear yard, constructing the pool in this location would require the removal of large quantities of earth and trees. There would also be the need to construct a retaining wall to support the changes in the grade of the rear yard. The side yard where the proposed pool would be constructed faces woodland rather than a neighboring dwelling and is more level with few trees. Subject property contains 40,286 square feet zoned DR 3.5

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 June 6, 2009 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 30th day of June, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) in the side yard in lieu of the permitted rear yard 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