

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Pendleton Road; 730 feet N of
the c/l of Knox Avenue
4th Election District
3rd Councilmanic District
(13110 Pendleton Court)

Michael L. and Nancy D. Spicer
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0025-A**

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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, Micheal L. and Nancy D. Spicer for property located at 13110 Pendleton Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground pool) to be located 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 rear yard contains the septic tank, existing septic field and septic reserve field and there is no allowable room for the construction of an in-ground pool. The rear of the property is also encumbered with an existing storm drain and a drainage and utility easement. Said property contains one acre and is served by private water and septic systems.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 4, 2009 that the property is in the vested subdivision known as Medford approved prior to the effective date of Bill 55-04, RC 5 Performance Standards. The septic reserve area occupies most of the rear yard. The Planning Office recommends extending the retaining wall along the front of the pool and provide attractive fencing/planting between the pool and the side lot line.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 2009 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 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 Petitioners.

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 26th day of August, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required 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.
2. Petitioners shall extend the retaining wall along the front of the pool and provide attractive fencing/planting between the pool and the side lot line.

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