

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Greenwood Road; 800 feet S of
West Joppa Road
9th Election District
5th Councilmanic District
(606 Greenwood Road)

John and Leslie Tunney
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0300-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, John and Leslie Tunney for property located at 606 Greenwood Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a pool and pool house to be installed in the side yard in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct an in-ground swimming pool measuring 32 feet x 18 feet and a one-story pool house measuring 12 feet x 20 feet. The current dwelling was constructed 1955 before the current zoning regulations. The dwelling is located in the northern half of the site and faces south toward the paper street known as Meadowridge Road on the record plat “Riderwood Ridge”. This road is actually owned by 600 Greenwood Road there is a restriction in the deed for 606 to not be able to use the area of the road for access. There was a separate driveway installed at one point due to this restriction. Prior to the restriction, there was a common driveway from Greenwood Road for both houses. There is a septic system in the rear one-third of the lot where the accessory structure (pool house) would be required to be installed. The septic system would have to be relocated in order to accommodate the pool in this area, which would be a hardship. The property contains 0.945 acre and is served by public water.

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 June 2, 2010 which indicates that the Petitioners need to retain and maintain as much of the vegetation on the northern property line as possible. Comments were received from the Bureau of Development Plans Review dated May 18, 2010 which indicates that the Petitioners are hereby advised that by obstructing the existing right-of-way they are proceeding at their own risk.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 16, 2010 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 7th day of June, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a pool and pool house to be installed in the side yard in lieu of the required rear 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 retain and maintain as much of the vegetation on the northern property line as possible.
3. The accessory structure (pool house) structure shall not be used for commercial purposes.
4. The Petitioners or subsequent owners shall not convert the subject accessory structure (pool house) structure into a dwelling unit or apartment.

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