

IN RE: PETITION FOR ADMIN. VARIANCE

NW corner of Class Court and Waltham
Woods Road
9th Election District
5th Councilmanic District
(1 Class Court)

Kathleen M. and William H. Young II
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0347-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, Kathleen M. and William H. Young II for property located at 1 Class Court. Resolution 55-10 concerning the public disclosure of Kathleen Young, an employee of the Baltimore County Department of Aging, was approved at the County Council meeting held on July 6, 2010. The variance request is from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck and pool) with a 10 foot rear and 6 feet side setback in lieu of the required 11.25 feet, and to amend the latest FDP for Satyr Woods, Lot 44 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners own a corner lot that is irregular in size and the back yard is small. The current deck does not meet zoning regulations and if Petitioners were to replace the existing deck with the exact size it would not meet code. Petitioners desire to install an above-ground swimming pool built into the new deck and in order to do this they need a zoning variance. They desire to install a multi-functional deck. None of the neighbors expressed any opposition to the proposed variance.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 20, 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 12th day of July, 2010 that a variance from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck and pool) with a 10 foot rear and 6 feet side setback in lieu of the required 11.25 feet, and to amend the latest FDP for Satyr Woods, Lot 44 only 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