

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bush Cabin Court; 820 feet N
of the c/l of Mt. Carmel Road
7th Election District
6th Councilmanic District
(12 Bush Cabin Court)

Louis Hejl Jr. and Elizabeth Hejl
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0005-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, Louis Hejl Jr. and Elizabeth Hejl for property located at 12 Bush Cabin Court. The variance request is from Sections 400.1 and 1A03.4 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (swimming pool) in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard. 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 18 feet x 36 feet. The property is irregularly shaped and located in a “C” floodplain. Owing to the property’s location and soils, the dwelling had to be sited in the back section of the property to accommodate the well and septic system in the front portion of the site. Locating the swimming pool on the northerly side of the dwelling will minimize the structure’s environmental impact. A neighbor residing at 10 Bush Cabin Court enjoys an in-ground swimming pool located in the side yard. The subject property contains 3.20 acres.

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 July 17, 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 5th day of August, 2010 that an Administrative Variance from Sections 400.1 and 1A03.4 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (swimming pool) in the side yard of a lot with an existing dwelling 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