

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Tufton Road; 2,400 feet W of
the c/l of Falls Road
8th Election District
2nd Councilmanic District
(2007 Tufton Avenue)

John C. Wang and Paula Y. Woo
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0139-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 C. Wang and Paula Y. Woo for property located at 2007 Tufton Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a 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. Photographs submitted with the petition clearly show that the rear yard slopes upward making installation of an in-ground swimming pool at this location impossible. The south side of the property contains electrical utilities. Placement of the pool on the south side would require removal of an existing flagstone patio and a stone retaining wall. This location would also require the removal of mature trees. Placement of the swimming pool on the western side of the house would be difficult because it would block access to the garage. Placement of the pool on the western side would require the removal of an asphalt driveway leaving no place to park vehicles. Petitioners’ property contains 24.38 acres and is served by private septic and well.

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 October 23, 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 November, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 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.

