

IN RE: PETITION FOR ADMIN. VARIANCE

NE side Mantua Mill Rd, 1,750 feet N
of the c/l of Geist Road
8th Election District
3rd Councilmanic District
(13901 Mantua Mill Road)

Joseph and Cynthia Galli
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0199-A**

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Joseph and Cynthia Galli for property located at 13901 Mantua Mill Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed detached accessory structure (pool) to be located on the side of the principal building in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to install a swimming pool (measuring 18 feet x 60 feet) and a cabana. After conducting a comprehensive site analysis, the Petitioners and their architect determined that the only feasible location for the pool and cabana is in the side yard area of the lot as shown on the site plan. Photographs submitted with the Petition clearly show that there are topography constraints on the property. The property contains 25.49 acres zoned RC 2.

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 January 13, 2011 which indicates that they do not oppose the request. This variances does not appear to have any negative impacts on the community as there was an existing pool located in the subject yard prior to this application for variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 29, 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 Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this 20th day of January, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed detached accessory structure (pool) to be located on the side of the principal building 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 appeal 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.

