

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE corner of Riverside Road, 39 feet		
E of c/l of Plateau Road	*	OFFICE OF
15 th Election District		
7 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(29 Riverside Road)	*	FOR BALTIMORE COUNTY
Tiffany N. Boblitz	*	Case No. 2011-0324-A
<i>Petitioner</i>		

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Tiffany N. Boblitz for property located at 29 Riverside Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (above ground 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 Petitioner’s Exhibit No. 1. This is a corner lot with the dwelling constructed at an angle on the property. The front door actually faces the ‘bend’ on the corner. Petitioner plans to remove a wood deck and install the above-ground swimming pool for her children. The rear yard is not large enough to accommodate the above-ground swimming pool. Pictures submitted with the Petition show that the property is fenced. None of the neighbors expressed any concern about the proposed swimming pool.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 15, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Maryland Department of Assessments and Taxation website on June 10, 2011, still lists Gary Thomas Belt and Darlene Lillian Belt as the property owners of 29 Riverside Road. The Petitioner was able to provide a copy of the Deed which shows that she obtained ownership of said property on April 8, 2010.

The Petitioner has 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 Petitioner.

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 17 day of June, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (above ground pool) to be located in the side yard in lieu of the required rear yard is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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 _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz