

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
15 th Election District		
6 th Councilmanic District	*	OFFICE OF
(3905 Goose Harbor Road)		
Christy and Timothy J. Layte, Sr.	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0299-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Christy and Timothy J. Layte, Sr., for property located at 3905 Goose Harbor Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest from any street. The subject property and requested relief are more particularly described on Petitioners’ Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on July 3, 2013, indicating that Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. Section 500.14. In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) dated June 21, 2013 indicating that Petitioners must comply with Baltimore County’s various floodplain regulations and building code requirements.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 11, 2013, 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 5th day of July, 2013 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest from any street, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their appropriate permits 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.
2. Petitioners must comply with the ZAC comments from DEPS and DPR; copies attached and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw