

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(8548 Leisure Hill Drive)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Michael I. Greenebaum	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0174-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Michael I. Greenebaum (“Petitioner”). The Petitioner is requesting Variance relief pursuant to §§ 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R) as follows: (1) To permit proposed additions (pool house and bedroom) with a centerline of street setback as close as 60 ft. in lieu of the required 75 ft. and a side yard setback as close as 30 ft. in lieu of the required 50 ft., (2) To permit a proposed open projection (deck) with a side yard setback as close as 20 ft. in lieu of the required 37.5 ft., (3) To amend the Final Development Plan (FDP) of Leisure Hill, 4th Amended Plat, Lot No. 6 only, and (4) To alter the setback requirements and such other and further relief as the Administrative Law Judge (ALJ) may require. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s 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) dated January 11, 2017, indicating that Ground Water Management must review any future building permits (for additions, etc.) since the property is

served by well and septic.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 15, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). 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 § 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.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the pool house shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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, this 3rd day of **February, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) To permit proposed additions (pool house and bedroom) with a centerline of street

setback as close as 60 ft. in lieu of the required 75 ft. and a side yard setback as close as 30 ft. in lieu of the required 50 ft., (2) To permit a proposed open projection (deck) with a side yard setback as close as 20 ft. in lieu of the required 37.5 ft., and (3) To amend the Final Development Plan (FDP) of Leisure Hill, 4th Amended Plat, Lot No. 6 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner or subsequent owners shall not convert the pool house into a dwelling unit or apartment. The accessory structure/pool house shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory structure/pool house shall not be used for commercial purposes.
4. Petitioner must comply with the ZAC comment from the Department of Environmental Protection and Sustainability (DEPS) dated January 11, 2017; a copy of which is attached hereto and made a part hereof.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw