

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2012 Old Valley Road)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Brian Bedell and Mary Belz	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0549-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Brian Bedell and Mary Belz, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a pool to be placed in a riverine floodplain. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Petitioners, Brian Bedell and Mary Belz appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Public Works (“DPW”). Neither agency opposed the requested relief, subject to their comments placing conditions on the project.

SPECIAL HEARING

The Petitioners recently purchased this residential property. It was not until their contractor submitted plans for an in-ground pool to the County that they became aware that the proposed site for the pool lies within a riverine floodplain according to the applicable FEMA map. They are therefore requesting a waiver of the prohibition on building within the floodplain.

They testified that they are fully aware of all the conditions that DPW and DEPS have placed on the project and that they are willing to comply with all of them. I expressed concern over chlorine escaping from the pool in the event of a flood and they explained that this will be a saltwater pool. Given that this is an in-ground pool rather than an above ground structure I am satisfied that a floodplain waiver is appropriate in this case, and that it will not adversely impact the public health, safety or welfare provided that all the agency comments are complied with.

THEREFORE, IT IS ORDERED this 11th day of **February, 2020** by this Administrative Law Judge, that the Petition for Special Hearing to permit a pool to be placed in a riverine floodplain, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners will comply with all ZAC comments (DEPS & DPW), which will also be attached and incorporated into this Order.

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

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:slh