

IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Queens Park Drive and
Crystal Place Court
4th Election District
2nd Councilmanic District
(800 Queens Park Drive)

Moshe Schwartz
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0326-A**

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Moshe Schwartz for property located at 800 Queens Park Drive. The variance request is from Section 400 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (in-ground swimming pool) to be located closest to the street in lieu of the required third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. During the construction of the residence, a large amount of fill soil, approximately 8 feet to 10 feet, was placed in the other rear third of the lot. The cost of engineering and constructing an in-ground pool in this third would far exceed any reasonable installation cost that would be afforded by partially building in the requested third. Petitioner is sensitive to the views of the pool from the front and side streets. The Petitioner would keep the pool located entirely behind the existing residence to minimize the view from the front street (Queens Park) and has an existing screen of pine trees to screen the pool area from the side street (Crystal Palace). Also the rear yard elevation is approximately 6 feet lower than the street elevations which would also lessen the view from the corner and front streets.

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 June 11, 2010 which indicates the lot in question is a corner lot in the development plan known as Gwynnbrook Property. The proposed swimming pool is located to the rear of the existing single family dwelling and does not extend beyond the side of the dwelling. There is an attractive existing fence around the yard and the lot abuts a forest conservation area to the rear. The lot is unique in the sense that it is a corner lot that also abuts forest conservation area. The Planning Office does not object to the variance given the circumstances cited above. It should not be considered as a precedent for other corner lots within the development plan.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 6, 2010 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 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 Deputy Zoning Commissioner, 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 Deputy Zoning Commissioner for Baltimore County, this 9th day of July, 2010 that a variance from Section 400 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (in-ground swimming pool) to be located closest to the street in lieu of the required third of the lot farthest removed from any street is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
2. The decision in this case is not a legal precedent that may be cited as such in any other zoning case involving corner lots in the Gwynnbrook Property subdivision.

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

____SIGNED_____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz