

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Happy Hallow Road; 820 feet
NW of David Luther Court
8th Election District
2nd Councilmanic District
(12518 Happy Hallow Road)

David S. and Deborah Z. Prout
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0158-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 owners of the subject property, David S. and Deborah Z. Prout for property located at 12518 Happy Hallow Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (pool house) with a height of 22 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. Petitioners desire to construct a pool house measuring 30 feet wide x 20 feet deep x 22 feet high with a covered porch. The pool house will be used for changing clothes, showering and entertaining. The building architecture is designed to mimic the existing dwelling. To that end, similar exterior materials and finishes are to be used. The rooflines and dormer windows of the proposed pool house are designed to be compatible with the existing dwelling. In order to comply with the 15 feet maximum height requirement, a much flatter roof would be required. The flatter roof would require the elimination of the dormers and would not be ‘in keeping’ with the architecture of the existing dwelling. It not practical to attach the proposed pool house to the existing dwelling. The new in-ground pool and pool deck will be an attractive outdoor amenity for the family. Elevation drawings submitted with the Petition illustrate that the building materials

for the pool house will match those of the existing dwelling. These materials include: stone veneer; stone ledges; columns; cedar roof shingles; frieze, eave and rake details; vents; stucco and dormer windows. The pool house will also contain basement storage. Petitioners' property contains 9.830 acres and served by private water and sewer.

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 November 15, 2010 which indicates that the pool house roof will be designed to complement the roof of the existing dwelling. The lot is wooded and it appears that the pool house will not be visible from the public road or from adjacent residential properties. The notes on the plan indicate no to the 100 year floodplain; however, there is a stream shown on the site plan. The Planning Office does not object to the requested variance provided the pool house is used for guests and entertaining and not as living quarters.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 14, 2010 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 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 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 Deputy Zoning Commissioner for Baltimore County, this 1st day of December, 2010 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (pool house) with a height of 22 feet in lieu of the maximum permitted 15 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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. The Petitioners or subsequent owners shall not convert the subject accessory structure (pool house) into a dwelling unit, living quarters or apartment.
3. The accessory structure shall not be used for commercial purposes.

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