

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SW side of Misty Hollow Court; 4,333		
SE of the c/l of Cooper Road	*	OFFICE OF
10 th Election District		
3 rd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(11 Misty Hollow Court)		
	*	FOR BALTIMORE COUNTY
Michael S. and Natalie P. Cerasoli		
<i>Petitioners</i>	*	Case No. 2012-0113-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Michael S. and Natalie P. Cerasoli for property located at 11 Misty Hollow Court. 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 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 that will be consistent with the architectural style of their existing dwelling. The in-ground swimming pool already exists. Elevation drawings submitted with the Petition show a very attractive structure with stucco finish and quoins to match the dwelling. The structure will be topped by a cupola. A pergola porch, deck and patio are also shown for the structure. The first floor of the structure will contain a garage and the second floor will contain storage and the entertaining area for the pool house. Said entertaining area will contain a full bathroom and kitchen/bar area with stove, refrigerator and sink. The property contains 3.25 acres and is served by private water and septic.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 16, 2011, 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.

Although the Office of Planning did not make any recommendations related to the shed height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters or living area, and not be used for commercial purposes.

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 ____30th____ day of November, 2011 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 permitted 15 feet, be and 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 into a dwelling unit or apartment. The structure shall not contain any sleeping quarters or living area.
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 _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz