

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(605 Rockaway Beach Road)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Larry and Vicki Lewis	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0288-A

* * * * *

AMENDED OPINION AND ORDER

An Order was issued in this case on September 30, 2014, granting side yard setback (variance) relief to the Petitioners, in connection with the proposed construction of a new dwelling on the property. Thereafter, the Office of People’s Counsel filed in a timely fashion a motion for reconsideration. That Motion sought clarification concerning whether or not the Petitioners were seeking relief for an accessory structure (swimming pool) to be located in the front yard, instead of the required rear yard location. The “front yard” in this case, as shown on Petitioners’ site plan marked as Ex. No. 1, faces the waterfront.

Although the Petition as originally filed (on or about June 27, 2014) sought this relief, the Petitioners filed an amended zoning petition on or about August 5, 2014, wherein they no longer requested a variance for a swimming pool in their front yard. The site plan marked as an exhibit in this case also does not depict a swimming pool on the property. Thus, the request for the accessory structure variance was withdrawn.

As such, for the sake of clarity and at the request of the Office of People’s Counsel, what follows is an amended Order clarifying that Petitioners shall not construct a pool or other accessory structure in their front yard unless and until appropriate zoning relief is obtained.

THEREFORE IT IS ORDERED, this **16th** day of October, 2014, by the Administrative Law Judge for Baltimore County, that the September 30, 2014 Order in the above case be and is hereby AMENDED, to reflect that Petitioners have at this time withdrawn their request for zoning relief to construct an accessory structure (swimming pool) in the front yard (i.e., waterfront side) of the subject property, as shown on the site plan marked as Petitioners' Ex. No.

1. All other terms and conditions of the September 30, 2014 Order shall remain in full force and effect.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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:sln