

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1239 Bayside Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Brian & Christy Kopp	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0319-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners Brian & Christy Kopp (“Petitioners”) for the property located at 1239 Bayside Road., Essex, MD 21221 (the “Property”). Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §400.1 to permit an accessory structure swimming pool to be located in the side yard in lieu of the required rear yard. The Property and requested relief is more fully depicted on the site plan (the “Site Plan”) that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Public Works & Transportation (“DPW&T”), dated November 18, 2021, with several comments due to the location of the proposed pool in a tidal special flood hazard area. Additionally, a ZAC Comment dated December 28, 2021 was received from Department of Environmental Protection and Sustainability (“DEPS”) which comment indicated that the proposed development must meet Limited Development Area (“LDA”) requirements of the Chesapeake Bay Critical Area (“CBCA”) as well as the 15% afforestation requirement. DEPS confirmed that the Property is

already at its lot coverage limit. In order to accommodate a pool, DEPS indicated that the property owner must remove an equivalent amount of lot coverage from the Property.

As a result of DEPS' ZAC comment, because the Property is already at its coverage limit due in part, to a 2-story garage in the rear of the Property, the Petitioners will need to revise the Site Plan to comply with all CBCA, LDA and afforestation requirements and obtain approval from DEPS of their revised Site Plan prior to seeking variance relief here. Accordingly, this case will be stayed pending the approval by DEPS of a revised Site Plan. Upon obtaining DEPS' approval, the Petitioners shall submit the revised Site Plan here and the requested variance relief will be reviewed at that time.

THEREFORE, IT IS ORDERED, this 28th day of **December, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR, §400.1 to permit an accessory structure swimming pool to be located in the side yard in lieu of the required rear yard, be and is hereby **STAYED** pending the approval by DEPS of a revised Site Plan. Upon obtaining DEPS approval, the revised Site Plan shall be submitted for consideration of the requested variance relief.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw