

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7210 Greenbank Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Thomas R. Hanlon	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0275-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 owner of the property, Thomas R. Hanlon (“Petitioner”) for the property located at 7210 Greenbank Rd., Middle River (the “Property”). The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), §§400.1 and 1B02.3.C.1 to permit an accessory structure (in-ground pool) to be located in the front yard in lieu of the required rear yard and to permit a lot width of 50 ft. in lieu of the required 55 ft. in a DR 5.5 zone. The Property and requested relief is more fully depicted on the site plan (the “Site Plan”) that was marked and accepted into evidence as Petitioner’s Exhibit 1. There were no Zoning Advisory Comments (ZAC) comments submitted from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on October 1, 2021, 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 §32-3-303 of the Baltimore County Code (“BCC”).

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 §307.1 of the BCZR. Specifically, I find that the water side of the Property is the ‘front’ and the side facing Greenbank Rd. is the ‘rear.’ This factual finding is consistent with the Zoning Commissioner’s Policy Manual (“ZCPM”), § 400.2.a – *Accessory Buildings - Waterfront Setbacks* which reads as follows:

(1) On all waterfront, when the proposed house fronts on the water, use the water as the front of the property line. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 2nd day of **November, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR §§400.1 and 1B02.3.C.1 to permit an accessory structure (in-ground pool) to be located in the front yard in lieu of the required rear yard and to permit a lot width of 50 ft. in lieu of the required 55 ft. in a DR 5.5 zone, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to permitting, Petitioner must comply with the Chesapeake Bay Critical Area and Floodplain regulations as directed by Department of Environmental Protection and Sustainability (DEPS) including, but not limit to, lot coverage.

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

Signed
MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw