

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Cheryl Avenue, 532 feet SE of
Belair Road
11th Election District
3rd Councilmanic District
(7308 Cheryl Avenue)

Brenda Yarrison
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0263-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 owner of the subject property, Brenda Yarrison for property located at 7308 Cheryl Avenue. The variance request is from Sections 427.A and 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence in a side yard with a 6 feet height (to adjoin a front (neighbor's) yard) in lieu of the maximum allowed height of 42 inches. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct a fence 6 feet high between her property and the property at 7306 Cheryl Avenue. The fence would extend past the front foundation corner of 7306 Cheryl Avenue and stop at the front corner of her dwelling. The fence would also run 28 feet past the neighbor's front foundation. The neighbors have multiple cars which they park in the driveway and on the front lawn. When the neighbors park on the front lawn and use the driveway, their car headlights shine directly into the front of the Petitioner's home. Petitioner is experiencing light pollution from the neighbor's vehicles when they park cars on the front lawn and the proposed fence will prevent this intrusion. Petitioner's home was constructed in 1892 and the front of the home faces the neighbor's garage. Petitioner's home is only 32 feet from Cheryl Avenue, while the residence at 7306 Cheryl Avenue is constructed 60 feet from the street.

Photographs submitted by the Petitioner show the multiple cars parked outside the garage in the driveway and facing the front of her home. These photographs show three vehicles parked at 7306 Cheryl Avenue. One vehicle is parked on the front lawn and two vehicles are parked on the driveway; all three vehicles are facing the front of the Petitioner's home.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 17, 2009 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 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, 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 Petitioner.

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 11th day of May, 2009 that a Variance from Sections 427.A and 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence in a side yard with a 6 feet height (to

adjoin a front (neighbor's) yard) in lieu of the maximum allowed height of 42 inches be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz