

**IN RE: PETITION FOR ADMIN. VARIANCE**

E side of Perry Road; 304 feet S of the  
c/l of Fitch Avenue  
14<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
**(7833 Perry Road)**

Richard T. and Laura L. Chisolm  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0016-A**

\* \* \* \* \*

**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 owners of the subject property, Richard T. and Laura L. Chisolm for property located at 7833 Perry Road. The variance request is from Section 1B02.3.B (1B01.2.C.4 1970 regulations) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a prosed open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet, and to amend the Final Development Plan of Perry Place for Lot 4 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated July 30, 2010 which states that permanent structures may not be built in an existing drainage and utility easement. Petitioners may apply to the County for the release of the easement or revise the site plan to remove the portion of the structure from the easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 18, 2010 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 Deputy Zoning Commissioner, 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. In light of the comment from the Bureau of Development Plans Review dated July 30, 2010 related to the carport location in the County's drainage and utility easement, a condition of relief shall involve compliance with the Bureau of Development Plans Review comment. Relief is herein conditioned upon Petitioners obtaining satisfactory approval of the location of said carport from the Bureau of Development Plans Review, or altering the site plan so that the proposed carport is no longer in the drainage and utility easement.

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 11<sup>th</sup> day of August, 2010 that an Administrative Variance from Section 1B02.3.B (1B01.2.C.4 1970 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet, and to amend the Final Development Plan of Perry Place for Lot 4 only 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. Petitioners shall comply with the Bureau of Development Plans comment dated July 30, 2010 which states that permanent structures may not be built in an existing drainage and utility easement. Petitioners may apply to the County for the release of the easement or revise the site plan to remove the portion of the structure from the easement.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB/pz