

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Oak White Road; 105 feet N of
Perryhurst Place
11th Election District
5th Councilmanic District
(9406 Oak White Road)

John W. and Sherry L. Whaples
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0072-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, John W. and Sherry L. Whaples for property located at 9406 Oak White Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section 504 (1970 Comprehensive Manual of Development Policies [“C.M.D.P.”] Section VB.6.a) to permit a front yard setback of 6 feet in lieu of the 18.75 feet required for an open carport, as allowed by B.C.Z.R. Section 301.1.A (25% additional projection intosetback for an open structure), and to amend the latest Final Development Plan for Village of White Oak for Lot 12 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The proposed carport will provide protection for their vehicles, cover sunken window wells, and allow vehicles to be parked off the street. The carport will add a modern convenience to an older home and allow the occupants to ramp up to the front door as may be required as they remain in the community and age-in-place. The property is a corner lot with dual road frontages resulting in two 25 feet setbacks instead of a typical side yard setback. Petitioners submitted letters of support from property owners residing at 3826 Perryhurst Place and 9404 Oak White Road.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 15, 2010 which indicates that it does not oppose the request provided architectural elevations are provided for review and approval. Comments were received from the Bureau of Development Plans Review dated August 26, 2010 which indicates it while it is not desirable for a corner lot to have two access points, they have no objection to the variance; however, to install the entrance, a permit is required from the Bureau of Highways. Call 410-887-3932 for permit requirements.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 29, 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.

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 20th day of September, 2010 that a Variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Section 504 (1970 Comprehensive Manual of

Development Policies [“C.M.D.P.”] Section VB.6.a) to permit a front yard setback of 6 feet in lieu of the 18.75 feet required for an open carport, as allowed by B.C.Z.R. Section 301.1.A (25% additional projection into setback for an open structure), and to amend the latest Final Development Plan for Village of White Oak for Lot 12 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. Architectural elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.
3. To install the carport entrance from Perryhurst Place, a permit is required from the Bureau of Highways. Petitioners shall call 410-887-3932 for the permit requirements.

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