

**IN RE: PETITION FOR ADMIN. VARIANCE**  
S side of Overlook Circle; 120 feet W of the  
c/l of Holter Road  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(5527 Overlook Circle)**

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY

*Petitioners*

\* **Case No. 2010-0330-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, Jason and Kelly Riebel for property located at 5527 Overlook Circle. The variance request is from Sections 259.9.B.4.e and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck) with a 28 feet rear setback in lieu of the required 37.5 feet, and to amend the latest Final Development Plan for "Overlook at Perry Hall" for Lot 22 only. The subject property and requested relief are more particularly described on Petitioners’ Exhibit No. 1. The Petitioners have a rear door leading to the back yard; however this door does not have direct access to the back yard because there are no steps or deck to actually reach the back yard. The proposed deck will allow the Petitioner to access the back yard. This door was built in the back of the home’s bump out. The current zoning regulations only allow them to build a deck 6 feet off the back of the bump out. This 6 feet section of the deck would be virtually unusable except for a walk way. This would be an eyesore and not fit in with the character of the neighborhood. The neighbors on either side had doors installed in the sides of their bump outs which allow them to build a deck 16 feet off the back of their house. Both neighbors have decks built 12 feet off the back of their house. Petitioners are requesting to build 12 feet off the back of their home which would keep

with the character of the neighborhood. They have discussed their plans with the adjacent neighbors and they both approve of the plans.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 6, 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 1<sup>st</sup> day of July, 2010 that a variance from Sections 259.9.B.4.e and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) 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.

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