

**IN RE: PETITION FOR ADMIN. VARIANCE**  
SW side of Overbrook Road; 145 feet NW  
of Edmondson Ave  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
**(406 Overbrook Road)**

Kathleen K. Saxon  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2011-0025-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 owner of the subject property, Kathleen K. Saxon for property located at 406 Overbrook Road. The variance request is from Section 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck) with a rear yard setback of 32 feet in lieu of the minimum required 37.5 feet. The subject property and requested relief are more particularly described on Petitioner’s Exhibit No. 1. Petitioner desires to replace a metal painted back porch with a maintenance-free upgraded deck measuring 6.5 feet x 10 feet. The current approved replacement size is 7 feet x 7 feet. Petitioner would like to extend the length of the deck from 7 feet to 10 feet in order to make it more usable and aesthetic by decorating the deck with furniture and flowers. Keeping the deck the same size as the old porch does not allow Petitioner to take advantage of making the area an outdoor space that would be usable and enjoyable. Photographs submitted with the Petition show that there are a number of similar decks in the neighborhood including one residence that has a pitched roof over their deck.

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 July 30, 2010 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 17<sup>th</sup> day of August, 2010 that a Variance from Section 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an open projection (deck) with a rear yard setback of 32 feet in lieu of the minimum required 37.5 feet 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