

**IN RE: PETITION FOR ADMIN. VARIANCE**  
SW side of Myrtlewood Road; 462 feet SE  
of Thistlewood Road  
3<sup>rd</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(2044 Myrtlewood Road)**

Neel S. and Monique D. Satpute  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0278-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, Neel S. and Monique D. Satpute for property located at 2044 Myrtlewood Road. The variance request is from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed deck) with a rear yard setback of 19 feet in lieu of the minimum required 22.5 feet, and to amend the latest Final Development Plan for Bonnie View Estates, Lot 139 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 Office of Planning dated April 22, 2010 which indicates that the property is within a subdivision that is still under construction known as Bonnie View Estates. The existing dwelling is the "Jennings" model on a lot that is average in size and backs to open space. The pattern book approved with the development plan shows a smaller deck as an option. The Planning Office has reviewed several similar requests for administrative variances for decks has consistently stated that they should comply with the pattern book which allows decks that meet the required 22.5 feet rear yard setback. The Planning Office recommends denial of the requested variance as it is not in keeping with the pattern book.

However, if the Zoning Commissioner is of the opinion that the Petitioners demonstrate a significant hardship or practical difficulty and grants the requested variance, it should not be considered a precedent for other variances.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 25, 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.

Administrative Variance requests for homes in the “Bonnie View Estates” subdivision are being reviewed on a case by case basis based on the size of the lot, size of the rear yards and adjacent buildings. In the subject request, the rear yard backs up to a homeowners association open space area. The proposed deck will not have any impact on neighbors living behind the Petitioners’ home. No adjacent property owners voiced any objection to the request. The Petitioners wish to construct a deck measuring 24 feet long x 16 feet deep onto the rear of the home. Reducing the width of the deck by 3.5 feet to comply with the setback will not allow the Petitioner reasonable use of the deck. The size of the proposed deck is not unreasonable. A smaller deck would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. A number of similar size decks have been approved in the Bonnie View Estates

subdivision. The size of the deck is necessitated by the 9 feet wide outside stair access to the basement which needs to remain clear.

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 18<sup>th</sup> day of May, 2010 that a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed deck) with a rear yard setback of 19 feet in lieu of the minimum required 22.5 feet, and to amend the latest Final Development Plan for Bonnie View Estates, Lot 139 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.

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