

**IN RE: PETITION FOR VARIANCE**  
SW side of Overbrook Road; 117 feet  
NW of the c/l of Academy Lane  
1<sup>st</sup> Election District  
1<sup>st</sup> Councilmanic District  
(414 Overbrook Road)

**Terese Reamer**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FORBALTIMORE COUNTY  
\* **CASE NO. 2011-0010-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Terese Reamer. Petitioner is requesting Variance relief from Sections 1B02.3.A.5, 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an existing open projection (deck) with an existing attached addition (garage) with rear yard setbacks of 28 feet and 9 feet, respectively, in lieu of the minimum required 37.5 feet and 50 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Terese Reamer. There were no Protestants or other interested persons in attendance.

A Code Inspector observed the property on June 7, 2010 and issued a Stop Work Order for the construction of a new screened-in rear porch and partial new deck being built without the required permits.<sup>1</sup> Thereafter, Petitioner filed for the instant variance relief.

Testimony and evidence offered revealed that the subject property is rectangular shaped and consists of approximately 2,575 square feet or 0.0591 acre, more or less, zoned D.R.10.5.

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<sup>1</sup> CO-0079073. A copy of the Code Enforcement Citation was marked and accepted into evidence as Petitioner’s Exhibit 2.

The property is located on the southwest side of Overbrook Road, north of Frederick Road and south of Baltimore National Pike (U.S. 40), in the Catonsville area of Baltimore County. The property is situated in the “Westbrook” community of row homes. Petitioner’s home is an end-of-group row home that is part of a cluster of six homes. In addition to Petitioner’s home, the property is also improved with a one-story garage that fronts to an alley running behind the rear yards of the adjacent homes. Like a number of homes in the community, Petitioner desired to construct an open projection deck with a screened-in “gazebo-like” structure on the deck area between the home and the garage. Petitioner constructed the deck and began construction on the covered portion when a complaint caused the County to issue the aforementioned Stop Work Order. A photograph of the unfinished roof of the structure was marked and accepted into evidence as Petitioner’s Exhibit 4. Additional pictures of a nearby home with a deck similar to the one constructed by Petitioner were marked and accepted into evidence as Petitioner’s Exhibits 5A through 5C.

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.

After considering all of the testimony and evidence presented at the hearing, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Obviously, the small size of Petitioner’s lot limits the degree to which improvements can be placed thereon; however, in addition, Petitioner testified that there is a significant difference in elevation from her property to properties located further down to the southeast. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Petitioner pointed out that a number of other homes in the neighborhood have similar improvements because the location between the rear of the home and the garage is a somewhat “empty” area that would otherwise go unused, and is a natural and logical area of transition from the home to the garage located at the rear of the property. In this instance, it would be inappropriate to not allow Petitioner to avail herself of the same opportunity to improve her property as others in the neighborhood already have.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Photographs that were marked and accepted into evidence as Petitioner’s Exhibits 6A through 6G depict Petitioner’s property from various angles and show a well maintained home and one-story garage, as well as the deck and gazebo-like structure that appears to be in keeping with other deck improvements in the community. In my judgment, the deck and covered area will allow Petitioner to utilize the outdoor area of her home with friends and family, without adversely impacting the surrounding areas of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner’s variance request should be granted.

THEREFORE, IT IS ORDERED this 6<sup>th</sup> day of October, 2010 by this Deputy Zoning Commissioner that Petitioner’s Variance request from Sections 1B02.3.A.5, 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an existing open projection (deck) with an existing attached addition (garage) with rear yard setbacks of 28 feet and 9 feet, respectively, in lieu of the minimum required 37.5 feet and 50 feet, respectively be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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, 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