



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 13, 2026

Grant Amadeus Giel, Esquire grant@gmacynelson.com
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, MD 21204

RE: Fence Waiver
Case No. UA-2025-0025-FW
Property: 6601 Overlook Place

Dear Mr. Giel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c: ~See Next Page~

Page Two

Case No: UA-2025-0025-FW

c:

Donald Boudreaux donsci985@gmail.com

Michael McCann, Esquire – michael@mmccannlaw.net

Christopher M. Wilk christopher.wilk@gmail.com

Dan Phelan djpphelan@gmail.com

Danelle Cayea dcayea@comcast.net

Edna Albuquerque efrpereira65@gmail.com

Lila Colaianni leperilloux@gmail.com

Rick Richardson rick@richardsonengineering.net

Tom Moses moses.ta@gmail.com

IN RE: PETITION FOR ADMINSTRATIVE	*	BEFORE THE
FENCE WAIVER		
(6601 Overlook Place)	*	OFFICE OF ADMINISTRATIVE
9 th Election District		
2nd Council District	*	HEARINGS FOR
Donald J. Boudreaux, Jr.		
Lila Perilloux Colaiani	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. UA-2025-0025-FW
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Fence Waiver filed by Donald J. Boudreaux, Jr. and Lila Perilloux Colaiani (“Petitioners”), owners of the property located at 6001 Overlook Place, Baltimore County, Maryland (the “Property”). Pursuant to Baltimore County Building Code (“BCC”), Part 122.4, Petitioners request approval to construct a front yard fence with a height of 6 ft. 3 inches in lieu of the maximum allowed fence height of 42 inches. A Formal Demand was filed by a community member prompting a public hearing. OAH understands that portions of a fence have already been erected but, as land use approvals are generally treated as prospective in nature, the term “proposed” is used to describe the existing fence.

A public hearing was held on January 28, 2026, using the virtual platform Webex in lieu of an in-person hearing. Petitioners participated in the hearing and were represented by Grant A. Giel, Esq. Patrick Richardson, Jr. of Richard Engineering was also in attendance and prepared the Site Plan. Numerous community members appeared in opposition to the request and gave testimony including: Christopher Wilk, Danelle Cayea, Dan Phelan, and Edna Albuquerque (collectively “Protestants”). Mr. Wilk and Ms. Cayea were represented by Michael McCann, Esq. The Property was properly posted. No Zoning Advisory Committee (“ZAC”) comments were

received from any county agencies. All exhibits were admitted into the record except for Prot. Exh. 3 which was withdrawn.

FINDINGS OF FACT

The Property is split zoned DR.2/DR.3.5 and is improved with a detached single-family dwelling. *See* Pet. Exhs. 1 & 2. The property recently received zoning approval to construct an attached garage to the home in Case No. 2024-0106-AV. *See* Pet Exh. 7. Rick Richardson, P.E., of Richardson Engineering, prepared and sealed the Site Plan and testified on behalf of Petitioners. Mr. Richardson described the property including its location across Overlook Place from The Boys Latin School and adjacent to a multi-family apartment complex. Mr. Richardson further described the front yard of the property as being located parallel to the lot's eastern property line, and not fronting along the curve of Overlook Place, which would constitute the property's southern boundary. *See* Pet. Exh. 2a. Mr. Richardson proffered that the purpose of the fence was to screen the property from activities at the Boys Latin School, including the parking area, and acting as a barrier for sports activities like errant lacrosse balls presumably skipping across the field and parking lot. *See* Pet. Exh. 2b. Mr. Richardson further testified to the orientation of the home (Pet. Exhs. 5 & 6), location of entrances (Prot. Exhs. 10-11), recent improvements like the garage addition and accompanying building permits (Pet. Exh. 7), existing accessory structures in the yard (Prot. Exh. 5), and the plat for the community (Prot. Exh. 8).

Petitioners, Donald J. Boudreaux, Jr. and Lila Perilloux Colaianni, testified in support of their Petition. Petitioners described the prior fence that had surrounded the home when they purchased the property as being in poor condition extending up to 8 ft. in certain areas. The new fencing that was erected upgraded the fencing, was interior fencing only and not located on the property line, and was no taller than 6 ft. *See* Pet. Exhs. 8 & 9. Petitioners provided a diagram and

video to this effect. Pet. Exhs. 10 & 11-14. Petitioners acknowledged that they did not obtain permits for the fence but explained they did not believe permits were required when replacing an existing fence.

Dan Phelan, a community member of 36 years, testified in opposition to the fence waiver. Mr. Phelan described the community (Prot. Exh. 9) and testified that he visited the home many times when the prior owner lived there and stated that the “front door” fronted on Overlook Place, currently enclosed by the new garage, and not the doorway oriented towards the eastern boundary of the property. He further testified that the prior fence could not be seen from the roadway or neighboring properties because dense vegetation covered the fence. *See* Prot. Exh 15. Edna Albuquerque, also a community member living in close proximity to the subject property, testified that the fence is out of character with the community, that this is the only home with an imposing front yard fence, and the fence is not necessary for the stated purpose, as her home is adjacent to The Boys Latin School campus and she does not feel the need to erect a similar fence. Mr. Christopher Wilk, residing across Overlook Place from the subject property, testified in opposition to the Petition. Mr. Wilk stated that the “front” of the house faced Overlook Place, and that the mailbox, delivery drivers, and even the posting notice for this hearing were posted on the south side of the property. *See* Prot. Exh. 10. Mr. Wilk further stated while his home was also proximate to The Boys Latin School, he experienced no adverse impacts from the school that would necessitate this type of fencing. He further stated that no other homes in the community had front yard fencing. *See* Prot. Exhs. 11, 13. Lastly, Mr. Wilk stated that the fence was inconsistent with the rest of the neighborhood, made the property look like a “fortress,” and violated community covenants intended to maintain community harmony.

CONCLUSIONS OF LAW

With certain enumerated exceptions, residential fences in Baltimore County are limited to a maximum height of 42 in. for front yards and 6 ft. for side and rear yards. *See* BCZR § 427.1.¹ Pursuant to BCZR § 427.4 (B), the building official or [building official's] designee is authorized to grant fence height waivers provided public notice has been given and a public hearing has been held before the Administrative Law Judge (“ALJ”) if requested. *See* BCZR § 427.4². Any order by the building official [or designee] granting a waiver shall contain a finding of fact setting forth and specifying the reason or reasons for allowing such a waiver. BCZR § 427.4 (E). Importantly, a fence waiver under BCZR § 427.4 is *not* a variance nor is it governed by the variance standards promulgated under BCZR §307.1 and state common law. Therefore, by this ALJ’s best interpretation, the grant or denial of a fence height waiver is determined upon a finding of “good cause” under general concepts of equity.

¹ BCZR § 427.1

Conditions for use; exceptions.

A. Applicability.

1. Subsections D and E of this section do not apply to a fence required by § 13-6-101 of the Baltimore County Code, as revised, to be constructed in order to screen a swimming pool.

2. Subsections D and E of this section do not apply if the residences on the adjoining lots are more than 200 feet apart.

B. Front yards. The maximum height permitted for any residential occupancy fence shall be 42 inches above normal grade in a front yard.

C. Side and rear yards. The maximum height permitted for any residential occupancy fence shall be six feet above normal grade in a side and rear yard. A fence may be erected up to ten feet high in a side or rear yard when the fence is set back from the property line a horizontal distance of two feet for every vertical foot of height in excess of six feet.

D. Notwithstanding any other provisions of this Code or the Baltimore County Code, in a D.R. or R.C. 5 zone located in a historic district, the maximum height of a residential occupancy fence is 42 inches if the fence is erected in the side yard of a lot that adjoins a public road.

E. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section.

F. The fence may not exceed 42 inches in height if situated within ten feet of the adjoining front yard property line.

² A. Any person may apply for a waiver to the height limitation requirements of Sections 427.1 and 427.2.

B. The building official or designee is authorized to grant such waivers, provided public notice has been given and a public hearing has been held before the administrative law judge if requested.

C. 1. Public notice shall consist of posting the property for a period of 15 days.

2. Anyone living within 1,000 feet of the subject property may request a public hearing, or may submit written comments for consideration.

3. If no public hearing is requested, the building official or designee may grant a waiver containing any appropriate conditions or limitations.

4. If a public hearing is requested, notice shall be further provided by posting the property for an additional 15 days.

5. Such notice shall include the date, time, and location of the hearing.

D. Any person aggrieved by the decision of the building official or designee may file a notice of appeal with the board of appeals and the department of permits, approvals, and inspections within 30 days after the date of the final decision of the hearing officer.

E. Any order by the building official granting a waiver shall contain a finding of fact setting forth and specifying the reason or reasons for allowing such a waiver. BCZR § 427.4.

Good Cause Exists to Grant Petitioners' Fence Waiver Application

Upon review of the file, exhibits, and testimony offered at the hearing, I find good cause to grant the waiver requested. The subject property fronts an institutional use (The Boys Latin School) with associated parking lots, recreational fields, and accessory buildings. The existing single-family detached dwelling is located proximate to the terminus of Overlook Place, a narrow residential street that “dead ends” into a multifamily apartment complex, and the fencing does not pose a risk to health, safety, or welfare. While not a variance analysis, the lot’s unusual shape and character, and the non-traditional shape and character of the home, are relevant to the fence height waiver request as these circumstances impact where fencing is erected and for the purpose that fencing serves.

1. Establishment of yards under BCZR §101.1 is not required for the consideration of a fence height waiver

Protestants dispute whether the area where the fence is located is a side yard, rear yard, or front yard, but that argument is immaterial for a fence height waiver analysis. Whether the portion of the fence that parallels Overlook Place is considered a front, rear, or side yard becomes only a matter of semantics as BCZR § 427.4 neither expressly restricts or permits a fence of any height, regardless of its title under BCZR §101.1, to a particular type of yard. In other words, unlike like a variance, BCZR § 427.4 prescribes no set of strict rules, regulations, or standards to apply when considering a fence height waiver with respect to which “yard” that fence occupies. Whether the proposed fence is located in the front, side, or rear yard results in the same analysis, that “yard” having no bearing on the grant or denial of the waiver. For that reason, this analysis will not consider whether the fencing proposed is located in the front, side, or rear yards.

2. The proposed fence presents no adverse impacts to health, safety and welfare

In the instant case, the proposed fence height of 6 ft. 3 in. does not exceed standard privacy fencing in residential homes throughout Baltimore County. There is no indication in this record nor do any facts presented give rise to any inference that the fence presents a threat to the health, safety or welfare of the community. Unlike other cases where, for example, tall fences present safety concerns for driver or pedestrian line-of-sight, proposed fence height is far in excess of any maximum height permitted under BCZR, are topped with security devices like barbed or razor wire, are located on corner lots adjacent to busy, signalized (or unsignalized) intersections, or other similar factors, this case presents no such factors that might call for stricter scrutiny. Balancing the competing interests of privacy and security with county regulations intended to preserve community character, property values, and property integrity to promote the general health, safety and welfare, this record lacks sufficient evidence to provide a basis for denying the requested height of 6 ft. While Petitioners retain the burden of moving forward with the evidence to support their petition, there is simply no probative evidence, beyond the lay opinions of community members as to the *aesthetics* of the fence, that the fence would cause harm to the community or that it would adversely impact property values. While land use controls do many things, judging whether a fence is sightly or unsightly is not one of them. While community members testified that the fence would be “out of character” with the community, and there is some evidentiary basis to find that most if not all residential properties in this community do not have front yard fences (Prot. Exh. 13), “character” is an attribute in land use regulation relevant to the use of property and the massing of structures, not to fence height. Moreover, there is no basis under BCZR § 427.4 to evaluate whether the requested fence height would be “in character” or “out of character” with the community, and Protestants have

presented no persuasive argument to prove that it is.

3. Prior fence construction and the aesthetic impact of fencing

Protestants' negative characterization of the fence ignores the fact that a taller fence had been in place for many years under prior ownership without complaint. Fencing as an issue was only noted by community members after recent renovations removed extensive vegetative growth on and around the prior fence. While community members expressed positive opinions about the visual impact of the prior fence because of the landscaping that grew up around it, creating a hedgerow-like aesthetic, there exists no regulation in BCZR or BCC to require such vegetative growth to obscure the visual impact of a fence, and so none can be imposed here. In summary, seeing a fence and not liking it (aesthetics) is not grounds for denial of a fence height waiver so long as, on balance, and in keeping with general precepts of equity, the property owner can provide a reasonable purpose for the fence at a height that is proportional to that purpose.

4. The fence height proposed of 6 ft. 3 in. serves a permitted purpose

In this case, Petitioners testified that the purpose of the fence is to screen school activities from the home. The fence proposed serves that purpose and does not exceed a standard 6 ft. (+/- 3 in.) residential fence that would otherwise be permitted in the rear or side yards. Moreover, the proposed fence, at least in part, replaces a prior fence that was erected on the property by a prior owner that was 8 ft. tall in certain places, a height that far exceeds the maximum permitted residential fence height in any yard.³ The peculiar nature of this property and home coupled with the property's location across Overlook Place from Boys Latin School and mere feet away from the entrance to a multi-family apartment complex make this property different from most other residential properties in this subdivision, and the fence proposed serves to buffer school,

³ BCZR §427.1 provides exceptions to this maximum height, but those exceptions are not relevant here.

apartment, and parking lot activities from the home.

5. The property's unique features and design support the grant of the fence height waiver

Both the property itself and existing improvements create non-traditional features of the home as compared to neighboring properties. Photographs of the home and property clearly indicate that the home was designed with a particular motif in mind in which privacy fencing would likely play a significant role. Pet. Exhs. 5-6 & 8-10. Designed to be an almost park-like setting, the home itself was almost entirely obstructed from view until recent renovations, a fact that community members openly acknowledged. Merely *seeing* the home and fence now, however, without more, does not constitute an adverse impact on the community. Whether the fence is visible to community members or not has no probative weight as to any adverse impacts of the fencing.

For all these reasons, balancing the interests and equities of the parties with the requirements of BCZR, I find good cause to grant Petitioners request for a fence height of 6 ft. 3 in. as indicated on the attached Site Plan.

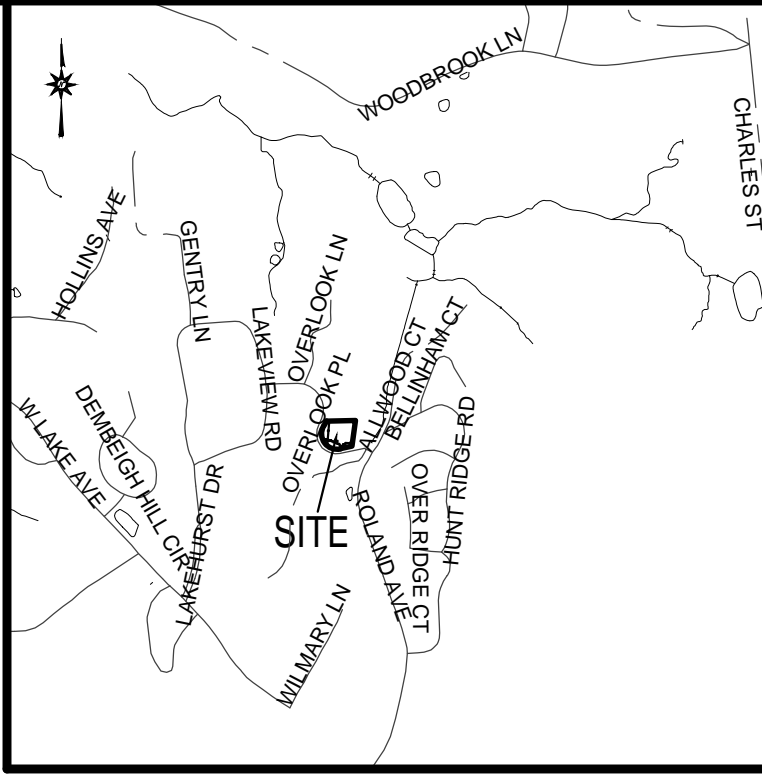
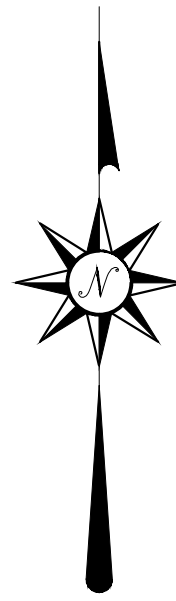
THEREFORE, IT IS ORDERED, this 13th day of **February, 2026**, by the Administrative Law Judge for Baltimore County, that Petitioners' request for a fence height of 6 ft. 3 ins in lieu of the allowed maximum fence height of 42 inches in a front yard or 6 ft. in a rear or side yard, in strict adherence to the attached Site Plan be, and is hereby, **GRANTED**.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



DEREK J. BAUMGARDNER
Administrative Law Judge for
Baltimore County

DJB:dlm



VICINITY MAP

SCALE: 1" = 1000'



1. OVERLOOK LN
AMY N BOLLBERG
TAX ACCOUNT #1808011409
MAP #79, GRID #5, PARCEL #166
DEED REF: 41570/256
PLAN REF: 9/10 LOTS #627,628
ZONING: DR 2
RESIDENTIAL

GENERAL NOTES:

- OWNER
DONALD J BOUDREAUX JR
LILA PERLLOUX COLAIANNI
6001 OVERLOOK PL
BALTIMORE 21210-1030
 - SITE AREA CURRENT
NET 21,864 SF OR 0.50 AC.±
GROSS 28,753 SF OR 0.66 AC.±
 - USES
EXISTING: 1 DWELLING
PROPOSED: 1 DWELLING
 - UTILITIES
PUBLIC WATER & SEWER
 - DEED REFERENCE: 48406/230
 - TAX ACCOUNT #2000005550
 - COUNCILMANIC DISTRICT: 2ND
 - ELECTION DISTRICT: 9TH
 - CENSUS TRACT: 490500
 - ZONING: DR 2 (PER 200 SCALE GIS TILE #79C1)
 - TAX MAP #79, GRID #5, PARCEL #154
 - WATERSHED: JONES FALLS
 - PRIOR PERMITS ON FILE- B536775 CONSTRUCT 1-STORY SFD WITH 1 BEDROOM, TERRACE WITH MASONRY RETAINING WALL, RUBBLE STONE GARDEN WALL, SIDE & REAR OPEN WOOD DECK. PERMIT EXPIRES 11/18/03. ISSUED OCTOBER 29, 2003.
 - B456482 CONSTRUCT 1-STORY SFD WITH 1 BEDROOM, TERRACE WITH MASONRY RETAINING WALL, RUBBLE STONE GARDEN WALL, SIDE & REAR OPEN WOOD DECK. ISSUED NOVEMBER 21, 2019.
 - B539590 CONSTRUCT 1-STORY SFD WITH 1 BEDROOM, TERRACE WITH MASONRY RETAINING WALL, RUBBLE STONE GARDEN WALL, SIDE & REAR OPEN WOOD DECK. ISSUED NOVEMBER 21, 2003.
 - PRIOR ZONING CASES ON FILE- R-1947-1108 RECLASSIFICATION FROM AN "A" RESIDENCE TO A "C" RESIDENCE. GRANTED DECEMBER 15, 1947.
2024-0106-A TO GRANT A SETBACK OF 21' IN LIEU OF THE REQUIRED 30' SIDE AND REAR SETBACK (TO RIGHT OF WAY) AS SHOWN ON THE RECORD PLAT FOR THE PROPERTY GRANTED JULY 2, 2024.
 - THE PROPERTY AND STRUCTURES ARE NOT HISTORIC
 - THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
 - THE SITE DOES NOT LIE WITHIN A FLOOD ZONE ACCORDING TO FEMA MAP #24001003856 NOVEMBER 2, 2023.
 - THE SITE DOES NOT LIE WITHIN A TRAFFIC DEFICIENT AREA.
 - BASIC SERVICE MAPS (2023)
- | TYPE | DEFICIENT (Y/N) | NOTE |
|----------------|-----------------|------|
| SEWER | N | |
| WATER | N | |
| TRANSPORTATION | N | |
- SETBACKS FOR DR 2
- | TYPE | REQUIRED | PROVIDED |
|-------|----------|----------|
| FRONT | 30' | 37'± |
| SIDE | 30'* | 21'± |
| REAR | 30'* | 21'± |
- *STREET RIGHT OF WAY SETBACK AS HOUSE DOES NOT FACE TOWARD ROAD



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net
rick@richardsonengineering.net

PLAN TO ACCOMPANY BUILDING PERMIT
FOR
BOUDREAUX/COLAIANNI
RESIDENCE
6001 OVERLOOK PLACE

BALTIMORE COUNTY MARYLAND
9TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
Exhibit #1	LNR	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	08-17-24	24009	1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2027



Application for Administrative Waiver to the Fence Height Limitations of Sections 427.1 and 427.2, BCZR

Instructions: Fill out, sign & date the information below (above the dotted line) and prepare a Site Plan (see requirements on the next two pages). Send this completed application and the completed site plan to the Baltimore County Zoning Review Office, County Office Building, 111 W. Chesapeake Avenue, Room 124, Towson, MD 21204. Note that if no public hearing is requested, the waiver decision will be based on evidence presented along with County maintained information about the site.

Property Address: 6001 OVERLOOK PLACE
Tax Account Number: 2000005550
Applicant/Owner: DONALD J BOUDREAU
Applicant/Owner Address: 6001 OVERLOOK PLACE Phone (Cell): _____
BALTIMORE, MD 21210 Phone (Home): _____
Email: DONSCI985@GMAIL.COM

Corner Lot: Yes **OR** No Fence is located in: Front Yard **OR** Side Yard **OR** Rear Yard

The undersigned applicant hereby applies for a waiver to the height limitations requirements of the following sections of the Baltimore County Zoning Regulations (check the appropriate box below):

- Pursuant to Section 427.1.B, BCZR, to permit a Fence to be erected in the front yard with a Fence Height of 6'-3" feet in lieu of the maximum allowed Fence Height of 42 inches (3.5 feet). (Attach fence location drawing)
- Pursuant to Section 427.1.C, BCZR, to permit a Fence to be erected in the side or rear yard with a Fence Height of _____ feet in lieu of the maximum allowed Fence Height of 6 feet. (Attach fence location drawing)
- Pursuant to Section 427.1.C, BCZR, to permit a Fence to be erected in the side or rear yard with a Fence Height of _____ feet when the fence is set back from the property line a horizontal distance of two feet for every vertical foot of height in excess of six feet. (Attach fence location drawing)
- Pursuant to Section 427.1.E and F, BCZR, to permit a Fence to be erected in the rear or side yard of a lot which adjoins the front yard of another lot on which a residence has been built with a Fence Height of _____ feet in lieu of the maximum allowed 42 inches (3.5 feet), when the fence is situated within ten feet of the adjoining front yard property line. (Attach fence location drawing)

Basis for Request: DUE TO ODD SHAPE AND ORIENTATION OF THE HOUSE A FENCE IS REQUESTED TO EXTEND PAST THE FRONT OF THE HOUSE TO SCREEN IT FROM THE PARKING LOT ACROSS THE STREET AT BOYS LATIN SCHOOL

Applicant's Signature: [Signature] Date: 10/20/25

To the Fence Waiver Applicant: This Portion of the Form is for Use by Baltimore County Only!

Waiver Number UA-20 25-0025 -FW (County Use Only)

Date Property Posted: _____ Closing Date: _____ (15 days after posting date)

Input/comments/protests received within 15 days? Yes / No

Has Hearing been requested? Yes / No (If Yes, attach record of Hearing)

Final Disposition: _____

Code Official or Designee: _____ Date: _____



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 11, 2025

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

Case Number: UA-2025-0025-FW

Property Address: 6001 OVERLOOK PLACE

Location:

Election District: 9 Council District: 2

Legal Owner: Donald J Boudreaux

Contract Purchaser: No Contract Purchaser was set.

FENCE WAIVER:

From Part 122.4 of the Baltimore County Building Code ("BCBC"), Part 122.4, to request a fence height of 6 ft., 3 inches in lieu of the allowed 42 inches and to extend past the front of the house.

WebEx Hearing: Thursday - 01/08/2026 - 10:00 AM

In addition, it is a requirement that you have the property posted with a Zoning Notice Sign by an approved poster on the property by **December 23, 2025**. For your convenience, please see attached listing of Approved Sign Posters, and provide them this notice. If you do not have your property posted by this date, your hearing will be cancelled.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868
www.administrativehearings@baltimorecountymd.gov



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 23, 2025

2ND REVISED
NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

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Contract Purchaser: No Contract Purchaser was set.

FENCE WAIVER:

From the Baltimore County Zoning Regulations ("BCZR") to permit a Fence to be erected in the front yard with a Fence Height of 6'3" feet in lieu of the maximum allowed Fence Height of 42 inches (3.5) feet.

WebEx Hearing: Wednesday - 01/28/2026 - 11:00 AM

If an in-person hearing has been requested in writing and granted, the address location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to hearing to confirm the hearing format at 410-887-3868 (0 for operator), or via email:

administrativehearings@baltimorecountymd.gov

In addition, it is a requirement that you have the property posted with a Zoning Notice Sign by an approved poster on the property by **January 7, 2026**. For your convenience, please see attached listing of Approved Sign Posters, and provide them this notice. If you do not have your property posted by this date, your hearing will be cancelled.

CERTIFICATE OF POSTING

UA-2025-0025-FW

RE: Case No.: _____

Petitioner/Developer: _____

Donald J. Boudreaux

January 28, 2026

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

6001 Overlook Place *SIGNS 1A & 1B*

January 7, 2026

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 January 7, 2026

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



OFFICE OF ZONING REVIEW OF BALTIMORE COUNTY

VARIANCE APPLICATION OF *
DONALD BOUDREAUX, et al. * CASE NO. UA-2025-0025-FW
Applicants *

* * * * *

MOTION TO RESCHEDULE HEARING

Applicants Donald Boudreaux and Lila Perilloux, by their attorney Grant Amadeus Giel, move to reschedule the variance hearing currently dated for Thursday, January 8, 2026 at 10:00 AM pursuant to BCZR Appendix G, Rule 4.G, and state the following:

1. Applicants are represented by counsel, but counsel was previously excluded from service certificates associated with hearings regarding the ongoing renovations at Applicants’ property located at 6001 Overlook Place, Baltimore Park, MD 21210;
2. Applicants, being laypersons without prior knowledge of the administrative system, had been unwittingly representing themselves *pro se* in official communications despite being formally represented;
3. Counsel believed he had remedied notice deficiencies by writing to relevant organs of the Baltimore County government and the man he believed to be Respondents’ counsel, a Mr. Jonathon C. Scruggs—who had been previously communicating with counsel in the summer of 2025 to discuss alternative dispute resolution—but an outstanding deficiency remained in the above-captioned case, wherein neither the Office of Zoning Review or

Respondents' counsel apprised Applicants' counsel of a Formal Demand for Hearing filed on November 21, 2025;

4. Counsel believes this deficiency was innocuous and does not assign blame to any party, as it became apparent through subsequent communications that Respondents Christopher Wilk and Danelle Cayea had retained new counsel, a Mr. Michael R. McCann, with whom Applicants' counsel has a pleasant working relationship and who appears to have also been unaware at the time that Applicants were represented;
5. On December 4, 2025, at approximately 1:11 PM, Debra Wiley wrote from the Office of Zoning Review directly to the Applicants, informing them that Monday, January 5, 2026 at 11:00 AM was a viable time to schedule a hearing associated with the submitted variance;
6. Applicants forwarded the email to counsel, who introduced himself for the record and was subsequently wrapped into communications;
7. Counsel wrote to Ms. Wiley, informing her that he would speak with his clients to confirm whether they were available;
8. Concurrently, the Applicants inadvertently wrote directly to Ms. Wiley and told her that they would not be available on the 5th, and committed instead to a date on the 8th without first conferring with counsel;
9. Counsel accepted this date because he had no conflict, on the assumption that Applicants had independently confirmed that their engineer witness, Rick

Richardson, was going to be available to testify as to integral matters of the fence construction at issue in this case;

10. Applicants thought, conversely, that Mr. Richardson was already aware of the scheduling emails because he had submitted the formal variance request directly, and they had not noticed that he was not part of the CC list for the scheduling email chain;

11. Ms. Wiley thereafter confirmed that the hearing date was acceptable with opposing counsel Mr. McCann, and scheduled the hearing;

12. On the night of December 14, 2025, at approximately 10:46 PM, counsel was directly informed by Mr. Richardson that he was not available and was going to be out of town on the 8th;

13. Counsel wrote to the Office on the morning of December 15 to rectify the oversight;

14. Pursuant to the Rules of Procedure, Section 4.G:

Postponements and continuances will be granted at the discretion of the Director, if the request is received more than five business days from the scheduled date of the hearing, or by the Zoning Commissioner if the request is within five business days. No postponement or continuance shall be granted except in extraordinary circumstances and for a reason satisfactory to the Director or Zoning Commissioner given by the party requesting such postponement indicating that the circumstances requiring the postponement or continuance are of an unusual and extraordinary nature, and must be by written request, addressed to the Director and with a copy to all parties, or their counsel if represented, entitled to receive notice, setting forth good and sufficient reasons for the requested postponement or continuance.

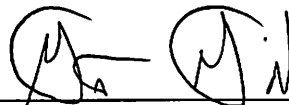
15. This motion satisfies the Rules of Procedure in the following manner:

- a. The request is more than five business days from the scheduled date;
- b. There is an unusual or extraordinary circumstance involving deficient notice to counsel and inadvertent *pro se* representations of scheduling by the Applicants;
- c. The central witness to Applicants' case was wholly unaware of the proposed hearing date until after it had been scheduled, and a continuance would need to be granted to obtain his testimony if a hearing did move forward on January 8 as currently scheduled;

16. Counsel has conferred with Respondents' counsel, Mr. McCann, who has stated that he and his clients do not oppose rescheduling the hearing.

WHEREFORE, Applicants' counsel formally and respectfully requests that the Office of Zoning Review grant the request to reschedule the hearing in Case No. UA-2025-0025-FW so as to accommodate the availability of Applicants' witness Rick Richardson.

Respectfully submitted,




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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 2025, a copy of the foregoing Motion to Reschedule Hearing was served via electronic mail to the following:

Michael R. McCann, Esquire
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, MD 21204
michael@mmccannlaw.net



Grant Amadeus Giel