

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Kittyhawk Road, 230' SW
centerline of Wilbur Road
15th Election District
6th Councilmanic District
(1807 Kittyhawk Road)

Susan L. & Eugene B. Kleman
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-445-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, Susan and Eugene Kleman. The variance request is for property located at 1807 Kittyhawk Road in the Essex area of Baltimore County. The variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 11.5 ft. and a side yard setback of 12.5 ft. in lieu of the required 25 ft. and to permit a rear yard setback of 12 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) 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

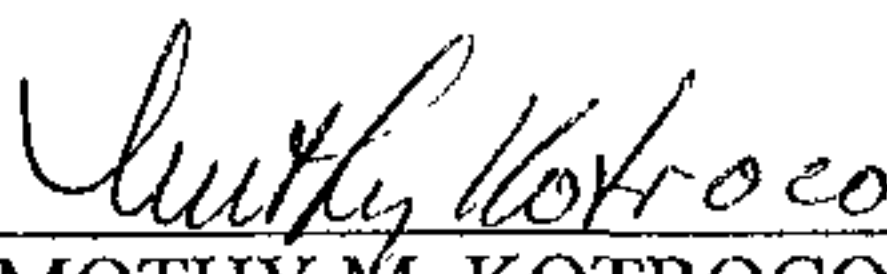
4/23/03
S. P. Johnson

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 23rd day of April, 2003, that a variance from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 11.5 ft. and a side yard setback of 12.5 ft. in lieu of the required 25 ft. and to permit a rear yard setback of 12 ft. in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

4/23/03
B. P. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 23, 2003

Mr. & Mrs. Eugene B. Kleman
1807 Kittyhawk Road
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 03-445-A
Property: 1807 Kittyhawk Road

Dear Mr. & Mrs. Kleman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1807 KITTYHAWK RD.
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3.C.1 to permit a front yard setback of 11.5 ft. and a side yard setback of 12.5 ft. in lieu of the required 25 ft. and to permit a rear yard setback of 13 ft. in lieu of the required 30 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4/23/03 day of April, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-445-A

Reviewed By BR Date 3/23/03

Estimated Posting Date 4/6/03

REV. 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1807 KITTYPHAWK RD.
Address
BALTO. MD. 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

NEEDS ADDITIONAL FAMILY ROOM TO MEET WIFE'S HANDICAP NEEDS

*WIFE HAS DIFFICULTY CLIMBING STEPS TO SECOND FLOOR
FAMILY ROOM WILL ACCOMMODATE SLEEPING ARRANGEMENT
AND BATHROOM ACCESS WILL BE EASIER.*

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Eugene B. Kleman
Signature
EUGENE B. KLEMAN
Name - Type or Print

Susan L. Kleman
Signature
SUSAN L. KLEMAN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of March, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eugene B. Kleman + Susan L. Kleman
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Debra E. Stevens
Notary Public

My Commission Expires 8-1-03

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1807 KITTYHAWK RD.
Address
BALTO. MD. 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

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NEEDS
WIFE HAS DIFFICULTY CLIMBING STEPS TO SECOND FLOOR
FAMILY ROOM WILL ACCOMMODATE SLEEPING ARRANGEMENT
AND BATHROOM ACCESS WILL BE EASIER.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Eugene B. Kleman
Signature
EUGENE B. KLEMAN
Name - Type or Print

Susan L. Kleman
Signature
SUSAN L. KLEMAN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of March, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eugene B. Kleman & Susan L. Kleman
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Debra E. Stevens
Notary Public

My Commission Expires 8-1-03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1807 KITTYHAWK RD.
which is presently zoned D.R. - S.S.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 to permit a front

yard setback of 11.5 ft. and a side yard setback of 12.5 ft. in lieu of the required 25 ft. and a rear yard setback of 12 ft. in lieu of the required 30 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No

City State Zip Code

Legal Owner(s):

✓ EUGENE B. KLEMAN
Name - Type or Print

Signature

SUSAN L. KLEMAN
Name - Type or Print

Signature

1807 KITTYHAWK RD. 410-391-4188
Address Telephone No

BALTO. MD. 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-445-A

REV 10/25/01

Reviewed By BK Date 3/26/03

Estimated Posting Date 4/6/03

ZONING DESCRIPTION FOR: 1807 Kittyhawk Road

Beginning at a point on the South side of Kittyhawk Road which is 50 feet wide at the distance of 230 feet, Southwest of the centerline of the nearest improved intersection street Wilbur Road which is 50 feet wide. Being Lot # 42, Section #1 in the subdivision of Edgewater as recorded in Baltimore County Plat Book # 13, Folio # 24, containing 6,776 feet. Also known as 1807 Kittyhawk Road and located in the 15th Election District, 6th Councilmanic District.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 445

DATE 3/26/03 ACCOUNT Rec'd - 006-6130

AMOUNT \$ 65.00

RECEIVED FROM: Gene Korman

FOR: Administrative Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 445

PAID RECEIPT

BUSINESS ACTUAL TIME
3/27/2003 3/26/2003 14:30:22

REC'D BY: MARK WILKINSON
RECEIPT # 144253 3/27/2003

DEPT: 5 520 FUNDING VERIFICATION
OR NO. 023130

Receipt Tot \$65.00
.00 OK 65.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-445-A

Petitioner/Developer: GENE AND

SUE KLEMAN

Date of Hearing/Closing: 4/21/03

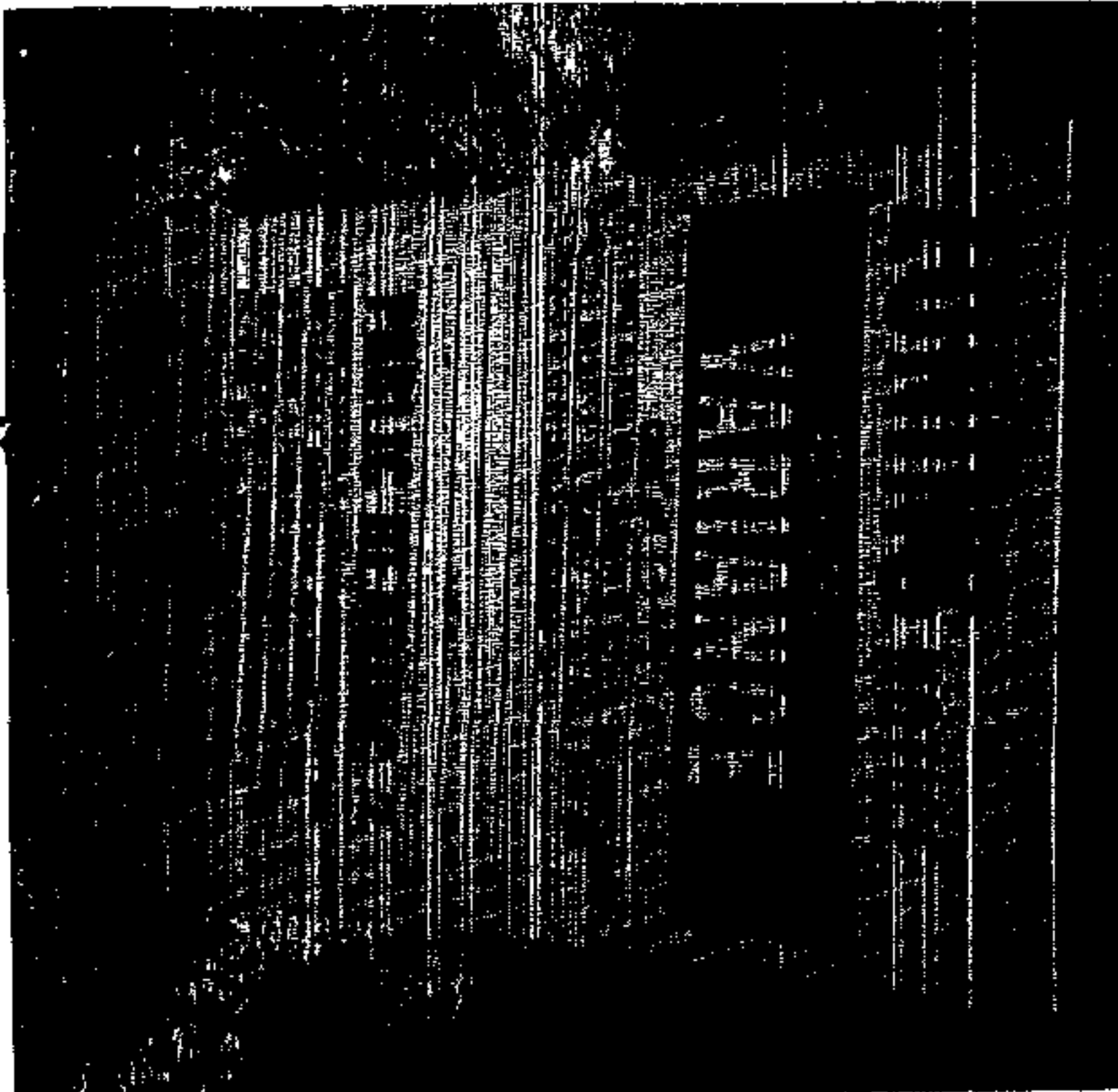
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 1807 KITTYHAWK RD

THE SIGNER



4/5/03
(Month, Day, Year)

Sincerely,

[Signature] 4/5/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 445 -A Address 1807 Kittyhawk Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 3/26/03 Posting Date: 4/6/03 Closing Date: 4/21/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may (a) grant the requested relief, (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Detach Along Dotted Line

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 445 -A Address 1807 Kittyhawk Rd.

Petitioner's Name Gene & Sue Klemen Telephone 410 - 391 - 4188

Posting Date: 4/6/03 Closing Date: 4/21/03

Vording for Sign: To Permit a front yard setback of 11.5 ft., a side yard setback of 12.5 ft. in lieu of the required 25 ft., and a rear yard setback of 12 ft. in lieu of the required 30 ft.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-445-A

Petitioner: x GENE B. KLEMAN

Address or Location: x 1807 KITTYHAWK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: x SUSAN L. KLEMAN

Address: x 1807 KITTYHAWK RD.

x BALTO. MD. 21221

Telephone Number: x 410-391-4188

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 21, 2003

Eugene Kleman
Susan Kleman
1807 Kittyhawk Road
Baltimore, MD 21221

Dear Mr. and Mrs. Kleman:

RE: Case Number: 03-445-A, 1807 Kittyhawk Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 23, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.8.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 445 BR

Dear Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 08, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 7, 2003

Item No.: 445-455

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 10, 2003

RECEIVED

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

APR 11 2003

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-445 and 03-452**
Administrative Variance

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Arnold F. Keller, III

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: April 28, 2003

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 14, 2003
Item No. 445

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The proposed addition cannot interfere with the line of sight.

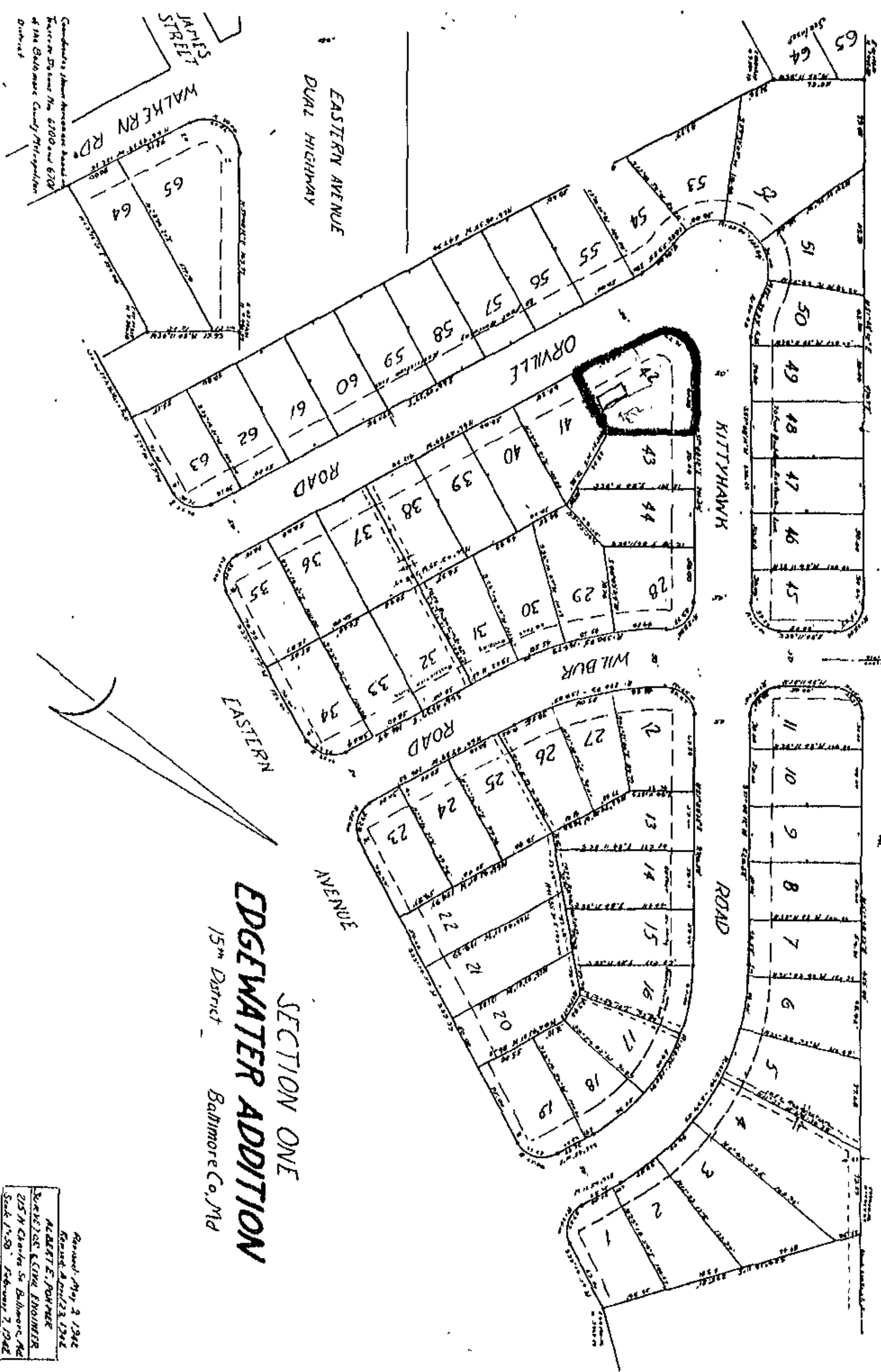
RWB:CEN:jrb

cc: File

EASTERN AVENUE - DUAL HIGHWAY

C.H.K.-13-24

Filed for Record with Deed
from Middle River House Inc.
to Bernard H. Reuchman
May 21, 1942
Not. *Albert E. Power*
Date

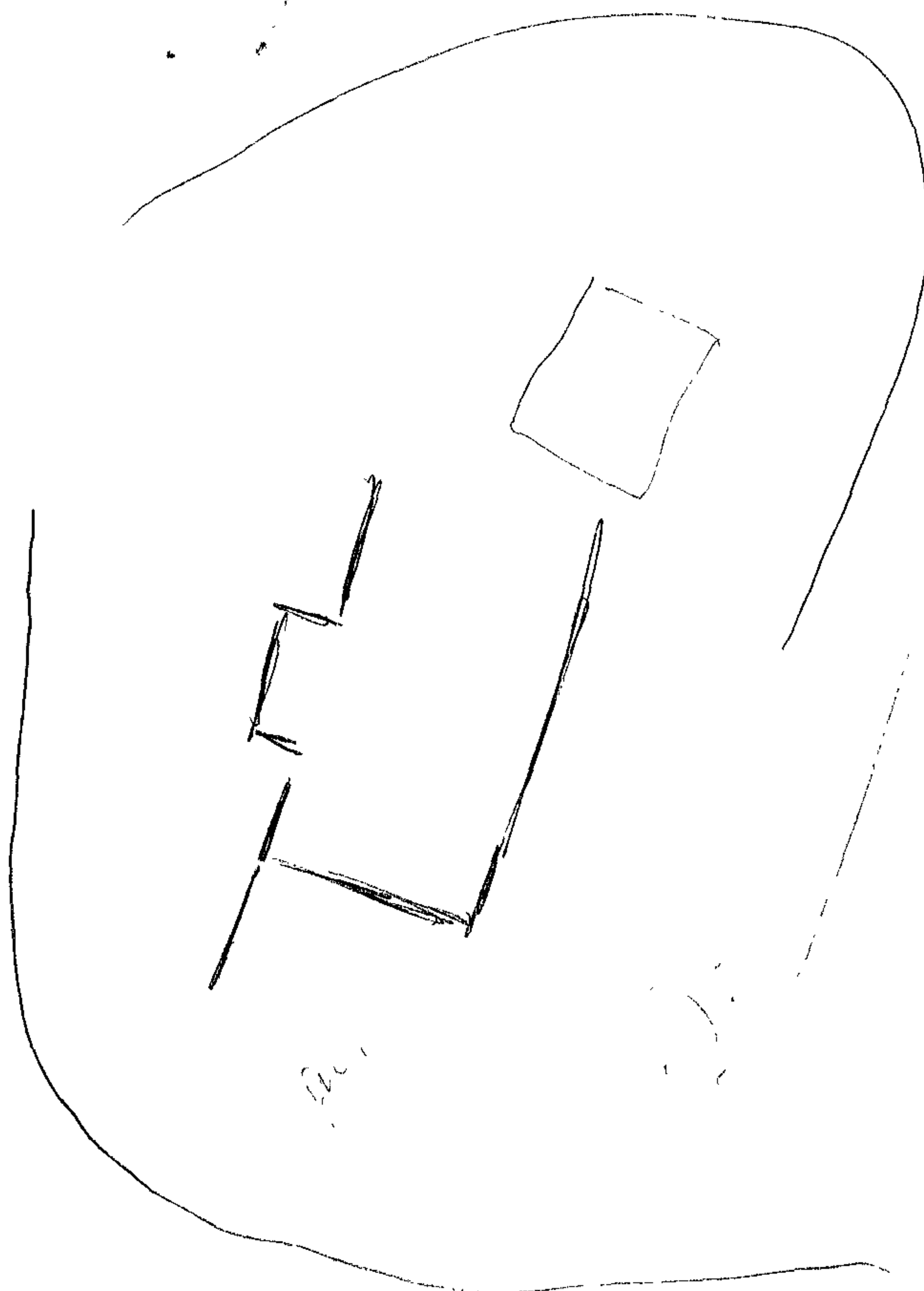


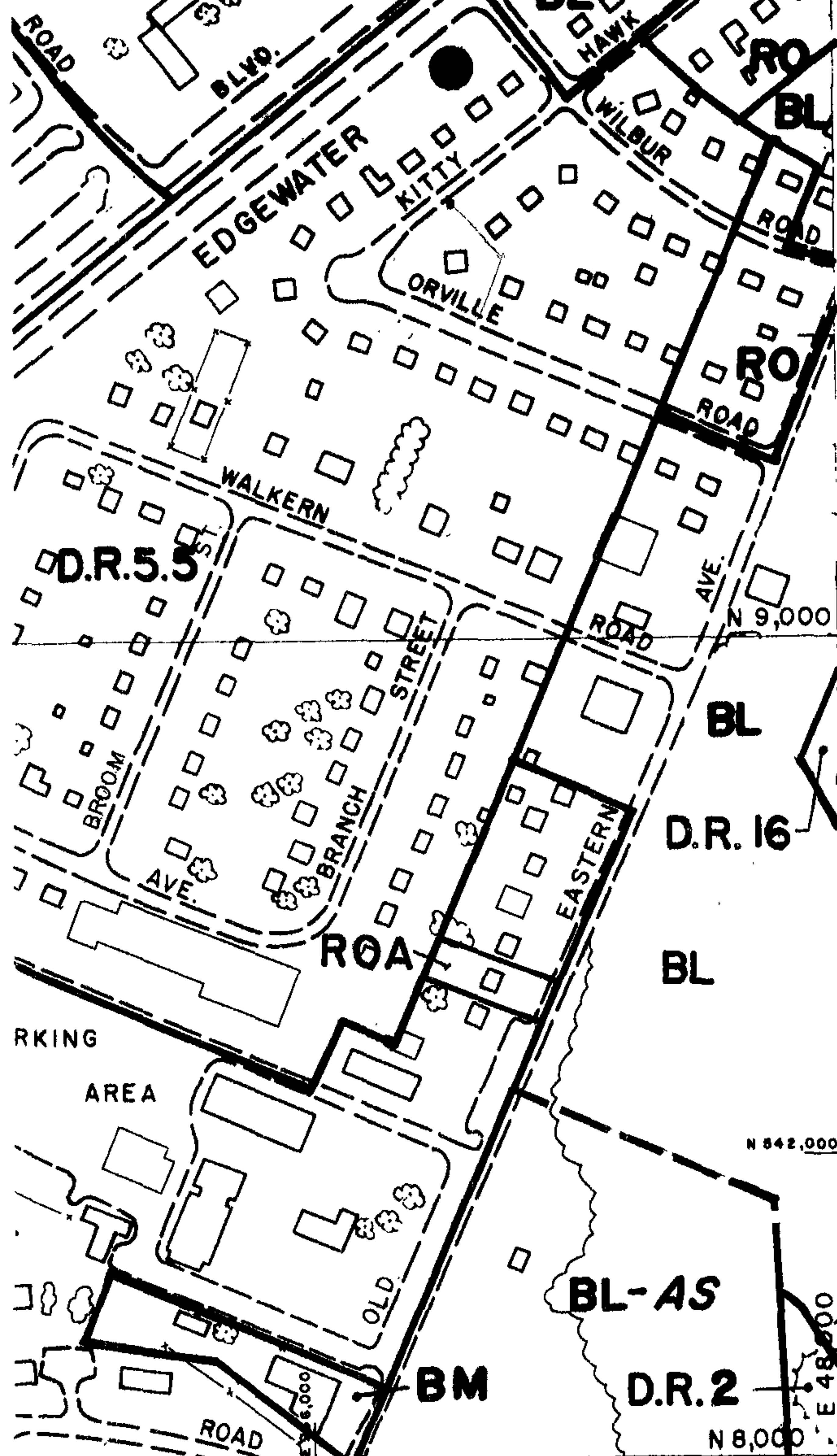
SECTION ONE
EDGEWATER ADDITION
15th District - Baltimore Co., Md

Revised May 2, 1942
Recorded May 23, 1942
ALBERT E. POWER
Surveyor & Civil Engineer
215 N. Charles St. Baltimore, Md.
Scale 1"=50' February 7, 1942

lot is 92.5 ft. wide

#445





LOCATION

SHEET

STEMMERS RUN
AERO ACRES

N. E.
3-H

NE 3 H

#445

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 1807 Kittyhawk Road
SUBDIVISION NAME Edgewater
PLAT BOOK # 13 FOLIO # 24 LOT # 42 SECTION # 1
OWNER Gene & Sue Kleman

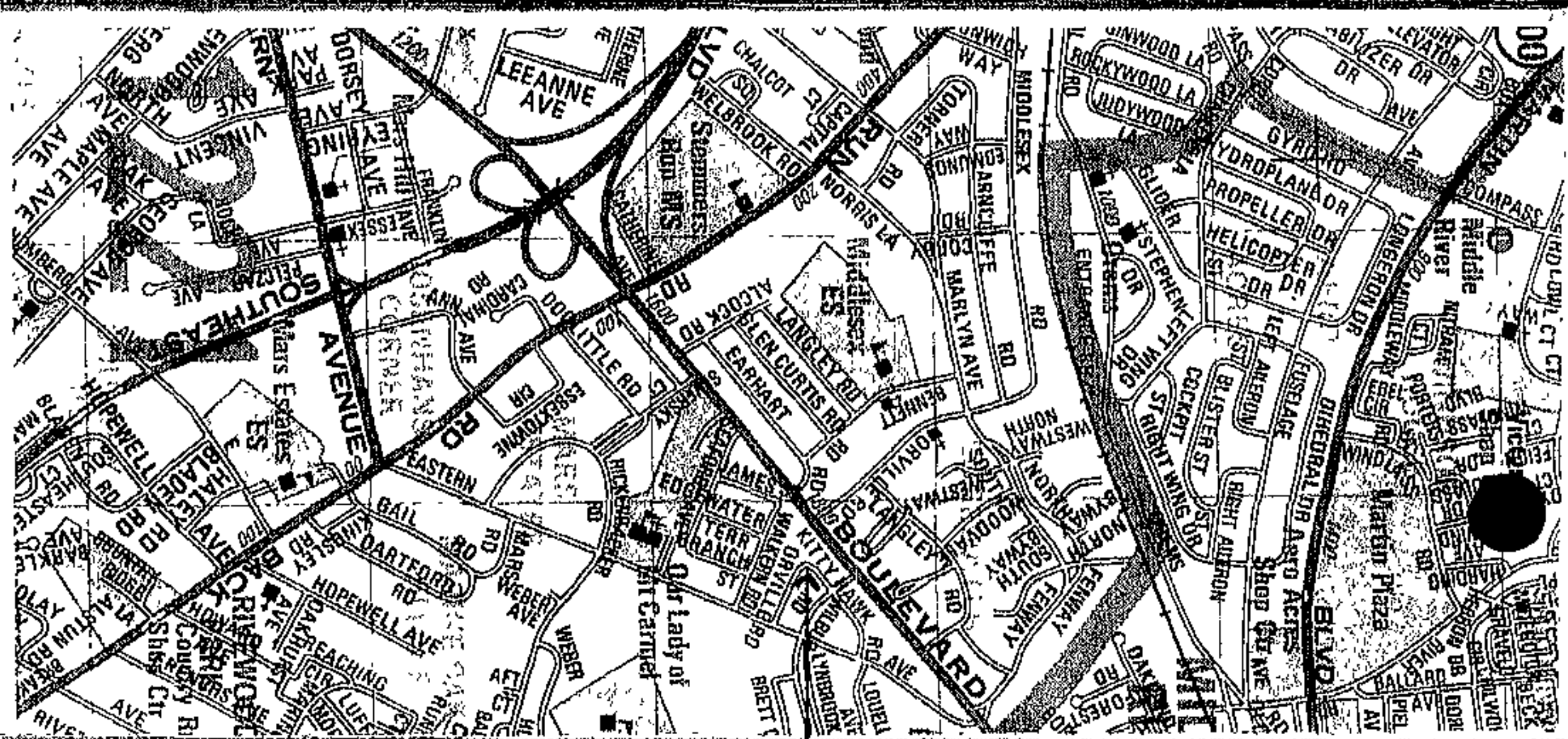
PREPARED BY Gene Kleman

SCALE OF DRAWING: 1" = 20'



Plot OK #1

W. Sub 20



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 6th
1" = 200' SCALE MAP # NE 3-H
ZONING D.R.-5.5

LOT SIZE 6,776 SQUARE FEET

SEWER	☒ PUBLIC	☐ PRIVATE
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARINGS	☐	☒

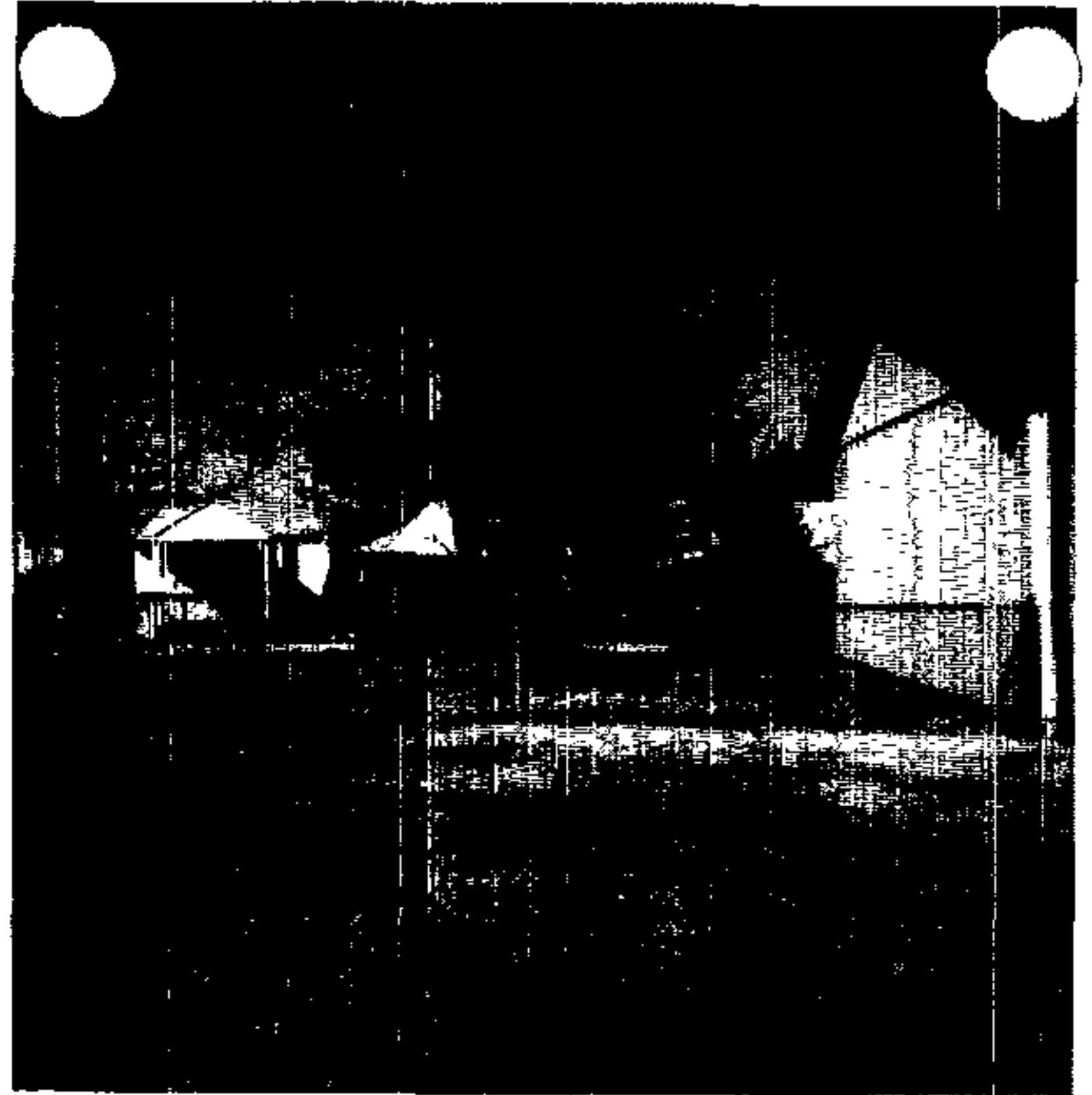
ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

SK *445* *03-445-A*

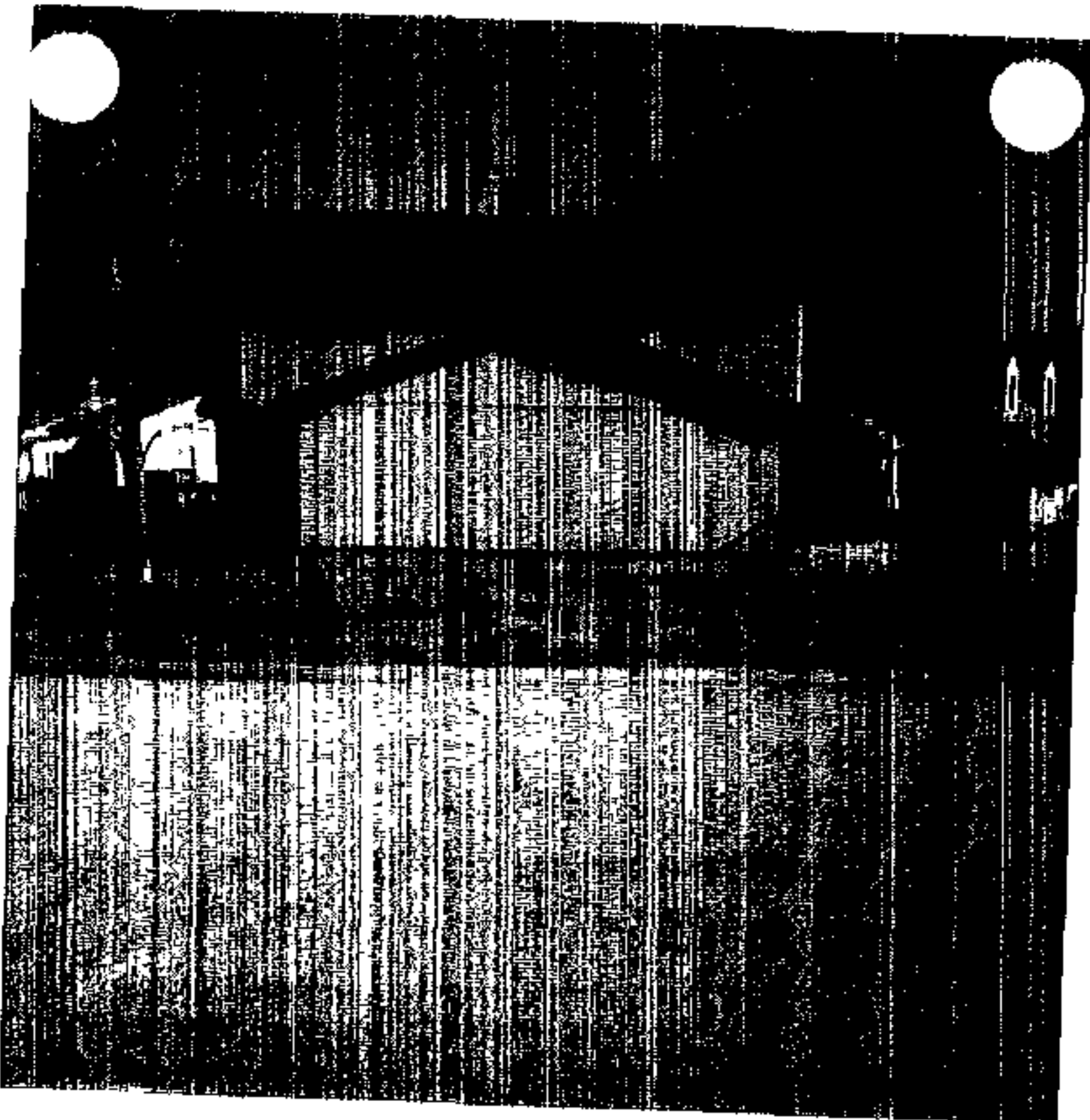
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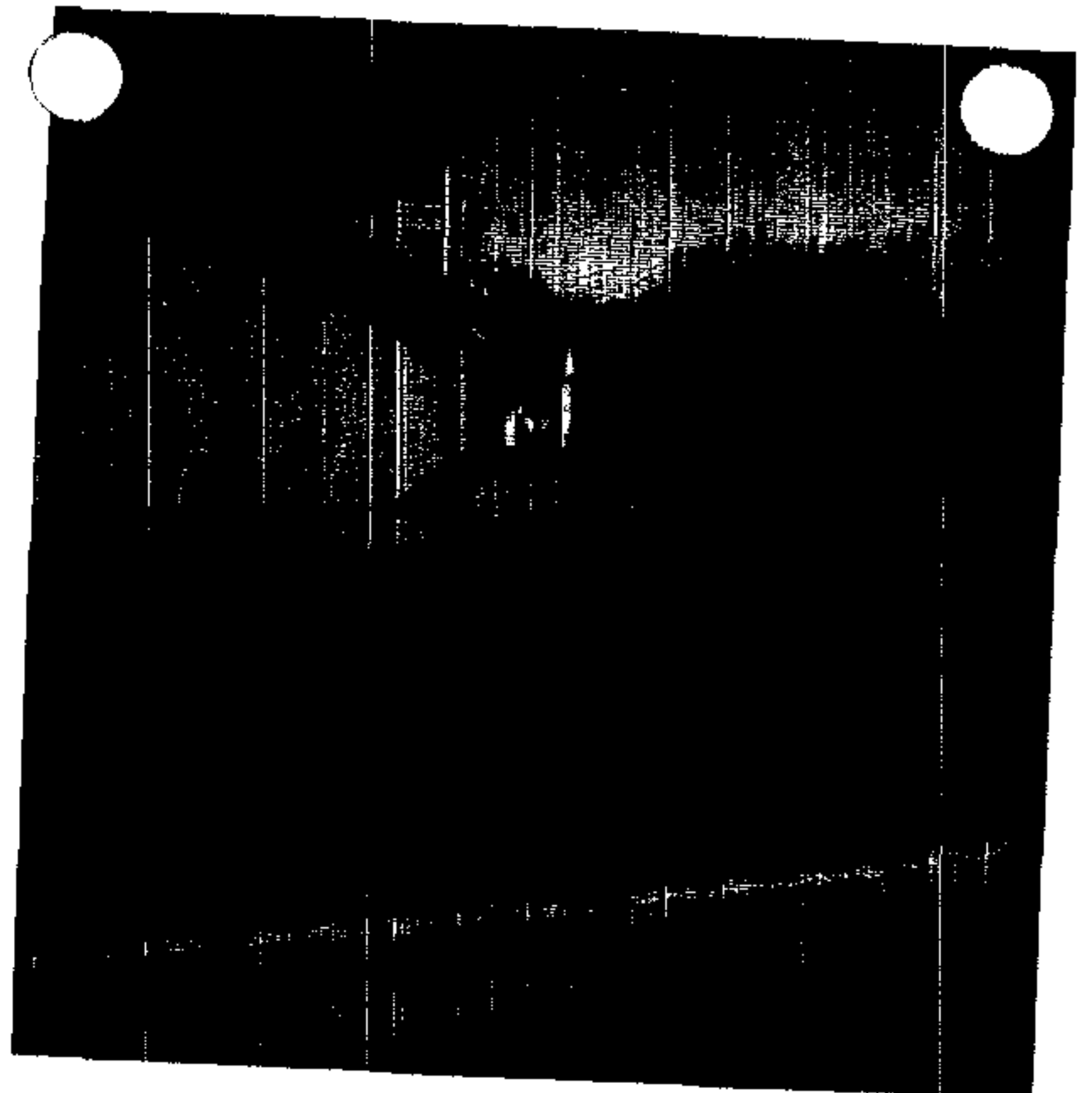
Looking At Lot #43
North West corner



Stake in ground by gate
gate shows proposed
addition



West side of house



Looking At Lot #41
From S.W. corner



Looking At Back of
House in Line with
Lot # 41