

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
S/S of Kittyhawk Road, 50' S/W of	
C/l of Wilbur Road	* ZONING COMMISSIONER
(1807 Kittyhawk Road)	
15 th Election District	* OF BALTIMORE COUNTY
6 th Council District	
	* Case No. 06-484-A
Eugene & Susan Kleman	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Eugene and Susan Kleman. The Petitioners request variance relief from Section 400.1d(2)(A) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) to permit a setback of 6 feet in lieu of the required 25 feet to the street right-of-way for an accessory structure (in-ground swimming pool) located in the rear yard of a double frontage lot. The subject property and requested relief are more particularly described on the Plat to Accompany marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

There were no adverse Zoning Advisory Committee (ZAC) comments from any

ORDER RECEIVED FOR FILING
 Date 5-10-06
 By [Signature]

County reviewing agency; however, a letter was received from one of the neighbors who voiced opposition. Mr. Robert Warnick, who resides at 13 East Orville Road, has a few concerns as follows: He is concerned about the setback requirements, problems caused by noise, the possibility of the bushes that border his property line not surviving due to chlorinated water damage, and since his property is on a slight incline, water from the pool ending up on his property. Mr. Klemen does not believe the use will adversely affect his neighbor and has agreed not to use traditional chlorine by-products but an Aqua Pure filter system which is environmentally friendly. Based upon the comments made and the information contained within the case file, I am persuaded to grant the requested relief. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

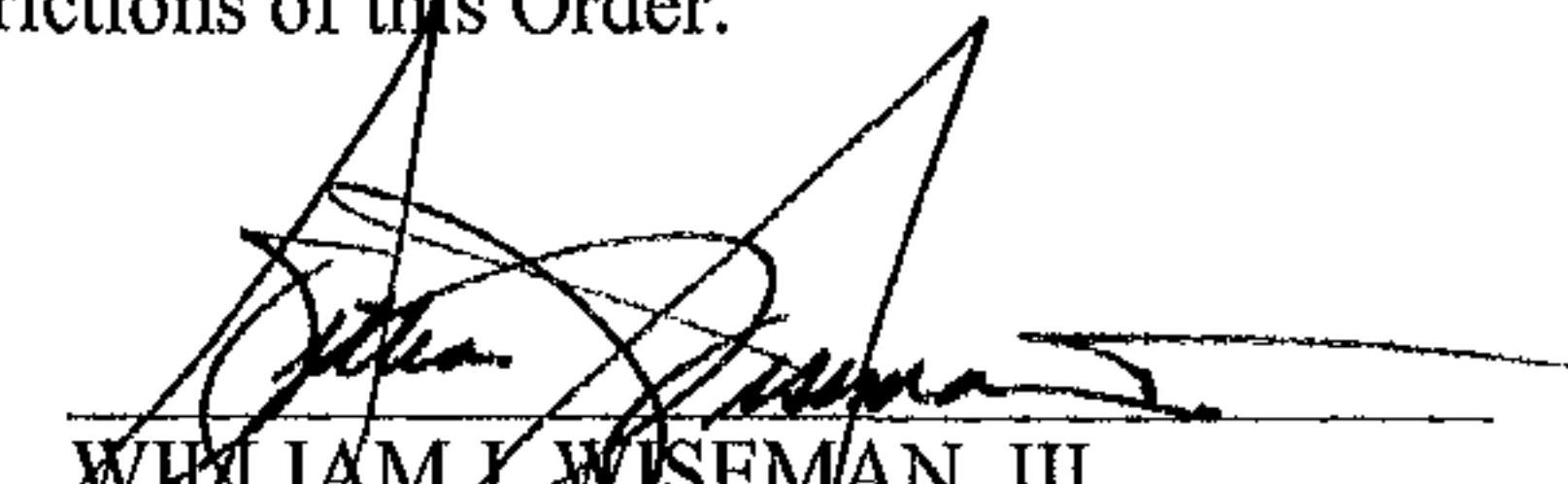
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 400.1.d(2)(A) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) to permit a setback of 6 feet in lieu of the required 25 feet to the street right-of-way for an accessory structure (in-ground swimming pool) located in the rear yard of a double frontage lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall install a black background fence and landscape the area parallel between the pool and Orville Road to buffer the pool's appearance from the neighbors and vehicles traveling on the right-of-way.

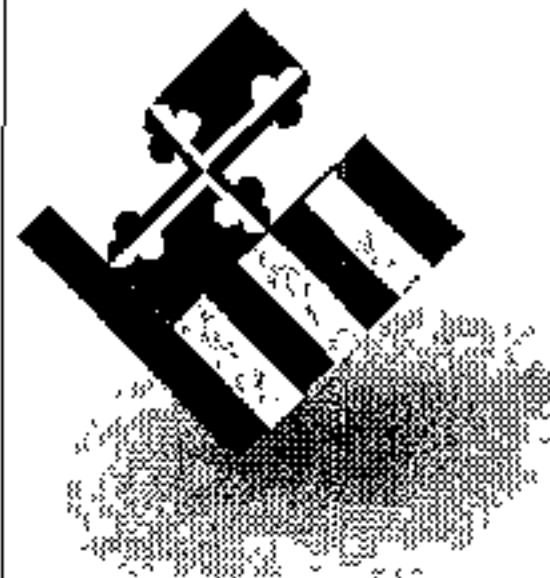
ORDER RECEIVED FOR PLANNING
Date 5-10-06
By [Signature]

- 3) The Petitioners shall use the Aqua Pure filter system to purify their pool water as opposed to traditional chlorine by-products.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

COPIES RECEIVED FOR FILING
Date 5-10-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S of Kittyhawk Road, 50' S/W of c/l of Wilbur Road
(1807 Kittyhawk Road)
15th Election District – 6th Council District
Eugene & Susan Klemen- Petitioners
Case No. 06-484-A

Dear Mr. & Mrs. Klemen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Mr. Robert Warnick, 13 East Orville Road
Baltimore, Md. 21221
People's Counsel; Case File



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)

see attached

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3 day of April, 2006, 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.

Legal Owner(s):

EUGENE KLEMAN
Name - Type or Print

Eugene B. Klemm
Signature

SUSAN KLEMAN
Name - Type or Print

Susan T. Klemm
Signature

1807 Kittyhawk Rd.
Address

Baltimore Md. 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By BH Date 4/5/06

Estimated Posting Date 4/16/06

CASE NO. 06-484-A

REV 10/25/01

ORDER RECEIVED FOR FILING
Date 4/11/06
By [Signature]

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 Baltimore 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):

Homeowners wish to have an inground pool located in rear yard. Due to the fact the property is a doubled-fronted lot, we need to request a variance.

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 5th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Catherine S. Popelarski
Notary Public
My Commission Expires 4-08-09

400.1.d(2)(A) (Zoning Commissioner's Policy Manual) to permit a setback of 6 ft. in lieu of the required 25 ft. to the street right-of-way for an accessory structure (in-ground swimming pool) located in the rear yard of a double frontage lot.

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. **3327**

DATE _____ ACCOUNT _____

AMOUNT \$ _____

RECEIVED FROM: _____

FOR: _____

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID TO THE
BALTIMORE COUNTY
OFFICE OF BUDGET & FINANCE
FOR THE PURPOSES OF
THE BALTIMORE COUNTY
OFFICE OF BUDGET & FINANCE
ON 07/10/2007
BY: [Signature]
CASHIER: [Signature]

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-484-A

Petitioner/Developer: EUGENE F

SUSAN KLEMAN

Date of Hearing/Closing: 5-1-06

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

ATTN: Kristen Matthews {(410) 887-3394}

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 sign(s) were posted on 4-16-06
(Month, Day, Year)

Sincerely,

Robert Black 4-18-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

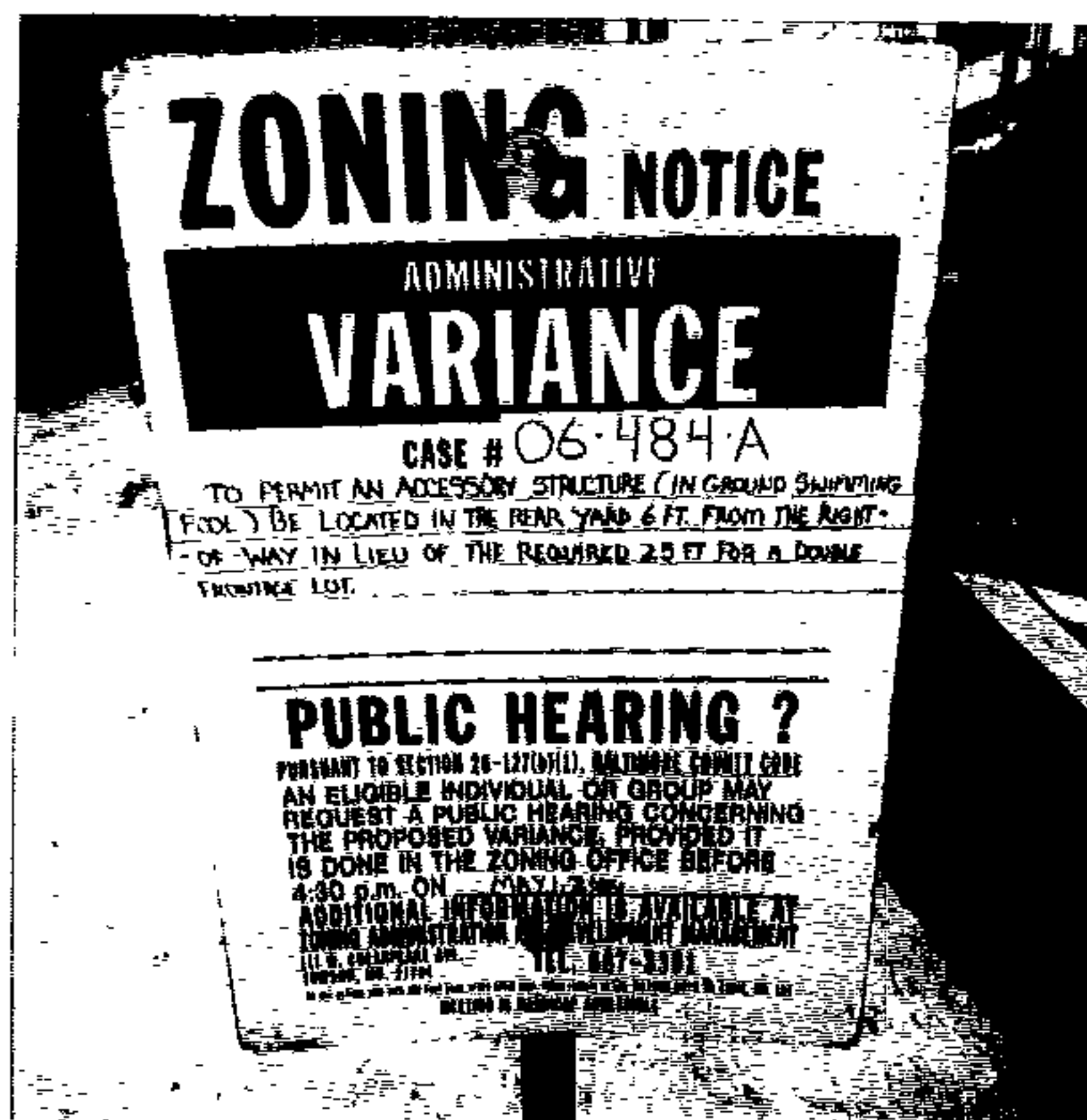
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 484 -A Address 1807 Kittyhawk Rd.

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

Filing Date: 4/5/06 Posting Date: 4/11/06 Closing Date: 5/1/06

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 06- 484 -A Address 1807 Kittyhawk Rd.

Petitioner's Name Eugene & Susan Klerman Telephone 410 - 391 - 4188

Posting Date: 4/16/06 Closing Date: 5/1/06

Wording for Sign: To Permit an accessory structure (in-ground swimming pool)
be located in the rear yard 6 ft. from the right-of-way in lieu
of the required 25 ft. for a double frontage lot.

WCR - Revised 6/25/04

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: 06-484-A

Petitioner: Susan & Eugene Klemm

Address or Location: 1807 Kittyhawk Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Eugene Klemm

Address: 1807 Kittyhawk Rd.
Ba. Co. Md. 21221

Telephone Number: 410-391-4188



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)

see attached

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of April, 2006, 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.

Legal Owner(s):

EUGENE Klemm
Name - Type or Print

Eugene B. Klemm
Signature

SUSAN Klemm
Name - Type or Print

Susan L. Klemm
Signature

1807 Kittyhawk Rd
Address

410-391-4188
Telephone No.

Baltimore Md.
City State

21221
Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By BA Date 4/5/06

Estimated Posting Date 4/16/06

CASE NO. 06-484-A

REV 10/25/01

ORDER RECEIVED FOR FILING

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

Address 1807 Kitty Hawk Rd.
City Baltimore State Md. Zip Code 21221

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):

Homeowners wish to have a inground pool located in rear yard. Due to the fact the property is a double-fronted lot, we need to request a variance.

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

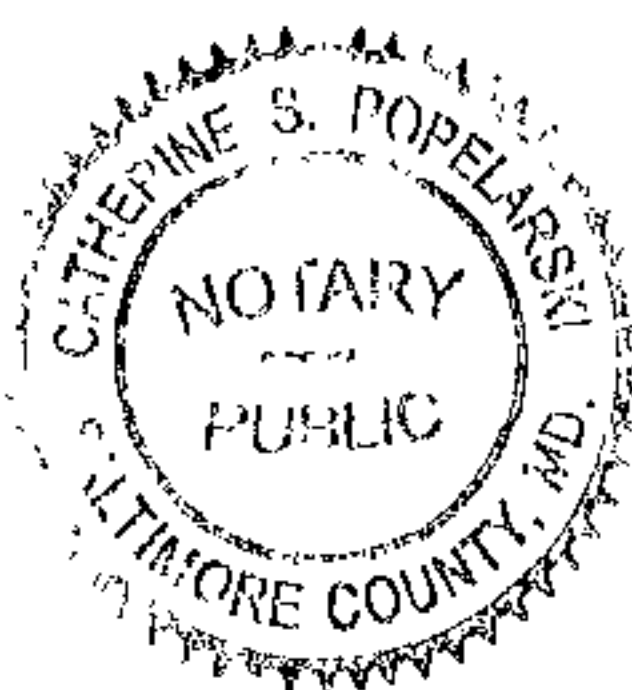
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Catherine S. Popelarsky
Notary Public
My Commission Expires 4-08-09



**Department of Permits
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

May 1, 2006

Eugene Kleman
Susan Kleman
1807 Kittyhawk Road
Baltimore, MD 21221

Dear Mr. and Mrs. Kleman:

RE: Case Number: 06-484-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 April 5, 2006.

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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a long, sweeping "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

April 19, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 17, 2006

Item Numbers: 484 through 490

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

FROM: ^{DM} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2006
Item Nos. 484, 485, 486, 487, 488, and 490

DATE: April 18, 2006

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-04182006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 26, 2006

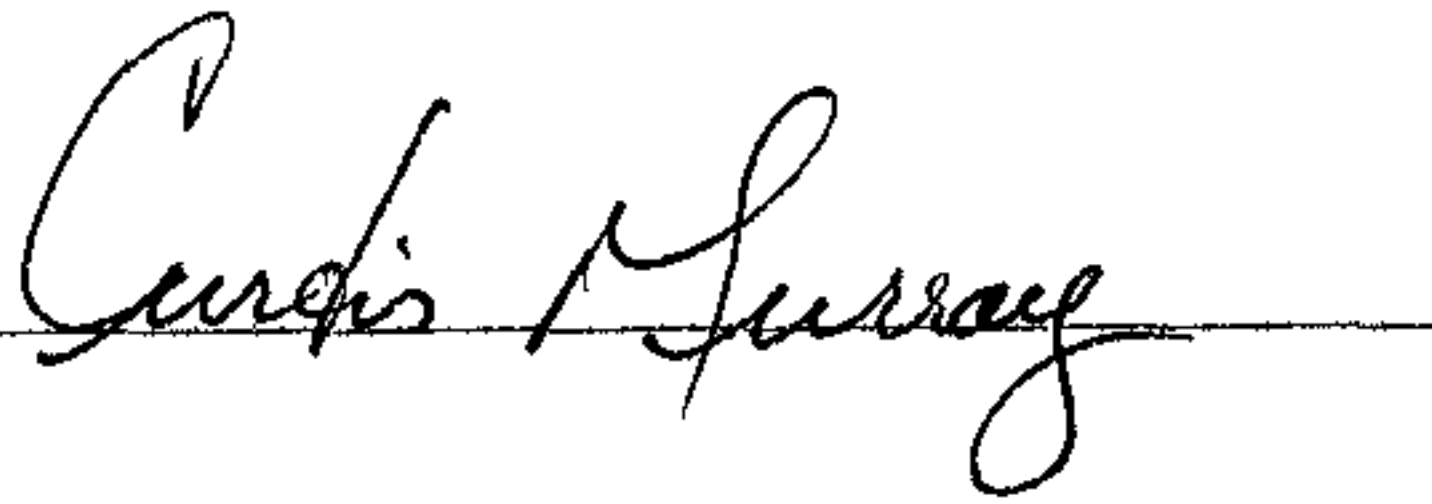
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-484- Administrative Variance

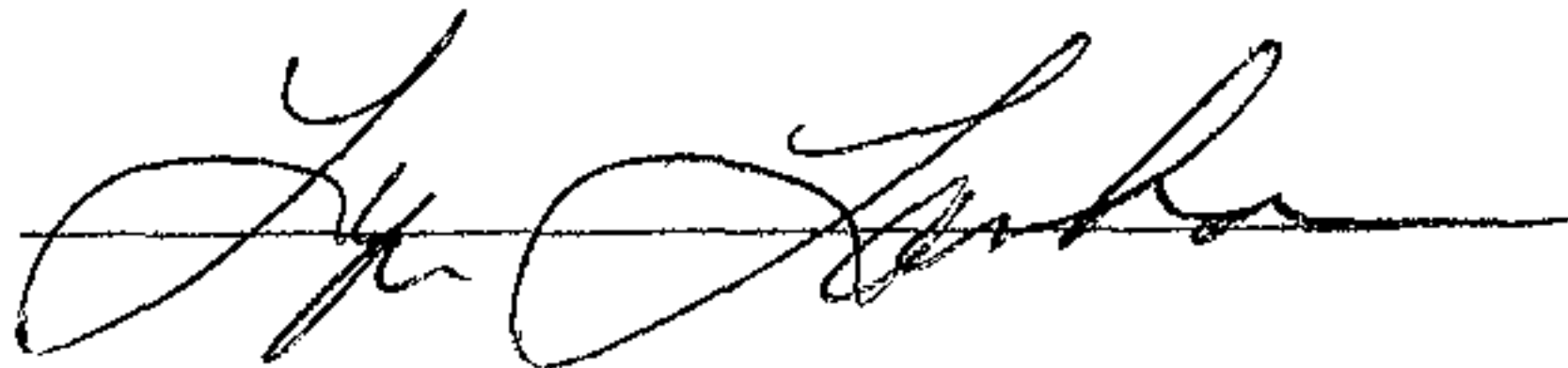
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

6-484-1

MAY - 1 2006

OFFICE OF PLANNING

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



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

Maryland Department of Transportation

Date: 4.14.06

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

RE: Baltimore County
Item No. 484 BPR

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

4-18-06

Robert Warnick
13 East Orville Rd.
Balto. Md. 21221

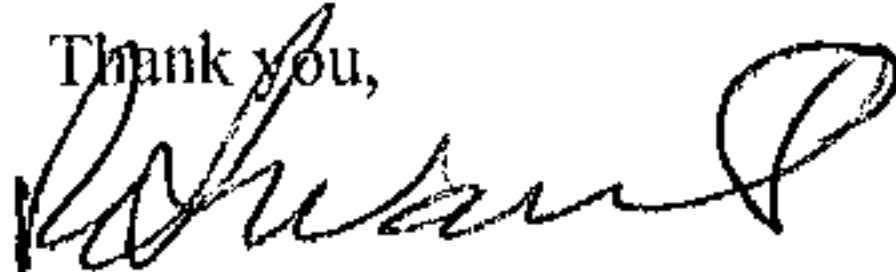
Phone: 410-687-0119

Reference Case #: 06484a

LETTER OF CONCERN

This letter is in reference to a Mr. Eugene Kleman request to allow him to put an in ground pool within 6' of the main road and my property line. The set back required for in ground pool is 25' from the road or property line. If you measured 25' from the road or property line you would be in his house. Please take into consideration the problems that are usually caused by a pool. Noise and chlorinated water getting on my bushes that border the property line, the bushes will not survive. Our property is on a slight incline and all the water from the pool will end up on my property. Mr. Kleman should be made aware that he doesn't have acres of property, and that he can not infringe on other property owners' rights to enjoyment of their property. Zoning has these set back established to protect the property owners and they should be enforced. Again I ask that my concerns be taken into consideration when you are making your decision.

Thank you,



Robert Warnick

Smk
4/21 A

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Kittyhawk Road, 230' SW		
centerline of Wilbur Road	*	DEPUTY ZONING COMMISSIONER
15th Election District		
6th Councilmanic District	*	OF BALTIMORE COUNTY
(1807 Kittyhawk Road)		
	*	CASE NO. 03-445-A
Susan L. & Eugene B. Kleman	*	
<i>Petitioners</i>	*	

* * * * *

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.

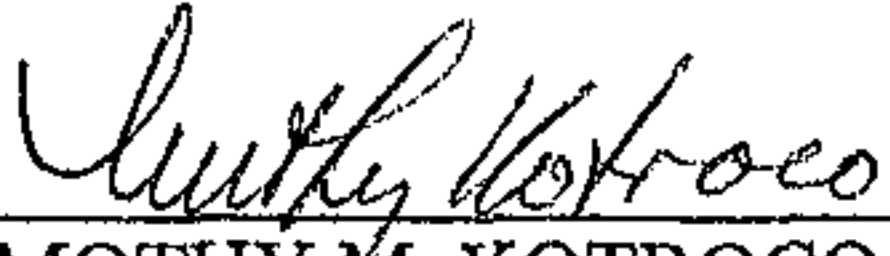
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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

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

Click here for a plain text ADA compliant screen.

 Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search Ground Rent
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Account Identifier: District - 15 Account Number - 1502573560

Owner Information

Owner Name:	KLEMAN EUGENE B KLEMAN SUSAN L	Use:	RESIDENTIAL
Mailing Address:	1807 KITTY HAWK RD BALTIMORE MD 21221-1437	Principal Residence:	YES
		Deed Reference:	1) / 6576/ 663 2)

Location & Structure Information

Premises Address						Legal Description			
1807 KITTYHAWK RD						EDGEWATER			
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
90	17	605			1		42	3	Plat Ref: 13/ 24
Special Tax Areas				Town Ad Valorem Tax Class					
Primary Structure Built			Enclosed Area		Property Land Area			County Use	
1942			2,802 SF		6,776.00 SF			04	
Stories		Basement		Type			Exterior		
2		NO		STANDARD UNIT			SIDING		

Value Information

	Base Value	Value As Of	Phase-In Assessments	
		01/01/2006	As Of 07/01/2005	As Of 07/01/2006
Land:	26,190	36,280		
Improvements:	79,340	136,540		
Total:	105,530	172,820	105,530	127,960
Preferential Land:	0	0	0	0

Transfer Information

Seller: BOWLES HAROLD G	Date: 08/19/1983	Price: \$58,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6576/ 663	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

SUNRISE POOLS**F A X**

1460 RITCHIE HIGHWAY SUITE 108

ARNOLD, MD 21012 410-349-3852 877-349-7665

TO	Mr. Wiseman	FROM	Scott
ATTN		# PAGES	7
FAX #	410-887-3408	DATE	5/10/06
RE:		FAX #	410-349-3668

COMMENTS:

Mr. Wiseman,

The Kleman's pool will include the following two items. The first is a Cartridge Filter which does not require backwashing. The second item is an Aqua Pure to sanitize the pool. IF you have any questions please call 677-349-7665

Ask for Scott or Kip

Jandy®



*Experience
a higher quality of water
your family will purely enjoy.*

SOFT LUXURIOUS WATER

The AquaPure system utilizes water softening technology to provide wonderfully smooth, and gentle-on-the-skin water for swimming. Say goodbye to red, irritated eyes, itchy skin, green hair and even faded swimsuits.

JUST ADD SALT

Dissolve low levels of ordinary salt in your pool and watch the AquaPure system go to work. Chlorine is generated automatically and naturally in your pool. Once the chlorine's purification work is done, it automatically converts back to salt, to be used over and over again. AquaPure is a safe, economical, and environmentally friendly way of purifying your pool and spa.



THE SECRET'S IN THE CELL

The AquaPure system utilizes proprietary titanium plates, coated with precious metals, to convert salt to natural chlorine. AquaPure has an automatic "self cleaning" feature which ensures consistent operation and extends the life of the cell.



EXCLUSIVE AQUALINK RS INTERFACE FOR ULTIMATE CONVENIENCE

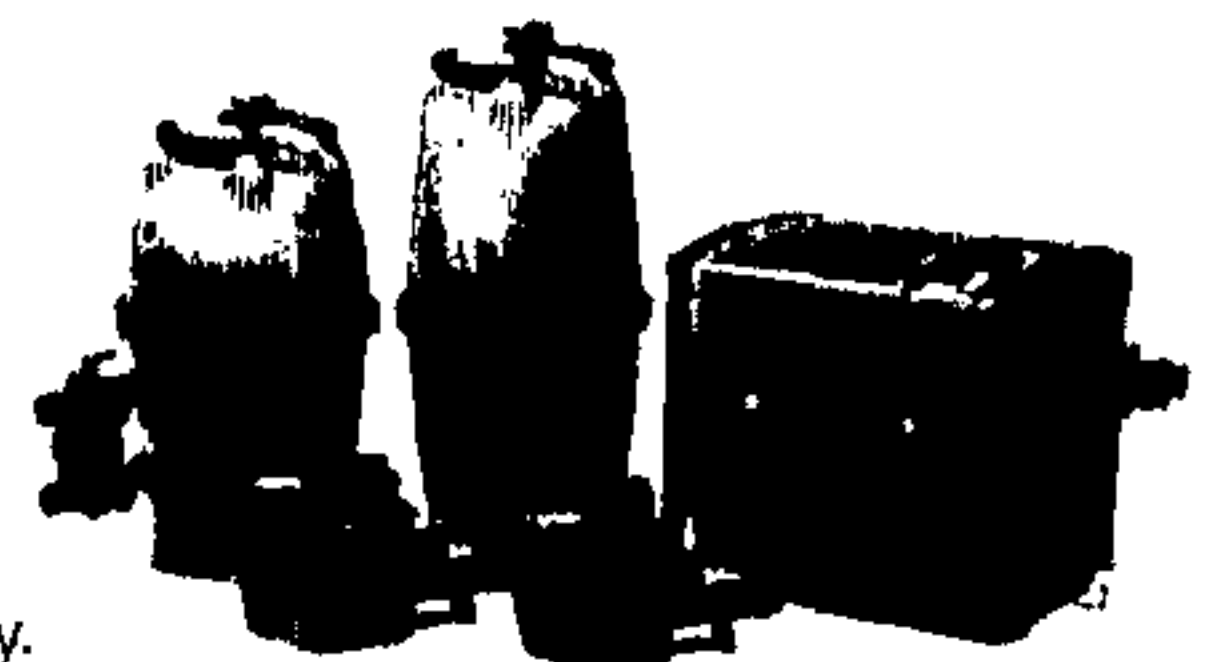


The AquaLink RS Control system brings complete control of all your pool and spa features conveniently indoors. Your AquaPure system, as well as heating, lighting, spa and water features can all be monitored and controlled from the AquaLink RS. The AquaLink RS displays salt levels, allows for adjustments to chlorine production levels, and monitors water temperatures daily while the AquaPure system is purifying your pool. Complete control —with a touch of a button.

ALL JANDY POOL AND SPA PRODUCTS WORK SEAMLESSLY TOGETHER



The Jandy AquaLink RS Control System manages our complete line of technologically advanced products. The Jandy system is designed to create a carefree backyard paradise — enhancing the overall pool and spa experience by delivering performance and reliability through technology.

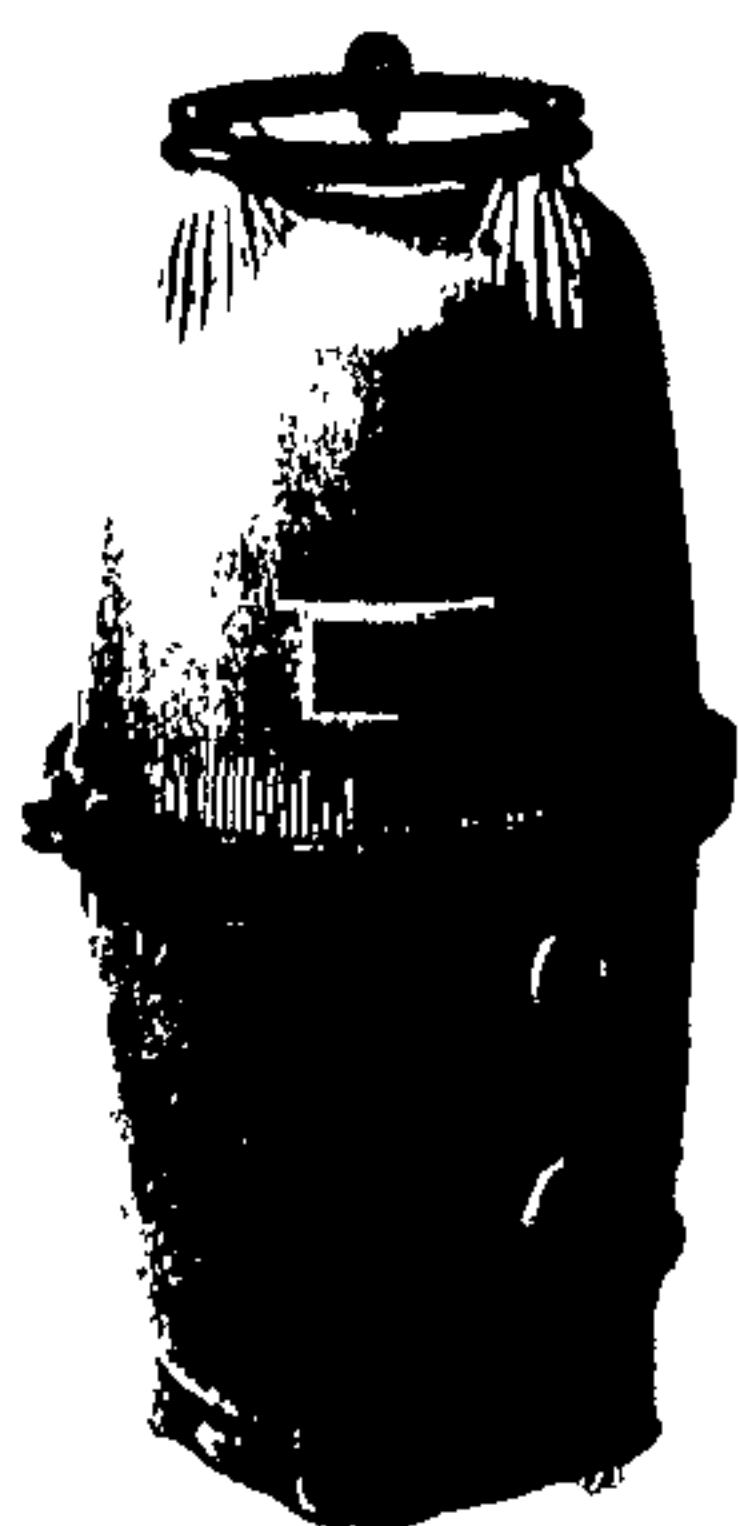


Jandy

Performance
Reliability
Technology



Perfectly Clear



Jandy sets the benchmark for cartridge filters

You will appreciate the technologically advanced, user-friendly features of the CL filter every time you jump into your pool.

HELPFUL TANK HANDLES

Designed to make filter installation and cleaning easy.



Easy Grip Handles

UNIQUE PRESSURE GAUGE/AIR RELEASE VALVE

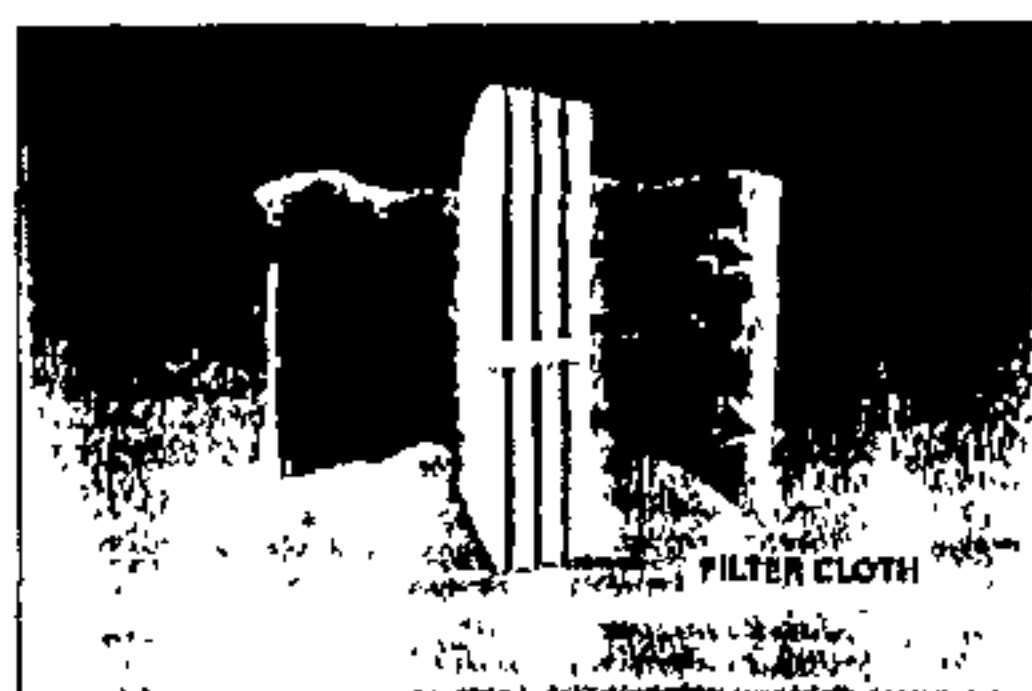
Clean/Dirty indicator gauge that can be customized for each pool makes it easy to assess filter condition.



Gauge Can Be Customized

TOUGH CONSTRUCTION

Corrosion-resistant, heavy duty injection molded tank with integrated base for strength. Latest high-tech polymeric materials for long-lasting performance.



CL Series Filter At Work

SAFETY FEATURES

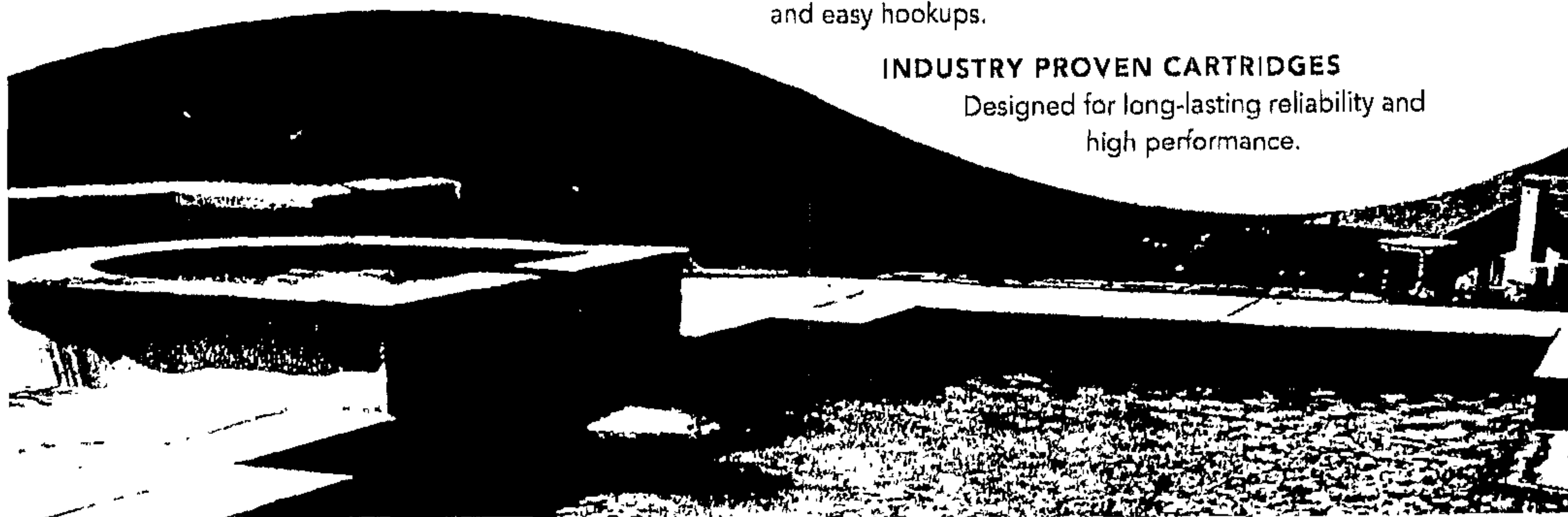
Heavy duty band clamp for safety. Continuous automatic internal air relief system for peace of mind.

STANDARD PLUMBING

Standard unions and inlet/outlet plumbing for quick and easy hookups.

INDUSTRY PROVEN CARTRIDGES

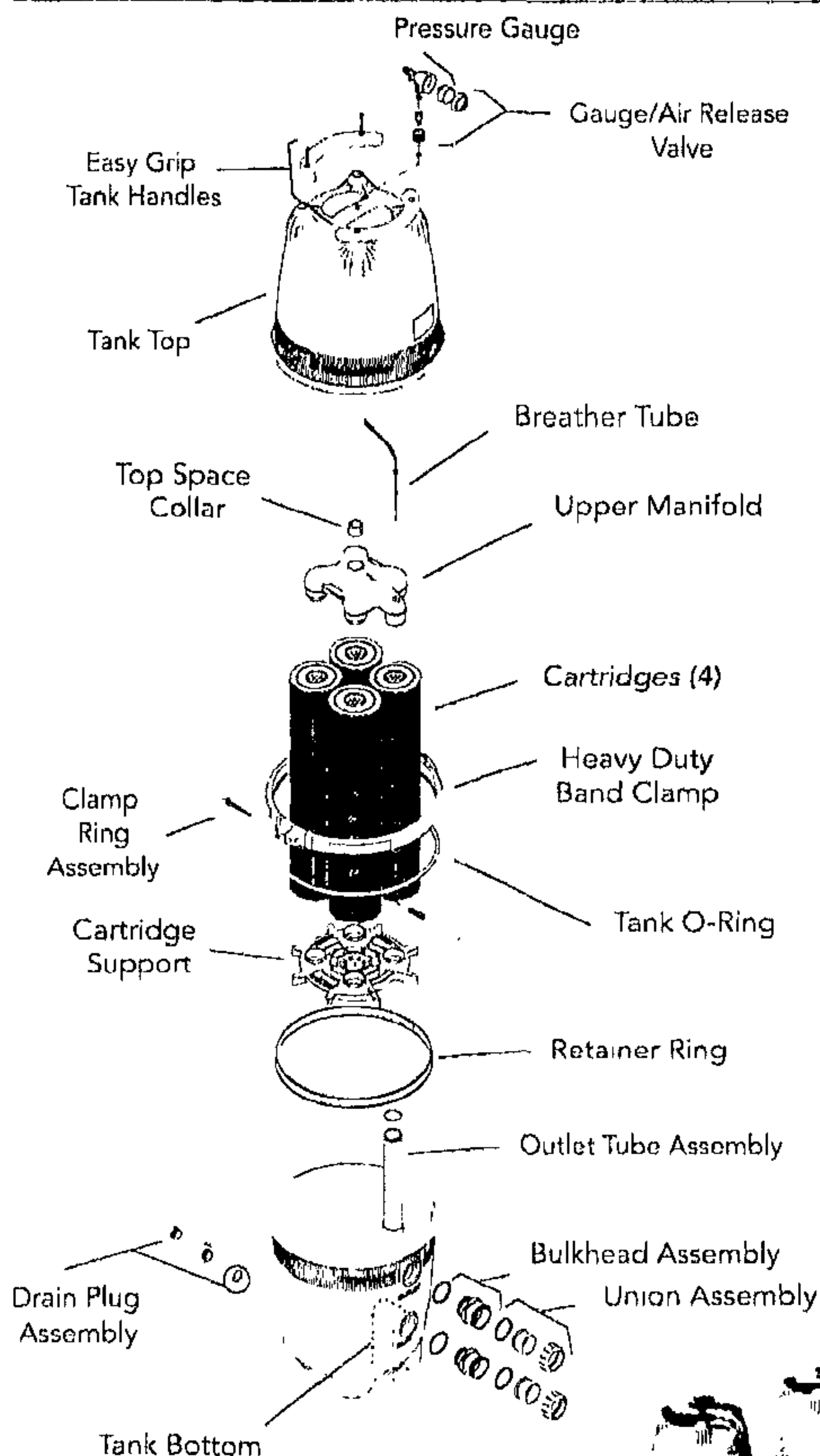
Designed for long-lasting reliability and high performance.



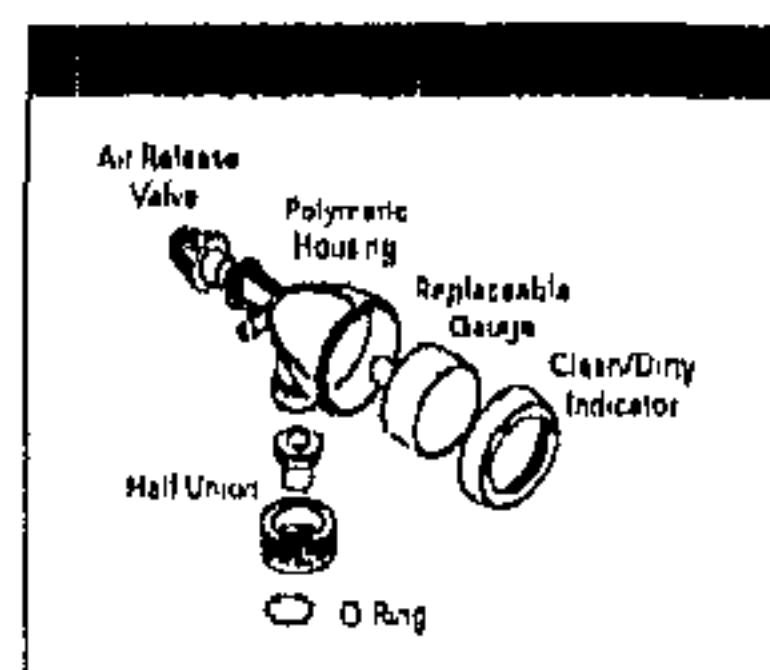
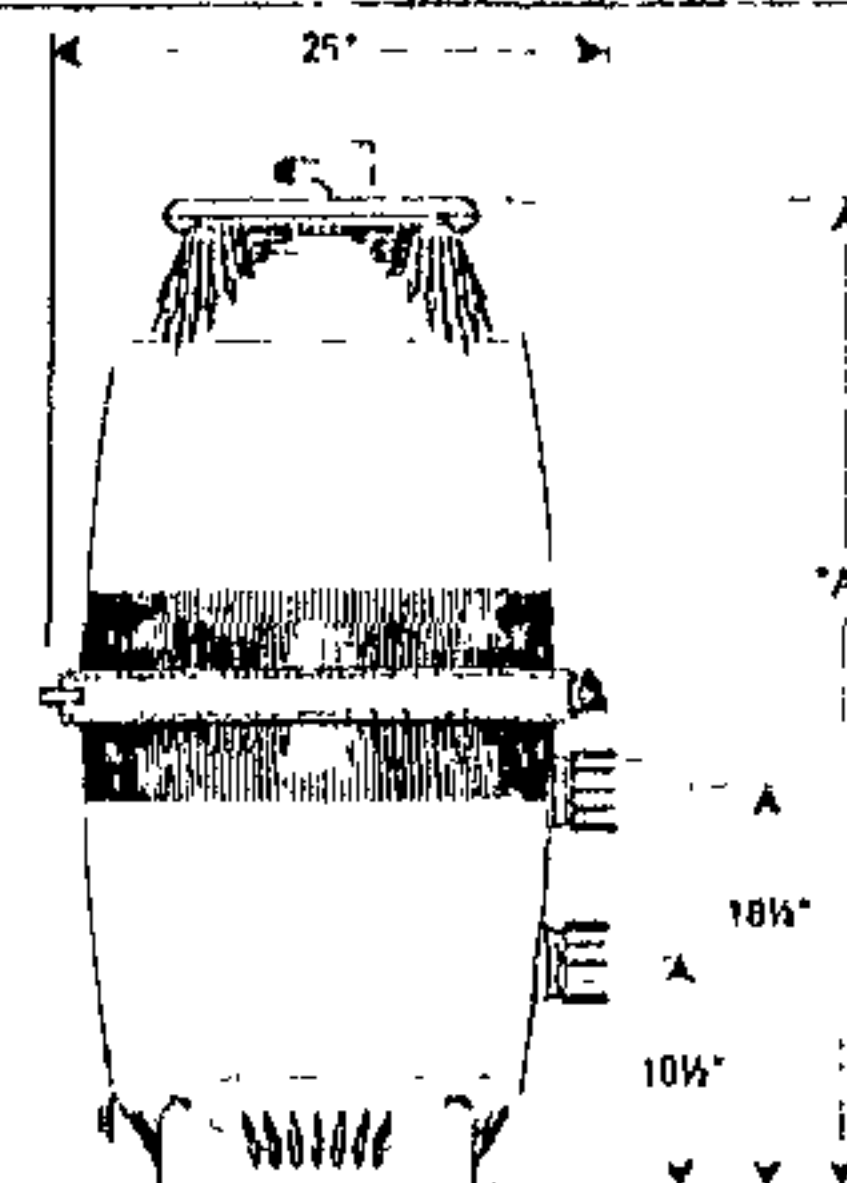
Jandy CL Filters - *Ultra* Filtration

The combination Pressure Gauge/Air Release Valve can be positioned 360° for easy viewing and the Clean/Dirty indicator can be customized for each pool to make it easy to assess filter condition.

CL Filter



Filter Dimensions



Model Number	CL340	CL460	CL580
Filter Area	340 sq. ft.	460 sq. ft.	580 sq. ft.
Design Flow Rate	1 gpm/ft. ²	1 gpm/ft. ²	1 gpm/ft. ²
Maximum Flow	135 gpm	180 gpm	225 gpm
Six Hour Capacity	48,600 gals.	64,800 gals.	81,000 gals.
Maximum Working Pressure	50 psi	50 psi	50 psi
Cartridges Required	4 (85 ft. ² each)	4 (115 ft. ² each)	4 (145 ft. ² each)
Shipping Weight	93 lbs.	95 lbs.	101 lbs.
Height (A Dim)	41 inches	41 inches	47 inches
Footprint	25 inch circle	25 inch circle	25 inch circle
Distance Between Inlet and Outlet	8 inches	8 inches	8 inches

ALL JANDY PRODUCTS WORK SEAMLESSLY TOGETHER

The Jandy AquaLink® RS Control System manages our complete line of technologically advanced products.



Jandy

Pumps • Filters • Laars Heaters • Air Energy Heat Pumps
Controls • Lights • Water Purification Systems • Valves
Water Features • Cleaners • Accessories



Jandy

AquaPure™ Water Purification System

Performance

Reliability

Technology



AquaPure™

Perfect Pool Water... Naturally

Imagine, swimming in naturally softened, silky, smooth water.

Imagine, a crystal clear pool or spa, naturally purified with ordinary salt.

Imagine, The AquaPure™ System, by Jandy Pool Products.

Add the AquaPure water purification system to your pool and what you imagine will naturally become reality — easily, economically, and automatically.

Perfect Pool Water... Naturally

The AquaPure is so efficient and trouble-free that you'll enjoy years of purifying without storing or handling hazardous chemicals. You'll save money, time and have a safer, more healthful backyard paradise.



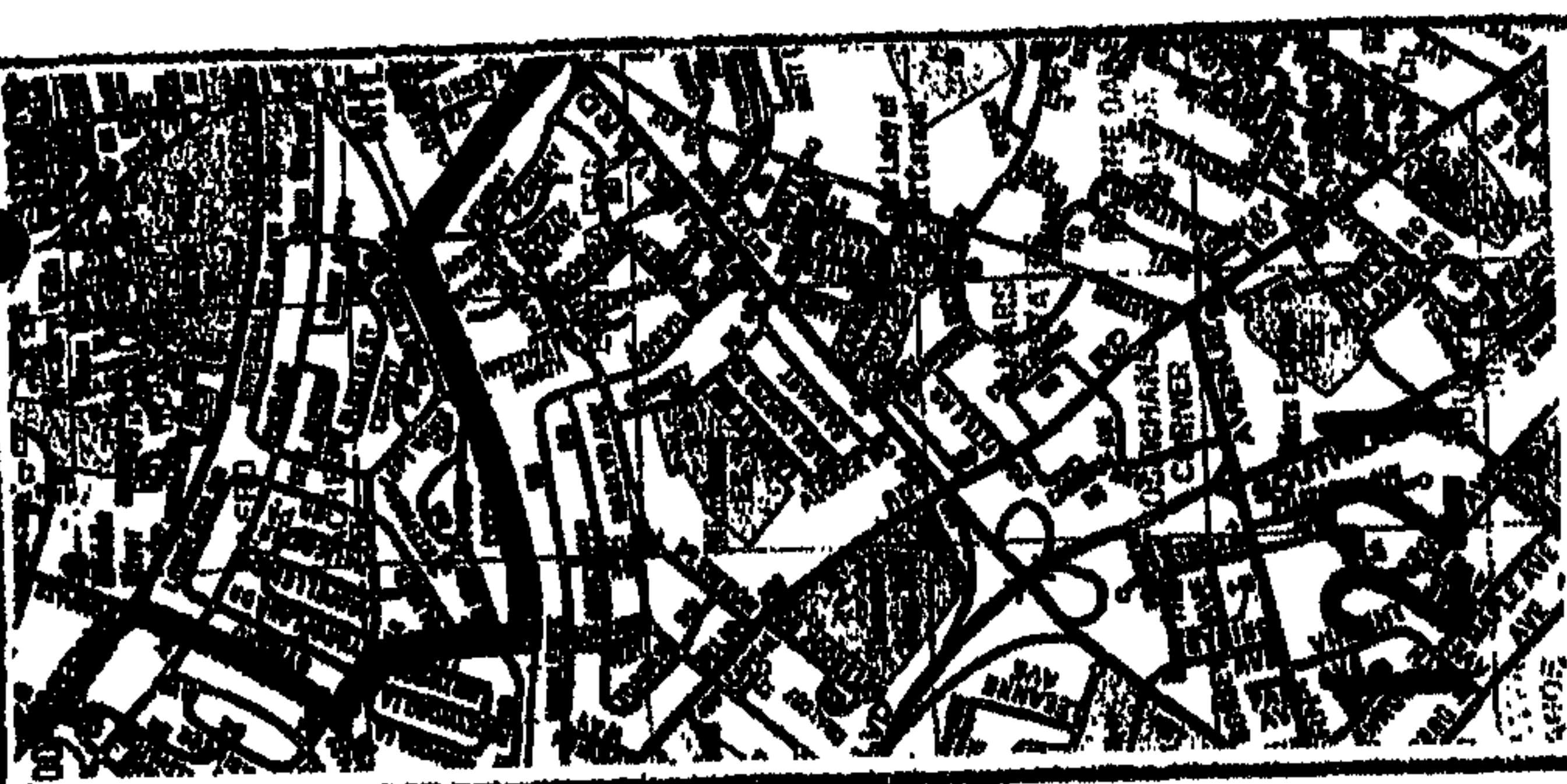
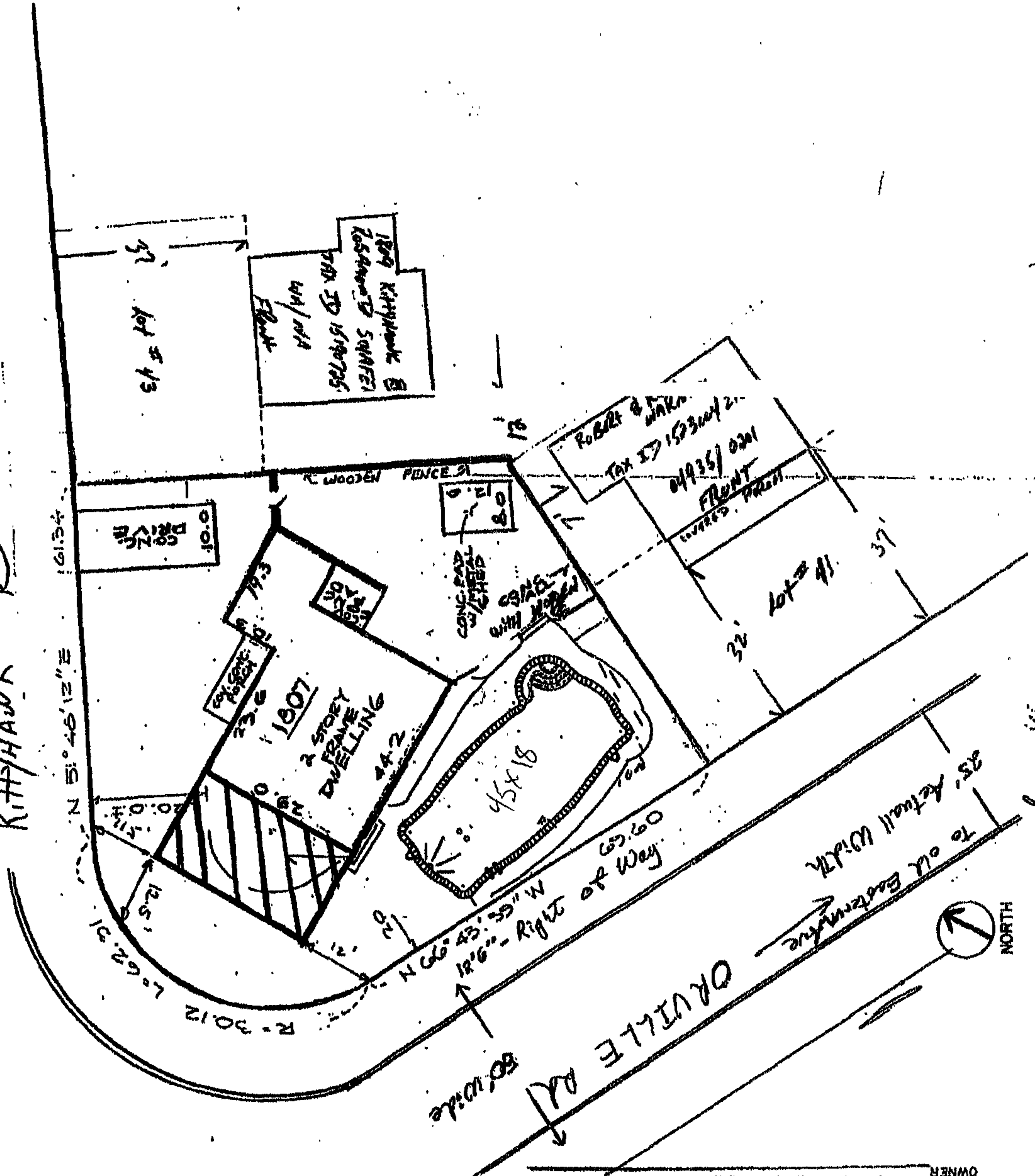
Plat to Accompany Petition For Zoning Variance

PROPERTY ADDRESS 1807 ALLEYHAWK ROAD
SUBDIVISION NAME Edgewater
PLAT BOOK # 13 FOLIO # 24 LOT # 42 SECTION # 1
OWNER Gene & Sue Klemm

PREPARED BY Gene Klemm

SCALE OF DRAWING NG: 1" = 20'

KITTYHAWK



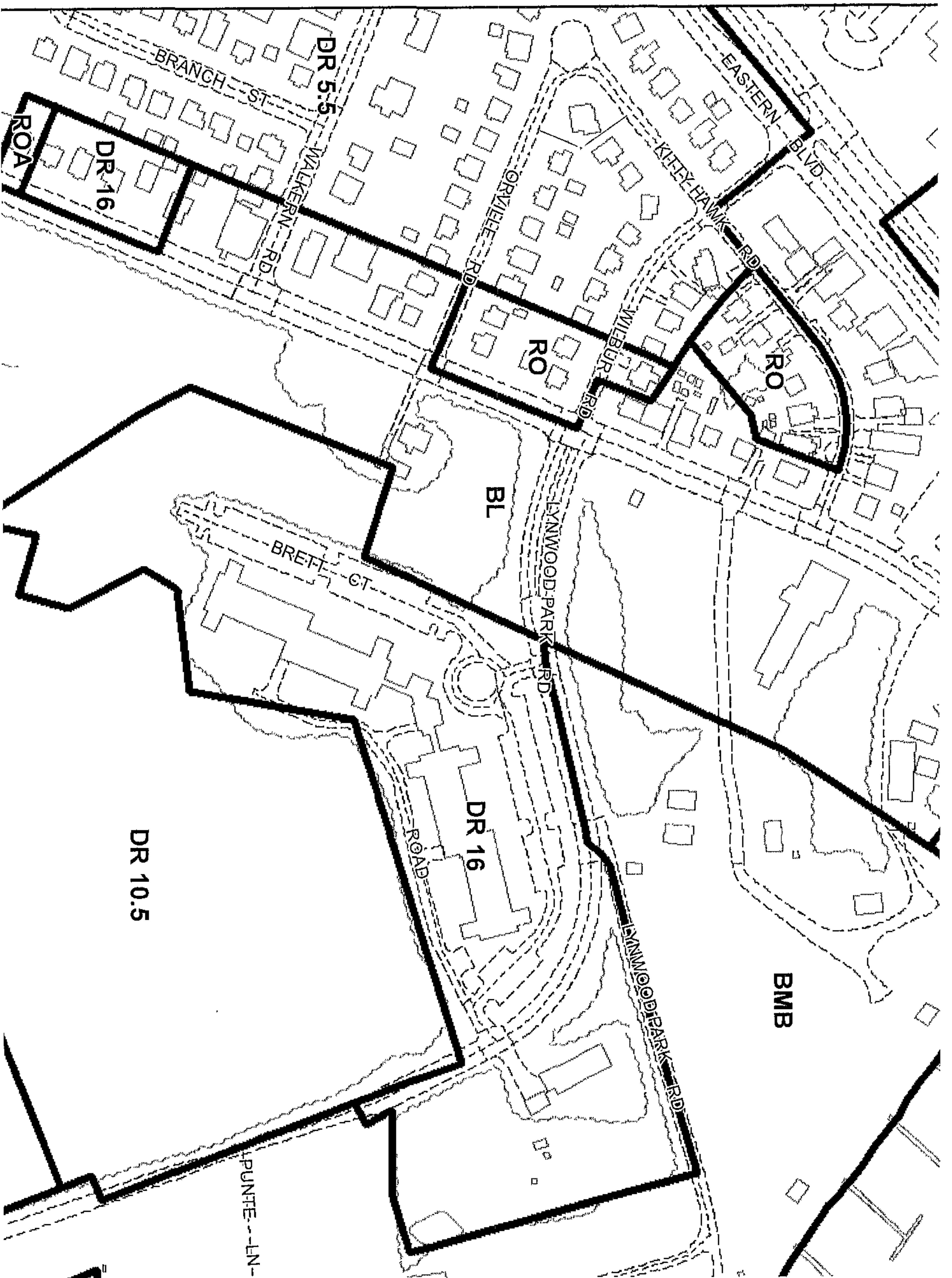
VICINITY MAP
SCALE: 1" = 2000'

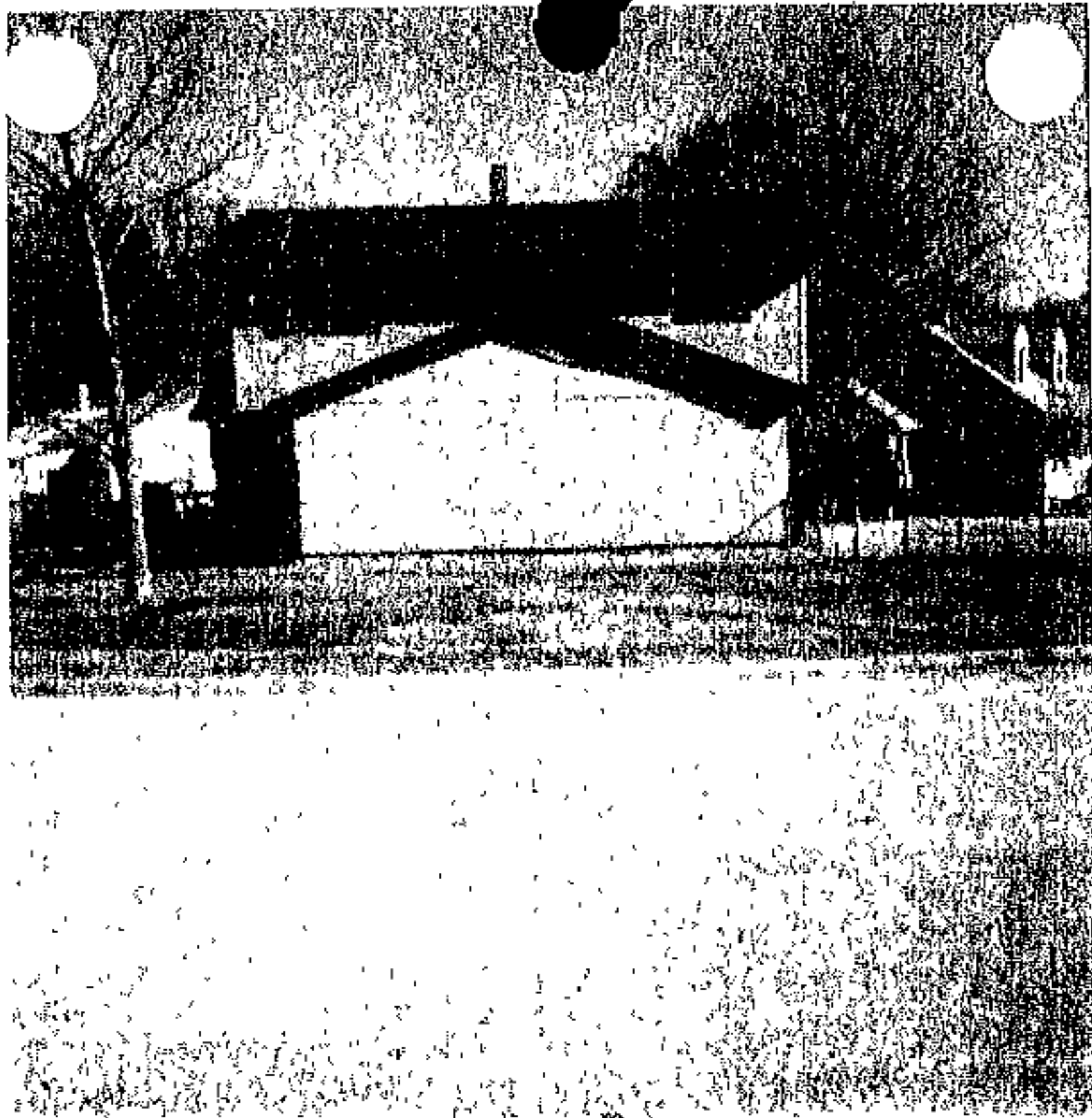
LOCATION INFORMATION
ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 6th
1" = 200' SCALE MAP # 09003
ZONING D.R.-5.5

LOT SIZE 6.776
ACREAGE
SQUARE FEET
PUBLIC ☒
PRIVATE ☐
SEWER ☒
WATER ☒
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100-YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING 03-445-A

ZONING OFFICE USE ONLY
REVIEWED BY 5A 484 106-484-#
CASE #

Ref. #1

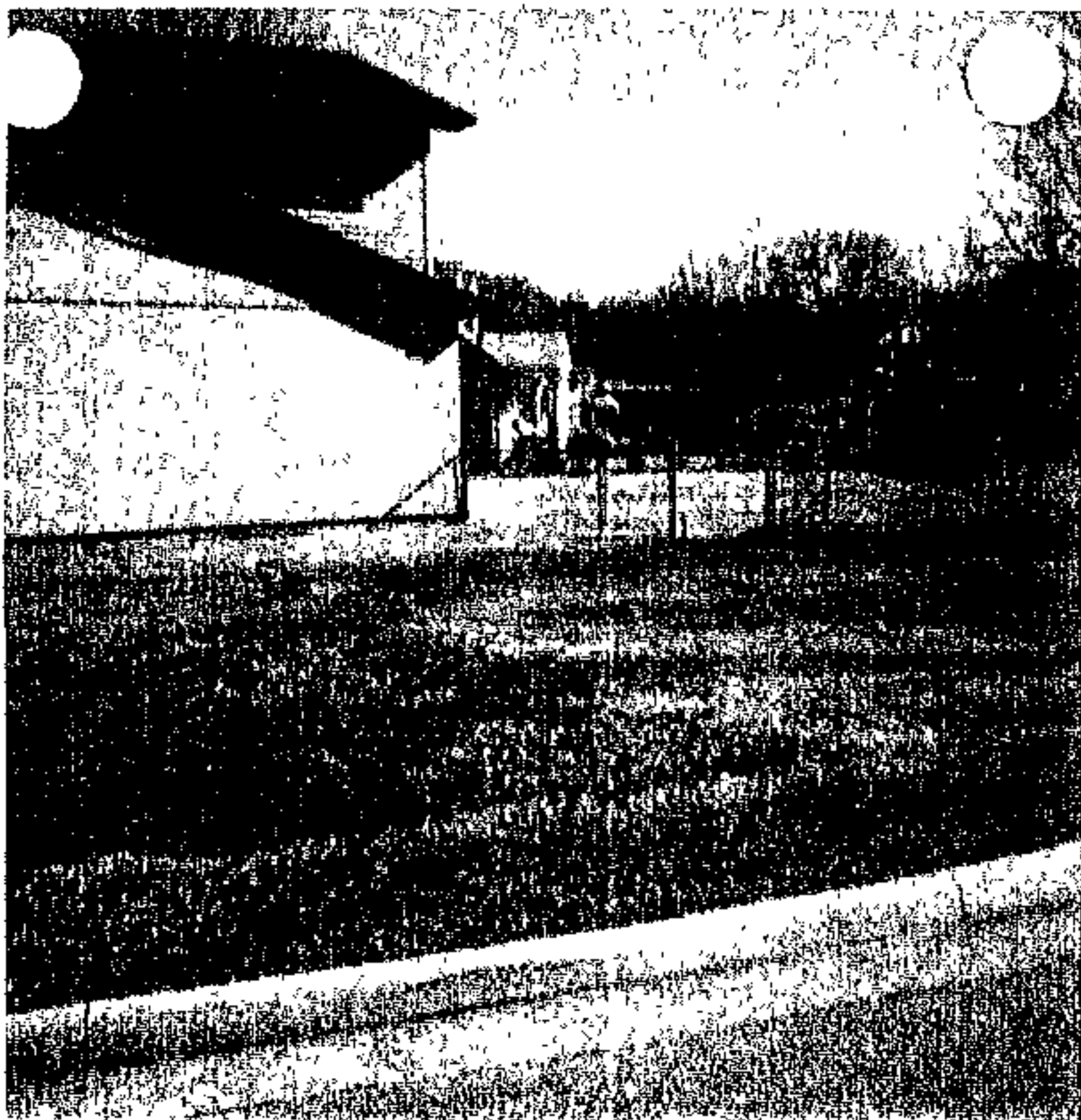




WEST SIDE of House



Stake in ground at back
of house shows position
of house



Look at Lot "H"
from S.W. corner



Looking at back of
House in line with
Lot "H"