IN RE: PETITION FOR ADMIN. VARIANCE
SW side Applewood Lane, 320 feet +/W c/l Pratt Avenue
9th Election District
2nd Councilmanic District
(909 Applewood Lane)

Joseph C. and M. Alicia T. Haberman Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * BALTIMORE COUNTY
- * CASE NO. 07-263-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, Joseph C. and M. Alicia T. Haberman. The variance request is for property located at 909 Applewood Lane. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the rear of the property is too narrow to accommodate the pool construction.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated December 26, 2006. That Office does not oppose the Petitioners' request as there are significant mature trees between the proposed pool and the neighboring property line, property owned by the Kandels. The location of the dwelling on the lot makes it a practical difficulty making it impossible to locate the proposed pool in the rear yard. A copy of which is incorporated herein and made a part hereof the file.

MAN CONTRACTOR

COVER FREE

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 17, 2006 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 and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 ______ day of January, 2007 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) permit a proposed detached accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard be and is hereby GRANTED, subject to the following:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The existing vegetation, the significant mature trees, located between the pool and the neighboring property owned by the Kandels, shall remain.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



CASE NO. 07 - 26

REV 10/25/04

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore

Date:

for the property located at	909 Ar	plewood	hone	
<u> </u>	is presentl	•	DR 1	

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) 400; 1 - to permit a proposed eletached accessory structure (swimming pool) to be located in the front yard in lieu of the required rear

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.

J		•			
	•	•	I/We do solemnly de perjury, that I/we are is the subject of this	clare and affirm, under the legal owner(s) of the Petition.	the penalties of he property which
Contract Purchaser/Less	<u>ee:</u>		Legal Owner(s):	Waserman	
Name - Type or Print		<u> </u>	Name - Type pr Print	1/21	
Signature		· · · · · · · · · · · · · · · · · · ·	Signature Alicia	Hove baser	M4M
Address		Telephone No.	Name - Type or Print		
City Attorney For Petitioner:	State	Zip Code	Signature 109 Apple Address	emoon Line	410377 7234 Telephone No. 21212
Name - Type or Print		•	City	State to be Contacted:	, Zip Code
Signature					
Company		<u> </u>	Name		
Address		Telephone No.	Address	······································	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	th	at the subject matter of t	required, it is ordered by his petition be set for a publ	the Zoning Commissionelic hearing, advertised, as	er of Baltimore County, required by the zoning

Reviewed By

Estimated Posting Date

Affida Vit 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.

competent to testify thereto in the event that a p	A ~ K 1	ed in the future with regard	thereto.
That the Affiant(s) does/do presently reside at	Address "	ma lane	
	City Bold mire	State	21212 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon	which I/we base the requ	•
Proposes loca Consideres Zoning Resi	tion of swin	numy pool 19 nont of hous ruice Identia	e. Siaf
Cean of Rappere	ty 15-too NX how. Therefo	re we seek A	MODATE.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, additional information.	Affiant(s) will be required	to pay a reposting and
Signature Signat	Signatu Name -	A4	Kerman
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this Gally day of day of of Maryland, in and for the County aforesaid, per	ersonally appeared	lary Habers	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me a	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Notary Public My Commission	on Expires $\frac{6}{200}$	Tonaldo

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

	Address	me	MM) State	21212_ Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the fact			•
Proposed location of Considered to be 20 min Proposed. Proposed. Proposed. Pool Construction from this 20 min	ow Rear In Joan	BACK WE	son af R	nobate
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a			will be required	to pay a reposting and
Signature Signature Chromon		Signature McC	is lack ly	Berman
Name - Type or Print		Name - Type or Pr	rint	
STATE OF MARYLAND, COUNTY OF BALTIN				ı
of Maryland, in and for the County aforesaid, pe	ersonally appeared	ary H	G, before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to megas such A	Affiant(s).	
AS WITNESS my hand and Notarial Seal	Notani	levelia.	en a	one Ed
	Notary My Con	nmission Expire	$_{s} 6/26/0$	7
			•	



CASE NO. $\mathcal{O}/226$

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at which	909 Andewson	lane
which	is presently zoned _	DR1

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) 400.1 - to permit a proposed detached

accessory structure (swimming pool) to be located in the front yard in lieu of the required rear

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 declar perjury, that I/we are the is the subject of this Pe	ie legal owner(s) of the	ne penalties of property which
Contract Purchaser/L	Lessee:		Legal Owner(s):	Laserman	
Name - Type or Print	<u></u>		Name - Type or Print		
Signature			Signature Alicia	lague Haberm	هم
Address		Telephone No.	Name - Type or Print		
Attorney For Petition	State 1 er :	Zip Code	Signature 409 Applew Address	000 time 41	03777254 Telephone No. 21212
Name - Type or Print			City Representative to	State	Zip Code
Signature					
Company			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having be this day of regulations of Baltimore Count	. th	nat the subject matter of t	required, it is ordered by the his petition be set for a public	e Zoning Commissioner hearing, advertised, as re	of Baltimore County, quired by the Zoning
	n n/3-	Λ	Zoning Commi	ssioner of Baltimore Cour	

Estimated Posting Date ___

ZONING DESCRIPTION FOR 909 APPLEWOOD LANE

Beginning at S75 ° 05' 09" on the south side of Applewood Lane which is 30' wide at the distance of 320 feet west of the centerline of the nearest improved intersecting street, Pratt Avenue, which is 30' wide.

Being Lot #1 in the subdivision of Dunn Property as recorded in Baltimore County Plat Book 47, Folio 98, containing 1.00 acre. Also known as 909 Applewood Lane and located in the 9th Election District, 1st Councilmanic District.

Item #263

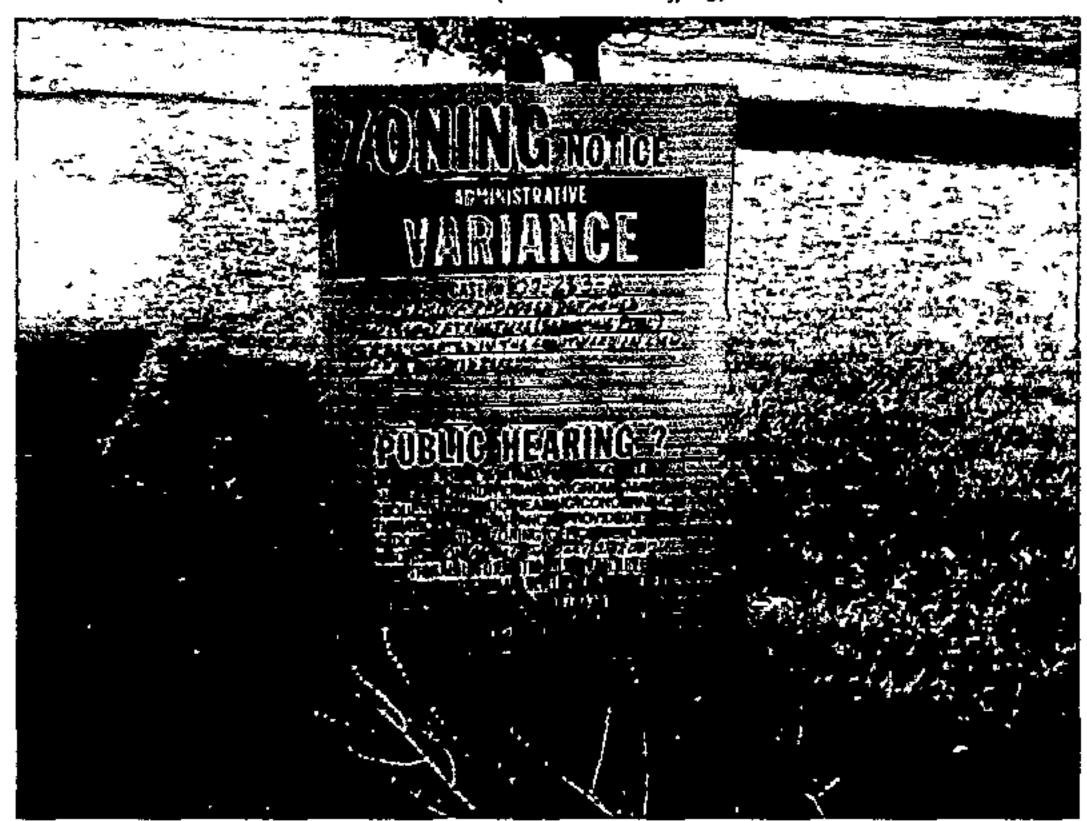
DISTRIB WHITE	FOR	RECEIV	DATE	≅ 9₽
F.—		RECEIVED	ľ	BALTIMORE COU OFFICE OF BUDGET MISCELLANEOU
CASHIER	2		· N	MORE OF BU
		,		
PINK				4- ''
<u>.</u> .				` ૱૾ૣૼ ૽૽ૼ૽૽૽ૼ૽૽
AGENCY				
				MAR
ΥELL		M O	Acco	\frac{1}{5}
. o		Ž	N N	
101Sn	1			
\$	A.			

			10 0	2
• •				
	1		5	
·	A.Y			
£"				
	· · · · · · · · · · · · · · · · · · ·			
	······································	, *		
and the second of the second of	الله المنظمة ا المنظمة المنظمة			
CAS				
S	AND TO THE RESERVE OF THE PARTY	TO THE STATE OF TH		
LIDA		8 X		
			TO SANTE TO SANTE TO SANTE SANTE SANTE	
		188	THE STATES	
		الأنها لمنه حمد	Lande SE	· //
AN E LEE		\$3	3	

CERTIFICATE OF POSTING

	RE: Case No: 07-243-4
	Petitioner/Developer:
	Date Of Hearing/Closing: 1/1/07
Baltimore County Department of Permits and Development Manager County Office Building, Room 111	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the pessign(s) required by law were posted at 909	enalties of perjury that the necessary conspicuously on the property APPLEWOOD LANE
I'his sign(s) were posted on 1	Clomber 17, 2006.
	Month, Day, Year) Sincerely, Lionatura of Sian Postar and Data)
	Martin Ogle Sign Poster
	16 Salix Court Address Balto. Md 21220
	(443-629 3411)

im000933 (576x432x24b jpeg)



mater 2/17/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

_
Case Number 07- 263 -A Address 909 Apple wood Lane
Contact Person: David Duval Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 12/1/06 Posting Date: 12/17/06 Closing Date: 1/1/07
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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.
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.
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.
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 07- 263 -A Address 909 Apple wood Lane
Petitioner's Name Jos. Haberman Telephone 410 377 7234
Posting Date: 12/17/06 Closing Date: 1/1/07
Vording for Sign: To Permit a proposed detached accessory structure (swimming pool) to be located in the front yard in lieu of the required rear

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or C	ase Number:	07-2	63-7	1	
Petitioner:	Joseph C	HABOLMON			
Address or Location	on: 909	X .	lane '	Bostimu MD	21212
		NO DILL TO.			
PLEASE FORWA	O.	A A			
Name:	Same A	More			
Name:	O.	Asore			
	O.	Asore			



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 2, 2007

Joseph C. Haberman M. Alicia Tagre Haberman 909 Applewood Lane Baltimore, MD 21212

Dear Mr. and Mrs. Haberman:

RE: Case Number: 07-263-A, 909 Applewood Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 7, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callibal D

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 26, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

909 Applewood Lane

INFORMATION:

Item Number:

7-263

Petitioner:

Jospeh and M. Alicia Haberman

Zoning:

DR 1

Requested Action:

Administrative Variance

The location of the single family dwelling on the lot is in the opinion of this office, a practical difficulty making it impossible to locate the proposed pool in the rear yard. There are significant mature trees between the pool and the neighboring property line, property owned by the Kandels.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance provided the existing vegetation remains.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM

JAN 6

2007

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 15, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 18, 2006

Item Nos. 07-252, 253, 257, 258, 260,

261, 262, 263, 264, and 265

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

DAK:CPN:clw

cc: File ZAC-NO COMMENTS-12132006.doc



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

Maryland Department of Transportation

Date: 12-13-2006

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

Baltimore County RE:

Item No. 7-263-A

909 APPLEWOOD LANE HABERMAN PROPERTY NARIANCE - PERMIT A PROPOSED DETACHED ACCESSION STRUCTURE

Robert L. Flanagan, Secretary

Neil J. Pedersen, Administrator

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.7-263 -4

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Engineering Access Permits

Division

SDF/MB

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

December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: 252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263) 265.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 8, 2007

JOSEPH C. AND M. ALICIA T. HABERMAN 909 APPLEWOOD LANE BALTIMORE MD 21212

Re: Petition for Administrative Variance

Case No. 07-263-A

Property: 909 Applewood Lane

Dear Mr. and Mrs. Haberman:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

1-207.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 26,2007

Joseph C. Haberman 909 Applewood Lane Baltimore, Maryland 21212

Re: Spirit and Intent Letter Case # 07-263-A
9th Election District

Dear Mr. Haberman:

In response to your letter to Timothy Kotroco, Director of Permits and Development Management, the following has been determined.

I have reviewed your alternative location of a proposed swimming pool over the original site granted in variance case #07-263-A. I discussed the matter with Mr. Murphy and it was agreed you would continue to experience a hardship or practical difficulty regardless of its placement. His only concern was for your neighbor since the pool would now be closer to his property. He felt a letter from Mr. Moore expressing no objections to your modifications would allay any misgivings. I have received such a letter from Raymond Moore stating he is satisfied with your plan. Consequently, we feel the suggested change would be within the spirit and intent of the <u>Baltimore County Zoning Regulations</u>.

This letter, as well as the new site plan, must accompany your permit application. A copy of this response and the modified plan will be made a permanent part of the zoning case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

R. David Duvall

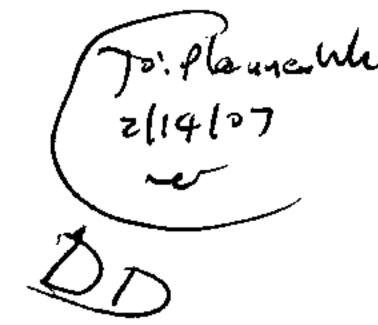
Planner II

Zoning Review

RDD/rjc

T-a . 4

JOSEPH C. HABERMAN 909 APPLEWOOD LANE BALTIMORE, MD 21212



February 11, 2007

Mr. Timothy M. Kotroco Director Department of Permits & Development Management Baltimore County Government 111 West Chesapeake Avenue, Room 111 Towson, MD 21204

Re: Administrative Variance Petition
Case # 07-263-A
Property: 909 Applewood Lane

Dear Mr. Kotroco:

Mr. John Murphy in the County Zoning Office suggested I write this spirit and intent letter to you and ask for an expedited review of our request.

Recently we applied for and were granted (on January 8, 2007) an administrative variance with respect to our plans for constructing an in-ground pool in the front yard of our property. Pool construction in the rear of our property is not feasible due to lack of space. No appeals were filed in the 30-day period following the decision.

In discussions with landscape architects over the past month, it has become clear to us that we should seriously consider the removal of a deteriorating silver maple in the vicinity of our planned pool due to its condition and the further impact construction would have on its health. By removing the tree, our pool location could shift approximately 40' east to where the tree now stands. The redlined pool location (on the attached site plan) is approximate and was suggested by these landscape architects; exact confirmation will be made through a professionally-developed design. This change will place the pool mostly on the side of the house and in a far more advantageous site for appropriate landscaping. We ask that you approve our request as we are looking to commence our project immediately.

Despite the fact that the new location maintains compliance with property line regulations, I have discussed this with our adjacent neighbors, Mr. & Mrs. Raymond Moore, Jr., who will find our pool placed closer to their property line than the current plan (approximately 25' vs. 65'). The Moores naturally would appreciate the pool being as far away from the line as possible and at 25' (along with appropriate landscaping) they have indicated they should not have an objection. I agreed to advise them as we move through the design phase with our landscape architect.

Should you need any additional information about this request, please do not hesitate to contact me at the above address or by phone at 410-925-6767. The Moores would also be open to discuss this should you find this necessary. Thanks in advance for your consideration.

Sincerely,

Joseph C. Haberman

Cc: John V. Murphy

J. Raymond Moore, Jr. 904 Applewood Lane Baltimore, MD 21212

March 16, 2007

Mr. David Duvall Zoning Review Dept., Balto. County 111 W. Chesapeake Ave, Room 111 Towson, MD 21204

Re: Zoning Appeal for Haberman Pool, Applewood Lane

Dear Sir:

We have talked to Mr. Haberman and are satisfied with his plan if the following is observed:

- 1: The pool including the concrete (or other material) around it is at least 20 feet west of the Moore-Haberman Property line.
- 2. The grading on the east side does not change the water flow (rain and Pool water) causing flooding or excess water on the Moore property. This applies to the entire Haberman-Moore property line in a north to south direction.
- 3. Be sensitive to noise pollution especially at night. Sound will travel from pool area to our bedroom.
- 4. The Habermans will be responsible for any damage to shrubbery, trees garden, etc. as a result of construction, as well as any future damages incurred as a result of construction.

Sincerely

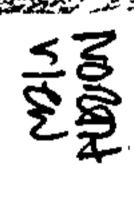
J. Raymond Moore, Jr

alleyn h. Woore

Alleyn W. Moore



ZONING MAP #06903 ARPLEWOD TELL The state of the s





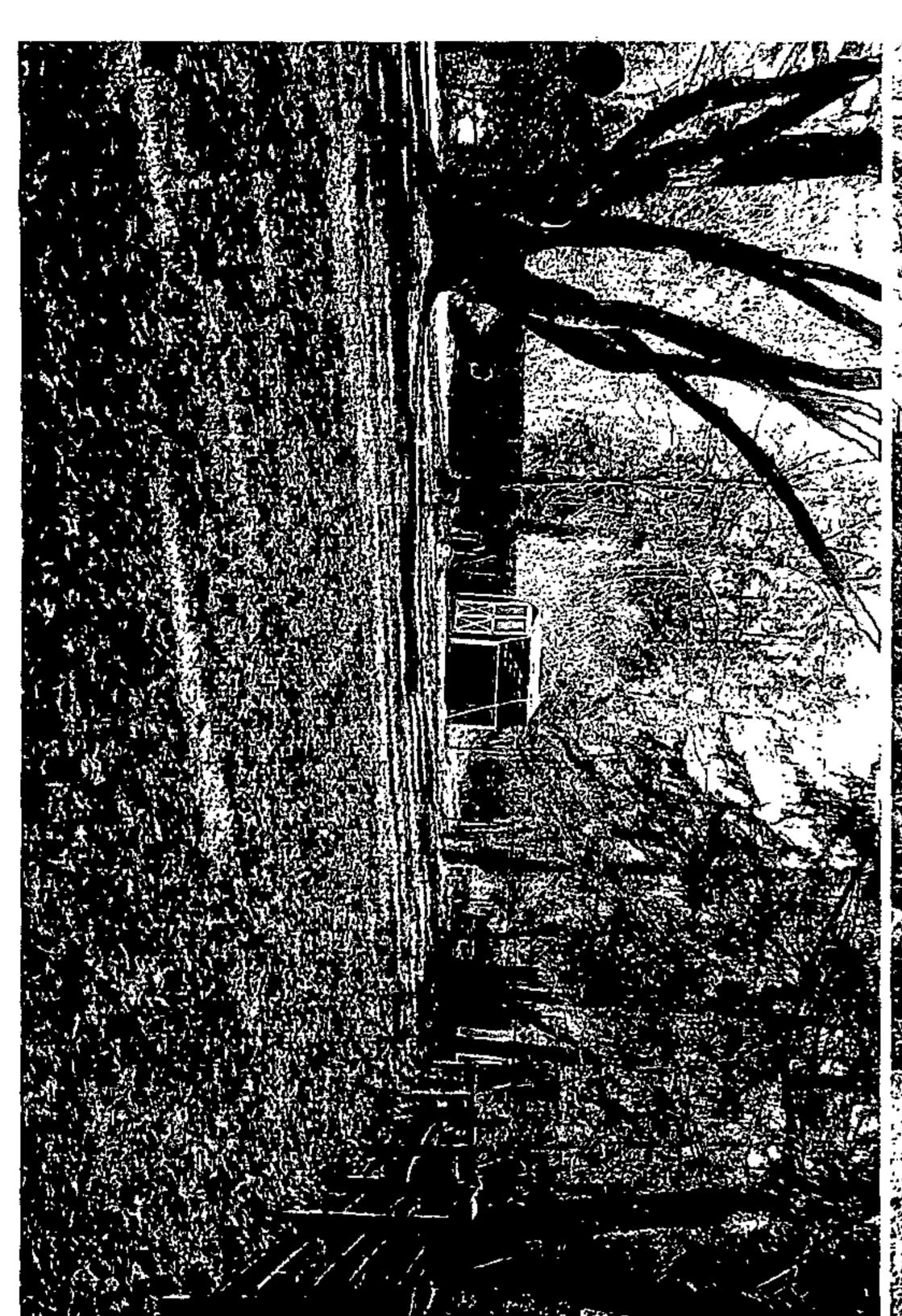


Dramplean



North

Item #263





South Menty Menty Menty Menty Menty Menty Menty

work asstand when food assorbing.

Item #263

