

**IN RE: PETITION FOR ADMIN. VARIANCE**

N side of Crest Haven Way; 25 feet W  
of Fragrance Way  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(5114 Crest Haven Way)

Daniel J. and Michelle A. Kile  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* Case No. 2010-0244-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, Daniel J. Kile and Michelle A. Kile for property located at 5114 Crest Haven Way. Resolution 16-10 concerning the public disclosure of Daniel John Kile, an employee of the Baltimore County Fire Department, was approved at the County Council meeting held on April 5, 2010. 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 on the third of the lot closest to a street in lieu of the required farthest removed portion of the lot, and to amend the latest Final Development Plan for Moores Orchard Lot 54 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Petitioners desire to install an in-ground swimming pool measuring 20 feet by 39 feet in the northeast corner of their property. In their Affidavit accompanying the variance request, Petitioners state that a swale runs west to east in the south portion of the property. If the pool is built in this area it will block drainage that carries water mainly during rainstorms or snow melts from neighboring homes as well as the subject property. The northwest corner of the lot would also be difficult to build in due to a 5½ foot± incline/hill with an oak tree, tree stump and other trees that would be disrupted due to excavation. Petitioners also note that they would suffer

**ORDER RECEIVED FOR FILING**

Date 4-13-10

By pm

financial hardship by incurring additional costs for a longer and deeper retaining wall, and tree and stump excavation. Petitioners cannot build the pool in the southeast corner of the property due to drainage and utility easements as well as the swale. Photographs submitted with the Petition depict two large drains in the rear yard. The property contains 13,418 square feet. None of the neighbors on Crest Haven Way or Fragrance Way voiced any objection to the location of the proposed swimming pool.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 8, 2010 which indicates that the Petitioners should provide a realistic elevation drawing of the exact dimensions of where the pool will be located. Because the proposed pool will be located in close proximity to the public street, Planning also recommends that the Petitioners provide fencing to shield the view of the proposed pool from the street, or relocate the proposed pool somewhere else on the property (away from the street). In this regard, photographs submitted by the Petitioners clearly depict attractive white fencing that already exists around the entire rear yard. Comments were also received from the Bureau of Development Plans Review dated March 24, 2010 which indicates that the site plan must be revised to show that the swimming pool will be 11 feet from the property line so that it is not built within the County's drainage and utility easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2010 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 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,

ORDER RECEIVED FOR FILING

Date 4.13.10

2

By pr

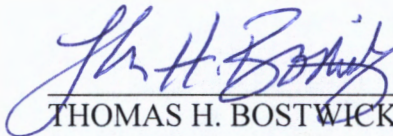
the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 13<sup>th</sup> day of April, 2010 that a Variance 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 on the third of the lot closest to a street in lieu of the required farthest removed portion of the lot, and to amend the latest Final Development Plan for Moores Orchard Lot 54 only, 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 site plan must be revised to show that the swimming pool will be situated 11 feet from the property line so that so that it is not built within the County's drainage and utility easement.

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

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 4.13.10





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

April 13, 2010

DANIEL JOHN AND MICHELLE KILE  
5114 CREST HAVEN WAY  
PERRY HALL MD 21128

Re: Petition for Administrative Variance  
Case No. 2010-0244-A  
Property: 5114 Crest Haven Way

Dear Mr. and Mrs. Kile:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 5114 Crest Haven Way, Perry Hall, md  
which is presently zoned DR3.5-H 21128

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 on the third of the lot closest to a street in lieu of the required farthest removed portion of the lot, and to amend the latest Final Development Plan for Moores Orchard, Lot 54 only.

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

Date 4-13-10

Company

By [Signature]

Address

Telephone No.

City

State

Zip Code

### Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

5114 Crest Haven Way

410 303 2528

Address

Perry Hall

md

21128

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. 2010-0244-A

REV 10/25/01

Reviewed By JNP Date 3/16/2010

Estimated Posting Date 3/28/2010



# 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 5114 Crest Haven Way  
City Perry Hall State MD Zip Code 21128

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):

See Attachment A

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.

Signature Daniel J. Kile

Name - Type or Print Daniel Jankile

Signature Michelle A. Kile

Name - Type or Print Michelle A. Kile

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of March, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Signature Mary Ann Stumpner  
Notary Public  
My Commission Expires 6-13-2012

Attachment "A "

Request for Variance for pool on property located at 5114 Crest Haven Way, Perry Hall, MD 21128

We, Daniel and Michelle Kile, are requesting a variance for an in-ground pool to be installed in the North West corner of said property as this would be the most practical spot to build for the following reasons:

- A swale runs West-East in the south portion of the subject property we are requesting variance for. Should we build in this area we will block drainage that carries water mainly during rainstorms or snow melts from neighboring homes as well as the subject property.
- North West Corner of subject lot would be difficult to build in due to a 5'5" + incline/hill with an oak tree, tree stump and other trees that would be disrupted due to excavation. We would also suffer financial hardship (thousands of dollars) as we would incur additional costs for longer and deeper retaining wall and tree and stump excavation.
- We cannot build/dig pool in south east corner of subject property due to Baltimore County drain easement as well as the swale.

The North East corner of subject lot would be the most practical area to build in-ground pool due to County Drain and swale.

2010-0244-A

## **ZONING DESCRIPTION**

### **5114 Crest Haven Way, Perry Hall, MD 21128**

Beginning at a point on the North side of Crest Haven Way, which is 50 feet wide at the distance of 25 feet West of the centerline of the nearest improved intersecting street, Fragrance Way, which is 50 feet wide. \*Being Lot #54 in the subdivision of Moore's Orchard as recorded in Baltimore County Plat Book # 73, Folio # 132, containing .31 acres. Also known as 5114 Crest Haven Way, and located in the 11<sup>th</sup> Election District and 5<sup>th</sup> Councilmanic District.

2010-0244-A



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2010- 0244 -A Address 5114 Crest Haven Way  
Contact Person: Jeffrey Perlaw Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 3/16/2010 Posting Date: 3/28/2010 Closing Date: 4/12/2010

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0244 -A Address 5114 Crest Haven Way  
Petitioner's Name Kile Telephone 410-305-2528  
Posting Date: 3/28/2010 Closing Date: 4/12/2010  
Wording for Sign: To Permit a proposed detached accessory structure (swimming pool)  
to be located on the third of the lot closest to a street in lieu of the  
required farthest removed portion of the lot, and to amend the latest  
Final Development Plan for Moores Orchard, Lot 54 only.

Revised 8/20/09

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **50223**  
 Date: **3/16/2010**

**PAID RECEIPT**

MAJORITY ACTUAL TIME OWN  
 3/17/2010 3/16/2010 04:36:56 5

REG NO.03 MAJORITY 0000 100  
 RECEIPT D 49311 3/16/2010 0931

5.509 COMMUNICATION

050223

Receipt tot \$115.00

\$1.00 CI \$115.00 CI

Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount | Dept |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|------|
| 01   | 306  | 0000 |          | 610             |                  |          |         | 115.00 |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |

Total: **115.00**

Rec From: **Kite**

For: **Admin Variation - 5114 Crest Haven Way**  
**2010-2244-A (Kite)**

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2010-0244-A

Petitioner/Developer KILE

Date Of Hearing/Closing 4/12/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 5114 CREST HAVEN WAY

This sign(s) were posted on March 28, 2010

Month, Day, Year

Sincerely,

Martin Ogle 3/28/10  
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md. 21220

443-629-3411



# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 2010-0244-A

TO PERMIT A PROPOSED DETACHED ACCESSORY STRUCTURE  
(SWIMMING POOL) TO BE LOCATED ON THE THIRD OF THE LOT  
CLOSEST TO A STREET IN LIEU OF THE REQUIRED FARTEST  
REMOVED PORTION OF THE LOT, AND TO AMEND THE LATEST  
FINAL DEVELOPMENT PLAN FOR MOORE'S ORCHARD LOT  
SV ONLY

## PUBLIC HEARING ?

PURSUANT TO SECTION 26-122(b)(1), BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
4:30 p.m. ON MONDAY ● APRIL 12, 2010

ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
TEL. 887-3391

111 W. CHESAPEAKE AVE.  
TOWSON, MD. 21204

FOR MORE INFORMATION AND TO FILE A PUBLIC HEARING REQUEST, RETURN THIS TO ZONING SVL 104  
FORWARDED BY THE ZONING OFFICE



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

April 13, 2010

Daniel and Michelle Kile  
5114 Crest Haven Way  
Perry Hall, MD 21128

Dear: Daniel and Michelle Kile

RE: Case Number 2010-0244-A, 5114 Crest Haven Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 16, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** April 8, 2010

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

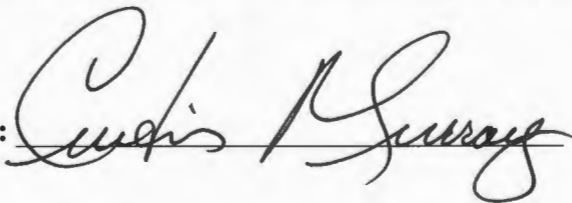
**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 10-244- Administrative Variance**

The Office of Planning has the following comments:

1. Provide a realistic elevation of the exact dimensions of where the pool will be located.
2. The proposed pool will be located in close proximity to the public street. Provide fencing to shield the view of the proposed pool from the street or relocated the proposed pool somewhere else on the property (away from the street).

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

Prepared By:  
CM/LL



RECEIVED

APR 08 2010

ZONING COMMISSIONER





**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 22, 2010

Item Numbers: 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244 and 0245

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

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** March 24, 2010

**FROM:** <sup>DAK</sup>  
Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 5, 2010  
Item No.: 2010-244

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The plan must be revised to show that the pool will be eleven feet from the property line so that it is not built within the County's drainage and utility easement.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0244-04052010.doc

Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 21, 2010

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

RE: Baltimore County  
Item No. 2010-0244-A  
5114 HAVEN WAY  
KILE PROPERTY  
ADMIN. VARIANCE -

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. 2010-0244-A.

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

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey". The signature is written in a cursive, flowing style.

Foster Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/mb

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.sha.maryland.gov](http://www.sha.maryland.gov)



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** March 24, 2010

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 5, 2010  
Item No.: 2010-244

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The plan must be revised to show that the pool will be eleven feet from the property line so that it is not built within the County's drainage and utility easement.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0244-04052010.doc

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



RECEIVED

APR 29 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: April 29, 2010  
SUBJECT: Zoning Item # 10-244-A  
Address 5114 Haven Way  
(Kile Property)

Zoning Advisory Committee Meeting of March 22, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWLDate: 4/29/10

**From:** Thomas Bostwick  
**To:** Zook, Patricia  
**Date:** 4/8/2010 10:17 AM  
**Subject:** Fwd: Re: Kile administrative variance  
**Attachments:** Re: Kile administrative variance

Patti,

Here is an attached string of a few emails on the above matter. I shared our concerns with Don Rascoe about the location of the pool and apparently Dennis Kennedy had the same concern, so he'll want the pool to be situated 1 foot off the drainage and utility easement. We can make that a condition of our Order. Thanks. Tom.

**From:** Thomas Bostwick  
**To:** Rascoe, Donald  
**CC:** Kennedy, Dennis  
**Date:** 4/8/2010 10:15 AM  
**Subject:** Re: Kile administrative variance

That should be fine. We'll make that a condition in the Order. Tom.

>>> Donald Rascoe 4/8/2010 10:12 AM >>>  
Tom,

Yes, Dennis Kennedy tells me he made note of that in his ZAC comment. He his happy if they move the pool one foot off the D&U easement. He just doesn't want the footer for the pool in the easement. He says one foot is enough. I assume that could be a condition of your order. He isn't concerned about the BGE easement.

Thanks for your quick response.

Donald T. Rascoe  
Deputy Director  
Department of Permits  
and Development Management

111 West Chesapeake Avenue  
Towson, Maryland 21204

410-887-3353 (work)  
410-887-5708(fax)

>>> Thomas Bostwick Thursday, April 08, 2010 9:26 AM >>>  
Don,

We have everything we need and Patti will work on it so it's ready to go by the closing date.

The only thing that seemed remotely unusual about it is that, as depicted on the site plan, the proposed in-ground pool is to be placed right up on the line of a 10 foot wide drainage and utility easement at the rear of the property, and a 10 foot wide BGE easement at the side yard. It just seems odd they would want to put it so close to these things, especially if something were to happen in the future that might impact that location. I don't know what Dennis Kennedy might have to say about it. We haven't yet received the Development Plans Review ZAC comment yet.

Just FYI. Tom.

>>> Donald Rascoe 4/8/2010 7:32 AM >>>  
Tom,

Do you have everything you need to write an order on the Administrative Variance I talked with you about a couple weeks ago. The petitioner is a Mr. Kile. I don't have the case number in front of me, but can get it. I think the closing date is April 13.



I'll give you a call later in the day.

Donald T. Rascoe  
Deputy Director  
Department of Permits  
and Development Management

111 West Chesapeake Avenue  
Towson, Maryland 21204

410-887-3353 (work)  
410-887-5708(fax)



**County Council  
of  
Baltimore County**

Court House  
Towson, Maryland 21204

410-887-3196  
Fax: 410-887-5791

**S.G. Samuel Moxley**  
FIRST DISTRICT

**Kevin Kamenetz**  
SECOND DISTRICT

**T. Bryan McIntire**  
THIRD DISTRICT

**Kenneth N. Oliver**  
FOURTH DISTRICT

**Vincent J. Gardina**  
FIFTH DISTRICT

**Joseph Bartenfelder**  
SIXTH DISTRICT

**John Olszewski, Sr.**  
SEVENTH DISTRICT

**Thomas J. Peddicord, Jr.**  
LEGISLATIVE COUNSEL  
SECRETARY

April 6, 2010

RECEIVED

APR 07 2010

**ZONING COMMISSIONER**

**William J. Wiseman, Esquire**  
Baltimore County Zoning Commissioner  
The Jefferson Building  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Wiseman:

Attached please find a copy of Resolution 16-10 concerning the public disclosure of Daniel John Kile, an employee of the Baltimore County Fire Department, who has applied for a zoning variance for a proposed detached accessory structure (swimming pool) in the rear corner of his residence at 5114 Crest Haven Way, Perry Hall, Maryland 21128.

This Resolution was approved by the County Council at its April 5, 2010 meeting and is being forwarded to you for appropriate action.

Sincerely,

**Thomas J. Peddicord, Jr.**  
Legislative Counsel/Secretary

TJP:dp  
Enclosure

cc: Daniel John Kile

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2010, Legislative Day No. 7

Resolution No. 16-10

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Mr. Vincent J. Gardina, Councilman

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By the County Council, April 5, 2010

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A RESOLUTION concerning the public disclosure of Daniel John Kile, an employee of the Baltimore County Fire Department.

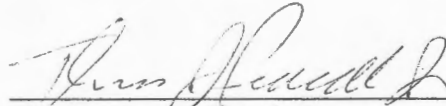
WHEREAS, Daniel John Kile, an employee of the Fire Department, has applied for a zoning variance for a proposed detached accessory structure (swimming pool) in the rear corner of his residence at 5114 Crest Haven Way, Perry Hall, Maryland 21128; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning variance filed by Daniel John Kile does not contravene the public welfare.

READ AND PASSED this **5TH** day of **APRIL**, 2010.

BY ORDER

A handwritten signature in cursive script, appearing to read "Tom Peddicord Jr.", written over a horizontal line.

Thomas J. Peddicord, Jr.  
Secretary

ITEM: **RESOLUTION 16-10**





**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw2.3d)

[Go Back](#)  
[View Map](#)  
[New Search](#)

**Account Identifier:** District - 11 **Account Number -** 2300011888

**Owner Information**

|                         |                                                  |                             |                      |
|-------------------------|--------------------------------------------------|-----------------------------|----------------------|
| <b>Owner Name:</b>      | KILE DANIEL J<br>KILE MICHELLE D                 | <b>Use:</b>                 | RESIDENTIAL          |
| <b>Mailing Address:</b> | 5114 CREST HAVEN WAY<br>PERRY HALL MD 21128-9793 | <b>Principal Residence:</b> | YES                  |
|                         |                                                  | <b>Deed Reference:</b>      | 1) /28706/ 287<br>2) |

**Location & Structure Information**

|                         |                                                   |
|-------------------------|---------------------------------------------------|
| <b>Premises Address</b> | <b>Legal Description</b>                          |
| 5114 CREST HAVEN WAY    | .308 AC<br>5114 CREST HAVEN WAY<br>MOORES ORCHARD |

|            |             |               |                     |                    |                |              |            |                        |                  |          |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|------------------|----------|
| <b>Map</b> | <b>Grid</b> | <b>Parcel</b> | <b>Sub District</b> | <b>Subdivision</b> | <b>Section</b> | <b>Block</b> | <b>Lot</b> | <b>Assessment Area</b> | <b>Plat No:</b>  | <b>4</b> |
| 72         | 12          | 72            |                     |                    |                |              | 54         | 3                      | <b>Plat Ref:</b> | 73/ 132  |

**Special Tax Areas**

**Town**  
Ad Valorem  
**Tax Class**

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <b>Primary Structure Built</b> | <b>Enclosed Area</b> | <b>Property Land Area</b> | <b>County Use</b> |
| 2003                           | 3,238 SF             | 13,418.00 SF              | 04                |
| <b>Stories</b>                 | <b>Basement</b>      | <b>Type</b>               | <b>Exterior</b>   |
| 2                              | YES                  | STANDARD UNIT             | SIDING            |

**Value Information**

|                           | <b>Base Value</b> | <b>Value</b> | <b>Phase-in Assessments</b> |            |
|---------------------------|-------------------|--------------|-----------------------------|------------|
|                           |                   | As Of        | As Of                       | As Of      |
|                           |                   | 01/01/2009   | 07/01/2009                  | 07/01/2010 |
| <b>Land</b>               | 154,850           | 146,850      |                             |            |
| <b>Improvements:</b>      | 299,940           | 315,360      |                             |            |
| <b>Total:</b>             | 454,790           | 462,210      | 457,263                     | 459,736    |
| <b>Preferential Land:</b> | 0                 | 0            | 0                           | 0          |

**Transfer Information**

|                                   |                           |                         |
|-----------------------------------|---------------------------|-------------------------|
| <b>Seller:</b> CARANNANTE ANTONIO | <b>Date:</b> 10/02/2009   | <b>Price:</b> \$480,000 |
| <b>Type:</b> IMPROVED ARMS-LENGTH | <b>Deed1:</b> /28706/ 287 | <b>Deed2:</b>           |
| <b>Seller:</b> CARANNANTE ANTONIO | <b>Date:</b> 06/16/2006   | <b>Price:</b> \$0       |
| <b>Type:</b> NOT ARMS-LENGTH      | <b>Deed1:</b> /24020/ 347 | <b>Deed2:</b>           |
| <b>Seller:</b> MOORES ORCHARD LLC | <b>Date:</b> 12/22/2003   | <b>Price:</b> \$386,842 |
| <b>Type:</b> IMPROVED ARMS-LENGTH | <b>Deed1:</b> /19334/ 28  | <b>Deed2:</b>           |

**Exemption Information**

|                                   |              |            |            |
|-----------------------------------|--------------|------------|------------|
| <b>Partial Exempt Assessments</b> | <b>Class</b> | 07/01/2009 | 07/01/2010 |
| <b>County</b>                     | 000          | 0          | 0          |
| <b>State</b>                      | 000          | 0          | 0          |
| <b>Municipal</b>                  | 000          | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

Hill & Trees

swale  
& hill &  
trees

3117  
Braeburn  
way

2010-0344-A





Swale

Swale

2010-02-17







scavole  
+ hill

2010-0244-A



Back of house - looking South East





Back of house looking west

5112  
Crest Haven  
next door  
neighbor

2010-0244-A





Northwest view

Subject  
property

Silver  
Brook  
Way

Neighbor  
behind  
house

2010-0244-A





Proposed  
in-ground  
pool  
site →



flattest  
area of  
yard for  
pool

variance  
requested  
to place  
pool here

2010-0244-A



Hill & trees

hill  
& trees

2010-0244-A





Swale & Drain

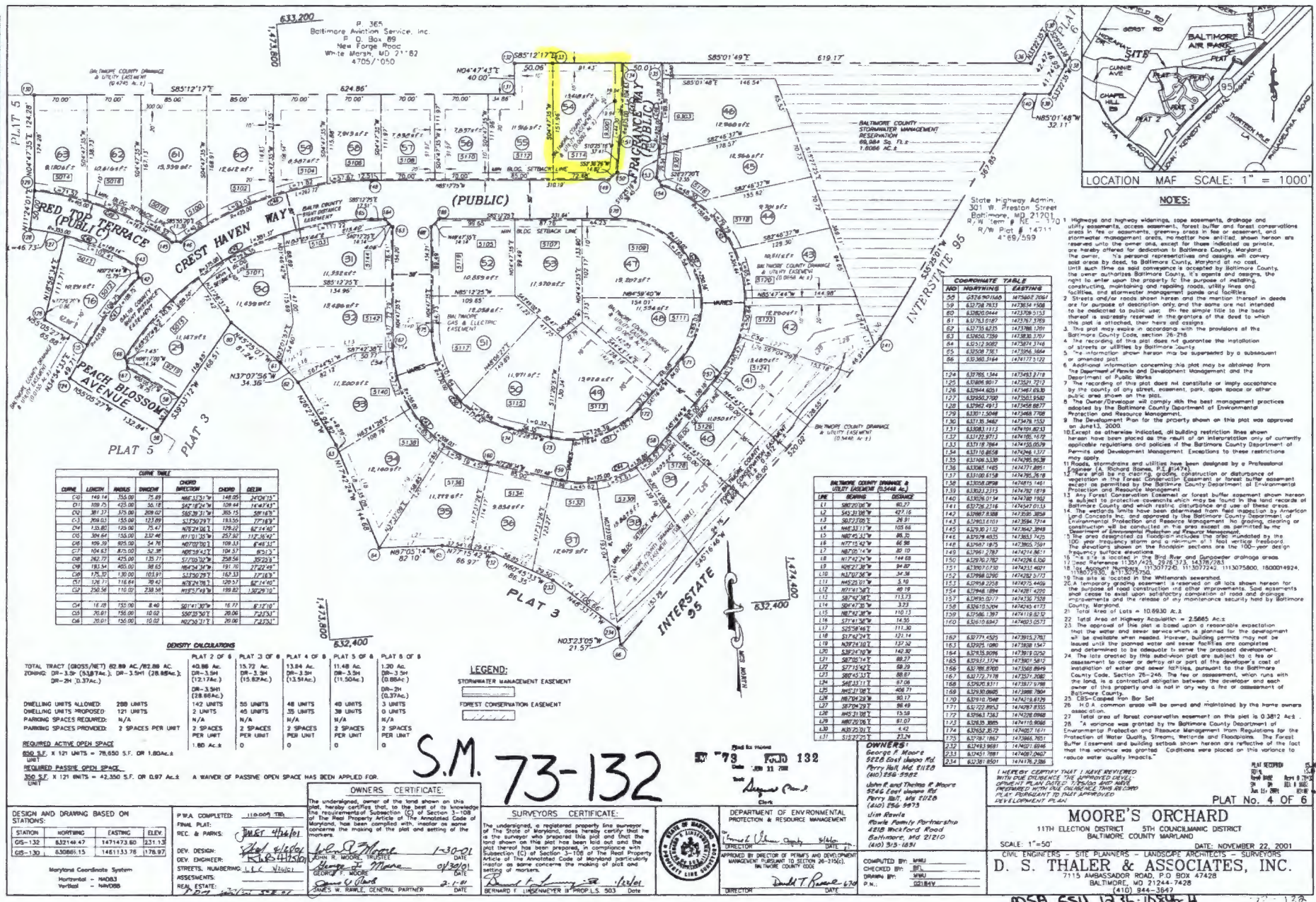
swale  
& drain

2010-0244-A





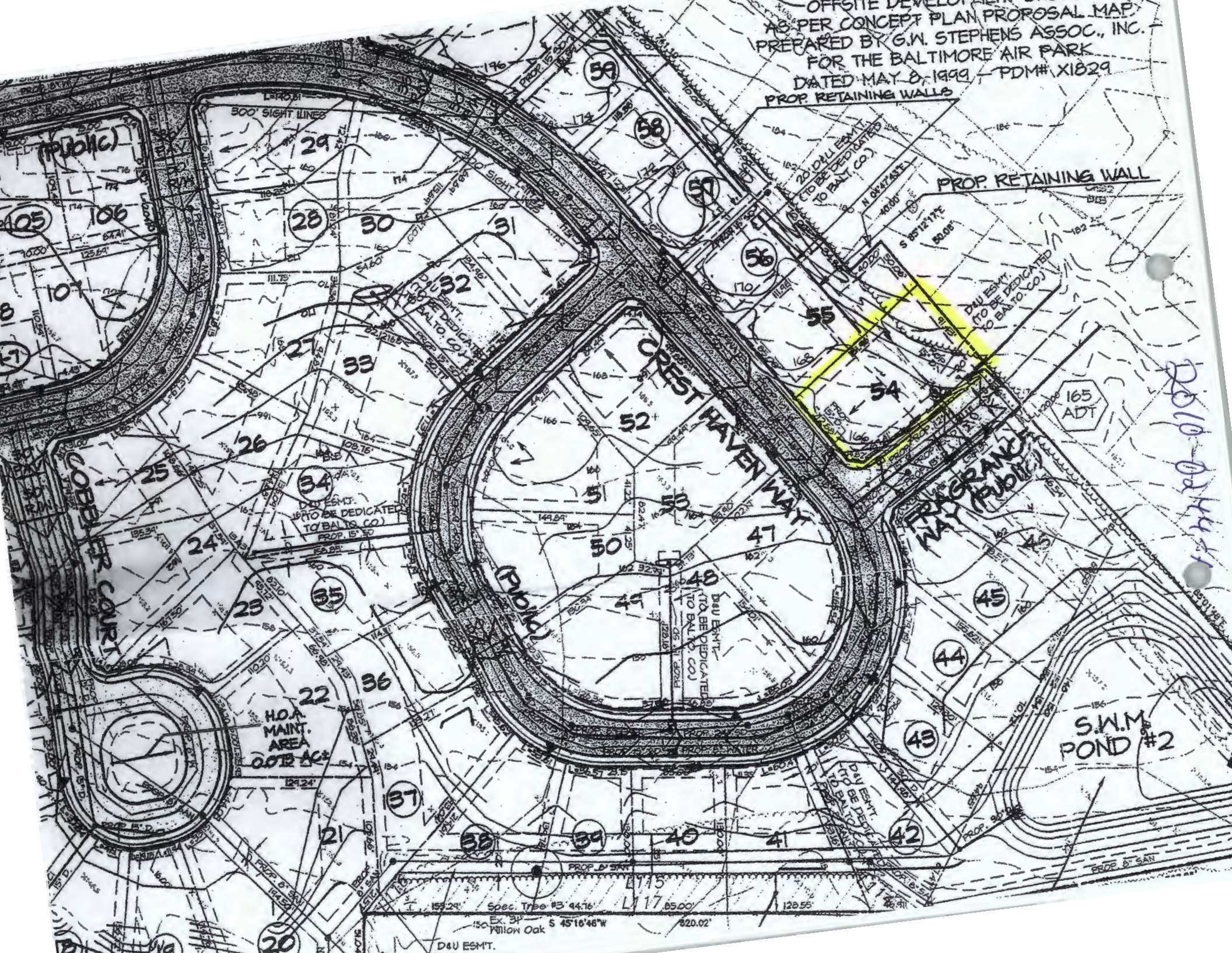
2010-0244-A



S.M. 73-132



2010-02-44-1









# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

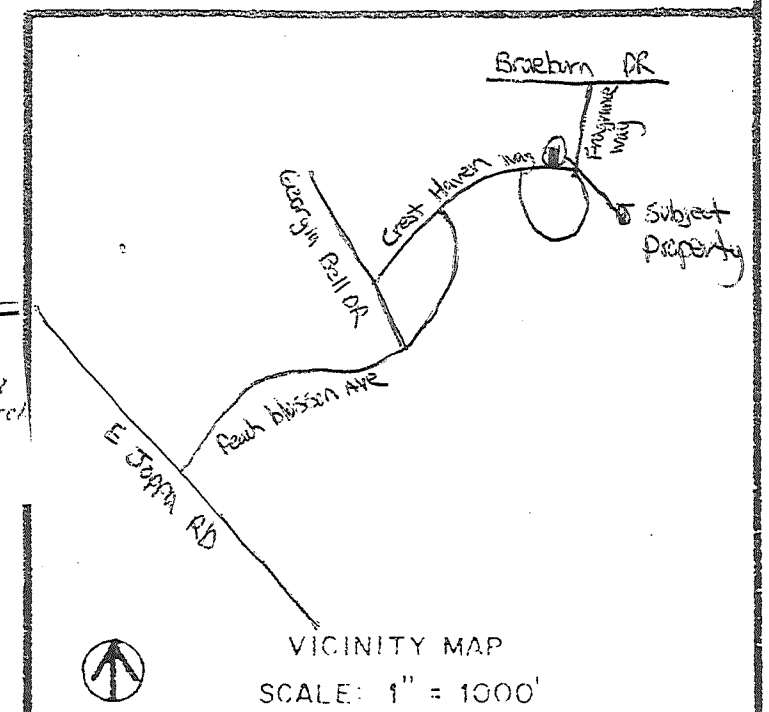
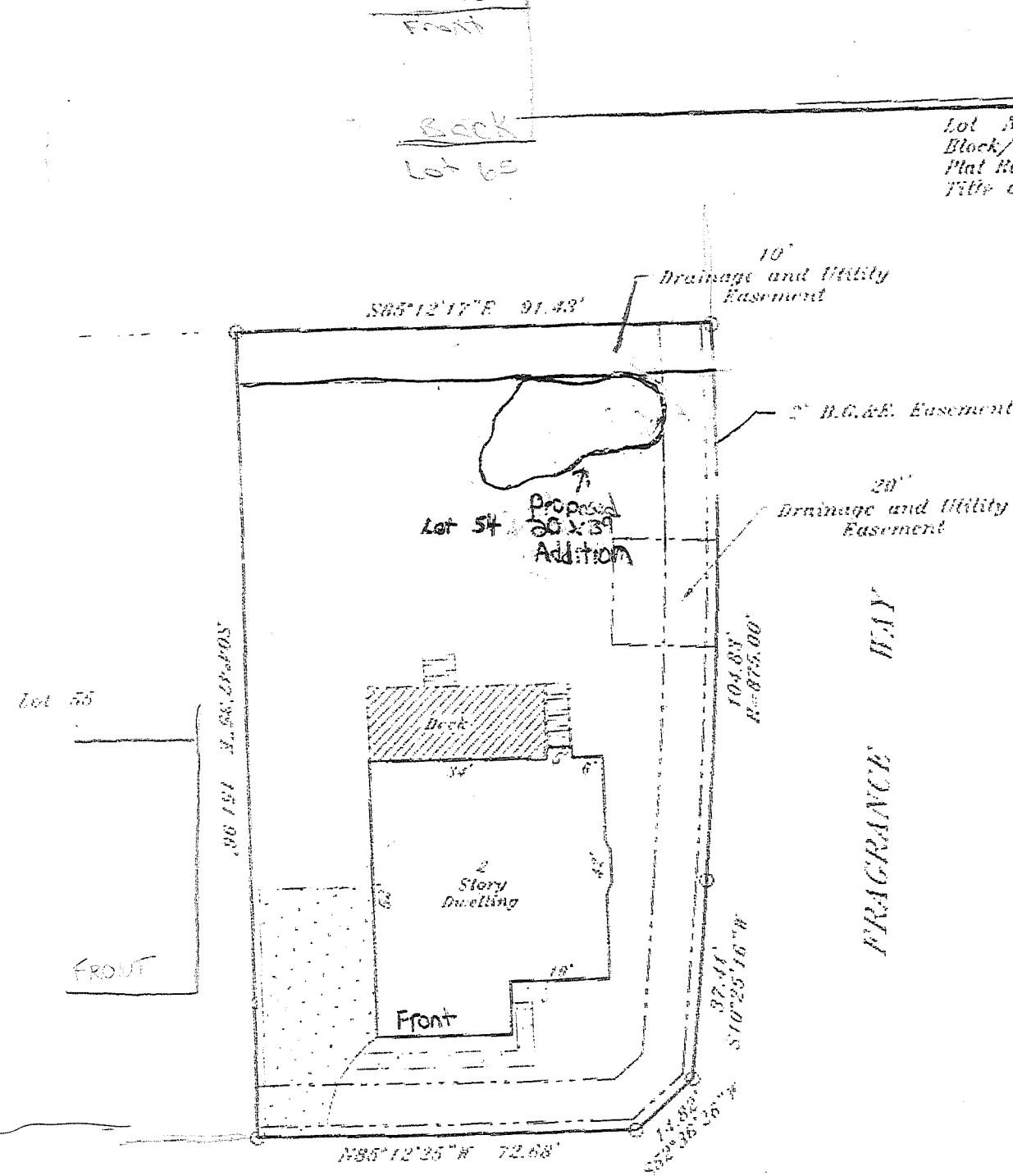
PROPERTY ADDRESS 5114 Crest Haven Way

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Moore's Orchard

PLAT BOOK # 73 FOLIO # 132 LOT # 54 SECTION #       

OWNER Daniel and Michelle Kile



## LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5th

1"=200' SCALE MAP # 072 C1

ZONING DR 3.5 H

LOT SIZE .31 ACRES 13,418 SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                      | NO                                  |
|------------------------------|--------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                      |                          |                                     |
|----------------------|--------------------------|-------------------------------------|
| 100 YEAR FLOOD PLAIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------|--------------------------|-------------------------------------|

|                            |                          |                                     |
|----------------------------|--------------------------|-------------------------------------|
| HISTORIC PROPERTY/BUILDING | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------|--------------------------|-------------------------------------|

PRIOR ZONING HEARING NONE

## ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM #        CASE # 2010-0244-A

PREPARED BY Ruxton CREST HAVEN WAY Designs

SCALE OF DRAWING: 1" = 30'