

75-91-XA (am 70-40) **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Deborah Caplan

We, Edward B. Caplan and Deborah Caplan, legal owner 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from as _____ zone to an _____ zone, for the following reasons:

Legal owner is connected with Military Affiliate Radio System. Wireless transmission will be used for the benefit of the general public in time of emergency, and as a means of communication for overseas stationed service men to their family.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____ Wireless transmitting and receiving structure - Section 200.15

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser _____
Address _____
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 17th _____ day of September, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ 23rd _____ day of October, 1974, at 10:30 clock

Zoning Commissioner of Baltimore County.

(over)

10/23/74

15-91-1A (am 70-40) **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

We, Edward B. Caplan and Deborah Caplan, legal owner 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 1.902.28 (V.B.2) to permit a side yard for a principle structure of 12 feet, in lieu of the required 40 feet, and a rear yard of 12 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Applicant desires to erect a permanent wireless transmitting and receiving structure, (further described in applicant's Petition for Special Exception filed concurrently herewith,) within 12 feet of side yard and within 12 feet of the bank yard boundaries of said property.

Applicant believes that this petition should be granted for the following reasons:

- 1) The requested location of the structure is the highest point of such property and would permit the maximum utilization of the structure.
- 2) Construction of the structure at the requested location would eliminate even the slightest question of potential hazard to surrounding dwellings.

Continued on attached page

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser _____
Address _____
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 17th _____ day of September, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ 23rd _____ day of October, 1974, at 10:30 clock

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 22, 1974

FROM: William D. From, Director of Planning

SUBJECT: Petition #75-91-X. North side of Keller Avenue 610 feet, more or less South of Hillside Road.
Petition for Special Exception for a Wireless Transmitting and Receiving Structure.
Petition for Variance for Side and Rear Yards.
Petitioners - Edward B. Caplan and Deborah Caplan

3rd District

HEARING: Wednesday, October 23, 1974 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

The staff is concerned with the safety factors in the event that the structure should fall. It appears that the structure may impact surrounding properties.

William D. From
Director of Planning

WDF:NEG:rw

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 23, 1974

Mr. Edward B. Caplan
9103 Meadow Heights Road
Randallstown, Maryland 21133

RE: Special Exception Petition
Form 48
Edward B. Caplan and Deborah
Caplan - Petitioners

Dear Mr. Caplan:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located north of the termination of Keller Avenue, said Keller Avenue being approximately 1000 feet from Hillside Road, in the 3rd Election District of Baltimore County. A dwelling is presently under construction on this well wooded lot.

Surrounding properties exist as part of the subdivision of Rockcrest, and as of the date of the field inspection, construction of dwellings had not yet begun.

The petitioner is requesting a Special Exception for a wireless transmitting and receiving structure, and, additionally, a Variance to permit a side yard of 12 feet and a rear yard of 12 feet instead of the required 40 feet and 50 feet, respectively.

Baltimore County, Maryland
OFFICE OF THE BUILDINGS ENGINEER
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

December 27, 1974

Mr. W. James Price, President
c/o Stevenson Improvement Association, Inc.
Stevenson, Maryland 21153

Dear Mr. Price:

I regret to inform you that the issuance of a permit for the "Caplan Tower" is not a matter of discretion.

I have discussed the matter with the Office of Zoning who feels the site was properly posted and the time for filing an appeal to the decision of the Zoning Office has passed.

When we are assured that all structural requirements in the Baltimore County Building Code will be met and all other County Agencies involved have indicated approval, we will have no choice other than to issue the permit.

Very truly yours,

Joseph M. Nolan
Deputy Buildings Engineer
454-3949

JMN:es
CC:
Zoning
File



SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 303 INVESTMENT BUILDING
TOWSON, MARYLAND 21204
623-3333

MURRAY J. SPELLMAN, P.E.
JOSEPH L. LARSON
LOUIS J. PIASECKI, P.E.

DESCRIPTION FOR SPECIAL EXCEPTION
AND VARIANCE TO ZONING
6013 Keller Avenue
TOWSON DISTRICT
BALTIMORE COUNTY, MARYLAND

Being on the North side of Keller Avenue and being lot #3 as shown on sub-division Plat of Rockcrest. Said Plat being recorded among the Plat Records of Baltimore County in Plat book 816, J.L. 37, Folio 16.

8/7/74



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met.

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

Special Exception for a Wireless Transmitting and Receiving Structure should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1974, that the above described property or area be and the same is hereby continued as and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and the same is hereby DENIED.

Special Exception for a Wireless Transmitting and Receiving Structure should be granted. and the same is hereby DENIED.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1974, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variances should be had, and it further appearing that by reason of the granting of the Variances requested, not adversely affecting the health, safety, and general welfare of the community, Variances to permit a side yard for a principle structure of twelve (12) feet in lieu of the required forty (40) feet and a rear yard of twelve (12) feet in lieu of the required fifty (50) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1974, that the herein Petition for Variances to permit a side yard for a principle structure of twelve (12) feet in lieu of the required forty (40) feet and a rear yard of twelve (12) feet in lieu of the required fifty (50) feet should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of October, 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

September 20, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #48 (1974-1975)
Property Owner: Edward B. Caplan & Deborah Caplan
N/S of Cul-De-Sac, N. of Keller Ave., S. of Hillside Rd.
Existing Zoning: D.R. 1
Proposed Zoning: Special Exception for wireless transmitting and receiving structure - Sec. 200.15, Variance from Sec. 1 B02.2B (V.B. 2) to permit a side yard for a principle structure of 12', in lieu of the required 40', and a rear yard of 12' in lieu of the required 50'.
No. of Acres: 1.05 Acres District: 3rd

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County utilities and highway requirements are as secured by Public Works Agreement #37306-Revised and/or as stipulated in the formal comments supplied the Developer, April 12, 1973 by the Bureau of Public Services, in connection with the development of the "Rockcrest" subdivision, which are referred to for your consideration.

This property comprises Lot 3 of "Rockcrest", recorded E.H.E., Jr. 37, Folio 86. The Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within County utility easements and rights-of-way. The proposed wireless transmitting and receiving structure is indicated in close proximity to such a 10-foot drainage and utility easement.

Very truly yours,

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END/EAH:PMH:ss

cc: G. Reier (file in Rockcrest)
C. Warfield

S-CW Key Sheet
41 & 42 NW 17 Pos. Sheets
NW 11 E Topo
68 Tax Map

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

September 4, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #48, Zoning Advisory Committee Meeting, August 27, 1974, are as follows:

Property Owner: Edward B. Caplan & Deborah Caplan
Location: N/S of Cul-De-Sac, N. of Keller Ave., S. of Hillside Rd.

Existing Zoning: D. R. 1
Proposed Zoning: Special exception for wireless transmitting & receiving structure Sec. 200.15. Variance from Sec. 1 B02.2B (V.B.2) to permit a side yard for a principle structure of 12 feet, in lieu of the required 40 feet, and a rear yard of 12 feet in lieu of the required 50 feet.
No. of Acres: 1.05 Acres
District: 3rd

Comments: Since this is a transmitting and receiving structure, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/nac

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



September 20, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna,

Comments on Item #48, Zoning Advisory Committee Meeting, August 27, 1974, are as follows:

Property Owner: Edward B. Caplan and Deborah Caplan
Location: N/S of Cul-de-sac, N of Keller Avenue, S of Hillside Road
Existing Zoning: D.R. 1
Proposed Zoning: Special exception for wireless transmitting and receiving structure Section 200.15. Variance from Section 1 B02.2B (V.B.2) to permit a side yard for a principle structure of 12 feet, in lieu of the required 40 feet and a rear yard of 12 feet in lieu of the required 50 feet.
No. of Acres: 1.05
District: 3rd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: August 28, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Re: Item #48

Z.A.C. Meeting of: August 27, 1974

Property Owner: Edward B. Caplan & Deborah Caplan

Location: N/S of Cul-De-Sac, N. of Keller Ave., S. of Hillside Rd.

Present Zoning: D.R. 1

Proposed Zoning: Special exception for wireless transmitting & receiving structure - Sec. 200.15. Variance from Sec. 1 B02.2B (V.B.2) to permit a side yard for a principle structure of 12 feet, in lieu of the required 40 feet, and a rear yard of 12 ft. in lieu of the required 50 ft.

District: 3rd

No. Acres: 1.05 Acres

Dear Mr. DiNenna: No adverse effect on student population.

Very truly yours,
W. Nick Petrovich,
Field Representative.

H. EMILIE PARKS, Treasurer
EUGENE C. HESS, Vice President
WILLIAM D. FROMM, President

MARCUS M. BOSTRICH
JOSEPH N. MCGOWAN
ALVIN LOBECK
JOSHUA M. WHEELER, Superintendent

RAYMOND WILLIAMS, Jr.
RICHARD W. TRACY, Valedictorian
MRS. RICHARD A. RICE, Vice

PETITION FOR SPECIAL EXEMPTION AND VARIANCE

FOR SPECIAL EXEMPTION AND VARIANCE FROM THE ZONING ORDINANCE AND REGULATIONS OF BALTIMORE COUNTY, MARYLAND.

FOR SPECIAL EXEMPTION AND VARIANCE FROM THE ZONING ORDINANCE AND REGULATIONS OF BALTIMORE COUNTY, MARYLAND.

FOR SPECIAL EXEMPTION AND VARIANCE FROM THE ZONING ORDINANCE AND REGULATIONS OF BALTIMORE COUNTY, MARYLAND.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21204 OCT. 3, 1974

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 23rd day of October, 1974, the first publication appearing on the 1st day of October, 1974.

THE JEFFERSONIAN,
S. LEAH STRICKLAND
Manager.

Cost of Advertisement, \$.....

PETITION FOR SPECIAL EXEMPTION AND VARIANCE FROM THE ZONING ORDINANCE AND REGULATIONS OF BALTIMORE COUNTY, MARYLAND.

OFFICE OF THE
COMMUNITY TIMES
RANDALLSTOWN, MD. 21133 Oct. 7 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 7th day of Oct. 1974 that is to say, the same was inserted in the issue of October 2 - 1974.

STROMBERG PUBLICATIONS, INC.

By *James A. T. Hunt*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2-201 Date of Posting: OCT. 5, 1974

Posted for: PETITIONS FOR SPECIAL EXEMPTION AND VARIANCE

Petitioner: EDWARD B. CAPLAN

Location of property: N/S of Keller Ave. 610' S of Hillkirk Ave.

Location of Sign: ON W/S PROPERLY SET - N of Keller Ave.

Remarks: Thomas K. DeLand

Posted by: Thomas K. DeLand Date of return: OCT. 10, 1974

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: <i>JH</i>									
Previous case:									
Revised Plans: Change in outline or description									Yes
Map #									No

Mr. Edward B. Caplan
9103 Meadow Heights Road
Randallstown, Md. 21133

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing this 17th day of September 1974.

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Edward B. Caplan and Deborah Caplan

Petitioner's Attorney: o'Connell, Larson & Associates, Inc. Suite 303, Investment Bldg. (21204)

Reviewed by: *James A. T. Hunt*
CHRISTIAN
Zoning Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 13th day of August 1974. Item #

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Caplan Submitted by: Caplan
Petitioner's Attorney: Reviewed by: *F. Hegarty*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 16917

DATE: October 1, 1974 ACCOUNT: 01-662
AMOUNT: \$50.00
DISTRIBUTION: WHITE - CASHIER, YELLOW - CUSTOMER

Edward B. Caplan
9103 Meadow Heights Rd.
Randallstown, Md. 21133
Petition for Special Exemption and Variance for
Edward B. Caplan 75-91-1A 50.0000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 16972

DATE: Oct. 23, 1974 ACCOUNT: 01-662
AMOUNT: \$50.50
DISTRIBUTION: WHITE - CASHIER, YELLOW - CUSTOMER

Edward B. Caplan,
Box 75
Stevenson, Md. 21153
Advertising and posting of property: 75-91-1A



