

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE

5206 Wilkens Avenue

1st Election District
1st Councilmanic District

Ernesto Caropreso, et ux, Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-236-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Ernesto Caropreso and Nancy Caropreso, his wife, property owners, for that property known as 5206 Wilkens Avenue in the Catonsville section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.B (1953 Section III -A Residence Zone C-4) of the Baltimore County Zoning Regulations (BCZR) to allow an addition with a rear yard setback of 10 ft. in lieu of the required 15 ft. in a D.R.3.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER PLACED FOR FILING
Date 1/20/98
By JH. Chavak

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 Zoning Commissioner for Baltimore County this 20th day of January 1998 that the Petition for a Zoning Variance from Section 1B02.3.B (1953 Section III -A Residence Zone C-4) of the Baltimore County Zoning Regulations (BCZR) to allow an addition with a rear yard setback of 10 ft., in lieu of the required 15 ft., in a D.R.3.5 zone, be and is hereby GRANTED, subject, however, to the following restriction:

1. The 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning

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

January 15, 1998

Mr. and Mrs. Ernesto Caropreso
5206 Caropreso
Baltimore, Maryland 21228

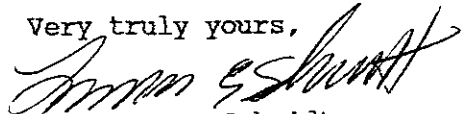
RE: Petition for Administrative Variance
Case No. 98-236-A
Property: 5206 Wilkens Avenue

Dear Mr. and Mrs. Caropreso:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.
c:





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5206 Wilkens Ave

which is presently zoned DR3.5

This Petition shall be filed with the Dept. of Permits & 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) (1953) SEC III - A Residence Zone C-4
BCZR SEC. 1802.3.B (REGS)

To permit an addition with an average rear yard setback of 10' in lieu of the required 15'.

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

See Reverse Side

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.

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

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No.

City

State

Zipcode

Name

5206 Wilkens Ave

W. 799 5050

H. 553 0461

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JRF DATE 12-18-97

ESTIMATED POSTING DATE 12-29-97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 236

98-236-A

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 5206 Wilkens Ave
address
Balto MO 21228
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)

Parents are asking wish to expand
Living Space for Live in Caring

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

(signature)
Ernesto Caropreso
(type or print name)



(signature)
Nancy Caropreso
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of December, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ERNEST CAROPRESO AND NANCY CAROPRESO

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/16/97
date

Barto D. Lendy
NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES SEPT. 1, 2001

A-DES-8P

EXAMPLE 3 Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 5206 WILKENS AVE.
(address)

Beginning at a point on the NORTH side of
(north, south, east or west)

Wilkins Ave. which is 66 feet
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 200 feet WEST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street KENWOOD AVE
(name of street)

which is 30 feet wide. *Being Lot # _____,
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Kendale Heights
(name of subdivision)

as recorded in Baltimore County Plat Book # 19, Folio # 82,

containing 8,077 sq. Also known as 5206 Wilkins Ave
(square feet or acres) (property address)

and located in the 1 Election District, 1 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

#236
98-236-A
-13-

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

No. **046743**

DATE 12-14-97

ACCOUNT 12-001-CIS-000

AMOUNT \$ 50.00

RECEIVED FROM:

Ernesto Carapreso
6306 Wilkens Ave

FOR: 01 Variance

Item # 236
Taken by JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-236-A

CASHIER'S VALIDATION

PAID RECEIPT

2/19/1997 12/18/1997 12/31/97

2/19/1997 12/18/1997 12/31/97

5 MISCELLANEOUS CASH RECEIPT

5 MISCELLANEOUS CASH RECEIPT

5 MISCELLANEOUS CASH RECEIPT

5 MISCELLANEOUS CASH RECEIPT

Baltimore County, Maryland



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 236

Petitioner: Ernest + Nancy Caropreso

Location: 5206 Wilkens Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ernest + Nancy Caropreso

ADDRESS: 5206 Wilkens Ave

Baltimore MD 21228

PHONE NUMBER: 410 744 3126

AJ:ggs

98-236-A

(Revised 09/24/96)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 236 -A

Address 5206 Wilkens Ave

Contact Person: JUN R. FERNANDO

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 12-18-97

Posting Date: 12-29-97

Closing Date: 1-13-98

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 98- 236 -A Address 5206 WILKENS AVE.

Posting Date: 12-29-97

Closing Date: 1-13-98

Wording for Sign: To Permit an addition with an overage rear yard
setback of 10' in lieu of the required 15'

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Baltimore, MD 21784

Telephone: (410) 781-4000
Toll Free: (800) 368-2295
Fax: (410) 781-4673

Richard Hoffman
904 Dellwood Avenue
Fallston, MD 21047

Telephone: (410) 879-3122

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: (410) 242-4263
Mobile: (410) 382-4470

Tom Ogle
325 Nicholson Road
Baltimore, MD 21221

Telephone: (410) 687-8405
Mobile: (410) 262-8163
Fax: (410) 687-4381

Patrick M. O'Keefe, Sr.
523 Penny Lane
Hunt Valley, MD 21030

Telephone: (410) 666-5366
Cell: (410) 905-8571
Fax: (410) 628-2574
(410) 882-2469

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST BE ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 12/11/97



Baltimore County
Department of Permits and
Development Management

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

January 7, 1998

Mr. and Mrs. Ernesto Caropreso
5206 Wilkens Avenue
Baltimore, MD 21228

RE: Item No.: 236
Case No.: 98-236-A
Petitioner: Ernesto Caropreso, et ux

Dear Mr. and Mrs. Caropreso:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 18, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 12-31-97
Item No. 236 (JRF)

Dear Ms. Eubanks:

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.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: December 30, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 232, 233, 236, 237, 241, and 242

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley. *RBS/40*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *Dec 29, 87*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

230

232

233

234

240

241

229

RBS:sp

BRUCE2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

January 5, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 29, 1997

Item No.: See Below Zoning Agenda:

Gentlemen:

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

- B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

231, 232, 233, 236, 237, and 241

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881. MS-1102F

cc: File



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5206 Wilkens Ave

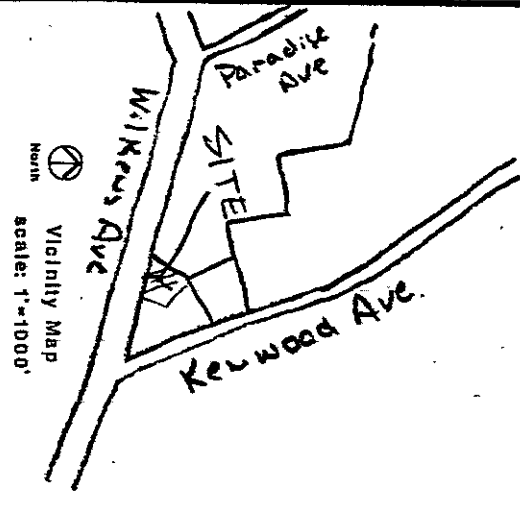
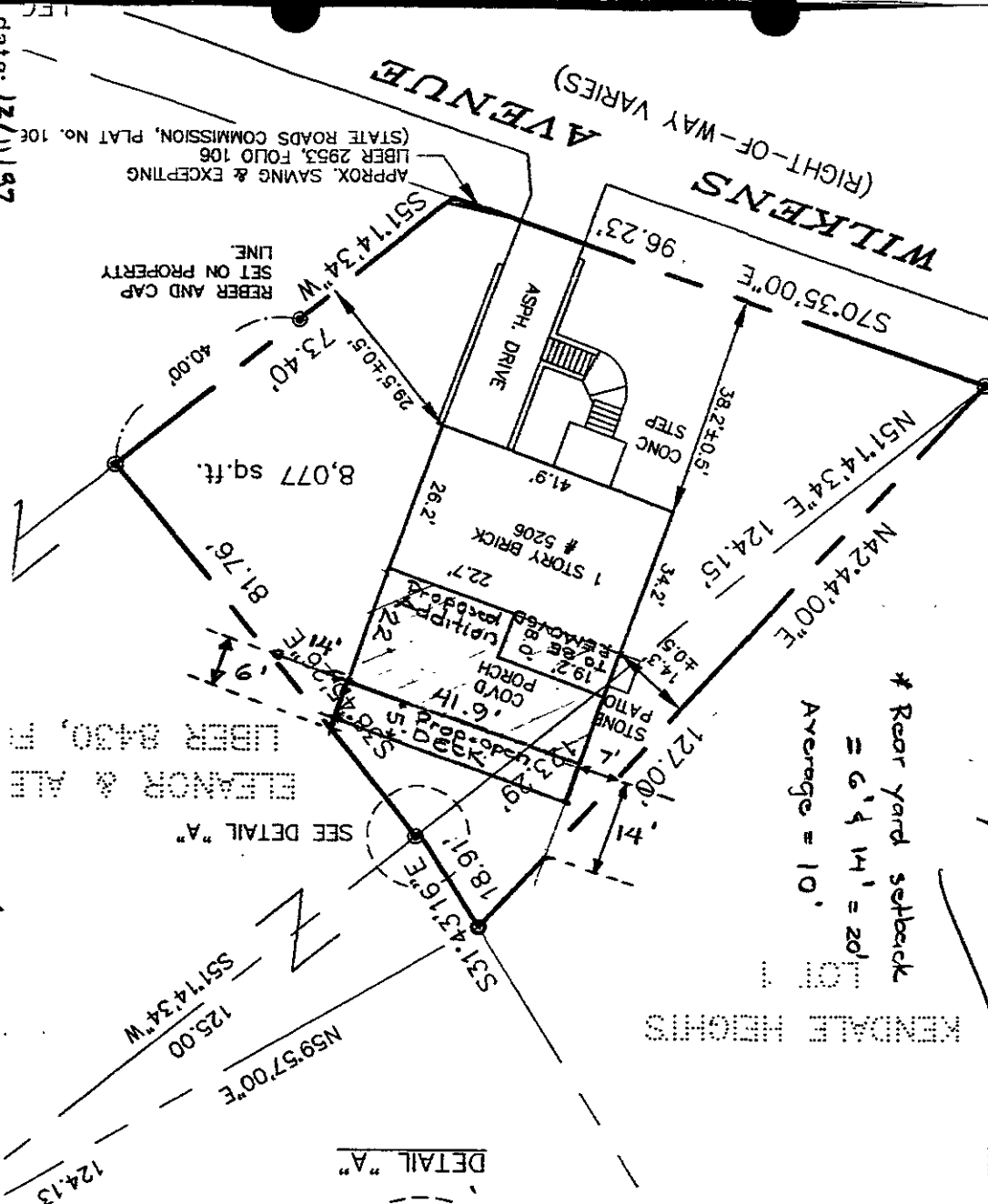
Subdivision name: KENDALE HEIGHTS

plat book# 19, folio# 22, lot# 1, section# 1

OWNER: Ernest + Nancy Carver-ESD

see pages 5 & 6 of the CHECKLIST for additional required information

Let No 2



LOCATION INFORMATION

Election District: 1st

Councilmanic District: C-1

1\"=200' scale map#: SW 4E

Zoning: DR 3.5

Lot size: 0.19 8622 acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: JRF ITEM #: 236 CASE#:

date: 12/11/97

prepared by: Richard Carver-ESD Scale of Drawing: 1\"= 30'

(STATE ROADS COMMISSION, PLAT No. 106)
LIBER 2953, FOLIO 106
APPROX. SAVING & EXCEPTING

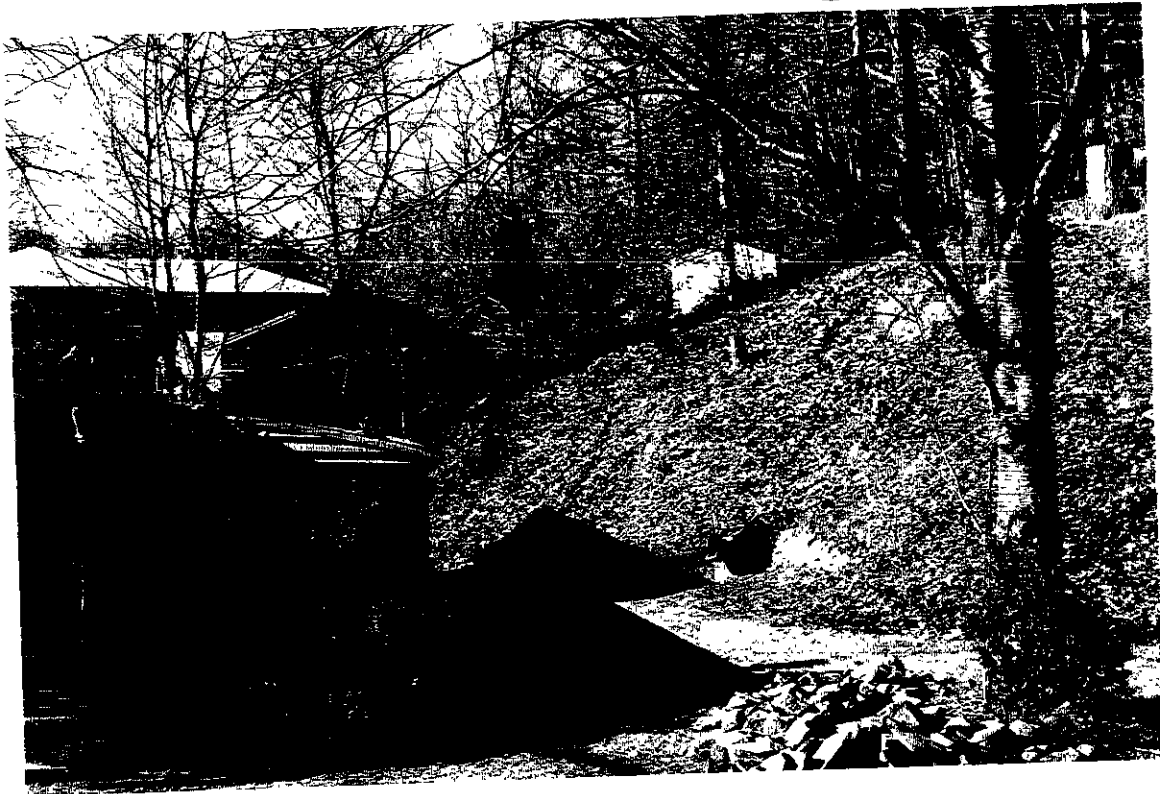
98-236-A



Rear Yard Both Sides Proposed Location of
Addition

98-236-A

#236



Rear Yard Proposed Location of Addition



Rear Yard Porch to be Removed for Proposed
Location of Addition

236

98-236-A