

IN RE: PETITION FOR VARIANCE
S/S of Edmondson Avenue,
200 ft. SW of Rosewood Avenue
1st Election District
1st Councilmanic District
(1505 Edmondson Avenue)

Aldo & Heather Caropreso
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-425-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Aldo and Heather Caropreso. The Petitioners are requesting variance relief for property located at 1505 Edmondson Avenue in the western area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling to have a side yard of 10 ft. and a combined side yard sum of 35 ft. in lieu of the required 15 ft. and 40 ft. respectively.

The property was posted with Notice of Hearing on April 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 20, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

After the hearing on this matter it came to the attention of this Commissioner that the petition as stated was in error. The petition and the zoning map in the file indicate that the property is zoned DR 2. Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifies that in DR 2 zones the required lot width is 100 ft., side yard set backs are 15 ft. and sum of side yard setbacks is 40 ft. The petition indicated that the required lot width was 55 ft. instead of 100 ft. I have treated this as a typographical error and have corrected the petition accordingly.

ORDER RECEIVED FOR FILING

Date

5/18/04

By

R. G. [Signature]

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.”

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 was received from the Office of Planning dated April 2, 2004 recommending denial of this request, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Aldo and Heather Caropreso, Petitioners. There were no protestants or citizens at the hearing. People’s Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This is a companion case to Case No. 04-424-A, a vacant lot whose address is 1509 Edmondson Avenue owned by Heather Caropreso. By agreement, testimony and evidence in this case applies to the companion case. Testimony and evidence indicated that the subject property is an adjacent lot improved by a single-family dwelling whose address is 1505 Edmondson Avenue

and is owned by Aldo and Heather Caropreso who are husband and wife. The Petitioners testified that these properties had been created in the 1930's and have been owned by the family since the 1940's. The Petitioners purchased the lot with the existing home in the 1970's and then bought the vacant lot next door seven years ago.

They would like to develop the vacant lot so as to build a new home on the property that would be sold to the public. Many reasons were given at the hearing by the Petitioners for the development of the property, namely that the taxes on the vacant lot were going up quickly and that they were approaching the time when they would find it difficult to maintain the property, both physically and financially, because they would retire shortly and have fixed incomes. Mr. Caropreso appeared at the hearing in a motorized wheel chair indicating his severe physical disabilities and the reason he was having difficulty maintaining both properties. The Petitioners testified that if they could sell the vacant lot, they would have money for needed repairs on their home at 1509 and the remaining money would be for their retirement fund. Mr. Caropreso indicated that he and his brother-in-law would actually build the house on the vacant lot.

The Petitioners presented a County right-of-way map for the area dated June 11 1956, which depicted both lots. See Petitioners' Exhibit No. 2 wherein the properties are marked "1505 and 1509". While the lots are 52 ft. and 55 ft. wide, they are on the average approximately 360 ft. deep. As a result, although the regulations require lots of 20,000 sq. ft., both lots are approximately 18,000 sq. ft. in area. The Petitioners point out that this is close to the area required for DR 2 zoned property. They also note that the house next door to them at 1513 Edmondson Avenue is developed as a single-family home and has approximately 56 ft. of frontage. Again, this lot is very deep. They also point to the zoning map in the file that indicates the properties along nearby Smithwood and Rosewood Avenues are developed on narrow lots similar to the lots owned by Petitioners. The Petitioners recognize that their lots do not conform to the present DR 2 zoning

regulations. They point out, however, that their property was zoned at a higher density (certainly DR 3.5 and likely DR 5.5) some years ago, but the area was downshifted in zoning density more recently. They were not sure of the dates when this occurred.

The Planning Office recommended both requests be denied because lots in the area are generally wider than the vacant lot, insufficient architectural elevations were submitted, and additional driveways should not be allowed presumably on Edmondson Avenue. Mr. Caropreso testified that he did not have sufficient money to have the elevations prepared professionally and submitted to the Office of Planning, but would do so if the requests were granted.

Findings of Fact and Conclusions of Law

The Planning Office recommends that both petitions be denied. It is interesting to note that missing among the reasons traditionally given by the Office of Planning when they recommend denial in such cases, is the fact that the two lots are in common ownership and can be combined to meet the regulations. Thus, the two lots together meet the minimum lot width of 100 ft. and area of 20,000 sq. ft. in area. The most significant argument given by the Office of Planning is that lots in this area are generally not developed as 50 ft. front lots. The Petitioners dispute this and cite the zoning map to indicate otherwise.

I will deny both requests, but because the Petitioners may want to appeal my decision to the Board of Appeals, I will make a specific finding on each point, which is required in variance cases. First, I find that the properties are unique even though there are no physical anomalies such as wetlands or steep slopes. I find this because where lots were created before the zoning laws were applied, those lots are impacted by the regulations in a different way than other lots in the neighborhood that were created to meet the regulations. Here the lots were created, to the Petitioners' best knowledge, in the 1930's and the DR 2 regulations were imposed very recently.

ORDER REC'D FOR FILE
5/18/04
R. Caropreso

I further find that the Petitioners would suffer hardship and practical difficulty in conforming to the newly applied regulations. First, there is an existing house, which simply can not meet the new DR side yard setback regulations. Secondly, any reasonable size home placed on the vacant lot can not meet the new DR regulations. Thirdly, the Petitioners present a compelling case for their difficulty in maintaining the existing two lots. Just cutting the grass is a hardship for Mr. Caropreso, although to his credit he never once indicated that he should have special treatment because of his physical disabilities. He is ready to install the tile in the new home and certainly would not want me to think he required special treatment.

However, I can not ignore the fact that recently the County Council specifically downshifted the zoning density in this area to DR 2. Examination of the zoning map in the file shows that a large area south of Edmondson Avenue, which includes these properties, is now zoned DR 2. Just to the north, across Edmondson Avenue, the area is still zoned DR 5.5 and to the west DR 3.5. Comparing the spacing and number of homes in each area, I am lead to believe that the area south of Edmondson Avenue, where the subject property is located, was zoned DR 5.5 until recently. Then for some reason the subject area was downshifted to DR 2. The Petitioners confirm this scenario.

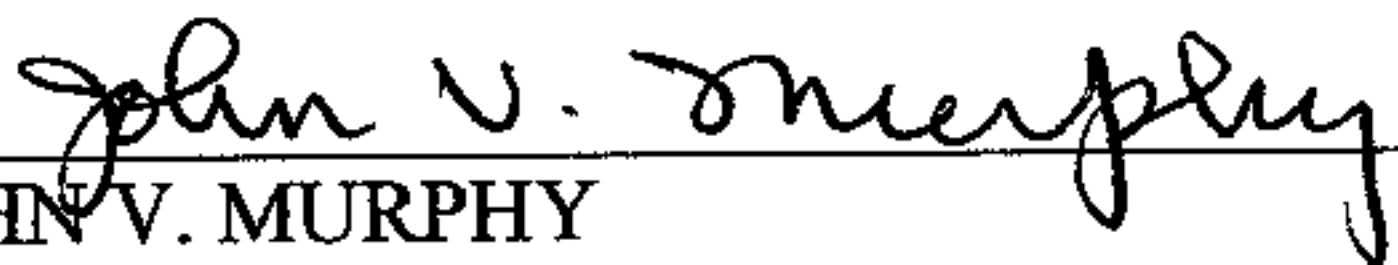
It is obvious to me that in downshifting the area to DR 2, the County Council wanted to stop some process of development that was occurring at the higher density zoning. This downshifting often occurs to stop lots being developed in the back and side yards of existing homes with large lots in these older neighborhoods such as exist in this part of Catonsville. This is generally referred to as "infill". Whatever the reason, the message is clear. The County Council does not want infill development in this area of the County, as is being presented by these Petitioners. I must respect this direction in deciding this case.

Therefore, I find that although the petition meets all of the other criteria for granting a variance, it does not meet the requirement that the variance be granted only if it is in strict harmony with the spirit and intent of the 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. I find that the petition does not meet the spirit and intent of the present zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 18 day of May 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling to have a side yard of 10 ft. and a combined side yard sum of 35 ft. in lieu of the required 15 ft. and 40 ft. respectively, be and is hereby DENIED.

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:raj

ORDER RECEIVED FOR FILING

Date 5/18/04

By R. Johnson

IN THE MATTER OF
THE APPLICATION OF
ALDO AND HEATHER CAROPRESO
- PETITIONERS FOR ZONING VARIANCE
ON PROPERTY LOCATED ON THE SE/S
EDMONDSON AVENUE, 255' SW OF
ROSEWOOD AVE (1509 EDMONDSON AVE)
AND S/S EDMONDSON AVENUE, 200' SW
ROSEWOOD AVE (1505 EDMONDSON AVE)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 04-424-SPHA and
CASE NO. 04-425-A

*

* * * * *

OPINION

This matter comes before the Board of Appeals as the result of a determination by the Deputy Zoning Commissioner to approve a special hearing for an undersized lot at 1509 Edmondson Avenue and denial of two variance requests, the first concerning the property known as 1505 Edmondson Avenue, to allow an existing single-family dwelling to have a side yard of 10 feet and a combined side yard sum of 35 feet in lieu of the required 15 feet and 40 feet respectively; and the second, concerning a vacant lot located at 1509 Edmondson Avenue, to permit a proposed single-family dwelling having side yard setbacks of 6.5 feet and 14 feet, and a sum of side yards of 20.5 feet on a lot having a width of 51.28 feet in lieu of the required 15 feet, 40 feet, and 100 feet respectively.

This matter was heard on March 16, 2005. Petitioners were represented by Michael P. Tanczyn, Esquire. There were no Protestants.

Petitioner, Aldo Caropreso, testified on his own behalf. He described the properties in question as being in existence by deed since 1939 when they were first purchased by his wife's family. He related that 1505 Edmondson Avenue was purchased by him and his wife and is improved by a single-family home. His wife, in her own right, later purchased the adjacent lot at

1509 Edmondson Avenue. Utilizing various deeds, plats, diagrams, and photographs, he established that the properties in question, being long and narrow, were significantly different than the other sites in the area, and that each was almost double the square footage of the other nearby properties.

He also presented an amended plat which addressed and resolved several difficulties pointed out by the Planning Board regarding the project as to privacy, elevation, and proposed driveway issues. It also reflected what was apparently a misconception on the part of the Planning Board as to the specifics of the separate ownership of the two properties in question. He further pointed out that the variance relief requested was limited only to the side yard distances, as the lots in question met or exceeded the depth requirements. He noted that the lots in question (and the proposed structure on 1509) were set much farther back than virtually all the other structures in the area.

He pointed out that all the Petitioners desired was to build appropriate structures in conformity with the standards of construction existing in the area. He testified further that their request would not change the density of construction in the neighborhood, would be in strict harmony with the nature of the area, that the site in question was served by public water and sewer, and that the project would in no way be detrimental to the health, safety or general welfare; and that, for all of those reasons, their request was in fact supported by all of their neighbors.

The witness further addressed the issues of the special hearing request in addition to the deeding of the property prior to 1955. He further established that, the lots being in two separate

ownerships, there was no ability to combine the lots in question to avoid the undersized lot situation.

Finally, he stated that his wife, as owner of 1509 Edmondson Avenue, would grant an easement in perpetuity to 1505 Edmondson Avenue as a condition to the granting of the special hearing request, to provide appropriate driveway access to that property.

Heather Caropreso testified and adopted her husband's testimony. In addition, she confirmed the history of the two properties and, under oath, stated that the easement for the driveway access to 1505 Edmondson Avenue would be granted as indicated and agreed that it would be included as a condition for any special hearing approval granted by this Board.

The applicable law regarding the granting of a special hearing request to permit construction of a single-family home on lots undersized for that purpose is contained in § 304.1 of the *Baltimore County Zoning Regulations* (BCZR). It states:

...a one-family attached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

As to the granting of variances, the Board notes § 307.1 of the BCZR which states:

...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area 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.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare....

Further, the Board enjoys the guidance provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." *Id.* at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

...In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... *Id.* at 710.

The Court, in *McLean v. Soley*, 270 Md. 216 (1973) established the following criteria for determining practical difficulty or unreasonable hardship:

- 1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessary burdensome.
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The Board has applied the facts, testimony, and exhibits presented to these statutes and cases. We find that there is no question that the subject properties are, by their shape, topography, and size, significantly unique when compared with the other existing properties in the area in which they exist. They are, therefore, in all sense of the law and cases "unique."

Having determined the uniqueness of the sites in question and, in accordance with the standards set forth in *McLean*, we find that strict compliance with the applicable side yard standards (especially considering that the front and rear distances easily meet and exceed those requirements) would unreasonably prevent Petitioners from using the properties in question for the permitted purpose of a single-family dwelling. We further find that it would do substantial justice to the Petitioners to grant their request, and that the spirit of the side yard ordinances would thereby still be observed and public safety and welfare secured by the granting of the requested relief.

We further find that the Petitioners have met their burden as it concerns their request for a special hearing to allow construction of a single-family structure on the undersized lot at 1509 Edmondson Avenue. The lot in question was deeded prior to March 30, 1955. There is not sufficient adjoining property to conform with the requirements of law as the joint owners of 1505 Edmondson are not the same as the single owner of 1509 Edmondson Avenue.

Finally, as we have noted above, the requisite variances have, by this Opinion, been granted, so that all other requirements of the height and area regulations have been complied with. The granting of the special hearing is conditioned on the granting, in perpetuity, by Petitioner, Heather Caropreso, of an easement on 1509 Edmondson Avenue for the benefit of 1505 Edmondson Avenue for the purpose of granting driveway access to that structure. This

condition will be embodied in our final Order and must be recorded among the Land Records of Baltimore County before any construction permit is granted as the result of the granting of this special hearing.

ORDER

THEREFORE, IT IS THIS 14th day of June, 2005 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed single-family dwelling having side yard setbacks of 6.5 ft. and 14 ft., a sum of side yards of 20.5 ft. on a lot having a width of 51.28 ft. in lieu of the required 15 ft., 40 ft. and 55 ft. respectively and to approve an undersized lot on the property known as 1509 Edmondson Avenue, Case No. 04-424-SPHA, be and is hereby **GRANTED**; and it is further

ORDERED that Petitioners' request for special hearing on the property known as 1509 Edmondson Avenue, Case No. 04-424-SPHA, pursuant to § 500.7 of the BCZR to approve an existing lot having an area of 18,581 sq. ft. and to determine that density will not be affected, be and is hereby **APPROVED**; and it is further

ORDERED that Petitioners' request for variance relief on the property known as 1505 Edmondson Avenue, Case No. 04-425-A, from § 1B02.3.C.1 of the BCZR to permit an existing single-family dwelling to have a side yard of 10 ft. and a combined side yard sum of 35 ft. in lieu of the required 15 ft. and 40 ft. respectively be and is hereby **GRANTED**; and it is further

ORDERED that the granting of the special hearing is conditioned upon the following restriction:

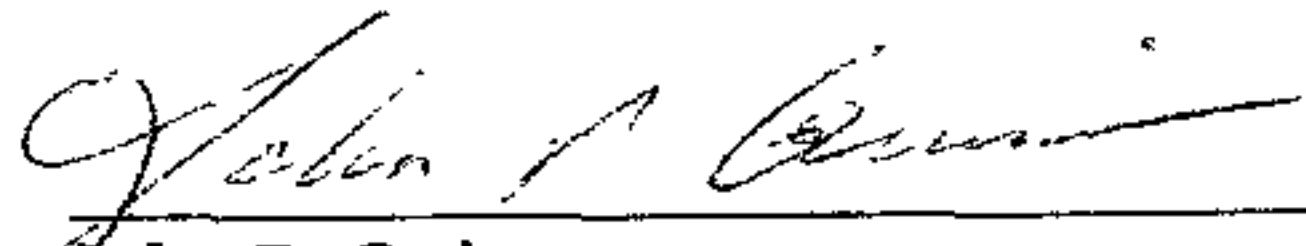
The granting of the special hearing is conditioned on the granting, in perpetuity, by Petitioner, Heather Caropreso, of an easement on 1509 Edmondson Avenue for the benefit of 1505 Edmondson Avenue for the purpose of granting driveway access to that structure.

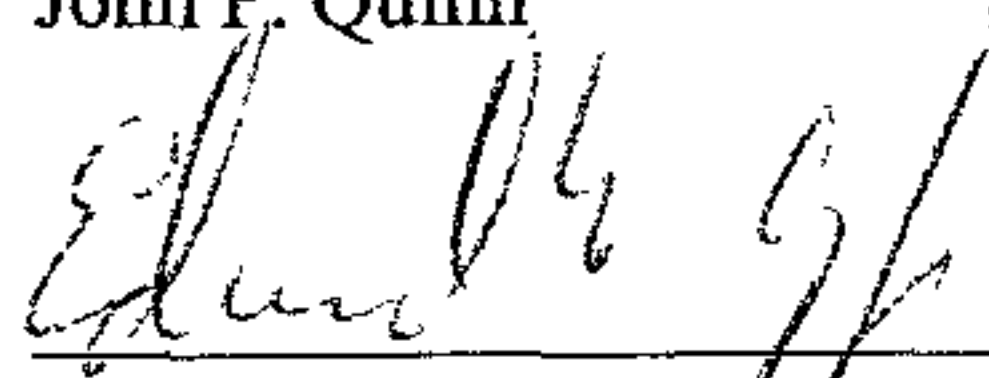
This condition shall be recorded among the Land Records of Baltimore County before any construction permit is granted as the result of the granting of this special hearing.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Chairman

John P. Quinn

Edward W. Crizer, Jr.

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

May 19, 2004

Mr. & Mrs. Aldo Caropreso
1505 Edmondson Avenue
Catonsville, Maryland 21228

Re: Petition for Variance
Case No. 04-425-A
Property: 1505 Edmondson Avenue

Dear Mr. & Mrs. Caropreso:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been denied 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,

A handwritten signature in black ink that reads "John V. Murphy". The signature is written in a cursive style with a large, stylized "M" and a trailing flourish.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1505 Edmondson Ave.
which is presently zoned DR-2

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) 1B02.3.C.1 (BCZF)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING TO HAVE A SIDE YARD OF 10' AND A COMBINED SIDEYARD SUM OF 35' IN LIEU OF THE REQUIRED 15' AND 40' RESPECTIVELY

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

TO BE DISCUSSED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

SAME

AS

ABOVE

Telephone No.

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM/DT Date 3/18/04

ORDER RECEIVED FOR FILING

Date 5/18/04

By [Signature]

Case No. 04-425-A

REV 9/15/98

ZONING DESCRIPTION FOR

1505 EDMONDSON
(address)

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

EDMONDSON AVE which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

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

centerline of the nearest improved intersecting street ROSEWOOD
(name of street)

which is 40' wide

BEGINNING for the same at an iron pipe set in the southeasterly line of Edmondson Avenue at the distance southwesterly of one hundred fifty two and eight-tenths feet from the southwesterly corner of Rosewood and Edmondson Avenues, thence running along the same line of Edmondson Avenue south eighty degrees and forty three minutes west fifty-five feet to an iron pipe, thence by a new division line passing through the 1919 and also the 1920 parcel south twenty-two degrees and eight minutes east three hundred fifty-eight and one-tenth feet to an iron pipe set in the rear line of a lot two hundred feet deep facing to the northwesterly side of Birdwood Avenue, thence parallel with Birdwood Avenue north sixty-two degrees and thirty-seven minutes east sixty and three tenths feet to an iron pipe set in the rear line of a lot one hundred and seventy feet deep facing the southwesterly side of Rosewood Avenue, thence parallel with Rosewood Avenue sixty feet to an iron pipe set at a bend in the rear line of the lot adjoining the last mentioned one on the northwest, thence north twenty-two degrees and twenty minutes west two hundred eighty and six-tenths feet to the point of beginning, containing forty-four one-hundredths of an acre of land, be the same more or less.

containing 19166 Also known as 1505 EDMONDSON
(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.

#425

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-425-A

1505 Edmondson Avenue

S/side of Edmondson Avenue, 200 feet s/west of Rosewood Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Aldo & Heather Caropreso

Variance: to permit an existing single family dwelling to have a side yard of 10 feet and a combined side yard sum of 35 feet in lieu of the required 15 feet and 40 feet respectively.

Hearing: Wednesday, May 5, 2004 at 11:00 a.m. in Room 186, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/4748 April 20 C660796

CERTIFICATE OF PUBLICATION

4/22/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/20/, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 34546

DATE 2/18/04 ACCOUNT 12000-0066150

AMOUNT \$ 65.00

RECEIVED FROM CASH

FOR 04-2125-A

DISTRIBUTION
WHITE: CASHIER
PINK: AGENCY
YELLOW: CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DAY
02/18/04 3/18/2004 11:55:51 1

RECEIVED FROM
02/18/04 3/18/2004 11:55:51
02/18/04 3/18/2004 11:55:51
02/18/04 3/18/2004 11:55:51

POSTED TO
02/18/04 3/18/2004 11:55:51
02/18/04 3/18/2004 11:55:51
02/18/04 3/18/2004 11:55:51

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-425-A

Petitioner/Developer: ALDO & HEATHER CAROPPO SO

Date of Hearing/ Closing: MAY 5, 2004

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

Attention: Becky Hart

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1505 EDMONDSON AVE,

The sign(s) were posted on

^{April}
~~MAR~~ 16, 2004
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

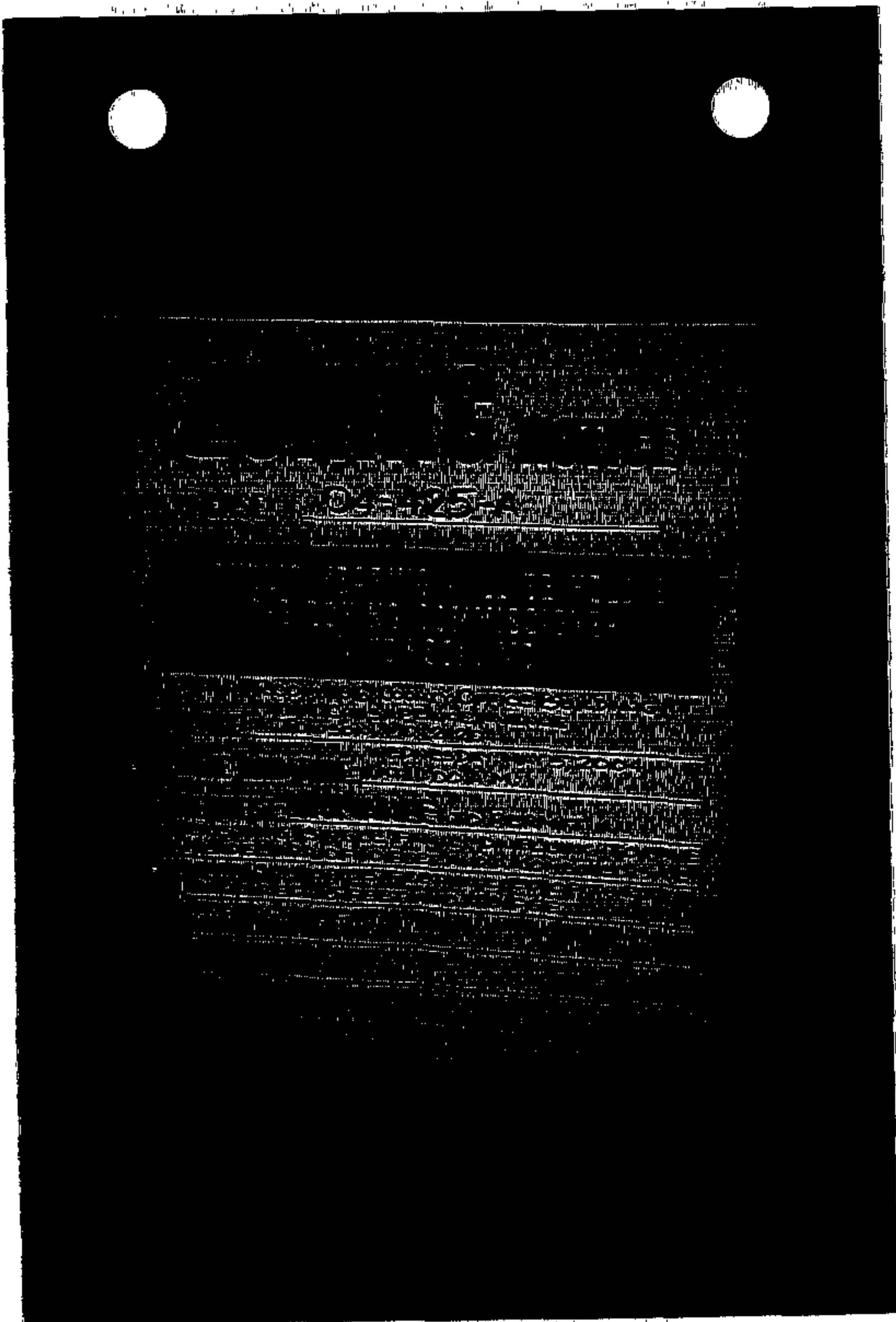
(Address)

BAUTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



APPEAL SIGN POSTING REQUEST

CASE NO.: 04-425-A

ALDO AND HEATHER CAROPRESKO—LEGAL OWNER

1505 EDMONDSON AVENUE - CATONSVILLE

1ST ELECTION DISTRICT

APPEALED: 6/14/2004

ATTACHMENT—(Plan to accompany Petition—Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-425-A

ALDO AND HEATHER CAROPRESCO— LEGAL OWNER

1505 EDMONDSON AVENUE - CATONSVILLE

1ST ELECTION DISTRICT

APPEALED: 6/14/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-425-A

Petitioner/Developer:

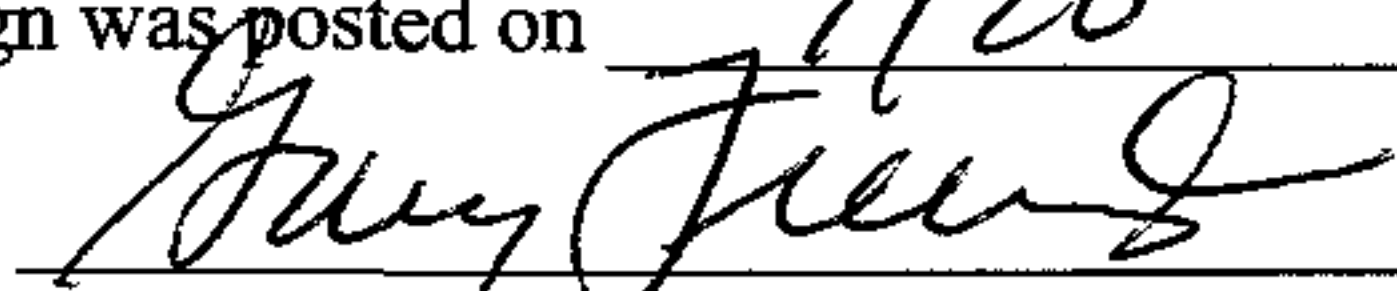
ALDO AND HEATHER CAROPRESCO— LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1505 EDMONDSON AVENUE - CATONSVILLE

The sign was posted on 7/20, 2004

By:


(Signature of Sign Poster)

GARY FREUND
(Printed Name)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-425-A
Petitioner: Caropreso Aldo
Address or Location: 1505 Edmondson Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Aldo Caropreso
Address: 1505 Edmondson Ave
Catonsville Md. 21228
Telephone Number: 410 747 5612



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 23, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-424-SPHA

IN THE MATTER OF: ALDO AND HEATHER CAROPRESO
Petitioners /Legal Owner 1509 Edmondson Avenue

5/18/04 – D.Z.C.'s Order in which requested variance and special hearing relief was DENIED.

AND

CASE #: 04-425-A

IN THE MATTER OF: ALDO AND HEATHER CAPRESO
Petitioners /Legal Owner 1505 Edmondson Avenue

5/18/04 – D.Z.C.'s Order in which requested variance relief was DENIED.

ASSIGNED FOR:

THURSDAY, DECEMBER 16, 2004 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant /Petitioner

: Aldo Caropreso

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*pp'd 12/15/04
no result*





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 10, 2005

NOTICE OF ASSIGNMENT

CASE #: 04-424-SPHA

IN THE MATTER OF: ALDO AND HEATHER CAROPRESO
Petitioners /Legal Owner 1509 Edmondson Avenue

5/18/04 – D.Z.C.’s Order in which requested variance and special hearing relief
was DENIED.

AND

CASE #: 04-425-A

IN THE MATTER OF: ALDO AND HEATHER CAPRESO
Petitioners /Legal Owner 1505 Edmondson Avenue

5/18/04 – D.Z.C.’s Order in which requested variance relief was DENIED.

NOTE: This matter was previously assigned for hearing on 12/16/04 and postponed at the request of
Counsel for Petitioner /Appellant. A hearing date has been reassigned as follows:

ASSIGNED FOR: WEDNESDAY, MARCH 16, 2005 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board’s Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board’s Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco
Administrator

c: Counsels for Appellant /Petitioner : Michael P. Tanczyn, Esquire
Appellant /Petitioner : Aldo Caropreso

Office of People’s Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

March 26, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-425-A

1505 Edmondson Avenue
S/side of Edmondson Avenue, 200 feet s/west of Rosewood Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Aldo & Heather Caropreso

Variance to permit an existing single family dwelling to have a side yard of 10 feet and a combined side yard sum of 35 feet in lieu of the required 15 feet and 40 feet respectively.

Hearing: Wednesday, May 5, 2004, at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Aldo & Heather Caropreso, 1505 Edmondson Avenue, Catonsville 21228

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 20, 2004.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 20, 2004 Issue - Jeffersonian

Please forward billing to:

Aldo Caropreso
1505 Edmondson Avenue
Catonsville, MD 21228

410-747-5612

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-425-A

1505 Edmondson Avenue

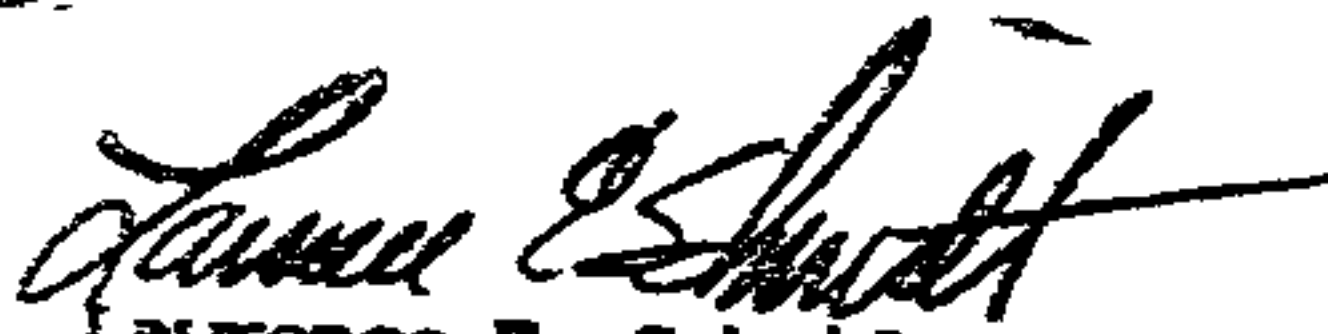
S/side of Edmondson Avenue, 200 feet s/west of Rosewood Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Aldo & Heather Caropreso

Variance to permit an existing single family dwelling to have a side yard of 10 feet and a combined side yard sum of 35 feet in lieu of the required 15 feet and 40 feet respectively.

Hearing: Wednesday, May 5, 2004, at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

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



Baltimore County

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

April 27, 2004

Heather L. Caropreso
Aldo Caropreso
1505 Edmondson Avenue
Catonsville, Maryland 21228

Dear Mr. and Mrs. Caropreso:

RE: Case Number:04-425-A, 1505 Edmondson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 18, 2004.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

Jm
5/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 2, 2004

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

RECEIVED

APR - 8 2004

SUBJECT: 1505 Edmondson Avenue

INFORMATION:

Item Number: 1509 ↑
4-425 (also see 4-424)

ZONING COMMISSIONER

Petitioner: Heather L. Caropreso

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and it appears that the petitioner owns sufficient adjoining land to conform to the width and area requirements contained in the BCZR. As such, this office recommends that the petitioner's request be **DENIED**.

Prepared by:



Division Chief:
AFK/LL:MAC:



9/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 2, 2004

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

RECEIVED

APR - 8 2004

SUBJECT: 1505 Edmondson Avenue

INFORMATION:

Item Number: 4-425 (also see 4-424)

Petitioner: Heather L Caropreso

Zoning: DR 2

Requested Action: Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and it appears that the petitioner owns sufficient adjoining land to conform to the width and area requirements contained in the BCZR. As such, this office recommends that the petitioner's request be **DENIED**.

Prepared by:



Division Chief:
AFK/LL:MAC:



ORDER RECEIVED FOR FILING
Date 5/18/04
By R. Johnson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 2, 2004

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

SUBJECT: 1509 Edmondson Avenue

INFORMATION:

Item Number: 4-424 (also see 4-425)

Petitioner: Heather L Caropreso

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and it appears that the petitioner owns sufficient adjoining land to conform to the width and area requirements contained in the BCZR. As such, the petitioner does not meet the requirements stated in Section 304.1.C of the BCZR. This office recommends that the petitioner's request be **DENIED** for the following reasons:

1. The lots in the neighborhood are generally wider.
2. Architectural elevations that were submitted are insufficient to determine compatibility with the existing dwellings in the neighborhood.
3. No additional driveways should be allowed.

Prepared by:

Mark A. Cunniff

Division Chief:

Stephen J. Jankin

AFK/LL:MAC:

5/18/04
R. Jankin
Date



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.29.04

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

RE: Baltimore County
Item No. 425 LTM

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

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

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

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

March 29, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 29, 2004

Item No.: 424-435 (425)

Dear Ms. Hart:

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.

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB5/JDC*

DATE: April 6, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 29, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-424

04-425

04-428

04-429

04-432

04-433

04-434

04-435

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 5, 2004
Item Nos. 424, 425, 427, 428, 429, 431,
432, and 434

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

RWB:CEN:jrb

cc: File

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

May 19, 2004

Mr. & Mrs. Aldo Caropreso
1505 Edmondson Avenue
Catonsville, Maryland 21228

Re: Petitions for Variances & Special Hearing
Case Nos. 04-424-SPHA 04-425-A
Property: 1505 Edmondson Ave. & 1509 Edmondson Ave.

Dear Mr. & Mrs. Caropreso:

Enclosed please find zoning advisory comments/recommendations from the Office of Planning that were inadvertently not attached to the Orders issued in the above-captioned cases on May 18, 2004. These comments were referred to on page 4 of each Order. Please accept our apologies for any inconvenience this may have caused.

Should you have any questions or require any additional information, please feel free to contact this office at 410-887-3868.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

June 29, 2004

Aldo Caropreso
Heather Caropreso
1505 Edmondson Avenue
Catonsville, MD 21228

Dear Mr. and Mrs. Caropreso:

RE: Case: 04-425-A, 1505 Edmondson Avenue

Please be advised your appeal of the above-referenced case was received in this office on June 14, 2004. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel

RECEIVED

JUN 30 2004

BALTIMORE COUNTY
BOARD OF APPEALS

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



APPEAL

Petition for Variance
1505 Edmondson Avenue
S/S Edmondson Ave., 200 ft. S/w Rosewood Ave.
1st Election District – 1st Councilmanic District
Aldo & Heather Caropreso - Petitioners

Case No.: 04-425-A

- ✓ Petition for Variance (March 18, 2004)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (March 26, 2004)
- ✓ Certification of Publication (April 20, 2004 – The Jeffersonian)
- ✓ Certificate of Posting (April 16, 2004) by Garland Moore
- ✓ Entry of Appearance by People's Counsel (April 1, 2004)
- ✓ Petitioner(s) Sign-In Sheet
None
- ✓ Protestant(s) Sign-In Sheet
None
- ✓ Citizen(s) Sign-In Sheet
None
- ✓ Zoning Advisory Committee Comments (4-27-04)
- ✓ Petitioners' Exhibit
 - ✓ 1. Plat to accompany petition for zoning variance
- ✓ Protestants' Exhibits:
None
- ✓ Miscellaneous (Not Marked as Exhibit)
 - 1. Zoning Commissioner's Policy Manual (Page 3-3)
- ✓ Deputy Zoning Commissioner's Order (DENIED – May 18, 2004)
- *✓ Notice of Appeal received on June 14, 2004 from Aldo Caropreso, Petitioner

RECEIVED
JUN 30 2004
BALTIMORE COUNTY
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Aldo & Heather Caropreso, 1505 Edmondson Avenue, Catonsville 21228

date sent June 30, 2004, klm

Counsel for Petitioner /Appellant
(entered 12/15/04):

Michael Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

✓E

Case No. 04-424-SPHA

In the Matter of: Aldo and Heather Caropreso –
Legal Owners /Petitioners

VAR – To permit proposed SFD having side yd setbacks of 6.5' and 14', a sum of side yds of 20.5' on lot having width of 51.28' ilo required 15', 40', and 55' respectively; SPH – to approve undersized lot.

5/18/04 – D.Z.C.'s Order in which requested variance and special hearing relief was DENIED.

and

Case No. 04-425-A

VAR – To permit existing SFD to have side yd of 10' and a combined side yd sum of 35' ilo required 15' and 40' respectively.

5/18/04 – D.Z.C.'s Order in which requested variance relief was DENIED.

8/23/04 -Notice of Assignment sent to following; assigned for hearing on Thursday, December 16, 2004 at 10:00 a.m.:

Aldo Caropreso
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

12/15/04 – T/C from Michael Tanczyn, Esquire – he will entering his appearance in both cases; in addition, he has just been retained and reviewed the case and petitions filed; called to request continuance in order to properly prepare and to fully review the petitions as filed.

– Will be requesting a continuance on the record 12/16/04; Mr. Caropreso need not attend on 12/16/04.

NOTE: Mr. Caropreso was not represented by counsel below; there were not protestants; petition were denied. The only notice sent to anyone outside of Baltimore County Government was to Mr. Caropreso; no other individuals expected to attend 12/16/04 hearing before the Board.) Spoke with Chairman Wescott regarding this matter.

- Entry of Appearance filed by Mr. Tanczyn in both 04-424-SPHA and 04-425-A.

- T/C with Mr. Tanczyn this date. Inasmuch as the 9 a.m. hearing has been postponed, and the continuance of this matter was the only issue for the Board on 12/16/04, the postponement /continuance will be granted this date by letter FAXed to Mr. Tanczyn and a copy hand-delivered to Mr. Zimmerman. T/Cs placed this date to scheduled Board members that day has been pulled; no one need come in to the office. Letter to Mr. Tanczyn via FAX and USPS – request granted; hearing postponed; to be reassigned within the next few days and notice sent for early Spring 2005 hearing.

2/10/05 – Notice of Assignment sent this date to all parties; assigned for hearing on Wednesday, March 16, 2005 at 10:00 a.m.

3/16/05 – Board convened for hearing (Stahl, Quinn, Crizer); hearing completed; public deliberation held after a luncheon recess. Unanimous decision of the Board: petition for variance and special hearing – GRANTED; written Opinion and Order to be issued; appellate period to run from date of written Order. 2 (L)

Q Albe Caroprese am appealing
petition for Variance
Case # 04-425-A
property: 1505 Edmondson Ave



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 15, 2004

Michael Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: *In the Matter of: Aldo and Heather Caropreso*
Case No. 04-424-SPHA and Case No. 04-425-A

Dear Mr. Tanczyn:

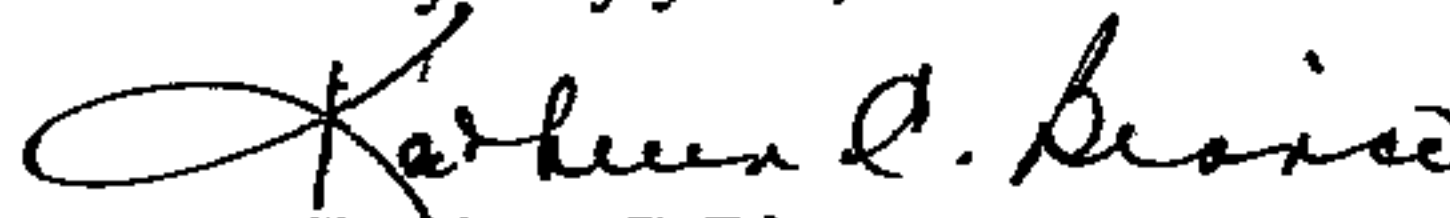
In response to your request for continuance of the subject matter from the assigned date of Thursday, December 16, 2004, and as confirmation of our telephone conversation this afternoon, the hearing scheduled in Case No. 04-424-SPHA and Case No. 04-425-A has been postponed and pulled from the Board's December 16th hearing docket.

A new date will be assigned for hearing some time in early Spring 2005, with notice of postponement and reassignment to be sent within the next few days.

You need not appear on December 16th in this matter. The Board members assigned to this case have also been notified of the postponement.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

c: Aldo and Heather Caropreso
People's Counsel for Baltimore County
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



BOARD OF APPEALS OF BALTIMORE COUNTY

FILE COPY

MINUTES OF DELIBERATION

IN THE MATTER OF: 1509 and 1505 Edmondson Avenue
Aldo and Heather Caropreso – Owners/Petitioners
Case Nos.: 04-424-SPHA & 04-425-A

DATE : March 17, 2005

BOARD/PANEL Larry M. Stahl
John P. Quinn
Edward W. Crizer, Jr.

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate granting a variance to approve an undersized lot for a SFD.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The uniqueness of the property, due to its size, shape and the topography of the land
- Granting the variance would not change the density of area
- The variance should/must be granted or the property would be rendered useless
- There has been no opposition made by any parties as to this variance request
- Explanation of the petitioners were reasonable/credible
- Continuous ownership of property
- Property was bought in 1947 which was prior to the current zoning regulations put into play in 1955

DECISION BY BOARD MEMBERS: Unanimous decision to grant the variance.

FINAL DECISION: The variance should be granted, however, Mr. Quinn, would be writing a concurring opinion on the matter.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted



Linda B. Fliegel
County Board of Appeals

I Alde Caraprese am appealing
petition for Variance
Case # 04-425-A
property: 1505 Edmondson Ave

RECEIVED

JUN 14 2004

Per. *LLM*

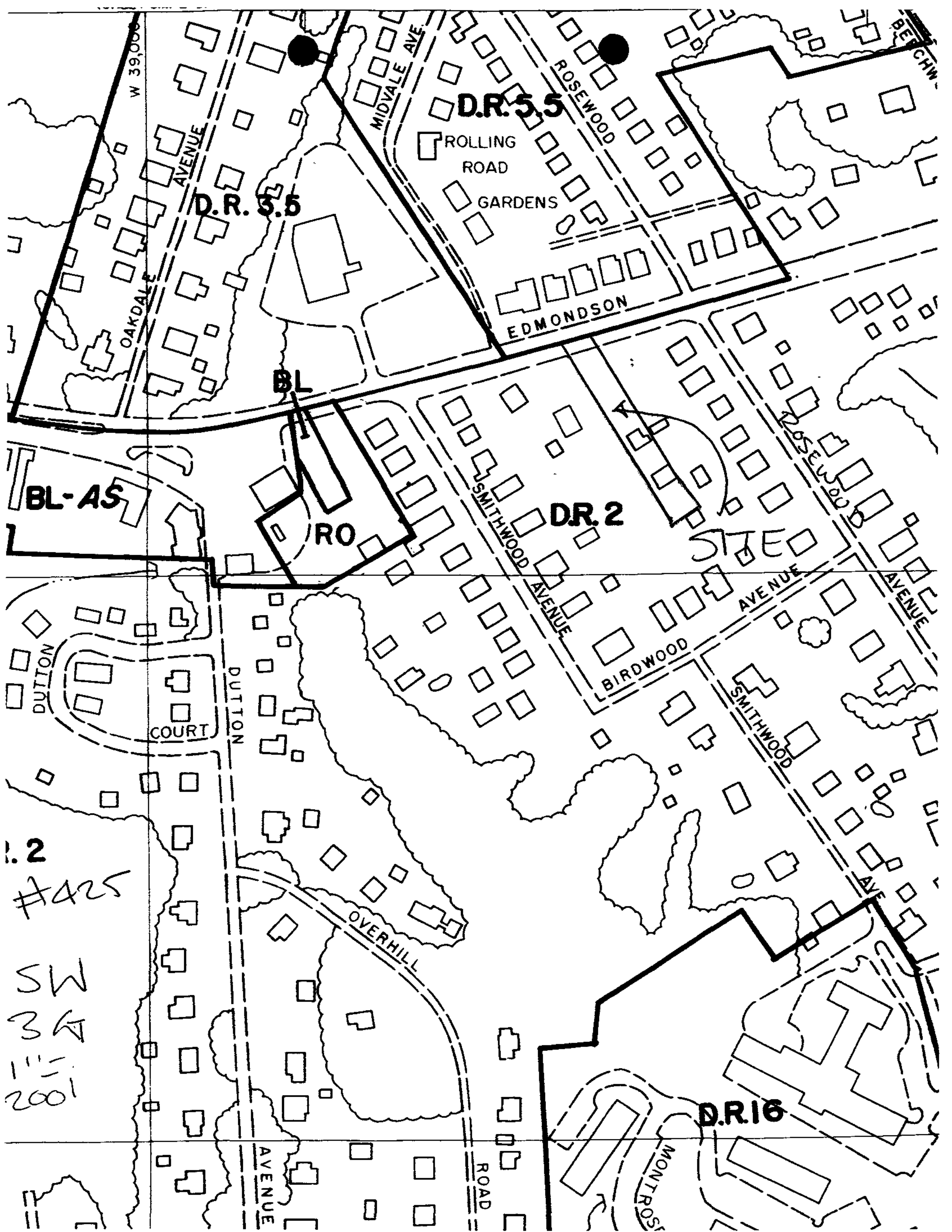
SECTION 304 -- USE OF UNDERSIZED SINGLE-FAMILY LOTS - Prior to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

- a. a copy of the pre-1955 deed or subdivision plat;
- b. (no additions)
- c. contiguous ownership

It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

1. Section 304 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.
2. It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious method used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
3. If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 304c. may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c. would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.
4. Ownership Information Including:
 - (i) a property tax computer printout for all adjacent properties, in addition to the subject property;
 - (ii) copies of the deeds for all adjacent properties, in addition to the subject property; and
 - (iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

Interpretation: The Zoning Commissioner retains the right Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership Z.C.P.M., Page 1-23)



W 39,000

OAKDALE AVENUE

MIDVALE AVE

ROSEWOOD

BECHW

D.R. 5.5

ROLLING ROAD

GARDENS

EDMONDSON

D.R. 5.5

BL

BL-AS

RO

DR. 2

SITE

SMITHWOOD AVENUE

BIRDWOOD

AVENUE

AVENUE

SMITHWOOD

COURT

DUTTON

DUTTON

OVERHILL

ROAD

MONTE ROSA

D.R. 16

1.2
#425
SW
3A
11-2001

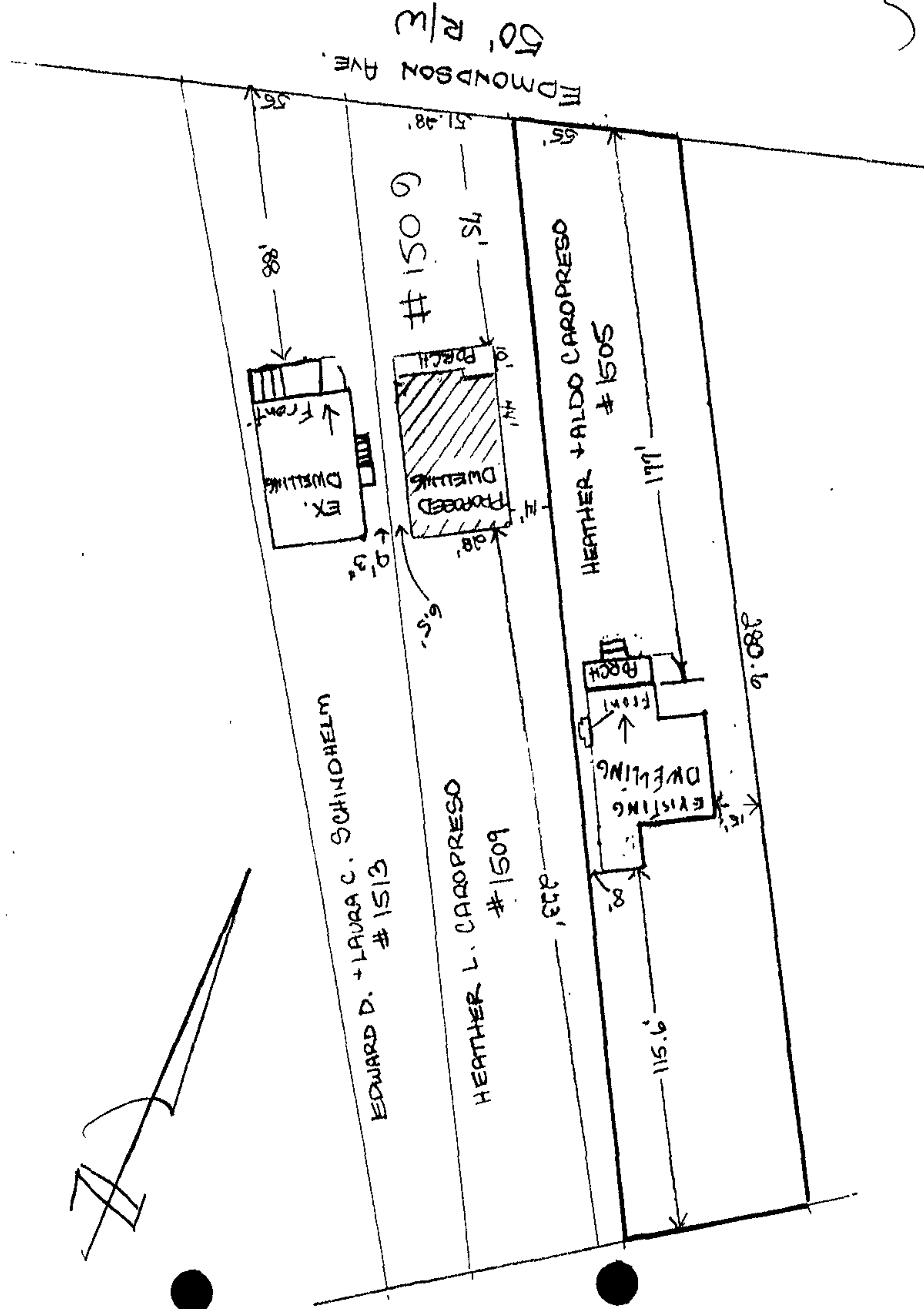
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1505 EDMONDSON AVE. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

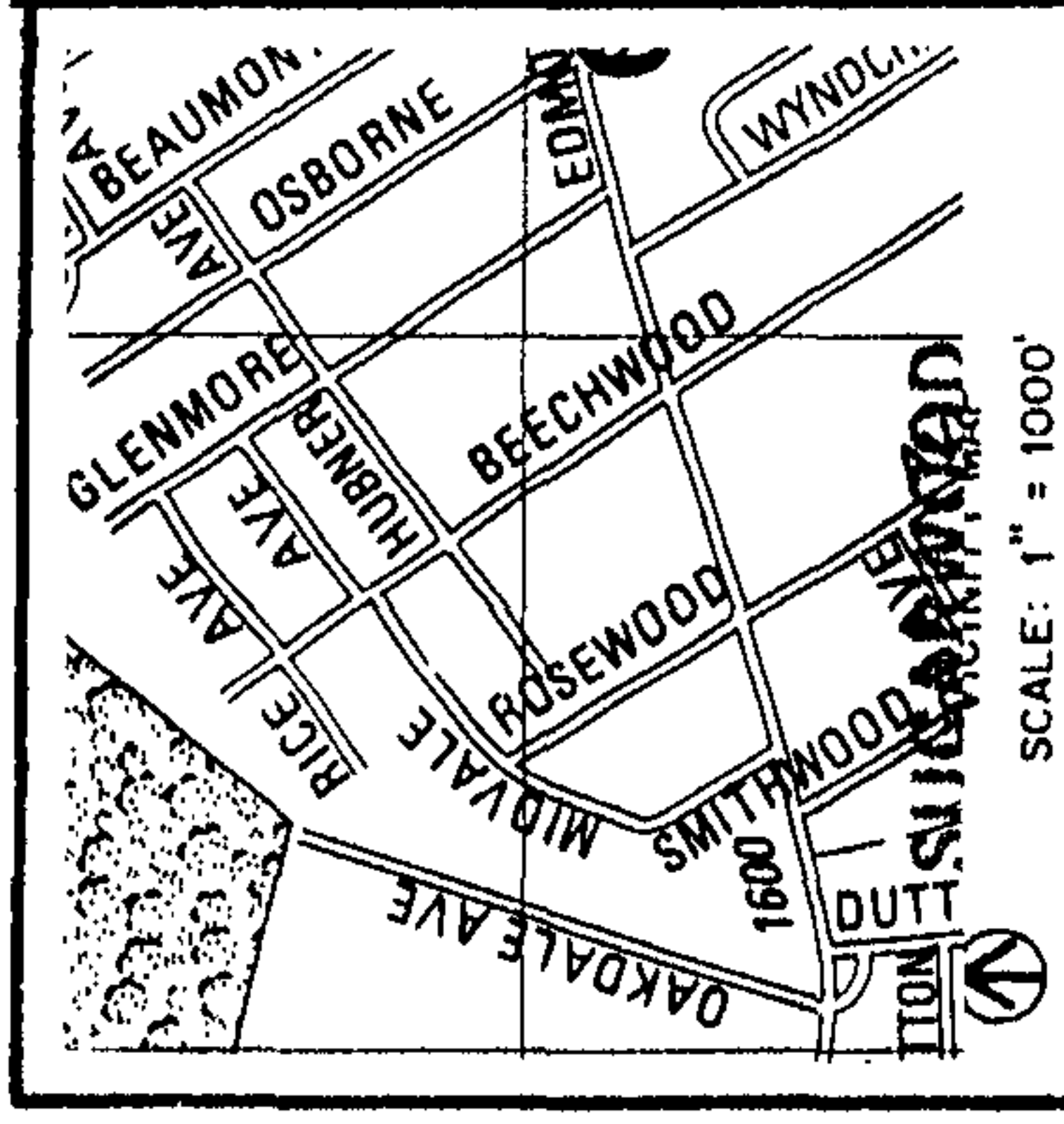
SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER HEATHER L. CAROPRESO + ALDO CAROPRESO



10
11



LOCATION INFORMATION

ELECTION DISTRICT

COUNCILMANIC DISTRICT

1"=200' SCALE MAP # SW 36

ZONING D.R. 2

LOT SIZE

ACREAGE

PUBLIC

SEWER

WATER

**CHESAPEAKE BAY
CRITICAL AREA**

100 YEAR FLOOD PLAIN

**HISTORIC PROPERTY/
BUILDING**

PRIOR ZONING HEARING

WFO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

22

22

425

RE: PETITION FOR VARIANCE

* BEFORE THE

1505 Edmondson Avenue; SE/side
Edmondson Ave, 200' SW of Rosewood Ave
1st Election & 1st Councilmanic Districts
Legal Owner(s): Heather & Aldo Caropreso
Petitioners

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 04-425-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

APR 01 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to Heather & Aldo Carpreso, 1505 Edmonson Avenue, Catonsville, MD 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE:
PETITION FOR VARIANCE
S/S of Edmondson Avenue
200 Ft. SW of Rosewood Avenue
1st Election District
1st Councilmanic District
(1505 Edmondson Avenue)

Aldo & Heather Caropreso
Petitioners

* BEFORE THE BOARD OF
* APPEALS FOR
* BALTIMORE COUNTY
*
* Case No. 04-425-A
*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Michael P. Tanczyn, on behalf of the Petitioners in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order.



MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, MD 21204
Attorney for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December, 2004 the above Entry of Appearance was mailed to Peter Max Zimmerman, Esquire, Peoples' Counsel for Baltimore County, Room 47, 400 Washington Avenue, Towson, Maryland 21204.



MICHAEL P. TANCZYN, Esquire









