

94-176-A / FRANCIS J. REINSFELDER  
COUNCILMANIC CASES, AFFIRMING C.B.A.  
12-9/94 (Hon. Robert E. Cadigan)  
(Note: no written decision)

**CIRCUIT COURT FOR BALTIMORE COUNTY**  
CIVIL CATEGORY JUDICIAL REVIEW 94CV5408 83/292

**PETITION OF FRANCIS J. REINSFELDER**  
FOR JUDICIAL REVIEW OF THE  
DECISION OF THE  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
IN THE CASE OF THE APPLICATION OF  
FRANCIS J. REINSFELDER FOR  
VARIANCE ON PROPERTY LOCATED ON  
THE SOUTH SIDE THIRD AVENUE, 400'  
+/- SOUTHEAST OF CENTERLINE  
HARFORD ROAD (3013 THIRD AVENUE)  
11TH ELECTION DISTRICT,  
6TH COUNCILMANIC DISTRICT  
CASE NO. 94-176-A

**ATTORNEYS**  
Seymour R. Goldstein  
Gerardo Puig  
Law Office of Goldstein & Byrne  
20 W. Chase Street  
Baltimore, Maryland 21201  
(410) 837-3380  
(FRANCIS J. REINSFELDER)  
CAROLE S. DEMILIO (ATTY for People's  
ROOM 47 COURTHOUSE  
400 WASHINGTON AVE  
21204 887-2188

SI (1) June 9, 1994 - Petition for Judicial Review fd.  
ar(2) Jul 20, 1994 Response of PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, to  
petition for judicial review, fd. (rec'd 7/15/94)  
s(3)\*Aug. 17, 1994 Transcript of Record fd. (rec'd 8-8-94) *Box 227*  
s(4)\*Aug. 17, 1994 Notice of Filing of Record fd. Copies sent.  
jh(5) September 21, 1994, Petitioner Memorandum, fd. (rec'd 9/16/94)  
ar(6) Oct 17, 1994 Appellees memorandum, fd. (rec'd 10/13/94)  
December 6, 1994 Hon. Robert E. Cadigan. Hearing had. Appeal  
Dismissed by the Court. Decision of the County Board of Appeals  
of Baltimore County is affirmed.

**COSTS**  
94 DEC 29 11:05 AM  
1-7-95

Docket 83 Page 292 Case 94 CV- 05408

**CIRCUIT COURT FOR BALTIMORE COUNTY**  
CIVIL CATEGORY JUDICIAL REVIEW 94CV5408 83/292

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**COSTS**

Docket 83 Page 292 Case 94 CV- 05408

**IN THE MATTER OF**  
THE APPLICATION OF  
FRANCIS J. REINSFELDER  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE SOUTH SIDE THIRD AVENUE,  
400' +/- SOUTHEAST OF CENTERLINE  
HARFORD ROAD (3013 THIRD AVENUE)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 94-176-A

**OPINION**

This case comes before the Board on appeal from the Zoning  
Commissioner's Order dated November 30, 1993, denying Petitioner's  
request for a variance from Section 431 of the Baltimore County  
Zoning Regulations (BCZR), to permit one commercial vehicle (large  
step van) to be parked in his front yard rather than the required  
rear or side yard. Francis J. Reinsfelder appeared and testified  
on his own behalf. Robert Browning, Gloria L. Marken, Jerry  
Miller, and Catherine M. Tracey testified in opposition to the  
requested relief, and Carole S. Demilio, Deputy People's Counsel,  
also participated in the proceedings.

From the testimony, the Board finds that Mr. Francis J.  
Reinsfelder is the owner of 3013 Third Avenue. The subject  
property is located within an established community known as  
Thornwood. Mr. Reinsfelder operates a business known as Fire and  
Ice Heating and Air Conditioning. Mr. Reinsfelder uses a white  
step van in the pursuit of his business. The step van measures  
approximately 26 ft. in length, 7.5 ft. in width, and 9 ft. in  
height, and is frequently parked on the parking pad in front of Mr.  
Reinsfelder's residence at 3013 Third Avenue.

**Case No. 94-176-A Francis J. Reinsfelder**

From the evidence, the Board concludes that Mr. Reinsfelder  
has failed to meet his burden of proof in this case. Under McLean  
v. Soley, 270 Md. 208 (1973), the Petitioner has failed to prove  
practical difficulty or undue hardship. The Board further  
concludes that the requested relief would not be in harmony with  
the spirit of the BCZR nor in the best interests of securing the  
public's safety and welfare. The Board bases its conclusions on,  
among other things, the testimony of the protestants that the large  
commercial step van is out of character with the residential  
neighborhood which is over 50 years old. The Board also accepts  
the testimony of Catherine M. Tracey that the parking of the  
subject vehicle causes her difficulty in backing and pulling out of  
her driveway, which creates a safety hazard for her and other  
drivers in the neighborhood.

**ORDER**

IT IS THEREFORE, this 10th day of May, 1994, by  
the County Board of Appeals of Baltimore County,  
ORDERED that the Petition for Variance to permit one  
commercial vehicle to be parked in the front yard of a residential  
lot, in lieu of the required side or rear yard, be and is hereby  
DENIED.

1. The Petitioner shall be allowed thirty (30) days from  
the date of this Order to cease parking his commercial  
vehicle in the driveway of the front yard of his property  
at 3013 Third Avenue.

2

**Case No. 94-176-A Francis J. Reinsfelder**

2. Upon request and reasonable notice, the Petitioner  
shall permit a representative of the Zoning Enforcement  
Division to make an inspection of the subject property to  
ensure compliance with this Order.

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 of Procedure.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**  
Judson H. Lipowitz, Acting Chairman  
Harry E. Buchheister, Jr.  
Robert O. Schuetz

3

**County Board of Appeals of Baltimore County**  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 10, 1994

Mr. Francis J. Reinsfelder  
3013 Third Avenue  
Baltimore, MD 21234

RE: Case No. 94-176-A  
Francis J. Reinsfelder -Petitioner

Dear Mr. Reinsfelder:

Enclosed please find a copy of the final Opinion and Order  
issued this date by the County Board of Appeals of Baltimore County  
in the subject matter.

Very truly yours,  
Charlotte E. Radecki for  
Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Mrs. Gloria L. Marken  
Mrs. Catherine M. Tracey  
Mrs. Emma Evans  
Mrs. Beverly Browning  
Mr. Jerry Miller  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

**County Board of Appeals of Baltimore County**  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 10, 1994

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3013 Third Avenue  
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Francis J. Reinsfelder -Petitioner

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Very truly yours,  
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Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Mrs. Gloria L. Marken  
Mrs. Catherine M. Tracey  
Mrs. Emma Evans  
Mrs. Beverly Browning  
Mr. Jerry Miller  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

RECEIVED  
MAY 11 1994  
ZADM

**IN RE: PETITION FOR ZONING VARIANCE** \* BEFORE THE  
S/S Third Avenue, 400' +/- \* ZONING COMMISSIONER  
SE of c/l Harford Road \* 3013 Third Avenue \*  
11th Election District \* OF BALTIMORE COUNTY  
6th Councilmanic District \* Case No. 94-176-A  
Francis J. Reinsfelder \*  
Petitioner \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for  
Variance for that property located at 3013 Third Avenue in the Carney  
Heights subdivision of Baltimore County. The Petitioner/property owner,  
Francis J. Reinsfelder, requests relief from Section 431 of the Baltimore  
County Zoning Regulations (B.C.Z.R.) to permit one commercial vehicle to  
be parked in the front yard of a residential lot in lieu of the required  
side or rear yard. The relief requested is more particularly shown on  
Petitioner's Exhibit No. 1, the plat to accompany the Petition for Vari-  
ance.

Appearing at the public hearing held for this case was Francis J.  
Reinsfelder, the Petitioner/property owner. Appearing in opposition to  
the Petition were several neighbors of the subject locale. These included  
Gloria L. Marken, Catherine M. Tracey, Emma Evans and Beverly Browning.

Testimony and evidence offered by the Petitioner is that the subject  
property is known as 3013 Third Avenue. The subject lot is approximately  
.09 acres in area and is zoned D.R.5.5. It is improved by an existing  
single family house. The house and subject property are more clearly  
shown in a number of the photographs which were offered by both the Peti-  
tioner and Protestants.

ORDER RECEIVED FOR FILING  
Date 11/30/93  
By [Signature]

MICROFILMED



Most of the neighbors who appeared at the hearing testified in opposition to the Petition. Their chief concern is a perceived safety hazard caused by the parking of the truck in the front yard. Specifically, Mrs. Tracey observed that she cannot exit her driveway immediately adjacent to the subject property when the truck is parked in the front yard. As the photographs show, the truck is of significant size and shape so as to block the view from the Tracey driveway. The Protestants are also concerned about the diminished esthetic appearance of the neighborhood caused by the truck. They fear a commercial appearance in this residential locale if the variance is granted.

In this case, the testimony and evidence offered was overwhelming that a granting of the variance would, indeed, be detrimental to the surrounding locale. Clearly, the parking of this commercial vehicle, where proposed, causes a potential safety/traffic hazard to vehicular and pedestrian traffic on this roadway. The truck is of such size so as to block the sight distance from the Tracey property. Moreover, I am also persuaded that a granting of the variance would be out of character to the uses

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

ORDER RECEIVED FOR FILING  
Date 11/30/43  
By M. Gopak

LES/rouge

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

Lawrence E. Schmidt  
Zoning Commissioner

cc: Mrs. Gloria L. Marken  
Mrs. Catherine M. Tracey  
Mrs. Emma Evans  
Mrs. Beverly Browning

District: 11th Date of Posting: 11/14/83  
 Posted for: James L. Davis  
 Position: James L. Davis  
 Location of property: 3013 95th Ave NE, NE 95th Ave & R3  
 Location of Sign: Living Room, property being taxed  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 11/5/83  
 Number of Signs: 1 **MICROFILMED**

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.16° 27' 03" E. 81.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 16' 42" W. 80 ft. to the place of beginning.

[illegible]

A. Henicksen  
LEGAL AD. - TOWSON  
Publisher

[illegible]

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. **19944**

DATE **12/27/93** ACCOUNT **R-001-6130**

AMOUNT **\$ 175.00**

RECEIVED FROM **Fine Arts Center Housing**

FOR **APRIL - 94-176-A**

**303 Third Ave**

**3140140293741860**

**44-1911-12612-06-34**

**\$175.00**

VALIDATION OR SIGNATURE OF CASHIER

**12/27/93** **PER: ARROY** **TEL: 368-0800**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. **19945**

DATE 12/27/93 ACCOUNT R-001-6150

AMOUNT \$ 85.00

RECEIVED FROM: FINE AND ICE HEATING

POR: APRIL - 74-176-A MICKWELMEU  
3013 Thirk Ave

DIMENSIONAL PRICING \$35.00  
BALANCE DUE \$50.00

VALIDATION OR SIGNATURE OF CASHIER  
TOLSON  
FBI - ASST  
VALLEY - SUPERVISOR



12/23/94 D/G & Men & D/L sent to Cr Pol of Appeals

|                  |                                                                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| October 22, 1993 | Petition for Variance to permit a commercial vehicle to be parked in the front yard of a residential lot, in lieu of the required side or rear yard or enclosed garage, filed by Francis J. Reinsfelder. |
| November 24      | Hearing held on Petition by the Zoning Commissioner.                                                                                                                                                     |
| November 30      | Order of the Zoning Commissioner in which Petition for Variance was DENIED.                                                                                                                              |
| December 27      | Notice of Appeal filed by Francis J. Reinsfelder.                                                                                                                                                        |
| May 3, 1994      | Hearing before the Board of Appeals.                                                                                                                                                                     |
| May 10           | Opinion and Order of the Board in which the Petition for Variance was DENIED.                                                                                                                            |
| June 9           | Petition for Judicial Review filed in the Circuit Court for Baltimore County by Seymour R. Goldstein and Gerardo Pulg on behalf of Francis J. Reinsfelder.                                               |
| June 22          | Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.                                                                                       |
| June 22          | Certificate of Notice sent to interested parties.                                                                                                                                                        |
| AUGUST 8         | Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.                                                                                                                         |
| December 4       | Appeal DISMISSED by the Circuit Court for Baltimore County. AFFIRMED (on writing) order of Judge Robert E. Cadizina's hand-written note on inside cover of the OCT file and as noted on docket sheet.    |

 Printed with Soybean Ink  
on Recycled Paper

cc: Francis J. Reinsfelder

Attachments: Case File Nos. 94-197-A; 94-176-A; & 91-470-XA



County Board of Appeals of Baltimore County  
ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

GLORIA L. MAREK  
607 THIRD AVENUE  
BALTIMORE MD 21234

County Board of Appeals of Baltimore County  
ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

CATHERINE M TRACEY  
607 THIRD AVENUE  
BALTIMORE MD 21234

County Board of Appeals of Baltimore County  
ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

EMMA EVANS  
3010 SECOND AVENUE  
BALTIMORE MD 21234

County Board of Appeals of Baltimore County  
ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

BEVERLY BROWNING  
3012 THIRD AVENUE  
BALTIMORE MD 21234

County Board of Appeals of Baltimore County  
ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

JERRY MILLER  
3013 FIRST AVENUE  
BALTIMORE MD 21234



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 118 Date of Posting: 1/17/94  
Posted for: Arnold Jablon  
Petitioner: Francis J. Reinsfelder  
Location of property: 3013 Third Ave. Baltimore, Md. 21204  
Location of Sign: 3013 Third Ave. Baltimore, Md. 21204  
Remarks: None  
Posted by: Arnold Jablon Date of return: 1/17/94  
Number of Signs: 1

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**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 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 posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) 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*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 177  
Petitioner: Francis J. Reinsfelder  
Location: 3013 Third Ave. Baltimore, Md. 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SAME  
ADDRESS: SAME

PHONE NUMBER: 661-3121

AJ:ggg

MICROFILMED (Revised 04/09/93)

**COPY**

TO: PUBLISHER PUBLISHING COMPANY  
November 4, 1993 Issue - Jeffersonian

Please forward billing to:

Francis J. Reinsfelder  
3013 Third Avenue  
Baltimore, Maryland 21204  
410-661-3121

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-176-A (Item 177)  
3013 Third Avenue  
S/S Third Avenue, 400' +/- SE of c/l Harford Road  
11th Election District - 6th Councilmanic  
Petitioner/Owner: Francis J. Reinsfelder  
HEARING: WEDNESDAY, NOVEMBER 24, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a commercial vehicle to be parked in the front yard of a residential lot in lieu of the required side or rear yard or enclosed garage.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**NOTICE OF HEARING**

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*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

cc: Francis J. Reinsfelder

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

February 18, 1994

**NOTICE OF ASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. **94-176-A** FRANCIS J. REINSFELDER  
S/S Third Avenue, 400' +/- SE of c/l Harford  
Road (3013 Third Avenue)  
11th Election District  
6th Councilmanic District

VAR -To permit one commercial vehicle (large step van) to be parked in front yard of residential lot in lieu of required rear or side yard.

11/30/93 -Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: TUESDAY, MAY 3, 1994 at 10:00 a.m.

cc: Mr. Francis J. Reinsfelder Appellant /Petitioner

Mrs. Gloria L. Marken  
Mrs. Catherine M. Tracey  
Mrs. Emma Evans  
Mrs. Beverly Browning

People's Counsel for Baltimore County  
F. David Fields  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

**RECEIVED**  
FEB 22 1994

Kathleen C. Weidenhammer  
Administrative Assistant

ZADM

**The Circuit Court for Baltimore County**

THIRD JUDICIAL CIRCUIT OF MARYLAND

OFFICE OF THE  
DIRECTOR, CENTRAL ASSIGNMENT

NOVEMBER 18, 1994

COUNTY COURTS BUILDING  
TOWSON, MARYLAND 21204  
(410) 887-4389

TO: HON. ROBERT E. CADIGAN

RE: NON-JURY 94-CV-5408 FRANCIS J. REINSFELDER V. BALTIMORE COUNTY BOARD OF APPEALS

TRIAL DATE: TUESDAY, DECEMBER 6, 1994 @ 9:30 A.M.

TIME OF HEARING: APPEAL: 2 HOURS

THE ABOVE HEARING WILL APPEAR ON YOUR ASSIGNMENT ON THE GIVEN DATE.

IF THIS HEARING SHOULD BE POSTPONED, AND WILL REQUIRE MORE THAN AN HOUR OF COURT TIME, IT WILL BE NECESSARY TO CLEAR THE NEW HEARING DATE WITH CENTRAL ASSIGNMENT.

THANK YOU.

*Joseph E. Quinn*  
JOSEPH E. QUINN, DIRECTOR

**RECEIVED**

NOV 18 1994

JUDGE ROBERT E. CADIGAN

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 15, 1993

Mr. Francis J. Reinsfelder  
3013 Third Avenue  
Baltimore, Maryland 21204

RE: Case No. 94-176-A, Item No. 177  
Petitioner: Francis J. Reinsfelder  
Petition for Variance

Dear Mr. Reinsfelder:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 22, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

MICROFILMED

Zoning Plans Advisory Committee Comments  
Mr. Francis J. Reinsfelder (Item 177)  
Date: November 15, 1993  
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:cm





**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 8-177 (JTS)

Dear Ms. Minton:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

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  
Zoning Administration and  
Development Management

DATE: November 1, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 144, 167, 168, 169, 172, 175, 176 and 177.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC:144/262NE/ZAC1

**Baltimore County Government  
Department of Permits and Licenses**



111 West Chesapeake Avenue  
Towson, MD 21204

NOVEMBER 12, 1993

(410) 887-3610

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

MEETING OF NOVEMBER 1, 1993

Property Owner: MHL Realty Company  
Location: #1504 Reisterstown Road  
Item No.: #168 (WCR)

Property Owner: John Buxton and Margaret Buxton  
Location: #7702 Park Drive  
Item No.: #169 (RT)

Property Owner: Edward C. Chavatel & Virginia H. Chavatel  
Location: #32 Pleasant Hill Road  
Item No.: #170 (RT)

Property Owner: Lea Anne Dunton & Gary C. Dunton  
Location: #803 Katesford Road  
Item No.: #171 (JMC)

Property Owner: Steven W. Heiger & Peggy A. Heiger  
Location: #23 Glasshouse Garth  
Item No.: #172 (JRF)

Property Owner: Powerline Investments, Inc.  
Location: #1704 Middleborough Road  
Item No.: #173 (JLL)

Property Owner: Powerline Investments, Inc.  
Location: #1702 Middleborough Road  
Item No.: #174 (JLL)

Property Owner: Carol A. Grillo and Philip R. Grillo  
Location: #100 Armagh Drive  
Item No.: #175 (JCM)

Property Owner: Margaret Chenoweth & Donald L. Chenoweth &  
Location: Lot Behind #2927 Chenoak Avenue  
Item No.: #176 (RT)

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on Recycled Paper

Property Owner: Francis J. Reinsfelder  
Location: #3013 Third Avenue  
Item No.: 177 (JJS)

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.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved: *Robert Samuel*  
Fire Prevention Bureau

RFS/kek

**APPEAL**

Petition for Variance  
S/S Third Avenue, 400' x SE of c/l Harford Road  
(3013 Third Avenue)  
11th Election District - 6th Councilmanic District  
FRANCIS J. REINSFELDER-PETITIONER  
Case No. 94-176-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Zoning Variance

2 - Eight Photographs

Protestant's Exhibits: 1 - Protestants Petition

2 - Vehicle Registration

Twenty-Two Photographs (not marked as exhibits)

Zoning Commissioner's Order dated November 30, 1993 (denied)

Notice of Appeal received on December 27, 1993 from Francis J. Reinsfelder

cc: Mr. Francis J. Reinsfelder, 3013 Third Avenue, Baltimore, MD 21234

Mrs. Gloria L. Marken, 3017 Third Avenue, Baltimore, MD 21234

Mrs. Catherine M. Tracey, 3015 Third Avenue, Baltimore, MD 21234

Mrs. Emma Evans, 3010 Second Avenue, Baltimore, MD 21234

Mrs. Beverly Browning, 3012 Third Avenue, Baltimore, MD 21234

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZAM

**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

**MINUTES OF DELIBERATION**

IN THE MATTER OF: Francis J. Reinsfelder  
Case No. 94-176-A

DATE: May 3, 1994 /at conclusion of hearing

BOARD /PANEL: Judson H. Lipowitz (JHL)  
Harry E. Buchheister, Jr. (HEB)  
Robert O. Schuetz (ROS)

SECRETARY: Kathleen C. Weidenhammer  
Administrative Assistant

Those present included Francis J. Reinsfelder, Petitioner; and Carole S. Demilio, Deputy People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

Open deliberation, discussion and consideration of evidence, testimony, etc. ensued in the hearing room among the Board members. Each Board member then expressed his final decision in this matter as follows:

HEB: Commended Petitioner as enterprising individual, but finds that practical difficulty is self-imposed; in residential community such as this, community must be given priority consideration; hardship is on the neighbors; step van is extremely large; cited parking, traffic situation, appearance in this old community having detrimental effect on residents of community who are property owners, etc. Believes it persuasive that civic community unanimously voted to oppose variance.

Petition for Variance should be denied.

JHL: Also commended Petitioner for efforts; would create inconvenience for him to park elsewhere; also some economic hardship; however, Board is charged with duty to make decision based on law; has reviewed applicable provisions of BCZR and concludes that Petitioner should not be permitted to park step van in his front yard; bases conclusion on variance standards set forth in BCZR as well as case law; no practical difficulty or undue hardship; compliance w/BCZR would not restrict permitted use of this residential property in residential

**Deliberation /Francis J. Reinsfelder /Case No. 94-176-A**

neighborhood; also discussed size of vehicle, configuration of property and exhibits (including photographs); spirit of zoning regs must be enforced; would be detrimental to the neighborhood to grant variance; issue of weight of vehicle is moot if Board finds that Petitioner has not met burden of establishing practical difficulty or undue hardship; has not done so, and petition should be denied.

Petition for Variance should be denied.

ROS: Commented on many issues at play in this particular case; concurred with JHL regarding spirit and intent of BCZR /to enable entrepreneurial people like Petitioner to make living so long as the rights of property owners in neighboring areas are not impacted negatively. Cited un rebutted testimony concerning width of street, maneuverability of truck, and safety hazards; negative impact on neighbors and community; not in keeping with spirit and intent of BCZR; concurs with JHL that issue of weight of vehicle is moot; will find in favor of protestants.

Therefore finds that Petition for Variance should be denied.

Closing comments by JHL /written Opinion and Order to be issued, citing findings of fact, etc.; appellate period to run from date of that written Opinion and Order and not from today's date.

Respectfully submitted,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 27, 1993

Mrs. Gloria L. Marken,  
3017 Third Avenue,  
Baltimore, MD 21234

Mrs. Catherine M. Tracey,  
3015 Third Avenue,  
Baltimore, MD 21234

Mrs. Emma Evans,  
3010 Second Avenue,  
Baltimore, MD 21234

Mrs. Beverly Browning,  
3012 Third Avenue,  
Baltimore, MD 21234

RE: Petition for Variance  
S/S Third Avenue, 400' x  
SE of c/l Harford Road  
(3013 Third Avenue)  
11th Election District  
6th Councilmanic District  
Francis J. Reinsfelder - Petitioner  
Case No. 94-176-A

Dear Mrs. Marken, Mrs. Tracey, Mrs. Evans and Mrs. Browning:

Please be advised that an appeal of the above-referenced case was filed in this office on December 27, 1993 by Mr. Francis J. Reinsfelder. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-1093.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Director

cc: \_\_\_\_\_

cc: \_\_\_\_\_

MICROFILMED

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2/18/94 -Notice of Assignment for hearing scheduled for Tuesday, May 3, 1994 at 10:00 a.m. sent to following:

Mr. Francis J. Reinsfelder  
Mrs. Gloria L. Marken  
Mrs. Catherine M. Tracey  
Mrs. Emma Evans  
Mrs. Beverly Browning  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

1. If the hearing concludes before Board immediately upon conclusion of appeal hearing, and after public deliberation of the issues, testimony and evidence, Board shall: Petition for Variance; written Opinion and Order to be issued appropriate period to run from date of that written Order.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 23, 1995

Ms. Gloria L. Marken  
3017 Third Avenue  
Baltimore, MD 21234-3205

RE: Petition for Variance  
3013 Third Avenue  
Francis J. Reinsfelder  
Case No.: 94-176-A

Dear Ms. Marken:

As of January 23, 1994, the circuit court file (94-CV-5408) has not been returned to our office for processing, therefore, your request will be processed as soon as the file is returned.

Should you have any additional questions, please do not hesitate to contact me at 887-3353.

Sincerely,

*Julie A. Winiarski*  
Julie A. Winiarski

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 22, 1994

Peter Max Zimmerman  
People's Counsel  
for Baltimore County  
Room 47, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Civil Action No. 94-CV-05408  
FRANCIS J. REINSFELDER

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on June 9, 1994 in the Circuit Court for Baltimore County from the majority decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 83/292/94-CV-05408.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Gloria L. Marken  
Catherine M. Tracey  
Emma Evans  
Beverly Browning  
Larry Miller  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards  
Docket Clerk /ZADM  
Arnold Jablon /ZADM

RECEIVED  
JUN 23 1994  
ZADM

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Young Commissioner  
111 W. Chappessee Ave  
Towson Md. 21204

I request the returning of exhibits  
circuit 94-CV-5408

Docket 83

Folio 292

Board of appeal 94-176-A

to

Gloria L. Marken

phone 665-2302

3017 THIRD AVE.

BALTO. MD

21234-3205

Thank you!

Gloria L. Marken

RECEIVED  
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PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS  
*Gloria L. Marken* 3017 Third Ave 21234  
*Catherine M. Tracey* 3015 Third Ave 21234  
*Emma Evans* 3010 Second Ave 21234  
*Beverly Browning* 3012 Third Ave

Send  
copy  
of  
decision

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS  
*Francis J. Reinsfelder* 3013 THIRD AVE.

Arnold Jablon

Baltimore County  
Office of Zoning Administration  
& Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Sir,

I hereby wish to file an appeal  
for CASE NO. 94-176-A.

*Francis J. Reinsfelder*  
3013 THIRD AVENUE  
BALTO., MD. 21234  
(410) 661-3121

12/27/93  
ZADM OFFICE

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on Recycled Paper

We the under signed, that border a  
live near the properties of 3013 Third Ave,  
known as the Thornwood Community in  
Carmy, Maryland.

Do hereby protest the parking of the  
vehicle (white truck) by Frank Reinsfelder  
due to the safety hazards it creates for the  
neighbors accessing their driveway.

Protestant  
No

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Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3013 Third Ave.

Subdivision name: CARNEY HEIGHTS

Plat book: 6 Volume: 158 Page: 2472

OWNER: Francis J. Reinsfelder

**94-176-A**

Second Ave.

Plot No. 1

North

date: \_\_\_\_\_

Prepared by: JCM

Scale of Drawing: 1" = 40'

LOCATION INFORMATION

Election District: 11TH

Councilmanic District: 6TH

1"=200 scale map: NE 9-E

Zoning: DR. S. S.

Lot size: 1.09 4600+ square feet

SEWER: ☐ WATER: ☐

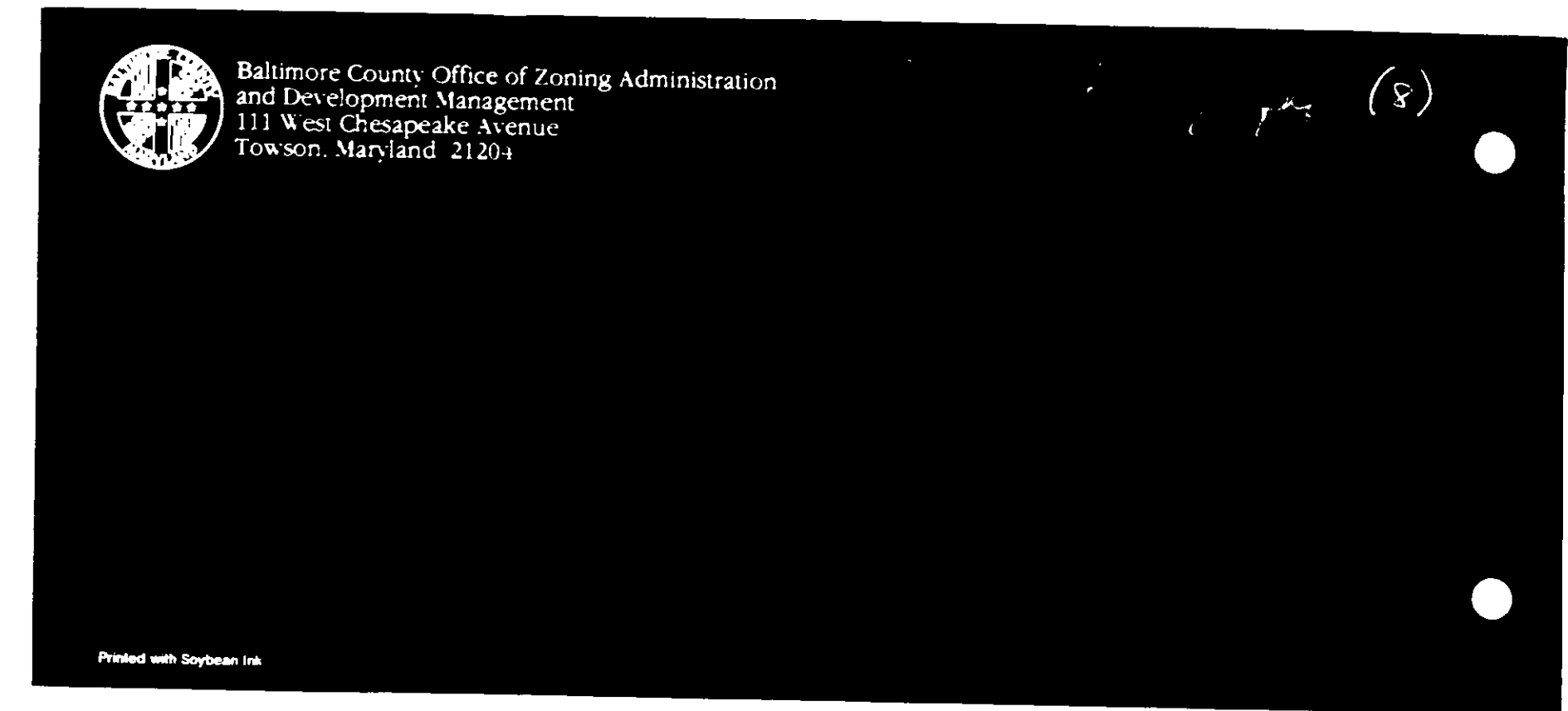
Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: None

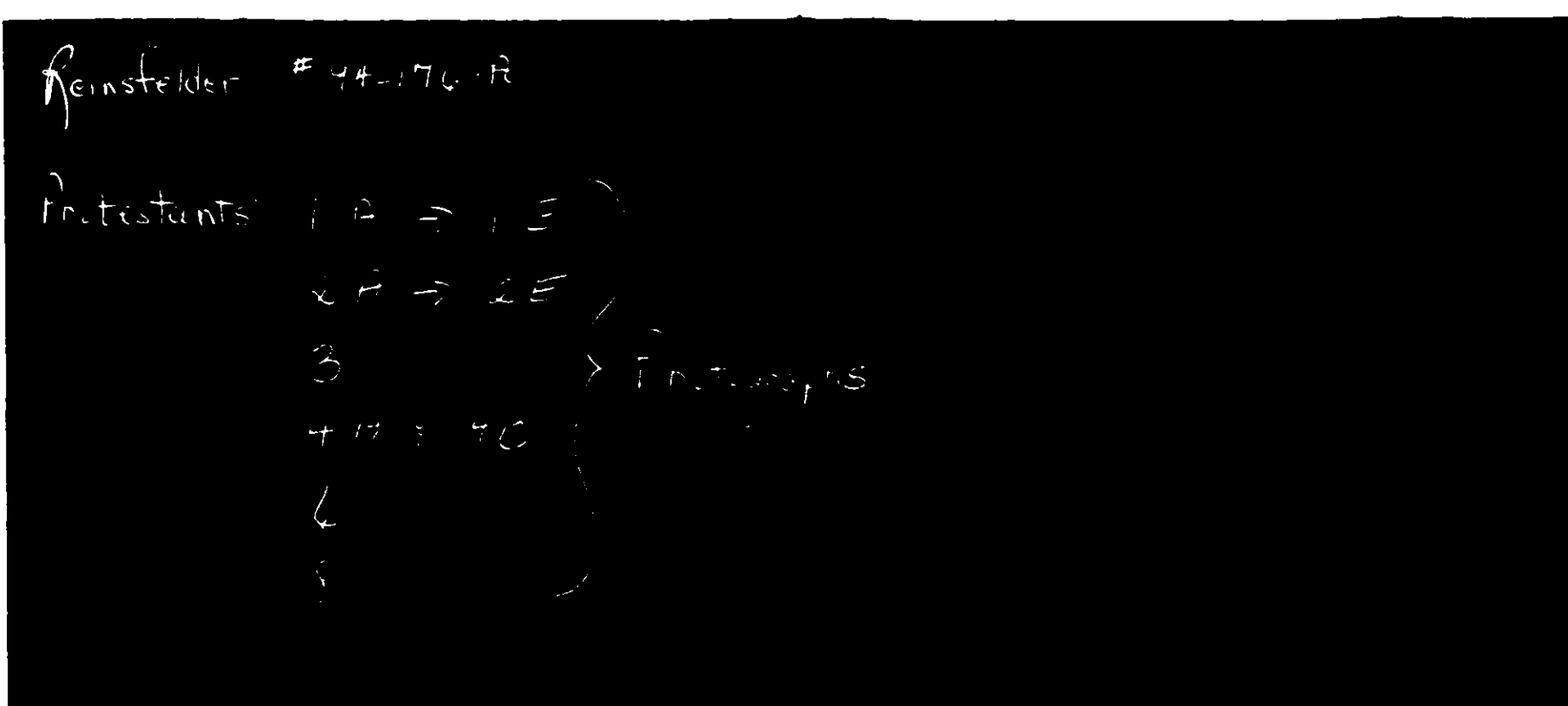
Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE #: \_\_\_\_\_

JCM 177







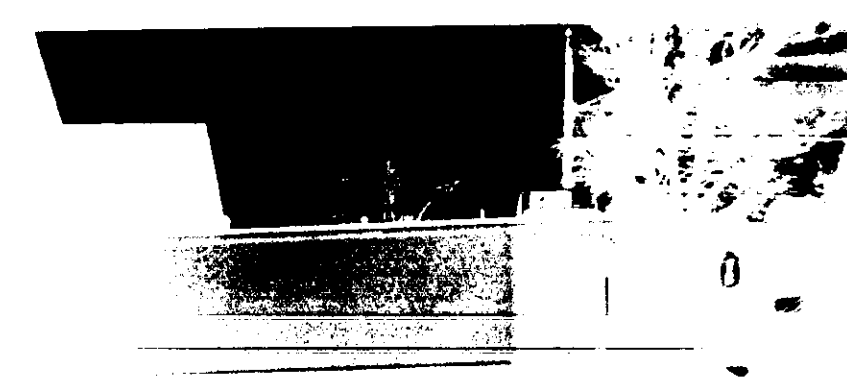
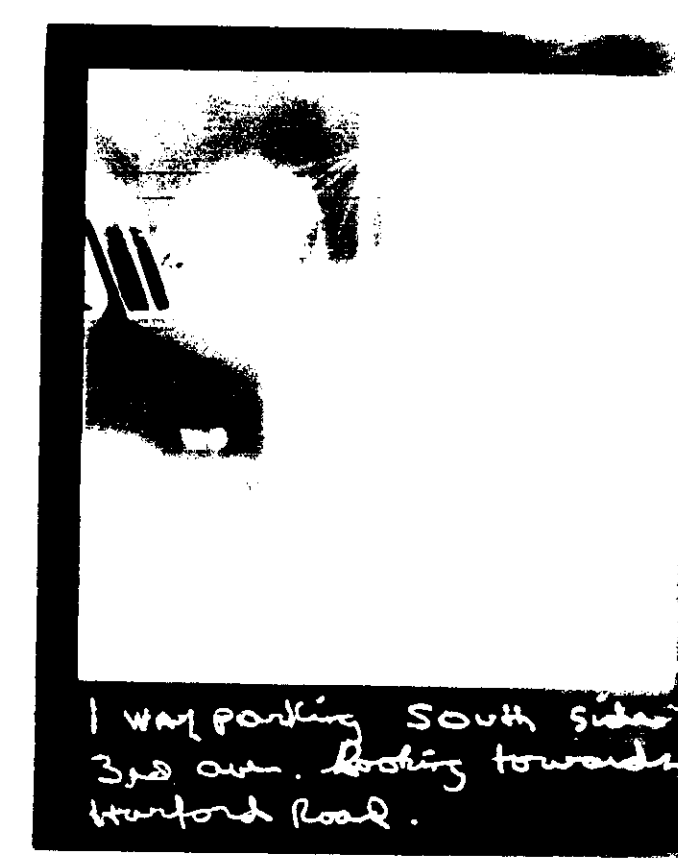
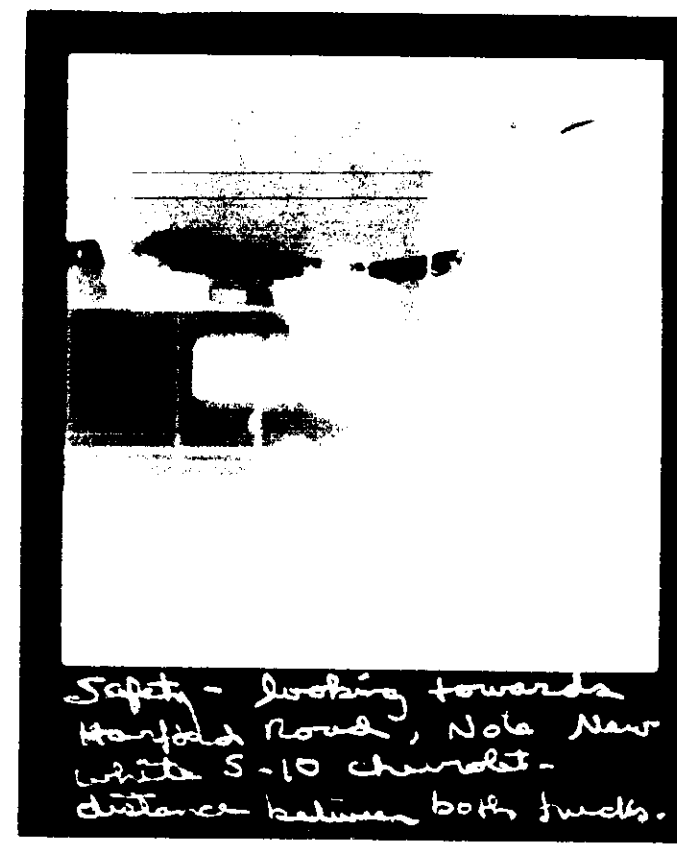
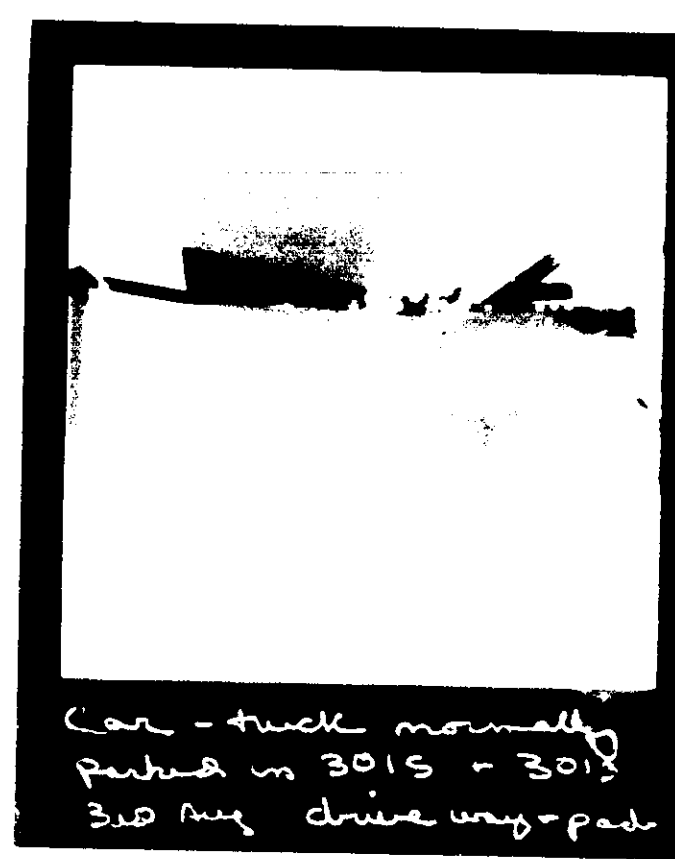
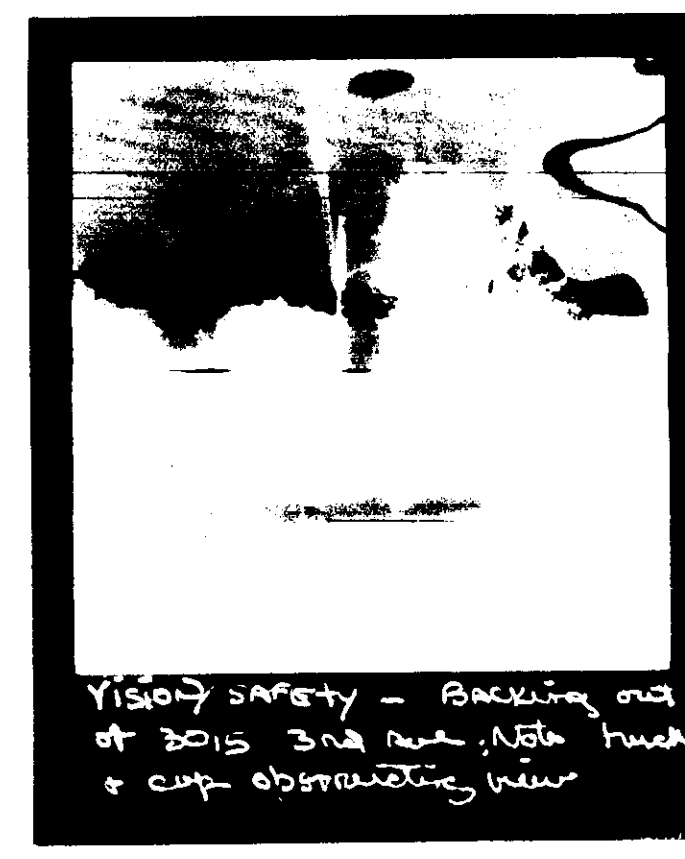
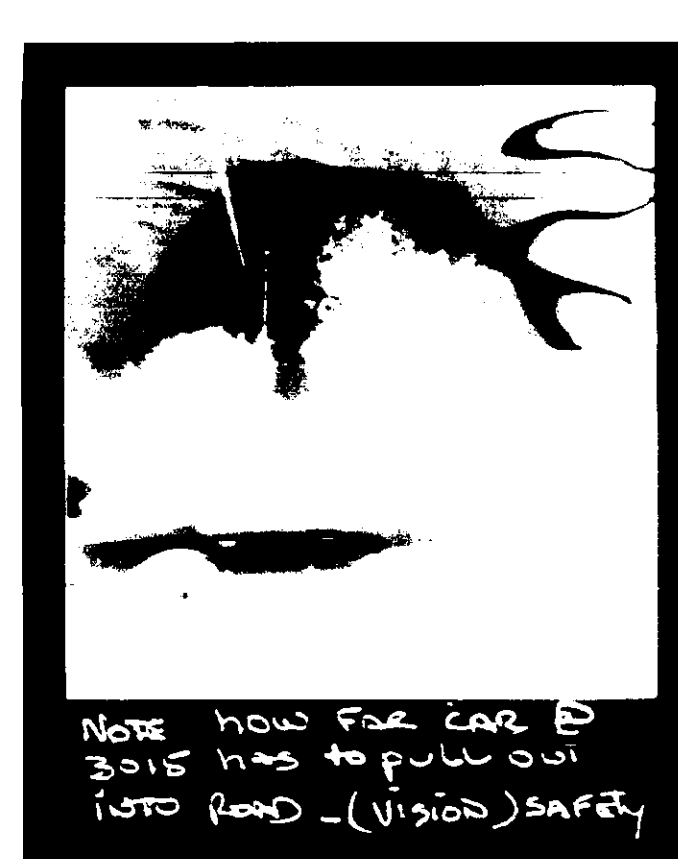
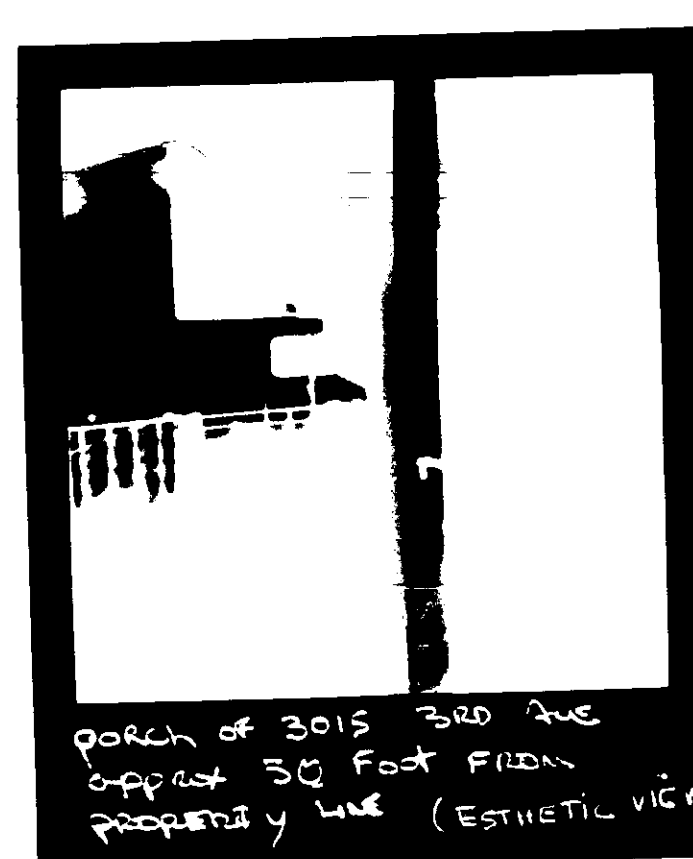
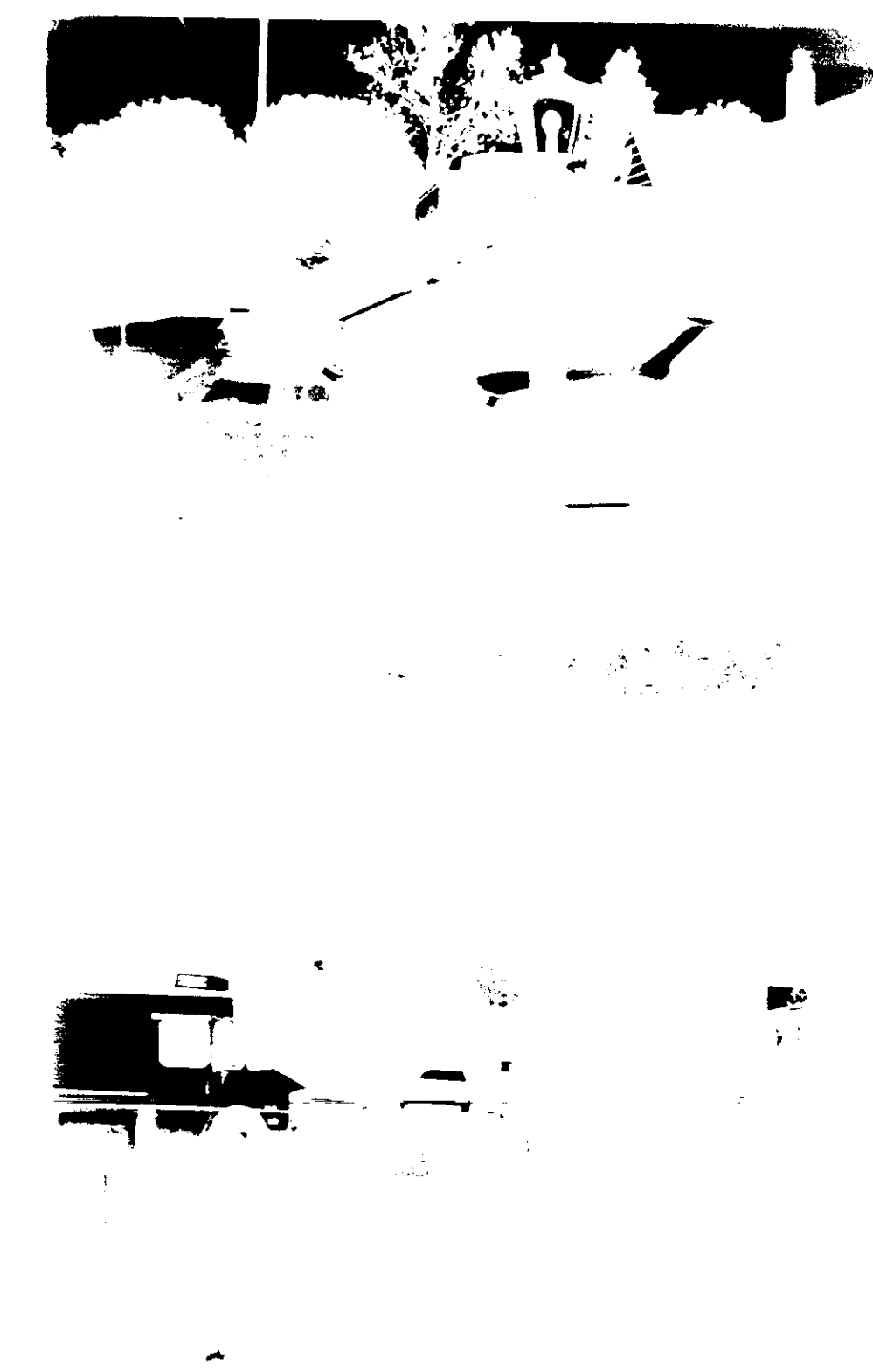
|  Maryland Department of Transportation<br>MOTOR VEHICLE ADMINISTRATION |  |                                        |  | <br>MICHAEL ROBERT ACKERMAN<br>REGISTRATOR |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------|--|
| REGISTRATION CERTIFICATE                                                                                                                                  |  |                                        |  |                                                                                                                               |  |
| TAG NUMBER                                                                                                                                                |  | UNIT #                                 |  | STICKER NUMBER                                                                                                                |  |
| 246676                                                                                                                                                    |  |                                        |  | 0636029                                                                                                                       |  |
| TITLE NUMBER                                                                                                                                              |  | MAKE AND BODY STYLE OF VEHICLE         |  |                                                                                                                               |  |
| 21874369                                                                                                                                                  |  | GMC TK                                 |  |                                                                                                                               |  |
| YEAR CLASS                                                                                                                                                |  | VEHICLE IDENTIFICATION NUMBER          |  |                                                                                                                               |  |
| 84 EPO M/A                                                                                                                                                |  | 1GTHP32TXG3504376                      |  |                                                                                                                               |  |
| GR. NET WT.                                                                                                                                               |  | G. GROSS WT.                           |  | FUEL                                                                                                                          |  |
| 30000 UQM/A                                                                                                                                               |  | 55.50                                  |  | QV/30/44                                                                                                                      |  |
| OWNER'S DRIVER LICENSE/ENDORSE NO.                                                                                                                        |  | CO. OWNER'S DRIVER LICENSE/ENDORSE NO. |  |                                                                                                                               |  |
| R501261441369                                                                                                                                             |  |                                        |  |                                                                                                                               |  |
| NAME(S) AND ADDRESS OF REGISTERED OWNER(S)                                                                                                                |  |                                        |  |                                                                                                                               |  |
| FRANCIS JOSEPH REINSFELDER<br>3013 THIRD AVE<br>BALTIMORE MD 21234                                                                                        |  |                                        |  |                                                                                                                               |  |

|  Maryland Department of Transportation<br>MOTOR VEHICLE ADMINISTRATION |  |                                        |  | <br>MICHAEL ROBERT ACKERMAN<br>REGISTRATOR |  |
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| REGISTRATION CERTIFICATE                                                                                                                                  |  |                                        |  |                                                                                                                               |  |
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| 24674369                                                                                                                                                  |  | GMC TK                                 |  |                                                                                                                               |  |
| YEAR CLASS                                                                                                                                                |  | VEHICLE IDENTIFICATION NUMBER          |  |                                                                                                                               |  |
| 84 M N/A                                                                                                                                                  |  | 1GTHP32TXG3504376                      |  |                                                                                                                               |  |
| GR. NET WT.                                                                                                                                               |  | G. GROSS WT.                           |  | FUEL                                                                                                                          |  |
| 37316 DBM/A                                                                                                                                               |  | 47.00                                  |  | QV/36/46                                                                                                                      |  |
| OWNER'S DRIVER LICENSE/ENDORSE NO.                                                                                                                        |  | CO. OWNER'S DRIVER LICENSE/ENDORSE NO. |  |                                                                                                                               |  |
| R501261441369                                                                                                                                             |  |                                        |  |                                                                                                                               |  |
| NAME(S) AND ADDRESS OF REGISTERED OWNER(S)                                                                                                                |  |                                        |  |                                                                                                                               |  |
| FRANCIS JOSEPH REINSFELDER<br>3013 THIRD AVE<br>BALTIMORE MD 21234                                                                                        |  |                                        |  |                                                                                                                               |  |

Appellant's Ex. 1

Appellants 2A  
2B  
2C  
2D } Photographs



|    |                           |   |                         |
|----|---------------------------|---|-------------------------|
| 1  | IN THE MATTER OF          | * | BEFORE THE              |
| 2  | THE APPLICATION OF        | * | COUNTY BOARD OF APPEALS |
| 3  | FRANCIS J. REINSFELDER    | * | OF                      |
| 4  | FOR VARIANCE ON PROPERTY  | * | BALTIMORE COUNTY        |
| 5  | LOCATED ON THE SOUTH SIDE | * | Case No: 94-176-A       |
| 6  | THIRD AVENUE, 400' +/-    | * |                         |
| 7  | SOUTHEAST OF CENTERLINE   | * | May 3, 1994             |
| 8  | HARFORD ROAD              | * |                         |
| 9  | (3013 Third Avenue)       | * |                         |
| 10 | 11TH ELECTION DISTRICT    | * |                         |
| 11 | 6TH COUNCILMANIC DISTRICT | * |                         |

13                   The above-entitled matter came on for hearing  
14 before the County Board of Appeals of Baltimore County,  
15 Old Courthouse, 400 Washington Avenue, Towson, Maryland  
16 21204 at 10 o'clock a.m., May 3, 1994.

20      Reported by:  
21      C.E. Peatt

**BOARD OF APPEALS**



I LIVE ACROSS THE STREET FROM FRANK REINSFELDER. MY DRIVEWAY IS OFFSET FROM HIS. I'VE SEEN FRANK USE FIVE TO TEN FEET OF MY DRIVEWAY TO FACILITATE BACKING HIS LARGE WHITE TRUCK INTO HIS DRIVEWAY. I'VE NOTICED THAT AS FRANK BACKS OUT OF MY DRIVEWAY, HE OFTEN RUNS INTO PORTIONS OF MY EVERGREEN BUSHES AT THE CORNER OF THE DRIVEWAY, AND THE BUSHES ARE NOW QUITE DAMAGED ON THAT SIDE. ON THE FEW OCCASSIONS THAT I HAVE BEEN HOME WITHOUT MY CAR PARKED IN MY DRIVEWAY I VE NOTICED FRANK PULL 1/3 TO 1/2 OF THE WAY INTO MY DRIVEWAY. I DO NOT APPRECIATE HIM USING MY DRIVEWAY TO PARK HIS WORK TRUCK.

LINDA E. STENCER  
3014 THIRD AVENUE  
BALTIMORE, MD. 21234

Protestant Ex. 5

**RESOLUTION:** That at the third quarter meeting of the Thornewood Civic Association held on October 29, 1992, it was decided by unanimous vote of the Association members that responsibility for review and action on all zoning matters for the period 6-15-92 to 6-15-94 be placed in the Zoning Committee consisting of the following members:

This action amended the previous responsibility accorded the Zoning Committee by changing the responsibility to include all zoning matters, not just the Griffith Dealership problems. The original vote for the above named persons to serve on this Special Committee was passed on 6-15-92.

AS WITNESS OUR HANDS AND SEAL THIS 27 DAY OF APRIL, 1994.

ATTEST: THORNWOOD CIVIC ASSOCIATION

Secretary President - Steve Stankiewicz

Prot. Ex 7  
page 1

**RESOLVED:** That the position of the Thornewood Civic Association as adopted by the unanimous vote of the membership in attendance at the April 28, 1994 meeting and the Zoning Committee on the zoning matter known as:

is that the Thornewood Civic Association is against granting a variance that would allow a truck this large to be parked in front of this residential property. Members of the community have complained about the size of this vehicle impeding their view, thereby creating a dangerous traffic problem for them entering or leaving their property. Our Association supports the decision of the Zoning Boards decision to not grant a variance.

AS WITNESS OUR HANDS AND SEAL THIS 27 DAY OF APRIL, 1994.

ATTEST: THORNEWOOD CIVIC ASSOCIATION

Greg Miller  
SECRETARY  
CHAIRMAN OF ZONING COMMITTEE

Steve Stankiewicz  
PRESIDENT  
STEVE STANKIEWICZ

Prot. Ex 7  
page 2

TO WIT:

ATTEST: Thornewood Civic Association

Anthony Santoro      Greg Miller      Stephen D. Stankiewicz  
Secretary           President-Steve Stankiewicz

Jerry Miller - V.P. /Chairman of Zoning Committee

DATE: Apr. 27, 1994

Protestant  
Ex 9

[illegible]

Protestant's  
Ex. 10

|                                                                                                                |                                                                                                                                  |                                                                 |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>REQUEST FOR</b><br><b>CERTIFIED COPY OF RECORD – \$10.00</b><br><b>NONCERTIFIED COPY OF RECORD – \$5.00</b> | <b>VEHICLE REGISTRATION DIVISION</b><br>Motor Vehicle Administration<br>6801 RITCHIE HIGHWAY, N.E.<br>GLEN RIDGE, MARYLAND 21062 | <b>PLEASE PRINT ALL INFORMATION</b><br><b>EXCEPT SIGNATURES</b> |
| <input type="checkbox"/> CR <input type="checkbox"/> CK <input checked="" type="checkbox"/>                    |                                                                                                                                  |                                                                 |

**TYPE OF RECORD DESIRED:**

☐ TITLE FILE  
☐ REGISTRATION FILE

☒ I REQUEST A CERTIFIED COPY OF THE RECORD  
☐ I REQUEST A NONCERTIFIED COPY OF THE RECORD

**REASON FOR REQUEST**

|                               |                          |                     |                  |
|-------------------------------|--------------------------|---------------------|------------------|
| DRIVER LICENSE NUMBER/ SUFFIX | LAST NAME                | FIRST NAME          | FULL MIDDLE NAME |
| ADDRESS IN FULL               | CITY                     | STATE               | ZIP CODE         |
| TITLE #                       | VEHICLE IDENTIFICATION # | DRIVER'S BIRTH DATE |                  |

REGISTRAR    PRINTED NAME

*CATHERINE M. TRALEY*

SIGNATURE

*Catherine M. Traley*

2898 876 MD  
 (AGENT)

NAME (PRINT) \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

31MAR 11-23-2025 110.00C

**CHECKED BY:**

RV-238 (8-82)

**MVA**

**Maryland Department  
of Transportation**

**MOTOR VEHICLE ADMINISTRATION**  
6801 RITCHIE HIGHWAY N.E.  
GLEN BURNIE, MARYLAND 21062

75015880

TO : [illegible]  
FROM : [illegible]  
SUBJECT : [illegible]

SERIES 35 DESIGNATES 1 TON CHASSIS

**NOT A CONSUMER RECORD  
NOT ISSUED UNDER FAIR  
CREDIT REPORTING ACT.**

*Protestant's  
Ex. 11*

DR 60 (8-92)





94-176-A

#177  
#283

177

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

|                                              |                                      |                      |
|----------------------------------------------|--------------------------------------|----------------------|
| SCALE<br>1" = 200' ±                         | LOCATION<br>MICROFILMED<br>PARKVILLE | SHEET<br>N.E.<br>9-E |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                                      |                      |



IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF FRANCIS J. REINSFELDER  
3013 Third Avenue  
Baltimore, Maryland 21234

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF  
FRANCIS J. REINSFELDER  
FOR A VARIANCE ON PROPERTY LOCATED  
ON THE SOUTH SIDE THIRD AVENUE, 400' +/-  
SOUTHEAST OF CENTERLINE HARFORD ROAD  
(3013 THIRD AVENUE)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
CASE NO. 94-176-A

PROCEEDINGS BEFORE THE ZONING COMMISSIONER  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Judson H. Lipowitz, Harry E. Buchheister, Jr.,  
and Robert O. Schuetz, constituting the County Board of Appeals of  
Baltimore County, and in answer to the Petition for Judicial Review  
directed against them in this case, herewith return the record of  
proceedings had in the above-entitled matter, consisting of the  
following certified copies or original papers on file in the Office  
of Zoning Administration and Development Management and the Board  
of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY

October 22, 1993 Petition for Variance to permit a commercial  
vehicle to be parked in the front yard of a  
residential lot, in lieu of the required side

94-176-A, Francis J. Reinsfelder  
File No. 94-CV-05408/83/292

November 5 or rear yard or enclosed garage, filed by  
Francis J. Reinsfelder.

November 7 Publication in newspapers.

November 24 Certificate of Posting of property.

November 30 Hearing held on Petition by the Zoning  
Commissioner.

December 27 Order of the Zoning Commissioner in which  
Petition for Variance was DENIED.

May 3, 1994 Notice of Appeal filed by Francis J.  
Reinsfelder.

May 10 Hearing before the Board of Appeals.

June 9 Opinion and Order of the Board in which the  
Petition for Variance was DENIED.

June 22 Petition for Judicial Review filed in the  
Circuit Court for Baltimore County by Seymour  
R. Goldstein and Gerardo Puig on behalf of  
Francis J. Reinsfelder.

June 22 Copy of Petition for Judicial Review received by  
the Board of Appeals from the Circuit Court  
for Baltimore County.

June 22 Certificate of Notice sent to interested  
parties.

August 8 Transcript of testimony filed.

Appellant's Exhibits No. 1 - Copy of vehicle registrations  
2A-Photo of van, mailbox, etc.  
2B-Photo of 3rd Ave., looking East  
3C-Photo of 3rd Ave., looking West,  
w/ 3015 Mailbox  
3D-Photo of front of van showing  
license tags

Protestant's Exhibits No. 1A-Photo of van  
1B-Photo of van and neighboring  
houses  
1C-Photo of van, 3013 Third Ave.,  
3015 Third Ave.  
1D-Photo of van from porch at 3015  
Third Ave.

94-176-A, Francis J. Reinsfelder  
File No. 94-CV-05408/83/292

1E-Photo of van from porch at 3017  
Third Ave.  
2A-Photo of silver auto moving onto  
Third Ave.  
2B-Photo of silver auto backing  
onto Third Ave.  
2C-Photo of front of van and  
neighbor's auto  
2D-Photo of rear of Chevy pick-up  
2E-Photo of van looking West  
3-Side view of van from Mrs.  
Marken's front porch  
4A-Photo of front of van  
4B-Photo of parking pad at 3013  
Third Ave.  
5-Letter from Linda E. Stemler  
6-Photo from Mrs. Marken's porch  
7-Rule 8 Resolutions (3 pages) of  
Thornwood Civic Association and  
Affidavit  
8-Photo along property line between  
Traceys and Reinsfelders  
(showing rear of van)  
9-Bill 70-88 4 pages  
10-People's Counsel Sign-in Sheet  
5/3/94  
11-Certified Copy of MVA  
Registration

August 8, 1994 Record of Proceedings filed in the Circuit  
Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered  
and upon which said Board acted are hereby forwarded to the Court,  
together with exhibits entered into evidence before the Board.

Respectfully submitted,

Charlotte E. Radcliffe  
Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals of Baltimore  
County, Room 49, Basement - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

cc: Seymour R. Goldstein, Esquire  
Gerardo Puig, Esquire  
Francis J. Reinsfelder  
People's Counsel for Baltimore County

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF FRANCIS J. REINSFELDER  
3013 Third Avenue  
Baltimore, Maryland 21234

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF  
FRANCIS J. REINSFELDER  
FOR A VARIANCE ON PROPERTY LOCATED ON  
THE SOUTH SIDE THIRD AVENUE, 400'  
+/- SOUTHEAST OF CENTERLINE HARFORD  
ROAD (3013 THIRD AVENUE)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
CASE NO. 94-176-A

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland  
Rules of Procedure, Judson H. Lipowitz, Harry E. Buchheister, Jr.,  
Robert O. Schuetz, constituting the County Board of Appeals of  
Baltimore County, have given notice by mail of the filing of the  
Petition for Judicial Review to the representative of every party  
to the proceeding before it; namely, Seymour R. Goldstein, Esquire  
and Gerardo Puig, Esquire, GOLDSTEIN & BYRNE, 20 W. Chase Street,  
Baltimore, MD 21201, Counsel for Petitioner; Francis J.  
Reinsfelder, 3013 Third Avenue, Baltimore, MD 21234, Petitioner;  
Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room  
47, Washington Avenue, Towson, Maryland 21204; a copy of which  
Notice is attached hereto and prayed that it may be made a part  
hereof.

Charlotte E. Radcliffe  
Charlotte E. Radcliffe  
Legal Secretary  
County Board of Appeals, Room 49 - Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

94-176-A, Francis J. Reinsfelder  
File No. 94-CV-05408/83/292

I HEREBY CERTIFY that a copy of the foregoing Certificate of  
Notice has been mailed to Seymour R. Goldstein, Esquire and Gerardo  
Puig, Esquire, GOLDSTEIN & BYRNE, 20 W. Chase Street, Baltimore, MD  
21201, Counsel for Petitioner; Francis J. Reinsfelder, 3013 Third  
Avenue, Baltimore, MD 21234, Petitioner; Peter Max Zimmerman,  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue,  
Towson, Maryland 21204, this 22nd day of June, 1994.

Charlotte E. Radcliffe  
Charlotte E. Radcliffe  
Legal Secretary  
County Board of Appeals, Room 49 - Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF FRANCIS J. REINSFELDER  
3013 THIRD AVENUE  
BALTIMORE, MD 21234

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

IN THE CASE OF  
THE APPLICATION OF  
FRANCIS J. REINSFELDER FOR  
VARIANCE ON PROPERTY LOCATED ON  
THE SOUTH SIDE THIRD AVENUE, 400'  
+/- SOUTHEAST OF CENTERLINE  
HARFORD ROAD (3013 THIRD AVENUE)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
CASE NO. 94-176-A

CIVIL ACTION NO.

PETITION FOR JUDICIAL REVIEW

Petitioner, Francis J. Reinsfelder, a party to the proceeding before the County Board of  
Appeals of Baltimore County entitled In the Matter of the Application of Francis J. Reinsfelder, Case  
No. 94-176-A, through his attorneys Seymour R. Goldstein, Gerardo Puig and Goldstein & Byrne,  
requests judicial review of the Opinion and Order issued May 10, 1994, in that proceeding.

Seymour R. Goldstein  
Gerardo Puig  
Law Office of Goldstein & Byrne  
23 W. Chase Street  
Baltimore, Maryland 21201  
(410)837-3380

Attorneys for Petitioner  
Francis J. Reinsfelder

CIRCUIT COURT FOR BALTIMORE COUNTY  
CIVIL CATEGORY JUDICIAL REVIEW 94CV5408 83/292

PETITION OF FRANCIS J. REINSFELDER  
FOR JUDICIAL REVIEW OF THE  
DECISION OF THE  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
IN THE CASE OF THE APPLICATION OF  
FRANCIS J. REINSFELDER FOR  
VARIANCE ON PROPERTY LOCATED ON  
THE SOUTH SIDE THIRD AVENUE, 400'  
+/- SOUTHEAST OF CENTERLINE  
HARFORD ROAD (3013 THIRD AVENUE)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
CASE NO. 94-176-A

ATTORNEYS  
Seymour R. Goldstein  
Gerardo Puig  
Law Office of Goldstein & Byrne  
20 W. Chase Street  
Baltimore, Maryland 21201  
(410) 837-3380  
(FRANCIS J. REINSFELDER)

CAROL E. DEMILLO (ATTY for People's)  
ROOM 47 COURTHOUSE  
400 WASHINGTON AVE  
21204 887-2188

COSTS

of (1) June 9, 1994 - Petition for Judicial Review fd.  
ar (2) Jul 20, 1994 Response of PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, to  
petition for judicial review, fd. (rec'd 7/15/94)  
(3) Aug. 17, 1994 Transcript of Record fd. (rec'd 8-8-94) Box 227  
(4) Aug. 17, 1994 Notice of Filing of Record fd. Copies sent.  
jh (5) September 21, 1994, Petitioner Memorandum, fd. (rec'd 9/16/94)  
ar (6) Oct 17, 1994 Appellees memorandum, fd. (rec'd 10/13/94)  
December 6, 1994 Hon. Robert E. Cadigan. Hearing had. Appeal  
Dismissed by the Court. Decision of the County Board of Appeals  
of Baltimore County is affirmed.

NOTE:  
NO IF  
RECORD ENTRY  
MEANS NO  
WRITTEN DECISION  
ONLY WRITTEN  
ENTRY ON FILE  
OFFICE OF CLERK  
(See Attached)  
COW  
1-2-95