

FILE COPY

IN THE MATTER OF
THE APPLICATION OF
PAMELA & CARL STEELE, SR.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NW/S DENTON ROAD,
40' NE OF C/L CHERRY GARDEN ROAD
(1522 DENTON ROAD)

15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 00-057-A

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Pamela K. Steele, Petitioner, from a decision of the Zoning Commissioner dated October 19, 1999 in which the requested Petition for Variance was denied.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal dated June 12, 2000 filed by Pamela K. Steele and Carl L. Steele, Sr., Appellants /Petitioners (a copy of which is attached hereto and made a part hereof); and

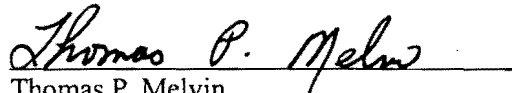
WHEREAS, said Appellants request that the appeal taken in this matter be withdrawn and dismissed as of June 12, 2000;

IT IS ORDERED this 15th day of June, 2000 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 00-057-A be and the same is hereby **DISMISSED**.

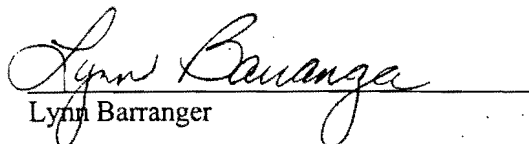
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks



Thomas P. Melvin



Lynn Barranger

FILE COPY

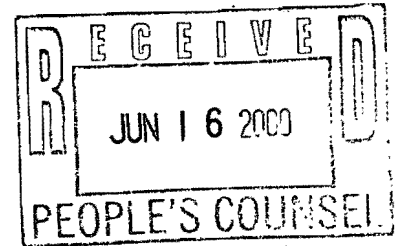


County Board of Appeals of Baltimore County

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

CP
PMZ

June 15, 2000



Mr. & Mrs. Carl Steele, Sr.
1522 Denton Road
Baltimore, MD 21221-6307

RE: In the Matter of 1522 Denton Road /the
Petition of Pamela & Carl Steele, Sr.
Case No. 00-057-A

Dear Mr. & Mrs. Steele:

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

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

cc: Ed Rybczynski
Chesapeake Bay Critical Area Commission
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

P.K.Steele Trucking LLC

1522 Denton Rd.
Baltimore, MD. 21221-6307
Baltimore

Phone 410-686-0520
Home Phone 410-686-0520
Email 39cveety@home.com

June 12, 2000

County Board of Appeals
of Baltimore County
401 Washington Ave, RM 49
Towson MD. 21204

Faxed:
410-887-3182

RE: Petition for Variance
1522 Denton Rd.
NW/S Denton Rd, 40' NE of c/1 Cherry Garden Rd,
15th Election District, 5th Councilmanic
Carl L. & Pamela K. Steele, Sr. Petitioners
Case No.: 00-57-A

Dear Lawrence M. Stahl, Chairman,

I Pamela K. Steele & Carl L. Steele Sr are Requesting to **WITHDRAW** our Appeal for Case No.: 00-57-A for reasons which we have decided on. We will be moving the Dump Truck from our property today June 12, 2000. Assigned date of Hearing is June 13th, 2000 @ 10:00 a.m. **RM# 48.**

Sincerely,

Pamela K. Steele
Carl L. Steele Sr.
Petitioners - Case No.: 00-57-A

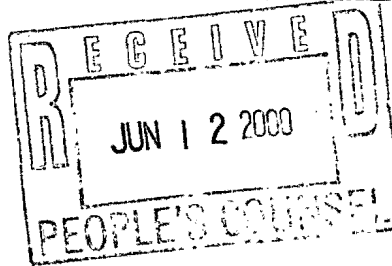
RECEIVED
COUNTY BOARD OF APPEALS
00 JUN 12 PM 2:00

P.K.Steele Trucking LLC

1522 Denton Rd.
Baltimore, MD. 21221-6307
Baltimore

GPMZ

Phone 410-686-0520
Home Phone 410-686-0520
Email j9cweety@home.com



June 12, 2000

County Board of Appeals
of Baltimore County
401 Washington Ave, RM 49
Towson MD. 21204

Faxed:
410-887-3182

RE: Petition for Variance
1522 Denton Rd.
NW/S Denton Rd, 40' NE of c/1 Cherry Garden Rd,
15th Election District, 5th Councilmanic
Carl L & Pamela K. Steele, Sr. Petitioners
Case No.: 00-57-A

Dear Lawrence M Stahl, Chairman,

I Pamela K. Steele & Carl L. Steele Sr are Requesting to **WITHDRAW** our Appeal for Case No.: 00-57-A for reasons which we have decided on. We will be moving the Dump Truck from our property today June 12, 2000. Assigned date of Hearing is June 13th, 2000 @ 10:00 a.m. **RM# 48.**

Sincerely,

Pamela K. Steele
Carl L. Steele Sr.
Petitioners - Case No.: 00-57-A

RECEIVED
COUNTY BOARD OF APPEALS
00 JUN 12 PM 2:00

6/12/00
NOTE: Charlotte called the
Protestant and advised
him the Aug. is OFF.

IN RE: PETITION FOR VARIANCE
NW/S Denton Road, 40' NE of the c/l
Cherry Garden Road
(1522 Denton Road)
15th Election District
5th Councilmanic District

Carl L. Steele, Sr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-057-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Carl L. Steele, Sr., and his wife, Pamela K. Steele. The Petition was filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) as to the parking/storage of a commercial vehicle on the subject property. The Petitioners were cited with a zoning violation notice and advised to file the instant Petition for Variance. The Petitioners seek relief from Section 431.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle on residential property (zoned D.R.5.5) with a gross vehicle weight exceeding the maximum allowed 10,000 lbs. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in this case was Pamela K. Steele, property owner/co-Petitioner. Appearing in opposition to the request was Ed Rybczynski, a nearby resident.

Testimony and evidence offered revealed that the subject property is a waterfront lot located adjacent to Muddy Gut Creek in the Cherry Garden Farms subdivision in southeastern Baltimore County. The property consists of a gross area of 13,260 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling and two accessory storage sheds. Additionally, a portion of the property is loosely paved to accommodate several vehicles owned by the Petitioners and their family, including the truck, which is the subject of this request, a camper, and several passenger vehicles. Mrs. Steel testified that she has owned the subject property for approximately 12 years and that she and Mr.

Steele were married about 1 year ago. She testified that she owns the subject truck and operates a business known as P. K. Steele Trucking, LLC. The truck is driven by her husband, Carl L. Steele, Sr. Photographs of the truck were submitted at the hearing which show that the vehicle is a large dump truck. Apparently, Mr. Steele works on a contractual basis for T.C. Simon Company, which maintains an office in eastern Baltimore County. Typically, Mr. Steele leaves in the morning between 6:00 and 6:30 AM and returns in the afternoon between 3:00 and 5:00 PM. During the day, he is on the road to various job sites and making deliveries.

Mr. Rybczynski appeared and testified in opposition to the request. Mr. Rybczynski owns nearby property at 1532 Denton Road. He testified that he has owned the property as a summer home since 1961 and began occupying the property full-time approximately 3 years ago. Although noting that Mr. Steele is a safe and courteous driver, he fears for the safety of residents and children in the community, due to the operation of this vehicle on the narrow, residential streets. He stated that Denton Road is very narrow and that there are no sidewalks. He is also concerned about alleged servicing of the vehicle on the property. Although Mrs. Steele denied that maintenance was performed on site, Mr. Rybczynski testified otherwise. Lastly, he expressed concern over a decrease in property values and an improper precedent being established if the requested variance were granted.

The consideration of zoning variances is governed by Section 307 of the B.C.Z.R. This Section has been construed by the appellate Courts of this State, most recently, in Cromwell v. Ward, 102 Md. App. 691. Section 307 of the B.C.Z.R. and the Cromwell decision set out three tests which must be applied in order for variance relief to be granted. First, the applicant must show that the property is unique in some manner. This uniqueness must drive the need for the variance. Second the Petitioner must show that he/she would suffer some practical difficulty or unreasonable hardship if variance relief were denied. Variances can not be granted for reasons of mere convenience; rather, the Petitioner must show that there is some compelling reason for deviation from the zoning requirement. Third, the Petitioner must show that relief can be granted without detrimental impact on the surrounding locale.

Addressing the last of these three tests first, I am persuaded that there would not be any adverse impact if the variance were granted. It appears that the vehicle can be safely stored on the property. Moreover, even Mr. Rybczynski testified that Mr. Steele is a safe and courteous driver. There appears to be no public danger or adverse impact to be caused if variance relief were to be granted.

Despite this finding, however, variance relief cannot be granted in this case. The Petitioner presented no evidence that the subject property is unique; thus, failing the first test. Additionally, there has been no showing of practical difficulty. In this regard, Mr. Rybczynski suggested that the Petitioner explore other avenues for the storage of this truck. These could include rental of a commercial property in the area or the storage of the truck at the offices of the T. C. Simon Company. Mrs. Steele offered no testimony regarding these alternatives. She did not indicate that they had been considered and did not state that they were not acceptable. In this case, it appears that the request for variance is for convenience, and not a necessity. For these reasons, the Petition must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

19th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October, 1999 that the Petition for Variance seeking relief from Section 431.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle on residential property (zoned D.R.5.5) with a gross vehicle weight exceeding the maximum allowed 10,000 lbs., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have sixty (60) days from the date of this Order to locate a suitable storage space for the subject truck.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

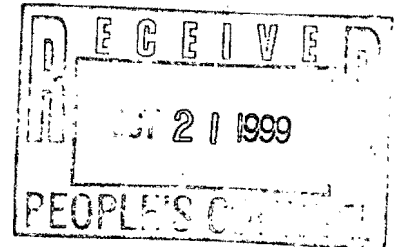


Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 19, 1999

Mr. & Mrs. Carl L. Steele, Sr.
1522 Denton Road
Baltimore, Maryland 21221-6307



RE: PETITION FOR VARIANCE
NW/S Denton Road, 40' NE of the c/l Cherry Garden Road
(1522 Denton Road)
15th Election District – 5th Councilmanic District
Carl L. Steele, Sr., et ux - Petitioners
Case No. 00-057-A

Dear Mr. & Mrs. Steele:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Ed Rybczynski
1532 Denton Road, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
Code Enforcement Division, DPDM; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1522 DENTON RD.

which is presently zoned DR.S.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto ar made a part hereof, hereby petition for a Variance from Section(s) 431.B.1
TO PERMIT A COMMERCIAL VEHICLE ON A RESIDENTIAL
PROPERTY WITH A GROSS VEHICLE WEIGHT EXCEEDING
10,000 LBS. IN LIEU OF THE REQUIRED MAXIMUM 10,000 LBS.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indical hardship or practical difficulty) TO BE DISCUSSED AT THE HEARING. I HAVE AN INDEPENDENT TRUCKING COMPANY WHICH NEEDS TO PARK MY DUMP TRUCK AT MY RESIDENCE, DUE TO FEAR OF VANDALISM & THEFT.

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 zonin 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

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTM/JRF Date 8/9/99

Case No. 00-57-A

RE 9/15/98



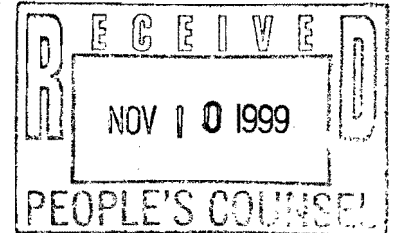
Baltimore County
Department of Permits and
Development Management

cd 7 Comm Dev
PMZ touch/
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

FOLLOW

November 10, 1999

Mr. Ed Rybczynski
1532 Denton Road
Baltimore, MD 21221



Dear Mr. Rybczynski:

CARL + PAMELA STEELE

RE: Case Number 00-057-A, 1522 Denton Road, 15th Election District:

Please be advised that an appeal of the above referenced case was filed in this office on November 8, 1999 by Pamela K. Steele. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,

Arnold Jablon/scj

Arnold Jablon
Director

AJ:scj

C: Pamela & Carl Steele, Sr.
People's Counsel



APPEAL

Petition for Variance
1522 Denton Road
NW/S Denton Road, 40' NE of centerline Cherry Garden Road
15th Election District – 5th Councilmanic District
Pamela & Carl Steele, Sr. - Legal Owner
Case Number: 00-057-A

Petition for Variance

Description of Property

Notice of Zoning Hearing (8/31/99)

Certificate of Posting (Thomas P. Ogle, Sr. – 9/17/99)

Certification of Publication (The Jeffersonian – 9/16/99)

Entry of Appearance by People's Counsel (8/24/99)

Zoning Advisory Committee Comments

Misc. (Not Marked as Exhibits):

1. Memo to Larry Schmidt, Zoning Commissioner, from James Thompson, Code Enforcement Supervisor (dated 8/19/99)
2. Plat to Accompany Petition for Zoning Variance (dated 7/24/99)
3. Letters in Support with Corresponding Map (submitted at petition filing)
4. Two Sheets of Photographs (submitted at petition filing)
5. Five Photographs

Zoning Commissioner's Order dated October 19, 1999 (denied)

Notice of Appeal received on November 8, 1999 from Pamela K. Steele

C: Pamela & Carl Steele, Sr., 1522 Denton Road, Baltimore 21221-6307
Ed Rybczynski, 1532 Denton Road, Baltimore 21221
Chesapeake Bay Critical Areas Comm., 45 Calvert St., 2nd Floor, Annapolis 21401
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

RE: PETITION FOR VARIANCE
1522 Denton Road, NW/S Denton Rd,
40' NE of c/l Cherry Garden Rd
15th Election District, 5th Councilmanic

Legal Owner: Carl L. and Pamela K. Steele, Sr.
Petitioner(s)

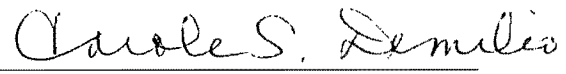
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-57-A

* * * * *

ENTRY OF APPEARANCE

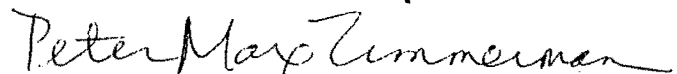
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 24th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Carl L. and Pamela K. Steele, Sr., 1522 Denton Road, Baltimore, MD 21221, Petitioners.


PETER MAX ZIMMERMAN



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

June 5, 2000

CAROLE S. DEMILIO
Deputy People's Counsel

Lawrence M. Stahl, Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
00 JUN -6 PM 1:38

Re: Petition for Variance
1522 Denton Road,
NW/S Denton Rd, 40' NE of c/l Cherry Garden Rd,
15th Election District, 5th Councilmanic
Carl L. & Pamela K. Steele, Sr., Petitioners
Case No.: 00-57-A

Dear Chairman Stahl:

The above case involves a variance request to park a commercial vehicle in excess of 10,000 pounds in a D.R.-5.5 zone. (Baltimore County Zoning Regulations (BCZR) Section 431). The Petition was denied by the Zoning Commissioner.

Our office has consistently opposed these variance petitions. Attached please find five such cases before the CBA from 1994 to 1998. (Case No. 94-176-A was appealed to the Circuit Court and affirmed). We are not aware of any CBA decisions in the past five years that permitted the relief requested in the instant case.

Upon review of the file, there appears to be no evidence to support the two-prong variance standards: uniqueness of the site, and practical difficulty. (See Cromwell v. Ward, 102 Md.App. 691, (1995)).

Additionally, the relief requested would violate the spirit and intent of the zoning regulations and would be detrimental to the public health, safety and general welfare. (BCZR Section 307.1).

Lawrence M. Stahl, Chairman
County Board of Appeals
June 5, 2000
Page Two

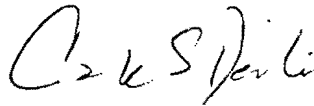
Moreover, consistent with our position in prior cases, we do not believe variance relief from height and area requirements includes the relief requested in the instant case. Likewise, while Section 307.1 permits variance relief for "off-street parking," those regulations are identified as such in BCZR Section 409. The restrictions for commercial vehicle parking on residential property are found in BCZR 431. Our office's position is that Section 431 is not subject to a variance.

For all of these reasons, we respectfully request the Petition for Variance should be denied.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf
Enclosures

cc: Carl L. & Pamela K. Steele, Sr., 1522 Denton Road, Baltimore, MD 21221, Petitioners

Ed Rybczynski, 1532 Denton Road, Baltimore, MD 21221, Protestant

IN THE MATTER OF
THE APPLICATION OF
STEPHEN R. MALLOY
FOR VARIANCES ON PROPERTY
LOCATED ON THE SOUTHEAST
CORNER OF EASTERN AVENUE
AND 47TH STREET
(7103 EASTERN AVENUE)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-76-A

* * * * *

OPINION

This matter comes to the Board on appeal from a decision of the Zoning Commissioner dated October 7, 1993, denying the requested variances to permit a commercial vehicle in excess of 10,000 pounds to be parked on a residential lot, and to permit a garage height of 20 feet in lieu of 15 feet. The Appellant was not represented by counsel. The Protestants were represented by Carole Demilio, People's Counsel for Baltimore County.

According to testimony and evidence presented in the case, the Appellant, Stephen R. Malloy, is a self-employed hauler who has lived at the subject property for two years. The property, which consists of a detached home on .22 acres of land, is located in the residential subdivision of Graceland and is zoned DR 5.5. The Appellant owns a dump truck that is 24 feet long and 10 feet high; it weighs 21,000 pounds unloaded and 42,000 pounds loaded. He hauls for Genstar and other contractors, generally leaving home early in the morning and returning early in the evening. On occasion he plows for the State Highway Administration, in which case he might work some nights and weekends. He usually parks the truck in his driveway, but sometimes parks it in the street.

The Appellant testified that he asked for the variance to allow him to park the truck on his property because he has no place else to park it. He testified that he didn't even want a garage, but he asked for the height variance to build one because neighbors have complained that the truck was an eyesore.

Mr. Malloy testified that he must plug in the truck and run it for 15 minutes to start it in cold weather, and then he is gone all day, while other trucks run up and down Eastern Avenue all day long. He submitted as evidence photos of numerous businesses in the neighborhood (Appellant's Exhibits 3-A through 3-K).



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,

Kathleen C. Weidenhammer

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

IN THE MATTER OF
THE APPLICATION OF
KATHERINE A. GERRY
FOR VARIANCE ON PROPERTY
LOCATED ON THE SOUTH SIDE OF
STEVENS ROAD, 120' WEST OF
CENTERLINE CORELEY BEACH
ROAD (5834 STEVENS ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-7-A

* * * * *

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner dated August 7, 1996, granting a Variance from Section 431.B.3.b.c of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle with advertising to be parked in the front yard of the subject property.

Appearing and testifying as a Protestant in the matter was Mark A. Guelta, who was represented by Francis X. Borgerding, Jr., Esquire. The Petitioner, Katherine A. Gerry, who was not represented by counsel, appeared and testified in her own behalf.

Based on the testimony and evidence presented as exhibits, the Board finds the following facts. The subject property, at 5834 Stevens Road in White Marsh, is a waterfront home located on Bird River and zoned R.C.2. Wayne Gerry, Jr., the son of the Petitioner, lives with her. He is employed by the Caplan Glass Company and parks a company truck, which he uses on the job, on the subject property, in the yard abutting the road, when he is not working.

Mr. Guelta, who lives next door to the Petitioner, opposes the granting of the Variance for safety reasons. He testified that children run and ride out into the narrow street from behind the truck without looking, and that he once nearly hit Mr. Gerry, Jr.'s young son when the boy ran out from behind the truck. He also objects to the Variance on the grounds that the truck may detract from property values if allowed to be parked near the street.

Bernie Steinharter, vice-president of Caplan Brothers, testified that Mr. Gerry, Jr., uses the truck for emergency repairs, which can occur at night and on weekends. However, Mr. Steinharter conceded on cross-examination that it is not a job requirement for Mr. Gerry to take the truck home, but more of a convenience, as the company has a commercial parking lot at 700 West Hamburg Street.

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	
<u>JAKE RUBINSTEIN -Petitioner</u>	*	COUNTY BOARD OF APPEALS
FOR A VARIANCE ON PROPERTY	*	
LOCATED ON THE WEST SIDE	*	OF
WINDSOR ROAD, 75' NORTH OF THE	*	
CENTERLINE OF CARYSBROOK ROAD	*	BALTIMORE COUNTY
(902 WINDSOR ROAD)		
2ND ELECTION DISTRICT	*	CASE NO. 97-52-A
3RD COUNCILMANIC DISTRICT		
* * * *	*	* * * *

O P I N I O N

This case comes to the County Board of Appeals of Baltimore County based on an appeal by the Appellant whereby the Petitioner is seeking relief from Section 431 of the Baltimore County Zoning Regulations (BCZR) to permit a commercial vehicle of 15,000 lbs. to be parked in the front yard of his property in lieu of the maximum permitted 10,000 lbs. in the side or rear yard. The Deputy Zoning Commissioner for Baltimore County had denied the variance relief requested by Order dated September 17, 1996.

The Appellant, Mr. Jake Rubinstein, testified in support of the variance. He indicated that he owned a 14,500 lb. roll-back towing vehicle used in his business that he normally parks on his driveway at the subject property, 902 Windsor Road, which is situated in the Sudbrook Park area of Baltimore County. He indicated that he operates his business essentially from his home; and was required to respond to his clients' towing requests as soon as they are received on his pager. He stated that he had resided at the Windsor Road property for approximately 18 years, and has always had a commercial vehicle parked on the premises. The Petitioner explained that, while Sudbrook Park is located in the National Register of Historic Districts, his property was slightly

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
FRANK D. REITTERER AND FRANCES*	*	COUNTY BOARD OF APPEALS
M. LEONARD -PETITIONERS FOR		
VARIANCE ON PROPERTY LOCATED	*	OF
ON THE NORTHEAST SIDE NORTH		
AVENUE, 470' NORTHWEST OF	*	BALTIMORE COUNTY
CENTERLINE LEEDS AVENUE		
(1220 NORTH AVENUE)	*	CASE NO. 98-406-A
13TH ELECTION DISTRICT		
1ST COUNCILMANIC DISTRICT	*	

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O P I N I O N

This case comes before the Board on appeal filed by the Office of People's Counsel of Baltimore County from a decision of the Zoning Commissioner dated August 19, 1998, granting a variance from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle (roll back tow truck) with advertising to be parked daily in the side yard driveway of the subject property.

The Petitioner, Frank Reitterer, appeared pro se. Carole S. Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel.

This matter was heard by this Board de novo on February 18, 1999. In lieu of final argument, Petitioner was given one week to review prior cases referenced by Deputy People's Counsel in opening statements relevant to the subject matter, and submit Memorandum. Deputy People's Counsel subsequently submitted a Brief in response. Public deliberation was held on March 23, 1999, due notice of which was provided to all interested parties.

The subject property, known as 1220 North Avenue, is rectangular in shape, approximately .149 acre in area, and zoned D.R. 5.5. The lot is located in the Maiden Choice subdivision of