

6/27/01

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
<u>SHIRLEY J. & PAUL R. REINKE, JR.</u> -	*	OF
LEGAL OWNERS /PETITIONERS FOR A	*	BALTIMORE COUNTY
SPECIAL HEARING ON PROPERTY	*	Case No. 00-404-SPH
LOCATED ON THE N/S FOURTH AVENUE,		
400' W OF C/L BALTIMORE AVENUE		
(4 FOURTH AVENUE)		
13 TH ELECTION DISTRICT		
1 ST COUNCILMANIC DISTRICT		
* * * * *		

OPINION

This matter comes before the Board of Appeals as an appeal of a denial by the Deputy Zoning Commissioner by Order dated May 24, 2000 in which a Petition for Special Hearing was requested to allow a legal nonconforming use as a four-apartment dwelling in a B.L. zone.

This matter was heard by this Board *de novo* on January 10, 2001. Representing the Appellants /Petitioners was Charles Brooks, Esquire, and appearing for the Protestants, Lansdowne Improvement Association, was John V. Murphy, Esquire. People's Counsel for Baltimore County also participated in these proceedings. Following the hearing, the Board recessed briefly to review the information then reconvened to deliberate the merits of the case. Notice of these activities was provided to those in attendance.

The subject property, #4 Fourth Avenue, in Lansdowne, Baltimore County, consists of 0.11 acre, zoned B.L. and is improved with a 2-½ story frame structure. The Petitioners' initial witness was Joseph Larson, from Spellman, Larson, and Associates, a Civil Engineering and Land Surveying firm. Mr. Larson, who has been accepted as an expert before this Board on previous occasions, was again accepted as an expert in land and zoning matters. Mr. Larson testified to zoning and improvements as noted previously. As well, he presented a plat of the property which included a survey, measurement and layout of the building. He testified to the fact that it was being remodeled and consisted of two identical units on each floor. He stated that the layout of the floor plan had been done earlier that week and did not reflect the previous condition of the dwelling. He noted that modifications had just started; that there had been no embellishment; that these are existing conditions; and floor plan represents a structural layout.

Mr. Larson, on cross-examination, admitted that his testimony reflects the current condition of the residence and testified that he was in the house Monday and Tuesday "of this week" for the first time. He knew no zoning history of the site. Additional testimony by Mr. Larson related to § 402 and side yard setback requirements. He admitted that this property does not meet the requirements and that a multi-family dwelling on property zoned D.R. 5.5 is only through conversion.

Paul Reinke, Appellant /Petitioner, testified that he acquired the property in March of 1994, and that he is working to replace existing plaster walls and to insulate and update electrical wiring. Mr. Reinke did testify to some changes that he made by referencing Appellant's Exhibit No. 2. They are as follows:

- 1st floor – partitioned bathroom in Apartment #2
- 2nd floor – changed second floor; 3 years ago, in Apartment #3, moved bathroom from rear to side. In Apartment #4, he created a bathroom.

These changes are outlined in yellow marker on Petitioners' Exhibit #2. Mr. Reinke stated that he lived in Apartment #3 with his parents and siblings as a child. He lived there for one year when his family brought another dwelling on Fourth Avenue. He also testified to being friends with the daughter of the owner of #4 Fourth Avenue over a number of years and aware of the residence's use as an apartment dwelling. The Petitioner /Appellant bought his business in 1971. This property is located at 2811 Hammonds Ferry Road and is located across the street from the subject property. In his efforts to accommodate parking for his business, Petitioner purchased two lots (#142 and #143) for parking. Mr. Reinke testified that from 1943 to the present, the subject property has always been a four-apartment dwelling. The Appellant then attempted to submit affidavits in which he personally obtained the signatures. Counsel for the Protestants and People's Counsel vigorously objected, stating that this evidence was accepted below and was hearsay evidence. The Board concurred and refused to accept the affidavits.

During cross-examination, the Appellant testified that he began renovations in 1994. He again testified to the changes that he made as outlined above. He stated that there were two bathroom facilities, one upstairs and one downstairs, when he bought the property. He also testified to one kitchen upstairs

and one kitchen downstairs. He stated, at most, the property was being used as two units before he bought the property. He testified that the second floor was not being used and it was in deplorable condition. No one could live up there. He further testified that when he took possession in 1994 the building was only livable on the first floor, and there was one kitchen and one bath. He stated it was already divided and that 2/3 of the building was never being used by anyone. He stated that he was unsure when the previous owner, Tanzella, bought the property. However, he thought it to be around 1963. He testified he had no personal knowledge that anyone ever lived in the apartments. In review of his personal knowledge about the chronological owners, he cited ownership by the Crumbs when he first lived there and believed that was from 1943 to 1963. In 1963, Tanzella bought the property from the Crumbs and held it until it was sold to the Petitioner in 1994. He has no knowledge of ownership before 1943. He stated that his family moved there in 1943 when he was 6 years old and in the first grade. He lived there for 2 to 3 years then moved to the City. He moved back to Lansdowne when he was in the seventh grade. He testified to never being in the property while it was owned by Tanzella, but he knew there was mail for others who lived there during that time. He further testified that the property was uninhabitable for people to live in when he bought the property from Mrs. Tanzella. There were no leases at that time. He stated that there had been one tenant who lived there for one year; however, there was no rent paid. The tenant worked off his rent. Once again, he stated there were no tenants in the building since 1970.

Cross-examination by People's Counsel reconfirmed the dates of ownership and identified the Eichelmans as the party who transferred ownership to the Crumbs.

Counsel for the Protestants concluded with a Motion to Dismiss as the Appellant testified to the subject property not being occupied as apartments and being used as a single-family dwelling.

In conclusion, People's Counsel summarized that, in order for a nonconforming use to be allowed, there must be evidence of a continual and uninterrupted use. Since testimony to interrupted use was provided by the Appellant, People's Counsel also moved for dismissal.

Charles Brooks, Counsel for Petitioner /Appellant, concluded that intention to abandon is the defining consideration for nonconforming use as outlined in *Landay v. Zoning Appeals Board*, No. 93, October Term, 1937. He concludes that the dwelling was retained structurally as four apartments and cessation of use depends on whether it is voluntary or involuntary. In this case, Mr. Brooks concludes that it was an involuntary cessation of use due to the deplorable conditions. Mr. Brooks also cited *McLay, et al, v. MD Assemblies, Inc.*, No. 329, September Term 1972, Court of Appeals of Maryland, 269 Md. 465; 306 A.2d 524, July 6, 1973.

The Protestants also offered cases to support their position, and all the cases were collected and reviewed by the Board prior to rendering its decision.

Upon review of the cases offered by Counsel on both sides of this issue, and in conformance with *Baltimore County Zoning Regulations* (BCZR), § 104.1, which states:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more...the right to continue or resume such nonconforming use shall terminate....

The Board concluded that Mr. Reinke used the property as a one-apartment dwelling for many years as evidenced by his own testimony. He also testified to there being no second apartment in the dwelling for somewhere between 1 to 3 years. This testimony supports the position of Protestants and People's Counsel that, pursuant to the requirements of § 104.1 of the BCZR, any change in use or abandonment or discontinuance of such nonconforming use for a period of one year or more terminates the right to continue or resume such nonconforming use.

In addition, the Board finds, through the Appellant's testimony, that the upstairs apartments had been uninhabited for a number of years. Mr. Reinke did not show his intent to continue the nonconforming use and thus the Board unanimously rules to grant the Motion to Dismiss the case, and will so order.

ORDER

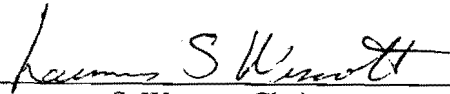
THEREFORE, IT IS THIS 27th day of June, 2001 by the County Board of Appeals of Baltimore County

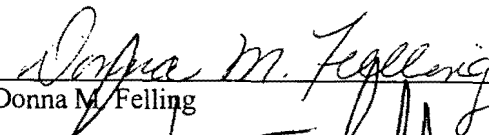
ORDERED that Protestants' /People's Counsel's Motion to Dismiss be and the same is hereby **GRANTED**; and it is further

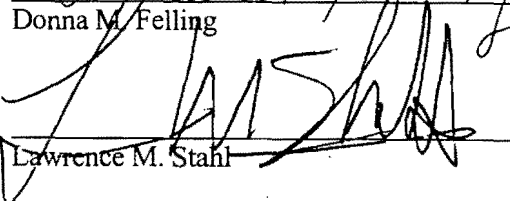
ORDERED that the Petitioners' request for special hearing to approve a legal nonconforming use as a four-apartment dwelling in a B.L. zone be and is hereby **DENIED**.

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**


Lawrence S. Wescott, Chairman


Donna M. Felling


Lawrence M. Stahl

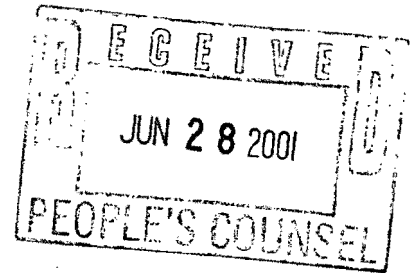


County Board of Appeals of Baltimore County

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

SENTED

SPM



June 27, 2001

Charles E. Brooks, Esquire
BROOKS & SPICER
610 Bosley Avenue
Towson, MD 21204

RE: *In the Matter of: Shirley J. & Paul R. Reinke, Jr.*
- Legal Owners /Petitioners Case No. 00-404-SPH

Dear Mr. Brooks:

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.

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*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Mr. and Mrs. Paul Reinke, Jr.
Theresa Lowry /Lansdowne Improvement Association
Lawrence Creamer, Jr.
Debra Barnett
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM



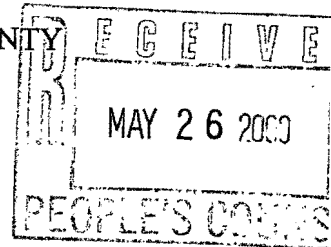
5/24/00

IN RE: PETITION FOR SPECIAL HEARING
N/S Fourth Avenue, 400' W
centerline of Baltimore Avenue
13th Election District
1st Councilmanic District
(4 Fourth Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-404-SPH

Paul R. and Shirley J. Reinke, Jr.
Petitioners

* * * * *



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Paul and Shirley Reinke. The special hearing request involves property at #4 Fourth Avenue, located in the Lansdowne area of Baltimore County. The Petitioners are requesting approval of a legal non-conforming use for a 4-apartment dwelling in a BL zone.

Appearing at the hearing on behalf of the special hearing request were Joe Larson, appearing on behalf of Spellman, Larson & Associates, who prepared the site plan of the property, Paul Reinke, owner of the subject property and Charles E. Brooks, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioners' request was Lawrence Creamer, Jr., owner of the property adjacent to the subject site and Teresa Lowry, Zoning Chairperson for the Lansdowne Improvement Association.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 0.11 acres, more or less, zoned BL. The subject property is improved with a 2 ½ story frame building. The particulars of the property are shown on Petitioners' Exhibit No. 1, the site plan prepared by Mr. Larson.

Mr. Reinke, owner of the property, testified that he has been familiar with the subject site since 1943. He indicated that he actually lived in the property with his family at that time. In

ORDER RECEIVED FOR FILING
Date 5/24/00
By J.R. Johnson

1943, Mr. Reinke testified that there were 4 apartments within the subject structure. Shortly thereafter, Mr. Reinke and his family moved one block down the street from the subject site on Fourth Avenue. Mr. Reinke testified that he has always lived in the area of the subject property and has remained familiar with its use since 1943 up until the present time. While Mr. Reinke presently resides in Pasadena, he maintains an office at 2811 Hammond Ferry Road, which is down the street from the subject property. His testimony was that the subject property has always been 4 apartments since 1943 up until the present time.

Mr. Reinke also accumulated and submitted into evidence many affidavits from residents of the surrounding community indicating the use of the subject property as a 4-apartment building. Mr. Reinke recently purchased the subject property and has begun renovations to bring the property up to present code requirements. However, the special hearing request is necessary in order to allow the continuation of the use of the property as 4 apartments.

As stated previously, two residents appeared in opposition to the Petitioner's request. Mr. Lawrence Creamer lives adjacent to the subject property and has lived at that location for the past 22 years. He is strongly opposed to the property being used as 4 separate apartments. He indicates that there is not enough room on the property to provide parking for the many residents who will occupy 4 apartments. Furthermore, he contradicts the testimony of Mr. Reinke as to the use of the subject site. Mr. Creamer testified that he was personal friends with Mr. and Mrs. Tanzella who were the owners of the property for the 22 years that Mr. Creamer lived next door. Apparently, Mrs. Tanzella was the owner of the property who recently sold the subject site to Mr. Reinke. Mr. Creamer's testimony was that the subject property was used by Mr. and Mrs. Tanzella only and that there were no other tenants living in the house during the time that the Tanzellas occupied it.

This testimony was further corroborated by Ms. Teresa Lowry who was personal friends with Mrs. Tanzella for many years. Apparently, Mrs. Tanzella was active in the Lansdowne Improvement Association and served on the Board of Directors with Ms. Lowry for many years. Ms. Lowry testified that she visited Mrs. Tanzella within the subject structure on a couple of occasions. Through her friendship with Mrs. Tanzella and the Tanzella family, she testified that she was aware that the entire first floor of the subject structure was utilized as a single family unit for the Tanzella family. She further testified that the upstairs of the structure was closed off by the Tanzella family and was not rented for the time that the Tanzellas occupied the structure.

Ms. Lowry, who is very active in the Lansdowne community and very knowledgeable as to its history, testified that the subject structure was at one time an old hotel which provided accommodations to travelers utilizing the railroad line which passed through this area.

Based on the strong testimony and evidence offered by Mr. Creamer, the adjacent property owner to the subject property, and Ms. Lowry, who was personal friends with the Tanzella family who owned the property for over 20 years, I hereby find that the Petitioners have failed to meet the burden of proof necessary to establish that the subject property has always been utilized continuously and uninterruptedly as a 4-apartment building. Based on the testimony offered, I find that there was a huge gap in the use of the property where only the Tanzella family occupied the structure itself. The upstairs was closed off by the Tanzellas and the first floor of the structure was used as their home only. Therefore, based on this testimony and evidence, the Petitioners request for special hearing to approve the subject property as a 4-apartment dwelling shall be denied.

CASE#231 RECEIVED FOR FILING

Date 5/24/00
By R. J. [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 2000, that the Petitioners' Request for Special Hearing of a legal non-conforming use for a 4-apartment dwelling in a BL zone, be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 5/24/00

By J. P. Johnson



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #4 Fourth Street

which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

confirm and legalize a non-conforming use of a four apartment dwelling in a BL Zone.

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

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

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

Contract Purchaser/Lessee:

DNA
Name - Type or Print
DNA
Signature
DNA
Address Telephone No.
DNA
City State Zip Code

Attorney For Petitioner:

Charles E. Brooks, Esquire
Name - Type or Print
Signature
Brooks and Spicer
Company 410-583-4565 dup.
610 Bosley Avenue 410-296-2600 day
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Paul R. Reinke, Jr
Name - Type or Print
Signature
Shirley J. Reinke
Name - Type or Print
Signature
1306 North Road 450-2453
Address Telephone No.
Pasadena MD 21122
City State Zip Code

Representative to be Contacted:

Attorney for Petitioners as shown hereon
Name
Address Telephone No.
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR Date 3/30/00

Case No. 00-404-SPA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 28, 2000

CRD

Attorney Charles E. Brooks
Brooks and Spicer
Towson MD 21204 610 Bosley Avenue

Dear Attorney Brooks:

RE: Case Number 00-404-SPH , 4 Fourth Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Department of Permits and
Development Management

Handwritten initials, possibly "CD", in the top right corner.

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 28, 2000

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Sincerely,

Handwritten signature of W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



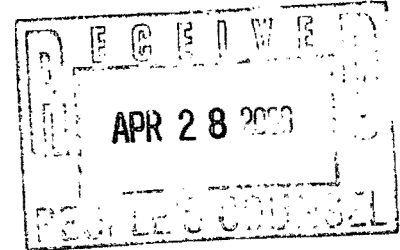
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 20, 2000

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



SUBJECT: 4 Fourth Street

INFORMATION:

Item Number: 404

Petitioner: Paul R. Reinke, Jr. and Shirley J. Reinke

Zoning: BL

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the subject property should be used for single family use only unless the petitioner can demonstrate that the current use was lawful at the time the current zoning regulation became effective. The petitioner must further demonstrate that said use did not change from such non-conforming use to any other use whatsoever, or that there was no abandonment or discontinuance of such non-conforming use for a period of one (1) year or more.

Per Section 230.1 of the Baltimore County Zoning Regulations (BCZR), residential uses must be in accordance with the requirements of the adjacent DR 5.5 zone. A four (4) apartment dwelling must have a minimum lot width of 110 feet and area of 16,000 square feet in order to meet current standards as set forth in Section 402 of the BCZR.

Prepared by: Mac

Section Chief: Jeffrey W. Long

AFK:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

*cd
note*

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Development Management

DATE: April 20, 2000

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Prepared by: *Mac*

Section Chief: *Jeffrey M. Long*

AFK:MAC:



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 18, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 10, 2000

Item No.: 400, 404, 407

Dear Ms. Stephens:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 18, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

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Location: DISTRIBUTION MEETING OF APRIL 10, 2000

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REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 18, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

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Location: DISTRIBUTION MEETING OF **APRIL 10, 2000**

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REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

90
Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4.10.00

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

RE: Baltimore County
Item No. 404

BR

Dear Ms. Jackson:

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

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

Very truly yours,

for

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

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



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.10.00

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

RE: Baltimore County
Item No. 404

B2

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

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



**Maryland Department of Transportation
State Highway Administration**

MD
Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4.10.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
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Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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
INTEROFFICE CORRESPONDENCE

RECEIVED

2000

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: May 16, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for April 17, 2000
Item No. 404

RECEIVED

2000

The Bureau of Development Plans Review has reviewed the subject zoning item. The issue of off-street parking should be addressed.

RWB:HJO:jrb

cc: File

RECEIVED MAY 24 2000

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

RBS/AC

DATE: May 12, 2000

RECEIVED MAY 24 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 10, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
399	4823 Vicky Road
401	16 Woodholme Avenue
402	9 Van Yerrell Court
403	1220 East Joppa Road
404	4 Fourth Street
405	1908 Leland Avenue
406	2120 Turkey Point Road
407	5413-5417 East Drive
408	320 Bonnie Meadow Circle
409	8605 David Avenue
410	Lots 163-165 Walnut Street

RE: PETITION FOR SPECIAL HEARING
4 Fourth Street, N/S Fourth St,
400' W of c/I Baltimore Ave
13th Election District, 1st Councilmanic

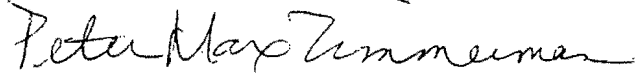
Legal Owner: Paul R. & Shirley J. Reinke, Jr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-404-SPH

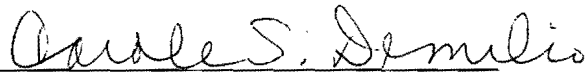
* * * * *

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.



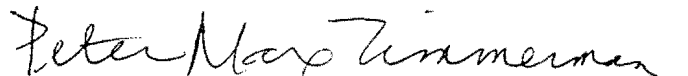
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 17th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Charles E. Brooks, Esq., Brooks & Spicer, 610 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).



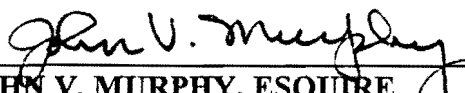
PETER MAX ZIMMERMAN

In RE: Petition for Special Hearing * Before the
Paul and Shirley Reinke, Petitioners * Board of Appeals
#4 Fourth Avenue, Lansdowne * For Baltimore County
Baltimore County *
Case No.: 00-404-SPH

* * * * *

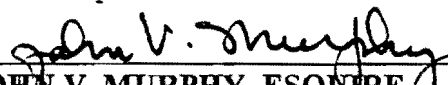
ENTRY OF APPEARANCE

Please enter the appearance of the undersigned attorney representing the Protestants, Lansdowne Improvement Association and members of the community.


JOHN V. MURPHY, ESQUIRE
MURPHY & MURPHY, L.L.C.
14 North Rolling Road
Catonsville, Maryland 21228-4848
410/744-4967
Attorney for Protestants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10 th day of January, 2001, a copy of the foregoing was hand delivered to Charles E. Brooks, Esq, attorney for Petitioners and Carole DeMilio, Esq., Peoples Counsel


JOHN V. MURPHY, ESQUIRE

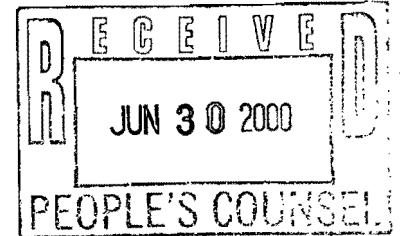


Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708
410-887-3391

June 28, 2000

Theresa Lowry, Zoning Chairman
Lansdowne Improvement Association
2517 Hammonds Ferry Road
Baltimore, MD 21227



Dear Ms. Lowry:

REINICE

RE: Case No. 00-404-SPH, Address - 4 Fourth Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on June 20, 2000 by Charles E. Brooks, Esquire, on behalf of the petitioners. 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 at 410-887-3180.

NOTE: The subject property will be posted with the date, time, and location of the appeal hearing. If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

Sincerely,

Arnold Jablon
Director

AJ:scj

C: Lawrence Creamer, Jr., 2807 Hammonds Ferry Road, Baltimore, MD 21227
Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, MD 21204
Shirley & Paul Reinke, Jr., 1306 North Road, Pasadena, MD 21122
People's Counsel



APPEAL

Petition for Special Hearing
4 Fourth Avenue
N/S Fourth Avenue, 400' W of centerline Baltimore Avenue
13th Election District – 1st Councilmanic District
Shirley J. & Paul R. Reinke, Jr.- Legal Owner
Case Number: 00-404-SPH

Petition for Special Hearing (filed 3/30/00)

Description of Property

Notice of Zoning Hearing (dated 4/11/00)

Certification of Publication (4/20/00– The Jeffersonian)

Certificate of Posting (4/20/00 – Patrick O'Keefe)

Entry of Appearance by People's Counsel (dated 4/17/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat for 4 Fourth Avenue (dated 3/8/00) and Affidavits
2. Five Photographs

Protestants' Exhibits:

1. Letter from Linda Creamer
2. Letter from Mr. L. Creamer

Misc. (Not Marked as Exhibits):

- Deed - Liber 4032, Page 606 (dated 7/31/62)
- Letter from Debra Barnett (dated 5/5/00)
- Letter of Protest from various citizens (dated 5/10/00)

Deputy Zoning Commissioner's Order dated 5/24/00 (denied)

Notice of Appeal received on 6/20/00 from Charles Brooks, Esquire, on behalf of the Petitioners.

C: Charles Brooks, Esquire, 610 Bosley Avenue, Towson, MD 21204
People's Counsel of Baltimore County, MS #2010,
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

LAW OFFICES
BROOKS & SPICER
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

CHARLES E. BROOKS
MALCOLM F. SPICER, JR.

(410) 296-2600

TELEFAX
(410) 296-2379

June 20, 2000

Arnold Jablon, Director
Department of Permits &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

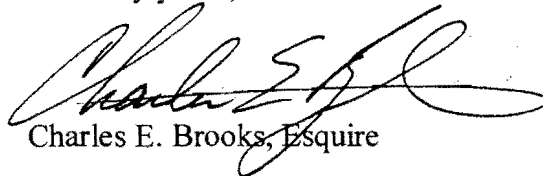
Re: Petition for Special Hearing
Case No.: 00-404-SPH
Paul & Shirley Reinke, Jr.,
Petitioners

Dear Mr. Jablon:

Please note an appeal to the County Board of Appeals on behalf of the Petitioners from the decision of the Deputy Zoning Commissioner in the above case dated May 24, 2000.

Enclosed is a check for One Hundred Seventy Five Dollars (\$175.00) for the cost of appeal.

Sincerely yours,



Charles E. Brooks, Esquire

CEB/smf
Enclosure

cc: Mr. & Mrs. Reinke, Jr.

**BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION**

IN THE MATTER OF: Shirley J. and Paul R. Reinke, Jr. –Legal Owners /Petitioners
Case No. 00-404-SPH

DATE : Wednesday, January 10, 2001
(at conclusion of Petitioner's case; on People's Counsel's Motion)

BOARD /PANEL : Lawrence S. Wescott (LSW)
Donna M. Felling (DMF)
Lawrence M. Stahl (LMS)

RECORDED BY : Kathleen C Bianco /Administrator

PURPOSE: To deliberate Case No. 00-404-SPH /Petition for Special Hearing filed by Shirley J. and Paul R. Reinke, Jr. – deliberated upon conclusion of Petitioner's case and upon Motion for Dismissal made by Deputy People's Counsel.

Panel members discussed:

Deliberation:

- ◆ Motion by People's Counsel (Demilio) to dismiss this matter – Petitioner did not meet burden
- ◆ Read § 104 of BCZR as to nonconforming use
- ◆ Reviewed cases submitted by both parties
- ◆ Particularly recited excerpts from *Baltimore v. Dembo*, 123 Md. 527 (1998) – Court of Special Appeals case – limit duration by testimony if abandoned; not intent of owner but use discontinued for period given; also cited *Catonsville Manor* (349 Md. 560) and several other cases on this issue.
 - ◆ 1970 case clearly states – if it ceases, is discontinued, or abandoned – but not an issue of intent
 - ◆ length of time – evidence of abandonment
 - ◆ Again – as to Reinke's testimony – before and since purchase, upstairs was uninhabitable at purchase; had been for unknown period of time but greater than one year
- ◆ Reinke's testimony – property used as one apartment dwelling for number of years; abandoned and not used as apartment for one, two or even three years
 - ◆ Reinke agreed that upstairs was uninhabitable
 - ◆ intent is not relevant to nonconforming use
- Burden of proof lies with one seeking the use; Petitioner, in this matter, has not met that burden

Decision:

LSW – Burden not met; Motion to Dismiss should be granted and Special Hearing DENIED.

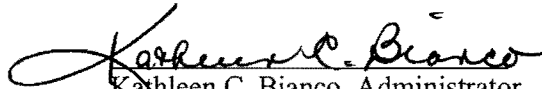
DMF – Testimony /evidence supports granting Motion; Petitioner's request DENIED.

LMS – For reasons cited, concurs that Motion should be granted and Petition DENIED.

Unanimous decision of the Board: People's Counsel's Motion to Dismiss is granted; Petition for Special Hearing is DENIED. Written Order to be issued by the Board; appellate period to run from date of written Order.

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

Respectfully submitted


Kathleen C. Bianco, Administrator
County Board of Appeals

May 5, 2000

Debra Barnett
1 Third Avenue
Baltimore, MD 21227
410-242-4614

Timothy Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue
Suite 405
Towson, MD 21204

**RE: Re-zoning Notice: #4 Fourth Avenue, Lansdowne, Maryland 21227, Paul Reinke,
Owner. Case # 00-404-SPH**

Dear Mr. Kotroco:

Last week I noticed a "Zoning Notice" on a house located at the above mentioned address. I called regarding this re-zoning and voiced my concern in that I could not take time off from my job to be at the hearing at this late date. I was told that I could write a letter, but was afraid you would not receive it in time, so here is a faxed copy.

I live directly behind #4 Fourth Avenue. My concern is that since Mr. Reinke (property owner) wants to take a single dwelling house and convert this into an apartment building, if so where are these people going to park their vehicles? I believe he wants to convert the house into four apartments, maybe more. Most couples have 2 cars. If the house is re-zoned for only four apartments, that's at least 8 vehicles. I don't believe that Fourth Avenue would be able to handle the additional street parking of these vehicles without infringing on the people who already live on that street by taking their parking spaces.

Which brings to light my concerns. **It was my understanding that Mr. Reinke wanted to put a parking lot in the back yard of the property at #4 Fourth Avenue. If this is the case then I do have a problem with the re-zoning of this property.** When I purchased my home back in the late 70's, there was an older couple living at #4 Fourth Avenue and the neighborhood seemed like a nice, quiet place to live and raise a family. I bought my home with that fact in mind and that I would be able to sit my backyard, work in my garden, and entertain in my back yard without having to look at asphalt and parked cars. I don't want to have to look at a parking lot, and the noise associated from a parking lot with people coming and going, doors slamming, etc., at all hours of the night. My house and property backs to Mr. Reinke's property and my master bedroom faces the back yard, which at this point during the night is dark, quiet, and very conducive to a good night's sleep even with the windows open. I don't want flood lights in my face because I have my windows open, cars coming and going at all hours, and the noise associated with a parking lot butted up to my back yard.

I also feel that the resale value of my home would be in question. I don't believe it would be as easy to sell my home or obtain my asking price when the purchaser sees a parking lot next to my back yard.

I would hope that you would take my concerns into consideration for this particular re-zoning as well as those concerns of those neighbors who have attended today's hearing. **I would like to also request that I be notified in writing on the outcome of this hearing.**

Sincerely,

A handwritten signature in cursive script that reads "Debra Barnett". The signature is written in dark ink and has a long, sweeping horizontal line extending from the end of the name.

Debra Barnett

FAX

Reply Requested

TO: Timothy Kotroco
Deputy Zoning Commissioner

FROM: Debra Barnett

DATE: May 5, 2000

RE: RE-ZONING NOTICE: #4 FOURTH AVENUE, LANSDOWNE, MD 21227
CASE # 00-404-SPH

ATTACHED IS A FAX LETTER FOR TODAY'S REZONING HEARING AT 10:00 A.M. REGARDING THE ABOVE MENTIONED ADDRESS. I COULD NOT BE AT THE HEARING TODAY AND I WAS TOLD THAT I COULD FAX MY CONCERNS.

PLEASE CALL 410-724-3148 AND LET ME KNOW THAT THIS FAX WAS RECEIVED. THANK YOU.

400 Washington Avenue
Towson, Maryland 21204

* CASE NO.:

* * * * *

AFFIDAVIT

I Ruth Brown, residing at
3310 Benson Ave 21227, being over the age of
eighteen (18) do hereby depose and state that I am competent to testify to the facts stated
herein, have personal knowledge of the facts stated herein and the following facts are true and
correct:

1. That, I am familiar with that property and known and designated as 4
Fourth Avenue, located in Baltimore County, Maryland.

2. That, I am a resident of Baltimore County, residing at the above stated
address for the last 1 number of years. *I have lived in Landsdowne starting in
1937 - until 1990. 50+ years in Landsdowne*

3. That, I am personally familiar with 4 Fourth Avenue, located in the
Landsdowne area of Baltimore County, Maryland.

4. That, I have personal knowledge that four (4) apartments have existed
in the above referenced property prior to 1944 and that there have been apartments contained
therein from that point in time to the present.

5. That, I have no interest in the outcome of any proceedings to be held
before any of the zoning authorities of Baltimore County, Maryland and do make and certify

ONE OF 36 IDENTICAL FILL-IN-THE-BLANKS
AFFIDAVITS IN THE BD'S FILE.

benefit therefrom.

I hereby certify that under the penalty of perjury that the content of the foregoing Affidavit are true and correct.

Date: 11/24/99

Ruth H. Brown
Signature

Ruth H. Brown
Print Name

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

LAWRENCE L. CREAMER JR

2807 HAMMONDS FERRY RD.

Pierced by Zebra Hammer H.A.

247 HAMMONDS RD. #21227 MD.



DATE: _____

PEOPLE'S COUNSEL'S SIGN-IN SHEET

CASE NAME: 1-10-01

CASE NO.: _____

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

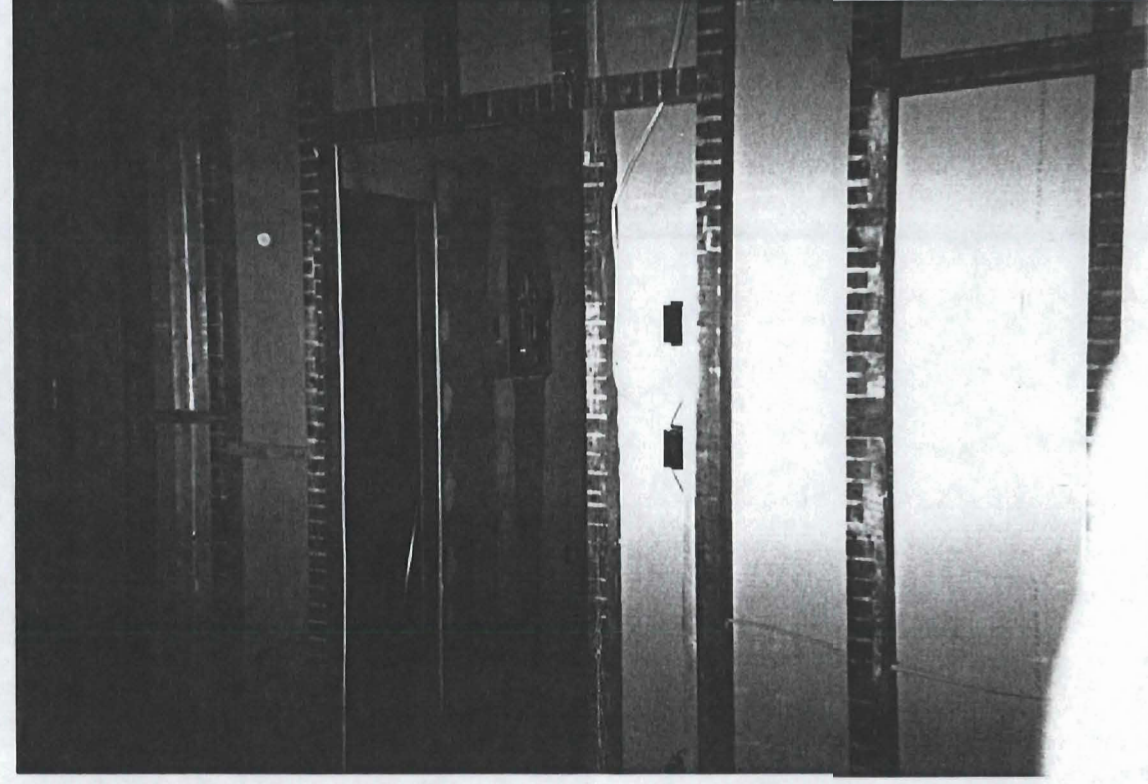
[illegible]



FRONT OF HOUSE
Pet Bx 2



FRONT OF HOUSE
Pet Bx 2



Ref IX 3A

3B

2nd floor hallway
looking to inside of ~~the~~ ^{the} ~~door~~ ^{door}
on E. side of house

3C

3D

B GREEN & CO, INC, ETAL
5271 / 348

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BD OF ED
(LANSLOWNE
ELEM)
1751A
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HIGHLAND 1913

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BOARD OF
EDUCATION
(LANSLOWNE)
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23 TO
RIVERVIEW

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A2 305
HILLSIDE

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CW HILLS
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SECT A
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A

SUBDIV

B

HOLLINS

FERRY RD

EDNA TERRACE
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PAMPHILIS, CORINA
& LEAGUE
CO - PARTNERS

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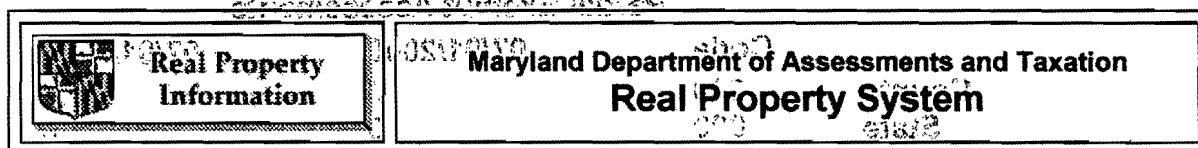
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[\[Go Back\]](#)[\[Start Over\]](#)

ANNE ARUNDEL COUNTY

DISTRICT: 03 SUBD: 696 ACCT NO: 16123580

Owner Information

Owner Name: REINKE JR, PAUL R
REINKE, SHIRLEE J **Use:** RESIDENTIAL

Mailing Address: 1306 NORTH RD
PASADENA MD 21122 **Principal Residence:** YES

Transferred**From:** WILLIAMS, FRANKLIN P 3RD**Date:** 09/15/1993 **Price:** \$250,000

Deed Reference: 1) / 6217/ 195
2)

Special Tax Recapture:

* NONE *

Tax Exempt: NO**Location Information [View Map]****Premises Address:**

1306 NORTH RD
PASADENA 21122

Zoning:

R2

Legal Description:

LTS 29 TO 32
1306 NORTH RD
ROCK VIEW BEACH

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
-----	------	--------	--------	------	-------	-----	-------	----------

17	4	510	696			29	80	Plat Ref: 3/ 40
----	---	-----	-----	--	--	----	----	-----------------

Special Tax Areas**Town:****Ad Valorem:****Tax Class:****Primary Structure Data****Year Built:**

1952

Enclosed Area:

1,634 SF

Property Land Area: County Use:

16,976.00 SF

Value Information**Base Value Current Value Phase-In Value Phase-in Assessments**

		As Of 01/01/2001	As Of 07/01/2001	As Of 07/01/2000	As Of 07/01/2001
Land:	103,740	163,740			
Impts:	83,040	85,900			
Total:	186,780	249,640	207,733	74,710	207,733
Pref Land:	0	0	0	0	0



**Real Property
Information**

**Maryland Department of Assessments and Taxation
Real Property System**

[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 13 ACCT NO: 1320000360

Owner Information

Owner Name: REINKE PAUL R, JR
REINKE SHIRLEE J **Use:** RESIDENTIAL

Mailing Address: 1306 NORTH RD
PASADENA MD 21122 **Principal Residence:** NO

Transferred

From: TANZELLA MICHAEL A **Date:** 03/29/1995 **Price:** \$40,000

Deed Reference: 1) /10989/ 373 **Special Tax Recapture:**

2)

* NONE *

Tax Exempt: NO

Location Information [\[View Map\]](#)

Premises Address: 4 FOURTH AVE **Zoning:** **Legal Description:**
LT 116,117
4 FOURTH AVE
LANSDOWNE

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
109	2	356			4	116	80	Plat Ref: 1/ 49

Special Tax Areas

Town:

Ad Valorem:

Tax Class:

Primary Structure Data

Year Built:	Enclosed Area:	Property Land Area:	County Use:
1903	3,002 SF	5,000.00 SF	04

Value Information

	Base Value	Current Value	Phase-In Value	Phase-in Assessments	
		As Of	As Of	As Of	As Of
		01/01/1998	07/01/2001	07/01/2000	07/01/2001
Land:	22,500	22,500			
Impts:	37,470	37,470			
Total:	59,970	59,970	NOT AVAIL	23,980	NOT AVAIL
Pref Land:	0	0	NOT AVAIL	0	NOT AVAIL

Text

Sadye B Jacobs

Elmer Baus

(SEAL)

Trading as Oaklee Construction Company
of the County of Baltimore

State of Maryland City of Baltimore to wit

I hereby certify that on this 21st day of December in the year one thousand nine hundred and thirty-six before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Elmer Baus Trading as Oaklee Construction Company of the County of Baltimore the grantor named in the above deed and he acknowledged the foregoing deed to be his act

As witness my hand and Notarial Seal

(Notarial Seal)

Sadye B Jacobs

Notary Public

Received for record Dec 22 1936 at 2:30 o'clock P.M same day recorded in Liber S.C. 1 No 5760 folio 37 &c one of the Land Records of Baltimore City and examined per Stephen C Little Clerk

Recorded Dec 30 1936 at 10:15 A.M and Exd per C. Willing Browne Jr Clerk

72024

This Deed made this Seventeenth day of December in the year one thousand nine hundred and thirty-six by and between Columbus Holding Co one thousand nine hundred and thirty-six by and between Columbus Holding Company of Lansdowne Incorporated a body corporate duly incorporated under the Laws of the State of Maryland party of the first part and John Eichelman Jr and Barbara Eichelman his wife of Baltimore County in the State of Maryland parties of the second part

Witnesseth that in consideration of the sum of five Dollars (\$5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said party of the first part does hereby grant and convey unto the said parties of the second part as tenants by the entireties their heirs and unto the survivor of them his or her heirs and assigns in fee simple all those five lots of ground situate in Baltimore County in the State of Maryland and described as follows

Being known and designated as Lots Nos One Hundred and Sixteen (116) One Hundred and Seventeen (117) One Hundred and Eighteen (118) One Hundred and Nineteen (119) and One Hundred and Twenty (120) as shown on the Plat of Lansdowne which Plat is recorded among the Land Records of Baltimore County in Plat Book Liber J. S. No 1 folio 49

Relay the same lots of ground which by Deed dated June 4 1930 and recorded among the Land Records of Baltimore County in Liber L. M. No 851 folio 312 were granted and conveyed by the said John Eichelman Jr and Barbara Eichelman his wife and others to the said Columbus Holding Company of Lansdowne Incorporated in fee simple

Together with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the said lots of ground and premises unto and to the use of the said parties of the second part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple forever subject to the legal operation and effect of a mortgage from the said John Eichelman Jr et al to the Violetville Permanent Building and Loan Association of Baltimore County dated August 3rd 1926 and recorded among the said Land Records in Liber J. M. No 799 folio 327 &c originally for the sum of thirty five hundred dollars (\$3500.00)

DEFINITIONS

Commercial motorway, Class II: Same as Class I commercial motorway in all respects except that less than 70% of the frontage considered, but at least 20% of such frontage, is zoned B.L., B.M., B.R., and/or M.L., and except that it is designated as ^{1/} Class II commercial motorway under ordinance of the County Council. [Bill No. 40, 1967]

Convalescent Home: This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed.

["Density, Gross" and definition deleted by Bill No. 106, 1963]

Density, Gross Residential: Gross residential acreage divided into the number of dwelling units (See Acreage, Gross Residential). [Bill No. 106, 1963]

Density, Net: Net Density is based on the area of the lot or lots involved. Offstreet parking space shall be considered part thereof only if contained therein.

Drive-in cluster, planned: An integral commercial development for which an overall plan has been approved by the Office of Planning and Zoning and which: is under common ownership or control; is on a site at least three acres in net area; has at least 500 feet of lot frontage on arterial streets; and is devoted primarily to drive-in uses or other vehicle-oriented establishments, with vehicular access to any use in the development solely from service drives on the site. [Bill No. 40, 1967]

Drive-in restaurant: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles. [Bill No. 40, 1967]

Dwelling: A building or portion thereof which provides living facilities for one or more families.

Dwelling, One-Family: A detached building arranged or used for occupancy by one family.

Dwelling, Two-Family: A building arranged or used for occupancy by two families as separate housekeeping units. It may be either a duplex or a semi-detached dwelling.

Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

^{1/} Indefinite article, "a", omitted in Bill No. 40, 1947

ARTICLE 1—GENERAL PROVISIONS
Section 100—ZONES AND DISTRICTS, - BOUNDARIES. 1/

100.1—Baltimore County is hereby divided into zones and districts in accordance with this subsection. [Bill No. 40, 1967]

A. Zones.

1. For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans.

2. Zones are as follows:

R. 40 Zone	Residence, one-family
R. 20 Zone	Residence, one-family
R. 10 Zone	Residence, one-family
R. 6 Zone	Residence, one and two-family
R. G. Zone	Residence, group house
R. A. Zone	Residence, apartment
B. L. Zone	Business, local
B. M. Zone	Business, major
B. R. Zone	Business, roadside
M. R. Zone	Manufacturing, restricted
M. L. R. Zone	Manufacturing, light restricted [Bill No. 56, 1961]
M. L. Zone	Manufacturing, light
M. H. Zone	Manufacturing, heavy

B. Districts.

1. To further the purposes of zones, districts are intended to provide greater refinement in land-use regulation for critical areas of development within the County. Districts are superimposed upon zones.

2. Districts are as follows:

C.R. District	Commercial, rural
C.N.S. District	Commercial, neighborhood shopping
C.C.C. District	Commercial, community core
C. T. District	Commercial, town-center core
C.S.A. District	Commercial supporting area
C.S-1 District	Commercial, strip
C.S-2 District	Commercial, strip
I.M. District	Industrial, major

C. No zone shall be superimposed upon any other zone, and no district shall be superimposed upon any other district.

1/Title changed by Bill No. 40, 1967

Rule 3-509

MARYLAND RULES

CIVIL PROCEDURE

(d) **Costs.** When granting a continuance for a reason other than one stated in section (c), the court may assess costs and expenses occasioned by the continuance.

Source. — This Rule is derived as follows:

Section (a) is derived from former M.D.R.

527.

Section (b) is derived from former M.D.R.

526.

Section (c) is derived from former Rule 527 b.

Section (d) is derived from former Rule 527

e.

Rule 3-509. Trial upon default.

(a) **Requirements of proof.** When a motion for judgment on affidavit has not been filed by the plaintiff, or has been denied by the court, and the defendant has failed to appear in court at the time set for trial:

(1) if the defendant did not file a timely notice of intention to defend, the plaintiff shall not be required to prove the liability of the defendant, but shall be required to prove damages;

(2) if the defendant filed a timely notice of intention to defend, the plaintiff shall be required to introduce prima facie evidence of the defendant's liability and to prove damages.

(b) **Property damage — Affidavit.** When the defendant has failed to appear for trial in an action for property damage, prima facie proof of the damage may be made by filing an affidavit to which is attached an itemized repair bill, or an itemized estimate of the costs of repairing the damaged property, or an estimate of the fair market value of the property. The affidavit shall be made on personal knowledge of the person making such repairs or estimate, or under whose supervision such repairs or estimate were made, and shall include the name and address of the affiant, a statement showing the affiant's qualification, and a statement that the bill or estimate is fair and reasonable.

(c) **Notice of judgment.** Upon entry of a judgment against a defendant in default, the clerk shall mail notice of the judgment to the defendant at the address stated in the pleadings and shall ensure that the docket or file reflects compliance with this requirement.

Source. — This Rule is derived from former M.D.R. 648.

Proof of damages. — Section (a) requires proof of damages, not a mere proffer of dam-

ages. *Zdravkovich v. Bell Atlantic-Tricon Leasing Corp.*, 323 Md. 200, 592 A.2d 498 (1991).

Rule 3-510. Subpoenas.

(a) **Use.** A subpoena is required to compel the person to whom it is directed to attend, give testimony, and produce designated documents or other tangible

other tangible things at a deposition. A subpoena shall not be used for a party alleging a violation of this Rule to use a subpoena for a purpose other than that stated in section (b). In any case, the court may impose sanctions, including an award of costs, on a person who obtains a subpoena, including an award of exclusion of evidence obtained from a person inconvenienced for time.

(b) **Issuance.** On the request of a party, the clerk shall issue a subpoena which shall be filed with the court and sealed before service. On the request of a party, the court may order the issuance of a subpoena sealed but otherwise in blank.

(c) **Form.** Every subpoena shall state the name and address of the person at whose request it is issued, the attendance is required, (5) a date and things to be produced.

(d) **Service.** A subpoena shall be served on a person named or to an agent at the residence or place of business of the person named, or by any person who is at least 18 years of age. Unless impracticable, a subpoena shall be served on a party or hearing subpoena to be heard.

(e) **Objection to subpoena.** A party served with a subpoena to attend before an examiner) filed promptly after the time specified in the subpoena, that justice requires to protect the party from oppression, or undue burden or expense.

(1) that the subpoena be quashed;

(2) that the subpoena be con-

place other than that stated in it;

(3) that documents or other things produced only upon the advance-

reasonable costs of producing them;

(4) that documents or other things delivered to the court at or before

are to be offered in evidence;

inspection of them.

CIVIL PROCEDURE — DISTRICT COURT Rule 3-306

Rule 3-306. Judgment on affidavit.

(a) **Time for demand — Affidavit and supporting documents.** In an action for money damages a plaintiff may file a demand for judgment on affidavit at the time of filing the complaint commencing the action. The complaint shall be supported by an affidavit showing that the plaintiff is entitled to judgment as a matter of law. The affidavit shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. The affidavit shall be accompanied (1) by supporting documents or statements containing sufficient detail as to liability and damages, including the precise amount of the claim and any interest claimed; and (2) if the claim is founded upon a note, security agreement, or other instrument, by the original or a photocopy of the executed instrument, or a sworn or certified copy, unless the absence thereof is explained in the affidavit. If interest is claimed, the plaintiff shall file with the complaint an interest worksheet.

(b) **Subsequent proceedings.** (1) When notice of intention to defend filed. If the defendant files a timely notice of intention to defend pursuant to Rule 3-307, the plaintiff shall appear in court on the trial date prepared for a trial on the merits. If the defendant fails to appear in court on the trial date, the court may proceed as if the defendant failed to file a timely notice of intention to defend.

(2) When no notice of intention to defend filed. If the defendant fails to file a timely notice of intention to defend, the plaintiff need not appear in court on the trial date and the court may determine liability and damages on the basis of the complaint, affidavit, and supporting documents filed pursuant to section (a) of this Rule. If the defendant fails to appear in court on the trial date and the court determines that the pleading and documentary evidence are sufficient to entitle the plaintiff to judgment, the court shall grant the demand for judgment on affidavit. If the court determines that the pleading and documentary evidence are insufficient to entitle the plaintiff to judgment on affidavit, the court may deny the demand for judgment on affidavit or may grant a continuance to permit the plaintiff to supplement the documentary evidence filed with the demand. If the defendant appears in court at the time set for trial and it is established to the court's satisfaction that the defendant may have a meritorious defense, the court shall deny the demand for judgment on affidavit. If the demand for judgment on affidavit is denied or the court grants a continuance pursuant to this section, the clerk shall set a new trial date and mail notice of the reassignment to the parties, unless the plaintiff is in court and requests the court to proceed with trial.

Cross references. — Rule 3-509.

(c) **Reduction in amount of damages.** Before entry of judgment, the plaintiff shall inform the court of any reduction in the amount of the claim by virtue of any payment.

CHAPTER 500. TRIAL.

Rule 2-501. Motion for summary judgment.

(a) **Motion.** Any party may file at any time a motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law. The motion shall be supported by affidavit if filed before the day on which the adverse party's initial pleading or motion is filed.

(b) **Response.** The response to a motion for summary judgment shall identify with particularity the material facts that are disputed. When a motion for summary judgment is supported by an affidavit or other statement under oath, an opposing party who desires to controvert any fact contained in it may not rest solely upon allegations contained in the pleadings, but shall support the response by an affidavit or other written statement under oath.

(c) **Form of affidavit.** An affidavit supporting or opposing a motion for summary judgment shall be made upon personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit.

(d) **Affidavit of defense not available.** If the court is satisfied from the affidavit of a party opposing a motion for summary judgment that the facts essential to justify the opposition cannot be set forth for reasons stated in the affidavit, the court may deny the motion or may order a continuance to permit affidavits to be obtained or discovery to be conducted or may enter any other order that justice requires.

(e) **Entry of judgment.** The court shall enter judgment in favor of or against the moving party if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law. By order pursuant to Rule 2-602 (b), the court may direct entry of judgment (1) for or against one or more but less than all of the parties to the action, (2) upon one or more but less than all of the claims presented by a party to the action, or (3) for some but less than all of the amount requested when the claim for relief is for money only and the court reserves disposition of the balance of the amount requested. If the judgment is entered against a party in default for failure to appear in the action, the clerk promptly shall send a copy of the judgment to that party at the party's last known address appearing in the court file.

Cross references. — Section 200 of the Soldiers' and Sailors' Relief Act of 1940, 50 U.S.C. Appendix, § 520, imposes specific re-

quirements that must be fulfilled before a default judgment may be entered.

(f) **Order specifying issues or facts not in dispute.** When a ruling upon a motion for summary judgment does not dispose of the entire action and a trial is necessary, the court, on the basis of the pleadings, depositions, answers to interrogatories, admissions, and affidavits and, if necessary, after interrogating counsel on the record, may enter an order specifying the issues or facts that are not in genuine dispute. The order controls the subsequent course of the action but may be modified by the court to prevent manifest injustice.

tive provisions. — See *Hauver v. Dorsey*, 228 Md. 499, 180 A.2d 475 (1962).

Effect of revision of Rules. — The revision of the Maryland Rules, which became effective July 1, 1984, did not abrogate all of the case law of pleading and practice which theretofore existed at law and in equity, and the new Maryland Rules do not purport to state within their text the universe of Maryland pleading and practice law. *Gardner v. Board of County Comm'rs*, 320 Md. 63, 576 A.2d 208 (1990).

Rules founded upon good common sense. — The rules have been founded not solely upon a fetish for standardized procedure, but more often than not, good common sense. *Renshaw v. State*, 25 Md. App. 270, 333 A.2d 363, aff'd, 276 Md. 259, 347 A.2d 219 (1975).

Application to rules of principles applicable to legislative enactments. — Since the rules have the force of law, there is no reason why they are not controlled by the same principles applicable to legislative enactments. The rule that all laws have a prospective effect unless the language employed indicates a contrary intention on the part of the legislature is here applicable, as retroactive statute are not favored even when they do not conflict with vested or other rights guaranteed by the Constitution. And where a statute is susceptible of a prospective construction it is the policy of the courts to declare it to be such rather than retroactive, especially if, by the latter, manifest injury may be done. *Goldston v. Karukas*, 180 Md. 232, 23 A.2d 691 (1942).

The rules, like statutes, when dealing with the same subject matter will be construed so as to harmonize with each other and not produce an unreasonable result. *Johnson v. State*, 274 Md. 29, 333 A.2d 37 (1975).

Meaning of rule does not depend upon the niceties of definition but upon the reasonable intentment of the language used in the light of the purpose to be effectuated. *Johnson v. State*, 274 Md. 29, 333 A.2d 37 (1975).

Application to condemnation proceedings. — There is nothing to indicate that the general rules of procedure are not applicable to

condemnation proceedings. *Hammond v. State Rds. Comm'n*, 241 Md. 514, 217 A.2d 258 (1966).

Applied in *Ott v. Kaiser-Georgetown Community Health Plan, Inc.*, 309 Md. 641, 526 A.2d 46 (1987); *Dypski v. Bethlehem Steel Corp.*, 74 Md. App. 692, 539 A.2d 1165, cert. denied, 313 Md. 30, 542 A.2d 857 (1988); *Alger Petro., Inc. v. Spedalere*, 83 Md. App. 66, 573 A.2d 423, cert. denied, 320 Md. 800, 580 A.2d 219 (1990); *Hayes v. State*, 355 Md. 615, 735 A.2d 1109 (1999).

Quoted in *Golub v. Spivey*, 70 Md. App. 147, 520 A.2d 394 (1987); *Parren v. State*, 309 Md. 260, 523 A.2d 597 (1987); *In re Keith W.*, 310 Md. 99, 527 A.2d 35 (1987); *Gaetano v. Calvert County*, 310 Md. 121, 527 A.2d 46 (1987); *Smith v. State*, 73 Md. App. 156, 533 A.2d 320 (1987), cert. denied, 311 Md. 719, 537 A.2d 273 (1988); *Hanna v. Quartertime Video & Vending Corp.*, 78 Md. App. 438, 553 A.2d 752 (1989), aff'd, 321 Md. 59, 580 A.2d 1073 (1990); *Lone v. Montgomery County*, 85 Md. App. 477, 584 A.2d 142 (1991); *Tucker v. State*, 89 Md. App. 295, 598 A.2d 479 (1991); *Ungar v. Handelsman*, 325 Md. 135, 599 A.2d 1159 (1992); *In re Keith G.*, 325 Md. 538, 601 A.2d 1107 (1992); *Benning v. Allstate Ins. Co.*, 90 Md. App. 592, 602 A.2d 233 (1992); *Department of Economic & Emp. Dev. v. Hager*, 96 Md. App. 362, 625 A.2d 342 (1993).

Stated in *Hayes v. State*, 123 Md. App. 558, 720 A.2d 6 (1998).

Cited in *Newman v. Reilly*, 314 Md. 364, 550 A.2d 959 (1988); *State v. Romulus*, 315 Md. 526, 555 A.2d 494 (1989); *Shifflett v. State*, 80 Md. App. 151, 560 A.2d 587 (1989), aff'd, 319 Md. 275, 572 A.2d 167 (1990); *Flat Iron Mac Assocs. v. Foley*, 90 Md. App. 281, 600 A.2d 1156, cert. denied, 327 Md. 79, 607 A.2d 921 (1992); *Monumental Life Ins. Co. v. United States Fid. & Guar. Co.*, 94 Md. App. 505, 617 A.2d 1163, cert. denied, 330 Md. 319, 624 A.2d 491 (1993); *Hood v. State*, 334 Md. 52, 637 A.2d 1208 (1994); *Chambers v. State*, 337 Md. 44, 650 A.2d 727 (1994); *Tavakoli-Nouri v. Mitchell*, 104 Md. App. 704, 657 A.2d 806 (1995); *Jackson v. State*, 358 Md. 612, 751 A.2d 473 (2000).

Rule 1-202. Definitions.

In these rules the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(a) **Action.** "Action" means collectively all the steps by which a party seeks to enforce any right in a court or all the steps of a criminal prosecution.

(b) **Affidavit.** "Affidavit" means a written statement the contents of which are affirmed under the penalties of perjury to be true. Unless the applicable rule expressly requires the affidavit to be made on personal knowledge, the

statement must be based on belief.

(c) **Body a** court direct the court (1) witness in a case with an order

(d) **Certified** States Postal

(e) **Circuit.** of the Constitu

(f) **Clerk.** "Clerk" and refers, as clerk of the court the particular

(g) **Code, re** means the article Maryland as fr

(h) **County.**

(i) **Court.** "Court" under the circuit applies or (2) it properly could be

(j) **Guardian**

(k) **Holiday.** Personnel and F

Committee note days" listed in Code, sions Article are:

(1) January 1, for
(2) January 15, for
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(3) the third Mond
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(4) May 30, for Ma
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day for observance o
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States Congress;

(5) July 4, for Inde

(l) **Individual** individual under t
mental incapacity.

(m) **Judge.** "Ju
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Rule 1-302

MARYLAND RULES

photocopy to institute a court action, the use of such a photocopy did not warrant dismissal. *Cherry v. Seymour Bros.*, 306 Md. 84, 507 A.2d 613 (1986).

Failure to comply. — A lawyer's failure to file a military affidavit with a motion for order of default and to comply with the content requirements of Maryland Rule 2-613 (a) raises questions concerning that lawyer's legal knowledge, skill, thoroughness, and preparation, relevant considerations in the determination of that lawyer's competence. *Attorney Grievance Comm'n v. Kemp*, 335 Md. 1, 641 A.2d 510 (1994).

Rule 1-302. Forms.

Forms contained in the Appendix of Forms are intended to be illustrative and, unless otherwise expressly provided by rule or statute, are not mandatory. (Amended Feb. 10, 1998, eff. July 1, 1998.)

Source. — This Rule is derived from former Rule 301 i.

Effect of amendments. — The 1998 amendment deleted the former Committee note and added the Source note.

Rule 1-303. Form of oath.

Whenever an oral oath is required by rule or law, the person making oath shall solemnly swear or affirm under the penalties of perjury that the responses given and statements made will be the whole truth and nothing but the truth. A written oath shall be in a form provided in Rule 1-304.

Source. — This Rule is derived from former Rules 5 c and 21.

University of Baltimore Law Review. — For article, "The Maryland Rules — A Time for Overhaul," see 9 U. Balt. L. Rev. 1 (1979).

Rule 1-304. Form of affidavit.

The statement of the affiant may be made before an officer authorized to administer an oath or affirmation, who shall certify in writing to having administered the oath or taken the affirmation, or may be made by signing the statement in one of the following forms:

Generally, "I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief."

Personal Knowledge. "I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true."

Stated in *Tretick v. Layman*, 95 Md. App. 62, 619 A.2d 201 (1993); *Armiger Volunteer Fire Co. v. Woomey*, 123 Md. App. 580, 720 A.2d 17 (1998), cert. denied, 352 Md. 619, 724 A.2d 21 (1999).

Cited in *Newman v. Reilly*, 314 Md. 364, 550 A.2d 959 (1988); *Prince George's County v. Vieira*, 340 Md. 651, 667 A.2d 898 (1995); *Pink v. Cambridge Acquisition, Inc.*, 126 Md. App. 61, 727 A.2d 414 (1999), cert. denied, 355 Md. 613, 735 A.2d 1107 (1999).

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Rule 1-311. Si

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376 (1888).

It is required that
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Grievance Comm'n v.
441 A.2d 338 (1982).
Motion and requ
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withholding order and

board, and by assisting in the selection of the appropriate form. Forms in common use guide the litigant to an orderly statement of the relief requested and the grounds upon which the request is based.

While the initial pleading of a zoning appeal is a relatively simple and informal matter, mistakes at this stage of the proceeding can preclude the granting of the relief which is sought. An applicant who seeks an area variance on the basis of practical difficulties, for example, must address his application to the jurisdiction of the board to grant variances. Where such an applicant asserts a right to a permit when in fact he has no such right, the board may decline relief.⁵⁶ An appeal which asserts a right to a nonconforming use is not an application for a variance, and proceedings pursuant to such an application may not result in the granting of a variance.⁵⁷ An application for a temporary special permit which

54. See § 22.28, *infra*.

55. See § 22.13, *infra*.

56. *Owens v Michaelis*, 22 Misc 2d 107, 202 NYS2d 554 (1960).

A zoning board of appeals cannot notify the public of a hearing unless the board itself is aware of the relief that petitioners are seeking. Thus, a board cannot act upon an appeal when it is unaware of the relief because an appeal requires public notice and hearing. *Di Giovanni v Board of Appeals*, 19 Mass App 339, 474 NE2d 198 (1985), review den 394 Mass 1103, 477 NE2d 595.

Where construction of a caretaker's cottage required a use as well as an area variance, and the landowner sought only an area variance, the board of appeals improperly granted the area variance. Such relief should not have been granted without considering the essential use variance. *Carlton v Zoning Bd. of Appeals*, 111 App Div 2d 169, 488 NYS2d 799 (1985, 2d Dept).

Where a landowner applied for an area variance but needed a use variance, his failure to demonstrate unnecessary hardship, or to prove that his circumstances are unique, supports a denial of relief by the zoning board of appeals. *Lauro v Brookhaven*, 94 App Div 2d 703, 462 NYS2d 58 (1983, 2d Dept).

57. *Foss v Oyster Bay*, 146 NYS2d 582 (1950, Sup).

A landowner is presumed to have knowledge of the contents of an application for a variance completed on his behalf by a third party if the landowner offers no evidence that he was unaware of the contents of the application or that he did not intend to use the application to obtain a variance. A landowner's responsibility for the application is not affected by his failing to sign the application. *Xanthos v Board of Adjustment*, 685 P2d 1032 (1984, Utah), citing *Anderson*, *American Law of Zoning* (2nd ed) § 18.34.

toward the limited objective of terminating junkyards⁹⁰ and other uses which are singularly destructive of their surroundings. Others have a broader thrust, imposing limits upon commercial and industrial uses located in certain restricted residential districts.⁹¹ While most amortization provisions are simple, and impose relatively short periods of permitted nonconformity, usually 5 to 10 years and seldom more than 20 years, a few describe a complex system of amortization with periods of grace up to 60 years after issuance of a permit. The merits of these ordinances, particularly of long periods of nonconformity, are considered in a later section.⁹²

§ 6.68. Discontinuance of use.

The requirement of intent to abandon is the most imposing obstruction to municipal attempts to terminate nonconforming uses which have been dormant for a period of time. Some draftsmen, in an apparent attempt to solve the problem, have included a provision that a nonconforming use may not be resumed after it has been discontinued for a specified period. Most ordinances impose a 1-year limitation;⁹³ some ordinances specify a period as short as 60 days,⁹⁴ or simply terminate the use upon voluntary discontinuance.⁹⁵ Less severe are ordinances which provide that when a nonconforming use has been discontinued, or discontinued

continue. *State v Sanguinetti*, 141 Vt 349, 449 A2d 922 (1982).

Hinsdale v Essex Junction, 572 A2d 925 (Vt 1990).

90. *Bismarck, N.D., Zoning Ordinance*, § 15.0211(9) (1973).

91. *Zoning Resolution City of New York* § 52-74 (1961, as amended).

92. See § 6.77, *infra*.

93. *Board of Zoning Adjustment v Boykin*, 265 Ala 504, 92 So 2d 906 (1957); *Toulouse v Board of Zoning Adjustment*, 147 Me 387, 87 A2d 670 (1952); *Powell v Socony Mobil Oil Co.*, 113 Ohio App 507, 18 Ohio Ops 2d 134, 179 NE2d 82 (1960, Fayette Co), motion overr.; *State ex rel. Brill v Mortenson*, 6 Wis 2d 331, 96 NW2d 603 (1959).

Evidence showed that a nursing home, in operation as a nonconforming use, left the premises in December 1970. The new owner moved in in September 1971. This failed to indicate an abandonment of the nursing home use. *Kastendike v Baltimore Asso. for Retarded Children, Inc.*, 267 Md 389, 297 A2d 745 (1972).

94. *Consolidated Rock Products Co. v Los Angeles*, 57 Cal 2d 515, 20 Cal Rptr 638, 370 P2d 342, app dismd 371 US 36, 9 L Ed 2d 112, 83 S Ct 145 (1962).

95. *Atty. Gen. v Johnson*, 355 SW2d 305 (1962, Ky).

Stacy Hawn

410 368-2068

Reynolds case 44th Ave.

00-404-SPH

7/28/2000 Reinke

nonconforming use / fast road

informed Teresa Lowry we
cannot participate actively

... whom it may concern

RE: #4 Fourth Avenue

OBJECTION : TO FOUR UNITS

I have no objection to the occupying of 4th avenue. I do object to the amount of units to be occupied in #4 Fourth Avenue. This dwelling is next door to me and adjoins my property. There are no parking facilities to handle as many cars as this will bring to our neighborhood. I see it as an overcrowding situation to the dwelling itself as well as the street outside.

I have been friends with the Reinkes for over 20 years and do not wish to throw obstacles in their path - however they do not live on this street anymore and we do. I do not think this action is justified. It is not fair to the people around here. Once this is done - we would

... - done

Ferry Road.

Thank you

Linda Creamer

2807 Hammonds Ferry Rd

(Corner of Hammonds
and fourth)

I am concerned about the word
non-conforming on the sign posted
at #4 also.

I understand he had to stop the plans
on this project once before and I
would like to know what has changed

... + L + all over it +

& truly believe that this person can make a profit by scaling down his units to two - while keeping the neighbors situation liveable and safe. By compromise we will all profit and benefit from the situation - no one gains the other way. Surely he would not want these conditions next door to him and we don't wish to contend with this on a daily basis. It truly is a lot to impose on people. That home is not equipped in or out - to handle an impact of this magnitude - nor is

we depend on our young men
for the safety of our elderly and young
grandchildren in vehicles whose drivers
do not feel safe backing out of our
front driveway into a main thru-fare
on Hammocks Ferry Rd. Our side drive
on Fourth is only feet from the #4
dwelling - I foresee many hardships
concerning this part of our property
due to an over-crowded parking situation.
If they park on both sides instead of
stringing up beside my house - they
will block the two-way traffic
flow on Fourth. The situation is
just unthinkable. When they have
visitors - it would be impossible,
not to mention dangerous. The
..... - but

RE. #4 FOURTH AV.

BEING A PROPERTY OWN WITH ADJACENT TO
1-4TH AV.

I FEEL THAT HAVING FOUR FAMILY UNITS
IN THIS PROPERTY, IS FAR TOO MUCH FOR
THIS NEIGHBORHOOD TO HAVE TO BEAR.

HERE ARE A FEW REASONS I THINK THIS
SHOULD NOT HAPPEN.

- #1) THIS PROPERTY DOESN'T HAVE ANY OFF
STREET PARKING AT ALL
- 2) IF THIS HOUSE BECAME A FOUR UNIT
APARTMENT HOUSE. MOST PEOPLE HAVE
AT LEAST TWO CARS. SO THEN ALL THE
CARS WOULD HAVE TO PARK ON THE STREET,
FOURTH AV WITH PEOPLE PARKING ON BOTH SIDES
CAN ONLY ALLOW ONE CAR AT A TIME GET BY.
- 3) PLUS THIS HOUSE DOESN'T HAVE ENOUGH YARD
SPACE FOR THIS MANY FAMILIES.
- 4) IS THERE A MINIMUM AMOUNT SQ. FOOT FOR
EACH FAMILY TO LIVE IN.
- 5) WITH HAVING FOUR FAMILY LIVING IN THIS HOUSE.
WE AS NEIGHBORS WILL HAVE TO PUT UP WITH ANY
PROBLEMS, THAT MAY COME OUT OF THIS PLACE.
... TO THIS I SHOULD NOT

HE DID HE WOULDN'T WANT IT IS
UNDER HIS NOSE ~~ETHE~~ EITHER.

IF I WANT TO LIVE IN A APARTMENT
ARRANGEMENT, I WOULDN'T HAVE BROUGHT
A INDIVIDUAL HOME.

SO I SAY TO YOU PLEASE DON'T LET
THIS HAPPEN TO OUR NEIGHBORHOOD.

I HOPE MR. REINKER WOULD RECONSIDER
THE # OF UNITS HE WANTS TO PUT
IN THIS PLACE.

~~IF~~ IF THIS HAPPENS, MR. REINKER WILL MAKE
HIS MONEY AND GO LIVE SOME WHERE ELSE,
AND LEAVE THE PEOPLE IN THE NEIGHBORHOOD
TO DEAL WITH WHATEVER PROBLEMS THAT
MAY OCCUR.

SO I SAY TO YOU AGAIN, PLEASE DON'T
LET THIS HAPPEN TO OUR NEIGHBORHOOD.

THANK YOU

MR. H. CREAMER

J. L. Creamer

① TAX MAP/PRINTOUT

② LET'S GET
GIS AERIAL

PHOTO

③ AS FAR BACK AS POSS.
ZONING HISTORY
FROM JUNE

④ NEW
MAPS
ZONING
MAP
SW/SC
GC

① TAX MAP PRINTOUT

② LET'S GET GIS AERIAL PHOTO

③ AS FAR BACK AS POSS.
ZONING HISTORY
FROM JUNE

④ NEW
MAPS
ZONING
MAP
SW SEC
6-C

BALTIMORE, MARYLAND 21227

CASE # 00404 - SPH. Towson, Md. 21204

" PETITION TO STOP APARTMENT BUILDING COMPLEX "

AT # 4 FOURTH AVE. BALTO. MD. 21227

George Coleman - #7-4 th AVE	21227
Hacey Gavin - 6 th #6 Ave	21227
Dennis J. Gavin - 6 4 th Ave	21227
Isaac Kersey 18 4 th Ave	21227
Victoria Levy 20 4 th Ave	21227
Mrs J. J. J. 20 4 th Ave	21227
Mary B. Mause 28 4 th Ave	21227
Mrs C. J. Henriette Phell #5 4 th Ave	21227
Ileusa J. Memon 128 5 th	21227
John C. Sauer 23 4 th AVE.	21227
Phyllis STAYLOR 23 4 th AVE.	21227
Bill Lee 133 4 th	21227
Dreya B. Rider 9 4 th AVE	21227
George W. Chavels 7 th Ave	21227
William Evans 5 th Ave	21227
Sonda Creamer 2807 HAMMONDS FERRY RD.	21227

Ink
Hearing: 5/5/00 10⁰⁰ A.M.



County Courts Building Room # 407
401 Bosley Ave.
Towson, Md. 21204

3391

21204+4420



#7 Fourth AVE.
HaleThorpe, Md. 21227

Reinke

To Do

12-17-36

Columbus Holding Co to Eckelman 116, 117, 118, 119, 120

7-3-52 -

Eckelman to Krum 116, 117, 118, 119, 120

7-31-62

Krum to Tanzella 116, 117

3-29-95

Tanzella to Reinke 116, 117

Opening

- ① PC involved in several multifamily dwellings cases
- ② ~~seem to stir controversy in single family neighborhoods~~ because of ~~detrimental to the~~ detract from integrity of neighborhood & cause overcrowding of lot & the resulting consequences
- ③ BCZR very explicit on requirements - clear this case would not qualify under BCZR 402 which enacted in 1955
- ④ all the more reason why nonconforming use must be looked at very carefully - this is a factual issue but law says Petitioner has burden of proof - so the nature & credibility of the evidence is very important - one legal aspect - intent not issue
- ⑤ nonconforming use BCZR 104 - requires more than just ~~older~~ date of use - requires to continue if use interrupted for more than 1 yr. ~~not~~ not structure - it's lost
- ⑥ history is important b/c 1945 zoning regs - App K of BCZR enumerated uses in residential zones
- ⑦ ^{careful says} non-conforming uses are looked at w/ de. favor - idea is that they will terminate so that all uses in zone conform to current regulation (BCZR 230)
- ⑧ here BL but permits uses in adjoining residential zone which I believe is DR 5.5 in 1901.7 A.T.C - DR 5.5 requires compatibility
- ⑨ evidence will show this to be an old subdivision but not all houses were constructed at that time -
- ⑩ opponents will show problem with multifamily here but more importantly that it was actually a single family use for many years & thus not lost nonconforming status

Opening - Chuck Brooks

- 1943 - Roenke

- no intent required -

Joe Larson

- area of site -

- use 403

- no personal knowledge of site as nonconforming use

- zoning history -

- surveying & engineering → residential & commercial

Pct I 2 1/2 story residential structure -
surveyed & built upon -
- March 2000 -

revisions -

- floor plan - Survey taken in house
- 2nd floor
- being remodeled

Pct 2 - floor plan -
Mon or Tues. -

process of being modified

- 50F X 100 - .11 5000 sq ft

1 Kitchen upstairs & 1 Kitchen downstairs -

- not continuous use -

- Tangella

- no one living there -

- no one lived there for couple months

- no one on 2nd floor for many years -

- never in there when Tangella owned it

- only usable space on 1st floor -

- no other rentals

- divided into

2/3 not being used - by anyone
when Tangella lived there -

Applied for permits for BOE &
plumbing
- permits not approved
- county records by SFD

* Krums owned -

no tenants since 1970 -

layover - hotel -

1943 - 1st grade - resided in Apt 3

1 yr. - lived there and moved to home
on Fourth Ave -

- went to school of daughter of owner -

- moved to Hammond Jersey green story

4th + " " " - home -
1971

- moved to Pasadena and about 7 yrs ago

- "History of Landsdowne" - Huffman house -

Pet Exh 3 - p. 3

purchased lot across street for parking -
142, 143 - parking -

business 134-138

2811 Hammond Hwy Rd

1971 business name then -

→ deed? when?

1943 to present - apt. building - 4

Pet. 5 - Plan of Landsdowne -

Affidavits

- none from adjoining neighbors

- William Christopher - didn't remember what was there - signed affidavit that he would not object - didn't live because not on his street - his son Dennis would have no knowledge of it

- Charles A. Ridgway - never on subject site - couldn't say 44yrs from personal knowledge - only heard people say it was rented out - never knew any tenants

- Sonya McKelden - "doesn't know much about it" forgot names of anyone who lived there - lived ~~there~~ in area 25 yrs ago & hasn't been back for 5 years at least -

- Michael Welden - he moved there in 1993 according to SDAT - house on site built in 1956 - after requisite time

- Joe Waters - Affidavit said he lived there 44yrs and SDAT shows he purchased property from 3rd party in 1978 -

- Edward Arnold - said he lived there 58yrs but SDAT shows house built in 1956 which was 44 years ago

Earl Nevins - house built in 1957 - moved there in 1993 - purchase info.

Elaine Spies - couldn't say for sure there were 4 families there - never been inside - hasn't been there for 25 yrs - lives in Catonsville - was carter - lost her son 2 yrs ago - not clear on things

Genevieve DeBus - ~~said~~ 86 yrs old - said it was a private home at first - she goes back to 1943 - then it was a Knights of Columbus Hall - can't say if it was apartments for more than 20 yrs - very vague - had no idea what it was talking about at first - apparently stopped by Reindeer w/ affidavit outside of Church -

Lou Hernandez - SDAT show house build in 1993 -

515 Chedington Rd } could not find in City or
+ } County -
200 " " "

3305 Meches Ct - not in SDAT

- repetitions

- de novo -

- Affidavits - go to heart of matter -
refuse to accept -

- proffer -

- rejected exhibits -

Gerard Hartung 2907 Hammond Ferry Blvd
Gerard W. 7910 Boulevard 21222

from Gerald
to Lawrence 6/26/2000
Pasadena
61 yrs
zoned ML

Charles O. Compt
2917 Hammond Ferry
242-0260

Bernard Smith 123 Second Ave
lot 284, 285
286
62 yrs old
242-4014

Lois Kernzerling
bought
Franklin D. Roosevelt
2/31/93
\$139,900
62 yrs
built 1993

168 Poulton St
could NOT find name in phone
book

Harry F. Haberkorn 515 Cheddington Rd
BT " " 200 21088 " "
78 yrs
859-1328
more in
city of
county

Genevieve DeBos 618 W. 4th Ave

St. Clements
Reinberg
to church
there
knowing for
years

80
Carl DeBos 242-4085
~~never signed affidavit~~

vague -
can't tell off hand
memory for
that good

since 1943 - 86 yrs old

started out private home -

Knights of Columbus meeting place
social gathering

apartments - don't remember of
longer than 20 yrs.

store on
Hammond Ferry
lived there

Appendix H

Check Rule 7 regarding Prepared Statements -

" " 5 - Subpoena witnesses

Appendix G - 2C

Rule 2 - A

B -

witnesses shall testify

Orally - unless 2C

rules - otherwise

A

Rule 7 - Evidence - hearsay

Rule 5 - Subpoena power

Money history -

Standing

Md Maune

316 Md 491

ST Hearings

Harker

316 Md 683

for

BC2R 402

DR 5.5 - area

\$16,000

50 x 100

50

5000 sq ft -

90 + 15 + 15

15 for me + 35 for both

Affidavits

"trustworthy" "reliable" "sworn judicial"

① Nature of hearsay - is it likely to be reliable?

- examples of admissible hearsay is
corporate records, police reports, business records exclusion

- newspaper reports

newspaper summaries of public
statements not reliable in
misquote

② Is better evidence available

③ How important is subject matter in relation to
cost of acquiring better evidence - if declared
is readily available, hearsay carries
little weight

④ how precise does fact finding need to be
- survey evidence FTE - 9 out of 10 -
for unfair advertising -

⑤ what is administrative policy behind
statute? - evidence must be examined
in the light of the particular record -

~~Excluded~~

- what renovations ~~was~~ is Reineke doing?
- garage in area
- Go over 403 w/ Larson
- describe area
- zoning moment - from OP2
- notice some moved up -
- Rule 8 -
- who was living there when bought by Reineke
- use ADC map to show distances from site of Affidavits

Core: Shirley + Paul Kienke

^{H.}
Ruth Brown 3310 Benson Ave 21227

1937-1990

Paul C. Marshall, Jr. 27 First Ave. Not in
from Bill 10 years - address phone book
Greene to himself 80 8 years ATT Co.
1/16/92
lived 1936

Rene Webster 3543 Benzingen 21229
35
13 yrs. Not in
phone book

lived 7 4th Ave for 30 years

* Timothy W. Welden 1011 Rock Hill Ave 644-6812
Not in
County STAT 17 years - left message

Arin McBee 3208 Stanley Rd
from Gary H. 18 yrs. A McBee @ 3821 Wash Ave 922-
Roxbury to Paul Pilecki 11/23/99 Upland Heights 9222

Donna Jeanne Brice 20 LaVerne Ave
21227

29 yrs or 19 yrs?
David J. Stott 4th St Brooklyn Park
No Brice @ LaVerne Ave
lived in 1976 - from D. Brice
in 1988

William J. Keys, Jr. 2413 ALMA Rd - double
Now on Alma Rd Not in phone book 21227

Earl Nevins 415 4th Ave

26 yrs - built in 1957
132 Greenland Beach Rd 360-6842
Bullo

Left message
bought from Leo P. Norris in 7-59-73 for \$22,500

Dennis Lee Harting 875 Driver Rd
 Marriottsville, Md 21104
 ① residential
 his business @ 2917 Hammonds
 Ferry Rd from 1973 to
 now
 ② from himself in 1948
 pulled out 103
 ③ industrial
 at lot 103
 he said prior to 1955
 zoned
 PR 5.5

Bill Keys Tr + Margaret Keys
 2413 Alma Rd - built 1953
 Wm A. G. 437-6449
 2148 Lake Drive
 Pasadena house built 28 yrs - June 1973 from
 George D. S. H. 21,900

John Brown 3305 Michen Ct. 21227

Michen not
 in file at SDPT

30 yrs.

Sonya McKeldin atleast 5 yrs ago.
 5712 Mineral Ave 21227
 242-8304
 30 yrs about left message - built 1952 5945 sold
 lived there 25 yrs ago 3 miles
 "doesn't know that much"

E. Keith Monahan 203 Second Ave - Landstown
 Norw phone book no Monahan on Second Ave
 36 yrs
 from Edw Km 8/19/94 90

Michael Welden 3021 Alabama Ave 21227
 636-3312 left message
 40 yrs built in 1956

from John A. Barnickel in 8-5-93 - residential
 for 290,000

Dorothy Goodrich 2402 Tionesta Rd
Gilbert S. Sr. Arbutus - 242-2460 2C OK
40 yrs

Charles A. Redgway 121 Third Ave Landsdowne
never in property - heard could give 21227 never knew
knew Tancella - 40 yrs from other people 242-7961 rentals OK tenants

Shirley C Pfister 158 Howard Ave 21227
James W. 242-5441
Jim + Janne 536-5333 40 yrs

William H. Christopher 221 2nd Ave
don't remember what was down there Landsdowne
"Signed affidavit that he would not object to 4 - he doesn't know
OK 44 yrs. 242-5217 began to live on 2nd

Joe Waters 2943 Balto. Ave Landsdowne
bought from
Geo. W. Ocker 44 yrs OK 247-2403
4-3-78 - principal residence

Richard Carlton Woolridge Jr. 247 Second Ave.
" " 5-22-92 21227
from 45 yrs OK 247-4643

John Christopher 212 2nd Ave Landsdowne

who knows nothing as far as Wm 46 yrs 247-3355 OK
Son of Dennis Christopher 46 yrs

William H. Christopher 221 2nd Ave Landsdowne
will, on H " " 221 2nd Ave. 242-5217

46 yrs
D. 3316 Persimmon Ct Pasadena - 360 1077

John W^m Christopher 212 2nd Ave
Sandsdown
47 yrs 247-3355

Francis B. Doyle 103 Elizabeth Ave
Francis "X" 103 E 12 Ave 242-3224
Francis X 47 yrs

Walter O. Seymour 2211 Smith Ave
21227
49 yrs OK 242-1293
1947 year built - no 9

Char. A. Ridgway 121 Third Ave
from Lawrence 6
41 yrs
Chas Ridgway 334 Bar Harbor Rd Pasadena
7-9-75
\$31,500

Pauline L. Evans 100 Fifth Ave
52 yrs
Not in phone book - from Chas. Available 6-10-75 \$6500

Antony → Elaine Spies 2904 Charleston Ave
4 families Edgar Catonsville 242-0620
Concern 2 yrs 54 yrs - 58 yrs old - haven't been in for
long SM 4 apartments - not inside - 25 yrs -
could tell apart. quite a while vacant & being fixed up
can't find it
Daniel Bendermeyer 30 Third Ave 21227

Not in phone book 58 yrs.

Edward Arnold 30 Third Ave
OK 247-2368

Ernest A to
Doris A 9-9-95 58 yrs
built in 1956

00-404-SPH
Reinke #4 4th Ave. 21227
N/S", 400' W of Cl Balto. Ave.

appe 2 mi away NW
as crow flies

BALTO CITY - LISTED AS
JENKINS APTS.

ABC Map 42
E-8-4

(1)

Ruth Brown (3310) Benson Ave 21227

~~NO SUCH ADDRESS IN REAL PROP~~

1937-1990

~~BENSON AVE CROSS FROM 415 to 3813 of 4th Ave~~
in Balto Co. in between

3 BLOCKS N OF 4TH AVE
Paul C. Marshall, Jr. (CO) 27 First Ave.

Not in

10 years - at address
8 years ATT Co.

REAL PROP
LISTS AS OWNERS/RESIDENCE
ROBERT N. + LINDA S.
GREENE, JR.
1985

OVER 2 MI AWAY - NW OFF OF WILKINS

✓ Irene Webster
ALSO SONIA A. McKEEDIN

MAP 42
C-3

3543 Benzingen 21229

21229

AS CO-OWNER -

- DUP NAME - SEE
NEXT PAGE FOR

5TH MINERAL
RUE

13 yrs

BALTO. CITY

Not in
from both

lived 7 4th Ave for 30 years

OVER 2 MI AWAY - NW OFF OF WILKINS

BALTO CITY

✓ X Timothy W. Welden
CAREN MEELER WELDON

MAP 42
C-3

1011 Rockwell Ave 21229

641-64

17 yrs - left message

APPR. 1 MI. N OF 4TH - MAP 42 E6

Ann McFee (CO) 3208 Stanley Rd 21227

REAL PROP LISTS OWNER AS

PAUL M. PLEBERT - YES ON

PRIMARY RESIDENCE

A McFee @ 3821 W 4th Rd 922-

9222

5 BLOCKS NORTH OF 4TH AVE

E8

✓ Donna Jeanne Brice (CO) 30 Calverne Ave
21227

29 yrs or 19 yrs?

David J. 5104 4th St Brooklyn Park

NE Brice @ Calverne Ave

✓ William J. Keys + MARGARET J. (CO) 2413 ALMITA Rd
21227

W in Almita Rd 7 BLOCKS N OF 4TH
MAP 42 E8 Not in phone book

✓ Earl W. Nevins (CO) 415 4th Ave
+ BARBARA J. NEVINS

132. Greenland Beach Rd 360-6842

NOT FIND Balto

THIS STREET left message
ENTER ON

ABC MAP OR IN

REAL PROP BALTO. CO. OR BALTO. CITY LISTINGS

(2)

✓ Dennis Lee Hartung 875 Drive Rd
Marriottsville Md 21104
business @ 2917 Hummings
Map 42 E9 Ferry Rd from 1973 to
4-5 blocks S of 4th now
resided there until 1973
he said prior to 1955

SEE P. 1 - DUPLICATE
Bill Keys Tr 2413 Almar Rd
+ Wm W. Jr. 437-6449
ADDR: 3148 Lake View
145449 28 yrs

John Brown MAP 42 E-6 ABOUT 1 MI. N OF 4TH
3305 Michelle Ct 21227
NOT FIND ANY LISTING FOR MICHELETT (IS LISTED ON
ON BOO or BCTH PROP TAX MAPS
30 yrs

✓ OVER 2 MI AWAY (WEST) (Co.) ABC MAP 41 K-10
Sonya McKelden 5712 Menard Ave
21227
30 yrs

✓ EDWARDS Keith Monahan (Co.) E8 1 blk N, 20 blks E
203 Second Ave, Landover
+ CHRISTINA MONAHAN

✓ APPX 1 1/2 MI S-EAST OF 4TH
Michael Welden MAP 42 H-5-9 3021 Alabama Ave 2122
SEE P. 1 - TIMOTHY (Co.) 636-3312
+ KAREN WELDEN 40 yrs
ON ROCKHILL AVE
+ MICHELE L. WELDEN

John W^m Christopher 212 2nd Ave
DUPLICATE ADDRESS + NAME - Sandsdowne
~~W. A. Christopher~~ 47 yrs See p 3
near bottom

✓ 7 BLOCKS N OF 4TH MAP 42 E8 7 BUCKS N
Francis X. Doyle 103 Elizabeth Ave
+ THREESA M. " 47 yrs

✓ Walter O. Seymour MAP 42 E6-7 ATTK. 1 MI. N. OF 4TH
+ ETHEL M. " 2211 Smith Ave 21227
49 yrs

⊙ Chas. A. Ridgway 121 Third Ave
DUPLICATE
NAME + ADDR 51 yrs
- SEE P. 3.

✓ Pauline L. Evans E9 100 Fifth Ave
+ JOHN A. EVANS JR. 59 yrs

3 BLOCKS E OF 4TH MAP 42 F8 + 1 BLK 5
Elaine Spies 2904 Charleston Ave
LISTED AS DANIEL BARTOLINI
SUBSTITUTE TRUSTEE - FROM EDWARD J. CAREW, TRUSTEE
54 yrs 10/15/93

Daniel Bendermeyer 30 Third Ave 21227
DUPLICATE ADDRESS
SEE ↓ 58 yrs

✓ Edward Arnold 30 Third Ave
LISTED AS DORIS ARNOLD (TRANSFERRED FROM ERNEST A.
58 yrs ARNOLD JR.)

(3)

APPX 1 MI. N.E. OF 4TH
Dorothy Goodrich

(CO.)

MAP 42 F-7

2402 Tionesta Rd

40 yrs

NO LISTING FOR TIONESTA RD IN
B.CO.

✓ Charles A. Ridgway (CO.) 121 Third Ave Landsdowne
+ ESTHER R. RIDGWAY
40 yrs E-8 21227

APPX 7 BLOCKS N. OF 4TH

(CO.)

MAP 42 E-8

* ✓ Shirley C. Pfister 158 Howard Ave 21227
+ JAMES W. PFISTER JR.

40 yrs

✓ William H. Christopher E-8 221 2nd Ave
+ FRANCES C. " Landsdowne
* same last name
44 yrs.

✓ Joe H. Waters JR. 2943 Bal to. Ave Landsdowne
+ DEBORAH A. "
44 yrs

✓ Richard Carlton Woolridge Jr. E-8 161k N, 261k E
247 Second Ave
21227

45 yrs.

✓ John W. Christopher 212 2nd Ave Landsdowne
+ DARLENE S. " E-8 161k N, 261k E
* same last name 46 yrs

Dennis Christopher 221 2nd Ave Landsdowne
DUPLICATE - WM. H. +
ADDRESS FRANCES C. 46 yrs

SEE ABOVE

✓ Gerald Harting 2907 Hummel Ferry Blvd
 LISTED AS LORRAINE HARTING - tr. from GERALD HARTING 21227
 6/26/2000
 61 yrs

✓ Bernard Smith 123 Second Ave
 62 yrs

✓ HALBERT Louis/Leinzerling MAP 42 E-7-8 APPX 8 BLOCKS N. OF 4TH
 + DONNA M. " 168 Poulton St
 62 yrs

Harry F. Haberkorn 150N, ABC MAP 42 E-13 OTHER 2 MI S OF 4TH
 515 Cheddington Rd
 NO LISTING FOR CHEDDINGTON 21088
 IN REAL PROP MAPS
 78 yrs

✓ Genevieve De Bois 2 BLOCKS E OF 4TH
 + ROBERT S. " 418 Welch Ave
 80

Paul Reinke, Jr. - Case No. 00-404-SPH

#4 FOURTH AVENUE, 400' West of c/l Baltimore Avenue, 21227

ADC Map 42, E-8 - E-9

Name on Affidavit	Address on Affidavit	# Years at Addr. Per Affidavit	ADC MAP Location	Appx. Distance From Reinke Property	MD Real Property System Owner Info
1) Ruth Brown	3310 Benson Ave. 21227 NOTE: Balto. CITY	1937-1990	ADC Map 42, D-4	2+ mi. NW of site	Jenkins Apts.
2) Paul C. Marshall, Jr.	27 First Ave. 21227 NOTE: Aff. states lived 8 years A.A. County	10 years at addr.	ADC Map 42, E-8	3 blocks N of site	Robert N. & Linda S. Greene, Jr. since 1/16/1992 prop. trans- fer from Robert N. Greene Jr. / Principal Residence = Yes
3) Irene Webster	3542 Benzinger 21229 NOTE: Aff. states lived at #7 4 th Ave. for 30 years NOTE: Balto. CITY	13 years	ADC Map 42, C-3	2+mi. NW of site	R. Irene Webster and Sonya McKeldin* since 11/10/1998 prop transfer from Rhonda Irene Webster (* Note Duplicate Name - see #12 below)
(Additional Note: #7 4 th Ave. currently owned by George K. Coleman, since 10/2/1997 transfer from Robert Raymond REINKE)					
4) Timothy W. Welden	1011 Rockhill Ave. 21229 NOTE: Balto. CITY	17 years	ADC Map 42, C-3	2+ mi. NW of site	Karen Meeker Weld- en and Timothy Wel- den since 9/17/1999 prop transfer from Fannie K. Meeker
(Note: Same last name (Welden) as #14 below (Michael & Michele Welden)					

Name on Affidavit	Address on Affidavit	# Years at Addr. Per Affidavit	ADC MAP Location	Appx. Distance From Reinke Property	MD Real Property System Owner Info
5) Ann McGee	3208 Stanley Rd. 21227	18 years	ADC Map 42, E-6	1+ mi. N of site	Paul M. Pielert since 11/23/1999 transfer from Roseller M. Gersey
6) Donna Jeanne Brice	20 Laverne Ave. 21227	29 years or 19 years?	ADC Map 42, E-8	5 blocks N of site	Donna Jeanne Brice since 2/19/1988 tr. from Donald J. Gittings
7) William J. Keys	243 Alma Rd. 21227		ADC Map 42, F-8	7 blocks N of site	William J. Keys and Margaret J. Keys since 7/19/1973 tr. from George Desilit
8) Earl Nevins	415 Fourth Ave. 21227	26 years	ADC Map 42, F-8	4 blocks E of site	Earl W. Nevins and Barbara J. Nevins since 7/29/1973 tr. from Leo P. Norris
9) Dennis Lee Harting (Note: Same last name- (Harting as #31 below)	2917 Hammonds Ferry Rd. - business since 1973 resided there prior to 1955-1973	27 years	ADC Map 42, E-9	4+ blocks S of site	Dennis L. Harting 10/22/1998 tr. from Dennis Lee Harting
10) Bill Keys Jr.	2413 Alma Rd.	28 years - (Duplicate name and address - See # 7 above)			
11) John Brown	3305 Michele Ct 21227	30 years	ADC Map 42,	1+ mi. N of site	No Real Prop Info Available
12) Sonya McKeldin (* Note Duplicate Name - see #3 above)	5712 Mineral Ave. 21227	30 years	ADC Map 41, K-10	2+ mi. W of site since 2/16/1981 tr.	Sonya M. McKeldin from James B. McKeldin

Name on Affidavit	Address on Affidavit	# Years at Addr. Per Affidavit	ADC MAP Location	Appx. Distance From Reinke Property	MD Real Property System Owner Info
13) Keith Monaghan	203 Second Ave. 21227	36 years	ADC Map 42, E-8	2 blks N + 2 blks E	Edward K. Monahan and Christina A. Monahan since 8/19/1999 tr. from Edward K. Monahan
14) Michael Welden (Note: Same last name (Welden) as #4 above (Timothy & Karen Welden)	3021 Alabama Ave. 21227	40 years	ADC Map 42, H-J-9	2 mi. SE of site	Michael D. Welden and Michele L. Wel- den since 8/5/1993 tr. fr. John Barnickel
15) Dorothy Goodrich	2402 Tionesta Rd., 2C	40 years	ADC Map 42 F-7	1 mi. NE of site	No Real Prop Info Available
16) Charles A. Ridgway	121 Third Ave. 21227	40 years	ADC Map 42 E-8	1 blk N + 1 blk E	Charles A. Ridgway and Esther Ridgway since 7/9/1975 tr. fr. Lawrence G. Yinger
17) Wm. H. Christopher (Note: Same last name (Christopher) as #20 below (John W. & Darlene S Christopher)	221 Second Ave. 21227	44 years	ADC Map 42 E-8	2 blks N + 2 blks E	Wm. H. & Frances C. Christopher - no tr. info available
18) Joe Waters	2943 Baltimore Ave. 21227	44 years	ADC Map 42 E-9	3 blks S + 1 blk E	Jos. H. Waters Jr. & Deborah A. Waters since 4/3/1978 tr. fr. George W. Ochs
19) Richard Carlton Woolridge, Jr.	247 Second Ave. 21227	45 years	ADC Map 42 E-8	2 blks N + 2 blks E	Richard C. Wool- ridge since 5/22/1992 tr. fr. Richard D. Woolridge

Name on Affidavit	Address on Affidavit	# Years at Addr. Per Affidavit	ADC MAP Location	Appx. Distance From Reinke Property	MD Real Property System Owner Info
20) John Christopher	212 Second Ave. 21227	46 years	ADC Map 42 E-8	2 blks N + 2 blks E	John W. & Darlene S. Christopher since 7/16/1974 tr. from George L. Bustin
21) Dennis Christopher	221 Second Ave. 21227	46 years - (Duplicate last name and address - See # 17 above)			
22) John Wm. Christopher	212 Second Ave. 21227	47 years - (Duplicate name and address - See # 20 above)			
23) Francis Doyle	103 Elizabeth Ave. 21227	47 years	ADC Map 42 E-8	7 blks N of site	Francis X. Doyle & Theresa M. Doyle no tr. info available
24) Walter O. Seymour	2211 Smith Ave. 21227	49 years	ADC Map 42 E-6-7	1 mi. N of site	Walter O. Seymour & Ethel M. Seymour no tr. info available
25) Chas. A. Ridgway	121 Third Ave.	49 years - (Duplicate name and address - See # 16 above)			
26) Pauline L. Evans	100 Fifth Ave. 21227	57 years	ADC Map 42 E-9	1 blk S + 1 blk E	Pauline L. Evans & John A. Evans Jr. since 6/20/1972 tr. fr. Charles Bramble
27) Elaine Spies	2904 Charleston Ave. 21227	54 years	ADC Map 42 F-9	3 blks S + 3 blks E	Daniel J. Bartoli Substitute Trustee since 10/15/1993 trans- fer from Edward J. Carey, Trustee
28) Daniel Bendermeyer (Note: Duplicate address - See #29 below)	30 Third Ave. 21227	58 years	ADC Map 42 E-8	1 blk N of site	(See #29 below)
29) Edward Arnold (Note: Duplicate address - See #28 above)	30 Third Ave. 21227	58 years	ADC Map 42 E-8	1 blk N of site	Doris Arnold since 9/19/1995 tr. fr. Ernest A. Arnold Jr.

Name on Affidavit	Address on Affidavit	# Years at Addr. Per Affidavit	ADC MAP Location	Appx. Distance From Reinke Property	MD Real Property System Owner Info
30) Shirley C. Pfister	158 Howard Ave. 21227	40 years	ADC Map 42 E-8	7 blks N + 1 blk E	Shirley C. & James W. Pfister, Jr. since 6/30/1988 tr. fr. James W. Pfister
31) Gerald Harting (Note: Same last name (Harting) as #9 above (Dennis Harting))	2907 Hammonds Ferry Rd	61 years	ADC Map E-9	4+ blks S of site	Lorraine M. Harting since 6/26/2000 tr. fr. Gerald W. Harting
32) Bernard Smith	123 Second Ave.	62 years	ADC Map E-8	2 blks N + 1 blk E	Bernard J. Smith since 1/23/1986 tr. fr. Bernard J. Smith
33) Lou Heinzerling	168 Poulton St.	62 years	ADC Map E-7-8	8+ blks N + 2 blks E	Halbert L. Heinzer- ling & Donna M. Heinzerling since 8/31/1993 tr. from Thrasher Constructn.
34) Harry F. Haberkorn	515 Cheddington Rd.	78 years	ADC Map 42 E-13	2+ mi. N of site	No Real Prop Info Available
35) Genevieve DeBus	618 Washington Ave.	60 years	ADC Map 42 E-9	2 blks E + 2 blks S	Genevieve DeBus & Robert J. DeBus since 10/29/1991 tr. fr. Genevieve DeBus

1

PLAT OF LANDSOWNE -

PB 1 - FOLIO 49

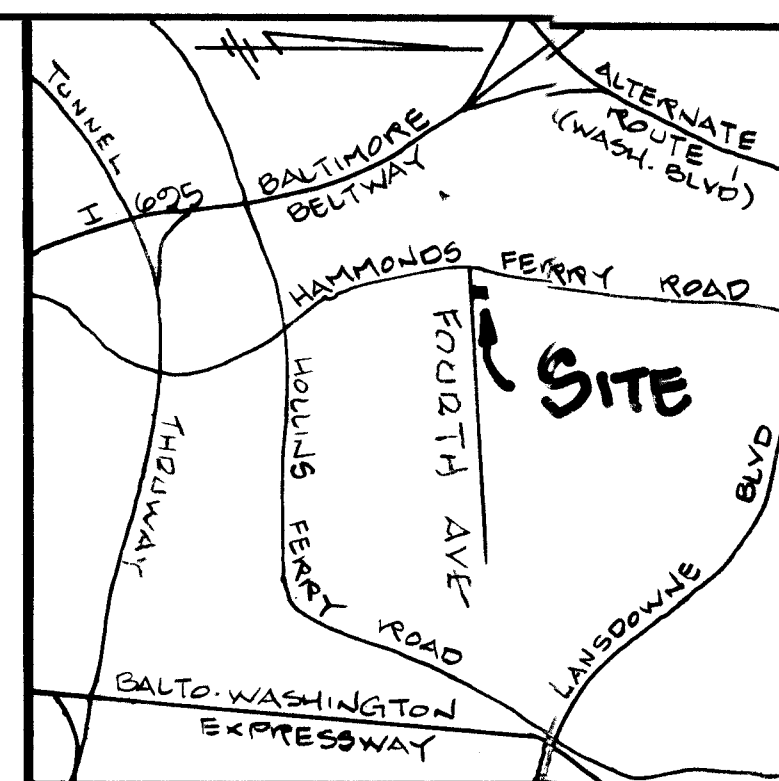
DANIEL A. RAMAGE
RICHARD T. RAMAGE
7707/372
TAX No. 1318000142
ZONED: BL
USE: RESIDENTIAL

ROBERT J. BARNETT
DEBRA BARNETT
5866/679
TAX No. 1308050000
ZONED: BL
USE: RESIDENTIAL

CHARLES H. HELLMAS Sr.
GLADY D. HELLMAS
4622/157
TAX No. 1308301270
ZONED: DR 5.5
USE: RESIDENTIAL

LAWRENCE L. CREAMER JR.
LINDA M. CREAMER
6546/622
TAX No. 1319580000
ZONED: BL
USE: RESIDENTIAL

DENNIS J. GAVIN
STACY M. GAVIN
10026/140
TAX ACCT. No. 1311770370
ZONED: DR 5.5
USE: RESIDENTIAL



VICINITY MAP

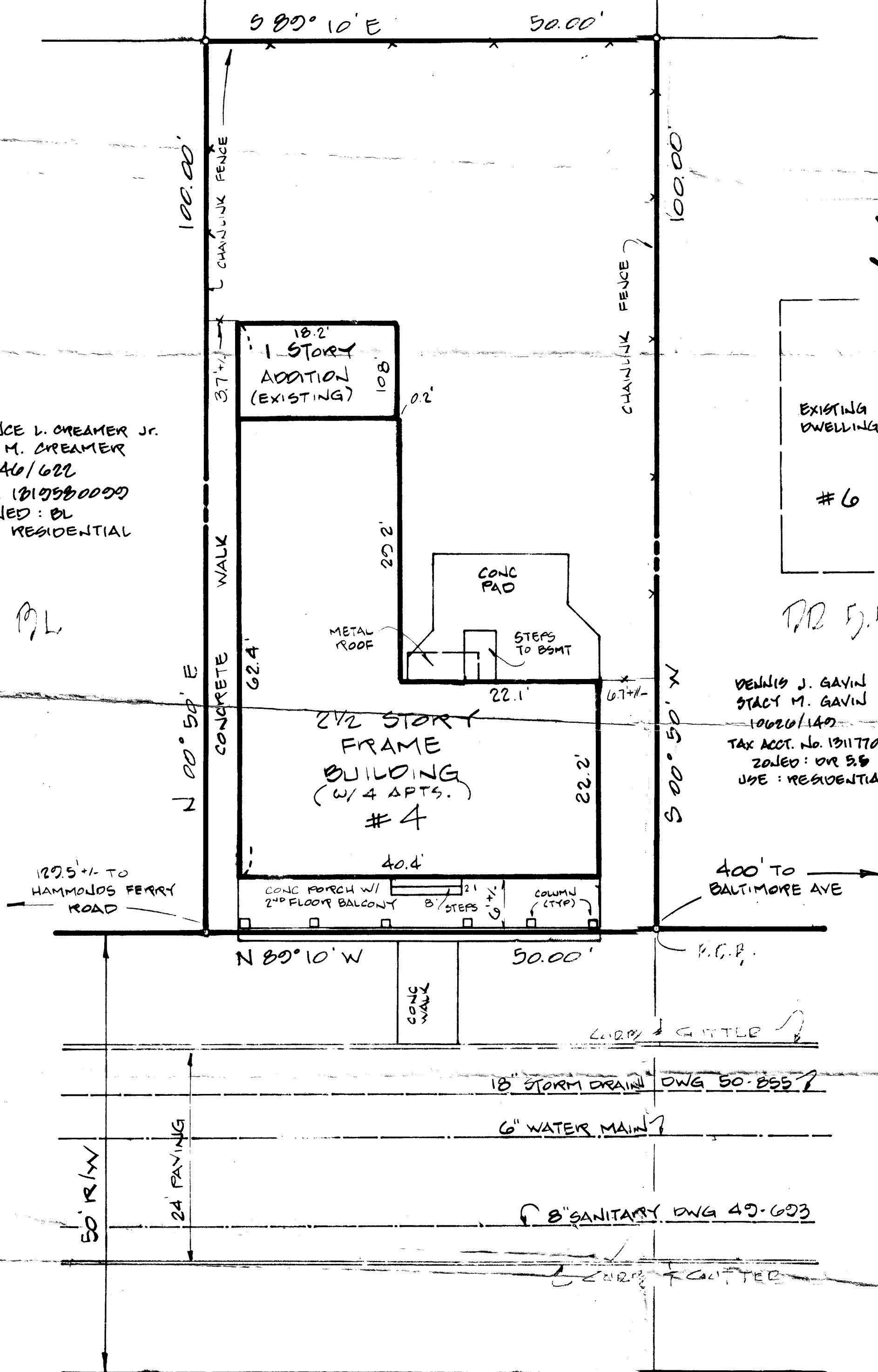
SCALE: 1" = 2,000'

SITE DATA

SITE AREA 5000 SQFT
DEED REFERENCE 0:11 AC. +/-
TAX ACCT. No. 109000/373
EXIST. ZONING 1320000360
ZONING MAP BL
COUNCILMANIC DIST. SW 6-C
PUBLIC WATER EXISTS
PUBLIC SEWER EXISTS

GENERAL NOTES

1. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
2. THERE ARE NO STREAMS, SWM SYSTEMS ON OR WITHIN 50 FEET OF THE PROPERTY
3. THE PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.



FOURTH AVENUE

ZONING PETITION

THIS PLAT WILL ACCOMPANY A ZONING PETITION FOR SPECIAL HEARING TO DOCUMENT, CONFIRM AND LEGALIZE A NON-CONFORMING USE FOR A FOUR APARTMENT DWELLING IN A BL ZONE.

OWNER

PAUL R. REINKE JR.
SHIRLEY J. REINKE
1306 NORTH ROAD
PARKADELLA, MARYLAND
21122

REVISIONS		
NO.	DATE	DESCRIPTION
1	3/29/00	REV. PER PLING CONFERENCE COMMENTS
2	5-1-00	REV. FOR HEARING

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION
FOR SPECIAL HEARING

No.4 Fourth Avenue

LOTS 116 & 117
LANDSOWNE
1/49

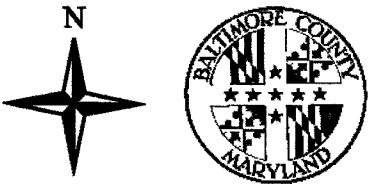
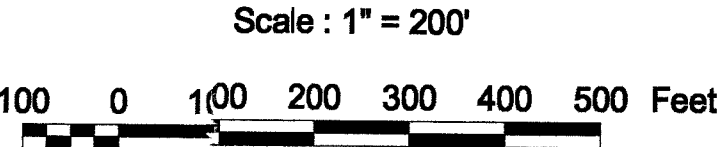
ELECT. DIST. No. 13 BALTIMORE CO., MD

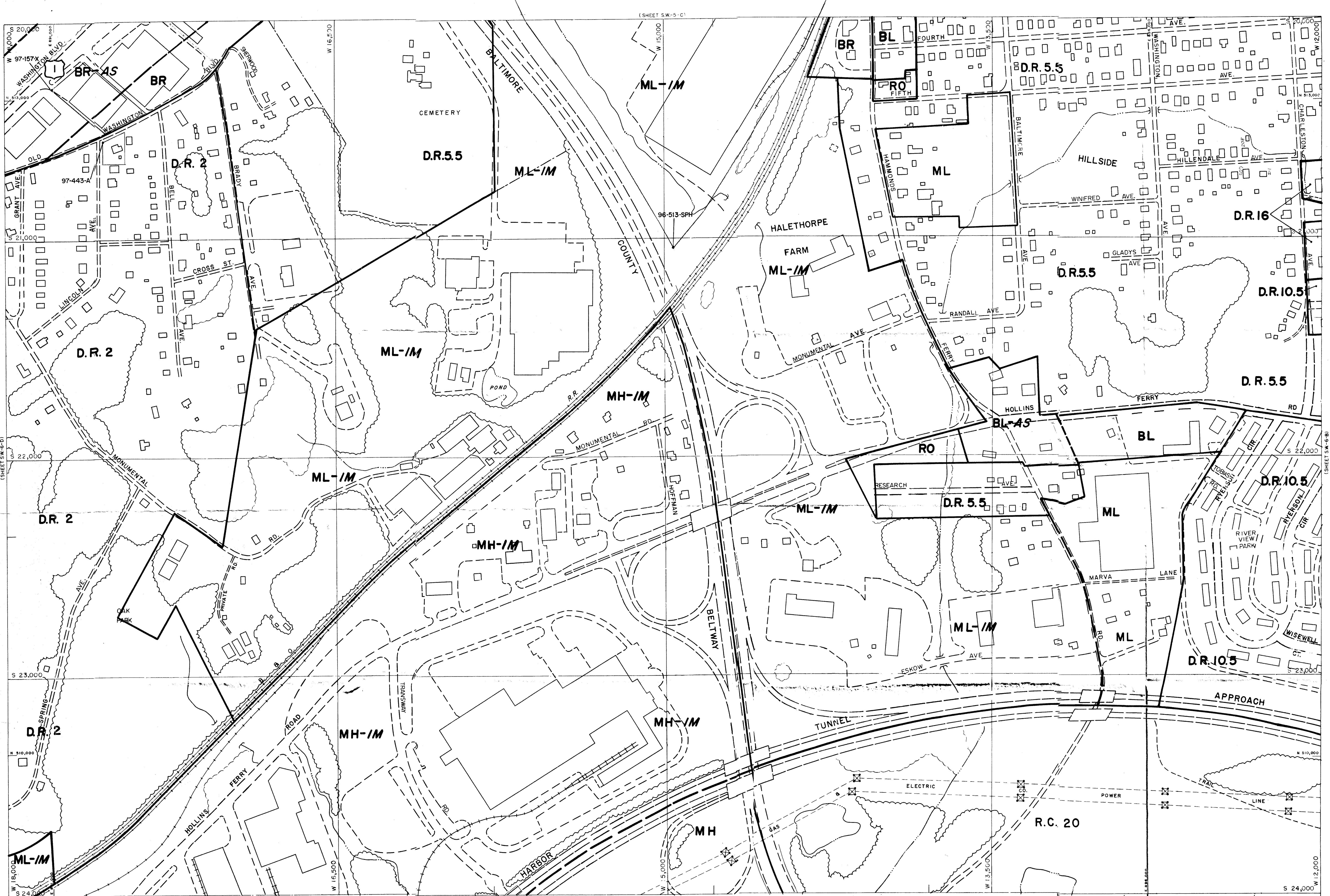
SCALE: 1" = 10'	DES. BY:	SHT. 1 OF 1
DATE: 3/8/00	DRN. BY: P.M.N.	

Paul R. Reinke, Jr. Property



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum
Date of Data Capture: March 1996
Scale of Data Capture: 1" = 100'
Baltimore County OIT/GIS Services
January 9, 2001





1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenev
Chairman, County Council

BALTIMORE COUNTY

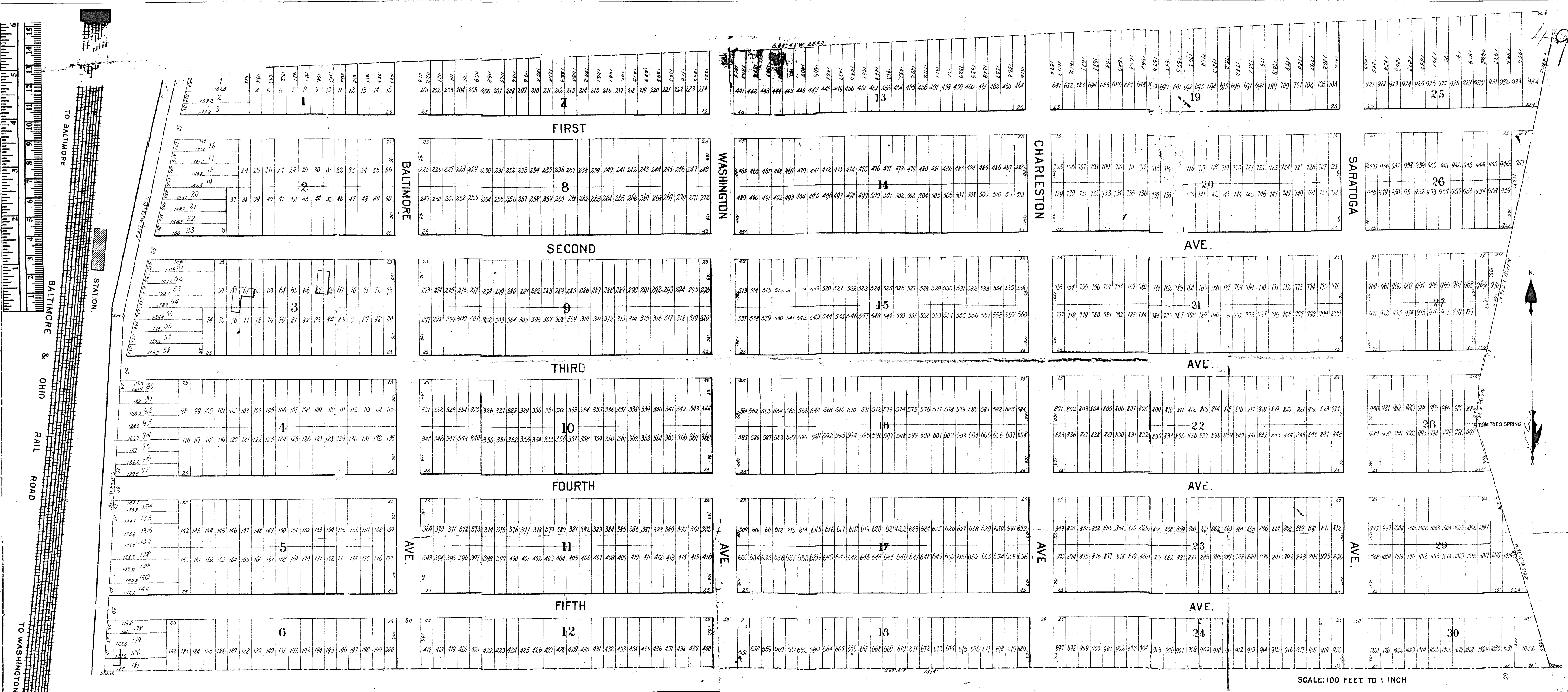
OFFICE OF PLANNING AND ZONING

OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION MONUMENTAL	SHEET S.W. 6-C
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

DRAWING NUMBER
SW6-C



LANDS DOWNE

At New Station on the Baltimore & Ohio Railroad, Main Line, Baltimore County
10 Minutes' Ride from Camden Street Station, Baltimore.

BUILDING LOTS

In this valuable suburban location are offered at farm rates to settle an estate, and in offering this property for sale at this low price and upon such easy terms, an opportunity is placed within the reach of young merchant, clerk, mechanic and salaried man to make a Safe Investment and to secure a lovely Home Site.

**REMEMBER THAT IT IS THE PEOPLE THAT
MAKE THE LAND VALUABLE.**

When 25 or 2000 persons become the separate owners of a tract of land the value at once is enhanced manifold by reason of the concentration of interest. Out of such a number many will improve their holdings, and thus a foundation is laid for a prosperous section of our city.

DON'T FORGET

That the lots you buy to-day are as good a speculation as those in the built-up portion of our city were ten years ago. You can make no mistake.

There is a large profit assured to those who buy now, and there is no other avenue of investment that offers such large returns and every condition exists now that has made suburban investments so profitable in the past.

Size of Lots, 25x100 feet and larger. PRICE, \$60 and upwards, according to size and location.

\$10 down and \$5 Monthly Payments. All corner lots \$25 additional. 10 per cent. discount for all cash. Deed free.

Lots will be sold under the usual objectionable occupancy, Building and Sanitary Restrictions. Instalments payable at the Mercantile Trust and Deposit Company, N. E. Cor. German and Calvert Streets.

Every facility will be afforded by the B. & O. R. P. Co. to parties wishing to build to get their building materials there—half rates will be charged. A new station will be built as soon as warranted.

SUCH OPPORTUNITIES ARE NOT FREQUENT

That an old estate like this is cut up into building lots and placed upon the market with all its

BUSINESS ADVANTAGES.

And in buying building lots that will yield you a profitable return it is necessary that they should be so located as to possess business advantages above everything else. This is the great interest that surely will govern the advance in value of any locality, and the greater the advantages the greater and more rapid the advance, and the safer the investment, either for improvement or speculation.

This property possesses the business advantages of being easy of access, cheap fares—5 cents, quarterly tickets—but 10 minutes ride in comfortable cars from the business portion of the city, on the main line of the B. & O. R., which has 4 sets of tracks passing Lansdowne to do its vast business—and many business interests are extending out towards this place and are within 2 1/2 miles of it. The Station is directly in front of the property, and it is a healthy and dry location.

THE BEST WAY TO BUY IS WITHIN YOUR MEANS.

Remember that it costs but 16 2/3 cents a day to pay \$5 a month on one of these choice lots, and now is the time to buy and secure a choice of location in this enterprise. Free tickets, maps and all information at

OFFICE: NEW BUILDING, No. 12 ST. PAUL STREET (Room No. 13 Second Floor), BAL.

C. DAVID LUKENS, Manager.