

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony indicated that this matter came to the attention of Baltimore County as a result of a complaint alleging that Petitioner was operating a towing business from her home. Petitioner testified that she has lived at the subject site since 1956 and is not operating a towing business or any other commercial enterprise.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner as to his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of April, 1990 that a special hearing to approve a determination that the existing accessory structures and uses are within the spirit and intent of Section 400 of the Baltimore County Zoning Regulations

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counse

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J. Robert Haines
Zoning Commissioner of Baltimore County

TOGETHER WITH SLOPE EASEMENT AS SHOWN BETWEEN THE RIGHT-OF-WAY LINE OF WINDSOR MILL ROAD AND COLONIAL PLACE AND THE DOTTED SLOPE EASEMENT LINE AS SHOWN ON THE AFORESAID PLAT.

CERTIFICATE OF PUBLICATION

received in this office by the date of the hearing set above or prior thereto at this hearing.

NOTE

IF PHASE II OF THE SHOW EMERGENCY PLAN is effect in Salt Lake County on the above named date, the following conditions shall be observed:

1. The show must be received by 7:00 PM on Monday, March 17, 1980 at which time they shall be placed in the storage area and the show must be received by 7:00 PM on Monday, March 17, 1980 at which time they shall be placed in the storage area.

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 15, 1990

THE JEFFERSONIAN,

St. Zeb Orlov
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3-2-90



Dennis F. Rasmussen
County Executive

Elaine C. Lanahan
5607 Windsor Mill Road
Baltimore, Maryland 21207
Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-349-SPHA
SM/C of Windsor Mill Road and Colonial Place
5607 Windsor Mill Road
1st Election District - 1st Councilmand
Petitioner(s): Elaine C. Lanahan
HEARING: TUESDAY, MARCH 13, 1990 at 2:00 p.m.

Dear Ms. Lanahan:

Please be advised that \$ 138.58 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

receipt

No 1695

90-349

Date: 3/13/90

PUBLIC HEARING FEES

080 - POSTING SIGNS, ADVERTISING 1.00 \$138.58

LAST NAME OF OWNER: LANAHAN TOTAL: \$138.58

Cashier Validation

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 29, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-349-SPHA
SM/C of Windsor Mill Road and Colonial Place
5607 Windsor Mill Road
1st Election District - 1st Councilmand
Petitioner(s): Elaine C. Lanahan
HEARING: TUESDAY, MARCH 13, 1990 at 2:00 p.m.

Variance: To allow accessory structures to remain outside of the third of the lot farthest removed from the side street and to allow a height of 10 ft. for an existing accessory building in lieu of the maximum permitted height of 15 ft. (if required).
Special Hearing: A determination that the existing accessory structures and uses are within the spirit and intent of Section 400 of the zoning regulations pertaining to accessory structures and uses.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "Phase II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Elaine C. Lanahan
File

PETITIONER'S EXHIBIT 7

90-349SPHA

PEADOC VEHICLE LIST

RECREATIONAL VEHICLES:

1. 26 FOOT SEA RAY POWER BOAT
2. COACHMAN LEPRECHAN CAMPER - RV

UTILITY TRAILER AND MOTORCYCLE TRANSPORTER:

1. ONE 16 FOOT BREAKDOWN ENCLOSED MOTORCYCLE TRAILER
2. ONE SMALL 3 RAIL OPEN MOTORCYCLE TRAILER
3. ONE HYDRAULIC FIREWOOD SPLITTER ON TRAILER

MULTI-PURPOSE VEHICLES:

1. ONE 4X4 JEEP SCRAMBLER
2. ONE 4X4 TOYOTA PICK-UP WITH SNOW PLOW

DAILY DRIVEN VEHICLES:

1. ONE 86 MUSTANG 5.0 GT
2. ONE 74 CHEVROLET STATION WAGON
3. ONE 73 FORD LTD

ANTIQUE VEHICLES, RACE, ORIGINAL, AND SHOW

1. ONE 66 CHEVROLET CHEVELLE MALIBU 327 FACTORY ORIGINAL
2. ONE 66 CHEVROLET MALIBU SS 350 LTD. HIGH PERFORMANCE RACE CAR
3. ONE 55 CHEVROLET HIGH PERFORMANCE SHOW CAR

MOTORCYCLES:

1. ONE 87 VIRAGO 750
2. ONE 83 SUZUKI GS1100 HIGH PERFORMANCE CAPE RACER

DIRT BIKES:

1. ONE HONDA XR500 MOTOCROSSER
2. ONE HONDA XR80 MOTOCROSSER
3. ONE YAMAHA YZINGER 50 MOTOCROSSER
4. YAMAHA RD 350 FLAT TRACK INDOOR DIRT RACER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-349-SPHA

District: 1st Date of Posting: February 16, 1990

Posted for: Special Hearing and Variance

Petitioner: Elaine C. Lanahan

Location of property: SM/C of Windsor Mill Road and Colonial Place

5607 Windsor Mill Road

Location of Sign: In front of 5607 Windsor Mill Road

Remarks:

Posted by: E.J. Bester Date of return: February 23, 1990

Number of Signs: 2

PETITIONER'S EXHIBIT 9

90-349SPHA

TO WHOM IT MAY CONCERN:

I AM A BORDERING PROPERTY OWNER TO 5607 WINDSOR MILL ROAD. I HAVE NO OBJECTION, PROTEST, OR COMPLAINT WITH THE GARAGE AND ACCESSORY STRUCTURES LOCATED IN THE REAR OF THE PROPERTY. THESE STRUCTURES ARE NOT AN EYE SORE OR ARE IN NO WAY OUT OF PROPORTION TO THE HOUSE, PROPERTY SIZE, AND OR NEIGHBORHOOD. THESE STRUCTURES DO NOT DEPRECIATE THE NEIGHBORHOOD OR BORDERING PROPERTIES AND ARE NOT OUT OF PROPORTION TO THE BORDERING PROPERTIES. THE PRODOMINANT PRINCIPLE STRUCTURE IS THE LARGE GREY FORMSTONE HOUSE, NOT THE GARAGE AND OR ACCESSORY STRUCTURES LOCATED IN THE REAR OF THE PROPERTY. THESE STRUCTURES ARE NOT CLEARLY VISIBLE OR PROMINENT FROM ANY STREET OR BORDERING PROPERTIES AND IN NO WAY INTERFERE OR OBSTRUCT THE NATURAL SURROUNDINGS.

NAME	ADDRESS	PHONE
Earl E. Williams	5600 Windsor Mill Rd	944-2188
Betty Williams	5600 Windsor Mill Rd	944-2178
Alvin Williams	5613 Windsor Mill Rd	288-3460
James C. Martin	5613 Windsor Mill Rd	288-3460
Robert Miller	2010 Park Pl	944-1720
John W. Rose	5603 Windsor Mill Rd	
Gregory C. Kasse	2010 Park Pl	944-3505
Harvey C. Kasse	2010 Park Pl	944-3505
Ken Rothwell	2010 Park Pl	747-9410

PETITIONER'S EXHIBIT 10

90-349SPHA

TO WHOM IT MAY CONCERN:

I AM A RESIDENT OF THE NEIGHBORHOOD OF WINDSOR MILL ROAD AND HAVE OBSERVED THE SAID PROPERTY OF 5607 WINDSOR MILL ROAD. THE PREDOMINANT STRUCTURE OBSERVED IS THE LARGE GREY FORMSTONE HOUSE. ALL THE OTHER STRUCTURES OBSERVED ARE ACCESSORY TO THE PRINCIPLE STRUCTURE OF THE HOUSE. OTHER STRUCTURES ARE NOT CLEARLY VISIBLE FROM THE STREET AND ARE NOT OUT OF PROPORTION, AN EYE SORE, AND OR DEPRECIATE THE NEIGHBORHOOD. I HAVE NO OBJECTIONS, PROTESTS, OR COMPLAINTS WITH THIS PROPERTY AND OR ACCESSORY STRUCTURES.

NAME	ADDRESS
James D. Bell	2005 Oak Drive, Balt, MD 21204 - 944-1044
Gregory C. Kasse	200 Park Pl. Balt. MD 21207 - 944-3505
David S. Kasse	2010 Park Place, Balt MD 21207 - 944-3505
Michael J. Kasse	5528 Windsor Mill Rd 267-8751
Leona K. Mullins	2000 Mosby Rd Baltimore, Md 233-8878
Elizabeth C. Kasse	5600 Dequard Rd Balt, Md 21204 - 944-3094
Elaine C. Kasse	3616 Oak Ave Baltimore 21207-8658
David S. Kasse	5522 Windsor Mill Rd Baltimore 21207
W. Henry Bush	5516 Windsor Mill 12 years

March 2, 1990

I, Carol Henry, resided at 5602 Windsor Mill Road for 14 years. During this time I never had any problems or complaints with the said address of 5607 Windsor Mill Road, the garage, or accessory structures that were present when my house was sold and did not effect my sale of my house to the present owners who have made several complaints to the zoning board.

Carol Henry
Carol Henry

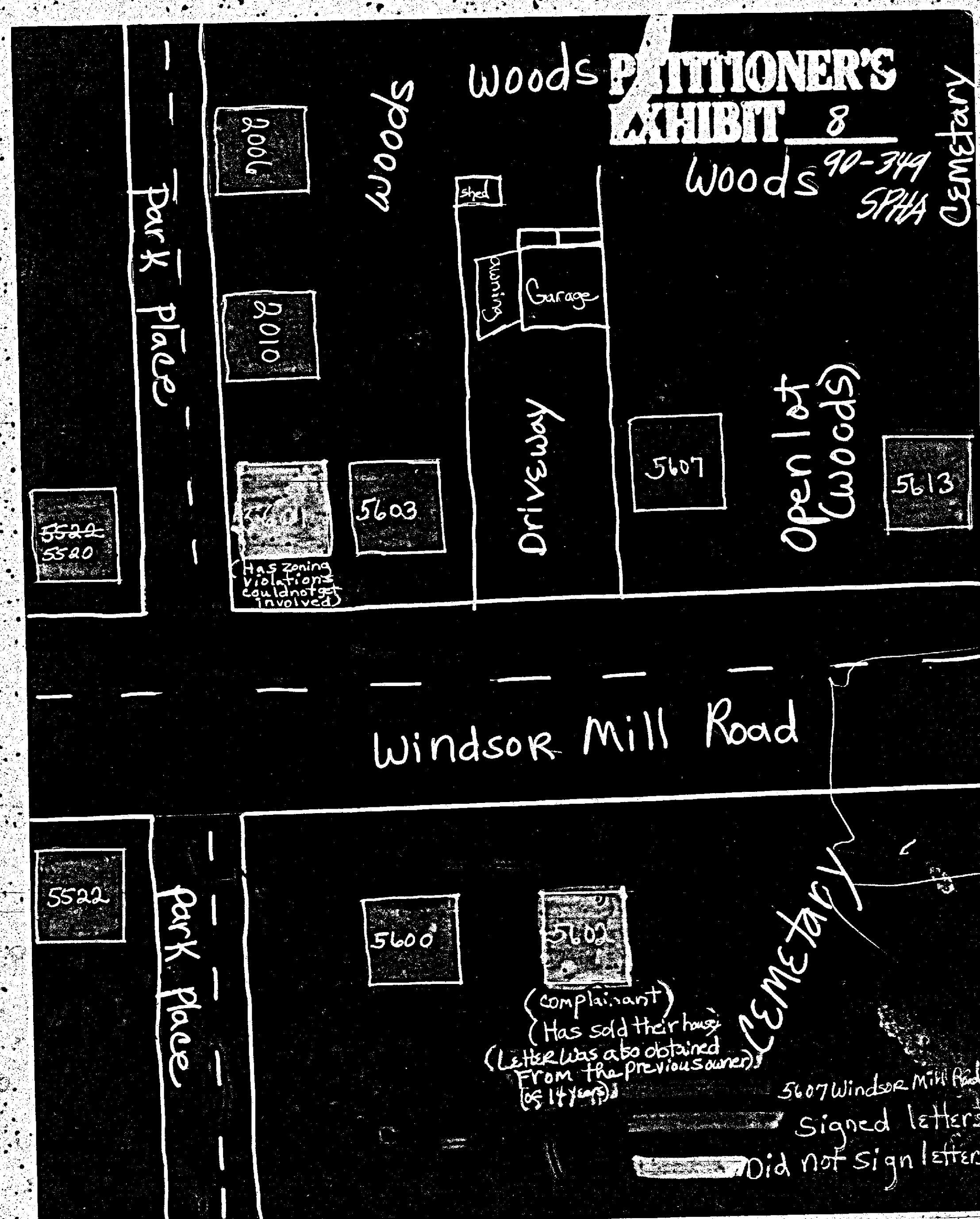
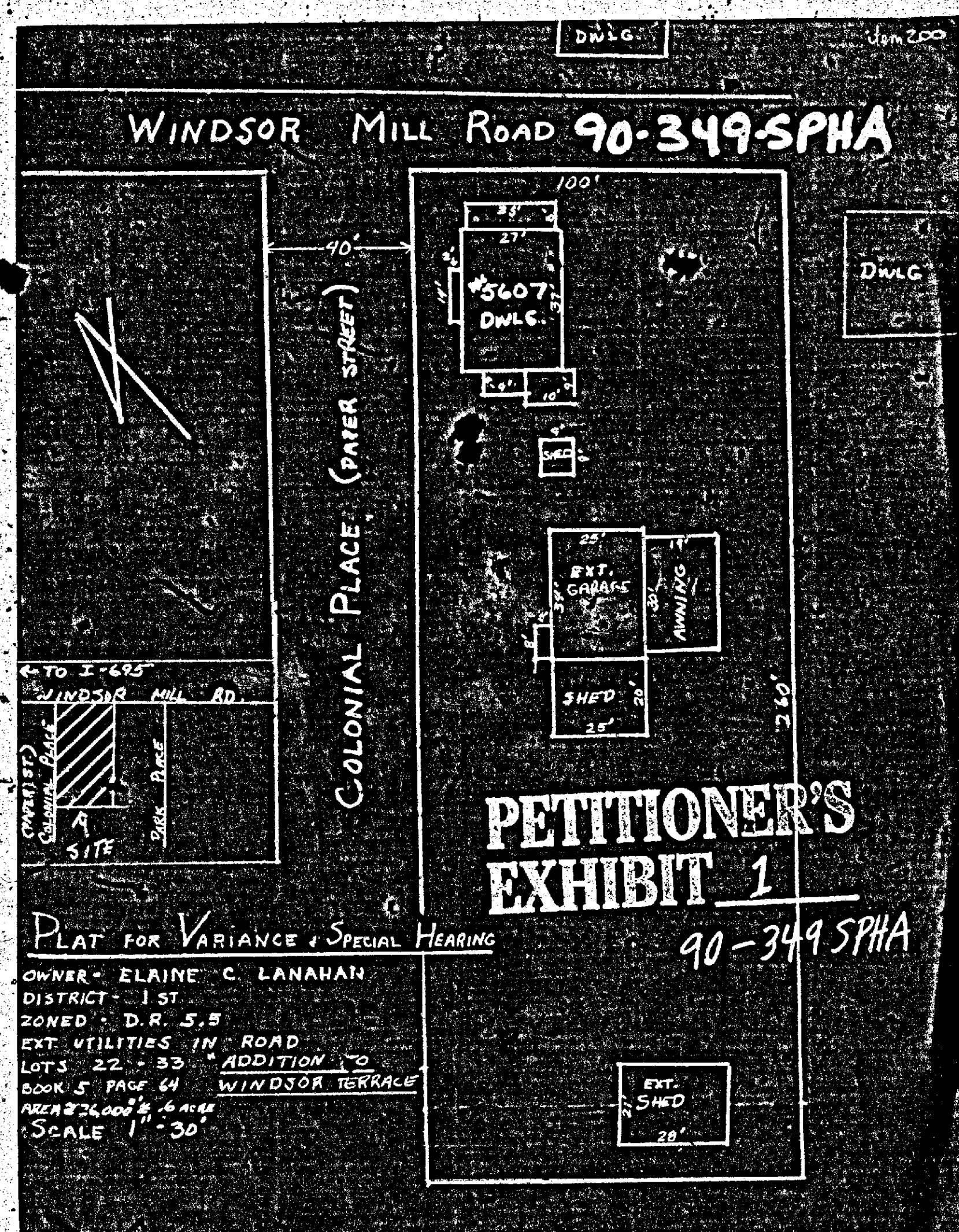
PETITIONER'S EXHIBIT 11

90-349SPHA

BALTIMORE COUNTY MARYLAND		OFFICE OF THE ZONING COMMISSIONER	
5607 WINDSOR MILL ROAD	ELAINE CATHERINE LANAHAN	5607 WINDSOR MILL ROAD, 21207	
KING ENGINEERING CO., 1804 REISTERSTOWN RD., 21208 #304			
S. W. S. WINDSOR MILL ROAD S. W. CORNER COLONIAL PLACE			
A. TYPE OF IMPROVEMENT			
B. OWNERSHIP			
C. TYPE OF USE			
D. TYPE OF CONSTRUCTION			
E. DIMENSIONS			
F. DIMENSIONS			
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PETITIONER'S EXHIBIT 12

90-349SPHA



DP 3
1/79

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PERMIT NO. 03-12-000560

10-4-83

WORKING ADDRESS: 5607 WINDSOR MILL ROAD

OWNER'S NAME: ELAINE CATHERINE LANAHAN

MAILING ADDRESS: 5607 WINDSOR MILL ROAD, 21207

ENGINEER: KING ENGINEERING CO., 1804 REISTERSTOWN RD., 21208 #884

PROJECT: 8. W. S. WINDSOR MILL ROAD S. W. CORNER COLONIAL PLACE

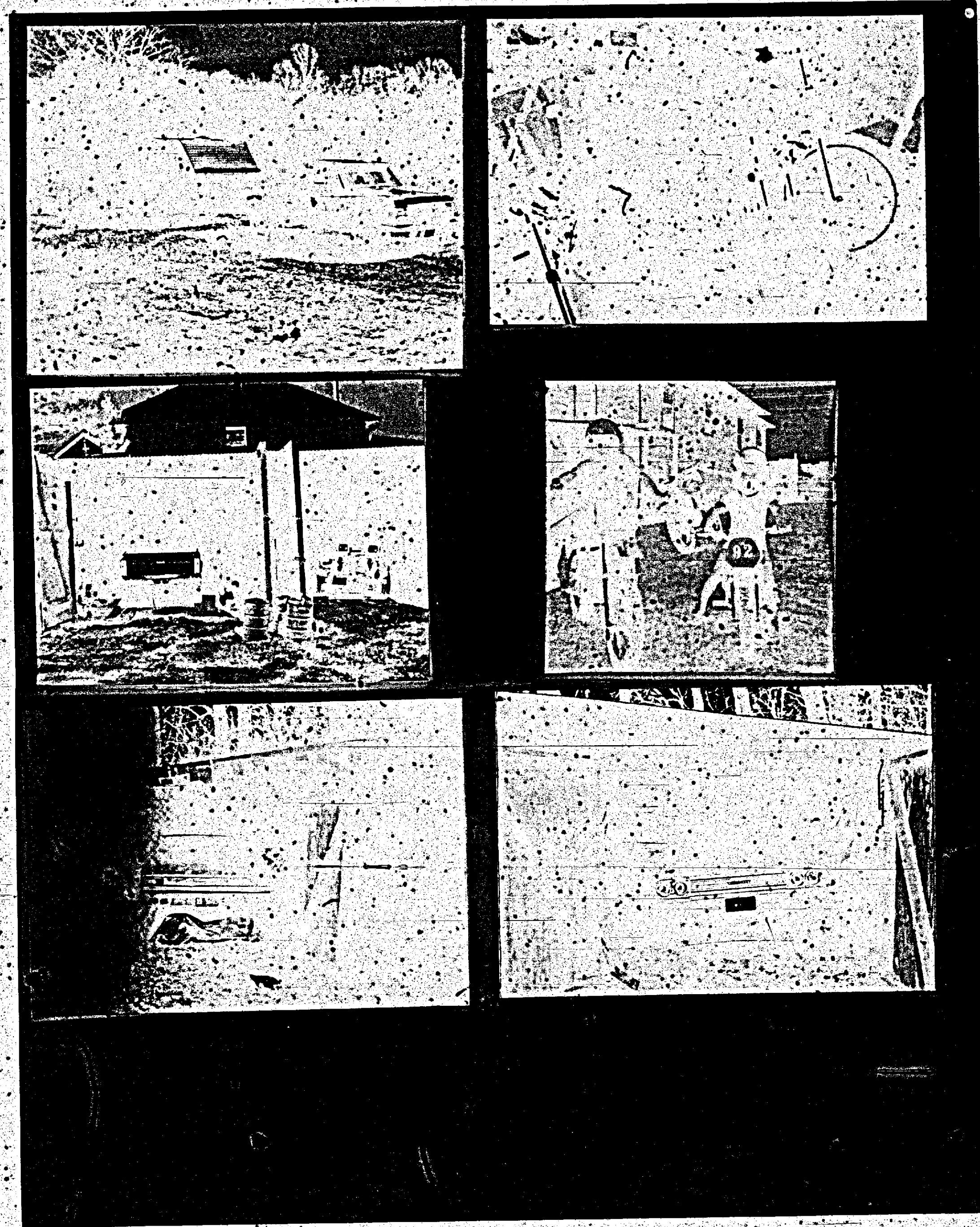
TYPE OF IMPROVEMENT: RESIDENTIAL

CONSTRUCT A DETACHED 2 CAR GARAGE IN REAR OF PROPERTY

PETITIONER'S EXHIBIT 13

ESTIMATED COST OF IMPROVEMENT: \$5,000

THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 6, 1990

Elaine C. Lanahan
5607 Windsor Mill Road
Baltimore, MD 21207

RE: Item No. 200, Case No. 90-349
Petitioner: Elaine C. Lanahan
Petition for Spec. Hearing and
Zoning Variance

Dear Ms. Lanahan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED/rw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
10th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Elaine C. Lanahan

Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

January 11, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210 and 212.

Very truly yours,

Michael S. Flanigan,
Traffic Engineer Assoc. II

MSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 25, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Elaine C. Lanahan, Item 200

The Petitioner requests a Special Hearing to determine that the existing accessory structures and uses are within the spirit and intent of Section 400 of the Zoning Regulations pertaining to accessory structures and uses; and to allow accessory structures to remain outside of the third of the lot farthest removed from the side street; and to allow a height of 18 ft. for an existing accessory building in lieu of the maximum permitted height of 15 ft. (if required).

A review of the Petitioner's site plan reveals a detached single-family dwelling, two existing sheds, and a garage that has been improved with a shed and an awning. Staff finds the need for an awning attachment on the garage to be questionable, particularly since the Petitioner's property is subject to an active zoning violation case in which the Complainant alleges that a towing business is operating on site. The Petitioner's plan also shows a paper street (Colonial Place) which is not expected to be developed.

Staff offers the following comments, should the Petitioner's request be granted:

- Prior to final consideration of this request, the Petitioner shall permit a representative of the Zoning Office to make an inspection of the subject property.
- The Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JAN 26 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reinecke
Chief

JANUARY 11, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ELAINE C. LANAHAN
Location: #5607 WINDSOR MILL ROAD
Item No.: 200 Zoning Agenda: JANUARY 9, 1990
Comments:

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

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

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 9, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 198, 199, 201, 202, 204, 207, 208, 210 and 212.

For Items 203, 205, and 206 the County Review Group Comments for each item still apply.

Robert W. Bowling, P.E.
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 23, 1990

Mrs. Elaine C. Lanahan
5607 Windsor Mill Road
Baltimore, Maryland 21207

RE: Petition for Special Hearing
and Zoning Variance
Case No. 90-349-SPHA

Dear Mrs. Lanahan:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variances have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:cmn
att.
cc: Peoples Counsel