ORDER RECEIVED FOR FILING

By

By

IN RE: PETITION FOR SPECIAL HEARING

SW/S Windsor Mill Road, 175' NW of the c/l

Park Place * ZONING COMMISSIONER

(5607 Windsor Mill Road)

1st Election District *

4th Council District

OF BALTIMORE COUNTY

* Case No. 04-154-SPH

BEFORE THE

Frank J. Lanahan Petitioner

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Frank J. Lanahan, through his attorney, William Woodford, Esquire. The Petitioner sought special hearing relief to allow the storage/parking of two commercial vehicles (ice cream trucks) and one rollback (a flatbed tow truck) in an enclosed structure in the rear of the property. In addition, he sought relief to allow an accessory structure (garage with an attached awning) to be larger than the principal structure, and an amendment to the site plan approved in prior Case No. 90-349-SPHA to include two storage sheds located in the front of the property.

By my Opinion and Order dated February 9, 2004, I denied the storage of the commercial vehicles and tow truck, and the garage with an attached awning; however, did not address the Petitioner's request relative to the two sheds in the front yard. The Petitioner was given sixty days from the date of that Order (or April 9, 2004) to remove the commercial vehicles from his property.

The Petitioner subsequently advised my office on February 18, 2004 that the commercial vehicles in question were owned by other individuals who were out of the country and requested an extension of time for their removal. He further inquired as to the status of the two sheds and whether or not they need be removed. Mr. Lanahan was advised to submit his request in writing and that his inquiry would be accepted as a Motion for Reconsideration.

ORDER RECEIVED FOR FILING Date By

Within his follow-up letter dated March 25, 2004, Mr. Lanahan advised that the two sheds had existed where located for many years and were not visible to the road. He further indicated that these sheds were used solely for the purpose of storing lawn and garden tools and equipment and other personal items.

After due consideration of the representations made in his letter, I am persuaded to allow the two sheds to remain where located. However, their use shall be strictly limited to the storage of household and personal items and cannot be used in any fashion for business purposes. Moreover, I am persuaded to grant an extension of an additional thirty (30) days for removal of the commercial vehicles.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April 2004 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby GRANTED and the Petitioner shall have until May 9, 2004 in which to remove the commercial vehicles.

IT IS FURTHER ORDERED that the two sheds in the front yard may remain where located; however, shall be limited to the storage of household and personal items. As noted in the prior Opinion, the subject property must be used for residential purposes, only and no business or commercial use of the property in any fashion is permitted.

IT IS FURTHER ORDERED that except as amended herein, all other terms and conditions of the Order issued on February 9, 2004 shall remain in full force and effect.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis

cc: Mr. Frank J. Lanahan

5607 Windsor Mill Road, Baltimore, Md. 21207

Mr. Jack Lattimore, 5408 W. North Avenue, Baltimore, Md. 21207

Code Enforcement Division, DPDM; People's Counsel; Case File

Zoning Commissioner

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



Baltimore County

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

March 16, 2004

Mr. Frank J. Lanahan 5607 Windsor Mill Road Baltimore, Md. 21207

RE: PETITION FOR SPECIAL HEARING
(5607 Windsor Mill Road)

1st Election District — 4th Council District
Frank J. Lanahan - Petitioner
Case No. 04-154-SPH

Dear Mr. Lanahan:

In response to your recent inquiry regarding the ruling in the above-captioned matter, the following comments are offered. First, I apologize for the length of time it has taken me to respond.

Pursuant to my Order dated February 9, 2004, all commercial vehicles stored on the subject property must be removed within sixty (60) days of the date thereof. The ownership of these vehicles is irrelevant; however, if additional time is necessary, please advise me in writing and I will consider granting an extension of no more than thirty (30) days beyond the due date. Moreover, since the Petition for Special Hearing to amend the previously approved site plan to include the two sheds located in the front yard has been denied, they are therefore not permitted. This is an issue for the Code Enforcement Division of the Department of Permits and Development Management. Thus, a copy of this memo will be forwarded to that agency for resolution.

Should you have any further questions in this regard, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: William Woodford, Esquire

Charles & Woodford, 100 N. Charles Street, Suite 1710, Baltimore, Md. 21201 Mr. Jack Lattimore, 5408 W. North Avenue, Baltimore, Md. 21207

Code Enforcement Division, DPDM; People's Counsel; Case/File



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

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February, 2004 that the Petition for Special Hearing to approve the storage/parking of two commercial vehicles (ice cream trucks) and one rollback (a flatbed tow truck) in an enclosed structure in the rear of the property; to allow an accessory structure (garage with an attached awning) to be larger than the principal structure; and, to approve an amendment to the site plan approved in prior Case No. 90-349-SPHA to include two storage sheds located in the front of the property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that all commercial vehicles be removed from the premises within sixty (60) days of the date of this Order; and What What He skill?

IT IS FURTHER ORDERED that the Petitioner shall permit, upon reasonable notice, inspection of the subject property by a representative of the Code Enforcement Division of the Department of Permits and Development Management, to insure compliance with the terms and conditions of this Order.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

In this regard, photographs submitted show that there are two ice cream trucks stored in the front portion of the site on the paved area. Mr. Lanahan testified that these trucks are used on a seasonal basis and belong to individuals who do not live in the area. Apparently, he has allowed these individuals to store their vehicles on his property. Mr. Lanahan proposes to enclose the area beneath the awning adjacent to the two garage structures to provide additional storage space within that area. Apparently, it is his intention to store the two commercial vehicles and the one rollback (tow truck) in that area.

Testimony was also received from Jack Lattimore on behalf of the Franklintown Community Association, which represents the surrounding residential community. Mr. Lattimore noted the residential zoning of the subject property (D.R.5.5) and indicated that many residents of the area have complained that they believe a business is being operated from the site. Apparently there have been complaints of loud noises and automotive service garage-type work being done on the premises.

This is a difficult case. On the one hand, I would encourage the interior storage of the commercial vehicles in order to improve the overall appearance of the property. On the other, however, the site already contains three large garage-type buildings in addition to the single-family dwelling. Moreover, based on the photographs submitted, it does appear that the property is being used for non-residential purposes.

The D.R.5.5 zone is a residential classification, which prohibits most commercial operations. In considering all of the testimony and evidence offered, I am not persuaded that special hearing relief should be granted. The proposed construction is not warranted and there appears to be a sufficient number of buildings existing on the property to reasonably provide interior storage of vehicles associated with the residential use of the property. Thus, I will deny the Petition for Special Hearing. Further, the matter will be referred to the Code Enforcement Division of the Department of Permits and Development Management (DPDM) for an inspection of the property to insure that no business is being operated on the site and that it is used for residential purposes.

BEFORE THE IN RE: PETITION FOR SPECIAL HEARING

SW/S Windsor Mill Road, 175' NW of the c/l

ZONING COMMISSIONER Park Place

(5607 Windsor Mill Road)

1st Election District

OF BALTIMORE COUNTY 4th Council District

Case No. 04-154-SPH

Frank J. Lanahan Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Frank J. Lanahan, through his attorney, William Woodford, Esquire. The Petitioner requests a special hearing to approve the storage/ parking of two commercial vehicles (ice cream trucks) and one rollback (a flatbed tow truck) in an enclosed structure in the rear of the property. In addition, the Petitioner requests approval to allow an accessory structure (garage with an attached awning) to be larger than the principal structure, and an amendment to the site plan approved in prior Case No. 90-349-SPHA to include two storage sheds located in the front of the property. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Frank Lanahan, property owner, and William Woodford, Esquire, attorney for the Petitioner. Jack Lattimore appeared in opposition to the request on behalf of the Franklintown Community Association. There were no other interested persons present; however, it is to be noted that several letters were received in opposition to the request from neighboring property owners.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the southwest side of Windsor Mill Road, between Colonial Place and Park Place in western Baltimore County. The property is comprised of several small lots, identified

ORDER REÇ

as Lots 22 thru 37 of the Windsor Terrace community, an older subdivision that was platted and recorded in the Land Records of Baltimore County on June 1, 1920, well prior to the enactment of zoning regulations in Baltimore County. Mr. Lanahan and his family have owned the subject property and three adjacent lots, identified as Lots 16, 17 and 18, for many years. Although Lots 16, 17 and 18 are not part of the instant request, they are located across Colonial Place (a 40-foot wide paper street) from the subject site. As shown on the plat for Windsor Terrace, a copy of which was marked into evidence as Petitioner's Exhibit 2, most of the lots in this subdivision are 20 feet wide and approximately 100 feet deep, and thus are undersized for development purposes by today's standards.

In any event, the subject property contains a combined gross area of 23,422 sq.ft., more or less, zoned D.R.5.5, and is improved with a single-family dwelling and several outbuildings. As shown on Petitioner's Exhibit 1, Lots 22 through 26 make up the front yard of the property, while Lots 27 through 37 make up the rear yard. The dwelling is located in the front portion of the site approximately 19 feet from the right-of-way for Windsor Mill Road. Also located in the front yard are two small sheds, one 8' x 4' and the other, 8' x 12' in dimension, which are used to store household items. To the rear of the dwelling is a 10' x 18' building which was described as an aluminum shed that is used to store firewood. Near that shed are two structures, which abut one another and are identified on the site plan as garages. One garage is 25' x 35' in dimension and is used to store a boat and trailer, while the other is 25' x 26' in dimension and is used to store cars that Mr. Lanahan races as a hobby. An awning extends along the entire west side of the two connected garages, and is approximately 61 feet in length. Lastly, there is another building located towards the extreme rear of the property. That building is 21' x 30' in dimension and is also apparently used to store personal items. In addition to the dwelling and numerous storage buildings, a portion of the site is paved and used for storing and parking of various vehicles. All of the improvements on the site, with the exception of the building to the rear of the property, are enclosed within a fence. It is the two attached garage structures and the two sheds in the front yard of the property that are the subject of the instant request.

In this regard, photographs submitted show that there are two ice cream trucks stored in the front portion of the site on the paved area. Mr. Lanahan testified that these trucks are used on a seasonal basis and belong to individuals who do not live in the area. Apparently, he has allowed these individuals to store their vehicles on his property. Mr. Lanahan proposes to enclose the area beneath the awning adjacent to the two garage structures to provide additional storage space within that area. Apparently, it is his intention to store the two commercial vehicles and the one rollback (tow truck) in that area.

Testimony was also received from Jack Lattimore on behalf of the Franklintown Community Association, which represents the surrounding residential community. Mr. Lattimore noted the residential zoning of the subject property (D.R.5.5) and indicated that many residents of the area have complained that they believe a business is being operated from the site. Apparently there have been complaints of loud noises and automotive service garage-type work being done on the premises.

This is a difficult case. On the one hand, I would encourage the interior storage of the commercial vehicles in order to improve the overall appearance of the property. On the other, however, the site already contains three large garage-type buildings in addition to the single-family dwelling. Moreover, based on the photographs submitted, it does appear that the property is being used for non-residential purposes.

The D.R.5.5 zone is a residential classification, which prohibits most commercial operations. In considering all of the testimony and evidence offered, I am not persuaded that special hearing relief should be granted. The proposed construction is not warranted and there appears to be a sufficient number of buildings existing on the property to reasonably provide interior storage of vehicles associated with the residential use of the property. Thus, I will deny the Petition for Special Hearing. Further, the matter will be referred to the Code Enforcement Division of the Department of Permits and Development Management (DPDM) for an inspection of the property to insure that no business is being operated on the site and that it is used for residential purposes.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of February, 2004 that the Petition for Special Hearing to approve the storage/parking of two commercial vehicles (ice cream trucks) and one rollback (a flatbed tow truck) in an enclosed structure in the rear of the property; to allow an accessory structure (garage with an attached awning) to be larger than the principal structure; and, to approve an amendment to the site plan approved in prior Case No. 90-349-SPHA to include two storage sheds located in the front of the property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that all commercial vehicles be removed from the premises within sixty (60) days of the date of this Order; and

IT IS FURTHER ORDERED that the Petitioner shall permit, upon reasonable notice, inspection of the subject property by a representative of the Code Enforcement Division of the Department of Permits and Development Management, to insure compliance with the terms and conditions of this Order.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

ORDER RECEIVED/FOR FILLING

Office And Antique

Office Antique

Zoning Commissioner

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



Baltimore County

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

February 9, 2004

William Woodford, Esquire Charles & Woodford 100 N. Charles Street, Suite 1710 Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL HEARING SW/S Windsor Mill Road, 175' NW of the c/l Park Place (5607 Windsor Mill Road) 1st Election District – 4th Council District Frank J. Lanahan - Petitioner Case No. 04-154-SPH

Dear Mr. Woodford:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

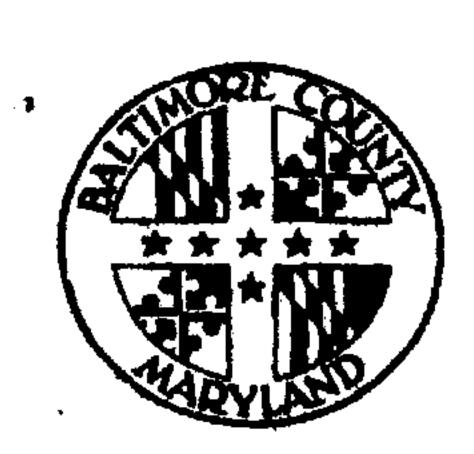
cc: Mr. Frank J. Lanahan

5607 Windsor Mill Road, Baltimore, Md. 21207

Mr. Jack Lattimore, 5408 W. North Avenue, Baltimore, Md. / 21207 Code Enforcement Division, DPDM; People's Counsel; Case File



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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5607 Windson Milled, which is presently zoned D.R. 5.5

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

see attached

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. iWe 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: Legal Owner(s): Frank J. Lanahan Name - Type or Print Name - Type or Print Signature **Address** Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address Telephone No. Name - Type or Print

Name

Reviewed By_

Address

Telephone No.

Zip Code

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

Signature
Charlest Wood
Company
ODN. Charlesst.

Address
Case No. 04-154-50H

Rev 9115198

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING ______
UNAVAILABLE FOR HEARING _____

Date

Representative to be Contacted:

Zip Code

Telephone No.

Zip Code

The storage/parking of two commercial vehicles (ice cream trucks) and one Rollback (a flatbed tow truck) in an enclosed structure in the rear of the property, to permit an accessory structure (garage with attached awning) to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPHA to include two storage sheds located in the front of the property.

ORDER RECEIVED FOR FILING

By

By

ZONING DESCRIPTION

Zoning Description For 5607 Windsor Mill Road

Beginning at a point on the Southwest side of Windsor Mill Road which is 40 feet wide at the distance of 175 feet Northwest of the centerline of the nearest improved intersecting street Park Place which is 40 feet wide. Being Lot # 27, Block 27 in the subdivision of Addition to Windsor Terrace as recorded in Baltimore County Plat Book # 5, Folio 64, containing 23,422 square feet. Also known as 5607 Windsor Mill Road and located in the 1st Election District, 4th Councilmanic District.

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NOTICE OF ZONING HEARING

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

Case: #04-154-SPH
5607 Windsor Mill Road
S/west side of Windsor Mill Road, 175 feet west of centerline of Park Place
1st Election District - 4th Councilmanic District
Legal Owner(s): Frank Lanahan
Special Hearing: to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPHA to include two storage sheds located in the front of the property.

Hearing: Thursday, November 20, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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

(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391.

17/11/613 Nov. 4

C635217

CERTIFICATE OF PUBLICATION

115,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
n 114,2003.
The Jeffersonian
🗖 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
□ North County News

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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

Case: #04-164-SPH

5607 Windsor Milt Road

S/west side of Windsor Mill Road, 175 feet west of centerline of Park Place

1st Election District - 4th Councilmanic District

Legal Owner(s): Frank Lanahan

Special Hearing: to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPH to include two storage sheds located in the front of the property.

Hearing: Monitay, December 29, 2003 at 9:00 a.m. in Roam 407, County Courts Building, 401 Bostey Avenue.

CERTIFICATE OF PUBLICATION

12/11,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
n 12/11/2003
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
J. Wilking
LEGAL ADVERTISING

CERTIFICATE OF POSTING

,
أحينا
, -

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

Attention: Becky Hart

Ladies and Gentlemen:

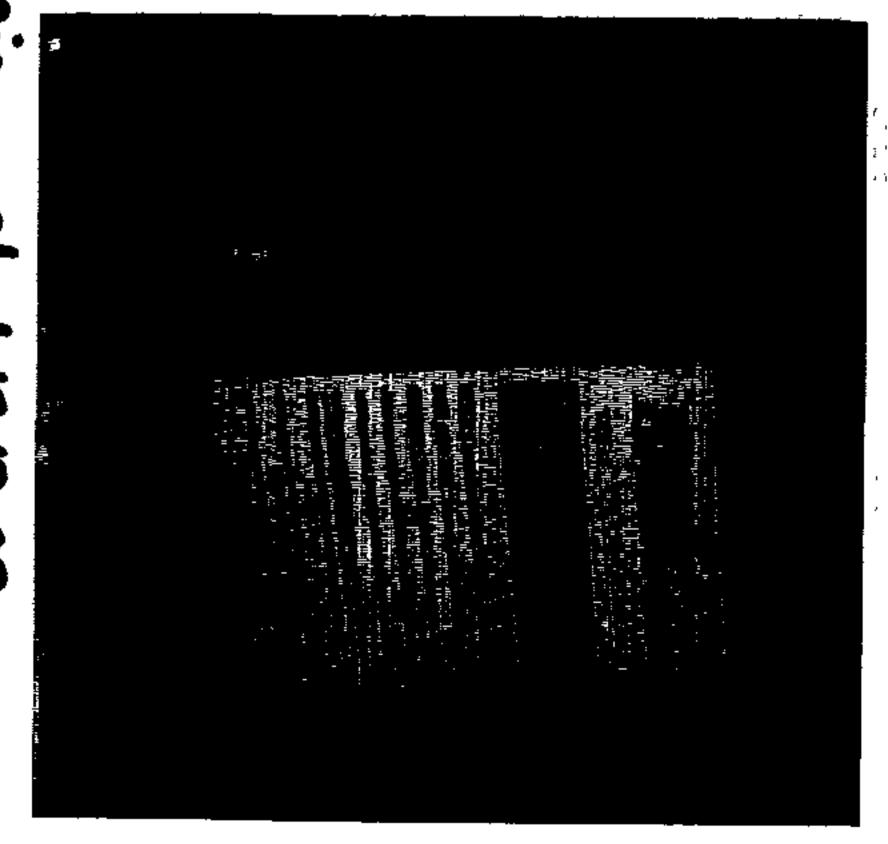
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5607 Windsor Mill Rd.

Baltimore, MD 21244

The sign(s) were posted on

December 12, 2003

Sign posted 12.12.03 Picture taken 12.15.



Sincerely,

(Month, Day, Year)

(Signature of Sign Poster and Date)

Stacy Gardner

SHANNOW BARRING INC.

105 COMPETITIVE GOALS DR.

ELDERSRIPC

ELDERSBURG MD 21784-

410-781-4000

(City, State, Zip Code)

RE:	PETITION FOR SPECIAL HEARING
	5607 Windsor Mill Rd; SW/side Windsor
	Mill Rd, 175' W c/line Park Place
	1 st Election & 4 th Councilmanic Districts
	Legal Owner(s): Frank J Lanahan
	Petitioner(s)

BEFORE THE

ZONING COMMISSIONER *

FOR

×

BALTIMORE COUNTY

04-154-SPH

*

ENTRY OF APPEARANCE

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

RECEIVED

OCT 2 1 2003

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 day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Frank Lanahan, 5607 Windsor Mill Rd, Baltmore, MD 21207, & William Woodford, Esquire, Charles & Woodford, 100 N Charles Street, Suite 1710, Baltimore, MD 21201, Attorney for Petitioner(s). Eter Max Simmerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 4, 2003 Issue - Jeffersonian

Please forward billing to:

Frank Lanahan 5607 Windsor Mill Road Baltimore, MD 21207

410-799-3400, ext. 4472

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-154-SPH

5607 Windsor Mill Road

S/west side of Windsor Mill Road, 175 feet west of centerline of Park Place

1st Election District – 4th Couniclmanic District

Legal Owner: Frank Lanahan

Special Hearing to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPHA to include two storage sheds located in the front of the property.

Hearings:

Thursday, November 20, 2003, at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, December 11, 2003 Issue - Jeffersonian

Please forward billing to:

Frank Lanahan 5607 Windsor Mill Road Baltimore, MD 21207

410-549-3955

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-154-SPH

5607 Windsor Mill Road

S/west side of Windsor Mill Road, 175 feet west of centerline of Park Place

1st Election District – 4th Councilmanic District

Legal Owner: Frank Lanahan

Special Hearing to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPH to include two storage sheds located in the front of the property.

Hearings:

Monday, December 29, 2003, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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



Baltimore County

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

October 16, 2003

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-154-SPH

5607 Windsor Mill Road

S/west side of Windsor Mill Road, 175 feet west of centerline of Park Place

1st Election District – 4th Couniclmanic District

Legal Owner: Frank Lanahan

Special Hearing to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPHA to include two storage sheds located in the front of the property.

Hearings:

Thursday, November 20, 2003, at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: William Woodford, 100 N. Charles Street, Ste. 1710, Baltimore 21201 Frank Lanahan, 5607 Windsor Mill Road, Baltimore 21207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 5, 2003.

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



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

Department of Permits and Development Management

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



Baltimore County

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

November 17, 2003

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-154-SPH

5607 Windsor Mill Road

S/west side of Windsor Mill Road, 175 feet west of centerline of Park Place

1st Election District – 4th Councilmanic District

Legal Owner: Frank Lanahan

Special Hearing to permit the storage/parking of two commercial vehicles in an enclosed structure in the rear of the property, to permit an accessory structure to be larger than the principal structure, and to amend the previously submitted site plan in case #90-349-SPH to include two storage sheds located in the front of the property.

Hearings:

Monday, December 29, 2003, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: William Woodford, 100 N. Charles St., Ste. 1710, Baltimore 21201 Frank Lanahan, 5607 Windsor Mill Rd., Baltimore 21207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 13, 2003.

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



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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 04-154-58H
Pelitioner: trank J. Lanahan
Address or Location: 5600 Windsor Mill Rd. Batto. MD
PLEASE FORWARD ADVERTISING BILL TO:
Name: Trank J. Lanahan.
Address: 5607 Windsor Mill Rd.
Baltimore, mp 21207
Telephone Number: W 4/0-799-3400 Ext. 4472 H. 549-3955

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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



Baltimore County

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

December 26, 2003

William Woodford Charles & Woodford 100 N. Charles Street, Ste. 1710 Baltimore, MD 21201

Dear Mr. Woodford:

RE: Case Number: 04-154-SPH, 5607 Windsor Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 26, 2003.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callabal)

WCR:klm

Enclosures

c: People's Counsel Frank Lanahan, 5607 Windsor Mill Road, Baltimore 21207



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.:

151-169

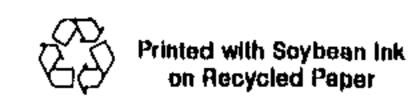
Dear Ms. Hart:

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

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

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 26, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 20, 2003

Item Nos. 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164,

167, and 168

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5607 Windsor Mill Road

INFORMATION:

Item Number:

04-154

Petitioner:

Frank J. Lanahan

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

After conducting a site visit of the subject property and the surrounding neighborhood, the Office of Planning has determined that the petitioner's request to construct an accessory structure that would be larger than the principal dwelling would negatively impact the community at large. It is also the position of this office that the storage of commercial vehicles and the construction of storage sheds in the front yard of the subject lot would be equally detrimental to the residential character of the neighborhood. As such, this office recommends that the request be **DENIED**.

Prepared by:

Section Chief:

CEIVED

DATE: November 4, 2003

NOV - 4 2003

AFK/LL:MAC:

ZONING COMMISSIONER



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 102.14.073

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

RE:

Baltimore County

Item No. 154

BPR

Dear. Ms. Hart:

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,

da

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division 5607 Windsor Mill Road Baltimore, Maryland 21207 March 25, 2004

Mr. Lawrence Schmidt
Zoning Commissioner for
Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case #04154SPH

Dear Mr. Schmidt:

In response to your letter dated March 16, 2004, I am requesting a motion for reconsideration in regard to the two sheds in the side yard only. The sheds are not visible behind the privacy fence.

The two sheds located in the side yard have been in existence for many years and cannot be moved. They will have to be torn down. This creates undue hardship. I am not financially able at this time to have new sheds constructed.

One of the sheds sole purpose is to store fuel and lawn equipment. I am very concerned about leaving fuel and lawn equipment out in the open. This could be a fire and public safety hazard. The other storage space on the property is already being used. Security is also an issue when it comes to storing the children's and my motorcycle outside in the open. The neighborhood is known for crime. Anything not under lock and key will disappear very quickly.

Thank you for your consideration and cooperation in this matter.

Sincerely,

Frank J. Lanahan

cc: file

William Woodford

FAX

March 25, 2004

To: Mr. Lawrence Schmidt Zoning Commissioner for Baltimore County

From: Mr. Frank Lanahan

Re: Case #04154SPH, Motion for reconsideration

This statement is in reference to previously submitted site plan case #90-349-SPHAI and the current case #Case 04-154-SPH. I live in a home directly next to 5607 Windsor Mill Road (5603). Unfortunately I am unable to attend the hearing due to a previously scheduled and important doctor appointment. I would like the court to know that we the residents at 5603 Windsor Mill Road strongly oppose the permitting of parking of commercial vehicles in our neighborhood and we also oppose the current structure and any future structures being built on the property of 5607. We feel that Mr. Lanahan has violated our right to quiet enjoyment of the property. He is already in violation and is currently not maintaining the property well. This is an eyesore. Our area is not a commercial area thus any commercial activity should not be permitted. Such activity could possibly decrease our property values. Ask Mr. Lanahan to put the so desired structures on the property where he resides in Hagerstown, Maryland. Although he reports that he lives in the neighborhood, he does not and could care less about the living conditions in our area.

RECEIVED

DEC 2 3 2003

2105 Sunbriar Lane Baltimore, MD 21207-5920 December 21, 2003

ZONING COMMISSIONER

Lawrence E. Schmidt, Zoning Commissioner 401 Bosley Avenue Towson, MD 21204

Dear Sir:

I am writing to urge that the special exemption not be awarded to the property owned by Mr. Frank Lanahan, 5607 Windsor Mill Road, case #4-154-SPH, at the hearing on December 29, 2003. I believe that granting such a special exemption would permanently and negatively alter the character of the residential neighborhood adjacent this property currently zoned DR 5.5.

I am usually supportive of efforts by local residents and businesses to upgrade properties, but the structure proposed by Mr. Lanahan exceeds the needs of the two vehicles allowed by the original site plan awarded in 1990 (#90-349). Indeed, the proposed modifications listed in the request for special exemption would be larger than the primary structure that exists on the lot.

I am, also, concerned that Mr. Lanahan's plan for non-conforming use is not just for vehicle storage, but for a future commercial auto repair business in this residential area. Mr. Lanahan was cited by Code Enforcement this year for use exceeding the 1990 exemption and neighbors report evidence of a current on-going auto repair enterprise. Also, in the next CZMP, Mr. Lanahan has requested that 5706 Windsor Mill Rd. be rezones to a BM classification.

Given these considerations, I am urging the Zoning Commission not to grant the special exemption to the property at 5706 Windsor Mill Road, 21207, on December 29, 2003.

Sincerely,

Suxan Jackson-Stein

Cc: Kenneth Oliver, Councilman 4th District David Green, Planner 4th District

December 24, 2003

Commissioner Lawrence Schmidt:

I am writing this letter concerning case # 04-154-SPH. I have been dwelling at 2010 Park Place since 1992 and specifically purchased my property because it was in a residential community. My house sits around the corner from the property seeking a commercial permit, and we have a full view into the property's backyard. I am deeply concerned that the commercialization of this property could lead to many vehicles being kept and maintained at all hours.

BRMY FIELD BAND

In the past, we have often heard engines being worked on at 10:00pm and the coming and going of a tow truck in the early morning hours. In fact at one point, this property housed up to eleven vehicles in the backyard. These vehicles were eye sores

of the community.

With additional storage facilities comes concern for larger volumes of trash. Also, who will supervise the proper disposal of engine fluids when vehicles are maintained? We already receive a great volume of water run-off from this property and I can't imagine, should this property be commercialized, that the run-off situation would improve.

While I am not against anyone trying to earn an honest living, I have a wife and two young children that deserve a house in a quiet area. This is a wonderful community that is continuously trying to improve itself. It is for these reasons that I am strongly against the commercialization of this property. Because I am active duty Army and will be on leave at the time of this hearing. I have provided a phone number should you have questions concerning this letter. I thank you for your time and the chance to be heard.

Sincerely, A Enotera

Thomas A. Enokian

My contact information:

cell phone #410-913-6758

CHARLES & WOODFORD, LLC

ATTORNEYS AT LAW

STEVEN A. CHARLES WILLIAM L. WOODFORD

100 NORTH CHARLES STREET, SUITE 1710
BALTIMORE, MARYLAND 21201

410.865.2440

FAX: 410 885 8442

FACSIMILE TRANSMITTAL SHEET

TO: Klisten Malheus FROM: William C. W)oud Cord
DATE: PAGES: (Including Cover Sheet) 2	
RE: CASE NO 04-154-594	
MESSAGE	

**** CONFIDENTIALLY NOTICE ****

The documents accompanying this transmission contain confidential information belonging to the send, that is legally privileged. The information is intended only for the use of the judividual or entity named above. The unauthorized recipient of this information is prohibited from disclosing this information to any other party and is required to destroy the information after its stated need has been fulfilled, unless otherwise required by state law.

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CHARLES & WOODFORD, LLC

ATTORNEYS AT LAW

STEVEN A. CHARLES

VILLIAM L. WOODFORD

100 NORTH CHARLES STREET, SUITE 1710 BALTIMORE, MARYLAND 21201

410,885,2440

OK to see chelled

OK to see chelled

Set new date.

November 13, 2003

Via Facsimile

Department of Permits and Development Director's Office Attention: Kristen Mathews 111 W. Chesapeake Ave. Towson, MD 21204

RE: Case No. 04-154-SPH

Dear Ms. Mathews:

Thank you for your call. Pursuant to our conversation, I am writing to request rescheduling of the November 20, 2003 hearing for the above noted case. Mr. Lanahan was under the impression that the signage requirement was part of the payment process and therefore the sign was not ordered. Would you kindly reschedule this matter for hearing.

If I may be of any additional assistance, please do not hesitate to contact me.

William L. Woodford

WLW/jlr

cc: Peter Max Zimmerman

THE FRANKLINTOWN COMMUNITY ASSOCIATION

OFFICERS

1"

Pam Cheeseboro, President Stephen Fleagle, Treasurer

BOARD OF DIRECTORS

Mae Jacobs Conway
Robert Cotton
Jack Lattimore
Ruffie London
Nancy Masters Long
Samuel Keith Speesler
Frances C. Washington

P.O. Box 7537
Baltimore, MD 21207
December 28, 2003

RE: Case # 04154SPH and amendment to site plan # 90-349SPHA (5607 Windsor Mill Road, Baltimore, MD 21207)

John V. Murphy, Deputy Zoning Commissioner 401 Bosley Avenue Towson, MD 21204

Dear Mr. Murphy,

This letter is in reference to the above-noted case (04154SPH, located at 5607 Windsor Mill Road) that is a request to change the permitted use of this residential property.

The Franklintown Community Association opposes this request. As a matter of record it was unanimously opposed when the issue came before the Association's Board of Directors. In addition, the Association has asked the neighbors who live adjacent to the property their opinion of the requested changes. Once again, the neighbors are virtually unanimous in their opposition to the request to change the property's permitted residential uses.

Our community of approximately 500 homes is overwhelmingly residential in nature. We have a small business district at the corner of Windsor Mill Road and North Forest Park Avenue that includes 3 businesses. Between this intersection and continuing north on Windsor Mill to our Association's boundary at the cemeteries, there are no other businesses. This referenced property lies within our community's boundaries and we strongly oppose operating a business at that location.

The Association has recently presented complaints to the county zoning office regarding the referenced property on behalf of neighbors who have long complained of loud activity resulting from unauthorized automotive business activities in large garages and sheds on the property. This activity and the resultant noise and other nuisances such as dust and odors have been reported by neighbors to occur at all hours of the day and night. In fact, much of the activity seems to have occurred after dark, disturbing the sleep of families with young children and senior citizens.

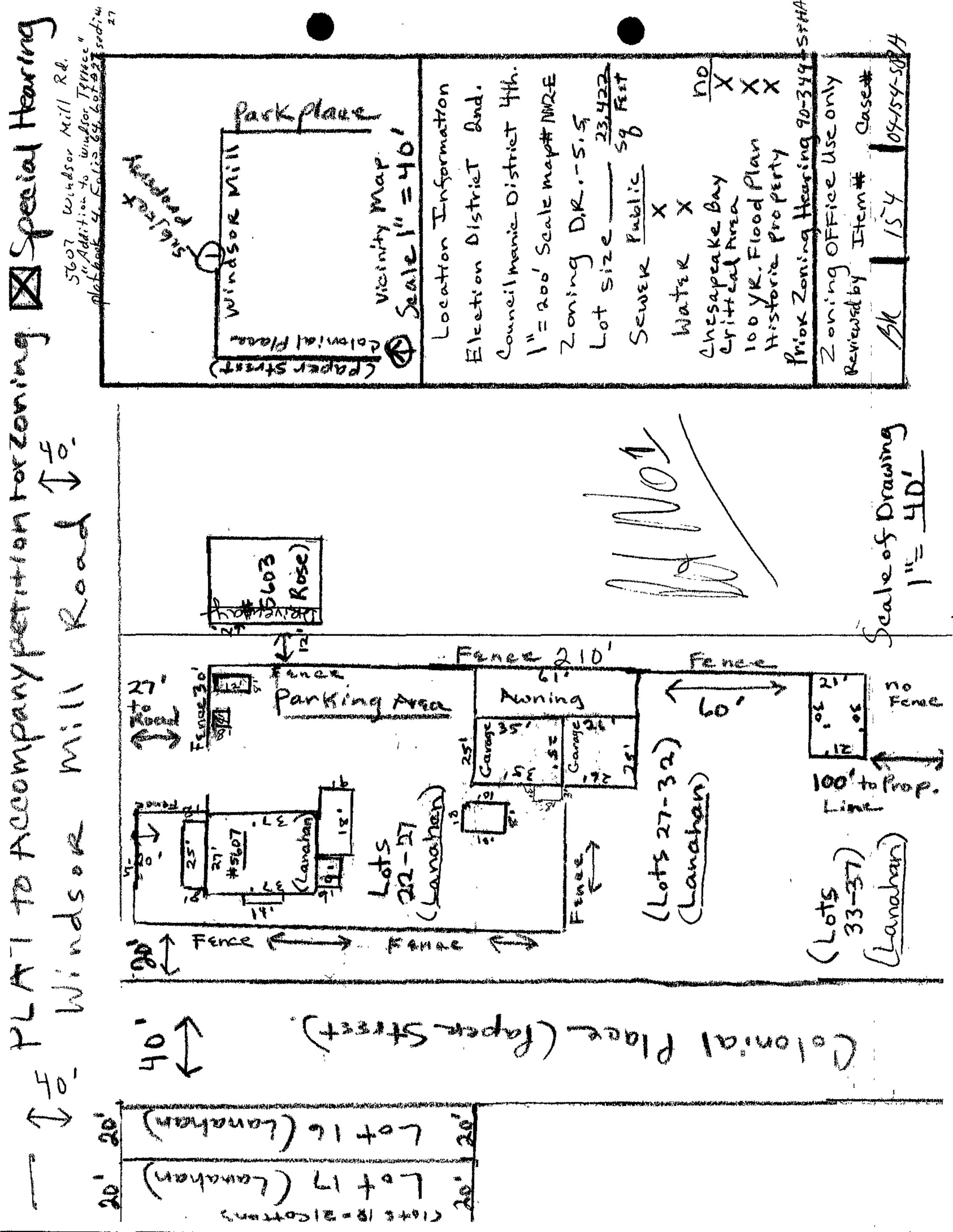
The Franklintown Community Association urges the Commissioners to reject the requested changes and further, to insure that the property owner be required to: 1)cease all business activity at the location; and 2)remove the large non-residential structures from the property.

Sincerely yours,

ack Lattimore, Member of the Board of Directors

Tranklintown Community Association

(for the President, Officers and other Board Members of the Association)



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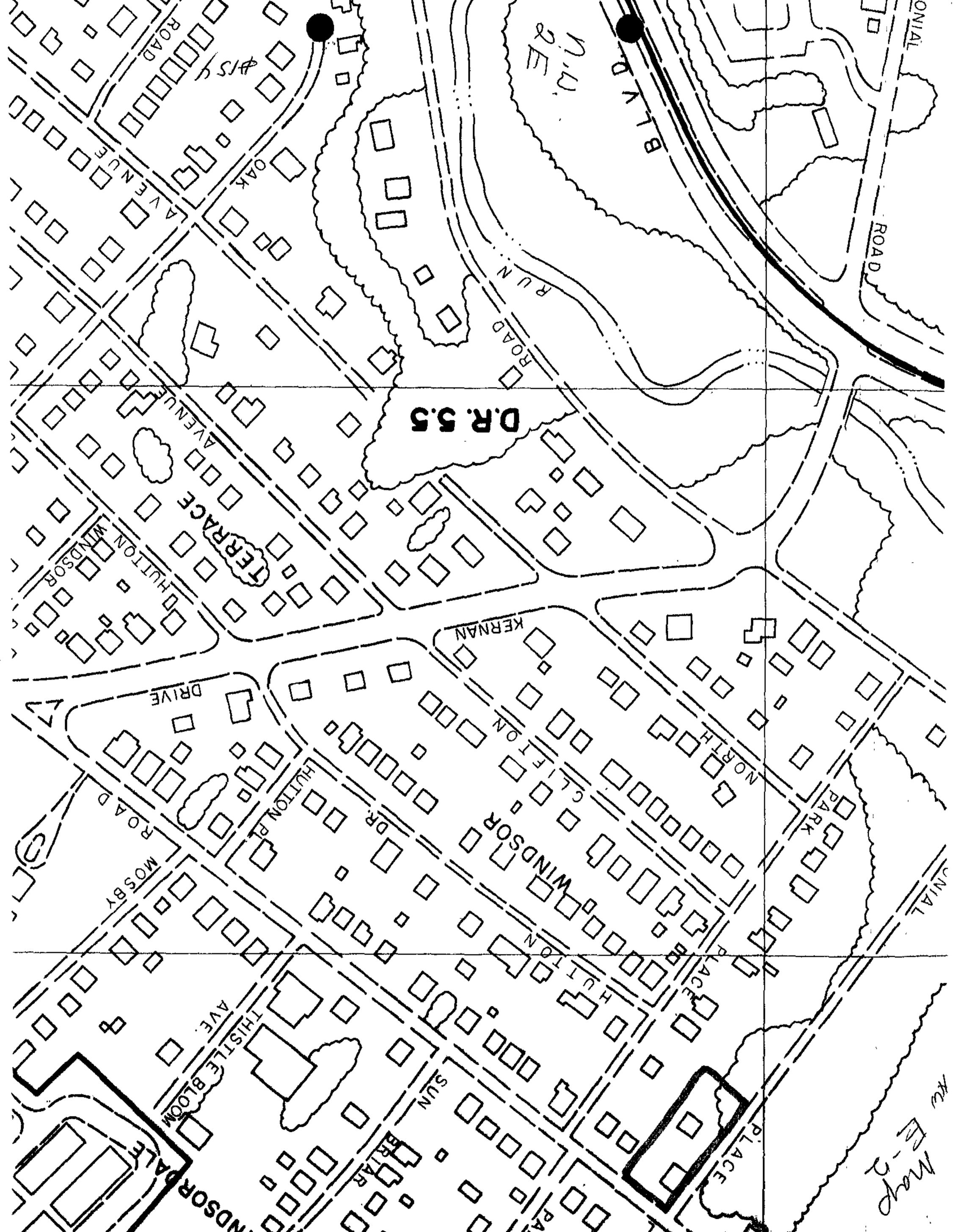
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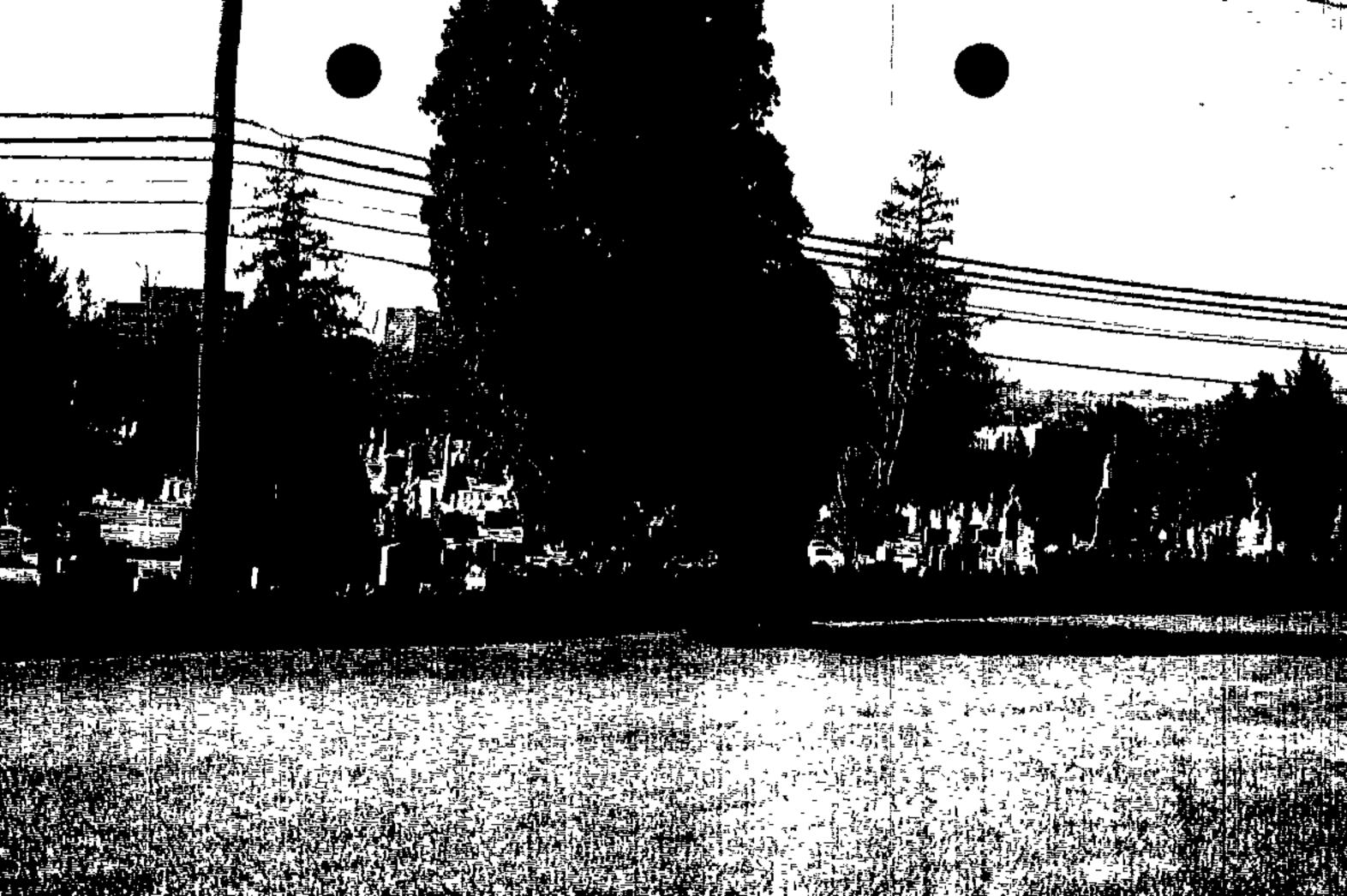
PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP										
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NAME	Murian Masstras					•				

























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