

IN THE MATTER OF

* BEFORE THE

JOSEPH AND PATRICIA SHANAHAN

* BOARD OF APPEALS

- LEGAL OWNERS /PETITIONER FOR
SPECIAL HEARING; S/S GLENWOOD RD.,
541 FT. S/W OF THE C/L OF OAKDEAN RD.
(3505 GLENWOOD AVENUE)
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* OF

* BALTIMORE COUNTY

* CASE NO.: 10-309-SPH

* * * * *

AMENDED ORDER OF DISMISSAL

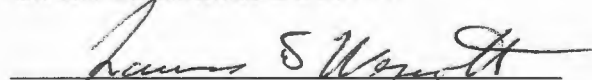
This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, from a decision of the Zoning Commissioner dated June 29, 2010 in which the requested Petition for Special Hearing was granted.

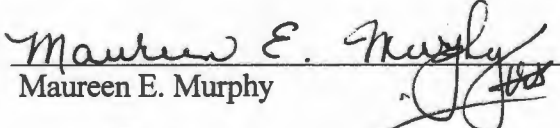
WHEREAS, the Board is in receipt of a voluntary letter of withdrawal of the Petition for Special Hearing, filed December 22, 2010 and signed by David H., Karceski, Counsel for Joseph and Patricia Shanahan, Petitioners, (a copy of which is attached hereto and made a part hereof); **and**

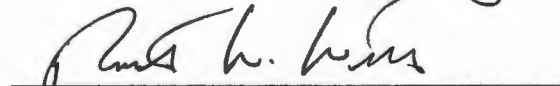
WHEREAS, said Counsel for Petitioners requests that the Petition for Special Hearing taken in this matter be withdrawn as of December 22, 2010,

IT IS THEREFORE ORDERED this 12th day of January, 20 11 by the Board of Appeals of Baltimore County that the Petition for Special Hearing taken in Case No. 10-309-SPH be and the same is hereby **DISMISSED without prejudice**, thereby rendering the June 29, 2010 Order of the Deputy Zoning Commissioner as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Maureen E. Murphy


Robert W. Witt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 12, 2011

David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Joseph & Patricia Shanahan - Legal Owner/Petitioner*
Case No.: 10-309-SPH

Dear Counsel:

Enclosed please find a copy of the Amended Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above 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*, 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,

A handwritten signature in cursive script, reading "Theresa R. Shelton".
Theresa R. Shelton
Administrator

Enclosure: Amended Order
Duplicate Original

c: Joseph and Patricia Shanahan
Zoning Commissioner
Director of Permits and Development Management
Office of Planning
Nancy West, Assistant County Attorney
Michael E. Field, County Attorney

1/7/11
IN THE MATTER OF

JOSEPH AND PATRICIA SHANAHAN
- LEGAL OWNERS /PETITIONER FOR
SPECIAL HEARING; S/S GLENWOOD RD.,
541 FT. S/W OF THE C/L OF OAKDEAN RD.
(3505 GLENWOOD AVENUE)
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 10-309-SPH

* * * * *

ORDER OF DISMISSAL

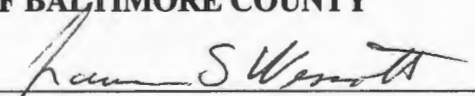
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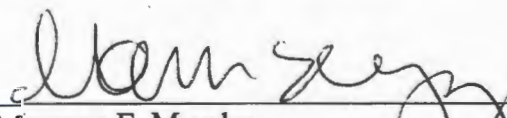
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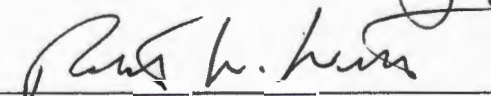
WHEREAS, said Counsel for Petitioners requests that the Petition for Special Hearing taken in this matter be withdrawn as of December 22, 2010,

IT IS THEREFORE ORDERED this 7th day of January, 20 11 by the Board of Appeals of Baltimore County that the Petition for Special Hearing taken in Case No. 10-309-SPH be and the same is hereby **DISMISSED without prejudice**, thereby rendering the June 29, 2010 Order of the Deputy Zoning Commissioner as moot in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Maureen E. Murphy


Robert W. Witt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 7, 2011

David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Joseph & Patricia Shanahan - Legal Owner/Petitioner*
Case No.: 10-309-SPH

Dear Counsel:

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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*, **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,

Theresa Shelton/KC

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Joseph and Patricia Shanahan
William J. Wiseman, III, Zoning Commissioner
Director of Permits and Development Management
Director of Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 8, 2010

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 W. Pennsylvania Avenue, S. 500
Towson, MD 21204

RE: *In the Matter of: Joseph and Patricia Shanahan*
Case No. 10-309-SPH

Dear Counsel:

The above mentioned case was appealed on July 9, 2010 and was received by this office on October 20, 2010. Due to length of time that the appeal has been pending and to avoid future scheduling conflicts, I will hold the following dates for the scheduling of this matter:

Wednesday, December 08, 2010 at 10:00 a.m.;
Thursday, December 09, 2010 at 10:00 a.m.;
Tuesday, December 28, 2010 at 10:00 a.m.;
Wednesday, January 12, 2011 at 10:00 a.m.; and
Thursday, January 13, 2011 at 10:00 a.m.

The matter will be held pending confirmation from the parties of an agreeable date. A notice will be sent, assigning the hearing to the established date. Please contact this office upon receipt of this letter to confirm availability.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Theresa R. Shelton".
Theresa R. Shelton
Administrator

Duplicate Original

c: Joseph and Patricia Shanahan



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 19, 2010

Arnold Jablon
Venable, LLP
210 West Pennsylvania Avenue, Ste. 21204
Towson, MD 21204

Dear Mr. Jablon:

RE: Case: 2010-0309-SPH, 3505 Glenwood Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 9, 2010 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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.

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

Sincerely,

Timothy Kotroco
Director

TK:kl

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Joseph & Patricia Shanahan, 3505 Glenwood Road, Baltimore 21220

APPEAL

Petition for Special Hearing
3505 Glenwood Road
S/s Glenwood Rd., 541 ft. s/west of the c/line of Oakdean Rd.
15th Election District – 7th Councilmanic District
Legal Owners: Joseph & Patricia Shanahan

Case No.: 2010-0309-SPH

- ✓ Petition for Special Hearing (May 11, 2010)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (May 27, 2010)
- ✓ Certification of Publication (Jeffersonian – June 3, 2010)
- ✓ Certificate of Posting (June 17, 2010) by Robert Black
- ✓ Entry of Appearance by People's Counsel (May 28, 2010)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – None

- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Zoning Map
- ✓ 2. Prior Order 08-0324-A
- ✓ 3. Site Plan
- ✓ 4. GIS Aerial View my neighborhood
- ✓ 5. Neighborhood Support

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. CD
- ✓ 2. Interoffice Correspondence dated June 14, 2010

- ✓ Zoning Commissioner's Order (June 29, 2010 - GRANTED)
- ✓ Notice of Appeal received on July 9, 2010 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissic
Timothy Kotroco, Director
Mr. & Mrs. Shanahan

Address List

date sent October 19, 2010, kl

Petitioners:

Joseph and Patricia Shanahan
3505 Glenwood Road
Baltimore, MD 21220

Arnold Iahlon, Esquire

RECEIVED
OCT 20 2010
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Special Hearing
3505 Glenwood Road
S/s Glenwood Rd., 541 ft. s/west of the c/line of Oakdean Rd.
15th Election District – 7th Councilmanic District
Legal Owners: Joseph & Patricia Shanahan

Case No.: 2010-0309-SPH

Petition for Special Hearing (May 11, 2010)

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Zoning Advisory Committee Comments

Petitioners' Exhibit

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2. Prior Order 08-0324-A
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Notice of Appeal received on July 9, 2010 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. & Mrs. Shanahan

date sent October 19, 2010, kl



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

July 9, 2010

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

JUL 09 2010

[Signature]

Re: PETITION FOR SPECIAL HEARING
S/S Glenwood Road, 541 SW of c/line Oakdean Road
(350 Glenwood Road)
15th Election District; 6th Council District
Joseph & Patricia. Shanahan - Petitioners
Case No.: 10-309-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law June 29, 2010 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Arnold Jablon, Esquire, Attorney for Petitioners

6/29/10

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S/S Glenwood Road, 541' SW of c/line		
Oakdean Road	*	ZONING COMMISSIONER
(3505 Glenwood Road)		
15 th Election District	*	OF
6 th Council District		
	*	BALTIMORE COUNTY
Joseph F. Shanahan, et ux		
Petitioners	*	Case No. 2010-0309-SPH

* * * * *

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 legal owners of the subject property, Joseph F. Shanahan, and his wife, Patricia A. Shanahan, through their attorney, Arnold E. Jablon, Esquire, with Venable, LLP. The Petitioners request a special hearing under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a separate living space for a member or members of their immediate family above an existing garage and to amend Restriction No. 2¹ contained in the Order issued in Case No. 08-324-A to permit the separate living space as requested above. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 3.

Appearing at the requisite public hearing in support of the request were Arnold Jablon, Esquire and Joseph and Patricia Shanahan, property owners. There were no adverse Zoning Advisory Committee (ZAC) comments received except from the Office of Planning, which recommends denial. There were no Protestants or any other interested parties present. The case proceeded by proffer and by testimony. It is important to note that Mr. and Mrs. Shanahan queried all of their immediate and surrounding neighbors, who are in support. All are within eyesight of the subject property and all signed a petition of support, which was accepted into

¹ As filed, the Petition refers to the Restriction to be deleted from 08-324-A as No. 2; however, at the beginning of the hearing, Mr. Jablon amended the Petition to refer to Restriction No. 3 as the appropriate reference.

ORDER RECEIVED FOR FILING

Date

By

6-29-10

123

evidence as Petitioners' Exhibit 5.

Testimony and evidence offered revealed that the subject property is an irregular, rectangular shaped waterfront parcel located on the south side of Glenwood Road in eastern Baltimore County. The property contains a gross area of 12,870 square feet, more or less, and is zoned D.R.3.5. The property is improved with a 1-½ story frame home of approximately 1,385 square feet built in 1939, and features a 56 foot pier out into the tidal waters of Frog Mortar Creek, and a garage (32' x 24' x 26') located in the rear yard, which is road side. An aerial was submitted noting existing conditions and improvements on the subject and adjacent properties. See Petitioners' Exhibit 4. The property has been in the Shanahan family since 1949, and passed from Mr. Shanahan's parents to him and his wife in or about 1996.

In Case No. 08-324-A, the undersigned Commissioner approved the detached accessory garage, referred to previously, and located adjacent to the road which was determined to be the rear yard. Mr. Shanahan, at that hearing, testified the garage would be used for storage for his vehicles and tools. The variance requested then, and approved, was to permit the height of the garage to be 26 feet in lieu of the permitted 15 feet. The request was initiated because the Petitioners desired the use of the area above the garage for useable storage space. The height of the garage was approved, with conditions. One of which, No. 3, limited the garage to "uses accessory to the residential use of the property. It shall not be used for commercial or business purposes ... not allow or cause the garage to be converted to a second dwelling unit and/or apartments ... no living quarters contained therein, and no kitchen or bathroom facilities." The garage has now been constructed but is awaiting inspection for use and occupancy.

The filing of the instant petition was precipitated when Mr. Shanahan asked BGE to install a separate power line into the garage and was told this could not be done without Baltimore County zoning approval. In addition, over the past few years, the Shanahans began to

consider the need to have Mrs. Shanahan's mother come and live with them. Mrs. Shanahan's mother (Joan Mitchell) is elderly and is fast approaching the time when she cannot live independently. They do not want for her to live in a nursing or convalescent home. Mrs. Shanahan wants her mother to live with them. However, their house does not provide the relative independence Mrs. Shanahan's mother believes she needs. At the same time, their son (Michael Shanahan) needs to be moving back home and, again, there is not sufficient room in the house at this stage of their and their son's lives to allow him to move back into the house. It appears now more likely that it is Mrs. Shanahan's mother who would live in the requested apartment rather than their son, due to her age and frailty. Thus, they have filed the instant petition.

The Petitioners request the elimination of Restriction No. 3 in Case No. 08-324-A, as quoted above, in order to maintain living quarters, which would be a living room, kitchen, one bedroom, and utility room, above the garage in what had been intended as the storage area. As indicated previously, the Shanahan family has owned this property since 1949 and they testified they have every intention of passing the property to their children.

The Shanahans testified that their purpose is not to create an apartment for rent, but to provide quarters for their son or Mrs. Shanahan's mother. Mr. Shanahan testified it is more than likely the apartment above the garage would be for Mrs. Shanahan's mother, who is more and more in the need of care and support as she is becoming less able to provide for herself.

In support of the request, Petitioners' attorney, Mr. Jablon, noted the property is zoned D.R.3.5, which does permit more than one dwelling on a lot. Admittedly, to have more than one dwelling unit on a lot, there are certain setback and area requirements that need to be satisfied. See B.C.Z.R. Section 402.1. The subject lot could not meet certain of those requirements, but could meet others. This is important, Mr. Jablon argues, because the underlying zoning does not prohibit more than one dwelling. The primary purpose of the accessory structure is still to be a

garage. The Shanahans agree that they would never rent the apartment to a third party, and would be willing to record a restrictive covenant agreement to run with the land to prohibit renting and, further, when not used by an immediate family member or should they sell the property, whichever occurs first, the kitchen would be removed. Mr. Shanahan will store his vehicles and tools in the garage.

Considering all the testimony and the evidence presented, I am persuaded to grant the special hearing relief. It is clear that the request does not adversely impact the neighborhood, nor is it detrimental to the health, safety or general welfare of the community. By allowing the proposed arrangement, the density of the property would not be increased above what is allowable in the D.R.3.5 zone.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of June, 2010, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to: (1) permit the detached garage to be a separate living space for a member of the Petitioners' immediate family; and (2) to delete Restriction No. 3 of the Order issued in Case No. 08-324-A, in accordance with Petitioners' Exhibit 3, be and are hereby GRANTED, subject to the following:

1. Petitioners may apply for a building permit, if necessary, and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The apartment shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy.

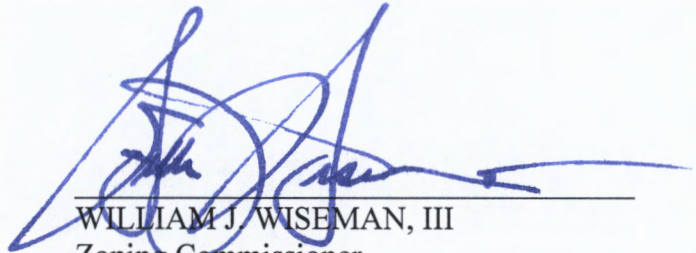
ORDER RECEIVED FOR FILING

Date

By

3. The Petitioners shall within 30 days of a final, non-appealable Order in this matter record amongst the Land Records of Baltimore County a Covenant to the Deed of their property (in the form attached), by which the Petitioners agree the kitchen will be removed upon the earlier of the following events: (a) the living quarters shall be used only by the in-law or son and not as an independent residential unit, and shall not used by any other person or for any other reason; (b) upon the death of the in-law, or if the in-law or son leaves or otherwise vacates, or the Petitioners move or sell the Property, whichever occurs first, the kitchen will be removed. A copy of the recorded Declaration shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
4. The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management reasonable access to the caretaker/in-law quarters over the garage to insure compliance with this Order.
5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date

6-29-10

By



COVENANT AND DECLARATION OF UNDERSTANDING

Whereas, in a Petition for Special Hearing before the Zoning Commissioner of Baltimore County, Case No. 2010-0309-SPH, Joseph F. Shanahan and Patricia A. Shanahan, the Petitioners, requested permission to maintain a one (1) bedroom "accessory in-law apartment" over their detached garage to be used as a separate living space for a member/or members of the immediate family, and the Zoning Commissioner, by Order, dated June 29, 2010, granted the request providing the following covenant be added to their Deed, which Deed was recorded in the Land Records of Baltimore County, at Liber 11766, Folio 434.

Joseph F. Shanahan and Patricia A. Shanahan hereby covenant that the accessory separate living space shall be used as an in-law apartment for the care and benefit of Petitioners elderly family members or son and the use shall be terminated, at such time as the Petitioners or a family member no longer reside on the property, or the subject property is sold, whichever occurs first, and no future purchaser shall maintain the "accessory in-law apartment" without a subsequent special hearing.

As witness our hands and seals this _____ day of June 2010.

_____(SEAL)
Joseph F. Shanahan

_____(SEAL)
Patricia A. Shanahan

(State of Maryland
County of Baltimore)

To wit

I HEREBY CERTIFY THAT ON THIS _____ day of _____, 2010, before me a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Joseph F. Shanahan and Patricia A. Shanahan, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledge that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal:

NOTARY PUBLIC

My Commission Expires:



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 29, 2010

Arnold E. Jablon, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

RE: **PETITION FOR SPECIAL HEARING**
S/S Glenwood Road, 541' SW of c/line Oakdean Road
(3505 Glenwood Road)
15th Election District - 6th Council District
Joseph F. Shanahan, et ux - Petitioners
Case No. 2010-0309-SPH

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a large, stylized "A" shape.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Joseph F. and Patricia A. Shanahan, 3505 Glenwood Road, Baltimore, MD 21220
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3505 Glenwood Road
which is presently zoned DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

- (1) a detached garage to be a separate living space for a member or members of the Petitioners' immediate family; and
(2) amendment of restriction # 2 of the order issued in Case No. 08-324A to permit the separate living space as requested

(3) - AMEND

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 bound 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:

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

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print _____
Signature _____
Venable, LLP
Company _____
210 West Pennsylvania Ave. 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Joseph F. Shanahan

Name - Type or Print _____
Signature _____
Patricia A. Shanahan
Name - Type or Print _____
Signature _____
3505 Glenwood Road
Address _____ Telephone No. _____
Baltimore, Maryland 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon

Name _____
210 West Pennsylvania Ave., 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No 2010-0309-SPH

UNAVAILABLE FOR HEARING

ORDER RECEIVED FOR FILING

Reviewed By D.T. Date 5/11/10

DROP OFF

Date 6-29-10

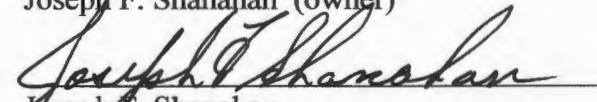
By [Signature]

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

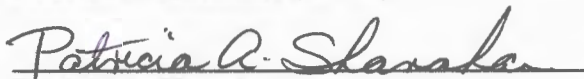
Please be advised that we, the undersigned, has authorized Arnold Jablon, Esq., Venable, LLP, 210 West Pennsylvania Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petition for zoning relief and for the applicable use permit. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petition to be filed on our behalf. The petition(s) filed is/are for property located at 3505 Glenwood Road, Baltimore 21220, property we own.

Joseph F. Shanahan (owner)


Joseph F. Shanahan

5/03/10 (Date)

Patricia A. Shanahan (owner)


Patricia A. Shanahan

5/3/10 (Date)

3505 Glenwood Road, Baltimore, 21220
address

2010-0309-SPH

DESCRIPTION
3505 Glenwood Road
ELECT. DIST. 15
C 7TH

Designated as Lot No. 3, as shown on the Plat of Frog Mortar Point, in which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 12, folio 14; further, also known as 3505 Glenwood Road, and recorded among the Land Records of Baltimore County in Liber 11766, folio 434

SOUTH SIDE OF GLENWOOD RD. 541' SOUTHWEST OF
CENTER LNE OF OARDEAN RD.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2010-0309-SPH

Petitioner: Joseph & Patricia SHAWHAN

Address or Location: 3505 GLENWOOD RD, BALTIMORE, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: 210 W PENNSYLVANIA AVE
TOWSON, MD 21204

Telephone Number: 410 494 6298

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 1225

Date: 12/22/01

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/					
001	001	001		001						

Total

Rec

From: 12/22/01

For: 12/22/01

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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: #2010-0309-SPH

3505 Glenwood Road

S/side of Glenwood Road, 541 feet s/west of the centerline of Oakdean Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Joseph & Patricia Shanahan

Special Hearing: for a detached garage to be a separate living space for a member or members of the petitioner's immediate family; and for an amendment of restriction #2 of the order issued in case number 08-324-A to permit the separate living space as required.

Hearing: Thursday, June 17, 2010 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

6/13/10 June 3

242574

CERTIFICATE OF PUBLICATION

6/3/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/3/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0309-SPH

RE: Case No.: _____

Petitioner/Developer: _____
Joseph & Patricia Shanahan

June 17 2010

Date of Hearing/Closing: _____

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

Attn: Kristin Matthews

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: _____
3505 Glenwood Road

June 1 2010

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black / June 4 2010
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0309-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: Room 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE TOWSON, MD 21204

DATE AND TIME: THURSDAY JUNE 17, 2010 AT 11:00 A.M.

REQUEST: SPECIAL HEARING FOR A DETACHED GARAGE TO BE A
SEPARATE LIVING SPACE FOR A MEMBER OR MEMBERS OF THE
PETITIONERS IMMEDIATE FAMILY; AND FOR AN AMENDMENT OF
RESTRICTION # 2 OF THE ORDER ISSUED IN CASE # NUMBER 08-324-A
TO PERMIT THE SEPARATE LIVING SPACE AS REQUIRED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 3, 2010 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

410-494-6298

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: 2010-0309-SPH

3505 Glenwood Road

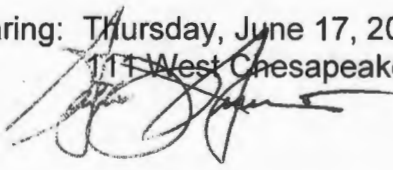
S/side of Glenwood Road, 541 feet s/west of the centerline of Oakdean Road

15th Election District – 7th Councilmanic District

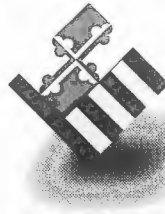
Legal Owners: Joseph & Patricia Shanahan

Special Hearing for a detached garage to be a separate living space for a member or members of the petitioner's immediate family; and for an amendment of restriction #2 of the order issued in case number 08-324-A to permit the separate living space as required.

Hearing: Thursday, June 17, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN III
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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

May 27, 2010

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: 2010-0309-SPH

3505 Glenwood Road

S/side of Glenwood Road, 541 feet s/west of the centerline of Oakdean Road

15th Election District – 7th Councilmanic District

Legal Owners: Joseph & Patricia Shanahan

Special Hearing for a detached garage to be a separate living space for a member or members of the petitioner's immediate family; and for an amendment of restriction #2 of the order issued in case number 08-324-A to permit the separate living space as required.

Hearing: Thursday, June 17, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Arnold Jablon, 210 W. Pennsylvania Ave., Towson 21204
Mr. & Mrs. Shanahan, 3505 Glenwood Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 1, 2010.**
- (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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

November 29, 2010

NOTICE OF ASSIGNMENT

CASE #: 10-309-SPH

IN THE MATTER OF: JOSEPH AND PATRICIA SHANAHAN
3505 GLENWOOD ROAD
15TH E; 7TH C

Re: Petition for Special Hearing to approve separate living quarters for a family member above an existing garage; and to amend condition 3 of 08-324-A.

ASSIGNED FOR: WEDNESDAY, JANUARY 12, 2011 at 10: 00 a.m./Day #1; and
THURSDAY, JANUARY 13, 2011 at 10: 00 a.m./Day #2
(IF NEEDED)

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/Property Owner : Arnold Jablon, Esquire
Petitioner /Property Owner : Joseph and Patricia Shanahan

Appellant : Office of People's Counsel

William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, III, Director/Planning
Timothy Kotroco, Director/PDM
Nancy C. West, Assistant County Attorney
John Beverungen, County Attorney

From: People's Counsel
To: Shelton, Theresa
Date: 11/12/2010 11:19 AM
Subject: Joseph & Patricia Shanahan 10-309-SPH

Ms. Shelton,

Per your request for available dates in the above-case, our schedule works for setting the hearing for either January 12 or 13, 2011. Thanks you in advance for your consideration.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

CASE NO.: 10-309-SPH

JOSEPH AND PATRICIA SHANAHAN

3505 GLENWOOD ROAD

15TH E; 7TH C

Re: Petition for Special Hearing to approve separate living quarters for a family member above an existing garage; and to amend condition 3 of 08-324-A.

11/8/10 Letter to Counsel with possible dates.

~~Wednesday, December 08, 2010 at 10:00 a.m.;~~

~~Thursday, December 09, 2010 at 10:00 a.m.;~~

~~Tuesday, December 28, 2010 at 10:00 a.m.;~~

Wednesday, January 12, 2011 at 10:00 a.m.; and

Thursday, January 13, 2011 at 10:00 a.m.

TRS HAS FILE.

} PC

11/19/11 @ Anna - L/M

Attn letter
with dates

Anna
A10-494-
6298



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

June 10, 2010

Arnold Jablon
Venable, LLP
210 W. Pennsylvania Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2010-0309-SPH, 3505 Glenwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Joseph & Patricia Shanahan; 3505 Glenwood Rd.; Baltimore, MD 21220



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

309

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 24th, 2010

Item Numbers: 0305, 0309, 0313, 0315, 0316, 0317, 0318, 0320 and 0321

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 7, 2010
Item Nos. 2010- 302, 305, 309, 313,
314, 315, 316, 317, 318, 319, 320 &
321

DATE: May 27, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-006072010 -NO COMMENTS.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 06-01-2010

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

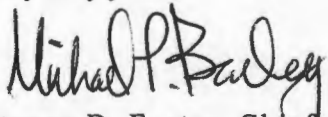
RE: Baltimore County
Item No. 2010-0309-SPH
3309 GLENWOOD RD
SHANAHAN PROPERTY
SPECIAL HEARING -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0309-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

BW 6/17
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 18 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 18, 2010
SUBJECT: Zoning Item # 10-309-SPH
Address 3505 Glenwood Road
(Shanahan Property)

Zoning Advisory Committee Meeting of May 24, 2010

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Regina Esslinger

Date: June 18, 2010

BW 6/17
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and Development
Management

DATE: June 11, 2010

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

SUBJECT: 3505 Glenwood Road
Case(s) 10-309- Special Hearing

RECEIVED

JUN 15 2010

ZONING COMMISSIONER

INFORMATION:

Petitioner: Joseph Shanahan/Arnold Jablon

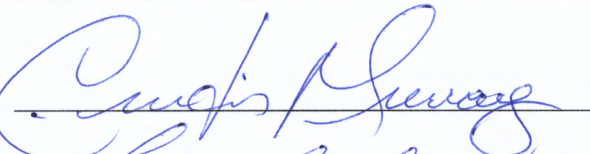
Zoning: DR 5.5

Requested Action: Special Hearing

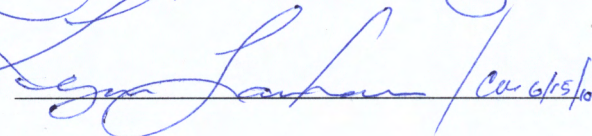
SUMMARY OF RECOMMENDATIONS: The Office of Planning has reviewed the subject request to 1) use a detached garage to be a separate living space for a member/or members of the petitioners immediate family; and 2) amend restriction #2 (should be #3) of the order issued in Case No. 08-324A to permit the separate living space as requested.

The Office of Planning recommends that this request be denied. It is not the policy of this office to approve requests for living quarters in accessory structures, regardless of whether they are for family members. This office recommends the continued enforcement of the restriction #3 listed in the order for ZAC 08-324A which specifically prohibits the use of the garage for any kind of living quarters or commercial use.

Prepared by:



Division Chief:

 CA 6/15/10

AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3505 Glenwood Road; S/S Glenwood Road, * ZONING COMMISSIONER
541' SW of c/line Oakdean Road *
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Joseph & Patricia Shanahan* FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 10-309-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 sent and all documentation filed in the case.

RECEIVED

MAY 28 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: June 14, 2010

FROM: William J. Wiseman, III
Zoning Commissioner

SUBJECT: Case No. 2010-0309-SPH
S/S Glenwood Road, 541' SW of c/line Oakdean Road
(3505 Glenwood Road)
15th Election & 6th Council Districts
Joseph & Patricia Shanahan - Petitioners

You know doubt will recall complaints from the County Council concerning the wrong use of Council Districts on zoning Orders issued by this Office. In view of your past comments to Councilman Kamenetz, our Office attempts to catch these mistakes. I would be remiss in not informing you and the Zoning Review Office that the above-referenced case, which was a "drop-off" from Arnold Jablon, erroneously refers to the Councilmanic District as the 7th when, in fact, Ms. Wiley informs me it is the 6th Council District. This should have been an obvious mistake in view of the prior Order issued for this property in March, 2008 correctly indicating the 6th Council District.

When looking at the petition for special hearing (copy enclosed for your convenience), the Shanahan's are asking that Restriction No. 2 of the prior Order (08-324-A) be amended to permit a "separate living space ...". A review of that prior Order would indicate that Restriction No. 2 involved "building elevation drawings" and not "separate living space" - mentioned in Restriction No. 3. Another mistake.

These errors, while caused by inadvertence and inattention, can be cured at the time of the public hearing. They do, however, waste time and can be used by Protestants to challenge our jurisdiction to hear the case due to errors in posting requirements. Please remind your staff to keep an eye on these continuing problems.

WJW:dlw
Attachment

c: W. Carl Richards, Jr., Supervisor, Zoning Review Office

VERIFIED WITH COUNTY
COUNCIL OFFICE THAT
THIS IS, IN FACT, IN THE
6th COUNCIL DISTRICT.

ALSO, SEE PREVIOUS
ORDER.

6/11/10 - 3:17 PM – Spoke to
Theresa Baxley -

Debbie Wiley

6-17-11AM

2010-0309-SPH

From: Curtis Murray
To: Alexander, John
Date: 6/11/2010 2:41 PM
Subject: Fwd: Comments Needed
Attachments: Comments Needed

John,

Need this ZAc ASAP! It was due on the 4th! The Hearing is next week per Debbie in ZC office.

Thanks John,

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
()cjmmurray@baltimorecountymd.gov

2010-0309-
SPH

6/17 11am

From: Curtis Murray
To: Hay, Laurie
Date: 6/11/2010 3:00 PM
Subject: Fwd: Comments Needed
Attachments: Comments Needed

Laurie,

Need this ZAc ASAP! It was due on the 4th! The Hearing is next week per Debbie in ZC office.

Thanks Laurie,

p.s. It is apparently in the 6th district, despite what the petition says.

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
(cjmurray@baltimorecountymd.gov)

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
CC: Are, Kathy
Date: 6/11/2010 11:17 AM
Subject: Comments Needed

*Missing:
OP
+ DEPRM*

Good Morning,

In reviewing Bill's files for next week, it appears we need comments from your respective offices for the following:

CASE NUMBER: 2010-0309-SPH

3505 Glenwood Road

Location: S side of Glenwood Road; 541 feet SW of the c/l of Oakdean Road.

15th Election District, 7th Councilmanic District

Legal Owner: Joseph and Patricia Shanahan

SPECIAL HEARING 1) A detached garage to be a separate living space for a member or members of the Petitioners' immediate family; 2) Amendment of restriction #2 of the order issued in Case No. 08-324-A to permit the separate living space as required.

Hearing: Thursday, 6/17/2010 at 11:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

Thanks and have a wonderful weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

December 20, 2010

David H. Karceski

T 410.494.6285
F 410.821.0147
DHKarceski@Venable.com

Ms. Theresa Shelton
Administrator
County Board of Appeals of Baltimore County
Jefferson Building
2nd Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case No.: 10-309SPH
Property: 3505 Glenwood Road
15th ED; 6th CD

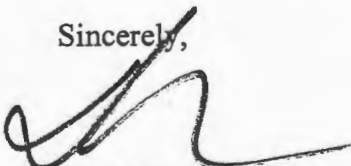
Dear Ms. Shelton:

Please be advised that I represent the Appellees in this matter. On their behalf, please accept this letter of my client's intent to withdraw the petition for special hearing filed in the instant matter.

Therefore, the appeal, which is now scheduled for January 12, 2011, should be dismissed as moot. This is without prejudice to the right of my clients or subsequent owners of the property to seek approvals in the future. My client understands and acknowledges that the decision of the Zoning Commissioner, from which this appeal was taken, is now moot.

Thank you for your consideration.

Sincerely,



David H. Karceski

cc: Peter Max Zimmerman, Esquire

RECEIVED
DEC 22 2010

BALTIMORE COUNTY
BOARD OF APPEALS

ARNOLD JABLON
T (410) 494-6298

aejablon@venable.com

7 December 2010

Theresa R. Shelton
Administrator
County Board of Appeals
Jefferson Bldg, 2nd Floor
Suite 203
Towson, Maryland 21204

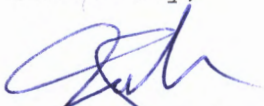
Re: Case No. 10-309SPH
In Re: Joseph and Patricia Shanahan

Dear Ms. Shelton:

By this letter, I am withdrawing my appearance in the above captioned zoning matter. Please enter the appearance of David Karceski, Esq., of 210 West Pennsylvania Ave., Towson, Maryland 21204.

Thank you.

Sincerely,



Arnold Jablon
AEJ/aj

c: Peter M. Zimmerman, Esq.
People's Counsel

RECEIVED
DEC - 8 2010

BALTIMORE COUNTY
BOARD OF APPEALS

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment5-27

DEVELOPMENT PLANS REVIEW

NoneDEPRM *missing 6-11*
*email sent 6-11*5-27

FIRE DEPARTMENT

None6-15PLANNING *missing 6-11*
(if not received, date e-mail sent 6-11)Denial6-1

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION²

(Case No. _____)

PRIOR ZONING

(Case No. 08-324-A)

NEWSPAPER ADVERTISEMENT

Date: 6-3-10

SIGN POSTING

Date: 6-1-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 37
AFFILIATED WITH THE AFL-CIO
Chartered May 1, 1900

Joseph F. Shanahan
Business Manager

Facsimile Cover Page

Wade G. Hamel
President and
Training Director

Randy Appel
Vice President and
Business Representative

Charles McGee
Financial Secretary and
Business Representative

Ronald W. Buchholz
Recording Secretary and
Business Representative

Robert Holsey
Treasurer and
Business Representative

Mark McQuay
Business Representative
Executive Board Member

Executive Board
Joseph F. Shanahan
Wade Hamel
Randy Appel
Ron Buchholz
Charles McGee
Robert Holsey
Frank Anderson
Richard Fuller
Ed Hamilton
Brian Caulk
Mark McQuay
Steve Rohman

Trustees
Tom Boschi
Peter Elmos
Michael DeJulius

Auditors
John Brooks
Stuart Simms
Harry T. Wedlock

Conductor
Ron Eyler

Guard
Guy Burger

Name: ARNOLD Joblon

Fax Number: 410-821-0147

From: Joe Shonchen

No. of Pages: 1

Sent By: Debbie

Date: 4/2/10 Time: 10:00

Comment:

As per your request. Signature
Petition for hearing.

Joe

5901 Harford Road, Baltimore Maryland 21214 (410) 254-2030 Fax (410) 319 - 9197
401 Decatur Street, Cumberland Maryland 21502 (301) 777 - 1212 Fax (301) 722 - 2428
www.iue37.org

2010-0309-SPH

Apr 08 10 09:28a

**PETITION
FOR THE CONVERSION
OF
STORAGE AREA INTO LIVING QUARTERS
ABOVE GARAGE LOCATED AT
3505 GLENWOOD ROAD
BALTIMORE, MD 21220**

We the undersigned have been advised by Mr. and Mrs. Shanahan of their wish to convert the storage area above their garage into living quarters for personal reasons and concur with their proposal.

Name

Address

Phone #

Michael C Bollinger 3500 - Glenwood Rd 443-386-0446

Robert W. LNECKER 3500 - GLENWOOD Rd 410 335-5953

Richard H. Schmidt 3507 Glenwood Rd. 410-335-7448

Len [Signature] 3508 Glenwood Rd 410-335-2585

Janis [Signature] 3515 Glenwood Rd 410-335-1854

John [Signature] 3510 Glenwood Rd 410 335 3696

Stephany Huber 3514 Glenwood Rd 410-335-6619

George Huber 3514 Glenwood Rd 410-335-6619

410-456-1842
Lyle Saylor 3516 Glenwood Rd 410-456-1842

[Signature] 3516 Glenwood Rd 410-456-1842

[Signature] 3516 Glenwood Road 410-456-7070

[Signature] 3512 Glenwood Rd 410 335 7197

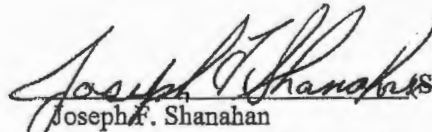
Sandra [Signature] 3512 Glenwood Rd 410-335-7197

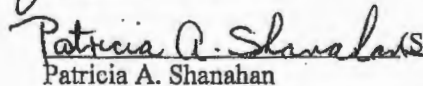
COVENANT AND DECLARATION OF UNDERSTANDING

Whereas, in a Petition for Special Hearing before the Zoning Commissioner of Baltimore County, Case No. 2010-0309-SPH, Joseph F. Shanahan and Patricia A. Shanahan, the Petitioners, requested permission to maintain a one (1) bedroom "accessory in-law apartment" over their detached garage to be used as a separate living space for a member/or members of the immediate family, and the Zoning Commissioner, by Order, dated June 29, 2010, granted the request providing the following covenant be added to their Deed, which Deed was recorded in the Land Records of Baltimore County, at Liber 11766, Folio 434.

Joseph F. Shanahan and Patricia A. Shanahan hereby covenant that the accessory separate living space shall be used as an in-law apartment for the care and benefit of Petitioners elderly family members or son and the use shall be terminated, at such time as the Petitioners or a family member no longer reside on the property, or the subject property is sold, whichever occurs first, and no future purchaser shall maintain the "accessory in-law apartment" without a subsequent special hearing.

As witness our hands and seals this 29th day of June 2010.

 (SEAL)
Joseph F. Shanahan

 (SEAL)
Patricia A. Shanahan

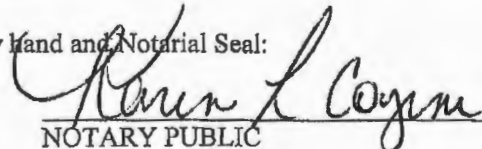
(State of Maryland

To wit

County of Baltimore)

I HEREBY CERTIFY THAT ON THIS 29th day of June, 2010, before me a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Joseph F. Shanahan and Patricia A. Shanahan, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledge that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal:


NOTARY PUBLIC

My Commission Expires September 21, 2013





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1513202200

Owner Information

Owner Name:	SHANAHAN JOSEPH F SHANAHAN PATRICIA A	Use:	RESIDENTIAL
Mailing Address:	3505 GLENWOOD RD BALTIMORE MD 21220-2917	Principal Residence:	YES
		Deed Reference:	1) /11766/ 434 2)

Location & Structure Information

Premises Address

3505 GLENWOOD RD

Legal Description

3505 GLENWOOD RD
FROG MORTAR POINT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	15	144					3	3	Plat Ref: 12/ 14

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	1,385 SF	12,870.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	322,210	322,210		
Improvements:	194,930	198,220		
Total:	517,140	520,430	518,236	519,332
Preferential Land:	0	0	0	0

Transfer Information

Seller: SHANAHAN BRONSON BERNARD	Date: 08/27/1996	Price: \$112,000
Type: NOT ARMS-LENGTH	Deed1: /11766/ 434	Deed2:
Seller: MARTIN JOHN F	Date: 08/29/1977	Price: \$50,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5796/ 217	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

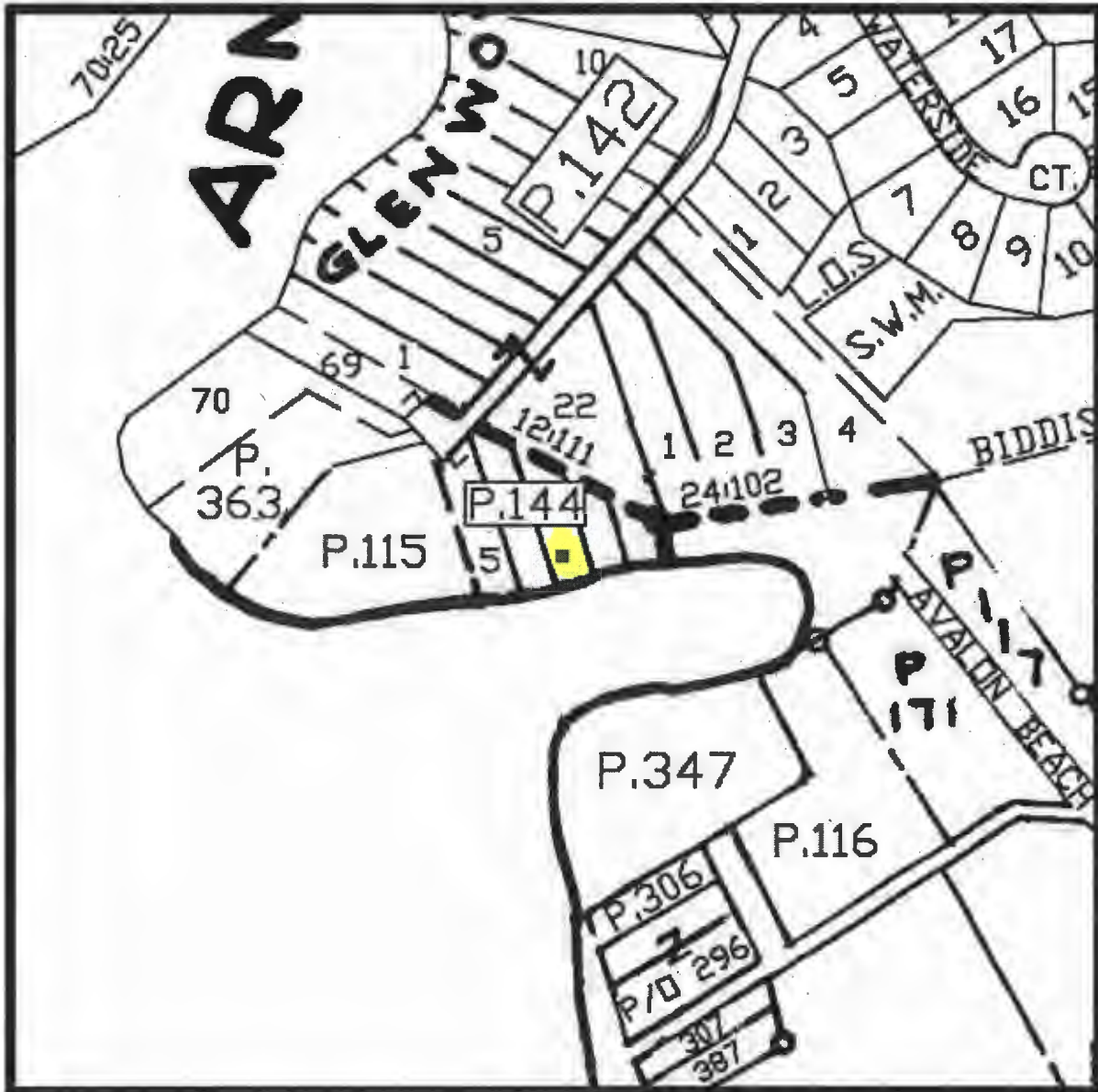
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 15 **Account Number - 1513202200**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

CASE NAME 2010-0309-SPH
CASE NUMBER Shonahan
DATE 6-17-10

[illegible]

Case No.: 2010-0309-SPH3505 GLENWOOD RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	ZONING MAP	
No. 2	PRIOR ORDER 08-324-A	
No. 3	SITE PLAN	
No. 4	GIS AERIAL VIEW MY NEIGHBORHOOD	
No. 5	NEIGHBORHOOD SUPPORT (14) immediate owners - GLENWOOD RD.	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: **PETITION FOR VARIANCE**

SE/S Glenwood Road, 540' SW of c/line
Oakdean Road

(3505 Glenwood Road)

15th Election District

6th Council District

Joseph F. Shanahan, et ux
Petitioners

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-324-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Joseph F. Shanahan, and his wife, Patricia A. Shanahan. The Petitioners request variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory storage structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the hearing in support of the request were Joseph and Patricia Shanahan, property owners, and Arnold Jablon, Esquire, with the law firm of Venable, LLP, attorneys for the Petitioners. Appearing as an expert in land planning with 30 years experience in the interpretation of the County's zoning regulations was David Flowers of Daft-McCune-Walker, Inc. While there were no other interested persons present, it is to be noted that 13 of the Petitioners immediate neighbors and adjacent property owners, all within eyesight of the subject property, signed a letter of support submitted into evidence as Petitioners' Exhibit 4.

Testimony and evidence offered revealed that the subject property is an irregular, rectangular shaped waterfront parcel located on the south side of Glenwood Road in eastern

PETITIONER' S

EXHIBIT NO.

2

Baltimore County.¹ The property is known as Parcel 144 on the Maryland Department of Assessment and Taxation Map No. 91, and contains a gross area of 12,870 square feet, more or less, zoned D.R.3.5. Presently, the site is improved with a 1-½ story frame home of approximately 1,385 square feet built in 1939 and features a 56 foot pier out into the tidal waters of Frog Mortar Creek, an above-ground swimming pool and two storage sheds in the rear yard. Photographs and aerial GIS maps (Petitioners' Exhibits 7 and 8) were submitted noting existing conditions and the improvements on adjacent properties. Mr. and Mrs. Shanahan have owned the property and resided thereon since 1996. In 2003, the home and property sustained Hurricane Isabel damage requiring much time and expense to renovate the improvements. As evidenced by aerial and photographic exhibits, the Petitioners lot is the only property on Glenwood Road that does not have a garage. Since Isabel, they have been storing their significant personal property in the second floor bedrooms. Mr. Shanahan desires to construct a detached garage (32' x 24' x 26' high) in the rear yard to store his automobiles and tools. The additional height is necessary to provide sufficient storage space on the second level. Building elevations were presented for review showing the proposed garage is appropriate, incorporating matching siding, architectural roof pitch to that of the home, and window treatments on the side facades to make the structure look more residential in character. It will not be out of character and in this instance will be within the spirit and intent of the zoning regulations. In this regard, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, however, the Office of Planning did want a condition that the structure will

¹ The subject property has 50 feet of frontage at the bulkhead on Frog Mortar Creek and 59 feet of width on Glenwood Road. The Zoning Commissioner's Policy Manual (Z.C.P.M.) Sections 400.1A and 400.2A provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure facing the water. In this case, the Department of Permits and Development Management inspected the property and confirmed the front of the structure as facing the water.

not be converted into a dwelling unit or apartment and the structure will not be used for commercial purposes.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variance in this case is driven by the property's location within the Intensely Developed Area (IDA) regulations of the Chesapeake Bay Critical Area regulations. As stated by Mr. Flowers, a higher elevated garage with its attendant smaller footprint is deemed preferable by the Department of Environmental Protection and Resource Management (DEPRM). See Petitioners' Exhibits 5 and 6 detailing the continued efforts undertaken by the Petitioners to reach the impervious surface limit for this property of 4,263 square feet. I find that the subject property is constrained which creates a unique condition bringing about a practical difficulty if B.C.Z.R. Section 400.3 was strictly adhered to. I find that in this instance the additional 11 feet of roof pitch will not be out of character with the other accessory buildings in the area. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of March 2008 that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory storage structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed detached garage shall be constructed substantially in accordance with the building elevation drawings reviewed during the public hearing incorporating similar exterior building materials as that of the principal structure.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw

Signed

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

PETITION
FOR THE CONVERSION
OF
STORAGE AREA INTO LIVING QUARTERS
ABOVE GARAGE LOCATED AT
3505 GLENWOOD ROAD
BALTIMORE, MD 21220

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Name	Address	Phone #
------	---------	---------

Michael C Bollinger	3500 - Abdenwood Rd	443-386-0446
Robert Willnecker	3500 - GLENWOOD Rd	410 335-5953
Richard A. Schmidt	3507 Glenwood Rd.	410-335-7448
Len [unclear]	3508 Glenwood Rd	410-335-2585
James Smith	3515 Glenwood Rd	410-335-1854
John [unclear]	3510 Glenwood Rd	410 335 3696
Stephanie Huber	3514 Glenwood Rd	410-335-6619
George Huber	3514 Glenwood Rd	410-335-6619
Lyle Saylor	3516 Glenwood Rd	410-456-1842
Glenn Saylor	3516 Glenwood Rd	410-456-1842
[unclear]	3516 Glenwood Road	410-456-2070
[unclear]	3512 Glenwood Rd	410 335 7197
Sandra [unclear]	3512 Glenwood Rd	410-335-7197

Baltimore County - My Neighborhood

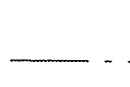
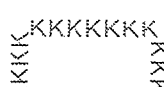
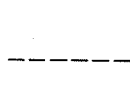
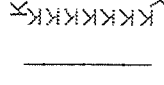




Plan Sheet: 091B2

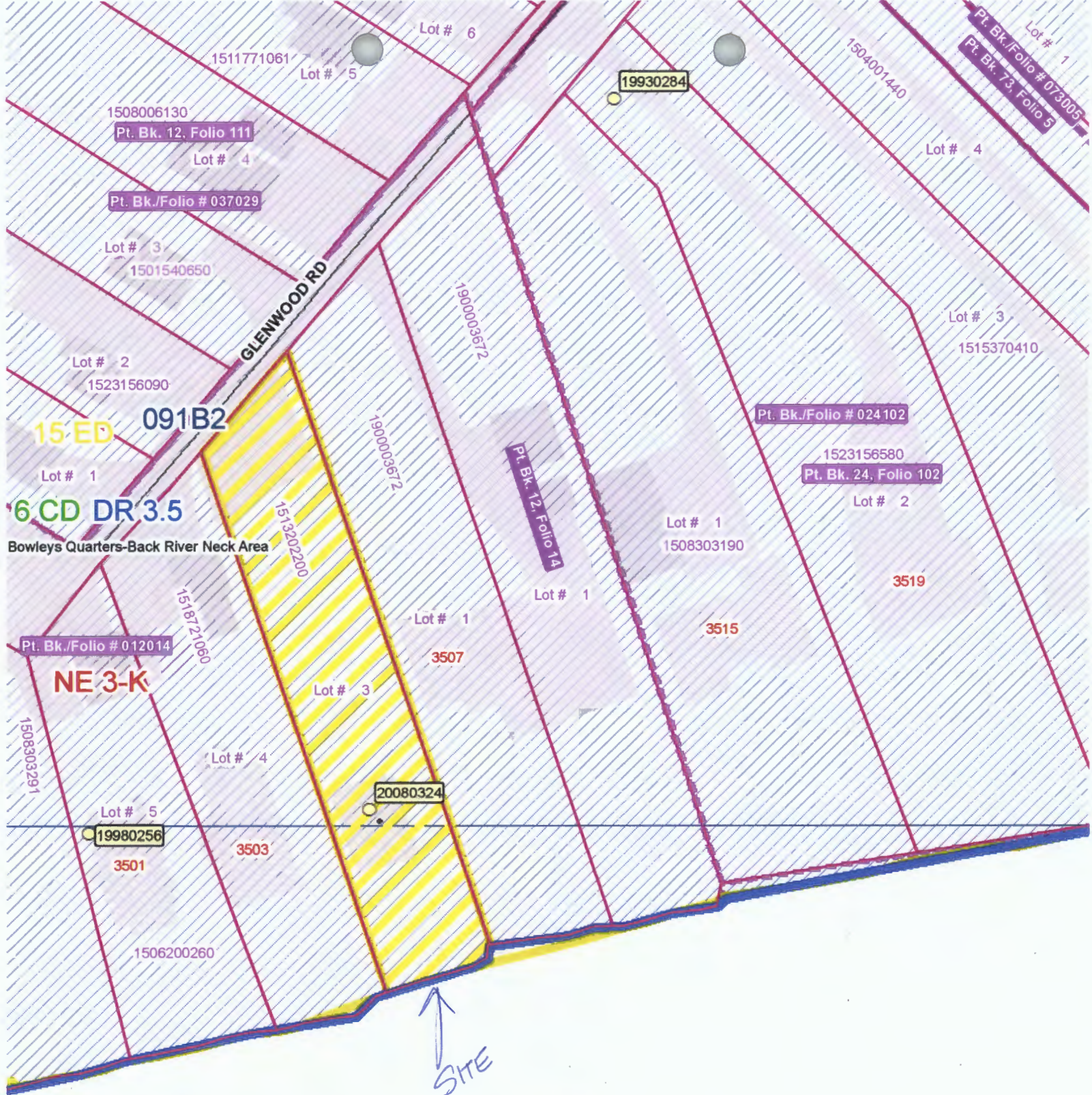
Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- | | | |
|---|---|--|
|  Zoning |  Streams |  Vegetation |
|  Buildings |  Roads |  Rail Lines |

PETITIONER'S EXHIBIT /

Baltimore
Office of Planning
Official Zoning Map



115C2

