IN RE: PETITION FOR VARIANCE S/side of Chesapeake Road, 360' east and 410' east of c/l of Gunpowder Road 15th Election District 6th Councilmanic District **(7315 & 7317 Chesapeake Road)**	* * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Ebenezer Olarewaju **and** Dotun Aiyegbusi, *Legal Owners/Petitioners*	*	CASE NOS. 06-217-A & 06-218-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject properties, Ebenezer Olarewaju and Dotun Aiyegbusi, located in the Oliver Beach portion of Baltimore County.

In both cases, the variance requests are from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50' in lieu of the required 55'.

Notice of both hearings were given to the public by posting the properties with notice of the hearing date and time on November 22, 2005 and by publication in "The Jeffersonian" newspaper on November 22, 2005. Due to the weather, the hearings were rescheduled to January 17, 2006. Notice of the new hearing date was given to the public by re-posting the properties with notice of the hearing date and time on January 1, 2006.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Department of Environmental Protection and Resource Management (DEPRM) dated December 8, 2005, the Office of Planning dated November 15, 2005, and by the Bureau of Development Plans Review dated November 9, 2005, copies of which are attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING
Date 1-20-06
By

Interested Persons

Appearing at the hearing on behalf of the variance request was Ebenezer Olarewaju, Petitioner of both properties. Rick Richardson attended the hearing from Richardson Engineering, LLC. There were no protestants or interested citizens at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Testimony and Evidence

These cases involve three (3) adjacent lots, each of which contain 10,000-sq. ft. or 0.230 acres and are zoned DR 5.5. See redline Plats to Accompany, Exhibits 1 and 2, for layout and dimensions. Each is 50 feet wide, while the DR 5.5 regulations require 55 feet lot width. Mr. Richardson testified that these lots were laid out in the Oliver Beach Subdivision, which was recorded among the land records in 1946 as shown by Exhibit 4. There was an existing home on 7313 Chesapeake Road (Lot 255), which the Petitioner has partially razed and rebuilt.

He proposes to build a new house on 7315 (Lot 254) and 7317 (Lot 253) Chesapeake Road. He indicated that both lots are vacant with the exception of an 8 x 8-foot shed on 7317. Each lot

PLEASE RETURN TO FILE
Date 1-20-06
By

has its own separate deed and tax assessment number. See Exhibit 8. The proposed new houses will meet all zoning regulations. Only the lot width is a problem.

Mr. Richardson noted that the houses next door at 7319 and 7321 are each on 50-foot wide lots. See Photo Exhibit 3A. The home at 7311 is also on a 50-foot wide lot. See Photo Exhibit 3B. Finally, he indicated that the pattern of development along Chesapeake Road is generally one house on 50 foot wide lots as shown in the zoning map in the file and the 1969 sewer plan, Exhibit 7.

Mr. Richardson noted that the prior owner proposed a lot line adjustment (z lot) between lots 253 and 254 in order to build two (2) homes on the two (2) lots as shown on Exhibit 5 without a variance. However, this causes the homes not to be aligned along the road, which the Petitioner believes is not desirable. In contrast even though a lot width variance is required, the configuration shown in Exhibit 3D aligns the homes along the road.

Finally, Mr. Richardson indicated that his client agreed to each of the ZAC comments and that even though the right-of-way for Chesapeake Road would be widened to 40 feet per the Bureau of Development Plans Review comment, this will not require additional variances as the proposed home met the front yard setback requirements.

Findings of Fact and Conclusions of Law

I have no evidence before me that the three (3) lots have been merged from a zoning standpoint. Each has its own separate deed and tax assessment account. The only improvements on either lot are the 8 x 8 shed, which is too small to require a permit. In fact, the prior owners submitted a "z lot" lot line adjustment indicating their desire to build separate homes on the two (2) lots.

In regard to the requested variances, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created and recorded long before the DR regulations were imposed on the property. Consequently, I find

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Date 1-30-09
By

and recorded long before the DR regulations were imposed on the property. Consequently, I find the properties unique in a zoning sense as they are affected differently from lots created after the regulations were imposed.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner cannot build the proposed homes unless relief is given. Lot 255, while owned by the Petitioner, is another 50 foot, so that taking land away from this lot will not result in a variance free lot line adjustment. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting these variances. Each lot meets the minimum size required by the regulations.

Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner has demonstrated that the pattern of development in the neighborhood is one house for each 50 foot lot which is what the Petitioner proposes here.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 20 day of January, 2006, by this Deputy Zoning Commissioner, that the Petitioner's request in Case Nos. 06-217-A & 06-218-A for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50' in lieu of the required 55', be and it is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has

Date 1-20-06
By

expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition, and

2. The Petitioner's shall comply with the ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM) dated December 8, 2005, the Office of Planning dated November 15, 2005 and the Bureau of Development Plans Review dated November 9, 2005.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 1-20-06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 20, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Ebenezer Olarewaju
Dotun Aiyegbusi
3607 Langrehr Road
Baltimore, Maryland 21244

Re: Petition for Variance
Case Nos. 06-217-A & 06-218-A
Property: 7315 & 7317 Chesapeake Road

Dear Mr. Olarewaju and Mr. Aiyegbusi:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Rick Richardson, Richardson Engineering, LLC, 110 Old Padonia Road, Suite LC, Cockeysville, MD 21030
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
People's Counsel; Case File

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7315 CHESAPEAKE ROAD, BALTIMORE COUNTY

which is presently zoned DR 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 par hereof, hereby petition for a Variance from Section(s)

1 B 02.3.C.1 OF THE BCZR TO PERMIT A LOT WIDTH OF 50' IN LIEU OF THE REQIRED 55'

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardshi or practical difficulty)

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the 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:

NA
Name - Type or Print

Signature

Address | Telephone No.

City | State | Zip Code

Legal Owner(s):

EBENEZER OLAREWAJU
Name - Type or Print

Signature

DOTUN AIYEGBUSI
Name - Type or Print

Signature

Address | Telephone No.

3607 Langrehr Road | MD | 21244
City | State | Zip Code

Attorney For Petitioner:

NA
Name - Type or Print

Signature

Company

Address | Telephone No.

City | State | Zip Code

Representative to be Contacted:

EBENEZER OLAREWAJU
Name

3607 Langrehr Road | 443-426-0814
Address | Telephone No.

Baltimore | MD | 21244
City | State | Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. **Date** 10/21/05

ORDER RECEIVED FOR FILING
Date 1-20-06
By

Case No. 06-217-A

REV 8/15/98

Zoning Description for **7315 CHESAPEAKE ROAD**

Beginning at a point on the south side of Chesapeake Road being 360-feet east of the centerline of Gunpowder Road. Being Lot #254 in the subdivision known as "Oliver Beach" as recorded in Baltimore County Plat Book #13, Folio #123, containing 10,000 square feet. Also known as 7315 Chesapeake Road and located in the 15th Election District, 6th Councilmanic District.

06-217-A

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: #06-217-A
7315 Chesapeake Avenue
South side of Chesapeake Avenue, 360 feet east of Gunpowder Road
15th Election District
6th Councilmanic District
Legal Owner(s):
Ebenezer Olarewaju & Dotun Alyegbusi
Variance: to permit a lot width of 50 feet in lieu of the required 55 feet.
Hearing: Friday, December 9, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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.

JT/11/703 Nov. 22 75916

CERTIFICATE OF PUBLICATION

11/23/, 2005

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 11/22/, 2005.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1109

DATE 10/24/05 ACCOUNT 001006150

AMOUNT $ 130.00

RECEIVED FROM: EBENEZER OLAKEWAJU

FOR: ITEM # 217 - # 218 06-217-A - 1815

06-218-A 1817 CHESAPEAKE RD D.T.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS NORMAL TIME 09:04
10/24/2005 10/ 1/2005 14:50:15 2
FD 1004 WALKIN TUNE 100
>RECEIPT # 300107 10/ 1/2005 OPLN
Dept 5 528 ZONING VERIFICATION
R NO. 001107
Recpt Tot $130.00
$130.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-217-A

Petitioner/Developer: ~~SBO~~ EBENEZER OLAREWAJU & DOTUN ANEGBUSI

Date of Hearing/Closing: 12-9-05

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

ATTN: Kristen Matthews {(410) 887-3394}

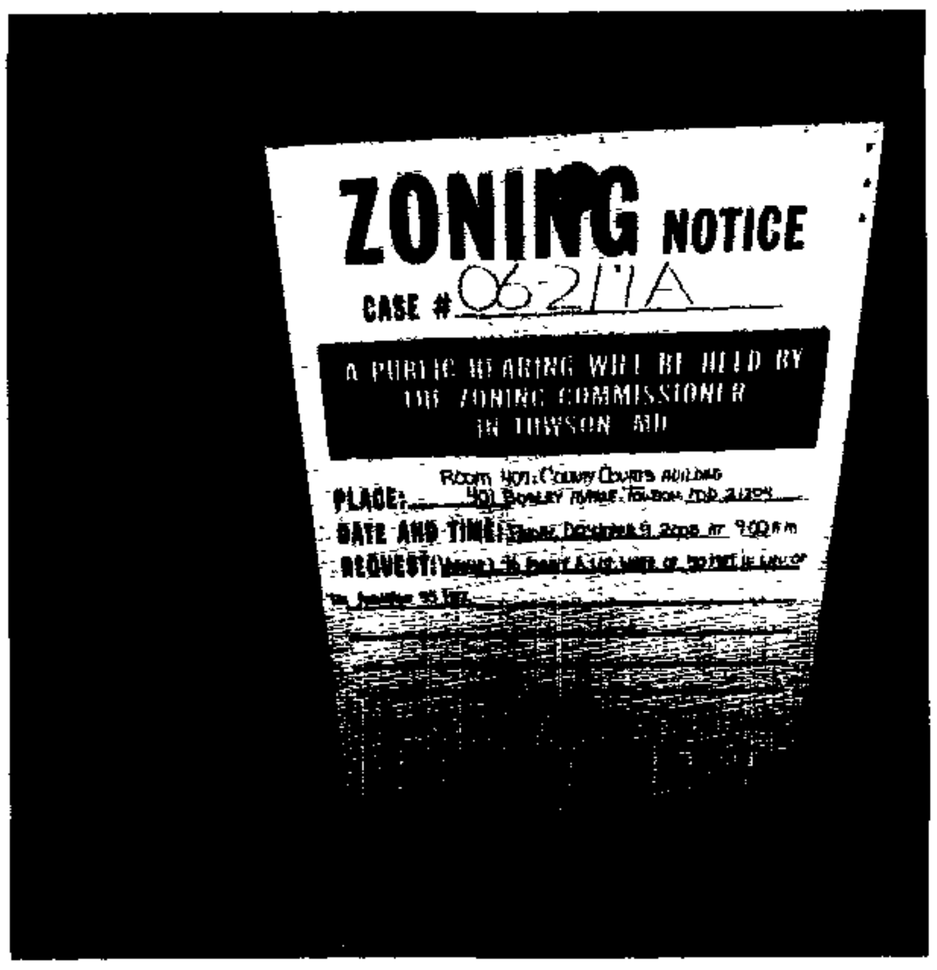
Ladies and Gentlemen:

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:

7315 CHESAPEAKE AVE

The sign(s) were posted on 11-22-05
(Month, Day, Year)

Sincerely,



7315 CHESAPEAKE AVE

Robert Black 11-25-05
(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)

CERTIFICATE OF POSTING

RE: Case No.: 06-217-A

Petitioner/Developer: EBENEZER OLAREWAJU + DOTUN ALYEGBUSI

Date of Hearing/Closing: 1/17/06

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

ATTN: KRISTEN MATTHEWS

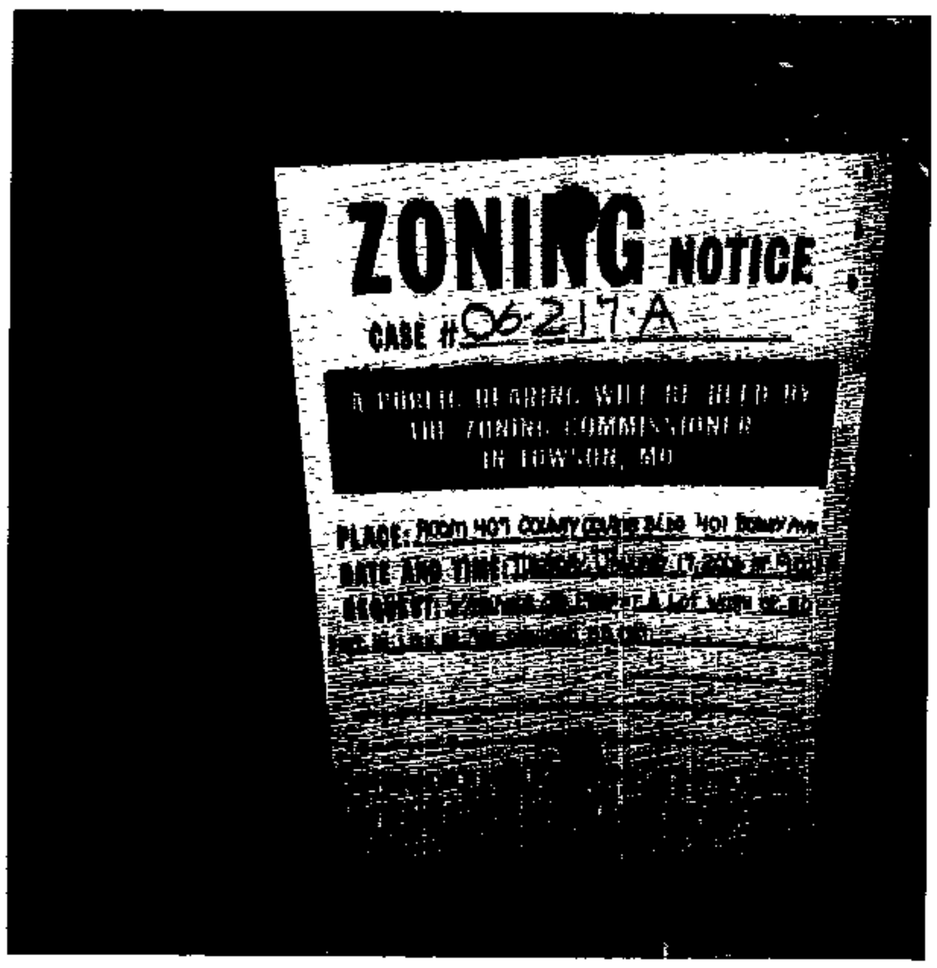
Ladies and Gentlemen:

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:

7315 CHESAPEAKE AVE

The sign(s) were posted on 1/1/06
(Month, Day, Year)

Sincerely,



Robert Black 1/2/06
(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)

7315 CHESAPEAKE AVE

1/1/06

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:
Mr. Ebenezer Olarewaju
3607 Langrehr Road
Baltimore, MD 21244

443-426-0814

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: 06-217-A
7315 Chesapeake Avenue
South side of Chesapeake Avenue, 360 feet east of Gunpowder Road
15th Election District – 6th Councilmanic District
Legal Owners: Ebenezer Olarewaju & Dotun Aiyegbusi

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, December 9, 2005 at 9:00 a.m. in Room 407, County Courts Building, \
401 Bosley 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.

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

November 4, 2005

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: 06-217-A
7315 Chesapeake Avenue
South side of Chesapeake Avenue, 360 feet east of Gunpowder Road
15th Election District – 6th Councilmanic District
Legal Owners: Ebenezer Olarewaju & Dotun Aiyegbusi

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, December 9, 2005 at 9:00 a.m. in Room 407, County Courts Building, \
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Ebenezer Olarewaju & Dotun Aiyegbusi, 3607 Langrehr Road, Baltimore 21244

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 23, 2005.**
(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.

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

December 15, 2005

NEW 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: 06-217-A
7315 Chesapeake Avenue
South side of Chesapeake Avenue, 360 feet east of Gunpowder Road
15th Election District – 6th Councilmanic District
Legal Owners: Ebenezer Olarewaju & Dotun Aiyegbusi

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Tuesday, January 17, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Ebenezer Olarewaju & Dotun Aiyegbusi, 3607 Langrehr Road, Baltimore 21244
Rick Richardson, 110 Old Padonia Road, Ste. LC, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 2, 2006.**
(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.

Printed on Recycled Paper

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: 06-217-A

Petitioner: OLAREWAJU / AINEGRUSI

Address or Location: 7315 CHESAPEAKE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. EBENEZER OLAREWAJU

Address: 3607 LANGREHR RD.
BALTO. MD 21244

Telephone Number: 443-426-0814

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 5, 2005

Ebenezer Olarewaju
Dotun Aiyegbusi
3607 Langrehr Road
Baltimore, Maryland 21244

Dear Ebenezer Olarewaju, Dotun Aiyegbusi:

RE: Case Number: 06-217-A, 7315 Chesapeake Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 2005.

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

WCR: clb

Enclosures

c: People's Counsel

Printed on Recycled Paper

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

January 16, 2006

Ebenezer Olarewaju
Dotun Aiyegbusi
3607 Langrehr Road
Baltimore, Maryland 21244

Dear Ebenezer Olarewaju, Dotun Aiyegbusi:

RE: Case Number: 06-217-A, 7315 Chesapeake Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 2005.

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

WCR: clb

Enclosures

c: People's Counsel

Printed on Recycled Paper

Baltimore County
Fire Department

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

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

November 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **October 24**, 2005

Item No.: **204-218** 217

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.

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

Lieutenant J.D.Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Baltimore County
Fire Department

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

County Office Building, Room 123
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

NOV. 02, 2005

ATTENTION:

Distribution Meeting of: OCTOBER 24, 2005

Item No.: 204 ~~-218~~ 217

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. PACK
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 31, 2005
Item No. 217

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Chesapeake Road centered on existing 30-foot right-of-way. Adjust the setback accordingly.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 217-11092005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: December 8, 2005

SUBJECT: Zoning Item # 06-217
Address 7315 Chesapeake Road
(Olarewaju Property)

Zoning Advisory Committee Meeting of October 24, 2005

__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:
This property lies entirely within the Chesapeake Bay Critical Area and must comply with Limited Development Area regulations. Specifically, impervious surfaces are limited to 25% or up to 31.25% with mitigation. Impervious surfaces include dwellings, sidewalks, driveways, sheds, pools, etc. Must also comply with a minimum tree cover of 15%.

S:\Devcoord\ZAC06-217.doc

Reviewer: M. Stauss Date: November 29, 2005

JM 12/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 15, 2005

RECEIVED

NOV 2) 2005

ZONING COMMISSIONER

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

SUBJECT: 7315 Chesapeake Road

INFORMATION:

Item Number: 6-217 ***(see case 6-218)***

Petitioner: Ebenezer Olarewaju

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. There shall be no parking pads in the front of the dwellings; driveways should lead directly into any proposed garages.

For further questions or additional information concerning the matters stated herein, please contact Jeff Mayhew with the Office of Planning at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lyn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\6-217.doc

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

SHA State Highway Administration Driven to Excel

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

Maryland Department of Transportation

Date: 10·31·05

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

RE: Baltimore County
Item No. 217 DT

Dear. Ms. Matthews:

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 7315 Chesapeake Road; S/S Chesapeake Rd, 360' E Gunpowder Rd 15th Election & 6th Councilmanic Districts Legal Owner(s): Ebenezer Olarewaju & Dotun Aiyegbusi Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-217-A

* * * * * * * * * * * * *

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 sent and all documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

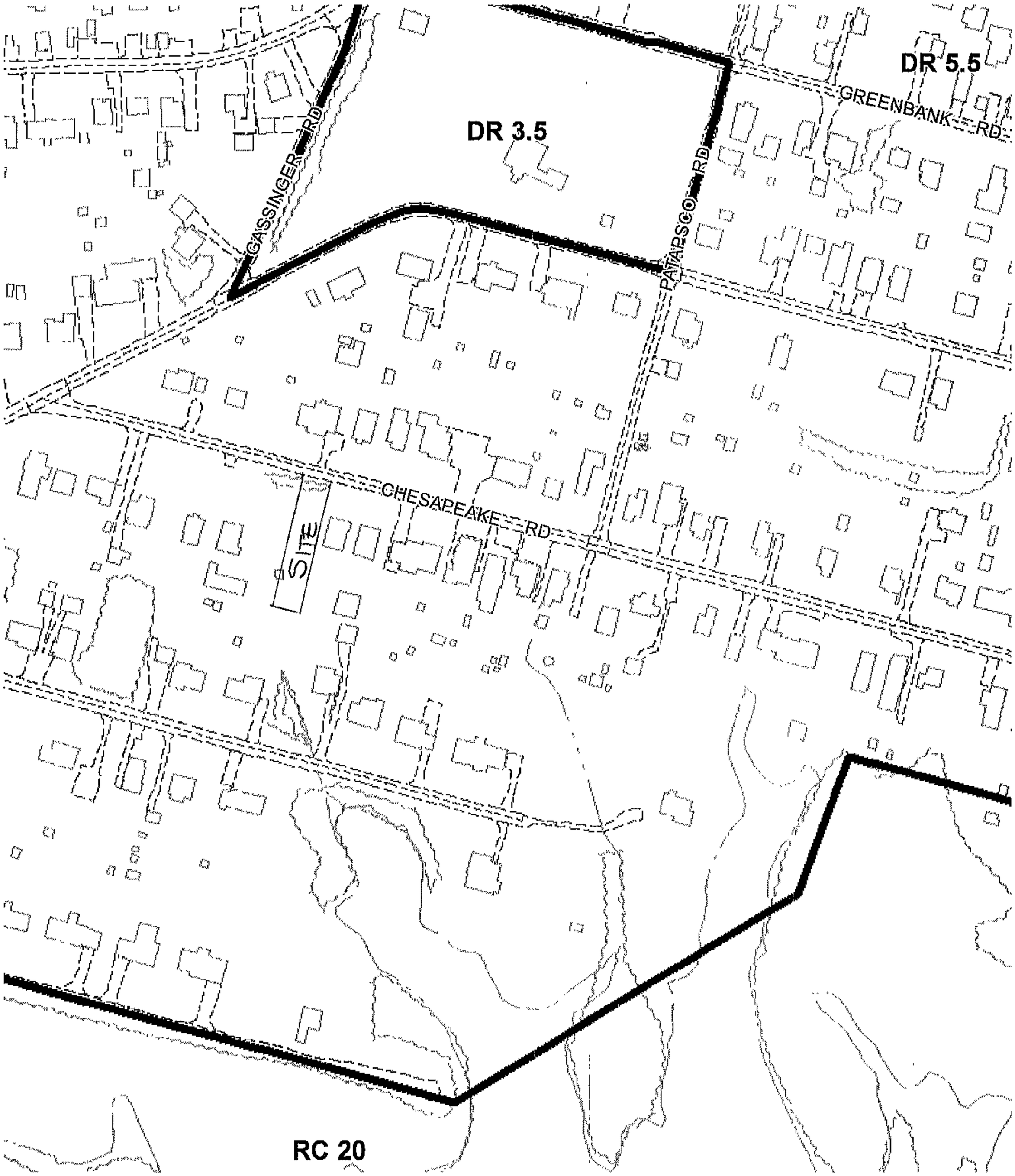
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to, Ebenezer Olareqaju, 3607 Langrehr Road, Baltimore, MD 21244, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


DR 5.5
GREENBANK RD
DR 3.5
GASSINGER RD
PATAPSCO RD
CHESAPEAKE RD
SITE
RC 20

084A1

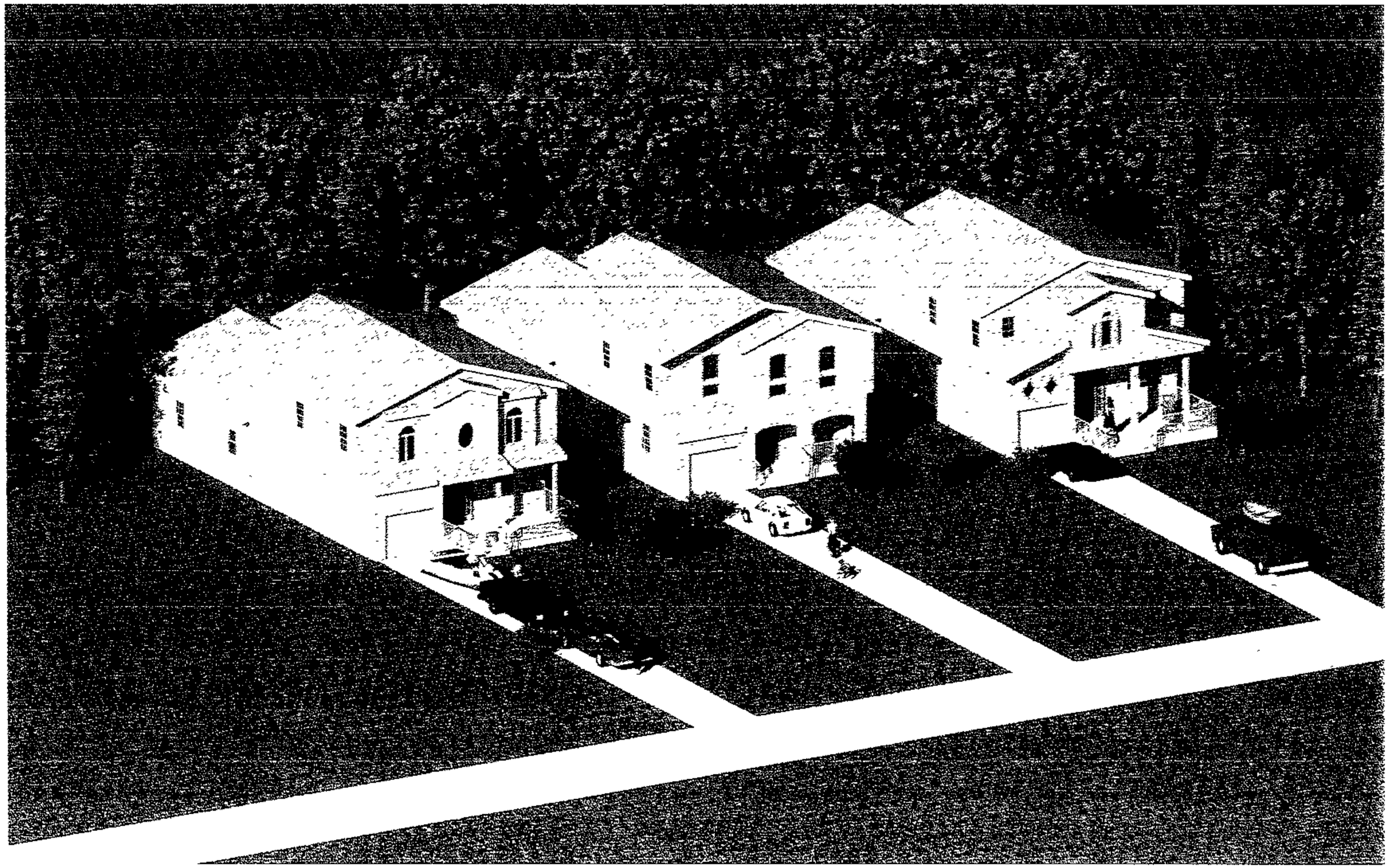
PLEASE PRINT CLEARLY

CASE NAME 06-217-A
CASE NUMBER 7315 CHESAPEAKE AVE
DATE 1/17/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
RICK RICHARDSON	110 OLD PADONIA RD SUITE LC	COCKEYSVILLE, MD 21030	RICK@RICHARDSONENGINEERING.NET
EBENEZER OLAREWAJU	3607 LANGREHR RD.	WINDSOR MILL 21244	OMOODUA@comcast.net

chesapeake tri isom (3757x2355x24b jpeg)



3D

06-218-A

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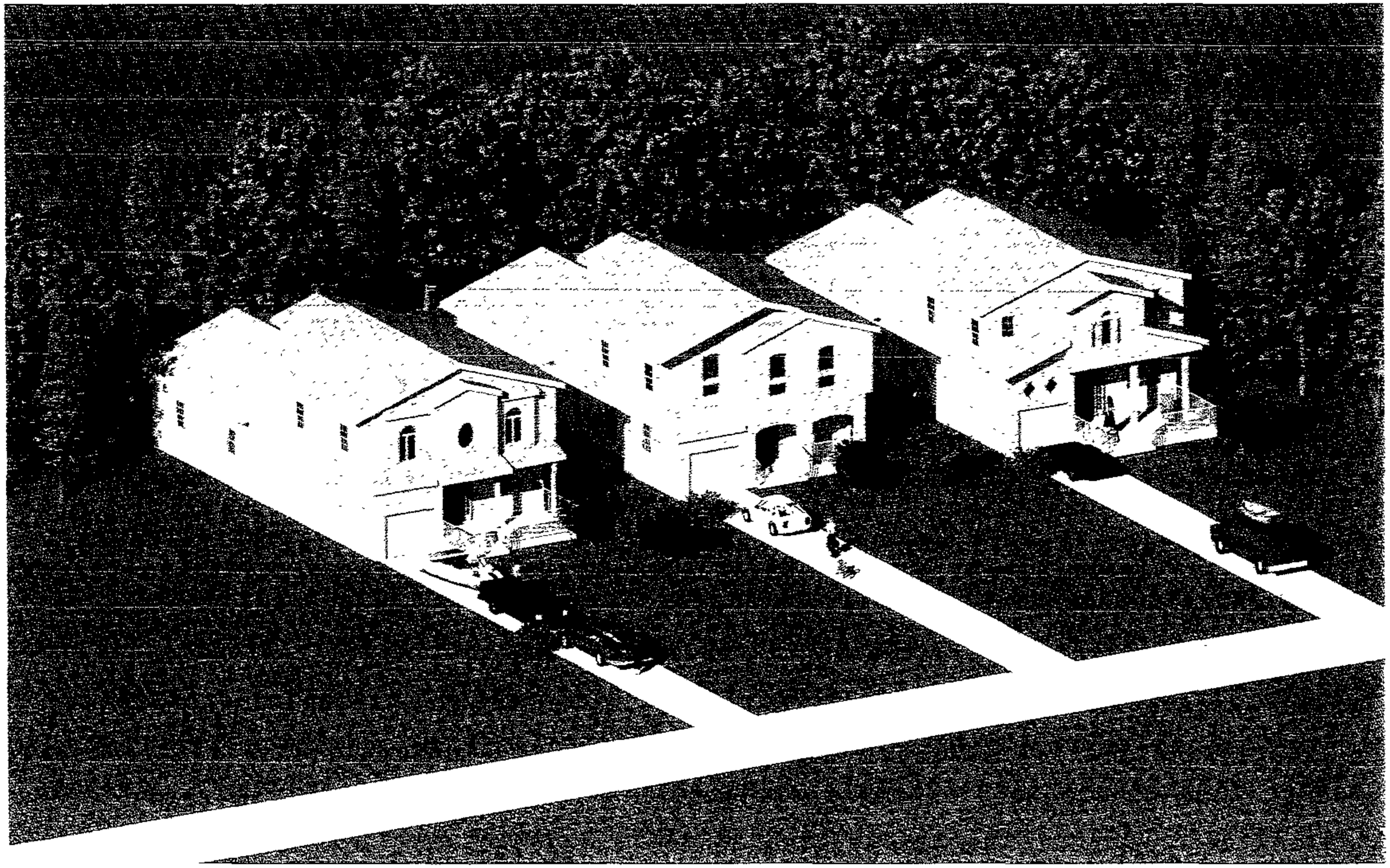

06-217-A

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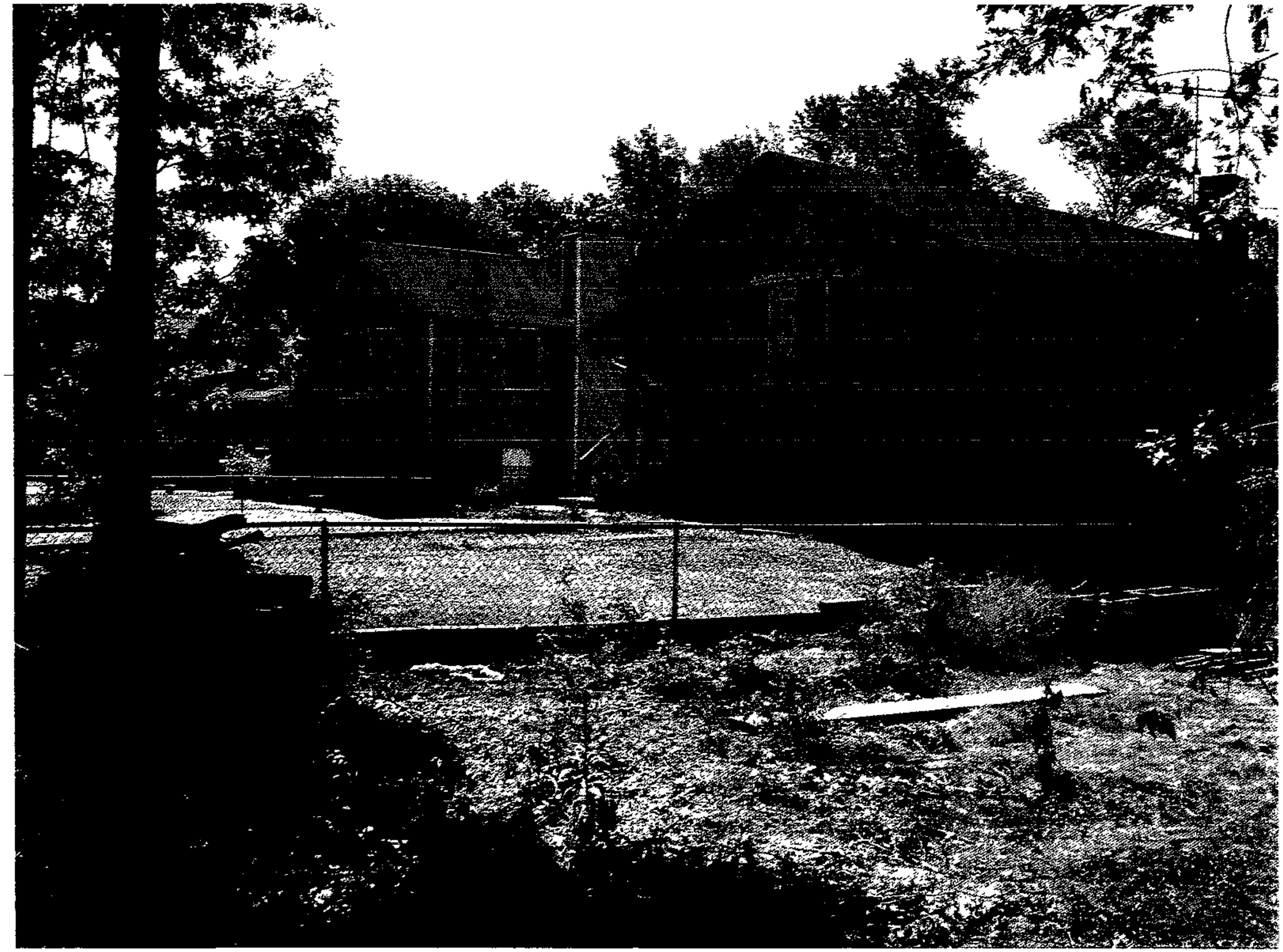

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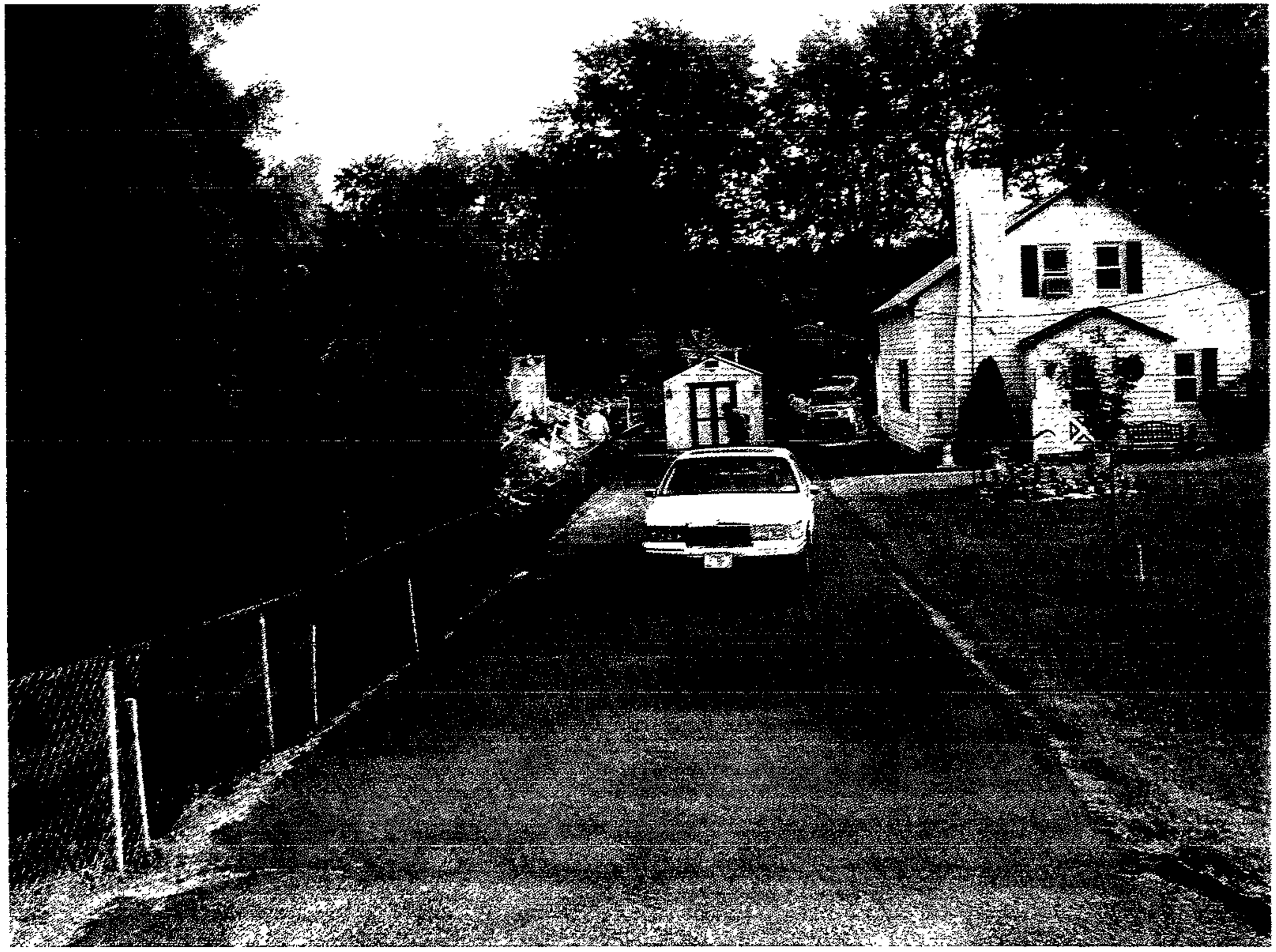
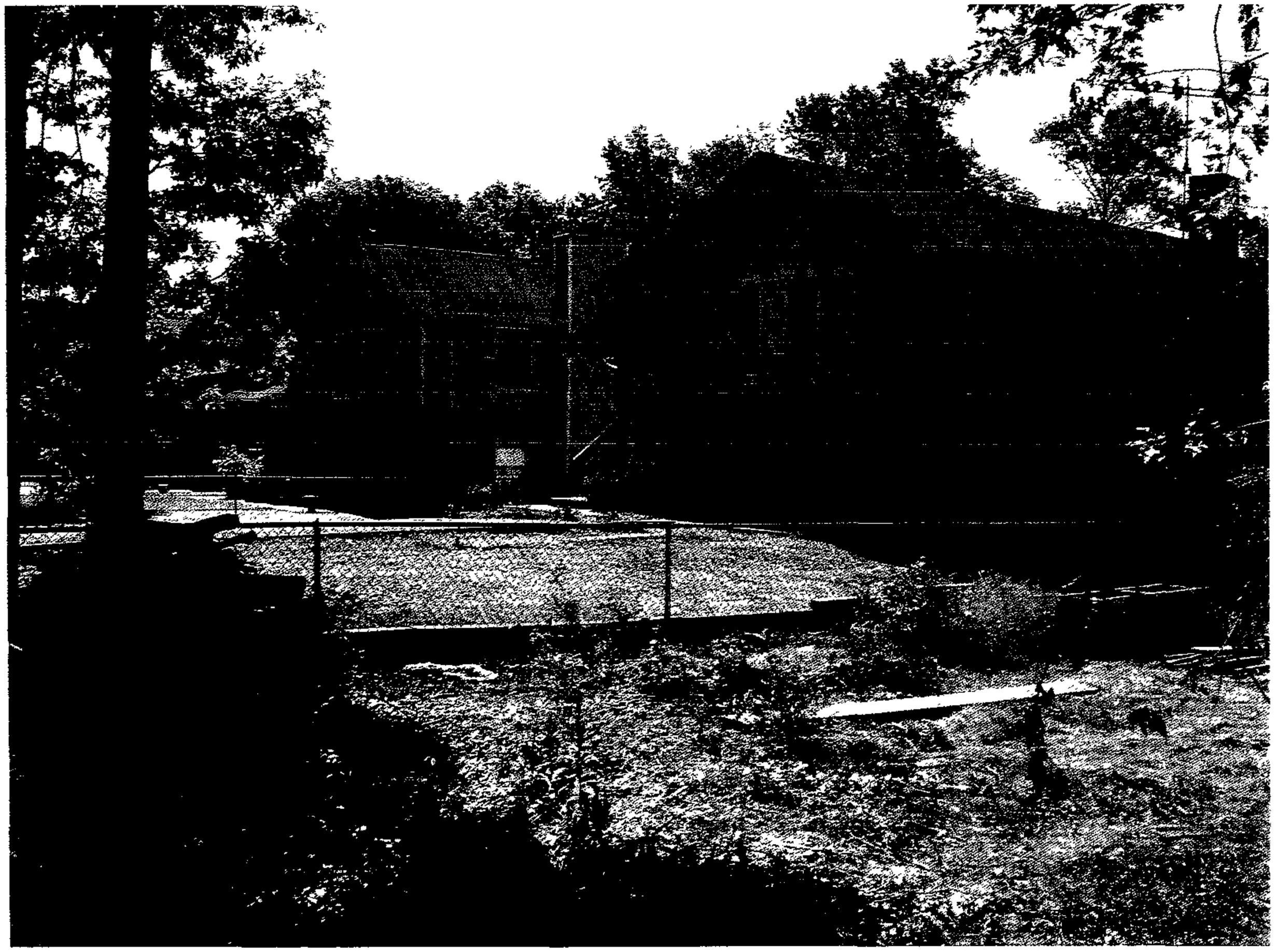


06-218-A

chesapeake trio (71) (2592x1944x24b jpeg)

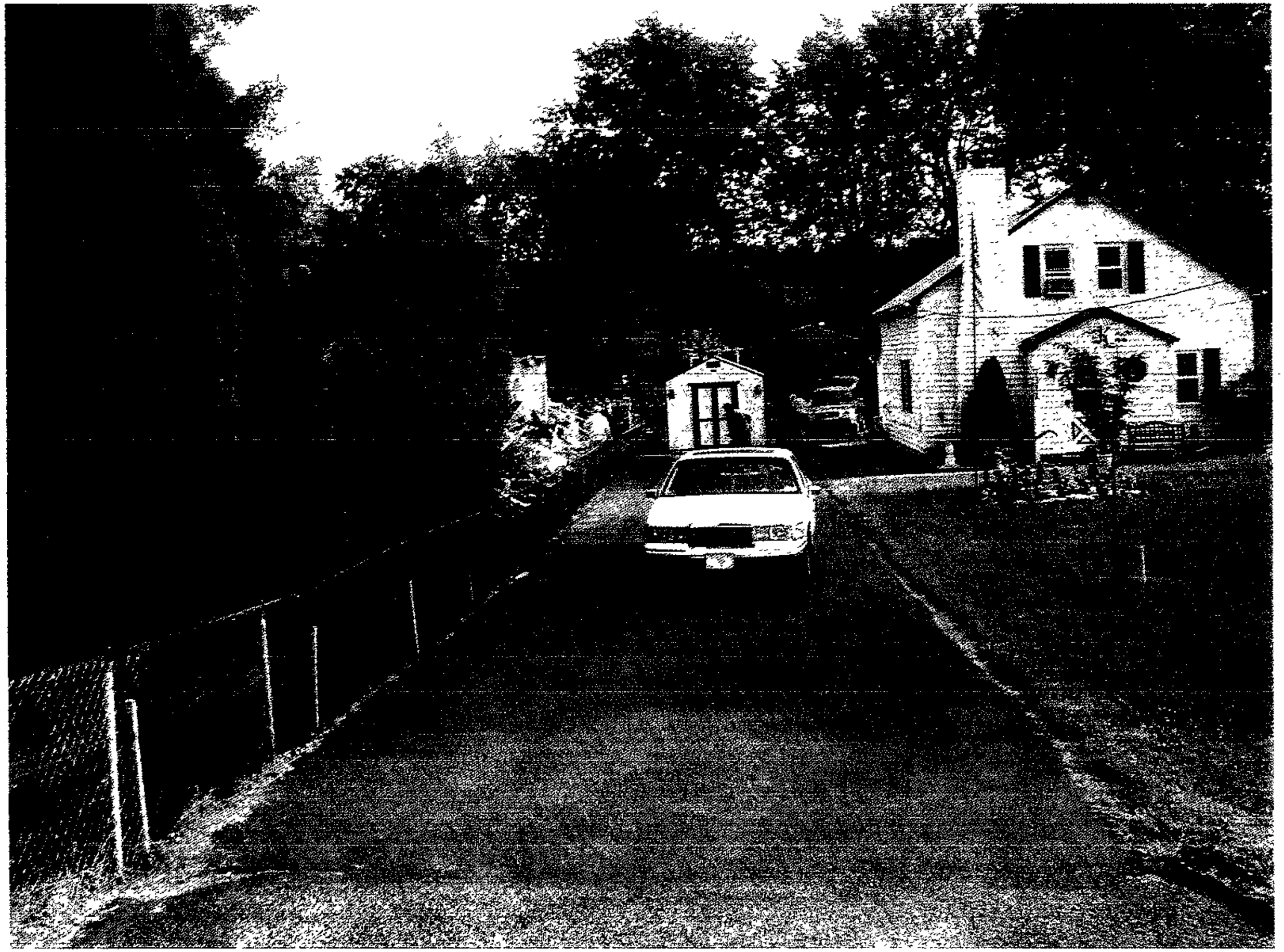
06-218-A

chesapeake trio (72) (2592x1944x24b jpeg)



3A 06-217A

chesapeake trio (45) (2592x1944x24b jpeg)



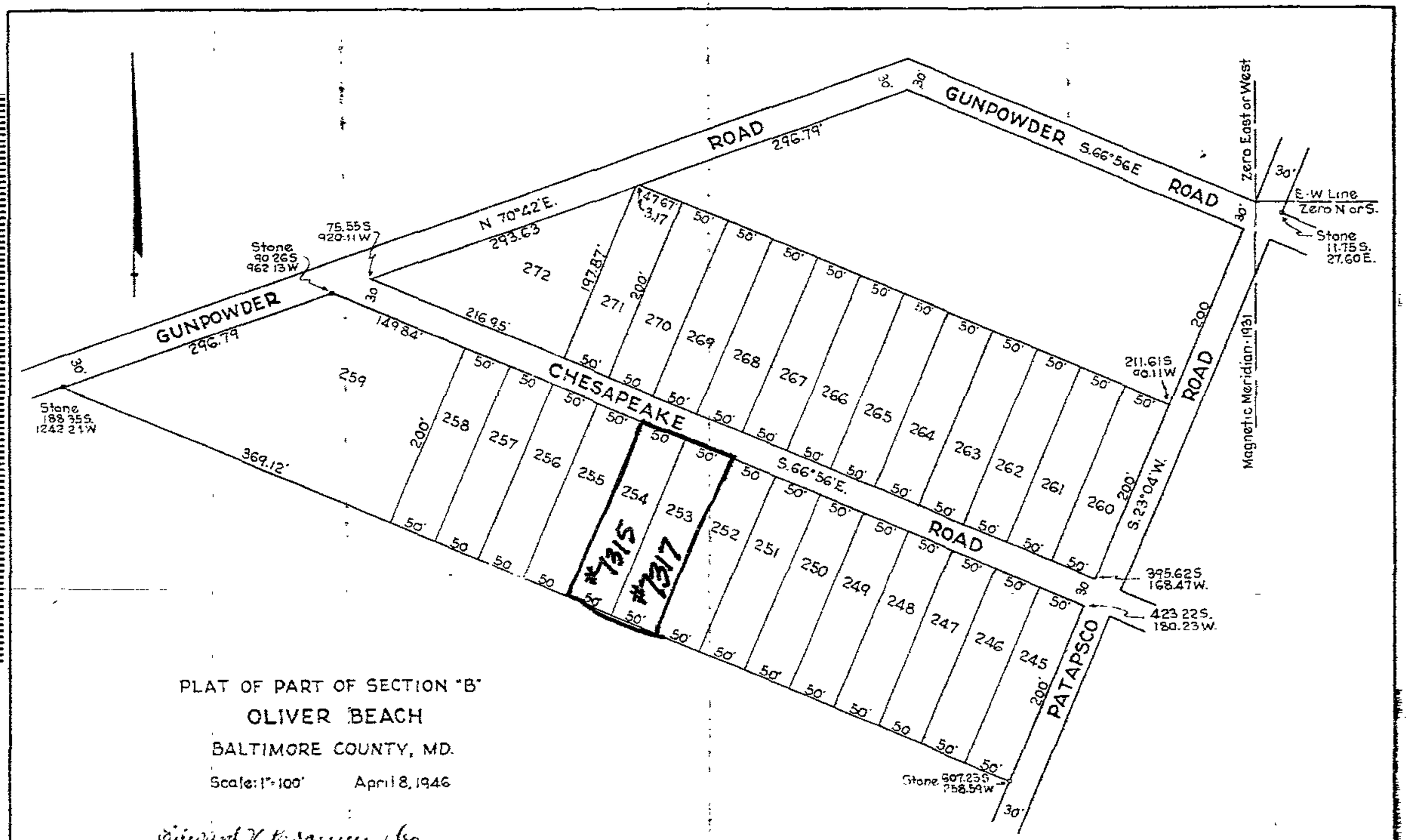
3B

06-217-A

chesapeake trio (71) (2592x1944x24b jpeg)

3C

06-217-A



PLAT OF PART OF SECTION "B"

OLIVER BEACH

BALTIMORE COUNTY, MD.

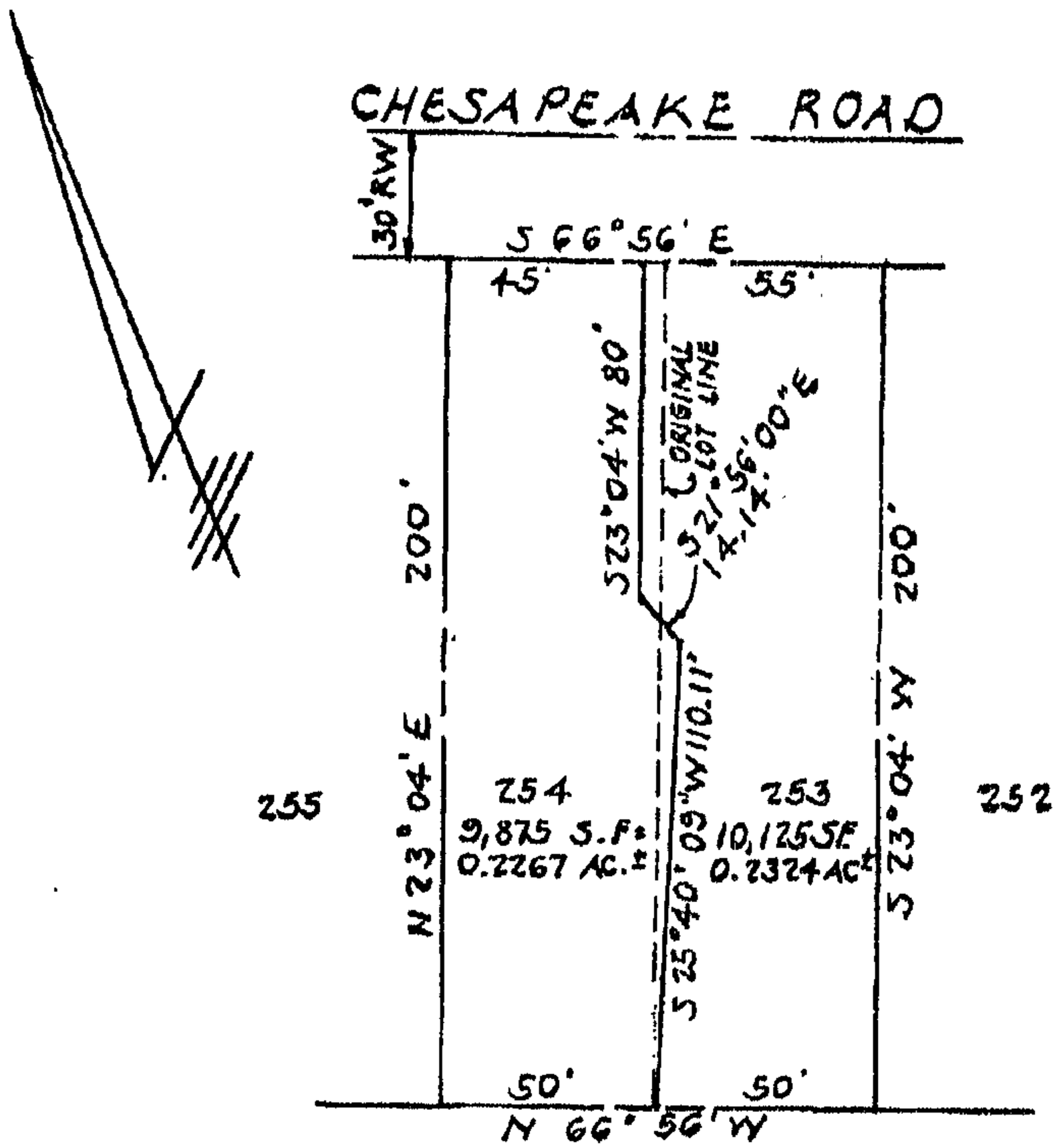
Scale: 1" = 100' April 8, 1946

Edward V. Donnelly Jr.
Surveyor and Engineer

Edward V. Donnelly
Registered Land Surveyor & Professional Engineer

The requirements of sections 72A, 72B, 72C and 72D of Article 17 of the Annotated Code of Maryland - 1939 Edition (title Clerks of Court, sub-title Clerks of Circuit Courts) as far as they relate to the making of this plat and setting of the markers, have been complied with.

[illegible]
Owner of the Land Shown Hereon



LOT LINE ADJUSTMENT
LOT 253 & 254
PART OF SECTION 'B'
OLIVER BEACH P.B. 13 F. 123
ELECT. DIST. 15
BALTO. CO., MD.
SCALE: 1" = 40' OCTOBER 5, 2004

Pet 5

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

September 13, 2005

Attn: Mr. Timothy M. Kotroco
Director of Zoning Administration and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Subject: 7315-17 Chesapeake Road
Lot Line Adjustment

Dear Mr. Kotroco:

On behalf of my client, Ebenezer Olarewaju, I am respectfully requesting a limited exemption from Section 32-4-106 of the Baltimore County Development Regulations. The applicant has recently purchased the property and wishes to return the lot lines to the existing configuration prior to the lot line adjustment that was approved in DRC 092704F. We believe that this previous adjustment would restrict any future development of the lots and would therefore request that the adjustment be reversed to the original configuration as shown on Plat 13/123 of Oliver Beach. The applicant believes that this request is within the spirit and intent of the development regulations for Baltimore County and should be exempt under Section 32-4-106, a.viii.

Very truly yours,

Rick Richardson

Patrick C. Richardson, Jr. PE
Encl: $50.00 Processing Fee

Pet #6

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

DRC# _____
County Use Only

Filing Date: _____
Stamp in w/PDM date stamp here

This application must be accompanied by the following:

1. **One copy of the completed DRC application form checklist.**
2. **Three copies of this DRC application, completed in full.**
3. **Three copies of a letter of request (attach one to each DRC application).**
4. **Nine copies of the plan folded to 8 ½ x 11 inches.**
5. **$50 fee (check made payable to Baltimore County and non-refundable; do not staple check to request form)**

Project Name: LOTS 253 & 254 CHESAPEAKE RD PDM File #: _____

Project Address: 7315 & 7317 CHESAPEAKE RD Zip Code: 21220 ADC Map #: 3982

Councilmanic District: 6 Election District: 15 Project Acreage: 20,000 SF OR 0.46 AC

Tax Account No(s): 2400009111 2400009110 Zoning: DR5.5

Engineer: RICHARDSON ENGINEERING Engineer's Phone No.: 410-560-1502

Applicant: EBENEZER O. OLAREWAJU Applicant's Phone No.: 410-984-1057

Address: 3607 LANGRERER RD
BALTIMORE Zip 21244 Email: OMOODUA@COMCAST.NET

Is this an antenna? ___ Yes X No If "Yes" check one of the following: Cellular ____ (CAC) Water Tower ____ (WTC) MonoPole ____ (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

( ) Limited Exemption under Section 32-4-106 (a) (viii)
( ) Material Amendment to the plan
( ) Plan Refinement
( ) Waiver of public works standards
( ) Requires a Zoning ( ) Special Hearing; ( ) Special Exception; ( ) Variance
( ) Other _____

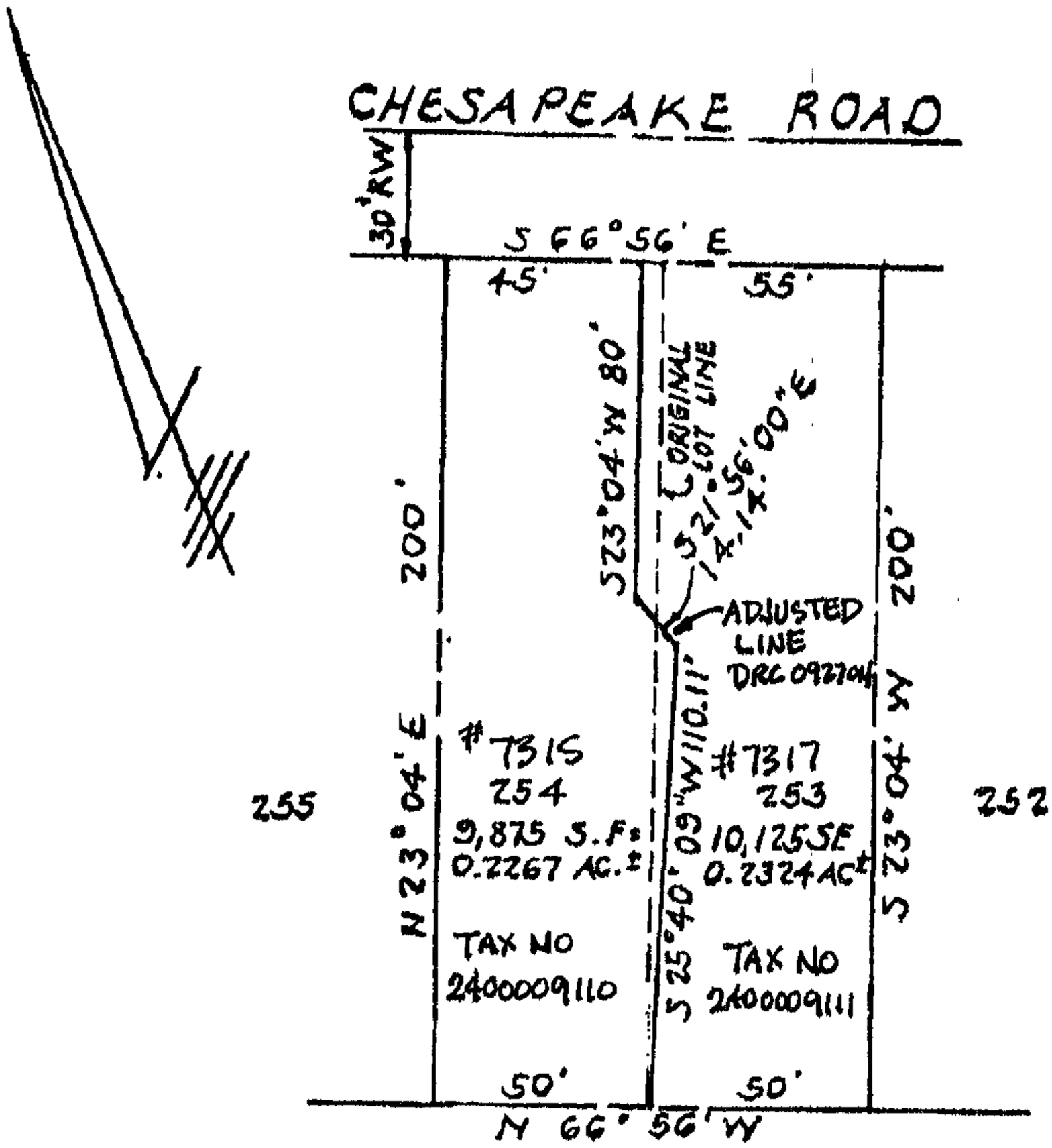
This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building and on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

c: Council, Planning, DEPRM

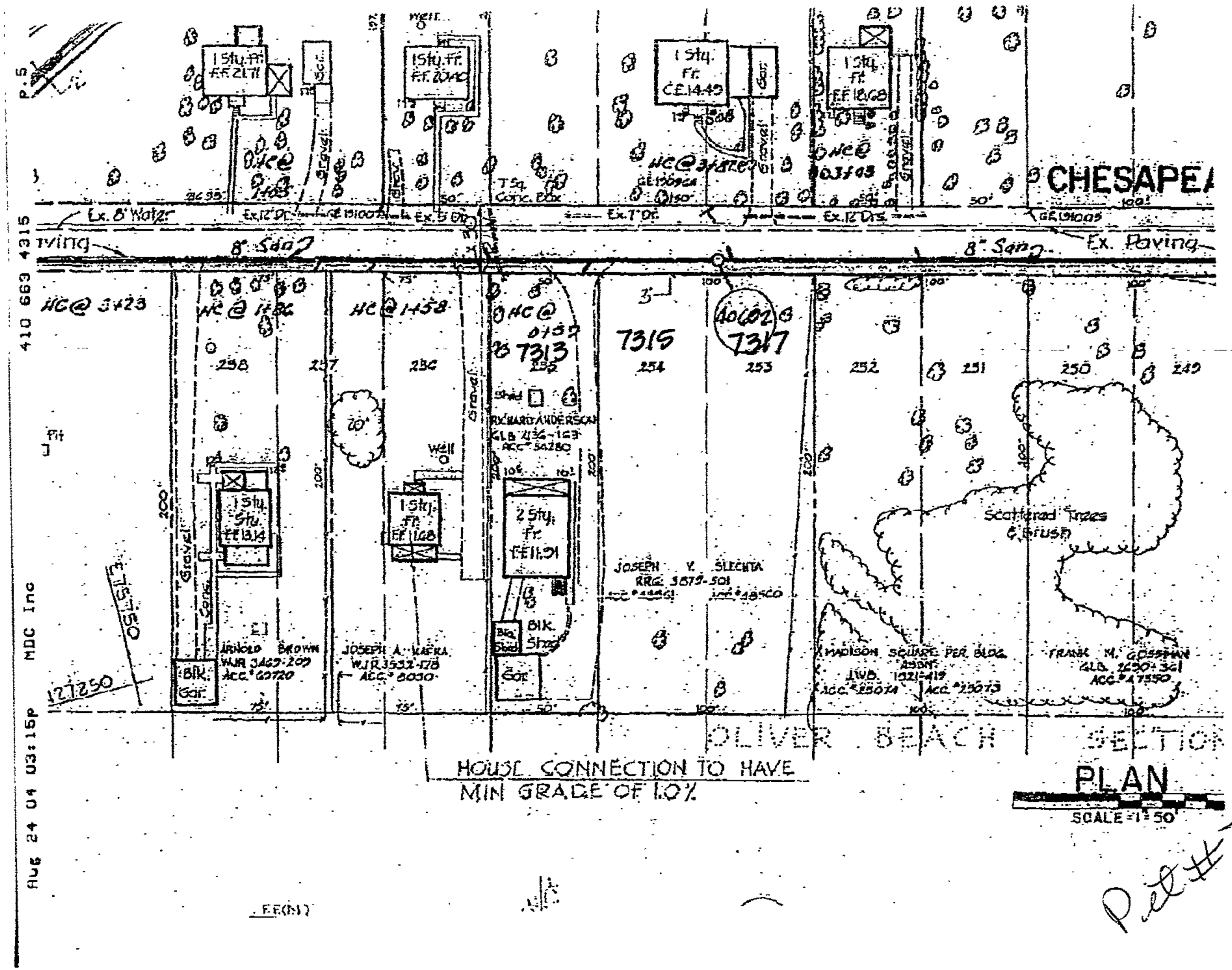
rev. 10/2004



OWNER
EBENEEZER OLAREWAJU
DOTUN AYGUBUSI
3607 LANGRERER RD
BALTIMORE, MD 21244

LOT LINE ADJUSTMENT
LOT 253 & 254
PART OF SECTION 'B'
OLIVER BEACH P.B. 13 F. 123
ELECT. DIST. 15 C 6
BALTO. CO., MD.
SCALE: 1" = 40' OCTOBER 5, 2004

PLAN TO ACCOMPANY
DRC REQUEST


CHESAPEA
Ex. 8" Water
Ex. 12" Dr.
Ex. 5" Dr.
Ex. 1" Dr.
Ex. 12" Drs.
8" San.
Ex. Paving
HC @ 3423
HC @ 1458
7315
7317
7313
40602
258
257
256
254
253
252
251
250
249
Scattered Trees & Brush
JOSEPH Y. SLECHTA
MADISON SQUARE PER. BLDG.
FRANK M. GOSSMAN
ARNOLD BROWN
JOSEPH A. KAERA
RICHARD ANDERSON
Blk. Shed
Blk. Gar.
Well
Shed
OLIVER BEACH SECTION
HOUSE CONNECTION TO HAVE
MIN GRADE OF 1.0%
PLAN
SCALE 1" = 50'
Pet #7
Aug 24 04 03:15p MDC Inc 410 663 4315

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 2400009111

Owner Information

Owner Name:	OLAREWAJU EBENEEZER O AYGUBUSI DOTUN	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	7313 CHESAPEAKE RD BALTIMORE MD 21220	**Deed Reference:**	1) /21957/ 259 2)

Location & Structure Information

Premises Address
7317 CHESAPEAKE RD

Legal Description
.23AC PTLTS 253,254
OLIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
84	2	41			B		253	3	Plat Ref: 13/ 123

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		9,875.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	31,710	56,460		
Improvements:	0	0		
Total:	31,710	56,460	31,710	39,960
Preferential Land:	0	0	0	0

Transfer Information

Seller:	KUHN TIMOTHY M	**Date:**	06/01/2005	**Price:**	$120,750
Type:	UNIMPROVED ARMS-LENGTH	**Deed1:**	/21957/ 259	**Deed2:**	
Seller:	KUHN TIMOTHY M	**Date:**	12/10/2004	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/21112/ 534	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

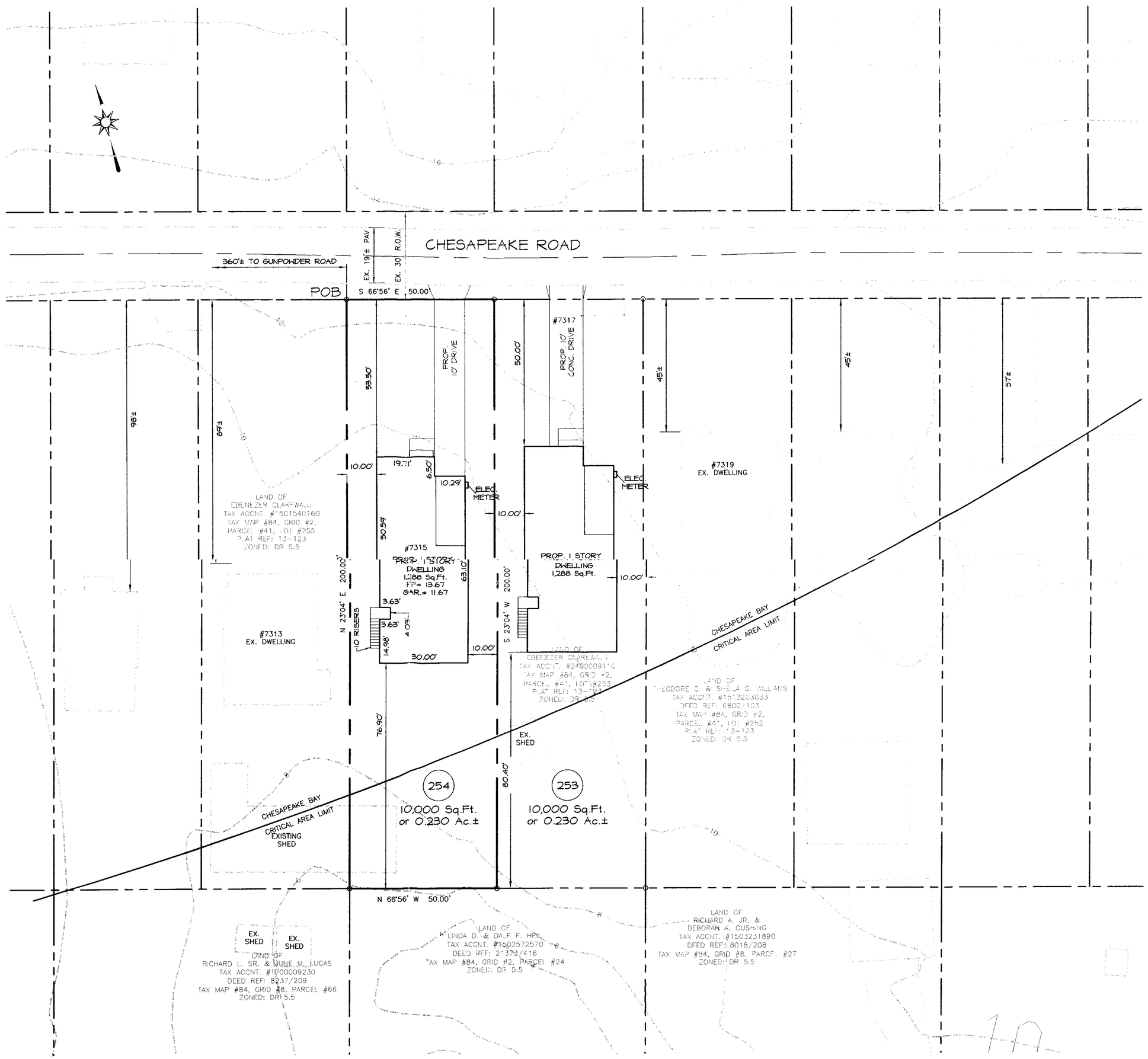
Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

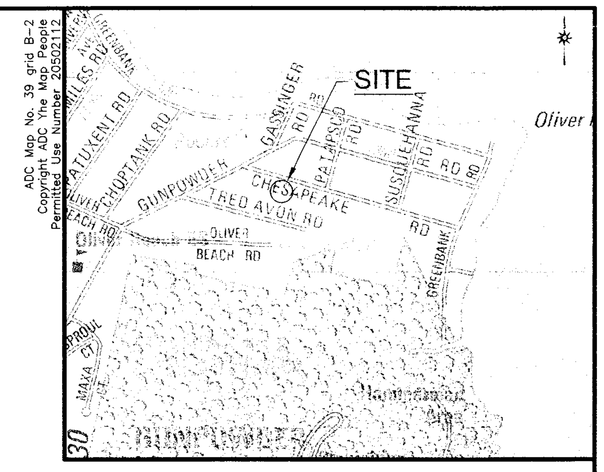
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pet #8





LOCATION MAP
SCALE: 1" = 1000'

AOC Map No. 39 grid B-2
Community Area: Rural Rhode
Permitted Use Number 20502112

GENERAL NOTES:

1. OWNER: EBENEZER OLAREWAJU
   #3607 LANGREHR ROAD
   BALTIMORE, MD 21244
2. SITE ADDRESS:
   #7315 CHESAPEAKE ROAD
   BALTIMORE, MARYLAND 21220
3. TOTAL SITE AREA: 10,000 Sq.Ft or 0.230 Ac.±
4. TAX ACCOUNT NO.: #2400009111
5. ZONING: D.R. 5.5
6. TAX MAP #84 PARCEL #41
7. LOT #254
8. THERE ARE NO KNOWN PRIOR ZONING CASES.
9. VARIANCE REQUESTED FROM SECTION 1B02.3.C.1 OF THE BCZR TO PERMIT A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55' MINIMUM.

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

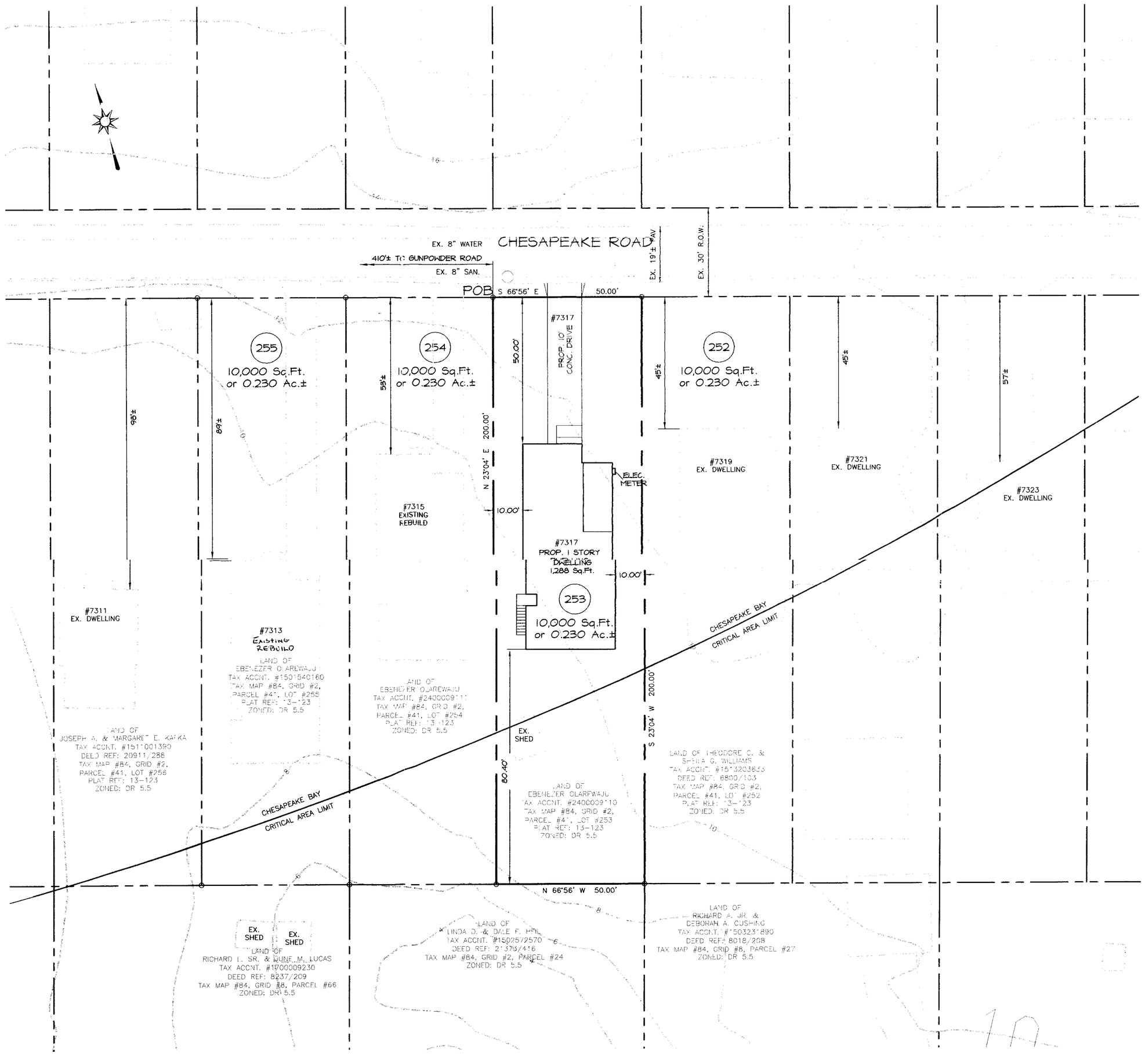
PLAN TO ACCOMPANY VARIANCE REQUEST

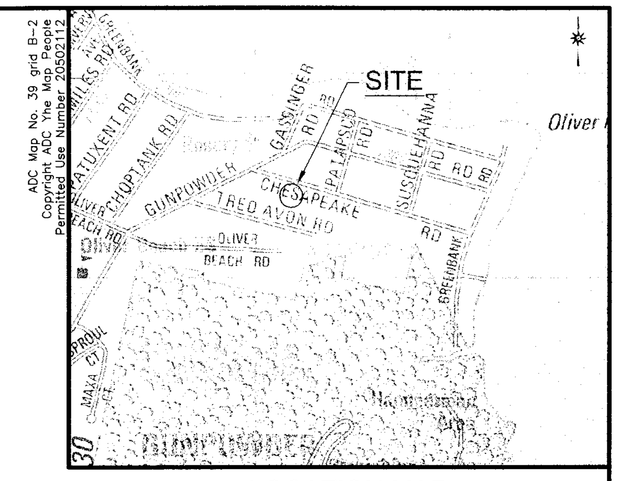
OLAREWAJU PROPERTY
7315 CHESAPEAKE ROAD

15TH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	DESIGNED BY: DNM	SCALE: 1" = 20'
	DATE: 08-24-05	JOB NO.: 05051	SHEET NO.: 1 OF 1

G:\JOBS\2005\05051\drawings\SITEPLAN1.dwg (layout-layout1)





LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: EBENEZER OLAREWAJU
   #3607 LANGREHR ROAD
   BALTIMORE, MD 21244
2. SITE ADDRESS:
   #7317 CHESAPEAKE ROAD
   BALTIMORE, MARYLAND 21220
3. TOTAL SITE AREA: 10,000 Sq.Ft or 0.230 Ac.±
4. TAX ACCOUNT NO.: 2400009110
5. ZONING: D.R. 5.5
6. TAX MAP #84 PARCEL #41
7. LOT #253
8. THERE ARE NO KNOWN PRIOR ZONING CASES.
9. THERE ARE NO DWELLINGS ON THE SUBJECT PROPERTY.
10. VARIANCE REQUESTED FROM SECTION 1B02.3.C.1 OF THE BCZR TO PERMIT A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55' MINIMUM.

STATE OF MARYLAND
DERICK N. RICHARDSON
No. 14321
PROFESSIONAL ENGINEER
8/24/05

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAN TO ACCOMPANY VARIANCE REQUEST

OLAREWAJU PROPERTY
7317 CHESAPEAKE ROAD

15TH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	DESIGNED BY: DNM	SCALE: 1" = 20'
	DATE: 07-08-05	JOB NO.: 05051	SHEET NO.: 1 OF 1

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Zoning #2