

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
N side of Hazelwood Avenue; 33 feet W	*	DEPUTY ZONING
of Emelia Avenue		
14 th Election District	*	COMMISSIONER
6 th Councilmanic District		
(4902 Hazelwood Avenue)	*	FOR BALTIMORE COUNTY
 Lawrence Odeyemi		
<i>Petitioner</i>	*	Case No. 2010-0279-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Mr. Lawrence Odeyemi. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 for an amendment to the plat to accompany special exception and variance application approved under Case No. 1990-0248-XA¹. Petitioner is also requesting Variance relief from Sections 232.1 (via Section 303.2) and 232.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard of 22 feet and a rear yard of 10 feet in lieu of the required 58.5 feet and 20 feet, respectively, for a service garage addition. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief were Petitioner Lawrence Odeyemi, property owner and proprietor of Esther Automotive, and David Billingsley with Central Drafting & Design, Inc, the firm that prepared the site plan. There were no Protestants or other interested persons present at the hearing.

¹ The subject property was originally reclassified as B.L. and granted a Special Exception as a service station in 1965 (1965-0186-RX). Case #1990-0248-XA renewed the special exception status of the property as a service garage.

ORDER RECEIVED FOR FILING

Date 6-8-10

By pr

Testimony and evidence offered revealed that the subject property is of an irregular, triangular shape consisting of .34 acre (14,810 square feet), more or less, and zoned B.L.-A.S. The property is located at the northeast corner of Westwood Avenue and Hazelwood Avenue, west of Interstate 95 and southeast of Belair Road, near the Baltimore City – Baltimore County line. The area surrounding the property is primarily residential and zoned D.R.5.5 and D.R.3.5, with pockets of commercial zones interspersed within, including a convenience store to the immediate east of the subject property. The property is currently improved with a one-story service garage consisting of 1,833 square feet that contains four service bays used for auto repair and an office area/waiting room.

The Petitioner and property owner, Mr. Lawrence Odeyemi, is the proprietor of the service station located on the property, Esther Automotive. As shown on the property tax records and the Deed that were marked and accepted into evidence as Petitioner's Exhibits 2 and 3, respectively, Petitioner purchased the property in 2006. Previously, the property had been used as a service garage. As shown on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 4, the property was the subject of a prior zoning case, Case No. 1965-0186-RX. In this case, the zoning of the property was reclassified to B.L. and granted a special exception for a service station. Over time, that use was eventually lost; however, as indicated in the site plan and Order in Case No. 1990-0248-XA that were collectively marked and accepted into evidence as Petitioner's Exhibit 5, a special exception for a service garage and variance to permit parking spaces with a 0 foot setback from a street property line in lieu of the required 10 feet was granted.

Since he acquired the property in 2006, Petitioner has operated an automotive service garage, used only for auto repair including but not limited to oil changes, suspension repair,

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Date 6-8-10

By [Signature]

brake and muffler service and wheel alignment. No automotive body repair work is performed on site and no hazardous materials are used nor fumes emitted from the site. At this juncture, as depicted on the site plan, Petitioner proposes to construct a one-story addition to the property. The proposed addition would provide an additional four service bays for auto repair and an office area consisting of 2,045 square feet. The aerial photographs of the subject site that were marked and accepted into evidence as Petitioner's Exhibits 6 through 8 illustrate that Petitioner is in need of additional space for automotive repairs, as well as to better organize the storage of vehicles in need of repair, and to improve the overall appearance of the site. As evidenced by architectural renderings of the proposed addition that were marked and accepted into evidence as Petitioner's Exhibit 9, the proposed addition would be streamlined into the existing building, providing improved aesthetics to the property as a whole. Moreover, an eight-foot high, screened fence would be constructed to enclose a disabled vehicle storage area to be situated at the westernmost portion of the property, thereby concealing disabled vehicles from public view. Furthermore, new fences would be built at the rear and eastern parts of the property for security and screening.

The proposed addition combined with the existing improvements on the property would create a total building footprint of 3,878 square feet, thereby necessitating 13 parking spaces (3.3 spaces per 1,000 S.F.) in accordance with the B.C.Z.R. Petitioner is in need of variance relief because the proposed addition would create a front yard setback of 22 feet and a rear yard set back of 10 feet in lieu of the required 58.5 feet and 20 feet, respectively. Mr. Billingsley proffered that due to the irregular shape of the property, specifically the manner in which the property narrows to an acute angle toward the western portion of the property, strict compliance

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Date 6.8.10

By PJ

with the Zoning Regulations is impracticable, and that a denial of the request at hand would deprive the property owner of the reasonable and beneficial use of the property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated May 6, 2010 which indicates no opposition to the requests and suggests conditions to include installing a screening fence around the entire area dedicated to disabled vehicle storage, submit building elevations for review and approval prior to issuance of any building permits, replace or repair deteriorated chain link fencing, and submit landscape plan for review and approval prior to issuance of any building permit.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. Special circumstances and conditions exist that are peculiar to the land or structure that is the subject of the variance request. The property is unique in that it is shaped irregularly like a triangle with the property lines becoming increasingly narrow toward the western corner of the property. These distinct features of the property drive the need for the variance relief, and I find that Petitioner has satisfied its burden at law. The constraints imposed by these features would create a practical difficulty for Petitioner if strict compliance with the B.C.Z.R. were required, and would result in a denial of a reasonable and beneficial use of the property. *See Belvoire Farms v. North*, 355 Md. 259 (1999). I also find that the variance relief 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. Indeed, the proposed improvements as depicted would improve the current aesthetics of the property for the betterment of the surrounding community. Thus, I find that the variance request can be granted in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R., as interpreted in

ORDER RECEIVED FOR FILING

Date 6-8-10

4

By ps

Cromwell v. Ward, 102 Md.App. 691 (1995). In addition, I find that the request for special hearing for an amendment to the plat to accompany special exception and variance application approved under Case No. 1990-0248-XA is consistent with the intent and guidelines of the prior zoning hearing and is thereby approved.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 2010 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for an amendment to the plat to accompany special exception and variance application approved under Case No. 1990-0248-XA be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Sections 232.1 (via Section 303.2) and 232.3 of the B.C.Z.R. to permit a front yard of 22 feet and a rear yard of 10 feet in lieu of the required 58.5 feet and 20 feet respectively for a service garage addition be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit building elevations for the proposed addition to the Office of Planning for review and approval prior to the issuance of any building permits.
3. Petitioner shall install a screening fence around the entire area dedicated to disabled vehicle storage.

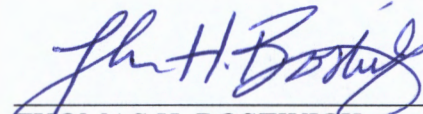
ORDER RECEIVED FOR FILING

Date 6-8-10 5

By ps

4. Petitioner shall replace or repair the existing deteriorated wood and chain link fences surrounding the property.
5. Petitioner shall submit a landscape plan to the Office of Planning for review and approval prior to the issuance of any building permits.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 6-8-10

By pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 8, 2010

LAWRENCE ODEYEMI
4902 HAZELWOOD AVENUE
BALTIMORE MD 21206

Re: Petition for Special Hearing and Variance
Case No. 2010-0279-SPHA
Property: 4902 Hazelwood Avenue

Dear Mr. Odeyemi:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4902 HAZELWOOD AVENUE

which is presently zoned BL-AS

DEED REF: 24109/372 TAX ACCT. #1401074570

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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Date

Address

By

Telephone No.

City

State

Zip Code

Legal Owner(s):

LAWRENCE ODEYEMI

Name - Type or Print

Signature

Name - Type or Print

Signature

4902 HAZELWOOD AVE. (443) 392-8244

Address

Telephone No.

BALTO.

MD.

21206

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY,
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0279-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

Date

4.15.10

AN AMENDMENT TO THE PLAT TO ACCOMPANY SPECIAL
EXCEPTION AND VARIANCE APPLICATION APPROVED UNDER
CASE NO. 1990-0248-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 4902 HAZELWOOD AVENUE
which is presently zoned BL-AS

Deed Reference: 24109 1372 Tax Account # 1401074570

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 Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT HEARING

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

LAWRENCE ODEYEMI

Name - Type or Print

Signature

Name - Type or Print

Signature

4902 HAZELWOOD AVE. (443) 392-824

Address

Telephone No.

BALTO

MD.

21206

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

Case No. 2010-0279-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date 4.14.10

SECTIONS 232.1 (303.2) AND 232.3 (BCZR) TO PERMIT A FRONT
YARD OF 22 FEET AND A REAR YARD OF 10 FEET IN LIEU OF THE
REQUIRED 58.5 FEET AND 20 FEET RESPECTIVELY FOR A
SERVICE GARAGE ADDITION

ZONING DESCRIPTION

4902 HAZELWOOD AVENUE

Beginning at a point on the north side of Hazelwood Avenue (60 feet wide), distant 33 feet westerly from it's intersection with the center of Emelia Avenue (variable width), thence (1) 101.07 feet along a curve to the left having a radius of 1303.24 feet (2) N 65 52 00 W 113.32 feet (3) N 81 24 36 E 256.75 feet and (4) S 24 08 00 W 127.22 feet to the place of beginning.

Containing 14,810 square feet or 0.34 acre of land, more or less.

Being known as 4902 Hazelwood Avenue. Located in the 14TH Election District, 6TH Councilmanic District.



**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: 2010-0279
Petitioner: LAWRENCE ODEYEMI
Address or Location: 4902 HAZELWOOD AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE ODEYEMI
Address: 4902 HAZELWOOD AVE
BALTO MD. 21206
Telephone Number: (443) 392-8246

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

No. **53232**

Date: **4.14.10**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				650.-

Total: **650.-**

Rec From: **L. ODEYEMI**

For: **2010-0279-SPHA**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTION TIME DAY
 4/14/2010 4/14/2010 09:19:56 1

REC 6501 BALCON BRIC JAW
 RECEIPT N 454350 4/14/2010 HELP

5 520 BONDING VERIFICATION
 REC 6501 453232

Recpt Tot 650.00
 650.00000 1.00 1A
 Baltimore County Maryland

**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: #2010-0279-SPHA

4902 Hazelwood Avenue

N/side of Hazelwood Avenue, 33 feet +/- west of Emelia Avenue

14th Election District - 6th Councilmanic District

Legal Owner: Lawrence Odeyemi

Variance: for an amendment to the plat to accompany special exception and variance application approved under case no. 1990-0248-XA. Variance to permit a front yard of 22 feet and a rear yard of 10 feet in lieu of the required 58.5 feet and 20 feet respectively for a service garage addition.

Hearing: Monday, June 7, 2010 at 11:00 a.m. in Room 104, Jefferson Building, 105 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.

5/333 May 20

240725

CERTIFICATE OF PUBLICATION

5/21, 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 5/20, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2010-0279-SPHA

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 6/7/10

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

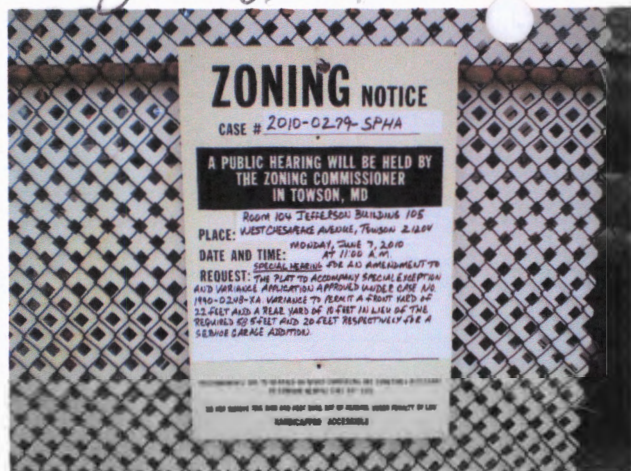
Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 4902 HAZELWOOD AVENUE

This sign(s) were posted on May 22, 2010
Month, Day, Year
Sincerely,

Martin Ogle 5/22/10
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



05/22/2010



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 4, 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: 2010-0279-SPHA

4902 Hazelwood Avenue

N/side of Hazelwood Avenue, 33 feet +/- west of Emelia Avenue

14th Election District – 6th Councilmanic District

Legal Owners: Lawrence Odeyemi

Special Hearing for an amendment to the plat to accompany special exception and variance application approved under case no. 1990-0248-XA. Variance to permit a front yard of 22 feet and a rear yard of 10 feet in lieu of the required 58.5 feet and 20 feet respectively for a service garage addition.

Hearing: Monday, June 7, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Lawrence Odeyemi, 4902 Hazelwood Avenue, Baltimore 21206
David Billingsley, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 22, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 20, 2010 Issue - Jeffersonian

Please forward billing to:
Lawrence Odeyemi
4902 Hazelwood Avenue
Baltimore, MD 21206

443-392-8246

NOTICE OF ZONING HEARING

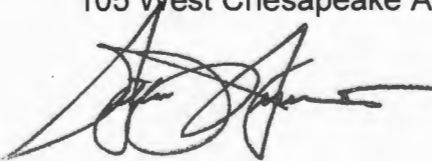
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0279-SPHA

4902 Hazelwood Avenue
N/side of Hazelwood Avenue, 33 feet +/- west of Emelia Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Lawrence Odeyemi

Special Hearing for an amendment to the plat to accompany special exception and variance application approved under case no. 1990-0248-XA. Variance to permit a front yard of 22 feet and a rear yard of 10 feet in lieu of the required 58.5 feet and 20 feet respectively for a service garage addition.

Hearing: Monday, June 7, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 3, 2010

Lawrence Odeyemi
4902 Hazelwood Ave.
Baltimore, MD 21206

Dear: Lawrence Odeyemi

RE: Case Number 2010-0279-SPHA, 4902 Hazelwood Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 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
David Billingsley: Central Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

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 May 3, 2010
Item Nos. 2010- 273, 274, 276, 277,
278, 279, 280 and 281

DATE: April 23, 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-05032010 -NO COMMENTS.doc

TB
6-7-10
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 6, 2010

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

RECEIVED

MAY 14 2010

SUBJECT: 4902 Hazelwood Avenue

INFORMATION: 6th Councilmanic District

Item Number: 10-279

Petitioner: Lawrence Odeyemi

Zoning: BL-AS

Requested Action: Variance and Special Hearing

ZONING COMMISSIONER

Variance from Sections 232.1 (303.2) and 232.3 of the BCZR to permit a front yard of 22 feet and a rear yard of 10 feet in lieu of the required 58.5 feet and 20 respectively for a service garage addition and a Special Hearing to amend the plat that accompanied the special exception and variance application approved under Case No. 1990-0248-XA.

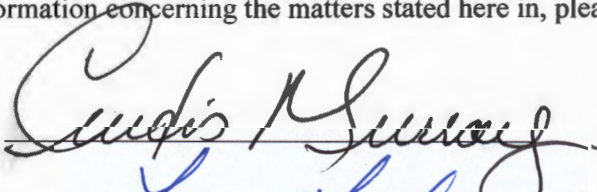
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and offers the following comments:

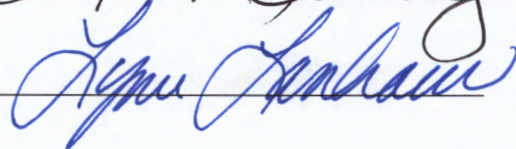
1. Submit building elevations for proposed addition for review and approval prior to issuance of any building permits.
2. Install screening fence around entire area dedicated to disabled vehicle storage.
3. Replace or repair deteriorated chain link fencing around existing building.
4. Submit landscape plan for review and approval prior to issuance of any building permits.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/28/2010

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

RE: Baltimore County
Item No. 2010-0279-SPHA
4902 HAZELWOOD AVE
ODEYEMI PROPERTY
VARIANCE -

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. 2010-0279-SPHA.

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,

A handwritten signature in black ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 9, 2010

SUBJECT: Zoning Item # 10-279-SPHA
Address 4902 Hazelwood Avenue
(Odeyemi Property)

Zoning Advisory Committee Meeting of April 19, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 6/9/10

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
4902 Hazelwood Avenue; N/S Hazelwood	*	ZONING COMMISSIONER
Avenue, 33' W of Emelia Avenue		
14 th Election & 6 th Councilmanic Districts	*	FOR
Legal Owner(s): Lawrence Odeyemi		
Petitioner(s)	*	BALTIMORE COUNTY
	*	10-279-SPHA

* * * * *

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
APR 27 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 27th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T**Comment
Received****Department****Support/Oppose
No Comment**4-23-10

DEVELOPMENT PLANS REVIEW

nc6-9-10

DEPRM

nc

FIRE DEPARTMENT

5-6-10

PLANNING

(if not received, date e-mail sent _____)

support w/
conditions4-28-10

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 1990-0248-XA)

NEWSPAPER ADVERTISEMENT

Date: 5-20-10

SIGN POSTING

Date: 5-22-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

CASE NAME 4902 HAZELWOOD AVE
CASE NUMBER 2010-0279-SPHA
DATE 6/7/10

CASE NAME 4902 HAZELWOOD AVE
CASE NUMBER 2010-0279-SPHA
DATE 6/7/10

[illegible]

PETITIONER'S EXHIBITS

**4902 HAZELWOOD AVENUE
CASE NO. 2010-0279-SPHA**

- 1. PLAT TO ACCOMPANY PETITION DATED MARCH 17, 2010 (NO CHANGE)**
- 2. SDAT REAL DATA SEARCH FOR SITE**
- 3. DEED OF RECORD**
- 4. PLAT ACCOMPANYING PETITION FOR CASE NO 1965-0186 RX
REZONING PROPERTY TO BL AND GRANTING A SPECIAL EXCEPTION
FOR A SERVICE STATION**
- 5. PLAT ACCOMPANYING PETITION FOR CASE NO 1990-0248-XA
GRANTING A SPECIAL EXCEPTION FOR A SERVICE GARAGE AND A
VARIANCE PERMITTING PARKING SPACES WITH A 0 FOOT SETBACK
FROM A STREET PROPERTY LINE**
- 6. AERIAL PHOTO OF SITE**
- 7. BIRDS EYE PHOTO OF SITE FROM SOUTH**
- 8. BIRDS EYE PHOTO OF SITE FROM EAST**
- 9. ELEVATIONS OF PROPOSED BUILDING**



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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

Account Identifier: District - 14 Account Number - 1401074570

Owner Information

Owner Name: ODEYEMI LAWRENCE **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 4902 HAZELWOOD AV **Deed Reference:** 1) /24109/ 372
 BALTIMORE MD 21206-2210 2)

Location & Structure Information

Premises Address
 4902 HAZELWOOD AVE

Legal Description
 0.344 AC NES
 4902 HAZELWOOD AV
 100 E OF WESTWOOD AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	3	696						1	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	1,848 SF	20,141.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of	Phase-In Assessments As Of	Value As Of
		01/01/2010	07/01/2009	07/01/2010
Land	200,100	170,200		
Improvements:	87,800	76,000		
Total:	287,900	246,200	287,900	246,200
Preferential Land:	0	0	0	0

Transfer Information

Seller: NEUBAUER MICHAEL R	Date: 06/29/2006	Price: \$255,000
Type: IMPROVED ARMS-LENGTH	Deed1: /24109/ 372	Deed2:
Seller: FELLNER JOSEPH M FELLNER ELSA	Date: 09/27/1990	Price: \$183,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8606/ 486	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 *

PETITIONER' S

EXHIBIT NO. 2

THIS DEED, Made this 14th day of June in the year Two Thousand Six by and between Michael R. Neubauer and Raymond P. Cosgrove, of the State of Maryland, of the first part (Grantors), and Lawrence Odeyemi, of the State of Maryland, of the second part (Grantee).

WITNESSETH, That in consideration of the sum of TWO HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$255,000) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Lawrence Odeyemi, his personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at a point in the Private Road now known as Hazelwood Avenue, leading from Spaulding to the County Road which extends from Gatch a Meeting House to the Philadelphia Road, said point being also at the center line of Hazelwood Avenue and the intersection of the South 83 degrees 45 minutes West line of the land in a deed conveyed by W. C. Cronin and wife, said point of beginning having a coordinated value of North 16294.90 and East 24654.69; thence leaving the said point of beginning and running and binding on the center line of Hazelwood Avenue as now surveyed, bearing referred to Baltimore County Traverse, South 65 degrees 52 minutes 00 seconds East, 239.35 feet; thence leaving the center line of Hazelwood Avenue and running for a new line of division, North 24 degrees, 08 minutes, 00 seconds East 153.79 feet to a point in the South 83 degrees 45 minutes West line of the land conveyed by W. C. Cronin and wife; thence running and binding on the South 83 degrees 45 minutes west line is now surveyed, South 81 degrees 24 minutes 36 seconds West 284.50 feet to the place of beginning. Containing 0.329 acres more or less.

LESS AND EXCEPT that portion thereof conveyed to Baltimore County Maryland by Artina Cooperation by deed dated September 1, 1965 and intended to be records in the Land Records of said Baltimore County.

The improvements thereon being know as 4902 Hazelwood Avenue.

Being the same property which by deed dated September 10, 1990 and recorded among the Land Records of Baltimore County in Liber No. 8606, folio 486 was granted and conveyed by Joseph M. Fellner et al. unto the Grantors herein named.

The Grantors hereby certify that they are both Maryland residents and that the net proceeds from this transaction to Raymond P. Cosgrove are ONE THOUSAND DOLLARS (\$1,000.00) and to Michael R. Neubauer are FIFTY TWO THOUSAND EIGHT HUNDRED FIFTY-EIGHT DOLLARS AND THIRTY-FOUR CENTS (\$52,858.34).

Together with the buildings thereupon, and the rights,

PETITIONER'S

alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Lawrence Odeyemi, his personal representatives and assigns, in fee simple.

And the said Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that will warrant specially the property hereby granted; and that will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

Test:

(SEAL)

Paul R. Cvach
Paul R. Cvach
as to

(SEAL)

Michael R. Neubauer

Michael R. Neubauer

Raymond P. Cosgrove

Raymond P. Cosgrove

STATE OF MARYLAND, Baltimore County to wit:

I HEREBY CERTIFY, That on this 14th day of June in the year Two Thousand Six before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Michael R. Neubauer, and Raymond P. Cosgrove known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

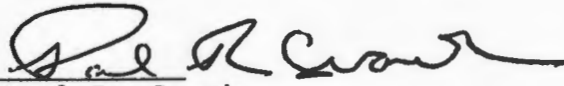
Paul R. Cvach

Paul R. Cvach - Notary Public

My Commission Expires: 8/1/06



This is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



Paul R. Cvach

Return to
STOCKSDALE & CVACH
305 W. PENNSYLVANIA AVE
TOWSON, MD, 21204

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO.

6



PETITIONER'S

EXHIBIT NO. 7

PETITIONER'S

EXHIBIT NO. 8



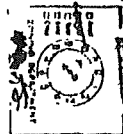
SITE PLAN TO ACCOMPANY CASE NO. 1965-0186-RX

PETITIONER'S

EXHIBIT NO.

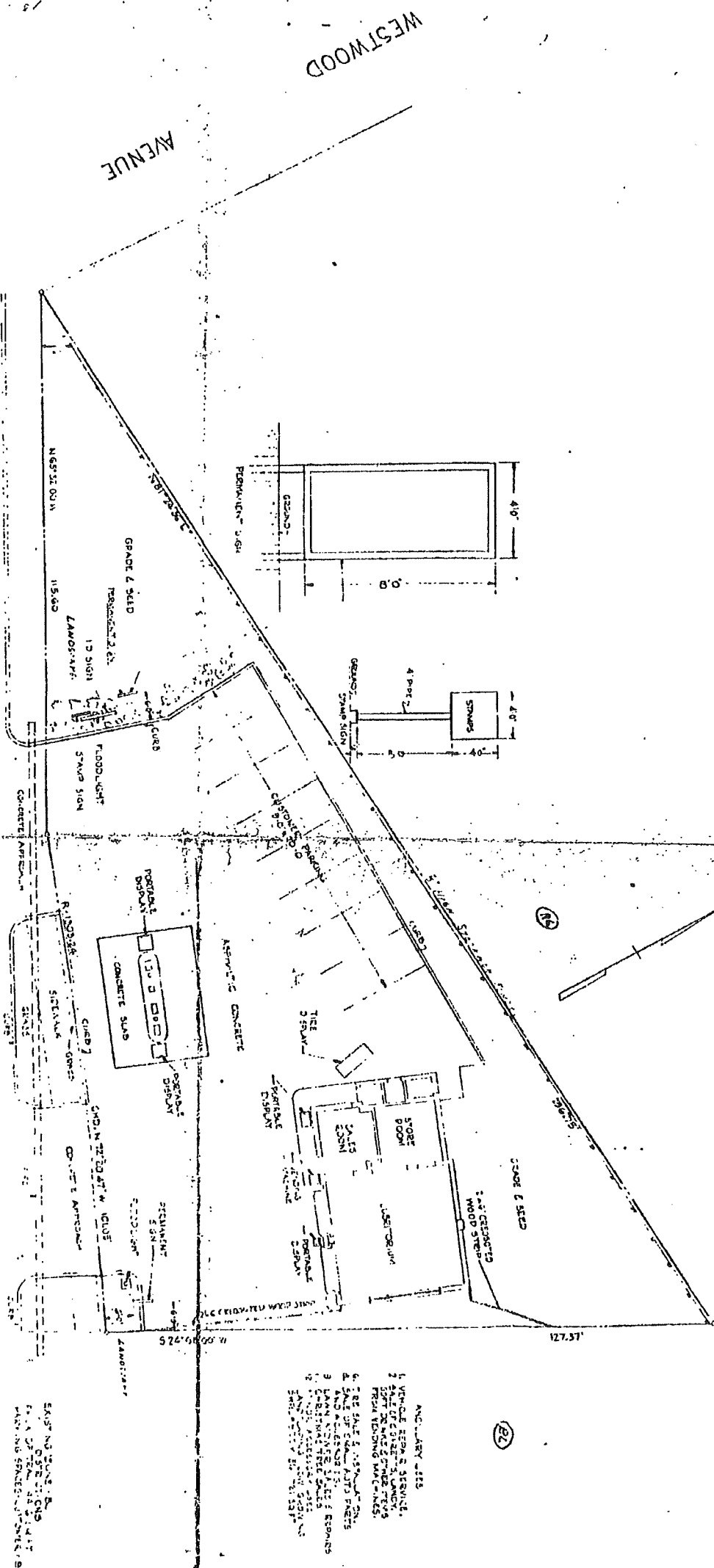
4

PLANNING
DEPT. 54

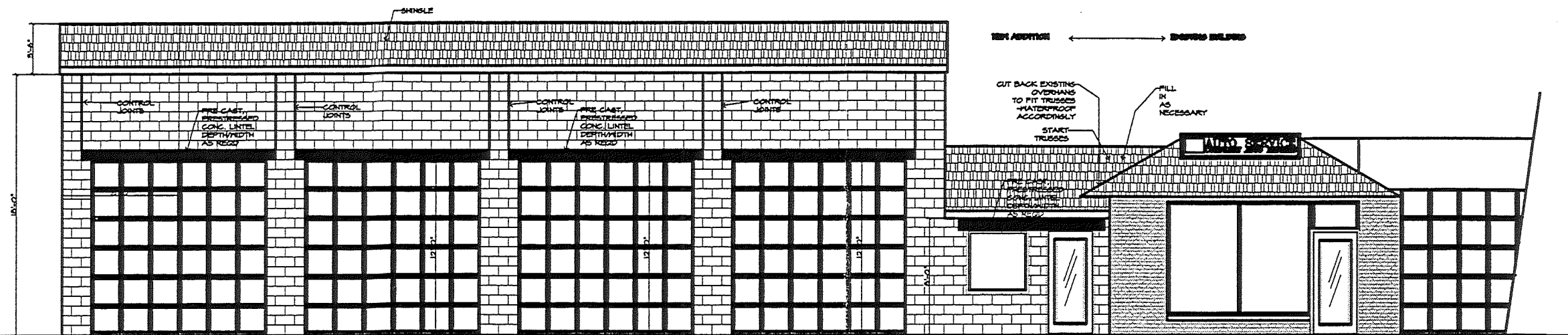


PLANS APPROVED
DATE OF REVIEW 12/1/65
BY 12/1/65

THE CITY OF CHICAGO
PLANNING DEPARTMENT
121 N. LAKE STREET
CHICAGO, ILL. 60601

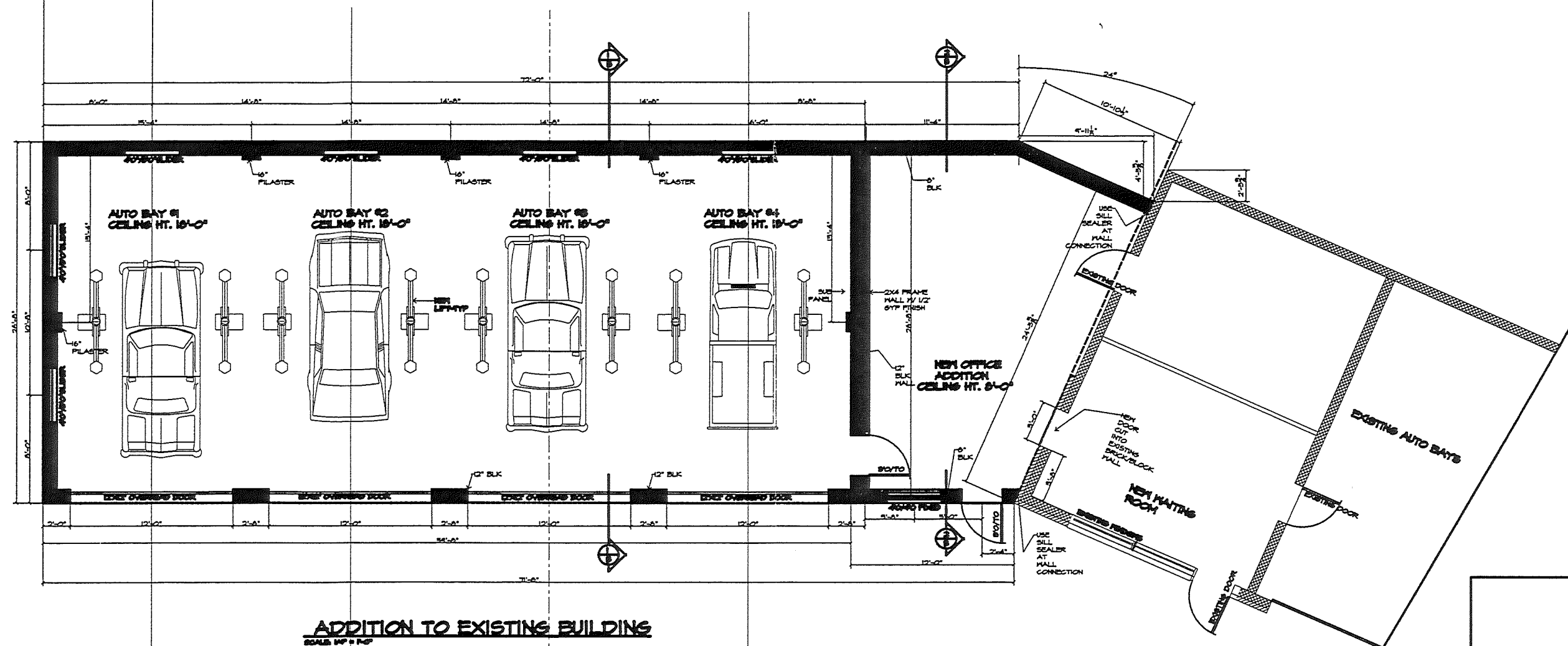


1. VEHICLE EGRESS SERVICE.
2. STAMP SIGN.
3. STAMP SIGN.
4. STAMP SIGN.
5. STAMP SIGN.
6. STAMP SIGN.
7. STAMP SIGN.
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17. STAMP SIGN.
18. STAMP SIGN.
19. STAMP SIGN.
20. STAMP SIGN.



ADDITION TO EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



ADDITION TO EXISTING BUILDING
SCALE: 1/4" = 1'-0"

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 22222 EXPIRATION DATE: 2022/2022

ROBERT E. BROOKS
ARCHITECT

PETITIONER'S

EXHIBIT NO.

9

ESTHER AUTOMOTIVE
4902 HAZELWOOD AVE
BALTIMORE, MD. 21206

REVISIONS

REV 1:

A-2

SCALE AS SHOWN
DATE X
SHEET NO. 1

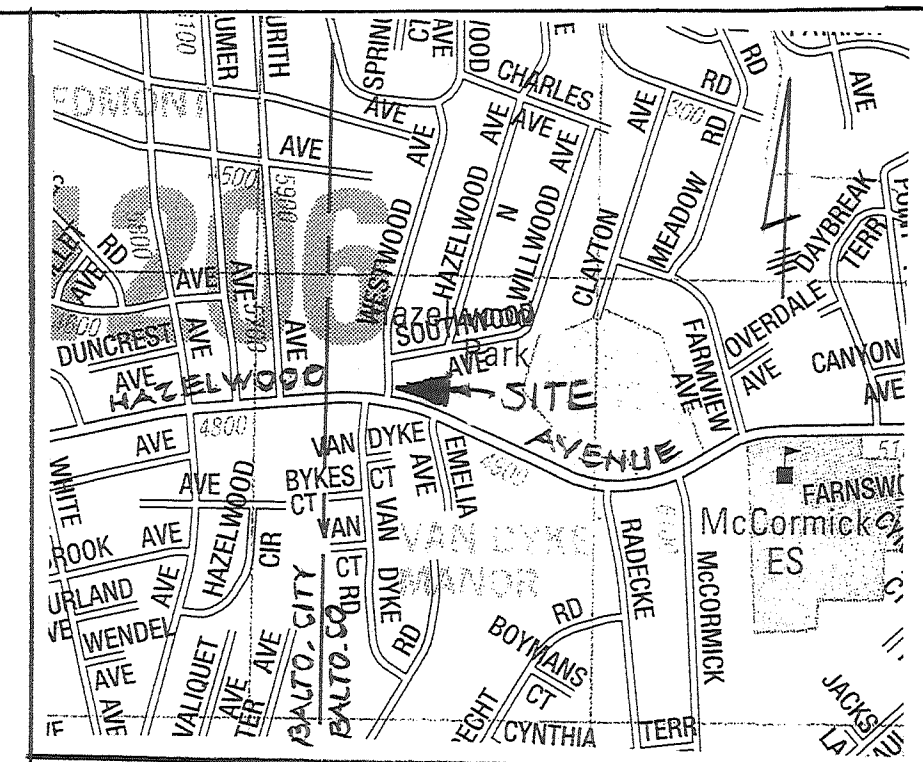
CEL, CUSTOM HOME
DESIGN INC.
PO BOX 557 PHARMING, MD 21046
PHONE 443-632-4320



NOTE:
 PER SECTION 232.1 (303.2) THE FRONT YARD SETBACK IS DETERMINED BY
 AVERAGING THE SETBACKS OF THE ADJACENT STRUCTURES :
 4856 HAZELWOOD AVENUE FRONT SETBACK = 55 FEET
 4905 HAZELWOOD AVENUE FRONT SETBACK = 62 FEET
 AVERAGE SETBACK = 58.5 FEET

NOTES

1. ZONING....BL-AS WITH SPECIAL EXCEPTION FOR SERVICE GARAGE (MAP 089B1)
2. EXISTING AND PROPOSED USE.....SERVICE GARAGE
3. LOT AREA.....14,810 S.F. = 0.34 ACRE +/-
4. BUILDING AREA
 EXISTING.....1833 S.F.
 PROPOSED.....2045 S.F.
 TOTAL.....3878 S.F.
5. FLOOR AREA RATIO.....0.26
6. PARKING DATA
 REQUIRED.....3878 S.F. @ 3.3 SPACES / 1000 S.F. = 13 SPACES
 PROVIDED.....8 SERVICE BAYS AND 5 OUTSIDE SPACES = 13 SPACES
 ALL SPACES TO BE 8.5 FEET X 18 FEET MIN.
7. ALL PARKING SPACES, ACCESS AISLES AND DISABLED VEHICLE STORAGE AREA
 TO BE PAVED AND PERMANENTLY STRIPED
8. PUBLIC WATER AND SEWER
9. HOURS OF OPERATION.....9 AM - 6 PM MONDAY THRU SATURDAY
10. NO DISABLED VEHICLES ARE TO BE STORED OUTSIDE OF THE FENCED
 STORAGE AREA
11. NO WORK ON VEHICLES SHALL BE PERFORMED OUTSIDE OF BUILDING
12. NO NEW SIGNAGE IS PROPOSED
13. A LANDSCAPE PLAN MUST BE APPROVED PRIOR TO ISSUANCE OF A BUILDING
 PERMIT
14. ALL LIGHTING TO BE DIRECTED DOWNWARD AND AWAY FROM PUBLIC
 RIGHTS-OF-WAY AND RESIDENTIAL PROPERTY

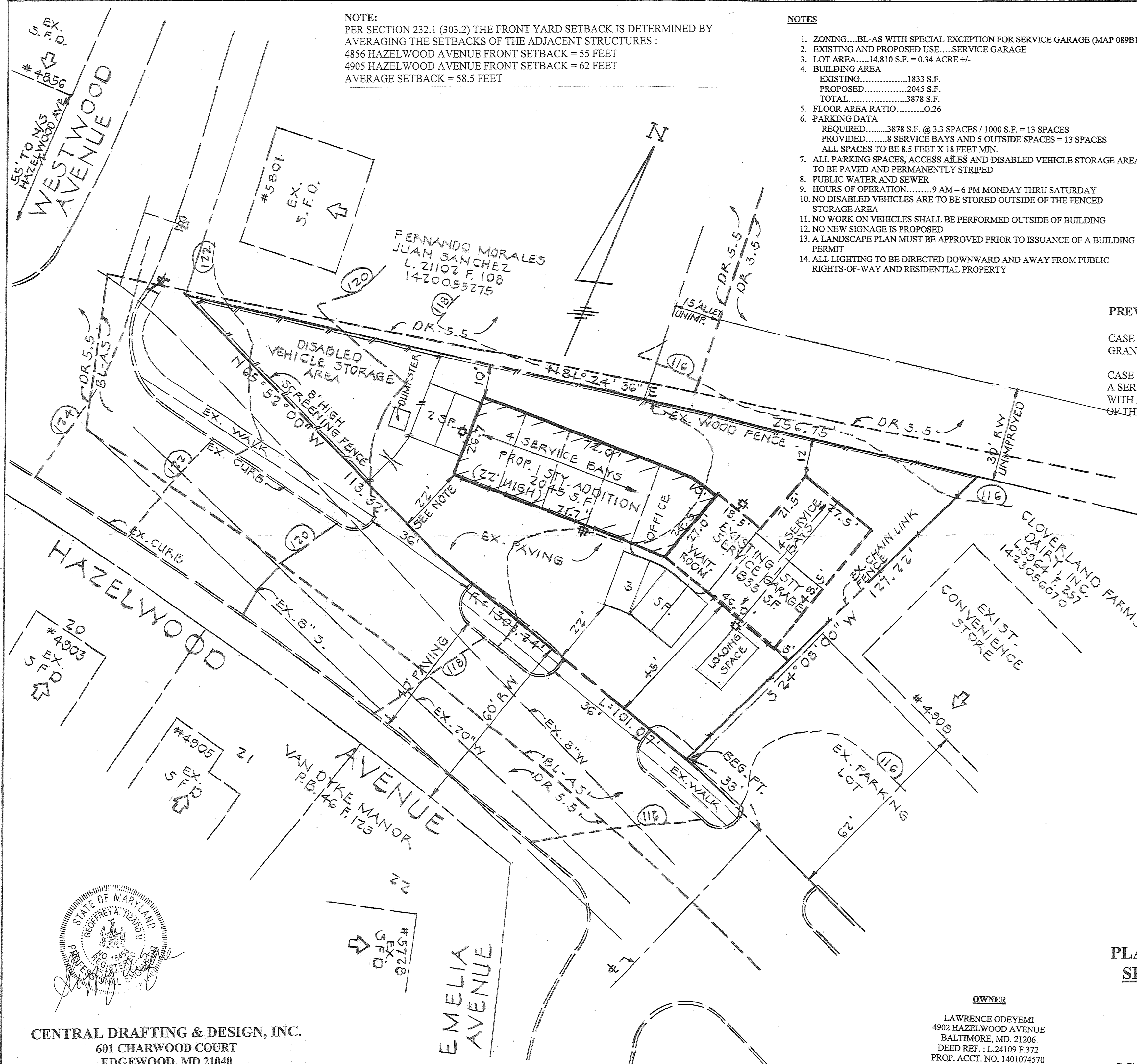


VICINITY MAP
 SCALE: 1" = 1000'

PREVIOUS ZONING HISTORY

CASE NO. 1965-0186-RX RECLASSIFIED PROPERTY TO BL AND
 GRANTED A SPECIAL EXCEPTION FOR A SERVICE STATION

CASE NO. 1990-0248-XA GRANTED A SPECIAL EXCEPTION FOR
 A SERVICE GARAGE AND A VARIANCE TO PERMIT PARKING SPACES
 WITH A 0 FOOT SETBACK FROM A STREET PROPERTY LINE IN LIEU
 OF THE REQUIRED 10 FEET.



PETITIONER'S
 EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION FOR
 SPECIAL HEARING AND VARIANCE**

OWNER

LAWRENCE ODEYEMI
 4902 HAZELWOOD AVENUE
 BALTIMORE, MD. 21206
 DEED REF. : L.24109 F.372
 PROP. ACCT. NO. 1401074570

**4902 HAZELWOOD AVENUE
 ELECTION DISTRICT 14C6
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1 INCH = 20 FEET MARCH 17, 2010**

CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

