



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 20, 2015

Olubunmi Owojuyigbe
6505 Liberty Road
Baltimore, Maryland 21207

RE: Petitions for Special Exception and Variance
Property: 6505 Liberty Road
Case No.: 2015-0177-XA

Dear Petitioner:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long, sweeping horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(6505 Liberty Road)
2nd Election District
4th Council District
Olubunmi Owojuyigbe, *Legal Owner*
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2015-0177-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 6505 Liberty Road. The Petitions were filed on behalf of Olubunmi Owojuyigbe, legal owner of the subject property. The Petitioner seeks special exception relief per Baltimore County Zoning Regulations (B.C.Z.R.) to use a portion of the property for an architect's office. The petition for variance seeks relief under B.C.Z.R. §1B01.1.C.12 (1) to permit as much as 35% of total floor area of residence as office or studio in lieu of the maximum allowed 25%; and (2) to permit as many as two (2) non-resident professional associates in lieu of the maximum allowed one (1). The subject property and requested relief are more fully described on the site plan which was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the Petitions was Olubunmi Owojuyigbe. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the requests, but suggested that landscape screening be provided along Liberty Road, and that the site plan be amended to reflect that the primary use of the property is for a

ORDER RECEIVED FOR FILING

Date 4/20/15

By Sen

residential dwelling, with a professional (architect) office as an accessory use. The Order below will incorporate conditions to address these concerns.

The subject property is approximately 0.126 acres and is zoned D.R. 5.5. The property is improved with a single family dwelling. The Petitioner purchased the home in 2014, and reports that it was a foreclosed property in very poor condition. The Petitioner is an architect, and lives in the basement of the home. He proposes to use a portion of the first floor of the dwelling as an office for the practice of architecture.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. No such evidence was presented in this case. In fact, the Petitioner noted that his neighbors are supportive and are glad that he has improved a blighted property.

VARIANCE

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The lot is of irregular dimensions, and is therefore unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty, in that he

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Date 4/20/15
By Sen

would be unable to operate his office in the home. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 20th day of April, 2015, that the Petition for Special Exception under B.C.Z.R. to use a portion of the first floor of the property for a professional architect's office, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from B.C.Z.R. §1B01.1.C.12 (1) to permit as much as 35% of total floor area of residence as office or studio in lieu of the maximum allowed 25%; and (2) to permit as many as two (2) non-resident professional associates (i.e., licensed architects) in lieu of the maximum allowed one (1), be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide landscape screening along the Liberty Road frontage, as determined in the sole discretion of the County's landscape architect.
3. All signage at the property must comply with B.C.Z.R. §450.
4. No employees or agents other than Petitioner and at most two other non-resident architects licensed in the State of Maryland may use the specified portion of the dwelling for professional office purposes.
5. The Petitioner must at all times during the operation of the accessory professional office use reside at the subject property, and prior to the issuance of permits Note 5 of the site plan must be revised to reflect that the proposed use is residential, with an accessory use for a professional (architect) office.

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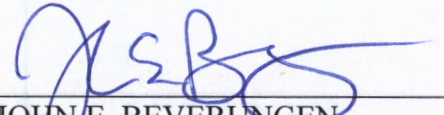
Date

4/20/15

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 4/20/15

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6505 LIBERTY RD which is presently zoned BR-5.5
 Deed References: 33 9981 0043 10 Digit Tax Account # 0218900012
 Property Owner(s) Printed Name(s) OLUBUNMI OWOJUWIGBE

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
 - professional architect's office
3. ☒ a **Variance** from Section(s) 1B01.1.C.12 - to permit as much as 35% of total floor area of residence as office or studio in lieu of the maximum allowed 25%; and to permit as many as 2 nonresident professional associates in lieu of the maximum allowed 1 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2015-0177-XA

Filing Date 2/17/15

Do Not Schedule Dates:

Reviewer [Signature]



23110 Yellowwood Drive, Clarksburg, MD 20871

240.361.7895

www.noa-group.com

February 10, 2015

**DESCRIPTION OF OWOJUYIGBE PROPERTY
6505 LIBERTY ROAD
ELECTION DISTRICT 02
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the south side of Liberty Road (83 foot right-of-way), at a distance of 80 feet east of Oak Court; thence running South $63^{\circ} 05' 50''$ East 55.00 feet, South $42^{\circ} 52' 00''$ West 104.00 feet, North $63^{\circ} 05' 50''$ West 52.00 feet, and North $41^{\circ} 16' 00''$ East 103.20' to the place of beginning.

Containing 0.126 acres of land as recorded in Deed liber 33998, folio 413.



Item #0177

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

No. 121504

Date: 2/17/15

PAID RECEIPT

BUSINESS ACTUAL TIME MON
 2/18/2015 2/17/2015 15:12:30 7

REF: W012 WALKIN JENIE JEE
 RECEIPT # 911073 2/17/2015 QFLH
 F 15 328 ZONING VERIFICATION
 NO. 121504

Receipt Tot \$1,000.00
 \$1,000.00 CK \$1.00 CB
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				51000

Total: 51000

Rec

From:

For:

Zoning hearing - case # 2015-0177-XA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3143007

Sold To:

Proactive Design & Build - CU00430703
6505 Liberty Rd
Gwynn Oak, MD 21207

Bill To:

Proactive Design & Build - CU00430703
6505 Liberty Rd
Gwynn Oak, MD 21207

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 24, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0177-XA

6505 Liberty Road

S/S Liberty Road, 78 ft. E/ of centerline of Oak Court

2nd Election District - 4th Councilmanic District

Legal Owner(s) Owoluyigbe Olumbunmi, NOA Group, LLC

Special Exception: to use herein described property for a professional architect's office.

Variance: to permit as much as 35% of total floor area of residence as office or studio in lieu of the maximum allowed 25% and to permit as many as two non-residential professional associates in lieu of the maximum allowed one.

Hearing: Monday, April 13, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 3/837 March 24

3143007

CERTIFICATE OF POSTING

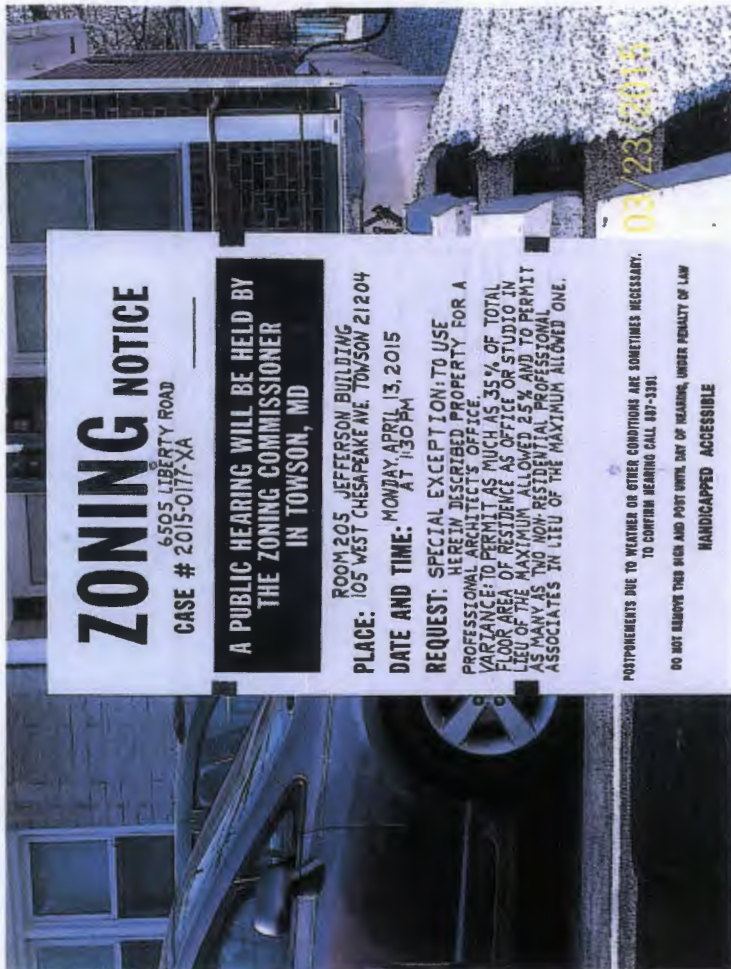
Date: 03/23/2015

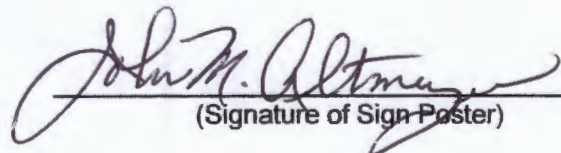
RE: Project Name: Public Hearing (Special Exception/Variance)
Case Number /PAI Number: 2015-0177-XA
Petitioner/Developer: Owojuyigbe Olumbunmi, NOA Group, LLC.
Date of Hearing/Closing: April 13, 2015

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6505 Liberty Rd. (21207)

The sign(s) were posted on 03/23/2015

(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

(410) 357-5205

(Telephone Number of Sign Poster)

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2015-0177-XA
Petitioner: NOA GROUP, LLC
Address or Location: 6505 LIBERTY RD, BALTIMORE MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: PROACTIVE DESIGN & BUILD
Address: 6505 LIBERTY Rd - BALTIMORE, MD

Telephone Number: 443 - 226 - 3700



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 9, 2015

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0177-XA

6505 Liberty Road

S/s Liberty Road, 78 ft. E/of centerline of Oak Court

2nd Election District – 4th Councilmanic District

Legal Owners: Owojuyigbe Olumbunmi, NOA Group, LLC

Special Exception to use herein described property for a professional architect's office.

Variance to permit as much as 35% of total floor area of residence as office or studio in lieu of the maximum allowed 25% and to permit as many as two non-residential professional associates in lieu of the maximum allowed one.

Hearing: Monday, April 13, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Owojuyigbe Olumbunmi, 6505 Liberty Road, Baltimore 21207
Birame Kandji, 23110 Yellowwood Drive, Clarksburg 20871

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 24, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 9, 2015

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A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Owojuyigbe Olumbunmi, 6505 Liberty Road, Baltimore 21207
Birame Kandji, 23110 Yellowwood Drive, Clarksburg 20871

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 24, 2015 Issue - Jeffersonian

Please forward billing to:
Proactive Design & Build
6505 Liberty Road
Baltimore, MD 21207

443-226-3700

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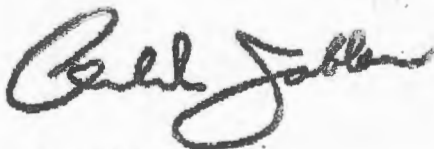
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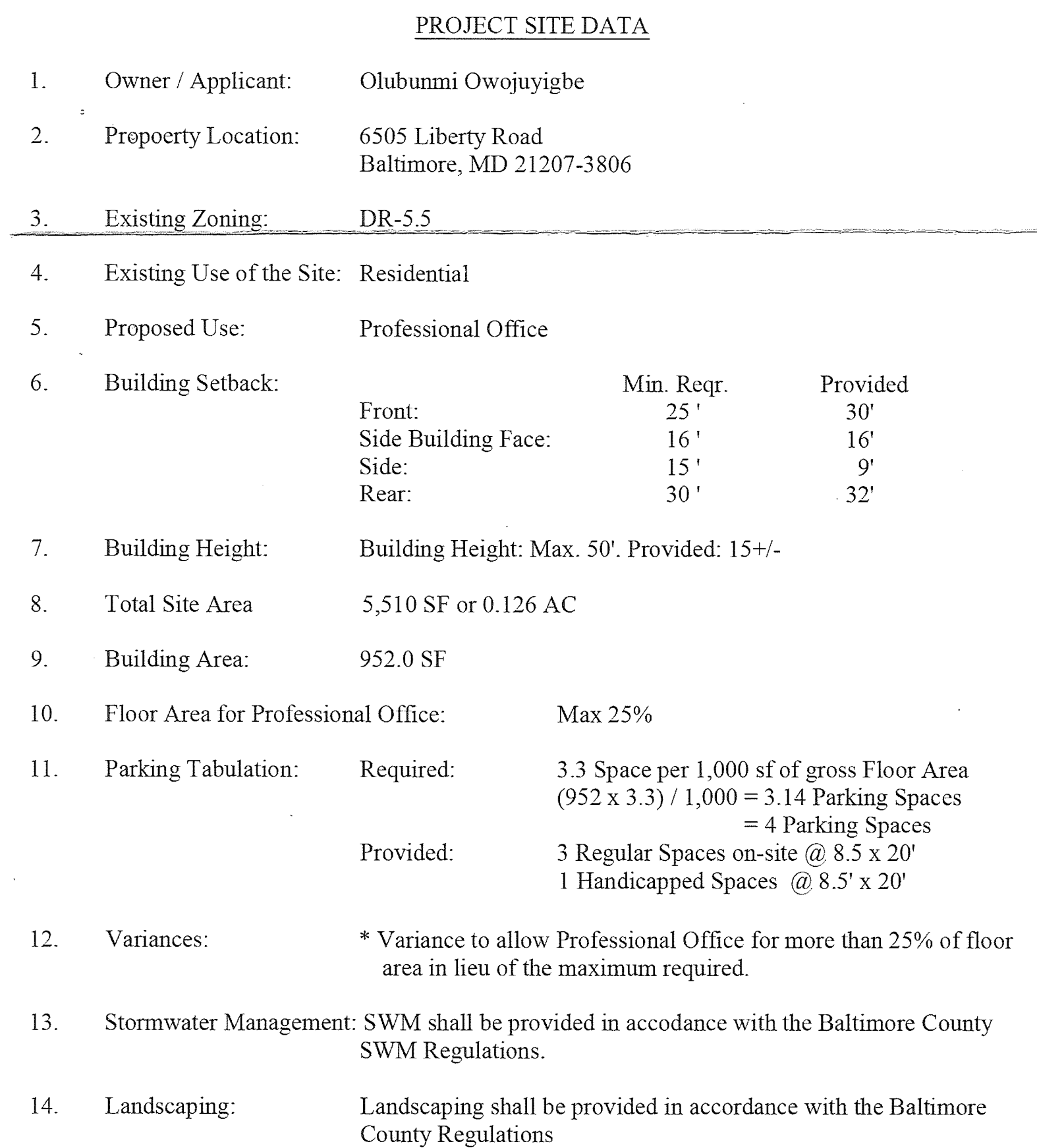
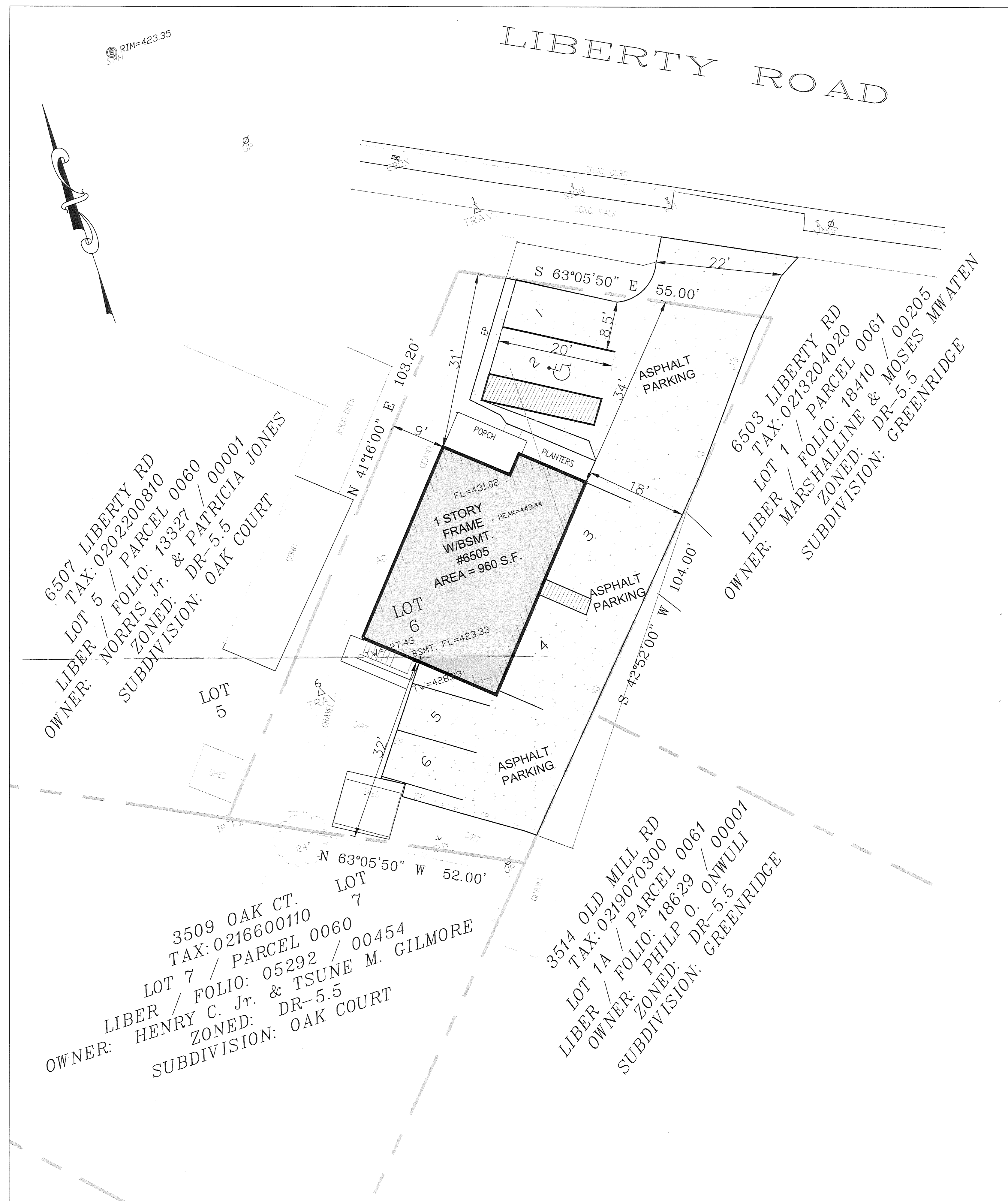
Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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1. Property Owner: OLUBUNMI OWOJUJYGBE
6505 Liberty Road
Baltimore, MD 21207-3806
Phone # (443) - 226-8700
Attn: Mr. Olubunmi Owojujygb
2. Site Data:
 - Address: 6505 Liberty Road
Baltimore, MD 22107-3806
 - Tax ID # 0216900012
 - Lots 6
 - Liber: 33998 / Folio: 00413
 - Parcel: 0060
 - Tax Map Grid: 0088 0009
 - Plat # 0019 / REF: 0053
 - Subdivision: Oak Court
 - Tract Area: 0.126 Ac
 - Election District: 02
3. Current Zone: DR-5.5
4. Current Use: Residential
5. Proposing Use: Professional Office
6. Site Coverage
 - Existing Building: 952 Square Feet
 - Paving & Parking Lots: 250 Square Feet
7. Impervious Area: 1,200 Square Feet
8. Parking Lots Surface are dusted free made out of Asphalt
9. Soils information from the Baltimore County Soil Survey indicates that the Soil Type of the site is LgB (Legore-Montalto-Urban - Urban Land Complex, 0 to 8% Slopes)
10. Property shown herein does not lie within the floodplain as mapped by FEMA Community Panel No. 240087-0008 E dated February 2, 2012.
11. The Site is located in the GWYNN'S FALLS Watershed
12. The Property is not situated in or consist of any Wetland Area
13. The Property is not situated in Chesapeake Bay critical Area
14. There are no known historic resources or Features on the site nor is the site itself.
15. Access to the Site is provided Liberty Road.
16. Stormwater Management Concept Approval is not applicable.
17. If any existing striping or pavement marking needs to be removed for the purpose of the mill and overlay, that pavement marking needs to be repaved.
18. For any modified structures, shop drawing approval by Baltimore County Department of Public Works required prior to construction

	REQUIRED	EXISTING	
1) LOT AREA	<u>N/A</u>	<u>5,510.0</u>	(SQ. FT.)
2) MIN. LOT WIDTH	<u>N/A</u>	<u>55</u>	(FT.)
3) MAX. BUILDING HEIGHT	<u>12</u>	<u>15</u>	(FT.)
4) NUMBER OF FLOORS	<u>1</u>	<u>1</u>	
5) LOADING SPACES REQUIRED	<u>N/A</u>	<u>N/A</u>	
6) MIN. YARD REQUIREMENTS:			
FRONT <u>25</u> (FT.)	SIDE <u>15</u> (FT.)	REAR <u>30</u> (FT.)	
7) OVERLAY DISTRICT(S) _____			

1) SITE AREA 0.126 (ACRES) 5,510.0 SF (SQ. FT.)
2) USE PROFESSIONAL OFFICE
3) NUMBER OF LOTS 1
5) EXISTING BUILDING GROSS FLOOR AREA 952 (SQ. FT.)



#2015-0177-XA

Professional certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly Licensed Professional Engineer under the laws of the State of Maryland, License No. 35296
Expiration date: January 07, 2016



	DATE	REVISION	DATE	BY	DATE	OWNER/DEVELOPER: OLUBUNMI OWOJUYIGBE 6505 LIBERTY ROAD BALTIMORE, MD 21207-3806 PHONE: (443) 226-8700 CONTACT: OLUBUNMI OWOJUYIGBE	 Consulating Group, LLC Civil Engineers • Land Planners • Construction Managers 23110 Yellowwood Drive, Clarksburg, MD 20871 Phone: 240.561.7895 bkandji@noa-group.com www.noa-group.com	TAX # 0216900012 - LOT 6 PARCEL 60 - OAK COURT SUBDIVISION PROFESSIONAL OFFICE BUILDING ELECTION DISTRICT 02 TAX MAP 0088 GRID 0009, LIBER 33998 - FOLIO: 00413 BALTIMORE COUNTY, MARYLAND	SCALE:	
				BASE DATA	CADD				02/03/15	JOB No.
				DESIGNED	BK				02/03/15	DATE:
				DRAWN	BK				02/03/15	FEB. 2015
				REVIEWED	BK				02/03/15	INDEX No.
RELEASE FOR _____								SHEET No.		
BY _____	DATE _____							OF 1		

PRELIMINARY NOT FOR CONSTRUCTION