USE PERMIT



Planner's Initials _______

VOID

\ \O_T =		WIE.
IT IS ORDERED by the Director of	f the Department of Permits, A	Approvals and
Inspections of Baltimore County, t	his 12+4 day of APCI	, 20 <u>24</u> ,
that Oluscoon Facite		located at
3034 WOUSSILV AVE (Street address)	al or business name)	should be and the
same is hereby granted permissio	n to operate a: ASSISTED	Living
Pacify with UP to	six(6) beds.	
UP-2024-0003-AL	CALL	
Permit (or Receipt) Number	Director, Permits, Approva	ls and Inspections
	Planner'	s Initials TZ_
Revised 10/17/11		
	*	
USE PERMIT	¥	
IT IS ORDERED by the Director of	f the Department of Permits, A	pprovals and
Inspections of Baltimore County, th	nis 67h day of June	, 20 <u>24</u> ,
that Olusegon Fanite		located at
3034 Wood Side AVE	I or business name)	should be and the
(Street address)	5 5	
same is hereby granted permission	n to operate a: Assiste L	Living
Pacility with up to	five CD bess.	
UP-2024-0003-AL Parmit (or Bassint) Number	CALL	o and Impositions
Permit (or Receipt) Number	Director, Permits, Approva	is and inspections

Revised 10/17/11

UP-2024-0003-AL

Inter-office Correspondence Recommendation Form

TO:	Office of Planning, Development Review Office Jefferson Building 105 W. Chesapeake Avenue, Room 101 Towson, MD 21204 M.S. 3402		ide AVE
		Permit No. (if required) B Intake Planner's Name	COX
FROM:	Department of Permits, Approvals and Inspections Zoning Review Office M.S. 1105	Filing Date//	124
RE:	Assisted Living Facility I or II		
This Offi	ice is requesting recommendations and comments from the Office of P	Planning prior to Zoning Review Office's approval	of a building/ use permit.
A. MINI	MUM APPLICANT SUPPLIED COMPATIBILITY APPEARANCE IN	FORMATION (As Required under A and B bel	ow):
Print Na	Medical Address 3034 Woodside Avenue Election		Email Address GMA/L-COM Sq. Ft. of Lot 9750
Lot Loca	ation: NE/S/W/side/corner of Woodside Avenue	605 feet N/E/S(W)corner of Wissou	AVENUE
	Street		Street
	wner: OLUSEGUN FAGITE	10 Digit Tax Account Number 2 0	75BOITO
Address	3034 WOODSIDE AVELLUE PARKVILLE	7/5-46/- 5942 Telephone Number	Email Address
	PLICANT MUST PROVIDE THE FOLLOWING ITEMS (1 THROUGH 7 be submitted by applicant for required compatibility and/or appearance	TO THE STATE OF STATE OF THE ST	Intake Planner to confirm information acceptance by marking X below
-			YES NO
	Completed Recommendation Form (3 Copies)		
2. Build	ling Permit Application or Copy (If available)		
	ineered Scaled Site Plan (See Zoning Use Permit Checklist on Page 2 rty (3 copies): including lot size and square feet of buildings, parking and open space – 10% of the company of the contraction of the		
Staten	nent of Compliance with Checklist Note 5.A		
	ment of Compliance with Checklist Note 6 regarding automatic sprinkler system requirement of ore information about automatic sprinkler system requirements, you must contact the Building		
4. Com	patibility Study		
5. Build	ding Elevation Drawings (these may be waived if note 5.A from the Zon be stated on the plans)	ning Use Permit Checklist	
6. Phot	iographs (please label all photos clearly) w the adjoin buildings, the proposed building, and the surrounding neig	hborhood	
7. Appl	ication Confirms compliance with 1,000 foot proximity requirement of S	Section 432.1.A.3 BCZR	
8. Appl	icant Confirms that the Building Plans Review Office was contacted re-	garding automatic sprinkler system requirements	i
9. Curr	ent Zoning Classification:		
	TO BE FILLED IN BY THE O	FFICE OF PLANNING ONLY	6
RECOM	MMENDATIONS/COMMENTS:		
A	pproved Disapproved Disapproval Comments:		
Signed For the	by: Date:		

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

C. Pete Gutwald

DATE: 3/6/2024

Director, Department of Permits, Approvals and Inspections

FROM:

Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0010-A

INFORMATION:

Property Address:

3034 Woodside Avenue

Petitioner:

Olusegun Fagitei

Zoning:

DR 5.5

Requested Action: Variance

The Department of Planning has reviewed the resubmitted materials and compatibility report for 3034 Woodside Avenue ZAC 2024-0010-A and confirm that all of our conditions have been addressed.

Planning has no outstanding issues with the petition request above and recommends approval.

For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:

Brett M. Williams

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak David Birkenthal Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County



March 02, 2024

Baltimore County Office of Planning 105 W. Chesapeake Avenue Towson, MD 21204

Re: 3034 Woodside Avenue Assisted Living Application / Case #2024-0010-A

To Whom it may concern,

I am writing this letter to address the request of Judge Murphy in the February 23, 2024 zoning hearing to provide compatibility information to your office. The following information should address this request.

- * The exterior of the existing dwelling will not be altered.
- * No signs at all will be erected on the premises.
- * All the outdoor areas on the subject property will be maintained.

* Per Section 32-4-402 BCC

- 1. The existing dwelling and it's improvements were built in 1938 as a part of the Woodside subdivision, which is recorded in Plat Book 7, page 52. These improvements are patterned in a similar manner to those in the neighborhood.
- 2. The existing dwelling and driveway /parking will remain the way they are. These improvements match those throughout the development and will have no adverse impact on the neighborhood.
- 3. There are no proposed streets affiliated with this request. The streets and sidewalks are all built. The existing streets and sidewalks provide functional support of the neighborhood.
- 4. The open space provided in the back yard on the subject property is a wide open and flat area. Access to the open space will be provided to the residents.
- 5. No locally significant features exist on the subject property. The existing dwelling shall be maintained as the significant feature.
- 6. The existing landscape on the subject property is quite typical of the surrounding properties and the neighborhood. It will be maintained to a high standard.

- 7. There shall not be any exterior signs or accessory structures installed. The existing lighting will continue to provide the necessary illumination for safety for the residences only.
- 8. The existing dwelling will not be altered and there will not be any additional buildings or structures built.

I hope this letter has provided you with the information you need to support our application. If you need anything else, do not hesitate to ask.

Please provide your approval of our application to the judge's office so an opinion can be rendered.

Sincerely,

Bruce E. Doak

Bruce E. Doak Consulting, LLC 3801 Baker Schoolhouse Road Freeland, MD 21053 410-419-4906 cell / 443-900-5535 office bdoak@bruceedoakconsulting.com

COMPATIBILITY STUDY

********SECTION 32-4-402. COMPATIBILITY.

- (a) "Neighborhood" defined. In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:
 - (1) A definable boundary such as a primary collector street or arterial street;
 - (2) An area with a significant change in character or land use; or
 - (3) A major natural feature.
- (b) Exception. This section does not apply to a research park.
- (c) Recommendations by Director of Planning. The Director of Planning shall make compatibility recommendations to the Hearing Officer for:
 - (1) A cluster subdivision;
 - (2) A development in the RCC, R-O, OR-1, OR-2, O-3, SE, OT zones, the CR districts, or, except as provided for a development described in § 32-4-402.1, a Planned Unit Development; or
 - (3) Alternative site design dwellings as provided in the comprehensive manual of development policies.
- (d) Compatibility objectives. Subject to subsection (c) of this section, development of property shall be designed to achieve the following compatibility objectives in accordance with the guidelines in the comprehensive manual of development policies:
 - (1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;
 - (2) The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood;
 - (3) The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;
 - (4) The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems;
 - (5) Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;
 - (6) The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;
 - (7) The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood; and
 - (8) The scale, proportions, massing, and detailing of the proposed buildings are in proportion to those existing in the neighborhood.
- (e) Compatibility with standards in S-E zones; exterior materials.
 - (1) In an S-E zone, in addition to other compatibility standards, a developer shall make buildings compatible with the streetscape and the landscape by methods that reduce the large-scale visual impact of the buildings.
 - (2) (i) The predominant exterior material on a building may not require periodic refinishing or maintenance such as painted wood, painted metal siding, pre-finished metal siding, or painted masonry.
 - (ii) An exterior wall of a building may not be made from any unfinished material including raw wood, unfinished concrete block, or concrete surfaces.
 - (iii) Acceptable predominant exterior materials on a building include brick, glass, architectural concrete surfaces, decorative masonry units, or stucco.

*******SECTION 32-4-402.1. PLANNED UNIT DEVELOPMENT - COMPATIBILITY.

- (a) Recommendations by Director of Planning. The Director of Planning shall make compatibility recommendations to the Hearing Officer for a Planned Unit Development, which, in whole or in part, is:
 - (1) Located in a Baltimore County Commercial Revitalization District;
 - (2) Identified within a Transect Overlay of T-6 in the Master Plan (Map 5);
 - (3) A Brownfields site as defined in § 5-301 of the Economic Development Article of the Annotated Code of Maryland;
 - (4) An approved transit oriented development opportunity site; or
 - (5) Identified within a Transect Overlay of T-5 in the Master Plan (Map 5), located in an area identified in the Master Plan as a Community Enhancement Area (Map 6), and adjacent to an interstate highway.
- (b) Compatibility objectives. The development of a Planned Unit Development listed in subsection (a) shall be designed to substantially comply with the following compatibility objectives so that the development:
 - (1) Is in a location that is significant due to its visibility, accessibility or siting;
 - (2) Has or will provide adequate public infrastructure;
 - (3) Provides compact development;
 - (4) Provides sustainable design;
 - (5) Encourages new investment or reinvestment opportunities;
 - (6) Fosters development or redevelopment of well-located but under-utilized or obsolete properties;
 - (7) Provides economic benefits;
 - (8) Demonstrates that its buildings, parking structures, landscaping, open space patterns, signage and other architectural treatments are spatially and visually integrated within the development and incorporate appropriate elements of urban design;
 - (9) Connects proposed streets with the existing neighborhood road network, if practicable, and locates proposed sidewalks to support the functional patterns of the neighborhood;
 - (10) Integrates locally significant features of the site such as distinctive buildings or vistas into the site design; and
 - (11) Supports a uniform architectural theme in its exterior signs, site lighting and accessory structures.



JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 4, 2024

Olusegun Fagite – <u>fagitesegun@gmail.com</u> 3064 Woodside Avenue Parkville, MD 21234

RE:

Petition for Variance

Case No. 2024-0010-A

Property: 3034 Woodside Avenue

Dear Petitioner:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

Chief Administrative Law Judge

for Baltimore County

MEM:dlm Enclosure

c: Bruce E. Doak – <u>bdoak@bruceedoakconsulting.com</u> Adetola Fagite- <u>detolafad@gmail.com</u> IN RE: PETITION FOR VARIANCE (3034 Woodside Avenue)

14th Election District 6th Council District Olusegun Fagite Legal Owner

Petitioner

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS OF

* BALTIMORE COUNTY

CASE NO. 2024-0010-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by the legal owner, Olusegun Fagite ("Petitioner") for property located at 3034 Woodside Avenue, Parkville (the "Property"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"):

- (1) §432.A.1.C.1 to permit the parking to be set back 0 ft., from the property line in lieu of the required "at least ten feet";
- (2) §432A.1.C.2 to permit the parking and delivery areas to be located in the side and front in lieu of the required "side and rear only"; and
- (3) §409.4.B to permit 2 usable off-street parking spaces without direct access to an aisle or the public street for residence that are also employees of the business.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner, Olusegun Fagite, and his wife Adetola Fagite, appeared at the hearing, along with Bruce E. Doak, a licensed property line surveyor with Bruce E. Doak Consulting, LLC, who prepared and sealed a site plan (the "Site Plan") and an amended site plan (the "Amended Site Plan"). (Pet. Exs. 1, 2). There were several interested property owners who testified in opposition to the use namely: Christopher and Robin Bardroff, 3031 Woodside Ave.; Jean Mason, 8205 Wilson Ave.; and Jenny Collins, 3036 Woodside Ave.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Department of Environmental Protection and Sustainability ("DEPS") and Department Plans Review ("DPR") which agencies did not oppose the requested relief.

The Property is 9,750 sf and is improved with a 1938, 2-story single family dwelling with a 1-story rear addition and rear deck, along with a 12 ft. wide by 90 ft. long paved driveway which extends to the western boundary line with a 0 ft. setback. (Pet. Ex. 2). The shape of the Property is long and narrow but not exactly symmetrical (50 ft. wide by 195 ft., 9 inches on western boundary, and 195 ft., 8 ½ inches on the eastern boundary). The Property is zoned Density Residential (DR 5.5).

By way of background on the requested parking Variance, Mr. Fagite testified that he is a registered nurse and that he intends to file for a Use Permit for an Assisted Living Facility I. Mr. Fagite explained that he and his wife, Adetola, currently live in the home but plan to move to another home when the Use Permit for the Assisted Living Facility is approved. Mr. Fagite will serve as Case Manager and delegating nurse; Mrs. Fagite will also be a manager. As it pertains to the number of vehicles parked at the Property, there will be a total of 5 employees which include Mr. and Mrs. Fagite. They will always have 2 employees on site 24/7. They plan to have 5 residents who will not have vehicles. They did purchase a 7-seat vehicle to transport residents to medical appointments and to be used for all shopping needs of the residents, so no additional vehicles will be coming to the Property. The 7-seat vehicle will be used for all deliveries so no other delivery vehicles are anticipated. The required number of parking spaces for an Assisted Living Facility is 1 space for every 3 beds, and there are 5 beds in this home. Thus, 2 parking spaces are required. The existing 90 ft. long driveway can accommodate 4 vehicles parked one in front of the other.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief: and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Property is unique because it is asymmetrical, the western side is longer than the eastern side. Given that the driveway already sits on the western boundary line and is only 12 ft. wide, if the driveway were required to meet the 10 ft. setback under BCZR, §432A.1.C1, it would not accommodate the width of even a small vehicle. The driveway is also the most appropriate area and least intrusive for parking, delivery and loading because it is currently being used by the Fagite that way. The alternative would be to grade and pave the rear yard which would likely be objectionable to the neighbors. Lastly, the Petitioners would suffer a practical difficulty if 2 of the usable off-street parking spaces stacked one behind the other without direct access to Woodside Ave., could not be backed out of the driveway. As such, given the lack of objection by any County agency, the Variance relief will be granted.

I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare. While the Protestants did object to the use of the Property for an Assisted Living Facility, Petitioner is not seeking approval from OAH of this use, but rather will apply for the Use Permit from the Office of Zoning Review ("OZR"). As a result, any objection by the Protestants to this use will need to be directed to OZR and/or PAI. The OZR, through its authorization under Permits, Approvals and Inspections ("PAI"), may issue a Use Permit for an Assisted Living Facility, as that term is defined in the BCZR, §101.1. OZR handles obtaining recommendations from County agencies including

DOP in regard to the Compatibility Study. The following information can be found on the Baltimore County website:

ZONING USE PERMIT

A person desiring to use land for any purpose other than that for which the land is being used must obtain a Use Permit. If such use is permissible, Zoning Review, under authorization of the Director of PAI, may issue a Use Permit.

The number of clients are based on lot size and other factors, not size of dwelling/number of bedrooms in the dwelling. Often times, the client count will not exceed five. Call Zoning if you have questions related to client count. Questions regarding sprinkler requirements should be directed to Building Plans Review by calling 410-887-3985.

- Assisted Living Facility I—A dwelling built at least five years before the date of application and accommodates fewer than eight resident clients.
- Assisted Living Facility II—A dwelling built at least five years before the date of application and accommodates fewer than eight to 15 resident clients.

Below are descriptions on the types of Use Permits Zoning issues and information on how to apply. The fee for all Use Permits is \$100, and some expire annually and biennial. The process for applying varies, so carefully review all information for each specific Use Permit.

Accordingly, the undersigned is <u>not</u> approving or granting a Use Permit for an Assisted Living Facility, but only Variance relief for the parking.

THEREFORE, IT IS ORDERED, this <u>4th</u> day of March 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §432.A.1.C.1 to permit the parking to be set back 0 ft, from the property line in lieu of the required "at least ten feet", be, and it is hereby, GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §432A.1.C2 to permit the parking and delivery areas to be located in the side and front in lieu of the required "side and rear only", be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §409.4.B to permit 2 usable off-street parking spaces without direct access to an aisle or the public street for residence that are also employees of the business, be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to 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 their 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. The Amended Site Plan (Pet. Ex. 2) is attached hereto and incorporated herein.

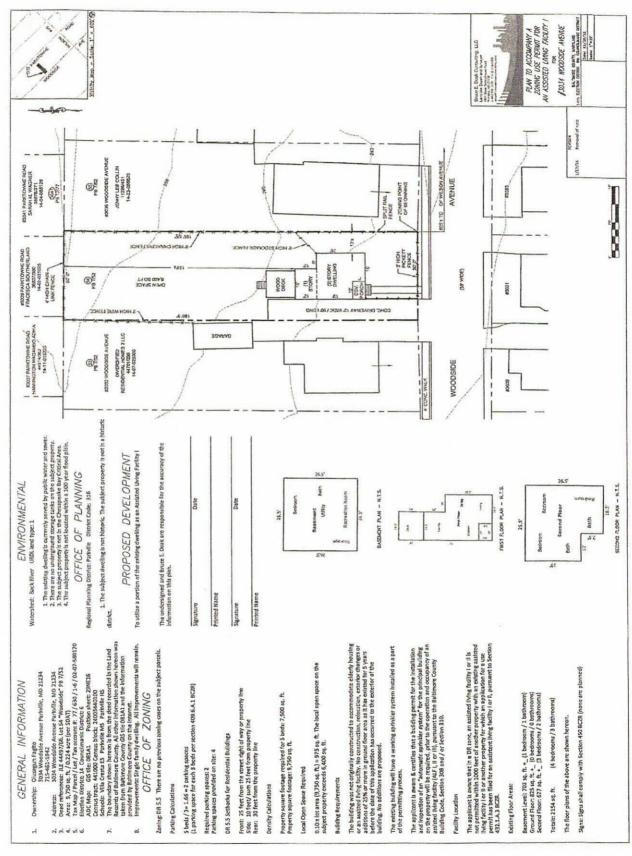
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

MAUREEN E. MURPHY
Chief Administrative Law Judge

for Baltimore County

Mauren E. Murphy

MEM/dlm



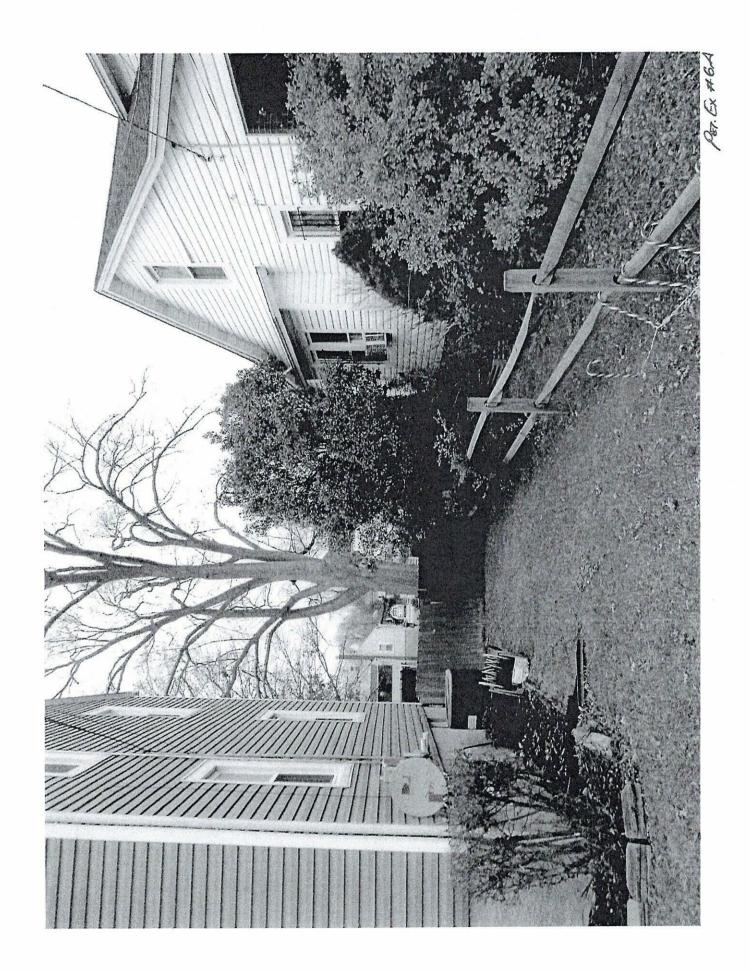
Per Ex#2

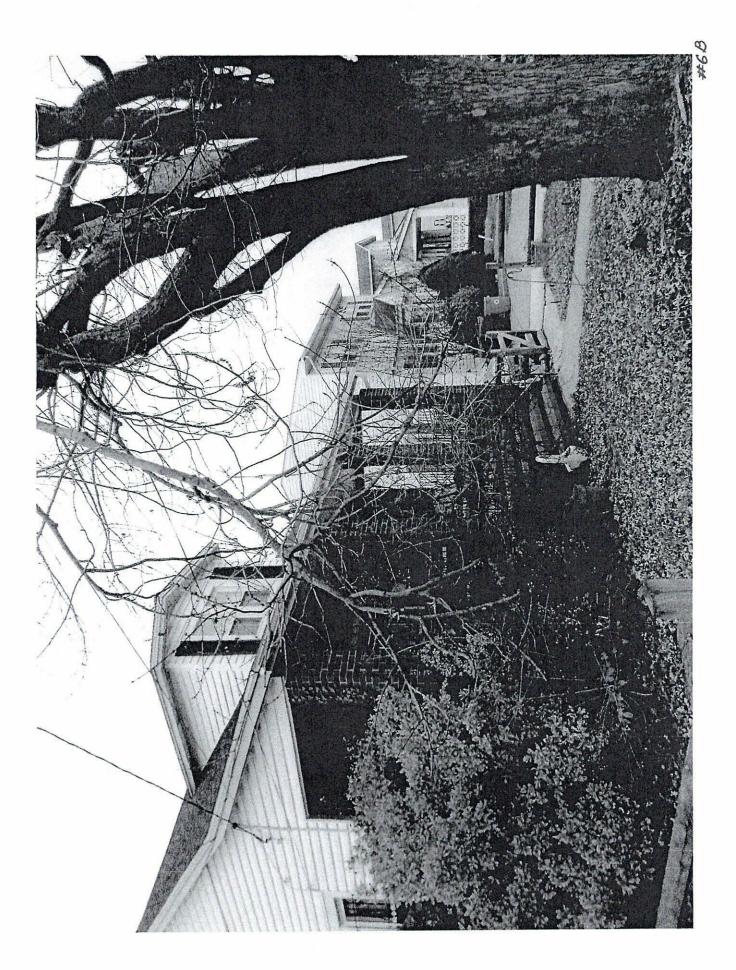


PETITION FOR ZONING HEARING(S)

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 3034 WOODSIDE AVENUE which is presently zoned DR 5.5 Deed References: 44497/66 10 Digit Tax Ad Property Owner(s) Printed Name(s) OLUSEGUN FAGITE 10 Digit Tax Account # / 4 / 2 0 8 4 0 2.5 (SELECT THE HEARING(S) BY MARKING X 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: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve perty for 3089 **BRUCE E DOAK BRUCE E DOAK CONSULTING** 15-3/540 3801 BAKER SCHOOLHOUSE RD 12/28/23 FREELAND, MD 21053-9738 Pay to the Order of_ Dollars easons: NG". If PNC Bank, N.A. 040 ::054000030: 5336741067# 3089 which is the subject of this / these Petition(s). Legal Owners (Petitioners): Contract Purchaser/Lessee:

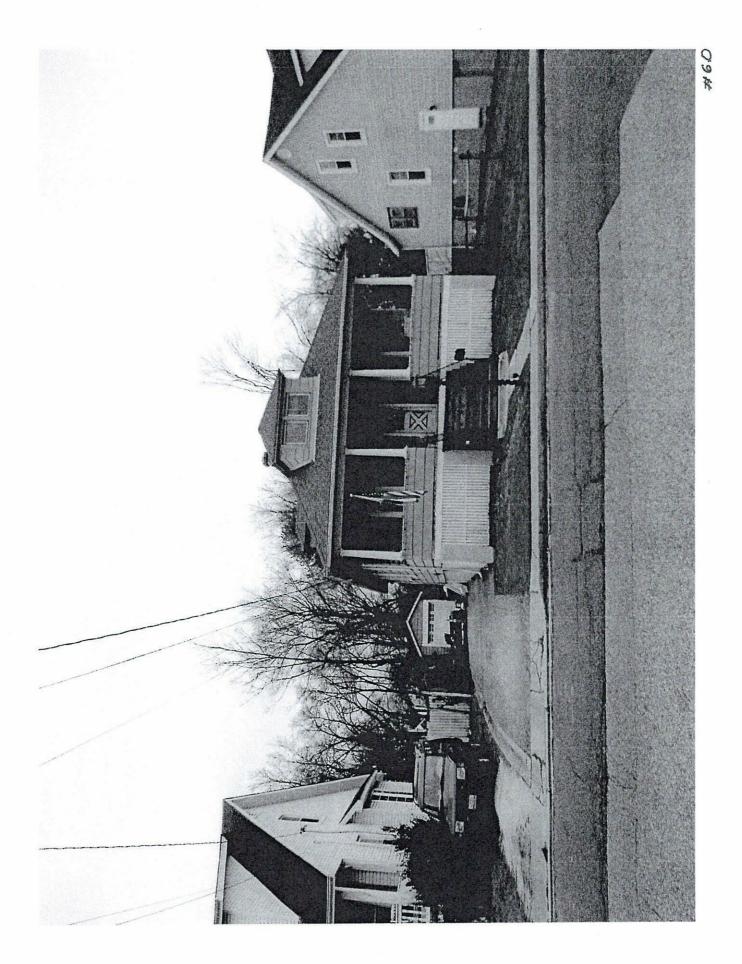
OLUSEGUN FAGITEI

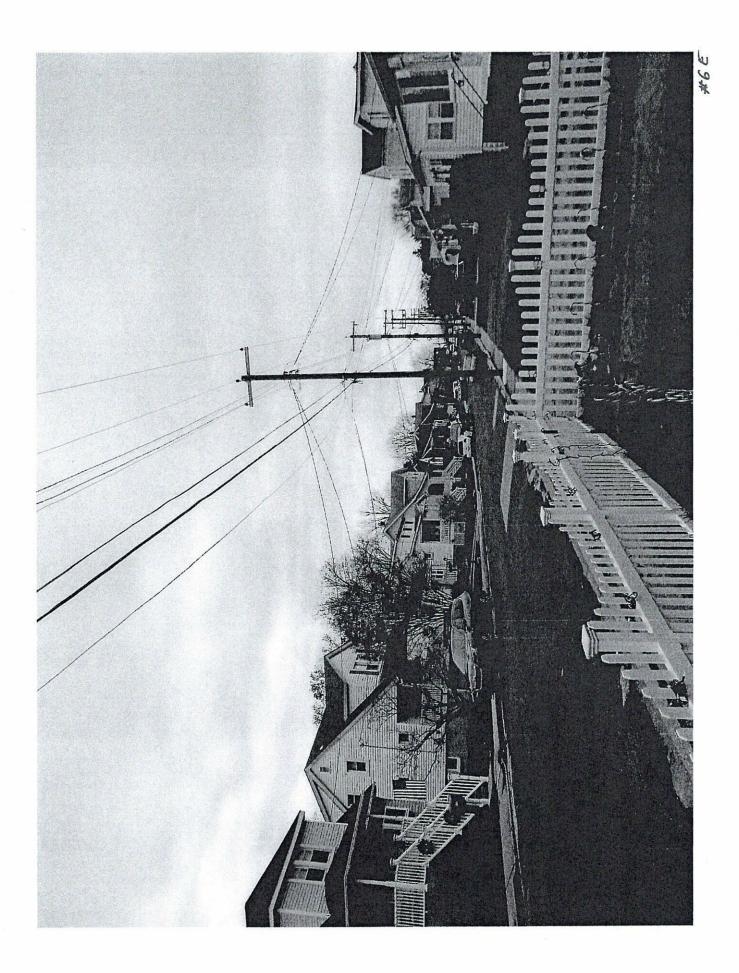


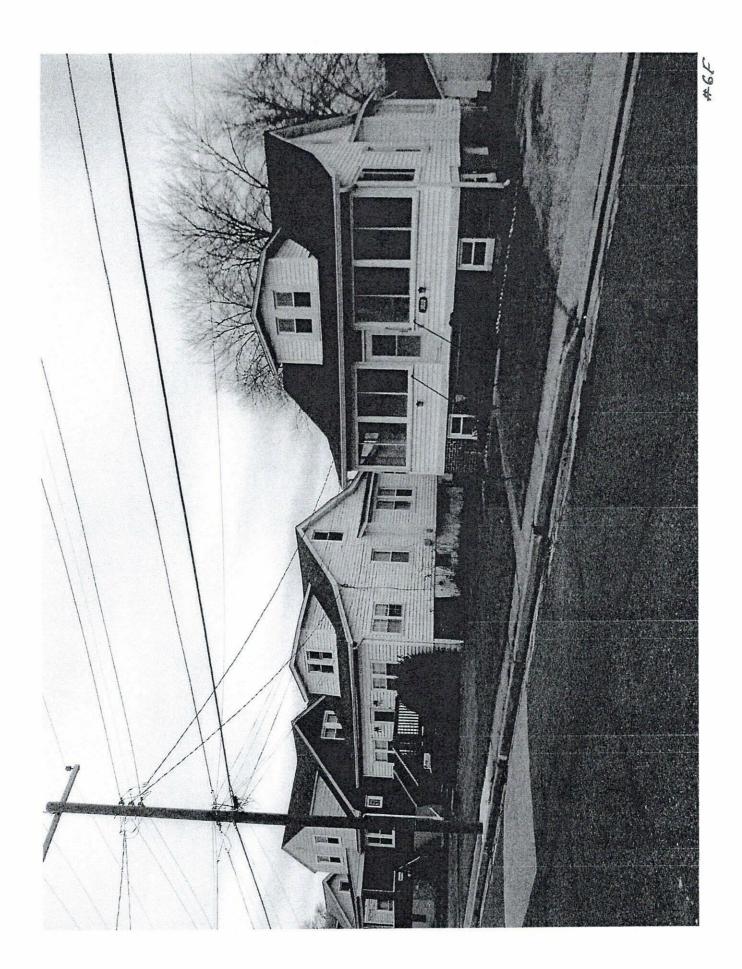


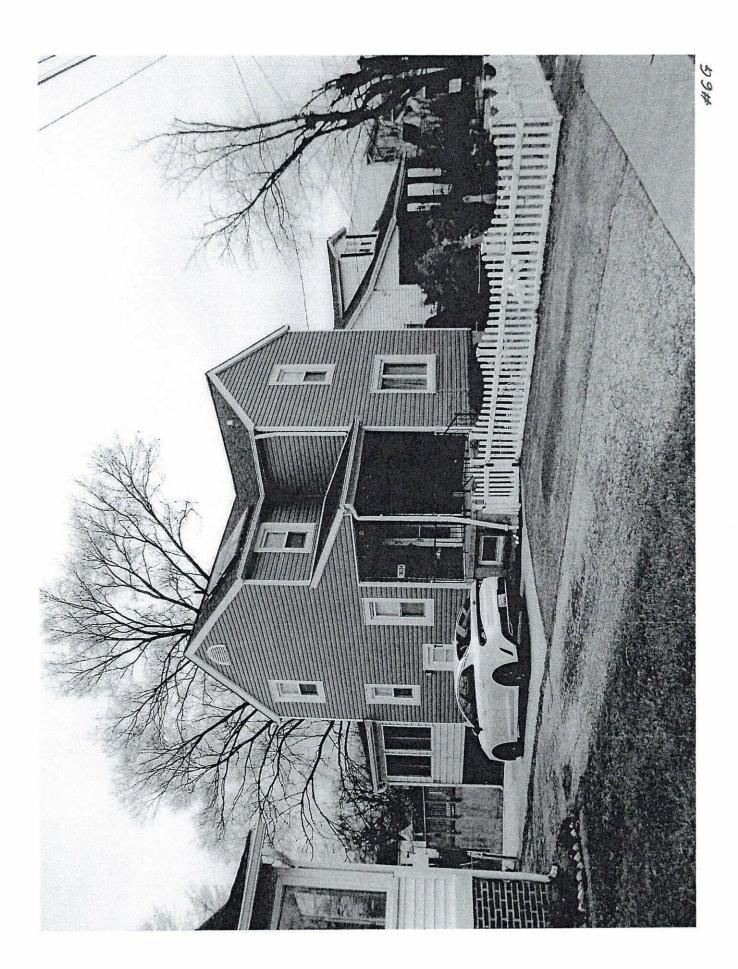


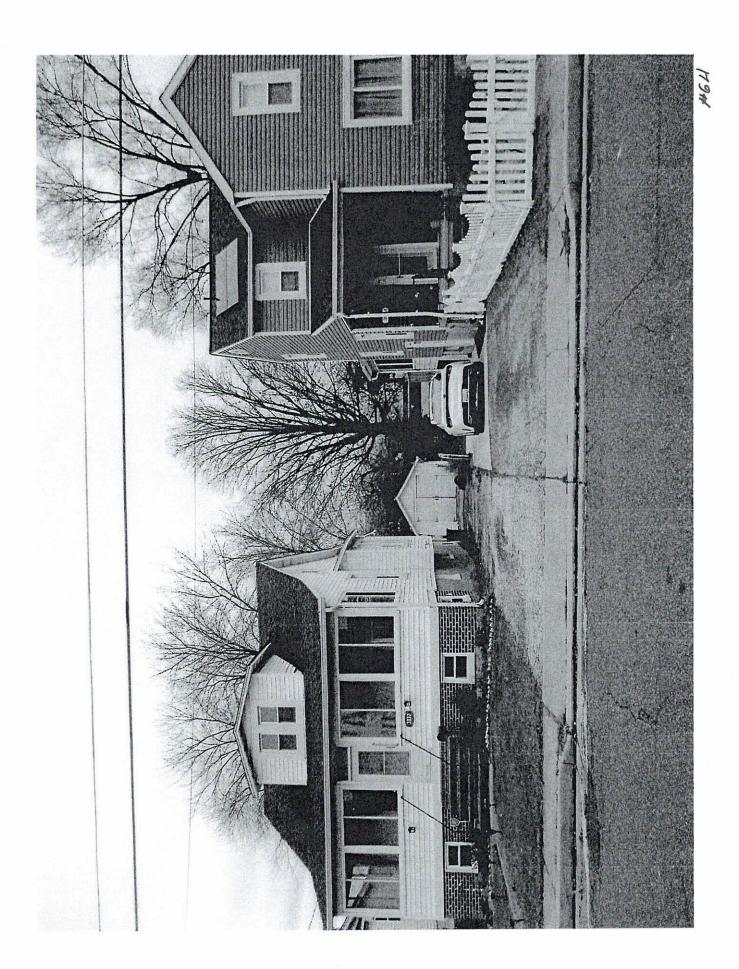
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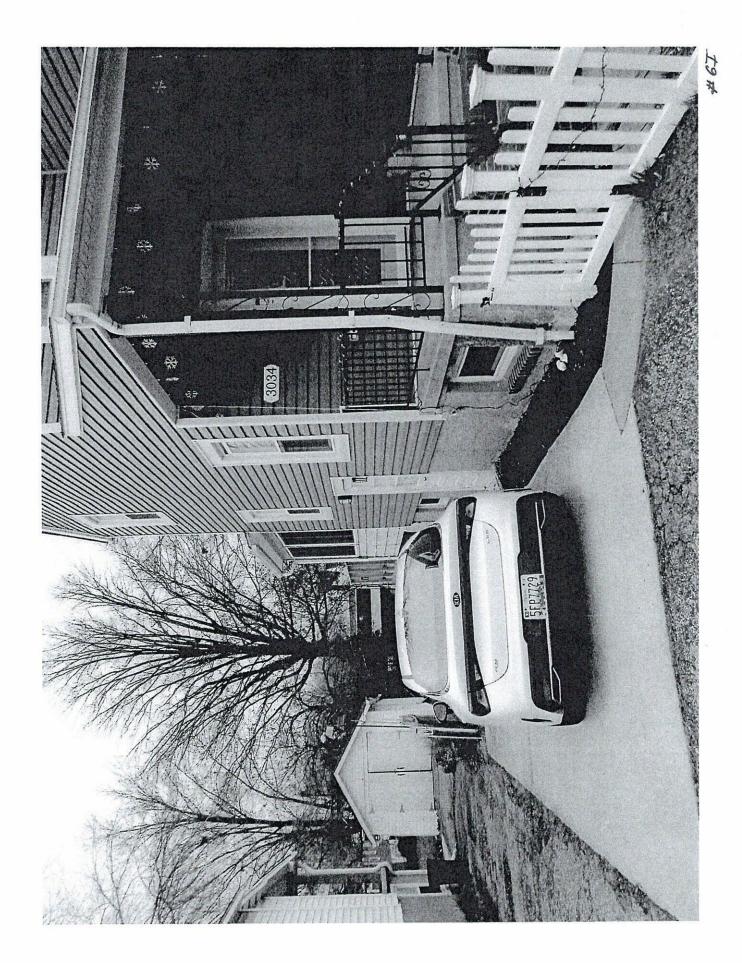


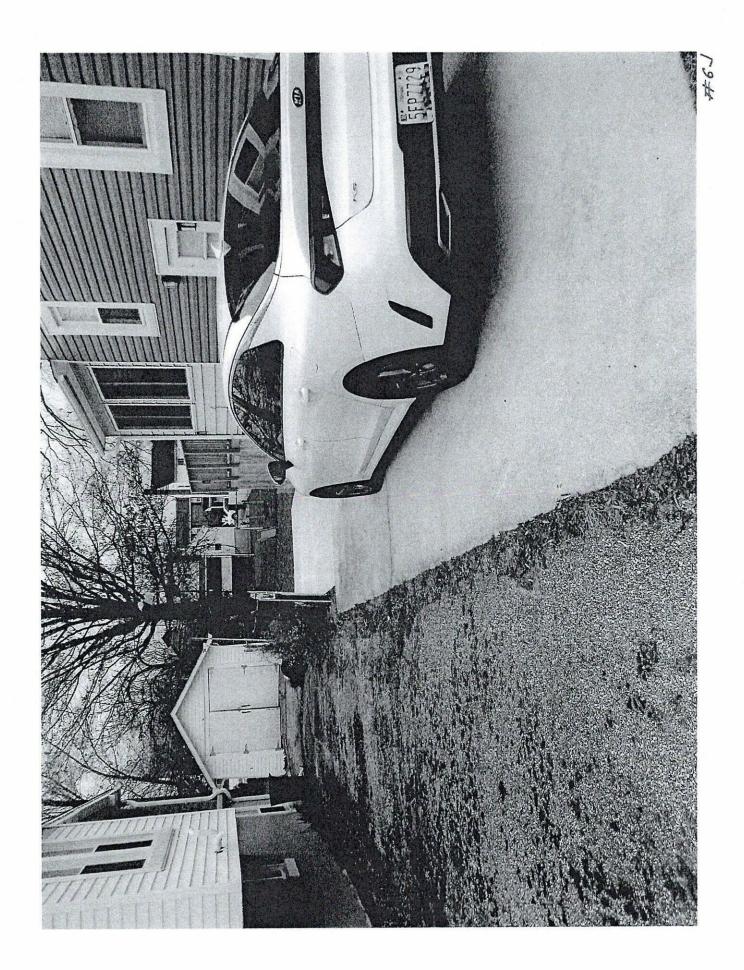


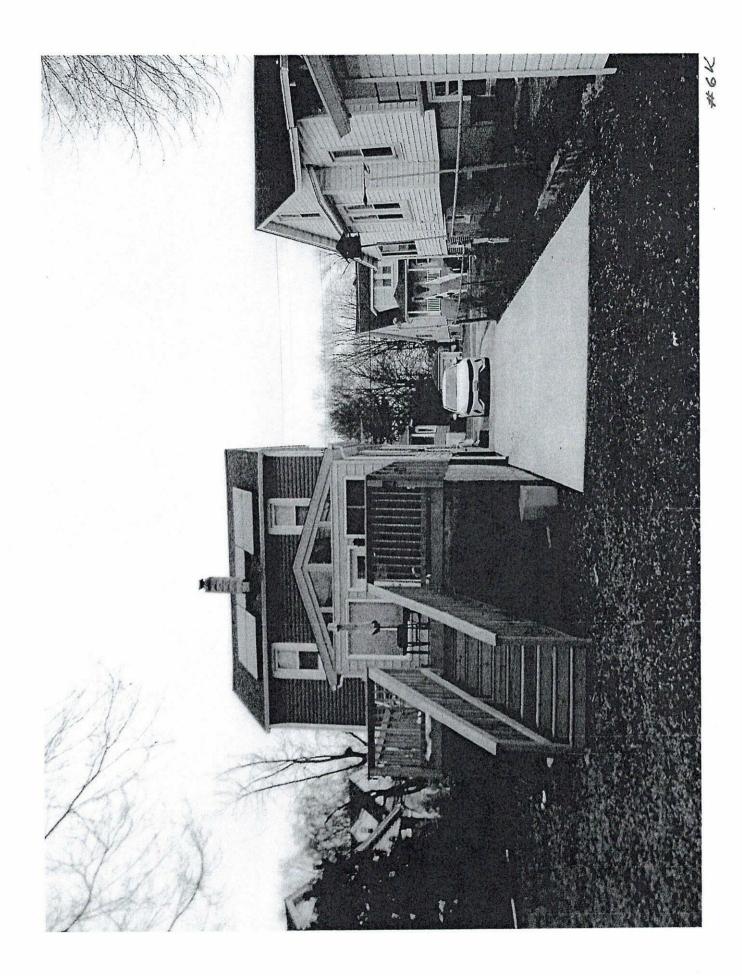


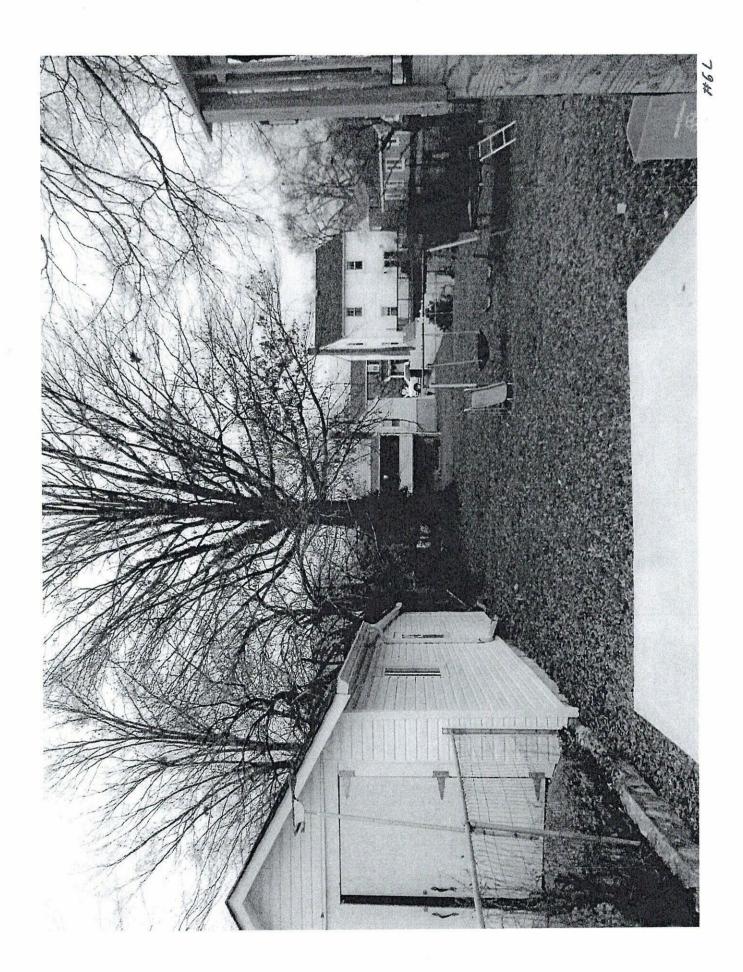






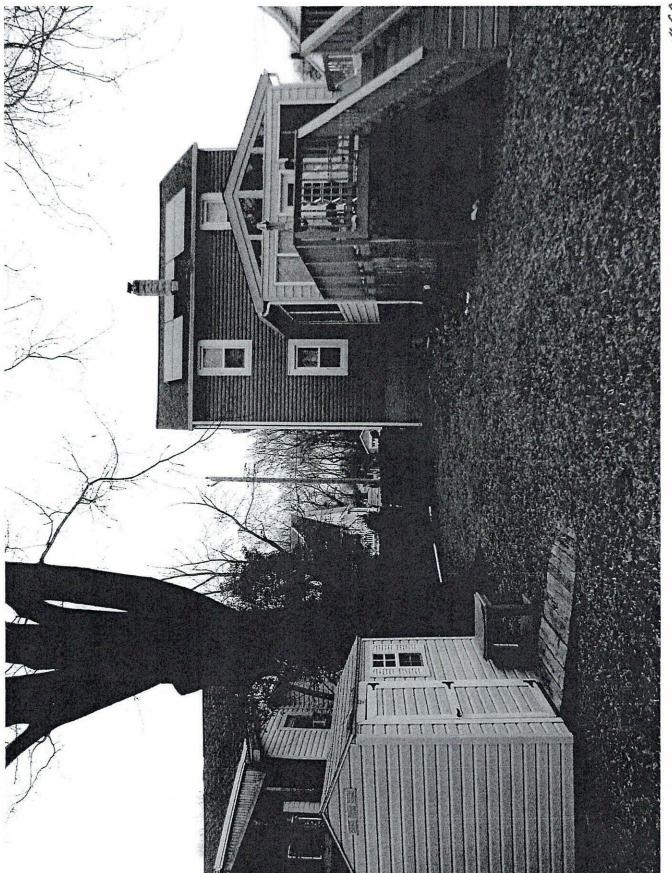




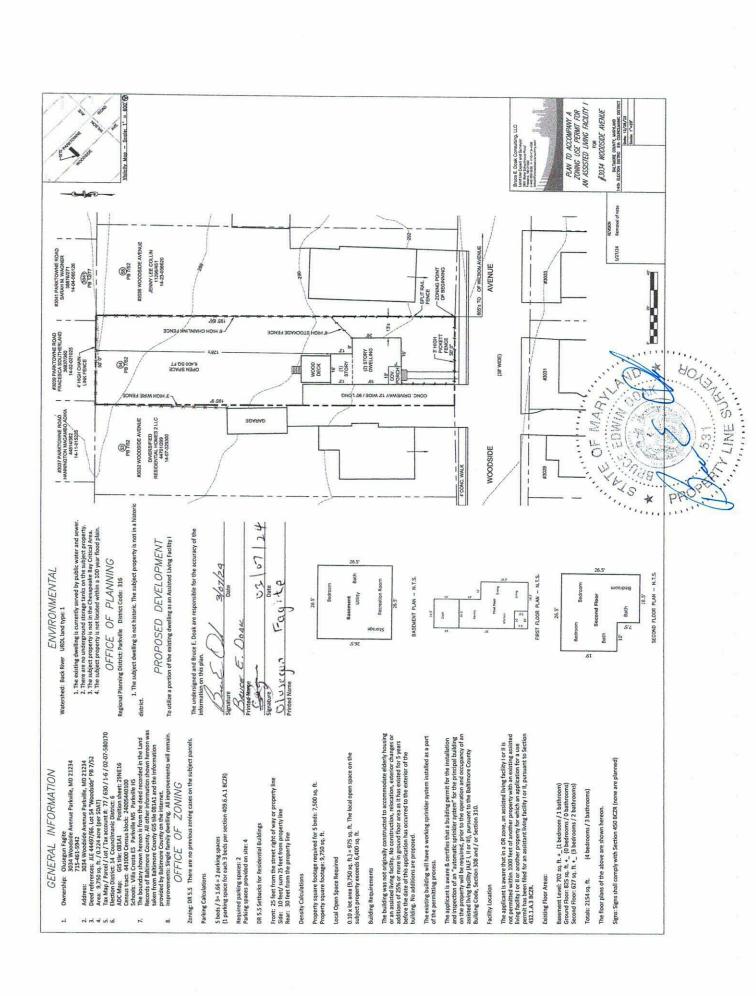


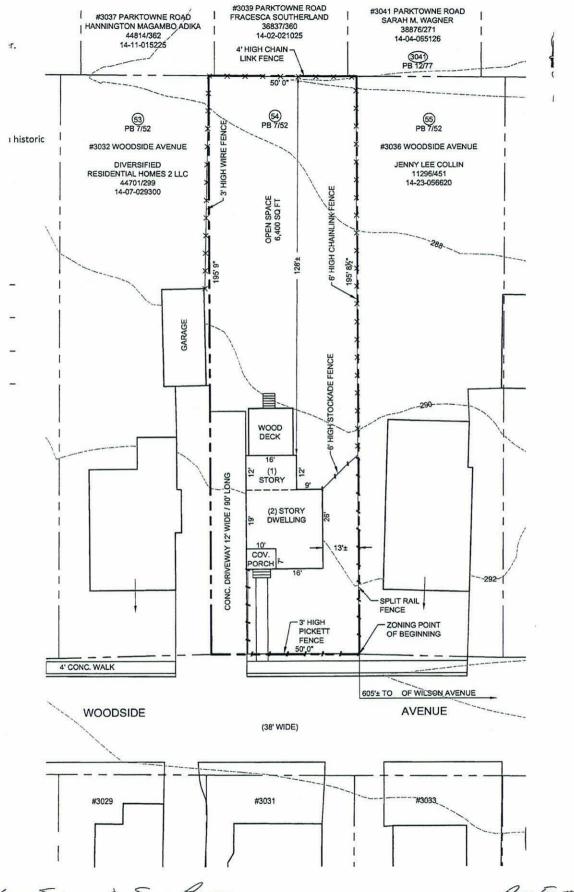






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KEY SHEET : SITE PHOTOS

PET. EX#6