



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

April 4, 2024

Olusegun Fagite – fagitesegun@gmail.com
3064 Woodside Avenue
Parkville, MD 21234

RE: **MOTION FOR RECONSIDERATION** - 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,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Adetola Fagite- detolafad@gmail.com
Christopher Bardroff – 3031 Woodside Avenue, Parkville, MD 21234
Raymond Burns – 3033 Woodside Avenue, Parkville, MD 21234
Jenny Lee Collins – 3036 Woodside Avenue, Parkville, MD 21234

**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

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration of the March 4, 2024 Opinion and Order issued in the above captioned case timely filed by neighboring property owner, Chris Burns of 3033 Woodside Avenue ("Mr. Burns"). The Motion contends that the parking Variance should have been denied because, in his view, the Property is not unique. The reasons for the finding of uniqueness were set forth in the Opinion and Order and have not changed. The evidence provided by the Petitioners, and as advocated by Bruce Doak, licensed property line surveyor, supported such findings. Accordingly, the Motion for Reconsideration will be denied.

THEREFORE, IT IS ORDERED this 4th day of **April, 2024**, by this Administrative Law Judge that the Motion for Reconsideration is hereby **DENIED**.

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

MEM/dlw



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 – fagitesegun@gmail.com
3064 Woodside Avenue
Parkville, MD 21234

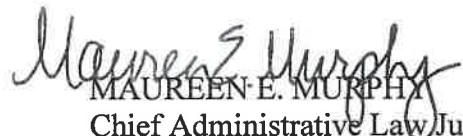
RE: Petition for Variance
Case No. 2024-0010-A
Property: 3034 Woodside Avenue

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Chief Administrative Law Judge
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MEM:dln
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Adetola Fagite- detolafad@gmail.com

IN RE: PETITION FOR VARIANCE

(3034 Woodside Avenue)

14th Election District

6th Council District

Olusegun Fagite

Legal Owner

Petitioner

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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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 not approving or granting a Use Permit for an Assisted Living Facility, but only Variance relief for the parking.

THEREFORE, IT IS ORDERED, this 4th 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

MEM/dlm

GENERAL INFORMATION

- Ownership: Olusegun Fagbe
3034 Woodside Avenue Parkville, MD 21234
715-461-5942
- Address: 3034 Woodside Avenue Parkville, MD 21234
- Deed references: JLE 44497/66, Lot 54 "Woodside" PB 7/52
- Area: 9,750 sq. ft. / 0.224 acre (per SDAT)
- Tax Map / Parcel / Lot / Tax account #: 77 / 630 / 1-6 / 02-07-580170
- Election District: 14 Councilmanic District: 6
ADC Map: GS tile: 081A1 Position sheet: 29NE16
Census tract: 441.000 Census block: 24005440100
Schools: Villa Cresta ES Parkville MS Parkville HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 081A1 and the information provided by Baltimore County on the Internet.
- Improvements: Single family dwelling. All improvements will remain.

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

5 beds / 3 = 1.66 = 2 parking spaces
(1 parking space for each 3 beds per section 409.6.A.1 BCZR)

Required parking spaces: 2

Parking spaces provided on site: 4

DR 5.5 Setbacks for Residential Buildings

Front: 25 feet from the street right of way or property line
Side: 10 feet/ sum 25 feet from property line
Rear: 30 feet from the property line

Density Calculations

Property square footage required for 5 beds: 7,500 sq. ft.
Property square footage: 9,750 sq. ft.

Local Open Space Required

0.10 x lot area (9,750 sq. ft.) = 975 sq. ft. The local open space on the subject property exceeds 6,400 sq. ft.

Building Requirements

The building was not originally constructed to accommodate elderly housing or an assisted living facility. No construction, relocation, exterior changes or additions of 25% or more in ground floor area as it has existed for 5 years before the date of this application has occurred to the exterior of the building. No additions are proposed.

The existing building will have a working sprinkler system installed as a part of the permitting process.

The applicant is aware & certifies that a building permit for the installation and inspection of an "automatic sprinkler system" for the principal building on the property will be required, prior to the operation and occupancy of an assisted living facility (ALF I, II or III), pursuant to the Baltimore County Building Code, Section 308 and / or Section 310.

Facility Location

The applicant is aware that in a DR zone, an assisted living facility I or II is not permitted within 1000 feet of another property with an existing assisted living facility I or II or another property for which an application for a use permit has been filed for an assisted living facility I or II, pursuant to Section 432.1.A.3 BCZR.

Existing Floor Areas:

Basement Level: 702 sq. ft. + (1 bedroom / 1 bathroom)
Ground Floor: 825 sq. ft. + (0 bedrooms / 0 bathrooms)
Second Floor: 627 sq. ft. + (3 bedrooms / 2 bathrooms)

Totals: 2154 sq. ft. (4 bedrooms / 3 bathrooms)

The floor plans of the above are shown hereon.

Signs: Signs shall comply with Section 450 BCZR (none are planned)

ENVIRONMENTAL

Watershed: Back River URDL land type: 1

- The existing dwelling is currently served by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Parkville District Code: 316

- The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To utilize a portion of the existing dwelling as an Assisted Living Facility I

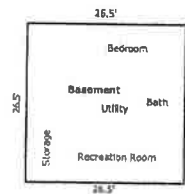
The undersigned and Bruce E. Doak are responsible for the accuracy of the information on this plan.

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____



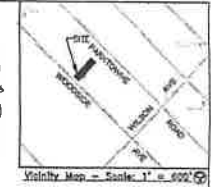
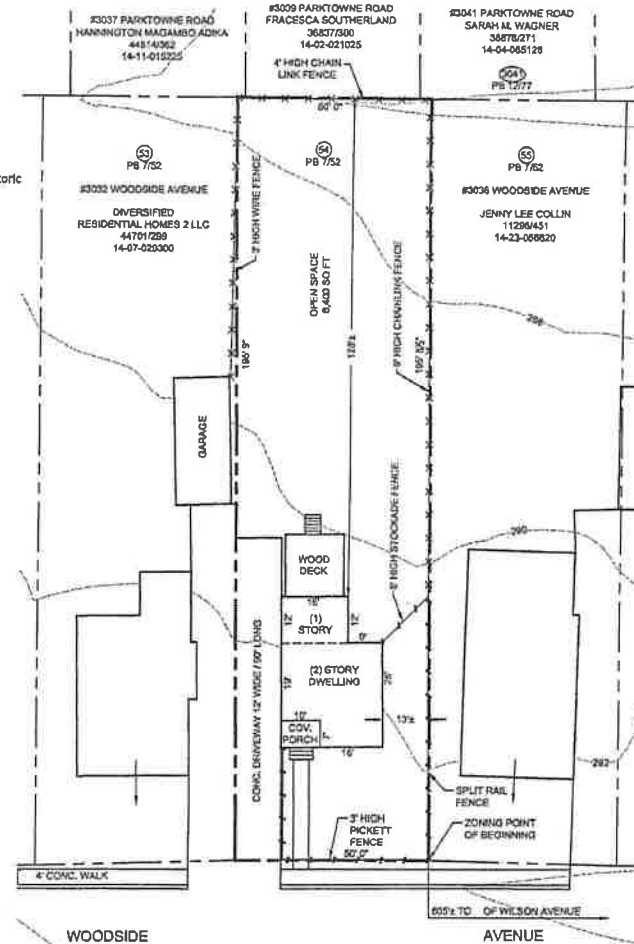
BASEMENT PLAN - N.T.S.



FIRST FLOOR PLAN - N.T.S.



SECOND FLOOR PLAN - N.T.S.



BRUCE E. DOAK CONSULTING, LLC
Landscape Architect and Surveyor
3031 State Street (House Point)
Pawcatuck, MD 21155
410-210-1234 • 410-210-4286
bruce@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING USE PERMIT FOR
AN ASSISTED LIVING FACILITY I
FOR
#3034 WOODSIDE AVENUE

BALTIMORE COUNTY, MARYLAND
14TH ELECTION DISTRICT, 10th COUNCILMANIC DISTRICT

DATE: 12/18/13
SCALE: 1"=25'

REVISION
1/7/24 Removal of note

Pgt. 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 DR5.5
Deed References: 44497/66 10 Digit Tax Account # 1412084025
Property Owner(s) Printed Name(s) OLUSEGUN FAGITE

(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
3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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)

TO BE PRESENTED IN THE HEARING

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):

OLUSEGUN FAGITE

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3034 WOODSIDE AVENUE PARKVILLE MD

Mailing Address City State

21234 1X 715 451 5942 1X fagite.segun@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address City State

21053 1 410-414-4906 1

Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2024-0010-A Filing Date 11/5/24 Do Not Schedule Dates: Reviewer SL

Zoning Hearing Petitions Being Requested

Variance to permit the parking to be set back 0 feet from the property line in lieu of the required "at least ten feet" per Section 432A.1.C1 BCZR

Variance to permit the parking and delivery areas to be located in the side and front in lieu of the required "side and rear only" per Section 432A.1.C2 BCZR

Variance to permit 2 usable off street parking spaces without direct access to an aisle or the public street for residences that are also employees of the business per Section 409.4.B BCZR



Zoning Description

3034 Woodside Avenue
Fourteenth Election District Sixth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northeast side of Woodside Avenue, 605 feet, more or less, northwesterly from the center line of Wilson Avenue.

Being Lot #54 as shown on the plat entitled "Woodside" dated November 8, 1922 and recorded in the land records of Baltimore County in Plat Book 7, page 52.

Containing 9,750 square feet of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



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

2024-0010-A

GENERAL INFORMATION

- Ownership: Olusegun Fagite
3034 Woodside Avenue Parkville, MD 21234
715-461-5942
- Address: 3034 Woodside Avenue Parkville, MD 21234
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The existing building will have a working sprinkler system installed as a part of the permitting process.

The applicant is aware & certifies that a building permit for the installation and inspection of an "automatic sprinkler system" for the principal building on the property will be required, prior to the operation and occupancy of an assisted living facility (ALF I, II or III), pursuant to the Baltimore County Building Code, Section 308 and / or Section 310.

Facility Location

The applicant is aware that in a DR zone, an assisted living facility I or II is not permitted within 1000 feet of another property with an existing assisted living facility I or II or another property for which an application for a use permit has been filed for an assistant living facility I or II, pursuant to Section 432.1.A.3 BCZR. The owner certifies that two other facilities are located within 1000 feet of this proposed facility and a variance of that distance will be requested.

Existing Floor Areas:

Basement Level: 702 sq. ft. +_ (1 bedroom / 1 bathroom)
Ground Floor: 825 sq. ft. +_ (0 bedrooms / 0 bathrooms)
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Signs: Signs shall comply with Section 450 BCZR (none are planned)

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- The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Parkville District Code: 316

1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

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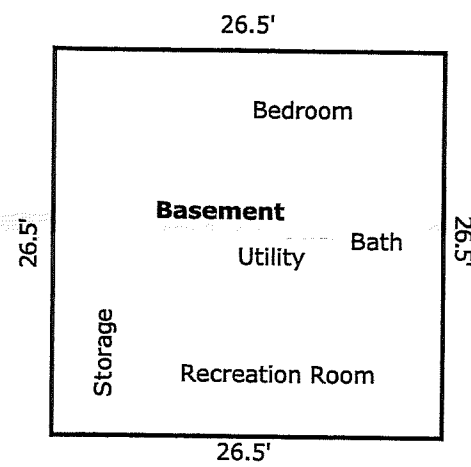
The undersigned and Bruce E. Doak are responsible for the accuracy of the information on this plan.

Signature _____ Date _____

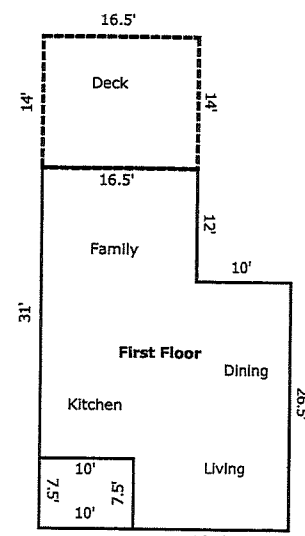
Printed Name _____

Signature _____ Date _____

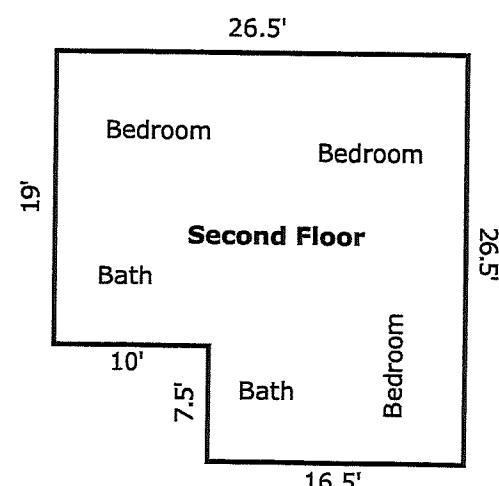
Printed Name _____



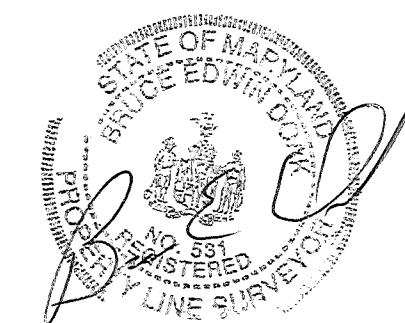
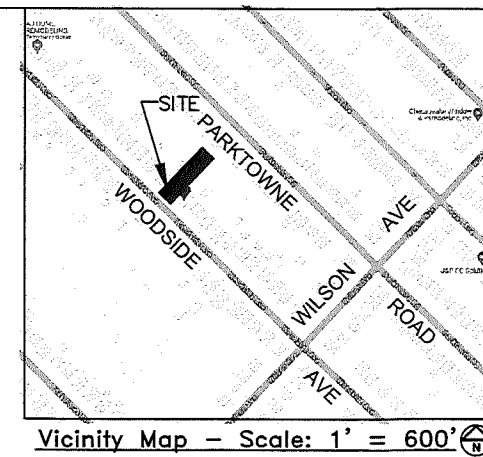
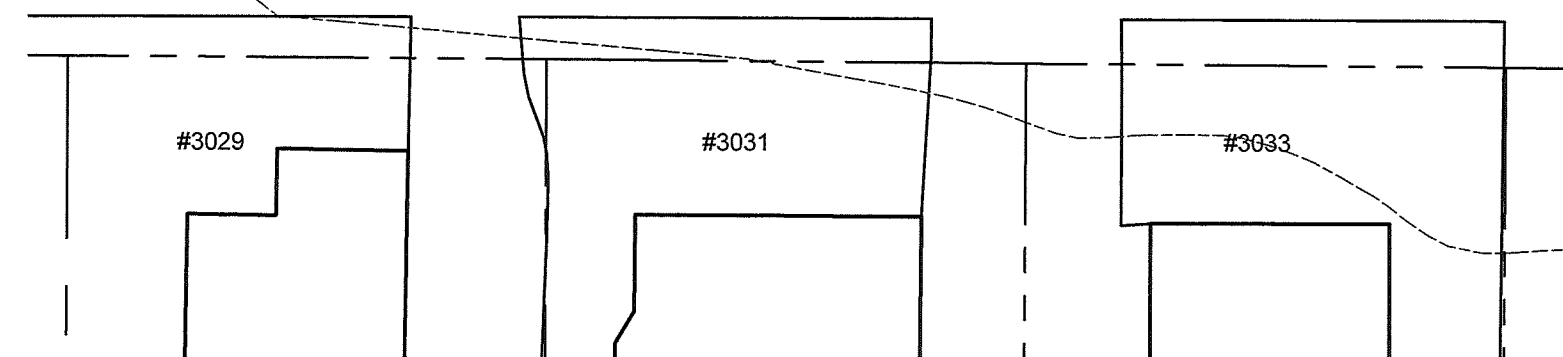
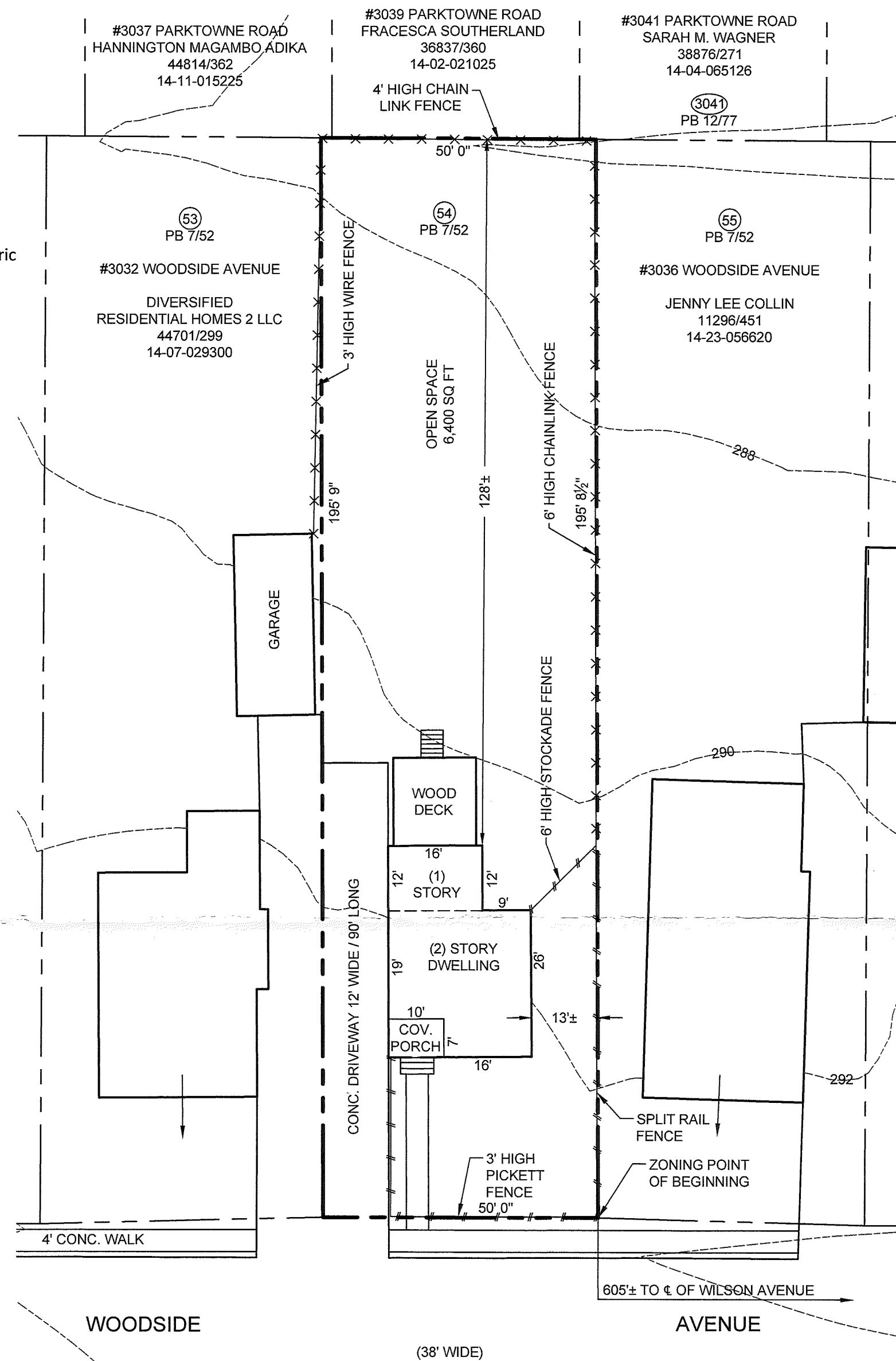
BASEMENT PLAN - N.T.S.



FIRST FLOOR PLAN - N.T.S.



SECOND FLOOR PLAN - N.T.S.



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3901 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING USE PERMIT FOR
AN ASSISTED LIVING FACILITY I
FOR
#3034 WOODSIDE AVENUE

BALTIMORE COUNTY, MARYLAND
14th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

Date: 12/28/23
Scale: 1"=20'

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2024-0010-A

Property Address: 3034 WOODSIDE AVENUE

Property Description: 9,750 SQ. FT. NORTHEAST SIDE OF WOODSIDE AVE.
605' ± NORTHWEST OF CENTERLINE OF WILSON AVENUE

Legal Owners (Petitioners): OLUSEGUN FAGITE

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

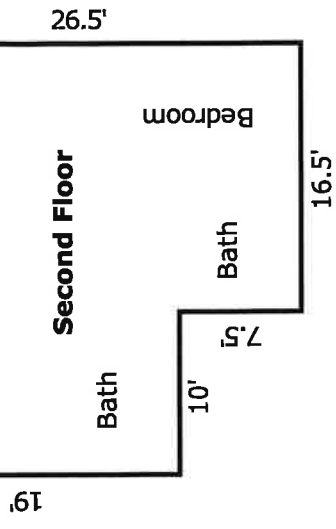
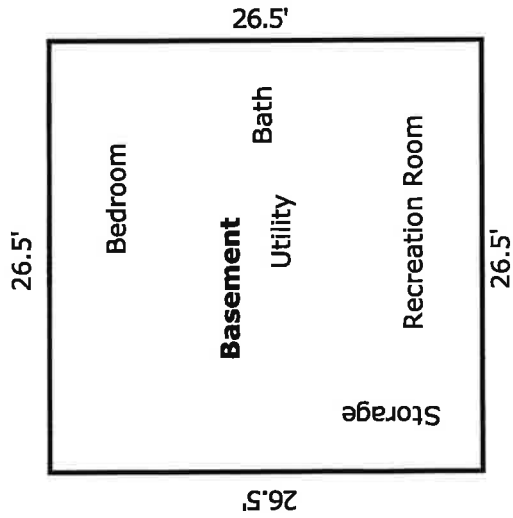
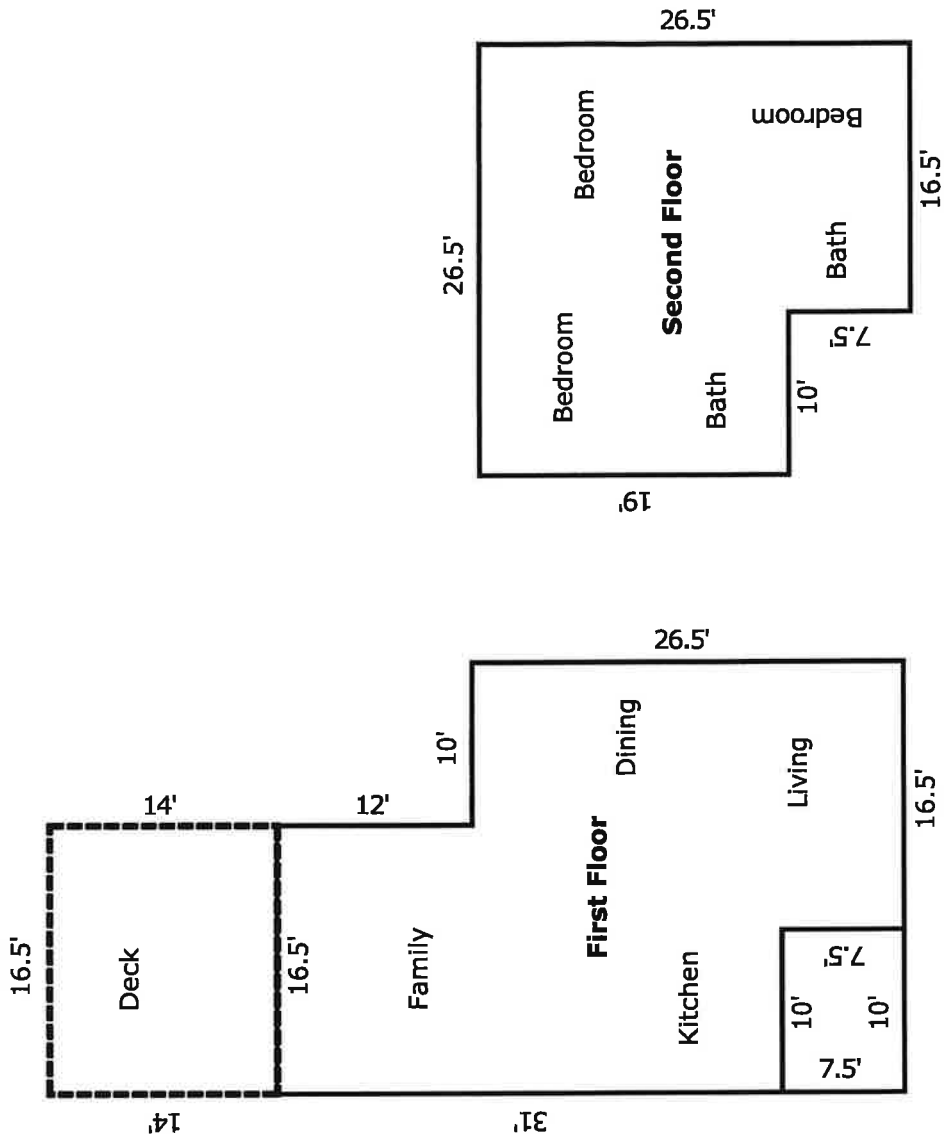
Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014



Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
--------------------------	--	--

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 1412084025

Owner Information

Owner Name: FAGITE OLUSEGUN Use: RESIDENTIAL
Principal Residence: YES

Mailing Address: 3034 WOODSIDE AVE Deed Reference: /44497/ 00066
PARKVILLE MD 21234-4706

Location & Structure Information

Premises Address: 3034 WOODSIDE AVE Legal Description: 3034 WOODSIDE AVE
PARKVILLE 21234-4706 WOODSIDE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0081 0002 0721 14030032.04 0000 54 2024 Plat Ref: 0007/ 0052

Town: None

Primary Structure	Built Above Grade	Living Area	Finished Basement Area	Property Land Area	County Use
1938		1,212 SF	454 SF	9,750 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNITS	SIDING/4	3 full	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	74,400	77,800		
Improvements	198,700	264,400		
Total:	273,100	342,200	273,100	296,133
Preferential Land:	0	0		

Transfer Information

Seller: MONTONI PROPERTIES LLC	Date: 04/14/2021	Price: \$343,000
Type: ARMS LENGTH IMPROVED	Deed1: /44497/ 00066	Deed2:
Seller: LEWIS ROBERT T	Date: 11/30/2020	Price: \$145,000
Type: ARMS LENGTH IMPROVED	Deed1: /43698/ 00183	Deed2:
Seller: LEWIS ROBERT T	Date: 06/28/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /37699/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

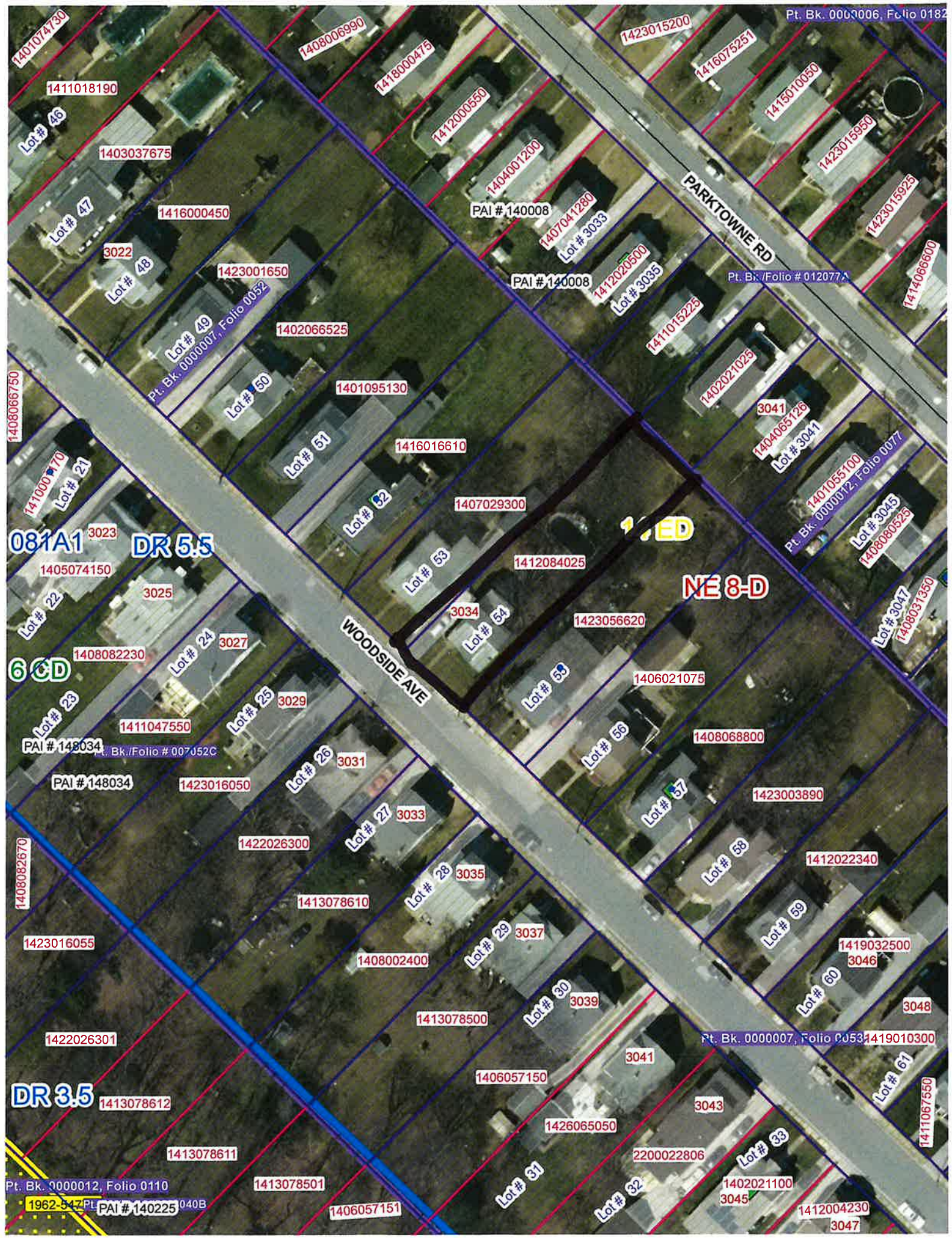
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0010-A



PARKTOWNE RD

WOODSIDE AVE

DR 5.5

NE 8-D

6 CD

DR 3.5



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0010-A
Address: 3034 WOODSIDE AVE
Legal Owner: Olusegun Fagite

Zoning Advisory Committee Meeting of January 26, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments following the review of the ZAC Agenda for the distribution meeting of January 19, 2024 and comments due January 26, 2024:

- 1) 2024-0010-A, 3034 Woodside Ave.: **No Exception taken**

ZAC AGENDA

Case Number: 2024-0010-A **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Olusegun Fagite
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 14 **Council Dist:** 6

Property Address: 3034 WOODSIDE AVE

Location: Northeast side of Woodside Avenue, northwesterly from the centerline of Wilson Avenue

Existing Zoning: DR 5.5

Area: 9,750 SQ. FT.

Proposed Zoning:

VARIANCE:

to permit the parking to be set back 0 ft. from the property line in lieu of the required "at least ten feet" per Section 432.A.1.C1, BCZR. To permit the parking and delivery areas to be located in the side and front in lieu of the required "side and rear only" per Section 432A.1.C2, BCZR. To permit 2 usable off street parking spaces without direct access to an aisle or the public street for residences that are also employees of the business per Section 409.4.B, BCZR.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

No Greenways affected.

Landscape: N/C .

Miscellaneous Notes:

*Landscaping - N/C
Rec & Parks - N/C ⇒ NO Greenways Affected.*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/30/2024

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 Fagite

Zoning: DR 5.5

Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance(s) -

1. To permit the parking to be setback 0' from the property line in lieu of the required "at least ten feet", per Section 432A.1.C1 of the Baltimore County Zoning Regulations;
2. To permit the parking and delivery areas to be located in the side and front yards in lieu of the required "side and rear [yards] only", per Section 432A.1.C2 of the BCZR; and
3. To permit two (2) usable off street parking spaces without direct access to an aisle or the public street for residences that are also employees of the business, per Section 409.4.B of the BCZR.

The subject site is an approximately 9,750 square foot parcel in the Parkville area. It is improved with a two-story, single family detached dwelling; a wooden deck; and a driveway. Per the site plan submitted with the petition, the Petitioners wish to use a portion of the existing dwelling as an Assisted Living Facility I.

Uses immediately surrounding the subject site are primarily single family detached residential dwellings on similarly sized lots as that of the subject site. Many of the dwellings have existing driveways situated similarly on the lot as that of the subject site. Northwest of the subject site is Harford Road, which is primarily commercial uses, including an Auto Zone, a Royal Farms, an M&T Bank, and the Parkville USPS Post Office.

The subject site is within the boundary of the Carney-Cub Hill-Parkville Community Plan, adopted May 3rd, 2010. The plan acknowledges that over half of the land within the plan area boundary is residential. One of the visions outlined in the plan is to provide "a range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes" (page 6)

The Department of Planning contacted the representative for the petition via email on January 24th, 2024 seeking additional information on the location of the four proposed parking spaces (i.e. in the existing driveway or along Wooside Avenue); a note on the plan which states there are two existing Assisted

Living Facilities within 1,000 feet of the subject site and that a Variance would be requested for the distance; and if any exterior alterations were proposed to the dwelling or the property. In a January 29th, 2024 reply, the representative explained the following:

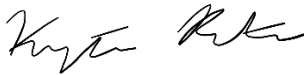
- The parking spaces are all within the existing driveway. The driveway is 90' in length and can accommodate four cars at a time. The parking requirement is two.
- The note on the plan that two existing Assisted Living Facilities exist within 1,000 feet of the subject site was a mistake from the surveyor. This information has been confirmed with Zoning Review. The note was removed on a redlined version of the plan, provided to the Department via email on January 29th, 2024.
- There are no exterior renovations proposed to the existing dwelling.

The Department of Planning confirmed with the Office of Zoning Review that no Assisted Living Facilities are proposed or are existing within 1,000 feet of the subject site.

The Department of Planning has no objections to the requested relief. Allowing the facility to use the existing driveway for parking means no exterior alterations are necessary. Further, the driveway is consistent with the neighborhood.

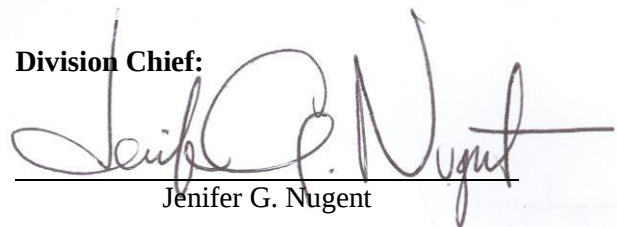
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

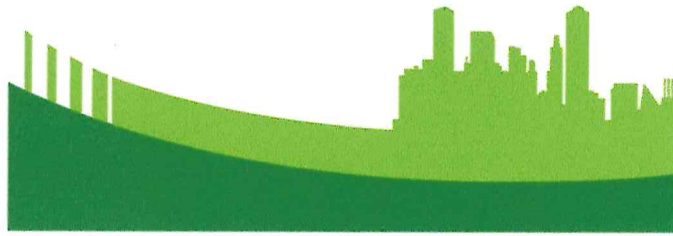
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

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



CERTIFICATE OF POSTING

January 27, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0010-A

Legal Owner: Olusegun Fagite

Hearing date: February 23, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **3034 Woodside Avenue**.

The signs were initially posted on January 27, 2024.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak". The signature is stylized with a large "B" and "D".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2024-0010-A

3034 Woodside Avenue

THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING
(VIA WEBEX) ON THE PROPERTY IDENTIFIED HEREIN AS FOLLOWS:

DATE & TIME:

FRIDAY FEBRUARY 23, 2024 11:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS,
PLEASE VISIT THE WEB SITE ADDRESS BELOW NO LATER THAN
48 HOURS PRIOR TO THE HEARING:

WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.

YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0 OR SEND AN EMAIL TO

ADMINISTRATIVEHEARINGS@BALTIMORECOUNTYMD.GOV

VARIANCE TO PERMIT THE PARKING TO BE SET BACK 0 FT. FROM
THE PROPERTY LINE IN LIEU OF THE REQUIRED "AT LEAST TEN
FEET" PER THE BALTIMORE COUNTY ZONING REGULATIONS
(BCZR), SECTION 432.A.1.C.1; TO PERMIT THE PARKING AND
DELIVERY AREAS TO BE LOCATED IN THE SIDE AND FRONT IN
LIEU OF THE REQUIRED "SIDE AND REAR ONLY" PER BCZR
SECTION 432A.1.C.2 AND TO PERMIT 2 USABLE OFF STREET
PARKING SPACES WITHOUT DIRECT ACCESS TO AN AISLE OR
THE PUBLIC STREET FOR RESIDENCES THAT ARE ALSO
EMPLOYEES OF THE BUSINESS PER BCZR SECTION 409.4.B.

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