



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

Murray and Lois Obanye – mobayne@yahoo.com
3504 Sea Pines Circle
Randallstown, MD 21133

RE: Petition for Variance
Case No. 2024-0014-A
Property: 3504 Sea Pines Circle

Dear Petitioners:

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 blue ink, appearing to be "DJB", with a long horizontal line extending to the right.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: dlm
Enclosure

c: *See Next Page -*

c:

Bruce E. Doak – bdoak@bruceedoakconsulting.com
Adrienne Ray rn1991@gmail.com
Andrea Cottrell sweetunique307@verizon.net
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Nigeria Rolling-Ford- nrollingford@gmail.com
P Cov - mrspecov@gmail.com
Lashawn Brown- lashawn_brown@yahoo.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(3504 Sea Pines Circle)		
2 nd Election District	*	OF ADMINISTRATIVE
4 th Council District		
Murray and Lois Obanye	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0014-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County (“OAH”) on a Petition for Variance filed by Murray and Lois Obanye (“Petitioners”), legal owners of the subject property located at 3504 Sea Pines Circle, Randallstown, Baltimore County, Maryland (“the Property”). The Petitioners are seeking a variance from Baltimore County Zoning Regulations (“BCZR”) § 432.A.1.C.2 to permit the parking and delivery areas of an Assisted Living Facility (“ALF”) to be located in the front common parking area in lieu of being located in the required side and rear yards.

A public hearing was held on March 8, 2024, and was conducted in a hybrid format utilizing both in-person testimony and examination as well as testimony and examination via the web-based platform WebEx. The Petition was properly advertised and posted. Petitioner, Murray Obanye, appeared at the hearing and was assisted by Bruce E. Doak of Bruce E. Doak Consulting, LLC, who assisted in the preparation and submission of the Petition as well as the site plan (the “Site Plan”). Pet. Ex. 1. Ms. Troie Travers, Assistant Director of the proposed ALF also testified. A number of community members from the Kings Park community appeared in opposition. Community members Cassandra Davis Perrilliat, Linda Forsyth, Melanie Jackson, and Audrey Thornton testified in opposition, several of whom are members of the Board of Directors of the

Kings Park Homeowner's Association (collectively "the Opposition" when not named individually herein).

The following materials were submitted by Petitioner and admitted as exhibits into the record: (1) Site Plan; (2) SDAT report; (3) GIS; (4) GIS aerial photograph; (5) Plat Book 66, page 23; (6) Site photographs (6a-6n). The Opposition submitted a copy of the Kings Park Homeowner's Association, Inc.'s Community Rules (Opp. Exh. 1). The following materials were submitted on behalf of county agencies: (1) Zoning Advisory (ZAC) comment from the Department of Planning ("DOP") indicating objection to the requested relief; (2) Development Plans Review ("DPR") comments; and (3) Department of Environmental Protection & Sustainability ("DEPS") comments.

Findings of Fact

The Property has a land area of approximately 1,999 sq. ft. and is improved by an interior two-story wood-frame single-family townhouse dwelling with approximately 1,312 sq. ft. of above-grade living area. The Property is zoned DR 3.5. This 20-foot-wide interior townhouse unit sits on a block with 12 other townhouse residential units within the Kings Park townhouse unit complex and is subject to any restrictions or encumbrances contained within the organization documents of the Kings Park Homeowner's Association. The site has no recent zoning history relevant to the subject Petition. The Petition proposes to use the Property as an Assisted Living Facility 1 ("ALF") with a maximum of 4 beds which is permitted by right in this DR zoned property.

Mr. Doak provided testimony regarding the proposed use and explained the relief requested under the Petition. Mr. Doak testified that the rear of the property has a small yard that would qualify as "open space" for satisfying the 10% requirement under BCZR § 432A.1(C)(3). Mr.

Doak further stated that while he was on-site there appeared to be sufficient parking in the community. Mr. Doak further stated that this residential townhouse subdivision enjoys a common parking area for all residents with marked parking spaces for each unit. *See* Petitioner's Exhibits 5 & 6.

Mr. Obanye is the property owner and also the Director of the proposed ALF. He testified that he operates a company, Victory Health Care Resources, Inc., which is licensed by the State of Maryland to provide housing and services to individuals with developmental disabilities. It was unclear from his testimony whether he would be operating this property under his own name, under Victory Health Care, LLC, or another entity. The SDAT printout (Petitioner's Exhibit 2) indicates this property is Mr. Obanye's principal residence, but he testified that he has not resided at the property for some time. Mr. Obanye stated that the property has been unoccupied for at least two years.

Mr. Obanye further testified regarding the proposed use of property and his background and experience as a nurse practitioner (CNP). Mr. Obanye explained that the proposed ALF would serve up to four residents with developmental disabilities. At maximum capacity, two staff members would be on-site at any given time working on a shift schedule. Medically trained and licensed staff would assist residents with the activities of daily life including self-care, food preparation, and transportation to activities. Mr. Obanye testified that residents will not own or operate their own motor vehicles and transportation will be provided to them by bus or van. Residents will attend adult day care off-site daily from 9am-3pm. Staff and visitors would either use existing common area visitor parking or would park their vehicles on nearby public streets. Ms. Troie Travers, the Assistant Director of the proposed assisted living facility, testified as to the operations of the facility including details on the population served including the levels of care

permitted under state licensure, staffing, transportation, and other similar matters.

Community members Cassandra Davis Perrilliat, Linda Forsyth, Melanie Jackson, and Autrey Thornton testified in opposition. Community members were permitted to ask questions of Mr. Obanye and Mr. Doak to better understand how the permitted by right use would impact vehicle traffic and parking in this townhouse community with common area parking. The ALJ's questions regarding the proposed ALF were also targeted to better understand the impact of the proposed use on vehicle parking and safety.

Among other items, Ms. Perrilliat expressed safety and logistical concerns with parking for delivery drivers, staff, and visitors. Among other matters, Ms. Forsyth testified that parking issues are an ongoing problem within the community and parking is currently a hazard for residents. Among other matters, Ms. Jackson testified that Kings Park is a residential community and she objected to this commercial use within the community. Ms. Thornton called attention to the Kings Park Home Owner's Association ("HOA") Community Rules as potentially prohibiting the use or at least restricting the type of parking proposed under the Petition. Community members also cross-examined Mr. Obanye regarding his knowledge of the HOA Community Rules specific to parking, and the operations of the proposed assisted living facility including specifics on the population served that will reside at the Property, including their activities, supervision, and use of common facilities. A representative of the Kings Park Homeowner's Association submitted the HOA's Community Rules prior to the hearing. Opposition Exhibit 1. No other HOA documents were submitted into the record including any Declaration of Covenants that may restrict uses on the property. Regardless, these are private agreements that act as encumbrances to property and are not enforceable through OAH. Rather, any such enforcement would be through private means.

Conclusions of Law

A significant portion of the community testimony or questions on cross-examination of Mr. Obanye and Mr. Doak focused on the operation of the proposed ALF including the types of residents authorized under state law for services under the Office of Healthcare Quality. However, the subject Petition only requests variance relief for off-street parking requirements for an assisted living facility which requires parking and loading to occur in the side or rear yards. Community members were permitted to ask questions about the proposed use to better understand how the permitted by right use would impact vehicle traffic and parking in this townhouse community with common area parking. As this townhouse unit does not have side or rear yard access, and the proposed parking spaces are located in the HOA common parking area, authorization of the proposed use is linked to the grant of a parking variance. Importantly, Petitioner is not seeking approval from OAH for the use of the property as an ALF, 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 Permits Approval and Inspections (“PAI”). The OZR, through its authorization under PAI, may issue a Use Permit for an Assisted Living Facility, as that term is defined in the BCZR, §101.1. The OZR process includes obtaining recommendations from County agencies including DOP in regard to the required compatibility finding. Also of note, Planning’s Report (County Exhibit 1) indicates objection to the Petition because of “potential adverse pedestrian and vehicular impacts” as “the location is not desirable for the use.” *Id.* at 1.

Variance(s): Off-Street Parking Requirements

Pursuant to BCZR § 432A.1(C), off-street parking regulations for Assisted Living facilities are provided as follows:

Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a

residential garage as defined in Section 101.

1. Parking shall be set back at least ten feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.
2. Parking and delivery areas shall be located in the side or rear only.
3. At least ten percent of the lot shall be used to provide useable, contiguous and private open space.

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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 first step in any variance analysis is to determine the uniqueness of the property in question and how that uniqueness creates a practical difficulty in complying with the requirements imposed by BCZR. The subject property is a 20-foot-wide townhouse on block of 20-foot-wide townhomes in a residential subdivision of townhomes of either identical or similar lot size composed almost entirely of single-family residential homes. The practical difficulty experienced

by this property owner in complying with the parking restrictions imposed by BCZR § 432A.1(C) is that the very nature of a townhouse is such that interior lots have no side yard, and this particular community of townhomes does not have vehicular access to their rear yards to support vehicle parking. This condition not only applies to the subject property but also the remainder of the 10 interior lots of this block (excluding the two end units which could hypothetically support side and rear parking), and the majority of the interior lots throughout this community. While this does impose a “practical difficulty” upon the Petitioner, there is nothing particular about this individual property which is the cause of that practical difficulty. Rather, it is the very nature of townhouse-style construction, shared by perhaps tens of thousands of similarly designed and constructed lots and homes throughout Baltimore County which is the cause of this intentionally designed site feature. As the Court of Special Appeals held in *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995):

We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been—a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists.

Cromwell v. Ward, 102 Md. App. 691, 721, 651 A.2d 424, 439 (1995). Mr. Doak stated at the hearing that assisted living facilities are not restricted in the BCZR to any specific housing type, and thus were contemplated by the County Council when designed as by-right uses in DR zones. While there is no legislative history in the record to contrary, it does not surmount or sidestep the variance analysis required under the Petition. For this reason, I find that the subject property is not unique as there are no peculiar characteristics or unusual circumstances relating only and uniquely to this property that give rise to a practical difficulty. Therefore, the variance analysis ends here.

While the proposed use of the property as an ALF is not before OAH in this Petition, BCZR

§ 307.1 requires that “any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.” BCZR § 307.1. as the Petition fails the variance analysis as detailed above, a formal finding under BCZR § 307.1 is not necessary. However, it is important to note that while the proposed ALF will house adults with developmental disabilities, the use of a property for ALF encompasses other populations, most notably physically disabled adults and senior adults. The record does not establish where The Americans with Disabilities Act (“ADA”) accessible access is maintained in the HOA common parking area with respect to handicapped parking spaces, ADA-compliant depressed sidewalks, stairs with ADA-compliant handrails, and other safety measures common (or required) for ALF housing senior or physically disabled adults. As this use runs with the land, the resident population served at this property could readily be changed to serve physically disabled senior adults where ADA and safety issues would become relevant and significant. Moreover, as noted in Planning’s Report, parking lot safety issues are not addressed with respect to the second parking space located across the parking lot from the property. County Exhibit 1. Planning’s ZAC comment indicates objection to the Petition because of “potential adverse pedestrian and vehicular impacts” as “the location is not desirable for the use.” *Id.* Further, testimony at the hearing did not reveal the extent to which deliveries would be made on-site, or how visitors would be permitted to park in this HOA regulated community, when the proposed use of property may greatly exceed the number of visitors customarily associated with single-family townhome use. Again, while the underlying use of this property as an ALF is permitted by right and subject to the review and issuance of a use permit by PAI following a compatibility finding, there is not sufficient evidence in this record to allow a finding that the requested parking variance “is in strict harmony with the spirit and intent

of said...off-street parking regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.” See BCZR § 307.1.

Further, pursuant to BCZR § 409.7 (Location of Parking), all required off-street parking spaces shall be located either on the same lot as the structure or use to which they are accessory, or in the event that off-site parking spaces are provided, off-street parking spaces for residential uses and lodging uses shall be located within 300 feet walking distance of a building entrance to the use that such spaces serve [emphasis added]. BCZR § 409.7(A). The Site Plan submitted shows what appears to be a typographical error showing the front yard of the Property with a dimension of 100 feet. While this may be a mere error in transcription, there remains nothing in the record to show how the second parking space is within 300 feet walking distance of the building entrance. While a condition to submit a revised Site Plan may cure this deficiency, as the Petition fails the variance analysis performed above, no amended Site Plan is required at this time.

THEREFORE, IT IS ORDERED, this 4th day of **April, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 432.A.1.C.2 to permit the parking and delivery areas to be located in the front common parking area in lieu of being located in the required side and rear yards be, and it is hereby, **DENIED**.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm



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 3504 SEA PINES CIRCLE which is presently zoned DR 3.5
 Deed References: 330181396 10 Digit Tax Account # 1800006015
 Property Owner(s) Printed Name(s) MURRAY I. OBANYE & LOIS OBANYE

(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. X 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):

MURRAY I. OBANYE LOIS OBANYE
 Name #1 - Type or Print Name #2 - Type or Print
X [Signature] X [Signature]
 Signature #1 Signature #2
3504 SEA PINES CIRCLE RANDALLSTOWN MD
 Mailing Address City State
21133 X 443 255 7893 X mobanye@yahoo.com
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
 Name - Type or Print
[Signature]
 Signature
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State
21053 410-419-4906
 Zip Code Telephone # Email Address

CASE NUMBER 2024-0014-A Filing Date 1/9/24 Do Not Schedule Dates: _____ Reviewer [Signature]

Zoning Hearing Petitions Being Requested

Variance to permit the parking and delivery areas to be located in the front, public and common parking area, which is not on the subject property in lieu of being located in the required side and rear yards only on the subject property per Section 432A.1.C.2 BCZR

Variance for anything else that the Administrative Law Judge deems necessary

2024-0014-A



Zoning Description

#3504 Sea Pines Circle

Lot 136 "Kings Point" Plat Book 66/23

**Second Election District Fourth Councilmanic District
Baltimore County, Maryland**

Beginning at a point on the southwest side of Sea Pines Circle, approximately Southwesterly 400'+_, Southerly 134 feet +_ and southwesterly 36 feet +_ from the centerline of Oak Trace Way

Being Lot #136 as shown on the plat entitled "Plat 5 Section 12 King's Point Addition" and recorded in the land records of Baltimore County in Plat Book 66, page 24.

Containing 2,000 square feet or 0.046 acres 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



2024-0014-A

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

No. **228961**

Date: **1/9/24**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500.00

Total: **\$ 500.00**

Rec From: **BRUCE DOAK**

For: **2024-0014-A**

3504 SEA PINES CIRCLE

JSS 24-0046

DISTRIBUTION

WHITE - CASHIER

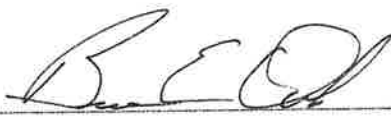
PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

BRUCE E DOAK 12-12 BRUCE E DOAK CONSULTING 3801 BAKER SCHOOLHOUSE RD FREELAND, MD 21053-9738	3092 15-3/540 429
Date 1/02/24	
Pay to the Order of BALTIMORE COUNTY MD	\$ 500.00
FIVE HUNDRED AND 00/100s Dollars	
 PNC BANK PNC Bank, N.A. 040	
For OBALYE ZOWING F&G	
⑆054000030⑆ 5336741067⑈ 3092	

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 1800006015

Owner Information

Owner Name:	OBANYE MURRAY IKYE OBANYE LOIS	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3504 SEAPINES CIR RANDALLSTOWN MD 21133-2445	Deed Reference:	/33018/ 00396

Location & Structure Information

Premises Address:	3504 SEA PINES CIR RANDALLSTOWN 21133-2445	Legal Description:	3504 SEAPINES CIR KINGS POINT
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 5
0076 0012 0348 2060088.04 0000 12 136 2022 Plat Ref: 0066/ 0023

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1996	1,312 SF	310 SF	1,999 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	CENTER UNITS	SIDING/4	2 full/ 1 half		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	55,000	55,000		
Improvements	145,700	170,100		
Total:	200,700	225,100	216,967	225,100
Preferential Land:	0	0		

Transfer Information

Seller: OBANYE MURRAY IKYE	Date: 01/09/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /33018/ 00396	Deed2:
Seller: SECRETARY OF HOUSING AND	Date: 11/06/2002	Price: \$134,000
Type: NON-ARMS LENGTH OTHER	Deed1: /17049/ 00036	Deed2:
Seller: NORTHERN SHELLEY D	Date: 07/18/2002	Price: \$128,000
Type: ARMS LENGTH IMPROVED	Deed1: /16623/ 00545	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: Approved 10/18/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

**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: _____

Property Address: 3504 SEA PINES CIRCLE RANDALLSTOWN MD 21133

Property Description: LOT 136 "KINGS POINT" PB 66/23

Legal Owners (Petitioners): MURRAY I. OBANYE & LOIS OBANYE

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 21653

Telephone Number: 410-419-4906

Revised 5/20/2014

2024-0014-A

WINDOW

SLIP
LOOT

BED

CHICK
AREA

B.T.M.

LAUNDRY

CLOSET

CRAWL SP.

↑
UP

STICKY

WALL

LEVEL

2024-0014-A

WINDOW

MASTER
BEDROOM

CLOSET

BATH

FULL
BATH

CLOSET

DOWN

DOWN

CLOSET

CLOSET

BEDROOM

BEDROOM

WINDOW

WINDOW

2024-0014-A

BALCONY

sliding door

DINING AREA

KITCHEN

WINDOW

DOWN

UP

LTH

LIVING AREA

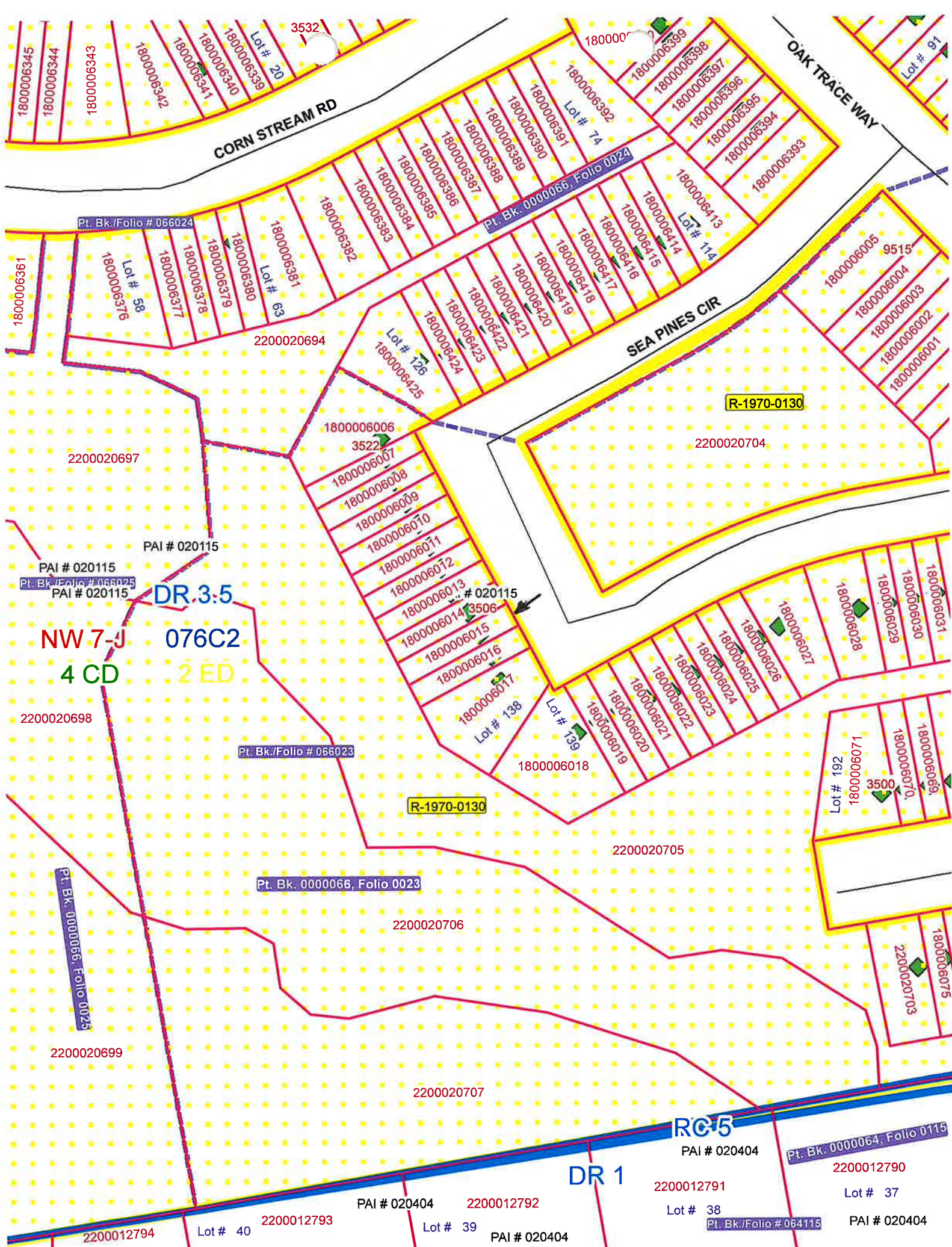
CLOSET

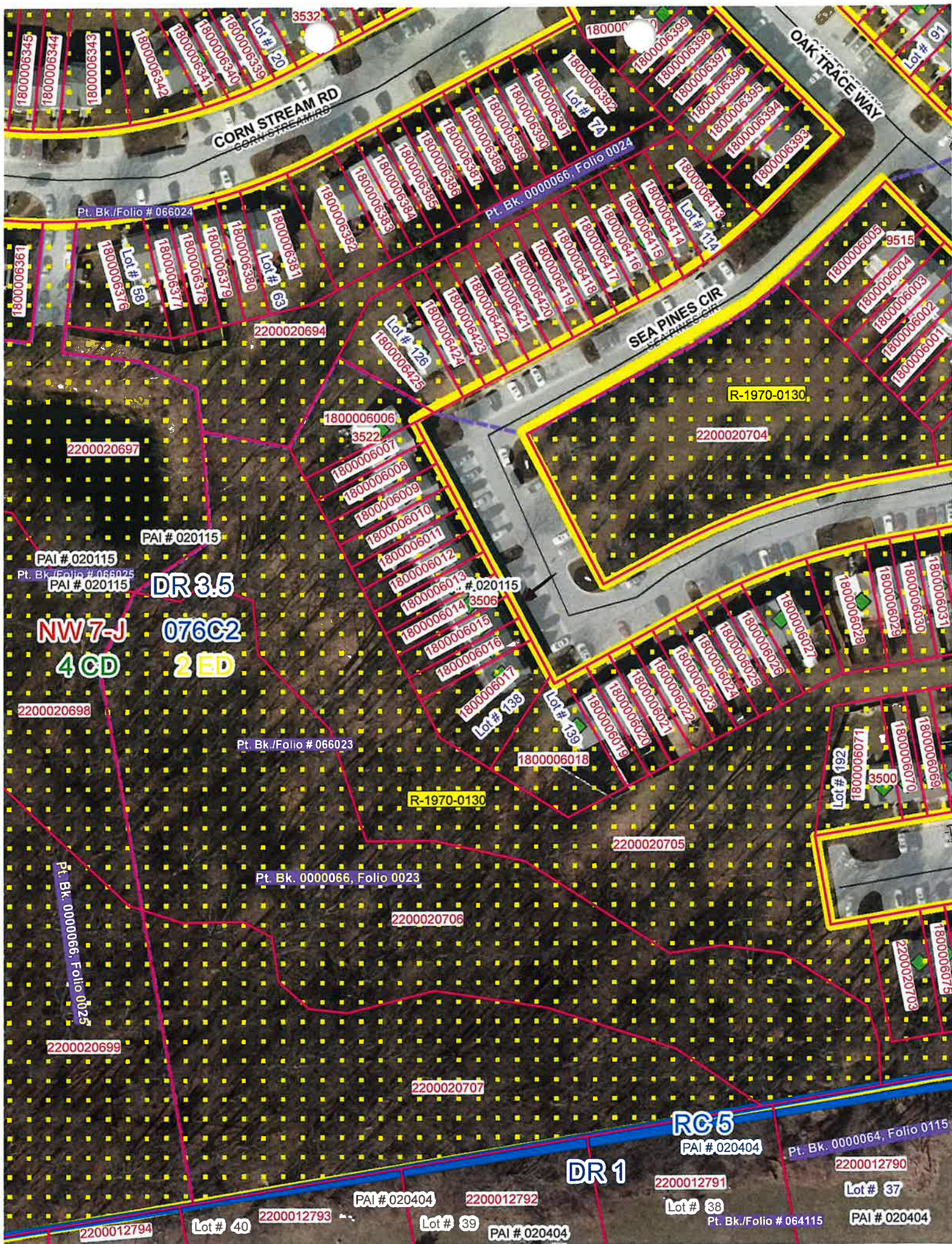
Entrance

WINDOW

MAIN LEVEL

2024-0014-4







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 3504 SEA PINES CIRCLE which is presently zoned DR 3.5
Deed References: 33018/396 10 Digit Tax Account # 1800006015
Property Owner(s) Printed Name(s) MURRAY I. OBANYE & LOIS OBANYE

(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

Legal Owners (Petitioners):

MURRAY I. OBANYE LOIS OBANYE

Name #1 - Type or Print

Name #2 - Type or Print

☒ [Signature]

Signature #1

☒ [Signature]

Signature #2

3504 SEA PINES CIRCLE RANDALLSTOWN MD

Mailing Address

City

State

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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0014-A

Filing Date 1/9/24

Do Not Schedule Dates:

Reviewer [Signature]

Zoning Hearing Petitions Being Requested

Variance to permit the parking and delivery areas to be located in the front, public and common parking area, which is not on the subject property in lieu of being located in the required side and rear yards only on the subject property per Section 432A.1.C.2 BCZR

Variance for anything else that the Administrative Law Judge deems necessary

2024-0014-A



Zoning Description

#3504 Sea Pines Circle

Lot 136 "Kings Point" Plat Book 66/23

**Second Election District Fourth Councilmanic District
Baltimore County, Maryland**

Beginning at a point on the southwest side of Sea Pines Circle, approximately Southwesterly 400' +_ , Southerly 134 feet +_ and southwesterly 36 feet +_ from the centerline of Oak Trace Way

Being Lot #136 as shown on the plat entitled "Plat 5 Section 12 King's Point Addition" and recorded in the land records of Baltimore County in Plat Book 66, page 24.

Containing 2,000 square feet or 0.046 acres 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

2024-0014-A

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: February 6, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0014-A
Address: 3504 SEA PINESCIR
Legal Owner: Murray & Lois Obanye

Zoning Advisory Committee Meeting of February 6, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 7, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0014-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: Loading zones are intended “shipping or receiving entrances to businesses and apartment houses” per county transportation code. The parking bays in this site front individual units of a townhome complex, not a loading area of a common building. Given the context of the neighboring properties, it would not be appropriate to sign and mark a loading zone for this individual unit.

Landscaping: No comment.

Recreations & Parks: 900 SF area in rear of townhome is mislabeled. Should be private yard, not local open space. No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/7/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0014-A

INFORMATION:

Property Address: 3504 Sea Pines Circle
Petitioner: Murray I. & Lois Obanye
Zoning: DR 3.5
Requested Action: Variance

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

Variance(s) -

1. To permit the parking and delivery areas to be located in the front common parking area in lieu of being located in the required side and rear yards only per Section 432A.1.C.2 of the Baltimore County Zoning Regulations (BCZR).
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is an approximately 2,000 sf. property zoned DR3.5. It is surrounded by predominantly residential uses. The site has one previous Zoning case, R-1970-0130, for a zoning change, which was denied. The property is not located in a historic district.

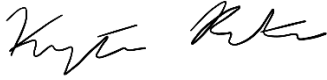
The existing land use is currently a residential property. The requested zoning relief, as said in above request, does not appear to be ideal for the subject property. The petitioner proposes an assisted living facility 1, with a maximum of 4 beds. The subject site is located in a townhouse unit complex.

The designated parking areas, per County regulations, are required to be located in the side or rear yard areas. With the dwelling being an attached townhouse unit, there is no option to provide the required parking and delivery areas in the side or rear yard. There are concerns that both designated parking spaces are not adjacent to one another and located in front of the subject dwelling. One of the parking spaces is located across the parking lot and may adversely impact the safety, health and wellness of potential pedestrian and vehicular users. Concerns extend to users of the designated parking area to the north having to cross the parking lot to make deliveries, or gain access to the dwelling. More specifically, if the user of the aforementioned space requires ADA accessibility, the depressed curbs are a distance away and are not connected to the sidewalk network of 3504 Sea Pines Circle.

With these potential adverse pedestrian and vehicular impacts, the Department of Planning does not support the above request as the location is not desirable for the use.

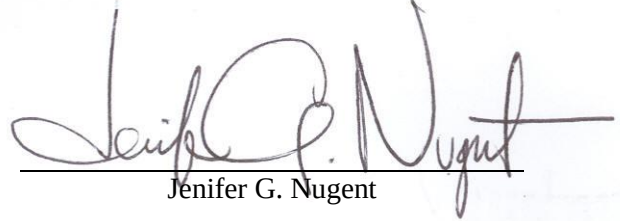
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

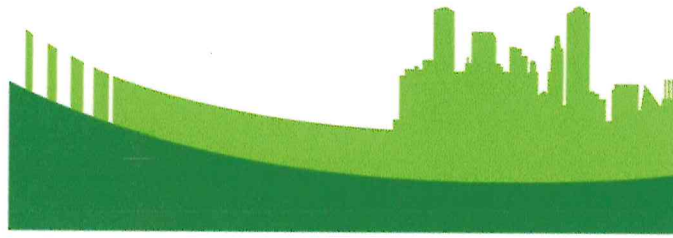
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Bruce E. Doak, Bruce E. Doak Consulting LLC
Alexandra Laham, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



CERTIFICATE OF POSTING

February 16, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0014-A

Legal Owner: Murray & Lois Obanye

Hearing date: March 8, 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 **3504 Sea Pines Circle**.

The signs were initially posted on **February 15, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. E. Doak', with a stylized flourish at the end.

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 HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0014-A

3504 Sea Pines Circle Randallstown, MD 21133

(southern end of Sea Pines Circle)

Council District 4, Election District 2

Legal Owners: Murray & Lois Obanye

PETITION REQUEST: VARIANCE: From Baltimore County Zoning Regulations (BCZR) 432.A.1.C.2 to permit the parking and delivery areas to be located in the front, public and common parking area, which is not on the subject property in lieu of being located in the required side and rear yards and for anything else that the Administrative Law Judge deems necessary.

Hearing Date: Friday, March 8, 2024 at 11:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

105 West Chesapeake Avenue, Office of Administrative Hearings
Suite 103 / Towson, Maryland 21204 / Phone: 410-887-1888, ext. 0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

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Office of Administrative Hearings
Towson, Maryland 21204
Email: administrativehearings@baltimorecountymd.gov Phone 410-887-3868, ext 10

HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 Phone 410-887-3868 ext 0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

GENERAL INFORMATION

- Ownership: Murray Ikle Obanye & Lois Obanye
3504 Sea Pines Circle Randallstown, MD 21133
443-255-7893
- Address: 3504 Sea Pines Circle
- Deed references: JLE 33018/396 Lot 136 PB 66/23
- Area: 2,000 sq. ft. (per SDAT)
- Tax Map / Parcel / Tax account #: 76 / 348 / 18-00-006015
- Election District: 2 Councilmanic District: 4
ADC Map: 4696A1 GIS tile / Zoning Map: 076C2 Position sheet: 27NW39
Census tract: 402504 Census block: 240054025041008
Schools: Hernwood ES Deer Park MS Randallstown 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 076C2 and the information provided by Baltimore County on the internet.
- Improvements: 2 story town house dwelling. The existing dwelling will remain unchanged.

OFFICE OF ZONING

Zoning: DR 3.5 There have been no previous zoning cases for the subject lot.

Parking Calculations

Required parking spaces: 1 space for each 3 beds= 2 parking spaces (based on 4 beds proposed)

Parking spaces required: 2

Parking spaces provided on site: 2

The parking is provided in the paved area in front of the dwelling. There are (2) designated spaces for the subject property and other common spaces that can be used.

DR 3.5 Setbacks for Residential Buildings

Front: 15 feet from the street right of way or property line

Side: 0 feet from property line

Rear: 25 feet from property line

Density Calculations

1-4 beds = No density required (4 beds requested)

Local Open Space Required

0.10 x lot area (2,000 sq. ft.) = 200 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 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 & certifies 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.

Existing Floor Areas:

Ground Floor: 656 sq. ft. (0 bedrooms / 0.5 bathroom)

Second Floor: 656 sq. ft. (3 bedrooms / 2 bathrooms)

Basement: 310 sq. ft. (1 bedroom / 1 bathroom)

(The basement has 2 means of egress)

Total: 1622 sq. ft.

Floor plans will accompany this plan.

Living area: 1312 sf (above grade) & 310 sf (basement) per SDAT

Signs: Signs shall comply with Section 450 BCZR

ENVIRONMENTAL

Watershed: Patapsco River URDL land type: 1

- The existing dwelling is 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.

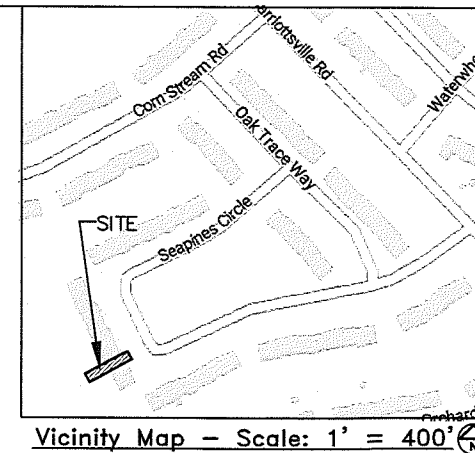
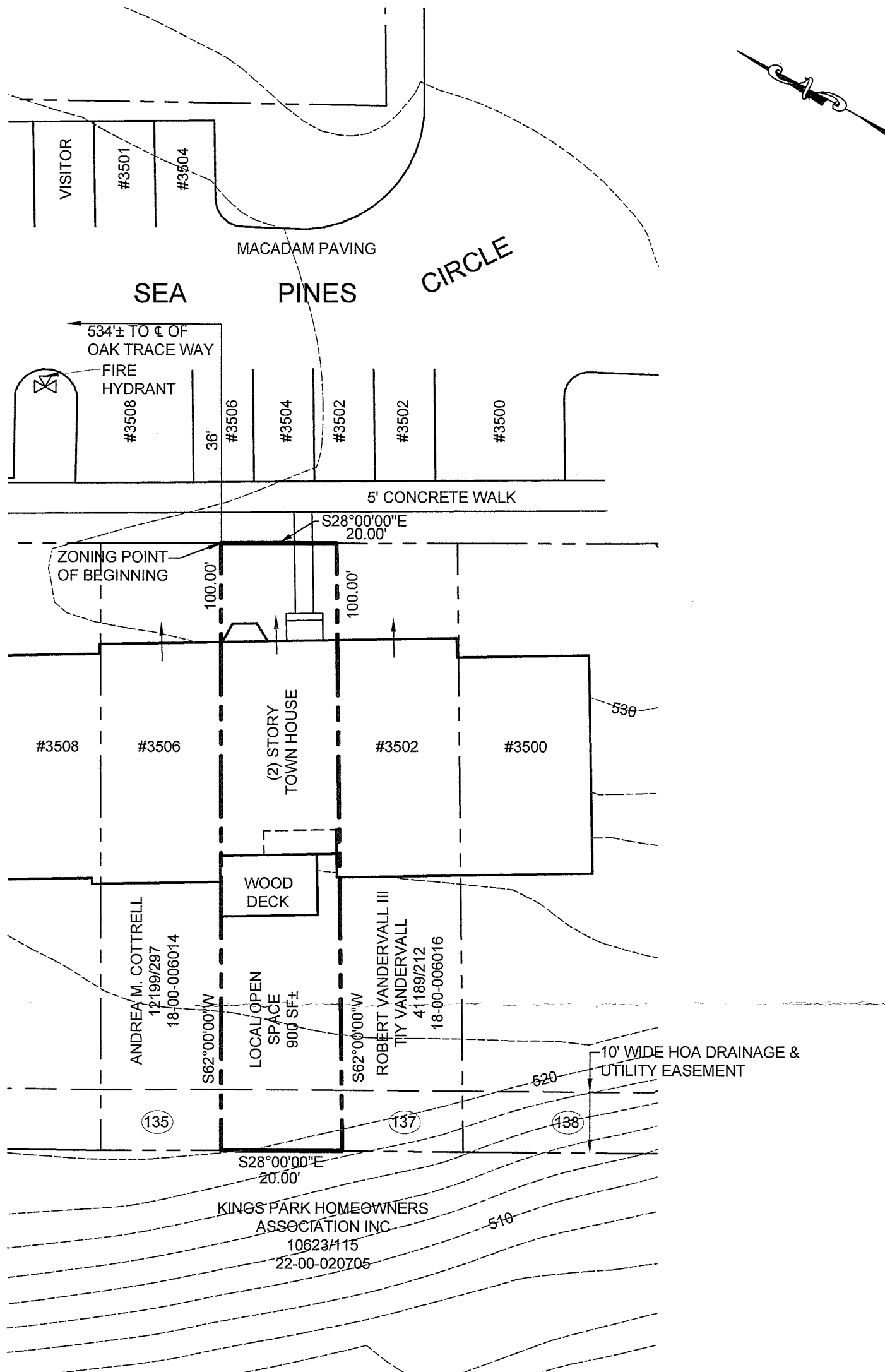
OFFICE OF PLANNING

Regional Planning District: Randallstown District Code: 312

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

PROPOSED DEVELOPMENT

To utilize the existing dwelling as an Assisted Living Facility I



2024-0014-A



PLAN TO ACCOMPANY A
ZONING PETITION AND
USE PERMIT APPLICATION
FOR THE PROPERTY OF
#3504 SEA PINES CIRCLE

BALTIMORE COUNTY, MARYLAND 2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	
Date: 12/30/23	
Scale: 1"=20'	

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 _____

