



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

December 23, 2024

Lester I Hudson, Jr.
Sharron Boykins – sharron.boykins@gmail.com
4625 Hawksbury Road
Baltimore, MD 21208

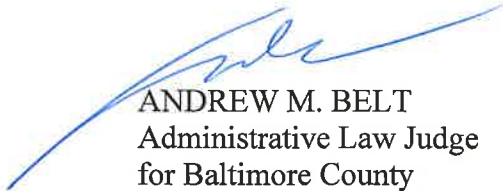
RE: Petitions for Special Hearing and Variance
Case No. 2024-0230-SPHA
Property: 4525 Hawksbury Road

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,


ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Lisa Davis – idezotimarch@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
& VARIANCE		
(4525 Hawksbury Road)	*	OFFICE OF
2 nd Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
Lester Hudson, Jr. and Sharron Boykins		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2024-0230-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed by the legal owners, Lester Hudson, Jr., and Sharron Boykins (“Petitioners”) for the property located at 4525 Hawksbury Road, (the “Property”). The Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”), § 500.7, is requested to permit a Class A Group Child Care Center for up to 12 children as an accessory use. Variance relief is requested from the BCZR as follows: (1) to permit a 6 ft. high wood stockade fence with a setback of 0 ft. in lieu of the required 20 ft. per § 424.1.A, (2) to permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per § 409.6.A.1, and (3) to permit the parking in the driveways not to adjoin or have direct access to an aisle.

A WebEx hearing was held on December 10, 2024. The Petitions were properly advertised and posted. The Petitioner, Sharron Boykins was present at the hearing along with Bruce E. Doak of Bruce E. Doak Consulting, LLC. Also appearing was Linda Davis, President of the Willow Glen North Community Council, who had questions regarding the proposed relief.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and the Department of Plans Review (“DPR”). They did not oppose the

requested relief, subject to proposed conditions. Department of Public Works and Traffic (“DPWT”) commented that the Petitioners’ fence must be removed from a utility easement before the proposed relief may be granted.

The subject property is approximately 11,480 sq. ft., and is zoned DR 3.5. Mr. Doak testified the subject property is occupied by a corner lot, single family dwelling in which the Petitioner now resides. (Pet. Ex 1) He explained that the Petitioner currently operates a family daycare from the property for up to 8 children. Mr. Doak described that the rear and side is surrounded by a 6-foot wooden fence that is in excellent condition. This fence is on or near the property line of neighboring properties owned by Gary and Tanya Watkins to the west, and Debra Trimble to the south. A utility easement noted in DPWT comments is located between the Petitioner and the Watkins property. It is the fence along this property line that is alleged to encroach the utility easement. Mr. Doak explained variance relief was being requested for the positioning of the fence with a 0-foot setback and opined that the moving of the fence would extremely limit the area of the proposed childcare play area due to the narrow nature of the subject property. He further noted the subject property’s flat topography is unique in comparison to surrounding properties.

Ms. Boykin testified that she has been operating a family daycare for up to 8 children for 14 years and there is great demand that she expands her operation to a Class A Group Child-Care Center which would allow for up to 12 children. She explained that she has completed the process for obtaining State of Maryland licensing and approval for such an operation. She outlined that her current operation is 7:00 am to 5:00 pm, Monday through Friday, and that drop off and pick up is staggered in keeping with parents’ occupational requirements. She noted that current drop-off and pick-up occurs at the driveway of her side entrance facing Streamwood Drive. She

explained that parents usually park on the street, but some do pull into the driveway. She further explained that Streamwood Drive is a wide street that allows for cars to pass in either direction even when cars are parked on both sides of the street. Tanya Watkins, her adjacent neighbor on Streamwood Drive, and Ruth Brown, a neighbor across the street in Hawksbury Road, signed letters in support of the proposed relief. (Pet. Ex. 8).

Linda Davis, President of the Willow Glen, North Community Council, testified that while she was originally concerned with possible alterations to the existing fence and its location, she is now in support of the proposed relief as long as the property's exterior appearance remains unchanged.

VARIANCE

- (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).

BCZR 424.1(B) states the following:

In addition, with respect to group child-care centers and nursery schools, outdoor play space abutting residential property shall be fenced. Fences shall be solid wood stockade or panel, a minimum height of five feet, and no closer to the property line than 20 feet.

While the Petitioners' current fencing is in compliance in height and material requirements, the current setback of the fence is 0 ft., in lieu of the required 20 ft. As to the "uniqueness" requirement of the *Cromwell* analysis, Mr. Doak opined that the subject property's flat topography differed from many of the more sloped properties in the surrounding area, thus making it "unique." While this detail regarding the subject property's topography is undisputed, it fails to fulfill the

type of “uniqueness” envisioned in *Cromwell*. In holding that a requested variance should not have been granted by the Board of Appeals, the Court in *Cromwell* stated:

There was no evidence submitted to the Board that the subject site was in any way peculiar, unusual, or unique when compared to other properties in the neighborhood such that the ordinance's height restriction's impact upon the subject property would be different than the restriction's impact upon neighboring properties. In essence, the impact would be the same.

Cromwell, 102 Md. App. at 726.

The “uniqueness” described by Mr. Doak deals with the flatness of the subject property. It is clear this flatness does not cause the 20 ft. fence setback requirement to be any more onerous than if applied to neighboring properties. In short, there is no nexus between the flatness of the subject property and the need for the variance relief requested. Consequently, variance relief must be denied.

It is noteworthy to mention that the requested variance relief is not just a minor deviation from the statutorily mandated setback standard for fenced play areas in Class “A” Child-Care Centers. The Petitioners have requested a zero 0-foot setback in lieu of the required 20 feet. It can be inferred that the statutory intent of such regulations is both to remove children from neighboring property lines and shield them from the sight. In any of these interpretations, it is clear that the purpose of such regulations is to ensure the safety of the children involved. It can be additionally extrapolated that the required setback regulations are for the benefit of adjacent properties. While the adjacent neighbors at 8245 Streamwood Drive have expressed their support for the proposed relief, such a letter was not received from the property to the south of the subject property.

In regards to Petitioners’ request for variances to permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an

employee of the business per BCZR § 409.6.A.1, and to permit the parking in the driveways not to adjoin or have direct access to an aisle, while these requests appear reasonable in conjunction with the proposed use, the failure to conform with the “uniqueness” requirement found in *Cromwell* and outlined above, precludes the granting of such relief and must be denied as well.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, § 500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, “the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Though now moot, due to the denial of variance relief discussed above, Petitioners have requested Special Hearing relief in the form of an application for a use permit for a Class “A” Group Child-Care Center pursuant to BCZR, § 424.4. This section states the following regarding the duty of the Zoning Commissioner (“ALJ”) when considering such applications:

§ 424.4. Group child-care centers as accessory use.

- . . . 6. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

- a. His findings following the public hearing.
- b. The character of the surrounding community and the anticipated impact of the proposed use on that community.
- c. The manner in which the requirements of Section 424.1 and other applicable requirements are met; and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the child-care center will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.
- d. Section IB01.1.B notwithstanding, the Zoning Commissioner may modify 1B01.1.B.1.e as it pertains to such use in D.R. Zones.

While this matter is a Petition for Special Hearing, the statutory language above mandates the ALJ to undertake an analysis in keeping with a Petition for Special Exception found in BCZR, § 502.1 which requires that a proposed Special Exception will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

As no Protestants appeared in opposition of the proposed relief, the Petitioners provided uncontroverted testimony that drop-off and pick-up times will be staggered to alleviate traffic problems on Streamwood Road. It's clear that a Class "A" Group Child-Care Center is permitted in a DR 2 zone subject to BCZR, § 424. 4 and would not be inconsistent with the requirements of subsection D, E, F, and H of BCZR, § 502.1. What does remain at issue, however, is whether the

proposed Class “A” Group Child-Care Center is “detrimental to the health, safety or general welfare of the locality involved” due to its failure to comply with BCZR, § 424.1 in regards to the fence setback. As BCZR, § 424.4(6)(c) requires the ALJ to consider compliance with BCZR, § 424.1, I find that the proposed lack of compliance with BCZR, § 424.1 is detrimental to the health, safety and general welfare of the community in that the current fence set back does not provide children attending the daycare the required protections mandated by statute. Consequently, the requested use permit, while now moot, would be denied.

It is important to note that the denial of the requested use permit is based solely on the lack of compliance with BCZR, § 424.1. The Petitioners were persuasive in their testimony that they currently operate a quality family day care operation and would continue to do so if the requested relief were granted.

DR Zone Bulk Standards Pursuant to BCZR, § 424.7

While not included in the variance relief requested by the Petitioners in the instant case and moot as a result of the denial of variance relief discussed, *supra*, an objective reading of BCZR, § 424.7 suggests that group child-care centers as an **accessory use** in a D.R. zone are subject to the bulk standards found within that section. These standards are noted below:

§ 424.7. Bulk standards for group centers in D.R. Zones.

The following standards apply to group child-care centers located in D.R. Zones: (emphasis added)

- A. Minimum lot size: one acre for the first 40 children plus 500 square feet per child for every child beyond 40 children.
- B. Minimum setback requirements.
 - Front: 25 feet from street line or the average setback of the adjacent residential dwellings, whichever is less.
 - Side: 50 feet from property line, with 20 feet of perimeter vegetative buffer.
 - Rear: 50 feet from property line, with 20 feet of perimeter vegetative buffer.

- C. Parking, drop-off and delivery areas shall be located in the side or rear yards, unless the Zoning Commissioner, upon the recommendation of the Director of Planning, determines that there will be no adverse impact by using the front yard for parking, drop off or delivery purposes. In all cases these areas shall be located outside of the required buffer area.
- D. Maximum height: 35 feet.
- E. Maximum impervious surface area: 25 percent of gross area.

While Mr. Doak validly notes that these Bulk Standards have not always been required by reviewing County agencies in the past in regards to accessory use group child care centers (only applying to principle use group child day cares), utilization of the well-established tenets of statutory interpretation imply that they are to be considered for all group child care centers. Maryland caselaw addressing statutory analysis, states that the “ultimate objective of our analysis is to extract and effectuate the actual intent of the Legislature in enacting the statute.” *Goshen Run Homeowner’s to , Inc. v. Cisneros*, 467 Md. 74, 107–08 (2020) (quoting *Reier v. State Dep’t of Assessments & Taxation*, 397 Md. 2, 26 (2007)). Such an interpretation begins with an examination of the plain language of the statute (regulation in this case.) *See Id.* “If the language of the statute is unambiguous and clearly consistent with the statute’s apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written without resort to other rules of construction.” *Lockshin v. Semsker*, 412 Md. 257, 275 (2010) “Where the language is ambiguous and may be subject to more than one interpretation, however, we look to the statute’s legislative history, caselaw, purpose, structure, and overarching statutory scheme in aid of searching for the intention of the Legislature.” *Koste v. Oxford*, 431 Md. 14, 26 (2013) (citing *Whitley v. Md. State Bd. of Elections*, 429 Md. 132, 149 (2012)).

In keeping with the tenets of statutory interpretation noted above, we start our analysis by looking to the “plain meaning” of how BCZR, § 424.7 is titled. The title of this section reads “Bulk standards for group centers in D.R. Zones.” In this title, the term “group centers” appears

without further qualifiers, i.e., principal or accessory. While the term “group center” is not defined in the BCZR the following definitions due appear.

Group Child Care Centers and Group Child Care Center, Class “A” are defined in BCZR, § 101.1 as follows.

GROUP CHILD CARE CENTER — A building or structure wherein care, protection and supervision is provided for part or all of a day, on a regular schedule, at least twice a week to at least nine children, including children of the adult provider (see Section 424).

GROUP CHILD CARE CENTER, CLASS A — A group child care center wherein group child care is provided for no more than 12 children at one time.

GROUP CHILD CARE CENTER, CLASS B — A group child care center wherein group child care is provided for more than 12 children.

While not defined specifically, other sections of § 424, differentiate between group child-care centers as accessory use and group child-care centers as a principal use. *See* BCZR §§ 424.4 and 424.5, respectively.

Due to the fact that term “group center” is undefined and thus ambiguous, further investigation is required beyond the terms plain meaning. One method for clarifying which type of group child care centers are to be included in § 424.7 is reading this section in *pari materia* with the rest of § 424 as a whole. In doing so, it is clear that separate sections have been delineated for Class A and Class B accessory uses, and Class A and Class B principal uses. *See* BCZR §§ 424.4 and 424.5, respectively. Section 424.6, which addresses sign and display regulations, falls between § 424.5, dealing with principal uses, and § 424.7, the section at issue. A logical reading of § 424.7 in *pari materia* with the statutory structure of this section, would imply that if the § 424.7 addressing bulk standards in DR zones was required only for principal use group child-care centers, then its drafters would have logically placed such standards within § 424.5, a section already dedicated solely to such uses. While Mr. Doak makes an astute argument

that requiring bulk standards such as calling for 50-foot setbacks and 20-foot vegetative buffers would eliminate many properties in the DR zone from qualifying as group child care centers, it is not the task of an ALJ to rule out that this was not an intended result. It is noteworthy, however, that in the interest of addressing the need for child daycare and its availability in residential communities, legislation further clarifying the appropriate application of BCZR, § 424.7 may be warranted.

THEREFORE, IT IS ORDERED this **23rd** day of **December, 2024** by this Administrative Law Judge that the Petition for Special Hearing pursuant to BCZR, § 500.7, to permit a Class A Group Child Care Center for up to 12 children as accessory use, be and it is hereby **MOOT/DENIED**; and

IT IS FURTHER ORDERED that the Petition for Variance pursuant to BCZR as follows: (1) to permit a 6 ft. high wood stockade fence with a setback of 0 ft. in lieu of the required 20 ft. per § 424.1.A, (2) to permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per § 409.6.A.1, and (3) to permit the parking in the driveways not to adjoin or have direct access to an aisle be, and are each hereby **DENIED**.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/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 4525 HAWKSBURY ROAD which is presently zoned DR 3.5
Deed References: 48749 / 437 10 Digit Tax Account # 0213401241
Property Owner(s) Printed Name(s) LESTER J. HUDSON, JR & SHARRON BOYKINS

(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

SEE ATTACHED PAGE

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 AT 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):

LESTER J. HUDSON JR SHARRON BOYKINS

Name #1 - Type or Print

Name #2 - Type or Print

☒ Lester Hudson Jr ☒ Sharon Boykins

Signature #1

Signature #2

4525 HAWKSBURY ROAD BALTIMORE MD

Mailing Address

City

State

Zip Code

21208 | 443-472-7966 |

Telephone #

Email Address

SHARRON.BOYKINS@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREEDMAN MD

Mailing Address

City

State

Zip Code

21053 | 410-419-4906 |

Telephone #

Email Address

BD@AK@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2024-0230-SP4A Filing Date 10/25/24 Do Not Schedule Dates: Reviewer JS



Zoning Description

4525 Hawkbury Road
Second Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at the southwest intersection of the southeast side of Streamwood Drive and the southwest side of Hawksbury Road.

Being Lot #34 as shown on the plat entitled "Willow Glen North" dated August 1, 1968 and recorded in the land records of Baltimore County in Plat Book OTG 33, page 22.

Containing 11,480 square feet of land, more or less.

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



2024-0730-SPHA

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

REQUESTED PETITIONS
#4525 Hawksbury Road

Case # 2024-0730-SMA

Special Hearing Requested:

To permit a Class A Group Child Care Center for up to 12 children as accessory use.

Variances Requested:

1. To permit a six foot high wood stockade fence with a setback of 0 feet in lieu of the required 20 feet per Section 424.1.A BCZR
2. To permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per Section 409.6.A.1 BCZR
3. To permit the parking in the driveways not to adjoin or have direct access to an aisle.

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

No. 235017

Date: 10/25/24

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6.50					\$ 150.00
Total:									\$ 150.00

Rec

From:

BRUCE DOAK

For:

2024-0230-SPHA

4525 HAWKSBURY

HUDSON/BOYKINS

JSS 24-1021

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	3218 15-3/540 427
Date <u>10/24/24</u>	
Pay to the Order of <u>BALTIMORE COUNTY MARYLAND</u>	\$ 150.00
<u>ONE HUNDRED FIFTY AND 00/100</u>	Dollars
PNC BANK PNC Bank, N.A. 040	
For <u>BOYKINS ZONING FEE</u>	<u>BE DOAK</u>



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 4525 HAWKSURRY ROAD which is presently zoned DR 3.5
 Deed References: 48749 / 437 10 Digit Tax Account # 0213401241
 Property Owner(s) Printed Name(s) LESTER J. HUDSON, JR & SHARRON BOYKINS

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

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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

SEE ATTACHED PAGE

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 AT 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):

LESTER J. HUDSON JR SHARRON BOYKINS

Name #1 - Type or Print

Name #2 - Type or Print

X

Signature #1

Signature #2

4525 HAWKSURRY ROAD BALTIMORE MD

Mailing Address

City

State

21208

Zip Code

443-472-7966

Telephone #

Email Address

SHARRON.BOYKINS@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

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410-419-4906

Telephone #

Email Address

BD@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2024-0230-SP4A Filing Date 10/25/24 Do Not Schedule Dates: _____ Reviewer JS

REQUESTED PETITIONS
#4525 Hawksbury Road

Case # 2024-0730-SMA

Special Hearing Requested:

To permit a Class A Group Child Care Center for up to 12 children as accessory use.

Variances Requested:

1. To permit a six foot high wood stockade fence with a setback of 0 feet in lieu of the required 20 feet per Section 424.1.A BCZR
2. To permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per Section 409.6.A.1 BCZR
3. To permit the parking in the driveways not to adjoin or have direct access to an aisle.

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: November 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0230-SPHA
Address: 4525 HAWKSBURY ROAD
Legal Owner: Lester Hudson, Jr., Sharron Boykins

Zoning Advisory Committee Meeting of November 12, 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: November 4, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0230-SPHA

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

DPR: Proposed fence placement is in a drainage and utility easement. Petitioner must be made aware that fence may be removed at the owner's expense.

DPW-T: The proposed fence must be removed from the Existing 10-foot Drainage and Utility Easement as shown on Record Plat 33/22 (Lot 34) and the plan submitted with the application.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

TO: Krystle Patchak
Development Review Section

DATE: November 14, 2024

FROM: Brett M. Williams
Planner, Development Review

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0230-SPHA

INFORMATION:

Property Address: 4525 Hawksbury Road
Petitioner: Lester Hudson Jr./Sharron Boykins
Zoning: DR 3.5
Requested Action: Special Hearing; Variance

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

Special Hearing - To permit a Class A Group Child Care Center for up to 12 children as accessory use

Variance(s) -

1. To permit a six-foot-high wood stockade fence with a setback of 0 feet in lieu of the required 20 feet per Section 424.1.A of the Baltimore County Zoning Regulations.
2. To permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per Section 409.6.A.1 of the BCZR.
3. To permit the parking in the driveways not to adjoin or have direct access to an aisle.

The property is located in the Randallstown area. The applicant is proposing a Class A Group Child Care Center with up to 12 children. The hours of operation will be from 7:30am to 5pm. The dwelling is a corner lot and has driveway access on both Streamwood & Hawksbury Road. It has been indicated that there will be an ADT count of 25 or less which will be staggered throughout the day. The first floor of the dwelling (1,380sf) will be for residence, and the basement (1,380sf) will be dedicated to the child care center. The proposed stockade fence is proposed of ideal height and materials, and will not extend pass the front yards of both adjacent neighbors.

Pursuant to the BCZR Section 424.4 the proposed use is permitted and subject to submit the follow information upon application for a use permit:

- a. Number of employees,
- b. Number of children to be enrolled,
- c. Hours of operation,

- d. Estimated amount of traffic generated,
- e. A site plan indicating location and type of structure on the lot in questions, location and dimensions of play area(s), parking arrangement and proximity of dwellings on adjacent lots,
- f. A snapshot of the structure.

Also, pursuant to said section, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

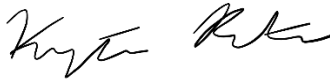
- a. His findings following the public hearing.
- b. The character of the surrounding community and the anticipated impact of the proposed use on that community.
- c. The manner in which the requirements of BCZR Section 424.1 and other applicable requirements are met, and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of BCZR Section 502.1 of these regulations.
- d. Section 1B01.1.B notwithstanding, the Zoning Commissioner may modify 1B01.1.B.1.e as it pertains to such use in D.R. Zones.

The Department of Planning has no objection to the request relief and recommends approval conditioned upon the following:

- 1. The applicant demonstrates to the satisfaction of the Administrative Law Judge that neighboring properties and traffic will not be adversely impacted by the drop-off and pick-up locations.

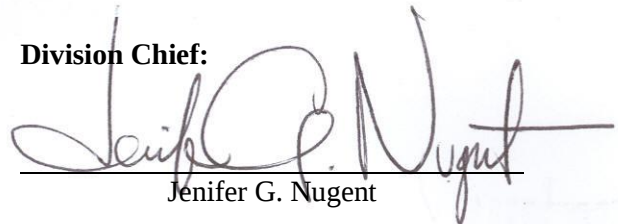
For further information concerning the matters stated herein, please contact Brett Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

- c: Bruce Doak, Bruce Doak Consulting, LLC
Sydney Cooper, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

**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: 2674-0230-SP11
Property Address: 4525 HAWKSBURY ROAD
Property Description: SOUTHWEST INTERSECTION OF STREAMWOOD DRIVE
AND HAWKSBURY ROAD
Legal Owners (Petitioners): LESTER I. HUDSON JR. & SHARON BOYLINS
Contract Purchaser/Lessee: _____

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



Zoning Description

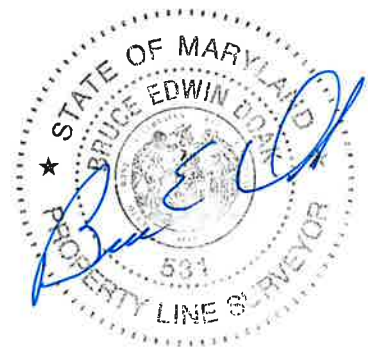
4525 Hawkbury Road
Second Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at the southwest intersection of the southeast side of Streamwood Drive and the southwest side of Hawksbury Road.

Being Lot #34 as shown on the plat entitled "Willow Glen North" dated August 1, 1968 and recorded in the land records of Baltimore County in Plat Book OTG 33, page 22.

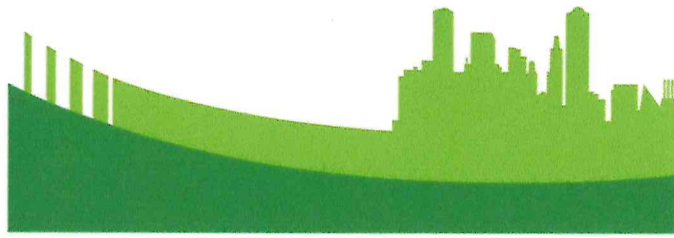
Containing 11,480 square feet of land, more or less.

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



2024-0730-SPHA

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



CERTIFICATE OF POSTING

November 18, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0230-SPHA

Legal Owner: Lester Hudson Jr & Sharron Boykins

Hearing date: December 10, 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 **4525 Hawksbury Road**.

The signs were initially posted on **November 18, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that appears to read "Bruce E. Doak".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

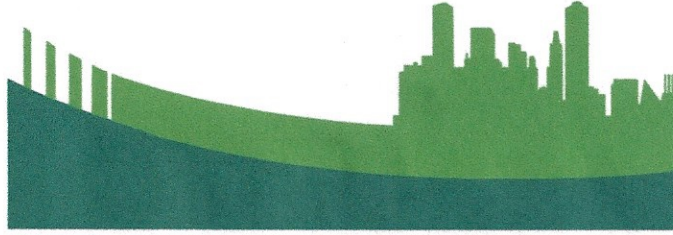
Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

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

bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

November 18, 2024

December 05, 2024 amended for second inspection

Re:

Zoning Case No. 2024-0230-SPHA

Legal Owner: Lester Hudson Jr & Sharron Boykins

Hearing date: December 10, 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

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The signs were initially posted on **November 18, 2024**.

The subject property was also inspected on **December 05, 2024**.

Sincerely,

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 #: 2024-0230-SPHA

4525 Hawksbury Road

(S/corner of intersection of Hawksbury Rd. & Streamwood Rd.)

Council District 2, Election District 2

Legal Owners: Lester Hudson, Jr & Sharron Boykins

VARIANCE: To permit a 6 ft. high wood stockade fence with a setback of 0 ft. in lieu of the required 20 ft. per BCZR Section 424.1.A. To permit 1 parking space in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per BCZR Section 409.6.A.1. To permit the parking in the driveways not to adjoin or have direct access to an aisle.

SPECIAL HEARING: From the Baltimore County Zoning Regulations ("BCZR") Section 500.7 to permit a Class A Group Child Care Center for up to 12 children as accessory use.

Hearing Date: Tuesday, December 10, 2024 at 10:00 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.

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

Phone: 410-887-3868 or 410-887-3869, TDD: 410-887-3868, Fax: 410-887-3869, Email: oh@baltimorecountymd.gov

APPROVED ACCESS

ZONING HEARING

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SPECIAL HEARING: From the Baltimore County Zoning Regulations ("BCZR") Section 500.7 to permit a Class A Group Child Care Center for up to 12 children as accessory use.

Hearing Date: Tuesday, December 10, 2024 at 10:00 a.m.

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Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-2308, ext. 5

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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:

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(S/corner of intersection of Hawksbury Rd. & Streamwood Rd.)

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Legal Owners: Lester Hudson, Jr & Sharron Boykins

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SPECIAL HEARING: From the Baltimore County Zoning Regulations ("BCZR") Section 500.7 to permit a Class A Group Child Care Center for up to 12 children as accessory use.

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone: 410-885-1808 ext 0
Email: administrativehearings@baltimorecountymd.gov

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Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-583-1868 ext. 6

Email: administrativehearings@baltimorecountymd.gov

HEARING ROOM ACCESSIBLE

ZONING HEARING

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105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext. 11

Email: administrativehearings@baltimorecountymd.gov

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HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings

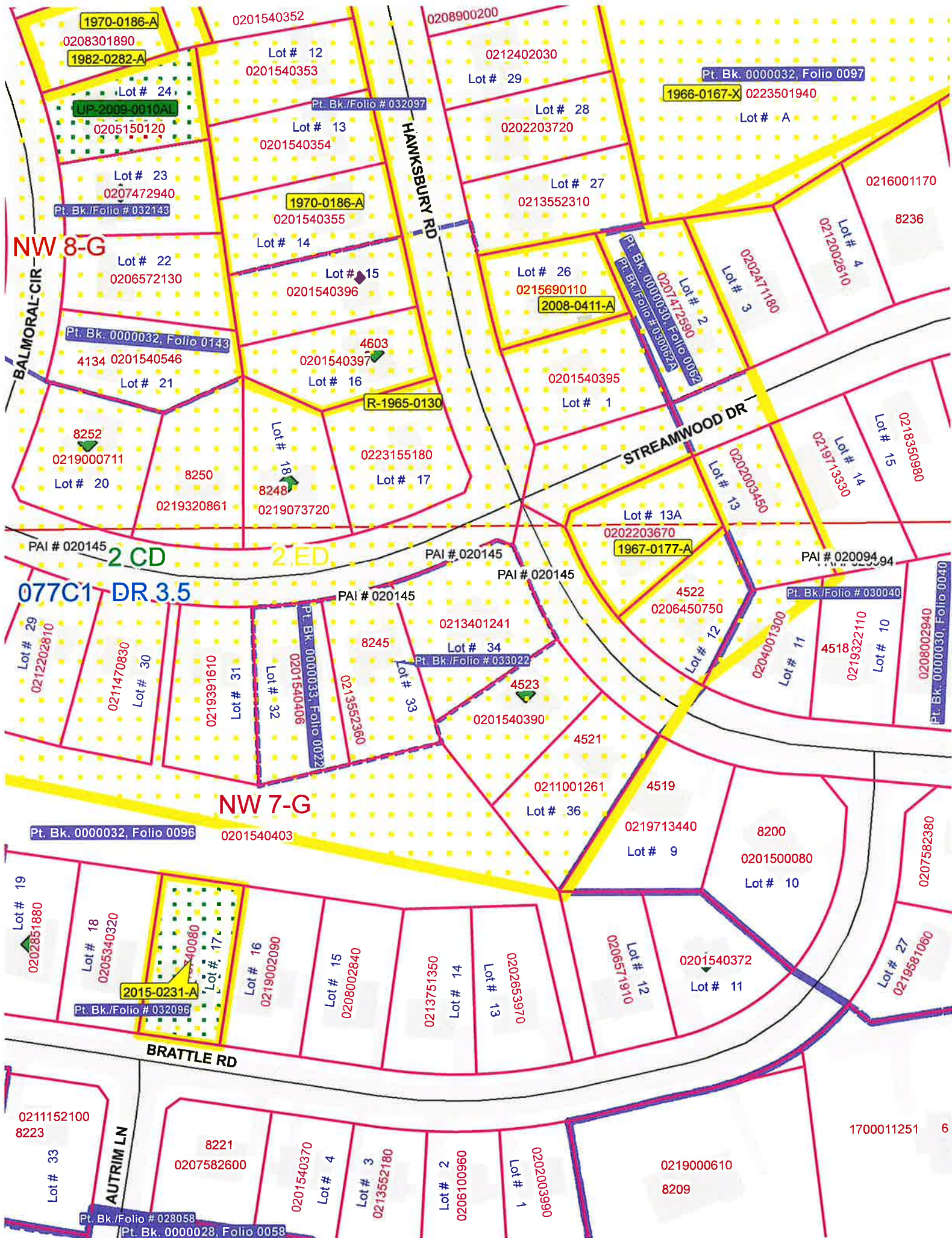
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3666 ext. 311

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 02 Account Number - 0213401241		
Owner Information		
Owner Name:	HUDSON LESTER I JR BOYKINS SHARRON	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	4525 HAWKSURRY RD BALTIMORE MD 21208-	Deed Reference: /48748/ 00437
Location & Structure Information		
Premises Address:	4525 HAWKSURRY RD BALTIMORE 21208-	Legal Description: LOT 34 4525 HAWKSURRY RD WILLOW GLEN NORTH
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1		
0077 0012 0988 2040057.04 0000 1 J 34 2025 Plat Ref: 0033/ 0022		
Town: None		
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use		
1966 1,380 SF 1035 SF 11,480 SF 04		
StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements		
1 YES STANDARD UNITFRAME/4 3 full 1 Attached		
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of As of As of
		01/01/2022 07/01/2024 07/01/2025
Land:	78,100	78,100
Improvements	278,000	278,000
Total:	356,100	356,100
Preferential Land:	0	
Transfer Information		
Seller: HUDSON LESTER I JR	Date: 02/02/2024	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /48748/ 00437	Deed2:
Seller: LEACOCK PROPERTIES LLC	Date: 05/28/2021	Price: \$357,500
Type: ARMS LENGTH IMPROVED	Deed1: /44811/ 00021	Deed2:
Seller: WALTON BETTE E	Date: 01/30/2020	Price: \$178,500
Type: NON-ARMS LENGTH OTHER	Deed1: /42412/ 00296	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2024 07/01/2025
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 06/02/2023		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application Date:		



GENERAL SITE INFORMATION

- 1. Ownership: Lester I. Hudson Jr. & Sharron Boykins
4525 Hawksbury Road Baltimore, MD 21208
443-472-7966
- 2. Address: 4525 Hawksbury Road
- 3. Deed references: JLE 48748/437 Lot 34 PB 33/22
- 4. Area: 11,480 sq. ft. (per SDAI)
- 5. Tax Map / Parcel / Tax account #: 77 / 988 / 02-13-401241
- 6. Election District: 2 Councilmanic District: 2
ADC Map: GIS tile / Zoning Map: 077C1 Position sheet: 28NW27
Census tract: 402604 Census block: 24005402604
Schools: Winand ES Northwest Academy Randallstown HS
- 7. 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 077C1 and the information provided by Baltimore County on the Internet.
- 8. Improvements: 1 story single family dwelling & driveways. The existing dwelling and driveways will remain unchanged.

CHILD CARE FACILITY INFORMATION

Number of Children: 12 or less
Number of Employees: 1
Hours of Operation: 7:30 am to 5 pm

OFFICE OF ZONING

Zoning: DR 3.5 Zoning history: R-1965-0130

Parking Calculations

Residence: 2
Teacher /Employee: 2 (owner plus one)
Drop off/ Pick up: 2
Required parking spaces: 5
Parking spaces provided on site: 4

The parents may drop off and pick up while parked in Streamwood Drive.

There will be 26 or less estimated trips per day. These trips are staggered throughout the day.

Existing Floor Area:

First Floor: 1,380 sq. ft. (Residence)
Basement: 1,380 sq. ft. (Child Care Center)
Total: 2,760 sq. ft.

DR 3.5 Setbacks for Residential Buildings

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

Signs: Signs shall comply with Section 450 BCZR

ENVIRONMENTAL IMPACT

Watershed: Gwynns Falls URDL land type: 1

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

OFFICE OF PLANNING

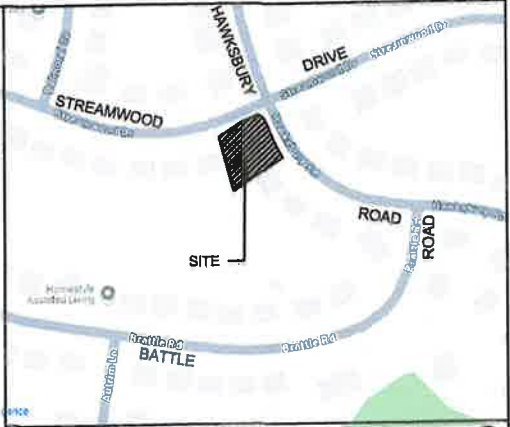
Regional Planning District: Randallstown District Code: 312

- 1. 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 for a day care for up to 12 children as an accessory use.

2024-0730-SPHA



Vicinity Map - Scale: 1" = 400'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#4525 HAWKSURY ROAD

BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 10/21/2024

Scale: 1"=30'

