



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 30, 2023

Christopher L. Merrill, Esquire - cmerrill@sagallaw.com; cmerrill@mcneeslaw.com
600 Washington Avenue, Suite 300
Towson, MD 21204

RE: Petition for Variance
Case No. 2023-0079-A
Property: 6041 Glen Falls Road

Dear Mr. Merrill:

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 cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure
c: Kisitor, LLC – kogbeide@kisitors.com

IN RE: PETITION FOR VARIANCE

(6041 Glen Falls Road)

4th Election District

4th Council District

Kisitor, LLC

Legal Owner

Petitioner

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2023-0079-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Kisitor, LLC (“Petitioner”) for property located at 6041 Glen Falls Road, Reisterstown, (the “Property”). Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”), §1A09.7.5 to approve an existing dwelling and proposed addition with a principal building setback (separation) as close as 43 ft. from the principal buildings of the adjacent neighbors.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Kingsley Ogbeide, representative of the Petitioner attended the hearing in support of the requested relief. Christopher L. Merrill, Esquire represented the Petitioner. There were no Protestants or other interested persons in attendance.

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”), which agencies did not oppose the requested relief.

As shown on a site plan (the “Site Plan”), the Property is 14,563 sf +/- and is largely rectangular in shape but, unlike adjoining properties, flares out to the rear or northern portion of the Property. (Pet. Ex.7). It is in an Environmental Enhancement zone (RC 8). The Property is

improved with the existing foundation for a 806 sf home constructed in 1936. Petitioner purchased the Property in September of 2021 (Pet. Ex. 1) along with a building permit (Pet. Ex. 3) and building plans for a replacement dwelling which did not include an attached garage (Pet. Ex. 4). Petitioner explained that he submitted revised plans with a rear side entry, attached garage and the Building Permit was revised on September 15, 2021. (Pet. Ex. 3). The Site Plan now shows the proposed 748 sf rear addition along with the driveway being extended to the rear entry garage. (Pet. Ex. 7).

Due to the placement of the existing foundation, the RC8 regulations require that the replacement dwelling be setback a minimum of 80 ft. from the adjoining homes on either side. Because the 1936 foundation is being repurposed, the Petitioner did not create the requested setbacks given that the home was built prior to the enactment of the BCZR.

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).

As explained above, the Property is unique due to its irregular shape in that it is a largely rectangular parcel but flares out on the northern end, rear yard. If the reduced setback between principal buildings was denied, the Petitioner would suffer practical difficulty and hardship because the existing foundation could not be repurposed and the proposed addition could not be constructed. If the home was constructed in the rear of the Property to meet the 80 ft. building-to-building setback, it would require more grading. Further, I find that the variance is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare,

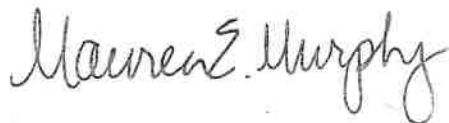
particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 30th day of **May, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §1A09.7.5 to approve an existing dwelling and proposed addition with a principal building setback (separation) as close as 43 ft. from the principal buildings of the adjacent neighbors in lieu of the required 80 ft., be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 6041 Glen Falls Road, Reisterstown, MD 21136 Currently Zoned RC-8
Deed Reference 46006 / 190 10 Digit Tax Account # 2200028688
Owner(s) Printed Name(s) Kisitor LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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)

BCZR 1A09.7.5 to approve an existing dwelling and proposed addition with a principal building setback (separation) as close as 43' from the principal buildings of the adjacent neighbors.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Christopher L. Merrill, Esquire
Name - Type or Print CM
Signature _____
600 Washington Ave, Suite 300, Towson, MD
Mailing Address _____ City _____ State _____
21204 / (410) 823-1881 / cmerrill@sagallaw.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Kisitor LLC
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 [Signature] Signature #2 _____
1215 Dorchester Ave, Baltimore, Maryland
Mailing Address _____ City _____ State _____
21207 / (443) 858-8232 / kogbeide@kisitors.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Christopher L. Merrill, Esquire
Name - Type or Print CM
Signature _____
600 Washington Ave, Suite 300, Towson, MD
Mailing Address _____ City _____ State _____
21204 / (410) 823-1881 / cmerrill@sagallaw.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2023-0075-A Filing Date 4 / 7 / 23 Do Not Schedule Dates _____ Reviewer SK
3/2022

Legal Description of 6041 Glen Falls Road

All that lot or parcel of land, situate, lying and being in the Fourth Election District of Baltimore County, Maryland, described on a Certificate of Survey prepared by Carroll Land Services, Inc., dated December 15, 1995, of a 14,563.4 square foot tract of land lying on the southside of Glen Falls Road in the Fourth Assessment District of Baltimore County, Maryland.

Beginning for the same at a point, said point being located near the center of Glen Falls Road, and being on the first line of a conveyance between Frank H. Newell, III, Personal Representative of the Estate of Harry V. Uhler, unto Irene Durham Price and Robert E. Durham, by deed dated the 21st of June, 1995, and recorded among the Land Records of Baltimore County in Liber 11103, folio 426, said point being 53.37 feet from the beginning thereof; and running thence with the remainder of said first line and a portion of the first line of a conveyance between Frank H. Newell, III, Personal Representative of the Estate of Estella M. Durham, unto Irene Durham Price by deed recorded among the Land Records of Baltimore County, in Liber 11103, folio 430, said point being South 49 degrees 41 minutes 28 seconds East. 36.63 feet from the beginning thereof; and thence running near the center of said road,

1. North 49 degrees 41 minutes 28 seconds East, 55.44 feet to a point; thence leaving the outline of said deed (11103/430) and said road, for a new line of agreement now established,

2. South 37 degrees 48 minutes 00 seconds East, passing over a pin and cap set inscribed CLS #258 at the end of 13.22 feet, in all, 218.47 feet to an iron pipe found at the beginning of the third line of the aforementioned deed, and also being a point on the seventh line of a conveyance between Ralph J. Houseright and Shilda O. Houseright, his wife, unto Richard L. Olson and Betsy A. Olson, his wife, by deed dated the 18th of October, 1974, and recorded among the Land Records of Baltimore County in Liber 5485, folio 501, said point being 278.24 feet from the beginning thereof; thence with the outline of said deed (5485/501) reversely, and with said outline (11103/430),

3. South 60 degrees 00 minutes 00 seconds West, 82.44 feet to an iron pipe found; thence leaving the outline of said deed (5485/501) and (11103/430),

4. North 30 degrees 29 minutes 12 seconds West, passing over an iron pipe found at the end of 193.13 feet, in all, 206.53 feet to the place of beginning, containing 14,563.4 square feet.

For informational purposes only the improvements thereon being known as 6041 Glen Falls Road.

2023.0029.A

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 twenty (20) 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: 2023-0079-A

Property Address: 6041 Glen Falls Road

Legal Owners (Petitioners): KIS-TOX LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

Address: _____

Telephone Number: _____

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/3/2023

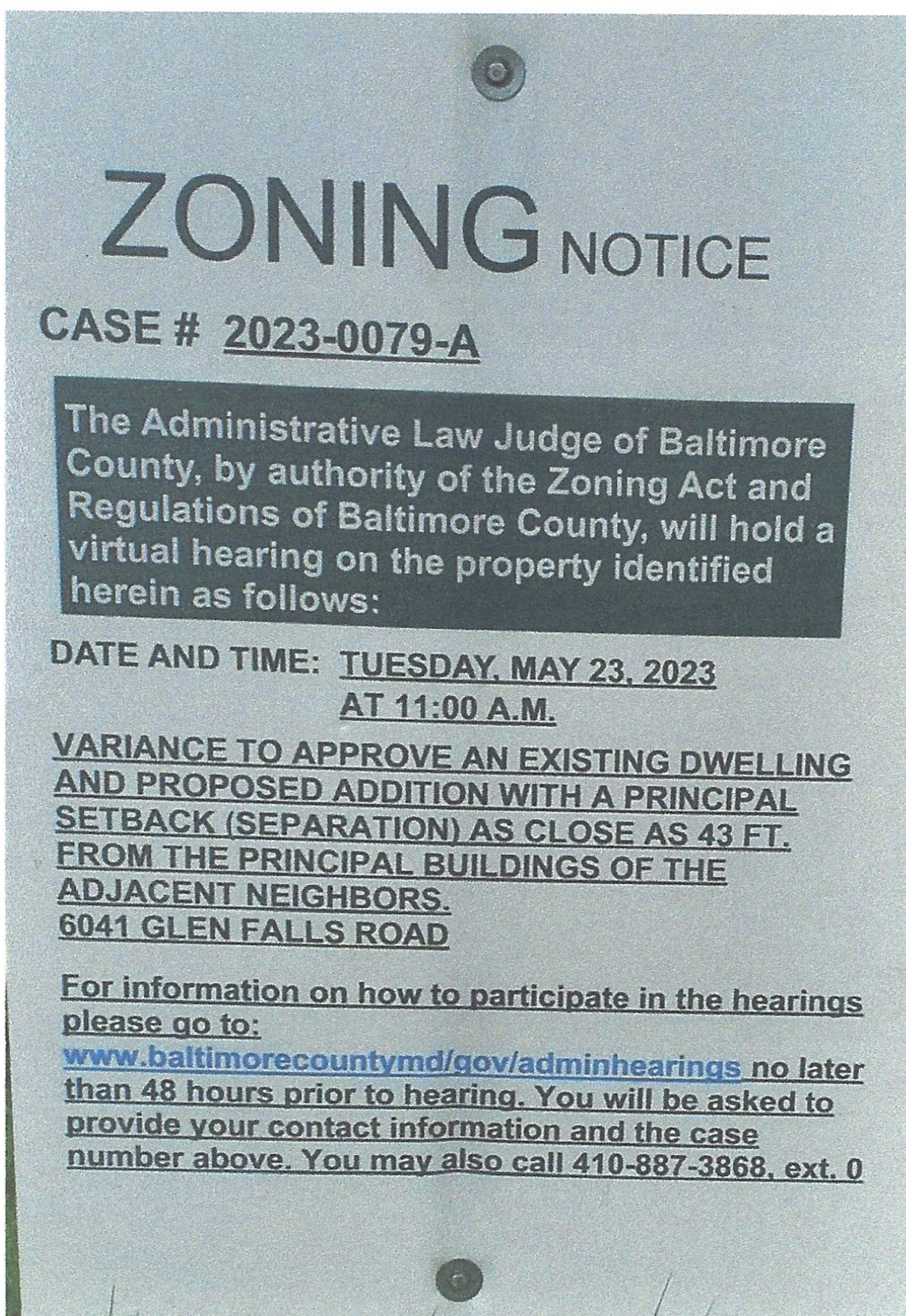
Case Number: 2023-0079-A

Petitioner / Developer: CHRISTOPHER MERRILL, ESQ. ~ KISITOR, LLC

Date of Hearing: MAY 23, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6041 GLEN FALLS ROAD

The sign(s) were posted on: MAY 3, 2023



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



BACKGROUND PHOTO 1ST SIGN

BACKGROUND PHOTO 2ND SIGN

POSTED @ 6041 GLEN FALLS ROAD ~ 5/3/2023

CASE # 2023-0079-A

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0075-A

DATE: April 26, 2023

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

DPW&T Response

The proposed fence along the property lines of 2501 Deer Meadow Court and 12830 Dover Road must be moved a minimum of 5 feet from the property lines and outside of the existing 5' Drainage and Utility easements shown on Record Plat 77/30. The plan submitted must be revised to show all easements shown on the record plat.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0080-A

DATE: April 26, 2023

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

DPW&T Response:

The entire property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore county Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. Existing Dwelling is located to the seaward side of the LiMWA as shown on FIRM 2400100445G dated 5/5/14 as amended by LOMR 19-03-1117P effective 7/29/2019 and LOMR 19-03-1183P effective 12/31/19.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFL for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0081-XA

DATE: April 26, 2023

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

If Special Exception and Zoning Relief is granted, a Landscape plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

DPW&T Response:

DPW&T recommends that the special hearing or waiver be denied, since development in a riverine flood plain is prohibited, per the codes stated in the application. The existing house is in the riverine flood plain, per Flood Insurance rate Map 2400100245F dated 8/2/11.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 26, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0079-A, 0082-A & 0083-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EPC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0070-SPH

DATE: April 25, 2023

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

DPW&T Response:

The proposed 30' x 60' utility shed is located in a tidal Zone AE special hazard area per FEMA FIRM 2400100465F dated 9/26/08. The proposed utility shed is 1800 square feet. Baltimore County Building Code dated 2015 Part 124.3 (3) prohibits accessory structures greater than 900 square feet. The Administrative Variance must be denied unless the structure size is reduced.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
EPL for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0076-A

DATE: April 25, 2023

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

Prior to building permit application, the petitioner shall contact the Office of DPW&T, to determine the Flood Protection Elevation so that the floor elevation can be set

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 25, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0071-A, 0073-A, 0074-A, 0077-A & 0078-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

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VKD: cen
cc: file

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 2200028688

Owner Information

Owner Name: KISITOR LLC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 330 CHAMBORLEY DR Deed Reference: /46006/ 00190
REISTERSTOWN MD 21136-

Location & Structure Information

Premises Address: 6041 GLEN FALLS RD Legal Description: 6041 GLEN FALLS RD
REISTERSTOWN 21136-4513

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0039 0008 0148 4020022.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1936 806 SF 14,563 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 1/2 YES STANDARD UNITSIDING/3 1 full

Value Information

	Base Value	Value As of 01/01/2022	Phase-In Assessments As of 07/01/2022	As of 07/01/2023
Land:	59,700	59,700		
Improvements	62,300	76,300		
Total:	122,000	136,000	126,667	131,333
Preferential Land:	0	0		

Transfer Information

Seller: CGB CONSULTANTS LLC	Date: 12/10/2021	Price: \$170,000
Type: NON-ARMS LENGTH OTHER	Deed1: /46006/ 00190	Deed2:
Seller: PRICE IRENE DURHAM	Date: 01/14/2021	Price: \$124,900
Type: ARMS LENGTH IMPROVED	Deed1: /43937/ 00130	Deed2:
Seller: PRICE IRENE DURHAM	Date: 02/14/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12038/ 00332	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

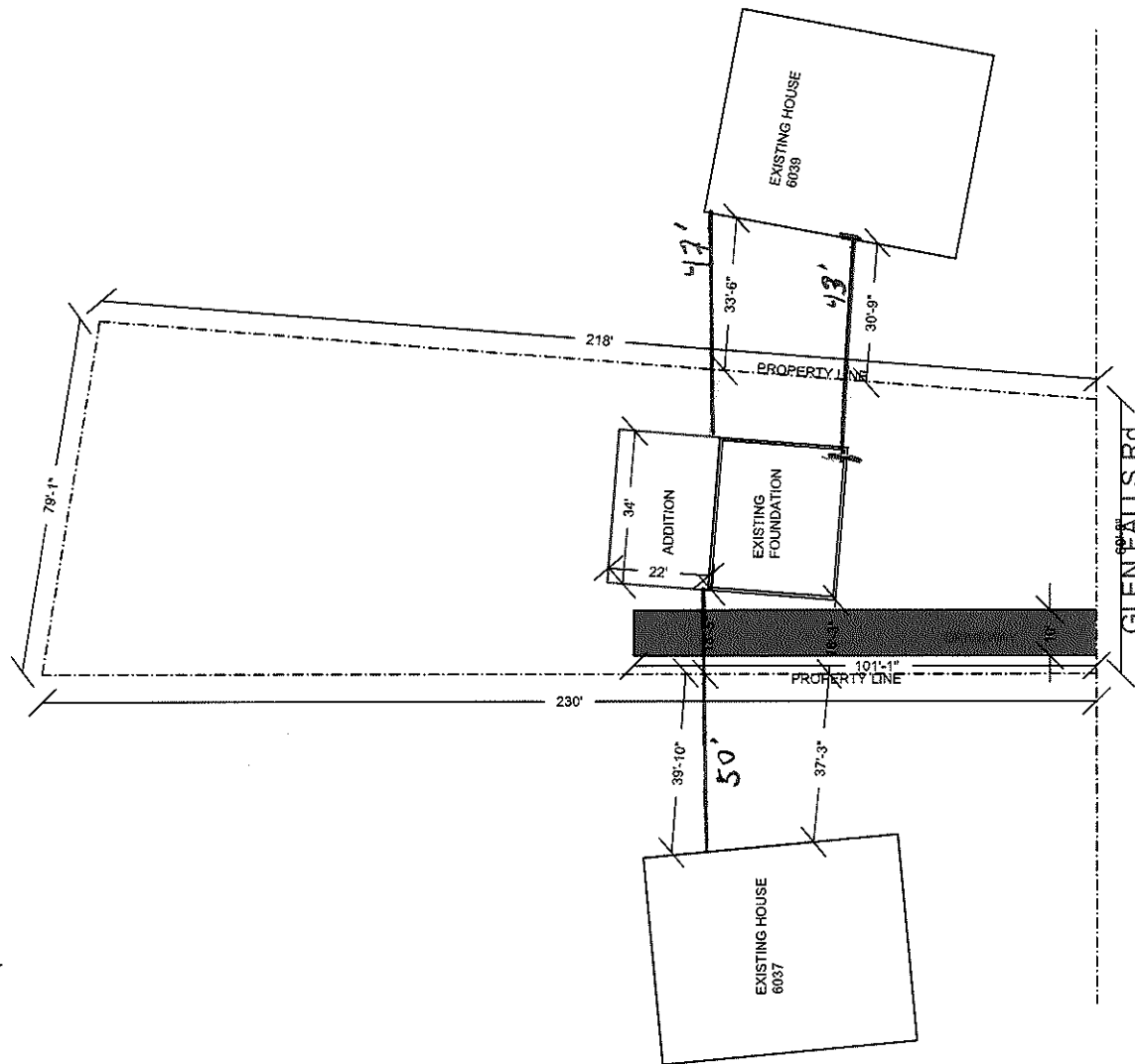
2023-0019-A

ZONING HEARIN PLAN FOR VARIANCE X FOR SPECIAL HEARING MARK TYPE REQUEST WITH (X)

ADDRESS 6041 GLEN FALLS Rd. Reisterstown, MD 21136 OWNER(s) NAME(s) KISITOR LLC

SUBDIVISION NAME n/a LOT# n/a BLOCK# n/a SECTION# n/a Deed Reference: 46006/190

PLAT BLOCK# n/a FOLIO# n/a 10 DIGIT TAX# 2200028688 **490**



MG
MG CONSTRUCTION LLC.

BERNARDO RAMOS
1112 K ST S.E.
Washington, DC 20003
bramos973@gmail.com
202-271-7729

SITE VICINITY MAP



ZONINGMAP# 039A2
ZONING RC-8
ELECTION DISTRICT 04
COUNCIL DISTRICT 04
LOT AREA ACREAGE 0.334
LOT SQUARE FOOTAGE 14,563
HISTORIC YES OR NO NO
CBCA(YES OR NO) NO
FLOOD PLAIN (YES OR NO) NO
UTILITIES-MARK WITH (X)
WATER IS:
PUBLIC PRIVATE X
SEWER IS:
PUBLIC PRIVATE X
PRIOR HEARING (YES OR NO) NO
IF (YES LIST CASE NUMBER(S))
AN ORDER RESULT(S) BELOW:

VIOLATION CASE NUMBER(S)

FOUNDATION PLANS

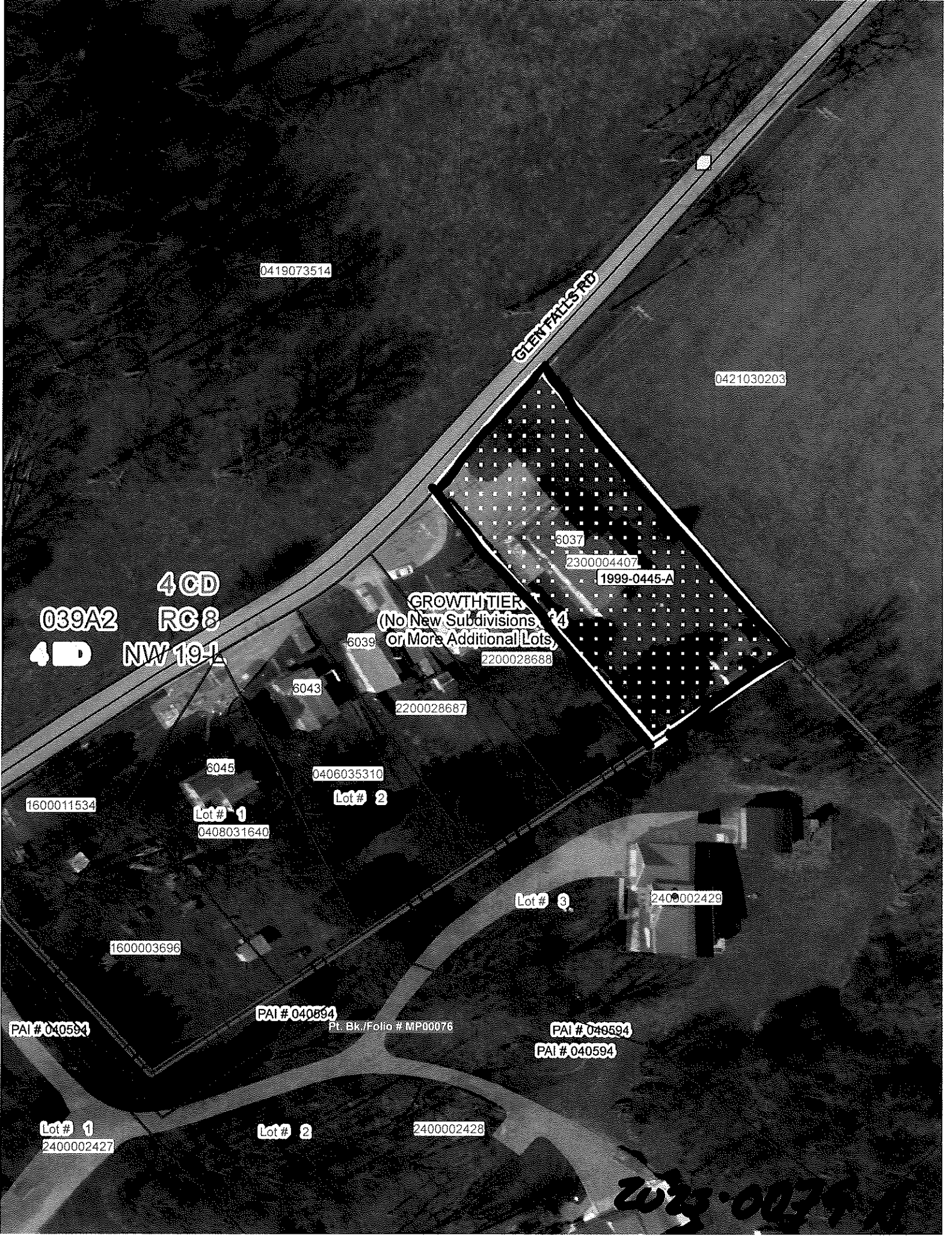
Date FEBRUARY 2023

Drawn by DIEGO VARGAS

Sheet

A001

Scale: 1 INCH = 40 FEET



0419073514

GLEN FALLS RD

0421030203

039A2 RC 8
4 CD NW 19-1

GROWTH TIER
(No New Subdivisions,
or More Additional Lots)

6037

2300004407

1999-0445-A

6039

2200028688

6043

2200028687

6045

0406035310

Lot # 2

Lot # 1

0408031640

1600011534

1600003696

PAI # 040594

PAI # 040594

Pt. Bk./Folio # MP00076

PAI # 040594

PAI # 040594

2400002429

Lot # 3

2400002428

Lot # 2

Lot # 1

2400002427

2023-0079-A