



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 11, 2023

Gul Naheed - naheedgul786@gmail.com
1408 Glenwilde Road
Catonsville, MD 21228

RE: Petition for Variance
Case No. 2023-0126-A
Property: 1408 Glenwilde Road

Dear Mr. Naheed:

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

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

Sincerely,
A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Ike Okoye – mikadaddesigngroup@yahoo.com
Joseph Lacher – jlacher@baltimorecountymd.gov
Tim Pyle – home@trpyle.com

**IN RE: PETITION FOR VARIANCE
(1408 Glenwilde Road)**

1st Election District

1st Council District

Gul Naheed

Legal Owner

Petitioner

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2023-0126-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, Gul Naheed (“Petitioner”) for the property located at 1408 Glenwilde Road, Catonsville (the “Property”). The Petitioner requested a Variance pursuant to the Baltimore County Zoning Regulations (“BCZR”), §301.1.A to approve an open projection (deck) with a proposed rear yard setback of 19 ft. in lieu of the minimum required 22.5 ft. and from BCZR, §400.1 to approve an existing accessory building (shed) in the side yard (right) in lieu of the required rear yard.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared at the hearing along with Ike Okoye, an architect with Mikada Design Group, who prepared a site plan (the “Site Plan”). (Pet. Ex. 1). Josef Lacher, Code Enforcement Inspector, was present and testified. There were no Protestants or interested citizens who appeared at the hearing.

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

The Property is 7,150 sf, is improved with a home constructed in 1964 along with a

concrete block shed in the side yard. It is zoned Density Residential (DR 5.5). This Case originated as a result of a Code Enforcement violation (Case Number CB2200533) for the construction of an addition and a deck without a permit. Petitioner testified that he purchased the Property "AS IS" through a foreclosure sale in 2021. When he purchased the Property the shed existed in its current location in the side yard. He described the shed as constructed with concrete block on a concrete foundation which cannot be moved. Petitioner has already improved the shed by adding a new roof. Petitioner provided the relevant narrative that he had hired a contractor to obtain a permit to construct the addition and deck. Petitioner went to the County and discovered that there was no permit on file. When he discovered that no permit existed, he had already paid the contractor for ½ of the contract price, and the contractor stopped working. In order to obtain a permit, he hired another contractor to prepare a site plan but that contractor also accepted payment without preparing a site plan.

Finally, Mr. Okoye was hired and prepared the Site Plan. (Pet. Ex. 1). Mr. Okoye agreed that, as shown on the My Neighborhood map, the Property is unique in that the existing home is shaped oddly as compared to other homes constructed at the same time in this neighborhood. As a result, the rear deck was constructed by the first contractor closer to the rear yard property line.

Inspector Lacher testified that he issued a Stop Work Order for the addition and deck on July 29, 2023. He took photographs of the work performed at the time he issued the Stop Work Order showing partial construction of the deck. (See File). Inspector Lacher verified that the Petitioner was compliant in ceasing all work. Indeed, the deck has remained incomplete for over 1 year. Inspector Lacher was confident that if the Variance relief is approved, the building inspections will direct the Petitioner how to correct the deck construction so that it will be structurally sound.

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).

I find that this Property is unique due to the odd shape of the existing 1964 home which extends into the rear yard farther than any of the other homes in the neighborhood which were constructed at the same time. The unique feature of the Property have caused a practical difficulty in constructing a rear yard deck which also meets the setbacks for the DR zone. Additionally, the concrete block shed was constructed by a prior owner and never received Variance relief. The shed cannot be moved into the rear yard due to the concrete foundation. In regard to both the rear deck and shed, Petitioner has already invested substantial sums in constructing/improving both deck and shed. Additionally, upon discovering that his contractor did not obtain a permit, Petitioner stopped all work and filed for the permit. No work has been performed on the partially constructed deck which has remained in its current condition since issuance of the Stop Work Order. Inspections will correct any Building Code deficiencies in the deck. I find that the Petitioner would suffer a practical difficulty if the shed and deck were required to be removed. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 11th day of **September**, 2023, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §301.1.A to approve an open projection (deck) with a proposed rear yard setback of 19 ft. in lieu of the

minimum required 22.5 ft., and from BCZR, §400.1 to approve an existing accessory building (shed) in the side yard in lieu of the required rear yard be, and they are both hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioners and subsequent owners shall not convert the detached shed into a dwelling unit or apartment. The detached shed shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
3. The detached shed shall not have a separate utility or electric connection and shall connect all electrical to the home.
4. The detached shed shall not be used for commercial or industrial purposes.
5. Petition shall comply with the Building Codes for the deck and addition.

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

MEM:dlm

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: 2023-0126-A
Property Address: 1408 Glenwilde Rd
Catonville MD 21228
Legal Owners (Petitioners): Gul Nareed
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Ike Okaye
Address: 5078 Fitchester Rd
ELICOTT CITY MD 21043
Telephone Number: 301-704-3776

*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

CASE NO. 2023-0126-A
PETITIONER/DEVELOPER
Gul Naheed

DATE OF HEARING/CLOSING
August 30, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1408 Glenwilde Road

Sign 1



THE SIGN(S) POSTED ON August 8, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
443-629-3411

Handwritten signature of Martin Ogle in black ink, written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/5/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0126-A

INFORMATION:

Property Address: 1408 Glenwilde Road

Petitioner: Gul Naheed

Zoning: DR 5.5

Requested Action: Variance

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

Variance - To approve an open projection (deck) with a proposed rear yard setback of 19 feet in lieu of the minimum require 22.5 feet and to approve an existing accessory structure (shed) on the right side yard in lieu of the required rear yard.

The proposed site is a 0.164 acre property zoned DR 5.5. It is surrounded by predominantly residential uses. The proposed site has no previous zoning actions/relief and is not located in any historic district. The existing land use is currently a residential property zoned DR 5.5.

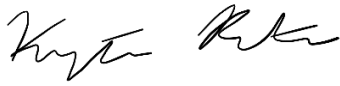
The requested zoning relief, as said in above request, has minimal impact on adjacent properties and the public right of way. It is understood that the referenced shed located in the right side yard is currently existing and the proposed deck is currently under construction. The proposal is not uncommon to the fabric and character of the existing neighborhood and achieves a desired design with the assistance of minimal relief.

The Department has no objections in granting the relief conditioned upon the following:

- 1) Coordinate with the Baltimore County Landscape Architect to provide adequate vegetative screening between adjacent neighbors at 1410 Glenwilde Road and 1411 North Rolling Road to mitigate visual impacts. Additionally the applicant shall comply with any landscaping guidelines required by the Baltimore County Landscape Architect.
- 2) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for D.R. 5.5 zoned property and
- 3) The plan meets all additional conditions as required by the Administrative Law Judge.

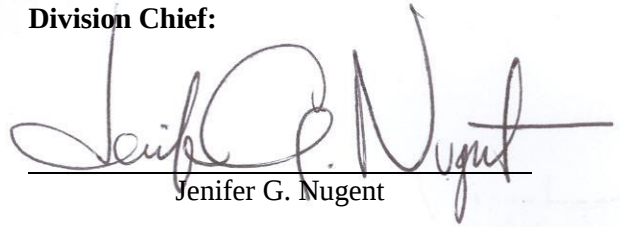
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Ike Okoye
Sophie Kotzker, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0108-SPHA

DATE: June 21, 2023

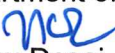
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

As part of the proposed improvement the County request a 10-foot highway widening along the property frontage (Gorsuch Mill Rd.)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0124-A

DATE: June 21, 2023

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

DPW&T Comments:

The proposed deck, sunroom, landing and steps are to be constructed within an existing Baltimore City easement for an emergency underground water tunnel. Permission must be obtained from Baltimore City for development within the easement. If Baltimore City approves of the development, DPWT has no exception to the approval of the administrative variance. No Building permits may be granted until Baltimore City approval.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0125-A

DATE: June 21, 2023

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

Landscape: If zoning relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 21, 2023

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0123-A, 2023-0126-A, 2023-0127-SPHA, 2023-0128-A, 2023-0129-A, 2023-0130-SPHA, and 2023-0131-A

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 16, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0126-A
Address: 1408 GLENWILDE RD
Legal Owner: Gul Naheed

Zoning Advisory Committee Meeting of June 20, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier:

District - 01 Account Number - 0102003820

Owner Information

Owner Name:

GUL NAHEED

Use:

RESIDENTIAL

Mailing Address:

1408 GLENWILDE RD
BALTIMORE MD 21228-2747

Principal Residence:

NO

Deed Reference:

/44546/ 00190

Location & Structure Information

Premises Address:

1408 GLENWILDE RD
BALTIMORE 21228-2747

Legal Description:

1408 GLENWILDE RD
1408 GLENWILDE RD
WESTVIEW PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0094 0018 0034 1020025.04 0000 7A A 32 2022 Plat Ref: 0026/ 0149

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1964	1,414 SF	525 SF	7,150 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Split Foyer	YES	SPLIT FOYER	FRAME/ 4	2 full	
		SIDING			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	77,600	77,600		
Improvements	170,400	207,200		
Total:	248,000	284,800	260,267	272,533
Preferential Land:	0	0		

Transfer Information

Seller: THE UNITED STATES SECRETARY OF HOUSING & URBAN DEVELOPMENT	Date: 04/22/2021	Price: \$240,100
Type: NON-ARMS LENGTH OTHER	Deed1: /44546/ 00190	Deed2:
Seller: BAYNE SARA K	Date: 12/21/2020	Price: \$434,031
Type: NON-ARMS LENGTH OTHER	Deed1: /43842/ 00103	Deed2:
Seller: BAYNE SARA K	Date: 12/09/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /28952/ 00007	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0126-A

Christina Y Frink

From: Christina Y Frink
Sent: Thursday, May 25, 2023 12:57 PM
To: Ike Okoye
Subject: RE: 1408 Glenwilde Rd

The check has been received and Gary put the check on my desk.

Thank you

Christina Frink
Zoning

From: Ike Okoye <mikadadesigngroup@yahoo.com>
Sent: Thursday, May 25, 2023 12:02 PM
To: Christina Y Frink <cfrink@baltimorecountymd.gov>
Subject: 1408 Glenwilde Rd

CAUTION: This message from mikadadesigngroup@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

This morning I handed Gary the 75 check for zoning petition for above subject. Please call him to confirm so I can be rest assured

Ike

Sent from Yahoo Mail on Android

2023-0126-A

Lot # 35 0123504040

NW 1-G

Lot # 34

0118473100

1410

0113550641

Lot # 2

Lot # 33

0108302850

Lot # 41 0101350980

0113206590

Lot # 40

1GD

094C2

1ED PAI # 010357

Lot # 3 0119074910

DR 3.5

Pt. Bk./Folio # 028073

SW 1-G

DR 5.5

UP-1997-0005AL

0102003820

Pt. Bk. 0000026, Folio 0149

Lot # 32

PAI # 010084

PAI # 010084

Pt. Bk./Folio # 026149A

0112202010

Lot # 31

1406

Lot # 4 0113206690

Pt. Bk. 0000028, Folio 0073

Lot # 5 0118351940

0119271400

1404

2023-01-20-A

GLENWILDE RD

WHEATLAND RD



2023-2126-A