

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
(2023-2053 Joppa Road)		
8 <sup>th</sup> Election District	*	OFFICE OF
5 <sup>th</sup> Council District		
Satyr Limited Partnership, <i>Legal Owner</i>	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
Petitioner	*	<b>Case No. 2018-0306-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Satyr Limited Partnership, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a modified parking plan for the Satyr Hill Shopping Center, to allow 5 parking spaces per 1,000 sq. ft. or 267 parking spaces. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Professional engineer Rich Richardson appeared in support of the request. Timothy M. Kotroco, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

**SPECIAL HEARING**

This case concerns an older strip shopping center at the corner of Joppa and Satyr Hill Roads. Throughout the country retail centers are facing challenging times and the tenant mix at these properties is also changing. In many cases small eateries will seek to lease a vacant space

and the landlord will be forced to seek a parking variance given the increased number of spaces required for that use compared to general retail stores.

To avoid that scenario Petitioner requests approval for a modified parking plan under BCZR §409.12. Specifically, Petitioner proposes a plan with 267 off-street spaces, which equates to 5 spaces per 1,000 sq. ft. of leasable area. Photos were submitted which show the parking lot is more than adequate for this center and Petitioner has throughout the years never had a problem accommodating its tenants and their customers.

The DOP suggested landscaping be provided to “soften the appearance of the site.” While that would improve the site, the problem is the property is almost 100% covered with impervious surfaces, which means Petitioner would be required to remove concrete or macadam paving to install vegetation. In the circumstances of this case, where Petitioner is not proposing improvements or construction of any sort, I do not believe such a condition is justified.

THEREFORE, IT IS ORDERED this 24<sup>th</sup> day of **July, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a modified parking plan for the Satyr Hill Shopping Center, to allow 5 parking spaces per 1,000 sq. ft. or 267 parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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.

Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln