

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1900 Monkton Road)		
10 th Election District	*	OFFICE OF
3 rd Council District		
Otters Hollow Properties, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2019-0218-SPH

* * * * *

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 Otters Hollow Properties, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit fourteen (14) commercial parking spaces to be located in an RC-7 residential zone, and to confirm the continued use of a commercial structure and uses dating back to the latter half of the 1800s on the subject property with non-conforming area, setbacks, parking and landscaping. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Angelo Otterbein and surveyor Bruce Doak appeared in support of the petition. Michael T. Wyatt, Esq. represented Petitioner. Several citizens attended the hearing to obtain additional information regarding the requests. 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.

The subject property is 0.952 acres in size and split-zoned RC-7 and BL-CR. The property is improved with a 3 story brick building known as the Monkton Hotel, which is a Baltimore County landmark. The building has apartments on the upper levels and various commercial uses

(i.e., café, yoga studio) on the ground level. Petitioner proposes to provide an on-site parking area with 14 spaces for use by tenants, guests and/or patrons. The proposed parking lot would be located entirely within the RC-7 portion of the site, which necessitated the filing of the zoning petition.

Mr. Doak, a licensed surveyor accepted as an expert, testified via proffer and explained the plan and the existing improvements on site. He noted the parking area would be covered with stone/gravel (not paved) so as not to increase the amount of impervious surface near the Gunpowder River. The DOP stated in its ZAC comment that it would support the use of “pervious material” for the parking lot. Mr. Doak reviewed each of the factors set forth at BCZR §409.8 (concerning commercial parking in a residential zone) and opined Petitioner satisfied all requirements in that regulation.

He also discussed the history of the site (as did a neighbor, Thomas Harris, who has lived adjacent to the property for over 75 years) and testified the structure and uses described long predated the adoption of the BCZR. In these circumstances it is clear the structure and commercial uses described are properly characterized as lawfully non-conforming pursuant to BCZR Section 104 and the case law interpreting that provision.

THEREFORE, IT IS ORDERED this 1st day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to permit commercial parking with a maximum of fourteen (14) spaces to be located in an RC-7 residential zone, to confirm the lawful nonconforming status of a commercial structure and uses dating back to the latter half of the 1800s on the subject property with non-conforming area, setbacks, parking and landscaping, and to permit the proposed parking area to be covered with pervious material in lieu of the required durable and dustless surface with striping, be and is hereby GRANTED.

