

## **M E M O R A N D U M**

DATE: May 2, 2019  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0218-SPH - Appeal Period Expired

---

The appeal period for the above-referenced case expired on May 1, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File  
Office of Administrative Hearings

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

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Date 4/1/19  
By Sen



(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 1<sup>st</sup> 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.

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Date

4/1/19

By

Sen

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.
2. Prior to issuance of permits Petitioner must secure all necessary approvals from the Baltimore County Landmarks Preservation Commission.
3. All dumpsters on-site must be screened in accordance with the Baltimore County Landscape Manual.
4. The areas adjacent to the access drive and the proposed parking must be screened with fencing and/or vegetative material, as determined in the discretion of the Baltimore County landscape architect after consultation with the owner(s) of 1826 & 1828 Monkton Road.

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

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 4/11/19  
By slh





# 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 1900 Monkton Road, Monkton MD 21111

which is presently zoned BL-CR/RC-7

Deed References: L-40643, F-00450

10 Digit Tax Account # 1 0 1 8 0 1 0 0 7 6

Property Owner(s) Printed Name(s) OTTERS HOLLOW PROPERTIES LLC

(SELECT THE HEARING(S) BY MARKING **X** 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 "Exhibit 1."

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a **Variance** from Section(s)

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, 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

By Telephone #

Email Address

## Attorney for Petitioner:

Michael T. Wyatt

Name- Type or Print

Signature

1447 York Road, Suite 800

Lutherville

MD

Mailing Address

City

State

21093

410-804-7098

mwyatt@hwklawgroup.com

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

OTTERS HOLLOW PROPERTIES LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

16706 Remare Road

Monkton

MD

Mailing Address

City

State

21111

443-803-9700

angelootterbein@gmail.com

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Angelo Otterbein

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD

Frederick

MD

21053

410-419-4906

angelootterbein@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0218-5PH Filing Date 1/23/19

Do Not Schedule Dates:

Reviewer JNP

## PETITION FOR ZONING HEARING

### EXHIBIT 1

#### Specific Relief Requested

1. A Special Hearing is requested pursuant to Section <sup>1A08.3, A.7.d & 409.8.B</sup>~~500.7~~ BCZR to permit commercial parking of fourteen (14) spaces to be located in an RC-7 residential zone.
2. A Special <sup>Hearing</sup>~~Exception~~ is also requested pursuant to Section 500.7 BCZR 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.





## Zoning Description

1900 Monkton Road  
Tenth Election District Third Councilmanic District  
Baltimore County, Maryland

Beginning at a point in the bed of Monkton Road, southeasterly 115 feet, more or less, from the centerline of Old Monkton Road,

thence leaving Monkton Road and running with and binding on the outlines of the subject property, the twelve following courses and distances, viz.

- 1) North 37 degrees 34 minutes 07 seconds East 29.58 feet
- 2) North 43 degrees 07 minutes 17 seconds West 38.00 feet
- 3) North 11 degrees 49 minutes 02 seconds East 14.49 feet
- 4) North 77 degrees 11 minutes 54 seconds West 15.13 feet
- 5) North 13 degrees 46 minutes 04 seconds East 29.18 feet
- 6) North 37 degrees 55 minutes 24 seconds East 50.00 feet
- 7) North 13 degrees 46 minutes 04 seconds East 73.31 feet
- 8) South 66 degrees 34 minutes 56 seconds East 35.00 feet
- 9) North 13 degrees 46 minutes 04 seconds East 40.00 feet
- 10) South 65 degrees 33 minutes 50 seconds East 176.61 feet
- 11) South 16 degrees 53 minutes 01 second West 154.84 feet and
- 12) South 40 degrees 46 minutes 52 seconds West 140.00 feet to a point in the bed of Monkton Road, thence running in the bed of Monkton Road, 13) North 46 degrees 59 minutes 36 seconds West 138.67 feet to the point of beginning.

Containing 0.952 of an acre of land, more or less.

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

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



2019-0218-SPT

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
Gregory Slater  
Administrator

Date: 2/19/19

Ms. Kristen Lewis  
Baltimore County Department of  
Permits, Approvals & Inspections  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

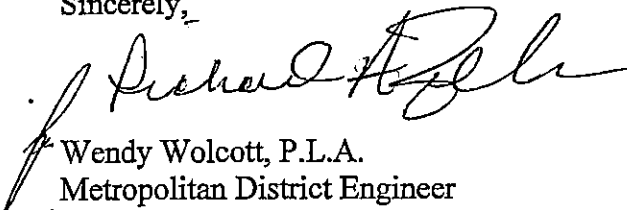
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/19/19. A field inspection and internal review reveals that an entrance onto MD138 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Case Number 2019-0218-SHA.

*Ottens Hollow Properties, LLC  
1400 Monkton Road  
MD138*

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

# The Daily Record

11 East Saratoga Street  
Baltimore, MD 21202-2199  
(443) 524-8100

<http://www.thedailyrecord.com>

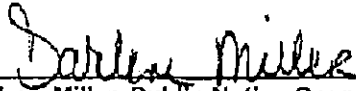
## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/8/2019

Order #: 11712059  
Case #: 2019-0218-SPH  
Description:

NOTICE OF ZONING HEARING CASE NUMBER:  
2019-0218-SPH



Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### Baltimore County

#### NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0218-SPH

1900 Monkton Road

Northeast side of Monkton Road, at corner of Old Monkton Road

10th Election District - 3rd Councilmanic District

Legal Owners: Otters Hollow Properties, LLC

Special Hearing to permit commercial parking of fourteen (14) spaces to be located in an RC-7 residential zone. To confirm the continued use of a commercial structure and uses dating back to the latter half of the 1800s on the subject with non-conforming area, setback parking and landscaping.

Hearing: Thursday, March 28, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

mhs

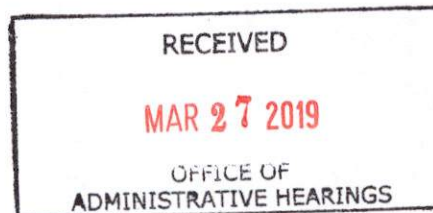
JB 3/28/19  
10Am

**Debra Wiley**

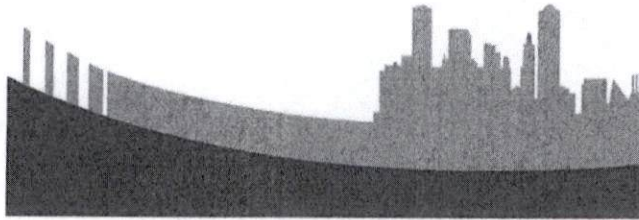
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**From:** Bruce Doak <doakfarm@gmail.com>  
**Sent:** Tuesday, March 26, 2019 6:59 PM  
**To:** Sherry Nuffer  
**Cc:** Administrative Hearings  
**Subject:** Case 2019-0218-SPH posting cert  
**Attachments:** Case 2019-0218-SPH posting cert 3 26 19 .pdf

Bruce  
Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906  
[bdoak@bruceedoakconsulting.com](mailto:bdoak@bruceedoakconsulting.com)







## CERTIFICATE OF POSTING

March 6, 2019  
March 26, 2019 amended for second inspection

Re:  
Zoning Case No. 2019-0218-SPH  
Legal Owner: Otters Hollow Properties, LLC  
Hearing date: March 28, 2019

RECEIVED

**MAR 27 2019**

OFFICE OF  
ADMINISTRATIVE HEARINGS

Baltimore County Department of Permits, Approvals & Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 111  
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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 **1900 Monkton Road**.

The signs were initially posted on **March 5, 2019**.

The subject property was also inspected on **March 25, 2019**.

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



RECEIVED

MAR 27 2019

OFFICE OF  
ADMINISTRATIVE HEARINGS

# ZONING NOTICE

**CASE NO. 2019-0218-SPH**

**1900 Monkton Road**

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

**DATE & TIME: Thursday March 28, 2019 10:00 AM**

**REQUESTS:**

**SPECIAL HEARING TO PERMIT COMMERCIAL PARKING OF FOURTEEN  
(14) SPACES TO BE LOCATED IN AN RC 7 RESIDENTIAL ZONE. TO  
CONFIRM THE CONTINUED USE OF A COMMERCIAL STRUCTURE AND  
USES DATING BACK TO THE LATTER HALF OF THE 1800S ON THE  
SUBJECT WITH NON-CONFIRMING AREA, SETBACK PARKING AND  
LANDSCAPING.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW.**

**THE HEARING IS HANDICAPPED ACCESSIBLE**



RECEIVED

MAR 27 2019

OFFICE OF  
ADMINISTRATIVE HEARINGS

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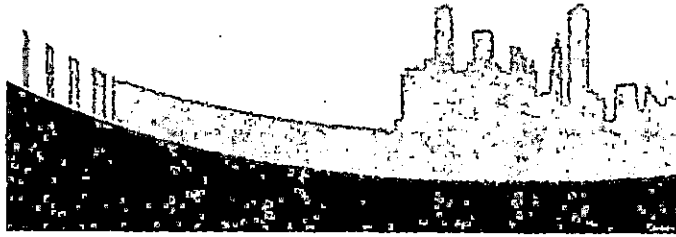
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\_\_\_\_\_ amended for second inspection

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Legal Owner: Otters Hollow Properties, LLC

Hearing date: March 28, 2019

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County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

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The signs were initially posted on March 5, 2019.

The subject property was also inspected on \_\_\_\_\_.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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3801 Baker Schoolhouse Road

Freeland, MD 21053

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

bdoak@bruceedoakconsulting.com

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PENALTY OF LAW.**

**THE HEARING IS HANDICAPPED ACCESSIBLE**

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
100 Monkton Road; NE/S Monkton Road, \*  
@ corner of E/S Old Monkton Road \* OF ADMINISTRATIVE  
10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \*  
Legal Owner(s): Otters Hollow Properties, LLC\* HEARINGS FOR  
Petitioner(s) \*  
\* BALTIMORE COUNTY  
\*  
\* 2019-218-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

FEB 14 2019

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053 and Michael T. Wyatt, Esquire, 1447 York Road, Suite 800, Lutherville, Maryland 21093, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL MOHLER, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

March 5, 2019

## NOTICE OF ZONING HEARING

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Northeast side of Monkton Road, at corner of Old Monkton Road

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler  
Director

MM:kl

C: Michael Wyatt, 100 W. Pennsylvania Avenue, Ste. 10, Towson 21204  
Otters Hollow Prop., LLC, 16706 Remare Road, Monkton 21111  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 8, 2019.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: THE DAILY RECORD  
Friday, March 8, 2019 - Issue

Please forward billing to:  
Angelo Otterbein  
16706 Remare Road  
Monkton, MD 21111

443-803-9700

---

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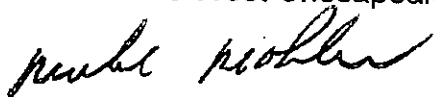
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Director of Permits, Approvals and Inspections for Baltimore County

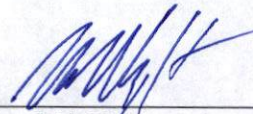
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|                              |   |                         |
|------------------------------|---|-------------------------|
| IN RE:                       | * | BEFORE THE              |
| OTTERS HOLLOW PROPERTIES LLC | * | OFFICE OF               |
| PROPERTIES LLC               | * | ADMINISTRATIVE HEARINGS |
| 1900 Monkton Road            | * | OF BALTIMORE COUNTY     |
| Monkton, Maryland 2111       | * | Case No: 2019-0218-SPH  |
| * * * * *                    | * | * * * * *               |

**NOTICE OF CHANGE OF ADDRESS OF PETITIONER'S ATTORNEY**

MICHAEL T. WYATT, Attorney for OTTERS HOLLOW PROPERTIES LLC, hereby submits this Notice of Change of Address. The new address is: Michael T. Wyatt, Esquire, Wyatt & Gunning LLC, 100 W. Pennsylvania Avenue, Suite 10, Towson, Maryland 21204, Phone No: (410) 296-5960.

Respectfully submitted,



---

Michael T. Wyatt  
HWK Law Group, LLC  
1447 York Road, Suite 800  
Lutherville, Maryland 21093  
Phone: (410) 825-2255  
Email: mwyatt@hwklawgroup.com  
*Attorney for Petitioner*



**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: 2019-0218-SP4  
Property Address: 1900 Monkton Road  
Property Description: NE/5 of Monkton Rd., @ Corner of ~~Old~~ E/5 of Old  
Monkton Road  
Legal Owners (Petitioners): Otters Hollow Properties, LLC  
Contract Purchaser/Lessee: N/A

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Angelo Otterbein  
Company/Firm (if applicable): Otters Hollow Properties, LLC  
Address: 16706 Remare Rd  
Monkton MD 21111  
  
Telephone Number: 443 803 9700



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

No. **178448**

Date: **1-23-19**

**PAID RECEIPT**

BUSINESS ACTION LINE  
 1/24/2019 1/23/2019 10:38:33 2

REC 1002  
 >>RECEIPT 030267 1/23/2019 OFU  
 Dept 5 320 ZONING VERIFICATION  
 Amount 17848

| Fund   | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount |
|--------|------|------|----------|----------------|-------------|----------|---------|--------|
| 001    | 806  | 0000 |          | 6150           |             |          |         | 500.00 |
|        |      |      |          |                |             |          |         |        |
|        |      |      |          |                |             |          |         |        |
|        |      |      |          |                |             |          |         |        |
|        |      |      |          |                |             |          |         |        |
|        |      |      |          |                |             |          |         |        |
|        |      |      |          |                |             |          |         |        |
| Total: |      |      |          |                |             |          |         | 500.00 |

Rec'd Tot \$ 500.00  
 500.00 CR  
 Baltimore County, Maryland

Rec From: **OTTERS Hollow Properties LLC**

For: **1900 monkton rd**  
**2019 - 2018 - SPH**

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
**PLEASE PRESS HARD!!!!**

**CASHIER'S  
 VALIDATION**



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL MOHLER, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

March 18, 2019

Michael T. Wyatt  
1447 York Road Suite 800  
Lutherville MD 21093

RE: Case Number: 2019-0218-SPH, 1900 Monkton Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 23, 2019. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel  
Otters Hollow Properties LLC, 16706 Remare Road Monkton MD 21111  
Angelo Otterbein 3801 Baker Schoolhouse Road Freeland MD 21053

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** Mike Mohler  
Acting Director, Permits, Approvals and Inspections

**FROM:** Jeff Mayhew  
Acting Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-218



**INFORMATION:**

**Property Address:** 1900 Monkton Road  
**Petitioner:** Otters Hollow Properties, LLC  
**Zoning:** BL-CR, RC7  
**Requested Action:** Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should permit commercial parking of fourteen spaces to be located in an RC 7 zone and to confirm the continued use of a commercial structure and uses on the subject property with non-conforming area, setbacks, parking and landscaping.

A site visit was conducted on 2/14/2019. The site is located on Monkton Road at its intersection with the NCR Trail in the Monkton County Historic District and the My Lady's Manor National Register Historic District. The NCR trail and Monkton Road are Baltimore County designated scenic routes. The property, being split zoned BL-CR and RC 7, has a mix of residential and commercial uses and shares a drive with numerous houses as well as the NCR Trail public parking area.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The plan does not indicate a means for containing waste. Through the hearing, the plan should be amended to show a location for a dumpster sufficient to handle any waste generated by the commercial activities on-site. The dumpster shall be screened in accordance with the Baltimore County Landscape Manual and situated in accordance with development guideline no. 11 found in Division IV, Section A, Scenic Views of the Comprehensive Manual of Development Policies.
- The areas adjacent to the access drive to the proposed parking shall have enhanced landscaping to the type and extent satisfactory to the Baltimore County Landscape Architect.
- Add to the plan a note indicating that the site is subject to inconveniences arising from agricultural operations pursuant to BCZR § 1A08.7.

Please be advised the Department has no objection in the event that pervious material is proposed as a surface for the proposed parking area.

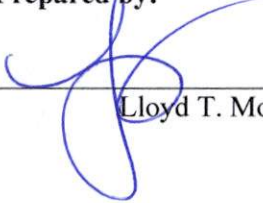
Please be aware the subject property is a designated Baltimore County Landmark known as the "Monkton Hotel" (Landmarks List # 35; MIHP # BA-0116). Exterior alterations to the structure, along with the installation of the fence, have been reviewed and approved previously by the Landmarks Preservation Commission. Because the property is located in a County Historic District, the Baltimore County Code specifies {Sections 32-7-403} that the owner must obtain approval from the Landmarks Preservation Commission before engaging in any "excavation or the construction or erection of any building, fence,



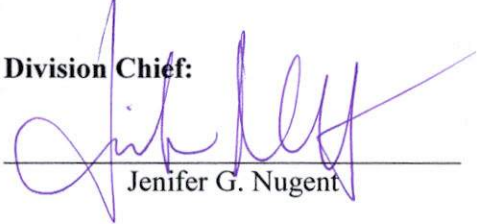
wall, or other new structure of any kind." Petitioners may contact the Department of Planning, Preservation Services at (410) 887-3495 for information on the Landmarks Preservation Commission.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Jenifer G. Nugent

JM/JGN/LTM/

c: Joseph Wiley  
Teri Rising  
James Hermann, R.L.A., Department of Permits, Approvals and Inspections  
Bruce E. Doak, Bruce E. Doak Consulting  
Michael T. Wyatt  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** Mike Mohler  
Acting Director, Permits, Approvals and Inspections

**DATE:** 3/12/2019

**FROM:** Jeff Mayhew  
Acting Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-218

**INFORMATION:**

**Property Address:** 1900 Monkton Road  
**Petitioner:** Otters Hollow Properties, LLC  
**Zoning:** BL-CR, RC7  
**Requested Action:** Special Hearing

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- Add to the plan a note indicating that the site is subject to inconveniences arising from agricultural operations pursuant to BCZR § 1A08.7.

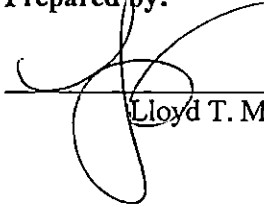
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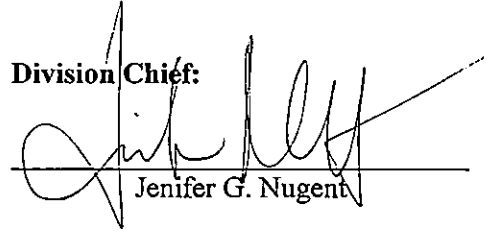
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For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:

  
\_\_\_\_\_  
Lloyd T. Moxley

Division Chief:

  
\_\_\_\_\_  
Jenifer G. Nugent

JM/JGN/LTM/

c: Joseph Wiley  
Teri Rising  
James Hermann, R.L.A., Department of Permits, Approvals and Inspections  
Bruce E. Doak, Bruce E. Doak Consulting  
Michael T. Wyatt  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

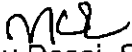


BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director  
Department of Permits, Approvals

DATE: Feb 25, 2019

FROM:  Vishnu Desai, Supervisor  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
For February 18, 2019  
Item No. 2019-0218-SPH, 0220-A, 0221-A, 0222-SPHA, 0223-SPH, 0224-SPHA

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

\* \* \* \* \*

VKD: cen  
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

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

DATE: April 24, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0218-SPH  
Address 1900 Monkton Road  
(Otters Hollow Properties, LLC  
Property)

Zoning Advisory Committee Meeting of **February 18, 2019**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Reviewer: Regina Esslinger

CASE NAME 2019-02 OTTERS HOLLOW  
CASE NUMBER 2019-0218-SP4  
DATE 3/28/19

[illegible]

PLEASE PRINT CLEARLY

# CITIZENS

~~Petitioners~~

# CITIZEN'S SIGN - IN SHEET

CASE NAME MONKTON HOTEL

CASE NUMBER 2019-218-SPH

DATE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS

CITY, STATE, ZIP

E - MAIL

LYNNE JONES

815 STABLERS CHURCH RD

PARKION 21120

dryad103@hotmail.com

Thomas & Glorietta's 1828 Monkton Rd

Monkton 2111

705 SW CHANDS 110850 GATEWAY RD.

Monkton MD 21111

ACHUDSAHA@MSN.CO.

Wendy McIver 23 Manor Brook Rd.

Monkton MR 2111

wmciver23@hotmail.com



CHECKLISTComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No Comment

2/25

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

NO Comment

\_\_\_\_\_

DEPS  
(if not received, date e-mail sent \_\_\_\_\_)

\_\_\_\_\_

\_\_\_\_\_

FIRE DEPARTMENT

NO Objection  
w/conditions

3/12

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)NO  
Objection

2/19

STATE HIGHWAY ADMINISTRATION

\_\_\_\_\_

TRAFFIC ENGINEERING

\_\_\_\_\_

\_\_\_\_\_

COMMUNITY ASSOCIATION

\_\_\_\_\_

\_\_\_\_\_

ADJACENT PROPERTY OWNERS

\_\_\_\_\_

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date:

3/8/19

Daily Record

SIGN POSTING (1<sup>st</sup>)

Date:

3/5/19

by

DOK

SIGN POSTING (2<sup>nd</sup>)

Date:

3-25-19

by

"

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: \_\_\_\_\_



## Homestead Application Information

---

**Homestead Application Status:** No Application

---

## Homeowners' Tax Credit Application Information

---

**Homeowners' Tax Credit Application Status:** No Application

---

**Date:**

---



**Sparks-Glencoe Community  
Planning Council  
P.O. Box 937, Sparks, MD 21152**

March 15, 2019

**The Honorable John E. Beverungen  
Office of the Administrative Law Judge  
The Jefferson Building  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204**

**Re: Case No. 2019-218-SPH  
1900 Monkton Road  
3<sup>rd</sup> Councilmanic District  
Legal Owner: Otters Hollow Properties LLC  
Hearing Date: March 28, 2019**

Dear Judge Beverungen:

As you know, the Sparks-Glencoe Community Planning Council (SGCPC) is an all-volunteer organization dedicated to land conservation and preservation of the rural character of the North County portion of Baltimore County. The SGCPC is submitting this letter in support of a request for a variance regarding the above-referenced property.

The property in question is in the heart of Monkton right on the North Central Railroad Trail (NCR). This specific location has a particularly heavy recreational use in the spring, summer, and fall. Because of the historic character of the building, it is important to have a responsible steward who will maintain the site in general and the building in particular. Mr. Otterbein lives nearby in Monkton and is trusted by the local community as just such a responsible steward who does, and will continue to, manage this property responsibly.

The building is both commercial and residential. The commercial component serves users of the NCR Trail. There are also several longstanding apartments. Mr. Otterbein requires additional parking spaces to serve his commercial and residential tenants. It is our understanding that Mr. Otterbein has spoken with the neighboring land owners who have no objection to the variance. In addition, Mr. Otterbein has indicated that he will utilize appropriate natural screening and landscaping to make the additional parking fit with the site. He has also indicated that, if feasible, the new parking area will be a pervious surface.

As indicated above, SGCPC supports the variance request. In order for this property to be responsibly maintained, it must be financially self-sufficient. These additional parking spaces are necessary for the financial stability of the property. Mr. Otterbein is the type of landowner who understands and respects this historic property. The property itself is unique by reason of its shape and historic character, and the failure to permit the additional parking spaces will cause an

**PETITIONER' S**

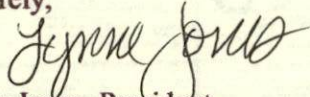


unreasonable hardship to Mr. Otterbein in his ongoing efforts to manage the property responsibly.

This property is important to the community, and SGCPD wants Mr. Otterbein to be successful in his efforts to keep the building functioning and responsibly maintained.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Jones".

Lynne Jones, President

Sparks-Glencoe Community Planning Council

# PETITIONER'S

EXHIBIT NO. 3

March 4, 2019

The Monkton Hotel  
1900 Monkton Road  
Monkton, MD 2111

To Whom It May Concern:

We are residents who live in the former Monkton Hotel, which is owned and run by Angelo Otterbein and Otter's Hollow Properties.

Since taking ownership, he has been very responsive to our needs and made numerous improvements to the property to make this a more comfortable and better place to live. This property has the unique qualities of a historic hotel, a communal atmosphere in a beautiful, rural location, with proximity to the NCR trail, the Gunpowder and the outdoors.

One of the improvements he has discussed with us is finding a better solution for parking. While occasionally we are able to park in the nearby lot that is part of the Monkton ranger station, frequently that parking is filled up by visitors to the trail. In short, the building itself does not have sufficient space for all the tenants, particularly when you include patrons to the cafe or who might be coming for yoga.

While this situation is somewhat manageable during the off season, the parking becomes a significant issue between Memorial Day and Labor Day. Angelo has parking signs and towing enforced, but it is a continual challenge despite his and our efforts to prevent people from taking tenant spots.

The proposed additional parking is long overdue and would make a significant improvement to living here. We unequivocally support the proposed addition of parking to the back area of the hotel.

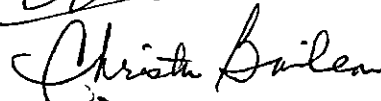
Print Name

Signature

C. MARTIN BECK



Christine Boileau



Matthew M. Nelson (Matthew M. Nelson)

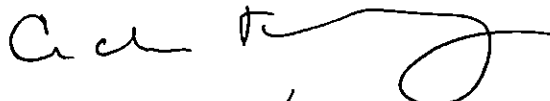
LORI SPORTELLI



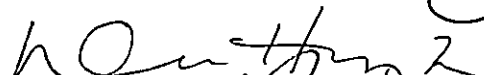
Gene Howson



ANDREW FLANNERY



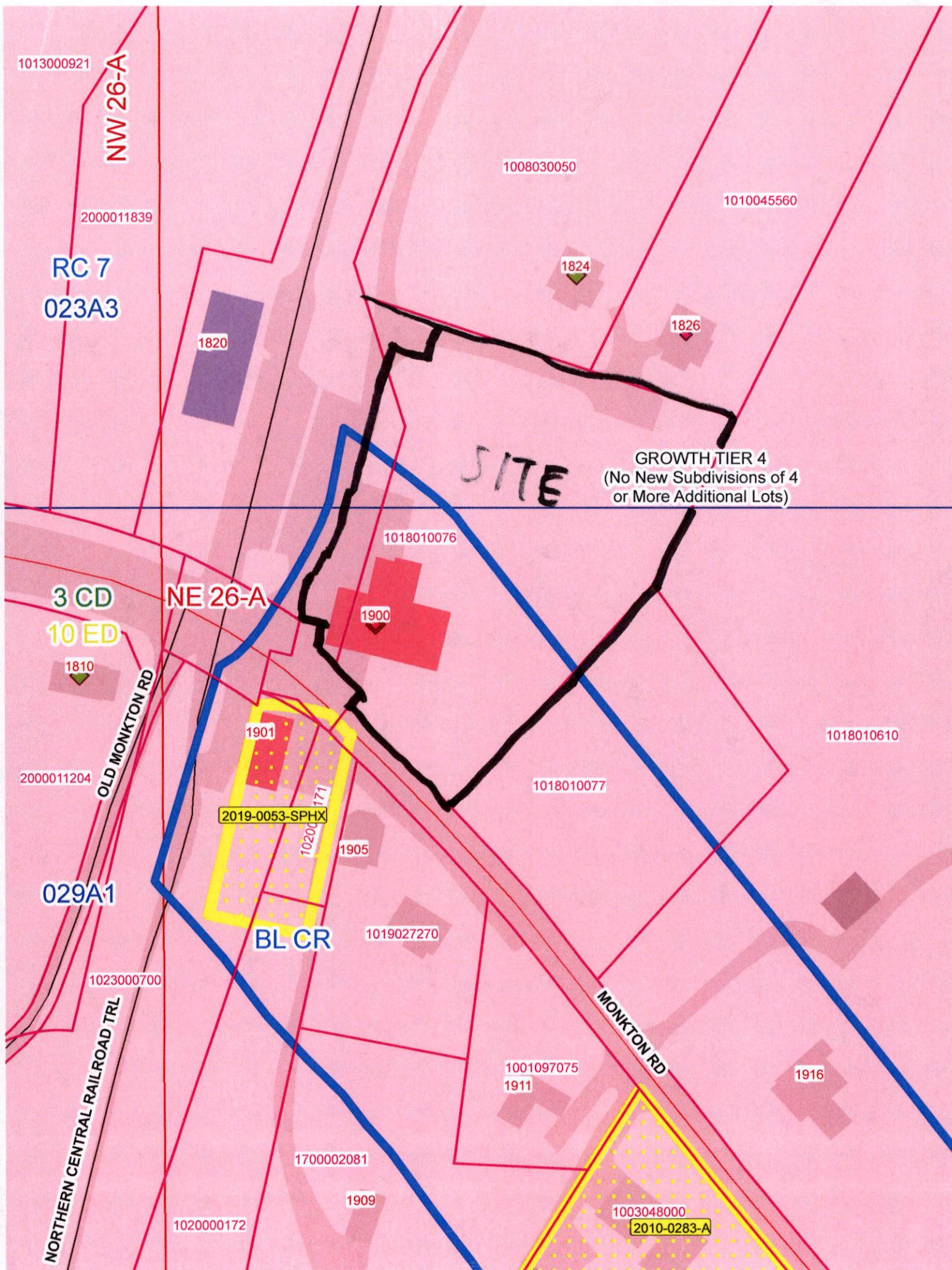
Dana Hauprich



BRAD PAUL





















2x









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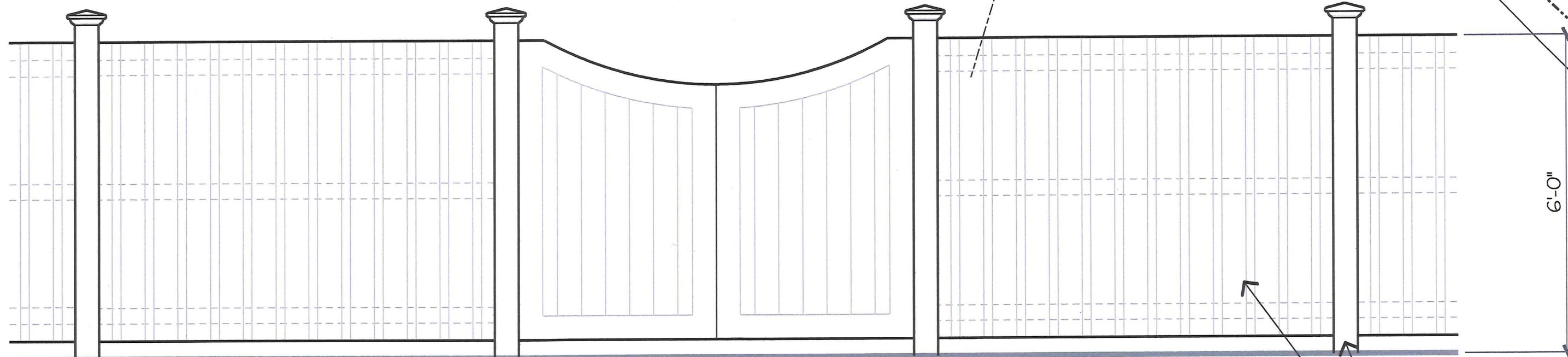
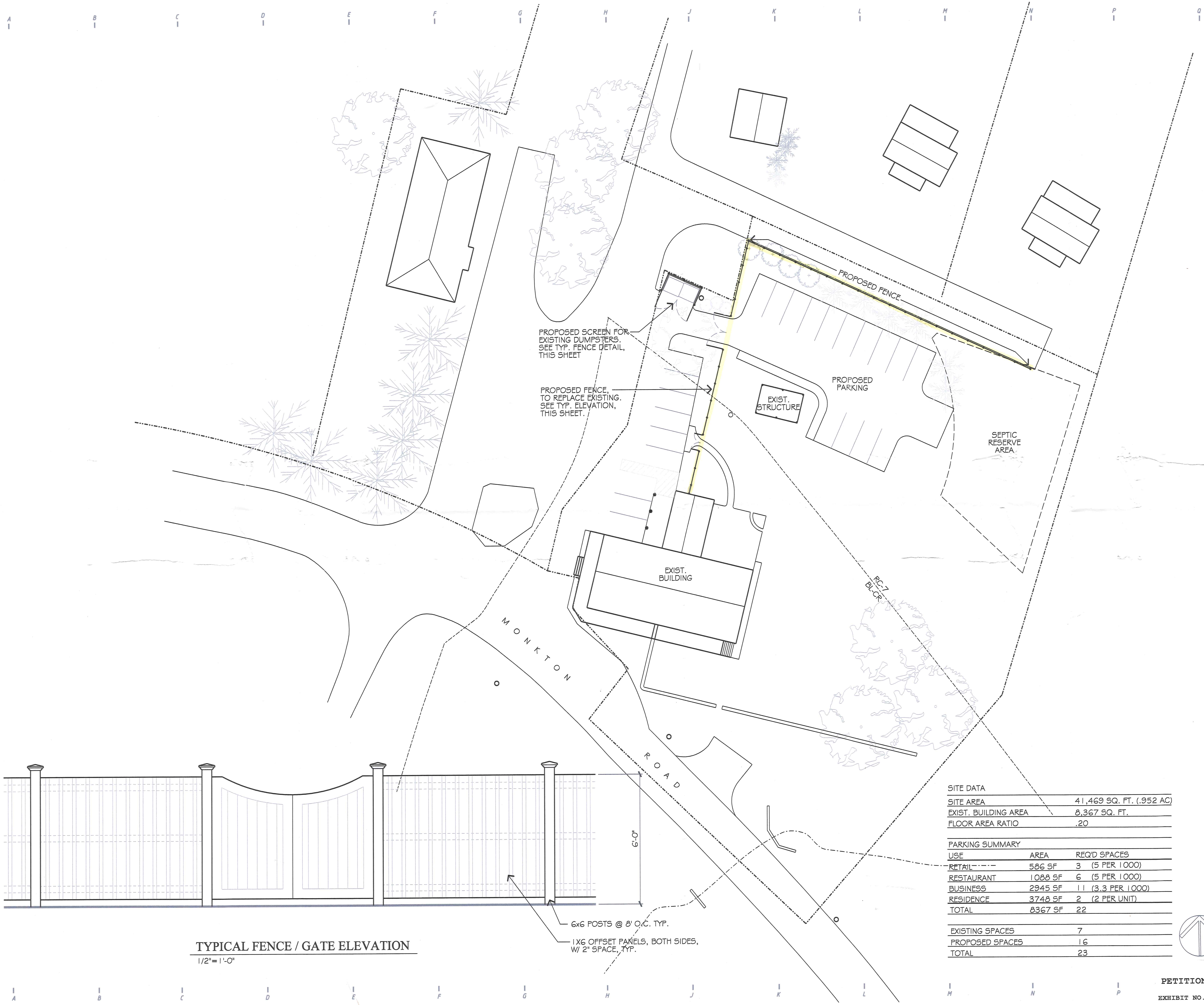


Date 9/27//19

**Otters Hollow  
Properties LLC  
Property  
Monkton Road  
Case #2019-0218-  
SPH**

| Date | # | Description                                                                                                                                          | Request                                      |
|------|---|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
|      | 1 | Landscape Plan                                                                                                                                       | Please review and provide an approval letter |
|      |   | This plan reflects the review request (signature by adjoining owners) that you had. Please provide an approval letter that we can submit to the ALJ. |                                              |
|      |   | Please feel free to email me with any questions you may have or if you need anything else.                                                           |                                              |





TYPICAL FENCE / GATE ELEVATION  
1/2" = 1'-0"

6x6 POSTS @ 8' O.C. TYP.  
1X6 OFFSET PANELS, BOTH SIDES,  
W/ 2" SPACE, TYP.

| SITE DATA            |                          |                    |
|----------------------|--------------------------|--------------------|
| SITE AREA            | 41,469 SQ. FT. (.952 AC) |                    |
| EXIST. BUILDING AREA | 8,367 SQ. FT.            |                    |
| FLOOR AREA RATIO     | .20                      |                    |
| PARKING SUMMARY      |                          |                    |
| USE                  | AREA                     | REQ'D SPACES       |
| RETAIL               | 586 SF                   | 3 (5 PER 1,000)    |
| RESTAURANT           | 1,088 SF                 | 6 (5 PER 1,000)    |
| BUSINESS             | 2,945 SF                 | 11 (3.3 PER 1,000) |
| RESIDENCE            | 3,748 SF                 | 2 (2 PER UNIT)     |
| TOTAL                | 8,367 SF                 | 22                 |
| EXISTING SPACES      | 7                        |                    |
| PROPOSED SPACES      | 16                       |                    |
| TOTAL                | 23                       |                    |

MONKTON  
HOTEL

1900 MONKTON ROAD  
MONKTON, MD 21111

SITE PLANNING  
&  
IMPROVEMENTS



Copyright Austin B. Childs Architecture, LLC 2018.  
Unauthorized use, reproduction or distribution  
strictly prohibited.

| No.       | Date | Item |
|-----------|------|------|
| REVISIONS |      |      |
|           |      |      |
|           |      |      |
|           |      |      |
|           |      |      |
|           |      |      |
|           |      |      |
|           |      |      |
|           |      |      |
|           |      |      |

Drawn \_\_\_\_\_  
Checked \_\_\_\_\_  
Approved \_\_\_\_\_

austin b childs  
architecture  
chickenranch design studio  
16850 gerting road  
monkton, maryland 21111  
410.472.9290  
achildsaia@msn.com

SITE PLAN

CONTRACT NO. \_\_\_\_\_  
SCALE 1" = 20'  
DATE March 20, 2019

PETITIONER'S  
EXHIBIT NO. 5

DESIGN DEVELOPMENT

SP



## GENERAL SITE INFORMATION

1. Ownership: Otters Hollow Properties LLC  
16706 Remare Road Monkton, MD 21111
2. Address: 1900 Monkton Road
3. Deed references: JLE 40643/ 450
4. Area: 0.952 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 29 / 162 / 10-18-010076
6. Election District: 10 Councilmanic District: 3  
ADC Map: 4235B8 GIS tile: 029A1 Position sheet: 103NE1  
Census tract: 410100 Census block: 24005410100  
Schools: Sparks District ES Hereford MS Hereford 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 029A1 and the information provided by Baltimore County on the internet.
8. Improvements: 3 story building (built prior to 1877), accessory structures & a parking lot. The existing building, accessory structures and the parking lot will remain. The subject dwelling was built in 1878 (per SDAT).

## OFFICE OF ZONING

Zoning: BL CR & R.C. 7 There are no previous zoning cases on the subject property.

### Parking Calculations

Required parking spaces per Section 409.6 BCZR:

|                                |                |
|--------------------------------|----------------|
| 13 residences (one bedroom)    | 13 x 1.25 = 17 |
| 1 Air Bed & Breakfast          | 1 x 2 = 2      |
| 1 Future Retail (1000 sf)      | 1.0 x 5 = 5    |
| 1 Restaurant (1500 sf)         | 1.5 x 16 = 24  |
| 1 Yoga Studio (500 sf)         | 0.5 x 10 = 5   |
| 1 Bike & Tube Rental (5000 sf) | 5.0 x 3 = 15   |

Total parking spaces required: 68

Parking spaces provided on site: 23

## ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir

1. The existing Building is currently served by a private well and septic system.
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

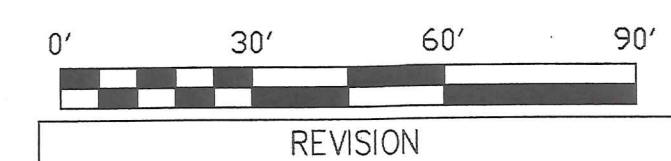
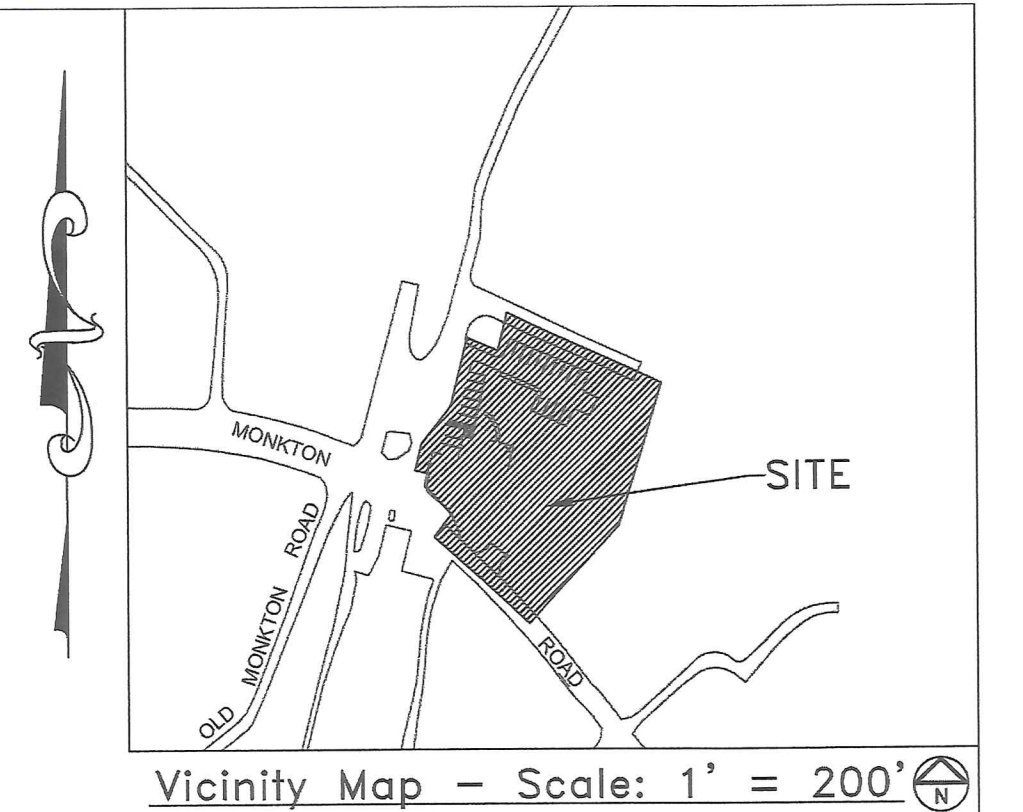
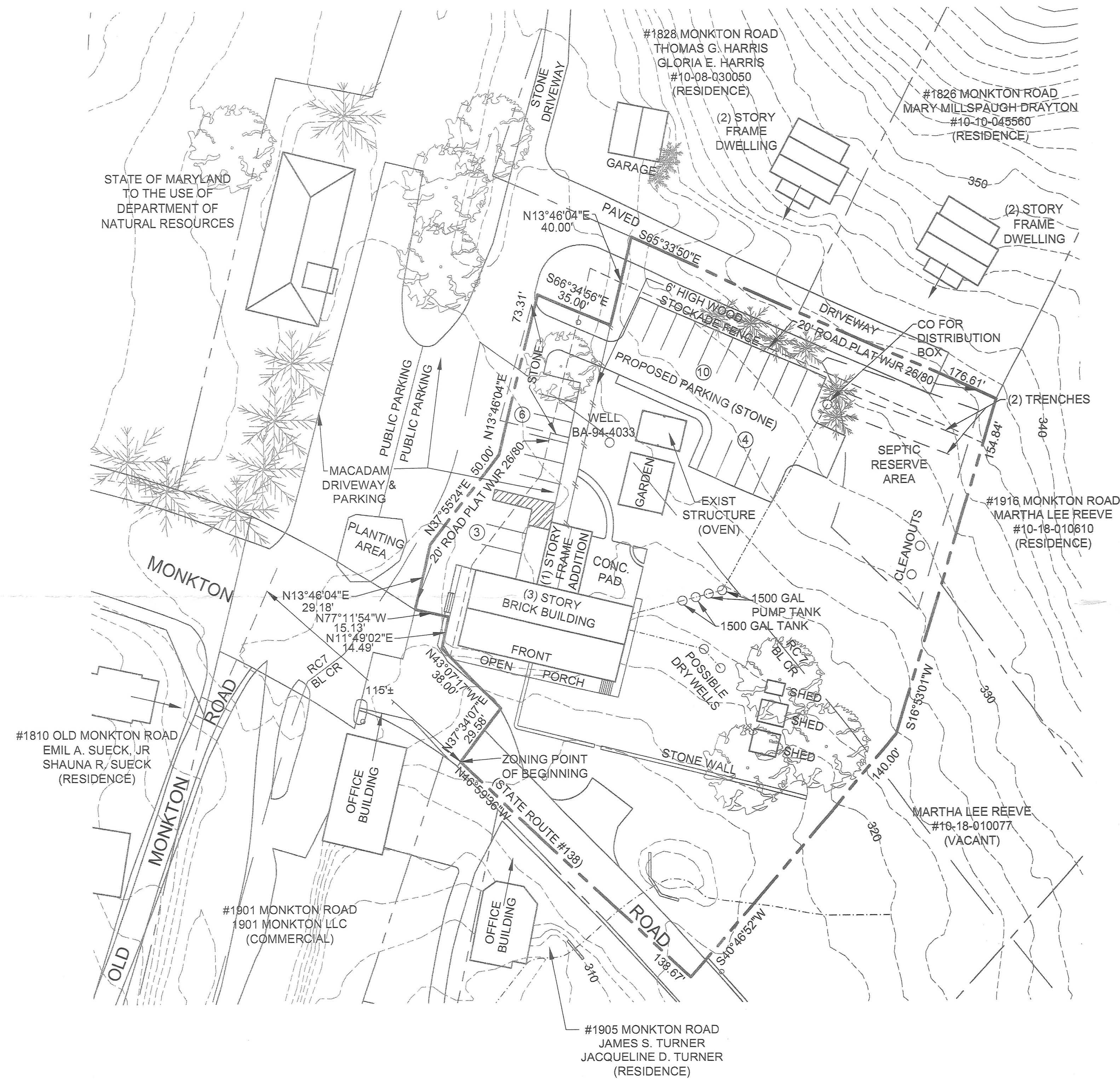
## OFFICE OF PLANNING

Regional Planning District: Jacksonville District Code: 305

1. The subject dwelling is historic- Monkton Hotel MHP #00116. The subject property is in the My Lady's Manor Historic District.
2. Growth Tier: 4 (Preservation and conservation areas- no major subdivisions on septic)

## PROPOSED DEVELOPMENT

To construct a parking lot in a RC 7 zone to benefit the continued use of the existing building with apartments, retail, rental services and a restaurant.



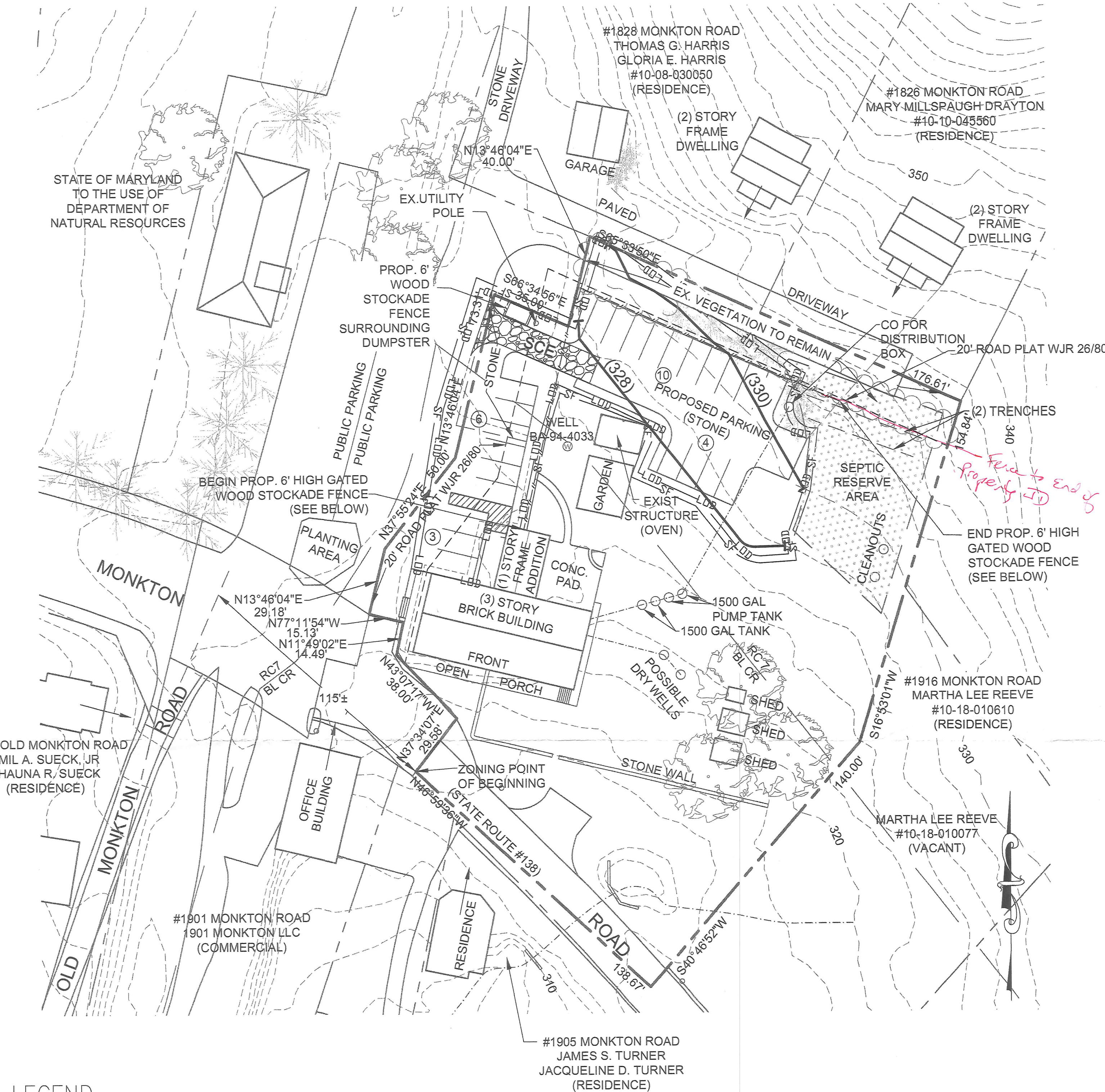
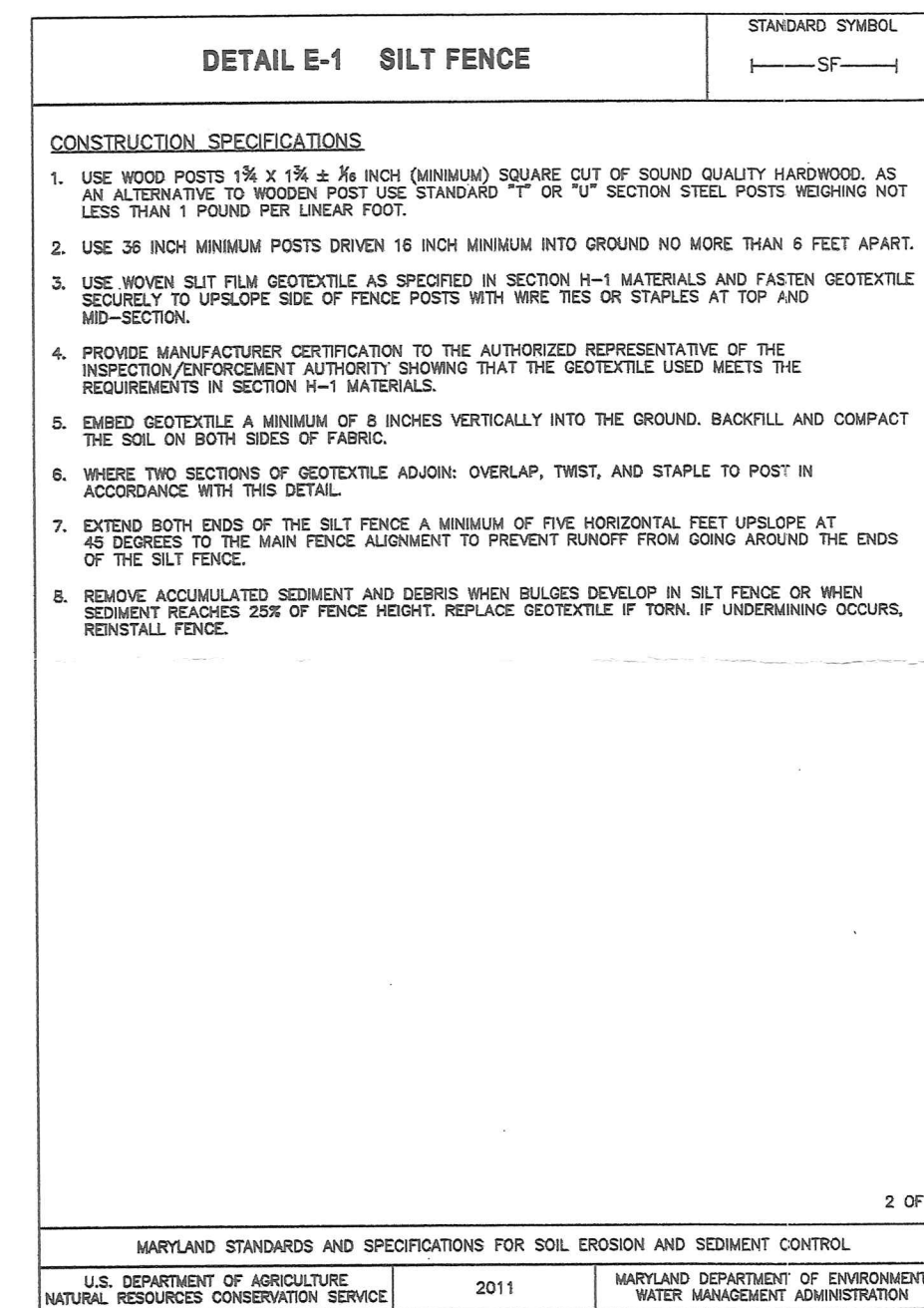
**Bruce E. Doak Consulting, LLC**  
Land Use Expert and Surveyor  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A  
ZONING PETITION APPLICATION  
FOR  
#1900 MONKTON ROAD  
BALTIMORE COUNTY, MARYLAND  
10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 12/31/2018  
Scale: 1"= 30'

STATE OF MARYLAND  
BRUCE EDWIN DOAK  
REGISTERED  
PROFESSIONAL SURVEYOR





EXISTING WELL  
EXISTING SEPTIC LINE  
LIMITS OF DISTURBANCE  
SILT FENCE  
SEPTIC RESERVE AREA  
PROPERTY BOUNDARY  
EXISTING CONTOURS  
PROPOSED CONTOURS

**NOTE:**  
Silt Fence to be located along L.O.D. boundary. Offset shown for graphic purposes only.





GENERAL SITE INFORMATION

1. Ownership: Otters Hollow Properties LLC  
16706 Remare Road Monkton, MD 21111
2. Address: 1900 Monkton Road
3. Deed references: JLE 40643/ 450
4. Area: 0.952 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 29 / 162 / 10-18-010076
6. Election District: 10 Councilmanic District: 3  
ADC Map: 4235B8 GIS tile: 029A1 Position sheet: 103NE1  
Census tract: 410100 Census block: 24005410100  
Schools: Sparks District ES Hereford MS Hereford 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 029A1 and the information provided by Baltimore County on the internet.
8. Improvements: 3 story building (built prior to 1877), accessory structures & a parking lot. The existing building, accessory structures and the parking lot will remain. The subject dwelling was built in 1878 (per SDAT).

OFFICE OF ZONING

Zoning: BL CR & R.C. 7 There are no previous zoning cases on the subject property.

Parking Calculations

Required parking spaces per Section 409.6 BCZR:

|                                |                |
|--------------------------------|----------------|
| 13 residences (one bedroom)    | 13 x 1.25 = 17 |
| 1 Air Bed & Breakfast          | 1 x 2 = 2      |
| 1 Future Retail (1000 sf)      | 1.0 x 5 = 5    |
| 1 Restaurant (1500 sf)         | 1.5 x 16 = 24  |
| 1 Yoga Studio (500 sf)         | 0.5 x 10 = 5   |
| 1 Bike & Tube Rental (5000 sf) | 5.0 x 3 = 15   |

Total parking spaces required: 68

Parking spaces provided on site: 23

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir

1. The existing Building is currently served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. 4. The subject property is not located within a 100 year flood plain

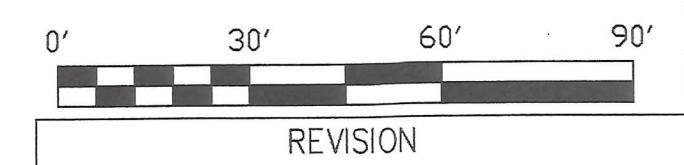
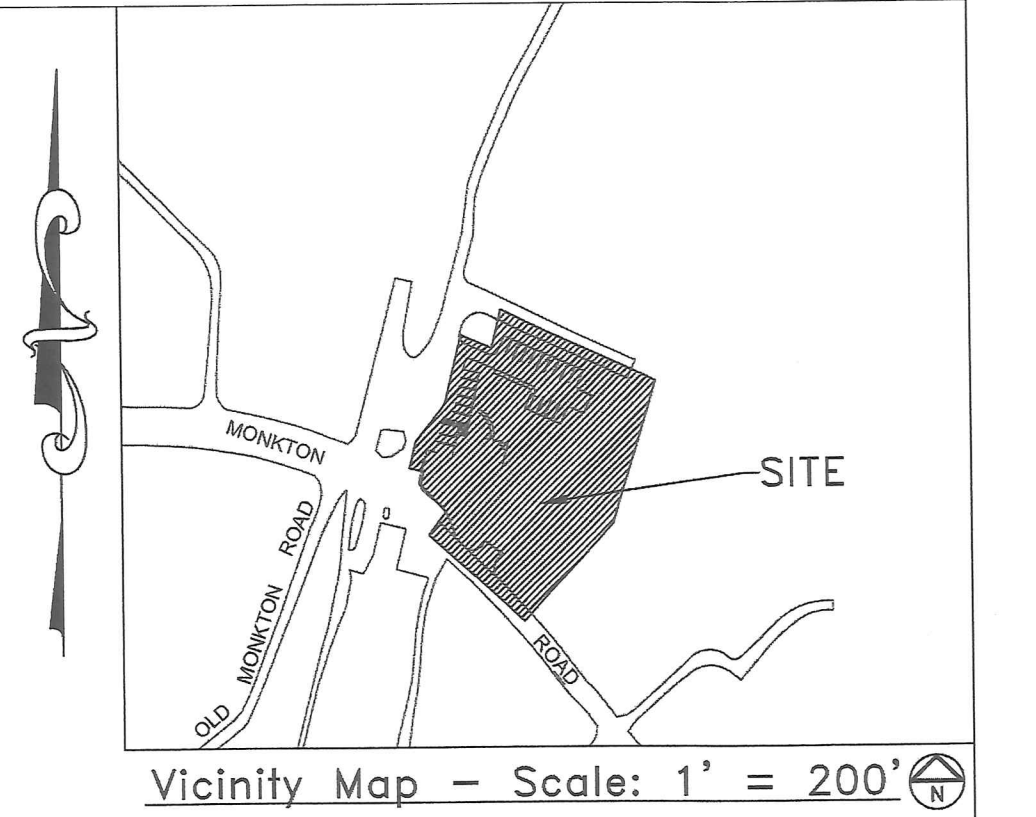
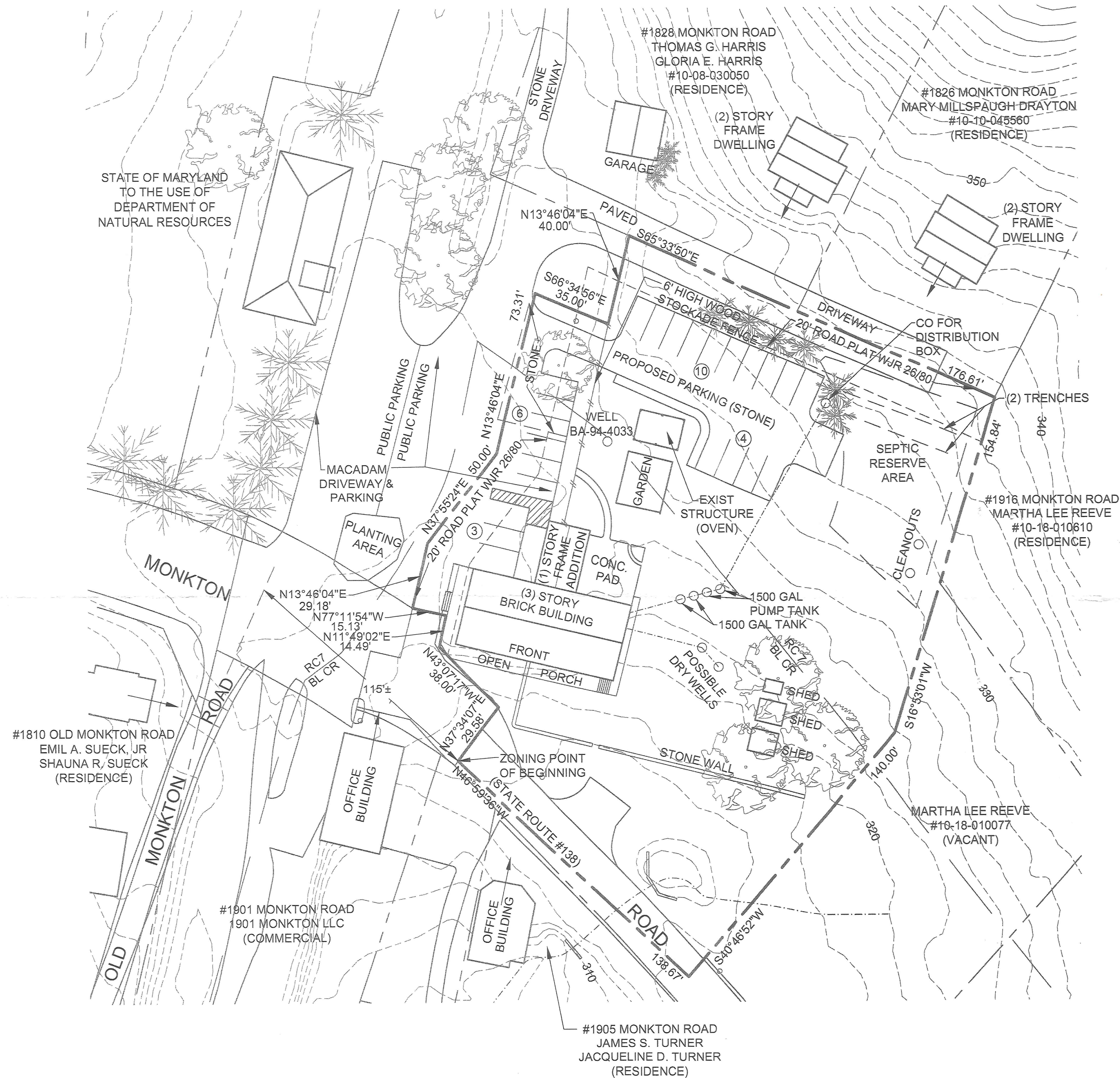
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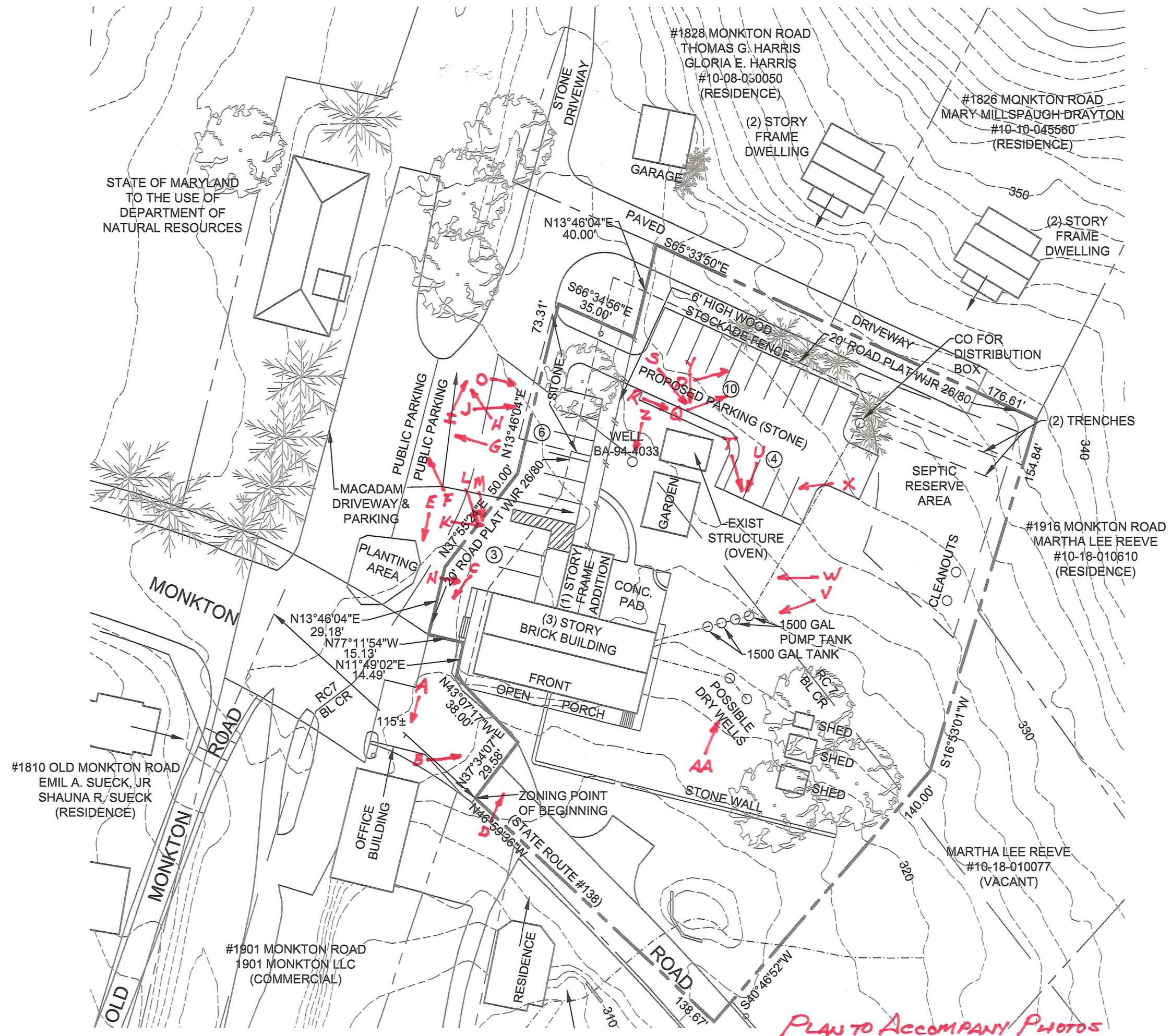
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PETITIONER'S  
PHOTOS A-AA  
EXHIBIT NO. 4

PLAN TO ACCOMPANY PHOTOS