



Howard L. Alderman, Jr., Esquire
O: 410.929.9113 | halderman@aldermanlaw.net

COPY

December 15, 2023

Jeffrey N. Perlow, Zoning Supervisor
Baltimore County Zoning Review Office
Department of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204

RE: Montanye Property
4500 Prospect Avenue
Requested Notification to DRC

Dear Mr. Perlow:

In a follow-up to a meeting among you, me and Messrs. Kellman and Cox, this documentation is submitted for your use in responding to the Development Review Committee (“**DRC**”). A DRC Application, docketed as DRC-2023-00017, for a lot line adjustment among two parcels of the Montanye Property, was submitted to and reviewed by the DRC on March 14, 2023. Enclosed, as Exhibit “A”, is the ‘Record’ of that meeting obtained from the County’s Citizen Access website. As highlighted on page 2 of that Exhibit, the matter was “[t]abled to the Department of Environmental Protection and Sustainability and to the Office of Zoning Review ***with no requirement to return to the DRC.***” (Emphases supplied.)

I represented the Montanye family in Case No. 2021-0006-SPH (the “**SPH**”) in which all relief requested was granted in 2021 (*See*, Exhibit “B”). As a result of the Administrative Law Judge’s (“**ALJ**”) public hearing, the configuration of 4500 Prospect Avenue (Parcel 0162 on Tax Map 0039) as a lot of record, and the combination/configuration of Parcels 36-A & 36-B (the A & B designations were assigned arbitrarily by SDAT) [into Parcel 36] as a single lot of record were confirmed. There was no appeal of that decision. On enclosed Exhibit “C”, the current configuration of those parcels approved by the ALJ are shown in color, with Parcel 162 outlined in yellow and parcel 36 outlined in blue.

Also confirmed by the ALJ during the SPH was the zoning density of each of those

parcels. Parcel 162 has density as a single lot/home which was utilized by the existing residence. Parcel 36 has unused density as a single lot/home.

My clients' submission to the DRC was to adjust the lot line(s) between those two parcels. You will recall that, historically, lot line adjustments were petitioned for SPH approval. Recognizing that outcomes on requests for lot line adjustments were not always consistent, the County Council adopted *Baltimore County Code* Section 32-4-106(a)(1)(viii), which set out statutory standards for approval of lot line adjustment, without the necessity and cost of a public hearing before the ALJ. Lot line adjustments are to be approved if they meet all of the following statutory standards:

1. The lots involved must be zoned residentially;
2. The lots involved must not be part of an approved Development Plan under Title 32;
3. The lots involved must not be part of an approved Development Plan under Article 1B of the Baltimore County Zoning Regulations;
4. The requested adjustment must apply to a divisional property line or lines between two or more lots in common ownership or by agreement of the owners;
5. The adjustment/alteration of lot line(s) cannot result in an increase or decrease in the number of lots; and
6. The adjustment/alteration of lot line(s) cannot result in an increase in total residential density available to the lots considered as a whole.

My clients' proposal seeks to reconfigure certain of the common lot lines between the two parcels, resulting in Parcel 0036 being 3.3 +/- ac and Parcel 162 being 12.2 +/- ac. The lot lines to be removed, the line to be added and the resultant reconfiguration are all shown on Exhibit "D", with Parcel 162 shown in yellow and Parcel 36 shown in blue.

Addressing the statutory approval requirements:

- A. Both lots are zoned residentially;
- B. Neither of the lots involved are part of an approved Development Plan under Title 32;
- C. Neither of the lots involved are part of an approved Development Plan

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- under Article 1B of the Baltimore County Zoning Regulations;
- D. The requested adjustment applies only to a divisional property line or lines between two or more lots in common ownership or by agreement of the owners;
 - E. The adjustment/alteration of lot line(s) does not result in an increase or decrease in the number of lots; and
 - F. The adjustment/alteration of lot line(s) does not result in an increase in total residential density available to the lots considered as a whole.

In summary, the existing lot lines, parcel configurations and density have all been considered by the ALJ and approved after a public hearing. The lot line adjustments requested meet all of the statutory requirements for approval.

Upon your receipt and review of this letter and the Exhibits thereto, we request that your office notify the DRC promptly that the Office of Zoning Review has no objection to the lot line adjustment as proposed. Certainly, should you desire additional information, beyond that included herewith, to prepare that notification please do not hesitate to contact me as soon as possible.

Thank you for your prompt attention to this matter.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gp
Enclosures

c (w/out encl.): The Montanye Families *[via email attachment only]*
 Mitchell Kellman, Planner *[via email attachment only]*
 Tyler Cox, Planner *[via email attachment only]*
 Lloyd T. Moxley, Development Manager *[via email attachment only]*
 Rick Richardson, P.E. *[via email attachment only]*