

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(11525 Falls Road)</b>		
8 <sup>th</sup> Election District	*	OFFICE OF
2 <sup>nd</sup> Councilmanic District		
Johanna Zentz	*	ADMINISTRATIVE HEARINGS
Petitioner	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2014-0183-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Geoff Ciniero, from CMS Associates, LLC on behalf of Johanna Zentz, (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a 1.3 acre parcel, as a building lot, which is a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement of 1.5 acres in the RC 5 zone.

Appearing at the public hearing in support of the requests was Geoff Ciniero, from CMS Associates, LLC, the firm that prepared the plan. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP) dated April 1, 2014, indicating that agency did not oppose the request.

The subject property is 1.3 acres and is zoned RC 5. The property is not contained within a subdivision and is not shown on a recorded plat. Mr. Ciniero presented a deed dated June 4, 1998, wherein the subject property was conveyed to the Petitioner, and thus it would appear as if

Petitioner has satisfied the requirements set forth in B.C.Z.R. §1A04.3.B.1.b, which specifically provides for Special Hearing relief to alter the minimum lot size.

The same regulation provides that the RC 5 zone performance standards may not be varied or altered. Id. As such, and consistent with the DOP's ZAC comment, the Order which follows will condition the relief upon Petitioner's compliance with these standards.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that Petitioner's Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 1st day of May 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to approve a 1.3 acre parcel, as a building lot, which is a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement of 1.5 acres in RC 5 zone, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner (or her successors and/or assigns) must prior to the issuance of a building permit satisfy the RC 5 zone performance standards, as determined by the DOP.

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