

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(4510, 4600 Prospect Avenue)</b>		
4th Election District	*	OFFICE OF
6th Council District		
Carlyle Montanye, III, Gettier-Montanye,	*	ADMINISTRATIVE HEARINGS
Incorporated; Estate of Carlyle N.		
Montanye, Jr.	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>	*	<b>Case No: 2021-0006-SPH</b>
<b>Petitioners</b>		

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Carlyle Montanye, III and Gettier-Montanye, Incorporated; Estate of Carlyle N. Montanye, Jr. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) to confirm the 1980 conveyance of 1.7 +/- ac. from Parcel 161 to Parcel 36 as a non-density, lot line adjustment which occurred before adoption of Baltimore County Code (“BCC”) § 32-4-106(a)(1)(viii). Approve the combination of Parcel 36-A (13.33 ac.) and Parcel 36-B (0.62 ac.) shown on the plan to accompany this Petition, Parcel 36-B being the remainder of the 1980 out-conveyance of 1.17 acres after the creation of Lot 1 (of 2 total lots) created by the subdivision plat of Glyndon Trace [PB51/F116] and confirm in the combined Parcel 36-A and 36-B, the single remaining density lot of the Glyndon Terrace subdivision. On Parcel A, comprised of 1.4 +/- ac. as a non-density parcel to remain with the BM zoned portion of the Parcel and confirm the density two residential lots in the RC-2 zone. Approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the Baltimore County Zoning Regulations (“BCZR”).

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu

of an in-person hearing. The Petition was properly advertised and posted.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Permits, Approvals & Inspections (“PAI”). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order. There were no protestants at the hearing.

Nate Montanye appeared in support of the Petition. Howard Alderman, Esquire represented the Petitioners. Geoffrey C. Schultz, of Polaris Land Consults, LLC also appeared. The site plan that he prepared and sealed was admitted as Petitioner’s Exhibit 1. The subject property consists of several parcels and is split zoned BM and RC 2. Because there was no opposition to the proposed relief the undersigned allowed Mr. Alderman to proffer the facts supporting the Petition. In summary, he explained that the requested relief will “clean up” the property lines and will not increase residential density. Based on the evidence presented I find that the requested relief is within the spirit and intent of the BCZR and will not harm the public health, safety, or welfare.

Good cause having been shown it is, THEREFORE, ORDERED this **23rd** day of **March, 2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief to confirm the 1980 conveyance of 1.7 +/- ac. from Parcel 161 to Parcel 36 as a non-density, lot line adjustment which occurred before adoption of Baltimore County Code (“BCC”) § 32-4-106(a)(1)(viii). Approve the combination of Parcel 36-A (13.33 ac.) and Parcel 36-B (0.62 ac.) shown on the plan to accompany this Petition, Parcel 36-B being the remainder of the 1980 out-conveyance of 1.17 acres after the creation of Lot 1 (of 2 total lots) created by the subdivision plat of Glyndon Trace [PB51/F116] and confirm in the combined Parcel 36-A and 36-B, the single

remaining density lot of the Glyndon Trace subdivision. On Parcel A, comprised of 1.4 +/- ac. as a non-density parcel to remain with the BM zoned portion of the Parcel and confirm the density two residential lots in the RC-2 zone, is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
- The subject 19.27 acres shall remain subject to the Baltimore County forest buffer and forest conservation regulations.

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

Signed \_\_\_\_\_  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM/dlm