

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION
(10813 Davis Avenue) *
2nd Election District *
4th Council District *
William E. and Kathleen Skullney *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0117-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed by the legal owners, William E. and Kathleen S. Skullney. The Petition for Special Hearing was filed pursuant to § 409.8.B of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Administrative Law Judge should approve business parking in a residential zone. In addition, a Petition for Special Exception was filed pursuant to B.C.Z.R. §1A04.2.16 and 402.2, to use the herein described property for a Tearoom.

Appearing at the public hearing in support of the requests were William E. and Kathleen S. Skullney and Bernadette Moskunus, with Site Rite Surveying, Inc., the consulting firm that prepared the site plan. Citizens who attended were Paul Dorsey, Beverly M. Griffith, Karen Koelbel, Joyce Utmar and Marthetta Kelley. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. The file does not contain any letters of opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was from the Department of Planning (DOP), which expressed its support for the project.

ORDER RECEIVED FOR FILING

Date 1-7-13

By Aln

Testimony and evidence offered at the hearing revealed that the subject property is 2.03 acres and is zoned RC-5. The property is improved with an historic dwelling, constructed in 1873. The Petitioners propose to use 750 square feet of the dwelling's first floor as a tea room, and they will continue to occupy the 2nd and 3rd floors of the dwelling as their principal residence.

Special Hearing

The Petition for Special Hearing seeks approval for business parking in a residential zone under (B.C.Z.R.) Baltimore County Zoning Regulations § 409.8.B. William Skullney testified that the church which is adjacent to their home has agreed (See Exhibit 2) to allow Petitioners to use 12 parking spaces on its lot for use by tea room patrons. The site plan shows that Petitioners will construct a walking path connecting their home to the church's parking lot, making it safe and easy for tea room customers to access the site. As noted, these are pre-existing parking spaces, and I do not believe that using 12 of the spaces (the church lot has over 80 spaces in total) for the tea room would in any way negatively impact the community.

Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. In fact, several members of the community attended the hearing and expressed enthusiastic support for the project. In addition, the Granite Historic Society, at its November 12, 2012 meeting, voted to support the Petition. Exhibit 4. Finally, Petitioners also submitted letters of support from 22 members of the community. Exhibit 5.

ORDER RECEIVED FOR FILING

Date 1-7-13

By sln

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners Special Hearing and Special Exception requests should be granted.

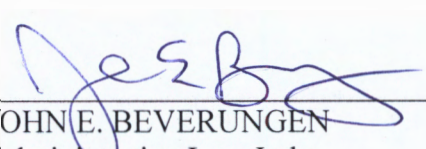
THEREFORE, IT IS ORDERED this 7th day of January, 2013, by this Administrative Law Judge, that Petitioners request for Special Hearing to determine whether or not the Administrative Law Judge should approve business parking in a residential zone, be and is hereby APPROVED, and

IT IS FURTHER ORDERED that Petitioner's Special Exception request from B.C.Z.R. §1A04.2.16 and 402.2, to use the herein described property for a Tearoom, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Tearoom hours of operation shall be restricted to Thursday through Saturday from 11:00 a.m. to 4:30 p.m.

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 1-7-13

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 7, 2013

William and Kathleen Skullney
10813 Davis Avenue
Granite, Maryland 21163

RE: Petitions for Special Hearing and Special Exception
Case No.: 2013-0117-SPHX
Property: 10813 Davis Avenue

Dear Mr. and Ms. Skullney:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

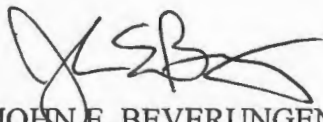
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

ORDER RECEIVED FOR FILING

Date _____

By _____


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bernadette Moskunas, 200 E. Joppa Road, Towson, Maryland 21286
Paul Dorsey, 9511 Old Court Road, Windsor Mill, Maryland 21244
Beverly M. Griffith, 10610 St. Paul Avenue, Granite, Maryland 21163
Karen Koelbel, 10803 Davis Avenue, Woodstock, Maryland 21163
Joyce Utmar, 10809 Davis Avenue, Woodstock, Maryland 21163
Marthetta Kelley, 2138 Hernwood Road, Granite, Maryland 21163



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 10813 Davis Avenue, Granite, 21163 which is presently zoned RC5
 Deed References: 6509/78 10 Digit Tax Account # 0201350250
 Property Owner(s) Printed Name(s) William E. Skullney, Kathleen S. Skullney

(SELECT THE HEARING(S) BY MARKING ☒ 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

Business parking in a residential zone per Section 409.8B, BCZR

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

*Tearoom pursuant to BCZR Sections 1A04.2 and 402.2
 Property will continue to be principal residence of property owners*

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:

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

William E. Skullney / Kathleen S. Skullney

Name #1 - Type or Print Name #2 - Type or Print

William E. Skullney / Kathleen S. Skullney

Signature #1

Signature #2

10813 Davis Avenue, Granite, Maryland

Mailing Address City State

21163 / 410-465-9116 / ksskullney@verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

Same as above

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0117-SPHX Filing Date 11/16/12

Do Not Schedule Dates: _____

Reviewer [Signature]

ZONING PROPERTY DESCRIPTION
#10813 DAVIS AVENUE

BEGINNING at a point at the southwest intersection of Davis Avenue (30 foot right-of-way) and Summit Avenue (20 foot right-of-way). Thence the following courses and distances: South 59 degrees 08 minutes 06 seconds West, 472.15 feet, binding along the centerline of Summit Avenue, thence leaving said centerline and running North 38 degrees 13 minutes 30 seconds West, 208.48 feet, thence running and binding on the southern tract boundary of the parcel belonging to the Chinese Bible Church of Howard County, North 58 degrees 36 minutes 53 seconds East, 436.71 feet to a point in the centerline of Davis Avenue, thence running and binding along the said centerline. South 49 degrees 30 minutes 15 seconds East, 169.72 feet and South 40 degrees 00 minutes 15 seconds East, 51.13 feet to the POINT OF BEGINNING as recorded in Deed Liber 6509 folio 78, containing 2.03 acres of land, more or less. Located in the 2nd Election District, 4th Councilmanic District.



Michael V.. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

Item # 0117

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

No. **90134**

Date: **11/16/12**

PAID RECEIPT

BUSINESS ACTUAL TIME D/W
 11/16/2012 11/16/2012 10:21:38 6

REN MSD6 WALKIN ITAY TST
 >>RECEIPT # 675410 11/16/2012 OFLN

Dept. 5 528 ZONING VERIFICATION
 CR NO. 090134

Recpt Tot \$835.00
 \$835.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				5835.00

Total: **5835.00**

Rec From:

For: **Zoning hearing - case # 2013-0117-SPHX**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2013-0117-SPHX

10813 Davis Avenue

SW/s Davis Avenue, NW of centerline of Summit Avenue

2nd Election District - 4th Councilmanic District

Legal Owner(s): William & Kathleen Skullney

Special Hearing: to approve business parking in a residential zone. **Special Exception:** to use herein described property for a Tearoom.

Hearing: Monday, January 7, 2013 at 11:00 a.m. In Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.
JT 12/668 Dec. 18 894290



501 N. Calvert Street, Baltimore, MD 21278

December 20, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on December 18, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0117-SPHX

PETITIONER/DEVELOPER _____

SITE RTE SURVEYING INC.

DATE OF HEARING/CLOSING: _____

1/7/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

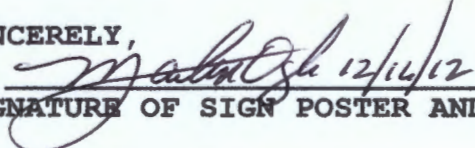
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 10813 DAVIS AVENUE

THIS SIGN(S) WERE POSTED ON December 14, 2012
(MONTH, DAY, YEAR)

SINCERELY,

 12/14/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2013-0117-SPHX

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 205, JEFFERSON BUILDING 105
PLACE: WEST CHESAPEAKE AVE. TOWSON 2/204

DATE AND TIME: MONDAY, JANUARY 7, 2013
AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO APPROVE BUSINESS
PARKING IN A RESIDENTIAL ZONE. SPECIAL EXCEPTION
TO USE HEREIN DESCRIBED PROPERTY FOR A
TEARDOWN

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-338-2300

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Y. J. Smith 12/14/12

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 18, 2012 Issue - Jeffersonian

Please forward billing to:
Kathleen Skullney
10813 Davis Avenue
Granite, MD 21163

410-465-9116

NOTICE OF ZONING HEARING

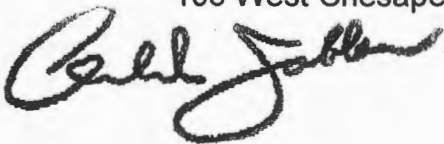
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0117-SPHX

10813 Davis Avenue
SW/s Davis Avenue, NW of centerline of Summit Avenue
2nd Election District – 4th Councilmanic District
Legal Owners: William & Kathleen Skullney

Special Hearing to approve business parking in a residential zone. Special Exception to use herein described property for a Tearoom.

Hearing: Monday, January 7, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 12, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0117-SPHX

10813 Davis Avenue

SW/s Davis Avenue, NW of centerline of Summit Avenue

2nd Election District – 4th Councilmanic District

Legal Owners: William & Kathleen Skullney

Special Hearing to approve business parking in a residential zone. Special Exception to use herein described property for a Tearoom.

Hearing: Monday, January 7, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Skullney, 10813 Davis Avenue, Granite 21163

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 18, 2012.**
- (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.**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

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 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 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:

Item Number or Case Number: 2013-0117-SPHX
Petitioner: Wm. and Kathleen Skullney
Address or Location: 10813 Dan's Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kathleen Skullney
Address: 10813 Dan's Ave
Granite, MD 21163
Telephone Number: 410-465-9116



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

January 3, 2013

William E. & Kathleen Skullney
10813 Davis Avenue
Granite MD 21163

RE: Case Number: 2013-0117 SPHX, Address: 10813 Davis Avenue, 21163

Dear Mr. & Ms. Skullney:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 16, 2012. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: November 29, 2012

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2012
Item Nos. 2013-0113,0114,0115,0117 and 0118,

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

DAK:CEN
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 14, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10813 Davis Avenue

RECEIVED

INFORMATION:

DEC 17 2012

Item Number: 13-117

Petitioner: William and Kathleen Skullney

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: RC 5

Requested Action: Special Hearing and Special Exception

SUMMARY OF RECOMMENDATIONS:

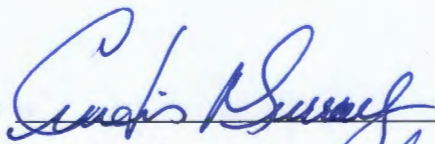
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a special hearing and special exception for business parking in a residential zone and for a Tearoom. The proposed Tearoom will be approximately 750 square feet and will be located within the petitioner's principal dwelling. The proposed hours of operation will be Thursday through Saturday from 11:00 a.m. to 4:30 p.m. The property immediately adjacent to the northwest of the property is a church.

According to the petitioner they are pursuing a written agreement with the church that would allow the use of 12 designated parking spaces on the church property, to provide parking for Tearoom patrons. There are also two handicapped parking spaces proposed on the subject property as well as a proposed landscape pathway for the patrons to access the Tearoom entrance from the church parking lot.

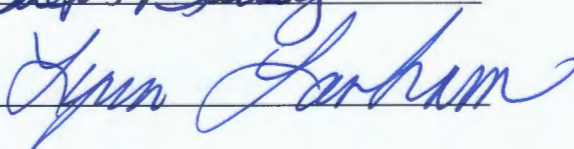
Considering the information and justifications provided, the Department of Planning opines that a Tearoom in this capacity would be appropriate in this setting and will not be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:
AVA/LL: CM



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
10813 Davis Avenue; SW/S Davis Avenue,	*	OF ADMINSTRATIVE
10' NW c/line Summit Avenue		
2 nd Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): William & Kathleen Skullney		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-117-SPHX

* * * * *

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

NOV 28 2012

.....

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 28th day of November, 2012, a copy of the foregoing Entry of Appearance was mailed to William Skullney, 10813 Davis Avenue, Granite, MD 21163, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: February 15, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0117-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on February 6, 2013. 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.'

c: ✓ Case File
Office of Administrative Hearings

Debra Wiley - Case 2013-0117-SPHX

From: John Beverungen
To: ksskullney@verizon.net
Date: 1/14/2013 12:23 PM
Subject: Case 2013-0117-SPHX
CC: Debra Wiley; Peter Zimmerman; Sherry Nuffer

Ms. Skullney,

I am in receipt of your January 11, 2013 correspondence, concerning the above matter. You have submitted an amended site plan, noting the correct hours of operation for the tearoom, and ask that the Order issued on 1-7-2013 in this case be revised, to reflect that the tearoom will operate from Wednesday (not Thursday) through Saturday, 11:00 a.m. to 4:30 p.m.

Though this communication is informal in nature, it shall serve as an amendment of the Order issued in the above matter, and will be included in the case file. Specifically, Condition #2, on page 3 of the January 7, 2013 Order, be and is amended to provide that the tearoom shall operate four days a week, Wednesday through Saturday, 11:00 a.m. to 4:30 p.m.

All other aspects of the January 7, 2013 Order shall continue in full force and effect.

John Beverungen
ALJ.

ORDER RECEIVED FOR FILING

Date 1-7-13
By Sen

KATHLEEN S. SKULLNEY
Attorney at Law
10813 Davis Avenue, Granite, Maryland 21163

January 11, 2013

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

JAN 11 2013

OFFICE OF ADMINISTRATIVE HEARINGS

RE: Request for Revision/Correction of ORDER
Petitions for Special Hearing and Special Exception
Case No.: 2013-0117 - SPHX
Property: 10813 Davis Avenue

Dear A.L. Judge Beverungen,

Please accept this letter as Petitioners' request for a slight revision/correction to the Order dated January 7, 2013 granting the above referenced petition for special exception use of their property. A copy of the Order is attached. The Order includes a restriction of the hours of Tearoom operation to "Thursday through Saturday from 11:00 a.m. to 4:30 p.m." as stated in Note 8 of the Site Plan admitted as Petitioners' Exhibit #1.

As Petitioners' testified at the hearing on January 7, 2013, they intend four days of operation for the tearoom, specifically Wednesday through Saturday. During the hearing, Petitioners agreed to the restriction of the hours of operation to those stated on the Site Plan, believing the Site Plan to reflect the days as Wednesday through Saturday. The notation of Thursday on the Site Plan was an inadvertent mistake which was not noticed by Petitioners.

Therefore, Petitioners respectfully request that the Order be revised/corrected to indicate the correct days of operation as Wednesday through Saturday and are submitting a corrected Site Plan as Petitioners' Corrected Exhibit #1 with this request. Please advise if anything further is required to effect this correction.

Petitioners greatly appreciate your assistance.

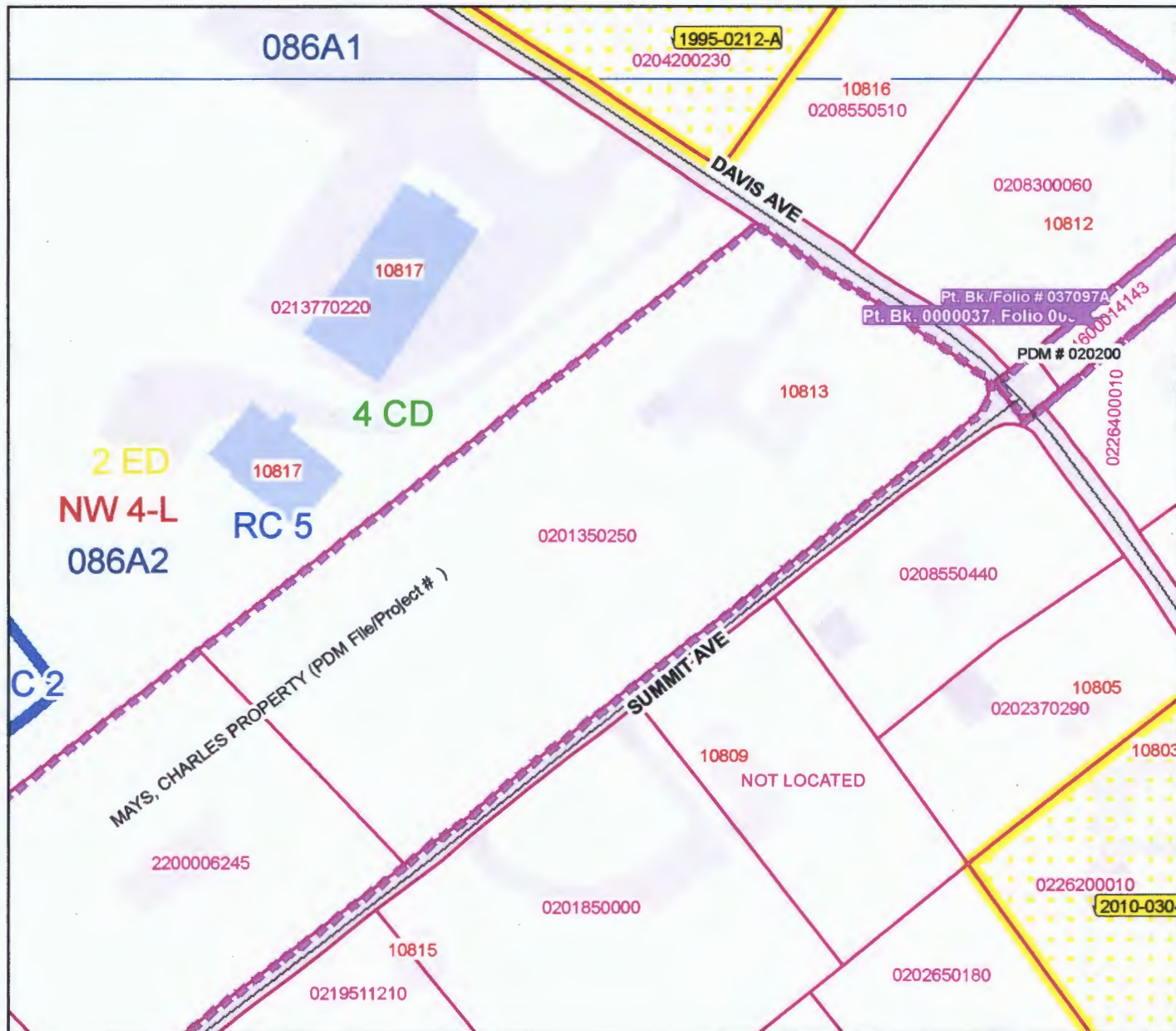
Sincerely,



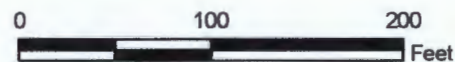
Kathleen S. Skullney

10813 Davis Avenue

II-464



Publication Date: November 16, 2012
Publication Agency: Permits, Approvals and Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

Item #0117

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 0201350250

Owner Information

Owner Name:	SKULLNEY WILLIAM EDWARD SKULLNEY KATHLEEN SUSAN	Use:	RESIDENTIAL
Mailing Address:	10813 DAVIS AV GRANITE MD 21163	Principal Residence:	YES
		Deed Reference:	1) /06509/ 00078 2)

Location & Structure Information

Premises Address	Legal Description
10813 DAVIS AVE 0-0000	2.03 AC WS DAVIS AV SUMMIT AV NW COR SUMMIT AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0086	0008	0129		0000				1	Plat Ref:

Special Tax Areas	Town
	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1891	2,241 SF	2.0300 AC	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2012	07/01/2013
Land	110,300	110,300		
Improvements:	96,600	96,600		
Total:	206,900	206,900	206,900	
Preferential Land:	0			

Transfer Information

Seller:	PEACH LORETTA ANNE	Date:	04/07/1983	Price:	\$84,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/06509/ 00078	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:	Approved 08/28/2012
--------------------------------------	---------------------

Item #0117

CASE NAME Skulling
CASE NUMBER 2013-0117 SPHX
DATE 11/7/2013

NAME _____

CITY, STATE, ZIP

E - MAIL

VERIZON.NET

[illegible]

CASE NAME SKULLNEY
CASE NUMBER 2013-0117SP4X
DATE 1/07/2013

[illegible]

Moskunas

Case No.:

2013-117-SPHX

1-7-13
An

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Jan 5, 2013 email re: use of church parking	
No. 3	Aerial Zoning Photo	
No. 4	Jan 5, 2013 letter Granite Historic Society	
No. 5	Letters of Support	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**CORRECTED
PETITIONERS'
EXHIBIT 1**

Case No. 2013-0117-SPHX

William SkullneyEXHIBIT NO. 2

From: Albert <albau@verizon.net>
Sent: Saturday, January 05, 2013 11:46 AM
To: Bill Skullney
Cc: Henry Ho; Desmond Chan; Jun Ma
Subject: Re: Tea Room Update

Hi, Bill,

Here is what I found out. Basically, the church has agreed and approved for the tea room's use of our church's parking on the condition that an agreement will be worked out between the tea room and the church. We are in the process of revising the agreement you sent us and it should be sent back to you in a couple of days.

Best regard!

Pastor Au

On 1/4/2013 9:51 AM, Bill Skullney wrote:

Ok thanks. I appreciate it.

Bill
Sent from my iPhone

On Jan 4, 2013, at 9:44 AM, Albert <albau@verizon.net> wrote:

Hi, Bill,

I'm in the process of checking already. So will let you know once I have some answers.

Sincerely,

Pastor Au

On 1/4/2013 9:26 AM, Bill Skullney wrote:

Pastor Al,

Sorry to bother you again. Since we have our hearing with the county on Monday, we are wondering what we can report to them regarding the status. I understand you need to further check on things once you are feeling better, but I was wondering what we can report to the county regarding the parking status. When we previously met with them we indicated that the request was in process so we were hoping to give them an update. What would you suggest we tell them regarding the status? We just way to

make sure that we accurately state where things stand.

Thanks again,
Bill
Sent from my iPhone

On Jan 4, 2013, at 7:52 AM, Albert <albau@verizon.net> wrote:

Hi, Bill,

I have been under the weather these few and days.
Will get back to you once I ck with others. Thank
you for your patience!

Pastor Au

On 1/4/2013 7:50 AM, Bill Skullney wrote:

Hi Henry,

Thanks for the note. Regarding your
comment, does this mean it has been
approved by the one committee?
Also if I recall correctly I believe
there were three committees that
needed to approve. Does this also
mean that there are still two other
committees to review our request?
Sorry for the questions - just trying
to understand where we are in the
process.

Thanks,
Bill
Sent from my iPhone

On Jan 4, 2013, at 7:14 AM, Henry
Ho <hihou2@yahoo.com> wrote:

Hi, Bill,

Greetings!

I would like you to
know that I the
matter has
proceeded to the
next committee in
our church, so I
have forwarded
your message to

Pastor Au, who is currently in charge of it.

Thanks.

Henry

From: William Skullney
<[weskite1873@verizon.net](mailto:weskate1873@verizon.net)>

To: 'Henry Ho'
<hihou2@yahoo.com>

Sent: Thursday,
January 3, 2013 12:02
PM

Subject: RE: Tea
Room Update

Hi Henry,

Happy New Year to you! Hope you had a nice holiday and that all is well.

We are continuing to prepare for our hearing with the County on Jan 7 so I thought I would check with you and see if there is any update regarding our request. We are hoping to be able to give the county some updated information regarding the parking situation. Also do you know if anyone will be able to attend the hearing on behalf of the Church? These meetings typically do not last that long so shouldn't take much of anyone's time. If you could give us an update we would appreciate it.

Thanks and Happy
New Year again,
Bill

From: William Skullney
[mailto:weskate1873@verizon.net]

Sent: Thursday,
December 13, 2012
2:29 PM

To: 'Henry Ho'

Subject: Tea Room
Update

Hi Henry,

Just thought I would
send a little update
and check in to see
how things are going.
As I believe I
mentioned previously
we filed our petition
with Baltimore
County and just
yesterday found out
that our public
hearing will be on Jan
7, 2013 at 11:00 in
Towson. There should
be a sign posted in
our yard before
Tuesday indicating
this as well as a few
other details. The
hearing shouldn't last
that long and as far as
we can see at this
point we don't believe
there will be any
problems. Basically
the hearing makes
sure that there are no
issues with the public
as well as the use of
the property is
consistent with zoning
requirements, which it
is.

Given the upcoming
meeting, how are

things going with your process and review of the draft contract we sent? Can we expect to get any comments before the meeting or do you have an estimated time as to when we might have some feedback? Also I think it would be a good idea to have a representative from the Church attend the public hearing if at all possible. Will that be possible? Even if the process has not been completed by then, the representative could at least reiterate that the Church is very receptive to the idea and that the details are still being worked. (Of course, assuming that is still the case).

Anyway please let us know where you stand and if a Church representative could attend the hearing.

Thanks,
Bill



PETITIONER'S

EXHIBIT NO. 3

Item # 0117 2008

PETITIONER'S

EXHIBIT NO.

4



Granite Historic Society

P.O.Box 43

Granite, MD 21163-0043

January 5, 2013

Special Exception Hearing
Case # 2013-0117-SPHX
Re: 10813 Davis Avenue

During the November Meeting of the Board of Directors of the Granite Historical Society, it was voted and approved to support the petition for Special Exception to existing zoning for the above property. The owners of the property intend to use the home for a tearoom.

The home known as the "William Albright House" was constructed in 1873. It is located on the perimeter of the Granite Historic District and considered to be a significant historic structure. The home has been celebrated on an Annual Christmas Ornament issued by the Society. The Board does not foresee this usage to have a negative effect on the community.

For The Board of Directors,

Paul S. Dorsey, Secretary
Granite Historic Society
410-922-7231



The Skullneys
10813 Davis Avenue
Granite, Maryland 21163

Dear Friends and Neighbors,

What do you think about a tea room in Granite?!

We have been part of the Granite Community for 29 years, loving our home here and treasuring the greater beauty and vibrancy of life in Granite. Our house is very much a part of the unique history of our Community, and we have loved raising our kids in it and having our grandchildren visit us here. But as we grow older, we are concerned about what might happen to "this old house" when we can no longer care for it. As many of you know, even the greatest old home is a constant challenge, both on your muscles and your pocketbook!

We have been trying to come up with ways to use the house that would assure the property stays as it is while at the same time enhancing the neighborhood and larger Community. We always thought we could have a bed and breakfast – the most usual and often charming use. In checking what is permitted, we were surprised to learn that a B & B now requires 5 acres and we don't qualify. But the greater surprise was that we could have a tea room! Right away, it seemed the perfect idea for the character of the house, the neighborhood and of Granite itself.

At this point, our idea is that the tea room would operate on a limited basis – possibly four days a week, but would be available for special events generally. We will use the whole first floor of our house for the tea room, but will continue to live here mostly on the second and third floors. The Chinese Bible Church next door will allow us to use their parking area nearest the house, so no big changes to our property are necessary. Finally, we don't have a name yet, but would love suggestions.

So, we will be filing a petition with Baltimore County for the tea room use and your opinion on this venture is very important. Would you be willing to comment below?

Thanks so much,

Bill and Kathy Skullney

Comment/Name Suggestion: below or granitetearoom@verizon.net

tl would be very happy to have a tea room in Granite.
The Skullney historic home is 3 houses away from mine
and it would be perfect for such a use.

Your Name and Address: Karen Koelbel 10803 Davis Ave. Woodstock MD
21163

Name suggestions - Stone Cutter's Tea House (Room)
Granite Quarry Tea Room Lovely Daughter's Tea Room



The Skullneys
10813 Davis Avenue
Granite, Maryland 21163

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Thanks so much,

Bill and Kathy Skullney

Comment/Name Suggestion: below or granitetearoom@verizon.net

I feel this would be a wonderful addition to the Granite Community

Your Name and Address:

Steve Goodmuth
10803 DAVIS AVE
WOODSTOCK, MD. 21163

Kathleen Skulney

From: Hanya Kim <hanyakim@gmail.com>
Sent: Wednesday, August 08, 2012 3:10 PM
To: granitetearoom@verizon.net
Subject: Let us know when you open!

And if we can send a letter in to support your zoning variance for the b&b. Love the idea.

Hanya
2727 ridge rd
Ruth's youngest daughter

Sent from my iPad

Kathleen Skullney

From: Peg McDermott <PegMcDermott@comcast.net>
Sent: Thursday, August 09, 2012 9:47 AM
To: granitetearoom@verizon.net
Subject: Tea Room

I was very excited to read about your proposed tea room. For the past couple of years, I have visited both Tiber River tea room in Ellicott City and Serenity Tea Room in Frederick. It has been such a relaxing way to visit with friends, plus a good gift giving idea in the form of gift certificates.

I live on Melrose and retired a couple of years ago. If you need some volunteers in setting up once you have approval, please let me know.



The Skullneys
10813 Davis Avenue
Granite, Maryland 21163

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So, we will be filing a petition with Baltimore County for the tea room use and your opinion on this venture is very important. Would you be willing to comment below?

Thanks so much,

Bill and Kathy Skullney

Comment/Name Suggestion: below or granitetearoom@verizon.net

I love the idea of a tea room. I can't wait to visit it. It will be a great asset to the community. I live across the street and will visit often.

Your Name and Address:

*Barbara & Dean Nelson
10810 Davis Ave
Woodstock, Md 21163*



The Skullneys
10813 Davis Avenue
Granite, Maryland 21163

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At this point, our idea is that the tea room would operate on a limited basis – possibly four days a week, but would be available for special events generally. We will use the whole first floor of our house for the tea room, but will continue to live here mostly on the second and third floors. The Chinese Bible Church next door has expressed willingness to allow us to use their parking area nearest the house (subject to working out the details), so hopefully no big changes to our property are necessary. Finally, we don't have a name yet, but would love suggestions.

So, we will be filing a petition with Baltimore County for the tea room use and your opinion on this venture is very important. Would you be willing to comment below?

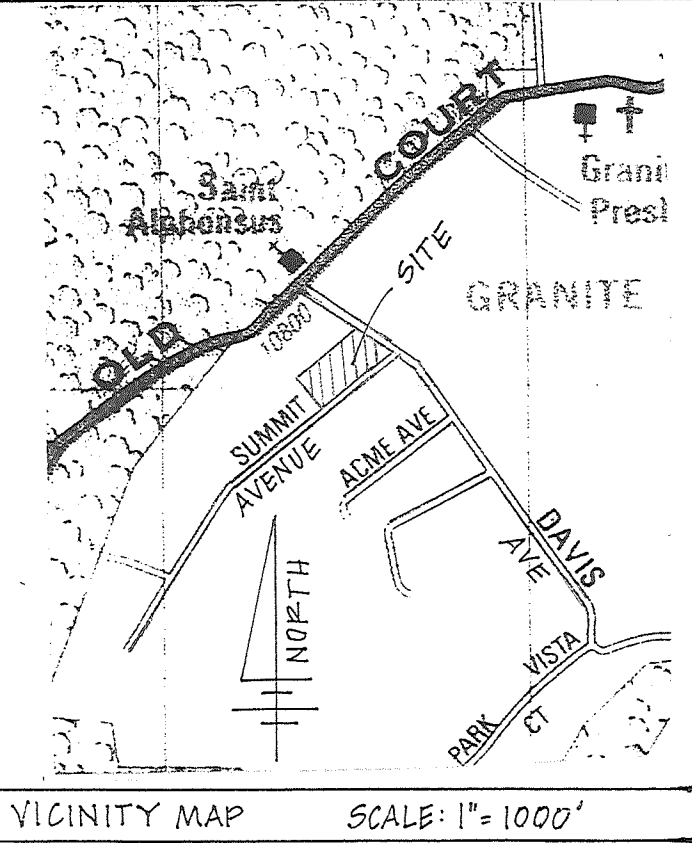
Thanks so much,

Bill and Kathy Skullney

Comment/Name Suggestion: below or granitetearoom@verizon.net

*I think this is a wonderful idea for the community and myself --
I'm a dedicated tea drinker!*

Your Name and Address: *Evelyn K Garvin* *10220 Davis Ave* *21163*



- GENERAL NOTES**
1. EXISTING ZONING: RCS (086A2)
 2. EXISTING LOT AREA: 2.03 AC +/- OR 88,426.8 SQ. FT. +/-
 3. EXISTING USE: SINGLE FAMILY DWELLING (EX. 3 STORY DWELLING BUILT IN 1891)
 4. PROPOSED USE: SINGLE FAMILY DWELLING WITH PROPOSED TEA ROOM (ACCESSORY USE LOCATED ON FIRST FLOOR ONLY)
 5. THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
 6. THIS PROPERTY IS NOT LOCATED WITHIN AN HISTORIC DISTRICT
 7. THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
 8. THE HOURS OF OPERATION WILL BE THURSDAY THROUGH SATURDAY FROM 11 AM - 4:30 PM. THE CHURCH HAS TWO SERVICES ON SUNDAY; THEREFORE, THERE WILL BE NO SCHEDULED TEA ROOM HOURS ON SUNDAY.
 9. THERE IS NO PRIOR ZONING HISTORY FOR THIS SITE.
 10. THE SURROUNDING PROPERTIES ARE RESIDENTIAL, EXCEPT FOR THE CHINESE BIBLE CHURCH OF HOWARD COUNTY THAT IS ADJACENT TO THE NORTHWEST BOUNDARY LINE OF THE SUBJECT PROPERTY. THE USE OF 12 DESIGNATED SPACES PURSUANT TO A WRITTEN AGREEMENT BETWEEN THE SUBJECT PROPERTY OWNERS AND THE CHURCH WILL ACCOMMODATE THE PARKING NEEDS FOR THE PROPOSED TEA ROOM.
 11. THIS PROPERTY IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEMS
 12. THERE IS NO PROPOSED DEVELOPMENT FOR THIS PROPERTY.
 13. ANY SIGNAGE PROPOSED WILL BE IN COMPLIANCE WITH SECTION 450, BCZR
 14. PARKING REQUIRED: 16 SPACES PER 1000 SQ. FT. (750 X 16/1000=12 SPACES) THE CHURCH HAS 245 SEATS, THUS REQUIRES SPACES 62 FOR SUNDAY SERVICE. THERE ARE 62 SPACES AVAILABLE.
 15. PARKING PROPOSED: PROPOSED TEA ROOM AREA: 750 SQ. FT. THERE WILL BE 12 PARKING SPACES LOCATED ON THE CHURCH LOT PURSUANT TO A WRITTEN AGREEMENT AND 2 HANDICAP SPACES ON THE SUBJECT PROPERTY.
 16. BOTH PARKING AREAS ARE A DURABLE DUSTLESS SURFACE AND WILL BE STRIPED AND STANDARD SIZE PER SECTION 409, BCZR
 17. THIS PROPERTY IS LOCATED OUTSIDE THE URBAN RURAL DEMARCATION LINE (URDL) AND DOES NOT REPRESENT ANY DEFICIENCIES PER THE 2012 BASIC SERVICE MAPS
 18. THERE IS A PROPOSED LANDSCAPE PATHWAY AREA FOR PATRONS TO ACCESS THE TEA ROOM ENTRANCE FROM THE CHURCH PARKING LOT.

PETITIONER'S
EXHIBIT NO. #1

PLAN TO ACCOMPANY PETITIONS
FOR SPECIAL EXCEPTION &
SPECIAL HEARING
"SKULLNEY PROPERTY"
#10813 DAVIS AVENUE
Tax Map: 86 Grid: 8 Parcel: 129
Tax Acct. No. 0201350250
Deed Ref: 6509 / 78
Election District No. 2 C4
Baltimore County, Maryland
Scale: 1" = 30'
October 31, 2012
JOB #10057

OWNER: WM. & KATHLEEN
SKULLNEY
10813 DAVIS AVENUE
GRANITE, MD 21163
(410) 465-9116



SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
PHONE: 410-828-9060

#2013-0117-SPHX



1. EXISTING ZONING: RC3 (08642)
2. EXISTING LOT AREA: 2.03 AC +/- OR 88,426.8 SQ.FT. +/-
3. EXISTING USE: SINGLE FAMILY DWELLING BUILT IN 1891
4. PROPOSED USE: SINGLE FAMILY DWELLING WITH PROPOSED TEA ROOM (ACCESSORY USE LOCATED ON FIRST FLOOR ONLY)
5. THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
6. THIS PROPERTY IS NOT LOCATED WITH AN HISTORIC DISTRICT
7. THIS PROPERTY IS NOT LOCATED IN A 100' YEAR FLOOD PLAIN AREA **WEDNESDAY**
8. THE HOURS OF OPERATION WILL BE ~~MONDAY~~ **THURSDAY** THROUGH SATURDAY FROM 11 AM - 4:30 PM. THE CHURCH HAS TWO SERVICES ON SUNDAY; THEREFORE, THERE WILL BE NO SCHEDULED TEA ROOM HOURS ON SUNDAY.
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SKULLNEY
10813 DAVIS AVENUE
GRANITE, MD 21163
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SITE RITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
PHONE: 410-828-9060