

IN RE: PETITION FOR ADMIN. VARIANCE *
8th Election District
3rd Councilmanic District *
(217 Melancthon Avenue)
Stephen W. and Deidre A. Seipp *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0117-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Stephen W. and Deidre A. Seipp. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed open projection (screened-in porch) to have a side yard setback of 9.5 ft. in lieu of the required 11.25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received on December 12, 2013 by this Office from the Department of Planning, dated November 17, 2013. The comment indicates at its November 14, 2013 meeting the Baltimore County Landmarks Preservation Commission approved the addition of a side porch as proposed and that their memo constitutes a Certificate of Appropriateness in accordance with Baltimore County Code (B.C.C.) Section 32-7-403. In addition, a letter of support was located in the file from an adjacent neighbor, (Todd Baldanza, 219 Melancthon Avenue), who had no objection to Petitioners' request.

ORDER RECEIVED FOR FILING

Date 12-12-13

By bw

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 23, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 12th day of December, 2013 that a Variance from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed open projection (screened-in porch) to have a side yard setback of 9.5 ft. in lieu of the required 11.25 ft., be and is hereby GRANTED, subject to the following:

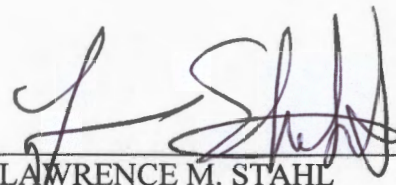
- The Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 12-12-13

By DW

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 12-12-13

By aw

KEVIN KAMENETZ
County Executive



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

December 12, 2013

Stephen W. Seipp
Deidre A. Seipp
217 Melancthon Avenue
Lutherville, Maryland 21093

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(217 Melancthon Avenue)
Case No. 2014-0117-A

Dear Mr. and Mrs. Seipp:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Lisa Kyle, 406 Dixie Drive, Towson, MD 21204
Todd Baldanza, 219 Melancthon Avenue, Lutherville, MD 21093



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 217 MELANCHTHON AVE. which is presently zoned DR-2

Deed Reference 06513100821 10 Digit Tax Account # 0813092440

Property Owner(s) Printed Name(s) STEPHEN & DIEDRE SEIPP

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1. **X** **ADMINISTRATIVE VARIANCE** from section(s)

Section 301.1.A – to permit a proposed open projection (screened-in porch) to have a side yard setback of 9½ feet in lieu of the required 11¼ feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

STEPHEN SEIPP

DIEDRE SEIPP

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

217 MELANCHTHON AVE., LUTHERVILLE, MD.

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

LISA KYLE (ARCHITECT)

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0117-A

Filing Date 11/8/13

Estimated Posting Date 11/24/13

Reviewer [Signature]

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 217 MELANCHTHON AVE., LUTHERVILLE, MD. 21093.
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The Owners propose to build a screened porch on the side of their house, attaching to the current breakfast/eating area. (A screened porch off of the rear of the house would force them to walk down several steps and through a family room in order to access the porch.)

The proposed screen porch needs to be 12'-0" on the interior, with an exterior dimension of 12'-6". So the sideyard setback would be 9'-6" in lieu of the 11'-3" required (According to Gary in the Department of Zoning at Baltimore County, per a phone conversation on August 13, 2013).

This is a narrow lot, which provides a hardship in building the desired porch.

The zoning was changed after they bought the house, reducing the allowable setbacks.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Affiant

W. Stephen Seipp
Name- Print or Type

[Signature]
Signature of Affiant

Deidre Seipp
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of October, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

W. Stephen Seipp and DIEDRE SEIPP
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

June 14, 2015
My Commission Expires

FRANCIS JOHN BIANCA JR.
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES JUNE 14, 2015

REV. 10/12/11

Item #0117

Zoning Description for 217 Melancthon Avenue

Beginning at a point on the south side of Melancthon Avenue, which is 50 feet wide, at a distance of 135 feet west of the centerline of the nearest improved intersecting street Francke Avenue, which is also 50 feet wide. Thence the following courses and distances: (1st Point of Call "POC") N 66° 01' W 70', (2nd POC) S 23° 59' W 255', (3rd POC) S 66° 01' E 70' and (4th POC) N 23° 59' E 255', back to the point of beginning as recorded in Deed Liber 6513, Folio 821, containing 17,850 feet. Located in the 8th Election District and 3rd Councilmanic District.

Item # 0117

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: 2014-0117-A
Petitioner: Diedre and Stephen Scipp
Address or Location: 217 Melancthon Ave, Lutherville MD 21093.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Diedre Scipp
Address: 217 Melancthon Ave
Lutherville MD 21093
Telephone Number: 410-667-1489

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

No. **105024**

Date: **11/8/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 11/12/2013 11/08/2013 14:15:46 8
 REG 0304 WALKIN SHIL SAN
 RECEIPT # 600869 11/08/2013 OFLH
 5 528 ZONING VERIFICATION
 105024
 Recpt Tot: 875.00
 875.00 CK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				875.00

Total: **875.00**

Rec

From:

For:

zoning hearing - cosa # 2014-0117-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

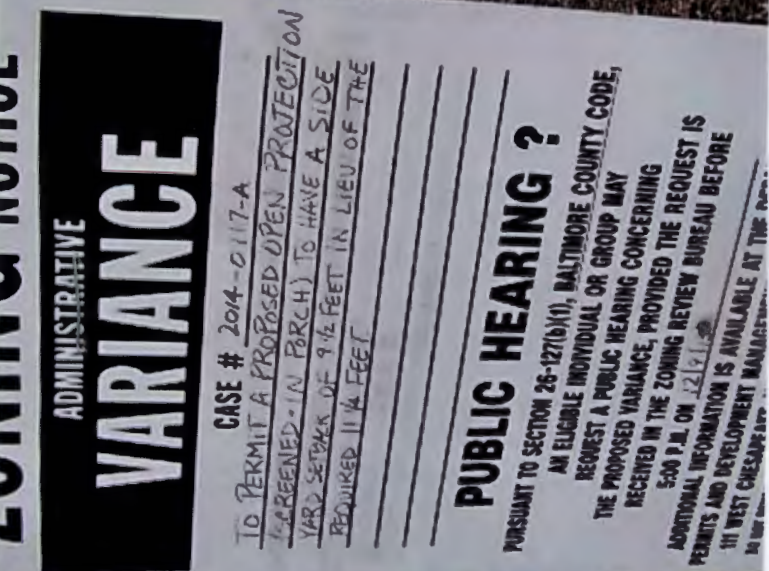
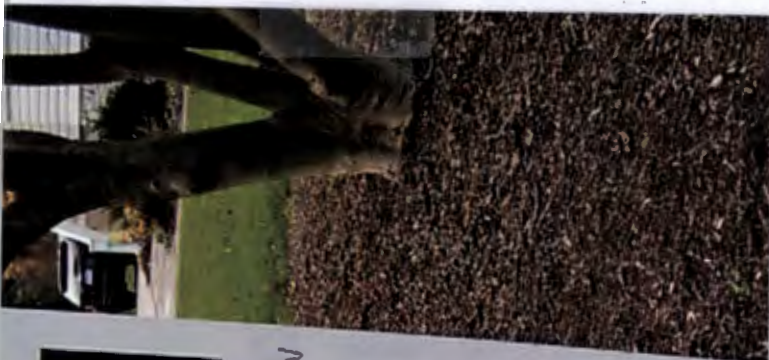
Date: 11-23-13

RE: Case Number: 2014-0117-A

Petitioner/Developer: Stephen Seipp

Date of Hearing/Closing: 12/9/13

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 217 Melancthon Ave



11/23/13
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

MEMORANDUM

DATE: January 27, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0117-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 13, 2014. 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

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-20</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>12-12</u>	PLANNING (if not received, date e-mail sent _____)	<u>Approved at Nov. 14 mtg. by Landmarks Preserv. Comm.</u>
<u>11-20</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
<u>11-14</u>	<u>R + P</u>	<u>NC</u>
_____	COMMUNITY ASSOCIATION	_____
<u>11-14</u>	ADJACENT PROPERTY OWNERS	<u>No objection</u>

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 11-23-13 by PilsonPEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0117 -A Address 217 Melancthon Ave

Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/8/13 Posting Date: 11/24/13 Closing Date: 12/09/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2014- 0117 -A Address 217 Melancthon Ave

Petitioner's Name Stephen + Deidre Seipp Telephone 410 667 1489

Posting Date: 11/24/13 Closing Date: 12/09/13

Wording for Sign: To Permit a proposed open projection (screened-in porch)
to have a side yard setback of 9 1/2 feet in lieu of the required
11 1/4 feet

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 25, 2013
Item No. 2014-0117, 0118 and 0119

DATE: November 20, 2013

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC11252013 -.doc



KEVIN KAMENETZ
County Executive

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

December 11, 2013

Stephen & Diedre Seipp
217 Melancthon Avenue
Lutherville MD 21093

RE: Case Number: 2014-0117 A, Address: 217 Melancthon Avenue

Dear Mr. & Ms. Seipp:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 8, 2013. 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." The signature is written in a cursive style with a large, stylized "W" and "C".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lisa Kyle, 406 Dixie Drive, Towson MD 21204

KEVIN KAMENETZ
County Executive

Kristen,

Please put in
Case file

2013-0117-SPHX

Kathleen S. Skullney, Esquire
10813 Davis Avenue
Granite, Maryland 21163

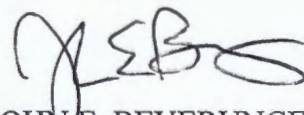
RE: Petitions for Special Hearing, Special Exception
Property: 10813 Davis Avenue
Case No.: 2013-0117-SPHX

Dear Mrs. Skullney:

I am in receipt of your correspondence dated April 24, 2014, concerning the captioned matter. Therein, you have requested clarification of the January 7, 2013 Order, concerning whether you are permitted (within the context of the Special Exception relief granted) to install kitchen equipment in the basement of the dwelling to support the tea room operation on the first floor.

As you note in your correspondence, the zoning relief granted allowed for the tea room use, and a logical correlative is that you would be permitted to implement whatever changes were necessary to implement that use. As such, I believe installation of kitchen equipment in the basement (which I understand would be for the preparation of food & drinks for service to patrons in the tea room) would be within the "spirit and intent" of the January 7, 2013 Order.

Sincerely,



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

c: Arnold Jablon, Permits, Approvals & Inspections

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

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

April 24, 2014

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

RECEIVED

APR 25 2014

OFFICE OF ADMINISTRATIVE HEARINGS

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

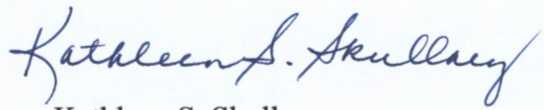
Dear A.L. Judge Beverungen,

In pursuing the various permitting requirements related to the above tearoom use, Petitioners have been advised that the installation of kitchen equipment in the basement should have been specified in the original Petition. In both the Petition and the hearing, Petitioners described the tearoom use as “located on the first floor only” meaning that was where tea would be served, and the upper floors of the house would remain residential. Petitioners now understand that all of the changes related to tearoom use needed to be specified, including those in the basement. The Baltimore County Health Department has already indicated that the basement installation of kitchen equipment for the tearoom is acceptable.

Understanding that your Order granting the special exception use in the above case is intended to cover all the necessary changes for its implementation, Petitioners respectfully request confirmation that the kitchen installation in the basement falls within the “spirit and intent” of that Order. A copy of the Order is attached.

As before, Petitioners greatly appreciate your assistance.

Sincerely,



Kathleen S. Skullney

Cc: Arnold Jablon

Kathleen Skullney

From: John Beverungen <jbeverungen@baltimorecountymd.gov>
Sent: Monday, January 14, 2013 12:24 PM
To: ksskullney@verizon.net
Cc: Debra Wiley; Peter Zimmerman; Sherry Nuffer
Subject: Case 2013-0117-SPHX

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.

**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.

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

Debra Wiley - Re: Administrative Variance 2014-0117-A

From: Vicki Nevy
To: Brown, Karin; Wiley, Debra
Date: 12/12/2013 10:28 AM
Subject: Re: Administrative Variance 2014-0117-A
Attachments: 217 Melancthon Avenue 111413.docx; Seipp 217 Melancthon Ave.pdf

RECEIVED
DEC 12 2013
OFFICE OF ADMINISTRATIVE HEARINGS

Hi Debbie,

The LPC did review the project at the November meeting. The project was approved as submitted. A copy of the approval for the project is attached as well as a copy of the plans they reviewed. Let me know if you need additional information.

Vicki

>>> Debra Wiley 12/12/2013 10:25 AM >>>
Good Morning,

Our office has received and is processing the above referenced administrative variance which closed on 12/9/13. In reviewing the file, it appears there's no ZAC comment from Planning. Ideally, I believe we usually have a comment on historic properties.

Can you provide details as to whether the request needs to go, or has already gone, to the Landmarks Preservation Committee.

Thanks in advance and have a great day !

Please see case description below:

CASE NUMBER: 2014-0117-A

217 MELANCTHON AVE.

Location: S/S Melancthon Avenue, 135 ft. W of c/line of Francke Avenue
8th Election District, 3rd Council District

Legal owners: Stephen & Diedre Seipp

ADMINISTRATIVE VARIANCE To permit a proposed open projection (screened-in porch) to have a side yard setback of 9.5 ft. in lieu of the required 11.25 ft.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PLANNING**

Memorandum

RECEIVED

DEC 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Deidre Seipp
Steve Seipp

DATE: November 17, 2013

FROM: Vicki Nevy, Administrator/Secretary
Landmarks Preservation Commission

SUBJECT: 217 Melancthon Avenue
Lutherville County Historic District
Lutherville National Register Historic District
MIHP # BA-0314

At its November 14, 2013 meeting, the Baltimore County Landmarks Preservation Commission approved the addition of a side porch as proposed.

This memo constitutes a Certificate of Appropriateness in accordance with *Baltimore County Code* Section 32-7-403.

VKN:vkn

BALTIMORE COUNTY HISTORIC PERMIT APPLICATION
For Projects located in Local Historic Districts or for Structures on the
Preliminary or Final Landmarks List

This application must be typewritten or printed legibly and submitted to the Office of Planning. All items must be completed and the required documents must accompany this application. Appointments are appreciated and encouraged-410-887-3495

DEE AND STEVE SEIPP
Applicant

217 MELANG THON AVE.
Street Address

LUTHERVILLE, MD 21093.
City, State, Zip Code

410-667-1489
Daytime Telephone Number

PLEASE DO NOT WRITE IN THIS SPACE

Application No.
Date Received
Date Completed
Review Date
Historic District
MHT Inventory No.
Landmark List No.

RECEIVED

DEC 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Owner, if not Applicant

Street Address

City, State, Zip Code

Daytime Telephone Number

LISA KYLE (ARCHITECT).
Architect or Contractor

406 DIXIE DR
Street Address

TOWSON MD 21204
City, State, Zip Code

410-583-7474.
Daytime Telephone Number

PROPERTY DESCRIPTION:

Name of Property (If Applicable)

217 MELANG THON AVE, LUTHERVILLE, MD 21093.
Property Address (street address and zip code)

MAP → PARCEL
Property Tax Map Number 006010353
(map/grid/parcel)

→ 0813092440
Tax Account Number
Election District (2 digits) Property Tax Number (10 digits)
ELECTION DISTRICT 8

TYPE OF WORK (Check all that apply)

- | | |
|--------------------------------------|---|
| ☐ Fence | ☐ Windows/Doors/Shutters |
| ☐ Siding/Trim | ☒ Addition |
| ☐ Signage | ☐ Roofing |
| ☐ Parking Lot | ☐ Accessory Building |
| ☐ Landscaping | ☐ Other |

- ☐ Exact Duplicate-same design and materials
☐ Ordinary Maintenance-repaint, repair, no change in design or materials

DETAILED DESCRIPTION OF PROPOSED WORK (attach extra sheet if necessary)

ADDITION OF SCREENED PORCH.

IS A BALTIMORE COUNTY PERMIT REQUIRED FOR THE PROPOSED WORK?

☒ YES ☐ NO

County (PDM, DRC, or Building Permit) Project No. (if applicable):

(If you are unsure about whether or not you need a permit, please contact Permits & Development Management at 410-887-4455)

We will need permits, but have not applied for the building permit yet.

ACCEPTANCE OF APPLICATION: The material listed on the reverse side must be submitted in addition to this form to constitute a complete application. Applications will be formally accepted for processing only after staff has reviewed them for completeness. Incomplete applications will not be accepted and shall be returned to applicant as soon as feasible with a detailed list of all needed information.

FILING DATE OF APPLICATION: The completed application must be filed no later than fourteen working days prior to the regularly scheduled meeting of the Landmarks Preservation Commission (LPC). The LPC meets the second Thursday of every month (except August and December) at 6:00 pm, The Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. All applicants and interested parties are urged to attend.

I hereby affirm that the information included with this application is true and complete to the best of my knowledge.

Medie Luggs
APPLICANTS SIGNATURE

9/23/13
DATE

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 11-20-13

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2014-0117-A
Administration Variance
Stephen & Diedre Seipp
217 Melancthon Avenue

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0117-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

From: Jeanette Tansey
To: kmatthews@baltimorecountymd.gov
Date: 11/14/2013 4:39 PM
Subject: ZAC Agenda due 11/25/13

Following are the comments for the Department of Recreation and Parks regarding Local Open Space on the above noted agenda:

2014-0115-SPH - This appears to be within the Roland Run environmental greenway, therefore approval is not recommended.

2014-0116-SPHA - No comment

2014-0117-A - No comment

2014-0118-A - No comment

2014-0119-A - No comment

Jeanette M. S. Tansey, R.L.A.
Development Plans Review
Department of Permits, Approvals and Inspections
111 W. Chesapeake Ave, Rm 119
Towson, MD 21204
410-887-3751
410-887-2877 Fax
jtansey@baltimorecountymd.gov

Real Property Data Search (w2)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 08 Account Number - 0813092440	
Owner Information		
Owner Name:	SEIPP W STEPHEN SEIPP DEIDRE A	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	217 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321	Deed Reference: 1) /06513/ 00821 2)
Location & Structure Information		
Premises Address:	217 MELANCTHON AVE 0-0000	Legal Description: LT SS MELANCTHON AV 450 E FRANCKE AVE
Map: 0060	Grid: 0018	Parcel: 0353
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Plat No:	Plat Ref:	
Special Tax Areas:	Town: NONE	
	Ad Valorem:	
	Tax Class:	
Primary Structure Built 1892	Above Grade Enclosed Area 2,644 SF	Finished Basement Area 17,850 SF
Property Land Area 04	County Use	
Stories 2.500000	Basement YES	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 1 full/ 1 half	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of 07/01/2013
		As of 07/01/2014
Land:	214,200	214,200
Improvements	177,400	177,400
Total:	391,600	391,600
Preferential Land:	0	
Transfer Information		
Seller: MCADAMS DAN WOODROW	Date: 04/18/1983	Price: \$97,820
Type: ARMS LENGTH IMPROVED	Deed1: /06513/ 00821	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments: Class		
County: 000	07/01/2013	07/01/2014
State: 000	0.00	
Municipal: 000	0.00	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 04/07/2011		

Baltimore County

[New Search](#)District: **08** Account Number: **0813092440**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



☒ Loading... Please Wait. Loading... Please Wait.

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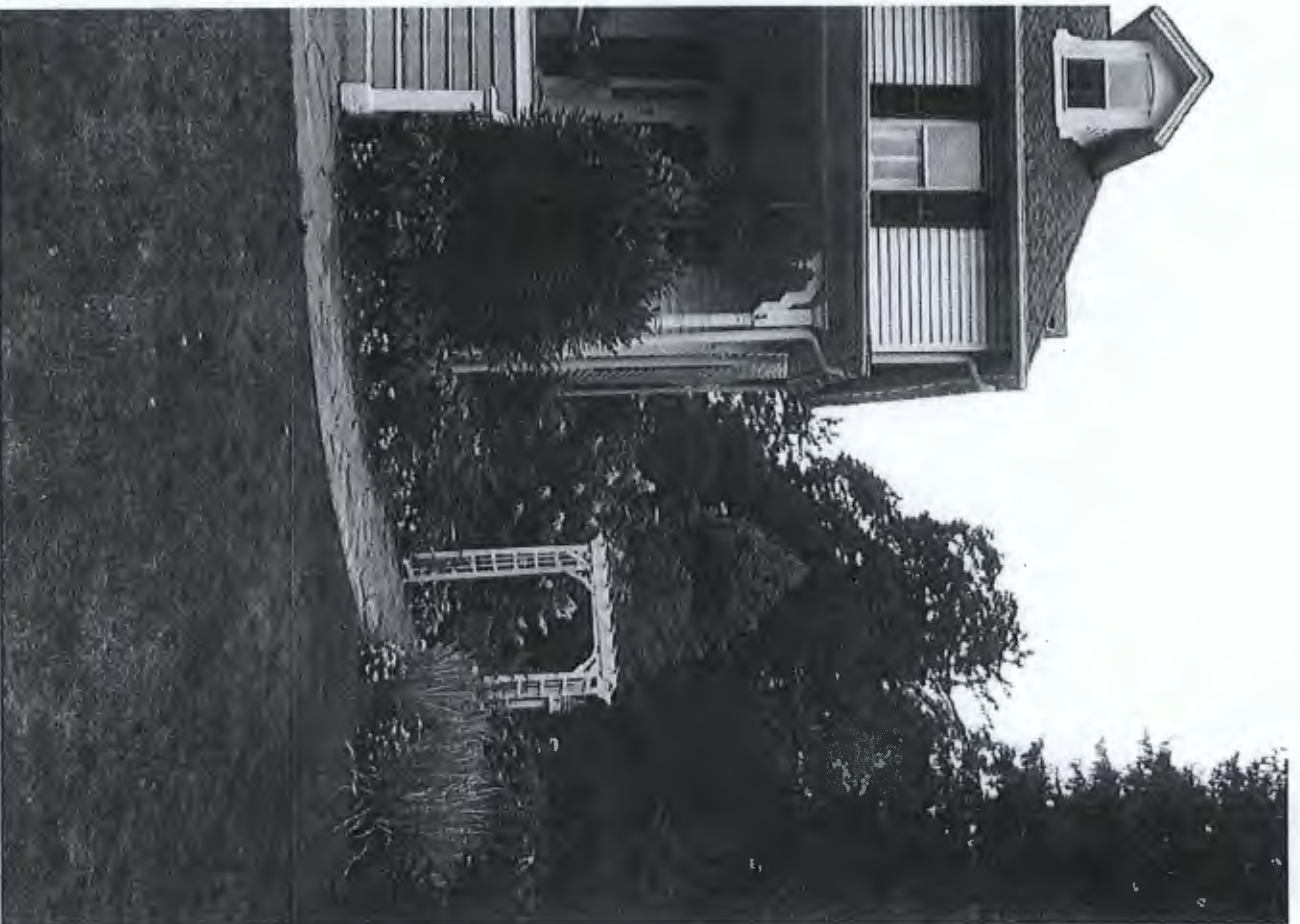








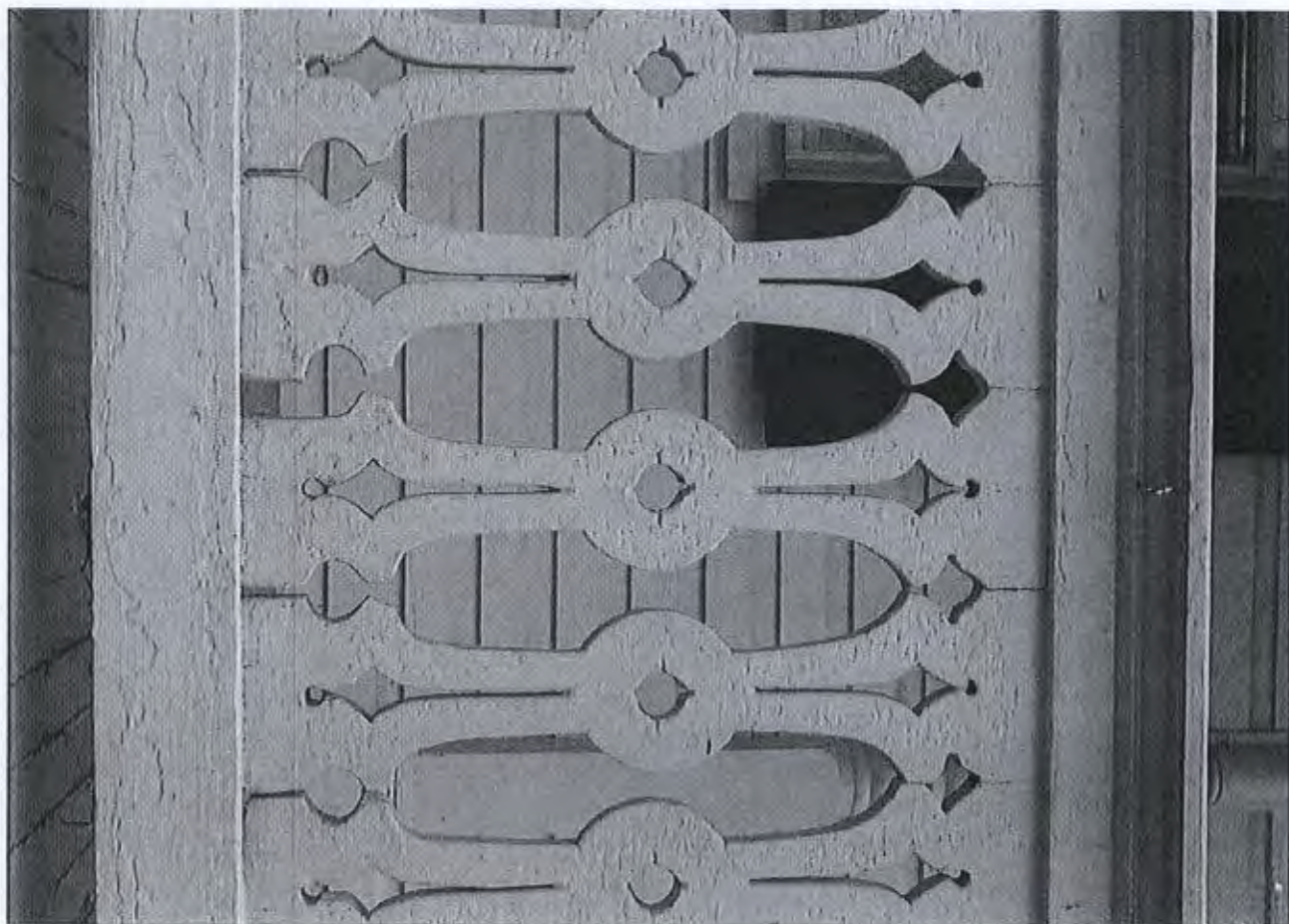
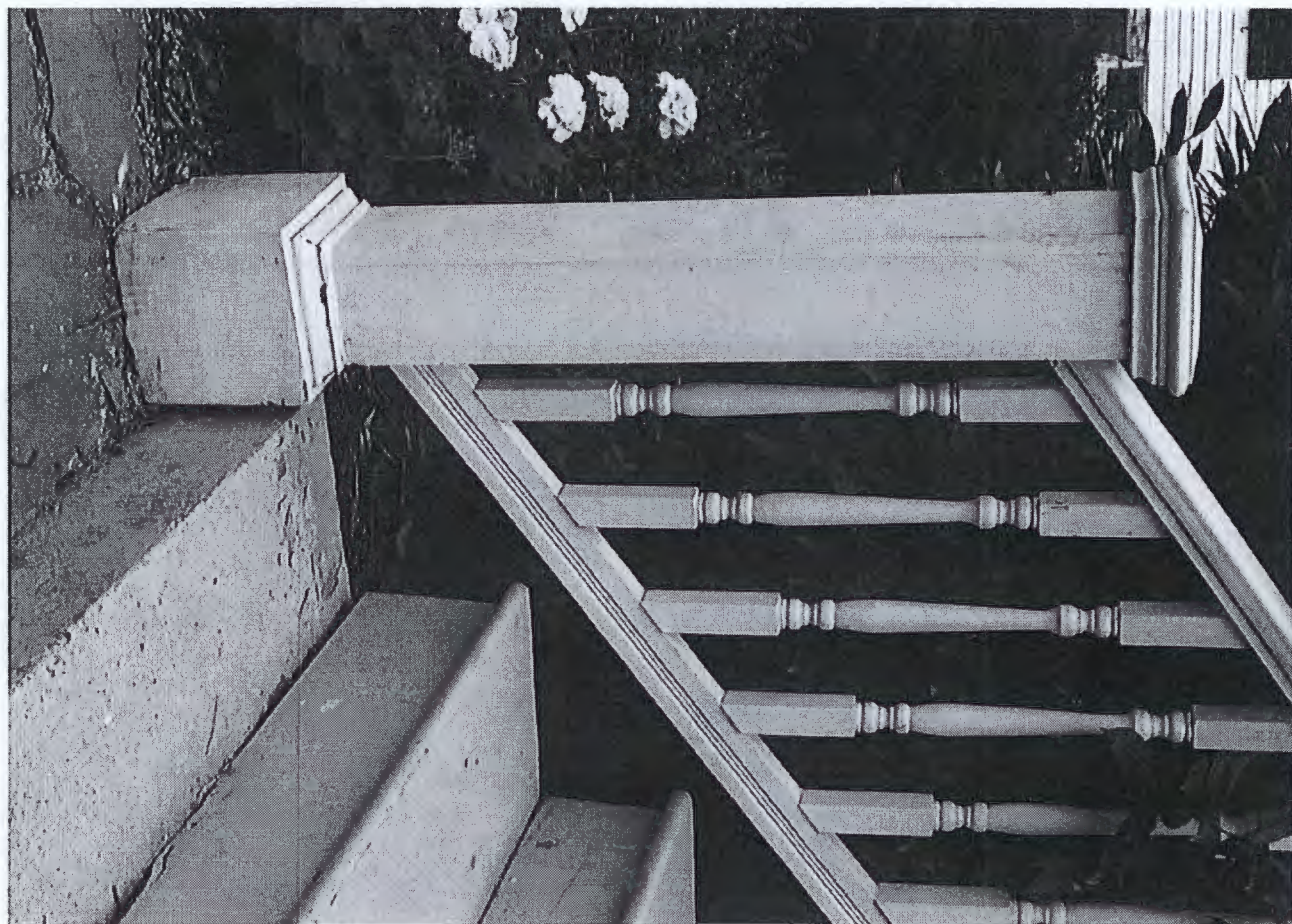




SIDE OF HOUSE FOR PORCH LOCATION.

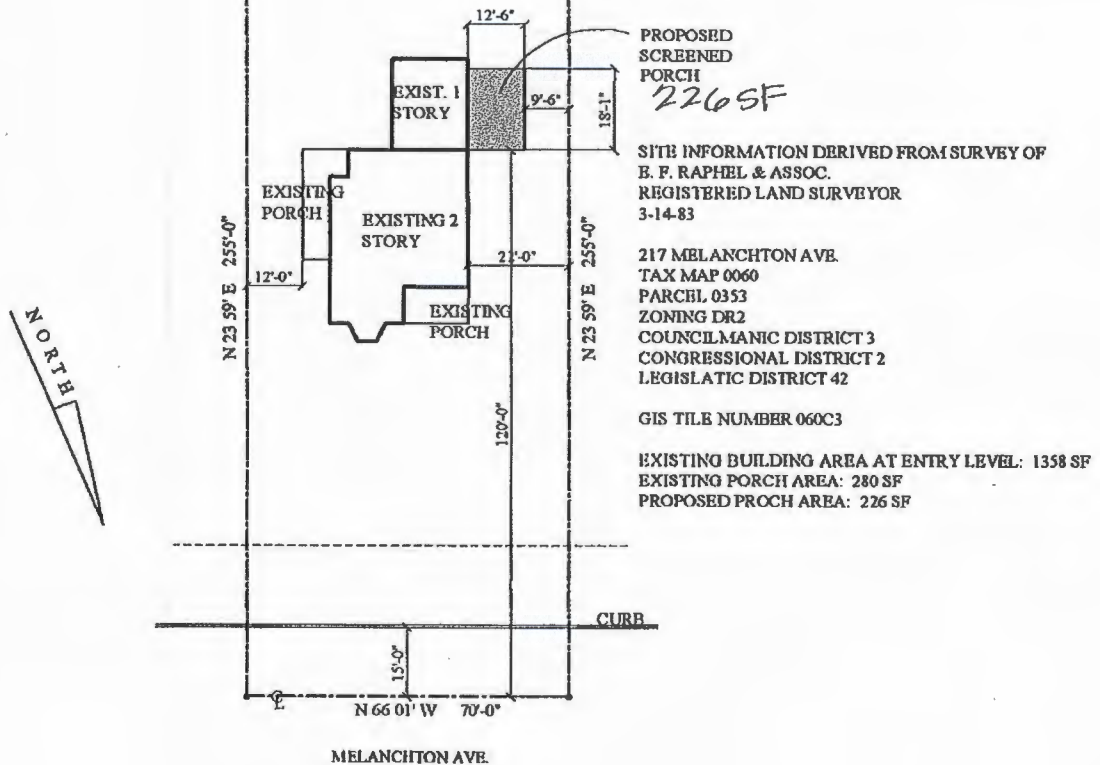


PORCH LOCATION.



N 66 01' W 70'-0"

SF OF EXISTING HOUSE = 2644 SF



PROPOSED
SCREENED
PORCH
226 SF

SITE INFORMATION DERIVED FROM SURVEY OF
E. F. RAPHEL & ASSOC.
REGISTERED LAND SURVEYOR
3-14-83

217 MELANCHTON AVE.
TAX MAP 0060
PARCEL 0353
ZONING DR2
COUNCILMANIC DISTRICT 3
CONGRESSIONAL DISTRICT 2
LEGISLATIVE DISTRICT 42

GIS TILE NUMBER 060C3

EXISTING BUILDING AREA AT ENTRY LEVEL: 1358 SF
EXISTING PORCH AREA: 280 SF
PROPOSED PORCH AREA: 226 SF

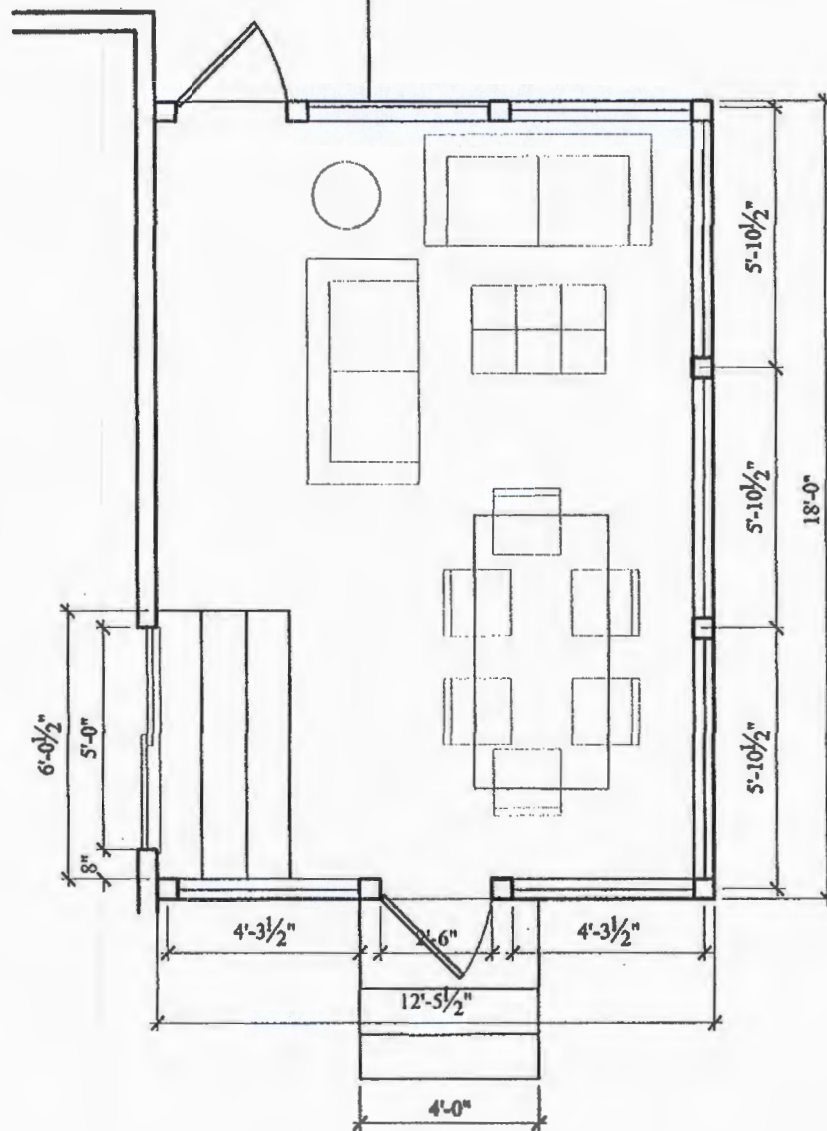
SEIPP RESIDENCE - SITE PLAN

1

LISA KYLE ARCHITECTURE, LLC
406 DIXIE DRIVE
BALTIMORE, MARYLAND 21204
410-583-7474 ph/f

SCALE: 1" = 40'-0"

SEPTEMBER 19, 2013



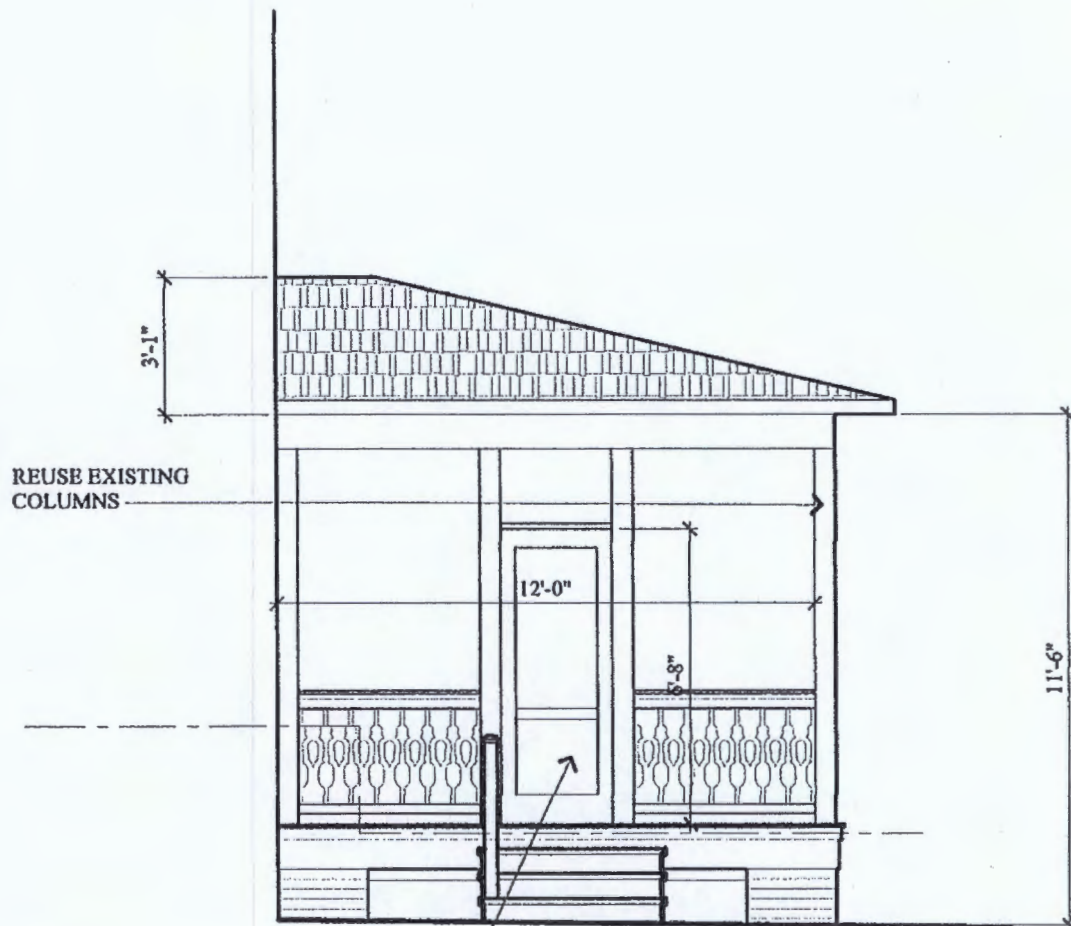
**SEIPP RESIDENCE - PORCH PROJECT
PLAN -**

1

LISA KYLE ARCHITECTURE, LLC
406 DIXIE DRIVE
BALTIMORE, MARYLAND 21204
410-583-7474 ph/f

SCALE: 1/4" = 1'-0"

OCTOBER 28, 2013



SCREENED DOOR BY VINTAGE WOOD WORKING

NEWEL POST AND STEPS TO MATCH MATERIAL AND DETAILING OF FRONT STEPS.

CONTRACTOR TO VERIFY ALL DIMENSION RELATED TO HEIGHTS. ALIGN NEW ROOF WITH EXISTING. VERIFY HEIGHT OF EXISTING INTERIOR FINISH FLOOR.

SEIPP RESIDENCE - PORCH PROJECT VIEW FROM FRONT

2

LISA KYLE ARCHITECTURE, LLC
406 DIXIE DRIVE
BALTIMORE, MARYLAND 21204
410-583-7474 ph/f

SCALE: 1/4" = 1'-0"

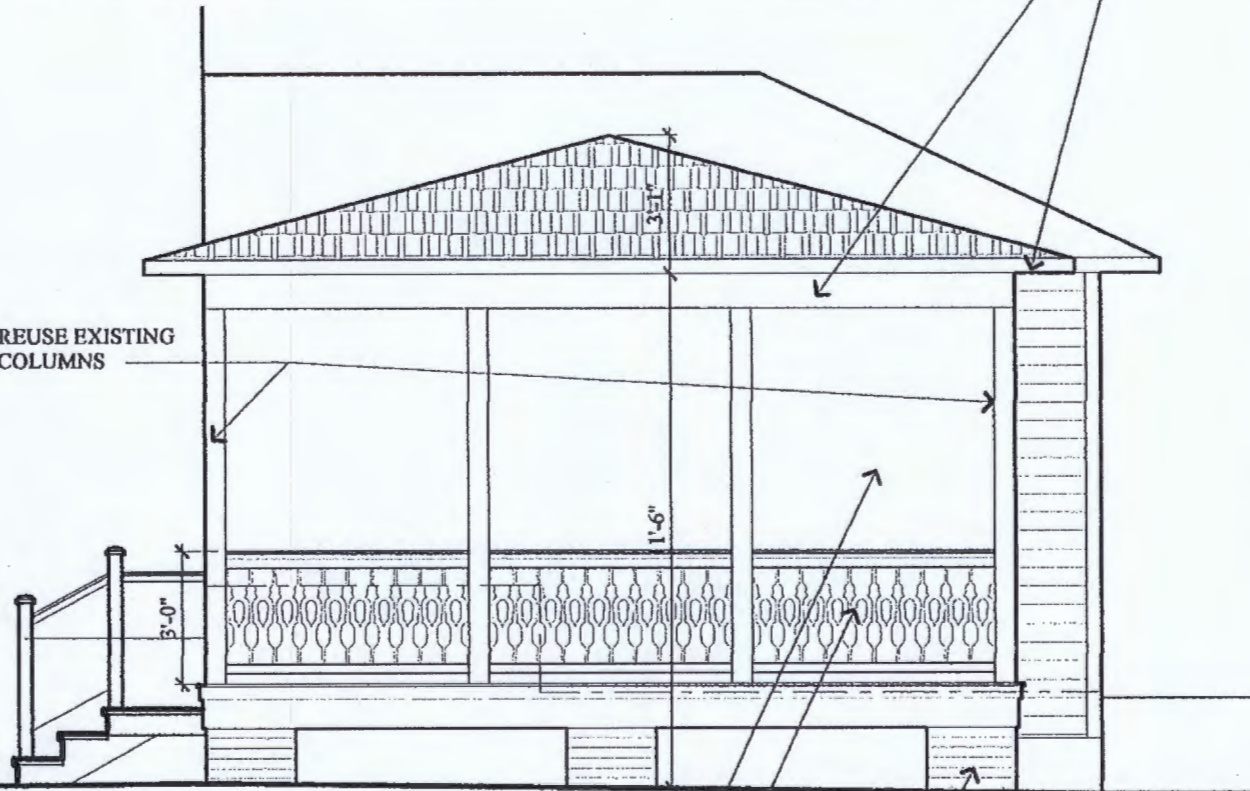
OCTOBER 28, 2013

COMPOSITION SHINGLE ROOF TO
MATCH EXISTING. PROVIDE 50#
FELT UNDERLAYMENT

PTD. ALUMINUM GUTTER. MATCH
EXISTING PROFILE.

1X PAINTED WOOD TRIM. MATCH
EXISTING PROFILES.

REUSE EXISTING
COLUMNS



SCREENED PANELS, USE BLACK ALUMINUM
SCREENING

MATCH PATTERN OF EAST SIDE PORCH RAIL

12" X 12" CMU PIERS, FACE WITH BRICK (OLD
BRICK PROVIDED BY OWNER)

CONTRACTOR TO VERIFY GRADE. INSURE
POSITIVE DRAINAGE AWAY FROM HOUSE. PIPE
DOWN SPOUTS TO DAYLIGHT

24" X 24" X 12" DEEP FOOTING

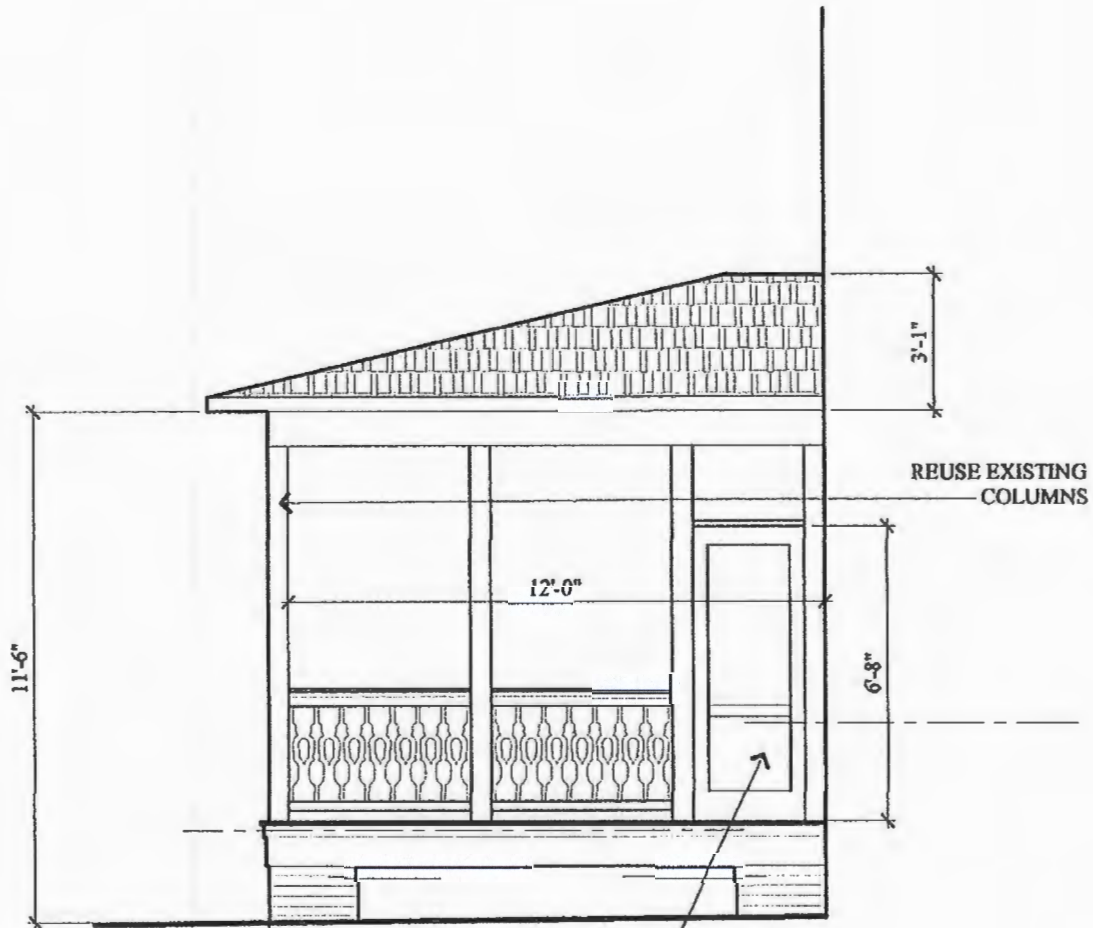
SEIPP RESIDENCE - PORCH PROJECT VIEW FROM SIDE

3

LISA KYLE ARCHITECTURE, LLC
406 DIXIE DRIVE
BALTIMORE, MARYLAND 21204
410-583-7474 ph/f

SCALE: 1/4" = 1'-0"

OCTOBER 28, 2013



SCREENED DOOR BY VINTAGE WOOD
WORKING

DOOR TO OPEN TO DECK. VERIFY
LEVEL OF EXISTING DECK.

CONTRACTOR TO VERIFY ALL
DIMENSION RELATED TO HEIGHTS.
ALIGN NEW ROOF WITH EXISTING.
VERIFY HEIGHT OF EXISTING
INTERIOR FINISH FLOOR.

SEIPP RESIDENCE - PORCH PROJECT **VIEW FROM REAR**

4

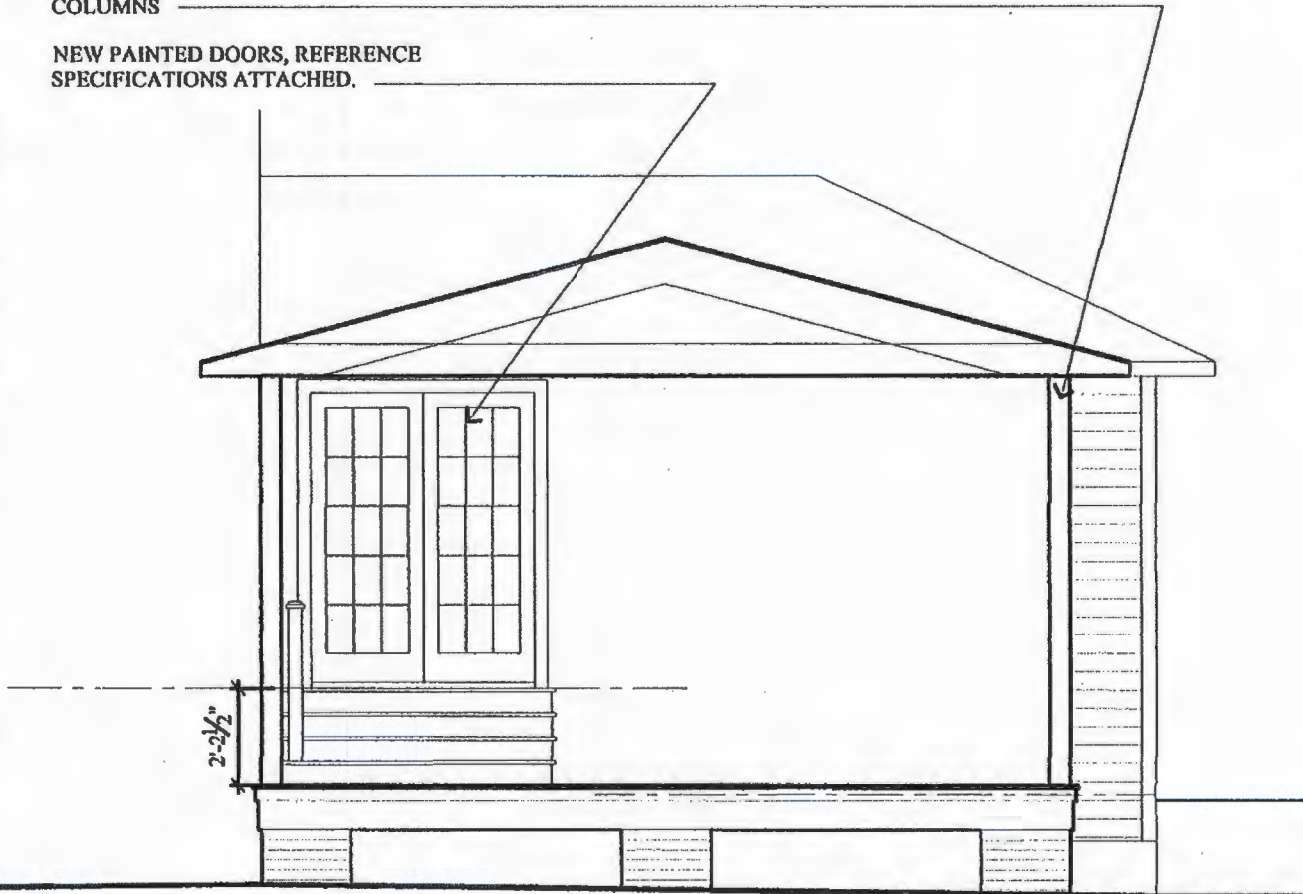
LISA KYLE ARCHITECTURE, LLC
406 DIXIE DRIVE
BALTIMORE, MARYLAND 21204
410-583-7474 ph/f

SCALE: 1/4" = 1'-0"

OCTOBER 28, 2013

REUSE EXISTING
COLUMNS

NEW PAINTED DOORS, REFERENCE
SPECIFICATIONS ATTACHED.



SEIPP RESIDENCE - PORCH PROJECT
INTERIOR ELEVATION

5

LISA KYLE ARCHITECTURE, LLC
406 DIXIE DRIVE
BALTIMORE, MARYLAND 21204
410-583-7474 ph/f

SCALE: 1/4" = 1'-0"

OCTOBER 28, 2013

217 Melancthon Ave

Proposed Screened in Porch

Zoning- Special Hearing to approve a waiver pursuant to Sections 324-107(b), 32-4-223.(8) and section 32-4-416(a)(2) to raze, alter or construct addition to building at 217 Melancthon Ave, Lutherville, Md. 21093 for a screened in porch

Screened porch on the West side of their house, attaching to the current inside breakfast/eating area. (A screened porch off the rear of the house would force them to walk down several steps and through the family room to access the porch). The proposed screened porch needs to be 12'-0" on the interior, with exterior dimension of 12'-6"

Every effort will be made to respond to the historic architectural language of the house- form, details and materials.

Roof- to match new roof installation (2013) - attached

Porch floor- tongue and groove wood.

Columns milled wood to match previous back porch- attached picture

Railings and balustrades to match East side porch- wood- attached

2 Screened doors in wood- attached

**Door from house in wood sliding glass (style matches deck doors)-
attached**

**Supports- brick faced- use remaining brick from original back porch-
attached picture**

Aluminum screening

(All surfaces painted to match existing color scheme)

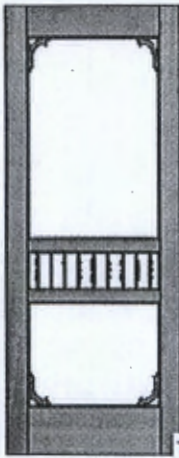
Previous Back Porch



renew bricks



mill columns to match



Sunset

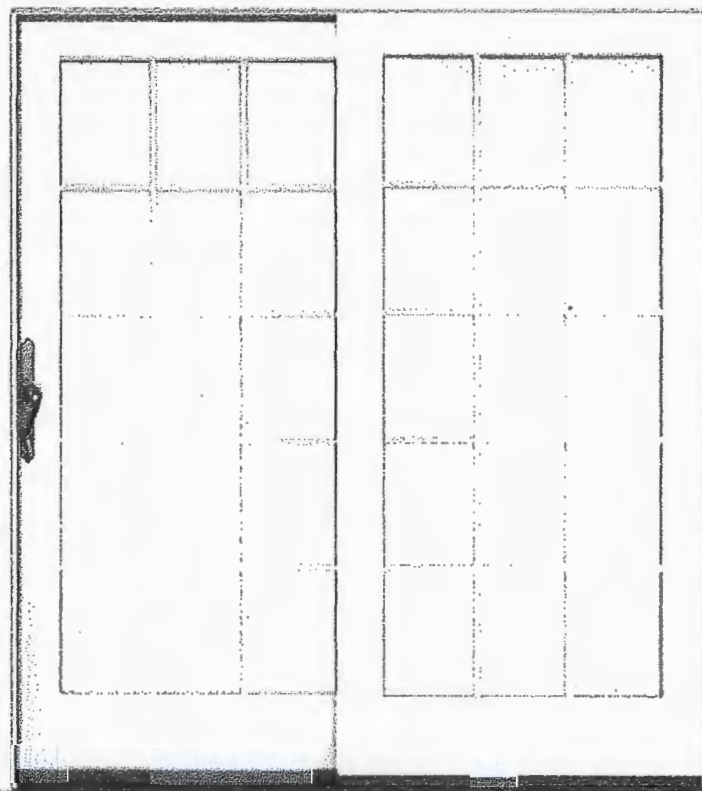
Starting at
\$379.00



SELECT YOUR WOOD

Honduran Mahogany	Quarter Sawn White Oak	Douglas Fir
African Mahogany	Spanish Cedar	Red Oak
Cherry	White Oak	Maple
Poplar	Knotty Pine	Knotty Alder

SITELINE EX WOOD SLIDING PATIO DOOR



Seipp Variance
217 Melancthon Ave

2014-0117-A

November 16, 2013

We have no objections to the construction of a screened in porch on 217 Melancthon Ave including the variance to allow 12'6" for this project.

This property is adjacent to our house on 219 Melancthon Ave.



Todd Salmer
219 Melancthon Ave

Real Property Data Search (w2)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 0804022530		
Owner Information		
Owner Name:	BALDANZA TODD BALDANZA LISA	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	219 MELANCTHON AVE LUTHERVILLE MD 21093-5321	Deed Reference: 1) /21994/ 00737 2)
Location & Structure Information		
Premises Address:	219 MELANCTHON AVE 0-0000	Legal Description: 219 MELANCTHON AVE LUTHERVILLE
Map: 0060	Grid: 0018	Parcel: 0354
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 60	Assessment Year: 2014
Plat No:		Plat Ref: 0008/ 0057
Special Tax Areas:		Town: NONE Ad Valorem: Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1872	6,861 SF	24,394 SF
Property Land Area	County Use	
04		
Stories	Basement	Type
3.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
STONE	5 full/ 1 half	1 Detached
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2011	07/01/2013
Land:	215,800	215,800
Improvements	331,000	331,000
Total:	546,800	546,800
Preferential Land:	0	
Transfer Information		
Seller: DEALE WILLIAM WALTER M	Date: 06/08/2005	Price: \$475,000
Type: ARMS LENGTH IMPROVED	Deed1: /21994/ 00737	Deed2:
Seller: DEALE WILLIAM W M	Date: 02/25/1980	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06138/ 00585	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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 05/15/2008		

Baltimore County

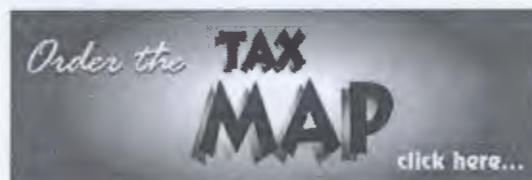
[New Search](#)District: **08** Account Number: **0804022530**

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Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



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Item #0117



Item #0117



Item #
0117





Item #
0117



Item #0117



Item #0117

Item # 0117



Item # 0117

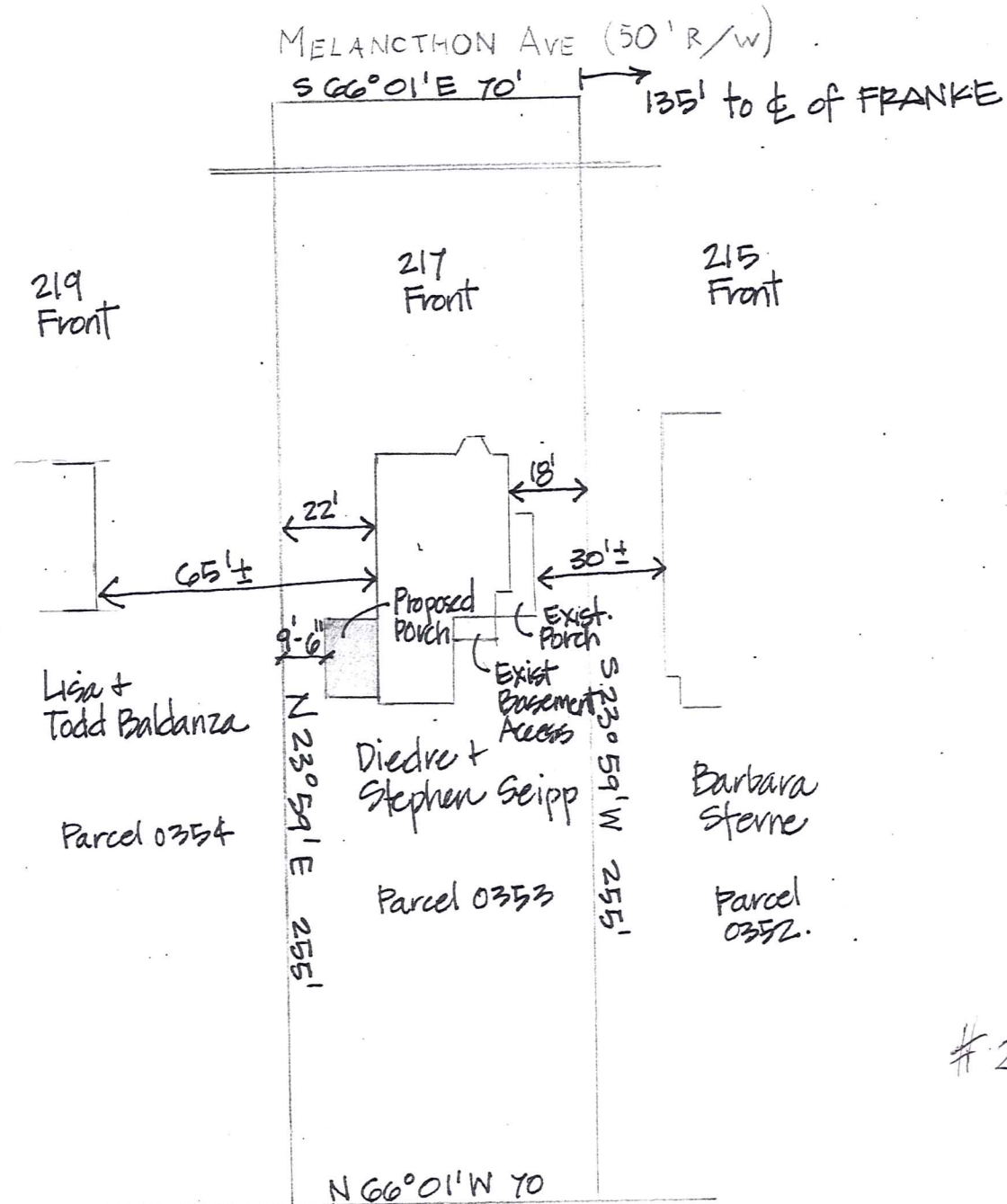




ZONING MAP

Item # 0117

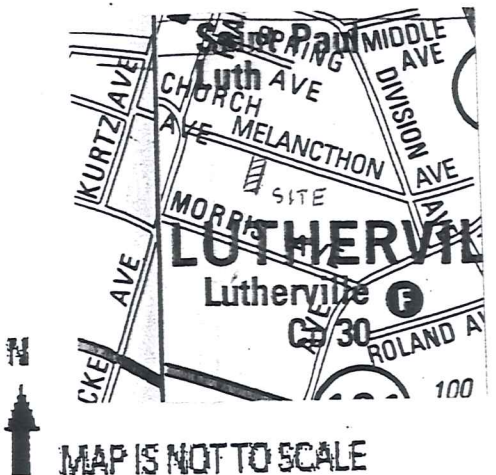
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 217 MELANCTHON OWNER(S) NAME(S) STEPHEN + DIEDRE SEIPP
 SUBDIVISION NAME 0000 N/A LOT # — BLOCK # — SECTION # —
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0213092440 DEED REF. # 06513100221



PLAN DRAWN BY David Duvall + Lisa Kyle

DATE Nov. 6 2013 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



ZONING MAP# 06063
 SITE ZONED DR-2
 ELECTION DISTRICT 8
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE _____
 OR SQUARE FEET 17850 SF
 HISTORIC? Yes
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE _____
 SEWER IS:
 PUBLIC _____ PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO: