

M E M O R A N D U M

DATE: June 12, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0257-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 11, 2018. 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

IN RE: PETITION FOR VARIANCE

(218 W. Seminary Avenue)

8th Election District

3rd Council District

Russell Irvin

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0257-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Russell Irvin, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed addition with a rear yard setback of 36 ft. in lieu of the minimum required 40 ft. A site plan was marked as Petitioner’s Exhibit 1.

Russel Irvin appeared in support of the petition. Several neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the BCZR. There were no substantive Zoning Advisory Committee (“ZAC”) comments received from any of the reviewing agencies.

The site is approximately 25,031 square feet in size and zoned DR 2. The property is located in the Lutherville historic district and is improved with a small (approximately 1,000 sq. ft.) single-family dwelling which is in disrepair. On February 8, 2018 the Landmarks Preservation Commission (“LPC”) issued a Certificate of Appropriateness approving the proposed architecture for the two-story rear addition. Petitioner indicated he initially proposed an addition to the side of the home (which would not have required a variance) but the LPC informed him that would not be approved.

ORDER RECEIVED FOR FILING

Date 5/11/18

By SEN

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is irregularly shaped and the modest dwelling was constructed in 1892. As such, I believe the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to rehabilitate the dwelling and offer it for sale. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

The community expressed dissatisfaction with a 2006 minor subdivision which created three building lots in the vicinity of the subject property, which was shown as Lot #2 on that minor subdivision plan. The neighbors stated the home constructed on Lot #3 (1503 Francke Ave.) is too large and has too much impervious surface which exacerbated the stormwater drainage problems which plague this area. Whether or not that is true, it is irrelevant to the consideration of the variance request in this case, which focuses solely on the subject property. The zoning relief requested is modest (i.e., a 10% reduction in the 40 ft. DR 2 setback) and Petitioner will be obligated to comply with LPC requirements when rehabilitating the dwelling. In these circumstances Petitioner not only complies with the legal requirements for variance relief, but I also believe the renovated home will be an asset to the historic district and greatly improve the appearance of this long-vacant property.

THEREFORE, IT IS ORDERED, this 11th day of May, 2018, by the Administrative Law

ORDER RECEIVED FOR FILING

Date 5/11/18

By den

Judge for Baltimore County, that the Petition for Variance pursuant to §1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed addition with a rear yard setback of 36 ft. in lieu of the minimum required 40 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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 5/11/18

By sln



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 218 W. Seminary Ave. Lutherville, MD 21093

which is presently zoned DR 2

Deed References: 79689 / 00410

10 Digit Tax Account # 2 4 0 0 0 0 1 6 1 9

Property Owner(s) Printed Name(s) Russell Irvin

(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

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

3. ☒ a **Variance** from Section(s)

... Section 1B02.3.C.1 – to permit a proposed addition

with a rear yard setback of 36 feet in lieu of the minimum required 40 feet.

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:

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 (Petitioners):

Russell Irvin

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

2734 Hess Rd.

Monkton

MD

Mailing Address

City

State

21111

410-935-8141

russ.irvin@tdhnl.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christain Walsh

Name – Type or Print

Signature

2734 Hess Rd.

Monkton

MD

Mailing Address

City

State

21111

410-688-0004

cwalsh1017@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0257-A

Filing Date 3/26/18

Do Not Schedule Dates:

Reviewer

The Zoning Petition Property description for 218
W. Seminary Ave.

Part A

Beginning at a point on the north side of 218 W. Seminary Ave. which is 78 feet wide at a distance of 221.47 feet east of the centerline of the nearest improved intersecting street Franke Ave. which is 50 feet wide.

Option 3

Thence the following courses and distances 1)N 16 degrees 53' 37" E 157.40' 2)N 40 degrees 50' 35" W 24.57' 3) N 16 Degrees 00' 09"E 95.0' 4) S 73 degrees 59' 51" E 5) S 17 degrees 56' 26" W 245.77' 6) N 73 degrees 06' 23" W 5.00' 7) S 18 degrees 22' 54" W 21.51 8) N 73 degrees 06' 23" W 78.53' back to the point of beginning, as recorded in Deed Liber 39689, Folio 410, containing 25,031 total SF of lot. Located in the 8th Election District and 3rd Council District. Also known as Lot #2 in the minor subdivision of C John Thomson Property, minor subdivision #01-033-M, as maintained by the Development Management Division for the Department of Permits, Approvals and Inspections.

Item #0257

CERTIFICATE OF POSTING

Date: 5-3-18

RE: Case Number: 2018-0257-A RECERT

Petitioner/Developer: Russell Irwin

Date of Hearing/Closing: 5-7-18 11AM

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 218 W. Seminary Ave

The sign(s) were posted on RECERT 5-3-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

ZONING NOTICE

CASE # 2018-0257-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. MAY 7, 2018 11AM

REQUEST: VARIANCE TO PERMIT A PROPOSED ADDITION
WITH A REAR YARD SETBACK OF 36FT IN LIEU OF
THE MINIMUM REQUIRED 40FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

#2

ZONING NOTICE

CASE # 2018-0257-A

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THE ZONING COMMISSIONER
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DATE AND TIME: MON. MAY 7, 2018 11 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED
ADDITION WITH A REAR YARD SETBACK OF 36 FT.
IN LIEU OF THE MINIMUM REQUIRED 40 FT.

POSTPONEMENTS DUE TO

Debra Wiley

From: June Wisnom
Sent: Thursday, May 10, 2018 1:47 PM
To: Debra Wiley
Subject: FW: Message from "RNP002673BFB3B1"
Attachments: 20180510135211949.pdf



-----Original Message-----

From: cpr111@baltimorecountymd.gov [mailto:cpr111@baltimorecountymd.gov]
Sent: Thursday, May 10, 2018 1:52 PM
To: June Wisnom <jwisnom@baltimorecountymd.gov>
Subject: Message from "RNP002673BFB3B1"

This E-mail was sent from "RNP002673BFB3B1" (MP 4054).

Scan Date: 05.10.2018 13:52:11 (-0400)
Queries to: cpr111@baltimorecountymd.gov

CERTIFICATE OF POSTING

Date: 5-3-18

Re: Case Number: 2018-0457-A RECERT

Petitioner/Developer: Russell Irvin

Date of Hearing/Closing: 5-7-18 11AM

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 218 W. Seminary Ave

The sign(s) were posted on

RECERT 5-3-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 24120
(City, State, Zip Code of Sign Poster)

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

ZONING NOTICE

CASE # 2018-0257-A

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

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. MAY 7, 2018 11AM

REQUEST: VARIANCE TO PERMIT A PROPOSED ADDITION
WITH A REAR YARD SETBACK OF 36 FT. IN LIEU OF
THE MINIMUM REQUIRED 40 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 410-339-1111

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

HANDICAPPED ACCESSIBLE

ZONING

NOTICE

CASE # 2018-0257-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. MAY 7, 2018 11 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED
ADDITION WITH A REAR YARD SETBACK OF 36 FT
IN LIEU OF THE MINIMUM REQUIRED 40 FT

POSTPONEMENTS DUE TO



KEVIN KAMENETZ
County Executive

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

April 9, 2018

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: 2018-0257-A

218 W. Seminary Avenue
N/S Seminary Avenue, 220 ft. east of Franke Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Russell Irvin

Variance to permit a proposed addition with a rear yard setback of 36 ft. in lieu of the minimum required 40 ft.

Hearing: Monday, May 7, 2018 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: Russell Irvin, Christain Walsh, 2734 Hess Road, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 17, 2018.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 17, 2018 Issue - Jeffersonian

Please forward billing to:
Russell Irvin
2734 Hess Road
Monkton, MD 21111

410-935-8141

NOTICE OF ZONING HEARING

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CASE NUMBER: 2018-0257-A

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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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
218 W. Seminary Avenue; N/S of W. Seminary *
Avenue, 220' E of c/line with Franke Avenue * OF ADMINISTRATIVE
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Russell Irvin * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-257-A

* * * * *

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.

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

RECEIVED

APR 05 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to Christain Walsh, 2734 Hess Road, Monkton, Maryland 21111, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0257-A
Property Address: 218 W. Seminary Ave.
Property Description: Rear 2 story addition north side of
W Seminary Ave., ~220 feet east of Frank Ave
Legal Owners (Petitioners): Russell Irvin
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Russ Irvin Russ Irvin
Company/Firm (if applicable): TDH
Address: 2734 Hess Rd 2734 Hess Rd
Monkton MD 21111 Monkton 21111
Telephone Number: 410 692 0050

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

NO 166189

Date: 3/26/18

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75.00

Total: \$75.00

Rec From: Chris Walsen

For: zoning hearing - case # 2018-0257-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME 3/26/2018 3/26/2018 15:48:59 1
REG-MSDI MAILIN LJR
RECEIPT # 780708 3/26/2018 OFLJ
Dept 5 528 ZONING VERIFICATION
CR NO. 166189
Recpt Tot \$75.00
\$75.00 OK \$0.00 CG
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

May 2, 2018

Russell Irvin
2734 Hess Road
Monkton MD 21111

RE: Case Number: 2018-0257 A, Address: 218 W Seminary Avenue

Dear Mr. Irvin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 26, 2018. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Christian Walsh, 2734 Hess Road, Monkton MD 21111

Date: 4/2/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/2/18. A field inspection and internal review reveals that an entrance onto MD131 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2018-0257-A.

Russell Irvin
218 W. Seminary Avenue

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



f. Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

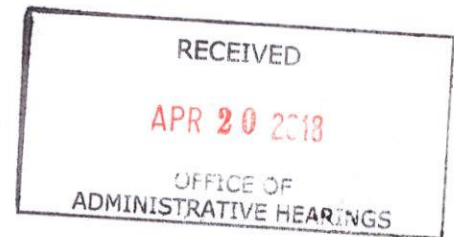
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-257



INFORMATION:

Property Address: 218 W Seminary Avenue
Petitioner: Russell Irvin
Zoning: DR 2
Requested Action: Variance

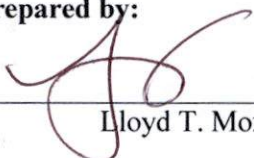
The Department of Planning has reviewed the petition for a variance to permit a single family dwelling with a proposed addition to have a rear yard setback of 36 feet in lieu of the minimum required 40 feet.

A site visit was conducted on April 11, 2018. The site is within the plan area of the Community Conservation Plan for Lutherville adopted by Baltimore County Council February 20, 1996. The site is within the Lutherville County Historic District and subject to review by the Baltimore County Landmarks Preservation Commission (LPC). On February 8, 2018 the LPC issued a Certificate of Appropriateness approving the proposed architecture for the 2-story rear addition.

The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

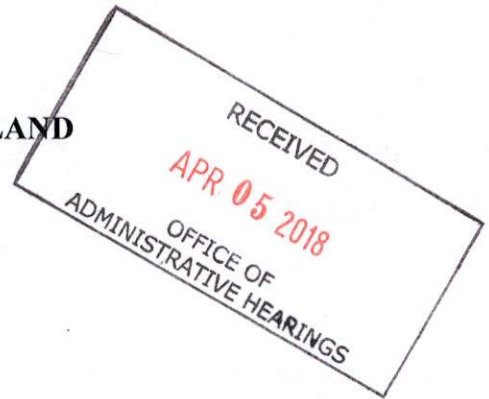
AVA/KS/LTM/

c: Wally Lippincott
Christian Walsh
Office of the Administrative Hearings
People's Counsel for Baltimore County

5-1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0257-A
Address 218 W. Seminary Avenue
(Irvin Property)

Zoning Advisory Committee Meeting of April 9, 2018

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 24, 2018

FROM: ^{VCD}
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2018
Item No. 2018-0257-A, 0258-A and 0261-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-257

DATE: 4/19/2018

INFORMATION:

Property Address: 218 W Seminary Avenue
Petitioner: Russell Irvin
Zoning: DR 2
Requested Action: Variance

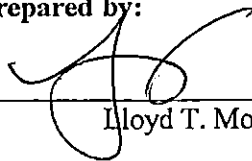
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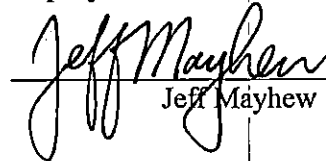
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
Christian Walsh
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0257-A
Address 218 W. Seminary Avenue
(Irvin Property)

Zoning Advisory Committee Meeting of **April 9, 2018**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5554310

Sold To:

Russell Irvin - CU00647989
2734 Hess Rd
Monkton, MD 21111-2301

Bill To:

Russell Irvin - CU00647989
2734 Hess Rd
Monkton, MD 21111-2301

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 17, 2018

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: # 2018-0257-A
218 W. Seminary Avenue
N/S Seminary Avenue, 220 ft. east of Franke Avenue
8th Election District - 3rd Councilmanic District
Legal Owner(s) Russell Irvin
Contract Purchaser(s):

Variance: to permit a proposed addition with a rear yard setback of 36 ft. in lieu of the minimum required 40 ft

Special Exception:

Hearing: Monday, May 7, 2018 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.

04/17/18 5554310

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

Date: 4-14-18

RE: Case Number: 2018-0257-A

Petitioner/Developer: Russell Irwin

Date of Hearing/Closing: 5-7-18 11AM

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 218 W. Seminary Ave

#1

ZONING NOTICE

CASE # 2018-0257-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. MAY 7, 2018 11AM

REQUEST: VARIANCE TO PERMIT A PROPOSED ADDITION
WITH A REAR YARD SETBACK OF 36FT IN LIEU OF
THE MINIMUM REQUIRED 40FT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 877-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

Case No.: 2018-0257-A 218 W. Seminary
ave

Exhibit Sheet

DJ
6-12-18

Petitioner/Developer

SEN
5-11-18

Protestants

No. 1	Site plan	May 7, 2018 letter from Lutherville Historic Committee
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DATE _____

2018-257-A

May 7, 2018

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

The Lutherville Historic Advisory Committee
to the Baltimore County Landmarks Preservation Commission

May 7, 2018

To: Zoning Commissioner
Baltimore County, MD
Jefferson Building, Room 205
Towson, MD 21204

Re: Case # 2018-0257-A 218 W. Seminary Ave.

To Whom It May Concern:

The Lutherville Historic Advisory Committee and the Lutherville Community Association are opposed to the above zoning variance request for the following reasons:

When the application for the additions and restoration were presented to Landmarks, there were no detailed architectural drawings or topography for the community to review. We were unaware that a variance for the rear of the property was necessary or might be a possibility. This particular parcel has been subdivided within the past 10 years by the same family who own the adjacent property. As a result of this subdivision, we have an oversized house on a panhandle lot with a large amount of impervious service. It has been a longstanding tradition in Baltimore County not to allow panhandle lots in older neighborhoods.

The property owners downhill and below this property already had a water issue before the long new panhandle driveway was allowed to be put in. Without detailed drawings, and in particular, we have no way of knowing where the water runoff from a large addition (doubling the size of the house) will go. We believe a number of large and older trees will also be removed.

We agree that the property has not been taken care of and is in desperate need of restoration. However, the new owner of the property has never made contact with the local committee or the surrounding neighbors. It has been confirmed that this new owner is in our historic neighborhood to create an investment property and will not be living here themselves. Therefore, the consequences of improper variances will not be their future, long-term issue to deal with.

We respectfully request that the zoning variance be denied and that the impact of such a large addition to the property and the surrounding area be more carefully reviewed for the water runoff issues. All water from any new pavement, driveways, roofs and gutters, as well as, re-grading should be maintained on the property and not be allowed to drain onto any of the adjoining properties.

Sincerely,

LUTHERVILLE ADVISORY COMMITTEE
Marie Frederick
Acting-Chair

223 Morris Avenue Lutherville, Maryland 21093 (410) 252-1367

Prot. 1

218 W. Seminary Avenue, Lutherville

On January 30, 2018, a technical committee comprised of commission members Steve Myer, Nancy Horst, Rob Brennan, Carol Allen, and Wendy McIver, along with staff members Teri Rising and Kaylee Justice, met with the owner's construction foreman on site to review the owner's planned addition to the rear of the house and repairs and restoration to the existing structure. The existing house has been uninhabited for several years and needs major work performed both inside and out. Formerly, a carriage house from the late 19th century, the house is a two story, single family dwelling that sits back off the main road. The house has a hip roof and full roofed porches on each end (east and west elevations). The south elevation (front of house) has a decoratively trimmed front entranceway with 9 light glass. The original structure has Dutch lap wood siding with four inch exposed face. This siding has been covered with asphalt shingles. The roof is also covered with asphalt shingles. The porches on each end have tongue and groove wood decking. A stone chimney sits on the west end. The windows are wood framed casement or single pane. The gutters are half round copper with round downspouts. Drainage on the property is poor with the house elevation being lower than the main street. There is a lack of privacy on the property due to an active church on the eastern boundary and a single family dwelling close to the western boundary.

The owners plan to restore the house both inside and out in full accordance with the U. S. Secretary of the Interior's requirements. The owners have a need to enlarge the house and are proposing an addition on the north side of the house. The addition will extend sixteen feet off the back of the house and be inset on each end. The existing shed and encroaching trees will be removed to allow for space for the new addition. The existing exterior siding will be replaced with a five inch exposed wood composite clapboard LP Smart Side. The roofing will receive new asphalt shingles. All windows will be repaired and painted or replaced in kind if unrepairable. The front door and entranceway trim and lights and the side end doors lights and trim will be repaired and painted or replaced in kind if needed. New painted aluminum 5K gutters and 2X3 downspouts will be installed. All soffits, fascia and trim will be repaired and painted or replaced in kind if unrepairable. The side porches will be rebuilt and painted in kind. The stone chimney on the west side will be repointed and repaired. Any non-stone materials will be replaced with stone that matches what exists. A wood board on board pressure treated privacy fence will be built along the eastern boundary from the main street to the church parking lot in the rear of the properties. The same style of fence will also be built along the western boundary from the main street to end of the front yards. The fences will be six foot tall and have a rolling curved top. Lastly, the owners will regrade the front elevation sixteen inches lower, construct a dry laid stone wall with two steps redirecting all drainage around the front and east side of the house.

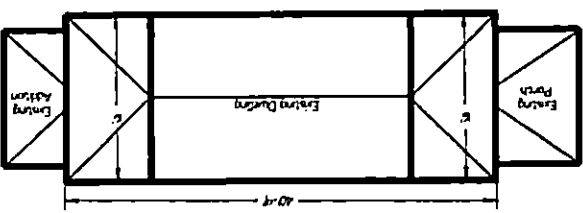
After reviewing the owner's plans, the technical committee recommended that the roof slopes of the addition match the existing roof slopes. They also wanted the windows in the addition match the existing style and mullion pattern and be simulated divided lights. The technical committee concluded that the changes to the house and property would comply with the U.S. Secretary of the Interior's requirements.

Steve Myer

218 W. Seminary Avenue Lutherville, MD 20938		date	revision	checked by	designed by
F-01		December 14, 2017			410-692-0050
Victorio Socco		TDH Landscaping			

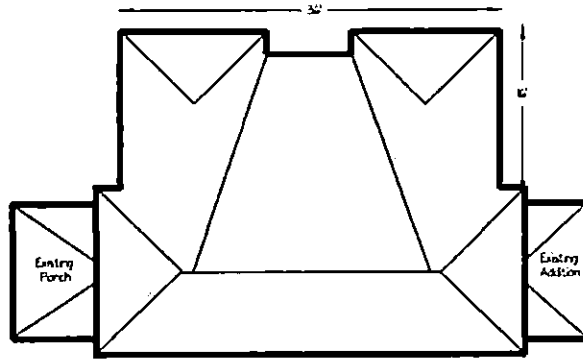


25

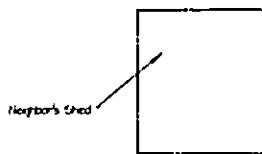


CHURCH

PROPOSED FOOT PRINT



CHURCH



Property Line

Fencing - 4' board on board cedar fencing

Proposed Fence

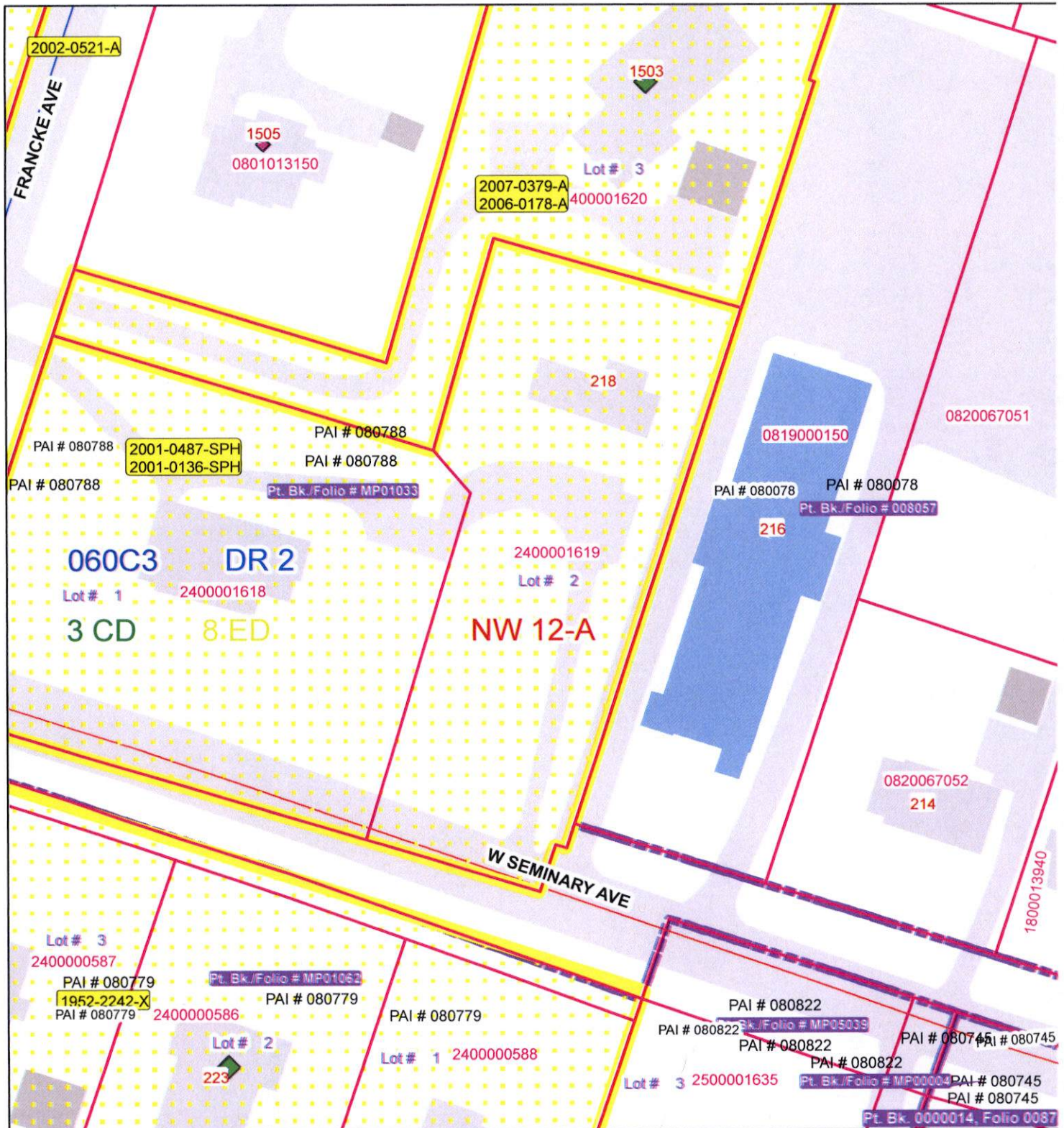
Proposed Fence



218 W. Seminary Avenue
Lutherville, MD 20933

drawn by P.S.	date December 14, 2017	revision
drawn by Victoria Sacco	checked by TDH Landscaping	drawing # 40-692-0050

210 West Seminary Avenue



Publication Date: 3/26/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0257

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment4/24DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO COMMENTS4/4DEPS
(if not received, date e-mail sent _____)NO COMMENT

FIRE DEPARTMENT

4/19PLANNING
(if not received, date e-mail sent _____)NO Objection4/2

STATE HIGHWAY ADMINISTRATION

NO objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/17/18SIGN POSTING (1st)

Date:

4/14/18

by

PulsonSIGN POSTING (2nd)

Date:

5/3/18

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Search Result for BALTIMORE COUNTY

5/3/2018

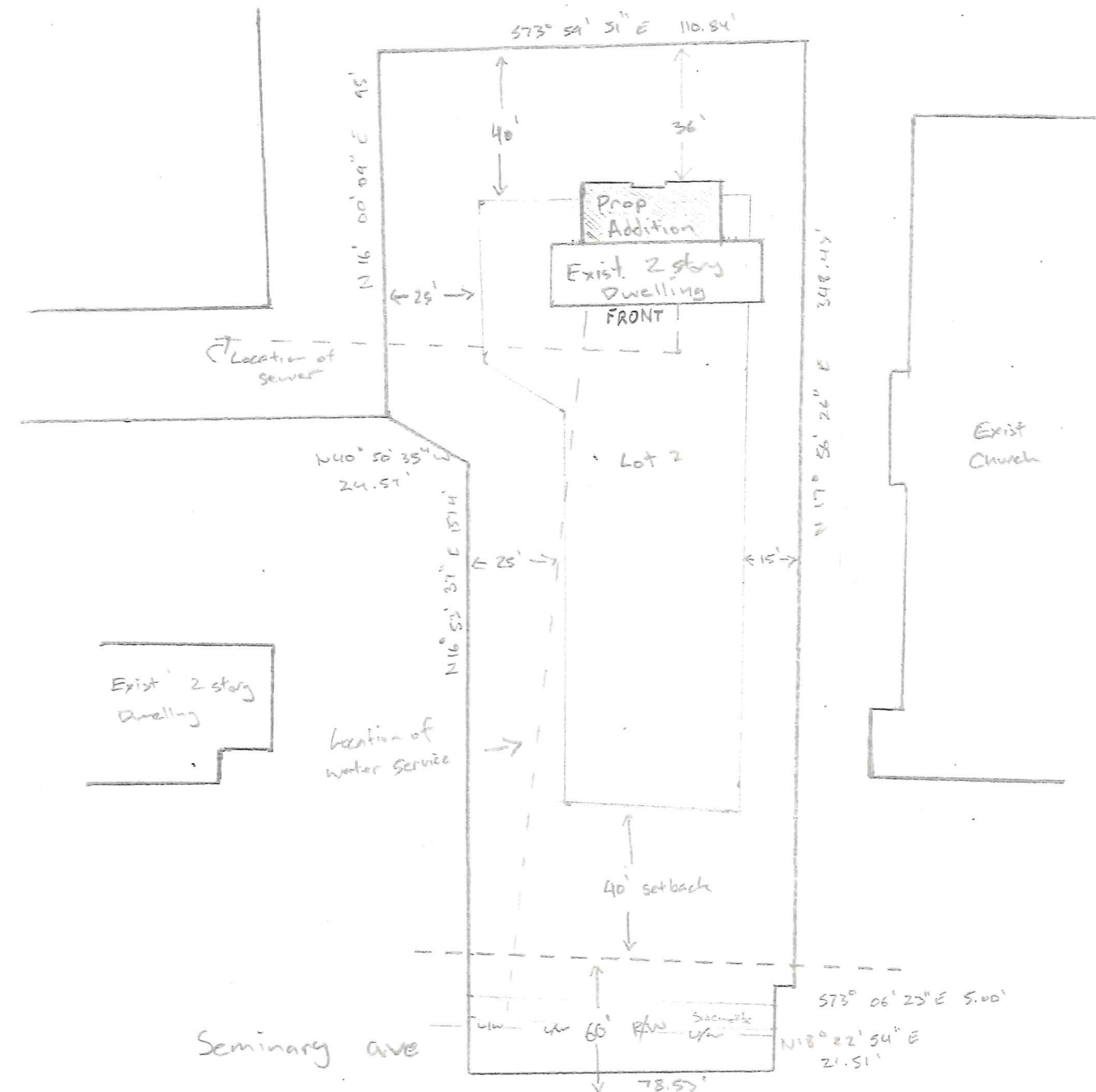
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 218 Seminary ave OWNER(S) NAME(S) 218 Seminary ave LLC

SUBDIVISION NAME C John Thomson III Property LOT# 2 BLOCK# _____ SECTION# _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 2400001619 DEED REF. # 39659/00410

minor sub to 01-033-M

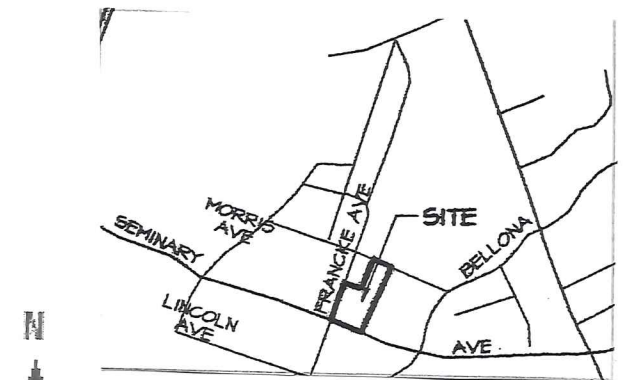


PLAN DRAWN BY C. Walsh

DATE 3-26-18

SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 06003

SITE ZONED DR 2

ELECTION DISTRICT 8th

COUNCIL DISTRICT 32

LOT AREA ACREAGE _____

OR SQUARE FEET 25,031

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

2001 - 0487 - SPH

2001 - 0136 - SPH

VIOLATION CASE INFO:

PET. No. 1

R.P.

#2018-0257-A

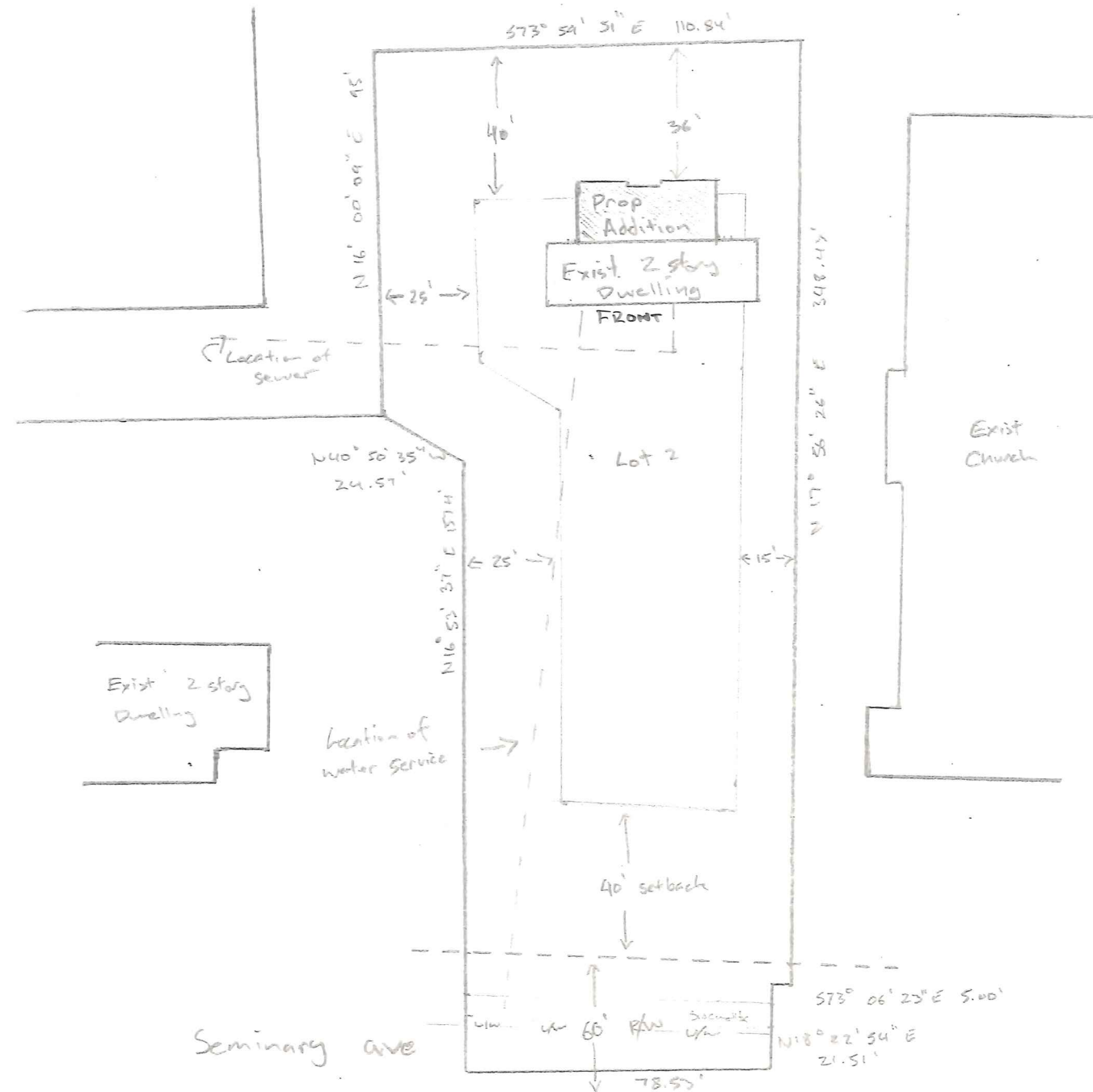
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 218 Seminary ave OWNER(S) NAME(S) 218 Seminary ave LLC

SUBDIVISION NAME C John Thomson III Property LOT# 2 BLOCK# _____ SECTION# _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 2400001619 DEED REF. # 39659/00410

minor sub to 01-033.0

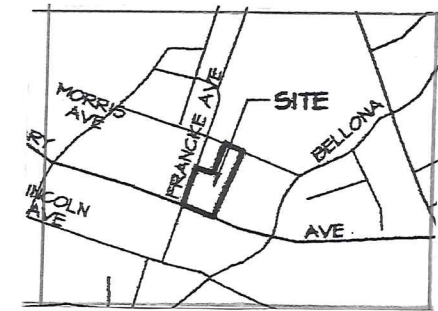


PLAN DRAWN BY C. Walder

DATE 3-26-18

SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 06003

SITE ZONED DR 2

ELECTION DISTRICT 8th

COUNCIL DISTRICT 32

LOT AREA ACREAGE _____

OR SQUARE FEET 25,031

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

2001 - 0487 - SPH

2001 - 0136 - SPH

VIOLATION CASE INFO:

Handwritten signature/initials

#2018-0257-A