



KEVIN KAMENETZ
County Executive

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

April 17, 2017

Nicholas Berry & Nicole Miklewski
835 Ramsay Street
Baltimore, Maryland 21230

To Whom it May Concern:

RE: Spirit and Intent Letter for Zoning Case #2016-0101-A
716 Nollmeyer Road
15th Election District

Pursuant to your letter received April 2, 2017, you have requested an opinion from this office regarding the Variance granted in the above referenced case. Your request to amend the previously approved site plan by relocating the approved single family dwelling. The revised location will comply with the side setbacks listed in the subject order however, the new front will be setback 102ft from the water front property line with a proposed deck that is 84ft from the water front property line.

Upon review of the facts in case #2017-0137-A and analysis of both exhibit #1 and the re-submitted red-lined site plan, it is the opinion of this office that you request does meet the spirit and intent of the Variance granted in the subject case

A copy of this letter and the new red-lined site plan will be placed in the above reference Variance file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need additional information or have any questions, I can be contacted at 410-887-3391.

Sincerely,
ORIGINAL SIGNED BY
LEONARD J. WASILEWSKI

Leonard Wasilewski
Planner II
Zoning Review

17-145/LW

Nicholas Berry & Nicole Miklewski
835 Ramsay Street
Baltimore, MD 21230
4/2/2017

Arnold Jablon
Director
Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Dear Arnold Jablon:

This letter is a request for your approval and concurrence that the enclosed "red-lined" plan meets the spirit and intent of the approved site plan presented and approved in Zoning Case No. 2016-0101-A.

Zoning Case No. 2016-0101-A provided a relief from Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 1B02.3.C.1 and 301.1.A to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and summation of 25 ft. and open projections (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft.

The red-lined plan maintains the same side yard setback as was previously granted, but locates the proposed single family dwelling 102 ft. from the shoreline in lieu of the 86 ft. which was shown on the site plan submitted with Zoning Case No. 2016-0101-A. The proposed dwelling has been shifted to be in compliance with the Baltimore County Modified Buffer Area plan, and to allow for the installation of a driveway that will be in compliance with the Critical Area Commission Lot Coverage requirements. Moving the home further from the shoreline and closer to the street decreases the driveway size and thus decreases the percentage of impervious surface. The overall length of the proposed dwelling has been increased from 46 ft. to 60 ft.

We hope that you agree with our interpretation that the proposed modifications meet the spirit and intent of Zoning Case No. 2016-0101-A, and provide a letter of written confirmation of your agreement.

We have enclosed with this letter a "red-lined" site plan, an approved copy of zoning case 2016-0101-A, and a check for the \$20 processing fee for the spirit and intent letter.

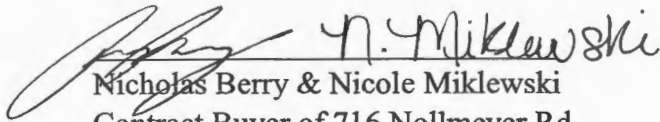
75:16
STF
4/10/17 uca
RECEIVED

APR 06 2017
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

#17-145
\$2000

Thank you in advance for your consideration in this matter. Should you have any questions, please do not hesitate to contact me directly at 410-480-4271 or 443-682-0525 or nberry@harkinsbuilders.com.

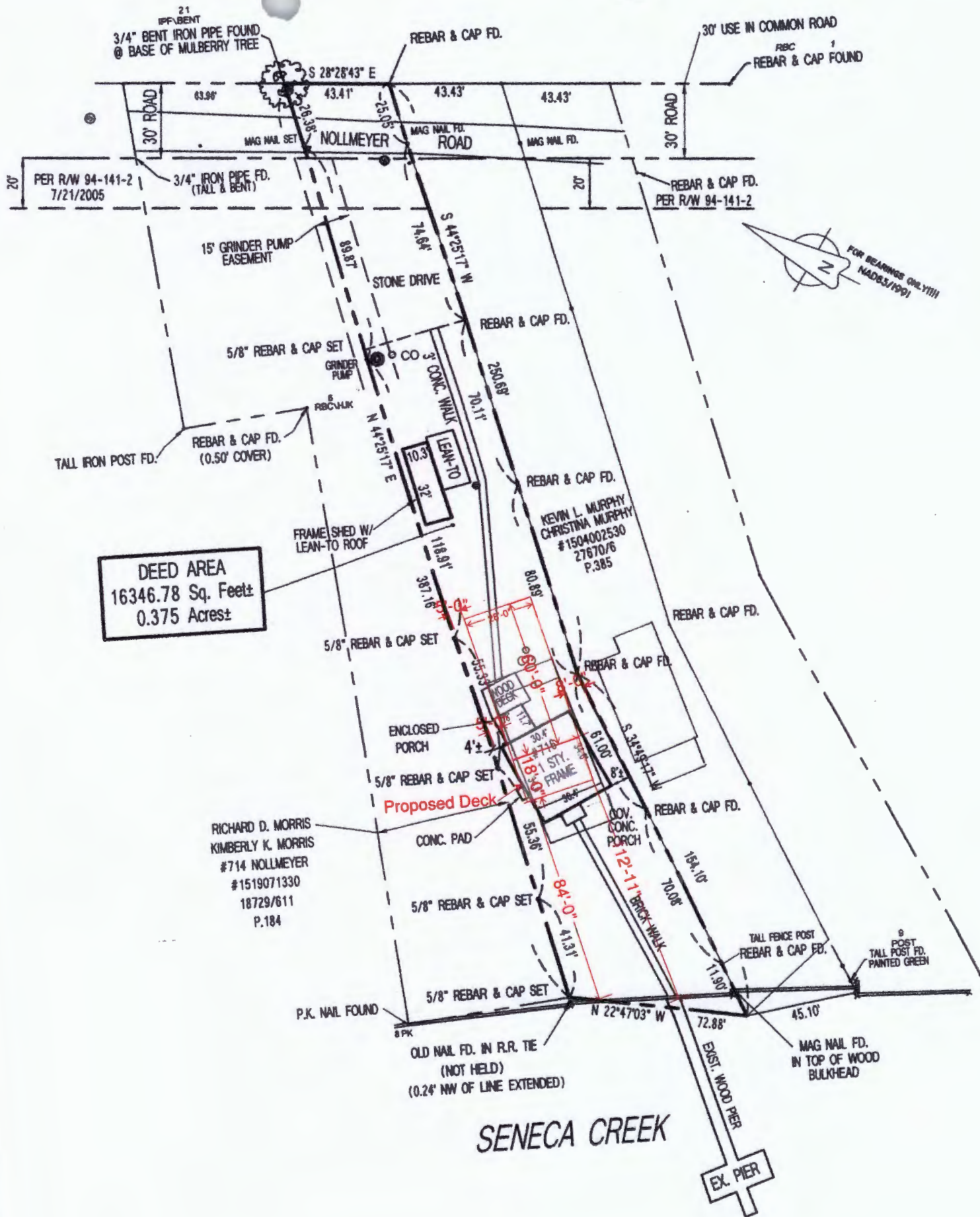
Sincerely,

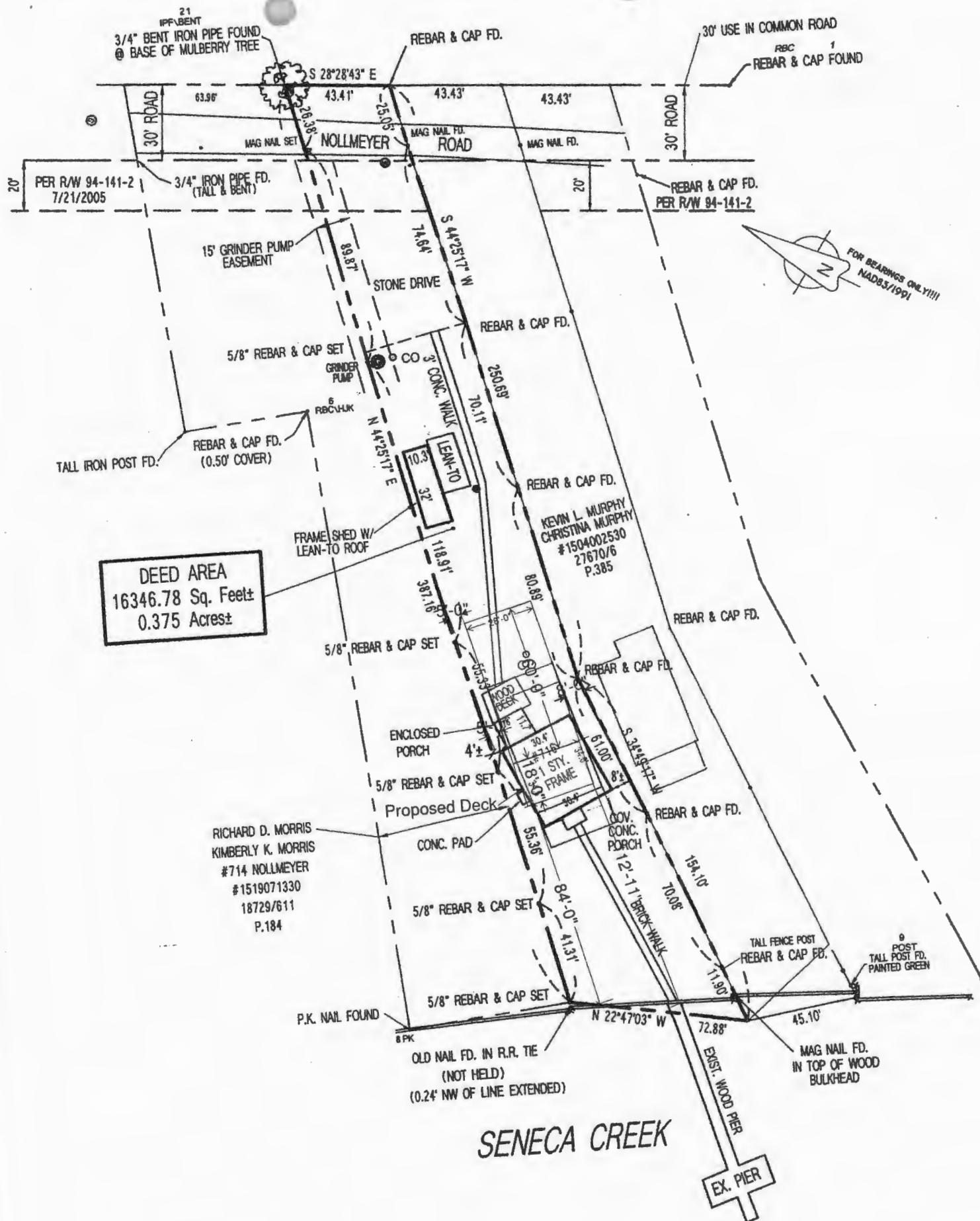

Nicholas Berry & Nicole Miklewski
Contract Buyer of 716 Nollmeyer Rd
Middle River, MD 21220

Authentication
Concetta Lumaro
4/3/2017 2:24:18 PM EDT

04/03/2017

Concetta Lumaro
Contract Seller of 716 Nollmeyer Rd
Middle River, MD 21220





MEMORANDUM

DATE: January 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0101-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 21, 2016. 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

(716 Nollmeyer)
15th Election District
6th Council District
Concetta Lumaro
Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2016-0101-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Concetta Lumaro, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 1B02.3.C.1 and 301.1.A to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and summation of 25 ft. and open projections (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft. A site plan was marked as Petitioner's Exhibit 1.

Bernadette Moskunas with Site Rite Surveying, whose firm prepared the site plan, appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS), indicating that Petitioner will need to comply with the Critical Area Regulations.

The subject property is approximately 23,000 square feet and is zoned DR 3.5. The property is improved with a modest (approximately 1,000 square feet) dwelling constructed in

ORDER RECEIVED FOR FILING

Date

12/22/15

By

Sen

1921. Petitioner plans to raze that structure and proposes to construct a replacement new dwelling on the lot. To do so, variance relief is required.

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).

Petitioner has met this test. The lot is very narrow and deep and was created long before the adoption of the B.C.Z.R. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because she would be unable to construct a suitable dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 22nd day of December, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 1B02.3.C.1 and 301.1.A to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and summation of 25 ft. and open projections (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

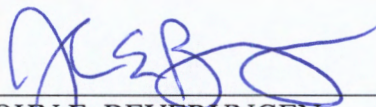
Date 12/22/15

By sen

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 her 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.
2. Prior to issuance of permits Petitioner must comply with flood protection and Critical Area regulations.

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 12/22/15
By sln



KEVIN KAMENETZ
County Executive

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

December 22, 2015

Bernadette Moskunas
200 E. Joppa Road, Room 101
Towson, Maryland 21286

RE: Petition for Variance
Case No. 2016-0101-A
Property: 716 Nollmeyer Road

Dear Mrs. Moskunas:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



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 716 Nollmeyer Road which is presently zoned D.R. 3.5
Deed References: 35298/301 10 Digit Tax Account # 1507210940
Property Owner(s) Printed Name(s) Concetta Lumaro

(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)

see attached

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)

"to be presented at hearing"

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):

Concetta Lumaro

Name #1 - Type or Print

Name #2 - Type or Print

Concetta Lumaro

Signature #1

Signature #2 Bernadette

2105 Laurel Bush Sect 105 MD

Mailing Address City State

21015 410456-1177 Concetta Lumaro a

Zip Code Telephone # Email Address Comcast. net

Representative to be contacted:

Bernadette Moskunus, Site Rite Surveying

Name - Type or Print

Bernadette Moskunus

Signature

200 E. Joppa Road Rm 101 Towson MD

Mailing Address City State

21286 410.828.9060 siteriteinc@aol.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0101-A

Filing Date 10/21/15

Do Not Schedule Dates:

Reviewer RJD

VARIANCE REQUEST FOR 716 NOLLMEYER ROAD

...relief from Sections 1B02.3.C.1 and 301.1.A – to permit a proposed single family dwelling with a side yard setback of 5 feet and a summation of side yard setbacks of 13 feet in lieu of the minimum required 10 feet and summation of 25 feet, and open projections (decks) with a side yard setback as close as 4 feet in lieu of the allowed 7½ feet.

Zoning Property Description for #716 Nollmeyer Road

Beginning at a point on the southwest side of Nollmeyer Road which has a variable right of way, at the distance of 710 feet southeast of the centerline of Tidewater Road which is 50 feet wide.

Thence the following courses and distances:

- South 28 degrees 28 minutes 43 seconds East, 43.41 feet
- South 44 degrees 25 minutes 17 seconds West, 250.69 feet
- South 34 degrees 49 minutes 17 seconds West, 154.10 feet
- North 22 degrees 47 minutes 03 seconds West, 72.88 feet
- North 44 degrees 25 minutes 17 seconds East, 387.16 feet back to the point of beginning as recorded in Deed Liber 35298, folio 301, containing 16,346.78 sq. ft. more or less.

Located in the 15th Election District, 6th Councilmanic District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060



Item #0101

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: 2016-0101-A

Petitioner: Concetta Lumaro

Address or Location: 716 Nollmeyer Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Concetta Lumaro

Address: 2105 Laurel Bush Rd, Suite 105

Bel Air, MD

21015-6185

Telephone Number: 410 456 1177

**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 fifteen (15) 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: 2016-0101-A
Property Address: 716 Nollmeyer Road
Property Description: located on the southwest side of Nollmeyer Road
southeast of Tidewood Road.
Legal Owners (Petitioners): Concetta Lumaro
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Concetta Lumaro
Company/Firm (if applicable): _____
Address: 2105 Laurel Bush Road
Suite 109
Bel Air, MD 21015
Telephone Number: 410 456-1177

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

No. **127337**

Date: **10/21/15**

PAID RECEIPT

BUSINESS ACTUAL TIME CSM
 10/21/2015 10/21/2015 10:18:48 4

RECEIPT # 335974 10/21/2015 IFLW

5 539 ZONING VERIFICATION
 127337

Receipt Tot \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	906	0000		6140				575.00

Total: **575**

Rec From:

For: **Zoning Meeting - CSM # 204-0101-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 11-30-15

RE: Case Number: 2016-0101-A

Petitioner/Developer: Concetta Lumaro

Date of Hearing/Closing: 12-21-15 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 716 Nollmeyer Rd

The signs(s) were posted on 11/30/15
(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)

CERTIFICATE OF POSTING

CASE NO: 2016-0101-A

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING:

12/21/15

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

ATTENTION:

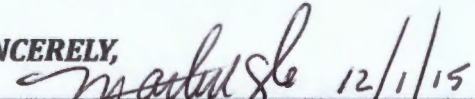
LADIES AND GENTLEMEN:

**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** _____

716 NOLLMAYER ROAD

THIS SIGN(S) WERE POSTED ON December 1, 2015
(MONTH, DAY, YEAR)

SINCERELY,

 12/1/15
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 # 2016-0101-A

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

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, DECEMBER 21, 2015
AT 11:00 A.M.

REQUEST:
VARIANCE TO PERMIT A PROPOSED SINGLE FAMILY DWELLING WITH
A SIDE YARD SETBACK OF 5 FT. AND A SUMMATION OF SIDE YARD
SETBACKS OF 15 FT. IN LIEU OF THE MINIMUM REQUIRED 0 FT.
AND A SUMMATION OF 25 FT. OPEN PROTECTION (DECKS)
WITH A SIDE YARD SETBACK AS CLOSE AS 4 FT. IN LIEU OF
THE ALLOWED 7.5 FT.

*NOTIFICATION HAS BEEN GIVEN TO ALL ADJACENT PROPERTY OWNERS AND ALL APPLICANTS HAVE BEEN NOTIFIED

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

Madingle 12/1/15



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 3777918

Sold To:

Concetta Lumaro - CU00506245
2105 Laurel Bush Rd
Ste 109
Bel Air, MD 21015-6173

Bill To:

Concetta Lumaro - CU00506245
2105 Laurel Bush Rd
Ste 109
Bel Air, MD 21015-6173

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

Dec 01, 2015

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: # 2016-0101-A	
716 Nollmeyer Road	
SW/s of Nollmeyer Road, 710 ft. SE of the centerline of Tidewater Road	
15th Election District - 6th Councilmanic District	
Legal Owner(s) Concetta Lumaro	
Variance: to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and a summation of 25 ft., an open projection (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft.	
Hearing: Monday, December 21, 2015 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.	
UT 12/625 Dec. 1	3777918

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

ZONING NOTICE

CASE # 2016-0101-A

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

JEFFERSON BUILDING ROOM 205

PLACE: 105 W. CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: MON. DEC. 21, 2015 11AM

REQUEST: VARIANCE TO PERMIT A PRO-

POSED SINGLE FAMILY DWELLING WITH A SIDEYARD

SETBACK OF 5FT AND A SUMMATION OF SIDEYARD

SETBACKS OF 13FT IN LIEU OF THE MINIMUM REQUIRED

10FT AND A SUMMATION OF 25FT, AN OPEN PROJECTION

LIEU OF THE REQUIRED 7.5FT

POSTPONEMENTS DUE TO WEATHER OR OTHER ...

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 1, 2015 Issue - Jeffersonian

Please forward billing to:

Concetta Lumaro
2105 Laurel Bush Road, Ste. 109
Belair, MD 21015

410-456-1177

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: 2016-0101-A

716 Nollmeyer Road
SW/s of Nollmeyer Road, 710 ft. SE of the centerline of Tidewater Road
15th Election District – 6th Councilmanic District
Legal Owners: Concetta Lumaro

Variance to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and a summation of 25 ft., an open projection (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft.

Hearing: Monday, December 21, 2015 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*

November 9, 2015

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: 2016-0101-A

716 Nollmeyer Road

SW/s of Nollmeyer Road, 710 ft. SE of the centerline of Tidewater Road

15th Election District – 6th Councilmanic District

Legal Owners: Concetta Lumaro

Variance to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and a summation of 25 ft., an open projection (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft.

Hearing: Monday, December 21, 2015 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Concetta Lumaro, 2105 Laurel Bush Road, Ste. 109, Belair 21015
Bernadette Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 1, 2015.**
- (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.

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/27/15

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

RE: Baltimore County
Item No. 2016-0101-A
Variance
Concetta Lumaro
716 Nollmeyer Road.

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. 2016-0101-A.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 4, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For October 26, 2015
Item No. 2016-0087, 0099, 0100, 0101 and 0102

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

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10262015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: November 11, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-101

NOV 19 2015

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

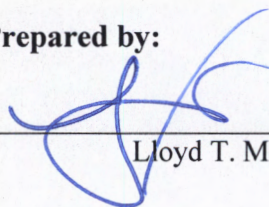
Property Address: 716 Nollmeyer Road
Petitioner: Concetta Lumaro
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed single family dwelling with a side yard setback of 5 feet and a sum of side yard setbacks of 13 feet in lieu of the required 10 feet and sum of 25 feet; and to permit an open projection with a side yard setback of 4 feet in lieu of the required 7 ½ feet.

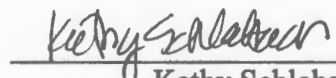
The Department of Planning has no objection to granting the petitioned zoning relief.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Bernadette Moskunus, Site Rite Surveying
Office of the Administrative Hearings
People's Counsel for Baltimore County

12/21/15

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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NOV 17 2015



OFFICE OF ADMINISTRATIVE HEARINGS

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: November 17, 2015

SUBJECT: EPS Comment for Zoning Item # 2016-0101-A
Address 716 Nollmeyer Road
(Lumaro Property)

Zoning Advisory Committee Meeting of October 26, 2015.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement single family dwelling with attached decks with reduced side yard setbacks. The lot is waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage, afforestation, and any mitigation. Proposed lot coverage information was not provided. Afforestation equates to a total of 5 trees. If the proposal meets all LDA and BMA requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If lot coverage, afforestation, and MBA requirements are met, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If lot coverage, afforestation, and MBA requirements are met the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: November 5, 2015

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
716 Nollmeyer Road; SW/S Nollmeyer Road, *
710' SE of c/line of Tidewater Road * OF ADMINSTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Concetta Lumaro * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-101-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
NOV 02 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2015, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Neighbor @
718

IN RE: PETITION FOR VARIANCE

(718 Nollmeyer)

15th Election District

6th Council District

Kevin L. & Christina Maex-Murphy

Petitioners

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0028-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Kevin L. and Christina Maex-Murphy, owners of the subject property ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 1B02.3.C.1 and 301.1.A: (1) to permit a proposed replacement dwelling with a side yard setback of 6 ft. and a sum of side yard setbacks of 12 ft. in lieu of the required 10 ft. and sum of 25 ft.; and (2) to permit an open projection with a side yard setback of 3 ft. in lieu of the required 7.5 ft. A site plan was marked as Petitioners' Exhibit 1.

Kevin and Christina Murphy appeared in support of the petition. David Billingsley, whose firm prepared the site plan, assisted the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. The file contains a letter of support from Andrew and Kimberly Cicchini (who live next door at 720 Nollmeyer). In addition, on the day of the hearing a letter was received from Ms. Lumaro (who owns the property at 716 Nollmeyer) expressing concern about the side yard setback and proposed placement of exterior stairs. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), indicating that any new

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1507290940			
Owner Information					
Owner Name:		LUMARO CONCETTA		Use:	RESIDENTIAL
Mailing Address:		2106 LAUREL BUSH RD BEL AIR MD 21015-		Principal Residence:	NO
				Deed Reference:	/35298/ 00301
Location & Structure information					
Premises Address:		716 NOLLMEYER RD BALTIMORE 21220- Waterfront		Legal Description:	.528 AC NOLLMEYER RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0091	0016	0175		0000	2015
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1921	1,020 SF		22,999 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	ASBESTOS SHINGLE	1 full	
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	264,700	264,700			
Improvements	0	0			
Total:	264,700	264,700	264,700	264,700	
Preferential Land:	0			0	
Transfer Information					
Seller: LEXINGTON-PIONEER CITY LLC		Date: 08/25/2014	Price: \$165,000		
Type: ARMS LENGTH VACANT		Deed1: /35298/ 00301	Deed2:		
Seller: FRASCA JOHN F		Date: 08/04/2011	Price: \$185,000		
Type: ARMS LENGTH VACANT		Deed1: /31063/ 00063	Deed2:		
Seller: GIBSON MARGRET J		Date: 03/22/1999	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /13612/ 00275	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015	07/01/2016		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					



KEVIN KAMENETZ
County Executive

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

April 17, 2017

Nicholas Berry & Nicole Miklewski
835 Ramsay Street
Baltimore, Maryland 21230

To Whom it May Concern:

RE: Spirit and Intent Letter for Zoning Case #2016-0101-A
716 Nollmeyer Road
15th Election District

Pursuant to your letter received April 2, 2017, you have requested an opinion from this office regarding the Variance granted in the above referenced case. You're request to amend the previously approved site plan by relocating the approved single family dwelling. The revised location will comply with the side setbacks listed in the subject order however, the new front will be setback 102ft from the water front property line with a proposed deck that is 84ft from the water front property line.

Upon review of the facts in case 2016-0101-A and analysis of both exhibit #1 and the re-submitted red-lined site plan, it is the opinion of this office that you request does meet the spirit and intent of the Variance granted in the subject case

A-TSM
7/20/17

A copy of this letter and the new red-lined site plan will be placed in the above reference Variance file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to you request. If you need additional information or have any questions, I can be contacted at 410-887-3391.

Sincerely,

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

Leonard Wasilewski
Planner II
Zoning Review

17-145/LW

Nicholas Berry & Nicole Miklewski
835 Ramsay Street
Baltimore, MD 21230
4/2/2017

Arnold Jablon
Director
Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Dear Arnold Jablon:

This letter is a request for your approval and concurrence that the enclosed "red-lined" plan meets the spirit and intent of the approved site plan presented and approved in Zoning Case No. 2016-0101-A.

Zoning Case No. 2016-0101-A provided a relief from Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 1B02.3.C.1 and 301.1.A to permit a proposed single family dwelling with a side yard setback of 5 ft. and a summation of side yard setbacks of 13 ft. in lieu of the minimum required 10 ft. and summation of 25 ft. and open projections (decks) with a side yard setback as close as 4 ft. in lieu of the allowed 7.5 ft.

The red-lined plan maintains the same side yard setback as was previously granted, but locates the proposed single family dwelling 102 ft. from the shoreline in lieu of the 86 ft. which was shown on the site plan submitted with Zoning Case No. 2016-0101-A. The proposed dwelling has been shifted to be in compliance with the Baltimore County Modified Buffer Area plan, and to allow for the installation of a driveway that will be in compliance with the Critical Area Commission Lot Coverage requirements. Moving the home further from the shoreline and closer to the street decreases the driveway size and thus decreases the percentage of impervious surface. The overall length of the proposed dwelling has been increased from 46 ft. to 60 ft.

We hope that you agree with our interpretation that the proposed modifications meet the spirit and intent of Zoning Case No. 2016-0101-A, and provide a letter of written confirmation of your agreement.

We have enclosed with this letter a "red-lined" site plan, an approved copy of zoning case 2016-0101-A, and a check for the \$20 processing fee for the spirit and intent letter.

RECEIVED

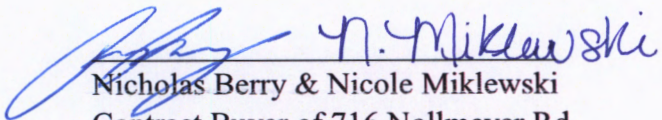
APR 06 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

To: LW
STF
4/10/17 uca
#17-145
\$2000

Thank you in advance for your consideration in this matter. Should you have any questions, please do not hesitate to contact me directly at 410-480-4271 or 443-682-0525 or nberry@harkinsbuilders.com.

Sincerely,

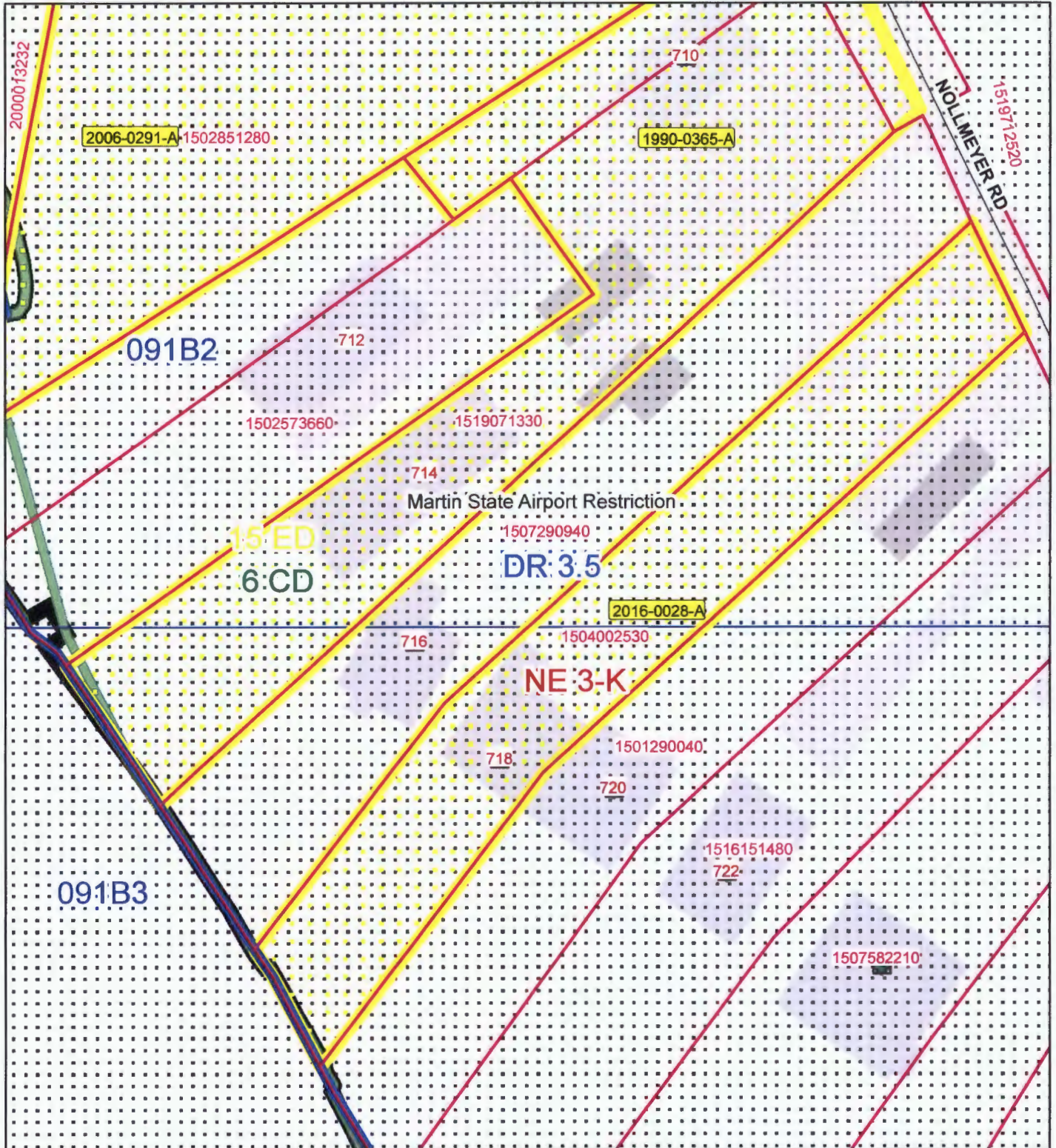

Nicholas Berry & Nicole Miklewski
Contract Buyer of 716 Nollmeyer Rd
Middle River, MD 21220

Authentication
Concetta Lumaro
4/3/2017 2:24:18 PM EDT

04/03/2017

Concetta Lumaro
Contract Seller of 716 Nollmeyer Rd
Middle River, MD 21220

716 Nollmeyer Road



Publication Date: 10/21/2015



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

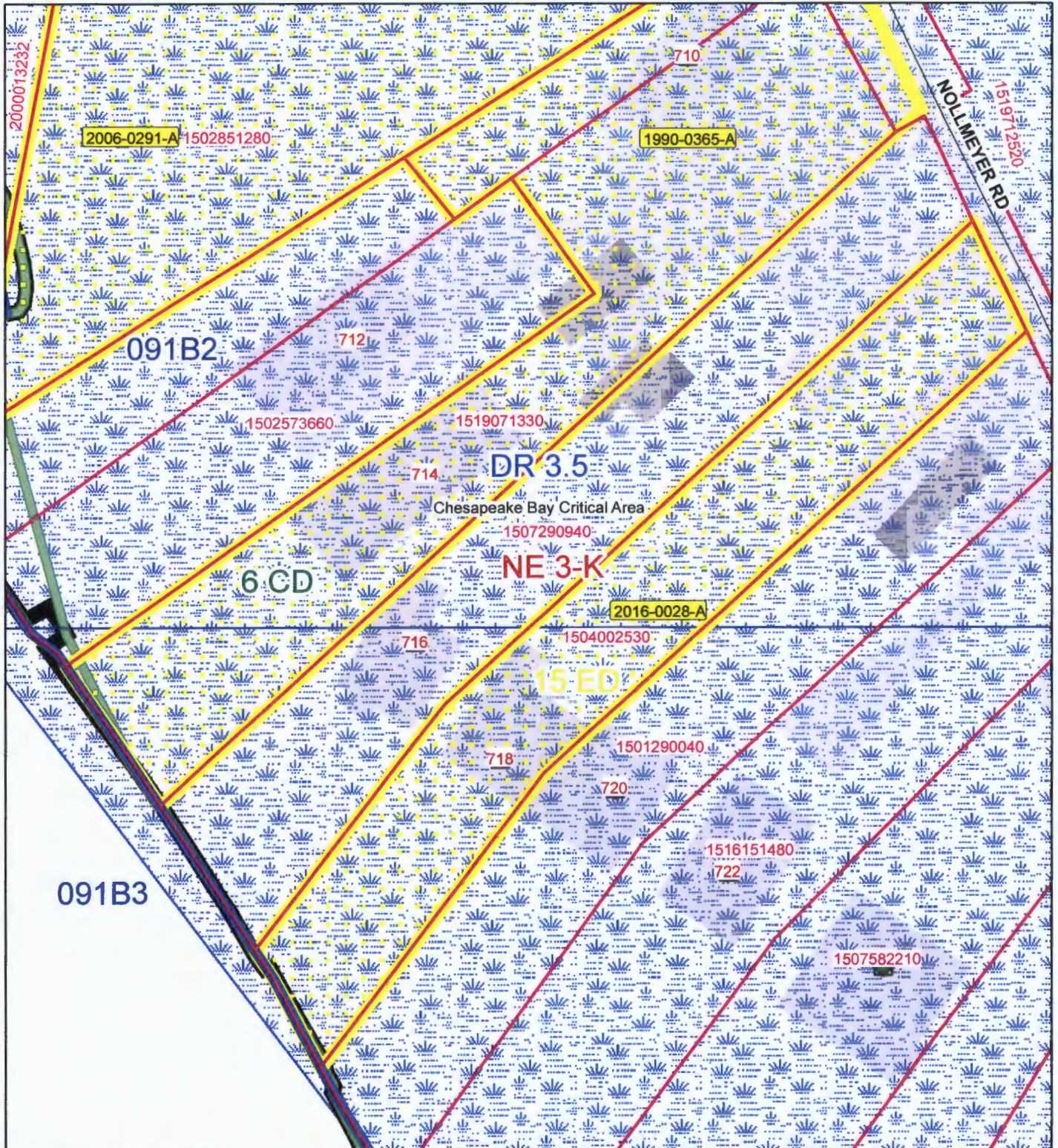


0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0101

Chesapeake Bay Critical Area



Publication Date: 10/21/2015



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

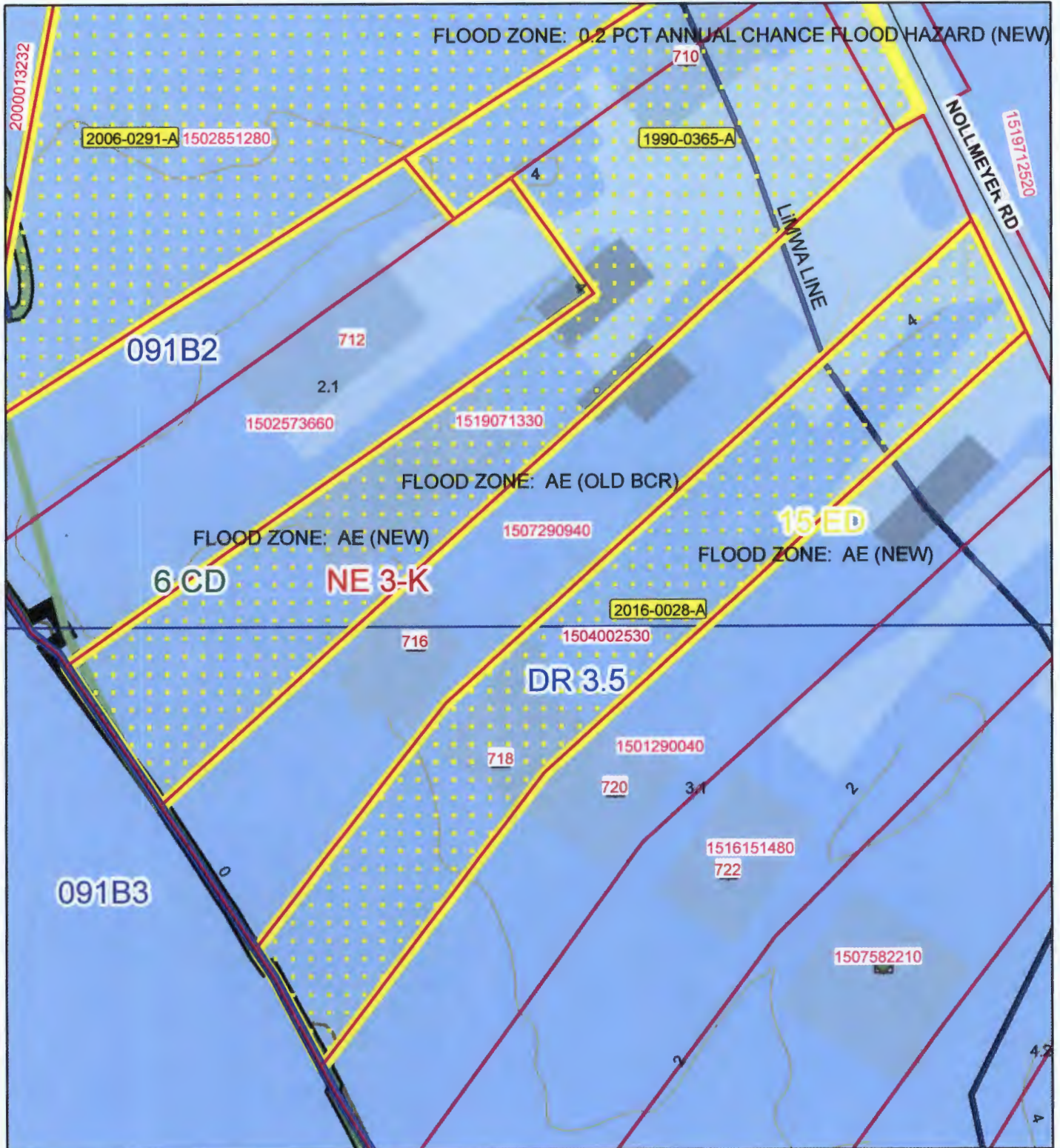


0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0101

Elevations and Flood Hazards



Publication Date: 10/21/2015



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0101

CASE NAME 716 Nollmeyer Road
CASE NUMBER 2016-0101-A
DATE December 21, 2015

[illegible]

Case No.: 2016-101-A

Exhibit Sheet

193
12-21-16

Petitioner/Developer

193
12-23-15

Protestant

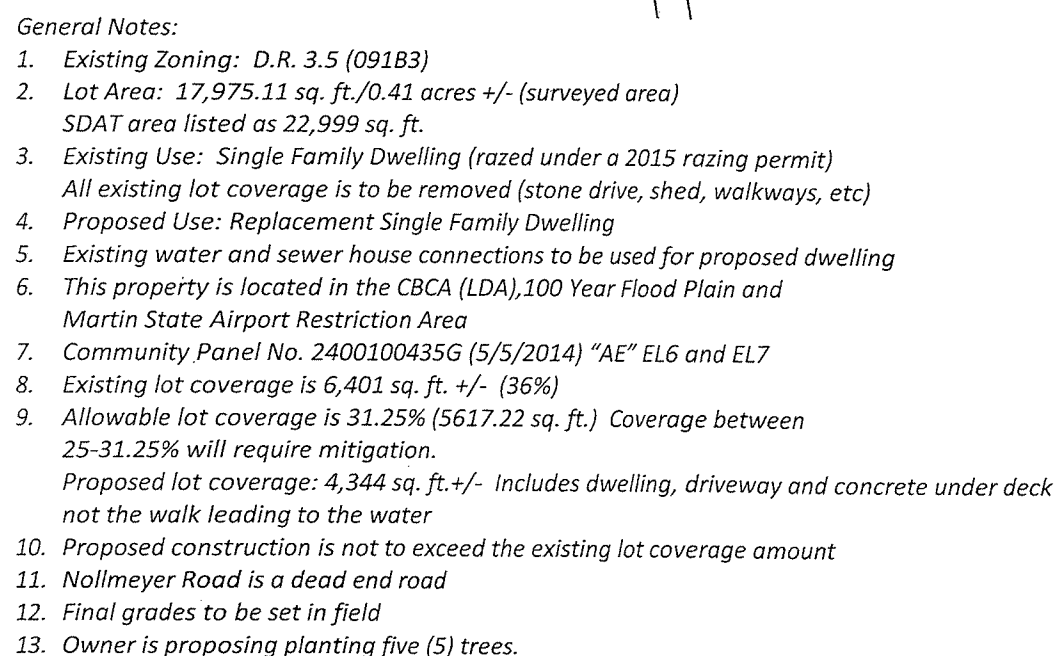
Sen
12-22-15

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

FLOOD PLAIN NOTE

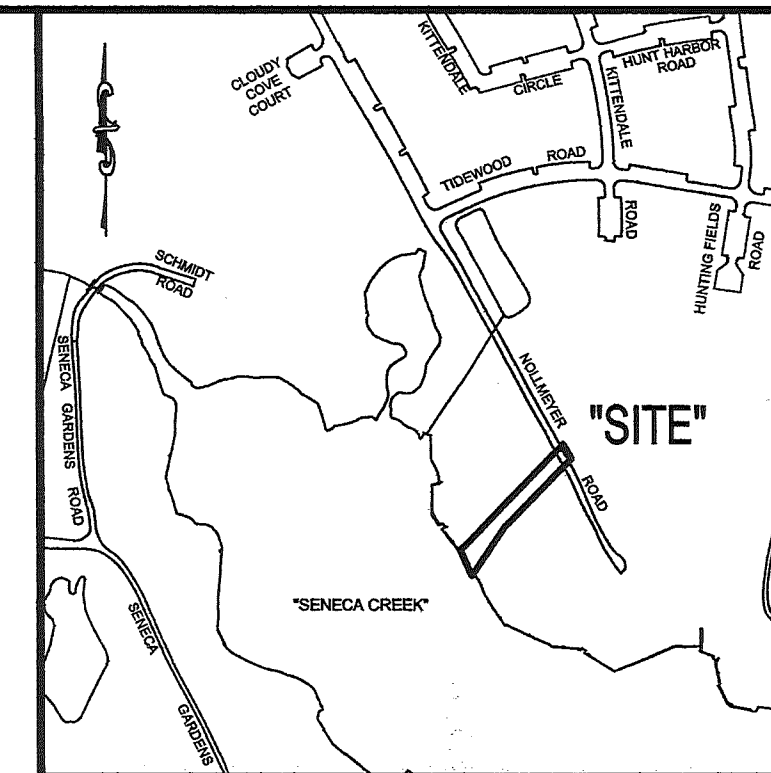
THE PROPOSED DWELLING MUST BE CONSTRUCTED IN ACCORDANCE WITH THE BALTIMORE COUNTY 100 YR. FLOOD PLAIN REGULATIONS. ALTHOUGH THE CURRENT FEMA MAPS WERE UPDATED 5/5/2014:

BASE FLOOD ELEVATION: 8.5' (NAVD88) BFE 9
FLOOD PROTECTION ELEVATION: 10.5' (NAVD88) FPE 11
PROPOSED LOWER LEVEL ELEVATION : 4.0'±
PROPOSED FIRST FLOOR ELEVATION: 15.3'±



DEED REF.:35298/301
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TAX ACCT. NO. 1507290940
MAP:91 GRID:16 PARCEL:0175

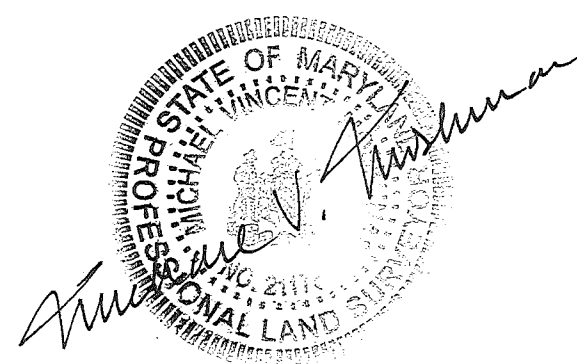
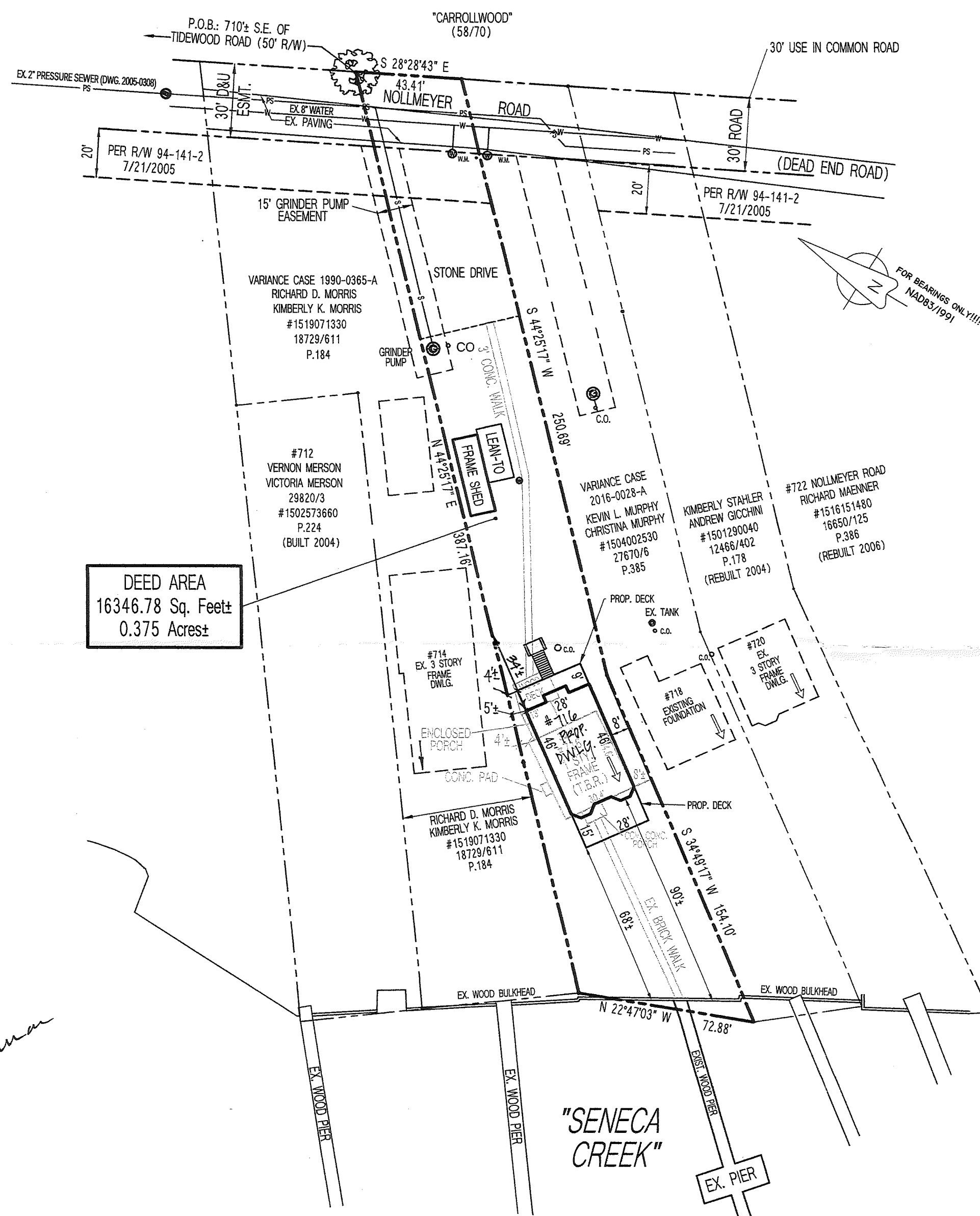
SCALE: 1"=30'	DATE: 04/26/2017	LT: N/A
DRAWN: MVM	CHECKED: BLM	JOB: 10322



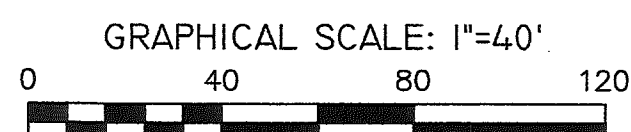
VICINITY MAP SCALE 1" = 500'

General Notes:

1. Existing Zoning: D.R. 3.5 (091B3)
2. Lot Area: 16,349.78 sq. ft./0.375 ac. +/-
3. Existing Use: Single Family Dwelling to be razed
4. Proposed Use: Replacement Single Family Dwelling
5. This property is serviced by public utilities (sewer installed in 2005)
6. This property is located in the CBCA (LDA), 100 Year Flood Plain and Martin State Airport Restriction Area
7. Community Panel No. 2400100435G (5/5/2014) "AE" EL6 and EL7
8. This property is not located in an Historic District
9. There is no prior zoning history
10. This property is an individual lot of record being held in tact since 1958
11. Existing lot coverage is 5,558 sq. ft. +/- (34%)
12. Allowable lot coverage is 31.25% (5108.37 sq. ft.) Coverage between 25-31.25% will require mitigation.
13. Proposed construction is not to exceed the existing lot coverage amount
14. Nollmeyer Road is a dead end road



SITERITE SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286



OWNER
(PURCHASED 8/2014)
CONCETTA LUMARO
#2105 LAUREL BUSH ROAD
BEL AIR, MD. 21015

#2016-0101-A R.D.

PLAN TO ACCOMPANY VARIANCE PETITION		
#716 NOLLMEYER ROAD		
DEED REF.:35298/301		
15 ELECTION DISTRICT C6		
BALTIMORE COUNTY, MARYLAND		
TAX ACCT. NO. I507290940		
MAP:91 GRID:16 PARCEL:0175		
INC.		
SCALE: 1"=40'	DATE: 10/13/2015	LT: N/A
DRAWN: MVM	CHECKED: BLM	JOB: 10322

Petitioner No. 1