



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

November 27, 2024

Bill Grant – billgrant01@gmail.com
Seneca Creek, LLC

James Schaefer – jschaefer@schaefer-homes.com;

RE: Petition for Variance
Case No. 2024-0192-A
Property: 721 Nollmeyer Road

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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 dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure
c: -See Next Page -

c: Patrick Richardson rick@richardsonengineering.net
David Scheckells dscheckells@gmail.com
Brian Messineo bmessineo@schaefer-homes.com
Bryan Knight beknight21@gmail.com
Jess Collins jess.collins@interfuze.com
Nick Berry nberry@harkinsbuilders.com
Paul Moskunas paul.moskunas@deltausinc.com
Randy randy.sroka@gmail.com
Robert Tirschman bobt44@yahoo.com
Ron Sroka Jr. rsroka@evolveconsultinginc.com
Russell Maas maasrussell@gmail.com
Samuel Quinteros squinteros0317@gmail.com
Scott Dougherty sdougherty@denver-elek.com
Stanley Taylorson staylorson@gmail.com
Tom Camalier tom.camalier@yahoo.com
Vernon Merson vmerson@verizon.net
Don Kobrick dkobrick58@gmail.com
Jordan charles.powell2005@gmail.com
Rick boat21220@aol.com

IN RE: PETITION FOR VARIANCE

(721 Nollmeyer Road)

15th Election District

5th Council District

Seneca Creek, LLC

Legal Owner

James Schaefer

Contract Purchaser

Petitioners

*

BEFORE THE

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OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

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CASE NO: 2024-0192-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Petitioners, Seneca Creek, LLC, legal owner, and James Schaefer, contract purchaser (the “Petitioners”) for property located at 721 Nollmeyer Road, Middle River (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §417.3, to allow a pier to be constructed as shown on the site plan exceeding the Mean Divisional Lines due to irregularity of property frontages of the adjoining properties.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on October 9, 2024. The Petition was properly advertised and posted. James Schaeffer appeared on behalf of the Petitioners at the hearing along with Ronald Sroka, Esquire, attorney for Schaeffer Homes, and Patrick Richardson, PE, of Richardson Engineering, a certified professional engineer who prepared and sealed a site plan (the “Site Plan”) and a redlined site plan (the “Redlined Site Plan”). (Pet. Exs. 1, 1A). There were many Protestants and interested citizens who testified in opposition to the requested relief including, David Scheckells, President of Essex Rod and Gun Club (“ERGC”), 732 Nollmeyer Rd., along with other members of the ERGC; Nick Berry 716 Nollmeyer Rd.; Richard Maenner, 722 Nollmeyer Rd.; Stanley Taylorson 728 Nollmeyer Rd.;

Vernon Mersor, 710 Nollmeyer Rd.

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) which agency did not oppose the requested relief. The Department of Environmental Protection and Sustainability (“DEPS”) provided a comment that the Property is located within a Limited Development Area (“LDA”), is therefore subject to the Chesapeake Bay Critical Area (“CBCA”) regulations, and therefore the proposed pier will need a Critical Area Variance if it extends greater than 25% of the waterway. The Department of Public Works and Transportation (“DPWT”) provided the following comment:

DPWT: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

The Petition for Variance was filed for the Property labeled as Lot 1 on the Minor Subdivision Plan, Seneca View (Minor Subdivision Number 18-030-M) which was approved by the County in January, 2020. (Pet. Ex. 2). The Property is 1.055 acres +/-, is irregularly shaped and, unlike many of the adjoining properties, has limited frontage along Seneca Creek and it sits inside of a cove. (Pet. Ex. 3A, 3B). It is zoned Density Residential (DR 3.5). (Pet. Ex. 3A). The Property is presently improved with a single family dwelling constructed in 1914, and an existing wooden pier (without boat lifts). The Petitioner intends to raze the existing dwelling and construct a replacement dwelling, along with new homes on Lot 2 (723 Nollmeyer Rd.) and Lot 3 (725 Nollmeyer Rd.). The existing pier is also in disrepair and in need of replacement. The distance between the existing pier and the pier for 834 Luthardt Rd., is 53 ft As shown on the Redlined Site Plan, each of the 3 Lots would have access to, and use of, a 5 ft private access easement to

Seneca Creek.

As proposed with the Petition, Petitioners sought to replace the existing pier, with a 175 ft long pier and 3 boat lifts, along with an eastward facing 200 sf platform. (Pet. Ex. 1). As originally proposed, the replacement pier would project diagonally and further west toward the ERGC property. Petitioner testified that the existing pier is unsafe, cannot accommodate 3 boat lifts needed for the proposed 3 new dwellings. As proposed, the replacement pier would be located farther from the pier associated with 834 Luthardt Rd. at 79 ft, with 1 boat lift on the eastern side and 2 boatlifts on the western side. Petitioner asserted that the additional length of the proposed pier is needed to access navigable waters. At the hearing, Petitioner highlighted that the shoreline-view photograph reveals that the existing piers on adjacent properties along Seneca Creek already extend out to necessary depth. (Pet. Ex. 4).

Mr. Scheckells and many members of the ERGC testified in opposition to the 175 ft pier and platform due to its proximity to ERGC shoreline. As shown on the Site Plan, ERGC has its own 'L' shaped pier for multiple boats. ERGC has been in existence at 732 Nollmeyer Rd. for 60 years, and the ERGC bulkhead is used for fishing by its members. ERGC insist that, as proposed, the new pier location and length would interfere with fishing, and the boat lifts/platform will block their eastern waterfront view. ERGC highlighted that the Minor Subdivision Plan indicated that the existing pier would remain.

Due to the opposition from the Protestants, Petitioners agreed to have Mr. Richardson review the proposed pier on the Site Plan and to determine whether there were other design alternatives. It was requested by the undersigned that the Redlined Site Plan be circulated to the ERGC and property owners who appeared at the hearing. Mr. Richardson submitted the Redlined Plan showing a shorter replacement pier with a length of 166 ft, in the same location as the existing

pier (rather than diagonally), with the 200 sf platform facing west . The positions of the proposed boatlifts also changed such that 1 boatlift would be located on the western side of the pier, and 2 boatlifts on the eastern side. As revised, this pier would measure 30 ft away from the pier at 834 Luthardt Rd. Mr. Richardson provided the Redlined Site Plan to the Baltimore County Building Engineer, who provided OAH with the following comment:

Mr. Rick Richardson, P.E. I have reviewed you proposed pier plan Sheet 1 of 1 dated 06-23-24 for a replacement pier with an extension in length along with three proposed new boat lifts for 721 Nollmeyer Road. This newly proposed pier is to be shared by three lots known as Lot 1, Lot 2 and Lot 3 (AKA 721, 723, 725 Nollmeyer Road) This pier is being built in the approximate same location as the existing pier currently in place which maintains the existing pier arrangement without creating a new 417 Divisional Line . The proposed pier is being extended further out from the shore line in order to facilitate deeper water berthing for proposed shared pier and boat lifts. In order not to conflict with the existing pier for 834 Luthardt Road the proposed replacement pier is planned to be constructed at the same location as the existing pier with the exception of a pier extension along with three proposed boat lifts. The proposed replacement pier and its new boat lifts will extend approximately 4 to 5 feet across the newly shown 417 Divisional line shared with the Essex Rod and Gun Club located to the west and has no apparent conflict with the existing pier at that the location. This proposed arrangement will maintain a 20 foot open access strip between the facilities (piers) of adjoining property owners while at the same time providing pier access to deeper water for properties known as 721, 723, 725 Nollmeyer Road.

Pursuant to section 417.2 C. the above proposed arrangement would cause the least interference with existing piers while providing pier and berthing access for 721, 723, 725 Nollmeyer Road and as such I feel this complies with the spirit and intent of section 417 of the Baltimore County Zoning Regulations.

John Bryan CBO
Building Engineer of Baltimore County
Special Assistant State Fire Marshal
Department of Permits, Approvals & Inspections
County Office Building,
111 W. Chesapeake Ave.
Towson, Maryland 21204
(410-887-3985)

Protestants were requested to provide their written comments on the revised pier by COB November 26, 2024. By email dated November 22, 2024, Stanley and Antoinette Taylorson, 728 Nollmeyer Rd. were in agreement as to the location being in the same place as the existing pier but opposed the length and platform. By email dated November 25, 2024, ERGC similarly responded that there was no objection to locating the replacement pier in the same location as the existing one, but ERGC did object to the extension. ERGC contends that the water at the end of the existing pier provides the necessary depth because 2 boat lifts are proposed at that location.

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 is what necessitates the requested 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).

I find that the Property is uniquely shaped with a very small boundary line on the waterfront of Seneca Creek as compared to neighboring shoreline properties. I further find that this limited waterfront area causes a practical difficulty and unreasonable hardship with the construction of a replacement pier due to the position of the existing pier at 834 Luthardt Rd. while also needing to comply with BCZR, §417. It was undisputed that the existing pier is in disrepair and needs to be replaced. Thus, a nexus exists between the unique physical features and practical difficulty resulting in the need for the Variance of the Mean Divisional Lines. After hearing the concerns expressed by the many people who attended the hearing on October 9, 2024, Petitioner revised the Site Plan, repositioned the pier back to its original location, reduced its length by 9 ft., and moved the 2 of the 3 boat lifts away from ERGC property. In reviewing the Redlined Site Plan, the

Baltimore County Building Engineer approved the revised pier, and noted that proposed replacement pier and its new boat lifts will only extend 4 to 5 feet +/- across the 417 Divisional line shared with ERGC. The Building Engineer opined that the revised pier complies with the spirit and intent of BCZR, §417 in that it causes the least interference with existing ERGC pier and the one at 834 Luthardt Rd., while still maintaining the required 20 ft open access strip under BCZR, §417.4. I agree. A 30 ft distance will be provided between the replacement pier and the existing pier of 834 Luthardt Rd. I find that there is no conflict with existing facilities (piers) and therefore BCZR, §417.3.C does not apply. ERGC will be able to continue to fish from their bulkhead. Moreover, it is not lost that the 3 homes approved on the Minor Subdivision Plan in 2020, will need access to Seneca Creek, similar to other waterfront properties. Additionally, the aerial photograph confirmed that nearly all the piers on Seneca Creek have platforms and/or boat lifts. (Pet. Ex. 3B). Weighing all of the evidence presented, I find the Variance relief should be granted. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

ERGC and Mr. Taylorson were concerned that the owner of 834 Luthardt Rd. was not provided the Redlined Site Plan. The file reflects that the Property was properly posted with the required Zoning Notice and published in the newspaper. Given the many people who attended the hearing, the owner of 834 Luthardt Rd. was provided with the same the opportunity, but did not appear, and did not provide written testimony.

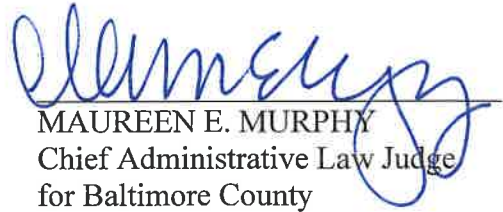
THEREFORE, IT IS ORDERED, this 27th day of **November, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §417.3, to allow a pier to be constructed as shown on the Redlined Site Plan (Pet. Ex. 1A) exceeding the Mean Divisional Line due to irregularity of property frontages of the adjoining properties be, and it is

hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall comply with the DPWT and DEPS ZAC comments which are attached hereto and incorporated herein.
3. The Redlined Site Plan (Pet. Ex. 1A) is incorporated into and made a part hereof.

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


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0192-A

DATE: August 27, 2024

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100435F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No comment.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0192-A
Address: 721 NOLLMEYER ROAD
Legal Owner: Seneca Creek, LLC; Bill Grant

Zoning Advisory Committee Meeting of September 3, 2024.

DEPS 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;

This property (Seneca View subdivision) is located within a Limited Development Area (LDA) and must comply with all Critical Area requirements, including the requirements of the approved subdivision plan. The applicant is proposing to construct a 175-foot pier structure in Seneca Creek that includes a 200 square foot platform and three boat lifts. The location of the pier outside of required divisional property lines for waterfront construction can be accomplished with minimal adverse impacts on water quality if construction of the pier meets all state and county requirements for construction in tidal waters. These requirements include the need for the applicant to make application for a Chesapeake Bay Critical area administrative variance for a proposed pier that extends greater than 25% of the waterway. The granting of a Critical Area variance requires the applicant to meet all variance criteria.

2. Conserve fish, plant, and wildlife habitat;

Submerged aquatic vegetation has been mapped in this waterway in recent years, but there are no rare, threatened or endangered species, any species in need of conservation, or colonial bird nesting habitats indicated for this location. If the proposed pier construction meets Critical Area requirements, and all other state and county requirements, 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;

Provided that the applicants meet all Critical Area pier requirements, obtain a Critical Area variance for extending greater than 25% into the waterway, and obtain approval from the Maryland Department of the Environment, the relief requested will be consistent with established Critical Area policies.

Reviewer: Paul Dennis, Environmental Impact Review



GENERAL NOTES:

- [illegible]

EXHIBIT 1



Richardson
ENGINEERING

Daneseon Street
Simontum, Maryland 21093
Phone: 410-580-1502, Info

PLAN TO ACCOMPANY ZONING PETITION
FOR
SENECA CREEK, LLC
PIER

721 NOLLMEYER ROAD

BALTIMORE COUNTY
5TH ELECTION DISTRICT



PROSECUTION OFFENSES:
I HAVE CREDIT FOR THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME AND THAT I AM A FULLY LICENSED PROFESSIONAL
DEALER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 1087, EXPIRATION DATE: 08-15-2025

24-0719 TC



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 721 Nollmeyer Road Currently Zoned DR-3.5

Deed Reference 47399/298 10 Digit Tax Account # 1519712520

Owner(s) Printed Name(s) Seneca Creek, LLC

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

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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. **X a Variance** from Section(s) 417 to allow a pier to be constructed as shown on the attached plan exceeding the Mean Divisional Line due to irregularity of property frontages of the adjoining properties.

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

James Schaefer
Name - Type or Print

Signature
181 Harry S Truman Parkway Annapolis MD
Mailing Address City State
21401 / 301-580-6753 / JSchaefer@schaefer-homes.com
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):

Seneca Creek, LLC Bill Grant /
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2
PO Box 1299 Paso Robles CA
Mailing Address City State
93447 / 805-286-5586 / billgrant01@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print

Signature
7 Deneison Street Timonium MD
Mailing Address City State
21093 / 410-560-1502 / rick@richardsonengineering.net
Zip Code Telephone # Email Address

Case Number 2024-0192-A Filing Date 8 / 13 / 24 Do Not Schedule Dates _____ Reviewer TC



Richardson
ENGINEERING

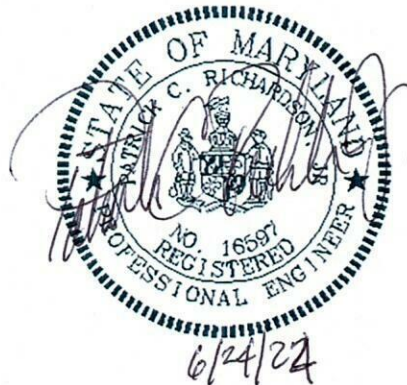
CIVIL | COMMERCIAL
RESIDENTIAL
INDUSTRIAL

RICHARDSON ENGINEERING, LLC.
7 DENEISON ST. | TIMONIUM, MD 21093
410-560-1502 | RICHARDSONENGINEERING.NET

**ZONING PROPERTY DESCRIPTION FOR
721 NOLLMAYER ROAD
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located at a point on the West side of Nollmeyer Road approximately 466+/- feet Southeast of the intersection of Nollmeyer Road and Tidewood Road. Then running Northeast away from Nollmeyer Road the following bearings and distances 1) North 61 degrees 31 minutes 28 seconds East 36.00 feet 2) South 28 degrees 28 minutes 32 seconds East 233.26 feet 3) South 81 degrees 04 minutes 32 second East 194.47 feet 4) South 38 degrees 55 minutes 28 seconds West 80.96 feet. 5) South 00 degrees 17 minutes 32 seconds East 165.19 feet. 6) South 89 degrees 42 minutes 28 seconds West 123.74 feet 7) South 00 degrees 17 minutes 32 seconds East 226.77 feet 8) South 87 degrees 49 minutes 28 seconds West 29.61 feet 9) North 27 degrees 16 minutes 40 seconds West 518.46 feet 10) North 28 degrees 28 minutes 32 seconds West 242.96 feet 11) South 61 degrees 31 minutes 28 seconds West 24.00 feet 12) North 28 degrees 28 minutes 32 seconds West 12.00 feet to the place of beginning.

Containing a net area of 45,600 square feet or 1.05 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

2024-0192-A

**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: 2024-0192-A
Property Address: 721 NOLLMEYER RD
Legal Owners (Petitioners): JAMES SCHAEFER
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): JAMES SCHAEFER
Address: 181 HARRY S TRUMAN PARKWAY
ANNAPOLIS, MD 21401

Telephone Number: 301-580-6753

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

CERTIFICATE OF POSTING

2024-0192-A

RE: Case No.: _____

Petitioner/Developer: _____

**James Schaefer
Seneca Creek, LLC, Bill Grant**

October 9, 2024

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Jeff Perlow:

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 located at:

721 Nollmeyer Road *SIGN 1A & 1B*

September 18, 2024

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



September 18, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0192-A
Address: 721 NOLLMEYER ROAD
Legal Owner: Seneca Creek, LLC; Bill Grant

Zoning Advisory Committee Meeting of September 3, 2024.

DEPS 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;

This property (Seneca View subdivision) is located within a Limited Development Area (LDA) and must comply with all Critical Area requirements, including the requirements of the approved subdivision plan. The applicant is proposing to construct a 175-foot pier structure in Seneca Creek that includes a 200 square foot platform and three boat lifts. The location of the pier outside of required divisional property lines for waterfront construction can be accomplished with minimal adverse impacts on water quality if construction of the pier meets all state and county requirements for construction in tidal waters. These requirements include the need for the applicant to make application for a Chesapeake Bay Critical area administrative variance for a proposed pier that extends greater than 25% of the waterway. The granting of a Critical Area variance requires the applicant to meet all variance criteria.

2. Conserve fish, plant, and wildlife habitat;

Submerged aquatic vegetation has been mapped in this waterway in recent years, but there are no rare, threatened or endangered species, any species in need of conservation, or colonial bird nesting habitats indicated for this location. If the proposed pier construction meets Critical Area requirements, and all other state and county requirements, 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;

Provided that the applicants meet all Critical Area pier requirements, obtain a Critical Area variance for extending greater than 25% into the waterway, and obtain approval from the Maryland Department of the Environment, the relief requested will be consistent with established Critical Area policies.

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 27, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0192-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100435F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No comment.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 9/5/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0192-A

INFORMATION:

Property Address: 721 Nollmeyer Road
Petitioner: Seneca Creek, LLC c/o Bill Grant
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - From Section 417 of the Baltimore County Zoning Regulations (BCZR) to allow a pier to be constructed as shown on the attached plan exceeding the Mean Divisional Line due to irregularity of the property frontages of the adjoining properties.

The subject site is an approximately 1.06 acre parcel in the Middle River area. It was part of a recent three-lot Minor Subdivision, Seneca View (Minor Subdivision Number 18-030-M), which was approved by the County in January of 2020. All three of the Seneca View Minor Subdivision lots are irregularly shaped, and the proposed locations of the dwellings are to the north, not along Seneca Creek.

The subject site is primarily surrounded with residential dwellings, which are a mix of single family detached dwellings, duplexes, and townhomes. Seneca Creek is immediately south of the subject site.

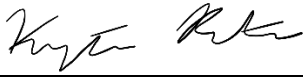
Per the site plan submitted with the Zoning Case, the petitioner wishes to remove the existing pier, establish a new Divisional Line, and construct a new pier for 721 Nollmeyer Road. The site plan submitted with the Zoning Case shows multiple structures on the property, all of which are listed as “to be removed” on the approved Development Plan.

The subject site is within the boundary of the Bowleys Quarters Community Action Plan of 2000, adopted February 20th, 2001. The plan provides information on land use, environmental issues, adequate facilities, and design guidelines within the plan area boundary. The plan specifically calls out the importance of the 18+ miles of shoreline within the area boundary, which provide “quality recreational activity for community residents” (page 3).

The Department of Planning has no objections to the requested relief. The subject site is irregularly shaped and, as stated in the petition, there is irregularity in the frontages of the adjoining properties.

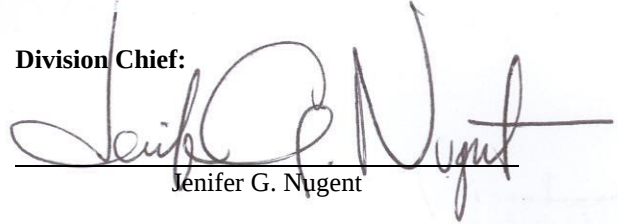
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

c: Richardson Engineering, LLC c/o Pat Richardson
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1519712520

Owner Information

Owner Name: SENECA CREEK LLC

Use: RESIDENTIAL

Mailing Address: PO BOX 1299
PASO ROBLES CA 93447-

Principal Residence:NO

Deed Reference: /47399/ 00298

Location & Structure Information

Premises Address: 721 NOLLMEYER RD
MIDDLE RIVER 21220-
Waterfront

Legal Description: 1.055 AC
721 NOLLMEYER AKA 804 LUDHARDT RD
600 SE TIDEWOOD RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0091 0017 0135 15030020.04 0000 1 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1914 2,353 SF 1.0550 AC 34

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

1 NO STANDARD UNIT SIDING/ 2 1 full

Value Information

Base Value Value Phase-in Assessments

As of As of

01/01/2024 07/01/2024 07/01/2025

Land: 332,900 386,900

Improvements 400 400

Total: 333,300 387,300 351,300 369,300

Preferential Land: 0 0

Transfer Information

Seller: SENECA CREEK LLC Date: 09/28/2022 Price: \$0

Type: NON-ARMS LENGTH OTHER Deed1: /47399/ 00298 Deed2:

Seller: FRIEDMAN GERALD Date: 10/12/2007 Price: \$737,000

Type: NON-ARMS LENGTH OTHER Deed1: /26270/ 00545 Deed2:

Seller: HAUF FRANCIS A HAUF LAURA M Date: 05/05/2006 Price: \$590,000

Type: ARMS LENGTH IMPROVED Deed1: /23791/ 00585 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2024 07/01/2025

County: 000 0.00

State: 000 0.00

Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

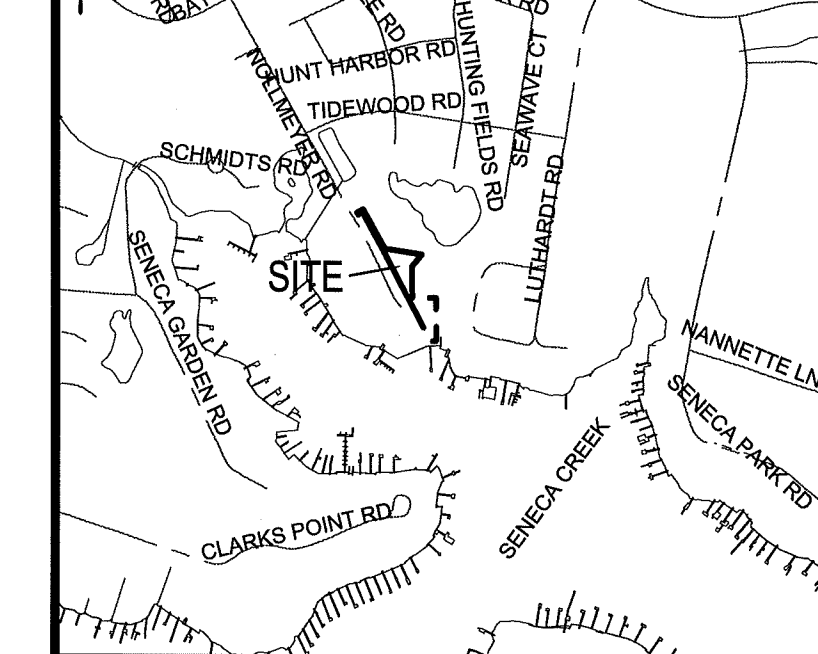
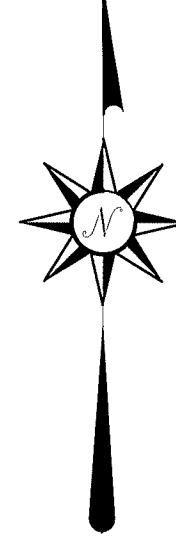
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0192-A

<https://sd.dat.maryland.gov/RealProperty/Pages/viewdetails.aspx?County=04&SearchTy...> 8/13/2024



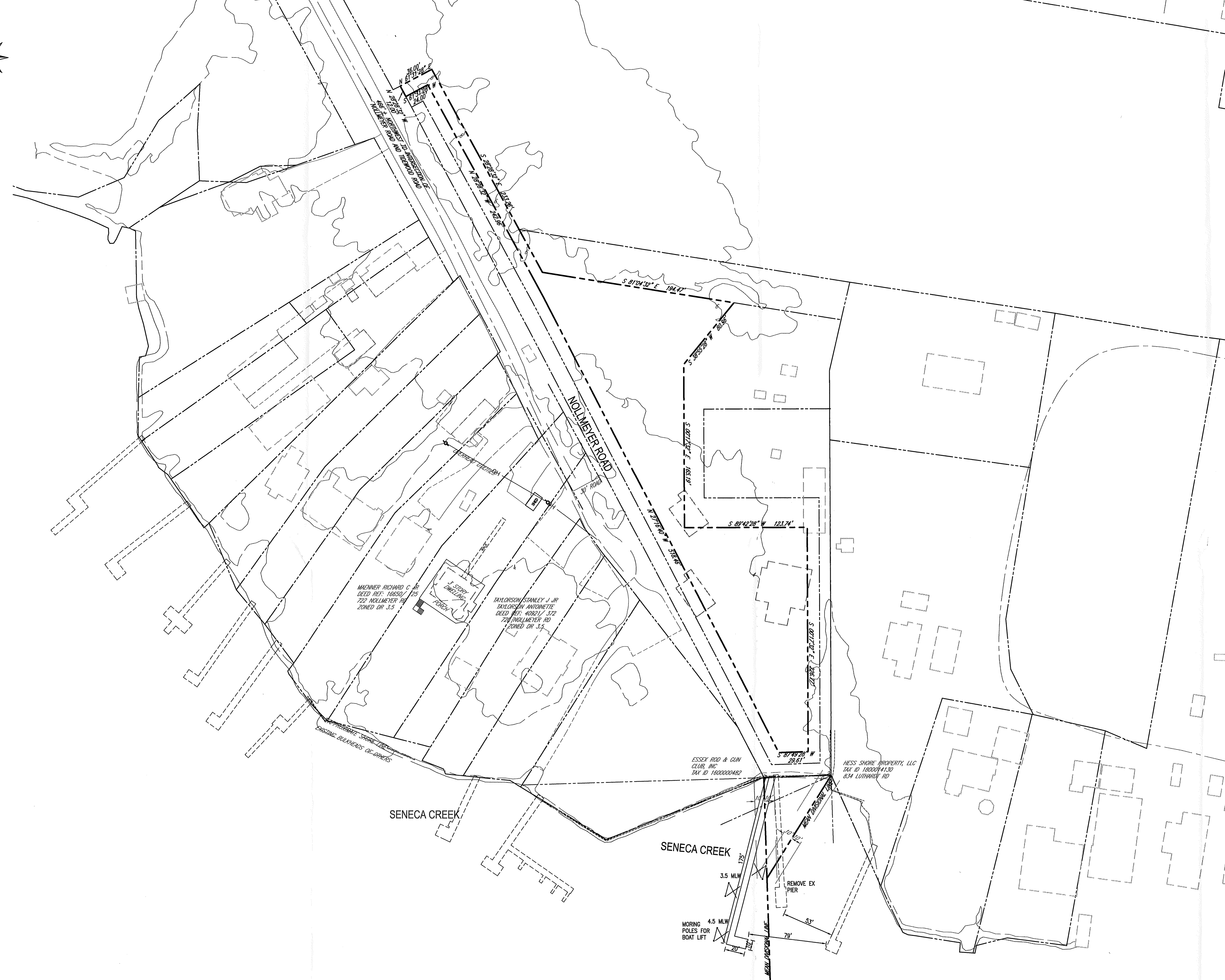
VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: SENECA CREEK LLC
PO BOX 1299
PASO ROBLES CA 93447
- SITE AREA: 45,600 Sq.Ft. or 1.05 Ac.±
- USES:
EXISTING: RESIDENCE
PROPOSED: RESIDENCE
- UTILITIES:
PUBLIC WATER & SEWER
- DEED REF: 47399/298
- TAX ACCOUNT: #1519712520
- COUNCILMANIC DISTRICT: 5TH
- ZONING: DR-3.5
(PER 1"=200' ZONING MAP 091C3 AND 091C2)
- TAX MAP: 91, GRID 17 PARCEL: 135
- SITE LIES WITHIN ZONE "AE-6" AND "AE-7" OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #2400100435H DATED NOVEMBER 2, 2023.
- THERE ARE NO KNOWN PREVIOUS ZONING CASES.
- THERE ARE NO KNOWN PREVIOUS PERMITS.
- SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA. (LDA)
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- SETBACKS: (WATER SIDE IS FRONT)

	REQUIRED	PROVIDED
FRONT	30'	'±
SIDE	10' MIN 25' TOTAL	'±
REAR	30'	'±



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION FOR SENECA CREEK, LLC PIER 721 NOLLMAYER ROAD

BALTIMORE COUNTY
15TH ELECTION DISTRICT

MARYLAND
5TH COUNCILMANIC DISTRICT

REVISIONS

DRAWN BY:
LNR

CHECKED BY:
PCR

SCALE:
1" = 50'

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE

