

M E M O R A N D U M

DATE: February 7, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0533-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 6, 2020. 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.'

/dlw

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2903 Breezy Point Court)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Nicholas W. & Heather L. Fleischmann	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0533-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Nicholas W. and Heather L. Fleischmann (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 417.4 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed pier, boatlift with single mooring piles and mooring piles with setbacks of 5 ft., 0 ft. and 5 ft. respectively, in lieu of the required 10 ft. from the established divisional property line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements as noted in the ZAC comment from the Department of Environmental Protection and Sustainability (“DEPS”), dated December 19, 2019. In addition, correspondence was contained in the case file from neighbors residing at 2901 and 2905 Breezy Point Court indicating that they had no objections to Petitioners’ zoning request.

ORDER RECEIVED FOR FILING

Date 1-7-2020

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 13, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 7th day of **January, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 417.4 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed pier, boatlift with single mooring piles and mooring piles with setbacks of 5 ft., 0 ft. and 5 ft. respectively, in lieu of the required 10 ft. from the established divisional property line, be and 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. Prior to permits, Petitioners must comply with Critical Area and Flood Protection regulations as indicated in the DEPS ZAC comment, dated December 19, 2019; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 1-7-2020

2

By [Signature]

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

Order.



LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 1-17-2020

By [Signature]



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2903 BREEZY POINT CT Currently zoned RC20
Deed Reference L40571 / E.171 10 Digit Tax Account # 190 0 0 1 2 4 6 9
Owner(s) Printed Name(s) NICHOLAS W. & HEATHER L. FLEISCHMANN

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

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. X **ADMINISTRATIVE VARIANCE** from Section(s)
417.4 (BCZR) TO PERMIT A PROPOSED PIER, BOATLIFT WITH SINGLE MOORING PILES AND
MOORING PILES WITH SETBACKS OF 5 FEET, 0 FEET AND 5 FEET RESPECTIVELY IN LIEU OF THE
REQUIRED 10 FEET FROM THE ESTABLISHED DIVISIONAL PROPERTY LINE
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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.

Owner(s)/Petitioner(s):

NICHOLAS W. FLEISCHMANN HEATHER L. FLEISCHMANN

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]
Signature #1

[Signature]
Signature #2

2903 BREEZY POINT CT BALTO. MD.
Mailing Address City State

21221 (410) 227-0278 nick@upwind
Zip Code Telephone # Email Address
software.com

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

[Signature]
Signature

601 CHARWOOD CT. EDGEWOOD MD.
Mailing Address City State

21040 (410) 679-8719 idwb0209@yahoo.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 1 day of July, 2020 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0533-A Filing Date 12/5/19 Estimated Posting Date 12/15/19 Reviewer CP

Affidavit in Support of Administrative Variance

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 2903 BREEZY POINT CT BALTIMORE MD 21221
Print or Type Address of property City State Zip Code

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

SEE ATTACHED

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

Nicholas W. Fleischmann
Signature of Owner (Affiant)

NICHOLAS W. FLEISCHMANN
Name- Print or Type

Heather L. Fleischmann
Signature of Owner (Affiant)

HEATHER L. FLEISCHMANN
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of October, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: NICHOLAS W. FLEISCHMANN & HEATHER L. FLEISCHMANN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

NICHOLAS S BENKOWSKI
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires 02-25-2022

Nicholas S. Benkowski
Notary Public

2/23/22
My Commission Expires

REV. 5/5/2016

2019-0533-A

PRACTICAL DIFFICULTY

Our property is improved with a timber walkway and pier, both of which are in disrepair. We would like to repair both as well as extend the pier to deeper water to support a larger boat and two boat lifts.

As a result of our meetings with MDE and DEPS, the pier can be extended, however the existing timber walkway and existing pier can be replaced, but must stay in the same location to limit any disturbance to the existing marshland.

The property is located in a cove and the divisional property lines as established, limits the available width for the construction of the proposed improvements. Additionally, the existing mooring piles and boatlift on the adjacent property at 2901 encroach into the required 10 foot setback from the divisional property line. In order to maintain the required 20 foot wide access strip, our proposed improvements must be constructed closer to the divisional property line between our property and that of 2905. Our request will not interfere with existing pier on 2905. Approximately 45 feet will be maintained between our improvements and those on 2905.

We understand that everyone owning property on the water attempts to protect their rights and feel that our request has taken that into consideration. Once this application is filed, we intend to contact the adjacent property owners to request they sign a letter stating that they have no objection to our proposal and will place those letters in the case file.

2019-0533-A

DESCRIPTION
2903 BREEZY POINT, CT

Beginning at a point on the north side of Breezy Point ¹CT (40 feet wide) distant 575 feet from its Intersection with the west side Holly Neck Road, thence:

- (1) S 14° 13' 13" E 66.02 feet, thence
- (2) S 01° 30' W 33 feet, thence
- (3) S 42° 38' 51" E 61.67 feet, thence
- (4) S 60° E 34 feet, thence
- (5) S 50° 59' 45" E 107.03 feet, thence
- (6) S 63° 35' W 52 feet, thence
- (7) S 28° 26' W 59 feet, thence
- (8) S 56° 30' W 53 feet, thence
- (9) N 32° 18' 12" W 262.33 feet, thence
- (10) N 01° 30' E 48 feet, thence
- (11) N 14° 12' 32" W 367.11 feet, thence
- (12) N 12° 30' E 42 feet, thence
- (13) N 13° 30' W 64 feet, thence
- (14) S 40° 33' 42" E 181.74 feet and
- (15) S 14° 13' 13" E 268 feet to the place of beginning.

Containing 1.65 acre of land, more or less.

Being known as 2903 Breezy Point-CT. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, MD.°

2019-0533-A

CERTIFICATE OF POSTING

Date: DECEMBER 13, 2019

RE: Project Name: 2903 BREEZY POINT CT. # 1
Case Number /PAI Number: 2019-0533-A
Petitioner/Developer: FLEISCHMANN
Date of Hearing/Closing: DECEMBER 30, 2019

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 2903 BREEZY POINT CT.

The sign(s) were posted on

DECEMBER 13, 2019

(Month, Day, Year)

Dec 13, 2019 9:05:17 AM

ZONING NOTICE

ADMINISTRATIVE VARIANCE

2903 BREEZY POINT COURT

CASE NO. 2019-0533-A

REQUEST TO PERMIT A PROPOSED PIER,
BOATLIFT W/ SINGLE MOORING PILES AND
MOORING PILES WITH SETBACKS OF 5 FEET
TO FEET & 5 FEET, RESPECTIVELY, IN LIEU OF THE
REQUIRED 10 FEET FROM THE ESTABLISHED
DIVISIONAL PROPERTY LINE.

Pursuant to Section 26-127(b)(1), Baltimore County Code, an eligible individual or group may request a public hearing concerning the proposed variance, provided the request is received in the Zoning Review Office before 5 P.M. on DECEMBER 30, 2019.

Additional information is available at the Department of Permits, Approvals and Inspections, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391 UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL AFTER THE ABOVE DATE


(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: DECEMBER 13, 2019

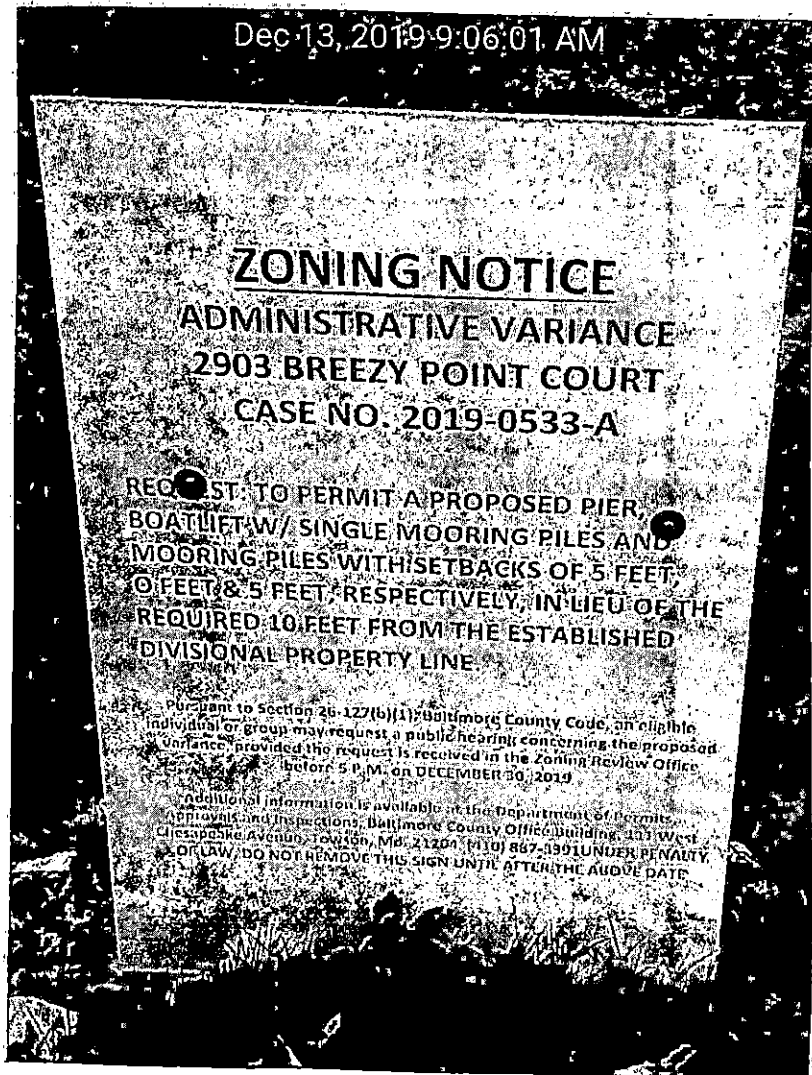
RE: Project Name: 2903 BREEZY POINT CT. # 2
Case Number /PAI Number: 2019-0533-A
Petitioner/Developer: FLEISCHMANN
Date of Hearing/Closing: DECEMBER 30, 2019

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 2903 BREEZY POINT CT.

The sign(s) were posted on DECEMBER 13, 2019

(Month, Day, Year)

Dec 13, 2019 9:06:01 AM



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 12/11/19

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0533-A

*Administrative Variance
Nicholas W. & Heather L. Fleischman
2903 Breezy Point Court.*

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@mdot.maryland.gov).

Sincerely,



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

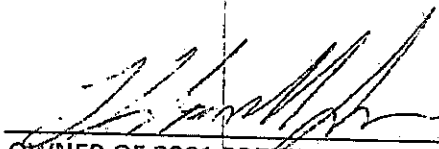
WW/RAZ

Office of Administrative Hearings
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson, MD. 21204

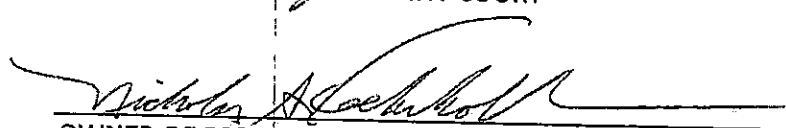
RE: 2903 BREEZY POINT COURT
CASE NO. 2019-0533-A

Dear Judge:

This is to confirm that I am an adjacent property owner of the referenced property. I have reviewed the variance request submitted by Nicholas and Heather Fleischmann and have no objection to the approval of same.



OWNER OF 2901 BREEZY POINT COURT



OWNER OF 2905 BREEZY POINT COURT

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 - 1900012468		
Owner Information		
Owner Name:	GOSNELL L LEE JR HEBEMEHL-GOSNELL ROSE	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	2901 BREEZY POINT CT BALTIMORE MD 21221-2035	Deed Reference: /15717/ 00226
Location & Structure Information		
Premises Address:	2901 BREEZY POINT CT 0-0000 Waterfront	Legal Description: 1.8850 AC 2901 BREEZY POINT CT FOEHRKOLB PROPERTY
Map: 0105	Grid: 0005	Parcel: 0295
Neighborhood: 15080078.04	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2018
Plat No:	Plat Ref:	
Special Tax Areas: None		
Town: None		
Ad Valorem: None		
Tax Class: None		
Primary Structure Built 2003	Above Grade Living Area 2,826 SF	Finished Basement Area 1.8800 AC
Property Land Area 1.8800 AC	County Use 34	
Stories 1 1/2	Basement YES	Type STANDARD UNIT
Exterior SIDING/	Quality 5	Full/Half Bath 2 full/ 1 half
Garage 1 Attached	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	320,900	320,900
Improvements	428,500	421,300
Total:	749,400	742,200
Preferential Land:	0	0
Phase-in Assessments		
		As of 07/01/2019
		As of 07/01/2020
		742,200
		742,200
Transfer Information		
Seller: CHAGETAS TECLA C	Date: 11/01/2001	Price: \$318,362
Type: ARMS LENGTH IMPROVED	Deed1: /15717/ 00226	Deed2:
Seller: FOEHRKOLB TERESA M	Date: 12/08/1995	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /11337/ 00745	Deed2:
Seller: FOEHRKOLB DOROTHY J	Date: 11/08/1983	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06620/ 00025	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 02/03/2009		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

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 - 1900012470		
Owner Information		
Owner Name:	FOEHRKOLB NICHOLAS A	Use: RESIDENTIAL NO
Mailing Address:	2899 BREEZY POINT CT BALTIMORE MD 21221-2053	Principal Residence: Deed Reference: /13678/ 00186
Location & Structure Information		
Premises Address:	2905 BREEZY POINT CT 0-0000 Waterfront	Legal Description: 1.725 AC SES BREEZY POINT CT 7514 SF 2670 SE BROWNS COVE RD
Map:	Grid:	Parcel:
0105	0004	0297
Neighborhood:	Subdivision:	Section:
15080078.04	0000	
Block:	Lot:	Assessment Year:
		2018
Plat No:	Plat Ref:	
Special Tax Areas: None	Town:	None
	Ad Valorem:	None
	Tax Class:	None
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1984	1,104 SF	
Property Land Area	County Use	
1.7300 AC	34	
Stories	Basement	Type
1	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
FRAME/	3	1 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2018
Land:	316,500	316,500
Improvements	97,000	95,100
Total:	413,500	411,600
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2019
		As of
		07/01/2020
		411,600
		411,600
Transfer Information		
Seller: FOEHRKOLB NICHOLAS J	Date: 04/16/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13678/ 00186	Deed2:
Seller: FOEHRKOLB DOROTHY J	Date: 11/08/1983	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06620/ 00381	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0533 -A Address 2903 Breezy Point Ct
 Contact Person: Christina Frank Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12-5-19 Posting Date: 12-15-19 - Closing Date: 12-30-19

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0533 -A Address 2903 Breezy Point Ct
 Petitioner's Name Nicholas and Heather Fleischmann Telephone 410-227-0278
 Posting Date: 12-15-19 Closing Date: 12-30-19
 Wording for Sign: To Permit a Boat 14 FT with a single mooring Piles and
mooring Piles w/ setback of 5 FT, 0 FT and 5 FT respectively in lieu
of The Regu. Red 10 FT From The Established Divisional Property
Line

Revised 6/30/2019



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 30, 2019

David Billingsley
601 Charwood Court
Edgewood MD 21040

RE: Case Number: 2019-0533-A, 2903 Breezy Point Court

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 05, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over the "Very truly yours" text.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Nicholas W. Fleischmann 2903 Breezy Point Court Baltimore MD 21221

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0533-A
Address 2903 Breezy Point Court
(Fleischmann Property)

Zoning Advisory Committee Meeting of December 16, 2019.

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 Resource Conservation Area (RCA) in the Chesapeake Bay Critical Area. The Critical Area regulations allow private piers on grandfathered riparian lots such as this. While the RCA requirements do not apply to structures out over the water, the access through the buffer and wetlands must meet the requirements. The applicant is proposing to construct a pier with less divisional property line setbacks and open access strips in lieu of the requirements. Adverse impacts to water quality can be minimized provided that all requirements concerning construction of water dependent facilities are met. It is the construction process, and size and type of the structures that is of concern in minimizing water quality impacts. Meeting these requirements can result in minimal impacts to the substrate, any submerged aquatic vegetation, and the fishery.

2. Conserve fish, wildlife, and plant habitat;

The current proposal must be reviewed for compliance with all Chesapeake Bay Critical Area (CBCA) requirements for water dependent facilities and access to these facilities. The proposal must also be reviewed by the appropriate state/federal agencies for compliance with their water dependent facility and wetland impact requirements. No information was provided with respect to submerged aquatic vegetation (SAV), but minimizing impacts to the substrate, including SAV's, by meeting requirements, can conserve fish, wildlife and plant habitat in the watershed.

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.

The Critical Area regulations allow for private piers on waterfront lots. Should the petitioner's request be granted, it can be consistent with established land use policies and minimize environmental impacts provided that the applicant meets all Chesapeake Bay Critical Area requirements applicable to the proposal.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0533-A
Address 2903 Breezy Point Court
(Fleischmann Property)

Zoning Advisory Committee Meeting of **December 16, 2019.**

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 Resource Conservation Area (RCA) in the Chesapeake Bay Critical Area. The Critical Area regulations allow private piers on grandfathered riparian lots such as this. While the RCA requirements do not apply to structures out over the water, the access through the buffer and wetlands must meet the requirements. The applicant is proposing to construct a pier with less divisional property line setbacks and open access strips in lieu of the requirements. Adverse impacts to water quality can be minimized provided that all requirements concerning construction of water dependent facilities are met. It is the construction process, and size and type of the structures that is of concern in minimizing water quality impacts. Meeting these requirements can result in minimal impacts to the substrate, any submerged aquatic vegetation, and the fishery.

ORDER RECEIVED FOR FILING

Date 1-7-2020

By [Signature]

2. Conserve fish, wildlife, and plant habitat;

The current proposal must be reviewed for compliance with all Chesapeake Bay Critical Area (CBCA) requirements for water dependent facilities and access to these facilities. The proposal must also be reviewed by the appropriate state/federal agencies for compliance with their water dependent facility and wetland impact requirements. No information was provided with respect to submerged aquatic vegetation (SAV), but minimizing impacts to the substrate, including SAV's, by meeting requirements, can conserve fish, wildlife and plant habitat in the watershed.

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.

The Critical Area regulations allow for private piers on waterfront lots. Should the petitioner's request be granted, it can be consistent with established land use policies and minimize environmental impacts provided that the applicant meets all Chesapeake Bay Critical Area requirements applicable to the proposal.

Reviewer: Paul Dennis

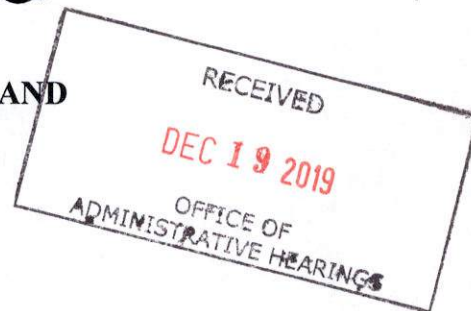
ORDER RECEIVED FOR FILING

Date 1-7-2020

By [Signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0533-A
Address 2903 Breezy Point Court
(Fleischmann Property)

Zoning Advisory Committee Meeting of **December 16, 2019.**

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;

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2. Conserve fish, wildlife, and plant habitat;

The current proposal must be reviewed for compliance with all Chesapeake Bay Critical Area (CBCA) requirements for water dependent facilities and access to these facilities. The proposal must also be reviewed by the appropriate state/federal agencies for compliance with their water dependent facility and wetland impact requirements. No information was provided with respect to submerged aquatic vegetation (SAV), but minimizing impacts to the substrate, including SAV's, by meeting requirements, can conserve fish, wildlife and plant habitat in the watershed.

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.

The Critical Area regulations allow for private piers on waterfront lots. Should the petitioner's request be granted, it can be consistent with established land use policies and minimize environmental impacts provided that the applicant meets all Chesapeake Bay Critical Area requirements applicable to the proposal.

Reviewer: Paul Dennis

12/30

CASE NO. 2019- 0533-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>12-19</u>	<i>flood plain</i> DEPS <i>critical area - unknown per ZPL agenda</i> (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12-11</u>	STATE HIGHWAY ADMINISTRATION	<u>No object.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS <u>2901 + 2905 Breezy Pt. dr.</u>	<u>No object.</u>
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>12-13-19</u>	by <u>Billingday</u>
SIGN POSTING (2 nd)	Date: _____	by _____
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Tax Exempt: None		Special Tax Recapture: None
Exempt Class: None		
Account Identifier:		District - 15 Account Number - 1900012469
Owner Information		
Owner Name:	FLEISCHMANN NICHOLAS W FLEISCHMANN HEATHER L	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	2903 BREEZY POINT CT BALTIMORE MD 21221-2035	Deed Reference: /40571/ 00171
Location & Structure Information		
Premises Address:	2903 BREEZY POINT CT BALTIMORE 21221-2035 Waterfront	Legal Description: 1.651 AC FOEHRKOLB PROPERTY
Map: 0105	Grid: 0005	Parcel: 0296
Neighborhood: 15080078.04	Subdivision: 0000	Section: 4
Block: 4	Lot: 2018	Assessment Year: 2018
Plat No:	Plat Ref:	
Special Tax Areas: None		Town: None
		Ad Valorem: None
		Tax Class: None
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1914	1,860 SF	500 SF
Property Land Area	County Use	
1.6500 AC	34	
Stories	Basement	Type
1	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	4	1 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	314,100	314,100
Improvements	193,600	198,900
Total:	507,700	513,000
Phase-in Assessments		
As of 07/01/2019		As of 07/01/2020
511,233		513,000
Preferential Land:	0	0
Transfer Information		
Seller: FOEHRKOLB CHARLES J/YOLANDA/	Date: 08/14/2018	Price: \$576,925
Type: ARMS LENGTH IMPROVED	Deed1: /40571/ 00171	Deed2:
Seller: FOEHRKOLB CHARLES J	Date: 06/14/2000	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /33949/ 00004	Deed2:
Seller: FOEHRKOLB DOROTHY J	Date: 11/08/1983	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06620/ 00028	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt: None	Special Tax Recapture: None	
Exempt Class: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		

ZAC AGENDA

Case Number: 2019-0533-A **Reviewer:** Christina Frink

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Nicholas W. & Heather L. Fleischmann

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Unknown **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 2903 BREEZY POINT CT

Location: North side of Breezy Point Court 575 feet from the intersection which is on the West side of Holly Neck Road.

Existing Zoning: RC 20

Area: 1.65 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

417.4 BCZR To permit a proposed pier, boatlift with single mooring piles and mooring piles with setbacks of 5 feet, 0 feet and 5 feet respectively in lieu of the required 10 feet from the established divisional property line.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 12/30/2019

Miscellaneous Notes:

Case Number: 2019-0534-X **Reviewer:** Rosalie Johnson

Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Type: SPECIAL EXCEPTION

Legal Owner: Whitemarsh Associates LLC

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: 5401 CAMPBELL BLVD

Location: SW corner of intersection at Philadelphia Road and Campbell Blvd.

Existing Zoning: ML, IM

Area: 4.05 ACRES

Proposed Zoning:

SPECIAL EXCEPTION:

For a fuel service station in the ML IM zone. Also for such further relief as the Administrative Law Judge may require.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

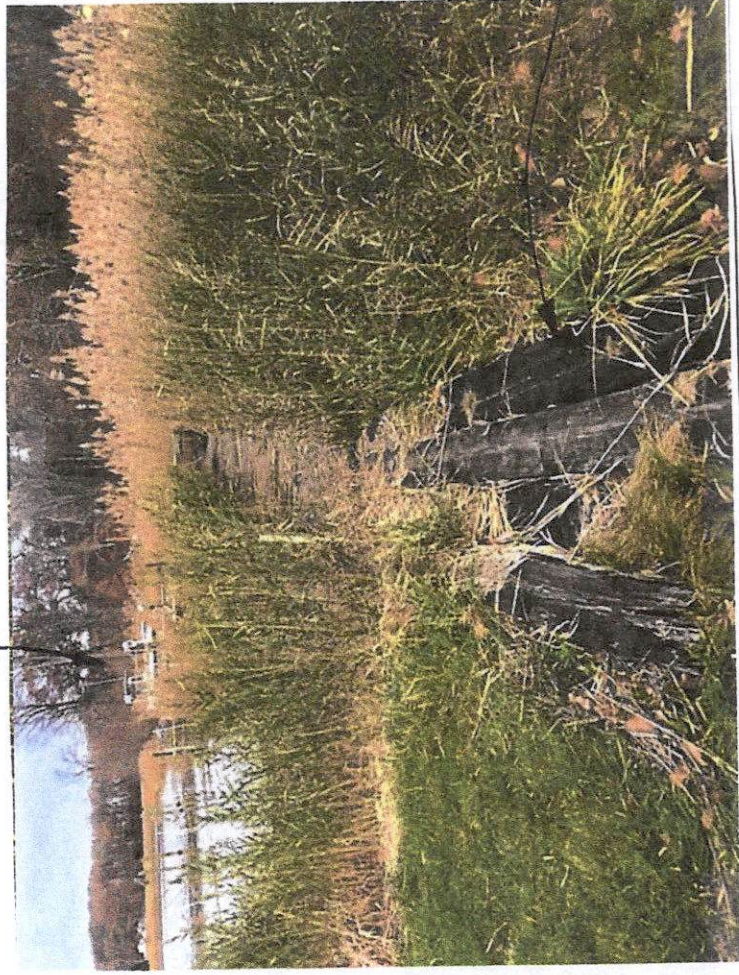
Concurrent Cases: None

Violation Cases: None

Closing Date:

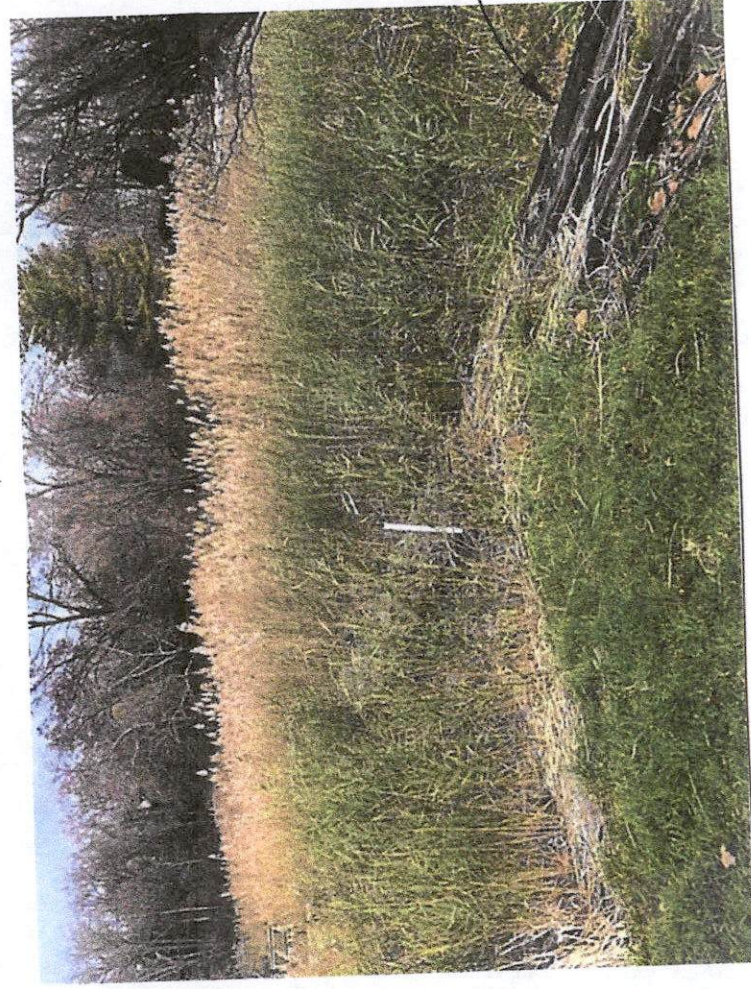
Miscellaneous Notes:

PER
#2901



1

EX
WALKWAY



2

EX
WALKWAY

2019-0533-A



3

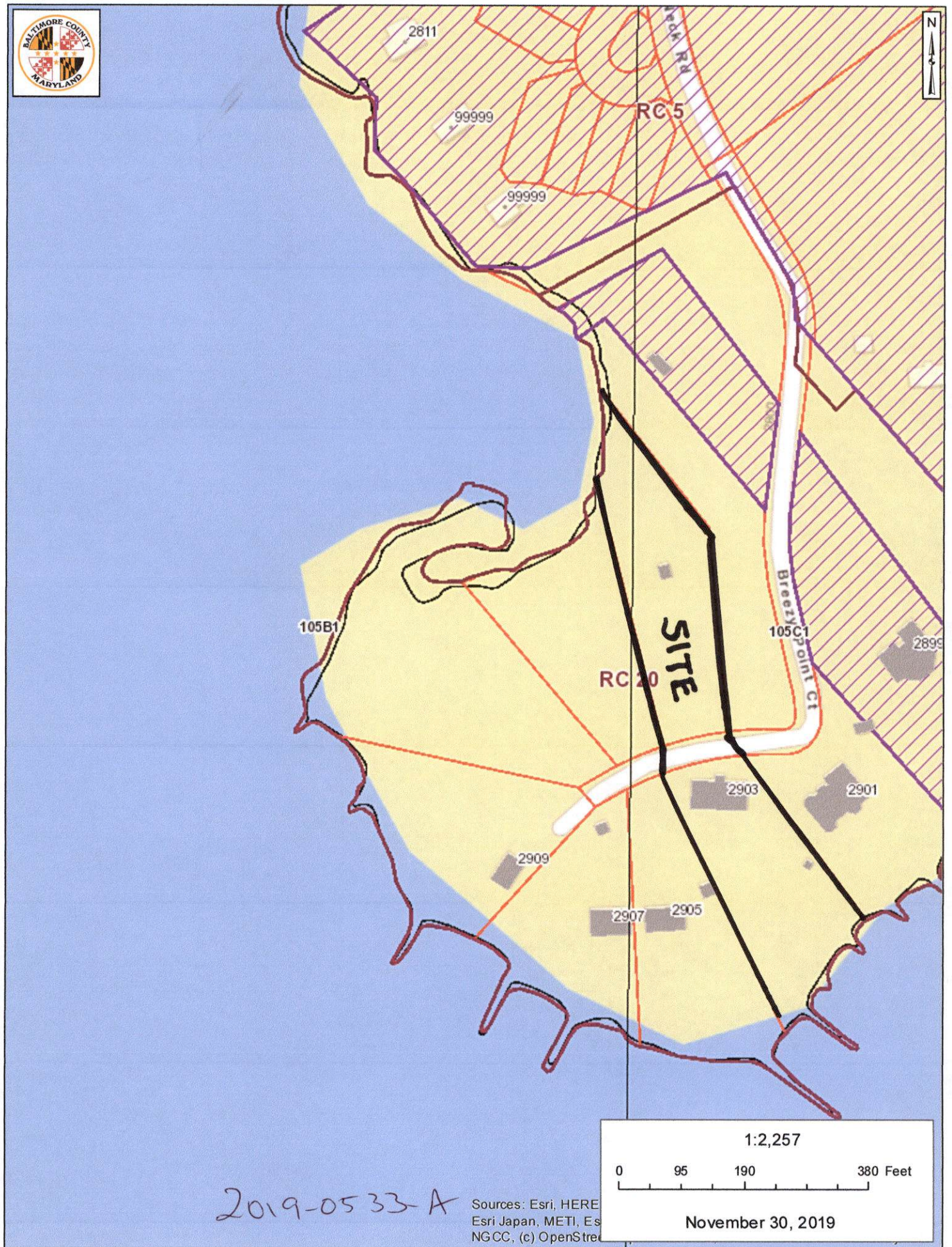


4

EX
WALKWAY

2019-0533-A

2903 BREEZY POINT CT



2019-0533-A

Sources: Esri, HERE
Esri Japan, METI, Es
NGCC, (c) OpenStre

November 30, 2019

The seal of Baltimore County, Maryland, is a circular emblem. It features a yellow border with the words "BALTIMORE COUNTY" at the top and "MARYLAND" at the bottom. The center is divided into four quadrants by a cross, each containing a different pattern: a yellow and black diagonal stripe, a red and white checkered pattern, a red and white checkered pattern, and a yellow and black diagonal stripe. Five yellow stars are arranged in an arc above the bottom half of the seal.

0 95 190 380 Feet

November 30, 2019

2019-0533-A

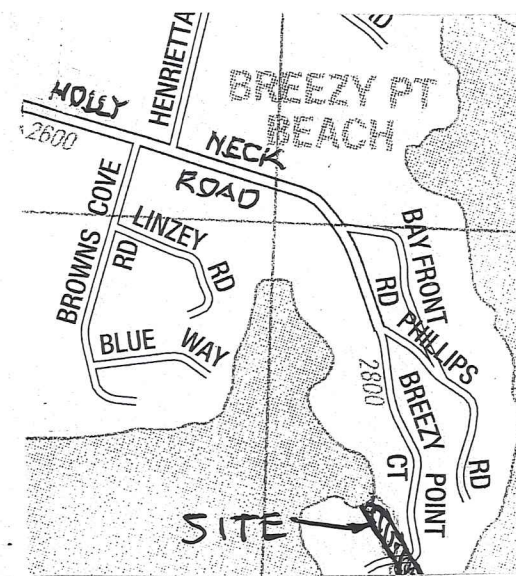
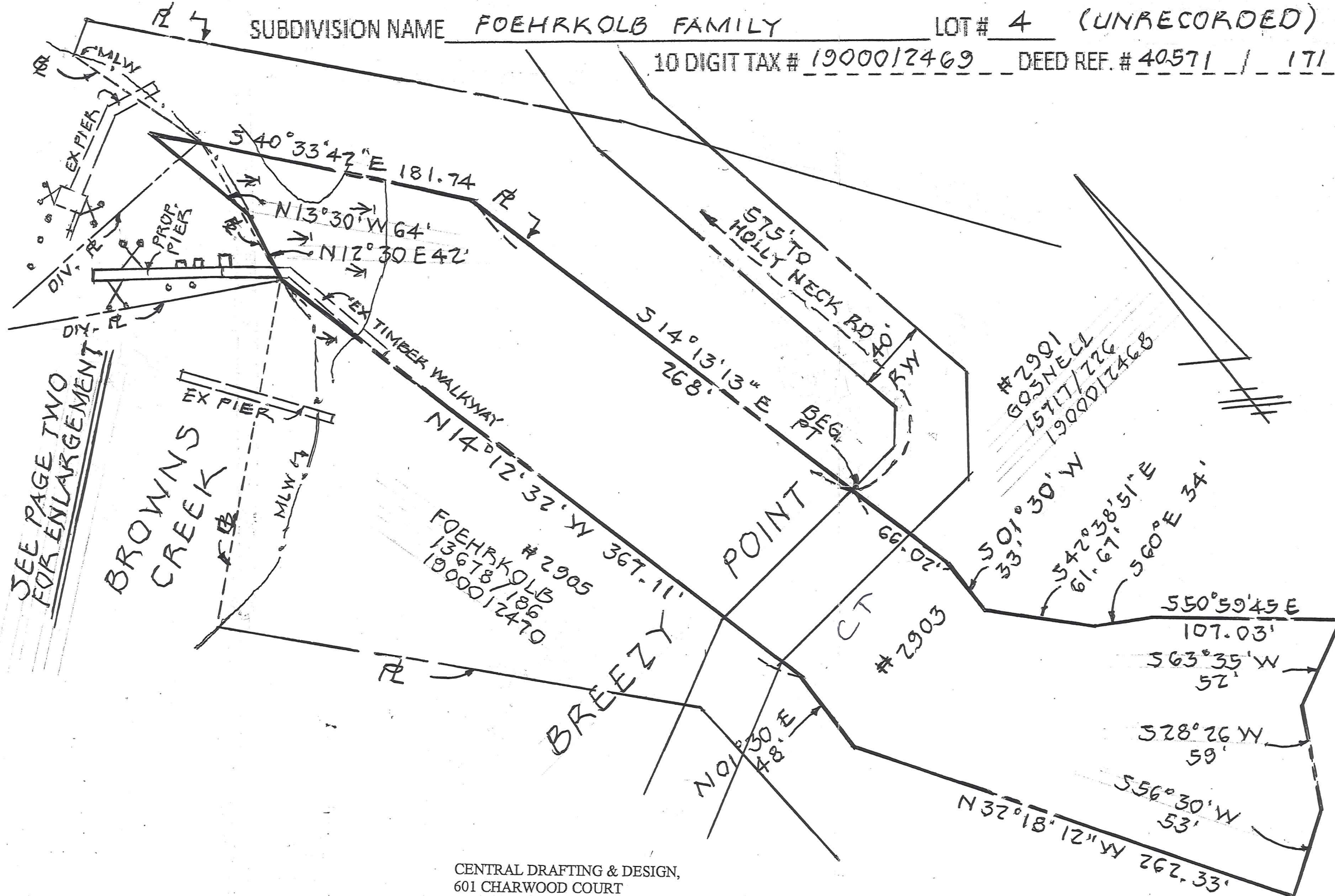
211E

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Tax Exempt: None		Special Tax Recapture: None
Exempt Class: None		
Account Identifier:	District - 15 Account Number - 1900012469	
Owner Information		
Owner Name:	FLEISCHMANN NICHOLAS W FLEISCHMANN HEATHER L	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	2903 BREEZY POINT CT BALTIMORE MD 21221-2035	Deed Reference: /40571/ 00171
Location & Structure Information		
Premises Address:	2903 BREEZY POINT CT BALTIMORE 21221-2035 Waterfront	Legal Description: 1.651 AC FOEHRKOLB PROPERTY
Map: 0105	Grid: 0005	Parcel: 0296
Neighborhood: 15080078.04	Subdivision: 0000	Section:
		Block:
		Lot: 4
		Assessment Year: 2018
		Plat No:
		Plat Ref:
Special Tax Areas: None		Town: None
		Ad Valorem: None
		Tax Class: None
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1914	1,860 SF	500 SF
		Property Land Area 1.6500 AC
		County Use 34
Stories	Basement	Type
1	YES	STANDARD UNIT
		Exterior SIDING/
		Quality 4
		Full/Half Bath 1 full
		Garage
		Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	314,100	314,100
Improvements	193,600	198,900
Total:	507,700	513,000
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
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		513,000
Transfer Information		
Seller: FOEHRKOLB CHARLES J/YOLANDA/	Date: 08/14/2018	Price: \$576,925
Type: ARMS LENGTH IMPROVED	Deed1: /40571/ 00171	Deed2:
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Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Tax Exempt: None		Special Tax Recapture: None
Exempt Class: None		
Homestead Application Information		
Homestead Application Status: No Application		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2903 BREEZY POINT CT OWNER(S) NAME(S) NICHOLAS & HEATHER FLEISCHMANN
 SUBDIVISION NAME FOEHRKOLB FAMILY LOT # 4 (UNRECORDED)
 10 DIGIT TAX # 1900012469 DEED REF. # 40571 / 171



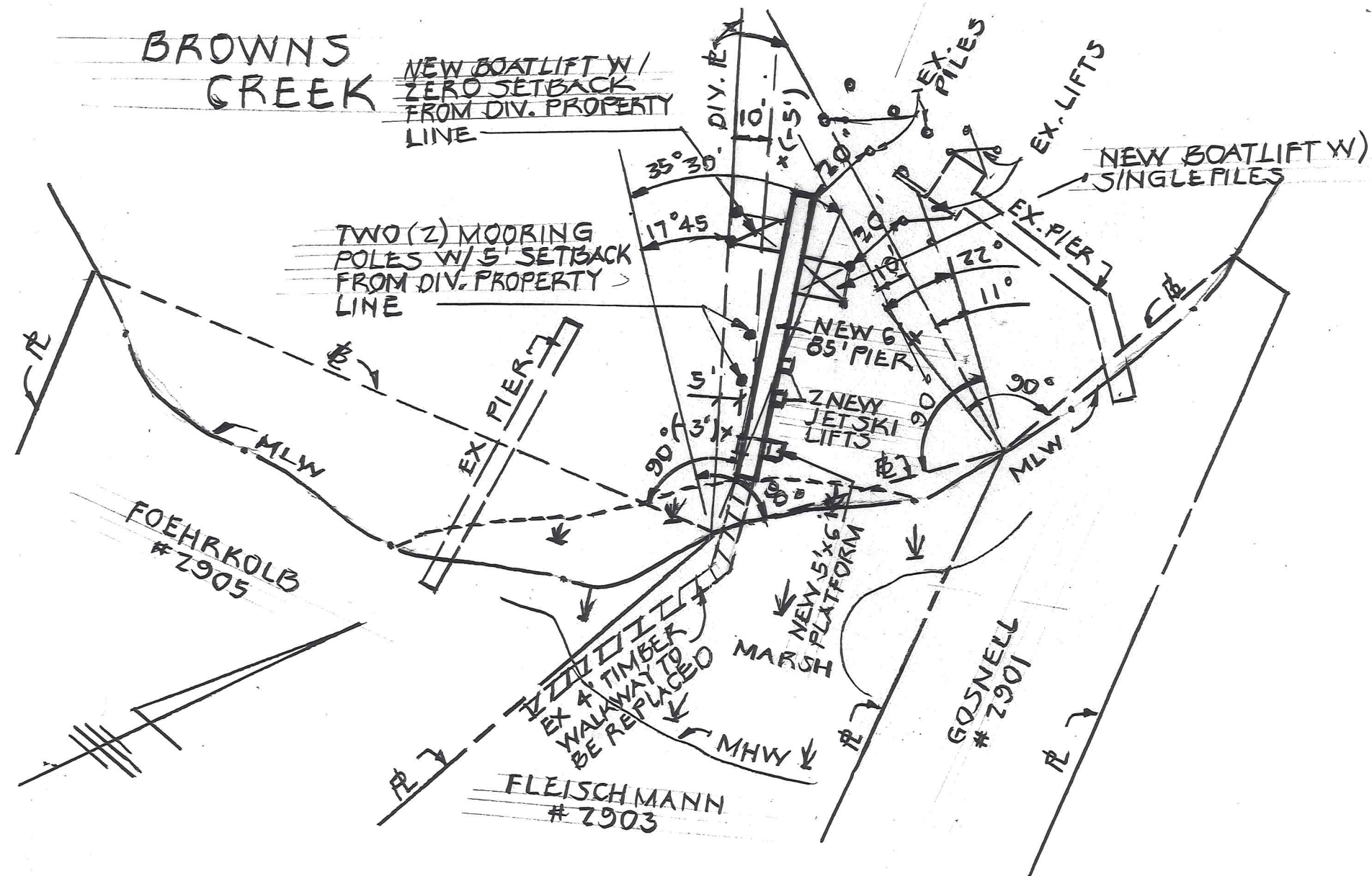
VICINITY MAP
 SCALE: 1" = 1000'
 ZONING MAP# 105C1
 SITE ZONED RC 20
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 1.65 AC
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE X
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? N/A
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

PLAN DRAWN BY _____ DATE 11-5-19 SCALE: 1 INCH = 60' FEET
 CENTRAL DRAFTING & DESIGN,
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

PAGE
 1 OF 2

2019-0533-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2903 BREEZY POINT CT OWNER(S) NAME(S) NICHOLAS & HEATHER FLEISCHMANN
 SUBDIVISION NAME FOEHRKOLB PROPERTY LOT# 4 (UNRECORDED)
 10 DIGIT TAX # 1900012469 DEED REF. # 40571 / 171



CENTRAL DRAFTING & DESIGN
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

PLAN DRAWN BY _____

DATE 11-5-19 SCALE: 1 INCH = 40' FEET

PAGE
 2 OF 2

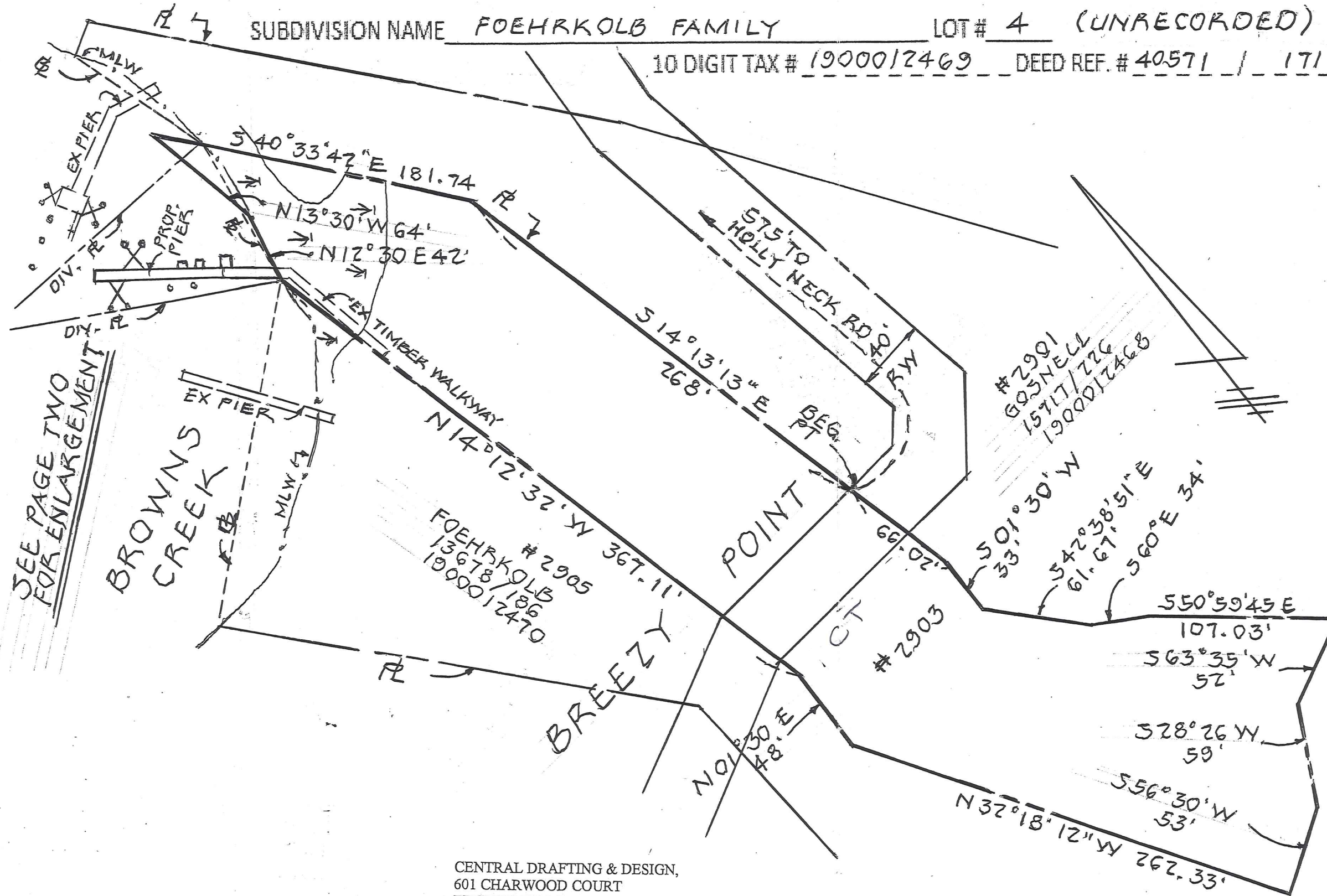
2019-0533-A

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

ADDRESS 2903 BREEZY POINT CT OWNER(S) NAME(S) NICHOLAS & HEATHER FLEISCHMANN

SUBDIVISION NAME FOEHRKOLB FAMILY LOT # 4 (UNRECORDED)

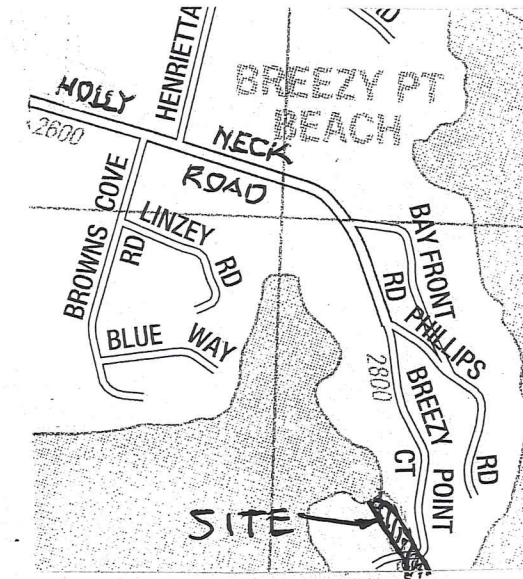
10 DIGIT TAX # 1900012469 DEED REF. # 40571 / 171



CENTRAL DRAFTING & DESIGN,
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PLAN DRAWN BY _____

DATE 11-5-19 SCALE: 1 INCH = 60' FEET



VICINITY MAP
SCALE: 1" = 1000'

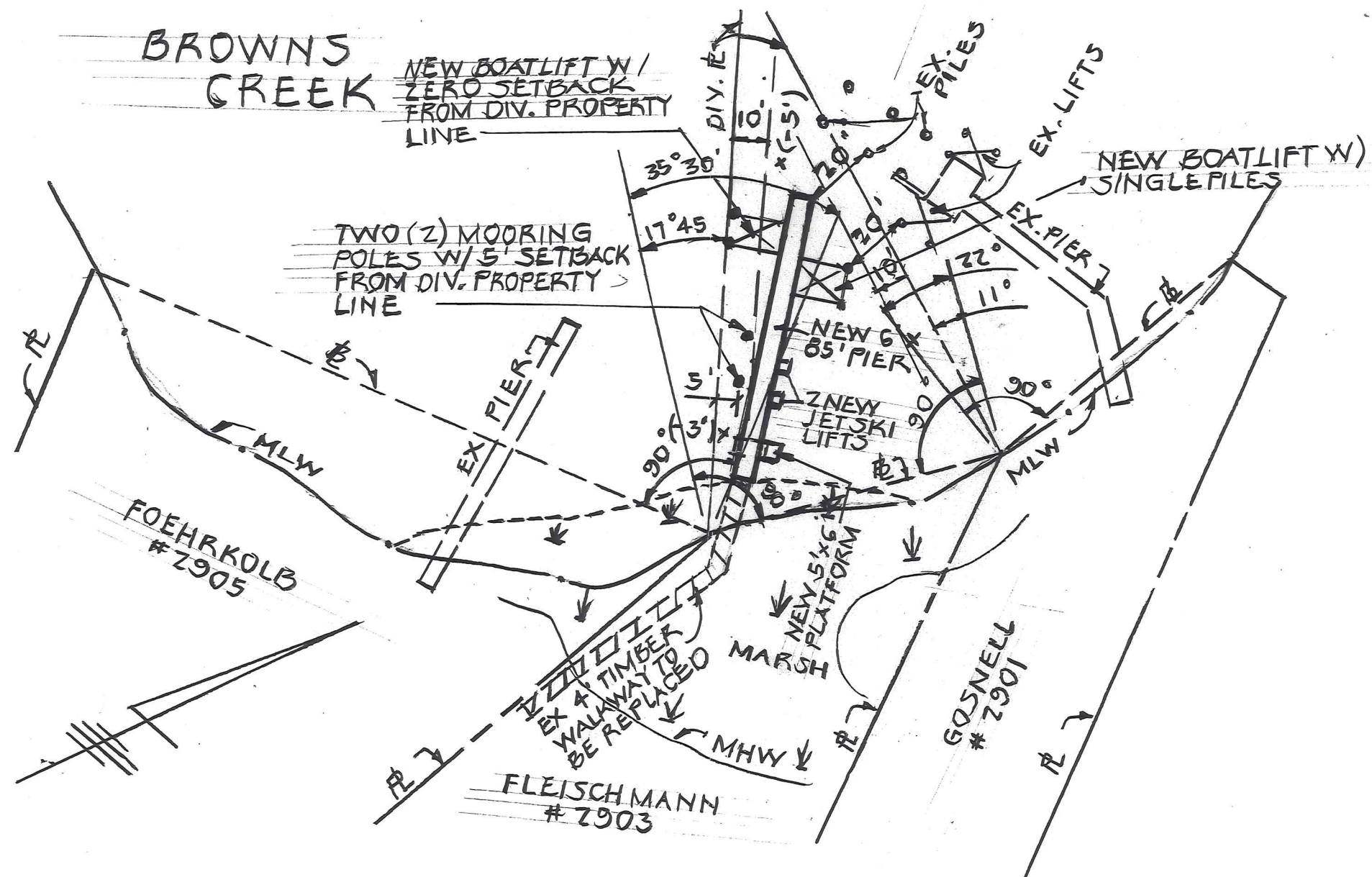
ZONING MAP# 105 C1
SITE ZONED RC 20
ELECTION DISTRICT 15
COUNCIL DISTRICT 7
LOT AREA ACREAGE 1.65 AC
OR SQUARE FEET _____
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? YES
UTILITIES? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? N/A
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

PAGE
1 OF 2

Pet. Exh. 1

2019-0533-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2903 BREEZY POINT CT OWNER(S) NAME(S) NICHOLAS & HEATHER FLEISCHMANN
 SUBDIVISION NAME FOEHRKOLB PROPERTY LOT# 4 (UNRECORDED)
 10 DIGIT TAX # 1900012469 DEED REF. # 40571 / 171



CENTRAL DRAFTING & DESIGN
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

PLAN DRAWN BY _____

DATE 11-5-19 SCALE: 1 INCH = 40' FEET

PAGE
 2 OF 2

2019-0533-A