



KATHERINE A. KLAUSMEIER  
*County Executive*

March 31, 2025

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

Nicholas and Heather Fleischmann [nick@upwindsoftware.com](mailto:nick@upwindsoftware.com)  
2903 Breezy Point Court  
Essex, MD 21221

RE: Petitions for Special Hearing & Variance  
Case No. 2025-0025-SPHA  
Property: 2903 Breezy Point Court

Dear Petitioner:

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 black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
for Baltimore County

MEM :dlm

Enclosure

c: Richard Montelius [rmontelius74@gmail.com](mailto:rmontelius74@gmail.com)  
Abigail [gorefamily@comcast.net](mailto:gorefamily@comcast.net)  
Carl [carl.ebeling@thalestct.com](mailto:carl.ebeling@thalestct.com)  
Glenn Charlow [gcharlow@gmail.com](mailto:gcharlow@gmail.com)  
Jaden Atkins [jadenaatkins@gmail.com](mailto:jadenaatkins@gmail.com)

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
& VARIANCE		
(2903 Breezy Point Court)	*	OFFICE OF
15 <sup>th</sup> Election District		
7 <sup>th</sup> Council District	*	ADMINISTRATIVE HEARINGS
Nicholas and Heather Fleischmann	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>	*	
<b>Petitioners</b>	*	<b>Case No. 2025-0025-SPHA</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration Petitions for Special Hearing and Variance by the legal owners, Nicholas and Heather Fleischman (“Petitioners”) for the property located at 2903 Breezy Point Court, Essex (the “Property”). The Petition for Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to approve an accessory building (garage) to be located on a parcel without a primary building (home). A Petition for Variance was also filed seeking relief from the BCZR, §400.3 to permit the proposed accessory building (garage) to have a height of 20 ft. in lieu of the maximum allowed 15 ft.

A hearing was conducted remotely via WebEx on March 25, 2025. The Petitions were advertised and posted as required by the BCZR. Nicholas Fleischmann appeared in support of the Petition along with Richard Montelius, the builder of the proposed garage. There were no Protestants at the hearing but the following property owners appeared in support of the Petition including Abigail Gore, 2907 Breezy Point Ct.; Evan Ferkamp 2905 Breezy Point Ct.; Carl Ebeling, 300 Henrietta Ave.; and Glenn Charlow, 2909 Breezy Point Ct.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPW&T”) and the Department of Environmental and Sustainability (“DEPS”)

which agencies did not oppose the relief. The comment from DPW & T indicates the following:

- (A) The proposed site is North of the coordinates described in County Code 32-8-201(J)(2) so the tidal base flood elevation is 8.5. All proposed living spaces must be elevated above the base flood elevation plus the required freeboard as outlined in Bill 6-24, the current County Code. Any area below this elevation cannot be used for living space, storage only, or flood proof materials must be used. The LiMWA is on the property.

The Property is 1.65 ± acre lot (aka Lot 4) located on the Breezy Point peninsula surrounded by Browns Creek on one end, and the Chesapeake Bay on the other end. It is zoned Resource Conservation – Critical Area (RC20). Having waterfront access on both the front and rear yards, Lot 4 is currently improved with a one-story, 1,860 sf single-family dwelling situated on the Chesapeake Bay side, and a freestanding shed and pier on the Brown’s Creek side. (Pet. Exs. 5A-5E). As with several other lots along Breezy Point Court, Lot 4 is divided by Breezy Point Court, a private lane, which, at first glance, appears to create two separate parcels under the same lot of record. Petitioner explained that the metes and bounds description for Lot 4 includes the land underneath Breezy Point Ct., and that Petitioners are responsible for maintaining the portion of the private lane within their property boundary lines.

Petitioners propose to construct a 1,400-sf detached garage, at a height of 20 ft., on the Brown’s Creek side. The requested additional 5 ft. in height is needed to accommodate the total height of a boat and trailer, including a boat canopy. After the Petition for Variance relief was filed, the Office of Zoning Review (“OZR”) added a Petition for Special Hearing relief due to the existence of Breezy Point Ct. dividing Lot 4.

## SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, § 500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The bulk regulations for RC20 zoned land as set forth in BCZR, §1A05.4 are silent about the separation of land by a roadway or easement. Interestingly, BCZR, §1A01.3 sets out the bulk regulations for RC2 (Agricultural) zoned land, and expressly addresses the separation of land in a single ownership by a road, right-of-way or easement and makes clear that the land on either side of the roadway are not considered separate lots of record:

\* \* \* \*

B. Area regulations.

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100

acres may be subdivided only at the rate of one lot for each 50 acres of gross area. **In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record.**

Notwithstanding the absence of that language in the RC20 bulk regulations, the undisputed evidence here is that there is one (1) lot of record (Lot 4), and the existence of a private lane dividing the Property to provide ingress/egress to this Property and to other properties on the Breezy Point peninsula, does not create two (2) separate parcels. Petitioners own the land beneath Breezy Point Court and within the Property boundary lines, and are responsible for its maintenance. Accordingly, the Petition for Special Hearing relief will be dismissed as unnecessary.

#### VARIANCE

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).

I find that the Property is unique in its irregular shape, with a private lane bisecting it, as shown on the aerial maps and Site Plan. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the additional height for the detached garage were not granted because they would not be able to store their boat and trailer used with this waterfront Property. I also find that the requested height 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,

particularly in light of the support of the neighboring property owners. Petitioners also confirmed that the detached garage will be located in the rear yard, despite the presence of the door and stairs facing Brown's Creek side. The front door is the door facing the Chesapeake Bay. As such, no area Variance relief is required.

THEREFORE, IT IS ORDERED this 31st day of **March, 2025** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR, §500.7 for an accessory building (garage) to be located on a parcel without a primary building (home) be, and it is hereby, **DISMISSED AS UNNECESSARY**; and

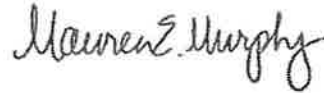
IT IS FURTHER ORDERED that Variance relief from BCZR, §400.3 to permit the accessory building (garage) to have a height of 20 ft. in lieu of the maximum allowed 15 ft, be, and it is hereby, **GRANTED**.

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 and/or subsequent owners shall not convert the accessory building (garage) into a dwelling unit or apartment. The accessory building (garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory building (garage) shall not be used for commercial or industrial purposes.
4. The accessory building (garage) shall not have separate utility, gas and electric and/or water/sewerage connections or services. All services shall connect to the house.
5. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.

6. Petitioner must comply with the DEPS and DPW&T ZAC comments, copies are attached hereto and made a part thereof.

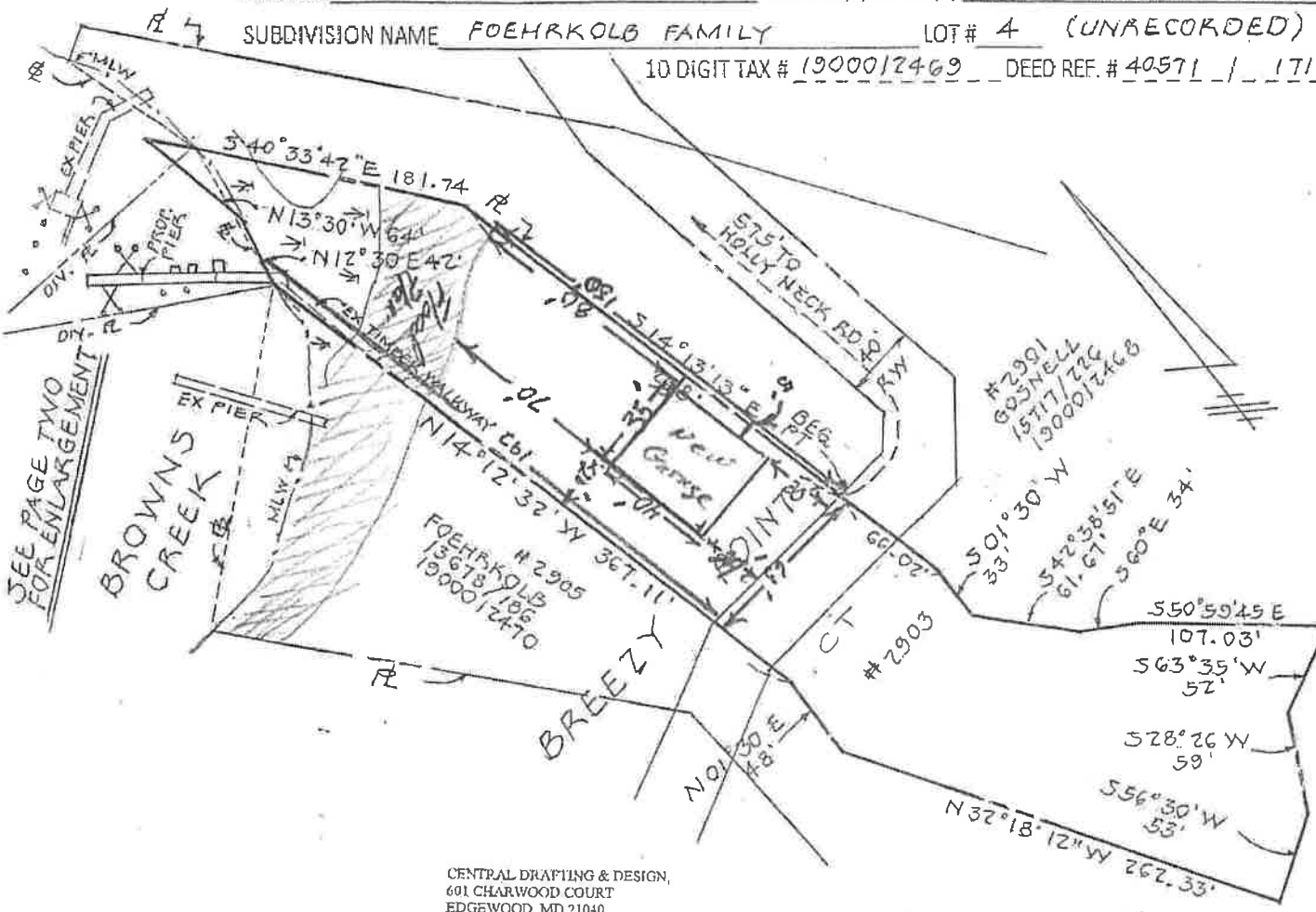
Any appeal of this decision must be filed within thirty (30) days of the date of this Order.



MAUREEN E. MURPHY  
Chief Administrative Law Judge  
for Baltimore County

MEM:dlm

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



SEE PAGE TWO FOR ENLARGEMENT

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. Fch. 1

2025-0025-SPHA

**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 (EPS) - Development Coordination

DATE: March 19, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0025-SPHA  
Address: 2903 BREEZY POINT COURT  
Legal Owner: Nicholas & Heather Fleischmann

Zoning Advisory Committee Meeting of February 28, 2025.

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) and includes Critical Area buffer. The property is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum allowed 15 feet. The proposed development must meet RCA lot coverage, buffer, and 15% afforestation requirements. If the proposed development can comply with the lot coverage restrictions and the buffer and 15% afforestation requirements, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a Critical Area (CA) buffer extending onto the property from the Bay. The buffer consists of maintained grass lawn with scattered vegetation. Based on a GIS review of soils and topography onsite, it appears the CA buffer would extend beyond 100-feet from tidal waters/wetlands.

The proposed garage appears to be located outside the expanded buffer and will require buffer establishment mitigation. If the proposed garage is located inside the CA buffer, a CA variance must be submitted for review and approval. Meeting the lot coverage and buffer requirements and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife 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.

If the proposed development can be designed to meet the lot coverage, buffer, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** February 21, 2025

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2025-0025-SPHA

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

**DPR:** No comment.

**DPW-T:** A) The proposed site is North of the coordinates described in County Code 32-8-201(J)(2) so the tidal base flood elevation is 8.5. All proposed living spaces must be elevated above the base flood elevation plus the required freeboard as outlined in Bill 6-24, the current County Code. Any area below this elevation cannot be used for living space, storage only, or flood proof materials must be used. The LiMWA is on the property.

**Landscaping:** No comment.

**Recreations & Parks:** No comment LOS & No Greenways affected.



# 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 2903 Breezy Point Ct Currently Zoned RC20  
Deed Reference 40571 | 171 10 Digit Tax Account # 1900012469  
Owner(s) Printed Name(s) Nicholas & Heather FLEISCHMANN

(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

... a proposed accessory building (garage) to be located on a parcel without a primary building (home).

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

3.  a **Variance** from Section(s)

BCZR: 400.3 → To permit the proposed accessory building (garage) to have a height of 20 feet in lieu of the maximum allowed 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Detached garage for storage with 12' ceilings. The height of the ridge 20' from grade with block foundation. 35' Foot by 40' Foot Garage.

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:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Legal Owners (Petitioners):

Nicholas Fleischmann, Heather Fleischmann  
Name #1 - Type or Print \_\_\_\_\_ Name #2 - Type or Print \_\_\_\_\_  
Nick \_\_\_\_\_ Heather Fleischmann  
Signature #1 \_\_\_\_\_ Signature #2 \_\_\_\_\_  
2903 Breezy Point Court Essex MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21221 410-227-0278 nick@upwindsoftware.com  
Zip Code \_\_\_\_\_ Telephone #'s (Cell and Home) \_\_\_\_\_ Email Address \_\_\_\_\_

### Attorney for Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Representative to be contacted:

Richard Montelius  
Name - Type or Print \_\_\_\_\_  
Richard Montelius  
Signature \_\_\_\_\_  
5705 2nd Ave. Halethorpe MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21227 443-207-0610 rmontelius74@gmail.com  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

Case Number 2025-0025-SAHA Filing Date 1/29/25 Do Not Schedule Dates \_\_\_\_\_ Reviewer JS

**DESCRIPTION**  
**2903 BREEZY POINT, CT**

Beginning at a point on the north side of Breezy Point <sup>1</sup> CT. (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 15<sup>TH</sup> Election District, 7<sup>TH</sup> Councilmanic District of Baltimore County, MD.

2025 - 0025 - SPMA



# 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 2903 Breezy Point Ct. Currently Zoned RC20  
Deed Reference 40571 171 10 Digit Tax Account # 1900012469  
Owner(s) Printed Name(s) Nicholas & Heather FLEISCHMANN

(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

... a proposed accessory building (garage) to be located on a parcel without a primary building (home).

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

3.  a **Variance** from Section(s)

BCZR: 400.3 → To permit the proposed accessory building (garage) to have a height of 20 feet in lieu of the maximum allowed 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Detached garage for storage with 12' Ceilings. The Height of the Ridge 20' From grade with Block Foundation. 35' Foot by 40' Foot Garage.

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:

Name - Type or Print  
Signature  
Mailing Address City State  
Zip Code Telephone # Email Address

### Legal Owners (Petitioners):

Nicholas Fleischmann, Heather Fleischmann  
Name #1 - Type or Print Name #2 - Type or Print  
Nick Heather Fleischmann  
Signature #1 Signature #2  
2903 Breezy Point Court Essex MD  
Mailing Address City State  
21221 410-227-0278 nick@upwindsoftware.com  
Zip Code Telephone #'s (Cell and Home) Email Address

### Attorney for Petitioner:

Name - Type or Print  
Signature  
Mailing Address City State  
Zip Code Telephone # Email Address  
Case Number 2025-0025-SAMA Filing Date 1/29/25 Do Not Schedule Dates \_\_\_\_\_ Reviewer JS

### Representative to be contacted:

Richard Montelius  
Name - Type or Print  
Richard Montelius  
Signature  
5705 2nd Ave. Halethorpe MD  
Mailing Address City State  
21227 443-207-0610 rmontelius74@gmail.com  
Zip Code Telephone # Email Address

**DESCRIPTION**  
**2903 BREEZY POINT, CT**

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

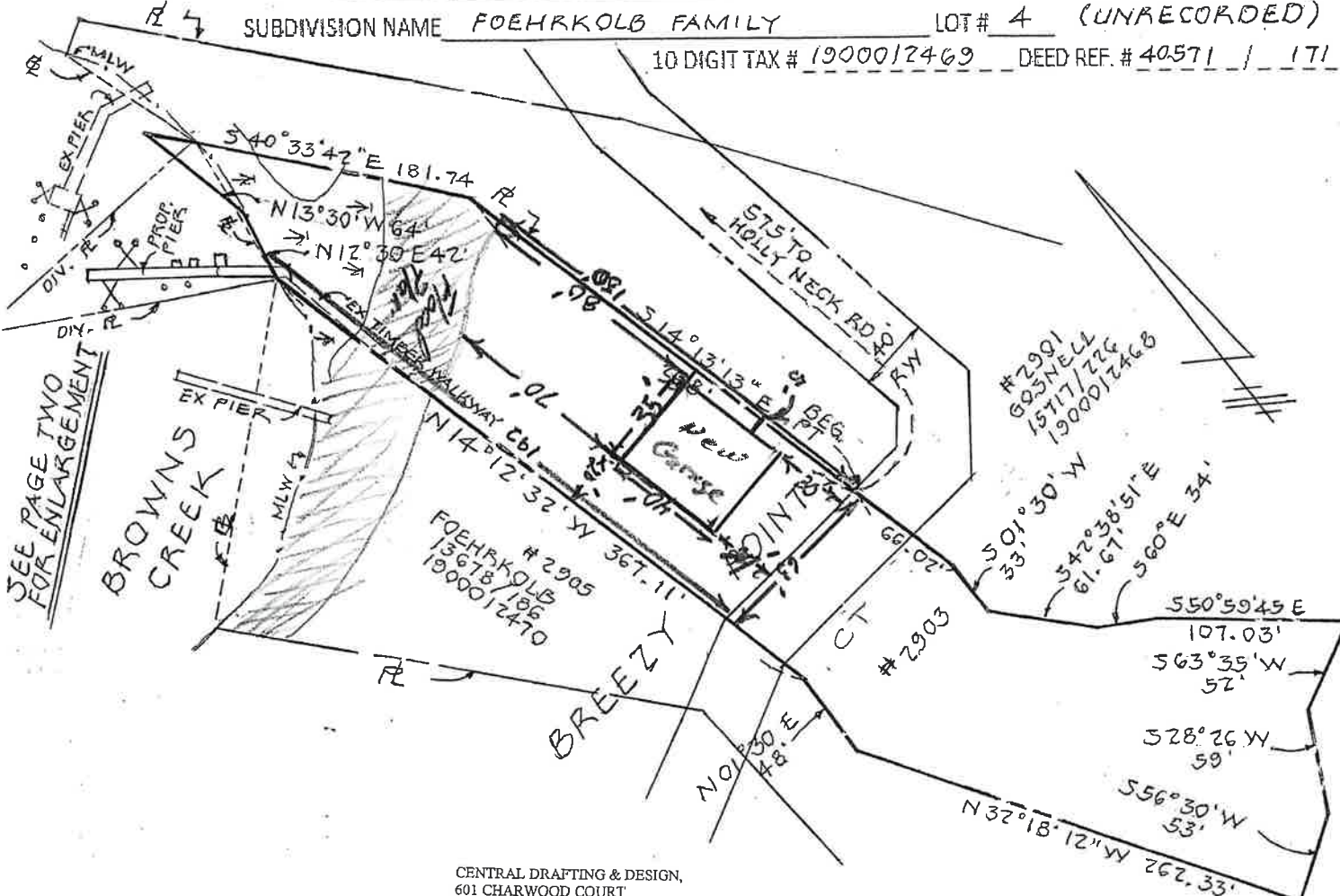
- (1) S 14° 13' 13" E 66.02 feet, thence
- (2) S 01° 30' W 33 feet, thence
- (3) S 42° 38' 51" E 61.67 feet, thence
- (4) S 60° E 34 feet, thence
- (5) S 50° 59' 45" E 107.03 feet, thence
- (6) S 63° 35' W 52 feet, thence
- (7) S 28° 26' W 59 feet, thence
- (8) S 56° 30' W 53 feet, thence
- (9) N 32° 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 15<sup>TH</sup> Election District, 7<sup>TH</sup> Councilmanic District of Baltimore County, MD.°

2025 - 0025 - SPMA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS Z903 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



SEE PAGE TWO FOR ENLARGEMENT

#2905  
 FOEHRKOLB  
 13678/106  
 1900012470

#2991  
 GOSNELL  
 15717/226  
 1900012468

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# 105C1  
 SITE ZONED RC20  
 ELECTION DISTRICT 15  
 COUNCIL DISTRICT 7  
 LOT AREA ACREAGE 1.65AC  
 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

2025-0025-5PH-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: 2025-0025-SPHA

Property Address: 2903 BREEZY POINT COURT

Legal Owners (Petitioners): NICHOLAS + HEATHER FLEICHMANN

Contract Purchaser/Lessee: \_\_\_\_\_

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): RICHARD MONTGOMERY

Address: 5705 2ND AVE.  
BALETHORPE, MD 21227

Telephone Number: 443-207-0610

\*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.



**Permits, Approvals and  
Inspections**

111 W CHESAPEAKE AVE  
TOWSON, MD 21204  
4108873353  
WWW.BALTIMORECOUNTYMD.GO  
V

Cashier: Jason S.  
22-Jan-2025 10:55:51A

Transaction **102692**  
1 Petition Before ALJ \$150.00

**Total** \$150.00  
CREDIT CARD SALE \$150.00  
MASTERCARD 1876

Retain this copy for statement  
validation

Station: Permit Processing - Mini

22-Jan-2025 10:56:18A  
\$150.00 | Method: EMV  
US Debit XXXXXXXXXXXX1876  
RICHARD MONTELIUS  
Reference ID: 502200575324  
Auth ID: 002088  
MID: \*\*\*\*\*2995  
AID: A0000000042203  
AthNtwkNm: INTERLINK  
RtInd: DEBIT  
PIN VERIFIED

Clover ID: 5X7PM5V70N6HC  
Payment JSGCTBXN68XA0

Clover Privacy Policy  
<https://clover.com/privacy>

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 3/4/2025

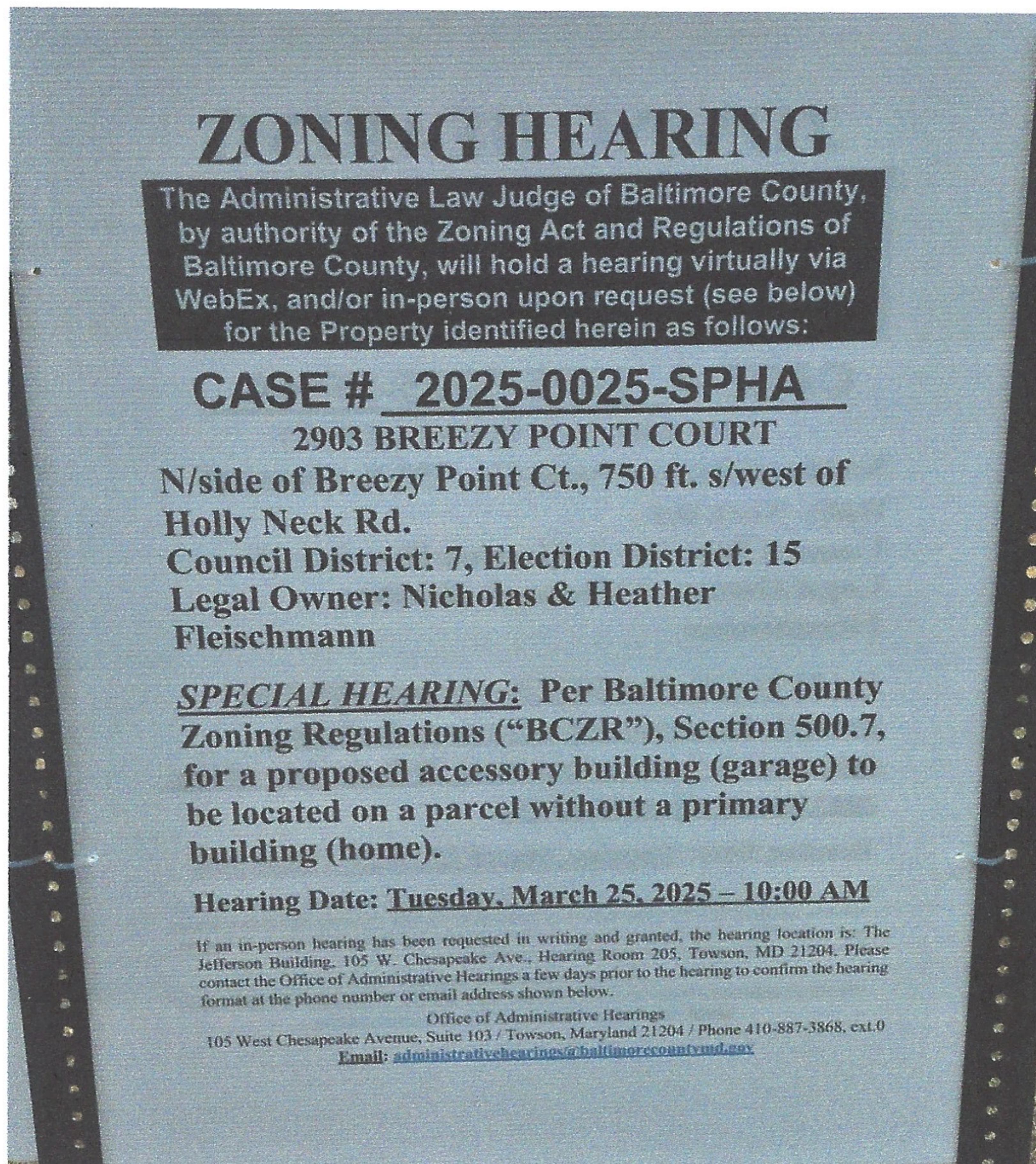
**Case Number:** 2025-0025-SPHA

**Petitioner / Developer:** RICHARD MONTELIUS ~  
NICHOLAS & HEATHER FLEISCHMANN

**Date of Hearing:** MARCH 25, 2025

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 COURT

The sign(s) were posted on: MARCH 4, 2025



SIGN #1

*Linda O'Keefe*

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

**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 (EPS) - Development Coordination

DATE: March 19, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0025-SPHA  
Address: 2903 BREEZY POINT COURT  
Legal Owner: Nicholas & Heather Fleischmann

Zoning Advisory Committee Meeting of February 28, 2025.

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) and includes Critical Area buffer. The property is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum allowed 15 feet. The proposed development must meet RCA lot coverage, buffer, and 15% afforestation requirements. If the proposed development can comply with the lot coverage restrictions and the buffer and 15% afforestation requirements, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a Critical Area (CA) buffer extending onto the property from the Bay. The buffer consists of maintained grass lawn with scattered vegetation. Based on a GIS review of soils and topography onsite, it appears the CA buffer would extend beyond 100-feet from tidal waters/wetlands.

The proposed garage appears to be located outside the expanded buffer and will require buffer establishment mitigation. If the proposed garage is located inside the CA buffer, a CA variance must be submitted for review and approval. Meeting the lot coverage and buffer requirements and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife 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.

If the proposed development can be designed to meet the lot coverage, buffer, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** February 21, 2025

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2025-0025-SPHA

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

**DPR:** No comment.

**DPW-T:** A) The proposed site is North of the coordinates described in County Code 32-8-201(J)(2) so the tidal base flood elevation is 8.5. All proposed living spaces must be elevated above the base flood elevation plus the required freeboard as outlined in Bill 6-24, the current County Code. Any area below this elevation cannot be used for living space, storage only, or flood proof materials must be used. The LiMWA is on the property.

**Landscaping:** No comment.

**Recreations & Parks:** No comment LOS & No Greenways affected.

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE MEMORANDUM**

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

**DATE:** 3/6/2025

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**

**INFORMATION:** Case Number: 2025-0025-SPHA  
**Property Address:** 2903 Breezy Point Court  
**Petitioner:** Michael and Heather Fleischmann  
**Zoning:** RC 20  
**Requested Action:** Special Hearing and Variance

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

*Special Hearing* - Under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should allow an accessory building (garage) to be located on a parcel without a principal structure (dwelling).

*Variance* - Under Section 400.3 of the Zoning Regulations of Baltimore County to permit an accessory “building (garage)” of a total height of 20’ in lieu of the required maximum height of 15’.

The subject site is a 1.65-acre lot located on a peninsula along Browns Creek in the Essex area. The lot is currently improved with a one-story, single-family dwelling situated on one end of the point and a pier on the opposite end. The property is divided by Breezy Point Court, a private road that runs through the middle of the lot, effectively creating two separate parcels under the same lot of record. The owner proposes to construct a 1,400-square-foot garage, 20 feet in height, on the half of the lot opposite the existing principal dwelling.

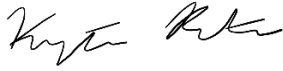
According to the Special Hearing request under Section 500.7 of the Baltimore County Zoning Regulations (BCZR), the proposed garage requires special consideration since it would be located on a parcel without a principal structure. However, the overall lot does contain an existing principal dwelling, and the division by Breezy Point Court is a unique site condition. As shown on the petition’s site plan, the owner intends to construct the garage on the portion of the lot across from the dwelling.

Following a phone discussion between the Petitioner’s Representative and a Department of Planning representative, it was confirmed that the primary use of the proposed garage would be to store the owner’s boats. This use is consistent with the RC 20 zoning designation, which permits single-family dwellings, fish and wildlife preserves, and agricultural or aquacultural uses. The requested 20-foot garage height is typical for boat storage and remains compatible with the surrounding neighborhood.

The Department of Planning supports the requested special hearing and variance relief and recommends approval of the garage as proposed.

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

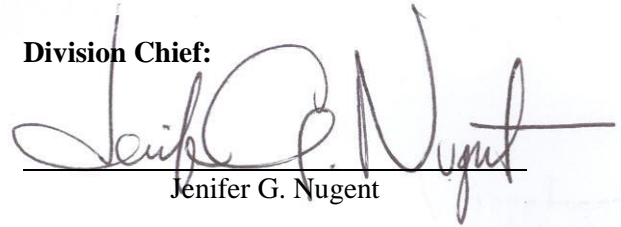
**Prepared by:**



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Krystle Patchak

**Division Chief:**



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Jenifer G. Nugent

SL/JGN/KP

c: Richard Montelius, Petitioner's Representative  
Maria Mougridis, 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 Number: District - 15 Account Identifier - 1900012469

**Owner Information**

Owner Name: FLEISCHMANN NICHOLAS W Use: RESIDENTIAL  
 FLEISCHMANN HEATHER L Principal Residence: YES  
 Mailing Address: 2903 BREEZY POINT CT Deed Reference: /40571/ 00171  
 BALTIMORE MD 21221-2035

**Location & Structure Information**

Premises Address: 2903 BREEZY POINT CT Legal Description: 1.651 AC  
 BALTIMORE 21221-2035  
 Waterfront FOEHRKOLB PROPERTY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
 0105 0005 0296 15080078.04 0000 4 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
 1914 1,860 SF 500 SF 1.6500 AC 34

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements  
 1 YES STANDARD UNITS SIDING/4 1 full/ 3 half

**Value Information**

	Base Value	Value		
		As of 01/01/2024	As of 07/01/2024	As of 07/01/2025
Land:	314,100	384,900		
Improvements	240,300	228,200		
Total:	554,400	613,100	573,967	593,533
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 07/01/2024 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 Application Date:



SE 2-K

SE 2-H

105B1

SE 3-K

SE 3-H

2018-0310-SPH  
2005-0526-SPH  
UA-2004-0001MC

1988-0062-A  
1997-0194-A  
1987-0226-A

1988-0062-A  
1997-0194-A  
1987-0226-A

2019-0533-A

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

RC 5

RC 20

105C1

7 CD

15 ED

HOLLYNECK RD

BAYFRONT CT

2500004565  
2500004566  
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2500004582

1900012471

1900012466  
2897

1900012472  
2909

2903

1900012469

2907

1900012470

2811

2500004565

99999 #150021

Pt. Bk. 0000078, Folio 0388

99999

PAI # 150821

PAI # 150821

PAI # 150821

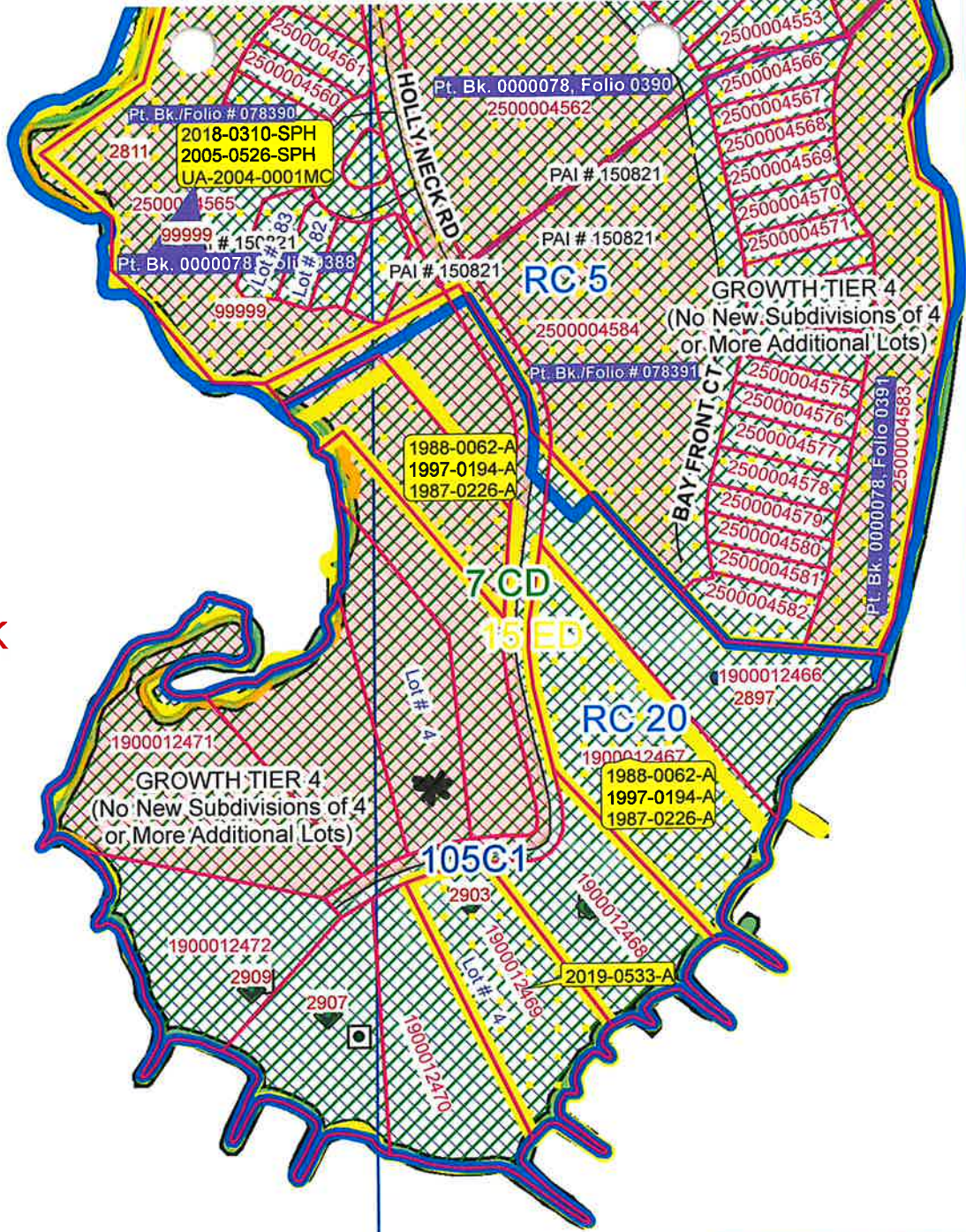
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Pt. Bk./Folio # 078391

Pt. Bk. 0000078, Folio 0391

Pt. Bk./Folio # 078390

Pt. Bk. 0000078, Folio 0390



SE 2-K

SE 2-L

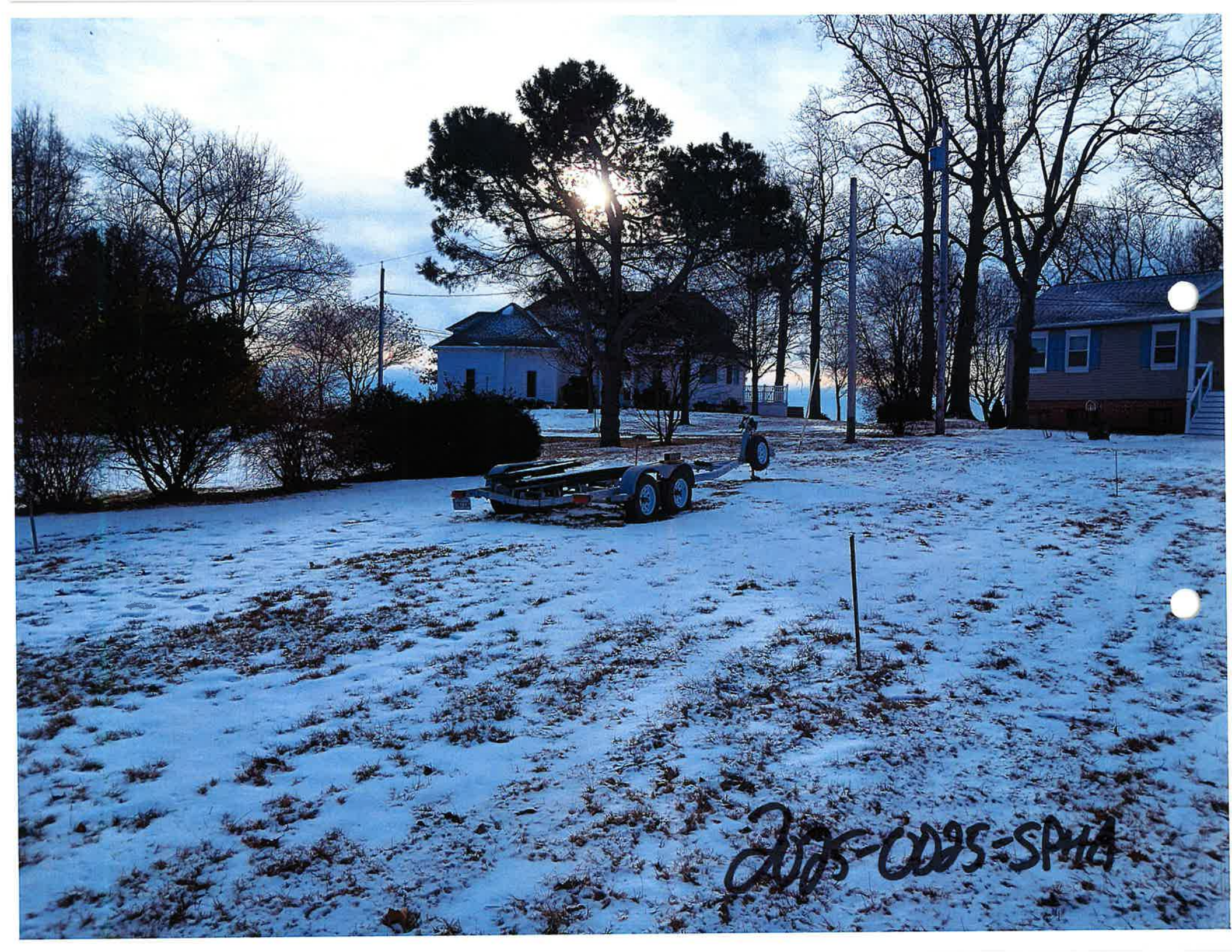
105B1

SE 3-K

SE 3-L



2025-0025-SPHA



2025-0095-SP1A



2025-0025-5P4A

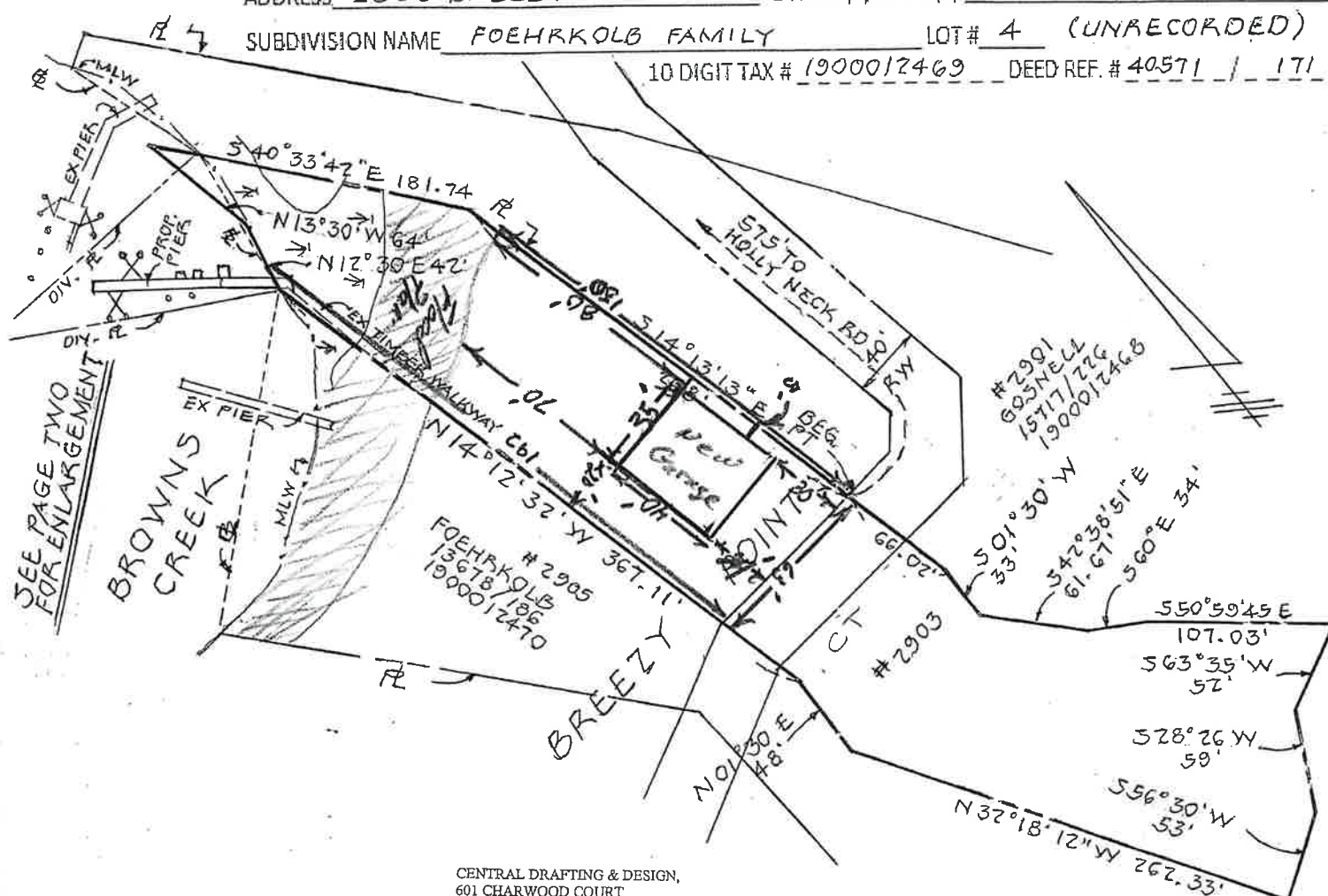


2025-0025-SMVA

A photograph of a residential yard covered in snow. In the center, a silver metal trailer with two wheels is parked on the snow. The background features a line of bare trees and a small white building. The sky is a clear, bright blue. The overall scene is a winter landscape.

2025-0025-5M4A

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



SEE PAGE TWO FOR ENLARGEMENT

#2905  
 FOEHRKOLB  
 13678/186  
 1900012470

#2901  
 GOSNELL  
 15717/224  
 1900012468

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# 105C1  
 SITE ZONED RC20  
 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

CHESAPEAKE BAY

PAGE  
 1 OF 2

2025-0025-SPA

Ret. Exh. 1