

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Bauernschmidt Drive, 110' N of the
c/l Riverside Drive
(2412 Bauernschmidt Drive)
15th Election District
5th Council District

Daniel J. Bederka, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-294-A
*

* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Daniel J. and Marilyn S. Bederka. As originally filed, the Petitioners sought relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 8 feet in lieu of the required 30 feet for proposed additions. The Petitioners filed their request through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows a residential property owner to seek variance relief without the need for a public hearing. Upon filing such a Petition, the property is posted giving public notice of the requested relief for a period of 15 days, during which time any property owner living within 1,000 feet of the affected site can request a public hearing. Thereafter, the file is forwarded to the Zoning Commissioner/Deputy Zoning Commissioner for consideration. If no hearing is requested or deemed necessary by the Zoning Commissioner, then a decision may be rendered based upon the documentation contained in the case file. In this case, the property was duly posted and a request for public hearing subsequently made by several adjacent property owners. Thus, the matter was scheduled for a public hearing on March 29, 2001.

Appearing at the hearing in support of the request were Daniel J. Bederka, property owner, and several members of his family. Also appearing in support of the request were Jeffrey Holt, a builder and nearby property owner, and Vincent J. Moskunas, a representative of Site Rite Surveying, Inc., who prepared the site plan of this property. Appearing as Protestants in the matter

RECEIVED FOR FILING

Date

By

were Dr. L. Lee Gosnell, Jr., adjacent property owner, and Dennis S. Peterson, Vicky Moroz, and Ronald G. Miller, all of who reside across from the subject property.

The subject property is a waterfront lot, located immediately adjacent to Middle River in the Bauernschmidt Manor subdivision in eastern Baltimore County. The property is 58 feet wide by approximately 150 feet deep, and contains a gross area of 8,748 sq.ft. (0.20 acres, more or less), zoned D.R.3.5. Presently, the site is improved with a single family dwelling, known as 2412 Bauernschmidt Drive. The Petitioners initially proposed to construct an in-law apartment to the rear (street) side of the dwelling for an elderly member of the family who will reside on the site. In addition, the Petitioner proposed the construction of a garage, 20' x 33' in dimension, that would be attached to the in-law apartment. The in-law apartment by itself would leave a 28-foot setback to the street; however, the apartment with the garage addition would leave only an 8-foot setback to the street. A minimum 30-foot setback is required.

The Protestants were opposed to the proposed improvements, believing that same would be detrimental to their property values and block their view of the water. They also expressed safety concerns relative to the close proximity of the proposed garage to the street. This concern was echoed in the Zoning Plans Advisory Committee comment dated March 6, 2001 from the Developer's Plans Review Division of the Department of Permits and Development Management, who recommended a denial of the request.

By Order dated April 6, 2001, I granted a variance to allow a 28-foot setback in lieu of the required 30 feet for the proposed in-law apartment, and denied the garage addition, which would have resulted in an 8-foot setback in lieu of the required 30 feet. Subsequent to the issuance of said Order, the Petitioners filed a written request for reconsideration, dated April 16, 2001, and submitted three alternate proposals. Copies of these proposals were forwarded to the affected neighbors for their input. Based upon the concerns raised by Dr. Lee Gosnell, Jr., adjacent property owner, it was deemed necessary to schedule a hearing for further proceedings on the matter. That hearing took place on June 5, 2001. Appearing at that hearing were Mr. & Mrs. Bederka and their builder, Jeffrey Holt. Dr. Gosnell and Mr. Peterson appeared as Protestants.

RECEIVED FOR FILING

Date

By

At that hearing, the Petitioners presented testimony that only one of the three alternatives filed within the Motion for Reconsideration was practical. A copy of that proposal was submitted into evidence as Petitioner's Exhibit 2 on the Motion. Essentially, the Petitioners now propose construction of a two-story addition, approximately 33' wide by 29' deep, to the rear of the dwelling, 20.5 feet from Bauernschmidt Drive. The width of this proposed addition is identical to the width of the existing house, and will contain both a three-car garage and an in-law apartment. Building elevation drawings of the proposed structure and floor plan for same were attached as part of Petitioner's Exhibit 2. It was indicated that Mr. Bederka's mother-in-law will reside on the property to be within close proximity of the rest of the family, although she would have her own quarters to insure privacy. Additionally, the garage will provide storage for automobiles and other household necessities.

Dr. Gosnell indicated that he had not had an opportunity to review this proposal, although this was indeed one of the three alternatives submitted as part of the Motion for Reconsideration. He generally objected to the request. Mr. Peterson expressed concern, primarily related to over-use of the property and traffic on Bauernschmidt Drive. However, he indicated that he thought an appropriate settlement could be reached.

Upon due consideration of the testimony and evidence presented, I am persuaded to grant the Motion for Reconsideration and will approve the request for amended relief. I believe the proposed modifications represent an appropriate alternative. The 20.5-foot setback that will be provided is consistent with others in the neighborhood. Specifically, the attached garage on an adjacent property has a 15-foot setback to the street, and Dr. Gosnell's attached garage on the other side has a 28-foot setback. Thus, the requested relief is not out of character with the neighborhood. As a condition of approval, however, I will incorporate herein the terms and conditions of the prior Order. Moreover, I will require removal of the existing concrete driveway in view of environmental considerations to reduce the amount of parking on site and to insure that vehicles will not be parked thereon and block the neighbors' view of the water.

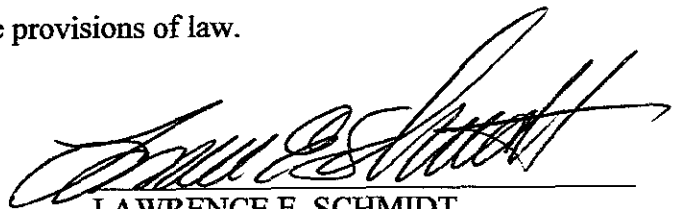
Date 11/17/01
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of June, 2001 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20.5 feet in lieu of the required 30 feet for a proposed two-story addition, in accordance with Petitioner's Exhibit 2 filed in this Motion for Reconsideration, be and the same is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall remove the existing concrete driveway to reduce the amount of parking on site and to insure that vehicles will not be parked thereon and block the neighbors' view of the water.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued April 6, 2001 shall remain in full force and effect.

Any interested person shall have thirty (30) days from the date of this Order to file an appeal of this decision, pursuant to the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Daniel J. Bederka, 1716 Ranch Lane, Baltimore, Md. 21222
Mr. Vincent J. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Towson, Md. 21286
Dr. L. Lee Gosnell, Jr., 2414 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Dennis Peterson & Ms. Vicky Moroz, 2411 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Ronald G. Miller, 2415 Bauernschmidt Drive, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Comm., 1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 6/19/01
By [Signature]

April 16, 2001

Mr. & Mrs. Daniel J. Bederka
1716 Ranch Lane
Baltimore, Maryland 21222

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

APR 16

RE: PETITION FOR VARIANCE
E/S Bauernschmidt Drive, 110' N of the c/l Riverside Drive
(2412 Bauernschmidt Drive)
15th Election District – 5th Council District
Daniel J. Bederka, et ux – Petitioners
Case No. 01-294-A

Dear Mr. Schmidt:

The purpose of this letter is to formally request that you reconsider your decision in the above-captioned matter. There are two reasons we are making this request. The first is that we would like additional alternate options considered. And the second is that there were several items noted in the decision that we would like to address.

Attached, please find three alternate arrangements for the proposed mother-in-law attachment and garage:

The first proposal is for a variance of 9.5' from the required 30' setback from the road. This proposal is the preferred option to the original request. By rearranging the addition, moving it to the right side as you face the house, a one-car garage can be located to the left, with a main entrance in the center. We believe this design addresses the safety issue and meets the concerns of the dissenting neighbors, will be the most attractive alternative and provide the best use of the new space. With a variance of 9.5 feet, the wall of the new addition will be 20.5' from the road. This will place it approximately midway between Dr. Gosnell's garage on the right, 28' from the rear property line, and Mr. Still's garage on the left, 15' from the rear property line. The 20.5' distance from the road will allow more than adequate space to drive from the garage and see the oncoming traffic and it will allow almost the same sight distances my neighbors now enjoy for entering the road safely. The 9.5-foot variance will also provide the most efficient use of the space while at the same time making it possible to construct the addition in a manner that will add to appearance of the home and improve property values.

The second proposal is similar to the first, but it requires a variance of 7.5 feet. This is not our first choice because it reduces the available space making the addition less comfortable and reduces the size of the garage to a minimum. With this design, the main entrance will not be facing the road, but will be on the side of the addition. We believe this design will not be as attractive as the first proposal.

The third proposal requires a variance of only 4.5 feet. It is the minimum variance required that would still allow room for the addition and one-car garage. The living space will be cramped and the main entrance will not be facing the road. It would be our last choice.

I would like to address some items noted in the Findings Of Fact and Conclusions Of Law.

- A. The house on the property was built in the 70's as a year-round dwelling. We purchased the house to use it as a year-round residence. It never was a "summerhouse". This implies that the original house was less desirable than it is. We have delayed moving into the house to facilitate improvements.
- B. We do own three "classic" automobiles. We intend to give two of these vehicles to our daughters in the future. If we are unable to build at least a one-car garage, we will be forced to sell what we hope will one day be our prized possession, a 1953 MG-TF, because it requires a place for it to be restored and because of insurance requirements. As far as the total number of vehicles is concerned, we plan to reduce the total to three cars at some point in the future.
- C. Our neighbors, who reside across the street, oppose the request stating that it will block their view of the water. Prior to the submission of the original request for variance, we reviewed our architect's drawings with Mr. Miller (we were unable to show them to Ms. Moroz and Mr. Peterson as we rarely see them). We pointed out that the proposed addition did not extend beyond the sides of the existing structure. We designed it this way specifically, so that it would not interfere with their views of the water. Mr. Miller did not voice any concerns about his view at that time.
- D. About the same time we reviewed the plans with Mr. ~~Peterson~~, we also reviewed them with Dr. Gosnell. The concerns voiced by Dr. Gosnell at that time were that the addition would be unattractive and would reduce his property's value. Because of his concern, we said we

would consult with our architect to determine if changes to the plans could improve the appearance of the proposal. Our architect suggested and we approved the addition of a window and a door to the garage to "break-up" the wall opposing Dr. Gosnell's property. He also suggested facing the lower portion of the garage with brick to match the brick in the addition and the house. These changes were made to improve both the appearance and value of the proposal.

- E. To be absolutely clear, the garage at 2416 Bauernschmidt Drive measures 8 feet from the property line. The issue of safety is being used as an argument against the proposal. But it seems to be one of convenience. If safety were truly the issue, then complaints pertaining to the placement of this garage should have been voiced. Also, trees and shrubs, which more completely block the view of Dr. Gosnell on both sides of his property, should have been considered. Finally, traffic past this portion of Bauernschmidt Drive is limited.

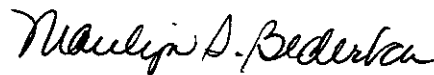
Bauernschmidt Drive circles the peninsula, and this location is 180 degrees from the entrance to the community. Any traffic basically moves away from this location. There is no through traffic and therefore this is the least traveled portion of the road.

We appreciate your time in reconsidering this petition. If you feel an on-site inspection is warranted, we would welcome that and thank you in advance for the additional time that would require.

Very truly yours,



Daniel J. Bederka

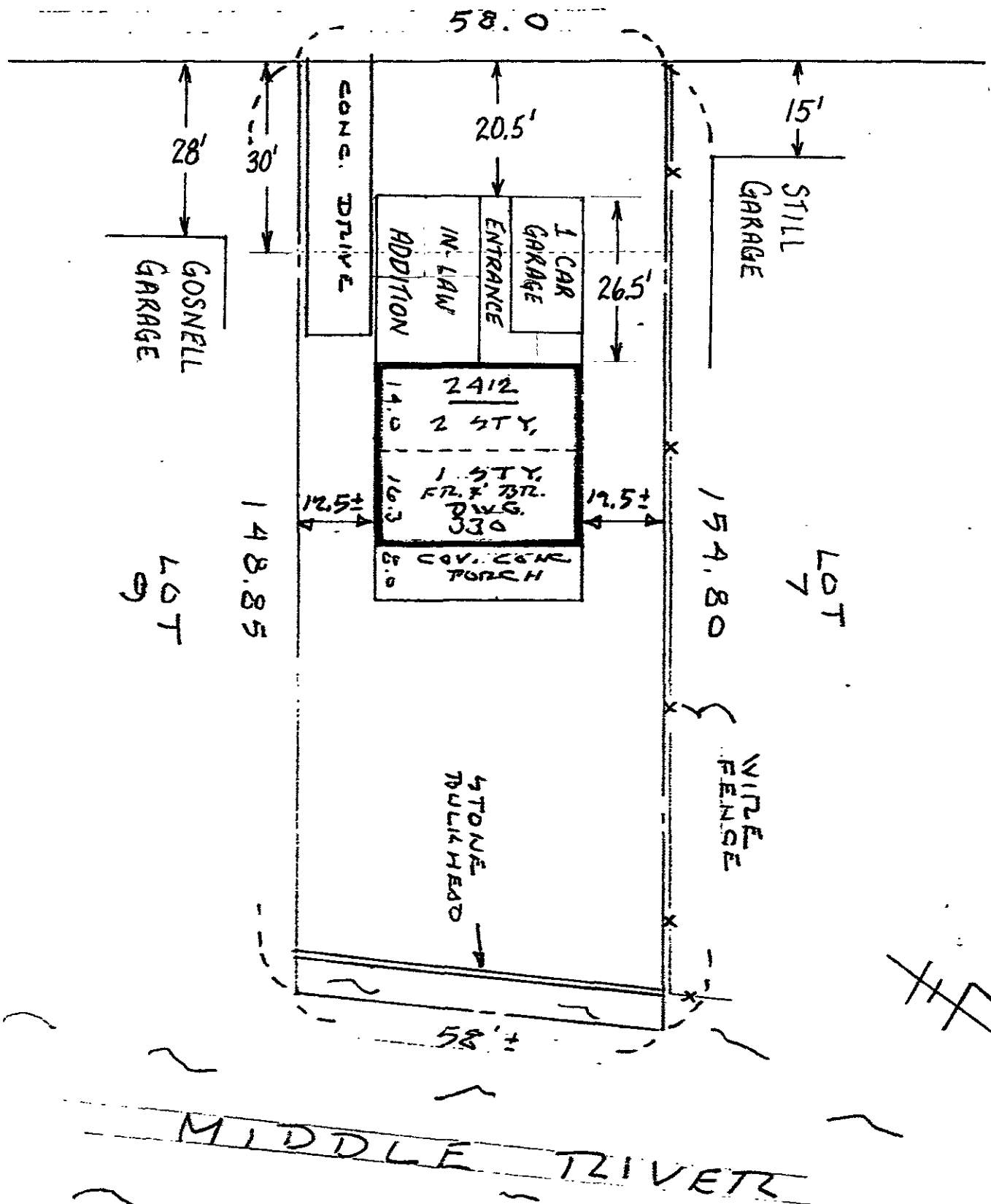


Marilyn S. Bederka

BAUERN SCHMIDT DRIVE
(40 FT. WIDE)

(40 FT. WIDE)

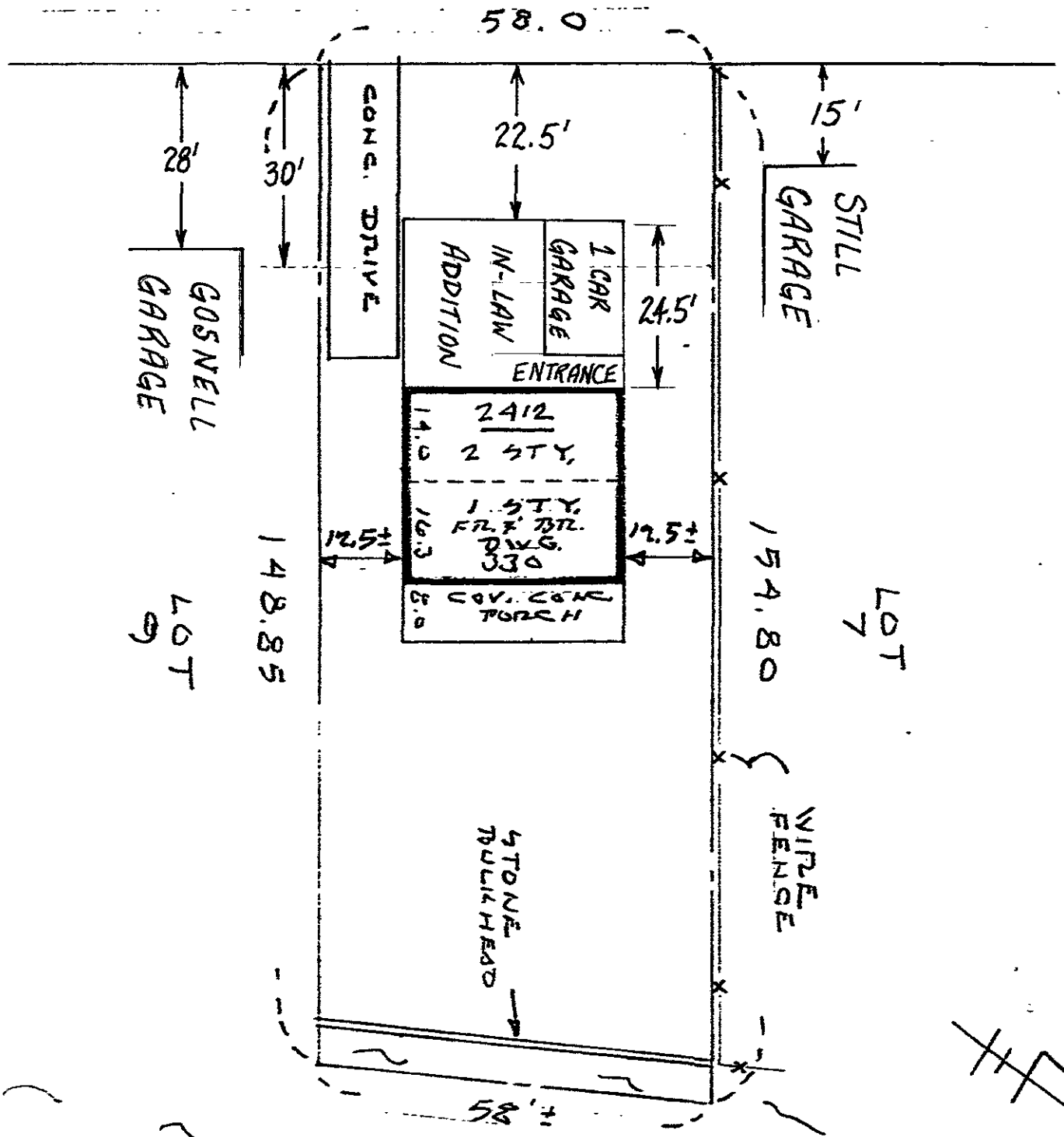
9.5' VARIANCE



BAUERNSCHMIDT DRIVE

(40 FT. WIDE)

7.5' VARIANCE

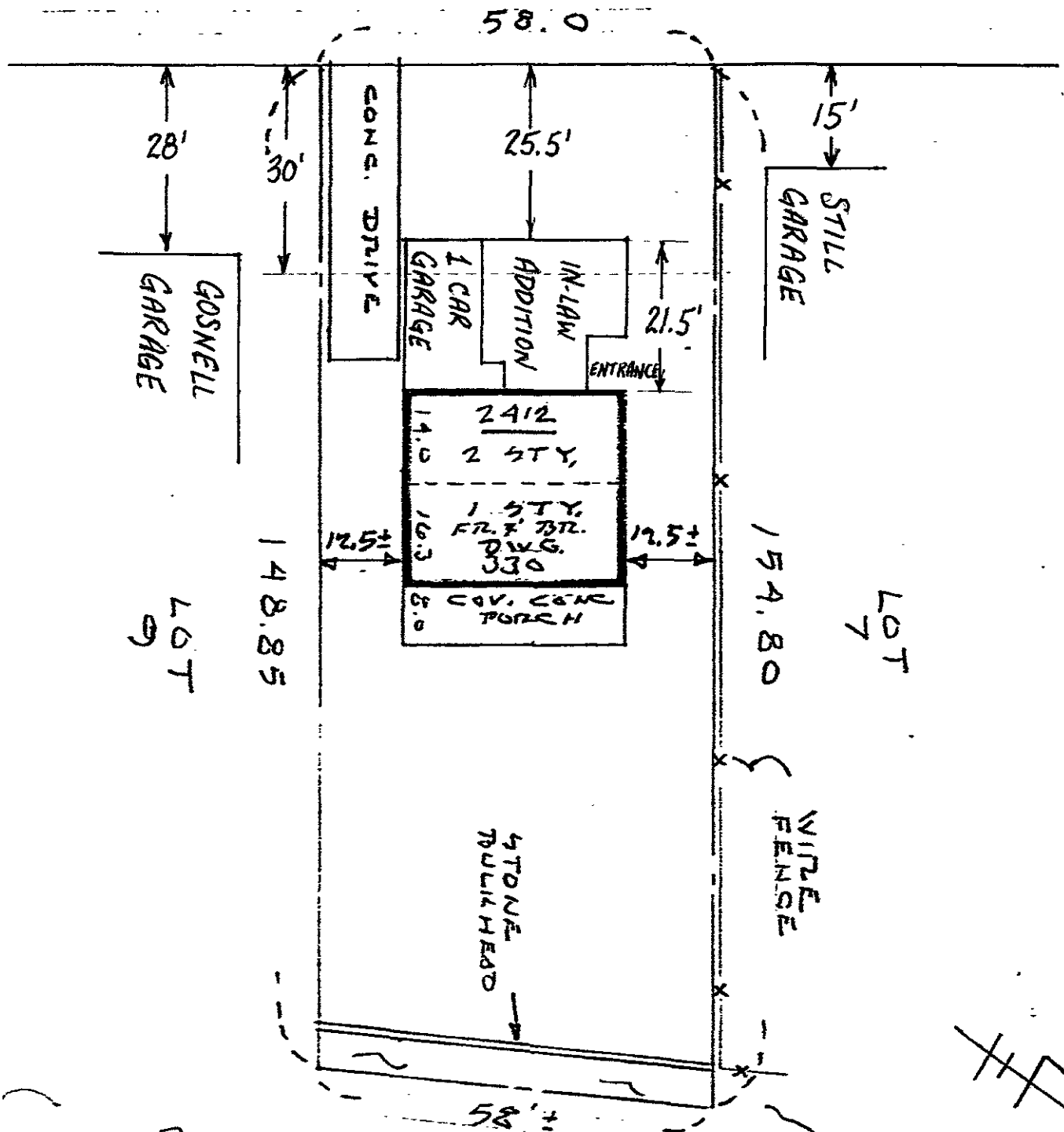


MIDDLE TRIVET

BAUERN SCHMIDT DRIVE
(40 FT. WIDE)

(40 FT. WIDE)

4.5' VARIANCE



28'

30

non-PRIVE

25.5'

15

STILL
GARAGE

GOSNELL
GARAGE

1 CAR
GARAGE

IN-LAW
ADDITION

ENTRANCE

21.5'

2412

2 5T Y

1. 5TY.
ER. F. 732.
D.W.G.
330

COV. CONC
TPOUCH

12.5±

17.5±

—
—
—
—
—
—

607

157.000

Lot 7

7/11/20

STONER
TULLYHEAD

58'

MIDDLE TRIVET

IN RE: PETITION FOR VARIANCE
E/S Bauernschmidt Drive, 110' N of the
c/l Riverside Drive
(2412 Bauernschmidt Drive)
15th Election District
5th Council District

Daniel J. Bederka, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-294-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Daniel J. and Marilyn S. Bederka. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 8 feet in lieu of the required 30 feet for proposed additions. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Daniel J. Bederka, property owner, and several members of his family. Also appearing in support of the request were Jeffrey Holt, a nearby property owner, and Vincent J. Moskunus, a representative of Site Rite Surveying, Inc., who prepared the site plan of this property. Appearing as Protestants in the matter were Dr. L. Lee Gosnell, Jr., adjacent property owner, and Dennis S. Peterson, Vicky Moroz, and Ronald G. Miller, all of who reside across from the subject property.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront lot, located immediately adjacent to Middle River in eastern Baltimore County. The parcel is 58 feet wide by approximately 150 feet deep, and contains a gross area of 8,748 sq.ft. (0.20 acres, more or less), zoned D.R.3.5. The property is also known as Lot 8 of Section A of the Bauernschmidt Manor subdivision, which was recorded many years ago in the Land Records of Baltimore County. The property is presently improved with a single family dwelling which bears

ORDER RECEIVED FOR FILING
Date 4/16/03
By [Signature]

the street address of 2412 Bauernschmidt Drive. Testimony indicated that the Petitioners acquired the property in 1997 and photographs submitted show that they have made significant improvements since that time. As is the case with many properties in the area, the subject property was originally used as a summerhouse; however, it can now be used year-round.

The Petitioners propose two additional improvements to the dwelling to increase living and storage space. First, the Petitioners propose the construction of an in-law apartment to the rear (street) side of the dwelling. Testimony indicated that an elderly member of the family will reside on the site and that additional living space is required to accommodate this situation. Due to the waterfront nature of the property, the front yard of the lot is considered to be that portion of the parcel between the dwelling and the water and the rear yard is considered to be that portion of the property between the dwelling and the street. As shown on the plan, the proposed in-law quarters would result in a 28-foot setback from the wall of the new construction to the street. However, the Petitioner proposes additional improvements which would further shorten that setback.

Specifically, Mr. Bederka testified that he collects classic automobiles and that several members of his family own automobiles. It was indicated that as many as seven (7) automobiles may be kept on the subject property. In order to accommodate these vehicles, the Petitioner proposes the construction of an attached garage, 20' x 33' in dimension, which will be connected to the in-law apartment and extend across the width of the existing dwelling. As shown on the site plan, the proposed improvements will result in an 8-foot setback between the wall of the proposed garage and street right-of-way.

Testimony and evidence presented in support of the Petitioners' request indicated that the proposed improvements are similar to other properties in the area. Specifically, Mr. Moskunas produced a number of photographs of neighboring properties which depict similar construction in the rear yards, close to the street. However, it is to be noted that many of these structures are detached garages or storage sheds, not an attached building as proposed here. In addition to citing the Petitioners' need for additional living and storage space, testimony indicated that the proposed construction will not be detrimental to adjacent properties and is in keeping with existing

conditions in the neighborhood. The record of this case will reflect all of the testimony and evidence offered in support of the Petition, including the many photographs and drawings submitted and described by Mr. Moskunas, all of which have been reviewed by the undersigned Zoning Commissioner.

Although the Petitioners produced letters of support for the request from two of their neighbors, several residents from the surrounding community appeared in opposition; Dr. Gosnell, who resides immediately adjacent to the subject property, and Mr. Peterson, Ms. Moroz, and Mr. Miller, all of who reside across the street. These individuals are opposed to the request for a variety of reasons. Collectively, they believe that the proposed construction will be detrimental to their property values and will also block the view of the water from the Peterson/Moroz and Miller properties. They also expressed safety concerns relative to the close proximity of the proposed garage to the street. Their testimony and objections to the plan are also reflected in the record of this case.

A favorable Zoning Advisory Committee (ZAC) comment was received from the Office of Planning which recommended approval of the request, provided elevation drawings of the proposed construction were submitted to that agency to insure that the proposed improvements are in keeping with the character of the surrounding neighborhood. However, an adverse comment was received from the Developer's Plans Review Division of the Department of Permits and Development Management, which stated, in part, "The garage is too close to the road. The driver will be on the road before he can see out of the garage. We recommend against approval of this variance." Other ZAC comments submitted note that the property is subject to Chesapeake Bay Critical Areas requirements, and Federal Flood Insurance regulations.

Based upon the testimony and evidence offered, I am persuaded to grant a portion of the variance request. I explain. Approval of a reduced setback to allow construction of the proposed in-law apartment, 28 feet from the road, is warranted. An examination of the photographs and plans submitted is persuasive to a finding that relief should be granted to permit that construction. In this regard, it is to be observed that other lots in the immediate vicinity have

ORDER RECEIVED FOR FILING

Date

By

structures in the rear yard, closer to the street than the proposed in-law addition. The property immediately adjacent to the site at 2410 Bauernschmidt Drive, features a detached one-story garage in the rear yard, 15 feet from the property line. Moreover, the property at 2416 Bauernschmidt Drive, has a similarly situated detached garage. Indeed, even Dr. Gosnell's attached garage is, according to the site plan, 28 feet from the rear property line. The proposed addition will be entirely consistent with these dimensions and setback relief is warranted. In this regard, I believe that the Petitioners have justified the requirements of Section 307 of the B.C.Z.R. I find that the unique characteristics of the lot, in terms of its dimension, shape and size, and the location of the existing dwelling, justify the variance relief and that the Petitioners would suffer a practical difficulty if relief were denied. Moreover, in view of the characteristics of the existing neighborhood, I find that a variance to permit the in-law addition to be constructed will not cause a detrimental impact on surrounding properties.

The proposed attached garage, however, is another matter. In this regard, I agree with the Protestants' concerns, particularly regarding those expressed over public safety. The construction of a permanent structure so close to the road would cause visual detriment to adjacent properties, and could also interfere with traffic and sight distances along Bauernschmidt Drive. Although it is not within the province of the Zoning Commissioner to dictate how an individual may use their property, I find that the proposed storage of up to seven (7) vehicles on the property, coupled with the contemplated enlargement of the dwelling, represents an over-development of the site. This small lot simply cannot support the significant building additions proposed. For these reasons, I will deny that portion of the variance requesting relief for the proposed garage.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted in part, and denied in part, as set forth above.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of April, 2001 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback

COPIES RECEIVED FOR FILING
Date 4/6/01
By [Signature]

of 28 feet in lieu of the required 30 feet for a proposed in-law addition, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings of the proposed in-law addition to the Office of Planning for review and approval to insure that same is compatible with the character of the surrounding neighborhood.
- 3) The subject property is restricted to use as a single family dwelling in accordance with D.R.3.5 zoning regulations. The dwelling and proposed addition thereto shall not be converted for use as a multi-family dwelling or apartments.
- 4) Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated March 19, 2001, and the Development Plans Review Division, dated March 6, 2001, copies of which are attached hereto and made a part hereof.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 8 feet in lieu of the required 30 feet for a proposed garage, in accordance with Petitioner's Exhibit 2, be and is hereby DENIED.

Any interested person shall have thirty (30) days from the date of this Order to file an appeal of this decision, pursuant to the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 4/16/01

By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 6, 2001

Mr. & Mrs. Daniel J. Bederka
1716 Ranch Lane
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
E/S Bauernschmidt Drive, 110' N of the c/l Riverside Drive
(2412 Bauernschmidt Drive)
15th Election District – 5th Council District
Daniel J. Bederka, et ux - Petitioners
Case No. 01-294-A

Dear Mr. & Mrs. Bederka:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and denied in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vincent J. Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Dr. L. Lee Gosnell, Jr., 2414 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Dennis Peterson & Ms. Vicky Moroz, 2411 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Ronald G. Miller, 2415 Bauernschmidt Drive, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2412 Bauernschmidt Drive

which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BO2.3.C.1 to allow a rear

setback of 8' in lieu of the required 30' and to approve an undersized lot.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Bernadette L. Moskunus

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101

(410) 828-9060

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By TAG Date 1-24/01

Estimated Posting Date 2/4/01

CASE NO. 01-294A

Date 9/15/98

By [Signature]

ORDER RECEIVED FOR FILING
DATE 9/15/98
BY [Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

2412 Bauernschmidt Drive

Address

Baltimore, MD 21221

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. Proposed one story addition to be used as mother-in-law living quarters along with garage. The existing rear yard is only 43 feet thus making an addition only 13 feet to accommodate B.C.Z.R.
2. The unit cannot be built above the garage because of the mother-in-law's age (80 years old). To accommodate, the living area must be on the ground level.
3. Because of the architectural design for the one story addition, it has to be connected to the garage. This makes the rear setback impossible to meet.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Daniel J. Bederka
Signature

DANIEL J. BEDERKA
Name - Type or Print

Marilyn S. Bederka
Signature

Marilyn S. Bederka
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of December, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DANIEL J. & MARILYN S. BEDERKA

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

12/4/00
Date

William V. Sherock
Notary Public

William V. Sherock, Notary Public

My Commission Expires

March 1, 2004

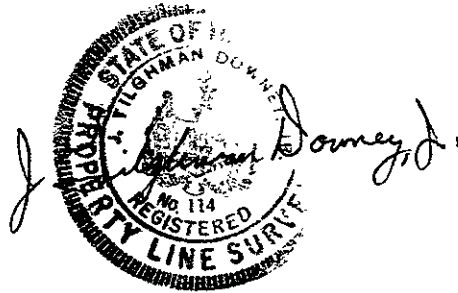
Anne Arundel County

State of Maryland

My Commission Expires Mar. 1, 2004

ZONING DESCRIPTION FOR #2412 BAUERNSCHMIDT DRIVE

BEGINNING at a point on the east side of Bauernschmidt Drive which is 40 feet wide at the distance of 110 feet north of Riverside Drive which is 40 feet wide. Being Lot #8, Section "A" in the subdivision of Bauernschmidt Manor as recorded in Baltimore County Plat Book #12, folio #81, containing 8,758 square feet. Also known as #2412 Bauernschmidt Drive and located in the 15th. Election District, 5th. Councilmanic District.



J. Tilghman Downey, Jr.

*Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286
(410)828-9060*

01-294A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **90669**

DATE 1-24-01 ACCOUNT KC01 6150
AMOUNT \$ 50.00

RECEIVED FROM: Holt Builders

FOR: Variance 2413 Buwenscheidt Dr.

C1-294A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
DATE: 1/24/01 TIME: 11:25 AM
REG. NO. 124-0001
CASHIER: ATE MRS. JAMES
Product: 1/24/01
CP NO. 00000
RECEIVED FOR: \$50.00
Baltimore County, Md. 21201

01-294-A

CASHIER'S VALIDATION



FORMAL DEMAND FOR HEARING

CASE NUMBER: 01-294-A

Address: x 2412 Bauernschmidt Dr.

Petitioner(s): x Maria & Mark G. Bederka

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We RONALD G. MILLER
Name - Type or Print

(☒) Legal Owner OR (☒) Resident of
2415 BAUERNSCHMIDT DR.
Address

BALTO. MD. 21221
City State Zip Code
(410) 682-4515
Telephone Number

which is located approximately 30' feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Ronald G. Miller 02-12-01
Signature Date

Vicki M. Moroz
Signature
Revised 9/18/98 - wcr/scj

Dr.
Date

2412 Bauernschmidt Dr.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 90042

001-0066150

DATE 2/12/01 ACCOUNT ~~RECEIVED~~

AMOUNT \$ 40.00

RECEIVED FROM: Edna Moroz

FOR: Demand Hearing 01-294-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
2/12/2001 2/12/2001 09:44:56

REG. NO. CASHIER NOTE NOS. DRAWER - 6
RECEIPT # 193205 OFLN

TYPE 5 528 ZOWING VERIFICATION
CR NO. 990042

Rec'd For 40.00

AMOUNT 40.00

Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 01-294-A

PERMIT A REAR YARD

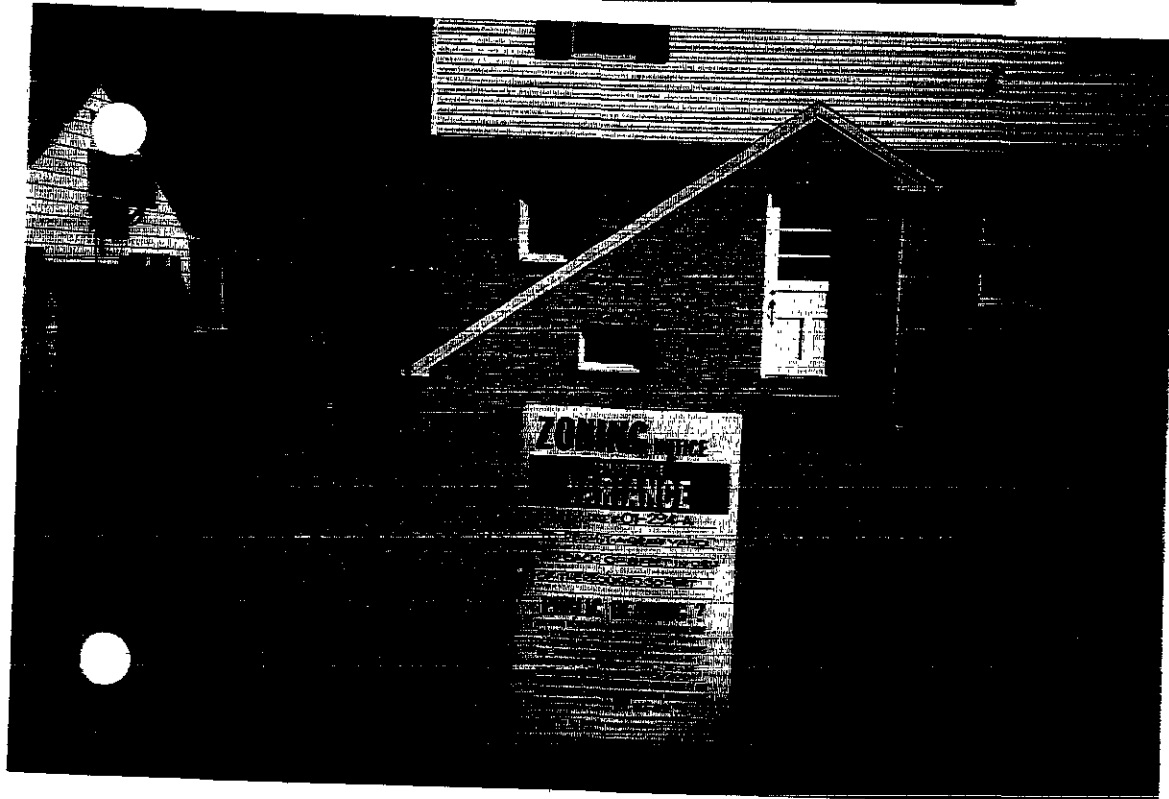
SETBACK OF 8 FEET IN LIEU

OF THE REQUIRED 30 FEET

PUBLIC HEARING ?

THE BOARD OF ZONING ADJUSTMENTS MAY
CONSIDER THE VARIANCE ON THE BASIS OF THE
FINDINGS OF FACT AND THE RECOMMENDATION OF THE
BOARD OF ZONING ADJUSTMENTS.

DATE: 11-17-2001



CERTIFICATE OF POSTING

RE: Case No.: 01-294-A

Petitioner/Developer: _____

DANIEL J. BEDERKA

Date of Hearing/Closing: 2/19/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 _____

2412 BAUERNSCHMIDT DRIVE

The sign(s) were posted on FEBRUARY 3, 2001

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

ZONING NOTICE

CASE # 01-294-A

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

ROOM 407, COUNTY COURTS

PLACE: BLDG - 401 BOSLEY AVENUE

THURSDAY, MARCH 29, 2001

DATE AND TIME: AT 9:00 A.M.

REQUEST: ADMINISTRATIVE VARIANCE

TO ALLOW A REAR SETBACK OF
8 FEET IN LIEU OF THE REQUIRED
30 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 687-3391

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

HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

RE: Case No.: 01-294-A

Petitioner/Developer: _____

MARILYN & DANIEL BEDERKA

Date of Hearing/Closing: MAR. 29, 2001

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 _____

2412 BAUERNSCHMIDT DRIVE

The sign(s) were posted on MARCH 13, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 14, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-294-A
2412 Bauernschmidt Drive
E/S Bauernschmidt Drive, 110' N of centerline Riverside Drive
15th Election District – 5th Councilmanic District
Legal Owners: Marilyn & Daniel Bederka

Administrative Variance to allow a rear setback of 8 feet in lieu of the required 30 feet.

HEARING: Thursday, March 29, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". Below the signature is the handwritten text "G.D. 2".

Arnold Jablon
Director

C: Marilyn & Daniel Bederka, 1716 Ranch Lane, Baltimore 21222
Bernadette L Moskunus, Site Rite Surveying Inc, 200 E Joppa Road Room 101,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 14, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2001 Issue – Jeffersonian

Please forward billing to:
Holt Builders
105 Eastern Boulevard
Baltimore MD 21221

410 574-4650

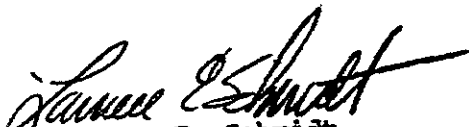
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-294-A
2412 Bauernschmidt Drive
E/S Bauernschmidt Drive, 110' N of centerline Riverside Drive
15th Election District – 5th Councilmanic District
Legal Owners: Marilyn & Daniel Bederka

Administrative Variance to allow a rear setback of 8 feet in lieu of the required 30 feet.

HEARING: Thursday, March 29, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt
GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-294-A

Petitioner: DANIEL & MARILYN BEDERKA.

Address or Location: # 2412 BAUERNSCHMIDT DR.

PLEASE FORWARD ADVERTISING BILL TO:

Name: HOLT BUILDERS

Address: 105 EASTERN BLVD.

BALTO. MD. 21221

Telephone Number: 410-574-4650

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 294 -A Address 2412 Bauernschmidt Dr

Contact Person: Terry Gibson Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 01-24-01 Posting Date: 2/4/01 Closing Date: 2/19/01

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 (on the reverse side of this form) 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 an 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), 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 01- 294 -A Address 2412 Bauernschmidt
Petitioner's Name Daniel J Bederka Telephone 410-285-4070
Posting Date: 2/4/01 Closing Date: 2/19/01
Wording for Sign: To Permit a rear setback of 8' in lieu of the
required 30'.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 23, 2001

Daniel & Marilyn Bederka
1716 Ranch Lane
Baltimore MD 21222

Dear Mr. & Mrs. Bederka:

RE: Case Number: 01-294-A, 2412 Bauernschmidt Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2001.

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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Bernadette L Moskunas, Site Rite Surveying Inc, 200 E Joppa Road, Room 101,
Towson 21286
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 6, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 12, 2001
Item No. 294

The Bureau of Development Plans Review has reviewed the subject zoning item.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The garage is too close to the road. The driver will be on the road before he can see out of the garage. We recommend against approval of this variance.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 8, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 5, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

290, 291, 292, 293, 294, 295, 297, 298, 299, 300,
302, 303, 304, and 308

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MB/RS*

DATE: March 19, 2001

SUBJECT: Zoning Item #294
2412 Bauernschmidt Drive

Zoning Advisory Committee Meeting of February 5, 2001

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- ☐ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: March 16, 2001

AV
2/9
3/29/01

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 9 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

FEB 12

SUBJECT: 2412 Bauernschmidt Drive

INFORMATION:

Item Number: 01-294

Petitioner: Daniel J. Bederka

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the variance to allow a rear yard setback of 8 feet in lieu of the required 30 feet provided the following conditions are met:

1. The petitioner should submit elevation drawings of the proposed structure to this office for review and approval prior to the issuance of any building permit. Said drawings should assure compatibility with adjacent residential dwellings and should specify the building materials and color scheme to be used.

Prepared by:

Mark A. Gump

Section Chief:
AFK:MAC:

Jeffrey W. Goy



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.7.01

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

RE: Baltimore County
Item No. 254 TAG

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours.

for

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Zoning Commissioner

May 14, 2001

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. & Mrs. Daniel J. Bederka
1716 Ranch Lane
Baltimore, Maryland 21222

RE: Petition for Administrative Variance
(2412 Bauernschmidt Drive)
15th Election District – 5th Council District
Case No. 01-294-A

Dear Mr. Bederka:

In response to your written request for reconsideration in the above-captioned matter, and pursuant to my subsequent correspondence of April 18, 2001 to Dr. L. Lee Gosnell, Jr., adjacent property owner, the following comments are offered.

As you know, I forwarded to Dr. Gosnell copies of your Motion and attached exhibits thereto and requested that he advise me of his comments/concerns prior to May 16, 2001. Based upon the concerns expressed by Dr. Gosnell in a recent telephone conversation, I find it necessary to schedule a hearing on the matter. Therefore, please be advised that a hearing will be held on Tuesday, June 5, 2001, at 9:00 AM in Room 407 of the County Courts Building, at which time all parties to the case will have an opportunity to review and comment on your revised proposal. Pursuant to Rule 2K of the Zoning Commissioner's Rules of Practice and Procedure, I am required to issue a decision on the Motion within thirty (30) days of my receipt of same, or schedule the matter for further proceedings. In that a hearing on your Motion has been scheduled, the appeal period is further stayed until such time as a decision on the Motion is made. Thereafter, any party aggrieved by my decision shall have thirty (30) days from the date thereof to file an appeal to the County Board of Appeals.

In the meantime, should you have any questions on the matter, please do not hesitate to call my office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. L. Lee Gosnell, Jr., 2414 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Vincent J. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Towson, Md. 21286
Mr. Dennis Peterson & Ms. Vicky Moroz, 2411 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Ronald G. Miller, 2415 Bauernschmidt Drive, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 18, 2001

Dr. L. Lee Gosnell, Jr.
2414 Bauernschmidt Drive
Baltimore, Md. 21221

RE: PETITION FOR VARIANCE - Daniel J. Bederka, et ux - Petitioners
(2412 Bauernschmidt Drive)
15th Election District - 5th Council District
Case No. 01-294-A

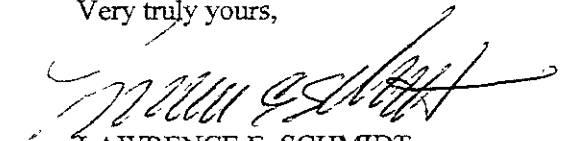
Dear Dr. Gosnell:

As you will recall, the above-captioned matter came before me at a public hearing on March 29, 2001. The Petitioners sought variance relief for a proposed in-law apartment and garage addition on their property. By Order dated April 6, 2001, I granted relief for the proposed in-law apartment, subject to certain restrictions, and denied the garage addition.

I have received a Motion for Reconsideration from Mr. & Mrs. Bederka, a copy of which is attached hereto. Under Rule 2K of the Zoning Commissioner's Rules of Practice and Procedure, any party may request reconsideration of an Order issued by me within thirty (30) days of the date of such Order. Further, that Rule requires that I render a decision within thirty (30) days of the receipt of such Motion. Moreover, the filing of the Motion for Reconsideration stays the time period for filing any appeal of the original decision.

In view of your participation in this matter, I am forwarding a copy of the Bederka's Motion and exhibits attached thereto, for your comment. Under law, I must issue a decision on their Motion on or before May 16, 2001. So that I may consider any comments/concerns you may have regarding the Motion before issuing a decision, please forward your written response so that same is received in my Office by no later than May 4, 2001. Under County law, anyone dissatisfied with my decision on the Motion, shall have thirty (30) days from the date of that Order to appeal same to the County Board of Appeals.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Daniel J. Bederka, 1716 Ranch Lane, Baltimore, Maryland 21222
Mr. Vincent J. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Towson, Md. 21286
Mr. Dennis Peterson & Ms. Vicky Moroz, 2411 Bauernschmidt Drive, Baltimore, Md. 21221
Mr. Ronald G. Miller, 2415 Bauernschmidt Drive, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



MEMO

To: File

From: LES

Re: 01-294-A

I received a call from the wife of the Petitioner for the above administrative variance. She advised that the individual who requested the public hearing on this case was no longer opposed. However, she did say that she thought there were two or three other neighbors, who were still opposed, although she wasn't sure. I told her that since there were still potential opponents, that the case should remain on the docket for March 29, 2001 and that the hearing would go forward on that date. I also told her that in the event ALL of the protestant's withdrew their opposition, to let me know and I would decide if a hearing was necessary. I'd probably keep it in once the property was posted. It sounds best to keep the hearing scheduled.

March 25, 2001

Mr. & Mrs. James R. Still
2410 Bauernschmidt Dr.
Essex, MD. 21221

To whom it may concern.

We have no objections to addition and garage to be built at 2412 Bauernschmidt Dr.. As described to us by Mr. & Mrs. Dan Baderka.

Yours Truly

James R. Still

Mr. & Mrs. William E. Leight III
2313 Bauernschmidt Drive
Baltimore, Md. 21221

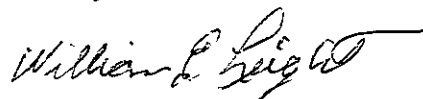
March 03, 2001

Baltimore County

To whom it may concern:

Concerning the construction/renovation to the residence located at 2412 Bauernschmidt Drive, we as neighbors do not have a problem with what is to be done. We consider the plans to be an improvement on the current structure and an enhancement to the neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "William E. Leight".

William E. Leight

PETITIONER(S) SIGN-IN SHEET

ADDRESS

200 E. Joppa Rd. 21286

1716 RANCH LANE 21222

2309 RIVERSIDE DRIVE 21221



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Dennis A Peterson
Vicky Moroz

2411 BAUERSCHMIDT DR
2411 Bauerschmidt Dr.

Dr L. Lee Gosnell Jr
Ronald G Miller

2414 Bauerschmidt DR
2415 Bauerschmidt Dr.

Put
EX 1 Motion
on for reconsider.

June 2, 2001

Dear Mrs. Schmidt,
I am a 87 yr. old widow. I moved into my daughter, Marilyn's, and son-in-law, Dan's home in July 2000. I have Coronary Artery Disease and Congestive Heart Failure. I have had two Coronary By-Pass Operations in 1973 and in 1993.

In Aug. 1999, I fell and broke my right shoulder and wrist.

In May 2000, I was treated for a herniated disc. I had severe pain and spasms in my right thigh. I had great difficulty walking and sometimes use a cane.

My husband died in 1988 and he had worked shift work. We had our bedroom and bath on the first floor of our home. When he worked the midnight shift, I kept the bedroom windows closed and locked. One night, I heard a tap on my back window and our dog started barking. I walked into the dining room, opened the front drapes and saw two teenage boys standing on my front porch. I closed the drapes and called 911. The police came.

I am more at ease and more comfortable and less afraid and sleep better when I am on the same floor with my daughter. She can hear me if I have a problem.

Since Marilyn and Dan's original plans were turned down because of the variance, they were trying to come up with a new plan.

In the discussion, I told them I would really like to be on the second floor with them. I will feel safer.

Sincerely,
Catherine B. Shroot

Not No 1
Morton No 1

Dear. Mr. Schmidt,

In Reference to the
Petition For Administrative VARIANCE
that Mr + Mrs. Bederka has submitted
I am still against any changing of the
all ready decision that I thought was
settled. thru your professional experience's
in what the parties, that are the neighbors
involved including myself that the Bederka's
do not have enough land to built on.

If you make a decision in there behave
it will be a major hinderence to me backing
out of my driveway I believe Mr. Bederka
is not selling any of his seven automobile's
that he own's just this past memorial week-
end. I had problem's because of the amount of
car's in front of Mr. Bederka's house, Pictures
are decising of the amount of ground front
of Mr. Bederka's house. I wish you, yourself
would come to 2412 Bauernschmidt Drive
and see first hand. what I am up against.
I am agreeable to any matter's that are
brought up by Mr. Peterson and Mr. Gosnell
I cannot make it to the hearing on Tues.
June 5th, I will be out of town.

Respectably,

Ronald J. Miller

June 2, 2001

Paula Balling
2500 Bauernschmidt Drive
Middle River, Maryland 21221

To Whom It May Concern:

I have reviewed the plans for the addition to the home of Dan and Marilyn Bederka at 2412 Bauernschmidt Drive. I believe what is planned will be an improvement to the property that will be in keeping with the community and I therefore approve their plans.

I understand that there is some concern regarding the availability of parking in our area. I have given Dan and Marilyn permission to park two vehicles on my property if they feel it is necessary.

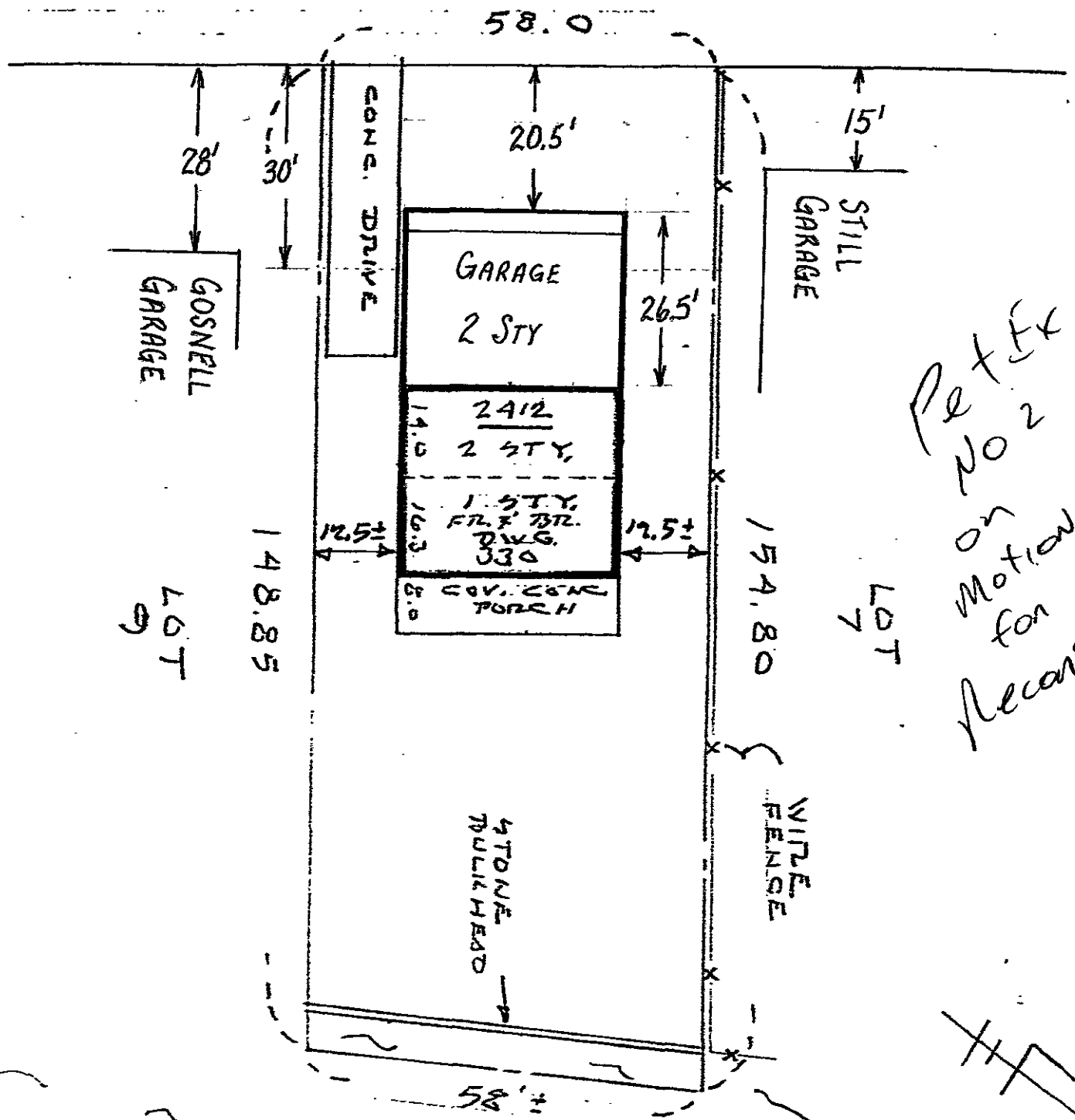
A handwritten signature in cursive script that reads "Paula Balling".

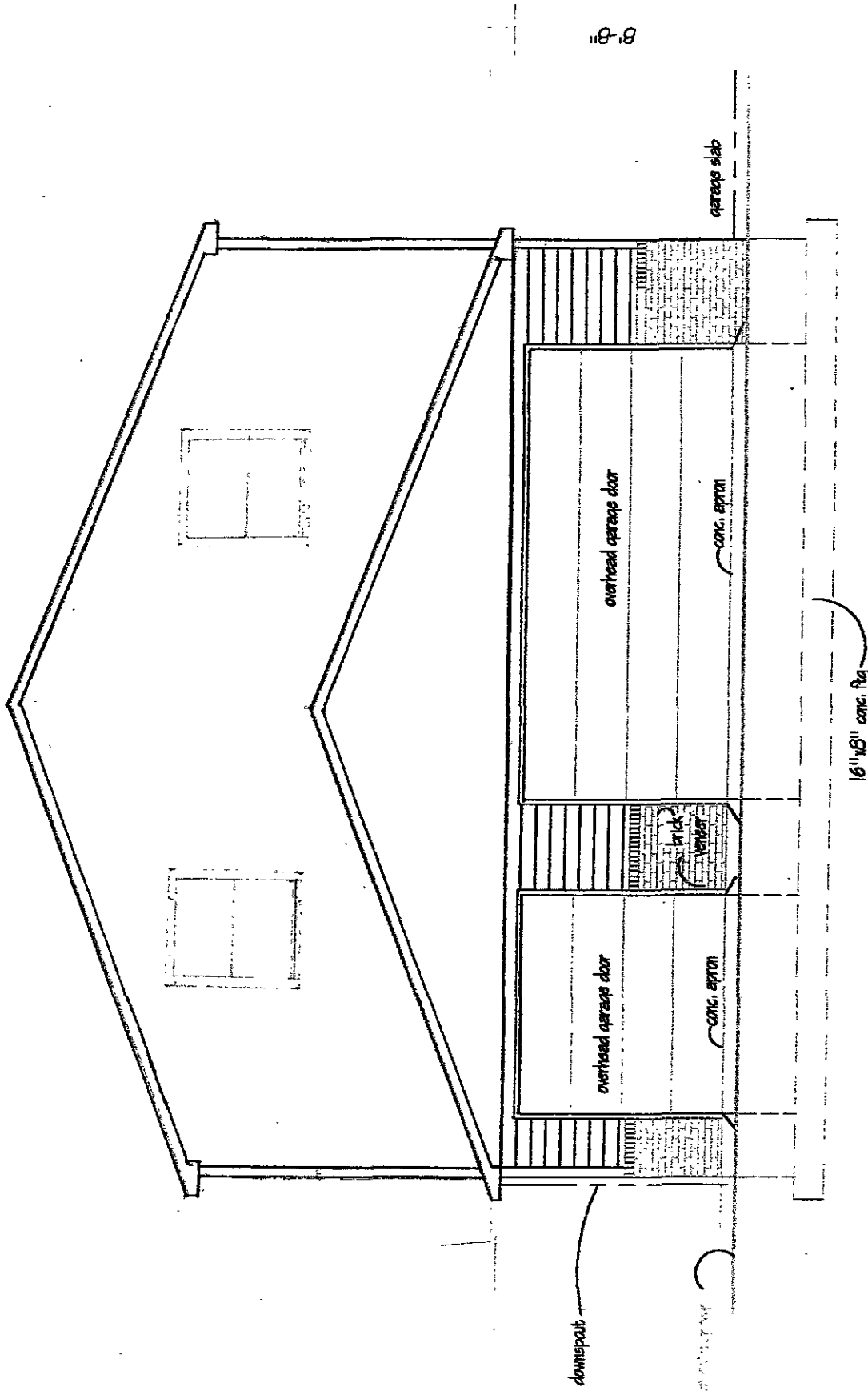
Paula Balling

Let No 3
motion
for records.

BAUERNSCHMIDT DRIVE
(40 FT. WIDE)

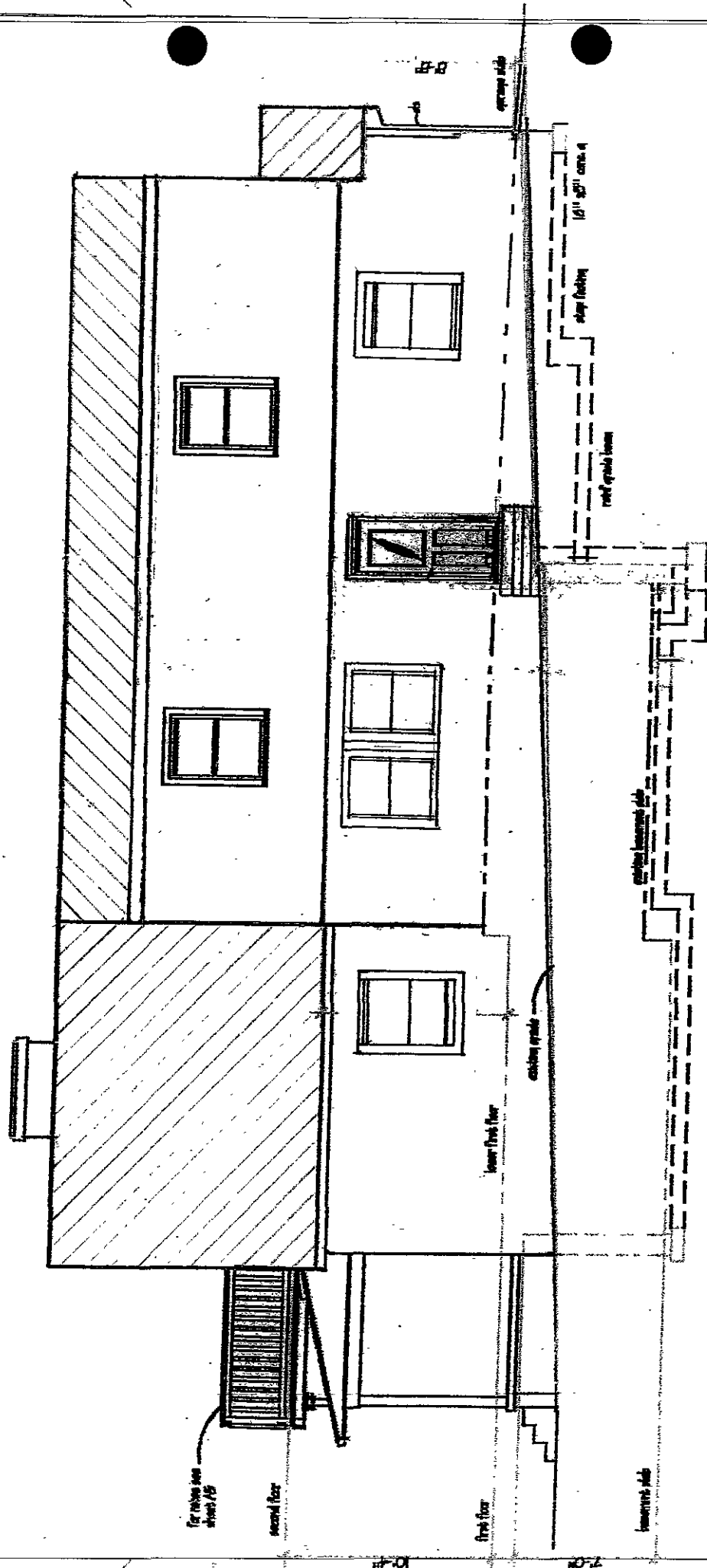
9.5' VARIANCE





8'-8"

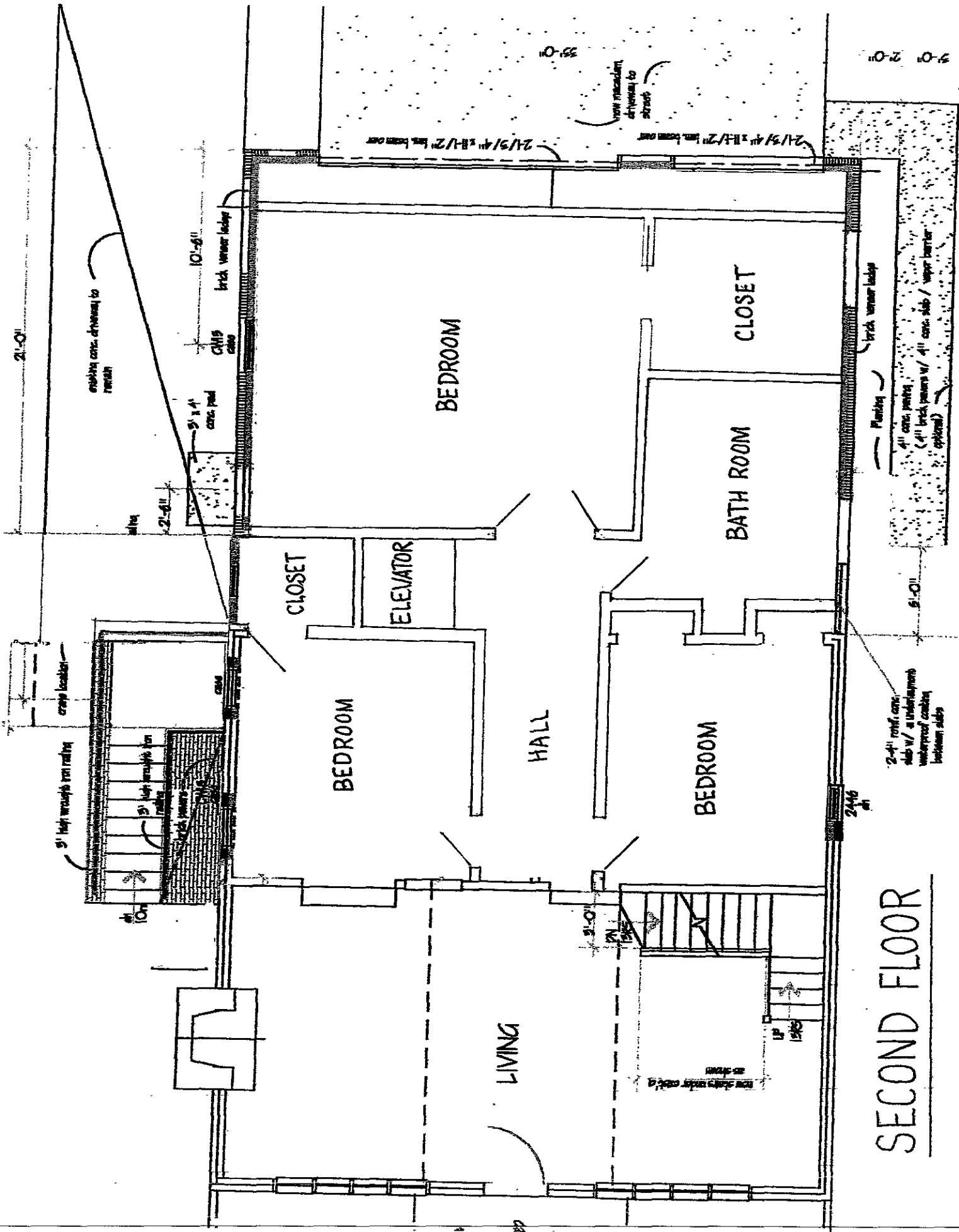
REAR ELEVATION
1/4"=1'-0"

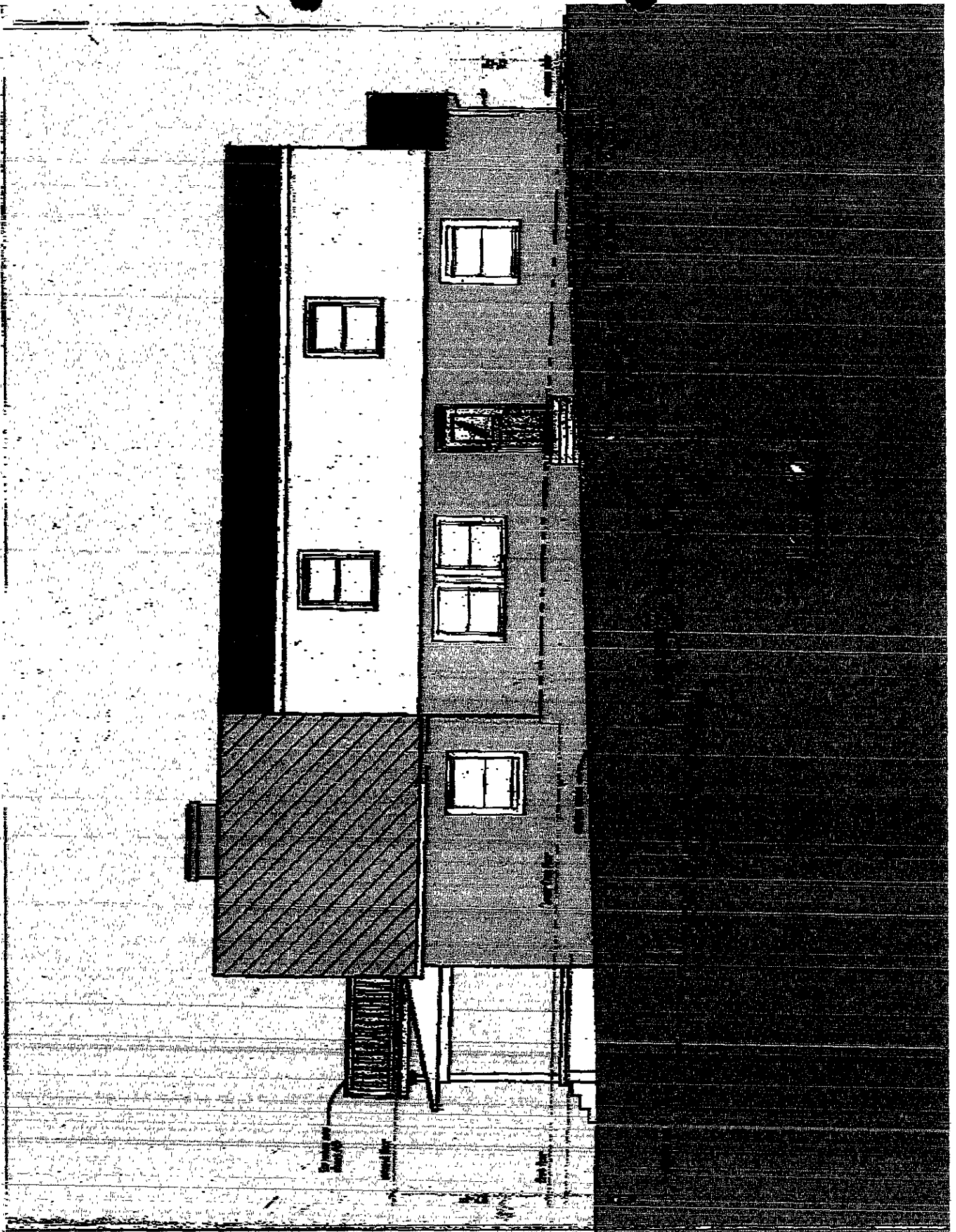


LEFT SIDE

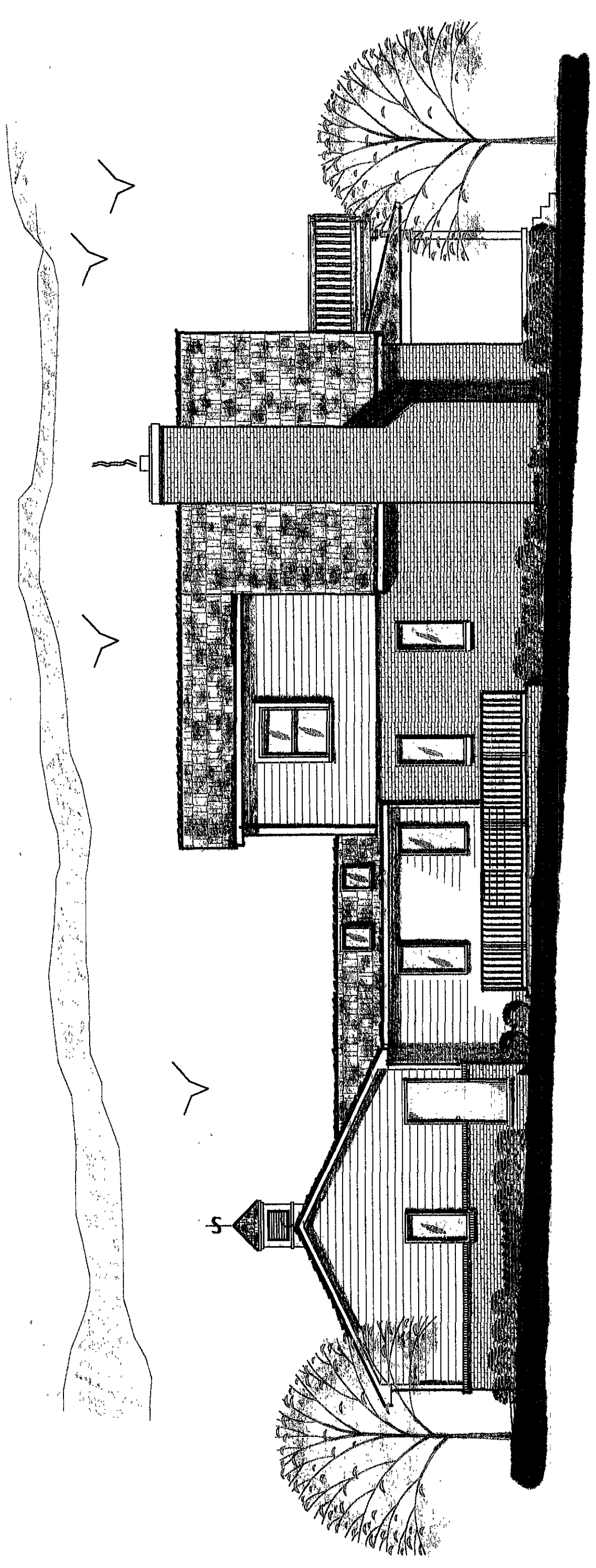


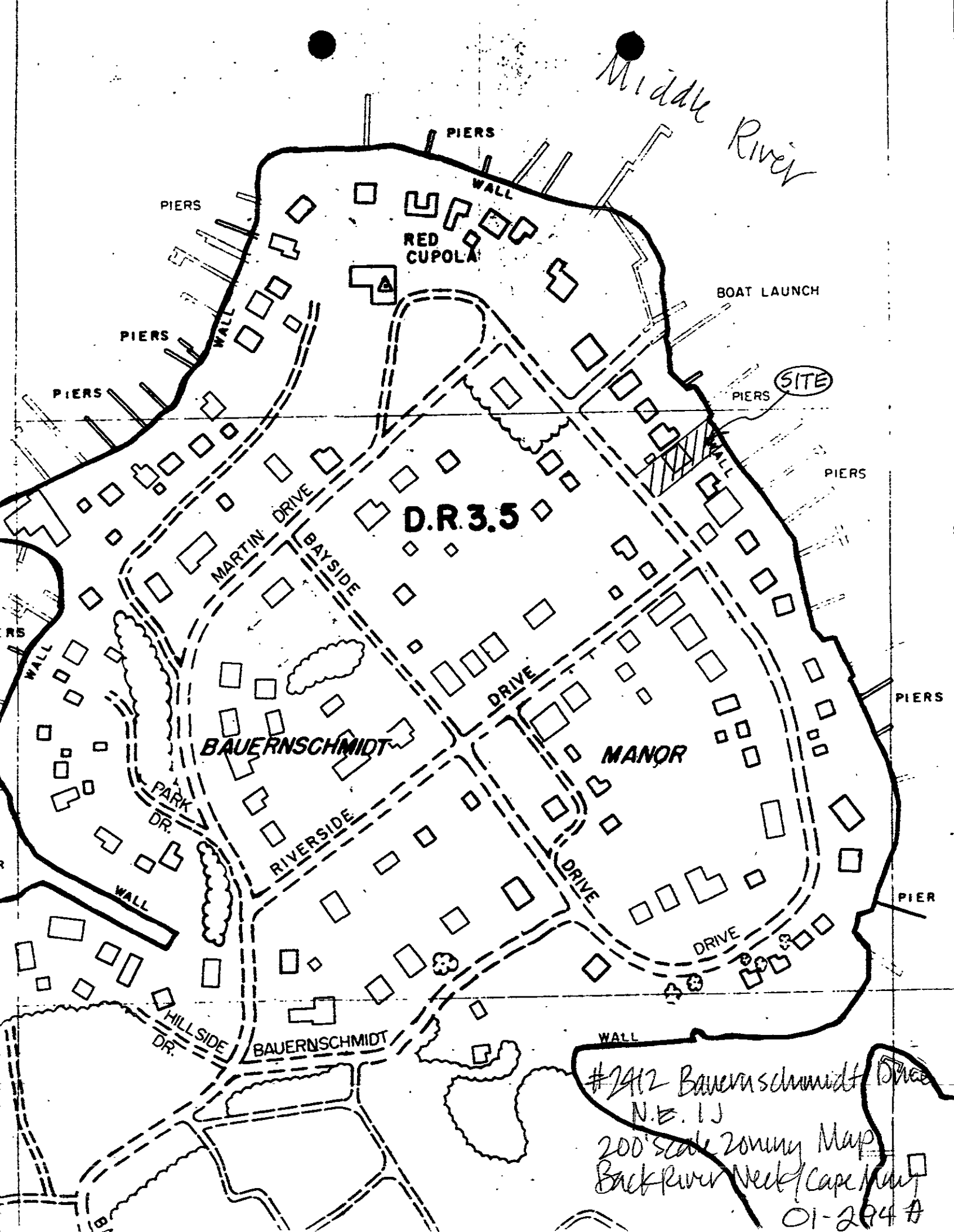
SECOND FLOOR





13-118115X7





Middle River

PIERS

WALL

RED CUPOLA

BOAT LAUNCH

SITE

D.R. 3.5

MARTIN DRIVE

BAYSIDE

BAUERNSCHMIDT

MANOR

PARK DR.

RIVERSIDE

DRIVE

DRIVE

DRIVE

WALL

HILLSIDE DR.

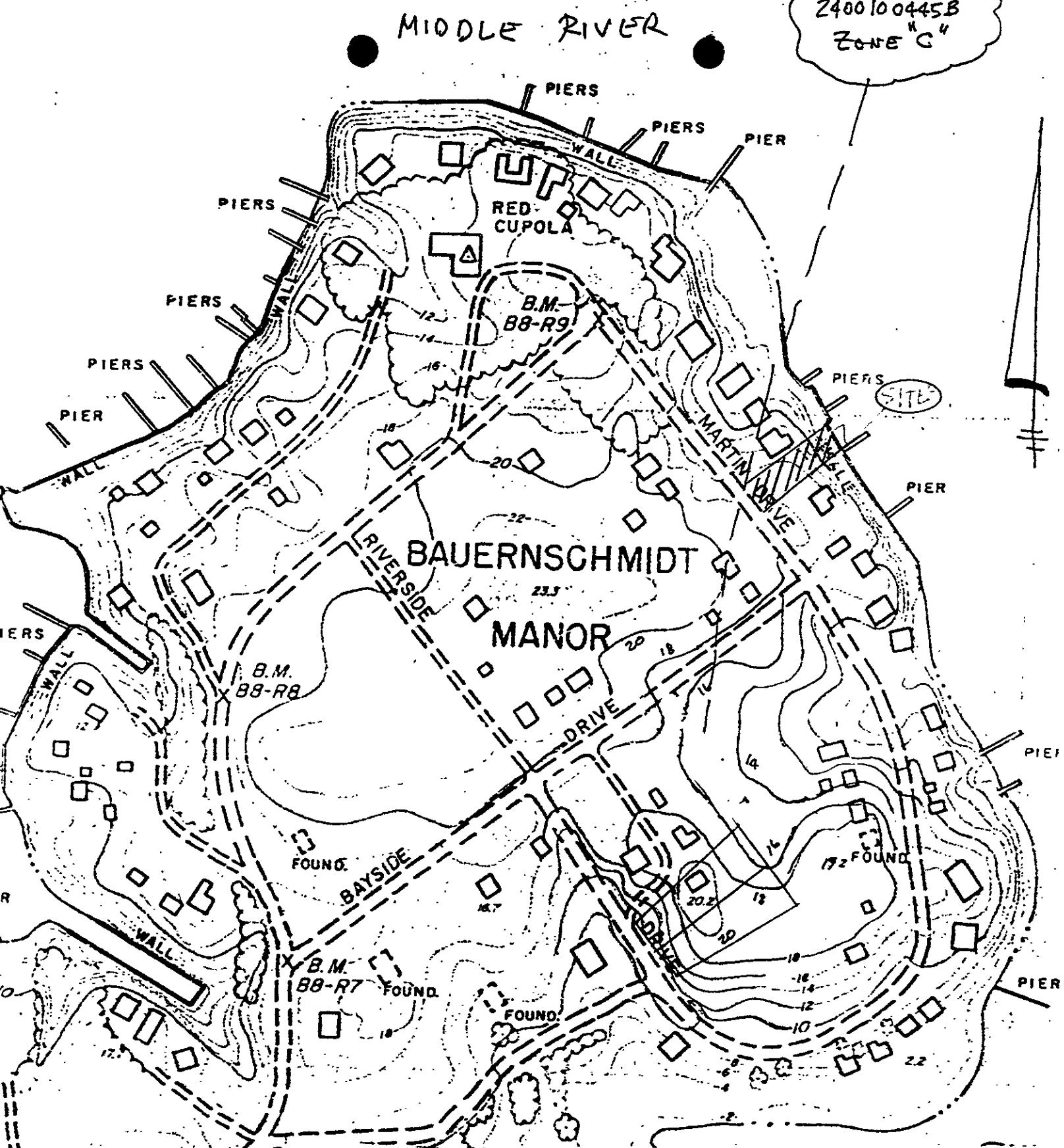
BAUERNSCHMIDT

WALL

PIERS

PIER

#2412 Bauernschmidt Drive
N.E. 1J
200' scale zoning map
Back River Neck/Cape M
01-294A



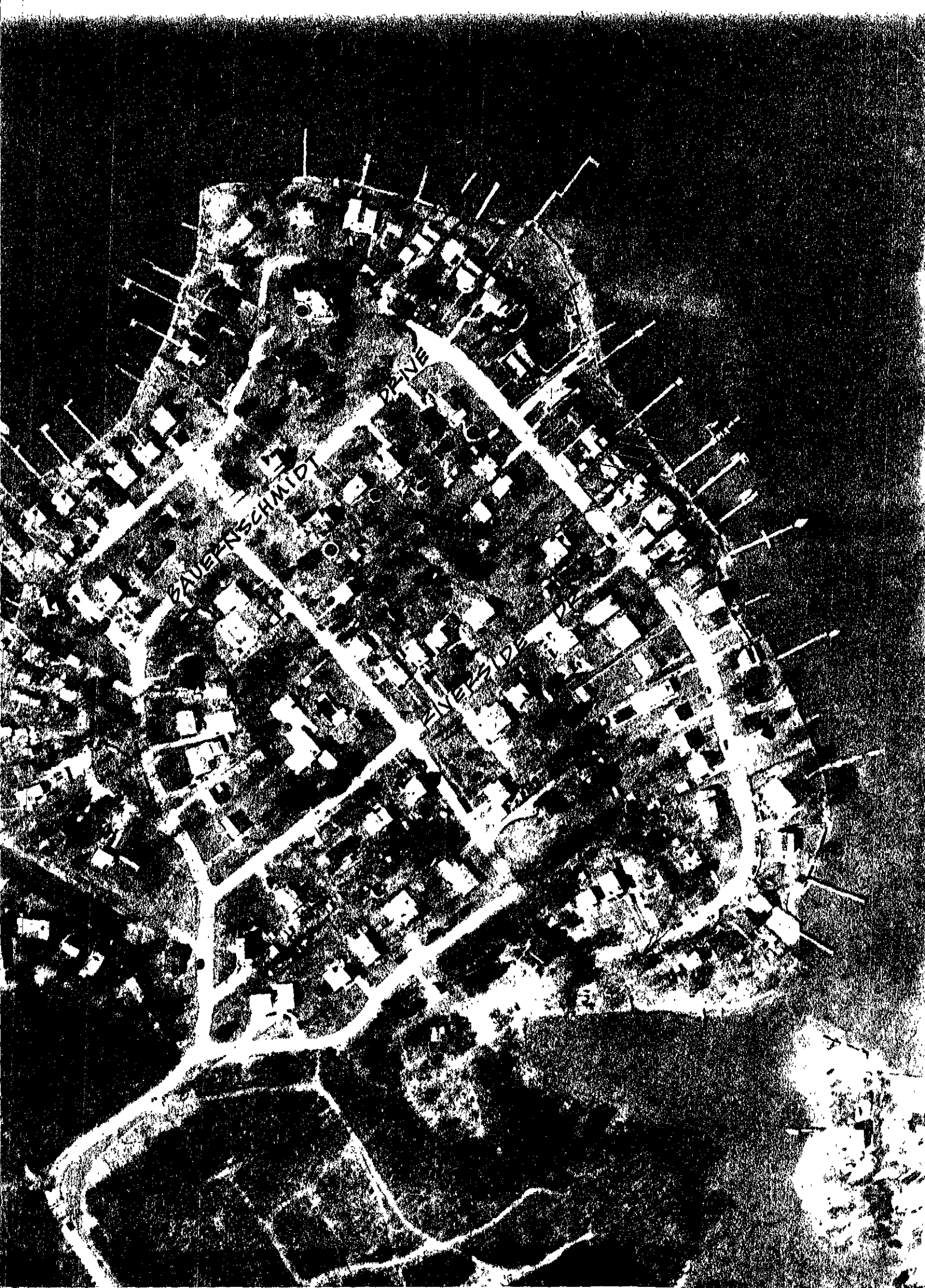
Baltimore County Topography
N.E. 1-J

200' Scale

2412 Bauernschmidt Drive
Back River Neck/Cape May

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

01-294A



SCALE

1" = 200' ±

DATE
OF

PHOTOGRAPHY
JANUARY
1986

LOCATION

BACK RIVER NECK

CAPE MAY

#2412. BAUERNSCHMIDT
DRIVE

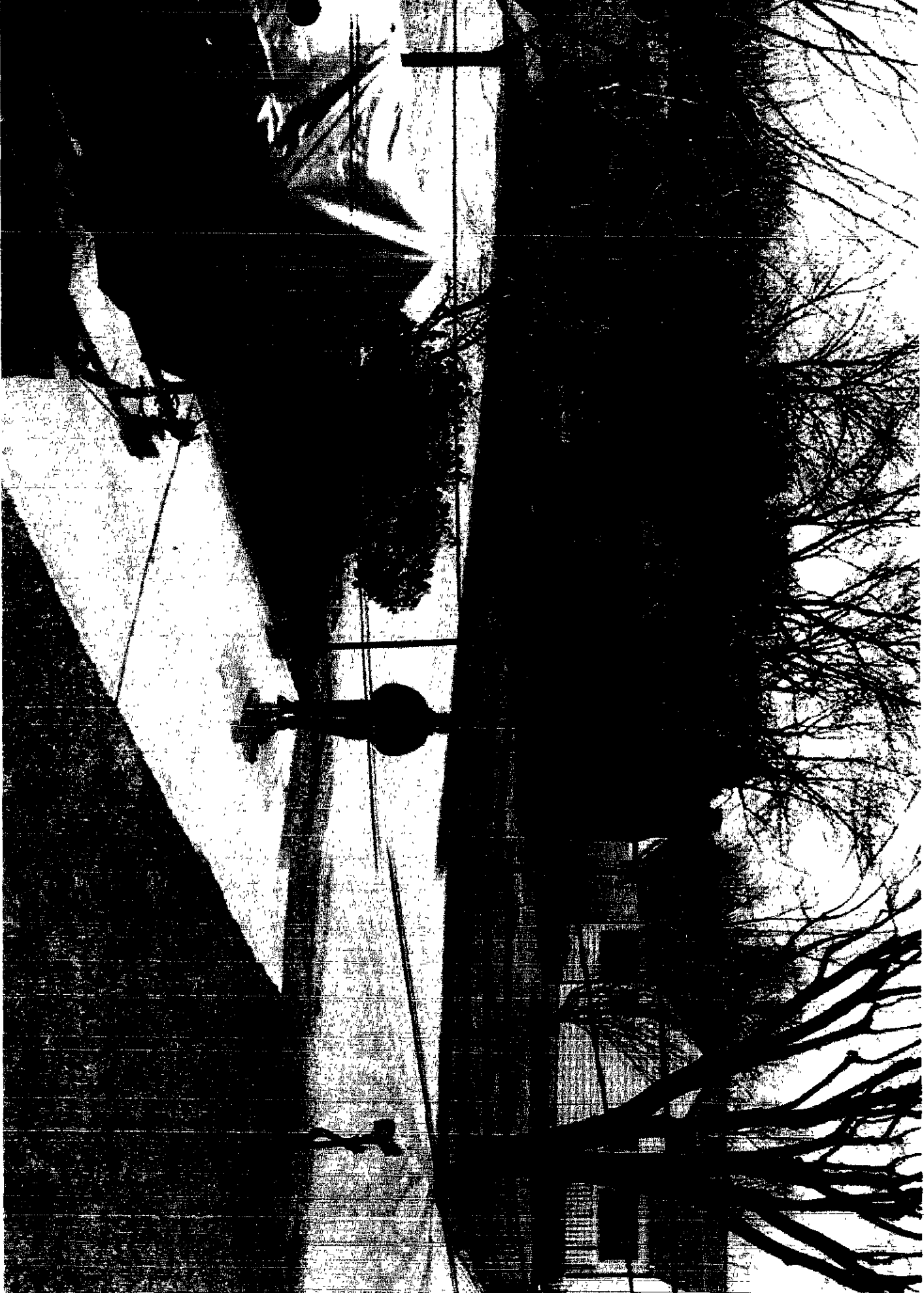
SHEET

N. E.

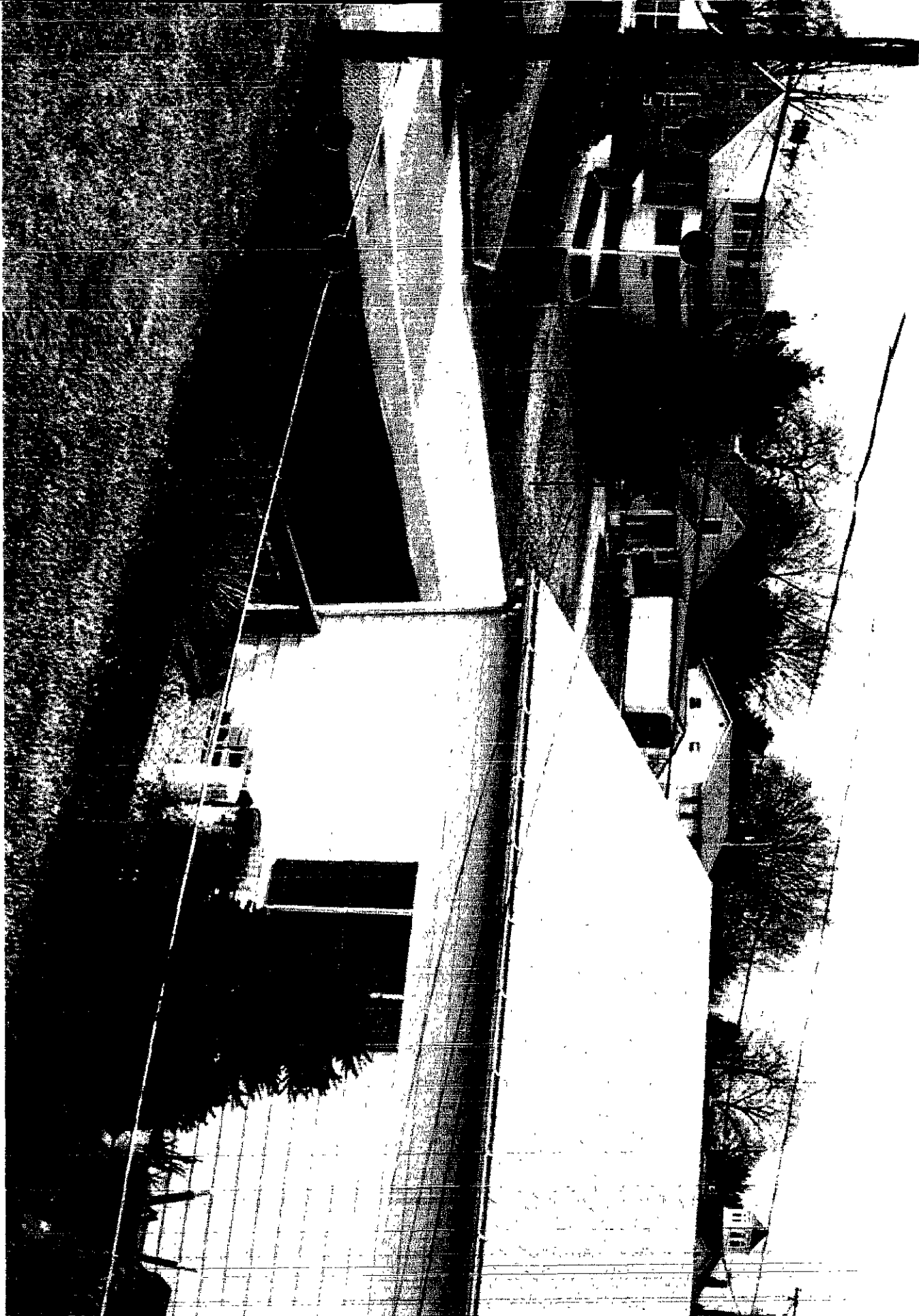
1-J



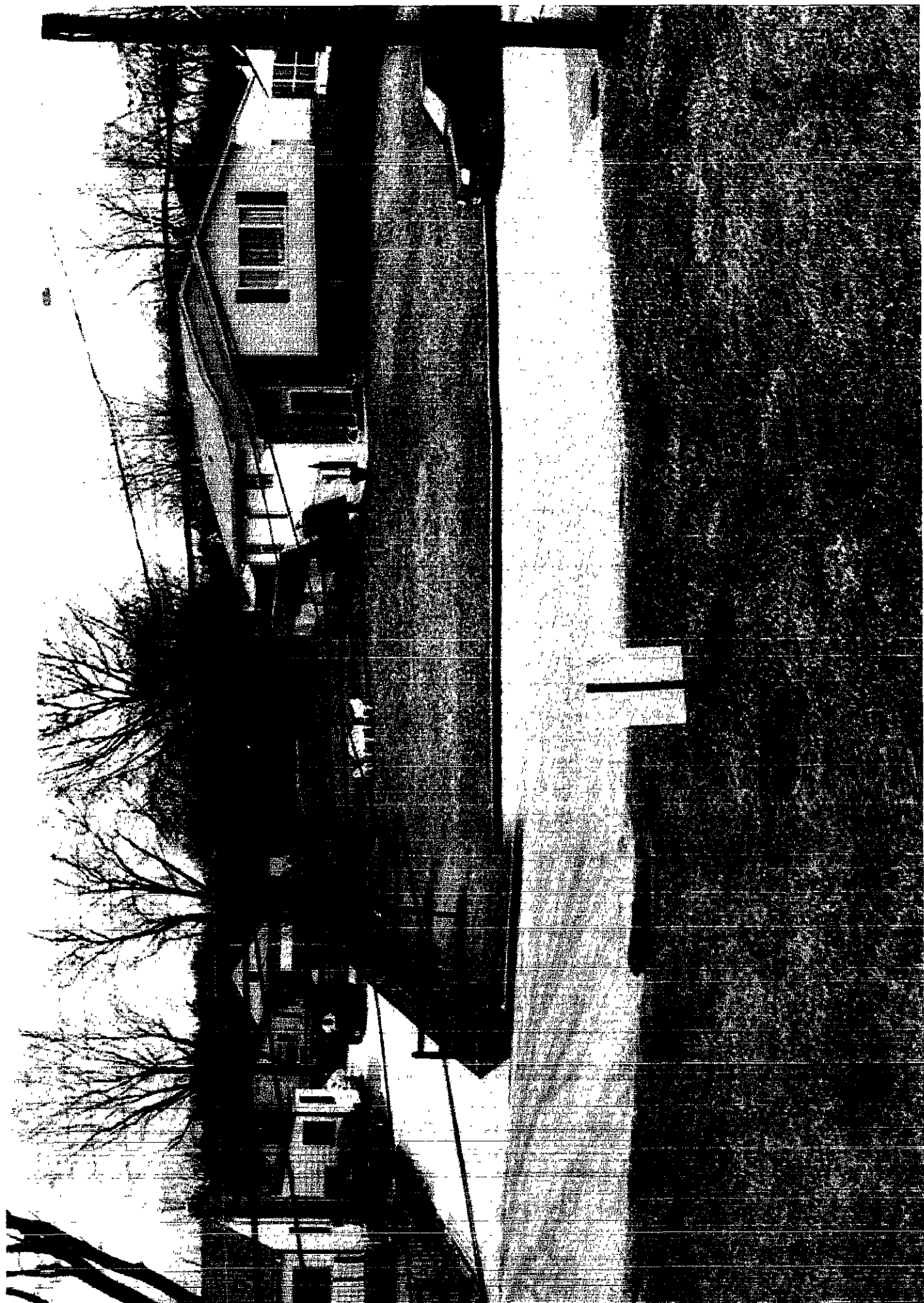
60



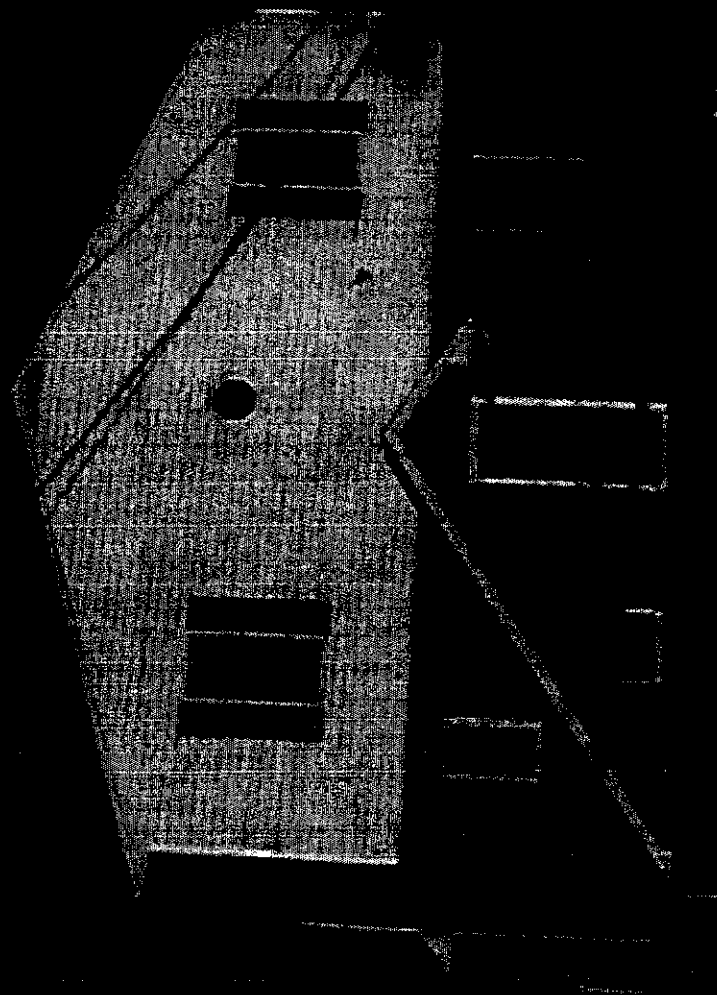
3

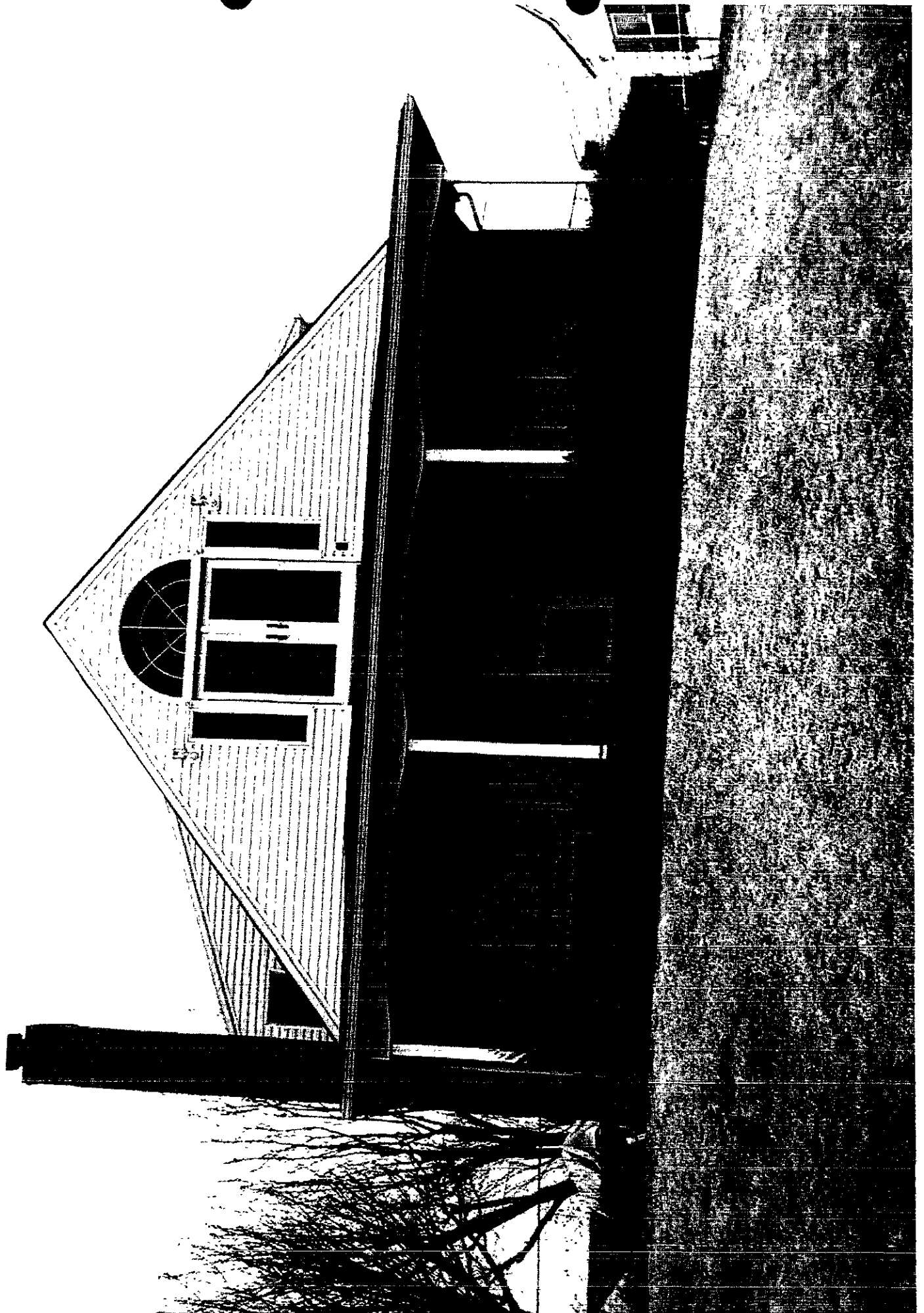


1

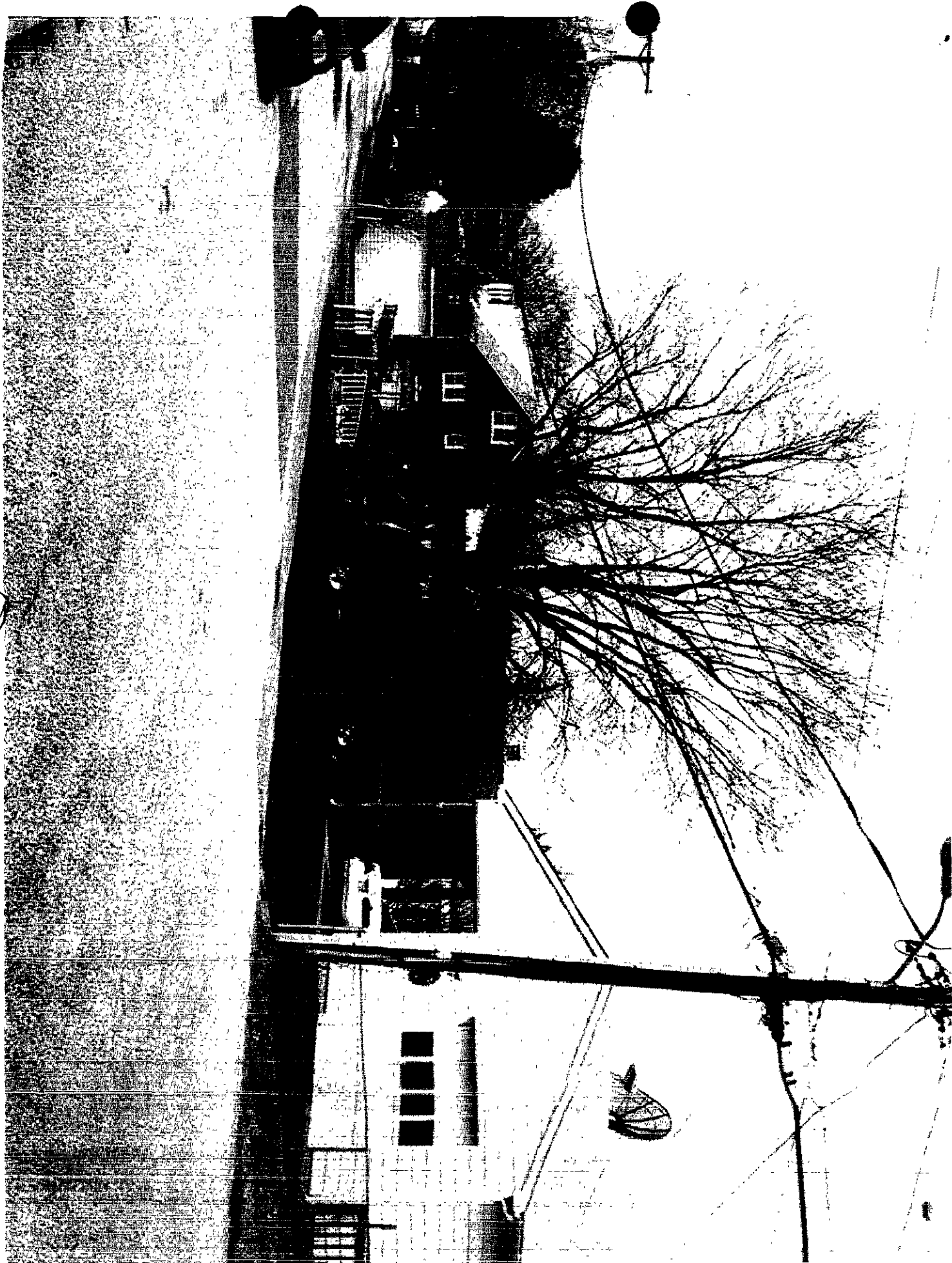


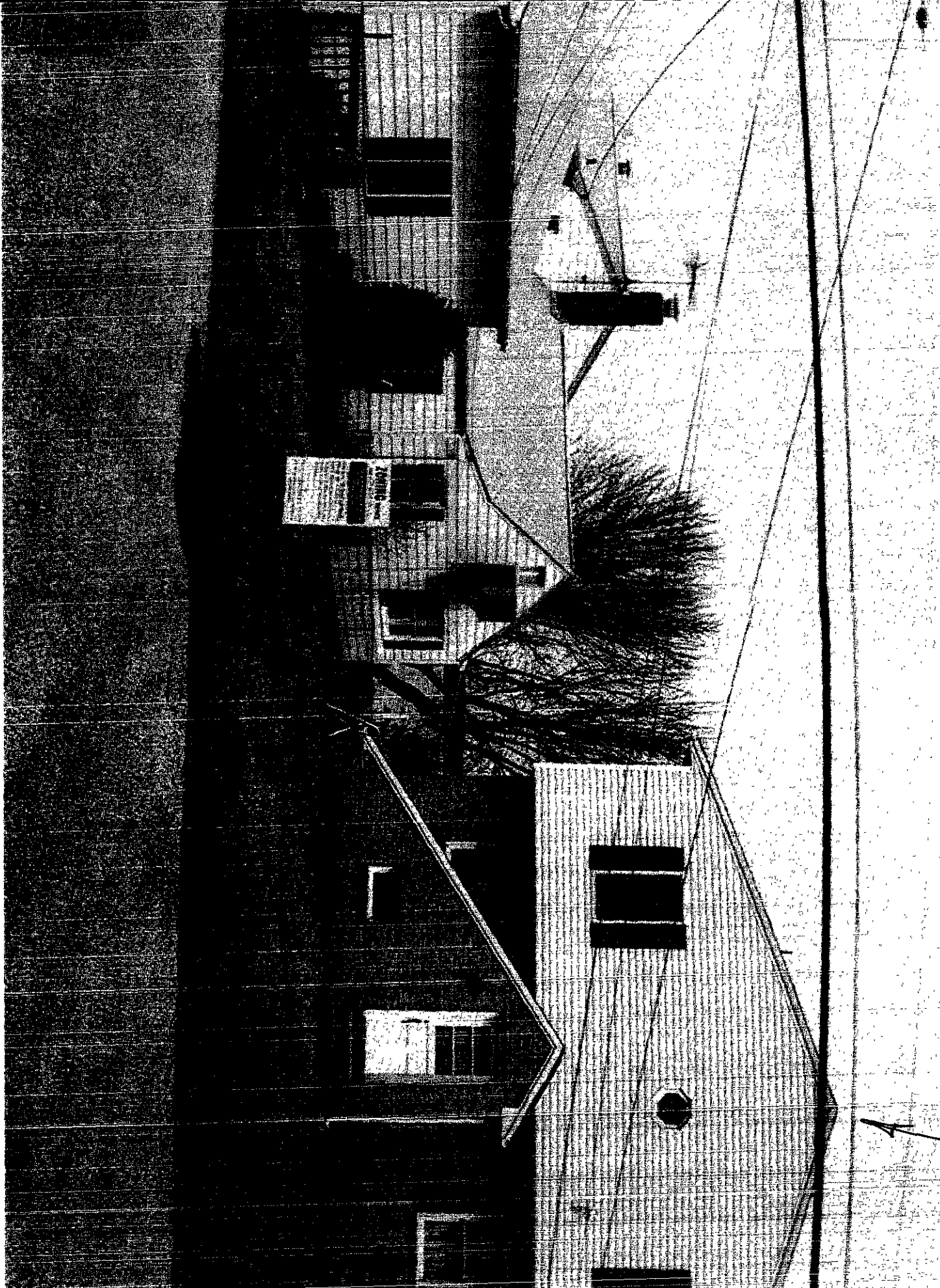
2





7





Site 1

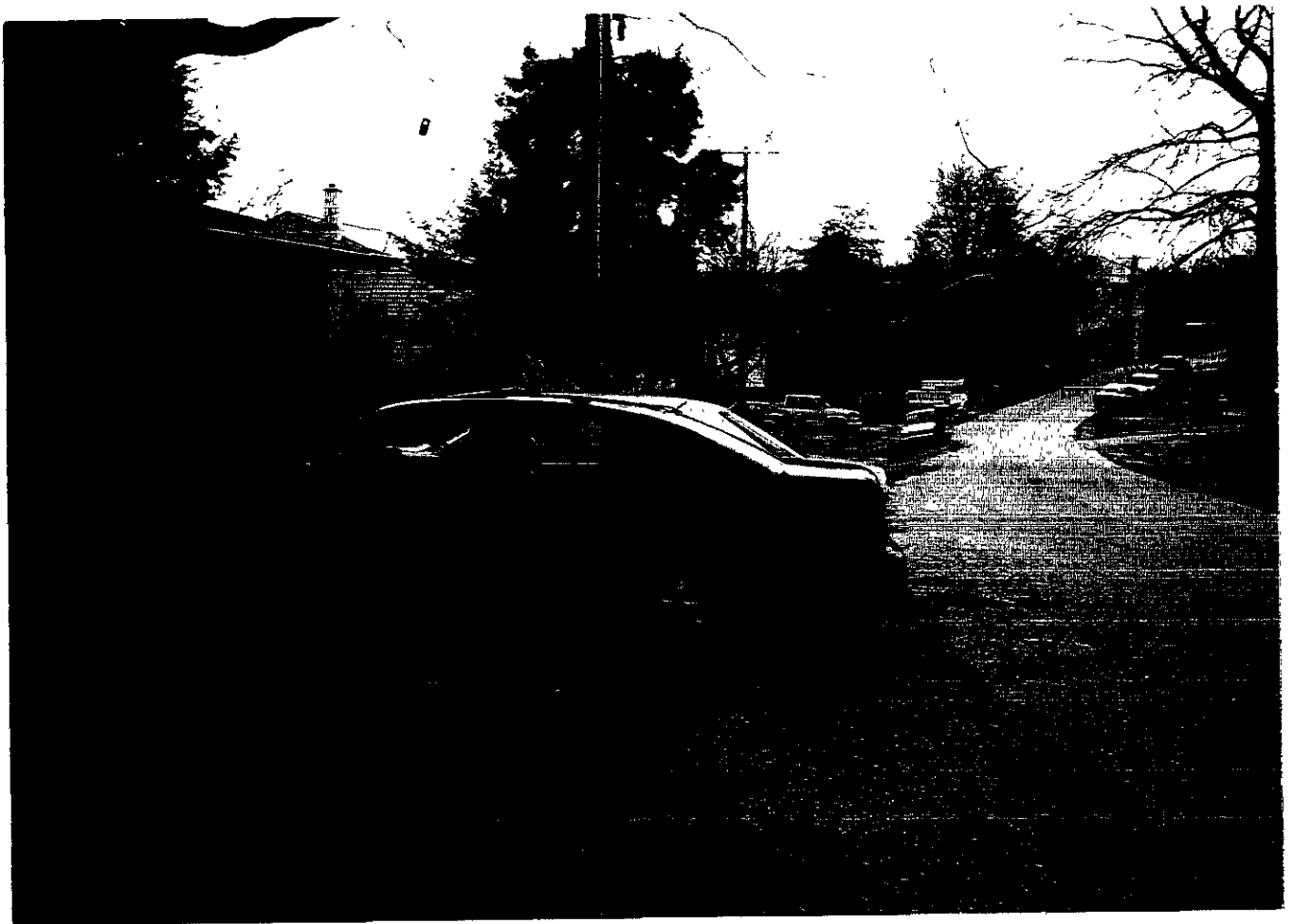
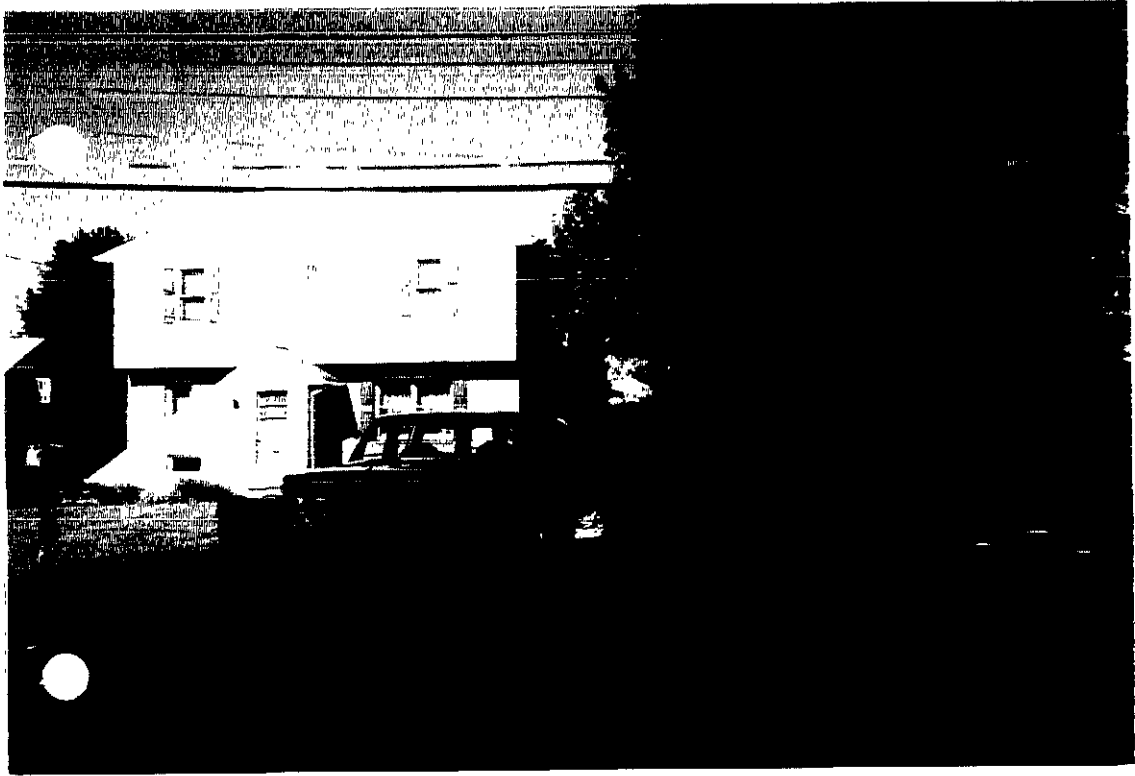






photographs
Case # 01-294-A

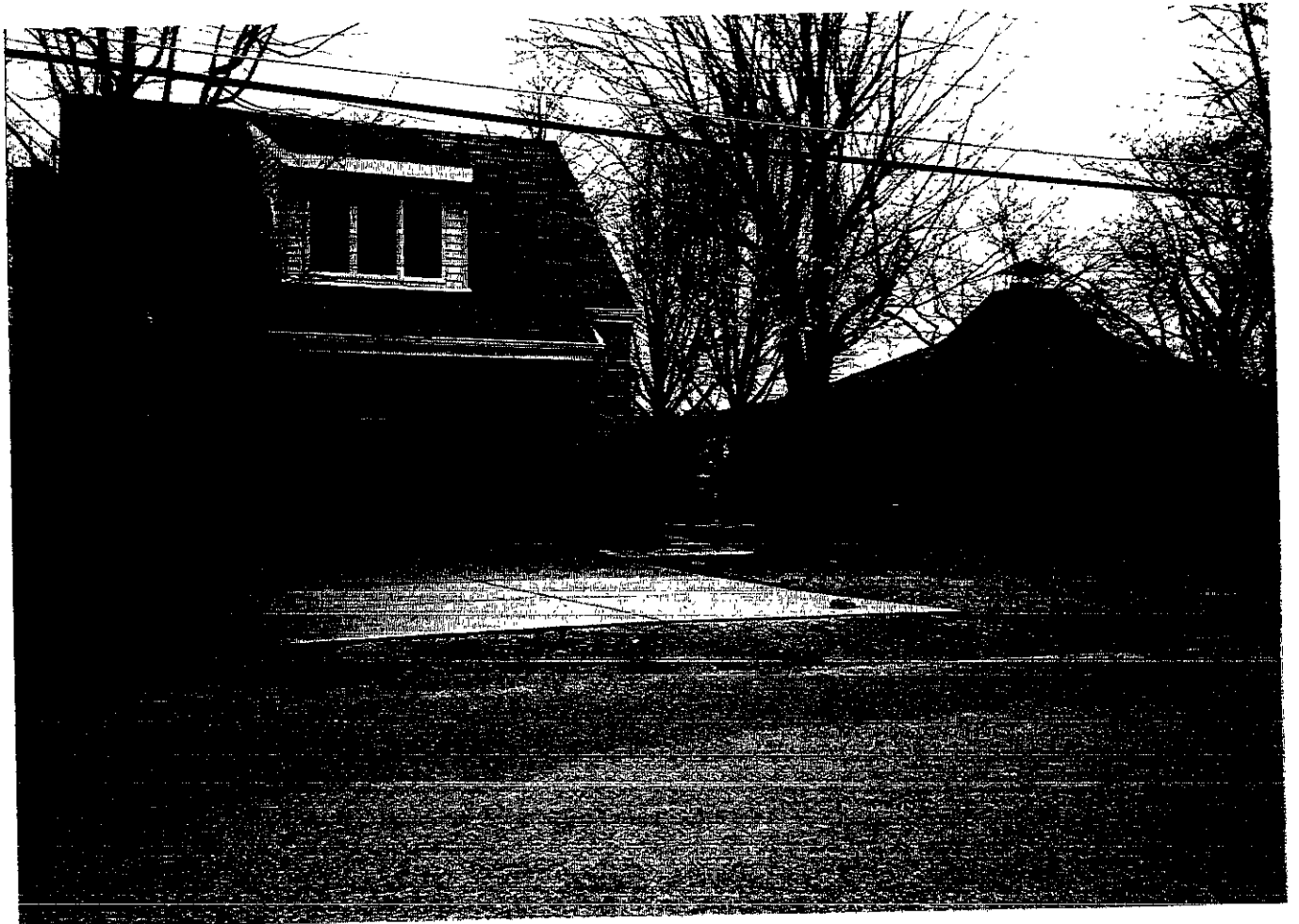




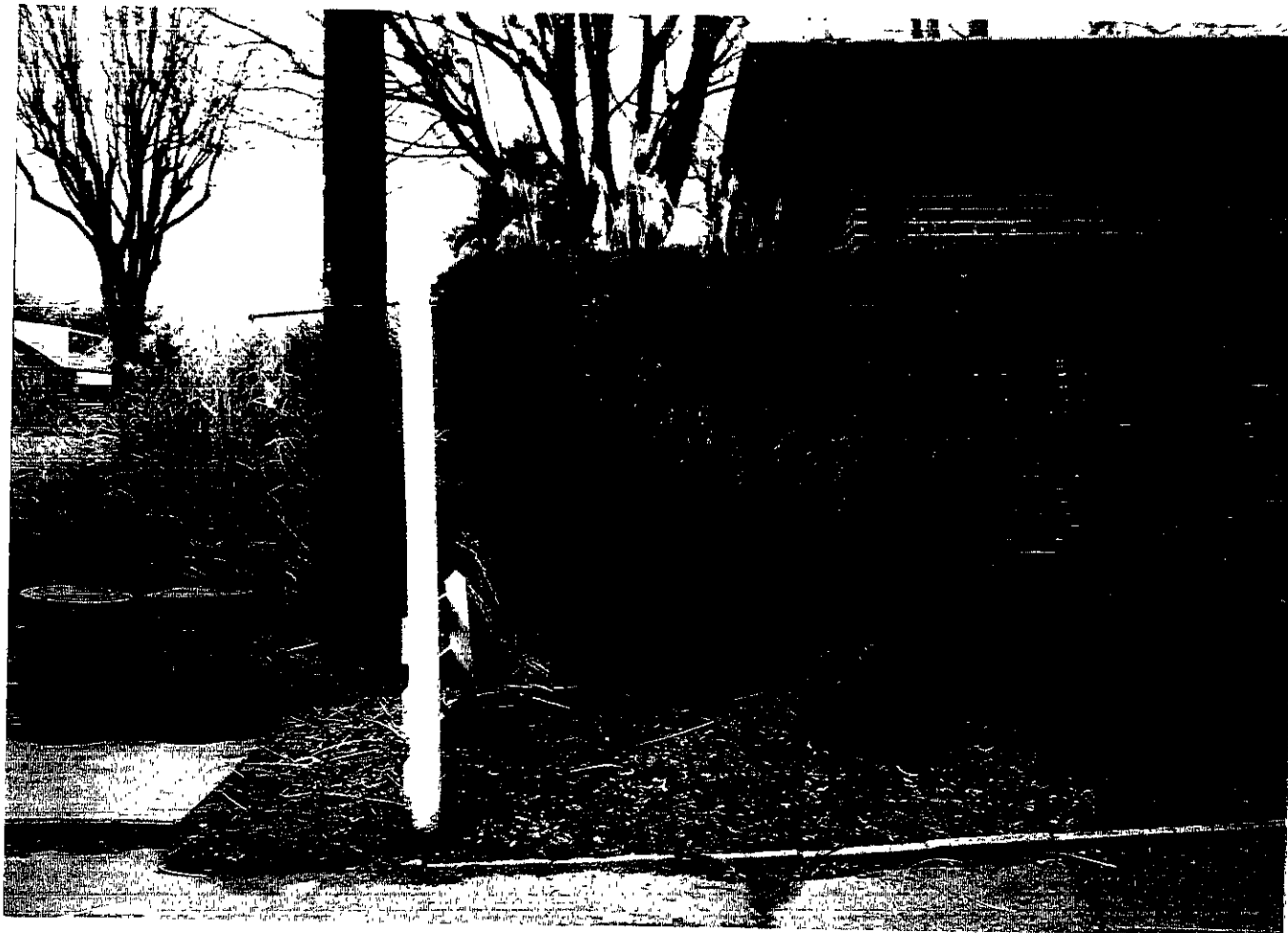


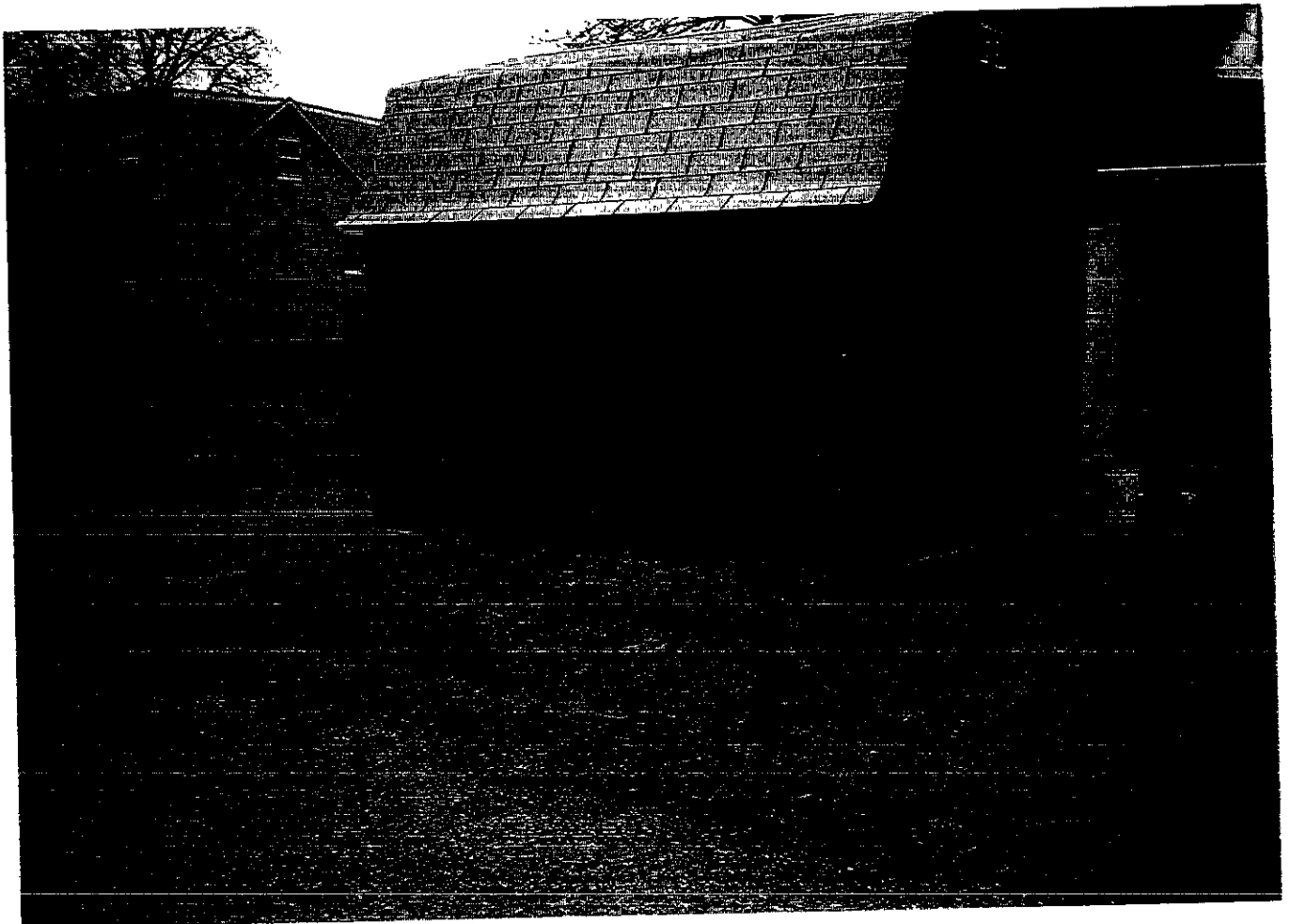
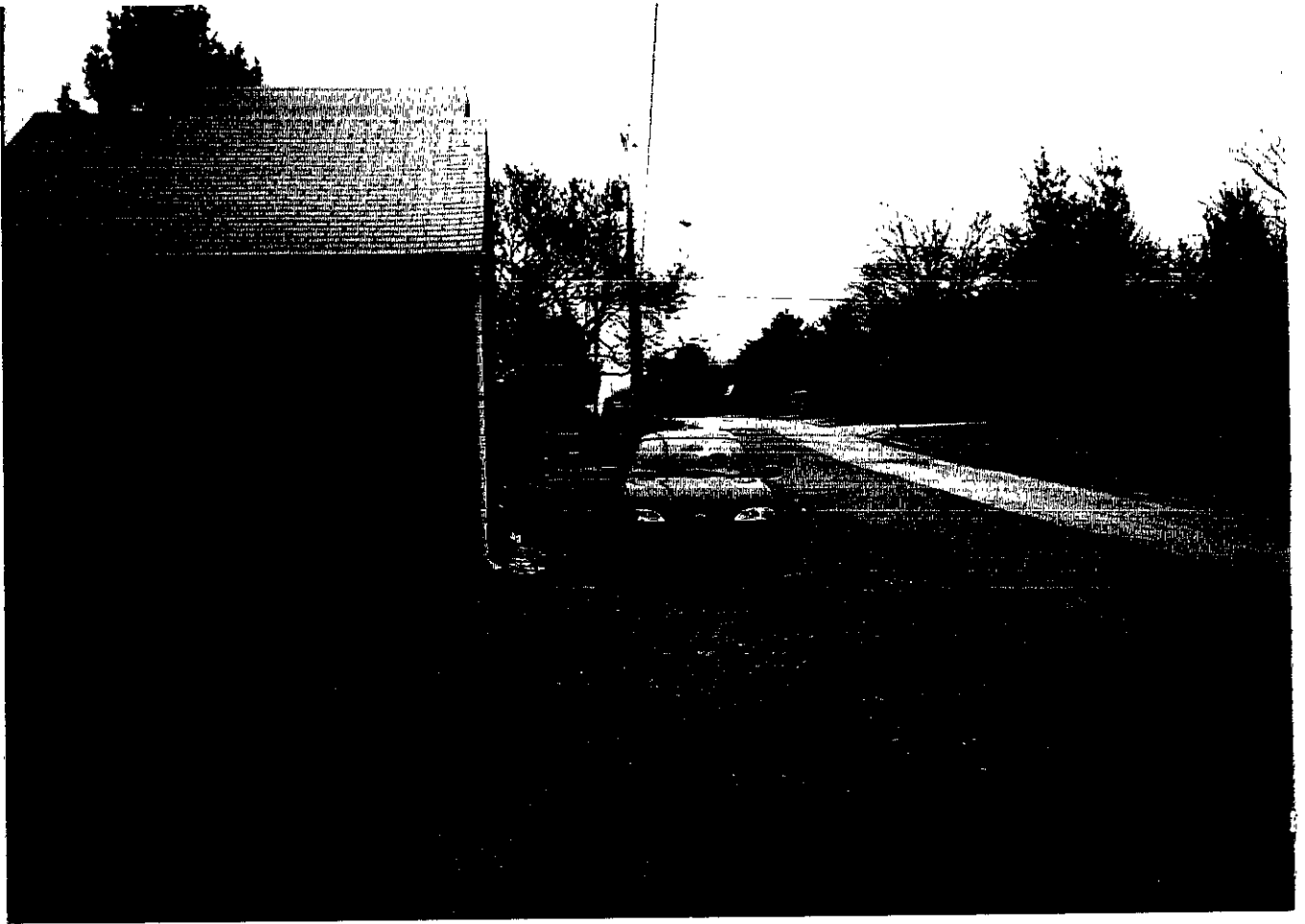


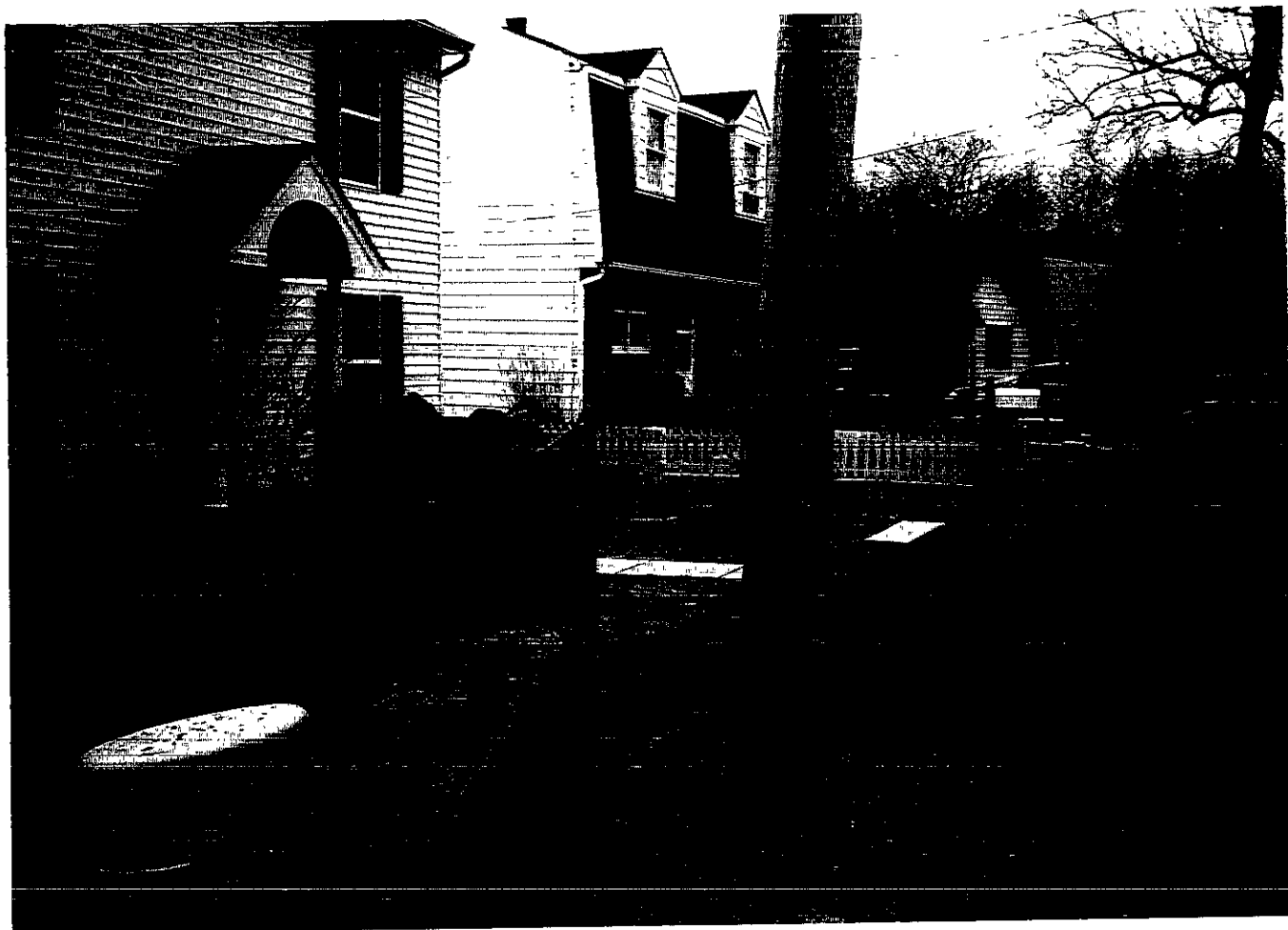




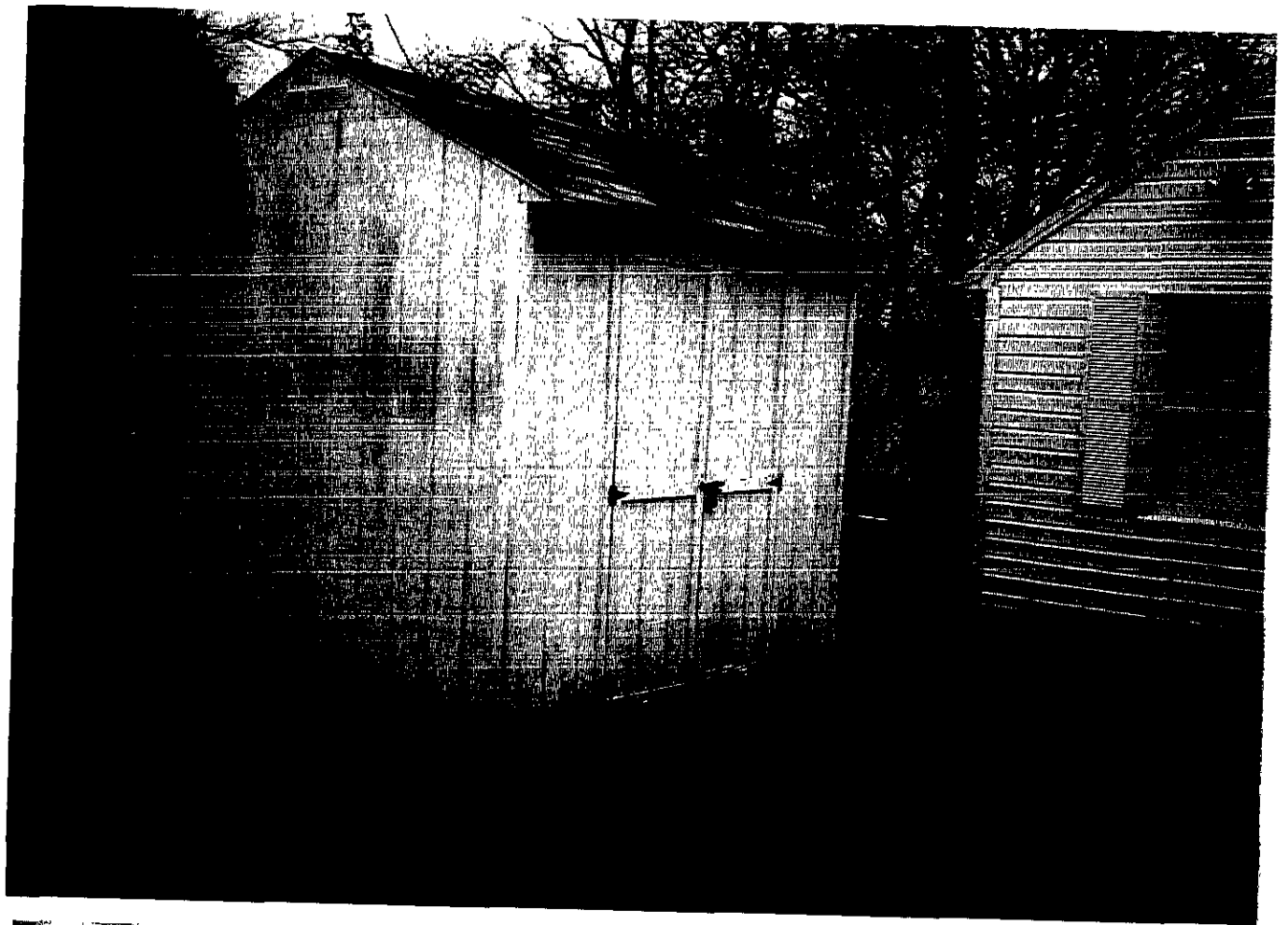






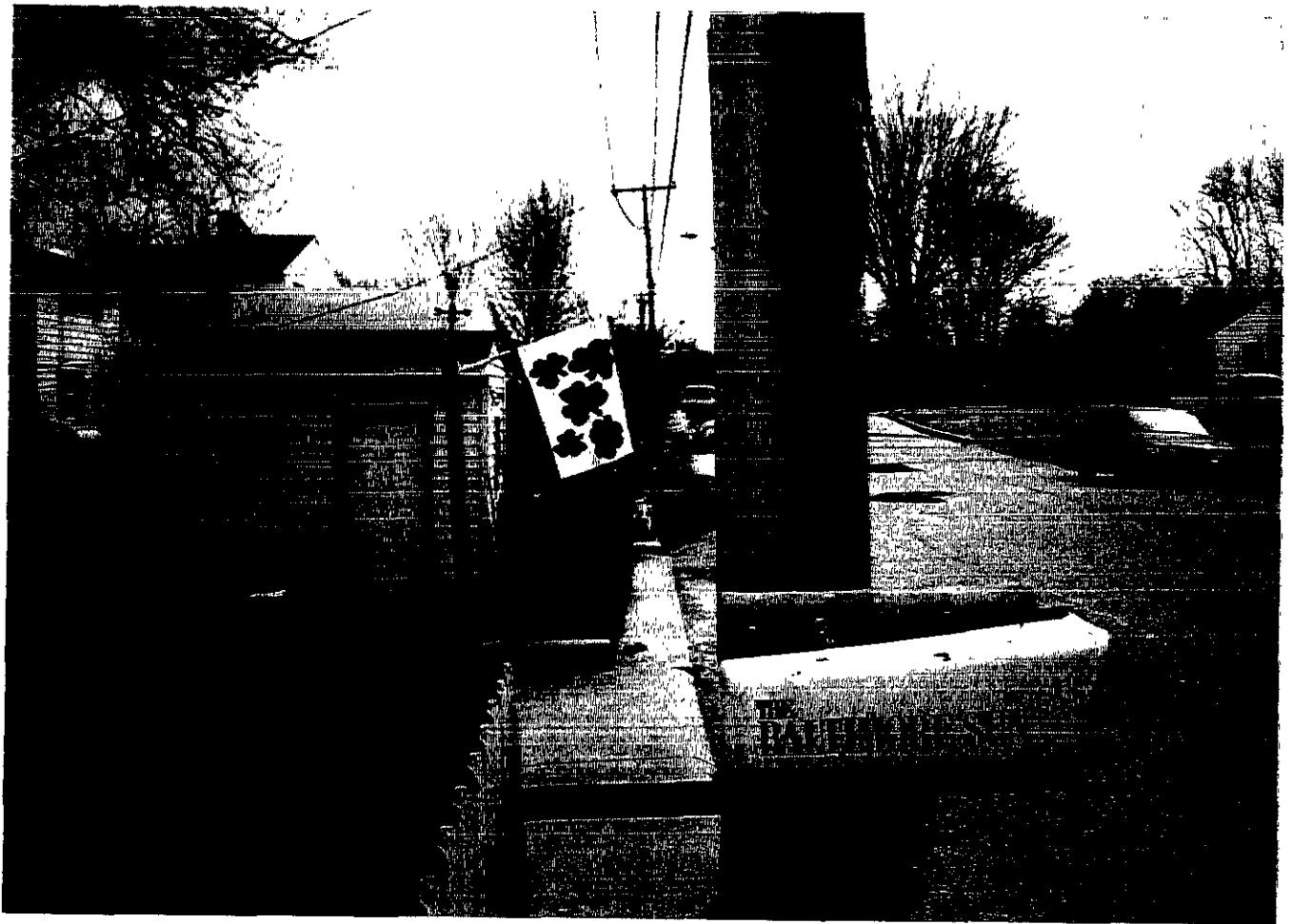


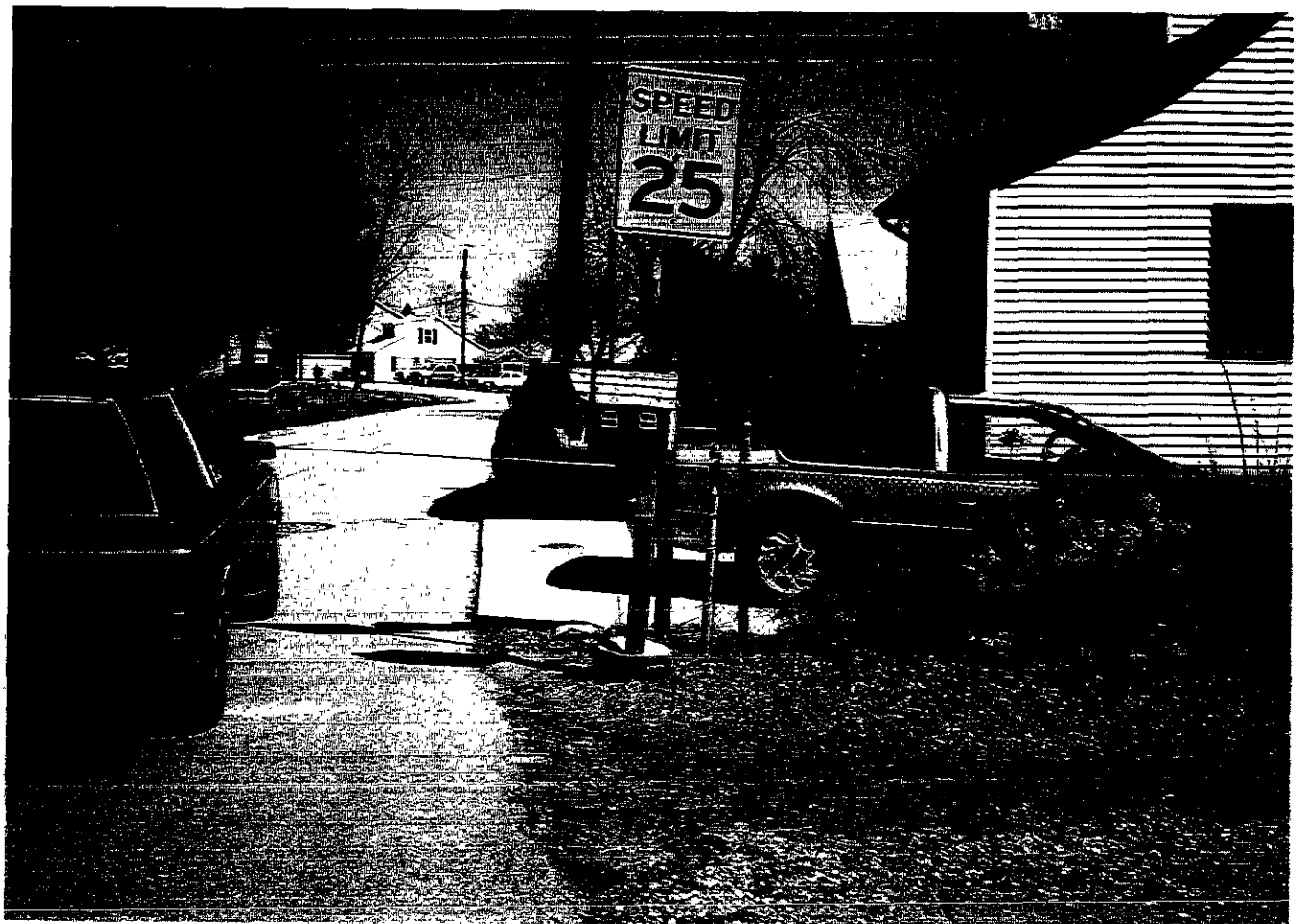


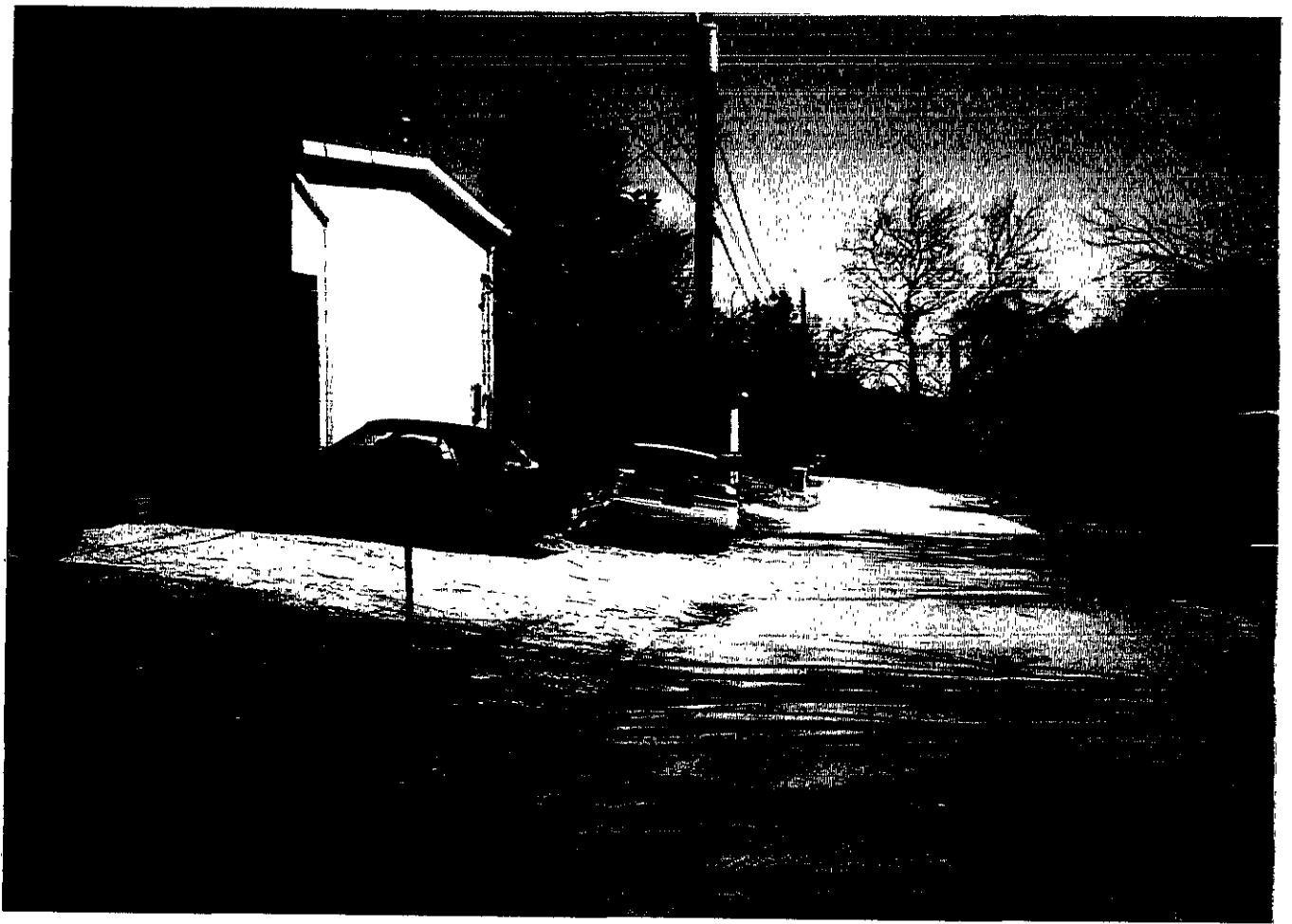


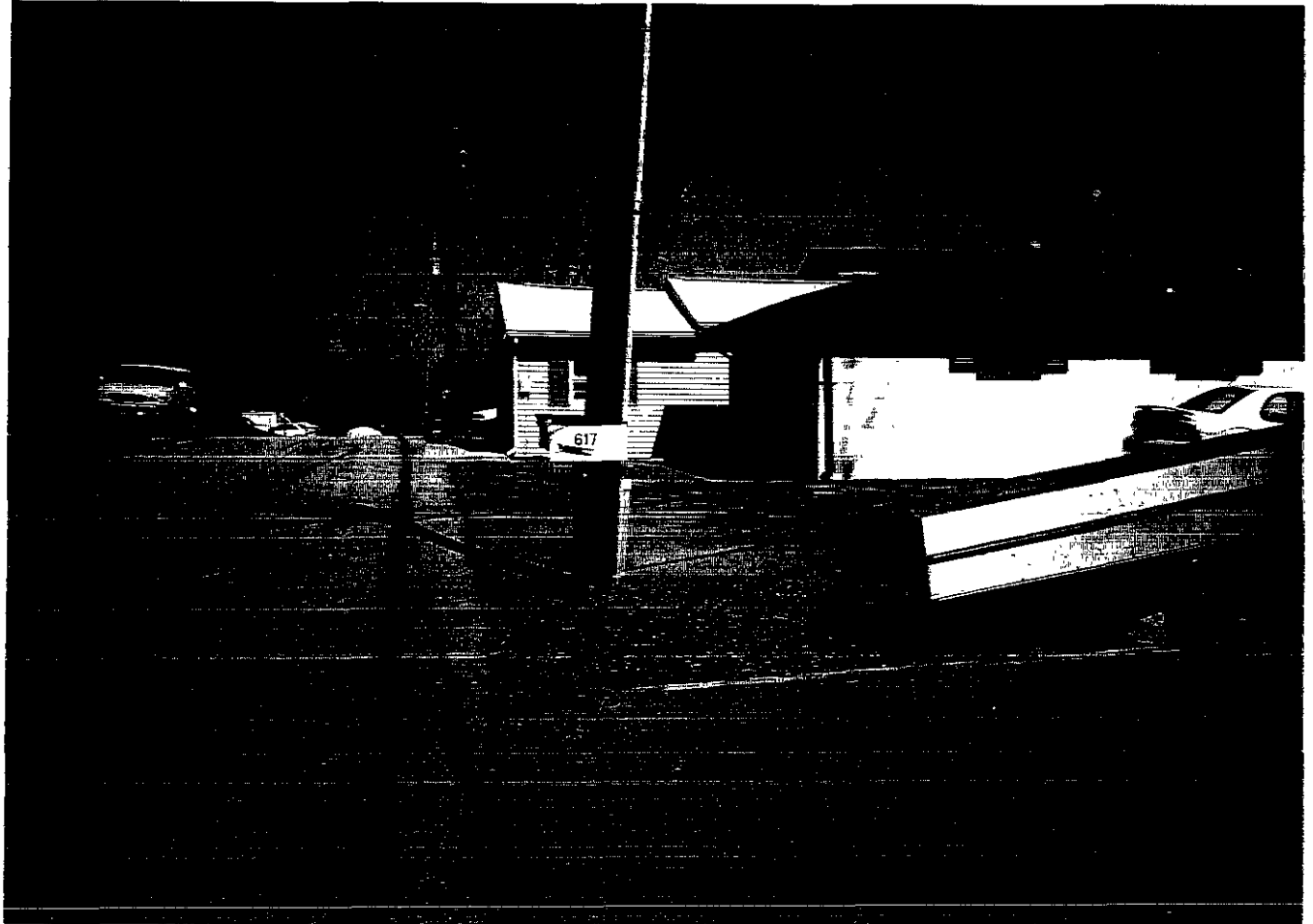
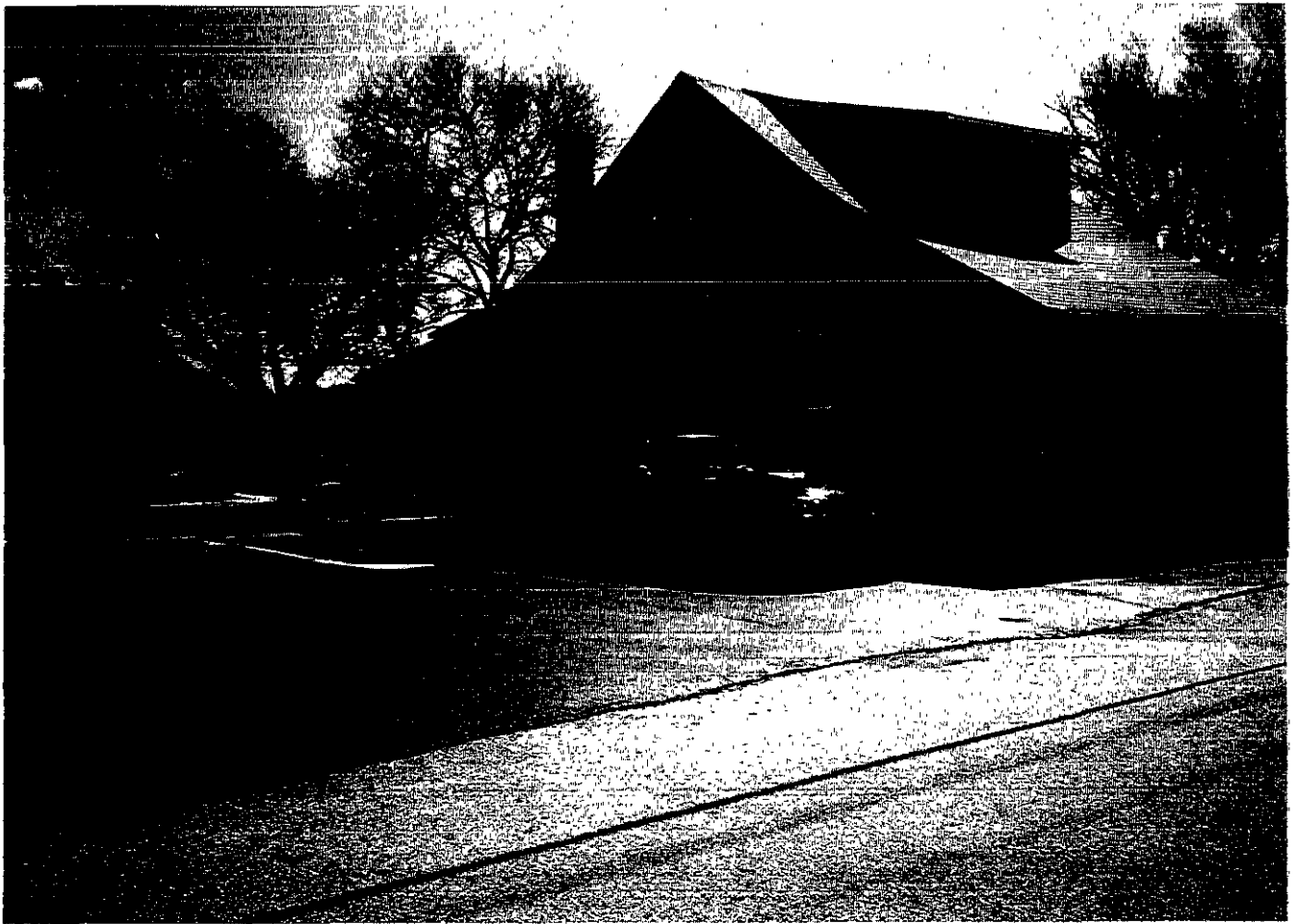






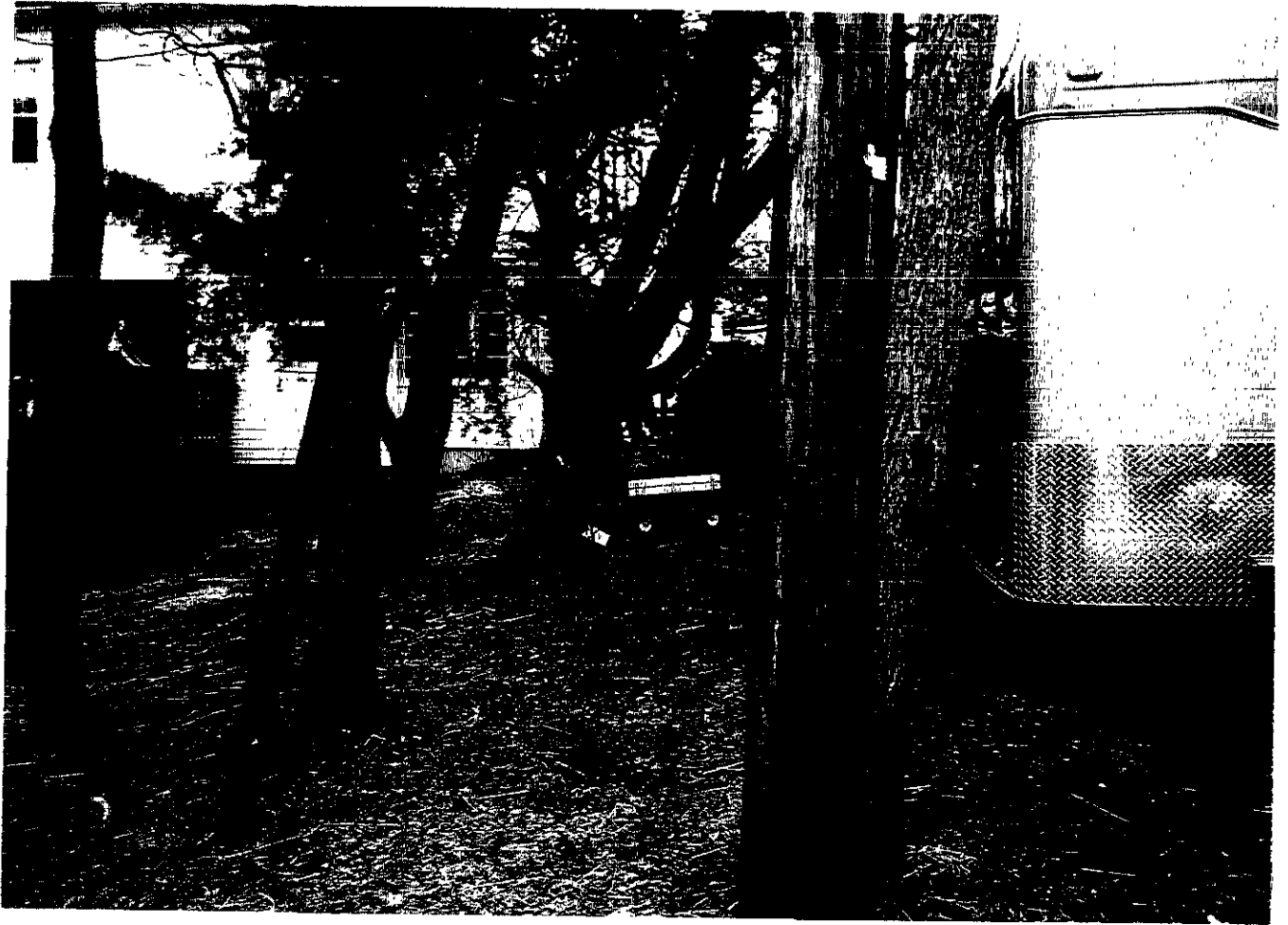














01-294-A



01-294-A

NEED

CARDS

SET 294

HEARING

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-294-A
2412 Bauernschmidt Drive
E/S Bauernschmidt Drive, 110'
N of centerline Riverside Drive
15th Election District
5th Councilmanic District
Legal Owner(s): Marilyn &
Daniel Bederka

Administrative Variance: to allow a rear setback of 8 feet in lieu of the required 30 feet.

Hearing: Thursday, March 29, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/3/660 Mar. 13 C455992

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/15/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13/, 2001.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING