

IN RE: PETITION FOR VARIANCE  
NE/S Bear Creek Drive, 195' SE of the c/l  
Park Drive  
**(8344 Bear Creek Drive)**  
12<sup>th</sup> Election District  
7<sup>th</sup> Council District

Joe Anderson, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 05-214-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, Joe Anderson, and his wife, Wendy Anderson. The Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Chart) to permit a rear (street side) setback of 15 feet in lieu of the required 30 feet for a proposed dwelling in a D.R.5.5 zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Joe and Wendy Anderson, property owners, and Harry Bertram, adjacent property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, waterfront parcel located on the northeast side of Bear Creek Drive, just north of Wise Avenue in Dundalk. The property is comprised of four lots, identified as Lots 86, 87, 88 and 89 of the subdivision known as Rosewald Beach, an older, waterfront community that was recorded in the Land Records of Baltimore County many years ago. In fact, immediately west of the subject property is an unimproved parcel owned by the Rosewald Beach Civic League, Inc. Collectively, the subject property contains a gross area of 12,400 sq.ft. (0.285 acres) more or less, zoned D.R.5.5 and was previously improved with a single-family dwelling. That dwelling was

ORDER RECEIVED FOR FILING

Date 12/10/14

By JRj

destroyed as a result of Hurricane Isabel in September 2003. The Petitioners recently purchased the subject property and obtained a building permit to commence construction of a new, two-story dwelling thereon. However, during an inspection of the construction, it was determined that variance relief was necessary due to the dwelling's close proximity to the road, and thus the instant Petition was filed. As shown on the site plan submitted into evidence as Petitioner's Exhibit 1, the property is approximately 100 feet wide along Bear Creek Drive with equal frontage along Bear Creek, and 126 feet deep. In order to comply to the extent possible with Chesapeake Bay Critical Areas (CBCA) regulations, the proposed dwelling must be situated close to the rear (street) side of the lot. In the instant case, the proposed dwelling will provide a 15-foot setback to the road. The Petitioner testified that many of the homes in this neighborhood have reduced setbacks to the road. In fact, the immediate neighbor, Harry Bertram, testified that his garage is located just 5 feet from Bear Creek Drive. It is also to be noted that Bear Creek Road dead-ends as a cul-de-sac not far from its intersection with Park Drive, and thus, is not a heavily traveled street.

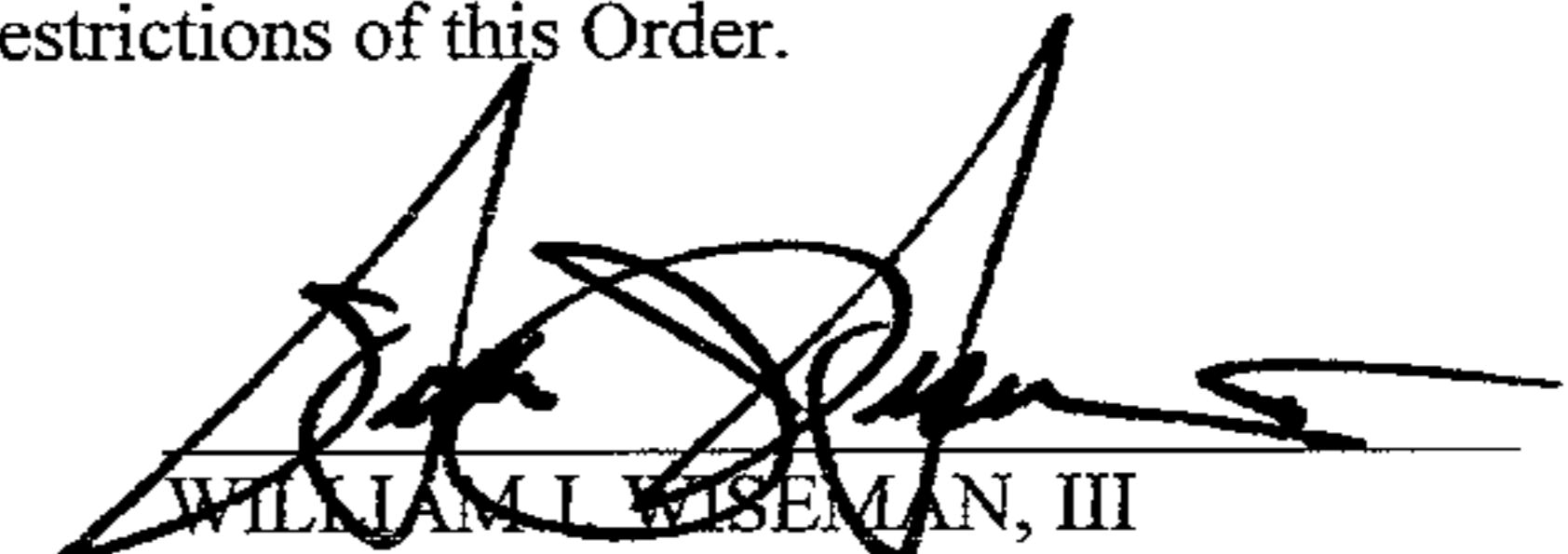
After due consideration of the testimony and evidence offered, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the Petitioners have the support of their neighbors. Thus, I am persuaded to grant the requested relief, subject to certain terms and conditions. First, the Petitioner is reminded that the proposal need comply with Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated December 6, 2004. Secondly, the proposal must comply with Federal Flood Insurance requirements as set forth in the ZAC comment submitted by the Bureau of Development Plans review, dated November 12, 2004.

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

ORDER RECEIVED FOR FILING  
Date 12/10/04  
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of December 2004 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Chart) to permit a rear (street side) setback of 15 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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) Development of the subject lot shall be in compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division of DPDM relative to Chesapeake Bay Critical Areas regulations and Federal Flood Insurance Requirements. Copies of those comments are attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
WILLIAM WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING  
Date 12/10/04  
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits &  
Development Management

**DATE:** November 12, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 15, 2004  
Item No. 214

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

The minimum right-of-way for roads in Baltimore County is 40 feet. Setback shall be modified to reflect minimum right-of-way.

The flood protection elevation for this site is 10.4 feet.

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

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 building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

A 40-foot minimum right-of-way for Bear Creek Drive shall be shown, and the requested variance shall be modified accordingly.

RWB:CEN:jrb

cc: File

ZAC-11-15-2004-ITEM NO 214-11122004

ORDER RECEIVED FOR FILING  
Date 12/10/04  
By [Signature]

BW  
12/8

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco  
PDM

FROM: John D. Oltman, Jr <sup>JDO</sup>  
DEPRM

DATE: December 6, 2004

SUBJECT: Zoning Item # 05-214  
Address 8344 Bear Creek Drive

RECEIVED

DEC 7 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of November 8, 2004.

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 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).

Additional Comments:

Reviewer: Martha Mickey

Date: December 6, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

ORDER RECEIVED FOR FILING  
Date 12/10/04  
By [Signature]

## Zoning Commissioner

Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204  
Tel: 410-887-3868 • Fax: 410-887-3468



## Baltimore County

*James T. Smith, Jr., County Executive*  
*William J. Wiseman III, Zoning Commissioner*

December 13, 2004

Mr. & Mrs. Joe Anderson  
15 Winona Avenue  
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE  
NE/S Bear Creek Drive, 195' SE of the c/l Park Drive  
**(8344 Bear Creek Drive)**  
12<sup>th</sup> Election District – 7<sup>th</sup> Council District  
Joe Anderson, et ux - Petitioners  
Case No. 05-214-A

Dear Mr. & Mrs. Anderson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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 black ink, appearing to read "W. J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

cc: Chesapeake Bay Critical Areas Commission  
1804 West Street, Suite 100, Annapolis, Md. 21401  
DEPRM; Development Plans Review, DPDM  
People's Counsel; Case File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Flood CBCA Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 8344 BEAR CREEK DRIVE  
which is presently zoned DR.S.S.

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) 1BOR.3C1 (CHART.) to PERMIT A REAR SETBACK (STREET SIDE) OF 15 FT. IN LIEU OF THE REQUIRED 50 FT. FOR A PRINCIPAL DWELLING IN A DR.S.S. ZONE. (30)

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) THE EXISTING RESIDENCE WAS DESTROYED BY HURRICANE ISABELLE. THE DEPT. OF ENVIRONMENTAL PROTECTION REQUIRES FURTHER SETBACK FROM THE WATER-FRONT THAN ZONING REQUIRES, FORCING THE REAR OF THE HOUSE CLOSER TO THE ROAD THAN ZONING PERMITS (INTER-AGENCY CONFLICT OF REQUIREMENTS).

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

**Legal Owner(s):**

JOE ANDERSON  
Name - Type or Print  
Signature  
WENDY ANDERSON  
Name - Type or Print  
Wendy A. Anderson  
Signature  
15 WINONA AVE. 410-285-1477  
Address Telephone No.  
BALTO. MD. 21222  
City State Zip Code

**Attorney For Petitioner:**

Name - Type or Print  
Signature  
Company  
Address Telephone No.  
State Zip Code

**Representative to be Contacted:**

JOE ANDERSON  
Name  
15 WINONA AVE. 443 413-6618  
Address Telephone No.  
BALTO. MD. 21222  
City State Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By KDT Date 10-28-04

ORDER RECEIVED FOR FILING  
Date 12/10/04  
Case No. 05-204-A  
12/10/04

# J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE  
P.O. BOX 26  
BALDWIN, MD 21013  
(410) 817-4600  
FAX: (410) 817-4602

## ZONING DESCRIPTION FOR #8344 BEAR CREEK DRIVE

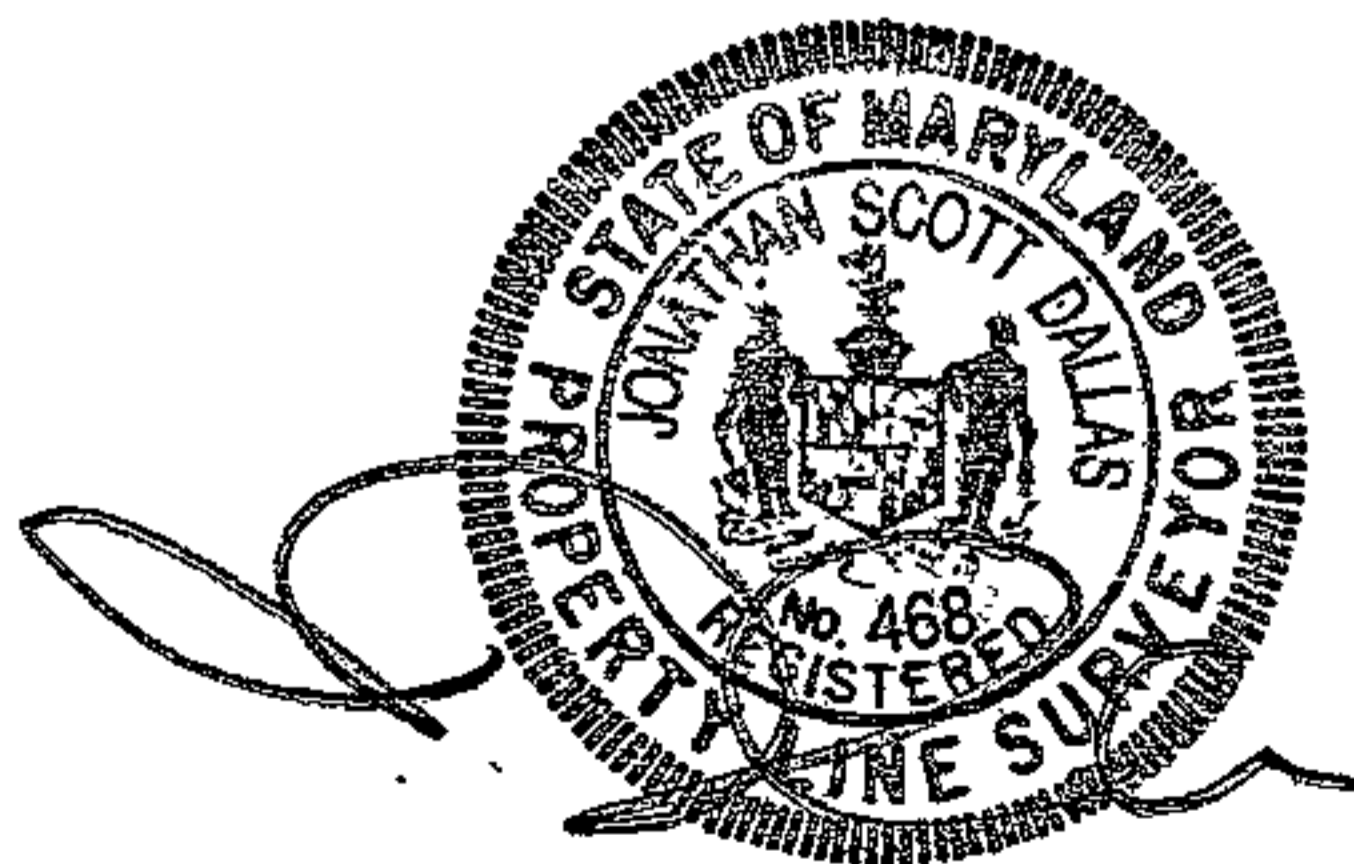
**BEGINNING** at a point on the northeast side of Bear Creek Drive, 30 feet wide, at the distance of 195 feet, more or less southeast of the centerline of Park Drive, which is 30 feet wide.

**BEING** Lots 86 through 89, "ROSEWALD BEACH" as recorded in Baltimore County Plat Book W.P.C.. No. 10 Folio 88.

**CONTAINING** 12,400 square feet of land, more or less or 0.285 acres of land, more or less.

**ALSO** known as # 8344 Bear Creek Drive and located in the 12<sup>th</sup> Election District, 7th Councilmanic District.

*Note: above description is based on existing record plat and S.D.A.T listing and is for zoning purposes only.*



OS-214 A



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

No. 42133

DATE 10-26-04 ACCOUNT DUI-606-6150

AMOUNT \$ 50.00

RECEIVED FROM: Allen Burton

FOR: 2219 York Rd

J.P. 04-3680

**DISTRIBUTION**  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY  
11/01/2004 10/29/04  
REG WSD6 WALKIN WA  
>>RECEIPT # 303918 1  
Dept 5 526 ZONING  
CR NO. 042153  
Rcpt Tot  
\$50.00 01  
Baltimore Coun.

CASHIER'S V.

**NOTICE OF ZONING  
HEARING**

The Zoning Commission 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: #05-214-A  
8344 Bear Creek Drive  
West side of Bear Creek Drive; 195 feet centerline of Park Drive  
12th Election District  
7th Councilmanic District  
Legal Owner(s): Joe and Wendy Anderson

Variance: to permit a rear setback (street side) of 15 feet in lieu of the required 30 feet for a principal dwelling.

Hearing: Wednesday, December 3, 2004 at 2:00 PM in Room 407, County Court Building, 401 Bayley Avenue.

WILLIAM WISEMAN  
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) 887-4391.

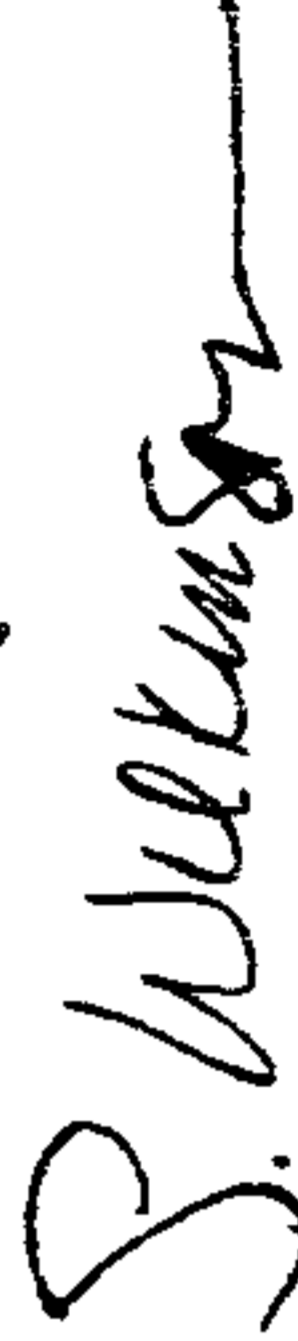
JT/11/751 No23 3057

# CERTIFICATE OF PUBLICATION

\_\_\_\_\_ 11/24/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on 11/23/2004.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News



LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 05-214-A

Petitioner/Developer: JOE AND

WENDY ANDERSON

Date of Hearing/Closing: 12/8/04

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21284

ATTN: Kristen Matthews {(410) 887-3394}

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: \_\_\_\_\_

8344 BEAR CREEK DRIVE

The sign(s) were posted on 11/22/04  
(Month, Day, Year)

Sincerely,

Robert Black 11/23/04  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

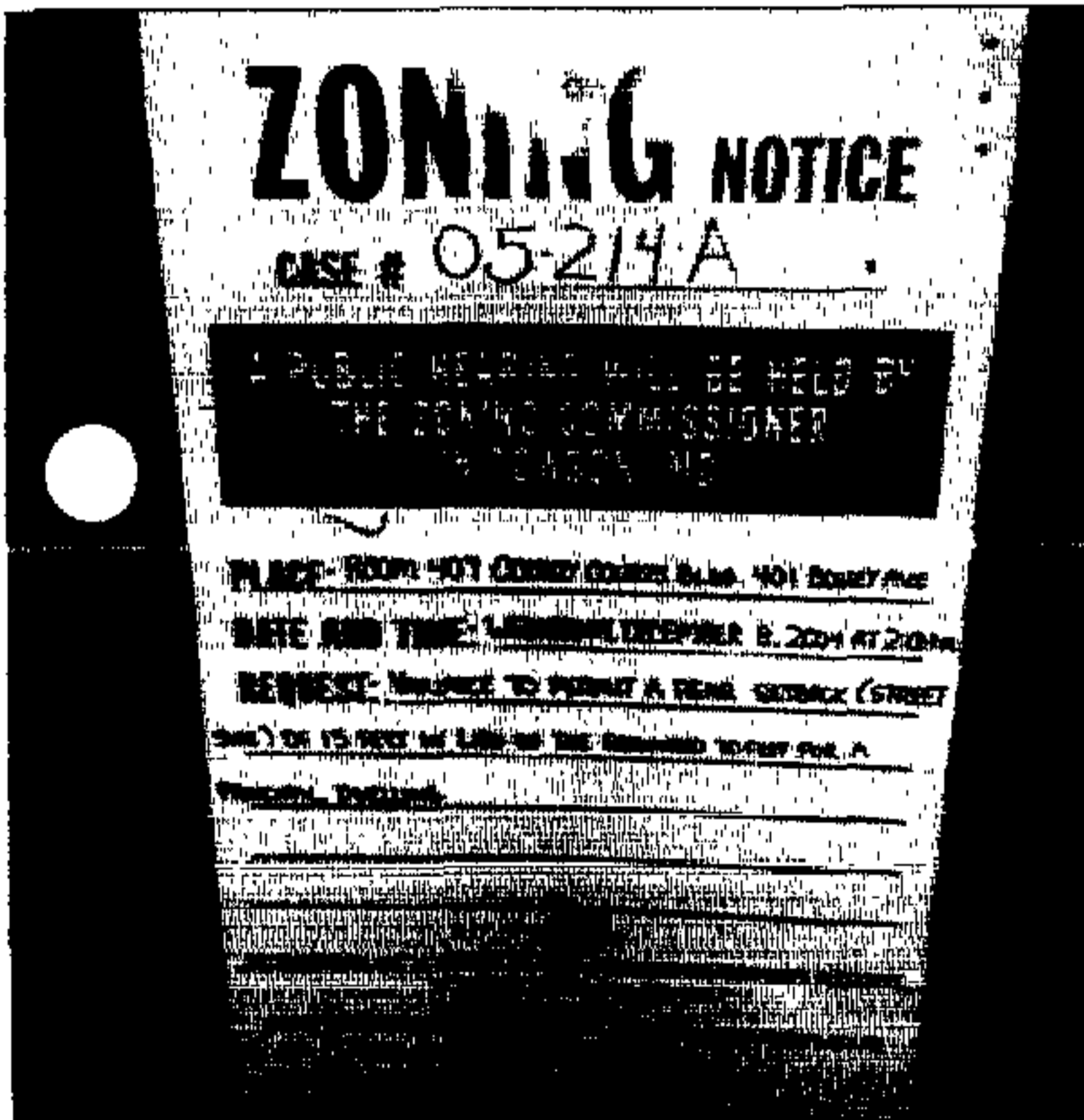
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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

*James T. Smith, Jr., County Executive*  
*Timothy M. Kotroco, Director*

November 9, 2004

## 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: 05-214-A**

8344 Bear Creek Drive  
N/east side of Bear Creek Drive, 195 feet centerline of Park Drive  
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Joe and Wendy Anderson

Variance to permit a rear setback (street side) of 15 feet in lieu of the required 30 feet for a principal dwelling.

Hearing: Wednesday, December 8, 2004 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

  
Timothy Kotroco  
Director

TK:klm

C: Joe & Wendy Anderson, 15 Winona Avenue, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 23, 2004.**
- (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, November 23, 2004 Issue - Jeffersonian

Please forward billing to:  
Joe Anderson  
15 Winona Avenue  
Baltimore, MD 21222

410-285-1477

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## 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: 05-214-A**

8344 Bear Creek Drive

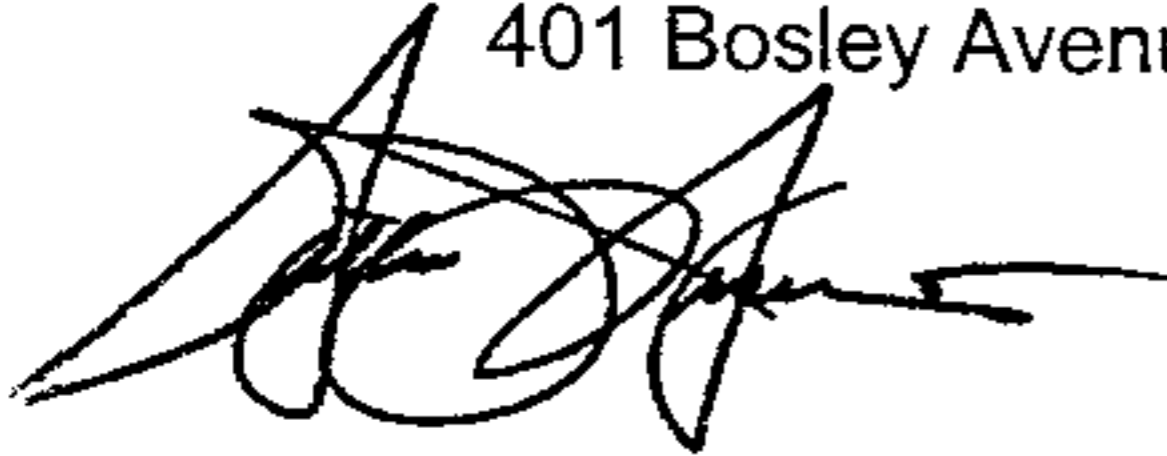
N/east side of Bear Creek Drive, 195 feet centerline of Park Drive

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Joe and Wendy Anderson

Variance to permit a rear setback (street side) of 15 feet in lieu of the required 30 feet for a principal dwelling.

Hearing: Wednesday, December 8, 2004 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN  
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.

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For Newspaper Advertising:

Item Number or Case Number OS-214-A  
Petitioner JOE ANDERSON  
Address or Location: 2344 BEAR CREEK DRIVE

PLEASE FORWARD ADVERTISING BILL TO

Name: JOE ANDERSON  
Address 15 WINONA AVE  
BALTO, MD. 21222  
Telephone Number: 410-285-1477

**Department of Permits  
Development Management**

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



**Baltimore County**

*James T. Smuth, Jr., County Executive  
Timothy M. Kotroco, Director*

November 29, 2004

Joe Anderson  
Wendy Anderson  
15 Winona Avenue  
Baltimore, Maryland 21222

Dear Mr. and Mrs. Anderson:

RE: Case Number:05-214-A, 8344 Bear Creek Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





**Baltimore County  
Fire Department**

Courthouse Building, Room 111  
Mail Stop #1105  
~~111 West Chesapeake Avenue~~  
Towson, Maryland 21204

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

November 8, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.: 207-220

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File







Robert L. Ehrlich, Jr., *Governor*  
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County  
Item No. 214 JRD

Dear Ms. Matthews:

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,

Steven D. Foster, Chief  
Engineering Access Permits Division

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits &  
Development Management

**DATE:** November 12, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 15, 2004  
Item No. 214

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

The minimum right-of-way for roads in Baltimore County is 40 feet. Setback shall be modified to reflect minimum right-of-way.

The flood protection elevation for this site is 10.4 feet.

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

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 building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

A 40-foot minimum right-of-way for Bear Creek Drive shall be shown, and the requested variance shall be modified accordingly.

RWB:CEN:jrb

cc: File

ZAC-11-15-2004-ITEM NO 214-11122004

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco  
PDM

FROM: John D. Oltman, Jr. <sup>JDO</sup>  
DEPRM

DATE: December 6, 2004

SUBJECT: Zoning Item # 05-214  
Address 8344 Bear Creek Drive

Zoning Advisory Committee Meeting of November 8, 2004.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X 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).

X 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).

Additional Comments:

Reviewer: Martha Mickey

Date: December 6, 2004

BW  
12/8

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** November 16, 2004

RECEIVED

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

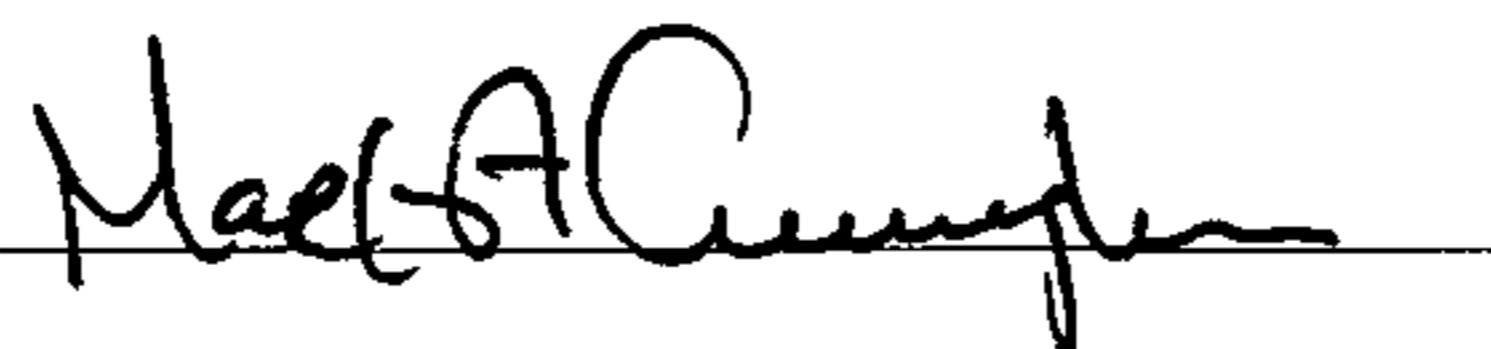
NOV 17 2004

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 5-214**

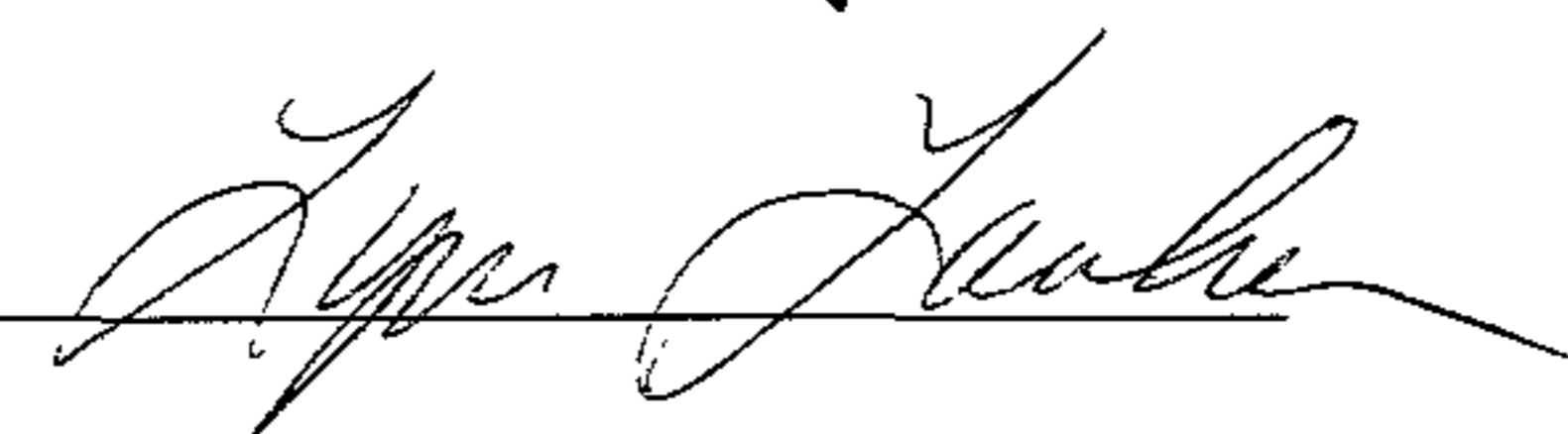
ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

RE: PETITION FOR VARIANCE  
8344 Bear Creek Drive; NE/side Bear  
Creek Drive, 195' C/line of Park Drive  
12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Joe & Wendy Anderson  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 05-214-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10<sup>th</sup> day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Joe Anderson, 15 Winona Avenue, Baltimore, MD 21222, Petitioner(s).

**RECEIVED**

Per *CR*

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Click here for a plain text ADA-compliant screen.

 <b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> <b>Real Property Data Search</b>
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**Account Identifier:** District - 12 **Account Number -** 1208080404

Owner Information
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<b>Owner Name:</b>	ANDERSON JOSEPH M ANDERSON WENDY G	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	8344 BEAR CREEK DR BALTIMORE MD 21222-4938	<b>Principal Residence:</b>	NO
		<b>Deed Reference:</b>	1) /19671/ 264 2)

Location & Structure Information
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<b>Premises Address</b>	<b>Legal Description</b>									
8344 BEAR CREEK DR	LT 86-89 8344 BEAR CREEK DR ROSEWALD BEACH									
WATERFRONT										
<b>Map</b>	<b>Grid</b>	<b>Parcel</b>	<b>Sub District</b>	<b>Subdivision</b>	<b>Section</b>	<b>Block</b>	<b>Lot</b>	<b>Group</b>	<b>Plat No:</b>	
104	13	196					86	82	<b>Plat Ref:</b>	10/ 88

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>		
<b>Primary Structure Built</b>	<b>Enclosed Area</b>	<b>Property Land Area</b>	<b>County Use</b>
0000		12,300.00 SF	34
<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>

Value Information
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	<b>Base Value</b>	<b>Value As Of</b>	<b>Phase-in Assessments</b>	
		01/01/2003	As Of	As Of
			07/01/2004	07/01/2005
<b>Land:</b>	48,970	57,070		
<b>Improvements:</b>	0	0		
<b>Total:</b>	48,970	57,070	54,370	57,070
<b>Preferential Land:</b>	0	0	0	0

Transfer Information
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<b>Seller:</b> HUNT WILLIAM E, JR	<b>Date:</b> 02/27/2004	<b>Price:</b> \$200,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /19671/ 264	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

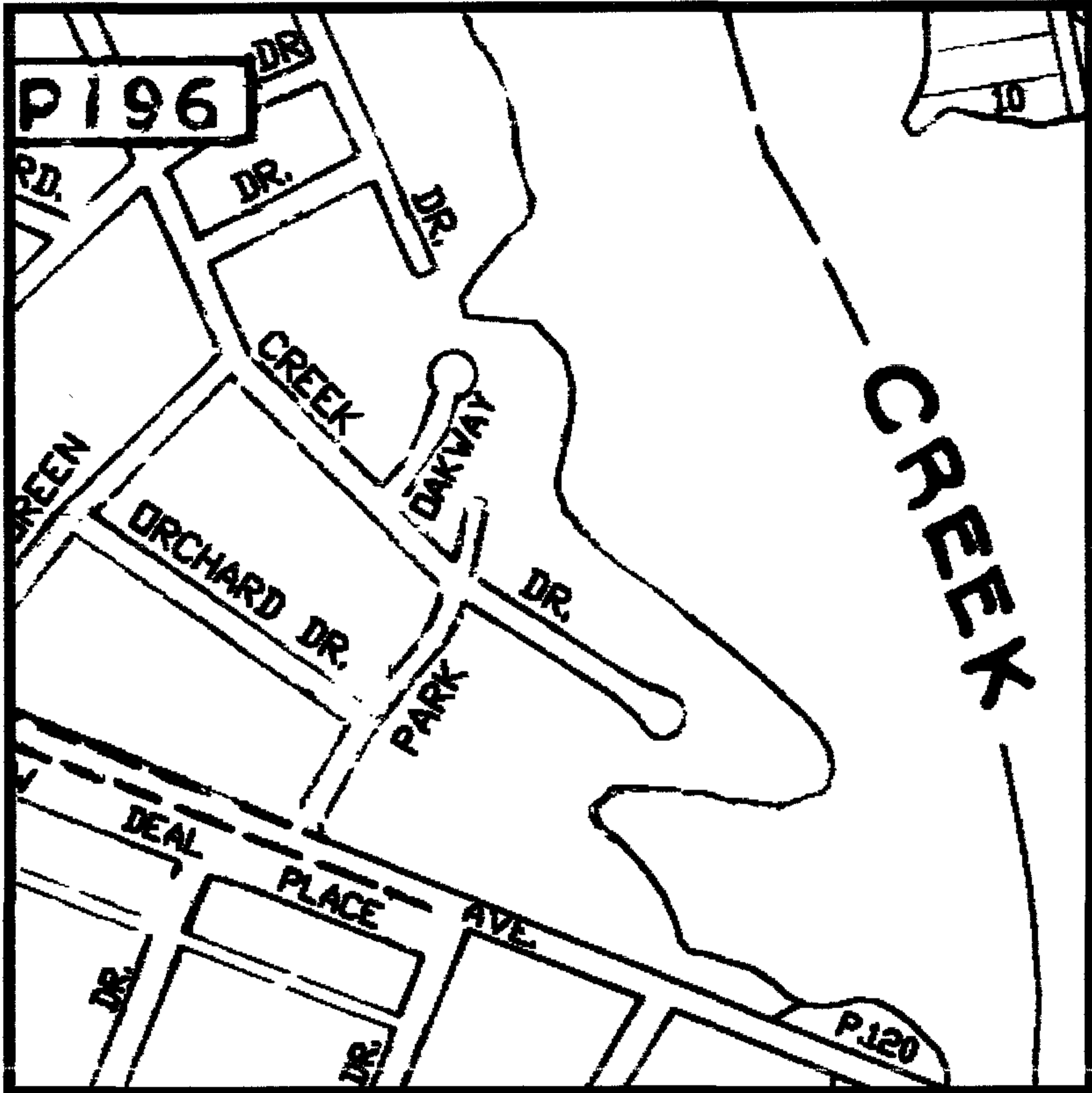
Exemption Information
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<b>Partial Exempt Assessments</b>	<b>Class</b>	07/01/2004	07/01/2005
<b>County</b>	000	0	0
<b>State</b>	000	0	0
<b>Municipal</b>	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b>
<b>Exempt Class:</b>	* NONE *

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> Real Property Data Search	<a href="#">View Map</a>
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District - 12 Account Number - 1208080404



Property maps provided courtesy of the Maryland Department of Planning ©2004.  
For more information on electronic mapping applications, visit the Maryland Department of Planning  
web site at





Case No.:

05-214A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	SITE PLAN	
No. 3	NEIGHBORHOOD SUPPORT 10/25/04	
No. 4	Aerial View of Neighborhood - shows old improvement	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

October 25, 2004

I have reviewed the proposed site plan and variance request for 8344 Bear Creek Drive, Baltimore, Maryland 21222. I understand and approve of the 15 foot (fifteen foot) setback proposed for the front corner of the attached garage as illustrated on the site plan.

W. F. Strong 8350 Bear Creek DR.  
W. F. STRONG

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John M. Drzewiecki 8348 BEAR CREEK DR.  
John M. DRZEWIECKI

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Richard D. Lentz 8341 BEAR CREEK DR.  
Richard D. LENTZ

---

Fred Anderson 8337 Bear Creek Dr.  
Fred Anderson

---

Richard VanHoose 8339 BEAR CREEK DR.  
RICHARD VANHOOSE

---

Donald E. Gault Jr.  
8349 BEAR CREEK DR.

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Henry A. Bentum  
8346 Bear Creek Dr.

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Mr. + Mrs. Edward H. Becker, Jr.  
8343 Bear Creek Drive 21222

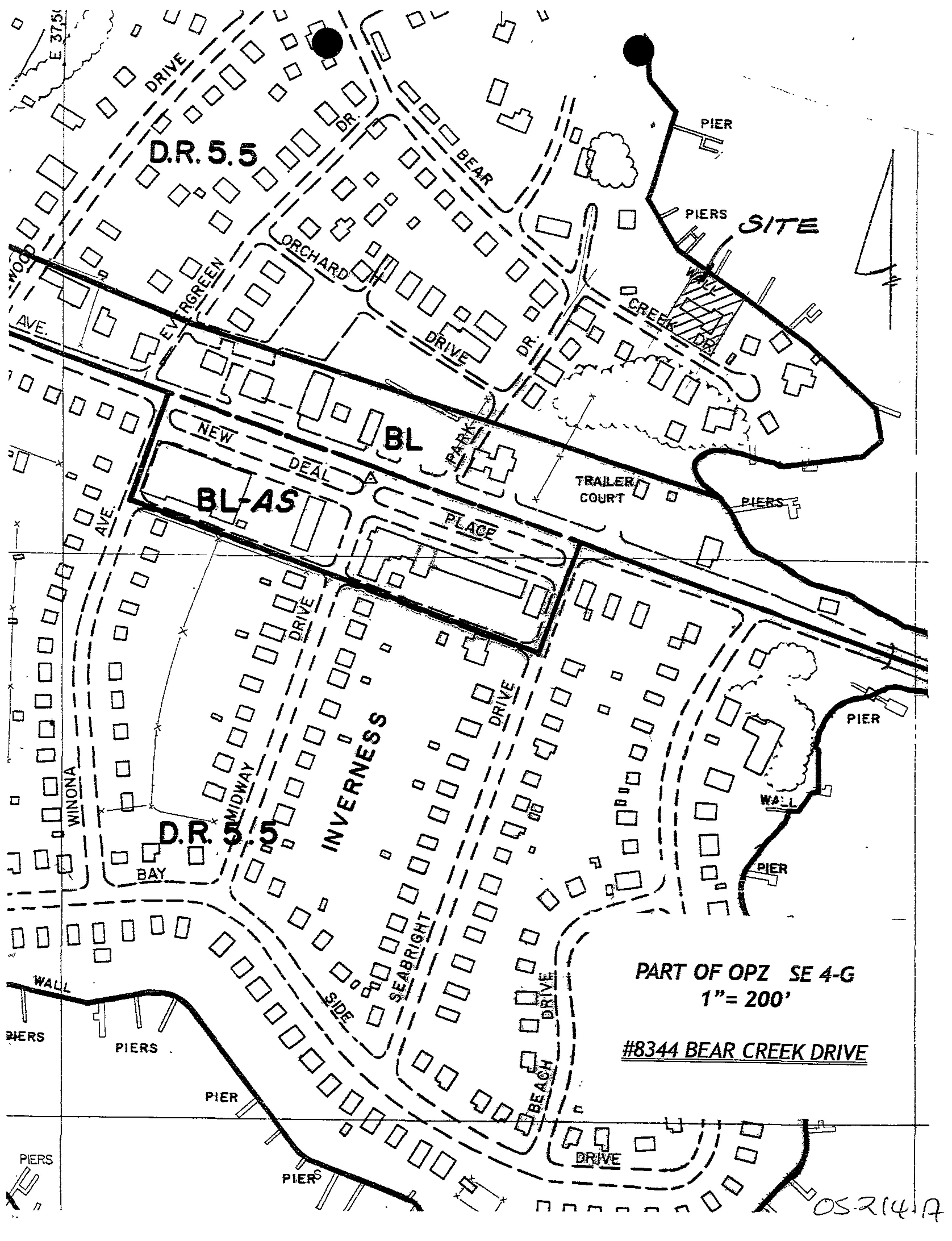
PETITIONER'S  
EXHIBIT 2

OS-214-A

8344 Bear Creek Drive



DR 5.5



D.R. 5.5

PIERS SITE

BL-AS

TRAILER COURT

D.R. 5.5 BAY

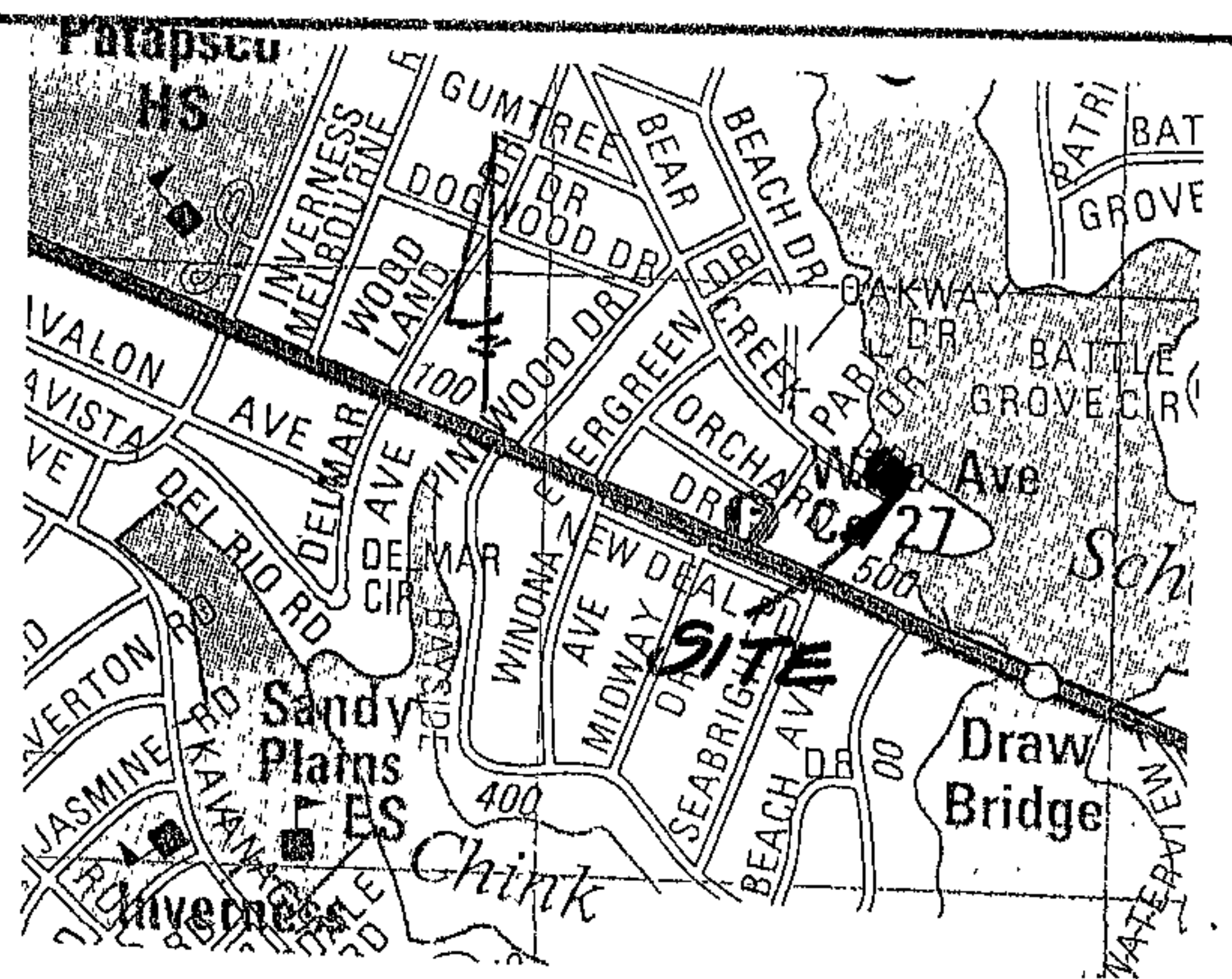
PART OF OPZ SE 4-G  
1" = 200'

#8344 BEAR CREEK DRIVE

05-214-A

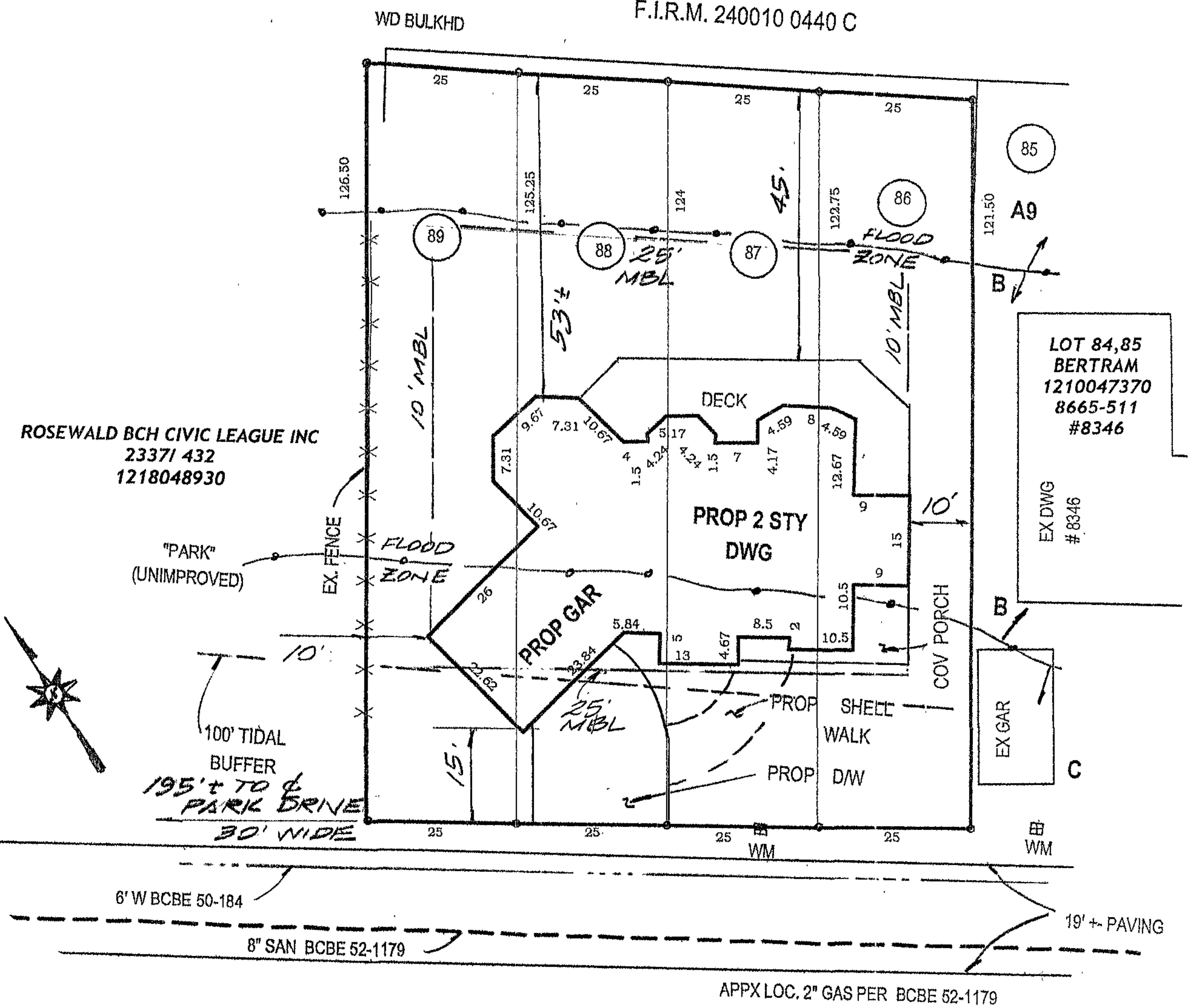
**NOTES**

1. NO KNOWN PRIOR ZONING HEARINGS.
2. OWNERSHIP:  
DEED REFERENCE : 19671-264 ETC.  
ANDERSON, JOSEPH M. & WENDY G.  
8344 BEAR CREEK DRIVE  
BALTIMORE, MD 21222  
PHONE: (C/O RON COLEMAN) 410-592-5766
3. PROPERTY INFORMATION PER S.D.A.T.:  
TAX MAP 104 PARCEL 196 LOT 86-89  
ACCT. NO. 1208080404  
ROSEWALD BEACH (10-88)
4. AREA OF SUBJECT SITE: 12,400 SF +- OR 0.285 AC. +-
5. PROPOSED NEW ADDITION TO SFD (EX. USE- SFD)
6. SITE IS IN C.B.C.A. (IDA)
7. SITE LIES IN FLOOD ZONE C, B, A9 PER F.E.M.A. F.I.R.M. 240010 0440 C.
8. EXISTING ZONING OF SITE AND SURROUNDING PROPERTY: DR 5.5 PER OPZ SE 4-G.
9. NOT A KNOWN HISTORIC BUILDING OR SITE.



**VICINITY MAP**  
1" = 1000'

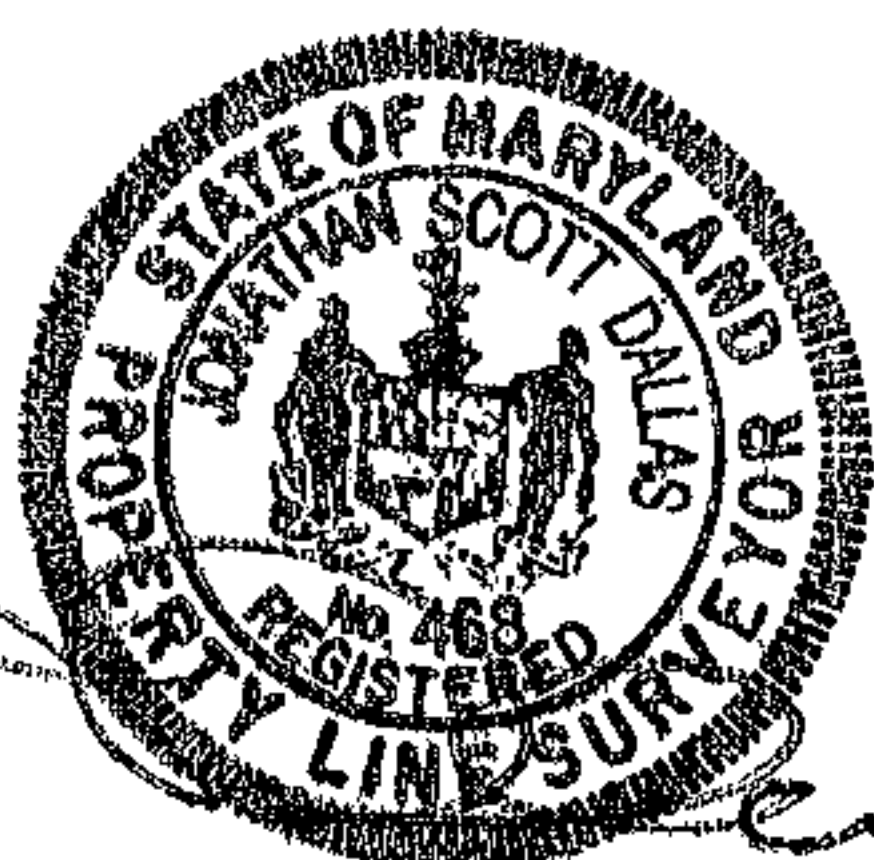
**BEAR CREEK**  
A9 EL.9 PER  
F.I.R.M. 240010 0440 C



**BEAR CREEK DRIVE**

**PETITIONER'S  
EXHIBIT 1**

**J.S. DALLAS, INC.**  
Surveying & Engineering  
13523 Long Green Pike  
Baldwin, MD 21013  
(410) 817-4600



**# 8344**  
12<sup>TH</sup> ELEC. DIST.  
SCALE: 1" = 20'

SITE PLAN TO ACCOMPANY PETITION  
FOR ZONING VARIANCE

**BEAR CREEK DRIVE**  
7<sup>TH</sup> COUNC. DIST. BALTIMORE COUNTY, MD.  
OCTOBER 27, 2004

05-214-A