

227 PETITION FOR ZONING VARIANCE 85-291-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 400.1 to permit accessory structures to be located on the side and rear of the rear third of the lot farthest removed from the side street and to permit a side yard setback of one foot in lieu of the required 2.5'

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. Grade of property makes placement of pool near house on opposite corner structurally impractical due to extensive regrading required to build up low end of pool.
 2. Cost of regrading to construct pool and reroute natural rain drainage is prohibitive.
 3. Moving pool to lower end of property where grade is acceptable greatly reduces desirability, practicality, and protectability of pool.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:
(Type or Print Name) N/A
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name) N/A
Signature
Address
City and State
Attorney's Telephone No.: 20031 Bollinger Road, 21107, 628-3949

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of March, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of April, 1985, at 1:30 o'clock.

Carl J. Jablon
Zoning Commissioner of Baltimore County.
(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SE Corner Cotter & : OF BALTIMORE COUNTY
Bollinger Rds., 6th Dist.
DENNIS W. LOPATA, et ux, : Case No. 85-291-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of March, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Dennis W. Lopata, 20031 Bollinger Rd., Millers, MD 21107, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

85-291-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 5th day of March, 1985

Petitioner Dennis W. Lopata, et ux
Petitioner's Attorney Nicholas B. Commodari
Received by *Nicholas B. Commodari*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE March 29, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
c/o
Nicholas B. Commodari
Chairman

Mr. & Mrs. Dennis W. Lopata
20031 Bollinger Road
Millers, Maryland 21107

RE: Item No. 227 - Case No. 85-291-A
Petitioners - Dennis W. Lopata, et ux
Variance Petition

Dear Mr. & Mrs. Lopata:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Enclosures

cc: E. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204



HARRY J. PISTEL, P.E.
DIRECTOR

March 4, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #227 (1984-1985)
Property Owner: Dennis W. Lopata, et ux
S/E cor. Cotter and Bollinger Roads
Acres: 1.6230
District: 6th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

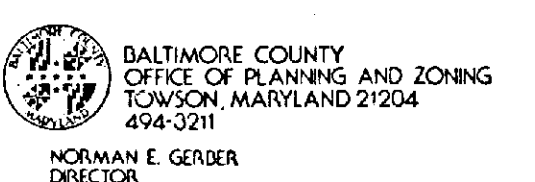
No public facilities are involved; however, when Cotter Road is brought to its ultimate improvement, the accessory building will fall within the supporting slope easement and may be in conflict with the grading of the road.

Very truly yours,

James H. Markle
JAMES H. MARKLE, P.E., Chief
Bureau of Public Services

JAM:HAM:ROP:ss

cc: File



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 2/19/85
Item # 227
Property Owner: Dennis W. Lopata, et ux
Location: SE cor. Cotter and Bollinger Rds

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-49 of the Development Regulations.
- ☒ Use of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 1/15/85.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments:

cc: James Hoswell

Eugene A. Rober
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

February 27, 1985

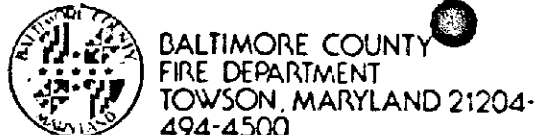
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 208 (227) 228, 229, 230, 233, 234, 235, 236, and 237 ZAC- Meeting of 2-10-85
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Dear Mr. Jablon:

The Department of Engineering has no comments for item numbers 208, 227, 228, 229, 230, 233, 234, 235, 236, and 237.

MSF/ccm



PAUL H. RENCKE
CHIEF

February 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Dennis W. Lopata, et ux

Location: SE/Cor. Cotter and Bollinger Roads

Item No.: 227

Zoning Agenda: Meeting of 2/19/85

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Rencke*
Planning Group
Special Inspection Division

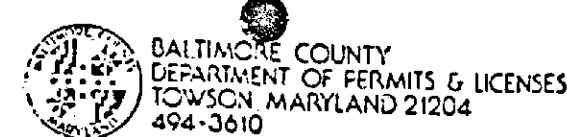
Noted and Approved: *Kenneth M. Harbort*
Fire Prevention Bureau

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should EXCEPT AS NOTED be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of April, 1985, that the herein Petition for Variance(s) to permit accessory structures (a pool and a 9.5' X 11.5' shed) to be located in the side and rear yard outside of the rear third of the lot farthest removed from the side street and to permit a side yard setback of one foot in lieu of the required 2.5 feet, in accordance with the site plan marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following:

1. At any such time as the shed is replaced or, in the opinion of the Baltimore County Bureau of Public Services, is in conflict with the grading of Cotter Road, the property owner shall, at no expense to Baltimore County, relocate the shed to the east of the pool and to the south of the reversible slope easement.

Jan M.H. Jung
Deputy Zoning Commissioner of Baltimore County



BALTIMORE COUNTY
DEPARTMENT OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

March 1, 1985

Dear Mr. Jablon:

Comments on Item # 227 Zoning Advisory Committee Meeting are as follows:

Property Owner: Dennis W. Lopata, et ux
Location: SE/Cor. Cotter and Bollinger Roads
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit accessory structures to be located outside of the rear third of the lot farthest removed from the side street and to permit a side yard setback of 1' in lieu of the required 2.5'.

Address: 1,6230
District: 6th.

The items checked below are applicable:

1. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Enclosed and Aged; and other applicable Codes.
2. A building/other permit shall be required before beginning construction.
3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
5. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family uses group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 601, line 2, Section 1007 and Table 1002, also Section 903.2.
6. Requested variance appears to conflict with the Baltimore County Building Code, Section/s
7. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
8. Before this office can comment on the above structure, please have the owner, then the services of a Registered in Maryland Architect or Engineer certify to and certify with the height/area requirements of Table 605 and the required construction classification of Table 601.
9. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 106 (Public Review) at 111 West Chesapeake Avenue, Towson.

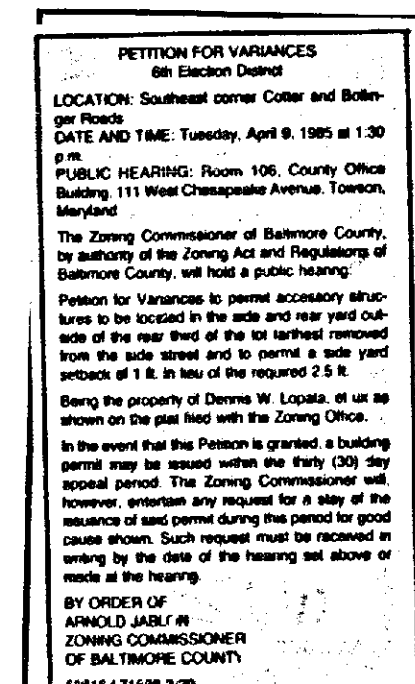
Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Planning Division

Zoning Variance for Dennis W. and Janet K. Lopata

ZONING DESCRIPTION

Beginning on the southeast corner of Cotter and Bollinger Roads. Being Lot #5, in the subdivision of Cotter Hills. Book No. 39, Folio 4. Also known as 20031 Bollinger Road in the 6th Election District.



CATE OF PUBLICATION

85-291-A

Towson, Md. 4/3 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 3 consecutive weeks, the 1st publication appearing on the 20th day of March 1985.

M. M. Jung

Cost of Advertisement: \$ 25.97

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Date: March 23, 1985
SUBJECT: Zoning Petitions Nos. 85-287-A, 85-289-A, 85-290-A, 85-291-A, 85-292-A and 85-293-X

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M.H. JUNG
DEPUTY ZONING COMMISSIONER

April 11, 1985

Mr. and Mrs. Dennis William Lopata
20031 Bollinger Road
Millers, Maryland 21107

RE: Petition for Variances
SE/corner Cotter and Bollinger Roads
Dennis W. Lopata, et ux - Petitioners
6th Election District
Case No. 85-291-A

Dear Mr. and Mrs. Lopata:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

Jan M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMH:eeh

Attachment

cc: People's Counsel

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 21 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 21, 1985.

THE JEFFERSONIAN,

W. S. Kestel

Publisher

Cost of Advertising

20.00

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 85-291-A

District: 6th
Date of Posting: 3-22-85
Posted for: Variances
Petitioner: Dennis W. Lopata, et ux
Location of property: SE/Corner of Cotter and Bollinger Roads
Location of Sign: SE/Corner of Cotter and Bollinger Roads
Remarks: As per Order
Posted by: M. M. Jung
Date of return: 3-22-85
Number of Signs: 1

March 8, 1985

Mr. & Mrs. Dennis W. Lopata
20031 Bollinger Road
Millers, Maryland 21107

NOTICE OF HEARING

RE: Petition for Variances
SE/corner Cotter and Bollinger Roads
Dennis W. Lopata, et ux - Petitioners
Case No. 85-291-A

TIME: 1:30 P.M.

DATE: Tuesday, April 9, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

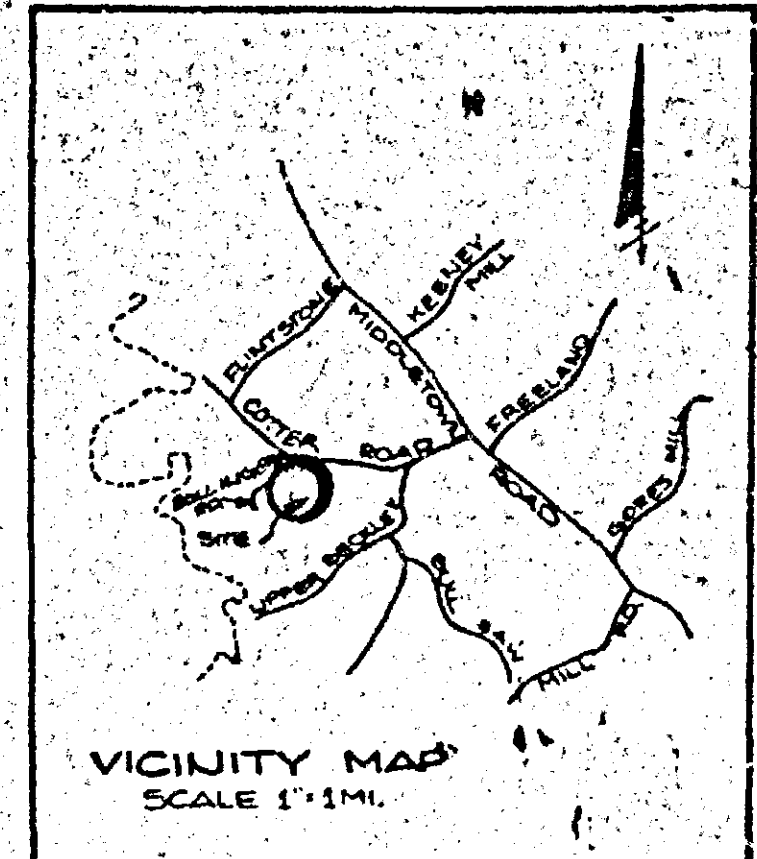
Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND		No. 004921
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: <u>3/11/85</u>	ACCOUNT: <u>201-115-00</u>	
AMOUNT: <u>35.20</u>		
RECEIVED BY: <u>Dennis Lopata</u>		
FOR: <u>111 West Chesapeake Avenue</u>		
VALIDATION OR SIGNATURE OF CARRIER		

COORDINATE TABLE					
NO.	NORTH	EAST	NO.	NORTH	EAST
100	6002.01	5522.64	113	5146.94	5146.10
101	5622.75	6047.01	114	5222.80	5256.65
102	5549.67	6226.27	115	5022.87	5229.50
103	5123.10	6375.46	116	4990.08	5052.29
104	5059.09	6461.83	117	5123.07	5154.97
105	5022.85	6714.95	118	5923.64	5502.55
106	5144.07	6553.73	119	5923.71	5611.91
107	4823.78	6225.52	120	5000.44	6020.40
108	5141.91	5164.95	121	5024.19	6611.15
109	5722.65	5314.92	122	5524.96	6670.05
110	5765.25	5744.49	123	4196.34	5570.05
111	5510.60	5299.02	124	4641.74	5422.15
112	5015.75	5027.65	125	5085.02	5131.65

CHARLES L. WALTMYER
CWB JR. 1000-130

CURVE DATA					
FROM-TO	RADIUS	Δ	APC	TANGENT	CHORD / DISTANCE
116-117	555	29°51'30"	182.95	93.55	142°41'31"E 180.93
120-121	1255	29°47'00"	641.97	325.42	540°11'50"E 652.77
117-120	555	7°12'28"	44.66	22.30	5°51'51"50"W 44.65



KARL A. YOST
DTG 4972-151

MARSHALL WHIPPER, MAJ
PRG. 4185-298

P. E. ADAL FREDERICK
DTG 5179-219

JOSEPH F. STIELPER
GLD. 1952-198

E.H.K. JR. 39 FOLIO 4

Filed for record
Date NOV 5 1975

BALTIMORE COUNTY, MD
JUNE 20, 1975

DENSITY CALCULATIONS:
ZONE RDP
GROSS AREA OF TRACT: 38.573 AC.
NUMBER OF LOTS: 12
DENSITY: 12/38.573 = 0.31 LOTS/ACRE

DRAINAGE AREA - PRETTYDOY

NOTES:

COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE ASSUMED.
STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE LOTS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
FOR PAUHAULE LOTS, REFUSE COLLECTION, SNOW REMOVAL, AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PAUHAULE AND THE STREET RIGHT-OF-WAY LINE ONLY, AND NOT INTO THE PAUHAULE LOT DRIVEWAY.

OWNER'S CERTIFICATE:

THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION (TITLE: CLERKS OF THE COURT SUB-TITLE: CLERKS OF CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

P. E. FREDERICK
24 W. PEUN, AVE, TOWSON 21204
R. Paul Frederick 9-26-75
OWNER DATE

SURVEYOR'S CERTIFICATE:

I, EUGENE F. RAPHEL, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 459, CH. 106, OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THEREOF.

E. F. Raphael 9-25-75
REG. PROF. LAND SURVEYOR # 2306 DATE

E. F. RAPHEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS

201 CORTLAND AVE
TOWSON, MARYLAND 21204

LOPATA PLAT
SHEET 1 of 3

39-1



Apr 11 4, 1985

Mr. & Mrs. Dennis Lopata
20031 Bollinger Road
Millers, Maryland 21107

Re: Petition for Variances
SE/cor. Cotter & Bollinger Roads
Case No. 85-291-A

Dear Mr. & Mrs. Lopata:

This is to advise you that \$50.97 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 005387

OLD JABLON
ng Commissioner

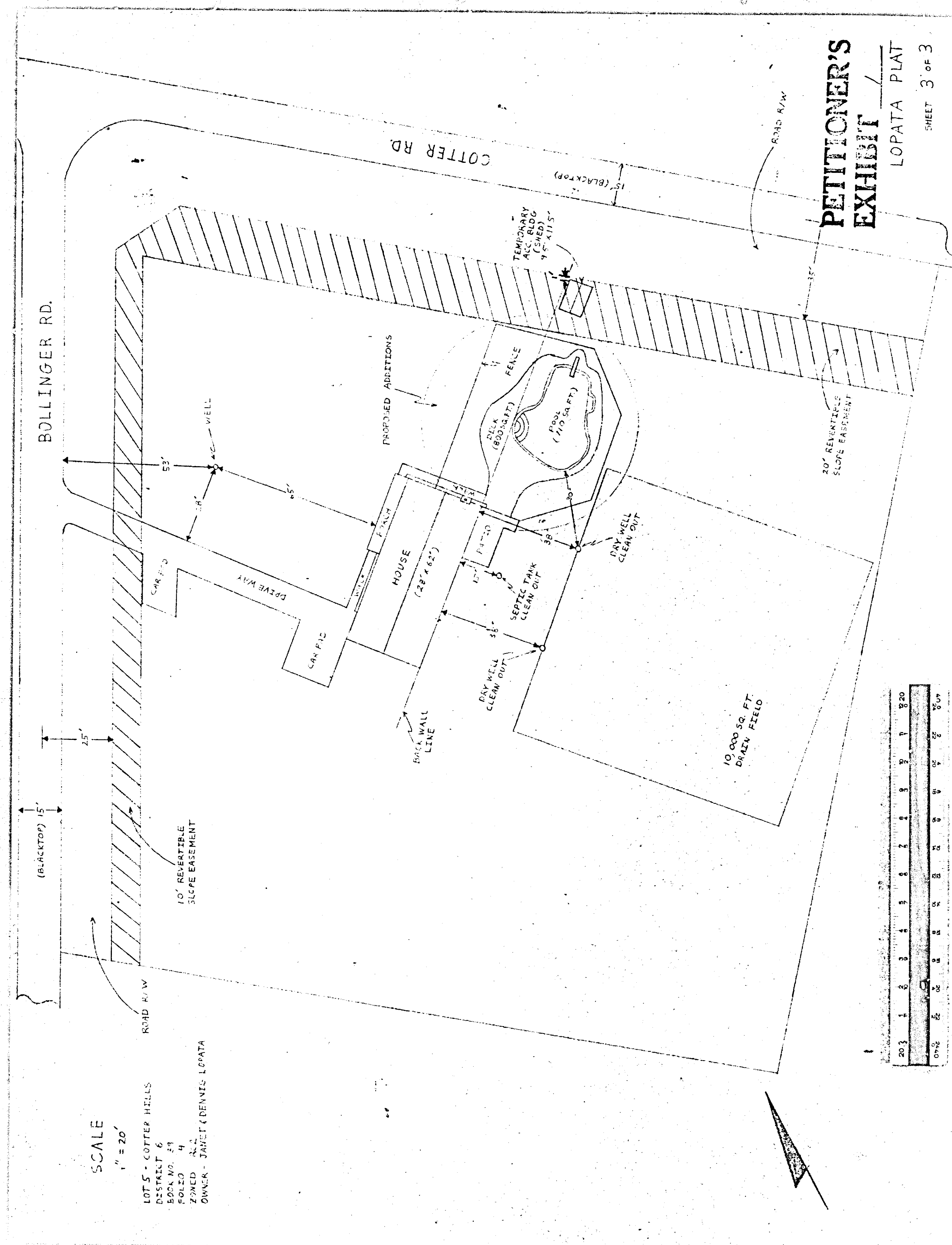
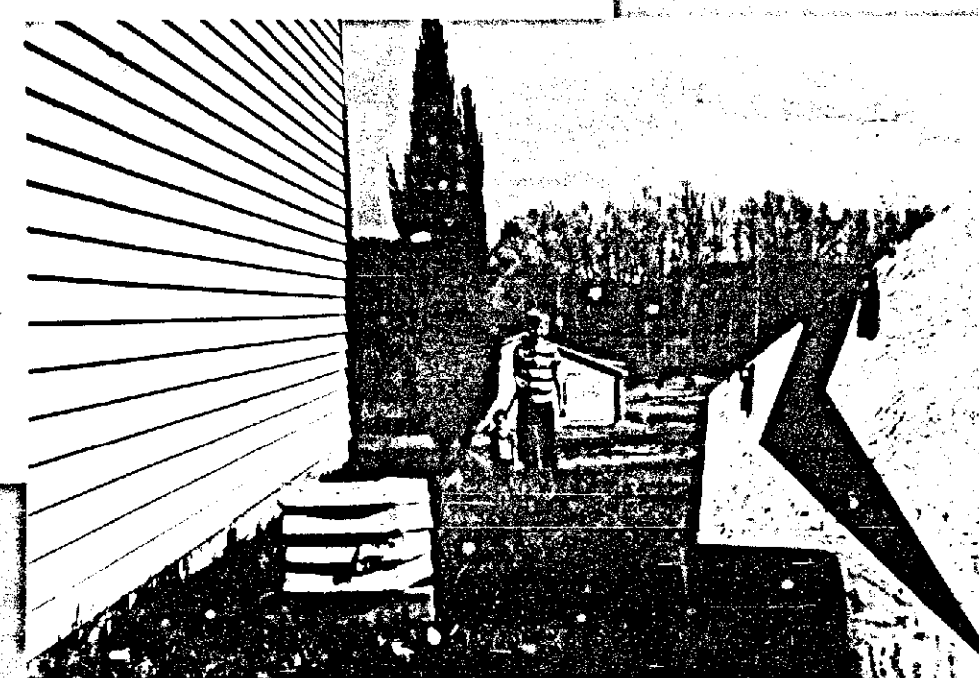
DATE 4-10-85 ACCOUNT R-01-615-000

AMOUNT \$50.97

RECEIVED FROM Ante Lust

FOR: ad. & exten. 65-761

VALIDATION OR SIGNATURE OF CASHIER



PETITIONER'S
EXHIBIT /
LOPATA PLAT
SHEET 3 of 3

SHEET 3 OF 3

NOV 8 1964

D
C
B
A

D
C
B
A

REVISIONS			
ZONE	REV	DESCRIPTION	DATE

SCALE

1" = 50'

SUBDIV. COTTER HILLS
DISTRICT 6
BOOK NO. 39
FOLIO 4
ZONED RC2

SIZE AND PLACEMENT OF
STRUCTURES ON NEIGHBORING
PROPERTIES IS APPROXIMATE.

CORN FIELD

WOODS

LOT 3

LOT 7

LOT 4

LOT 5

LOT 6

LOT 9

RELATIONSHIP BETWEEN
HOMES NEIGHBORING
LOT 5 IN SUBDIVISION

PARCEL
IN
QUESTION

COTTER RD.

TREES AND BRUSH

TREES AND BRUSH

TREES

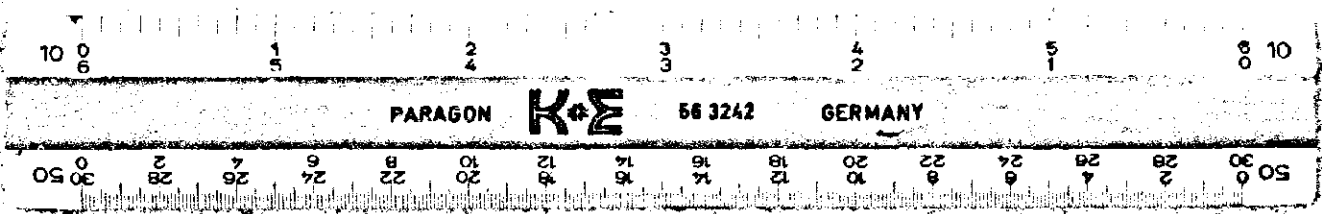
TREES

TREES

TREES

BOLLINGER RD.

WOODS



				UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES. TOLERANCES ON FRACTIONS DECIMALS ANGLES ± .XX ± .XXX ± ±	CONF. NO. DRAWN CHECK ENGRG PROJ	DATE
DASH NO.	SERIAL NO.	NEXT ASSY	USED ON	MATERIAL		
EFFECTIVITY	APPLICATION					
SIZE D				FSCM NO.	DWG NO.	
SCALE				SHEET 2 of 3		