

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
S/S Olivia Road, 110' W of Bogby Road * ZONING COMMISSIONER
(7140 Olivia Road) * OF BALTIMORE COUNTY
15th Election District * Case No. 91-443-A
5th Councilmanic District
Michael J. Maccubbin, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a 6-foot high fence on the property line adjoining the front yard of a neighboring property with a setback of 0 feet in lieu of the required minimum of 30 feet as more particularly described on Petitioner's Exhibit 1.

Upon initial review of the instant Petition, the Zoning Commissioner requested a public hearing be held to determine the appropriateness of the relief requested. Subsequent and prior to the scheduling of a hearing in this matter, a further review by the Zoning Commissioner revealed the Petitioners had obtained the approval of the adjoining affected property by letter dated May 7, 1991, identified as Petitioner's Exhibit 2.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. Additionally, Petitioners have obtained the written approval of the adjoining affected

property owners as indicated on Petitioner's Exhibit 2. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of June, 1991 that the Petition for Residential Variance to permit a 6-foot high fence on the property line adjoining the front yard of a neighboring property with a setback of 0 feet in lieu of the required minimum of 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Mr. & Mrs. Michael J. Maccubbin
7140 Olivia Road
Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE
S/S Olivia Road, 110' W of Bogby Road
(7140 Olivia Road)
15th Election District - 5th Councilmanic District
Michael J. Maccubbin, et ux - Petitioners
Case No. 91-443-A

Dear Mr. & Mrs. Maccubbin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-443-A

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 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 7140 Olivia Road
Baltimore, Maryland 21220
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
See the attached explanation of hardship or practical difficulty.

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

Michael J. Maccubbin
AFFIANT (Handwritten Signature)
Michael J. Maccubbin
AFFIANT (Printed Name)
Susan D. Maccubbin
AFFIANT (Handwritten Signature)
Susan D. Maccubbin
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of June, 1991, before me, a Notary Public of the State of Maryland, to and for the County/forenamed, personally appeared
Michael J. Maccubbin and Susan D. Maccubbin

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.

May 13, 1991
DATE

Sandra Jenkins
SANDRA JENKINS
NOTARY PUBLIC
BALTIMORE COUNTY, MD.

My Commission Expires: 7/1/94

DESCRIPTION OF PROPERTY

Beginning at a point on the south side of Olivia Road which is 50' wide at the distance of 110' west of the centerline of the nearest improved intersection street Bogby Road which is 50' wide. Being known and designated as Lot #24, Block D as shown on the Plat entitled "New Plat II Cunningham Cove" which Plat is recorded among the land records of Baltimore County in Plat Book E. H. K., Jr. #53, Folio 27. The improvements thereon being known as 7140 Olivia Road, containing approximately 7,396 Square in the 15th Election District, 5th Councilmanic District.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Adm
91-443-A

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, petition for a Variance from Section

427 to allow a 6' high fence adjoining neighbors front yard at a setback of 0' in lieu of the required 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached explanation of hardship or practical difficulty.

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

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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:

n/a
(Type or Print Name)
Signature
n/a
(Type or Print Name)
Address
City/State/Zip Code
Attorney for Petitioner:
n/a
(Type or Print Name)
Signature

Legal Owner(s):

Michael J. Maccubbin
(Type or Print Name)
Signature
Susan D. Maccubbin
(Type or Print Name)
Signature
Susan D. Maccubbin
396-9351 (W) Husband
523-7400 (W) Wife
7140 Olivia Road
335-6687 (H)
Baltimore, Maryland 21220
City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Michael J. Maccubbin / Susan D. Maccubbin
Name 7140 Olivia Road 396-9351
Baltimore, Maryland 21220 523-7400
Address 335-6687

ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of June, 1991, that the subject petition be posted on the property on or before the 5th day of July, 1991.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of June, 1991, 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 the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on June 18, 1991.

ORDER RECEIVED FOR FILING

Date 6/18/91
By JRH



J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

June 18, 1991

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Mr. & Mrs. Michael J. Maccubbin
7140 Olivia Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 91-443-A

Dear Petitioners:

By Order of the Zoning Commissioner's Office, dated JUNE 17, 1991, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens
(301) 887-3391

COPY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

May 31, 1991

887-3353

Mr. & Mrs. Michael J. MacCubbin
7140 Olivia Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 91-443-A
LOCATION: S/S Olivia Road, 110' W of Boggy Road
7140 Olivia Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 5, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 20, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. S. Stephens
(301) 887-3391

May 7, 1991

To Whom it may Concern,

We, the Bryant's, who reside at 7142 Olivia Road, Baltimore, Maryland 21220, whereas, our front yard meets the back yard of 7140 Olivia Road, have no objection to the construction of a six (6) foot privacy fence by Michael J. MacCubbin and Susan D. MacCubbin.

(Date)
5/11/91

(Signature)
Bryant's

Petitioner's
Exhibit 2

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

May 20, 1991

887-3353

Michael J. MacCubbin
Susan D. MacCubbin
7140 Olivia Road
Baltimore, MD 21220

RE: Petition Filed in Zoning Office
Item Number 431

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of May 28, 1991. According to our records, this Petition was filed on May 13, 1991 with Laurence J. Goetz.

In order for this Petition to be placed on the next agenda, you must contact Mr. Goetz at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj

CASE NUMBER

91-443-A



7140 Olivia Rd



7140 Olivia Rd

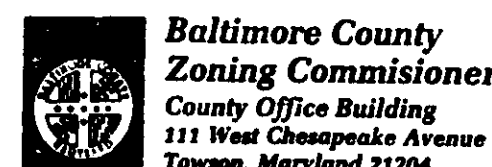


7140 Olivia Rd

PETITIONER'S EXHIBIT # 3

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1524 Date of Posting: 6/1/91
Posted for: Veronica
Petitioner: Michael J. MacCubbin, et al
Location of property: S/S Olivia Rd, NE of Boggy Rd
7140 Olivia Rd
Location of Sign: Olivia Rd, across 20' from highway, at property of Baltimore
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/2/91
Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

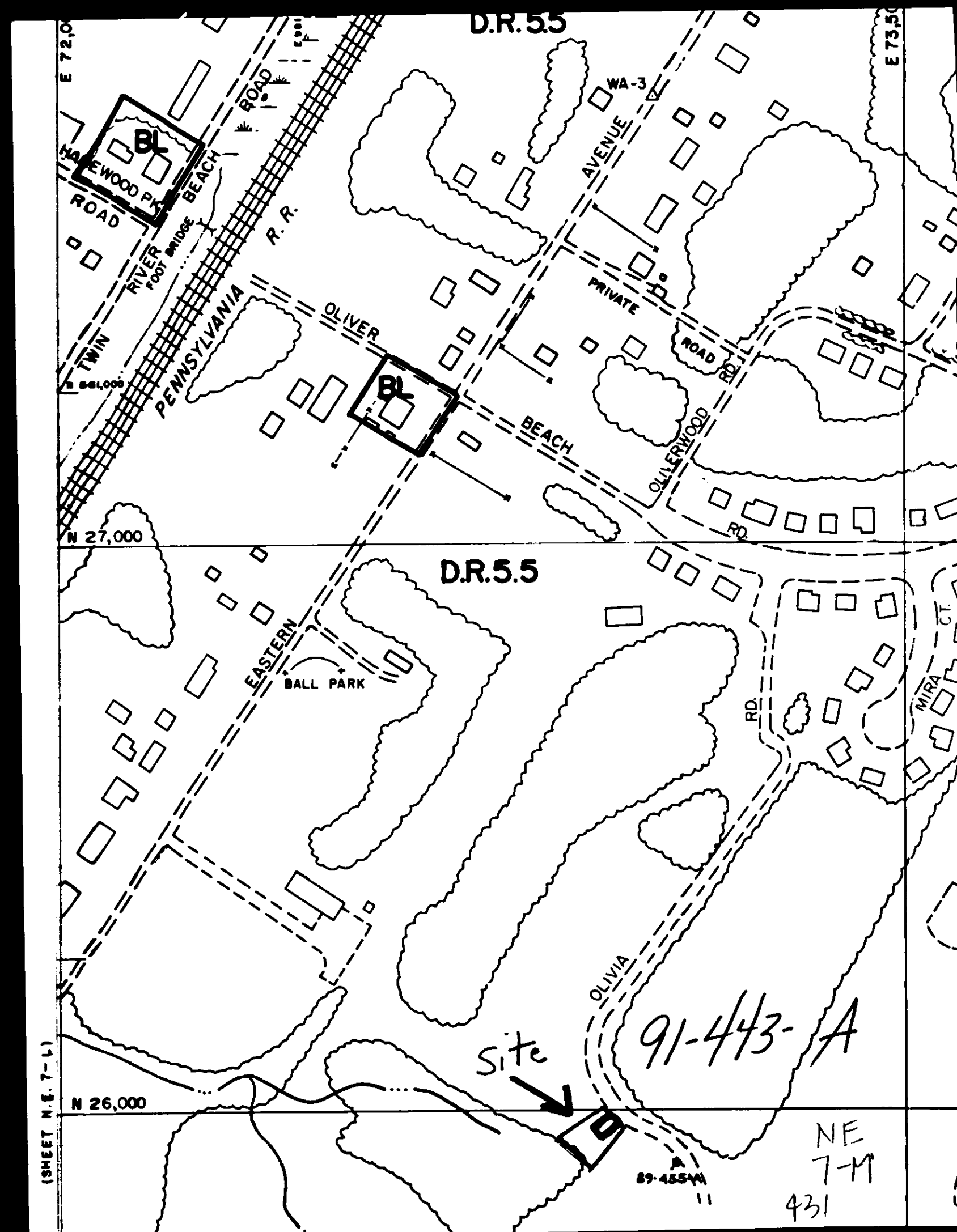
receipt

Date

PAID TO: [Signature]
PAID BY: [Signature]
PAID FOR: [Signature]
PAID TO: [Signature]
PAID BY: [Signature]
PAID FOR: [Signature]

Please Make Checks Payable To: Baltimore County
Check Number: 13-91

\$50.00



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 11, 1991

887-3353

Mr. & Mrs. Michael J. Maccubbin
7140 Olivia Road
Baltimore, MD 21220

RE: Item No. 431, Case No. 91-443-A
Petitioner: Michael J. Maccubbin, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Maccubbin:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
13th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Michael J. Maccubbin, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 10, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Michael Prince, Item No. 420
Michael J. Maccubbin, Item No. 431
Jay S. Lebow, M.D., Item No. 433
Raymond A. Ricci, Item No. 434
Terry W. Deltz, Item No. 435
Kathleen B. Thompson, Item No. 436
William Buzby, Item No. 437
Thomas P. Sisk, Item No. 441
Elmer S. Cochran, Item No. 444
Richard W. Offutt, Item No. 448
Joseph C. Hiltner, Item No. 449
Jan Frederick, Item No. 451
Joseph Klein, III, Item No. 452
Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIED.ZAC/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 31, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL J. MACCUBBIN

Location: #7140 OLIVIA ROAD

Item No.: 431 Zoning Agenda: JUNE 4, 1991

Gentlemen:

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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* Noted and Approved *Capt. W. E. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432, 433 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

Robert W. Bowling
Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:c

received
6/11/91

91-443-A 6/10/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

This office has no comments for items number 431, 441, 443, 447, 448, 449, 450, 451 and 453.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

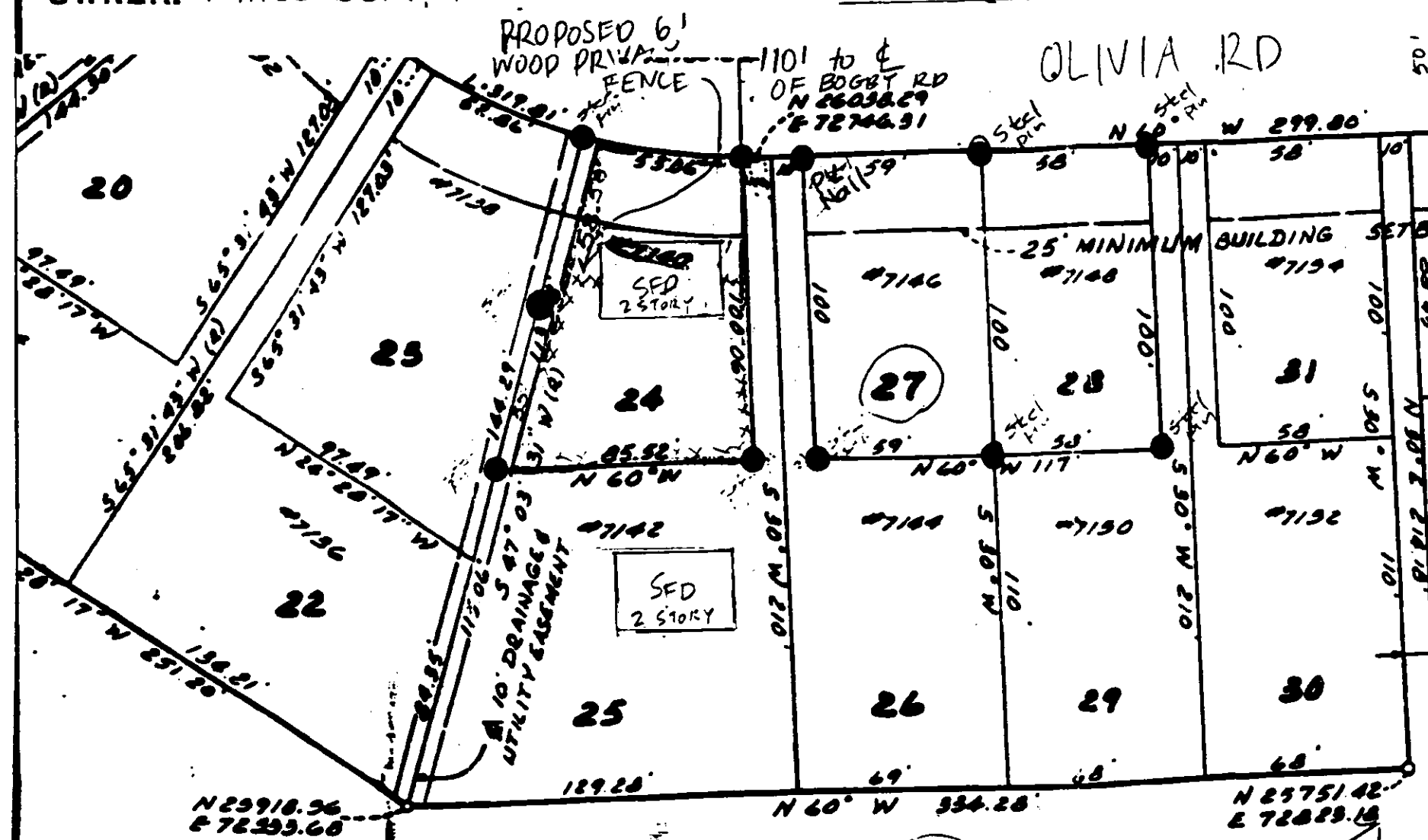
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7140 OLIVIA ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CUNNINGHILL COVE
plat book # 33, folio # 27, lot # 24, section #
E.H.K. 32

OWNER: MACCUBBIN, MICHAEL J. & SUSAN



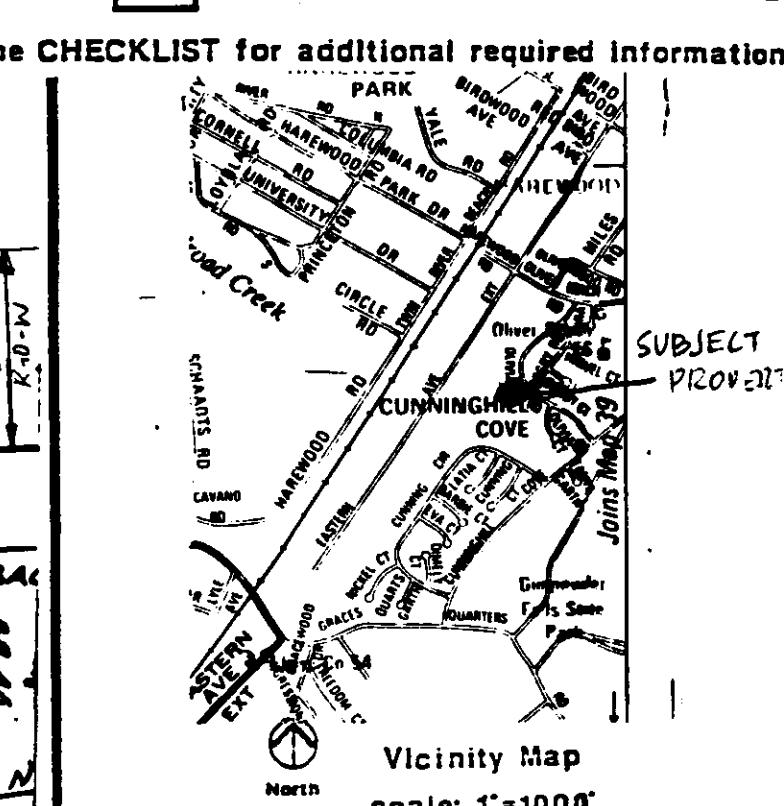
OWNER:
LOYOLA FINANCIAL & DEVELOPMENT
100 CRAIN HWY
GLEN BURNIE, MD 21061

DEVELOPER:
BAY COUNTRY JOIN ADVENTURE
6615 REISTERSTOWN RD.
POTOMAC, MD 20854

PLAT IN
"CUNNINGHILL COVE"
STORMWATER MANAGEMENT RESERVATION
AND
LOCAL OPEN SPACE RESERVATION

North
date: 5-11-91
prepared by: mjm

Scale of Drawing: 1"=50'



LOCATION INFORMATION

Councilmanic District: 5
Election District: 15TH
1"=200' scale map#: NE-7M
Zoning: D R 3.5
Lot size: 7,346 SQ. FT.
acreage square feet

91-443-A
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:
LG 431 1

Petitioner's
Exhibit
1