

M E M O R A N D U M

DATE: September 9, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0307-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 5, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE
(13005 Eastern Avenue)
15th Election District
6th Council District
Jeffrey McCubbin
Legal Owner

Petitioner

*
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*
*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0307-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Jeffrey McCubbin, owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §100.6.A to permit fowl or poultry (chickens) on a tract of 0.835 acres in lieu of the required minimum one acre. A site plan was marked as Petitioner's Exhibit 1.

Owner Jeffrey McCubbin appeared in support of the Petition. In addition, several neighbors wrote letters of support for the request. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request, but they suggested certain conditions be imposed in the final Order.

The subject property is approximately 0.835 acres and zoned D.R. 2. The property is improved with a small single-family dwelling in which Petitioner and his wife reside. For over 4 years Petitioner has kept chickens in a cage located in the rear yard.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate

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Date

8-5-16

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- variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property is narrow and deep (100' x 365') and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would not be able to keep the chickens he has had for over 4 years. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

The Bureau of DPR requested a landscape plan be submitted, but I do not believe such a requirement should be imposed in this case. As noted, the Petitioner has had the chickens for over 4 years, and only recently was an anonymous complaint lodged with the County. The chickens are kept in a large enclosure with an attached outdoor run, and they are located in the rear of the property. As explained by petitioner, due to the positioning of the neighbor's large garage, the chicken coop is in fact not visible from the road or adjoining properties.

The DOP suggested, among other things, that all 3 roosters be removed, and that Petitioner be limited to 6 hens. Petitioner explained he has given away one of his roosters, and anticipates relocating a second rooster in the near future. I do not believe keeping one rooster will create a nuisance at this location, and Petitioner stated he has never received a noise complaint. As for the number of hens, I believe that a limitation of 15 is appropriate given the size of the property, enclosure (which was previously used as a motor vehicle garage) and the 50+ sq. ft. outdoor run area. While the DOP suggested a 10 ft. side yard setback, the existing structure is located 5 ft. from the side yard property boundary, and the Regulations only require a 2 ½ ft. setback for

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Date 8-5-16

By sen

accessory structures. The remainder of the DOP's comments are included as conditions in the order below.

THEREFORE, IT IS ORDERED, this 5th day of August, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §100.6 to permit fowl or poultry (chickens) on 0.835 acres of land in lieu of the required minimum one acre, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may keep not more than 1 rooster on the property.
2. Petitioner may keep not more than 15 hens on the property.
3. The enclosure and run area for the chickens must be kept clean, dry and free of odors and debris.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date 8-5-16

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 13005 EASTERN AVE. which is presently zoned PR 2
Deed References: LIGER 22641 FOLIO 00272 10 Digit Tax Account # 15 0729 1240
Property Owner(s) Printed Name(s) JEFFREY MCCUBBIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s) 100.6.A of BCZR to permit an existing fowl or poultry (chickens) in a tract of 0.835 acre of land in lieu of the required minimum one acre.

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

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2016-0307-A Filing Date 6/3/16

Do Not Schedule Dates: _____ Reviewer AT



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 13005 EASTERN AVE. which is presently zoned DR2
Deed References: LIBER 22641 FOLIO 00272 10 Digit Tax Account # 15 072 91 240
Property Owner(s) Printed Name(s) JEFFREY MCCUBBIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2016-0307-A

Filing Date

6/3/16

Do Not Schedule Dates:

Reviewer

AT



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 13005 EASTERN AVE. which is presently zoned DR2
Deed References: LIBER 22641 FOLIO 00272 10 Digit Tax Account # 1501291240
Property Owner(s) Printed Name(s) JEFFREY MCCUBBIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)
100.6.A of BCZR to permit an existing fowl or poultry (chickens) in a tract of 0.835 acre of land in lieu of the required minimum one acre.

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Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

JEFFREY MCCUBBIN
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Jeffrey McCubbin
Signature #1 _____ Signature #2 _____
13005 EASTERN AVE. BALTO. MD.
Mailing Address _____ City _____ State _____
21220 / 443-677-5973
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

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

CASE NUMBER 2016-0307-A Filing Date 6/3/16

Do Not Schedule Dates: _____ Reviewer AT

PROPERTY DESCRIPTION

PART A / PART B

PART A - Zoning property description for 13005 Eastern Avenue.

Beginning at a point on the southeast side of Eastern Avenue which is ³⁰~~100~~ feet wide at a distance of 115 feet northeast of the centerline of the nearest improvement intersecting street Oliver Beach Road which is 30 feet wide.

PART B (Option 2)

Being lot #110, Section B in the subdivision of Twin River Beach as recorded in Baltimore County plat book #0008, Folio 0011 containing 36,400 square feet located in the 15TH election district and the 6th councilmanic District.

nic

2016-0307-A

PROPERTY DESCRIPTION

PART A / PART B

PART A - Zoning property description for 13005 Eastern Avenue.

Beginning at a point on the southeast side of Eastern Avenue which is ³⁰~~100~~ feet wide at a distance of 115 feet northeast of the centerline of the nearest improvement intersecting street Oliver Beach Road which is 30 feet wide.

PART B (Option 2)

Being lot #110, Section B in the subdivision of Twin River Beach as recorded in Baltimore County plat book #0008, Folio 0011 containing 36,400 square feet located in the 15TH election district and the 6th councilmanic District.

nic

2016-0307-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **139292**
Date: **6/3/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/03/2016 3 03/2016 09:30:12 1

REG 9501 MALKIN LJR
RECEIPT # 055813 06/02/2016 0714

dept 5 530 TOURING VERIFICATION
R NO. 139292

Receipt Tot \$75.00
4.00 CI \$69.00 G
\$5.00 - CO

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6130					\$ 75

Total: **\$ 75**

Rec From: **JEFFREY MCCUBBIN**

For: **13005 EASTER AVE**

2016-0307-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4306161

Sold To:

Jeffrey McCubbin - CU00548597
13005 Eastern Ave
Middle River, MD 21220-1160

Bill To:

Jeffrey McCubbin - CU00548597
13005 Eastern Ave
Middle River, MD 21220-1160

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 14, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

NOTICE OF ZONING HEARING	
The Administrative Law Judge 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: # 2016-0307-A	
13005 Eastern Avenue	
SE/s Eastern Avenue, 115 ft. NE of centerline of Oliver Beach Road	
15th Election District - 6th Councilmanic District	
Legal Owner(s) Jeffrey McCubbin	
Variance: to permit existing fowl or poultry (chickens) in a tract of 0.0835 acre of land in lieu of the required minimum one acre.	
Hearing: Thursday, August 4, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.	
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY	
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.	
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.	
7/055 July 14	4306161

CERTIFICATE OF POSTING

Date: 7-13-16

RE: Case Number: 2016-0307-A

Petitioner/Developer: Jeffrey McCubbin

Date of Hearing/Closing: Thurs Aug 4, 2016 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 13005 Eastern Ave

The signs(s) were posted on 7-13-16
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2016-0307-A

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

JEFFERSON BUILDING - RM205

PLACE: 105W CHESAPEAKE AVE., TOWSON 21204

DATE AND TIME: THURS AUG. 4, 2016, 10AM

REQUEST: VARIANCE TO PERMIT EXISTING

FOOD OR POULTRY (CHICKENS) ON A TRACT

(0.835 ACRE) OF LAND IN LIEU OF THE RE-

QUIRED MINIMUM ONE ACRE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS

ZONING DESCRIPTION FOR LOT: 8 AND PART OF 9, 9136 Cowenton Ave.

Beginning at a point on the West side of Cowenton Avenue 1055 ft. South of Raxis Avenue. Being Lot 8 and part of 9 in the subdivision of Property of Herman Koch as recorded in Baltimore County Plat Book #13 folio 001 containing 0.75 acre $\pm$, and located in the 11th Election District, 5th Council District.

2016-0306-SP4A

~~2016-0306-SP4A~~

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 15, 2016 Issue - Jeffersonian

Please forward billing to:
Jeffrey McCubbin
13005 Eastern Avenue
Baltimore, MD 21220

443-677-5973

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2016-0307-A

13005 Eastern Avenue
SE/s Eastern Avenue, 115 ft. NE of centerline of Oliver Beach Road
15th Election District – 6th Councilmanic District
Legal Owners: Jeffrey McCubbin

Variance to permit existing fowl or poultry (chickens) in a tract of 0.0835 acre of land in lieu of the required minimum one acre.

Hearing: Thursday, August 4, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



June 28, 2016
KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2016-0307-A

13005 Eastern Avenue

SE/s Eastern Avenue, 115 ft. NE of centerline of Oliver Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Jeffrey McCubbin

Variance to permit existing fowl or poultry (chickens) in a tract of 0.0835 acre of land in lieu of the required minimum one acre.

Hearing: Thursday, August 4, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Jeffrey McCubbin, 13005 Eastern Avenue, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 15, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
13005 Eastern Avenue; SE/S Eastern Avenue, *
115' NE c/line Oliver Beach Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Jeffrey McCubbin * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-307-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED
JUN 14 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to Jeffrey McCubbin, 13005 Eastern Avenue, Baltimore, Maryland 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2016-0307-A
Property Address: 13005 EASTERN AVENUE
Property Description: _____
Legal Owners (Petitioners): JEFFREY MCCUBBIN
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEFFREY MCCUBBIN
Company/Firm (if applicable): _____
Address: 13005 EASTERN AVENUE
BALTIMORE, MD 21220-1160
Telephone Number: 443-677-5973



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

July 27, 2016

Jeffrey McCubbin
13005 Eastern Avenue
Baltimore MD 21220

RE: Case Number: 2016-0307 A, Address: 13005 Eastern Avenue

Dear Mr. McCubbin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 3, 2016. This letter is not an approval, but only a **NOTIFICATION**.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 6/13/16

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 6/13/16. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0307A.

Jeffrey McCubbin
13005 Eastern Avenue

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

8-4-16
10Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-307

JUL 06 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 13005 Eastern Avenue
Petitioner: Jeffrey McCubbin
Zoning: DR 2
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit existing fowl or poultry (chickens) in a tract of 0.835 acre of land in lieu of the required minimum one acre.

A site visit was conducted on June 23, 2016. Violation case number CC1603810 is associated with this property.

In response to Baltimore County Council Resolution 73-13, Department staff conducted extensive research and developed recommendations addressing the keeping of fowl or poultry which was approved by the Baltimore County Planning Board in July of 2015 following a public hearing. The recommendations were forwarded to the Council who have not acted upon them. Although now only advisory, the Department asserts that the application of those recommendations/conditions as listed below would have a positive effect in the instant case, ensuring proper conditions for raising healthy chickens, and mitigating the potential negative impacts on public health, rodent populations and water quality.

The Department can support granting the petitioned zoning relief based upon the following conditions:

- Remove the three roosters and limit the total number of fowl to 6 hens.
- The hens shall be housed in a well ventilated coop having walls and a roof providing a minimum of 3 square feet per hen located in the rear yard only and occupying not more than 40% thereof. The coop shall have an outdoor run that is adequately fenced, providing at least 4 square feet per hen.
- The floor elevation of the coop shall be a minimum of 8 inches above grade to prevent access by rodents with a total height of the structure limited to 8 feet.
- The coop and associated outdoor run shall be located 25 feet from any neighboring residence and 10 feet from a side or rear property line.
- Coops and outdoor runs must be kept clean, dry and free of all offensive odors and materials that may attract rodents, insects and other pests.

Date: June 29, 2016
Subject: ZAC #16-307
Page 2

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Jeffrey McCubbin
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



8-4-16
10am
RECEIVED

JUN 22 2016

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0307-A
Address 13005 Eastern Avenue
(McCubbin Property)

Zoning Advisory Committee Meeting of **June 13, 2016.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 06-22-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2016
Item No. 2016-0307

DATE: June 15, 2016

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Screen the pen from the adjacent neighbor with evergreen shrubs. Submit a Landscape Plan.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0307-06132016.doc

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



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-307

INFORMATION:

Property Address: 13005 Eastern Avenue
Petitioner: Jeffrey McCubbin
Zoning: DR 2
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit existing fowl or poultry (chickens) in a tract of 0.835 acre of land in lieu of the required minimum one acre.

A site visit was conducted on June 23, 2016. Violation case number CC1603810 is associated with this property.

In response to Baltimore County Council Resolution 73-13, Department staff conducted extensive research and developed recommendations addressing the keeping of fowl or poultry which was approved by the Baltimore County Planning Board in July of 2015 following a public hearing. The recommendations were forwarded to the Council who have not acted upon them. Although now only advisory, the Department asserts that the application of those recommendations/conditions as listed below would have a positive effect in the instant case, ensuring proper conditions for raising healthy chickens, and mitigating the potential negative impacts on public health, rodent populations and water quality.

The Department can support granting the petitioned zoning relief based upon the following conditions:

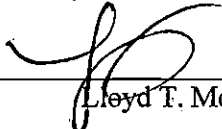
- Remove the three roosters and limit the total number of fowl to 6 hens.
- The hens shall be housed in a well ventilated coop having walls and a roof providing a minimum of 3 square feet per hen located in the rear yard only and occupying not more than 40% thereof. The coop shall have an outdoor run that is adequately fenced, providing at least 4 square feet per hen.
- The floor elevation of the coop shall be a minimum of 8 inches above grade to prevent access by rodents with a total height of the structure limited to 8 feet.
- The coop and associated outdoor run shall be located 25 feet from any neighboring residence and 10 feet from a side or rear property line.
- Coops and outdoor runs must be kept clean, dry and free of all offensive odors and materials that may attract rodents, insects and other pests.



Date: June 29, 2016
Subject: ZAC #16-307
Page 2

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:

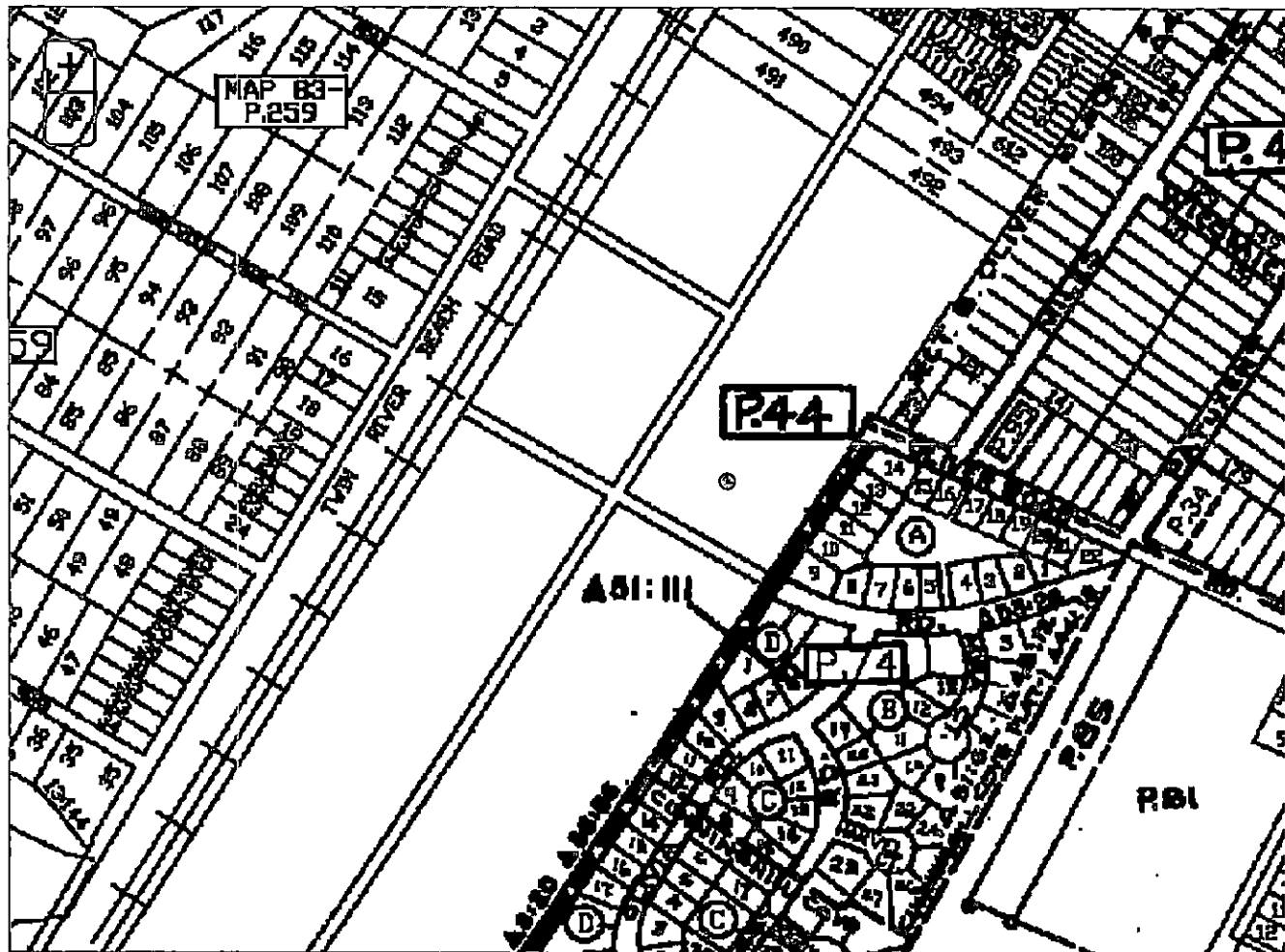


Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Jeffrey McCubbin
Office of the Administrative Hearings
People's Counsel for Baltimore County

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1507291240**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

MCCUBBIN JEFFREY
13005 EASTERN AVE
BALTIMORE, MD 21220-1160

CASE NUMBER CC1603810	PROP.TAX ID 1507291240
VIOLATION ADDRESS 13005 EASTERN AVE MIDDLE RIVER, MD 21220	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 100.6: Non permitted livestock / fowl / poultry	Remove livestock/ fowl/ poultry

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 06/12/2016	INSPECTOR NAME: Joshua Homan
	ISSUED DATE: 05/12/2016

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the Inspector for re-inspection. If you have any questions contact the inspector promptly.

2016-0307-A

26.6-0307-A

I have been a licensed daycare provider for 21 yrs. I live one street away from Mr Jeff and Mrs Lil. I am so happy to have fresh eggs to serve.

I have taken the children over to see the chickens and roosters many times. It is a real treat for them.

I find the sound of the rooster in the morning gives a real feeling of being in the country and it is very soothing.

Spangell
6.20.16

2016-0307-A

THOMAS SMITH
GLORIA KELLERMAN
13004 EASTERN AVE.
MIDDLE RIVER, MD. 21220

FROM

TO WHOM IT MAY CONCERN,

WE HAVE NO PROBLEM WITH SEFF'S CHICKENS, WE ENJOY THEM
VERY MUCH. WE ENJOY WATCHING THEM & GIVING THEM SOME BREAD.
WE HOPE SEFF WILL BE ABLE TO KEEP THEM, THEY ARE NO
PROBLEM.

THANK YOU

Thomas Smith
Gloria Kellerman

Brian Gilliam
13011 Eastern Avenue
Middle, River MD 21220

To whom it may concern,

I am submitting this letter to inform you that I enjoy listening to the wildlife that is at the residence "2" doors down from me at 13005 Eastern Avenue. As a matter of fact the Roosters make me sleep better. Thanks in advance for reading my letter and taking this in consideration, because I would hate for them to go away.

Sincerely,

Brian Gilliam

2016-0307-A

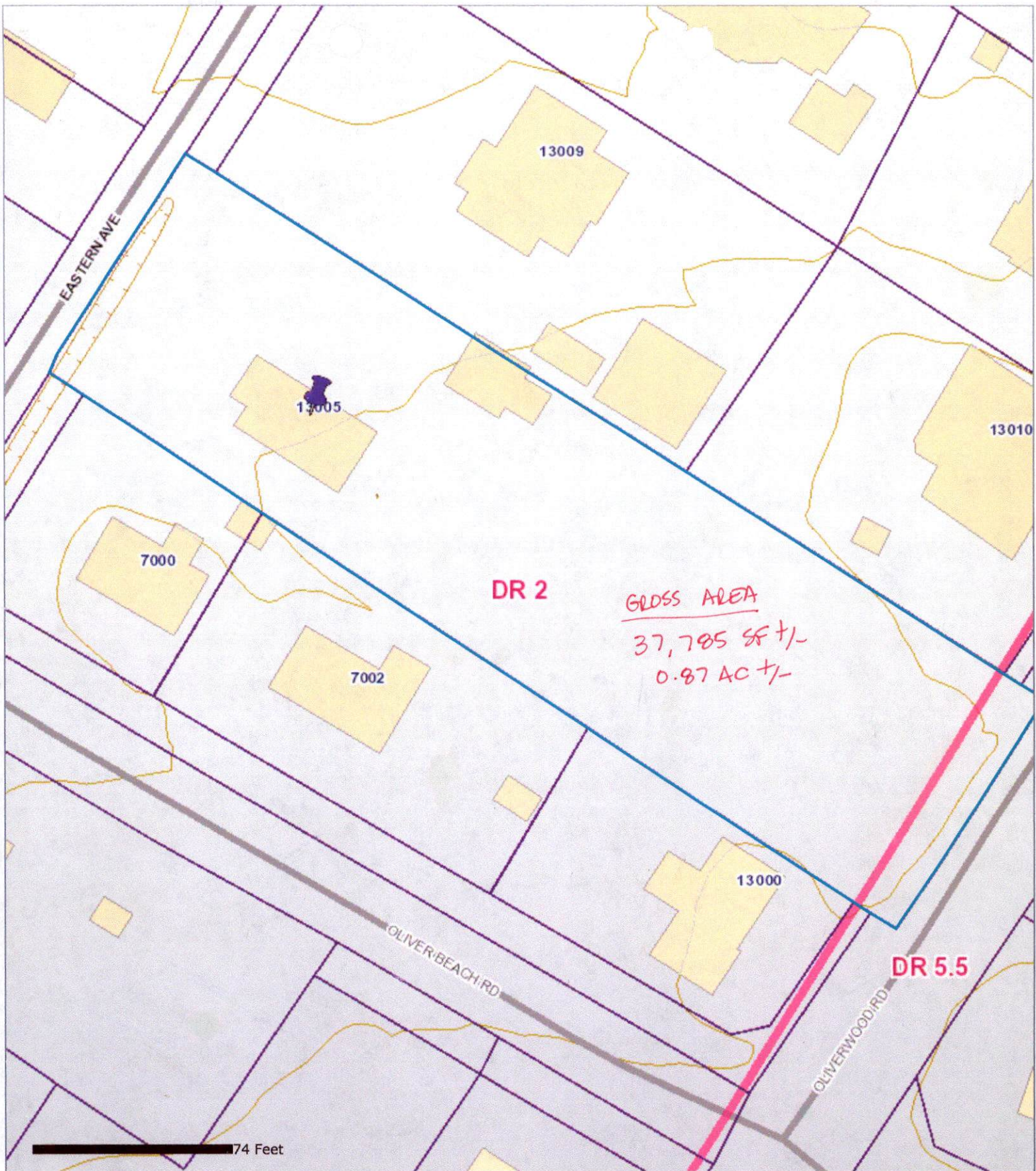
6-2-16

To Whom it May Concern:

I am writing in regards to a complaint about Jeff McCubbin's chickens. I live next door. The chickens are on my side of his yard. I have no complaints. The chickens have been here several years and are enjoyable to hear and see.

Sincerely,
Mary McCubbin

2016-0307-A



Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 9/28/2015

2016-0307-A

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

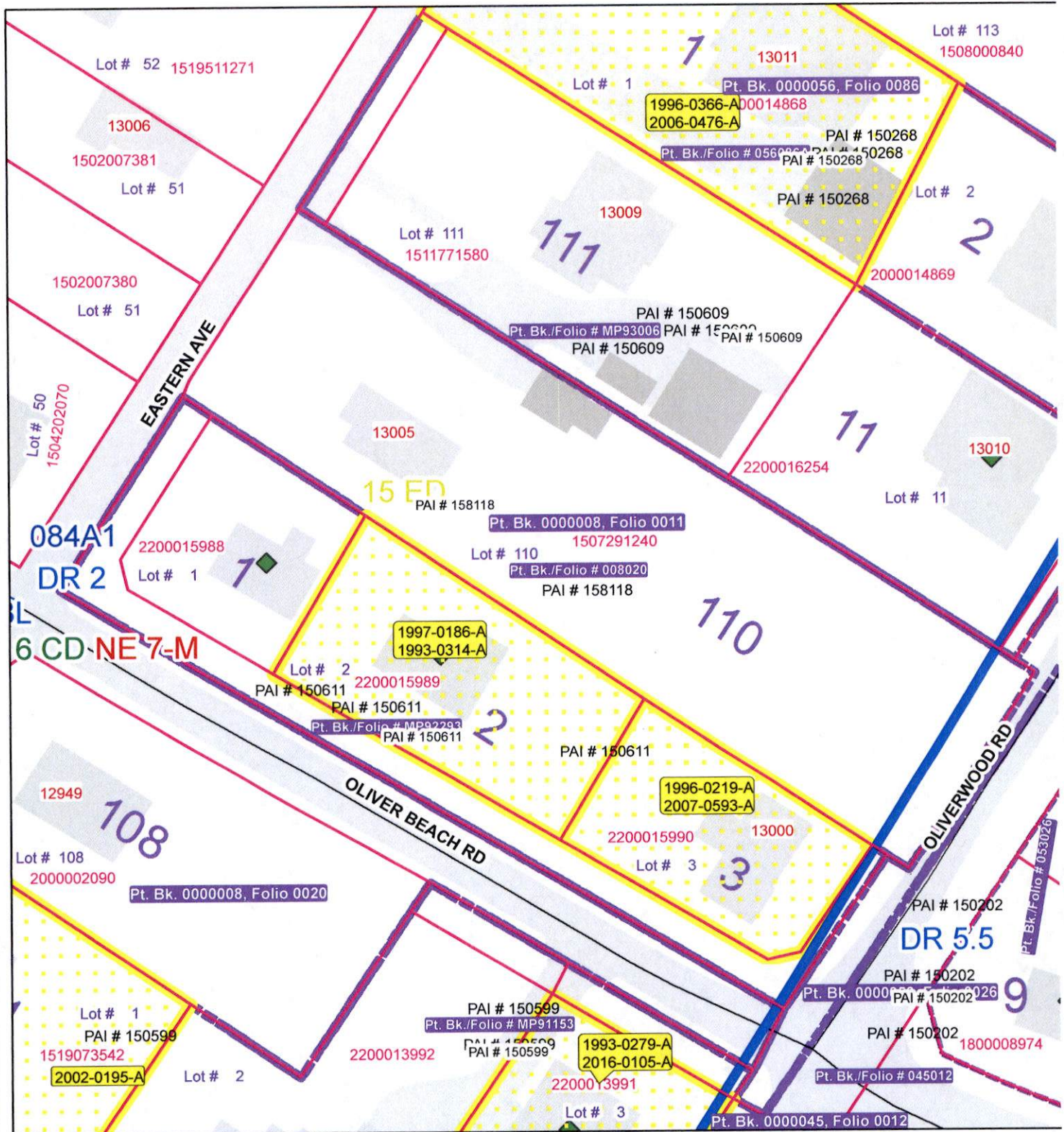
View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1507291240			
Owner Information					
Owner Name:		MCCUBBIN JEFFREY		Use:	RESIDENTIAL
Mailing Address:		13005 EASTERN AVE BALTIMORE MD 21220-1160		Principal Residence:	YES
				Deed Reference:	/22641/ 00272
Location & Structure Information					
Premises Address:		13005 EASTERN AVE 0-0000		Legal Description:	
				TWIN RIVER BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0084	0001	0044		0000	B 110
				Assessment Year:	2015
				Plat No:	0008/0011
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1940		896 SF		Property Land Area	
				36,400 SF	
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	SIDING	1 full	1 Detached
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2015		07/01/2015	
				As of	
				07/01/2016	
Land:		93,100		93,100	
Improvements		50,100		48,900	
Total:		143,200		142,000	
Preferential Land:		0		142,000	
				0	
Transfer Information					
Seller: GILLIAM RALPH		Date: 09/30/2005		Price: \$275,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22641/ 00272		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:		0.00 0.00	
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 07/14/2010					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2016-0307-A

17080-2103

3005 Eastern Avenue



Publication Date: 5/27/2016



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

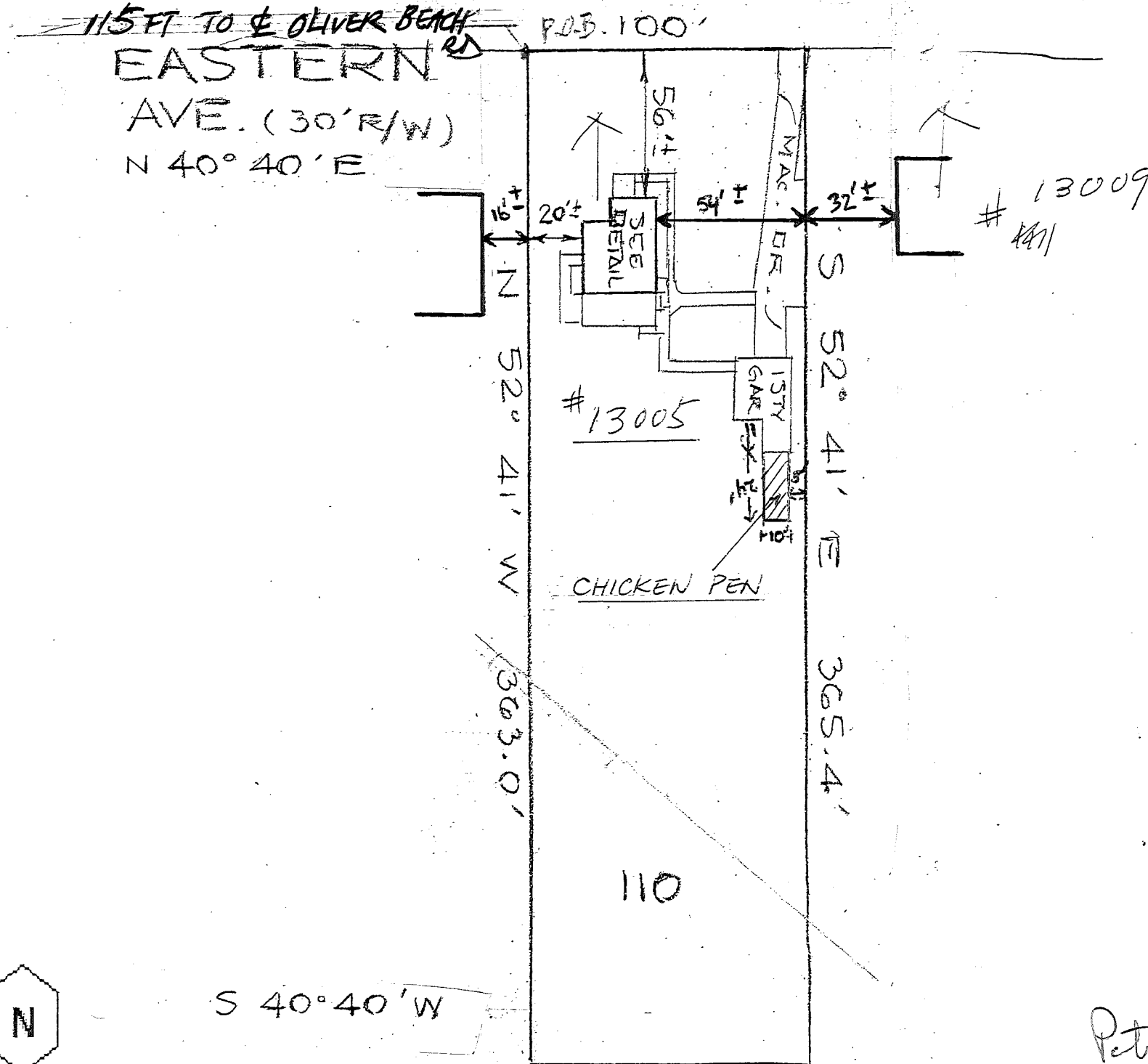
2016-0307-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)

ADDRESS 13005 Eastern Avenue OWNER(S) NAME(S) Jeffrey McCubbin

SUBDIVISION NAME Twin River Beach LOT # 110 BLOCK # — SECTION # B

PLAT BOOK # 8 FOLIO # 11 10 DIGIT TAX # 1507291240 DEED REF. # 22641/00222



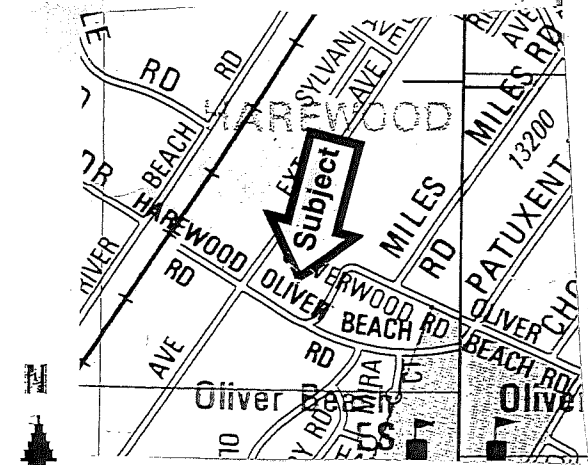
PLAN DRAWN BY Jeffrey McCubbin

DATE 5/30/16

SCALE: 1 INCH = 50' FEET

Petitioner's No. 1

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 084A1

SITE ZONED DR-2

ELECTION DISTRICT 15th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE 0.835

OR SQUARE FEET 36,400

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE ☐

SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

NO

VIOLATION CASE INFO:

CC 1603810

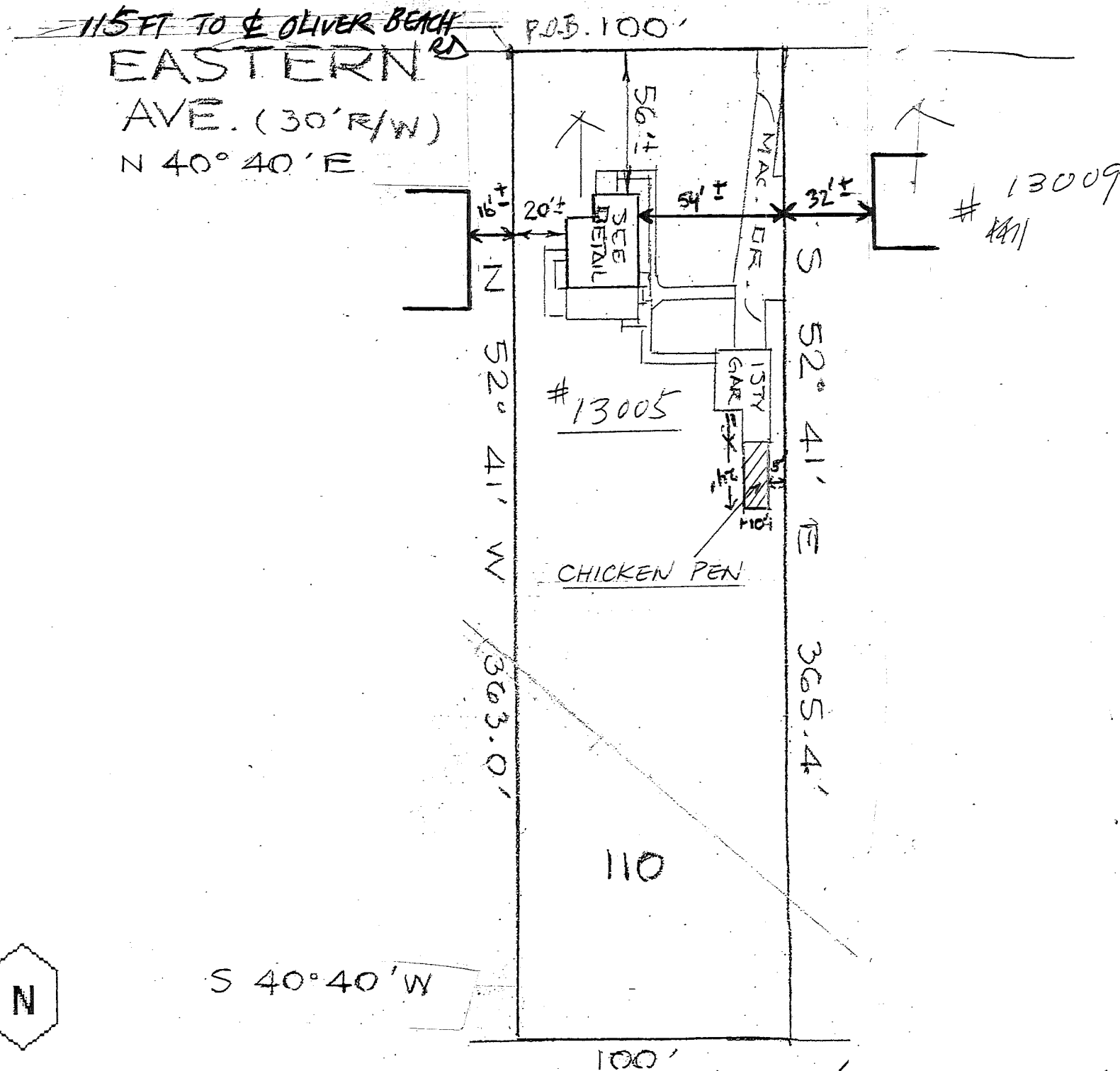
2016-0307-A

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SUBDIVISION NAME Twiv River Beach LOT # 110 BLOCK # _____ SECTION # B

PLAT BOOK # 8 FOLIO # 11 10 DIGIT TAX # LS07291240 DEED REF. # 22641/00222

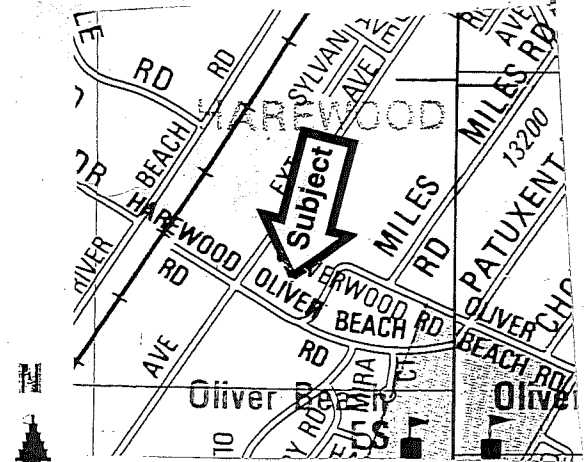


PLAN DRAWN BY Jeffrey McCubbin

DATE 5/30/16

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ZONING MAP# 084A1

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CC 1603810

2016-0307-A