

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Moonstone Road, 325' S
centerline of Hedgerow Way
11th Election District
5th Councilmanic District
(9011 Moonstone Road)

Harry & Jeanne Cahill
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-427-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Harry and Jeanne Cahill, property owners, for that property known as 9011 Moonstone Road in the Perry Hall area of Baltimore County. The Petitioners herein seeks a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2 ft. in lieu of the required 10 ft. to construct an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, 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.

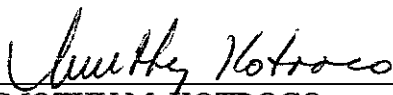
ORDER RECEIVED FOR FILING

Date 5/10/00
By J.R. Spenser

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of May, 2000, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2 ft. in lieu of the required 10 ft. to construct an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

5/10/00

By

R. J. J. J.



Baltimore County
Zoning Commissioner

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

May 10, 2000

Mr. & Mrs. Harry W. Cahill
9011 Moonstone Road
Baltimore Maryland 21236

Re: Petition for Administrative Variance
Case No. 00-427-A
Property: 9011 Moonstone Road

Dear Mr. & Mrs. Cahill:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9011 MOONSTONE ROAD
which is presently zoned D.R.-S.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B to permit a side

yard setback of 2 ft. in lieu of the required 10 ft.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

HARRY W. CAHILL

Name - Type or Print

Signature

JEANNE L. CAHILL

Name - Type or Print

Signature

H-410-529-7381

9011 MOONSTONE RD.

Address

Telephone No.

BALTIMORE, MD

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 00-427-A

Reviewed By BR Date 4/10/00

Estimated Posting Date 4/23/00

REU 9/15/98

ORDER RECEIVED FOR FILING

Date

By

Affidavit in Support of Administrative Variance

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

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

Address 9011 MOONSTONE ROAD
City BALTIMORE, State MARYLAND Zip Code 21236

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

ENLARGEMENT OF FAMILY ROOM & CONFIGURATION
OF PROPERTY DOESN'T GIVE ADEQUATE SETBACK.

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

Signature Harry W. Cahill
Name - Type or Print HARRY W. CAHILL

Signature Jeanne L. Cahill
Name - Type or Print JEANNE L. CAHILL

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of April, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

HARRY W. CAHILL AND JEANNE L. CAHILL
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

Date 7 April 2000

Signature Arthur J. Nettone
Notary Public

My Commission Expires 1 February 2002

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Signature Harry W. Cahill
Name - Type or Print HARRY W. CAHILL

Signature Jeanne L. Cahill
Name - Type or Print JEANNE L. CAHILL

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HARRY W. CAHILL AND JEANNE L. CAHILL
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

Date 7 April 2000

Notary Public Arthur J. Mottone
My Commission Expires 1 February 2002



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9011 MOONSTONE ROAD
which is presently zoned D.R.-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B to permit a side

yard setback of 2 ft. in lieu of the required 10 ft.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

HARRY W. CAHILL

Name - Type or Print

Harry W. Cahill

Signature

JEANNE L. CAHILL

Name - Type or Print

Jeanne L. Cahill

Signature

H-410-529-7381

9011 MOONSTONE RD.

Address

Telephone No.

BALTIMORE, MD

City

State

21236

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 00-427-A

Reviewed By BR Date 4/10/00

REU 9/15/98

Estimated Posting Date 4/23/00

ZONING DESCRIPTION FOR 9011 MOONSTONE ROAD

Beginning at a point on the EAST side of

MOONSTONE ROAD which is 50 feet wide

at the distance of 325 FEET SOUTH of the

centerline of the nearest improved intersecting street HEDGEROW WAY

which is 50 FEET wide. *Being Lot # 52,

Block---, Section #---- in the subdivision of PERRYVALE &

RESUBDIVISION OF PART OF SILVERGATE VILLAGE

ADDITION as recorded in Baltimore County Plat Book # 41, Folio # 63,

containing 0.16 ACRES. Also know as 9011 MOONSTONE ROAD

and located in the 11th Election District, 5th Councilmanic District.

00-427-A

427

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 080825

DATE 4/10/00 ACCOUNT 12021-6150

AMOUNT \$ 50.00

RECEIVED FROM: Harry Echell

FOR: Cube and zoning variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

I of 02m 44-497

1900 RECEIPT
DIRECTOR OF THE
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND
APR 10 2000
RECEIVED BY
HARRY ECHELL
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

00.427-A

CERTIFICATE OF POSTING

**RE: CASE # 00-427-A
PETITIONER/DEVELOPER
(Harry Cahill)
DATE OF Closing
(5-8-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

9011 Moonstone Road Baltimore, Maryland 21236_____

THE SIGN(S) WERE POSTED ON_____ 4-21-00 _____
(MONTH, DAY, YEAR)

SINCERELY,

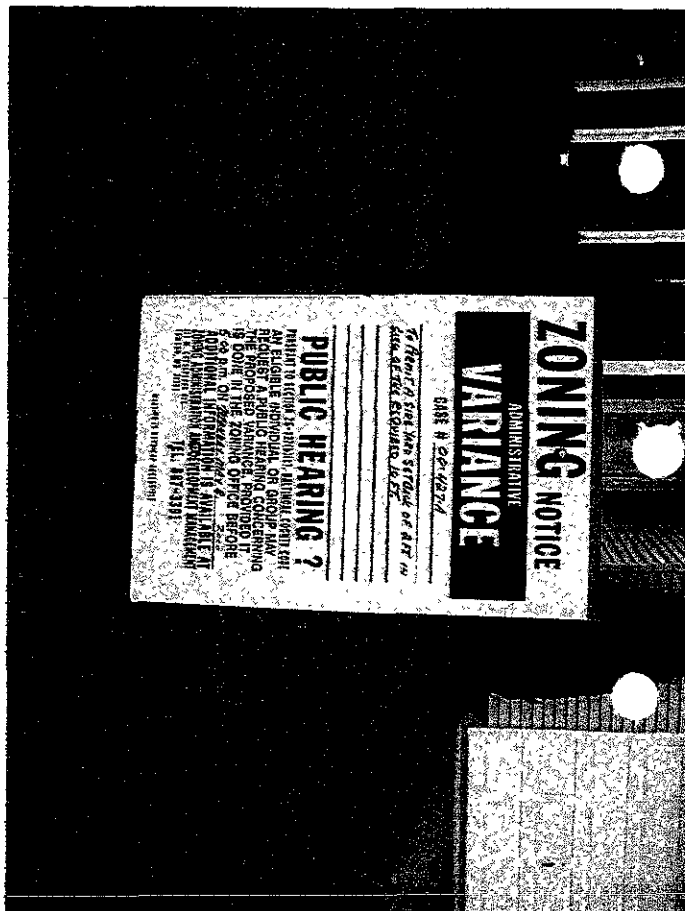

(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)



Posted at 9011 Moonstone Rd.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 427 -A Address 9011 Moonstone Rd.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/10/00 Posting Date: 4/23/00 Closing Date: 5/8/00

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief, (b) deny the requested relief, or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 427 -A Address 9011 Moonstone Rd.
Petitioner's Name Harry & Jeanne Cahill Telephone 410-529-7381 Hm.
Posting Date: 4/23/00 Closing Date: 5/8/00
Wording for Sign: To Permit a side yard setback of 2 ft. in lieu
of the required 10 ft.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-427-A
Petitioner: HARRY & JEANNE CAHILL
Address or Location: 9011 MOONSTONE RD., BALTO., MD. 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: HARRY CAHILL
Address: 9011 MOONSTONE RD.
BALTO., MD. 21236
Telephone Number: 410-529-7381

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 8, 2000

Mr. Harry W. Cahill
9011 Moonstone Road
Baltimore MD 21236

Dear Mr. Cahill:

RE: Case Number 00-427-A , 9011 Moonstone Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 10, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 18, 2000

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF **APRIL 17, 2000**

Item No.: See Below

Dear Ms. Stephens:

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

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

411, 412, 413, 414, 417, 418, 419, 420, 422, 425, 426, and 427

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: May 12, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 17, 2000

RECEIVED MAY 24 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
411	23 Mansez Drive
412	7046 Eastern Avenue
413	1633 Freeland Road
414	528 Church Road
415	3607 East Joppa Road
417	8204 Rider Avenue
419	12 Hunter Horn Court
420	13411 Fork Road
421	East Joppa Road
422	2802 Tennessee Avenue
424	8511 Liberty Road
425	8551 Philadelphia Road
426	419 Samantha Court
427	9011 Moonstone Road

AY
5/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

APR 28

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

DATE: May 1, 2000

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

SUBJECT: 9011 Moonstone Road

INFORMATION:

Item Number: 427

Petitioner: Harry W Cahill and Jeannne L. Cahill

Zoning: DR 5.5

Requested Action: Administrative Variance

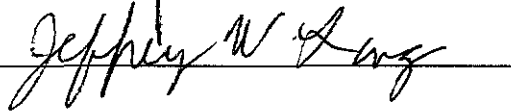
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a side yard setback of 2 feet in lieu of the required 10.

Prepared by:



Section Chief:



AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4.17.00

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

RE: Baltimore County
Item No. 427

BR

Dear Ms. Jackson:

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

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

Very truly yours,

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

My telephone number is _____

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

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

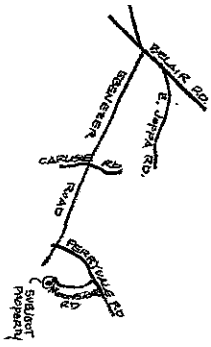
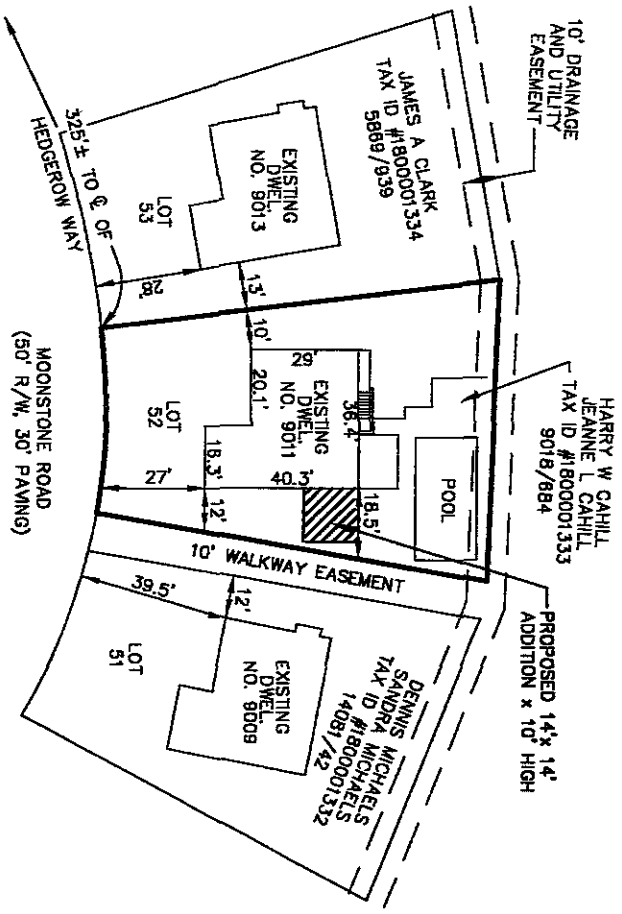
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9011 Moonstone Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: PERRYVALE RESUBDIVISION OF PART OF SILVERGATE VILLAGE ADDITION

plat book # 41, folio # 63, lot # 52, section #

OWNER: HARRY W & JEANNE L. CAHILL



Vicinity Map
North
Scale: 1"=1000'

LOCATION INFORMATION

Election District: **5**
Councilmanic District: **11**

1"=200' scale map #: **NE-94**

Zoning: **DR 5.5**

Lot size: **0.16** acreage **6760** square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: **NONE**

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

31 447 00-427-19



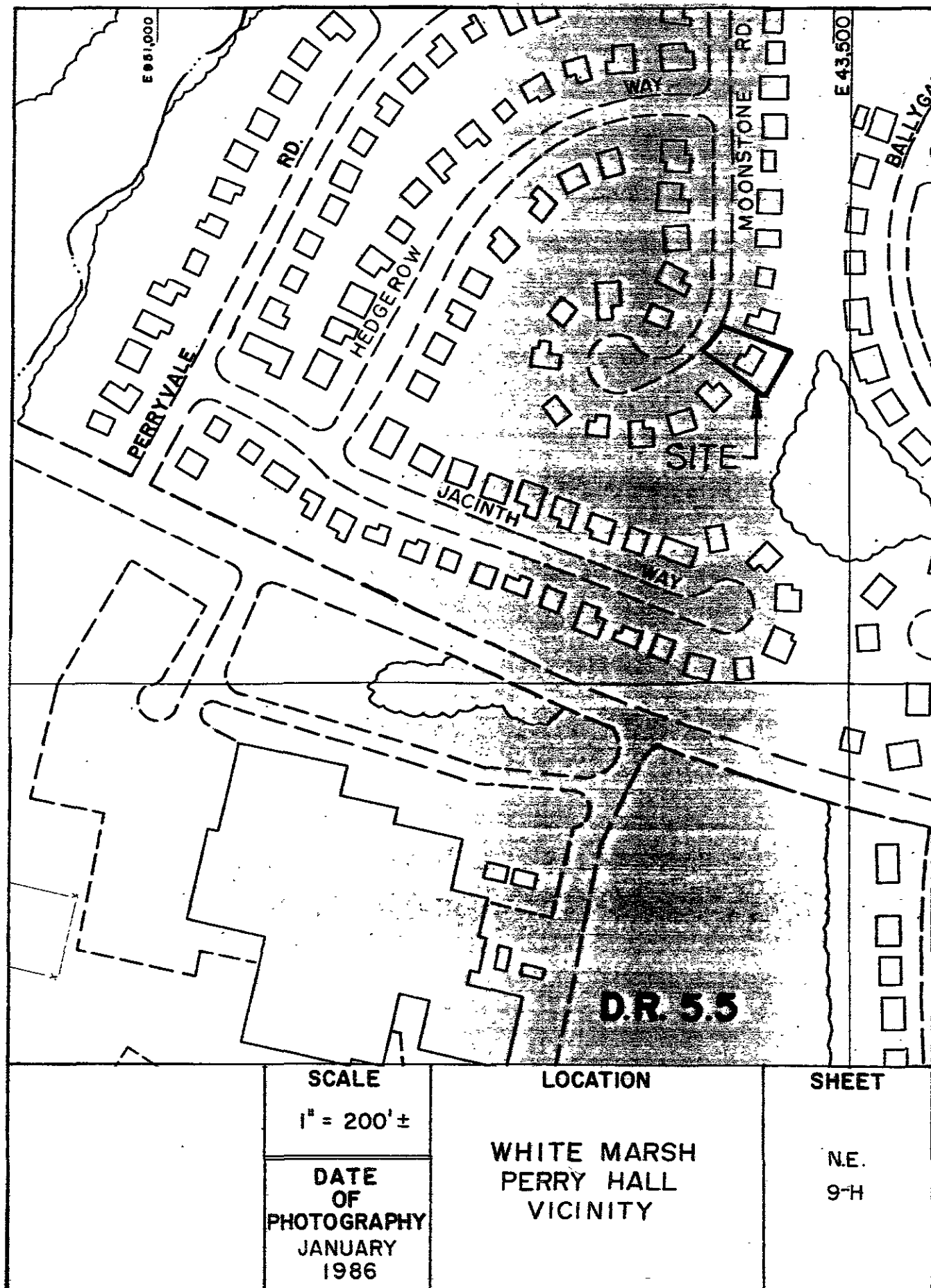
North

date: 4-6-00

prepared by: HWC

Scale of Drawing: 1"= 50'

Ret. #1



00-427-A

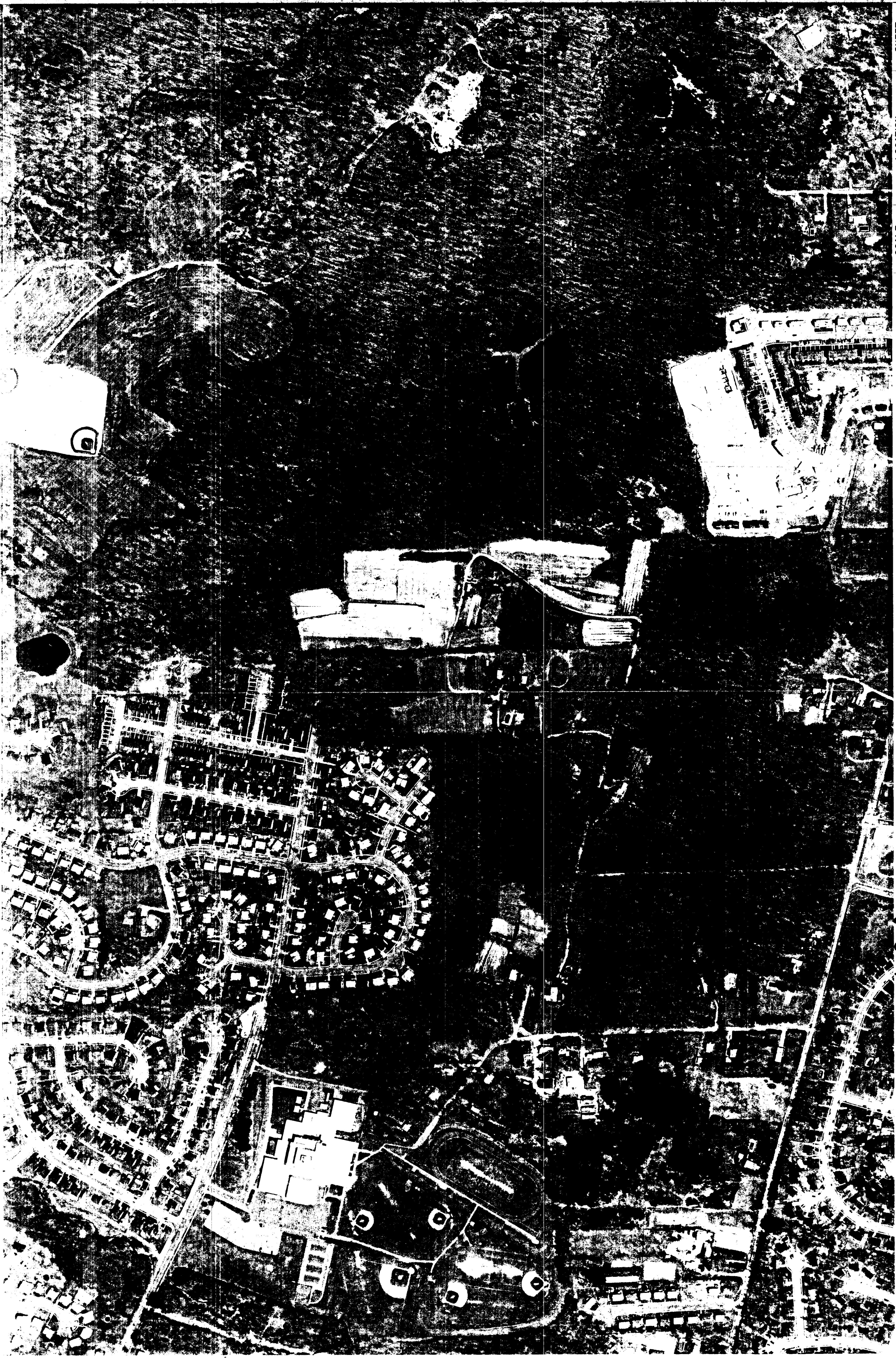
427



00-427-A



00-427-A



00-429-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±		WHITE MARSH PERRY HALL VICINITY	NE. 9-H
DATE OF PHOTOGRAPHY			
JANUARY 1986			