



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

June 7, 2023

Kelsey L. Amirault – kamirault93@gmail.com
9004 Moonstone Road
Nottingham, MD 21236

RE: Petition for Administrative Variance
Case No. 2023-0094-A
Property: 9004 Moonstone Road

Dear Petitioner:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A blue ink signature of Paul M. Mayhew, written in a cursive style.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Howard L. Alderman, Jr., Esq. – halderman@aldermanlaw.net
Paul Amirault – mdlandmark@comcast.net

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(9004 Moonstone Road)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Kelsey Amirault	*	HEARINGS FOR
	*	
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2023-0094-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owner of the property, Kelsey Amirault (“Petitioner”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 1B02.3.C.1 and 301.1, to permit a proposed deck (open projection) with a rear setback of 10 ft. in lieu of the minimum setback of 22.5 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 18, 2023, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 7th day of **June, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR") §§ 1B02.3.C.1 and 301.1, to permit a proposed deck (open projection) with a rear setback of 10 ft. in lieu of the minimum setback of 22.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 9004 Moonstone Road Currently Zoned DR 5.5
Deed Reference 39959 / 437 10 Digit Tax Account # 1800001325
Owner(s) Printed Name(s) KELSEY LYNN AMIRAULT

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

*SEE'S
Attached*

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Kelsey L Amirault

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9004 Moonstone Road

Nottingham

MD

Mailing Address

City

State

21236 / 410-949-7253

kamirault93@gmail.com

Zip Code

Telephone #'s (Cell and Home)

Email Address

Attorney for Owner(s)/Petitioner(s):

Howard L Alderman Jr

Alderman Law LLC

Name - Type or Print

Signature

7505 MOUNT VISTA ROAD

KINGSVILLE

MD

Mailing Address

City

State

21087 / 410-929-9113

halderman@aldermanlaw.net

Zip Code

Telephone #

Email Address

Representative to be Contacted:

Paul Amirault

Name - Type or Print

Signature

PO BOX 216

KINGSVILLE

MD

Mailing Address

City

State

21087 / 410-365-6053

mdlandmark@comcast.net

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Case Number 2023-0094-A Filing Date 4/28/23 Administrative Law Judge for Baltimore County
Estimated Posting Date 5/7/23 Reviewer GH
claring 5/22/23 Revised 8/2022

2023-0094-A

Administrative Variance; from sections: 1B02.3.C.1 & 301.1 of the BCZR
To permit a proposed deck (open projection) with a rear setback of 10 feet in lieu of
the minimum setback of 22.5 feet.

ZONING DESCRIPTION

9004 Moonstone Road

Kelsey L Amirault, Owner

BEGINNING at a point on the north side of Moonstone Road, having a right of way width of fifty (50) feet wide, at the distance of approximately 394' south-south-west of the centerline of the nearest improved intersecting street, Hedgerow Way, having a right of way width of fifty (50) feet wide.

BEING Lot No. 44, in Block "C", in the subdivision of Perryvale, as recorded among the Plat Records of Baltimore County in Plat Book No. 41, at page 63, containing 7,957 +/- square feet. Located in the 11th Election District and the 5th Councilmanic District.

2023-0094-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0094-A Address 9004 Moonstone Road, Nottingham, MD 21236

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/28/23 Posting Date: 5/7/23 Closing Date: 5/22/23

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: -A Address 9004 Moonstone Road, Nottingham, MD 21236

Petitioner's Name: Kelsey L. Amirault Telephone (Cell) 410-949-7253

Posting Date: 5/7/23 Closing Date: 5/22/23

Wording for Sign: To Permit a proposed deck (open projection)
with a rear yard setback of 10 feet in lieu of
minimum required setback of 22.5 feet,

**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 twenty (20) 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: 2023-0094-A
Property Address: 9004 Moonstone Road, Nottingham, MD 21236
Legal Owners (Petitioners): Kelsey L. Amirault
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Paul Amirault
Address: PO BOX 216
Kingsville, MD 21087-0216

Telephone Number: 410-365-6053

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
& SUSTAINABILITY
INTEROFFICE CORRESPONDENCE**

Date: June 9, 2023

TO: PAI - Development Management – Darryl Putty

From: Earl D. Wrenn, EPS Development Coordination PHONE: 410-887-5859

E.D.W.
SUBJECT: Review of Special Exemption Case 2022-0094-X - EPS
PROJECT NAME: Proposed fire wood processing facility
aka 14313 Hanover Road
HEARING DATE: June 14, 2023, 1:30 pm – 3:00 pm
EPS ID: M230143
PLAN/REV. DATE: April 24, 2023
ENGINEER: Colbert Matz Rosenfelt, LLC

The Baltimore County Department of Environmental Protection & Sustainability (EPS) offers the following comments regarding the pre-hearing status of EPS Development Plan review:

Development Coordination (DC): DC noted the Zoning Advisory Committee Meeting of April 2022 as held open.

Environmental Impact Review (EIR): EIR has the following recommendations -

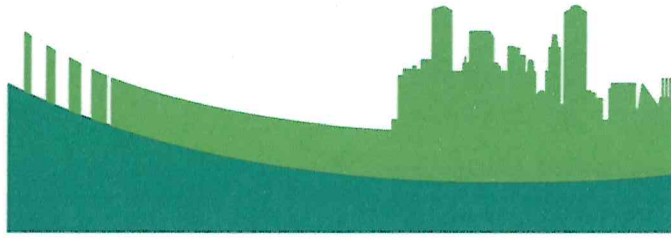
- Development of this property will have to be evaluated for compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 33-3-101 through 33-3-120 of the Baltimore County Code). The potential for sediment delivery to the resources located to the north and west of the property will have to be assessed based on proximity and land cover type.
- Development of this 8.1-acre, RC-2 property must comply with the requirements of the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). A forest stand & specimen tree delineation, forest conservation worksheet and preliminary & final forest conservation plans will have to be prepared for this project. Additional comments and/or requirements may be offered as a result of the reviews.

Groundwater Management (GWM): GWM will require a perc application for the proposed development.

Stormwater Management (SWM): SWM is currently reviewing the concept stormwater management plan and will provide comments after the review has been completed.

EPS cannot recommend approval until the stormwater regulations have been satisfactorily addressed.

Please contact me if you have any questions regarding this plan.



CERTIFICATE OF POSTING

May 23, 2023

_____ amended for second inspection

Re:

Zoning Case No. 2023-0094-A

Legal Owner: Kelsey L. Amirault

Closing date: June 5, 2023

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **9004 Moonstone Road**.

The signs were initially posted on **May 18, 2023**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak". The signature is stylized with a large "B" and "D".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0094-A

9004 Moonstone Road Nottingham, MD 21236

**REQUEST: TO PERMIT A REPLACEMENT
DECK (OPEN PROJECTION) WITH A REAR
YARD SETBACK OF 10 FEET IN LIEU OF THE
MINIMUM REQUIRED SETBACK OF 22.5
FEET.**

PUBLIC HEARING?

**PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE JUNE 05, 2023.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0094-A

9004 Moonstone Road Nottingham, MD 21236

**REQUEST: TO PERMIT A REPLACEMENT
DECK (OPEN PROJECTION) WITH A REAR
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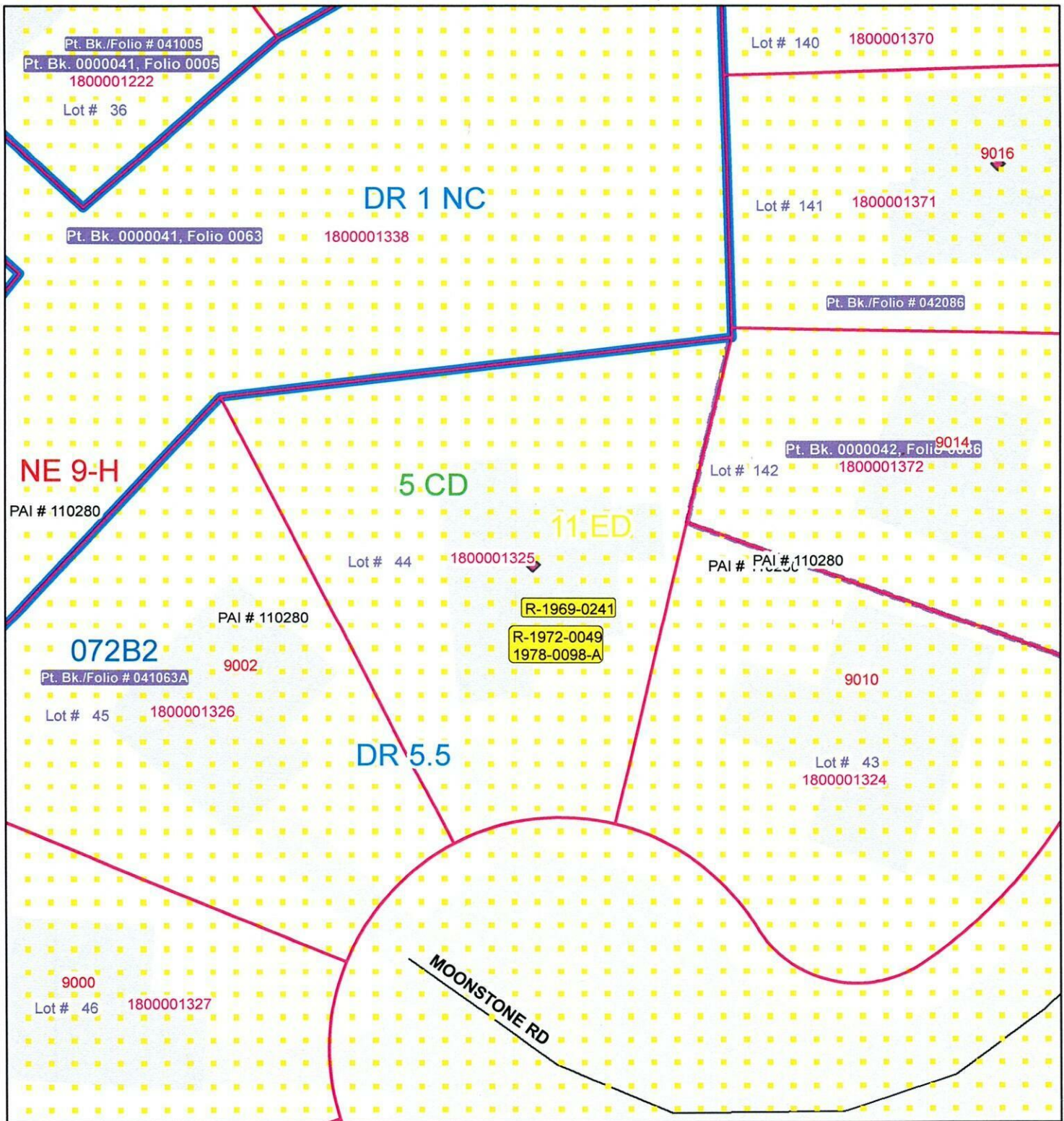
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ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**



9004 Moonstone Road/2023-0094-A



Publication Date: 4/28/2023



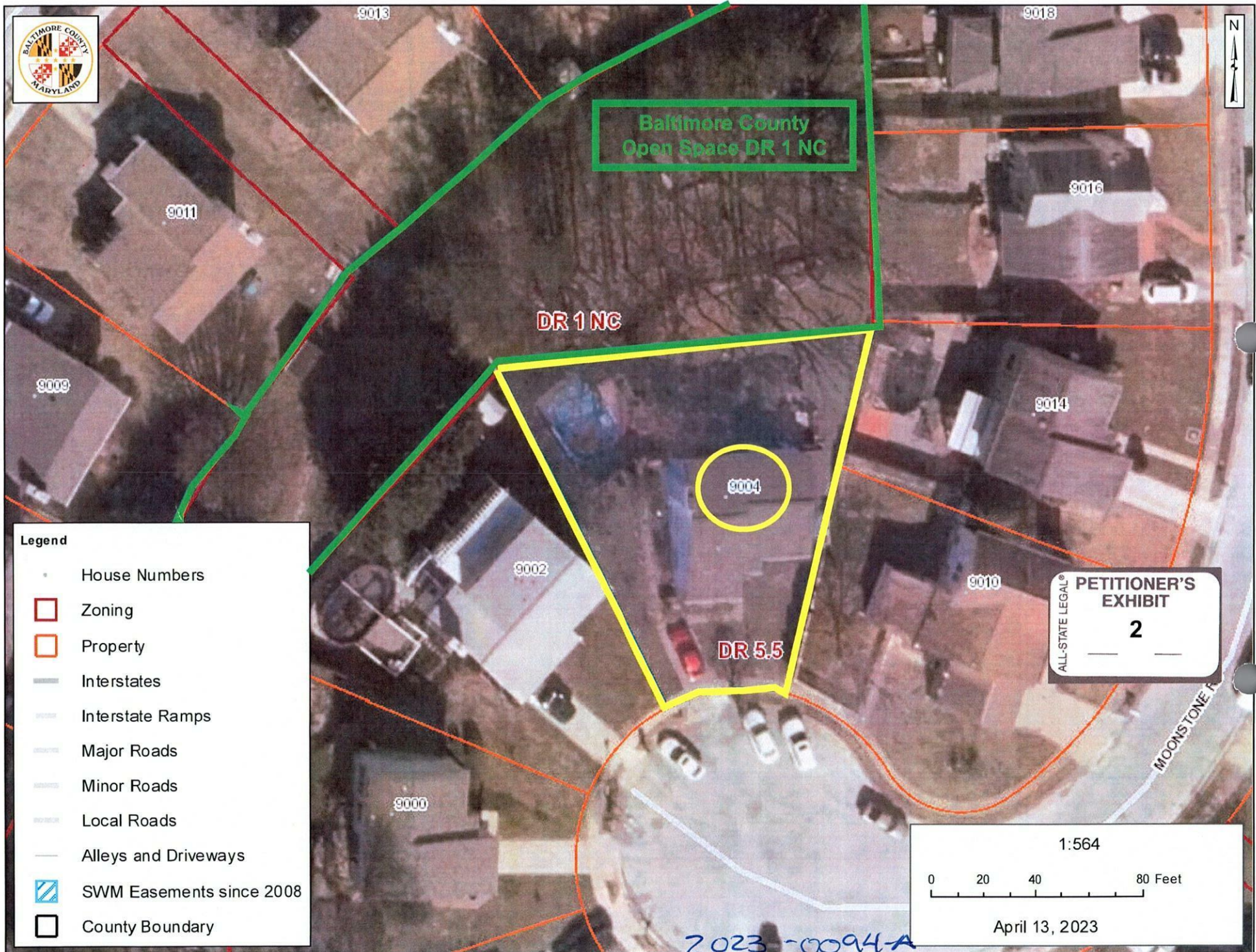
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

9004 Moonstone Road





ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
3

2023-0094-A



ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
4
2023-00944



ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
5

2023-0094-A

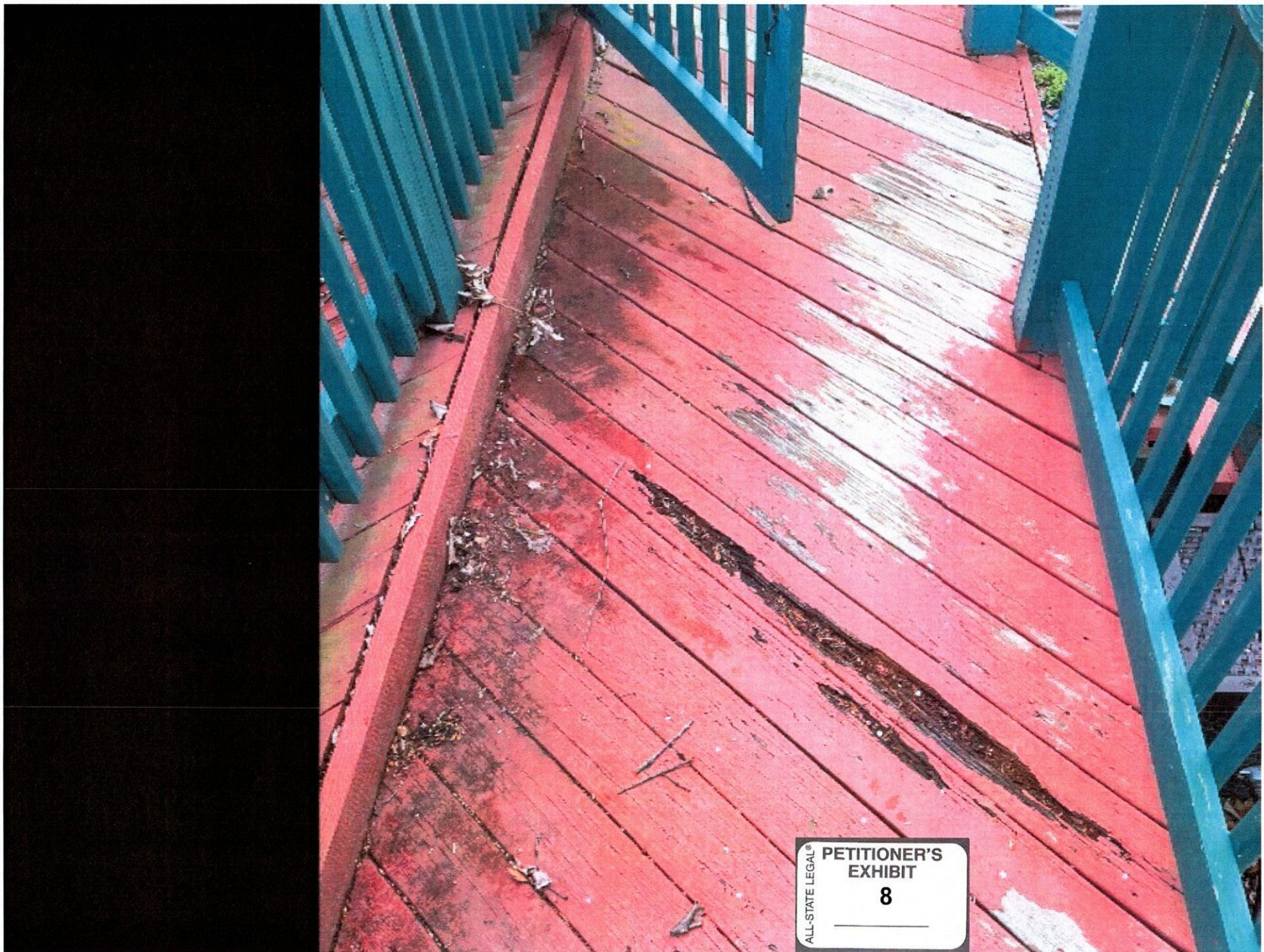


ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
6

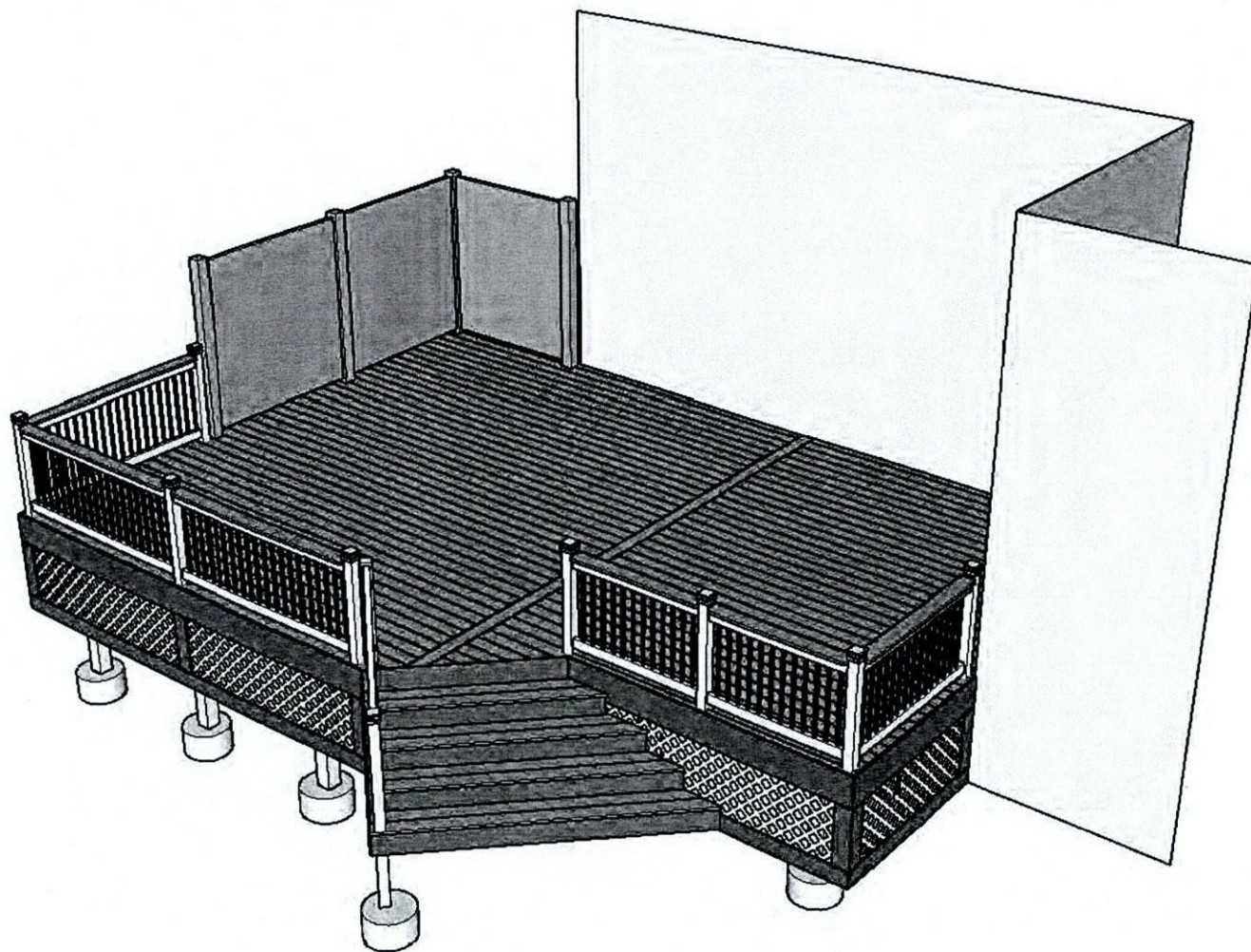
2023-0094-A



2022-P094-A



2623-0094-A

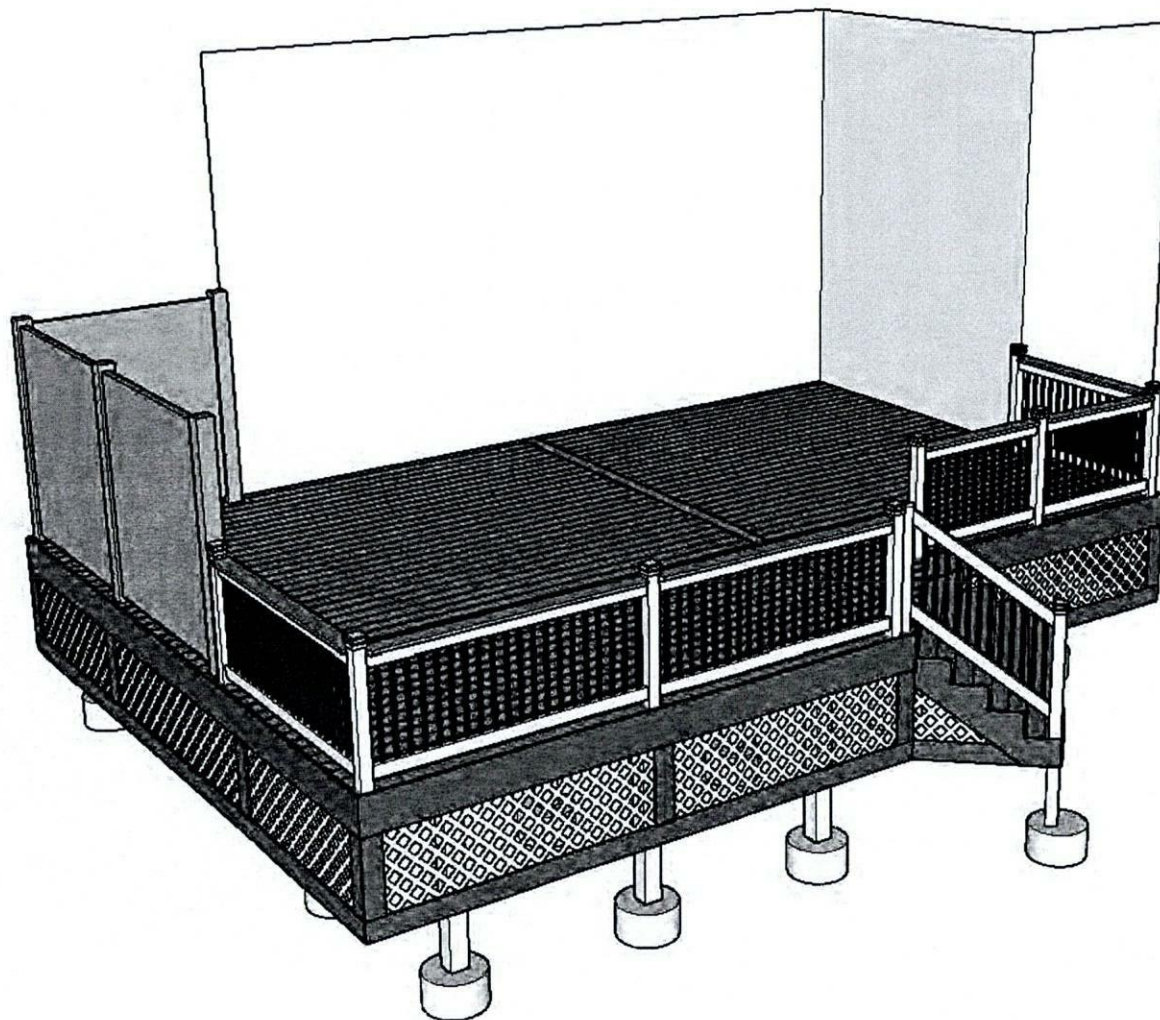


512 SQFT DECK	
DEMO/HAUL:	DECK FRAME, RAILING, DECKING
RELOCATION:	N/A
RAILINGS:	DECK TOP WHITE VINYL W/ BLACK ROUND ALUM PICKETS
DECKING:	FIBERON CABANA
FASCIA:	FIBERON GRAPHITE
DECK ACCESSORIES:	GRAB RAIL ON STEPS, REAR BEAM

A

	DRAWN BY: CONNOR BILLINGSLEY CLIENT: AMIRAULT, KELSEY	PERMIT NO.: PROJECT: AMIRAULT	ADDRESS: 9004 MOONSTONE ROAD, NOTTINGHAM MD 21236	DESCRIPTION: 512 SQFT DECK	ALL-STATE LEGAL® PETITIONER'S EXHIBIT 10 A-J
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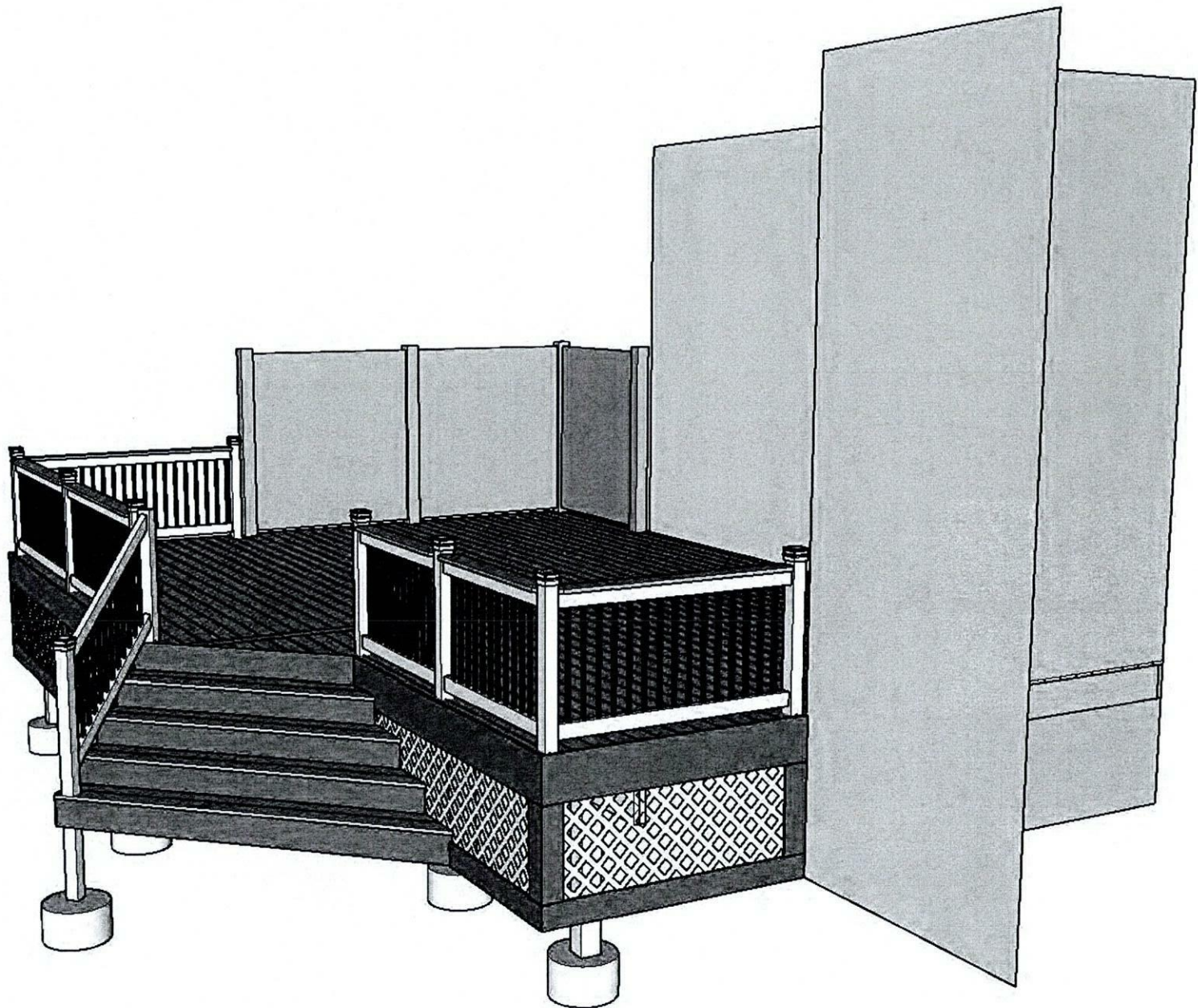
2023-0094-A



B

	DRAWN BY: CONNOR BILLINGSLEY CLIENT: AMIRAULT, KELSEY	PERMIT NO.: PROJECT: AMIRAULT	ADDRESS: 9004 MOONSTONE ROAD, NOTTINGHAM MD 21236	DESCRIPTION: 512 SQFT DECK
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2023-0094-1



C

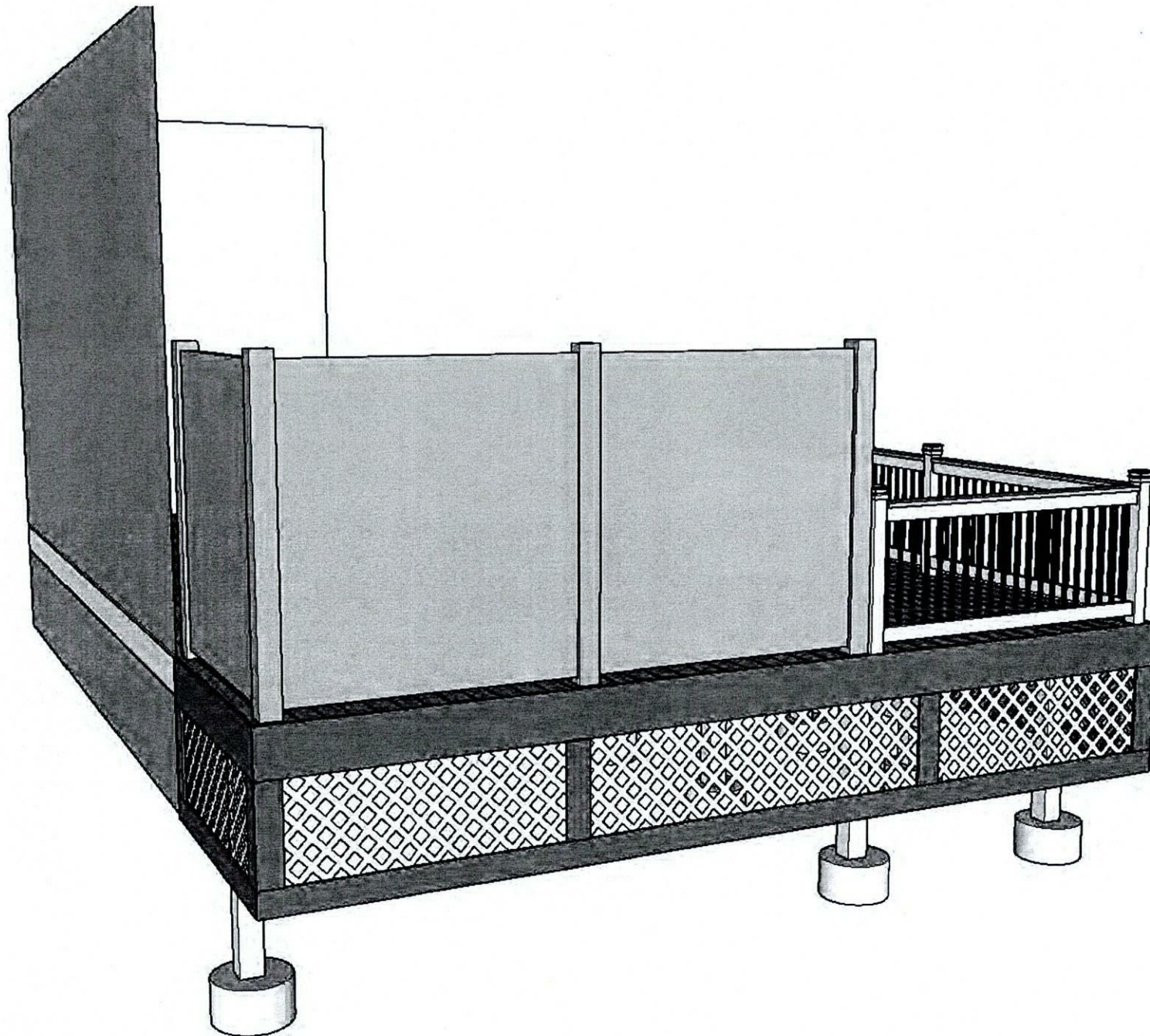
DRAWN BY:
CONNOR BILLINGSLEY
CLIENT:
AMIRALT, KELSEY

PERMIT NO.:
PROJECT:
AMIRALT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

2023-0094-A



D

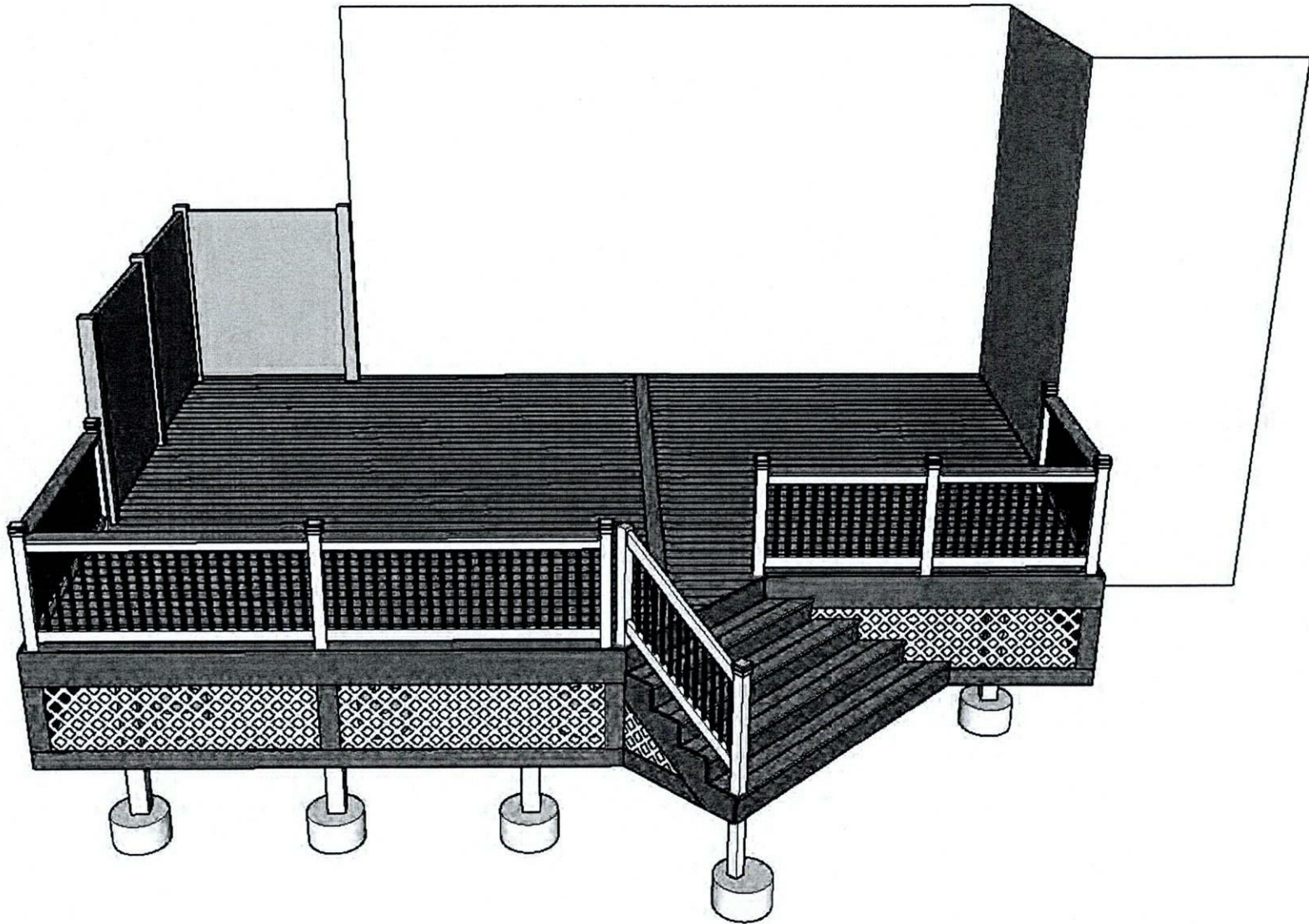
DRAWN BY:
CONNOR BILLINGSLEY
CLIENT:
AMIRAULT, KELSEY

PERMIT NO.:
PROJECT:
AMIRAULT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

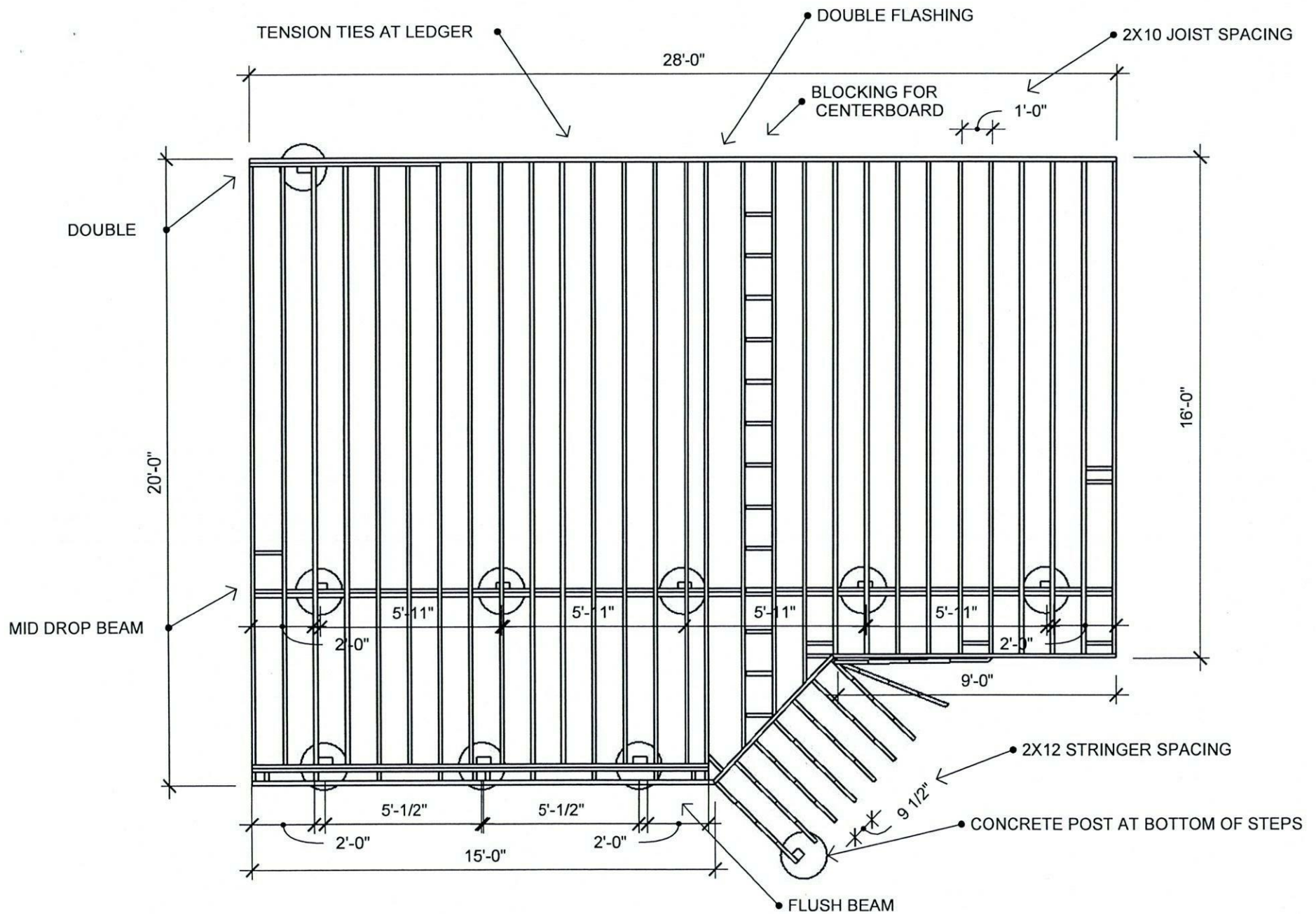
2023-0094-A



E

	DRAWN BY: CONNOR BILLINGSLEY CLIENT: AMIRAULT, KELSEY	PERMIT NO.: PROJECT: AMIRAULT	ADDRESS: 9004 MOONSTONE ROAD, NOTTINGHAM MD 21236	DESCRIPTION: 512 SQFT DECK
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2023-0094-A



F

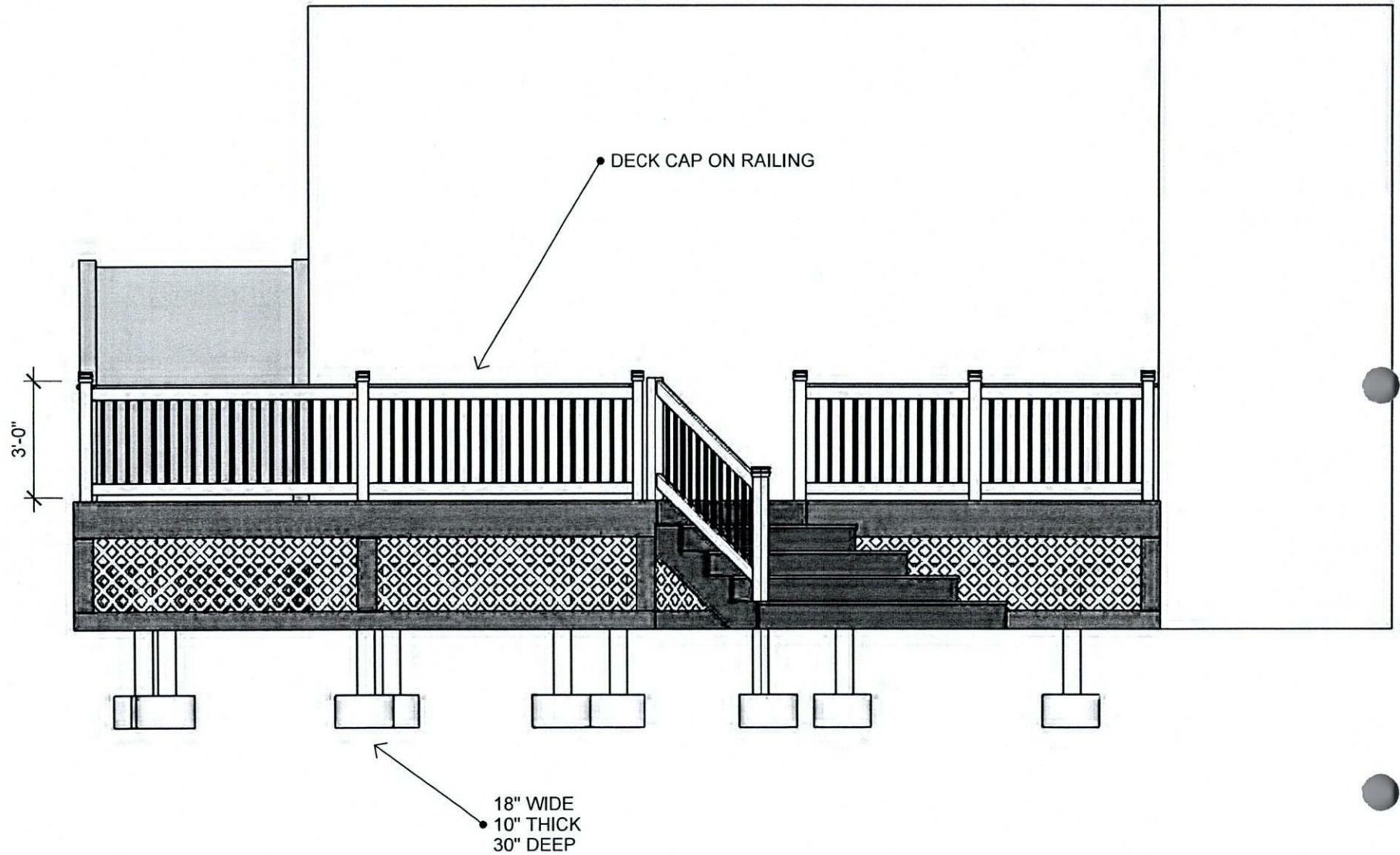
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CONNOR BILLINGSLEY
CLIENT:
AMIRAULT, KELSEY

PERMIT NO.:
PROJECT:
AMIRAULT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

2023-0094-A



G

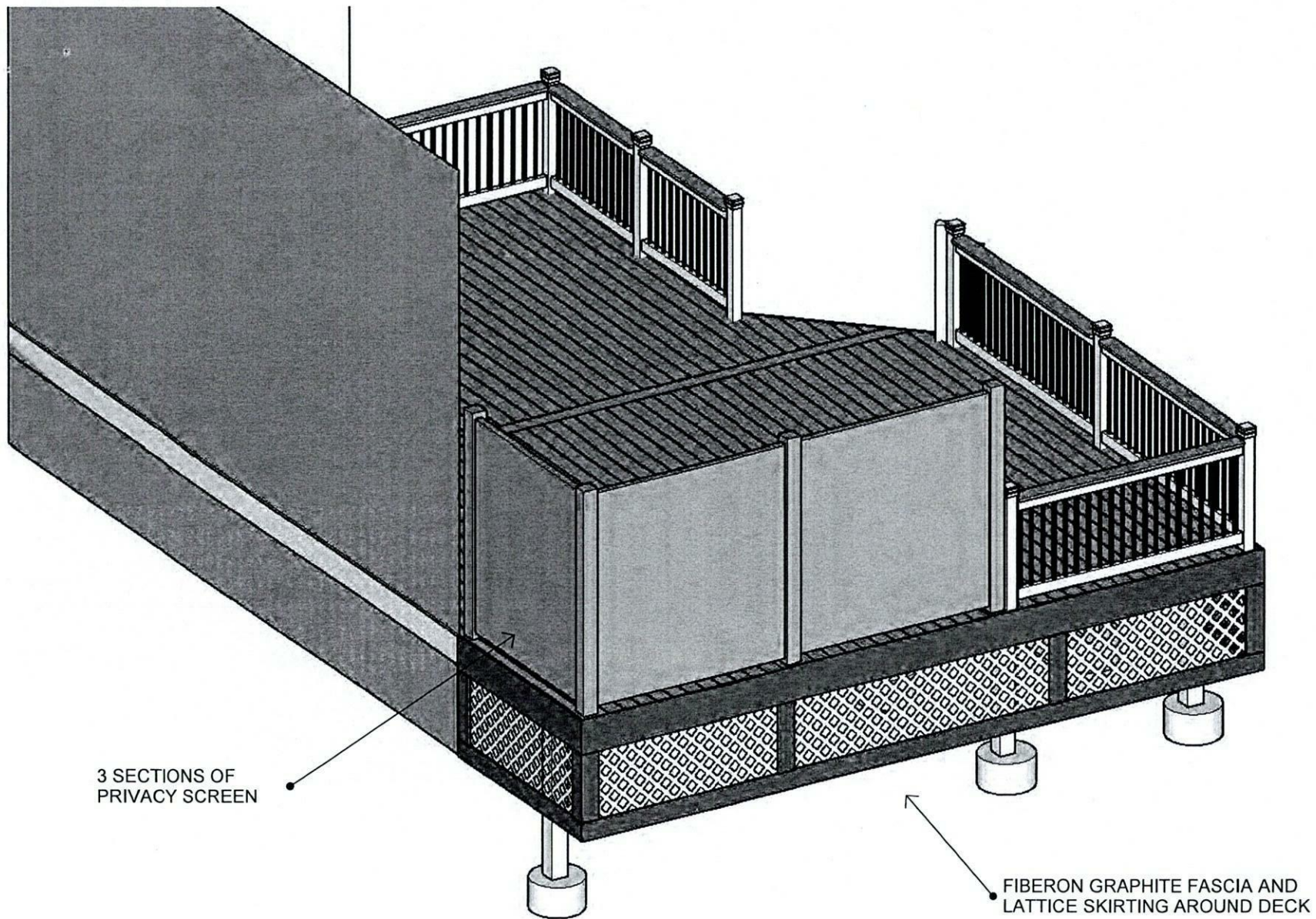
DRAWN BY:
CONNOR BILLINGSLEY
CLIENT:
AMIRAULT, KELSEY

PERMIT NO.:
PROJECT:
AMIRAULT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

2023-0094-A



3 SECTIONS OF
PRIVACY SCREEN

FIBERON GRAPHITE FASCIA AND
LATTICE SKIRTING AROUND DECK

H

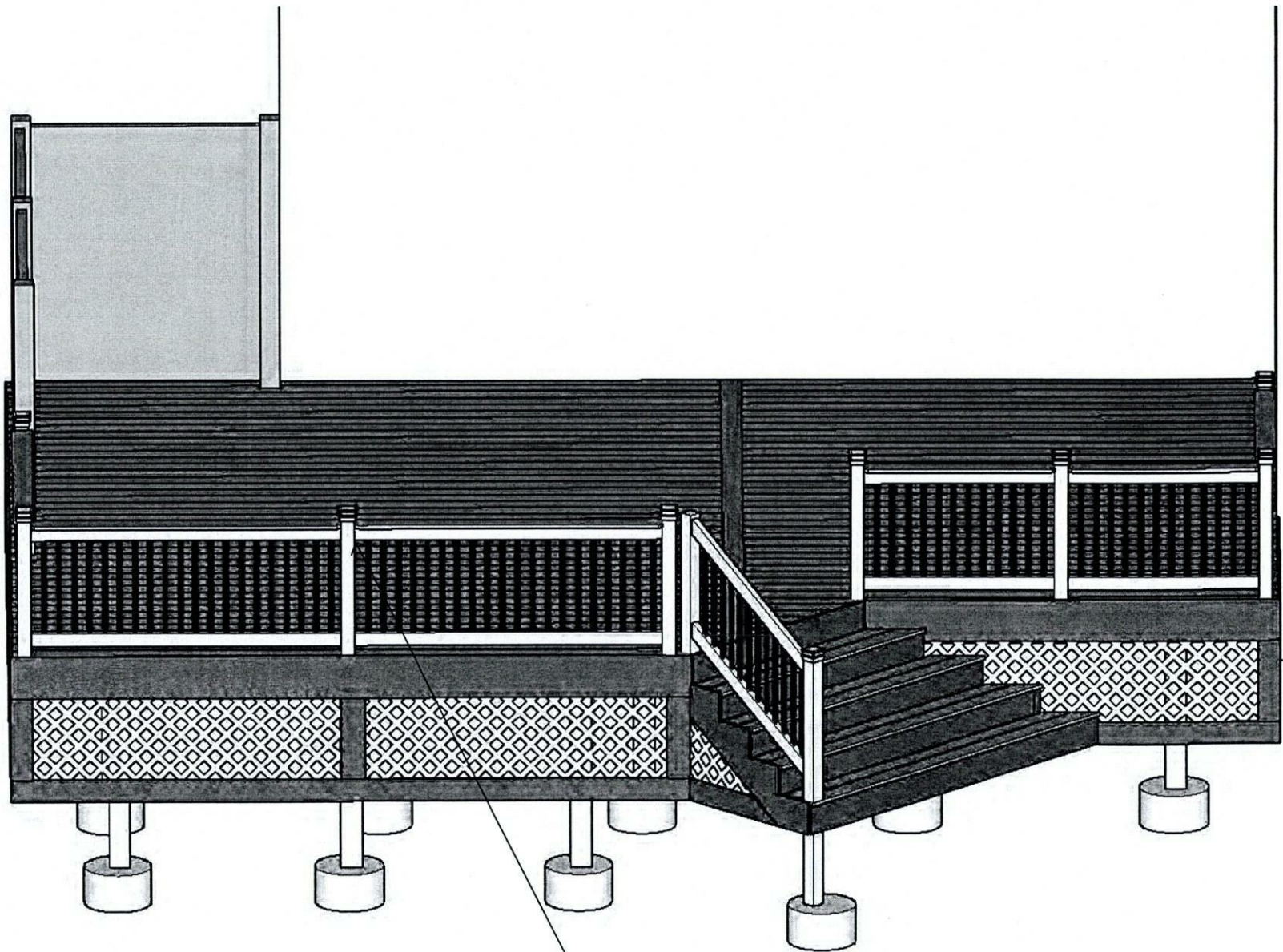
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CONNOR BILLINGSLEY
CLIENT:
AMIRAULT, KELSEY

PERMIT NO.:
PROJECT:
AMIRAULT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

2023-0094-A



POST CAP LIGHTS ON RAILING POSTS

1

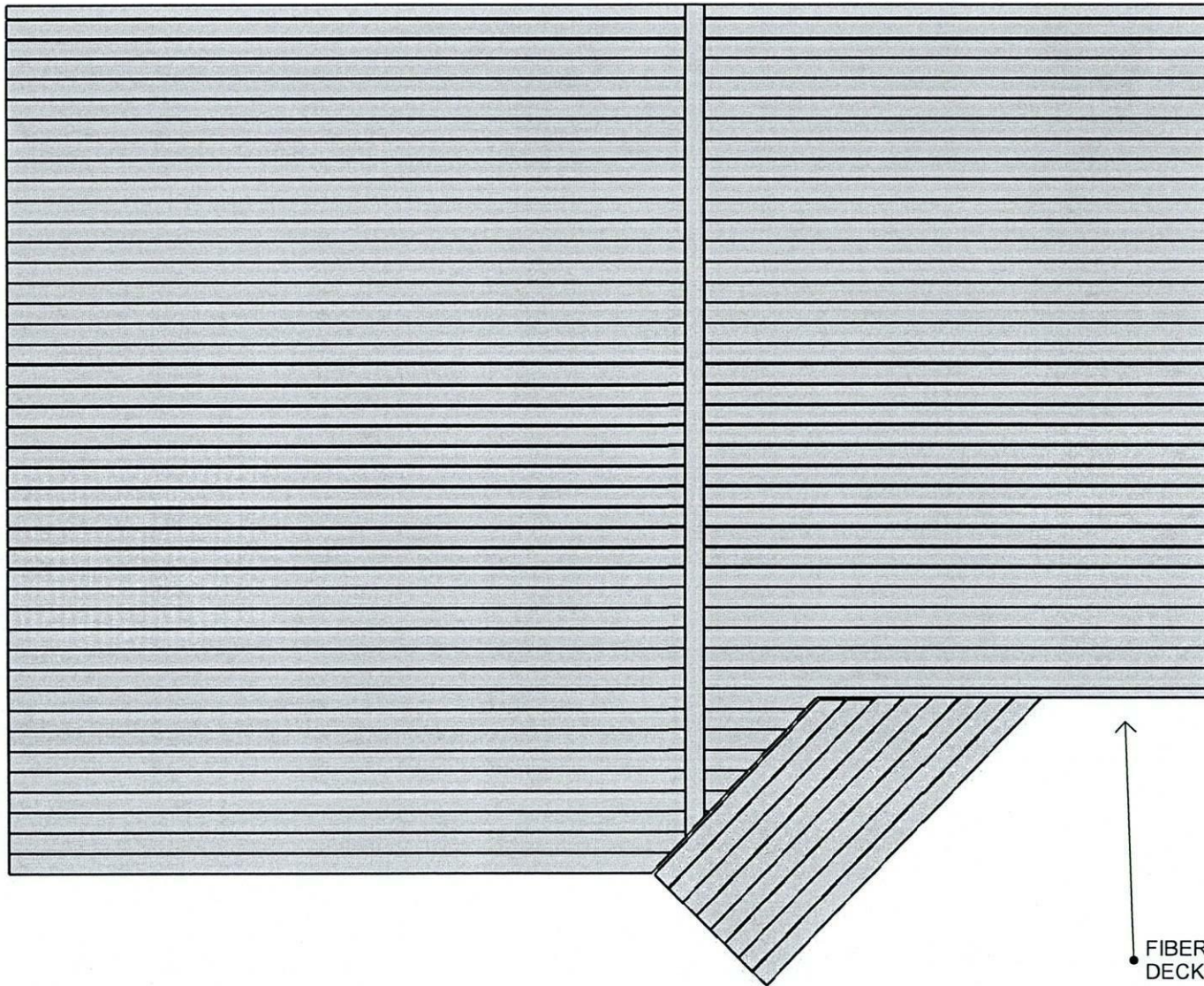
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CONNOR BILLINGSLEY
CLIENT:
AMIRAULT, KELSEY

PERMIT NO.:
PROJECT:
AMIRAULT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

2023-0094-A



FIBERON CABANA
DECKING

J

DRAWN BY:
CONNOR BILLINGSLEY
CLIENT:
AMIRAULT, KELSEY

PERMIT NO.:
PROJECT:
AMIRAULT

ADDRESS:
9004 MOONSTONE ROAD,
NOTTINGHAM MD 21236

DESCRIPTION:
512 SQFT DECK

2023-0094-A

Deed Reference# 39959 / 437

Site vicinity map showing Perryvale Rd, Hedgerow Way, Ebenezer Rd, and Main Street. A red dot marks the 'SITE' location near Hedgerow Way.

MAP IS NOT TO SCALE

None

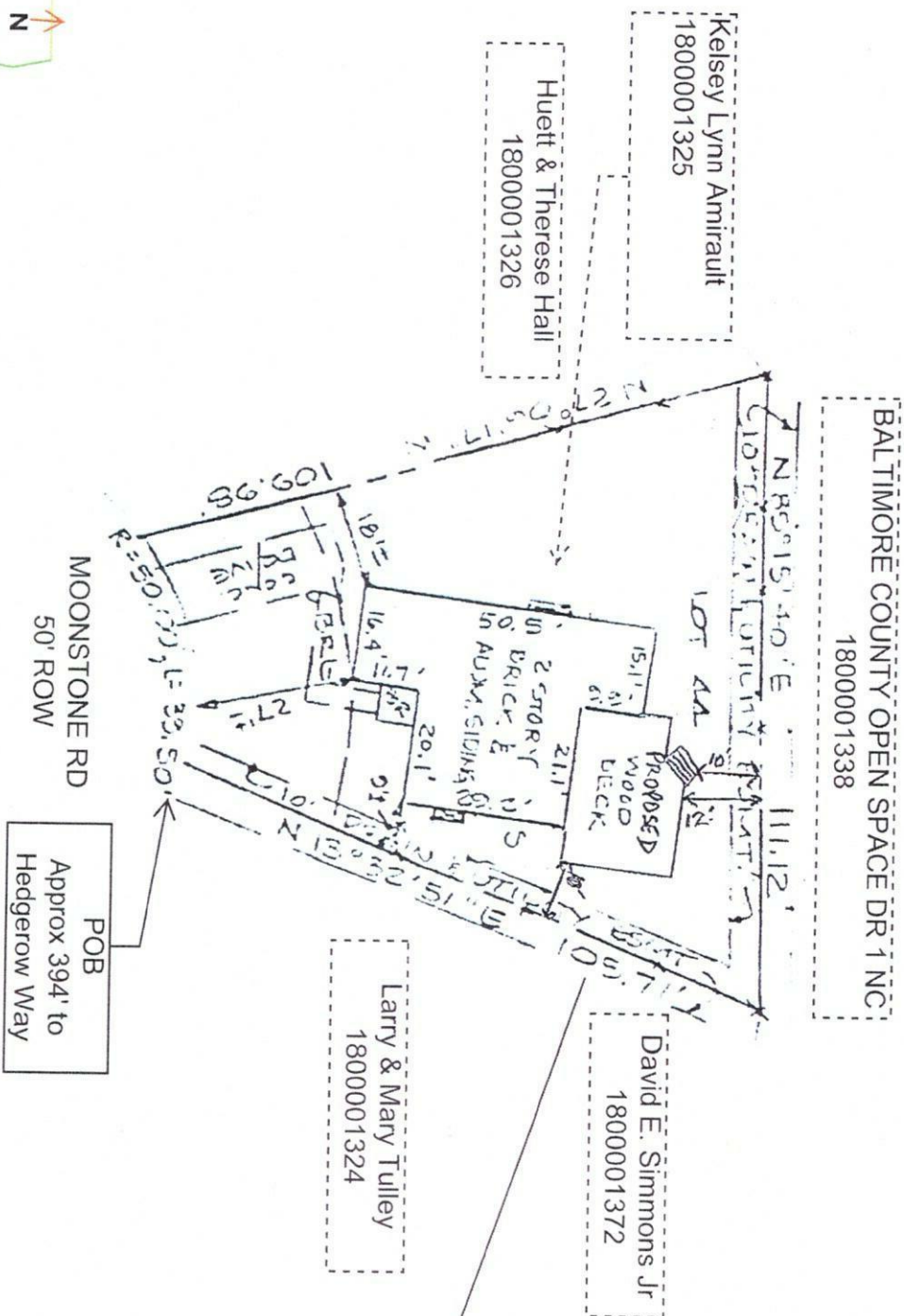
1

ALL STATE - 1000

2023-0094-A

Date 12 Apr 2003 Scale: 1 inch = 30 +/- Feet

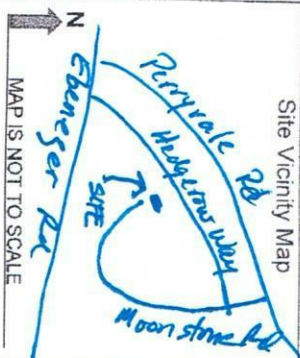
Zoning Hearing Plan for Variance ☒ for Special Hearing _____ Mark Type Requested with (X)
 Address 9004 Moonstone Road Owners(s) Name(s) Kelsey Lynn Amiraault
 Subdivision Name Perryvale Lot # 44 Block # C Section # 437
 Plat Book # 0041 Folio # 63 10 Digit Tax # 1800001325 Deed Reference # 39959



Plan Drawn By hla

Date 12 Apr 2003 Scale: 1 inch = 30 +/- Feet

Site Vicinity Map



Zoning Map # 072B2
 Zoning DR 5.5
 Election District 11
 Council District 5th
 Lot Area Acreage 0.183 +/- Ac
 Lot Square Footage 7,957 sq/ft
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is: ☒ Public ☒ Private
 Sewer is: ☒ Public ☒ Private
 Prior Hearing (Yes or No) _____
 If (Yes) list Case Number(s) _____
 and order result(s) below:
 R-1969-0241: Dismissed
 R-1972-0049: Granted/Denied in Part
 1978-0098-A: Granted
 Violation Case Number(s)
 None

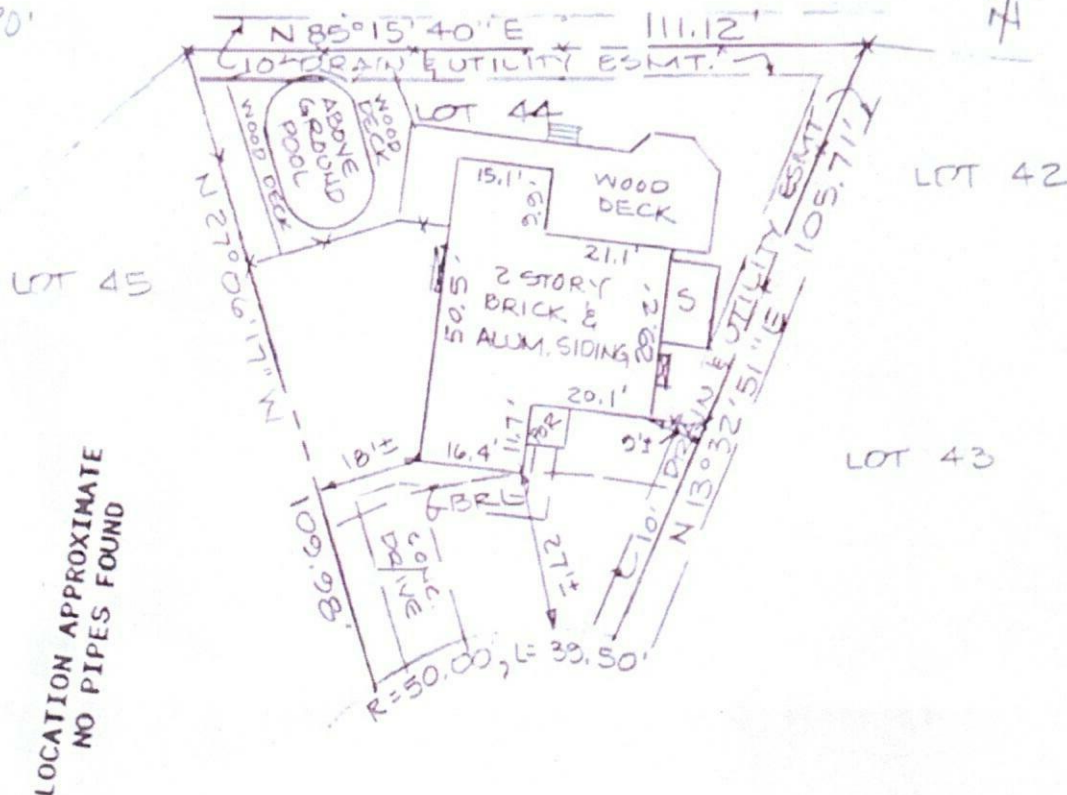
ALL-STATE LEGAL®
 PETITIONER'S
 EXHIBIT
 1

2023-0044-A

Scale 1" = 30'

OPEN SPACE

7/PLAT NO



MOORESTONE
ROAD
(50' R/W)

ALL-STATE LEGAL® PETITIONER'S EXHIBIT 9

Accuracy: Approximate average accuracy (SD of sideline distance) for small suburban lots is two feet, and for larger lots and metes and bounds parcels varies from two to twenty feet or more. In case of doubt, we recommend a Boundary Survey.



LEGEND

Shed (unsurveyed) S

Blacktop Drive -----

Gravel Drive == == ==

Concrete CONCRETE TODAY CONCRETE TODAY CONCRETE TODAY

This is an improvements Location Survey only, and must not be used for Boundary purposes. No Title Report furnished. No statement is made as to ownership of property or right or interest therein. Fences are approximate only and may not be shown. *Not to be used for construction purposes or permits of any kind whatsoever.*

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