

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE ZONING COMMISSIONER
 NE/S Valley Gate Way, 265' NE FROM HOOK LANE
 3rd Election District
 3rd Councilmanic District

• OF BALTIMORE COUNTY
 • Case No. 90-559-A

David Shimony, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 40 feet in lieu of the required 50 feet for a proposed garage addition and to amend the final development plan for Valley Gate, Section 1, Lot 20 in accordance with Petitioner's Exhibit 1.

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. 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.

ORDER RECEIVED FOR FILING
 Date 7/1/90
 By [Signature]

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 31st day of July, 1990 that the Petition for Residential Variance to permit a side yard setback of 40 feet in lieu of the required 50 feet for a proposed garage addition and to amend the final development plan for Valley Gate, Section 1, Lot 20, 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.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The garage addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed improvement is limited to use for residential purposes only. No commercial use or activity shall be permitted on the subject property.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ORDER RECEIVED FOR FILING
 Date 7/1/90
 By [Signature]

JRH:bjs

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

July 31, 1990



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. David Shimony
 3 Valley Gate Way
 Baltimore, Maryland 21208

RE: PETITION FOR RESIDENTIAL VARIANCE
 NE/S Valley Gate Way, 265' NE of Hook Lane
 (3 Valley Gate Way)
 3rd Election District - 3rd Councilmanic District
 David Shimony, et ux - Petitioners
 Case No. 90-559-A

Dear Mr. & Mrs. Shimony:

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
 Zoning Commissioner
 for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

90-559-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 or upon settlement will reside at
 3 Valley Gate Way Baltimore, Maryland 21208
 (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)

1. The existing dwelling location will not permit expansion of the existing garage, within the permitted setbacks.
2. The existing two car garage, as constructed, will not accommodate two vehicles.

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.

DAVID SHIMONY
 AFFIANT (Printed Name)

DAVID SHIMONY
 AFFIANT (Handwritten Signature)

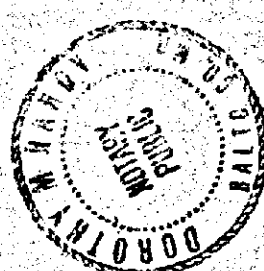
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 29th day of May, 1990 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared David & Colen Shimony

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.

5/29/90
 DATE

My Commission Expires: 7/1/90



ZONING DESCRIPTION OF
 #3 VALLEY GATE WAY
 THIRD ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the eastern most right-of-way line of Valley Gate Way, being 50.00 feet wide, said point being situated 265 feet, more or less from the northern most right-of-way line of Hook Lane, being 60.00 feet wide. Being Lot 20, Section One, Valley Gate, as recorded among the land records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 55, folio 22. Containing 72,310 square feet or 1.66 acres of land, more or less. Being known as #3 Valley Gate Way and located in the third election district.

May 2, 1990

90-559-A

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

90-559-A

District: 3rd Date of Posting: July 2, 1990
 Posted for: Residential Variance
 Petitioner: David Shimony, et ux
 Location of property: NE/S Valley Gate Way, 265' NE of Hook Lane
 Location of Sign: In front of 3 Valley Gate Way
 Remarks:
 Posted by: S.J. [Signature] Date of return: July 13, 1990
 Number of Signs: 1

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

receipt

Account: R-001-6150
 Number: 2814

DATE	DESCRIPTION	QTY	PRICE
6/22/90	PUBLIC HEARING FEES		H9000456
	010 - ZONING VARIANCE (IFL)	1 X	\$35.00
	080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
	TOTAL:		\$60.00

LAST NAME OF OWNER: SHIMONY
 Check #7964
 from McKee & Assoc

8 8077*****60001 32256
 Please make checks payable to: Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

90-559-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3B.3 to allow for a right side setback of 40 feet in lieu of the required 50 feet and to amend the final development plan.

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

1. The existing dwelling location will not permit expansion of the existing garage within the permitted setbacks.
2. The existing two car garage, as constructed, will not accommodate two vehicles.

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:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

3 Valley Gate Way

Baltimore, Maryland 21208

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Name

ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of June, 1990, that the subject matter of this petition be posted on the property on or before the 11th day of July, 1990.

J. Robert Haines
 ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
 Date 7/1/90
 By [Signature]

PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in the 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, at the 10th, County Office Building in Towson, Baltimore County, on the 11th day of July, 1990, at 10:00 a.m.

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

June 26, 1990



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. David Shimony
 3 Valley Gate Way
 Baltimore, Maryland 21208

RE: CASE NUMBER: 90-559-A
 ITEM NUMBER: 456
 LOCATION: 3 Valley Gate Way

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 rebuttal regarding the administrative process.

1) Your property will be posted on or before July 11, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is July 26, 1990. 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 passing 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,

[Signature]
 My Commission Expires: 7/1/90

cc: Allen G. W. [Signature], Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 10, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. David Shimony
3 Valley Gate Way
Baltimore, MD 21208

RE: Item No. 456, Case No. 90-559-A
Petitioner: Residential Variance
Petition for David Shimony, et ux

Dear Mr. & Mrs. Shimony:

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 WINIARSKI. 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
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 30th day of May, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: David Shimony, et ux

Petitioner's Attorney:

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Townson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

July 3, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: DAVID SHIMONY
Location: #3 VALLEY GATE WAY
Item No.: 456 Zoning Agenda: JULY 10, 1990

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Capt. Joseph Kelly* 7-10-90 Noted and Approved *Captain W. J. Brady* J. Kelly
Planning Group Fire Prevention Bureau
Special Inspection Division

JR/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JULY 3, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT 2/RING
FROM: CHARLES E. URNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C 2/B
SUBJECT: ZONING ITEM #: #456
PROPERTY OWNER: David Shimony, et ux CRITICAL
LOCATION: NE/S Valley Gate Way, 265' NEly Hook Lane
(#3 Valley Gate Way)
ELECTION DISTRICT: 3rd
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05-01-07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMP(S) (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (x) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 101.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (x) OTHER - NO OTHER COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

JL 05 1990

July 18, 1990

David Shimony
3 Valley Gate Way
Baltimore, Md. 21208

Julie Winarski
Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Townson, Md. 21204

RE: Case Number: 90-559-A
Item Number: 456
Location: 3 Valley Gate Way

Dear Julie Winarski:

Please find the following statements from the owners of joining properties to be submitted for the hearing that is scheduled for July 26, 1990.

If you need anymore information please feel free to contact me at (301)486-0800.

Petitioner's
Exhibit 2A
90-559A

Sincerely,

David Shimony
David Shimony

DS/ak

Zoning Variance Request 3 Valley Gate Way

I We hereby certify that I/ We currently reside at One Valley Gate, being known as Lot 21, Section One, "Valley Gate", and have no objection to the proposed addition to be constructed at #3 Valley Gate Way, being known as Lot 20, Section One, "Valley Gate".

Name Jan Morgan Date July 6, 1990

Name _____ Date _____

Petitioner's
Exhibit 2B
90-559A

Zoning Variance Request 3 Valley Gate Way

I/ We hereby certify that I/ We currently reside at _____, being known as Lot _____, Section One, "Valley Gate", and have no objection to the proposed addition to be constructed at #3 Valley Gate Way, being known as Lot 20, Section One, "Valley Gate".

Name David Shimony Date July 2, 1990

Name David Shimony Date 7-2-90

Petitioner's
Exhibit 2C
90-559A

Zoning Variance Request 3 Valley Gate Way

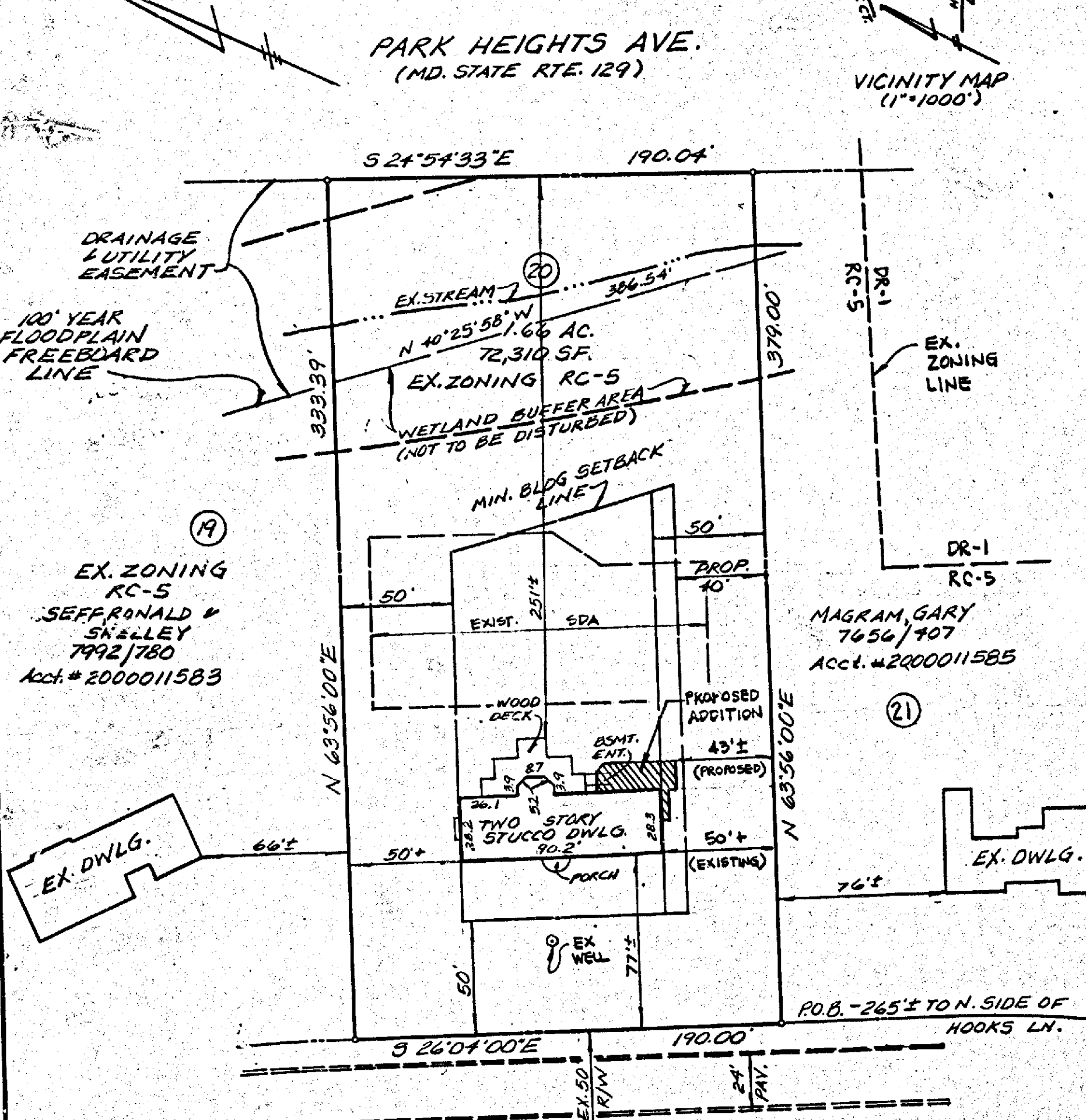
I/ We hereby certify that I/ We currently reside at Valley Gate, being known as Lot 19, Section One, "Valley Gate", and have no objection to the proposed addition to be constructed at #3 Valley Gate Way, being known as Lot 20, Section One, "Valley Gate".

Name David Shimony Date 7/3/90

Name David Shimony Date 7/3/90

Petitioner's
Exhibit 2D
90-559A

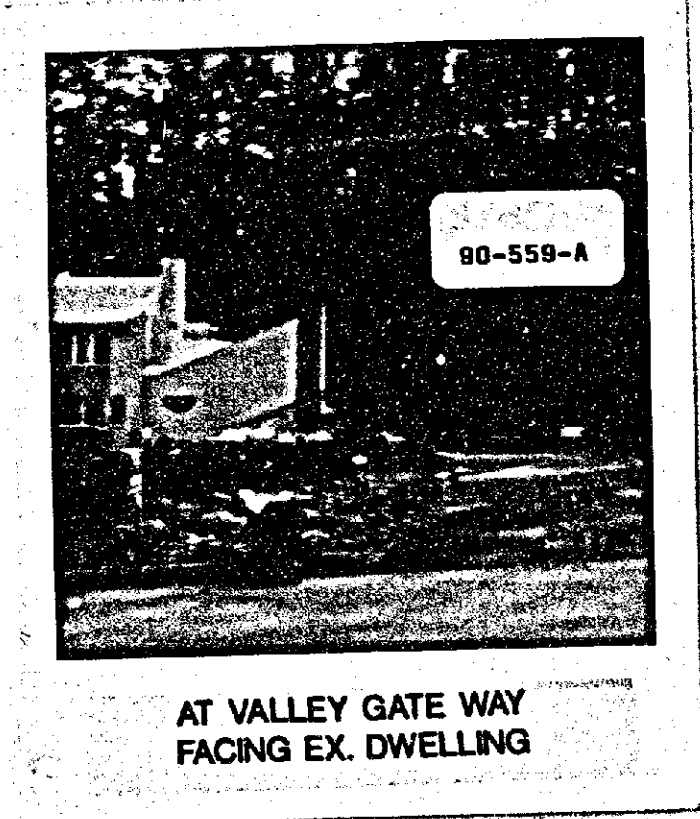
NOTE: THIS LOT IS SERVED BY PRIVATE WELL & SEPTIC.



Petitioner's Exhibit 1

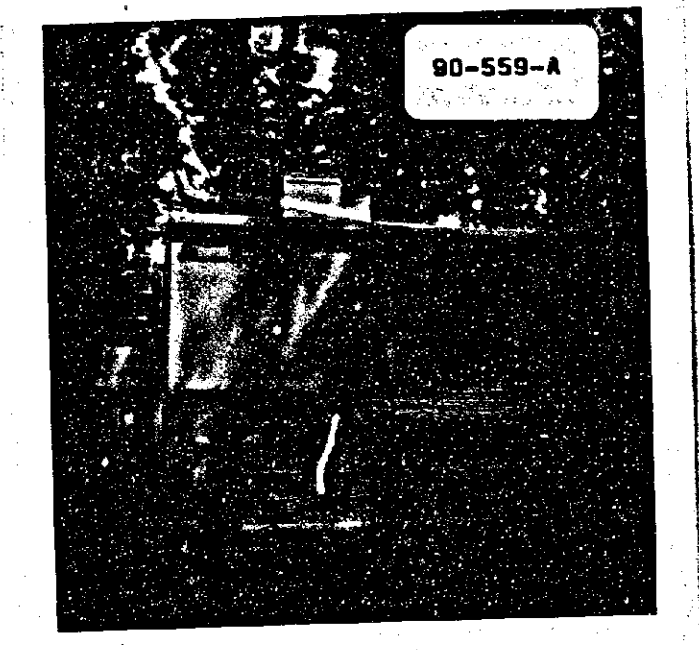
MCKEE & ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 Shawan Place - Shawan Road
 Hunt Valley, MD 21030
 (301) 527-1555

90-559-A
 PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AT #3 VALLEY GATE WAY
 ELECT. DIST. 303 BALTO. CO., MD
 SCALE 1"=50' APRIL 26, 1990
 ACCT. # 2000011584
 BEING LOT 20 SECT. 1 VALLEY GATE 3572



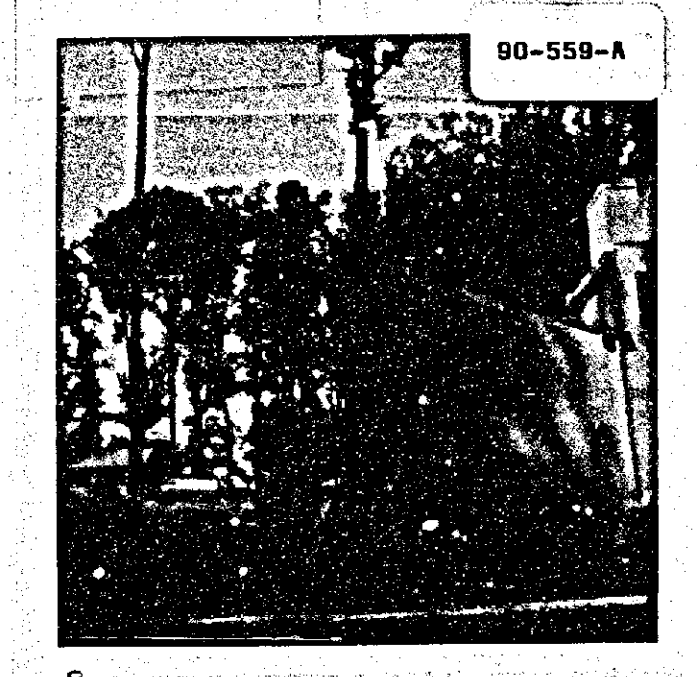
AT VALLEY GATE WAY FACING EX. DWELLING

Petitioner's Exhibit 3

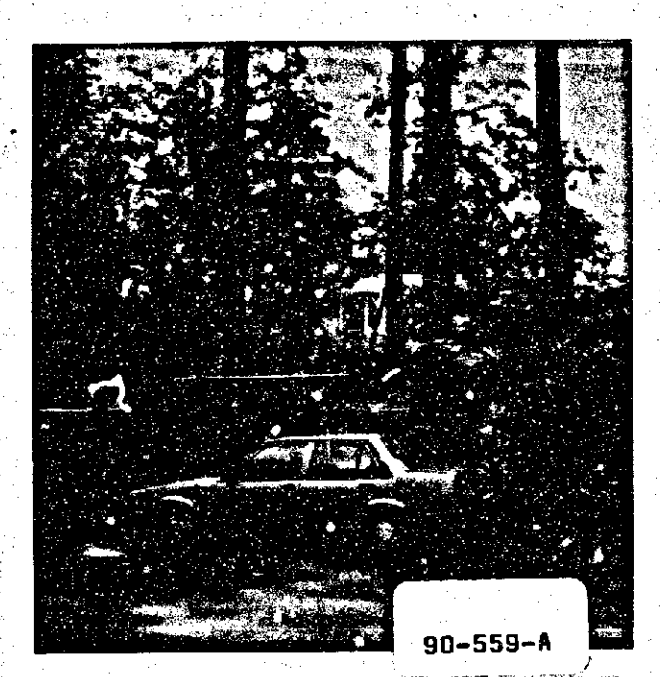


AT PROPERTY LINE FACING EX. GARAGE

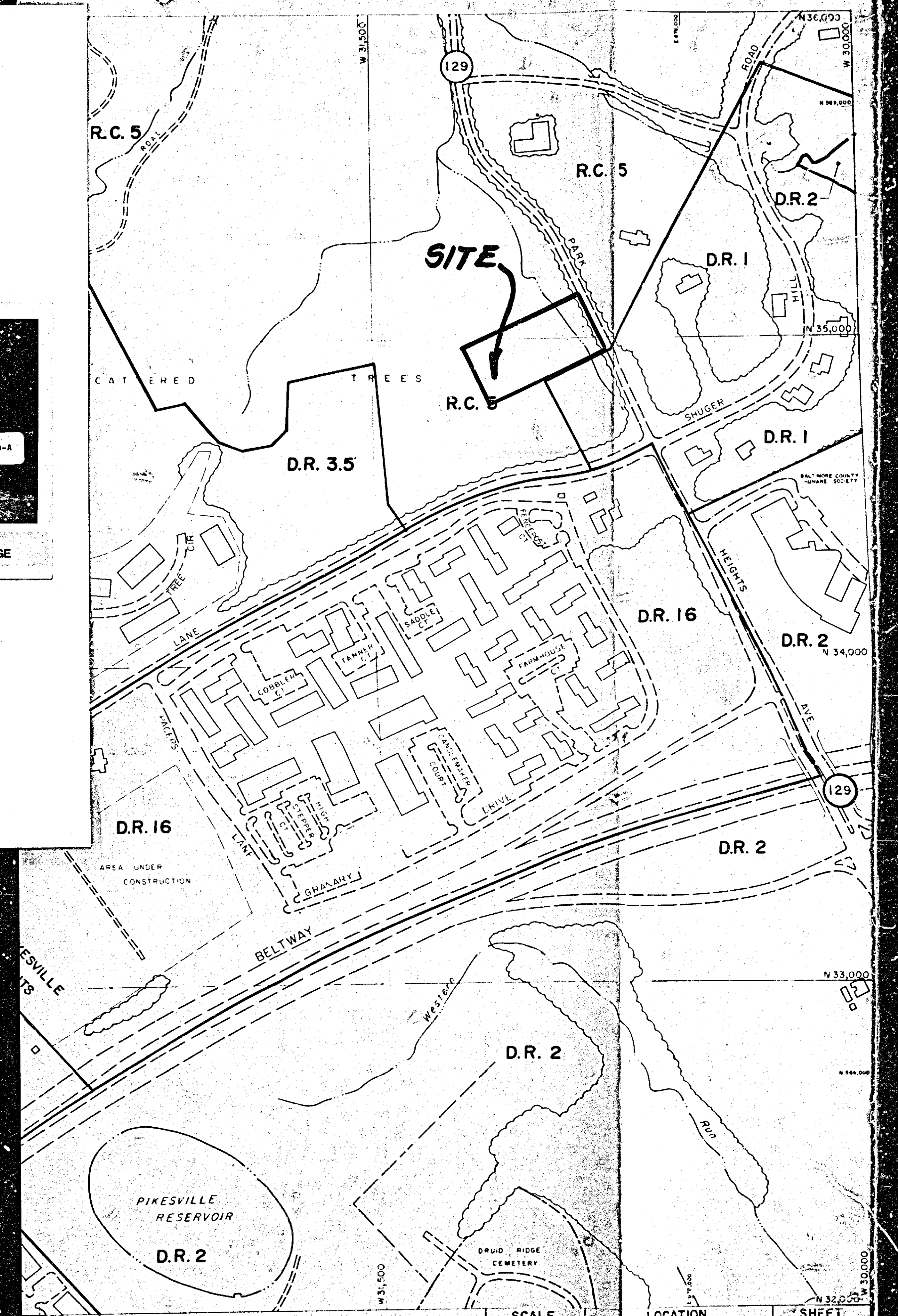
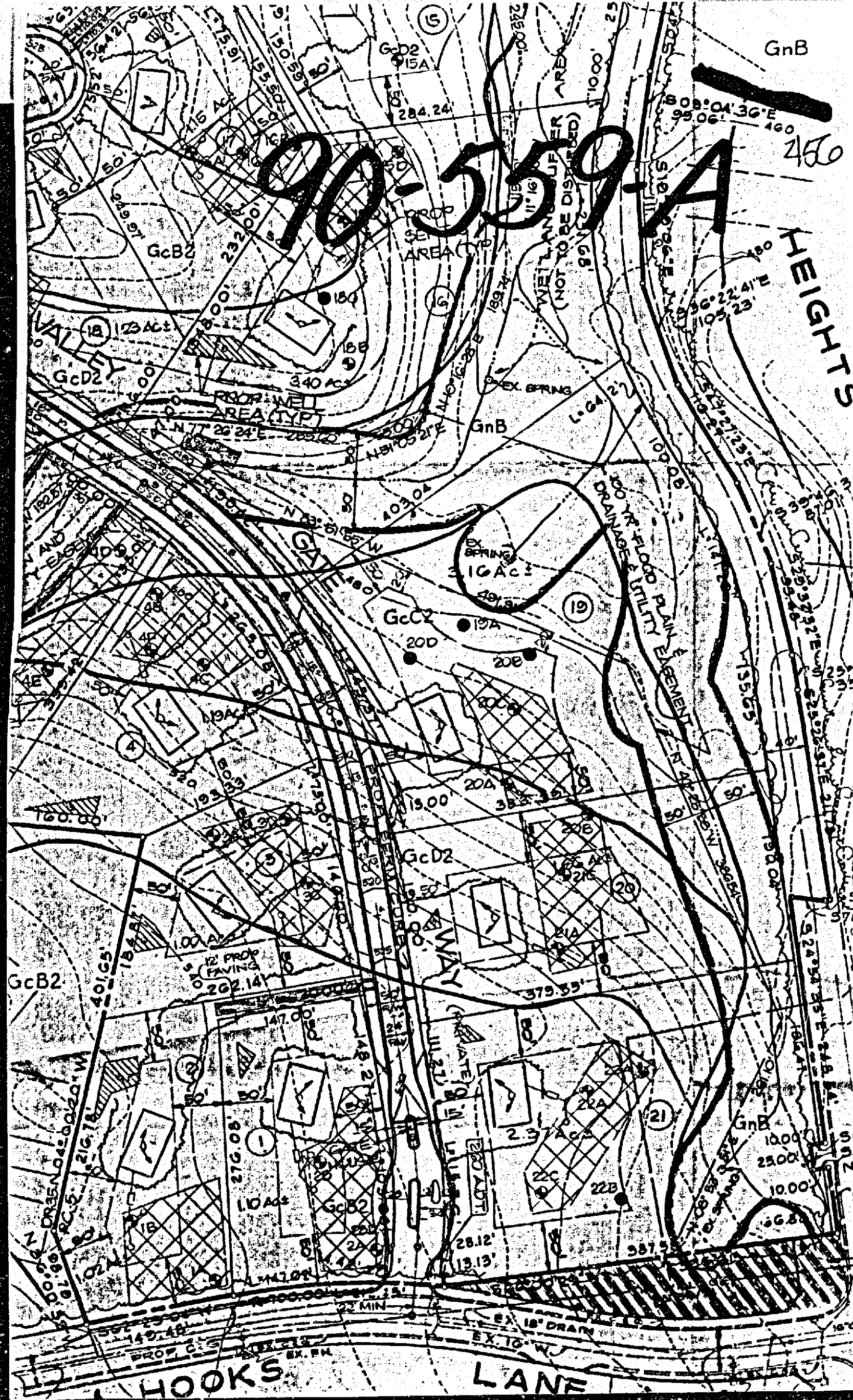
Petitioner's Exhibit 4



REAR OF EXISTING DWLG. LOOKING TOWARD STREET



AT EX. GARAGE FACING TOWARD GAR. ON LOT 21



COUNTY AND ZONING MAP	SCALE 1" = 200' ±	LOCATION PIKESVILLE GREY ROCK	SHEET N. W. 9 - F
	DATE OF PHOTOGRAPHY JANUARY 1986		

90-559-A

45C

