

IN RE: **PETITION FOR ADMIN. VARIANCE** *
S/S Spring Avenue, 116' W c/line of
Morris Avenue *
(601 Spring Avenue) *
8th Election District *
3rd Council District *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2008-0484-A

Maury A. Sugarman, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Maury A. Sugarman, and his wife, Caroline M. Sugarman. The Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a rear yard setback of 20 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the site plan and floor plan submitted, which were accepted into evidence and marked as Petitioners' Exhibits 1 and 2, respectively¹.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

¹ In response to the adjacent neighbor's concerns, and after ongoing discussions, these exhibits were amended to seek lesser relief than originally requested. An amended site plan evidences that a variance for the addition is no longer needed, however, similar relief is requested for a deck projection. The Petitioners, with the concurrence of their neighbor, Ms. Goldsmith, now wish to amend their petition to request a Variance pursuant to B.C.Z.R. Section 301.1 to allow an open projection deck in the rear yard with a setback of 18 feet in lieu of the required 22.5 feet.

ORDER RECEIVED FOR FILING
Date 7-11-08
By [Signature]

In the instant case, the property was duly posted and within the requisite time period Joy B. Goldsmith, residing at 617 Morris Avenue, filed a request for a formal demand on May 5, 2008. Thus, this matter was scheduled for a public hearing, which was held on June 5, 2008.

Appearing at the hearing in support of the request were Maury Sugarman, property owner, and his father, David S. Sugarman, a professional engineer. Appearing as a Protestant/interested party was the adjacent neighbor, Joy B. Goldsmith, and her attorney, Francis X. Borgerding, Jr., Esquire. There were no other interested persons present and it is noted that there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies.

An appreciation of the properties past history (Petitioners and Protestants) and their uses is relevant and is briefly outlined. The subject property identified on Maryland Department of Assessments and Taxation Map 60 as Lot 9 was, prior to 1985, combined with Lot 8, now owned by Ms. Goldsmith. A review of the Protestants Exhibit 2 (Deed) and Petitioners' Exhibit 3 (Subdivision Plat prepared by Paul Lee Engineering, Inc.) disclose that the property was subdivided by Frank L. Invernizzi so as to provide two single-family dwellings, one for himself at 617 Morris Avenue (now Goldsmith's) and another to be built for his son, John M. Invernizzi (the subject property) purchased by the Petitioners in 2002. The Petitioners property consists of 0.15 acres (6,534 square feet), zoned D.R.5.5. The property is improved with a modest two-story home built in 1986 and features a rear yard deck. Ms. Goldsmith's lot is larger – 0.20 acres (8,712 square feet) and is also improved with a two-story single-family dwelling and a spacious rear yard deck. See Protestants photographs collectively received as Exhibit 3.

Variance relief is requested as set forth above to allow a 14' wide x 26' long dining room addition that would extend out from the rear of the home into the back yard. As indicated, the Petitioners have owned and resided on the property for approximately 6 years. They plan on having more children and propose to construct the addition to accommodate their growing needs. The addition will allow for the expansion of the existing kitchen/family room as well as provide a dining room for family meals. As shown on the site plan filed with the petition, the addition

By _____
Date 7-11-08
RECEIVED FOR FILING

will be located on the rear southwest side of the home. Mr. Sugarman, a civil engineer experienced in land development, opined that the property is unique due to its irregular shape and "shallow depth". The property's rear yard layout and the location of an existing dwelling thereon drives the need for a variance. He urges this Commission to grant the relief as his son would have no reasonable use of the property for family functions. He states that these factors contribute to the "practical difficulty" finding that is required for variance relief to be granted.

As indicated above, the adjoining neighbor, Joy Goldsmith, considered the proposal and is opposed to the location and size of the addition as filed. She believes that the structure's intrusion into the rear yard would result in its becoming a dominate structure and, if approved, would adversely affect the enjoyment and use of her rear yard and deck and have a detrimental impact on her property. Mr. Borgerding correctly argued that the unique conditions set forth by Mr. Sugarman were in fact self-inflicted or self-created hardships and therefore should never be considered proper grounds for a variance. *See Cromwell v. Ward*, 102 Md. App. 691 (1995). Furthermore, and of particular relevance to this case, as it formed the basis of my decision during the hearing to discredit Petitioners arguments is the fact that Frank Invernizzi, *the Petitioners' predecessor in title* created the "hardship" about which Mr. and Mrs. Sugarman now confront. This cannot serve as a basis for a finding of practical difficulty. *See Montgomery v. Rotwein* 169 Md. App. 716 (2006).

After ongoing discussions, Ms. Goldsmith and attorney Borgerding were satisfied with Petitioners agreement to reconfigure the addition and place it lengthwise across the rear of their home and in line with the existing building lines of the dwelling. Additionally, as a result of this agreement, Ms. Goldsmith agreed to allow Petitioners to amend their site plan and to illustrate a 12-foot wide first floor deck that will be attached to the rear of the addition. Based upon the testimony and the agreement of the parties, I am persuaded to grant the amended relief requested. In my judgment, the Petitioners should be allowed to replace their deck, which will

RECEIVED FOR FILING
Date 7-11-08
By [signature]

require a variance of 18 feet in lieu of the required 22 feet for this open projection porch.² The Petitioners have satisfied the requirements of Section 307. Strict compliance with the regulations would impact upon these Petitioners in that they would not have reasonable use and enjoyment of their land. Finally, the neighbors are not opposed to the proposal and are satisfied with these arrangements. Thus, I find that relief can be granted without detrimental impact to the adjacent properties.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the amended relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of July 2008 that the Amended Petition for Variance seeking relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection deck in the rear yard with a setback of 18 feet in lieu of the required 22.5 feet, in accordance with Petitioners' Amended Exhibit 1, be and is hereby GRANTED subject to the following restriction:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a rear yard setback of 20 feet in lieu of the required 30 feet, in accordance with Petitioners' Amended Exhibit 1, be and is hereby DISMISSED AS MOOT.

² Open projections by their definition are attached to the principal dwelling, but remain open on all three sides. It should be noted that the addition in this case is proposed to extend from the house 14 feet and the deck by only 12 feet.

ORDER RECEIVED FOR FILING
Date 7-11-08
By [Signature]

Any appeal of this decision shall be taken in accordance with Baltimore County Code
Section 32-3-401.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED FOR FILING
Date 7-11-08
By [Signature]

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 601 Spring Avenue Lutherville MD 21093 which is presently zoned DR 5.5

Deed Reference: 161731365 Tax Account # 2000003394

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) 1B02.3.C.1 - to permit

a proposed addition to have a rear yard setback of 20 feet in lieu of the required 30

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, or we, agree to pay expenses of above Administrative 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:

N/A
Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Maury Sugarman
Name - Type or Print

Signature

Caroline Sugarman
Name - Type or Print

Signature

601 Spring Ave
Address

410-252-3601
Telephone No.

Lutherville
City

MD
State

21093
Zip Code

Representative to be Contacted:

Same as owner - Maury Sugarman
Name

601 Spring Ave
Address

410-252-3601
Telephone No.

Lutherville
City

MD
State

21093
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. 08-484-A

Reviewed By RJD

Date 4/15/08

REV 7/20/07

Estimated Posting Date 4/27/08

UNDER RECEIVED FOR FILING

Date 7-11-08

By [Signature]

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 601 Spring Avenue
Address
Lutherville MD 21093
City State Zip Code

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):

My wife and I purchased 601 Spring Avenue in December 2002 with the intention of living there indefinitely. However, we soon realized we would need to expand our home to keep up with our growing family (including our daughter Amelia, born in November 2005).

We would like to extend a 14-foot wide portion of our home back approximately 26 feet. However, due to the 30-foot rear envelope typically required in our neighborhood, we will need to obtain a variance to do so.

The previous owner (John Invernizzi) was given his portion of lots 8 and 9 by his father (Frank Invernizzi), who owned both lots before creating a minor subdivision in March 1985 (Liber 2067-545). My resulting portion of lots 8 and 9 only has approximately 46 feet between the existing home and the rear property boundary.

Unfortunately, we cannot build an addition large enough to meet our needs while maintaining the 30 foot envelope. Reducing this envelope by ten feet (to a 20' envelope) would allow us the space to expand our home, grow our family, and remain in our first home indefinitely. Thank you for your consideration.

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

Name - Type of Print

Mary Sugarman

Signature

Name - Type of Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary A Sugarman
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

BEHNAM D. PEYKARI
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 26, 2011

ZONING DESCRIPTION FOR 601 SPRING AVENUE,
LUTHERVILLE, BALTIMORE COUNTY, MD, 21093

Located within the 8th election district and the 3rd councilmanic district.

Beginning for the same on the south side of Spring Avenue at the division line between Lots 9 and 10, Block "N", Plat No. 1, Luther-Villa, said plat being recorded among the Land Records of Baltimore County in Plat Book 7, folio 128, thence leaving Spring Avenue and binding on the rear line of Lot 9 and part of the rear line of Lot 8 South 33 degrees 47 minutes East 133 feet, thence running for a line of division through part of Lot 8, North 67 degrees 51 minutes 22 seconds East 56.15 feet, thence running for a new line of division through Lots 8 and 9 North 33 degrees 47 minutes West 110.12 feet to the south side of Spring Avenue, and thence running and binding on the south side of Spring Avenue by a line curving to the right with a radius of 4101 feet for a distance of 64.79 feet to the place of beginning. Containing 0.15 acres of land more or less. The improvements thereon being known as No. 601 Spring Avenue, Baltimore, MD 21093

Item #484

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 484 -A Address 601 Spring Ave
Contact Person: David Davall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/15/08 Posting Date: 4/27/08 Closing Date: 5/12/08

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

- 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.
- 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.
- 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.
- 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 08- 484 -A Address 601 Spring Ave
Petitioner's Name M + C Sugarman Telephone 410-252-3601
Posting Date: 4/27/08 Closing Date: 5/12/08
Wording for Sign: To Permit a proposed addition to have a rear yard
setback of 20 feet in lieu of the required 30

WCR - Revised 6/25/04

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: 08-484-A
Petitioner: Maury Sugarman
Address or Location: 601 Spring Avenue, Lutherville, MD, 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Maury Sugarman
Address: 601 Spring Avenue
Lutherville, MD
21093
Telephone Number: 410-252-3601

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 12144

Date: 4/15/08

PAID RECEIPT

BUSINESS ACTUAL TIME WORK

4/15/2008 4/15/2008 14:42:47

REC #01 MALIKIA JRIC JHR

>>RECEIPT N 371200 4/15/2008 OFFER

Dept 5 520 ZONING VERIFICATION

012144

Recpt Tot 405.00

4.00 OK 405.00 DA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				405

Total: 405

Rec

From:

For:

Zoning hearing - case #08-439-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: # 2008-0484-A

601 Spring Avenue

S/side of Spring Avenue, 116 feet +/- west of centerline of Morris Avenue

8th Election District — 3rd Councilmanic District

Legal Owner(s): Maury & Caroline Sugarman

Variance: to permit a proposed addition to have a rear yard setback of 20 feet in lieu of the required 30 feet.

Hearing: Thursday, June 5, 2008 at 2:00 p.m. in Room 106 County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/699 May 20

173601

CERTIFICATE OF PUBLICATION

5/22/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/20/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 05/21/08

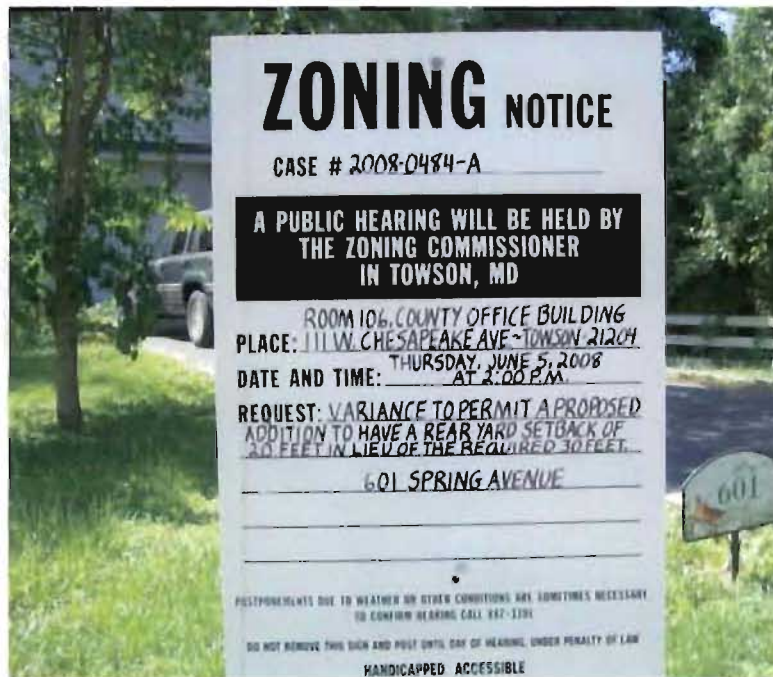
Case Number: 2008-0484-A

Petitioner / Developer: MR. & MRS. SUGARMAN

Date of Hearing (Closing): JUNE 5, 2008

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:
601 SPRING AVENUE

The sign(s) were posted on: 05/21/08



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

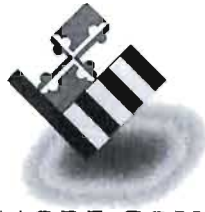
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 6, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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CASE NUMBER: 2008-0484-A

601 Spring Avenue

S/side of Spring Avenue, 116 feet +/- west of centerline of Morris Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Maury & Caroline Sugarman

Variance to permit a proposed addition to have a rear yard setback of 20 feet in lieu of the required 30 feet.

Hearing: Thursday, June 5, 2008 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Sugarman, 601 Spring Avenue, Lutherville 21093
Ms. Joy Goldsmith, 617 Morris Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 21, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 20, 2008 Issue - Jeffersonian

Please forward billing to:
Maury Sugarman
601 Spring Avenue
Lutherville, MD 21093

410-252-3601

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 2008-0484-A

601 Spring Avenue

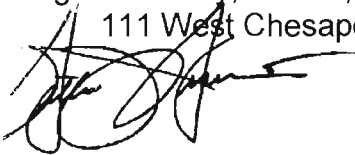
S/side of Spring Avenue, 116 feet +/- west of centerline of Morris Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Maury & Caroline Sugarman

Variance to permit a proposed addition to have a rear yard setback of 20 feet in lieu of the required 30 feet.

Hearing: Thursday, June 5, 2008 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
May 6, 2008 *Development Management*

Maury Sugarman
Caroline Sugarman
601 Spring Avenue
Lutherville, MD 21093

Dear Mr. & Mrs. Sugarman:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 08-484-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact David Duvall at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Joy Goldsmith, 617 Morris Avenue, Lutherville 21093



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: April 21, 2008

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 8-484-A
601 SPRING AVENUE
SUGARMAN PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-484-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: April 28, 2008

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2008
Item No.: 08-470, 471, 472, 474, 475, 476,
477, 478, 479, 480, 481, 482, 483, 484,
485, 486, 487, and 488.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk
cc: File

ZAC-04282008-NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 24, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 21, 2008

Item Number: 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481,
482, 483, 484, 485, 486 and 488

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 28, 2008

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



SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-484- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

A handwritten signature in cursive script, appearing to read "Curtis Perry", written over a horizontal line.

CM/LL



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vzw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 **Account Number -** 2000003394

Owner Information

Owner Name:	SUGARMAN MAURY A SUGARMAN CAROLINE M	Use:	RESIDENTIAL
Mailing Address:	601 SPRING AVE LUTH-TIMONIUM MD 21093-4943	Principal Residence:	YES
		Deed Reference:	1) /16173/ 365 2)

Location & Structure Information

Premises Address	Legal Description
601 SPRING AVE	PT LT 8-9 .15 AC 601 SPRING AVE LUTHER VILLA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
60	17	568				N	9	2	Plat Ref: 7/ 128

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	1,708 SF	6,534.00 SF	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	90,530	132,530		
Improvements:	211,410	260,360		
Total:	301,940	392,890	301,940	332,256
Preferential Land:	0	0	0	0

Transfer Information

Seller: INVERNIZZI JOHN M	Date: 03/06/2002	Price: \$183,000
Type: NOT ARMS-LENGTH	Deed1: /16173/ 365	Deed2:
Seller: INVERNIZZI JOHN M	Date: 12/05/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8342/ 434	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 08 Account Number - 2000003394



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web
 site at www.mdp.state.md.us/tax_mos.htm





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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[View Map](#)
[New Search](#)

Account Identifier: District - 08 **Account Number -** 0809035025

Owner Information

Owner Name:	GOLDSMITH JOY B	Use:	RESIDENTIAL
Mailing Address:	617 MORRIS AVE LUTH-TIMONIUM MD 21093-4917	Principal Residence:	YES
		Deed Reference:	1) /14455/ 746 2)

Location & Structure Information

Premises Address	Legal Description
617 MORRIS AVE	PT LTS 8-9 .20 AC 617 MORRIS AVE LUTHER VILLA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
60	17	568			N	N	8	2	Plat Ref:	7/ 128

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,880 SF	8,712.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 BRICK SIDING

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	92,170	134,170		
Improvements:	150,330	212,480		
Total:	242,500	346,650	242,500	277,216
Preferential Land:	0	0	0	0

Transfer Information

Seller: BURGER RANCE L	Date: 05/09/2000	Price: \$171,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14455/ 746	Deed2:
Seller: ALBORNOZ JOSE M,JR	Date: 08/21/1998	Price: \$150,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13096/ 298	Deed2:
Seller: INVERNIZZI FRANK LEO,JR	Date: 04/04/1991	Price: \$139,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8749/ 490	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

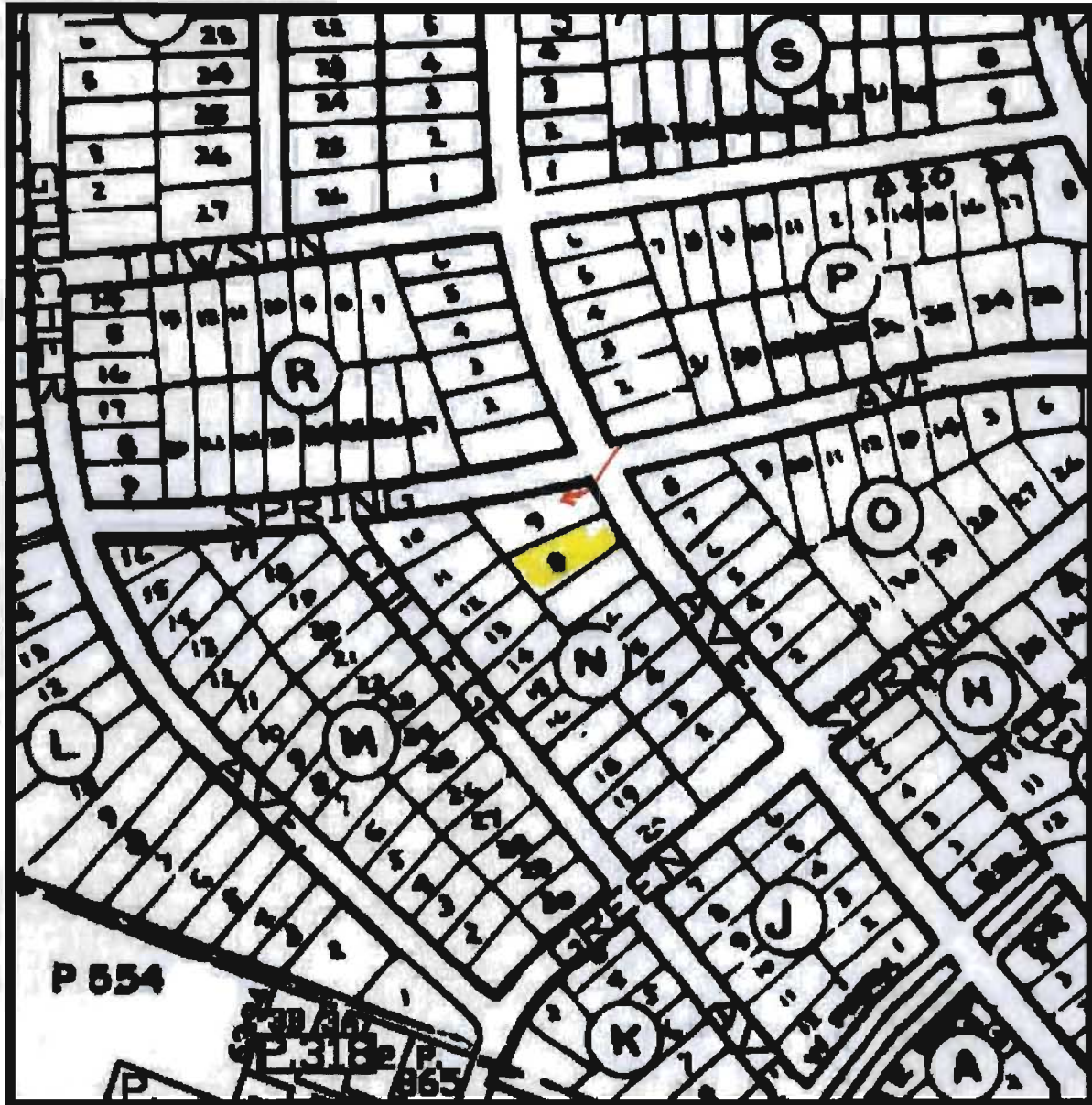
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
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District - 08 Account Number - 0809035025



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/tax_mos.htm

*1.5 - 25% of 30
 22.5 required*



DQ Map Notes



100 0 100
Feet
1 inch equals 100 feet

Item # 484

4/12/2008

Addition site, from point A facing West



View from point B facing East (Goldsmith home)



View from point C facing West (Young home in center)



View from point B facing South-East (McVey home)

CASE NAME Sugerman
CASE NUMBER 2008 - 0484-A
DATE 6-5-08

[illegible]

CASE NAME Sugerman
CASE NUMBER 2008-0484-M
DATE 6-5-08

NAME _____

CITY, STATE, ZIP

Joy B. Goldsmith	617 Morris Avenue	Lutherville, MD 21093	joybg@verizon.net
Francis X. Bergerling, Jr.	409 Washington Ave Suite 600	Towson, md 21204	

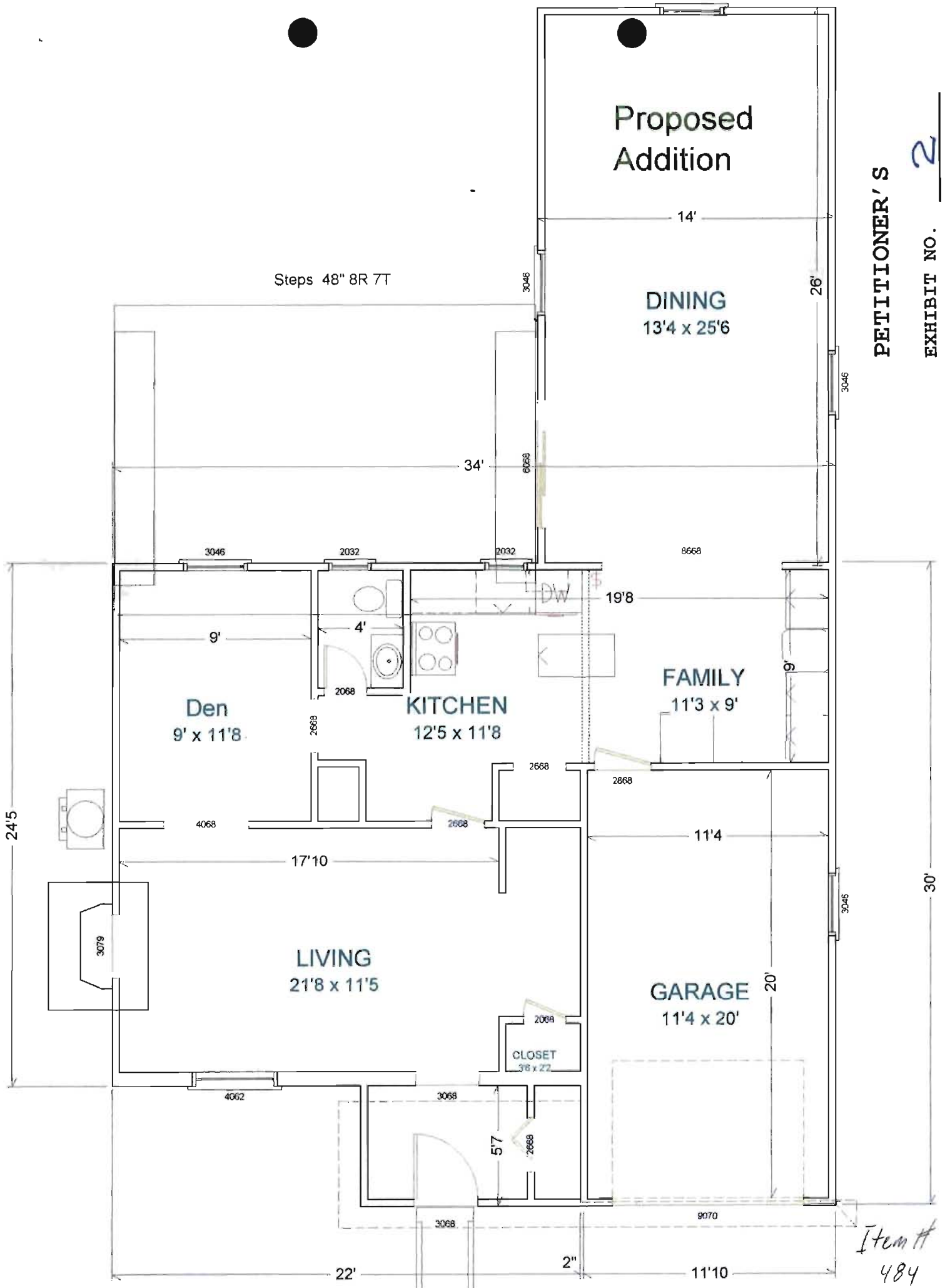
Case No.: 2008-0484-A 601 SPRING AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN AND "AMENDED SITE PLAN PER ORDER	PROPERTY PLOT OF PROPERTY IN QUESTION
No. 2	Floor Plan	Deed Creating Lot 9 and Lot 9A 4/2/85
No. 3	Minor Subdivision Plat	Photographs of Existing CONDITIONS and VIEWS from rear of MIS Goldsmith
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

2

EXHIBIT NO.

Item #
484

69101537

LUTHER-VILLA
P.B. 7-128

MORRIS
AVENUE

50' (EX. PAVING)

EXIST ZONING: DR 5.5
NET AREA: 0.35 Ac.
GROSS AREA: 0.47 Ac.
ALLOW. LOTS:
0.47 (5.5) = 2.6
2 LOTS

PT. OF BEG.
LOT 9
(0.20 Ac.)
R. 1243.26' L. 70'

LOT 9
(0.20 Ac.)

617
EX. DWG.

LOT 9

LOT 8

EX. DWG.

533° 47' E - 110.12'
N 33° 47' W - 110.12'

LOT 9A
(0.15 Ac.)

2 BLDG. ENVELOPE

567° 51' 22" W - 91.79'
567° 51' 22" E - 56.15'

SPRING

PT. OF BEG.
LOT 9A
(0.15 Ac.)

LOT 10

PLAT OF SURVEY

617 MORRIS AVENUE
FRANK L. INVERNIZZI
(LIBER 2067-545)

8TH ELECT. DIST. BALTIMORE CO., MD
SCALE: 1" = 30' MAR 21, 1983

PETITIONER'S

EXHIBIT NO.

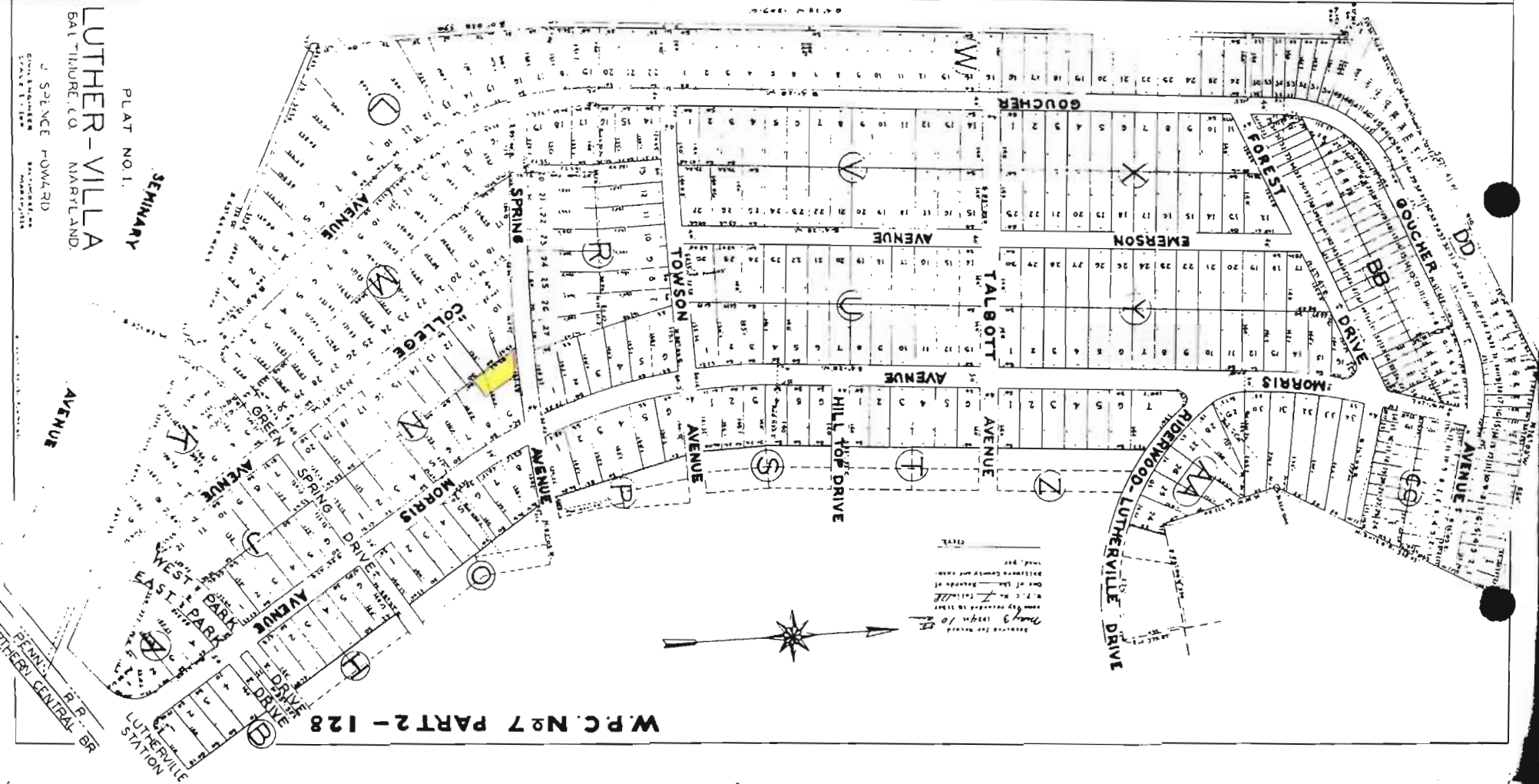
3



PAUL LEE ENGINEERING, INC.
304 N. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

Item # 484

PETITIONER'S
EXHIBIT NO. 4



Item #484

Case No.: 2008 - 0484 - A 601 SPRING AVE

Exhibit Sheet

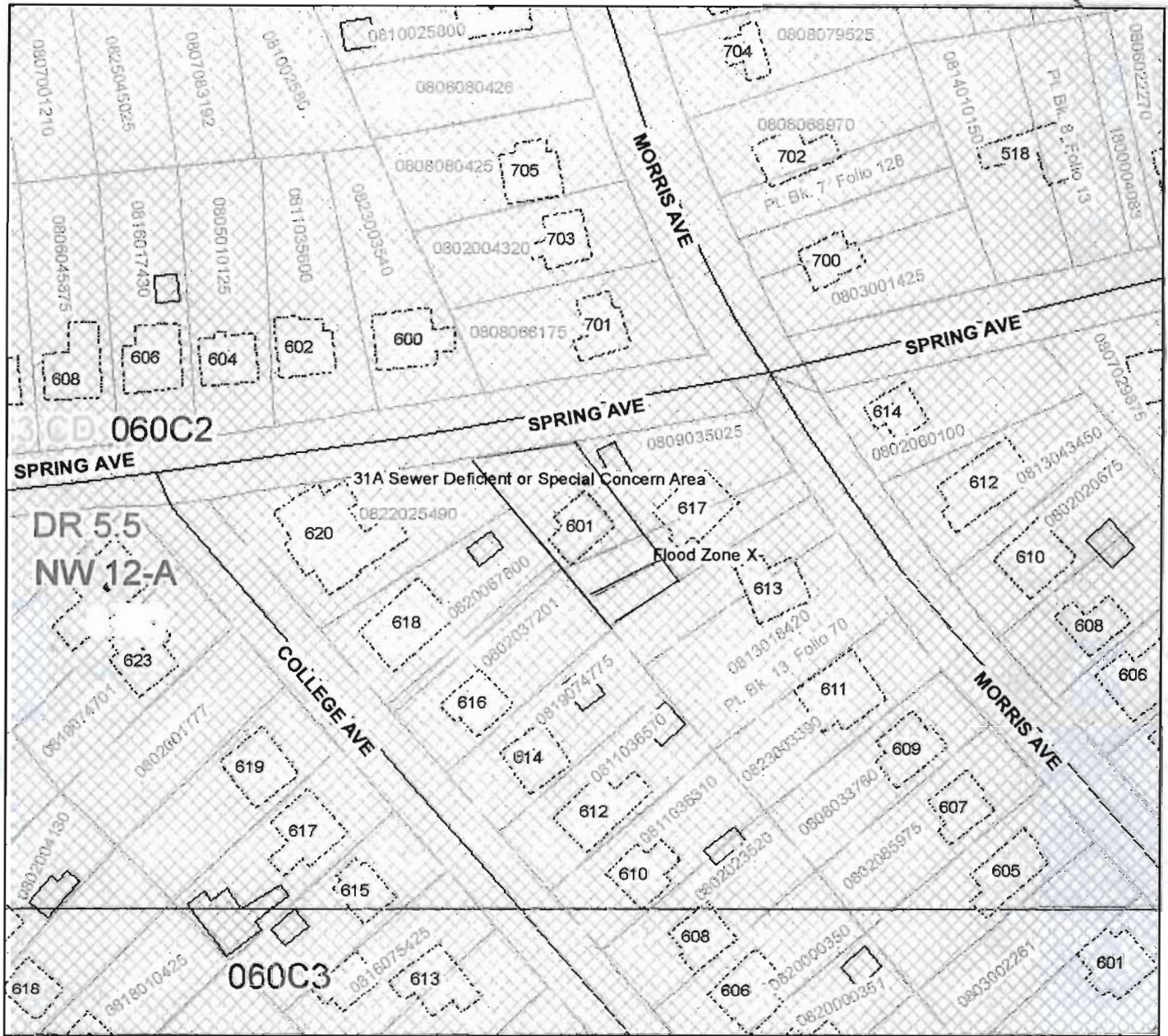
Petitioner/Developer

Protestant

No. 1	Site Plan AND "AMENDED SITE PLAN PER ORDER"	PROPERTY PLOT OF PROPERTY IN QUESTION
No. 2	Floor Plan	Deed Creating Lot 9 and Lot 9A 4/2/85
No. 3	Minor Subdivision Plat	Photographs of Existing CONDITIONS and VIEWS from rear of MIS Goldsmith
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

601 Spring Avenue

*Rm 307
elevation
from study
Data House*



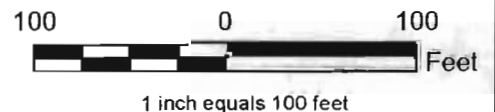
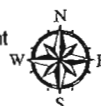
PROTESTANT' S

EXHIBIT NO. 1

DQ Map Notes



Publication Date: April 07, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



Item #484

FEE-SIMPLE DEED-CODE-City or County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

in the year one thousand nine hundred and eighty-five, by and between
FRANK LEO INVERNIZZI, Widower,

of the County of Baltimore, in the State of Maryland, of the first part, and
John M. Invernizzi, of the County of Baltimore, in the State of Maryland,
party
of the second part.

~~Witnesseth~~, That in consideration of the sum of No dollars (\$0) and other good and valuable consideration, the party of the first part,

do as grant and convey unto the said party of the second part

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

TRANSFER TAX NOT REQUIRED
Director of Finance:
BALTIMORE COUNTY, MARYLAND
Per Blaise J. Colburn
Authorized Signature
Date: 7-8 Sec. 11-856

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in the 8th Election District of Baltimore County in the State of Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same on the south side of Spring Avenue at the division line between lots 9 and 10, Block "N", Plat No. 1, Luther - Villa, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 128; thence leaving Spring Avenue and binding on the rear line of lot 9 and part of the rear line of lot 8 South 33 degrees 47 minutes East 133 feet, thence running for a line of division through part of lot 8 North 67 degrees 51 minutes 22 seconds East 56.15 feet, thence running for a new line of division through lots 8 and 9 North 33 degrees 47 minutes West 110.12 feet to the south side of Spring Avenue, and thence running and binding on the south side of Spring Avenue by a line curving to the right with a radius of 4101.24 feet for a distance of 64.79 feet to the place of beginning.

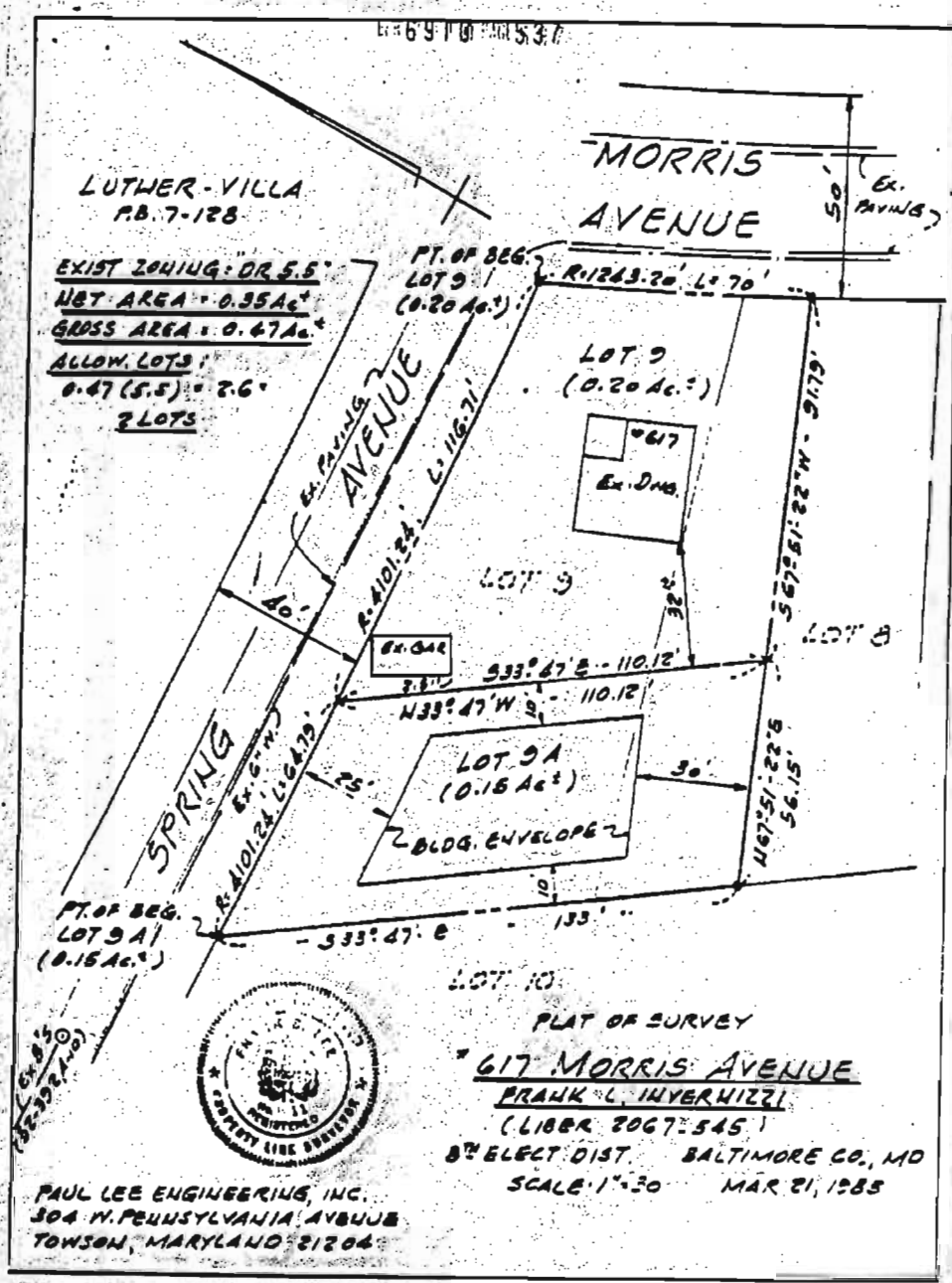
Containing 0.15 acres of land more or less.

The Plat of Survey dated March 21, 1985 prepared by Frank S. Lee of Paul Lee Engineering, Inc. is attached hereto as a part of this description.

BEING part of the lot of ground which by Deed dated January 24, 1952 and recorded among the Land Records of Baltimore County in Liber 2067, folio 545, was granted and conveyed by Allen Curtis Ferguson and Christine Groom Ferguson, his wife, unto Frank Leo Invernizzi and Sarah Jane Invernizzi, his wife. The said Sarah Jane Invernizzi, having since departed this life on or about May 28, 1982, thereby vesting fee simple title in the within named Grantor as surviving husband.

PROTESTANT' S

EXHIBIT NO.



Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said party of the second part, his

heirs and assigns, in fee simple.

And the said part y. of the first part hereby covenant that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property granted and the he will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Raymond Bevas, Jr.
RAYMOND BEVAS, JR.

Frank Leo Invernizzi (SEAL)
FRANK LEO INVERNIZZI

(SEAL)

STATE OF MARYLAND, County of Baltimore, to wit:

STATE OF MARYLAND, County of Baltimore
I HEREBY CERTIFY, That on this 2nd day of April
in the year one thousand nine hundred and eighty-five, before me, the subscriber,
a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid,
personally appeared FRANK LEO INVERNIZZI

the above named grantor and he acknowledged the foregoing Deed to be his act.

As Witness my hand and Notarial Seal

Lisa K. Thom
Notary Public.

Rec'd for record NOV 7 1966

For Elmer H. Kahllan, Sr., owner

Mail to A Raymond Clegg

Receipt No. 414

My Commission expires: 7/1/86

2-200

LEN 6910 PAGE 539

539
✓ SHORT RELEASE () SHORT ASSIGNMENT

MORTGAGE OR DEED OF TRUST FROM:

A. Raymond Jr. & F. Claire Bevens
Mortgagor(s)

TO: Balt. Fed. S & L Assn
Mortgagee(s) or Trustee(s)

LIBER NO. 3883 FOLIO 288

MAIL TO:

Mr. A. Raymond Bevens Jr.
11310 Old Carriage Rd.
Pen Arm, Md. 21057

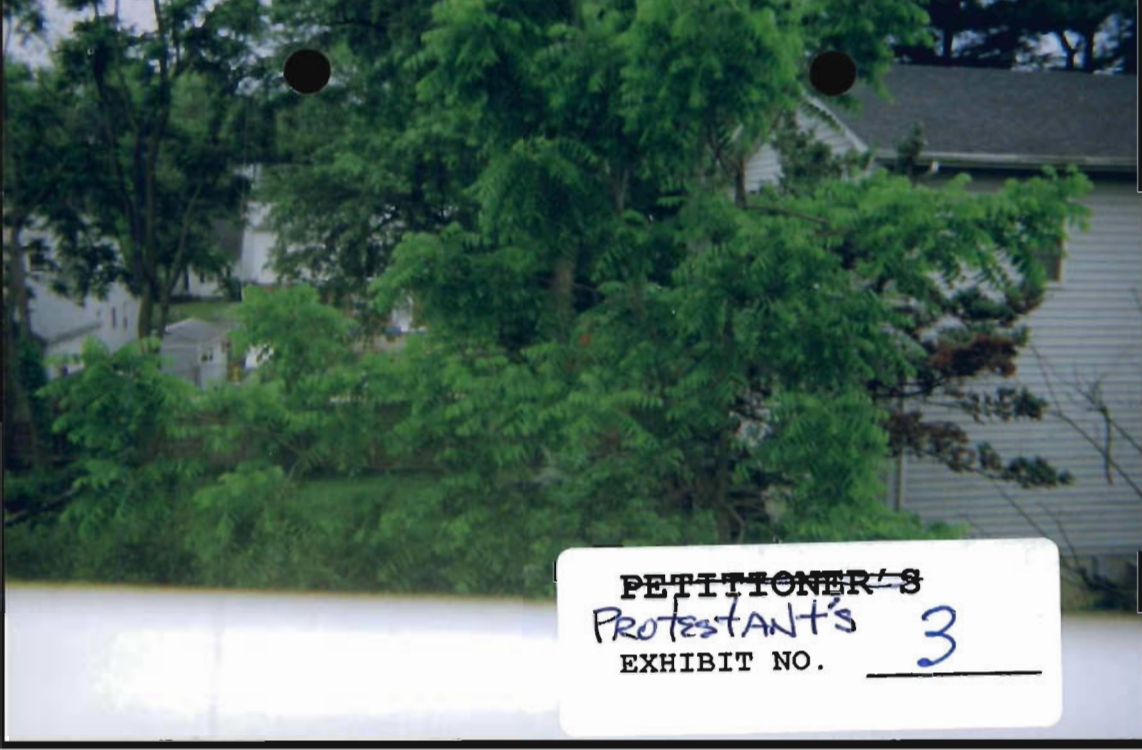
DO NOT WRITE IN THIS SPACE

U RC/F 6.00%
RELEASE 0 W
ENK JR T 6.00%
MSB765 (002 R02 111101
05/07/85

FOR VALUE RECEIVED, Baltimore Federal Savings and Loan Association hereby release the within mortgage and the debt thereby secured this 12th day of February, 1981. AS WITNESS: The Corporate Seal of the said body corporate, and the signature of the Vice-President thereof, duly attested to by its Assistant Secretary.
ATTEST BALTIMORE FEDERAL SAVINGS AND LOAN ASSOCIATION
By

Alma Clark
Assistant Secretary
Alma Clark

Loretta M. Dembinsky
Vice-President
Loretta M. Dembinsky



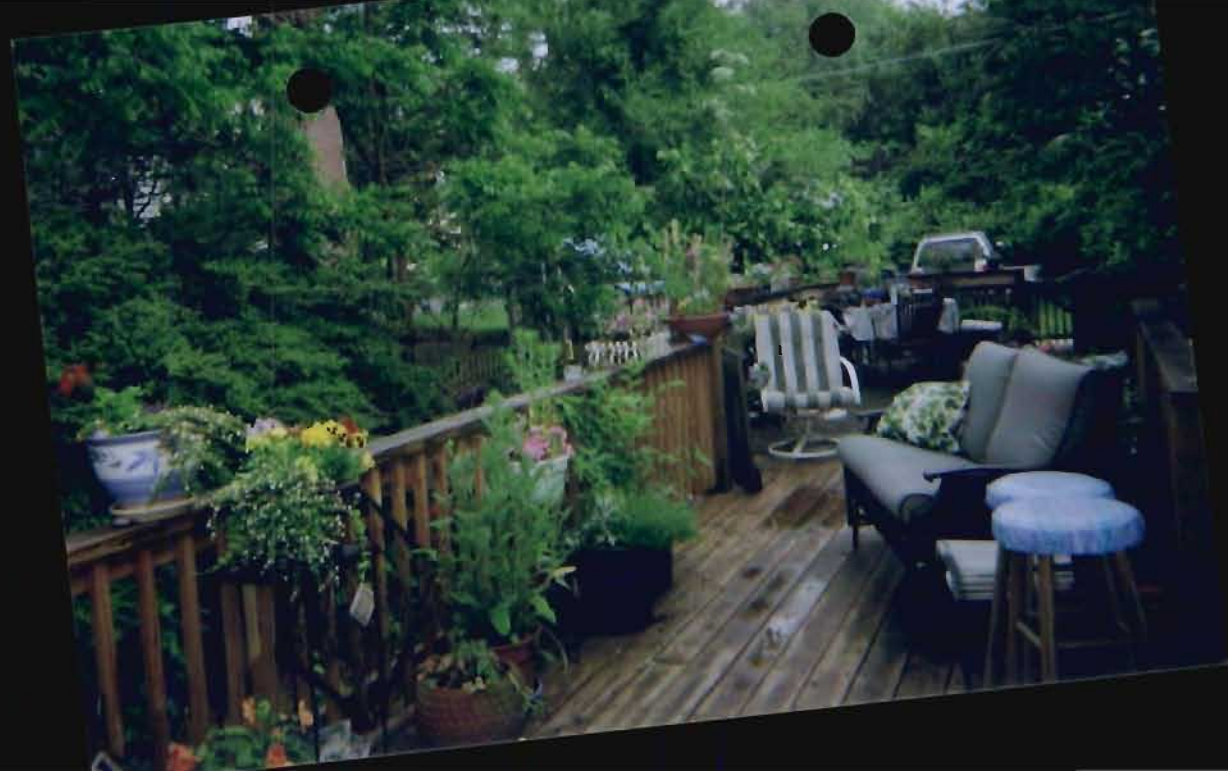
~~PETITIONER'S~~
Protestant's
EXHIBIT NO. 3





















PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

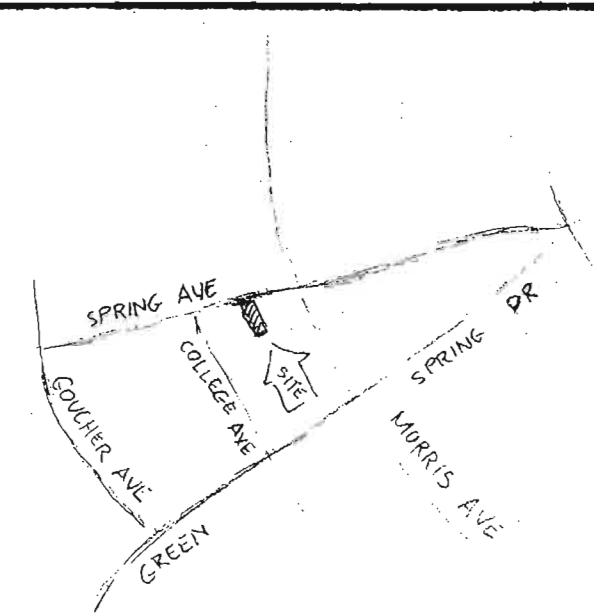
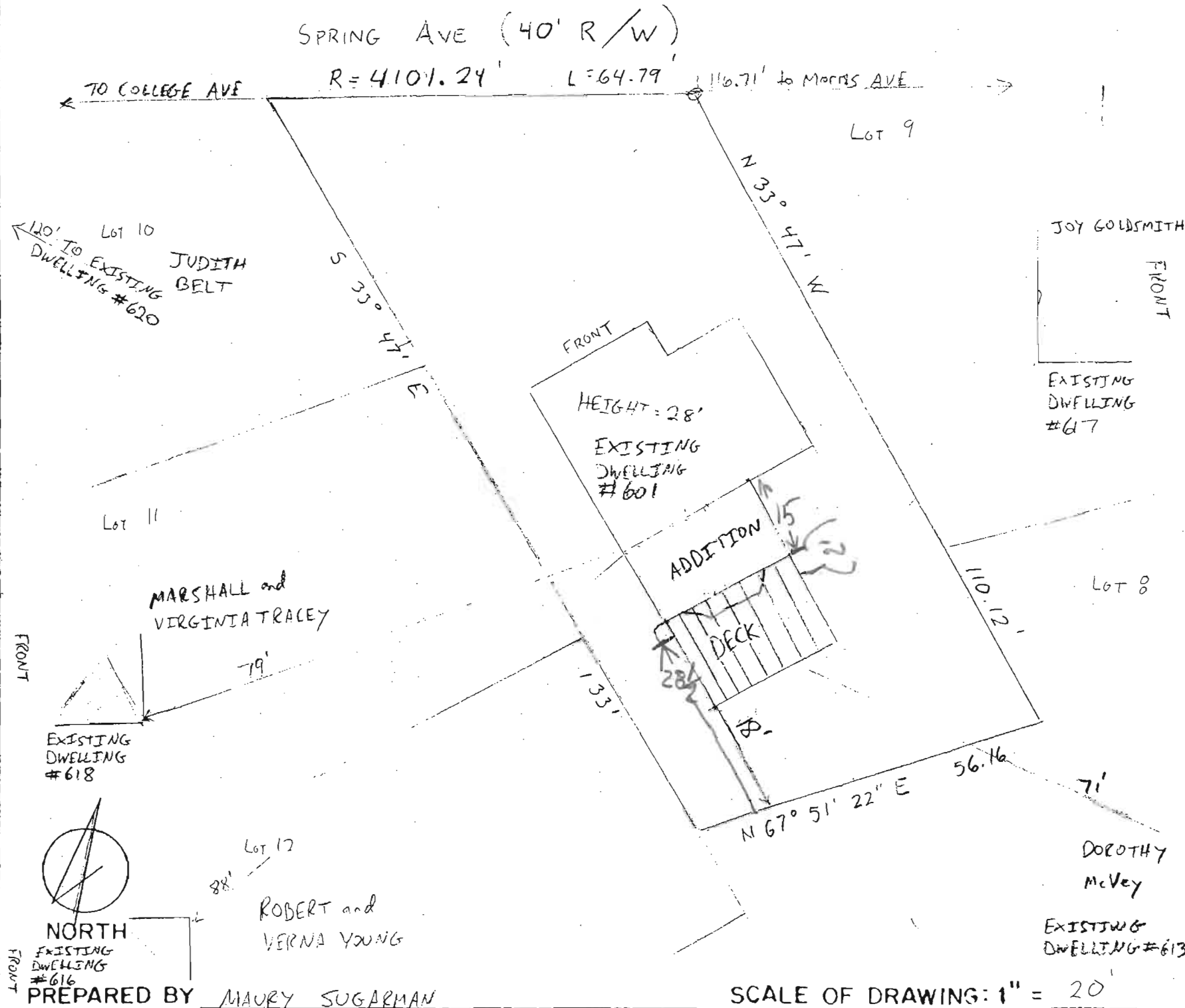
PROPERTY ADDRESS 601 SPRING AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LUTHER VILLA

PLAT BOOK # 7 FOLIO # 128 LOT # 8+9 SECTION # N

OWNER MAURY and CAROLINE SUGARMAN



VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8th
 COUNCILMANIC DISTRICT 3rd
 1" = 200' SCALE MAP # 060C2
 ZONING DR 5.5
 LOT SIZE 0.15 6534
 ACREAGE SQUARE FEET
 PUBLIC PRIVATE
 SEWER ☒ ☐
 WATER ☒ ☐
 CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ ☒
 HISTORIC PROPERTY/BUILDING ☐ ☒
 PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

PETITIONER'S
 AMENDED
 EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

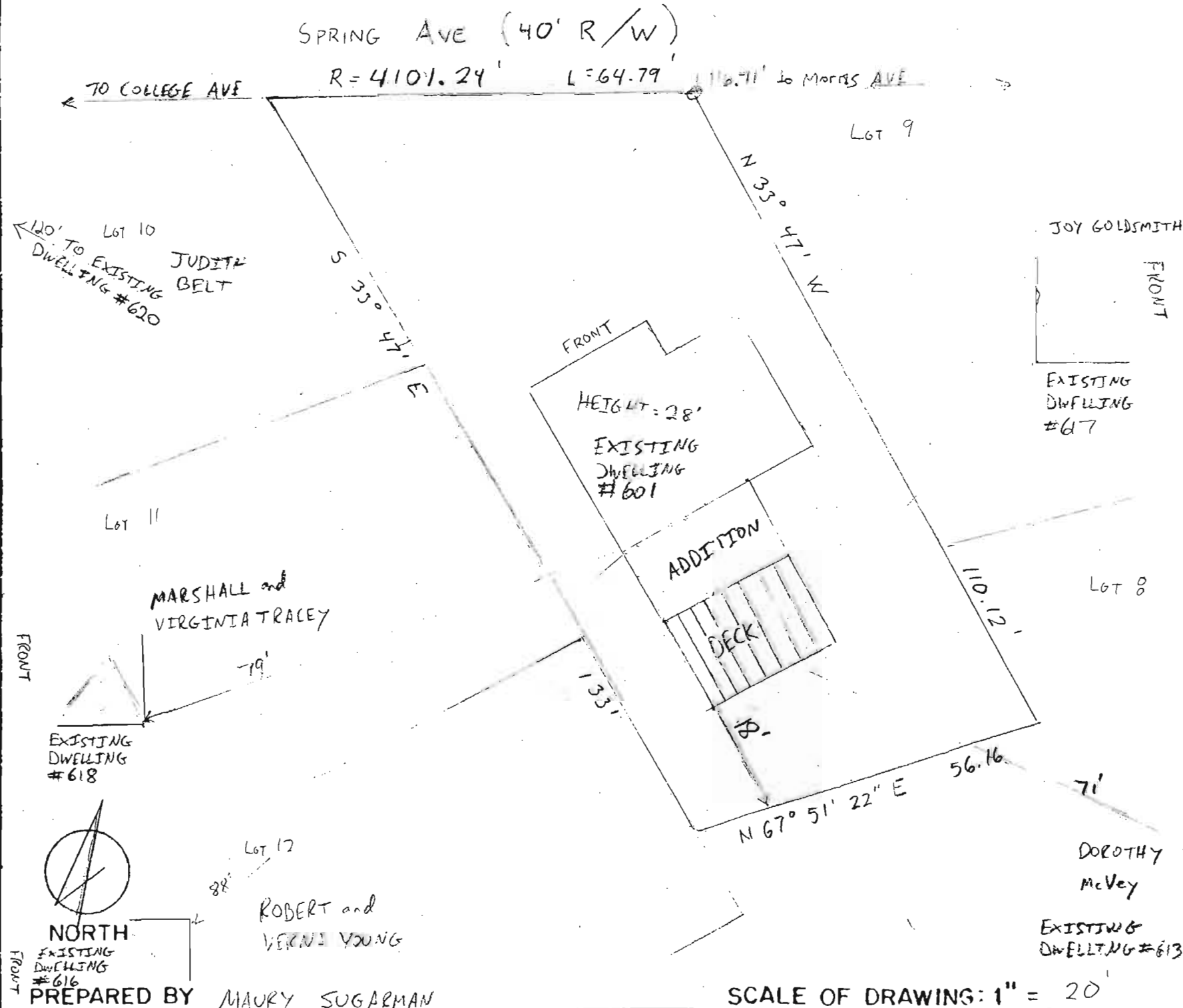
PROPERTY ADDRESS 601 SPRING AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LUTHER VILLA

PLAT BOOK # 7 FOLIO # 128 LOT # 8+9 SECTION # N

OWNER MAURY and CAROLINE SUGARMAN



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8th
COUNCILMANIC DISTRICT 3rd
1" = 200' SCALE MAP # 060C2
ZONING DR 5.5
LOT SIZE 0.15 ACRES 6534 SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING

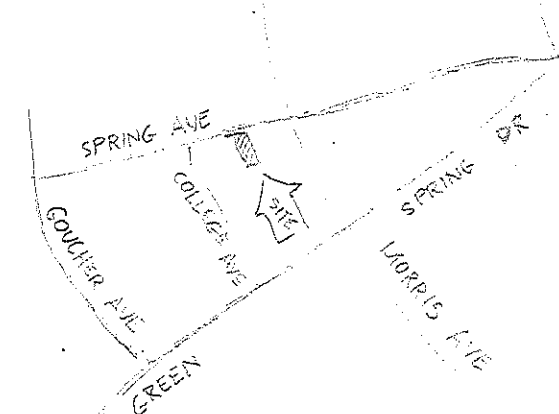
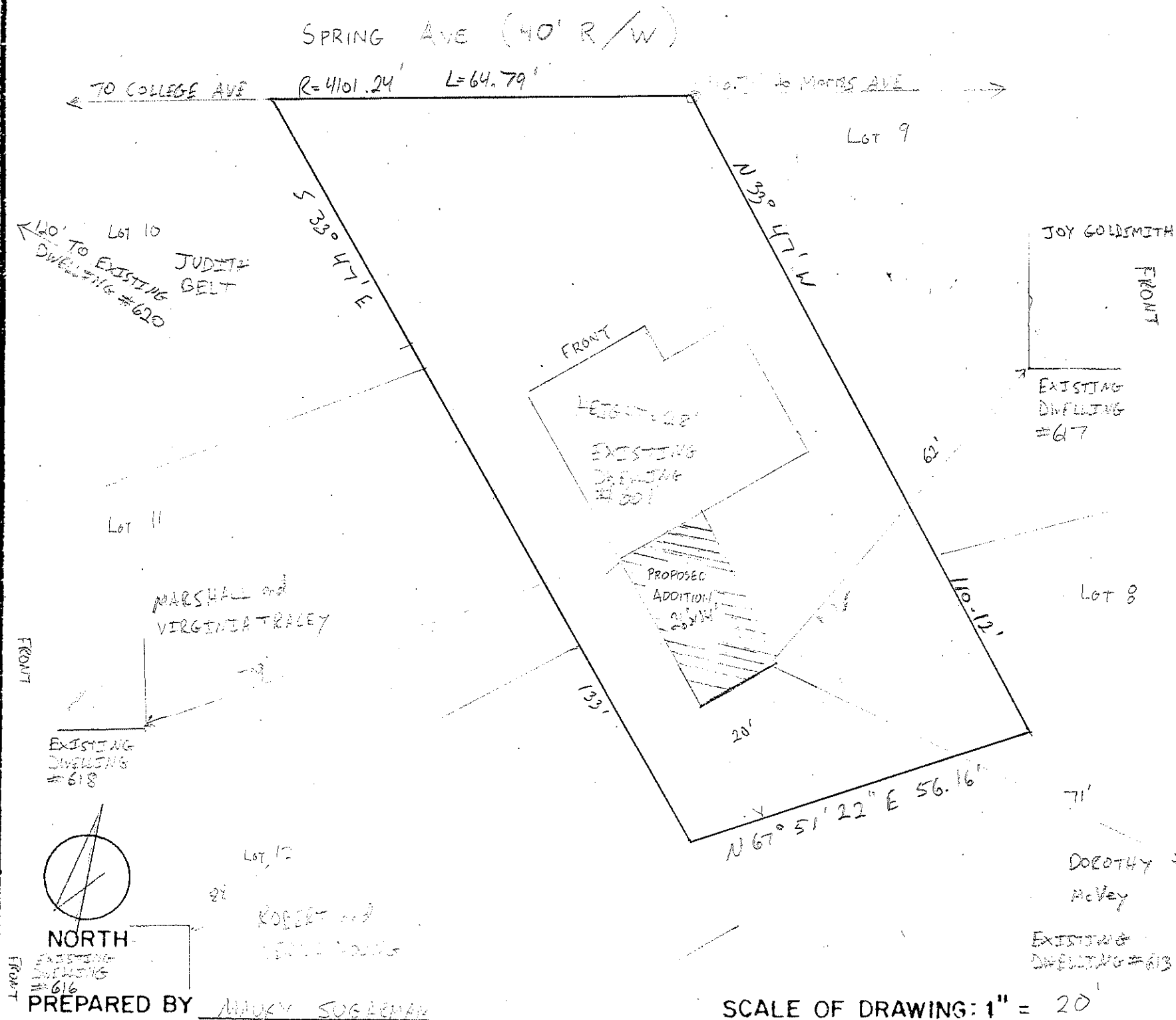
ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

PETITIONER'S
EXHIBIT NO. 1

15

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

OWNER MAURY and CAROLINE SUGARMAN



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8th
COUNCILMANIC DISTRICT 3rd
1"=200' SCALE MAP # 060C2

ZONING DR 5.5

LOT SIZE 0.15 6534
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY
CRITICAL AREA

YES	NO
☐	☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #
KID 2008-0484-A