

LIBERTY 579 132

**This Deed**, Made this 14th day of November, 1985

in the year one thousand nine hundred and eighty-five and between MARION L. CHURN and VIRGINIA R. CHURN, his wife,

of Baltimore County, in the State of Maryland, of the first part, and JOHN A. ATLAKE and JULIA E. ATLAKE, his wife, of said County and State of the second part.

Witnesseth, That in consideration of the sum of Five (\$5,000.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said GRANTORS do grant and convey unto the said GRANTEE, as tenants by the entirety, their assigns, the survivor of them, and the personal representatives and assigns of the survivor,

ALL - THAT LOT - of ground, lying in BALTIMORE COUNTY, STATE OF MARYLAND, and described as follows:

**BEGINNING** for the same on the West side of Cliveden Road 50 feet wide 201.39 feet Northwesterly from the Northwest corner of Cliveden Road and Milford Road, thence North 28 degrees West binding on the westernmost side of Cliveden Road 50.29 feet, thence North 84 degrees 10 minutes West parallel with Milford Road 156.30 feet to a point distant 150 feet Southeasterly at right angles from Glenrock Road, thence South 5 degrees 50 minutes West parallel with Glenrock Road 50 feet and thence South 84 degrees 10 minutes East parallel with Milford Road 162.45 feet to the place of beginning. Being Lot Number Twenty (#20) Section N, Plat of Sudbrook Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9 folio 7. The improvements thereon being known as No. 606 CLIVEDEN ROAD.

**BEING** the same lot of ground described in a Deed of Assignment dated July 26th, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6460 folio 775, from Jon S. Tainow and Terry W. Tainow, his wife, unto the said within named GRANTORS.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
*Ann K. Russell/Whites*  
 CLERK DATE

ADULTERIAL TRANSFER TAX NOT APPLICABLE  
 SIGNATURE *Ann K. Russell/Whites*  
 C REC/F 14.00  
 C T X 317.30  
 C DOC 347.30  
 DEED 0.00  
 STATE TAX 140.00  
 09/11/23 COM 10/23 12/03/23

8 B250\*\*\*\*176500a 520a

LIBERTY 579 132

**THIS DEED OF ASSIGNMENT**

Made this 14th day of November, in the year 1985, by and between

PETER MICHAEL STISHAN and HILLARY MAZER STISHAN, his wife,

GRANTORS

and

LOUIS ALLEN ROODY and KELLIE ANNE ROODY, his wife,

GRANTEES

**WITNESSETH**, that the actual consideration paid or to be paid is \$11,500.00 and

**FURTHER WITNESSETH**, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said GRANTORS do grant and assign unto the said GRANTEE, as tenants by the entirety, their assigns, the survivor of them, and the personal representatives and assigns of the survivor,

ALL - THAT LOT - of ground, lying in BALTIMORE COUNTY, STATE OF MARYLAND, and described as follows:

**BEGINNING** for the same on the West side of Cliveden Road 50 feet wide 201.39 feet Northwesterly from the Northwest corner of Cliveden Road and Milford Road, thence North 28 degrees West binding on the westernmost side of Cliveden Road 50.29 feet, thence North 84 degrees 10 minutes West parallel with Milford Road 156.30 feet to a point distant 150 feet Southeasterly at right angles from Glenrock Road, thence South 5 degrees 50 minutes West parallel with Glenrock Road 50 feet and thence South 84 degrees 10 minutes East parallel with Milford Road 162.45 feet to the place of beginning. Being Lot Number Twenty (#20) Section N, Plat of Sudbrook Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9 folio 7. The improvements thereon being known as No. 606 CLIVEDEN ROAD.

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8 B250\*\*\*\*176500a 520a

15846/dk

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM 5850 1420

BAY STATE TITLE CO.  
 1 East Redwood Street  
 Baltimore, Md. 21202  
 539-8878

**This Deed**, Made This 27th day of December

in the year one thousand nine hundred and eighty-four by and between

ELSIE R. ENGLAND

of Baltimore County, State of Maryland, party of the first part, and

PAUL GOLOMB and JESSICA S. GOLOMB, his wife, parties of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the actual consideration paid or to be paid is \$53,000.00

the said party of the first part

do grant and convey to the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

**BEGINNING FOR THE SAME** on the west side of Fawnhurst Road sixty feet wide at the distance of three hundred fifty feet northerly from the north side of Milford Road and running northerly binding on the west side of Fawnhurst Road fifty feet, thence westerly parallel with Milford Road one hundred sixty feet and thence southerly fifty feet and thence easterly parallel with Milford Road one hundred fifty feet to the place of beginning. Being Lot No. 22, Section 0 on the Plat of Sudbrook Park. The improvements thereon being known as No. 2 Fawnhurst Road.

**BEING** the same lot of ground which by Deed dated July 6, 1980 and recorded among the Land Records of Baltimore County in Liber CMB, Jr. No. 1111, folio 327 was granted and conveyed by Govet L. Johnson and Nellie H. Johnson, his wife, unto Robert J. England and Elsie R. England, his wife. The said Robert J. England having since departed this life on or about the 27th day of January, 1984, whereby vesting fee simple title solely in Elsie R. England as survivor.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
*Ann K. Russell/Whites*  
 CLERK DATE

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 SIGNATURE *Ann K. Russell/Whites*  
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15846/dk

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM 5850 1420

BAY STATE TITLE CO.  
 1 East Redwood Street  
 Baltimore, Md. 21202  
 539-8878

**This Deed**, Made This 27th day of December

in the year one thousand nine hundred and eighty-four by and between

ELSIE R. ENGLAND

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PAUL GOLOMB and JESSICA S. GOLOMB, his wife, parties of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the actual consideration paid or to be paid is \$53,000.00

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do grant and convey to the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

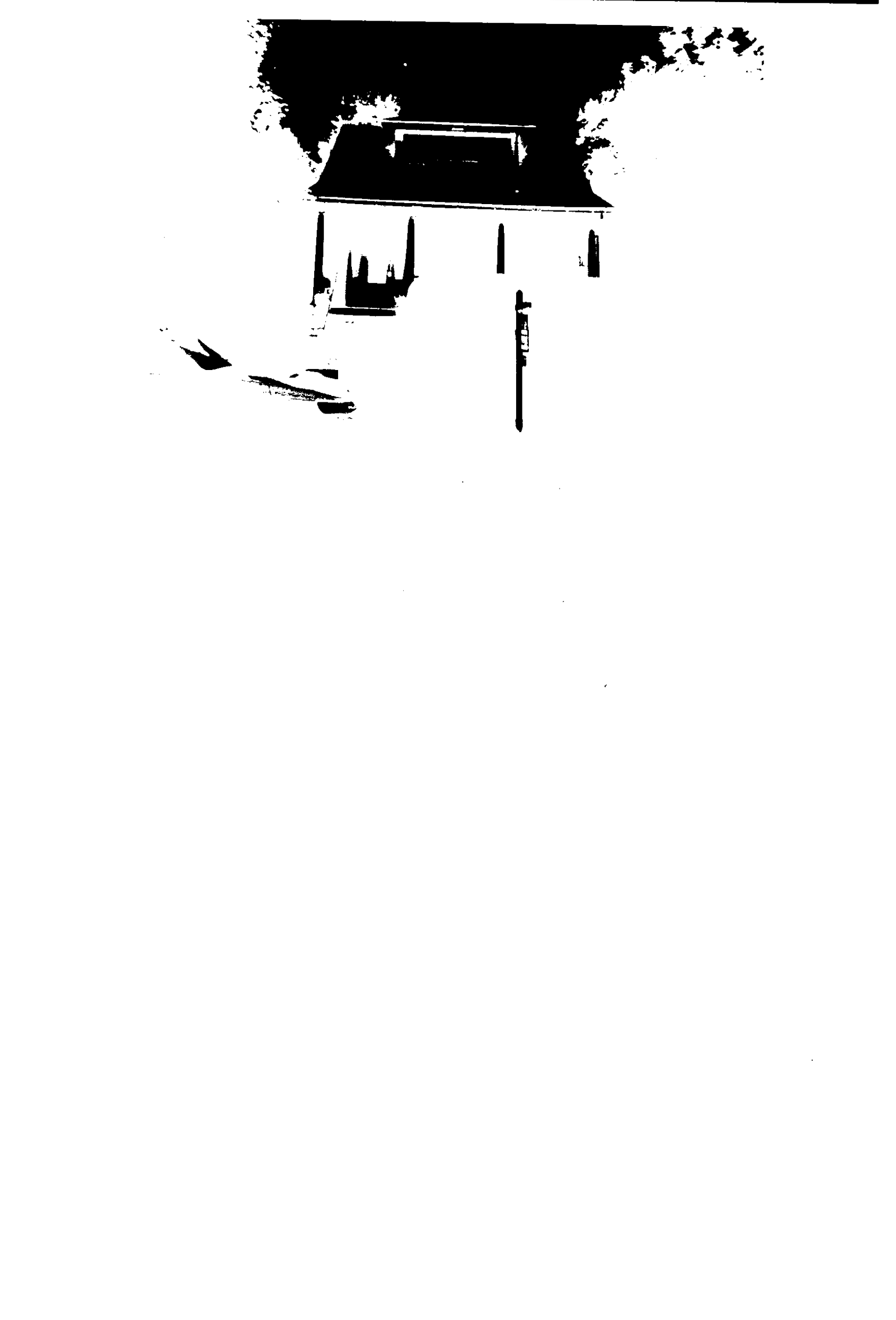
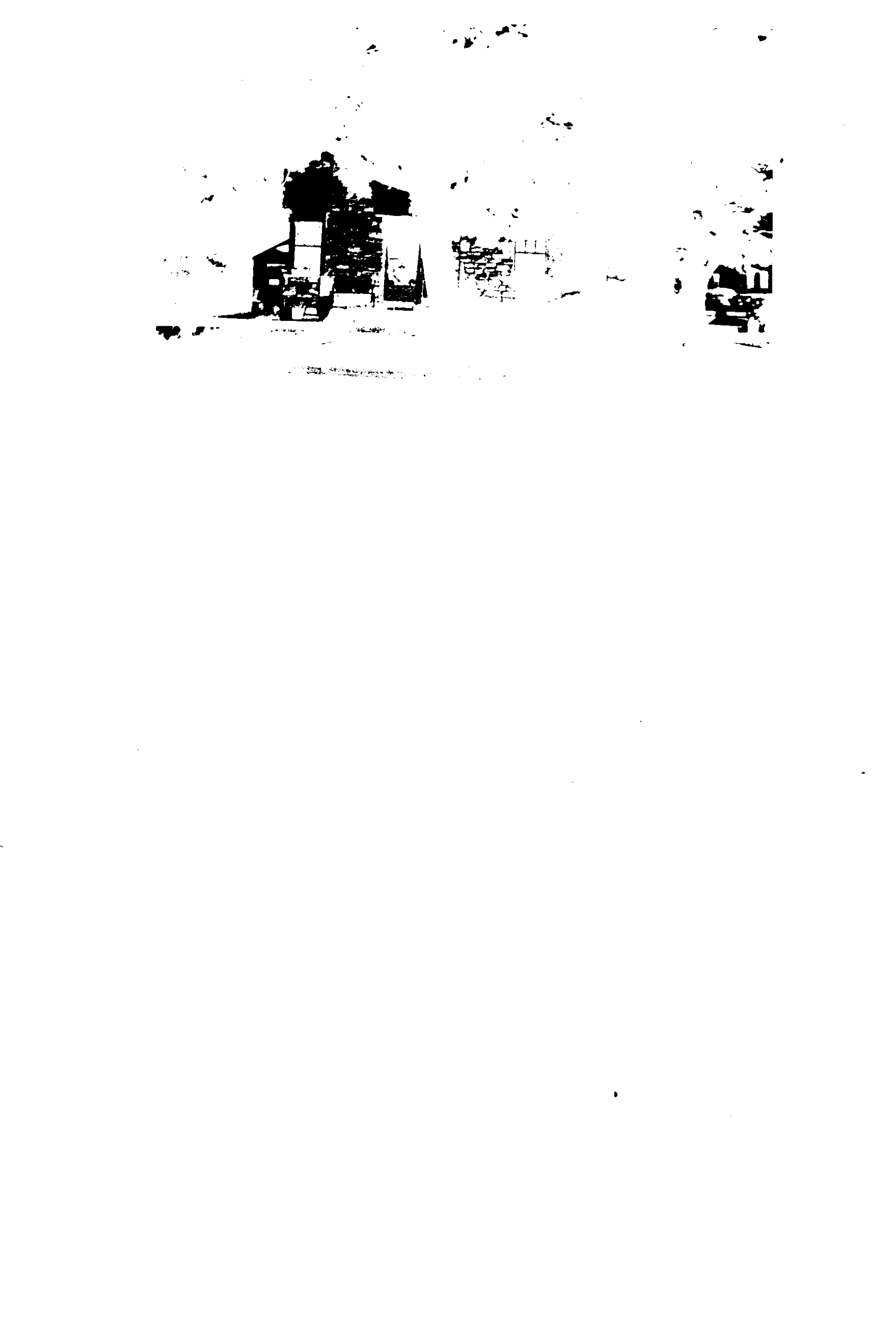
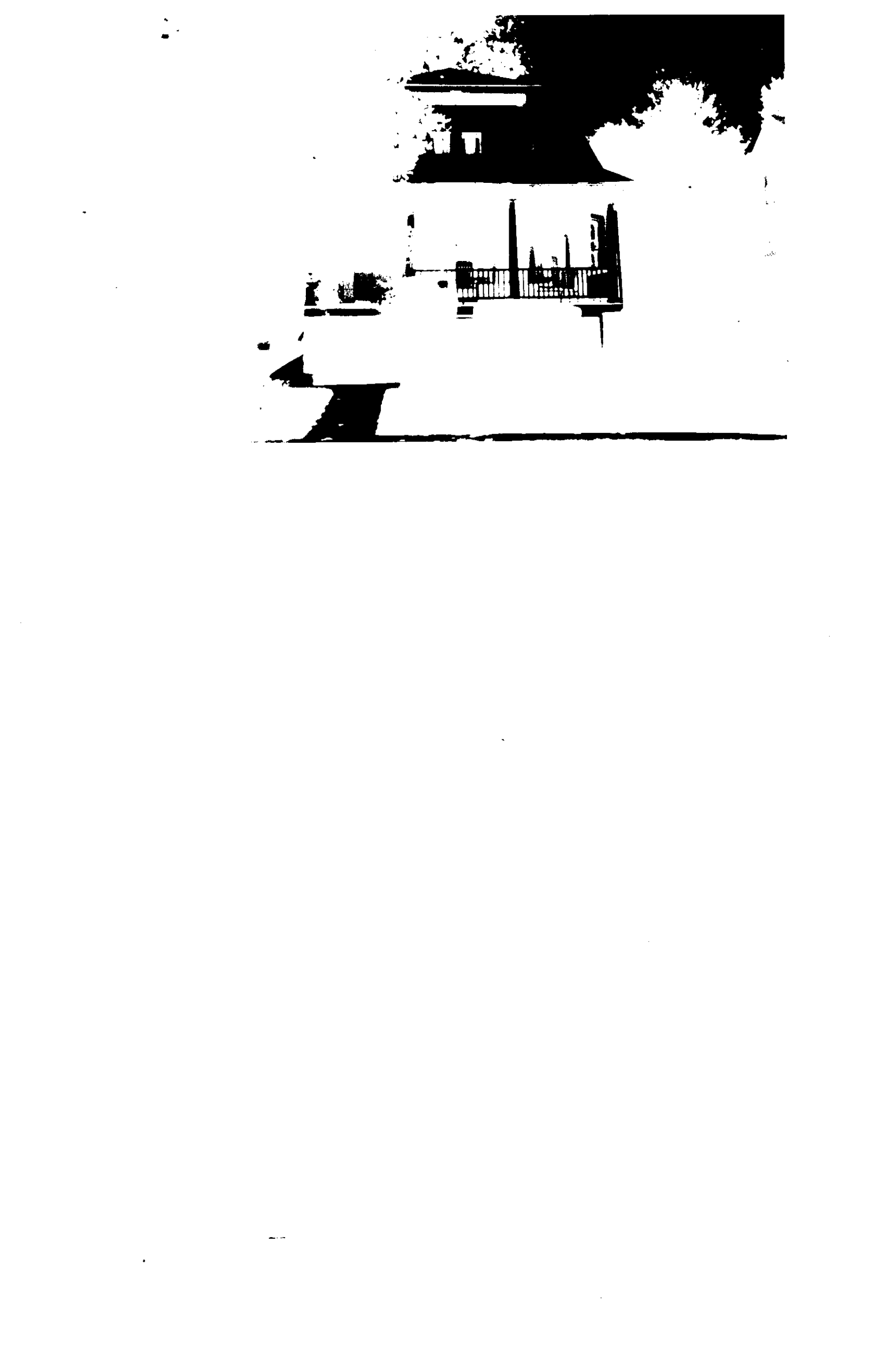
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IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/S Cliveden Rd., 354 ft. & ZONING COMMISSIONER  
304 ft. NW of c/1 Milford Mill \*  
Rd. (609 and 607 Cliveden Rd.) \*  
3rd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \*  
Steven L. Bunoski \* Case Nos. 94-535-A & 94-536-A  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner as a combined hearing on Petitions for Variance filed by Steven L. Bunoski. Case No. 94-535-A relates to the property known as 609 Cliveden Road in the Sudbrook Park subdivision of Baltimore County. As filed, the Petition in case No. 94-535-A requested variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a 5 ft. side yard setback in lieu of the required 10 ft. Also sought was a variance from Section 304.1.B. and C. of the BCZR for an undersized lot in a D.R.5.5 zone. The Petition for Variance in case No. 94-536-A asked for identical relief but related to an adjacent property known as 607 Cliveden Road. As noted above, they are both owned by Mr. Bunoski and are located within the residential subdivision known as Sudbrook Park.

Appearing at the public hearing held for this case was the property owner, Steven L. Bunoski. Although a member of the Bar, Mr. Bunoski did not represent himself. Rather, he was represented by Leslie Pittler, Esquire. Also appearing on behalf of Mr. Bunoski was Bruce E. Doak, a Registered Professional Surveyor, from Gerhold, Cross and Etzel, and Isaac Eiler, a builder.

Numerous Protestants appeared in opposition to the Petitions. They were represented by Melanie Anson, Esquire. Although the names of all of the Protestants who appeared are too numerous to list, among those who testified were Leonard Frank, Dara Brady, Dan Appleby and Max Levenson.

As a preliminary matter, Mr. Bunoski, through counsel, amended his Petitions. Specifically, he deleted the requested variance from Section 1B02.3.C.1 of the BCZR in both cases. In so amending the Petition, the Petitioner advised that the required side yard setback distances of 10 ft. would be maintained for both properties. Thus, the case proceeded on the balance of the requested relief.

Testifying on behalf of the Petitioner was Bruce E. Doak. Mr. Doak prepared the site plan which was filed to accompany the Petitions for Variance marked as Petitioner's Exhibit No. 4. That plan clearly depicts the subject properties. As noted above, they are identified as Nos. 607 and 609 Cliveden Road. The lot known as 607 Cliveden Road is .174 acres in area. It is 50.47 ft. wide at its frontage at Cliveden Road and 50 ft. wide at the rear property line. The property's depth ranges from 147.94 ft. on the south side to 155.32 ft. on its north side. Except for its skewed front property line which abuts Cliveden Road, the lot is almost a perfect rectangle. No. 609 Cliveden Road is immediately adjacent. That lot is slightly larger, being .183 acres in area. It is also 50 ft. wide in the rear and 50.47 ft. in the front. It shares a common depth on the one side of 155.32 ft. with No. 607, however, owing to the curvature of the road, the property is 162.7 ft. deep on the north side. Both lots are unimproved. Mr. Doak, who testified as an expert property line and boundary surveyor, testified that he was retained by the property owner to assist him in developing both lots. Mr. Doak indicated that he appeared before the Development Review Committee (D.R.C.) in an effort to obtain development approval for the subject lots. Originally, he proposed gerrymandering the common boundary line between the two lots so as to provide each lot with a 55 ft. width at the front building line envelope. However,

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By

er, this approach would cause the proposed dwellings to have different front yard setback distances and was rejected by the D.R.C.

Mr. Doak also noted that the regulations for development in a D.R. zone require that an individual lot be 55 ft. wide. The subject properties are both zoned D.R.5.5 and as noted from the dimensions listed above, do not have the necessary width. Thus, the subject Petitions for Zoning Variance were filed. In Mr. Doak's view, a granting of the variance would be appropriate with surrounding uses while allowing the Petitioner the opportunity to develop both lots.

Also testifying was Isaac Eiler, a builder retained by Mr. Bunoski to erect the proposed dwellings on lots 607 and 609. He testified that a 30 ft. wide house could be constructed, so as to observe the 10 ft. side yard setbacks on both sides. He opined that two small houses on these lots would be marketable and consistent with other houses in the area. He testified that both houses would be 1100 to 1200 sq. ft. in area and believes a house of such size would be consistent with other houses in the area.

Also testifying was the property owner, Steven Bunoski. Mr. Bunoski originally owned not only the two subject lots, but another adjacent property known as 605 Cliveden Road. This property is immediately next door to the parcel at 607 Cliveden Road. Moreover, 605 Cliveden Road is improved with a two story wood frame dwelling. Ultimately, however, Mr. Bunoski sold this house to the present property owner, Daniel Appleby.

Mr. Bunoski also submitted a series of deeds which demonstrate the history of the subject properties. As noted above, the subject lots are in the subdivision known as Sudbrook Park. This is a long established residential community which was originally laid out and developed in the 1920s. Through the testimony and evidence offered by Mr. Bunoski, it is

clear that many of the lots in the community, including the subject properties, were originally laid out on the plat of the subdivision as 50 ft. lots. There is no question that lots 607 and 609 are separate and independent parcels and have been so considered for many years. Mr. Bunoski testified that denial of the variances requested would not allow him to develop the properties for a permitted purpose (i.e., residential) and would cause him a practical difficulty. Although not claiming a financial hardship, Mr. Bunoski testified that he would suffer a unique prejudice if the variance relief was not granted. Quite simply, he believes that since the lots have always been considered two residential lots, he should be able to develop same in that fashion. To deny him this privilege, it was argued, would be tantamount to the taking of rights enjoyed by any property owner to use property for a permitted purpose. Moreover, Mr. Bunoski agreed to implement reasonable conditions and restrictions to the development of these lots, so as to ensure compatibility with the area.

All of the Protestants who testified, namely, Daniel Appleby, Max Levenson, Leonard Frank and Dara Brady were consistent in their uniform opposition to the proposed requests. They believe the construction of two houses on these undersized lots would detrimentally impact the community. Their testimony was that most of the lots in the community are larger and many of the houses are built on double lots. It was also argued that the proposed construction would eliminate open space and crowd the neighborhood. Lastly, it was offered that most of the houses in the immediate vicinity are quite old and the new construction could negatively affect these properties.

The first issue for consideration in deciding this case is the effect of Section 304 of the BCZR. With the amendment of the zoning Petitions by

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the Petitioner, the only request before me is for "A variance from Sections 304.1 B and C for an undersized lot in a D.R.5.5 zone."

Section 304 of the BCZR governs the use of undersized single family lots. It provides a property owner with the right to construct a one family detached or semi-detached dwelling on an undersized lot (i.e., a lot having a substandard area or width at the building line less than that required by the regulations) if the property owner meets three tests. These tests are: (1) that such lots shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955, the date of the first adoption of comprehensive zoning regulations in Baltimore County, (2) That all other requirements of the height and area regulations are complied with, and (3) That the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. Section 304 is indeed an alternative for a property owner to develop an undersized lot without obtaining variances. It allows development of undersized lots as of right when the three test conditions are met. Thus, the owner of an undersized lot who wishes to develop the property has two alternatives to obtain approval under the BCZR; either demonstrate compliance with Section 304 or obtain a variance pursuant to Section 307 of the BCZR.

The Petitioner argues that he complies with Section 304 in this instance and thus should be allowed to develop his properties at 607 and 609 Cliveden Road by right. It is clear that he, indeed, meets the first test. The subject lots were originally recorded in 1928 when this subdivision was initially plotted out. The copy of the deed submitted as Petitioner's Exhibit No. 2 and recorded among the Land Records of Baltimore County in 1920, clearly demonstrate that these properties are two distinct lots of record. Thus, the Petitioner meets the first test enunciated.

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Moreover, with the amendment of the Petition to delete the request for a reduced side yard setback, the Petitioner complies with the second test. As noted above, this test requires that all other height and area regulations of the BCZR are complied with. It is worth noting that in order to satisfy this test, the property owner cannot request a variance from any setback, height or other distance requirement. The language of this second test is clear. The distance, area or height requirement must be complied with in order for the Petitioner to meet this criteria. The mere request for a variance from the height, setback or other required distance, would mean that a property owner does not comply with this section. Clearly, compliance with height and area regulations as envisioned under this test does equate to variance approval from those sections but, strict adherence to the distance, area or height requirements.

Having satisfied the above two tests, attention is next turned to the third test. This test requires that the property owner not own sufficient adjoining land to conform to the width and area requirements contained in the regulations. Unfortunately, for the Petitioner in this case, it is clear that Mr. Bunoski does not satisfy this prong. The clear wording of this test certainly applies to the situation here. If a property owner owns adjoining lots to an undersized property, it is entirely appropriate and practical for the lots to be combined in a manner so as to comply with the area and lot width requirements contained in the BCZR. In this case, Mr. Bunoski can surely combine his two lots so as to create one lot which meets all area and distance requirements for development in a D.R.5.5 zone. Having this ability, he therefore does not meet the test enunciated in Section 304.C.

Notwithstanding this obvious result, he argues that each lot must be adjudged individually. That is, his holdings at 609 Cliveden Road cannot

be considered when applying the test to 607. The Petitioner argues that the section was only enacted to prevent holders of a significant number of lots from obtaining relief.

Such an argument is contrary to the plain meaning of the words used in the statute. If such thinking were adopted, the test in Section 304.C would be of no practical effect. A property holder of any number of lots could claim that each must be evaluated only within the context of the four corners of the given property. The test specifically requires examination of adjoining land.

Moreover, this result is entirely consistent with the Zoning Commissioner's policy manual which discusses the application of Section 304. Although the policy stated does not deal directly with this issue, it discusses a property owner checkerboarding his property by divesting himself of certain lots so as to obtain relief under Section 304. It was clearly the intent of the County Council in enacting Section 304 to prohibit the result which Mr. Bunoski's argument would bring about.

Having determined that the Petitioner does not comply with Section 304 of the BCZR, it is clear that he is not entitled to develop as of right pursuant to that section. Thus, although the language of the Petition is improper, it is clear that the case must be considered within the context of a variance from Section 1B02.3.C. of the BCZR which requires a minimum lot width of 55 ft. That is, not having the ability to develop as of right on these undersized lots, the Petitioner must obtain a variance pursuant to the authority conferred under Section 307 of the regulations from the 55 ft. lot width requirement.

As is well settled, Section 307 of the regulations sets forth a three pronged test which the Petitioner must meet in order to obtain variance relief. First, it must be shown that the Petitioner would suffer practical

difficulty if the variance were denied. Secondly, relief can only be granted if same is within the spirit and intent of the zoning regulations. Lastly, relief can be approved only if same will not be detrimental to the surrounding locale.

The Petitioner agreed that the economic profitability of his development endeavors is not germane to the practical difficulty burden. It is indeed well settled that economic viability would not justify the finding of practical difficulty. However, Mr. Bunoski argues that the practical difficulty which he will sustain is not related to economic gain or loss. Rather, he contends that a denial of the variances would be nearly tantamount to a taking of the property by the State. He argues that these lots were originally each laid out as residential properties and that a denial of his ability to develop each one for that purpose is improper.

I disagree. Carried to its extreme, Mr. Bunoski's argument would be that any zoning regulation which limits or in any manner conditions or restricts the use of property is tantamount to a taking. If Mr. Bunoski owned but one lot, his argument may have merit. In that case, clearly, he would have a property which could not be used for an express purpose (residential development) for which it was zoned. However, that is not the case here. Particularly owing to the fact that he owns two lots, he may develop them jointly for a residential purpose. In my view, the Petitioner fails to satisfy the stringent requirements of practical difficulty.

I also observe that I believe that a grant of the variances for these lots would detrimentally affect the surrounding locale. It is clear that the Sudbrook Park community is a diverse community of house styles and properties. Mr. Bunoski is indeed correct that there are houses in the immediate vicinity on 50 ft. lots. As such, the construction which he has proposed is not entirely out of character with the community.

Officially  
Date  
By



#614



#610



#612



#611



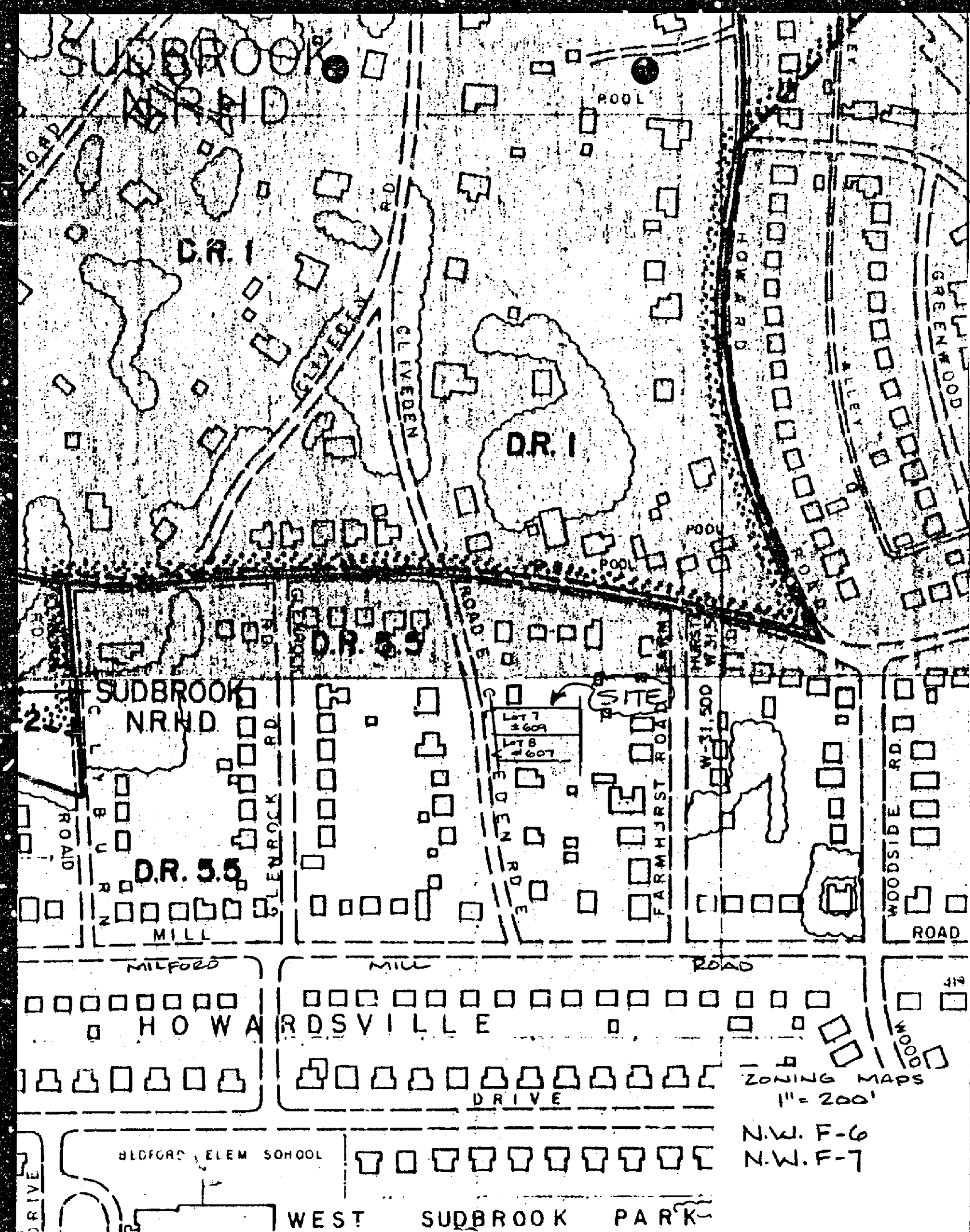
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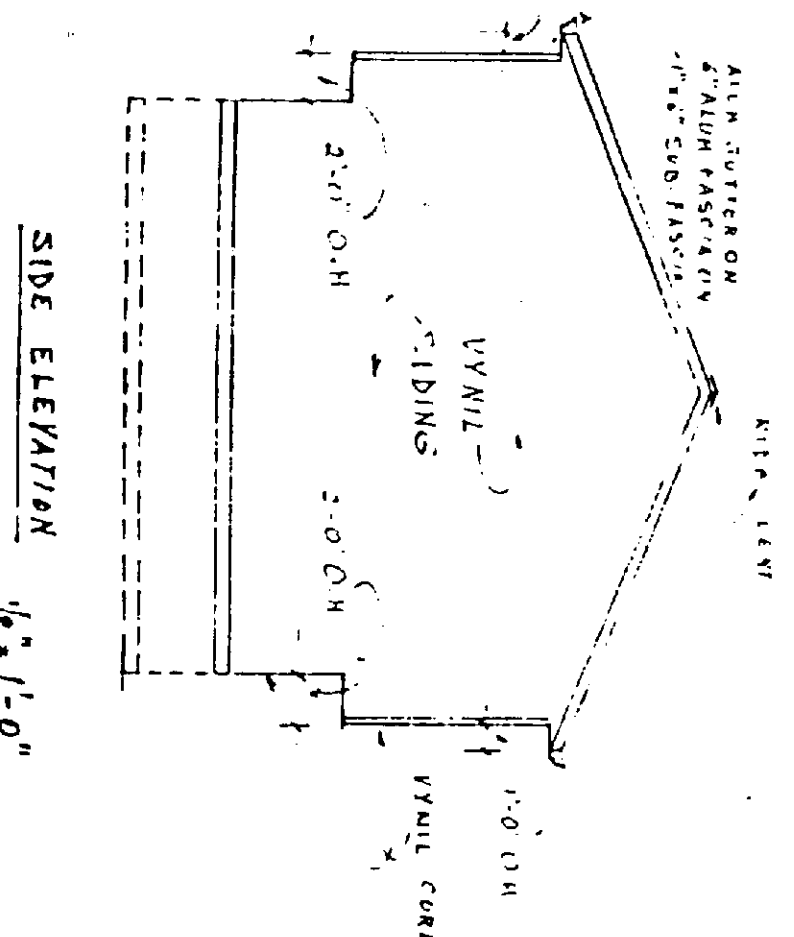
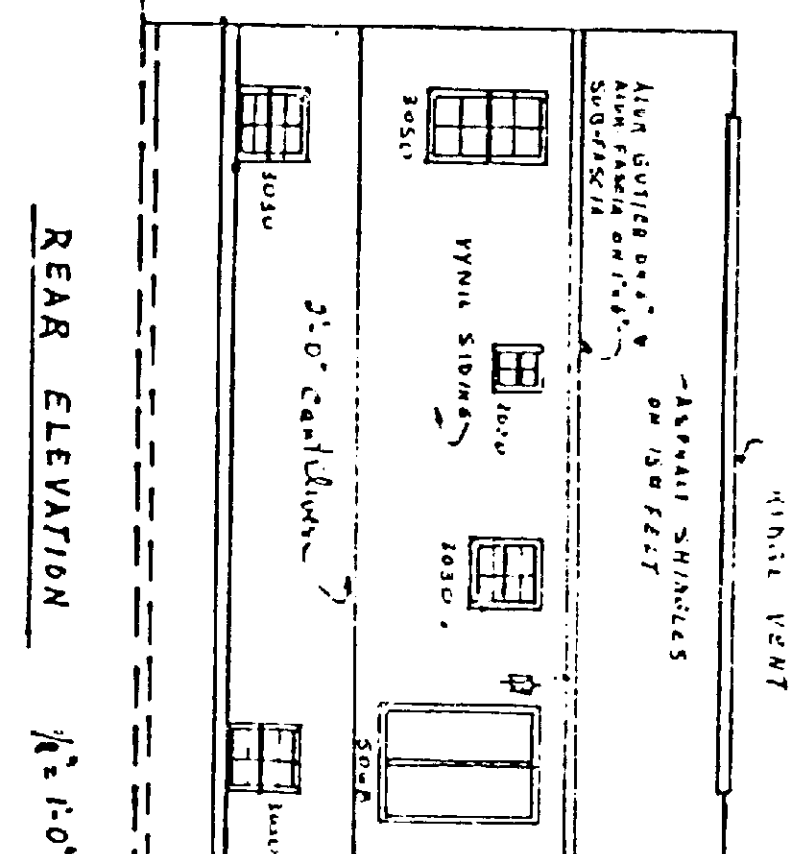
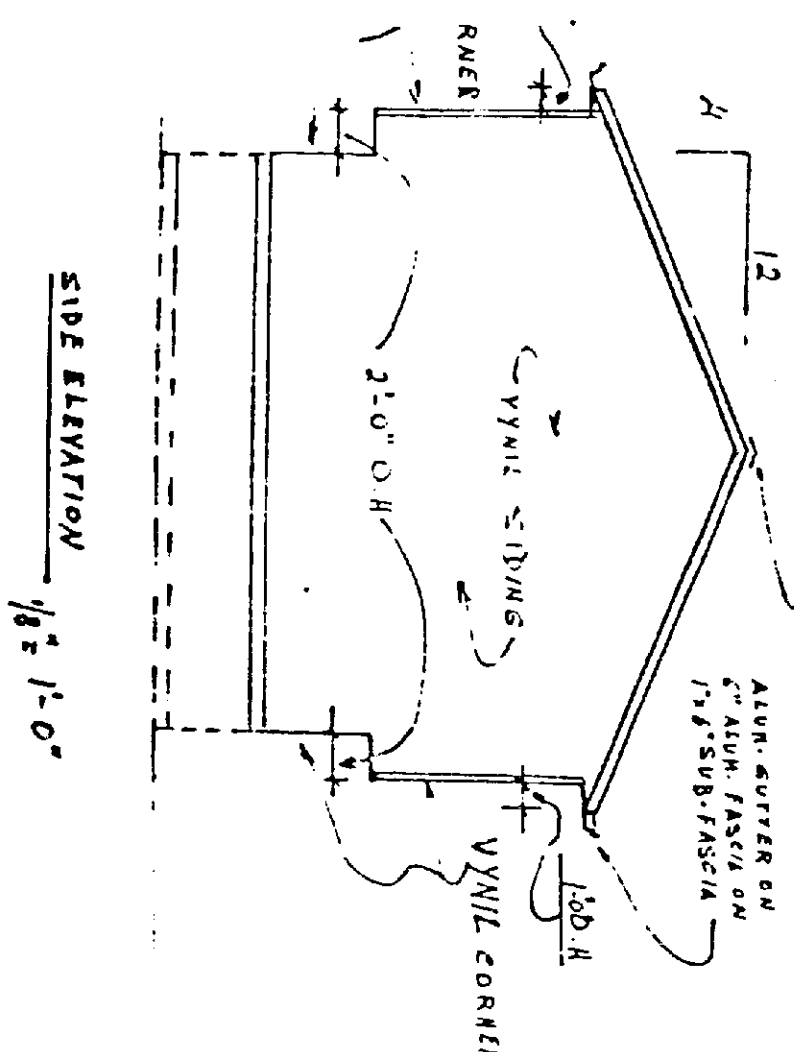
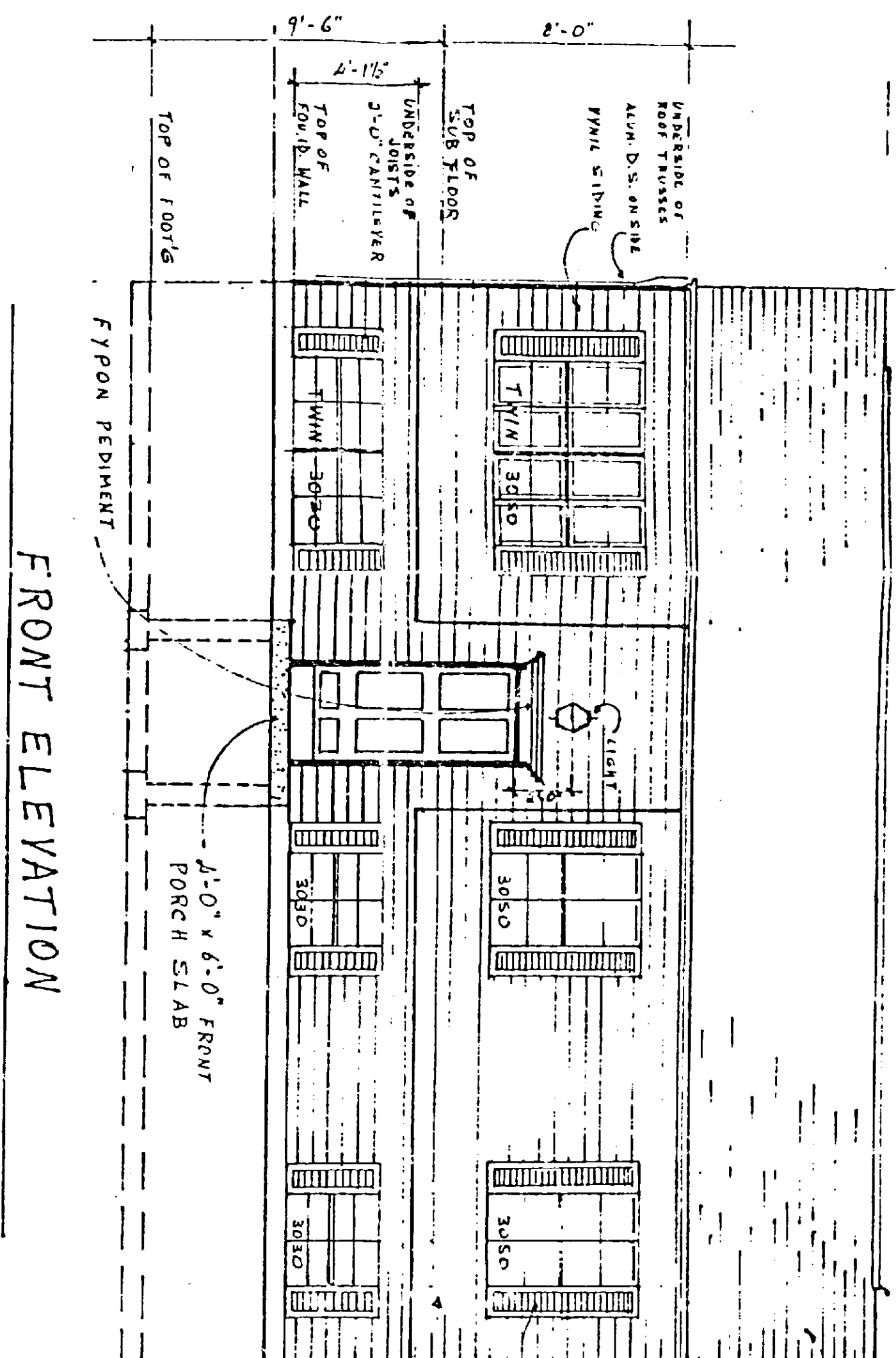
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planter area between #605 & #607

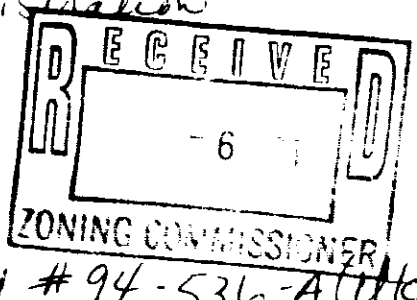


MODEL FAIRFAX SIZE 28'-0" x 35'-0" DRAWING ELEVATION DRAWN BY IGM SCALES 1/4" = 1'-0"		JENMAR HOMES FRIG BUILDING CORP. MODEL NO. 3003
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August 29, 1994  
 609 Cliveden Road  
 Pikesville, Maryland 21208

Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204



Re: Case # 94-535-A (Item 522) and # 94-536-A (Item 523)

Mr. Schmidt:  
 As a resident of Sudbrook Park in Pikesville I am very concerned about the above mentioned cases. I feel the owner of the lots in question should comply with the parameters set out by the original law established in 1955. In doing so the integrity of a beautiful area and a congenial community will be maintained.

Thank you for your attention.  
 Sincerely,  
 Rebecca Palo

Daniel L. Appleby  
 Mira E. Appleby  
 605 Cliveden Road  
 Pikesville, MD 21208  
 August 25, 1994

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Dear Mr. Schmidt

We strongly urge you to not grant variances or allow 50 foot lot sizes in reference to Case Numbers 94-535-A (Item 522) and 94-536-A (Item 523), situated on Cliveden Road, in the Sudbrook Park neighborhood of Pikesville, for the reasons sighted below:

- The construction of two houses on undersized 50 foot lots would be out of character for Cliveden Road and would give it a very crowded appearance and feeling. At present there is a mix of lot sizes of 100, 75, and 50 foot lots, and large corner lots.
- County Zoning Code 304.1C does not allow building on an undersized lot in this situation on the basis that the filer owns contiguous lots.
- The 55 foot lot size had been in effect for 30 years at the time at which the owner purchased the property. Your enforcement of the 55 foot lot size requirement would be fair treatment to all that own property on Cliveden Road.
- The types of homes that the filer wishes to erect are also out of character for our neighborhood and street as they are prefabricated and built with plastic facings.

Please do not grant a variance or allow 50 foot lot sizes as it would negatively impact our home and the street that we live on. We sincerely appreciate your consideration of our views.

Sincerely yours,  
 Daniel L. Appleby  
 Mira E. Appleby



JUL 28 1994

ZADM

July 27, 1994

Mr. Arnold Jablon  
 Director of ZADM  
 Baltimore County  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

RE: Hearing August 3, 1994  
 Case No. 94-535-A & 94-536-A

Dear Mr. Jablon:

I have just received the request of Ms. Stellman in regards to The Sudbrook Club's request for a postponement of my variance hearing. Please be advised that my wife and I respectfully request that no continuance be granted.

Kindly understand that my wife is scheduled to deliver our second child, by surgery, on August 12, 1994. Therefore, it is imperative the hearing continue as scheduled. Please also understand that I canceled two important business meetings based upon the date that was set for the hearings. These meetings cannot be rescheduled.

I note that Ms. Stellman implies that The Sudbrook Club may represent 500 homes. I am sure that with such a great number of potential interested parties, that someone from said Group can attend the August 3, 1994 meeting.

I also wish to note that when this Organization sought Baltimore County Landmark District Certification, for Sudbrook Park, the block on which I lived (and the subject lots) were not included in this designation. I do note some irony in the interest of late on this block by The Sudbrook Club.

Daniel L. Appleby  
 605 Cliveden Road  
 Pikesville, MD 21208  
 May 19, 1994

David Green  
 Community Planner  
 Baltimore County  
 Room 403  
 401 Bosley  
 Towson, MD 21204

Dear Mr. Green:

I am writing to inform you that I am an interested party and request that I be fully informed of any plans that are submitted to develop the lot adjacent to my home, known as 607 Cliveden Road, located in Sudbrook Park.

Recently, a developer by the name of Mr. Isaac Gheiler, submitted plans to the Development Review Committee to seek approval to place two homes in undersized lots at 607 Cliveden Road, which is not in conformance with zoning codes, and is very much out of character with the neighborhood. It is important that the developer was turned down by Donald T. Rascoe, Manager, Office of Zoning Administration and Development Management, on this basis and I fully support the view that was taken.

Establishing two undersized lots at that address would definitely change the character of my street, and most importantly erode the value of my home.

You may correspond with me at the above address or call me at (410) 771-1560. Thank you for your attention to this matter.

Sincerely yours,  
 Daniel L. Appleby

cc Arnold Jablon  
 Melvin Mintz



MAY 23 1994

ZADM

94-535-A

612 Cliveden Road  
 Baltimore, MD 21208  
 May 20, 1994

Mr. Dave Green  
 Community Planner,  
 Baltimore County  
 401 Bosley Ave #403  
 Towson, MD 21204

Dear Mr. Green,

We live directly opposite a lot which would have the address 607 Cliveden Road. This lot has never contained a building. Several days ago we were shocked to learn that efforts are underway to erect two homes on this ground which has (nominally) a 100 foot fronting on Cliveden. While we experienced some relief when we learned of the denial of a contractor's request to alter property lines to allow him to erect two buildings, we fear continued efforts toward this goal.

This is to record our strong belief that such building would significantly affect the character of this neighborhood in a negative way. And we ask that we be considered "interested parties" and be informed promptly of any and all actions that bear on this question.

We shall appreciate your attention to this matter and insuring us that we will have timely access to developments.

Very truly yours,

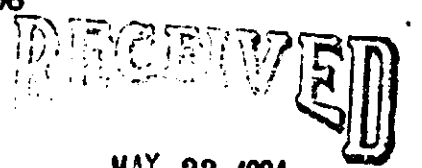
Ima Frank

Leonard H. Frank

cc: Mr. Arnold Jablon  
 Director of Zoning  
 111 West Chesapeake Ave #1105  
 Towson, MD 21204

Mr. Melvin Mintz  
 Representative, County Council  
 7 Church Lane  
 Baltimore, MD 21208

Ms. Darragh Brady  
 President, The Sudbrook Club  
 500 Sudbrook Lane  
 Baltimore, MD 21208



MAY 23 1994

ZADM

Dave Green is handling - But do we have a undersize lot file? - Carl  
 607+609

William R. Pfaff  
 614 Cliveden Road  
 Baltimore, MD 21208  
 August 26, 1994

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Dear Mr. Schmidt, REF: Case Numbers 94-535-A Item 522  
 94-536-A Item 523

I do not want you to allow the building of two "double wide" houses at 607-609 Cliveden Road.

Building two houses on these undersized lots will not only create an eye sore, but will require street parking for any vehicles.

This is a stable area of older homes; we do not need a trailer park in the middle of it. The greed of the owner should not deny the rights of his former neighbors to challenge this outrage.

Thank you for your consideration!

Sincerely,

William R. Pfaff

606 Cliveden Road  
 Pikesville, MD 21208

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Reference to Case Number 94-535-A (Item 522) & 94-536-A (Item 523).  
 Petitioner: Steven Bunoski

Dear Mr. Schmidt,

We are writing this correspondence to you to oppose the construction of two homes on the 100 foot lot, in the 600 block of Cliveden Road. We feel that the law requiring a 55 foot width to build a house must be adhered to for the best interest of all concerned.

We were attracted to Sudbrook Park in 1985 for many reasons. First, we were attracted to the older, peaceful appearance of Sudbrook Park. As you may be aware, Sudbrook Park has a long historical significance in both Baltimore County and the State of Maryland. Our home is approximately fifty years old, and stands as one of the newer homes in the area. Erection of two houses on this undersized lot would obviously detract from the aesthetics of this beautiful neighborhood. We have absolutely no problem with one, tastefully built, home in this area.

We have noticed an increase of traffic down the street. We have two small children and have to carefully monitor where they play, ride their bikes etc., for fear of their safety. Having two houses on this lot could mean a lack of driveway space, which would put more vehicles on what already can be a tight street. As concerned parents, we want to do whatever it takes to insure safety for our children and our neighbors children. Ironically, it was Mrs. Bunoski (wife of the petitioner) who was instrumental in getting a Slow-Children at play sign placed on the street in hopes of slowing the traffic down. This sign now stands in front of the lot where the homes are slated to be built.

We ask in closing that the current law be adhered to, and the variance to permit the 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot be denied.

Sincerely,

Mr. Louis A. Roody

Mrs. Kellie A. Roody

PLEASE PRINT CLEARLY

NAME	ADDRESS
Steve E. Dow - Greenia, Cesar's Etern	320 E. Towson Rd. Towson, MD 21286
Steven Bunoski	407 Red Birch Rd. Millersville, MD

PLEASE PRINT CLEARLY

NAME	ADDRESS
Mira Appleby	605 Cliveden Rd. 21208
Dan Appleby	605 Cliveden Rd.
MARGARET HEATON	628 Cliveden Rd.
MARY T KOCH	608 CLIVEDEN RD
L. ALLEN ROODY	606 CLIVEDEN RD
Max H. LEVENSON	600 Cliveden Rd.
John Harman	711 Cliveden Rd.
JENNY SATALOFF	419 Upland Rd.
Dennis SWANEEER	611 CLIVEDEN RD
Philip T. McEusker	226 CHURCH LANE
Rebecca Sudman	4 Sudbrook Ct
IRMA FRANK	612 CLIVEDEN RD
Leonard Frank	612 Cliveden Rd
Melanie Anson	1007 Windsor Rd

310 A.2d 783

William H. McLEAN, Jr.  
v.  
Joseph L. SOLEY.

No. 23.  
Court of Appeals of Maryland.  
Nov. 7, 1973.

Landowner was granted variance from side yard window setback requirement, and protestant, an adjoining landowner, appealed to the Circuit Court, Baltimore County, H. Kemp MacDaniel, J., which affirmed the decision, of the board of appeals and protestant appealed. The Court of Appeals, Levine, J., held that where evidence indicated that strict compliance with zoning requirements would result in destruction of trees and that preservation of trees had contributed to full occupancy of previously completed apartment complex and would accrue benefits to the general public, there was a fairly debatable case as to whether compliance with zoning requirements would result in practical difficulty, and decision of board of appeals would not be disturbed.

Affirmed.

- 1. ZONING AND PLANNING K493  
414 Variations or Exceptions  
414IX(A) In General  
414K492 Hardship, Loss, or Injury  
414K493 In general.

Md. 1973.  
Standard for granting of variance is whether strict compliance with zoning regulations would result in practical difficulty or unreasonable hardship.

- 2. ZONING AND PLANNING K495  
414 Variations or Exceptions  
414IX(A) In General  
414K492 Hardship, Loss, or Injury  
414K495 What constitutes in general.

Md. 1973.  
Landowner seeking variance from zoning regulations has established "practical difficulty" when he shows that (1) compliance with strict letter of the restrictions would unreasonably prevent landowner from using property for permitted purpose or would render conformity with such constructions unnecessarily burdensome, (2) grant of the variance applied for would do

MAIL BOXES ETC. Facsimile Transmittal Cover Sheet

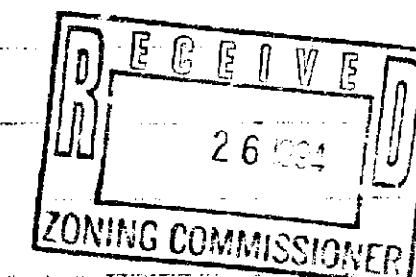
DATE: 7/26/94 # PAGES: 3

NAME: Lawrence E. Schmidt, Zoning Commissioner  
COMPANY: Office of Planning and Zoning - Balto Co  
FAX NO: 887-3468 PHONE: 887-4380

NAME: Melanie Anson  
COMPANY: Sudbrook Resident  
FAX NO: PHONE: 486-6814

MESSAGE

see attached letter



Melanie Anson

1007 Windsor Road  
Baltimore, MD 21208  
September 22, 1994

By Telecopy with Hard Copy to Follow

Lawrence E. Schmidt,  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21208

RE: Petitions for Variance - Case Nos. 94-535-A and 94-536-A (Steven L. Bunoski, Petitioner)

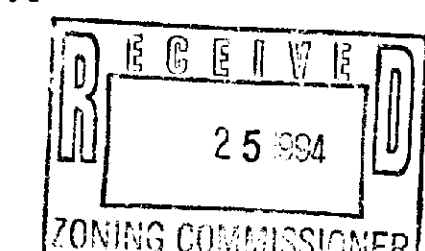
Dear Commissioner Schmidt:

I recently obtained a copy of Cities Service Co. v. Board of County Commissioners of Prince George's County, et al., 226 Md. 204 (1961), the case cited by the Petitioner at the September 1 hearing on the above captioned matter. Having now had an opportunity to review that case, I would like to make the following comments:

- The holding that Cities Service's acquisition of three recorded subdivision lots for use as a unit did not make them one corner lot (so that front, rear and side lot line restrictions on each separate lot could be disregarded) is irrelevant with respect to the facts in the instant matter.
- A separate holding in the Cities Service case clearly refutes Mr. Bunoski's contention that not granting a variance to permit the construction of two dwellings on his two undersized lots would amount to an unfair "taking" of his property. In considering which factors must be present to constitute a deprivation of property, Maryland's Court of Appeals stated as follows:

There is evidence that it would be inconvenient and expensive to Cities Service not to be able to proceed to use the property for a filling station as planned, that its only use for the property is as a filling station and such is the highest and best use of the land. It does not, however, in our view, measure up to proof anywhere near to a showing that the application of the zoning law, as we interpret it, prevents any reasonable use of the property. . . . Yet we think that is the test which [Cities Service] would have to meet to show constitutional invalidity of the

The Sudbrook Club, Inc.  
Pikesville, Maryland 21208  
July 22, 1994



Mr. Arnold Jablon  
Director of ZADM  
Baltimore County  
111 W. Chesapeake  
Towson, MD 21204

Dear Mr. Jablon:

As an officer of the Sudbrook Club, the neighborhood association for Sudbrook Park, I wish to inform you that our neighborhood association has a significant interest in case numbers 94-535-A and 94-536-A. We are a community of approximately 500 homes which is on the National Register of Historic Places and is a Baltimore County Landmark District. The individuals who will represent the neighborhood and the Sudbrook Club have a conflict with the hearing date scheduled on August 3. I formally request a continuance of the hearing date and ask that the hearing be re-scheduled for the second week of September.

I appreciate your consideration and look forward to your reply.

Sincerely,

Elizabeth Stellman  
Vice President  
1008 Windsor Road  
Pikesville, Md. 21208

cc: The Honorable Mel Mintz  
John McGrain  
Steven Bunoski (484-5925)

Entered on the National Register of Historic Places - June, 1973

The Sudbrook Club, Inc.  
Pikesville, Maryland 21208  
May 19, 1994

Mr. David Green  
Baltimore County Government  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: 607 & 609 Cliveden  
Road DRC No.  
042541, 3C2

Dear Mr. Green:

This letter is a followup to our telephone conversation of May 18, 1994. As you well know, The Sudbrook Club, Inc. has long been the neighborhood association of Sudbrook Park, a community near Pikesville in Baltimore County. Sudbrook Park is listed on the National Register of Historic Places and last year was declared an Historic District by the unanimous action of the Baltimore County Council.

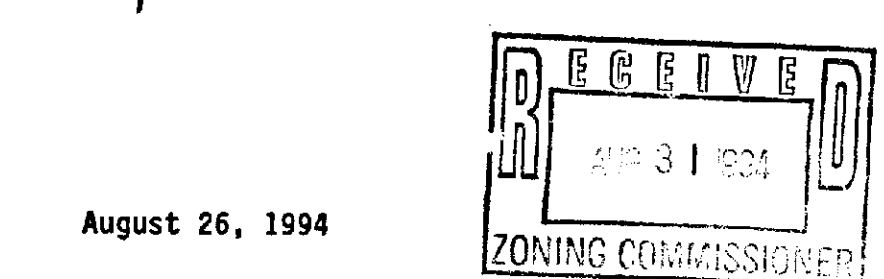
As the president of The Sudbrook Club, Inc. I am writing to request that I, in that capacity, be entered in the appropriate records as an "interested party" so that I will receive in a timely manner, all correspondence, petitions, orders and any other information related to the above-captioned matter.

It is anticipated that if the subject petitioner, landowner, contract or contingent purchaser pursues the indicated desire to construct two dwellings on the subject property, The Sudbrook Club, Inc. will take a formal position and ask to participate in all stages of the proceedings.

As a courtesy copies of this letter are being forwarded simultaneously to those who may appear to have an interest in the matter. I ask that they provide me with copies of their correspondence and attachments as well.

Entered on the National Register of Historic Places - June, 1973

PIKEVILLE TOWNSHIP ASSOCIATION, INC.  
A COMMUNITY IMPROVEMENT ASSOCIATION



August 26, 1994

Mr. Lawrence Schmidt  
Zoning Commissioner  
Baltimore County Office of Zoning Administration  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case Numbers 94-535-A (Item 522) and 94-536-A (Item 523)  
609 and 607 Cliveden Road  
Petitioner: Stephen L. Bunoski

Dear Mr. Schmidt,

The Pikeville Township Association, the community that is adjacent to Sudbrook Park, is deeply concerned about this petition for variance and believes granting of this petition would not be in the best interests of the community. We support the Sudbrook Club's opposition to permit an undersized lot and wish to express our reasons for this position.

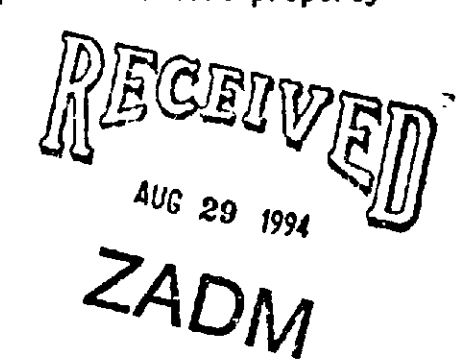
These are especially difficult financial times for many homeowners. More than ever, we count on the maintenance of the value in our properties as our principal retirement vehicle. In this case, we believe that the value of the current properties in the neighborhood is directly tied to the adherence to the 1955 law that refused to allow crowding due to undersized lots.

We are pleased that the Zoning Commissioner continues to be sensitive to the concerns of communities who are constantly assaulted by both small and large developers who wish to make short term profits at the expense of future property values. Thank you for considering our position.

Sincerely,  
PIKEVILLE TOWNSHIP ASSOCIATION

Rebecca K. Seidman  
President

cc: Mira and Dan Appleby, 605 Cliveden Road, Balto, MD 21208  
Irma and Len Frank, 612 Cliveden Road, Balto, MD 21208  
Melanie Anson, 1007 Windsor Road, Balto, MD 21208



Mrs. Julia E. Salater  
4 Farmhurst Road  
Baltimore, Maryland 21205

Mr. Lawrence Schmidt  
Zoning Commissioner  
Baltimore County Office of Zoning Administration  
111 West Chesapeake Avenue  
Towson, Md. 21204



Dear Sir: Re: Case Numbers 94-535-A (Item 522) and 94-536-A (Item 523)

The petition of (Stem 592) and (Stem 593) shows that the property would be used as a duplex. We object to granting variances to allow these houses to be built. Please do not grant the petition.

Yours very truly,  
Julia E. Salater (Mrs)

August 19, 1994

Joseph W. & Mary E. Langley  
423 Upland Road  
Sudbrook Park, MD 21208

(H) 484-6873  
(W) (703) 934-0604 & 665-8096

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Numbers 94-535-A and 94-536-A

Attention: Mr. Timothy Kotroco  
Deputy Zoning Commissioner

Dear Mr. Kotroco:

As residents and property owners of 423 Upland Road (corner of Upland and Cliveden - our house faces onto Cliveden), we oppose the variances requested for the unimproved lots at 607 and 609 Cliveden Road. A house built at 609 Cliveden would be next door to our next door neighbor. (Would be two houses down.)

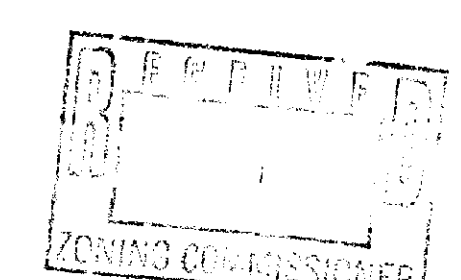
We believe that approval of the variances would result in the construction of houses and lots that would be out of character with the existing neighborhood. These undersize houses and lots would result in reductions in the value of properties within Sudbrook Park, which, in turn, would result in reduced tax revenues.

We affirm the property owner's right to develop his property. However, this development should be within code, and we believe that, as residents of the neighborhood, property owners, and tax payers; we have a right to expect that our elected officials and government employees will enforce existing zoning requirements.

May we suggest that the County consider buying the property in question and turning it into a pocket park? There are no parks for the Sudbrook Park neighborhood on the eastside of Sudbrook Road, and there are plenty of young children, who would take advantage of the slides and swings which might be found in a pocket park.

Once again, we ask that you deny the variances requested in Case Numbers 94-535-A and 94-536-A. If you have any questions regarding our position or you wish to speak to us directly, please contact us.

Sincerely,  
Joseph W. & Mary E. Langley  
Joseph W. & Mary E. Langley



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 27, 1994 (410) 887-4386

Ms. Elizabeth Stellman  
Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road  
Pikesville, Maryland 21208

RE: PETITIONS FOR VARIANCE  
NE/S Clivedon Road, 354' and 304' NW of the c/l of Milford Mill Road  
(609 and 607 Clivedon Road)  
1st Election District - 2nd Councilmanic District  
Steven L. Bunoski - Petitioner  
Case Nos. 94-535-A and 94-536-A

Dear Ms. Stellman:

This office is in receipt of your letter dated July 27, 1994 in which you requested a postponement of the above-captioned matters, citing a conflict between the individuals who will represent the neighborhood and your organization and the hearing date. Your letter was referred to me, as Hearing Officer, for a decision in the matter.

Please be advised that I have agreed to postpone these matters and by copy of this letter to the property owner, will notify him of same. In the meantime, your letter will be forwarded back to the Docket Clerk, Ms. Gwendolyn Stevens, in the Zoning Administration and Development Management (ZADM) office, for rescheduling at a mutually convenient date and time for both Mr. Bunoski and your group.

In the event you have any further questions on the subject, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Steven L. Bunoski  
407 Red Birch Road, Millersville, Md. 21108

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File ✓

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 29, 1994 (410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: PETITIONS FOR VARIANCE  
(609 and 607 Clivedon Road)  
Case Nos. 94-535-A and 94-536-A

Dear Mr. Bunoski:

This office is in receipt of your letter dated July 27, 1994 concerning a request for postponement of the above-captioned matters by Ms. Elizabeth Stellman, Vice President of the Sudbrook Club, Inc. Your letter requests that the hearings go forward as scheduled and that no postponement be granted for personal reasons.

Please be advised that I had already made the decision to grant the request for postponement prior to the receipt of your letter and had issued a written response to that effect. Regardless, we have an obligation to honor any request for postponement in order to afford all parties immediately affected by any proposed development the opportunity to attend and voice their opinions/concerns. As indicated in my response to Ms. Stellman, all parties will be contacted by Ms. Gwendolyn Stevens, Docket Clerk, so that a mutually convenient date and time can be arranged to hear these matters.

Should you have any further questions on the subject of scheduling, please contact Ms. Stevens in the zoning administration and Development Management office at 887-3391.

Very truly yours,  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Md. 21208

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File ✓

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots  
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MEMORANDUM APPLICANT SUPPLIED INFORMATION:

NAME OF APPLICANT: STEVEN L. BUNOSKI

LOT ADDRESS: 609 Clivedon Road, Elective District 3, Council District 2, Square Feet 7971 ±

LOT LOCATION: NE/S W corner of Clivedon Road, 354' and 304' NW corner of Milford Mill Road

LAND OWNER: Steven L. Bunoski, Tax Account Number 03-08-080425

ADDRESS: 407 Red Birch Road, Millersville, MD 21108

PHONE NUMBER: [Blank]

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

NO.	DESCRIPTION	YES	NO
1.	This Recommendation Form (2 copies)	✓	
2.	Permit Applications	✓	
3.	Site Plan Property (2 copies) Topo Map (includes in the 2nd C.B.) (2 copies) (If none, list site owner)	✓	
4.	Building Elevation Drawings	✓	
5.	Photographs (series label of photos shown) Adjoining Buildings Surrounding Neighborhood	✓	

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

(See attachment dated July 28, 1994 from Pat Keller.)

Signed by: [Signature] Date: August 8, 1994

Baltimore County Government  
Landmarks Preservation Commission

401 Bosley Avenue  
Towson, MD 21204

July 28, 1994

(410) 887-4305  
Fax (410) 887-5862

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
400 Washington Avenue  
Towson, Maryland 21204

Re: Case Numbers 94-535-A  
94-536-A

Dear Mr. Kotroco,

Mr. Leonard H. Frank asked me to submit a statement about the Sudbrook Park area. A large part of Sudbrook was given historic district status by action of the County Council on March 1, 1993 (Bill 25-93). At the July 14, 1994 meeting of the Landmarks Preservation Commission, a number of citizens of the area adjoining the existing historic district submitted signatures and a background statement proposing that both sides of the 600-block of Clivedon Road be added to the historic district or enrolled as a separate historic district.

This area is part of the Frederick Law Olmsted village plan and is served by a curved street designed by Olmsted. The commission attorney believed that any additional area adjoining an historical district should be handled as a de novo event.

The numbers present were disposed to accept the district and pass it on to the Administration for consideration of the County Council. However, the commission lacked a quorum and was obliged to hold its vote on August 18. The proponents submitted photographs demonstrating that this part of Sudbrook Park contained well-designed houses of several styles, including Mr. Daniel Appleby's "Craftsman Bungalow" type residence. Other houses are at least 50-years old. In my opinion, this area probably meets the criteria for forming an historic district as expressed in the Baltimore County Code, 1988, Section 26-539.

Sincerely,

[Signature]  
John McGrain, Executive Secretary  
Landmarks Preservation Commission

JM/mjm  
KOTROCO/PZONE/LANDMARK

cc: Mr. Leonard H. Frank  
612 Clivedon Road  
Pikesville, MD 21208

Ruth B. Mascari, Chairman, LPC

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

August 26, 1994 (410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Petitions for Zoning Variance  
(609 and 607 Clivedon Road)  
Case Nos. 94-535-A and 94-536-A  
Scheduled hearing: September 1, 1994

Dear Mr. Bunoski:

Confirming telephone conversation this date, please be advised that the above captioned cases will be heard on September 1, 1994 at 2:30 P.M. in Room 118, Old Court House, 400 Washington Avenue in Towson. The cases were originally scheduled for 9:00 A.M. on said date, but had to be changed due to a previously committed seminar that I must attend beginning at 9:00 A.M.

By way of a copy of this letter, I have notified Ms. Stellman and Mr. Frank of the change in time.

Thank you, and Mr. Frank, for your courtesy and cooperation in this matter.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Maryland 21208

cc: Mr. and Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Maryland 21208

cc: Gwendolyn Stevens, Docket Clerk - ZADM  
cc: Peoples Counsel

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots  
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MEMORANDUM APPLICANT SUPPLIED INFORMATION:

NAME OF APPLICANT: STEVEN L. BUNOSKI

LOT ADDRESS: 609 Clivedon Road, Elective District 3, Council District 2, Square Feet 7971 ±

LOT LOCATION: NE/S W corner of Clivedon Road, 354' and 304' NW corner of Milford Mill Road

LAND OWNER: Steven L. Bunoski, Tax Account Number 03-08-080425

ADDRESS: 407 Red Birch Road, Millersville, MD 21108

PHONE NUMBER: [Blank]

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

NO.	DESCRIPTION	YES	NO
1.	This Recommendation Form (2 copies)	✓	
2.	Permit Applications	✓	
3.	Site Plan Property (2 copies) Topo Map (includes in the 2nd C.B.) (2 copies) (If none, list site owner)	✓	
4.	Building Elevation Drawings	✓	
5.	Photographs (series label of photos shown) Adjoining Buildings Surrounding Neighborhood	✓	

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: [Signature] Date: [Blank]

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by Joe Miedrey on 6-30-94 Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE 7/12 D (15 Days Before C)  
DATE POSTED [Blank]  
HEARING REQUESTED-YES NO DATE [Blank]  
CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/27 C (B-3 Work Days)  
TENTATIVE DECISION DATE 8/1 B (A + 30 Days)  
\*Usually within 15 days of filing

CERTIFICATE OF POSTING

District [Blank]  
Location of property: [Blank]  
Posted by: [Blank] Date of Posting: [Blank]  
Signature [Blank] [Blank]  
Number of Signs: [Blank]

CK/UNDER LOT (TXTSOPH)

IMPORTANT MESSAGE

TO: [Blank]

DATE: 8/26/94 TIME: 5:41 P.M.

FROM: Leonard Frank

PHONE: 486-3587

FAX: [Blank]

TELEPHONED	PLEASE CALL
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Message: [Blank]

Signed: [Signature]

Leonard Frank  
486-3587

612 Clivedon Rd  
21208

Frank  
486-3587

Please notify

TO: FUTURE PUBLISHING COMPANY  
July 14, 1994 Issue - Jeffersonian  
Please forward billing to:  
Steven Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108  
823-4470

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-535 (Item 522)  
609 Cliveden Road  
NE/S Cliveden Road, 354 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
HEARING: WEDNESDAY, AUGUST 3, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

LAURENCE E. SCHWILT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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HEARING: WEDNESDAY, AUGUST 3, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Steven L. Bunoski  
Gerhold, Cross & Etzel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

AUGUST 8, 1994

NOTICE OF REASSIGNMENT  
NO FURTHER POSTPONEMENTS

CASE NUMBER: 94-535-A (Item 522)  
609 Cliveden Road  
NE/S Cliveden Road, 354 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

CASE NUMBER: 94-536-A (Item 523)  
607 Cliveden Road  
NE/S Cliveden Road, 304 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

HEARING:  
THURSDAY, SEPTEMBER 1, 1994 at 9:00 a.m. in Room 118 Old Courthouse,  
400 Washington Avenue, Towson, Maryland 21204.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

cc: Steven L. Bunoski  
Gerhold, Cross & Etzel  
Elizabeth Stelman/The Sudbrook Club, Inc.  
Mr. & Mrs. Leonard Frank

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

July 22, 1994

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Case No. 94-535-A, Item No. 522  
Petition for Variance  
Petitioner: Steven L. Bunoski

Dear Mr. Bunoski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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on Recycled Paper



U. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-535/523

Dear Ms. Minton:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
Bob Small, Director  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

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

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/12/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning agenda:

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 Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 514, 515, 516, 518,  
519, 520, 521, 522, 523 AND \*1.

RECEIVED  
JUL 13 1994  
ZADM

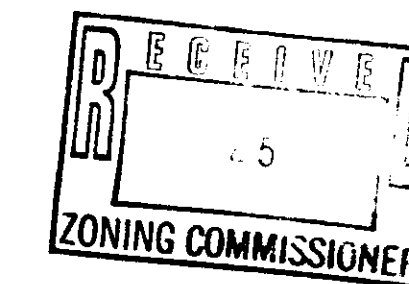
REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Timothy Kotroco  
Deputy Zoning Commissioner DATE: August 25, 1994  
FROM: John McGrain  
Office of Planning  
SUBJECT: Case Nos. 94-535-A and 94-536-A



Since my last memo on this issue, the Landmarks Preservation Commission has met again (August 18) and accepted the nomination of the Cliveden Road vicinity as an additional Baltimore County Historic District to pass on as a proposal to the County Executive. All lot owners, except the Bunoskis, have volunteered to join the "Sudbrook Park Historic District, Expansion No. 1" as we are calling the proposed area. The rationale is that this area is also part of the original town or village planned by Frederick Law Olmsted, Sr. Only four of Olmsted's idealized communities have actually been constructed in the United States.

*John McGrain*  
John McGrain

JM/mjm  
94535.56/PZONE/LANDMARK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: July 28, 1994

SUBJECT: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522)

REVISED COMMENT

INFORMATION:

Item Number: 523 and 522

Petitioner: \_\_\_\_\_

Property Size: \_\_\_\_\_

Zoning: D.R. 5.5

Requested Action: \_\_\_\_\_

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

In order to build a house on an undersized lot the petitioner must meet the requirements of section 304.1.C (Baltimore County Zoning Regulations) which requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in the Baltimore County Zoning Regulations. It appears that the petitioner has failed to meet this requirement.

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commissioner should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: *Pat Keller*

Division Chief: *Arnold Jablon*

PK/JL:lw

94-536-A

94-535

Nonetheless, there are larger lots throughout this subdivision. More importantly, however, it is the sense of overcrowding which is troubling if both lots were approved for residential development. In this respect, a review of the site plan is particularly germane. According to that plan, development on lot 607 would allow a 10 ft. side yard setback to the Appleby property line. Moreover, the existing Appleby dwelling (formerly owned by Mr. Bunoski) is approximately 11 ft. from the property line. Thus, the proposed houses at 607 and 609 would be but 21 ft. apart. If 10 ft. side yard setbacks were maintained for lots 607 and 609, a 20 ft. distance would exist between houses. Moving further down the street, a 10 ft. side yard setback on the north side of lot 609 and the existing 7 ft. setback on the adjoining Schaffer property would leave a 17 ft. total distance between houses. Although the Bunoski properties would maintain the proper side yard setbacks, a row of four houses this close together in this community is not appropriate. In my view, it would be detrimental to the surrounding community. Thus, on that basis, I would also deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28<sup>th</sup> day of September, 1994 that a variance Section 1B02.3.C. of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50 ft. in lieu of the required 55 ft. for lots 607 and 609 Cliveden Road, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING  
Date 9/28/94  
By [Signature]

IT IS FURTHER ORDERED that a variance from Section 304.1.B. and C. for an undersized lot in a D.R.5.5 zone for lots 607 and 609 Cliveden Road, be and is hereby DENIED.

LES/mmn

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 9/28/94  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

September 28, 1994

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Case Nos. 94-535-A and 94-536-A  
Petitions for Variance  
Property: 607 and 609 Cliveden Road

Dear Mr. Bunoski:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Zoning Variance have been denied in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.  
cc: Melanie Anson, Esquire  
Mr. Leonard Frank  
Mr. Dan Appleby  
Mr. Max Levenson

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on Recycled Paper



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 609 Cliveden Road

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown 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 1B02.3.C.1 (BCZR) to permit a 5 foot sideyard setback in lieu of the required 10 feet; 2) Variance from 304.1 B&C for an undersized lot in a D.R.5.5 zone

1) A Variance is requested to allow an existing 50 foot wide lot to be built upon. The existing lot does not meet current zoning requirements of minimum 55 foot wide lot in a D.R.5.5 zone. 2) A Variance is requested to allow reduction of one of the sideyard setbacks from 10 feet to 5 feet to allow building of pre-designed 35 foot dwelling on the existing 50 foot wide lot. Basis of hardship and practical difficulty to be established at the Hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., 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

We do solemnly swear and affirm under the penalties of perjury that we are the legal owner(s) of the property with the subject of this Petition.

Legal Owner(s)  
Type or Print Name: Steven L. Bunoski  
Signature: [Signature]  
Address: 407 Red Birch Road  
City: Millersville MD 21108  
Phone No.: 823-4470

Name: Gerhold, Cross & Etzel  
Address: 320 E. Towson Blvd. 823-4470  
City: Baltimore MD 21286

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on Recycled Paper

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 9/12/94  
Posted for: Variance  
Petitioner: Steven L. Bunoski  
Location of property: 607 & 609 Cliveden Rd. NEA  
Location of Signs: Being made by property owner  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 9/22/94  
Number of Signs: 1

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 9/12/94  
Posted for: Variance  
Petitioner: Steven L. Bunoski  
Location of property: 607 & 609 Cliveden Road  
Location of Signs: [Signature]  
Remarks: Time of hearing changed from 8:00 AM to 8:30 AM  
Posted by: [Signature] Date of return: 9/14/94  
Number of Signs: 2

GORDON LANGSON  
DENNIS M. MILLER  
EDWARD P. DESSIOLOVA  
WHILE E. DORA

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

EMERSON  
PAUL D. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. GORDE  
OF GERHOLD  
JOHN F. ETZEL  
WILLIAM G. ULRICH

### ZONING DESCRIPTION FOR 609 CLIVEDEN ROAD

3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT  
Beginning at a point on the northeast side of Cliveden Road which is 50 feet wide at a distance of 354.94 feet northwesterly from the northeast corner of Cliveden Road and Millard Mill Road and running thence Northwesterly, binding on northeast side of Cliveden Road, 50.47 feet thence, Easterly 162.7 feet thence, Southerly 50 feet thence, Westerly 155.32 feet to the place of beginning.

Containing 0.183 of an acre of land, more or less.

Being the first parcel of Liber E.H.K.Jr. 6944, folio 304.

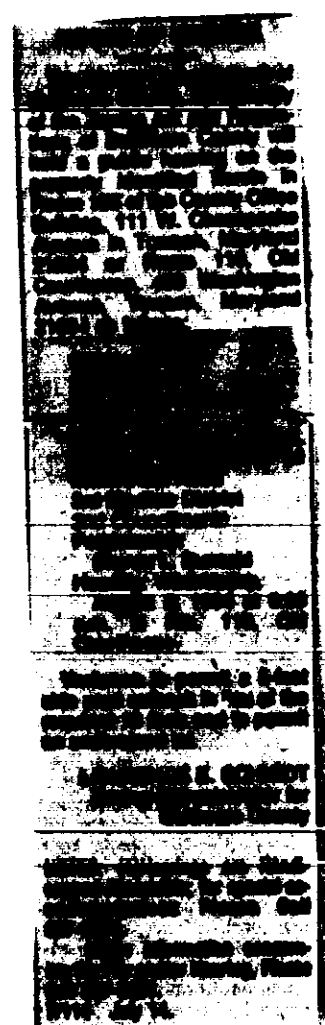


522

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON



522 receipt  
Baltimore County Government  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6190  
Number: JCM  
Date: 6-30-94  
UAR. (010) 50.00  
POSTING (080) 35.00  
85.00  
01A01B0224HICRC 685.00  
Please Make Checks Payable To: Baltimore County 2012101PH07-01-94

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 522  
Petitioner: STEVEN BUNOSKI  
Location: 609 Cliveden Rd.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: STEVEN BUNOSKI  
ADDRESS: 407 Red Birch Rd.  
Millersville, Md. 21108  
PHONE NUMBER: 823-4470

AJ:ggg



DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

**This Deed**, Made This 27th day of March, in the year one thousand nine hundred and eighty-seven by and between RICHARD LOUIS BUNOSKI and SYLVIA JOANNE BUNOSKI, his wife, of Baltimore County, State of Maryland, parties of the first part, and STEVEN L. BUNOSKI, of Baltimore County, State of Maryland, party of the second part.

Witnesseth, That in consideration of the sum of SIXTY-FOUR THOUSAND AND 00/100 (\$64,000.00) DOLLARS, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, his personal representatives, successors and assigns, in fee simple, all those lots of ground situate in Baltimore County, in the State of Maryland and described as follows, that is to say:

BEGINNING for the first thereof on the northeast side of Cliveden Road fifty feet wide at the distance of two hundred three and fifty-three one-hundredths feet north-westerly from the northeastern intersection of Cliveden Road and Milford Road running thence northwesterly binding on the northeast side of Cliveden Road fifty and forty-seven one-hundredths feet thence easterly parallel with Milford Road one hundred and forty and one-hundredths feet thence southerly parallel with Farmhurst Road fifty feet, fifty-six one-hundredths feet thence southerly parallel with Farmhurst Road fifty feet westerly parallel with Milford Road one hundred thirty-three and eighteen one-hundredths feet to the place of beginning and being known as Lot No. 11.

BEGINNING for the second thereof on the northeast side of Cliveden Road fifty feet wide at the distance of two hundred and fifty-four feet northwesterly from the northeastern intersection of Cliveden Road and Milford Road and running thence northwesterly binding on the northeast side of Cliveden Road fifty and forty-seven one-hundredths feet thence easterly parallel with Milford Road one hundred forty-seven and ninety-four one-hundredths feet thence southerly parallel with Farmhurst Road fifty feet and thence westerly parallel with Milford Road one hundred forty and fifty-six one-hundredths feet to the place of beginning and being known as Lot No. 10. The improvements thereon being known as No. 605 Cliveden Road.

BEING the same property described in a Deed dated December 11, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6840, folio 789, from Helen M. Huth to the said Grantors herein, in fee simple.



USER B O F PAGE 5 0

0 AC/F 14.00  
0 T X 325.00  
0 DCCS 450.00

GUARANTEE TITLE SERVICES, INC.  
App. No. BA 1794

THIS DEED made this 27th day of December, 1988, by and between ROBERT M. SCHALLER, also known as Robert M. Schaller, Sr., party of the first part, Grantor, and WILLIAM R. PFAFF and MARY SCHALLER MCCONNELL, his wife, parties of the second part, Grantees.

WITNESSETH: That for the actual consideration of the sum of \$90,000.00, and other valuable consideration, the receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantees, as tenants by the entireties, their assigns, the survivor of them, his or her heirs, personal representatives and assigns, in fee simple, all that property situate in Baltimore County, Maryland, and described as follows:

BEGINNING FOR THE SAME at an iron pipe heretofore planted on the westernmost side of Cliveden Road (50 feet wide) at a distance of 161.21 feet southerly measured along the westernmost side of said Road from the intersection formed by the westernmost side of Cliveden Road, with the southernmost side of Upland Road, said point being the beginning of that parcel of land which by Deed dated September 3, 1948 and recorded among the Land Records of Baltimore County, Maryland in Liber T.B.S. No. 150, was conveyed by Harry E. Nelson, Jr., and wife to Frank Vanek, Sr., and wife, thence running with and binding on the first line of said Deed north 84 degrees, 10 minutes west 131.70 feet to an iron pipe heretofore planted at the end of said line; thence running with and binding on the second line of said Deed and on part of the third line of the second parcel of land which by Deed dated September 3, 1948 and recorded among the Land Records of Baltimore County, Maryland, in Liber T.B.S. No. 1697 folio 151, was conveyed by Jesse L. Finney, Jr., and wife, to Frank Vanek, Sr., and wife, south 5 degrees 50 minutes west 75 feet, thence leaving said third line and running for a line of division south 84 degrees 10 minutes east 140.92 feet to the westernmost side of Cliveden Road and to intersect the first line of the secondly described Deed; thence running with and binding on the westernmost side of said Cliveden Road, and on a part of the first line of the secondly described Deed and on the fourth line of the firstly described Deed, North 1 Degree 11 minutes West 75.56 feet to the place of beginning. The improvements thereon being now or formerly known as No. 614 Cliveden Road.

BEING the same property which by Deed dated June 20, 1978, and recorded among the Land Records of Baltimore County, Maryland, in Liber 5906 folio 441, was granted and conveyed by Robert M. Schaller, Sr., Personal Representative of the Estate of Frances McConnell Schaller, deceased, unto Robert M. Schaller, the within Grantor, in fee simple.

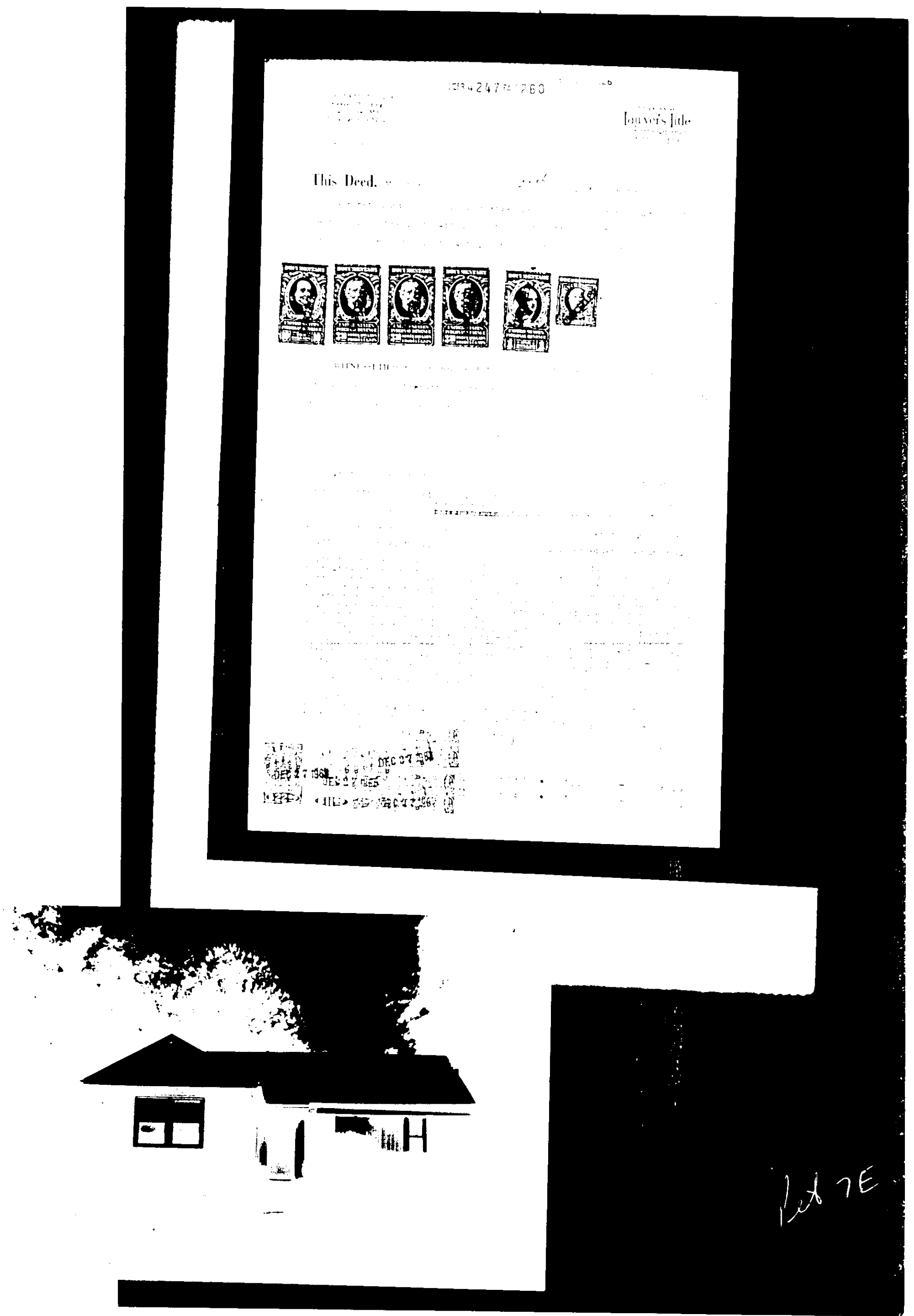
TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described property unto and to the use of the Grantees, as tenants by the entireties, their assigns, the survivor of them, his or her heirs, personal representatives and assigns, in fee simple.

AND THE GRANTOR warrants specially the property hereby granted, and to execute such further assurances of said property as may be requisite.

WHENEVER used the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Law Office of J. Elmer Washburn, Towson, Maryland



94-535A  
8/3/94

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: July 28, 1994

SUBJECT: 607 Cliveden Road (Item #523) and 609 Cliveden Road (Item #522) REVISED COMMENT

Item Number: 523 and 522

Petitioner: \_\_\_\_\_

Property Size: \_\_\_\_\_

Zoning: D.R. 5.5

Requested Action: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

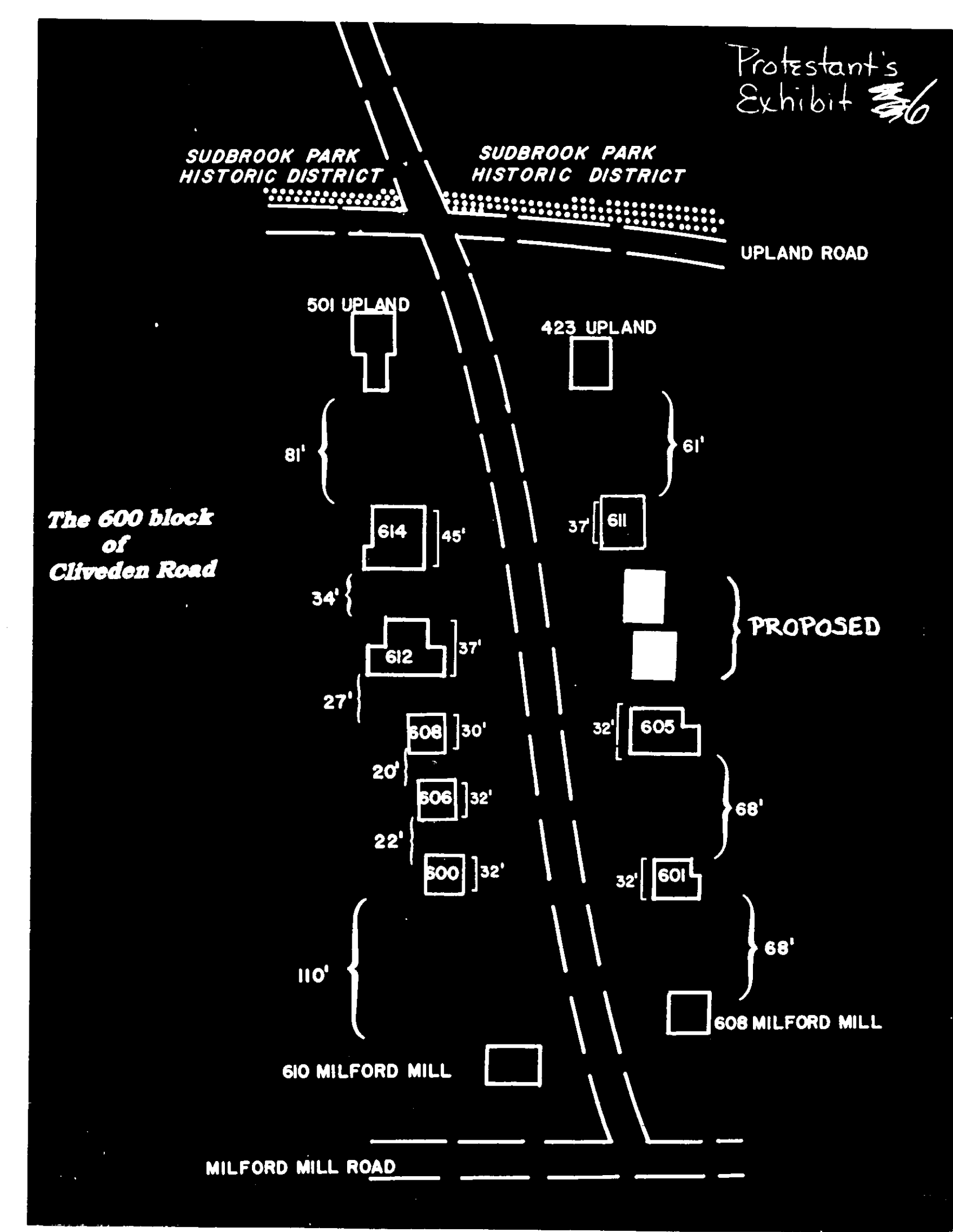
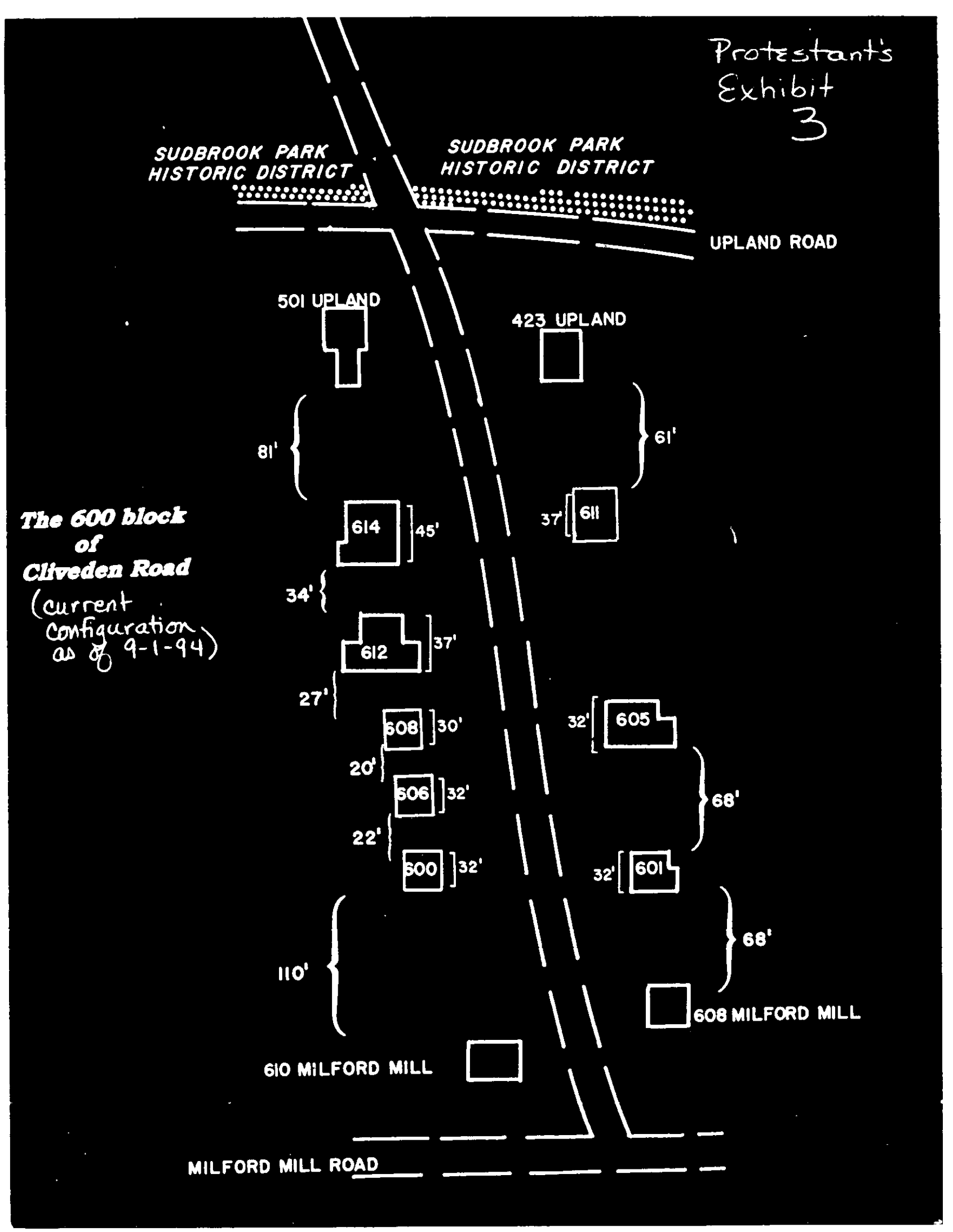
SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

In order to build a house on an undersized lot the petitioner must meet the requirements of section 304.1.C (Baltimore County Zoning Regulations) which requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in the Baltimore County Zoning Regulations. It appears that the petitioner has failed to meet this requirement.

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commission should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: \_\_\_\_\_  
Division Chief: \_\_\_\_\_  
PK/JL:lw



This Deed, MADE THIS day of

in the year one thousand nine hundred and EIGHTY-FIVE by and between

HELEN M. HUTH of BALTIMORE COUNTY, MARYLAND of the first part, and

STEVEN LOUIS BUNOSKI of the second part.

WITNESSETH, That in consideration of the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,

do es grant and convey to the said STEVEN LOUIS BUNOSKI, his heirs

personal representatives and assigns in fee simple, all that

lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

all those lots of ground situate in the Third Election District of Baltimore County, in the State of Maryland, and designated as Lots No. 8 and 9, Section 1, as shown on Plat of Sudbrook Park and more particularly described as follows:

BEGINNING for the first lot, No. 8, on the northeast side of Cliveden Road 50 feet wide at the distance of 354.94 feet northwesterly from the northeast corner of Cliveden Road and Milford Road and running thence northwesterly

binding on the northeast side of Cliveden Road 50.47 feet thence easterly parallel with Milford Road 162.7 feet then southerly parallel with Farmhurst Road 50 feet and thence westerly parallel with Milford Road 155.32 feet to the beginning.

BEGINNING for the second lot, No. 9, on the northeast side of Cliveden Road 30 feet wide at the distance of 304.47 feet northwesterly from the northeast corner of northeast side of Cliveden Road 50.47 feet thence easterly parallel with Milford Road 155.38 feet thence southerly parallel with Farmhurst Road 50 feet thence westerly parallel with Milford Road 147.94 feet to the place of beginning.

The improvements thereon being known as 607 and 609 Cliveden Road.

BEING the same two lots of ground described and conveyed by a Deed, dated August 22, 1939, as recorded among the Land Records of Baltimore County in Liber CMB, JR 1973 folio 446, from Samuel Goldstein and Rose Goldstein, his wife, to John A. Huth and Helen M. Huth, his wife, the said John A. Huth departed this life on or about October 3, 1983; thereby vesting title unto his surviving spouse, the said Helen M. Huth.

PETITIONER'S EXHIBIT

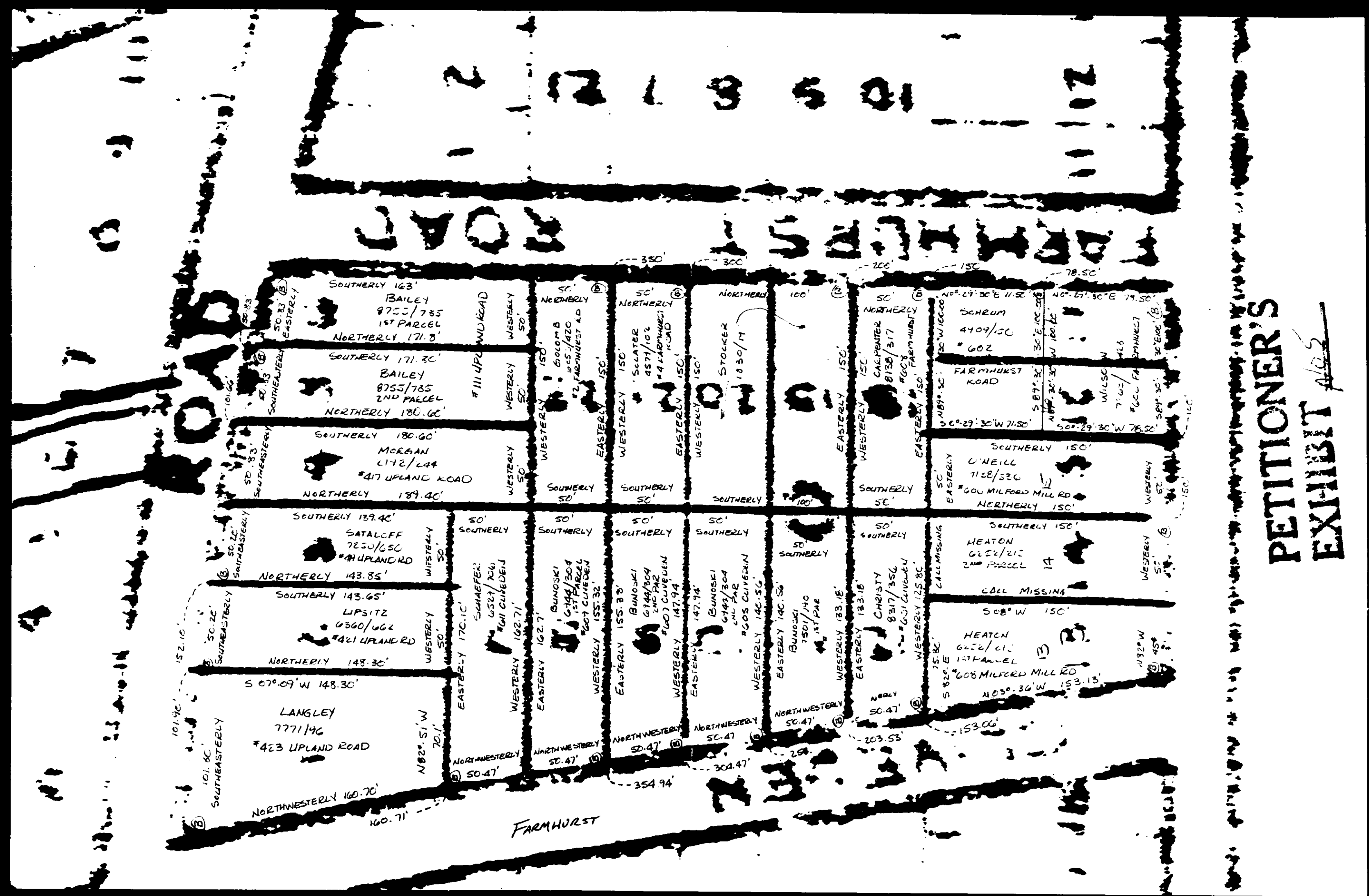
To: Mr. Lawrence Schmidt, Zoning Commissioner. From: Leonard Frank, 812 Cliveden Road. Date: August 28, 1984. RE: Case Numbers 94-535A and 94-536A. Petitioner: Steven Bunoski

One or more home owners at each of the 148 addresses listed below has expressed opposition to the granting of a variance to permit a 5-foot side yard setback in lieu of the required 10 feet, and to permit an undersized lot. The Petition signed by these individuals is attached to this list of addresses. It reads as follows:

As residents of Sudbrook Park we strongly urge the Baltimore County Zoning Commissioner to deny the variances requested for Cliveden Road - case numbers 94-535A and 94-536A. These variances are (1) a reduction in side yard setbacks from 10 to 5 feet and (2) a permit for undersized lots.

Cliveden Road is a gateway to the Landmark Historic District and is contiguous with that district. Its gateway status was part of the original Olmsted Plan. We want to protect the integrity of this neighborhood and ensure its stability. Permitting two homes only 10 feet apart to be erected on undersized lots would be incompatible with these goals.

- 701 Adana Road, 705 Adana Road, 901 Adana Road, 902 Adana Road, 903 Adana Road, 905 Adana Road, 906 Adana Road, 908 Adana Road, 909 Adana Road, 910 Adana Road, 912 Adana Road, 914 Adana Road, 916 Adana Road, 917 Adana Road, 918 Adana Road, 919 Adana Road, 922 Adana Road, 924 Adana Road, 926 Adana Road, 603 Carysbrook Road, 604 Carysbrook Road, 608 Carysbrook Road, 700 Carysbrook Road, 709 Carysbrook Road, 600 Cliveden Road, 601 Cliveden Road, 605 Cliveden Road, 606 Cliveden Road, 608 Cliveden Road, 611 Cliveden Road, 612 Cliveden Road, 614 Cliveden Road, 700 Cliveden Road, 701 Cliveden Road, 705 Cliveden Road, 706 Cliveden Road, 708 Cliveden Road, 1009 Kingston Road, 1011 Kingston Road, 603 McHenry Road, 605 McHenry Road, 508 Milford Mill Road, 608 Milford Mill Road, 616 Milford Mill Road, 744 Milford Mill Road, 802 Milford Mill Road, 417 Milford Mill Road, 500 Milford Mill Road, 706 Milford Mill Road, 809 Olmstead Road, 915 Olmstead Road, 900 Olmstead Road, 902 Olmstead Road, 901 Olmstead Road, 902 Olmstead Road, 903 Olmstead Road, 904 Olmstead Road, 906 Olmstead Road, 907 Olmstead Road, 908 Olmstead Road, 909 Olmstead Road, 910 Olmstead Road, 911 Olmstead Road, 912 Olmstead Road, 914 Olmstead Road, 916 Olmstead Road, 918 Olmstead Road, 919 Olmstead Road, 920 Olmstead Road, 922 Olmstead Road, 928 Olmstead Road, 938 Olmstead Road, 937 Olmstead Road, 938 Olmstead Road, 1007 Windsor Road, 1014 Windsor Road, 1017 Windsor Road, 1018 Windsor Road, 600 Woodside Road, 602 Woodside Road



PETITIONER'S EXHIBIT

This Deed, MADE THIS 23rd day of May

in the year one thousand nine hundred and eighty-three by and between HAROLD L. VAN LANINGHAM and GRACE E. VAN LANINGHAM, his wife, and RICHARD G. VAN LANINGHAM

of Baltimore County, in the State of Maryland of the first part, and DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, of Baltimore County, in the State of Maryland of the second part.

WITNESSETH, That in consideration of the sum of FIFTY SIX THOUSAND (\$56,000.00) DOLLARS, and other good and valuable consideration, the receipt whereof is hereby acknowledged,

do grant and convey to the said DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her

personal representatives and assigns in fee simple, all that

lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

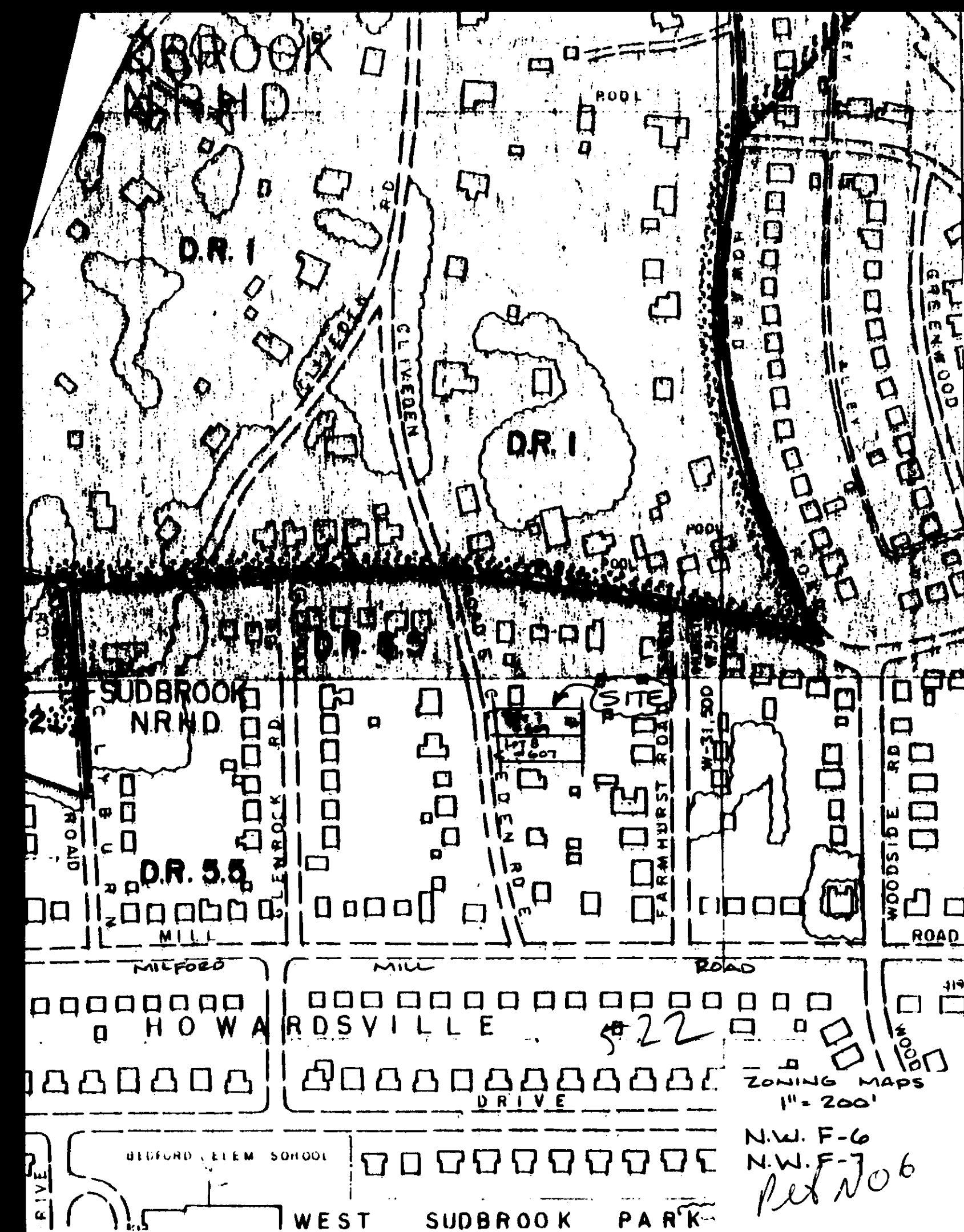
BEGINNING for the same on the East side of Cliveden Road fifty feet wide and at the distance of one hundred sixty and seventy one-hundredths feet Southeastly from the South side of Upland Road fifty feet wide and running thence Easterly at right angles to Farmhurst Road one hundred seventy and ten one-hundredths feet, thence southerly parallel with Farmhurst Road fifty feet, thence westerly at right angles to Farmhurst Road one hundred sixty-two and seventy one-hundredths feet to the East side of Cliveden Road and thence Northwesterly bounding thereon fifty and forty-seven one-hundredths feet to the place of beginning. Being Lot No. 7, Section 0 on the Plat of Sudbrook Park. The improvements thereon being now known as No. 611 Cliveden Road.

BEING the same lot of ground which by Deed dated July 28, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4494, folio 607 was granted and conveyed by the KARJON COMPANY to HAROLD L. VAN LANINGHAM and GRACE E. VAN LANINGHAM, his wife, two of the within Grantors.

BEING also the same lot of ground which by Deed of Reversion dated July 28, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4494, folio 608 was granted and conveyed by THOMAS J. WILDERSON and MARTHA WILDERSON, his wife, to RICHARD G. VAN LANINGHAM, one of the within Grantors.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

LIBER 3529 706



LIBER 381 PAGE 24. State Department of Assessments & Taxation, Baltimore, Maryland 21227

ATTENTION: THIS DEED IS A REVERSE-SIDED COPY OF THE ORIGINAL COPY INFORMATION UNLESS OTHERWISE NOTED

THIS DEED, Made this 23rd day of May, in the year one thousand nine hundred and ninety-two, by and between MARY THOMASINA KOCH of the first part, Grantor, of Baltimore County, State of Maryland; and MARY THOMASINA KOCH, Trustee, pursuant to a Trust Agreement dated May 22, 1982 known as the "THE KOCH FAMILY TRUST."

WITNESSETH, that in consideration of the sum of five Dollars (\$5.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, the actual consideration being zero, the said Grantor, does hereby grant, convey and assign unto the said MARY THOMASINA KOCH, Trustee, her successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and more particularly described as follows:

BEGINNING for the same on the west side of Cliveden Road, 50 feet wide, at the distance of 253.68 feet northwesterly from the corner of Cliveden Road and Milford Road, and running thence north 28 degrees west binding on the west side of Cliveden Road, 50.29 feet; thence north 84 degrees 10 minutes west parallel with Milford Road, 150.15 feet to a point distant 150 feet southeasterly at right angles from Cliveden Road, thence south 5 degrees 50 minutes west parallel with Cliveden Road, 50 feet and thence south 84 degrees 10 minutes east parallel with Milford Road, 156.30 feet to the place of beginning. Being Lot No. 21, Section N, on the Plat of Sudbrook Park.

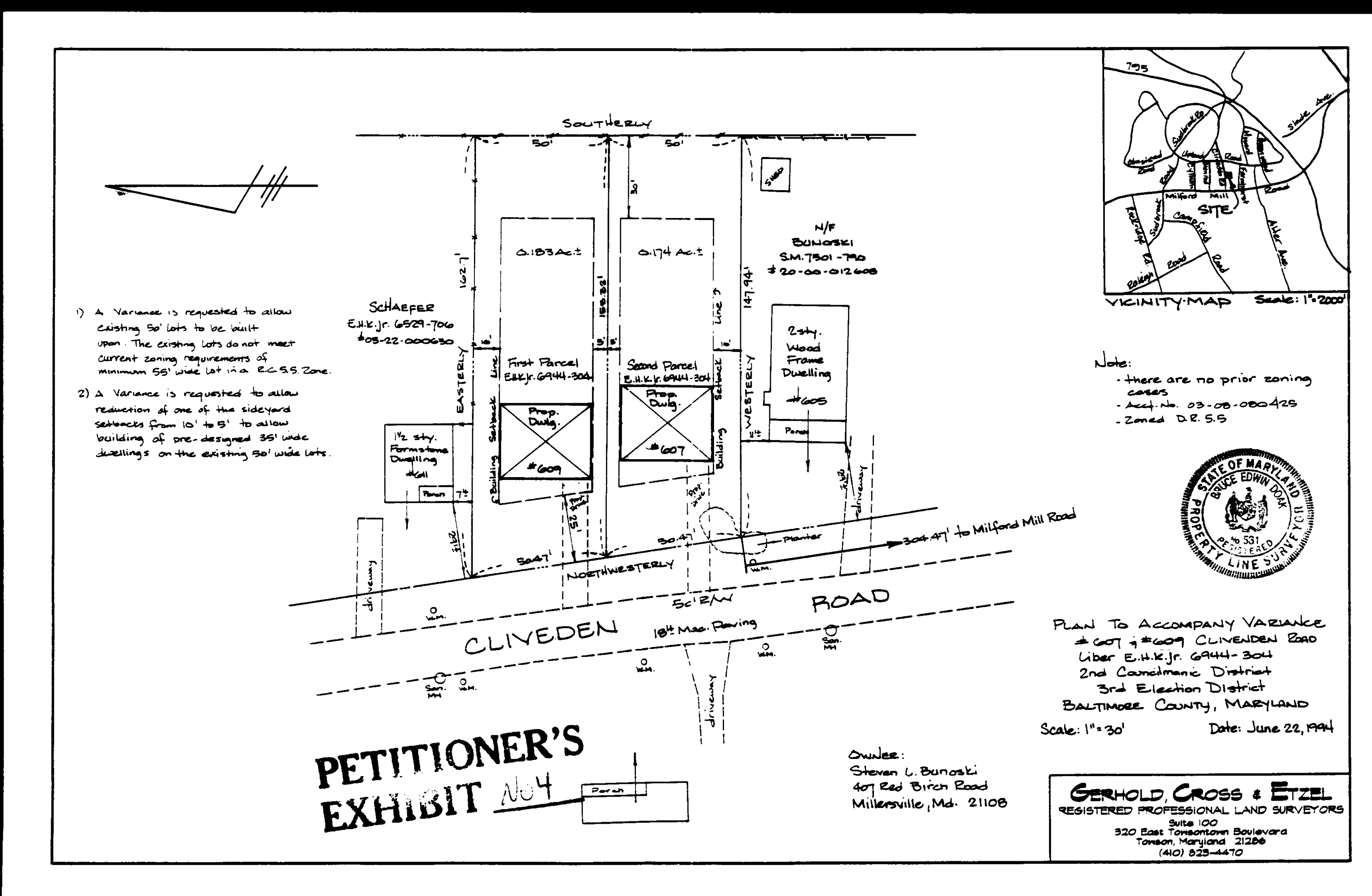
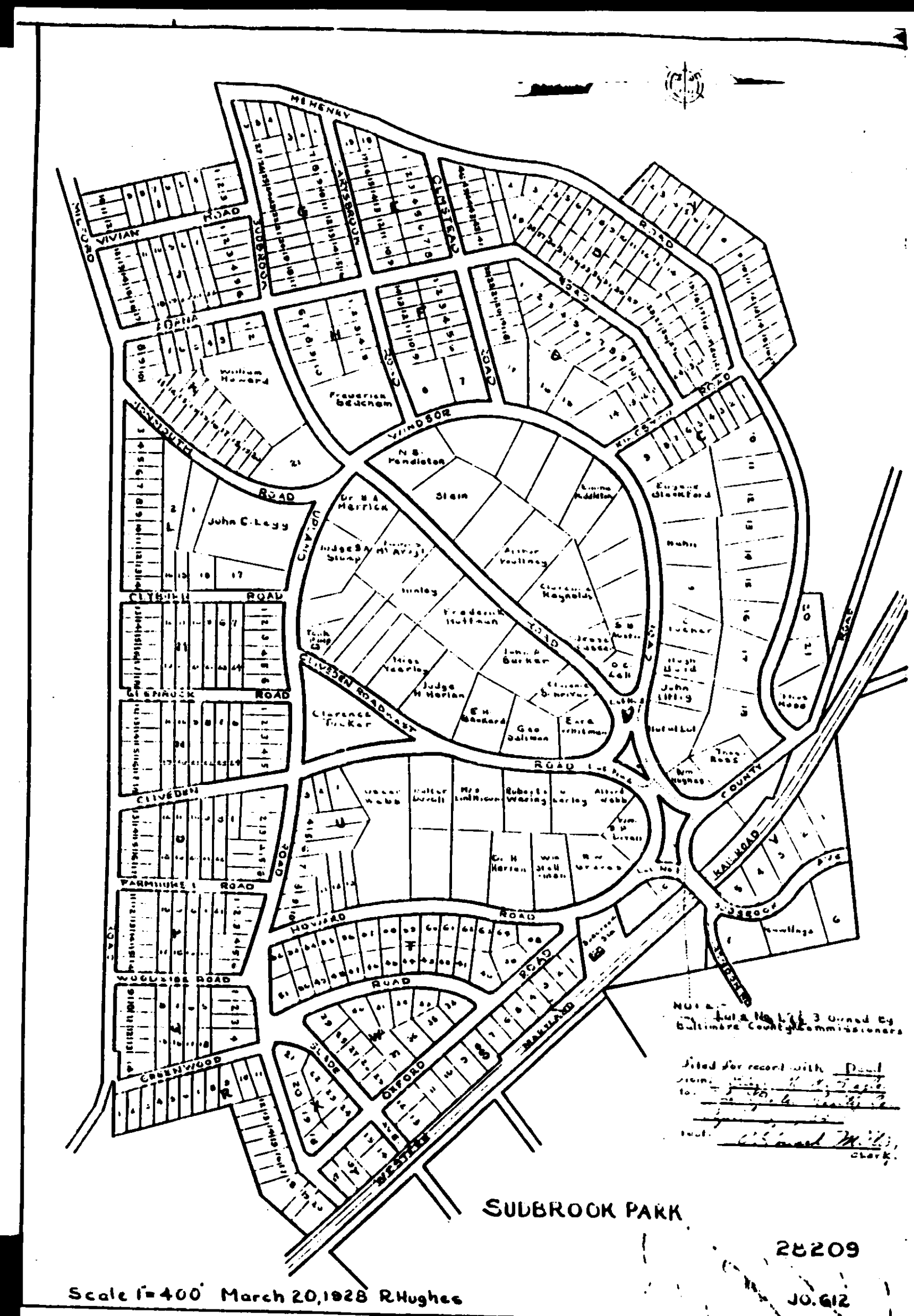
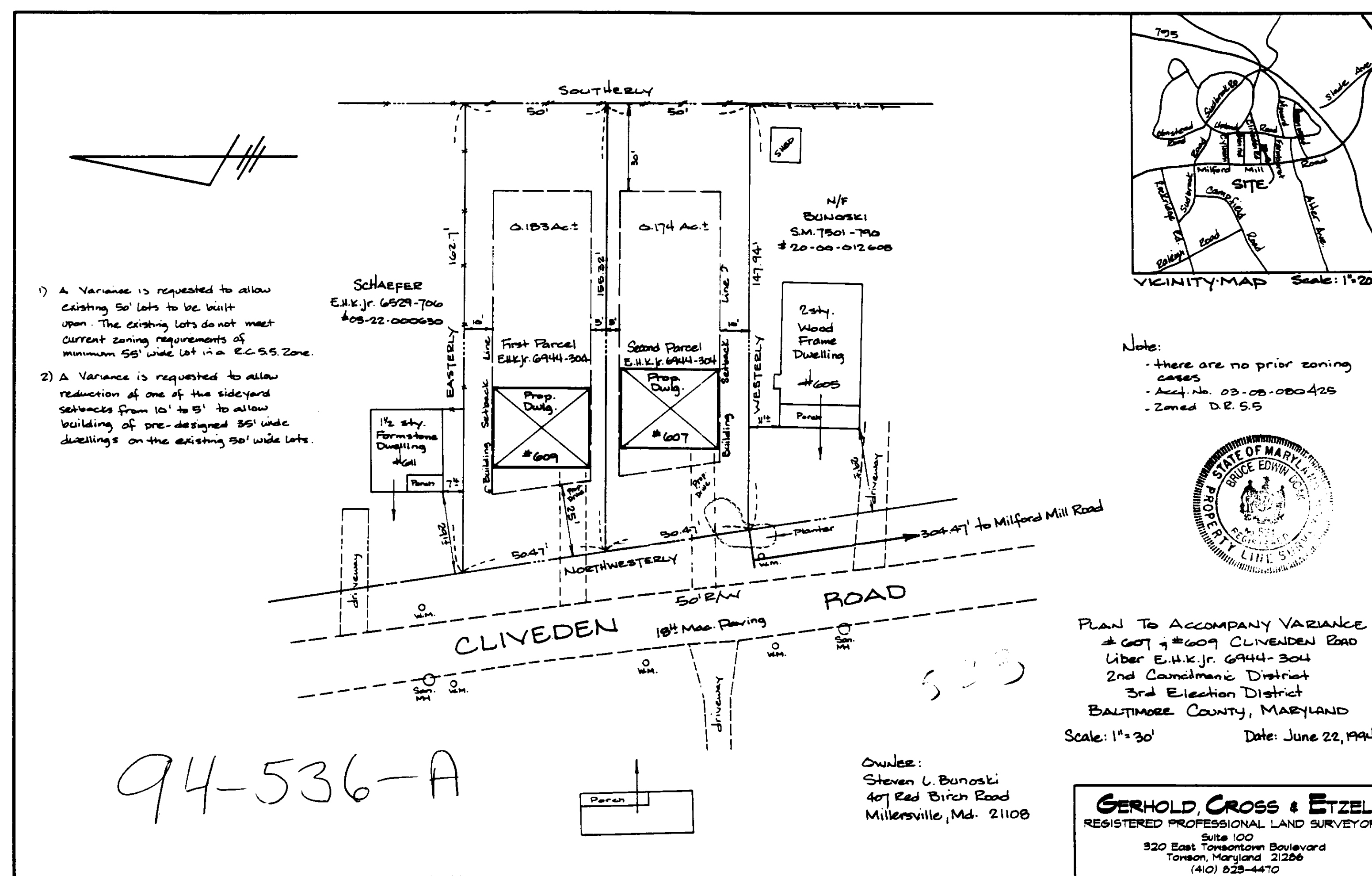
The improvements erected upon said lot being known as No. 607 Cliveden Road.

BEING the lot of ground which by Deed of dated April 19, 1956 and recorded among the Land Records of Baltimore County in Liber 2914, folio 440 and was granted and conveyed by Albert A. Pastriani and Jane B. Pastriani, his wife, unto Paul Michael Koch and Mary Thomasina Koch, his wife. The Paul Michael Koch having departed this life on February 3, 1992, thereby vesting fee simple title in the Grantor herein.

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises, above described, unto the said MARY THOMASINA KOCH, Trustee, her heirs, assigns and assigns forever.

AGRICULTURAL TRANSFER TAX RECEIVED FOR TRUSTEE. State Department of Assessments & Taxation for Baltimore County



1930  
1935  
1936

Recorded Feb. 12, 1920, at 5 P.M. & found  
Per: William P. Cole, Clerk.

The Sudbrook Deed to Donald C. Hammond  
This deed made this 21st day of May, in the year nineteen hundred and thirty six, between the Sudbrook Development Company, a body corporate of the State of Maryland, of the first part, and Donald C. Hammond, of Baltimore City, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and lawful considerations, the receipt whereof is hereby acknowledged, the said Sudbrook Development Company, assignor and conveyer, do hereby convey, sell, grant and assign, all those two lots or parcels of ground situate in Baltimore County, State of Maryland, and being the same lots of ground mentioned and described in Lots Nos. 1 and 2, of Section 8, and plat of Sudbrook Park, prepared by C. F. Eorman and Company, and particularly described as follows: Beginning for the first lot, on the northeast side of Cliveden Road, 50 feet wide, at the distance of 384 9/10 feet, north westerly from the north eastern corner of Cliveden Road and Milford Road, and running thence north westerly to the north east side of Cliveden Road, 50 feet wide, thence easterly parallel with Milford Road 163 7/10 feet thence southerly parallel with Enochburg Road 50 feet and thence westerly parallel with Milford Road, 158 53/10 feet to place of beginning.

Beginning for the second lot, on the north east side of Cliveden Road, 50 feet wide, at the distance of 504 47/10 feet, north westerly from the north east corner of Cliveden Road and Milford Road, and running thence north westerly to the north east side of Cliveden Road, 50 feet wide, thence easterly parallel with Milford Road 158 53/10 feet thence southerly parallel with Enochburg Road 50 feet, thence westerly parallel with Milford Road 157 94/10 feet to the place of beginning.

Being part of the ground which, by sales dated May 6, 1916, and recorded among the Land Records

PETITIONER'S EXHIBIT No. 2

3281-91  
AS

RECEIVED  
JUL 28 1994  
ZADM

July 27, 1994

Mr. Arnold Jablon  
Director of ZADM  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Hearing August 3, 1994  
Case No. 94-535-A & 94-536-A

Dear Mr. Jablon:

I have just received the request of Ms. Stellman in regards to The Sudbrook Club's request for a postponement of my variance hearing. Please be advised that my wife and I respectfully request that no continuance be granted.

Kindly understand that my wife is scheduled to deliver our second child, by surgery, on August 12, 1994. Therefore, it is imperative the hearing continue as scheduled. Please also understand that I canceled two important business meetings based upon the date that was set for the hearings. These meetings cannot be rescheduled.

I note that Ms. Stellman implies that The Sudbrook Club may represent 500 homes. I am sure that with such a great number of potential interested parties, that someone from said Group can attend the August 3, 1994 meeting.

I also wish to note that when this Organization sought Baltimore County Landmark District Certification, for Sudbrook Park, the block on which I lived (and the subject lots) were not included in this designation. I do note some irony in the interest of late on this block by The Sudbrook Club.

612 Cliveden Road  
Baltimore, MD 21208  
May 20, 1994

Mr. Dave Green  
Community Planner,  
Baltimore County  
401 Boslay Ave #403  
Towson, MD 21204

Dear Mr. Green,

We live directly opposite a lot which would have the address 607 Cliveden Road. This lot has never contained a building. Several days ago we were shocked to learn that efforts are underway to erect two homes on this ground which has (nominally) a 100 foot fronting on Cliveden. While we experienced some relief when we learned of the denial of a contractor's request to alter property lines to allow him to erect two buildings, we fear continued efforts toward this goal.

This is to record our strong belief that such building would significantly affect the character of this neighborhood in a negative way. And we ask that we be considered "interested parties" and be informed promptly of any and all actions that bear on this question.

We shall appreciate your attention to this matter and insuring us that we will have timely access to developments.

Very truly yours,

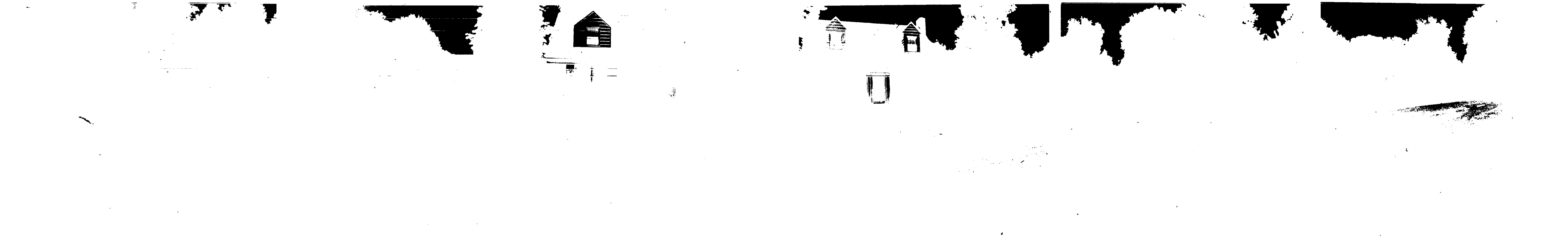
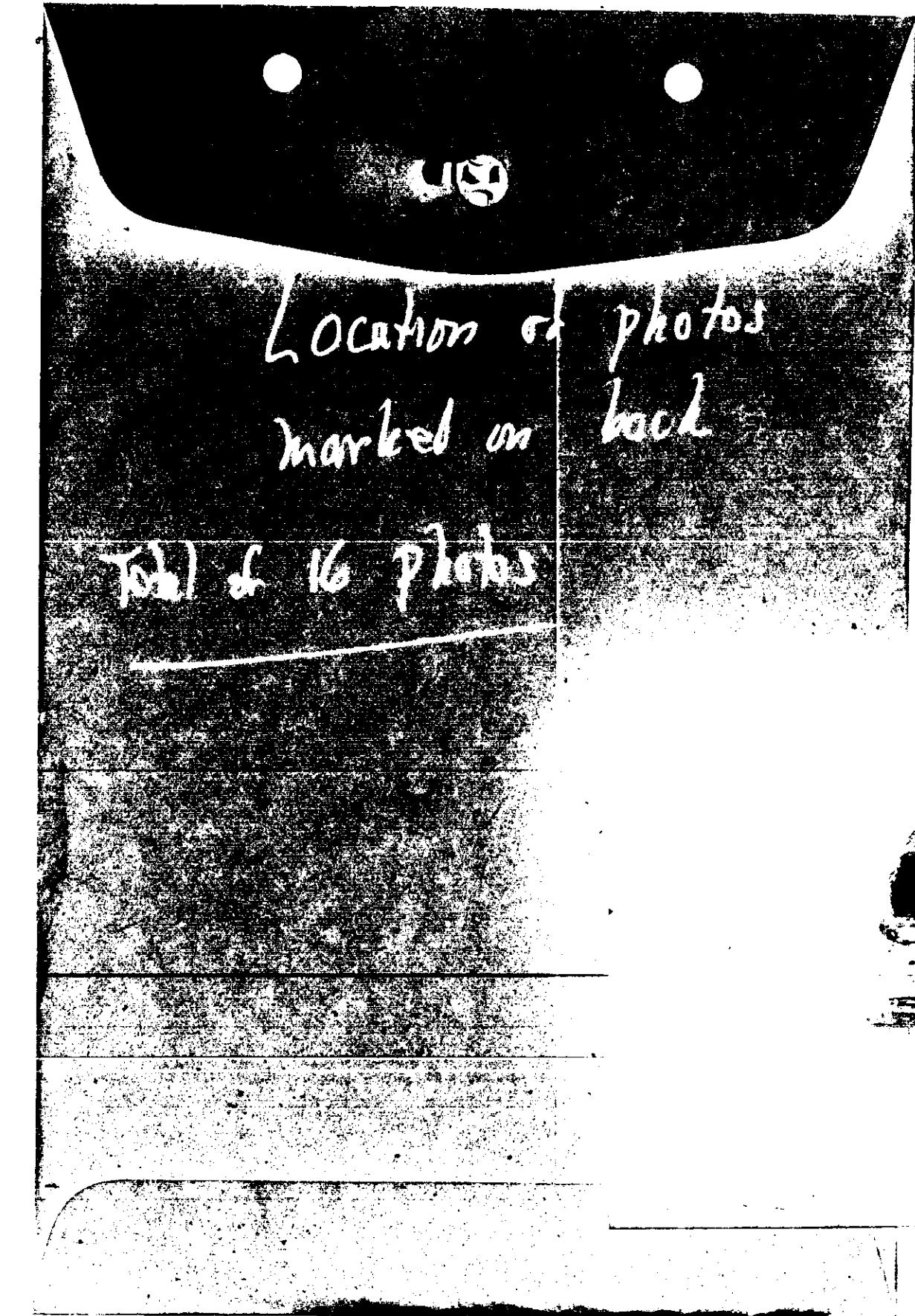
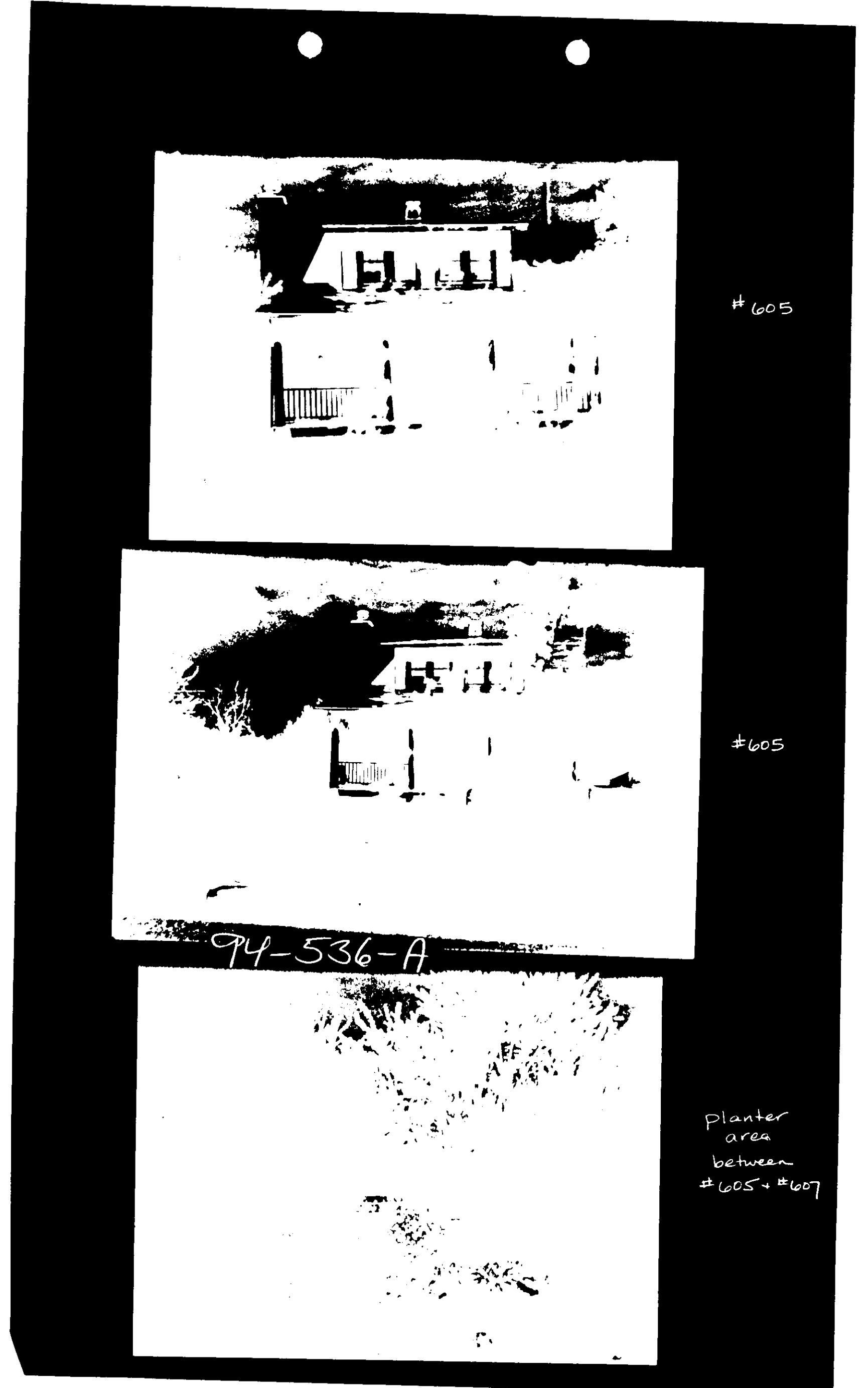
Ima Frank

Leonard H. Frank

cc: Mr. Arnold Jablon  
Director of Zoning  
111 West Chesapeake Ave #1105  
Towson, MD 21204

Mr. Melvin Mintz  
Representative, County Council  
7 Church Lane  
Baltimore, MD 21208

Ms. Darragh Brady  
President, The Sudbrook Club  
500 Sudbrook Lane  
Baltimore, MD 21208



**BALTIMORE COUNTY, MARYLAND**  
STATE AND COUNTY REAL PROPERTY TAXES

LEVY PERIOD: JULY 1, 1984-JUNE 30, 1985

SECTION: 03, DISTRICT: 03, CODE: 1-1, ASSESSMENT: 8,840, PROPERTY NUMBER: 03-08-080425 95 9, BILL DATE: 07/01/94

**METROPOLITAN CHARGES**

SEWER BENEFIT	2.855	CHARGES	252.38
SEWER SERVICE			
WATER BENEFIT	.21		
WATER DISTRIBUTION			
TOTAL METROPOLITAN			252.59

OWNER'S NAME AND ADDRESS:  
BUNOSKI STEVEN LOUIS  
407 RED BIRCH RD  
MILLERSVILLE MD 21108

PROPERTY DESCRIPTION:  
SUBBROOK PARK  
LT 8 9  
607 CLIVEDEN

LOT: 8 9, BLOCK: 0, SEC: 00, FOOT: 000, FOLIO: 000

CONSTANT YIELD 2.813 DIFFERENCE 0.042

GROSS BILL: 270.84

INTEREST/DISCOUNT: NET TOTAL

1-025715 GROSS 270.84

03080804259500026589000264200027094000273650002763600027907

3 810-94  
AF 65

**The Sudbrook Club, Inc.**  
Pikesville, Maryland 21208

July 27, 1994

Mr. David Green  
Baltimore County Government  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: 607 & 609 Cliveden Road  
DRC No. 042541, 3C2

Dear Mr. Green:

This letter is a followup to my letter of May 19, 1994. The Sudbrook Club, Inc. would like to express its opposition to the property owner's desire to build two dwellings on the undersized lots.

As you well know the Sudbrook Park neighborhood is on both the Baltimore County Landmark and the National Register of Historic Places roster. The block in question is a continuation of one of the main streets in the neighborhood and the residents have petitioned to be included within the Sudbrook Park Landmark district. This petition was brought before the Baltimore County Landmarks commission at their July meeting and is in the process of going before the County Executive.

Allowing the placement of two houses on these lots with the requested variance for only five foot sideyards would be completely out of keeping with both the existing character of the street and the entire historic neighborhood of which this street is an integral part. The Development Approval office of Baltimore County has already turned down the petitioner's request once precisely because the project "was not in keeping with the character of the neighborhood". (See enclosed xerox of letter.)

The Sudbrook Club, Inc. would have no objection to one well-designed house which made some attempt to belong to the 'family' of residences to which it would belong.

The Sudbrook Club, Inc. will attend the August 3rd hearing and are looking forward to your anticipated cooperation.

With Regards,  
*Darragh K. Brady*  
Ms. Darragh Brady  
President, The Sudbrook Club, Inc.  
500 Sudbrook Lane  
Pikesville, MD 21208

**RECEIVED**  
JUL 29 1994  
**ZADM**

Entered on the National Register of Historic Places—June, 1973

Encl.  
CC:

Mr. Arnold Jablon - Director of the Office of Zoning Administration and Development Management  
Mr. David Fields - Community Conservation Office  
Mr. Melvin Mintz - 2nd Councilmanic District  
Mr. Jeffrey Smith - V.P. Civil Affairs, The Sudbrook Club, Inc. 607 Sudbrook Road, Pikesville, MD 21208  
Mr. Stephen Bunoski - Millersville, MD  
Mr. Bruce Doak - Gerhold, Cross & Etzel, 320 E. Towsontown Blvd. Ste. 100, Towson, MD 21286  
Mr. Dan Appleby - 605 Cliveden Road, Pikesville, MD 21208  
Mr. and Mrs. Leonard Frank - 612 Cliveden Road, Pikesville, MD 21208

*John K. Brady's date*

**The Sudbrook Club, Inc.**  
Pikesville, Maryland 21208

July 22, 1994

Mr. Arnold Jablon  
Director of ZADM  
Baltimore County  
111 W. Chesapeake  
Towson, MD 21204

Dear Mr. Jablon:

As an officer of the Sudbrook Club, the neighborhood association for Sudbrook Park, I wish to inform you that our neighborhood association has a significant interest in case numbers 94-535-A and 94-536-A. We are a community of approximately 500 homes which is on the National Register of Historic Places and is a Baltimore County Landmark District. The individuals who will represent the neighborhood and the Sudbrook Club have a conflict with the hearing date scheduled on August 1. I formally request a continuance of the hearing date and ask that the hearing be re-scheduled for the second week of September.

I appreciate your consideration and look forward to your reply.

Sincerely,  
*Elizabeth Stellman*  
Elizabeth Stellman  
Vice President  
1008 Windsor Road  
Pikesville, Md. 21208

cc: The Honorable Mel Mintz  
John McGrain

Entered on the National Register of Historic Places—June, 1973

**IMPORTANT MESSAGE**

TO: *Mr. Brady*

DATE: *8/2* *3:15 A.M.*

FROM: *Steve Bunoski*

PHONE: *539-1315*

FAX:

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	RETURNED YOUR CALL
WANTS TO SEE YOU	WILL CALL AGAIN
WILL FAX YOU	URGENT!

Message:

Signed: *Me*

THOMAS F. YOST TEL: 410-727-4556 Aug 94 11:01 No. 004

Silvan L. Burson  
539-1315

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: *Timothy M. Kotzco*

FROM: *Steven Bunoski - Re 94-535-A & 94-536-A*

TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: *6*

DATE: *8/1/94*

TELECOPY SENT TO TELEPHONE NUMBER:

IF YOU DO NOT RECEIVE ALL PAGES, OR HAVE ANY PROBLEM WITH RECEIVING, PLEASE CALL AT (410) 659-6800

THANK YOU!

*Dear Mr. Kotzco:*

*I am the landowner who filed for the above described variance. Please find various letters which so that the Sudbrook Club Inc can attend the Aug 3 1994 hearing, and only seeks a postponement so that a "landmarks designator" can apply to my parties. I will call again today.*

THIS FACSIMILE MESSAGE IS A PRIVILEGED AND CONFIDENTIAL COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADVISED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED TO ANY OTHER PERSONS WITHOUT THE WRITTEN CONSENT OF THE SENDER. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE DO NOT COMMUNICATE.

*Steve*

*Steve - Please reschedule ASAP at all parties' convenience.*

*Bette*

**RM-16 CONTIGUOUS OWNERSHIP**  
(10/18/83)

Section 304, DCZB, states that no variance is required to gain a building permit if the conditions delineated therein are met. One such condition prevents a one-family dwelling from being erected if the owner of the undersized lot owns "sufficient adjoining land to conform substantially to the width and area requirements". It is clear, therefore, that if the owner of the lot which is undersized does not own such adjoining property, a variance would not be required and permission to build would be approved, provided the other requisites are met, i.e., (1) that the lot was recorded by deed or in a validly approved subdivision prior to the adoption of the zoning regulations and (2) that all other height and area requirements are met.

If none or some of the these requirements are met, an owner of an undersized parcel must obtain a variance pursuant to Section 307.

It is obvious that Section 304 recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated by other regulations at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

The issue raised over contiguous ownership deals with the interpretation or application of paragraph c., Section 304, the "contiguous" ownership exemption clause. It exempts from its application adjoining parcels which are owned by the same owner, but the regulation does not set forth any limiting language defining a time frame for such ownership.

Section 304 limits its applicability to an undersized lot whose owner does not have sufficient adjoining land to conform to the area requirements; if such adjoining lots are owned by a single owner, compliance with the area requirements must be attained by combination or by attaining a variance pursuant to Section 307. Section 304, however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.

It would seem inconsistent with the language of the regulations if the legislative intent at the time Section 304 was effected if it was to be interpreted that the regulation barred the exception for a variance to an owner of an undersized lot who acquired adjacent parcels without regard to time or manner of acquisition. It would seem consistent to interpret the intent of the Council to bar the exception to such owners who have acquired adjacent lots with the idea of avoiding existing zoning laws pertaining to minimum building

*file*  
*APB*

over

August 3, 1994

Laurena Schmidt  
Zoning Commissioner  
Baltimore County Office of Zoning Administration

Dear Mr. Schmidt,

This letter is in regards to the two fifty foot lots on the 600 block of Cliveden Road in Sudbrook Park, Pikesville (cases # 94-535-A, item 522 and 94-536-A, item 523). A former neighbor, Mr. Bunoski, has requested a zoning exception so that he may build two houses instead of the one he originally planned. He has stated his only reason is that he can increase his profit in the sale of the lots by \$20,000.

My husband and I have lived in this lovely neighborhood for eight years and are raising four boys here. When I became a board member of the Baltimore County Historic Trust I wanted to contribute to preservation efforts throughout the county. However, Sudbrook Park is my first priority. I was pleased when the neighbors on the 600 block of Cliveden made a major commitment this summer as they became part of the current Landmark District in Sudbrook Park. I feel, as they do, that this block is noteworthy and deserves their best efforts to maintain its historic connection with the rest of the neighborhood.

If this zoning variance is granted, I feel that not only would the nature of this block be greatly disturbed, but owners of other undeveloped fifty foot lots in the neighborhood would be encouraged to sell out and disrupt the landscape and space that defines the Park. Thank you for your attention to this matter.

Sincerely,  
*Jenny Lu Sataloff*  
149 Upland Rd, Pikesville, Md. 21208

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
DATE: July 28, 1994

SUBJECT: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522) REVISED COMMENT

INFORMATION:  
Item Number: 523 and 522  
Petitioner: \_\_\_\_\_  
Property Size: \_\_\_\_\_  
Zoning: D.R. 5.5  
Requested Action: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

In order to build a house on an undersized lot the petitioner must meet the requirements of section 304.1.C (Baltimore County Zoning Regulations) which requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in the Baltimore County Zoning Regulations. It appears that the petitioner has failed to meet this requirement.

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commissioner should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: *David Green*

Division Chief: *Carol L. Kerns*

PK/JL:lw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
DATE: August 16, 1994

SUBJECT: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522) REVISED COMMENT

INFORMATION:  
Item Number: 523 and 522  
Petitioner: \_\_\_\_\_  
Property Size: \_\_\_\_\_  
Zoning: D.R. 5.5  
Requested Action: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

The Baltimore County Zoning Regulations state, in order to build a house on an undersized lot, the petitioner must meet the requirements of Section 304.1 as follows:

- a. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955. [It appears that these lots were recorded in 1928.]
- b. All other requirements of the height and area regulations be in compliance with the Baltimore County Zoning Regulations. [A variance is being sought to alleviate the 10' side setback requirement.]
- c. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [It appears that the petitioner has failed to meet this requirement.]

ZCR523.522/PZONE/ZAC1

Pg. 1

Memo to: Arnold Jablon  
Re: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522)  
August 16, 1994  
Page 2

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commissioner should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: *DAVE GREEN*

Division Chief: *Carol L. Kerns*

PK/JL:lw

ZCR523.522/PZONE/ZAC1

Pg. 2

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Evon McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204  
FROM: Arnold Jablon, Director, Zoning Administration and Development Management  
RE: Undersized Lots (REVISED COMMENTS)  
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:  
 Steven L. Bunoski  
 Lot Address: 607 Cliveden  
Election District 3 Council District 2 Square Feet 7579  
Lot Location: 1/2 Miles Corner of Cliveden Road 305.5 feet from S W corner of Milford Hill Road  
Lead Owner: Steven L. Bunoski Tax Account Number: 03-08-080-425  
Address: 407 Red Birch Road Telephone Number: \_\_\_\_\_  
Millersville MD 21108

CHECKLIST OF MATERIALS (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO	REMARKS
1. This Recommendation Form (3 copies)	✓	—	Residential Processing Fee Paid Codes 000 & 000 (000)
2. Permit Application	—	✓	Accorded by: ZADM Date: _____
3. Site Plan Property (3 copies)	✓	—	
Topo Map (inserted in the 304 C.2.B) (2 copies) (inserted when site owner)	✓	—	
4. Building Elevation Drawings	✓	—	
5. Photographs (taken when at address corner) Appointing Buildings Surrounding Neighborhood	✓	—	

RECOMMENDATIONS/COMMENTS:  
 Approve  Disapprove  Approval conditioned on required modifications of the permit to conform with the following recommendations:  
1. The developer should meet the requirements of Section 304.1 of the Baltimore County Zoning Regulations.  
2. The developer should submit revised architectural elevation to the Director of Planning and Zoning for approval prior to issuance of building permit.

Signed by: *Evon McDaniel*  
Deputy Director, Office of Planning & Zoning

Date: August 18, 1994

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by *Pat Keller* on *6-30-94* Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE: *7/12* D (15 Days Before C)  
DATE POSTED: \_\_\_\_\_  
HEARING REQUESTED-YES \_\_\_ NO \_\_\_ DATE: \_\_\_\_\_  
CLOSING DAY (LAST DAY FOR HEARING DEMAND): *7/27* C (8-3 Work Days)  
TENTATIVE DECISION DATE: *8/1* B (A + 30 Days)  
\*Usually within 15 days of filing

CERTIFICATE OF POSTING  
District: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Number of Signs: \_\_\_\_\_  
CK/UNDER LOT (TXTSOPH)

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204 August 26, 1994 (410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Petitions for Zoning Variance  
(609 and 607 Cliveden Road)  
Case Nos. 94-535-A and 94-536-A  
Scheduled hearing: September 1, 1994

Dear Mr. Bunoski:  
Confirming telephone conversation this date, please be advised that the above captioned cases will be heard on September 1, 1994 at 2:30 P.M. in Room 118, Old Court House, 400 Washington Avenue in Towson. The cases were originally scheduled for 9:00 A.M. on said date, but had to be changed due to a previously committed seminar that I must attend beginning at 9:00 A.M.  
By way of a copy of this letter, I have notified Ms. Stellman and Mr. Frank of the change in time.  
Thank you, and Mr. Frank, for your courtesy and cooperation in this matter.

Very truly yours,  
*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

- cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc. 1008 Windsor Road, Pikesville, Maryland 21208
- cc: Mr. and Mrs. Leonard Frank 612 Cliveden Road, Pikesville, Maryland 21208
- cc: Gwendolyn Stephens, Docket Clerk - ZADM
- cc: Peoples Counsel

RE: PETITION FOR VARIANCE \* BEFORE THE  
607 Cliveden Road, NE/S Cliveden \* ZONING COMMISSIONER  
Road, 304 +/- feet NW of c/l Milford \* OF BALTIMORE COUNTY  
Mill Road, 3rd Election Dist., 2nd \*  
Counclimanic \*  
Steven L. Bunoski \* CASE NO. 94-536-A  
Petitioner \* \*

ENTRY OF APPEARANCE  
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE  
I HEREBY CERTIFY that on this *26th* day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, 320 E. Towson Ave., Towson, MD 21204, representative for Petitioner.

RECEIVED  
JUL 21 1994  
ZADM  
*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 5, 1994

Mr. Bruce E. Doak  
Gerhold, Cross & Etzel  
320 E. Towson Ave  
Suite 100  
Towson, MD 21286

Re: Limited Exemption - Denial  
Gheiler Property  
607 & 609 Cliveden Road  
DRC No. 042541, 3C2

Dear Mr. Doak:  
On May 2, 1994, the Development Review Committee (DRC) reviewed the above referenced project and determined that the plan does not meet the Limited Exemption criteria established under Section 26-171(a) nor Section 26-171(b) of the Baltimore County Development Regulations, because the project is not within the character of existing community. I would suggest that you request a special zoning hearing regarding compatibility.  
If you have any questions, please feel free to call me at (410) 887-3353.

Respectfully,  
*Donald T. Rascoe*  
Donald T. Rascoe, Manager  
Development Management

DTR:KAK:jaw  
cc: Larry Pilson  
Carolyn Beatty  
Mr. Isaac Gheiler

To: FUTURE PUBLISHING COMPANY  
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Steven Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108  
823-4470

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-536-A (Item 523)

607 Clivedon Road  
NE/S Clivedon Road, 304 +/- feet NW of c/1 Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski

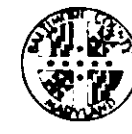
HEARING: WEDNESDAY, AUGUST 3, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

LAURINTE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-536-A (Item 523)

607 Clivedon Road  
NE/S Clivedon Road, 304 +/- feet NW of c/1 Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski

HEARING: WEDNESDAY, AUGUST 3, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

*Carl John*  
Arnold Jablon  
Director

cc: Steven L. Bunoski  
Gerhold, Cross & Etzel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 22, 1994

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Case No. 94-536-A, Item No. 523  
Petition for Variance  
Petitioner: Steven L. Bunoski

Dear Mr. Bunoski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-1500

RECEIVED  
JUL 13 1994  
ZADM

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Maryland Department of Transportation  
State Highway Administration

Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-536 (ZCM)

Dear Ms. Minton:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
John Conestabile, Chief  
Engineering Access Permits  
Division

BS/

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

Baltimore County Government  
Landmarks Preservation Commission



401 Besley Avenue  
Towson, MD 21204

(410) 887-4395  
Fax (410) 887-5862

July 28, 1994

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
400 Washington Avenue  
Towson, Maryland 21204

Re: Case Numbers 94-535-A  
94-536-A

Dear Mr. Kotroco,

Mr. Leonard H. Frank asked me to submit a statement about the Sudbrook Park area. A large part of Sudbrook was given historic district status by action of the County Council on March 1, 1993 (Bill 25-93). At the July 14, 1994 meeting of the Landmarks Preservation Commission, a number of citizens of the area adjoining the existing historic district submitted signatures and a background statement proposing that both sides of the 600-block of Clivedon Road be added to the historic district or enrolled as a separate historic district.

This area is part of the Frederick Law Olmsted village plan and is served by a curved street designed by Olmsted. The commission attorney believed that any additional area adjoining an historical district should be handled as a de novo event.

The numbers present were disposed to accept the district and pass it on to the Administration for consideration of the County Council. However, the commission lacked a quorum and was obliged to hold its vote on August 18. The proponents submitted photographs demonstrating that this part of Sudbrook Park contained well-designed houses of several styles, including Mr. Daniel Appleby's "Craftsman Bungalow" type residence. Other houses are at least 50-years old. In my opinion, this area probably meets the criteria for forming an historic district as expressed in the Baltimore County Code, 1988, Section 26-539.

Sincerely,  
*John McGrain*  
John McGrain, Executive Secretary  
Landmarks Preservation Commission

JM/mjm  
KOTROCO/PZONE/LANDMARK

cc: Mr. Leonard H. Frank  
612 Clivedon Road  
Pikesville, MD 21208

Ruth B. Mascari, Chairman, LPC

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 27, 1994

(410) 887-4386

Ms. Elizabeth Stellman  
Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road  
Pikesville, Maryland 21208

RE: PETITIONS FOR VARIANCE  
NE/S Clivedon Road, 354' and 304' NW of the c/1 of Millford Mill Road  
(609 and 607 Clivedon Road)  
3rd Election District - 2nd Councilmanic District:  
Steven L. Bunoski - Petitioner  
Case No. 94-535-A and 94-536-A

Dear Ms. Stellman:

This office is in receipt of your letter dated July 22, 1994 in which you requested a postponement of the above-captioned matters, citing a conflict between the individuals who will represent the neighborhood and your organization and the hearing date. Your letter was referred to me, as Hearing Officer, for a decision in the matter.

Please be advised that I have agreed to postpone these matters and by copy of this letter to the property owner, will notify him of same. In the meantime, your letter will be forwarded back to the Docket Clerk, Ms. Gwendolyn Stevens, in the Zoning Administration and Development Management (ZADM) office, for rescheduling at a mutually convenient date and time for both Mr. Bunoski and your group.

In the event you have any further questions on the subject, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjjs

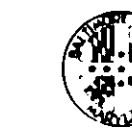
cc: Mr. Steven L. Bunoski  
407 Red Birch Road, Millersville, Md. 21108

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 29, 1994

(410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: PETITIONS FOR VARIANCE  
(609 and 607 Clivedon Road)  
Case Nos. 94-535-A and 94-536-A

Dear Mr. Bunoski:

This office is in receipt of your letter dated July 27, 1994 concerning a request for postponement of the above-captioned matters by Ms. Elizabeth Stellman, Vice President of the Sudbrook Club, Inc. Your letter requests that the hearings go forward as scheduled and that no postponement be granted for personal reasons.

Please be advised that I had already made the decision to grant the request for postponement prior to the receipt of your letter and had issued a written response to that effect. Regardless, we have an obligation to honor any request for postponement in order to afford all parties immediately affected by any proposed development the opportunity to attend and voice their opinions/concerns. As indicated in my response to Ms. Stellman, all parties will be contacted by Ms. Gwendolyn Stevens, Docket Clerk, so that a mutually convenient date and time can be arranged to hear these matters.

Should you have any further questions on the subject of scheduling, please contact Ms. Stephens in the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjjs

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Md. 21208

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File

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on Recycled Paper

Nonetheless, there are larger lots throughout this subdivision. More importantly, however, it is the sense of overcrowding which is troubling if both lots were approved for residential development. In this respect, a review of the site plan is particularly germane. According to that plan, development on lot 607 would allow a 10 ft. side yard setback to the Appleby property line. Moreover, the existing Appleby dwelling (formerly owned by Mr. Bunoski) is approximately 11 ft. from the property line. Thus, the proposed houses at 607 and 609 would be but 21 ft. apart. If 10 ft. side yard setbacks were maintained for lots 607 and 609, a 20 ft. distance would exist between houses. Moving further down the street, a 10 ft. side yard setback on the north side of lot 609 and the existing 7 ft. setback on the adjoining Schaffer property would leave a 17 ft. total distance between houses. Although the Bunoski properties would maintain the proper side yard setbacks, a row of four houses this close together in this community is not appropriate. In my view, it would be detrimental to the surrounding community. Thus, on that basis, I would also deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of September, 1994 that a variance Section 1B02.3.C. of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50 ft. in lieu of the required 55 ft. for lots 607 and 609 Cliveden Road, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 304.1.B. and C. for an undersized lot in a D.R.5.5 zone for lots 607 and 609 Cliveden Road, be and is hereby DENIED.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING  
Date 9/28/94  
By [Signature]

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 607 Cliveden Road



which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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, hereby petition for a Variance from Section(s) 1) Variance from 1B02.3.C.1 (BCZR) to permit a 5 foot side yard setback in lieu of the required 10 feet; 2) Variance from 304.1 B&C for an undersized lot in a D.R.5.5 zone

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, (indicate the specific practical difficulty): 1) A Variance is requested to allow an existing 50' 108" wide lot to be built upon. The existing lot does not meet current zoning requirements of minimum 55 foot wide lot in a D.R.5.5 zone. 2) A Variance is requested to allow reduction of one of the side yard setbacks from 10 feet to 5 feet to allow building of pre-designed 35 foot dwelling on the existing 50 foot wide lot. Basis of hardship and practical difficulty to be established at the hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., 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.

Legal Interest: \_\_\_\_\_  
 Name of Petitioner: Steven L. Bunoski  
 Signature: [Signature]  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_  
 Municipality or Precinct: \_\_\_\_\_  
 Name of Petitioner: Steven L. Bunoski  
 Address: 407 Red Birch Road  
 City: Millersville State: MD Zip: 21108  
 Name: Gerhold, Cross & Etzel  
 Address: 320 E. Towsontown Blvd. Phone No: 823-4470

ESTIMATED LENGTH OF HEARING: \_\_\_\_\_  
 The following date: \_\_\_\_\_  
 ALL OTHER: \_\_\_\_\_  
 REVIEWED BY: [Signature] DATE: 9/28/94  
523

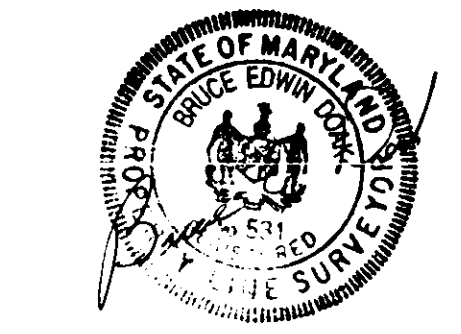
**GERHOLD, CROSS & ETZEL**  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

3RD ELECTION DISTRICT  
2ND COUNCILMANIC DISTRICT

Beginning at a point on the northeast side of Cliveden Road which is 50 feet wide at a distance of 304.47 feet northwesterly from the northeast corner of Cliveden Road and Milford Mill Road and running thence Northwesterly, binding on northeast side of Cliveden Road, 50.47 feet thence, Easterly 155.32 feet thence, Southerly 50 feet thence, Westerly 147.94 feet to the place of beginning.

Containing 0.174 of an acre of land, more or less.

Being the second parcel of Liber E.H.K. Jr. 6944, folio 304.



523

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3-3 Date of Posting: 7/12/94  
 Posted for: William A. Bunoski  
 Petitioner: Steven L. Bunoski  
 Location of property: 607 Cliveden Rd., N.B.C.  
 Location of Sign: Posting road sign on property line  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 7/22/94  
 Number of Signs: 1

BALTIMORE COUNTY, MARYLAND  
OFFICE OF REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 147468  
DATE 7/23/94 ACCOUNT R001-6150  
AMOUNT \$ 12.00  
RECEIVED FROM: Photocopies  
FOR: Photocopies  
VALIDATION OR SIGNATURE OF CASHIER

Item Number: 523  
 Planner: JCM  
 Date Filed: 10-30-94

### PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney
- The following information is missing:
- Descriptions, including accurate beginning point
  - Actual address of property
  - Zoning
  - Acreage
  - Plats (need 12, only     submitted)
  - 200 scale zoning map with property outlined
  - Election district
  - Councilmanic district
  - BCZR section information and/or wording
  - Hardship/practical difficulty information
  - Owner's signature (need minimum 1 original signature) and/or printed name and/or address
  - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
  - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
  - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
  - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
  - Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOP)  
11/17/93

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

- PAYMENT WILL BE MADE AS FOLLOWS:
- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
 Item No.: 523  
 Petitioner: STEVEN Bunoski  
 Location: 607 CLIVEDEN Rd.  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: STEVEN Bunoski  
 ADDRESS: 407 Red Birch Rd.  
MILLERSVILLE MD. 21108  
 PHONE NUMBER: 823-4470

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 19 94  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 14, 19 94.

THE JEFFERSONIAN,  
A. Henrichsen  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a Variance from Section 1B02.3.C.1 (BCZR) to permit a 5 foot side yard setback in lieu of the required 10 feet, and to permit an undersized lot in a D.R.5.5 zone for lots 607 and 609 Cliveden Road, on July 14, 1994, at 10:00 AM, in the Councilmanic District 2nd Councilmanic District, at the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21286-5318. The hearing will be held at 10:00 AM in Room 118, Old Chesapeake, 300 West Chesapeake Avenue, Towson, Maryland 21286-5318 as follows:

Case #94-036-A  
 Item 523  
 607 Cliveden Road  
 NE/SE Cliveden Road,  
 204 1/2 East 80W of  
 Milford Mill Road  
 3rd Election District  
 2nd Councilmanic District

Persons to present a 5-foot side yard setback in lieu of the required 10 feet, and to permit an undersized lot in a D.R.5.5 zone for lots 607 and 609 Cliveden Road, on July 14, 1994, at 10:00 AM, in the Councilmanic District 2nd Councilmanic District, at the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21286-5318.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearing fee must be paid in advance. (2) Hearing fee is \$100.00. (3) Hearing fee is \$100.00. (4) Hearing fee is \$100.00. (5) Hearing fee is \$100.00. (6) Hearing fee is \$100.00. (7) Hearing fee is \$100.00. (8) Hearing fee is \$100.00. (9) Hearing fee is \$100.00. (10) Hearing fee is \$100.00. (11) Hearing fee is \$100.00. (12) Hearing fee is \$100.00. (13) Hearing fee is \$100.00. (14) Hearing fee is \$100.00. (15) Hearing fee is \$100.00. (16) Hearing fee is \$100.00. (17) Hearing fee is \$100.00. (18) Hearing fee is \$100.00. (19) Hearing fee is \$100.00. (20) Hearing fee is \$100.00. (21) Hearing fee is \$100.00. (22) Hearing fee is \$100.00. (23) Hearing fee is \$100.00. (24) Hearing fee is \$100.00. (25) Hearing fee is \$100.00. (26) Hearing fee is \$100.00. (27) Hearing fee is \$100.00. (28) Hearing fee is \$100.00. (29) Hearing fee is \$100.00. (30) Hearing fee is \$100.00. (31) Hearing fee is \$100.00. (32) Hearing fee is \$100.00. (33) Hearing fee is \$100.00. (34) Hearing fee is \$100.00. (35) Hearing fee is \$100.00. (36) Hearing fee is \$100.00. (37) Hearing fee is \$100.00. (38) Hearing fee is \$100.00. (39) Hearing fee is \$100.00. (40) Hearing fee is \$100.00. (41) Hearing fee is \$100.00. (42) Hearing fee is \$100.00. (43) Hearing fee is \$100.00. (44) Hearing fee is \$100.00. (45) Hearing fee is \$100.00. (46) Hearing fee is \$100.00. (47) Hearing fee is \$100.00. (48) Hearing fee is \$100.00. (49) Hearing fee is \$100.00. (50) Hearing fee is \$100.00. (51) Hearing fee is \$100.00. (52) Hearing fee is \$100.00. (53) Hearing fee is \$100.00. (54) Hearing fee is \$100.00. (55) Hearing fee is \$100.00. (56) Hearing fee is \$100.00. (57) Hearing fee is \$100.00. (58) Hearing fee is \$100.00. (59) Hearing fee is \$100.00. (60) Hearing fee is \$100.00. (61) Hearing fee is \$100.00. (62) Hearing fee is \$100.00. (63) Hearing fee is \$100.00. (64) Hearing fee is \$100.00. (65) Hearing fee is \$100.00. (66) Hearing fee is \$100.00. (67) Hearing fee is \$100.00. (68) Hearing fee is \$100.00. (69) Hearing fee is \$100.00. (70) Hearing fee is \$100.00. (71) Hearing fee is \$100.00. (72) Hearing fee is \$100.00. (73) Hearing fee is \$100.00. (74) Hearing fee is \$100.00. (75) Hearing fee is \$100.00. (76) Hearing fee is \$100.00. (77) Hearing fee is \$100.00. (78) Hearing fee is \$100.00. (79) Hearing fee is \$100.00. (80) Hearing fee is \$100.00. (81) Hearing fee is \$100.00. (82) Hearing fee is \$100.00. (83) Hearing fee is \$100.00. (84) Hearing fee is \$100.00. (85) Hearing fee is \$100.00. (86) Hearing fee is \$100.00. (87) Hearing fee is \$100.00. (88) Hearing fee is \$100.00. (89) Hearing fee is \$100.00. (90) Hearing fee is \$100.00. (91) Hearing fee is \$100.00. (92) Hearing fee is \$100.00. (93) Hearing fee is \$100.00. (94) Hearing fee is \$100.00. (95) Hearing fee is \$100.00. (96) Hearing fee is \$100.00. (97) Hearing fee is \$100.00. (98) Hearing fee is \$100.00. (99) Hearing fee is \$100.00. (100) Hearing fee is \$100.00.

523 receipt  
 Baltimore County  
Zoning Administration & Development Management  
711 West Chesapeake Avenue  
Towson, Maryland 21286  
Account #001-6150  
Number JCM  
Date 6-30-94  
UAR (010) 50.00  
Posting (090) 35.00  
85.00  
01A0180225M1CHR  
\$8.00  
Please Make Check Payable To: Baltimore County  
Cashier Validation



THIS DEED, Made this 27th day of September 1989, by and between ADA T. CHRISTY, of the County of Baltimore, State of Maryland, Grantor, of the first part, and ADA T. CHRISTY, Grantee, of the second part.

WITNESSETH, That wherein the monetary consideration is zero, the said ADA T. CHRISTY does grant and convey to the said ADA T. CHRISTY an estate for the term of her natural life without powers, and after her death the remainder or so much thereof as remains undisposed of to Adeline Christy, her daughter-in-law, her personal representatives and assigns, that lot of ground situate in Baltimore County, State of Maryland, and described as follows:

All that lot of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid and being known as Lot #12, in Block O, as shown on the Plat of Sudbrook Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book 9, folio 7, and which lot is described as follows:

BEGINNING - for the same on the east side of Cliveden Road, as laid out 50 feet wide at the distance of 153.06 feet measured northerly along the east side of Cliveden Road, from the north-west side of Milford Road, said point of beginning being at the divid. line between lots #12 and 13, Block O, as shown on said plat; and running thence northerly binding on the east side of Cliveden Road 50.47 feet to the divid. line between lots #11 and 12, Block O on said plat; thence easterly with said divid. line

TRANSFER TAX NOT REQUIRED  
 RECEIVED FOR TRANSFER  
 BALTIMORE COUNTY MARYLAND  
 State Department of Assessments & Taxation  
 For Baltimore County  
 Date: 11-7-89  
 Signature: [Signature]  
 Date: 11-7-89

INTER-OFFICE CORRESPONDENCE  
 RECOMMENDATION FORM  
 TO: Director, Office of Planning and Zoning  
 Attn: Ernie McDaniel  
 County Courts Bldg, Rm 406  
 401 Bosley Av  
 Towson, MD 21204  
 FROM: Arnold Jackson, Director, Zoning Administration and Development Management  
 ITEM # 522  
 CASE # 94-535A

RE: Undersized Lots (REVISED COMMENTS)  
 Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Applicant Name: Steven L. Bunoski  
 Lot Address: 609 Cliveden  
 Election District: 3 Council District: 2 Square Feet: 7971  
 Lot Location: 1/2 W 1/4 Corner of Cliveden Road .355 feet from SE 1/4 corner of Milford Hill Road  
 Lead Owner: Steven L. Bunoski Tax Account Number: 03-08-080-425  
 Address: 407 Red Birch Road Telephone Number: Millersville MD 21108

CHECKLIST OF MATERIALS (to be submitted for design review by the Office of Planning and Zoning):

1. This Recommendation Form (2 copies)	YES	NO
2. Permit Application	✓	✓
3. Site Plan	✓	✓
4. Building Elevation Drawings	✓	✓
5. Photographs (taken from all photos shown) showing buildings and surrounding neighborhood	✓	✓

Residential Processing Fee Paid: \$200.00  
 Accepted by: [Signature] Date: [Blank]

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

- The developer should meet the requirements of Section 304.1 of the Baltimore County Zoning Regulations.
- The developer should submit revised architectural elevation to the Director of Planning and Zoning for approval prior to issuance of building permit.

Signed by: [Signature] Date: August 18, 1994  
 For the Director, Office of Planning & Zoning

Scale 1"=400' March 24, 1988 R. Hughes  
 SUBBROOK PARK 28209  
 JUN 6 1994

Post-It brand fax transmittal memo 7871	From: [Blank]	To: [Blank]
Per [Blank]	From: [Blank]	To: [Blank]
Per [Blank]	From: [Blank]	To: [Blank]
Per [Blank]	From: [Blank]	To: [Blank]



Re: Case Numbers 94-535-A and 94-536-A  
 Petitioner: Steven L. Bunoski

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Dear Mr. Schmidt,  
 We urge you to deny Mr. Bunoski's petition for "Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot" for the property referred to as 607 Cliveden Road and for the property referred to as 609 Cliveden Road.

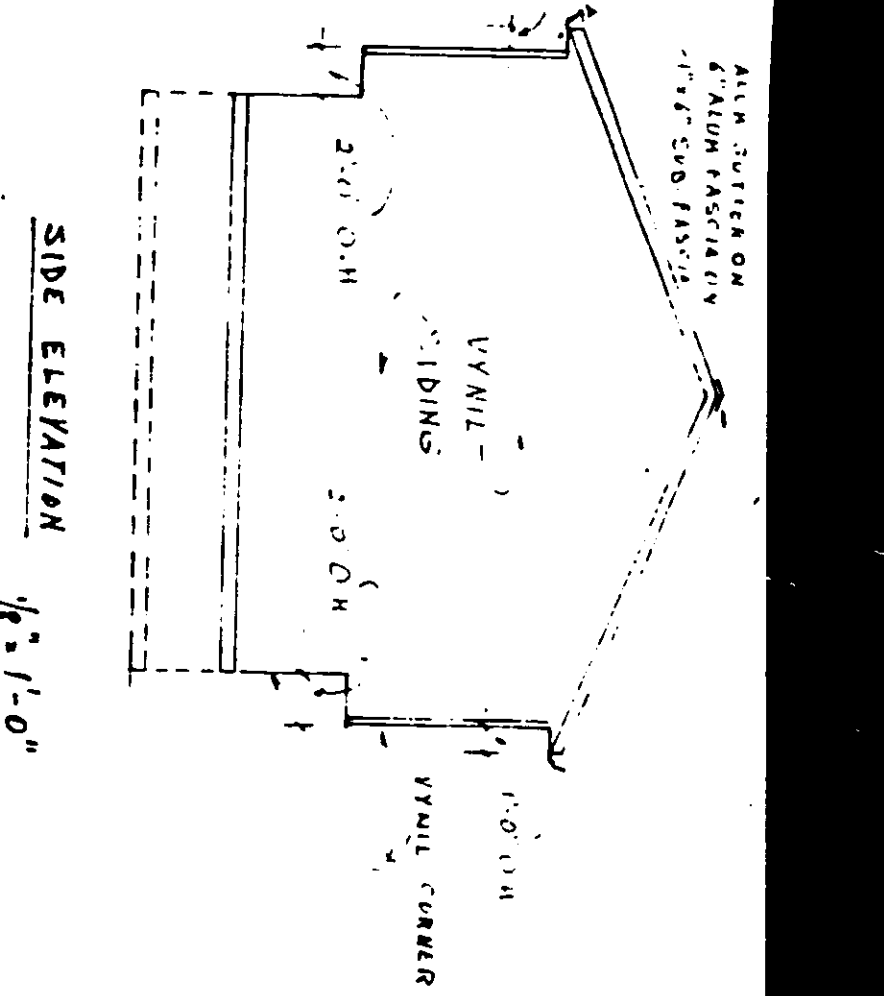
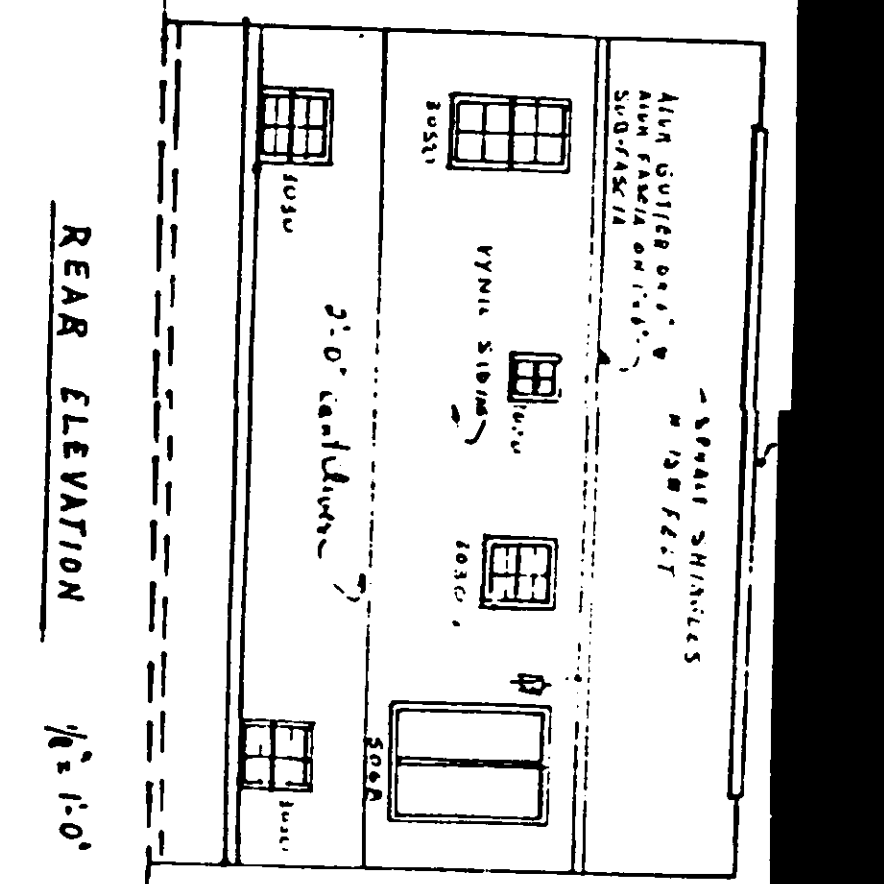
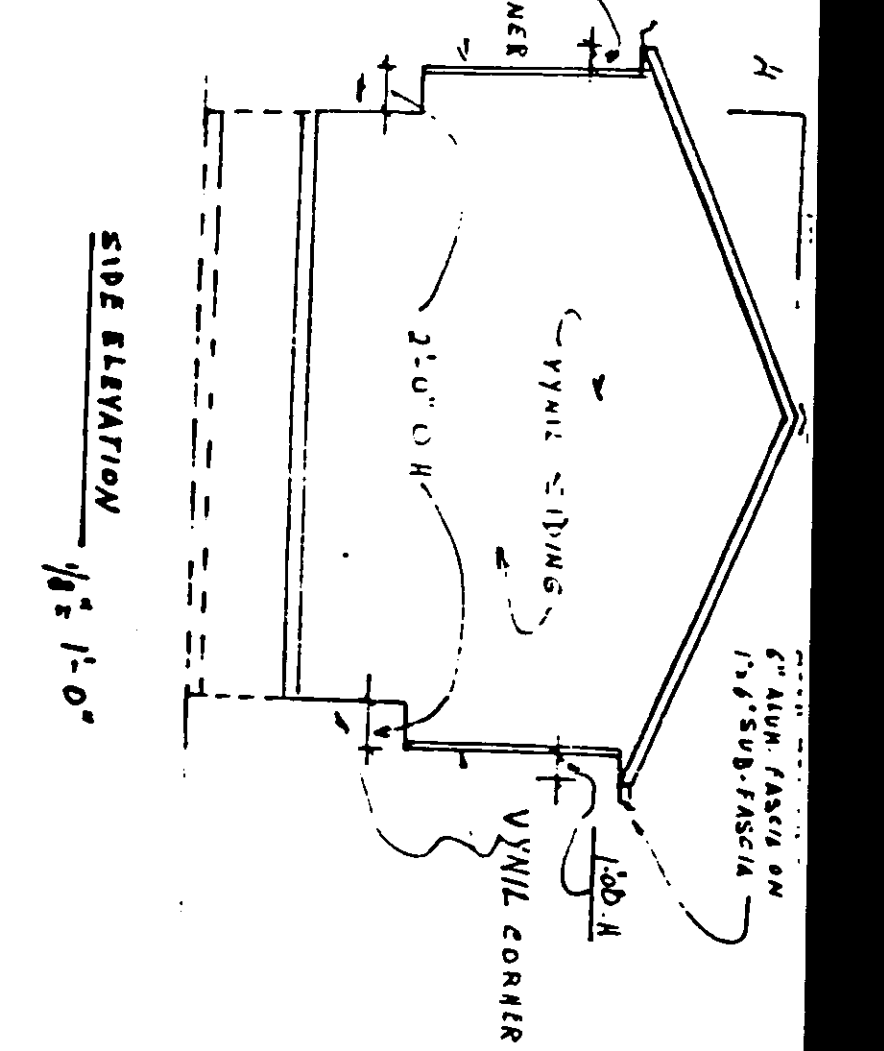
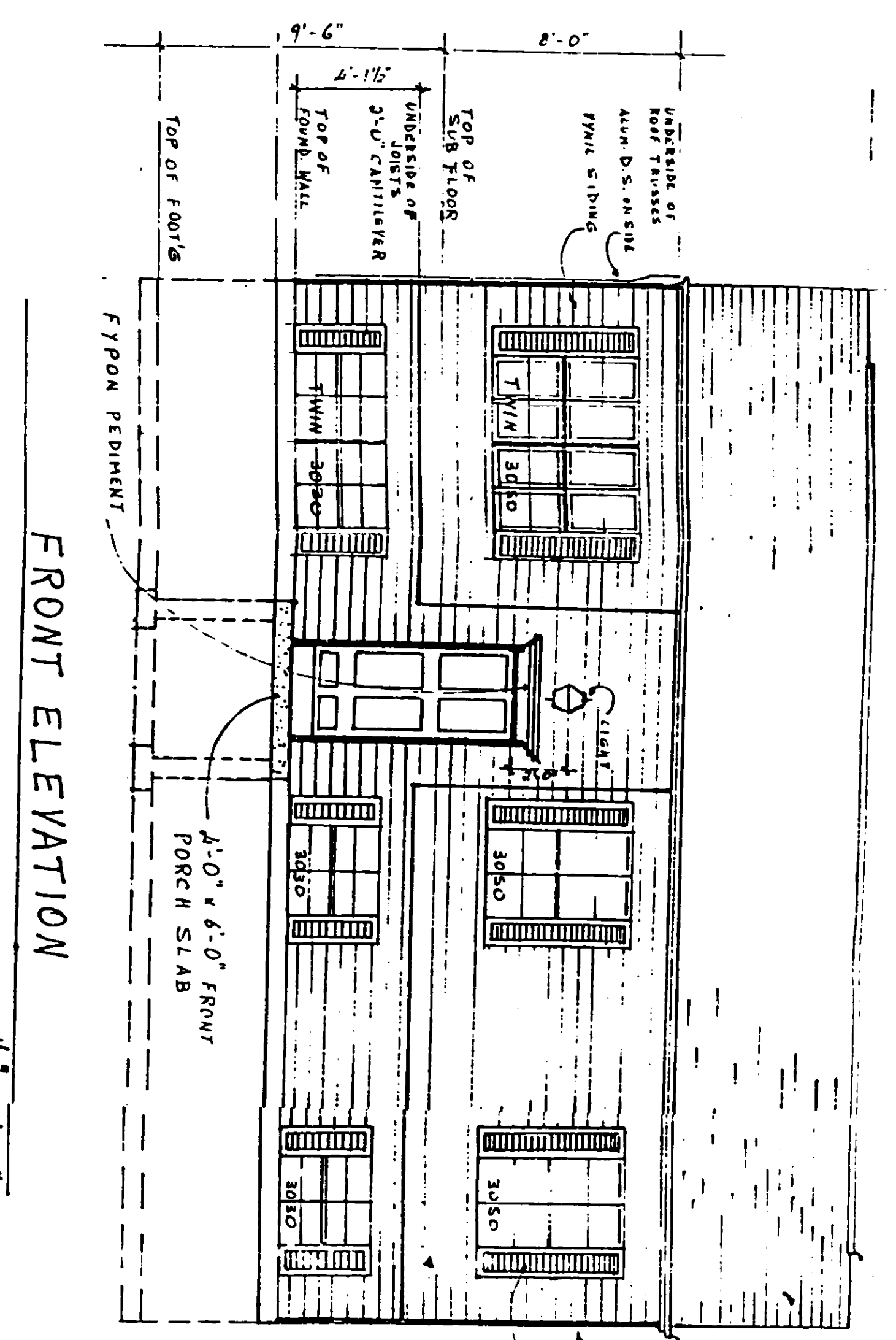
Mr. Bunoski, residing at 407 Red Birch Road, Millersville, Maryland 21108, owns these two unimproved lots which are located in Sudbrook Park, in the 2nd Councilmanic District, 3rd Election District of Baltimore County. Each of these contiguous lots is 50 feet wide; they are thus undersized because of the current zoning requirement of 55-foot wide lots in a DR 5.5 zone. The petitioner also requests a reduction in one side yard setback from 10 ft. to 5 ft. for each of the two lots, presumably to allow the eventual building of two 35-foot wide dwellings.

The current petitions were filed after an earlier request to the Development Review Committee (DRC No. 0425413C2) was denied. This earlier request was for a Limited Exemption to change the layout of the existing lots; the applicant was identified as Isaac Gheiler (Contract Purchaser) of 3403 Old Post Drive, Pikesville, MD 21208. The letter of denial (May 5, 1994), signed by Mr. Donald T. Rascoe, stated that the proposed plan "does not meet the Limited Exemption criteria established under Section 26-171(a) nor Section 26-171(b) of the Baltimore County Development Regulations, because the project is not within the character of existing community."

For these same reasons and for those reasons stated below or other reasons which may hereafter be assigned, we object to the granting of the proposed variances.

- Mr. Bunoski, as an attorney and former owner-occupant of 605 Cliveden Road, should be considered to have had constructive notice under the law as to the limitations applicable to the development of undersized single-family lots when he purchased these lots.

94-536-A



MODEL FAIRFAX  
 SIZE 28'-0" x 35'-0"  
 DRAWING ELEVATION  
 DRAWN BY IGM  
 SCALES 1/4" = 1'-0"

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/S Cliveden Rd., 354 ft. & ZONING COMMISSIONER  
304 ft. NW of c/w Milford Mill \*  
Rd. (609 and 607 Cliveden Rd.) \*  
3rd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \*  
Steven L. Bunoski \* Case Nos. 94-535-A & 94-536-A  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner as a combined hearing on Petitions for Variance filed by Steven L. Bunoski. Case No. 94-535-A relates to the property known as 609 Cliveden Road in the Sudbrook Park subdivision of Baltimore County. As filed, the Petition in case No. 94-535-A requested variance relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a 5 ft. side yard setback in lieu of the required 10 ft. Also sought was a variance from Section 304.1.B. and C. of the BCZR for an undersized lot in a D.R.5.5 zone. The Petition for Variance in case No. 94-536-A asked for identical relief but related to an adjacent property known as 607 Cliveden Road. As noted above, they are both owned by Mr. Bunoski and are located within the residential subdivision known as Sudbrook Park.

Appearing at the public hearing held for this case was the property owner, Steven L. Bunoski. Although a member of the Bar, Mr. Bunoski did not represent himself. Rather, he was represented by Leslie Pittler, Esquire. Also appearing on behalf of Mr. Bunoski was Bruce E. Doak, a Registered Professional Surveyor, from Gerhold, Cross and Etzel, and Isaac Eiler, a builder.

Numerous Protestants appeared in opposition to the Petitions. They were represented by Melanie Anson, Esquire. Although the names of all of the Protestants who appeared are too numerous to list, among those who testified were Leonard Frank, Dara Brady, Dan Appleby and Max Levenson.

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As a preliminary matter, Mr. Bunoski, through counsel, amended his Petitions. Specifically, he deleted the requested variance from Section 1802.3.C.1 of the BCZR in both cases. In so amending the Petition, the Petitioner advised that the required side yard setback distances of 10 ft. would be maintained for both properties. Thus, the case proceeded on the balance of the requested relief.

Testifying on behalf of the Petitioner was Bruce E. Doak. Mr. Doak prepared the site plan which was filed to accompany the Petitions for Variance marked as Petitioner's Exhibit No. 4. That plan clearly depicts the subject properties. As noted above, they are identified as Nos. 607 and 609 Cliveden Road. The lot known as 607 Cliveden Road is .174 acres in area. It is 50.47 ft. wide at its frontage at Cliveden Road and 50 ft. wide at the rear property line. The property's depth ranges from 147.94 ft. on the south side to 155.32 ft. on its north side. Except for its skewed front property line which abuts Cliveden Road, the lot is almost a perfect rectangle. No. 609 Cliveden Road is immediately adjacent. That lot is slightly larger, being .183 acres in area. It is also 50 ft. wide in the rear and 50.47 ft. in the front. It shares a common depth on the one side of 155.32 ft. with No. 607, however, owing to the curvature of the road, the property is 162.7 ft. deep on the north side. Both lots are unimproved. Mr. Doak, who testified as an expert property line and boundary surveyor, testified that he was retained by the property owner to assist him in developing both lots. Mr. Doak indicated that he appeared before the Development Review Committee (D.R.C.) in an effort to obtain development approval for the subject lots. Originally, he proposed gerrymandering the common boundary line between the two lots so as to provide each lot with a 55 ft. width at the front building line envelope. However,

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er, this approach would cause the proposed dwellings to have different front yard setback distances and was rejected by the D.R.C.

Mr. Doak also noted that the regulations for development in a D.R. zone require that an individual lot be 55 ft. wide. The subject properties are both zoned D.R.5.5 and as noted from the dimensions listed above, do not have the necessary width. Thus, the subject Petitions for Zoning Variance were filed. In Mr. Doak's view, a granting of the variance would be appropriate with surrounding uses while allowing the Petitioner the opportunity to develop both lots.

Also testifying was Isaac Eiler, a builder retained by Mr. Bunoski to erect the proposed dwellings on lots 607 and 609. He testified that a 30 ft. wide house could be constructed, so as to observe the 10 ft. side yard setbacks on both sides. He opined that two small houses on these lots would be marketable and consistent with other houses in the area. He testified that both houses would be 1100 to 1200 sq. ft. in area and believes a house of such size would be consistent with other houses in the area.

Also testifying was the property owner, Steven Bunoski. Mr. Bunoski originally owned not only the two subject lots, but another adjacent property known as 605 Cliveden Road. This property is immediately next door to the parcel at 607 Cliveden Road. Moreover, 605 Cliveden Road is improved with a two story wood frame dwelling. Ultimately, however, Mr. Bunoski sold this house to the present property owner, Daniel Appleby.

Mr. Bunoski also submitted a series of deeds which demonstrate the history of the subject properties. As noted above, the subject lots are in the subdivision known as Sudbrook Park. This is a long established residential community which was originally laid out and developed in the 1920s. Through the testimony and evidence offered by Mr. Bunoski, it is

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clear that many of the lots in the community, including the subject properties, were originally laid out on the plat of the subdivision as 50 ft. lots. There is no question that lots 607 and 609 are separate and independent parcels and have been so considered for many years. Mr. Bunoski testified that denial of the variances requested would not allow him to develop the properties for a permitted purpose (i.e., residential) and would cause him a practical difficulty. Although not claiming a financial hardship, Mr. Bunoski testified that he would suffer a unique prejudice if the variance relief was not granted. Quite simply, he believes that since the lots have always been considered two residential lots, he should be able to develop same in that fashion. To deny him this privilege, it was argued, would be tantamount to the taking of rights enjoyed by any property owner to use property for a permitted purpose. Moreover, Mr. Bunoski agreed to implement reasonable conditions and restrictions to the development of these lots, so as to ensure compatibility with the area.

All of the Protestants who testified, namely, Daniel Appleby, Max Levenson, Leonard Frank and Dara Brady were consistent in their uniform opposition to the proposed requests. They believe the construction of two houses on these undersized lots would detrimentally impact the community. Their testimony was that most of the lots in the community are larger and many of the houses are built on double lots. It was also argued that the proposed construction would eliminate open space and crowd the neighborhood. Lastly, it was offered that most of the houses in the immediate vicinity are quite old and the new construction could negatively affect these properties.

The first issue for consideration in deciding this case is the effect of Section 304 of the BCZR. With the amendment of the zoning Petitions by

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the Petitioner, the only request before me is for "A variance from Sections 304.1 B and C for an undersized lot in a D.R.5.5 zone."

Section 304 of the BCZR governs the use of undersized single family lots. It provides a property owner with the right to construct a one family detached or semi-detached dwelling on an undersized lot (i.e., a lot having a substandard area or width at the building line less than that required by the regulations) if the property owner meets three tests. These tests are: (1) that such lots shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955, the date of the first adoption of comprehensive zoning regulations in Baltimore County, (2) That all other requirements of the height and area regulations are complied with, and (3) That the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. Section 304 is indeed an alternative for a property owner to develop an undersized lot without obtaining variances. It allows development of undersized lots as of right when the three test conditions are met. Thus, the owner of an undersized lot who wishes to develop the property has two alternatives to obtain approval under the BCZR; either demonstrate compliance with Section 304 or obtain a variance pursuant to Section 307 of the BCZR.

The Petitioner argues that he complies with Section 304 in this instance and thus should be allowed to develop his properties at 607 and 609 Cliveden Road by right. It is clear that he, indeed, meets the first test. The subject lots were originally recorded in 1928 when this subdivision was initially plotted out. The copy of the deed submitted as Petitioner's Exhibit No. 2 and recorded among the Land Records of Baltimore County in 1920, clearly demonstrate that these properties are two distinct lots of record. Thus, the Petitioner meets the first test enunciated.

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Moreover, with the amendment of the Petition to delete the request for a reduced side yard setback, the Petitioner complies with the second test. As noted above, this test requires that all other height and area regulations of the BCZR are complied with. It is worth noting that in order to satisfy this test, the property owner cannot request a variance from any setback, height or other distance requirement. The language of this second test is clear. The distance, area or height requirement must be complied with in order for the Petitioner to meet this criteria. The mere request for a variance from the height, setback or other required distance, would mean that a property owner does not comply with this section. Clearly, compliance with height and area regulations as envisioned under this test does equate to variance approval from those sections but, strict adherence to the distance, area or height requirements.

Having satisfied the above two tests, attention is next turned to the third test. This test requires that the property owner not own sufficient adjoining land to conform to the width and area requirements contained in the regulations. Unfortunately, for the Petitioner in this case, it is clear that Mr. Bunoski does not satisfy this prong. The clear wording of this test certainly applies to the situation here. If a property owner owns adjoining lots to an undersized property, it is entirely appropriate and practical for the lots to be combined in a manner so as to comply with the area and lot width requirements contained in the BCZR. In this case, Mr. Bunoski can surely combine his two lots so as to create one lot which meets all area and distance requirements for development in a D.R.5.5 zone. Having this ability, he therefore does not meet the test enunciated in Section 304.C.

Notwithstanding this obvious result, he argues that each lot must be adjudged individually. That is, his holdings at 609 Cliveden Road cannot

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be considered when applying the test to 607. The Petitioner argues that the section was only enacted to prevent holders of a significant number of lots from obtaining relief.

Such an argument is contrary to the plain meaning of the words used in the statute. If such thinking were adopted, the test in Section 304.C would be of no practical effect. A property holder of any number of lots could claim that each must be evaluated only within the context of the four corners of the given property. The test specifically requires examination of adjoining land.

Moreover, this result is entirely consistent with the Zoning Commissioner's policy manual which discusses the application of Section 304. Although the policy stated does not deal directly with this issue, it discusses a property owner checkerboarding his property by divesting himself of certain lots so as to obtain relief under Section 304. It was clearly the intent of the County Council in enacting Section 304 to prohibit the result which Mr. Bunoski's argument would bring about.

Having determined that the Petitioner does not comply with Section 304 of the BCZR, it is clear that he is not entitled to develop as of right pursuant to that section. Thus, although the language of the Petition is improper, it is clear that the case must be considered within the context of a variance from Section 1802.3.C. of the BCZR which requires a minimum lot width of 55 ft. That is, not having the ability to develop as of right on these undersized lots, the Petitioner must obtain a variance pursuant to the authority conferred under Section 307 of the regulations from the 55 ft. lot width requirement.

As is well settled, Section 307 of the regulations sets forth a three pronged test which the Petitioner must meet in order to obtain variance relief. First, it must be shown that the Petitioner would suffer practi-

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cal difficulty if the variance were denied. Secondly, relief can only be granted if same is within the spirit and intent of the zoning regulations. Lastly, relief can be approved only if same will not be detrimental to the surrounding locale.

The Petitioner agreed that the economic profitability of his development endeavors is not germane to the practical difficulty burden. It is indeed well settled that economic viability would not justify the finding of practical difficulty. However, Mr. Bunoski argues that the practical difficulty which he will sustain is not related to economic gain or loss. Rather, he contends that a denial of the variances would be nearly tantamount to a taking of the property by the State. He argues that these lots were originally each laid out as residential properties and that a denial of his ability to develop each one for that purpose is improper.

I disagree. Carried to its extreme, Mr. Bunoski's argument would be that any zoning regulation which limits or in any manner conditions or restricts the use of property is tantamount to a taking. If Mr. Bunoski owned but one lot, his argument may have merit. In that case, clearly, he would have a property which could not be used for an express purpose (residential development) for which it was zoned. However, that is not the case here. Particularly owing to the fact that he owns two lots, he may develop them jointly for a residential purpose. In my view, the Petitioner fails to satisfy the stringent requirements of practical difficulty.

I also observe that I believe that a grant of the variances for these lots would detrimentally affect the surrounding locale. It is clear that the Sudbrook Park community is a diverse community of house styles and properties. Mr. Bunoski is indeed correct that there are houses in the immediate vicinity on 50 ft. lots. As such, the construction which he has proposed is not entirely out of character with the community.

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LIBERTY 579 132

**This Deed**, Made this 14th day of November, 1985, in the year one thousand nine hundred and eighty-five, by and between MARION L. CHURN and VIRGINIA R. CHURN, his wife, of Baltimore County, in the State of Maryland, of the first part, and JOHN A. ATLAKE and JULIA E. ATLAKE, his wife, of said County and State of the second part.

Witnesseth, That in consideration of the sum of Five (\$5,000.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said GRANTORS do grant and convey unto the said GRANTEES, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, ALL - THAT LOT - of ground, lying in BALTIMORE COUNTY, STATE OF MARYLAND, and described as follows:

**BEGINNING** for the same on the West side of Cliveden Road 50 feet wide 201.39 feet Northwesterly from the Northwest corner of Cliveden Road and Milford Road, thence North 28 degrees West binding on the westernmost side of Cliveden Road 50.29 feet, thence North 84 degrees 10 minutes West parallel with Milford Road 156.30 feet to a point distant 150 feet Southeasterly at right angles from Glenrock Road, thence South 5 degrees 50 minutes West parallel with Glenrock Road 50 feet and thence South 84 degrees 10 minutes East parallel with Milford Road 162.45 feet to the place of beginning. Being Lot Number Twenty (#20) Section N, Plat of Sudbrook Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9 folio 7. The improvements thereon being known as No. 606 CLIVEDEN ROAD.

**BEING** the same lot of ground described in a Deed of Assignment dated July 26th, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6460 folio 775, from Jon S. Tainow and Terry W. Tainow, his wife, unto the said within named GRANTORS.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
*Ann K. Russell/Whites*  
 CLERK DATE

ADULTERIAL TRANSFER TAX NOT APPLICABLE  
 SIGNATURE *Ann K. Russell/Whites*  
 C REC/F 14.00  
 C T X 307.30  
 C DOC 307.30  
 DEED 0.00  
 STAMP 140.00  
 09/11/23 COM 1002 10/24/85 12/03/85

8 B250\*\*\*\*176500a 520a

LIBERTY 045 1301 1

**THIS DEED OF ASSIGNMENT**

Made this 14th day of November, in the year 1985, by and between

PETER MICHAEL STISHAN and WILLARY MAZER STISHAN, his wife, -

GRANTORS

and

LOUIS ALLEN ROODY and KELLIE ANNE ROODY, his wife, -

GRANTEES

**WITNESSETH**, that the actual consideration paid or to be paid is \$11,500.00 and

**FURTHER WITNESSETH**, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said GRANTORS do grant and assign unto the said GRANTEES, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor,

ALL - THAT LOT - of ground, lying in BALTIMORE COUNTY, STATE OF MARYLAND, and described as follows:

**BEGINNING** for the same on the West side of Cliveden Road 50 feet wide 201.39 feet Northwesterly from the Northwest corner of Cliveden Road and Milford Road, thence North 28 degrees West binding on the westernmost side of Cliveden Road 50.29 feet, thence North 84 degrees 10 minutes West parallel with Milford Road 156.30 feet to a point distant 150 feet Southeasterly at right angles from Glenrock Road, thence South 5 degrees 50 minutes West parallel with Glenrock Road 50 feet and thence South 84 degrees 10 minutes East parallel with Milford Road 162.45 feet to the place of beginning. Being Lot Number Twenty (#20) Section N, Plat of Sudbrook Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9 folio 7. The improvements thereon being known as No. 606 CLIVEDEN ROAD.

**BEING** the same lot of ground described in a Deed of Assignment dated July 26th, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6460 folio 775, from Jon S. Tainow and Terry W. Tainow, his wife, unto the said within named GRANTORS.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
*Ann K. Russell/Whites*  
 CLERK DATE

ADULTERIAL TRANSFER TAX NOT APPLICABLE  
 SIGNATURE *Ann K. Russell/Whites*  
 C REC/F 14.00  
 C T X 307.30  
 C DOC 307.30  
 DEED 0.00  
 STAMP 140.00  
 09/11/23 COM 1002 10/24/85 12/03/85

8 B250\*\*\*\*176500a 520a

SO that the demise hereby created may be renewable and renewed, from time to time, forever.

Witness the hands and seals of the said lessors, WITNESSES corporate seal of the said lessee, and the signature of its Vice-President hereto.

TENANT: John G. Rose  
 WILLIAM F. CHEW (Seal)  
 WILLIAM F. CHEW (Seal)  
 DOROTHEA H. CHEW (Seal)  
 DOROTHEA H. CHEW  
 The Land Record Holding Company  
 By: Francis X. McDonough  
 Francis X. McDonough Vice-President

Corporate Seal  
 STATE OF MARYLAND, BALTIMORE CITY, TO WIT:  
 I HEREBY CERTIFY, that on this 14th day of May, in the year one thousand nine hundred and fifty, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared William F. Chew and Dorothea H. Chew, his wife, the within named lessors, and severally acknowledged the foregoing lease to be their respective act. At the same time also personally appeared Francis X. McDonough, Vice-President of The Land Record Holding Company, and he acknowledged the foregoing lease to be the act of said body corporate.

IN WITNESS my hand and Notarial Seal.  
 Notarial Seal John G. Rose  
 John G. Rose  
 Rec May 26 1950 at 11:25 AM est per T Braden Elliott Clerk rec by M.P.  
 14079 The Land Record Holding Co  
 Asst to Max H. Levenson et al  
 US\$9.90 2789.90

THIS DEED, Made this 14th day of May in the year one thousand nine hundred and fifty by and between The Land Record Holding Company, a body corporate, duly organized and existing under the Laws of the State of Maryland, of the first part, and Max H. Levenson and Annette Levenson, his wife, of Baltimore County, State of Maryland, of the second part.

WITNESSETH, that in consideration of the sum of five (\$5.00) dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part doth grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his, her or their personal representatives and assigns, all that lot or parcel of ground situate in Baltimore County, State of Maryland aforesaid, and described as follows, that is to say:

**BEGINNING** for the same on the westernmost side of Cliveden Road, fifty feet wide, at the distance of one hundred fifty-three and ten one-hundredths feet northeasterly on the northeast corner of Cliveden Road and Milford Hill Road, and running thence north twenty-eight degrees west binding on the westernmost side of Cliveden Road fifty and twenty-nine one-hundredths feet, thence north eighty-four degrees ten minutes west parallel with Milford Hill Road one hundred sixty-two and forty-five one-hundredths feet to a point distant one hundred fifty feet southeasterly at right angles from Glenrock Road, and thence south five degrees fifty minutes west parallel with Glenrock Road fifty feet, and thence south eighty-four degrees ten minutes west parallel with Milford Hill Road one hundred sixty-eight and sixty one-hundredths feet to the place of beginning.

Being known as Lot No. 19, Section N on the Plat of Sudbrook Park.  
 The improvements thereon being known as No. 600 Cliveden Road.

15586/dk  
 DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM 3850 1420  
 BAY STATE TITLE CO.  
 1 East Redwood Street  
 Baltimore, Md. 21202  
 539-8878

**This Deed**, Made This 27th day of December, in the year one thousand nine hundred and eighty-four, by and between

ELSIE R. ENGLAND

of Baltimore County, State of Maryland, party of the first part, and

PAUL GOLOMB and JESSICA S. GOLOMB, his wife, parties of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the actual consideration paid or to be paid is \$53,000.00

the said party of the first part

do do grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

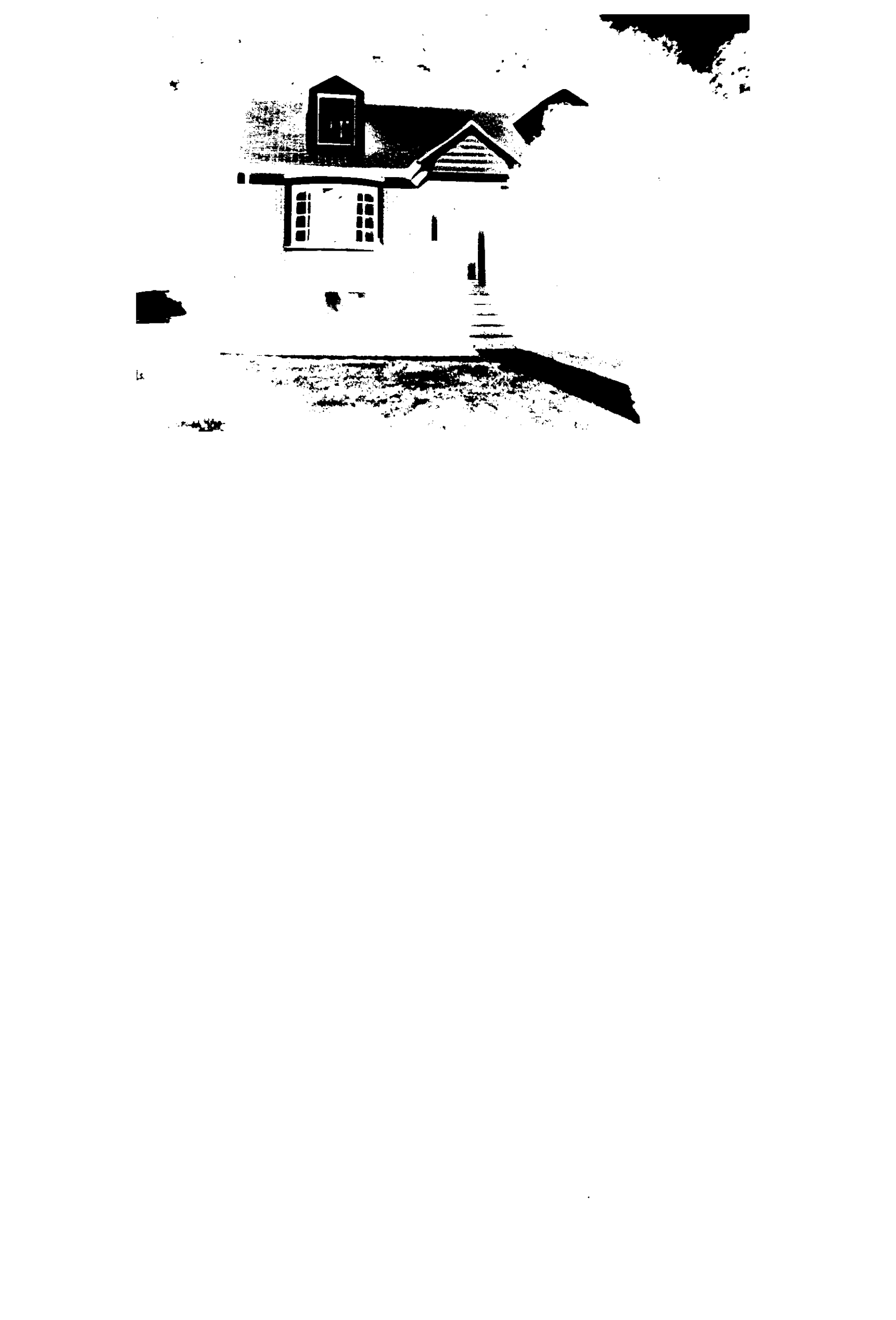
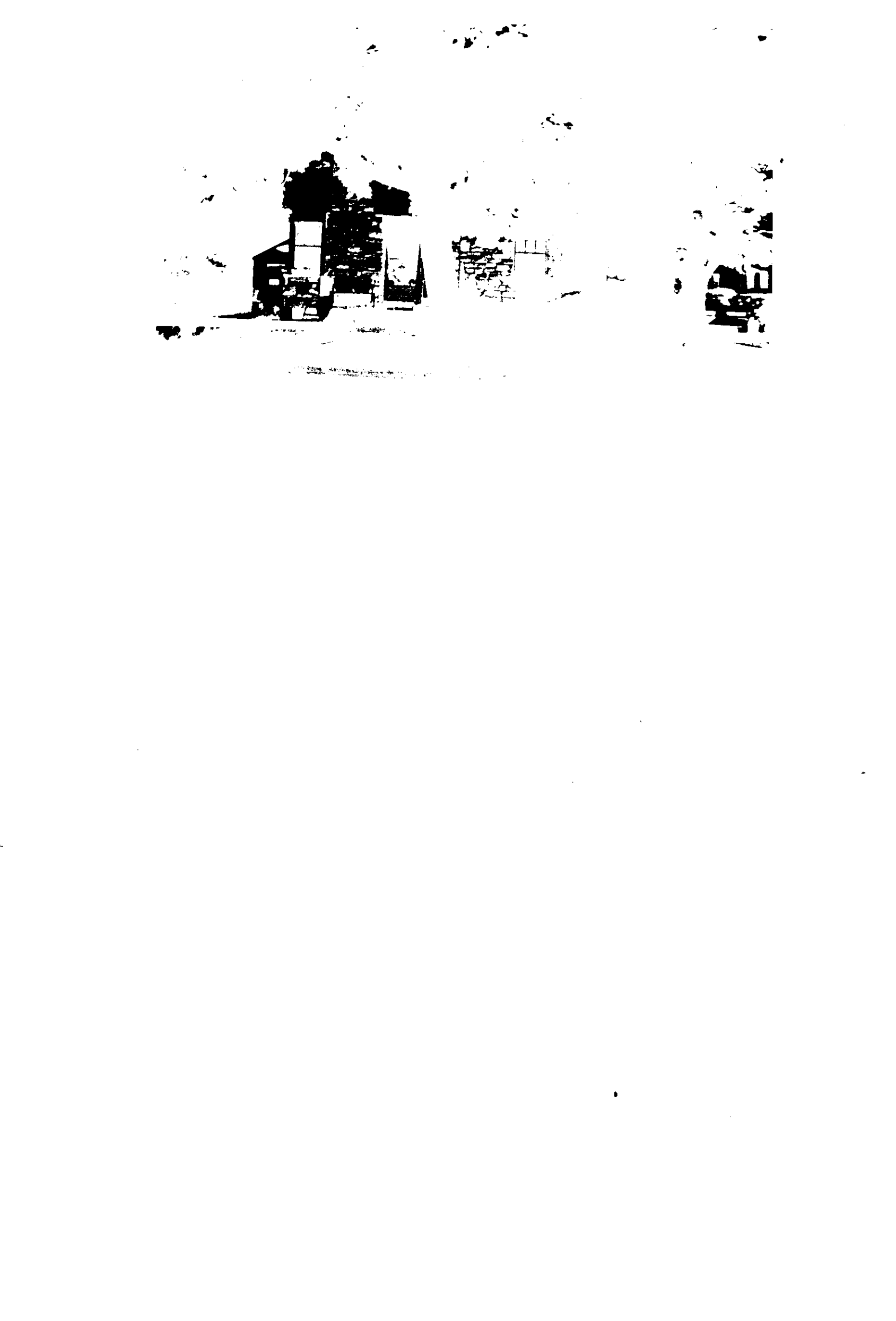
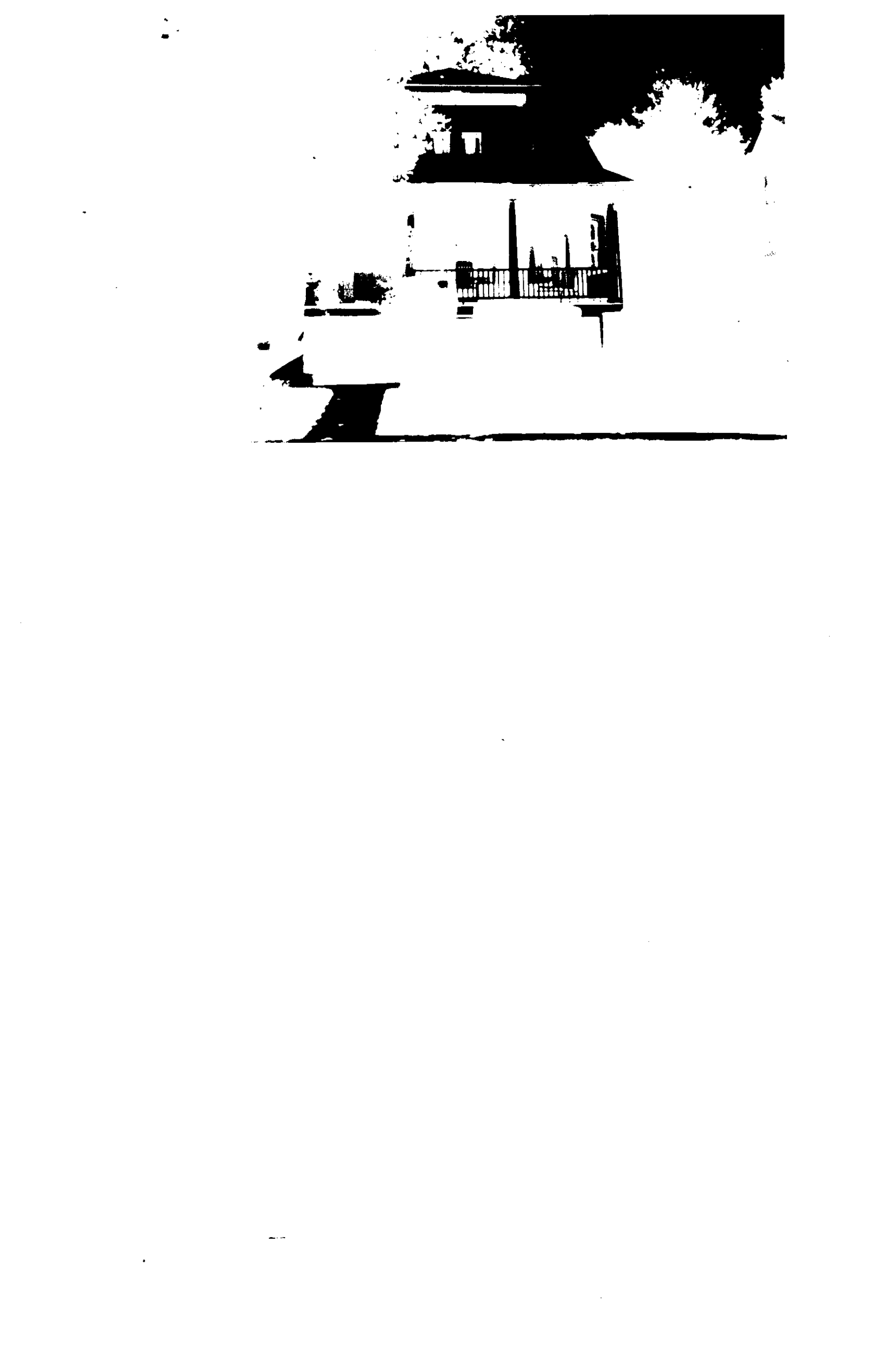
**BEGINNING FOR THE SAME** on the west side of Fawnhurst Road sixty feet wide at the distance of three hundred fifty feet northeasterly from the north side of Milford Road and running thence northerly binding on the west side of Fawnhurst Road fifty feet, thence westerly parallel with Milford Road one hundred sixty feet and thence southerly fifty feet and thence easterly parallel with Milford Road one hundred fifty feet to the place of beginning. Being lot No. 22, Section O on the Plat of Sudbrook Park. The improvements thereon being known as No. 2 Fawnhurst Road.

**BEING** the same lot of ground which by Deed dated July 6, 1980 and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 1111, folio 327 was granted and conveyed by Govet L. Johnson and Nellie H. Johnson, his wife, unto Robert J. England and Elsie R. England, his wife. The said Robert J. England having since departed this life on or about the 27th day of January, 1984, whereby vesting in fee simple title solely in Elsie R. England as survivor.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
 CLERK DATE

ADULTERIAL TRANSFER TAX NOT APPLICABLE  
 SIGNATURE *Ann K. Russell/Whites*  
 C REC/F 14.00  
 C T X 265.00  
 C DOC 265.00  
 DEED 0.00  
 STAMP 543.00  
 09/11/23 COM 1002 11/12/85 01/14/86

8 B250\*\*\*\*24300a 5078A



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/S Cliveden Rd., 354 ft. & ZONING COMMISSIONER  
304 ft. NW of c/1 Milford Mill \*  
Rd. (609 and 607 Cliveden Rd.) \*  
3rd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \*  
Steven L. Bunoski \* Case Nos. 94-535-A & 94-536-A  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner as a combined hearing on Petitions for Variance filed by Steven L. Bunoski. Case No. 94-535-A relates to the property known as 609 Cliveden Road in the Sudbrook Park subdivision of Baltimore County. As filed, the Petition in case No. 94-535-A requested variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a 5 ft. side yard setback in lieu of the required 10 ft. Also sought was a variance from Section 304.1.B. and C. of the BCZR for an undersized lot in a D.R.5.5 zone. The Petition for Variance in case No. 94-536-A asked for identical relief but related to an adjacent property known as 607 Cliveden Road. As noted above, they are both owned by Mr. Bunoski and are located within the residential subdivision known as Sudbrook Park.

Appearing at the public hearing held for this case was the property owner, Steven L. Bunoski. Although a member of the Bar, Mr. Bunoski did not represent himself. Rather, he was represented by Leslie Pittler, Esquire. Also appearing on behalf of Mr. Bunoski was Bruce E. Doak, a Registered Professional Surveyor, from Gerhold, Cross and Etzel, and Isaac Eiler, a Builder.

Numerous Protestants appeared in opposition to the Petitions. They were represented by Melanie Anson, Esquire. Although the names of all of the Protestants who appeared are too numerous to list, among those who testified were Leonard Frank, Dara Brady, Dan Appleby and Max Levenson.

As a preliminary matter, Mr. Bunoski, through counsel, amended his Petitions. Specifically, he deleted the requested variance from Section 1B02.3.C.1 of the BCZR in both cases. In so amending the Petition, the Petitioner advised that the required side yard setback distances of 10 ft. would be maintained for both properties. Thus, the case proceeded on the balance of the requested relief.

Testifying on behalf of the Petitioner was Bruce E. Doak. Mr. Doak prepared the site plan which was filed to accompany the Petitions for Variance marked as Petitioner's Exhibit No. 4. That plan clearly depicts the subject properties. As noted above, they are identified as Nos. 607 and 609 Cliveden Road. The lot known as 607 Cliveden Road is .174 acres in area. It is 50.47 ft. wide at its frontage at Cliveden Road and 50 ft. wide at the rear property line. The property's depth ranges from 147.94 ft. on the south side to 155.32 ft. on its north side. Except for its skewed front property line which abuts Cliveden Road, the lot is almost a perfect rectangle. No. 609 Cliveden Road is immediately adjacent. That lot is slightly larger, being .183 acres in area. It is also 50 ft. wide in the rear and 50.47 ft. in the front. It shares a common depth on the one side of 155.32 ft. with No. 607, however, owing to the curvature of the road, the property is 162.7 ft. deep on the north side. Both lots are unimproved. Mr. Doak, who testified as an expert property line and boundary surveyor, testified that he was retained by the property owner to assist him in developing both lots. Mr. Doak indicated that he appeared before the Development Review Committee (D.R.C.) in an effort to obtain development approval for the subject lots. Originally, he proposed gerrymandering the common boundary line between the two lots so as to provide each lot with a 55 ft. width at the front building line envelope. However,

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er, this approach would cause the proposed dwellings to have different front yard setback distances and was rejected by the D.R.C.

Mr. Doak also noted that the regulations for development in a D.R. zone require that an individual lot be 55 ft. wide. The subject properties are both zoned D.R.5.5 and as noted from the dimensions listed above, do not have the necessary width. Thus, the subject Petitions for Zoning Variance were filed. In Mr. Doak's view, a granting of the variance would be appropriate with surrounding uses while allowing the Petitioner the opportunity to develop both lots.

Also testifying was Isaac Eiler, a builder retained by Mr. Bunoski to erect the proposed dwellings on lots 607 and 609. He testified that a 30 ft. wide house could be constructed, so as to observe the 10 ft. side yard setbacks on both sides. He opined that two small houses on these lots would be marketable and consistent with other houses in the area. He testified that both houses would be 1100 to 1200 sq. ft. in area and believes a house of such size would be consistent with other houses in the area.

Also testifying was the property owner, Steven Bunoski. Mr. Bunoski originally owned not only the two subject lots, but another adjacent property known as 605 Cliveden Road. This property is immediately next door to the parcel at 607 Cliveden Road. Moreover, 605 Cliveden Road is improved with a two story wood frame dwelling. Ultimately, however, Mr. Bunoski sold this house to the present property owner, Daniel Appleby.

Mr. Bunoski also submitted a series of deeds which demonstrate the history of the subject properties. As noted above, the subject lots are in the subdivision known as Sudbrook Park. This is a long established residential community which was originally laid out and developed in the 1920s. Through the testimony and evidence offered by Mr. Bunoski, it is

clear that many of the lots in the community, including the subject properties, were originally laid out on the plat of the subdivision as 50 ft. lots. There is no question that lots 607 and 609 are separate and independent parcels and have been so considered for many years. Mr. Bunoski testified that denial of the variances requested would not allow him to develop the properties for a permitted purpose (i.e., residential) and would cause him a practical difficulty. Although not claiming a financial hardship, Mr. Bunoski testified that he would suffer a unique prejudice if the variance relief was not granted. Quite simply, he believes that since the lots have always been considered two residential lots, he should be able to develop same in that fashion. To deny him this privilege, it was argued, would be tantamount to the taking of rights enjoyed by any property owner to use property for a permitted purpose. Moreover, Mr. Bunoski agreed to implement reasonable conditions and restrictions to the development of these lots, so as to ensure compatibility with the area.

All of the Protestants who testified, namely, Daniel Appleby, Max Levenson, Leonard Frank and Dara Brady were consistent in their uniform opposition to the proposed requests. They believe the construction of two houses on these undersized lots would detrimentally impact the community. Their testimony was that most of the lots in the community are larger and many of the houses are built on double lots. It was also argued that the proposed construction would eliminate open space and crowd the neighborhood. Lastly, it was offered that most of the houses in the immediate vicinity are quite old and the new construction could negatively affect these properties.

The first issue for consideration in deciding this case is the effect of Section 304 of the BCZR. With the amendment of the zoning Petitions by

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the Petitioner, the only request before me is for "A variance from Sections 304.1 B and C for an undersized lot in a D.R.5.5 zone."

Section 304 of the BCZR governs the use of undersized single family lots. It provides a property owner with the right to construct a one family detached or semi-detached dwelling on an undersized lot (i.e., a lot having a substandard area or width at the building line less than that required by the regulations) if the property owner meets three tests. These tests are: (1) that such lots shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955, the date of the first adoption of comprehensive zoning regulations in Baltimore County, (2) That all other requirements of the height and area regulations are complied with, and (3) That the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. Section 304 is indeed an alternative for a property owner to develop an undersized lot without obtaining variances. It allows development of undersized lots as of right when the three test conditions are met. Thus, the owner of an undersized lot who wishes to develop the property has two alternatives to obtain approval under the BCZR; either demonstrate compliance with Section 304 or obtain a variance pursuant to Section 307 of the BCZR.

The Petitioner argues that he complies with Section 304 in this instance and thus should be allowed to develop his properties at 607 and 609 Cliveden Road by right. It is clear that he, indeed, meets the first test. The subject lots were originally recorded in 1928 when this subdivision was initially platted out. The copy of the deed submitted as Petitioner's Exhibit No. 2 and recorded among the Land Records of Baltimore County in 1920, clearly demonstrate that these properties are two distinct lots of record. Thus, the Petitioner meets the first test enunciated.

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Moreover, with the amendment of the Petition to delete the request for a reduced side yard setback, the Petitioner complies with the second test. As noted above, this test requires that all other height and area regulations of the BCZR are complied with. It is worth noting that in order to satisfy this test, the property owner cannot request a variance from any setback, height or other distance requirement. The language of this second test is clear. The distance, area or height requirement must be complied with in order for the Petitioner to meet this criteria. The mere request for a variance from the height, setback or other required distance, would mean that a property owner does not comply with this section. Clearly, compliance with height and area regulations as envisioned under this test does equate to variance approval from those sections but, strict adherence to the distance, area or height requirements.

Having satisfied the above two tests, attention is next turned to the third test. This test requires that the property owner not own sufficient adjoining land to conform to the width and area requirements contained in the regulations. Unfortunately, for the Petitioner in this case, it is clear that Mr. Bunoski does not satisfy this prong. The clear wording of this test certainly applies to the situation here. If a property owner owns adjoining lots to an undersized property, it is entirely appropriate and practical for the lots to be combined in a manner so as to comply with the area and lot width requirements contained in the BCZR. In this case, Mr. Bunoski can surely combine his two lots so as to create one lot which meets all area and distance requirements for development in a D.R.5.5 zone. Having this ability, he therefore does not meet the test enunciated in Section 304.C.

Notwithstanding this obvious result, he argues that each lot must be adjudged individually. That is, his holdings at 609 Cliveden Road cannot

be considered when applying the test to 607. The Petitioner argues that the section was only enacted to prevent holders of a significant number of lots from obtaining relief.

Such an argument is contrary to the plain meaning of the words used in the statute. If such thinking were adopted, the test in Section 304.C would be of no practical effect. A property holder of any number of lots could claim that each must be evaluated only within the context of the four corners of the given property. The test specifically requires examination of adjoining land.

Moreover, this result is entirely consistent with the Zoning Commissioner's policy manual which discusses the application of Section 304. Although the policy stated does not deal directly with this issue, it discusses a property owner checkerboarding his property by divesting himself of certain lots so as to obtain relief under Section 304. It was clearly the intent of the County Council in enacting Section 304 to prohibit the result which Mr. Bunoski's argument would bring about.

Having determined that the Petitioner does not comply with Section 304 of the BCZR, it is clear that he is not entitled to develop as of right pursuant to that section. Thus, although the language of the Petition is improper, it is clear that the case must be considered within the context of a variance from Section 1B02.3.C. of the BCZR which requires a minimum lot width of 55 ft. That is, not having the ability to develop as of right on these undersized lots, the Petitioner must obtain a variance pursuant to the authority conferred under Section 307 of the regulations from the 55 ft. lot width requirement.

As is well settled, Section 307 of the regulations sets forth a three pronged test which the Petitioner must meet in order to obtain variance relief. First, it must be shown that the Petitioner would suffer practical

cal difficulty if the variance were denied. Secondly, relief can only be granted if same is within the spirit and intent of the zoning regulations. Lastly, relief can be approved only if same will not be detrimental to the surrounding locale.

The Petitioner agreed that the economic profitability of his development endeavors is not germane to the practical difficulty burden. It is indeed well settled that economic viability would not justify the finding of practical difficulty. However, Mr. Bunoski argues that the practical difficulty which he will sustain is not related to economic gain or loss. Rather, he contends that a denial of the variances would be nearly tantamount to a taking of the property by the State. He argues that these lots were originally each laid out as residential properties and that a denial of his ability to develop each one for that purpose is improper.

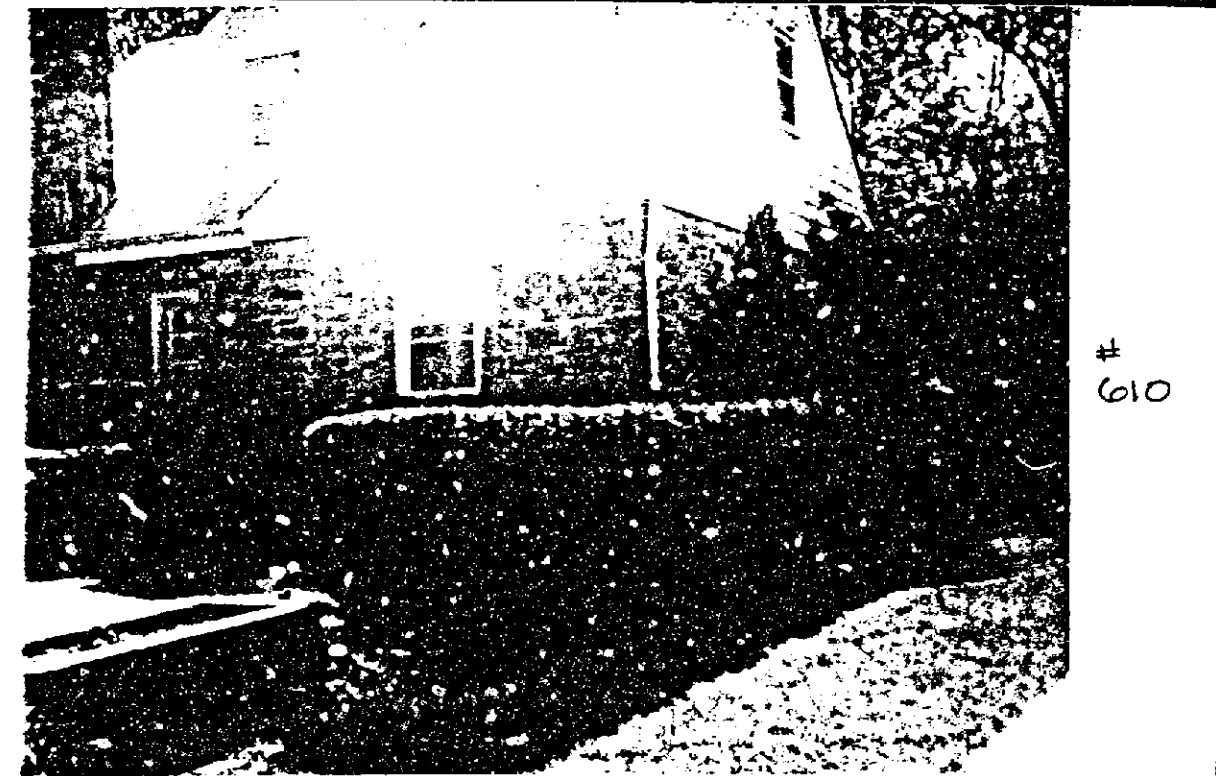
I disagree. Carried to its extreme, Mr. Bunoski's argument would be that any zoning regulation which limits or in any manner conditions or restricts the use of property is tantamount to a taking. If Mr. Bunoski owned but one lot, his argument may have merit. In that case, clearly, he would have a property which could not be used for an express purpose (residential development) for which it was zoned. However, that is not the case here. Particularly owing to the fact that he owns two lots, he may develop them jointly for a residential purpose. In my view, the Petitioner fails to satisfy the stringent requirements of practical difficulty.

I also observe that I believe that a grant of the variances for these lots would detrimentally affect the surrounding locale. It is clear that the Sudbrook Park community is a diverse community of house styles and properties. Mr. Bunoski is indeed correct that there are houses in the immediate vicinity on 50 ft. lots. As such, the construction which he has proposed is not entirely out of character with the community.

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#614



#610



#612



#611



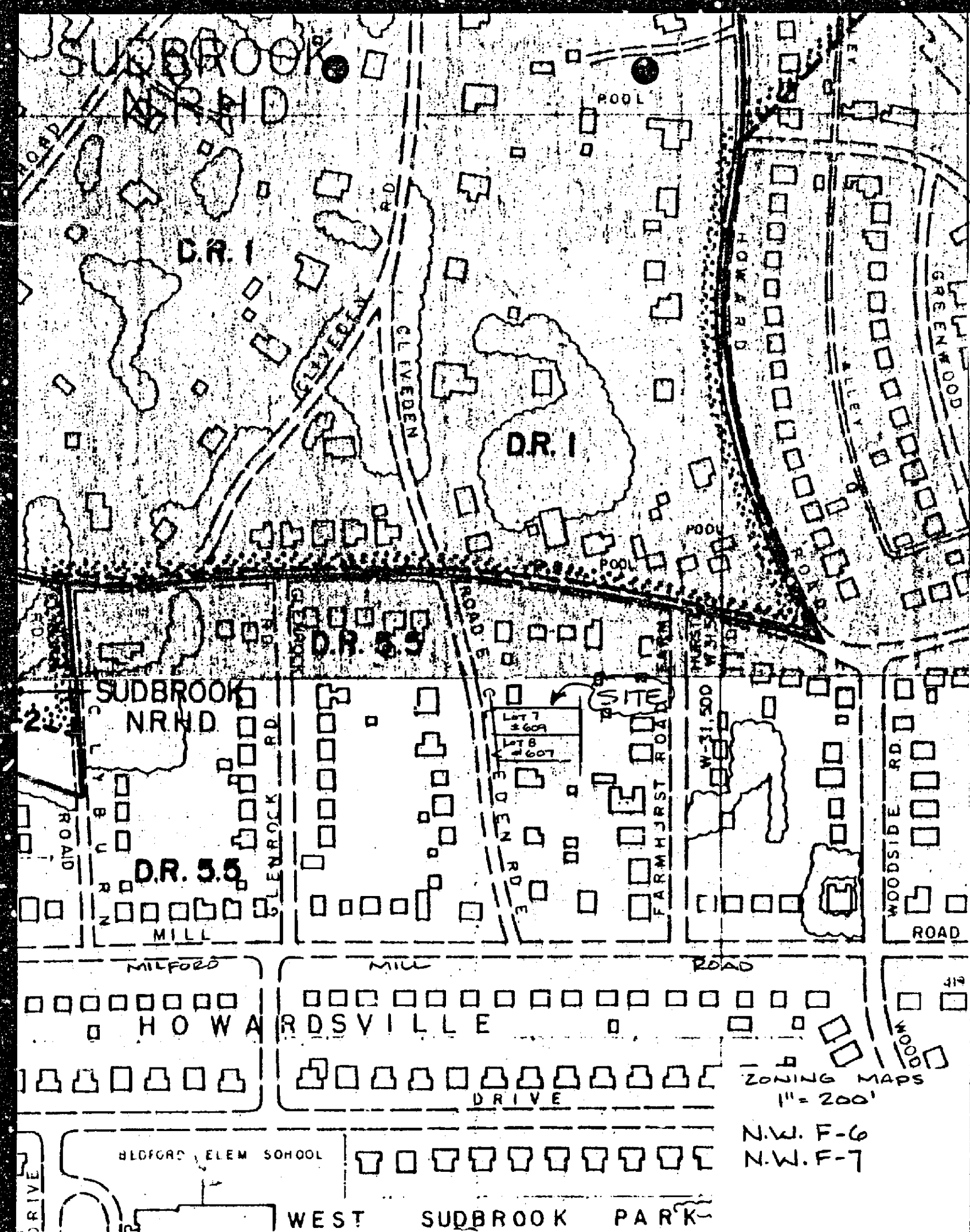
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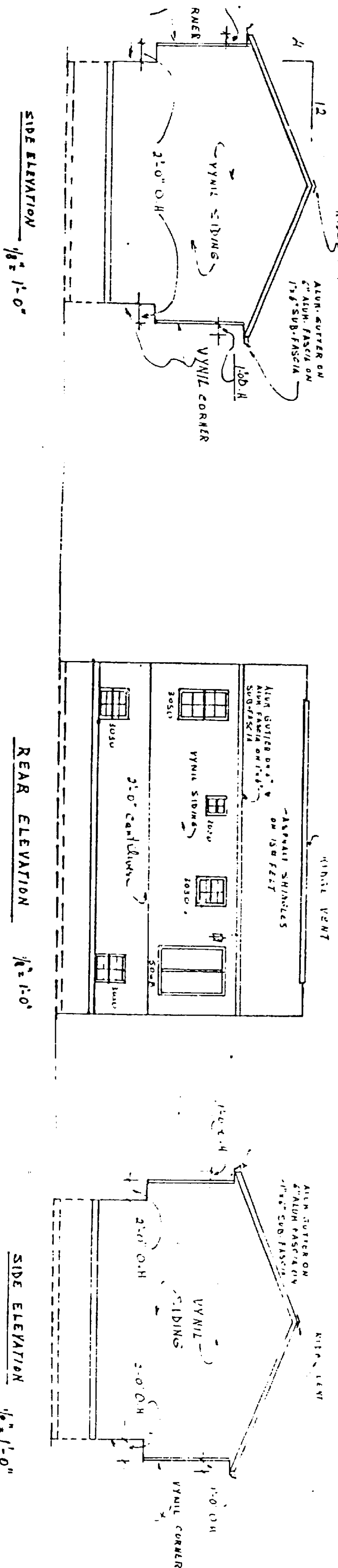
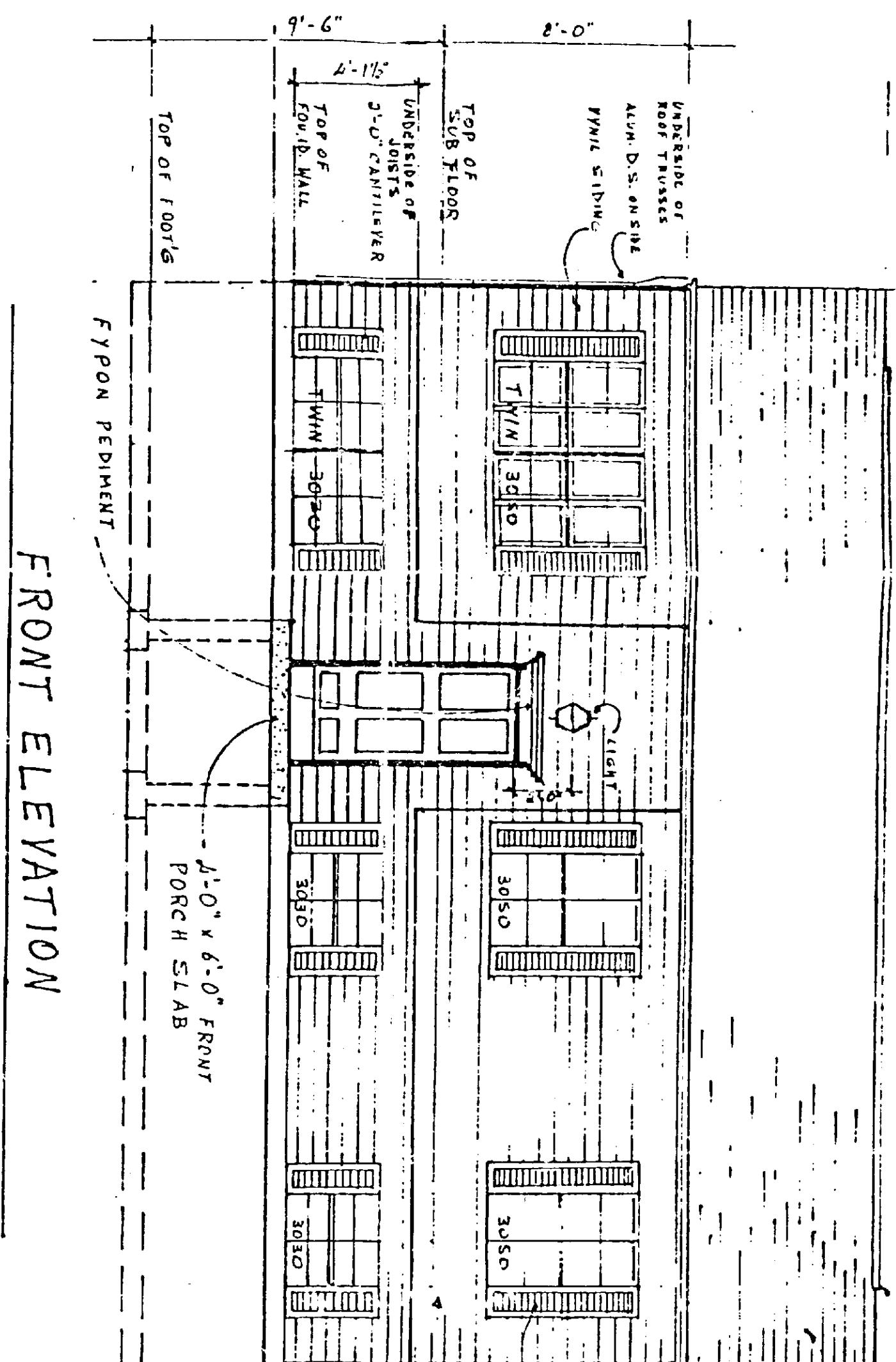
#605



planter area between #605 & #607

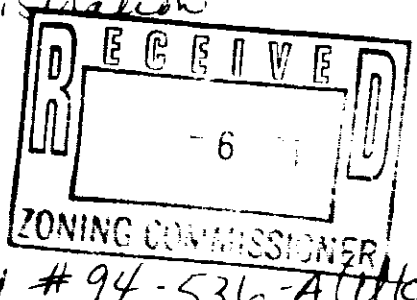


MODEL FAIRFAX JENMAR HOMES FRIG BUILDING CORP.		MODEL FAIRFAX SIZE 28'-0" x 35'-0" DRAWING ELEVATION DRAWN BY IGM SCALES 1/4" = 1'-0"
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August 29, 1994  
 609 Cliveden Road  
 Pikesville, Maryland 21208

Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204



Re: Case # 94-535-A (Item 522) and # 94-536-A (Item 523)

Mr. Schmidt:  
 As a resident of Sudbrook Park in Pikesville I am very concerned about the above mentioned cases. I feel the owner of the lots in question should comply with the parameters set out by the original law established in 1955. In doing so the integrity of a beautiful area and a congenial community will be maintained.

Thank you for your attention.  
 Sincerely,  
 Rebecca Palo

Daniel L. Appleby  
 Mira E. Appleby  
 605 Cliveden Road  
 Pikesville, MD 21208  
 August 25, 1994

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Dear Mr. Schmidt

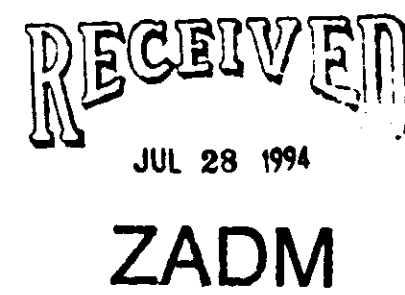
We strongly urge you to not grant variances or allow 50 foot lot sizes in reference to Case Numbers 94-535-A (Item 522) and 94-536-A (Item 523), situated on Cliveden Road, in the Sudbrook Park neighborhood of Pikesville, for the reasons sighted below:

- The construction of two houses on undersized 50 foot lots would be out of character for Cliveden Road and would give it a very crowded appearance and feeling. At present there is a mix of lot sizes of 100, 75, and 50 foot lots, and large corner lots.
- County Zoning Code 304.1C does not allow building on an undersized lot in this situation on the basis that the filer owns contiguous lots.
- The 55 foot lot size had been in effect for 30 years at the time at which the owner purchased the property. Your enforcement of the 55 foot lot size requirement would be fair treatment to all that own property on Cliveden Road.
- The types of homes that the filer wishes to erect are also out of character for our neighborhood and street as they are prefabricated and built with plastic facings.

Please do not grant a variance or allow 50 foot lot sizes as it would negatively impact our home and the street that we live on. We sincerely appreciate your consideration of our views.

Sincerely yours,

*Mira E. Appleby*  
 Daniel L. Appleby  
 Mira E. Appleby



July 27, 1994

Mr. Arnold Jablon  
 Director of ZADM  
 Baltimore County  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

RE: Hearing August 3, 1994  
 Case No. 94-535-A & 94-536-A

Dear Mr. Jablon:

I have just received the request of Ms. Stellman in regards to The Sudbrook Club's request for a postponement of my variance hearing. Please be advised that my wife and I respectfully request that no continuance be granted.

Kindly understand that my wife is scheduled to deliver our second child, by surgery, on August 12, 1994. Therefore, it is imperative the hearing continue as scheduled. Please also understand that I canceled two important business meetings based upon the date that was set for the hearings. These meetings cannot be rescheduled.

I note that Ms. Stellman implies that The Sudbrook Club may represent 500 homes. I am sure that with such a great number of potential interested parties, that someone from said Group can attend the August 3, 1994 meeting.

I also wish to note that when this Organization sought Baltimore County Landmark District Certification, for Sudbrook Park, the block on which I lived (and the subject lots) were not included in this designation. I do note some irony in the interest of late on this block by The Sudbrook Club.

388/94 AS  
 Cop 1  
 Daniel L. Appleby  
 605 Cliveden Road  
 Pikesville, MD 21208  
 May 19, 1994

David Green  
 Community Planner  
 Baltimore County  
 Room 403  
 401 Bosley  
 Towson, MD 21204

Dear Mr. Green:

I am writing to inform you that I am an interested party and request that I be fully informed of any plans that are submitted to develop the lot adjacent to my home, known as 607 Cliveden Road, located in Sudbrook Park.

Recently, a developer by the name of Mr. Isaac Gheiler, submitted plans to the Development Review Committee to seek approval to place two homes in undersized lots at 607 Cliveden Road, which is not in conformance with zoning codes, and is very much out of character with the neighborhood. It is important that the developer was turned down by Donald T. Rascoe, Manager, Office of Zoning Administration and Development Management, on this basis and I fully support the view that was taken.

Establishing two undersized lots at that address would definitely change the character of my street, and most importantly erode the value of my home.

You may correspond with me at the above address or call me at (410) 771-1560. Thank you for your attention to this matter.

Sincerely yours,

*D. Appleby*  
 Daniel L. Appleby

cc Arnold Jablon  
 Melvin Mintz



94-535-A

612 Cliveden Road  
 Baltimore, MD 21208  
 May 20, 1994

Mr. Dave Green  
 Community Planner,  
 Baltimore County  
 401 Bosley Ave #403  
 Towson, MD 21204

Dear Mr. Green,

We live directly opposite a lot which would have the address 607 Cliveden Road. This lot has never contained a building. Several days ago we were shocked to learn that efforts are underway to erect two homes on this ground which has (nominally) a 100 foot fronting on Cliveden. While we experienced some relief when we learned of the denial of a contractor's request to alter property lines to allow him to erect two buildings, we fear continued efforts toward this goal.

This is to record our strong belief that such building would significantly affect the character of this neighborhood in a negative way. And we ask that we be considered "interested parties" and be informed promptly of any and all actions that bear on this question.

We shall appreciate your attention to this matter and insuring us that we will have timely access to developments.

Very truly yours,

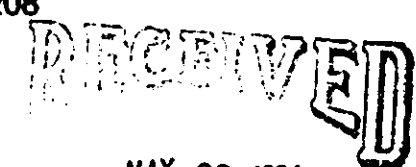
Ima Frank

Leonard H. Frank

cc: Mr. Arnold Jablon  
 Director of Zoning  
 111 West Chesapeake Ave #1105  
 Towson, MD 21204

Mr. Melvin Mintz  
 Representative, County Council  
 7 Church Lane  
 Baltimore, MD 21208

Ms. Darragh Brady  
 President, The Sudbrook Club  
 500 Sudbrook Lane  
 Baltimore, MD 21208



ZADM

Dave Green is handling - But do we have a undersize lot file? - Carl  
 607+609

8/20/94

to ask - ask David what is the already respond file

William R. Pfaff  
 614 Cliveden Road  
 Baltimore, MD 21208  
 August 26, 1994

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Dear Mr. Schmidt, REF: Case Numbers 94-535-A Item 522 & 94-536-A Item 523

I do not want you to allow the building of two "double wide" houses at 607-609 Cliveden Road.

Building two houses on these undersized lots will not only create an eye sore, but will require street parking for any vehicles.

This is a stable area of older homes; we do not need a trailer park in the middle of it. The greed of the owner should not deny the rights of his former neighbors to challenge this outrage.

Thank you for your consideration!

Sincerely,

William R. Pfaff

606 Cliveden Road  
 Pikesville, MD 21208

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Reference to Case Number 94-535-A (Item 522) & 94-536-A (Item 523).  
 Petitioner: Steven Bunoski

Dear Mr. Schmidt,

We are writing this correspondence to you to oppose the construction of two homes on the 100 foot lot, in the 600 block of Cliveden Road. We feel that the law requiring a 55 foot width to build a house must be adhered to for the best interest of all concerned.

We were attracted to Sudbrook Park in 1985 for many reasons. First, we were attracted to the older, peaceful appearance of Sudbrook Park. As you may be aware, Sudbrook Park has a long historical significance in both Baltimore County and the State of Maryland. Our home is approximately fifty years old, and stands as one of the newer homes in the area. Erection of two houses on this undersized lot would obviously detract from the aesthetics of this beautiful neighborhood. We have absolutely no problem with one, tastefully built, home in this area.

We have noticed an increase of traffic down the street. We have two small children and have to carefully monitor where they play, ride their bikes etc., for fear of their safety. Having two houses on this lot could mean a lack of driveway space, which would put more vehicles on what already can be a tight street. As concerned parents, we want to do whatever it takes to insure safety for our children and our neighbors children. Ironically, it was Mrs. Bunoski (wife of the petitioner) who was instrumental in getting a Slow-Children at play sign placed on the street in hopes of slowing the traffic down. This sign now stands in front of the lot where the homes are slated to be built.

We ask in closing that the current law be adhered to, and the variance to permit the 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot be denied.

Sincerely,

Mr. Louis A. Roody

Mrs. Kellie A. Roody

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Bruce E. Dow - Greenia, Cesar E. Egan	320 E. Townsend Ave. Towson, MD 21286
Steven Bunoski	407 Red Birch Rd. Millersville, MD

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Mira Appleby	605 Cliveden Rd. 21208
Dan Appleby	605 Cliveden Rd.
MARGARET HEATON	628 Cliveden Rd.
MARY T. KOCH	608 Cliveden Rd.
L. ALLEN ROODY	606 Cliveden Rd.
Max H. LEVENSON	600 Cliveden Rd.
John Harman	711 Cliveden Rd.
JENNY SATALOFF	419 Upland Rd.
Dennis SWANEEER	611 Cliveden Rd.
Philip T. McEusker	220 Church Lane
Rebecca Sudman	4 Sudbrook Ct.
IRMA FRANK	612 Cliveden Rd.
Leonard Frank	612 Cliveden Rd.
Melanie Anson	1007 Windsor Rd.

310 A.2d 783

William H. McLEAN, Jr.  
v.  
Joseph L. SOLEY.

No. 23.  
Court of Appeals of Maryland.  
Nov. 7, 1973.

Landowner was granted variance from side yard window setback requirement, and protestant, an adjoining landowner, appealed to the Circuit Court, Baltimore County, H. Kemp MacDaniel, J., which affirmed the decision, of the board of appeals and protestant appealed. The Court of Appeals, Levine, J., held that where evidence indicated that strict compliance with zoning requirements would result in destruction of trees and that preservation of trees had contributed to full occupancy of previously completed apartment complex and would accrue benefits to the general public, there was a fairly debatable case as to whether compliance with zoning requirements would result in practical difficulty, and decision of board of appeals would not be disturbed.

Affirmed.

- 1. ZONING AND PLANNING K493  
414 Variations or Exceptions  
414IX In General  
414IX(A) In General  
414K492 Hardship, Loss, or Injury  
414K493 In general.

Md. 1973.  
Standard for granting of variance is whether strict compliance with zoning regulations would result in practical difficulty or unreasonable hardship.

- 2. ZONING AND PLANNING K495  
414 Variations or Exceptions  
414IX In General  
414IX(A) In General  
414K492 Hardship, Loss, or Injury  
414K495 What constitutes in general.

Md. 1973.  
Landowner seeking variance from zoning regulations has established "practical difficulty" when he shows that (1) compliance with strict letter of the restrictions would unreasonably prevent landowner from using property for permitted purpose or would render conformity with such constructions unnecessarily burdensome, (2) grant of the variance applied for would do

MAIL BOXES ETC. Facsimile Transmittal Cover Sheet

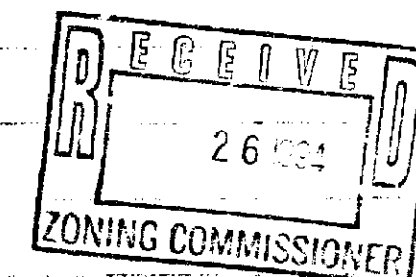
DATE: 7/26/94 # PAGES: 3

NAME: Lawrence E. Schmidt, Zoning Commissioner  
COMPANY: Office of Planning and Zoning - Balto Co  
FAX NO: 887-3468 PHONE: 887-4380

NAME: Melanie Anson  
COMPANY: Sudbrook Resident  
FAX NO: PHONE: 486-6814

MESSAGE:

see attached letter



Melanie Anson

1007 Windsor Road  
Baltimore, MD 21208  
September 22, 1994

By Telecopy with Hard Copy to Follow

Lawrence E. Schmidt,  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21208

RE: Petitions for Variance - Case Nos. 94-535-A and 94-536-A (Steven L. Bunoski, Petitioner)

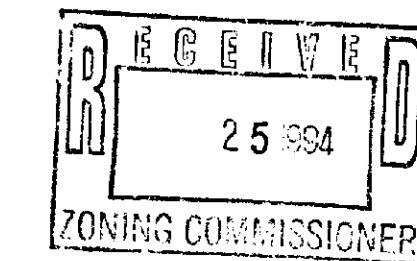
Dear Commissioner Schmidt:

I recently obtained a copy of Cities Service Co. v. Board of County Commissioners of Prince George's County, et al., 226 Md. 204 (1961), the case cited by the Petitioner at the September 1 hearing on the above captioned matter. Having now had an opportunity to review that case, I would like to make the following comments:

1. The holding that Cities Service's acquisition of three recorded subdivision lots for use as a unit did not make them one corner lot (so that front, rear and side lot line restrictions on each separate lot could be disregarded) is irrelevant with respect to the facts in the instant matter.
2. A separate holding in the Cities Service case clearly refutes Mr. Bunoski's contention that not granting a variance to permit the construction of two dwellings on his two undersized lots would amount to an unfair "taking" of his property. In considering which factors must be present to constitute a deprivation of property, Maryland's Court of Appeals stated as follows:

There is evidence that it would be inconvenient and expensive to Cities Service not to be able to proceed to use the property for a filling station as planned, that its only use for the property is as a filling station and such is the highest and best use of the land. It does not, however, in our view, measure up to proof anywhere near to a showing that the application of the zoning law, as we interpret it, prevents any reasonable use of the property. . . . Yet we think that is the test which [Cities Service] would have to meet to show constitutional invalidity of the

The Sudbrook Club, Inc.  
Pikesville, Maryland 21208  
July 22, 1994



Mr. Arnold Jablon  
Director of ZADM  
Baltimore County  
111 W. Chesapeake  
Towson, MD 21204

Dear Mr. Jablon:

As an officer of the Sudbrook Club, the neighborhood association for Sudbrook Park, I wish to inform you that our neighborhood association has a significant interest in case numbers 94-535-A and 94-536-A. We are a community of approximately 500 homes which is on the National Register of Historic Places and is a Baltimore County Landmark District. The individuals who will represent the neighborhood and the Sudbrook Club have a conflict with the hearing date scheduled on August 3. I formally request a continuance of the hearing date and ask that the hearing be re-scheduled for the second week of September.

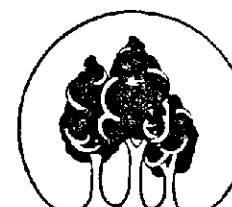
I appreciate your consideration and look forward to your reply.

Sincerely,

Elizabeth Stellman  
Vice President  
1008 Windsor Road  
Pikesville, Md. 21208

cc: The Honorable Mel Mintz  
John McGrain  
Steven Bunoski (484-5925)

Entered on the National Register of Historic Places - June, 1973



The Sudbrook Club, Inc.  
Pikesville, Maryland 21208  
May 19, 1994

Mr. David Green  
Baltimore County Government  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: 607 & 609 Cliveden  
Road DRC No.  
042541, 3C2

Dear Mr. Green:

This letter is a followup to our telephone conversation of May 18, 1994. As you well know, The Sudbrook Club, Inc. has long been the neighborhood association of Sudbrook Park, a community near Pikesville in Baltimore County. Sudbrook Park is listed on the National Register of Historic Places and last year was declared an Historic District by the unanimous action of the Baltimore County Council.

As the president of The Sudbrook Club, Inc. I am writing to request that I, in that capacity, be entered in the appropriate records as an "interested party" so that I will receive in a timely manner, all correspondence, petitions, orders and any other information related to the above-captioned matter.

It is anticipated that if the subject petitioner, landowner, contract or contingent purchaser pursues the indicated desire to construct two dwellings on the subject property, The Sudbrook Club, Inc. will take a formal position and ask to participate in all stages of the proceedings.

As a courtesy copies of this letter are being forwarded simultaneously to those who may appear to have an interest in the matter. I ask that they provide me with copies of their correspondence and attachments as well.

Entered on the National Register of Historic Places - June, 1973



PIKEVILLE TOWNSHIP ASSOCIATION, INC.  
A COMMUNITY IMPROVEMENT ASSOCIATION

August 26, 1994

Mr. Lawrence Schmidt  
Zoning Commissioner  
Baltimore County Office of Zoning Administration  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case Numbers 94-535-A (Item 522) and 94-536-A (Item 523)  
609 and 607 Cliveden Road  
Petitioner: Stephen L. Bunoski

Dear Mr. Schmidt,

The Pikesville Township Association, the community that is adjacent to Sudbrook Park, is deeply concerned about this petition for variance and believes granting of this petition would not be in the best interests of the community. We support the Sudbrook Club's opposition to permit an undersized lot and wish to express our reasons for this position.

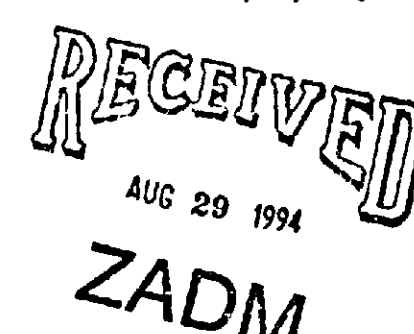
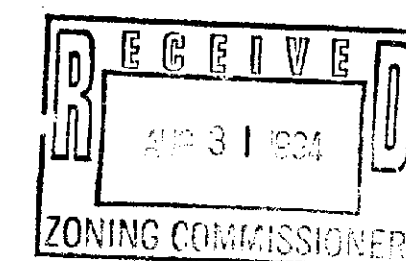
These are especially difficult financial times for many homeowners. More than ever, we count on the maintenance of the value in our properties as our principal retirement vehicle. In this case, we believe that the value of the current properties in the neighborhood is directly tied to the adherence to the 1955 law that refused to allow crowding due to undersized lots.

We are pleased that the Zoning Commissioner continues to be sensitive to the concerns of communities who are constantly assaulted by both small and large developers who wish to make short term profits at the expense of future property values. Thank you for considering our position.

Sincerely,  
PIKEVILLE TOWNSHIP ASSOCIATION

Rebecca K. Seidman  
President

cc: Mira and Dan Appleby, 605 Cliveden Road, Balto, MD 21208  
Irma and Len Frank, 612 Cliveden Road, Balto, MD 21208  
Melanie Anson, 1007 Windsor Road, Balto, MD 21208



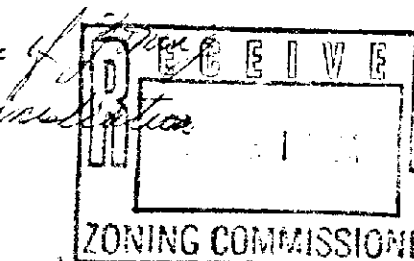
Mrs. Julia E. Salater  
4 Farmhurst Road  
Baltimore, Maryland 21205

Mr. Lawrence Schmidt  
Zoning Commissioner  
Baltimore County Office of Zoning Administration  
111 West Chesapeake Avenue  
Towson, Md. 21204

Dear Sir: Re: Case Numbers 94-535-A  
(Item 522) and 94-536-A  
(Item 523)

The location of these two properties is directly across the street. We object to granting variances to allow these two houses to be built. Please do not grant the petition.

Yours very truly,  
Julia E. Salater (Mrs)



August 19, 1994

Joseph W. & Mary E. Langley  
423 Upland Road  
Sudbrook Park, MD 21208

(H) 484-6873  
(W) (703) 934-0604 & 665-8096

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Numbers 94-535-A and 94-536-A

Attention: Mr. Timothy Kotroco  
Deputy Zoning Commissioner

Dear Mr. Kotroco:

As residents and property owners of 423 Upland Road (corner of Upland and Cliveden - our house faces onto Cliveden), we oppose the variances requested for the unimproved lots at 607 and 609 Cliveden Road. A house built at 609 Cliveden would be next door to our next door neighbor. (Would be two houses down.)

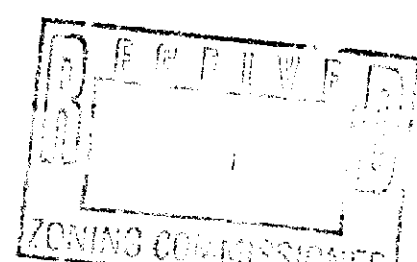
We believe that approval of the variances would result in the construction of houses and lots that would be out of character with the existing neighborhood. These undersize houses and lots would result in reductions in the value of properties within Sudbrook Park, which, in turn, would result in reduced tax revenues.

We affirm the property owner's right to develop his property. However, this development should be within code, and we believe that, as residents of the neighborhood, property owners, and tax payers; we have a right to expect that our elected officials and government employees will enforce existing zoning requirements.

May we suggest that the County consider buying the property in question and turning it into a pocket park? There are no parks for the Sudbrook Park neighborhood on the eastside of Sudbrook Road, and there are plenty of young children, who would take advantage of the slides and swings which might be found in a pocket park.

Once again, we ask that you deny the variances requested in Case Numbers 94-535-A and 94-536-A. If you have any questions regarding our position or you wish to speak to us directly, please contact us.

Sincerely,  
Joseph W. & Mary E. Langley  
Joseph W. & Mary E. Langley



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 27, 1994 (410) 887-4386

Ms. Elizabeth Stellman  
Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road  
Pikesville, Maryland 21208

RE: PETITIONS FOR VARIANCE  
NE/S Clivedon Road, 354' and 304' NW of the c/l of Milford Mill Road  
(609 and 607 Clivedon Road)  
1st Election District - 2nd Councilmanic District  
Steven L. Bunoski - Petitioner  
Case Nos. 94-535-A and 94-536-A

Dear Ms. Stellman:

This office is in receipt of your letter dated July 27, 1994 in which you requested a postponement of the above-captioned matters, citing a conflict between the individuals who will represent the neighborhood and your organization and the hearing date. Your letter was referred to me, as Hearing Officer, for a decision in the matter.

Please be advised that I have agreed to postpone these matters and by copy of this letter to the property owner, will notify him of same. In the meantime, your letter will be forwarded back to the Docket Clerk, Ms. Gwendolyn Stevens, in the Zoning Administration and Development Management (ZADM) office, for rescheduling at a mutually convenient date and time for both Mr. Bunoski and your group.

In the event you have any further questions on the subject, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Steven L. Bunoski  
407 Red Birch Road, Millersville, Md. 21108

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File ✓

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 29, 1994 (410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: PETITIONS FOR VARIANCE  
(609 and 607 Clivedon Road)  
Case Nos. 94-535-A and 94-536-A

Dear Mr. Bunoski:

This office is in receipt of your letter dated July 27, 1994 concerning a request for postponement of the above-captioned matters by Ms. Elizabeth Stellman, Vice President of the Sudbrook Club, Inc. Your letter requests that the hearings go forward as scheduled and that no postponement be granted for personal reasons.

Please be advised that I had already made the decision to grant the request for postponement prior to the receipt of your letter and had issued a written response to that effect. Regardless, we have an obligation to honor any request for postponement in order to afford all parties immediately affected by any proposed development the opportunity to attend and voice their opinions/concerns. As indicated in my response to Ms. Stellman, all parties will be contacted by Ms. Gwendolyn Stevens, Docket Clerk, so that a mutually convenient date and time can be arranged to hear these matters.

Should you have any further questions on the subject of scheduling, please contact Ms. Stevens in the zoning administration and Development Management office at 887-3391.

Very truly yours,  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Md. 21208

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File ✓

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots  
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MEMORANDUM APPLICANT SUPPLIED INFORMATION:

1. Name of Applicant: STEVEN L. BUNOSKI

2. Lot Address: 609 Clivedon Road, Elective District 3, Council District 2, Square Feet 7971 ±

3. Lot Location: NE/S W corner of Clivedon Road, 354' and 304' NW corner of Milford Mill Road

4. Lot Owner: Steven L. Bunoski, Tax Account Number 03-08-080425

5. Address: 407 Red Birch Road, Millersville, MD 21108

6. Checklist of Materials (to be submitted for design review by the Office of Planning and Zoning):

1. This Recommendation Form (2 copies)	YES	NO
2. Permit Applications	—	—
3. Site Plan	—	—
4. Building Elevation Drawings	—	—
5. Photographs (same level of photos shown) Adjoining Buildings	—	—
Surrounding Neighborhood	—	—

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

(See attachment dated July 28, 1994 from Pat Keller.)

Signed by: Francis Murray Date: August 8, 1994

Baltimore County Government  
Landmarks Preservation Commission

401 Bosley Avenue  
Towson, MD 21204

July 28, 1994 (410) 887-4305  
Fax (410) 887-5862

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
400 Washington Avenue  
Towson, Maryland 21204

Re: Case Numbers 94-535-A  
94-536-A

Dear Mr. Kotroco,

Mr. Leonard H. Frank asked me to submit a statement about the Sudbrook Park area. A large part of Sudbrook was given historic district status by action of the County Council on March 1, 1993 (Bill 25-93). At the July 14, 1994 meeting of the Landmarks Preservation Commission, a number of citizens of the area adjoining the existing historic district submitted signatures and a background statement proposing that both sides of the 600-block of Clivedon Road be added to the historic district or enrolled as a separate historic district.

This area is part of the Frederick Law Olmsted village plan and is served by a curved street designed by Olmsted. The commission attorney believed that any additional area adjoining an historical district should be handled as a de novo event.

The numbers present were disposed to accept the district and pass it on to the Administration for consideration of the County Council. However, the commission lacked a quorum and was obliged to hold its vote on August 18. The proponents submitted photographs demonstrating that this part of Sudbrook Park contained well-designed houses of several styles, including Mr. Daniel Appleby's "Craftsman Bungalow" type residence. Other houses are at least 50-years old. In my opinion, this area probably meets the criteria for forming an historic district as expressed in the Baltimore County Code, 1988, Section 26-539.

Sincerely,  
John McGrain  
John McGrain, Executive Secretary  
Landmarks Preservation Commission

JM/mjm  
KOTROCO/PZONE/LANDMARK

cc: Mr. Leonard H. Frank  
612 Clivedon Road  
Pikesville, MD 21208

Ruth B. Mascari, Chairman, LPC

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

August 26, 1994 (410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Petitions for Zoning Variance  
(609 and 607 Clivedon Road)  
Case Nos. 94-535-A and 94-536-A  
Scheduled hearing: September 1, 1994

Dear Mr. Bunoski:

Confirming telephone conversation this date, please be advised that the above captioned cases will be heard on September 1, 1994 at 2:30 P.M. in Room 118, Old Court House, 400 Washington Avenue in Towson. The cases were originally scheduled for 9:00 A.M. on said date, but had to be changed due to a previously committed seminar that I must attend beginning at 9:00 A.M.

By way of a copy of this letter, I have notified Ms. Stellman and Mr. Frank of the change in time.

Thank you, and Mr. Frank, for your courtesy and cooperation in this matter.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Maryland 21208

cc: Mr. and Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Maryland 21208

cc: Gwendolyn Stevens, Docket Clerk - ZADM  
cc: Peoples Counsel

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots  
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MEMORANDUM APPLICANT SUPPLIED INFORMATION:

1. Name of Applicant: STEVEN L. BUNOSKI

2. Lot Address: 609 Clivedon Road, Elective District 3, Council District 2, Square Feet 7971 ±

3. Lot Location: NE/S W corner of Clivedon Road, 354' and 304' NW corner of Milford Mill Road

4. Lot Owner: Steven L. Bunoski, Tax Account Number 03-08-080425

5. Address: 407 Red Birch Road, Millersville, MD 21108

6. Checklist of Materials (to be submitted for design review by the Office of Planning and Zoning):

1. This Recommendation Form (2 copies)	YES	NO
2. Permit Applications	—	—
3. Site Plan	—	—
4. Building Elevation Drawings	—	—
5. Photographs (same level of photos shown) Adjoining Buildings	—	—
Surrounding Neighborhood	—	—

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by Joe Miedrey on 6-30-94 Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE 7/12 D (15 Days Before C)  
DATE POSTED \_\_\_\_\_  
HEARING REQUESTED-YES  NO  DATE \_\_\_\_\_  
CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/27 C (B-3 Work Days)  
TENTATIVE DECISION DATE 8/1 B (A + 30 Days)  
\*Usually within 15 days of filing

CERTIFICATE OF POSTING

District \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
Signature \_\_\_\_\_  
Number of Signs: \_\_\_\_\_

CK/UNDER LOT (TXTSOPH)

IMPORTANT MESSAGE

TO: Joe Miedrey

DATE: 7/27 TIME: 5:41 P.M.

FROM: Leonard Frank

PHONE: 486-3587

FAX: \_\_\_\_\_

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	RETURNED YOUR CALL
WANTS TO SEE YOU	WILL CALL AGAIN
WILL FAX YOU	URGENT!

Message: Steven L. Bunoski  
Disapproval  
Case

Signed: Joe Miedrey

Leonard Frank  
486-3587

612 Clivedon Rd  
21208

Frank  
486-3587

Please notify



TO: FUTURE PUBLISHING COMPANY  
July 14, 1994 Issue - Jeffersonian  
Please forward billing to:  
Steven Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108  
823-4470

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-535 (Item 522)  
609 Cliveden Road  
NE/S Cliveden Road, 354 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
HEARING: WEDNESDAY, AUGUST 3, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

LAURENCE E. SCHWILT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-535 (Item 522)  
609 Cliveden Road  
NE/S Cliveden Road, 354 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
HEARING: WEDNESDAY, AUGUST 3, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Steven L. Bunoski  
Gerhold, Cross & Etzel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

AUGUST 8, 1994

NOTICE OF REASSIGNMENT  
NO FURTHER POSTPONEMENTS

CASE NUMBER: 94-535-A (Item 522)  
609 Cliveden Road  
NE/S Cliveden Road, 354 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

CASE NUMBER: 94-536-A (Item 523)  
607 Cliveden Road  
NE/S Cliveden Road, 304 +/- feet NW of c/l Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski  
Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

HEARING:  
THURSDAY, SEPTEMBER 1, 1994 at 9:00 a.m. in Room 118 Old Courthouse,  
400 Washington Avenue, Towson, Maryland 21204.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

cc: Steven L. Bunoski  
Gerhold, Cross & Etzel  
Elizabeth Stelman/The Sudbrook Club, Inc.  
Mr. & Mrs. Leonard Frank

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

July 22, 1994

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Case No. 94-535-A, Item No. 522  
Petition for Variance  
Petitioner: Steven L. Bunoski

Dear Mr. Bunoski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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on Recycled Paper

SHA Maryland Department of Transportation  
State Highway Administration  
U. James Lighnizer  
Secretary  
Hal Kassoff  
Administrator  
71191

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-535 (522)

Dear Ms. Minton:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
Bob Small, Director  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

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

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/12/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning agenda:

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 Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 514, 515, 516, 518,  
519, 520, 521, 522, 523 AND \*1.

RECEIVED  
JUL 13 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Timothy Kotroco  
Deputy Zoning Commissioner DATE: August 25, 1994  
FROM: John McGrain  
Office of Planning  
SUBJECT: Case Nos. 94-535-A and 94-536-A



Since my last memo on this issue, the Landmarks Preservation Commission has met again (August 18) and accepted the nomination of the Cliveden Road vicinity as an additional Baltimore County Historic District to pass on as a proposal to the County Executive. All lot owners, except the Bunoskis, have volunteered to join the "Sudbrook Park Historic District, Expansion No. 1" as we are calling the proposed area. The rationale is that this area is also part of the original town or village planned by Frederick Law Olmsted, Sr. Only four of Olmsted's idealized communities have actually been constructed in the United States.

*John McGrain*  
John McGrain

JM/mjm  
94535.56/PZONE/LANDMARK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: July 28, 1994

SUBJECT: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522)

REVISED COMMENT

INFORMATION:

Item Number: 523 and 522

Petitioner: \_\_\_\_\_

Property Size: \_\_\_\_\_

Zoning: D.R. 5.5

Requested Action: \_\_\_\_\_

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

In order to build a house on an undersized lot the petitioner must meet the requirements of section 304.1.C (Baltimore County Zoning Regulations) which requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in the Baltimore County Zoning Regulations. It appears that the petitioner has failed to meet this requirement.

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commissioner should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: *Pat Keller*

Division Chief: *Arnold Jablon*

PK/JL:lw

94-536-A

94-535

Nonetheless, there are larger lots throughout this subdivision. More importantly, however, it is the sense of overcrowding which is troubling if both lots were approved for residential development. In this respect, a review of the site plan is particularly germane. According to that plan, development on lot 607 would allow a 10 ft. side yard setback to the Appleby property line. Moreover, the existing Appleby dwelling (formerly owned by Mr. Bunoski) is approximately 11 ft. from the property line. Thus, the proposed houses at 607 and 609 would be but 21 ft. apart. If 10 ft. side yard setbacks were maintained for lots 607 and 609, a 20 ft. distance would exist between houses. Moving further down the street, a 10 ft. side yard setback on the north side of lot 609 and the existing 7 ft. setback on the adjoining Schaffer property would leave a 17 ft. total distance between houses. Although the Bunoski properties would maintain the proper side yard setbacks, a row of four houses this close together in this community is not appropriate. In my view, it would be detrimental to the surrounding community. Thus, on that basis, I would also deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28<sup>th</sup> day of September, 1994 that a variance Section 1B02.3.C. of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50 ft. in lieu of the required 55 ft. for lots 607 and 609 Cliveden Road, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING  
Date: 9/28/94  
By: [Signature]

IT IS FURTHER ORDERED that a variance from Section 304.1.B. and C. for an undersized lot in a D.R.5.5 zone for lots 607 and 609 Cliveden Road, be and is hereby DENIED.

LES/mmn

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date: 9/28/94  
By: [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

September 28, 1994

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Case Nos. 94-535-A and 94-536-A  
Petitions for Variance  
Property: 607 and 609 Cliveden Road

Dear Mr. Bunoski:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Zoning Variance have been denied in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att:  
cc: Melanie Anson, Esquire  
Mr. Leonard Frank  
Mr. Dan Appleby  
Mr. Max Levenson

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on Recycled Paper



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 609 Cliveden Road

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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, hereby petition for a Variance from Section 1) Variance from 1B02.3.C.1 (BCZR) to permit a 5 foot sideyard setback in lieu of the required 10 feet; 2) Variance from 304.1 B&C for an undersized lot in a D.R.5.5 zone

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (including, but not limited to, practical utility):  
1) A Variance is requested to allow an existing 50 foot wide lot to be built upon. The existing lot does not meet current zoning requirements of minimum 55 foot wide lot in a D.R.5.5 zone. 2) A Variance is requested to allow reduction of one of the sideyard setbacks from 10 feet to 5 feet to allow building of pre-designed 35 foot dwelling on the existing 50 foot wide lot. Basis of hardship and practical utility is to be established at the Hearing.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., 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.

We do solemnly swear and affirm under the penalties of perjury that we are the legal owner(s) of the property with the subject of this Petition.  
Legal Owner(s)  
Type or Print Name: Steven L. Bunoski  
Signature: [Signature]  
Address: 407 Red Birch Road  
City: Millersville MD 21108  
State: MD Zipcode  
Phone No.: 823-4470  
Name, Address and phone number of representative to be contacted:  
Gerhold, Cross & Etzel  
320 E. Towson Blvd. 823-4470  
City: Towson MD 21286  
State: MD Zipcode  
Phone No.: 823-4470  
Date: 9/28/94  
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ESTIMATED LENGTH OF HEARING: 15 MINUTES  
Date: 9/28/94  
REVISED BY: [Signature] DATE: 6-28-94  
522

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 9/12/94  
Posted for: Variance  
Petitioner: Steven L. Bunoski  
Location of property: 607 & 609 Cliveden Rd, MD  
Location of Signs: Being made by property owner  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 9/22/94  
Number of Signs: 1

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 9/12/94  
Posted for: Variance  
Petitioner: Steven L. Bunoski  
Location of property: 607 & 609 Cliveden Rd.  
Location of Signs: [Signature]  
Remarks: Time of hearing changed from 8:00 AM to 8:30 AM  
Posted by: [Signature] Date of return: 9/22/94  
Number of Signs: 2

GORUNY LANGSON  
DENNIS M. MILLER  
EDWARD P. DESSAU-OWEN  
WHILE E. DORA

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSON TOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

EMBERTY  
PAUL D. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. GORON  
OF GORONEL  
JOHN F. ETZEL  
WILLIAM G. ULRICH

#### ZONING DESCRIPTION FOR 609 CLIVEDEN ROAD

3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT  
Beginning at a point on the northeast side of Cliveden Road which is 50 feet wide at a distance of 354.94 feet northwesterly from the northeast corner of Cliveden Road and Millford Mill Road and running thence Northwesterly, binding on northeast side of Cliveden Road, 50.47 feet thence, Easterly 162.7 feet thence, Southerly 50 feet thence, Westerly 155.32 feet to the place of beginning.

Containing 0.183 of an acre of land, more or less.

Being the first parcel of Liber E.H.K.Jr. 6944, folio 304.

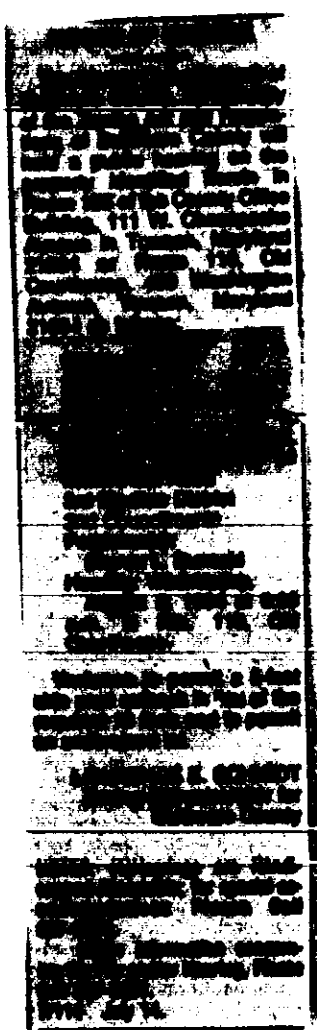


522

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON



522 receipt  
Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6190  
Number: JCM  
Date: 6-30-94  
UAR. (010) 50.00  
POSTING (080) 35.00  
85.00  
01A01B0224HICMRC 985.00  
Please Make Checks Payable To: Baltimore County 01A01B0224HICMRC-01-94

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 522  
Petitioner: STEVEN BUNOSKI  
Location: 609 CLIVEDEN RD.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: STEVEN BUNOSKI  
ADDRESS: 407 Red Birch Rd.  
Millersville, Md. 21108  
PHONE NUMBER: 823-4470

AJ:ggg

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

**This Deed**, Made This 27th day of March, in the year one thousand nine hundred and eighty-seven by and between RICHARD LOUIS BUNOSKI and SYLVIA JOANNE BUNOSKI, his wife, of Baltimore County, State of Maryland, parties of the first part, and STEVEN L. BUNOSKI, of Baltimore County, State of Maryland, party of the second part.

Witnesseth, That in consideration of the sum of SIXTY-FOUR THOUSAND AND 00/100 (\$64,000.00) DOLLARS, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, his personal representatives, successors and assigns, in fee simple, all those lots of ground situate in Baltimore County, in the State of Maryland and described as follows, that is to say:

BEGINNING for the first thereof on the northeast side of Cliveden Road fifty feet wide at the distance of two hundred three and fifty-three one-hundredths feet north-westerly from the northeastern intersection of Cliveden Road and Milford Road running thence northwesterly binding on the northeast side of Cliveden Road fifty and forty-seven one-hundredths feet thence easterly parallel with Milford Road one hundred and forty and one-hundredths feet thence southerly parallel with Farmhurst Road fifty feet, fifty-six one-hundredths feet thence southerly parallel with Farmhurst Road fifty feet westerly parallel with Milford Road one hundred thirty-three and eighteen one-hundredths feet to the place of beginning and being known as Lot No. 11.

BEGINNING for the second thereof on the northeast side of Cliveden Road fifty feet wide at the distance of two hundred and fifty-four feet northwesterly from the northeastern intersection of Cliveden Road and Milford Road and running thence northwesterly binding on the northeast side of Cliveden Road fifty and forty-seven one-hundredths feet thence easterly parallel with Milford Road one hundred forty-seven and ninety-four one-hundredths feet thence southerly parallel with Farmhurst Road fifty feet and thence westerly parallel with Milford Road one hundred forty and fifty-six one-hundredths feet to the place of beginning and being known as Lot No. 10. The improvements thereon being known as No. 605 Cliveden Road.

BEING the same property described in a Deed dated December 11, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6840, folio 789, from Helen M. Huth to the said Grantors herein, in fee simple.



DEED B O F PAGE 50

GUARANTEE TITLE SERVICES, INC.  
App. No. BA 1794

THIS DEED made this 17th day of December, 1988, by and between ROBERT M. SCHALLER, also known as Robert M. Schaller, Sr., party of the first part, Grantor, and WILLIAM R. PFAFF and MARY SCHALLER MCCONNELL, his wife, parties of the second part, Grantees.

WITNESSETH: That for the actual consideration of the sum of \$90,000.00, and other valuable consideration, the receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantees, as tenants by the entireties, their assigns, the survivor of them, his or her heirs, personal representatives and assigns, in fee simple, all that property situate in Baltimore County, Maryland, and described as follows:

BEGINNING FOR THE SAME at an iron pipe heretofore planted on the westernmost side of Cliveden Road (50 feet wide) at a distance of 161.21 feet southerly measured along the westernmost side of said Road from the intersection formed by the westernmost side of Cliveden Road, with the southernmost side of Upland Road, said point being the beginning of that parcel of land which by Deed dated September 3, 1948 and recorded among the Land Records of Baltimore County, Maryland in Liber T.B.S. No. 150, was conveyed by Harry E. Nelson, Jr., and wife to Frank Vanek, Sr., and wife, thence running with and binding on the first line of said Deed north 84 degrees, 10 minutes west 131.70 feet to an iron pipe heretofore planted at the end of said line; thence running with and binding on the second line of said Deed and on part of the third line of the second parcel of land which by Deed dated September 3, 1948 and recorded among the Land Records of Baltimore County, Maryland, in Liber T.B.S. No. 1697 folio 151, was conveyed by Jesse L. Finney, Jr., and wife, to Frank Vanek, Sr., and wife, south 5 degrees 50 minutes west 75 feet, thence leaving said third line and running for a line of division south 84 degrees 10 minutes east 140.92 feet to the westernmost side of Cliveden Road and to intersect the first line of the secondly described Deed; thence running with and binding on the westernmost side of said Cliveden Road, and on a part of the first line of the secondly described Deed and on the fourth line of the firstly described Deed, North 1 Degree 11 minutes West 75.56 feet to the place of beginning. The improvements thereon being now or formerly known as No. 614 Cliveden Road.

BEING the same property which by Deed dated June 20, 1978, and recorded among the Land Records of Baltimore County, Maryland, in Liber 5906 folio 441, was granted and conveyed by Robert M. Schaller, Sr., Personal Representative of the Estate of Frances McConnell Schaller, deceased, unto Robert M. Schaller, the within Grantor, in fee simple.

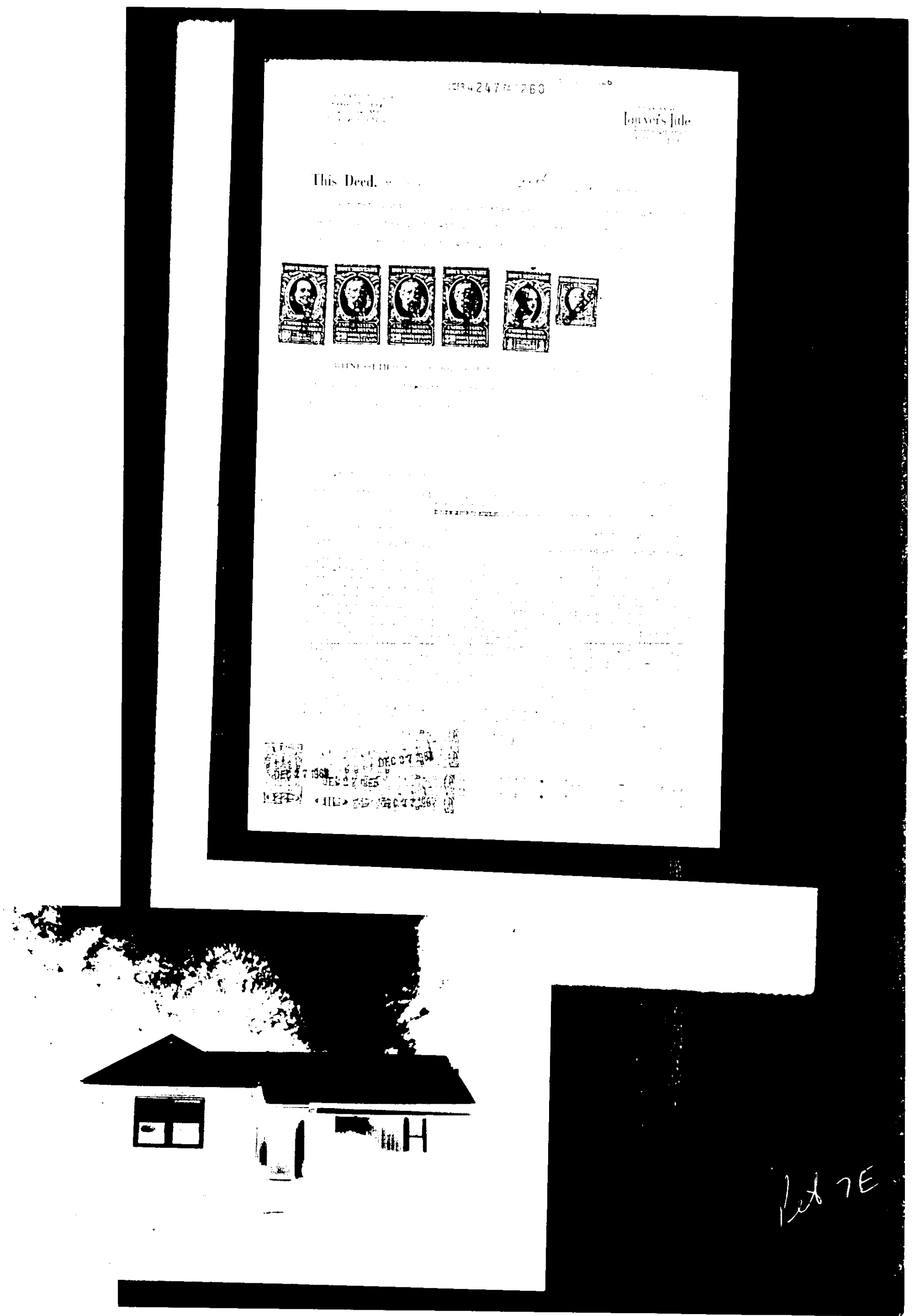
TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described property unto and to the use of the Grantees, as tenants by the entireties, their assigns, the survivor of them, his or her heirs, personal representatives and assigns, in fee simple.

AND THE GRANTEE warrants specially the property hereby granted, and to execute such further assurances of said property as may be requisite.

WHENEVER used the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Law Office of J. Elmer Washburn, Towson, Maryland



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: July 28, 1994

SUBJECT: 607 Cliveden Road (Item #523) and 609 Cliveden Road (Item #522)

REVISOR COMMENT: lead No 1

44-536

94-535A  
8/3/94

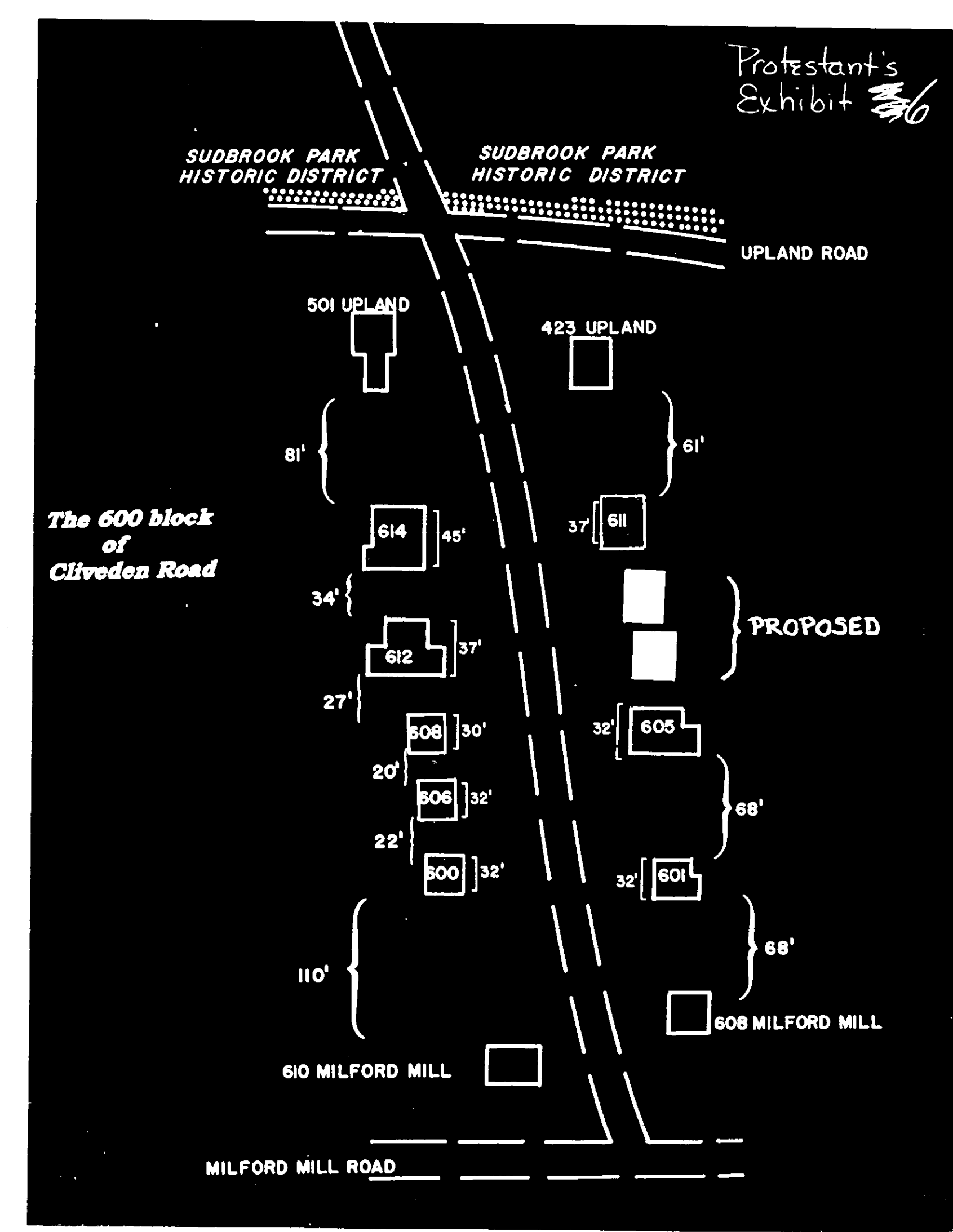
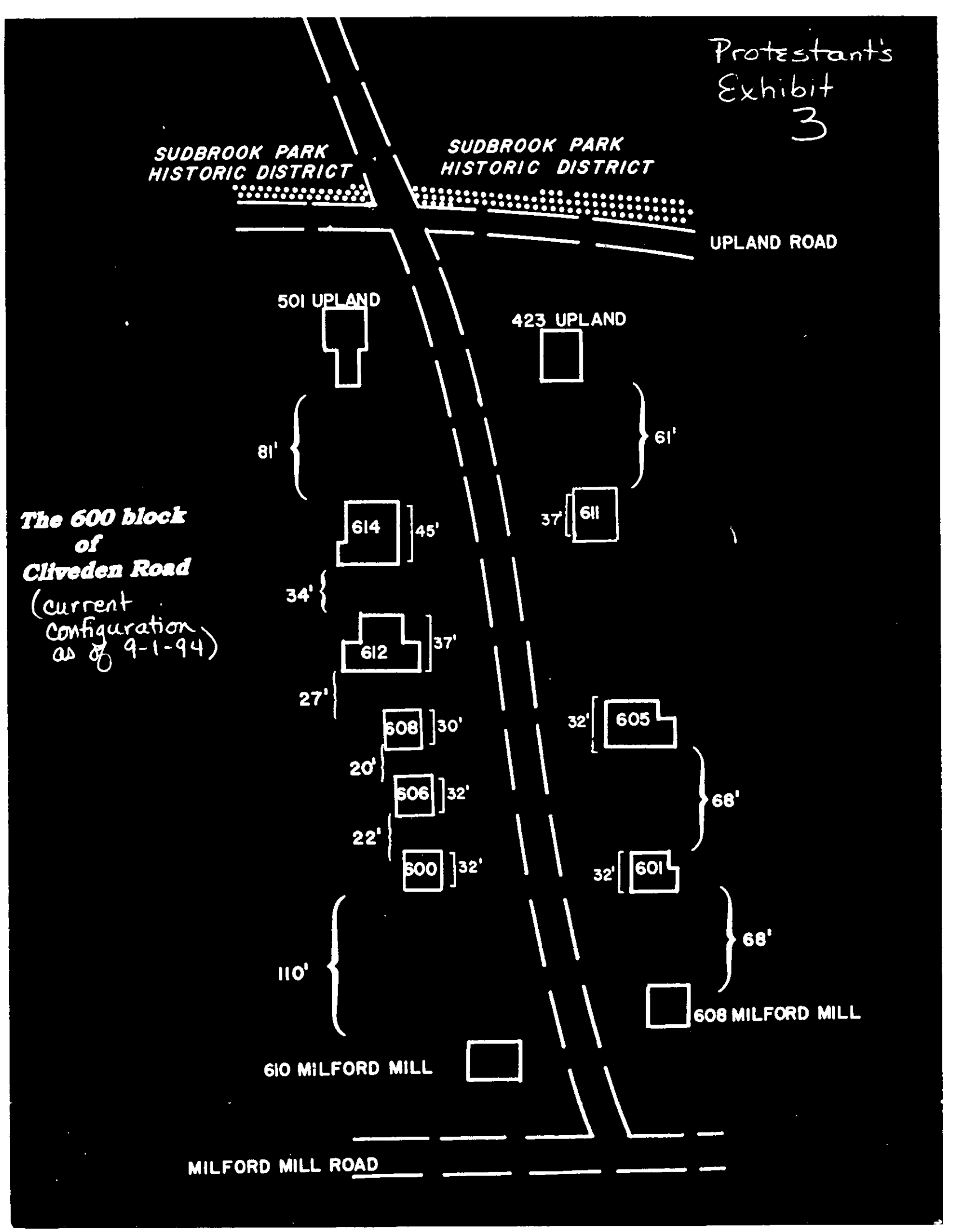
INFORMATION:  
Item Number: 523 and 522  
Petitioner:  
Property Size:  
Zoning: D.R. 5.5  
Requested Action:  
Hearing Date:

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

In order to build a house on an undersized lot the petitioner must meet the requirements of section 304.1.C (Baltimore County Zoning Regulations) which requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in the Baltimore County Zoning Regulations. It appears that the petitioner has failed to meet this requirement.

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commission should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: [Signature]  
Division Chief: [Signature]  
PK/JL:lw



This Deed, MADE THIS day of

in the year one thousand nine hundred and EIGHTY-FIVE by and between HELEN M. HUTH of BALTIMORE COUNTY, MARYLAND of the first part, and STEVEN LOUIS BUNOSKI of the second part.

Witnesseth, That in consideration of the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,

do grant and convey to the said STEVEN LOUIS BUNOSKI, his heirs, assigns and personal representatives and assigns in fee simple, all that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say: all those lots of ground situate in the Third Election District of Baltimore County, in the State of Maryland, and designated as Lots No. 8 and 9, Section 5, as shown on Plat of Sudbrook Park and more particularly described as follows:

BEGINNING for the first lot, No. 8, on the northeast side of Cliveden Road 50 feet wide at the distance of 354.94 feet northwesterly from the northeast corner of Cliveden Road and Milford Road and running thence northwesterly binding on the northeast side of Cliveden Road 50.47 feet thence easterly parallel with Milford Road 162.7 feet then southerly parallel with Farmhurst Road 50 feet and thence westerly parallel with Milford Road 155.32 feet to the beginning.

BEGINNING for the second lot, No. 9, on the northeast side of Cliveden Road 30 feet wide at the distance of 304.47 feet northwesterly from the northeast corner of northeast side of Cliveden Road 50.47 feet thence easterly parallel with Milford Road 155.38 feet thence southerly parallel with Farmhurst Road 50 feet thence westerly parallel with Milford Road 147.94 feet to the place of beginning.

The improvements thereon being known as 607 and 609 Cliveden Road.

BEING the same two lots of ground described and conveyed by a Deed, dated August 22, 1939, as recorded among the Land Records of Baltimore County in Liber CMB, JR 1973 folio 446, from Samuel Goldstein and Rose Goldstein, his wife, to John A. Huth and Helen M. Huth, his wife, the said John A. Huth departed this life on or about October 3, 1983; thereby vesting title unto his surviving spouse, the said Helen M. Huth.

B 8050\*\*\*\*\*24000\*3 5014\* PETITIONER'S EXHIBIT 105

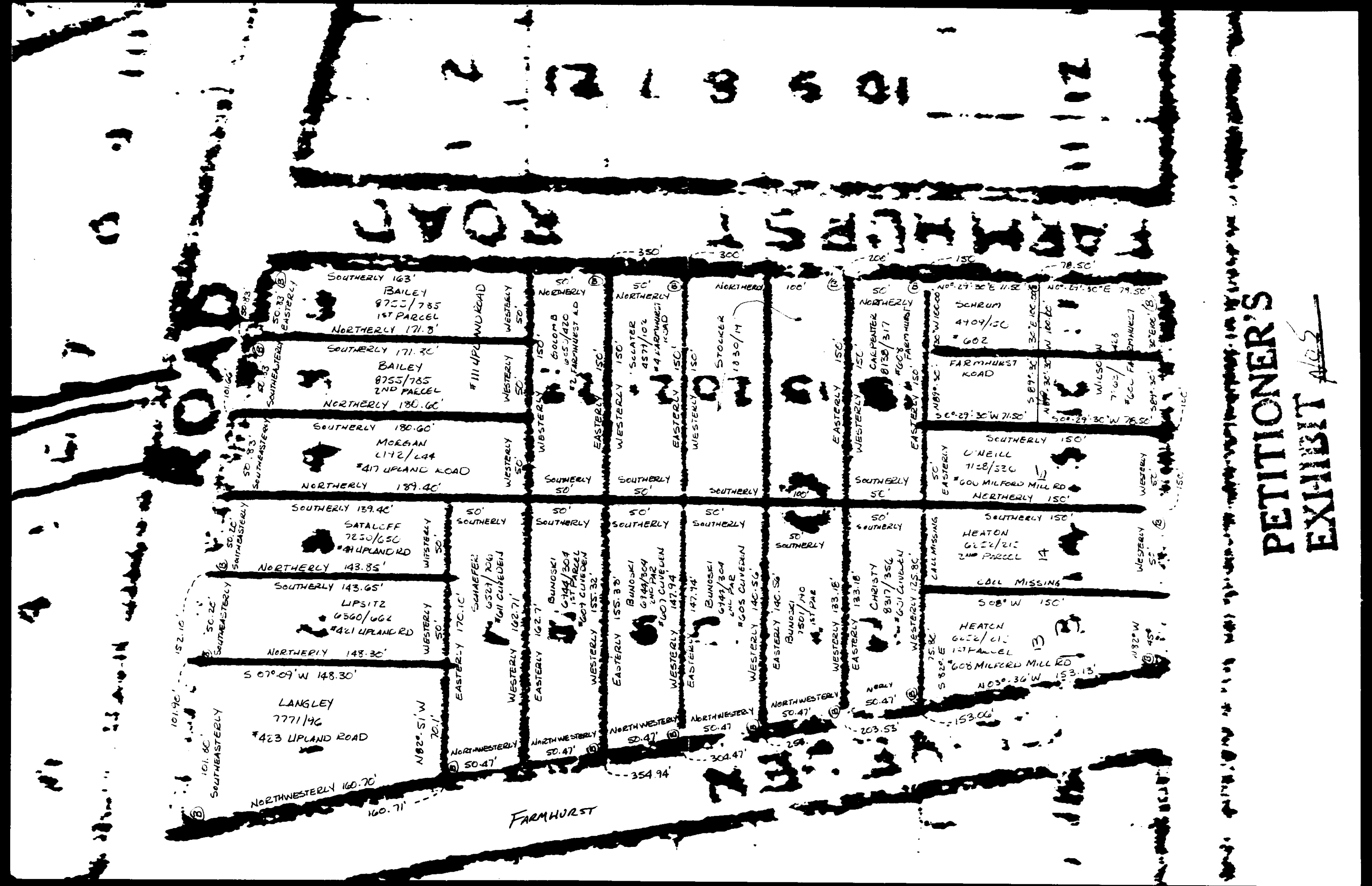
To: Mr. Lawrence Schmidt Zoning Commissioner From: Leonard Frank, 812 Cliveden Road August 28, 1984 RE: Case Numbers 94-535A and 94-536A. Petitioner: Steven Bunoski

One or more home owners at each of the 148 addresses listed below has expressed opposition to the granting of a variance to permit a 5-foot side yard setback in lieu of the required 10 feet, and to permit an undersized lot. The Petition signed by these individuals is attached to this list of addresses. It reads as follows:

As residents of Sudbrook Park we strongly urge the Baltimore County Zoning Commissioner to deny the variances requested for Cliveden Road - case numbers 94-535A and 94-536A. These variances are (1) a reduction in side yard setbacks from 10 to 5 feet and (2) a permit for undersized lots.

Cliveden Road is a gateway to the Landmark Historic District and is contiguous with that district. Its gateway status was part of the original Olmsted Plan. We want to protect the integrity of this neighborhood and ensure its stability. Permitting two homes only 10 feet apart to be erected on undersized lots would be incompatible with these goals.

- 701 Adana Road 709 Cliveden Road 1009 Kingston Road 616 Sudbrook Road
705 Adana Road 710 Cliveden Road 1011 Kingston Road 619 Sudbrook Road
901 Adana Road 711 Cliveden Road 603 McHenry Road 621 Sudbrook Road
902 Adana Road 718 Cliveden Road 606 McHenry Road 706 Sudbrook Road
903 Adana Road 721 Cliveden Road 508 Milford Mill Road 713 Sudbrook Road
905 Adana Road 607 Cylburn Road 608 Milford Mill Road 314 Upland Road
906 Adana Road 608 Cylburn Road 744 Milford Mill Road 401 Upland Road
908 Adana Road 618 Cylburn Road 802 Milford Mill Road 402 Upland Road
909 Adana Road 417 Milford Mill Road 417 Milford Mill Road 404 Upland Road
910 Adana Road 7413 Eldon Court 802 Milford Mill Road 404 Upland Road
912 Adana Road 2 Farmhurst Road 500 Milford Mill Road 408 Upland Road
914 Adana Road 4 Farmhurst Road 417 Milford Mill Road 408 Upland Road
916 Adana Road 603 Farmhurst Road 500 Milford Mill Road 408 Upland Road
917 Adana Road 607 Farmhurst Road 809 Olmstead Road 412 Upland Road
918 Adana Road 602 Glenrock Road 900 Olmstead Road 417 Upland Road
919 Adana Road 605 Glenrock Road 900 Olmstead Road 419 Upland Road
922 Adana Road 606 Glenrock Road 902 Olmstead Road 421 Upland Road
924 Adana Road 610 Glenrock Road 903 Olmstead Road 423 Upland Road
926 Adana Road 701 Greenwood Road 906 Olmstead Road 501 Upland Road
603 Carysbrook Road 705 Greenwood Road 911 Olmstead Road 506 Upland Road
604 Carysbrook Road 706 Greenwood Road 912 Olmstead Road 509 Upland Road
608 Carysbrook Road 707 Greenwood Road 914 Olmstead Road 601 Upland Road
700 Carysbrook Road 711 Greenwood Road 916 Olmstead Road 603 Upland Road
709 Carysbrook Road 714 Greenwood Road 918 Olmstead Road 900 Windsor Road
600 Cliveden Road 705 Howard Road 915 Olmstead Road 903 Windsor Road
601 Cliveden Road 709 Howard Road 920 Olmstead Road 906 Windsor Road
605 Cliveden Road 710 Howard Road 922 Olmstead Road 908 Windsor Road
606 Cliveden Road 714 Howard Road 928 Olmstead Road 909 Windsor Road
608 Cliveden Road 716 Howard Road 936 Olmstead Road 910 Windsor Road
611 Cliveden Road 801 Judy Lane 937 Olmstead Road 913 Windsor Road
612 Cliveden Road 824 Judy Lane 938 Olmstead Road 1007 Windsor Road
614 Cliveden Road 825 Judy Lane 944 Olmstead Road 1014 Windsor Road
700 Cliveden Road 831 Judy Lane 500 Subbrook Lane 1017 Windsor Road
701 Cliveden Road 1003 Kingston Road 562 Subbrook Lane 1018 Windsor Road
705 Cliveden Road 1004 Kingston Road 501 Subbrook Road 600 Woodside Road
706 Cliveden Road 1006 Kingston Road 614 Subbrook Road 602 Woodside Road
708 Cliveden Road 1008 Kingston Road



PETITIONER'S EXHIBIT 105

This Deed, MADE THIS 23rd day of May

in the year one thousand nine hundred and eighty-three by and between HAROLD L. VAN LANINGHAM and GRACE E. VAN LANINGHAM, his wife, and RICHARD G. VAN LANINGHAM of Baltimore County, in the State of Maryland of the first part, and DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, of Baltimore County, in the State of Maryland of the second part.

Witnesseth, That in consideration of the sum of FIFTY SIX THOUSAND (\$56,000.00) DOLLARS, and other good and valuable considerations, the receipt whereof is hereby acknowledged,

do grant and convey to the said DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns in fee simple, all that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say: BEGINNING for the same on the East side of Cliveden Road fifty feet wide and at the distance of one hundred sixty and seventy one-hundredths feet Southeastly from the South side of Upland Road fifty feet wide and running thence Easterly at right angles to Farmhurst Road one hundred seventy and ten one-hundredths feet, thence southerly parallel with Farmhurst Road fifty feet, thence Westerly at right angles to Farmhurst Road one hundred sixty-two and seventy one-hundredths feet to the East side of Cliveden Road and thence Northwesterly bounding thereon fifty and forty-seven one-hundredths feet to the place of beginning. Being Lot No. 7, Section O on the Plat of Sudbrook Park. The improvements thereon being now known as No. 611 Cliveden Road.

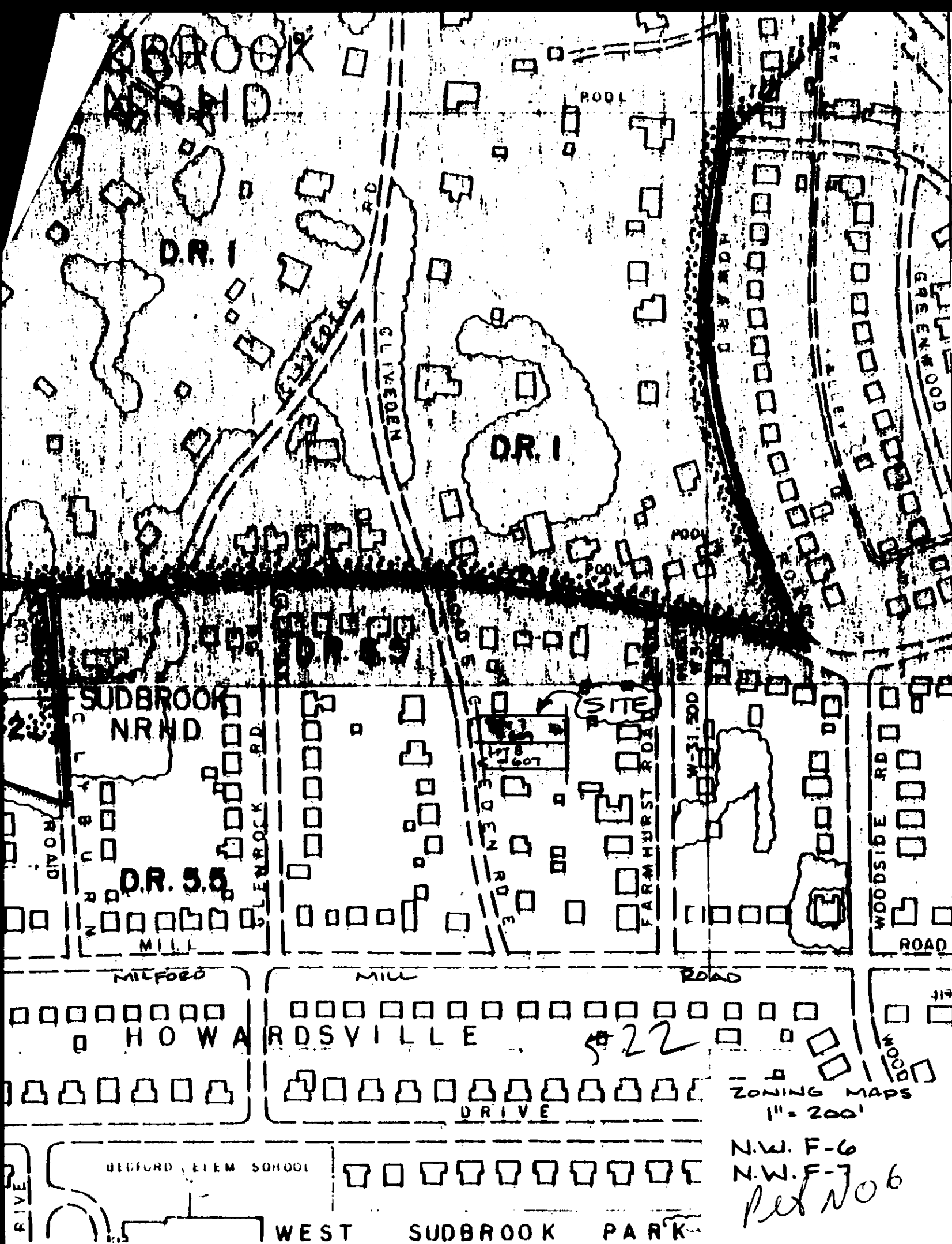
BEING the same lot of ground which by Deed dated July 28, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4494, folio 607 was granted and conveyed by the KARJON COMPANY to HAROLD L. VAN LANINGHAM and GRACE E. VAN LANINGHAM, his wife, two of the within Grantors.

BEING also the same lot of ground which by Deed of Reversion dated July 28, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4494, folio 608 was granted and conveyed by THOMAS J. WILDERSON and MARTHA WILDERSON, his wife, to RICHARD G. VAN LANINGHAM, one of the within Grantors.

TO HAVE AND TO HOLD the said lots of ground and premises, above described, unto the said DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises, above described, unto the said DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION RECEIVED FOR TRANSFER OF BALTIMORE COUNTY



LIBER 381 PAGE 24

ATTEST: DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, of Baltimore County, in the State of Maryland.

THIS DEED, MADE this 23rd day of May, in the year one thousand nine hundred and ninety-two, by and between MARY THOMASINA KOCH of the first part, Grantor, of Baltimore County, State of Maryland; and MARY THOMASINA KOCH, Trustee, pursuant to a Trust Agreement dated May 22, 1982 known as the "THE KOCH FAMILY TRUST."

Witnesseth, that in consideration of the sum of five Dollars (\$5.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, the actual consideration being zero, the said Grantor, does hereby grant, convey and assign unto the said MARY THOMASINA KOCH, Trustee, her successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and more particularly described as follows:

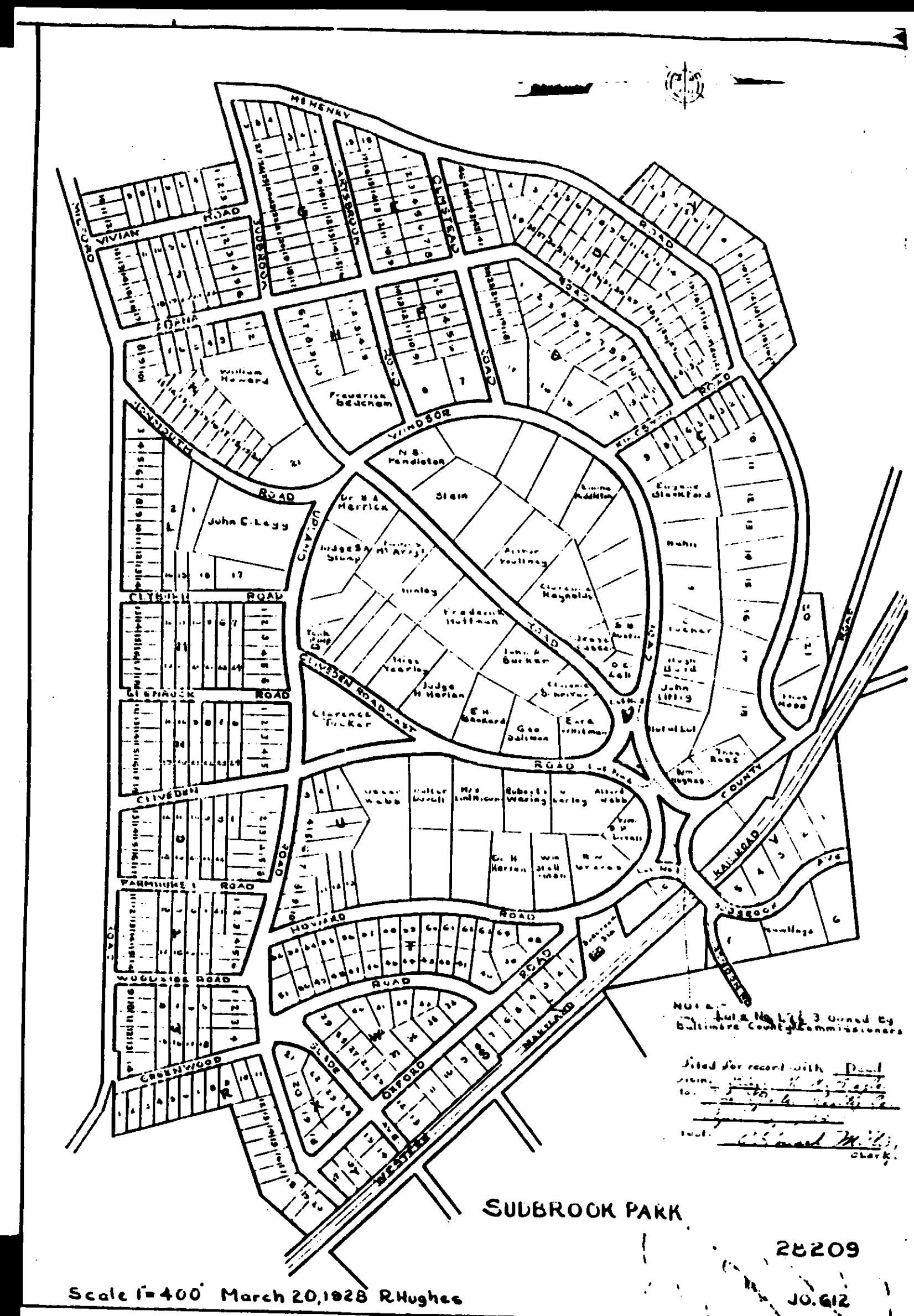
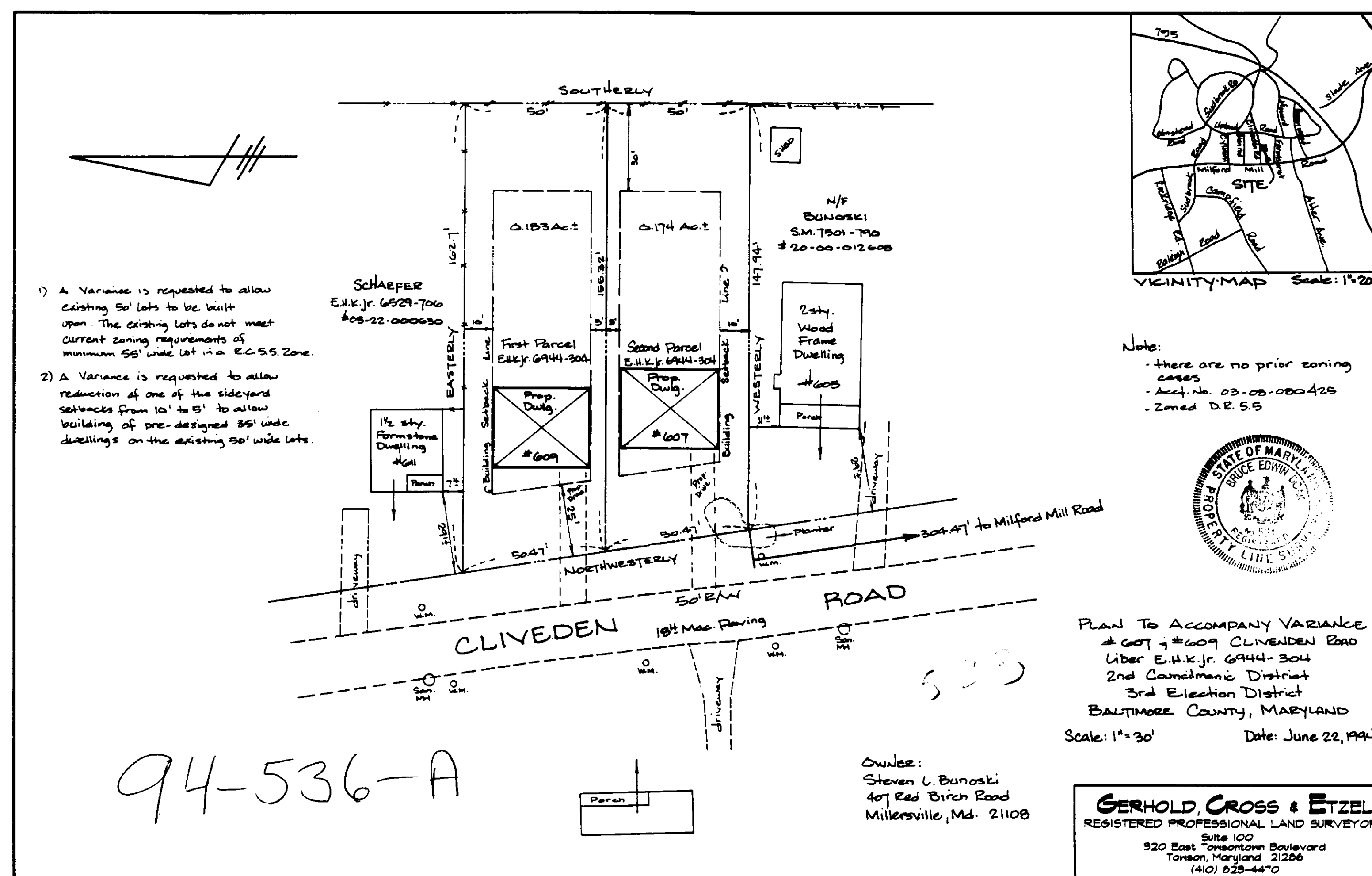
BEGINNING for the same on the west side of Cliveden Road, 50 feet wide, at the distance of 253.68 feet northwesterly from the corner of Cliveden Road and Milford Road, and running thence north 28 degrees west binding on the west side of Cliveden Road, 50.29 feet; thence north 84 degrees 10 minutes west parallel with Milford Road, 150.15 feet to a point distant 150 feet southeasterly at right angles from Cliveden Road, thence south 5 degrees 50 minutes west parallel with Cliveden Road, 50 feet and thence south 84 degrees 10 minutes east parallel with Milford Road, 156.30 feet to the place of beginning. Being Lot No. 21, Section N, on the Plat of Sudbrook Park.

The improvements erected upon said lot being known as No. 608 Cliveden Road.

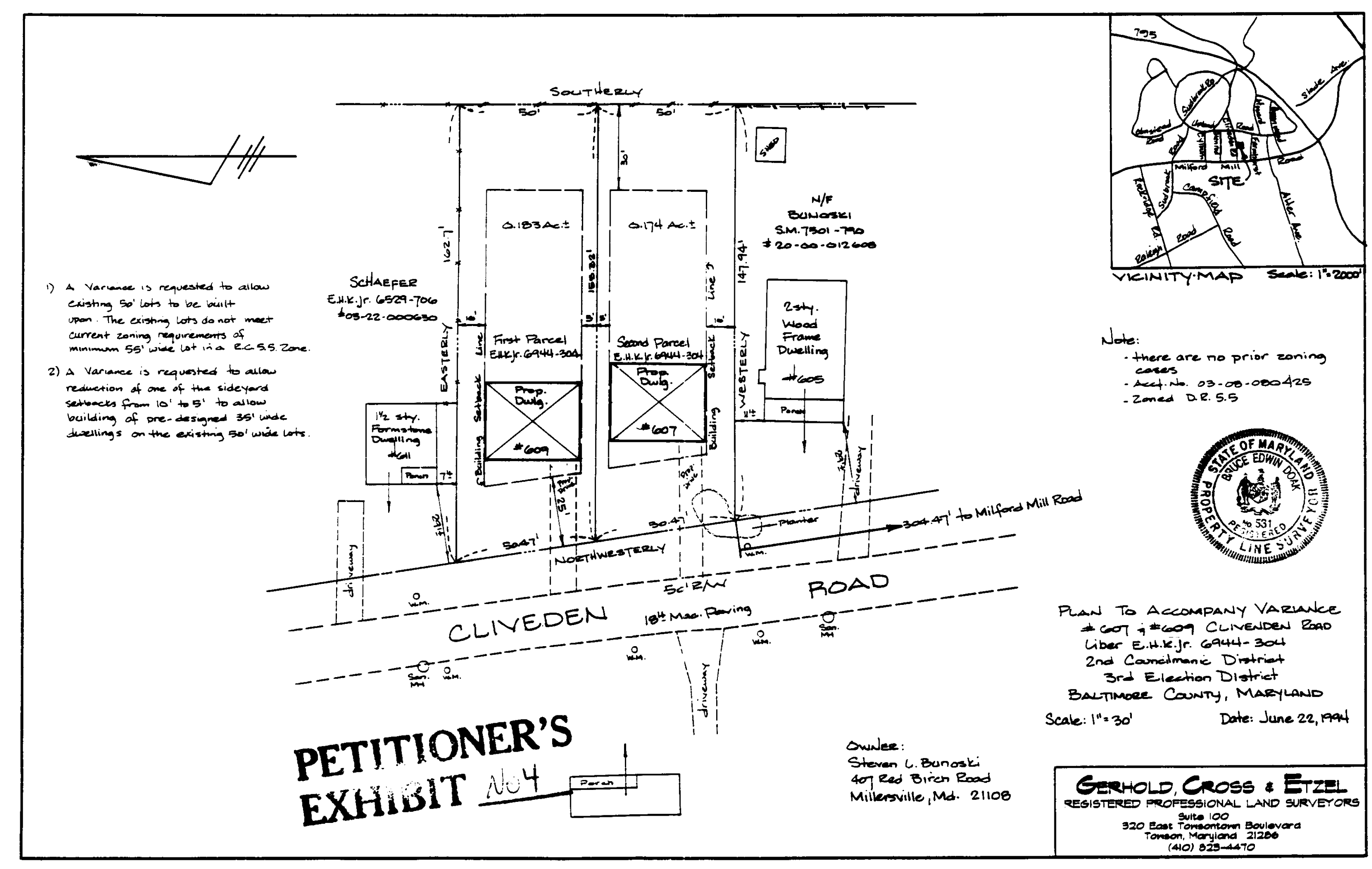
BEING the lot of ground which by Deed of dated April 19, 1956 and recorded among the Land Records of Baltimore County in Liber 2914, folio 440 and was granted and conveyed by Albert A. Pastriani and Jane B. Pastriani, his wife, unto Paul Michael Koch and Mary Thomasina Koch, his wife. The Paul Michael Koch having departed this life on February 3, 1992, thereby vesting fee simple title in the Grantor herein.

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises, above described, unto the said DENNIS B. SCHAEFER and DONNA M. SCHAEFER, his wife, together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.



94-536-A



PETITIONER'S EXHIBIT No 4

1930  
1935  
1936

Recorded Feb. 12, 1920, at 5 P.M. & found  
Per: William P. Cole, Clerk.

The Sudbrook Deed to Donald C. Hammond  
This deed made this 22nd day of May, in the year nineteen hundred and thirty six, between the Sudbrook Development Company, a body corporate of the State of Maryland, of the first part, and Donald C. Hammond, of Baltimore City, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Sudbrook Development Company, assignor and conveyer, unto the said Donald C. Hammond, his heirs and assigns, all those two lots or parcels of ground situate in Baltimore County, State of Maryland, and being the same lots of ground mentioned and described in Lots Nos. 1 and 11, of Section 8, and plat of Sudbrook Park, prepared by C. F. Eorman and Company, and particularly described as follows: Beginning for the first lot, on the northeast side of Cliveden Road, 50 feet wide, at the distance of 384 9/10 feet, north westerly from the north eastern corner of Cliveden Road, and Milford Road, and running thence north westerly to the north east side of Cliveden Road, 50 feet wide, thence easterly parallel with Milford Road 163 7/10 feet thence southerly parallel with Enochburg Road 50 feet and thence westerly parallel with Milford Road, 155 53/10 feet to place of beginning.

Beginning for the second lot, on the north east side of Cliveden Road, 50 feet wide, at the distance of 504 47/10 feet, north westerly from the north east corner of Cliveden Road and Milford Road, and running thence north westerly to the north east side of Cliveden Road, 50 feet wide, thence easterly parallel with Milford Road 155 53/10 feet thence southerly parallel with Enochburg Road 50 feet, thence westerly parallel with Milford Road 157 94/10 feet to the place of beginning.

Being part of the ground which, by sales dated May 6, 1916, and recorded among the Land Records

PETITIONER'S EXHIBIT No 2

3281-91  
AS

RECEIVED  
JUL 28 1994  
ZADM

July 27, 1994

Mr. Arnold Jablon  
Director of ZADM  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Hearing August 3, 1994  
Case No. 94-535-A & 94-536-A

Dear Mr. Jablon:

I have just received the request of Ms. Stellman in regards to The Sudbrook Club's request for a postponement of my variance hearing. Please be advised that my wife and I respectfully request that no continuance be granted.

Kindly understand that my wife is scheduled to deliver our second child, by surgery, on August 12, 1994. Therefore, it is imperative the hearing continue as scheduled. Please also understand that I canceled two important business meetings based upon the date that was set for the hearings. These meetings cannot be rescheduled.

I note that Ms. Stellman implies that The Sudbrook Club may represent 500 homes. I am sure that with such a great number of potential interested parties, that someone from said Group can attend the August 3, 1994 meeting.

I also wish to note that when this Organization sought Baltimore County Landmark District Certification, for Sudbrook Park, the block on which I lived (and the subject lots) were not included in this designation. I do note some irony in the interest of late on this block by The Sudbrook Club.

612 Cliveden Road  
Baltimore, MD 21208  
May 20, 1994

Mr. Dave Green  
Community Planner,  
Baltimore County  
401 Boslay Ave #403  
Towson, MD 21204

Dear Mr. Green,

We live directly opposite a lot which would have the address 607 Cliveden Road. This lot has never contained a building. Several days ago we were shocked to learn that efforts are underway to erect two homes on this ground which has (nominally) a 100 foot fronting on Cliveden. While we experienced some relief when we learned of the denial of a contractor's request to alter property lines to allow him to erect two buildings, we fear continued efforts toward this goal.

This is to record our strong belief that such building would significantly affect the character of this neighborhood in a negative way. And we ask that we be considered "interested parties" and be informed promptly of any and all actions that bear on this question.

We shall appreciate your attention to this matter and insuring us that we will have timely access to developments.

Very truly yours,

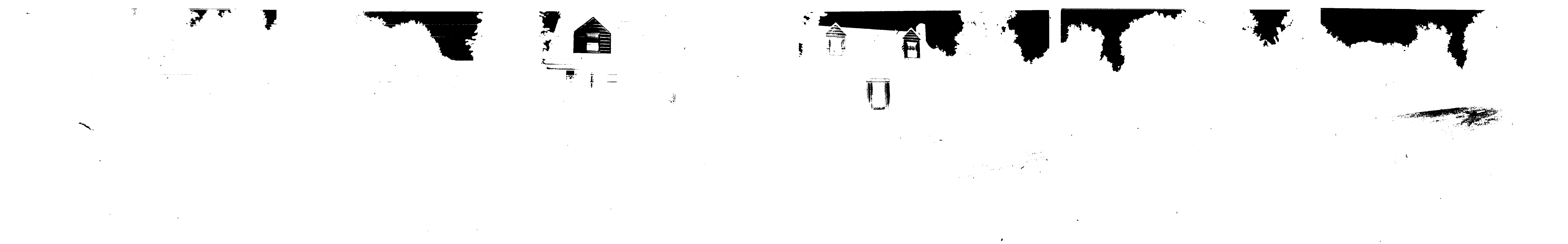
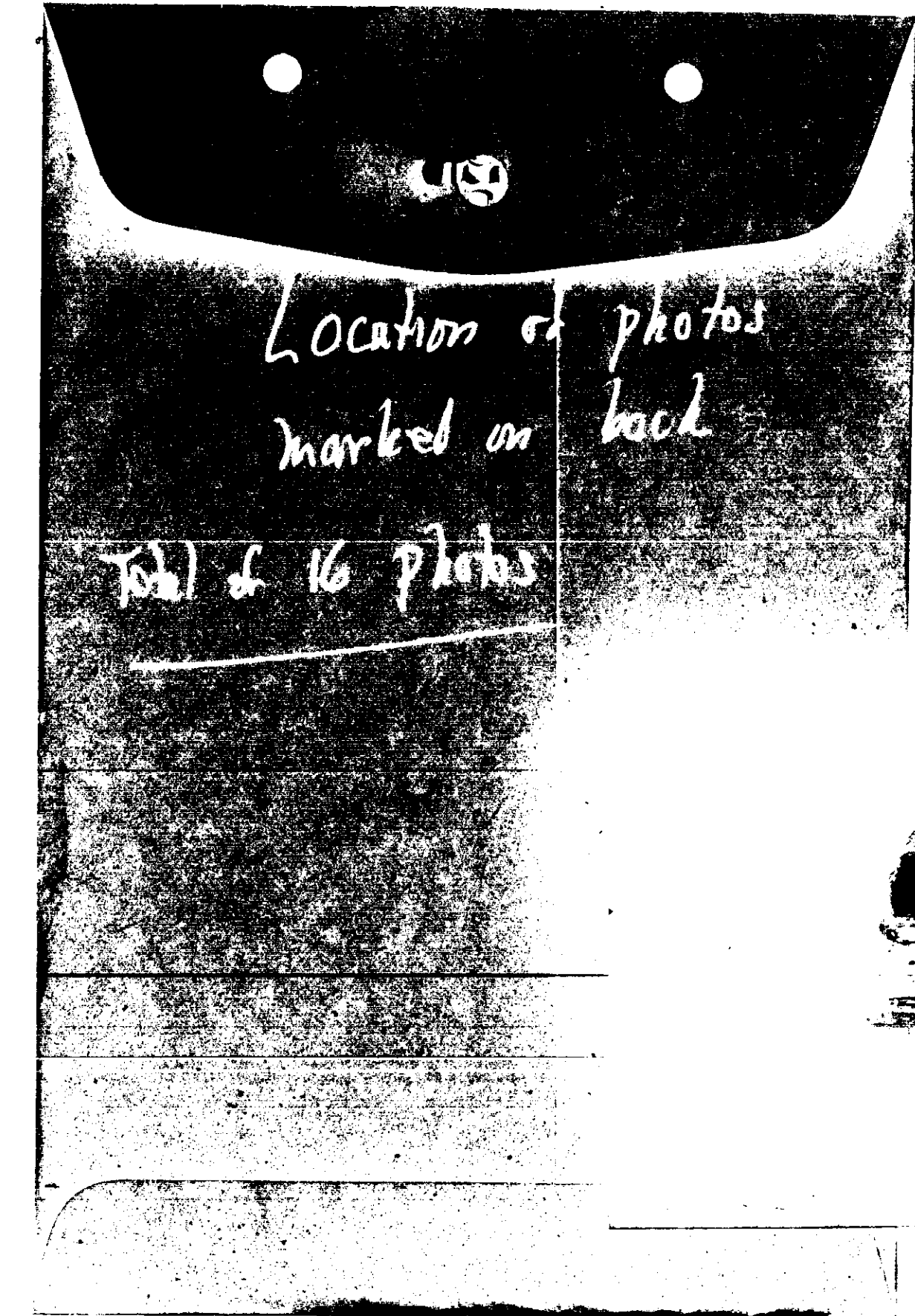
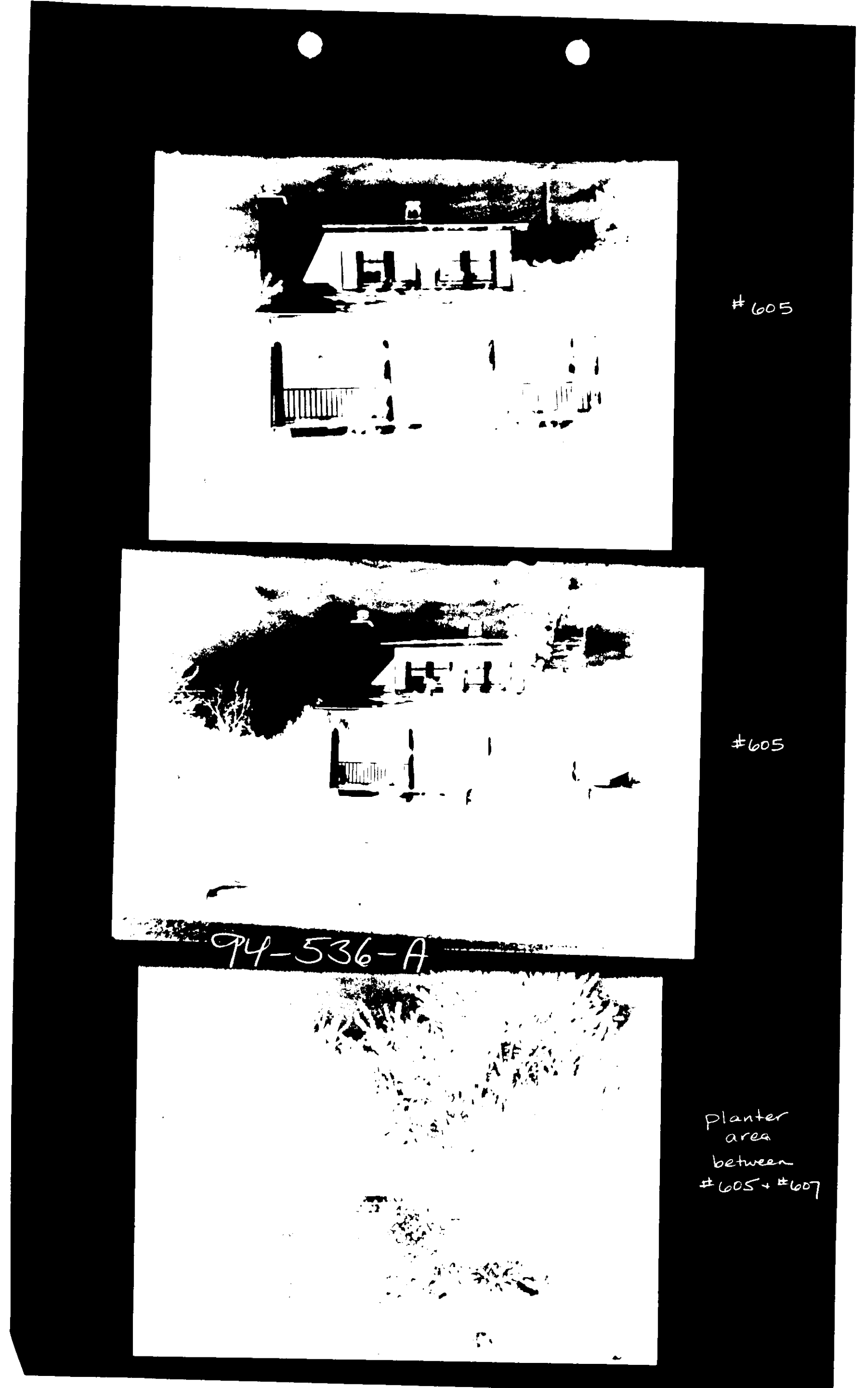
Ima Frank

Leonard H. Frank

cc: Mr. Arnold Jablon  
Director of Zoning  
111 West Chesapeake Ave #1105  
Towson, MD 21204

Mr. Melvin Mintz  
Representative, County Council  
7 Church Lane  
Baltimore, MD 21208

Ms. Darragh Brady  
President, The Sudbrook Club  
500 Sudbrook Lane  
Baltimore, MD 21208



**BALTIMORE COUNTY, MARYLAND**  
STATE AND COUNTY REAL PROPERTY TAXES

LEVY PERIOD: JULY 1, 1984-JUNE 30, 1985

SECTION: 03, DISTRICT: 03, CODE: 1-1, ASSESSMENT: 8,840, PROPERTY NUMBER: 03-08-080425 95 9, BILL DATE: 07/01/94

**METROPOLITAN CHARGES**

SEWER BENEFIT	2.855	252.36
SEWER SERVICE		18.56
WATER BENEFIT		
WATER DISTRIBUTION		
TOTAL METROPOLITAN		

OWNER'S NAME AND ADDRESS: BUNOSKI STEVEN LOUIS, 407 RED BIRCH RD, MILLERSVILLE MD 21108

PROPERTY DESCRIPTION: SUDBROOK PARK, LT 8 9, 607 CLIVEDEN

LOT: 0, ROCK: 0, SEC: 00, PLAT: 000, FOLIO: 000

CONSTANT YIELD 2.813, DIFFERENCE 0.042

GROSS BILL: 270.84

INTEREST/DISCOUNT: NET TOTAL

1-025715 GROSS 270.84

03080804259500026589000264200027094000273650002763600027907

3 810-94  
AF 65

**The Sudbrook Club, Inc.**  
Pikesville, Maryland 21208

July 27, 1994

Mr. David Green  
Baltimore County Government  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: 607 & 609 Cliveden Road  
DRC No. 042541, 3C2

Dear Mr. Green:

This letter is a followup to my letter of May 19, 1994. The Sudbrook Club, Inc. would like to express its opposition to the property owner's desire to build two dwellings on the undersized lots.

As you well know the Sudbrook Park neighborhood is on both the Baltimore County Landmark and the National Register of Historic Places roster. The block in question is a continuation of one of the main streets in the neighborhood and the residents have petitioned to be included within the Sudbrook Park Landmark district. This petition was brought before the Baltimore County Landmarks commission at their July meeting and is in the process of going before the County Executive.

Allowing the placement of two houses on these lots with the requested variance for only five foot sideyards would be completely out of keeping with both the existing character of the street and the entire historic neighborhood of which this street is an integral part. The Development Approval office of Baltimore County has already turned down the petitioner's request once precisely because the project "was not in keeping with the character of the neighborhood". (See enclosed xerox of letter.)

The Sudbrook Club, Inc. would have no objection to one well-designed house which made some attempt to belong to the 'family' of residences to which it would belong.

The Sudbrook Club, Inc. will attend the August 3rd hearing and are looking forward to your anticipated cooperation.

With Regards,  
*Darragh K. Brady*  
Ms. Darragh Brady  
President, The Sudbrook Club, Inc.  
500 Sudbrook Lane  
Pikesville, MD 21208

**RECEIVED**  
JUL 29 1994  
**ZADM**

Entered on the National Register of Historic Places—June, 1973

Encl.  
CC:

Mr. Arnold Jablon - Director of the Office of Zoning Administration and Development Management  
Mr. David Fields - Community Conservation Office  
Mr. Melvin Mintz - 2nd Councilmanic District  
Mr. Jeffrey Smith - V.P. Civil Affairs, The Sudbrook Club, Inc. 607 Sudbrook Road, Pikesville, MD 21208  
Mr. Stephen Bunoski - Millersville, MD  
Mr. Bruce Doak - Gerhold, Cross & Etzel, 320 E. Towsontown Blvd. Ste. 100, Towson, MD 21286  
Mr. Dan Appleby - 605 Cliveden Road, Pikesville, MD 21208  
Mr. and Mrs. Leonard Frank - 612 Cliveden Road, Pikesville, MD 21208

*John & Mrs. Doak*

**The Sudbrook Club, Inc.**  
Pikesville, Maryland 21208

July 22, 1994

Mr. Arnold Jablon  
Director of ZADM  
Baltimore County  
111 W. Chesapeake  
Towson, MD 21204

Dear Mr. Jablon:

As an officer of the Sudbrook Club, the neighborhood association for Sudbrook Park, I wish to inform you that our neighborhood association has a significant interest in case numbers 94-535-A and 94-536-A. We are a community of approximately 500 homes which is on the National Register of Historic Places and is a Baltimore County Landmark District. The individuals who will represent the neighborhood and the Sudbrook Club have a conflict with the hearing date scheduled on August 1. I formally request a continuance of the hearing date and ask that the hearing be re-scheduled for the second week of September.

I appreciate your consideration and look forward to your reply.

Sincerely,  
*Elizabeth Stellman*  
Elizabeth Stellman  
Vice President  
1008 Windsor Road  
Pikesville, Md. 21208

cc: The Honorable Mel Mintz  
John McGrain

Entered on the National Register of Historic Places—June, 1973

**IMPORTANT MESSAGE**

TO: *Mr. Brady*

DATE: *8/2* *3:15 A.M.*

FROM: *Steve Bunoski*

PHONE: *539-1315*

FAX:

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	RETURNED YOUR CALL
WANTS TO SEE YOU	WILL CALL AGAIN
WILL FAX YOU	URGENT!

Message:

Signed: *Me*

THOMAS F. YOST TEL: 410-727-4556 Aug 94 11:01 No. 004

Silvan L. Burson  
539-1315

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: *Timothy M. Kotzco*

FROM: *Steven Bunoski - Re 94-535-A & 94-536-A*

TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: *6*

DATE: *8/1/94*

TELECOPY SENT TO TELEPHONE NUMBER:

IF YOU DO NOT RECEIVE ALL PAGES, OR HAVE ANY PROBLEM WITH RECEIVING, PLEASE CALL AT (410) 659-6800

THANK YOU!

*Dear Mr. Kotzco:*

*I am the landowner who filed for the above described variance. Please find various letters which so that the Sudbrook Club Inc can attend the Aug 3 1994 hearing, and only seeks a postponement so that a "landmarks designator" can apply to my parties. I will call again today.*

THIS FACSIMILE MESSAGE IS A PRIVILEGED AND CONFIDENTIAL COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADVISED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED TO ANY OTHER PERSONS WITHOUT THE WRITTEN CONSENT OF THE SENDER. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE DO NOT COMMUNICATE.

*Steve - Please reschedule ASAP at all parties' convenience.*

*Bette*

**RM-16 CONTIGUOUS OWNERSHIP**  
(10/18/83)

Section 304, ECRB, states that no variance is required to gain a building permit if the conditions delineated therein are met. One such condition prevents a one-family dwelling from being erected if the owner of the undersized lot owns "sufficient adjoining land to conform substantially to the width and area requirements". It is clear, therefore, that if the owner of the lot which is undersized does not own such adjoining property, a variance would not be required and permission to build would be approved, provided the other requisites are met, i.e., (1) that the lot was recorded by deed or in a validly approved subdivision prior to the adoption of the zoning regulations and (2) that all other height and area requirements are met.

If none or some of the these requirements are met, an owner of an undersized parcel must obtain a variance pursuant to Section 307.

It is obvious that Section 304 recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated by other regulations at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

The issue raised over contiguous ownership deals with the interpretation or application of paragraph c., Section 304, the "contiguous" ownership exemption clause. It exempts from its application adjoining parcels which are owned by the same owner, but the regulation does not set forth any limiting language defining a time frame for such ownership.

Section 304 limits its applicability to an undersized lot whose owner does not have sufficient adjoining land to conform to the area requirements; if such adjoining lots are owned by a single owner, compliance with the area requirements must be attained by combination or by attaining a variance pursuant to Section 307. Section 304, however, is silent as to when variance would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.

It would seem inconsistent with the language of the regulations if the legislative intent at the time Section 304 was effected if it was to be interpreted that the regulation barred the exception for a variance to an owner of an undersized lot who acquired adjacent parcels without regard to time or manner of acquisition. It would seem consistent to interpret the intent of the Council to bar the exception to such owners who have acquired adjacent lots with the idea of avoiding existing zoning laws pertaining to minimum building

over

August 3, 1994

Laurenea Schmidt  
Zoning Commissioner  
Baltimore County Office of Zoning Administration

Dear Mr. Schmidt,

This letter is in regards to the two fifty foot lots on the 600 block of Cliveden Road in Sudbrook Park, Pikesville (cases # 94-535-A, item 522 and 94-536-A, item 523). A former neighbor, Mr. Bunoski, has requested a zoning exception so that he may build two houses instead of the one he originally planned. He has stated his only reason is that he can increase his profit in the sale of the lots by \$20,000.

My husband and I have lived in this lovely neighborhood for eight years and are raising four boys here. When I became a board member of the Baltimore County Historic Trust I wanted to contribute to preservation efforts throughout the county. However, Sudbrook Park is my first priority. I was pleased when the neighbors on the 600 block of Cliveden made a major commitment this summer as they became part of the current Landmark District in Sudbrook Park. I feel, as they do, that this block is noteworthy and deserves their best efforts to maintain its historic connection with the rest of the neighborhood.

If this zoning variance is granted, I feel that not only would the nature of this block be greatly disturbed, but owners of other undeveloped fifty foot lots in the neighborhood would be encouraged to sell out and disrupt the landscape and space that defines the Park. Thank you for your attention to this matter.

Sincerely,  
*Jenny Lu Sataloff*

149 Upland Rd, Pikesville, Md. 21208

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
DATE: July 28, 1994

SUBJECT: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522) REVISED COMMENT

INFORMATION:  
Item Number: 523 and 522  
Petitioner: \_\_\_\_\_  
Property Size: \_\_\_\_\_  
Zoning: D.R. 5.5  
Requested Action: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

In order to build a house on an undersized lot the petitioner must meet the requirements of section 304.1.C (Baltimore County Zoning Regulations) which requires that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in the Baltimore County Zoning Regulations. It appears that the petitioner has failed to meet this requirement.

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commissioner should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: David Green

Division Chief: Gary L. Kerns

PK/JL:lw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
DATE: August 16, 1994

SUBJECT: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522) REVISED COMMENT

INFORMATION:  
Item Number: 523 and 522  
Petitioner: \_\_\_\_\_  
Property Size: \_\_\_\_\_  
Zoning: D.R. 5.5  
Requested Action: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting the use of two 50' lots to erect two 35' wide houses, and two Variances to allow side yard setbacks of five feet in lieu of the required 10 feet on each lot.

The Baltimore County Zoning Regulations state, in order to build a house on an undersized lot, the petitioner must meet the requirements of Section 304.1 as follows:

- a. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955. [It appears that these lots were recorded in 1928.]
- b. All other requirements of the height and area regulations be in compliance with the Baltimore County Zoning Regulations. [A variance is being sought to alleviate the 10' side setback requirement.]
- c. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [It appears that the petitioner has failed to meet this requirement.]

ZCR523.522/PZONE/ZAC1

Pg. 1

Memo to: Arnold Jablon  
Re: 607 Cliveden Road (Item #523) and  
609 Cliveden Road (Item #522)  
August 16, 1994  
Page 2

It also appears that the proposed house is not compatible with other houses in the immediate vicinity of the proposed undersized lots. If the Zoning Commissioner should grant the requested use of the undersized lot, the Office of Planning and Zoning recommends that architectural elevations for the proposed houses be approved by the Director of Planning prior to issuance of a building permit.

Prepared by: DAVE GREEN

Division Chief: Gary L. Kerns

PK/JL:lw

ZCR523.522/PZONE/ZAC1

Pg. 2

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Evon McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204  
FROM: Arnold Jablon, Director, Zoning Administration and Development Management  
RE: Undersized Lots (REVISED COMMENTS)  
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:  
 Steven L. Bunoski  
 Lot Address: 607 Cliveden  
Election District: 3 Council District: 2 Square Feet: 7579  
Lot Location: 1/2 Miles Corner of Cliveden Road 305.5 feet from S W corner of Milford Hill Road  
Lead Owner: Steven L. Bunoski Tax Account Number: 03-08-080-425  
Address: 407 Red Birch Road Telephone Number:  
Millersville MD 21108

CHECKLIST OF MATERIALS (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO	REMARKS
1. This Recommendation Form (3 copies)	✓		
2. Permit Application	✓		
3. Site Plan Property (3 copies) Top Map (inserted in the 304 C.B.) (2 copies) (insert when site owner)	✓		
4. Building Elevation Drawings	✓		
5. Photographs (taken when at address corner) Approving Buildings Surrounding Neighbors	✓		

RECOMMENDATIONS/COMMENTS:  
 Approve  Disapprove  Approval conditioned on required modifications of the permit to conform with the following recommendations:  
1. The developer should meet the requirements of Section 304.1 of the Baltimore County Zoning Regulations.  
2. The developer should submit revised architectural elevation to the Director of Planning and Zoning for approval prior to issuance of building permit.

Signed by: Evon McDaniel  
Date: August 18, 1994

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by Pat Keller on 6-30-94 (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE: 7/12 D (15 Days Before C)

DATE POSTED: \_\_\_\_\_

HEARING REQUESTED-YES \_\_\_\_\_ NO \_\_\_\_\_ DATE: \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND): 7/27 C (8-3 Work Days)

TENTATIVE DECISION DATE: 8/1 B (A + 30 Days)

\*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: \_\_\_\_\_

Location of property: \_\_\_\_\_

Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_

Number of Signs: \_\_\_\_\_

CK/UNDER LOT (TXTSOPH)

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204 August 26, 1994 (410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Petitions for Zoning Variance  
(609 and 607 Cliveden Road)  
Case Nos. 94-535-A and 94-536-A  
Scheduled hearing: September 1, 1994

Dear Mr. Bunoski:

Confirming telephone conversation this date, please be advised that the above captioned cases will be heard on September 1, 1994 at 2:30 P.M. in Room 118, Old Court House, 400 Washington Avenue in Towson. The cases were originally scheduled for 9:00 A.M. on said date, but had to be changed due to a previously committed seminar that I must attend beginning at 9:00 A.M.

By way of a copy of this letter, I have notified Ms. Stellman and Mr. Frank of the change in time.

Thank you, and Mr. Frank, for your courtesy and cooperation in this matter.

Very truly yours,  
Lawrence E. Schmidt  
Lawrence E. Schmidt  
Zoning Commissioner

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Maryland 21208

cc: Mr. and Mrs. Leonard Frank  
612 Cliveden Road, Pikesville, Maryland 21208

cc: Gwendolyn Stephens, Docket Clerk - ZADM  
cc: Peoples Counsel

RE: PETITION FOR VARIANCE \* BEFORE THE  
607 Cliveden Road, NE/S Cliveden \* ZONING COMMISSIONER  
Road, 304 +/- feet NW of c/l Milford \* OF BALTIMORE COUNTY  
Mill Road, 3rd Election Dist., 2nd \*  
Councilmanic \*  
Steven L. Bunoski \* CASE NO. 94-536-A  
Petitioner \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, 320 E. Towson Ave., Towson, MD 21204, representative for Petitioner.

RECEIVED  
JUL 21 1994  
ZADM

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 5, 1994

Mr. Bruce E. Doak  
Gerhold, Cross & Etzel  
320 E. Towson Ave  
Suite 100  
Towson, MD 21286

Re: Limited Exemption - Denial  
Gheiler Property  
607 & 609 Cliveden Road  
DRC No. 042541, 3C2

Dear Mr. Doak:

On May 2, 1994, the Development Review Committee (DRC) reviewed the above referenced project and determined that the plan does not meet the Limited Exemption criteria established under Section 26-171(a) nor Section 26-171(b) of the Baltimore County Development Regulations, because the project is not within the character of existing community. I would suggest that you request a special zoning hearing regarding compatibility.

If you have any questions, please feel free to call me at (410) 887-3353.

Respectfully,  
Donald T. Rascoe  
Donald T. Rascoe, Manager  
Development Management

DTR:KAK:jaw

c: Larry Pilson  
Carolyn Beatty  
Mr. Isaac Gheiler



To: FUTURE PUBLISHING COMPANY  
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Steven Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108  
823-4470

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-536-A (Item 523)

607 Clivedon Road  
NE/S Clivedon Road, 304 +/- feet NW of c/1 Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski

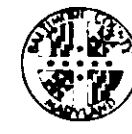
HEARING: WEDNESDAY, AUGUST 3, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

LAURENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-536-A (Item 523)

607 Clivedon Road  
NE/S Clivedon Road, 304 +/- feet NW of c/1 Millford Mill Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Steven L. Bunoski

HEARING: WEDNESDAY, AUGUST 3, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot.

*Carl John*

Arnold Jablon  
Director

cc: Steven L. Bunoski  
Gerhold, Cross & Etzel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 22, 1994

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: Case No. 94-536-A, Item No. 523  
Petition for Variance  
Petitioner: Steven L. Bunoski

Dear Mr. Bunoski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-1500

RECEIVED  
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Maryland Department of Transportation  
State Highway Administration

Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-536 (ZCM)

Dear Ms. Minton:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
John Conestabile, Chief  
Engineering Access Permits  
Division

BS/

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

Baltimore County Government  
Landmarks Preservation Commission



401 Besley Avenue  
Towson, MD 21204

(410) 887-4395  
Fax (410) 887-5862

July 28, 1994

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
400 Washington Avenue  
Towson, Maryland 21204

Re: Case Numbers 94-535-A  
94-536-A

Dear Mr. Kotroco,

Mr. Leonard H. Frank asked me to submit a statement about the Sudbrook Park area. A large part of Sudbrook was given historic district status by action of the County Council on March 1, 1993 (Bill 25-93). At the July 14, 1994 meeting of the Landmarks Preservation Commission, a number of citizens of the area adjoining the existing historic district submitted signatures and a background statement proposing that both sides of the 600-block of Clivedon Road be added to the historic district or enrolled as a separate historic district.

This area is part of the Frederick Law Olmsted village plan and is served by a curved street designed by Olmsted. The commission attorney believed that any additional area adjoining an historical district should be handled as a de novo event.

The numbers present were disposed to accept the district and pass it on to the Administration for consideration of the County Council. However, the commission lacked a quorum and was obliged to hold its vote on August 18. The proponents submitted photographs demonstrating that this part of Sudbrook Park contained well-designed houses of several styles, including Mr. Daniel Appleby's "Craftsman Bungalow" type residence. Other houses are at least 50-years old. In my opinion, this area probably meets the criteria for forming an historic district as expressed in the Baltimore County Code, 1988, Section 26-539.

Sincerely,  
*John McGrain*  
John McGrain, Executive Secretary  
Landmarks Preservation Commission

JM/mjm  
KOTROCO/PZONE/LANDMARK

cc: Mr. Leonard H. Frank  
612 Clivedon Road  
Pikesville, MD 21208

Ruth B. Mascari, Chairman, LPC

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 27, 1994

(410) 887-4386

Ms. Elizabeth Stellman  
Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road  
Pikesville, Maryland 21208

RE: PETITIONS FOR VARIANCE  
NE/S Clivedon Road, 354' and 304' NW of the c/1 of Millford Mill Road  
(609 and 607 Clivedon Road)  
3rd Election District - 2nd Councilmanic District:  
Steven L. Bunoski - Petitioner  
Case No. 94-535-A and 94-536-A

Dear Ms. Stellman:

This office is in receipt of your letter dated July 22, 1994 in which you requested a postponement of the above-captioned matters, citing a conflict between the individuals who will represent the neighborhood and your organization and the hearing date. Your letter was referred to me, as Hearing Officer, for a decision in the matter.

Please be advised that I have agreed to postpone these matters and by copy of this letter to the property owner, will notify him of same. In the meantime, your letter will be forwarded back to the Docket Clerk, Ms. Gwendolyn Stevens, in the Zoning Administration and Development Management (ZADM) office, for rescheduling at a mutually convenient date and time for both Mr. Bunoski and your group.

In the event you have any further questions on the subject, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjjs

cc: Mr. Steven L. Bunoski  
407 Red Birch Road, Millersville, Md. 21108

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 29, 1994

(410) 887-4386

Mr. Steven L. Bunoski  
407 Red Birch Road  
Millersville, Maryland 21108

RE: PETITIONS FOR VARIANCE  
(609 and 607 Clivedon Road)  
Case Nos. 94-535-A and 94-536-A

Dear Mr. Bunoski:

This office is in receipt of your letter dated July 27, 1994 concerning a request for postponement of the above-captioned matters by Ms. Elizabeth Stellman, Vice President of the Sudbrook Club, Inc. Your letter requests that the hearings go forward as scheduled and that no postponement be granted for personal reasons.

Please be advised that I had already made the decision to grant the request for postponement prior to the receipt of your letter and had issued a written response to that effect. Regardless, we have an obligation to honor any request for postponement in order to afford all parties immediately affected by any proposed development the opportunity to attend and voice their opinions/concerns. As indicated in my response to Ms. Stellman, all parties will be contacted by Ms. Gwendolyn Stevens, Docket Clerk, so that a mutually convenient date and time can be arranged to hear these matters.

Should you have any further questions on the subject of scheduling, please contact Ms. Stephens in the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjjs

cc: Ms. Elizabeth Stellman, Vice President, The Sudbrook Club, Inc.  
1008 Windsor Road, Pikesville, Md. 21208

Mr. & Mrs. Leonard Frank  
612 Clivedon Road, Pikesville, Md. 21208

Gwendolyn Stevens, Docket Clerk - ZADM; People's Counsel; File

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on Recycled Paper

Nonetheless, there are larger lots throughout this subdivision. More importantly, however, it is the sense of overcrowding which is troubling if both lots were approved for residential development. In this respect, a review of the site plan is particularly germane. According to that plan, development on lot 607 would allow a 10 ft. side yard setback to the Appleby property line. Moreover, the existing Appleby dwelling (formerly owned by Mr. Bunoski) is approximately 11 ft. from the property line. Thus, the proposed houses at 607 and 609 would be but 21 ft. apart. If 10 ft. side yard setbacks were maintained for lots 607 and 609, a 20 ft. distance would exist between houses. Moving further down the street, a 10 ft. side yard setback on the north side of lot 609 and the existing 7 ft. setback on the adjoining Schaffer property would leave a 17 ft. total distance between houses. Although the Bunoski properties would maintain the proper side yard setbacks, a row of four houses this close together in this community is not appropriate. In my view, it would be detrimental to the surrounding community. Thus, on that basis, I would also deny the variance.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of September, 1994 that a variance Section 1B02.3.C. of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50 ft. in lieu of the required 55 ft. for lots 607 and 609 Cliveden Road, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 304.1.B. and C. for an undersized lot in a D.R.5.5 zone for lots 607 and 609 Cliveden Road, be and is hereby DENIED.

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING  
 Date 9/28/94  
 By [Signature]

# Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 607 Cliveden Road



which is presently zoned D.R.5.5  
 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and make a part hereof, hereby petition for a Variance from Section(s) 1) Variance from 1B02.3.C.1 (BCZR) to permit a 5 foot side yard setback in lieu of the required 10 feet; 2) Variance from 304.1 B&C for an undersized lot in a D.R.5.5 zone

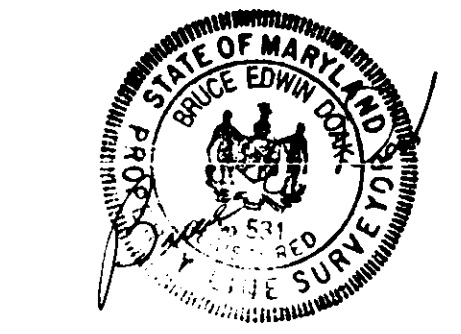
Legal Interest: Steven L. Bunoski  
 Type or Print Name: Steven L. Bunoski  
 Signature: [Signature]  
 Address: 407 Red Birch Road  
 City: Millersville MD 21108  
 Name: Gerhold, Cross & Etzel  
 Address: 320 E. Towsontown Blvd. 823-4470

ESTIMATED LENGTH OF HEARING: 15-20 MINUTES  
 REVIEWED BY: [Signature] DATE: 9/28/94  
 523

**GERHOLD, CROSS & ETZEL**  
 Registered Professional Land Surveyors  
 SUITE 100  
 320 EAST TOWSONTOWN BOULEVARD  
 TOWSON, MARYLAND 21286-5318  
 410-823-4470  
 FAX 410-823-4473

ZONING DESCRIPTION FOR 607 CLIVEDEN ROAD  
 3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT  
 Beginning at a point on the northeast side of Cliveden Road which is 50 feet wide at a distance of 304.47 feet northwesterly from the northeast corner of Cliveden Road and Milford Mill Road and running thence Northwesterly, binding on northeast side of Cliveden Road, 50.47 feet thence, Easterly 155.32 feet thence, Southerly 50 feet thence, Westerly 147.94 feet to the place of beginning.

Containing 0.174 of an acre of land, more or less.  
 Being the second parcel of Liber E.H.K. Jr. 6944, folio 304.



523

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland  
 District: 3-3 Date of Posting: 7/12/94  
 Posted for: [Signature]  
 Petitioner: Steven L. Bunoski  
 Location of property: 607 Cliveden Rd, NB&C  
 Location of Sign: [Signature]  
 Remarks: [Signature]  
 Posted by: [Signature] Date of return: 7/22/94  
 Number of Signs: 1

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 147468  
 DATE 7/23/94 ACCOUNT R001-6150  
 AMOUNT \$ 12.00  
 RECEIVED FROM: [Signature]  
 FOR: Photocopies  
 VALIDATION OR SIGNATURE OF CASHIER

Item Number: 523  
 Planner: JCM  
 Date Filed: 10-30-94

### PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney
- The following information is missing:
    - Descriptions, including accurate beginning point
    - Actual address of property
    - Zoning
    - Acresage
    - Plats (need 12, only 1 submitted)
    - 200 scale zoning map with property outlined
    - Election district
    - Councilmanic district
    - BCZR section information and/or wording
    - Hardship/practical difficulty information
    - Owner's signature (need minimum 1 original signature) and/or printed name and/or address
    - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
    - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
    - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
    - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
    - Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)  
 11/17/93

Baltimore County Government  
 Office of Zoning Administration and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21204 (410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
  - Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
 Item No.: 523  
 Petitioner: STEVEN Bunoski  
 Location: 607 CLIVEDEN Rd.  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: STEVEN Bunoski  
 ADDRESS: 407 Red Birch Rd.  
 MILLERSVILLE MD. 21108  
 PHONE NUMBER: 823-4470

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 14, 1994.

THE JEFFERSONIAN  
*A. Henrichson*  
 LEGAL AD. - TOWSON

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50 feet in lieu of the required 55 feet for lots 607 and 609 Cliveden Road, NB&C, on the north side of Cliveden Road, at the intersection of Cliveden Road and Milford Mill Road, in the 3rd Election District, 2nd Councilmanic District, Baltimore County, Maryland, on September 28, 1994, at 10:00 A.M. in the Councilmanic District Office, 320 East Towsontown Boulevard, Towson, Maryland 21286-5318. The hearing will be held at the residence of the petitioner, Steven L. Bunoski, 407 Red Birch Road, Millersville, Maryland 21108. The hearing will be held at the residence of the petitioner, Steven L. Bunoski, 407 Red Birch Road, Millersville, Maryland 21108. The hearing will be held at the residence of the petitioner, Steven L. Bunoski, 407 Red Birch Road, Millersville, Maryland 21108.

523 receipt  
 Baltimore County Zoning Administration & Development Management  
 711 West Chesapeake Avenue  
 Towson, Maryland 21204  
 Date: 6-30-94  
 Account: JCM  
 Number: JCM  
 UAR (070) 50.00  
 Posting (090) 35.00  
 85.00  
 01A0180225M1CHR 485.00  
 P8 C012\*02P07-01-94  
 Please Make Check Payable To: Baltimore County  
 Cashier Validation

THIS DEED, Made this 27th day of September 1989, by and between ADA T. CHRISTY, of the County of Baltimore, State of Maryland, Grantor, of the first part, and ADA T. CHRISTY, Grantee, of the second part.

WITNESSETH, That wherein the monetary consideration is zero, the said ADA T. CHRISTY does grant and convey to the said ADA T. CHRISTY an estate for the term of her natural life without powers, and after her death the remainder or so much thereof as remains undisposed of to Adeline Christy, her daughter-in-law, her personal representatives and assigns, that lot of ground situate in Baltimore County, State of Maryland, and described as follows:

All that lot of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid and being known as Lot #12, in Block O, as shown on the Plat of Sudbrook Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book 9, folio 7, and which lot is described as follows:

BEGINNING - for the same on the east side of Cliveden Road, as laid out 50 feet wide at the distance of 153.06 feet measured northerly along the east side of Cliveden Road, from the north-west side of Milford Road, said point of beginning being at the divid. line between lots #12 and 13, Block O, as shown on said plat; and running thence northerly binding on the east side of Cliveden Road 50.47 feet to the divid. line between lots #11 and 12, Block O on said plat; thence easterly with said divid. line

TRANSFER TAX NOT REQUIRED  
 RECEIVED FOR TRANSFER  
 BALTIMORE COUNTY MARYLAND  
 State Department of Assessments & Taxation  
 For Baltimore County  
 Date: 11-7-89  
 Sec. 11-85.4



INTER-OFFICE CORRESPONDENCE  
 RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
 Attn: Erin McDaniel  
 County Courts Bldg, Rm 406  
 401 Bosley Av  
 Towson, MD 21204

Permit Number  
 ITEM # 522  
 CASE # 94-535A

FROM: Arnold Jackson, Director, Zoning Administration and Development Management

RE: Undersized Lots (REVISED COMMENTS)  
 Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Applicant Name: Steven L. Bunoski  
 Lot Address: 609 Cliveden  
 Election District: 3 Council District: 2 Square Feet: 7971  
 Lot Location: 1/2 W 150' Center of Cliveden Road .355' West from SE 1/4 Corner of Milford Hill Road  
 Lead Owner: Steven L. Bunoski Tax Account Number: 03-08-080-425  
 Address: 407 Red Birch Road Telephone Number:  
 Millersville MD 21108

CHECKLIST OF MATERIALS (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO
1. This Recommendation Form (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan Property (2 copies) 1:200 (Map included in the DR Form) (2 copies) (owner label not required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (owner label not required) Adjacent Buildings Surrounding Topography	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid  
 Codes 000 & 000 (000)  
 Accepted by: ZOM  
 Date: 2/20/94

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

- The developer should meet the requirements of Section 304.1 of the Baltimore County Zoning Regulations.
- The developer should submit revised architectural elevation to the Director of Planning and Zoning for approval prior to issuance of building permit.

Signed by: *Erin McDaniel* Date: August 18, 1994  
 Title: Director, Office of Planning & Zoning

SUBBROOK PARK 28209  
 Scale 1"=400' March 24, 1988 R. Hughes  
 Post-It brand fax transmittal memo 7871  
 To: Mr. Lawrence Schmidt  
 From: Steve L. Bunoski  
 Date: 11-7-89  
 Phone: 822-4470  
 Fax: 822-4473

Re: Case Numbers 94-535-A and 94-536-A  
 Petitioner: Steven L. Bunoski

Mr. Lawrence Schmidt  
 Zoning Commissioner  
 Baltimore County Office of Zoning Administration  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Dear Mr. Schmidt,

We urge you to deny Mr. Bunoski's petition for "Variance to permit a 5-foot side yard setback in lieu of the required 10 feet; and to permit an undersized lot" for the property referred to as 607 Cliveden Road and for the property referred to as 609 Cliveden Road.

Mr. Bunoski, residing at 407 Red Birch Road, Millersville, Maryland 21108, owns these two unimproved lots which are located in Sudbrook Park, in the 2nd Councilmanic District, 3rd Election District of Baltimore County. Each of these contiguous lots is 50 feet wide; they are thus undersized because of the current zoning requirement of 55-foot wide lots in a DR 5.5 zone. The petitioner also requests a reduction in one side yard setback from 10 ft. to 5 ft. for each of the two lots, presumably to allow the eventual building of two 35-foot wide dwellings.

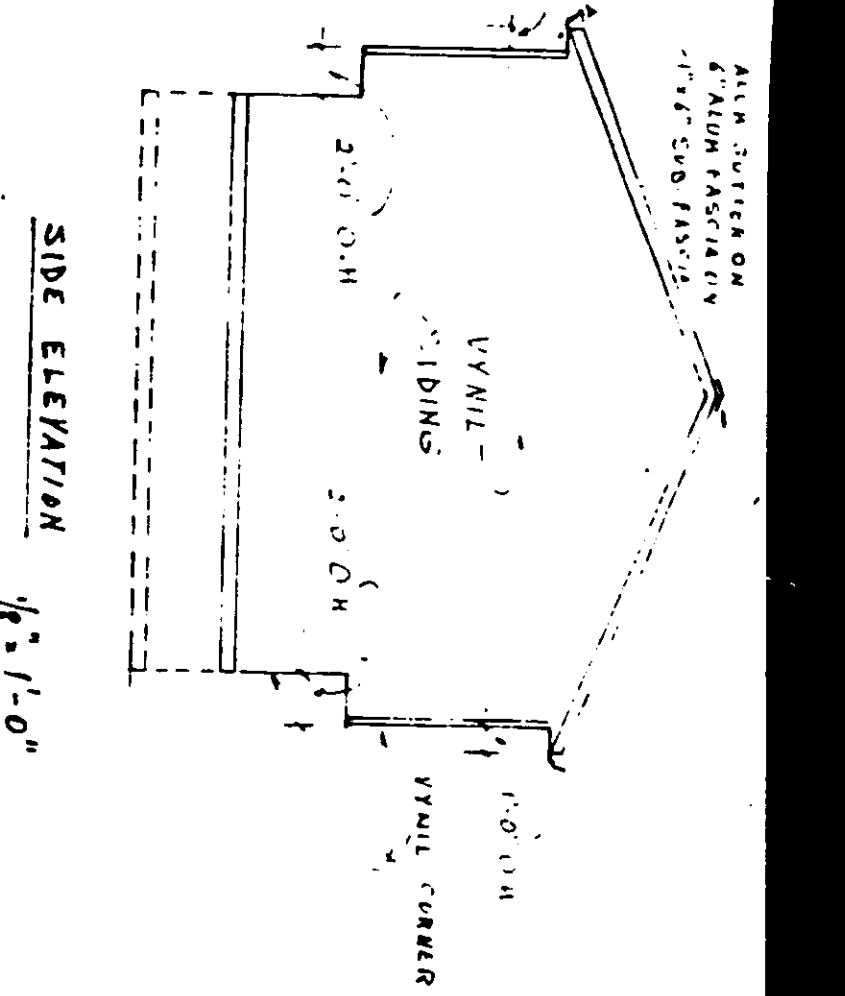
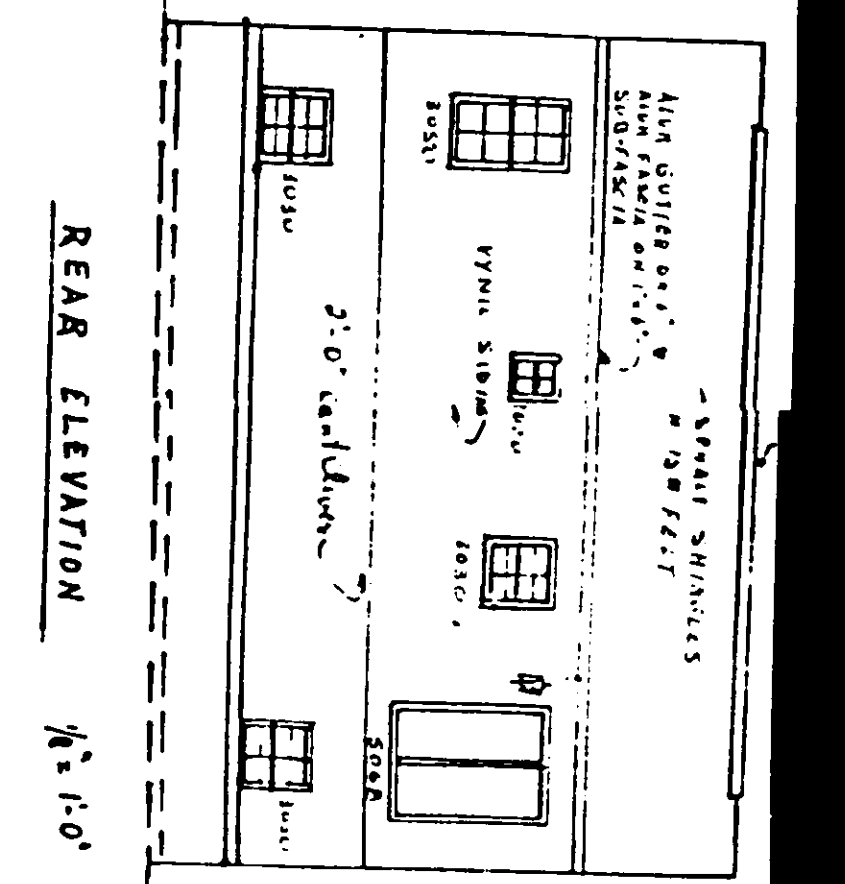
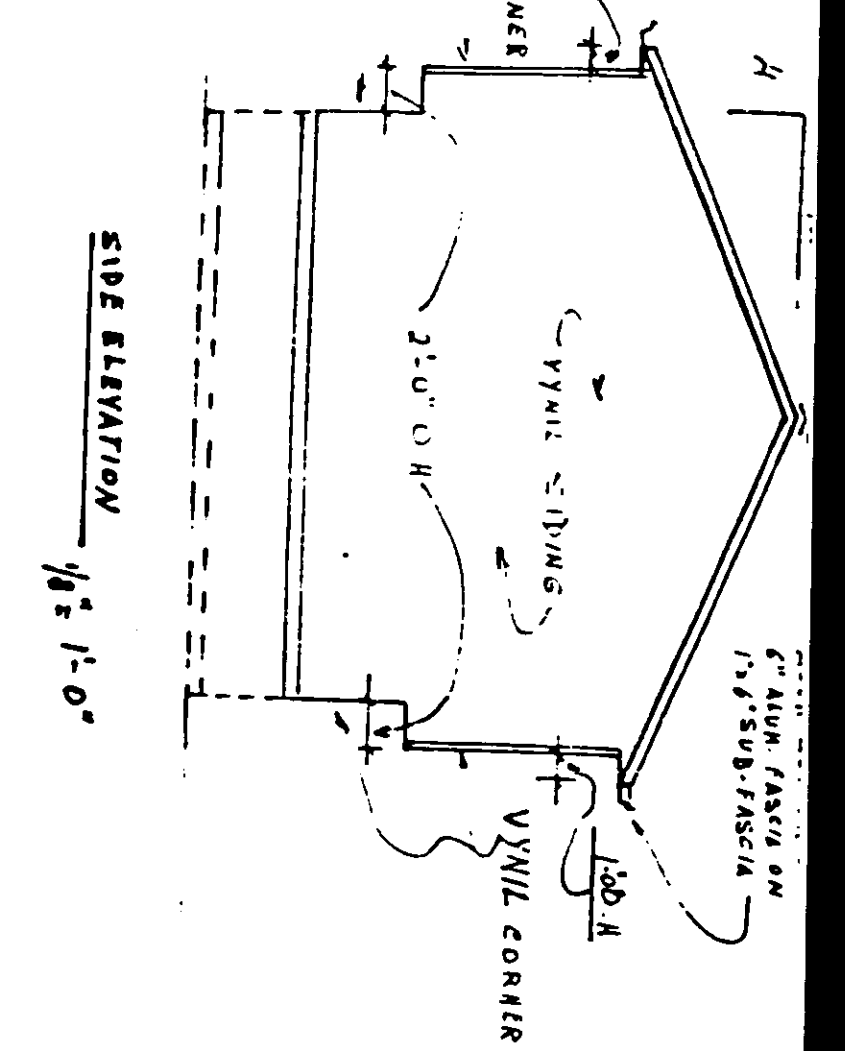
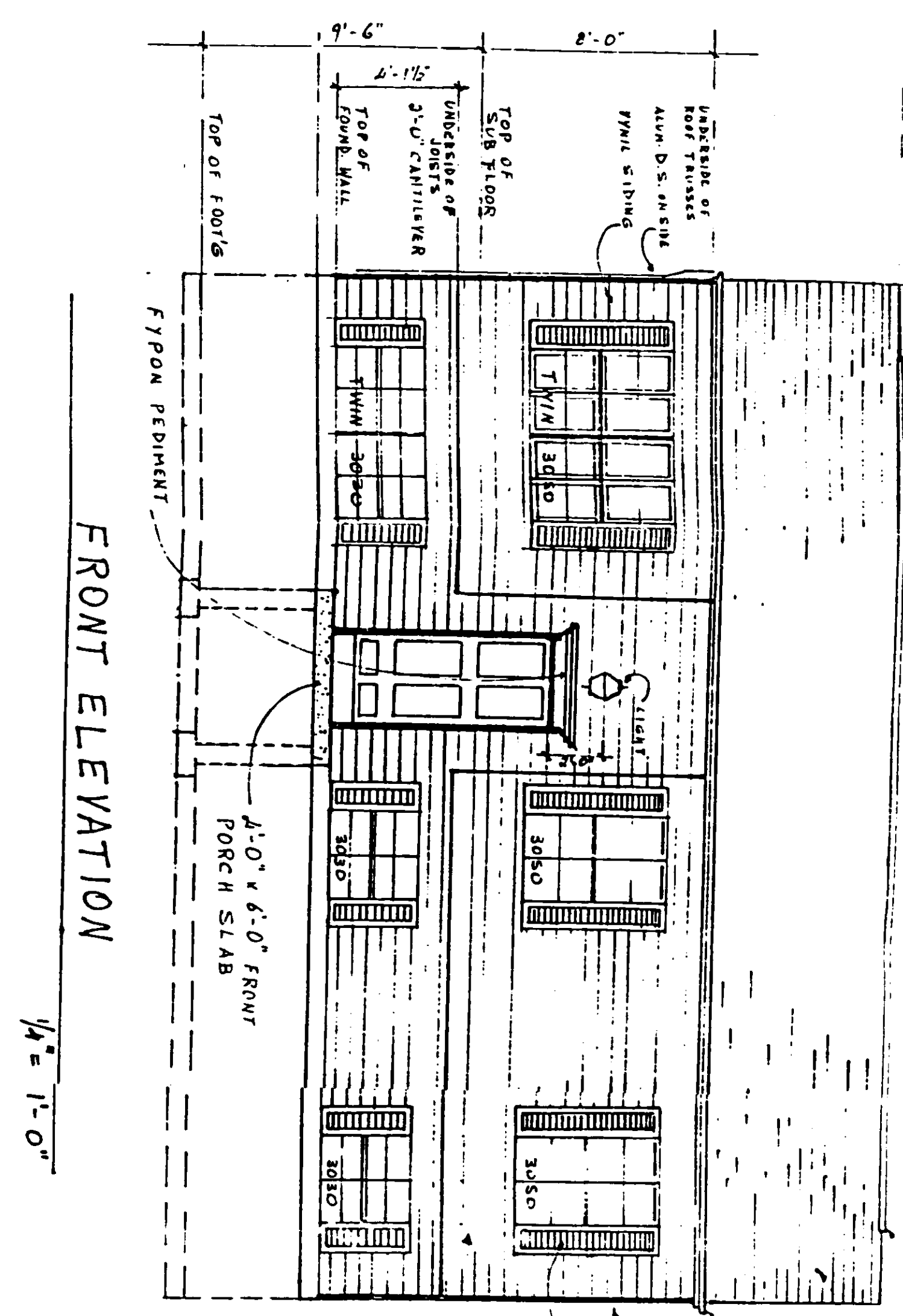
The current petitions were filed after an earlier request to the Development Review Committee (DRC No. 0425413C2) was denied. This earlier request was for a Limited Exemption to change the layout of the existing lots; the applicant was identified as Isaac Gheiler (Contract Purchaser) of 3403 Old Post Drive, Pikesville, MD 21208. The letter of denial (May 5, 1994), signed by Mr. Donald T. Rascoe, stated that the proposed plan "does not meet the Limited Exemption criteria established under Section 26-171(a) nor Section 26-171(b) of the Baltimore County Development Regulations, because the project is not within the character of existing community."

For these same reasons and for those reasons stated below or other reasons which may hereafter be assigned, we object to the granting of the proposed variances.

- Mr. Bunoski, as an attorney and former owner-occupant of 605 Cliveden Road, should be considered to have had constructive notice under the law as to the limitations applicable to the development of undersized single-family lots when he purchased these lots.

94-536-A

MODEL FAIRFAX  
 SIZE 28'-0" x 35'-0"  
 DRAWING ELEVATION  
 DRAWN BY IGM  
 SCALES 1/4" = 1'-0"



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/S Cliveden Rd., 354 ft. & ZONING COMMISSIONER  
304 ft. NW of c/w Milford Mill \*  
Rd. (609 and 607 Cliveden Rd.) \*  
3rd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \*  
Steven L. Bunoski \* Case Nos. 94-535-A & 94-536-A  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner as a combined hearing on Petitions for Variance filed by Steven L. Bunoski. Case No. 94-535-A relates to the property known as 609 Cliveden Road in the Sudbrook Park subdivision of Baltimore County. As filed, the Petition in case No. 94-535-A requested variance relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a 5 ft. side yard setback in lieu of the required 10 ft. Also sought was a variance from Section 304.1.B. and C. of the BCZR for an undersized lot in a D.R.5.5 zone. The Petition for Variance in case No. 94-536-A asked for identical relief but related to an adjacent property known as 607 Cliveden Road. As noted above, they are both owned by Mr. Bunoski and are located within the residential subdivision known as Sudbrook Park.

Appearing at the public hearing held for this case was the property owner, Steven L. Bunoski. Although a member of the Bar, Mr. Bunoski did not represent himself. Rather, he was represented by Leslie Pittler, Esquire. Also appearing on behalf of Mr. Bunoski was Bruce E. Doak, a Registered Professional Surveyor, from Gerhold, Cross and Etzel, and Isaac Eiler, a builder.

Numerous Protestants appeared in opposition to the Petitions. They were represented by Melanie Anson, Esquire. Although the names of all of the Protestants who appeared are too numerous to list, among those who testified were Leonard Frank, Dara Brady, Dan Appleby and Max Levenson.

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By M. Doak

As a preliminary matter, Mr. Bunoski, through counsel, amended his Petitions. Specifically, he deleted the requested variance from Section 1802.3.C.1 of the BCZR in both cases. In so amending the Petition, the Petitioner advised that the required side yard setback distances of 10 ft. would be maintained for both properties. Thus, the case proceeded on the balance of the requested relief.

Testifying on behalf of the Petitioner was Bruce E. Doak. Mr. Doak prepared the site plan which was filed to accompany the Petitions for Variance marked as Petitioner's Exhibit No. 4. That plan clearly depicts the subject properties. As noted above, they are identified as Nos. 607 and 609 Cliveden Road. The lot known as 607 Cliveden Road is .174 acres in area. It is 50.47 ft. wide at its frontage at Cliveden Road and 50 ft. wide at the rear property line. The property's depth ranges from 147.94 ft. on the south side to 155.32 ft. on its north side. Except for its skewed front property line which abuts Cliveden Road, the lot is almost a perfect rectangle. No. 609 Cliveden Road is immediately adjacent. That lot is slightly larger, being .183 acres in area. It is also 50 ft. wide in the rear and 50.47 ft. in the front. It shares a common depth on the one side of 155.32 ft. with No. 607, however, owing to the curvature of the road, the property is 162.7 ft. deep on the north side. Both lots are unimproved. Mr. Doak, who testified as an expert property line and boundary surveyor, testified that he was retained by the property owner to assist him in developing both lots. Mr. Doak indicated that he appeared before the Development Review Committee (D.R.C.) in an effort to obtain development approval for the subject lots. Originally, he proposed gerrymandering the common boundary line between the two lots so as to provide each lot with a 55 ft. width at the front building line envelope. However,

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er, this approach would cause the proposed dwellings to have different front yard setback distances and was rejected by the D.R.C.

Mr. Doak also noted that the regulations for development in a D.R. zone require that an individual lot be 55 ft. wide. The subject properties are both zoned D.R.5.5 and as noted from the dimensions listed above, do not have the necessary width. Thus, the subject Petitions for Zoning Variance were filed. In Mr. Doak's view, a granting of the variance would be appropriate with surrounding uses while allowing the Petitioner the opportunity to develop both lots.

Also testifying was Isaac Eiler, a builder retained by Mr. Bunoski to erect the proposed dwellings on lots 607 and 609. He testified that a 30 ft. wide house could be constructed, so as to observe the 10 ft. side yard setbacks on both sides. He opined that two small houses on these lots would be marketable and consistent with other houses in the area. He testified that both houses would be 1100 to 1200 sq. ft. in area and believes a house of such size would be consistent with other houses in the area.

Also testifying was the property owner, Steven Bunoski. Mr. Bunoski originally owned not only the two subject lots, but another adjacent property known as 605 Cliveden Road. This property is immediately next door to the parcel at 607 Cliveden Road. Moreover, 605 Cliveden Road is improved with a two story wood frame dwelling. Ultimately, however, Mr. Bunoski sold this house to the present property owner, Daniel Appleby.

Mr. Bunoski also submitted a series of deeds which demonstrate the history of the subject properties. As noted above, the subject lots are in the subdivision known as Sudbrook Park. This is a long established residential community which was originally laid out and developed in the 1920s. Through the testimony and evidence offered by Mr. Bunoski, it is

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clear that many of the lots in the community, including the subject properties, were originally laid out on the plat of the subdivision as 50 ft. lots. There is no question that lots 607 and 609 are separate and independent parcels and have been so considered for many years. Mr. Bunoski testified that denial of the variances requested would not allow him to develop the properties for a permitted purpose (i.e., residential) and would cause him a practical difficulty. Although not claiming a financial hardship, Mr. Bunoski testified that he would suffer a unique prejudice if the variance relief was not granted. Quite simply, he believes that since the lots have always been considered two residential lots, he should be able to develop same in that fashion. To deny him this privilege, it was argued, would be tantamount to the taking of rights enjoyed by any property owner to use property for a permitted purpose. Moreover, Mr. Bunoski agreed to implement reasonable conditions and restrictions to the development of these lots, so as to ensure compatibility with the area.

All of the Protestants who testified, namely, Daniel Appleby, Max Levenson, Leonard Frank and Dara Brady were consistent in their uniform opposition to the proposed requests. They believe the construction of two houses on these undersized lots would detrimentally impact the community. Their testimony was that most of the lots in the community are larger and many of the houses are built on double lots. It was also argued that the proposed construction would eliminate open space and crowd the neighborhood. Lastly, it was offered that most of the houses in the immediate vicinity are quite old and the new construction could negatively affect these properties.

The first issue for consideration in deciding this case is the effect of Section 304 of the BCZR. With the amendment of the zoning Petitions by

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the Petitioner, the only request before me is for "A variance from Sections 304.1 B and C for an undersized lot in a D.R.5.5 zone."

Section 304 of the BCZR governs the use of undersized single family lots. It provides a property owner with the right to construct a one family detached or semi-detached dwelling on an undersized lot (i.e., a lot having a substandard area or width at the building line less than that required by the regulations) if the property owner meets three tests. These tests are: (1) that such lots shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955, the date of the first adoption of comprehensive zoning regulations in Baltimore County, (2) That all other requirements of the height and area regulations are complied with, and (3) That the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements. Section 304 is indeed an alternative for a property owner to develop an undersized lot without obtaining variances. It allows development of undersized lots as of right when the three test conditions are met. Thus, the owner of an undersized lot who wishes to develop the property has two alternatives to obtain approval under the BCZR; either demonstrate compliance with Section 304 or obtain a variance pursuant to Section 307 of the BCZR.

The Petitioner argues that he complies with Section 304 in this instance and thus should be allowed to develop his properties at 607 and 609 Cliveden Road by right. It is clear that he, indeed, meets the first test. The subject lots were originally recorded in 1928 when this subdivision was initially plotted out. The copy of the deed submitted as Petitioner's Exhibit No. 2 and recorded among the Land Records of Baltimore County in 1920, clearly demonstrate that these properties are two distinct lots of record. Thus, the Petitioner meets the first test enunciated.

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Moreover, with the amendment of the Petition to delete the request for a reduced side yard setback, the Petitioner complies with the second test. As noted above, this test requires that all other height and area regulations of the BCZR are complied with. It is worth noting that in order to satisfy this test, the property owner cannot request a variance from any setback, height or other distance requirement. The language of this second test is clear. The distance, area or height requirement must be complied with in order for the Petitioner to meet this criteria. The mere request for a variance from the height, setback or other required distance, would mean that a property owner does not comply with this section. Clearly, compliance with height and area regulations as envisioned under this test does equate to variance approval from those sections but, strict adherence to the distance, area or height requirements.

Having satisfied the above two tests, attention is next turned to the third test. This test requires that the property owner not own sufficient adjoining land to conform to the width and area requirements contained in the regulations. Unfortunately, for the Petitioner in this case, it is clear that Mr. Bunoski does not satisfy this prong. The clear wording of this test certainly applies to the situation here. If a property owner owns adjoining lots to an undersized property, it is entirely appropriate and practical for the lots to be combined in a manner so as to comply with the area and lot width requirements contained in the BCZR. In this case, Mr. Bunoski can surely combine his two lots so as to create one lot which meets all area and distance requirements for development in a D.R.5.5 zone. Having this ability, he therefore does not meet the test enunciated in Section 304.C.

Notwithstanding this obvious result, he argues that each lot must be adjudged individually. That is, his holdings at 609 Cliveden Road cannot

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be considered when applying the test to 607. The Petitioner argues that the section was only enacted to prevent holders of a significant number of lots from obtaining relief.

Such an argument is contrary to the plain meaning of the words used in the statute. If such thinking were adopted, the test in Section 304.C would be of no practical effect. A property holder of any number of lots could claim that each must be evaluated only within the context of the four corners of the given property. The test specifically requires examination of adjoining land.

Moreover, this result is entirely consistent with the Zoning Commissioner's policy manual which discusses the application of Section 304. Although the policy stated does not deal directly with this issue, it discusses a property owner checkerboarding his property by divesting himself of certain lots so as to obtain relief under Section 304. It was clearly the intent of the County Council in enacting Section 304 to prohibit the result which Mr. Bunoski's argument would bring about.

Having determined that the Petitioner does not comply with Section 304 of the BCZR, it is clear that he is not entitled to develop as of right pursuant to that section. Thus, although the language of the Petition is improper, it is clear that the case must be considered within the context of a variance from Section 1802.3.C. of the BCZR which requires a minimum lot width of 55 ft. That is, not having the ability to develop as of right on these undersized lots, the Petitioner must obtain a variance pursuant to the authority conferred under Section 307 of the regulations from the 55 ft. lot width requirement.

As is well settled, Section 307 of the regulations sets forth a three pronged test which the Petitioner must meet in order to obtain variance relief. First, it must be shown that the Petitioner would suffer practi-

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cal difficulty if the variance were denied. Secondly, relief can only be granted if same is within the spirit and intent of the zoning regulations. Lastly, relief can be approved only if same will not be detrimental to the surrounding locale.

The Petitioner agreed that the economic profitability of his development endeavors is not germane to the practical difficulty burden. It is indeed well settled that economic viability would not justify the finding of practical difficulty. However, Mr. Bunoski argues that the practical difficulty which he will sustain is not related to economic gain or loss. Rather, he contends that a denial of the variances would be nearly tantamount to a taking of the property by the State. He argues that these lots were originally each laid out as residential properties and that a denial of his ability to develop each one for that purpose is improper.

I disagree. Carried to its extreme, Mr. Bunoski's argument would be that any zoning regulation which limits or in any manner conditions or restricts the use of property is tantamount to a taking. If Mr. Bunoski owned but one lot, his argument may have merit. In that case, clearly, he would have a property which could not be used for an express purpose (residential development) for which it was zoned. However, that is not the case here. Particularly owing to the fact that he owns two lots, he may develop them jointly for a residential purpose. In my view, the Petitioner fails to satisfy the stringent requirements of practical difficulty.

I also observe that I believe that a grant of the variances for these lots would detrimentally affect the surrounding locale. It is clear that the Sudbrook Park community is a diverse community of house styles and properties. Mr. Bunoski is indeed correct that there are houses in the immediate vicinity on 50 ft. lots. As such, the construction which he has proposed is not entirely out of character with the community.

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