

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Office of physician (ophthalmologist) in residence at 1012 Dulany Valley Road

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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.

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

Contract Purchaser:

N/A

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Michael Gisriel, Esquire

(Type or Print Name)

Signature

Address

City and State

204 N. Liberty Street, Suite 400

Baltimore, MD 21201

City and State

Attorney's Telephone No.: (301) 539-0513

Address

Baltimore, MD 21201

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 23rd day of July, 1985, at 2:30 o'clock P.M.

Count on the 23rd day of July, 1985, at 2:30 o'clock P.M.

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: July 11, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-35-X

This office is not opposed to the granting of a special exception for a doctor's office at this location in conformance with the applicable regulations. If granted, it is requested that landscaping for screening of the parking area be required.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:alm

MICROFILMED

FREE-SAMPLE DEED-CODE-City or County

This Deed, Made this Fifteenth day of January in the year one thousand nine hundred and eighty-five, by and between FRIEDA G. SCHAEFER

of Baltimore County in the State of Maryland, of the first part, and JOHN A. KIELY and MARY KIELY, his wife of the second part.

Witnesseth, That in consideration of the sum of One Hundred Eighty Thousand Dollars (\$180,000.00), the receipt of which is hereby acknowledged, the said party of the first part

do es grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives,

heirs and assigns, in fee simple, all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:-

BEING KNOWN AND DESIGNATED as Lot No. 6, Block 4, as shown on Plat No. 1 of Dulany Manor, recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 17, folio 16. The improvements thereon being known as No. 1012 Dulany Valley Road.

BEING THE same lot of ground which by Deed dated December 27, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2847 folio 337, was granted and conveyed by Beatrice E. Debring and Paul J. Debring her husband, to Alfred A. Arnold and Phyllis L. Arnold, his wife. The said Phyllis L. Arnold departed this life on or about 31, day October, 1964 thereby vesting title in the said Alfred A. Arnold absolutely.

BEING ALSO the same lot of ground which by Deed dated 3-31-65, recorded among the Land Records of Baltimore County in Liber PRG 4441 folio 191 was granted and conveyed by Alfred A. Arnold unto Albert P. Schaefer and Frieda G. Schaefer, his wife. The said Albert P. Schaefer departed this life on or about May 21, 1977, thereby vesting title in the said Frieda G. Schaefer absolutely.

STATE OF MARYLAND
ASSOCIATE CLERK
DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE

8 8157***288000** 5184A

MICROFILMED



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
March 12, 1986

Michael Gisriel, Esquire
204 N. Liberty Street
Suite 400
Baltimore, MD 21201

Re: Case No. 86-35-X
Dr. John A. Kiely, et ux

Dear Mr. Gisriel:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith H. Eisenhart,
Adm. Secretary

Enclosure

cc: Dr. John A. Kiely, et ux
Mr. Norbert Falter
Mr. J. Marshall Jones, Jr.
Charles H. Strickroth, C.E.O.
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean H. R. Jung
James E. Dyer

MICROFILMED

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns and the survivor of them, and the survivor's personal representatives.

heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor

TEST:

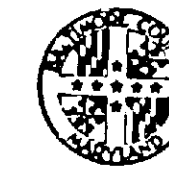
Frieda G. Schaefer (SEAL)
Frieda G. Schaefer (SEAL)

STATE OF MARYLAND, Baltimore City, to wit:
I HEREBY CERTIFY, That on this Fifteenth day of January in the year one thousand nine hundred and eighty-five, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared FRIEDA G. SCHAEFER

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

As Witness my hand and Notarial Seal
My Commission expires 7-1-86
For: Oliver M. Kahline, Jr., Clerk
Mail to: [Signature]
Receipt to: [Signature]

MICROFILMED



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
November 15, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-35-X

DR. JOHN A. KIELY, ET UX

SW corner of Dulany Valley and Swarthmore Roads (1012 Dulany Valley Rd.)

9th District

SE-Office of physician in residence

5/28/85 - D.Z.C.'s Order-DENIED

WEDNESDAY, FEBRUARY 26, 1985, at 10 a.m.

Counsel for Petitioner

ASSIGNED FOR:

cc: Michael Gisriel, Esq.

Dr. John Kiely and Mary Kiely

Mr. Norbert Falter

Mr. J. Marshall Jones, Jr.

Charles H. Strickroth, C.E.O.

Gertrude R. Jones

Phyllis C. Friedman

Norman Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

People's Counsel

Protestant

June Holmen, Secretary

DR. JOHN A. KIELY - #86-35-X

2.

only his wife (a registered nurse) as his assistant, no scheduled office hours nor any sign indicating this use other than the sign permitted by Baltimore County regulations and that no other commercial use will be conducted from these premises. He also testified that his address is 1012 Dulany Valley Road, that 1006 Dulany Valley Road is used as a full time dental office and that 1018 Dulany Valley Road is zoned R-O and is used in its entirety as a medical facility. He also submitted comments from various Baltimore County departments indicating no opposition to this request. Upon completion of his testimony, Petitioner rested his case.

Protestants presented three witnesses in opposition to the granting of this special exception. Mrs. Gertrude Jones, 1016 Dulany Valley Road first testified. Mrs. Jones stated that her residence is next-door to 1018 Dulany Valley Road, the building owned and operated full time as a medical facility. She stated that she had no objections to this use since ample off-street parking was provided but that she generally objected to any use that would increase the traffic problem already existing in this area. Mrs. Josephine Falter, 1014 Dulany Valley Road also was concerned about the traffic situation and particularly objected to any use that could possibly increase the parking problem on Swarthmore Road.

Michael Flarigan, Associate Traffic Engineer for Baltimore County, testified that this site must provide off-street parking to gain his

MICROFILMED

DR. JOHN A. KIELY - #86-35-X

3.

department's approval. He further noted that the proposed parking area must conform to all Baltimore County standards. This testimony completed the hearing.

After consideration of all the testimony and evidence presented, the Board is of the opinion that all the requirements of §502.1 of the Baltimore County Zoning Regulations have been met. Therefore, the special exception should be granted and will so order. The proposal meets all area requirements, is not out of character with other uses already existing in close proximity, will not drastically alter the outward appearance of the residence and with reasonable restrictions will create no detriment to the health, safety and welfare of the neighborhood.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1986, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That paved off-street parking for the required number of spaces be provided in compliance with all Baltimore County regulations, and that screening for this parking area be provided to shield neighboring residences from its view as deemed necessary by Baltimore County authorities.

DR. JOHN A. KIELY - #86-35-X

4.

2. That only one person other than the doctor be employed in this satellite office.
3. That no sign be permitted advertising office hours or office days other than the one sign permitted as a right by Baltimore County regulations.
4. That no use, other than a satellite office use by a resident Ophthalmologist be permitted by this special exception.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Patricia Phipps
Patricia Phipps



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 27, 1985

Mr. Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION
SW corner of Dulany Valley
and Swarthmore Roads
(1012 Dulany Valley Road)
9th Election District
Dr. John A. Kiely, et ux,
Petitioners
Case No. 86-35-X

Dear Mr. Gisriel:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M. H. JUNG
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Mr. Norbert Falter
1014 Dulany Valley Road
Towson, Maryland 21204

Mr. J. Marshall Jones, Jr.
1016 Dulany Valley Road
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SW corner of Dulany Valley
and Swarthmore Roads
(1012 Dulany Valley Road)
9th Election District

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Dr. John A. Kiely, et ux,

Case No. 86-35-X

Petitioners

The Petitioners herein request a special exception for an office of a physician (ophthalmologist) in a residence.

Testimony by and on behalf of the Petitioners indicated that the subject property, located on the west side of Dulany Valley Road between the Beltway and Fairmount Avenue, is improved with a two story residence and is one of a number of large single family homes along that strip. The resident ophthalmologist proposes to utilize 486 square feet located in the existing breezeway and garage as a satellite office for an average of ten hours per week; never on a full time basis. The house contains 2,876 square feet excluding the basement. He would be the only practicing professional, generally using the services of his wife as the secretary/receptionist, but requesting permission to employ one non-resident, non-professional. A 456 square foot asphalt parking pad is available for family, employee and patient parking. The adjacent Swarthmore Road has been closed just west of the site. The Petitioner was aware that the site was an issue during the 1984 Comprehensive Rezoning process, that the Planning Board recommended denial of the request and that the former zoning was retained. He knew the zoning designation on the property prior to purchase and did not have a zoning contingency clause placed on the purchase contract. He spoke of an increasing traffic flow on Dulany Valley Road and increasing pressure to intensify zoning within the strip of residences.

Two immediate neighbors testified in protest. One home, #1006, in the row of houses on the west side of Dulany Valley Road from the Beltway to Fairmount,

ORDER RECEIVED FOR FILING
August 28, 1985
DATE *Beth A. Hackett*
BY

has been a dentist office for over twenty-five years. The 1984 Comprehensive Zoning process granted R.O. zoning to #1018 for a Class A office building for a psychiatrist, however, a stop-work order was issued on July 19, 1985 for the project to be reviewed. The ten or so single family dwellings on this section of the west side of Dulany Valley Road are in a unique area, utilized and maintained as fine quality single family dwellings although traffic is heavy on Dulany Valley Road. Most of the residents have occupied their homes in this quiet neighborhood from eighteen to thirty years. Dulany Towers was denied access to Swarthmore Road because of Dulany Valley Road traffic.

All parties stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

After due consideration of all the evidence and testimony presented, a visit to the area, and a careful perusal of the zoning map of the area and general planning documents, in the opinion of the Deputy Zoning Commissioner the residence in question is a part of a fine, long-standing residential community where there has been no indication that the Baltimore County Planning Department, Planning Board or County Council wish to convert the houses to offices by R.O. or other office zoning. The one existing dentist office at #1006 has been a part of the home at least twenty-five years; the house at #1018 is very close to the Beltway and receives a great deal of noise, fumes and dirt from the Beltway, factors that would be quite undesirable for a residence. The other houses have been and continue to be viable as beautiful, pleasant family dwellings. The Deputy Zoning Commissioner, informed during the hearing of requested zoning changes prior to the 1984 zoning map, is not so naive as to believe that pressure will not be exerted in the future to permit more offices among this group of homes. In the opinion of the Deputy Zoning Commissioner, to grant a special exception for an office of a physician (ophthalmologist) in a residence

in this unique situation would be contrary to the character of the neighborhood, would be extremely detrimental to the general welfare of the immediate neighbors, the owners and residents of the entire row of homes and indeed to the citizens of Baltimore County, would be contrary to good planning principles for land use in that neighborhood in today's circumstances and would cause undue pressure for untimely zoning changes in the future.

Pursuant to the advertisement, posting of property, and public hearing on the petition, and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations not having been met, as well as the health, safety and general welfare of the community being adversely affected, the special exception should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 28th day of August, 1985, that the Petition for Special Exception for an office of a physician (ophthalmologist) in a residence is hereby DENIED.

JEAN M. H. JUNG
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL EXCEPTION 9th Election District

LOCATION: Southwest corner of Dulany Valley Road and Swarthmore Road (1012 Dulany Valley Road)

DATE AND TIME: Tuesday, July 23, 1985 at 2:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for office of physician (Ophthalmologist) in residence at 1012 Dulany Valley Road.

Being the property of Dr. John A. Kiely, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

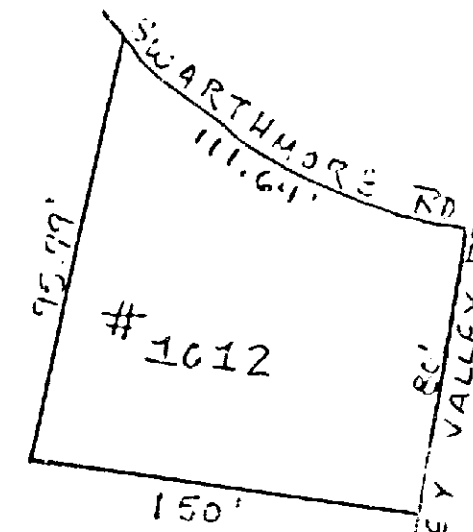
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LEGAL DESCRIPTION for 1012 DULANY VALLEY ROAD

The subject property is, in fee simple, consisting of all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland and described as follows:

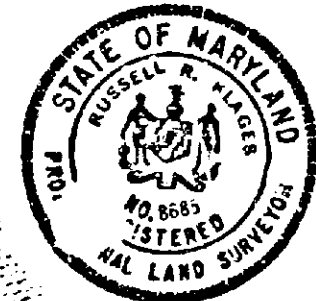
BEGINNING for the same on the southwest corner formed by the intersection of Swarthmore Road and Dulany Valley Road and being known and designated as Lot No. 6, Block 4, as shown on Plat No. 1 of Dulany Manor, recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 17, folio 16. The improvements thereon being known as No. 1012 Dulany Valley Road.

BEING the same lot of ground which by Deed dated January 15, 1985 and recorded in the Land Records of Baltimore County in Liber E.H.K. No. 6851, folio 448, was granted and conveyed by Freda G. Schaefer to John A. Kiely and Mary Kiely, his wife.



Map	Block	Parcel
M.C.	4	6
M.C.	4	6
M.C.	4	6

District	Property Number
09	0419
Deed	17



ORDER RECEIVED FOR FILING
August 28, 1985
DATE *Beth A. Hackett*
BY

ORDER RECEIVED FOR FILING
August 28, 1985
DATE *Beth A. Hackett*
BY

ADMINISTRATIVE ASSISTANT

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW Corner of Dulany Valley Rd.
and Swarthmore Rd. (1012 Dulany
Valley Rd.), 9th District OF BALTIMORE COUNTY

DR. JOHN A. KIELY, et ux,
Petitioners Case No. 86-35-X

ENTRY OF APPEARANCE

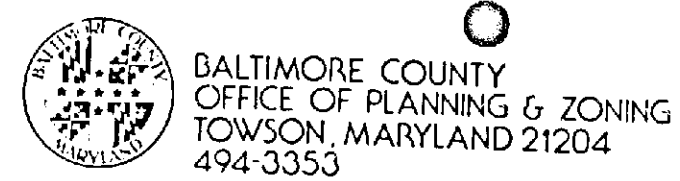
Please enter the appearance of the People's Counsel in the
above-captioned matter. Notices should be sent of any hearing dates or
other proceedings in this matter and of the passage of any preliminary
or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy
of the foregoing Entry of Appearance was mailed to Michael Gisriel,
Esquire, 204 N. Liberty St., Suite 400, Baltimore, MD 21201, Attorney
for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

RE: Petition for Special Exception
SW corner of Dulany Valley Rd. and
Swarthmore Rd. (1012 Dulany Valley Rd.)
9th Election District
Dr. John A. Kiely, et ux, Petitioner
Case No. 86-35-X

Dear Mr. Gisriel,

This is to advise you that \$ 70.70 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
County Office Building,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 006344

DATE: 7/17/85 ACCOUNT: 1000000000
AMOUNT: \$ 70.70

RECEIVED FROM: *Arnold Jablon*

FOR: *Michael Gisriel*

VALIDATION OR SIGNATURE OF CASHIER

Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
SW corner of Dulany Valley Rd. and
Swarthmore Rd. (1012 Dulany Valley Rd.)
9th Election District
Dr. John A. Kiely, et ux, Petitioners
Case No. 86-35-X

TIME: 2:30 p.m.

DATE: Tuesday, July 23, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007450

DATE: 7/23/85 ACCOUNT: 1000000000
AMOUNT: \$ 100.00

RECEIVED FROM: *Michael Gisriel*

FOR: *Michael Gisriel*

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
July 15, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS:
Bureau of Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

RE: Item No. 336 - Case No. 86-35-X
Petitioners - Dr. John A. Kiely, et ux
Special Exception Petition

Dear Mr. Gisriel:

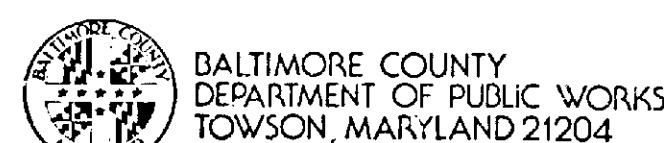
The Zoning Plans Advisory Committee has reviewed the plans sub-
mitted with the above referenced petition. The following comments
are not intended to indicate the appropriateness of the zoning action
requested, but to assure that all parties are made aware of plans or
problems with regard to the development plans that may have a bearing
on this case. The Director of Planning may file a written report with
the Zoning Commissioner with recommendations as to the suitability of
the requested zoning.

Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are received,
I will forward them to you. Otherwise, any comment that is not
informative will be placed in the hearing file. This petition was
accepted for filing on the date of the enclosed filing certificate and a
hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

Enclosures



HARRY J. PISTEL, P.E.
DIRECTOR

August 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Items #326-#330 & #332-#336 &
#339 (1984-1985)
Various Locations
Zoning Advisory Committee
Meeting of May 14, 1985

Dear Mr. Jablon:

The following comments are furnished in regard to the plans
submitted to this office for review by the Zoning Advisory Committee
in connection with the subject items.

GENERAL COMMENTS:

Since no public facilities are involved with any of the above
referenced petitions, this office has no comment at this time.
However, at such time that the various applicants file for building
permits, the Bureau of Public Services will comment on the existence
and availability of public facilities to support any construction.

Very truly yours,

James A. Markle
James A. Markle, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: file



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

May 23, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Att: N. Commodari

Re: Property Owner: 336
Dr. John A. Kiely, et ux
Location: S/W corner
Dulany Valley Rd and
Swarthmore Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special
Exception for a Dr's
office while the legal
owners also reside in
another part of the prop-
erty.
Acres: 80/95.79 x 116.
64/150
DISTRICT: 9th Election

Dear Mr. Commodari:

On review of the submittal of 2/1/85, showing all
access to the site by way of Swarthmore Road, the State
Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

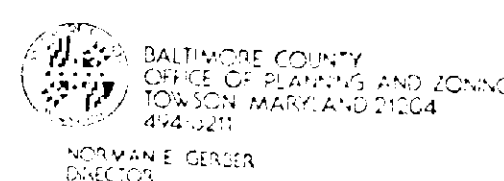
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 107 North Convent St., Baltimore, Maryland 21203 - 0717



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 3, 1985

Re: Zoning Advisory Meeting of MAY 14, 1985
Item # 336 Dr. John A. Kiely, et ux
Property Owner:
Location: SW CORNER DULANEY VALLEY RD.
& SWARTHMORE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be
forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior
to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited
under the provisions of Section 20-38 of the Development
Regulations.
- ☒ Development of this site may constitute a potential conflict with
the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board
on 11/15/84.
- ☒ The property is located in a deficient service area as defined by
Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is:
- ☒ The property is located in a deficient area controlled by a "D" level
intersection as defined by Bill 173-79, and as conditions change
traffic capacity may become more limited. The Basic Services Areas
are re-evaluated annually by the County Council.
- ☒ Additional comments:

cc: James Howell

Eugene A. Sober
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

May 20, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 336 ZAC-Meeting of May 14, 1985
Property Owner: Dr. John A. Kiely, et ux
Location: S/W Corner Dulany Valley Road and Swarthmore Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special exception for a Doctor's office while the
legal owners also reside in another part of the property.

Acres: 80/95.79 X 116.64/150
District: 9th

Dear Mr. Jablon:

County standards.

The site should have on-site parking that meets

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

TOWSON, MD., July 4, 1985

THE JEFFERSONIAN,

Cost of Advertising
24.75

**PETITION FOR SPECIAL
EXEMPTION**
90 Eastern District

LOCATION: Southeast corner of
Dulaney Road and Valley Road,
Baltimore, MD 21224

DATES AND TIME: Tuesday, July
23, 1985 at 2:30 p.m.

PUBLIC HEARING ROOM: Room 101
City Hall, 111 W.
Chesapeake Avenue, Towson
Maryland

The Zoning Commissioner of Baltimore County, acting by authority of the Board of Planning and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exemption for office of physician (Ophthalmologist) located at the above address.

Reading of the petition of Dr. John A. Knepp, Jr., before the Public Hearing Room by authority of the petitioner with the Zoning Office.

That pursuant to the Petition being granted, a building permit may be issued within the thirty (30) day period after the date of the public hearing; however, contrary to what appears on a map of the subject premises, the proposed use is not for good cause because such request must be reviewed and approved by the Board of Planning and Regulations above and not held at the hearing.

By Order Of:
ARNOLD J. FARLOW,
Zoning Commissioner
Baltimore County

July 4,

Case No. 86-35-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
18th day of June, 1985.


ARNOLD JABLON
Zoning Commissioner

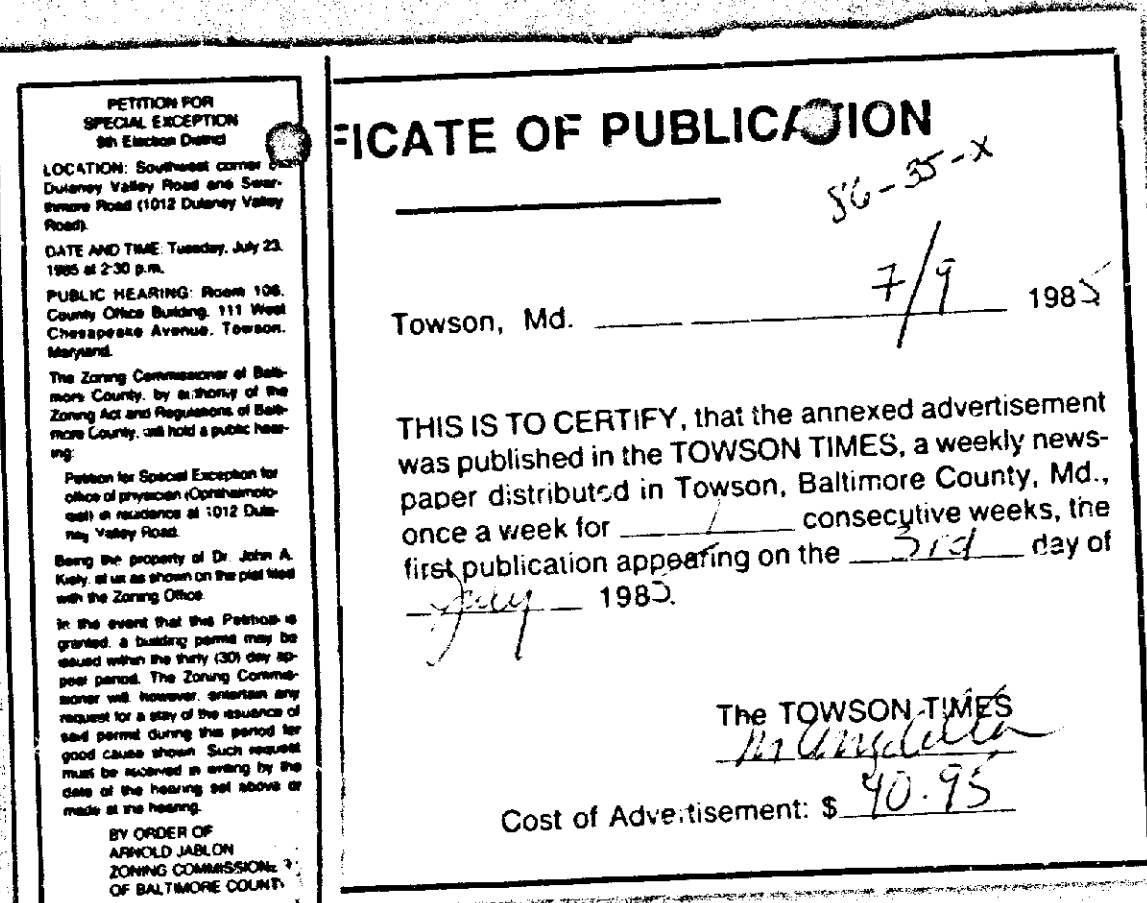
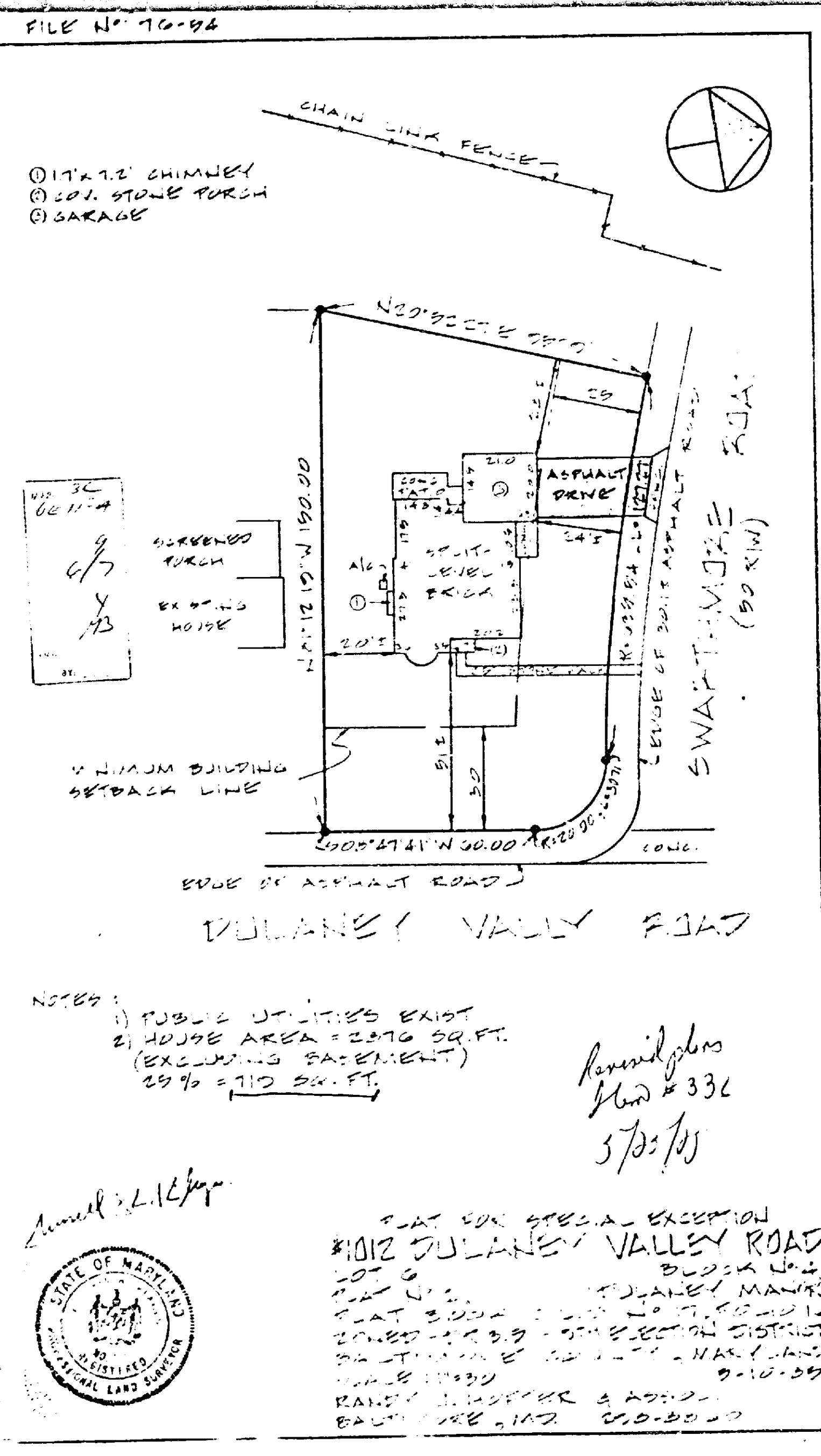
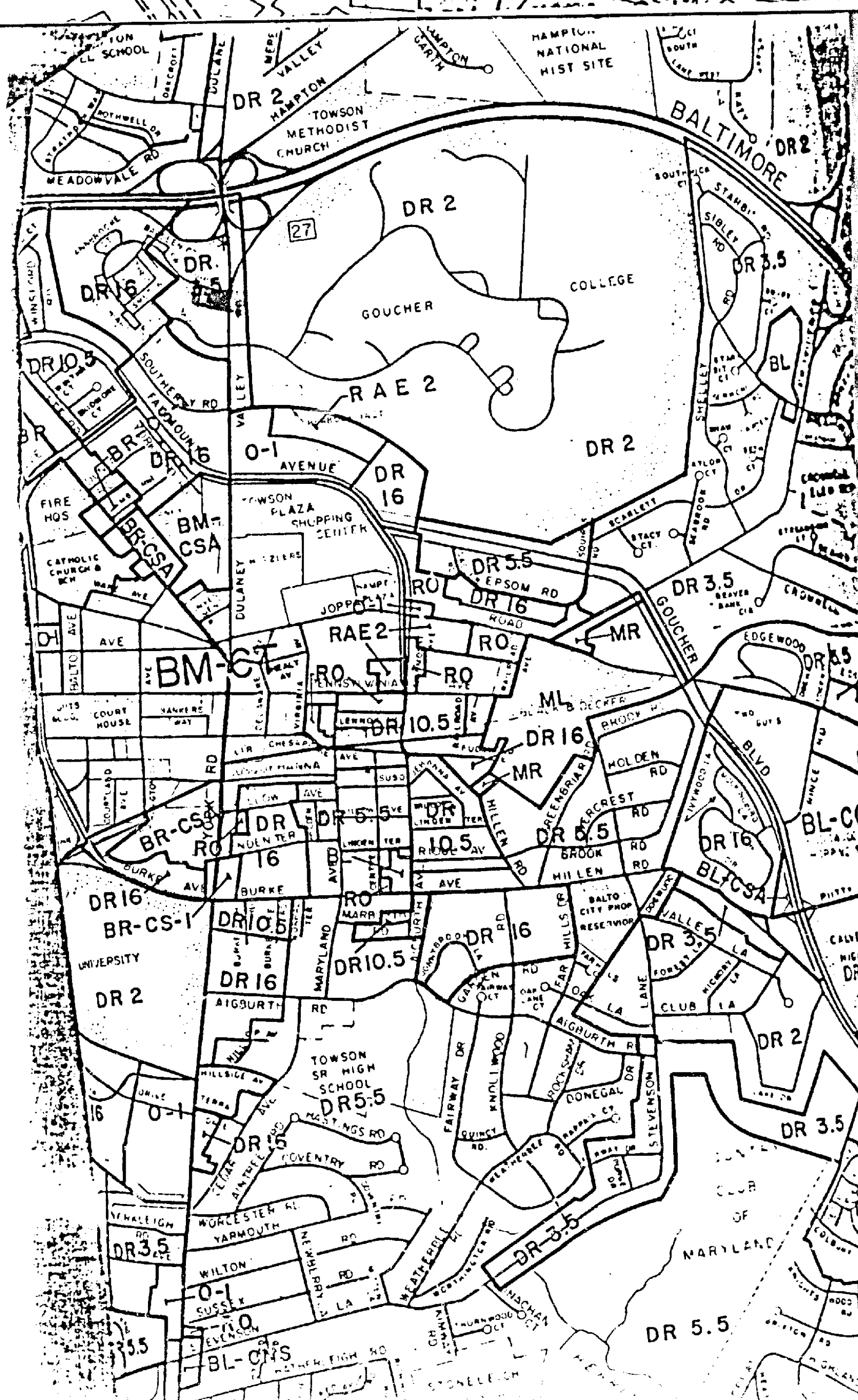
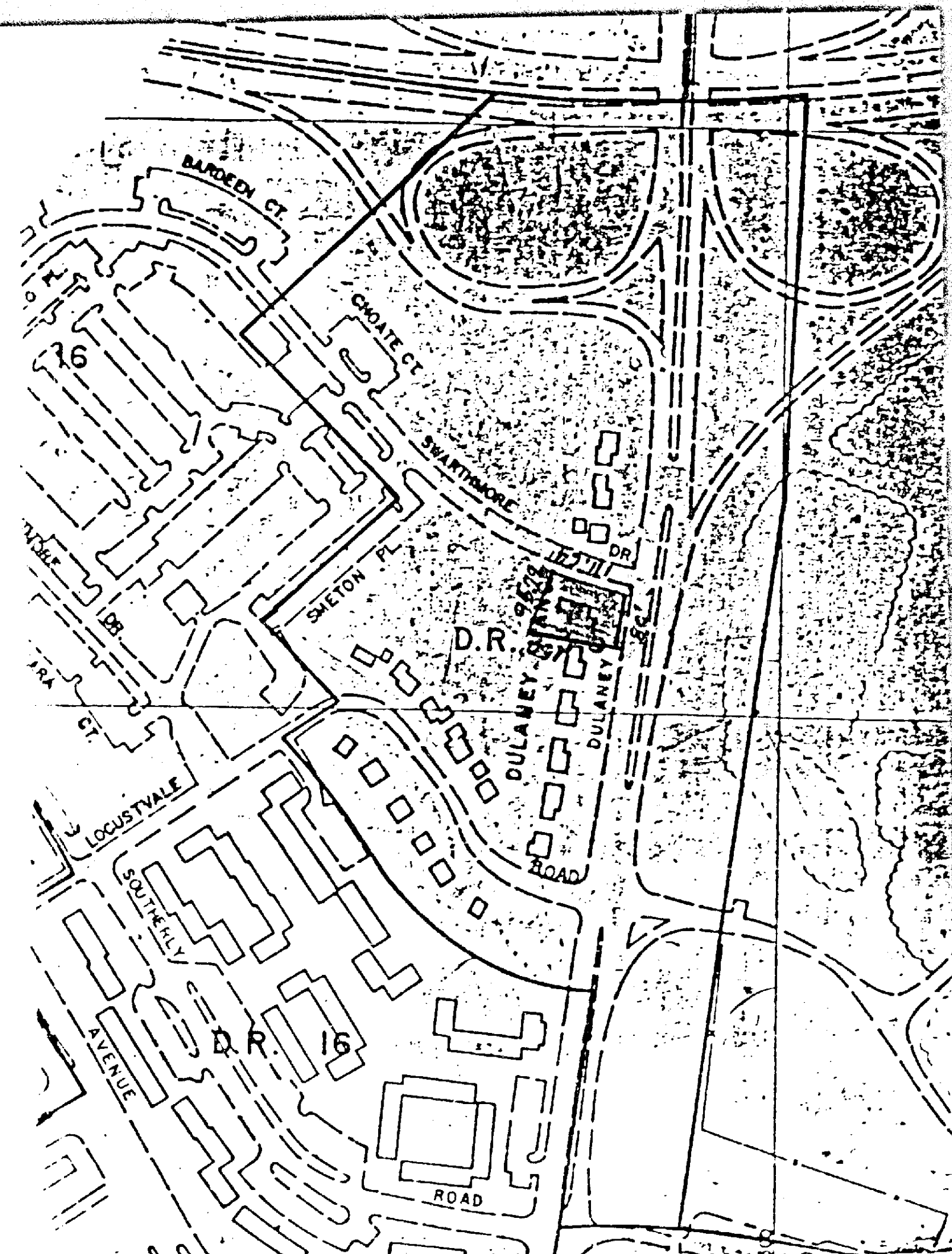
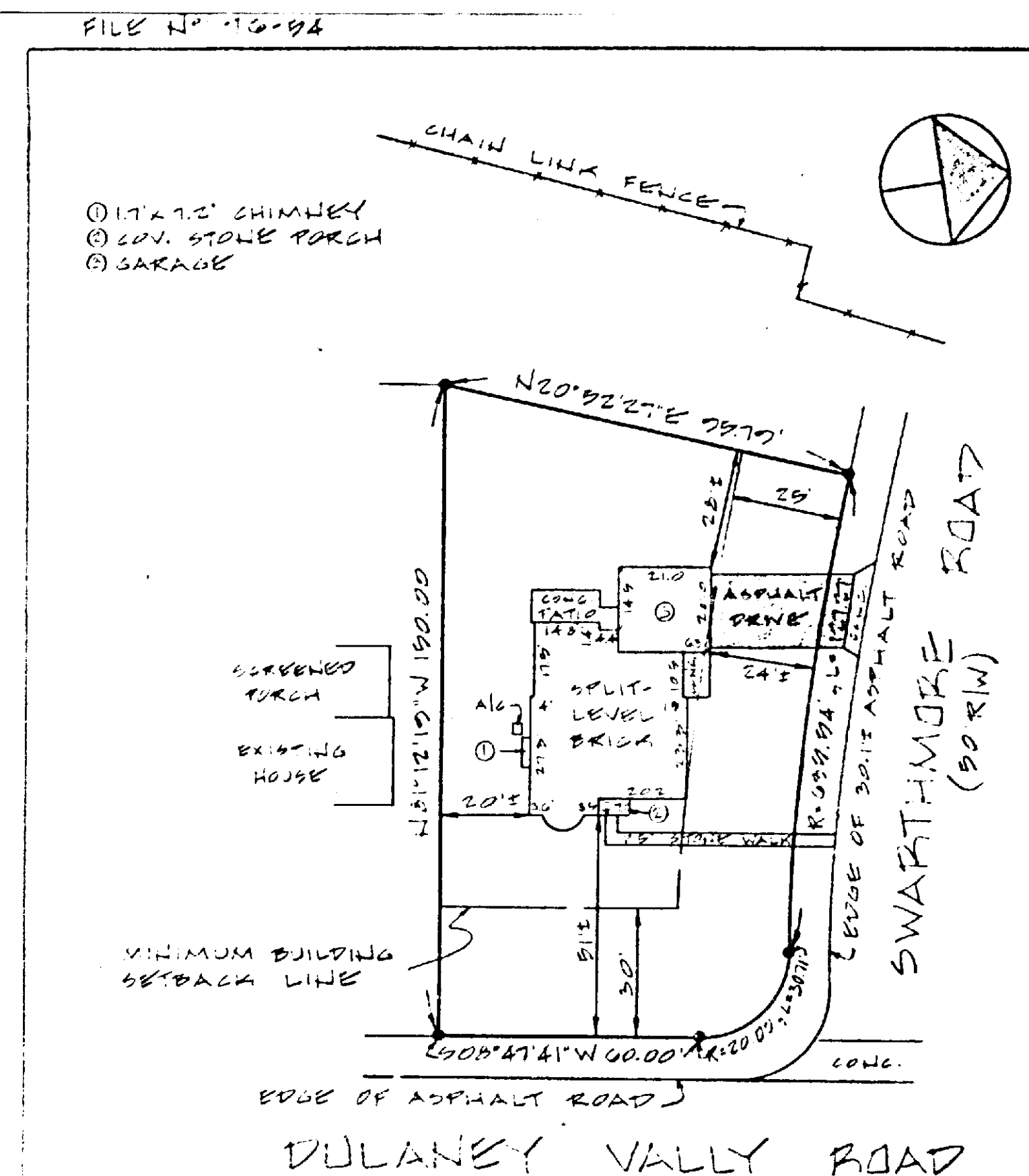
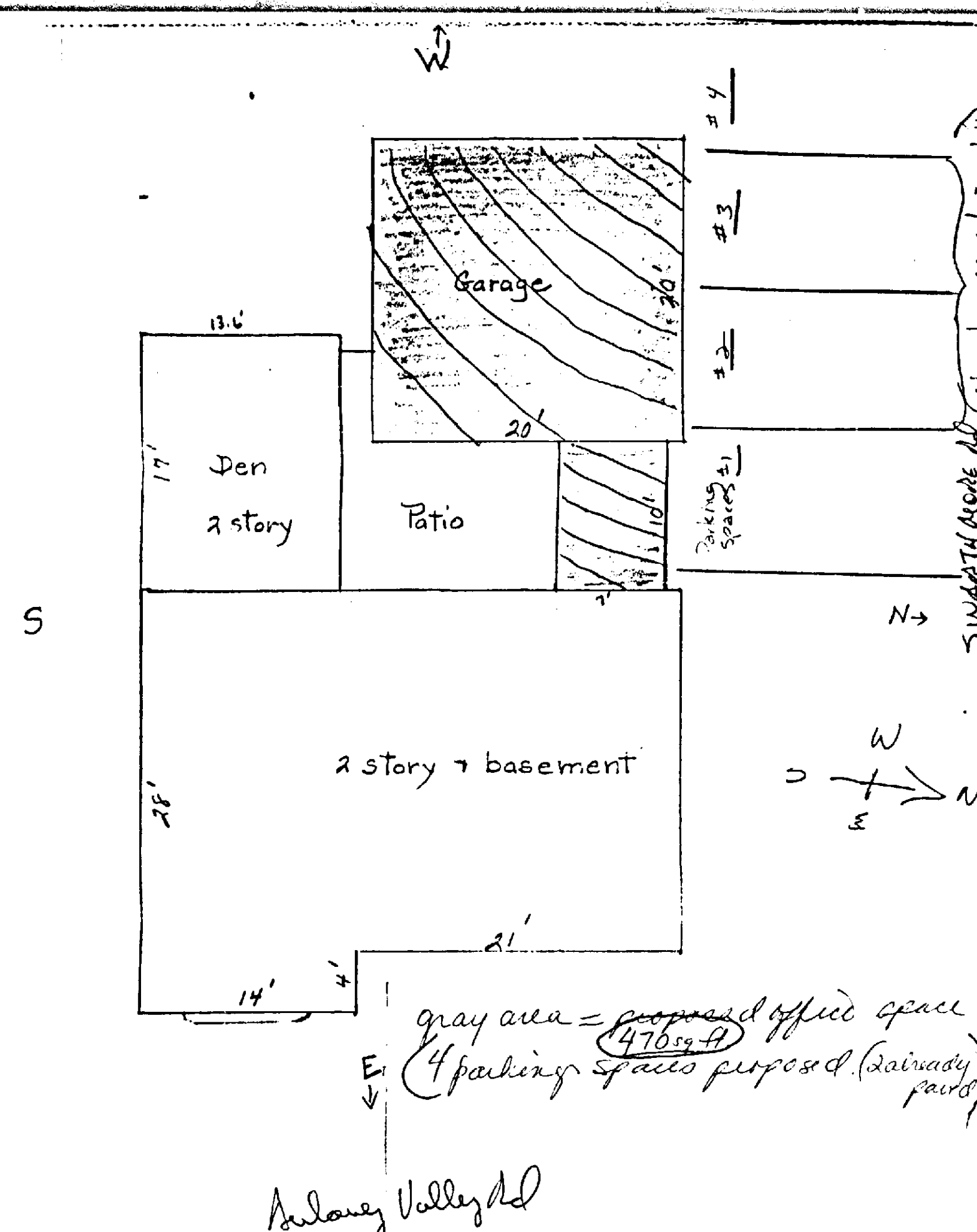
Petitioner Dr. John A. Kiely, et ux
 Petitioner's
 Attorney Michael Gisriel, Esquire

86-35-X

District: 874 Date of Posting: 7/5/85
 Posted for: Special Election
 Petitioner: Dr. John B. Kiehl, et al.
 Location of property: Dulany Valley Rd. & 5th Worthmore Rd.
1012 Dulany Valley Rd.
 Location of Signs: Swing Dulany Valley Rd. across E. 5th Worthmore + across
W. 5th Worthmore + 5th Worthmore Rd. are property of Dr. John B. Kiehl
 Remarks:
 Posted by: Bill Thayer Date of return: 7/5/85
Sherrill
 Number of Signs: 1

94-258

District: 074 Date of Posting: 9/30/75
 Posted for: A. Reed
 Petitioner: Dr. John H. Kiehl, et al.
 Location of property: Bellevue, Culinary & Sanitation Bldg.
2012 Bellevue Valley Rd.
 Location of Sign: Bellevue Valley Rd. between 2nd & 3rd
2094 Way on property of Bellevue
 Remarks:
 Posted by: M. H. H. H. Date of return: 10/1/75
 Number of Signs: 1 Signature





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 1997

Michal K. Spodak, M.D., P.A.
26 West Pennsylvania Avenue
Towson, MD 21204

RE: 1010 Dulaney Valley Road
Zoning Case #86-35-X
9th Election District

Dear Dr. Spodak:

In response to your letter dated September 10, 1997, the following has been determined.

The current zoning of 1010 Dulaney Valley Road is R-O-A. Enclosed, for your reference, please find a copy of a portion of the current zoning map NE-11A.

The Baltimore County Zoning Regulations (BCZR), Section 202.3, allows the following uses in a R-O-A zone:

"A. Uses permitted by right. The following uses, only, are permitted by right in any R-O-A zone:

1. Use permitted by right and as limited in D.R. 3.5 zones.
2. Class A office buildings containing offices, and their accessory uses including surface parking, but not including parking as a principal use, except as provided under Section 409.7B.2.
3. A single-family or two-family, detached dwelling in which a portion of the building is converted to offices and a portion is used for a dwelling, without any external enlargement, except as permitted and conditioned by Section 202.5, for the purpose of creating office space or otherwise accommodating the office use. Residential expansion is subject to the conditions of Section 202.3.B. and 202.5.
4. The reconstruction of a Class A office building which is destroyed by fire or other casualty, subject to the conditions of Section 202.6.

Michal K. Spodak, M.D., P.A.
September 15, 1997
Page 2

- B. Uses permitted by special exception. Uses permitted by special exception and as limited in D.R. 3.5 zones, only, are permitted by special exception. Any dwelling which is under application for either a change in zoning classification to R-O-A or for a conversion from a residential use to an office use after obtaining the R-O-A zoning classification shall require a special exception if the dwelling has been enlarged in floor area by ten percent or more within a period of five years prior to the date of application for change or conversion."

This property was also subject in zoning case 86-35-X, which allowed for the conversion of a portion of the offices. This hearing is still valid as long as it was acted upon within 2 year of the granting of the case. Any change in use from what was granted would need to be reviewed by this office as a Class "A" conversion, use permit, or a change of occupancy.

The property was in the past zoned D.R.-3.5 and changed to R-O-A under the 1996 comprehensive map process. The effective date of the 1996 maps was December 2, 1996.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

Catherine A. Milton
Planner II
Zoning Review

CAM:scj

Enclosure

c: zoning case #86-35-X



DR. JOHN A. KIELY - #86-35-X

3.

department's approval. He further noted that the proposed parking area must conform to all Baltimore County standards. This testimony completed the hearing.

After consideration of all the testimony and evidence presented, the Board is of the opinion that all the requirements of §502.1 of the Baltimore County Zoning Regulations have been met. Therefore, the special exception should be granted and will so order. The proposal meets all area requirements, is not out of character with other uses already existing in close proximity, will not drastically alter the outward appearance of the residence and with reasonable restrictions will create no detriment to the health, safety and welfare of the neighborhood.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1986, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That paved off-street parking for the required number of spaces be provided in compliance with all Baltimore County regulations, and that screening for this parking area be provided to shield neighboring residences from its view as deemed necessary by Baltimore County authorities.

DR. JOHN A. KIELY - #86-35-X

4.

2. That only one person other than the doctor be employed in this satellite office.
3. That no sign be permitted advertising office hours or office days other than the one sign permitted as a right by Baltimore County regulations.
4. That no use, other than a satellite office use by a resident Ophthalmologist be permitted by this special exception.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Patricia Phipps
Patricia Phipps



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 27, 1985

Mr. Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION
SW corner of Dulany Valley
and Swarthmore Roads
(1012 Dulany Valley Road)
9th Election District
Dr. John A. Kiely, et ux,
Petitioners
Case No. 86-35-X

Dear Mr. Gisriel:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M. H. JUNG
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Mr. Norbert Falter
1014 Dulany Valley Road
Towson, Maryland 21204

Mr. J. Marshall Jones, Jr.
1016 Dulany Valley Road
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SW corner of Dulany Valley
and Swarthmore Roads
(1012 Dulany Valley Road)
9th Election District

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Dr. John A. Kiely, et ux,

Case No. 86-35-X

Petitioners

The Petitioners herein request a special exception for an office of a physician (ophthalmologist) in a residence.

Testimony by and on behalf of the Petitioners indicated that the subject property, located on the west side of Dulany Valley Road between the Beltway and Fairmount Avenue, is improved with a two story residence and is one of a number of large single family homes along that strip. The resident ophthalmologist proposes to utilize 486 square feet located in the existing breezeway and garage as a satellite office for an average of ten hours per week; never on a full time basis. The house contains 2,876 square feet excluding the basement. He would be the only practicing professional, generally using the services of his wife as the secretary/receptionist, but requesting permission to employ one non-resident, non-professional. A 456 square foot asphalt parking pad is available for family, employee and patient parking. The adjacent Swarthmore Road has been closed just west of the site. The Petitioner was aware that the site was an issue during the 1984 Comprehensive Rezoning process, that the Planning Board recommended denial of the request and that the former zoning was retained. He knew the zoning designation on the property prior to purchase and did not have a zoning contingency clause placed on the purchase contract. He spoke of an increasing traffic flow on Dulany Valley Road and increasing pressure to intensify zoning within the strip of residences.

Two immediate neighbors testified in protest. One home, #1006, in the row of houses on the west side of Dulany Valley Road from the Beltway to Fairmount,

ORDER RECEIVED FOR FILING
August 28, 1985
DATE *Patricia A. Edlund*
BY

has been a dentist office for over twenty-five years. The 1984 Comprehensive Zoning process granted R.O. zoning to #1018 for a Class A office building for a psychiatrist, however, a stop-work order was issued on July 19, 1985 for the project to be reviewed. The ten or so single family dwellings on this section of the west side of Dulany Valley Road are in a unique area, utilized and maintained as fine quality single family dwellings although traffic is heavy on Dulany Valley Road. Most of the residents have occupied their homes in this quiet neighborhood from eighteen to thirty years. Dulany Towers was denied access to Swarthmore Road because of Dulany Valley Road traffic.

All parties stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

After due consideration of all the evidence and testimony presented, a visit to the area, and a careful perusal of the zoning map of the area and general planning documents, in the opinion of the Deputy Zoning Commissioner the residence in question is a part of a fine, long-standing residential community where there has been no indication that the Baltimore County Planning Department, Planning Board or County Council wish to convert the houses to offices by R.O. or other office zoning. The one existing dentist office at #1006 has been a part of the home at least twenty-five years; the house at #1018 is very close to the Beltway and receives a great deal of noise, fumes and dirt from the Beltway, factors that would be quite undesirable for a residence. The other houses have been and continue to be viable as beautiful, pleasant family dwellings. The Deputy Zoning Commissioner, informed during the hearing of requested zoning changes prior to the 1984 zoning map, is not so naive as to believe that pressure will not be exerted in the future to permit more offices among this group of homes. In the opinion of the Deputy Zoning Commissioner, to grant a special exception for an office of a physician (ophthalmologist) in a residence

ORDER RECEIVED FOR FILING
August 29, 1985
DATE *Patricia A. Edlund*
BY

in this unique situation would be contrary to the character of the neighborhood, would be extremely detrimental to the general welfare of the immediate neighbors, the owners and residents of the entire row of homes and indeed to the citizens of Baltimore County, would be contrary to good planning principles for land use in that neighborhood in today's circumstances and would cause undue pressure for untimely zoning changes in the future.

Pursuant to the advertisement, posting of property, and public hearing on the petition, and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations not having been met, as well as the health, safety and general welfare of the community being adversely affected, the special exception should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 28th day of August, 1985, that the Petition for Special Exception for an office of a physician (ophthalmologist) in a residence is hereby DENIED.

JEAN M. H. JUNG
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
August 29, 1985
DATE *Patricia A. Edlund*
BY

PETITION FOR SPECIAL EXCEPTION 9th Election District

LOCATION: Southwest corner of Dulany Valley Road and Swarthmore Road (1012 Dulany Valley Road)

DATE AND TIME: Tuesday, July 23, 1985 at 2:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for office of physician (Ophthalmologist) in residence at 1012 Dulany Valley Road.

Being the property of Dr. John A. Kiely, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

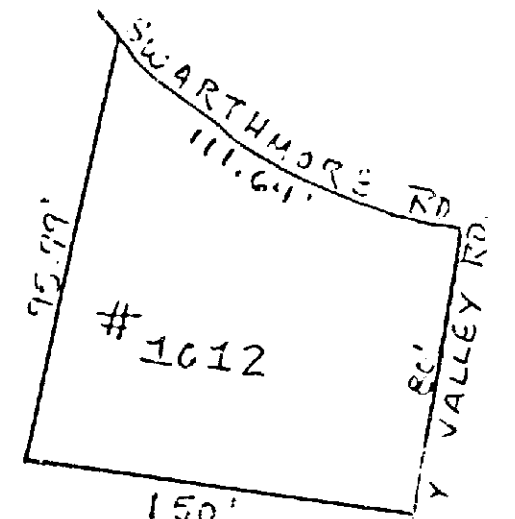
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LEGAL DESCRIPTION for 1012 DULANY VALLEY ROAD

The subject property is, in fee simple, consisting of all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland and described as follows:

BEGINNING for the same on the southwest corner formed by the intersection of Swarthmore Road and Dulany Valley Road and being known and designated as Lot No. 6, Block 4, as shown on Plat No. 1 of Dulany Manor, recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 17, folio 16. The improvements thereon being known as No. 1012 Dulany Valley Road.

BEING the same lot of ground which by Deed dated January 15, 1955 and recorded in the Land Records of Baltimore County in Liber E.H.K. No. 6851, folio 448, was granted and conveyed by Freda G. Schaefer to John A. Kiely and Mary Kiely, his wife.



Map	Block	Parcel
M.C. 44	4	6
P.M.C.	1144	191
	Block	Lot
	4	6

District	Property Number
09	04119
Deed	Liber Folio
	17 16



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW Corner of Dulany Valley Rd.
and Swarthmore Rd. (1012 Dulany
Valley Rd.), 9th District OF BALTIMORE COUNTY

DR. JOHN A. KIELY, et ux,
Petitioners Case No. 86-35-X

ENTRY OF APPEARANCE

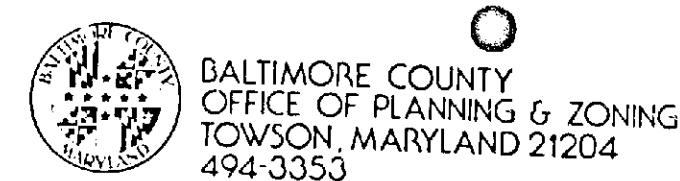
Please enter the appearance of the People's Counsel in the
above-captioned matter. Notices should be sent of any hearing dates or
other proceedings in this matter and of the passage of any preliminary
or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of July, 1985, a copy
of the foregoing Entry of Appearance was mailed to Michael Gisriel,
Esquire, 204 N. Liberty St., Suite 400, Baltimore, MD 21201, Attorney
for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

RE: Petition for Special Exception
SW corner of Dulany Valley Rd. and
Swarthmore Rd. (1012 Dulany Valley Rd.)
9th Election District
Dr. John A. Kiely, et ux, Petitioner
Case No. 86-35-X

Dear Mr. Gisriel,

This is to advise you that \$ 70.70 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
County Office Building,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 006344

DATE: 7/17/85 ACCOUNT: 1000000000
AMOUNT: \$ 70.70

RECEIVED FROM: *Arnold Jablon*

FOR: *Michael Gisriel*

VALIDATION OR SIGNATURE OF CASHIER

Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
SW corner of Dulany Valley Rd. and
Swarthmore Rd. (1012 Dulany Valley Rd.)
9th Election District
Dr. John A. Kiely, et ux, Petitioners
Case No. 86-35-X

TIME: 2:30 p.m.

DATE: Tuesday, July 23, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007450

DATE: 7/23/85 ACCOUNT: 1000000000
AMOUNT: \$ 100.00

RECEIVED FROM: *Michael Gisriel*

FOR: *Michael Gisriel*

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
July 15, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS:
Bureau of Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Michael Gisriel, Esquire
204 N. Liberty Street, Suite 400
Baltimore, Maryland 21201

RE: Item No. 336 - Case No. 86-35-X
Petitioners - Dr. John A. Kiely, et ux
Special Exception Petition

Dear Mr. Gisriel:

The Zoning Plans Advisory Committee has reviewed the plans sub-
mitted with the above referenced petition. The following comments
are not intended to indicate the appropriateness of the zoning action
requested, but to assure that all parties are made aware of plans or
problems with regard to the development plans that may have a bearing
on this case. The Director of Planning may file a written report with
the Zoning Commissioner with recommendations as to the suitability of
the requested zoning.

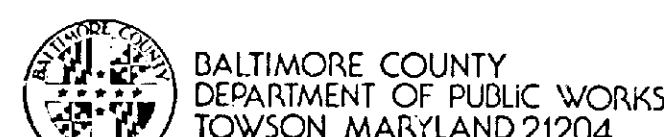
Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information on your
petition. If similar comments from the remaining members are received,
I will forward them to you. Otherwise, any comment that is not
informative will be placed in the hearing file. This petition was
accepted for filing on the date of the enclosed filing certificate and a
hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

Enclosures



HARRY J. PISTEL, P.E.
DIRECTOR

August 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Items #326-#330 & #332-#336 &
#339 (1984-1985)
Various Locations
Zoning Advisory Committee
Meeting of May 14, 1985

Dear Mr. Jablon:

The following comments are furnished in regard to the plans
submitted to this office for review by the Zoning Advisory Committee
in connection with the subject items.

GENERAL COMMENTS:

Since no public facilities are involved with any of the above
referenced petitions, this office has no comment at this time.
However, at such time that the various applicants file for building
permits, the Bureau of Public Services will comment on the existence
and availability of public facilities to support any construction.

Very truly yours,

James A. Markle
James A. Markle, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: file



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

May 23, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Att: N. Commodari

Re: Property Owner: 336
Dr. John A. Kiely, et ux
Location: S/W corner
Dulany Valley Rd and
Swarthmore Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special
Exception for a Dr's
office while the legal
owners also reside in
another part of the prop-
erty.
Acres: 80/95.79 x 116.
64/150
DISTRICT: 9th Election

Dear Mr. Commodari:

On review of the submittal of 2/1/85, showing all
access to the site by way of Swarthmore Road, the State
Highway Administration finds the plan generally acceptable.

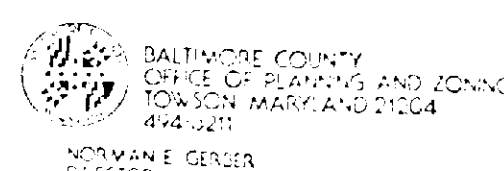
Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-GW:es

cc: J. Ogle



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JULY 3, 1985

Re: Zoning Advisory Meeting of MAY 14, 1985
Item # 336
Property Owner: Dr. John A. Kiely, et ux
Location: SW CORNER DULANEY VALLEY RD.
& SWARTHMORE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be
forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior
to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited
under the provisions of Section 20-38 of the Development
Regulations.
- ☒ Development of this site may constitute a potential conflict with
the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board
on 11/15/84.
- ☒ The property is located in a deficient service area as defined by
Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is:
- ☒ The property is located in a deficient area controlled by a "D" level
intersection as defined by Bill 173-79, and as conditions change
traffic capacity may become more limited. The Basic Services Areas
are re-evaluated annually by the County Council.
- ☒ Additional comments:

cc: James Howell

Eugene A. Sober
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

May 20, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 336 ZAC-Meeting of May 14, 1985
Property Owner: Dr. John A. Kiely, et ux
Location: S/W Corner Dulany Valley Road and Swarthmore Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special exception for a Doctor's office while the
legal owners also reside in another part of the property.

Acres: 80/95.79 X 116.64/150
District: 9th

Dear Mr. Jablon:

County standards.

The site should have on-site parking that meets

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

TOWSON, MD., July 4, 1985

THE JEFFERSONIAN,

Cost of Advertising
24.75

**PETITION FOR SPECIAL
EXEMPTION**
93 Elder Avenue District

LOCATION: Southwest corner of
Dulany Valley Road and
Dulany Valley Road (Dulany
Road)

DATE: Time: Tuesday, July
23, 1985 at 2:30 p.m.

PUBLIC HEARING: Room: 306
County Courthouse, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of Baltimore County, Maryland, by authority of the Board of Planning and Zoning, and the Board of Health, is holding a public hearing on the Petition for Special Exemption for the proposed use of the property at the above location for the purpose of a medical office of physicians (Ophthalmologist) in residence at 1021 Dulany Valley Road.

By the property of Dr. Jake A. Kneib, Jr., who is the owner of the property with the Zoning Office.

In the event that the Petition for Special Exemption is granted, the property may be used within the thirty (30) day period of the hearing. The property may be used for the purpose of a medical office of physicians (Ophthalmologist) in residence at 1021 Dulany Valley Road, however, certain requirements must be met, such as the issuance of said permit. The property may be used for the purpose of a medical office of physicians (Ophthalmologist) in residence at 1021 Dulany Valley Road, however, certain requirements must be met, such as the issuance of said permit. The property may be used for the purpose of a medical office of physicians (Ophthalmologist) in residence at 1021 Dulany Valley Road, however, certain requirements must be met, such as the issuance of said permit.

By Order Of
JAMES H. FARLOW,
Zoning Commissioner
of Baltimore County

July 19, 1985

Case No. 86-35-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
18th day of June, 1985.


ARNOLD JABLON
Zoning Commissioner

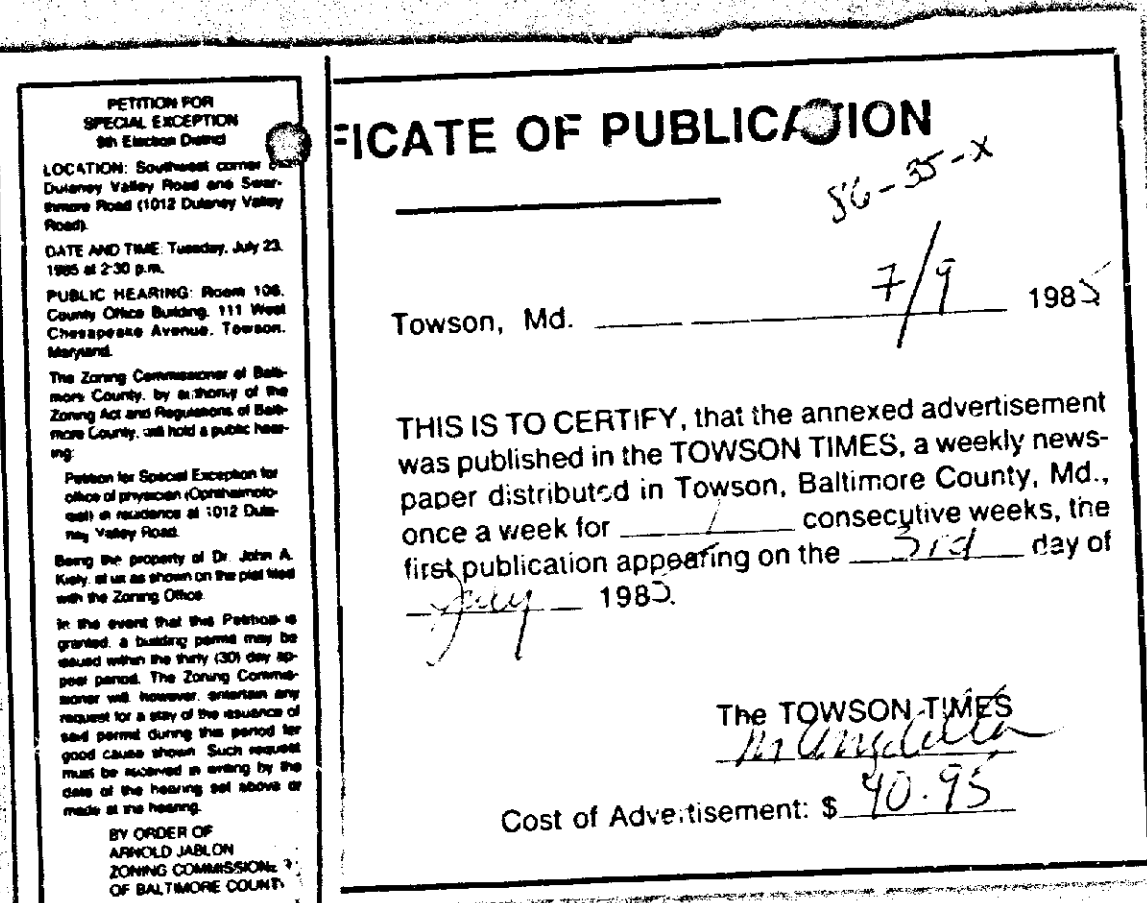
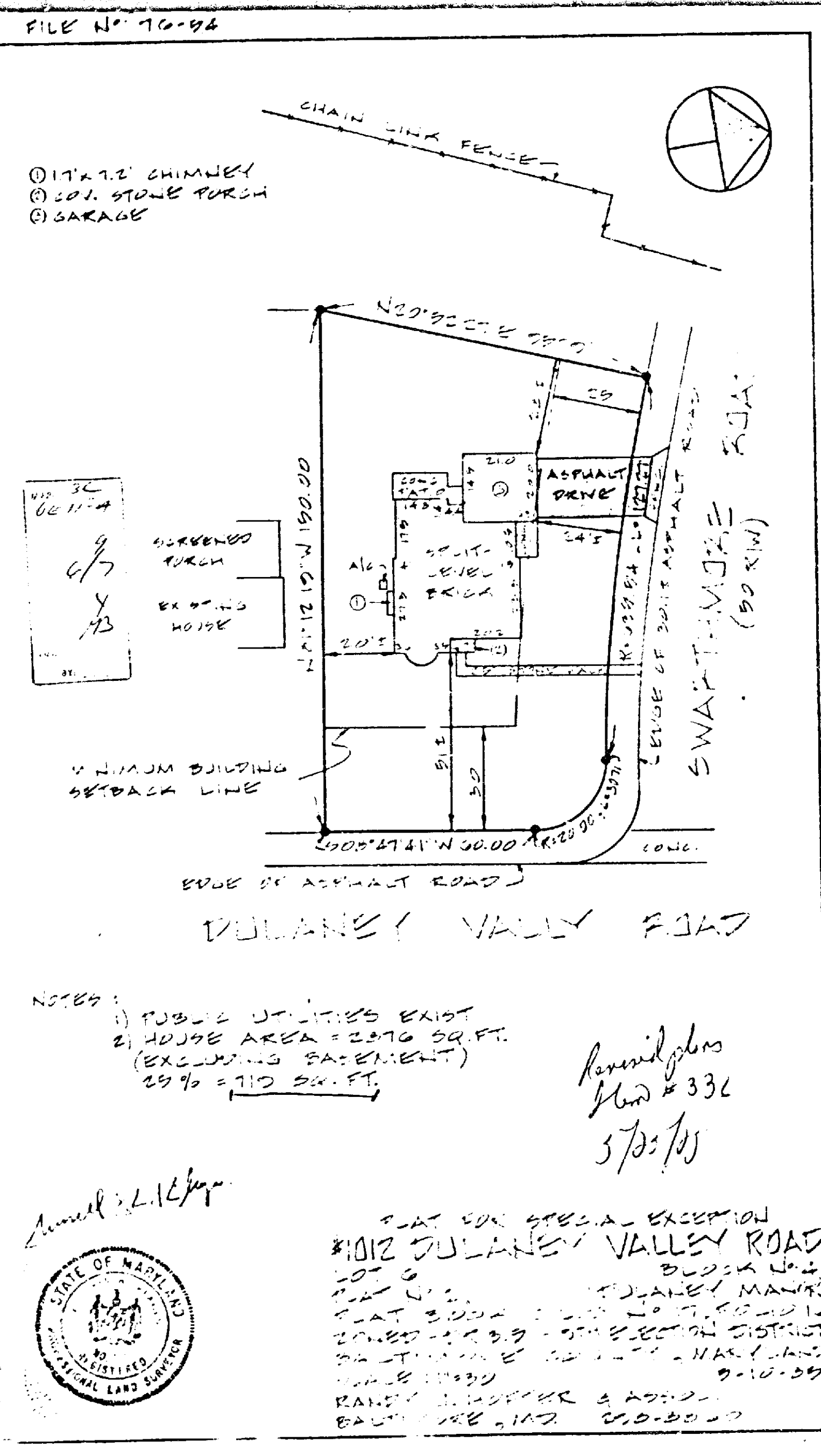
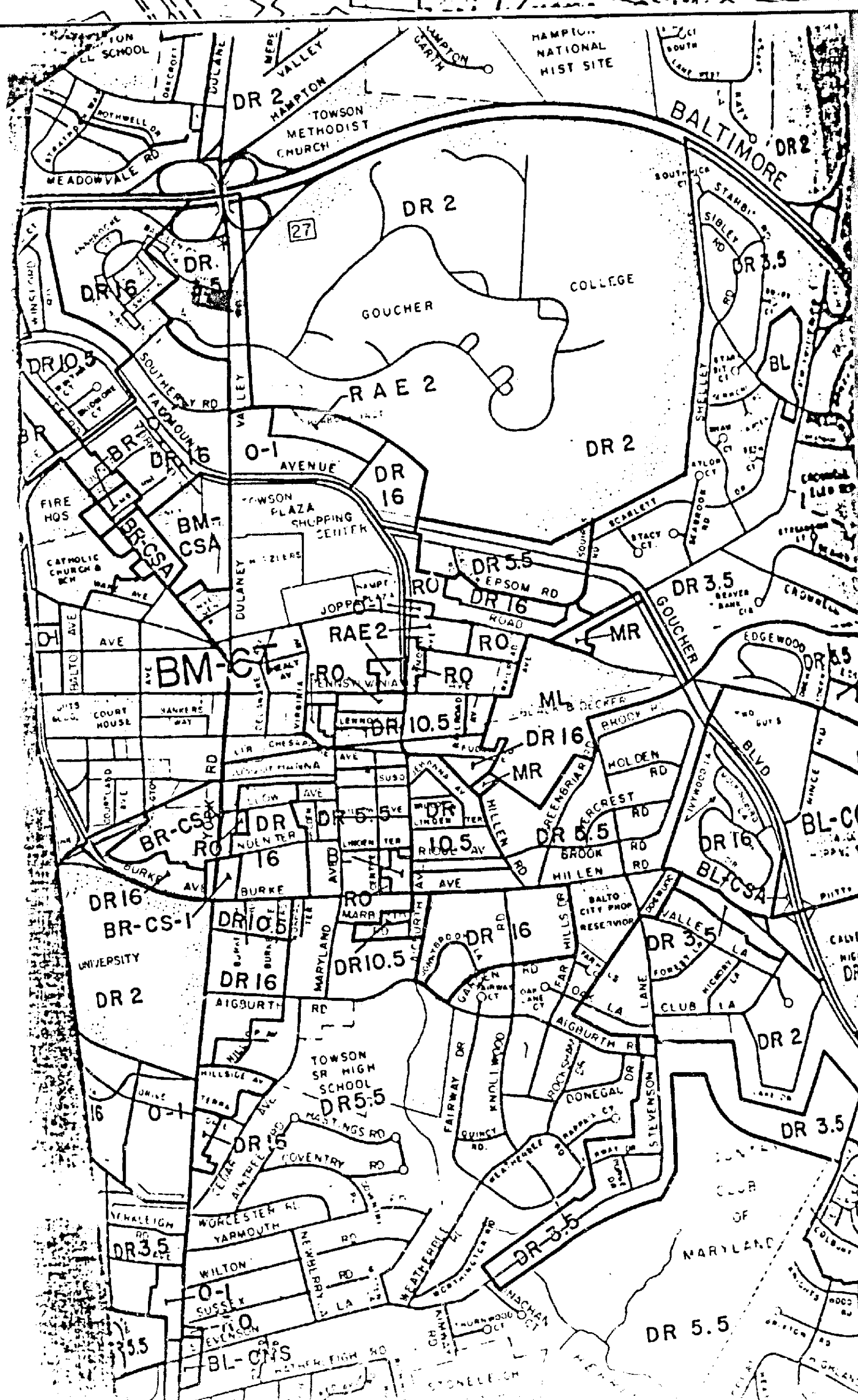
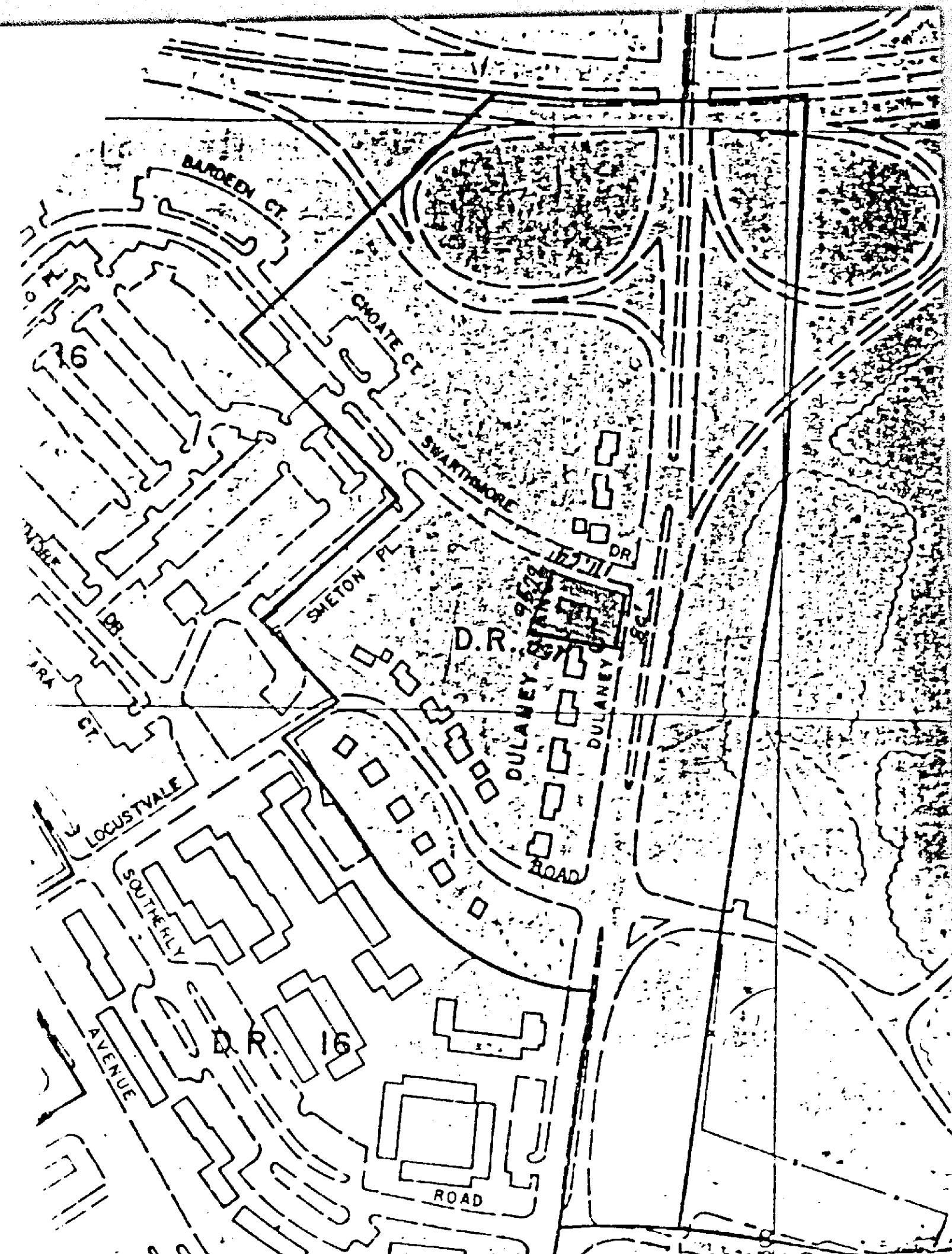
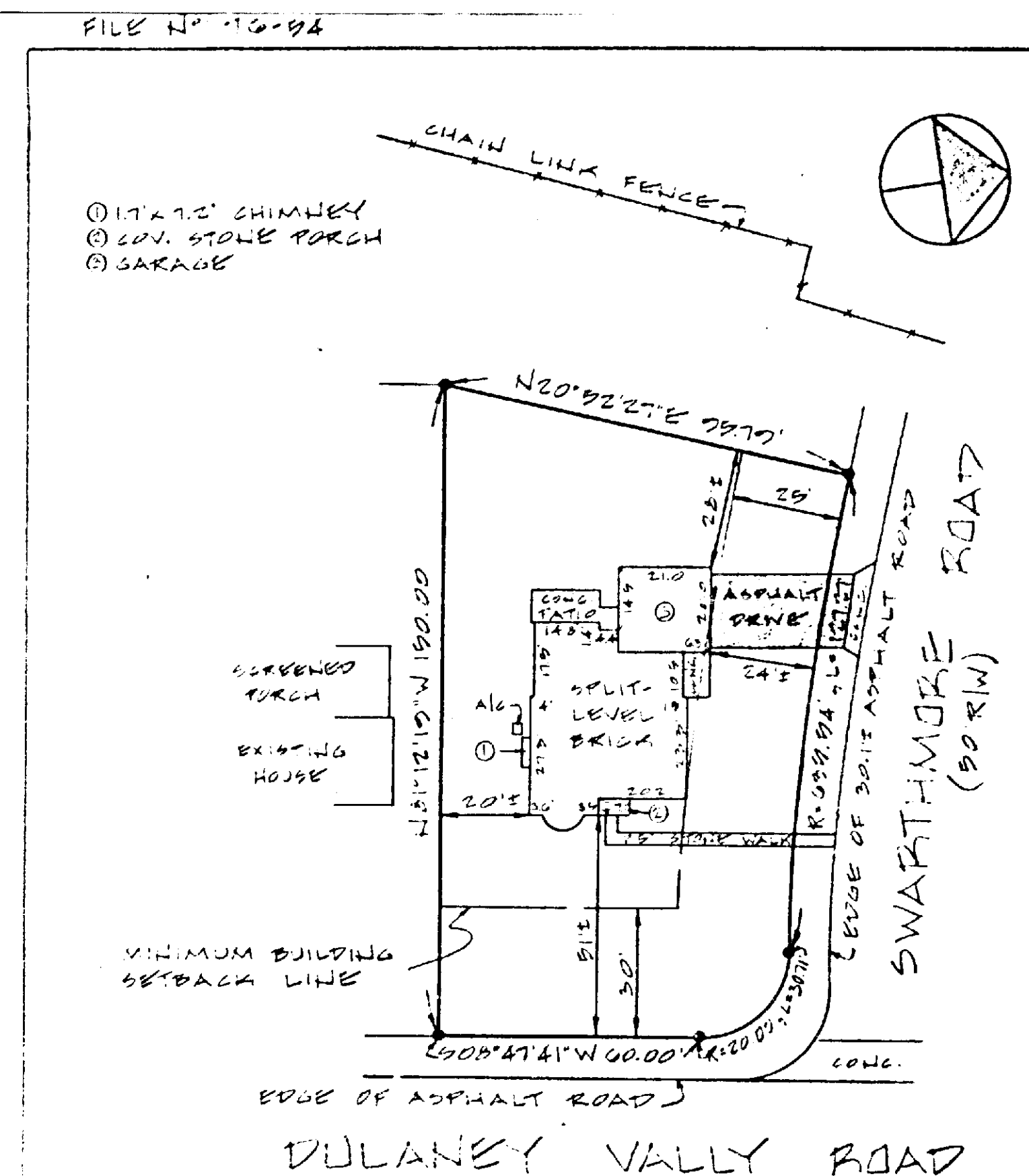
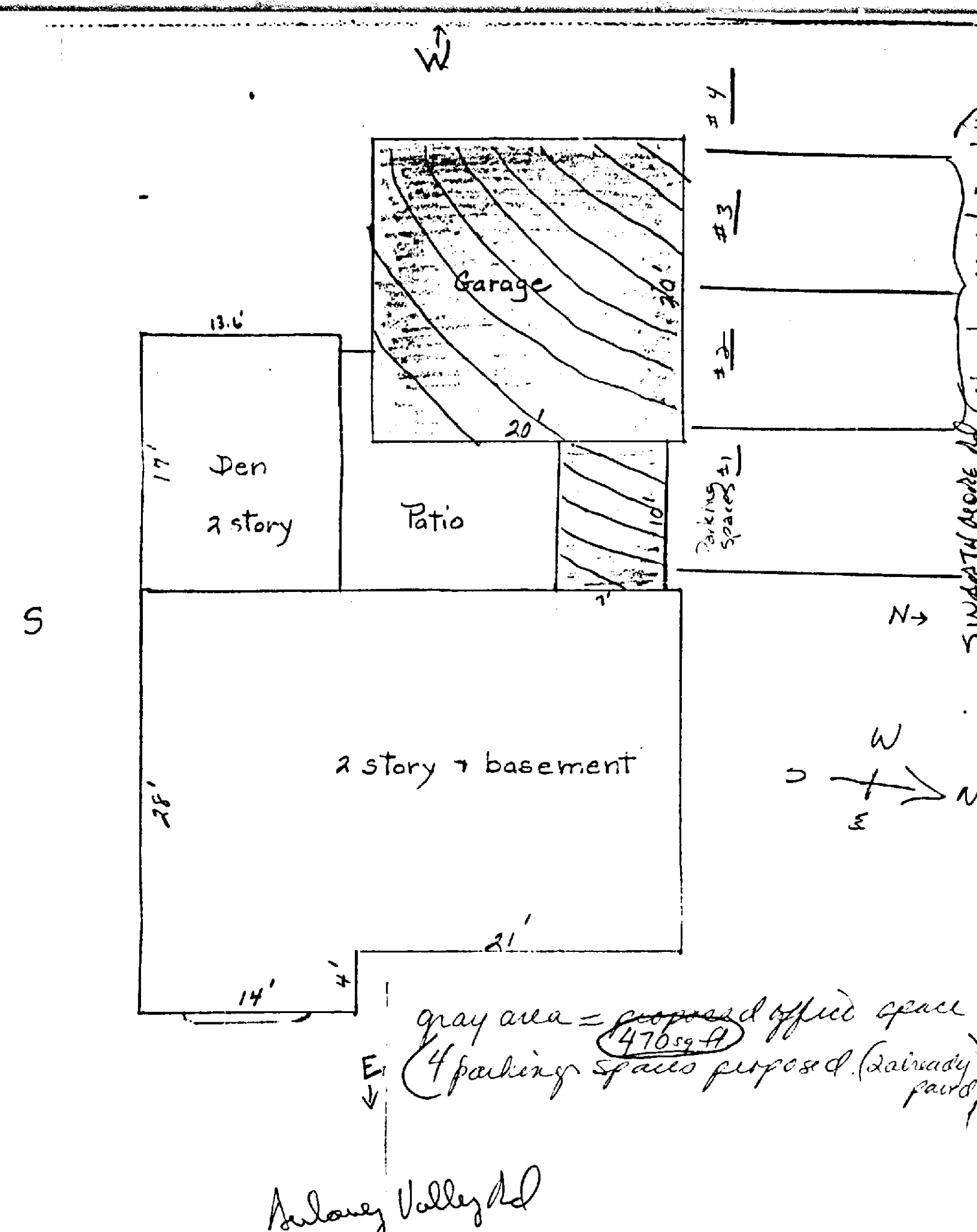
Petitioner Dr. John A. Kiely, et ux Received by Nicholas B. Commodari
 Petitioner's Attorney Michael Gisriel, Esquire Chairman, Zoning Plan
 Advisory Committee

86-35-X

District: 924 Date of Posting: 7/5/85
 Posted for: Special Exception
 Petitioner: Dr. John B. Kiehl, et al.
 Location of property: S.W. 1/4 Sec. 2, Rutledge Valley Rd. + 5000th more Rd.
1012 Rutledge Valley Rd.
 Location of Signs: Entry Rutledge Valley Rd. from N. on roadways + across
W. 101st Ave. (Hwy. 16) to 5000th Rd. on property of B. Thayer
 Remarks:
 Posted by: John Thayer Date of return: 7/5/85
Steno-Lee
 Number of Signs: 1

94-258

District 9th Date of Posting 9/20/75
 Posted for: A. Gould
 Petitioner: Dr. John H. Kivley, et al.
 Location of property: Waco, Calaveras & Sacramento R.R.
1012 Calaveras Valley, CA
 Location of Signs: County, Calaveras Valley, CA, Highway 1, Sta.
209-2044, on property of F. Robinson
 Remarks: _____
 Posted by: M. J. Gould Date of return: 10/1/75
 Signature _____
 Number of Signs: 1





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 1997

Michal K. Spodak, M.D., P.A.
26 West Pennsylvania Avenue
Towson, MD 21204

RE: 1010 Dulaney Valley Road
Zoning Case #86-35-X
9th Election District

Dear Dr. Spodak:

In response to your letter dated September 10, 1997, the following has been determined.

The current zoning of 1010 Dulaney Valley Road is R-O-A. Enclosed, for your reference, please find a copy of a portion of the current zoning map NE-11A.

The Baltimore County Zoning Regulations (BCZR), Section 202.3, allows the following uses in a R-O-A zone:

- "A. Uses permitted by right. The following uses, only, are permitted by right in any R-O-A zone:
1. Use permitted by right and as limited in D.R. 3.5 zones.
 2. Class A office buildings containing offices, and their accessory uses including surface parking, but not including parking as a principal use, except as provided under Section 409.7B.2.
 3. A single-family or two-family, detached dwelling in which a portion of the building is converted to offices and a portion is used for a dwelling, without any external enlargement, except as permitted and conditioned by Section 202.5, for the purpose of creating office space or otherwise accommodating the office use. Residential expansion is subject to the conditions of Section 202.3.B. and 202.5.
 4. The reconstruction of a Class A office building which is destroyed by fire or other casualty, subject to the conditions of Section 202.6.

Michal K. Spodak, M.D., P.A.
September 15, 1997
Page 2

- B. Uses permitted by special exception. Uses permitted by special exception and as limited in D.R. 3.5 zones, only, are permitted by special exception. Any dwelling which is under application for either a change in zoning classification to R-O-A or for a conversion from a residential use to an office use after obtaining the R-O-A zoning classification shall require a special exception if the dwelling has been enlarged in floor area by ten percent or more within a period of five years prior to the date of application for change or conversion."

This property was also subject in zoning case 86-35-X, which allowed for the conversion of a portion of the offices. This hearing is still valid as long as it was acted upon within 2 year of the granting of the case. Any change in use from what was granted would need to be reviewed by this office as a Class "A" conversion, use permit, or a change of occupancy.

The property was in the past zoned D.R.-3.5 and changed to R-O-A under the 1996 comprehensive map process. The effective date of the 1996 maps was December 2, 1996.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

Catherine A. Milton
Planner II
Zoning Review

CAM:scj

Enclosure

c: zoning case #86-35-X

