

IN THE MATTER OF THE APPLICATION OF
MICHAEL K. SPODAK, M.D. FOR A SPECIAL
HEARING ON PROPERTY LOCATED ON THE
WEST SIDE OF DULANEY VALLEY ROAD, 192
+/- SOUTH OF THE CENTERLINE OF
SWARTHMORE DRIVE (1018 DULANEY
VALLEY ROAD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-357-SPH

OPINION

This case comes before this Board as an appeal from the decision of the Zoning Commissioner dated July 13, 1988 denying the Petition for Special Hearing to change the restrictions in the origin 1 Order to allow six full-time employees and eight part-time employees. The number eight being the amendment proposed during the hearing in lieu of the original 30 part-time employees requested. It was a further request that the restriction limiting the hours of operation from 9:00 a.m. to 5:00 p.m. be changed to allow office hours from 8:00 a.m. to 11:00 p.m. Testimony and evidence in this case consumed one and one-half days of hearing.

As a brief history as applied to the subject site, the subject site was granted R-O zoning in 1984. In 1985, Dr. Spodak applied for a class A office use on the site and received County Review Group (CRG) approval. This original CRG approval of the class A office building included the following restrictions:

1. The office building would operate from 9:00 a.m. to 5:00 p.m.
2. The maximum number of employees would be five.
3. There would be 1,470 sq. ft. of the first floor in office use and the use of the second floor was not listed.

Shortly thereafter, Dr. Spodak proposed to enclose a porch area containing some 133 sq. ft. of space. This additional space required that the doctor now petition for a class B office building by way of special exception. In October of 1985, a Special Exception for a class B office building was granted. The

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validity of this Special Exception as it now exists is somewhat suspect since the CRG approval required that the amendeo site plan be presented to the CRG. The testimony of Diana Iiter of Baltimore County was that this was never done. Since the rebuttal testimony by the doctor as to later compliance with this created a gray area, the Board will not address the issue regarding the validity of the Special Exception.

Dr. Spodak testified as to the present use of the building, the number of employees currently there, his use of the second floor, and the use of the building for billing and record keeping for a number of office premise operations. Glen Cook, a traffic expert, testified as to the traffic on Dulane Valley Road and that the use proposed by Dr. Spodak would not have any significant traffic effect. Frederick P. Klaus, a real estate expert, testified that Dr. Spodak's use was not inconsistent with the surrounding neighborhood and described the neighborhood for a considerable distance along Dulane Valley Road. People's Counsel and Baltimore County, in opposition to the Petition, offered Diana Iiter, a community planner in the Office of Planning and Zoning, who testified that there was no approved CRG plan after April of 1985. It was her testimony that the present operation was more of an O-1 zone operation than an R-O operation and that the original approval was granted with the characterization that this was to be a single doctor operation. Ann Jones, a neighbor, testified as to the evening hours of operation and as to the parking problems created by the present use. Kevin Conner, a Baltimore County Zoning Inspector, testified that the screening required was not in place as of May 17, 1988 but later testimony indicated this had been accomplished. Mr. Conner also testified that in 1987 Dr. Spodak was advised that he did not have permission to use the second floor for office space and that he would have to submit an amended plan to the CRG.

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This was never done and the use of the second floor has apparently never been approved by Baltimore County. Frank DiMeglio, another Baltimore County Zoning Inspector, testified as to the evening hours of operation and to the number of cars on site after 5:00 p.m. The testimony of all these witnesses is a part of the case record and this brief summation is merely an indication of the purpose of their testimony and the actual testimony on the record will speak for itself.

This property is the first house toward Towson from the beltway on Dulane Valley Road. The outside appearance of this house is in complete conformity with the rest of the houses along this stretch of Dulane Valley Road. These are all older, expensive houses built back in the days of the original growth of Towson and are all well maintained and attractive residences. The outside appearance of the subject site is in complete conformity with the rest of the houses. Its commercial use as a doctor's office has, however, apparently steadily increased since the original zoning was granted. Testimony taken in the case indicates that Dr. Spodak has consistently exceeded the agreed to hours of operation of 9:00 a.m. to 5:00 p.m., has increased his staff size far in excess of the five permitted, and has made medical office use of the entire building which as far as the testimony indicates has never been approved.

Section 203.2 of the Baltimore County Zoning Regulations is a statement of the legislative policy regarding R-O zoning:

"Statement of Legislative Policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the NOT INTRUDE UPON OR DISTURB present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas."

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From this statement of legislative policy, the Board will note that the policy says "it is intended that the buildings and houses in R-O zones shall be highly compatible with and not intrude upon or disturb present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas."

From the testimony and evidence received, the Board is of the opinion that Dr. Spodak is using this site far in excess of what normally would be considered a small class B office building located in a residential neighborhood. By his own testimony and that of other witnesses, he has virtually ignored the restriction on hours, virtually ignored the restriction on the number of employees, virtually ignored the permitted use of only the first floor, and his patients have, on occasion, created parking problems in the neighborhood. The testimony of Mr. DiMeglio, the Zoning Inspector, was especially on point. Mr. DiMeglio testified that he visited the site at 5:00 p.m. and there were eleven cars parked on the site. Between 5:50 p.m. and 7:00 p.m., 32 cars were observed at this location. He further testified that on July 14, between 3:00 p.m. and 4:00 p.m. there were nine cars at this site. At 6:05 p.m., there were eleven cars on this site and between 6:00 p.m. and 7:30 p.m. many cars came and went at this site. It is the opinion of this Board that all these factors do not lend themselves to what was an intended R-O use and that these factors have a detrimental effect upon the neighborhood. Therefore, the Petition for Special Hearing should be denied and the Board will so order.

ORDER

It is therefore this 2nd day of October, 1989 by the County

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Michael K. Spodak, M.D.

Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to change the number of employees and the hours of operation be and the same is hereby DENIED.

Any appeal from this decision must be made in accordance with Rule 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

Lynn B. Moreland
Lynn B. Moreland

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
WS DULANEY VALLEY 192 +/- S * ZONING COMMISSIONER
c/l Swarthmore Drive *
(1018 Dulane Valley Rd.) * OF BALTIMORE COUNTY
4th Councilmanic District * CASE # 88-357-SPH
9th Election District *
Michael K. Spodak, M.D. *
Petitioner *

FINDINGS OF FACT AND CONCLUSION OF LAW

The Petitioner herein requests, pursuant to a request for a Special Hearing, an amendment to zoning case nos. 86-173X to modify and increase the daily number of employees to thirty (30) and to increase the daily hours of operation from 8:00 A.M. to 11:00 P.M., as more particularly described on Petitioner's Exhibit 1 and, graphically demonstrated on Petitioner's Exhibit 2 and the Protestants' Exhibit 1.

The Petitioner appeared and testified. The Petitioner was supported by the testimony of his witness, Karen Lezzaro. There were five (5) Protestants, namely, W.F. Kweig, Jr., Stephen Whalen, Jr., J.R. Jones, J.L. Falter and Vivian A. Kasper.

The evidence and testimony in this matter concerns an existing R.O. office building used exclusively for medical practice located at what is commonly known as 1018 Dulane Valley Road, Towson, Md. 21204.

Specifically, the property is the first developed property immediately adjacent to the eastbound exit ramp for south Dulane Valley Road. The lot is improved with a former single family dwelling unit. The building has been converted and upgraded to a medical office building and is serviced by a single point of entry and exit along the southern property line off of Dulane Valley Road. The property is currently used by the Petitioner as the main headquarters for his very extensive medical and

psychiatric practice.

The Petitioner was originally granted permission to operate a Class B office in the R.O. zone at this location by the former Zoning Commissioner, Arnold Jablon in an opinion dated October 29, 1985 in case #86-173X. The Zoning Commissioner found that a Class B office building could be operated at this location consistent with the requirements of Section 502.1 of the Baltimore County Zoning Regulations if operated as set forth in the revised site plan and if developed consistent with the restrictions set forth in the Zoning Commissioner's Order. According to the information contained in case file #86-173X, the proposed Class B office building was to be a small converted former residence for medical offices to operate from 9:00 A.M. to 5:00 P.M. with maximum of five (5) employees. There were to be seven (7) parking spaces provided and the operation was to be consistent with the finding set forth in the purpose and intent section of the B.C.Z.R. concerning the development of R.O. buildings.

Clearly, the evidence indicates that the Petitioner has never operated this type, size or scope of medical operation that was granted in case #86-173X. The Petitioner has consistently maintained a medical practice that is larger, more comprehensive and more time consuming than was ever indicated in any of the evidence, or in the opinion in the previous matter. Specifically, the Petitioner has, consistently, maintained a medical practice at this location from approximately 7:30 A.M. until 10:00 P.M., Monday through Friday and on Saturdays, from 8:00 A.M. to 7:00 P.M. The staff is, clearly, far in excess of the five (5) individuals indicated on the original site plan and the Petitioner has regularly had as many as 25 employees.

The Petitioner takes issue with this last statement by indicating that most of the people who use this facility are independent contractors and not his employees. This is an example of the Petitioner's lack of desire to comply with the spirit and intent of the R.O. zoning. Whether or not the individuals who have the right to interview and treat the patients at this location are technically the Petitioner's employees or tenants, lessees, independent contractors or individuals allowed to use the facility for free is irrelevant. The question that the Petitioner is begging is the size and scope of this operation.

The Petitioner also takes great issue with the testimony and evidence that, clearly, substantiates that there is insufficient parking for this facility. I have personally observed this facility, and there is almost always a consistent pattern of double parked vehicles in the parking lot, vehicles parked in front of the building, sometimes on the grass, and along Dulane Valley Road to the south. Arguably, not all of the individuals parking along Dulane Valley Road are using the facility in question in this opinion. However, my observations have indicated to me that some of those individuals are parking along Dulane Valley Road because of the over parking on the subject site. My personal observations are not a scientific study. Those observations are more than convincing to me, that because of the large number of individuals employed at this location and the extremely large volume of patients being treated at this facility, there is no possible way that the Petitioner can provide enough parking on site. It is equally clear to me from the Petitioner's arguments that six (6) full time employees and thirty (30) part time employees using a facility where there are seven (7) parking spaces

available is acceptable is an indication of the Petitioner's disregard for the spirit and intent of the R.O. zoning.

The Baltimore County Zoning Regulations (B.C.Z.R.) sets forth in the Statement of Legislative Policy, Section 203.2 that "The R.O. zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts and, to a lesser extent, in other commercial areas. (Bill No. 13, 1980.)"

The Petitioner's medical office operation is inconsistent with that Statement of Legislative Policy and Intent for the R.O. zone. It is inconsistent with the R.O. zone to operate a medical office building from 8:00 A.M. to 11:00 P.M., seven (7) days a week with approximately 36 employees. The operation is required to be "... highly compatible with present or prospective uses of nearby residential property." The hours of operations and the size and scope of this operation, clearly, indicate that no residential use would be less than radically affected by the ongoing high intense traffic flow and the less than conducive to residential use hours of operation.

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When the Baltimore County Council passed the R-O regulations, the council specifically said, "It is not the R-O classification purpose to accommodate a substantial part of the demand for office space, it being the intent of the zoning regulations that office space demand should be met, primarily, in C.T. districts, C.C.C. districts and to a lesser extent, in other commercial areas."

The Petitioner made no attempt to demonstrate how this facility complies the legislative intent of the R-O zoning. Furthermore, the Petitioner completely ignored the requirements of Section 502.1 of the B.C.Z.R. and did not bother to offer any evidence to substantiate, in any way, that this project is not harmful to the community.

The case law established in the State of Maryland for a Special Exception, clearly, places upon the Petitioner the burden of proof of going forward with evidence that substantiates that the requirements of Section 502 would be complied with by the project. The Petitioner simply offered no evidence on the subject of Section 502. He only argues that it is in his best business interest to develop as intensified office at this location as possible.

Clearly, the relief requested is totally inconsistent with the R.O. zoning classification established in the B.C.Z.R. and for the reasons set forth above, the Petition for Special Hearing to amend the special exception should be Denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and it appearing that for the reasons set forth above, the Petition for Special Hearing should be Denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of July, 1988 that a request for a Special Hearing,

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an amendment to zoning case #86-173X, to modify and increase the daily number of employees to thirty (30) and to increase the daily hours of operation from 8:00 A.M. to 11:00 P.M., be and is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES

ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmm

cc: Peoples Counsel

ORDER RECORDED FOR FILING
DATE 7/13/88 BY [signature]

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PETITION FOR SPECIAL HEARING 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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

1. Change number of employees to 6 full time and 10 part-time
2. Change hours of operation to typically 8:00 am to 11:00 pm

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

I, or we, agree to pay expenses of the above Special Hearing 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Michael K. Spodak, M.D.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1018 Dulane Valley Road 321-0343

Address

Towson, MD 21204

City and State

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

Michael K. Spodak, M.D.

Name

1018 Dulane Valley Road

Towson, MD 21204

Address

321-0343

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of December, 1988, 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 108, County Office Building in Towson, Baltimore County, on the 15th day of March, 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING MON./TUES. 4:00 PM - 5:00 PM

ALL ZONING CASES - NEXT TWO MONTHS

VIEWED BY: C.D.C. DATE 11/24/87

LAW OFFICES
AZRAEL, GANN
AND FRANZ
TOWSON, MD

DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR SPECIAL HEARING

All that parcel of land in Ninth Election District of Baltimore County.

Beginning for the same at a point located on the west side of Dulane Valley Road at the distance of 185.5 feet north of the centerline of Swarthmore Drive; thence from the said place of beginning running the following four courses viz: (1) N 84°22'-19" W, 133 feet; (2) N 02°37'-41" E, 80.00 feet; (3) S 84°22'-19" E, 129.19 feet; and (4) S 02°54'-05" W, 80.09 feet to the place of beginning.

Containing ~ 24 acres of land more or less.

Being the same lot of ground described in a Deed dated March 7, 1984 from Eric William Denoho and wife to Michael K. Spodak as recorded among the land records of Baltimore County in Liber E.H.K. Jr. 6678, folio 065.

IN THE MATTER OF * BEFORE THE
* COUNTY BOARD OF APPEALS
MICHAEL K. SPODAK, M.D. * OF BALTIMORE COUNTY
* Case No.: 88-357-SPH
* * * * *

PETITIONER'S MEMORANDUM OF CLOSING ARGUMENT

Pursuant to the request by the Board of Appeals, Petitioner, Michael K. Spodak, by Keith S. Franz and Azrael, Gann and Franz, provides his closing argument for the above captioned case in this Memorandum.

Dr. Michael K. Spodak is a psychiatrist whose practice is located at the corner of Maryland Route 146 (Dulaney Valley Road) and Interstate 695 (the Baltimore Beltway). As a matter of right, Dr. Spodak is permitted to carry on his medical practice at this location.

We do not seek to change or expand the use that is permitted for Dr. Spodak's office. He already has the right to see patients and provide evaluation and treatment. That use does not change by permitting him morning and evening office hours with a staff of 6 to 8 employees. He seeks a modest request that will permit more effective evaluation and treatment of patients at less cost to them and in so doing will not interfere or damage the present environment in this neighborhood in any significant way.

The restrictions that Dr. Spodak presently endures prohibit his patients from seeing him at his office in an emergency at

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AND FRANZ
TOWSON, MD

night. As you might imagine, in the field of psychiatry, there are occasions when patients will call at "unscheduled" times with crises that require immediate intervention. A literal reading of the approved CRG plan denies Dr. Spodak an opportunity to treat such a patient in the evening at his office. Presently Dr. Spodak is restricted from even visiting his office simply to pick up a patient chart or work alone in the evening hours.

The activity that takes place at a psychiatrist's office quite minimal. Someone comes over, sits quietly and talks for a while and leaves. It is not really different than what happens at a house. As Dr. Spodak testified, the field of medicine and psychiatry in particular has undergone dramatic changes in the last five years. With the advent of Health Maintenance Organizations (HMOs), doctors have had to provide more services and more comprehensive treatment to stay current with these advances. Treatment is being provided when its convenient for the patients -- particularly in the early morning and evening hours. A wider range of services which cross the lines of traditional medical specialties make it critical for a psychiatrist to provide allied or associated health care including psychology, social work and other disciplines. Though the physical activity involved in this treatment (sitting and talking) is essentially the same, these advances are of significant benefit to all patients. Providing psychological testing or counselling with a social worker at a significantly

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AND FRANZ
TOWSON, MD

lower cost than what would be required for seeing a psychiatrist only is of obvious benefit to patients. In addition, the convenience of providing extended hours to patients who work during the day is of significant benefit for patients who still perceive a stigma from telling their employer that they need time off from work to see a psychiatrist. We request that you do not deny Dr. Spodak's patients this benefit.

The restrictions on Dr. Spodak's hours and number of employees exist only because he did not understand the significance of the site plan Notes on the approved CRG Plat. Dr. Spodak's engineer listed standard business hours and minimal staff along with numerous other items requested on the CRG Plat Notes. A literal reading of the CRG approved plan acts as a severe restriction on Dr. Spodak's ability to effectively treat his patients. It is for this reason that we seek a fair remedy.

This case started off as a simple matter. It is still a very simple matter. People's Counsel has attempted to create a smoke screen to distract the Board from addressing the limited issues presented by this Petition. It was suggested that compliance with a previous Special Exception has not occurred. People's Counsel fails to acknowledge that an attempt to cite Dr. Spodak for such a zoning violation was dismissed by the District Court. Regardless of what this Board determines is appropriate on the limited issues in this case, it will not interfere with any remedies that the County or Dr. Spodak's neighbors may choose to pursue on other zoning issues.

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The Petitioner raises the issues and the scope of review for the Board to determine. We are not obligated to re-open areas that were the subject of Hearings years ago and if Orders pursuant to such Hearings are not carried out, it is the subject of zoning violations. We intentionally avoided defending any such issues at this Hearing, though we could have, because those issues are not relevant to the truly simple matter before this Board.

Frederick Klaus, Petitioner's Zoning and Land Use Expert was the only planner who appeared before the Board in this case. His unrebutted expert testimony was that this neighborhood has no expectation of peaceful residential quietude. Uses in the immediate vicinity include the high rise Sheraton Hotel and Conference Center and Townsontowne Center which, when its additions are completed, will be the largest shopping mall in Maryland. Mr. Klaus further testified that considerable measures, in compliance with the Dr. Spodak's CRG and Special Exception requirements, exist on the subject property which minimize the impact of the office activity. Significant fencing surrounds the rear and sides of the property and substantial evergreen planting in the front visually screens activity on the subject property. There are no intense lights on the subject property. There is not even an office sign or any other indication of business activity taking place on this property. Mr. Klaus concluded that the building and site is highly

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compatible with the residential properties near this location.

Glenn Cook, Petitioner's Expert Traffic Engineer was the only traffic expert who appeared before the Board on this case. His undisputed expert testimony was that the level of traffic on Dulane Valley Road is high as it passes through this neighborhood. Further, the Baltimore Beltway which is adjacent to this property is a major interstate highway with a high intensity of traffic. The confluence of these roads at this location creates a very high level of noise. Notwithstanding the intensity of traffic at the subject property, it was Mr. Cook's testimony that the road system is fully capable of handling the traffic. In addition, there is a substantial amount of unrestricted street parking along Dulane Valley Road to accommodate Dr. Spodak's patients. There are also eight parking spaces on Dr. Spodak's property for his patients and employees. Mr. Cook confirmed that the additional traffic generated, should Dr. Spodak's request for additional hours be granted, would have an insignificant impact on the roads and safety in this area.

The only neighborhood protestants in this case were the Jones children. Ann Jones confirmed that this is not a neighborhood where someone would wish to raise a family; and William Jones reluctantly acknowledged that while requesting R0 zoning for their property in 1988 he freely admitted to the Baltimore County Council that the neighborhood is highly compatible with office zoning. In the Petition for Reclassification of the Jones property, they stated that granting

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an office zoning would be "in keeping with the existing tone of the area" (Appellant's Exhibit 6). These statements by the only neighborhood witnesses to appear before the Board acknowledge the highly compatible nature of Dr. Spodak's property within this area. Review of the photographs provided in this case (Appellant's Exhibits 2A-2R) show a residential looking house with nice landscaping, curtains in the windows, effective screening and no business sign to indicate office activity on this site. In view of the very high level of traffic and high level of noise in this area as well as the high rise apartment building that exists in the backyards of each of these neighbors and the high density commercial activity in this immediate vicinity, Dr. Spodak's activity is well within the standard of neighborhood compatibility appropriate for his office use.

The present CRG site plan restrictions on office hours and number of employees greatly limit Dr. Spodak's ability to most effectively treat his patients. This restriction though was self-imposed and he has therefore requested a reasonable change in this restriction to remain current with standard practices in medicine and in particular, the field of psychiatry. This request is fair and will not alter the character of this neighborhood. There is more than adequate parking to accommodate Dr. Spodak's employees and patients and there will be no noticeable burden on the already high level of traffic in this area by virtue of the Board's approval of Dr. Spodak's request.

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We earnestly request that this Board recognize the limited nature of this Petition and grant appropriate relief that will permit Dr. Spodak to provide his patients with expert, appropriate and cost effective evaluation and treatment.

Respectfully submitted,

KEITH S. FRANZ
AZRAEL GANN AND FRANZ
Suite 502
401 Washington Avenue
Towson, Maryland 21204
(301) 821-6800

CERTIFICATE OF SERVICE

I CERTIFY that on this 18th day of August, 1989, a copy of Petitioner's Memorandum of Closing Argument was mailed to PHYLLIS COLE FRIEDMAN, People's Counsel for Baltimore County, County Office Building, Room 320, 401 Bosley Avenue, Towson, Maryland 21204; and NANCY C. WEST, Assistant County Attorney, Old Courthouse, Room 202, Towson, Maryland 21204.

KEITH S. FRANZ

SPODAK.MEM
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IN THE MATTER OF
MICHAEL K. SPODAK, M.D.
CASE NO. 88-357-SPH

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS

PEOPLE'S COUNSEL'S POST HEARING MEMORANDUM

This memorandum is submitted by People's Counsel and Baltimore County, Maryland in opposition to Petitioner, Dr. Michael K. Spodak's Request for a Special Hearing pertaining to the property at 1018 Dulane Valley Road, which is zoned R0 and presently used for a Class B medical office building.

I. INTRODUCTION

The present Petition carries the benign designation of "Petition for Special Hearing," and superficially appears to ask only for the lifting of two restrictions concerning hours of operation and number of employees imposed at a CRG Hearing and incorporated by reference into Case 86-173X. This request, however, raises a determination of three questions. The first is whether petitioner can claim to be grandfathered under the new R-0 law so that he can make this request; the second is whether, if Petitioner is not grandfathered he can make this request under the non-grandfathered provisions of the new R-0 law; and the third is, if Petitioner can make the request should the present restrictions on the terms of operation be lifted. For the reasons described below the answer to all three questions should be, NO!

II. THE HISTORY OF THIS PROPERTY

This property received CRG approval as a Class A Office Building on April 17, 1985, (Joint Exhibit 6). Subsequently, to enclose and enlarge the porch, a revised plan dated July 26, 1985 was submitted along with revised architectural drawings. (This was part of a series of exhibits by People's Counsel that included two architectural drawings noted as revised July 22, 1985.) According to a cover letter from Susan Carrell dated August 23, 1985 (People's Counsel Exhibit) she compared the two site plans and was satisfied that the changes did not constitute a material amendment.

Both the original CRG plan, and the first revision, dated July 26, 1985 included the following restrictions:

1. The office building would operate from 9:00 a.m. to 5:00 p.m.;
2. The maximum number of employees would be five (5);
3. There would be 1,470 square feet of first floor office; and
4. The entire second floor would remain unoccupied. (A second floor outside stairway was designated "future.")

The revised plan with the porch enclosure and expansion required Dr. Spodak to file a Petition for a Special Exception for a Class B office building. At that hearing a site plan reflecting further revisions on 7/26/85, 8/15/85 and 10/7/85 was submitted as Petitioner's Exhibit 1. If the Zoning Commissioner was aware that this new site plan changed the parking data to show 688 square feet of second floor office space, he did not so note in his order which in pertinent part reads:

"The sole issue to be decided is whether the 133 square feet added to the existing building comports to the conditions precedent in Section

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502.1, BCZR, to grant a special exception for a class B office building. ... Nothing else changes." (emphasis added.)

He did however, grant the Special Exception subject to four (4) restrictions which were CONDITIONS PRECEDENT to the relief granted. The first restriction required a revised site plan which was submitted in December, 1985, the second and third restrictions related to a fence and drainage area which apparently were completed if somewhat belatedly, and the last restriction was that the revised site plan be submitted to the Current Planning and Development Division and the CRG for approval.

The undisputed testimony of Diane Itter was that the site plan, dated December 1985 and incorporating the 7/26/85, 8/15/85 and 10/7/85 revisions WAS NEVER APPROVED BY THE CRG. Thus, Dr. Spodak never complied with the fourth condition precedent and never perfected the Special Exception for a Class B office building at 1018 Dulane Valley Road conditionally granted by the Zoning Commissioner on October 29, 1985. *

In addition to not complying with the conditions to make the property a Class B office building, Dr. Spodak also failed to comply with the terms of his CRG approval for a Class A office building. Based upon his own testimony and that of neighbors, Dr. Spodak has: 1.) Consistently exceeded the hours of operation from 5:00 p.m. until well into the night; 2.) Far exceeded the maximum number of employees from the five (5) permitted; and 3.) Developed and used the second floor as offices with an outside staircase.

* Because his right to the special exception never vested, he must meet the requirements of the new R-0 law.

- 3 -

III. THE PRESENT PETITION

In an apparent attempt to legitimize his current non-compliance this Petition for Special Hearing to (1) Change the number of employees to 6 full time and 6 to 8 part-time^{1/} and (2) Change hours of operation to typically 8:00 a.m. to 11:00 p.m. was filed. The second floor expansion, however, also appears on Petitioner's site plan without any mention that it has NOT received CRG approval.

Although framed as a Request for Special Hearing, this case is really a Petition for a Special Exception. If this Board were to act favorably upon Dr. Spodak's request it would have the effect of affirming the Special Exception in case 86-173X, which is now of questionable validity, and establishing the terms and conditions of the Special Exception use. In addition, depending on the site plan adopted by this Board, the expansion of the use to the second floor will be resolved.

On July 13, 1989, the Zoning Commissioner denied the Petition noting that Petitioner has

"... consistently maintained a medical practice at this location from approximately 7:30 A.M. until 10:00 P.M., Monday through Friday and on Saturdays, from 8:00 A.M. to 7:00 P.M. The staff is, clearly far in excess of the five (5) individuals indicated on the original site plan and the Petitioner has regularly had as many as 25 employees.

The Zoning Commissioner also noted that there is insufficient parking for this facility and that the "Petitioner's medical office operation is inconsistent with that Statement of

^{1/} On the day of the hearing, Dr. Spodak orally amended his request from 30 to no more than 6 to 8 part-time employees.

- 4 -

62-8 AM 91 904 68
COUNTY BOARD OF APPEALS

Legislative Policy and Intent for the R.O. zone."

Petitioner appealed.

IV. DISCUSSION

Dr. Spodak confirmed in his testimony before this Board that he has exceeded the hours of operation, the number of employees and is making full use of the medical offices on the second floor. In addition, he described several different mental health operations being conducted from the premises as well as billing and recordkeeping for a substantial number of off-premises operations.

Glenn Cook, a traffic expert, testified as to the amount of traffic on Dulaney Valley Road and stated that the number of trips generated by Dr. Spodak's practice would not have any significant effect. Mr. Cook did not address the unique problem that the site's location next to the Beltway ramp might create. Further, he testified that he had not been consulted as to whether the number of parking spaces required by the ordinance had been met, and his observations were limited to day-time trips.

Frederick P. Klaus, a real estate expert testified on behalf of Dr. Spodak. He opined that Dr. Spodak's use was not inconsistent with the surrounding neighborhood, but included the Townsontown Center as part of the neighborhood.

In opposition, People's Counsel and Baltimore County offered Diane Itter, a community planner in the Office of Planning and Zoning who confirmed that there was no approved CRG plan after April 1985. In addition, she testified that Dr. Spodak's operation was more consistent with the O-1 zone than an RO zone.

- 5 -

She said that when the CRG gave its approval this was characterized as a "one person practice." As to the surrounding neighborhood, she said that she would make a big distinction between the towncenter, which has an official boundary at Fairmount Avenue, and the area along Dulaney Valley, Locustvale and Swarthmore which are a "solid residential area." She also noted that requests for RO zoning on adjacent property were denied during the 1988 comprehensive map process.

Ann Jones, a neighbor testified as to evening hours of operation and the parking problem created by the present use. Photographs were presented demonstrating the overflow beyond the parking lot, filling the driveway and onto the roadway of cars under the present use.

Kevin Connor, a Baltimore County Zoning inspector testified that the screening required by 86-173X was not in place as of May 17, 1988. Additionally, he stated that in 1987 Dr. Spodak was advised that he did not have permission to use the second floor for office space and that he would have to submit an amended plan to CRG within 30 days. This was never done and the use of the second floor was never approved by Baltimore County.

Frank DiMeglio, another Baltimore County zoning inspector also confirmed the evening hours of operation and the number of cars parked on the front of the property.

V. THE EFFECT OF THE NEW "R-O" LAW

The present petition is governed by Bill No. 151-88, the new R-O law. This law permits a Class A office building in an RO zone by right;" (203.3 A.2. BCZR); or a Class B office building by zone by right;" (203.3 A.2. BCZR); or a Class B office building by special exception "IF SUCH USE HAS AN APPROVED CRG PLAN PRIOR TO

- 6 -

THE GRANTING OF A SPECIAL EXCEPTION;" (203.3 B BCZR) but limits Class A or B medical offices to no more than 25% of the total adjusted gross floor area. (203.3 BCZR) Dr. Spodak's proposed plan meets neither the requirement for an approved CRG plan, nor the 25% medical office limitation.

Under the grandfathering provision of the bill a Class B office building in existence on the effective date of the Bill with medical offices in excess of 25% may continue and expand but only IF IT IS IN COMPLIANCE WITH ITS SPECIAL EXCEPTION. (203.3 B.2.(A) BCZR) There is no dispute that Petitioner is not in compliance with his Special Exception, if indeed he has one because he 1.) NEVER fulfilled the condition precedent for his Special Exception that the revised site plan had to receive CRG approval; 2.) built the second floor stairway and created offices on the second floor without any approval; and 3.) has been in continuous non-compliance with the hours of operation and number of employees contained on the site plan approved by the CRG prior to the first Special Exception.

The most generous interpretation of this situation is that Petitioner has a grandfathered special exception for the first floor according to the July 26, 1985 CRG plan, with which, if he would come into full compliance (including hours of operation and number of employees) along with the terms imposed by the Zoning

2/ A second grandfathering provision allows a Class B office building granted before the effective date of Bill 151-88, but not yet built to be built within the time permitted by its Special Exception, but this provision is inapplicable here. (203.3 B.2.(B) BCZR)

- 7 -

Commissioner in Case 86-173X he could continue. Alternatively, Petitioner has no grandfathered special exception and must discontinue his present medical use except for 25% of the building.

VI. CONCLUSION

Although the present Petition is framed as a Petition for Special Hearing to (1) Change number of employees to 6 full time and 6 to 8 part-time and (2) Change hours of operation to typically 8:00 a.m. to 11:00 p.m., it is either a Petition for a new Special Exception or an expansion of a grandfathered Special Exception. Because Petitioner has not submitted a site plan that was approved by the CRG in accordance with Bill No. 151-88, this Board could not grant a new Special Exception (even limited to 25% medical use). Further, because Petitioner is not in compliance with any possible previously granted special exception, this Board could not permit any expansion.

It is not clear whether an otherwise grandfathered use can come into compliance after the effective date of the new R-O law in order to qualify for its grandfathering provisions, or, if so, how much opportunity there should be. The section cited at footnote 2 suggests that the outside limit would be the time for vesting the Special Exception which, in this case, has expired. However, should this Board determine that Petitioner should have the opportunity to come into compliance, by complying with all the conditions on the CRG approved July 26, 1985 site plan as well as the additional conditions imposed by the Zoning commissioner in Case 86-173X, there should be some date by which the Petitioner would have to demonstrate to this Board that he has done so. In such case, there would arguably be a grandfathered special

- 8 -

exception within which context this Board could consider Petitioner's request for an expansion of hours and employees. Based upon the testimony, however, this Board should still limit the hours of operation to 9:00 a.m. to 5:00 p.m. with a maximum of five (5) employees, in accordance with Section 502.2 which grants this Board authority to impose such conditions as it deems advisable for the protection of surrounding and neighboring properties.

In the event Petitioner does not come into compliance or this Board determines that Petitioner should not be afforded the opportunity to come into compliance, this Board should specifically recognize that the only legal use of the site is in accordance with the conditions on the CRG approved site plan dated July 26, 1985 and the accompanying drawings without the enclosed porch. Petitioner's continued non-compliance would then clearly be a zoning violation which would have to be enforced by the Courts.

Respectfully submitted,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
County Office Building, Room 320
Towson, Md. 21204
887-2188

Arnold J. Jaxon
Arnold Jaxon, County Attorney
Nancy C. West
Nancy C. West, Assistant County Attorney
County Courthouse, Room 202
Towson, Md. 21204
(301) 887-4420

3520B/1-9

- 9 -

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of August, 1989, a copy of the foregoing People's Counsel's Memorandum was mailed to Keith S. Franz, Esquire, Azrael, Gann, & Franz, 401 Washington Avenue, Suite 502, Towson, Maryland 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

- 10 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 11, 1988



Dennis F. Easmussen
County Executive

Dr. Michael K. Spodak
1018 Dulaney Valley Road
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 88-357SPH

Dear Dr. Spodak:

Pursuant to the recent hearing held on the above captioned case, please be advised that your Petition for Special Hearing has been DENIED, copy of which is attached hereto.

If you have any questions concerning the above matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
att.
CC: Peoples Counsel

TPCC Towson Park Community Corporation
P.O. Box 36542
Baltimore, Maryland 21286
June 12, 1989

County Board of Appeals
of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-357-SPH
Michael K. Spodak, M.D.
1018 Dulaney Valley Road

Gentlemen:

On behalf of Towson Park, a neighboring community of the referenced property, I would like to express our position on this case for the record.

We agree wholeheartedly with the findings and decisions of Zoning Commissioner Haines and believe that Dr. Spodak's desire to increase the number of employees and hours of operation is totally inconsistent with Baltimore County's Regulations regarding R.O. Zoning. The granting of Dr. Spodak's request would certainly not be compatible with present or prospective uses of nearby residential property; in fact, if Dr. Spodak is allowed to make these changes, a dangerous precedent would be established for other properties zoned R.O. and further encroachment by offices into residential communities would become likely.

In conclusion, we would suggest if Dr. Spodak's practice is so large that he needs more employees and extended hours of operation, that he investigate the possibility of moving his practice to one of the fine office buildings in the area which would be more suitable to his needs.

Very truly yours,

Towson Park Community Corporation
Joseph P. Wantz, Jr.
Joseph P. Wantz, Jr.
President

cc: J.R. Jones
Vivian Kasper
J. Robert Haines
Stephen Lafferty, Greater Towson Council of Community Associations

11/10/88 -Notice sent to following for hearing on Wednesday, 1/11/89 at 10 am

Spodak
Franz
Kneip
Whalen
Jones
Falter
Kasper
PC
Stokes
Fields
Haines
Nastarowicz
Dyer
Docket Clerk

1/11/89 -By mutual agreement, today's case has been POSTPONED; a reschedule date the week of June 12, 1989 is agreeable to all parties.
Notice of POSTPONEMENT and reassignment to 6/13/89 at 10:00 a.m. was sent to all parties listed above.

6/14/89 -Notice sent for one-hour hearing only on 7/19/89 at 9:00 a.m. to above to conclude hearing begun on Tuesday, 6/13/89.

7/19/89 -Concluded hearing in this matter; memos due by August 24, 1989; Opinion/Order to be issued thereafter.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 22, 1988



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
WS Dulaney Valley, 192' +/- S c/1 Swarthmore Drive
(1018 Dulaney Valley Rd.)
4th Election District, 9th Councilmanic District
MICHAEL K. SPODAK, M.D. - Petitioner
Case No. 88-357-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 12, 1988 by Keith S. Franz. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:ccr

Enclosures

cc: Mr. Keith S. Franz, Attorney, Azrael, Gann & Franz
401 Washington Ave., Suite 502, Towson, Md. 21204

AGF
AZRAEL, GANN AND FRANZ

ATTORNEYS AT LAW

EDWARD AZRAEL
JONATHAN A. AZRAEL
KEITH S. FRANZ
PAUL J. SCHWAB

MARK S. COHEN
JUDITH H. LEWIS
SUSAN H. TELLER
MYLES L. LICHTENBERG
H. DAVID GANN (1988-1989)

August 11, 1988

The Honorable J. Robert Haines
Zoning Commissioner for
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 88-357SPH
1018 Dulaney Valley Road
Petitioner: Michael K. Spodak, M.D.

Dear Mr. Haines:

Please note an Appeal from your decision of July 13, 1988 in the above-referenced case.

Please request the Board of Appeals for Baltimore County to schedule this matter at its earliest convenience.

Very truly yours,

ND FRANZ

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

No. 059171

DATE 8-15-88 ACCOUNT 001-006-4150

AMOUNT \$ 90.00

RECEIVED FROM KEITH S. FRANZ

FOR APPEAL FILING - CASE # 88-357-SPH
MICHAEL K. SPODAK, M.D.

VALIDATION OR SIGNATURE OF CASHIER

DATE-CASHIER FOR AGENCY YELLOW-CUSTOMER

821-6800 • TELESCOPIER (301) 821-1255

AGF
AZRAEL, GANN AND FRANZ

ATTORNEYS AT LAW

EDWARD AZRAEL
JONATHAN A. AZRAEL
KEITH S. FRANZ
PAUL J. SCHWAB

MARK S. COHEN
JUDITH H. LEWIS
SUSAN H. TELLER
MYLES L. LICHTENBERG
H. DAVID GANN (1988-1989)

August 11, 1988

The Honorable J. Robert Haines
Zoning Commissioner for
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No.: 88-357SPH
1018 Dulaney Valley Road
Petitioner: Michael K. Spodak, M.D.

Dear Mr. Haines:

Please note an Appeal from your decision of July 13, 1988 in the above-referenced case.

Please request the Board of Appeals for Baltimore County to schedule this matter at its earliest convenience.

Very truly yours,

AZRAEL, GANN AND FRANZ

Keith S. Franz
Keith S. Franz

KSF:krk

RECEIVED
AUG 12 1988

201110 0710

OK.
(cc)

APPEAL

Petition for Special Hearing
WS Dulaney Valley, 192' +/- S c/1 Swarthmore Drive
(1018 Dulaney Valley Road)
4th Election District - 9th Councilmanic District
MICHAEL K. SPODAK, M.D. - Petitioner
Case No. 88-357-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments (Comment Folder missing from file)

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Planting Plan

2. One 3" x 5" photograph of location

3. Copy of 1968 Comprehensive Zoning Map - Request for Change

Protestant's Exhibits: 1. One Polaroid photograph of location

Zoning Commissioner's Order dated July 13, 1988 (Denied)

Notice of Appeal received August 12, 1988 from Keith S. Franz, Attorney

Copy of Violation Case form

cc: Mr. Keith S. Franz, Attorney, Azrael, Gann & Franz
401 Washington Ave., Suite 502, Towson, Md. 21204

W. P. Kneip, Jr., 904 Locustvale Rd., Balto., Md. 21204

Stephen Whalen, Jr., 2 W. Rolling Crossroads, Suite 203
Catonsville, Md. 21228

J. R. Jones, 1016 Dulaney Valley Rd., Balto., Md. 21204

J. L. Falter, 1014 Dulaney Valley Rd., Balto., Md. 21204

Vivian A. Kasper, 18 Alanbrooke Ct., Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

September 15, 1988

Baltimore County Office of Planning and Zoning
Towson, Maryland 21204

Ladies and/or Gentlemen:

In accordance with the submittal requirements for requesting a change in the 1988 Comprehensive Zoning Map, the following is intended to serve as justification for the request for 1018 Dulaney Valley Road to be rezoned "R-O" for future conversion of the approximately 2,200 square foot home to professional offices. Section 203 of the Baltimore County Zoning Regulations states "That residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town centers, are near CCC districts or lie along commercial motorways". The subject property is within approximately 1200 feet of the BM-CT zone of Towson.

Section 203.2 states "The R-O zoning classification is established... to accommodate houses converted to office buildings... in predominantly residential areas in sites that, because of adjacent commercial activities, heavy commercial traffic, or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate density residential zone." The subject property is immediately adjacent to an R-O zone (1018 Dulaney Valley Road) and is within close proximity to parcels, which by special exception permit use as a dental office (1008 Dulaney Valley Road) and an ophthalmology office (1012 Dulaney Valley Road). That State Highway Administration estimates traffic on Dulaney Valley Road to be approximately 25,000 cars. Also, the subject property is within 100 feet of the Baltimore Beltway (I-695).

Section 203.2 further states that "It is intended that buildings and uses in R-O zones be highly compatible with present or prospective uses of near by residential". The following demonstrates such compatibility:

To the subject property's immediate North - R-O zoned parcel.

To the subject property's immediate South - similar house.

To the subject property's immediate West - Dulaney Towers highrise (minimum 10-12 stories) and garden apartments.

To the subject property's immediate East - Goucher College.

The proposed use for the property, for the immediate future, is to remain the residence of Gertrude Redden Jones. It is likely at some time in future to sell the property, probably to an M.D. for professional office. This reuse would be in keeping with the existing "tone of the area".

Thank you for your consideration of this matter.

Sincerely,

Gertrude Redden Jones

Gertrude Redden Jones

Note: If this request is granted, it does not guarantee the issuance of plan approval or a building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

88 COMPREHENSIVE ZONING
Request for Change

Office of Planning and Zoning
Baltimore County, Maryland

OFFICE OF PLANNING AND ZONING
COUNCIL DISTRICT 03C
ISSUED BY JASON W. BROWN
DATE 10/23/88
PLANNER JWM
RECEIVED DATE 10/23/88

1 APPLICANT'S NAME	Gertrude R. Jones (Mrs. John Marshall Jones, Jr.)	
2 ADDRESS	1016 Dulaney Valley Road	
3 CITY	Towson	
4 STATE	MD	
5 ZIP	21204	
6 PHONE	823 9089	
7 ORGANIZATION (if any)	N/A	
8 COMMUNITY ORGANIZATION INVOLVED:		
9 APPLICANT STATUS: (Please Circle one)		
Property Owner	Contract Purchaser	Legal Rep.
10 PROPERTY LOCATION w/s Dulaney Valley Rd. just south of beltway exit 27 (1016 Dulaney Valley Rd.)		
11 ACREAGE OR LOT SIZE	.25 A (+/- 764 s.f.)	
12 EXISTING ZONING BY ACRES	DR 3.5 .25	
13 REQUESTED ZONING BY ACRES	R-O .25	
14 EXISTING USE	residence	
15 PROPOSED USE (if known)	possible future conversion to office	
16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18 Issue No. 19 year		
(if applicable) 20(b) Cycle Zoning: 21 Case No.		
22 WATER SERVICE ZONE	Towson 4th	
23 SUBSEVERSHED NUMBER (If request is located in more than one subsevershed, the number of dwelling units for each subsevershed must be shown, if known.)	29	
24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)		

District			Property Number			Map		
9	09	10	450	590		70	2	668
Deed	Liber	Folio				Rec. Plat	Liber	Folio
GLB	1956	162				01	17	16
							Block	Lot
							5	5

25 APPLICANT ACKNOWLEDGEMENT:

I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.

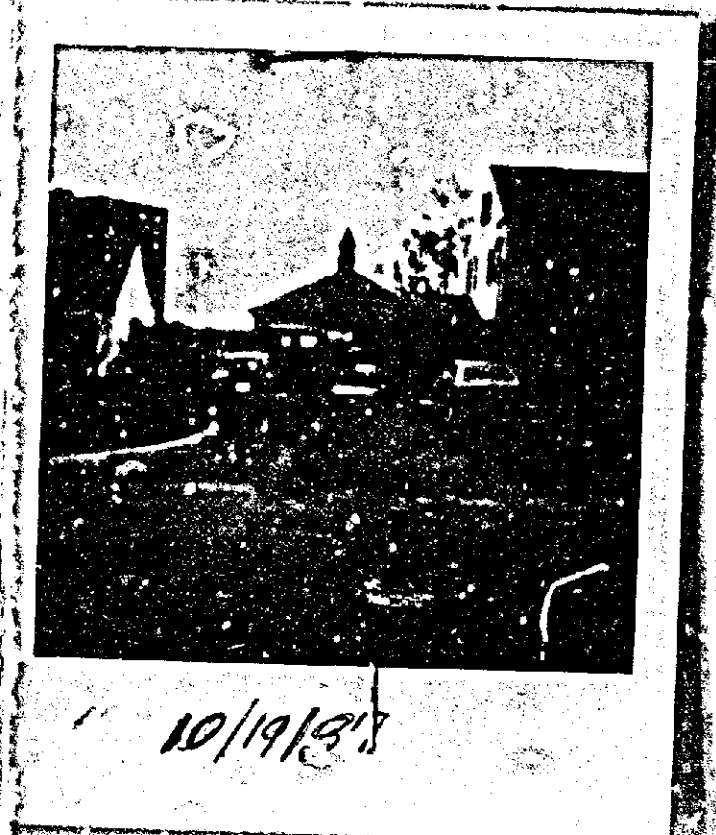
I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

PETITIONER NAME Gertrude Redden Jones (Type or Print)

EXHIBIT 3 SIGNATURE *Gertrude Redden Jones* (Landowner, Contract Purchaser and/or Legal Representative)

Application Must be Presented in Person

PROTESTANT(S) EXHIBIT (1)



PETITIONER(S) EXHIBIT (2)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: February 23, 1988
P. David Fields
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition 88-357-SPH

RECEIVED
MAR 1 1988
ZONING OFFICE

This office is opposed to the granting of the subject request. The density of use proposed by the petitioner is not appropriate in the R.O. zone; such an operation would be in violation of the spirit and intent of the governing sections of the Baltimore County Zoning Regulations.

This type of use should be located in non-residential areas.

P. David Fields per J. H. Howell
P. David Fields
Director

PDF:JGH:de

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 11, 1988



Mr. Howard Tankersley, C.E.O.
Dulane Towers
111 Locustvale Road
Towson, Maryland 21204-2704

RE: Zoning Violation, 1018 Dulane Valley Road
Michael K. Spodak, M.D., Case #88-357-SPH

Dear Mr. Tankersley:

Thank you for your letter of May 5, 1988. I referred a copy of your letter to Mr. James Thompson, Zoning Supervisor for the Baltimore County Zoning Enforcement Unit. I have asked Mr. Thompson to pursue the additional alleged violations concerning the lack of screening and/or fencing. He will be in contact with you, concerning this matter, after his investigation.

In reference to the current matter being heard by me for the owners of property located at 1018 Dulane Valley Road, I am not at liberty to comment on that litigation until such time as a final decision is rendered in the matter. I have included your letter with this case file and have added you to the mailing list to receive a copy of the final decision in that zoning case, when that decision is issued.

Thank you for your time and cooperation.

Very truly yours
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: James H. Thompson
Zoning Enforcement Supervisor

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
W. F. King Jr.	904 Locustvale Rd. Bkto 21204
Stephen W. White Jr.	2 West Rolling Green Rd. Suite 203 Catonsville 21228
G. R. Jones	1016 Dulane Valley Rd. 21204
J. L. Foster	1016 Dulane Valley Rd. 21204
David A. Kasper	18 Chestnut St. Towson, Md. 21204

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 9/20/88
Posted for: Appeal
Petitioner: Michael K. Spodak, M.D.
Location of property: 1018 Dulane Valley Rd., 1921 N. Sandtown
Location of Signs: 1018 Dulane Valley Rd., 1921 N. Sandtown
Remarks: 1018 Dulane Valley Rd., 1921 N. Sandtown
Posted by: [Signature] Date of return: 10/1/88
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

TO: James H. Thompson
Zoning Enforcement Supervisor
DATE: May 11, 1988
FROM: J. Robert Haines
Zoning Commissioner
SUBJECT: Zoning Violation Case
Michael K. Spodak, Petitioner

Please have the additional complaints followed up regarding the screening.

Thank you.

JRH:mmm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

James Dyer
TO: Zoning Supervisor
Date: January 30, 1988
James Thompson
FROM: Zoning Enforcement Coordinator
Item No.: 7200 (if known)
SUBJECT: Petitioner: Spodak (if known)

VIOLATION CASE # 88-147-LV
LOCATION OF VIOLATION 1018 Dulane Valley Rd.
DEFENDANT Dr. Spodak ADDRESS 3/4/8

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
William P. Jones
Whalen Properties 405 Frederic Rd
Catonsville Professional Ctr. #250
Catonsville, Md. 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JAN 27 1988



dulane towers RECEIVED
MAY 6 1988
MAY 5, 1988
ZONING OFFICE

Mr. J. Robert Haines, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Md. 21204

RE: Zoning Violation
1018 Dulane Valley Road
Baltimore County, 21204

Dear Commissioner Haines,

A recent telephone call to your office to discuss a site violation at the above reference disclosed that judicial action has already been initiated against the owners for various other zoning violations. At that time I was advised to bring MY COMPLAINT to your attention.

In addition to the current alleged violations, the owner(s) of 1018 Dulane Valley Road has failed to comply with an earlier directive issued by your office. In obtaining the original zoning change, the owner(s) of the property was held responsible for erecting a privacy screen along or near the property line adjoining Dulane Towers Condominium. This screen was to be either a four foot wide planting of shrubs and trees, or a wooden fence. Either method selected for providing the required privacy was acceptable to Dulane Towers property owners.

As of this date, the owner(s) of 1018 Dulane Valley Road have not complied with the mandated directive issued by your office. Would you please take what ever action your office permits to obtain the privacy screen that was awarded to the residents of Dulane Towers Condominium.

Thank you for your prompt and most kind assistance in this matter.

Sincerely,
Howard Tankersley
Howard Tankersley,
C.E.O.

cc: Board Members, D.T.M.C.
Vivian Kasper, President - D.T.M.C.
Sally Kasper, Vice President
Irene Duncan, Treasurer
Helen Kennedy, Secretary
MAIL

DULANE TOWERS MAINTENANCE CORPORATION

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 24, 1988



Dulane Towers
c/o Mr. Howard Tankersley C.E.O.
911 Locustvale Road
Towson, Maryland 21204-2704

Dear Mr. Tankersley:

Thank you for your letter of June 21, 1988. On June 20, 1988, I received a request for an extension from Dr. Michael Spodak. His letter included a contract and an estimate for landscaping work to be performed at Dayhoff and Co. on May 17, 1988, and received a written estimate on June 17, 1988. (Enclosed please find a copy of all correspondence). Based on the information provided, an extension has been granted until August 15, 1988. However, I can assure you that no further extensions will be considered.

Should there be any further questions, please contact me at 494-3351.

Sincerely,
Jeffrey W. Long
JEFFREY W. LONG
Zoning Inspector

JWL:ljs

Enclosure

cc: J. Robert Haines
Zoning Commissioner

June 20, 1988

Re: Case No. 86-173-X
Special Exception

As we recently discussed by telephone, I have contracted the services of Kevin Dayhoff to complete the landscape plan in compliance with the Special Exception Case No. 86-173-X. I am enclosing a copy of his contract for your files. He anticipates completing the work in the near future.

Michael K. Spodak, M.D.

Enclosures

RECEIVED
JUN 22 1988

ZONING OFFICE

KEVIN E. DAYHOFF & CO.
BUZZARD'S CRIST FARM
P.O. BOX 124
WESTMINSTER, MD. 21157-0124
Tel: (301) 239-8192

MICHAEL K. SPIDAK, MD. PA
10118 DUEBNEY VALLEY ROAD
TOWSON, MD. 21204
MAR 31 1988

DEAR DR. SPIDAK

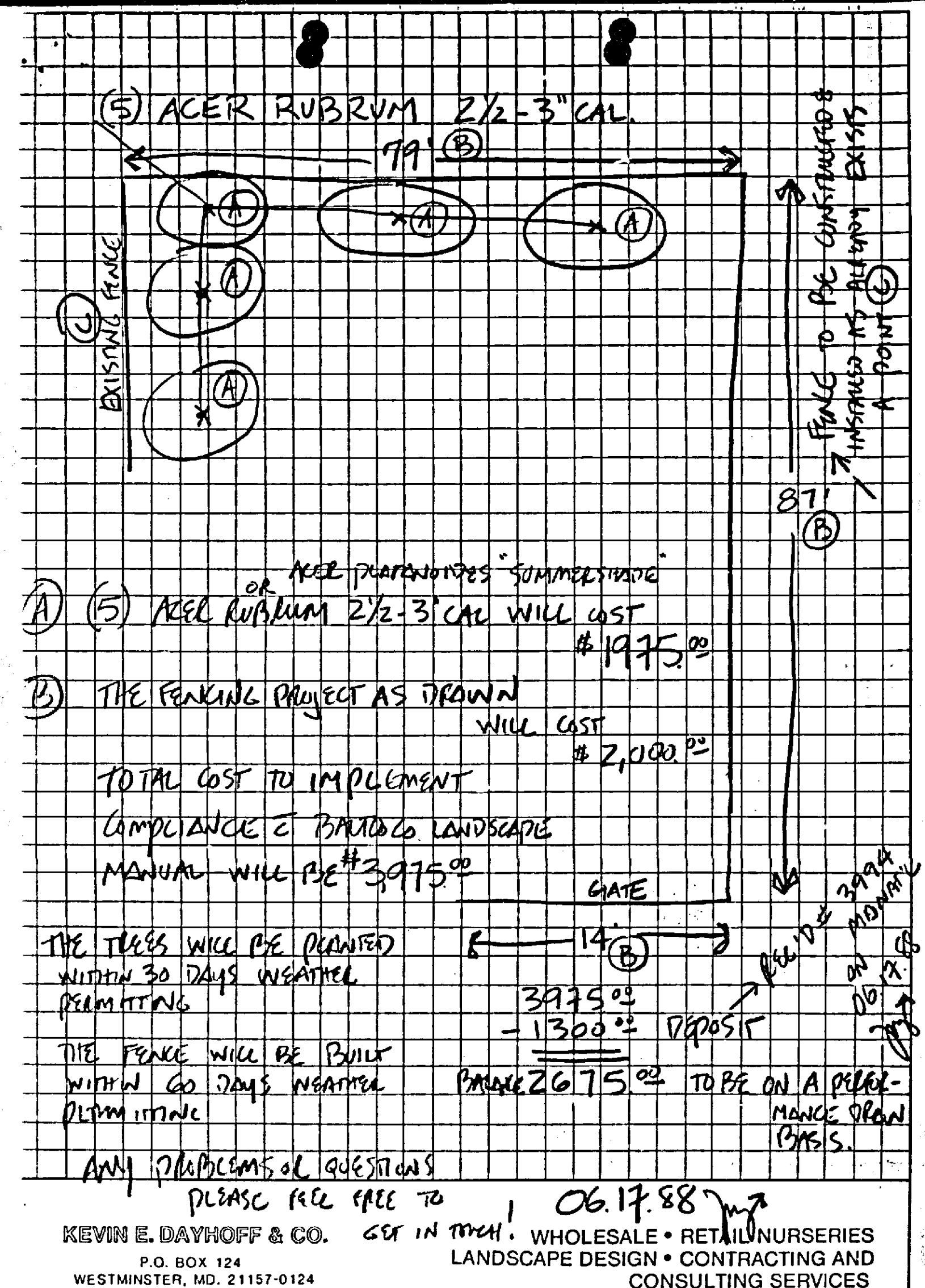
THIS IS TO CONFIRM THAT ON 05-17-88 YOU & I TALKED ABOUT YOUR NEED TO HAVE A FENCE & SCHEDULE THE FENCE PROJECT AT YOUR OFFICE.

I HAVE TALKED WITH YOU & LONGER AT THE SITE & SPENDING AN AFTERNOON. WHICH I'M SURE THAT YOU & I CAN COME TO - I'LL BE GLAD TO TAKE OF THIS PROJECT IN LATE JULY / EARLY AUGUST 1988.

I'LL BE THERE WITH YOU WITH SOME PROPOSALS SPRING.

I'M LOOKING FORWARD TO WORKING WITH YOU ON THIS PROJECT.

Kevin E. Dayhoff 053188



「 MICHAEL K. SPODAK, MD, PA. 1018 DULANEY VAUGHN ROAD. TOWSON, MD. 21204 」

MHIC #18117
301 239-8192

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PERMIT #: 811
RECEIPT #: 811
CONTROL #: 811
XREF #: 811

PROPERTY ADDRESS: 1018 Dulaney Valley Rd
SUBDIV: Towson, MD 21204
TX ACCOUNT #: 08 159390
OWNER'S INFORMATION (LAST, FIRST)
NAME: Dennis and JoAnn Cuomo
ADDR: 1805 Blakesfield Ct., Lutherville, MD 21093

APPLICANT INFORMATION
NAME: Dennis and JoAnn Cuomo
COMPANY: 1805 Blakesfield Court, Lutherville, MD 21093
ADDR: 1805 Blakesfield Court, Lutherville, MD 21093
PHONE #: 475-7900 MHC LICENSE #: 1000
SIGNATURE: [Signature] TRACT: 1 BLOCK: 1
PLANS: CONST 2 PLOT 2 PLAN 2 DATA 2 EX 2 PL 2
TENANT: None
OWNER: None
EX: None
SELLER: None

TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. OTHER COC

TYPE OF USE
RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. (ENTER NO. UNITS)
06. SWIMMING POOL
07. GARAGE
08. OTHER

TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINFC. CONCRETE

ESTIMATED COST: 1000
OF MATERIALS AND LABOR

PROPOSED USE: Office and COC
EXISTING USE: Office

OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHOUSE 5. MIDRISE
#BED: #BED: #BED: TOT BED: TOT APTS/CONDOS 6. MIDRISE

GARAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 06
KITCHENS LIBER 17 FOLIO 0/6

APPROVAL SIGNATURES
BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR SIZE 60' x 140'
WIDTH FRONT STREET
DEPTH SIDE STREET
HEIGHT FRONT SETBK
STORIES SIDE SETBK
LOT #3 SIDE STR SETBK
CORNER LOT REAR SETBK
1. Y 2. N ZONING

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

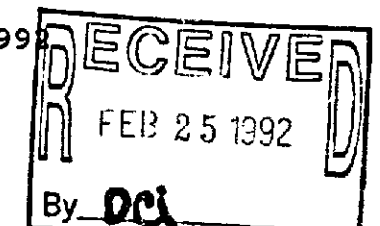
Carl
Active
CASE 92-193.
However,
Arnold wants to
process permit.
We will stat
Q.C. CASE

property is
subject to
a re-class!
Any questions
SEE FRANK

JT, 3/2
Any unresolved violations
on Spodac?
See Mr Carl

LAW OFFICES
HALL, LEVY & MARINO, P.A.
SUITE 1212
TEN EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 685-4400
TELECOPIER (301) 752-0761

February 19, 1992



Arnold Jablon, Esquire
Director
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Property: 1018 Dulaney Valley Road
Owners: Dennis & JoAnn Cuomo

Dear Mr. Jablon:

At the direction of the Building Inspection Division, Mr. and Mrs. Cuomo have caused an Application for Building Permit to be made for the above captioned property concerning the change of occupancy. In connection with circulating the permit, Jim Ogle at Planning raised the issue of the previous owner, Dr. Spodack and his alleged non-compliance for failure to revise a CRG plan in the past. I informed Mr. Ogle that that issue among others, had been taken care of in a meeting which I had with you on January 23, 1992. I showed Mr. Ogle a copy of my confirming letter, however, he needs independent confirmation from you as to the status of our agreement in order to sign off on the permit.

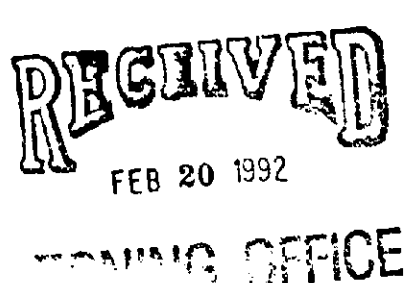
In order that the permit may be processed, please confirm to Mr. Ogle that an agreement has been reached with your office regarding the status of the CRG plan and other outstanding zoning issues pending application for zoning reclassification by Mr. and Mrs. Cuomo.

Arnold Jablon, Esquire
Page Two
February 19, 1992

Thank you for your cooperation in this matter.

Very truly yours,
Michael E. Marino
Michael E. Marino

MEM/lrb
5751rb
cc: James Patton, P.E.



86-173-X
for 93-333-SPHXA

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 496-8100 887-3180

June 14, 1989
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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-357-SPH # MICHAEL K. SPODACK, M.D.
W/s Dulaney Valley, 192' +/- S c/l
Swarthmore Drive (1018 Dulaney Valley Road)
9th Election District
4th Councilmanic District
SPH: Change number of employees and change hours of operation
7/13/88 - Z.C.'s Order - Petition for Special Hearing DENIED.

ASSIGNED FOR: WEDNESDAY, JULY 19, 1989 at 9:00 a.m. (one hour only)

cc: Keith S. Franz, Esquire Counsel for Appellant /Petitioner
Michael K. Spodack, M.D. Appellant /Petitioner
Mr. Stephen Whalen, Jr. Appellee /Protestant
J. R. Jones " "
J. L. Falter " "
Ms. Vivian A. Kasper " "
Mr. Charles Stokes " "
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3333

J. Robert Haines
Zoning Commissioner

June 27, 1989



The Honorable F. Vernon Boozer
9th District Senator
614 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S Dulaney Valley Road, 192' +/- S of the 1/1 of Swarthmore Drive
(1018 Dulaney Valley Road)
9th Election District - 4th Councilmanic District
Michael K. Spodak, M.D. - Petitioner
Case No. 88-357-SPH

Dear Senator Boozer:

In response to your letter dated June 22, 1989 on the above-captioned matter, the following information is offered. The Petitioner was granted a special exception for a Class B office building in Case No. 86-173-K on October 29, 1985. Subsequently, the Petitioner requested a special hearing to amend the special exception previously granted to change the number of employees permitted on the site at any one time and to change the hours of operation. Pursuant to the special hearing held on March 15, 1988, the Zoning Commissioner's Office denied the relief requested in its order dated July 13, 1988. The Petitioner then filed an appeal to the Baltimore County Board of Appeals.

We understand the community's concerns in this matter and are equally interested in the outcome of this case. However, until a decision is rendered by the Board, the opinion issued by the Zoning Commissioner's Office is not enforceable. Therefore, the Zoning Office cannot request the Petitioner to cease operations on the subject property until such time as a decision is made by the Board. For your information, if the Board rules in favor of the Petitioner, the use proposed will be authorized.

If I can be of any further assistance to you in this matter, please do not hesitate to call this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Case File

F. VERNON BOOZER
STATE SENATOR
NINTH DISTRICT
BALTIMORE COUNTY, MARYLAND
LEGISLATIVE PROCEDURE COMMITTEE
EXECUTIVE NOMINATION COMMITTEE
JOINT BUDGET & AUDIT COMMITTEE

SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

June 22, 1989

RECEIVED
JUN 23 1989
ZONING OFFICE

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
401 Bosley Avenue
Towson, Maryland 21204

Re: 1018 Dulaney Valley Road

Dear Mr. Haines:

Mrs. Josephine Falter of 1014 Dulaney Valley Road advises me a zoning hearing was held June 13th with continuation on July 19th. The neighbors are very upset because when the house was purchased by Dr. Spodak, limited zoning was approved for use of the first floor for his personal offices. I'm told the house is presently used by several physicians, who occupy rooms other than the first floor. Additionally, patients often ignore parking restrictions along the roadside.

I appreciate your consideration of the neighbors concerns.

Very truly yours,
F. Vernon Boozer

FVB/nk

cc: Mrs. Josephine Falter

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 924 Date of Posting: 3/10/88
Posted for: Special Hearing
Petitioner: Michael K. Spodak, M.D.
Location of property: W/S Dulaney Valley Rd., 192' +/- S of Swarthmore Drive
Location of Sign: 1018 Dulaney Valley Rd., across St. Andrew's
Remarks: on property of P.H. Haines
Posted by: [Signature] Date of return: 3/14/88
Number of Signs: 1

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Dulaney Valley Rd., 192' +/- S :
of C/L of Swarthmore Drive : OF BALTIMORE COUNTY
9th Election District :
4th Councilmanic District :
MICHAEL K. SPODAK, M.D., : Case No. 88-357-SPH
Petitioner :
: : : : :
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
Room 223, Court House
Towson, Maryland 21204
494-7188

I HEREBY CERTIFY that on this 29th day of January, 1988, a copy of the foregoing Entry of Appearance was mailed to Michael K. Spodak, M.D., 1018 Dulaney Valley Rd., Towson, MD 21204, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 24, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Feb. 24, 1988.

TOWSON TIMES,

Susan Studer Obrecht
Publisher

NOTICE OF HEARING
The Zoning Commission 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, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing
Case number: 88-357-SPH
W/S Dulaney Valley Road, 192' +/- S of Swarthmore Drive
(1018 Dulaney Valley Road)
9th Election District - 4th Councilmanic District
Petitioner: Michael K. Spodak, M.D.
Hearing Date: Tuesday, March 15, 1988 at 2:00 p.m.
Special Hearing: (1) Change number of employees to full time and 30 part time. (2) Change hours of operation to typically 8:00 a.m. to 11:00 p.m.
(FOR SNOW DATE CALL 494-3391)
In the event that the Petitioner 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

September 22, 1988



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
MS Dulaney Valley, 192' +/- S c/l Swarthmore Drive
(1018 Dulaney Valley Rd.)
4th Election District, 9th Councilmanic District
MICHAEL K. SPODAK, M.D. - Petitioner
Case No. 88-357-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 12, 1988 by Keith S. Franz. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. Keith S. Franz, Attorney, Azrael, Gann & Franz
401 Washington Ave., Suite 502, Towson, Md. 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 3-10-88

Michael K. Spodak, M.D.
1018 Dulaney Valley Road
Towson, Maryland 21204

RE: Petition for Special Hearing
Case number: 88-357-SPH
W/S Dulaney Valley Road, 192' +/- S c/l Swarthmore Drive
(1018 Dulaney Valley Road)
9th Election District - 4th Councilmanic District
Petitioner: Michael K. Spodak, M.D.
HEARING SCHEDULED: TUESDAY, MARCH 15, 1988 at 2:00 p.m.

Dear Dr. Spodak:

Please be advised that \$10.50 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50297
DATE: 3/10/88 ACCOUNT: 8-01-615-000
RECEIVED FROM: Michael Spodak
AMOUNT: \$110.50
FOR: Posting & Advertising (88-357-SPH)
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Board of Appeals
Case No. 88-357-SPH
September 22, 1988
Page 2

M. F. Kneig, Jr., 904 Locustvale Rd., Balto., Md. 21204
Stephen Whalen, Jr., 2 W. Rolling Crossroads, Suite 203
Catonsville, Md. 21228
J. R. Jones, 1016 Dulaney Valley Rd., Balto., Md. 21204
J. L. Falter, 1014 Dulaney Valley Rd., Balto., Md. 21204
Vivian A. Kasper, 18 Alanbrooke Ct., Towson, Md. 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

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, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case number: 88-357-SPH
W/S Dulaney Valley Road, 192' +/- S c/l Swarthmore Drive
(1018 Dulaney Valley Road)
9th Election District - 4th Councilmanic District
Petitioner: Michael K. Spodak, M.D.
HEARING SCHEDULED: TUESDAY, MARCH 15, 1988 at 2:00 p.m.

Special Exception: (1) Change number of employees to 6 full time and 30 part time. (2) Change hours of operation to typically 8:00 a.m. to 11:00 p.m.

(FOR SNOW DATE, CALL 494-3391)

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Michael K. Spodak, M.D.,
File

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 25, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 25, 1988.

THE JEFFERSONIAN,

Susan Studer Obrecht
Publisher

NOTICE OF HEARING
The Zoning Commission 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, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing
Case number: 88-357-SPH
W/S Dulaney Valley Road, 192' +/- S of Swarthmore Drive
(1018 Dulaney Valley Road)
9th Election District - 4th Councilmanic District
Petitioner: Michael K. Spodak, M.D.
Hearing Date: Tuesday, March 15, 1988 at 2:00 p.m.
Special Hearing: (1) Change number of employees to 6 full time and 30 part time. (2) Change hours of operation to typically 8:00 a.m. to 11:00 p.m.
(FOR SNOW DATE CALL 494-3391)
In the event that the Petitioner 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

APPEAL

Petition for Special Hearing
WS Dulaney Valley, 192' +/- S c/1 Swarthmore Drive
(1018 Dulaney Valley Road)
4th Election District - 4th Councilmanic District
MICHAEL K. SPODAK, M.D. - Petitioner
Case No. 88-357-SPH

Petition for Special Hearing
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments (Comment Folder missing from file)
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1. Planting Plan
2. One 3" x 5" photograph of location
3. Copy of 1988 Comprehensive Zoning Map - Request for Change
Protestant's Exhibits: 1. One Polaroid photograph of location
Zoning Commissioner's Order dated July 13, 1988 (Denied)
Notice of Appeal received August 12, 1988 from Keith S. Franz, Attorney
Copy of Violation Case form
Michael K. Spodak, M.D., Petitioner
1018 Dulaney Valley Rd., Towson, MD. 21204
cc: Mr. Keith S. Franz, Attorney, Azrael, Gann & Franz
401 Washington Ave., Suite 502, Towson, Md. 21204
W. F. Kneip, Jr., 904 Locustvale Rd., Balto., Md. 21204
Stephen Whalen, Jr., 2 W. Rolling Crossroads, Suite 203
Catonsville, Md. 21228
J. R. Jones, 1016 Dulaney Valley Rd., Balto., Md. 21204
J. L. Falter, 1014 Dulaney Valley Rd., Balto., Md. 21204
Vivian A. Kasper, 18 Alanbrooke Ct., Towson, Md. 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk
Mr. Charles Stokes
901 Locustvale Road
Towson, MD 21204
Protestant



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 10, 1988

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-357-SPH

MICHAEL K. SPODAK, M.D.

W/s Dulaney Valley, 192' +/- S c/1
Swarthmore Drive
(1018 Dulaney Valley Rd.)

4th E. District

SPH - Change no. of employees to 6 ft. time
and 30 part-time; Hours of operation to
8:00 a.m. to 11:00 pm.

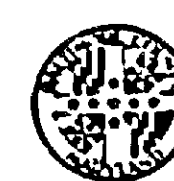
WEDNESDAY, JANUARY 11, 1989, at 10 a.m.

ASSIGNED FOR:

cc: Michael K. Spodak, M.D. Petitioner
Keith S. Franz, Esq. Counsel for Petitioner
W. F. Kneip, Jr.
Stephen Whalen, Jr.
J. R. Jones
J. L. Falter
Vivian A. Kasper
People's Counsel
Charles Stokes
P. David Fields
J. Robt. Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk

June Holmen, Secy.

*PP on file
recess to 11/13/89
by mutual agreement
11/1/89*



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 7, 1988

Mr. Charles Stokes
901 Locustvale Road
Towson, MD 21204

RE: Case No. 88-357-SPH
Michael K. Spodak, M.D.

Dear Mr. Stokes:

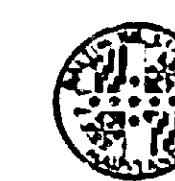
As promised, enclosed is a copy of the Zoning Commissioner's Order dated July 13, 1988 in the subject case. Also, I have included your name and address in the case file so you will receive notification when the case is set in for hearing.

If you have any additional questions, please call.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

encl.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 31, 1989

Keith S. Franz, Esquire
401 Washington Avenue, Suite 502
Towson, Maryland 21204

Re: Case No. 88-357-SPH
Michael K. Spodak, M.D.

Dear Mr. Franz:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County.

Sincerely,

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul
Legal Secretary

Enclosure

cc: Michael K. Spodak, M.D.
Mr. Stephen Whalen, Jr.
J. R. Jones
J. L. Falter
Ms. Vivian A. Kasper
Mr. Charles Stokes
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
W. F. Kneip, Jr.

F. VERNON BOOZER
STATE SENATOR
4TH DISTRICT
BALTIMORE COUNTY, MARYLAND
JUDICIAL PROCEEDINGS COMMITTEE
EXECUTIVE NOMINATIONS COMMITTEE
JOINT BUDGET & ALLOTY COMMITTEE



SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

814 BOSLEY AVENUE
TOWSON, MARYLAND 21204
829-0868
SENATE OFFICE BUILDING
ROOM 403
ANNAPOLIS, MARYLAND 21401-1991
841-3708

July 5, 1989

William T. Hackett, Commissioner
Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

Dear Mr. Hackett:

Re: 1018 Dulaney Valley Road
Case No. 88-357-SPH

Mrs. Josephine Falter of 1014 Dulaney Valley Road advises me a zoning hearing was held June 13th with continuation on July 19th. The neighbors are very upset because when the house was purchased by Dr. Spodak, limited zoning was approved for use of the first floor for his personal offices. I'm told the house is presently used by several physicians, who occupy rooms other than the first floor. Additionally, patients often ignore parking restrictions along the roadside.

I appreciate your consideration of the neighbors concerns.

F. Vernon Booser
F. Vernon Booser

FVB/nk

cc: Mrs. Josephine Falter

RECEIVED
COUNTY BOARD OF APPEALS
69 JUL -6 PM 12:04



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

June 14, 1989

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-357-SPH

MICHAEL K. SPODAK, M.D.

W/s Dulaney Valley, 192' +/- S c/1
Swarthmore Drive (1018 Dulaney Valley Road)
9th Election District
4th Councilmanic District

SPH: Change number of employees and
change hours of operation
7/13/88 - Z.C.'s Order - Petition for Special
Hearing DENIED.

ASSIGNED FOR:

WEDNESDAY, JULY 19, 1989 at 9:00 a.m. (one hour only)

cc: Keith S. Franz, Esquire Counsel for Appellant /Petitioner
Michael K. Spodak, M.D. Appellant /Petitioner
Mr. Stephen Whalen, Jr. Appellee /Protestant
J. R. Jones
J. L. Falter
Ms. Vivian A. Kasper
Mr. Charles Stokes
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

TPCC Towson Park Community Corporation P.O.Box 36542 Baltimore, Maryland 21286

June 12, 1989

County Board of Appeals
of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-357-SPH
Michael K. Spodak, M.D.
1018 Dulaney Valley Road

Gentlemen:

On behalf of Towson Park, a neighboring community of the referenced property, I would like to express our position on this case for the record.

We agree wholeheartedly with the findings and decisions of Zoning Commissioner Haines and believe that Dr. Spodak's desire to increase the number of employees and hours of operation is totally inconsistent with Baltimore County's Regulations regarding R.O. Zoning. The granting of Dr. Spodak's request would certainly not be compatible with present or prospective uses of nearby residential property; in fact, if Dr. Spodak is allowed to make these changes, a dangerous precedent would be established for other properties zoned R.O. and further encroachment by offices into residential communities would become likely.

In conclusion, we would suggest if Dr. Spodak's practice is so large that he needs more employees and extended hours of operation, that he investigate the possibility of moving his practice to one of the fine office buildings in the area which would be more suitable to his needs.

Very truly yours,

Towson Park Community Corporation

Joseph P. Wantz, Jr.
Joseph P. Wantz, Jr.
President

cc: J.R. Jones
Vivian Kasper
J. Robert Haines
Stephen Lafferty, Greater Towson Council of Community Associations

RECEIVED
COUNTY BOARD OF APPEALS
69 JUL 13 PM 1:35



Stephen W. Lafferty, President
6502 Beverly Road
Baltimore, Maryland 21239
phone - (410) 377-4521 (O) 687-7878

June 11, 1989

William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

RE: Case 88-357-SPH
1018 Dulaney Valley Road

Dear Mr. Hackett:

The Greater Towson Council of Community Associations (GTCCA) wishes to go on record as opposing the request of Michael K. Spodak, M.D. to reverse the decision of Commissioner Haines.

The GTCCA, as a coalition of community groups in the Towson area, is greatly concerned that Dr. Spodak wants to radically change the current use of his property. His petition seeks to vastly expand the number of employees on the premises, the hours of operation and the days on which he would be able to operate his medical practice.

The character of Dulaney Valley Road, and the area to its west, is residential. Efforts should be taken to preserve the integrity of the neighborhood. Dr. Spodak's proposal creates a more commercial atmosphere than the R.O. zoning connotes. Dulaney Valley Road, which is already congested, will be made more hazardous.

We strongly urge you and the whole Board to uphold the Zoning Commissioner's ruling and deny Dr. Spodak's appeal.

Very truly yours,

Stephen W. Lafferty
Stephen W. Lafferty
President

RECEIVED
COUNTY BOARD OF APPEALS
69 JUL 13 PM 1:35

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 9, 1988

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

oOo

Michael K. Spodak, M.D.
1018 Dulaney Valley Road
Towson, Maryland 21204

RE: Item No. 200 - Case No. 88-357-SPH
Petitioner: Michael K. Spodak, M.D.
and Zoning Variance

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

Dear Dr. Spodak:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. 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,

James E. Dyer / cer

JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:cer

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

December 21, 1987



Dennis F. Rasmussen
County Executive

Item No. 200
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

-ZAC-

Meeting of December 8, 1987
Michael K. Spodak
W/S Dulaney Valley Road, 192
feet $\pm$ of centerline Swarth-
more Drive
R.O.

Special Hearing to approve the
change of hours of operation to
typically 8:00 am to 11:00 pm
and to change the number of em-
ployees to 6 full time and 30
part-time
.24 acres
9th Election District

Acres:
District:

Dear Mr. Haines:

The access to this site is located very near the end of an exit ramp from I695 to Dulaney Valley Road. This culmination of the exit and the driveway location presents a higher than normal accident risk.

The proposed increase in the number of employees and hours of operation, will substantially increase the risk of accidents.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael S. Flanigan".

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

RECEIVED
JAN 20 1988

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 15, 1987

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



Re: Property Owner: Michael K. Spodak

Dennis F. Rasmussen
County Executive

Location: W/S Dulaney Valley Rd., 192' +- S. c/l Swarthmore Dr.

Item No.: 200

Zoning Agenda: Meeting 12/8/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt Joseph Kelly 12-15-87
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

✓
TO: Jim Thompson, Kevin Connor
Frank DiMeglio

DATE: October 5, 1989

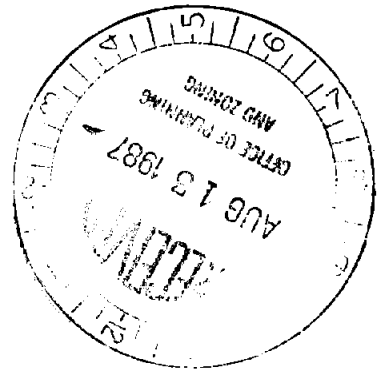
FROM: Ann Nastarowicz *Ann*
Deputy Zoning Commissioner

SUBJECT: Michael K. Spodak, M.D.
Case #88-357-SPH

Attached is a copy of the opinion rendered by the Board of Appeals regarding the above subject case. Since all of you were involved, I wanted to be sure that you got a copy expeditiously. Clearly, the testimony of the Zoning Enforcement staff helped the case, as evidenced by this opinion.

AMN:mmn
att.

MICHAEL K. SPODAK, M.D., P.A.
1018 DULANEY VALLEY ROAD
TOWSON, MARYLAND 21204
TELEPHONE (301) 321-0343



August 7, 1987

Re: Spodak Office Building
1018 Dulaney Valley Road

Request Approval For Amended CRG For Second Floor Use Without
New CRG Meeting

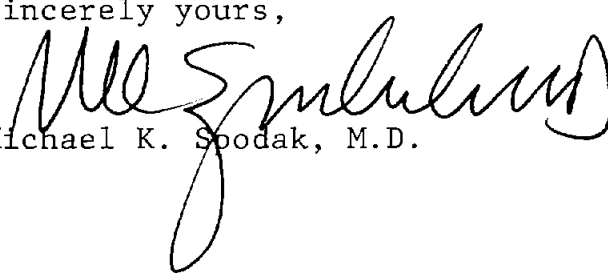
I am the owner of the property at 1018 Dulaney Valley Road. A CRG meeting was held on April 17, 1985, the minutes of which are attached. At that time it was contemplated that I would use the first floor for office use and the second floor would be for future use. Subsequent to the CRG meeting, a special exception hearing was held before Commissioner Jablon and the property was approved for Class B office building in a R-O zone.

Approval for a CRG plan is being requested for use of the second floor as office space. A copy of the floor plan is attached for your review.

Please note that approval was also granted at the Special Exception Hearing for an extension of the parking lot so that a total of eight spaces are provided. See attached.

It is requested that this change be approved without holding a new CRG meeting.

Sincerely yours,


Michael K. Spodak, M.D.

MKS:nsn

Enclosures

cc: Jeffrey Long

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

29th day of December, 19 87.


J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Michael K. Spodak, M.D.
Petitioner's
Attorney _____

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



**Maryland Department of Transportation
State Highway Administration**

Richard H. Trainor
Secretary

Hal Kassoff
Administrator

RECEIVED

DEC 17 1987

December 14, 1987

ZONING & PERMITS

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. James Dyer

Re: Baltimore County
ZAC Meeting of 12-8-87
ITEM: #200.
Property Owner: Michael K. Spodak
Location: W/S Dulaney Valley Road,
Route 146, 192 feet + S of center-
line Swarthmore Drive
Existing Zoning: R.O.
Proposed Zoning: Special Hearing
to approve the change of hours of
operation to typically 8:00 AM to
11:00 PM and to change the number of
employees to 6 full time and 30
part-time
Area: .24 acres
District: 9th Election District

Dear Mr. Haines:

After reviewing the submittal of 10-14-87, the State
Highway Administration - Bureau of Engineering Access Permits
finds the plan to be generally acceptable.

If you have any questions, please contact Larry Brocato
of this office.

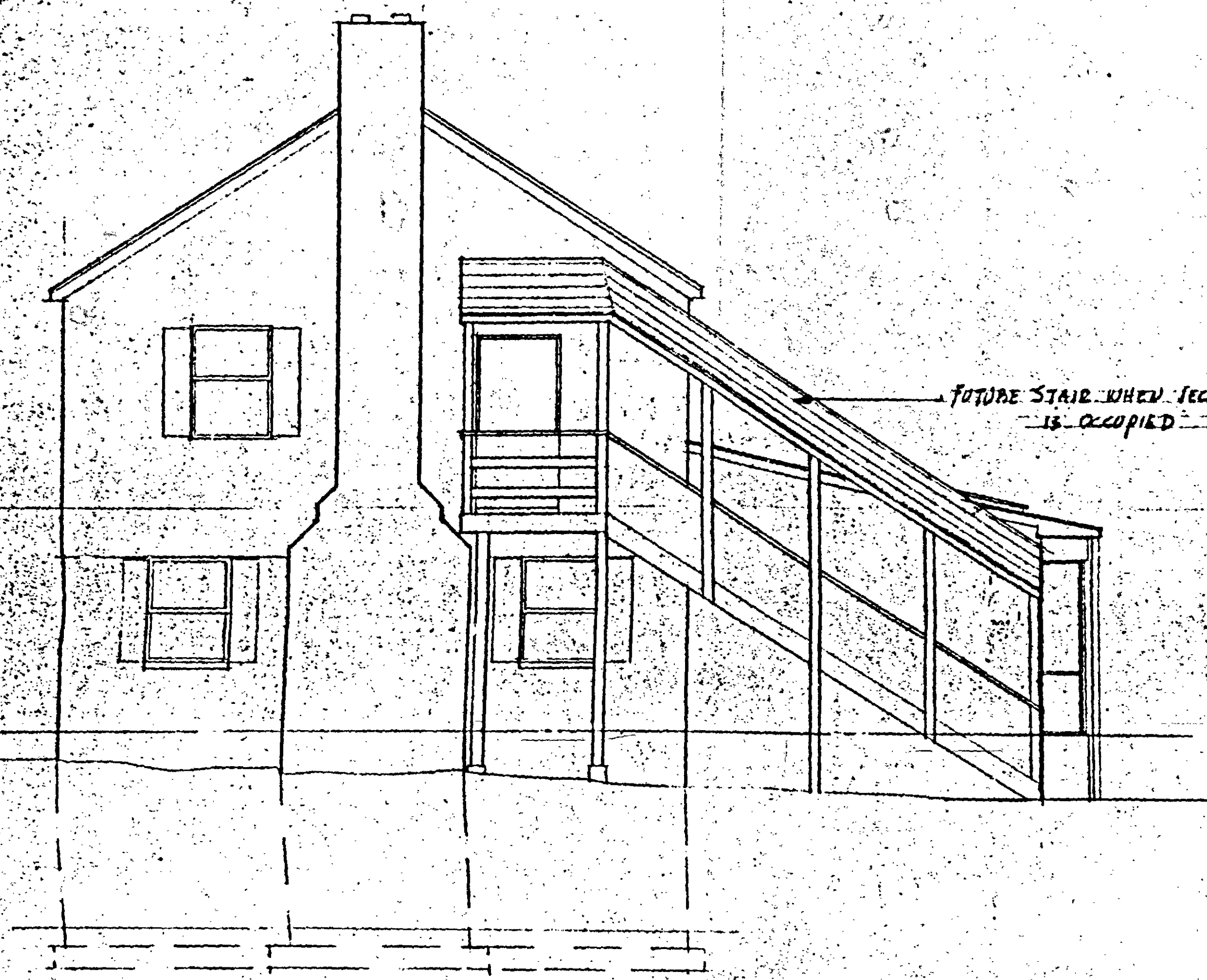
Very truly yours,

Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

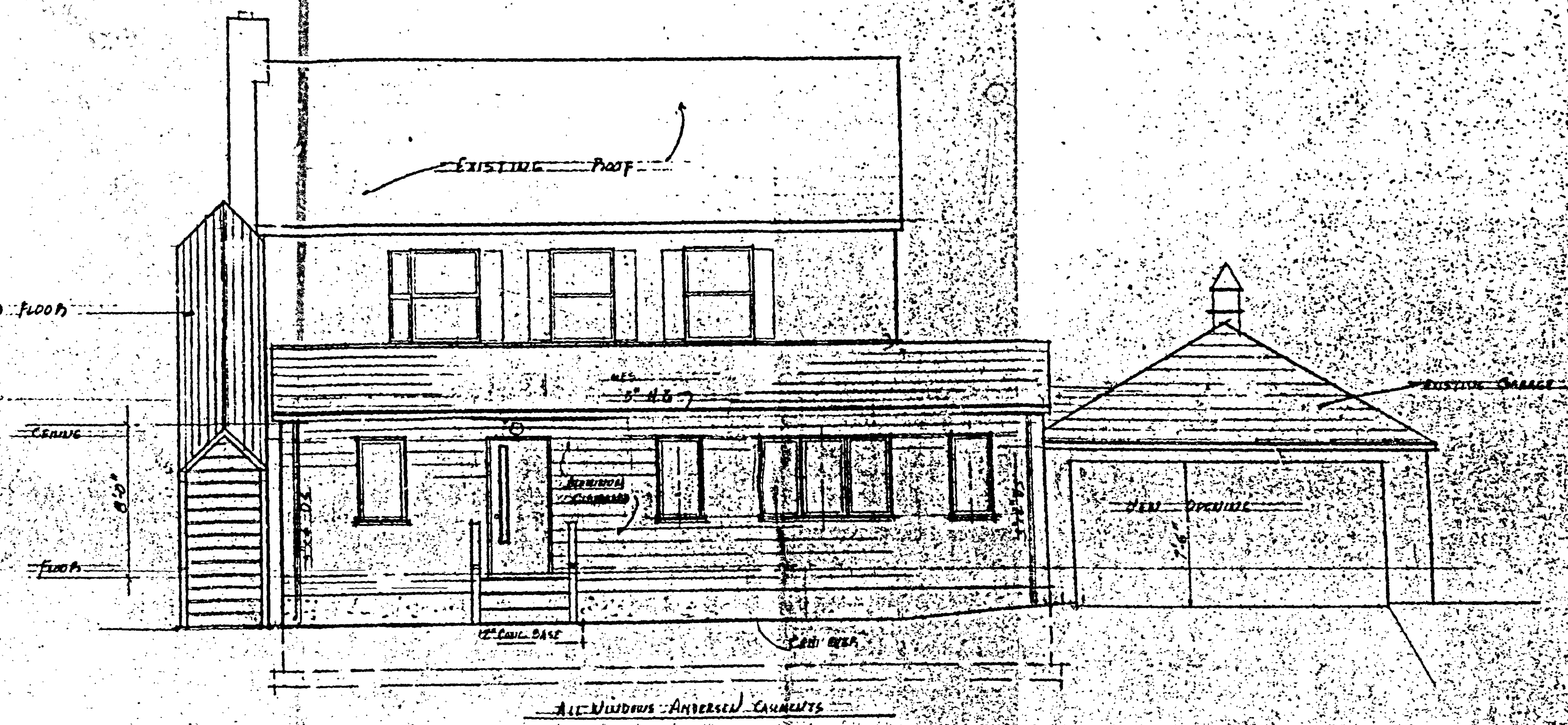
LB:maw

cc: Consulting Engineers

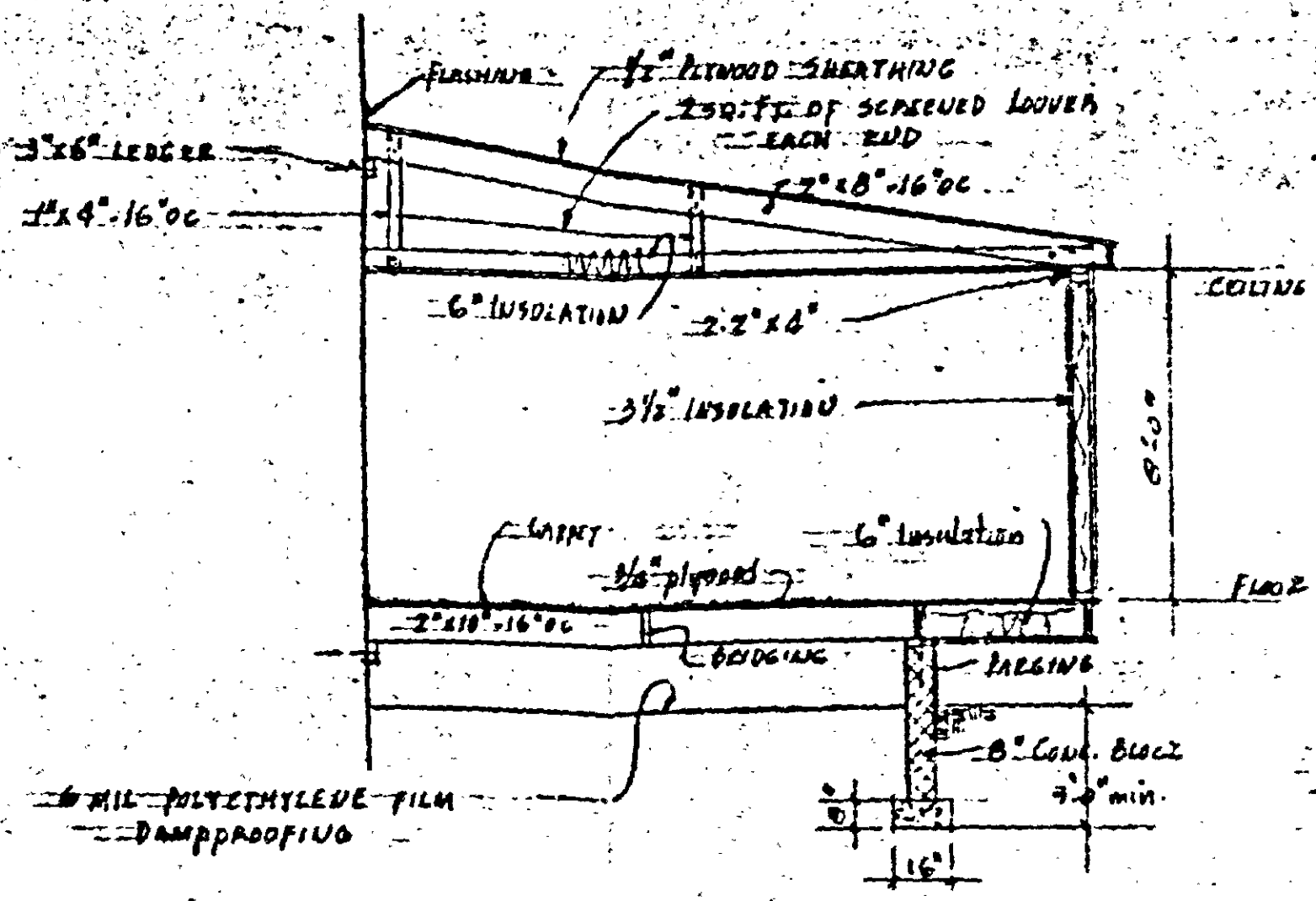
My telephone number is (301) 333-1350



SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"

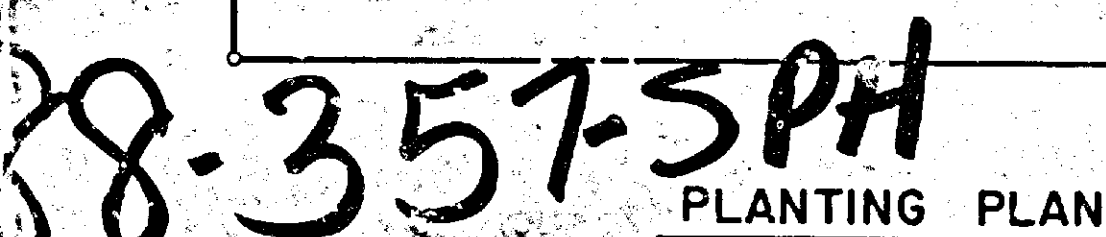


SECTION SCALE 1/8" = 1'-0"

PROPOSED ALTERATIONS FOR DOCTORS OFFICE
1018 DULANEY VALLEY ROAD
TOWSON MARYLAND
OWNER: DR. MICHAEL SPODAK

Revised 7/1/85

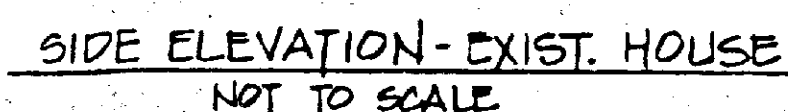
DRIVER NO.	2
DATE	5/1/85



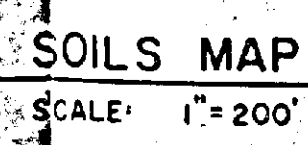
31 MAY 1985
M. Spodak
Signature of Applicant
31 MAY 85
Date

APPLICANT:

SPODAK OFFICE BUILDING
1018 DULANEY VALLEY ROAD
TOWSON, MD. 21204



PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING



GENERAL SITE DATA

1. NET SITE AREA: 0.24 ACRE GROSS SITE AREA: 0.31 ACRE

2. DEED REFERENCE: E.H.K. JR. 6678/65 E.H.K. JR. 6824/437 (COVENANTS)

3. PROPERTY NO.: 09-12-590390

4. ZONING: R.O.O.

5. ELECTION DISTRICT: 9TH

6. COUNCILMANIC DISTRICT: 4TH

7. CENSUS TRACT: 4903.01

8. WATERSHED: 10

9. SUB SEWERSHED: 29

10. AVERAGE DAILY TRIPS (ADT) PRESENT: 12.4 FUTURE: 172.5 7:00 am - 5:00 pm

11. PROPOSED CLASS 'B' MEDICAL OFFICE TO OPERATE TYPICALLY 8:00 am to 10:00 pm

12. MAX. NUMBER OF EMPLOYEES: 6 FULL TIME, 30 PART TIME 5

13. PROPERTY SERVED BY MTA BUS ROUTES 8 AND 8E

88-357-SPH

Appellant's #1

MUSC 1984

OPEN SPACE DATA

AMENITY OPEN SPACE REQUIRED:	25%
AMENITY OPEN SPACE PROVIDED:	10,488 SF NET SITE AREA
	- 5,988 SF TOTAL BUILDING/PAVING AREA
	<u>4,500 SF TOTAL OPEN SPACE</u>

AMENITY OPEN SPACE/GROSS SITE AREA: $4,500/13,504 = 33\%$

PARKING DATA	
PARKING	1,603 SF OF 1ST FLOOR OFFICE @ 1 SPACE/300 SF = 5.3 SPACES
REQUIRED:	688 SF OF 2ND FLOOR OFFICE @ 1 SPACE/300 SF = 2.3 SPACES
	2,291 SF TOTAL SPACES REQUIRED = 7.6 = 8

PARKING PROVIDED: 7 STANDARD SPACES
+1 HANDICAP SPACE
8 TOTAL SPACES PROVIDED

LANDSCAPE PLANTING DATA

PLANTING	160 LF OF ROAD @ 1 TREE/40 LF	= 4 TREES
REQUIRED: +	8 PARKING SPACES @ 1 TREE/12 SPACES	= 1 TREE

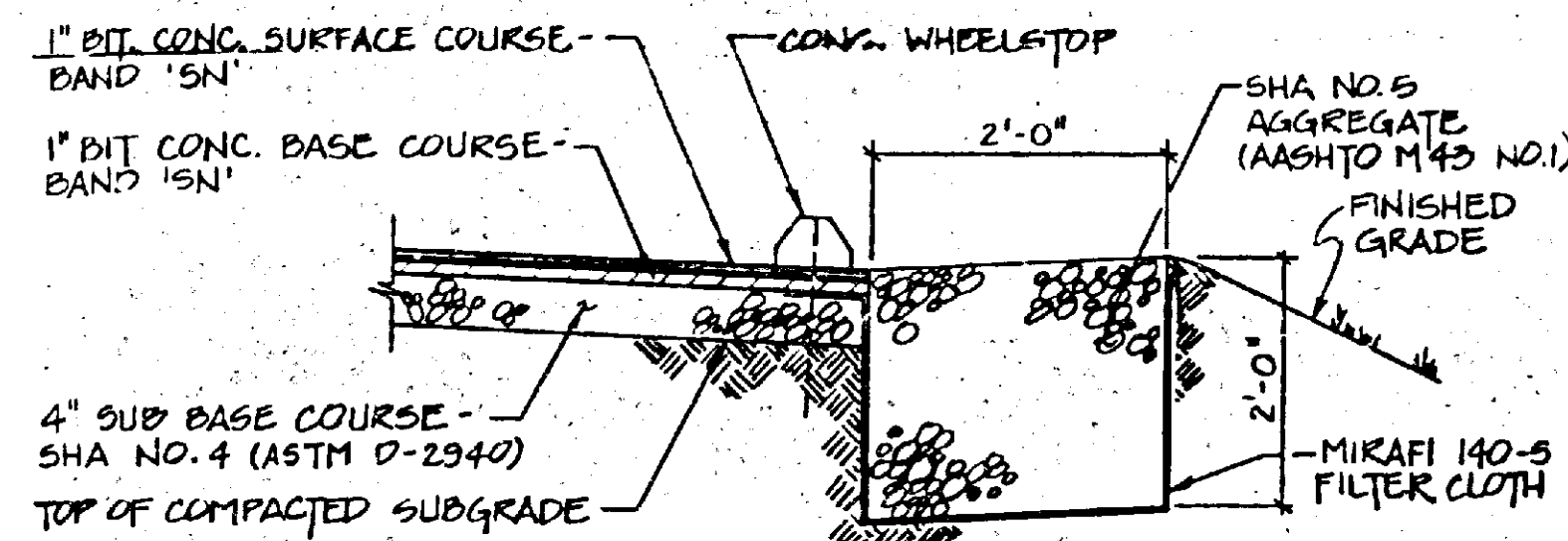
- CREDIT FOR 2 TREES WITHIN LIMITS OF CLEARING = 2 TREES
MINIMUM NUMBER OF TREES REQUIRED = 3 TREES

* A MIN. OF 3 REQUIRED TREES SHALL BE MAJOR DECIDUOUS TREES

* 4' WIDE, SCREEN PLANTING OR PRIVACY FENCE SHALL BE PROVIDED ALONG PROPERTY LINES

GENERAL NOTES

1. BENCH MARK: BALTIMORE COUNTY BENCH MARK X-4104, ELEVATION 416.31
2. THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, WETLANDS, DANGEROUS SPECIES HABITAT, HAZARDOUS MATERIALS SITES, OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON THIS DRAWINGS.
3. ALL SURBERED AREAS SHALL BE WHICED AND NOT PAVED OR PAVED, IN ACCORDANCE WITH THE PLANTING PLAN SHALL BE SEEDED AND MULCHED.
4. ON SITE CURB SHALL BE BITUMINOUS CURB SIMILAR TO BALTO. COUNTY STD. D-20. CURB IN THE STREET ROW SHALL BE COMBINATION CONCRETE CURB AND GUTTER IN ACCORDANCE WITH BALTO. COUNTY STD. D-21.
5. WAIVER OF SIDEWALK REQUIREMENT ALONG DULANEY VALLEY ROAD WILL BE REQUESTED.
6. PROPOSED ADDITIONAL IMPERVIOUS AREA: 3130 SF
7. NO ADDITIONAL OUTDOOR LIGHTING IS PROPOSED, SIZE AND LOCATION OF SIGN IS UNDETERMINED BUT SHALL BE A MAXIMUM OF 8 SF.
8. FLOOR AREA RATIO ALLOWED: 0.50 PROVIDED: $4475/13504 = 0.33$

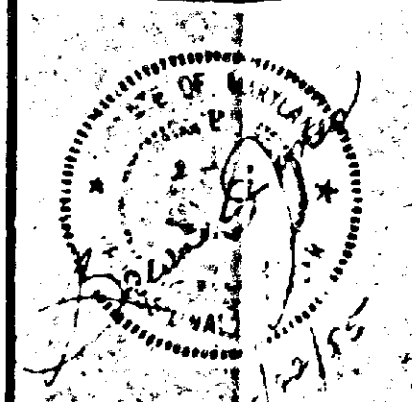
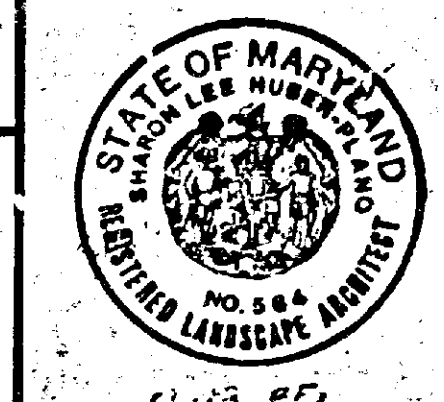


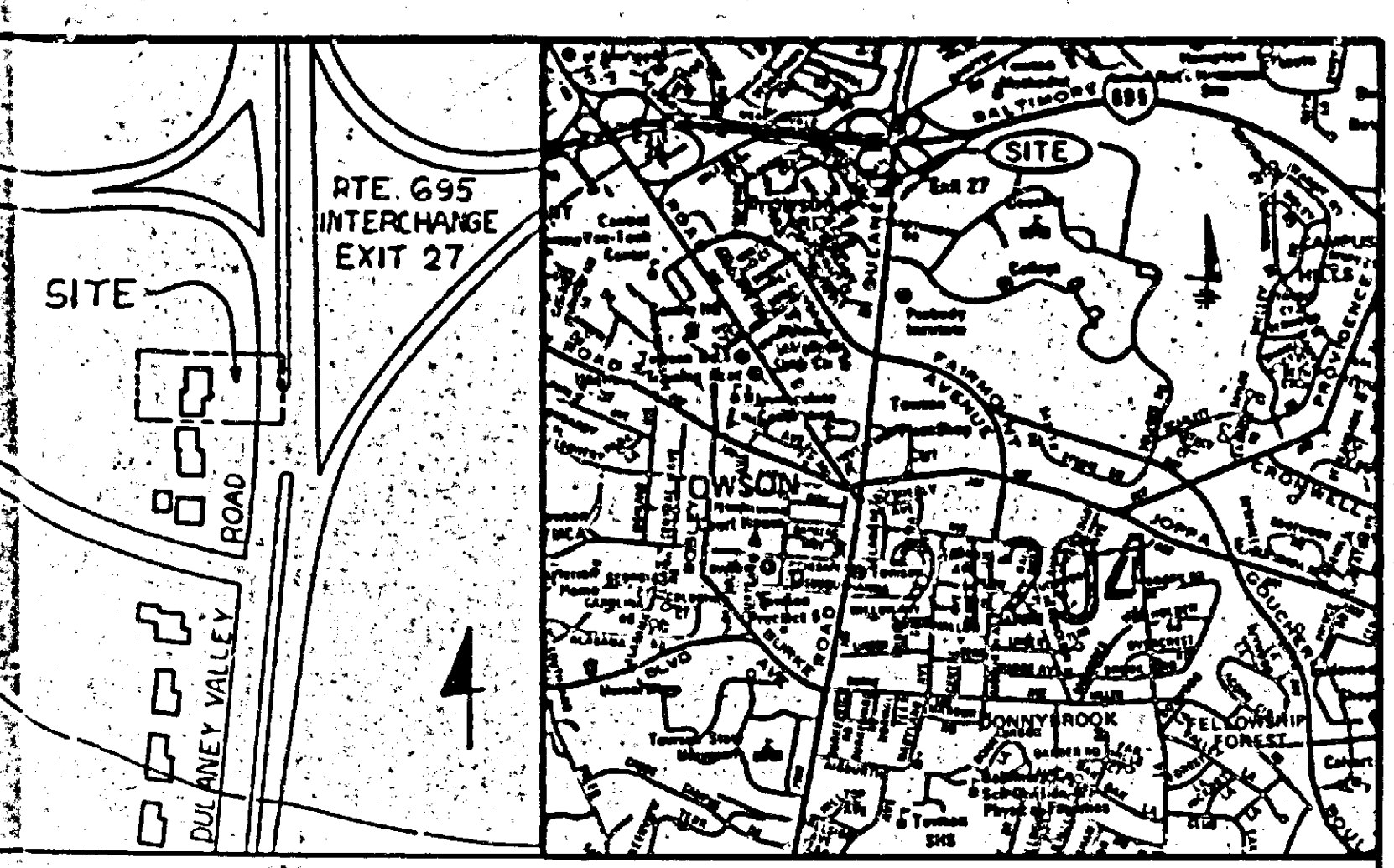
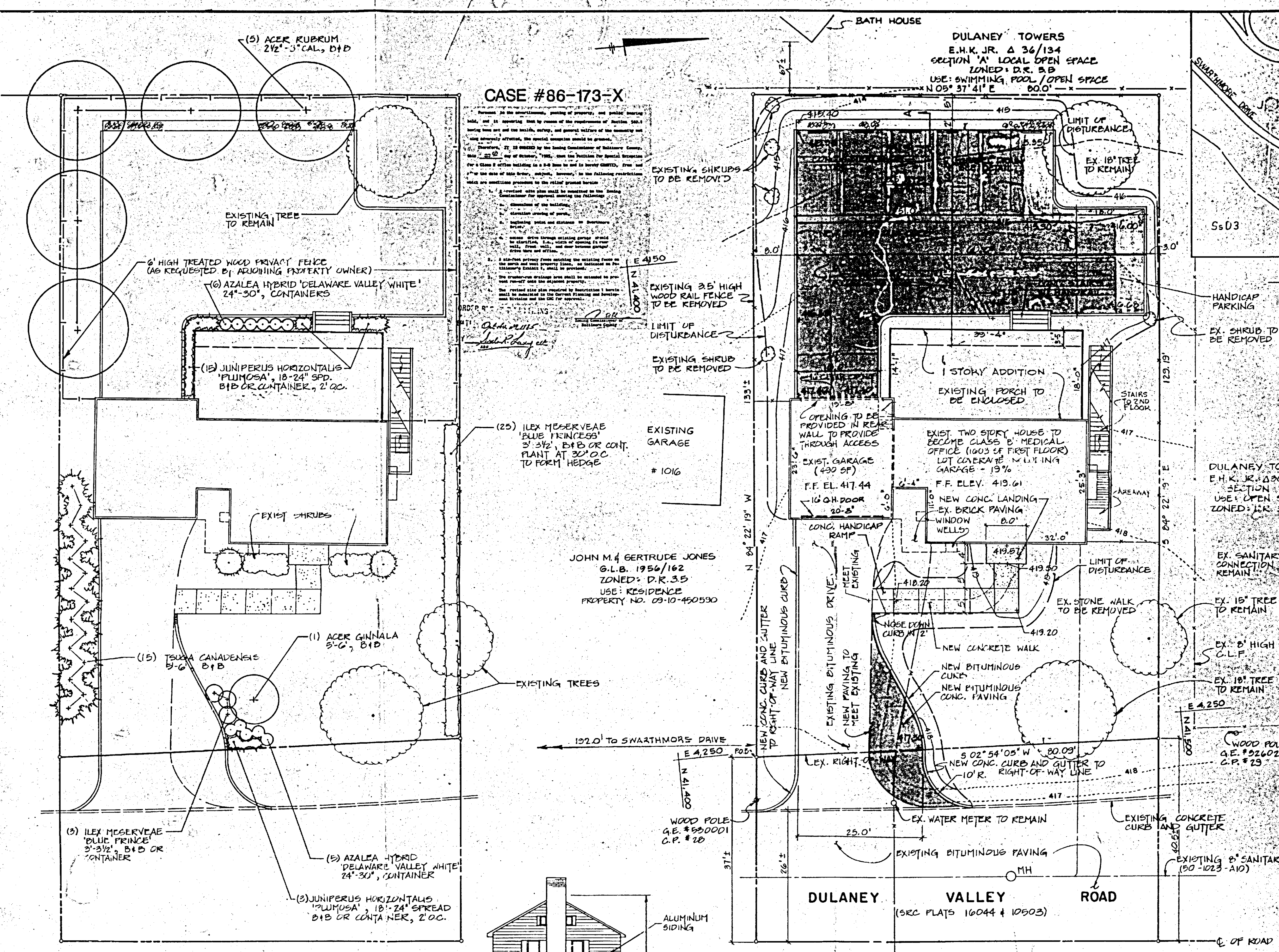
Δ REV. 8-28-78 W.J.C.M.

SECTION A-A

**HITNEY
AILEY
OX
AGNARI** CONSULTING ENGINEERS
1850 York Road
Timonium Md. 21093
301-252-6060

DESIGNED: S.M.P. 7 DWG NO. 1
DRAWN: G.B.
CHECKED: B.D.J.
DATE: 2/22/85
SCALE: 1/8"=1'-0"
WORK NO. 15012





SOILS MAP
SCALE: 1"=200'

SOILS DATA			
SYM.	SERIES/TYPE	HOMES WITH OR WITHOUT BASEMENTS	STREETS AND PARKING LOTS
JpB	JOPPA GRAVELLY SANDY LOAM/A	MODERATE - DUE TO SLOPE	SLIGHT - DUE TO SLOPE
SsD3	SASSAFRAS AN. JOPPA SOILS/B	SEVERE - DUE TO SLOPE	MODERATE - DUE TO SLOPE

GENERAL SITE DATA

- NET SITE AREA: 0.24 ACRE GROSS SITE AREA: 0.31 ACRE
- DEED REFERENCE: E.H.K. JR. 6678/65 E.H.K. JR. 6824/437 (COVENANTS)
- PROPERTY NO.: 09-12-590390
- ZONING: R.O.
- ELECTION DISTRICT: 9TH
- COUNCILMANIC DISTRICT: 4TH
- CENSUS TRACT: 4903.01
- WATERSHED: 10
- SUB-SEWERSHED: 29
- AVERAGE DAILY TRIPS (ADT) PRESENT: 12.4 FUTURE: 172.5
- PROPOSED CLASS: 181 MEDICAL OFFICE TO OPERATE TYPICALLY 8:00 am TO 11:00 pm.
- MAX. NUMBER OF EMPLOYEES: 8 FULL TIME, 30 PART TIME.
- PROPERTY SERVED BY MTA BUS ROUTES 8 AND 8E

OPEN SPACE DATA

AMENITY OPEN SPACE REQUIRED: 25%
AMENITY OPEN SPACE PROVIDED: 10,488 SF NET SITE AREA
5,988 SF TOTAL BUILDING/PAVING AREA
4,500 SF TOTAL OPEN SPACE

AMENITY OPEN SPACE/GROSS SITE AREA: 4,500/13,504 = 33%

PARKING DATA

1,603 SF OF 1ST FLOOR OFFICE @ 1 SPACE/300 SF = 5.3 SPACES
688 SF OF 2ND FLOOR OFFICE @ 1 SPACE/300 SF = 2.3 SPACES
2,291 SF TOTAL SPACES REQUIRED = 7.6 = 8

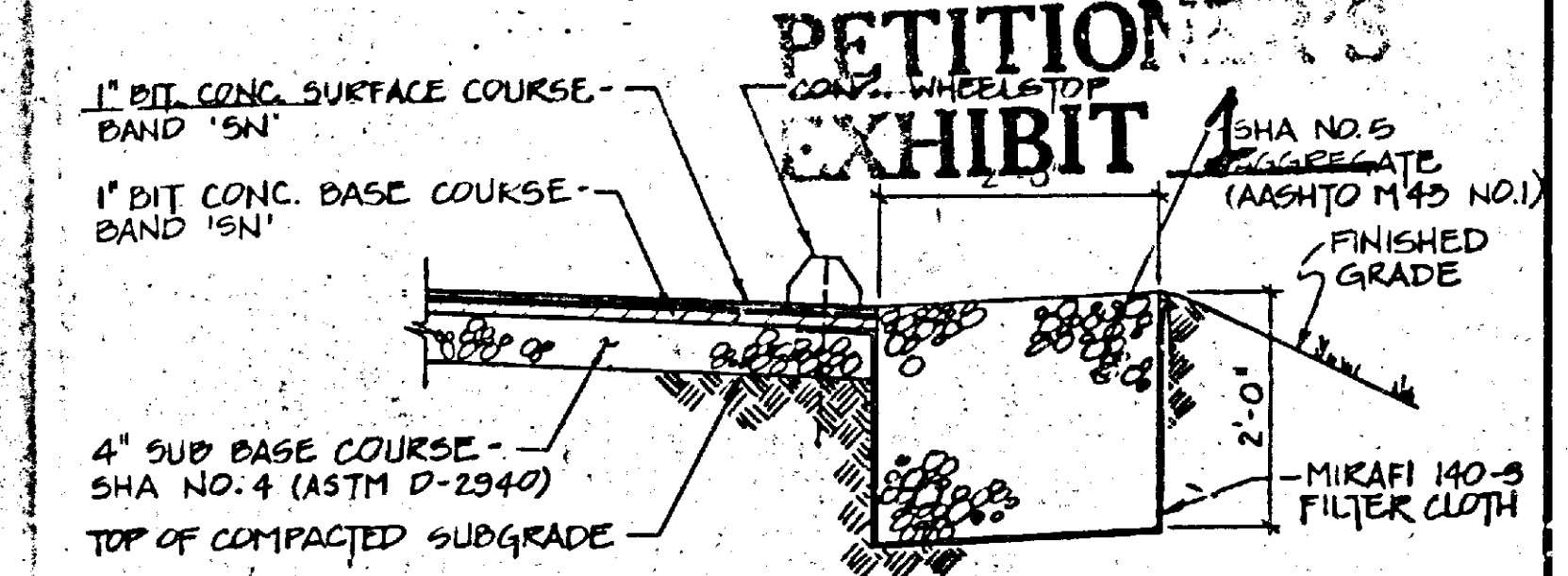
PARKING PROVIDED: 7 STANDARD SPACES
1 HANDICAP SPACE
8 TOTAL SPACES PROVIDED

LANDSCAPE PLANTING DATA

PLANTING: 180 LF OF ROAD @ 1 TREE/40 LF = 4 TREES
REQUIRED: 8 PARKING SPACES @ 1 TREE/12 SPACES = 1 TREE
5 TREES
CREDIT FOR 2 TREES WITHIN LIMITS OF CLEARING = 2 TREES
MINIMUM NUMBER OF TREES REQUIRED = 3 TREES
A MIN. OF 3 REQUIRED TREES SHALL BE MAJOR DECIDUOUS TREES
4' WIDE SCREEN PLANTING OR PRIVACY FENCE SHALL BE PROVIDED ALONG PROPERTY LINES

GENERAL NOTES

- BENCH MARK: BALTIMORE COUNTY BENCH MARK X-4104, ELEVATION 416.31
- THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, WETLANDS, ENDANGERED SPECIES HABITAT, HAZARDOUS MATERIALS SITES, OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON THIS DRAWING.
- ALL DISTURBED AREAS WHICH ARE NOT PAVED OR PLANTED IN ACCORDANCE WITH THE PLANTING PLAN SHALL BE SEEDED AND MULCHED.
- ON SITE CURB SHALL BE BITUMINOUS CURB SIMILAR TO BALTO. COUNTY STD. D-20. CURB IN THE STREET ROW SHALL BE COMBINATION CONCRETE CURB AND GUTTER IN ACCORDANCE WITH BALTO. COUNTY STD. D-21.
- WAIVER OF SIDEWALK REQUIREMENT ALONG DULANEY VALLEY ROAD WILL BE REQUESTED.
- PROPOSED ADDITIONAL IMPERVIOUS AREA: 3130 SF
- NO ADDITIONAL OUTDOOR LIGHTING IS PROPOSED, SIZE AND LOCATION OF SIGN IS UNDETERMINED BUT SHALL BE A MAXIMUM OF 8 SF.
- FLOOR AREA RATIO ALLOWED: 0.50 PROVIDED: 4475/13504 = 0.33



I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nurse-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1983, dated 31 MAY 1985.

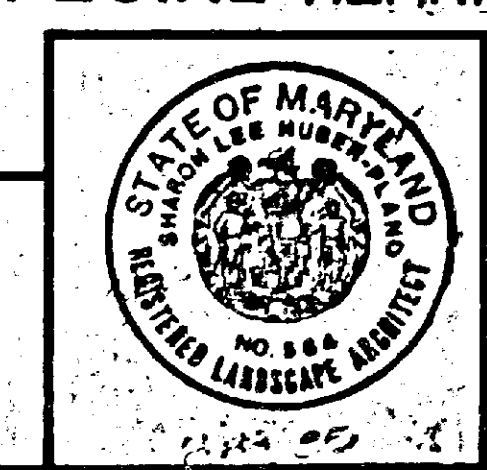
M. Spodak
Signature of Applicant

31 MAY 85
Date

NO.	REVISION	DATE	APPLICANT
1	PER CRG APPROVAL	4/23/85	
2	FOR CLASS B MEDICAL OFFICE	7/26/85	
3	REFLECT FIELD COND., ADD PLANTING	8/15/85	
4	REVISE PARKING LAYOUT, PLANTING, ADD FENCE	10/1/85	
5	REVISED PER ZONE COMM ORDER C# 86-173-X	11/13/85	

DR. MICHAEL SPODAK
2360 W. JOPPA ROAD
LUTHERVILLE, MD. 21093
321-0343

SPODAK OFFICE BUILDING
1018 DULANEY VALLEY ROAD
TOWSON, MD. 21204



WHITNEY CONSULTING ENGINEERS
1830 York Road
Timonium, MD. 21093
301-252-6080

SECTION A-A		DWC NO.
DESIGNED: S.M.P.	DRAWN: G.G.	1
CHECKED: B.D.J.	DATE: 10/14/87	
SCALE: 1/4"=1'-0"	WBCA NO. 65012	