

PETITION FOR SPECIAL EXCEPTION 83-180-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a professional office (dentist) in a D.R. Zone pursuant to Section 1801.1.C. 9B.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser:
Dr. Pauline Hayes
(Type or Print Name)
Signature
6330 Frederick Road
Address
Catonsville, Maryland 21228
City and State

Legal Owner(s):
Mary Pessagno
(Type or Print Name)
Signature
EUGENE L. PESSAGNO
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard
(Type or Print Name)
Signature
210 Allegheny Avenue
P.O. Box 5517
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

2001 Edmondson Avenue, 747-3564
Address
Catonsville, Maryland 21228
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
210 Allegheny Avenue, P.O. Box 5517
Towson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of December, 1982, 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 106, County Office Building in Towson, Baltimore County, on the 15th day of February, 1983, at 10:30 o'clock A.M.

RESCHEDULED:
Thursday, March 17, 1983
at 10:45 A.M.

Zoning Commissioner of Baltimore County

ECO-01 (over)

PETITION FOR ZONING VARIANCE 83-180-XA

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 Variance from Section 1801.1.C.9B to permit the office of a professional person (dentist) to occupy 33 1/3 percent of the total floor area of the professional person's primary residence, instead of the maximum 25 percent.

The office necessitating the requested variance has been used as nonconforming use since 1964, and to require the Petitioner to reduce the total square footage of her office would result in undue hardship and practical difficulty.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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:
Dr. Pauline Hayes
(Type or Print Name)
Signature
6330 Frederick Road
Address
Catonsville, Maryland 21228
City and State

Legal Owner(s):
Mary Pessagno
(Type or Print Name)
Signature
EUGENE L. PESSAGNO
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard
(Type or Print Name)
Signature
210 Allegheny Avenue
P.O. Box 5517
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

2001 Edmondson Avenue, 747-3564
Address
Catonsville, Maryland 21228
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
210 Allegheny Avenue, P.O. Box 5517
Towson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of December, 1982, 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 106, County Office Building in Towson, Baltimore County, on the 15th day of February, 1983, at 10:30 o'clock A.M.

RESCHEDULED:
Thursday, March 17, 1983
at 10:45 A.M.

Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
NE corner Frederick Rd. and
Symington Ave., 1st District : OF BALTIMORE COUNTY

EUGENE L. PESSAGNO, et ux, : Case No. 83-180-XA
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of January, 1983, a copy of the foregoing Order was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, P. O. Box 5517, Towson, Maryland 21204, Attorney for Petitioners, and Dr. Pauline Hayes, 6330 Frederick Road, Catonsville, Maryland 21228, Contract Purchaser.

John W. Hession, III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition No. 83-180-XA
SUBJECT: Eugene L. Pessagno, et ux

Date: January 27, 1983

The regulation governing this proposal is a part of the "General Use Regulations in D.R. zones"; it is not a part of the area regulations. Consequently, this office does not believe that the requested variance can be granted.

Norman E. Gerber per J. Howell
Norman E. Gerber
Director of Planning and Zoning

NEG:JGHslc

cc: Arlene January
Shirley Hess

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, Md. 21204

Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Md. 21204

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 14th day of December, 1982.

William E. Hammond
Zoning Commissioner

Petitioner: Eugene Pessagno, et ux
Petitioner's Attorney: John B. Howard, Esq.
Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 1, 1983

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Item No. 114 - Case No. 83-180-XA
Petitioner - Eugene Pessagno, et ux
Special Exception & Variance Petitions

Dear Mr. Howard:

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.

The subject property, currently zoned D.R. 10.5 and improved with a two story rowhouse used as a dwelling and dentist office, is located on the northeast corner of Frederick Road and Symington Avenue in the 1st Election District.

This combination hearing is required in order to legalize the existing use and to allow the area of the office to occupy more than 25% of the total floor area of the dwelling. This maximum limitation is listed in Section 1801.1.C.9B of the regulations. As indicated in my previous conversations with your office, there is some question whether the variance to allow a greater percentage of office use could be processed by this office. However, it was done so at your request.

For additional information on the comments from the Department of Permits and Licenses, you may contact Mr. Charles Burnham at 494-3987.

Item No. 114 - Case No. 83-180-XA
Petitioner - Eugene Pessagno, et ux
Special Exception & Variance Petitions
Page 2

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

Very truly yours,
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NBC:bse

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

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

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of April, 1983, that the herein Petition for Special Exception for a professional office (dentist) in a D.R. (Density, Residential) Zone, in accordance with the site plan prepared by Gerhold Tross & Etzel, revised March 18, 1983, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The subject office shall not occupy more than 25% of the total floor area of the residence, in accordance with the maximum area requirement set forth in Section 1801.1C.98 of the Baltimore County Zoning Regulations, and shall be staffed by the resident dentist and two employees. Parking shall be provided on the site for the dentist and employees.
2. The hours of operation shall not exceed 5:00 p.m., five days a week, and patients shall be seen by appointment except in emergencies.
3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning.

Jan M.H. Jones
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE 14th
BY Jan M.H. Jones
COMMUNALITY

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the request being withdrawn at the hearing by the petitioners, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of April, 1983, that the herein Petition for Variance is hereby DISMISSED.

Jan M.H. Jones
Deputy Zoning Commissioner of
Baltimore County



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

January 18, 1983

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #114 (1982-1983)
Property Owner: Eugene & Mary Passagno
W/E cor. Frederick Rd. & Symington Ave.
Acres: 3150 sq. ft. District: 1st

Dear Mr. Hammond:

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

General:

Baltimore County highway and utility improvements exist and are not directly involved.

Frederick Road (Md. 144) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

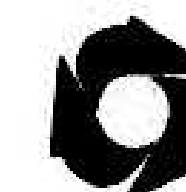
This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 114 (1982-1983).

Very truly yours,

Robert K. Morton
ROBERT K. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss

C-WW Key Sheet
8 SW 19 Pos. Sheet
SW 2 E Topo
101 Tax Map



Maryland Department of Transportation
State Highway Administration

Lowell H. Brubaker
Secretary
M. S. Collier
Administrator

December 15, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodore-1

Re: ZAC Meeting of Dec. 14, 1982
ITEM: #114.
Property Owner: Eugene & Mary Passagno
Location: NE/Cor. Frederick Road, Route 144 and Symington Avenue
Existing Zoning: D.R. 10.5
Proposed Zoning: Special Exception for a professional office (dentist) in a D.R. zone and Variance to permit the office of a professional person to occupy 33 1/3% of the total floor area of the professional persons primary residence, in lieu of the required 25%.
Acres: 3150 sq. ft.
District: 1st

Dear Mr. Hammond:

On review of the site plan of November 16, 1982 and field inspection showing "No Vehicular Access" to Frederick Road, the State Highway Administration has no comment.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

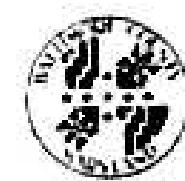
By: George Wittman

CL:GW:maw

cc: Mr. J. Wimbley

My telephone number is (301) 657-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
P.O. Box 717 / 707 North Convent St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN F. GERDER
DIRECTOR

February 3, 1983

Mr. William E. Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 114, Zoning Advisory Committee Meeting, December 14, 1982, are as follows:

Property Owner: Eugene & Mary Passagno
Location: NE/Cor. Frederick Road and Symington Avenue
Acres: 3,150 sq. ft.
District: 1st

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This petition meets the requirements of the Division of Current Planning and Development.

Sincerely yours,

John L. Wimbley
John L. Wimbley
Current Planning and Development

JLW:rh



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 5, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

-ZAC Meeting of December 14, 1982
Item Nos. 113, 114, 115, and 116

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 113, 114, 115, and 116.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cem

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning

Date: December 21, 1982

FROM: Jan J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item # 87 - Raymond J. Marocco, et al
- Item # 89 - Sebo Federal Credit Union
- Item #108 - Louis N. & Martha R. Kulaga
- Item #109 - William E. & Audrey J. Puchana, Jr.
- Item #110 - Roy Neal
- Item #111 - Baltimore and Ohio Railroad Co.
- Item #114 - Eugene & Mary Passagno
- Item #115 - Bernard & Rose Stefanski
- Item #119 - Michael P. & Andrea W. Hartman
- Item #122 - Dino G. & Mary D. Blazakis

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/rth



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

December 20, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodore, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Eugene and Mary Passagno

Location: NE/Cor. Frederick Road and Symington Avenue

Item No. 114

Zoning Agenda: Meeting of December 14, 1982

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.

REVIEWED BY: *John L. Wimbley* Noted and Approved: *Paul H. Rencke*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/mb/cm

TED ZALESKI JR.
DIRECTOR

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 114, Zoning Advisory Committee Meeting
are as follows:

Property Owner: Eugene & Mary Pessagno
Address: 6330 Frederick Road and Symington Avenue
Proposed Zoning: D.R. 10.5
Special Exception for a professional office (dentist) in a D.R. zone
and Variance to permit the office of a professional person to occupy
33 1/3% of the total floor area of the professional person's primary
residence, in lieu of the required 25%.

Area: 3150 sq. ft.
District: R-1

The items checked below are applicable:

1. All structures shall conform to the Baltimore County Building Code 1981/
Council Bill 1402 State of Maryland Code for the Building and other
and other applicable Codes.
2. A building and other miscellaneous permits shall be required before beginning
construction.
3. Residential: Three sets of construction drawings are required to file a permit
application. Architect/Engineer seal is/is not required.
4. Commercial: Three sets of construction drawings with a Maryland Registered
Architect or Engineer shall be required to file a permit application.
5. An exterior wall erected within 6' of an adjacent lot line shall be of one hour
fire resistive construction, no openings permitted within 5' of lot lines. A
firewall is required if construction is on the lot line, see Table 601, Line 2,
Section 1407 and Table 1402.
6. Requested variance conflicts with the Baltimore County Building Code,
Section/s _____.
7. A change of occupancy shall be applied for, along with an alternative permit
application, and three required sets of drawings indicating how the structure
will meet the Code requirements for the proposed change. Drawings may require
a professional seal.
8. Before this office can comment on the above structure, please have the owner, then
the owner of a Registered in Maryland Architect or Engineer verify to this
office, that, "no structure for which a proposed change is now in progress can
comply with the height/area requirements of Table 505 and the required construction
classification of Table 601.
9. Comments: Section 1405.6.3 is applicable. It appears that the exit from the
residential area is not satisfactory. The garage area shall comply with
Section 613.1 which will require a 1 hour floor ceiling assembly and 1 hour
protection around any beam or column supporting that assembly.

NOTE: These comments reflect only on the information provided by the drawings
submitted to the office of Planning and Zoning and are not intended to
be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #122
(Planning) at 111 West Chesapeake Ave., 21204.
The Residential floor shall comply with Section 809.3, Table 809.3 and
Section 809.4.

Charles E. Hammond
Charles E. Hammond, Chief
Plan Review

CEH:rrj
FORM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: Dec. 13, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: December 14, 1982

RE: Item No: 113, 114, 115, 116
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

MNP/bp

EUGENE L. PESSAGNO, D.D.S.
6330 FREDERICK AVENUE
BALTIMORE, MARYLAND 21204

March 17, 1983

The Honorable Jean M.H. Jung
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Outline History Of The Pessagno Dental
Office And Residence, 6330 Frederick
Road, Baltimore County, Maryland 21228
Case No. 83-1800A

Dear Commissioner Jung:

In the above case, my contract purchaser, Pauline Hayes,
D.D.S., is requesting through counsel a confirmatory special exception
to continue a dental office in conjunction with her residence at 6330
Frederick Road.

During the summer of 1982, serious health problems, including
a serious heart condition controlled by a pacemaker implanted in July,
1982, compelled my retirement from the active practice of dentistry. As
a consequence, my wife and I have sold the residence and dental office
at 6330 Frederick Road, subject to all governmental approvals including
this zoning special exception, to Pauline Hayes, D.D.S.

For reasons of my health, if possible, I would respectfully
ask that this summary of the history of 6330 Frederick Road for
residential and dental office purposes be accepted.

The history of the property as known to my wife and I is as
follows:

1. The improved property known as 6330 Frederick Road is a
well built, and of row, group home at the northeast corner of Frederick
Road and Symington Avenue, built before January 2, 1945.
2. The property is zoned D.R. 10.5, and has been zoned and
fully developed for group homes for many years. There are group homes
to the west, north and east.
3. The property is owned by the Petitioner, Mary P. Pessagno.

**PETITIONER'S
EXHIBIT 2**

The Honorable Jean M.H. Jung
Deputy Zoning Commissioner
March 17, 1983
Page two

4. The property was purchased and partially converted to
dental office use by D. Vincent Provenza, D.D.S., who acquired title by
deed dated May 28, 1954, and recorded at Liber G.L.B. 2485, Folio 461.

5. In December, 1956, Dr. Pessagno rented the dental office
portion of the property from Dr. Vincent Provenza, which tenancy
continued until July 23, 1964, when Mrs. Pessagno acquired title by deed
of that date recorded at Liber 4332, Folio 452.

6. For a time after purchase in 1954, the dental office parts
of the residence were used by Dr. Pessagno, Dr. Thomas Provenza and an
associate dentist. For a number of years, Dr. Thomas Provenza resided
at 6330 Frederick Road, while changing his practice and specialty from
general dentistry to orthodontics.

7. Dr. Pessagno practiced dentistry full time on the premises
from December, 1956 to July, 1982. From July, 1982 to October or so,
Dr. Pessagno's practice was covered by a substitute, Dr. Edward
Pfeiffer.

8. By contract dated September 18, 1982, Dr. Hayes purchased
the property subject to all governmental approvals. Dr. Hayes presently
resides on the property and practices dentistry full time, continuing
Dr. Pessagno's practice.

9. We have always maintained the property well, and tried to
be good, quiet and helpful neighbors.

The sales proceeds of this property will form an essential
part of our retirement nest egg, and Mrs. Pessagno and myself appreciate
your consideration of this case so important to both of us, and to Dr.
Hayes as well.

More importantly, my dental office and now Dr. Hayes' office
has served the community and its dental needs for almost 30 years in a
quiet and compatible manner. We trust that Baltimore County will allow
Dr. Hayes to continue to serve this need pursuant to the requested
special exception and zoning variance.

If you or any member of your staff have any questions or
comments, my wife Mary and I will be glad to respond.

Respectfully,

Eugene L. Pessagno
Eugene L. Pessagno, D.D.S.

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

1st Election District

ZONING: Petition for Special Exception and Variance
LOCATION: Northeast corner of Frederick Road and Symington Avenue
DATE & TIME: Thursday, March 17, 1983 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

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

Petition for Special Exception for a professional office (dentist)
in a D.R. zone pursuant to Section 1B01.1.C.9B and Variance
to permit the office of a professional person (dentist) to occupy
33 1/3 percent of the total floor area of the professional person's
primary residence, instead of the maximum permitted floor
area of 25 percent

The Zoning Regulation to be excepted as follows:
Section 1B01.1.C.9B - maximum permitted floor area devoted to office use for
a dentist as accessory to a residence in a D.R. 10.5 zone

All that parcel of land in the First District of Baltimore County

et ux,
Being the property of Eugene L. Pessagno, as shown on plat plan filed with the
Zoning Department.

Hearing Date: Thursday, March 17, 1983 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

GEPHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204

825-4470

November 22, 1982

Zoning Description

All that piece or parcel of land situate, lying and being in
the First Election District of Baltimore County, State of Maryland
and described as follows to wit:

Beginning for the same at the corner formed by the intersection
of the northwest side of Frederick Road with the northeast side of
Symington Avenue and running thence and binding on the northwest side
of Frederick Road, North 64 degrees East 24.14 feet to a point in
line with the party wall between the house erected on the lot now
being described and the house erected on the lot adjoining on the
northeast, thence leaving said road and running to and binding for
a part on the center of said wall and continuing the same course, in
all, North 26 degrees West 115 feet to the southeast side of an alley
15 feet wide, there situate, thence binding on the southeast side of
said alley, South 64 degrees West 30.62 feet to the northeast side
of Symington Avenue and thence binding on the northeast side of said
avenue, South 29 degrees 13 minutes East 115.18 feet to the place
of beginning.

Containing 3150 square feet of land more or less.



PETITION FOR SPECIAL EXCEPTION AND VARIANCE

1st Election District

ZONING: Petition for Special Exception and Variance
LOCATION: Northeast corner of Frederick Road and Symington Avenue
DATE & TIME: Thursday, March 17, 1983 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

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

Petition for Special Exception for a professional office (dentist)
in a D.R. zone pursuant to Section 1B01.1.C.9B and Variance
to permit the office of a professional person (dentist) to occupy
33 1/3 percent of the total floor area of the professional person's
primary residence, instead of the maximum permitted floor
area of 25 percent

The Zoning Regulation to be excepted as follows:
Section 1B01.1.C.9B - maximum permitted floor area devoted to office use for
a dentist as accessory to a residence in a D.R. 10.5 zone

All that parcel of land in the First District of Baltimore County

et ux,
Being the property of Eugene L. Pessagno, as shown on plat plan filed with the
Zoning Department.

Hearing Date: Thursday, March 17, 1983 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LAO OFFICES
COOL, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES
(1908-1978)
JAMES D. C. DOWNES
(1908-1978)

December 1, 1982

Hand-Delivered

Baltimore County Office of
Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: 6330 Frederick Road

Gentlemen:

Enclosed herewith please find the following documents:

1. Three Petitions for a Special Exception.
2. Three Petitions for an Area Variance.
3. Ten Plats of the subject property.
4. Five copies of the legal description of the
subject property.

Please accept the same for filing.

The applicant realizes that the appropriateness of an Area
Variance in this situation is a determination that must be made
by the Zoning Commissioner. However, in the event that the
Zoning Commissioner denies the requested Area Variance we wish
to reserve the right to amend the proposed Floor Plan, so that
the professional office will not occupy more than 25% of the
total floor area of the residence.

I appreciate your cooperation with respect to this matter.

Sincerely,

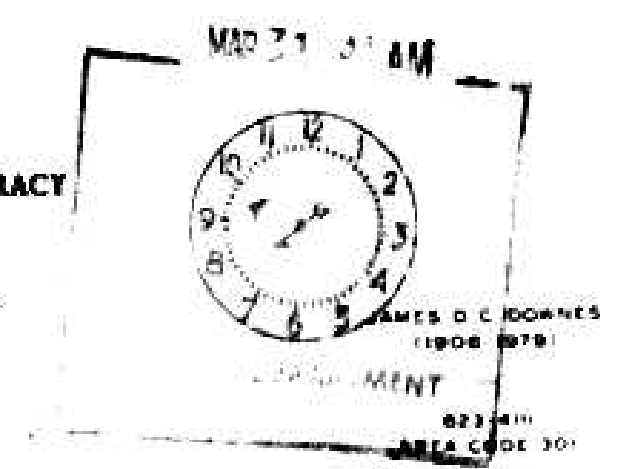
Laurens MacLure, Jr.
Laurens MacLure, Jr.

LM:ch
cc: Dr. Pauline Hayes

33662

JAMES H. COOK
JOHN B. HOWARD
DAVID S. DOWNES
DANIEL O. TRACY, JR.
JOHN A. JUNG, III
JOSEPH C. WICH, JR.
HENRY B. PEER, JR.
HERBERT P. O'CONNOR, III
THOMAS L. HILSON
FRANK A. LAPACE, JR.
C. CAROL DEERY, JR.
W. KING HILL, III
LAURENCE MACLURE, JR.
ROBERT A. HOFFMAN

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P. O. BOX 5517
TOWSON, MARYLAND 21204



March 30, 1983

Jean M. H. Jung, Deputy Commissioner
Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 6330 Frederick Road
Petition for Special Exception

Dear Mrs. Jung:
EUGENE L. PESSAGNO, et ux
83-180-XA

At the zoning hearing held on Thursday, March 17, 1983, regarding the above-referenced property, you conditioned your approval of the requested Special Exception on the filing of a revised plat. Accordingly, I am enclosing herewith two copies of a plat revised to reflect a floor plan whereby the subject dental office will occupy less than 25% of the total floor area of the residence, in accordance with Section 1801.1C.9B of the Baltimore County Zoning Regulations. If additional copies of the revised plat are required, please advise.

At the close of the hearing you also requested that I submit some proposed language for incorporation into your order regarding the calculation of the floor area of the subject office. In that regard, I propose that your order provide:

"The subject office shall not occupy more than 25% of the total floor area of the residence, in accordance with the maximum area requirement set forth in Section 1801.1C.9B of the Baltimore County Zoning Regulations."

If I can be of further assistance with respect to this matter, please do not hesitate to give me a call.

Sincerely,
John B. Howard

JHB:dc
cc: Dr. Pauline Hayes
Newton A. Williams, Esq.

January 18, 1983

John B. Howard, Esquire
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

NOTICE OF HEARING
Re: Petition for Special Exception & Variance
NE/corner Frederick Rd. & Synington Avenue
Eugene L. Pessagno, et ux
Case No. 83-180-XA

TIME: 10:30 A.M.

DATE: Tuesday, February 15, 1983

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 112360
DATE 12/1/82 ACCOUNT 61-615-00
AMOUNT \$ 200.00
RECEIVED FROM Cash, Howard, Downes, Tracy
FOR Filing Fee Case 21204 114
2 88700002000015 8C125A
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 14, 1983

John B. Howard, Esquire
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21204

RE: Petitions for Special Exception
and Variance
NE/corner of Frederick Rd. and
Synington Ave. - 1st Election
District
Eugene L. Pessagno, et ux -
Petitioners
NO. 83-180-XA Item No. 144

Dear Mr. Howard:

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

Very truly yours,
Jean M. H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments:

cc: Newton Williams, Esquire
204 W. Pennsylvania Ave.
Towson, Maryland 21204

Mr. & Mrs. Cammarata
6312 Frederick Road
Baltimore, Maryland 21228

John W. Hession, III, Esquire
People's Counsel

Office of
PATUXENT
10750 Little Patuxent Pkwy
Columbia, MD 21044
February 24 19 83
THIS IS TO CERTIFY, that the annexed advertisement of
Special Exception
N E Frederick Rd.
was inserted in the following:
☒ Catonsville Times
☐ Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 26 day of February 19 83, that is to say,
the same was inserted in the issues of
February 24, 1983
PATUXENT PUBLISHING CORP.
By *[Signature]*
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY
CERTIFICATE OF PUBLICATION OF

John B. Howard, Esquire
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

February 15, 1983

RESCHEDULED
NOTICE OF HEARING
Re: Petition for Special Exception & Variance
NE/corner Frederick Rd. & Synington Avenue
Eugene L. Pessagno, et ux - Petitioners
Case No. 83-180-XA

TIME: 10:45 A.M.

DATE: Thursday, March 17, 1983

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

83-180-XA
CERTIFICATE OF PUBLICATION
TOWSON, MD. February 24 19 83
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on
at one time, on or before the 17th
day of March 19 83, the first publication
appearing on the 24th day of February
19 83.
THE JEFFERSONIAN
[Signature]
Manager.
Cost of Advertisement, \$

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 11, 1983

John B. Howard, Esquire
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

Re: Petition for Special Exception & Variance
NE/corner Frederick Rd. & Synington Ave.
Eugene L. Pessagno, et ux - Petitioners
Case No. 83-180-XA

Dear Mr. Howard:

This is to advise you that \$70.10 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:j

cc: Dr. Pauline Hayes
6330 Frederick Road
Catonsville, Maryland 21228

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 115056
DATE 3/17/83 ACCOUNT R-61-615-000
AMOUNT \$70.10
RECEIVED Cook, Howard, Downes & Tracy
FOR Advertising & Posting Case 83-180-XA
(Eugene L. Pessagno, et ux)
0 8870000783015 8178A
VALIDATION OR SIGNATURE OF CARRIER

PETITION MAPPING PROGRESS SHEET

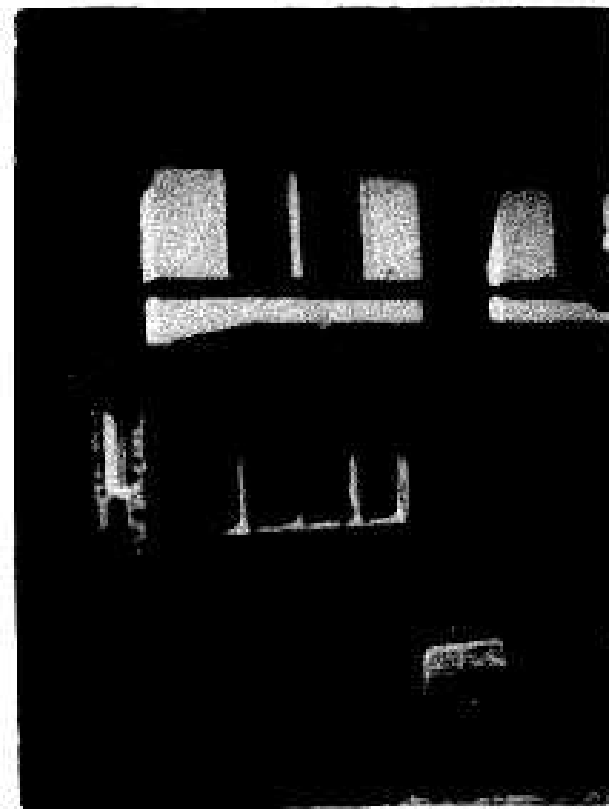
FUNCTION	Well Map		Original		Duplicate		Tracing		GDD Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>UCR</i>										
Revised Plans: Change in outline or description										
Previous case:										
Map # <i>21A</i>										

Item # 114

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
83-180-XA
District 1st
Posted for: *Special Exception and Variance*
Petitioner: *Eugene L. Pessagno, et ux*
Location of property: *N.E. Corner of Frederick Road and Synington Ave.*
Location of Signs: *N.E. Corner of Frederick Road and Synington Avenue*
Number of Signs: *2*
Date of Posting: *2-28-83*
Date of return: *3-4-83*



A. 6330 FREDERICK RD - NE/C
OF SYMINGTON & FRED. RD.
RESIDENCE & DENTAL OFFICE



B. FRONT PORCH & FACADE
6330 FREDERICK RD.



C. LOOKING NE/ly FROM 6386
FREDERICK RD.



D. (RIGHT)
WEST SIDE
AND
TWO SIDE
ENTRANCES
ON E/S OF
NORTH
SYMINGTON
AVE.

E. LOOKING
NORTHERLY
ALONG E/S
OF
NORTH
SYMINGTON
AVE.



PETITIONER'S
EXHIBIT



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 1 day of December, 1972

Filing Fee \$ 200.00

Received. ☒ Check

☐ Cash

☐ Other

Item # 114

AS # 112360

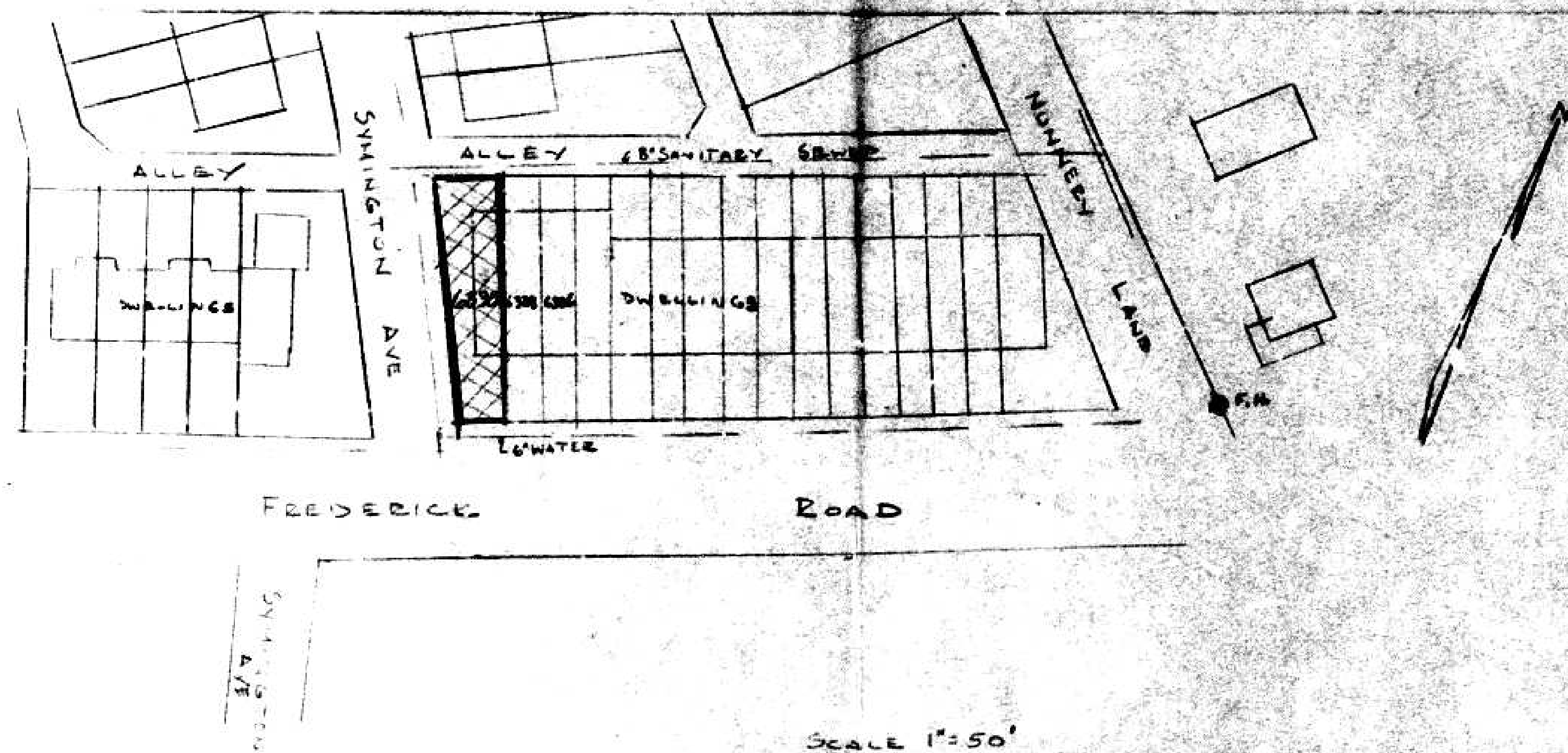
William L. Hammond
William L. Hammond, Zoning Commissioner

Petitioner Engine L. P. 1300 Submitted by John Hammond

Petitioner's Attorney John Hammond Reviewed by WCH

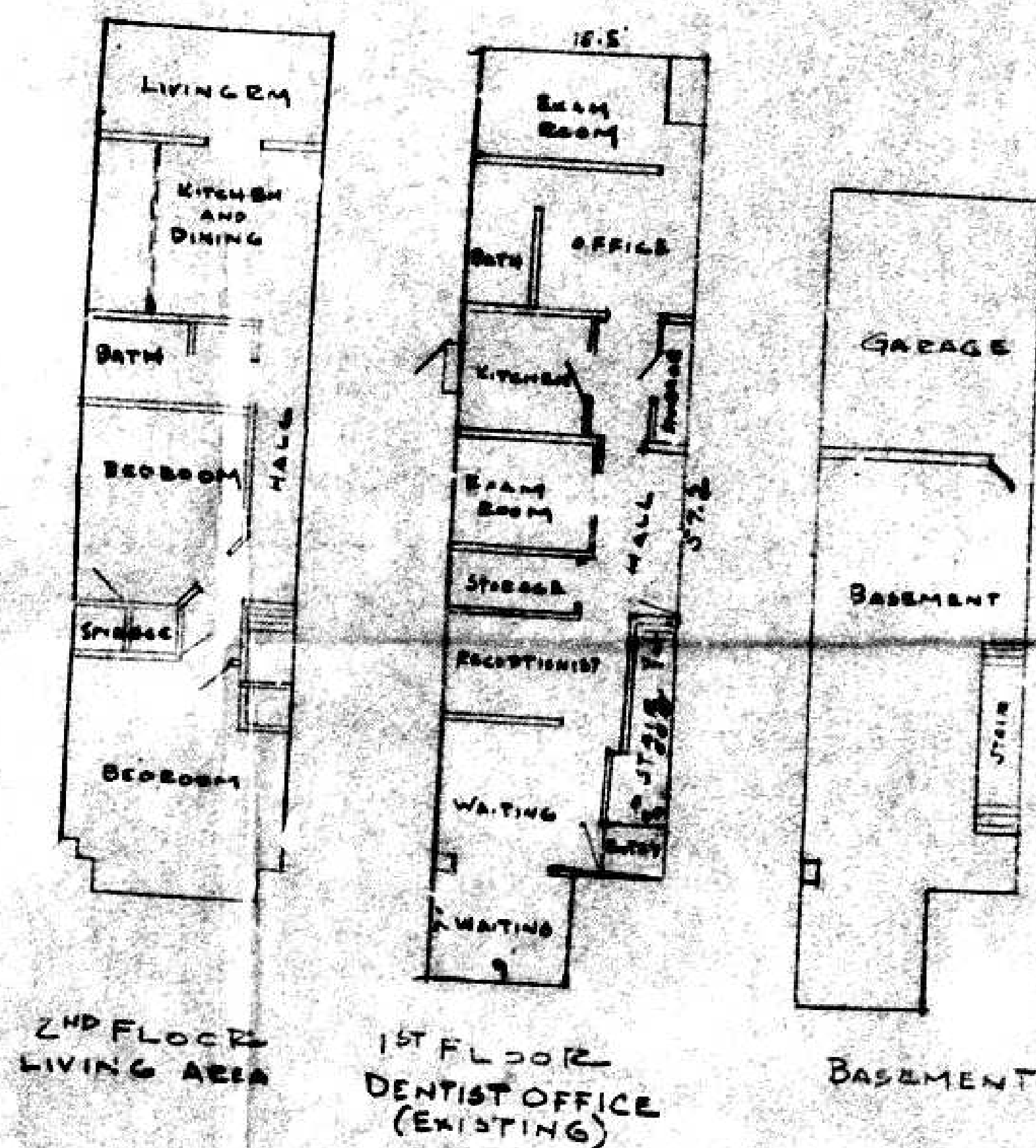
*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.





1ST FLOOR EXISTING DENTIST'S OFFICE
 15.5 X 57.2 = 886.6 SQ FT
 + 63 SQ FT (WAITING RM)
 = 949.6
 - 60 SQ FT ENTRY & STAIRS UP
 = 889.6 SQ FT NET AREA

FLOOR AREAS
 BASEMENT 820 SQ FT
 1ST FLOOR 890 SQ FT
 2ND FLOOR 970 SQ FT
 TOTAL 2680 SQ FT
 $890 \div 2680 = 33.2\%$ EXIST. DENTIST'S OFFICE USE



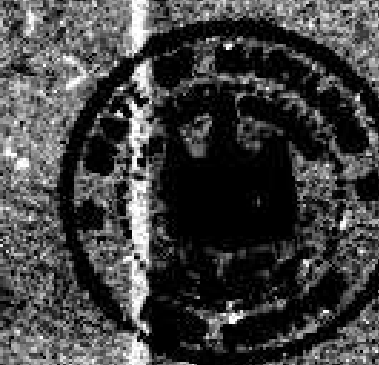
AREA OF PARCEL OF LAND 3150 SQ FT
 ZONED DR 10.5
 PROPOSED SPECIAL EXCEPTION-1801.1093
 DENTIST OFFICE TO OCCUPY 33.2 PERCENT
 OF PROFESSIONAL PERSON'S PRIMARY RESIDENCE
 INSTEAD OF MAXIMUM 25 PERCENT

PUBLIC WATER AND SANITARY SEWER SERVICE

ZONING PLAT
 PROPERTY LOCATED IN
 1ST ELECTION DISTRICT-BALTO. CO. MD



PETITIONER'S
 EXHIBIT



MADE & FILED NOVEMBER 16, 1982
 GREGORY CROSS & TEELE
 REGISTERED LAND SURVEYORS
 412 DELAWARE AVE - TOWSON, MD

MAP 28
 SECTION 1
 DISTRICT 1
 TYPE 1
 MADE BY [Signature]
 CHECKED BY [Signature]