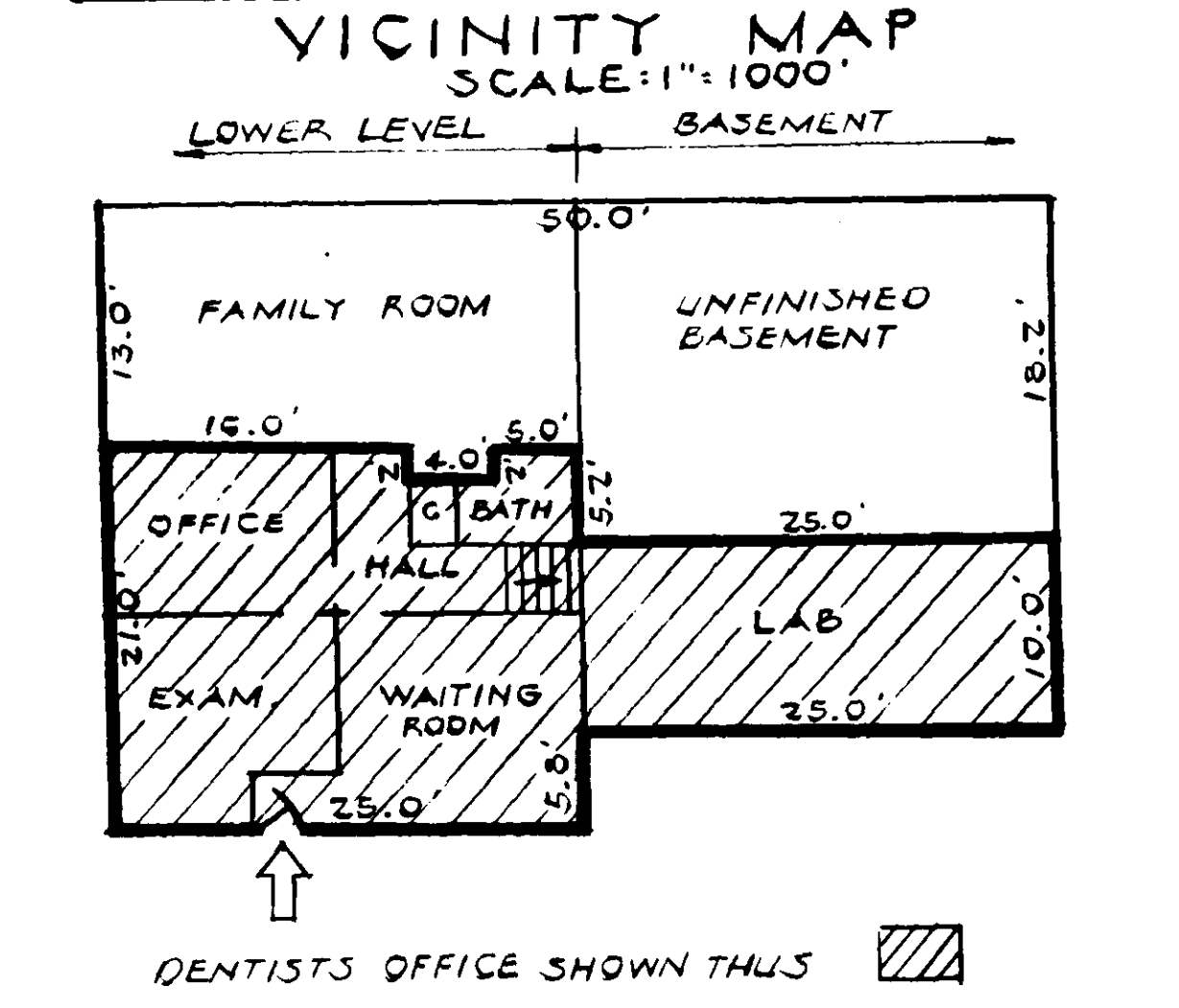
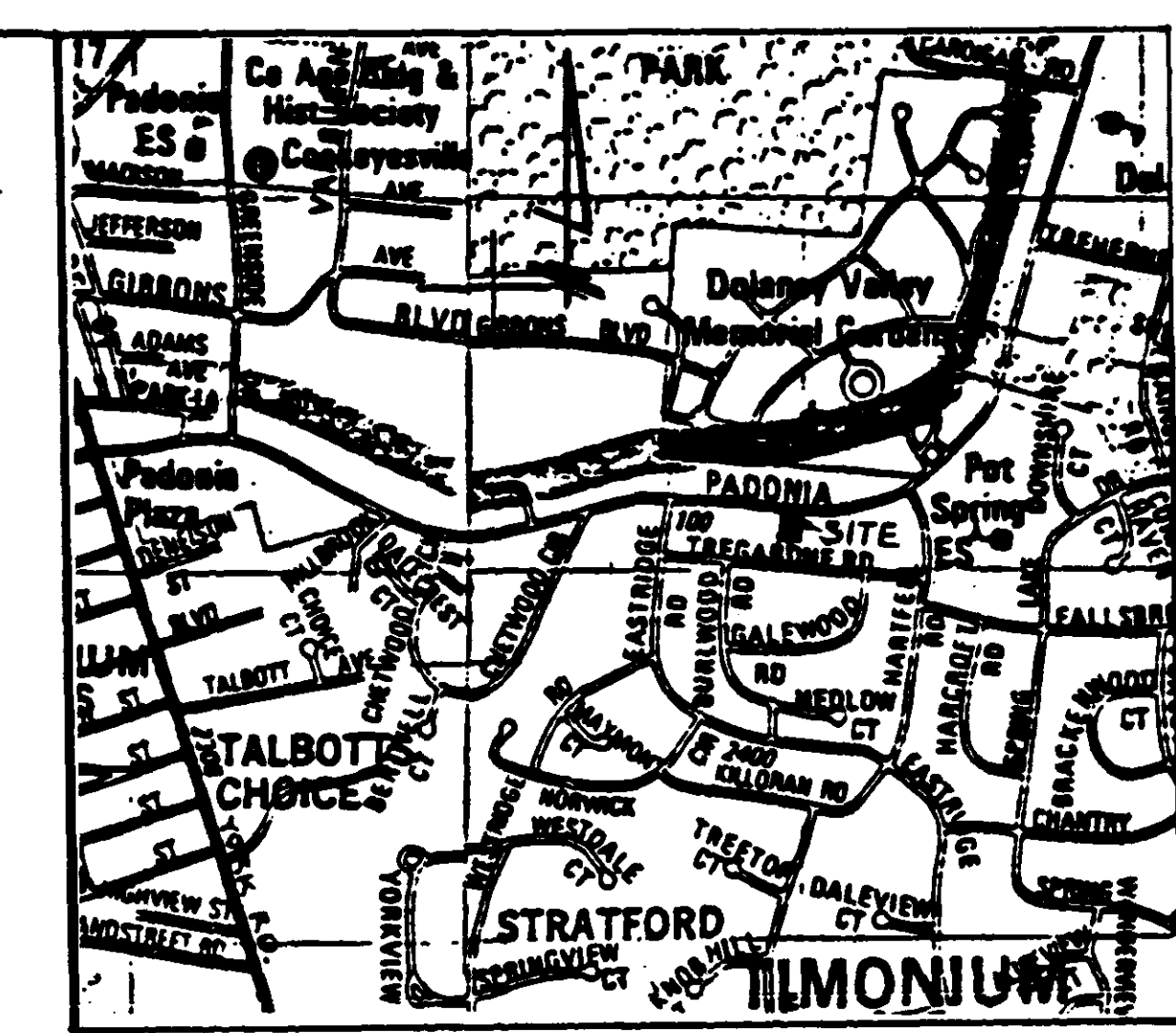
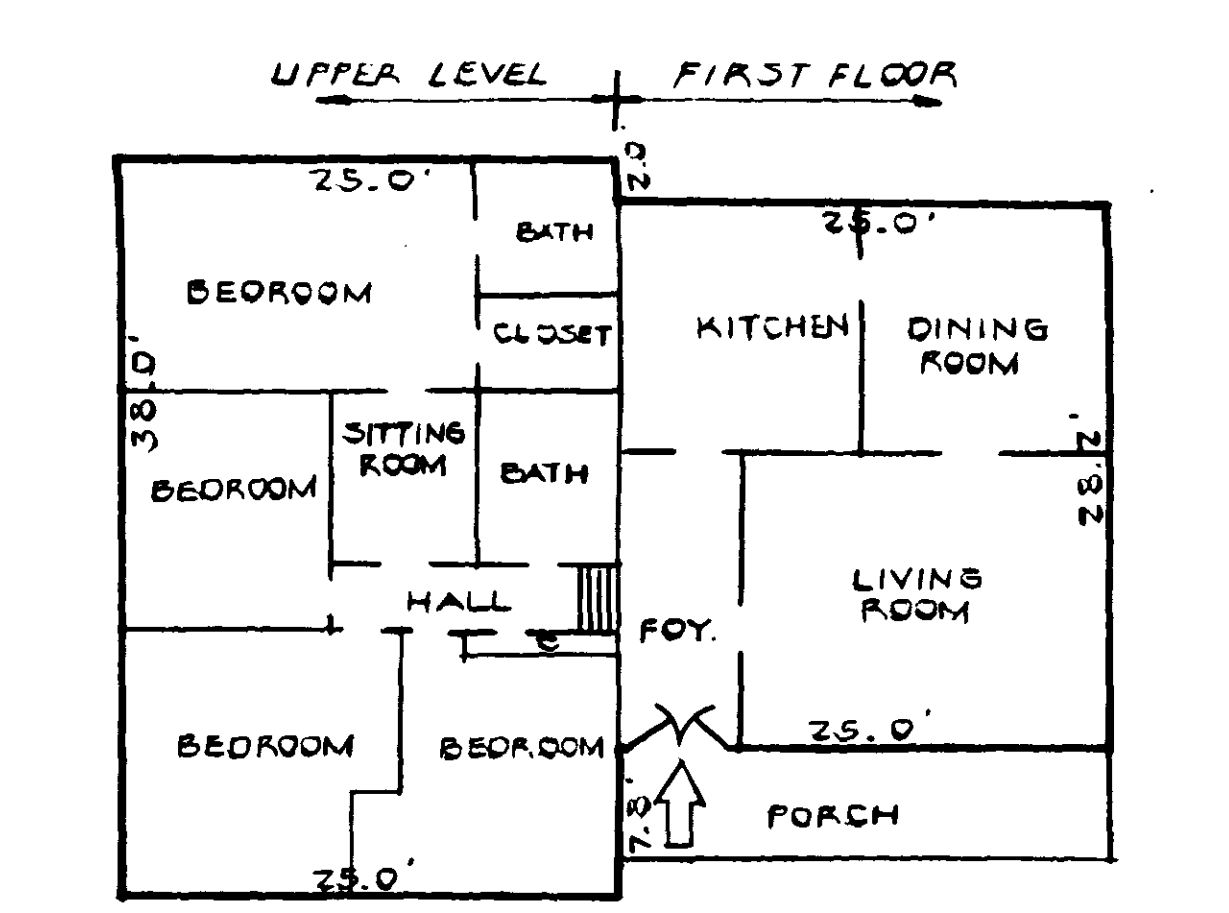


- NOTES:
1. ZONING = D.R. 3.5
 2. AREA OF LOT = 10,000 S.F. = 0.2296 AC.
 3. EXISTING AND PROPOSED USE - SINGLE FAMILY RESIDENCE AND DENTISTS OFFICE
 4. GROSS FLOOR AREA = 3210 SQ. FT.
 AREA PERMITTED FOR DENTISTS OFFICE = 3210 SQ. FT. X 25% = 802 SQ. FT.
 AREA PROPOSED FOR DENTISTS OFFICE = 767 SQ. FT. = 23.9% OF GROSS FLOOR AREA
 5. PARKING REQUIREMENTS:
 RESIDENCE..... 2 SPACES
 DENTISTS OFFICE - 767 SQ. FT. @ 4.5 SPACES PER 1000 SQ. FT..... 4 SPACES
 TOTAL NO. OF SPACES REQUIRED..... 6 SPACES
 TOTAL NO. OF SPACES PROVIDED..... 6 SPACES
 6. MAXIMUM NUMBER OF EMPLOYEES PERMITTED = 4 (1 RESIDENT PROFESSIONAL, 1 NON-RESIDENT PROFESSIONAL ASSOCIATE AND 2 OTHER NON-RESIDENT EMPLOYEES)



GROSS FLOOR AREA TABULATIONS

USE	OFFICE	RESIDENCE	TOTAL
BASEMENT	250 S.F.	455 S.F.	705 S.F.
LOWER LEVEL	517 S.F.	333 S.F.	850 S.F.
FIRST FLOOR	—	705 S.F.	705 S.F.
UPPER LEVEL	—	950 S.F.	905 S.F.
TOTAL	767 S.F.	2443 S.F.	3210 S.F.



FLOOR PLANS
SCALE: 1" = 10'

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD. 21040
(410) 675-8715

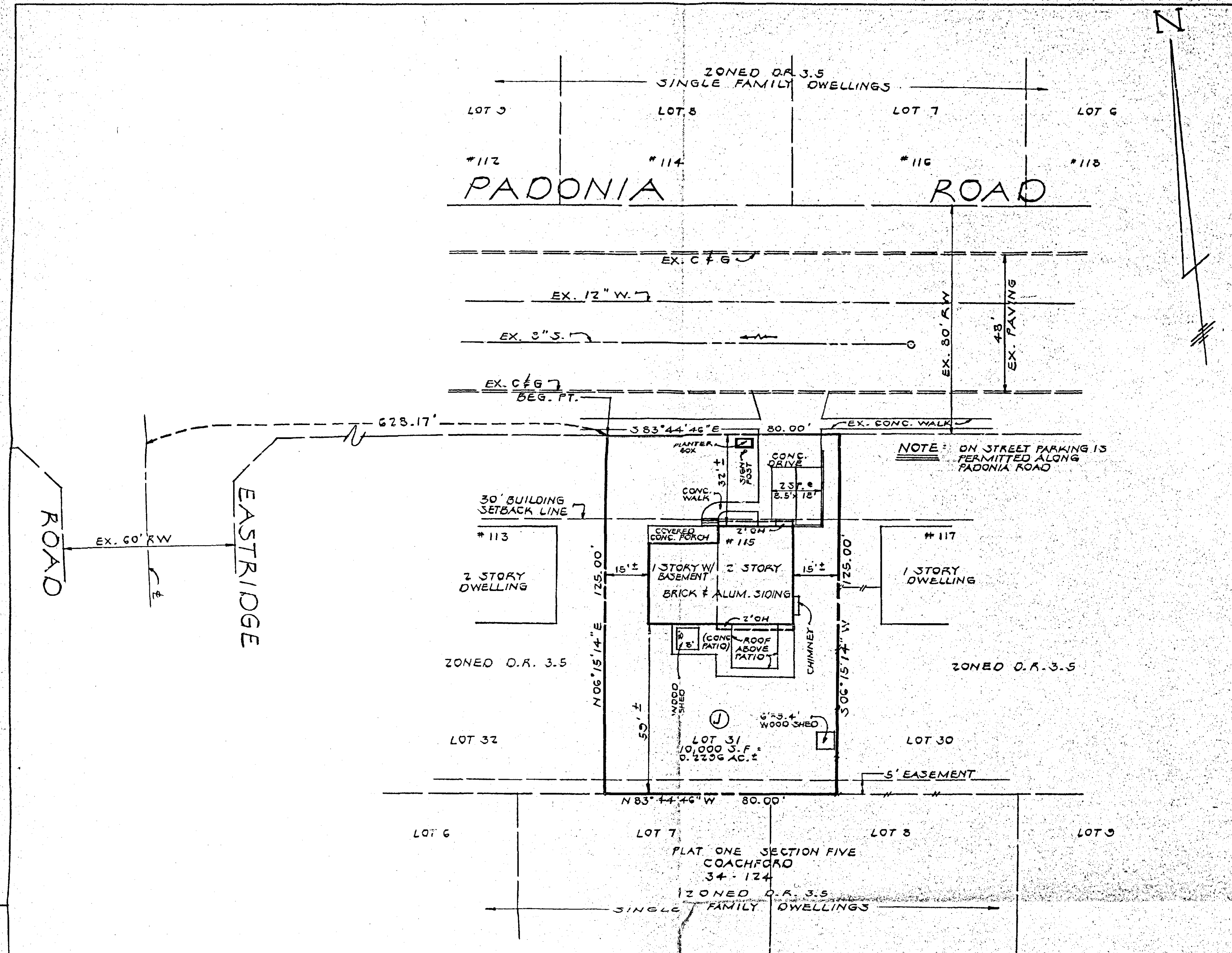


PETITIONER'S
EXHIBIT NO. 1

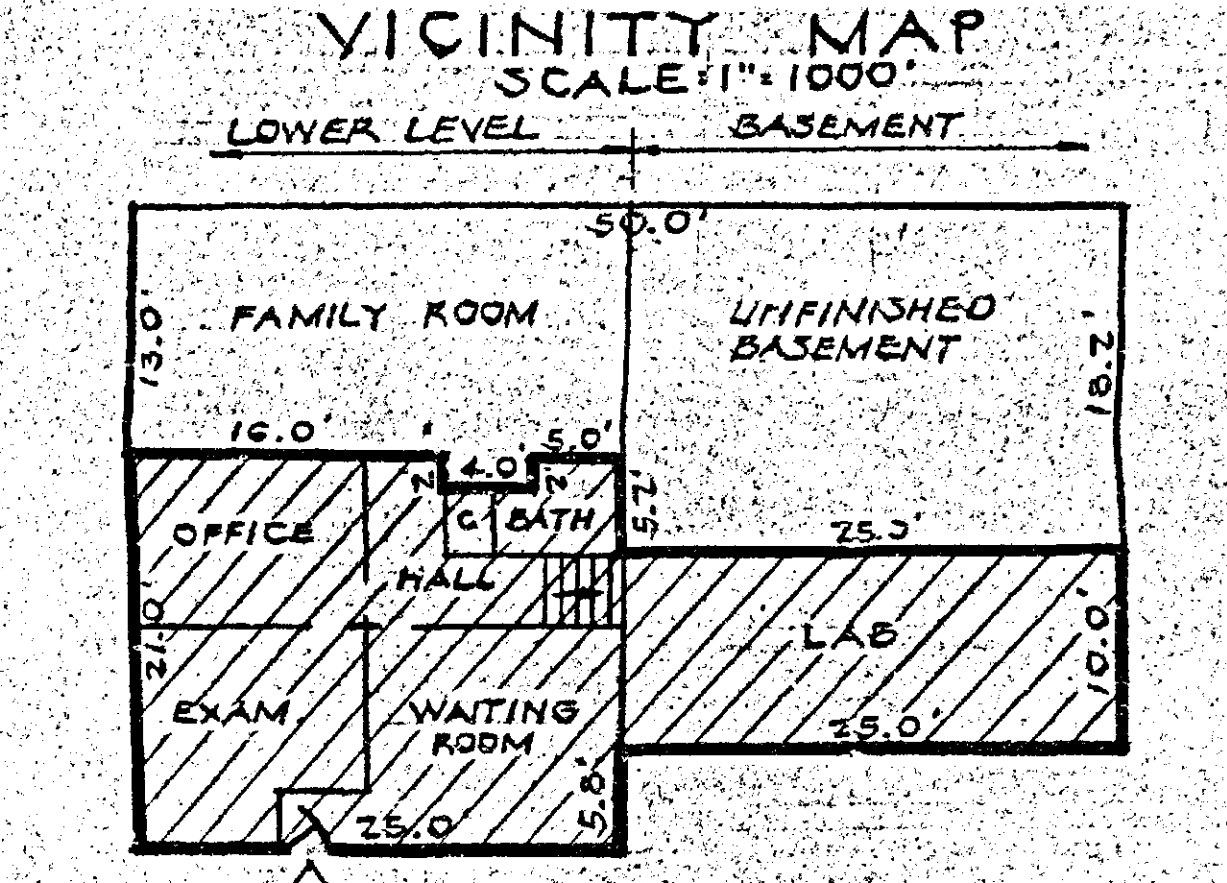
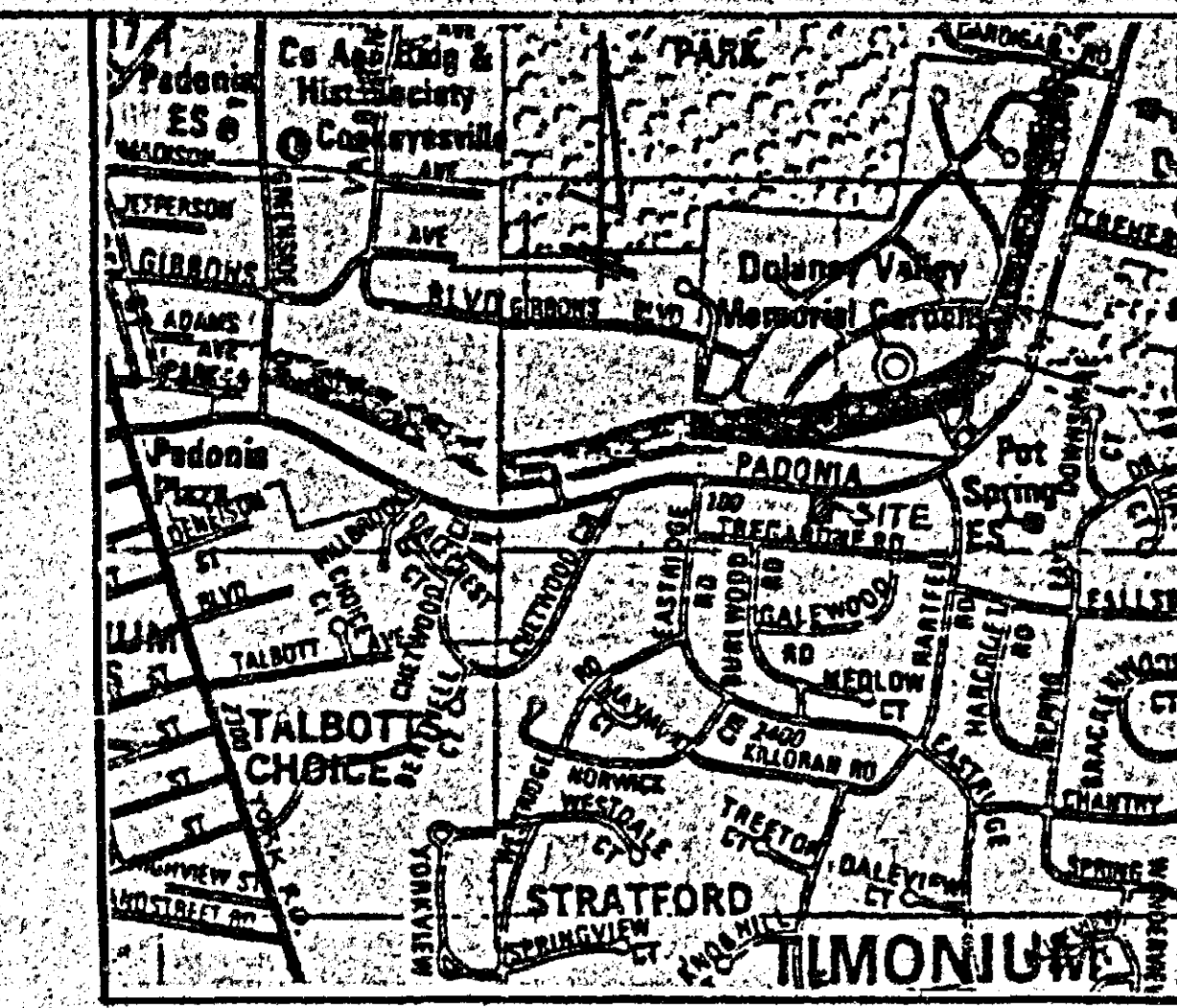
PLAT TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION
115 E. PADONIA ROAD
LOT 31, BLOCK J, PLAT 1, SECTION 3
COACHFORD P.B. 31, F. 135
ELECTION DISTRICT 8, C3
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' APRIL 13, 1994
MAY 26, 1994

ADD PAVING TO ACCOMMODATE 6 PARKING SPACES, ADD SCREENING	5-26-94
REVISION	DATE

C.D. & D. JOB NO. 9410

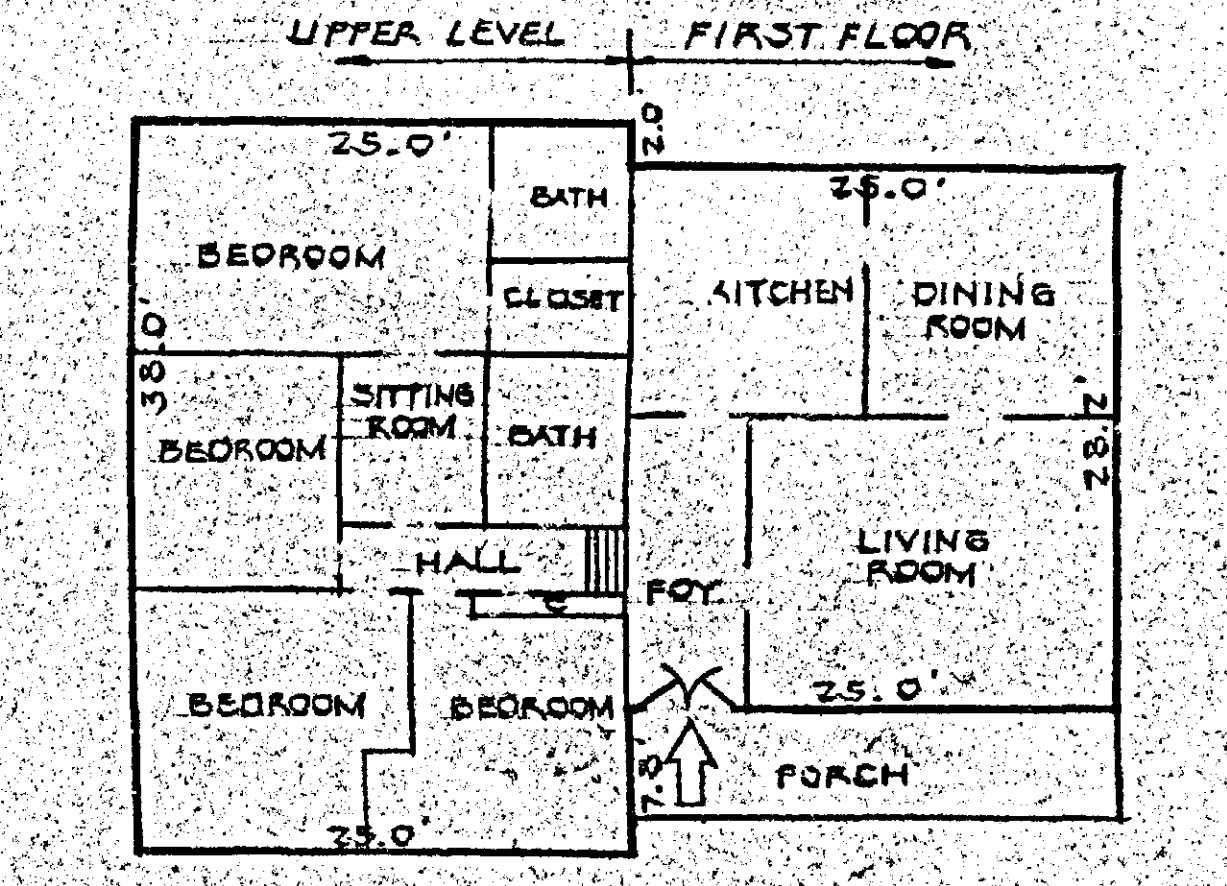


- NOTES:
1. ZONING - D.R. 3.5
 2. AREA OF LOT - 10,000 S.F. = 0.2296 AC.
 3. EXISTING AND PROPOSED USE - SINGLE FAMILY RESIDENCE AND DENTISTS OFFICE
 4. GROSS FLOOR AREA - 3210 S.F.
 5. PARKING REQUIREMENTS:
 - RESIDENCE - 2 SPACES
 - DENTISTS OFFICE - 4 SPACES
 - TOTAL NO. OF SPACES REQUIRED - 6 SPACES
 - TOTAL NO. OF SPACES PROVIDED - 6 SPACES
 6. MAXIMUM NUMBER OF EMPLOYEES PERMITTED - 4 (1 RESIDENT PROFESSIONAL, 1 NON-RESIDENT PROFESSIONAL ASSOCIATE AND 2 OTHER NON-RESIDENT EMPLOYEES)



GROSS FLOOR AREA TABULATIONS

USE	OFFICE	RESIDENCE	TOTAL
BASEMENT	250 S.F.	455 S.F.	705 S.F.
LOWER LEVEL	517 S.F.	333 S.F.	850 S.F.
FIRST FLOOR	-	705 S.F.	705 S.F.
UPPER LEVEL	-	590 S.F.	590 S.F.
TOTAL	767 S.F.	2443 S.F.	3210 S.F.



FLOOR PLANS
SCALE: 1" = 10'
94-413-X
(ITEM # 397)

PLAT TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION & VARIANCE
115 E. PADONIA ROAD
LOT 31, BLOCK J, PLAT 1, SECTION 3
COACHFORD P.B. 31, F. 135
ELECTION DISTRICT 8, C3
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' APRIL 13, 1994

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD. 21040
(410) 673-8713

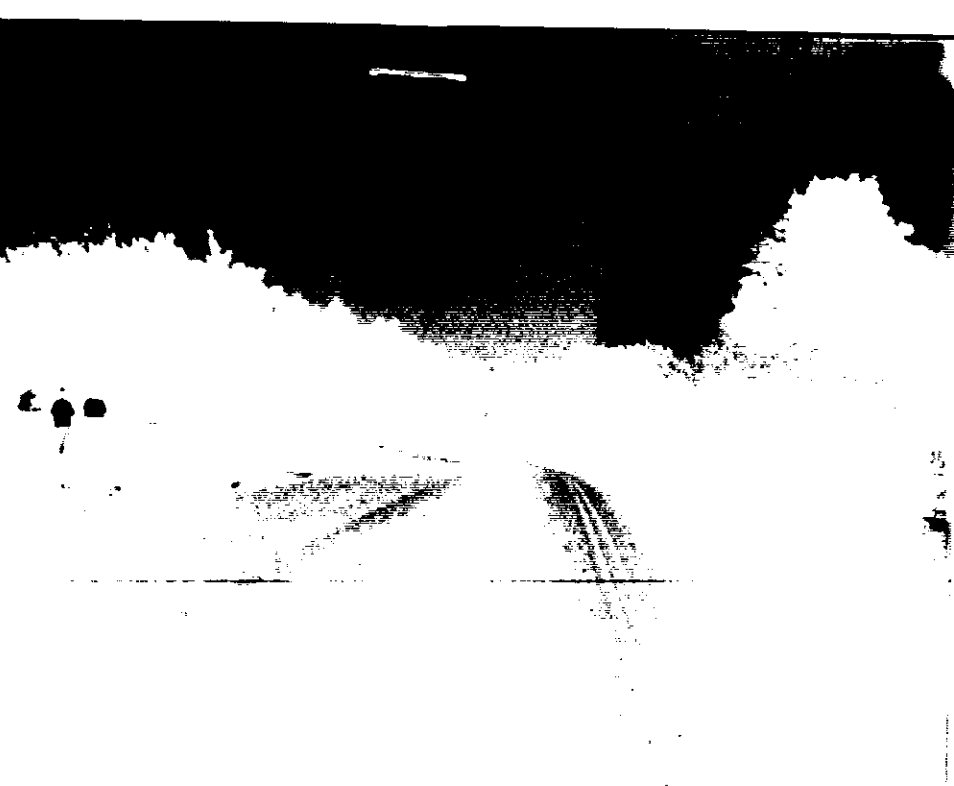
Michael R.E.
Professional Engineer
State of Maryland
No. 10000



E. Looking E on Padonia from C/L of Padonia in front of 115 E. Padonia Rd.



F. Speed Limit opp. 115 E. Padonia Rd.

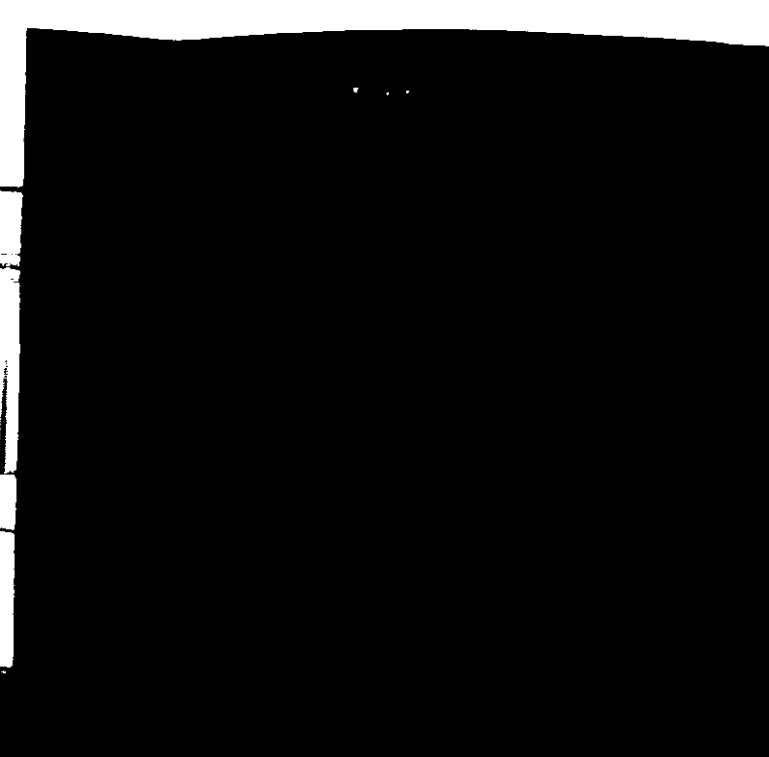


G. Looking W on Padonia Rd. in front of site

Ret 2C



H. E/S of lot - proposed driveway area.



I. Proposed area looking toward street

Ret 2D



J. Small shed in S/E corner.



K. Patio and small wooden shed.

Ret 2E



L. W/S of 115 E. Padonia Rd.



M. Shrubby shielding transformer at N/W corner.

Ret 2F



N. Panoramic view of 3 homes on the W/S of Padonia Rd. Opp. site.

Ret 2G

24 May 1994
121 East Padonia Road
Timonium, Maryland 21093

To Whom It May Concern:

As a resident at this address since 1968 and having had a professional office here until I retired in 1991 for health reasons, there has been at no time any disparaging remarks brought to my attention about any of the various professional offices in the neighborhood.

I do not have an objection to the Special Exception Zoning being considered at 115 East Padonia Road.

Sincerely,
Hugh M. Clement Jr.
Hugh M. Clement Jr. DDS

Plot No. 5

May 19, 1994

TO WHOM IT MAY CONCERN:

As residents of 117 E. Padonia Road, Timonium, MD and neighbors of Dr. Nelson A. Wright, Jr. for over 20 years, we have never found his dental practice at 115 E. Padonia Road to be an intrusion or nuisance.

Yours truly,
Howard B. Jones
Howard B. Jones
Elaine C. Jones
Elaine C. Jones

Plot 6A

114 E. Padonia Road
Timonium, MD 21093
May 16, 1994

To Whom It May Concern:

I have lived at 114 E. Padonia Road, Timonium Maryland for the past twenty-one years and currently still live at this location.

I live directly across the street from Dr. Nelson Wright, Jr.. During this time he has had his dental office and residence at 115 E. Padonia Road.

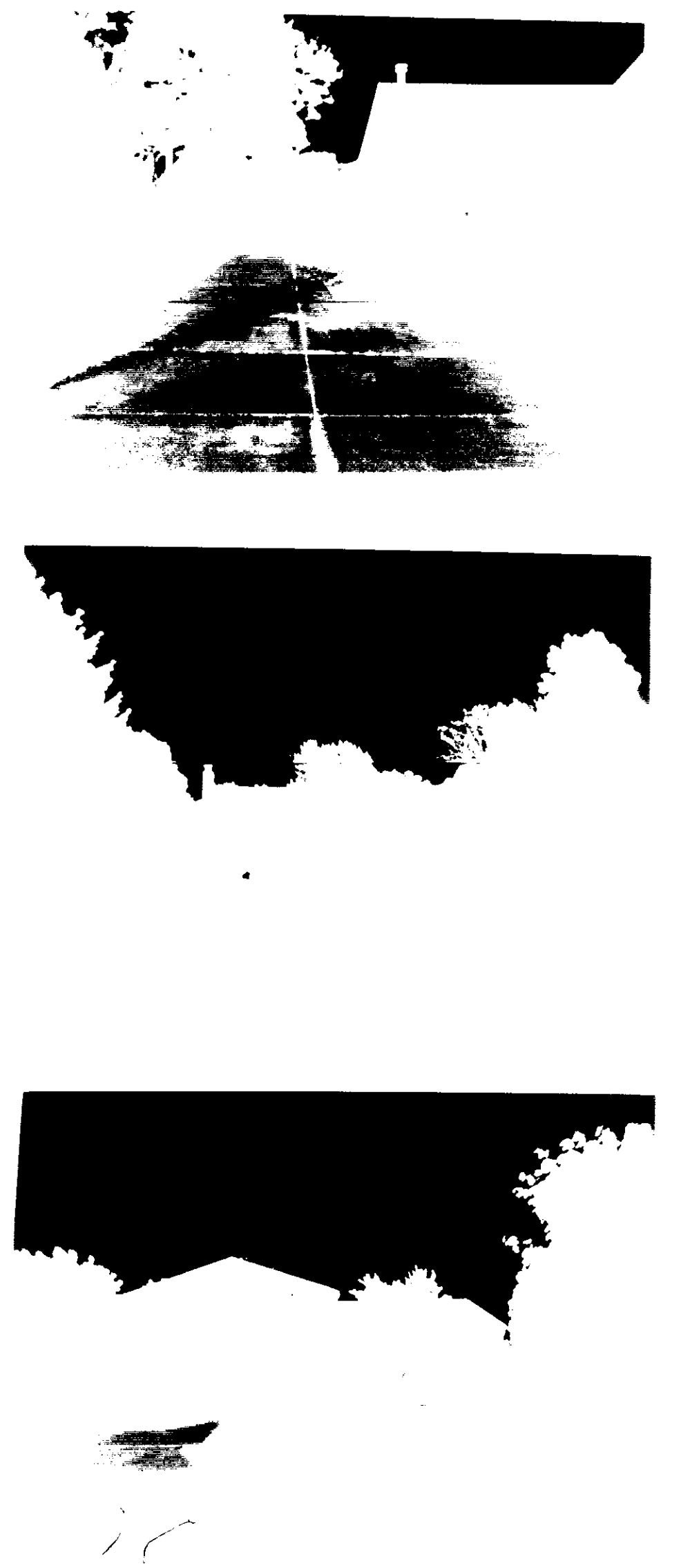
Both my wife, Ethel, and I have never found this to be of concern to us or to our neighborhood. It has not resulted in any parking or congestion problems as a result of his office, and we have always found him to be a desirable neighbor in the Coachford Community.

We, therefore, would have no objection to the continuation of a dental office at this location as it presently exists.

Yours truly,
Walter F. Wintsch
Walter F. Wintsch

Plot 6B

Petcher's Exhibits 7, 7B & 7C
94-413-X



A. Zoning sign



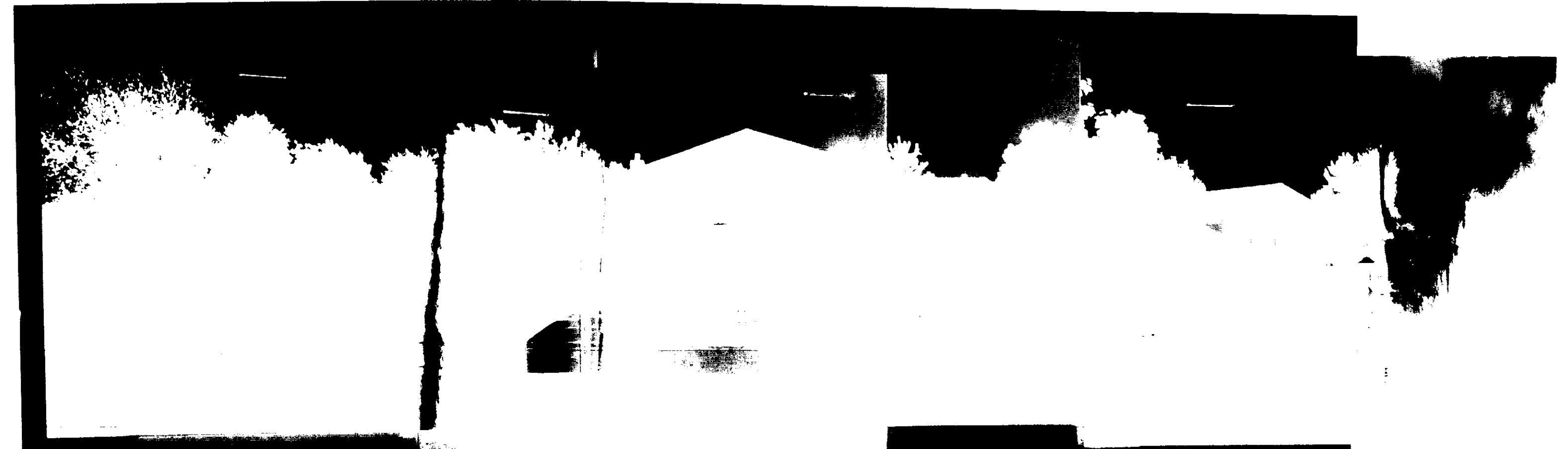
B. Present and Proposed Signs



C. For Sale and Zoning Signs

May, 1994
Dr. Mrs. Nelson Wright
115 E. Padonia Rd.
Case No. 94-413-X

Plot No 2A



D.

115 E. Padonia Road.
on 5/5-Looking S

Plot 2B

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 377, 397, 398, 399, 400, 402, 409, 410, 412 and 414.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Barry L. Kerns

PK/aklw

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Fire Department

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

DATE: 04/12/94

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

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

5. The 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", 1991 Edition prior to occupancy. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 396, 397, AND 401.

RECEIVED
MAY 5 1994
ZADM

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

cc: File

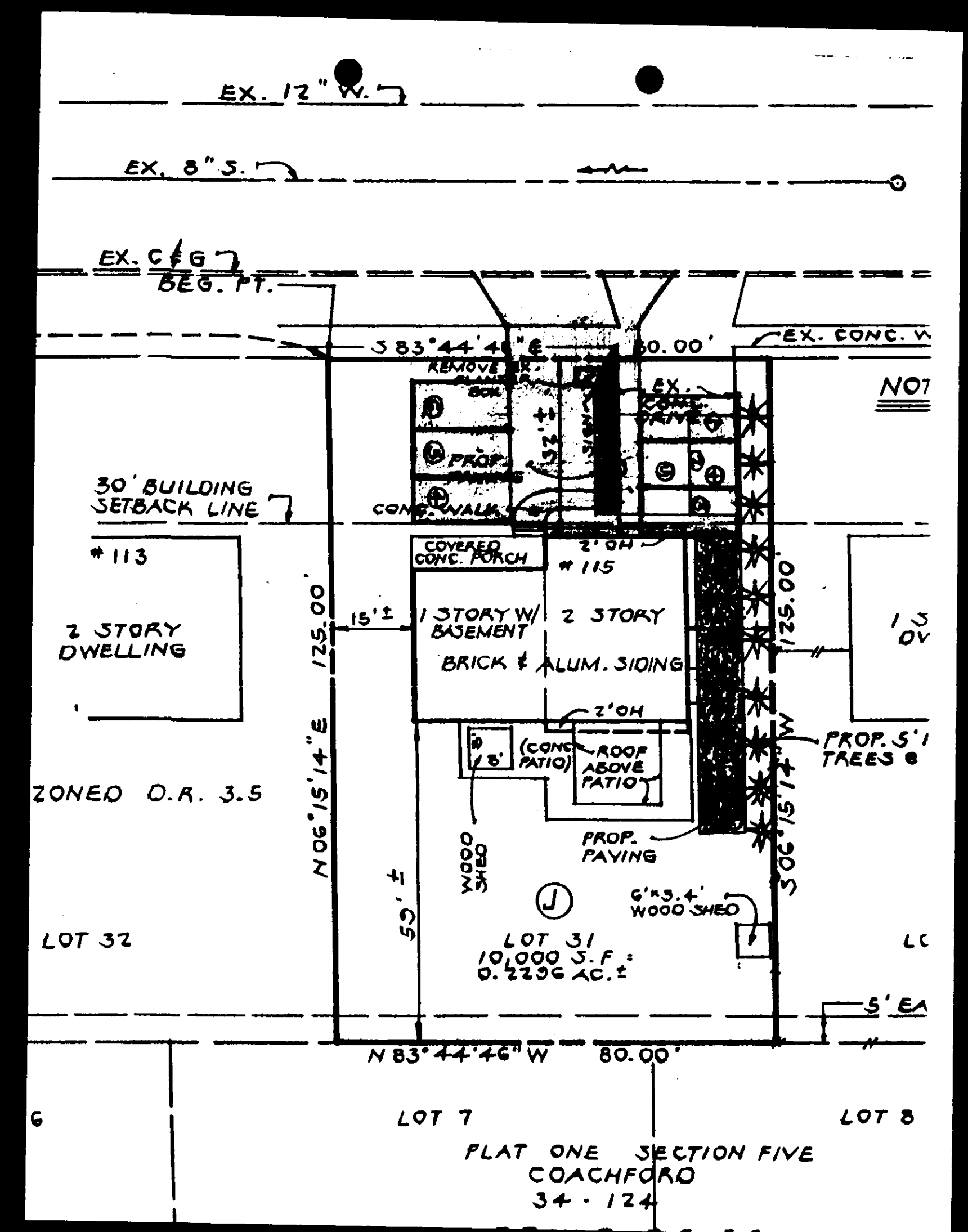
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94-413-X

To the Commissioners:

On April 14th, Reg. T. and I consulted with John Lewis. John states that parking requirements have never been interpreted as applicable to home professional offices. The principal use is residential, and such space would detract from the intentionally, primary residential appearance. Thus, John believes, as I do, that a parking variance is not necessary for 15 West Padonia Rd.

Respectfully,
Norton A. Williams
ITEM # 397

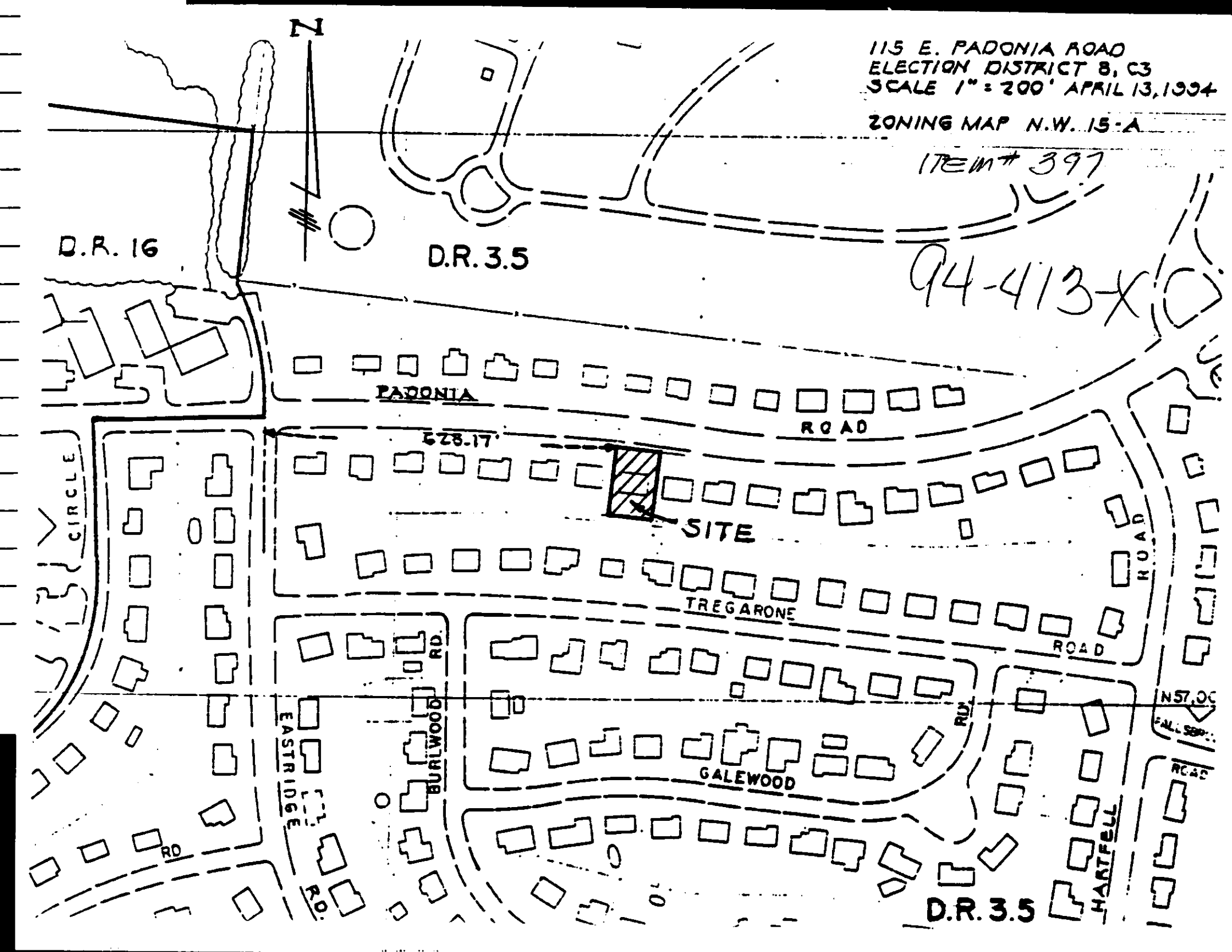


94-413-X

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Norton Williams</u>	<u>700 East Joppa Rd, Towson, MD 21286</u>
<u>David Williams</u>	<u>700 E. Joppa Rd, Towson, MD 21286</u>
<u>John A. Williams</u>	<u>115 E. Padonia Rd, Towson, MD 21286</u>
<u>Barry L. Kerns</u>	<u>32 The National Spring, Towson, MD 21286</u>
<u>Tommy & Sandra Busch's</u>	<u>22 Sugar Tree Place, Cockeysville, MD 21031</u>

Printed with Soybean Ink on Recycled Paper



PERMIT 1st No 3

THIS PERMIT MUST BE POSTED

NOTE - A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

PERMIT IS GRANTED BY
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER MR
TOWSON, MARYLAND 21204

DATE ISSUED: 11-4-93

PERMIT NUMBER: 55241

DATE EXPIRES: 8-17-94

OWNER: NELSON A. WRIGHT JR.
MATCHING ADDRESS: SAME AS ABOVE TOWSON, MD, 21093

TERMINATION: OWNER

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

80' ON S/S OF PADONIA RD. 59' N/E EASTRIDGE RD.

A. TYPE OF IMPROVEMENT

NEW BUILDING CONSTRUCTION
 ADDITION
 ALTERATION
 REPAIR
 WRECKING ENTIRE UNITS DESTRUCTED
 MOVING
 OTHER

B. OWNERSHIP

PRIVATELY OWNED
 PUBLICLY OWNED

ESTIMATED COST MATERIAL & LABOR: \$100.00

C. TYPE OF USE

RESIDENTIAL

ONE FAMILY
 TWO FAMILY
 THREE AND FOUR FAMILY
 TWO OR MORE FAMILY BATHING UNITS
 JMW, NINE FCL
 GARAGE
 OTHER

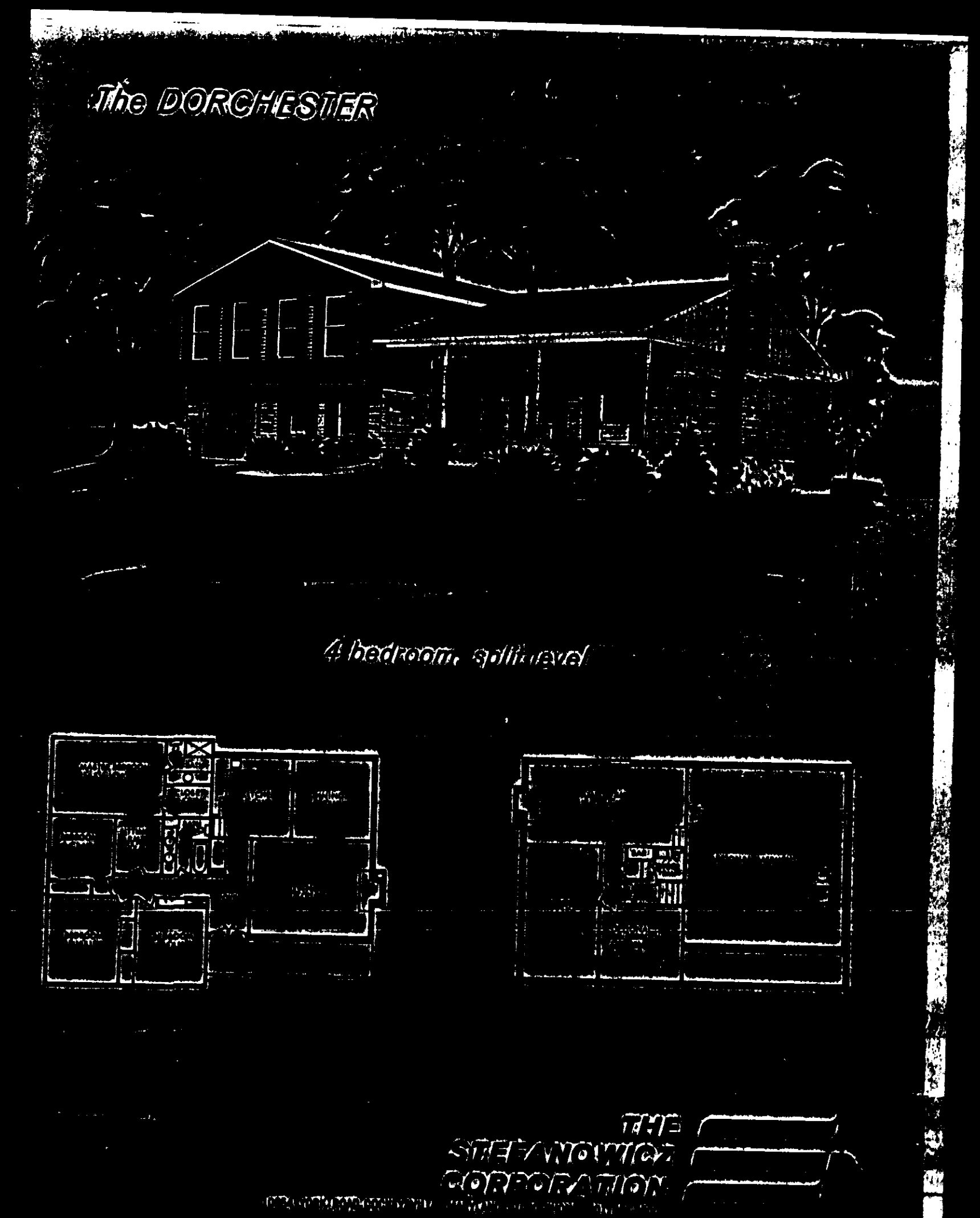
NON-RESIDENTIAL

AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
 CHURCH, OTHER RELIGIOUS BUILDING
 STORE, SERVICE, RESTAURANT, HOTEL
 INDUSTRIAL STORAGE BUILDING
 PARKING GARAGE
 SERVICE STATION, REPAIR GARAGE
 HOSPITAL, INSTITUTIONAL, NURSING HOME
 OFFICE, BANK, PROFESSIONAL
 PUBLIC UTILITY
 SCHOOL, COLLEGE, OTHER EDUCATIONAL
 THEATRE
 MERCANTILE
 RESTAURANT
 SPECIFY TYPE
 SWIMMING POOL AND HEALTH DEPT. APP. REQ.
 TANK, TOWER
 TRANSIENT HOTEL, MOTEL, INN UNITS

ALWAYS USE THE CONTROL AND THE PERMIT INFORMATION REGARDING THIS PERMIT. BUILDINGS DIVISION.

The first of these inspections shall be called for as soon as the site is prepared.
Also a slab inspection will be required before pouring.
The second inspection shall be called for when the foundation has been completed.
The third inspection shall be called for when the structural members are in place, but before covering same with brick or plaster, or other covering.
Final inspection shall be called for before structure is occupied.

EXPIRATION: This permit shall expire one year after the date of issue.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-413-X

District: 9th Date of Posting: 5/19/94

Posted for: Special Exception

Petitioner: Nelson Wright, D.D.S., James Kasolis, D.D.S.

Location of property: 115 E. Padonia Rd., Sp. 4221.2/6 Padonia Rd.

Location of Sign: Entry to property, on public way

Remarks:

Posted by: Mitchell Date of return: 5/19/94

Number of Signs:

94-413-X
receipt

Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0016190

Date: 4/17/94 Number: 317

REASON, WRIGHT
115 E. PADONIA RD

100 - 244X - \$ 300.00
100 - SIGN - \$ 35.00
TOTAL - \$ 335.00

\$335.00

Please Make Checks Payable To: Baltimore County

94-413-X

Baltimore County Government
Office of Zoning Administration
and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 397

Petitioner: Nelson Wright, D.D.S.

Location: 115 E. Padonia Rd., 21193

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Nelson Wright, D.D.S.

ADDRESS: 115 E. Padonia Rd.
Towson, Md. 21193

PHONE NUMBER: 257-7580

ST BE SUPPLIED

94-413-X

NOTICE OF HEARING

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

CASE NUMBER: 94-413-X (Item 397)

115 E. Padonia Road
S/S Padonia Road, 628.17' E of C/L Eastridge Road
8th Election District - 4th Councilmatic District

Legal Owner: Nelson A. Wright, Jr., D.D.S. and Janet Wright
Contract Purchaser: James Kasolis, D.D.S.

HEARING: WEDNESDAY, JUNE 1, 1994, 2:00 P.M. Rm. 118 Old Courthouse

Special Exception for a home dental office (present non-conforming use).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

94-413-X

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 6, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 5, 1994.

THE JEFFERSONIAN.
A. Henriksen
LEGAL I.D. - TOWSON

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

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115 E. Padonia Road
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8th Election District - 4th Councilmatic District

Legal Owner: Nelson A. Wright, Jr., D.D.S. and Janet Wright
Contract Purchaser: James Kasolis, D.D.S.

HEARING: WEDNESDAY, JUNE 1, 1994 at 2:00 p.m.
Rm. 118 Old Courthouse

Special Exception for a home dental office (present non-conforming use).

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the hearing, please call 887-3391.
5/039 May 5

94-413-X

Baltimore County Government
Office of Zoning Administration
and Development Management

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

April 28, 1994

NOTICE OF HEARING

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

CASE NUMBER: 94-413-X (Item 397)

115 E. Padonia Road
S/S Padonia Road, 628.17' E of C/L Eastridge Road
8th Election District - 4th Councilmatic District

Legal Owner: Nelson A. Wright, Jr., D.D.S. and Janet Wright
Contract Purchaser: James Kasolis, D.D.S.

HEARING: WEDNESDAY, JUNE 1, 1994, 2:00 P.M. Rm. 118 Old Courthouse

Special Exception for a home dental office (present non-conforming use).

Carl Jablon
Arnold Jablon
Director

cc: Nelson A. Wright, Jr., D.D.S.
James Kasolis, D.D.S.
Newton A. Williams, Esquire

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

Baltimore County Government
Office of Zoning Administration
and Development Management

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

May 27, 1994

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-413-X, Item No. 397
Petitioner: Nelson A. Wright, Jr., et al.
Petition for Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 19, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

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

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 9, 1994
Item No. 397

The Developers Engineering Section has reviewed the subject zoning item. This site should be made subject to the Landscape Manual to the extent possible.

RWB:aw

94-413-X

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4/29/94

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

Re: Baltimore County
Item No.: 7-397 (ST)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

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

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. RAIBEN, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Padonia Road, 628.17' E of * ZONING COMMISSIONER
the c/l of Eastridge Road * OF BALTIMORE COUNTY
(115 E. Padonia Road)
8th Election District * Case No. 94-413-X
4th Councilmanic District
Nelson A. Wright, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 115 East Padonia Road located in the Cockeysville area of northern Baltimore County. The Petition was filed by the owners of the property, Nelson A. Wright, Jr. and his wife, Janet Wright, and the Contract Purchasers, James and Sandra Kassolis. The Petitioners seek approval of a dental office within the dwelling on the subject property, pursuant to Section 1801.1.C.9(b) of the Baltimore County Zoning Regulations (B.C.Z.R.). The property and area designated for the special exception use are more particularly described on the site plan submitted into evidence as petitioner's Exhibit 1.

Appearing at the public hearing held for this case were Nelson and Janet Wright, property owners, James and Sandra Kassolis, Contract Purchasers, David Billingsley, Land Planning Consultant, and Newton A. Williams, Esquire, attorney for the petitioners. There were no Protestants present.

The uncontradicted testimony and evidence presented revealed that the subject property consists of 0.2296 acres, more or less, zoned D.R. and is improved with a single family dwelling. The property is located in Timonium, not far from York Road, in the residential subdivision known as Coachford, a community of well-kept single family homes. Dr. Wright

testified that he is a Dentist by profession and has owned the subject property since 1971. He testified that approximately two years after his acquisition of the property, he converted a portion of the lower level of the dwelling to a dental office which he has maintained since that time. As shown on the site plan marked as Petitioner's Exhibit 1, that portion of the dwelling devoted to the dental practice includes the office, a laboratory, a waiting room and examining room, and a small bathroom, all of which comprise approximately 23.9% of the total square footage of the dwelling. Dr. Wright testified that he is a General Practitioner by trade and has office hours four days a week, during which he usually sees 7 to 10 patients per day.

Dr. Wright testified that he is now desirous of reducing his working hours and the scale and volume of his dental practice. In this regard, he anticipates relocating the practice to an office building in Timonium. Moreover, he and Mrs. Wright will be moving to the Loveton Farms community. Under these circumstances, the house has been listed for sale and a contract has been entered into between the Petitioners and James Kassolis and his wife, Sandra. Like Dr. Wright, Dr. Kassolis is a dentist by profession, and is desirous of continuing the current use of the subject property to support his dental practice. Thus, the Petition for Special Exception was filed.

Dr. Kassolis testified that he is a Periodontist and has been in practice for approximately 21 years. He stated that the office layout of the subject dwelling will be maintained as it currently exists. That is, 767 sq.ft. of the dwelling will be devoted to office use. This comprises 23.9% of the total 3,210 sq.ft. associated with the subject dwelling, which is within the 25% limit set forth in the B.C.Z.R. for such a special

exception use. Dr. Kassolis anticipates having office hours four days per week, Monday through Thursday, from 8AM to no later than 7PM. Presently, he envisions having two non-professional assistants in his practice. In that his practice is more specialized, he anticipates only seeing two patients per hour, which will be scheduled by appointment.

Testimony was also received from David Billingsley, the consultant who assisted in the preparation of the site plan. Mr. Billingsley indicated that he field-measured the area of the dental office and confirmed that it comprises 23.9% of the total square footage of the dwelling. He also described certain improvements that will be made to the property to support Dr. Kassolis' practice. Although the interior office will remain the same, additional parking is to be provided. Specifically, the driveway will be extended along the east side of the subject site towards the rear of the property. Moreover, additional plantings and landscaping are anticipated to be placed along that property line. The additional parking is intended to prevent on-street parking by patients of Dr. Kassolis and to avoid the necessity of requesting a parking variance.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June, 1994 that the Petition for Special Exception for a home dental office on the subject property, pursuant to Section 1801.1.C.9(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception relief granted herein is limited to the use of that area depicted on Petition-

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

er's Exhibit 1 as comprising 23.9% of the total square footage of the subject dwelling. Furthermore, there shall be no more than two non-professional assistants associated with Dr. Kassolis' dental practice.

When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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

LES:bjjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1994

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Padonia Road, 628.17' E of the c/l of Eastridge Road
(115 E. Padonia Road)
8th Election District - 4th Councilmanic District
Nelson A. Wright, Jr., et ux - Petitioners
Case No. 94-413-X

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

LES:bjjs
Dr. & Mrs. Nelson A. Wright, Jr.
115 E. Padonia Road, Timonium, Md. 21093

Dr. & Mrs. James Kassolis
30 E. Padonia Road, Timonium, Md. 21093

People's Counsel

File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 115 East Padonia Road
which is presently zoned 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a home dental office (present non-conforming use).

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):
JAMES KASSOLIS, D.D.S.
Type of Petitioner:
James Kassolis, D.D.S.
Address:
115 East Padonia Road
Timonium, Maryland 21093
City State Zipcode

Legal Owner(s):
NELSON A. WRIGHT, JR., D.D.S.
Type of Petitioner:
Nelson A. Wright Jr D.D.S.
Address:
JANET WRIGHT
Type of Petitioner:
Janet Wright

Attorney for Petitioner:
Newton A. Williams, Esquire
NOLAN, FLINHOFF & WILLIAMS, CHTD.
Address:
Newton A. Williams
700 Court Towers
210 W. Pennsylvania Avenue; 823-7800
Towson, Maryland 21204
City State Zipcode

Address:
115 E. Padonia Road, 252-7580
Timonium, Maryland 21093
City State Zipcode
Name, Address and phone number of representative to be contacted:
Newton A. Williams
700 Court Towers
210 W. Pennsylvania Avenue; 823-7800
TOWSON, Maryland 21204
City State Zipcode

ESTIMATED LENGTH OF HEARING: _____
Date: _____
By: _____
RECEIVED BY: REJT DATE: 4-19-94
ITEM # 397

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

CENTRAL DRAFTING AND DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 678-8719 FAX (410) 638-6160

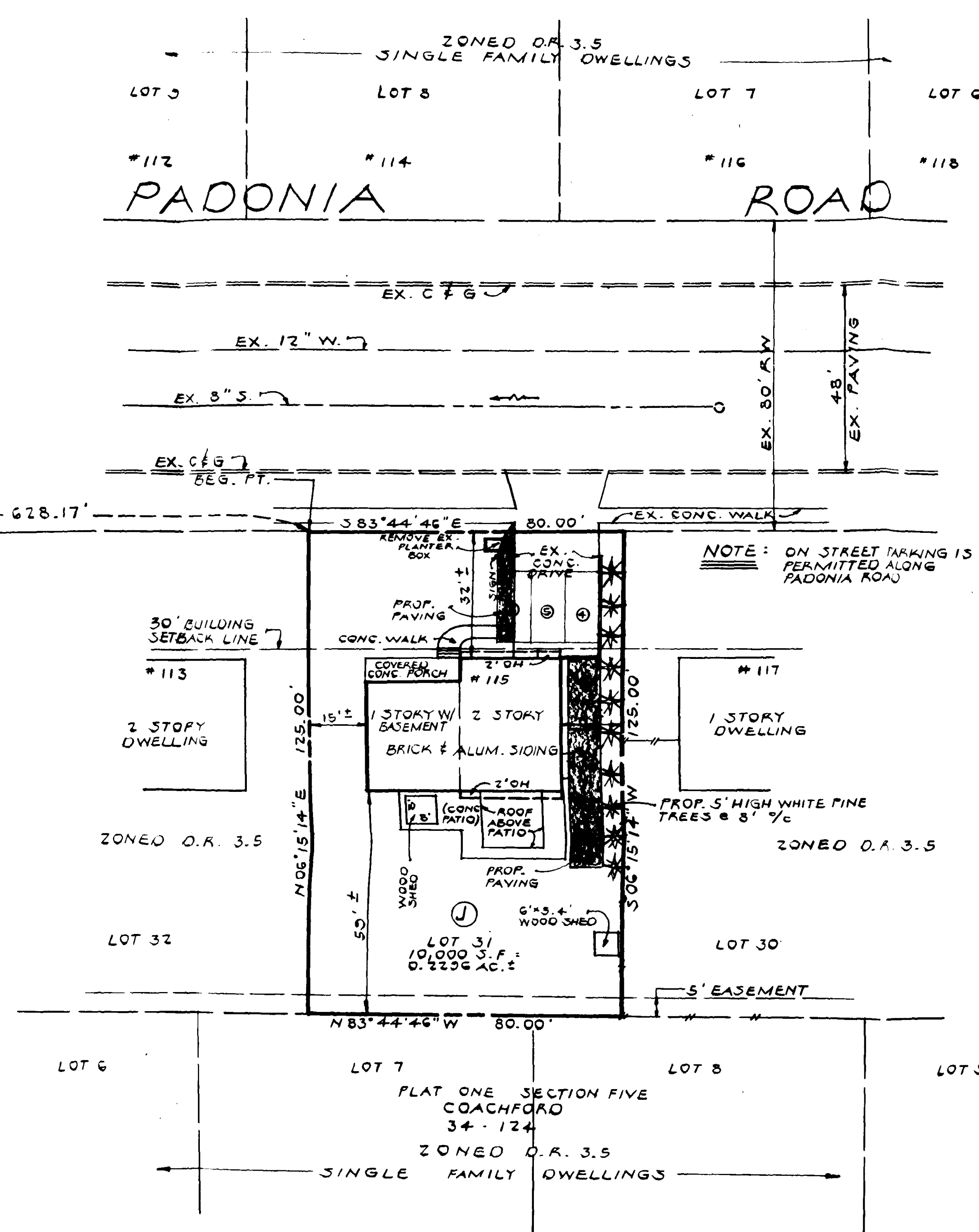
ZONING DESCRIPTION FOR 115 E. PADONIA ROAD
ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 3

Beginning at a point on the south side of Padonia Road which is 80 feet wide at a distance of 628.17 feet east of the centerline of Eastridge Road which is 60 feet wide, thence being Lot 31, Blk. J as shown on the plat entitled "Plat One, Section Three, Coachford" as recorded in Baltimore County Plat Book 31, Folio 125. Containing 10,000 square feet or 0.2296 acres of land more or less.

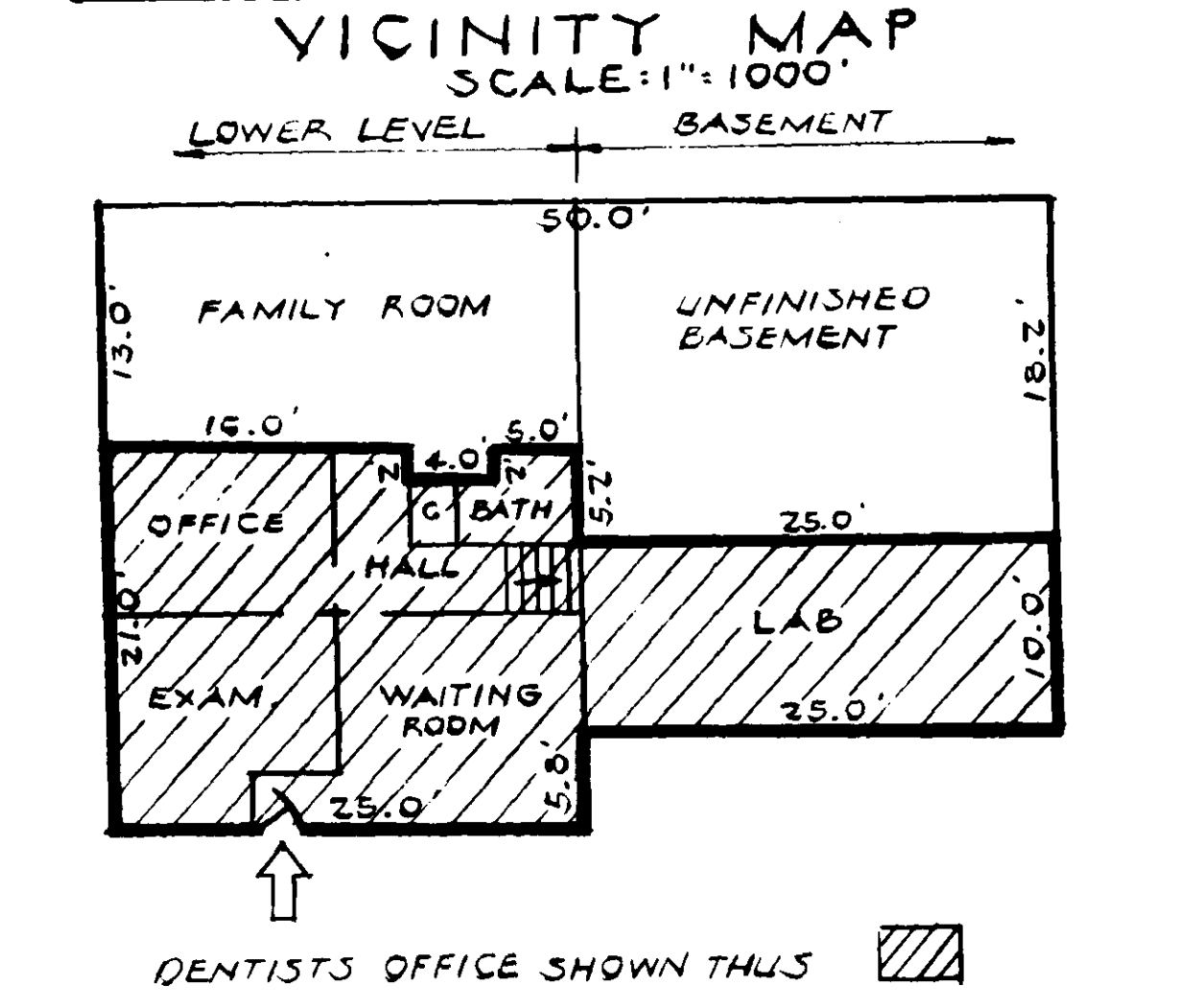
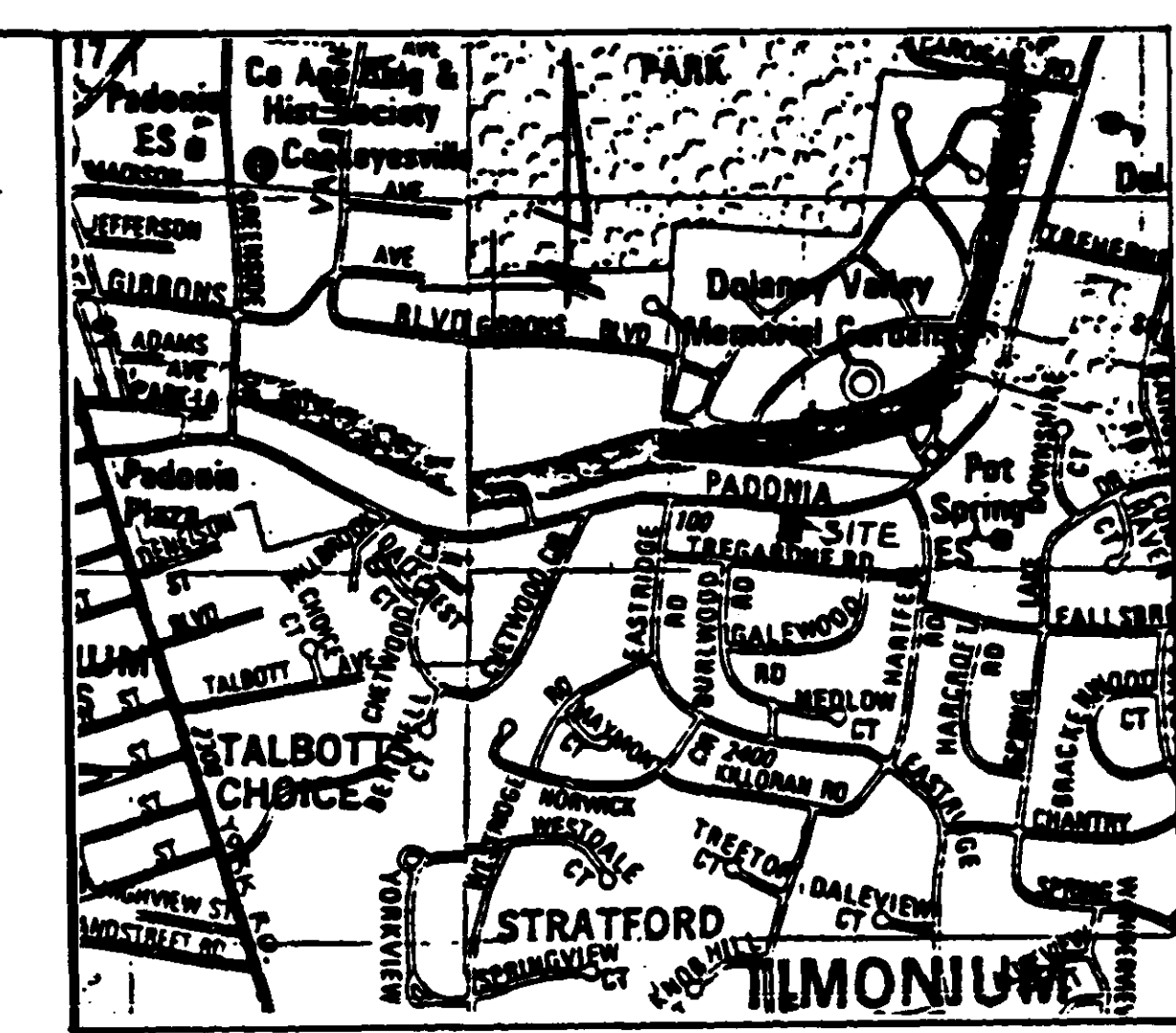
[Signature]
STATE OF MARYLAND
COUNTY OF BALTIMORE

ITEM # 397

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

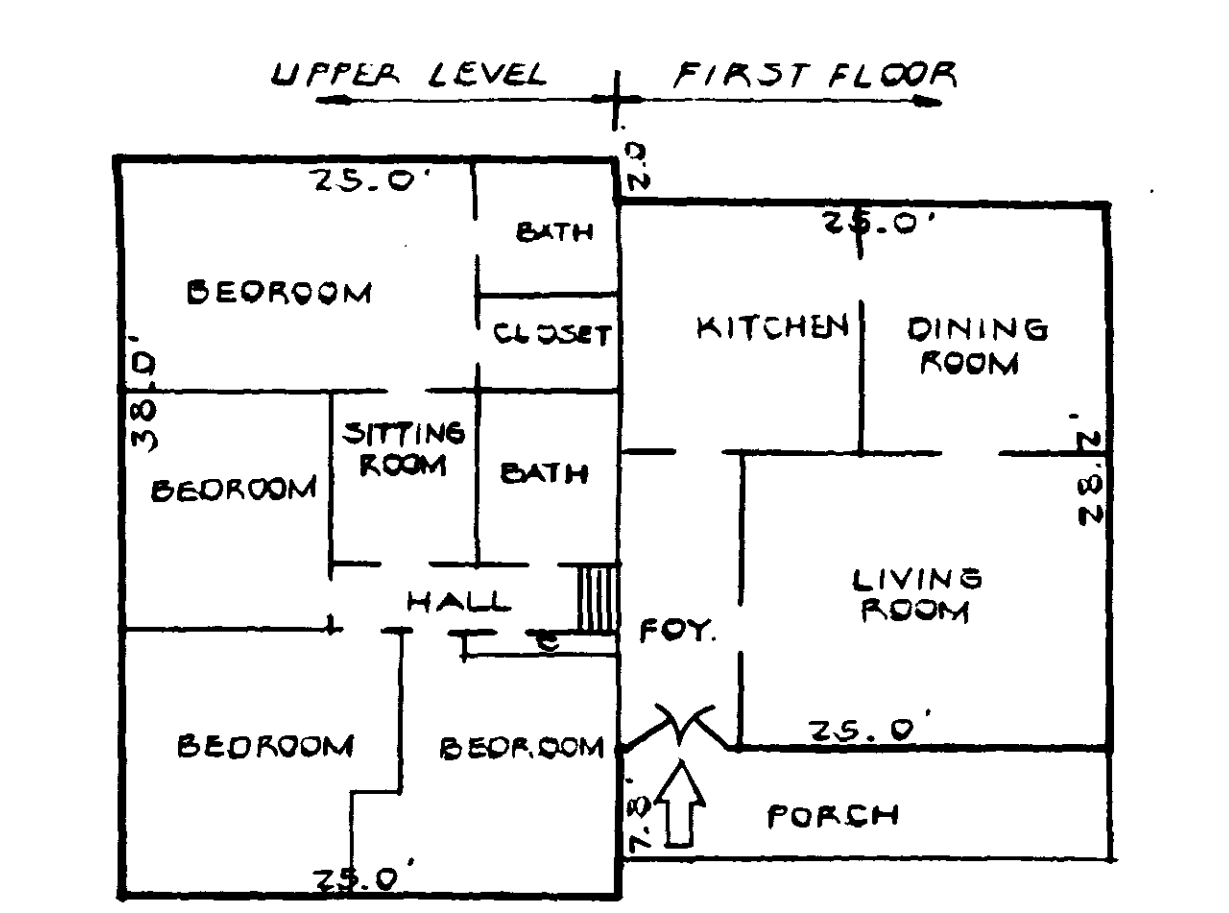


- NOTES:
1. ZONING = D.R. 3.5
 2. AREA OF LOT = 10,000 S.F. = 0.2296 AC.
 3. EXISTING AND PROPOSED USE - SINGLE FAMILY RESIDENCE AND DENTISTS OFFICE
 4. GROSS FLOOR AREA = 3210 SQ. FT.
 AREA PERMITTED FOR DENTISTS OFFICE = 3210 SQ. FT. X 25% = 802 SQ. FT.
 AREA PROPOSED FOR DENTISTS OFFICE = 767 SQ. FT. = 23.9% OF GROSS FLOOR AREA
 5. PARKING REQUIREMENTS:
 RESIDENCE..... 2 SPACES
 DENTISTS OFFICE - 767 SQ. FT. @ 4.5 SPACES PER 1000 SQ. FT..... 4 SPACES
 TOTAL NO. OF SPACES REQUIRED..... 6 SPACES
 TOTAL NO. OF SPACES PROVIDED..... 6 SPACES
 6. MAXIMUM NUMBER OF EMPLOYEES PERMITTED = 4 (1 RESIDENT PROFESSIONAL, 1 NON-RESIDENT PROFESSIONAL ASSOCIATE AND 2 OTHER NON-RESIDENT EMPLOYEES)



GROSS FLOOR AREA TABULATIONS

USE	OFFICE	RESIDENCE	TOTAL
BASEMENT	250 S.F.	455 S.F.	705 S.F.
LOWER LEVEL	517 S.F.	333 S.F.	850 S.F.
FIRST FLOOR	—	705 S.F.	705 S.F.
UPPER LEVEL	—	950 S.F.	905 S.F.
TOTAL	767 S.F.	2443 S.F.	3210 S.F.



FLOOR PLANS
SCALE: 1" = 10'

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD. 21040
(410) 675-8715

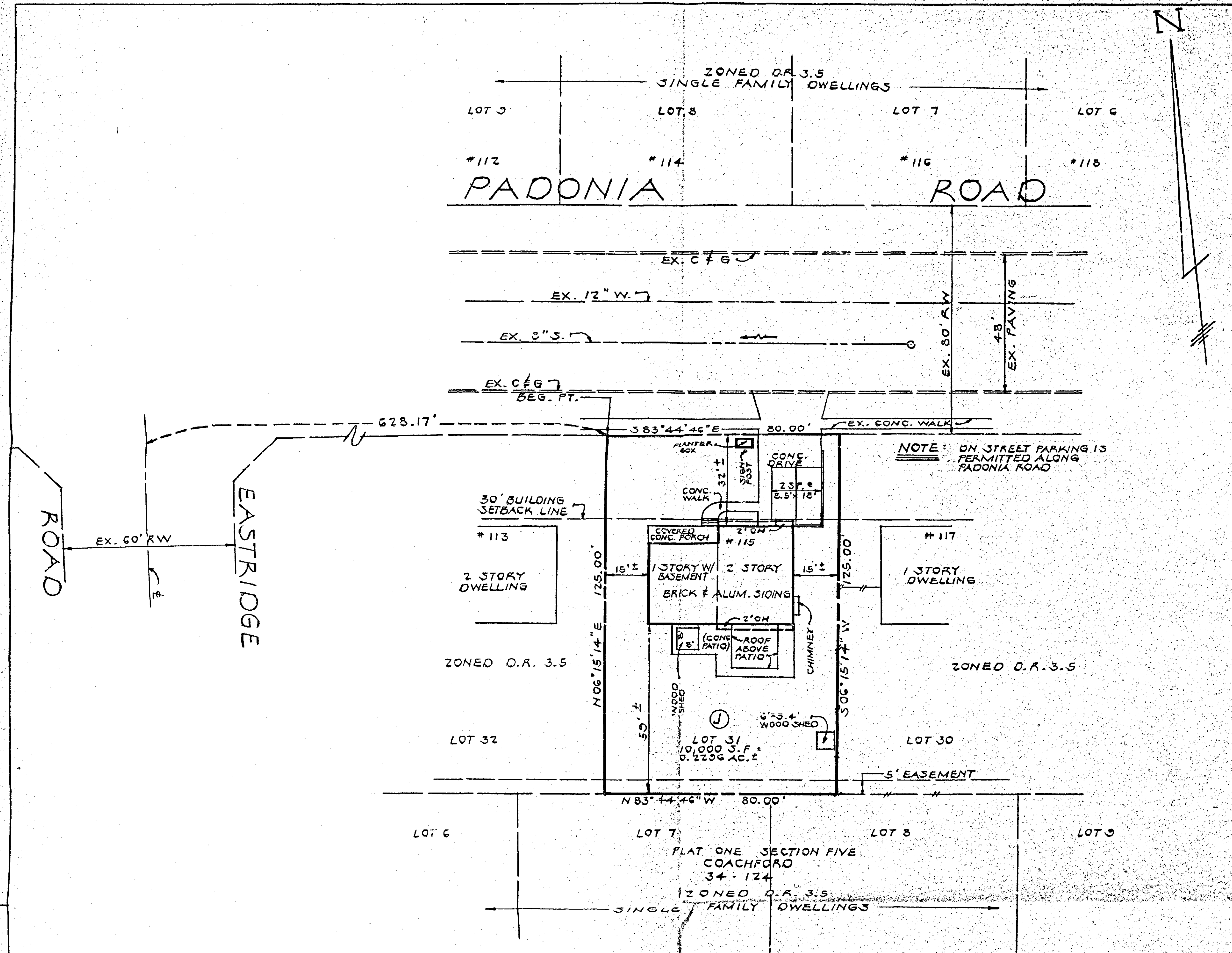


PETITIONER'S
EXHIBIT NO. 1

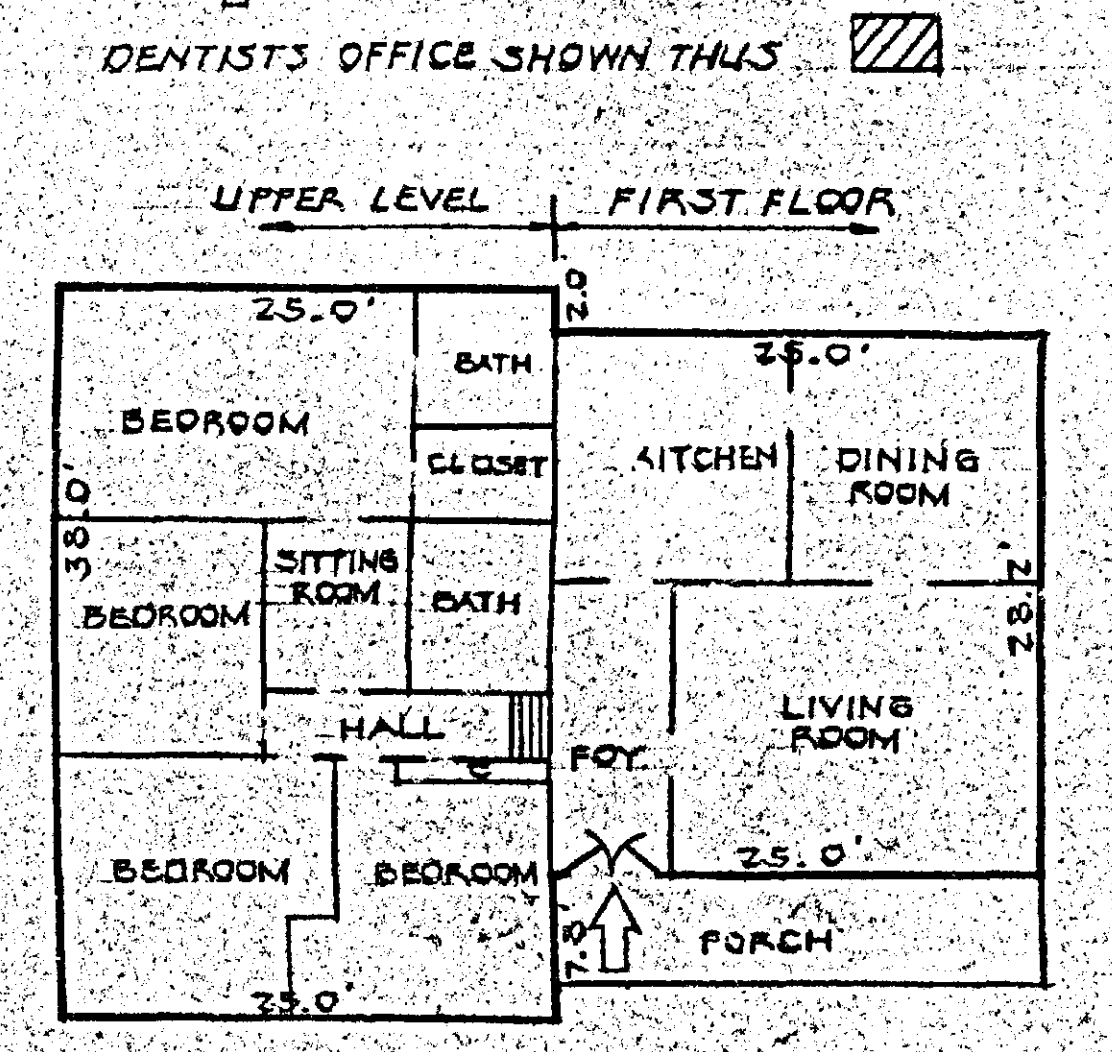
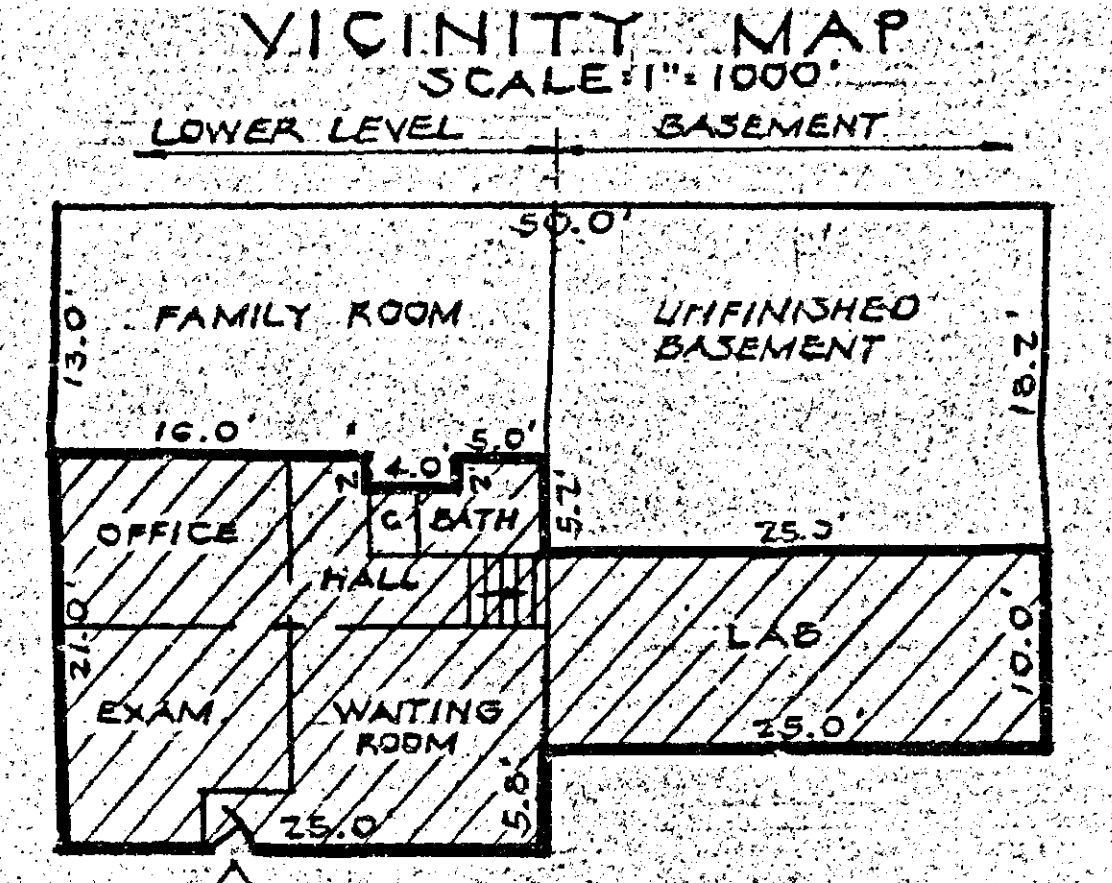
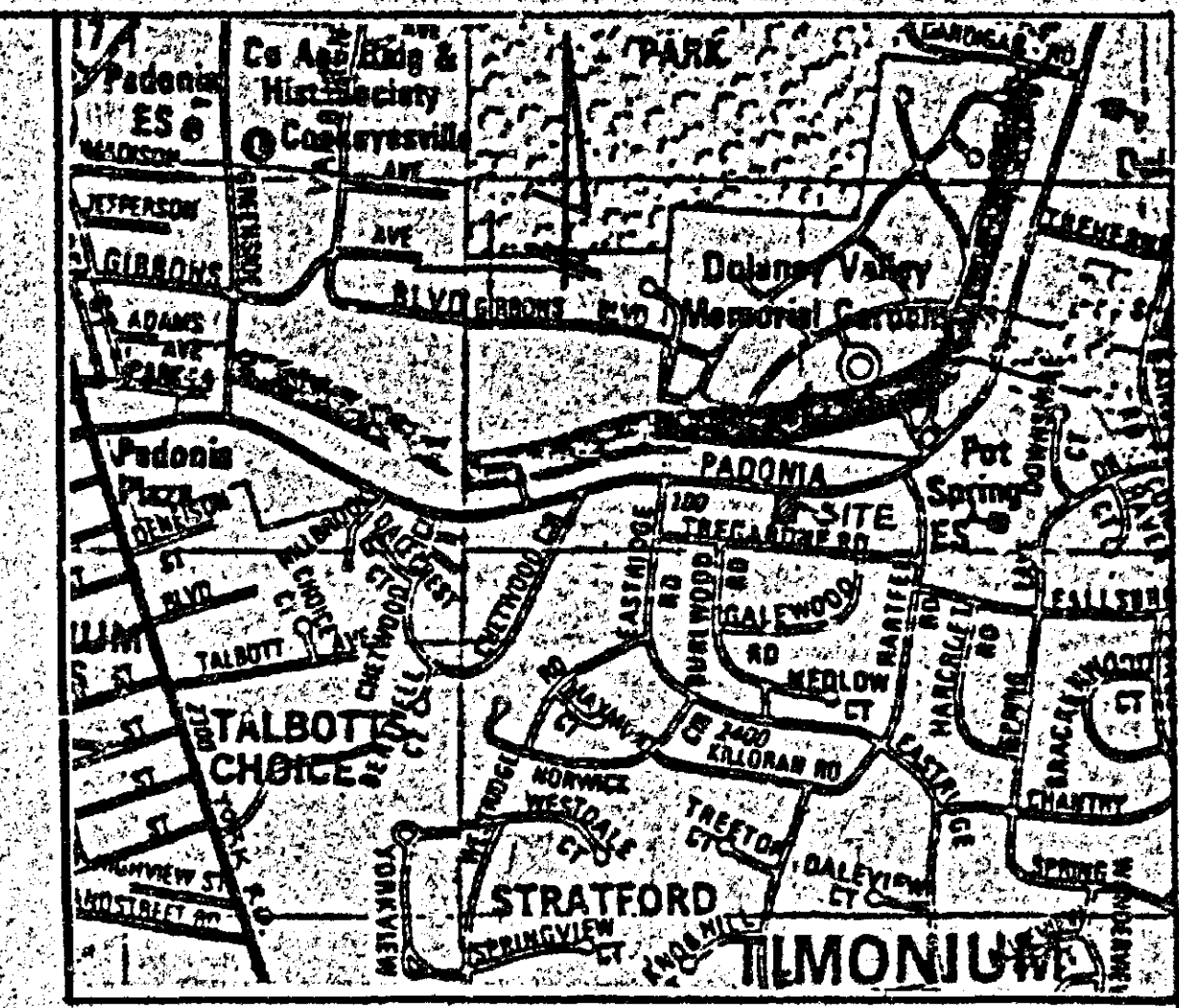
PLAT TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION
115 E. PADONIA ROAD
LOT 31, BLOCK J, PLAT 1, SECTION 3
COACHFORD P.B. 31, F. 135
ELECTION DISTRICT 8, C3
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' APRIL 13, 1994
MAY 26, 1994

ADD PAVING TO ACCOMMODATE 6 PARKING SPACES, ADD SCREENING	5-26-94
REVISION	DATE

C.D. & D. JOB NO. 9410



- NOTES:
1. ZONING - D.R. 3.5
 2. AREA OF LOT - 10,000 S.F. = 0.2296 AC.
 3. EXISTING AND PROPOSED USE - SINGLE FAMILY RESIDENCE AND DENTISTS OFFICE
 4. GROSS FLOOR AREA - 3210 S.F.
 AREA PERMITTED FOR DENTISTS OFFICE - 3110 S.F. (23%)
 AREA PROPOSED FOR DENTISTS OFFICE - 767 S.F. (23.9% OF GROSS FLOOR AREA)
 5. PARKING REQUIREMENTS:
 RESIDENCE 2 SPACES
 DENTISTS OFFICE - 767 S.F. @ 4.5 SPACES PER 1000 S.F. 4 SPACES
 TOTAL NO. OF SPACES REQUIRED 6 SPACES
 TOTAL NO. OF SPACES PROVIDED 6 SPACES
 6. MAXIMUM NUMBER OF EMPLOYEES PERMITTED - 4 (1 RESIDENT PROFESSIONAL, 1 NON-RESIDENT PROFESSIONAL ASSOCIATE AND 2 OTHER NON-RESIDENT EMPLOYEES)



GROSS FLOOR AREA TABULATIONS

USE	OFFICE	RESIDENCE	TOTAL
BASEMENT	250 S.F.	455 S.F.	705 S.F.
LOWER LEVEL	517 S.F.	333 S.F.	850 S.F.
FIRST FLOOR	-	705 S.F.	705 S.F.
UPPER LEVEL	-	590 S.F.	590 S.F.
TOTAL	767 S.F.	2443 S.F.	3210 S.F.

FLOOR PLANS
SCALE: 1" = 10'
94-413-X
(ITEM # 397)

PLAT TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION & VARIANCE
 115 E. PADONIA ROAD
 LOT 31, BLOCK J, PLAT 1, SECTION 3 COACHFORD P.B. 31, F. 135
 ELECTION DISTRICT 8, C3
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 20' APRIL 13, 1994

CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD. 21040
 (410) 673-8713

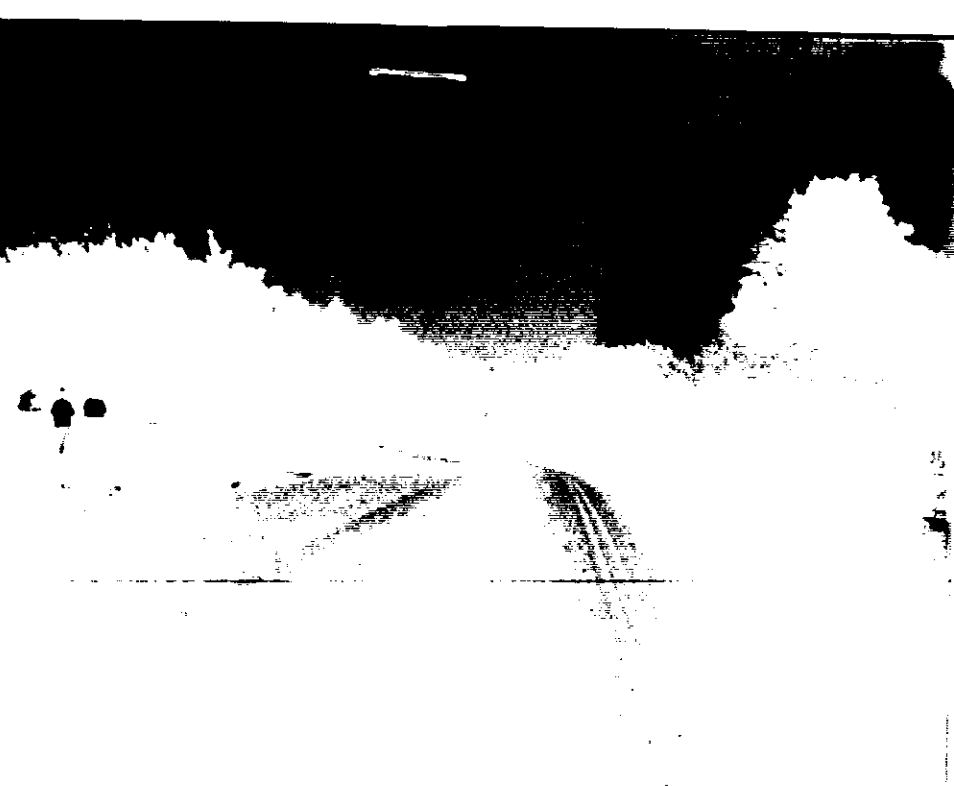
Michael R.E.



E. Looking E on Padonia from C/L of Padonia in front of 115 E. Padonia Rd.



F. Speed Limit opp. 115 E. Padonia Rd.

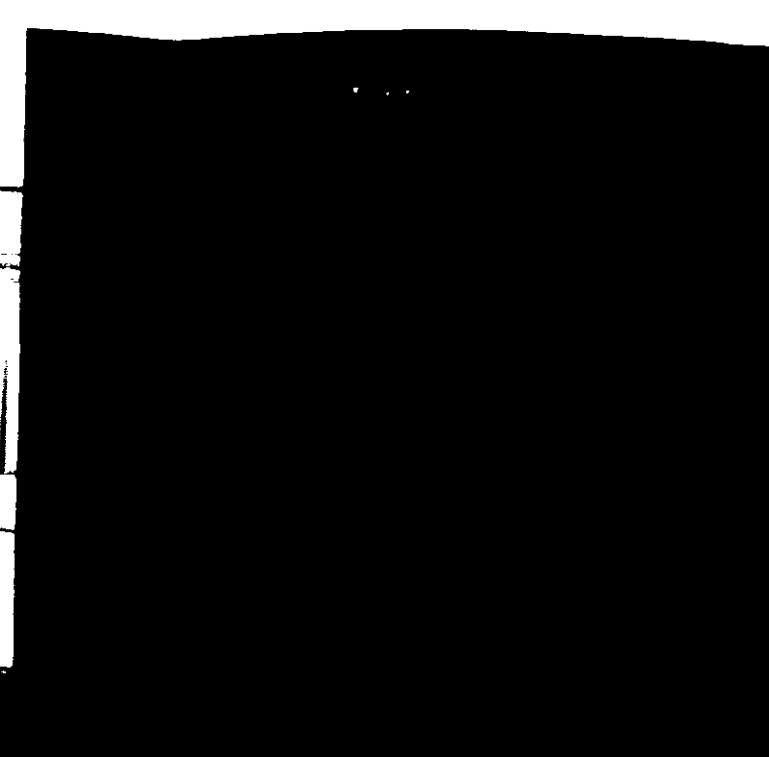


G. Looking W on Padonia Rd. in front of site

Ret 2C



H. E/S of lot - proposed driveway area.



I. Proposed area looking toward street

Ret 2D



J. Small shed in SE corner.



K. Patio and small wooden shed.

Ret 2E



L. W/S of 115 E. Padonia Rd.



M. Shrubby shielding transformer at NW corner.

Ret 2F



N. Panoramic view of 3 homes on the W/S of Padonia Opp. site.

Ret 2G

24 May 1994
121 East Padonia Road
Timonium, Maryland 21093

To Whom It May Concern:

As a resident at this address since 1968 and having had a professional office here until I retired in 1991 for health reasons, there has been at no time any disparaging remarks brought to my attention about any of the various professional offices in the neighborhood.

I do not have an objection to the Special Exception Zoning being considered at 115 East Padonia Road.

Sincerely,
Hugh M. Clement Jr.
Hugh M. Clement Jr. DDS

Plot No. 5

May 19, 1994

TO WHOM IT MAY CONCERN:

As residents of 117 E. Padonia Road, Timonium, MD and neighbors of Dr. Nelson A. Wright, Jr. for over 20 years, we have never found his dental practice at 115 E. Padonia Road to be an intrusion or nuisance.

Yours truly,
Howard B. Jones
Howard B. Jones
Elaine C. Jones
Elaine C. Jones

Plot 6A

114 E. Padonia Road
Timonium, MD 21093
May 16, 1994

To Whom It May Concern:

I have lived at 114 E. Padonia Road, Timonium Maryland for the past twenty-one years and currently still live at this location.

I live directly across the street from Dr. Nelson Wright, Jr.. During this time he has had his dental office and residence at 115 E. Padonia Road.

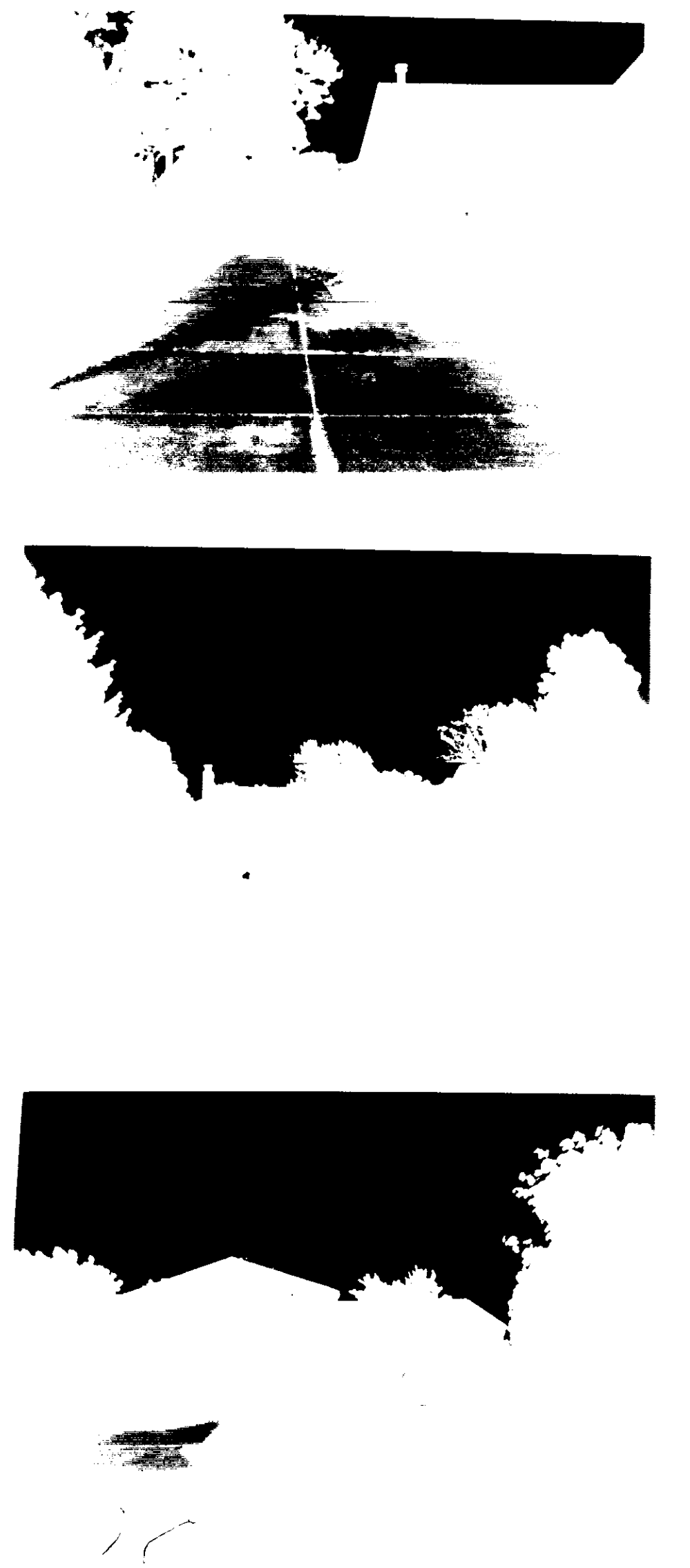
Both my wife, Ethel, and I have never found this to be of concern to us or to our neighborhood. It has not resulted in any parking or congestion problems as a result of his office, and we have always found him to be a desirable neighbor in the Coachford Community.

We, therefore, would have no objection to the continuation of a dental office at this location as it presently exists.

Yours truly,
Walter F. Wintsch
Walter F. Wintsch

Plot 6B

Petcher's Exhibits 7, 7B & 7C
94-413-X



A. Zoning sign



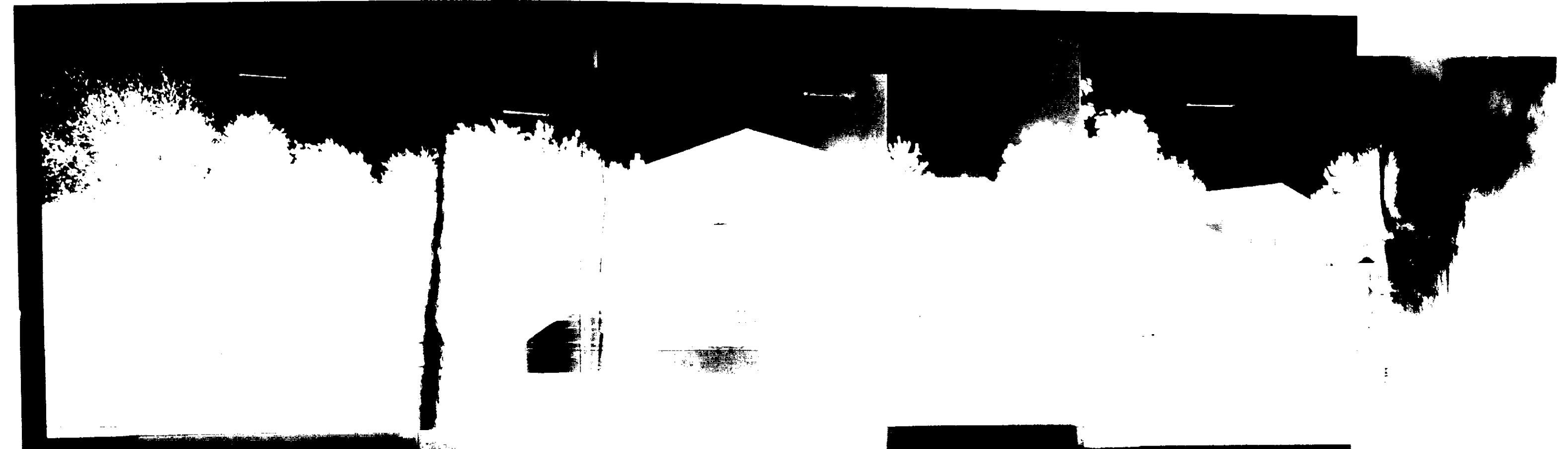
B. Present and Proposed Signs



C. For Sale and Zoning Signs

May, 1994
Dr. Mrs. Nelson Wright
115 E. Padonia Rd.
Case No. 94-413-X

Plot No 2A



D.

115 E. Padonia Road.
on 5/5-Looking S

Plot 2B

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 377, 397, 398, 399, 400, 402, 409, 410, 412 and 414.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Barry L. Kerns

PK/aklw

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Fire Department

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

DATE: 04/12/94

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

RE: Property Owner:
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

5. The 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", 1991 Edition prior to occupancy. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 396, 397, AND 401.

RECEIVED
MAY 5 1994
ZADM

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

cc: File

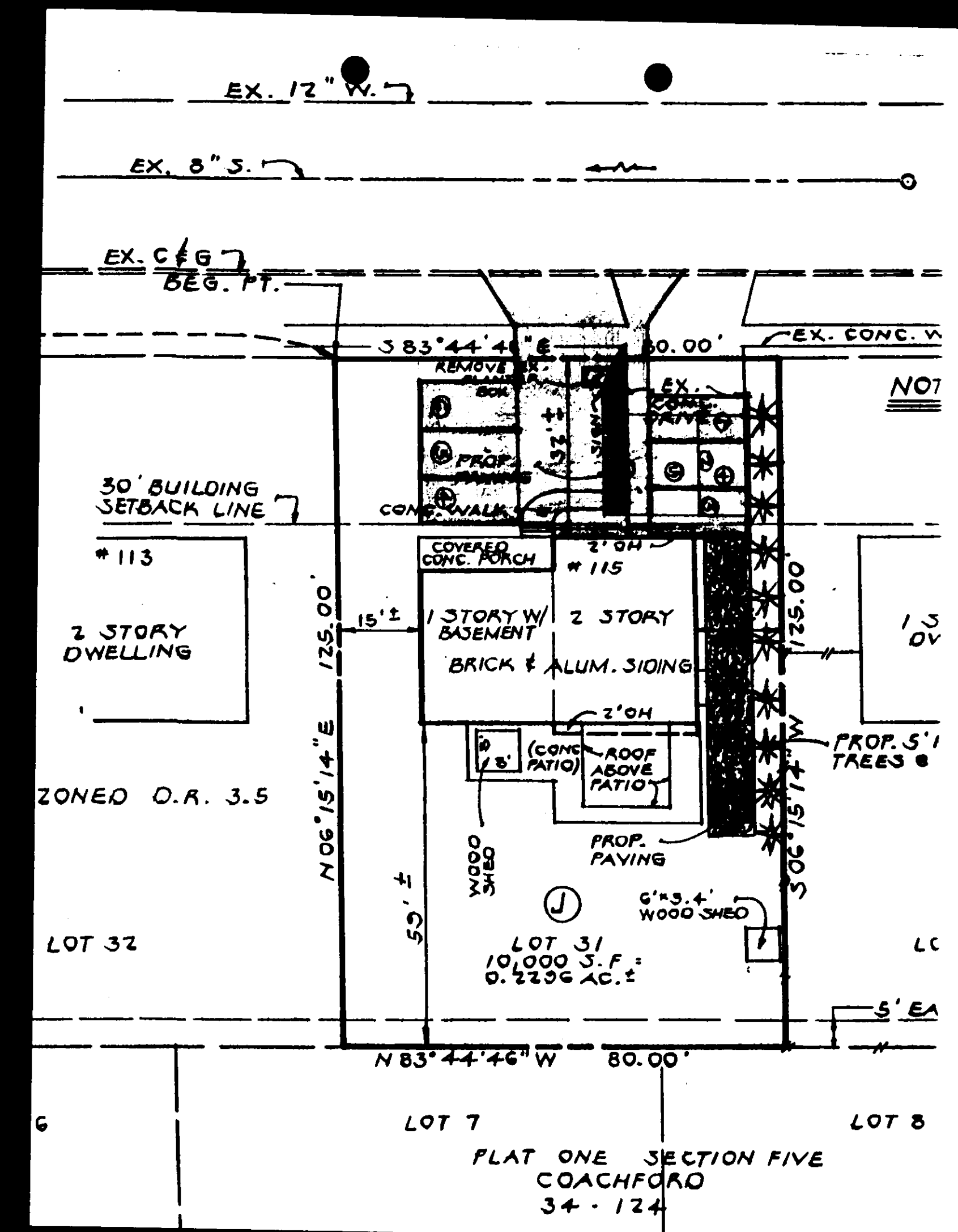
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94-413-X

To the Commissioners:

On April 14th, Reg. T. and I consulted with John Lewis. John states that parking requirements have never been interpreted as applicable to home professional offices. The principal use is residential, and such space would detract from the intentionally, primary residential appearance. Thus, John believes, as I do, that a parking variance is not necessary for 15 West Padonia Rd.

Respectfully,
Norton A. Williams
ITEM # 397

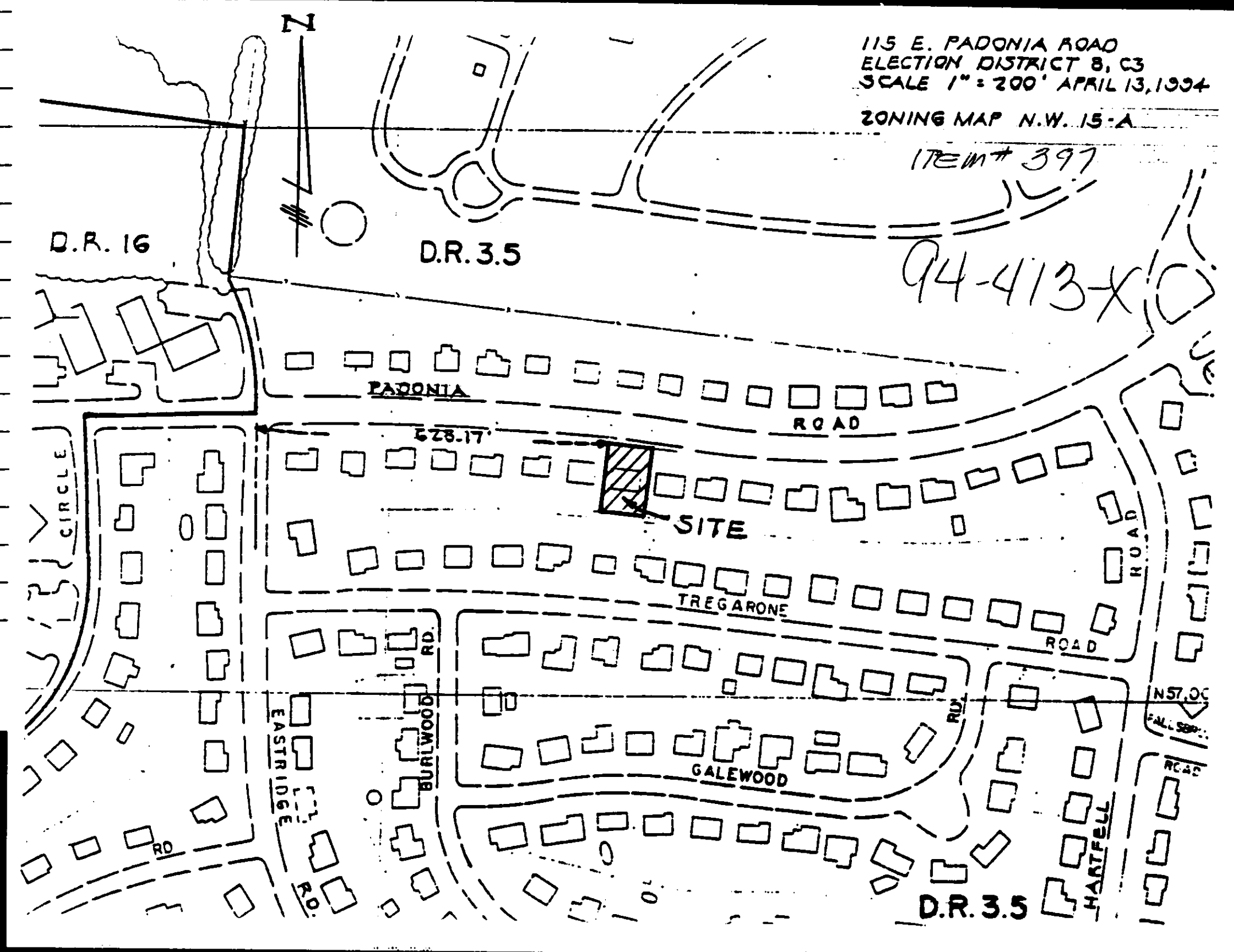


94-413-X

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Norton Williams</u>	<u>700 East Joppa Road, Suite 901, Towson, MD 21286-5500</u>
<u>Barry L. Kerns</u>	<u>700 East Joppa Road, Suite 901, Towson, MD 21286-5500</u>
<u>Pat Keller</u>	<u>115 E. Padonia Rd, Towson, MD 21093</u>
<u>John Lewis</u>	<u>115 E. Padonia Rd, Towson, MD 21093</u>
<u>Tommy & Sandra Busch's</u>	<u>22 Sugar Tree Place, Cockeysville, MD 21030</u>

Printed with Soybean Ink on Recycled Paper



PERMIT

THIS PERMIT MUST BE POSTED

NOTE - A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

PERMIT IS GRANTED BY
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER MR
TOWSON, MARYLAND 21204

DATE ISSUED: 11-4-93

BUILDING ADDRESS: 115 E. PADONIA RD., TOWSON, MD.

OWNER: NELSON A. WRIGHT JR.

MAILING ADDRESS: SAME AS ABOVE, TOWSON, MD, 21093

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

A. TYPE OF IMPROVEMENT

RESIDENTIAL

1. NEW BUILDING CONSTRUCTION

2. ADDITION

3. ALTERATION

4. REPAIR

5. WRECKING EXCEPT IN UNITS DEDUCTED

6. MOVING

7. OTHER

8. OTHER

C. TYPE OF USE

NON-RESIDENTIAL

10. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY

11. CHURCH, OTHER RELIGIOUS BUILDING

12. OFFICE, PROFESSIONAL, BUSINESS

13. INDUSTRIAL STORAGE BUILDING

14. SERVICE STATION, REPAIR GARAGE

15. HOSPITAL, INSTITUTIONAL, NURSING HOME

16. OFFICE, BANK, PROFESSIONAL

17. PUBLIC UTILITY

18. SCHOOL, COLLEGE, OTHER EDUCATIONAL

19. THEATER

20. MERCHANDISE

21. RESTAURANT

22. SPECIFY TYPE

23. SWIMMING POOL AND HEALTH DEPT. APP. REQ.

24. TANK, TOWER

25. TRANSIENT HOTEL, MOTEL, INN, UNIT

B. OWNERSHIP

1. PRIVATELY OWNED

2. PUBLICLY OWNED

ESTIMATED COST MATERIAL & LABOR: \$100.00

ALWAYS USE THE CONTROL AND THE PERMIT INFORMATION REGARDING THIS PERMIT. BUILDINGS DIVISION

The first of these inspections shall be called for as soon as the site is prepared.

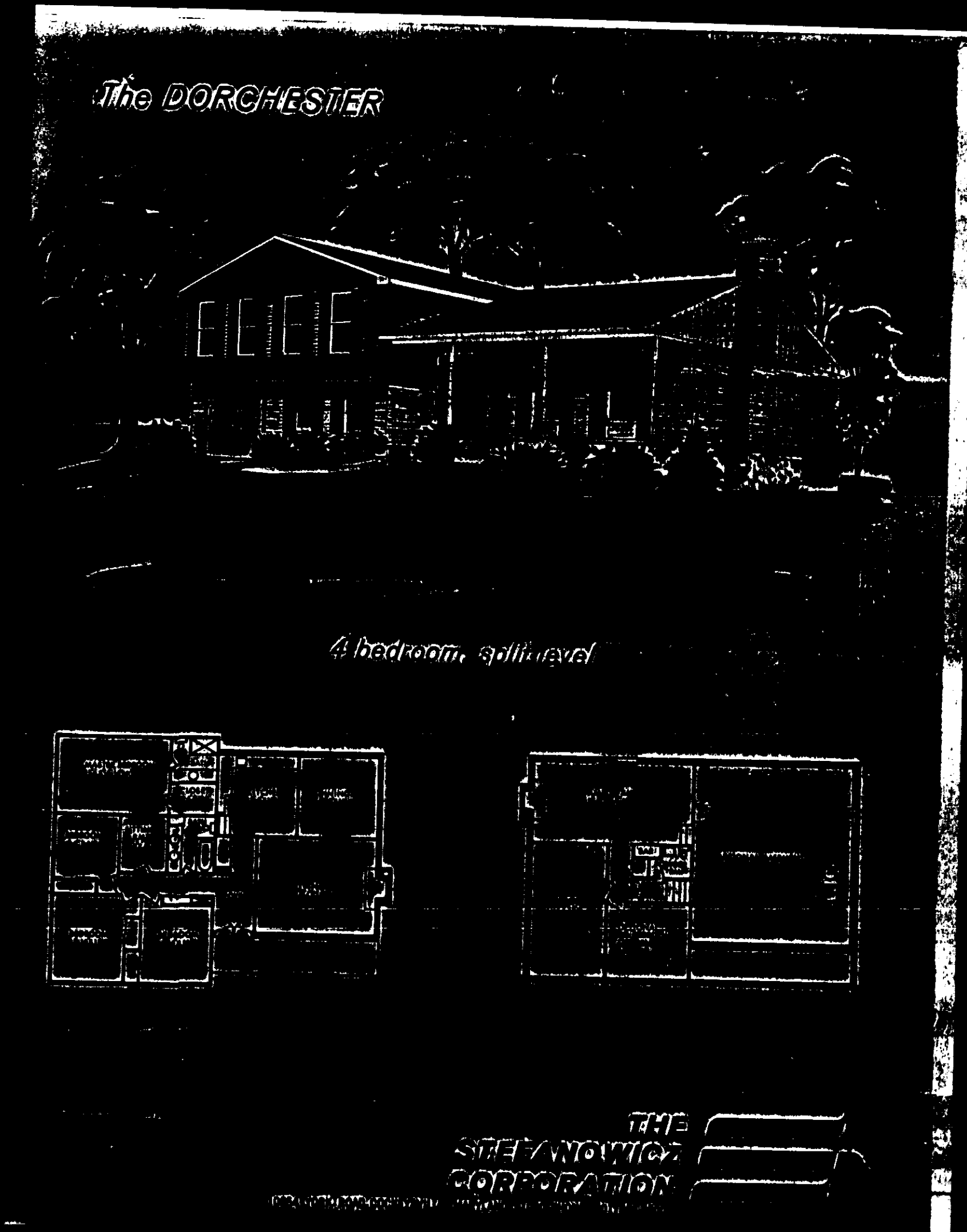
Also a slab inspection will be required before pouring.

The second inspection shall be called for when the foundation has been completed.

The third inspection shall be called for when the structural members are in place, but before covering same with brick or plaster, or other covering.

Final inspection shall be called for before structure is occupied.

EXPIRATION: Except as otherwise herein provided this permit shall expire one year after the date of issue.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-413-X

District: 9th Date of Posting: 5/19/94

Posted for: Special Exception

Petitioner: Nelson Wright, D.D.S., James Kasolis, D.D.S.

Location of property: 115 E. Padonia Rd., Sp. 4221.2/6 Padonia Rd.

Location of Sign: Entry to property, on public way

Remarks:

Posted by: Mitchell Date of return: 5/19/94

Number of Signs: _____

94-413-X
receipt

Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0016190

Date: 4/17/94 Number: 317

REASON, WRIGHT
115 E. PADONIA RD

100 - 244X - \$ 300.00
100 - SIGN - \$ 35.00
TOTAL - \$ 335.00

\$335.00

Please Make Checks Payable To: Baltimore County

94-413-X

Baltimore County Government
Office of Zoning Administration
and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 397

Petitioner: Nelson Wright, D.D.S.

Location: 115 E. Padonia Rd., 21193

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Nelson Wright, D.D.S.

ADDRESS: 115 E. Padonia Rd.
Towson, Md. 21193

PHONE NUMBER: 257-7580

ST BE SUPPLIED

94-413-X

NOTICE OF HEARING

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

CASE NUMBER: 94-413-X (Item 397)
115 E. Padonia Road
S/S Padonia Road, 628.17' E of C/L Eastridge Road
8th Election District - 4th Councilmatic District
Legal Owner: Nelson A. Wright, Jr., D.D.S. and Janet Wright
Contract Purchaser: James Kasolis, D.D.S.
HEARING: WEDNESDAY, JUNE 1, 1994, 2:00 P.M. Rm. 118 Old Courthouse

Special Exception for a home dental office (present non-conforming use).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

94-413-X

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 6, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 5, 1994.

THE JEFFERSONIAN,
A. Henriksen
LEGAL I.D. - TOWSON

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

CASE NUMBER: 94-413-X (Item 397)
115 E. Padonia Road
S/S Padonia Road, 628.17' E of C/L Eastridge Road
8th Election District - 4th Councilmatic District
Legal Owner: Nelson A. Wright, Jr., D.D.S. and Janet Wright
Contract Purchaser: James Kasolis, D.D.S.
HEARING: WEDNESDAY, JUNE 1, 1994 at 2:00 p.m. Rm. 118 Old Courthouse

Special Exception for a home dental office (present non-conforming use).

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
5/039 May 5

94-413-X

Baltimore County Government
Office of Zoning Administration
and Development Management

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

April 28, 1994

NOTICE OF HEARING

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Special Exception for a home dental office (present non-conforming use).

Carl Jablon
Arnold Jablon
Director

cc: Nelson A. Wright, Jr., D.D.S.
James Kasolis, D.D.S.
Newton A. Williams, Esquire

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

Baltimore County Government
Office of Zoning Administration
and Development Management

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

May 27, 1994

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-413-X, Item No. 397
Petitioner: Nelson A. Wright, Jr., et al.
Petition for Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 19, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

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

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 9, 1994
Item No. 397

The Developers Engineering Section has reviewed the subject zoning item. This site should be made subject to the Landscape Manual to the extent possible.

RWB:aw

94-413-X

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4/29/94

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

Re: Baltimore County
Item No.: 7-397 (ST)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

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

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. RAIBEN, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Padonia Road, 628.17' E of * ZONING COMMISSIONER
the c/l of Eastridge Road * OF BALTIMORE COUNTY
(115 E. Padonia Road)
8th Election District * Case No. 94-413-X
4th Councilmanic District
Nelson A. Wright, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for that property known as 115 East Padonia Road located in the Cockeysville area of northern Baltimore County. The Petition was filed by the owners of the property, Nelson A. Wright, Jr. and his wife, Janet Wright, and the Contract Purchasers, James and Sandra Kassolis. The Petitioners seek approval of a dental office within the dwelling on the subject property, pursuant to Section 1801.1.C.9(b) of the Baltimore County Zoning Regulations (B.C.Z.R.). The property and area designated for the special exception use are more particularly described on the site plan submitted into evidence as petitioner's Exhibit 1.

Appearing at the public hearing held for this case were Nelson and Janet Wright, property owners, James and Sandra Kassolis, Contract Purchasers, David Billingsley, Land Planning Consultant, and Newton A. Williams, Esquire, attorney for the petitioners. There were no Protestants present.

The uncontradicted testimony and evidence presented revealed that the subject property consists of 0.2296 acres, more or less, zoned D.R. and is improved with a single family dwelling. The property is located in Timonium, not far from York Road, in the residential subdivision known as Coachford, a community of well-kept single family homes. Dr. Wright

testified that he is a Dentist by profession and has owned the subject property since 1971. He testified that approximately two years after his acquisition of the property, he converted a portion of the lower level of the dwelling to a dental office which he has maintained since that time. As shown on the site plan marked as Petitioner's Exhibit 1, that portion of the dwelling devoted to the dental practice includes the office, a laboratory, a waiting room and examining room, and a small bathroom, all of which comprise approximately 23.9% of the total square footage of the dwelling. Dr. Wright testified that he is a General Practitioner by trade and has office hours four days a week, during which he usually sees 7 to 10 patients per day.

Dr. Wright testified that he is now desirous of reducing his working hours and the scale and volume of his dental practice. In this regard, he anticipates relocating the practice to an office building in Timonium. Moreover, he and Mrs. Wright will be moving to the Loveton Farms community. Under these circumstances, the house has been listed for sale and a contract has been entered into between the Petitioners and James Kassolis and his wife, Sandra. Like Dr. Wright, Dr. Kassolis is a dentist by profession, and is desirous of continuing the current use of the subject property to support his dental practice. Thus, the Petition for Special Exception was filed.

Dr. Kassolis testified that he is a Periodontist and has been in practice for approximately 21 years. He stated that the office layout of the subject dwelling will be maintained as it currently exists. That is, 767 sq.ft. of the dwelling will be devoted to office use. This comprises 23.9% of the total 3,210 sq.ft. associated with the subject dwelling, which is within the 25% limit set forth in the B.C.Z.R. for such a special

exception use. Dr. Kassolis anticipates having office hours four days per week, Monday through Thursday, from 8AM to no later than 7PM. Presently, he envisions having two non-professional assistants in his practice. In that his practice is more specialized, he anticipates only seeing two patients per hour, which will be scheduled by appointment.

Testimony was also received from David Billingsley, the consultant who assisted in the preparation of the site plan. Mr. Billingsley indicated that he field-measured the area of the dental office and confirmed that it comprises 23.9% of the total square footage of the dwelling. He also described certain improvements that will be made to the property to support Dr. Kassolis' practice. Although the interior office will remain the same, additional parking is to be provided. Specifically, the driveway will be extended along the east side of the subject site towards the rear of the property. Moreover, additional plantings and landscaping are anticipated to be placed along that property line. The additional parking is intended to prevent on-street parking by patients of Dr. Kassolis and to avoid the necessity of requesting a parking variance.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June, 1994 that the Petition for Special Exception for a home dental office on the subject property, pursuant to Section 1801.1.C.9(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception relief granted herein is limited to the use of that area depicted on Petition-

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

er's Exhibit 1 as comprising 23.9% of the total square footage of the subject dwelling. Furthermore, there shall be no more than two non-professional assistants associated with Dr. Kassolis' dental practice.

3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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

LES:bjjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1994

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Padonia Road, 628.17' E of the c/l of Eastridge Road
(115 E. Padonia Road)
8th Election District - 4th Councilmanic District
Nelson A. Wright, Jr., et ux - Petitioners
Case No. 94-413-X

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

cc: Dr. & Mrs. Nelson A. Wright, Jr.
115 E. Padonia Road, Timonium, Md. 21093

Dr. & Mrs. James Kassolis
30 E. Padonia Road, Timonium, Md. 21093

People's Counsel
File

LES:bjjs

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]



Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at 115 East Padonia Road
which is presently zoned 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a home dental office (present non-conforming use).

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):
JAMES KASSOLIS, D.D.S.
Type of Petitioner:
James Kassolis, D.D.S.
Address:
115 East Padonia Road
Timonium, Maryland 21093
City State Zipcode

Legal Owner(s):
NELSON A. WRIGHT, JR., D.D.S.
Type of Petitioner:
Nelson A. Wright Jr D.D.S.
Address:
115 E. Padonia Road
Timonium, Maryland 21093
City State Zipcode

Attorney for Petitioner:
Newton A. Williams, Esquire
NOLAN, FLINHOFF & WILLIAMS, CHTD.
Address:
700 Court Towers
210 W. Pennsylvania Avenue; 823-7800
Towson, Maryland 21204
City State Zipcode

ORDER RECEIVED FOR FILING
Date 6/6/94
By [Signature]

ALL OTHERS: NONE
RECEIVED BY: REG DATE: 4-19-94
ITEM # 397

CENTRAL DRAFTING AND DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 678-8719 FAX (410) 638-6160

ZONING DESCRIPTION FOR 115 E. PADONIA ROAD
ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 3

Beginning at a point on the south side of Padonia Road which is 80 feet wide at a distance of 628.17 feet east of the centerline of Eastridge Road which is 60 feet wide, thence being Lot 31, Blk. J as shown on the plat entitled "Plat One, Section Three, Coachford" as recorded in Baltimore County Plat Book 31, Folio 125. Containing 10,000 square feet or 0.2296 acres of land more or less.

[Signature]
STATE OF MARYLAND
COUNTY OF BALTIMORE

ITEM # 397