IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - S/S Liberty Road, 300' SE of Greens Lane (8919 Liberty Road) 2nd Election District 2nd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 98-178-SPHXA
William Carter Stone, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, William Carter Stone and his wife, Doris Marie Stone, and their son, Craig W. Stone, through their attorney, Stanley S. Fine, Esquire. The Petitioners request a special hearing to allow one (1) non-resident professional person, that is not an associate, to utilize a basement office on the subject property, utilizing less than 25% of the residence thereon, a special exception to establish the office of a professional person (dentist) in the primary residence, utilizing less than 25% thereof for said office use, pursuant to Section 1B01.1.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance from Section 409.12.B of the B.C.Z.R. to permit a modified parking layout. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Doris M. Stone, and her son, Craig W. Stone. The Petitioners were represented by Stanley S. Fine, Esquire. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 12/23/97
By

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.10 acres, more or less, zoned D.R. 3.5 and is improved with a single family ranch-style dwelling which features an attached two-car garage. Vehicular access to the property is by way of an existing driveway and there is also a parking pad adjacent thereto which can accommodate approximately five vehicles. As shown on the site plan, the property features a large back yard.

William Carter Stone and Doris Marie Stone, property owners, are husband and wife, and have resided on the subject property since 1965. Mr. Stone is a dentist by trade, and apparently operated his practice from the subject site for many years. A series of photographs of the interior of the dwelling were presented which show the portion of the basement of the home that was converted for Dr. Stone's use. Apparently, the area of the space converted for office use was 995 sq.ft., approximately 18% of the total floor space of the dwelling. This is less than the 25% permitted, pursuant to Section 1B01.1.C.9.b of the B.C.Z.R. That Section permits by special exception in the D.R. zone, offices or studios of professional persons, including dentists, providing that any such office is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of the residence; and does not involve the employment of more than one (1) non-residentprofessional associate, nor two other non-resident employees.

Additional testimony revealed that Dr. Stone recently retired and is now in poor health. The office use of a portion of the structure has also been discontinued. However, the Petitioners's son, Craig Stone, is also a dentist and would like to establish a dental office in his parents' home. The younger Dr. Stone presently practices in Howard County and also

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By

at the University of Maryland Dental School. He testified that he would like to establish a part-time dental practice in his parents' home; however it is hoped that the practice will develop and become full time.

Further testimony revealed that the younger Dr. Stone is not married and resides with his parents on the subject property. Thus, the site is his residence at the present time. However, Dr. Stone candidly admitted that he may ultimately move from the property and in that event, requests that any relief granted will permit him to continue to operate his dental practice from that location.

In addition to the above testimony, evidence was also submitted regarding the layout of the property, the proposed use, and the parking arrangement. The younger Dr. Stone does not intend to have any employees when his practice is initially started at the subject site and anticipates it will be operated on a part-time basis in the beginning. Additionally, it was indicated that the elder Dr. Stone's practice existed at this location for many years without problems. The parking arrangement will not be changed for the new practice to be established and there is sufficient space to accommodate patients. Testimony indicated that patients will be seen on an appointment basis, and five outdoor spaces, as well as two spaces within the garage are provided on the site. A number of photographs were submitted as were letters from surrounding neighbors indicating their support of the relief requested.

As to the Petition for Special Exception, I am persuaded that same should be granted. In my judgment, the Petitioner presented sufficient proof to satisfy the requirements set forth in Section 502.1 of the B.C.Z.R. I am persuaded that the dental practice as proposed can be operated without any real detriment to the health, safety or general

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Date 12/23/92
By

welfare of the surrounding locale. I am convinced that the Petitioners satisfy the requirements of Section 502.1 of the B.C.Z.R. The existence of the elder Dr. Stone's practice on this site, as well as similar professional practices in other residences nearby, are persuasive factors.

I am also persuaded to grant the Petition for Variance. In my judgment, a sufficient parking arrangement is provided to accommodate the dental practice. As noted above, there are seven parking spaces provided and a by-appointment-only practice can easily be carried out at this location without detrimental impact to the traffic patterns and roads in the vicinity. Thus, the Petition for Variance should and will be granted.

The Petition for Special Hearing, however, must be denied. In this regard, the Petitioners seek relief to enable the younger Dr. Stone to continue to practice from the subject site, even if he does not reside thereon. In my judgment, the B.C.Z.R. does not permit such an arrangement. Section 1B01.1.C.9.b thereof unequivocally states that professional offices may be operated in a dwelling in a D.R. zone, only when the same building serves as both the professional person's office and residence. This requirement is clear and unmistakable under the regulations.

Moreover, Section 307 of the B.C.Z.R. does not allow the Zoning Commissioner to variance this requirement. That Section expressly empowers the Zoning Commissioner to grant variances from height and area requirements, as well as signage and parking regulations. However, the request here is more in the nature of a use variance, which is not permitted. Moreover, the recent case involving Drs. Mark and Adrienne Jenkins is instructive. In that matter (Case No. 95-95-SPH), Drs. Jenkins wanted to continue their dental practice from a structure in which they had at one time resided, but had recently vacated. Drs. Jenkins filed a Petition for

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Special Hearing to continue this arrangement, which was granted by me for reasons fully set forth in my Order. On appeal, my decision was affirmed by the County Board of Appeals. However, on further appeal, Judge Barbara Kerr Howe of the Circuit Court of Baltimore County, reversed. It was Judge Howe's opinion that the statute permitted only a resident of the property at issue to conduct a professional practice thereon, pursuant to Section 1B01.1.C.9.b. In an unreported decision (No. 1748, Sept. term, 1996), the Court of Special Appeals agreed. Therein, the Court stated, "Indeed, the clear language of the regulation requires the Appellants to utilize the property as their private dwelling in order for their use as part of the property as a dental office to be permitted as either a home occupation or a professional office." (Emphasis in original). Based on this unequivocal holding, the Petition for Special Hearing must be denied. Only if the younger Dr. Stone was an associate of his father's practice could he maintain a practice at this property, absent the requirement that he reside thereon.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief shall be granted and the Petition for Special Hearing denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of December, 1997 that the Petition for Special Hearing to allow one (1) non-resident professional person, that is not an associate, to utilize a basement office on the subject property, utilizing less than 25% of the residence thereon, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

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Date 12/23/97
By

IT IS FURTHER ORDERED that the Petition for Special Exception to establish the office of a professional person (dentist) in the primary residence, utilizing less than 25% thereof for said office use, pursuant to Section 1B01.1.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; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.12.B of the B.C.Z.R. to permit a modified parking layout, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/23/92
By

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 23, 1997

Stanley S. Fine, Esquire
Rosenberg Proutt Funk & Greenberg, LLP
2115 First Maryland Building
25 S. Charles Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
S/S Liberty Road, 300' SE of Greens Lane
(8919 Liberty Road)
2nd Election District - 2nd Councilmanic District
William Carter Stone, et ux - Petitioners
Case No. 98-178-SPHXA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted and the Petition for Special Hearing denied, 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. & Mrs. William Carter Stone
8919 Liberty Road, Randallstown, Md. 21133

People's Counsel; Case Files

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

that is not an associate SF/WCR PHDe 11-10-97

1 non-resident professional person to utilize the basement office, utilizing less than 25% of the residence.

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

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

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

Contract Purchaser/Lessee:

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone, DDS
Signature

8919 LIBERTY RD
Address

RANDALLSTOWN MD 21133
City State Zipcode

Attorney for Petitioner:

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410) 539-6967
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

Legal Owner(s):

XWM CARTER STONE, D.D.S.
(Type or Print Name)

XWM Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD. 410.655-2151
Address Phone No

RANDALLSTOWN, MD. 21133
City State Zipcode

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

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 12/23/97
By

Zoning Administration & Development Management

98-178-SPHXA

178

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits & Development Management

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(s) ~~409.8 and 409.4C to permit on site parking spaces and two way aisles to be less than required as shown on the plan~~. 409.12 B TO PERMIT A MODIFIED PARKING LAYOUT 11/12/97 WPM

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Existing parking spaces and travel aisles have been in effect for over 20 years and have operated efficiently. To change the spaces and aisles would present a hardship or 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/Lessee:

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone, DDS
Signature

8919 LIBERTY RD.
Address

RANDALLSTOWN MD. 21133
City State Zipcode

Attorney for Petitioner:

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410) 539-6967
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

Legal Owner(s):

WM CARTER STONE, D.D.S.
(Type or Print Name)

Wm Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD, 410-655-2151
Address Phone No

RANDALLSTOWN MD. 21133
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hrs

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: CAM DATE 10/97

ORDER RECEIVED FOR FILING
Date 11/12/97
By

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Revised 9/5/95

98-178-SPHXA

178

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Regulations of Baltimore County, to use the herein described property for

Per Section 1B01.1C.9b. to establish the office of a professional person in the primary residence utilizing less than 25% of the residence.

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/Lessee:

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone, DDS
Signature

8919 LIBERTY RD.
Address

RANDALLSTOWN MD 21133
City State Zipcode

Legal Owner(s):

WM CARTER STONE, D.D.S.
(Type or Print Name)

Wm Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD. 410-655-2151
Address Phone No.

RANDALLSTOWN, MD. 21133
City State Zipcode

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

Name

Address Phone No.

Attorney for Petitioner:

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410)539-6967
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 12/23/97
By

Zoning Administration & Development Management

98-178-SPHXA

178

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

ZONING DESCRIPTION
DR. CRAIG STONE
8919 LIBERTY ROAD
2nd ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the southernmost side of Liberty Road 300 feet Southeast of the intersection with Greens Lane; thence binding on the south side of Liberty Road the following courses and distances: (1) South 64 degrees 49 minutes 00 seconds east 35.41 feet, (2) along a radius of 22,958.32 with a length of 218.87 feet with a chord bearing of South 64 degrees 33 minutes 00 seconds East, (3) South 25 degrees 33 minutes 00 seconds West 437.22 feet, (4) North 27 degrees 28 minutes 00 seconds West 369.27 feet, (5) North 36 degrees 23 minutes 00 seconds East 217.71 feet, to the place of beginning.

Containing 2.10 acres of land, more or less.

97138des/d43

11/3/97

98-178-SPHXA

178

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE C-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District
2nd Councilmanic
Legal Owner(s):
William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser:
Craig S. Stone, D.D.S.

Special Exception: to establish the office of a professional person in the primary residence utilizing less than 25% of the residence. **Special Hearing:** to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residence. **Variance:** to permit a modified parking layout.

Hearing: Monday, December 15, 1997 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/390 Nov. 27 C192420

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 1997

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 Nov. 27, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044356

DATE 4 Nov 97 ACCOUNT R-001-6150

SAH
178 AMOUNT $ 650.00

RECEIVED FROM: Craig Stone

FOR: CSPHXA

8919 1 bath ld

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
11/04/1997 11/04/1997 09:27:20
REG 0005 CASHIER 0001 VLH DRAWER 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 023253 OFLM
CR NO. 044356
650.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-178-SPHXA

Petitioner/Developer: DR. CRAIG W. STONE

Date of Hearing/Closing: 12/15/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

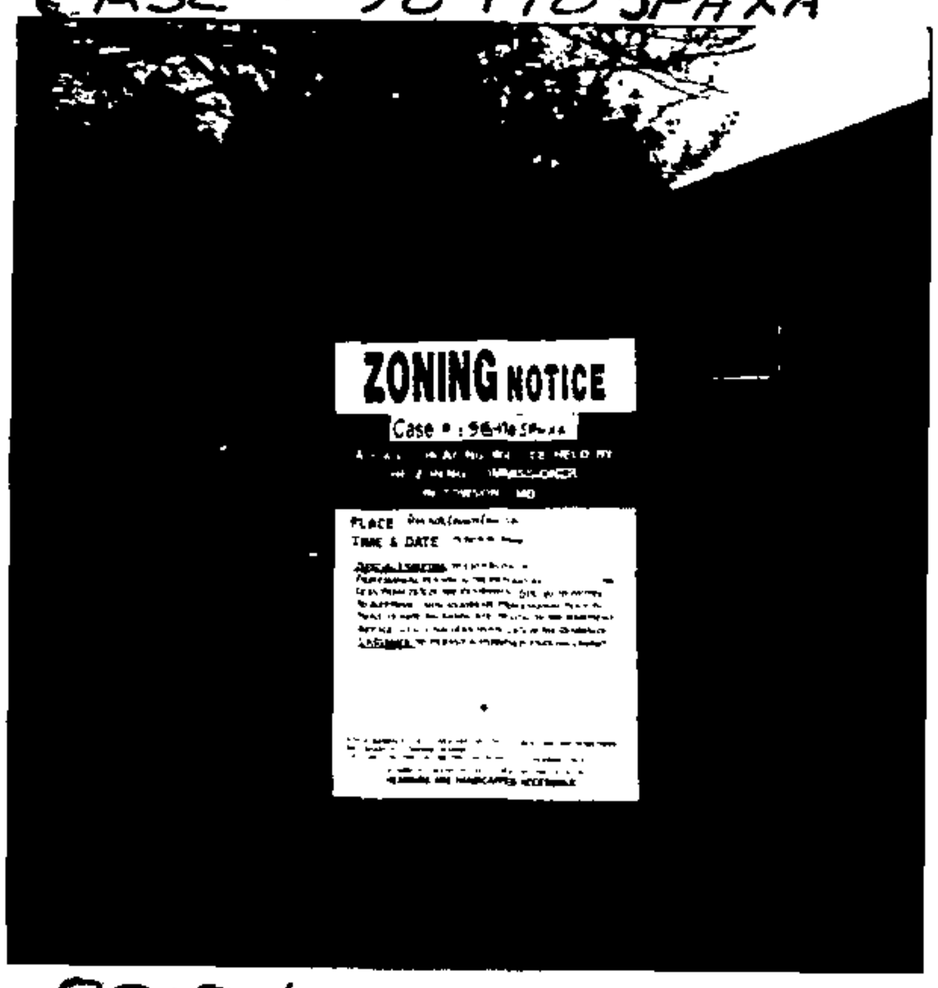
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

8919 LIBERTY ROAD

The sign(s) were posted on 11/30/97
(Month, Day, Year)

CASE # 98-178-SPHXA



8919 LIBERTY ROAD
POSTED 11/30/97
11/30/97

Sincerely,

11/30/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 98-178-SPHXA

Petitioner/Developer: WM. STONE, D.D.S., ETAL
C/O STANLEY FINE & WILLIAM MONK.

Date of Hearing/Closing: 12/15/97
@ 9:00 AM
ROOM 407 - COUNTY
COURTS BUILDING
401 BOSLEY AVE.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 8919 - LIBERTY RD.

The sign(s) were posted on 11/28/97
(Month, Day, Year)

Sincerely,

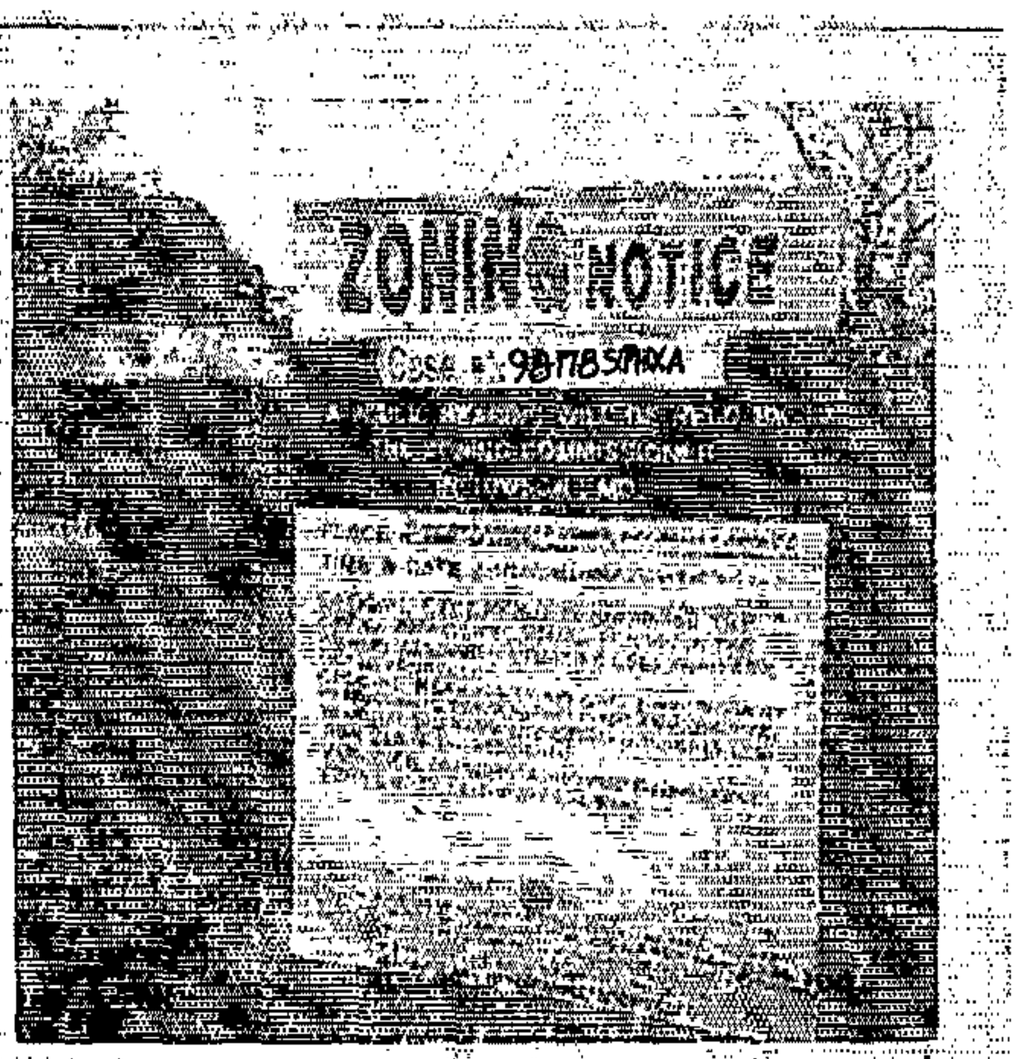
Patrick M. O'Keefe 11/28/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 905-8571
(Telephone Number)



98-178-SPHXA DR. STONE
8919 LIBERTY RD MONK
POSTED 11/28/97 H-12/15/97

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background: REVISED 11/12/97 SCJ

ZONING NOTICE

Case No.: 98-178-SPHXA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to permit 1 NON Resident professional THAT IS NOT AN ASSOCIATE to use the basement office, Special Exception to permit an office of a professional, AND VARIANCE ~~to allow the existing parking layout to remain~~ PERMIT A MODIFIED PARKING LAYOUT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

178

Baltimore County
Department of Permits and
Development Management

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

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 178

Petitioner: DR CRAIG W. STONE

Location: 8919 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DR CRAIG W. STONE

ADDRESS: 8919 LIBERTY ROAD
RANDALLSTOWN, MD 21133

PHONE NUMBER: 410-655-2151

AJ:ggs

(Revised 09/24/96)

178

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

November 14, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District - 2nd Councilmanic District
Legal Owner: William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser: Craig W. Stone, D.D.S.

Special Exception to establish the office of a professional person in the primary residence utilizing less than 25% of the residence. Special Hearing to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residence. Variance to permit a modified parking layout.

HEARING: Monday, December 15, 1997 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Arnold Jablon
Director

c: Stanley S. Fine, Esquire
William Stone, D.D.S. & Doris Stone
Craig Stone, D.D.S.

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 30, 1997.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
November 26, 1997 Issue - Jeffersonian

Please forward billing to:
Dr. Craig W. Stone 410-655-2151
8919 Liberty Road
Randallstown, MD 21133

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District - 2nd Councilmanic District
Legal Owner: William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser: Craig W. Stone, D.D.S.

Special Exception to establish the office of a professional person in the primary residence utilizing less than 25% of the residence. Special Hearing to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residence. Variance to permit a modified parking layout.

HEARING: Monday, December 15, 1997 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 8919 Liberty Road, S/S Liberty Road, 300' SE Greens Lane, 2nd Election District, 2nd Councilmanic Legal Owner(s): William C. Stone, D.D.S. and Doris M. Stone Contract Purchaser(s): Craig W. Stone, D.D.S. Petitioners	* * * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 98-178-SPHXA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esq., 20 S. Charles Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

fp 12/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: December 1, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 8919 Liberty Road

INFORMATION

Item Number: 178

Petitioner: William Carter Stone, DDS

Zoning: DR 5.5

Requested Action: Special Exception, Special Hearing and Variance

Summary of Recommendations:

The Office of Planning does not oppose the operation of a dental practice within the Stone residence. However, at such time as the home is not residentially occupied by a practicing dentist, the practice of dentistry at the subject property should immediately cease. Bill No. 105, 1982 makes no provision for any exceptions to the primary residence requirement set forth in the statute.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\178.DOC

December 14, 1997

Baltimore County Department
Of Permits & development
County Courts Bldg.
401 Bosley Ave.
Towson, Md.

Attn: Zoning Commiissioner

Re: Craig W. Stone,D.D.S.

Dear Sir:

Only recently did I learn that Dr. Stone wished to re-open a dental office, that for many years was operated by his father. In view of the fact that the facility is to be utilized in the same manner, Iam not opposed. I feel that a continuation of such a practice is a note of stability for the Randallstown area. Consequently, I unconditionally support Dr. Stone in this endeavor.

C. Hooker Davis

C. Hooker Davis
8922 Liberty Rd.
Randallstown, Md. 21133

PETITIONER'S EXHIBIT 9A

12-11-97

I live across the street from the Stones at 8920 Liberty Rd. I see no problems with the family reopening the dental office once again. It looks to be small enough that it will not have a parking or traffic problem.

Thank you

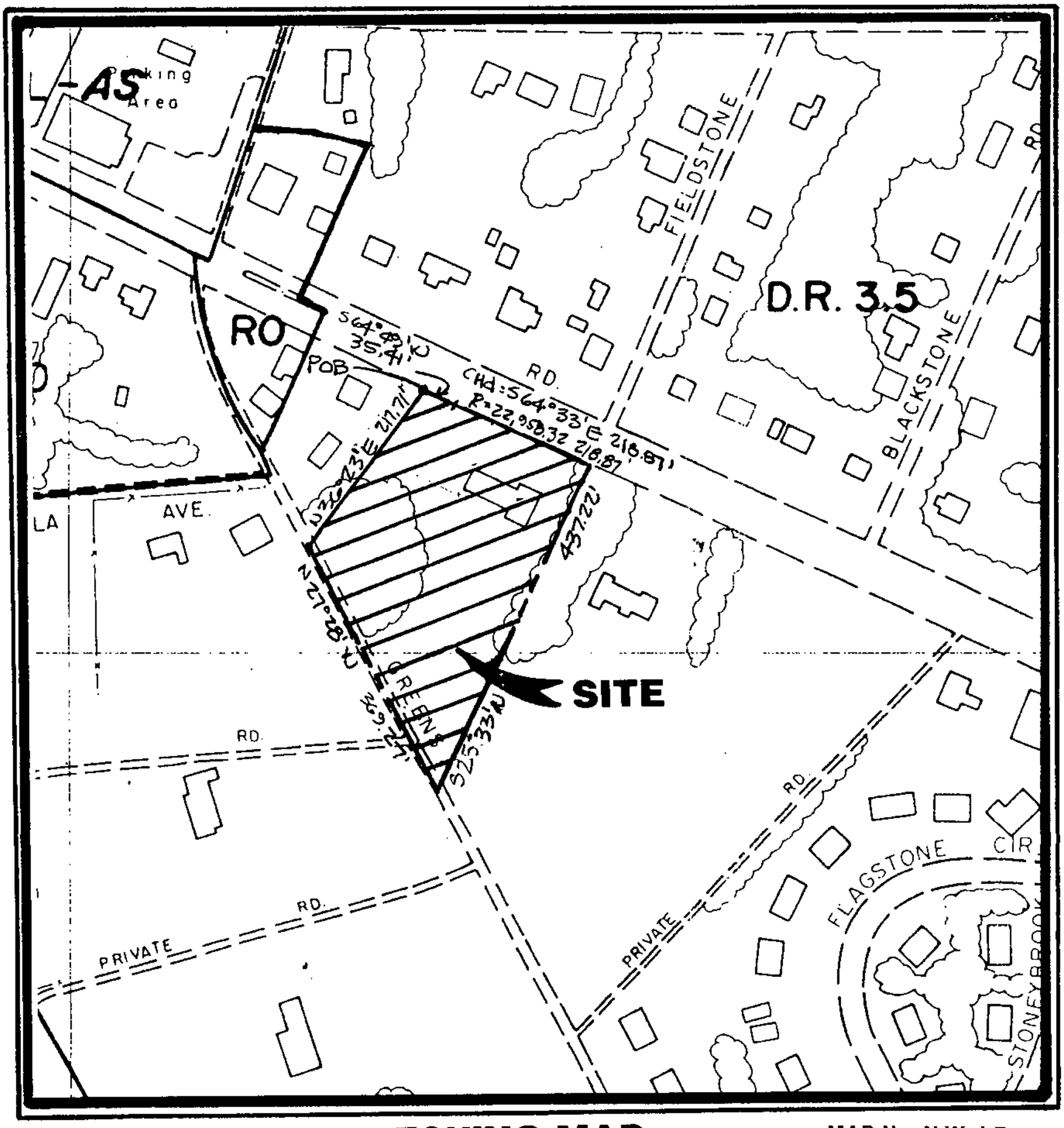
W. P. Bane

Phone # 410-655-1386

PETITIONER'S EXHIBIT 9B

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



ZONING MAP

SCALE : 1"=200'

MAP No. N.W. I-7

98-178-SPH XA

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE C-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

178

photographs
Case 98-178-
SPHX

Baltimore County
Department of Permits and
Development Management

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

December 10, 1997

Stanley S. Fine, Esquire
20 South Charles Street
Baltimore, MD 21201

RE: Item No.: 178
Case No.: 98-178-SPHXA
Petitioner: William Stone, et ux

Dear Mr. Fine:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 12, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

November 20, 1997

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

RE: Property Owner: William Carter Stone, D.D.S. & Doris Marie Stone

Christine Ann Richardson

Location: DISTRIBUTION MEETING OF November 17, 1997

Item No.: 178 and 181 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.

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

RECEIVED
NOV 24 1997
PDM

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on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: November 24, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 24, 1997
Item No. 178

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Liberty Road (Md. Rte. 26) is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The driveway entrance apron should be reconstructed to a width of 24 feet at the curb per Baltimore County Department of Public Works' Standard Plate R-34.

Also, the plan as submitted does not show sidewalks along Liberty Road. If this is correct, the owner will be required to construct a standard 4-foot sidewalk two feet off the property line per Baltimore County Department of Public Works' Standard Plate R-19.

RWB:HJO:jrb

cc: File

ZONE1124.178

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson MD 21204

RE: Baltimore County 11.17.97
Item No. 178 CAM

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 26 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: POM

DATE: 11/21/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov 17, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

173
177
178
179
180
181
183
184

RBS:sp

BRUCE2/DEPRM/TXTSBP

28431

State of Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL

THE MARYLAND STATE BOARD OF DENTAL EXAMINERS
CERTIFIES THAT DR. CRAIG WALTER STONE
IS AN AUTHORIZED DENTIST

IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

LIC. REG. CERT. NO.	EXPIRATION DATE
12283	06/30/99

Martin P. Wasserman
SECRETARY D.H.M.H. MD

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

SIGNATURE OF BEARER

State of Maryland

Martin P. Wasserman, M.D., J.D.
Secretary

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
DIVISION OF DRUG CONTROL
4201 PATTERSON AVE. BALTIMORE, MD 21215

36146

THIS CERTIFIES THAT THE APPLICANT LISTED BELOW IS REGISTERED TO **DISPENSE** CONTROLLED DANGEROUS SUBSTANCES AS PER APPLICATION.

This registration is granted pursuant Article 27, Sections 276 et seq. of the Annotated Code of Maryland, as amended, and is subject to all applicable statutes, rules, and regarding Controlled Dangerous Substances.

CDS REG. NO.
D43429

CRAIG W STONE DDS
8919 LIBERTY RD

RANDALLSTOWN MD 21133

06/30/99
Expiration Date

Martin P. Wasserman, MD., J.D.
Secretary of Health and Mental Hygiene

Charles H. Tregoe
Chief, Division of Drug Control

11237

(Not Transferable)

POST IN A CONSPICUOUS PLACE

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON, D.C. 20537

Sections 304 and 1008 (21 U.S.C. 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

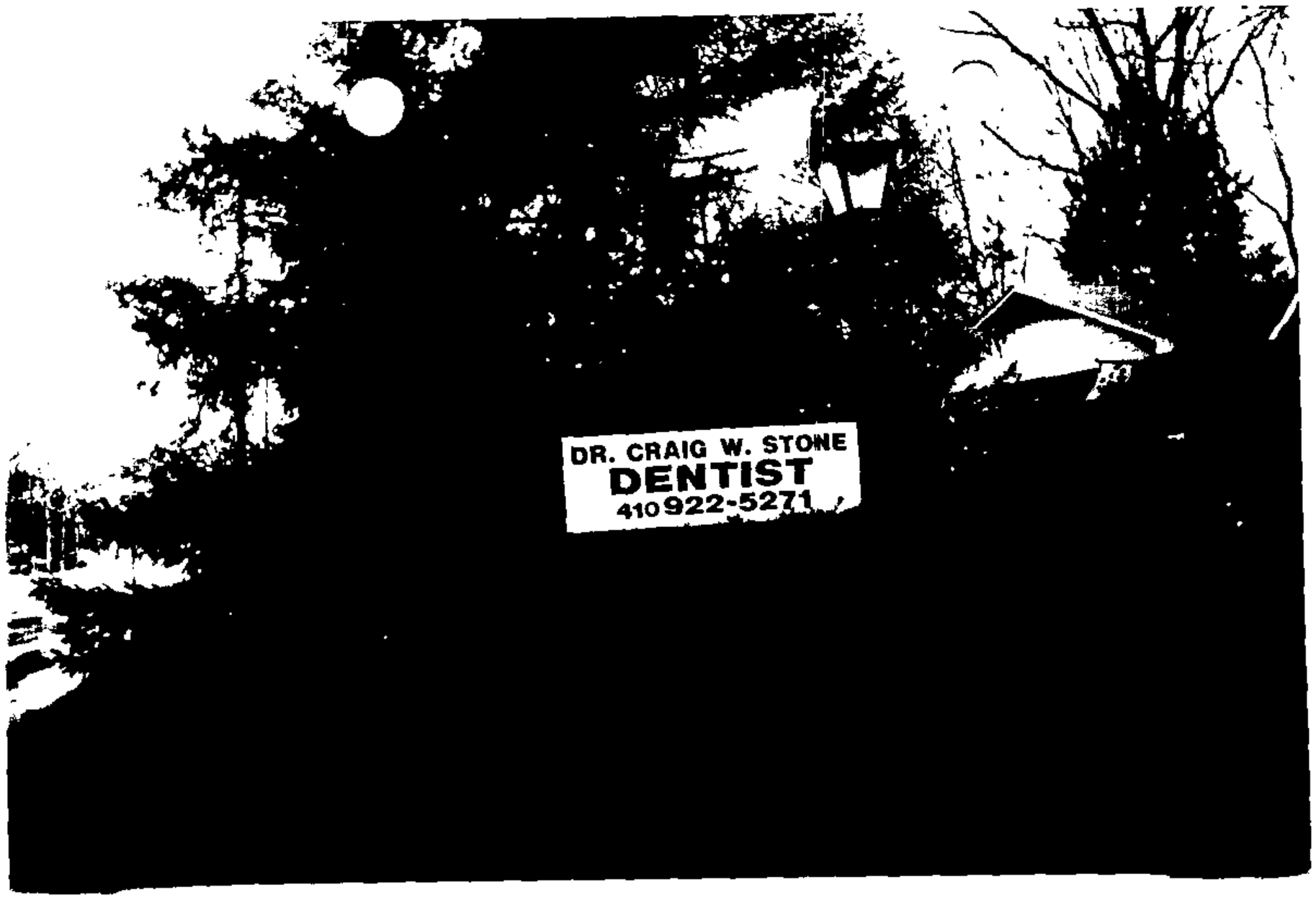
DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
BS5546962	02-29-2000	$210.00

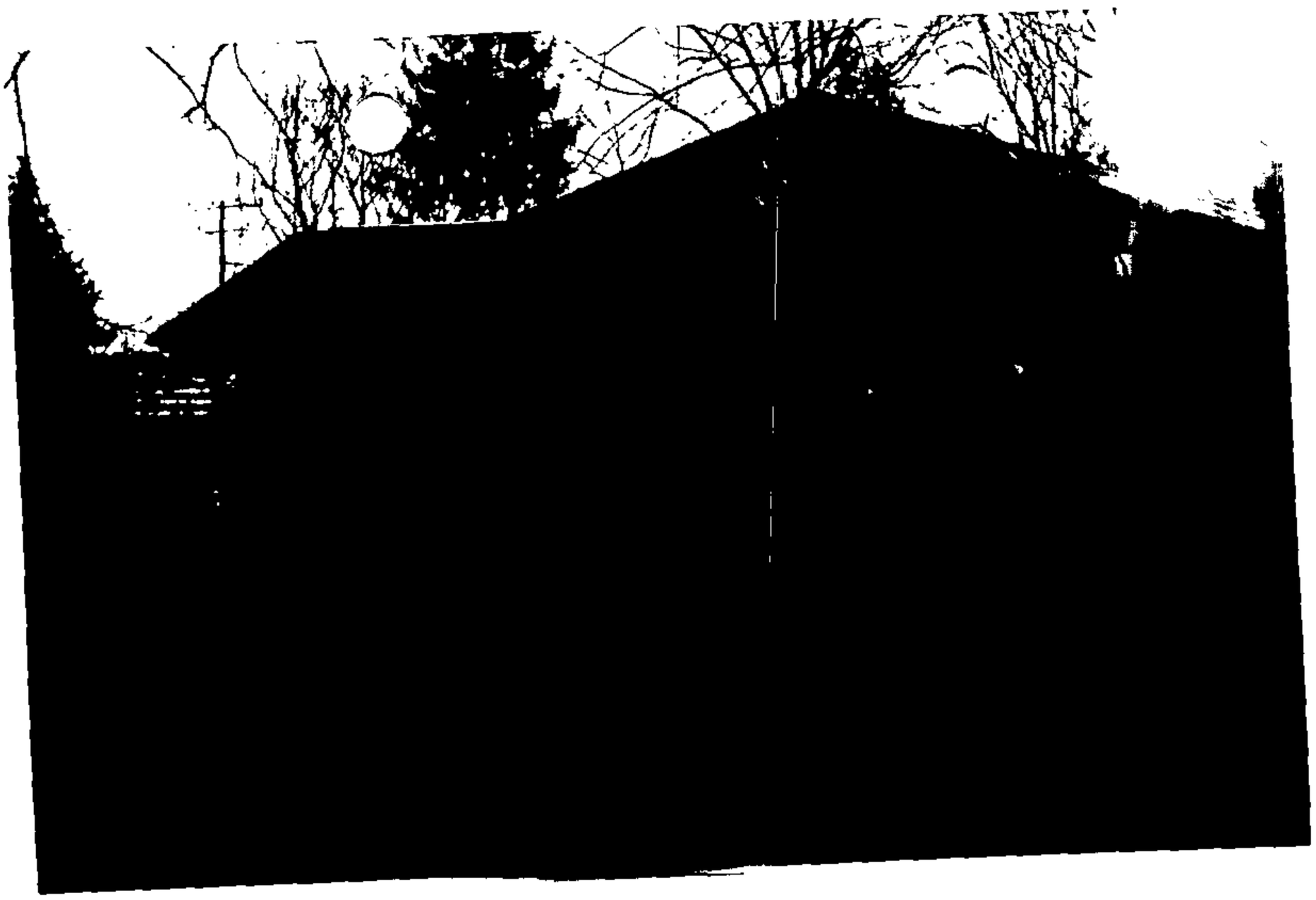
SCHEDULES	BUSINESS ACTIVITY	DATE ISSUED
2,2N,3,3N,4,5	PRACTITIONER	09-15-1997

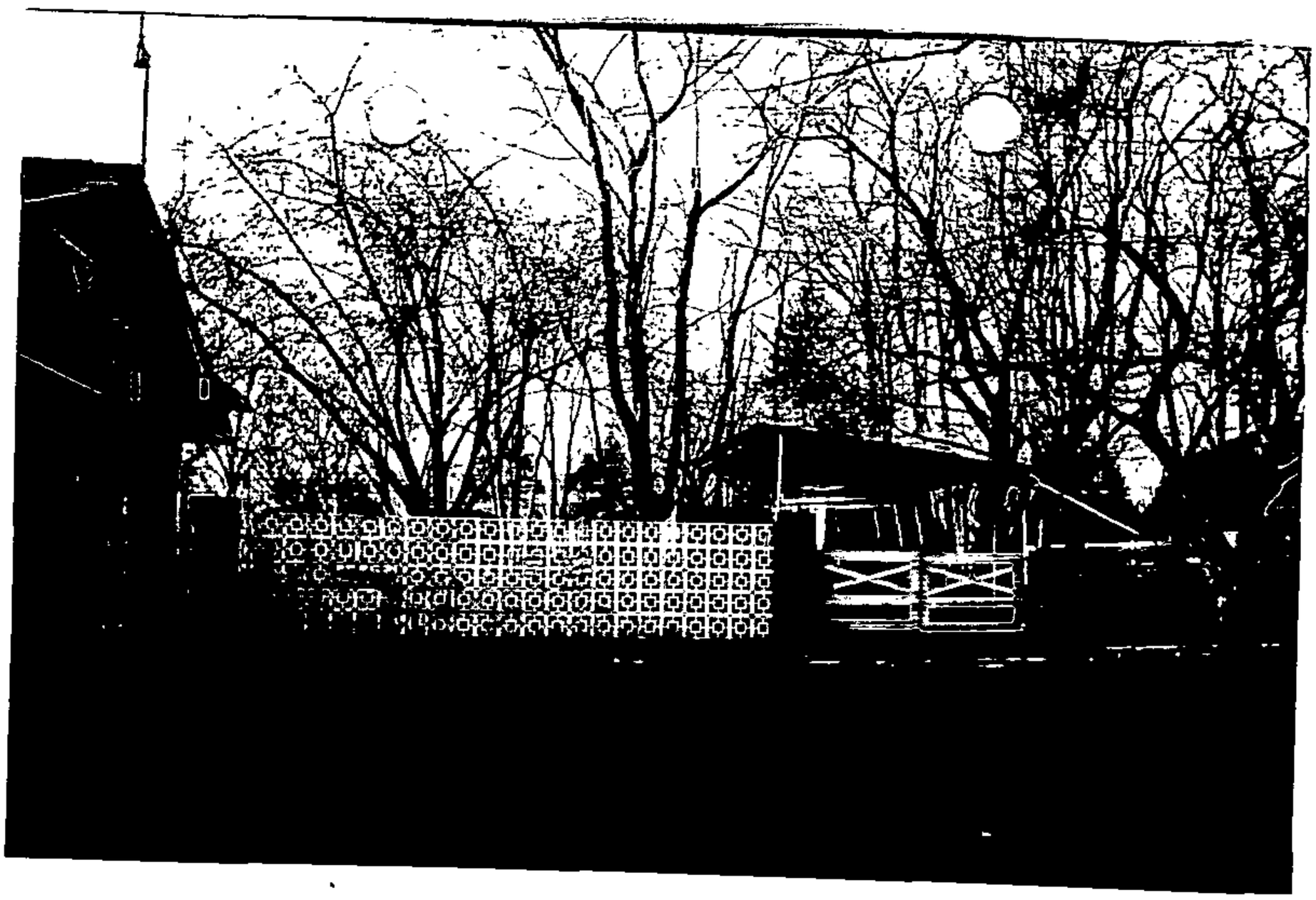
STONE, CRAIG WALTER DDS
8919 LIBERTY ROAD
RANDALLSTOWN, MD 21133

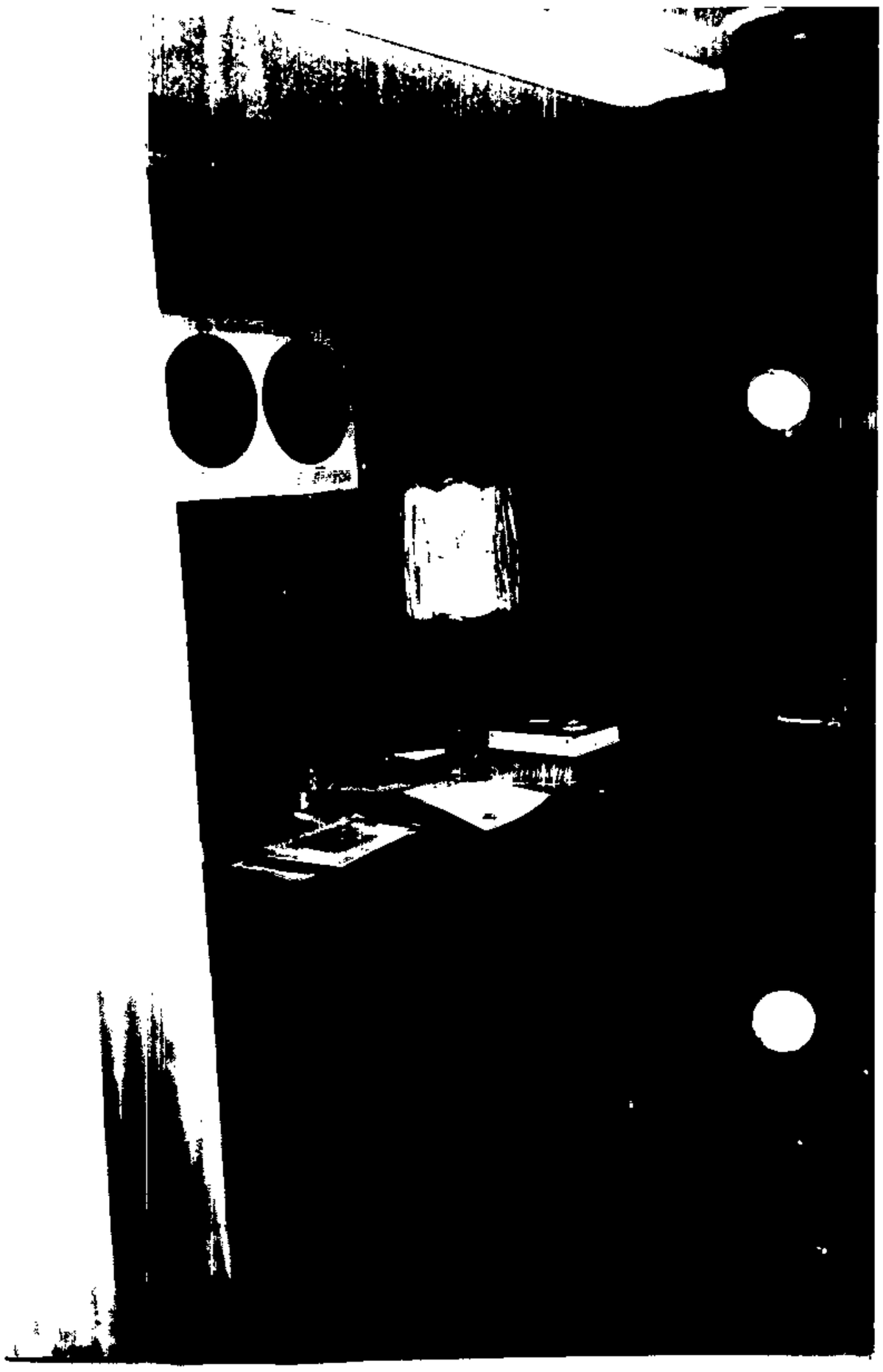
THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, BUSINESS ACTIVITY, OR VALID AFTER THE EXPIRATION DATE.

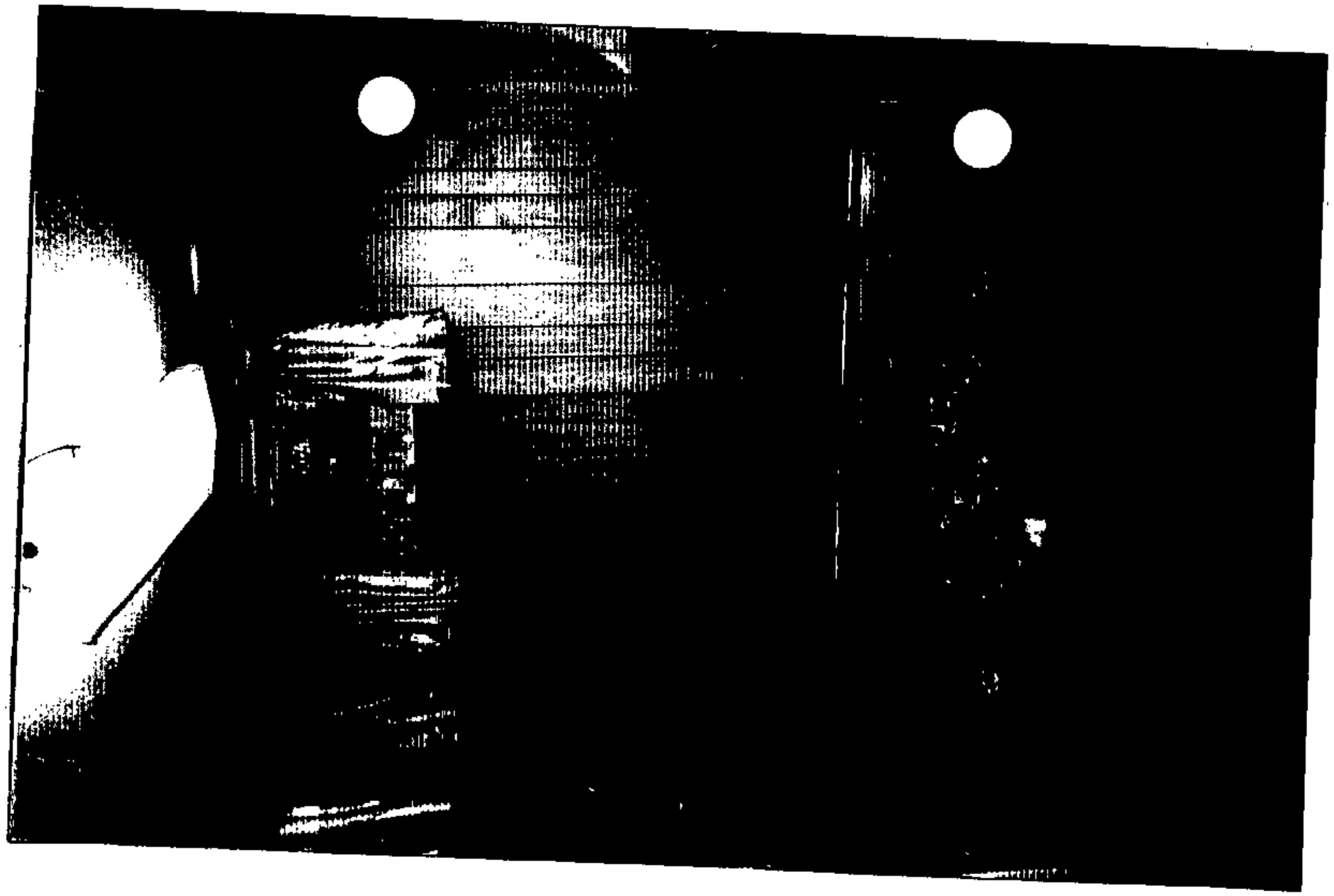
PETITIONER'S EXHIBIT 1

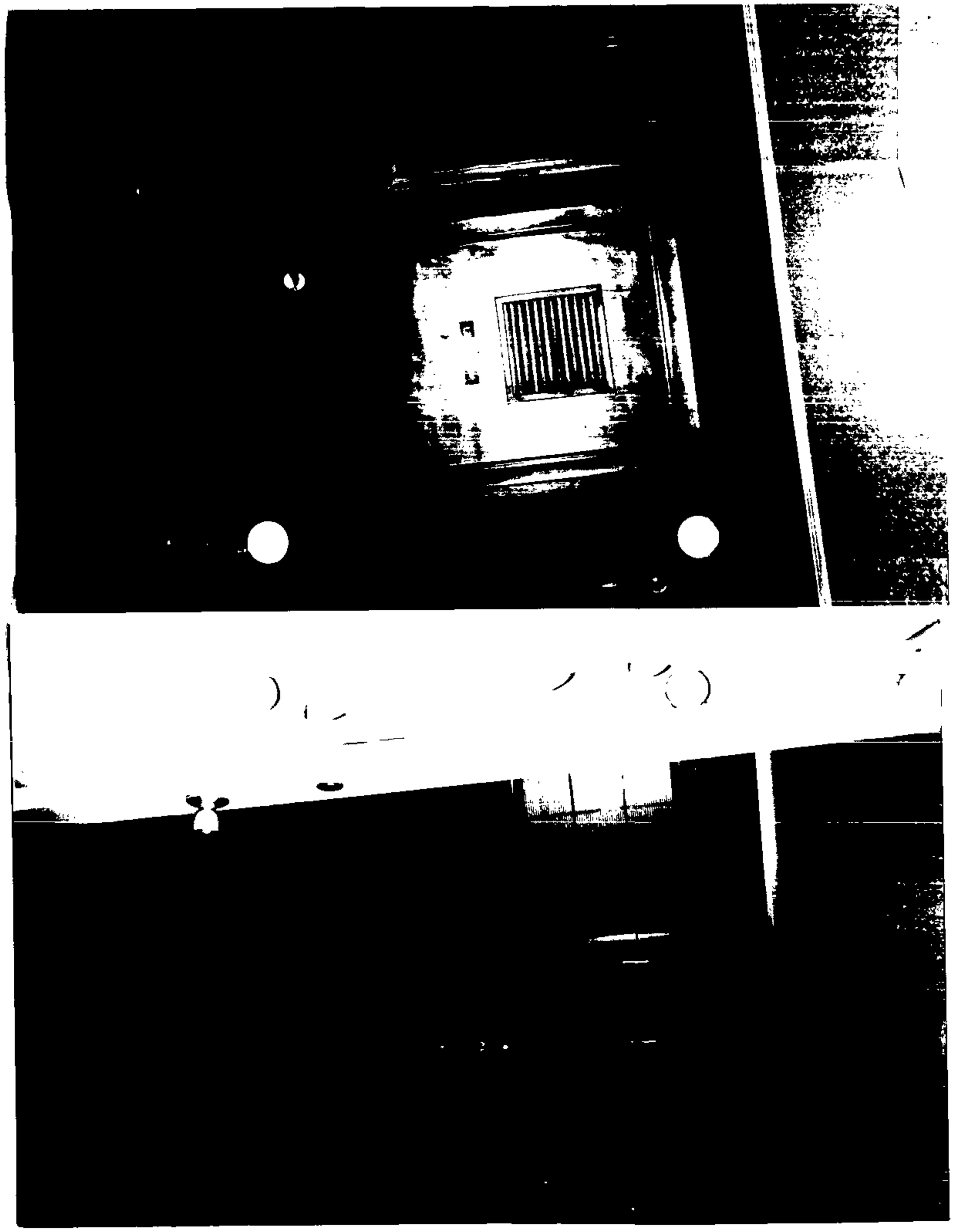

DR. CRAIG W. STONE
DENTIST
410 922-5271

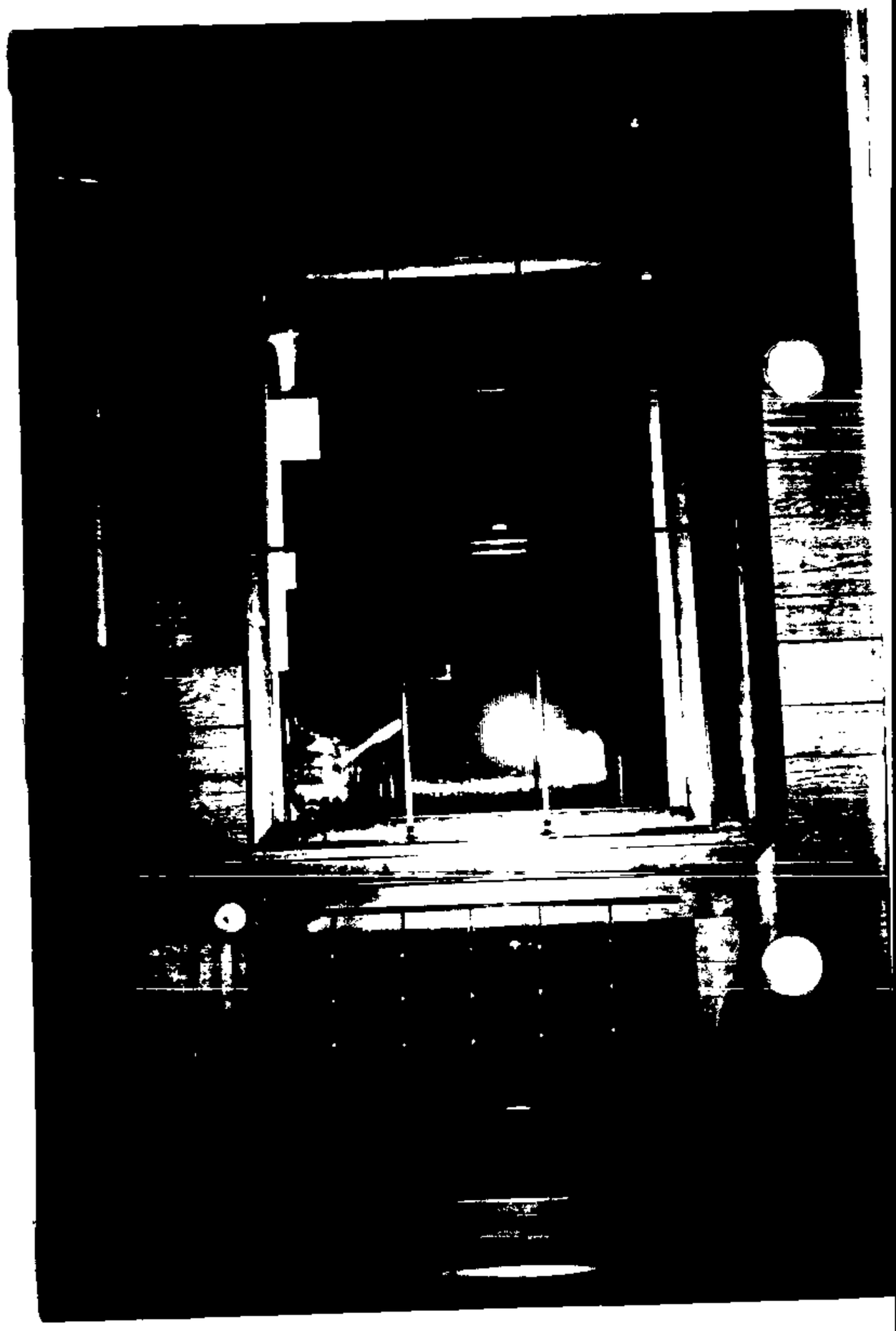


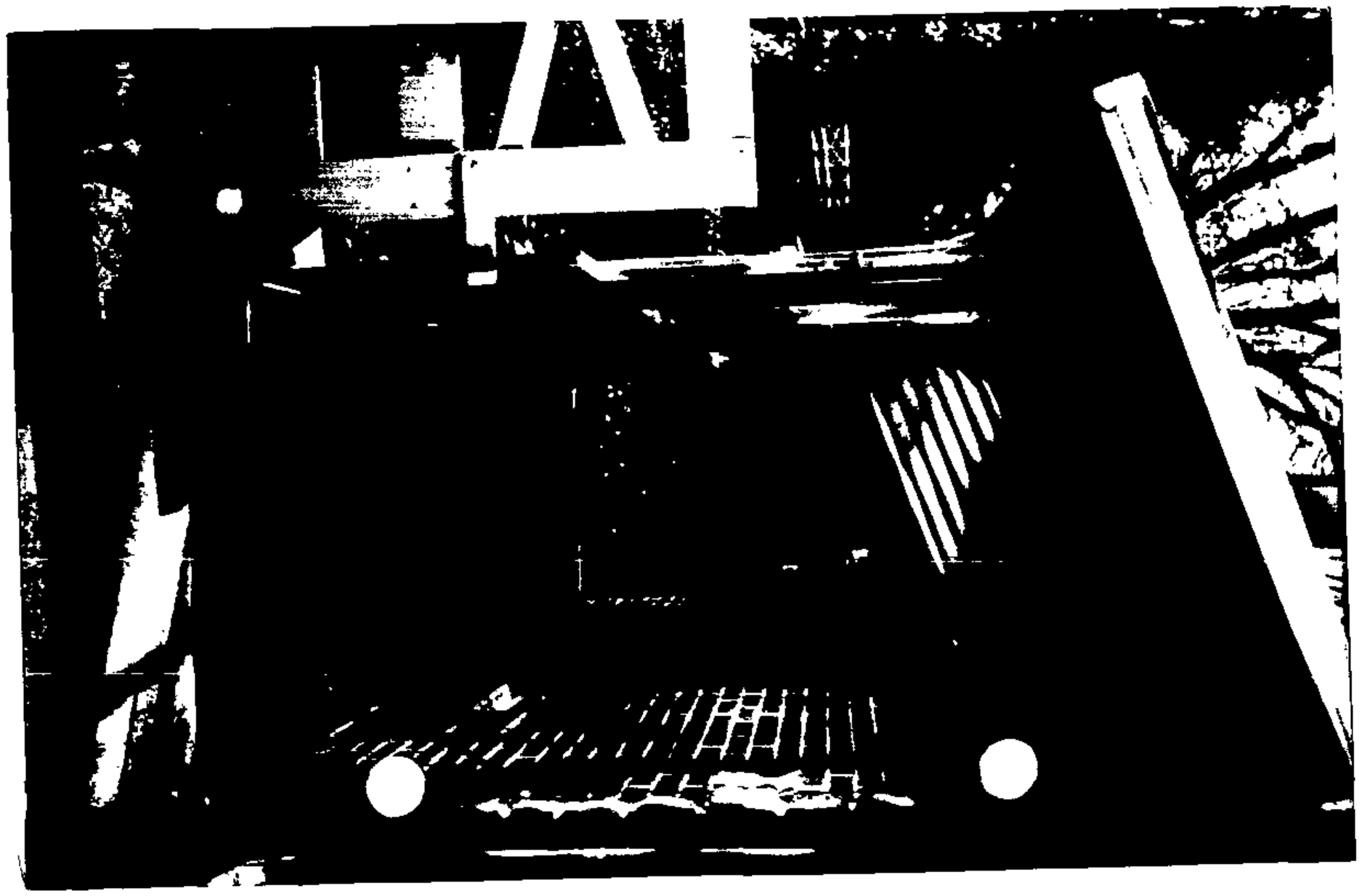


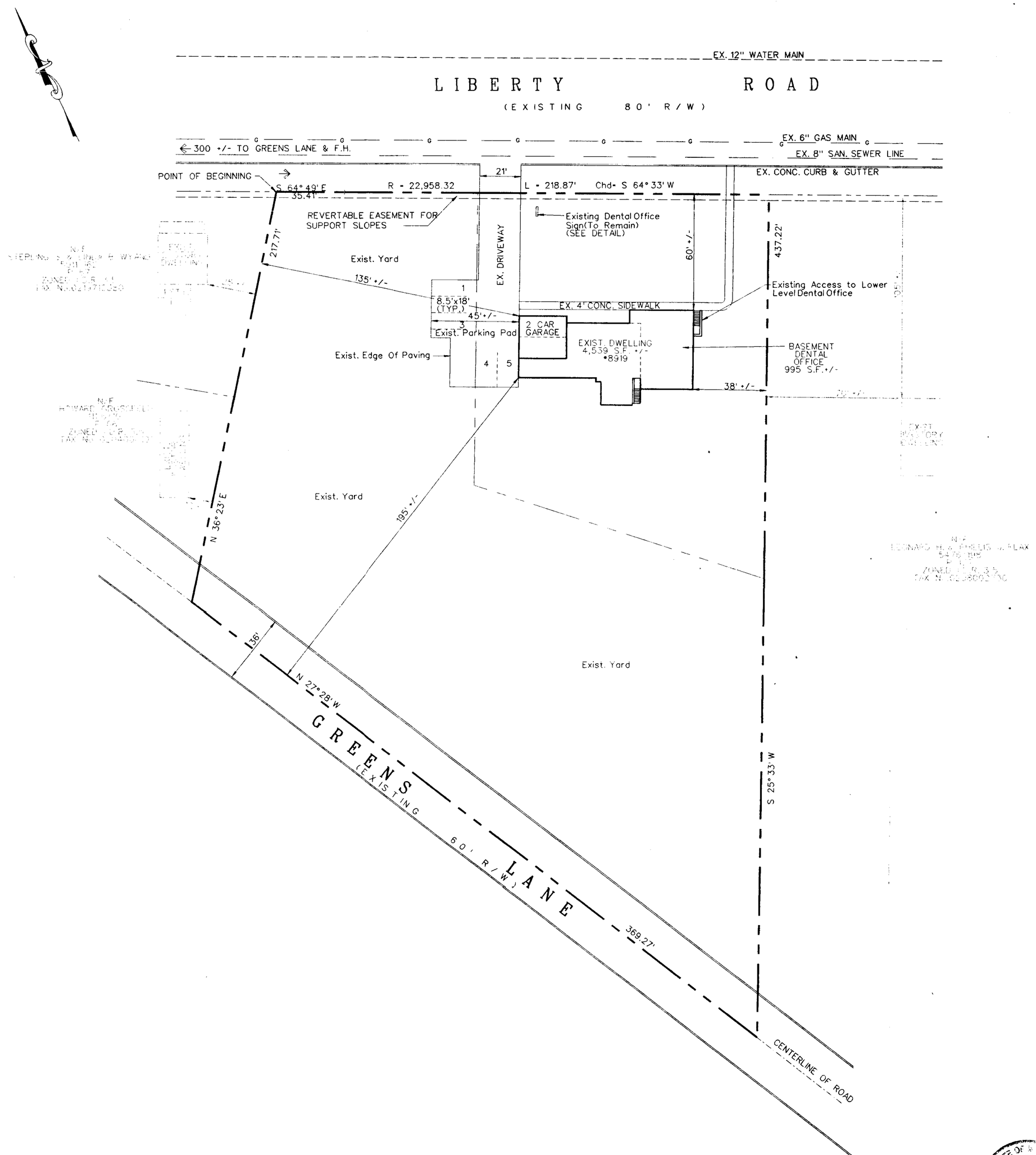








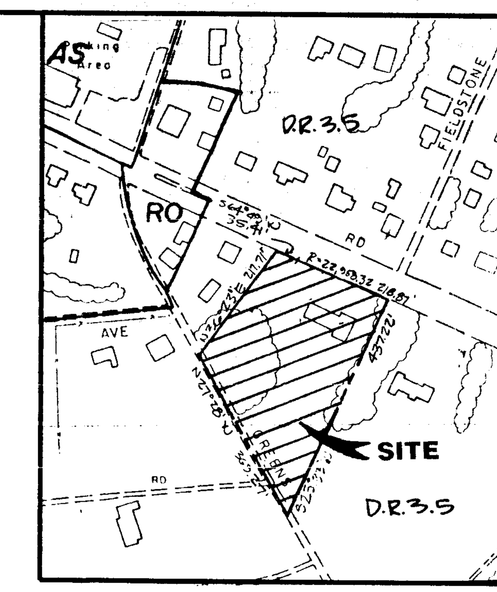




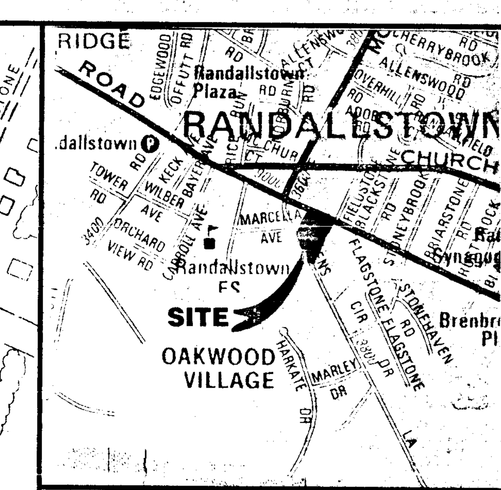
GENERAL NOTES :

1. APPLICANT : DR. CRAIG STONE
   8919 LIBERTY ROAD
   BALTIMORE , MARYLAND 21133
2. OWNER : DR. WILLIAM CARTER STONE
   8919 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
3. EXISTING ZONING : D.R. 3.5
4. PROPOSED ZONING : NO CHANGE
5. LOT AREA : 91,565 SF OR 2.10 AC +/-
6. EXISTING USE : RESIDENCE *
   *THE BASEMENT DENTAL OFFICE WAS IN CONTINUOUS USE FROM 1965-1993.
7. PROPOSED USE : RESIDENCE AND DENTAL OFFICE
8. BUILDING AREA : LIVING SPACE :4098 S.F.
   GARAGE : 441 S.F.
   DENTAL OFFICE : 995 S.F.
   TOTAL : 5534 S.F.
9. % OF TOTAL FLOOR AREA UTILIZED FOR DENTAL OFFICE = 18%
10. PARKING REQUIRED :
    DENTAL OFFICE 4.5/1000 = 5
    RESIDENCE (SINGLE FAMILYDETACHED) = 2
    TOTAL = 7

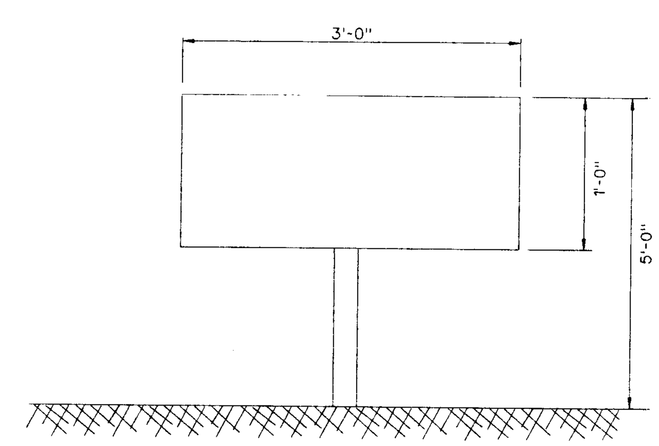
    PROVIDED : 2 STALL GARAGE = 2
    ON SITE PARKING = 5
    TOTAL = 7
11. SETBACKS : FRONT : 30'
    SIDE : 25'
    REAR : 30'
    (NO ADDITION PROPOSED)
12. SPECIAL EXCEPTION : PER SECTION 1B01.1C.9b TO ESTABLISH THE OFFICE OF A PROFESSIONAL PERSON IN THE PRIMARY RESIDENCE UTILIZING LESS THEN 25% OF THE RESIDENCE.
13. VARIANCE : 409.8 & 409.4C TO PERMIT ON SITE PARKING SPACES AND TWO WAY TRAVEL AISLES TO BE LESS THAN REQUIRED AS SHOWN ON THE PLAN.
14. SPECIAL HEARING : 1 NON-RESIDENT PROFESSIONAL PERSON TO UTILIZE THE BASEMENT OFFICE, UTILIZING LESS THEN 25% OF THE RESIDENCE.
15. UTILITIES: PUBLIC WATER AND SEWER
16. SIGNS : EXIST. DENTAL OFFICE SIGN TO REMAIN (SEE SIGN DETAIL)
17. TAX MAP : 77 , BLOCK 8, PARCEL: 889 & 1140
18. ELECTION DISTRICT NO. : 2 nd
19. COUNCILMANIC DISTRICT : 2 nd
20. SITE IS NOT IN THE 100 YEAR FLOOD PLAIN.
21. TAX ACCOUNT NUMBER : 0219712140 & 1600002348
22. DEED REFERENCE : 4339/62 & 5158/562
    BOTH PROPERTIES UNDER SAME OWNERSHIP.
23. F.A.R. : 0.06
24. BUILDING HEIGHT: 15 FEET +/-
25. PREVIOUS ZONING CASE : NONE
26. * EMPLOYEES : "IMMEDIATE FAMILY" MEMBER (DR. CRAIG STONE) = 1
    NON-RESIDENT PROFESSIONAL ASSOCIATE = 1
    NON-RESIDENT EMPLOYEE = 2
    TOTAL = 4



ZONING MAP MAP No. N.W. I-7
SCALE: 1"=200'



VICINITY MAP
SCALE: 1"=1000'



SIGN DETAIL
(DOUBLE FACE , FRONT & BACK)
NOT TO SCALE

NOTE :
PLAN IS BASED ON EXISTING INFORMATION SUPPLIED BY THE PROPERTY OWNER

STATE OF MARYLAND WILLIAM P. MONK REGISTERED PROFESSIONAL ENGINEER
4/3/97

William Monk, Inc.
ENGINEERS - PLANNERS
Courthouse Commons
222 Bosley Avenue, Suite C-6
Towson, Maryland 21204
Phone: 410-494-8931 Fax: 410-494-9903

SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION, VARIANCE & SPECIAL HEARING APPLICATION

8919 LIBERTY ROAD

BALTIMORE COUNTY , MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
98-178-SPHXA	JRG	WPM	1"=30'
	DATE: 10/97	JOB NO.: 97-138	SHEET NO.: 1 OF 1

178

IN RE:	PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - S/S Liberty Road, 300' SE of Greens Lane (8919 Liberty Road) 2nd Election District 2nd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
		*	Case No. 98-178-SPHXA
	William Carter Stone, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, William Carter Stone and his wife, Doris Marie Stone, and their son, Craig W. Stone, through their attorney, Stanley S. Fine, Esquire. The Petitioners request a special hearing to allow one (1) non-resident professional person, that is not an associate, to utilize a basement office on the subject property, utilizing less than 25% of the residence thereon, a special exception to establish the office of a professional person (dentist) in the primary residence, utilizing less than 25% thereof for said office use, pursuant to Section 1B01.1.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance from Section 409.12.B of the B.C.Z.R. to permit a modified parking layout. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Doris M. Stone, and her son, Craig W. Stone. The Petitioners were represented by Stanley S. Fine, Esquire. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 12/23/97
By

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.10 acres, more or less, zoned D.R. 3.5 and is improved with a single family ranch-style dwelling which features an attached two-car garage. Vehicular access to the property is by way of an existing driveway and there is also a parking pad adjacent thereto which can accommodate approximately five vehicles. As shown on the site plan, the property features a large back yard.

William Carter Stone and Doris Marie Stone, property owners, are husband and wife, and have resided on the subject property since 1965. Mr. Stone is a dentist by trade, and apparently operated his practice from the subject site for many years. A series of photographs of the interior of the dwelling were presented which show the portion of the basement of the home that was converted for Dr. Stone's use. Apparently, the area of the space converted for office use was 995 sq.ft., approximately 18% of the total floor space of the dwelling. This is less than the 25% permitted, pursuant to Section 1B01.1.C.9.b of the B.C.Z.R. That Section permits by special exception in the D.R. zone, offices or studios of professional persons, including dentists, providing that any such office is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of the residence; and does not involve the employment of more than one (1) non-residentprofessional associate, nor two other non-resident employees.

Additional testimony revealed that Dr. Stone recently retired and is now in poor health. The office use of a portion of the structure has also been discontinued. However, the Petitioners's son, Craig Stone, is also a dentist and would like to establish a dental office in his parents' home. The younger Dr. Stone presently practices in Howard County and also

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Date 12/23/96
By

at the University of Maryland Dental School. He testified that he would like to establish a part-time dental practice in his parents' home; however it is hoped that the practice will develop and become full time.

Further testimony revealed that the younger Dr. Stone is not married and resides with his parents on the subject property. Thus, the site is his residence at the present time. However, Dr. Stone candidly admitted that he may ultimately move from the property and in that event, requests that any relief granted will permit him to continue to operate his dental practice from that location.

In addition to the above testimony, evidence was also submitted regarding the layout of the property, the proposed use, and the parking arrangement. The younger Dr. Stone does not intend to have any employees when his practice is initially started at the subject site and anticipates it will be operated on a part-time basis in the beginning. Additionally, it was indicated that the elder Dr. Stone's practice existed at this location for many years without problems. The parking arrangement will not be changed for the new practice to be established and there is sufficient space to accommodate patients. Testimony indicated that patients will be seen on an appointment basis, and five outdoor spaces, as well as two spaces within the garage are provided on the site. A number of photographs were submitted as were letters from surrounding neighbors indicating their support of the relief requested.

As to the Petition for Special Exception, I am persuaded that same should be granted. In my judgment, the Petitioner presented sufficient proof to satisfy the requirements set forth in Section 502.1 of the B.C.Z.R. I am persuaded that the dental practice as proposed can be operated without any real detriment to the health, safety or general

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Date 12/23/92
By

welfare of the surrounding locale. I am convinced that the Petitioners satisfy the requirements of Section 502.1 of the B.C.Z.R. The existence of the elder Dr. Stone's practice on this site, as well as similar professional practices in other residences nearby, are persuasive factors.

I am also persuaded to grant the Petition for Variance. In my judgment, a sufficient parking arrangement is provided to accommodate the dental practice. As noted above, there are seven parking spaces provided and a by-appointment-only practice can easily be carried out at this location without detrimental impact to the traffic patterns and roads in the vicinity. Thus, the Petition for Variance should and will be granted.

The Petition for Special Hearing, however, must be denied. In this regard, the Petitioners seek relief to enable the younger Dr. Stone to continue to practice from the subject site, even if he does not reside thereon. In my judgment, the B.C.Z.R. does not permit such an arrangement. Section 1B01.1.C.9.b thereof unequivocally states that professional offices may be operated in a dwelling in a D.R. zone, only when the same building serves as both the professional person's office and residence. This requirement is clear and unmistakable under the regulations.

Moreover, Section 307 of the B.C.Z.R. does not allow the Zoning Commissioner to variance this requirement. That Section expressly empowers the Zoning Commissioner to grant variances from height and area requirements, as well as signage and parking regulations. However, the request here is more in the nature of a use variance, which is not permitted. Moreover, the recent case involving Drs. Mark and Adrienne Jenkins is instructive. In that matter (Case No. 95-95-SPH), Drs. Jenkins wanted to continue their dental practice from a structure in which they had at one time resided, but had recently vacated. Drs. Jenkins filed a Petition for

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Date 12/23/97
By

Special Hearing to continue this arrangement, which was granted by me for reasons fully set forth in my Order. On appeal, my decision was affirmed by the County Board of Appeals. However, on further appeal, Judge Barbara Kerr Howe of the Circuit Court of Baltimore County, reversed. It was Judge Howe's opinion that the statute permitted only a resident of the property at issue to conduct a professional practice thereon, pursuant to Section 1B01.1.C.9.b. In an unreported decision (No. 1748, Sept. term, 1996), the Court of Special Appeals agreed. Therein, the Court stated, "Indeed, the clear language of the regulation requires the Appellants to utilize the property as their private dwelling in order for their use as part of the property as a dental office to be permitted as either a home occupation or a professional office." (Emphasis in original). Based on this unequivocal holding, the Petition for Special Hearing must be denied. Only if the younger Dr. Stone was an associate of his father's practice could he maintain a practice at this property, absent the requirement that he reside thereon.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief shall be granted and the Petition for Special Hearing denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of December, 1997 that the Petition for Special Hearing to allow one (1) non-resident professional person, that is not an associate, to utilize a basement office on the subject property, utilizing less than 25% of the residence thereon, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING
Date 12/23/97
By

IT IS FURTHER ORDERED that the Petition for Special Exception to establish the office of a professional person (dentist) in the primary residence, utilizing less than 25% thereof for said office use, pursuant to Section 1B01.1.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; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.12.B of the B.C.Z.R. to permit a modified parking layout, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/23/92
By

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 23, 1997

Stanley S. Fine, Esquire
Rosenberg Proutt Funk & Greenberg, LLP
2115 First Maryland Building
25 S. Charles Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
S/S Liberty Road, 300' SE of Greens Lane
(8919 Liberty Road)
2nd Election District - 2nd Councilmanic District
William Carter Stone, et ux - Petitioners
Case No. 98-178-SPHXA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted and the Petition for Special Hearing denied, 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. & Mrs. William Carter Stone
8919 Liberty Road, Randallstown, Md. 21133

People's Counsel; Case Files

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

that is not an associate SF/WCR by phone 11-10-97

1 non-resident professional person to utilize the basement office, utilizing less than 25% of the residence.

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

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

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

Contract Purchaser/Lessee:

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone, DDS
Signature

8919 LIBERTY RD.
Address

RANDALLSTOWN MD 21133
City State Zipcode

Legal Owner(s):

X WM CARTER STONE, D.D.S.
(Type or Print Name)

X Wm Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD. 410.655-2151
Address Phone No

RANDALLSTOWN, MD. 21133
City State Zipcode

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

Name

Address Phone No

Attorney for Petitioner

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410) 539-6967
Address Phone No

BALTIMORE MD 21201
City State Zipcode

ORDER RECEIVED FOR FILING
Date 10/23/97
By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

98-178-SPHXA

178

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits & Development Management

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(s) ~~409.8 and 409.4C to permit on site parking spaces and two way aisles to be less than required as shown on the plan~~. 409.12 B TO PERMIT A MODIFIED PARKING LAYOUT 11/12/97 WPM

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Existing parking spaces and travel aisles have been in effect for over 20 years and have operated efficiently. To change the spaces and aisles would present a hardship or 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/Lessee:

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone DDS
Signature

8919 LIBERTY RD.
Address

RANDALLSTOWN MD. 21133
City State Zipcode

Attorney for Petitioner:

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410) 539-6967
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

Legal Owner(s):

WM CARTER STONE, D.D.S.
(Type or Print Name)

WM Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD, 410-655-2151
Address Phone No

RANDALLSTOWN MD. 21133
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: CAM DATE 10/29/97

ORDER RECEIVED FOR FILING
Date 12/3/97
By

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Revised 9/5/95

98-178-SPHXA

178

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits & Development Management

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(s) ~~409.8 and 409.4C to permit on site parking spaces and two way aisles to be less than required as shown on the plan~~. 409.12 B TO PERMIT A MODIFIED PARKING LAYOUT 11/12/97 WPM

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Existing parking spaces and travel aisles have been in effect for over 20 years and have operated efficiently. To change the spaces and aisles would present a hardship or 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/Lessee

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone DDS
Signature

8919 LIBERTY RD.
Address

RANDALLSTOWN MD. 21133
City State Zipcode

Attorney for Petitioner:

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410) 539-6967
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

Legal Owner(s):

WM CARTER STONE, D.D.S.
(Type or Print Name)

WM Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD, 410-655-2151
Address Phone No

RANDALLSTOWN MD. 21133
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: CAM DATE 4 Oct 97

ORDER RECEIVED FOR FILING
Date 12/3/97
By

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Revised 9/5/95

98-178-SPHXA

178

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

ZONING DESCRIPTION
DR. CRAIG STONE
8919 LIBERTY ROAD
2nd ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the southernmost side of Liberty Road 300 feet Southeast of the intersection with Greens Lane; thence binding on the south side of Liberty Road the following courses and distances: (1) South 64 degrees 49 minutes 00 seconds east 35.41 feet, (2) along a radius of 22,958.32 with a length of 218.87 feet with a chord bearing of South 64 degrees 33 minutes 00 seconds East, (3) South 25 degrees 33 minutes 00 seconds West 437.22 feet, (4) North 27 degrees 28 minutes 00 seconds West 369.27 feet, (5) North 36 degrees 23 minutes 00 seconds East 217.71 feet, to the place of beginning.

Containing 2.10 acres of land, more or less.

97138des/d43

11/3/97

98-178-SPHXA

178

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE C-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District
2nd Councilmanic
Legal Owner(s):
William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser:
Craig S. Stone, D.D.S.

Special Exception: to establish the office of a professional person in the primary residence utilizing less than 25% of the residence. **Special Hearing:** to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residence. **Variance:** to permit a modified parking layout

Hearing: Monday, December 15, 1997 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/390 Nov. 27 C192420

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 1997

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 Nov. 27, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044356

DATE 4 Nov 97 ACCOUNT R-001-6150

SAN 178 AMOUNT $ 650.00

RECEIVED FROM: Craig Stone

FOR: CSPHXA

8919 Liberty Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT
PROCESS ACCT# REF
11/04/1997 11/04/1997 [illegible]
PA MOD: CASHIER [illegible]
5 MISCELLANEOUS CASH [illegible]
R-001-6150 [illegible]
CR NO. 044356
650.00 [illegible]
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-178-SPHXA

Petitioner/Developer:

DR. CRAIG W. STONE

Date of Hearing/Closing: 12/15/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

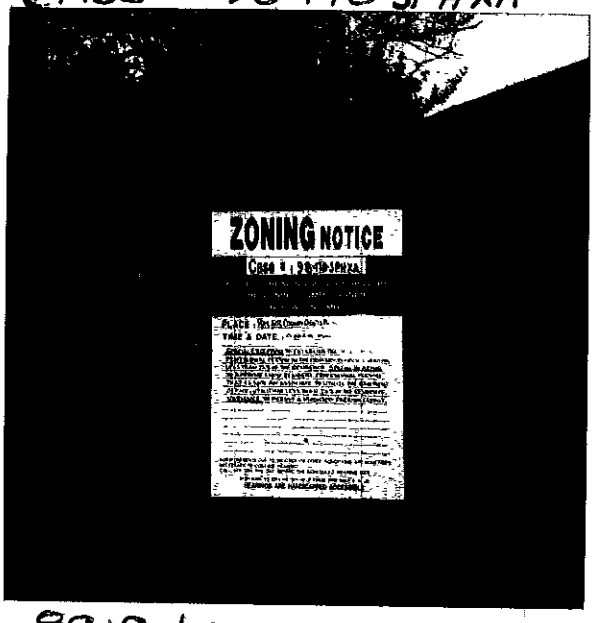
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

8919 LIBERTY ROAD

The sign(s) were posted on 11/30/97
(Month, Day, Year)

CASE # 98-178-SPHXA



8919 LIBERTY ROAD
POSTED 11/30/97
11/30/97

Sincerely,

11/30/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 98-178-SPHXA

Petitioner/Developer: WM. STONE, D.D.S., ETAL
C/O STANLEY FINE & WILLIAM MONK.

Date of Hearing/Closing: 12/15/97
@ 9:00 AM
ROOM 407 - COUNTY COURTS BUILDING
401 BOSLEY AVE.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 8919 - LIBERTY RD.

The sign(s) were posted on 11/28/97
(Month, Day, Year)

Sincerely,

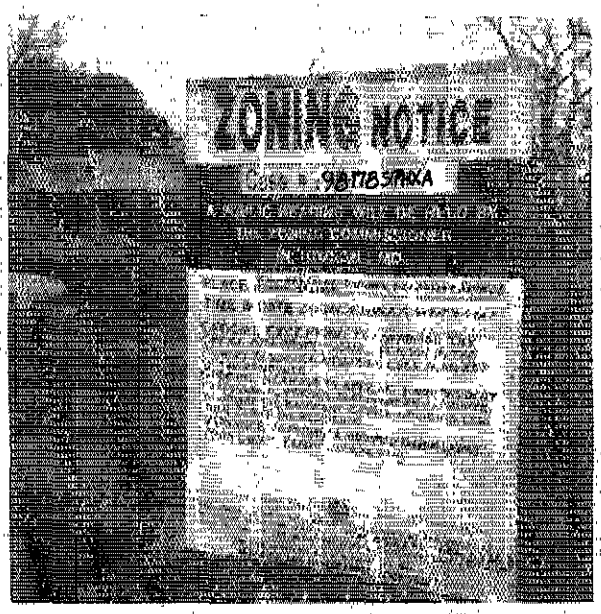
Patrick M. O'Keefe 11/28/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 905-8571
(Telephone Number)



98-178 SPHXA DR. STONE
8919 LIBERTY RD - MONK
POSTED 11/28/97 H. 12/15/97

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background: REVISED 11/12/97 SCJ

ZONING NOTICE

Case No.: 98-178-SPHXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to permit 1 Non Resident professional THAT IS NOT AN ASSOCIATE to use the basement office, Special Exception to permit an office of a professional. And VARIANCE ~~to allow the existing parking layout to remain~~ PERMIT A MODIFIED PARKING LAYOUT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

178

Baltimore County
Department of Permits and
Development Management

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

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 178

Petitioner: DR CRAIG W. STONE

Location: 8919 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DR CRAIG W. STONE

ADDRESS: 8919 LIBERTY ROAD
RANDALLSTOWN, MD 21133

PHONE NUMBER: 410-655-2151

AJ:ggs

(Revised 09/24/96)

178

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

November 14, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District - 2nd Councilmanic District
Legal Owner: William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser: Craig W. Stone, D.D.S.

Special Exception to establish the office of a professional person in the primary residence utilizing less than 25% of the residence. Special Hearing to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residence. Variance to permit a modified parking layout.

HEARING: Monday, December 15, 1997 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Arnold Jablon
Director

c: Stanley S. Fine, Esquire
William Stone, D.D.S. & Doris Stone
Craig Stone, D.D.S.

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 30, 1997.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
November 26, 1997 Issue - Jeffersonian

Please forward billing to:
Dr. Craig W. Stone 410-655-2151
8919 Liberty Road
Randallstown, MD 21133

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District - 2nd Councilmanic District
Legal Owner: William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser: Craig W. Stone, D.D.S.

Special Exception to establish the office of a professional person in the primary residence utilizing less than 25% of the residence. Special Hearing to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residence. Variance to permit a modified parking layout.

HEARING: Monday, December 15, 1997 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

December 10, 1997

Stanley S. Fine, Esquire
20 South Charles Street
Baltimore, MD 21201

RE: Item No.: 178
Case No.: 98-178-SPHXA
Petitioner: William Stone, et ux

Dear Mr. Fine:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 12, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

November 20, 1997

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

RE: Property Owner: William Carter Stone, D.D.S. & Doris Marie Stone
Christine Ann Richardson

Location: DISTRIBUTION MEETING OF November 17, 1997

Item No.: 178 and 181 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.

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

cc: File

RECEIVED
24 1997
PDM

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on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: November 24, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 24, 1997
Item No. 178

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Liberty Road (Md. Rte. 26) is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The driveway entrance apron should be reconstructed to a width of 24 feet at the curb per Baltimore County Department of Public Works' Standard Plate R-34.

Also, the plan as submitted does not show sidewalks along Liberty Road. If this is correct, the owner will be required to construct a standard 4-foot sidewalk two feet off the property line per Baltimore County Department of Public Works' Standard Plate R-19.

RWB:HJO:jrb

cc: File

ZONE1124.178

fr 12/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: December 1, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 8919 Liberty Road

INFORMATION

Item Number: 178

Petitioner: William Carter Stone, DDS

Zoning: DR 5.5

Requested Action: Special Exception, Special Hearing and Variance

Summary of Recommendations:

The Office of Planning does not oppose the operation of a dental practice within the Stone residence. However, at such time as the home is not residentially occupied by a practicing dentist, the practice of dentistry at the subject property should immediately cease. Bill No. 105, 1982 makes no provision for any exceptions to the primary residence requirement set forth in the statute.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\178.DOC

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson MD 21204

RE: Baltimore County Item No. 178 11.17.97 CAM

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 26 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 11/21/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov 17, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 173, 177, 178, 179, 180, 181, 183, 184

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 8919 Liberty Road, S/S Liberty Road, 300' SE Greens Lane, 2nd Election District, 2nd Councilmanic Legal Owner(s): William C. Stone, D.D.S. and Doris M. Stone Contract Purchaser(s): Craig W. Stone, D.D.S. Petitioners	* * * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 98-178-SPHXA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esq., 20 S. Charles Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

28431

State of Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

LICENSE, REGISTRATION, OR CERTIFICATION RENEWAL

THE MARYLAND STATE BOARD OF DENTAL EXAMINERS
CERTIFIES THAT DR. CRAIG WALTER STONE
IS AN AUTHORIZED DENTIST

IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

LIC. REG. CERT. NO.	EXPIRATION DATE
12283	06/30/99

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

Martin P. Wasserman
SECRETARY D.H.M.H. MD

State of Maryland

Martin P. Wasserman, M.D., J.D.
Secretary

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
DIVISION OF DRUG CONTROL
4201 PATTERSON AVE. BALTIMORE, MD 21215

36146

THIS CERTIFIES THAT THE APPLICANT LISTED BELOW IS REGISTERED TO **DISPENSE**

CONTROLLED DANGEROUS SUBSTANCES AS PER APPLICATION.

This registration is granted pursuant Article 27, Sections 276 et seq. of the Annotated Code of Maryland, as amended, and is subject to all applicable statutes, rules, and regarding Controlled Dangerous Substances.

CDS REG. NO.
D43429

CRAIG W STONE DDS
8919 LIBERTY RD

RANDALLSTOWN MD 21133

06/30/99
Expiration Date

Martin P. Wasserman, M.D., J.D.
Secretary of Health and Mental Hygiene

Charles H. Tregoe
Chief, Division of Drug Control

(Not Transferable)

POST IN A CONSPICUOUS PLACE

CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE
UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WASHINGTON, D.C. 20537

Sections 304 and 1008 (21 U.S.C. 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
BS5546962	02-29-2000	$210.00

SCHEDULES	BUSINESS ACTIVITY	DATE ISSUED
2,2N,3,3N,4,5	PRACTITIONER	09-15-1997

STONE, CRAIG WALTER DDS
8919 LIBERTY ROAD
RANDALLSTOWN, MD 21133

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, BUSINESS ACTIVITY, OR VALID AFTER THE EXPIRATION DATE.

PETITIONER'S EXHIBIT 1

December 14, 1997

Baltimore County Department
Of Permits & development
County Courts Bldg.
401 Bosley Ave.
Towson, Md.

Attn: Zoning Commiissioner

Re: Craig W. Stone,D.D.S.

Dear Sir:

Only recently did I learn that Dr. Stone wished to re-open a dental office, that for many years was operated by his father. In view of the fact that the facility is to be utilized in the same manner, Iam not opposed. I feel that a continuation of such a practice is a note of stability for the Randallstown area. Consequently, I unconditionally support Dr. Stone in this endeavor.

C. Hooker Davis

C. Hooker Davis
8922 Liberty Rd.
Randallstown, Md. 21133

PETITIONER'S EXHIBIT 9A

12-11-97

I live across the street from the Stones at 8920 Liberty Rd. I see no problems with the family reopening the dental office once again. It looks to be small enough that it will not have a parking or traffic problem.

Thank you

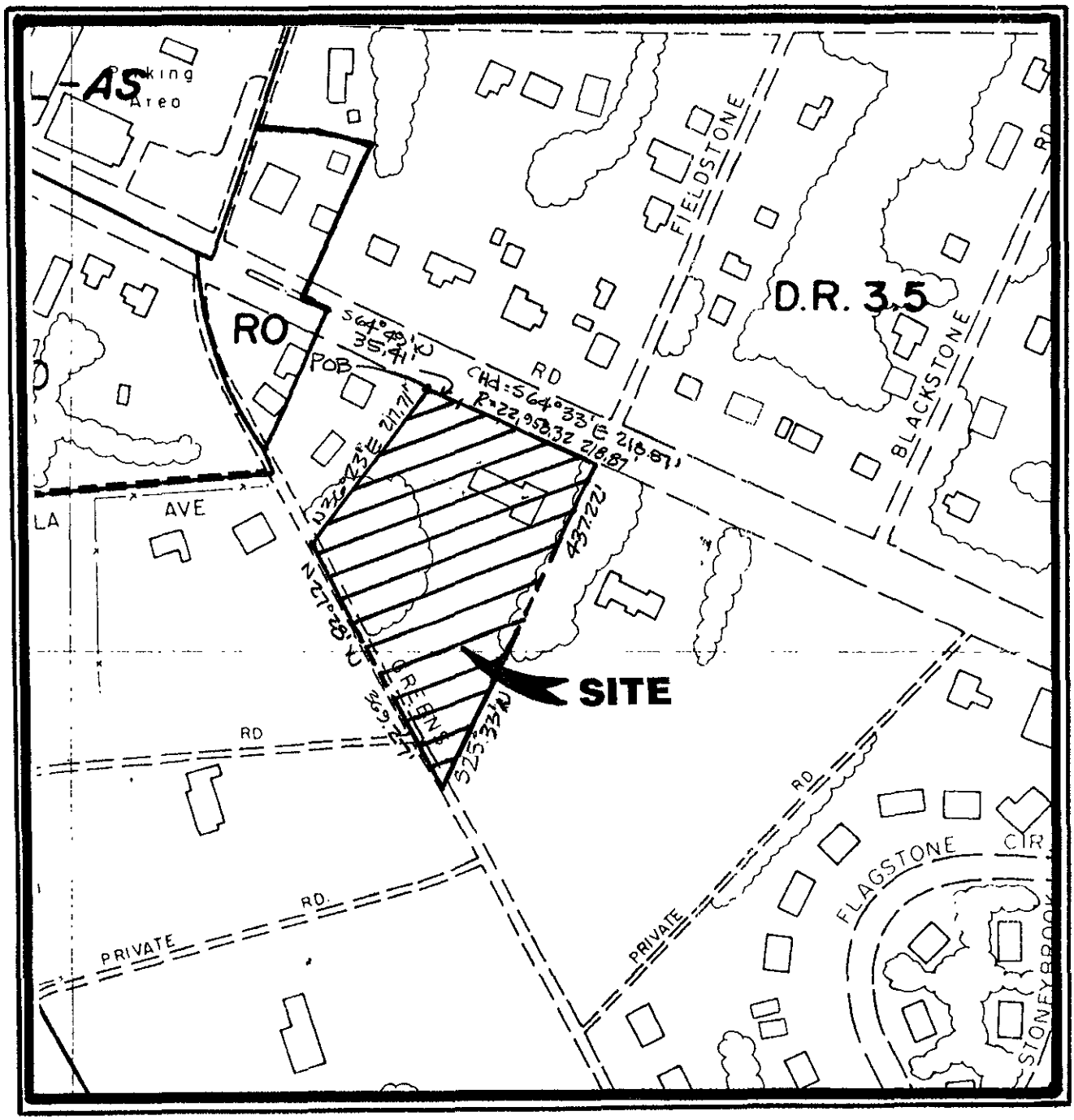
W. P. Banes

Phone # 410-655-1386

PETITIONER'S EXHIBIT 9B

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



ZONING MAP

SCALE : 1"=200'

MAP No. N.W. I-7

98-178-SPH XA

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE C-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

photographs

Case 98-178-
3PHX1

PETITIONER'S EXHIBIT 8B

PETITIONER'S EXHIBIT 8A

DR. CRAIG W. STONE
DENTIST
410 922-5271

PETITIONER'S EXHIBIT 7

PETITIONER'S EXHIBIT 6C

PETITIONER'S EXHIBIT 6A

PETITIONER'S EXHIBIT 6B

PETITIONER'S EXHIBIT 5I

PETITIONER'S EXHIBIT 54

PETITIONER'S EXHIBIT 5G

PETITIONER'S EXHIBIT 5F

PETITIONER'S EXHIBIT 5E

PETITIONER'S EXHIBIT 50

PETITIONER'S EXHIBIT 5C

PETITIONER'S EXHIBIT 5B

PETITIONER'S EXHIBIT 5A

PETITIONER'S EXHIBIT 4A

PETITIONER'S EXHIBIT 4B

PETITIONER'S EXHIBIT 4E

313

PETITIONER'S EXHIBIT 4F

PETITIONER'S EXHIBIT 3A

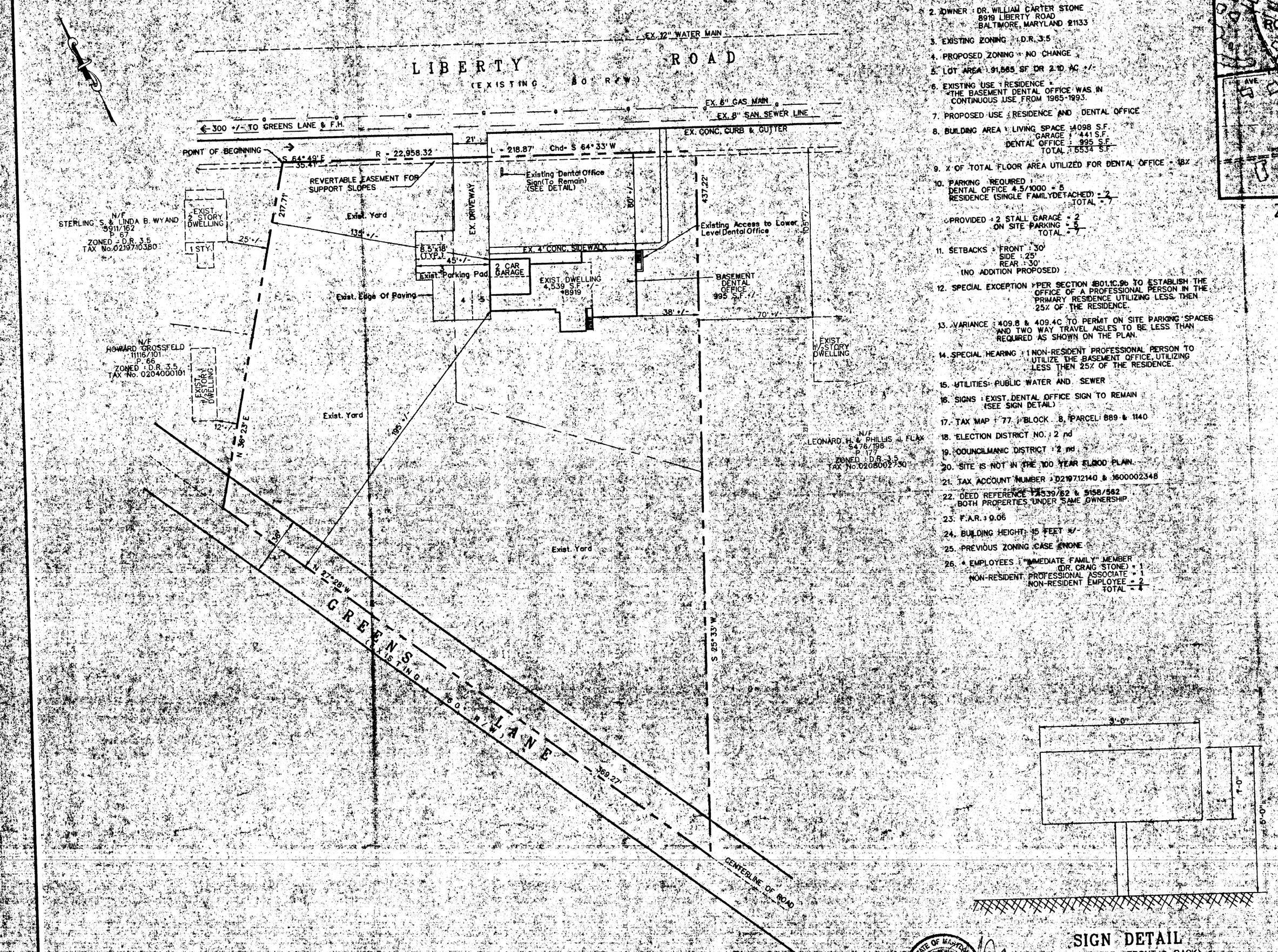
PETITIONER'S EXHIBIT 3B

PETITIONER'S EXHIBIT 3C

PETITIONER'S EXHIBIT 3 (D)

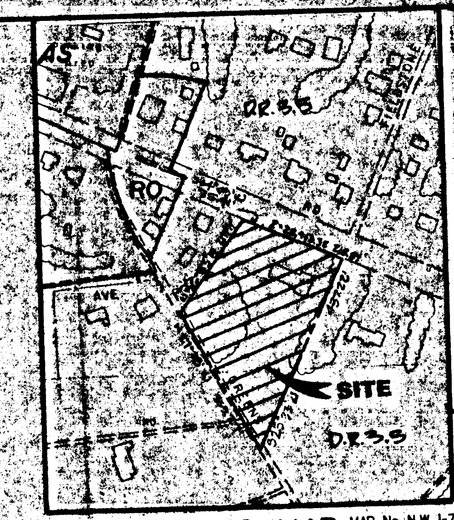
PETITIONER'S EXHIBIT 4C

PETITIONER'S EXHIBIT 40

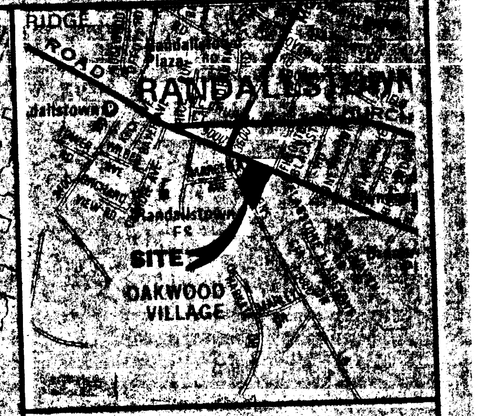


GENERAL NOTES :

1. APPLICANT : DR. CRAIG STONE
   8919 LIBERTY ROAD
   BALTIMORE , MARYLAND 21133
2. OWNER : DR. WILLIAM CARTER STONE
   8919 LIBERTY ROAD
   BALTIMORE, MARYLAND 21133
3. EXISTING ZONING : D.R. 3.5
4. PROPOSED ZONING : NO CHANGE
5. LOT AREA : 91,565 SF OR 2.10 AC +/-
6. EXISTING USE : RESIDENCE *
   *THE BASEMENT DENTAL OFFICE WAS IN CONTINUOUS USE FROM 1965-1993.
7. PROPOSED USE : RESIDENCE AND DENTAL OFFICE
8. BUILDING AREA : LIVING SPACE : 4098 S.F.
   GARAGE : 441 S.F.
   DENTAL OFFICE : 995 S.F.
   TOTAL : 5534 S.F.
9. % OF TOTAL FLOOR AREA UTILIZED FOR DENTAL OFFICE = 18%
10. PARKING REQUIRED :
    DENTAL OFFICE 4.5/1000 = 5
    RESIDENCE (SINGLE FAMILY DETACHED) = 2
    TOTAL = 7
    PROVIDED = 2 STALL GARAGE = 2
    ON SITE PARKING = 5
    TOTAL = 7
11. SETBACKS : FRONT : 30'
    SIDE : 25'
    REAR : 30'
    (NO ADDITION PROPOSED)
12. SPECIAL EXCEPTION : PER SECTION 1B01.1C.9b TO ESTABLISH THE OFFICE OF A PROFESSIONAL PERSON IN THE PRIMARY RESIDENCE UTILIZING LESS THEN 25% OF THE RESIDENCE.
13. VARIANCE : 409.8 & 409.4C TO PERMIT ON SITE PARKING SPACES AND TWO WAY TRAVEL AISLES TO BE LESS THAN REQUIRED AS SHOWN ON THE PLAN.
14. SPECIAL HEARING : 1 NON-RESIDENT PROFESSIONAL PERSON TO UTILIZE THE BASEMENT OFFICE, UTILIZING LESS THEN 25% OF THE RESIDENCE.
15. UTILITIES : PUBLIC WATER AND SEWER
16. SIGNS : EXIST. DENTAL OFFICE SIGN TO REMAIN (SEE SIGN DETAIL)
17. TAX MAP : 77 , BLOCK : 8, PARCEL : 889 & 1140
18. ELECTION DISTRICT NO. : 2 nd
19. COUNCILMANIC DISTRICT : 2 nd
20. SITE IS NOT IN THE 100 YEAR FLOOD PLAIN.
21. TAX ACCOUNT NUMBER : 0219712140 & 1600002348
22. DEED REFERENCE : 7539/62 & 5158/562
    BOTH PROPERTIES UNDER SAME OWNERSHIP.
23. F.A.R. : 0.06
24. BUILDING HEIGHT : 15 FEET +/-
25. PREVIOUS ZONING CASE : NONE
26. # EMPLOYEES : "IMMEDIATE FAMILY" MEMBER (DR. CRAIG STONE) = 1
    NON-RESIDENT PROFESSIONAL ASSOCIATE = 1
    NON-RESIDENT EMPLOYEE = 2
    TOTAL = 4



ZONING MAP MAP No. N.W. I-7
SCALE: 1" = 200'



VICINITY MAP
SCALE: 1" = 1000'

SIGN DETAIL
(DOUBLE FACE , FRONT & BACK)
NOT TO SCALE

STATE OF MARYLAND
WILLIAM PAUL MONK
No. 11668
PROFESSIONAL ENGINEER
11/3/97

NOTE
PLAN IS BASED ON EXISTING INFORMATION SUPPLIED BY THE PROPERTY OWNER

William Monk, Inc.
ENGINEERS - PLANNERS
Courthouse Commons
222 Bosley Avenue, Suite C-6
Towson, Maryland 21204
Phone: 410-494-9031 Fax: 410-494-9903

SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION, VARIANCE & SPECIAL HEARING APPLICATION

8919 LIBERTY ROAD

BALTIMORE COUNTY , MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
98-178-SPHXA	JRG	WPM	1"=30'
	DATE: 10/97	JOB NO.: 97-138	SHEET NO.: 1 OF 1

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8919 Liberty Road

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Regulations of Baltimore County, to use the herein described property for

Per Section 1B01.1C.9b. to establish the office of a professional person in the primary residence utilizing less than 25% of the residence.

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/Lessee:

CRAIG W. STONE, D.D.S.
(Type or Print Name)

Craig W. Stone, DDS
Signature

8919 LIBERTY RD.
Address

RANDALLSTOWN MD 21133
City State Zipcode

Legal Owner(s):

WM CARTER STONE, D.D.S.
(Type or Print Name)

Wm Carter Stone, DDS
Signature

DORIS MARIE STONE
(Type or Print Name)

Doris Marie Stone
Signature

8919 LIBERTY RD. 410-655-2151
Address Phone No.

RANDALLSTOWN, MD. 21133
City State Zipcode

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

Name

Address Phone No.

Attorney for Petitioner:

STANLEY S. FINE
(Type or Print Name)

Stanley S. Fine
Signature

20 S. CHARLES ST. (410)539-6967
Address Phone No.

BALTIMORE MD 21201
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

ORDER RECEIVED FOR FILING
Date 12/23/97
By

98-178-SPHXA

178