

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NW side of Philadelphia Road, 188.5' NE		
of Chapel Hill Road	*	OFFICE OF ADMINISTRATIVE
14 th Election District		
6 th Council District	*	HEARINGS FOR
(8510 Philadelphia Road)		
	*	BALTIMORE COUNTY
Friendship Dental Laboratories, Inc.		
Petitioner	*	CASE NO. 2012-0317-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Gus Diacoloukas, president of Friendship Dental Laboratories, Inc. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the special exception granted in Case No. 2005-0317-X (for dental laboratories). Petitioner seeks relief to construct a 1,600 square foot addition to its dental laboratory. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibits 1 and 1A.

Appearing at the public hearing held for this case was Petitioner Nicholas Diacoloukas, and David G. Taylor, the professional engineer who prepared the site plan. C. William Clark, Esquire with Nolan, Plumhoff & Williams, Chtd., and Robert Parsons, II, Esquire, appeared and represented the Petitioner. Matthew Weiner, a youngster in the Boy Scouts, attended the hearing as part of a scouting project. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. The file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 0.95 acres and is zoned BL. The property is located in the Rosedale area, and the Petitioner operates a dental clinic and laboratory on site.

In 2005, former Zoning Commissioner Wiseman granted Petitioner a special exception (2005-0317-X) to open the laboratory, which manufactures dental prosthetics and implants. Mr. Wiseman noted in his Order that the Petitioner employs approximately 45 individuals, and also provides training and seminars for dental students and dentists. The Petitioner's operation has been successful, and it now seeks to expand its headquarters by constructing a 1,600 square foot addition (Exhibit 4). The Petitioner indicated the space would be used to house and operate computerized design and manufacturing equipment.

The Petitioner presented (via proffer) the testimony of David Taylor, a professional engineer who was accepted as an expert, in support of the Petition. Mr. Taylor opined that the proposal satisfied each of the special exception factors set forth in B.C.Z.R. § 502.1. Mr. Taylor testified he prepared the plans marked as Exhibits 1 and 1A, and that the Petitioner did not need variance or any other form of zoning relief to construct the proposed addition.

The Petitioner in this case operates a successful and unique business, and seeks to expand the operations so that it can provide state of the art products and services. The modest addition proposed would have absolutely no detrimental impact upon the community's health, safety and welfare, and the petition will therefore be granted.

THEREFORE, IT IS ORDERED, this 6th day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the

Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the special exception granted in Case No. 2005-0317-X to permit a 1,600 square foot addition to its dental laboratory, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioner may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw