



CLERK'S OFFICE
CIRCUIT COURT FOR BALTIMORE COUNTY
TOWSON, MD.

January 10, 1952

Board of Zoning Appeals
Towson, Maryland

Dear Sirs:
In the case of Dr and Mrs Henry Scheye vs. The Board of Zoning Appeals the action of the Board of affirmed by Judge Murray at a hearing had today.

Very truly yours

George L. Ryerly
Clerk

the general welfare of the community. This situation would be altered somewhat if Dr. Scheye or Mr. and Mrs. Froehlich were to make their home at this location and conduct the undertaking in the manner of a home occupation or professional office undertaking, which is not true in this case.

It is, therefore, the opinion of the Zoning Commissioner of Baltimore County that the granting of this special permit would be detrimental to the health and general welfare of the community and should be denied.

It is this 5th day of June, 1951, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition for a special permit be and the same is hereby denied.

RE: PETITION FOR A SPECIAL PERMIT FOR CONVALESCENT HOME - North side of Cedar Ave., 600 feet east of Rolling Road, 13th District of Baltimore, Co., Dr. and Mrs. Henry Scheye and Mr. and Mrs. Anton R. Froehlich, Petitioners.

The property which is the subject of this petition is located on the north side of Cedar Avenue (Chesapeake Boulevard) 600 feet east of Rolling Road in Relay. This section of Relay is rather thickly populated and most of the houses are of a very substantial nature. The house which is sought to be used for a convalescent home is located on a lot having a frontage of 105 feet with an average depth of 263 feet from Cedar Avenue and is located in the middle of the lot with regard to the side lines. It is proposed by the petitioners to care for a total of twenty patients in this home. The petitioners stated also that there would be on duty at all times three attendants, namely, a nurse, a maid and a cook. This would indicate that a total of twenty three persons would be housed on the property.

The present method of sewage disposal in this section of Relay is by septic tank and dry-well or drain fields, as the Metropolitan District Sewers are not yet available to this area. Mr. Phillip Kruse of the Metropolitan District, who is in charge of making tests to determine whether or not the soil is suitable for the proper operation of a private disposal plant, using either a dry-well or a drain field, informed me that the soil in this area is not entirely suitable for the operation of such a system even for an individual home. He stated that recently tests were made at Cedar and Quince Avenue, a distance of approximately 600 feet from the location in question, and that it was necessary at this location to require a tight receptacle to contain the sewage. He also stated that failure of private sewage system in this area were not uncommon.

The petitioners stated that it is the intention of either of them to be on duty at this home, but that the supervision of the home will be by others and that Dr. Scheye and possibly Mrs. Froehlich will make daily visits. This would indicate that neither of the petitioners would use this property for their home but only for the conduct of the home for aged and infirm persons.

Even though it was shown without a doubt that both Dr. Scheye and Mr. and Mrs. Froehlich to be of impeccable character and of high professional standing and it would be reasonable to expect that they would conduct this undertaking in the best possible manner, it is the opinion of the Zoning Commissioner that due to the health menace that would result from the housing of 23 persons where the method of disposal is by a private plant and where the effluent of fifty gallons per person per day would have to be discharged into the soil, this special permit should be denied.

In addition, the introduction of a project having a commercial aspect into a purely residential community would tend to change the character of the neighborhood and be detrimental to

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Henry W. Scheye and Sophia E. Froehlich from an Order and decision of the Zoning Commissioner of Baltimore County dated July 19, 1951, denying the Petition for a special permit in regard to the property described in said Petition.

The case came on for hearing before the Board, testimony was taken for and against the said Petition, and counsel for both sides heard.

The property which is the subject of this petition is located in Relay on the north side of Cedar Avenue about 600 feet east of Rolling Road, having a frontage of 405 feet with an average depth of 263 feet. The proposed convalescent home consists of a frame dwelling with a setback from Cedar Avenue of approximately 125 feet, being situated in the middle of said lot with respect to side lines. The testimony showed that there would be 20 persons living in this home as patients in addition to a nurse, maid, and a cook. The general neighborhood in the vicinity of the property in question is made up of numerous old and well-established residences; and any change in reclassification or the granting of a special permit would introduce an establishment of a commercial nature which could be detrimental to the general welfare of the community.

While the applicants appear to be qualified to conduct a nursing or convalescent home it was noted from the testimony, however, that neither of the applicants anticipated making their homes on the grounds or residing permanently on the location.

On the testimony of the Chief Plumbing Inspector of Baltimore County, it was noted that this section of Relay has always had a sewerage disposal problem due to the imperious nature of much of the underlying soil; and he further stated

that sewerage disposal was inadequate and admitted on cross-examination that the soil was of a bad clay type. He further testified that efforts had been taken to improve this private sewerage system on the property in question, yet he admitted that, nevertheless, the system may fill up or become saturated in apparently a short period of time. The septic system is installed in the front yard and in case of an overflow would run off and by the contour of the ground would proceed to the front street and possibly to the adjacent property. The amount of flow through this private sewerage system, the effluent of which would have to be absorbed by the soil to be effective, would be four or five times greater than that of a private residence; and an overflow of the system would cause a very serious health condition that could only be adequately remedied upon the installation of sanitary sewers in this area.

The Board is not willing to take the responsibility, under the circumstances, of creating a condition in a residential neighborhood which would be detrimental to the health and general welfare of the community. The Board will, therefore, sign an Order ratifying and affirming the Order of the Zoning Commissioner of Baltimore County denying the Petitioners' application for a special permit for a nursing and convalescent home.

Handwritten signatures: H. W. Scheye, Sophia E. Froehlich, and others.

FILED JUN 12 1951

IN THE MATTER OF THE PETITION FOR A SPECIAL PERMIT FOR CONVALESCENT HOME - North side of Cedar Ave., 600 feet east of Rolling Road, 13th District of Baltimore County - DR. and MRS. HENRY SCHEYE and MR. and MRS. ANTON R. FROELICH - Petitioners

MR. COMMISSIONER:

Please enter an appeal to the Board of Zoning Appeals from your order dated the 5th day of June, 1951, disapproving the above application.

Handwritten signature: Ernest H. Hatcher, Attorney for Petitioners.

Mr. Hatcher will call when he writes the next day.

FILED MAY 1951 1992

IN THE MATTER OF Petition of Dr. Henry Scheye, et al. REPLY TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

For a Special Permit To The Zoning Commissioner of Baltimore DR. and MRS. HENRY SCHEYE and MR. and MRS. ANTON R. FROELICH

burly petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a cert in permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for Nursing and Convalescent Home North side of Cedar Ave., 13th District, beginning 600 feet east of Rolling Road, thence easterly, on the north side of Cedar Ave., 400 feet, thence northwesterly 255 feet; thence southerly 410 feet and thence southeasterly 872 feet to beginning. Lot No. 3 on plat of Cedar Heights.

Contract Purchase Address

Handwritten signature: Henry W. Scheye, Attorney for Petitioners.

BALTIMORE COUNTY METROPOLITAN DISTRICT

Inter-Office Correspondence

June 13, 1951

From Edward A. DeWaters

To Charles S. Wheeler

Subject

With reference to your request for inspection of the premises of 5000 Cedar Avenue, Chase Boulevard in Balay made to E. J. Ryan on June 8th, Mr. Ryan informs me that he made an inspection on June 11th and found everything in its proper order conforming to the plumbing and health regulations.

We therefore recommend that this permit be released.

EDWARD A. DEWATERS, Chairman
Baltimore County Plumbing Board

EADraf

Baltimore County Health Department

MEMORANDUM

July 19, 1951

TO — Dr. William R. F. Warthen
FROM — Vance R. Sullivan
SUBJECT — Sophie Froelich Nursing Home

With regard to the Sophie Froelich convalescent home at 5000 Cedar Avenue, Balay, I wish to advise you that the Baltimore County Health Department's Division of Sanitation has recommended the following improvements in facilities before a license by the Maryland State Department of Health can be recommended:

1. A three-compartment sink should be provided so that food and drink utensils may be washed and disinfected in accordance with the Maryland State Board of Health's regulations.
2. Convenient handwashing facilities should be provided for the use of food handlers.
3. Additional refrigeration should be provided for perishable food storage.
4. The entire building should be screened against flies.
5. All garbage should be kept in metal containers with tight-fitting lids.
6. The under-sink type faucets on both tubs and handwashing facilities should be replaced with above-sink type.

In addition, information has been received that the Plumbing Division of the Baltimore County Metropolitan District has ordered an additional dry well dug in connection with the sewage disposal system.

If these improvements are made, this home should be suitable for licensing.

Vance R. Sullivan

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1992-5

District — 13 Date of Posting — May 18, 1951

Posted for: Convalescent Home

Petitioner: Dr. Henry Schays, Anton R. Froelich

Location of property: 7 1/2 miles of Cedar Ave. 625 feet east of Rolling Road

Location of Signs: 7 1/2 miles of Cedar Ave. 625 feet east of Rolling Road

Remarks: Harry C. Bartide Signature Date of return: May 18, 1951

NO PLAT
IN
THIS FOLDER

May 4, 1951

\$20.00

RECEIVED of Dr. Henry Schays, et al, the sum of Twenty (\$20.00) Dollars, being cost of petition for special permit, advertising and posting of property, Cedar Avenue, 13th District of Baltimore County.

Zoning Commissioner

June 27, 1951

\$22.00

RECEIVED of Ernest G. Hatch, Attorney for Dr. H. M. Schays, et al, petitioners, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the special permit for a Convalescent Home, Cedar Avenue, 13th District of Baltimore County.

Zoning Commissioner

Ernest G. Hatch, Require,
Dames Building,
Towson 14, Maryland

to

Oct. 26, 1951

County Commissioners of
Baltimore County,
Zoning Department,
303 Washington Avenue,
Towson 14, Maryland

Certified copy of petitions and other papers filed in the matter of a special permit for a Convalescent Home on Cedar Avenue, 13th District of Baltimore, Dr. Henry M. Schays, et al, petitioners

\$9.20

November 1, 1951

\$9.20

RECEIVED of Ernest G. Hatch, Attorney, the sum of \$9.20 being cost of certified copy of petition and other papers filed in the matter of a special permit for a Convalescent Home on Cedar Avenue, 13th District of Baltimore County, Dr. Henry M. Schays, et al, petitioners.

Zoning Commissioner

PAID

MAY 7 - 1951

COUNTY COMMISSIONERS

PAID

MAY 2 - 1951

PAID

JUN 2 - 1951

COUNTY COMMISSIONERS

22 Mayfield