

FILED AUG 13 1953

A. J. SELING,
CHARLES E. SELING,
LAWRENCE C. SELING and
THE HOOPER COMPANY,
Petitioners
(Appellants)

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

vs.

AT LAW

H. GUY CAMPBELL,
DAVID W. HENNES and
CARL F. YOUNG,
being and constituting
the Board of Zoning Appeals
of Baltimore County,
Defendants

ORDER OF DISMISSAL

Mr. Clark:

Please enter the Petition for Writ of Certiorari, the Writ which
was issued, and all other proceedings in the above entitled matter ("Plaintiff"),
costs to be paid by Petitioners (Appellants).

A. J. Seling

Charles E. Seling

Lawrence C. Seling

THE HOOPER COMPANY

By: *Charles E. Seling*
Vice-President
Petitioners/Appellants

ORDER

Upon the foregoing petition and affidavit, it is this 27th day
of May 1953, by the Circuit Court for Baltimore County ORDERED,

(1) That a writ of certiorari issue directed to the Board of Zoning
Appeals of Baltimore County to review the decision and Order of said Board
of Zoning Appeals dated May 7, 1953 and that a return thereto shall be made
and served upon the relators' attorney within ten days from the date of
this Order; and

(2) That the Board of Zoning Appeals of Baltimore County be and
it is hereby required to return to this Court the original papers acted
upon by it in the within proceedings, or certified or sworn copies thereof,
together with all records and exhibits in said proceedings and a transcript
of all testimony taken before said Board in connection with said proceedings
as well as a copy of the Order and Opinion entered by said Board, and the
return shall concisely set forth such other facts as may be pertinent and
material to show the grounds of the decision and Order appealed from and
shall be verified.

True Copy Test

John B. Gentry
Judge

RE: PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "B" RESIDENCE ZONE -
Property located Northwest of Intersection of
Philadelphia Road and Chesaco Ave., 14th District -
A. J. Seling, Chas. E. Seling, and Lawrence Seling
and The Hooper Co., Petitioners.

The appeal in the above entitled matter coming on
for hearing on the 18th day of December, 1952, before the Board
of Zoning Appeals of Baltimore County, denying the petition for
reclassification from an "A" Residence Zone to a "B" Residence
Zone, but approving the reclassification from an "A" Residence
Zone to a "B" Residence Zone in regard to that part of the
property described therein; and it appearing from the facts
and evidence adduced at the appeal that the reclassification
from an "A" Residence Zone to a "B" Residence Zone would not
be detrimental to the health, safety, or general welfare of
the community and for reasons stated in the opinion; therefore,

It is this 7th day of May, 1953, Ordered by the
Board of Zoning Appeals of Baltimore County that the property
be reclassified from an "A" Residence Zone to a "B" Residence
Zone, subject to the filing of a plan approved by the Baltimore
County Planning Commission for the development of the property:
All that parcel of land described in the petition, saving and
excepting therefrom that portion more particularly described,
beginning at the beginning of the sixth or North 13 degrees 56
minutes 10 seconds West line of the land described in this
petition running thence and binding on said line 329.32 feet,
thence North 58 degrees 55 minutes 53 seconds east 1200 feet,
more or less, to the westernmost side of a 60 foot roadway and
binding thereon and running in a southerly direction a distance
of 370 feet, more or less, to intersect the northernmost side
of a 60 foot roadway there situate and binding thereon and
running in a westerly direction 1470 feet to the beginning.
Being that portion outlined in "Blue" on plot plan filed with
petition and made a part of this Order.

FILED NOV 3 1952

RE: PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "B" RESIDENCE ZONE -
Property located Northwest of Intersection of
Philadelphia Road and Chesaco Ave., 14th District -
A. J. Seling, Chas. E. Seling and Lawrence Seling
and The Hooper Co., Petitioners

NOTICE OF APPEAL

To the Zoning Commissioner of Baltimore County:

The undersigned, Petitioners in the above matter, feeling aggrieved
by the decision of the Zoning Commissioner in the above matter, desire to
appeal same to the Board of Zoning Appeals.

Please note and enter appeal to the Board of Zoning Appeals of
Baltimore County from the decision of the Zoning Commissioner of Baltimore
County in the above matter.

A. J. Seling

Charles E. Seling

Lawrence C. Seling

THE HOOPER COMPANY

By: *E. D. Smith*

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by A. J. Seling, Charles E. Seling,
and Lawrence C. Seling, and The Hooper Company, Petitioners,
from an Order of the Zoning Commissioner of Baltimore County
dated October 24, 1952, denying the reclassification from an
"A" Residence Zone to a "B" Residence Zone, but granting a
reclassification from an "A" Residence Zone to a "B" Residence
Zone of certain other property described in said petition.

The case came on for hearing before the Board, testi-
mony was taken for and against said petition, and counsel heard.

The property which is the subject of this petition is
a hilly, uneven, and rugged tract of land lying to the northwest
of the intersection of Philadelphia Road and Chesaco Avenue at
Rosedale. There is no group home development northwest of
Philadelphia Road (Route 7). To allow the Petitioner to build
group homes on the above property would be opening up of a new
area and seriously affect the present cottage neighborhood.
However, there has been some development of semi-detached houses
in this general section, and at the present time there is a
development of semi-detached houses near the intersection of
Hazelwood and Kenwood Avenues.

The erection of a large number of group homes on such
a rugged contour of land would result in an excessive flow of
water toward the Old Philadelphia Road which would subject the
drainage area on the south side of the said highway to excessive
flooding. The erection of semi-detached houses instead of group
homes would reduce the amount of roof area and allow for more
absorption by the ground of rains and waters and would also
reduce the load on the sanitary sewer system at Red House Run.
There was testimony by the Petitioners that it would be necessary
to have substantial grading of this property and the costs thereof

would only be justified by having group homes, but the Board
is of the opinion that the property could be better developed for
semi-detached homes or cottages. If either of these type
properties were built, such extensive grading would not be
necessary.

Some of the witnesses for the Petitioners claimed
that the land was needed for row houses because of industrial
and commercial growth along the Fulsaki Highway. The Board
studied the Zoning Maps covering this area of the County and
found that there is a substantial acreage zoned "B"; and from
an actual inspection of the area, found that these large tracts
have not yet been built upon, and it is of the opinion that
the acreage available for this type of development is ample.

A few of the pictures introduced by the Petitioners
were not characteristic of the general neighborhood as the
Board noted that there were many substantial individual
cottages, well landscaped, situate in this area.

From a study of the area the Board finds that a large
tract of land almost adjoining this tract was previously
subject to a petition for reclassification from "A" Residence
Zone to "B" Residence Zone, but this was denied and the
reclassification was granted from an "A" Residence Zone to a
"B" Residence Zone. Obviously it would be improper to deny
the reclassification from an "A" Residence Zone to a "B" Residence
Zone on one petition and grant the other, where in many respects
the facts and circumstances are practically the same.

The Board will, therefore, pass its Order granting a
reclassification of the property from an "A" Residence Zone to

a "B" Residence Zone subject to the filing of a plan approved
by the Baltimore County Planning Commission for the development
of the property: All that parcel of land described in the
petition, saving and excepting therefrom that portion more
particularly described, beginning at the beginning of the sixth
or North 13 degrees 56 minutes 10 seconds West line of the land
described in this petition running thence and binding on said
line 329.32 feet, thence North 58 degrees 55 minutes 53 seconds
east 1200 feet, more or less, to the westernmost side of a 60
foot roadway and binding thereon and running in a southerly
direction a distance of 370 feet, more or less, to intersect
the northernmost side of a 60 foot roadway there situate and
binding thereon and running in a westerly direction 1470 feet
to the beginning. Being that portion outlined in "Blue" on
plot plan filed with petition and made a part of this Order.

John B. Gentry
Judge

Department of Public Works
of Baltimore County
TOWSON 4, MD. 21204

JOHN B. FINK
Director and Chief Engineer

DECEMBER 15, 1952

MR. MORTON MACHT
The Nelson Construction Company
11 and 13 E. Fayette Street
BALTIMORE 2, MARYLAND

DEAR MR. MACHT:

REGARDING THE TRACT OF ABOUT 115 ACRES LYING TO THE NORTH OF PHILADELPHIA ROAD (EAST OF ROSWICK AVENUE) IN THE VICINITY OF RED HOUSE RUN, WHICH YOU HAVE BEEN DISCUSSING WITH THIS DEPARTMENT.

YOUR UNDERSTANDING OF THE SANITARY SEWER SITUATION AS SET FORTH IN YOUR LETTER TO ME OF DECEMBER 15, 1952, ARE CORRECT. IF THERE IS ANY PROBLEM, IT IS NOT THE SEWER BUT RATHER THE SIZE OF PUMPING FACILITIES. THE SEWER ITSELF IS ENTIRELY ADEQUATE TO TAKE CARE OF GROUP HOUSES ON THIS 115 ACRE TRACT WITHOUT IMPAIRING ITS USE BY THE OTHER AREAS FOR WHICH THIS SEWER IS INTENDED WHEN THESE OTHER AREAS ARE BUILT UP. IN ORDER TO ASSURE THAT THE OTHER AREAS FOR WHICH THIS SEWER IS INTENDED WILL NOT BE AFFECTED BY THE DEVELOPMENT OF THIS 115 ACRE TRACT AS A GROUP HOUSE DEVELOPMENT, WE FEEL THAT ONE OF THE PUMPS IN THE RED HOUSE RUN PUMPING STATION SHOULD BE REPLACED WITH A LARGER PUMP. IF THIS IS DONE ANY PROBLEM THAT MIGHT EXIST WOULD BE CLEANED AWAY AND THE SEWAGE DISPOSAL FROM THE GROUP HOUSE DEVELOPMENT OF THIS 115 ACRE TRACT WOULD BE TAKEN CARE OF PROPERLY AND WITHOUT INTERFERING WHATSOEVER WITH THE PRESENT OR FUTURE USE OF THE INTERCEPTOR SEWER BY THE OTHER AREAS FOR WHICH IT WAS DESIGNED WHEN THESE OTHER AREAS ARE BUILT UP.

THEREFORE, IF YOU WILL AGREE TO STAND THE EXPENSE IN CONNECTION WITH REPLACING ONE OF THE EXISTING PUMPS WITH A LARGER PUMP DESIGNED BY THIS DEPARTMENT, THE USE OF THE RED HOUSE RUN INTERCEPTOR SEWER FOR THE DISPOSAL OF THE SEWAGE FROM A GROUP HOUSE DEVELOPMENT ON THIS 115 ACRE TRACT WILL BE APPROVED BY THE COUNTY.

WITH KINDEST REGARDS, I REMAIN,

Very truly yours,
JOHN B. FINK
Chief Engineer

JBF:CEH

September 26, 1952

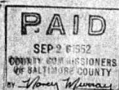
\$55.00

RECEIVED OF James J. Lindsey, Jr., Attorney for The Hooper Company, petitioner, the sum of Fifty Five (\$55.00) Dollars, being cost of petition for reclassification, advertising and posting property, property at Roswicks.

Zoning Commissioner

Hearings
Monday, Oct. 6, 1952
at 11:00 a.m.

base-out of
Rosedale Building
Towson, Md.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#2359

Date of Posting: Sept. 26, 1952

District 14th

Posted for: In "A" Residence Zone to a "B" Residence Zone

Petitioner: The Hooper Company

Location of property: Philadelphia Road opp. Chesaco Avenue - see plat

Location of Signs: One sign in center of property one sign at end of Selling Ave., one sign at intersection of Pine Crest & Pine Grove Aves., one sign 2500 feet, 7500 feet on E.S. Roswicks Ave., north of Philadelphia Road opp. Chesaco Avenue

Remarks:

Posted by: George B. Howell

Signature

Date of return: Sept. 26, 1952

True Copy-Test

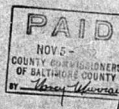
Henry M. Murray
Zoning Commissioner of Baltimore Co.

November 3, 1952

\$22.00

RECEIVED OF William B. Davidson, Attorney for A.J. Selling, et al, petitioners, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals from Baltimore County/Decision of the Zoning Commissioners rendered in the matter of reclassification of property located northwest of the intersection of Philadelphia Road and Chesaco Avenue, 14th District.

Zoning Commissioner



SEP 29 1952

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 26, 1952

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on ~~each~~ at 2 times ~~before the~~ before the 8th day of October 1952, the first publication appearing on the 19th day of September 1952.

THE JEFFERSONIAN,

Manager

Cost of Advertisement, \$

True Copy-Test:

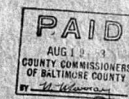
Henry M. Murray
Zoning Commissioner of Baltimore County

August 19, 1953

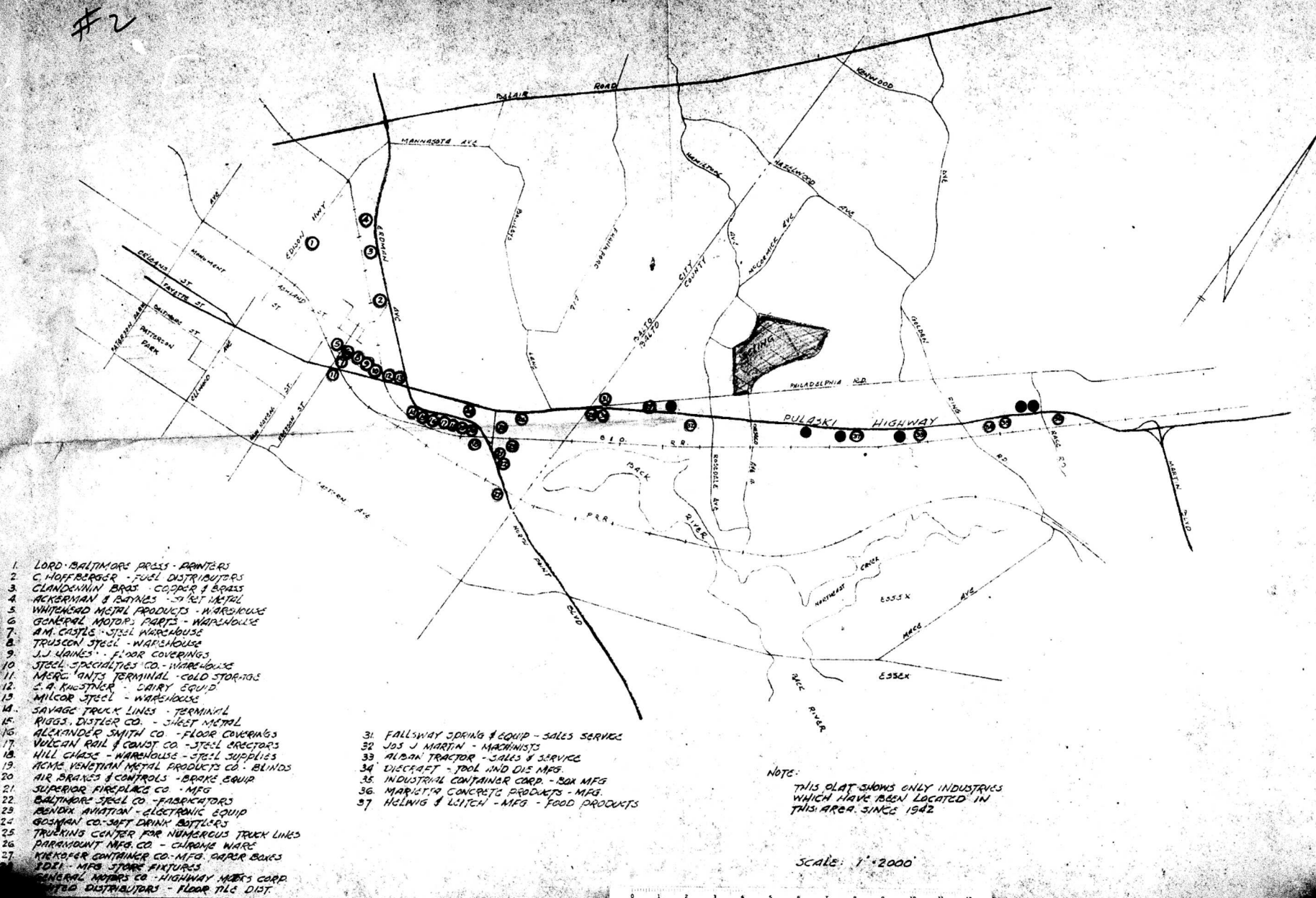
\$30.20

RECEIVED OF The Hooper Company, et al, the sum of \$30.20 being cost of certified copies of petition and other papers filed in the matter of reclassification of property now located at intersection of Philadelphia Road and Chesaco Avenue, 14th District.

Zoning Commissioner



#2

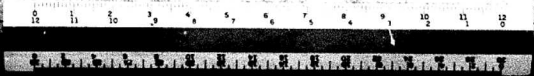


1. LORD-BALTIMORE PRESS - PRINTERS
2. C. HOFFBERGER - FUEL DISTRIBUTORS
3. CLANDENIN BROS. - COPPER & BRASS
4. ACKERMAN & BAYNES - AIR-SET METAL
5. WHITENAD METAL PRODUCTS - WAREHOUSE
6. GENERAL MOTORS PARTS - WAREHOUSE
7. A.M. CASTLE - STEEL WAREHOUSE
8. TRUSCON STEEL - WAREHOUSE
9. J.J. HAINES - FLOOR COVERINGS
10. STEEL SPECIALTIES CO. - WAREHOUSE
11. MERRILL'S - TERMINAL - COLD STORAGE
12. E.A. KROSTNER - CARRY EQUIP
13. MILCOR STEEL - WAREHOUSE
14. SAVAGE TRUCK LINES - TERMINAL
15. RIGGS, DISTER CO. - SHEET METAL
16. ALEXANDER SMITH CO. - FLOOR COVERINGS
17. VULCAN RAIL & COAST CO. - STEEL DIRECTOR'S
18. WILL CHASS - WAREHOUSE - STEEL SUPPLIES
19. HOME VENTURIN METAL PRODUCTS CO. - BLINDS
20. AIR BRACKS & CONTROLS - BRACK EQUIP
21. SUPERIOR FIREPLACE CO. - MFG
22. BALTIMORE STEEL CO. - FABRICATORS
23. BENDIX AVIATION - ELECTRONIC EQUIP
24. GOSMAN CO. - SOFT DRINK BOTTLES
25. TRUCKING CENTER FOR NUMEROUS TRUCK LINES
26. PARRAMOUNT MFG. CO. - CHROME WARE
27. KREKOFER CONTAINER CO. - MFG. CARP BOXES
28. IDEL - MFG. STORE FIXTURES
29. GENERAL MOTORS CO. - HIGHWAY MOTOR CORP
30. RATED DISTRIBUTORS - FLOOR TLE DIST.

31. FALLSWAY SPRING & EQUIP - SALES SERVICE
32. JOS J MARTIN - MACHINISTS
33. ALBAN TRACTOR - SALES & SERVICE
34. DIECKMAY - TOOL AND DIE MFG.
35. INDUSTRIAL CONTAINER CORP. - BOX MFG
36. MARIETTA CONCRETE PRODUCTS - MFG.
37. HELWIG & WITCH - MFG - FOOD PRODUCTS

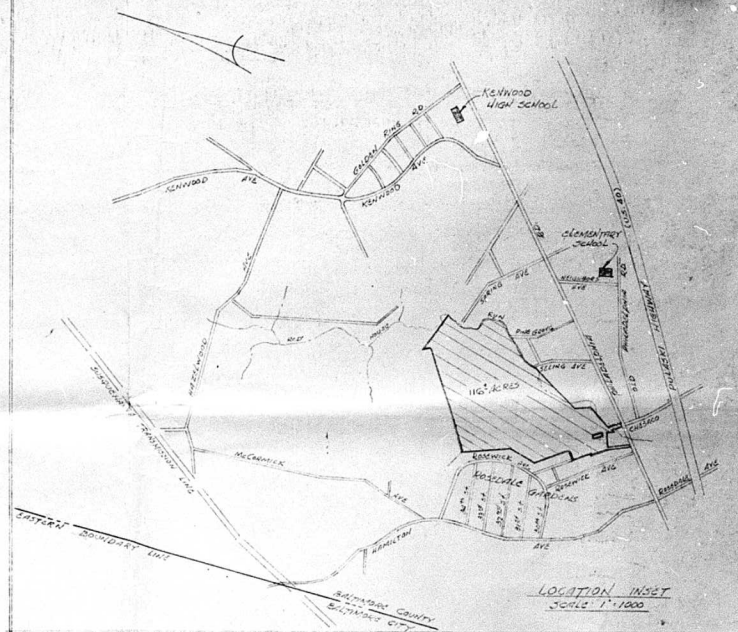
NOTE:
THIS PLAT SHOWS ONLY INDUSTRIES
WHICH HAVE BEEN LOCATED IN
THIS AREA SINCE 1942

SCALE: 1" = 2000'









LOCATION INSET
SCALE 1"=1000

PRELIMINARY SUBDIVISION PLAN
THE HOOPER CO
14TH DISTRICT
BALTIMORE COUNTY MD

AREA OF WHOLE TRACT - 116⁺ acres
Cottages - 50
Groups - 200 groups
School Site 7 or 20 acres
- Very steep

