IN THE CIRCUIT COURT

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

> A. J. Reling Charles E. Seling

OPINION OF THE BOARD OF ZONING APPEALS PALTIMORE 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 Catober 24, 1952, denying the reclassification from an "A" Residence Zone to a "D" 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, testimony 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 PhilsGolphia Road (Route 7). To allow the Petitioner to build group homes on the above property would be opening up of a new eres 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 Konwood 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 tystem 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 ORDER

Upon the aforegoing petition and affidurite, it is this 29th day of Judy 1953, by the Circuit Court for Baltimore County CREEKED,

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

(2) That the Board of Soning Armeals of Baltimore County be and it is howeby required to return to this Court the original papers acted upon by it in the within proceedings, or certified or seors 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 naterial to show the grounds of the decision and Order appealled from and

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True Copy Test

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

Some of the witnesses for the Petitioners claimed that the land was needed for row houses because of industrial and commercial growth along the Fulaski Highway. The Board studied the Zoning Maps covering this area of the County and found that there is a substantial acreage zoned "D"; and from an actual inspection of the area, found that those 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.

Prom 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 "D" 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 "D" 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

RE: PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "D" RESIDENCE ZONE -RESIDENCE ZONE TO A "D" RESIDENCE ZONE -Property located Northwest of intersection of Philadelphia Road and Chesaco Ave., Lith 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 "D" 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 7 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 cost 1200 Cost 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 patition and made a part of this Order.

FILED NOV 3 1952

RE: FETTION FOR RECIASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "NO" RESIDENCE ZONE Property located Northwest of Intersection of
Finisestphia Road and Obsacc Ave., 14th District
A. J. Seling, Ohne: R. Seling and lawrence Seling
and Too Hooper Co., Politioners

NOTICE OF APPEAL

To the Zoning Commissioner of Baltimore County;

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

Please note and enter appeal to the Board of Zoning Appeals of minore County from the decision of the Zoning Commissioner of Baltimor

Lawrence C. Saling

... €0 S.A.

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 potition and made a part of this Order.

NOTICE OF APPEAL

10/31/52

To the Zoning Commissioner of Baltimore County:

The Petitioners in the above matter, feeling aggrieved by the decision of the Zoning Commissioner, 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 Commissions Baltimore County in the above matter, dated Oct. 24, 1952.

mus & Kinken

True Copy-Tests

Life Zoning Commissioner of Baltimore County

DESCRIPTION OF LAND TO BE RE-CLASSIFIED FROM AN "A" RESIDENTIAL ZONE
TO A "D" RESIDENTIAL ZONE - THE HOOPER COMPANY

BEGINNING for the same at the end of the third or north 67 degrees 11 minutes cost 25 and 58/100ths foot line of the tract of land described in deed to Ethel Hodges dated November 4, 1949 and recorded among the Land Records of Beltimore County in Liber T.B.S. No. 1794 folio 377 and running thence and binding on the outlines of the several traute of land comprising this development or subdivision as shown on the plat filed with the Zoning Cormissioner of Ealtimore County the following commes and distances, viz: *north 33 degrees 06 minutes 40 ands west 308 and 41/100ths feet, north 50 degrees 18 minutes 10 seconds east 148 and 5/10ths feet, north 33 degrees 47 minutes 10 seconds west 740 and 85/100ths feet, north 21 degrees 22 minutes 00 seconds east 485 and 96/100ths feet, north 20 degrees 28 minutes 10 seconds west 656 and 65/100ths feet, north 13 degrees 59 minutes 10 seconds west 329 and 32/100ths feet, north 58 degrees 55 minutes 53 seconds east 1958 and 7/10ths feet, north 17 degrees 17 minutes 18 succends west 82 and 5/10ths feet, south 73 degrees 47 minutes 18 secondo east 726 feet, south 6 degrees 42 minutes 42 seconds west 70 and 95/100ths feet, south 57 degrees 12 minutes 42 seconds west 99 feet, south 0 degrees 22 minutes 42 seconds west 110 and 55/100ths feet, south 29 degrees 07 minutes 42 seconds west 166 and 65/100ths feet, south 16 Segrees 37 minutes 18 seconds cast 277 and 2/10ths feet, south 61 degrees 48 minutes 00 seconds east 66 feet, north 81 degrees 52 minutes 00 seconds east 103 and 95/100ths feet, north 79 degrees 37 minutes 00 seconds cont 82 and 5/10ths feet, south 0 degrees 02 minutes 00 seconds west 240 and 9/10ths feet, south 21 degrees 17 minutes 00 seconds west 165 feet, south 46 degrees 27 minutes 00 seconds west 99 feet, south 45 degrees 00 minutes 00 seconds went 303 and 6/10ths feet, south 35 degrees 52 minutes 41 seconds west 540 feet, south 4 degrees 36 minutes 10 seconds west 50 and 41/100ths feet, south 40 degrees 48 minutes 50 seconds west 829 and 25/100ths feet and south 17 degrees 58 minutes 00 seconds cast 275 feet, thence leaving the outline of the tract and running southwesterly by a straight line 950 feet, more or less, to the place of beginning.

The courses used in describing the above tract of land are according to the True Maridian as established in the Baltimore County Metropolitan District.

HE FEITHER NOR RECLASSIFICATION FICE AN "A" ENGINEER ZONE TO A "P" RESIDENCE ZONE— FROMITY Located Northwest of Inter-section of Philosophia Road and Ing. Company of the Principle of the Company of the E. Seling on Soling and The Rooms Co., Feithiosers

The property which is the subject of this petition lies to the northwest of the intersection of Palicalphia Road and Chasaco Lawrens, Resealch and the contraction of the complete of a contraction of the complete of the com

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The contribute savage to this interceptor.

Testingon's introduced as the hearing by residents of the area was to the first and the contribute of the area was to the first and the contribute of the contribute o

One consideration overlapsement in the opinion of the loning Consistence of Stations County that the melastication of this property to allow the contrast that the property to allow the contrast that the property of the contrast that the contrast

It is organized by the Loning Commissioner of Baltimore County, this angle of October, 1952, that the show putting for reclassification from my "Residence Zone to my "Residence Zone, subject to the filling of a plan sprace of the Markov County Flanning Commission for the development of this property;

PETITIONERS' EXHIBIT NO. 1 PARKER W. PRAMES INGRAHAM M. KNIGHT

PARKER W. FRAMES REALTOR
LORD BALTIMORE HOTEL

SALES - RENTALS - APPRAISAL

October 4, 1952

Mr. James J. Lindsay, Esquire 111 E. Fayette Street Baltimore

Dear Mr. Landsau

In accordance with your request we submit the following report of our observations of industrial gravith in the eastern section of the property of the section of the section of the section of the relation of the section of the relation of the section of the sec

The industrial growth and sciivity in the above area exceeds that in any other section of the City or County, with the tanking us of evaluable land in the City for the growth and the accompanion of the City or the City or the section of the City or the section of the City or the section and the City or the section of the City of

As evidence of this development the following in-dustries are among those that have located in the area since 1942:

uries are among those that have located in the area since 1942;
100 Edison Highway
1100 Endam Avenue
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All that parcel of land described in the petition market and excepting therefore that portion more acting that the continue of the either fore that 30 eye set of the sith the right 13 deye set of similar 10 seconds West libro of the land described in this patition running them for the sith second seat 100 feet, were or less, to the meta-remot tide of a 50 for the secondary direction a distance of 100 feet, were caucherly direction a distance of 100 feet, more or less, to the meta-remote tide of a 50 foot secondary direction a distance of 100 feet, more or less, to intersect the northermore tide of a 50 foot last, and the secondary direction and the secondary direction and the secondary direction 100 feet to beginning. Setting that portion outlined in "Rime" on plet plan filled with petition and make a part of this cighre.

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PWF:P

South Side Erdaan Avenue - Fulaski Ny. to North Ft. Road
North Foint Road - S. of S. de Revenue - Fulaski Ny. to North Ft. Road
North Foint Road - S. of S. de Revenue - Fulaski Road
Baltimore Steel Co. - fabricators
Bendix Avistich - electronic equip.
Ocean Co. sort drink bottler Pulsaki Ny. & Debelius - Bendix Aviatioh - electronic equip.

North Foint Rd. & Pulsaki Ny. - Pulsation conter for numerous SSOS Pulsaki Ny. - Pulsation conter for numerous Possos Pulsaki Ny. - Pulsation conter for numerous Possos Pulsaki Ny. - Pulsaki N

In addition to the above there have been a number of industries that have located plants or purchased land for future chants along the control of the control of the control of the control of the latent Avenue and Sparrows found. Nevere, many industries prefer to locate near the truck routes which use the Nulsati Ny. and along the main lines of the relirosche paralleling the Pulsati Highway.

Yours very truly, Harlint have Parker W. Frames

Petition for Zoning Re-Classification

I, or we, the undersigned (The Hooper Co. et al) legal owner ... of the property situate in the Fourteenth District of Baltimore County, description of which is attached hereto and made a part hereof.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence ... zone to an ."D" Residence ... zone Reasons for Re-Classification . Development of the land

Size and height of building: front ______feet; depth ______feet; height ______ Property to be posted as prescribed by Zoning Regulations

I, or we, agree to pay expenses as are to be bound by the sasing regions of this potential, and further agree to and are to be bound by the sasing regions.

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AND ADMINISTRATION OF SALING LAWRENCE AND ADMINISTRATION OF SALING LAWRENCE AND ADMINISTRATION OF SALING ADMINISTRATION OF

Legel Owner of the portion of the herein described tract which is not owned by the Selings

2359

ORDERED By The Zoning Committeioner of Baltimore County, this 19th September 19.52, that 'he subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a new spaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the ... day of October 19 52 at 12:00 clock A. M

Zoning Commissioner of Baltimore County

6-5/GUS)

PETITIONS EXPIBIT NO. 5 MOSTON MACHY 11 AME PATETY STREET SALTIMORE & MARYLAN

December 15, 1952

Eith reference to the treat of land which we have been dis-cussing consisting of about 116 series lying to the north of foot for the land of the land of the land of the land of of field flower flow what the flowering knowledge to re-scaning proceedings now being conducted to change the scoting to a group bosse classification.

group noise classification.

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Your confirmation of the above will be appreciated

Yours way truly.



DECEMBER 15, 1952

MR. MORTON MACHT
THE WELSH CONSTRUCTION COMPANY
11 AND 13 E. FAYETTE STREET
BALTIMORE 2, MARTLAND

DEAR MR. MACHT:

REGARDING THE TRACT OF ABOUT 116 ACRES LYING TO THE NORTH OF PHILADELPHIA ROAD (EAST OF ROSEVICE AVENUE) IN THE VICINITY OF RED HOUSE RUN, WHICH YOU HAVE BEEN DISCUSSING WITH THIS DEPARTMENT.

VIEW THIS DEPARTMENT,

YOUR UNDERSTANDING OF THE SANITARY SEWE STITUSTION
AS SET FORTH IN YOUR LETTER TO ME OF DECEMBER 15, 1952, AME
COMMECT. IT THESE IS ANY PROMISE, IT IS NOT THE SOURS MEY
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THEREFORE, IF YOU WILL AGREE TO STAND THE EMPHASE IN CONCECTION WITH REPART IND. ONE OF THE CENTRING PHAPE WITH A LANGE PARK BERKET OF THE PROPERTY ON THIS 110 ACRE TRACT WILL BE APPROVED BY THE COURTY.

WITH KINDES! REGARDS. | REMAIN

JB! : E 1 K

September 26, 1552

RECEIVED of James J. Lindsay, Jr., Attorney for The Hooper Company, petitioner, the sum of Fifty Five (%5.00) Dollars, being cost of petition for reclassification, acvertising and posting property, property at Recodals.

Coming Commissioner

Bearings

Honday, Oct. 6, 1952 at 11:00 a.m.



#2359

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date of Posting Sept. 2h, 1952 Posted for: _An "A" Residence Zone to a "D" Residence Zone Location of property: Philodelphia Road opp, Gresace Avenue - see plat

Location of Signar. One sign is general of property; one sign at end of Seling Away, one sign an abstract of the Grant & Fine Grown Away, one sign 2000 feet 175000 feet on E.S. Thirdworld of Fine Grant at Finite Selection of the Selection of Fine Grant at Finite Selection of the Selection of Finite Selection of Sele

Posted by George R. Humes

Petitioner: The Hooper Company

Sept. 2h, 1952 Date of return:----

True Copy-Test: Lift comissioner of Mito. Co.

Hovember 3, 1952

122.00

I TO A CONTRACTOR

MECHIND of Miliam B. Davidson, Attorney for A.J. Seling, et al, petitioners, the sum of Twenty Top (#22.00) Dollars, being cost of appeal to the Board of Zening Appeals
from
of Baltimore County/The decision of the Zening Count sioner rendered in the matter of reclassification of property located northwest of the intersection of Philadelphia Road and Chesaco Avenue, 14th District.



RECO SEP 29 1952

SOTICE OF BOXING PETITION FOR

CERTIFICATE OF PUBLICATION

TOWSON, MD ... September 26, 19.52

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., CREATER AND CO. zr 2 times saxxxxxxxx before the 6th day of October 19_52, the first publication appearing on the 19th day of September

THE JEFFERSONIAN,

Cost of Advertisement, \$.

True Copy-Test:

August 19, 1953

\$10.20

RECEIVED of the Hooper Company, et al, the sum of 20.20 being cost of certified copiesof petition and other papers filed in the matter of reclassification of property nor threat of intersection of Philadelphia Road and Chagaco Avenue, 14th District.

Zoning Comissioner











