

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Mr. & Mrs. Edgar L. Seipp
I, or we, Mr. & Mrs. Edgar L. Seipp, 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from R-6 zone to an

area have occurred so that the most desirable and best use of this property would be for uses permitted in an RA zone. 2. That had the improvements and type of construction which has occurred since the adoption of the original zoning been contemplated at the time of its adoption, the proper zoning for this land would have been RA. 3. That there was error in failing to zone this property RA originally in view of the uses and development of property which had occurred was then being planned and which has since taken place. 4. That there is a need for RA zoning in the area, by reason of its proximity to large employers of personnel.

See Attached Description
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or 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.

Charlan Realty Corporation
BY: Edgar L. Seipp
Contract purchaser
Address 1154 Maryland National Bank Bldg.
Azzuel and Gann
Petitioner's Attorney

Address 1154 Maryland National Bank Bldg.
Baltimore 2, Maryland
Protector's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of March, 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1965, at 2:00 o'clock

(over)

Matz, Childs & Associates, Inc.
Engineers - Surveyors - Site Planners
2729 N. Charles St. - Baltimore, Maryland 21204
663-5555

19.2⁺ ACRE PARCEL - SOUTH OF DOGWOOD ROAD -
SOUTHEAST AND NORTHEAST OF RICHARTS AVENUE -
1st ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Present Zoning - R6
Proposed Zoning - RA

Beginning for the same at a point in the centerline of Dogwood Road at the distance of 400 feet, more or less, as measured easterly along said centerline from its intersection with the centerline of Gaymount Road, said point of beginning being at the beginning of the second line of that parcel of land described in a deed from Richmer Realty Corporation to Melvin Joseph Carman and wife, dated November 1, 1954 and recorded among the Land Records of Baltimore County in Liber G. L. B. 2585, page 350, running thence and binding on the second and third lines of said parcel, the two following courses and distances, (1) S. 00° 54' E - 13.3 feet and (2) S. 76° 45' E - 67.6 feet to the end of the second line of the first parcel of land described in a deed from Daisy L. Williams to Morgan Elmer Kirk and wife, dated June 18, 1928 and recorded among said Land Records in Liber W. H. M. 656, page 456, thence binding reversely on the second line of said first parcel conveyed to Kirk and reversely on the last line of the second parcel in said deed to Kirk, and binding on the northwest side of a road, 20 feet wide, known as Richarts Avenue, in all, S. 37° 39' 40" W - 311.43 feet to the beginning of that parcel of land described in a deed from Olive S. Carle and husband to Edgar L. Seipp and wife, dated May 28, 1951 and recorded among said Land Records in Liber G. L. B. 2120, page 40, thence binding reversely on the seventh

EDGAR L. SEIPP,
MELVIN J. CARMAN and
ELMER KIRK,
Plaintiffs

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

8/138/3621

WILLIAM S. BALDWIN, et al,
Constituting the County Board of
Appeals of Baltimore County

and

JOSEPH L. COURSEY,
WILLIAM P. MURPHY,
MARIE BARNOWICH,
EMMA M. PENN, and
CHRISTOPHER A. MURPHY,
Protestants and
Intervenors

MOTION TO DISMISS

Mr. Clerk:

Please dismiss the Appeal on the above captioned case without prejudice.

W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
823-1200
Attorney for Plaintiffs

I hereby certify that a copy of the foregoing was mailed this day of February, 1965, to Harry S. Swartzwelder, Jr., 1708 Munsey Building, Baltimore, Maryland, 21203, Attorney for Intervenor.

W. Lee Harrison

EDGAR L. SEIPP, et al
Plaintiffs

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

AT LAW

WILLIAM S. BALDWIN, et al
constituting the County Board of
Appeals of Baltimore County
Defendants

ORDER FOR APPEAL

Mr. Clerk:

Please note an Appeal, on behalf of Edgar L. Seipp, et al, Plaintiffs in the above entitled case, from the County Board of Appeals to the Circuit Court for Baltimore County, in the matter of a Petition for Reclassification from an "R-6" Zone to an "R-A" Zone located on the south side of Dogwood Road, 400' east of Gaymount Road, in the First Election District of Baltimore County, said tract being owned by the Plaintiffs.

This Appeal is from the Opinion of the County Board of Appeals of Baltimore County on Petition #65-282-R and the Order passed pursuant to such Opinion on September 29, 1966, by virtue of which the requested reclassification was denied.

This Appeal is filed pursuant to the provisions of Maryland Rules B2 and B4.

W. Lee Harrison
607 Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204
823-1200
Attorney for Plaintiffs

I hereby certify that on this day of October, 1966, copy of the foregoing Order for Appeal was sent to Harry S. Swartzwelder, Esq., Munsey Building, Baltimore, Maryland 21202 and to the County Board of Appeals, County Office Building, Towson, Maryland 21204.

W. Lee Harrison

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an R-6 zone to an R-A zone : COUNTY BOARD OF APPEALS
S/S Dogwood Road 400' East of :
Gaymount Road, : OF
1st District :
Edgar L. Seipp, et al, : BALTIMORE COUNTY
Petitioners :
No. 65-282-R

OPINION

This case represents a petition for a reclassification of zoning from R-6 to R-A, the proposal being to erect, on a tract of approximately nineteen (19) acres with a frontage of only 253 feet on Dogwood Road east of Gaymount Road, a complex of garden type apartments to contain 279 family units. It is presently zoned as R-6 under which classification, according to the testimony of petitioners' witness, Lester L. Matz, who prepared the site plan, it could carry eighty-four individual cottages or one hundred semi-detached homes.

The land is completely surrounded by individual cottage development with the exception of a large church and school operated by Our Lady of Perpetual Help Church which is on the north side of Dogwood Road.

The petitioners presented expert testimony to the effect that sewer disposal and water supply constituted no problem, and to the effect that apartments would be the "highest and best use" for the tract. However, Mr. Matz, on cross-examination, stated that there was nothing in the topography to prevent the use of the land for normal R-6 development.

Mr. Robert Czaban, a traffic engineer employed by Matz, Childs and Associates, testified that the proposed development would present no hazards or congestion traffic wise, although Dogwood Road varies between a width of only eighteen feet at Hillcrest Road to twenty-four feet between Gaymount and the west end of the property, with one foot wide shoulders and open ditches on both sides of the road. It is probably true that apartment development would not generate sufficient traffic to exceed the theoretical capacity of Dogwood Road, but the pictures introduced into evidence, as well as an inspection of the site by the Board, show that Dogwood Road is not exactly a major arterial highway in the vicinity, and with the location of the school some serious problems would occur if there were any sudden increase in traffic on this road as it now exists.

Mr. Frederick P. Klaus, an expert realtor and appraiser who had studied the area, testified that garden type apartments would be the highest and best use for this land; that they would not depreciate the surrounding properties; and listed as changes in the area a number of reclassifications to MLR and other manufacturing zones. There have been no zoning changes to R-A on the outside of the Beltway in this vicinity.

Edgar L. Seipp, et al - #65-282-R

For the protestants, a number of property owners in the neighborhood testified, almost unanimously, that apartment development in this area would depreciate the value of their homes and would, in itself, change the entire character of this residential neighborhood, which is a well developed section of individual family homes and has been in the past a very stable neighborhood, one witness testifying, for example, that on his street out of fourteen homes only two of them have changed hands in the last ten years. Their testimony also stated that there were no changes in the neighborhood except for industrial zoning along the Baltimore County Beltway, and they were also unanimous in the opinion that such high density as proposed in this case would cause traffic congestion as well as dangerous conditions at the various intersections of side streets with Dogwood Road in this area.

Mr. George E. Gavrellis, Director of Planning and Zoning for Baltimore County, testified, among other things, that, in his opinion, there had been no change in the neighborhood nor was there any error in the original zoning. Further, he stated that Dogwood Road and Rolling Road are both completely inadequate to handle any greatly increased traffic; that he felt the nearby change to MLR did not justify R-A on this property; and he referred to the present application as an attempt for "spot zoning utterly incongruous with the surrounding area".

In view of the above evidence, the Board finds, as a fact, that there was no error in the original zoning; there have not been sufficient changes in the area to warrant the rezoning, and that the question of the effect of this application on the general welfare caused by traffic conditions is at least debatable and might very well lead to unwarranted hazards.

The decision of the Zoning Commissioner will, therefore, be affirmed and the petition will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 29th day of September, 1966 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

Edgar L. Seipp, et al - #65-282-R

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alberman

LAW OFFICE:
W. LEE HARRISON

306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

June 4, 1969

AREA CODE 201
823-1200

Mrs. Edith Eisenhart
Zoning Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Caplan - Dogwood Road

Dear Mrs. Eisenhart:

Enclosed please find a copy of the Motion to Dismiss in connection with the above captioned matter.

Very truly yours,

W. Lee Harrison

J

Encl.

10-7-70

PETITION FOR RECLASSIFICATION
1st DISTRICT
ZONING: From R-4 to R-4A
Zone.
LOCATION: South side of
Dugwood Road 400 feet east of
Chesapeake Avenue.
DATE & TIME: Wednesday,
April 14, 1965 at 2:00 P.M.
PUBLIC HEARING: Room 100,
County Office Building, 111
S. Chesapeake Avenue,
Towson, Maryland.
Present: Zoning - R-4
Proposed Zoning - R-4A
All that parcel of land in the
First District of Baltimore
County.

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. March 24, 1965

THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 14th day of April 1965, the first publication appearing on the 25th day of March 1965.

THE TIMES

Manager
John M. Martin

Cost of Advertisement \$38.00
Purchase Order A8040
Requisition No. P2080

PETITION FOR RECLASSIFICATION
1st DISTRICT
ZONING: From R-4 to R-4A
Zone.
LOCATION: South side of
Dugwood Road 400 feet east of
Chesapeake Avenue.
DATE & TIME: Wednesday, June 2,
1965 at 2:00 P.M.
PUBLIC HEARING: Room 100,
County Office Building, 111
S. Chesapeake Avenue, Towson, Md.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing for the purpose of receiving testimony and suggestions from the public relative to the proposed reclassification of the above described land from R-4 to R-4A Zone.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 14, 1965

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of one successive weeks before the 14th day of May 1965, the first publication appearing on the 14th day of May 1965.

THE JEFFERSONIAN

Manager
H. Frank Smith

Cost of Advertisement \$.....

MICROFILMED

PETITION FOR RECLASSIFICATION
1st DISTRICT
ZONING: From R-4 to R-4A
Zone.
LOCATION: South side of Dugwood
Road 400 feet east of Chesapeake
Avenue.
DATE & TIME: Wednesday, April
14, 1965 at 2:00 P.M.
PUBLIC HEARING: Room 100,
County Office Building, 111
S. Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing for the purpose of receiving testimony and suggestions from the public relative to the proposed reclassification of the above described land from R-4 to R-4A Zone.

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MICROFILMED

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THE TIMES

Manager
John M. Martin

Cost of Advertisement \$40.00
Purchase Order B0110
Requisition No. P2082

MICROFILMED

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

To: Edgar L. Seipp, et al.
1905 Maryland Building, South Side,
Chesapeake Avenue, Towson, Maryland

AMOUNT TO ACCOUNT FOR \$2,863.11

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	REMITTANCE
1	Cost of copy of Bill of Sale, et al. (See Attached)	2,863.11

7-2863 2199 • 28631 T10- 5000

MICROFILMED

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Edgar L. Seipp, et al.
1905 Maryland Building, South Side,
Chesapeake Avenue, Towson, Maryland

AMOUNT TO ACCOUNT FOR \$2,863.11

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PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

To: W. Lee Seipp, Jr., et al.
1905 Maryland Building, South Side,
Chesapeake Avenue, Towson, Md. 21204

AMOUNT TO ACCOUNT FOR \$2,863.11

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	REMITTANCE
1	Cost of copy of Bill of Sale, et al. (See Attached)	2,863.11

7-2863 2199 • 41074 T10- 5000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

To: John L. Seipp, Jr., et al.
1905 Maryland Building, South Side,
Chesapeake Avenue, Towson, Maryland

AMOUNT TO ACCOUNT FOR \$2,863.11

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	REMITTANCE
1	Cost of copy of Bill of Sale, et al. (See Attached)	2,863.11

7-2863 2199 • 41085 T10- 5000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

65-282 R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: July 12, 1965

Posted for: Appeal

Petitioner: Edgar L. Seipp, et al.

Location of property: 400' East of Chesapeake Ave. 400' East of Chesapeake Ave.

Location of Sign: 400' East of Chesapeake Ave. 400' East of Chesapeake Ave.

Number: 65-282 R

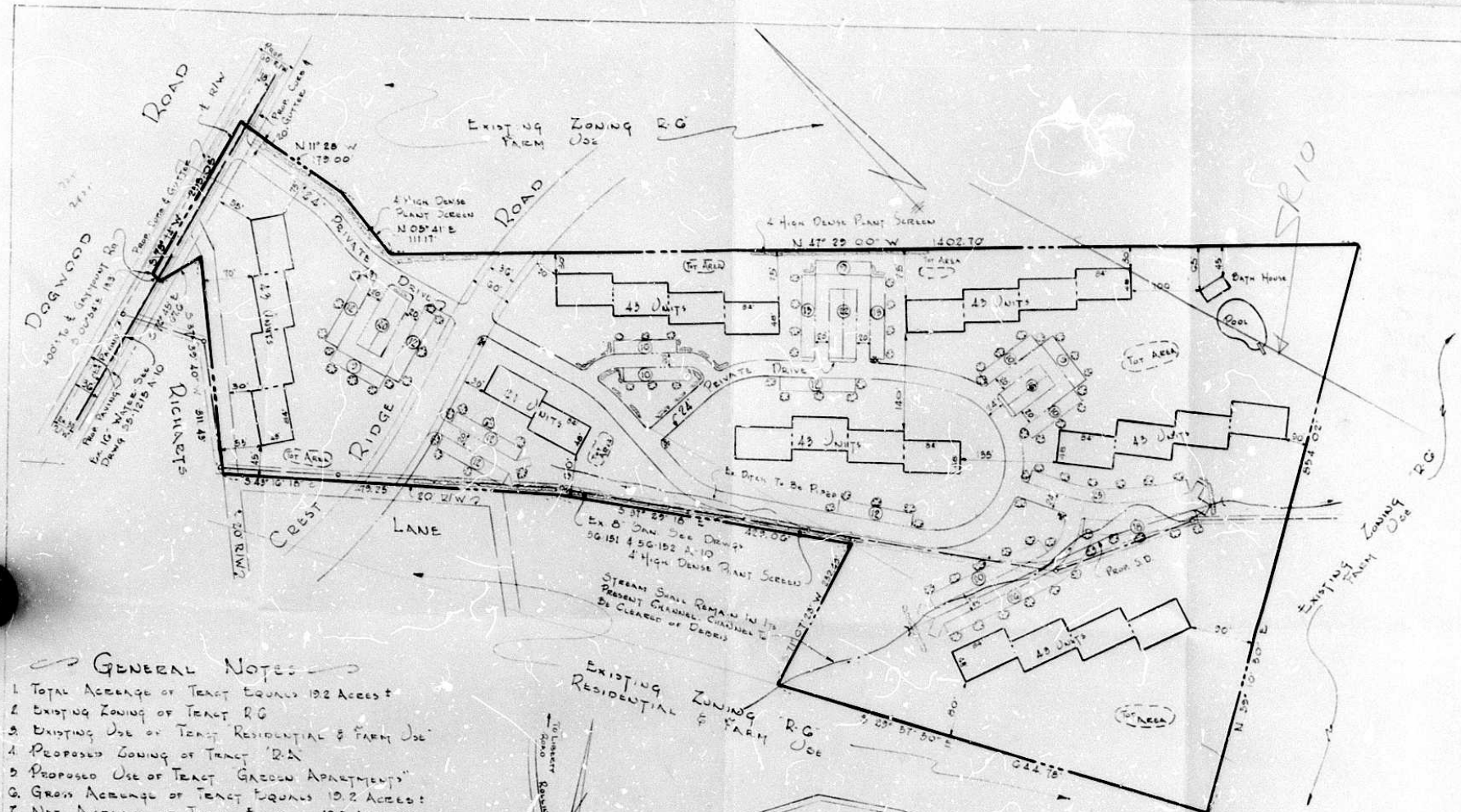
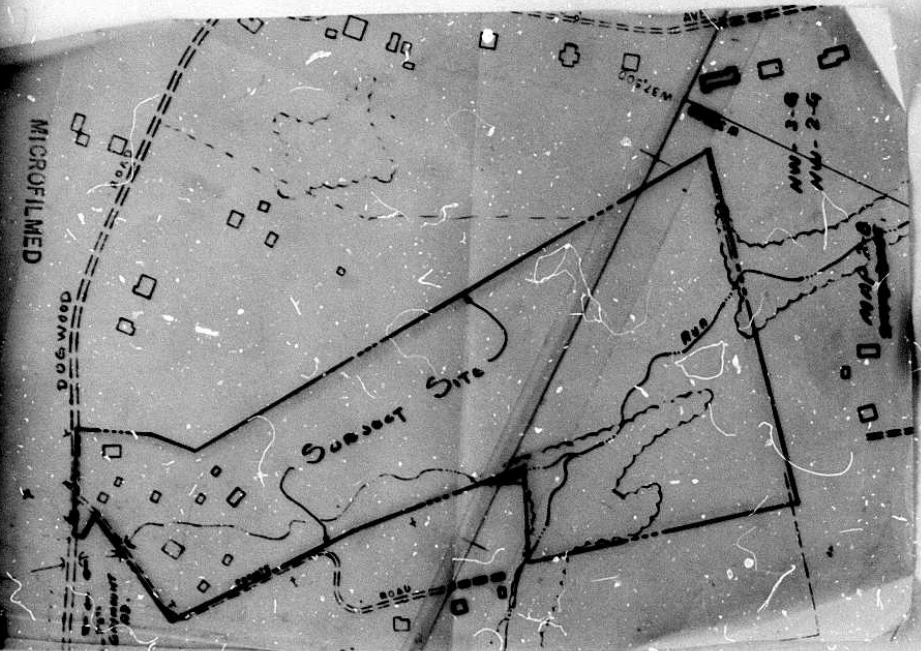
Posted by: J. Seipp

Date of return: July 22, 1965

3 signs

10-7-70

MICROFILMED



- GENERAL NOTES**
1. Total Acreage of Tract Equals 192 Acres ±
 2. Existing Zoning of Tract R-G
 3. Existing Use of Tract Residential & Farm Use
 4. Proposed Zoning of Tract R-G
 5. Proposed Use of Tract "Green Apartments"
 6. Gross Acreage of Tract Equals 192 Acres ±
 7. Net Acreage of Tract Equals 185 Acres ±
 8. Gross Density Equals (192 ÷ 10) 307 UNITS
 9. Net Density Equals (185 ÷ 10) 383 UNITS
 10. Number of Apartments This Plan Equals 279 UNITS
 11. Required Off-Street Parking Equals (8 1/2 × 20) 270 UNITS
 12. Proposed Off-Street Parking Equals (8 1/2 × 20) 312 UNITS
 13. Existing Buildings on the Subject Tract Shall Be Removed.

LOCATION PLAN
65-282R
MAP
2-B
WESTERN
AREA
NW 3 G
NW-2 G

PLAN TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
DOGWOOD RD. & RICHARDS AVE.
ELECTION DISTRICT 1 BALTIMORE COUNTY, MD
SCALE 1"=100 DEC 5, 1960 MICROFILMED

MATZ, GILLES & ASSOCIATES			
2100 N. HANCOCK STREET			
BALTIMORE, MARYLAND			
DATE	COMPILED	INDEXED	
6-2-62	CRS	RLS	PL