## PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Nr. & Mrs. Edger L. Seipp

I. or we Mr. & Mrs. Melvin Joseph Cartane s of the property situate in Baltimore

I. or we Mr. Norgan Light Lagrange and the property situate in Baltimore

County and which is described in the description and plat attached hereto and made a part hereof, we start the second of the property situate in Baltimore

Output

Description of the property situate in Baltimore in the description and plat attached hereto and made a part hereof, we start the property situate in Baltimore in the property situate in the property situate in Baltimore in the property situate in hereby petition (1) that the zoning status of the hereia described property be re-classified, pursuant packa

to the Zoning Law of Baltimore County, from 2...... B-6......

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 p. f. 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 Paltimore 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 Baltim County.

Cherlan Realty Corporation ... BY: Mulin Contract purchaser

Y: Address (923 log over MA

Contract purchaser

1154 Maryland National Bank
Bldg.

Address (120 Address (120

Address 1154 Maryland National Rank Bldg. Baltimore 2, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd ...., 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 through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning ner c. Baltimore County i.1 Room 106, County Office Building in Towson, Bal County, on the 14th 

- Par 109 2+ 67 AM not C. K. Rittenhouse

June 4, 1969

LAW OFFICE W. LEE HARRISON CHARLES E. BIRRORS TOWSON, MARYLAND 1204

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

Re: Caplan - Dogwood Road

Enclosed please find a copy of the Motion to Dismiss

in connection with the above captioned matter.

Very truly yours Lee

W. Lee Harrison

Norman F. Herrore

MAIZ, CHILDS & ASSOCIATES, INC. Enderers - Surveyors - Site Plenore 2129 N. Charles St. - Baltimore, Navoland 21211

19. 2 ACRE PARCEL - SOUTH OF DOGWOOD ROAD

\$65.282R SOUTHEAST AND NORTHEAST OF RICHARTS AVENUE -1st ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Present Zoning - Ro Proposed Zoning - Ro

PREM distance of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along said centerline of 400 feet, more or less, as measured easterly along the 400 feet, more or less, as measured easterly along the 400 feet, more or less, as measured easterly along the 400 feet, more or less, as measured easterly along the 400 feet, more or less, as measured easterly eas 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 $^{\rm o}$  54 $^{\rm f}$  E -13.3 feet and (2) S.  $76^{\circ}$  45 $^{\circ}$  E - 67.6 feet to the end of the second line of the first parcel of land described in a deed from Daisy I. 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,

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

RE: PETITION FOR RECLASSIFICATION :

which is on the north side of Dogwood Road.

from an R-6 zone to an R-A zon S/S Dogwood Road 400' East of Gaymount Road,

Ist District Edgar L. Seipp, et ai,

known as Richarts Avenue, in all, S. 37° 39' 40" W - 311.43 feet to the beginning

Records in Liber G. L. B. 2120, page 40, thence binding reversely on the seventh

...................

This case represents a petition for a reclassification of zoning from R-6 to

The land is completely surrounded by individual cottage development with

The petitioners presented expert testimony to the effect that sewer disposal

Mr. Robert Czaban, a traffic engineer employed ', Matz, Childs and

OPINION

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

prepared the site plan, it could carry eighty-four individual cottages or one hundred semi-

the exception of a large church and school operated by Our Lady of Perpetual Help Church

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

Associates, testified that the proposed development would present no hazards or congestion traffic wise, although Dogwood Road varies between a width of only eighteen leet at

Hillcres. 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 goartment development would not generate sufficient traffic to exceed the theo-

retical 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 same serious problems would occur if there were any sudden increase in traffic on this road as it now exists

the area a number of reclass fications to MLR and other manufacturing zones. been no zoning changes to R-A on the outside of the Beltway in this vicinity

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 lend; that they would not depreciate the surrounding properties; and listed as changes in

that there was nothing in the topography to prevent the use of the land for normal R-6

classification, according to the testimony of petitioners' witness, Lester L. Matz, who

BEFORE

COUNTY BOARD OF APPEALS

OF

No. 65-282-R

BALTIMONE COUNTY

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

Plaintiffs

WILLIAM S. BALDWIN, et al,

IN THE CIRCUIT COURT

FOE

BALTIMORE COUNTY AT LAW

8/138/3621

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

> \*\*\*\*\*\*\*\*\*\*\*\*\* MOTION TO DISMISS

Mr. Clerk

and

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 aforegoing was mailed this February, 1969, to Harry S. Swartzwelder, Jr., 1708 Munsey Building. Baltimore, May land, 212'2, Attorney for Intervenora

acid 6/10/69

W Lee Harrise

EDGAR L. SEIPP, et al

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

AT LAW

WILLIAM S. BALDWIN, et al 1111111111111111111111111111

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 County on Petition #65-282-R and the Order passed pursuant to such Opinion on Suptember 29, 1866, by virtue of which the requester

This Appeal is filed pursuant to the provisions of Maryland Rules

W. Lee Harrison 507 Loyola Federal Building 22 W. Pennsylvania Avenue Towson, Maryland 21204 323-1200 Attorney for Plaintiffs

I herby certify that on this A day of October, 1986, 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

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

For the protestants, a number of property owners in the neighborhood testiunanimously, 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

Mr. George E. Gavrelis, 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 Dagwood Road and Rolling Road are both completely inadequate to hardle any greatly creased 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 n 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

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

ORDER

of September, 1966 by the County Board of Appeals, ORDERED that the reclassifica 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.

- 3 -

COUNTY BOARD OF APPEALS

Rec it 6/ 1/67

10-1-10

RBE: PETITION FOR RECLASSIFICATION
From R-6 Zone to R-A Zone,
S/S Dogwood Road 400' East of
Gaymount Road, Ist District Meivin J. Carman, Mrs. Jos.
Carran, Edgar L. Seipp, Pauline
B. Seipp and Morgan L. Kirk,
Fetitioners - Cherlan Realty
Corp., Contract Purchasers

BEFORE

ZONING COMMISSIONER

BALTIMORE COUNTY

No. 65-292 0

...........

The Cherlan Realty Corporation has petitioned for reclassification from R-6 Zone to R-A Zone of property in the above entitled matter. There were two persons who testified for the petitioner, one was Mr. Reuben

Robinson, Jr., of Matz. Childs &Associates

Various changes on the existing zoning map were mentioned but none of them had any direct reference in connection with the subject property. Great stress was made concerning the fact that the Raltimore National Pike

eloped greatly and that there is a need for apartments.

In the case of Pahl vs County Board of Appeals of Baltimore County, 237 Md 294, the Court reviewed the matter of placing apartment zoning in the midst of existing R-6 zoning and said:

"The appellants on this appeal contend that the applicants in seeking reclassification did not meet the heavy burden of proof required of them to establish that the comprehensive reasoning map was erromeous. We agree. Under the well established rule in Maryland, "\*\* \* \*there is strong presumption of the correctness of original zoning and of comprehensive rezoning, and that to sustain a piecemeal change therefrom, there must be strong evidence of mistake in the original zoning or in the comprehensive rezoning or else of a substantial change in conditions." Shadynook Imp. Asan, vs Molloy, 232 Md 265, 269-70, 192 A.2d 502. See also Greenblatt vs Toney Schloss, 235 Md.9,200 A2d 70."

And further:

'The claim that there is a need for additional apartments in this area (which is disputed) fails to show anything more than that an R-A use would be more profitable than an R-6 use. The R-A land to the east of the subject property has not been built on. The mere fact that a property owner can make a greater profit by developing in one classification than in another

does not in and of itself deprive him of the reasonable use of his land in the constitutional sense. DePaul vs Doard of County Commrs, for Prince George's County, supra, and cases cited thereir."

In the present matter, the burden resting upon the applicants error upon the part of the legislative body, the County Council, has

It is this H day of June, 1965, by the Zoning Commissioner of Baltimore County, ORDERED that the above reclassification he and the same is hereby DENIED and that the above described property

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date April 2, 1965

FROM George E. Gavrelis, Director

Petition #65-282-R. "R-6 to R.A. South side of Dogwood Road 400 feet East of Gaymount Road. Being the property of Edgar L. Seipp"

1st District

HEARING:

Wadnesday, April 14, 1965 (2:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

- The Western Area Master Plan and the Composite Guideplan show the The Western Area Master Plan and the Composite Guideplan show the proposed land use of the subject tract as cottage development failing within the R-6 and/or R-10 classification, with a stream valley park running through the southern tip. The decision to recommend such development was based upon the presence of similar development to the west and indications of need for further single-family detached housing in this area.
- The petitioner's plat shows an extension of Crest Ridge Road as a major public street serving the development. This would result in a large amount of traffic feeding into a portion of the "Rolling Road Farms" subdivision a distinctly adverse factor.
- 3. Even if the plan were amended so as to restrict access to the development to Dogwood Road, it would not be feasible from a plan-ning viewpoint. Dogwood Road at present is incapable of handling the kind of traffic which would be generated by the apartment development, and the same thing can be said for Rolling Road in its present state.
- In view of the above considerations, we can see no reason that the official Western Planning Area Map or the proposed guideplan show be altered. We believe that the zoning as established on the map is correct and that no changes have taken place in the area to warrant a reclassification.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE C RESPONDENCE

TO James A. Dyer - Chairman Zoning Advisory Committee PROM. Lt. Charles F. Morris, Sr. Fire Bureau, Plans Review

SUBJECT. Property Owner - Rigar Seipp 3/S Doprod Road - 100° 2. Gaymount Road District 1 Present Zoning - R-6 Proposed Zoning - R-A No. Acres 19.2

WESTERM PREA RA

\$65-242R Date March 3, 1965

MAP 2.0 NW-3-6

Location of proposed hydrants and size of water mains shall be indicated on plot plan. Water mains, meters, and fire hydrants shall be of an approved type and installed in accordance with the Baltimore County Standard Besign Manual. Spacing of hydrants shall be 500 feet distance apart as measured along an improved road, and within 300 feet from any dwelling. Hydrants shall be located in a pattern approved by the Baltimore County Fire Bureau.

Parking shall be designed so as to give emergency vehicles an improved radius turning at end of parking areas.

MICROFILMED

AZRAEL AND GANN

July 1, 1965

Baltimore County Office of Planning & Zoning 111 W. Chesapeake Avenue Towson, Maryland 21204

Attn:

Mr. John G. Rose Zoning Commissioner

Petition for Reclassification from R-6 Zone to R-A Zone - S/S Dogwood Road 400' E. of Gaymount Road, 1st District - Melvin J. Carman, et al, Petitioners - Cherlan Realty Corp. Contract Purchaser No. 65-282-R

Gentlemen

On behalf of our client, Cherlan Realty Corporation, will you please be good enough to enter an appeal from your Order denying reclassification in the above captioned matter, which Order is dated June 8, 1965; said appeal being to the Board of Appeals of Baltimore County.

Enclosed herewith please find check in the amount of \$85.00 representing the appeal fee of \$70.00 plus \$15.00 for

I presume that we will be advised of any developments or hearings which may be scheduled in this matter.

Very truly yours, AZRAEL AND GANN Melle le

H. David Genn

HDG/men Enclosure

MICROFILMED

— JUL - 2 '65 1/4 -(II)

line of said last mentioned parcel and reversely on the second line of said \$65-282R second parcel conveyed to Kirk, and binding in part on the northeast side of said Richarts Avenue, in all, S.43° (6' 18" E - 479.25 feet, thence binding reversely on a part of the sixth line of said parcel conveyed to Seipp and reversely on a part of the first line of said first parcel conveyed to Kirk, S. 37° 29' 18" E - 36 429.06 feet, thence S. 71° 07' 23" W - 232.49 feet to a point on the fourth of said parcel conveyed to Seipp, thence binding on a part of said fourth line S. 29° 57' 50" E - 644.78 feet to the end thereof, thence binding on the fifth line of said parcel conveyed to Seipp and reversely on the fourth line of said first parcel conveyed to Kirk, in all, N. 59° 10' 30" E - 854.02 feet, thence binding N. 47° 29° 00" W - 1402.70 feet to the beginning of the fifth line of that parcel of land first nerein referred to, thence binding on the fifth, sixth and first lines of said parcel, the three following courses and distances, (1) N. 05° 41' E -111.17 feet, (2) N.11° 28' W - 179.00 feet and (3) binding on said centerline of

Dogwood Road, S.73° 14' W - 253, 05 feet to the place of beginning.

Containing 19.2 Acres of land, more or less.

7)

RS/jc J.O.#64232 12/7/64



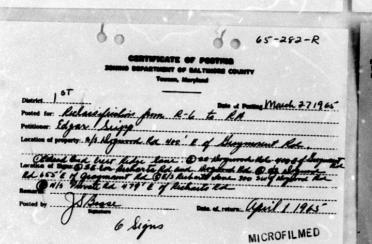
n ) 11 7960

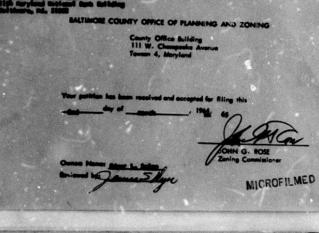
M. CHILDS & ASSOCIATES, INC.

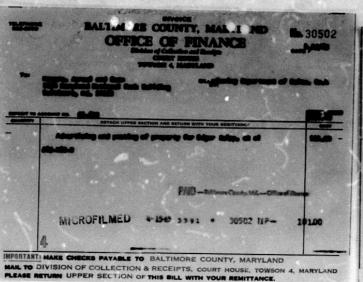
2129 N. Charles St. - Baltimore 18, Maryland

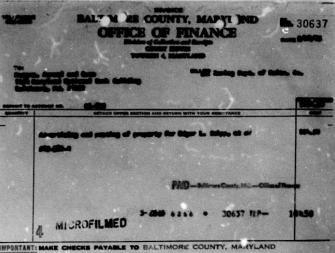
WESTER

Page Two









MAIL TO DIVIS ON OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE BETURN UPPER SECTION OF THIS BILL WITH YOUR RESISTANCE.

MICROFILMED

CERTIFICATE OF PUBLICATION BALTIMORE COUNTY, MD. March 24, 19 65 THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and pubappearing on the 25th day of March THE TIMES Purchase Order A8040 Requisition No. P2680 BALTIN AE COUNTY, MARYL ND 8.31945 7---- - 31945 118--MICROFILMED BALT'S AR COUNTY, MAP'T NO Ma 28631 F480 2199 . 28631 118-MICROFILMED ES PAVABLE TO BALTIMORE COUNTY, MARYLAND DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, FOWSON 4, MARYLAN RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. 65-282 R CERTIFICATE OF POSTERS Posted for Lecture specific R-6 to RA Date of Posting May 15 1965 Petitioner: Edgar & Supp skal Location of property 35 Megarret Let 160't of Braymount He Location of Signal 55 Mayorma Red. 410 & Sugmand Red.

(2) & died and of Court Redge Red Court Redge Red (5) 13 Reduced Red 200 & June 1 August Redge Red (5) 13 Reduced Red 200 & June 1 August Redge Red (5) 1865.

Posted by Schools Red 200 & June 1 August Redge Red (5) 1865.

CERTIFICATE OF PUBLICATION appearing on the 10.00 day of 350 THE JEFFERSONIAN, G. Frank Structur MICROFILMED

BALTITORE COUNTY, MARY AND

1 1016# 3655 · \$1375 HP-

BALTE DE COUNTY, MARY AND

IMPLETART: 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.

MA1074

41085

1.00

300

CERTIFICATE OF PUBLICATION TOWSON, MD. March 26, 19.65 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSCNIAN, a weekly newspaper printed day of \_\_\_\_\_April \_\_\_\_\_\_\_1965\_\_ the Erit publication appearing on the .26th day of March THE JEFFERSONIAN, MICROFILMED

CERTIFICATE OF PUBLICATION blished in THE TIMES, a weakly assessmen printed and pub-THE TIMES. MICROFILMED

000

65-282 R CERTIFICATE OF PROTUIN Date of Posting July 17, 1965 Prestioner Edgas & sig, et al.
Location of property s/s algunos Pol 40 ' East of Jaymont RL Lorston of Some 36 lev Argund Rel + Ruberto Lane @ 5 W Cor. A gentra ld & Repland Lane (2) 6 5 to houd Lane 175 South months of Mazzarre lol Posted by Senature Date of return 24, 1465

