

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: *L. Selig*
Vice-President
Petitioners/Appellants

ORDER

Upon the foregoing petition and affidavit, it is this 20th 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.

H. G. Campbell
Chairman
David W. Hennes
Carl F. Young
Board of Zoning Appeals of
Baltimore County