

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Elmer L. Morsberger, Bernice G. Morsberger, Louis P. Morsberger,
I, or we, Jolene T. Morsberger and Bernice G. Morsberger, of 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 an RAE-1 and DR-16 zone to an
none, for the following reasons:

See Attached Memorandum
See Attached Descriptions

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.

Contract purchaser
Address: 1606 Frederick Road, Balto. Md. 21228
Petitioner's Attorney
Address: 1606 Frederick Road, Balto. Md. 21228
Protestant's Attorney

DATE January 29, 1973
BY Thomas Davis M. Carls
ORDERED By The Zoning Commissioner of Baltimore County, this 13th day
of April, 1973, 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
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 13th day of September, 1973, at 10:00 o'clock
A.M.
Zoning Commissioner of Baltimore County.

JOSEPH D. THOMPSON, P.E., A.L.S.
CIVIL ENGINEERS & LAND SURVEYORS
1150 101 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION OF A PARCEL OF LAND FOR REZONING AND VARIANCE TO ZONING, MELROSE AVENUE, FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the North side of Melrose Avenue, 30 feet wide
at the distance of 570.83 feet measured Westerly along the North side of Melrose Avenue from the
West side of Ingleside Avenue and running thence and binding on the North side of Melrose Avenue
South 82 Degrees West 48.20 feet thence leaving the North side of Melrose Avenue and running North
20 Degrees 00 Minutes West 155 feet, more or less, to the zoning line dividing that land zoned RAE-1
and that land zoned DR-16 and running thence and binding on said zoning line North 82 Degrees East
54 feet, more or less, thence leaving said zoning line and running South 11 Degrees 30 Minutes East
155 feet, more or less, to the place of beginning.

CONTAINING 0.181 acres of land, more or less.

3-30-1973



PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Elmer L. Morsberger, Bernice G. Morsberger, Louis P. Morsberger
I, or we, Jolene T. Morsberger and Bernice G. Morsberger, of 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-districted, pursuant
to the Zoning Law of Baltimore County, from an undistricted to a
C.C.C. district, for the following reasons:

See Attached Memorandum
See Attached Descriptions

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

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

Contract purchaser
Address: 1606 Frederick Road, Balto. Md. 21228
Petitioner's Attorney
Address: 1606 Frederick Road, Balto. Md. 21228
Protestant's Attorney

DATE January 29, 1973
BY Thomas Davis M. Carls
ORDERED By The Zoning Commissioner of Baltimore County, this 13th day
of April, 1973, 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
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 13th day of September, 1973, at 10:00 o'clock
A.M.
Zoning Commissioner of Baltimore County.

JOSEPH D. THOMPSON, P.E., A.L.S.
CIVIL ENGINEERS & LAND SURVEYORS
1150 101 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION OF A PARCEL OF LAND FOR REZONING AND VARIANCE TO ZONING, MELROSE AVENUE, FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the North side of Melrose Avenue 30 feet wide
at the distance of 312.07 feet measured Westerly along the North side of Melrose Avenue from the West
side of Ingleside Avenue and running thence and binding on the North side of Melrose Avenue South
82 Degrees West 209.76 feet thence leaving the North side of Melrose Avenue and running North 12
Degrees 30 Minutes West 155 feet, more or less, to the zoning line dividing that land zoned RAE-1
and that land zoned DR-16 and running thence and binding on said zoning line North 82 Degrees East 173
feet, more or less, thence leaving said zoning line and running South 12 Degrees 30 Minutes East 33
feet more or less, North 78 Degrees East 39.73 feet and South 12 Degrees 30 Minutes East 122.78 feet
to the place of beginning.

CONTAINING 0.717 acres of land, more or less.

3-30-1973



PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Elmer L. Morsberger, Bernice G. Morsberger, Louis P. Morsberger,
I, or we, Jolene T. Morsberger and Bernice G. Morsberger, of Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 232.2b (Side Yards B.L. Zone), which refers to
minimum adjacent residential set back requirements which in this instance
would remain RAE-1 and thus require a minimum side yard set back of 45' as
per Section 200.3C.1 to zero (0') set back for the property as identified
as area (S) on the plat attached hereto and to Fifteen Feet (15') set
back for the property as Area (C) on the plat attached hereto.

(See continuation sheet No. 1)
The following reasons (indicate hardship or practical difficulty)
I. Strict Compliance With the Zoning Regulations for Baltimore County
Would Result in Unreasonable Hardship.

A. Need for construction is demanded by State Health Department

1. The Petitioners, in their compliance with State Health
Department requirements have demolished sub-standard structures
and housing units on their property. Hence, to re-develop said
area properly, in conformity with health requirements, additional
demolition is required and over-all re-development is essential.

2. The construction of the proposed new facilities has incor-
porated requirements imposed by the State Health Department and
Property is to be posted and advertised as prescribed by Zoning Regulations (See Cont. Sheet #2)
I, or we, agree to pay expenses of above Variance 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.

Contract purchaser
Address: 1606 Frederick Road, Balto. Md. 21228
Petitioner's Attorney
Address: 1606 Frederick Road, Balto. Md. 21228
Protestant's Attorney

DATE January 29, 1973
BY Thomas Davis M. Carls
ORDERED By The Zoning Commissioner of Baltimore County, this 13th day
of April, 1973, 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
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 13th day of September, 1973, at 10:00 o'clock
A.M.
Zoning Commissioner of Baltimore County.

JOSEPH D. THOMPSON, P.E., A.L.S.
CIVIL ENGINEERS & LAND SURVEYORS
1150 101 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION OF A PARCEL OF LAND FOR REZONING AND VARIANCE TO ZONING, MELROSE AVENUE, FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the zoning line dividing that land zoned RAE-1
and that land zoned DR-16 at the two following courses and distances from the West side of Ingleside
Avenue South 82 Degrees West 618.83 feet, measured along the North side of Melrose Avenue, and
North 20 Degrees 00 Minutes West 155 feet more or less, and running thence North 20 Degrees 00
Minutes West 48 feet, more or less, North 78 Degrees East 56 feet, and South 12 Degrees 30 Minutes
East 52 feet, more or less, to the zoning line herein referred to and running thence and binding thereon
South 82 Degrees West 54 feet, more or less, to the place of beginning.

CONTAINING 0.063 acres of land, more or less.

3-30-1973



Section 232.2b (200.3.C.1) - To permit zero side yard instead of the required
45 feet in Area B, as shown on plat and 15 feet instead of the required 45 feet on
Area A and C.

Section 232.A.2 - To permit 15 feet setback from facing window instead of the
required 25 feet as indicated on Area C.

Section 232.A.2 (200.3.C.1) - To permit zero setback on Area B instead of the required
45 feet.

Section 232.A.2 - To permit zero setbacks from facing windows or from property lines
instead of the required 25 feet and 50 feet.

JOSEPH D. THOMPSON, P.E., A.L.S.
CIVIL ENGINEERS & LAND SURVEYORS
1150 101 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION OF A PARCEL OF LAND FOR REZONING AND VARIANCE TO ZONING, MELROSE AVENUE, FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the zoning line dividing that land zoned RAE-1
and that land zoned DR-16 at the two following courses and distances from the West side of Ingleside
Avenue South 82 Degrees 521.83 feet, measured along the North side of Melrose Avenue, and North
12 Degrees 30 Minutes West 155 feet, more or less, and running thence North 12 Degrees 30 Minutes
West 52 feet, more or less, North 78 Degrees East 172.08 feet, and South 12 Degrees 30 Minutes East
64 feet, more or less, to the zoning line herein referred to and running thence and binding thereon
South 82 Degrees West 173 feet, more or less, to the place of beginning.

CONTAINING 0.230 acres of land, more or less.

3-30-1973



RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 to R.A.E. - B.L., :
from Undistricted to CCC District : COUNTY BOARD OF APPEALS
and VARIANCE from Sections :
232.2.b (20.3.C.1) and : OF
232A.1 of the Baltimore County :
Zoning Regulations : BALTIMORE COUNTY
N/S and S/S Melrose Avenue, 177' :
W. of Ingleside Avenue :
1st District : No. 74-47-RA
Elmer L. Morsberger, et al :
Petitioners :

SUPPLEMENTAL OPINION AND ORDER

This Supplemental Opinion and Order in the above entitled case is required as the Board neglected to respond to certain variances petitioned for in this instance.

The Petitioner requested the following variances:

1. On Parcel B-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a zero foot setback along the western boundary of the parcel instead of the 45 foot setback required.
2. On Parcel B-2, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a zero foot setback along the entire northern boundary and western boundary of the north leg of said parcel (on the east side of said parcel) of the required 45 foot setback.
3. On Parcel C-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a 15 foot setback along the western boundary of said parcel instead of the 45 foot setback required by the regulations.
4. On Parcel C-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a 15 foot rear yard setback instead of the required 20 foot rear yard setback as required by Section 232.3b of the regulations.

Without detailing the testimony and evidence presented, the Board is satisfied that the Petitioners would suffer practical difficulty in the utilization of the subject property if the above cited variances were not granted. Having proven this practical difficulty to the satisfaction of the Board, said variances will be granted in the Order set out below.

Elmer L. Morsberger, et al - 74-47-RA

2.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day of December, 1975, by the County Board of Appeals, ORDERED that the variances petitioned for, and as set out below, be and the same are hereby GRANTED.

1. On Parcel B-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a zero foot setback along the western boundary of the parcel instead of the 45 foot setback required.
2. On Parcel B-2, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a zero foot setback along the entire northern boundary and western boundary of the north leg of said parcel (on the east side of said parcel) of the required 45 foot setback.
3. On Parcel C-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a 15 foot setback along the western boundary of said parcel instead of the 45 foot setback required by the regulations.
4. On Parcel C-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit #2, a 15 foot rear yard setback instead of the required 20 foot rear yard setback as required by Section 232.3b of the regulations.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keiter, Jr., Chairman

John A. Miller

William T. Hackett

William T. Hackett

William T. Hackett

William T. Hackett

Elmer L. Morsberger - 74-47-RA

3.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 31st day of October, 1975, by the County Board of Appeals, ORDERED that the reclassification petitioned for, from D.R. 16 and R.A.E. 1 to B.L.-CCC, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 to B-12 of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keiter, Jr., Chairman

John A. Miller

William T. Hackett

William T. Hackett

William T. Hackett

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William T. Hackett

William T. Hackett

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
REDISTRICTING AND VARIANCES : DEPUTY ZONING
N and S sides of Melrose Avenue, 177' :
W of Ingleside Avenue - 1st District : COMMISSIONER
Elmer L. Morsberger, et al - Petitioners :
NO. 74-47-RA (Item No. 1) :
OF
BALTIMORE COUNTY

The Petitioners are requesting a Reclassification from a R.A.E. 1 Zone and a D.R. 16 Zone to a B.L. (Business, Local) Zone, Redistricting from Undistricted, and several Variances that would permit the construction of an apartment-shopping center complex within the central area of the Village of Catonsville.

Testifying in behalf of the Petition were the Petitioners, Elmer and Lou Morsberger; a retired bank president, who has lived in Catonsville for 16 years and worked there for 45 years; a well-known and qualified architect with many years experience in and around Baltimore County; a real estate appraiser; a realtor-developer with many years experience, particularly around Catonsville; and a member of the Catonsville Womens' Club.

Those testifying in protest to the Petitioners' requests consisted mainly of long time area residents who have rented the homes that would be razed to make way for the proposed improvements.

Twenty-two exhibits were presented into evidence on behalf of the Petitioners' case. The exhibits consist of a complete and detailed outline of the Petitioners' case; several photographs of the area complete with attached descriptions and notes; a detailed brochure of the Catonsville Redevelopment Plan, prepared by the Baltimore County Redevelopment and Rehabilitation Commissioner in 1964; a property boundary plat, with zoning lines superimposed thereon; a detailed site plan complete with several Catonsville vicinity plans, having zoning superimposed thereon; and elevation drawings of the planned high-rise building, with the required setback diagrams.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 and R.A.E. - to B.L., :
from Undistricted to CCC District : COUNTY BOARD OF APPEALS
and VARIANCE from Sections :
232.2.b (20.3.C.1) and : OF
232A.2 of the Baltimore County :
Zoning Regulations : BALTIMORE COUNTY
N/S and S/S Melrose Avenue, 177' :
W. of Ingleside Avenue :
1st District : No. 74-47-RA
Elmer L. Morsberger, et al :
Petitioners :

OPINION

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner which denied a requested reclassification and districting, but granted the requested variances on the subject property. The Petitioners have, over a period of time, acquired these several parcels of land from individual owners within an area bounded by Fusting Avenue on the north, Frederick Road on the south, Egges Lane on the west, and Ingleside Avenue on the east. These parcels are for the most part contiguous, but scattered voids are created by properties the Petitioners have not been able to acquire. The total acreage in the four scattered parcels involved in this appeal is 1.75 acres.

To describe the parcels involved in detail would be a lengthy and difficult task to perform in writing because there is now a veritable hodge-podge of various zoning included in this small area. One parcel is now almost completely B.L.-CCC except for one small corner. Two parcels are now R.A.E. 1 with a D.R. 16 demarcation line bisecting the rear one-quarter of their area. The fourth parcel is now R.A.E. 1 with a B.L.-CCC line dividing it.

The Petitioners presented a strong case for rezoning these parcels under one classification to permit the development of a small shopping center with adequate parking, and apartments located over the businesses. They also cited the impracticality of developing any of these parcels under their present zoning because of the setback requirements and the relatively small size of any one parcel. Five expert witnesses testified to the desirability of rezoning these parcels to B.L.-CCC to permit the proposed construction.

Two witnesses protested the zoning change. Mrs. Anna McCormick owns her semi-detached home, which is located on a half acre of property directly behind

The Petitioners' case is adequately outlined in booklet form marked Petitioners' Exhibit Number 1. For this reason, there will be no attempt to detail the testimony given at the hearing.

The Petitioners have, over a period of years, acquired several parcels of land from individual owners within an area bounded by Fusting Avenue on the north, Frederick Road on the south, Egges Lane on the west and Ingleside Avenue on the east. For the most part, the parcels are contiguous. However, in a few instances, voids are created by properties that the Petitioners have not been able to purchase. The architect's site plan establishes the following parcels that relate to both existing and proposed zoning and uses.

Parcel A, more or less, surrounds an existing Revenue Authority Parking Lot which contains 82 parking spaces and has frontage and an entrance on Frederick Road. This parcel will be improved with two buildings.

The building, on the west side of the parking area, will contain four stories with five thousand square feet of commercial space on the first floor and 15 apartment units on the upper floors. The building, on the easternmost side of the parking lot, will contain seven stories with six thousand square feet of commercial space on the first floor and 49 apartments above.

One other building, separated from Parcel A for purposes of this hearing and having frontage on Frederick Road as well as the westernmost side of the parking area, will contain two stories totaling seventy-eight hundred square feet of commercial area. With the exception of the rear, the remainder of the frontage surrounding the center core of parking is occupied by an existing White Coffee Pot Restaurant. These proposed buildings represent 18,800 square feet of additional commercial floor area and 64 additional apartment units.

The proposed buildings have varying heights, are somewhat rambling in nature, and would be connected with a series of canopies and walkways.

Elmer L. Morsberger - 74-47-RA

2.

the White Coffee Pot Restaurant. She objected to the possibility of more traffic in the area and stated that more and better homes were needed, not more stores. She was unaware that her property is now commercially zoned.

The other protesting witness was Mrs. Hannah Linkley of 506 Gargill Avenue. She owns her home, which is about one mile from the subject property. She is, however, the President of the Catonsville Civic League and spoke on their behalf. She too objected to the introduction of any additional traffic in the area, and noted that no renovation has been performed on any of these parcels since Mr. Morsberger acquired them. She feels that the granting of F.L.-CCC zoning would be a step in the wrong direction away from better housing.

In reviewing the testimony presented by both parties in this appeal hearing, several aspects of this case were noted by the Board. The existing residences on the properties were in a very dilapidated state, and did not appear to be economically repairable to modern standards. The thirteen brick row home type apartments contained four small rooms each with no baths, and were over forty years old. All of the individual homes were in a sad state of disrepair and contained no baths. The general appearance of these parcels seemed to be approaching slum designation. Commercial properties just about surround these parcels; i.e., White Coffee Pot Junior, C. and P. Telephone Building, a Nursing Home, Revenue Authority Parking Lot, and other businesses in the general area. Taking all these things into consideration, it is the opinion of this Board that the best interests of the County and of reasonable land use would be that the Deputy Zoning Commissioner's Order be reversed, and that the proposed zoning change for these subject parcels be granted.

Without precisely detailing same, suffice it to say that the Board is satisfied that the Petitioner has evidenced sufficient testimony as to original error in the parcels involved in this petition, and also in the mind of this Board has evidenced substantial change in the neighborhood since the adoption of the comprehensive maps so as to warrant the requested reclassification. For these reasons, the petition will be granted.

With the exception of a very small portion of one building, all buildings lie within the existing B.L., C.C.C. Zone and District and could, for the most part with certain Variances, be constructed within the present zoning designations.

Parcel B has frontage along the north or rear of the aforementioned Revenue Authority Parking Lot as well as the south side of Melrose Avenue, which bisects the Petitioners' properties approximately in the center. The Petitioners are requesting a Reclassification from a R.A.E. 1 Zone to a B.L., C.C.C. Zone and District for this parcel. The parcel is proposed to be improved with an eight story building, containing fourteen thousand square feet of commercial area on the first floor and 24 apartment units on the upper floors.

Parcel C binds on the north side of Melrose Avenue and is proposed to be reclassified from a R.A.E. 1 Zone to a B.L., C.C.C. Zone and District. This parcel is proposed to be developed with a five story building, containing thirty-nine hundred square feet of commercial space on the first floor and 12 apartments on the above floors.

Parcel D also has frontage on the north side of Melrose Avenue and is separated from Parcel C by a 65 foot lot in adverse ownership. The Petitioners propose that this parcel be reclassified from a R.A.E. 1 Zone to a B.L., C.C.C. Zone and District. This parcel is to be improved as a parking lot.

Parcels F and E are actually the rear portions of Parcel C and D that have been bisected by a zone line and placed in a D.R. 16 zoning classification. The Petitioners are proposing that these parcels also be reclassified to a B.L., C.C.C. Zone and District and improved for parking purposes only.

Parcel G has frontage on the south side of Fusting Avenue and is proposed to remain in its present D.R. 16 zoning classification. The parcel is presently improved with a three story building containing six apartment units and is

proposed to be further improved with two additional buildings. The first building is to be a three story unit containing six apartments; the second is to be a two story unit, containing eight townhouses.

It is the Petitioners' belief that, if the zoning is granted, the proposed improvements would rejuvenate the business district, and would benefit both the residential and business interest of the Catonsville area.

Several area residents, who appeared in protest to the proposed Re-classification, particularly protested the Petitioners' contention that the improvements would benefit the community. The majority of the Protestants were life-long residents of the area and would be displaced if their homes were razed to make way for the proposed improvements. There was great concern that they would not be able to locate elsewhere and that the rent for the new apartments would not be within their economical range.

After reviewing the above testimony and evidence and making a personal field inspection of the area, it is the opinion of the Deputy Zoning Commissioner that the Petitioners have not met their burden of proving error. The area has not changed since the adoption of the Comprehensive Zoning Maps in 1971, at which time the same Petitioners requested and received additional commercial zoning for much of this property. The commercial strip along Frederick Road was increased from a depth of 170 feet to a depth of 390 feet to provide for expanded commercial development.

With very few changes involving the exclusion of retail floor area on Parcels B and C, the Petitioners' proposed development complex could become an actuality within the present zoning classifications.

The need for yet additional commercial zoning in this area is questionable, while the need for additional or improved housing is very real as is evidenced by the Petitioners' exhibits depicting the poor condition of housing in the area. Finally, an influx of a great deal of new competitive retail outlets in the center of the Catonsville area could have an adverse effect on

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Continuation Sheet No. 2

- B. Community safety standards in the immediate area will be improved.
1. Traffic and parking facilities will be improved.
 2. Fire prevention equipment will be added.
 3. Pedestrian safety will be enhanced by new sidewalks.
- C. The general welfare of the County, community and business district will be improved.
1. New business locations will be available to enhance the variety of services and retail outlets within the business district of Catonsville.
 2. New and additional housing facilities will be available for residents who would find it convenient to be located near a full service facility.
 3. The County will receive increased property tax assessment from an improved development.

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existing businesses and improvements along the Frederick Road corridor.

That portion of the Petitioners' property, mainly Parcel A presently zoned B. L. with a C. C. C. District, is irregular in shape and binds on a center core of parking that provides an abundance of setback and open space in itself. In this respect, the Petitioners are faced with a hardship or practical difficulty in fully utilizing this commercially zoned parcel. Therefore, Variances will be granted to insure proper and full development of this area.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of January 1974, that the herein requested Reclassification and Districting are hereby DENIED. It is further ORDERED that the herein requested Variances for Parcel A, to permit a zero setback for windows and/or buildings along the boundaries of the Revenue Authority Parking Lot, as well as the southernmost boundary of the presently existing B. L. - R. A. E. 1 Zone line, should be and the same are hereby GRANTED from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, State Highway Administration and the Office of Planning and Zoning.

James E. Edin
Deputy Zoning Commissioner
Baltimore County

- 5 -

IN THE MATTER OF THE PETITION
OF ELMER L. MORSBERGER, BERNICE G.
MORSBERGER, LOUISE P. MORSBERGER,
JOLENE T. MORSBERGER, and
MORSBERGER DEVELOPMENTS, INC. a
MARYLAND CORPORATION for

RECLASSIFICATION OF PROPERTY
SITUATED ON THE NORTH AND SOUTH
SIDES OF MELROSE AVENUE,
FIRST ELECTION DISTRICT,
CATONSVILLE, MARYLAND FROM A
RAE-1 ZONE TO A BL-CCC ZONE
ON THE NORTH & SOUTH SIDES OF
MELROSE AVENUE AND FROM A DR-16
ZONE TO A BL-CCC ZONE ON THE
NORTH SIDE OF MELROSE AVENUE

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION
FROM A RAE-1 ZONE AND DR-16 ZONE TO A BL-CCC ZONE

ELMER L. MORSBERGER, BERNICE G. MORSBERGER, LOUISE P.

MORSBERGER, JOLENE T. MORSBERGER and MORSBERGER DEVELOPMENTS, INC.,
Petitioners, are the fee simple owners of certain parcels of land located on the north and south sides of Melrose Avenue as evidenced by the zoning descriptions filed herein. The Comprehensive Land Use Maps adopted in March, 1971, placed the subject parcels in a RAE-1 Zone on the south side of Melrose Avenue and a RAE-1 Zone and DR-16 Zone on the north side of Melrose Avenue.

The Petitioner, MORSBERGER DEVELOPMENTS, INC., is a corporation solely owned by Petitioners ELMER L. MORSBERGER, LOUISE P. MORSBERGER, BERNICE G. MORSBERGER and JOLENE T. MORSBERGER.

In support of the Petition, the following changes and also the following reasons which constitute error in the zoning maps adopted on March, 1971, are cited, to wit:

A. CHANGE IN CONDITIONS:

1. Newly constructed restaurant to the immediate south side of subject property (known as the White Coffee Pot, Jr. - located on property adjacent to the Revenue Authority Parking lot on the West and Frederick Road on the South.
2. Newly constructed multi-story office building, known as the C & P Telephone Building, which is located within 1 block to the West of subject property.
3. Construction in progress of a major nursing home project known as Forest Haven, which is located within 2 blocks of subject property to the North thereof at Ingleside Avenue and Edmondson Avenue.
4. Proposed development of a multi-story residential structure for the elderly, to be located 1/2 block to the east of subject property on the St. Timothy's Church property.
5. Purchase of the Seventh Day Adventist's site, which is located north of subject property, by the Baltimore Gas and Electric Company. Hence, possible commercial development thereof may be anticipated.

B. ERROR IN ZONING MAPS:

1. The map adopted on March, 1971, failed to recognize the entire property ownership of the Petitioners since approximately 380 feet of Petitioners' property (north of Frederick Road) is zoned BL-CCC, the subject property being approximately 300 feet further north thereof

- 2 -

Continuation Sheet No. 2

many other regulatory agencies.

- B. Need for requested Variance is predicated upon anticipated re-classification of the subject property from RAE-1 and DR-16 zones to BL-CCC.
- C. If the requested Variance is denied, the proposed development would be disadvantaged.
- D. If requested variance is denied, several consequences caused by necessity of re-design would result.
- II. Strict Compliance with the Zoning Regulations for Baltimore County would Result in Practical Difficulty.
- A. Redesign of the proposed structure may fail to comply with the requirements of other regulation agencies.
- B. Modification of the proposed structure would effect Architectural Balance and Mechanical Construction.
- C. Compliance with Present Zoning Regulations would prohibit development in certain areas, thereby affecting compatible correlation with the overall development.
- III. Requested Variance is in Strict Harmony with the Spirit and Intent of the Zoning Regulations.
- A. The design and layout of the proposed development presents uniformity in appearance.
- B. The design of the proposed development improves scenic Appearance.
- C. The design of the proposed development provides for parking facilities on site, curbs adjoining all roads, and a complete controlled traffic pattern for vehicles entering or leaving the premises.
- IV. Grant of the Requested Variance Will Not Substantially Injure Public Health, Safety and General Welfare.
- A. The proposed structure will improve public health factors in its immediate neighborhood.
1. Improved drainage system will be provided.
 2. The facility will install modernized garbage and trash removal.
 3. The facility will utilize larger sewage systems.
 4. The neighborhood will benefit with an improved scenic designed structure.

- 3 -

should have been likewise zoned to allow orderly development and a good master plan for the Petitioners' entire holding of property.

2. The outline of the present BL-CCC zone in the area of subject property and north of Frederick Road (which constitutes one half of the commercial area of the town of Catonsville) is irregular and inconsistent and arbitrarily disfavors Petitioners' subject property.

In particular, the BL-CCC zoning line immediately West of subject property is considerably further North of the BL-CCC zoning line which runs East-West through Petitioners' property. Thus an irregular pattern is established for the BL-CCC zone of Catonsville's business district, with Petitioners' property (which is centrally located therein) being less deep with BL-CCC zoning than the property located immediately East and West thereof.

3. The map did not take into consideration the size, shape, topography and the location of the subject property.

4. Development of the subject property under its present zoning would create a detrimental impact on the environment.

5. The development of the subject property, if this PETITION is granted, will supplement and be a natural continuation of the Catonsville Commercial Center.

- 3 -

6. The subject property is economically unfeasible for development under its present zoning. AND for other and further sufficient reasons to be shown at the hearing hereof relating both to error and change. Respectfully submitted,

McCarthy & McCarthy
McCarthy and McCarthy
Thomas Bowie McCarthy
Thomas Bowie McCarthy
1606 Frederick Road
Catonsville, Maryland 21228
Phone: 747-8302
ATTORNEYS for the PETITIONERS

RE: PETITION FOR RECLASSIFICATION
from a DR 16 zone to a BL
zone and CCC District
From a RAE 1 zone to a BL
zone and CCC District
Variances from Section 232.2b,
200.3 cl. 232A.2
Elmer L. Morsberger, et al
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 74-47RA (Item #1)

MEMORANDUM IN CONNECTION WITH
VARIANCES REQUESTED

The Petitioners, Elmer L. Morsberger, et al, by their attorneys, William S. Baldwin and Thomas B. McCarthy, have requested the County Board of Appeals for variances from Section 232.2b and in connection with this request, state:

That the parcels involved in this request are adjacent to existing RAE 1 zoning which is in ownership other than that of the Petitioners.

Section 200.3 C states that in a RAE 1 zone, no building shall be located less than 90 feet from the center line of any street nor less than 45 feet from any lot line.

Section 232.2b states that in a BL zone, the side yard setback requirement for commercial buildings is none on interior lots, except that where the lot abuts a lot in a resident zone, there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot . . .

A strict enforcement of the above regulations would result in a practical difficulty and unreasonable hardship to the Petitioners in that they would be virtually prohibited from constructing any buildings on their land where it abuts an RAE 1

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

zone and such prohibition would be caused not by the setback restrictions on the Petitioners own land but because of the restrictions imposed in the RAE 1 zone adjacent to the Petitioners' property. The Petitioners further aver that the granting of the requested variances would not be inharmonious with the spirit and intent of the zoning regulations.

Respectfully submitted on this 30th day of July 1974, this Memorandum in Connection with Variances Requested to the County Board of Appeals of Baltimore County.

William S. Baldwin
William S. Baldwin
24 W. Pennsylvania Avenue
Towson, Maryland 21204
823-0260

Thomas B. McCarthy
Thomas B. McCarthy
401 Frederick Road
Catonsville, Maryland 21228
788-3800
Attorneys for Petitioners

-2-

RE: PETITION FOR RECLASSIFICATION
from a DR 16 zone to a BL
zone and CCC District
From a RAE 1 zone to a BL
zone and CCC District
Variances from Section 232.2b,
200.3 cl. 232A.2
Elmer L. Morsberger, et al
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 74-47RA (Item #1)

PETITION FOR VARIANCES

Elmer L. Morsberger, et al, by their attorneys, William S. Baldwin and Thomas B. McCarthy, petitions the County Board of Appeals of Baltimore County for variances from Section 232.2b of the Zoning Regulations for Baltimore County as follows:

1. On parcel B-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit # 2, a zero foot setback along the western boundary of the parcel instead of the 45 foot setback required.
2. On parcel B-2, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit # 2, a zero foot setback along the entire northern boundary and western boundary of the north leg of said parcel (on the east side of said parcel) of the required 45 foot setback.
3. On parcel C-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit # 2, a 15 foot setback along the western boundary of said parcel instead of the 45 foot setback required by the regulations.

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

March 13, 1974

4. On parcel C-1, as shown on Petitioners' revised site plan heretofore filed with the Board and designated as Exhibit # 2, a 15 foot rear yard setback instead of the required 20 foot rear yard setback as required by Section 232.3b of the regulations.

Respectfully submitted on this 30th day of July 1974, 1975 this Petition for Variances to the County Board of Appeals for Baltimore County.

William S. Baldwin
William S. Baldwin
24 W. Pennsylvania Avenue
Towson, Maryland 21204
823-0260

Thomas B. McCarthy
Thomas B. McCarthy
401 Frederick Road
Catonsville, Maryland 21228
788-3800

Attorneys for Petitioners

Case No. 74-47-RA (Item No. 1) - Elmer L. Morsberger, et al
N/S and S/S of Melrose Avenue, 177'
W of Ingleside Avenue - 1st District

Petition for Reclassification, Districting, and Variances

Memorandum in Support of Petition for Reclassification from Thomas Bowie McCarthy, Esquire

Descriptions of Property

Site Plan - Schematic Master Plan

200' Scale Location Plan

1000' Scale Location Plan

Baltimore County Zoning Advisory Committee Comments, dated April 13, 1973

Baltimore County Planning Board Comments and Accompanying Map

Certificate of Posting (Four (4) Signs)

Certificates of Publication

Letter from Hannah Lindsey, President, Catonsville Civic League, Incorporated, dated September 1, 1973, with Attached Five (5) Page Petition in Opposition of Reclassification

Petitioners' Exhibit 1 - Argument Outline

Petitioners' Exhibits 2 and 3 - Photographs

Petitioners' Exhibit 4 - Booklet Entitled "A Plan for the Redevelopment of Catonsville"

Petitioners' Exhibits 5 through 19 - Photographs and Descriptions

Petitioners' Exhibits 20A through 20F - Photographs

Petitioners' Exhibit 21 - Schematic Master Plan

Petitioners' Exhibit 21A - Setback Diagrams

Petitioners' Exhibit 22 - Property Outline

Order of the Deputy Zoning Commissioner, dated January 29, 1974 - DENIED Reclassification and Districting; GRANTED Variance to Permit a Zero Setback for Windows and/or Buildings Along the Boundaries of the Revenue Authority Parking Lot, as well as the Southernmost Boundary of the Presently Existing B. L. - R. A. E. 1 Zone Line; and DENIED Remaining Requested Variances

Case No. 74-47-RA (Item No. 1)
Page 2
March 13, 1974

Order of Appeal from Thomas B. McCarthy, Esquire, on Behalf of the Petitioners, received February 26, 1974

Thomas Bowie McCarthy, Esquire
1606 Frederick Road
Baltimore, Maryland 21228

Counsel for Petitioners

Mrs. Hannah Lindsey, President
Catonsville Civic League, Incorporated
506 North Cargill Avenue
Catonsville, Maryland 21228

Protestant

Mrs. Anna E. McCormick
Catonsville Civic League, Incorporated
7 Jones Avenue
Catonsville, Maryland 21228

Protestant

Mrs. Darlene Dill
17 Fusting Avenue
Catonsville, Maryland 21228

Requests Notification

RE: PETITION FOR RECLASSIFICATION AND VARIANCES N AND S SIDES OF MELROSE AVENUE, 177' W. OF INGLESIDE AVENUE, 1st DISTRICT
ELMER L. MORSBERGER, et al
PETITIONERS
NO. 74-47-RA (ITEM NO. 1)

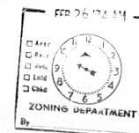
BEFORE THE ZONING COMMISSIONER
OF
BALTIMORE COUNTY

ORDER TO ENTER APPEAL

Petitioners, ELMER L. MORSBERGER and BERNICE G. MORSBERGER, his wife, and LOUIS P. MORSBERGER and JOLENE M. MORSBERGER, his wife, taxpayers and residents of Baltimore County, and MORSBERGER DEVELOPMENTS, INC., a corporation organized under the laws of the State of Maryland, by THOMAS B. MCCARTHY, their attorney, request an appeal from the decision in the above captioned matter rendered on January 29, 1974, by James E. Dyer, Deputy Zoning Commissioner of Baltimore County.

The Petitioners, who are the owners of the property which was the subject of the decision, maintain that they have been aggrieved by the ruling and are the only proper parties to raise the matter again on an appeal.

Please enter an appeal and advise this office of a date for consideration of the appeal.



Thomas B. McCarthy
Thomas B. McCarthy
McCarthy & McCarthy, Legal Center
401 Frederick Road
Catonsville, Md. 21228
Phone: 788-3800

McCarthy & McCarthy
ATTORNEYS & COUNSELORS
AT LAW
1606 FREDERICK ROAD
CATONSVILLE, MD.

WILLIAM S. BALDWIN
ATTORNEY AT LAW
TOWSON, MARYLAND
21204

-2-

WILLIAM M. BALDWIN
ATTORNEY AT LAW
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
VALLEY 3-0960

July 2, 1975

Mr. Walter A. Reiter, Jr.
Chairman
County Board of Appeals for
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Elmer L. Morsberger, et al
Case No.: 74-470A (Item #1)
DR 16 to BL (CCC District)
RAE 1 to BL (CCC District)
Variances

Dear Mr. Reiter:

Please enter my appearance as an additional attorney
for the Petitioner above captioned.

Very truly yours,

William M. Baldwin
William M. Baldwin

WSB/dj

JOSEPH D. THOMPSON, P.E.-A.L.S.
CIVIL ENGINEERS & LAND SURVEYORS



701 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • VALLEY 3-8820

DESCRIPTION OF A PARCEL OF LAND FOR ZONING AND VARIANCE
TO ZONING, MELROSE AVENUE, FIRST DISTRICT, BALTIMORE COUNTY,
MARYLAND

BEGINNING for the same at a point on the south side of Melrose Avenue, 30 feet wide,
at the distance of 177.00 feet measured westerly along the south side of Melrose Avenue from the west
side of Ingleside Avenue and running thence and binding on the south side of Melrose Avenue South
82 Degrees West 69.00 feet thence leaving the south side of Melrose Avenue and running South 3
Degrees East 57.75 feet, South 75 Degrees West 62.00 feet, South 17 Degrees East 5.25 feet, South
73 Degrees West 44.00 feet and North 8 Degrees West 73.67 feet to the South side of Melrose Avenue
herein referred to and running thence and binding thereon South 82 Degrees West 156.96 feet thence
leaving the South side of Melrose Avenue and running South 13 Degrees East 108 feet, more or less
to the zoning line dividing that land zoned RA-1 and that land zoned BL-CCC and running thence and
binding on said zoning line Easterly 336 feet more or less, thence leaving said zoning line and running
North 13 Degrees 30 Minutes West 82 feet, more or less to the place of beginning.

CONTAINING 0.558 acres of land, more or less.

3-30-1973



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER



414 - 7331
614 - 7331

January 29, 1974

Thomas Bowle McCarty, Esquire
1606 Frederick Road
Baltimore, Maryland 21238

RE: Petition for Reclassification, Re-
districting and Variances
N and S sides of Melrose Avenue,
177' W of Ingleside Avenue - 1st
District
Elmer L. Morsberger, et al -
Petitioners
NO. 74-47-RA (Item No. 1)

Dear Mr. McCarty:

I have this date passed my Order in the above captioned matter
in accordance with the attached.

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

cc: Mrs. Anna E. McCormick
Catonsville Civic League, Inc.
7 Jones Avenue
Catonsville, Maryland 21228

Mrs. Hannah Lindsey
506 N. Cargill Avenue
Catonsville, Maryland 21228

Mrs. Darlene Dill
17 Fustling Avenue
Catonsville, Maryland 21228
111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 13, 1973

Thomas Bowle McCarty, Esq.
1606 Frederick Road
Baltimore, Maryland 21238

RE: Reclassification Petition
Item 1
Elmer L. Morsberger, et al

Dear Mr. McCarty:

The Zoning Advisory Committee has reviewed the plans
submitted with the above referenced petition and has made an
on site field inspection of the property. The following
comments are a result of this review and inspection.

These comments are not intended to indicate the appro-
priateness of the zoning action requested, but to assure
that all parties are made aware of plans or problems with
regard to the development plans that may have a bearing on this
case. The Director of Planning may file a written report with
the Zoning Commissioner with recommendations as to the appro-
priateness of the requested zoning.

The subject property is located on the north and south sides
of Melrose Avenue, approximately 300 feet west of Ingleside
Avenue, in the First District of Baltimore County. This
property, which is currently zoned DR 16 and RAE 1 is requesting a
Reclassification to Business Local and redistricting from
no district to a CCC district, and Variances from Section 232.2b,
and 200.3 C. 1. for side yards, as are delineated in the petition.

This property, which contains 1.75 acres, is located in the
area known as Catonsville, which is one of the older areas in
Baltimore County. Melrose Avenue is currently improved with
several single family and multi-family residential dwellings,
which are primarily of wood construction, and many of which
are in need of repair and rehabilitation. There are similar
houses that front on Fustling Avenue and Egges Lane.

The petitioners plan to redevelop the entire area, and
have indicated their overall development on a proposed develop-
ment plan, which has been prepared by The Architectural Affiliation.
This plan, which is tentatively called the Catonsville Center,
would include townhouse apartments ranging from three to
eight stories in height, commercial areas with apartments above,

Thomas Bowle McCarty, Esq.
Item 1
Page 2

April 13, 1973

pedestrian cross overs, parking, landscaping and the like. The plan
submitted is quite tentative in that it does not give actual dimensions
of buildings, setbacks from property lines or floor area ratios -
all of which are required under Section 232A, Special Regulations for
CCC Districts. It does, however, appear that the general concept of the
plan as submitted might be feasible.

The petitioner is advised that the roadways in the existing area
are well below standards, and improvements to them must be made in
accordance with Baltimore County Standards as may be delineated in
the Bureau of Engineering comments. Curb and gutter is not existing
in many of these areas, and the status of Jones Avenue should be
indicated on the proposed development plan. It is difficult to tell
whether a building is to be located over Jones Avenue on the proposed
development plan. Also, we concur with the Department of Traffic
Engineering's comments relative to the generation of traffic along
Ingleside Avenue.

The petitioners' site plan must be revised prior to the
hearing that indicates the ultimate determination of Jones Avenue,
and whatever proposed widening is required along Ingleside and
Melrose Avenue. Also, the requirements as laid out under Section
232A, Special Regulations for CCC Districts should be indicated, and
tent diagrams for the proposed seven and eight story structures
shall also be shown on the revised site plans.

Their petition for reclassification is accepted for filing on
the date of the enclosed filing certificate. However, any revisions
or corrections to petitions, descriptions, or plans, as may have been
requested by this Committee, shall be submitted to this office prior to
Friday, June 1, 1973 in order to allow time for final Committee review
and advertising. Failure to comply may result in this petition not
being scheduled for a hearing.

Very truly yours,

John J. Dillon, Jr.
JOHN J. DILLON, JR.
Chairman, Zoning Advisory Committee

JJD:JJD
(Enclosure)
cc: Joseph D. Thompson,
101 Shell Bldg., 200 E. Joppa Rd. (21204)

The Architectural Affiliation
22 West Pennsylvania Avenue (21204)

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DYER, P.E., CHIEF

April 27, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #1 (April to October 1973 - Cycle V)
Property Owner: Elmer L. Morseberger, et al
W/S and S/W of Melrose Avenue, 300' N. of Ingleside Avenue
Present Zoning: D.R. 16 and R.A.S. - 1
Proposed Zoning: Reclass. to B.L. - C.C.C. and Variance from Section 232.2b and 200.3C.1 - side yards
District: Lot No. Acres: 1.75

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee.

General:

Both the existing zoning and proposed reclassification conflict drastically with the existing land use in the area bounded by Ingleside Avenue, Pusting Avenue, Egges Lane and Frederick Road. These higher land uses require major improvements in highways for circulation and access, major improvements in storm drainage systems to correct already difficult situations and support the contemplated increases in runoff from impervious construction to a suitable outfall, and improvements in the existing water distribution system to provide adequate fire protection.

The necessary highway and storm drainage improvements are not possible within existing rights-of-way and cannot be completed within the tiled interests of the Petitioner as presented.

Highways:

Frederick Road is a State Road; therefore, all improvements, interchanges and entrances on this road will be subject to State Highway Administration requirements.

Ingleside Avenue is an existing road which requires improvement as a four lane traffic way on a 70-foot right-of-way. This artery is included in the Baltimore County Capital Improvement Program; however, studies of its relation to the proposed land use changes contemplated by the existing zoning or petitioned reclassification are needed.

Pusting Avenue, Melrose Avenue and Egges Lane would require improvement to minimum 60-foot traffic ways on 60-foot rights-of-way for D.R. 16 land use, while requirements for the R.A.S. - 1 land use or B.L. - C.C.C. which are considerably higher have not been established.

Item #1 (April to October 1973 - Cycle V)
Property Owner: Elmer L. Morseberger, et al
Page 2
April 27, 1973

Highways: (Cont'd)

Proposals to utilize the Baltimore County Revenue Authority Parking Facility located within this area as both a circulation route and access way to proposed private land development is subject to review by the Baltimore County Roads Engineer, Traffic Engineer, the Baltimore County Revenue Authority and the Office of Planning. Comment is reserved.

Public water and sanitary sewers exist in two roads known as Heights Avenue and Jones Avenue within this area. It shall be the responsibility of the Petitioner to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way and facilities.

Storm Drains:

This area is bisected by a ridge aligned north and south and thus drains to the east and west. The runoff from the existing open residential land use collects to the drainage system in the vicinity of Frederick Road and Egges Lane, and the system in the vicinity of Ingleside Avenue and Frederick Road. The existing systems are not considered completely satisfactory for the existing land use and improvements have been proposed and studied in the past. (Ref: Job Order 4-15-1-1959.) The design studies prepared at that time, which were subsequently abandoned in favor of more critical problems, did not contemplate land use of the intensity now being considered.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Intense impervious land use in this area will necessitate drainage improvement as far south as Bloomingdale Avenue for both systems.

Water:

Public water facilities exist in Frederick Road, Ingleside Avenue, Pusting Avenue, Egges Lane, Melrose Avenue and in Heights Avenue and Jones Avenue.

Except for the mains in Frederick Road and Ingleside Avenue which are 12 inches, the remainder of the system in this area consists of 8-inch and 6-inch mains, inadequate to provide fire demand to the proposed high intensity land use.

It is anticipated that improvements will be necessary to the existing system.

Sanitary Sewer:

Sanitary sewers exist in Frederick Road, Ingleside Avenue, Pusting Avenue, Egges Lane, Melrose Avenue and in Heights and Jones Avenues. These mains vary from 6 to 12 inches in size. For development at the densities anticipated, improvements may be necessary in the local system.

Item #1 (April to October 1973 - Cycle V)
Property Owner: Elmer L. Morseberger, et al
Page 3
April 27, 1973

Sanitary Sewer: (Cont'd)

This property is in the Patapsco system. Due to damages suffered as a result of Agnes and major improvements required in Baltimore City, the rate of development is being regulated within this area at present. This should, however, have no bearing on ultimate land use.

Very truly yours,

Ellsworth N. Dyer
ELLSWORTH N. DYER, P.E.
Chief, Bureau of Engineering

END:RAM:OMK:as

H-NE Key Sheet
9 SW 23 Pos. Sheet

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
DIRECTOR
WM. T. MELLEN
DEPUTY FOR THE DIRECTOR

April 26, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 1 - Cycle Zoning V - April to October 1973
Property Owner: Elmer L. Morseberger, et al
Melrose Avenue W. of Ingleside Avenue
Reclass. to B.L. - C.C.C. and Variance from Sections 232.2b & 200.3C.1 - side yards
District 1

Dear Mr. DiNenna:

The subject petition is requesting a change from S.A.E. 1 to B.L. of 1,446 acres and .293 acres of DR 16 to B.L. This should increase the trip density of the property from 350 to 900 trips per day. This increased density can not be handled adequately on existing Melrose Avenue, Egges Lane, Ingleside Avenue or Frederick Road.

At this time, neither the County nor the State have scheduled construction or improvements on any of the above roads.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:uc

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

833-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. S. Eric DiNenna, Chairman
Zoning Advisory Committee

Re: Property Owner: Elmer L. Morseberger, et al

Location: W/S of Ingleside Avenue, 618' N. of Melrose Avenue

Item No. Reclassification Zoning Agenda Tuesday, April 10, 1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at

- () 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1973 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *J. Austin Deitz* Noted and Approved: *Paul H. Rousche*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on reclassification, Zoning Advisory Committee Meeting, April 4, 1973, are as follows:

Property Owner: Elmer L. Morseberger, et al
Location: W/S Ingleside Ave., 618' N of Melrose Ave.
Present Zoning: D.R. 16 and R.A.S. - 1
Proposed Zoning: Reclass. to B.L. - C.C.C. and a Variance from Section 232.2b, side yards and from Section 200.3C.1
District: 1
No. Acres: 0.063 acres; 0.558 acres; 0.230 acres; 0.717 acres; 0.181 acres

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas J. Devlin
Thomas J. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:amg

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 26, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item / Z.A.C. Meeting of:
Property Owner: Elmer L. Morseberger, et al
Location: W/S of Ingleside Avenue, 618' N of Melrose Avenue
Present Zoning: D.R. 16 and R.A.S. - 1
Proposed Zoning: Reclass. to B.L. - C.C.C. and a Variance from Section 232.2b, side yards and from Section 200.3C.1

District: 1
No. Acres: 0.063 acres; 0.558 acres; 0.230 acres; 0.717 acres; 0.181 acres

Dear Mr. DiNenna:

SEE ATTACHED SHEET.

Very truly yours,
W. Nick Petrowski
W. Nick Petrowski
Field Representative

WNP:ml

COMMENTS

School Situation:	Sept. 20, 1972 Enrollment	Capacity	Over/Under
Catonsville El.	666	650	+16
Catonsville Jr. High	1351	1355	-4
Catonsville Sr. High	1649	1480	+169

Projections:	Sept. 19 73	Sept. 19 74	Sept. 19 75	Sept. 19 76	Sept. 19 77
Catonsville El.	680	689	697	706	711
Catonsville Jr. High	1355	1355	1355	1370	1355
Catonsville Sr. High	1650	1680	1660	1595	1565

Projected Construction:	School Name	Status	Capacity	Estimated To Open
	None			

Programmed Construction (Subject to availability of funds)	School	Capacity	Year Programmed	Estimated To Open
	Westchester Jr.-Sr. High	1350	FY '77	FY '79

Possible Student Yield:	Elementary	Junior High	Senior High
-------------------------	------------	-------------	-------------

Present Zoning: The DR 16 zoning is too small to produce any students while the RAE 1 zoning (elevator apartments) would not produce any students either.

Proposed Zoning: From 1 to 35 From 0 to 4 From 0 to 5

Comments concerning effect on school housing matters: Should the above classroom space occur as scheduled, it is apparent that the secondary school overload could be handled. However, no provision has been made to alleviate the projected overload on the elementary level.

W. NICK PETROWSKI
EUGENE J. CLIFFORD, P.E.
WES. RICHARDSON, P.E.

MARCUS M. NOTISAKS
JOSHUA M. WHEELER
ALVIN DRECK
JOSHUA M. WHEELER

T. HAYWARD, JR.
RICHARD M. FRAYER, JR.
WES. RICHARDSON, P.E.

D-2 C.
PETITIONERS' EXHIBIT 20A

LOOKING NORTH FROM FREDERICK RD.
INTO PETITIONERS' PROPERTIES.

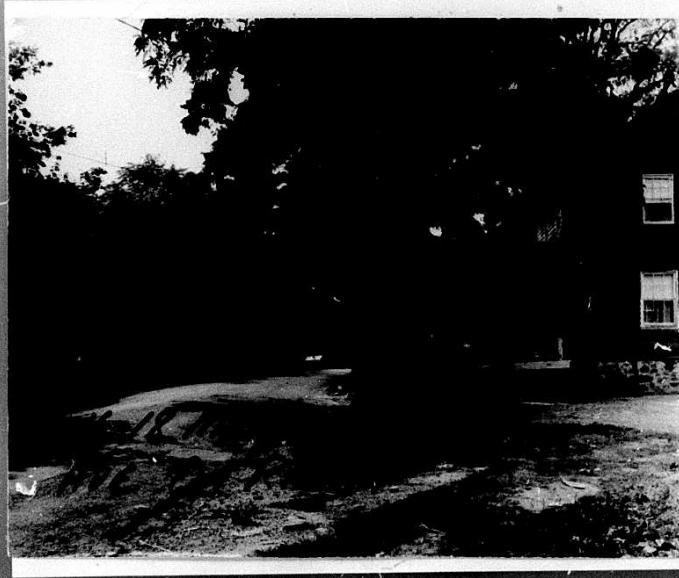


D-2 C PETITIONERS' EXHIBIT 20B

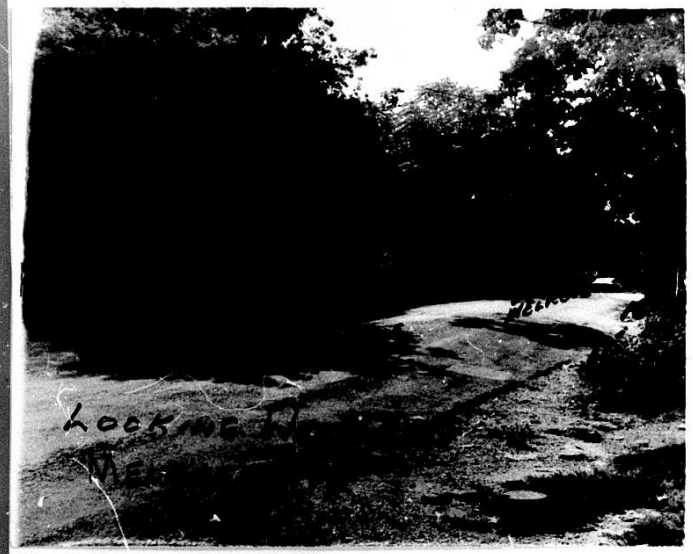
LOOK NORTH FROM FREDERICK RD.
INTO PETITIONERS PROPERTY ON REAR
OF R. AUTHORITY LOT.



D-2 C. PETITIONERS EXHIBIT 20C



D-2 C. PETITIONERS EXHIBIT 20D



D-2 C. PETITIONERS EXHIBIT 2



D-2 C. PETITIONERS EXHIBIT 20E



D-2 C. PETITIONERS EXHIBIT 20F



D-2 C. PETITIONERS EXHIBIT 2



Fasting



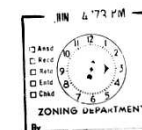
*218



1" = 200'



MICROFILMED



PROJ. NO.	7002	1
SCALE	AS NOTED	
DATE	1-14-74	
LAST REV.	1-1-74	

FUSTING AVE.

EXCERPT 85

DR 16
RAE

DA 16
A 482

NOV 20 1964

2015-11

1

FREDERICK AVE

LOCATION INSET

$$\frac{DR}{RAE} = \frac{10}{1}$$

53993

AN/E

INGLESIDE AVE.

MELROSE AVENUE

RAE!
BL-CCC

RAE:
BL-CCC

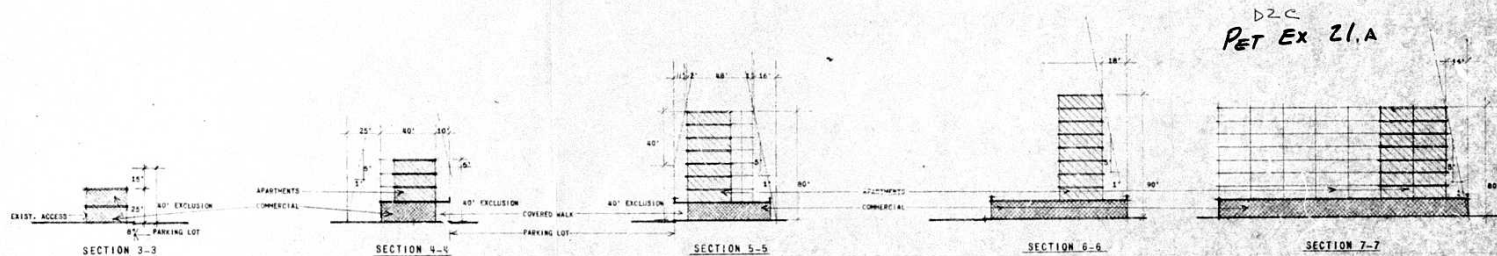
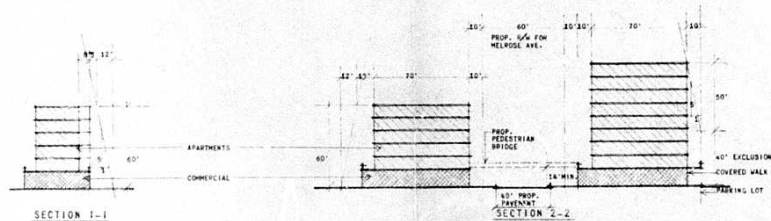
JOHN R. WILSON

PLAT FOR REZONING AND VARIANCE TO ZONING
MELROSE AVENUE
1ST DISTRICT
BALTIMORE CO., MD

Robert E. Spillman

JOSEPH D. THOMPSON
ENGINEERS AND SURVEYORS
101 SHELL BLDG 200 E. JOHNSON
TOWSON, MD. MARCH 29, 1973
SCALE: 1"=50'

24/5





LOCATION PLAN

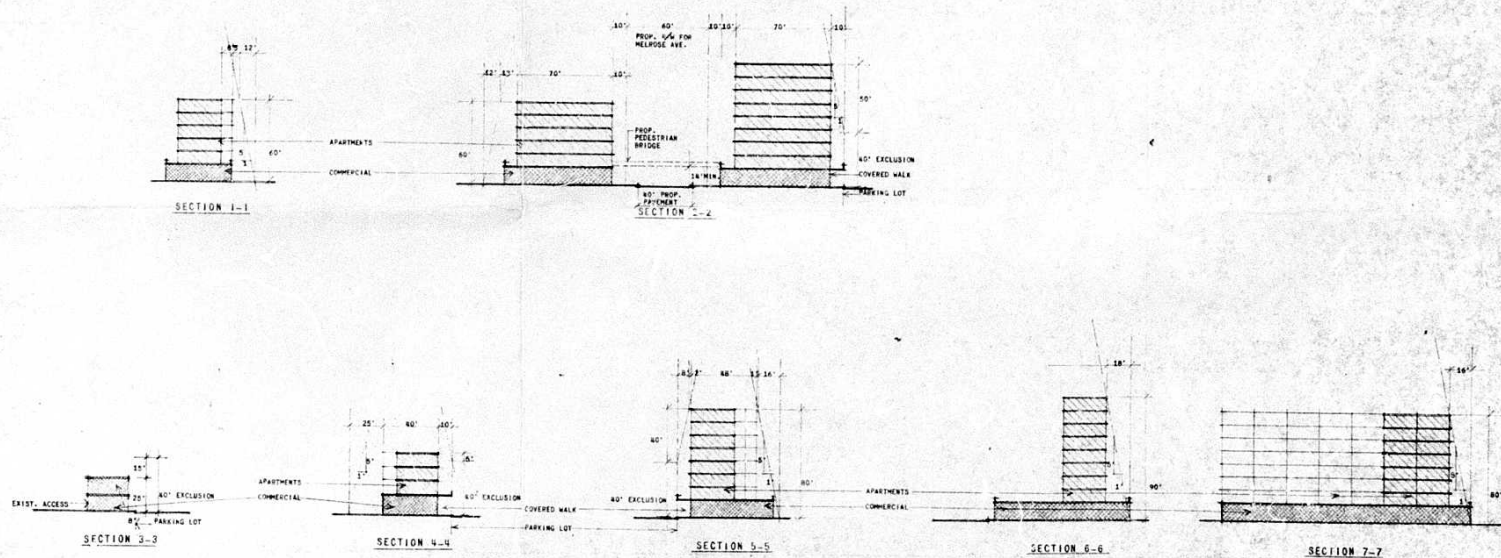
1" = 200'

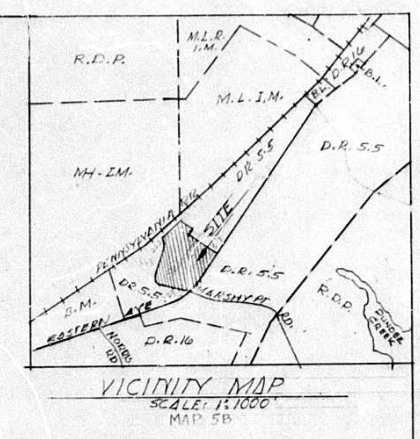
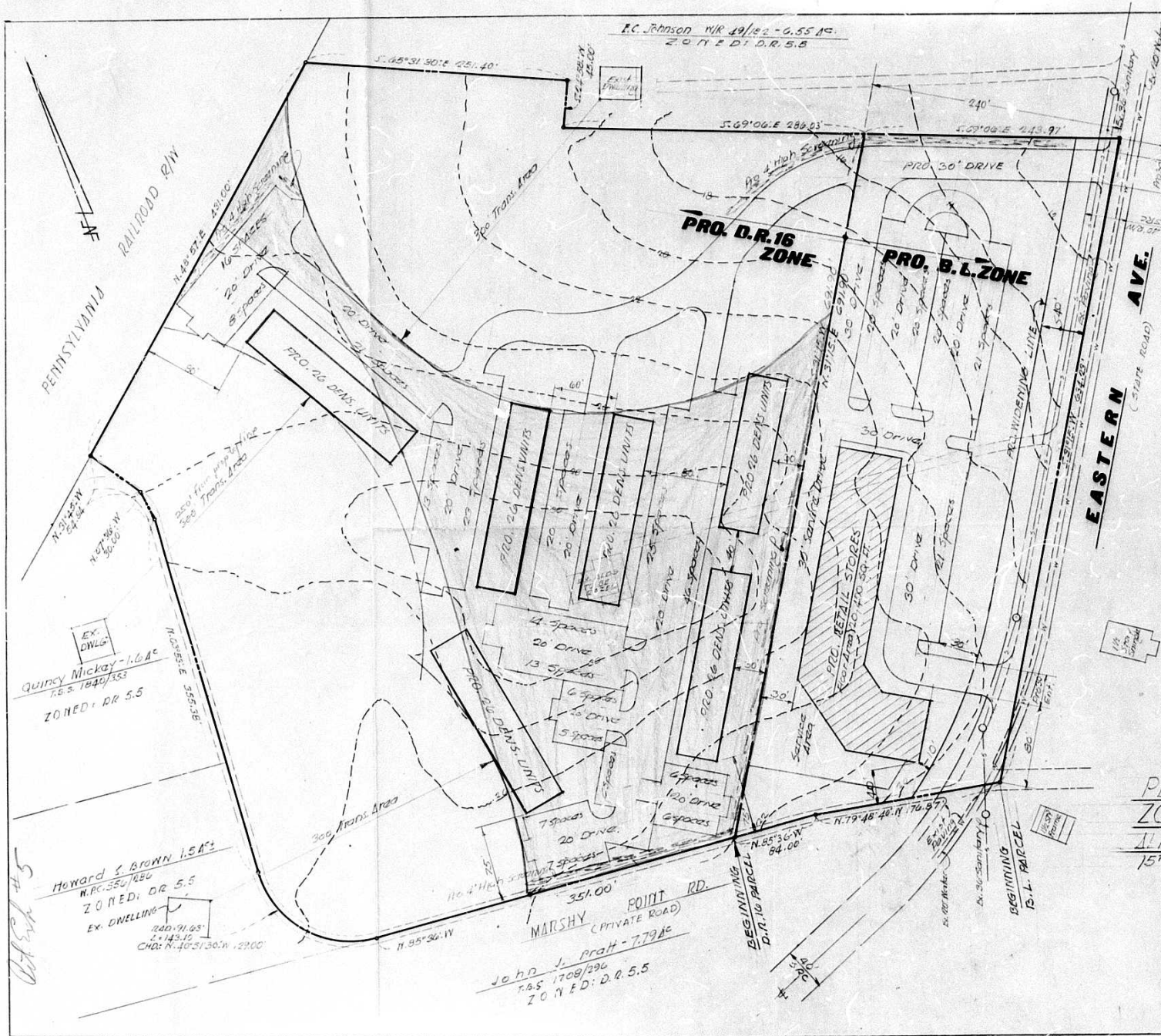


**CATONSVILLE
1964 PLAN**



1" = 1000'





NOTES

LOCATION: 15th ELECTION DISTRICT, BALTO CO, MD.
 AREA OF PROPERTY: 13.74 AC.
 EXISTING ZONE: D.R. 5.5
 EXISTING USE: RESIDENCE
 PROPOSED ZONING: B.L. & D.R. 10 (AS SHOWN)

DENSITY - PRO. D.R. 10 ZONE
 DENSITY: 10.10 DENS./AC.
 NO. OF DENSITY UNITS ALLOWED: 10.10 x 16.16 = 164.16
 NO. OF DENSITY UNITS PRO.: 150
 NO. OF DWELLING UNITS PRO.: 516 1-B.R. UNITS
 @ 0.75 DENS./UNIT = 42 DENS. UNITS
 114 2-B.R. UNITS @ 1.0 DENS. = 114 DENS. UNITS

PARKING - PRO. B.L. ZONE
 TOTAL FLOOR AREA OF PRO. STORES: 20,400 SQ. FT.
 NO. OF PARKING SPACES REQUIRED: 259
 PRO. BLDG. HEIGHT: 4 STY. - 40' MAX.

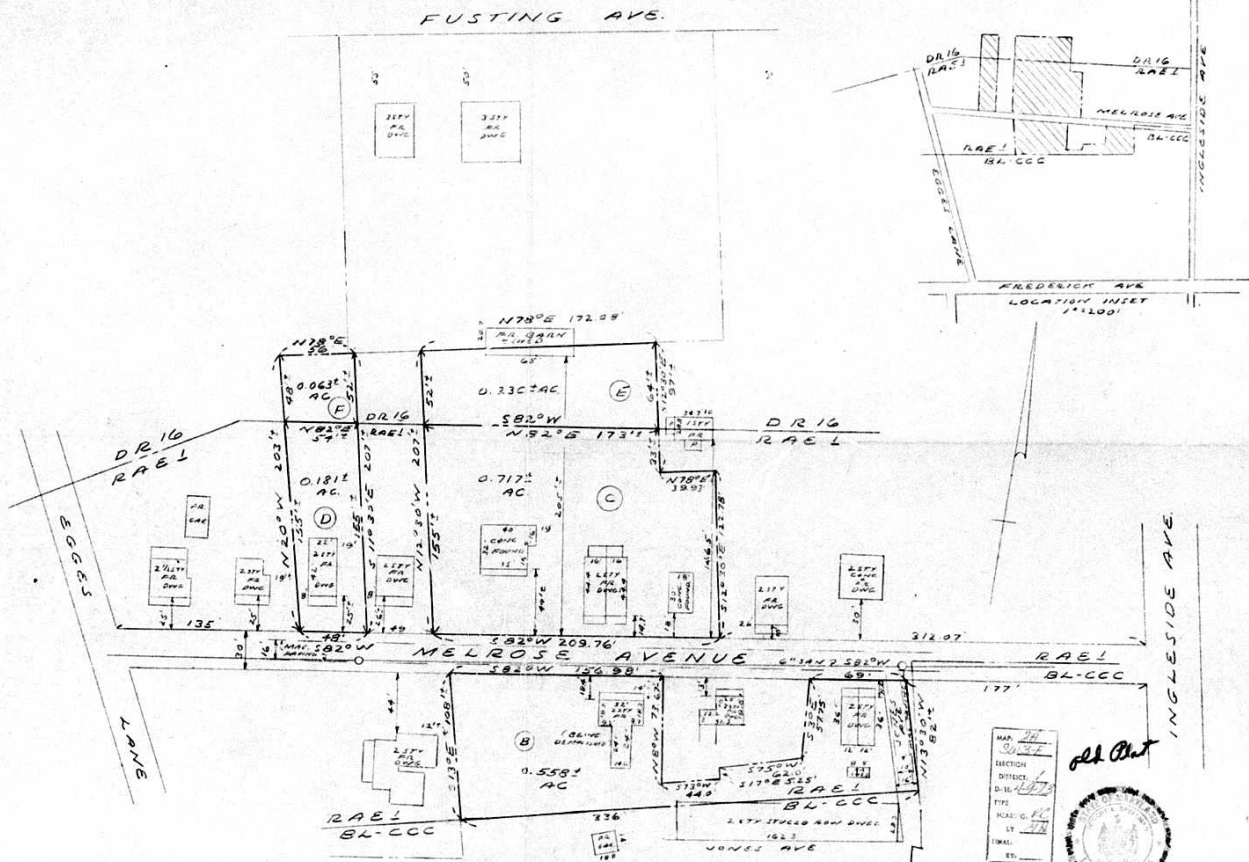
**PLAT TO ACCOMPANY
 ZONING PETITION OF
 J. FREIDA P. SCOTT PROPERTY
 15th ELECTION DIST. BALTO CO, MD.**

EVANS, HAGAN & MCDEFER, INC.
 SURVEYORS AND CIVIL ENGINEERS
 8013 BELAIR ROAD / BALTIMORE, MD. 21234
 (410) 648-1501

J. Paul Hagan
 DATE: SEPT. 1978 SCALE: 1" = 50'



EXISTING ZONING DR 16 AND RAE 1
 PROPOSED ZONING BL-CCC WITH VARIANCES TO
 232.2 B (6' SIDE YARD INSTEAD OF THE REQUIRED 45')
 232.2 C (10' SIDE YARD INSTEAD OF THE REQUIRED 45')
 232.2 D (10' SIDE YARD INSTEAD OF THE REQUIRED 45')
 232.2 E (10' SIDE YARD INSTEAD OF THE REQUIRED 45')
 AREA TO BE REZONED FROM DR 16 TO BL-CCC: 0.231 AC
 AREA TO BE REZONED FROM RAE 1 TO BL-CCC: 1.432 AC
 (SEE SUPPLEMENTAL PRESENTATION
 FOR PROPOSED DEVELOPMENT)



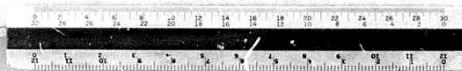
PLAT FOR REZONING AND VARIANCE TO ZONING
 MELROSE AVENUE
 1ST DISTRICT
 BALTIMORE CO., MD.

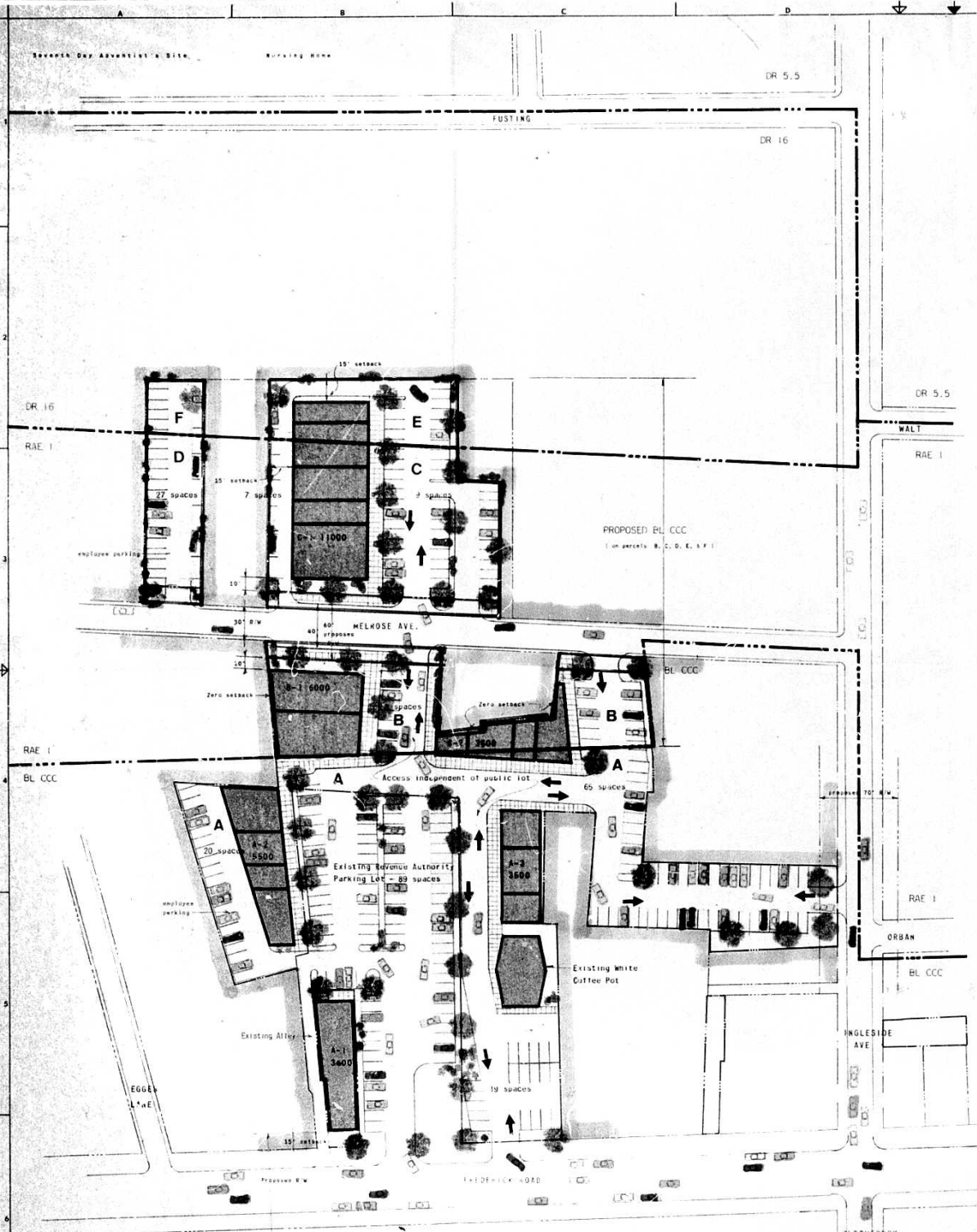
MAP	24
SECTION	1
DISTRICT	1
D-16	1
TYPE	1
NO. 16	1
DATE	1
BY	1



Robert E. Hoffman

JOSEPH D. THOMPSON
 ENGINEERS AND SURVEYORS
 101 SHELL LANE 2005 JOPPA RD
 JOPPA, MD. MARCH 29, 1973
 SCALE: 1"=50'





Ref. ex. #2



REQUESTED ZONING

PARCEL B - 0.556 ACRES - RAE I to BL CCC
 PARCEL C - 0.717 ACRES - RAE I to BL CCC
 PARCEL D - 0.181 ACRES - RAE I to BL CCC
 S.T. 1.456 ACRES
 PARCEL E - 0.230 ACRES - DR 16 to BL CCC
 PARCEL F - 0.053 ACRES - DR 16 to BL CCC
 S.T. 0.293 ACRES
 TOTAL 1.749 ACRES

PROPOSED SMALL SHOP CENTER

UNIT A-1 3600 SQ. FT.
 UNIT A-2 5500 SQ. FT.
 UNIT A-3 3500 SQ. FT.
 UNIT B-1 6000 SQ. FT.
 UNIT B-2 3600 SQ. FT.
 UNIT C-1 11000 SQ. FT.
 TOTAL 42200 SQ. FT.

PARKING

REQUIRED
 NEW SHOPS 33200 - 200' - 166 SPACES
 EX. WHITE COFFEE POT - 23 SPACES
 TOTAL - 189 SPACES

PROVIDED
 (exclusive of Revenue Authority Lot) - 195 SPACES

NO.	DATE	ITEM
REVISIONS		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

NO.	DATE	ITEM
CONSULTANTS		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

TAA Inc.
 The Architectural Affiliation
 Baltimore 301-423-7802
 219 W. Joppa Rd.
 Towson, Md. 21204

Catonsville Center
 Mr. & Mrs. Louis P. Morasberg
 Mr. & Mrs. Elmer L. Morasberg
 1st District, Baltimore Co.

ZONING STUDY	
PROJECT NO.	7507
SCALE	1" = 50'
DATE	30-6-75
LAST RE.	

