

IN RE: PETITION FOR VARIANCE
S side of Fredrick Road; 106 feet
W of Bloomsbury Lane
1st Election District
1st Councilmanic District
(713 Fredrick Road)

Robert Morsberger
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2009-0293-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Robert Morsberger. As filed, Petitioner is requesting Variance relief from Section 413.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing on-site 10 parking spaces in lieu of the required 23 spaces (due to new deck expansion), a variance of 13 spaces.¹ The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioner Robert Morsberger, James Hanna, Petitioner's land use consultant, and Louis J. Weinkam, Jr., Esquire, attorney for Petitioner. There were no Protestants or other interested citizens in attendance at the hearing.

It should be noted that this matter came before me as a result of a Code Enforcement Correction Notice that was issued on January 29, 2008 for constructing a deck on the rear of a building without a permit.² The construction of the deck lead to a determination that the

¹ Section 409 of the B.C.Z.R. is the applicable zoning regulation for Off-Street Parking. Petitioner's reference to Section 413 is misplaced because that section is not in use and is reserved for future regulations.

² Case No: CO-08-0050

7.21.09

PD

property lacked sufficient parking for the original tavern/restaurant use and the additional tavern area utilized by the new deck, hence the filing of the instant request for variance.

Testimony and evidence offered revealed that the subject property is a narrow, rectangular-shaped property that is zoned B.L.-C.C.C. The subject property is located on the southeast corner of the intersection of Frederick Road and Smith Lane, west of Bloomsbury Avenue, in the Catonsville area of Baltimore County. The property is improved with a commercial property, known as Morsberger's Tavern, consisting of 1,440 square feet (18 feet by 80 feet) with an attached recent deck expansion of 616 square feet, creating a total gross area of 2,056 square feet. Ten parking spaces are available for customers and employees of Morsberger's Tavern in the rear of the establishment as shown on the site plan. The surrounding area is comprised of commercial properties and storefronts. A Real Property Data Search indicates that the tavern structure was erected in 1939. Testimony proffered by Petitioner Mr. Morsberger indicated that the tavern was established and run by Petitioner's grand-father in the late 1930's and was thereafter run by Petitioner's father prior to Petitioner's current ownership and management of the tavern. The tavern operation runs through approximately four generations of Petitioner's family.

Further testimony indicates that the existing parking layout has been in use since the 1940's -- prior to the adoption of the Zoning Regulations. In particular, as mentioned above, the parking plan and tavern have been in existence, continuously and without interruption since 1939. Thus, the ten parking spaces have adequately served the subject property are a legally nonconforming, in compliance with Section 104 of the B.C.Z.R., which enumerates the requirements for non-conforming uses. Notwithstanding this finding, the deck expansion adds an extra 616 square feet to the tavern area and thus necessitates the addition of thirteen parking

7-21-09

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spaces in order to comply with Section 409.6 of the B.C.Z.R. Petitioner believes that variance relief is warranted for these thirteen parking spaces because of the unique nature and characteristics of the subject property and the undue hardship that would befall Petitioner if strict compliance with the Zoning Regulations were required. Petitioner explained that because of the age of the structure -- dating back to 1939 -- the property is uniquely constrained. Further, the subject property is also constricted by the dense, commercial nature of the surrounding area, rendering compliance with the Zoning Regulations and today's parking standards exceedingly difficult. Moreover, Petitioner stated that strict compliance with the zoning regulations would result in practical difficulty and undue hardship.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments generally indicate no opposition or other recommendations concerning the requested relief.

Considering all the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The tavern and parking plan have operated in their current state since 1939. Thus, the existing ten parking spaces have adequately served the patrons of Morsberger's Tavern, evidenced by the fact that the current parking layout has stood the test of time. Further, due to the dense commercial environment within which the tavern is located, space to comply with the requirements of the Zoning Regulations is non-existent. It should also be noted that there is abundant public and metered parking in the near vicinity of the tavern. In addition, many patrons walk from parking areas or nearby neighborhoods to and from the tavern. Moreover, the addition of the deck is not intended to attract or add extra patrons. The deck is merely an accommodation to the needs of the current

RECEIVED FOR FILED
7-21-09


patrons. There is no bar area or significant seating space on the deck. If Petitioner were compelled to strictly comply with the Zoning Regulations, his business, which has operated in its current location for almost 70 years, would suffer tremendously and would potentially need to move. Further the relative impossibility of providing the required parking is a substantial practical difficulty.

I conclude that the subject property is unique in a zoning sense and that Petitioner would suffer practical difficulty and undue hardship if the variance were to be denied. I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 21st day of July, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance relief request from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing on-site 10 parking spaces in lieu of the required 23 spaces (due to new deck expansion), a variance of 13 spaces, be and is hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER REVERSED FOR FILING
7-21-09
m

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

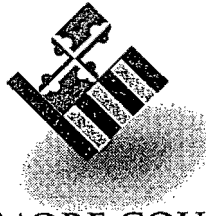
THB:pz

RECEIVED FOR FILING

7-21-09

7-21-09

P3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 21, 2009

LOUIS J. WEINKAM, JR., ESQUIRE
WEINKAM AND WEINKAM P.A.
1002 FREDERICK ROAD
BALTIMORE MD 21228

Re: Petition for Variance
Case No. 2009-0293-A
Property: 713 Fredrick Road

Dear Mr. Weinkam:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Robert Morsberger, 713 Frederick Road, Baltimore MD 21228
James Hanna, 941 Elmridge Avenue, Baltimore MD 21229



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 713 FREDERICK ROAD
which is presently zoned BL-CCC

Deed Reference: 24108/555 Tax Account # 0113752138

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.6 BCZR TO PERMIT THE EXISTING ON SITE 10 PARKING SPACES IN LIEU OF THE REQUIRED 23 SPACES (DUE TO NEW DECK EXPANSION) A VARIANCE OF 13 SPACES.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) TO BE DISCUSSED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

LOUIS WEINKAM
Name - Type or Print

Signature

WEINKAM & WEINKAM P.A.
Company

1002 FREDERICK ROAD 410-744-3256
Address Telephone No.

BALTO MD 21228
City State Zip Code

Legal Owner(s):

ROBERT MORSEBERGER
Name - Type or Print

Robert Morseberger
Signature

Name - Type or Print

Signature

713 FREDERICK ROAD

Address Telephone No.

BALTIMORE MD 21228
City State Zip Code

Representative to be Contacted:

CHARLES MERRITT
Name

2418 JOPPA ROAD 410 663-3525
Address Telephone No.

BALTO MD 21234
City State Zip Code

Case No. 2009-0293-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

Reviewed by A-TSUI Date 05/12/09

ADVISED ATTY MURKIN

MERRITT DEVELOPMENT CONSULTANTS, INC

~~~~~Engineering~~~~~Land Planning~~~~~Surveying~~~~~

2418 E Joppa Road  
Baltimore, MD 21234  
Phone: 410-663-5525  
410-663-8680  
Fax: 410-663-4315  
[merrittdc@comcast.net](mailto:merrittdc@comcast.net)

## ZONING DESCRIPTION

### 713 FREDERICK ROAD

Beginning for the same on the line of the Baltimore and Frederick Turnpike Road 106 feet westerly from the northeast corner of the whole lot at the intersection of Bloomsbury Lane with Frederick Turnpike Road and running thence southerly binding on the west line of the lot formerly purchased by Miles White and occupied by John Montgomery 157 feet to the back line of the lot thence westerly parallel with Frederick Road to a stake on the east side of a 16 foot lane known as Smith's Lance thence with said lane north 157 feet to the Baltimore and Frederick Turnpike Road and thence binding on said road 40 feet to the place of beginning.

Containing 6270 sf or 0.144 a c. and located in the 1<sup>st</sup> Election District Councilmanic District.



2009-0293-A

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **89956**

Date: **05/12/09**

**PAID RECEIPT**

BUSINESS ACTUAL TIME IN  
 12/2009 5/12/2009 11:04:34 2

REG 1505 WALKIN DDOL AND  
 RECEIPT N 492267 5/12/2009 07:14

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150            |                  |          |         | 325    |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |

5 528 ZONING VERIFICATION

83956

Receipt Tot \$325.00

\$325.00 00 0.00 00

Baltimore County, Maryland

Total: **\$ 325**

Rec  
 From:

For:

**713 FREDERICK RD**

**2009-0293-A**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

**NOTICE OF  
ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**Case: # 2009-0293-A**  
713 Frederick Road  
S/side of Frederick Road, 106  
feet west of Bloomsbury  
Lane

1st Election District  
1st Councilmanic District  
Legal Owner(s): Robert  
Morseberger

**Variance:** to permit the existing on site 10 parking spaces in lieu of the required 23 spaces (due to new deck expansion) a variance of 13 spaces.

**Hearing: Tuesday, July 14, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.**

**WILLIAM J. WISEMAN, III**  
Zoning Commissioner for  
Baltimore County

**NOTES:** (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/962 June 30 204596

# CERTIFICATE OF PUBLICATION

7/2/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/30/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

*S. Wilkinson*

LEGAL ADVERTISING

RE: Case No 2009-0293-A

Date Of Hearing/Closing: 7/14/09

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 713 FREDERICK RD

This sign(s) were posted on June 30, 2009

Month, Day, Year

Sincerely,

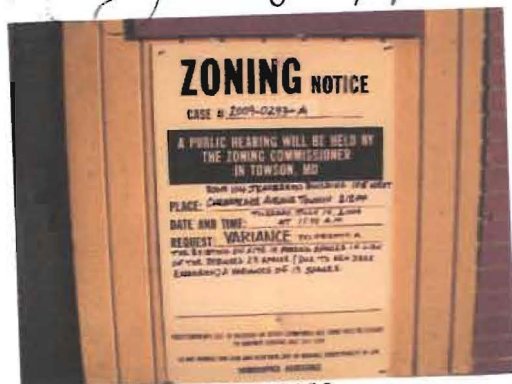
Signature of Sign Poster and Date

**Martin Ogle**

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



06/30/2009

CERTIFICATE OF POSTING

RE: Case No 2009-0293-A

Petitioner/Developer LOUIS  
WEINKAM Jr

Date Of Hearing/Closing: 7/14/09

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 713 FREDERICK RD

This sign(s) were posted on June 30, 2009  
Month, Day, Year

Sincerely,

Martin Ogle 6/30/09  
Signature of Sign Poster and Date  
Martin Ogle

60 Chelmsford Court  
Baltimore, Md, 21220  
443-629-3411

Your  
copy

*Attorneys At Law*  
1002 Frederick Road • Catonsville, Maryland 21228

Ph: (410) 744-3256  
Fax: (410) 744-3423  
Web: [www.weinkam.com](http://www.weinkam.com)  
Email: [loujr@weinkam.com](mailto:loujr@weinkam.com)  
[lousr@weinkam.com](mailto:lousr@weinkam.com)

July 6, 2009

Baltimore County Zoning Review  
ATTN: TIMOTHY KOTROCO  
County Office Building  
111 W. Chesapeake Ave., Room 111  
Towson, MD 21204

Re: Case No. 2009-0293-A  
713 Frederick Road

Dear Mr. Kotroco:

Enclosed please find the Certificate of Posting in the above referenced matter.

Should you have any questions, please feel free to contact my office.

Very truly yours,

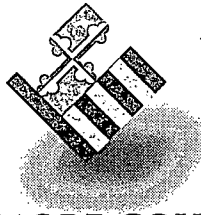
LOUIS J. WEINKAM, JR.

LJW:hmt

Enc.

cc: Robert Morsberger  
Kevin Mack





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

June 18, 2009  
TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2009-0293-A**

713 Frederick Road

S/side of Frederick Road, 106 feet west of Bloomsbury Lane

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Robert Morseberger

Variance to permit the existing on site 10 parking spaces in lieu of the required 23 spaces (due to new deck expansion) a variance of 13 spaces.

Hearing: Tuesday, July 14, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Louis Weinkam, 1002 Frederick Road, Baltimore 21228  
Robert Morseberger, 713 Frederick Road, Baltimore 21228  
Charles Merritt, 2418 Joppa Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 30, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, June 30, 2009 Issue - Jeffersonian

Please forward billing to:  
Robert Morseberger  
713 Frederick Road  
Baltimore, MD 21228

410-663-5525

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## NOTICE OF ZONING HEARING

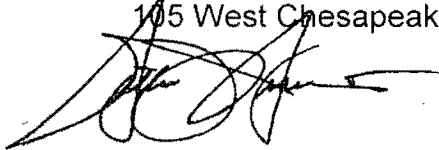
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713 Frederick Road  
S/side of Frederick Road, 106 feet west of Bloomsbury Lane  
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Legal Owner: Robert Morseberger

Variance to permit the existing on site 10 parking spaces in lieu of the required 23 spaces (due to new deck expansion) a variance of 13 spaces.

Hearing: Tuesday, July 14, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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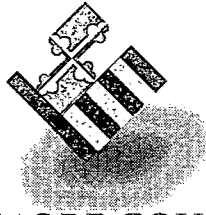
#### For Newspaper Advertising:

Item Number or Case Number: 2009-0293-A  
Petitioner: ROBERT MORSEBERGER  
Address or Location: 713 FREDERICK ROAD

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT MORSEBERGER  
Address: 713 FREDERICK ROAD  
BAITIMORE MD 21228

Telephone Number: \_\_\_\_\_



## BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
July 10, 2009  
*Department of Permits and  
Development Management*

Louis Weinkam  
Weinkam & Weinkam P.A.  
1002 Frederick Road  
Baltimore, MD 21228

Dear Mr. Weinkam:

RE: Case Number 2009-0293-A, 713 Frederick Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:klm

C: Robert Morseberger, 713 Frederick Road, Baltimore 21228  
Charles Merritt, 2418 Joppa Road, Baltimore 21234

TB 7/14 11 am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** June 8, 2009

RECEIVED

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

JUN 09 2009

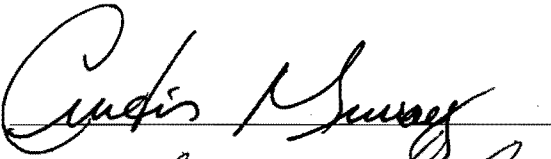
ZONING COMMISSIONER

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-293- Variance**

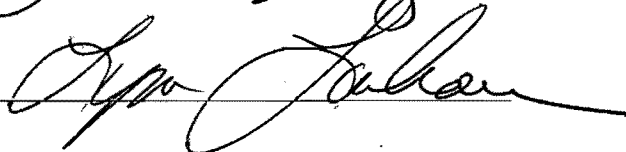
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:  
CM/LL



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** June 8, 2009

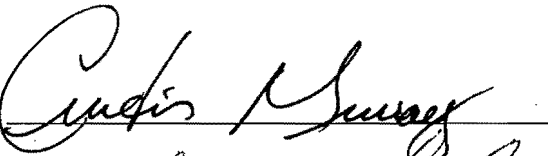
**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-293- Variance**

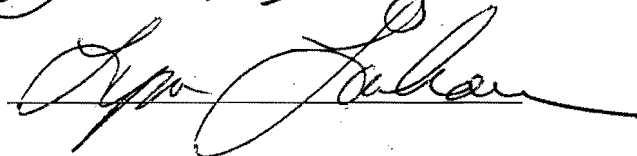
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:  
CM/LL



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: June 4, 2009

SUBJECT: Zoning Item # 09-293-A  
Address 713 Fredrick Road  
(Morseberger Property)

Zoning Advisory Committee Meeting of May 26, 2009

  X   The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 6/4/09



**BALTIMORE COUNTY**  
**M A R Y L A N D**

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2009

Item Numbers **0293**, 0294, 0295, 0296, 0297, 0298, 0299, 0300 and 0301

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits &  
Development Management

**FROM:** Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 1, 2009  
Item Nos. 2009-~~293~~ 294, 295, 296,  
297, 298, 299, 300 and 301

**DATE:** June 1, 2009

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab  
cc: File  
ZAC-06012009 -NO COMMENTS



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 1, 2009

Ms. Kristen Matthews  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No 2009-0293-A  
MD 144 (FREDERICK RD)  
713 FREDERICK RD  
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0293-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For <sup>^</sup> Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB



RE: PETITION FOR VARIANCE \* BEFORE THE  
713 Frederick Road; S/S Frederick Road, \* ZONING COMMISSIONER  
106' W of Bloomsbury Lane \* FOR  
1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts \* BALTIMORE COUNTY  
Legal Owner(s): Robert Morseberger \*  
Petitioner(s) \* 09-293-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 03 2009

.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Charles Merritt, Merritt Development Consultants, Inc, 2416 East Joppa Road, Baltimore, Md 21234 and Louis Weinkam, Weinkam & Weinkam, P.A., 1002 Frederick Road, Baltimore, MD 21228, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

August 25, 2008

RE: 713 Frederick Rd  
Catonsville, MD 21228

To Whom It May Concern:

I, Elmer Morseberger, do hereby advise that the properties at 707, 709 and 715 Frederick Rd may be used for parking associated with any improvements or uses thereof on 713 Frederick Road.

Please feel free to contact me if you have any questions.

Respectfully Submitted,



Elmer Morseberger  
604 Hilton Ave  
Catonsville, MD 21228  
(410) 747-6945

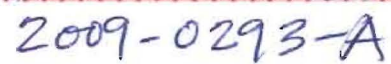
PETITIONER'S

EXHIBIT NO.

2

DATE 7-14-09

[illegible]





**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw4.3)

[Go Back](#)  
[View Map](#)  
[New Search](#)

**Account Identifier:** District - 01 Account Number - 0113752138

**Owner Information**

**Owner Name:** MORSBERGER ROBERT C **Use:** COMMERCIAL  
**Mailing Address:** 713 FREDERICK RD **Principal Residence:** NO  
 BALTIMORE MD 21228-4502 **Deed Reference:** 1) /24108/ 555  
 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 713 FREDERICK RD LOT SS FREDERICK ROA  
 IMP  
 SE COR SMITH AV

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:  |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------|
| 101 | 8    | 2012   |              |             |         |       |     | 3               | Plat Ref: |

**Special Tax Areas** **Town**  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1939                    | 1,440 SF      | 2,160.00 SF        | 23         |

| Stories | Basement | Type | Exterior |
|---------|----------|------|----------|
|         |          |      |          |

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2009 | 07/01/2008           | 07/01/2009 |
| <b>Land</b>               | 90,000     | 150,000    |                      |            |
| <b>Improvements:</b>      | 74,800     | 76,500     |                      |            |
| <b>Total:</b>             | 164,800    | 226,500    | 164,800              | 185,366    |
| <b>Preferential Land:</b> | 0          | 0          | 0                    | 0          |

**Transfer Information**

|                                     |                           |                   |
|-------------------------------------|---------------------------|-------------------|
| <b>Seller:</b> MORSEBERGER ROBERT C | <b>Date:</b> 06/29/2006   | <b>Price:</b> \$0 |
| <b>Type:</b> NOT ARMS-LENGTH        | <b>Deed1:</b> /24108/ 555 | <b>Deed2:</b>     |
| <b>Seller:</b> MORSBERGER EMORY L   | <b>Date:</b> 03/27/1989   | <b>Price:</b> \$0 |
| <b>Type:</b> NOT ARMS-LENGTH        | <b>Deed1:</b> / 8132/ 529 | <b>Deed2:</b>     |
| <b>Seller:</b>                      | <b>Date:</b>              | <b>Price:</b>     |
| <b>Type:</b>                        | <b>Deed1:</b>             | <b>Deed2:</b>     |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2008 | 07/01/2009 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0          | 0          |
| <b>State</b>               | 000   | 0          | 0          |
| <b>Municipal</b>           | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

Case No.:

2009-0293-A

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                                 |  |
|--------|-------------------------------------------------|--|
| No. 1  | site plan                                       |  |
| No. 2  | letter granting permission<br>for add'l parking |  |
| No. 3  |                                                 |  |
| No. 4  |                                                 |  |
| No. 5  |                                                 |  |
| No. 6  |                                                 |  |
| No. 7  |                                                 |  |
| No. 8  |                                                 |  |
| No. 9  |                                                 |  |
| No. 10 |                                                 |  |
| No. 11 |                                                 |  |
| No. 12 |                                                 |  |

**DIVISION OF CODE INSPECTIONS AND ENFORCEMENT**

**ACTIVE VIOLATION CASE DOCUMENTS**

BALTIMORE COUNTY MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: June 2, 2009

TO: W. Carl Richards, Jr.  
Zoning Review Supervisor

FROM: Rick Wisnom, Chief  
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2009-0293-A  
Legal Owner/Petitioner Morseberger, Robert  
Contract Purchaser: N/A  
Property Address: 713 Frederick Rd.  
Location Description: S/side of Frederick Rd, 106' W of Bloomsbury La.

VIOLATION INFORMATION: Case No. 08-0050  
Defendants: Morseberger, Robert

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

| NAME                    | ADDRESS                |
|-------------------------|------------------------|
| Balto. Co. Liquor Board | 111 W. Chesapeake Ave. |

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- |                          |     |                                                                                                                                   |
|--------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------|
| X                        | 1.  | Complaint letter/memo/email/fax (if applicable)                                                                                   |
| X                        | 2.  | Complaint Intake Form/Code Enforcement Officer's report and notes                                                                 |
| <input type="checkbox"/> | 3.  | State Tax Assessment printout                                                                                                     |
| <input type="checkbox"/> | 4.  | State Tax Parcel Map (if applicable)                                                                                              |
| <input type="checkbox"/> | 5.  | MVA Registration printout (if applicable)                                                                                         |
| <input type="checkbox"/> | 6.  | Deed (if applicable)                                                                                                              |
| <input type="checkbox"/> | 7.  | Lease-Residential or Commercial (if applicable)                                                                                   |
| <input type="checkbox"/> | 8.  | Photographs including dates taken                                                                                                 |
| X                        | 9.  | Correction Notice/Code Violation Notice                                                                                           |
| <input type="checkbox"/> | 10. | Citation and Proof of Service (if applicable)                                                                                     |
| <input type="checkbox"/> | 11. | Certified Mail Receipt (if applicable)                                                                                            |
| <input type="checkbox"/> | 12. | Final Order of the Code Official/Hearing Officer (if applicable)                                                                  |
| <input type="checkbox"/> | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)                                                     |
| <input type="checkbox"/> | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gk  
C: Code Enforcement Officer



Baltimore County  
Department of Permits and  
Development Management

Code Inspections and Enforcement  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

CO 0040845  
Building Inspection:

410-887-3953

Plumbing Inspection: 410-887-3620  
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

|                              |                            |              |
|------------------------------|----------------------------|--------------|
| Citation/Case No.<br>08-0050 | Property No.<br>0113792138 | Zoning: 107C |
|------------------------------|----------------------------|--------------|

Name(s): Robert C. Morsberger

Address: 713 Frederick Rd

Violation Location: 713 Frederick Rd

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

ALB1 Sec 105- Deck constructed  
on rear of Building without  
permit. Obtain permit or  
remove Deck

1000.00 Fines

SITE WORK

J.H. ASSOCIATES - JAMES HANNA 1-240-574-7729  
(LOW) WEINKAM - ARCHITECT  
(410-744-3256)

APPLIED 3/4/08

#B688590 - APPLICANT KEVIN MACK 410-371-1230

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

|                       |                      |
|-----------------------|----------------------|
| On or Before: 2/18/08 | Date Issued: 1/29/08 |
|-----------------------|----------------------|

2. FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR  
EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER  
VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Paul Hoban

INSPECTOR: Paul Hoban

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK  
UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN  
RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.  
THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

|               |              |
|---------------|--------------|
| On or Before: | Date Issued: |
|---------------|--------------|

INSPECTOR:

VIOLATION SITE

## UPDATE / MESSAGE FORM

Date: 5/14/09

Inspector: B. Kidd

Case #: 0040845

Address: 713 FREDERICK AVE

Comments: 5/14/09 - OWNER HAS VARIANCE #,  
CASE # 2009-0293-A. ~~RE~~ CHECKED WITH 2010,  
NO DATE HAS BEEN SET. SPOKE TO MR HANNA, ENGINEER,  
LANDLIFT SITE WORK SPOKE TO JERRY AT LIQUOR BOARD  
ABOUT RESULTS. R/C 5/21/09 M. Hall

Entered into AS400 W



# Permits & Development Management Complaint Report

**Report Criteria:**

Employee(s): EE0000000 to EE9999999

Scheduled Date(s): 5/4/2009 to 5/4/2009

PE Range: BI01 to BI03

| <u>Record ID</u> | <u>AS/400 Case</u> | <u>Assigned To</u> | <u>Assigned Date</u> | <u>Received By</u> | <u>Received Date</u> | <u>Status</u> | <u>Hearing Date</u> | <u>ADC Grid</u> |
|------------------|--------------------|--------------------|----------------------|--------------------|----------------------|---------------|---------------------|-----------------|
| CO0040845        | 08-0050            | Jim Garland        | 05/04/2009           | John Altmeyer      | 01/29/2008           | Open - Normal | 12/02/2008          | 41E3            |

Complaint Description: DECK CONSTRUCTED ON REAR OF BUILDING W/O PERMIT

UNINVENTORIED

| <u>Facility:</u>                                                          | <u>Owner :</u>                                                | <u>Complainant:</u> |
|---------------------------------------------------------------------------|---------------------------------------------------------------|---------------------|
| FA0322945<br>PDM 0113752138<br>713 FREDERICK RD<br>CATONSVILLE, MD, 21228 | MORSBERGER ROBERT C<br>713 FREDERICK RD<br>BALTIMORE MD 21228 | LIQUOR BOARD        |

Daily Activity Details - No Data

Violation Details - No Data

**Comment Details**

| Type                    | Date       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AS/400<br>PROBLEM 1-4   | 09/13/2008 | AS/400: 08-0050 1/29/08 FOUND LARGE DECK CONSTRUCTED ON REAR OF COMMERCIAL BLDG W/O PERMIT. ISSUED CN & \$1000. FINE. GAVE UNTIL 2/8/08 TO OBTAIN PERMIT. P/U 2/11/08 P.HOHNE/NS*** 2/12/08 RECHECK 2/19/08 P.HOHNE/NS*** 2/21/08 OWNER CALLED REQUESTED MORE TIME. HAS ENGINEERING & HAS APPLIED FOR PERMIT BUT NEEDS TO GET PAPERS TOGETHER FOR ZONING. P/U 3/12/08 P.HOHNE/NS*** 03/13/08 OWNER ASKED FOR MORE TIME TO GET SPECIAL EXCEPTION. P/U 04/02/08. P.HOHNE/KH.*** 4/7/08 B688590 STILL NOT ISSUED. P/U 4/23/08 P.HOHNE/NS*** 5/7/08 NO CHANGE. P/U 5/14/08 P.HOHNE/NS*** 5/19/08 SPOKE TO OWNER. HE IS GETTING PAPERS TOGETHER. STILL NEEDS ZONING SIGN OFF. P/U 6/2/08 P.HOHNE/NS*** 6/5/08 SPOKE TO OWNER. HAS BEEN TO TOWSON TWICE TO DEAL WITH REQUIRED PAPER WORK. HE IS WORKING ON PERMIT. P/U 6/11/08 P.HOHNE/NS*** 6/12/08 RECHECK 6/24/08 P.HOHNE/NS*** 6/30/08 NO CHANGE. NO FURTHER CONTACT W/OWNER. ISSUED CIVIL CITATION. HEARING DATE 8/13/08. P/U 7/15/08 FOR SERVICE. P.HOHNE/NS*** 7/18/08 NO CHANGE. P/U 8/11/08 P.HOHNE/NS*** **7/24/08 ON DOCKET FOR 8/13/08 /JF**. 08/15/08 Awaiting DECISION FROM HEAR. OFFICER. NO SHOW FOR HEAR. P/U 08/22/08. P.HOHNE/KH.*** ***8/13/08, LIEN \$5,000.00, CIVIL PENALTY, FILE TO PH/CP*** **8/21/08 FINAL ORDER SENT TO ROBERT MORSEBERGER /JF**. 8/26/06 FINE IMPOSED. P/U 9/24/08 P.HOHNE/NS*** |
| BUILDING<br>INSPECTIONS | 10/02/2008 | REINSPECTION 9/29/08<br><br>October 02, 2008 09:59 AM - NSHELTON<br><br>RECHECK 10/30/08 P.HOHNE/NS***                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| BUILDING<br>INSPECTIONS | 10/31/2008 | INSPECTION 10/31/08<br><br>October 31, 2008 09:57 AM - KHOPKINS<br><br>10/31/08 OWNER'S LAWYER HAS REQUESTED ANOTHER HEARING TO MITIGATE FINE. HEARING SET FOR 11/18/08. P/U 11/14/08. P.HOHNE/KH.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| BUILDING<br>INSPECTIONS | 11/17/2008 | INSPECTION UPDATE 11/17/08<br><br>November 17, 2008 08:42 AM - NSHELTON                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



# Permits & Development Management Complaint Report

**Report Criteria:**

Employee(s): EE0000000 to EE9999999

Scheduled Date(s): 5/4/2009 to 5/4/2009

PE Range: BI01 to BI03

---

HEARING DATE HAS BEEN SET FOR 12/2/08. P/U 11/28/08 P.HOHNE/NS\*\*\*BUILDING  
INSPECTIONS 12/03/2008

REINSPECTION 12/2/08

---

December 03, 2008 11:29 AM - NSHELTON

---

OWNER SENT CONTRACTOR TO HEARING & LAWYER. STILL TRYING TO GET ZONING VARIANCE FOR DECK. AWAITING DECISION FROM HEARING OFFICER. P/U 12/15/08 P. HOHNE/NS\*\*\*BUILDING  
INSPECTIONS 12/16/2008

REINSPECTION 12/16/08

---

December 16, 2008 09:07 AM - NSHELTON

---

PER HEARING OFFICER CONTINUE UNTIL 3/16/09 P.HOHNE/NS\*\*\*BUILDING  
INSPECTIONS 03/18/2009

INSPECTION 3/17/09

---

March 18, 2009 08:20 AM - NSHELTON

---

RECEIVED LETTER REQUESTING ADDITIONAL TIME TO FILE. (ATTORNEY MR.WEINKAM). P/U 5/4/09 J.GARLAND/NS\*\*\*

---

**Lien Information - None**

---

Mileage:

715

913 on street parking.

property of  
Elmer Monsberger

Property of  
Robert M. Rosenberg

Property of Robert Mersbergen  
20

245 FH3S

← 18° →

Existing  
Bldg.

Existing  
Bldg 48'

proposed  
Deck

T  
 A  
 B  
 V  
 K  
 C

72  
52

30  
221

30  
221

12001117-04  
E-344-20601117-04

6688590.C-

1. PROPERTY ZONED: BL-CCC
2. DRC WAIVED: 9-4-07
3. CODE ENFORCEMENT CITATION: #08-0050
4. GROSS AREA: 2826 SF
5. PARKING REQUIREMENT:

SO EXISTING PARKING = 10 SPACES

NEW DECK PARKING @ 616 SF/ 6.16 X 20 = 12.32 PS OR 13

TOTAL REQUIRED= 23 SPACES

6. PUBLIC UTILITIES EXIST ON-SITE.

7. PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN.

8. DECK PERMIT APPLICATION NUMBER B688590.

1. PROPERTY ZONED: PL-CCC  
2. DRC DATED: 3-4-07  
3. CODE ENFORCEMENT CITATION: N/A-0050  
4. APPROX. AREA: 7526 SF

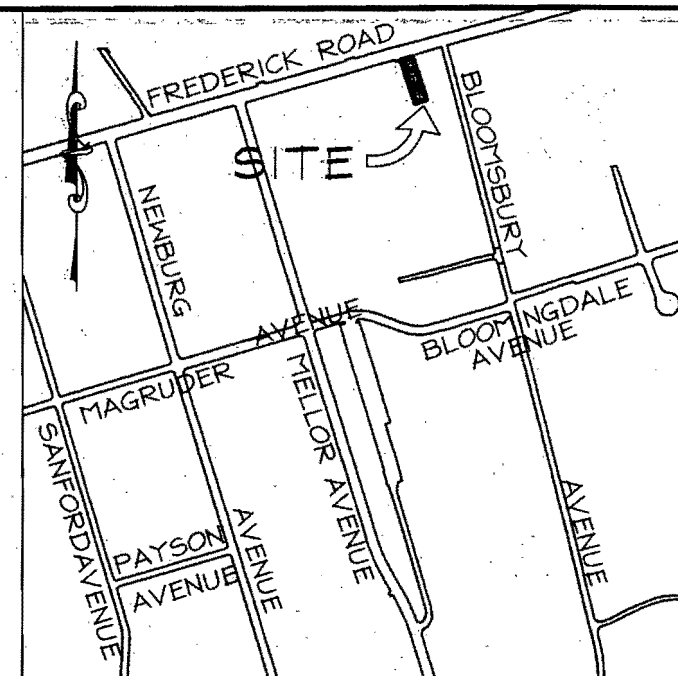
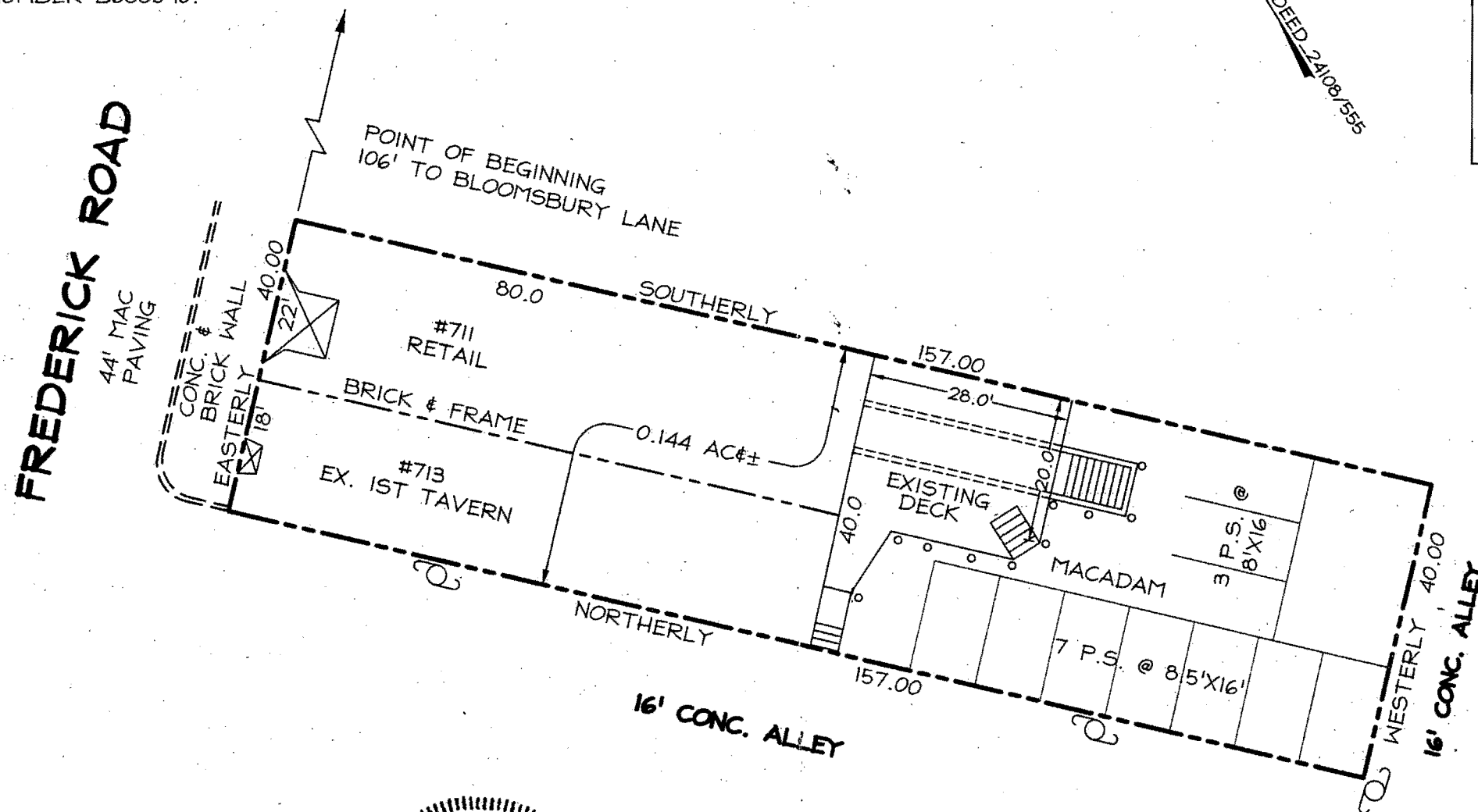

$$1'' = 1000'$$

EXHIBIT NO.



2418 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234

PHONE: 410-663-5525 FAX: 410-663-4315

MERRITDC@COMCAST.NET



OWNER

ROBERT MORSEBERGER  
713 FREDERICK ROAD  
BALTIMORE MD 21228  
DEED REF: 24108/555  
TAX ID NO: 0113752138

2009-0293-A

PLAN TO ACCOMPANY ZONING PETITION  
713 FREDERICK ROAD

DISTRICT 01C01  
SCALE: 1"=20'

BALTIMORE COUNTY, MD  
MARCH 27, 2009