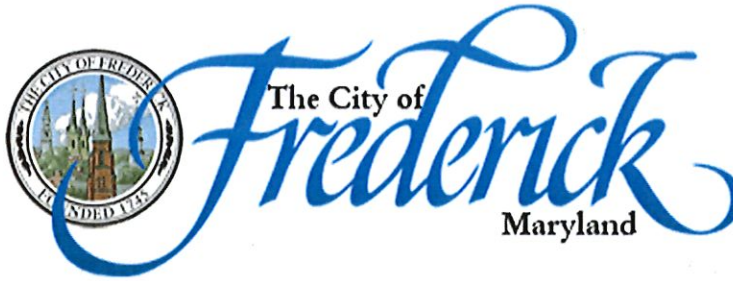


Mayor

Michael C. O'Connor



Aldermen

Kelly Russell  
President Pro Tem

Derek T. Shackelford  
Roger A. Wilson  
Donna Kuzemchak  
Ben MacShane

March 5, 2019

**Re: 19-174ZD: Zoning Determination, 501 Elm Street**

Dear Mr. Baker,

In response to your letter dated February 25, 2019, Staff has prepared the following information:

The subject property (the "Property") is zoned medium density residential, R12. Per Section 401, Table 401-1 of the Land Management Code (LMC), the R12 district is intended to provide for residences in an urban residential environment with a maximum density of 12 dwelling units per acre.

The lot is improved with a single-family, detached dwelling unit which is a permitted use in the R12 district. In your request you have asked for confirmation of the setbacks that must be adhered to given the lot's location and configuration. The Property is a corner lot having frontage along two streets. Per Section 606(i), reversed corner lots- corner lots that back to a property whose front property line is the corner lot's secondary frontage- are required to maintain the front/street setback per Section 405, Table 405-1 along both frontages. The required front/street setback in the R12 district is 20'.

Based on the tools available, SpireGIS and aerial photography, the principal structure on the Property is approximately 10' from the property line along W. 5<sup>th</sup> Street. Per Maryland State Tax Assessment records, the principal structure was built in 1910, prior to the adoption of a zoning ordinance in the City of Frederick. As such, the structure is nonconforming and subject to the provisions of Article 9, Section 902, *Nonconforming Structures*. A structure that does not conform to the minimum yard requirements of this Code may be continued so long as it remains otherwise lawful, provided no such structure shall be modified so as to increase its nonconformity or to make it less suitable for a permitted use in that district. As such, any planned addition to the dwelling unit must meet the required setback along W. 5<sup>th</sup> Street.

Per Section 606(j), the Planning Department may modify the front yard required by Section 405 in primarily developed areas where the actual front yards on a majority of the lots within the block differ from the required front yard in the district. In such cases, the front yard may be the average depth of existing front yards in the block or the average

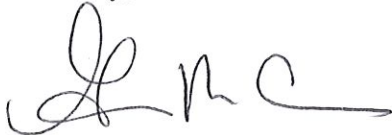
depth of the existing front yards on the two lots immediately adjoining, whichever is greater. In the case of a corner lot the average yard of adjoining lots shall be the front yard of the lots immediately adjoining. Based on the information you provided, the front setback at 507 Elm Street is 22'-10" and the front yard of 301 W. 5<sup>th</sup> Street, immediately abutting to the rear is 11'-4". Accordingly, the front setback for 501 Elm Street along the secondary frontage of W. 5<sup>th</sup> Street can be reduced to 17'-1".

If you have any further questions please don't hesitate to contact me at (301) 600-1883 or [gcollard@cityoffrederick.com](mailto:gcollard@cityoffrederick.com).

*The purpose of the service provided by the Zoning Administrator regarding determinations/interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plan and the Land Management Code for compliance.*

*This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.*

Sincerely,



Gabrielle Collard  
Division Manager of Current Planning

In Concurrence,



Joseph A. Adkins, AICP  
Zoning Administrator/Deputy Director for  
Planning

cc:

19-174

February 25, 2019

Joe Adkins  
Zoning Administrator  
City of Frederick  
140 W Patrick Street  
Frederick, MD 21701

**RE: Zoning Determination Request for 501 Elm Street**

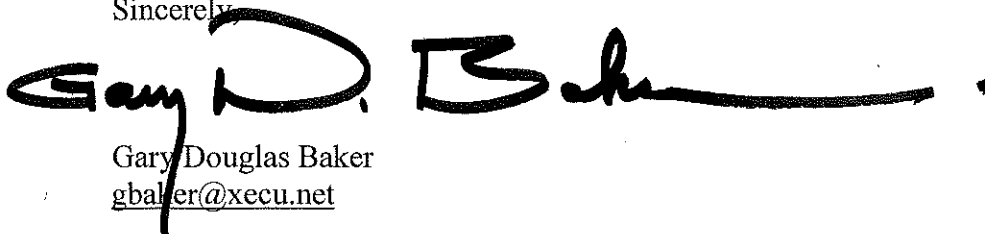
Dear Mr. Adkins:

I am requesting a zoning determination for a definitive front setback for the subject property. Please see the attached lot layout.

The property is a corner lot with two fronts, one facing Elm Street and the other facing West 5<sup>th</sup> Street. The property is zoned R12 with a front requirement of 20 feet; however the structure currently does not comply with the LMC setback.

I have looked into LMC Section 606(j) for flexibility in designing an addition to the existing structure. If this Section is permitted, what would be the required front yard setback along West 5<sup>th</sup> Street.

Sincerely,



Gary Douglas Baker  
[gbaker@xecu.net](mailto:gbaker@xecu.net)

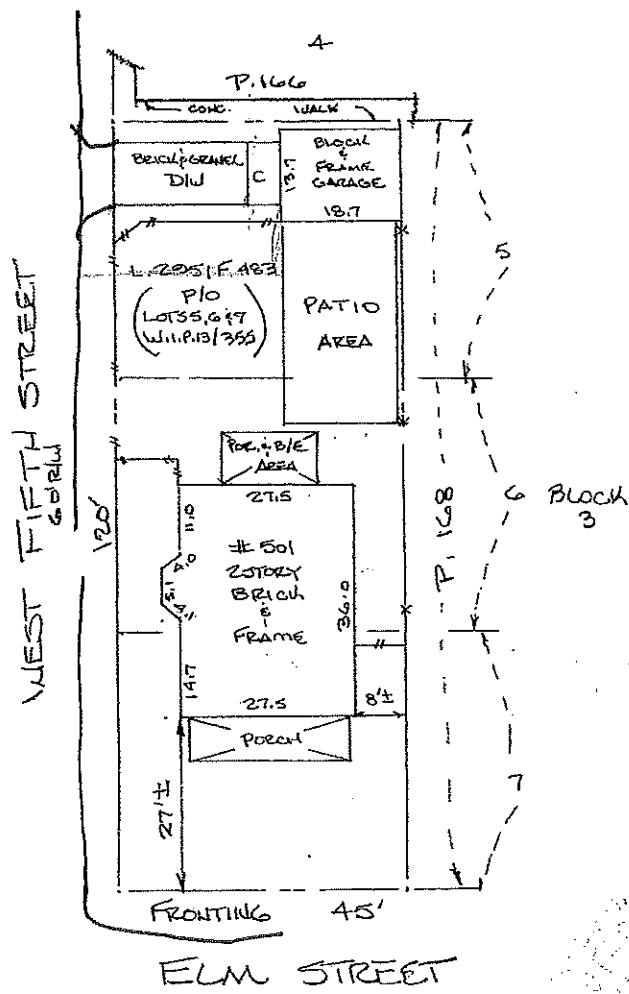
- NOTES:
1. THIS LOCATION/SURVEY IS SOLELY FOR THE USE OF THE PARTY ORDERING SAME ON THIS DATE AND MAY NOT BE RELIED UPON BY ANY OTHER PERSONS AND/OR PARTIES WITHOUT PRIOR WRITTEN APPROVAL OF HALLER-BLANCHARD & ASSOCIATES
  2. THIS LOCATION DRAWING WAS PREPARED UNDER THE DIRECT REVIEW AND SUPERVISION OF DAVID L. HALLER-MD. REG. NO. 240
  3. NO TITLE REPORT PROVIDED; THIS LOCATION DRAWING SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND NOTES OF RECORD
  4. THIS LOCATION DRAWING IS FOR TITLE PURPOSES ONLY. IT IS FOR USE BY THE TITLE INSURANCE COMPANY AND/OR ITS AGENTS RELATED TO TITLE TRANSFER, FINANCING, ETC.
  5. THIS LOCATION DRAWING DOES NOT ESTABLISH PROPERTY (BOUNDARY) LINES AND DOES NOT GUARANTEE PROPERTY CORNERS
  6. THIS LOCATION DRAWING IS NOT TO BE RELIED ON FOR ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS. IT CANNOT BE RELIED UPON FOR ANY TYPE OF CONSTRUCTION
  7. ALL MEASUREMENTS FROM IMPROVEMENTS TO APPARENT PROPERTY (BOUNDARY) LINES OR LINES OF POSSESSION ARE PLUS OR MINUS TWO FOOT OR LESS.

CASE / FILE NO. 25202BRS

**IMPROVEMENT LEGEND**

- Sh = Shed
- S = Stoop
- P = Patio
- D = Deck
- B/E = Basement Entrance
- D/W = Driveway
- C = Concrete
- St = Stone
- Br = Brick
- Fr = Frame
- \*\* = Fence / F
- G = Gate
- O/H = Overhang
- Por = Porch
- Sty = Story
- Asph = Asphalt

H  
 ZONE:  
 R-12  
 BRL  
 FRONT =  
 SIDE =  
 REAR = 0



LOCATION OF HOUSE  
 M.A. & E.O. PRZYBOCKI  
 PROPERTY  
 LIBER 2951 FOLIO 483  
 (PART OF LOTS 5, 6 & 7 - BLOCK 3)  
 (LIBER W.I.P. 13 FOLIO 335)  
 CITY OF FREDERICK  
 FREDERICK COUNTY, MARYLAND

NOTE: NO PROPERTY CORNERS FOUND.

**CERTIFICATE**

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN ESTABLISHED BY A FIELD LOCATION.

*DAVID L. HALLER*

DAVID L. HALLER  
MARYLAND R P L S No. 240

**REFERENCES**

PLAT BK	LIBER 141.P. 13
PLAT NO	Folio 335
LIBER	2951
FOLIO	483

**HALLER-BLANCHARD & ASSOCIATES**  
 P.O. BOX 1774  
 FREDERICK, MARYLAND 21702  
 (301) 846-7788

DATE OF PLANS	SCALE: 1" = 30'
WALL CHECK:	DRAWN BY: WHY
USE LOC: 11-1-15	JOB NO: 14408
BOUNDARY:	

THIS LOCATION IS VALID FOR 180 DAYS FROM THE DATE OF THIS PLAN AND IS FOR MORTGAGE PURPOSES FOR SHEYNER