



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 20, 1997

Mr. James Grace
2527 Barrison Point Road
Baltimore, Maryland 21221

RE: Application for Building Permit for Undersized Lot
Permit No.: None
Property: 506 Franklin Avenue

Dear Mr. Grace:

Enclosed please find the decision rendered in the above captioned case. The Application for Building Permit for Undersized Lot has been granted, with a restriction.

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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Paul D. Silwick
510 Franklin Avenue, Baltimore, Md. 21221

<IN RE: APPLICATION FOR BUILDING PERMIT * BEFORE THE
FOR UNDERSIZED LOT
NS Franklin Ave., 100 ft. SW of * ZONING COMMISSIONER
George Avenue (506 Franklin Ave)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Land Owner: John & Marie Nowacka * Permit No.:
Applicant/Petitioner: James Grace

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner to consider a request for approval of the construction of a dwelling on an undersized lot, pursuant to Section 304 of the Baltimore County Zoning Regulations (BCZR). The Applicant/Petitioner is identified as James Grace. Mr. Grace has recently purchased the property from John and Marie Nowacka, former property owners. The property is more particularly known as 506 Franklin Avenue, located in the Essex community of Baltimore County.

Section 304 of the BCZR regulates the residential use of undersized lots. Section 304.1 states that a single family semi detached dwelling may be erected on a lot having an area or width less than required by the regulations if three conditions are met. Those conditions are: (1) that such lot has been duly recorded either by deed or validly approved subdivision plot prior to March 30, 1955; (2) that all other requirements of the height and area regulations are satisfied; and (3) that the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements.

If a property owner meets these criteria, that owner shall file an application for approval of the use of an undersized lot for a dwelling with the Department of Permits and Development Management. Pursuant to Section 304.3, notice of such building permit application shall be posted

ORDER RECEIVED FOR FILING

Date

By

5/23/97
M. Rank

on the property for a period of at least 15 days. Within that 15 day period, any property owner or occupant within 1,000 ft. of the lot may file a written request for a public hearing. If such a request is filed, a hearing will be scheduled and conducted before the Zoning Commissioner.

In the instant case, the proposed lot is undersized by definition; same being 50 ft. in width in lieu of the required 55 ft. Moreover, Mr. Grace filed the requisite application for a building permit with the Office of Permits and Development Management and the property was duly posted. A request for public hearing was received from Paul D. Silwick, who resides at a nearby property at 510 Franklin Avenue. Thus the matter was scheduled for the requisite public hearing.

Appearing at the public hearing held for this case was the Applicant, James Grace, as well as Thomas Phelps, a surveyor who prepared the site plan. Appearing in opposition to the request was Paul D. Silwick and Helen J. Silwick, his wife, owners of 510 Franklin Avenue.

Based on the testimony and evidence presented, it is clear that the Applicant satisfies the requirements of Section 304.1 of the BCZR and is eligible for relief under that section.

First, the site plan indicates that the property dates as a recorded lot of record from at least July 18, 1947, prior to the March 30, 1955 requirement. Second, other than its insufficient width, all other height and area regulations are satisfied. Specifically, the proposed dwelling maintains the required setbacks for the front yard, side yards and rear yard. Third, persuasive testimony was offered that Mr. Grace does not own any adjoining land which could be used to conform to the width requirements. Moreover, the previous owners of the property, John and Marie

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Date

6/22/97

By

M. G. G. G. G.

Nowacka, although members of the same family which owns land in the area, did not, themselves, own any adjoining parcels.

Having determined that the Applicant satisfies the requirements of Section 304.1, attention is next turned to the requirements of Section 304.4. That section states, that in the event a public hearing is requested, the Zoning Commissioner, ". . . shall make a determination whether the proposed dwelling is appropriate." In considering the appropriateness of the proposed dwelling, an evaluation of the neighborhood is in order. In this regard, testimony was offered that there are many dwellings in the vicinity which are on 50 ft. lots. Although there are apparently some double or triple lots in the neighborhood, a dwelling on a 50 ft. lot such as is proposed is not unusual for this neighborhood. Moreover, the Applicant submitted a copy of the proposed floor plan and building elevations. A two story 1,264 sq. ft. dwelling is proposed. This dwelling appears appropriate with others in the neighborhood and is not inconsistent there-with.

The Protestants offered several reasons in opposition to the application. First, they fear that the approval of an undersized lot could establish an inappropriate precedent for the neighborhood. This is not a legitimate concern, in that each case must be considered individually, based upon the facts and evidence presented. Although the regulations contained in Section 304 are applicable to every undersized lot in the County, the consideration of what constitutes an appropriate dwelling in a particular locale depends on the facts and circumstances offered in each case. Thus, their application cannot be denied based on this rationale. Second, the Protestants believe that there would be a decrease in their property value if the subject lot was improved. Although this testimony

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Date

By

07/22/97
M. Hook

was offered, there was no supporting evidence presented that a study had been prepared that such would be the case. To the contrary, evidence was presented that the subject lot has frequently been an eyesore to the community in that same has been used as a dump and is overgrown with weeds. Development of a single family dwelling on the lot, assuming proper care is taken by the property owner, could actually increase property values in the area by eliminating this eyesore which presently exists. Last, the Protestants complained that the proposed dwelling would be inconsistent with the neighborhood. For the reasons set forth above, particularly the fact that there are similar lots in the area, I disagree with their conclusion in this regard.

Mr. and Mrs. Silwick also offered testimony about their ongoing efforts to maintain this lot. I applaud these neighborly efforts. However, this is not their lot and they cannot dictate their preferences on a neighboring property owner. For so long as the property owner complies with the regulations, a legitimate use of the property must be allowed. In my judgment, the proposed dwelling is "appropriate" for the community, and I shall therefore approve the application.

Pursuant to the advertising, posting of the property, and public hearing on this Application held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of May 1997 that construction of a single family dwelling at the subject property known as 506 Franklin Avenue, in accordance with the drawings submitted as Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition pursuant to the relief granted herein:

ORDER RECEIVED FOR FILING

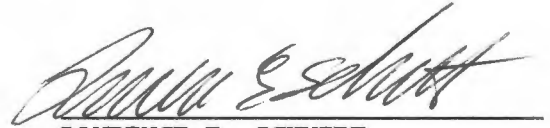
Date

By

5/22/97
M. Good

1. The Applicant/Petitioner shall be subject to compliance with Section 304.2 of the BCZR; to wit, that the he shall obtain approval of the building plans and elevation drawings from the Office of Planning.

Any appeal from this decision must be filed with the Baltimore County Board of Appeals in accordance with the applicable provisions of law and Section 304.6 of the BCZR.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 5/22/97
By M. G. Cook

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

B n/a
Permit Number

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

James Grace 2527 Barrison Point Road (410) 3910179
Print Name of Applicant Address Telephone Number

Lot Address 506 Franklin Avenue Election District 15 Council District 5 Square Feet 7250
Lot Location: N E S W / side / corner of Franklin Ave, 100 feet from N E S W corner of George Avenue
(street) (street)

Land Owner John & Marie NOWACKA Tax Account Number 1514650420
Address 312 South Ann Street Telephone Number _____

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>X</u>	___
2. Permit Application	___	<u>X</u>
3. Site Plan		
Property (3 copies)	<u>X</u>	___
Topo Map (available in Rm 206 C.O.B.) (2 copies) <small>(please label site clearly)</small>	<u>X</u>	___
4. Building Elevation Drawings	<u>X</u>	___
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<u>X</u>	___
Surrounding Neighborhood	<u>X</u>	___

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by mjk
ZADM

Date 3/13/97

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

Approval Disapproval Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning & Zoning

Date:

CERTIFICATE OF POSTING

RE: Case No.: BUILDING PERMIT

Petitioner/Developer: JAMES GRACE, ETAL
% TOM PHELPS

Date of Hearing/Closing: 4/7/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #506 FRANKLIN AVE

The sign(s) were posted on _____

3/23/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/29/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

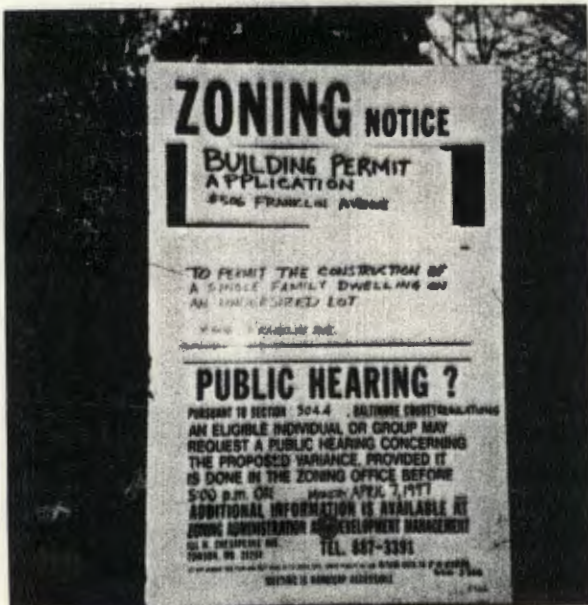
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



#506 FRANKLIN AVE
BUILDING PERMIT
UNDERSIZED LOT

P. 3/23/97

Exhibit C

Date to be posted: Anytime before but no later than 3/25/97.

Request for Use Permit: Class A Child Care, Parking, Undersized Lot, Farmer's Roadside Stand

Format for Use Permit Sign, Black Letters on White Background:

ZONING NOTICE

BUILDING PERMIT APPLICATION

to ~~the~~ permit the construction of a single-family dwelling on an undersized lot.

PUBLIC HEARING ?

PURSUANT TO SECTION 304.4, BALTIMORE COUNTY REGULATIONS, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

4/10/97

REQUEST FOR HEARING MUST REFERENCE THE ADDRESS ON THIS SIGN. ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: NONE
Petitioner(s): JAMES GRACE
Location: 506 FRANKLIN AVE.

I/We, PAUL D. SILWICK
Name(s) (TYPE OR PRINT)

() Legal Owners () Residents, of

510 FRANKLIN AVE
Address

ESSEX MD ²¹²²¹ 391-1469
City/State/Zip Code Phone

which is located approximately ADJOINS feet from the

property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Paul D. Silwick 04/03/97
Signature Date

Signature Date

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 032676

DATE 3/10/97 ACCOUNT 01-615

By: WJK/JF AMOUNT \$ 50.00

RECEIVED FROM: Thomas E. Phelps

FOR: Undivided Lot Appraisal - 506 Franklin Ave

01A00#0195MICHRC \$50.00
BA C011:16AMD3-10-97

VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 028663

DATE 4-3-97 ACCOUNT PO01-6150

AMOUNT \$ 40.00

RECEIVED FROM: Paul Silwick

FOR: REQUEST for H26

01A00#0160MICHRC \$40.00
BA C011:32AMD4-03-97

VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 7, 1997

**NOTICE OF REQUEST FOR
HEARING AND HEARING DATE
FOR UNDERSIZED LOT PERMIT**

Please note that a formal request for a public hearing to be held before the Zoning Commissioner has been filed with this office. Pursuant to Baltimore County Zoning Regulations, such hearing has been scheduled and will take place as follows:

HEARING ON UNDERSIZED LOT
506 Franklin Avenue
N/S Franklin Avenue, 100' Sw of George Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): John and Marie Nowacka
Applicant: James Grace

Hearing to determine whether the Zoning Commissioner should approve the proposed improvements on an undersized lot.

HEARING: FRIDAY, MAY 9, 1997 at 11:00 a.m., 4th floor hearing room Courts Bldg,
401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director ZADM

cc: James Grace
John and Marie Nowacka
Paul D. Silwick

PLEASE NOTE THAT THE ZONING SIGN ON THE PROPERTY MUST BE ALTERED TO GIVE NOTICE OF THE ABOVE HEARING ON OR BEFORE AND CERTIFICATION OF SAME FILED WITH THIS OFFICE. PLEASE CONTACT THE SIGN VENDOR USED FOR THE ORIGINAL POSTING.



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Debra J. Silvers
Paul Douglas Slueck

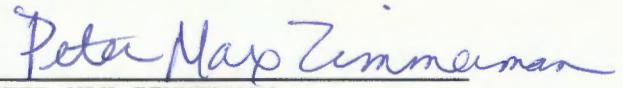
510 Franklin Ave 21221
570 FRANKLIN AVE 21221

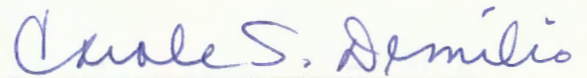


RE: HEARING ON UNDERSIZED LOT	*	BEFORE THE
506 Franklin Avenue, N/S Franklin Ave,	*	ZONING COMMISSIONER
100' SW of George Avenue	*	OF BALTIMORE COUNTY
15th Election District, 5th Councilmanic	*	Permit No.: N/A
Legal Owner(s): John and Marie Nowacka	*	
Applicant: James Grace	*	
Applicants	*	
* * * * *		

ENTRY OF APPEARANCE

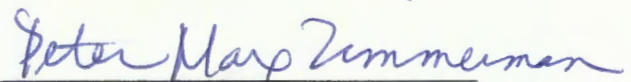
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County


CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Legal Owners John and Marie Nowacka, 312 S. Ann Street, Baltimore, MD 21231, and to Contract Purchaser James Grace, 2527 Barrison Point Road, Baltimore, MD 21221, Applicants, and to Paul D. Silwick, 510 Franklin Avenue, Baltimore, MD 21221, Protestant.


PETER MAX ZIMMERMAN

8 MAY 97

I, MR. EVERETT A. ORR, RESIDING AT
511 FRANKLIN AVE, HAVE NO OBJECTIONS
TO THE CONSTRUCTION OF A NEW HOME
ON THE VACANT LOT ACROSS THE
STREET FROM MY HOME.

EVERETT ORR
Everett Orr



FRONT OF LOT



HOUSE TO RIGHT OF PROP



HOUSE TO LEFT OF LOT



LOOKING LEFT FROM A GRASSY STREET



4

2



FRONT OF LOT



HOUSE TO RIGHT OF PROP



HOUSE TO LEFT OF LOT



LOOKING LEFT FROM A GG ROFT STREET



1.



2



3



4



13



14



15



16



5



6



7



8



9



10



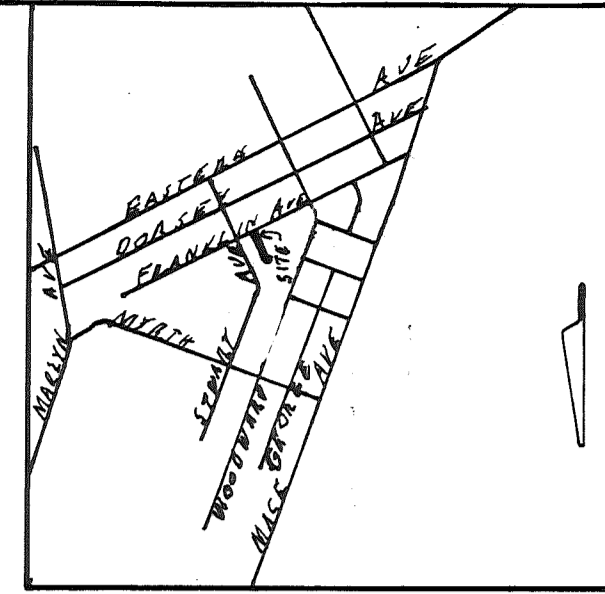
11



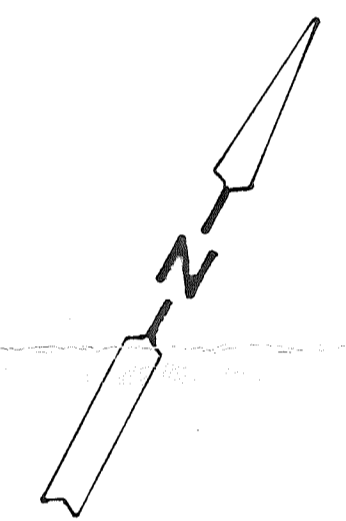
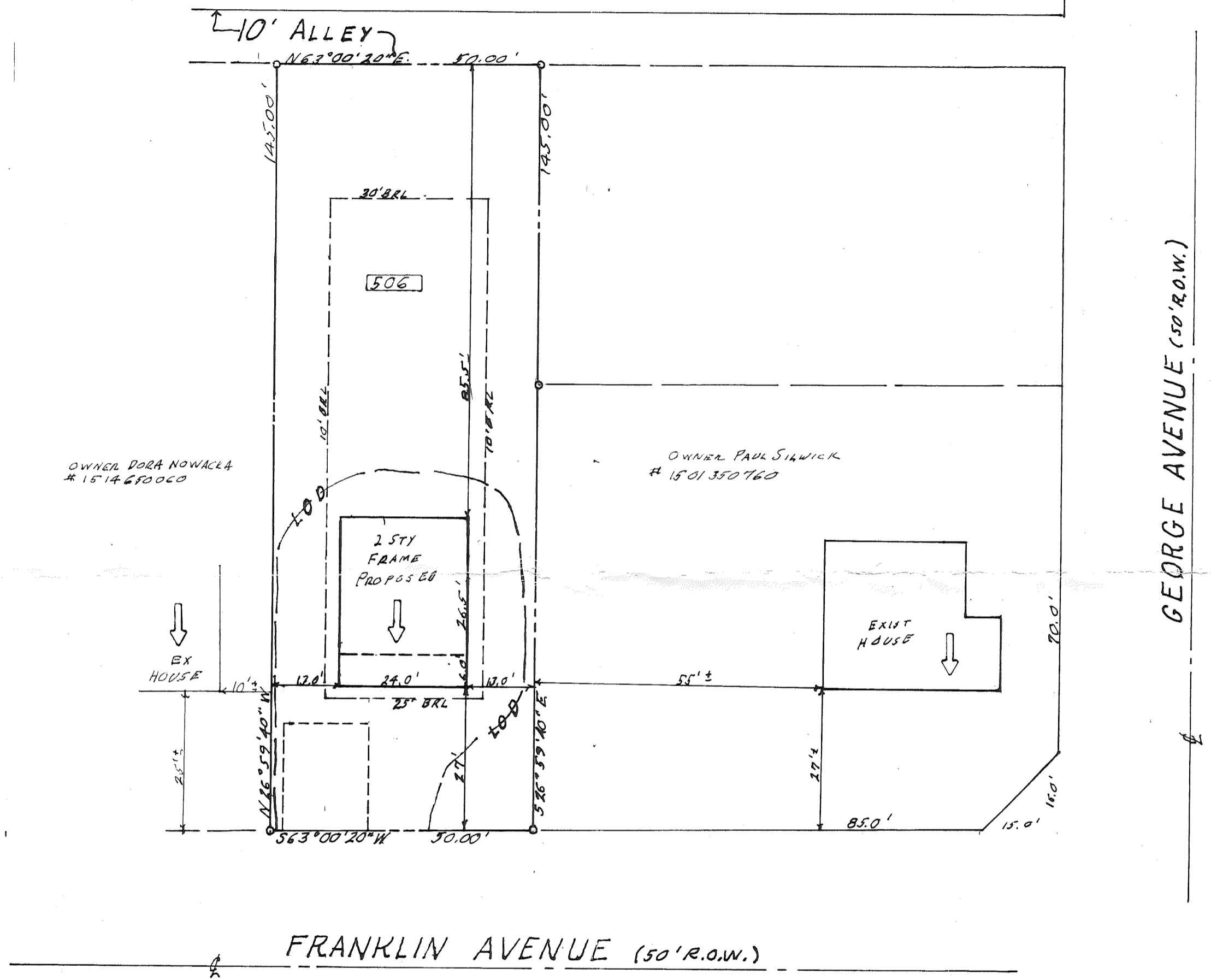
12

NOTES

1. PUBLIC SEWER & WATER AT SITE FROM FRANKLIN AVENUE
2. PROPERTY DOES NOT FIT IN C.B.C.A.
3. ELECTION DIST 15 COUNCIL DIST 5
4. LOT AREA = 7,250
5. IMPREVIOUS SURFACE = 780 ÷ 7250 = 10.7%
6. L.O.D. = 3,300 sq. ft.
7. PROPERTY HAS BEEN THE OWNERS HANDS SINCE JULY 18, 1947, AND OWNER DOES NOT OWN ANY ADJACENT PROPERTY
8. LOT B BLOCK G SEC A ESSEX PLAT 3-15
9. TAX MAP # 97-2-374



VICINITY MAP
SCALE 1"=2000'



TAX # 15-14658429
OWNER - JOHN & MARIE NOWACKA
312 SOUTH ANN ST
BALTIMORE CITY, MD 21231
CONTRACTOR JAMES GRACE
2527 BARRISON POINT ROAD
BALT., MD. 21221
410 391 0179

Thomas E. Phelps
THOMAS E. PHELPS & ASSOCIATES, INC.
Professional Engineer
No. 1500

DR 5.5

THOMAS E PHELPS & ASSO INC
945 BARRON AVENUE
BALTIMORE MARYLAND 21221
PHONE (410) 574-6744

REVISIONS	
DATE	DESC

SITE & GRADING PLAN
506 FRANKLIN AVENUE
BALT., MD.

Drawn by: TEP Scale 1"=20'
Checked: Date 12/29/90 95271



PHOTOGRAMMETRIC MAP OF
MORE COUNTY METROPOLITAN AR