

Joseph Adkins, AICP
Deputy Director



Michael C. O'Connor
Mayor

FREDERICK

PLANNING

January 22, 2020

Stephanie Bradley
CBRE
70 West Red Oak Lane
White Plains, NY 10604

Re: PZ20-37ZD –Zoning Determination for 501 Prospect Blvd.

Dear Ms. Bradley:

In response to your letter dated January 14, 2020, Staff has reviewed a previous zoning determination prepared by this office on October 7, 2016 and has confirmed the following information is still accurate for the property located at 501 Prospect Boulevard:

The Property is zoned High Density Residential, R16. Per §404 of the City's Land Management Code (LMC), the R16 district is intended to provide for residences in an urban residential environment with a maximum density of sixteen (16) dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses, and to guide development within the district to occur in a manner that complies with the Comprehensive Plan. Multifamily buildings are permitted "by right" in the R16 district in accordance with §404, Table 404-1 "Use Matrix" of the LMC.

Please be advised that the Property is nonconforming in regard to the unit density which is 29 more units than permitted. Per Planning Department records (case number FS-84-35), the Property consists of 120 multifamily units on 5.715 acres. Under the current R16 zoning the Property is permitted to have no more than 91 multifamily units as calculated per the density requirement of §405, Table 405-1. However, prior to 2005, the adoption date of the LMC, the Property was zoned R6 and was regulated by the City's 1986 Zoning Ordinance. Under §4.03 of the 1986 Zoning Ordinance, the R6 district permitted one multifamily dwelling unit per 1,815 SF of lot area. Using this calculation, the Property was permitted 137 dwelling units; therefore, the existing 120 multifamily dwelling units are considered nonconforming with the density requirements in §405 of the LMC. Per Section 902, existing structures not conforming to the maximum density, yard or height requirements of the LMC may be continued so long as they remain otherwise lawful and provided that no such structure is modified so as to increase the nonconformity or to make it less suitable for a permitted use in that district. Any building

which is destroyed, damaged or deteriorated by any means to the extent of 50% or more of its market value, or if relocated, must be reconstructed in conformance with the regulations in place at that time. A nonconforming feature may continue to exist in accordance with §900 LMC so long as no action is taken that increases the degree or extent of the nonconforming feature and structures with such nonconforming features may be reconstructed if demolished or destroyed.

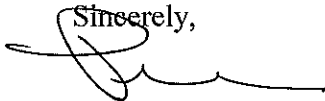
In response to your specific questions, the Property is not part of a planned unit development under the 1984 site plan. There are no variances or conditional permits required or found associated with this property. Staff cannot provide the original certificates of occupancy (CO) for the structures; however, the Property has received many CO's for interior work on the buildings. Lastly, Staff has no knowledge of any open zoning, building or fire code violations against the property.

If you have any further questions, please do not hesitate to call me at (301) 600-1718 or email me at preppert@cityoffrederickmd.gov .

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,



Pam Reppert
City Planner

In Concurrence,



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

Cc: Gabrielle Collard, Division Manager of Current Planning



**70 West Red Oak Lane
White Plains, NY 10604
Email: stephanie.bradley@cbre.com**

To whom this may concern:

Please accept this email as a formal request for a zoning verification letter on the subject property. At our earliest convenience, can you please provide the following information/documents on your letterhead.

The address for this property is: 501 Prospect Boulevard Frederick, MD 21701

1. What is the zone district associated with the subject property?
2. Is the subject property associated with a planned unit development?
3. Are you aware of any planning approvals granted such as variances, special / conditional permits?
4. Was the subject property granted site plan approval? If so, please forward a copy.
5. Are you aware of any open zoning, building or fire code violations on the subject property?
6. Did the subject property receive a certificate of occupancy? If so, please forward a copy.

(Please copy questions and responses onto your letterhead)

If you answered yes to any of these questions, please provide copies of documentation. We are on a tight deadline and your help is greatly appreciated!

Feel free to contact me with any questions or concerns.