

Mayor

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September 10, 2019

Taylor Menge
The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, Ok 73108

Re: ZD19-928: Zoning Determination 909 Mansion Drive, Prospect Hall Apartments

Dear Ms. Menge,

In response to your letter dated September 4, 2019, Staff has prepared the following information:

The subject property (the "Property") is zoned is R12, Medium Density Residential. 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 dwellings per acre. Table 404-1 of the LMC, the *Use Matrix*, outlines permitted uses within the R12 zoning district. The Property is currently being used as a multifamily development. Per Section 404, Table 404-1, the *Use Matrix*, multifamily developments are permitted "by right" in the R12 district. A portion of the Property is located within the Highway Noise Overlay (HNO) which establishes setbacks and lot and structure design standards for "noise impacted residential uses" from certain highways. The site borders the City limit and Frederick County to the southeast. The Property also abuts land zoned Institutional (IST) and Open Space (PRK) to the south. The Property is surrounded by other R12 zoning to the north.

The site was subject to review under final site plan (PC12-367FSI) and in accordance with the Land Management Code. It was unconditionally approved on April 30, 2013 and a subsequent minor revision was made on October 1, 2013. In March of 2015, an application was submitted for more substantive changes to the plan that entailed eliminating garage parking spaces to be replaced by a combination of storage units and surface parking. That plan was approved on March 20, 2015 (STF15-12FSI). The site originally included the Prospect Hall Mansion, a historic landmark recognized by the Maryland Historical Trust. A final subdivision plat (PC14-809FSU) resubdivided the Property into two lots; the multifamily on one lot and the historic mansion on the other. There are no variances or special exception associated with this property. There are no outstanding zoning or building code violations on the Property.

If you have any further questions please don't hesitate to contact me at (301) 600-3187 or tbutler@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,



Tierre Butler
City Planner

In Concurrence,



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

cc: Gabrielle Collard, Division Manager of Current Planning



The Planning & Zoning Resource Company

1300 South Meridian Avenue, Suite 400, Oklahoma City, OK 73108

Telephone (405) 840-4344 · Fax (405) 840-2608

Toll Free (800) 344-2944

Ext:4352

Please fax to my direct fax number 405-867-0916

To: Planning Department
 Fax:
 Email:
 Date: 09/04/2019
 Subject: Zoning Verification Letter and Related Documents
 Ref. Number: 132728-1
 RE: Prospect Hall Apartments, 909 Mansion Drive AKA 889 Butterfly Lane, Frederick, Maryland

Add'l Info: Parcel#: 1116; Lot#: 2; Tax Map#: 0416; Tax ID#: 1102098350

Attached is our request for property information on the above-mentioned property. Please copy it onto your letterhead, provide the requested information, sign and return to me via either my direct fax, shown above, or via email to Taylor.Menge@pZR.com.

It is my understanding that there will be fees associated with this request. Please be advised that the total fees are not to exceed \$200.00 without my approval. If you should expect the fees to exceed this amount, please notify me as soon as possible. Furthermore, any additional costs associated with this request must be approved, in writing, prior to their incurrence.

Thank you in advance for your time and consideration on the above matter. If there are any questions you are unable to answer please let me know who I should contact. If you have any questions or concerns, do not hesitate to contact me at the toll free number 800-344-2944, extension 4352. You may also reach me by email at: Taylor.Menge@pZR.com.

Sincerely,
Taylor Menge

(PLEASE COPY ONTO YOUR LETTERHEAD)

The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

09/04/2019

ATTN: Taylor Menge

Ref. No. 132728-1

RE: Prospect Hall Apartments, 909 Mansion Drive AKA 889 Butterfly Lane, Frederick, Maryland

Add'l Info. Parcel#: 1116; Lot#: 2; Tax Map#: 0416; Tax ID#: 1102098350

The current zoning classification for the subject property is: _____

Adjacent property zoning designations:

North: _____

South: _____

East: _____

West: _____

Is the subject property part of a Planned Unit Development?

_____ Yes, part of a PUD (See comment)

_____ No, not part of a PUD

Comment: _____

Is the subject property part of an Overlay District?

_____ Yes, within an Overlay District

_____ No, not within an Overlay District

Comment: _____

The subject property is currently regulated by:

_____ Section _____ of the Zoning Ordinance

_____ Planned Unit Development Ordinance No. _____ (copy attached)

_____ Site Plan Approval Case No. _____ (copy of plan and case attached)

Comment: _____

According to the zoning ordinances and regulations for this district, the use of the subject property is a:

- Permitted Use by Right
- Permitted Use by Special/Specific Use Permit
- Copy Attached
- Copy Not Available (see comment)
- Legal Non-Conforming Use (no longer permitted by right due to amendments, re-zoning, variance granted or other changes. See comments)
- Non-Permitted Use

Comment: _____

The subject structure(s) was developed:

- In accordance with Current Zoning Code Requirements and is
 Legal Conforming
- Non-Conforming (see comments)
- In accordance with Previous Zoning Code Requirements (amendments, rezoning, variance granted) and is Legal Non-Conforming to current zoning requirements
- Prior to the adoption of the Zoning Code and is
 Grandfathered/Legal Non-conforming to current zoning requirements.
- In accordance with Approved Site Plan and is Legal Conforming to approved site plan. If any nonconforming issues exist with respect to current zoning requirement; the subject property would be considered legal non-conforming.

Comment: _____

Information regarding variances, special permits/exceptions, ordinances or conditions:

- There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property.
- The following apply to the subject property (see comments):
 - Variance - Documentation attached or is otherwise, no longer available (see comment)
 - Special Permit/Exception Documentation attached or is otherwise, no longer available (see comment)
 - Ordinance Documentation attached or is otherwise, no longer available (see comment)
 - Conditions Documentation attached or is otherwise, no longer available (see comment)

Comment: _____

Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

- May be rebuilt in the current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.
- May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or requirements. Please see section _____ of the current zoning code/ordinance for details.

Comment: _____

To the best of your knowledge, do your records show any unresolved zoning code violations?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
- No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
- No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

Site Plan Information:

_____ The subject property was not subject to a site plan approval process.

_____ The subject property was subject to site plan approval: a copy of the approved site plan is attached.

_____ The subject property was subject to site plan approval, but a copy of the approved site plan is no longer in existence (was lost or destroyed). All other existing documents applicable to site plan approval for the site are attached if available.

_____ An approved site plan for the subject property is on file, but our office does not have the necessary resources to reproduce and distribute copies of the plan. All other existing documents applicable to site plan approval are attached if available.

_____ Other, (as noted here): _____

Please call the undersigned at _____, extension _____ if you have questions or concerns.

Sincerely:

Name: _____ Department: _____

Title: _____ Email: _____