



FREDERICK

PLANNING

January 25, 2021

Marguerite Kisslring
The Planning and Zoning Resource Company
1300 S Meridian Ave Suite 400
Oklahoma City, OK 73108

Re: 21-1418ZD Zoning Determination: 24-26 E Patrick Street

Dear Ms. Kisslring:

In response to your letter received on December 21, 2021, Staff has prepared the following information:

1. The subject property is zoned Downtown Commercial/Residential (DB), included within the City's Historic Preservation Overlay (HPO), and contains two addresses.
2. The property is surrounded by other DB properties to the north, east and west; and is adjacent to some Institutional zoning to the east and south.
3. The building was constructed according to SDAT in 1900 and not included in any PUD. Due to the age of construction, the City has no site plan available on record.
4. According to SDAT records, the property is classified as a commercial property; however, records show that the property since 2000 has been used as residential. Under building permits 22-2089 and 00-2781, the property/building was approved for 15 multi-family units and 10 apartments, respectively. However, most recently, the property sold in April 2020 as a single-family home, therefore, eliminating the approvals for multi-family use. In the DB zone, business/commercial and/or residential uses are permitted in accordance with the Land Management Code (LMC) Table 404-1 Use Matrix; in addition, the DB zone allows for different residential uses such as single-family, two-family/duplex, townhouse, multi-family units in accordance with LMC Table 405-1 *Dimensional Regulations*. Any change of use proposed from commercial to residential or vice versa or for different types of residential use requires a building permit to be approved.
5. Per the LMC Section 902 *Nonconforming Structures*:

- a. An existing structure not conforming to maximum density, yard or height 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.
 - b. Any building within the DR, DBO, or DB districts that is destroyed, damaged, or deteriorated may be reconstructed and restored in kind to its original appearance and site location.
 - c. In the DB, DBO or DR districts, any structure existing on August 15, 2005, which is destroyed to any extent by fire or other incident, may be reconstructed, but not necessarily in kind, to reflect the original bulk and architecture regardless of yard requirements specified for these districts. If reconstruction is not to the original appearance, reconstruction shall be subject to requirements of Section 309 (site plan) and Historic Preservation Commission review and approval if in the HPO.
6. Staff has no record of approved variances or special exceptions associated with the property. If the property contains nonconforming features or structures, the LMC allows for continuation of nonconformities under LMC Section 900 *Nonconforming Uses, Vested Rights, and Scope of Approvals* prior to the adoption of the LMC.
 7. To staff's knowledge there are no outstanding fire, building or zoning violations associated with the property.

If you have any further questions, please don't hesitate to contact me at (301) 600-1718 or 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

Pam Reppert
Planner III

In Concurrence,

A handwritten signature in black ink, appearing to read "J. Adkins", with a large, stylized loop at the end.

Joseph A. Adkins, AICP
Deputy Director for 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: 4395

Please fax to my direct fax number: 405-563-7891

To: Planning Department
Fax:
Email: ZBAdigital@cityoffrederickmd.gov
Date: 12/20/2021
Subject:
Ref. Number 154270-4
RE: Downtown Frederick MF Portfolio, 24-26 East Patrick Street, Frederick, Maryland
Add'l Info: Map 077B/Grid 5/Parcel 0090B/Lot 31
Tax ID: 1102102439

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: Marguerite.Kisslring@pzs.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 4395. You may also reach me by email at: Marguerite.Kisslring@pzs.com

Sincerely,
Marguerite Kisslring

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

12/20/2021

ATTN: Marguerite Kissling

Ref. No. 154270-4

RE: Downtown Frederick MF Portfolio, 24-26 East Patrick Street, Frederick, Maryland

Add'l Info. Map 077B/Grid 5/Parcel 0090B/Lot 31
Tax ID: 1102102439

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: _____