



# FREDERICK

## PLANNING

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July 18, 2022

Mr. Sam Shi, Owner  
P.O. 4366, Rockville, MD 20849  
240-888-3412 | [JWCS13408@gmail.com](mailto:JWCS13408@gmail.com)

**Re: 22-566ZD - Zoning Determination for 358 W Patrick Street**

Dear Mr. Shi:

In you requested that Staff determine:

1. Which use is allowed for the existing two-story building: residential or commercial?
2. Whether both first and second levels may be used as residential apartments? My neighbor at 360 is a similar building and both levels are residential uses.
3. How to request a non-conforming use so that both levels can be residential apartments?

In response to your request, staff has prepared the following information.

**Which use is allowed for the existing two-story building: residential or commercial?**

The use allowed for this property is Commercial, because the previous owner of the property submitted a site plan in 2006 that converted the entire property to a strictly commercial office use. Additionally, the previous owner completed several onsite improvements in order to support the office use, including the demolition of a 1-story frame garage, the removal and replacement of an existing 1-story block portion of the structure, provision of four on-site surface parking spaces, and additional landscaping. The site plan was approved, and several permits were issued as a result.

**May my first and second levels be used as residential apartments?**

If you seek to convert the entire building from a commercial building to a residential building, then you must comply with Sec. 817 and Sec. 818(b) of the LMC. Converting the entire commercial building to dwellings OR converting the ground floor commercial space to a dwelling will require approval of the Zoning Board of Appeals (ZBA). If the ZBA allows you to convert this commercial building to a residential building, then each residential unit may be 850 square feet of gross floor or at least one dwelling on each floor above the ground level. (See Attachment B.)

**How to request a non-conforming use so that both levels can be residential apartments?**

Because the property was converted to an commercial office use through the site plan process, the proper way to convert this property from a commercial property to a residential property is to first obtain approval from the ZBA. Per Sec. 817 of the LMC, you will need to provide evidence to the ZBA of two things:

1. Continued business use of the building is not viable or practical, and
2. Business activity of downtown Frederick will not suffer if this building is converted to a residential building.

If you have any further questions, please don't hesitate to contact me at (301) 600-3187 or [ssuarez@cityoffrederickmd.gov](mailto:ssuarez@cityoffrederickmd.gov).

*The purpose of the service provided by the Zoning Administrator regarding determinations and/or 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 plans and the Land Management Code for compliance.*

*This determination solely to the reference 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 with thirty days to the Zoning Board of Appeals.*

Sincerely,



Sharon K. Suarez, MPA, AICP  
Planner II

In Concurrence,



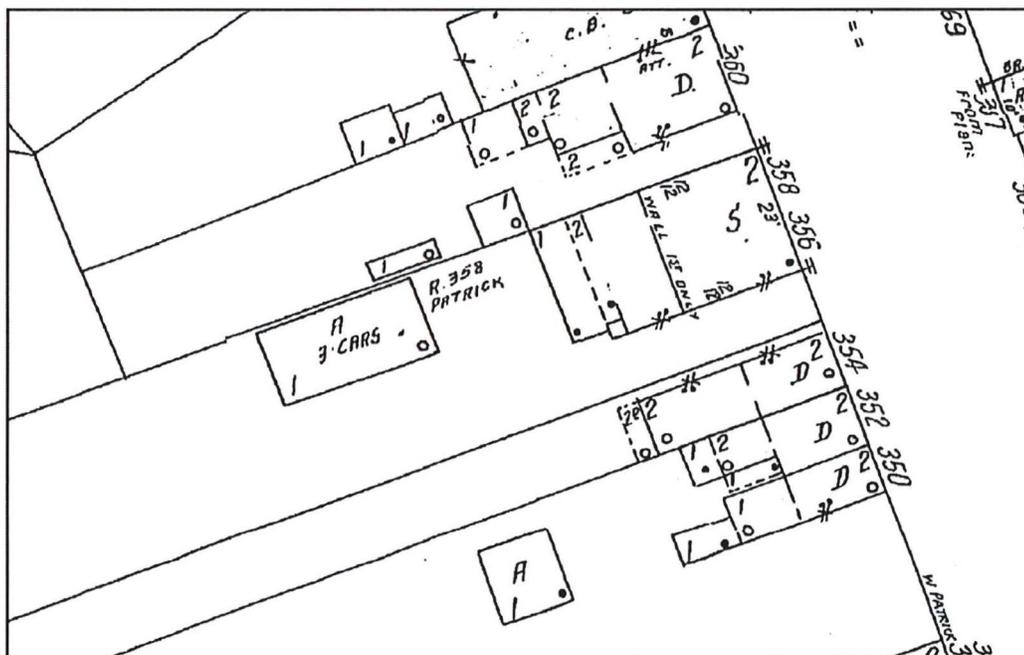
Joseph A. Adkins, AICP  
Zoning Administrator/ Deputy  
Director for Planning

**Attachment A - Historic uses for First Floor were Commercial**

A. City Directories. City directories from 1915 through 2020 indicate that the property was commercial for most of the 20<sup>th</sup> Century. The following table includes listings for 358 W. Patrick Street from the City Directories for Frederick, MD, 1915 through 2019. These results reflect a quick scan of the property by looking at the listings for the property every ten years or so. The table below is for informational purposes only and is not meant to be all inclusive.

Year	Use at Ground Level 358 W Patrick
1915	Samuel T Albrecht, Electrician
1920	Not available
1930	Eugene W Buch, Grocery Store
1940	John Horine, Grocery Store
1950	West End Food Market
1960	Brown's Restaurant
1980	Hannibal's Restaurant
1990	Automation Performance
2000	No listing
2009	No listing
2019	No listing

B. Sanborn Map, 1947. The map confirms that the building at 356-358 W. Patrick Street was a store ("S") in 1947, even though neighboring properties were used as dwellings ("D"). This supports the information found in the City Directories, above, for the time period.



## Attachment B - Sections 817 and 818 of the Land Management Code

Per [Sec. 817 - Conversion of Downtown Ground Level Business to Dwelling](#)

The ground levels of buildings in the DB district which are designed for business occupancy may be converted to dwellings only if the ZBA finds that continued business use of the building is not viable or practical and that the loss of business use in the building would not be detrimental to the continued business activity of downtown.

Per [Sec. 818 – Conversion to Dwelling](#)

- (a) Except as provided for under paragraph (b) below, the conversion of a building into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Code, and only when the resulting occupancy shall comply with the minimum lot area, minimum area per dwelling unit, and yard requirements of [Section 405](#) governing new construction in the district.
- (b) Buildings within the DB district only which existed as of February 6, 1986 may be converted or modified to accommodate dwelling units regardless of minimum lot area and lot area per dwelling unit of [Section 405](#) (Dimensional and Density Regulations) subject to the following limitations:
  - (1) One dwelling unit for each 850 square feet of gross floor area within the existing building shall be permitted on the lot or one dwelling on each floor above the ground level shall be permitted.
  - (2) Buildings with ground level floors designed for business occupancy, whether occupied or vacant, may not be modified so that the entire ground level is converted to dwellings but must retain space viable for business occupancy adjacent to the street unless total ground floor conversion is authorized by the Zoning Board of Appeals as a Conditional use (see [Section 308](#): Conditional Uses).

**From:** [JWCS LLC](#)  
**To:** [Carreanne Eyler](#); [A. David Simon](#)  
**Subject:** Order: Zoning determination letter for 358 W Patrick Street Frederick MD 21701  
**Date:** Tuesday, June 7, 2022 2:30:38 AM

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Dear MS Carreanne Eyler

This is Sam Shi, the owner of 358 W Patrick Street. I want to order a zoning determination from your office. I have the following question in mind:

1. By default, with the existing two story building standing, what use is allowed, residential/commercial ?
2. can both first and second levels be used as residential apartments? My neighbor at 360 is a similar building but used all residential both levels.
3. How to request a non-conforming use to make both levels as residential apartments?

Please push payment to my account [jwcs13408@gmail.com](mailto:jwcs13408@gmail.com)

Sam Shi

240-888-3412

----- Forwarded message -----

From: **A. David Simon** <[dsimon@cityoffrederickmd.gov](mailto:dsimon@cityoffrederickmd.gov)>  
Date: Mon, Jun 6, 2022 at 1:56 PM  
Subject: RE: Zoning determination letter for 358 W Patrick Street Frederick MD 21701  
To: JWCS LLC <[jwcs13408@gmail.com](mailto:jwcs13408@gmail.com)>

Sam,

Do you want to file for a formal zoning determination for the property we have been discussing? Please collect your thoughts regarding what questions you ask, as you should ask as many as you feel are necessary to get the formal determination regarding. Once you are ready to formally request a zoning determination letter for the property, contact Carreanne

Eyler at [ceyler@cityoffrederickmd.gov](mailto:ceyler@cityoffrederickmd.gov) and she will direct you how to formally submit and pay the Zoning Determination Fee.

Thanks

A. David Simon, MCP

City Planner II, Planning Department

C: 301-676-8788 (primary)

O: 301.600.1770

E: [DSimon@cityoffrederickmd.gov](mailto:DSimon@cityoffrederickmd.gov)

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**From:** JWCS LLC <[jwcs13408@gmail.com](mailto:jwcs13408@gmail.com)>

**Sent:** Friday, May 27, 2022 5:39 PM

**To:** A. David Simon <[dsimon@cityoffrederickmd.gov](mailto:dsimon@cityoffrederickmd.gov)>

**Subject:** Re: Zoning determination letter for 358 W Patrick Street Frederick MD 21701

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David

Thanks for your call yesterday. My understanding are as follows:

1. Apartments are allowed and the number of units are determined by other factors such as access, parking, fire code etc.
2. By default, the ground level can only be used as business and to use it as residential, a change of use request needs to be filed and get approved before residential building permits can be issued;

I will try to address this zoning issue as soon as I get past HPC, hopefully by next month. Ideally I would hope to have the entire building as residential or only have the road front units for commercial/business use and to have the middle and rear floor units as well the entire second floor used as residential .

I appreciate your information and please advise me how to proceed if I want to request to have part of or the entire first floor as residential.

Anyway, I want to march on and get this building into productive use.

Thanks

Sam Shi

240-888-3412

On Fri, May 20, 2022 at 4:21 PM JWCS LLC <[jwcs13408@gmail.com](mailto:jwcs13408@gmail.com)> wrote:

Hi Dave

It was nice speaking with you today. As I mentioned, I am working with HPC on renovating this property as a multiple family residential property. I need a zoning determination letter. Specifically I need answers to the following questions:

1. It was used and can I still use this property as a multi-family residential property?
2. How many units can I get in case I am able to do multi-family? I know there are fire codes, parking restrictions, building coverage ratio. etc. which will affect the unit numbers. What are the general rules in this regard on property of this nature? and with existing buildings to be rehabbed.
3. Can I use the two front floor units as storefronts for business purposes, such as office, retails, and/or restaurants? At the same time to use the rest of the units as residential apartments?

Thanks for your help and please use this email to push payment towards my account.

Sam Shi

240-888-3412