



# FREDERICK

## PLANNING

---

August 24, 2022

Randy Warren  
ZIPLINE  
A Division of Armada Analytics, Inc.  
104 South Main Street, Suite 500  
Greenville, SC 29601  
[Rwarren@armadaanalytics.com](mailto:Rwarren@armadaanalytics.com) | 864-438-2126

Re: 22-755ZD – Ox Fibre Apartments, 400 E. Church Street, Frederick, MD  
Tax ID#1102129205

Dear Mr. Warren:

In your letter, you requested the zoning district, whether the subject use is permitted, and any compliance information that may be available for the property.

**What is the zoning of the property at 400 E. Church Street? The property is zoned DB (Commercial/Residential) and is in the Historic Preservation Overlay (HPO) district.** The DB zone is intended to encourage the development of the Center City's commercial areas. It allows most office and retail activities as well as high density residential uses. To encourage the implementation of this objective, certain parking requirements are relaxed for development or redevelopment in this district. The HPO district provides additional regulation but generally allows sites and structures to be used as permitted in the base zoning district.

**Is the current use permitted? Yes.** The Ox Fibre Apartments is a multifamily residential use, which is allowed by right in the DB Zone, per Table 404-1 Use Matrix. The site plan PC18-489FSI for 400 E. Church Street was approved for 85 apartments on December 10, 2018.

**Are there any open violations for the property? No.** As of the date of this letter, there are no open violations in the City's case data for the subject property.

If you have any further questions, please do not 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 refers 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,



Sharon Kemper Suarez, MPA, AICP  
City Planner

In Concurrence,



Joseph A. Adkins, AICP  
Zoning Administrator



**Municipality Name:** City of Frederick, MD

**Property Name:** Ox Fibre Apartments  
**Address:** 400 East Church Street  
**City/State:** Frederick, MD, 21701  
**Parcel:** 1102129205

Dear Sir or Madam:

At our client's request, please provide the following information

- **Zoning Compliance/Verification Letter:** Please supply a letter (or feel free to use the enclosed template and copy onto letterhead) stating in which zoning district the subject property is currently located, whether or not the subject is considered to be a permitted use, and any compliance information you may be able to provide. Please use municipality letterhead, or if this is not possible for some reason, please enclose a municipality fax coversheet showing that the zoning letter is enclosed.

Please advise us at your earliest convenience if any additional fees or forms are required, if any of these items are not available or if I should be directing any portion of my request to another party. We are on a strict timeline, and your prompt attention to this request is greatly appreciated. Upon completion, please forward the information via email if possible, and by US Mail if not. We truly appreciate your help with this request and look forward to your reply. Please feel free to contact me with any questions or concerns you may have regarding this request.

Thank you very much for your assistance!

Randy Warren  
ZIPLine  
A Division of Armada Analytics, Inc.  
104 South Main Street, Suite 500  
Greenville, SC 29601  
Rwarren@armadaanalytics.com  
(864) 438-2126 Office

**(PLEASE COPY THIS FORM ON YOUR COMPANY LETTERHEAD)**

**Property Name:** Ox Fibre Apartments  
**Address:** 400 East Church Street  
**City/State:** Frederick, MD, 21701  
**Parcel:** 1102129205

To Whom It May Concern:

In response to your request for information regarding the above-referenced property, we have researched our files and present the following:

1. **The current zoning classification for the subject property is:** \_\_\_\_\_.

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

**Current Use** \_\_\_\_\_

- Permitted Use by Right
- Permitted Use by Special/Specific Use Permit Number \_\_\_\_\_ (enter permit number and see question 4)
- Permitted Use by Conditional Use Permit \_\_\_\_\_ (enter permit number and see question 4)
- Legal Nonconforming Use (use was existing prior to the adoption of the zoning ordinance/code)
- Non-Permitted Use
- The Municipality is unable to opine at this time

**Comments:** \_\_\_\_\_

3. **Conformance: Per current zoning ordinances and regulations applicable to the subject property, the current structure(s) is (If unknown, please check the last box):**

- Legal Conforming (complies with, or is otherwise exempt from, applicable zoning regulations, including parking)
- Legal Nonconforming (does not meet the current zoning requirements due to amendments, re-zoning, or other changes. See comments)
- Grandfathered (developed prior to the adoption of the zoning code/ordinance)
- Nonconforming (see comments)
- The Municipality is unable to opine at this time

**Comments:** \_\_\_\_\_

4. **Have any variances, special permits/exceptions, ordinances or conditions been granted/approved for either the use or structures of the subject property:**

- No, there are not any variances, special permits/exceptions, ordinances or conditions that apply to the Subject property.
- Yes, the following apply to the subject property:
 

_____	Variance
_____	Special Permit/Exception
_____	Ordinance
_____	Conditions

 (Documentation/copies attached)

**Comments:** \_\_\_\_\_

5. **Rebuild: In the event of casualty, in whole or in part, the zoning code states that a legal non-conforming structure:**

- May be rebuilt in its 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. Additionally, the damage threshold is calculated based on  the entirety of the property or  per individual building.

6. **Code Violation and Condemnation/ Eminent Domain Information:**

- There do **NOT** appear to be any outstanding/open zoning and building violations that apply to the subject property, nor are there condemnation or eminent domain proceedings.
- The following outstanding/open zoning code violations apply to the subject property:
- The following condemnation/ eminent domain proceedings apply to the subject property

**Comment:** \_\_\_\_\_

**7. Certificates of Occupancy (required for the use, operation and occupancy of the subject property), status:**

- Valid Certificate(s) of Occupancy has been issued for the subject property and is/are attached.
- We are unable to locate a copy in our records. The absence of a Certificate of Occupancy will not give rise to any enforcement action affecting the property.
- Certificates of Occupancy have been issued for the subject property in \_\_\_\_\_ (enter year); however, for projects constructed prior to the year \_\_\_\_\_ are no longer on file with this office. The absence of a Certificate of Occupancy will not give rise to any enforcement action affecting the property.
- A Certificate of Occupancy is not required for the subject property.

**Comments:** \_\_\_\_\_

**8. 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.
- 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.
- Other, (as noted here):

**Comment:** \_\_\_\_\_

Further comments regarding the subject property:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

This information was researched on \_\_\_\_\_, 2021, by the undersigned, per request and as a public service. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon or relates to the information supplied by the requestor. The Authority assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

**ZONING AUTHORITY:**

By: \_\_\_\_\_ Municipality: \_\_\_\_\_  
 Title: \_\_\_\_\_ Department: \_\_\_\_\_