



FREDERICK

PLANNING

March 31, 2021

Bruce Dean
McCurdy, Dean & Graditor, LLC
31 W Patrick St, Suite 130
Frederick, MD 21701

Re: 20-938ZD Zoning Determination: Barrick Property Tax ID 02-018608

Dear Mr. Dean:

In response to your letter dated March 3, 2021, Staff has prepared the following information:

The subject property (the "Property") is zoned R4, Low Density Residential. The Planning Commission approved a Planned Neighborhood Development (PND) master plan (PC04-463PND) for the Property on November 8, 2004 and staff unconditionally approved the master plan on October 18, 2005. Per Section 4-5 of the City Code, projects which received master plan unconditional approval before April 15, 2007 are exempt from the requirements of the Adequate Public Facilities Ordinance (APFO), provided that the development approved under the master plan is not increased in density and intensity. Further, per Section 19-3(a)(1), a project is exempt from the requirements for Moderately Priced Dwelling Units (MPDUs) if, prior to April 1, 2009, a master plan has been unconditionally approved and the project is determined to be exempt from Chapter 4, the APFO.

Section 310 of the Land Management Code (LMC) does not establish expiration dates for master plans and as such, the previously approved plan remains exempt from the APFO and MPDU provided that subsequent preliminary plats and/or site plans are consistent with the approved master plan.

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



Gabrielle Collard
Division Manager of Current Planning

In Concurrence,



Joe Adkins, AICP
Deputy Director for Planning/Zoning
Administrator

November 11, 2020

VIA EMAIL ONLY

Gabrielle Collard
Division Manager of Current Planning
City of Frederick County Planning Department
Municipal Annex
140 West Patrick Street
Frederick, Maryland 21701

**RE: Zoning Verification for Barrick Property, PND Master Plan PC04-463PND and Preliminary Subdivision Plan 04-928
Tax Account No. 02-018608
Owner: Paul W. Barrick, et. al**

Dear Gabrielle:

I am seeking Zoning Verification for the above-referenced property. Specifically, I am requesting that, in your position of Division Manager of Current Planning for the City of Frederick, you verify 1) that the property is currently zoned R4 (Residential); 2) that the above-referenced PND Master Plan (04-463PND) remains valid and unexpired; 3) that the above-referenced Preliminary Subdivision Plan (04-928) remains valid and unexpired; 4) the dates on which the Master Plan and the Preliminary Subdivision Plan would expire; 5) that this project is exempt from the Adequate Public Facilities Ordinance ("APFO") and the Moderately Priced Dwelling Unit ("MPDU") Ordinance; and 6) there are no known zoning violations currently existing at this property.

Pam has confirmed with Jessica that the \$200 fee will be handled through your online payment system. Thank you in advance for your assistance. Please email the verification letter to me when it is completed. Also, please call me if you have any questions.

Very truly yours,

McCURDY, DEAN & GRADITOR, LLC



Bruce N. Dean
Partner