



FREDERICK

PLANNING

January 31, 2020

Chicago Title Insurance Company
9891 Broken Land Parkway, Suite 300
Columbia, MD 21046

Miles & Stockbridge, P.C.
30 W. Patrick Street, Suite 600
Frederick, Maryland 21701
Attn: Kristi Sharrer-Holland

Re: ZBA20-118ZD – Zoning Determination for 800 Motter Avenue, Frederick, MD
21701

Ms. Sharrer-Holland:

In response to your letter dated January 29, 2020, Staff has prepared the following information:

The subject property (the “Property”) is zoned Institutional (“IST”).¹ Per Section 401, Table 401-1 of the *Land Management Code* (“LMC”), the purpose and intent of the Institutional Floating Zone is “to provide for public, private or non-profit owned areas when the public is invited or permitted to congregate. This includes hospitals, houses of worship, schools, government offices and facilities, and other similar facilities.” The IST floating zone is further described in Section 409 of the LMC. The Property is also covered by Wellhead Protection Overlay District (“WHO”) zoning district. The purpose and intent of the WHO district is to “protect the public health, safety, and welfare through the preservation of the ground water resources of community public water supplies to ensure a future supply of safe and healthful drinking water. The designation of the wellhead protection districts, and careful regulation of development activities within these districts, can reduce the potential for ground and surface water contamination.” The WHO district is further described in Section 743 of the LMC.

The Use Matrix contained in Section 404, Table 404-1, of the LMC outlines and establishes which uses are permitted in zoning classes “by right,” or as accessory uses, conditional uses, temporary uses, shopping center uses (for neighborhood commercial zones), and which uses are prohibited in each zoning classification. The Property is currently owned

¹ The IST zone was applied to the Property by ordinance G-19-28. The ordinance was adopted by the City of Frederick Mayor and Board of Aldermen September 19, 2019, and effective on September 29, 2019.

by the Housing Authority of Frederick and operated as the Catocin View Apartments, an age-restricted multifamily residential community. The current use of the Property falls under the "Senior Living & Retirement Facilities" category within the Use Matrix and is considered a permitted land use "by right" in the IST zoning district.

While a site inspection was not conducted by City Staff for the purposes of this letter, the City's database shows no open code enforcement cases pending for the Property. According to our records, there have been two code enforcement violations issued on the Property in the past:

- CE-17-2414: PMC013 Infestation 309.1
- CE-17-2931: PMC013 Infestation 309.1


All code enforcement cases, as of the date of this letter, have been closed. For more information regarding code enforcement violations, please contact the City's Code Enforcement office at (301) 600-3825.

If you have any further questions, please don't hesitate to contact me at (301) 600-1770 or at mbrown@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,


J. Marshall Brown, AICP
City Planner

In Concurrence,


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

cc: Gabrielle Collard, Division Manager of Current Planning



20-118

TRANSMITTAL LETTER

January 29, 2020

HAND DELIVERED
TO: Mr. Joseph Adkins, Deputy Director of Planning
The City of Frederick
Planning Department
140 W. Patrick St.
Frederick, MD 21701

FROM: Kristi Sharrer-Holland, Paralegal

RE: Owner: Housing Authority of Frederick
Property: Catocin View Apartments, 800 Motter Avenue Frederick, MD 21701;
Part of Tax ID 02-063786

ITEMS ENCLOSED/MESSAGE:

In connection with a financing transaction for the above-referenced property, enclosed find Check #1859 payable to the City of Frederick in the amount of \$200.00, which represents the fee to render a zoning compliance/determination letter for the above parcel. A sample letter is enclosed for your reference, as well as a copy of the tax assessment sheet.

Once the letter has been generated, please fax a copy of same to me at 301.662.3647 (or email to kholland@milesstockbridge.com) and send the original to me by regular mail.

If you have any questions or need any additional information, please give me a call at 301.698.2331. Thank you for your prompt attention to this matter.

Very truly yours,

MILES & STOCKBRIDGE P.C.

BY: 
Kristi Sharrer-Holland, Paralegal

January 29, 2020

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9891 Broken Land Parkway, Suite 300
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30 W. Patrick St., Suite 600
Frederick, Maryland 21701
Attn: Kristi Sharrer-Holland, Paralegal

Re: Owner: Housing Authority of Frederick
 Property: Catoclin View Apartments, 800 Motter Avenue Frederick, MD 21701;
 Part of Tax ID 02-063786

To the Parties Addressed:

This letter is written to confirm that the above referenced Property and the established uses on the Property are in compliance with the City of Frederick Land Management Code and all rules and regulations of the City of Frederick.

The Property is zoned IST. The use of the Property as a Multi-Family Senior Living and Retirement Facility is permitted within the IST Zoning district.

There are no outstanding zoning citations or violations for the use or any structures located on the Property.

Should you have any questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

THE CITY OF FREDERICK

By: _____
Joe Adkins, Acting Deputy
Director for Planning

Real Property Data Search

Search Result for FREDERICK COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration	
Special Tax Recapture: None			
Account Identifier: District - 02 Account Number - 063786			
Owner Information			
Owner Name:	HOUSING AUTHORITY OF FREDERICK	Use:	EXEMPT COMMERCIAL
Mailing Address:	209 MADISON ST FREDERICK MD 21701-6536	Principal Residence:	NO
		Deed Reference:	/00831/ 00034
Location & Structure Information			
Premises Address:	798 MOTTER AVE 0-0000	Legal Description:	1.62 ACRES 798 MOTTER AVE FREDERICK
Map:	Grid:	Parcel:	Neighborhood:
0413	0003	0483	20000.11
Subdivision:	Section:	Block:	Lot:
0000			
Assessment Year:	Plat No:	Plat Ref:	
2020			
Town: FREDERICK CITY			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
1971	86,547 SF		1.6200 AC
County Use			
Stories	Basement	Type	Exterior
		APARTMENT /	C6
Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Value Information			
	Base Value	Value	Phase-in Assessments
		As of	As of
		01/01/2020	07/01/2019
			As of
			07/01/2020
Land:	362,600	362,600	
Improvements	12,742,500	13,191,400	
Total:	13,105,100	13,554,000	13,105,100
Preferential Land:	0		13,254,733
			0
Transfer Information			
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Exemption Information			
Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	660	13,105,100.00	13,254,733.00
State:	660	13,105,100.00	13,254,733.00
Municipal:	660	13,105,100.00	13,254,733.00
Special Tax Recapture: None			
Homestead Application Information			
Homestead Application Status: No Application			
Homeowners' Tax Credit Application Information			
Homeowners' Tax Credit Application Status: No Application			
Date:			