



FREDERICK

PLANNING

April 6, 2020

Martina Godwin
NV5 Transaction Services-Zoning Division
1012 24th Avenue, NW, Suite 100
Norman, OK 73069

Re: 20-276ZD: Zoning Determination, 1888-1890 North Market Street, Frederick, MD

Dear Ms. Godwin:

In response to your letter dated March 6, 2020, Staff has prepared the following information:

The subject property, 1888-1890 North Market Street, (the "Property"), is zoned GC (General Commercial). Per Section 401, Table 401-1 of the Land Management Code (LMC), the GC district is intended to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. Business and professional offices uses are permitted by right in the GC zoning district. Table 404-1 of the LMC, the Use Matrix, outlines permitted uses in the GC district.

The Property was originally developed under final site plan around 1988 with a site plan for an addition in 2002, both of which were approved under a previous version of the City's Zoning Ordinance. These plans were approved under the regulations of the City's 1986 Zoning Ordinance in accordance with provisions of 910 of the LMC. The construction of the site had been completed in conformance with these plans, and any features, structures, or other improvements approved and built under the previous regulations, but which no longer comply with the current regulations, are considered legally nonconforming. Legal nonconformities are permitted to remain in accordance with Article 9 of the LMC as long as they are not intensified. There may be legal nonconformities on the site including, but not limited to, building setbacks, parking tabulations, landscaping, and signage allotments. A full site plan review detailing all existing conditions would be necessary in order to determine the existence and extent of the nonconformities onsite. In accordance with Section 902(d), in the GC district, any

building destroyed, damaged, or deteriorated by any means to the extent of 50 percent or more of its market value, or if relocated, no such structure shall be reconstructed or relocated except in conformance with the LMC.

The adjacent zoning to the north and south of the Property is also GC. The Monocacy River is located to the east of the Property, and the property to the west is zoned M1 (Light Industrial).

There are no proceedings or active violation cases for the Property on record at the City at this time.

If you have any further questions please don't hesitate to contact me at (301) 600-4588 or skelly@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.

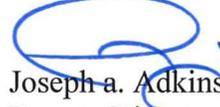
This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised 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,



Sherry Kelly, AICP
City Planner

In Concurrence,



Joseph a. Adkins, AICP
Deputy Director for Planning

cc: Gabrielle Collard, Division Manager of Current Planning

3/6/2020

Subject Property: **1888-1890 North Market Street
 Frederick, MD
 Tax Id 1102136538 & 1102185881**

Dear Municipality Official,

At our client's request, we are seeking the following information:

- **Zoning Compliance/Verification Letter:** Please supply a letter (or use the enclosed template and copy onto letterhead) stating in which zoning district the subject property is currently located, if there are any overlay districts applicable to the subject property, permissiveness of current 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.
- **Adjacent Property Designations and Uses (if known):** Current zoning district in which properties adjacent to the subject property (North, South, East & West) are located.
- **Any Variances, Special Permits, Conditions, etc:** Please note the existence of these items as they relate to the subject property and supply documentation, if available.
- **Code Violations:** Please note whether or not there are currently any open/outstanding zoning, building or fire code violations of record that apply to the subject property
- **Approved Site Plan and/or Conditions of Approval, if applicable:** Please supply available documents, particularly if the subject property is located in a Planned Development.

Enclosed, please find a check in the amount of \$200.00 to process this request. Please advise us at your earliest convenience of any additional fees or forms, if any of these items is 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 or toll free fax (877) 324-8133. We truly appreciate your help with this request and look forward to your reply. Please feel free to contact me toll-free at (800) 787-8390 or via email at martina.godwin@NV5.com with any questions or concerns you may have regarding this request.

Thank you very much for your assistance!

Martina Godwin

Martina Godwin, NV5 Zoning Research Assistance

_____, 2020

Martina Godwin
NV5 Transaction Services – Zoning Division
1012 24th Ave. NW, Ste. 100
Norman, OK 73069

**Subject Property: 1888-1890 North Market Street
Frederick
Tax Id 1102136538 & 1102185881**

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, including any applicable overlay districts, for the subject property is:

2. Adjacent property zoning designations:

North: _____ South: _____

East: _____ West: _____

3. According to the zoning ordinances and regulations for this district, the current 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: _____

4. To the best of our knowledge, 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 requirements; the subject property would be considered legal non-conforming.

Comment: _____

5. 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: _____

6. Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

- 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.

7. Code Violations Information:

- There do **NOT** appear to be any outstanding/open zoning, building or fire code violations that apply to the subject property.
- The following outstanding/open zoning / building / fire code violations apply to the subject property:

Comment: _____

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 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): _____

This information was researched on _____, 2020, 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.

By: _____

Printed Name: _____

Title: _____

Department: _____

Phone: _____