



FREDERICK

PLANNING

June 3, 2020

Armada Analytics
C/o Zachary Boyles
55 Beattie Place Suite 1510
Greenville, SC 29601

Re: 20-433ZD: Zoning Determination, 123 E 8th Street, Frederick, MD

Dear Mr. Boyles,

In response to your request dated May 5, 2020, Staff has prepared the following information:

The subject property, 123 E 8th Street, (the "Property") is zoned R8 (Medium Density Residential). Per Section 401, Table 401-1 of the Land Management Code (LMC), the R8 district is intended to provide for residences in an urban residential environment with a maximum density of eight dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.

The Property is also located within the Wellhead Protection Overlay (WHO) which is established to protect the public health, safety, and welfare through the preservation of the ground water resources of the community public water supplies. The primary goal of the regulations established in Section 743 of the LMC is to reduce and prevent ground and surface water contamination.

Based on our records, the Property is improved with one multifamily dwelling building. Per Section 404, Table 404-1, the Use Matrix, multifamily residential dwellings defined by Section 1002 of the LMC as a building containing three or more dwelling units, are permitted in the R8 zoning district. It appears that there are currently 36 occupied dwelling unit. Maryland State Tax Assessment records indicate that the Property itself is 1.6 acres (69696 square feet) in size. At that size, the maximum number of dwelling units permitted is 12.8 per the density requirements of Section 405.

According to Tax Assessment records the principal structures were constructed in 1975, prior to the adoption of the LMC in 2005. Our records indicate that at the time of its development, the property was zoned R4, where apartment complexes were a permitted use. The R8 zoning district was established with the adoption of the LMC in 2005, and the property was subsequently rezoned. Due to these findings, the structure is considered to be legally nonconforming and is subject to the provisions of Section 902 of the Code. There are no final site plans or building permits on record for the Property which would allow us to confirm the degree to which any other features of the development comply with the existing regulations nor if they are considered legally nonconforming.

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 call me at (301) 600-3187 or email me at cmorrison@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,



Charles Morrison
Development Planner I

In Concurrence,



Gabrielle Collard
Division Manager of Current Planning

Cc: Joe Adkins, Deputy Director for Planning/Zoning Administrator
Jessica Murphy, CoF
Carreanne Eyler, CoF



Property Name: Eighth Street Court Apartments
Address: 123 E 8th St
City/State: Frederick, MD 21701
Account Name: Zachary Boyles

Dear Sir or Madam:

On behalf of Armada Analytics, Inc., can you 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.
- **Any Variances, Special Permits or Conditions:** Please note the existence of these items as they relate to the use and structures of subject property and supply documentation, if available.

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!

Zachary Boyles
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