

Mayor

Michael C. O'Connor



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Kelly Russell  
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Ben MacShane

May 15, 2019

Brianne Paugh, Esq.  
Miles & Stockbridge  
30 West Patrick Street, Suite 600  
Frederick, MD 21701

**Re: ZD19-452: Zoning Determination 322-324 North Market Street**

Dear Ms. Paugh,

In response to your letter dated April 29, 2019, Staff has prepared the following information:

The subject property (the "Property") is zoned Downtown/Commercial Residential (DB). Per Section 401, Table 401-1 of the Land Management Code (LMC), the DB district 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. Based on the information you provided, the Property is currently being used as four residential apartments and an art gallery. Per Section 404, Table 404-1, the *Use Matrix*, multifamily dwelling units are permitted "by right" in the DB zoning district. Art Galleries are also permitted "by right" in DB zoning. The adjoining properties are also zoned DB with Downtown Office Commercial (DBO) zoning to the east of the Property and Downtown Residential (DR) to the south. The site is also located within the City's Historic Preservation Overlay.

The primary structure was built in 1874, prior to the adoption of the City's zoning ordinance or subdivision regulations that would have necessitated a site plan application. There are no variances, special permits, or conditions that apply to the Property. There are also no zoning, building or fire code violations on record that affect the Property.

Lastly, a complete site inspection of the Property was not conducted as part of this evaluation and therefore, Staff cannot confirm compliance with all applicable standards of the LMC, nor guarantee that there are no other nonconforming features on the site. Per Section 900, nonconforming features may be continued provided that no action shall be taken that increases the degree or extent of the nonconforming feature. Any enlargement, extension or structural alteration shall conform to all current requirements of this Code.

If you have any further questions please feel free to contact me at (301) 600-3187 or by email me at [tbutler@cityoffrederick.com](mailto:tbutler@cityoffrederick.com).

*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,



Tierre Butler  
Planner II

In Concurrence,



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

Cc:

Chron File  
DET PROJ

19-452



**TRANSMITTAL LETTER**

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April 29, 2019

**HAND DELIVERED**

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

FROM: Brianne Paugh, Esq.

RE: Owner: The Thomas Hill Pierce Revocable Trust  
Property: 322-324 North Market Street, Frederick, MD 21701  
Tax Account: 02-086557

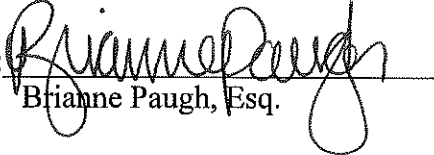
**ITEMS ENCLOSED/MESSAGE:**

In connection with the anticipated acquisition of the above-referenced property by Northern Star Property Management, LLC, enclosed please find Check #1577 payable to the City of Frederick in the amount of \$200.00, which represents the fee to render a zoning compliance/determination letter. 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 email a copy of same to me at [bpaugh@milesstockbridge.com](mailto:bpaugh@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 301.698.2243. Thank you for your prompt attention in this matter.

Very truly yours,

MILES & STOCKBRIDGE P.C.

BY:   
Brianne Paugh, Esq.

Encl./bep

30 WEST PATRICK STREET, SUITE 600 | Frederick, MD 21701-6903 | 301.662.5155 | [milesstockbridge.com](http://milesstockbridge.com)  
Writers Direct Dial: 301-698-2243 Email address: [bpaugh@milesstockbridge.com](mailto:bpaugh@milesstockbridge.com)  
BALTIMORE, MD • EASTON, MD • ROCKVILLE, MD • TOWSON, MD • TYSONS CORNER, VA • WASHINGTON, D.C.

April 29, 2019

Northern Star Property Management, LLC  
c/o Richard Ebrey  
10829 Middleboro Drive  
Damascus, MD 20872

Miles & Stockbridge P.C.  
30 W. Patrick St., Suite 600  
Frederick, MD 21701  
Attn: Brianne Paugh, Esq.

Owner: The Thomas Hill Pierce Revocable Trust  
Property: 322-324 North Market Street, Frederick, MD 21701  
Tax Account: 02-086557 (the "Property")

To Whom it May Concern:

This letter is written to confirm that the above-referenced Property and the established uses of 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 "DB" Downtown Business with Historic Preservation Overlay. The use of the Property as: four residential apartments located on the upper levels of the building, with a first floor commercial retail business, consisting of an art gallery with related uses, is permitted within this Zoning district.

There are no outstanding 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				
Tax Exempt: Exempt Class:		Special Tax Recapture: NONE							
Account Identifier:		District - 02 Account Number - 086557							
Owner Information									
Owner Name:		PIERCE THOMAS HILL- TRUSTEE T H PIERCE REVOCABLE TRUST			Use: Principal Residence:		COMMERCIAL NO		
Mailing Address:		13 HORIZON HILL RD ASHEVILLE NC 28804-			Deed Reference:		/03194/ 00812		
Location & Structure Information									
Premises Address:		322 N MARKET ST FREDERICK 21701-0000			Legal Description:		LT 5,622 SQ. FT. 322-324 N. MKT. ST. FREDERICK		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0414	0001	1542A		0000				2017	
Special Tax Areas:		Town:			FREDERICK CITY				
		Ad Valorem:			104				
		Tax Class:							
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1874		3984				5,622 SF			
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		MIXED RESIDENTIAL / RETAIL							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2018		07/01/2019	
Land:		179,300		179,300					
Improvements		133,100		162,300					
Total:		312,400		341,600		331,867		341,600	
Preferential Land:		0						0	
Transfer Information									
Seller: BETTS, SUSAN L.		Date: 07/22/2002			Price: \$380,000				
Type: ARMS LENGTH IMPROVED		Deed1: /03194/ 00812			Deed2:				
Seller: CARRIAGE HOUSE PART.		Date: 06/19/2001			Price: \$0				
Type: NON-ARMS LENGTH OTHER		Deed1: /02891/ 00899			Deed2:				
Seller: HAWKINS, RAYMOND F.		Date: 05/03/1984			Price: \$115,000				
Type: ARMS LENGTH IMPROVED		Deed1: /01236/ 00995			Deed2:				
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					

Municipal: 000 0.00|0.00 0.00|0.00

Tax Exempt:  
Exempt Class:

Special Tax Recapture:  
NONE

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Homestead Application Information

Homestead Application Status: No Application

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Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

City of Frederick  
Building Department

**Customer Receipt**

Operator: Jessica Murphy

Date: 05/01/2019  
Tender Detail

Receipt no: 60919

Item	Description	Payment	Reference	Paid
PZ-19-00452 322-324 N. Market Street 322 N MARKET ST	ZBA DETERMINATIONS	CHECK	1577	\$200.00
<b>Total:</b>				<b>\$200.00</b>

Paid By: Miles & Stockbridge P.C.

Time: 08:07:12 EDT  
Transaction Date: 04/30/2019