



# FREDERICK

## PLANNING

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June 22, 2022

David Severn  
Offit Kurman, Attorney at Law  
50 Carroll Creek Way, Suite 340  
Frederick, MD 21701

**Re: 22-547ZD Zoning Determination: 1305 W 7th St**

Dear Mr. Severn:

In response to your letter dated May 25, 2022 and received on June 1, 2022, Staff has prepared the following information:

1. The subject property is zoned General Commercial (GC) under the 2005 Official Zoning Map, in addition to, falls completely within the Wellhead Protection Overlay (WHO) and partly within the Highway Noise Overlay (HNO). According to the State Department of Assessments and Taxations (SDAT) the primary structure was built in 1957. The pad sites were approved under Final Site Plans PC04-868FSI and PC04-793FSI in compliance with the 1986 Zoning Ordinance, that predated the 2005 Land Management Code (LMC) establishing the WHO and HNO, making any features on the site legally nonconforming. Section 422 *Highway Noise Impact Overlay District* only applies to residential construction and the need for noise mitigation, therefore, not applicable to the GC structures.
2. Per Section 902 *Nonconforming Structures*, “An existing structure not conforming to maximum density, yard or height requirements of this Code may be continued so long as it remains otherwise lawful, provided no such structure shall be modified so as to increase its nonconformity or to make it less suitable for a permitted use in that district”; and as it applies to GC zone, “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 this Code.”

3. Per Section 404, Table 404-1 Use Matrix, a shopping center is permitted by right in the GC zone. Per Section 863 *Shopping Center and Big Box Stores* are defined as a “group of three or more retail stores, service establishments and other similar uses which are designed as an integrated unit and managed or coordinated as a total entity.” Based on the SDAT information, the shopping center contains >234,017 square feet of building space that falls under a community/regional shopping center permitted in the GC zone.
4. To staff’s knowledge, there are no outstanding building, zoning or fire code violations associated with the property.

If you have any further questions, please don’t hesitate to contact me at (301) 600-1718 or [preppert@cityoffrederickmd.gov](mailto:preppert@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,

*Pam Reppert*

Pam Reppert  
Planner III

In Concurrence,

*Joe Adkins*

Joseph A. Adkins, AICP  
Deputy Director for Planning

**David A. Severn, Principal**  
**240.772.5114 Phone**  
**240.772.5135 Facsimile**  
[dsevern@offitkurman.com](mailto:dsevern@offitkurman.com)

May 25, 2022

**VIA ELECTRONIC MAIL**

Ms. Gabrielle Collard, Manager  
of Current Planning  
City of Frederick  
Planning Department  
140 W. Patrick Street  
Frederick, MD 21701

Re: Zoning Determination Request for 1305 W. 7<sup>th</sup> Street, Frederick, MD;  
Frederick Shopping Center; Zoned GC (the “**Property**”)

Dear Gabrielle:

I respectfully request your determination and confirmation that the use of the above-described Property as a shopping center is permitted by right on the Property per City of Frederick Land Management Code (LMC) Section 404, Table 404-1 and that there are no existing, current or outstanding zoning violations or citations related to the use of the Property as a shopping center.

The Property is owned by Frederick Shopping Center, LLC and is zoned General Commercial (GC) and is within the Wellhead Protection Overlay (WHO) district and partially within the Highway Noise Overlay (HNO) district.

Thank you for your consideration and please let me know if you need any additional information from me to process this request including any required fees.

Very truly yours,



David A. Severn

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