



FREDERICK

PLANNING

January 10, 2023

Eric A. Gold, Manager
Hillcrest Commons Limited Partnership
By: RAD Conversion Specialists, LLC
800 W. Long Lake Road, Suite 210
Bloomfield Hills, MI 48302

Re: 22-1147ZD, Zoning Determination, 1150-1151 Orchard Terrace-Hillcrest Commons Apartments

Dear Mr. Gold:

In response to your letter dated December 16, 2022, Staff has prepared the following information:

The subject property, 1150-1151 Orchard Terrace (the "Property"), is zoned R12 (Medium-Density Residential). Per Section 401, Table 401-1 of the Land Management Code (LMC), the purpose of this district is to provide for residences in an urban residential environment with a maximum density of 12 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 within the Highway Noise Overlay (HNO). This overlay district establishes setback, lot, and structure design standards for "noise impacted residential uses" from certain highways.

The Property is improved with a multi-family development, which is a permitted use in the R12 district. There are no current violations for the Property at this time.

The Property was developed under the City's Land Management Code (LMC), which was adopted in 2005. 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. Per Section 900, nonconforming features may be continued, provided that no action is 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. Further, per Section 902 of the LMC, any structure not conforming to the maximum density, yard, or height requirements may be continued provided that no such structure shall be modified so as to increase its nonconformity or to make it less suitable for a permitted use in the district. Any nonconforming structure which is destroyed, damaged, or deteriorated by any means to the extent of 50% or more of its market value, or more, may only be reconstructed in conformance with the regulations of the LMC in place at that 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/Zoning
Administrator

cc: Gabrielle Collard, Division Manager of Current Planning



December 16, 2022

Zoning Determination Dept
140 West Patrick Street
Frederick, Maryland 21701

Dear Sir or Madame:

I am writing to request a zoning verification and compliance letter for Hillcrest Commons Apartments located at 1150 Orchard Terrace.

Please let me know if you have any questions or need additional information. The letter can be emailed to my attention at egold@slavikenterprises.com.

Sincerely,
HILLCREST COMMONS LIMITED PARTNERSHIP
By: RAD Conversion Specialists, LLC, its partner

A handwritten signature in blue ink, appearing to read "Eric A. Gold", is written over the typed name.

Eric A. Gold, Manager