



FREDERICK

PLANNING

January 20, 2023

Peterson Companies
C/O Stacey Adair
Paralegal
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

Re: 23-46ZD Zoning Determination: 811 E. South Street

Dear Ms. Adair:

In response to your letter received on January 11, 2023, Staff has prepared the following information:

1. The subject property is zoned General Commercial (GC) and falls within two overlay zones, Highway Noise Overlay (HNO) and Airport Overlay (AO). The HNO has no impact on nonresidential uses. Under the AO, the Federal Aviation Administration (FAA) approved form 7460-1 for “*No Hazard to Air Navigation*” for the proposed building heights at 53 feet. The property also falls within the Zone of Influence of the Frederick Quarry. The zoning was established under the 2005 Zoning Map. See the link to the City Land Management Code for zoning regulations:
https://library.municode.com/md/frederick/codes/land_management_code.
2. On March 11, 2021, Final Site Plan PC20-655FSI was unconditionally approved for a storage facility on this property in compliance with the 2005 Land Management Code (LMC), which includes the parking requirements and building setbacks, i.e., front 15 feet, side 0’ feet and rear 6 feet. The associated site plan was issued water, sewer, and road certificates in compliance with the Adequate Public Facilities Ordinance (APFO) outlining any development conditions to satisfy. The APFO conditions to be forwarded separately.
3. To our knowledge, there are no open fire, building or zoning violations attached to the subject property.

4. All grading, site plan approvals, building permits and other permits issued to date by the City of Frederick for the Property were issued in accordance with all applicable state laws, City ordinances and regulations and there are no proceedings pertaining to the Property, either administrative or legislative, which would in any manner adversely affect the status of the zoning of the Property.

If you have any further questions, please do not hesitate to contact me at (301) 600-1718 or 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

January 9, 2023

Via Email at zbadigital@cityoffrederickmd.gov

City of Frederick
Department of Planning
140 W Patrick Street
Frederick, MD 21701
Attn: Zoning Administrator

Re: **Request for Zoning Compliance Letter**
Bluegrass Storage LC – 811 E. South Street, Frederick, MD 21701
Parcel ID -

Dear Sir or Madam:

Please issue a zoning compliance letter from your office setting forth the following information concerning the zoning status of the above-referenced property:

1. The current zoning on the subject property, attaching a copy of the current Zoning District Regulations;
2. The date when the property was rezoned to the current zoning district and any proffers or development conditions governing the use of the subject property;
3. Any Special Exceptions governing the use of the subject properties and any development conditions pertaining to said Special Exceptions;
4. A statement as to the existing uses that are by-right under the District Regulations and those uses that are permitted by Special Exceptions, as applicable; and
5. A statement that, to the best of your knowledge, there are no pending zoning violations, complaints, or zoning enforcement actions currently pending against this property and there are no rezonings, special exceptions, special permits or variance applications pending in connection with this property.

Please address your response to The Peterson Companies, c/o Stacey Adair, Senior Paralegal, 12500 Fair Lakes Circle, Suite 400, Fairfax, Virginia 22033. I can also be reached via phone at (703) 227-1251 or email at sadair@petersoncos.com. Since a closing is scheduled on this property in the very near future, we would appreciate an expedited response to this request. Thank you for your consideration of this matter.

Sincerely,



Stacey Adair
Senior Paralegal