



# FREDERICK

## PLANNING

---

June 29, 2023

David A. Hurt  
1515 N Rambling Way  
Frederick, MD 21701

**Re: 1515 N Rambling Way, 23-582HO-Home Occupation Determination**

Dear Mr. Hurt,

On June 8, 2023, the Planning Division (the “Division”) received your request for a home occupation determination at the above noted address (the “Property”). Based on the application, it is your intent to establish a home office at this location for your litter and debris removal business known as Truh Litter & Debris Removal, LLC.

The Property is currently zoned R16 (Residential-High Density, 16 units per acre) and is located within the Dearbought Planned Neighborhood Development (PND). Per Section 829 of the Land Management Code (LMC), home occupations are allowed in all residential zoning districts either as a conditional use, with approval by the Zoning Board of Appeals (ZBA), or as a “no-impact” home occupation with a zoning permit approved by the Division. The following are the established criteria for each type of home occupation:

*Conditional uses.* Home occupations are permitted as a conditional use in all R, all D, NC, and GC districts if all of the following conditions and requirements are met:

- 1) The applicant must provide guarantees that the use of a property as a home occupation will not constitute a nuisance because of increased pedestrian or vehicular traffic, noise, or other activity associated with the use of the dwelling for business purposes which may be disruptive to the residential character of the neighborhood.
- 2) A home occupation must be secondary to the residential use of the property and shall be conducted totally within the dwelling. Not more than 20 percent of the floor area of the dwelling or 300 square feet, whichever is greater, may be devoted to a home occupation.
- 3) Only one person who is not a resident of the dwelling may be employed/work/volunteer on site in conduct of a home occupation.

- 4) A home occupation may not result in any external evidence that a building is being used for any purpose other than a dwelling.
- 5) Except for the permitted employee who may be employed, a home occupation may result in no vehicular traffic, except for a maximum of one daily local home delivery from services such as UPS or FedEx, and in no case shall result in delivery by tractor trailer trucks.
- 6) If deemed appropriate, the Board may permit a home occupation for a specified period of time with periodic review and approval required to ensure conformity with the conditions and requirements.

*“No-impact” home occupations.* To be considered a ‘no-impact’ home occupation, the business must meet the following criteria:

- 1) No customer or client visits are allowed in connection with the home occupation.
- 2) No employees or persons who reside outside of the home may be engaged onsite in the home occupation.
- 3) No deliveries or storage related to the home occupation is permitted.
- 4) Not more than 20% or 300 square feet of the home, whichever is less, may be used in service of the home occupation.

Concerning the physical use of the house, you have indicated that approximately 100 sq. ft. of the house will be used in support of the business, which constitutes less than 20% of the overall square footage, which is approximately 1920 sf according to SDAT. You also indicate that there will be no storage of materials outside the home, no business deliveries, signage, or additional employees other than residents of the home. All items collected in the business will be disposed of at the work site and not through your residential refuse collection. Materials related to your work do not include any heavy machinery or other items that will require outdoor storage.

Based on the above, Staff has concluded that the proposed business qualifies as a **no-impact home occupation** per Section 829(c). You will be required to apply for a zoning permit. The application for a zoning permit can be found online at the following link:

<https://www.cityoffrederickmd.gov/DocumentCenter/View/904/Commercial-Zoning-Permit-Application?bidId=>

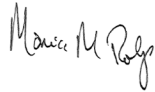
If you have any further questions, please don’t hesitate to contact me at (301) 600-1770 or [mrobyns@cityoffrederickmd.gov](mailto:mrobyns@cityoffrederickmd.gov).

*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,



Monica M Robyns  
City Planner

In Concurrence,

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

cc: Gabrielle Collard, Division Manager of Current Planning



# FREDERICK

## PLANNING

For Official Use Only	
Case Number:	
Hearing Date:	
Ad Date:	
Application Fee:	\$0.00
Date Paid:	

## HOME OCCUPATION DETERMINATION

### General Information

The operation of a full-time or part-time home-based business is considered a *Home Occupation* and is regulated under Section 829 of the Land Management Code (LMC). Home occupations should be consistent with the surrounding residential community and should not impact the quality of life in these areas. In order to ensure minimal impacts, the LMC establishes several general restrictions on home occupations including:

- Visits to the home by clients or customers of the business are not permitted.
- Signage advertising the business is not permitted.
- These regulations do not apply to telecommuting.

### Application Process

There are two types of Home Occupations: No Impact Home Occupations and Conditional Use Home Occupations. In order to determine which type of Home Occupation your proposal qualifies as, please complete the following application with as much detail as possible.

The completed application form, supporting plans and other documentation in PDF form ONLY, must be sent to [zbigital@cityoffrederickmd.gov](mailto:zbigital@cityoffrederickmd.gov). Any files that are larger may be sent via a shared link. You will need to remove your email signature image before submitting. If you have any questions, please contact Carreanne Eyler @ [ceyler@cityoffrederickmd.gov](mailto:ceyler@cityoffrederickmd.gov).

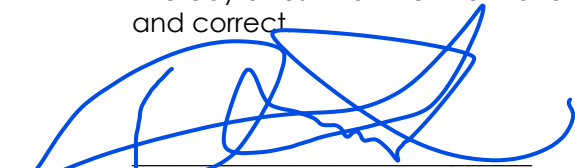
<b>APPLICANT INFORMATION</b> (OWNER'S AFFIDAVIT MUST BE SUBMITTED WITH APPLICATION IF APPLICANT IS NOT THE OWNER)	
Contact Name:	
Firm/Company:	
Address:	
Phone:	email:
<b>OWNER INFORMATION</b>	
Name:	
Firm/Company:	
Address:	
Phone:	email:

<b>PROPERTY INFORMATION</b>
Property Address:
Zoning:
Structure Type (single family, townhouse, etc):

<b>PROJECT INFORMATION</b>
Business name:

Description of the business:
Total square footage of the home and the amount of square footage which will be dedicated to use for the business:
Employees occupied at the residence and their address(es):
Are deliveries of any type necessary for the operation of the business? If so, please provide information on the types of delivery vehicles that will be needed and the frequency of the deliveries.
Will the business require the storage of materials at the residence that are used, sold, distributed, etc? If so, please provide further information on the location of the storage area and the amount of materials stored.

I hereby attest that the information provided on and attached to this application is complete and correct



\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Date

<i>Internal Use Only</i>	
<input type="checkbox"/> No Impact Home Occupation	<input type="checkbox"/> Conditional Use Home Occupation
Staff Signature _____	Date _____