



# FREDERICK

## PLANNING

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August 31, 2023

Butterfly Properties, LLC  
c/o Sean Nicholson  
6029 Pecking Stone St  
New Market, MD 21774

**Re:** 23-836ZD: 1313 Butterfly Lane

Dear Mr. Nicholson:

In response to your letter dated August 1<sup>st</sup>, 2023 and the follow up phone conversation on August 18, 2023, Staff has prepared the following information:

The parcel located at 1313 Butterfly Lane (known as “The Property”) contains a single family home and is zoned R8, Medium Density Residential. The purpose of this zone is to *“provide for residences in an urban residential environment with a maximum density of eight 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 not included in any other City overlay district. City files and a phone conversation with Mr. Nicholson confirm that this property has been used as a recovery house since at least 2015.

Per our phone conversation, you are asking for a determination on whether this property can be used as an ASAM Level 3.1 residential treatment center, with onsite clinical services for residents provided by a licensed professional. The clients would have their own living quarters within the home and would be composed of individuals recovering from substance abuse. This level of in-home care makes the proposed use a Regulated Group Home according to the definition given in Section 1002, as well as in Section 827(b).

According to Sections 404 and 827 of the LMC, group homes are permitted by right in the R8 zone. However, with more than 8 clients, this property use would be defined as a regulated group home and subject to all applicable state and federal licensing. The LMC does not require conditional use permits or any other form of discretionary review for group homes. However, a variance is required to the extent that the group home seeks to deviate from the standards that apply to other permitted uses in the R8. A site plan is also required to demonstrate compliance with all applicable provisions of the LMC.

Per the memorandum written by City Attorney Sandra Nickols to Mayor O’Conner dated June 5, 2019, disabled individuals residing together in a home are considered a “family” for use purposes and a group home does not require any additional zoning-related enforcement actions.

The current maximum number of residents allowable is 8, but you have indicated that you are interested in applying for a variance to allow for additional residents. If this is the case, you will need to follow the guidelines set forth in Section 313 of the LMC as well as submit a site plan to ensure compliance with all applicable regulations.

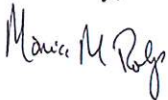
No interior renovation or construction is proposed with this application, and this determination is for zoning purposes only. There may be additional requirements for interior renovation to comply with applicable building codes.

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 Robyns  
City Planner

In Concurrence,



Joseph A. Adkins, AICP  
Deputy Director for Planning

cc: Gabrielle Collard, Division Manager of Current Planning

8/1/23

Subject property : 1313 Butterfly Lane Frederick, Md 21702.

Parcel ID : 02-090244

Current owner: Butterfly Properties, LLC

Letter addressed to: Sean Nicholson

Mail to: 6029 Pecking Stone St. New Market, Md 21774

Proposed use : 3.1 low intensity substance use residential treatment facility.