



# FREDERICK

## PLANNING

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December 2, 2021

Joshua O'fair  
Armada Analytics Inc  
104 South Main St, Suite 500  
Greenville, SC 29601

**Re: 21-1337ZD Zoning Determination: 1445 Key Parkway**

Dear Mr. O'fair:

In response to your letter received on November 22, 2021, Staff has prepared the following information:

1. The subject property was zoned R16 (High Density Residential) in 2005. *"The R16 District is intended to provide for residences in an urban residential environment with a maximum density of 16 dwellings per acre."*
2. In 1981, the property was platted with recording references Bk 24/Pg 147 and according to SDAT, the nine apartment buildings were constructed in 1981. The apartment complex, Hickory Hills, contains a total of 162 units based on their advertising media. Per the R16 zone, the 9.07-acre lot/property is permitted 144 multi-family units. Under the adopted 2005 Land Management Code (LMC), 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."*
3. In event of casualty, under Section 902, *"in all other districts, 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."*

4. Under the 1981 site plan, any variances or special exceptions, if applicable, are considered lawful under the 2005 LMC Article 9 *Nonconforming Uses, Vested Rights, and Scope of Approvals*.
5. To staff's knowledge, the property has no outstanding fire, building or zoning violations nor any condemnation or eminent domain proceedings.
6. Due to the age of the site construction, we have no site plan or certificate of occupancy records available.

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,



Joseph A. Adkins, AICP  
Deputy Director for Planning



**Municipality Name:**

**Property Name:** Hickory Hill Apartments  
**Address:** 1445 Key Parkway  
**City/State:** Frederick, MD 21702  
**Property Use:** Multifamily  
**Parcel #:**

To whom this may concern,

At our client's request, please provide the following information:

- **Zoning Compliance/Verification Letter:** Please supply a letter (or feel free to use the enclosed template and copy onto letterhead) stating in which zoning district the subject property is currently located, the number of permitted units on site, whether or not the subject is considered to be a permitted use, and any compliance information you may be able to provide. Please use municipality letterhead, or if this is not possible for some reason, please enclose a municipality fax coversheet showing that the zoning letter is enclosed.
- **Any Variances, Special Permits or Conditions:** Please note the existence of these items as they relate to the use and structures of subject property and supply documentation, if available.
- **Code Violations:** Please note whether or not there are currently any open/outstanding zoning, building, or fire code violations that apply to the subject property.
- **Condemnation/ Eminent Domain.** Please note whether or not there are currently any condemnation or eminent domain proceedings that apply to the subject property.
- **Certificates of Occupancy:** Please supply copies of any existing certificates of occupancy for the subject property. If none are available, please state the reason for this and whether there is any expected enforcement action due to the lack of certificate.
- **Approved Site Plan and/or Conditions of Approval, if applicable:** Please supply one or both of these documents, particularly if the subject property is located in a Planned Development.

Please advise us at your earliest convenience if any additional fees or forms are required, if any of these items are not available or if I should be directing any portion of my request to another party. We are on a strict timeline, and your prompt attention to this request is greatly appreciated. **Upon completion, please forward the information via email if possible, and by US Mail if not.** We truly appreciate your help with this request and look forward to your reply. Please feel free to contact me with any questions or concerns you may have regarding this request.

Thank you very much for your assistance!

[Joshua O'fair, Zoning Analyst II](#)

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Email: [Jofair@armadaanalytics.com](mailto:Jofair@armadaanalytics.com)



**7. Zoning Code Violation and Condemnation/ Eminent Domain Information:**

- There do **NOT** appear to be any outstanding/open zoning code violations that apply to the subject property, nor are there condemnation or eminent domain proceedings.
- The following outstanding/open zoning code violations apply to the subject property:
- The following condemnation/ eminent domain proceedings apply to the subject property

**Comment:**\_\_\_\_\_

**8. Building Code Violation Information:**

- There do **NOT** appear to be any outstanding/open building code violations that apply to the subject property.
- The following outstanding/open building code violations apply to the subject property:

**Comment:**\_\_\_\_\_

**9. Fire Code Violation Information:**

- There do **NOT** appear to be any outstanding/open fire code violations that apply to the subject property.
- The following outstanding/open fire code violations apply to the subject property:

**Comment:**\_\_\_\_\_

**10. Certificates of Occupancy (required for the use, operation and occupancy of the subject property), status:**

- Valid Certificate(s) of Occupancy has been issued for the subject property and is/are attached.
- We are unable to locate a copy in our records. The absence of a Certificate of Occupancy will not give rise to any enforcement action affecting the property.
- Certificates of Occupancy have been issued for the subject property in \_\_\_\_\_ (enter year); however, for projects constructed prior to the year \_\_\_\_\_ are no longer on file with this office. The absence of a Certificate of Occupancy will not give rise to any enforcement action affecting the property.
- A Certificate of Occupancy is not required for the subject property.

**Comments:**\_\_\_\_\_

**11. Site Plan Information:**

- The subject property was not subject to a site plan approval process
- The subject property was subject to site plan approval; a copy of the approved site plan is attached
- The subject property was subject to site plan approval, but a copy of the approved site plan is no longer in existence (*was lost or destroyed*). All other existing documents applicable to site plan approval for the site are attached.
- An approved site plan for the subject property is on file, but our office does not have the necessary resources to reproduce and distribute copies of the plan. All other existing documents applicable to site plan approval are attached.
- Other, (as noted here):

**Comment:**\_\_\_\_\_

Further comments regarding the subject property:

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This information was researched on \_\_\_\_\_, 2021, by the undersigned, per request and as a public service. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon or relates to the information supplied by the requestor. The Authority assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

**ZONING AUTHORITY:**

By: \_\_\_\_\_

Municipality: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_