



# FREDERICK COUNTY BOARD OF APPEALS

## March 28, 2024

**TITLE:** Darrel Drenner

**CASE NUMBER:** B-24-06 (B276127)

**REQUEST:** The Applicant is requesting a variance in height in accordance with Sections 1-19-4.220 Variances and 1-19-6.100 Design Standards. The Applicant is requesting a variance of approximately 5', from the allowed 30' maximum height limitation, in order to allow for the construction of a home 35' in height. The property is 131.67 Acres

### PROJECT INFORMATION:

ADDRESS/LOCATION: 8501A Dollyhyde Road, Union Bridge MD 21791  
TAX MAP/PARCEL: Tax Map 60, Parcel 0011  
ZONE: (A) Agricultural  
REGION: Walkersville  
WATER/SEWER: NPS/NPS  
COMP. PLAN/LAND USE: Agricultural/Rural

### APPLICANT/REPRESENTATIVES:

APPLICANT: Darrel Drenner  
OWNER: Darrel and Christine Drenner  
ENGINEER: N/A  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Michael Paone, Zoning Planner

**RECOMMENDATION:** Based on the findings and conclusions in the staff report, Staff finds that the proposed 5 ft. variance from the maximum allow height of 30' complies with Section 1-19-3.220 (Variance), and Section 1-19-6.100 (Design Standards) of the Frederick County Zoning Code. Approval of this Application would allow for the construction of a residence 35' in height.

**ATTACHMENTS:** Attachment #1: Aerial Map Showing New Home Location  
Attachment #2: New Home Location – Close Up  
Attachment #3: Aerial  
Attachment #4: Comprehensive Plan  
Attachment #5: Zoning  
Attachment #6: Environmental Features

<sup>1</sup> The term Applicant refers to both the Representative and the Property Owner(s).

Note: All code references herein are to the Frederick County Code, unless otherwise specified.

## **Background**

The maximum allowed height for a single-family residence for this Agricultural (A) zoned property is 30'. The Applicant is requesting a 5' variance to allow for the construction of a residence, 35' in height, in accordance with Sections 1-19-3.220 Variances, and 1-19-6.100 Design Standards, of the Frederick County Zoning Ordinance. This is a reproduction of an historic structure, and it is important to keep the original dimensions.

### **Sec. 1-19-3.220 General Criteria - Variance:**

Under the provisions of Section 1-19-3.220(C) of the Frederick County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

- (A) The Board of Appeals may authorize a variance in height, lot area and yard regulations.

**The Applicant states that they understand this requirement.**

- (B) An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

**The Applicant states that the County Zoning staff directed them to file with the Board of Appeals.**

- (C) The Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

**The Applicant states that a public hearing is scheduled for March 28, 2024**

- (1) First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

**The Applicant is requesting a waiver of approximately 5', from the allowed 30' maximum height limitation, in order to allow for the construction of a residence 35' in height. This is a reproduction of an historic structure, and it is important to keep the original dimensions.**

- (2) Upon making this finding the Board of Appeals shall also find that the following criteria are met

- (a) That the special conditions and circumstances do not result from the actions of the applicant; and

**The Applicant states that they understand this requirement.**

- (b) The literal interpretation of the provisions of Chapter 1-19 of the Frederick County Code would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of Chapter 1-19;

**The Applicant states that the hardship is to not be able to duplicate the historic home, located on the Oak Alley Plantation in Louisiana.**

- (c) That granting the variance will not confer on the applicant any special privilege that is denied by Chapter 1-19 of the Frederick County Code to other lands or structures in the same district; and

**The Applicant states that a house on the property is allowed by right. The variance is in support of an allowed use and would allow them to construct a reproduction of an existing historic structure, and it is important to keep the original dimensions.**

- (d) That the granting of the variance will be in harmony with the general purpose and intent of Chapter 1-19 of the Frederick County Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**The Applicant states that the granting will be in harmony with Chapter 1-19 of the Frederick County Code and would have no detrimental effect on any adjoining properties. The home is several hundred yards from any neighboring properties.**

- (D) In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with Chapter 1-19 of the Frederick County Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of Chapter 1-19.

**The Applicant states that they understand this requirement.**

- (E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of Chapter 1-19 of the Frederick County Code in the zone involved, or any use expressly or by implication prohibited by the terms of Chapter 1-19 in said zone.

**The Applicant states that the requested use is permitted, and not prohibited, under the terms of Chapter 1-19 of the Frederick County Code.**

- (F) Except as specified in § [1-19-4.220](#)(C), the Board of Appeals shall not grant a variance to a nonconforming structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

**The Applicant states that this is not a nonconforming structure. They are asking for a variance to the height requirements. A single-family structure is an allowed use.**

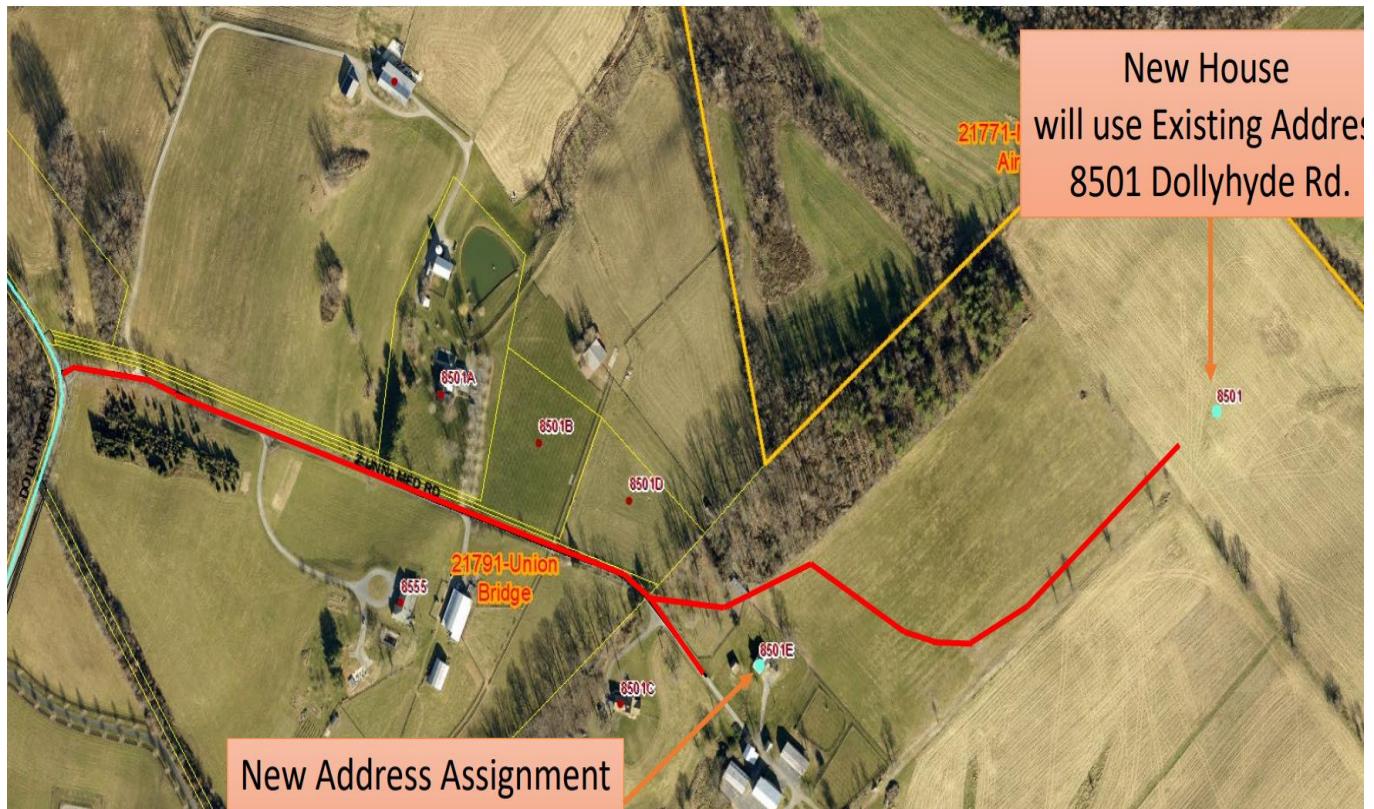
A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

**The Applicant states that they understand this requirement.**

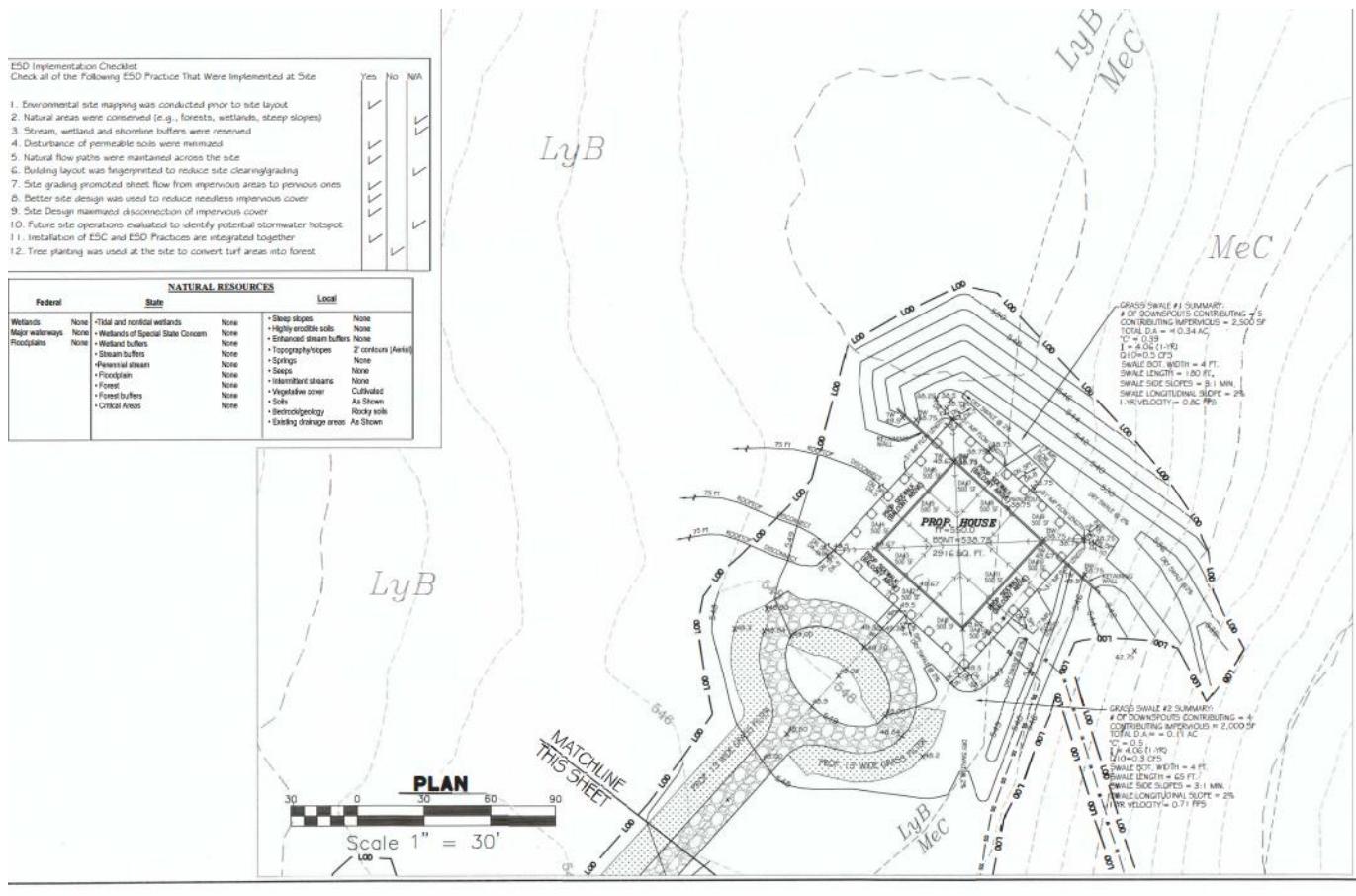
Based on the findings and conclusions in the staff report, Staff finds that the proposed 5' variance from the maximum allowed height of 30', for a height of 35' complies with Section 1-19-3.220 (Variance), and Section 1-19-6.100 (Design Standards) of the Frederick County Zoning Code. Approval of this Application would allow for the construction of a residence 35' in height.

**A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.**

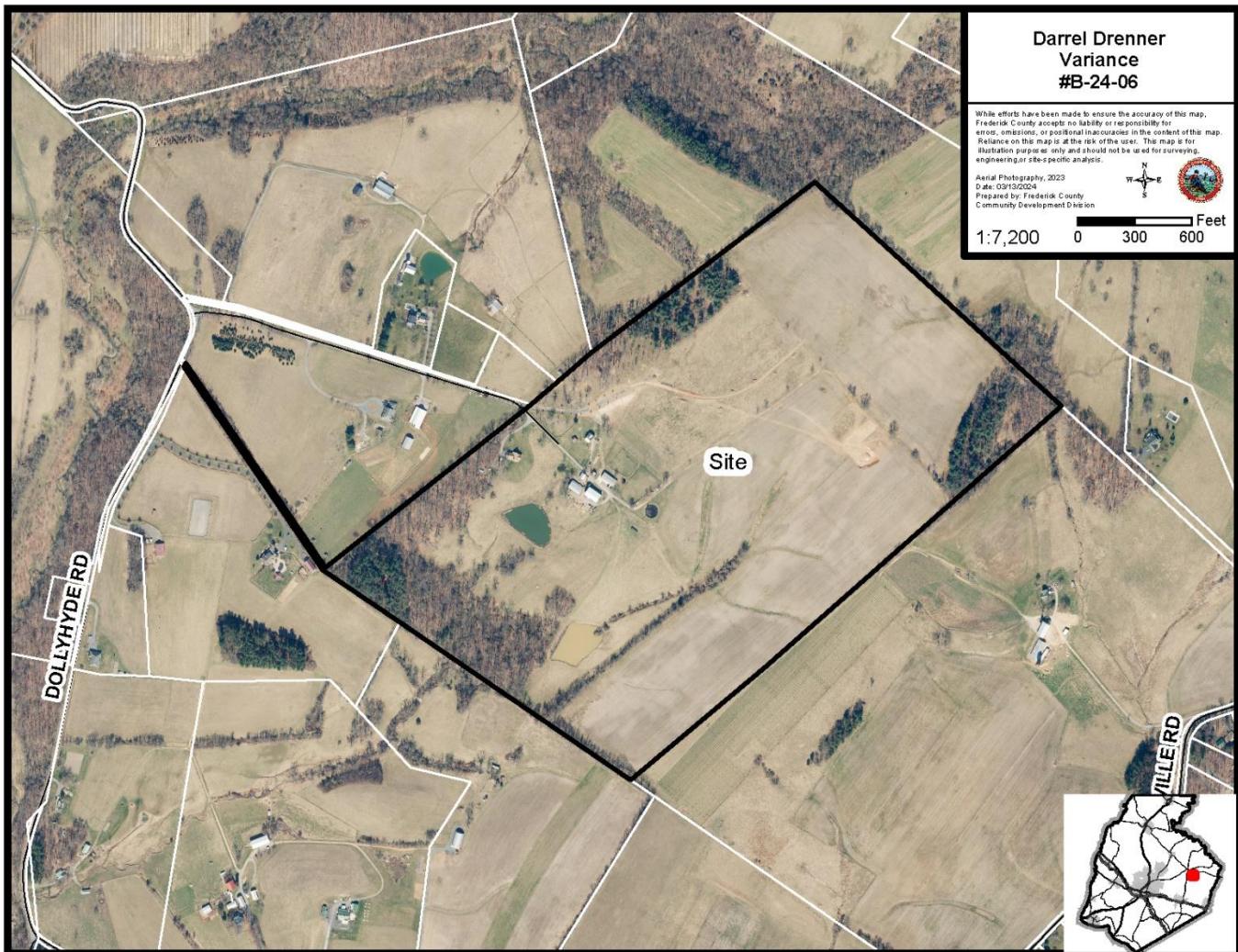
**Attachment #1: Aerial Map Showing Access and New Home Location**



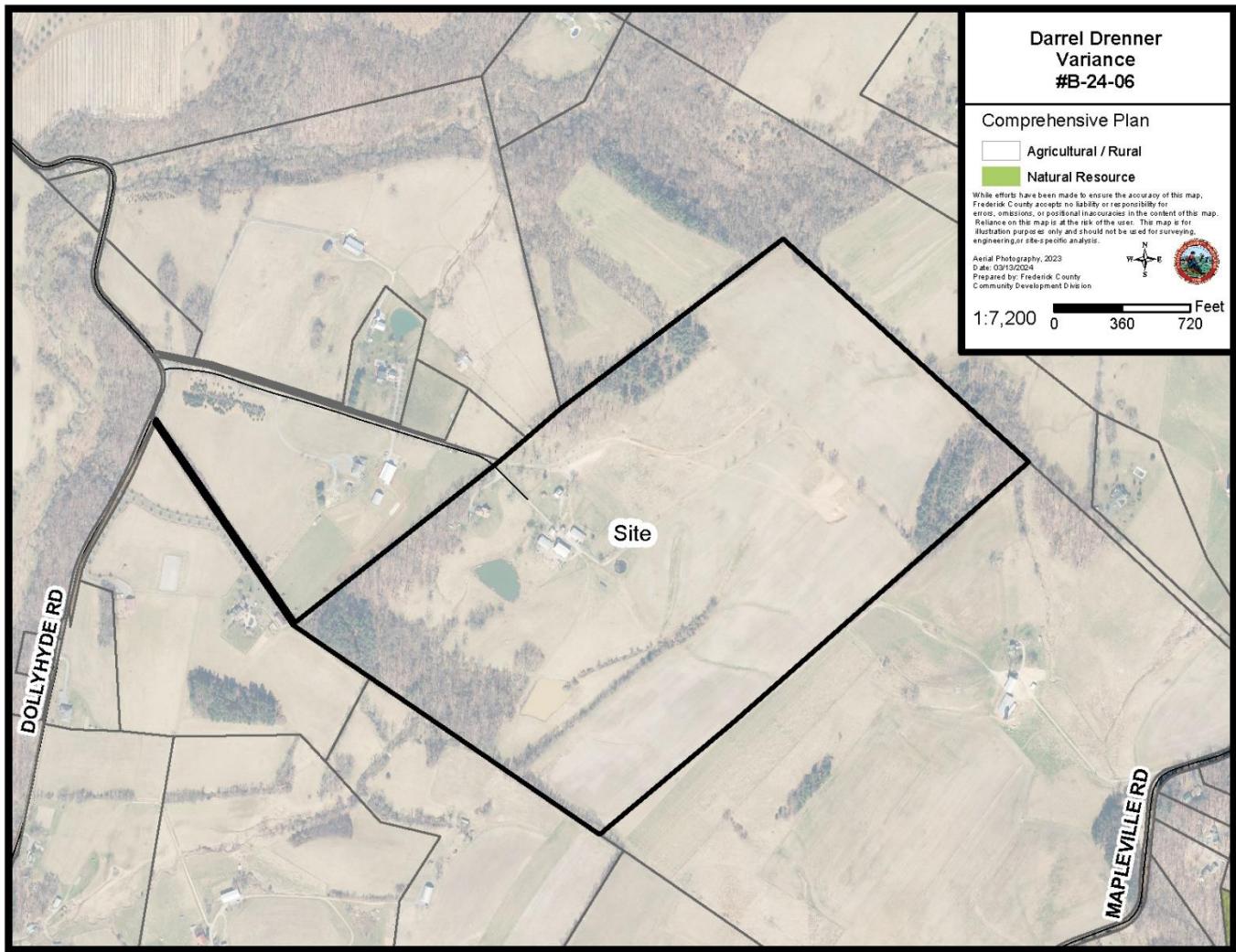
## Attachment #2: House Location – Close Up



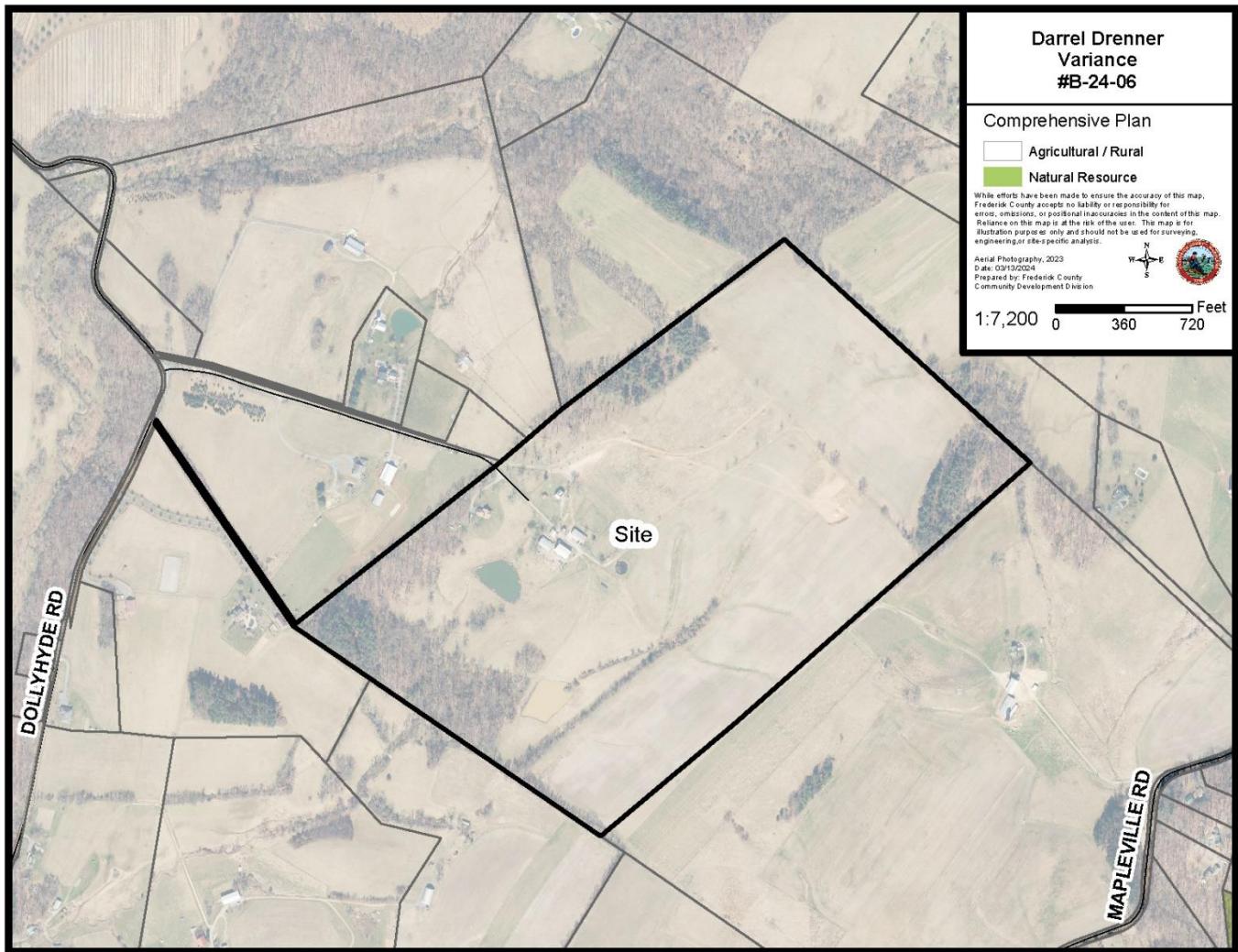
### Attachment #3: Aerial Map



## Attachment #4: Comprehensive Plan



## Attachment #5: Zoning Map



## Attachment #6: Environmental Features Map

