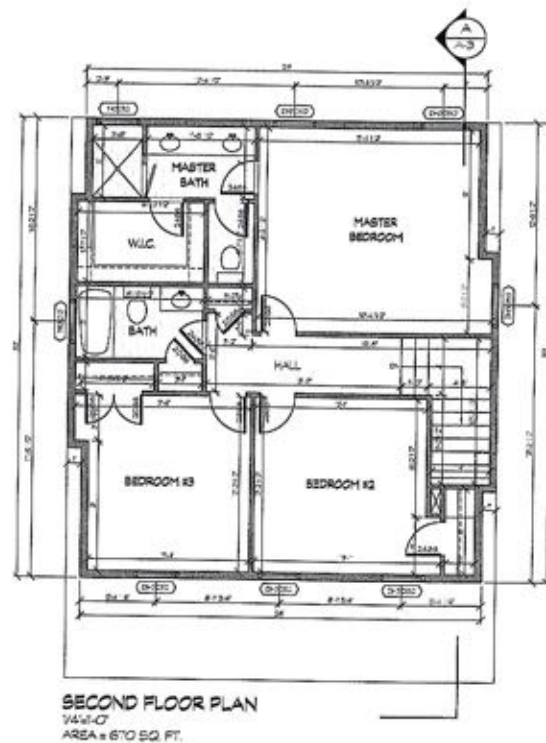
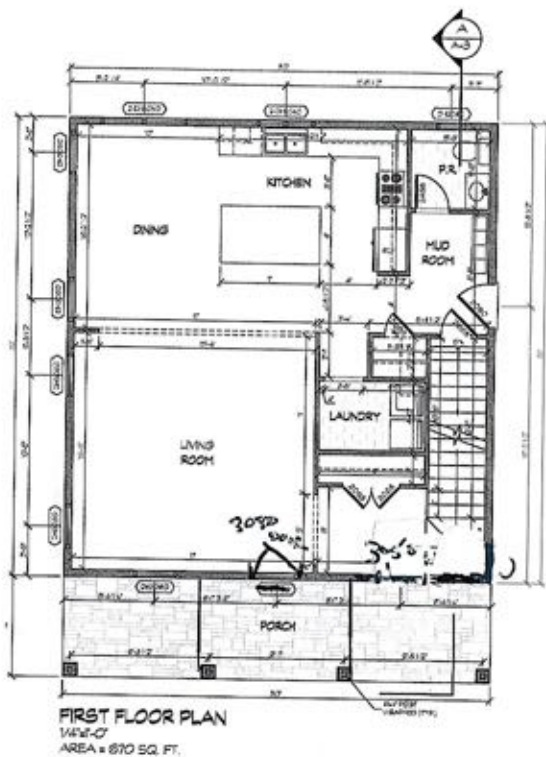


USE existing
Foundation.



GROUNDWORK CONSTRUCTION
PO BOX 23
MYERSVILLE, MARYLAND 21773
PHONE 301.72.6874

PROJECT TITLE:

MOUNTAIN RD

SCHEMATIC DESIGN
ARCHITECTURAL

DRAWING TITLE:

FLOOR PLANS

Scale:

This plan may have been prepared by an
unlicensed person under the supervision of a
licensed professional.

Drawn:

By:

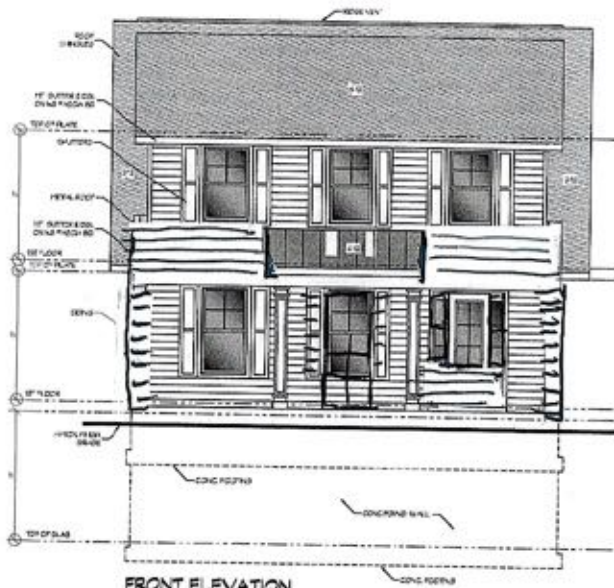
Checked By:

Date:

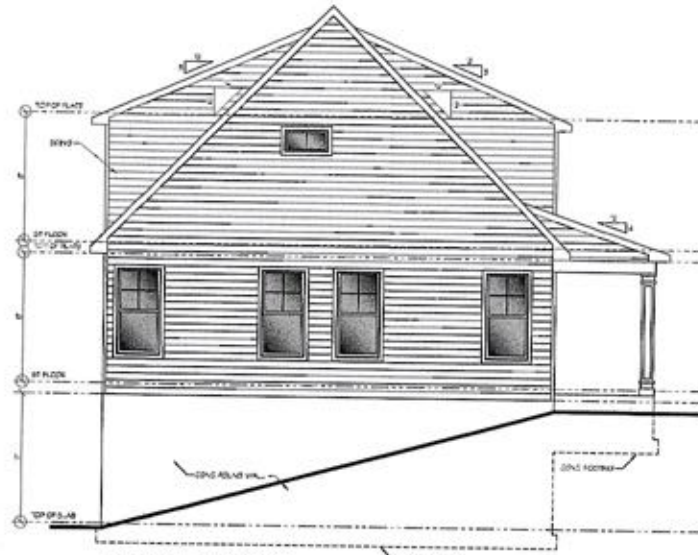
Description:

DRAWING NUMBER

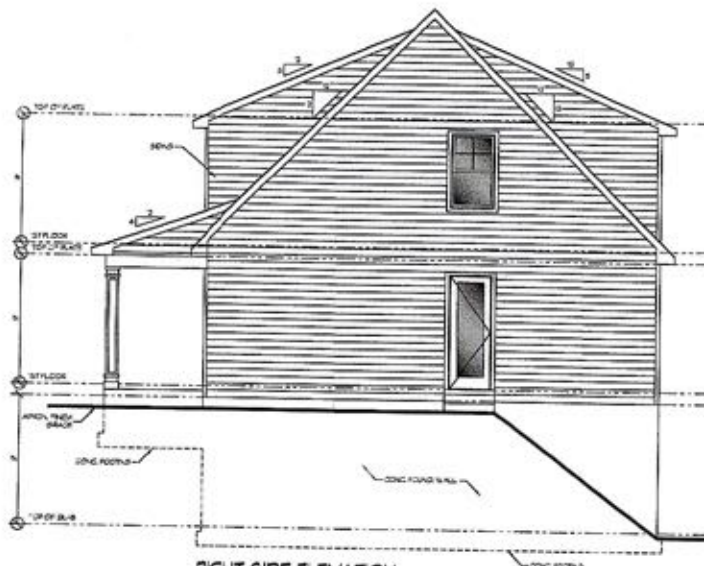
A-1



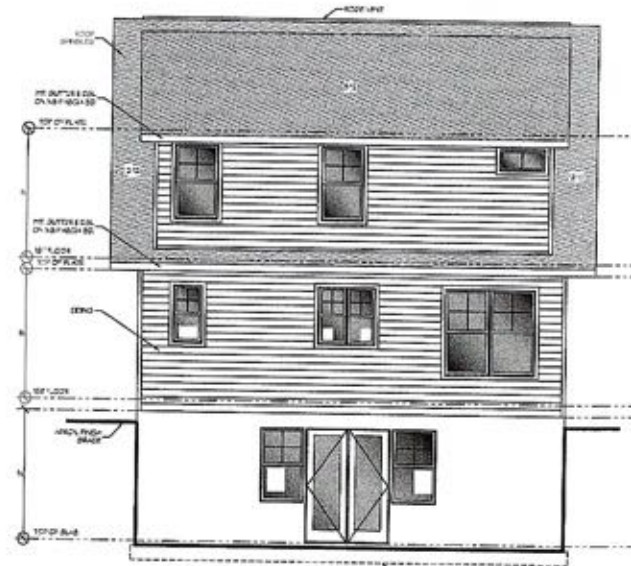
FRONT ELEVATION
1/4\"/>



LEFT SIDE ELEVATION
1/4\"/>



RIGHT SIDE ELEVATION
1/4\"/>



REAR ELEVATION
1/4\"/>



GREENHILL CONSTRUCTION
PO BOX 23
MYERSVILLE, MARYLAND 21773
PHONE 301.771.6694

PROJECT TITLE:

MOUNTAIN RD

SCHEMATIC DESIGN
ARCHITECTURAL

DRAWING TITLE:

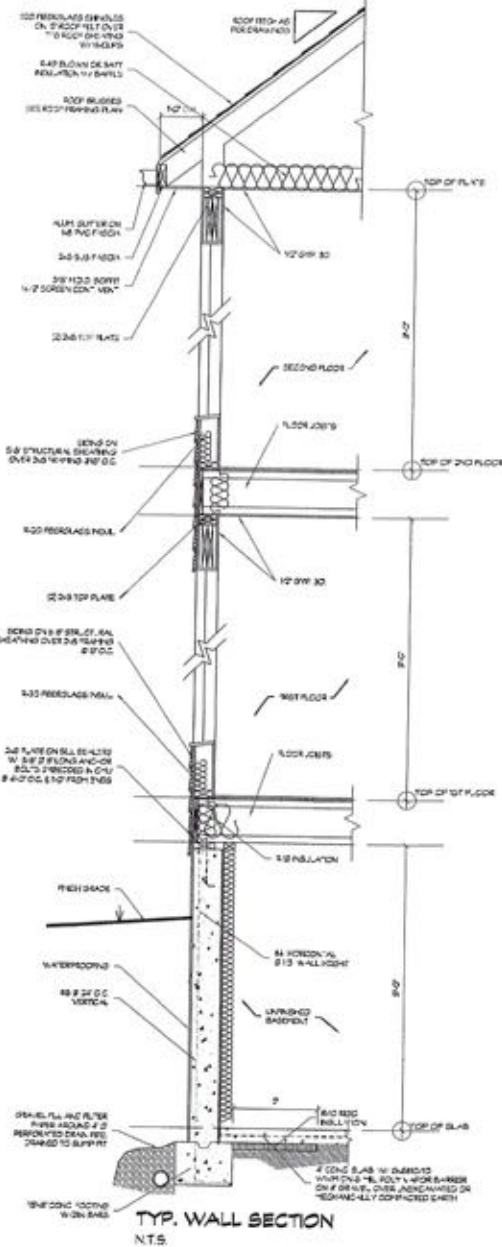
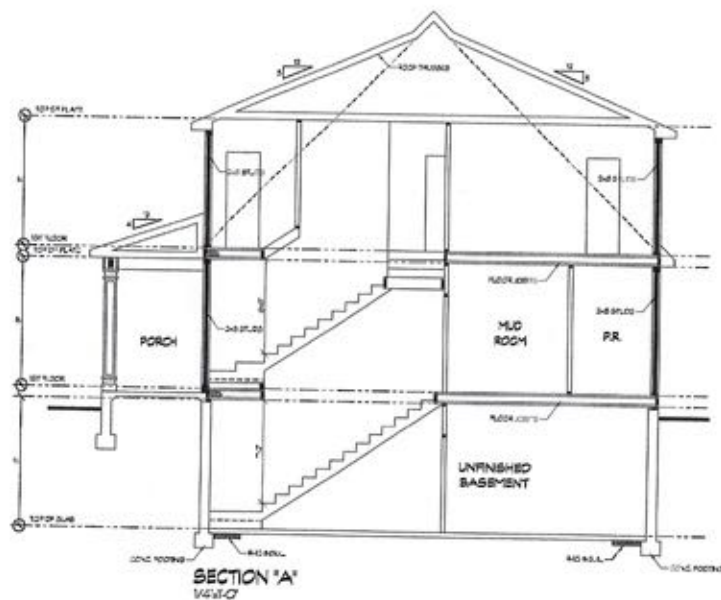
ELEVATIONS

Scale:
This plan has been prepared by S.D.A.
Verify before building dimensions.
Date: JUL 24, 2022
Drawn By: ENOK, HORTILLA
Checked By:

Revision Date Description

DRAWING NUMBER

A-2



GRANDVILLE CONSTRUCTION
PO BOX 23
MYERSVILLE, MARYLAND 21773
PHONE 301.70.6874

PROJECT TITLE:

MOUNTAIN RD

SCHEMATIC DESIGN
ARCHITECTURAL

DRAWING TITLE:

SECTION / WALL SECTION

Scale:
THIS DRAWING HAS BEEN EXAMINED BY THE
ARCHITECT FOR CONFORMANCE WITH THE
DATE: 11.11.2011
DESIGN BY: ENCK MONTANA
CHECKED BY:

Revision: Date Description

DRAWING NUMBER

A-3

**FREDERICK COUNTY BOARD OF APPEALS
FREDERICK COUNTY, MARYLAND**

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS

NAME	ADDRESS
James R. Remsburg, Jr. & Kimberly M. Remsburg	3706 S. Mountain Road Knoxville, MD 21758 (Property)
	7229 Old Middletown Road Middletown, MD 21769 (Mailing)
Misty Ann & Donald M. Myers	3629 S. Mountain Road Knoxville, MD 21758 (Property & Mailing)
David E. & Amber D. Finnigan	3625 S. Mountain Road Knoxville, MD 21758 (Property & Mailing)
Hugh Scott Kellogg	3636 S. Mountain Road Knoxville, MD 21758 (Property & Mailing)
Royce Elles	3624 S. Mountain Road Knoxville, MD 21758 (Property & Mailing)

**Frederick County
APPLICANT DISCLOSURE FORM**

Note: While the application is pending, you must supplement this disclosure whenever there is a change in the information provided.

- I. Property that is the subject of the application (Tax Map, Parcel, street address):
Account # 12-291310; Tax Map 91, Grid 10, Parcel 0000;
3702 South Mountain Road, Knoxville, MD 21758
- II. Please identify all persons and entities who have any of the following interests in the land that is the subject of the application. (Include the holders of at least a 10% interest in the land):

- A. Title owners: Jonathan Grossnickle and Brittany Reaver
- B. Contract purchasers: _____
- C. Trustees (do not include trustees described in a mortgage or deed of trust):

- D. Agents (including consultants, engineers, attorney) -Provide agent name and their firm. Additional agents hired after submission of the application must be provided to the County.

Grossnickle Construction - Kati Gastley

Offit Kurman, P.A. - Noel S. Manalo, Esq.

Frederick Seibert & Associates, Inc. - Adam Hager

- III. For each person or entity named in Part II above, indicate that person's or entity's status. If there is more than one person or entity who qualifies as an applicant, provide the name of the applicant that the information pertains to in the space provided:

X An individual (Name: Jonathan Grossnickle and Brittany Reaver)

_____ A partnership (Name: _____)

_____ General partnership

- ☐ Limited liability partnership
- ☐ Limited partnership
- ☐ Limited liability limited partnership
- ☐ Joint venture

Name all partners: _____

☐ A corporation (Name: _____)

Identify all officers and directors by name and title:

☐ Other business entity (Name: _____)

- ☐ Sole proprietorship
- ☐ An association
- ☐ Limited liability company

Name all owners/members/officers/directors:

☐ Receiver (Name: _____)

☐ Trustee (Name: _____)

☐ Guardian (Name: _____)

☐ Personal representative (Name: _____)

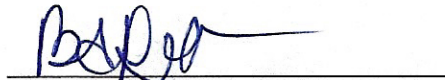
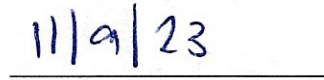
☐ Fiduciary (Name: _____)

☐ Other representative (Specify: _____)

I hereby affirm under penalties of perjury and upon personal knowledge that the information provided herein is true. I also acknowledge that I understand that I have a duty to supplement the information provided herein should that information change while the application is pending.

Signature:

Date:

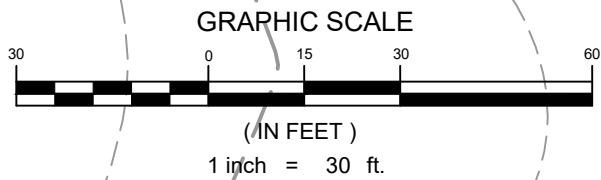
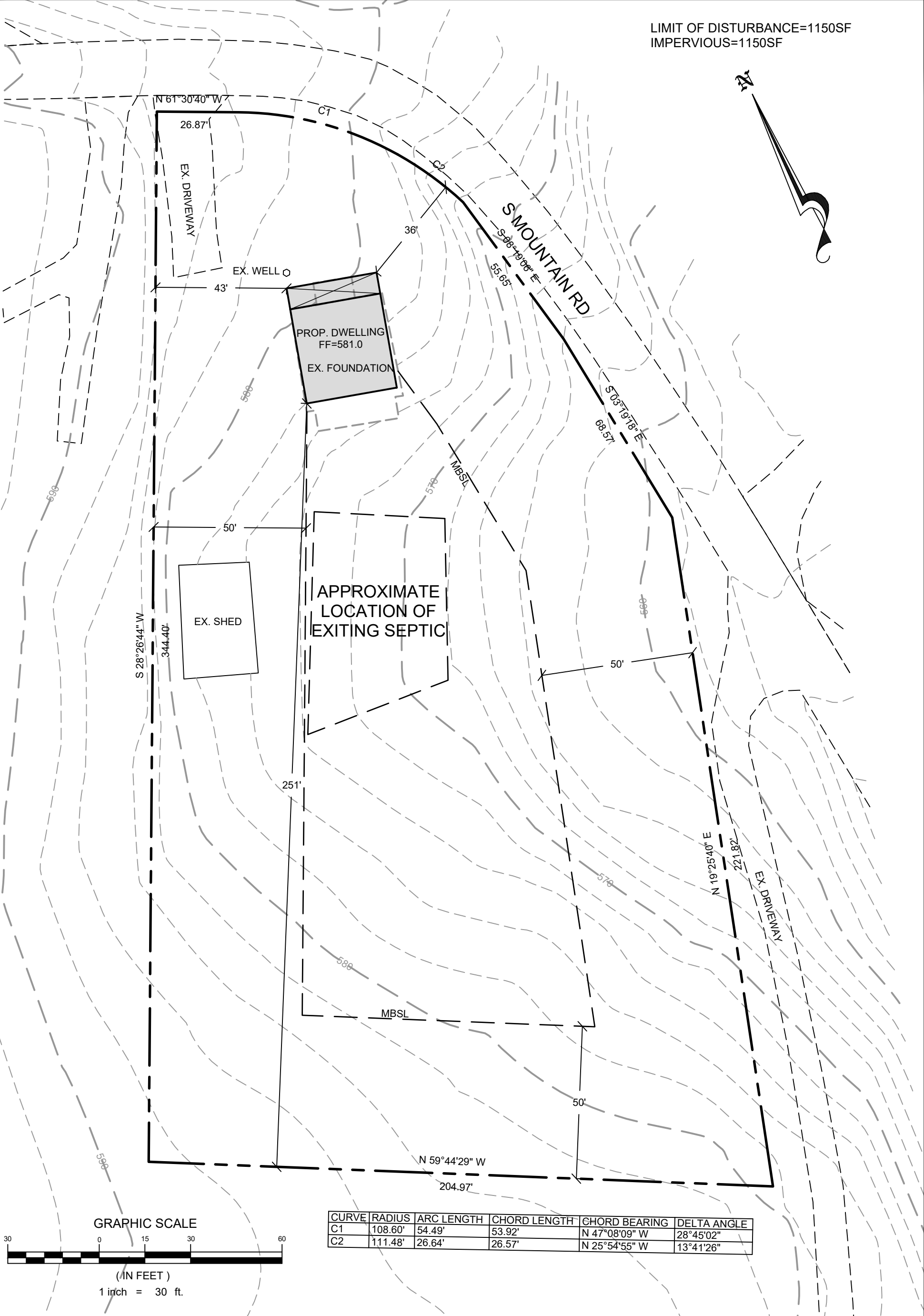
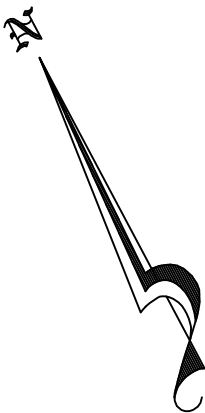
A handwritten signature in blue ink, appearing to be "B. Dyer", written over a horizontal line.A handwritten date "11/9/23" in blue ink, written over a horizontal line.

Name and title (if applicable)

Revised July 2018



LIMIT OF DISTURBANCE=1150SF
IMPERVIOUS=1150SF



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	108.60'	54.49'	53.92'	N 47°08'09" W	28°45'02"
C2	111.48'	26.64'	26.57'	N 25°54'55" W	13°41'26"

TAX MAP: 91-10-0000		DISTRICT: 12	
DRAWING NUMBER 1 OF 1			
DRAWN BY: AGH		DATE: 10-2-23	
CHECKED BY:		DATE:	
SCALE: 1" = 40'			

FREDERICK
SEIBERT &
ASSOCIATES, INC.

© 2023

CIVIL ENGINEERS•SURVEYORS•LANDSCAPE ARCHITECTS•LAND PLANNERS

128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740

20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

505 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013

5201 SPRING ROAD, SUITE 3, SHERMANSDALE, PENNSYLVANIA 17090

(301) 791-3650

(301) 416-7478

(717) 597-1007

FAX (301) 739-4956

PLOT PLAN

FOR

REAVER

3702 S MOUNTAIN RD

KNOXVILLE MD 21758

FREDERICK COUNTY, MARYLAND

JOB NUMBER:

2023-0296

JUSTIFICATION STATEMENT
VARIANCE FOR SETBACKS
3702 S. MOUNTAIN ROAD

Jonathan Grossnickle and Brittany Reaver (collectively, “Applicant”) submit this request for a variance from the setbacks required under Chapter 19 of the Frederick County Code (“Zoning Ordinance”), Section 1-19-6.100. Applicant is the owner of 3702 S. Mountain Road, Knoxville, Maryland (Tax ID # 12-291310) (the “Property”). The Property is located on the west side of South Mountain Road, north of US Route 340.

The Property is zoned Resource Conservation (RC) and at one point was improved with a single family residence. The residence was destroyed in a fire on August 19, 2021. Applicant wishes to reconstruct the residence within the existing footprint as it existed prior to August 2021. The Applicant respectfully requests variances of the side yard setback requirements in order to reconstruct the residence in its existing footprint. Applicant requests side yard setbacks of 43’ and 36’, as shown on the enclosed exhibit. This would require a reduction of seven feet (7’) and fourteen feet (14’), respectively, of the statutory fifty foot (50’) setback.

Applicant submits this request pursuant to Zoning Ordinance § 1-19-4.220(A)(3)(b), which allows reconstruction of a destroyed nonconforming structure upon the grant of a variance by the Board of Appeals. In support of the request, Applicant provides this justification statement. Below in bold typeface are the relevant provisions of the Zoning Ordinance with responses:

§ 1-19-3.200.1. APPLICATION.

(A) An application for a special exception, variance, approval, or appeal shall be made on forms approved by the Community Development Division.

RESPONSE: Acknowledged.

(B) The application for a special exception, variance, approval, or appeal and the information required in subsection (C) below shall be filed with the Zoning Administrator a minimum of 45 days prior to the regularly scheduled monthly meeting of the Board of Appeals.

RESPONSE: Acknowledged.

(C) Required information for a special exception, variance, or approval shall include:

- (1) Plot plan or accurate drawing of the property showing the distances of all existing and proposed structures from all property lines, driveways and parking areas;**
- (2) Name and address of each person owning property adjacent to the subject property;**
- (3) Plans, architectural drawings, photographs, elevations, specifications or other detailed information fully depicting the exterior appearance of any existing structures on the property, including signs and the proposed construction;**

RESPONSE: See accompanying application materials.

(E) Fee shall be paid at the time of filing of application in accordance with the fee schedule established in this chapter.

RESPONSE: Acknowledged.

§ 1-19-3.220. VARIANCES.

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

(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.

RESPONSE: Zoning Administrator noted the necessity of a variance per email dated September 1, 2023.

(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:

(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.

RESPONSE: Under the specific provisions of Zoning Ordinance § 1-19-4.220(A)(3)(b), the Board of Appeals shall consider a variance to reconstruct a nonconforming structure that was destroyed. The special and unique circumstance of the fire on August 19, 2021 necessitates seeking this variance in order to reconstruct the residence that existed on the Property since the early 20th Century. The original footprint of the residence was located proximate to the platted property lines and right-of-way well before 1977. Located at the curvature of South Mountain Road, and given the period in history when the Property was platted and improved with the residence, such layouts and plans of subdivision are atypical in the RC zone and therefore the Property is uniquely situated.

(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

RESPONSE: Applicant purchased the Property well after the original platting of the Property and construction of the residence. The destruction of the residence was the result of an accidental fire, and not as the result of any action of the Applicant.

(b) The literal interpretation of the provisions of this chapter would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this chapter; and

RESPONSE: Literal interpretation of the provisions of the Zoning Ordinance would not allow the Applicant to reconstruct the residence as it previously existed. This would be an unreasonable hardship, as it would not allow for reconstruction of the residence. Other properties in the same district under the terms of the Zoning Ordinance may reconstruct their properties when unhindered by the strictly applied setbacks.

(c) That granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district; and

RESPONSE: Granting the variance merely allows the Applicant to reconstruct the residence that was destroyed; this is not any special privilege but rather puts the Property on equal footing of other lands and structures in the RC zone.

(d) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

RESPONSE: Granting the variance allows for the reconstruction of a residence that otherwise would have continued in existence at the Property and in the RC zone since the early 20th Century. The continued existence is in keeping with the character of the neighborhood, recognizes the pre-existing orderly development of the neighborhood, is of a use not in conflict with the neighborhood, and therefore is in harmony with the general purpose and intent of the Zoning Ordinance.

(D) In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of this chapter.

RESPONSE: Acknowledged.

(E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the zone involved, or any use expressly or by implication prohibited by the terms of this chapter in said zone.

RESPONSE: Acknowledged.

(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.

RESPONSE: Applicant is specifically requesting this variance pursuant to County Code § 1-19-4.220(A)(3)(b).

(G) 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.

RESPONSE: Acknowledged.

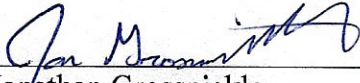
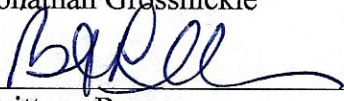
For the above reasons, the Applicant respectfully requests the grant of the variance. Applicant reserves the right to supplement this application with additional information as may be required. Applicant will provide additional testimony at the public hearing.

AFFIDAVIT OF OWNERS

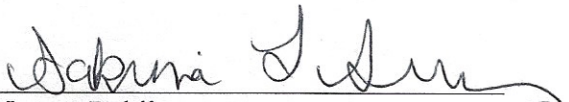
This is to certify that Jonathan Grossnickle and Brittany Reaver, and their attorneys, Noel S. Manalo, Esquire and Offit Kurman, P.A., are authorized to apply for and pursue an Application for Variance on the property located at 3702 South Mountain Road, Knoxville, Maryland.

The said work is authorized by Jonathan Grossnickle and Brittany Reaver, the property owners in fee simple.

PROPERTY OWNER
Jonathan Grossnickle
Brittany Reaver
6100 Burkittsville Road
Jefferson, Maryland 21755


Jonathan Grossnickle

Brittany Reaver

Sworn and subscribed before me this 9 day of November 2023.


Notary Public

My commission expires: 10-20-2027

4856-9389-5055, v. 1

