



FREDERICK COUNTY BOARD OF APPEALS

JUNE 27, 2024

CASE NUMBER: B-24-14 (B276346)

REQUEST: Requesting approval for an Activity within a Floodplain for an interior remodel of an existing single-family dwelling in accordance with Sections 1-19-9.110.(A) Activities Within the Floodplain District and 1-19-9.120 Procedures for Activities Within the FEMA Floodplain. This Application is a Substantial Improvement.

PROJECT INFORMATION:

ADDRESS/LOCATION: 7330 Fingerboard Rd. Frederick, MD 21704
TAX MAP/PARCEL: Tax Map 95, Parcel 0148
ZONE: Resource Conservation (RC) and Agricultural (A)
REGION: Urbana
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Natural Resources, Agricultural/Rural

APPLICANT/REPRESENTATIVES:

APPLICANT: Corey Schoo
OWNER(S): Corey Schoo
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 has no objection to the approval of this Application. The Applicant meets the standards and requirements contained in the Frederick County Code, Sections 1-19-9.110.(A) Activities Within the Floodplain District and 1-19-9.120 Procedures For Activities Within The FEMA Floodplain.

Attachments:

Attachment #1: Site Plan for Property
Attachment #2: First Floor Plan
Attachment #3: Second Floor Plan
Attachment #4: Aerial Map of Subject Property and Surrounding Area
Attachment #5: Land Use Map
Attachment #6: Zoning Map
Attachment #7: Environmental Features Map

¹ 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 Applicant is requesting approval for an Activity within a Floodplain for an interior remodel of an existing single-family dwelling in accordance with Sections 1-19-9.110.(A) Activities Within the Floodplain District and 1-19-9.120 Procedures for Activities Within the FEMA Floodplain. This Application is a Substantial Improvement.

The existing 1900's dwelling serves as a Tenant House on this 300 acre property. This structure is located within the FEMA Floodplain buffer area and is subject to Section 1-19-9.120 Procedures for activities within the FEMA Floodplain. The Applicants improvements are greater than 50% of the base value of the residence at the time of damage. This work is considered Substantial Improvement for land within the FEMA floodplain and approval by the Board of Appeals (BOA) is required.

The Applicant intends to demolish existing interior flooring, plaster, electrical, plumbing, chimney down to studs. Install new electrical, plumbing, HVAC, sprinkler. Add walls to move 2nd floor bathroom and add 1st floor bathroom, 2nd floor closets, kitchen pantry, and move bedroom to 2nd floor.

Section 1-19-11.100 SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, alteration, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either:

- (a) Before the improvement or repair is started; or
- (b) If the structure incurred substantial damage and has been restored, before the damage occurred. **SUBSTANTIAL IMPROVEMENT** occurs when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvements will be calculated on a cumulative basis. The minimum repairs needed to correct previously identified violations of local health, safety or sanitary codes and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements. The term also includes structures which have incurred substantial damage regardless of the actual repair work performed.

Section 1-19-9.120 Procedures for Activities within the FEMA Floodplain: § 1-19-9.120. PROCEDURES FOR ACTIVITIES WITHIN THE FEMA FLOODPLAIN.

A. The Board of Appeals shall review the following activities within the FEMA floodplain: substantial improvements, substantial improvements due to existing structures substantial damage, replacement or relocated dwelling units (including manufactured homes), the addition of accessory buildings, the expansion or replacement of an existing nonconforming use, or development of an existing parcel of record lying totally within the FEMA floodplain. Applications to allow new structures or fill to be placed in the floodway shall not be considered. The Board of Appeals may grant an application for approval for activity within the FEMA floodplain when the Board specifically finds that:

- (1) Failure to grant the application for approval would result in exceptional hardship to the applicant; and

This renovation to the existing Farm Tenant House is vital to the long-term operation and financial sustainability of the agricultural property.

(2) The granting of an application for approval would not increase flood heights, add threats to public safety, result in extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and

The Applicant states that the location of this renovation creates no additional threats or burden to the public. The use of the property is not being changed, expanded, or modified in any way. There will not be any increase to existing footprint to the structure. Since the structure has historically been utilized as a single-family home supporting Agriculture as a Farm Tenant House as described under 1-19-8.205.3. FARM TENANT HOUSES and table § 1-19-5.310. USE TABLE, the proposed renovations would, in no way, alter the existing use or zoning of the subject structure.

(3) The granting of an application for approval would not allow new structures or fill to be placed in the floodway; and

The Applicant states that this proposed renovation is not placing any new structures in the floodway and would be interior renovations only. The footprint of the structure would not be increasing.

(4) The granting of an application for approval is the minimum necessary considering the flood hazard to provide relief and that public funds may not available to mitigate the results of the approval; and

The Applicant state that it is acknowledged this approval is the minimum necessary consideration and public funds may not be available to mitigate the results of the approval.

(5) All new structures and substantial improvements to existing structures will have the lowest floor elevated to the greatest extent possible with respect to the 100 year flood elevation, but at least to the Flood Protection Elevation, and a FEMA elevation certificate filed. In addition, all structures, including manufactured homes, must be firmly anchored in accordance with acceptable engineering practices (i.e., FEMA publication 85 "Manufactured Home Installation in Flood Hazard Areas"); and

The Applicant states that additional work may be required including possible first floor elevations and firmly anchoring the structure in accordance to accepted engineering practices.

(6) The granting of a permit by the Maryland Department of the Environment if located within a FEMA floodplain; and

The Applicant states that they understand this requirement and will comply.

(7) The action is duly recorded with the deed of the property on which the application for approval is granted prior to the issuance of a building permit. Any expense incurred by the recording is the responsibility of the applicant.

The Applicant states that they understand this requirement and will comply.

(8) The Board of Appeals shall not grant approval of the above activities for lots containing floodplain created after June 6, 1989.

The Applicant states that they understand this requirement and will comply. The structure being proposed for renovation was constructed in approx. 1900 and well before the land was designated at floodplain.

B. The Board of Appeals will notify the applicant of approval in writing through the Zoning Administrator. The decision of approval and findings shall include the notification that:

(1) The issuance of a decision to allow construction of a structure below the 100 year flood level will result in increased premium rates for flood insurance.

The Applicant states that they understand this requirement and will comply. It is acknowledged that there will be increased insurance premiums due to flood insurance but also an increase in safety for the tenant of the home.

(2) Such construction below the 100 year flood level increases risks to life and property.

The Applicant states that they understand this requirement and will comply. It is acknowledged that position in the 100 year floodplain increases risks to life and property. This is in part, why we are taking the steps to improve this structure.

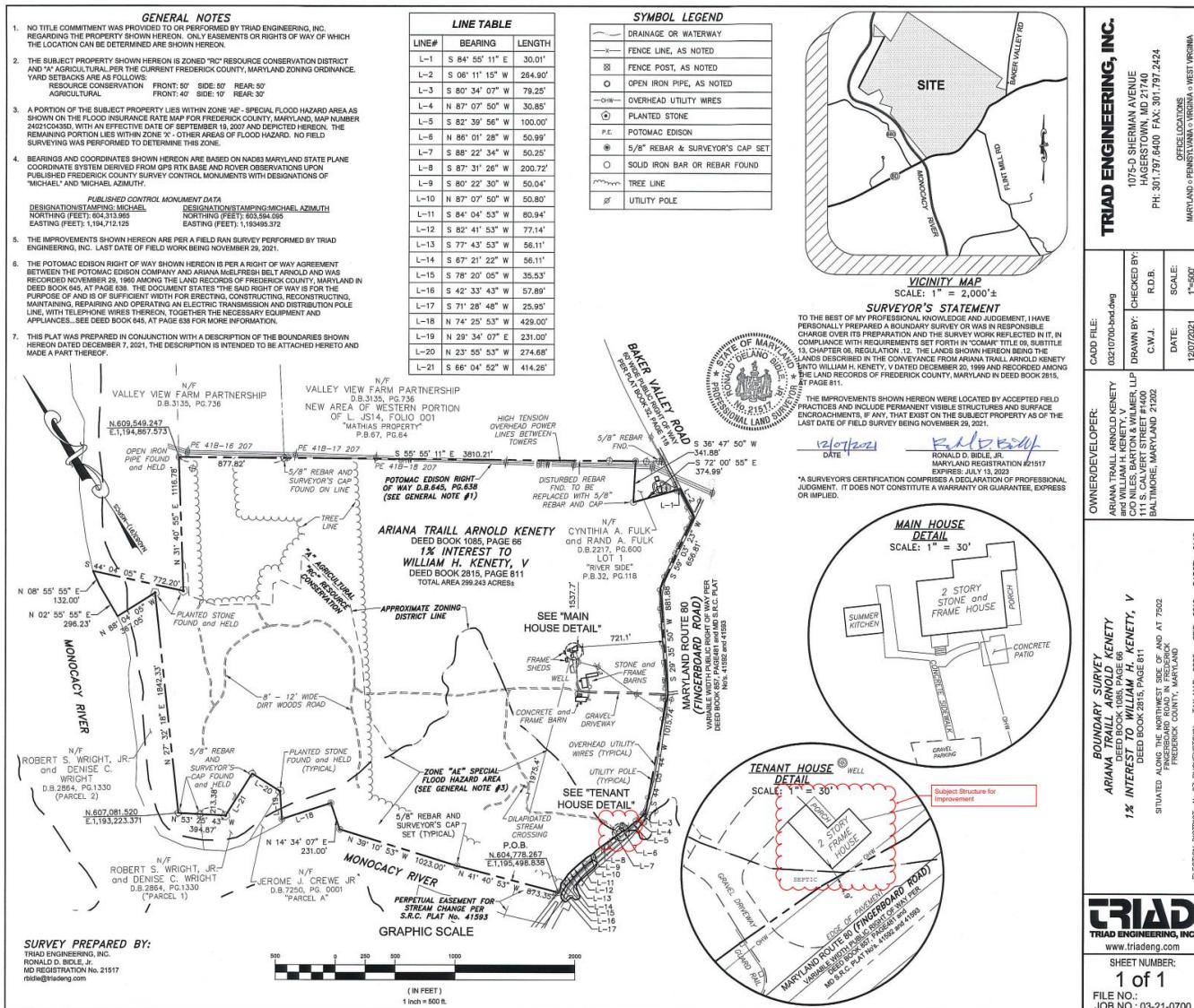
C. The Board of Appeals will maintain a record of all decisions, including justification for their issuance, and the Zoning Administrator will report such decisions in the county biennial reports submitted to the Federal Emergency Management Agency

The Applicant states that they understand this requirement and will comply.

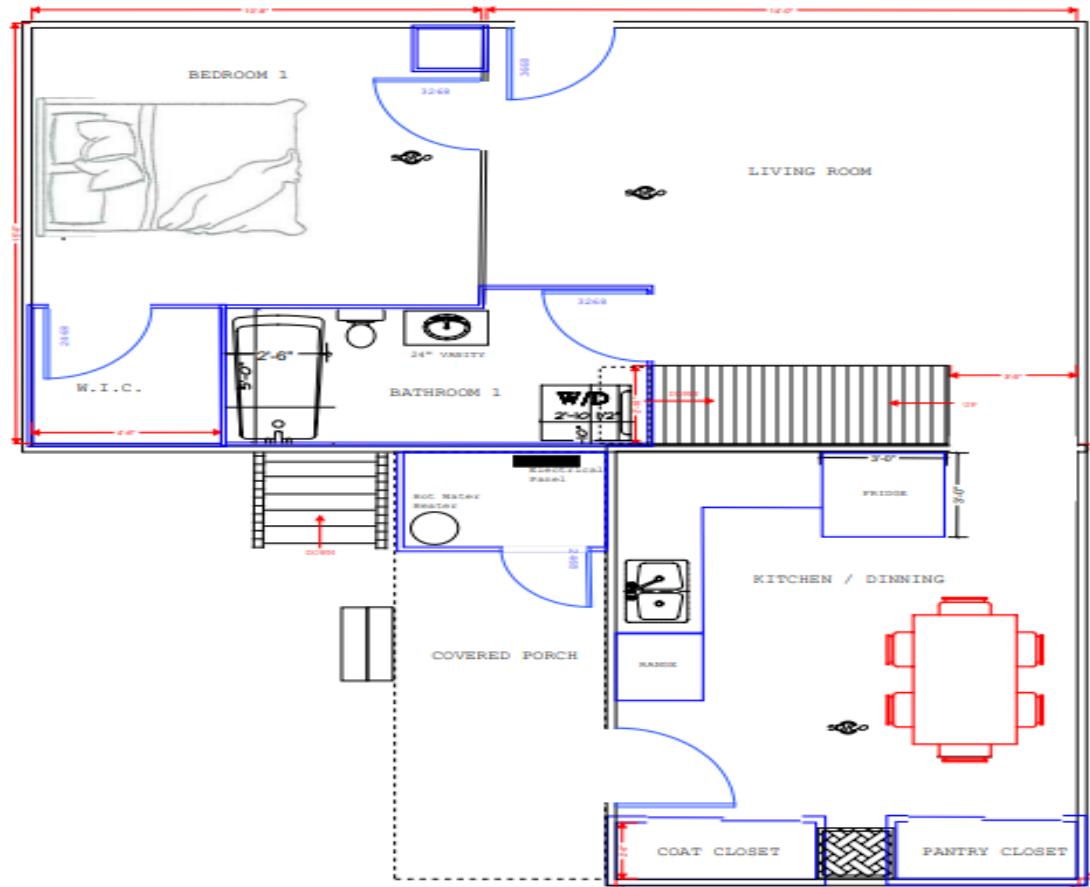
Recommendation

Based on the findings and conclusions in the staff report, Staff has no objection to the approval of this Special Exception Application. The Applicant meets the standards and requirements contained in Section 1-19-3.210 Special Exception application, 1-19-9.110 Activity in the FEMA Floodplain, and 1-19-9.120 Procedures for Activities within the FEMA floodplain, to allow for the renovation of the existing dwelling of the Frederick County Code.

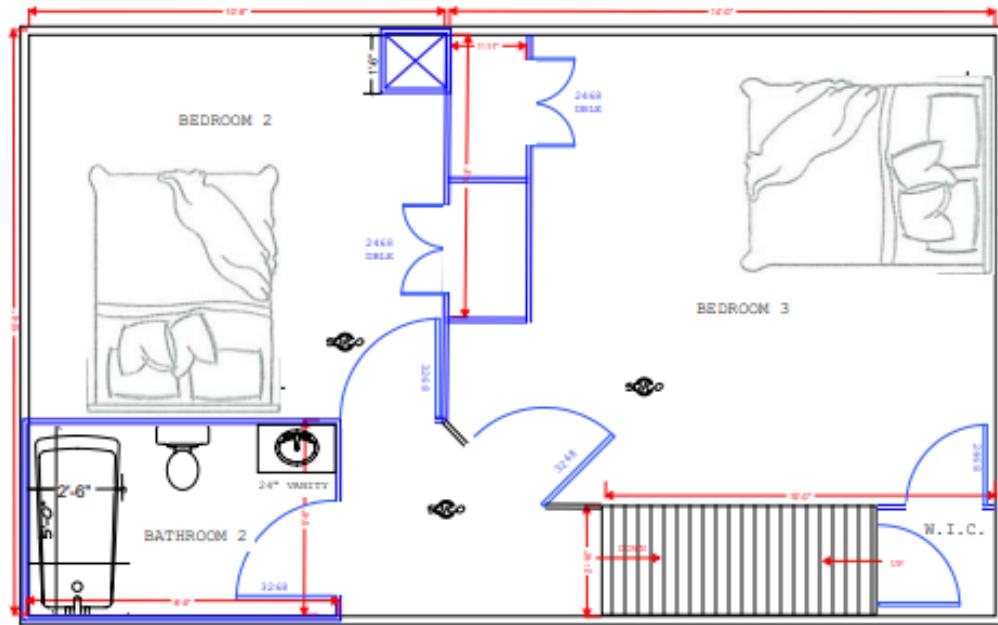
Attachment #1: Site Plan For Property



Attachment #2: First Floor Plan



Attachment #3 – Second Floor Plan



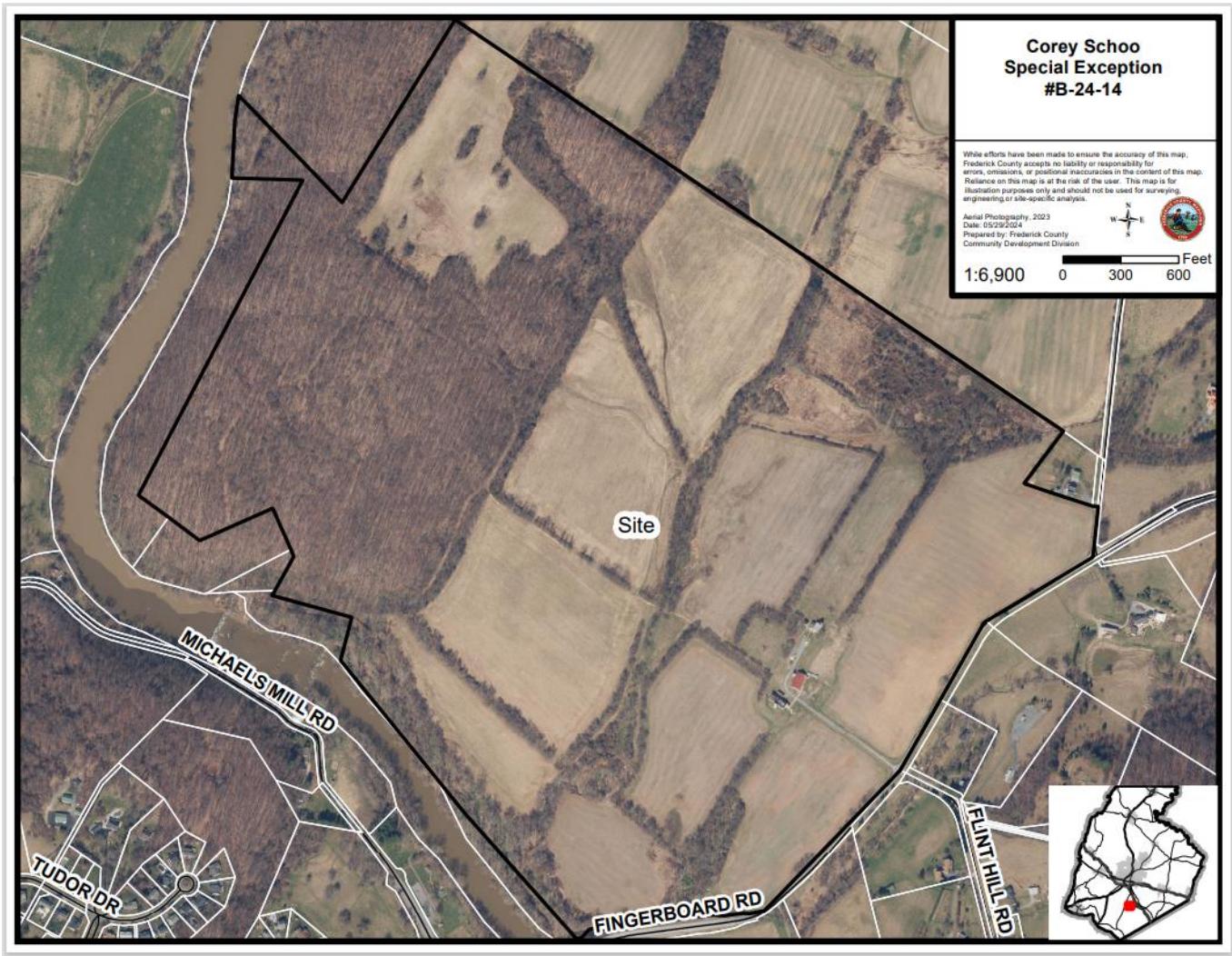
CONSTRUCTION NOTES:

1. STRIP ALL PLASTER ON WALLS BACK TO STUDS
2. ADD WALLS TO MAKE NE
3. FURNITURE SHOWN FOR CONCEPT ONLY
4. ALL NEW WALLS TO BE 2X4 FRAMING WITH 1/2" GYPSUM
5. FLOORING T.B.D.
6. BAT INSULATION TO BE ADDED TO ALL NEW BATHROOM WALLS
7. ALL EXTERIOR WALLS ARE EXISTING NOMINAL 2X4 BALLOON FRAMING
8. ALL INTERIOR WALLS TO BE 2X4 STUDS WITH 1/2" GYPSUM BOARD
9. INSULATION:
 1. EXTERIOR WALLS - SPRAY FOAM INSULATION, CALCULATED R-VALUE 16
 2. ATTIC - STRAY FOAM AND BATT, CALCULATED R-VALUE 38 OR GREATER
 3. BASEMENT - BATT, CALCULATED R-VALUE 27
10. REMOVE ALL EXISTING ELECTRICAL WIRING AND REPLACE THROUGHOUT
11. REMOVE ALL PLUMBING AND REPLACE THROUGHOUT
12. ADD NEW HANDRAIL ON STAIRWELLS
13. NEW WINDOWS, EXTERIOR SIDING, ROOFING, AND SOFFITS

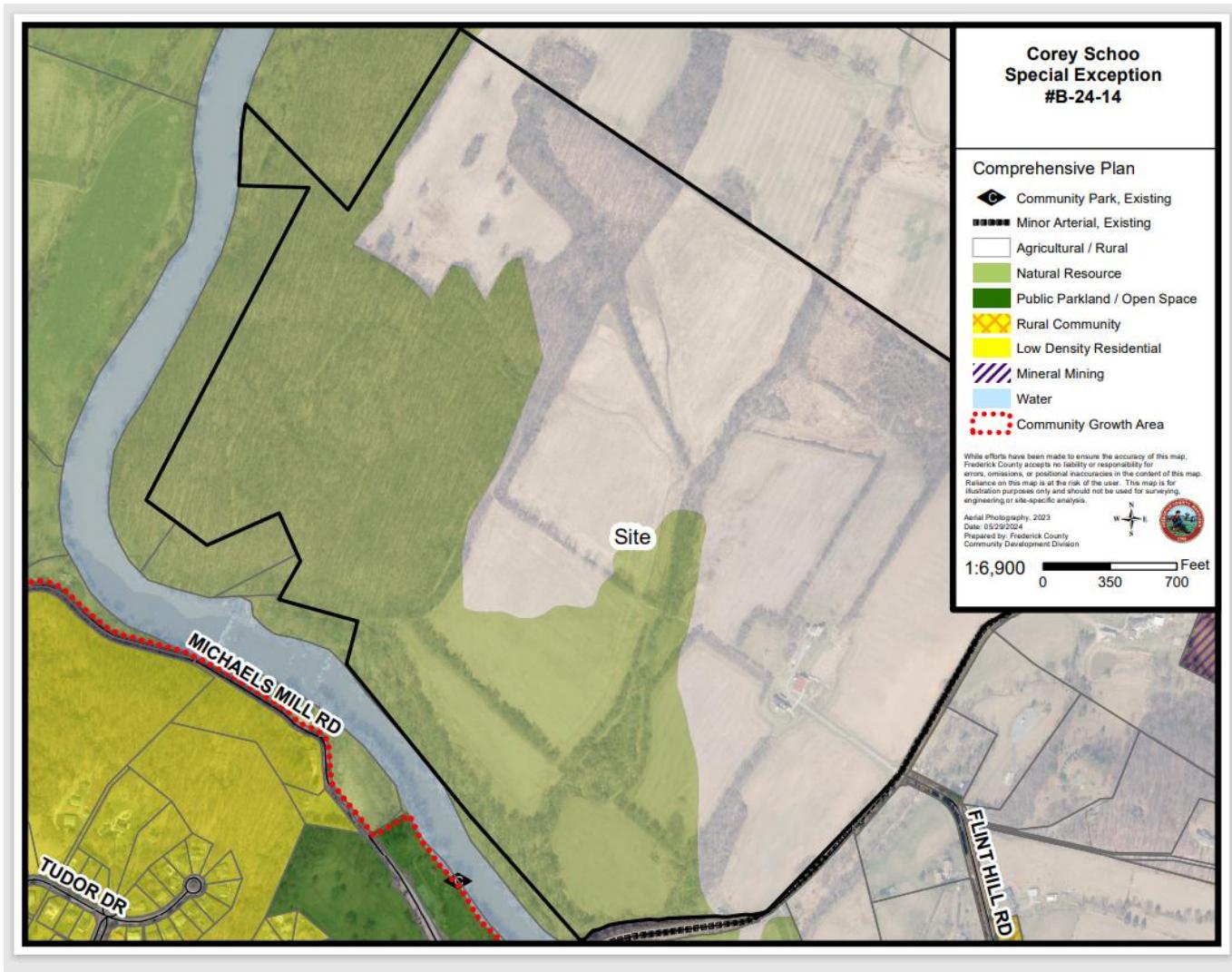
Legend:

- NEW WALL OR ITEM
- EXISTING TO REMAIN WALL OR ITEM
- DUCTWORK RISER
- SMOKE DETECTOR POWERED FROM MAIN ELECTRICAL PANEL

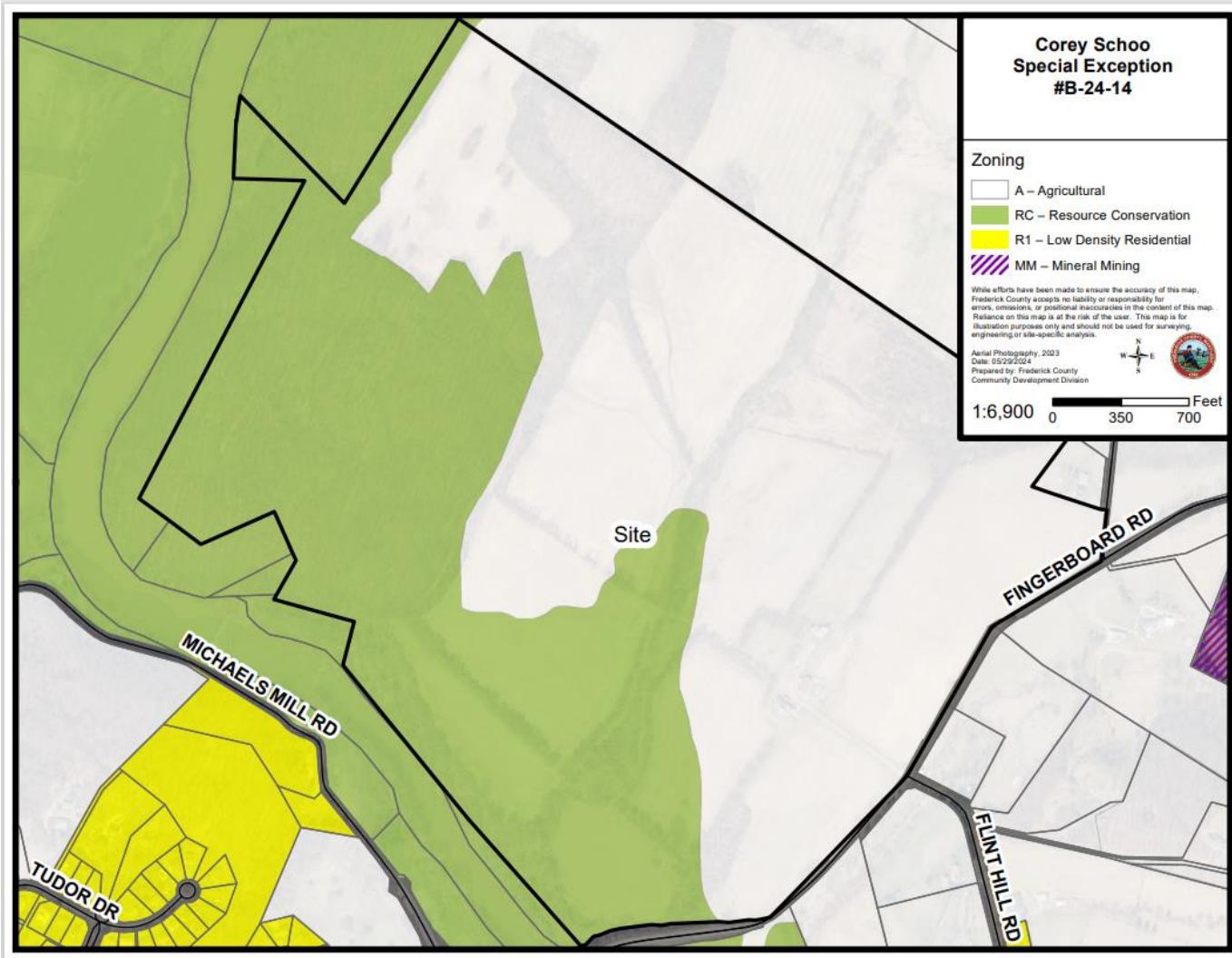
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