

Dear Board of Appeals,

We kindly request a zoning variance for the Property located at:  
Parcel 3 Kehne Rd., Frederick, MD 21701, otherwise known as (LOT 0.645 ACRE E/S OLD SAW MILL  
BOTTOM ROAD), Tax ID number 14- 465004. Frederick MD 21702.

This property is zoned Resource Conservation (RC).

We are requesting a modification to two of the four 50 foot setbacks in order to render this lot buildable. Specifically, the front BRL would be reduced to 40 feet and the North side BRL would be reduced to 10 feet.

See EXHIBIT 1.

If this variance is not granted, the owner cannot build on the site for the following reasons:

The current area within the BRLs, excluding the septic and well setbacks is only 1,323 s.f. and is a trapezoid that is not suitable for any reasonable home. The largest rectangular dimension is only 736 s.f..

Sincerely,

Mike Muren  
Builder / Owner Representative  
Artisan Investments LLC  
Direct(301)524-4471  
Email: mikemuren@buildersnationalcooperative.com

After recording, return to:  
Walter C. Martz, II  
Martz, Fisher & Drawbaugh, LLC  
117 West Patrick Street, Suite 201  
Frederick, MD 21701

BK 7188 PG 0106

## DEED OF EASEMENT AND MAINTENANCE AGREEMENT

This **DEED OF EASEMENT AND MAINTENANCE AGREEMENT** (the "Agreement") is made this 21 day of FEBRUARY, 2009, by and between Candace J. Ausherman and DeWalt J. Willard, Jr., Trustees for the Travis James Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and Candace J. Ausherman and DeWalt J. Willard, Jr., Trustees for the Derek John Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and Candace J. Ausherman and DeWalt J. Willard, Jr., Trustees for the Tyler Caleb Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, (collectively the "Trustees") and W. Kent Briddell (W. Kent Briddell),

IMP FD SURE \$ 20.00  
RECORDING FEE 20.00  
TOTAL 40.00  
Feb 19, 2009 11:15 am  
SKD KLH BIK # 2257  
75311

### RECITALS

WHEREAS, the Trustees are the fee simple owners of a parcel of land lying and being in Braddock Election District described as 7.298 acres, more or less, as surveyed by Rothenhoefer Engineers, Inc., dated May 2, 1989, and more particularly described in a Deed dated August 26, 1993, by I. A. Abb Company, Incorporated and Irving A. Abb, widower, individually, and recorded among the Land Records of Frederick County Maryland in Liber 1922, folio 1089 (the "Trust Property"); and

WHEREAS, Briddell is the fee simple owner of a parcel of land lying and being in Braddock Election District described as 0.645 acres, more or less, as set forth in a Deed dated October 8, 2004, by William M. Dosh and June Ashton Dosh to W. Kent Briddell, and recorded

NO TAX PAYMENT REQUIRED

Treasurer of  
Frederick County Maryland  
PER [Signature]  
Date 2/18/09

among the Land Records of Frederick County Maryland in Liber 4896, folio 606 (the "Briddell Property"); and

WHEREAS, for a period of time exceeding fifty (50) years, Briddell and his predecessors in title have used that certain road known as Saw Mill Bottom Road for purposes of ingress and egress and for access to the Briddell Property from and to Kehne Road, as said Saw Mill Bottom Road is described on the Easement Sketch attached hereto and incorporated herein as Exhibit A.

WHEREAS, to further memorialize this longstanding use, the Trustees have agreed to convey a perpetual easement as described on Exhibit 'A' (the "Easement Area") for the purposes of vehicular and pedestrian ingress and egress from Kehne Road over and through the Trust Property to the Briddell Property;

NOW, THEREFORE, THIS AGREEMENT, WITNESSETH: That for and in consideration of the mutual covenants and promises contained herein, the adequacy and sufficiency of which is hereby acknowledged, the Trustees do hereby grant and convey unto W. Kent Briddell, his personal representatives, successors and assigns, a perpetual easement for the purpose of vehicular and pedestrian ingress and egress from Kehne Road, over and through the Easement Area to the Briddell Property as set forth herein; SUBJECT TO AND TOGETHER WITH the following covenants, conditions and agreements::

1. Briddell, his personal representatives, successors and assigns shall be solely responsible for repair and maintenance of the Easement Area. Repair and maintenance shall include, but not be limited to, replacement of gravel, "filling-in of potholes", snow and ice removal and the removal of obstructions. Briddell, his personal representative, successors and assigns, shall maintain the Easement Area in good repair.

2. This Agreement is intended to bind the Trustees and Briddell, their respective heirs, personal representatives, successors, and assigns. Accordingly, this Agreement is intended to both benefit and burden the Trust Property and the Briddell Property in the manner described herein and shall be construed, as to both benefits and burdens, to run with the land and title to said properties.
3. The Recitals set forth above are hereby incorporated into this Agreement and made a part hereof, and the Recitals accurately reflect the intention of the parties and the facts recited therein.

TO HAVE AND TO HOLD unto W. Kent Briddell, his personal representatives, successors and assigns, the above described easement for the purposes of vehicular and pedestrian ingress and egress from Kehne Road over and through the Easement Area to the Briddell Property, forever, and especially including the right to use Saw Mill Bottom Road in common with the owners of other land abutting upon said road;

WITNESS OUR HANDS AND SEALS

WITNESS:

*Tommy M. Wolfe*

*Barbara L. Bundette*

*Candace J. Ausherman* (SEAL)

Candace J. Ausherman, Trustee for the Travis James Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992

*DeWalt J. Willard, Jr.* (SEAL)

DeWalt J. Willard, Jr., Trustee for the Travis James Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992

Sonya M. Wolfe

Candace J. Ausherman (SEAL)

Candace J. Ausherman, Trustee for the Derek John Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992

Barbara L. Boudette

DeWalt J. Willard, Jr. (SEAL)

DeWalt J. Willard, Jr., Trustee for the Derek John Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992

Sonya M. Wolfe

Candace J. Ausherman (SEAL)

Candace J. Ausherman, Trustee for the Tyler Caleb Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992

Barbara L. Boudette

DeWalt J. Willard, Jr. (SEAL)

DeWalt J. Willard, Jr., Trustee for the Tyler Caleb Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992

W. Kent Briddell

W. Kent Briddell (SEAL)

W. Kent Briddell

**STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:**

I HEREBY CERTIFY that on the 30 day of January, 2009, before me, the Subscriber, a Notary Public, duly commissioned and qualified, in and for the State and County aforesaid, personally appeared Candace J. Ausherman, Trustee for the Travis James Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and being so authorized as Trustee acknowledged that she executed the foregoing Deed to be her act and deed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

My Commission Expires: 8/5/12

Sonya Marie Wolfe  
Notary Public



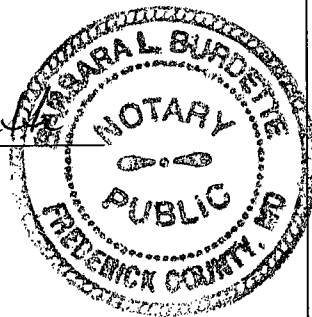
## STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on the 9th day of February, 2009, before me, the Subscriber, a Notary Public, duly commissioned and qualified, in and for the State and County aforesaid, personally appeared DeWalt J. Willard, Jr., Trustee for the Travis James Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and being so authorized as Trustee acknowledged that he executed the foregoing Deed to be his act and deed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Barbara L. Burdette  
Notary Public

My Commission Expires: 06-30-2012



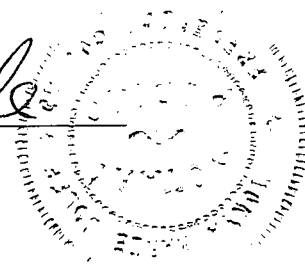
## STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on the 30 day of January, 2009, before me, the Subscriber, a Notary Public, duly commissioned and qualified, in and for the State and County aforesaid, personally appeared Candace J. Ausherman, Trustee for the Derek John Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and being so authorized as Trustee acknowledged that she executed the foregoing Deed to be her act and deed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Lynette Marie Wolfe  
Notary Public

My Commission Expires: 8/5/12



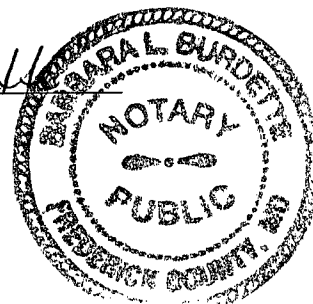
## STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on the 9th day of February, 2009, before me, the Subscriber, a Notary Public, duly commissioned and qualified, in and for the State and County aforesaid, personally appeared DeWalt J. Willard, Jr., Trustee for the Derek John Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and being so authorized as Trustee acknowledged that he executed the foregoing Deed to be his act and deed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Barbara L. Burdette  
Notary Public

My Commission Expires: 06-30-2012



## STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on the 30<sup>th</sup> day of January, 2009, before me, the Subscriber, a Notary Public, duly commissioned and qualified, in and for the State and County aforesaid, personally appeared Candace J. Ausherman, Trustee for the Tyler Caleb Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and being so authorized as Trustee acknowledged that she executed the foregoing Deed to be her act and deed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Longa Marie Wolfe  
Notary Public

My Commission Expires: 8/5/12

## STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on the 9<sup>th</sup> day of February, 2009, before me, the Subscriber, a Notary Public, duly commissioned and qualified, in and for the State and County aforesaid, personally appeared DeWalt J. Willard, Jr., Trustee for the Tyler Caleb Ausherman Irrevocable Trust under an unrecorded Agreement of Trust between Dale E. Ausherman and said Trustees dated December 24, 1992, and being so authorized as Trustee acknowledged that he executed the foregoing Deed to be his act and deed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Barbara L. Burdette  
Notary Public

My Commission Expires: 06-30-2012

## STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY, that on this 2nd day of February, 2009, before me, the Subscriber, a Notary Public of the said State, personally appeared W. Kent Briddell, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

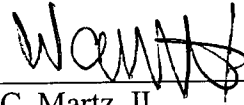
WITNESS my hand and Notarial Seal.

Barbara L. Burdette  
Notary Public

My Commission Expires: 06-30-2012



This instrument has been prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

  
\_\_\_\_\_  
Walter C. Martz, II





ABBINGTON FARMS  
SECTION 1, PLAT 1  
PB 55 P 44

N/F  
CANDACE J. AUSHERMAN &  
DEWALT J. WILLARD, JR.,  
TRUSTEES  
L.1922 F.1089

REBAR &  
CAP FD.

EXISTING WELL  
TAG #FR-94-2769

ABBINGTON FARMS  
LOT 23, SECTION 1, PLAT 1  
PB 55 P 44

EX 10' MAC DRIVE

S 78°04'42"E

229.00'

**PROPERTY OF  
W. KENT BRIDDELL  
L.4896 F.606**

EXISTING  
10,000 SF  
SEPTIC AREA

N 04°04'50"W

EX 10' GRAVEL ROAD

N 85°55'10"E

N 23°43'25"E 54.18'

137.00'

REBAR  
FD.

N 76°28'45"W

EX 10' DIRT ROAD

190.00'

OWNERSHIP UNKNOWN

REBAR &  
CAP FD.

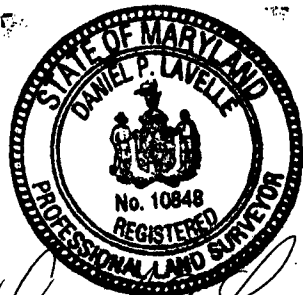
LOT 1  
LAUREL HILLS SUBDIVISION  
PB 61 P 98  
ROGER E. & CAROL A. BOYD  
L.2645 F.449

EASEMENT AREA =  
3631 SF OR 0.08 AC.±

EXISTING ROAD  
EXISTING ACCESS EASEMENT  
L.2319 F.1070

TO KEHNE ROAD

SAW MILL BOTTOM ROAD  
(OLD COUNTY ROAD)



EASEMENT SKETCH  
ACCESS (VEHICULAR & PEDESTRIAN), UTILITY  
AND DRAINAGE EASEMENT  
OVER THE PROPERTY OF  
CANDACE J. AUSHERMAN AND  
DEWALT J. WILLARD, JR., TRUSTEES  
LIBER 1922 AT FOLIO 1089  
FOR THE USE OF THE PROPERTY OF  
W. KENT BRIDDELL - L.4896 F.606  
SITUAED ON SAW MILL BOTTOM ROAD  
BRADDOCK ELECTION DISTRICT NO. 24  
FREDERICK COUNTY, MARYLAND

**LAVELLE & ASSOCIATES  
INCORPORATED**

LAND SURVEYORS • PLANNERS

5732 INDUSTRY LANE FREDERICK, MARYLAND 21704  
OFFICE (301) 695-9722 FAX (301) 695-9766

REFERENCE: PB 55 P 44

SCALE: 1"=40'

DRAWN BY: RCH

DATE: 12/18/08

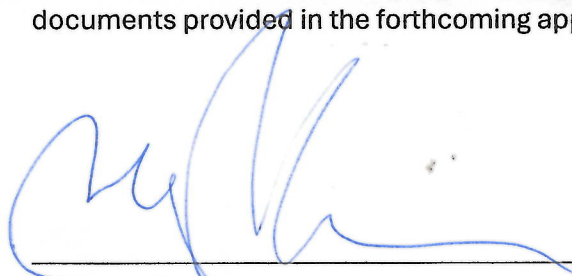
CHECKED BY: DPL

JOB NO: 01-123

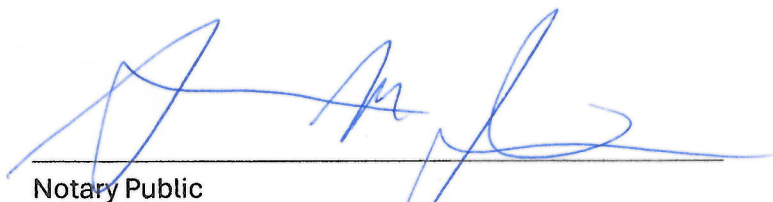
Michael Wheeler  
1555 Comanche Rd  
Arnold, MD 21012

I, Michael Wheeler am the owner of the property known as parcel 3 Kehne Rd., Frederick, MD 21701 otherwise known as (LOT 0.645 ACRE E/S OLD SAW MILL BOTTOM ROAD) tax ID number 14-465004.

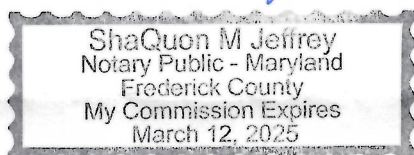
The purpose of this affidavit is to grant Artisan Investments, LLC MHBR # 8226 (the home builder I'm working with) authorization to make application for and obtain approval from the Frederick County Board of Appeals for a variance to the building restriction lines that will be referenced in the documents provided in the forthcoming application.

  
\_\_\_\_\_  
Michael Wheeler

1-7-25  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Notary Public

1/7/25  
\_\_\_\_\_  
Date



2267PG0955

EXHIBIT A

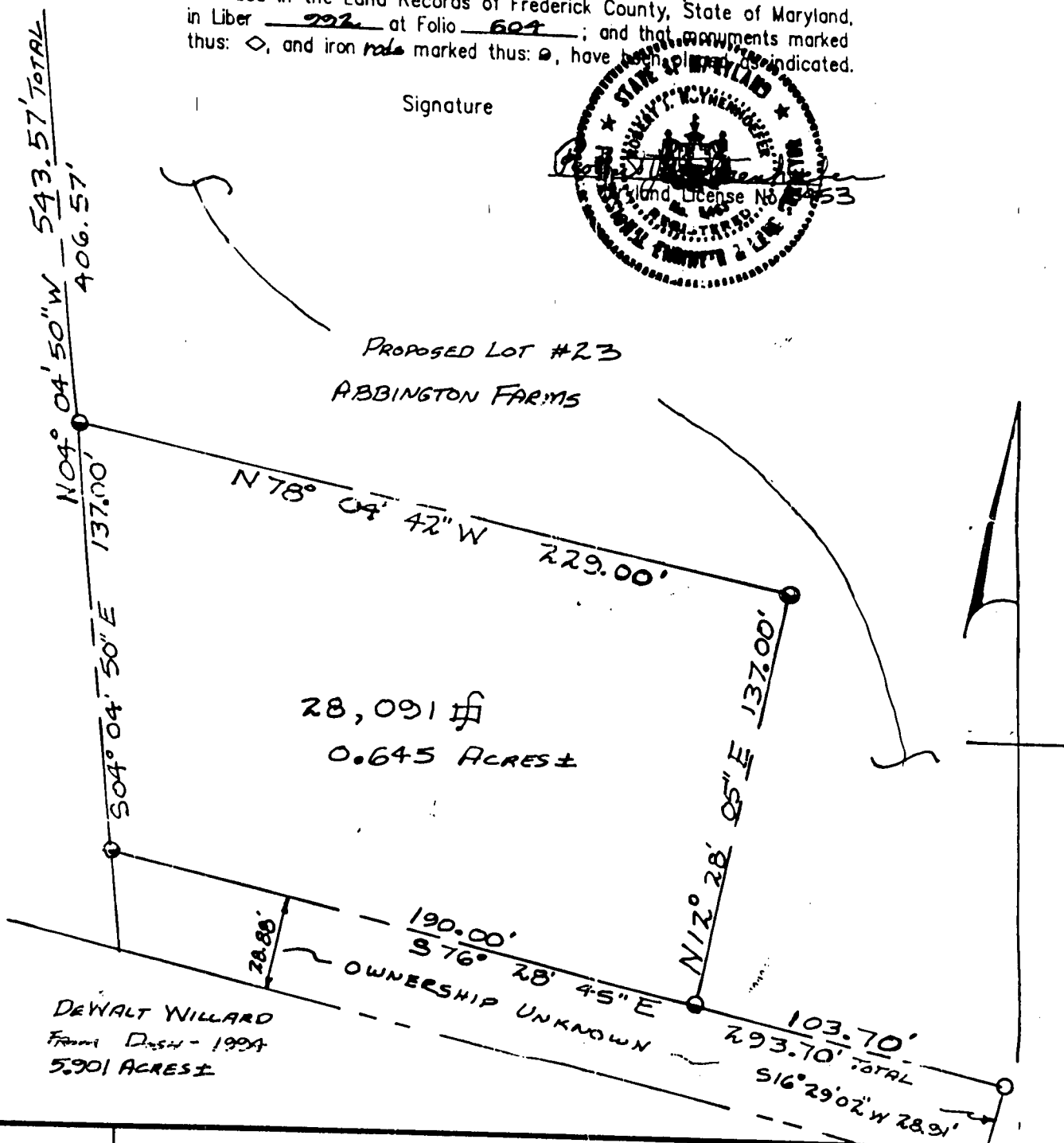
BK 4896 PG 0607

# - PLAT OF PROPERTY OF - WILLIAM M. & JUNE A. DOSH

## SURVEYORS CERTIFICATION

I hereby certify that the plan shown hereon is correct: that it is ALL OF PARCEL No. 2 the lands conveyed by OLIVE JEAN BROWN by deed dated July 13, 1976 and recorded in the Land Records of Frederick County, State of Maryland, in Liber 992 at Folio 609; and that monuments marked thus:  $\diamond$ , and iron ~~rod~~ marked thus:  $\bullet$ , have been placed as indicated.

Signature



**ROTHENHOEFER ENGINEERS INC.**  
3 COLLEGE AVENUE - SUITE NO.4  
FREDERICK, MARYLAND 21701

DWG. NO.  
93-06  
43-04

SCALE: 1" = 50'

301-662-0202

DATE: JANUARY 25, 1995

571343

DRAWING BOARD PLUS 301-695-3810