

FREDERICK COUNTY BOARD OF APPEALS

NOVEMBER 20, 2025

TITLE: Samantha and John Macchione

CASE NUMBER: B-25-26 (B277878)

REQUEST: Requesting approval of a 10' variance to the 40' front yard Building Restriction Line (BRL), in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code¹, to allow for the construction of an unattached accessory structure/greenhouse within the required front Building Restriction Line (BRL).

PROJECT INFORMATION:

ADDRESS/LOCATION: 2917 Greenhill Ct., Ijamsville, MD 21754
TAX MAP/PARCEL: Tax Map 106, Parcel 0095
ZONE: (A) Agricultural
REGION: Urbana
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Agricultural/Rural

APPLICANT/REPRESENTATIVES:

APPLICANT: Samantha and John Macchione²
OWNER: Samantha and John Macchione
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions, as set forth in the staff report, staff has no objection to the approval of a 10' variance to the 40' front yard Building Restriction Line (BRL), in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code, to allow for the construction of an unattached accessory structure/greenhouse.

Attachments:

Attachment #1: Record Plat for Subject Property
Attachment #2: Plat Showing Greenhouse, Setback and Requested Variance
Attachment #3: Proposed Greenhouse
Attachment #4: Property Photos
Attachment #5: Property Photos
Attachment #6: Property Photos
Attachment #7: Aerial Map
Attachment #8: Zoning Map
Attachment #9: Comprehensive Plan Map
Attachment #10: Environmental Features Map

¹ All code references herein are to the Frederick County Code, unless otherwise specified.

² The term Applicants refers to both the Applicants and the Property Owners.

Background

The required setbacks for this (A) Agriculturally zoned property are front 40', side 10', and rear 30'. The Property is 1.68 acres in size. The Applicant is requesting approval of a 10' variance from the required 40' front yard BRL, in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code, in order to construct an unattached accessory structure/greenhouse. If approved, the front yard BRL will be 30', for the portion of the front yard abutting the proposed greenhouse.

General Criteria – Variance

Under the provisions of Section 1-19-3.220(C) of the 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 Applicants are requesting a variance of 10' from the required 40' front yard BRL, in order to construct an unattached accessory structure to serve as a greenhouse.

- 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 Applicants state that Frederick County Zoning Staff were not able to approve the greenhouse in its current location without a variance, approved by the Board of Appeals.

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

The BOA Hearing is scheduled for Thursday, November 20, 2025.

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 Applicants state that this property is unique in that it is essentially a corner lot with the challenge of elevation causing the driveway to be located on the 3rd side of the property. As can be seen in the pictures provided. (Attachments 4 – 6)

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;

The Applicants purchased the property in June of 2025. They have taken no action to create the need for this variance request.

- 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 of the Frederick County Code; and

The Applicants state that this property has Front BRLs on 3 sides due to its proximity to

Greenhill Court and Green Valley Road. The BRL from which we are requesting an exception is not directly connected to a street (we have a neighbor's property between this area and Greenhill Court) and is set back approximately 300' from the road. (Attachment #1)

- c. That the 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 Applicants state that the granting of this variance will not confer any special privilege on this Property. An accessory structure for the purpose of using it as a greenhouse is not an unusual request and there are other unattached accessory structures in our community.

- 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 Applicants state that this requirement is understood and believe that the construction of an accessory structure to serve as a greenhouse building will not be injurious to the neighborhood and is in character with the surrounding community. Due to the significant elevation changes on the property, the structure would be more hidden from view in the proposed location as opposed to if it were placed in an area that currently abides by the BRL. In addition to that, putting the structure in another location would likely require a significant removal or addition of dirt which would potentially be disruptive to the neighbors and potentially affect the drainage from storms onto the street(s).

- 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 of the Frederick County Code.

The Applicants understand this requirement and will comply with any appropriate conditions and safeguards imposed by the Board.

- 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 of the Frederick County Code in said zone.

The Applicants state that an accessory structure used as a greenhouse, is a permitted accessory use.

- 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 Applicants state that the proposed accessory structure will not be a nonconforming structure, once constructed with the requested 10' reduction in the 40' front yard BRL. This will leave a 30' front yard BRL, for the portion of the front yard abutting the proposed greenhouse.

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.

The Applicants state that they understand this requirement and will comply.

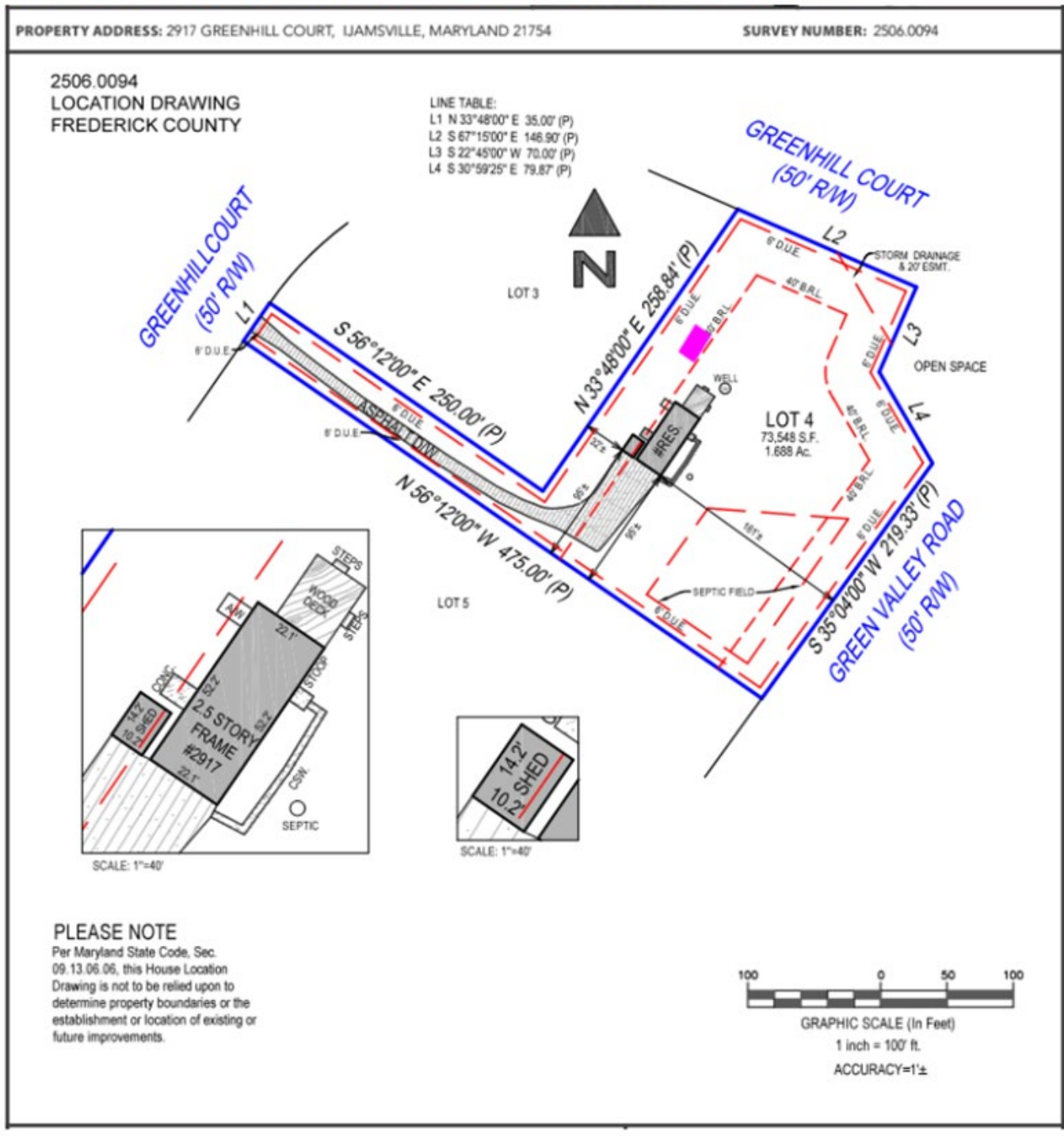
Recommendation

Based on the Application, and on the findings and conclusions set forth herein, staff has no objection to the approval of a 10' variance to the front yard BRL, in accordance with Sections 1-19-3.220 Variances, and 1-19-6.100 Design Standards, to allow for the construction of an accessory structure to be used as a greenhouse.

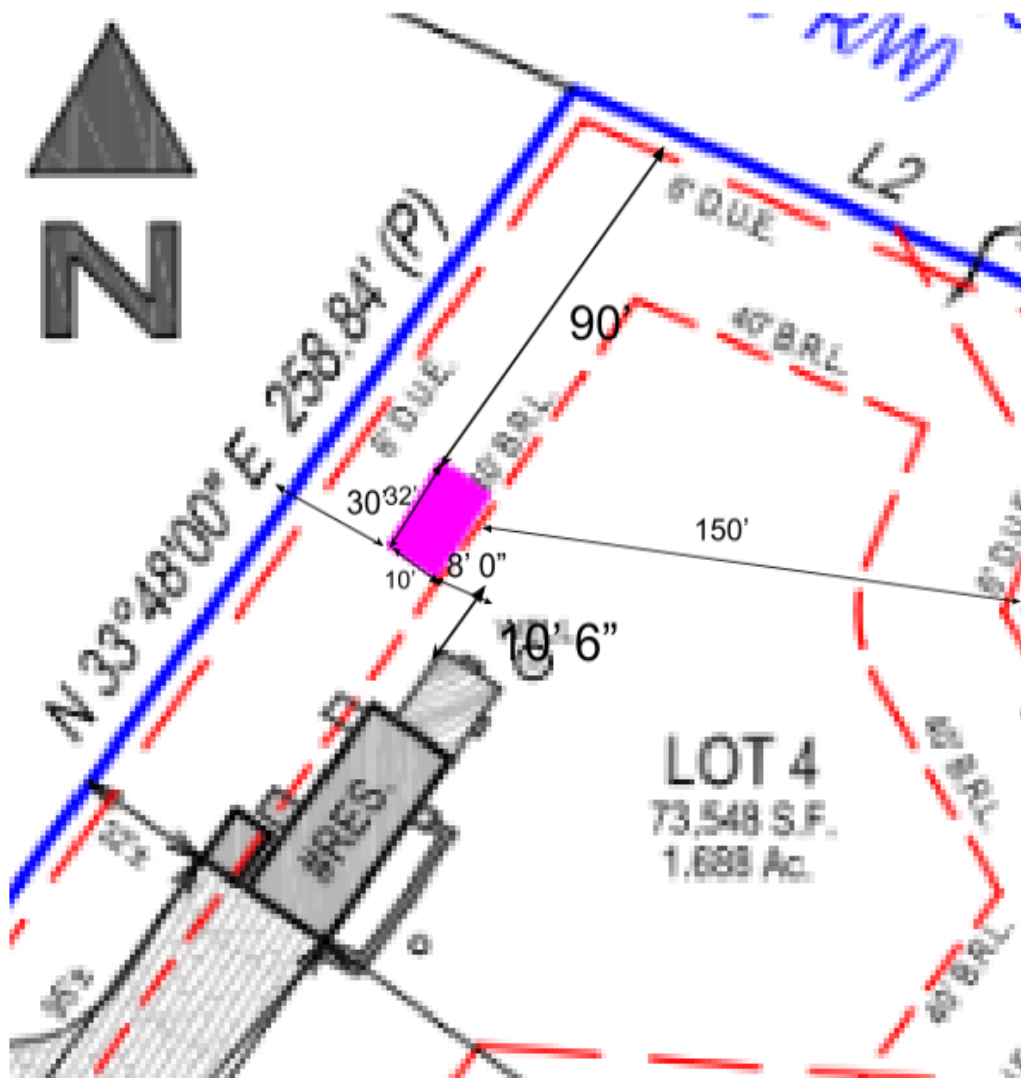
1-19-3. 220.G: A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the 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.

Attachment #1: Record Plat for Subject Property

New greenhouse location is pink rectangle north-east of the main residence



Attachment #2: Plat Showing Greenhouse, Setback and Requested Variance



Distance To Well - 27'

Distance To Septic Field - 90'

Attachment #3: Proposed Greenhouse



Attachment #4: Property Photos

View of Property from Green Valley Road



Attachment #5: Property Photos

View of Property from Greenhill Ct



Attachment #6: Property Photos

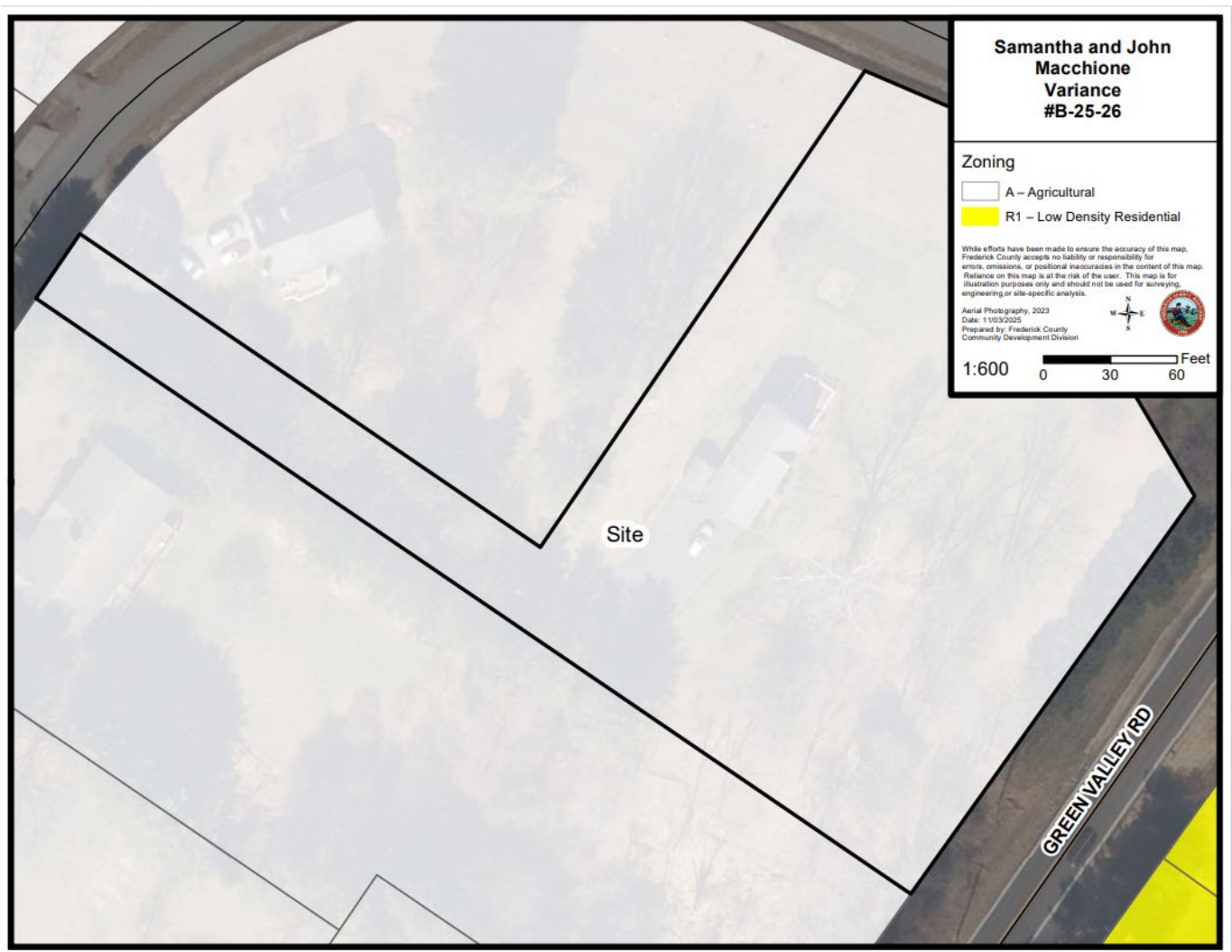
View of Greenhill Ct - Side with driveway connection



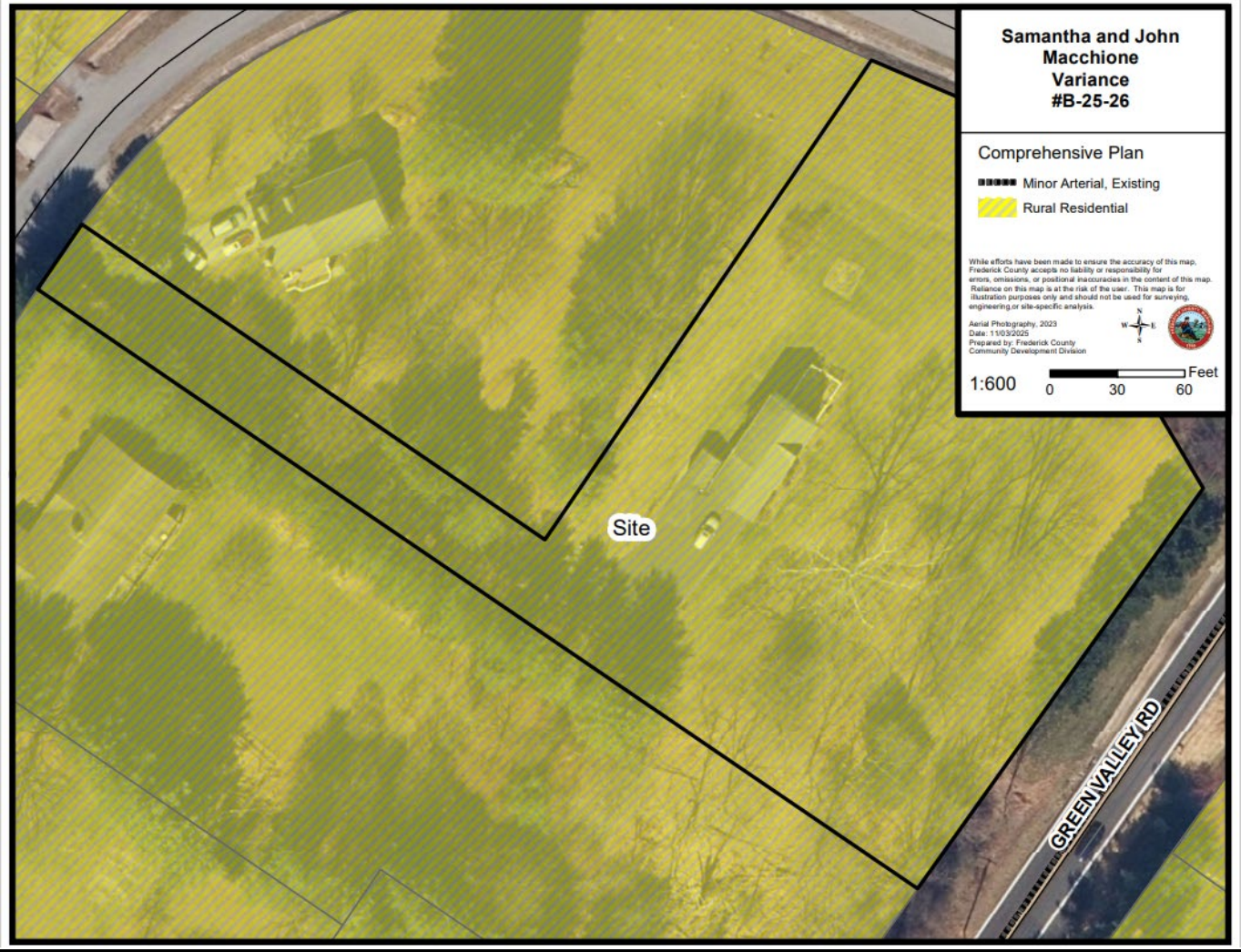
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