



FREDERICK COUNTY BOARD OF APPEALS

DECEMBER 18, 2025

TITLE: Michael Forrence (Applicant)
Sharon E. Forrence, Jennifer L. Forrence,
Michael E. Forrence (Owners)

FILE NUMBER: B-25-30 B278012

REQUEST: Requesting a variance of 20.59' from the required 100' Stream setback in accordance with Section 1-19-3.220 Variance and Section 1-19-9.110.B.3 Floodplain and stream setbacks of the Frederick County Code. The address of this property is 17247 Annandale Rd., Emmitsburg, MD 21727. The zoning for this site is (R1). The Stream setback if approved would be 79.41'.

PROJECT INFORMATION:

ADDRESS/LOCATION: 17247 Annandale Rd., Emmitsburg, MD 21727
TAX MAP/PARCEL: Tax Map 08, Parcel 0238
ZONE: Low Density Residential (R1)
REGION: Thurmont
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Rural Community

APPLICANT/REPRESENTATIVES:

APPLICANT: Michael Forrence¹
OWNER(S): Sharon E. Forrence, Jennifer L. Forrence, and Michael E. Forrence
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Staff has no objection to the approval of a variance of 20.59' from the required 100' Stream setback in accordance with Section 1-19-3.220 Variance and Section 1-19-9.110.B.3 Floodplain and stream setbacks. The address of this property is 17247 Annandale Rd., Emmitsburg, MD 21727. The zoning for this site is (R1). The Stream setback if approved would be 79.41'.

Attachments:

Attachment #1: Flooding Soils Map with Setbacks
Attachment #2: Flooding Soils Map with Setbacks: Enhanced View
Attachment #3: Aerial Map
Attachment #4: Zoning Map
Attachment #5: Comprehensive Map
Attachment #6: Environmental Features Map

¹ The term Applicants refers to both the Applicant 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 of a variance of 20.59' from the required 100' Stream setback in accordance with Section 1-19-9.110.B.3 Floodplain and stream setbacks so that he may build a solarium with a sunroof. In any area designated as a special flood hazard area, the setback must be 100 feet from the top of the bank of a watercourse. All setback areas shall be maintained or planted with natural vegetation. The Applicant has provided the soil survey demonstrating that the residence is not within the Flooding Soils area.

Frederick County Code Section 1-19-9.110. B (3) Floodplain and stream setbacks. A minimum setback of 25 feet shall be provided from all Floodplain district boundaries, except as otherwise approved through the mitigation process described in § [1-19-9.110\(B\)\(7\)](#), or a minimum setback of 50 feet shall be provided from the bank of any perennial or intermittent stream, whichever is greater. In any area designated as a special flood hazard area, the setback must be 100 feet from the top of bank of a watercourse. All setback areas shall be maintained or planted with natural vegetation.

General Criteria – Variance Section 1-19-3.220

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 Applicant is requesting a 20.59' variance from the 100' Stream setback 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 Frederick County Zoning Staff were not able to approve plans for the residential addition, because of the setback requirement, and therefore directed the Applicant to submit a request for a variance to the Board of Appeals (BOA).

- 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 BOA public hearing is scheduled for December 18, 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 Applicant states that the historic house was built on the site as early as the 1800s, and an addition was added in the 1930s. The Property and the house are uniquely located on top of a steep shale ledge near Tom's Creek.

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 the house and creek are both in the same location as when they were deeded the property and that the proposed addition is not within the FEMA Floodplain or Flooding Soils area but falls within the required 100' Stream setback in accordance with Section 1-19-9.110.B.3 Floodplain and stream setbacks.

- 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

The Applicant states that the addition is small and not untypical of other properties in the area and the rest of the County.

- 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

The Applicant states that he is proposing a small addition to the residence to be used as a solarium.

- 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.

The Applicant states that the addition is small and will not impact the surrounding residences in any way. The Applicant states he will obtain all required County and State permits for this project.

- 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.

The Applicant states that he understands this and will abide by any conditions and safeguards approved by the BOA.

- 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.

The Applicant states that the proposed use is for an addition to the existing residence which is a permissible use.

- F. Under no circumstances shall the Board of Appeals grant a variance to a nonconforming structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

The Applicant states that the proposed use is for an addition to the existing residence and is not a non-conforming use.

- 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.

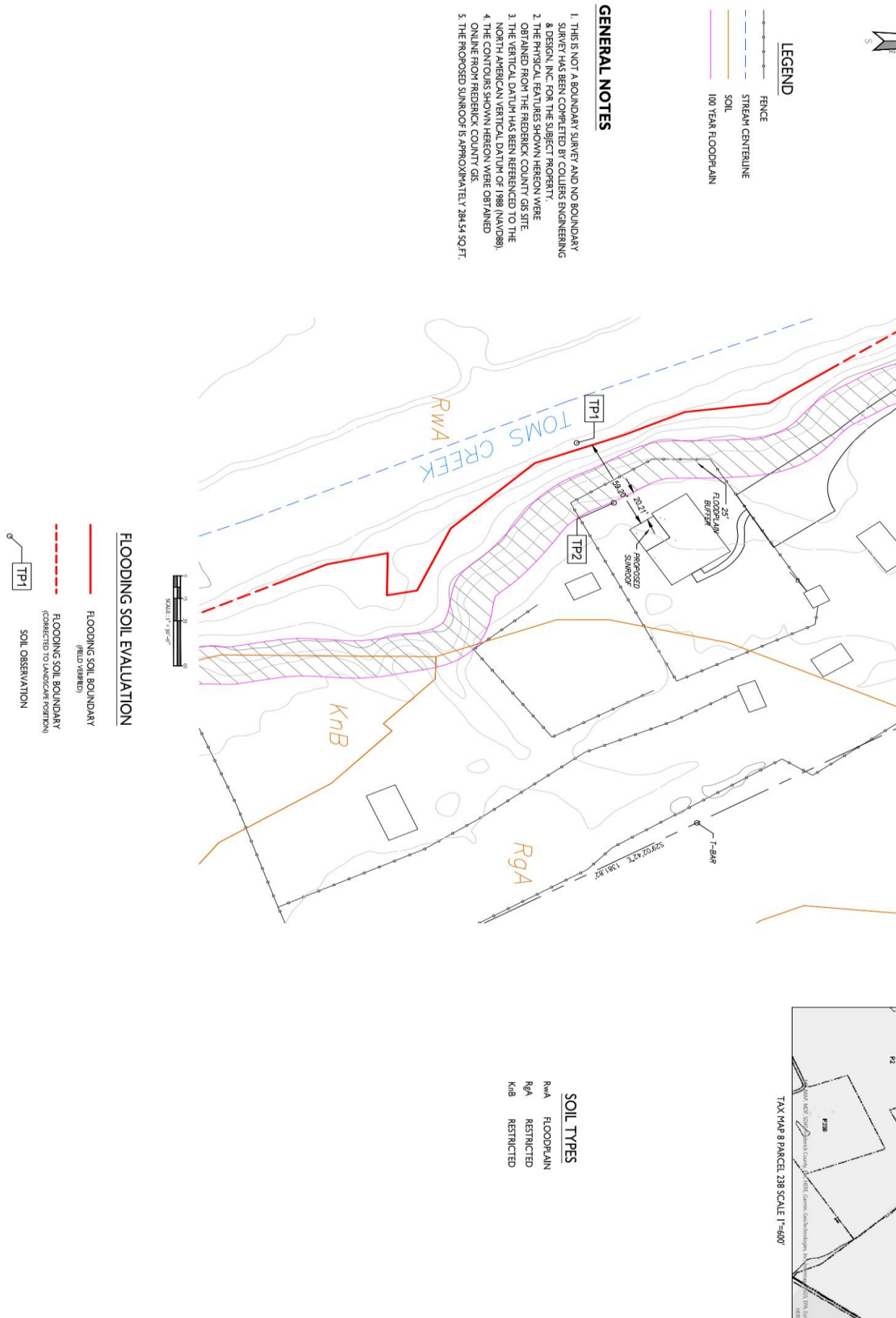
The Applicant states that he understands and will comply with this requirement.

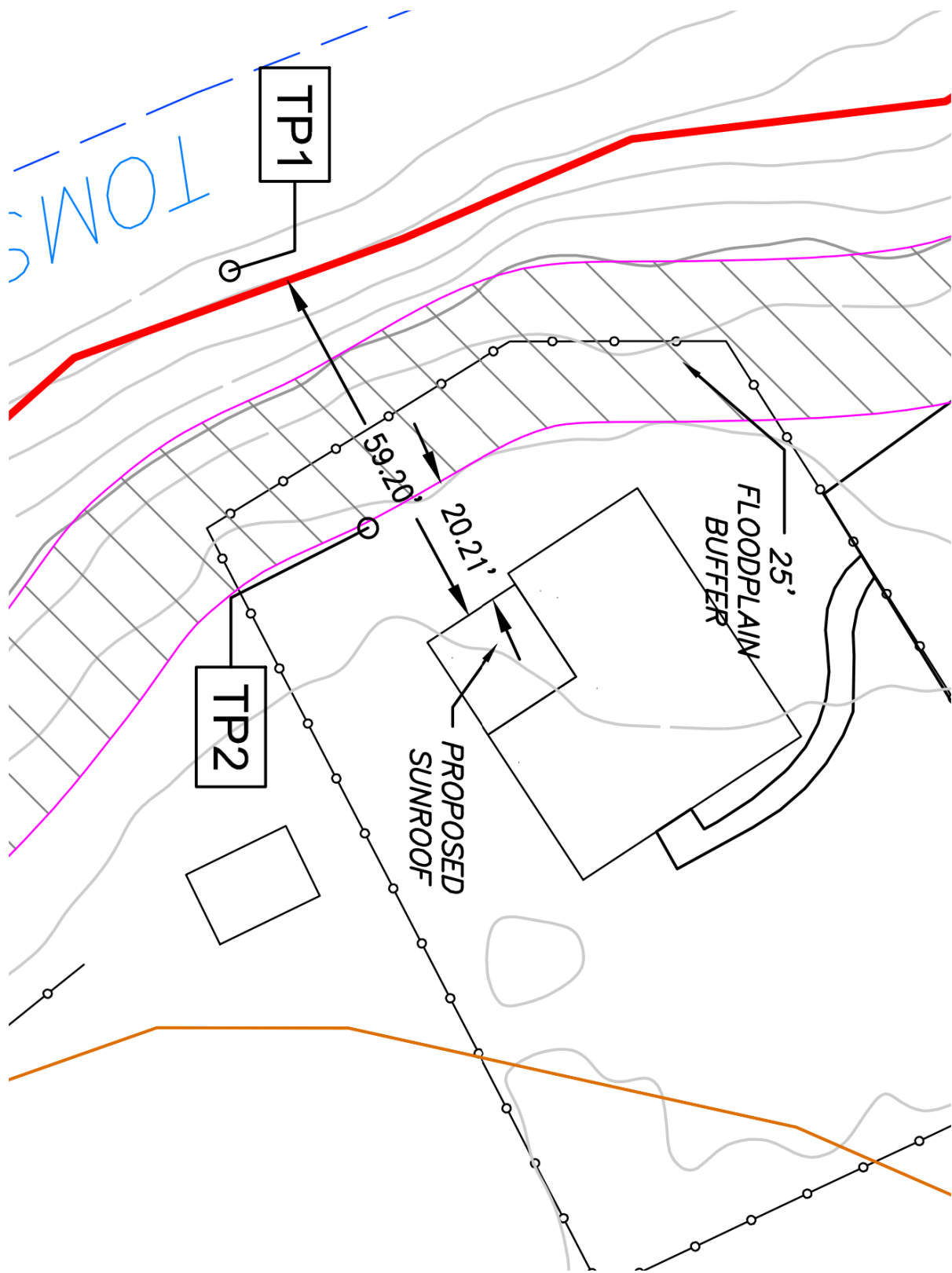
Recommendation

Based on the findings and conclusions in the staff report, Staff has no objection to the approval of a 20.59' variance from the required 100' Stream setback area, leaving a Stream setback of 79.41'. The Applicant meets the standards and requirements contained in Section 1-19-3.220 Variance and 1-19-9.110.B.3 Floodplain and stream setbacks, of the Frederick County Code, to allow for the addition to the existing residence.

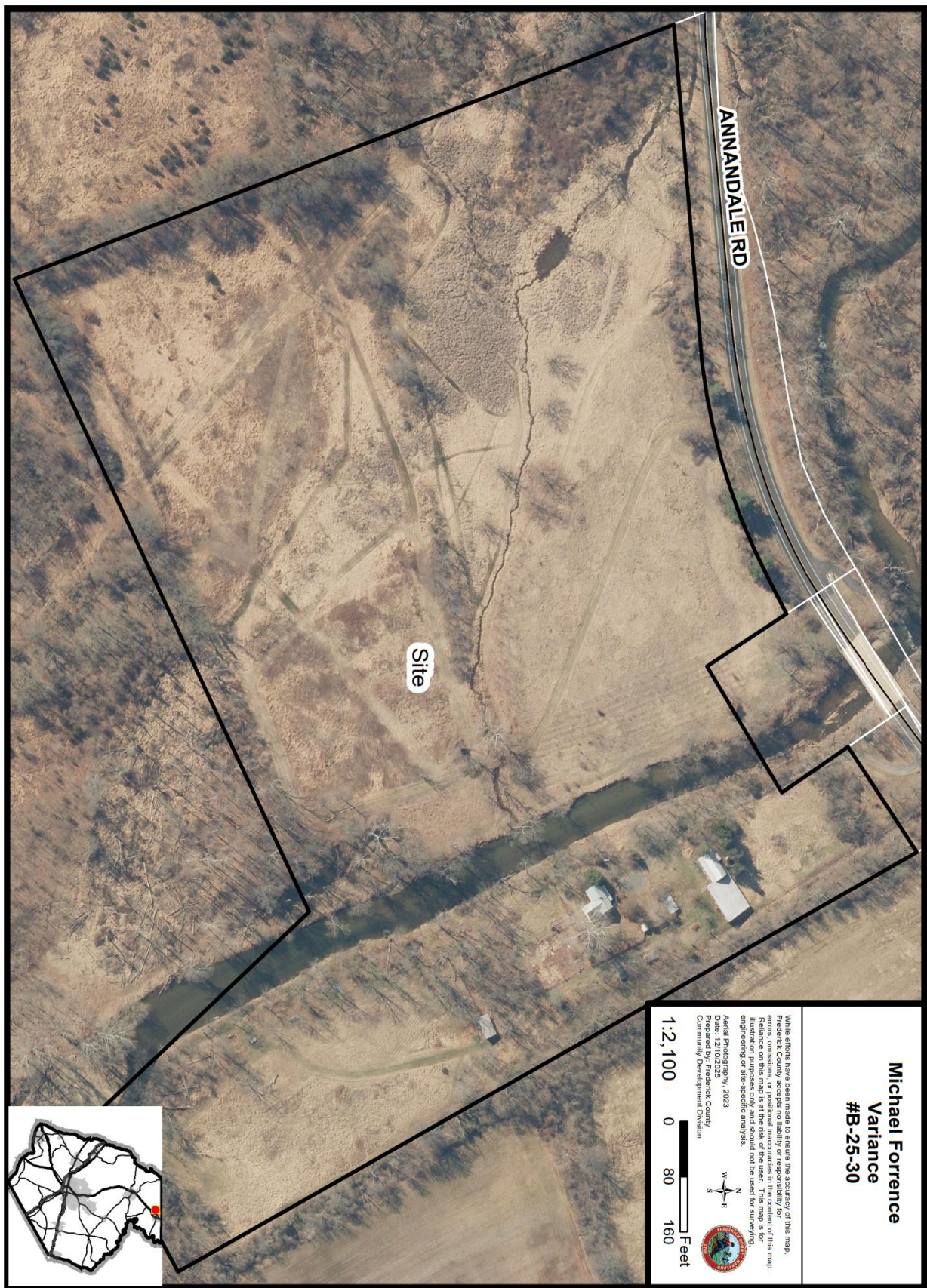
1-19-3.220. Variance.(G): A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance 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.

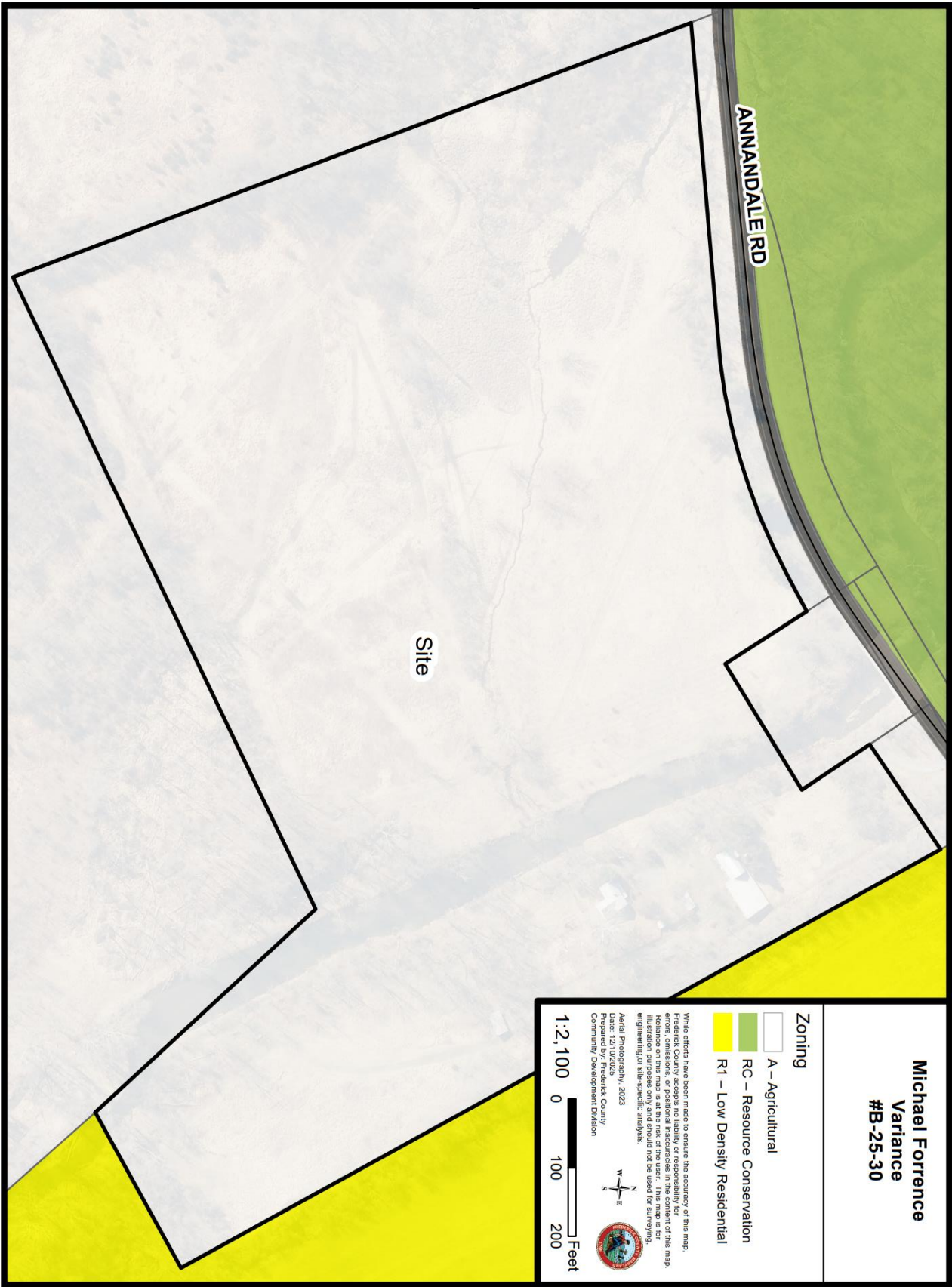
Attachment #1: Flooding Soils Map with Setbacks

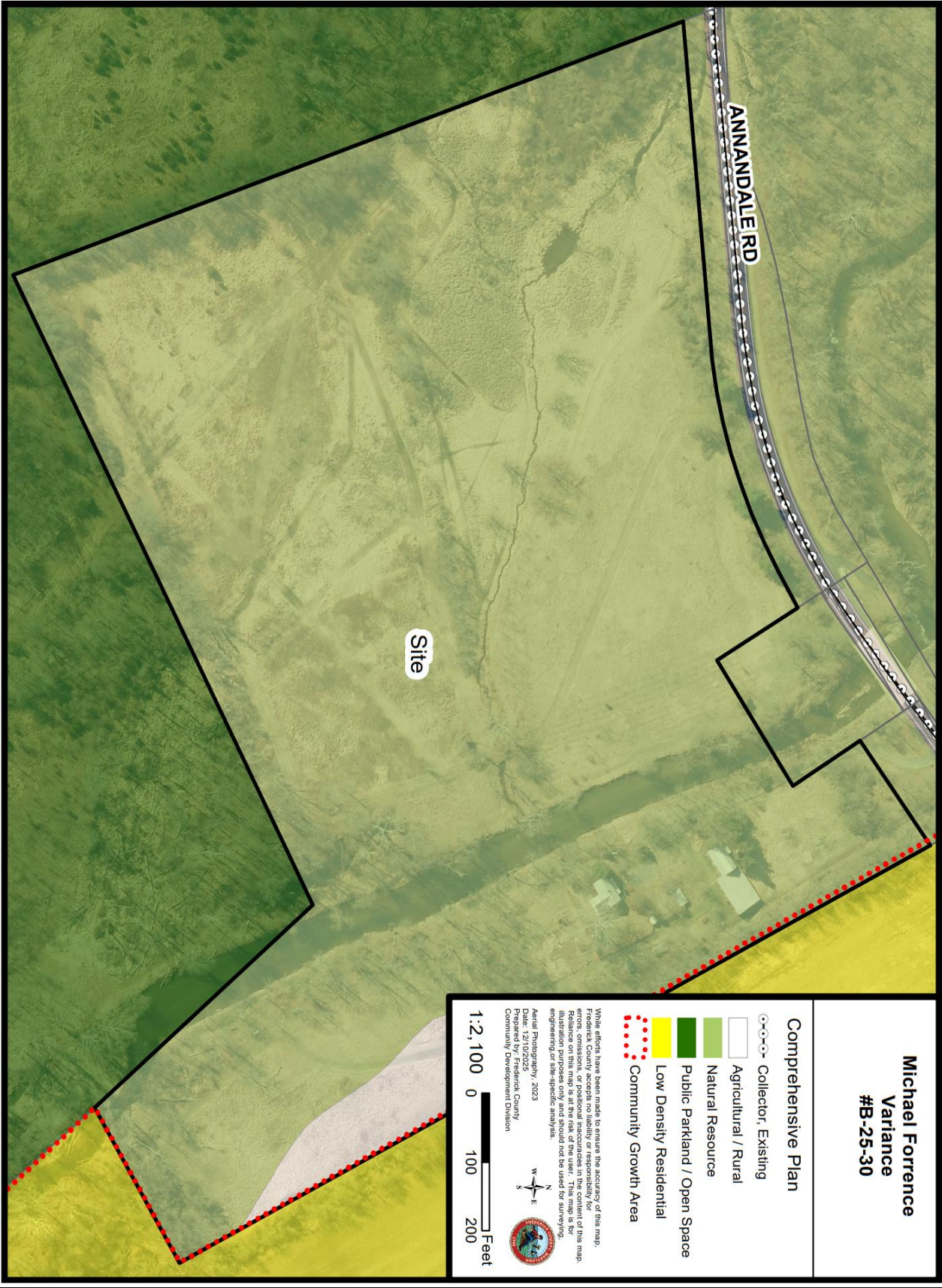




Attachment #3: Aerial Map







Attachment #6: Environmental Features Map

