



FREDERICK COUNTY BOARD OF APPEALS

DECEMBER 18, 2025

TITLE: John and Caron Daniels (Owners)
Paul Deibler (Applicant)

FILE NUMBER: B-25-31 B277855

REQUEST: Requesting a 25' variance to the 70' front yard required Building Restriction Line (BRL) in accordance with Sections 1-19-6.100 Design Standards and 1-19-3.220 Variance of the Frederick County Code, to allow for an existing accessory structure within the required front building restriction line. The accessory structure is 45' from the centerline right of way. The address of this property is 13229 Hessong Bridge Rd Thurmont, MD 21788 and is 24.81 Acres

PROJECT INFORMATION:

ADDRESS/LOCATION: 13229 Hessong Bridge Rd, Thurmont, MD 21788
TAX MAP/PARCEL: Tax Map 025, Parcel 0073, Tax ID# 04157060
ZONE: (A) Agricultural
REGION: Thurmont
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Agricultural/Rural

APPLICANT/REPRESENTATIVES:

APPLICANT: Paul Deibler ¹
OWNER: John and Caron Daniel
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Staff has no objection to the approval of a 25' variance from the 70' required setback in accordance with Sections 1-19-6.100 Design Standards and 1-19-3.220 Variance, to allow for an existing accessory structure within the required front building restriction line. The accessory structure is 45' from the centerline right of way. The address of this property is 13229 Hessong Bridge Rd, Thurmont, MD 21788 and is 24.81 Acres

Attachments:

Attachment #1: Plot Plan with Proposed Setbacks
Attachment #2: Enlarged Variance Area
Attachment #3: Aerial Map
Attachment #4: Zoning Map
Attachment #5: Comprehensive Plan Map
Attachment #6: Environmental Features Map

¹ The term Applicant 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 required setbacks for this Agricultural (A) zoned Property are front 40', (70' from the centerline right of way) side 10', and rear 30'. The Property is 24.81 acres in size. The Applicant is requesting approval of a 25' variance from the 40' front BRL (70' from the centerline right of way), leaving a 45' front BRL from the centerline right of way to allow for an existing accessory structure in accordance with Sections 1-19-6.100 Design Standards and 1-19-3.220 Variances.

This Application is the result of a violation on the subject property regarding the construction of an accessory structure within the front BRL and without a permit.

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 Applicant is requesting approval of a 25' variance from the 40' front BRL (70' from the centerline right of way), leaving a 45' front BRL to allow for an existing accessory structure in accordance with Sections 1-19-6.100 Design Standards and 1-19-3.220 Variances, of the Frederick County Code. (Attachments 1&2)

- 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 that Frederick County Zoning Staff refused to approve plans for the existing accessory structure and directed the Applicant to apply for a variance.

- 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, 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 front yard variance is necessary in that the accessory structure was existing when he purchased the Property. The Applicant has since sold the Property. The Applicant did not know the pole barn was out of compliance and is now requesting a variance to the front yard BRL. The new Owners are living at the Property.

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 that when he and his wife purchased the property the accessory structure was already built. The seller did not disclose to the Applicant that a permit had not been approved for the accessory structure. The Applicant is working to get the accessory structure approved to bring it into conformance with the Frederick County Code.

- 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 Applicant states that the request for a variance in support of their existing accessory structure is needed in order to bring it into compliance with the Frederick County Code.

- 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 Applicant states that the granting of this variance will not confer any special privilege on this Property. An accessory structure similar in size is common on many lots in Frederick County.

- 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 Applicant states that the accessory structure will not be injurious to the neighborhood and will not be unsimilar to accessory structures on other lots in Frederick County.

- 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 Applicant understands this requirement and will comply with any 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 Applicant states that an accessory structure is a permitted use subject to a variance granted by the BOA and building permit approval.

- 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 Applicant understands this requirement and will comply.

- 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 understands this requirement and will comply.

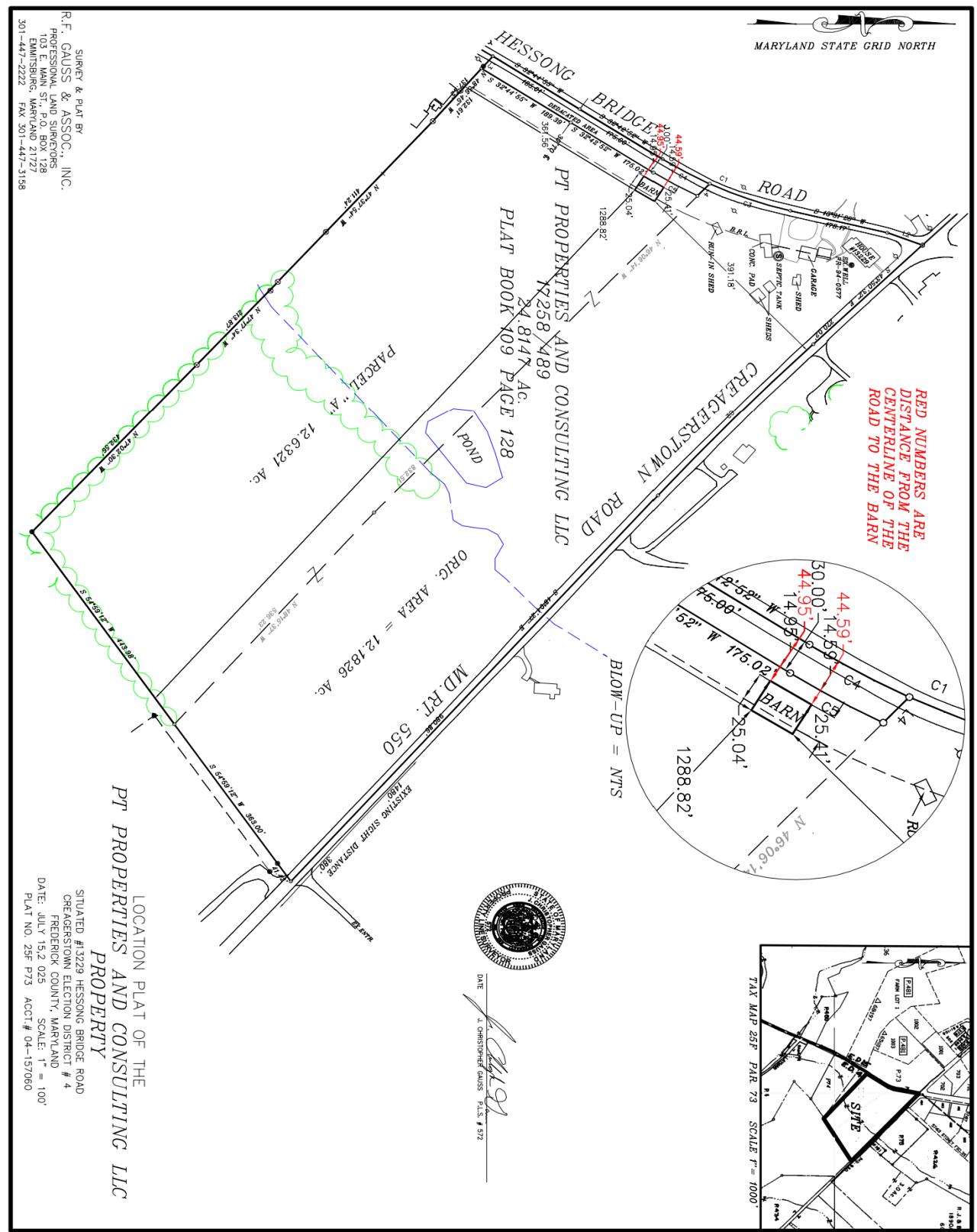
All building permits and approvals must be submitted, reviewed and approved in order for this structure to be vested.

Recommendation

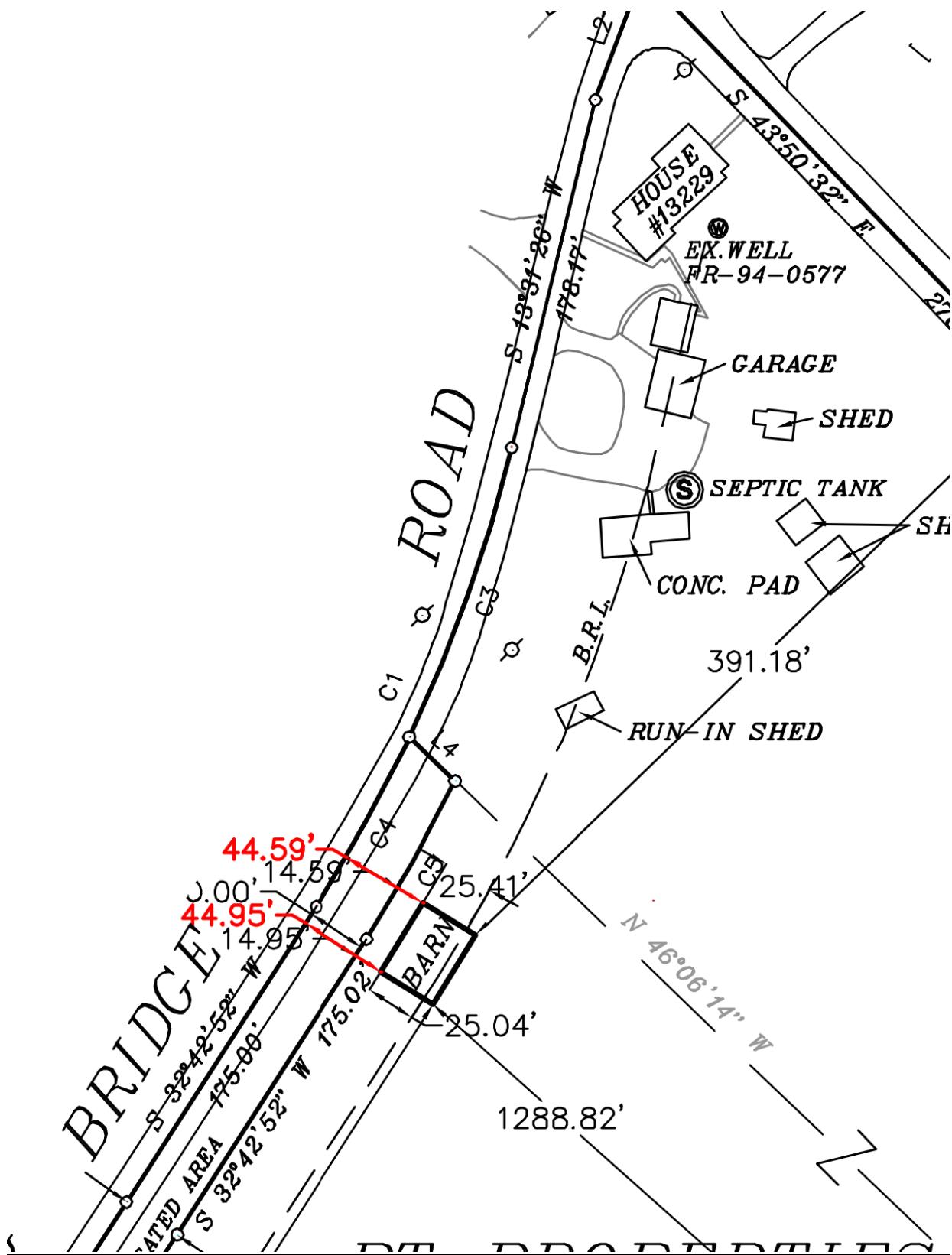
Based on the Application, and on the findings and conclusions set forth herein, staff has no objection to the approval of a 25' variance from the 70' required setback in accordance with Sections 1-19-6.100 Design Standards and 1-19-3.220 Variance, of the Frederick County Code, to allow for an existing accessory structure within the required front building restriction line. The accessory structure is 45' from the centerline right of way and that will be the new front BRL if approved.

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.

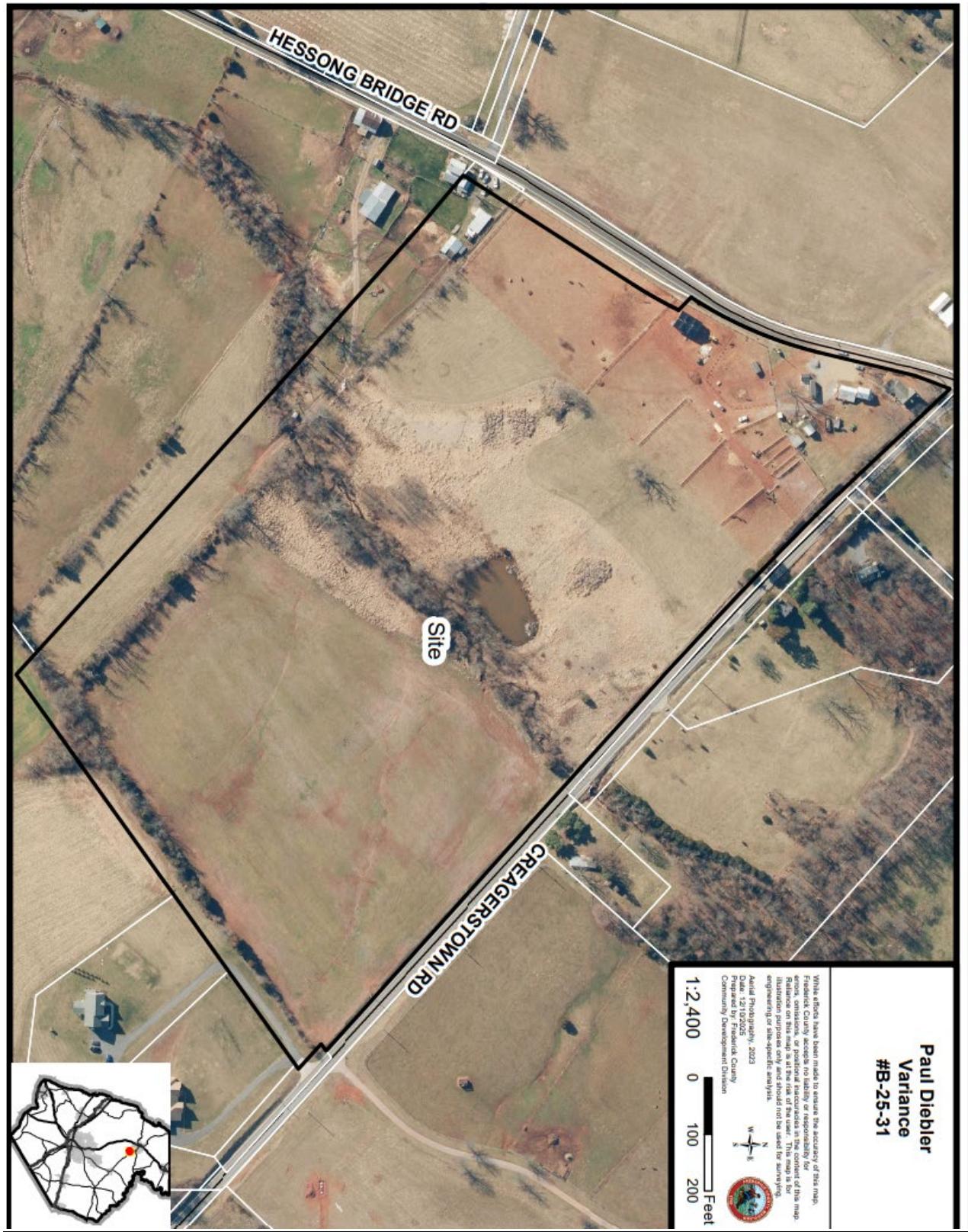
Attachment #1: Plot Plan with Proposed Setbacks



Attachment #2: Enlarged Variance Area



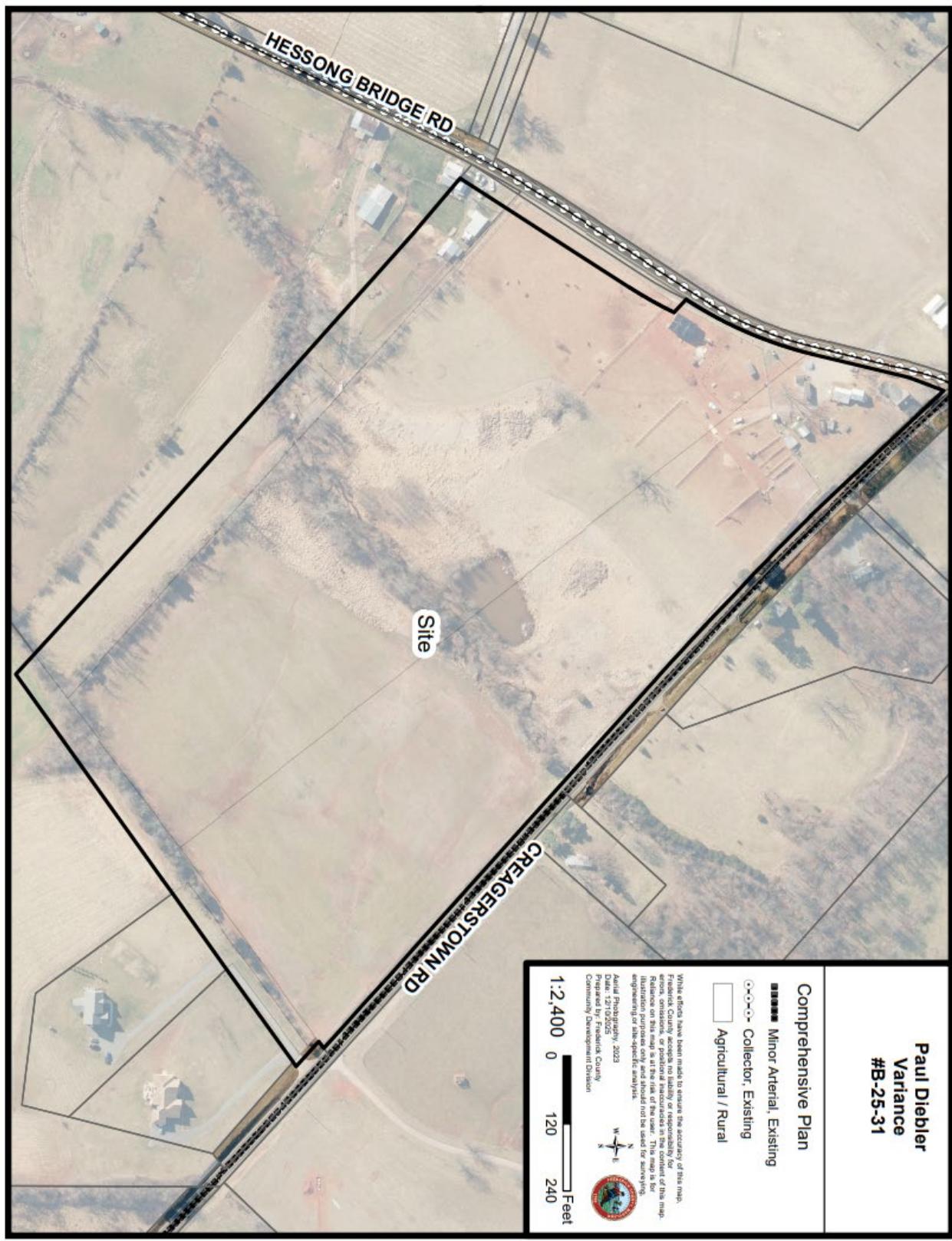
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