



300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Info@bandrdesign.com

August 11, 2023

Mr. Tolson Desa
Zoning Administrator
Frederick County
30 North Market Street
Frederick, MD. 21701

Subject: 6586 Edgewood Road, Tax Map 079B Parcel 212, Lot 579

Dear Mr. Desa:

On behalf of the applicant and property owner, Recco Nelson, 6856 Edgewood, LLC, we are requesting approval from the Board of Appeals to grant a variance in accordance with Section 1-19-3.220. Variances of the Frederick County Code. This section allows the Board of Appeals to grant a variance for relief from the yard requirements under Section 1-19-3.220 (A). The Applicant is requesting a 15' variance to a 25 ft. front building restriction line to construct a single-family residence in accordance with Sections 1-19-3.220 Variances, and 1-19-6.100 Design requirements for specific districts. If approved, the variance would create a 10' front building restriction line, rather than the 25' as required under Euclidian setback standards. Lot 579 was a legally created lot under the Linganore Planned Unit Development standards and was recorded on December 04, 1972 in Plat Book 8, Plat 97 and the plat name is Eaglehead Pinehurst, Section VI Plat 2, Courts of Pinehurst. Unfortunately, the record plat does not list any setbacks that were approved by the Frederick County Planning Commission for the Linganore Planned Unit Development. The Linganore Planned Unit Development and this lot were legally approved and recorded before the effective date of January 1977 of the Frederick County Zoning Ordinance.

The following is the Applicant's response to the general criteria requirements under section 1-19-3.220 Variances:

(A) The Board of Appeals may authorize a variance in height, lot area and yard regulations.

The Applicant states that he understands this requirement. This application is not requesting a variance in height, or lot area. The applicant is requesting relief from the front yard regulations because the lot was recorded prior to the adoption of the zoning ordinance and the lot configuration was approved under the Linganore PUD.

(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 he was directed by zoning staff to the Board of Appeals process by the Frederick County Division of Planning and Permitting after the Department refused to issue the building permit.

(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:



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Acknowledged.

(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 special conditions and circumstances exist in that the area of the lot is 4,276 square feet, the lot is a corner lot, therefore it has two front setbacks and two side setbacks for a buildable area of 819 square feet and the lot was legally created prior to the adoption of the current zoning requirements.

(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 this circumstance is not the result of any action taken by the Owner/Applicant as the lot was legally created and recoded on December 04, 1972, which is prior the zoning requirements that was adopted in January 1977.

(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 without the variance from the BOA, they would not be able to build a single-family unit on this lot. This Owner cannot reasonably place a home on the property due to the current zoning setbacks. The Applicant/ Owner cannot even acquire any additional land to the rear of the proposed house location because the land surrounding the lot is noted as Parcel 'B', which is required open space for the planned unit development.

(c) That 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/Owner states that the granting of this variance would not confer any special privilege.

(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 variance will be in harmony with the neighborhood and with the intent of Chapter 1-19. It will not be injurious to the neighbors and will not be



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detrimental to the public welfare. This application does not interfere or impact the use of any other property.

(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 states that he acknowledges this requirement.

(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 he acknowledges this requirement.

(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 believes that section 1-19-4.220 (C) does not apply to this case as the lot is vacant.

(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 acknowledges and understands this requirement.

The Applicant respectfully request that the Board of Appeals grant this variance based on the above information and the enclosed exhibits. If you require additional information or have questions pertaining to the application, please contact us.

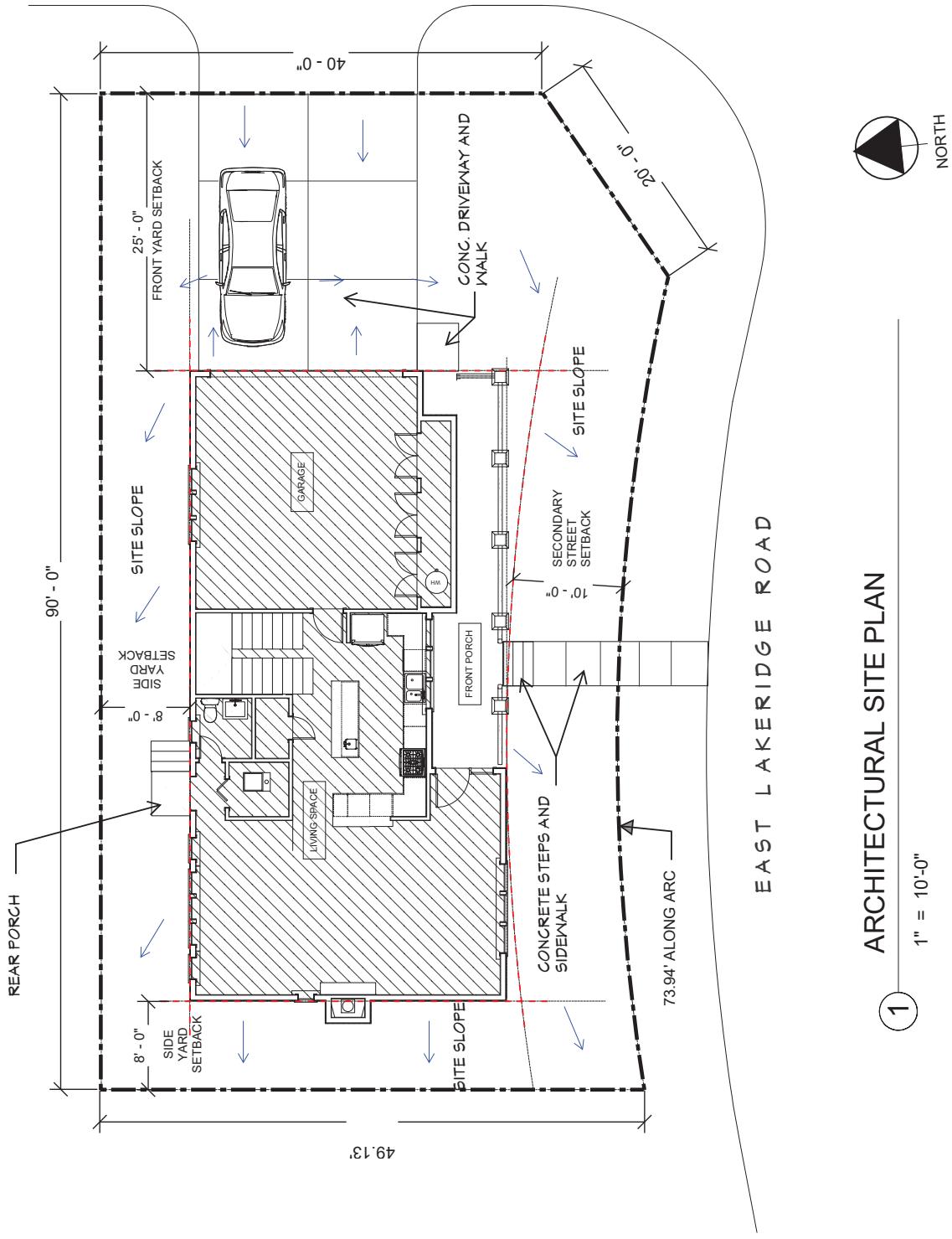
Sincerely,

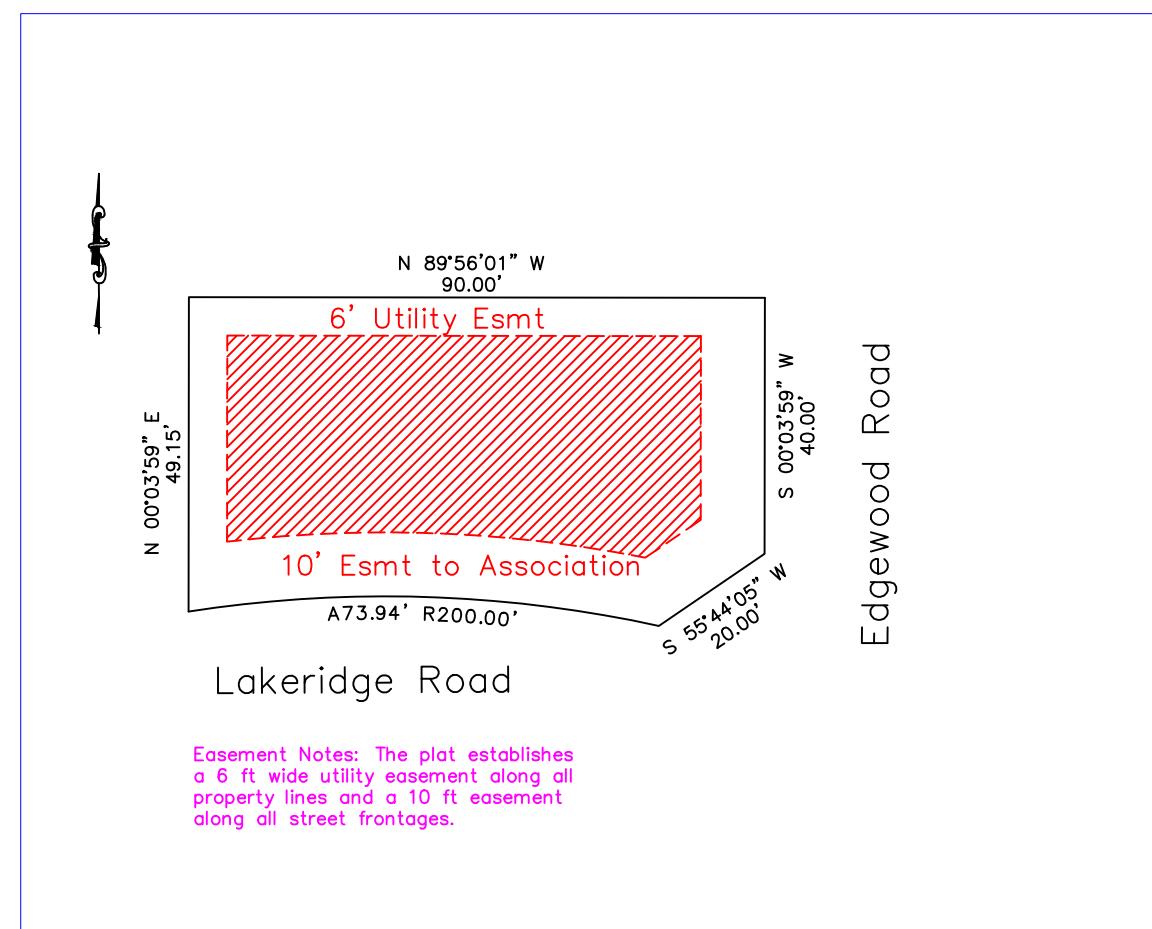
A handwritten signature in blue ink that reads 'William J. Brennan, Jr.' followed by a period and a fraction '1/2'.

William J. Brennan, Jr., PE
B&R Design Group

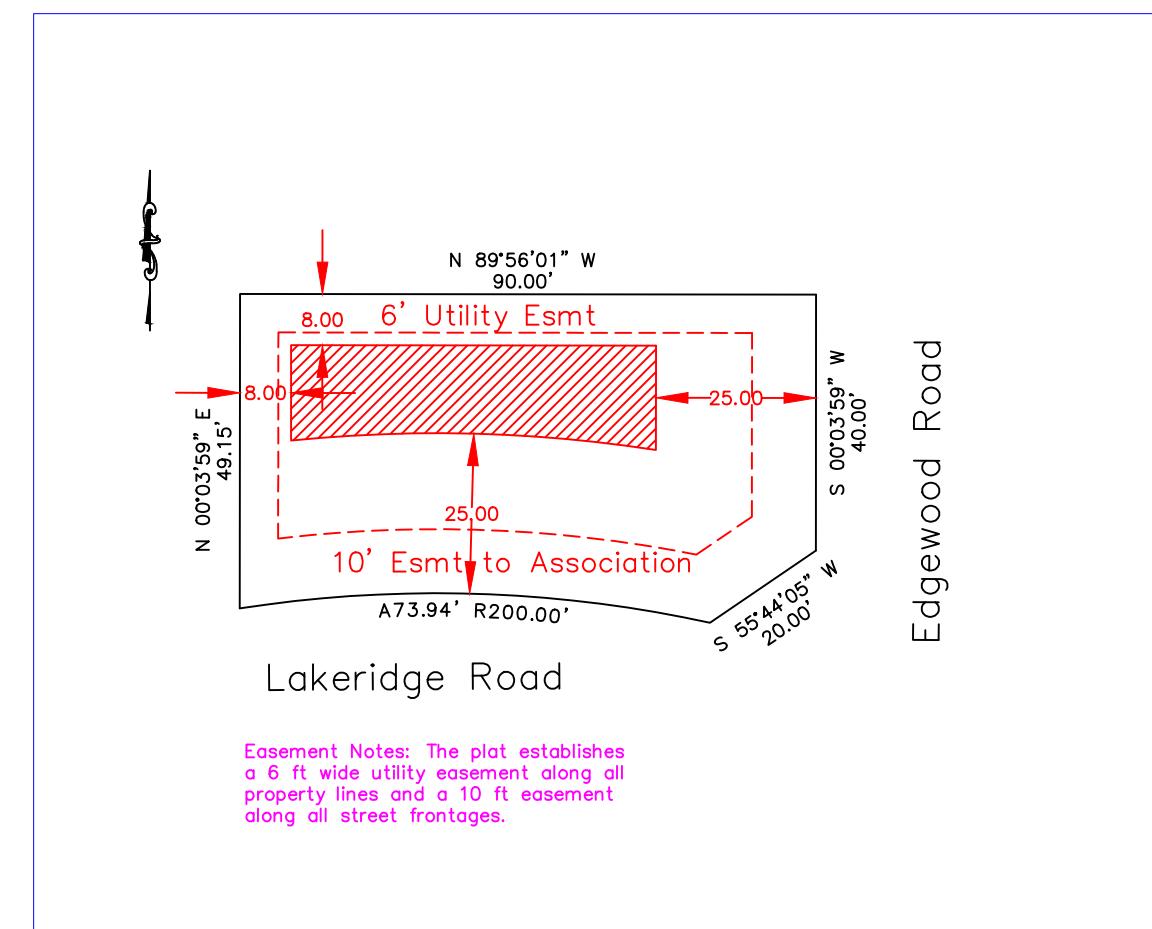
Enc.

EDGEMOOR ROAD

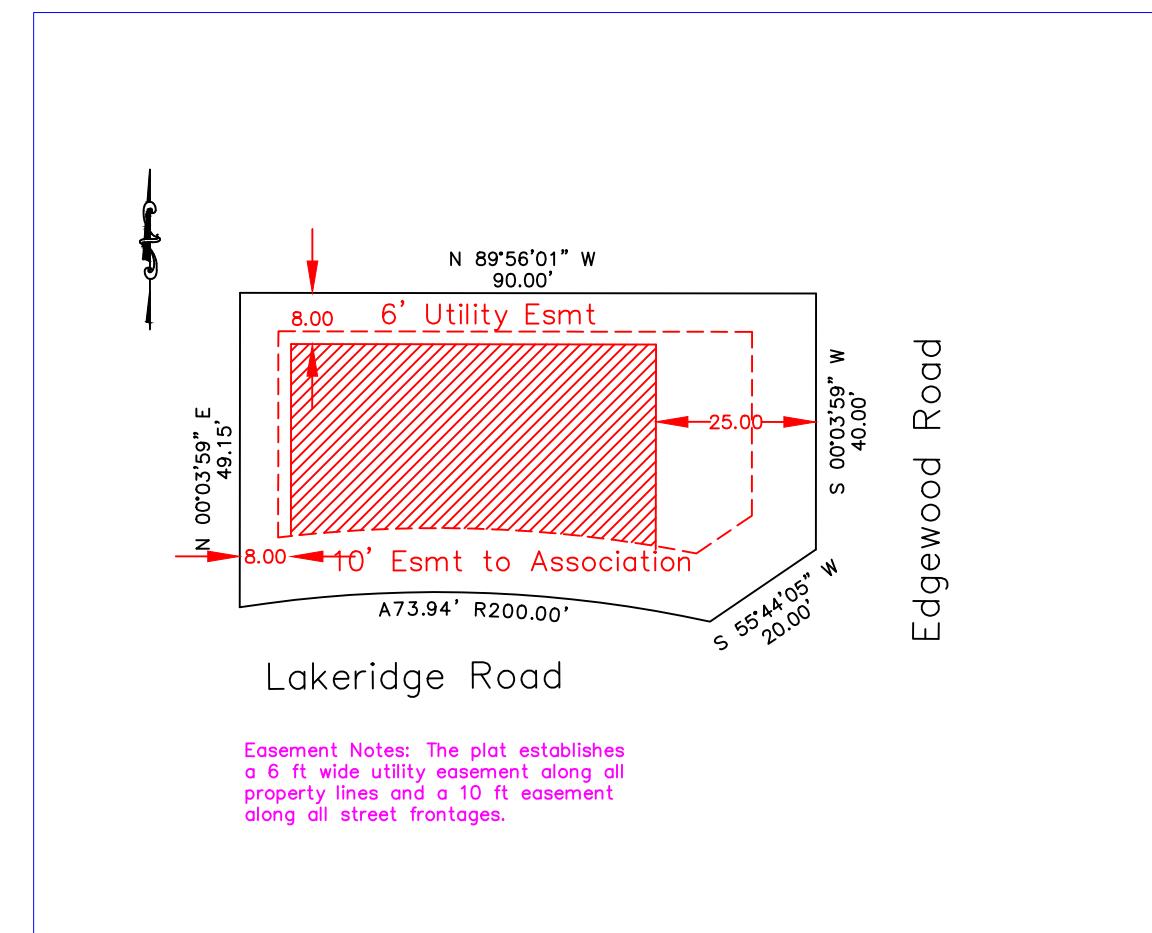




Buildable Area based on original plat



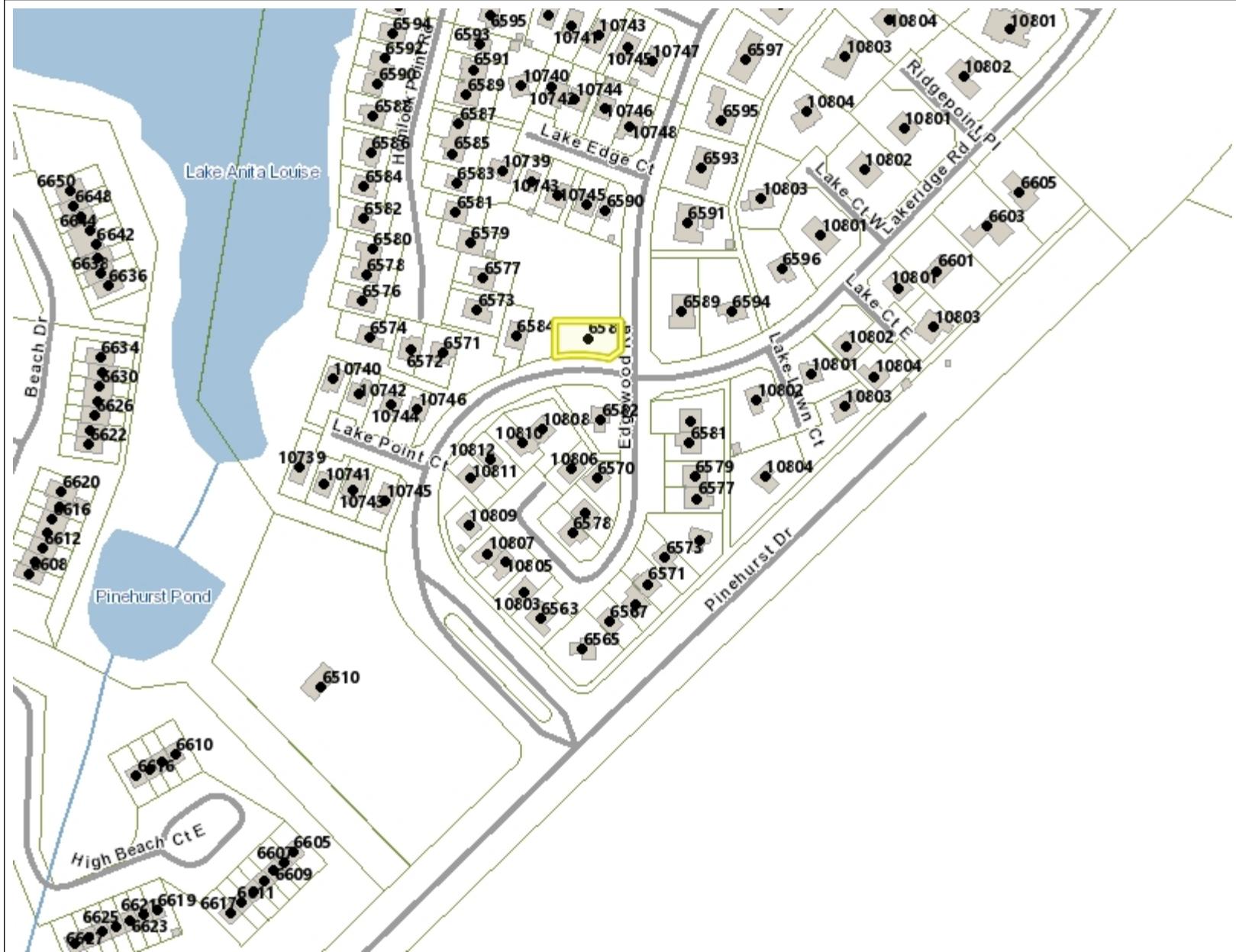
Buildable Area based on current zoning requirements



Buildable Area based on Variance request



Location of Lot



400.0

0

200.0

400.0 Feet

1:2,400

8/11/2023

NAD_1983_StatePlane_Maryland_FIPS_1900_Feet

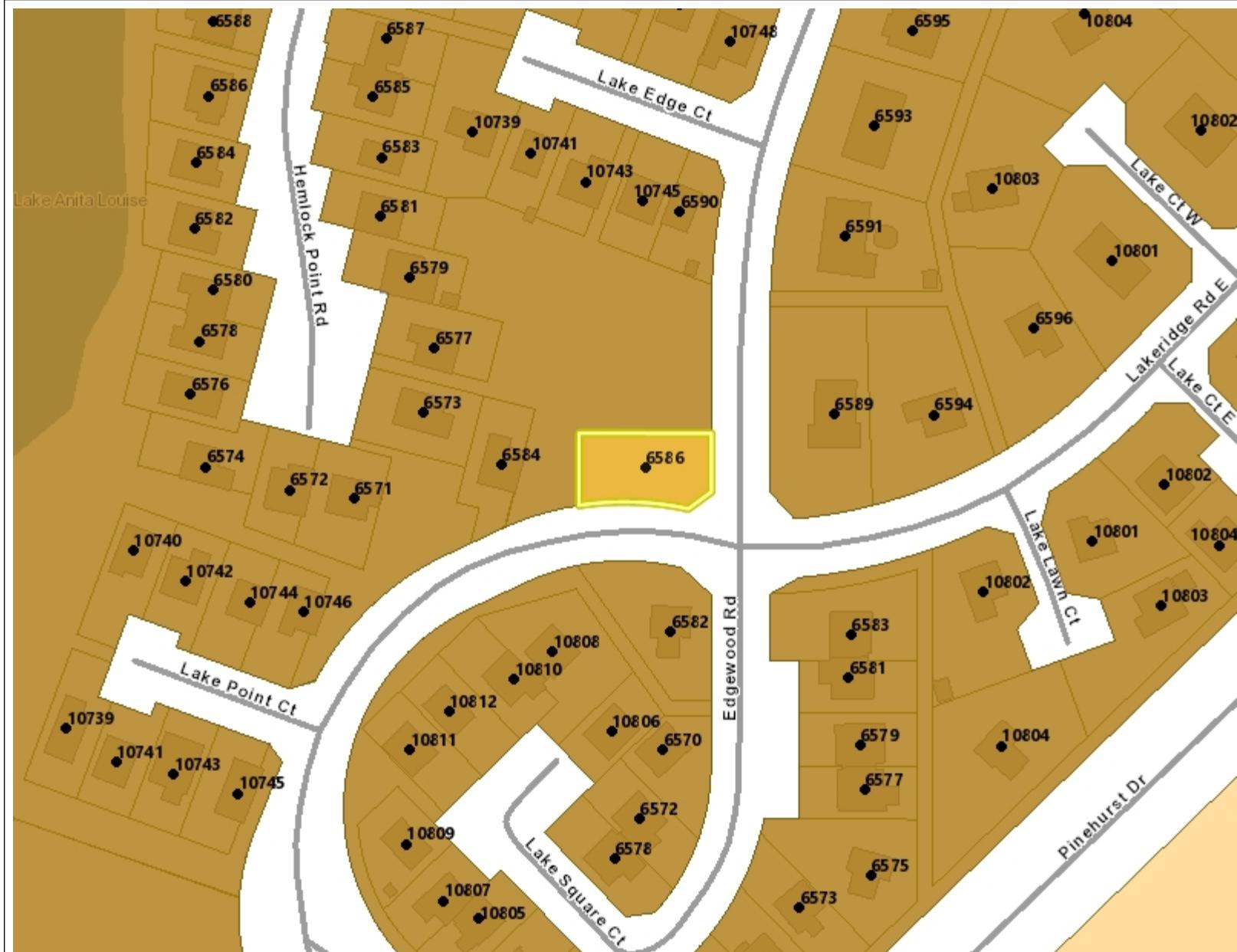
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.

- Fire Stations
- Golf Courses
- Libraries
- MARC Rail Stations
- Police
- Post Office
- Frederick County Boundary
- Surrounding Counties
 - <all other values>
 - Maryland



Frederick County, Maryland

Sewer Service - S3



200.0

8

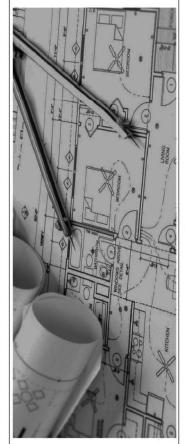
100.00

200.0 Fees

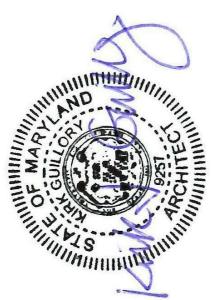
8/11/2023

NAD_1983_StatePlane_Maryland_FIPS_1900_Fee

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ARCHITECT
G-Force Consulting, LLC
9481 Gorman Road
Laurel, MD 20723
301-377-2812



No.	Description	Revisions	Date

NEW SINGLE FAMILY HOME
6586 EDGEWOOD ROAD
NEW MARKET, MD 21774

COVER SHEET and SITE PLAN

Project Number
Date
Drawn By
Checked By
Scale

NEW SINGLE FAMILY RESIDENCE
6586 EDGEWOOD ROAD
NEW MARKET, MD

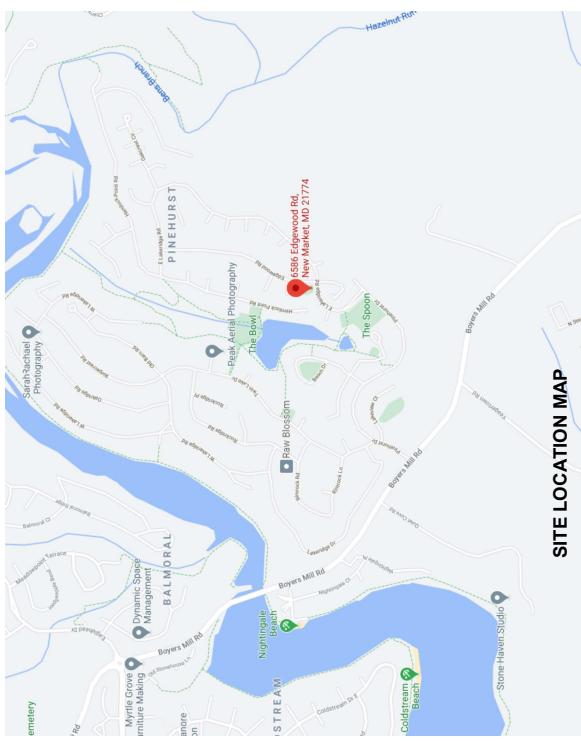
PROJECT DESCRIPTION:
CONSTRUCT NEW 2,907 SF SINGLE FAMILY RESIDENCE, INCLUDING LIVING SPACES, 2-CAR GARAGE AND FRONT PORCH. STRUCTURAL FRAMING TO BE DIMENSIONAL WOOD FRAMING WITH PRE-ENGINEERED FLOOR JOISTS. RESIDENCE IS 2 STORIES HIGH WITH CRAWL SPACE BELOW LIVING AREAS AND SLAB-ON-GRADE GARAGE. CONSTRUCTION INCLUDES NATURAL GAS AND ELECTRIC-POWERED APPLIANCES AND CENTRAL HVAC SYSTEM.

INDEX OF DRAWINGS

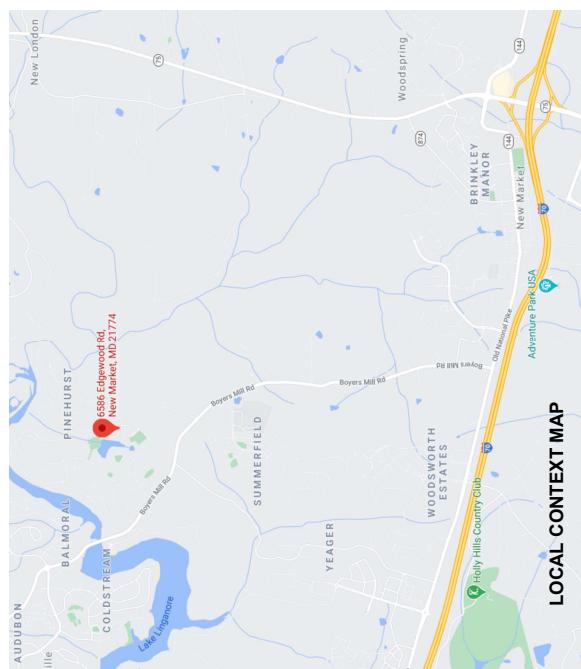
- G001 COVER SHEET / SITE PLAN
- A100 FOUNDATION PLAN / TYPICAL WALL SECTION
- A101 FIRST FLOOR PLAN / FIRST FLOOR FRAMING PLAN
- A102 SECOND FLOOR PLAN / SECOND FLOOR FRAMING PLAN
- A103 ROOF PLAN / ROOF FRAMING PLAN
- A201 EXTERIOR ELEVATIONS

APPLICABLE BUILDING CODES

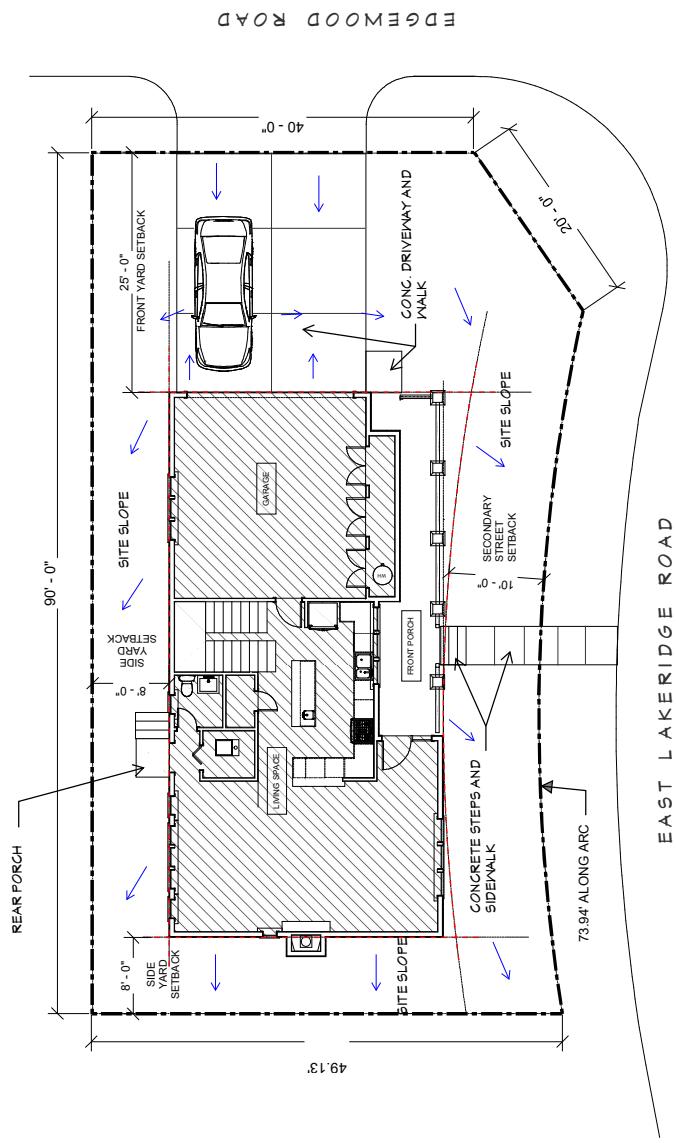
FREDERICK COUNTY CODE OF ORDINANCES
2018 ICC INTERNATIONAL RESIDENTIAL CODE (IRC) W/ FREDERICK COUNTY AMENDMENTS
2017 NEC NATIONAL ELECTRICAL CODE
2018 NFPA 101 LIFE SAFETY CODE
2018 IC3 INTERNATIONAL ENERGY CONSERVATION CODE



SITE LOCATION MAP



LOCAL CONTEXT MAP



EAST LAKE RIDGE ROAD

ARCHITECTURAL SITE PLAN

(1) 1" = 10'-0"



NORTH



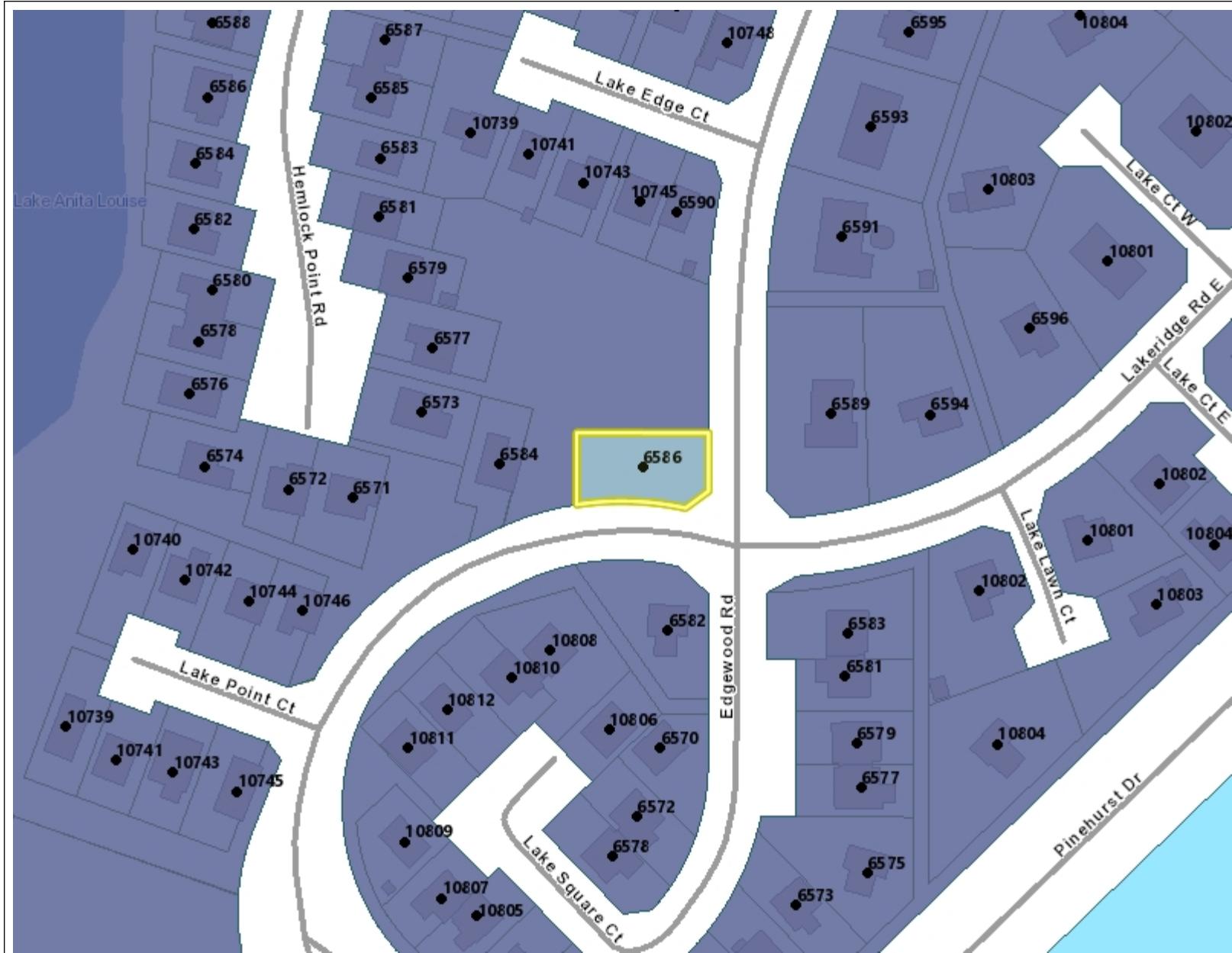
VIEW FROM SOUTHEAST

G001



Frederick County, Maryland

Water Service - W3



200.0

0

100.00

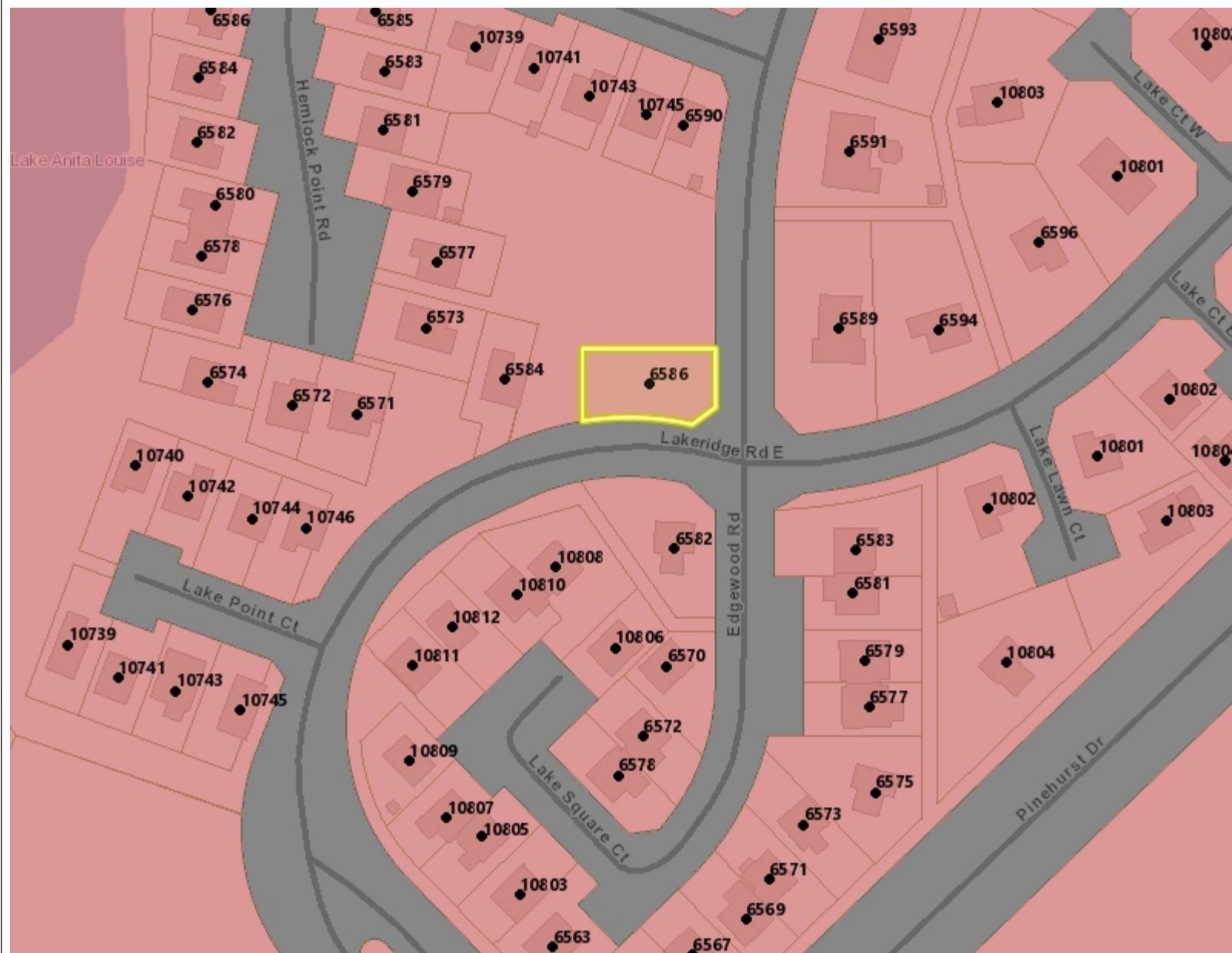
200.0 Fees

1

1: 1,200

NAD 1983 StatePlane Maryland FIPS 1900 Feet

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Zoning (Municipal)
Agricultural
Low Density Residential (R1)
Institutional
Open Space
Right-of-Way
City of Brunswick-Medium Density Residential (R2)
City of Brunswick-Medium Density Residential- Mobile Home (R2-MH)
City of Brunswick-Residential Suburban Low Density Residential (RS)
City of Brunswick-Central Business
City of Brunswick-Business Transitional
City of Brunswick-General Commercial
City of Brunswick-Light Industrial
City of Brunswick-Heavy Industrial
City of Brunswick-Office/Research
Town of Burkittsville-Rural Residential
Town of Burkittsville-Historic Village Center
Town of Emmitsburg-Medium Density Residential
Town of Emmitsburg-High Density Residential
Town of Emmitsburg-Village Zone
Town of Emmitsburg-Neighborhood Commercial
Town of Emmitsburg-General Commercial
Town of Emmitsburg-Office, Research, Industrial
Town of Emmitsburg-Industrial Park
Town of Emmitsburg-Conservation/Recreation
Town of Middletown-Medium Density Residential (R2)
Town of Middletown-High Density Residential (R3)

200.0

0

100.00

200.0 Feet

1:1,200

8/11/2023

NAD_1983_StatePlane_Maryland_FIPS_1900_Feet

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