



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:





6586 Edgewood Road  
Tax Map 079B Parcel 212, Lot 579  
August 11, 2023  
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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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Tax Map 079B Parcel 212, Lot 579  
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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.

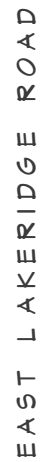
The Applicant respectfully request that the Board of Appeals grant this variance based on the above information and the enclosed exhibits. If you require additional information or have questions pertaining to the application, please contact us.

Sincerely,

A handwritten signature in blue ink, reading 'William J. Brennan, Jr.'.

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

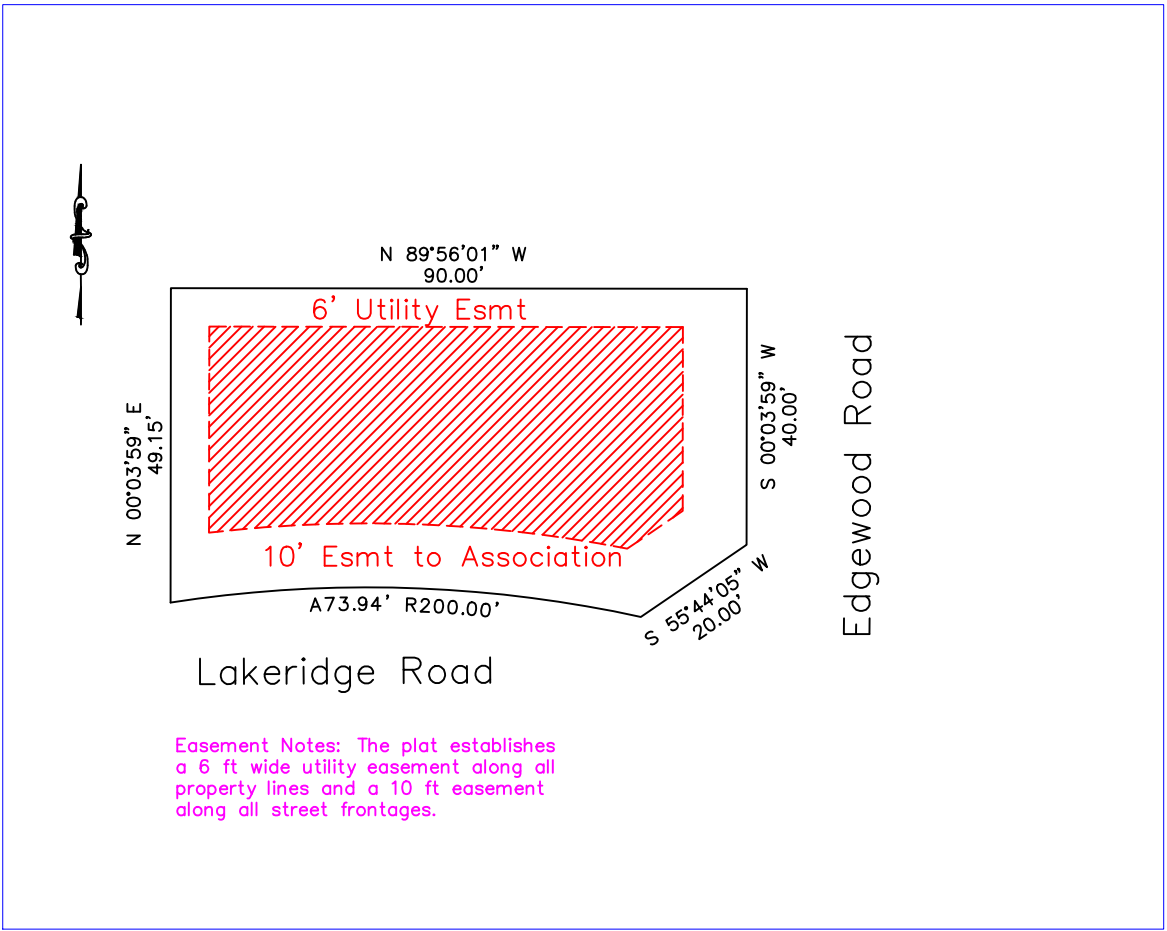
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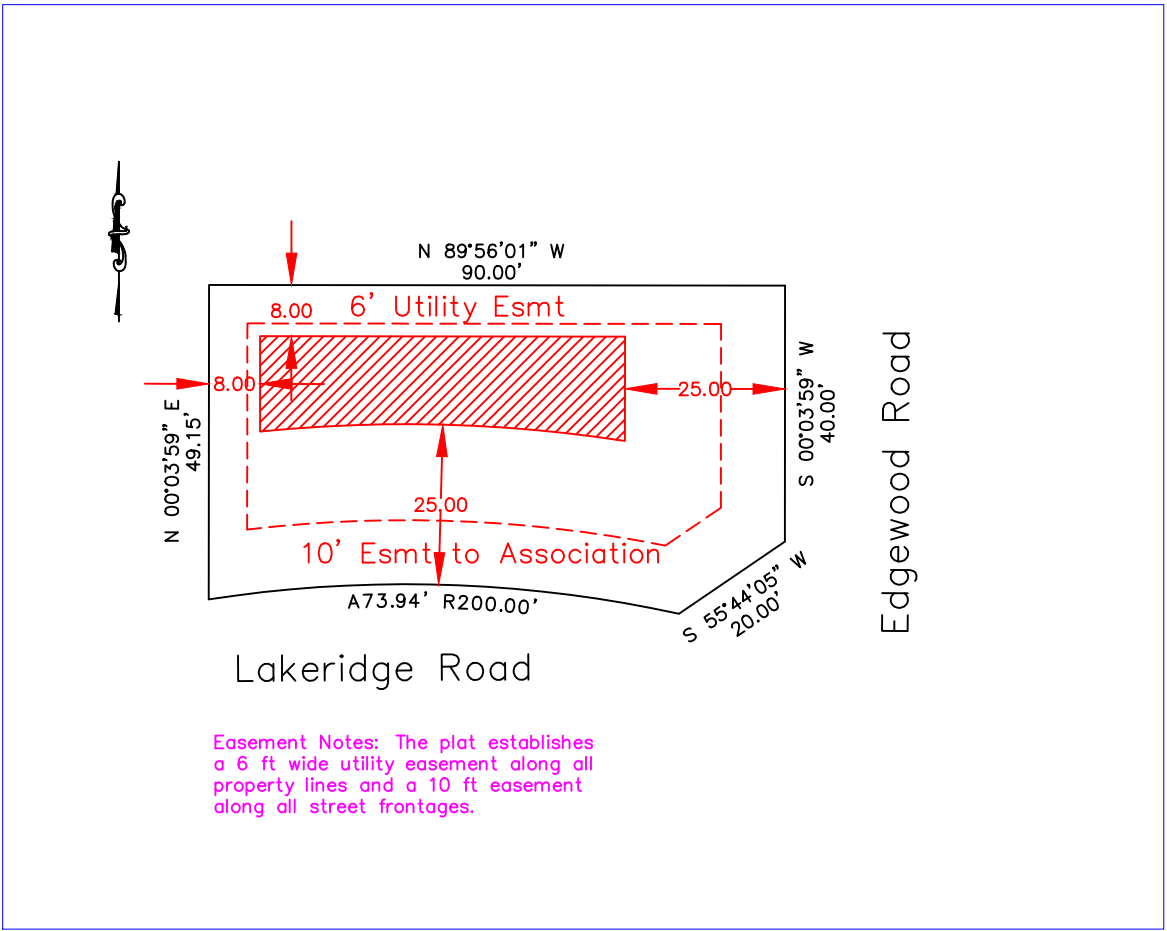
①

 $1'' = 10'-0''$

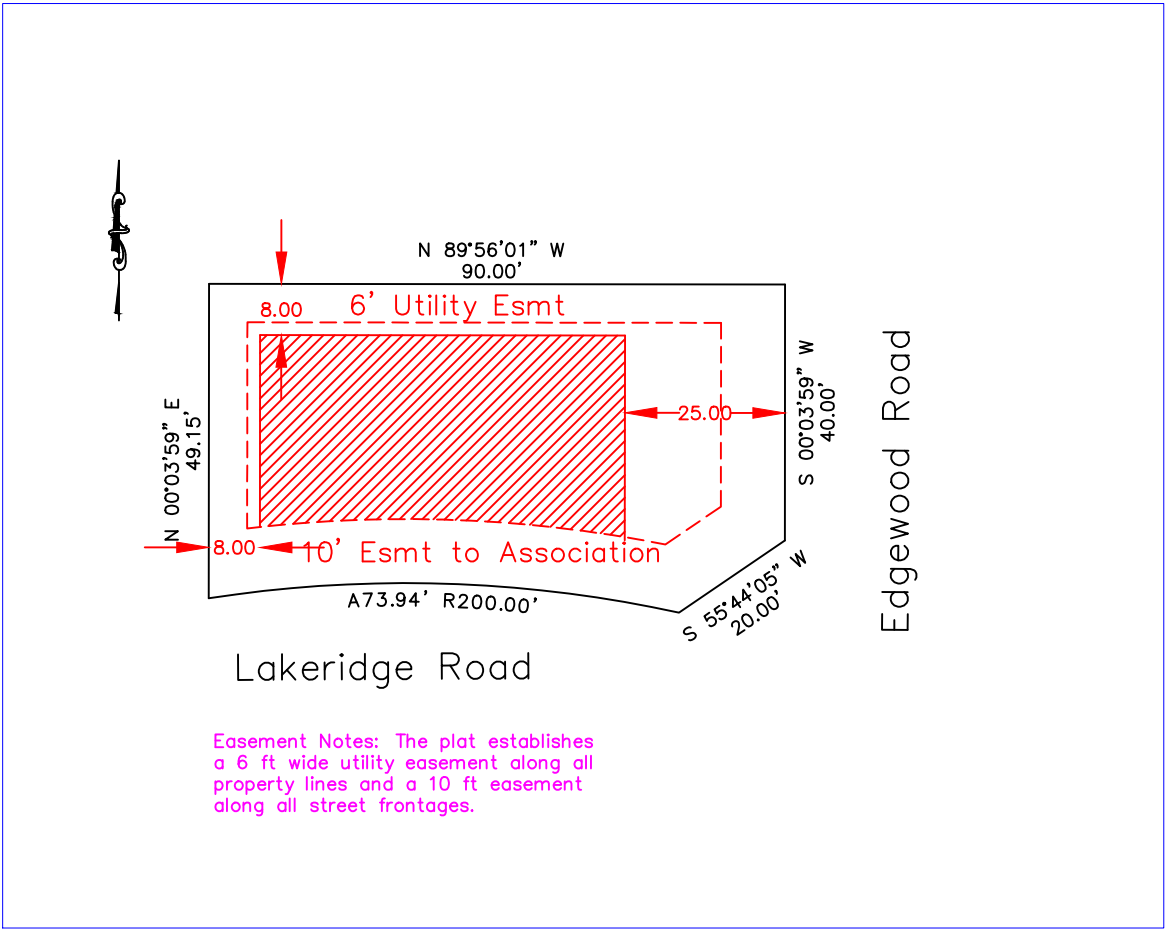




Buildable Area based on original plat



Buildable Area based on current zoning requirements



Buildable Area based on Variance request

Eaglehead  
Pinhurst  
Sectopn VI Plat 2  
Courts of Pinehurst  
Lot 579  
6586 Edgewood Rd

**B & R**  
DESIGN GROUP  
CIVIL ENGINEERS ◀ PLANNERS ◀ SURVEYORS  
300 West Patrick Street Frederick, Maryland 21701  
Phone: 301-668-0505 • INFO@BANDRDESIGN.COM

SCALE: 1" = 30'

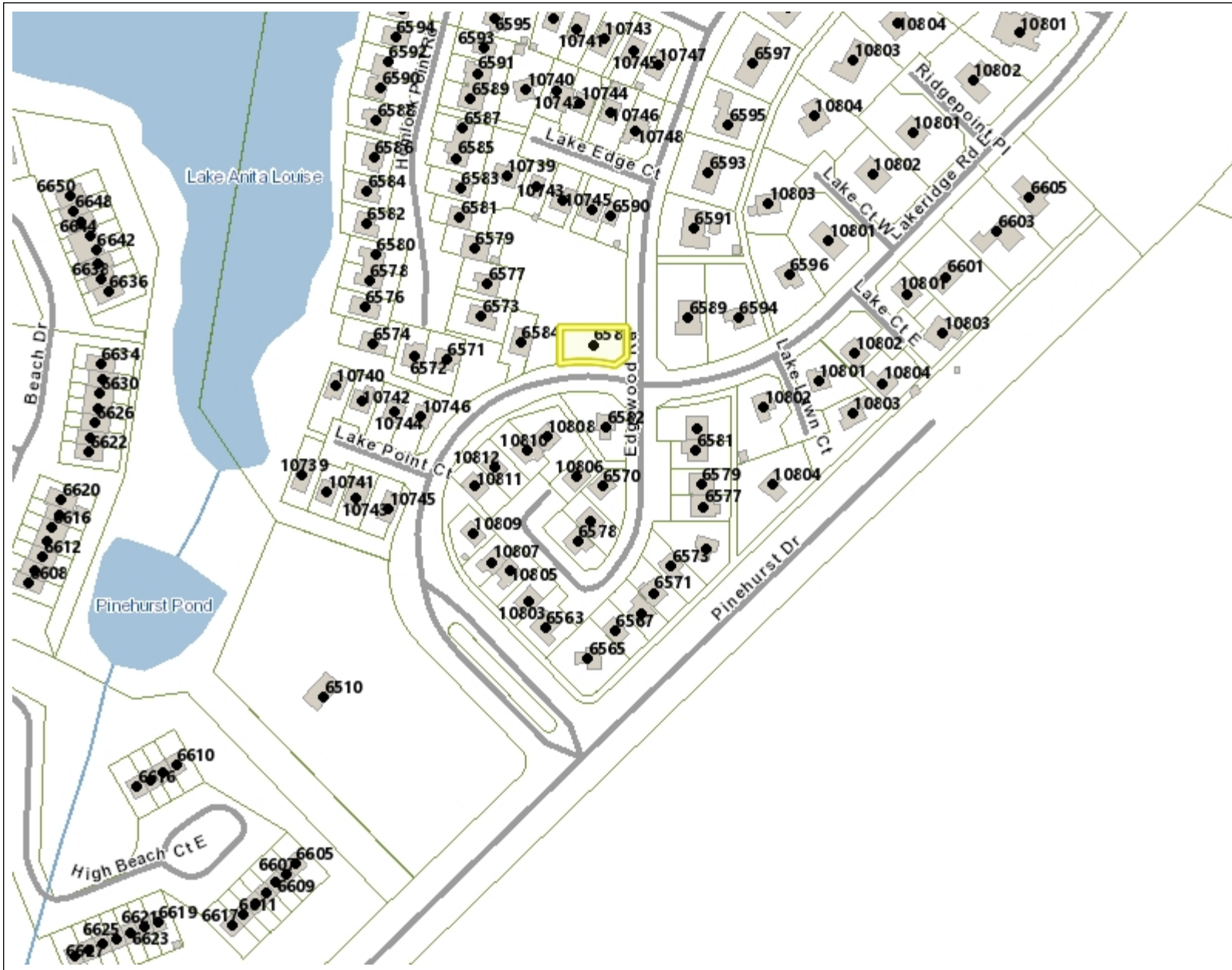
AUGUST-2023

JOB No. 22-112





## Location of Lot



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

400.0 0 200.00 400.0 Feet

1:2,400



8/11/2023

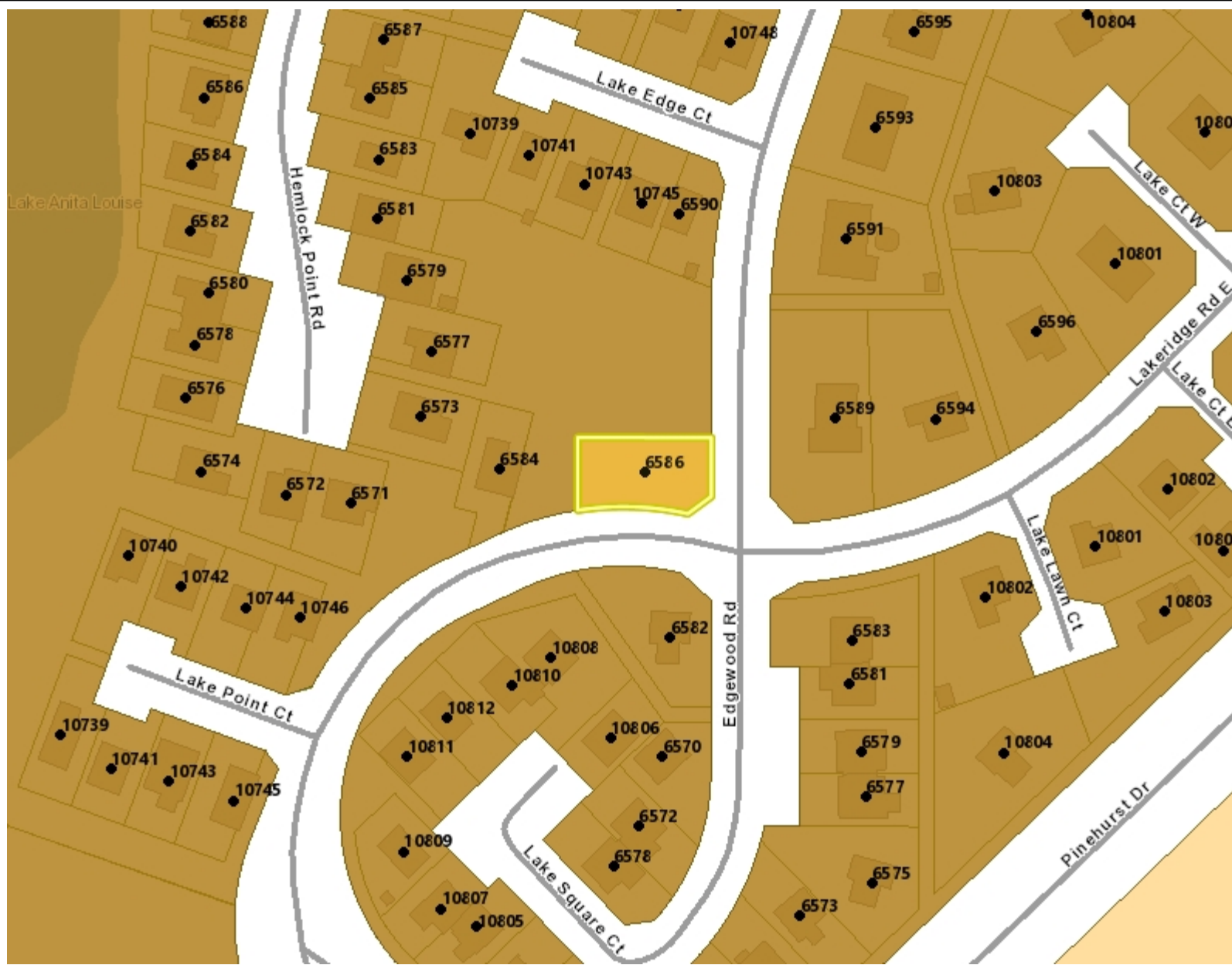
NAD\_1983\_StatePlane\_Maryland\_FIPS\_1900\_Feet

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# Edgewood Road Sewer Service - S3



## Frederick County Sewer Service Area

- S-1
- S-3
- S-4
- S-5
- Multi-Use
- Planned Service
- No Planned Service

## Frederick City Sewer Service Area

- S-1
- S-3
- S-4
- S-5
- Multi-Use
- Planned Service
- No Planned Service

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

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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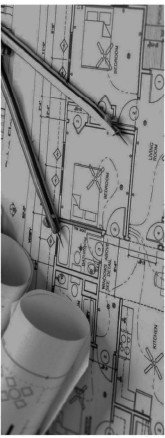


6586 EDGEWOOD ROAD  
NEW MARKET, MD

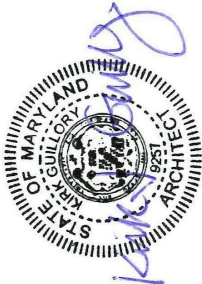
CONSTRUCT NEW 2,907 SF SINGLE FAMILY RESIDENCE, INCLUDING LIVING SPACES, 2-CAR GARAGE AND FRONT PORCH, STRUCTURAL FRAMING, TO BE DIMENSIONAL WOOD FRAMING WITH PRE-ENGINEERED FLOOR JOISTS. RESIDENCE IS 2 STORIES HIGH WITH CRAWL SPACE BELOW LIVING AREAS AND SLAB-ON-GRADE GARAGE. CONSTRUCTION INCLUDES NATURAL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

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

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 ICC INTERNATIONAL ENERGY CONSERVATION CODE



**ARCHITECT**  
G-Force Consulting, LLC  
9481 Gorman Road  
Laurel, MD 20723  
301-377-2912

[illegible]

# NEW SINGLE FAMILY HOME

6586 EDGEWOOD ROAD  
NEW MARKET, MD 21774

# COVER SHEET and SITE PLAN

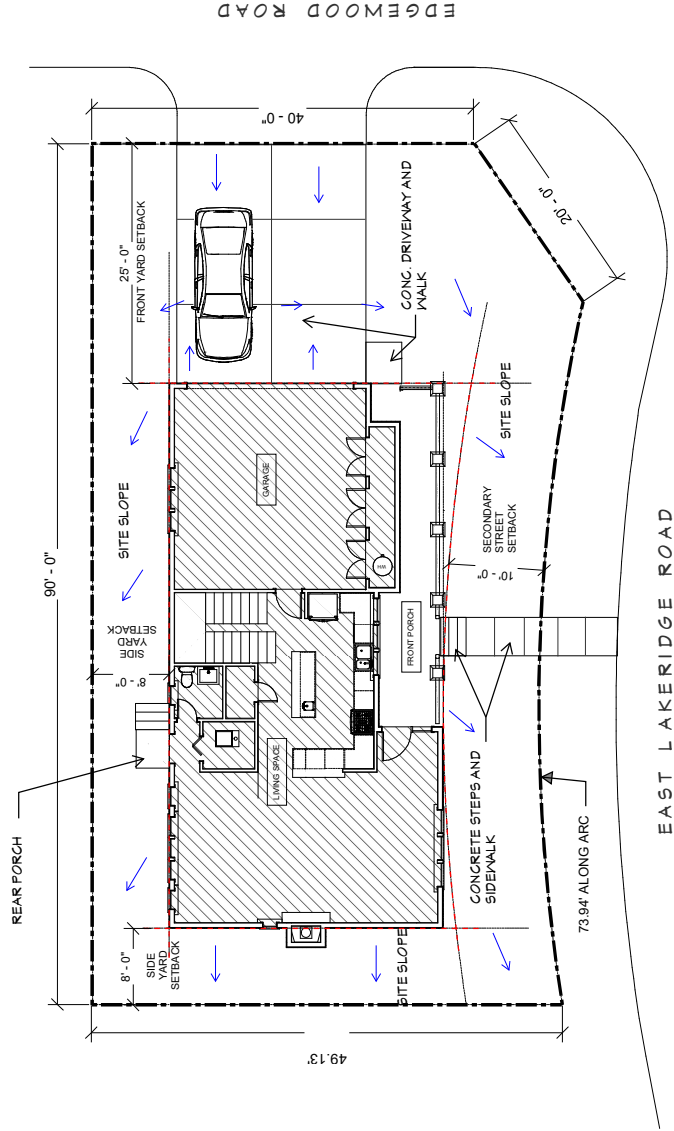
Project Number	
Date	March 31, 2021
Drawn By	BWH
Checked By	KJG

GOO1

Scale



VIEW FROM SOUTHEAST



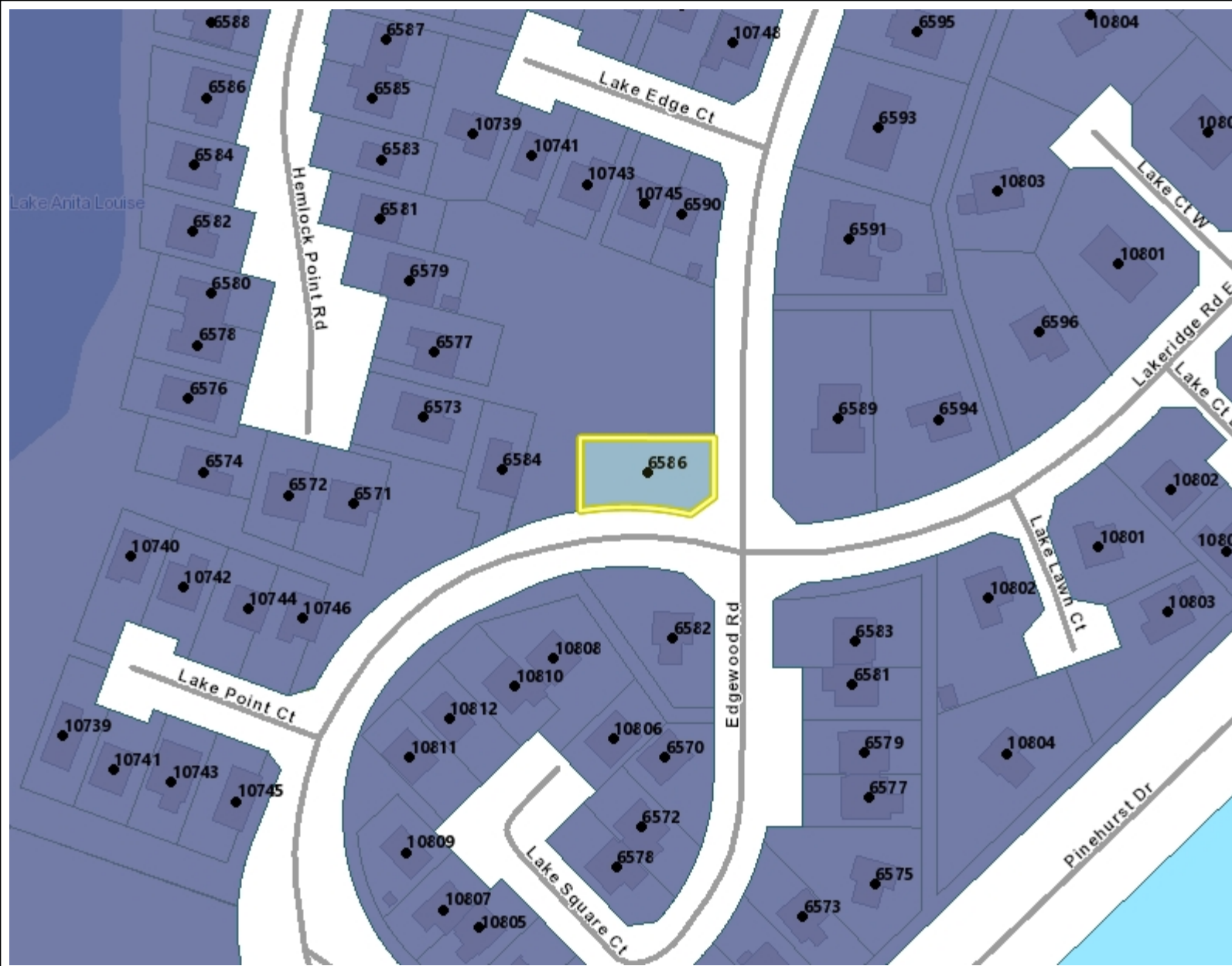
## ARCHITECTURAL SITE PLAN

 $1'' = 10^{-6}''$





# Water Service - W3



## Frederick County Water Service Area

- W-1
- W-3
- W-4
- W-5
- Multi-Use
- Existing Reservoir
- Planned Reservoir
- Planned Service
- No Planned Service

## Frederick City Water Service Area

- W-1
- W-3
- W-4
- W-5
- Multi-Use
- Existing Reservoir
- Planned Reservoir
- Planned Service
- No Planned Service

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

200.0 0 100.00 200.0 Feet

1:1,200



8/11/2023

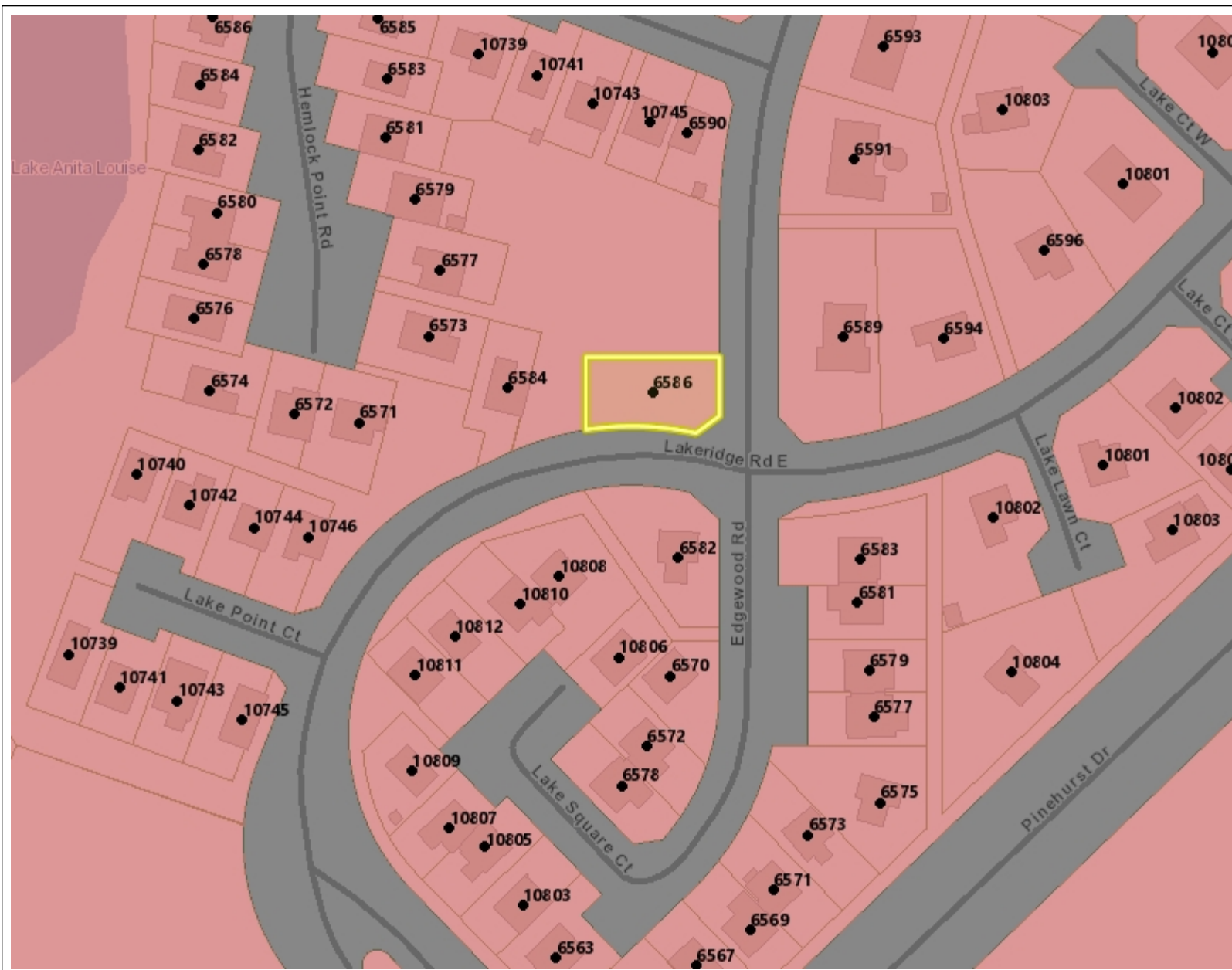
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Zoning - PUD



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
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1: 1,200



NAD\_1983\_StatePlane\_Maryland\_FIPS\_1900\_Feet

8/11/2023

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