



FREDERICK COUNTY BOARD OF APPEALS

FEBRUARY 23, 2022

CASE NUMBER: **B-23-03 (B274972)**

REQUEST: Requesting the Board of Appeals to grant a variance in accordance with Section 1-19-4.220. of the Frederick County Zoning Ordinance, Nonconforming Structures. The Applicant is requesting a variance under 1-19-4.220.C to add approximately 40 square feet of second floor area above the non-conforming area of the existing building.

PROJECT INFORMATION:

ADDRESS/LOCATION: 255 Knoxville Rd, Knoxville, MD 21758
TAX MAP/PARCEL: Tax Map 91, Parcel 0093
ZONE: Low Density Residential (R1)
REGION: Brunswick
WATER/SEWER: W-1/S-1
COMP. PLAN/LAND USE: Low Density Residential

APPLICANT/REPRESENTATIVES:

APPLICANT: B & R Design Group
OWNER: Silva Laithon
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions in the staff report, Staff has no objection to the approval of this Application. The Applicant meets the standards and requirements contained in Sections 1-19-4.220(C). (Non-Conforming Structures), and 1-19-6.100 (Design Standards), of the Frederick County Zoning Code.

ATTACHMENTS:

- Exhibit #1: Property Aerial
- Exhibit #2: Variance Request Graphic
- Exhibit #3: Architectural Drawings-Before and After
- Exhibit #4: Comprehensive Plan designation
- Exhibit #5: Environmental Features
- Exhibit #6: Zoning Map
- Exhibit #7: B&R Design Elevation Certificate 255 Knoxville Rd

Background

The required setbacks for this Low Density Residential (R1) zoned property are front – 40' (along Knoxville Rd), side – 10', rear – 30' (along the railroad tracks).

This Application is a result of work that has already been completed without permits or approvals. The Applicant proposes to remove the shed roof of the rear portion of the building that contains the laundry, bathroom and living room areas, (See Exhibit #3) and construct a second story for a master bedroom suite and an additional bathroom for the two existing bedrooms.

Due to the R1 zoning district setback restrictions, the Applicant cannot add a portion of the second story due the orientation of the building's rear wall that creates a 13-foot section of the wall and roof to be non-conforming. ***Therefore, the Applicant is requesting a variance under 1-19-4. 220.C to add approximately 40 square feet of second floor area above the non-conforming area of the existing building based on the Boundary / Elevation Survey prepared by All Land LLC and dated November 20, 2020. (Exhibit #2: Variance Request Graphic)***

In accordance with the 2007 FEMA map panel 385 this property is shown to be in the FEMA 100-year floodplain. More recently FEMA has remapped the County's FEMA floodplain boundary based on LiDar technology which has significantly reduced the amount of FEMA floodplain throughout Frederick County. The new maps will not be officially adopted until August of 2023. During the interim, a property owner has the right to contract with a licensed surveyor and conduct a more specific Floodplain study on their property. The Applicant has worked with B&R Design Group on the attached Elevation Certificate (See Exhibit #7), which removes the structure from the FEMA floodplain boundaries.

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 states that they understand this 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 that they were directed to zoning staff who confirmed that a variance would be needed in order to approve any building permits for this site.

(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:

(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 residence is a non-conforming structure and that 95% of the structure is located within the rear building setback. The building was also constructed in 1910, prior to 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 Applicant as the building was constructed in 1910, prior to the zoning requirements.

(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 expand the structure upward and attach the expansion to the existing house where the stairs to the second floor are located. Most homes enjoy the ability to expand.

(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 states that the granting of this variance would not confer any special privilege on him.

(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 will not be 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 they understand 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 they understand this requirement and have not asked for a use not allowed or prohibited under the terms of the Frederick County Code.

(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.

Section 1-19-4.220. (C) of the Frederick County Zoning Ordinance applies to this case.

(C) The Board of Appeals may grant a variance to expand a nonconforming portion of an existing nonconforming structure only if the proposed expansion does not:

- (1) Increase the original footprint of the nonconforming portion of the structure.
- (2) Extend farther into the required setback(s) than the existing nonconforming portion(s) of the nonconforming structure; or
- (3) Include the construction of a nonconforming porch, enclosure of an existing nonconforming porch, or the addition of stories on top of a nonconforming porch.

*** Staff notes that this Application complies with the above regulations. Per Exhibit #2, there is a small non-conforming roof area approximately 40 sq ft.**

(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 they understand this requirement.

§ 1-19-4.220. NONCONFORMING STRUCTURES.

(A) A nonconforming structure is a structure lawfully existing January 24, 1977, or on the effective date of an amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) The nonconforming portion of a nonconforming structure may be modified in accordance with the requirements of this chapter provided that the modification reduces the portion of the structure determined by the Zoning Administrator to be nonconforming, or if the modification meets the conditions set forth in subsection 1-19-4.220.(C) above.

The Applicant states that they understand this requirement.

(2) The nonconforming portion of a nonconforming structure may be modified in accordance with the requirements of this chapter provided that the modification reduces the portion of the structure determined by the Zoning Administrator to be nonconforming, or if the modification meets the conditions set forth in subsection (C) below.

The Applicant states that they understand this requirement.

- (a) Such structure once destroyed by any means will not be reconstructed unless:
- (b) It is in conformity with this chapter; or
- (c) The Board of Appeals grants a variance.

The Applicant states that they understand this requirement and they are seeking a variance in accordance with 1-19-4.220. C.

- (d) Such structure once moved, will thereafter conform to the regulations for the district to which it is moved.

The Applicant states that they understand this requirement.

- (e) This movement does not include minor shifting or settling of the structure from natural or accidental causes.

The Applicant states that they understand this requirement.

- (f) Except as specified below in subsection (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 states that they understand this requirement and are seeking variance relief in accordance with 1-19-4.220. C.

(C) The Board of Appeals may grant a variance to expand a nonconforming portion of an existing nonconforming structure only if the proposed expansion does not.

(3) Increase the original footprint of the nonconforming portion of the structure.

The Applicant states that they are seeking a variance to expand a nonconforming portion of an existing nonconforming structure but that the expansion does not increase the footprint because the 40 sq foot addition is vertical.

(4) Extend farther into the required setback(s) than the existing nonconforming portion(s) of the nonconforming structure; or.

The Applicant states that the expansion does not extend farther into the required setback than the existing nonconforming portions of the nonconforming structure.

(3) Include the construction of a nonconforming porch, enclosure of an existing nonconforming porch, or the addition of stories on top of a nonconforming porch.

The Applicant states that they understand this requirement. The proposal does not include the construction of a porch, or the addition of stories on top of a non-conforming porch.

RECOMMENDATION

Based on the findings and conclusions in the staff report, Staff finds that the proposed variance under 1-19-4. 220.C to add approximately 40 square feet of second floor area above the non-conforming area of the existing building based on the Boundary / Elevation Survey prepared by All Land LLC and dated November 20, 2020 meets the requirements of Section 1-19-4.220(C). and 1-19-6.100 (Design Standards), of the Frederick County Zoning Code.

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.

Exhibit #1: Property Aerial



Exhibit #2: Variance Request Graphic

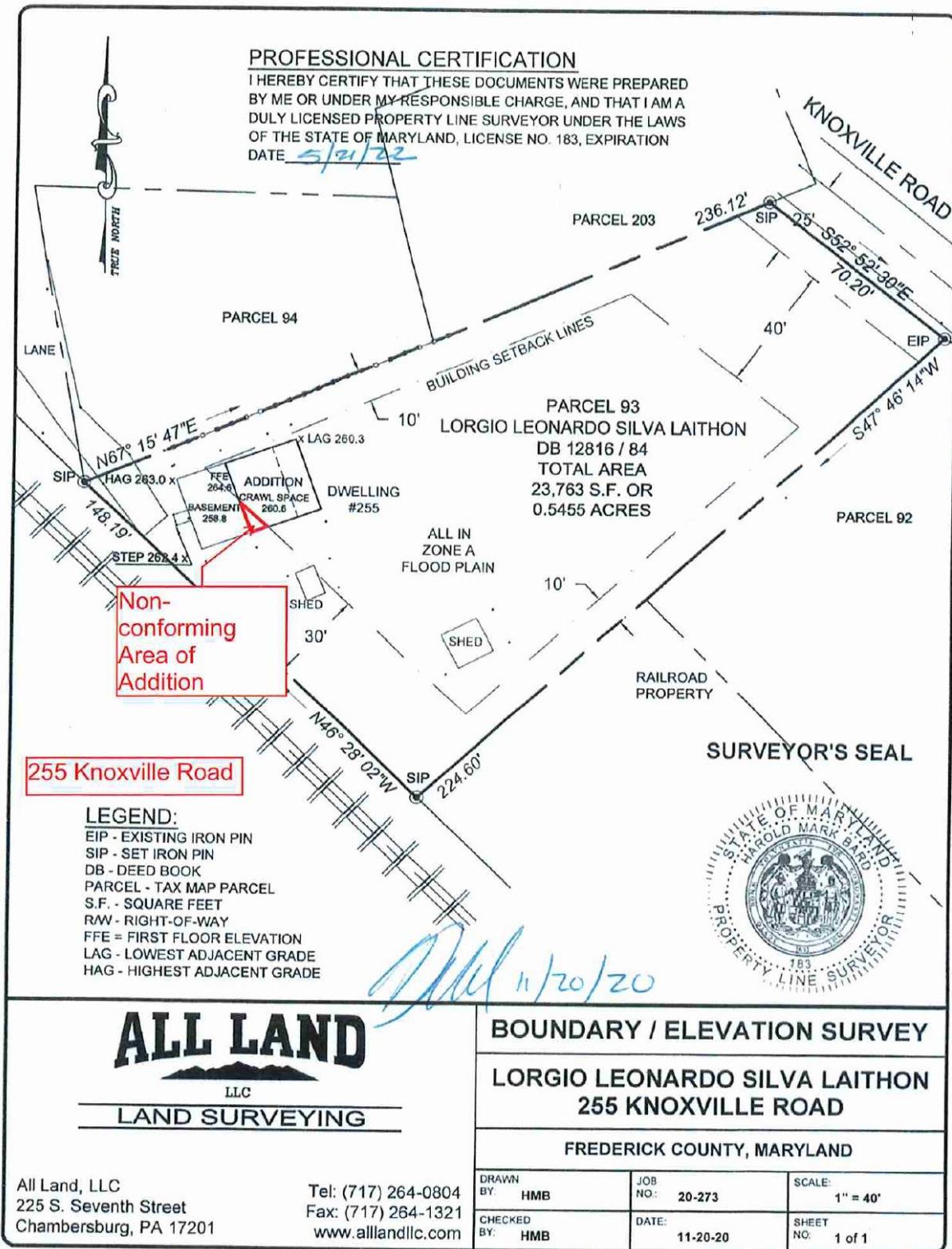


Exhibit 3 Architectural Drawings-Existing and Proposed



Exhibit 4: Comprehensive Plan

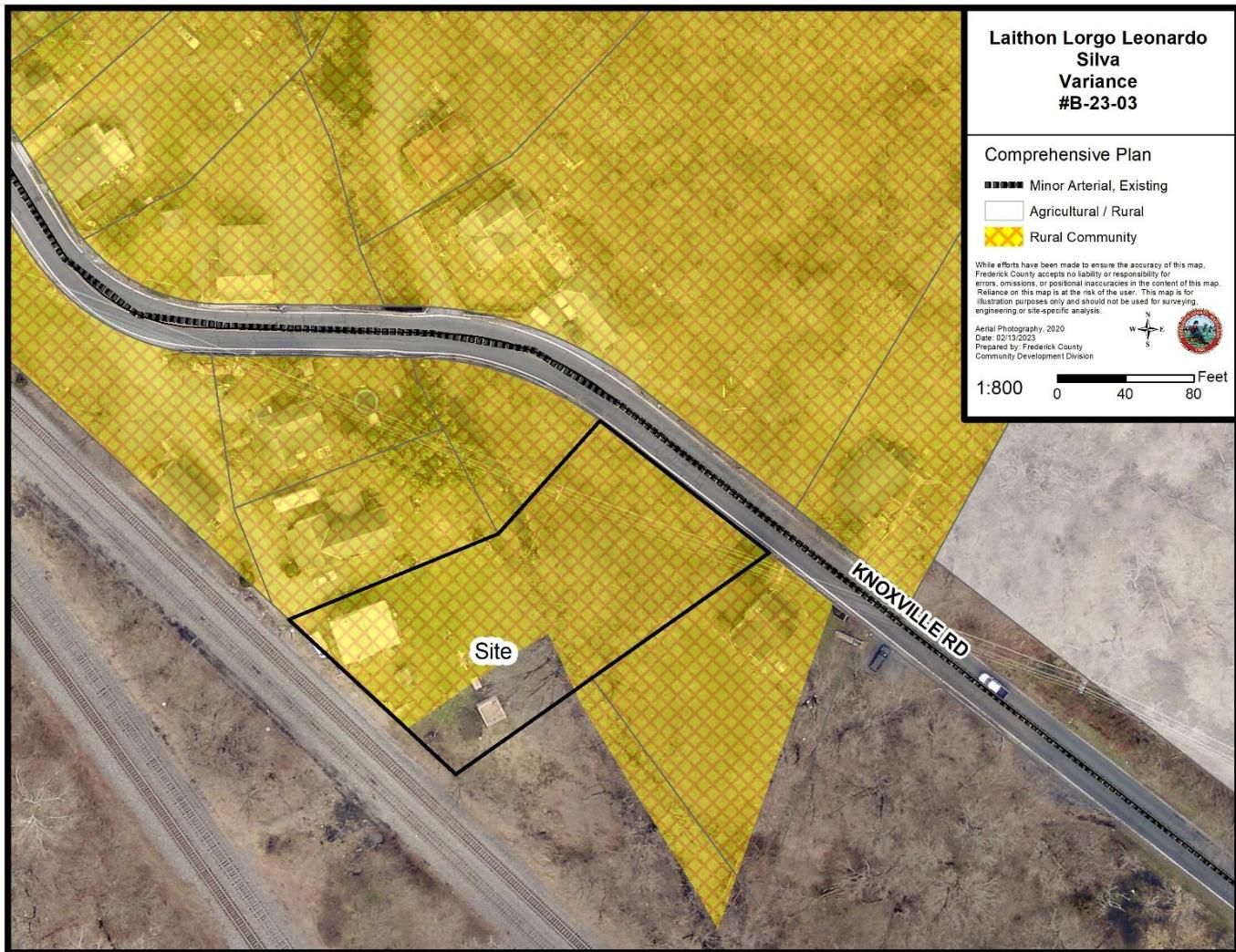


Exhibit 5: Environmental

*Please see background above and Exhibit #7 for the Elevation Certificate removing this property from the FEMA floodplain in accordance with the updated FEMA Floodplain maps.

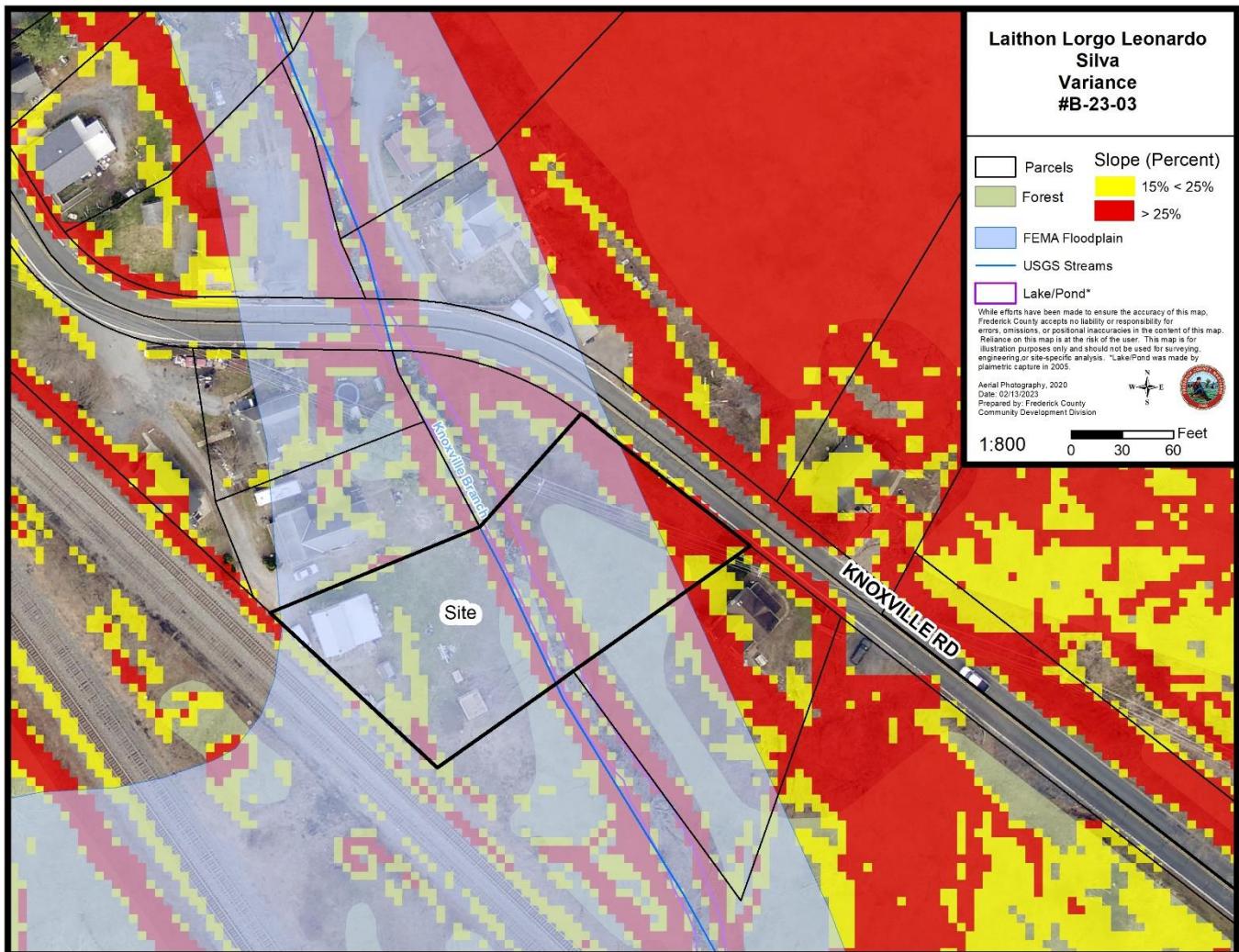


Exhibit 6: Zoning

*Please note this site is entirely zoned R1 Residential. The RC designation overlap shows a slight incorrect shift in the zoning layer.

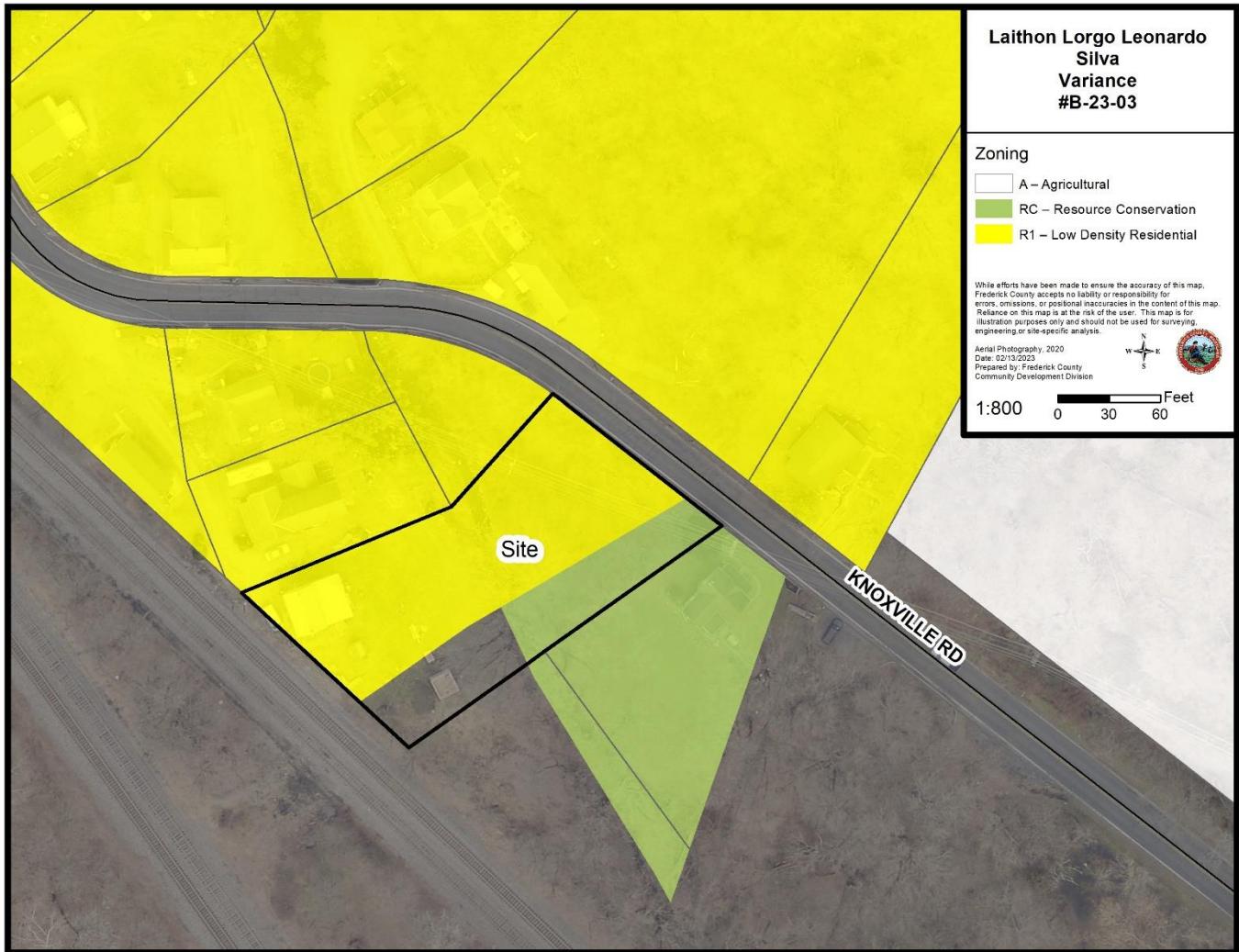


Exhibit #7: B&R Design Elevation Certificate 255 Knoxville Rd

U.S. DEPARTMENT OF HOMELAND SECURITY
 Federal Emergency Management Agency
 National Flood Insurance Program

OMB No. 1660-0008
 Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION		FOR INSURANCE COMPANY USE			
A1. Building Owner's Name LAITHON LORGIO LEONARDO SILVA		Policy Number:			
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD		Company NAIC Number:			
City KNOXVILLE	State Maryland	ZIP Code 21758			
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LT 1/2 AC S/S RT. 464 KNOXVILLE Tax ID 12-291647 Liber 12816 Folio 84					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL					
A5. Latitude/Longitude: Lat. 39.1928		Long. -77.3944			
Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number 2A					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) 800.00 sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 0					
c) Total net area of flood openings in A8.b 0.00 sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade sq ft					
c) Total net area of flood openings in A9.b sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Frederick County 240027		B2. County Name Frederick			
B3. State Maryland					
B4. Map/Panel Number 385	B5. Suffix D	B6. FIRM Index Date 09-19-2007	B7. FIRM Panel Effective/Revised Date 09-19-2007	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 259
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

EL E V E L A T I O N C E R T I F I C A T E

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: COUNTY MONUMENT "WHITE" Vertical Datum: 421.59

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source:

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	258.4	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
b) Top of the next higher floor	265.1	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)		<input type="checkbox"/> feet	<input type="checkbox"/> meters
d) Attached garage (top of slab)		<input type="checkbox"/> feet	<input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	258.4	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	259.8	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	263.0	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	259.8	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name Carl F. Thomas	License Number 411		
Title Property Line Surveyor			
Company Name B&R Design Group			
Address 300 West Patrick St.			
City Frederick	State Maryland		ZIP Code 21701
Signature 	Date 10-04-2021		Telephone (301) 668-0505
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.			
Comments (including type of equipment and location, per C2(e), if applicable) C2e - Water heater located in basement.			

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)			

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.

E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address	City	State	ZIP Code
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Signature	Date	Telephone
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Comments

Check here if attachments.

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD		Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758
SECTION G – COMMUNITY INFORMATION (OPTIONAL)		
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.		
G1. <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)		
G2. <input type="checkbox"/> A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.		
G3. <input type="checkbox"/> The following information (Items G4–G10) is provided for community floodplain management purposes.		
G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement		
G8. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____		
G9. BFE or (in Zone AO) depth of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____		
G10. Community's design flood elevation: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____		
Local Official's Name		Title
Community Name		Telephone
Signature		Date
Comments (including type of equipment and location, per C2(e), if applicable)		
<input type="checkbox"/> Check here if attachments.		

BUILDING PHOTOGRAPHS

ELEVATION CERTIFICATE

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD		Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758
Company NAIC Number		

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption Front & Left view of house

Clear Photo One

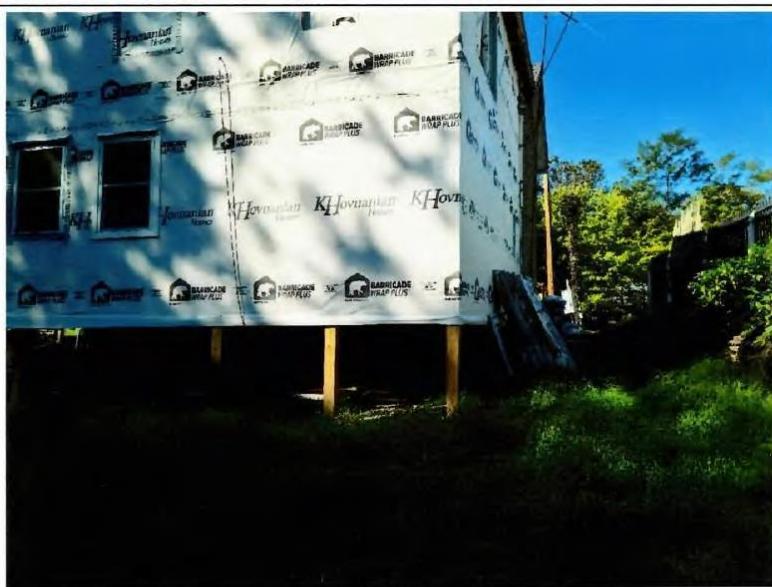


Photo Two

Photo Two Caption Left & Rear view of house

Clear Photo Two

ELEVATION CERTIFICATE**BUILDING PHOTOGRAPHS**

Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD		Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758
Company NAIC Number		

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption Rear & Right view of house

Clear Photo Three



Photo Four

Photo Four Caption Crawlspace entrance at left rear of house

Clear Photo Four



Frederick County,
Maryland

Property Explorer - 255 Knoxville Rd



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

100.2

0

50.08

100.2 Feet

12/7/2022

1: 601



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.

Adjoining Property Addresses

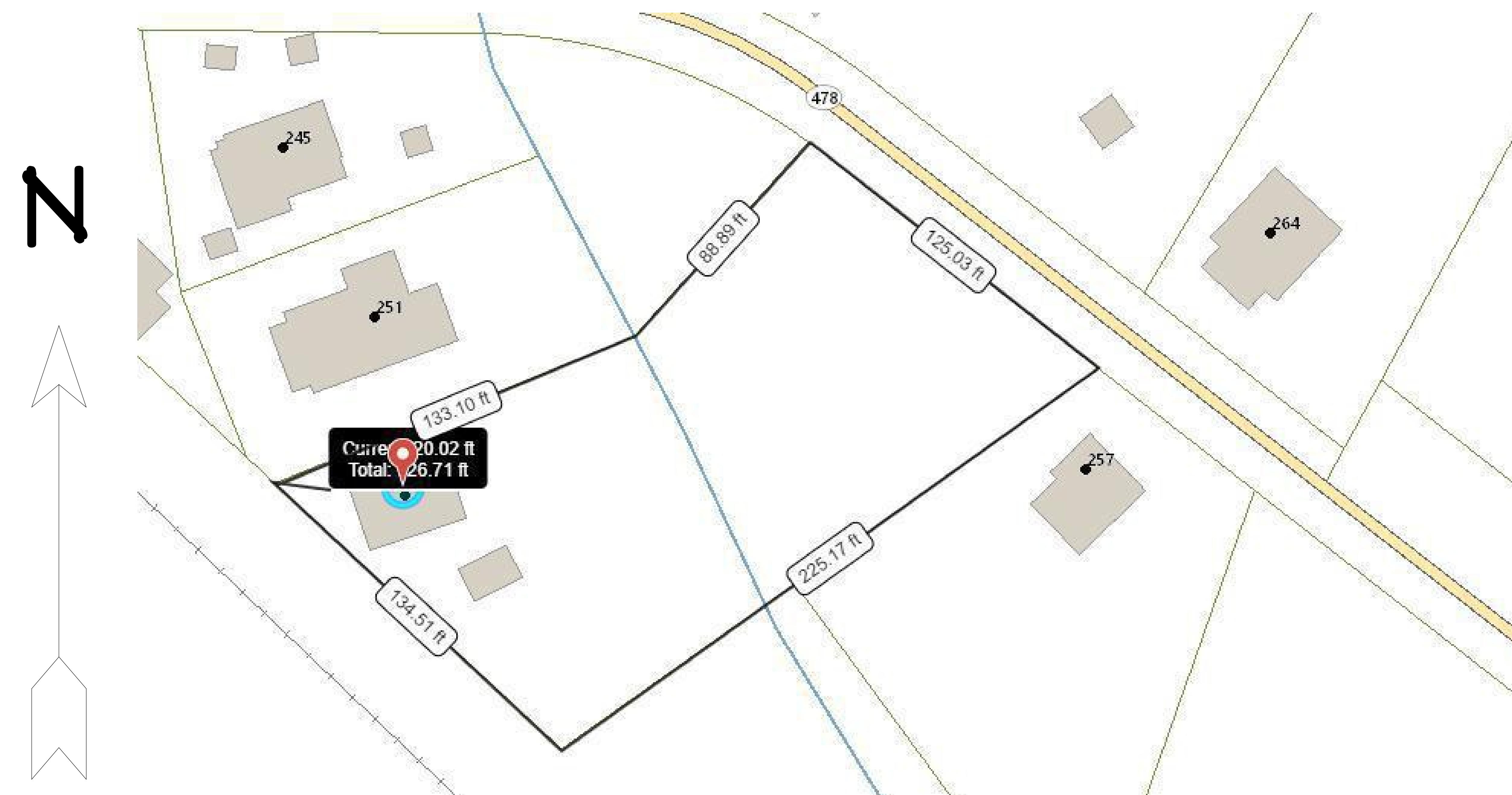
B-23-03

LAITHON LORGIO LEONARDO SILVA
255 Knoxville Road
Knoxville, MD 21758

LINTHICUM JOHN M
251 Knoxville Road
Knoxville, MD 21758

Kathryn and Kristofer Nichols
260 Knoxville Road
Knoxville, MD 21758

STITELY ROBERT L II & MARY
257 Knoxville Road
Knoxville, MD 21758



NUMBER	DATE	REVISION	TABLE

TWO STORY ADDITION
255 KNOXVILLE ROAD
KNOXVILLE, MD 21758

COUNTY PROVIDED
SITEMAP

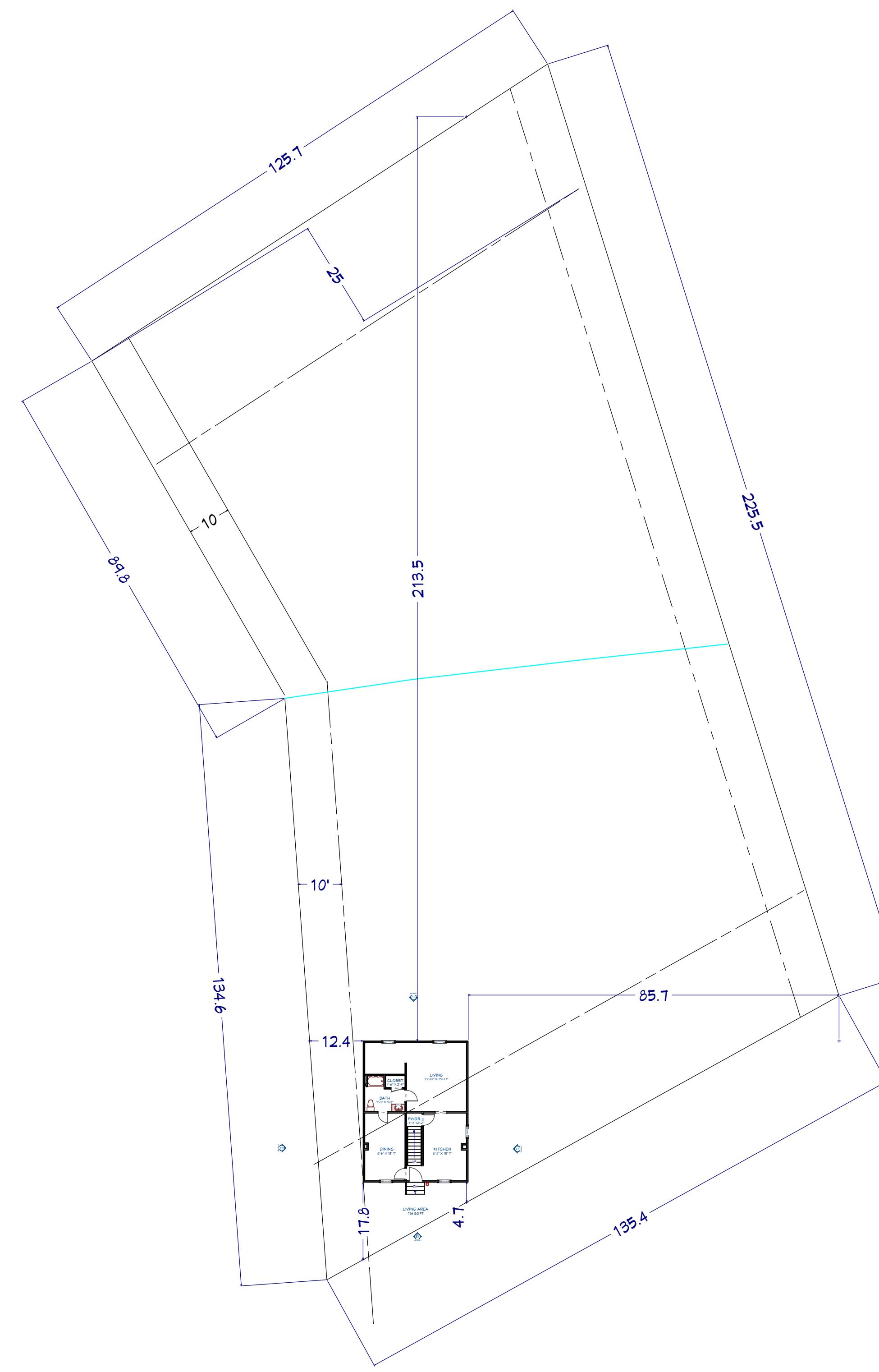
DRAWINGS PROVIDED BY:
Zoro Inc.
1100 2nd Place, SE 102
Washington, DC 20003
202-444-4006

DATE:
7/3/2020
SCALE:
1' = 20'
SHEET:
G-001

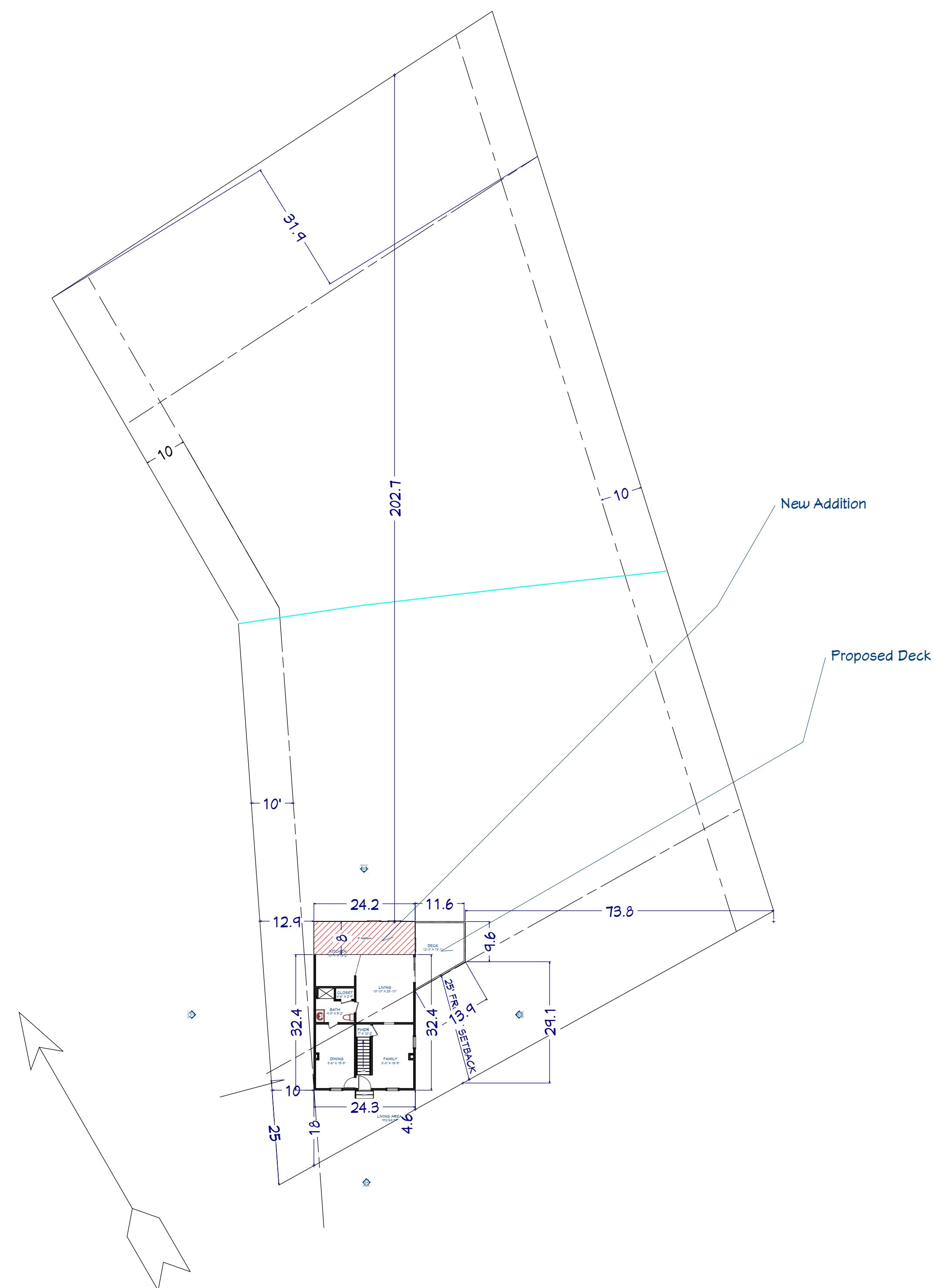
Property Owner: LAITHON LORGIO LEONARDO SILVA
SITE ADDRESS: 255 KNOXVILLE ROAD

KNOXVILLE, MD 21758

PROPERTY SIZE: .5 ACRES



Existing Siteplan



Proposed Siteplan

TWO STORY ADDITION

NUMBER	DATE	REVISION TABLE	REVISED BY
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SITEPLANS

PROVIDED BY:
Zorro Inc.
100 2nd Place, SE 102
Washington, DC 20003
202.999.9008

DATE:

SCALE:

$$1'' = 20'$$

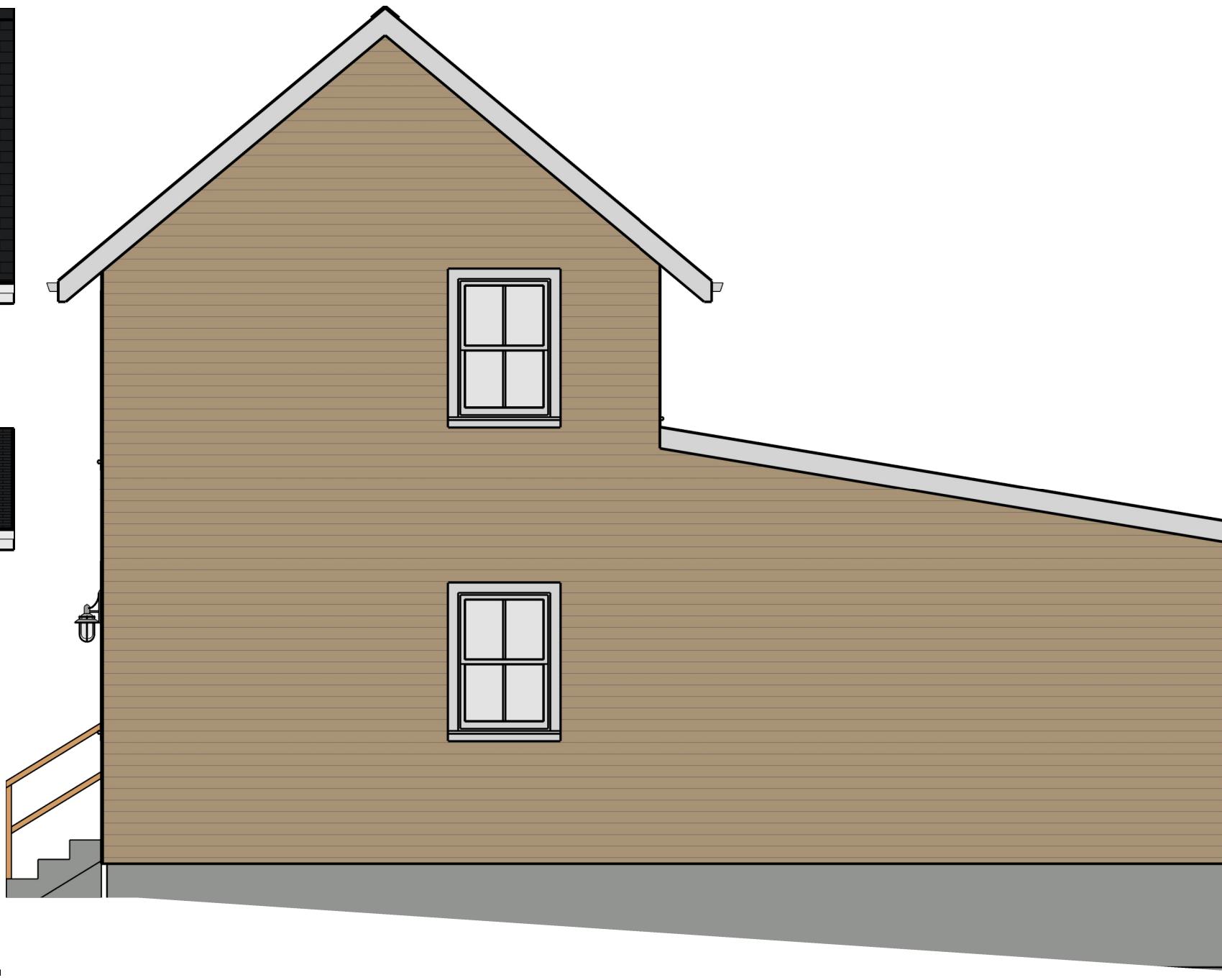
G-002



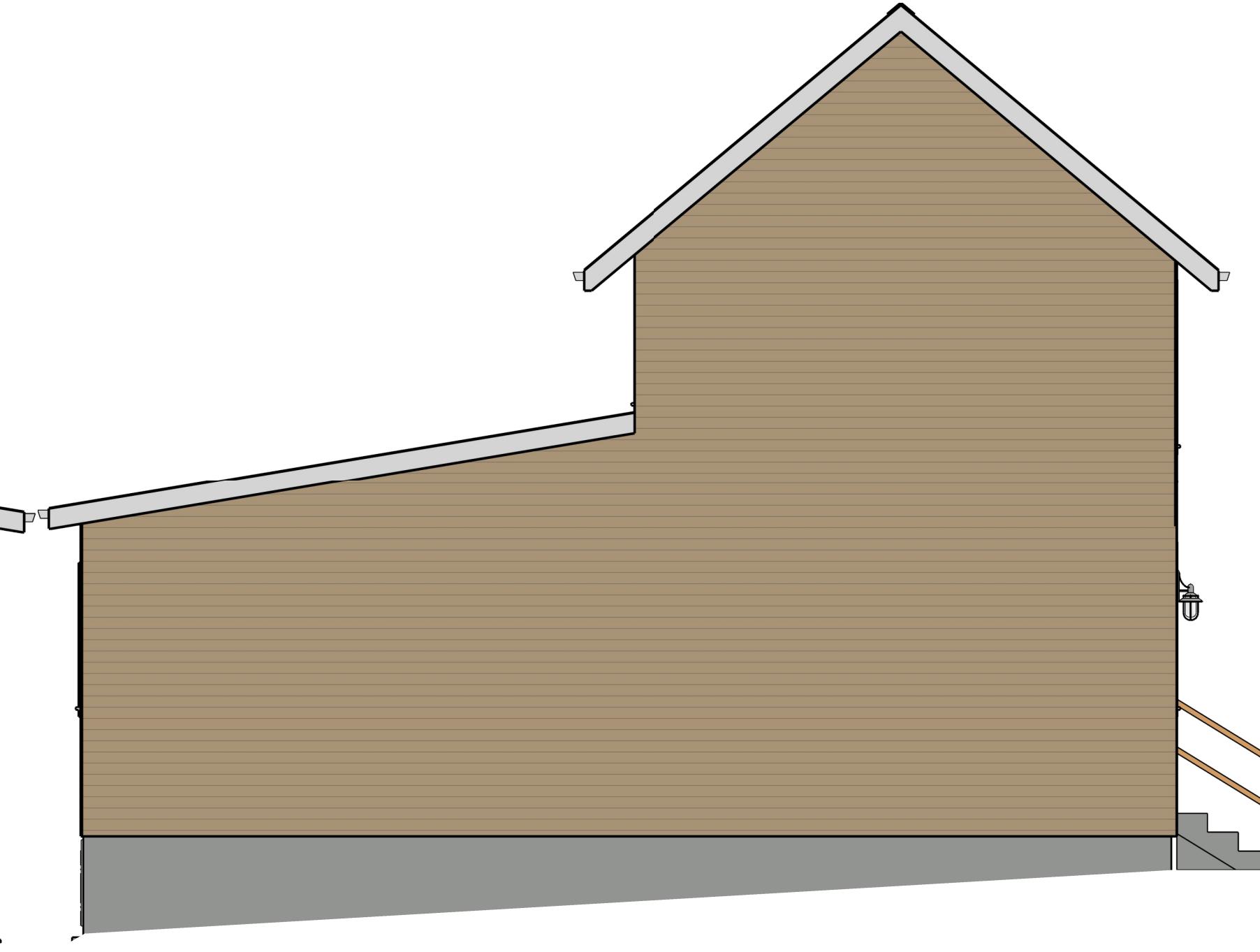
Southwest Elevation



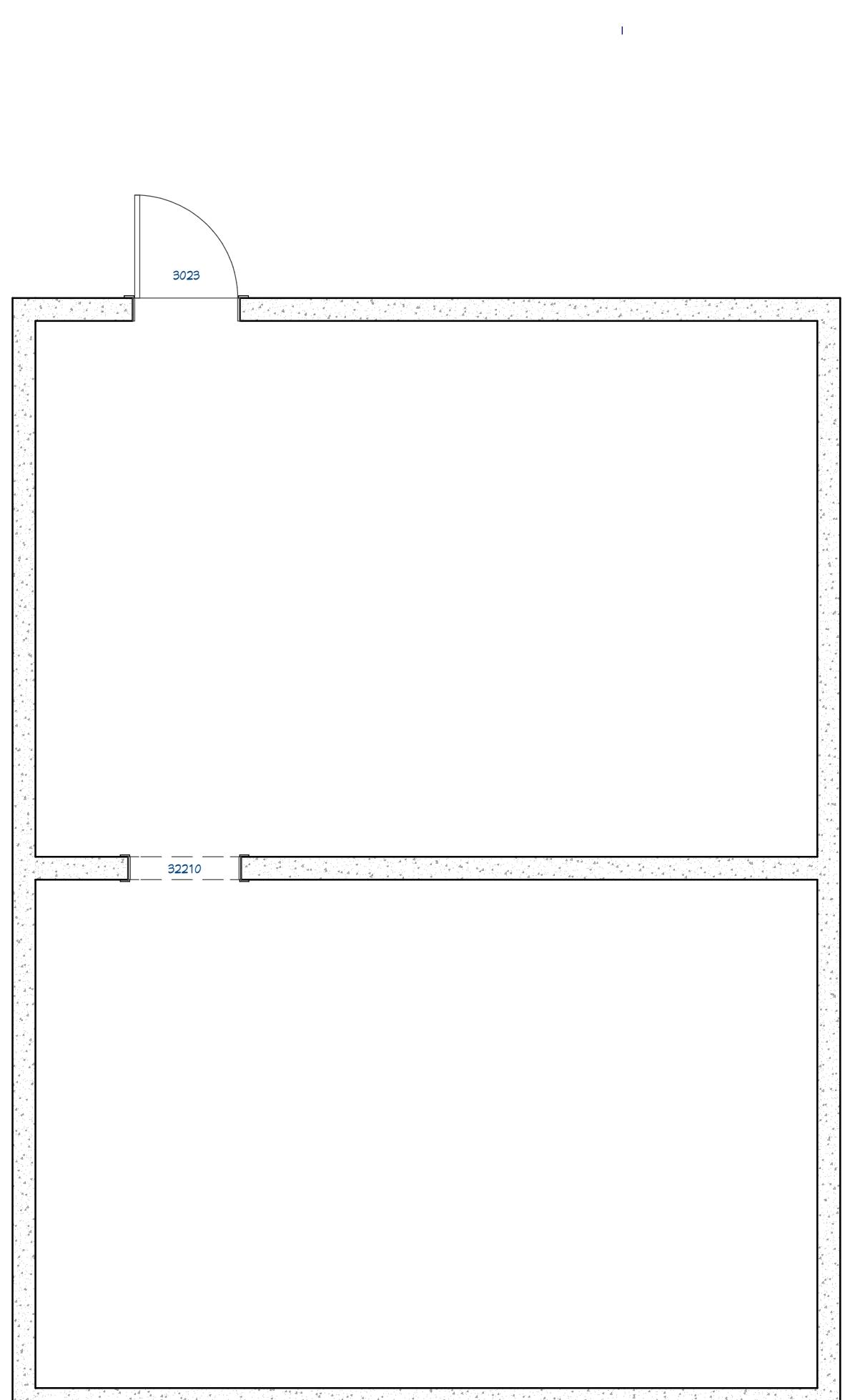
Northeast Elevation



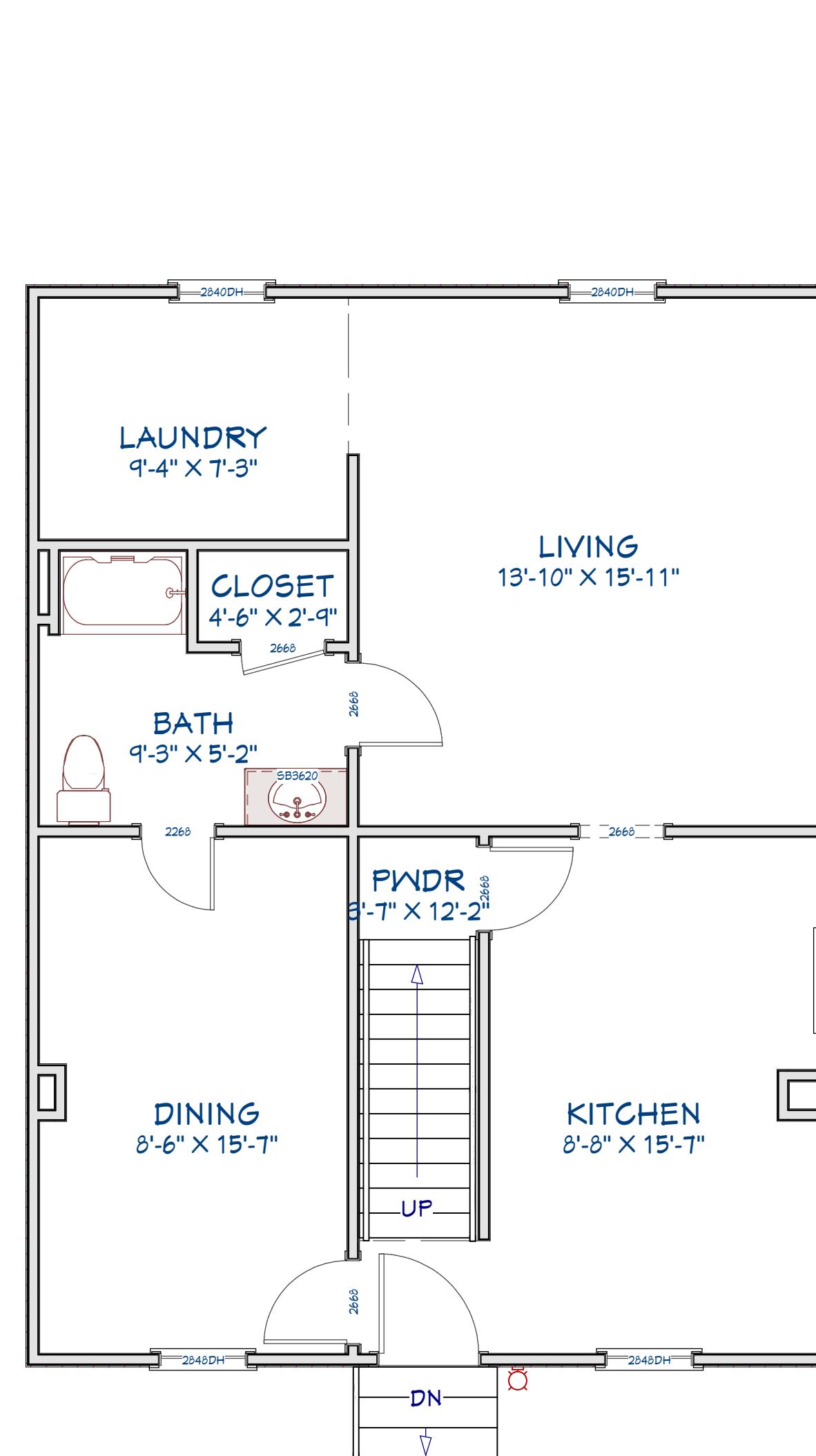
Southeast Elevation



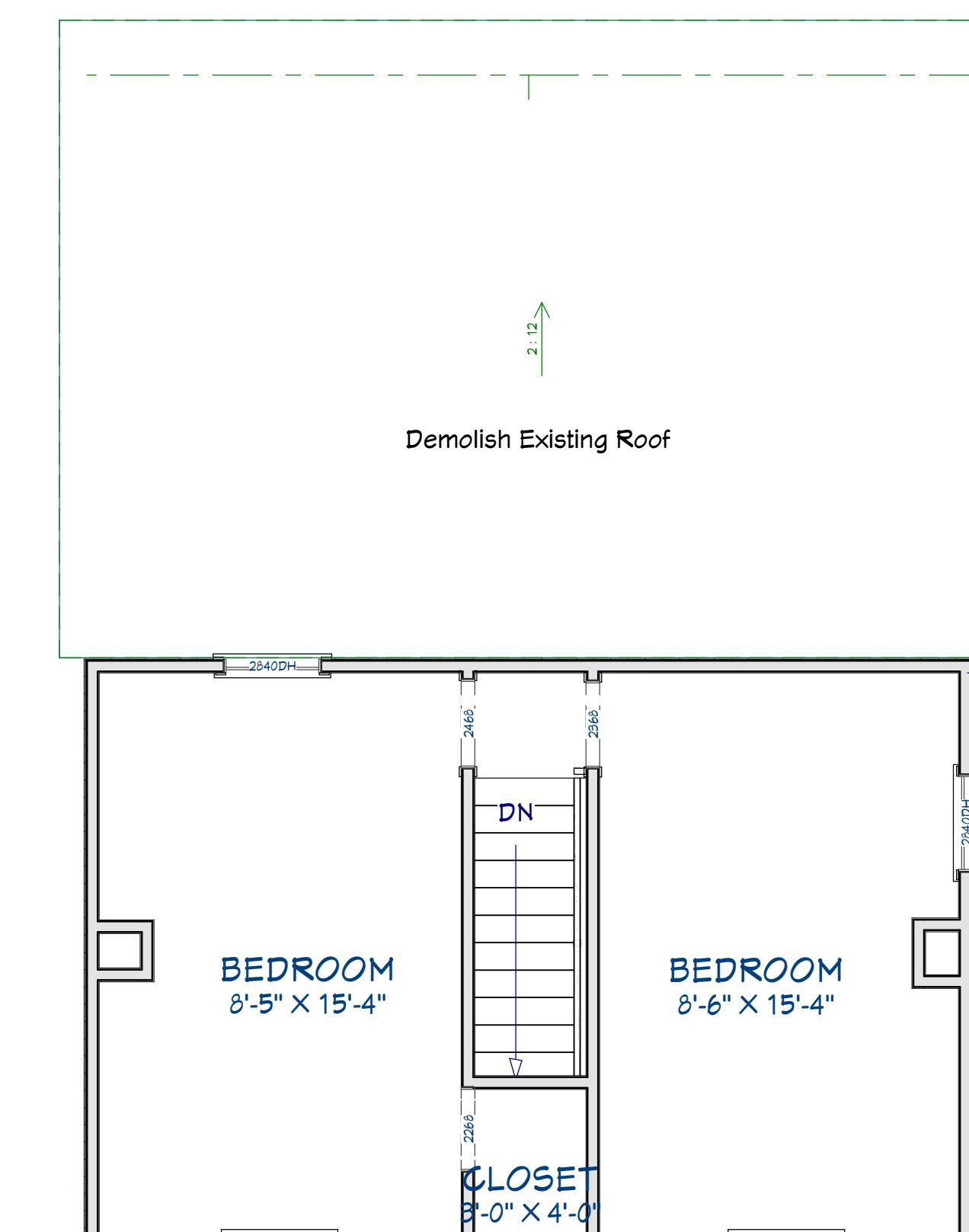
Northwest Elevation



Foundation



1st Floor



2nd Floor



Roof

EXISTING CONDITIONS

TWO STORY ADDITION REF ID: A111111

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

TWO STORY ADDITION SERIALS

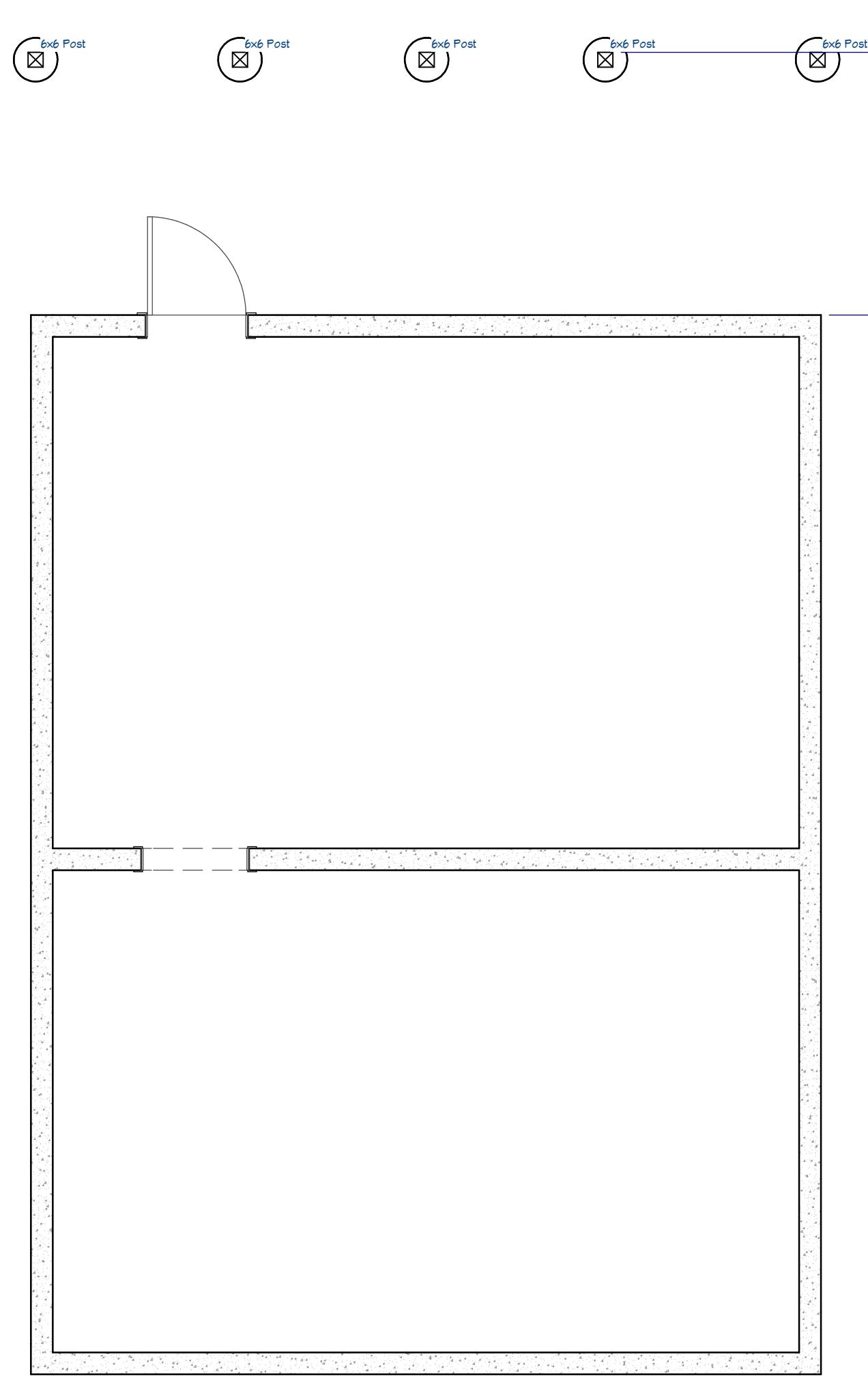
DRAWINGS PROVIDED BY: _____

DAT
7/3/

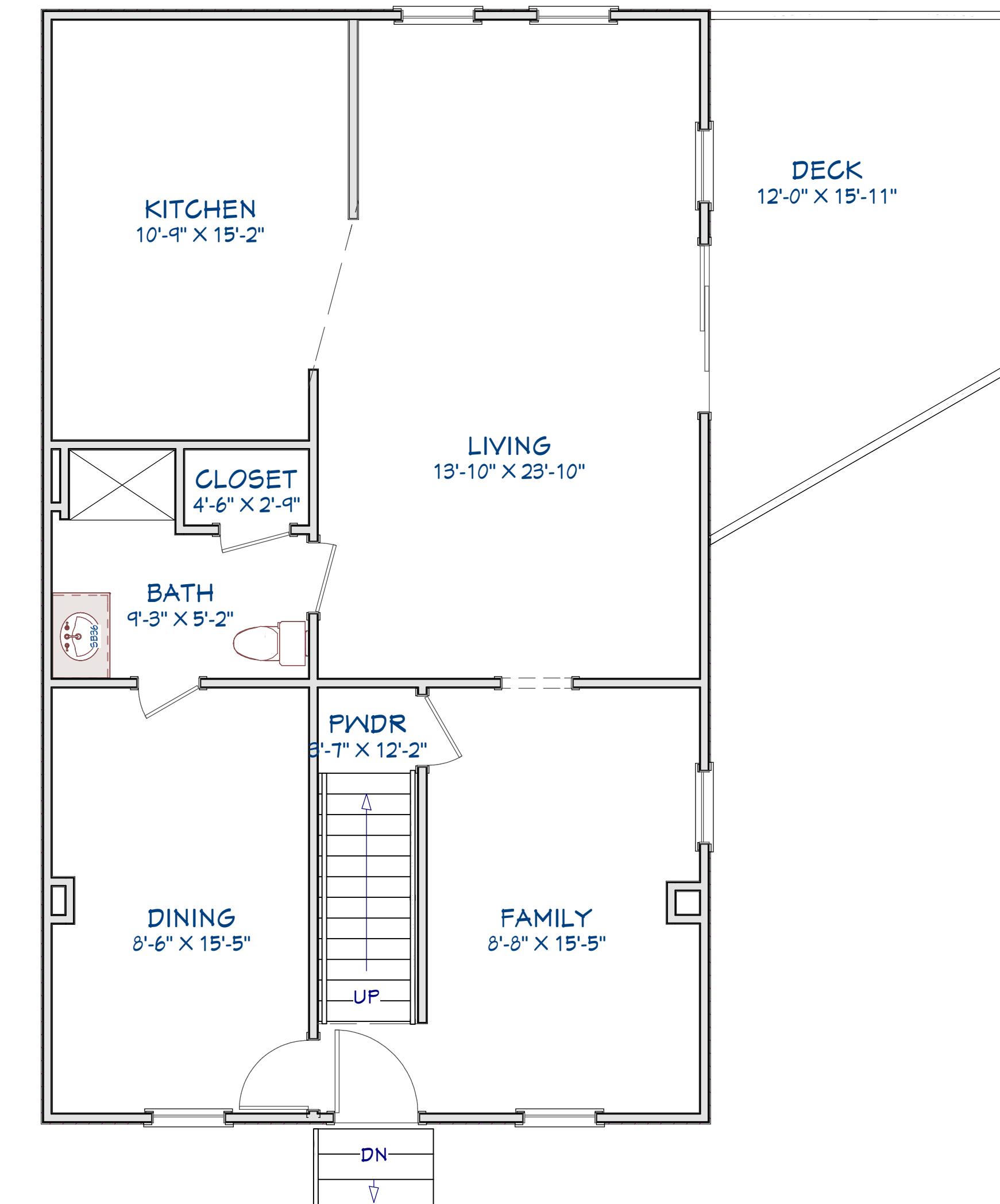
SCA

SHE

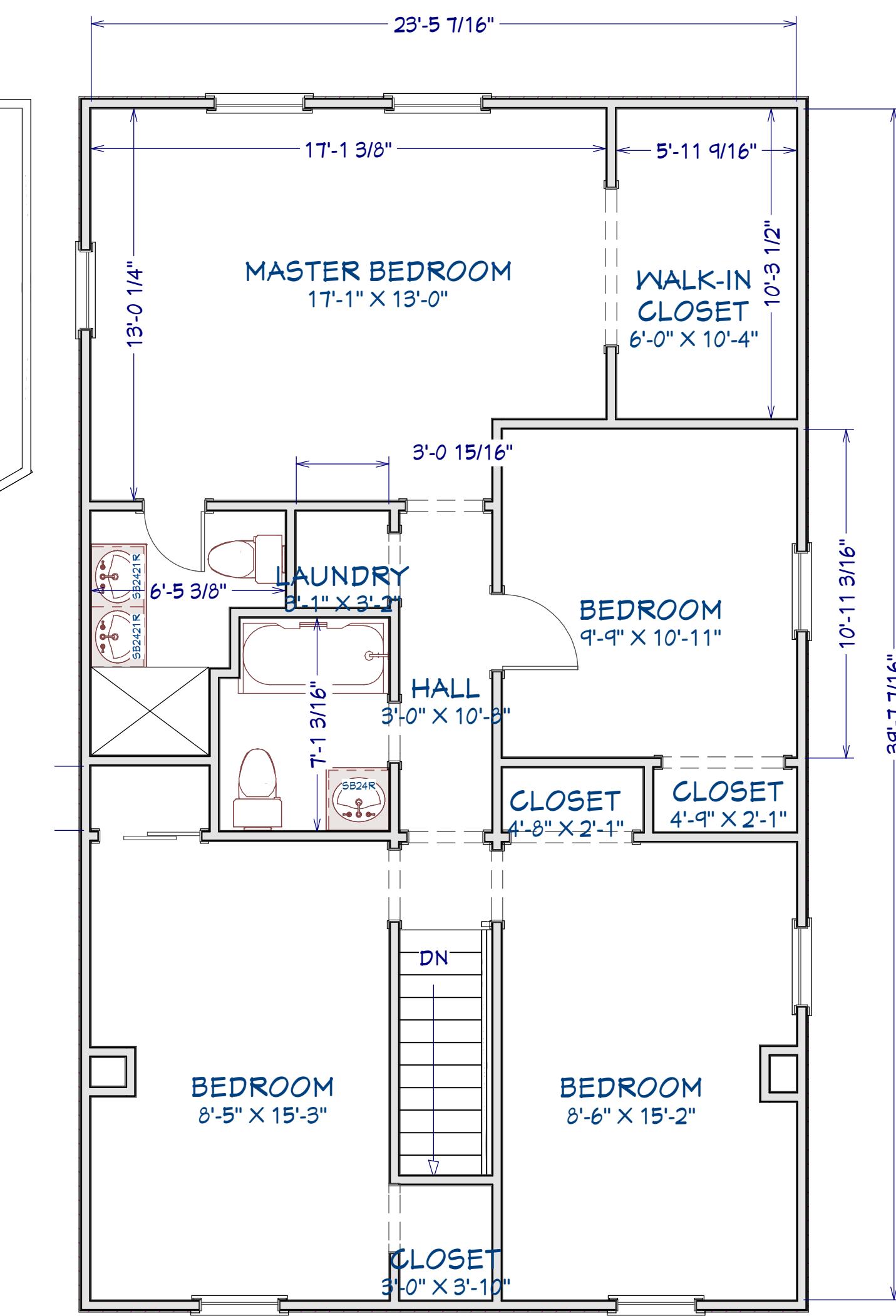
A-101



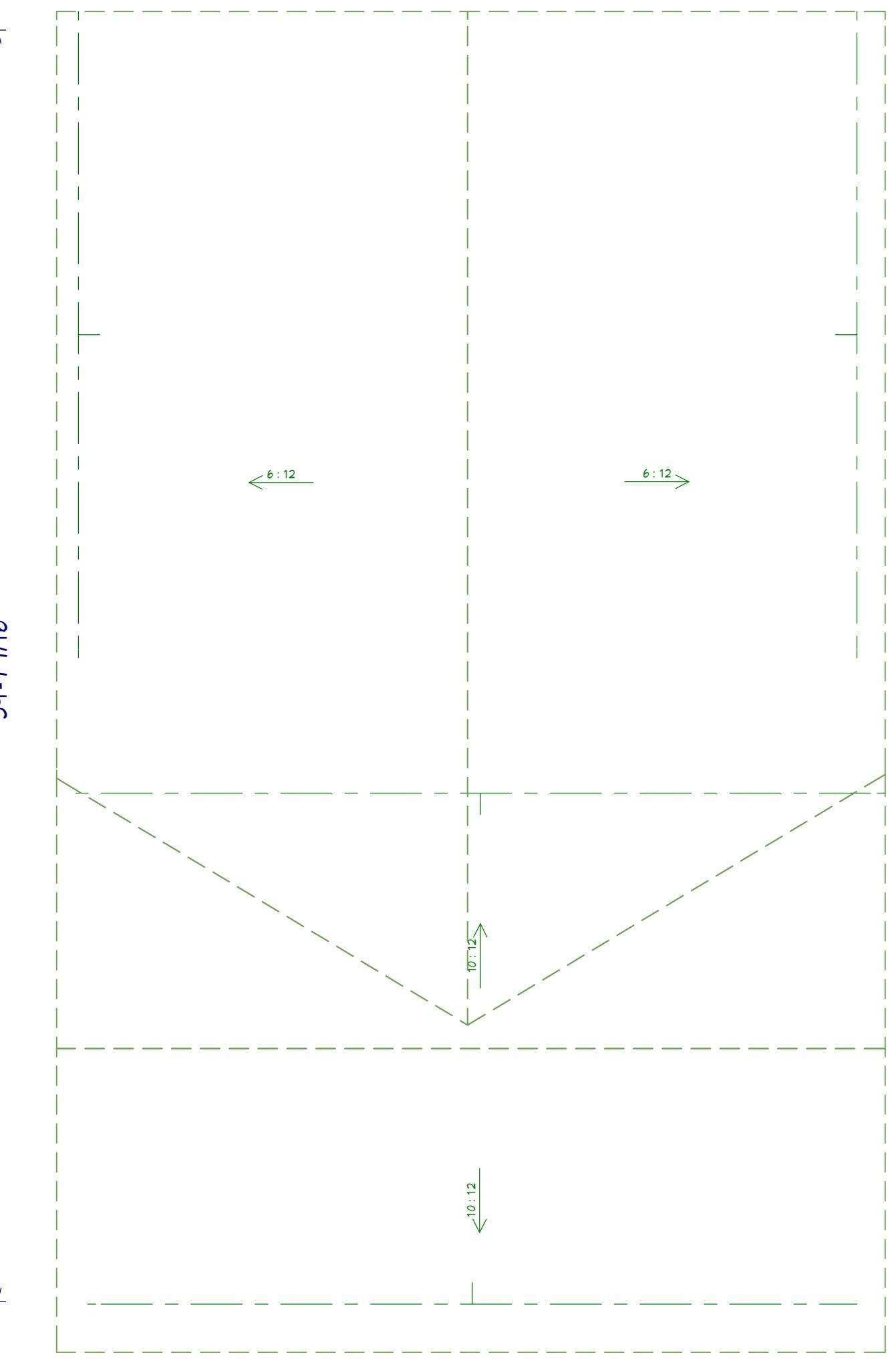
Foundation



1st Floor



2nd Floor



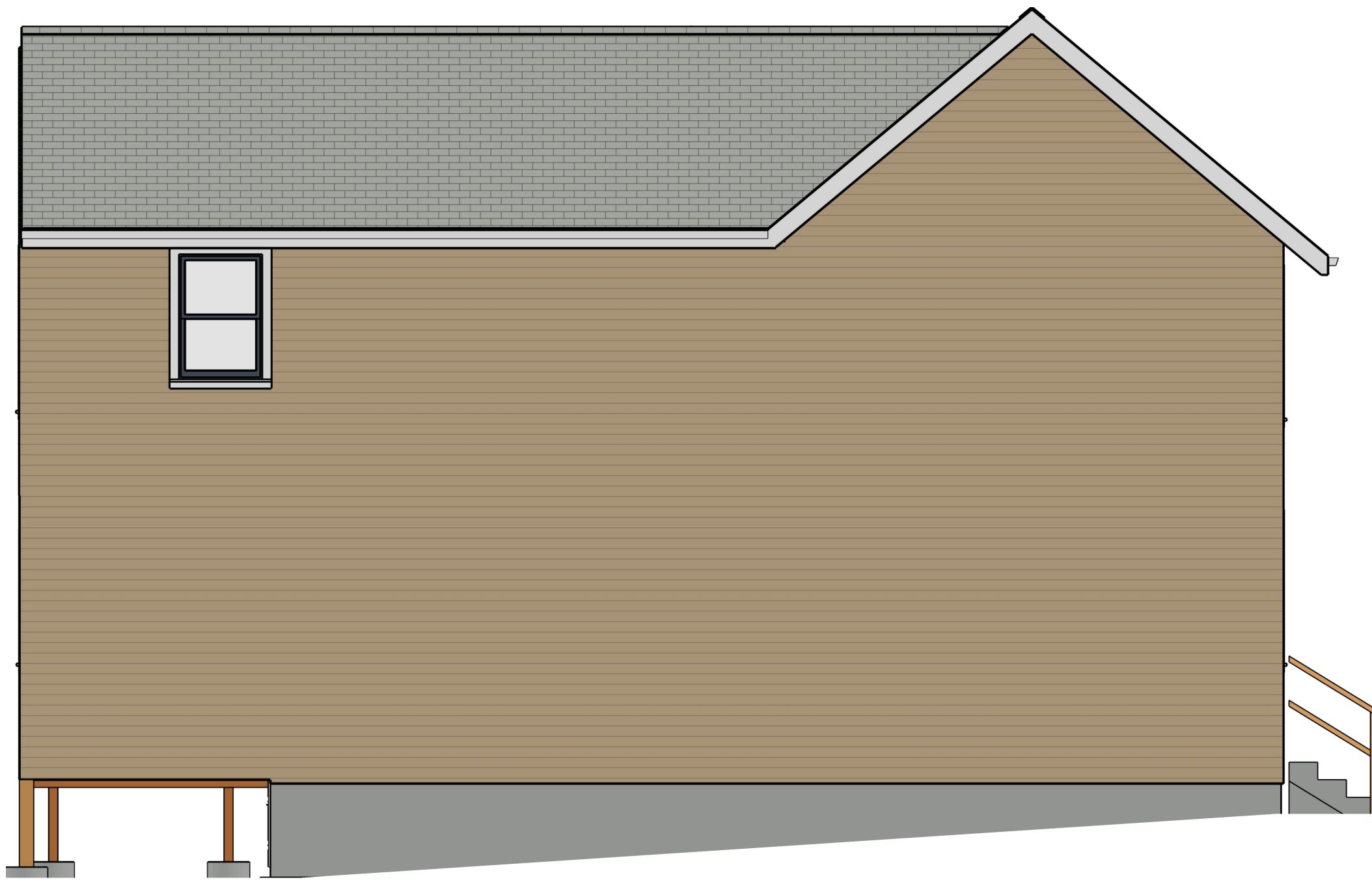
Attic

PROPOSED FLOORPLANS

TWO STORY ADDITION
255 KNOXVILLE ROAD
KNOXVILLE, MD 21758

DRAWINGS PROVIDED BY:
Zoro Inc.
1100 2nd Place SE 102
Washington, DC 20003

DATE:
7/3/2020
SCALE:
1/4" = 1'-0"
SHEET:
A-102



Northwest Elevation



Northeast Elevation



Southwest Elevation



Southeast Elevation

PROPOSED ELEVATIONS

TWO STORY ADDITION
255 KNOXVILLE ROAD
KNOXVILLE, MD 21758

DRAWINGS PROVIDED BY:
Zoro Inc.
1100 2nd Place SE 102
Washington, DC 20003
202-444-4006

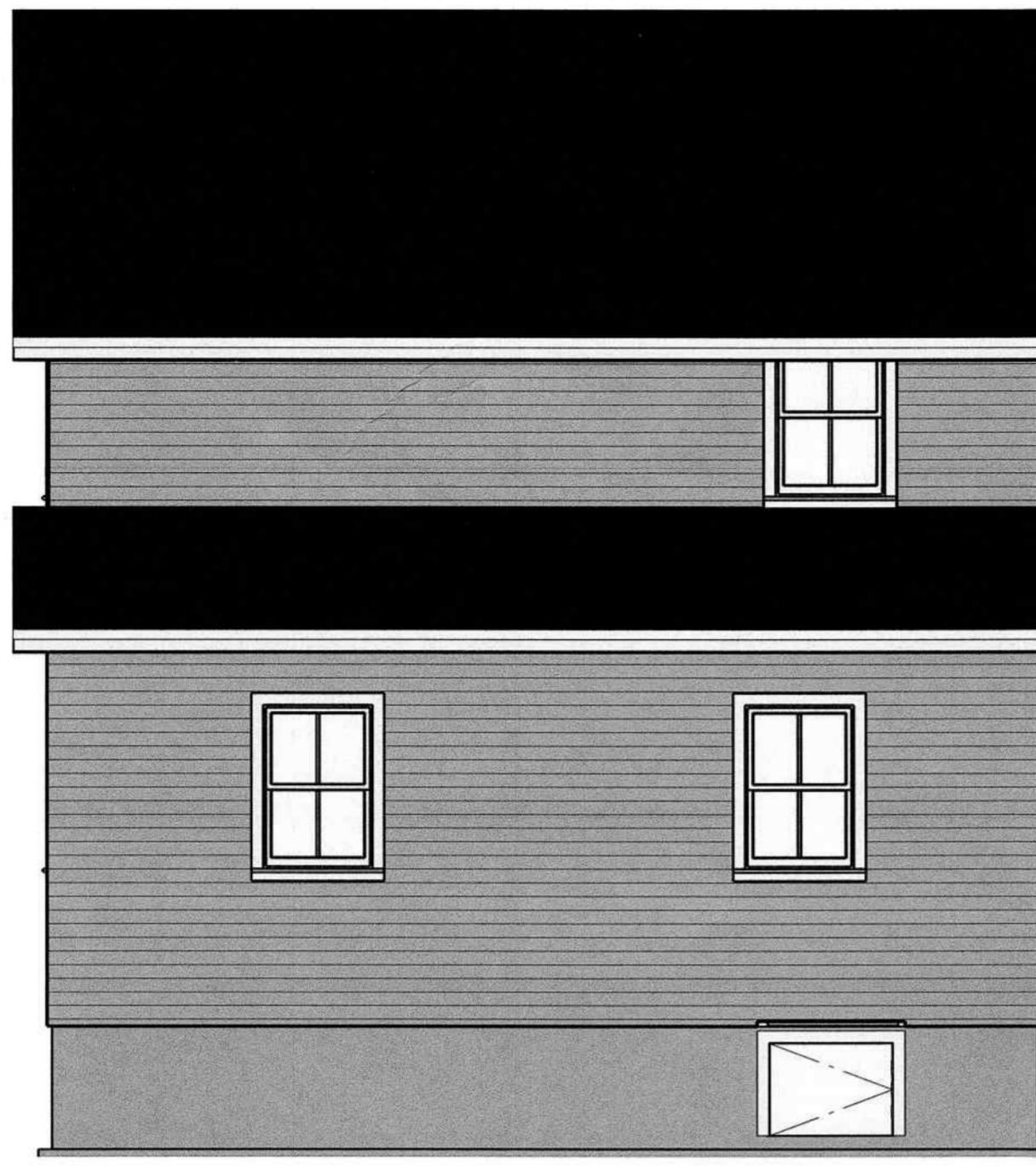
DATE:
7/3/2020

SCALE:
1/4" = 1'-0"

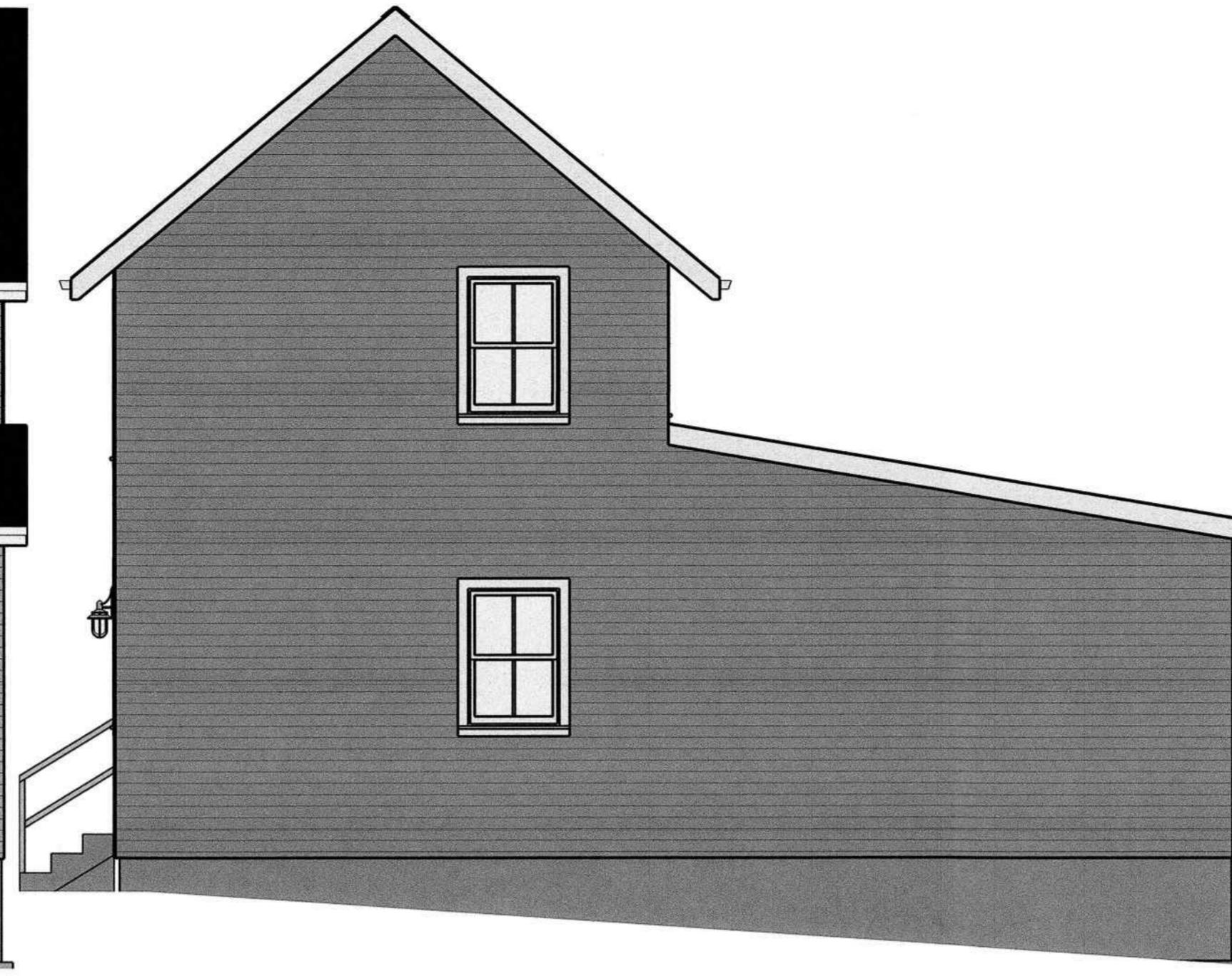
SHEET:
A-201



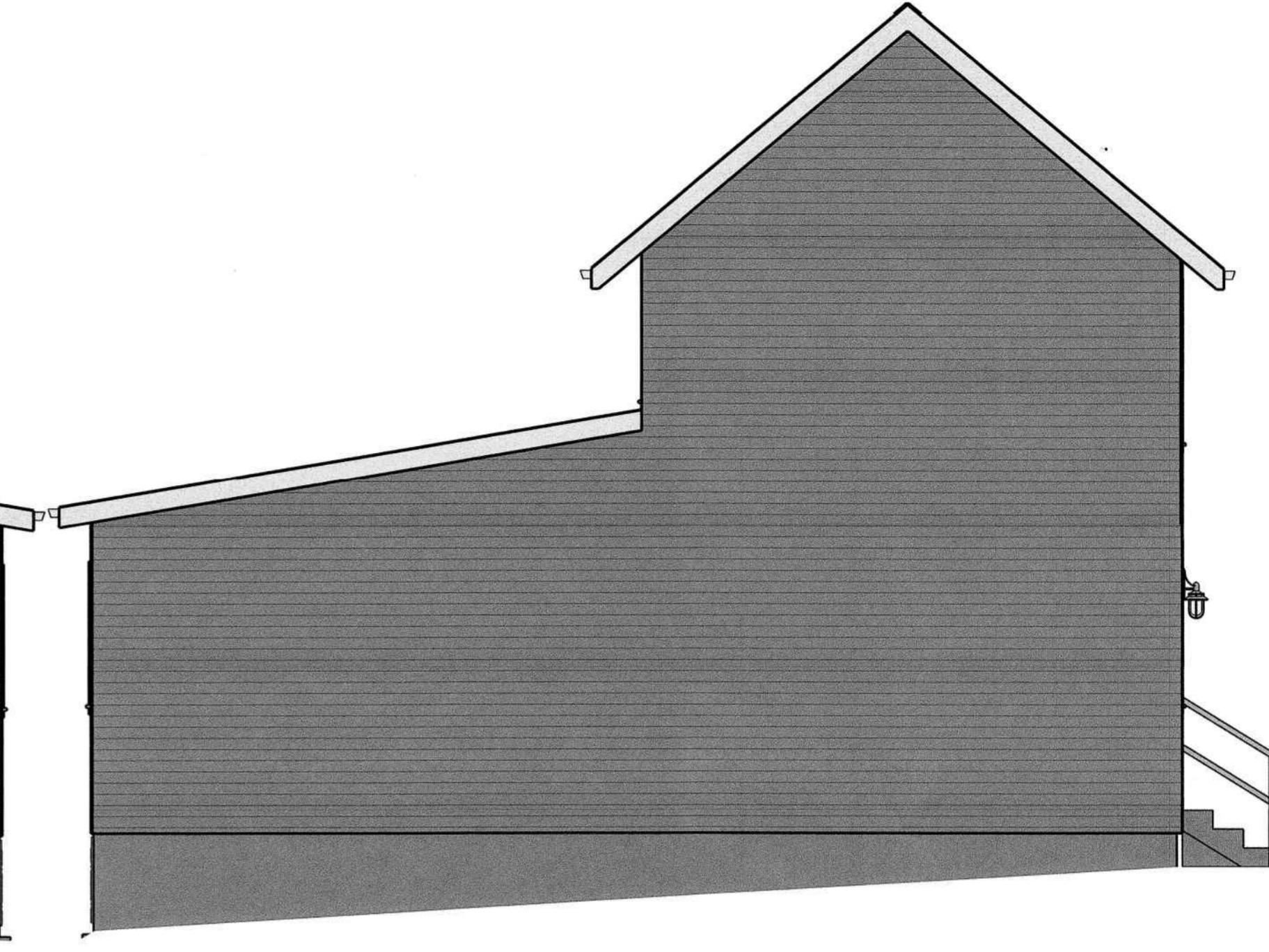
Southwest Elevation



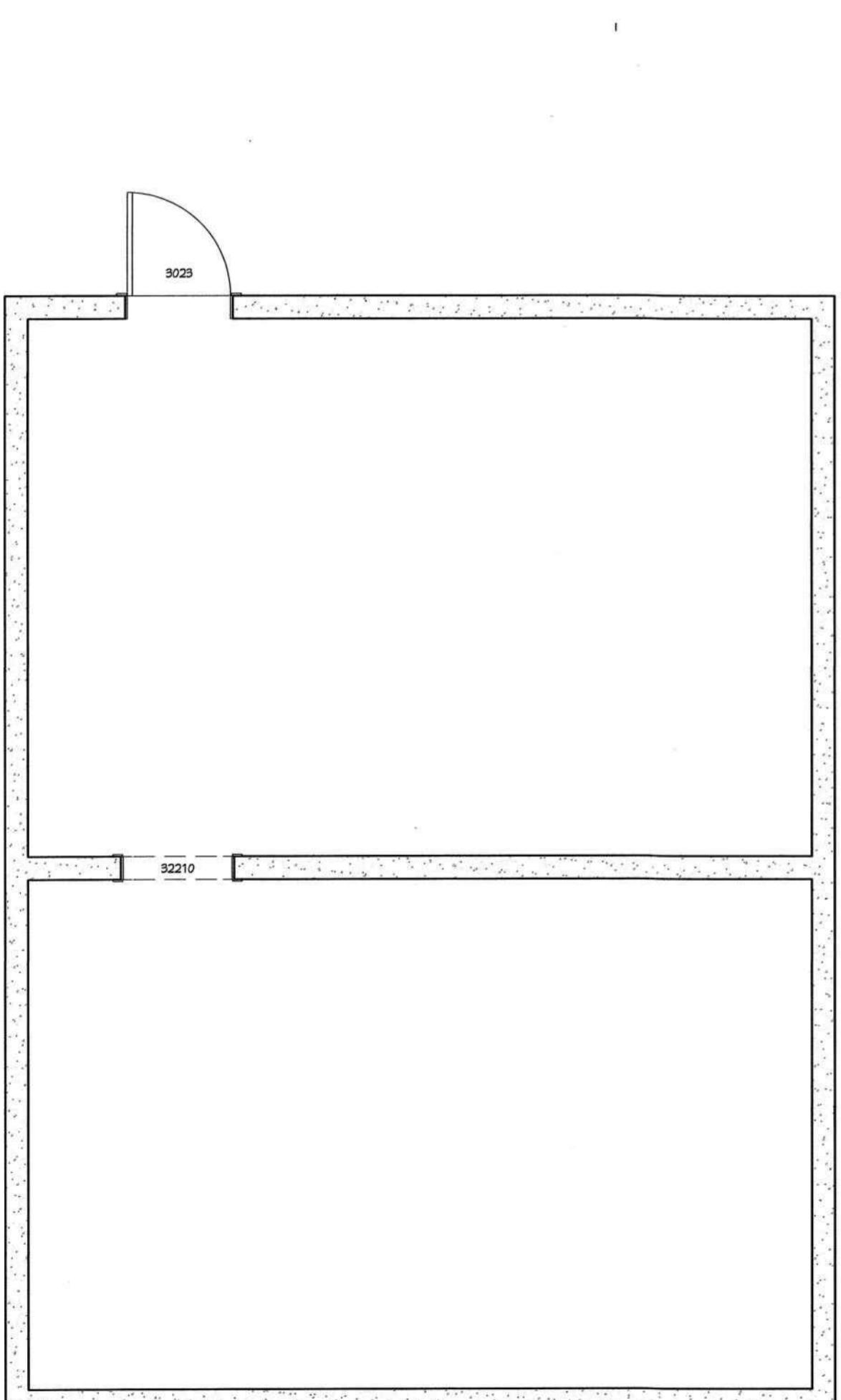
Northeast Elevation



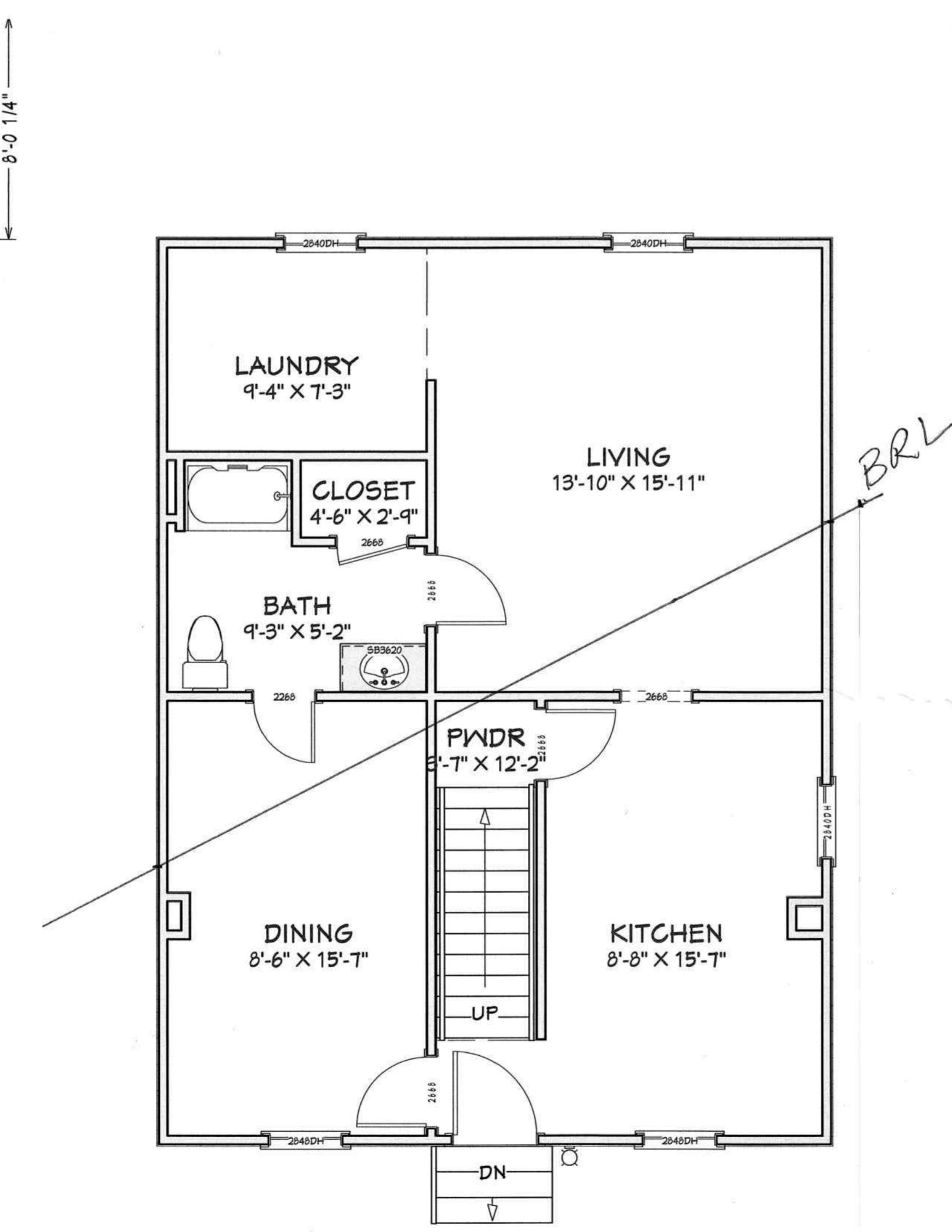
Southeast Elevation



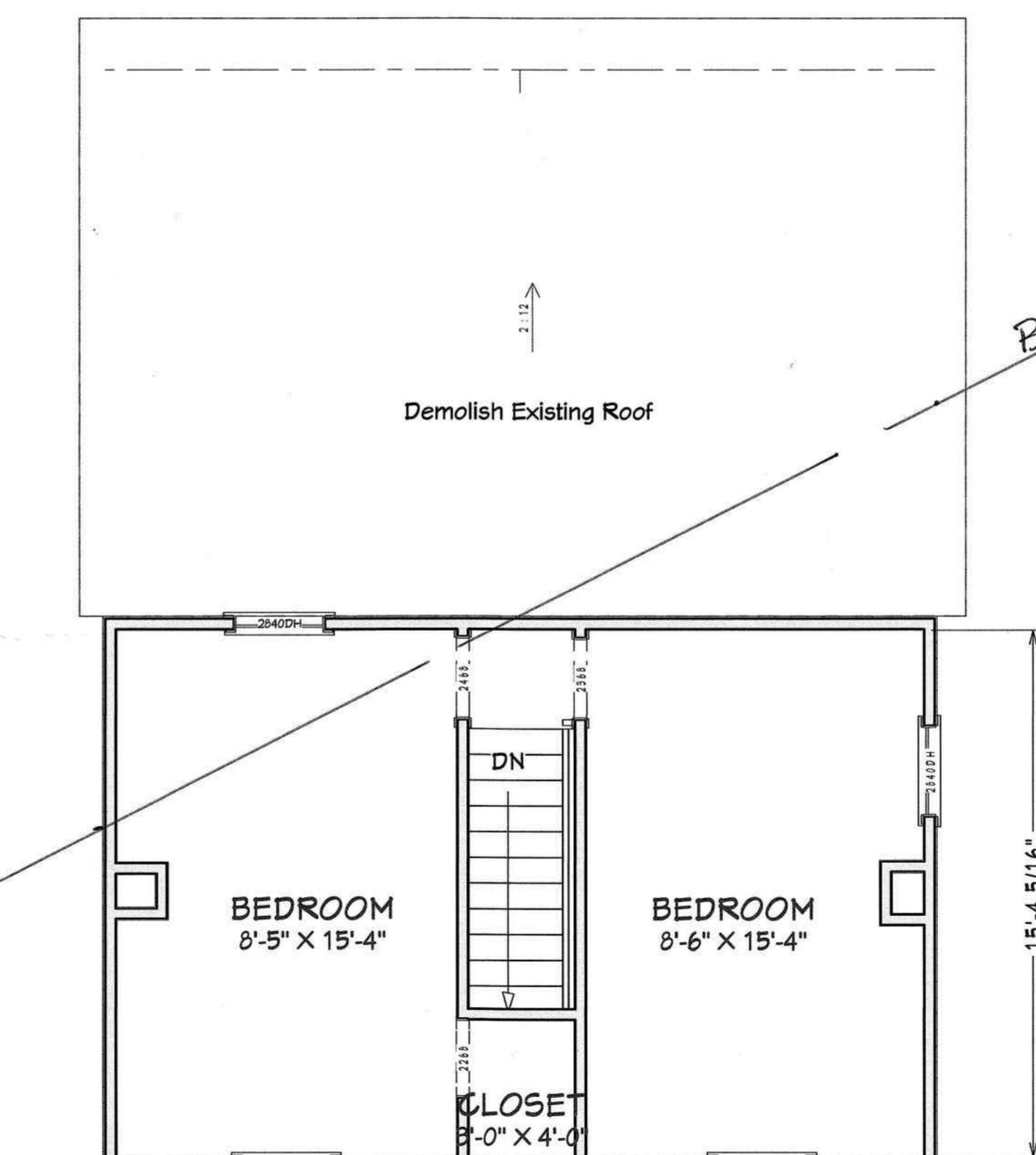
Northwest Elevation



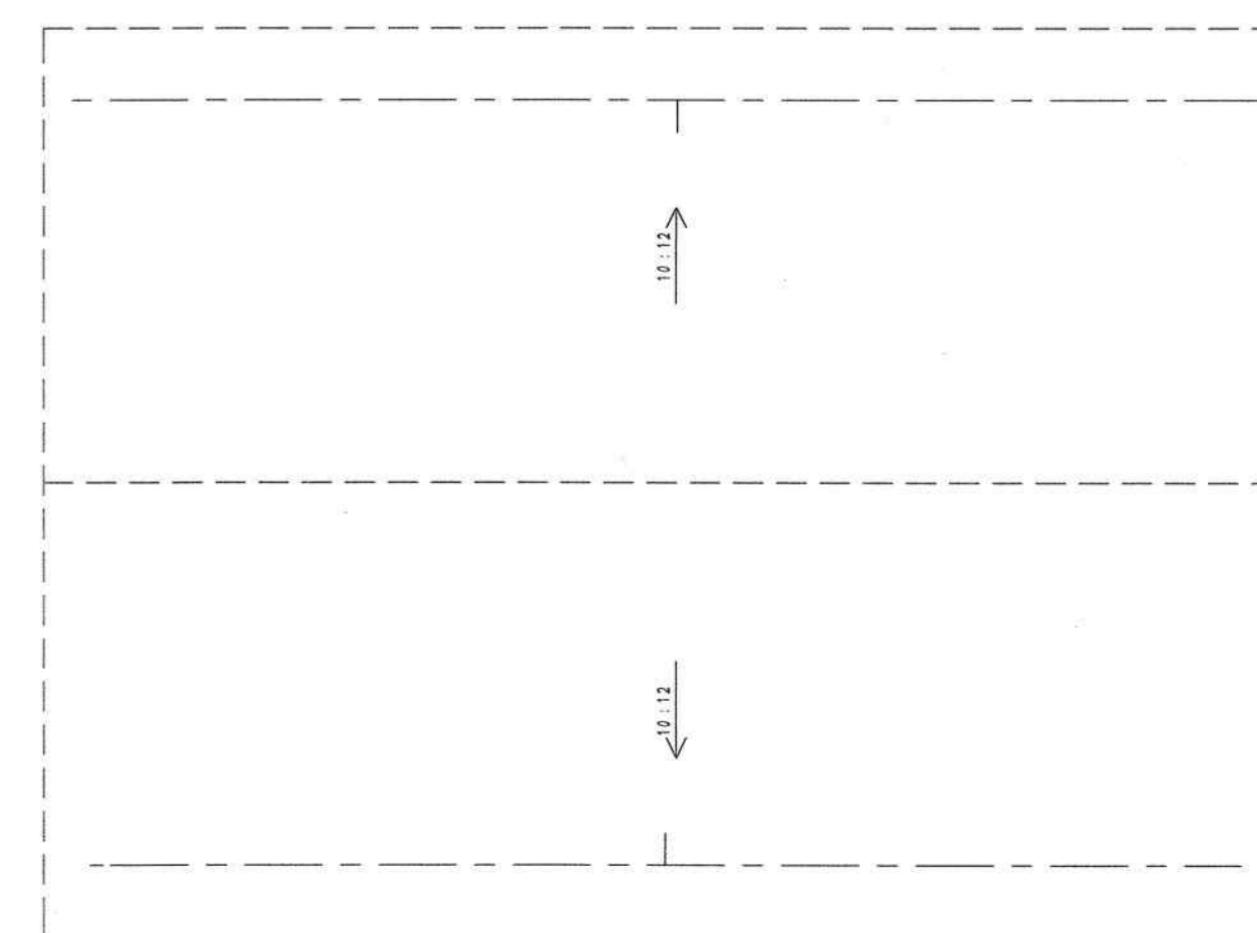
Foundation



1st Floor



2nd Floor



Rev. 1/20/2023 ~~#~~ B+R added
Location of BRL with the
Roof permission of Zocco Inc

EXISTING CONDITIONS

TWO STORY ADDITION
255 KNOXVILLE ROAD
KNOXVILLE, MD 21758

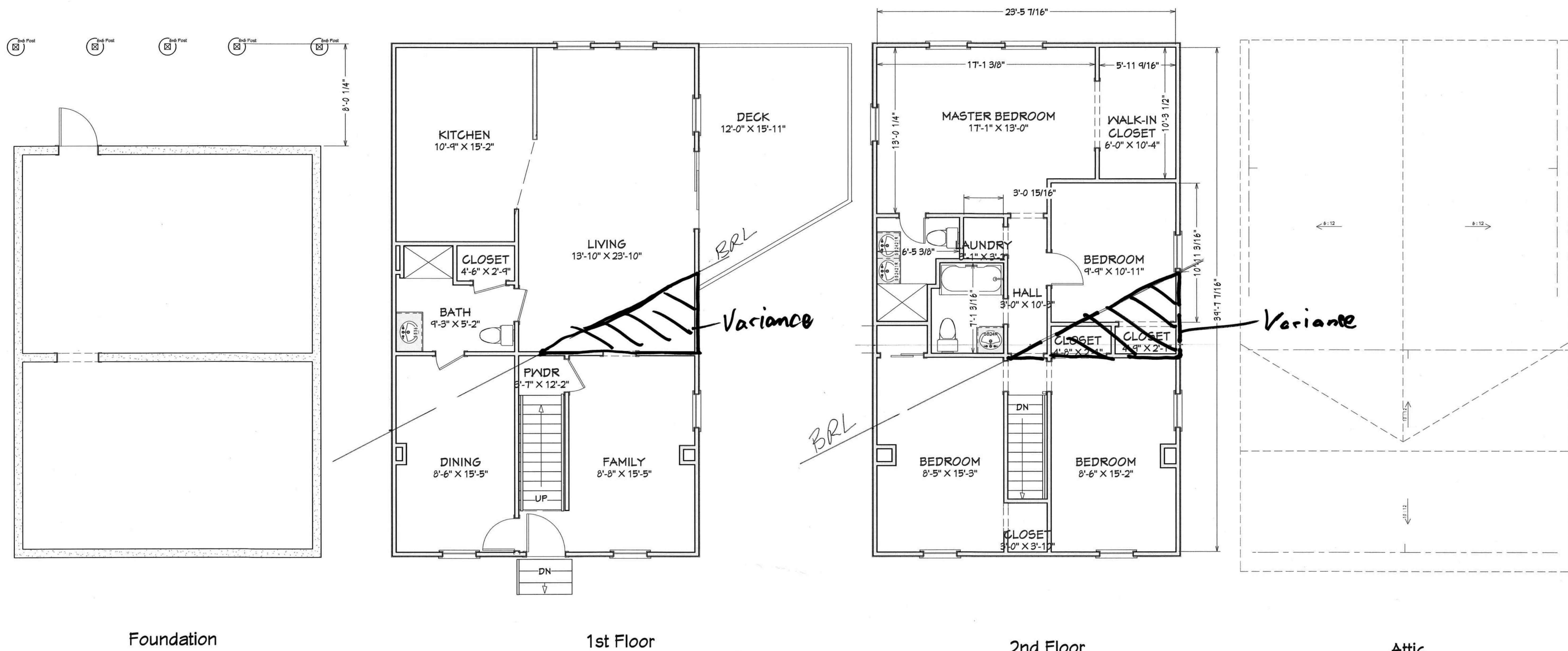
DRAWINGS PROVIDED BY:
Zocco Inc.
1100 2nd Place SE 102
Washington, DC 20003
202-944-4006

DATE:
7/3/2020

SCALE:
1/4" = 1'-0"

SHEET:

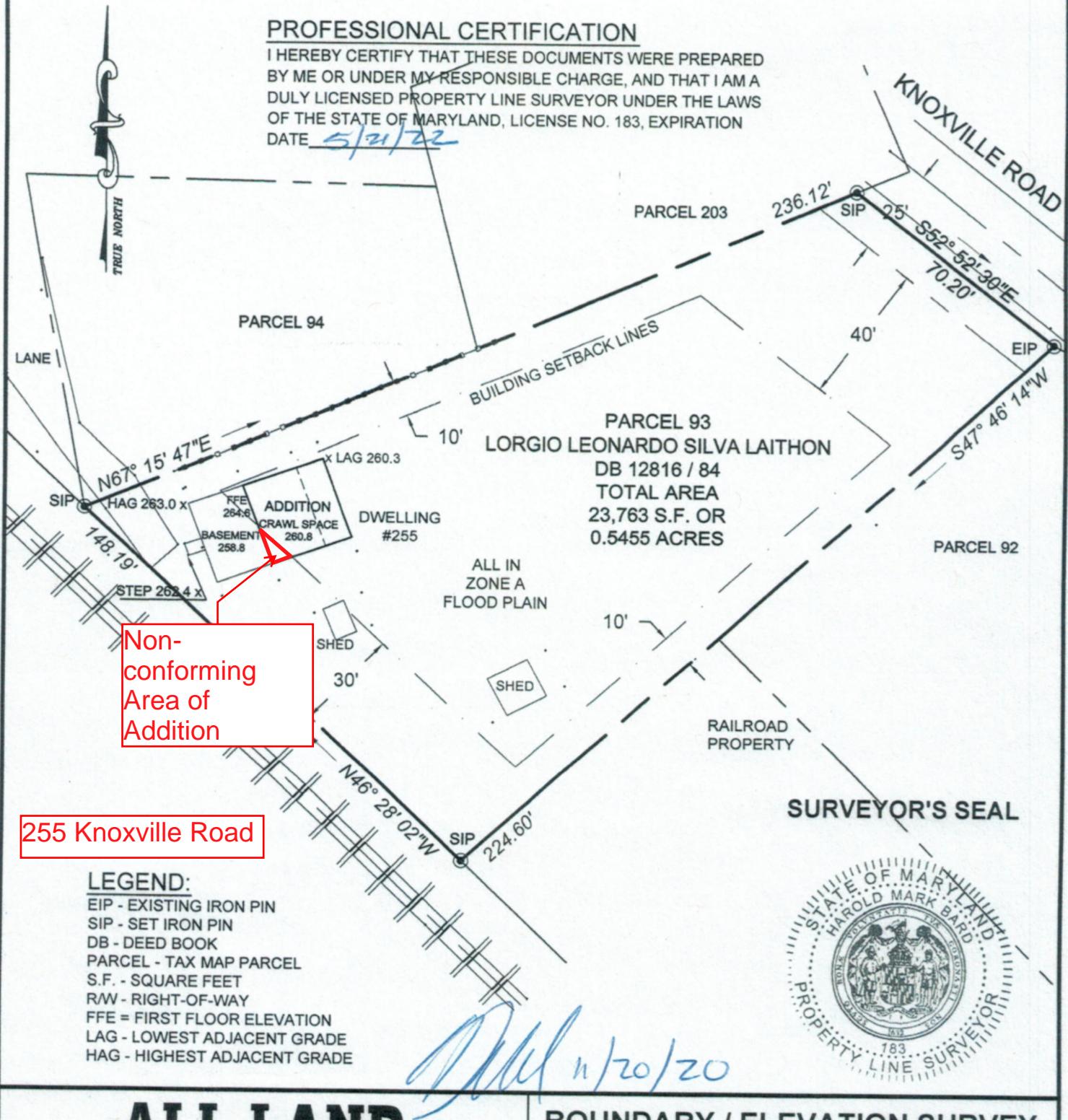
A-101



1/20/2023 B&R revised plan
to show variance request with
permission from Zoro Inc

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROPERTY LINE SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 183, EXPIRATION DATE 5/21/22



ALL LAND

LLC

LAND SURVEYING

All Land, LLC
225 S. Seventh Street
Chambersburg, PA 17201

Tel: (717) 264-0804
Fax: (717) 264-1321
www.alllandllc.com

BOUNDARY / ELEVATION SURVEY

**LORGIO LEONARDO SILVA LAITHON
255 KNOXVILLE ROAD**

FREDERICK COUNTY, MARYLAND

DRAWN BY: HMB	JOB NO.: 20-273	SCALE: 1" = 40'
CHECKED BY: HMB	DATE: 11-20-20	SHEET NO: 1 of 1

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROPERTY LINE SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 183, EXPIRATION DATE 5/21/22



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BOUNDARY / ELEVATION SURVEY

LORGIO LEONARDO SILVA LAITHON
255 KNOXVILLE ROAD

FREDERICK COUNTY, MARYLAND

DRAWN BY: HMB	JOB NO.: 20-273	SCALE: 1" = 40'
CHECKED BY: HMB	DATE: 11-20-20	SHEET NO: 1 of 1

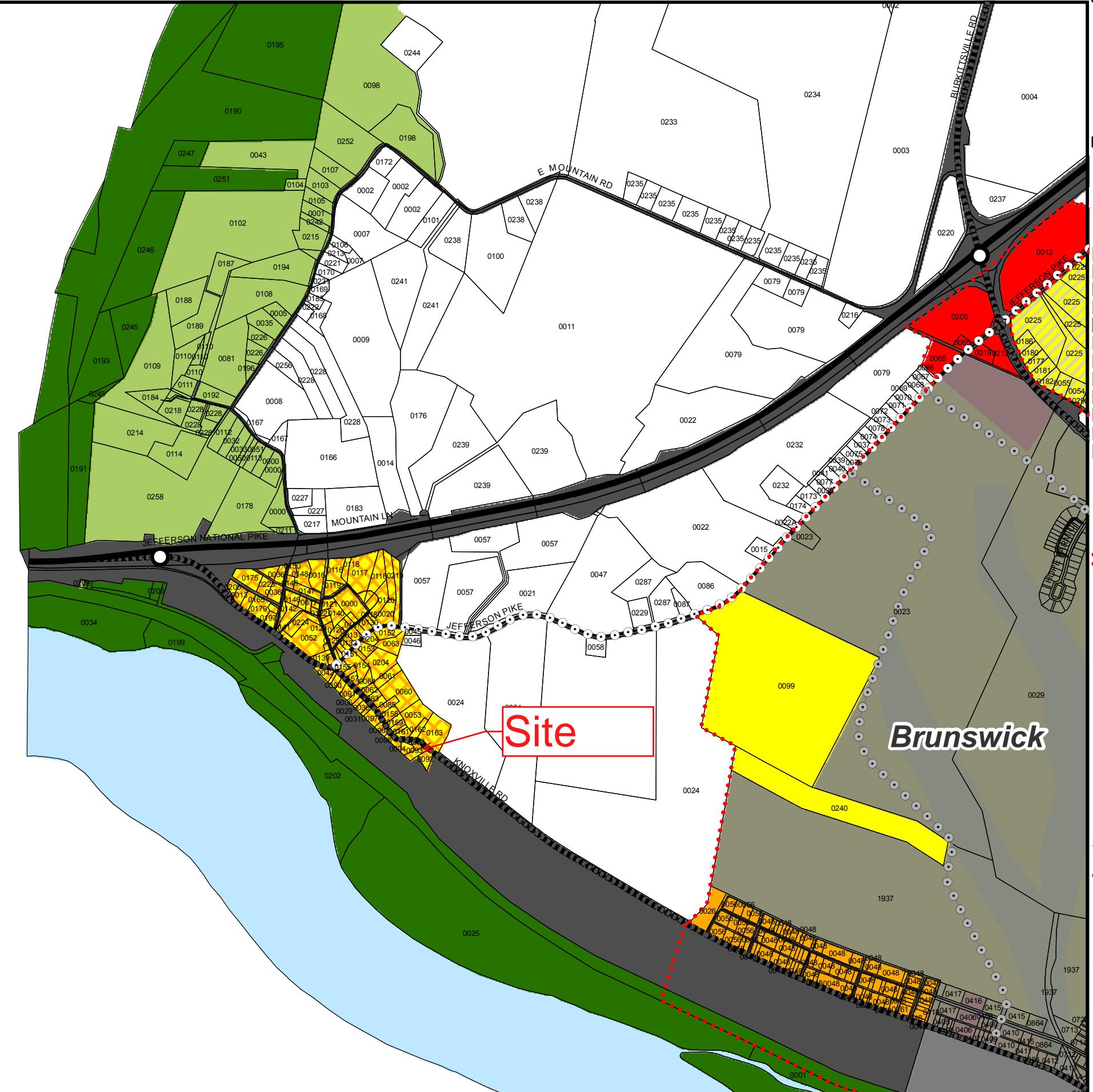
Comprehensive Land Use Plan

Adopted as Part
of the Countywide
Comprehensive Plan
Resolution # 10-06

Effective: April 8, 2010



91



Tax Map 91

Real Property Data Search ()
 Search Result for FREDERICK COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture: None**

Account Identifier:	District - 12 Account Number - 291647 Owner Information		
Owner Name:	LAITHON LORGIO LEONARDO SILVA	Use:	RESIDENTIAL
Mailing Address:	255 KNOXVILLE RD KNOXVILLE MD 21758-	Principal Residence:	YES
Deed Reference: /12816/00084			
Premises Address:	255 KNOXVILLE RD KNOXVILLE 21758-	Legal Description:	LT 1/2 AC S/S RT. 464 KNOXVILLE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0091 0016 0093 12010002.11 0000	2022	Plat Ref:
--	---------------------------------	------	-----------

Town: None

Primary Structure Built 1910	Above Grade Living Area 1,152 SF	Finished Basement Area	Property Land Area 21,780 SF	County Use
------------------------------	----------------------------------	------------------------	------------------------------	------------

Stories 2	Basement Type YES	Exterior Quality STANDARD	Full/Half Bath UNIT	Garage FRAME/2	Last Notice of Major Improvements 1 full
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Value Information					
	Base Value	Value As of 01/01/2022	Phase-in Assessments		
			As of 07/01/2022	As of 07/01/2023	
Land:	61,700	61,700			
Improvements	45,500	35,000			
Total:	107,200	96,700	96,700	96,700	
Preferential Land:	0	0			

Transfer Information					
Seller: REVERSE MORTGAGE SOLUTIONS	Type: NON-ARMS LENGTH OTHER	Date: 01/29/2019	Deed1: /12816/00084	Price: \$58,000	Deed2:
Seller: LOY NORMA J	Type: NON-ARMS LENGTH OTHER	Date: 02/06/2018	Deed1: /12267/00187	Price: \$100,000	Deed2:
Seller:	Type:	Date: 00/00/0000	Deed1: /00740/00219	Price: \$0	Deed2:

Exemption Information					
Partial Exempt Assessments:	Class	000	0.00	0.00	0.00 0.00
County:					
State:					
Municipal:					

Special Tax Recapture: None**Homestead Application Information**

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: COUNTY MONUMENT "WHITE" Vertical Datum: 421.9

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	258.4	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
b) Top of the next higher floor	265.1	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)		<input type="checkbox"/> feet	<input type="checkbox"/> meters
d) Attached garage (top of slab)		<input type="checkbox"/> feet	<input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	258.4	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	259.8	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	263.0	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	259.8	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name Carl F. Thomas	License Number 411	
Title Property Line Surveyor		
Company Name B&R Design Group		
Address 300 West Patrick St.		
City Frederick	State Maryland	ZIP Code 21701
Signature 	Date 10-04-2021	Telephone (301) 668-0505
		Ext. 7



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

C2e - Water heater located in basement.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.

E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address _____ City _____ State _____ ZIP Code _____

Signature _____ Date _____ Telephone _____

Comments

Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
-------------------	------------------------	---

G7. This permit has been issued for: New Construction Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters Datum _____

G10. Community's design flood elevation: _____ feet meters Datum _____

Local Official's Name	Title
-----------------------	-------

Community Name	Telephone
----------------	-----------

Signature	Date
-----------	------

Comments (including type of equipment and location, per C2(e), if applicable)

Check here if attachments.

ELEVATION CERTIFICATE**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption Front & Left view of house

Clear Photo One

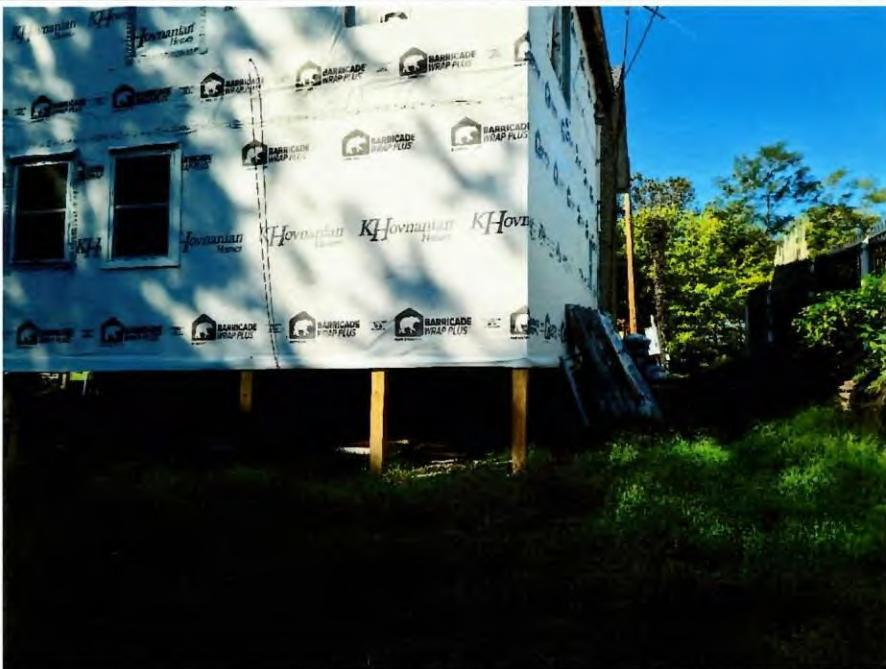


Photo Two

Photo Two Caption Left & Rear view of house

Clear Photo Two

ELEVATION CERTIFICATE**BUILDING PHOTOGRAPHS**

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 255 KNOXVILLE ROAD			Policy Number:
City KNOXVILLE	State Maryland	ZIP Code 21758	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption Rear & Right view of house

Clear Photo Three



Photo Four

Photo Four Caption Crawlspace entrance at left rear of house

Clear Photo Four



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

December 07, 2022

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

Subject: 255 Knoxville Road, Tax Map 91 Parcel 93

Dear Mr. Desa:

On behalf of the applicant, Lorgio Leonardo Silva Laithon, we are requesting approval from the Board of Appeals to grant a variance in accordance with Section 1-19-4.220. of the Frederick County Zoning Ordinance, Nonconforming Structures. Section 1-19-4.220 (C) of the Code allows the Board of Appeals to grant a variance to expand a nonconforming portion of an existing nonconforming structure only if the proposed expansion does not:

- (1) Increase the original footprint of the nonconforming portion of the structure;
- (2) Extend farther into the required setback(s) than the existing nonconforming portion(s) of the nonconforming structure; or
- (3) Include the construction of a nonconforming porch, enclosure of an existing nonconforming porch, or the addition of stories on top of a nonconforming porch.

The Property is located at 255 Knoxville Road, Knoxville, MD 21758, Tax Map 0091, Parcel 093. The Property area is listed as on SDAT as ½ acre and has split zoning on zoning of low density residential (R1), resource conservation (RC) and right of way. The planning region is Brunswick and the comprehensive plan designation is Rural Community. SDAT lists the structure as being constructed in 1910, well before the effective of January 1977 of the Frederick County Zoning Ordinance.

Applicant proposes to remove the shed roof of the rear portion of the building that contains the laundry, bathroom and living room areas, (see existing conditions plan, A101) and construct a second story for a master bedroom suite and an additional bathroom for the two existing bedrooms. Due to the R1 zoning district setback restrictions, the Applicant cannot add a portion of the second story due the orientation of the buildings rear wall that creates a 13 foot section of the wall to be non-conforming. Therefore, the Applicant is requesting a variance under 1-19-4.220.C to add approximately 40 square feet of second floor area above the non-conforming area of the existing building based on the Boundary / Elevation Survey prepared by All Land LLC and dated November 20, 2020. This area above the existing kitchen and living room will the allow new second story addition to be connect to the existing structure and allow for the construction of a bedroom and closets. SDAT lists this building as being constructed in 1910.

The Applicant is requesting approval by the Board of Appeals to grant a variance to expand nonconforming portion of a nonconforming structure with no increase of the building footprint in such a way that the expansion does not extend farther into the required setback in accordance



255 Knoxville Road
Tax Map 91 Parcel 93
December 7, 2022
Page | 2

with Sec. 1-19-4.220. Nonconforming Structures, Section 1-19-3.220 Variances, and Section 119-6.100 Design Requirements 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:

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 states that he understands this 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 that he was directed by zoning staff to the Board of Appeals process by the Frederick County Division of Planning and Permitting after refusal.

(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:

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 95% of residence is unique in that it is a non-conforming structure that exists within the building set back. The building was also constructed in 1910 prior to 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 building was constructed in 1910 prior the zoning requirements.

(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



255 Knoxville Road
Tax Map 91 Parcel 93
December 7, 2022
Page | 3

The Applicant states that without the variance from the BOA, he would not be able to expand his structure upward and attach the expansion to the existing house where the stairs to the second floor is located. Most homes enjoy the ability to expand.

(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 states that the granting of this variance would not confer any special privilege on the owner.

(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 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) applies to this case and that the Board of Appeals can grant a 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



255 Knoxville Road
Tax Map 91 Parcel 93
December 7, 2022
Page | 4

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.

§ 1-19-4.220 Nonconforming Structures

(A) A nonconforming structure is a structure lawfully existing January 24, 1977 or on the effective date of an amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or the characteristics of the structure or its location on the lot. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

The Applicant states that this structure existed prior to January 24, 1977.

(1) The conforming portion of a nonconforming structure may be expanded or modified provided that the expansion or modification does not increase the portion of the structure determined by the Zoning Administrator to be nonconforming.

The Applicant states that he understands this requirement.

(2) The nonconforming portion of a nonconforming structure may be modified in accordance with the requirements of this chapter provided that the modification reduces the portion of the structure determined by the Zoning Administrator to be nonconforming, or if the modification meets the conditions set forth in subsection (C) below.

The Applicant acknowledges this requirement.

(3) Such structure once destroyed by any means will not be reconstructed unless:

- (a) It is in conformity with this chapter; or
- (b) The Board of Appeals grants a variance;

The Applicant acknowledges this requirement

(4) Such structure once moved, will thereafter conform to the regulations for the district to which it is moved.

The Applicant acknowledges this requirement

(5) This movement does not include minor shifting or settling of the structure from natural or accidental causes.

The Applicant acknowledges this requirement

(B) Except as specified below in subsection (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.



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The Applicant acknowledges this requirement

(C) The Board of Appeals may grant a variance to expand a nonconforming portion of an existing nonconforming structure only if the proposed expansion does not:

(1) Increase the original footprint of the nonconforming portion of the structure; and

The Applicant states that he is seeking a variance to expand a nonconforming portion of an existing nonconforming structure but that the expansion does not increase the footprint because the additional is vertical.

(2) Extend farther into the required setback(s) than the existing nonconforming portion(s) of the nonconforming structure; or

The Applicant states that the expansion does not extend farther into the required setback.

(3) Include the construction of a nonconforming porch, enclosure of an existing nonconforming porch, or the addition of stories on top of a nonconforming porch.

The Applicant states that he understands this requirement. The proposal does not include the construction of a porch, or the addition of stories on top of a non-conforming porch.

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." The signature is fluid and cursive, with "William" and "Jr." stacked above "Brennan".

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

Enc.