



# FREDERICK COUNTY BOARD OF APPEALS

October 23, 2025

**TITLE:**

**Maknott Construction (Applicant)**  
**Michael Knott (Owner)**

**FILE NUMBER:**

**B-25-22 (B277820)**

**REQUEST:**

Requesting approval for a 7.8' variance from the 70' front yard building restriction line (40' BRL & 30' R.O.W. along Catoctin Furnace Road) to construct an accessory structure (garage) on 2 acres of Low Density Residential (R1) zoned land, in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code. If approved the property would have a front BRL of 62.20'.

## PROJECT INFORMATION:

ADDRESS/LOCATION: 13641 Catoctin Furnace Road, Thurmont, MD 21788  
TAX MAP/PARCEL: Tax Map 025, Parcel 0030  
ZONE: (R1) Low Density Residential  
REGION: Thurmont  
WATER/SEWER: NPS/NPS  
COMP. PLAN/LAND USE: Medium Density Residential

## APPLICANT/REPRESENTATIVES:

APPLICANT: Maknott Construction  
OWNER: Michael Knott  
ENGINEER:  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Michael Paone, Zoning Planner

**RECOMMENDATION:** Based on the findings and conclusions in the staff report, staff has no objection to approval of a 7.8' variance from the 70' front yard building restriction line (40' BRL & 30' R.O.W. along Catoctin Furnace Road) to construct an accessory structure on 2 acres of Low Density Residential (R1) zoned land, in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code, on the property located at 13641 Catoctin Furnace Road, Thurmont, MD 21788 (the "Property"). If approved the property would have a front BRL of 62.20'.

## Attachments:

**Attachment #1: Plat With Proposed Setbacks**  
**Attachment #2: Soils Study Area Map**  
**Attachment #3: Flooding Soils Study Letter**  
**Attachment #4: Aerial Map**  
**Attachment #5: Zoning Map**  
**Attachment #6: Comprehensive Plan Map**  
**Attachment #7: Environmental Features Map**

<sup>1</sup> The term Applicant refers to both the Applicant and the Property Owner(s).

Note: All code references herein are to the Frederick County Code, unless otherwise specified.

## **Background**

The required setbacks for this Low Density Residential (R1) zoned Property are front 70' (40' BRL & 30' R.O.W. along Catoctin Furnace Road) side 10', and rear 30'. The Property is 2 acres in size. The Applicant is requesting approval of a 7.8' variance from the 70' front yard building restriction to construct an accessory structure in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code. If approved the property would have a front BRL of 62.20'.

### **General Criteria - Variance:**

Under the provisions of Section 1-19-3.220(C) of the County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

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

**The Applicant is requesting relief from the prescribed yard regulations. He is requesting relief of 7.8' in order to reduce the designated front BRL from 70' to 62.20 in order to construct an accessory structure.**

(B) An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

**The Applicant states that Frederick County Zoning Staff directed the Applicant to the Board of Appeals (BOA) as the only way to obtain the variances needed for approval of a building permit to construct an accessory structure on this Property.**

(C) The Board of Appeals shall not grant a variance unless and until a public hearing is held and all the following criteria are met:

**The Applicant states that the BOA Hearing is scheduled for Thursday, October 23, 2025.**

(1) First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

**The Applicant states that Property is restricted by a stream boundary and a flood plain boundary and granting of variance would allow structure to be located outside these limits without affecting any surrounding property.**

(2) Upon making this finding the Board of Appeals shall also find that the following criteria are met:

(a) That the special conditions and circumstances do not result from the actions of the applicant; and

**The special conditions and circumstances that exist on this property are not the result of any action taken by the Applicant. The Applicant states that the Property is restricted by a stream boundary and a flood plain boundary. Granting 7.8' variance would allow the accessory structure to be located outside these limits without impacting any environmental features or neighbors.**

(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 a variance he would not be able to construct a garage without impacting sensitive areas including floodplain buffer areas.**

(c) That the granting of 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 Applicant. Having an accessory structure on a (R1) Low Density Residential lot is not unusual and many homes in the area have a single family residence with an accessory structure such as a garage on their property.**

(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 granting a variance would merely allow the Applicant to build an accessory structure on the property without impacting any environmental features.**

(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 understands this requirement and will comply with any conditions or safeguards prescribed by the BOA.**

(E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of 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 the proposed use of an accessory structure is permissible as a garage and not prohibited under Chapter 1-19 of the 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.

**The Applicant states that the proposed accessory structure will not be nonconforming, if this Application is approved and therefore 1-19-4.220 (C) would not apply.**

(G) A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

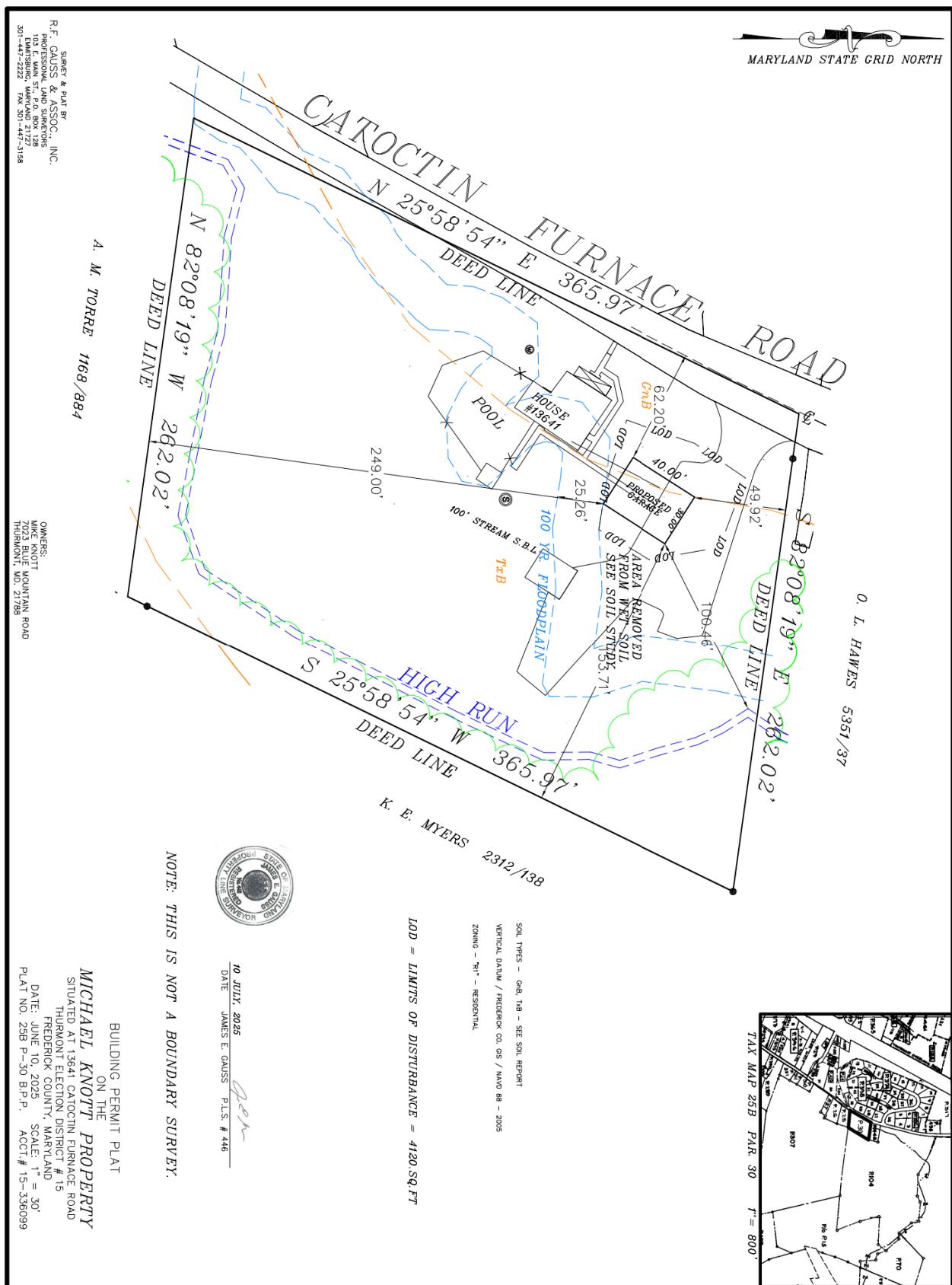
**The Applicant states that he understands this requirement and will comply.**

### **Recommendation**

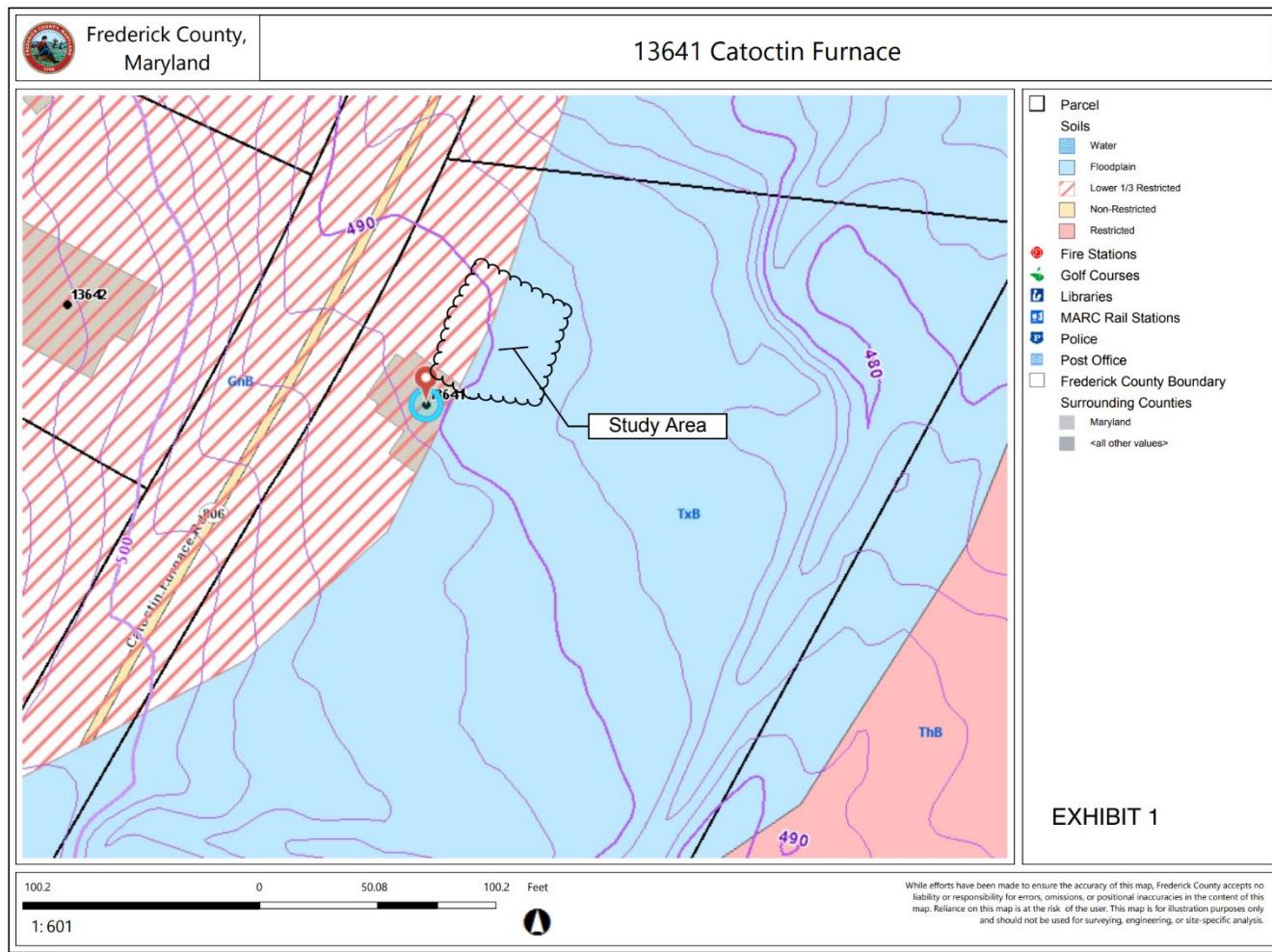
Based on the findings and conclusions in the staff report, staff has no objection to approval of an 8' variance from the 70' front yard building restriction line (40' BRL & 30' R.O.W. along Catoctin Furnace Road) to construct an accessory structure on 2 acres of Low Density Residential (R1) zoned land, in accordance with Sections 1-19-3.220 Variances and 1-19-6.100 Design Standards, of the Frederick County Code, on the property located at 13641 Catoctin Furnace Road, Thurmont, MD 21788 (the "Property"). If approved the property would have a front BRL of 62.20'.

**1-19-3. 220.G: A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.**

## Attachment #1: Plat With Proposed Setbacks



## Attachment #2: Soils Study Area Map



## **Attachment #3: Flooding Soils Study Letter**



708 Laurel Lane  
Severna Park, MD 21146  
410-274-0622

April 16, 2025  
Revised July 14, 2025

Mike Knott  
7023 Blue Mountain Road  
Thurmont, MD 21788

Re: 13641 Catoctin Furnace Road  
Flooding Soils Evaluation

Dear Mr. Knott:

A field investigation was completed on April 15, 2025 to verify the location of possible "flooding soils" along the northern property boundary where you planned to build a garage at 13641 Catoctin Furnace Road. Additional field work was completed on July 11, 2025 to evaluate soils in a new location based on a revised site plan for the garage.

Based on this investigation, flooding soils are not located in the area where the garage is currently proposed (see attached Site Plan dated June 10, 2025 by Gauss and Associates).

### Background

The Soil Survey of Frederick County (Exhibit 1) identifies flooding soils on the property within the TxB mapping unit (Trego-Foxville complex, 0-8% slopes).

Trego soils make up 65% of the TxB mapping unit and are not subject to flooding. They formed on gently sloping foot slopes and old alluvial fans of the Blue Ridge province. The Foxville soils make up 35% of the TxB mapping unit and formed in alluvium and colluvium. Foxville soils are located in high gradient floodplains and occasionally flood for brief periods.

### Results

Examination of three shovel test pits in the area of the proposed garage indicates that the soils are consistent with Trego gravelly loam. The upper 6 inches of soil consists of dark brown (10YR 3/3) gravelly loam, underlain by yellowish brown (10YR 5/4) gravelly loam to a depth of 14 inches. The subsoil consists of yellowish brown (10YR 5/6) gravelly clay loam to a depth of 20 inches with distinct iron depletions and concentrations in the lower part.

Trego soils have a dense subsoil (fragipan) that restricts internal drainage. Large cobbles (colluvium) prevented deeper excavation of the soil to confirm the presence of a fragipan. However, evidence of redox features within the upper 20 inches is consistent with restricted drainage.

Mike Knott  
13641 Catoctin Furnace Road  
July 14, 2025  
Page 2 of 2

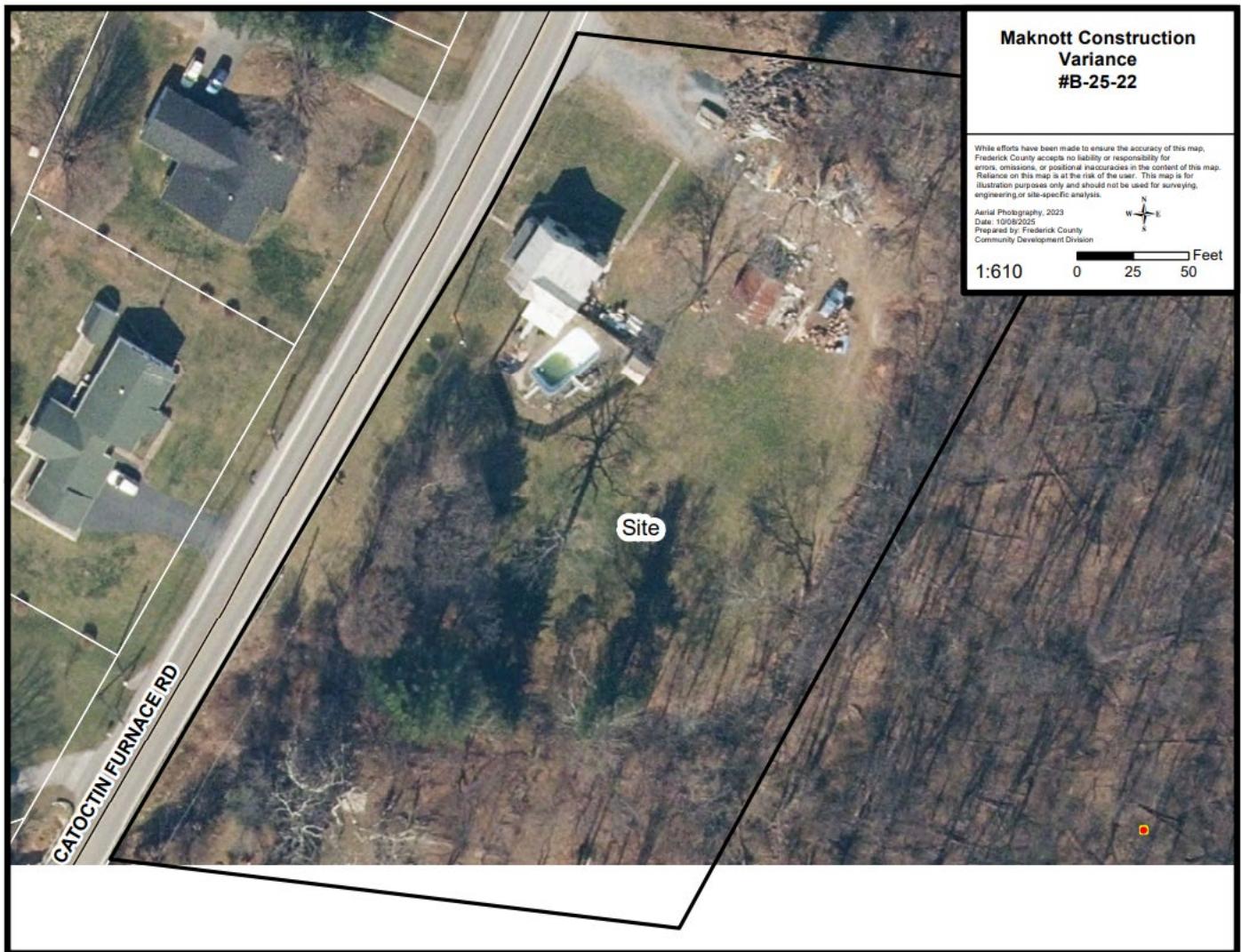
If you have any questions or require additional information concerning soil mapping on the property, please call me at 410-274-0622.

Sincerely,  
**Acorn Environmental, Inc.**

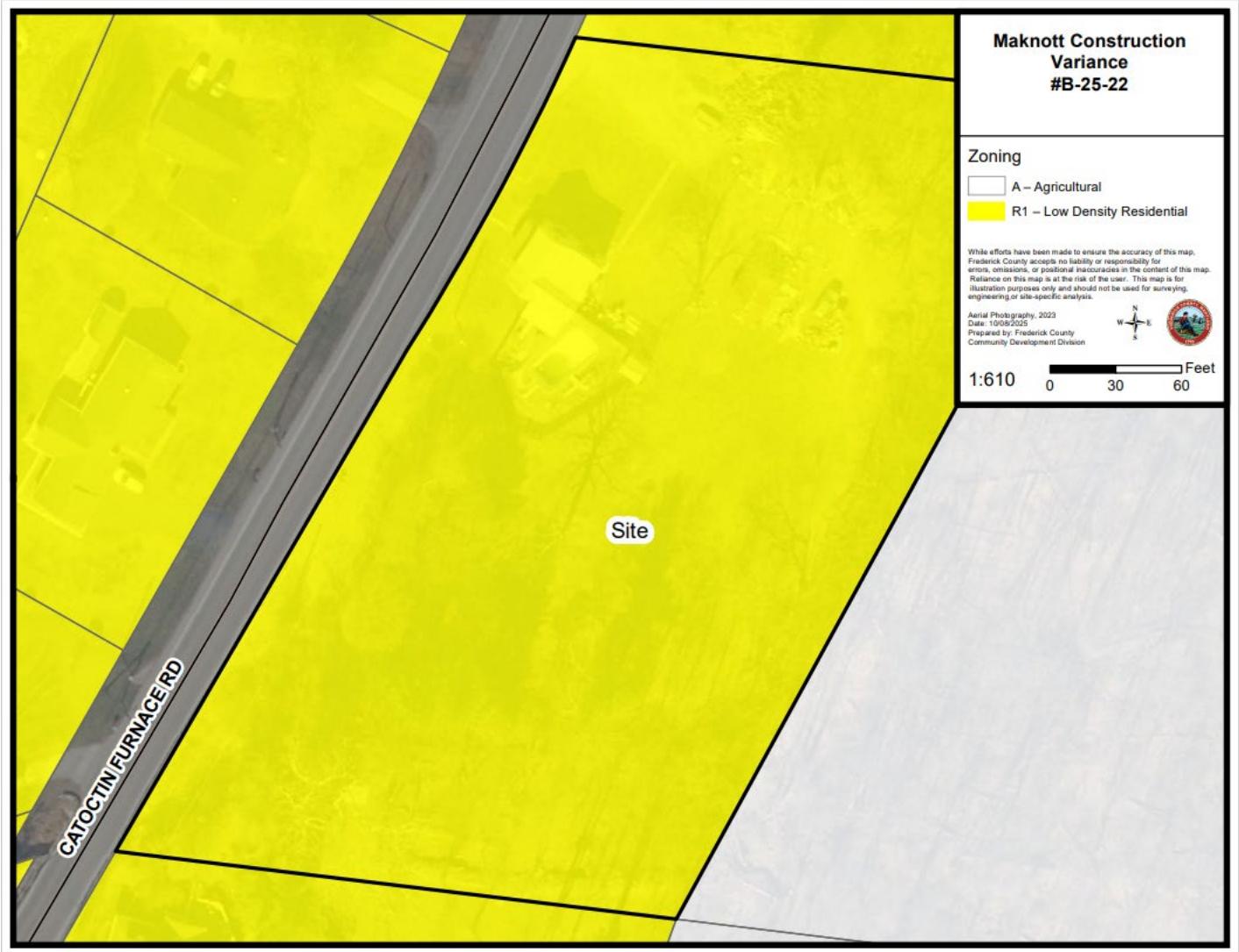
Gary J. Jeffick, President  
Certified Professional Soil Scientist  
SSSA #1717

cc: Chris Gauss

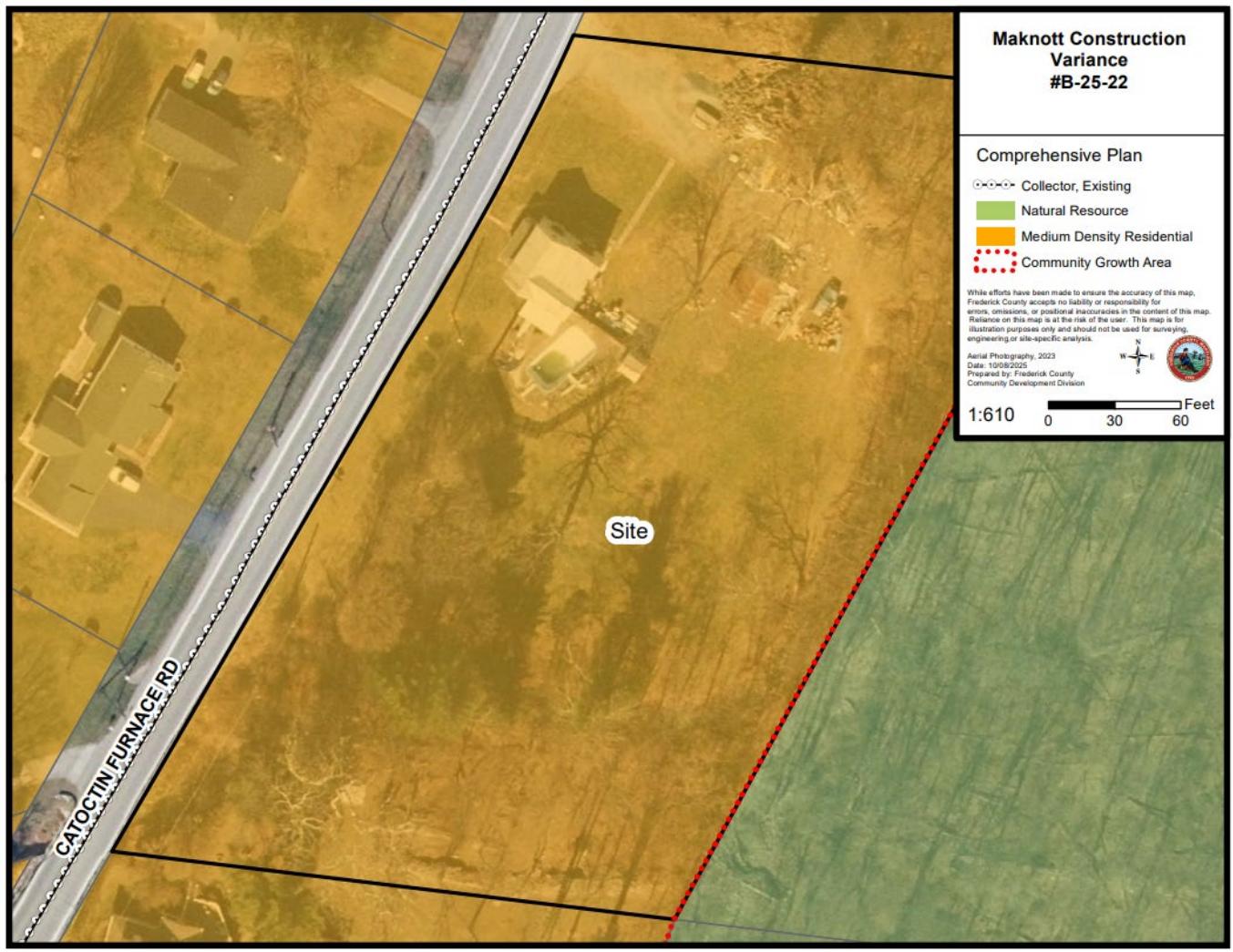
**Attachment #4: Aerial Map**



## Attachment #5: Zoning Map



## Attachment #6: Comprehensive Plan Map



## Attachment #7: Environmental Features Map

