

WICKLINE GARAGE VARIANCE REQUEST

Avon Crest Subdivision
Lot 1 (30,000 S.F.)
Tax Map 22, Grid 5, Parcel 191

8671 **Marshall** Corner Road
Pomfret, MD 20675
c/o Jesse Wickline
(301) 399-7031

July 3, 2024
Revised 8/19/24
LDG 249050

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Project Name: Wickline Garage

Type of Project: Variance / Reduction of Front Building Restriction Line at 8671 **Marshall** Corner Road, Pomfret, MD 20675

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Justification Statement (Section 297- 416 B)

My property address is 8671 **Marshall** Corner Road, Pomfret, MD 20675, Tax Map 22, Grid 5, Parcel 191. I purchased this home/property in 2011. My family and I currently reside at this location. The property is currently zoned "RR" (Rural Residential). This lot was originally created in 1972 on Plat Book 18 at Page Number 81. The lot currently has a 30' front building restriction line from **Marshall** Corner Road and a 50' building restriction line from Lowell Road, per the recorded plat. My house is currently located 53' from the Lowell Road right-of-way and 46' from the **Marshall** Corner Road right-of-way. My property is zoned "RR" which requires a 30' building restriction line; however, back in 1972, to my knowledge, there was no zoning in Charles County. My lot sits on the corner of **Marshall** Corner Road and Lowell Road in the Avon Crest Neighborhood. My driveway is currently accessing onto **Marshall** Corner Road. My existing carport is approximately 26' from the **Marshall** Corner Road right-of-way.

I would like to build an attached garage on the right front side yard of my property, which would replace the existing carport. The new garage will be slightly larger than the carport and will extend over the existing building restriction line by approximately 6 feet. The existing carport extends over the building restriction line by approximately 4'. **Essentially, I am requesting that the front building restriction line along Marshall Corner Road be changed from 30' to 24' to accommodate the new garage.**

My property is restricted and is peculiar with respect to the fact that the house was constructed some 50 plus years ago. The carport, which is not deep enough for its intended use, is all the way up against the far north east corner of the building restricted area.

Justification Statement (Section 297- 416 C 1-6)

In addition to the specific peculiarities on my parcel beyond my control, not self-created nor self-imposed (residence being constructed all the way up to the north - northeast corner of the restricted area). We have already had an instance where a drunk driver left the roadway and struck all four of my vehicles, two of my vehicles were totaled in the incident. If granted the variance, I will be able to protect my vehicles and my family with a permanent garage structure, making my home much safer.

In regard to the general findings for a variance, I have listed below the justification requirements:

- (1) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this chapter would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

I have explored building a secondary structure on the left-side yard (when standing on the street and viewing my house) that may or may not conflict with existing underground utilities, and would conflict with the property owner of Lot 2 (my neighbor) as an unwelcome eyesore. Furthermore, building on the left-side yard of my property would warrant hardship, possible interference with

Project Name: Wickline Garage

Type of Project: Variance / Reduction of Front Building Restriction Line at 8671 **Marshall** Corner Road, Pomfret, MD 20675

Page 2

existing underground utilities, as well as block the egress to my backyard itself, which other owners of property in the same land use classification enjoy. Many other property owners within the neighborhood have 2 and 3 car garages.

- (2) That strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.

All property owners have the right to build on their own property; for me to be denied the opportunity to build/remodel on my property would deprive me of rights commonly shared by other owners of property in the area. Again, the house was constructed nearly 50 years ago. If being built today, the structure could have placed further to the left and a garage could have easily been built within the building restriction lines.

- (3) That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.

To allow me to build/remodel my garage in the only feasible location on my property, would not grant me any special privilege to other property owners who had a similar lot configuration.

- (4) That the variance request is not based upon conditions or circumstances which are self-created or self-imposed.

*The peculiar position of the existing carport & residence up against the building restriction line corner is not self-imposed or self-created; **the carport existed when I purchased the property in 2011.** The traffic on **Marshall** Corner Road is a safety hazard and a permanent structure will protect my family and my vehicles.*

- (5) That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.

I am fully aware of the existing building restrictions and am not seeking a variance for greater profitability, as safety is my main concern.

- (6) That the proposed variance is consistent with the Charles County Comprehensive Plan.

*The variance I am proposing is consistent with the Charles County Comprehensive Plan, **Chapter 3, Land Use in that proposed garage is a permitted use in the RR Zone, and the modified building restriction line will not conflict with the “general type, intensity and/or character of development envisioned for the district” outlined in 12. Rural Residential Districts (RR) on Page 3-15 of the Plan.***

Appendix A
Zoning Regulations
Figure VI-2

ZONING REGULATIONS
Figure VI-2
Schedule of Zone Regulations: Rural Residential Zones
 [Amended 12-11-2000 by Ord. No. 00-93; 6-16-2003 by Bill No. 2003-03]

ABBREVIATIONS:

du: Dwelling unit.

FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.

ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

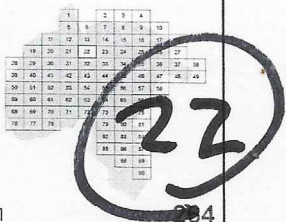
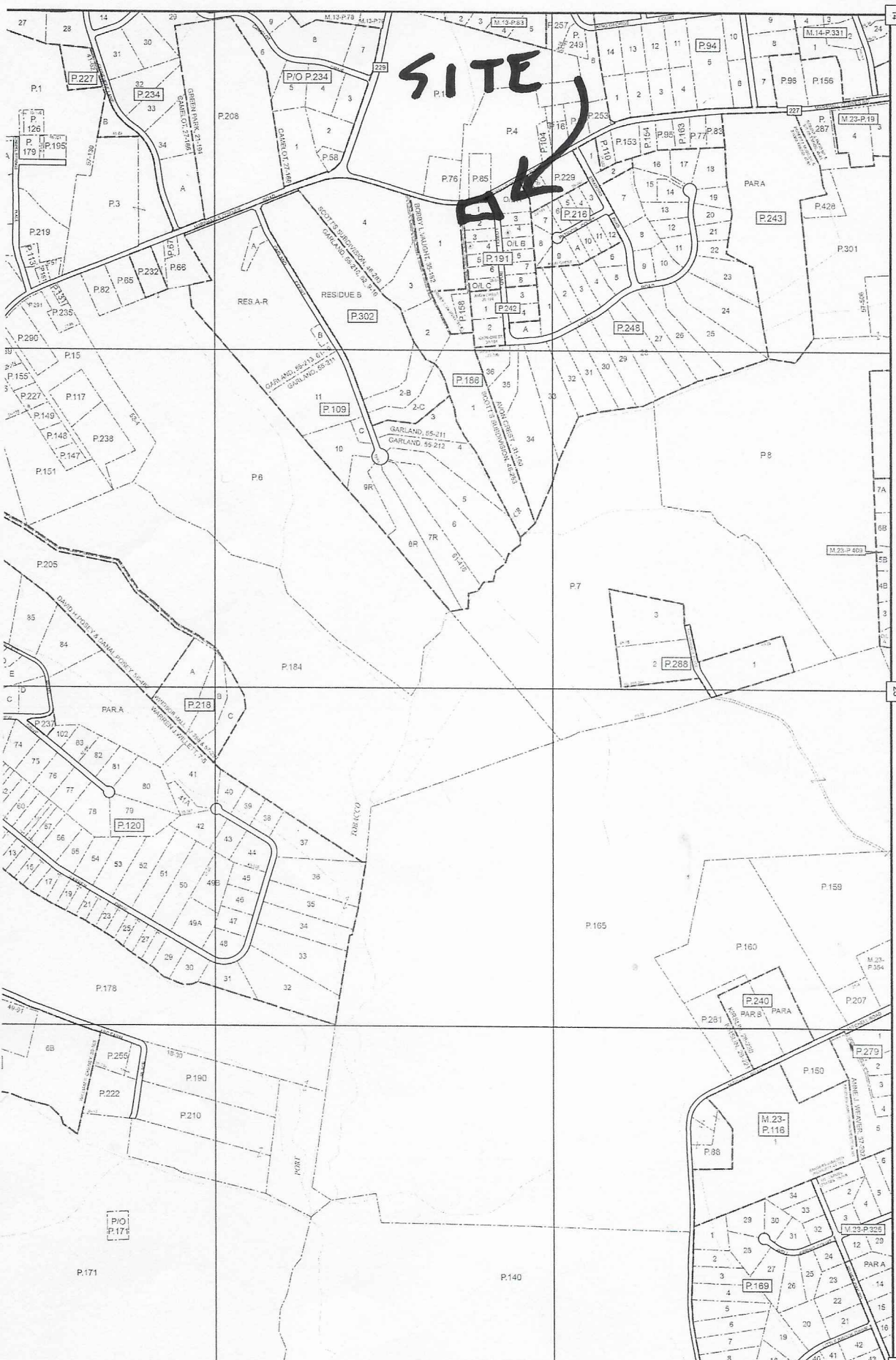
Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square Feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
RC Zone																
Agricultural 1.00.000	3 acres ¹		150	200	120	75	40	80	50	40						
Grain dryers, etc. 1.01.410	20 acres		600	600		200	200	400	200	40						
Residential 3.00.000	3 acres ¹		120	200	100	50	30	60	50	36	3					
Institutional/utilities/recreation 4.00.000	3 acres ¹		120	200	100	50	30	60	50	36	3		0.20 FAR			
Park-and-ride facilities 4.09.200	1 acre		100	150	75	30	15	30	20							
Sawmills 7.01.230	20 acres		800	800	650	100	300	600	300	40						
Residential lots less than three acres (existing prior to 10-31-2000)						30	15	35	36	36	3					
RR Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000	30,000 square feet		100	150	80	40	20	40	40	36	3	25%		15%		
Institutional/utilities/recreation 4.00.000	1 acre		100	150	80	50	20	40	40	36	3	30%				
Residential lots less than three acres (existing prior to 10-31-2000)			100			30	15	35	30	36	3	30%				

NOTES:

¹ For the RC(D) Zone, the minimum lot area shall be 10 acres, except as set forth in § 297-88D for Neighborhood Conservation Districts.

Appendix B

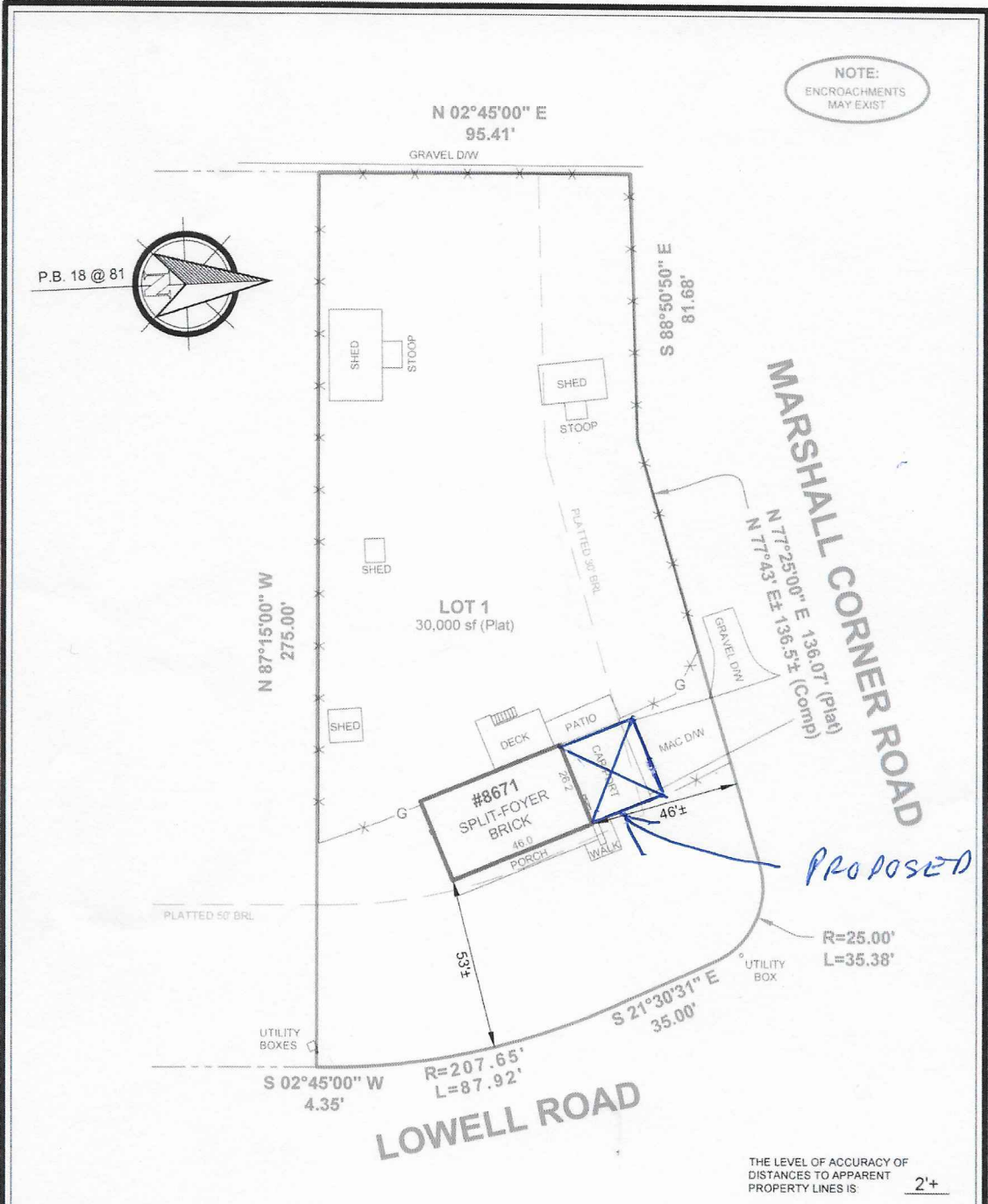
Tax Map 22, Grid 5, Parcel 191



Appendix C

2019 Survey

NOTE:
ENCROACHMENTS
MAY EXIST



THE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS **2+**

LOCATION DRAWING OF:
#8671 MARSHALL CORNER ROAD
LOT 1 BLOCK A
REVISED SECTION ONE
AVON - CREST
PLAT BOOK 18, PLAT 81
CHARLES COUNTY, MARYLAND
SCALE: 1"=40' DATE: 03-26-2019
DRAWN BY: CP FILE #: 192128-200

LEGEND:
 -X- FENCE
 B/E - BASEMENT ENTRANCE
 B/W - BAY WINDOW
 BR - BRICK
 BRL - BLDG RESTRICTION LINE
 BSMT - BASEMENT
 C/S - CONCRETE STOOP
 CONC - CONCRETE
 DW - DRIVEWAY
 EX - EXISTING
 FR - FRAME
 MAC - MACADAM
 G - GATE
 OH - OVERHANG
 PUE - PUBLIC UTILITY ESMT.
 PIE - PUBLIC IMPROVEMENT ESMT.
COLOR KEY:
 (RED) - RECORD INFORMATION
 (BLUE) - IMPROVEMENTS
 (GREEN) - ESMTS & RESTRICTION LINES

A Land Surveying Company
DULEY
and
Associates, Inc.
Serving D.C. and MD.
14604 Elm Street, Upper Marlboro, MD 20772
Phone: 301-888-1111 Fax: 301-888-1114
Email: orders@duley.biz On the web: www.duley.biz



SURVEYOR'S CERTIFICATE
 I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.


DULEY & ASSOC.
 WILL GIVE YOU A 100%
 FULL CREDIT TOWARDS
 UPGRADING THIS
 SURVEY TO A
 "BOUNDARY/STAKE"
 SURVEY FOR ONE
 YEAR FROM THE DATE
 OF THIS SURVEY.
 (EXCLUDING D.C. & BALT. CITY)

PROPOSED GARAGE

Appendix D

Plat Book 18 Page 81

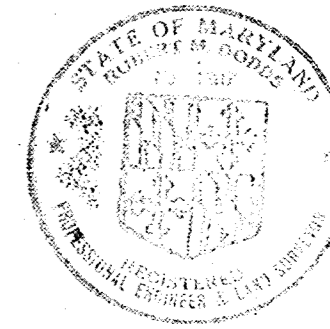
SURVEYORS CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the land conveyed to Propel Properties, Inc. to Edmund D. Colby by deed dated Jan. 25, 1968, and recorded among the Land Records of Charles County, Maryland, in Liber 03 at Folio 392, and that iron pipes marked thus  have been placed as indicated, and that the requirements of the Charles County Subdivision Regulations and the Annotated Code of Maryland have been complied with.

Date: 2-23-72

Robert M. Dodds

Maryland Land Surveyor
No. 4307



OWNERS DEDICATION

I, Edmund D. Colby, owner of the property shown and described hereon, hereby adopt this plan of subdivision, establish the building restriction lines and dedicate the streets to public use.

There are no suits, action of law, leases, liens, mortgages, trusts, easements or rights-of-way affecting the property included in this plan of subdivision.

John A. Kephart
Witness

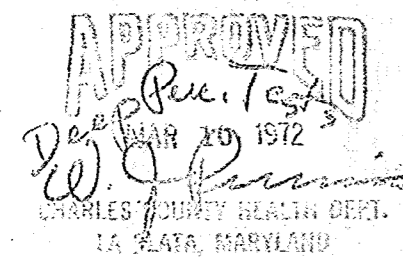
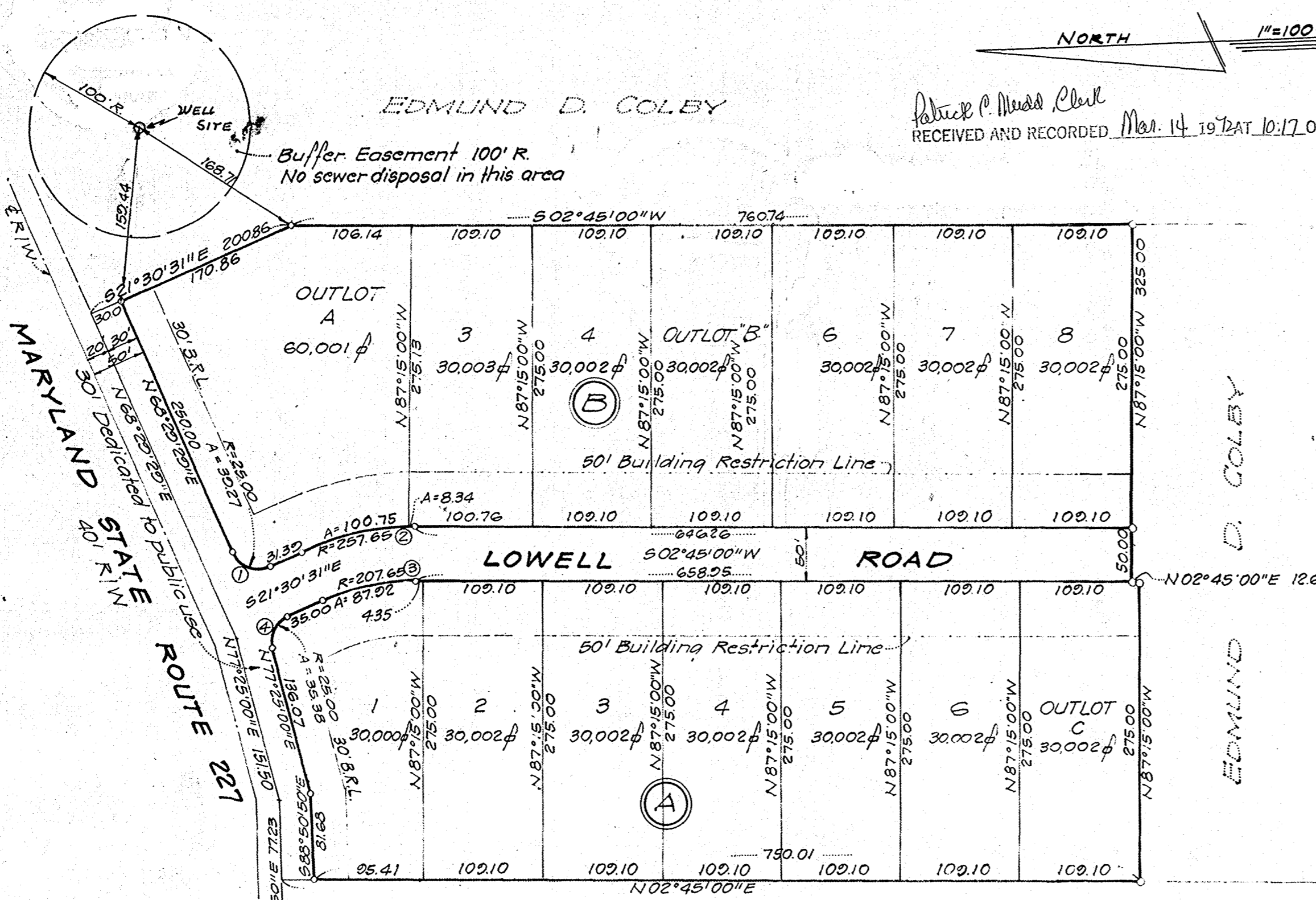
2-23-72
Date

Edmund D. Colby
Edmund D. Colby

MARYLAND STATE ARCHIVES



Patrick P. Mudd, Clerk
RECEIVED AND RECORDED Mar. 14 1972 AT 10:17 O'CLOCK A.M.

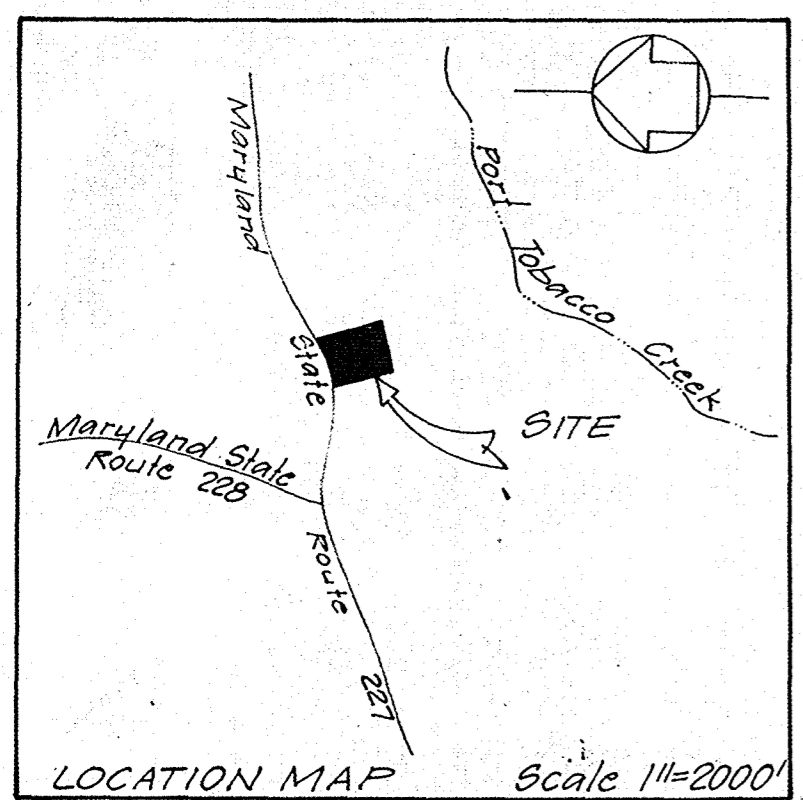


NIP
BENSON W. GATES, JR.

All lots to be served by central water system and individual sewage disposal system.

Water system approved by Maryland Dept. of Health April 22, 1971 Permit No. 71-11-14-16-0438

CURVE DATA						
NO.	Radius	Δ	ARC	Tan.	Chord	Chd Bearing
1	25.00	90°00'00"	39.27	25.00	35.36	S23°20'20"W
2	257.65	24°15'32"	109.09	55.37	108.27	S05°22'45"E
3	207.65	24°15'32"	87.02	44.63	87.26	S05°22'45"E
4	25.00	81°04'20"	35.38	21.38	32.50	S62°02'46"E



CHARLES COUNTY PLANNING COMMISSION
APPROVED: *Opalus ...*
3-14-72

REVISED
SECTION ONE
AVON - CREST
6TH ELECTION DISTRICT
CHARLES COUNTY, MARYLAND
DATE: FEB. 1972 SCALE: 1"=100'

LORENZI, DODDS & GUNNILL, INC
ENGINEERS · PLANNERS · SURVEYORS
6101 28th Avenue, Wash. D.C. 20031
(301) 423-7022

CHARLES COUNTY CIRCUIT COURT (Subdivision Plats, CH) Plat Book 18, p. 81, MSA_S1242_907. Date available 1972/03/14. Printed 07/04/2024.

Appendix E

Existing garage at 8671 **Marshall** Corner Road

7/3/2024, 11:18 AM



7/3/2024, 11:19 AM



7/3/2024, 11:19 AM



7/3/2024, 11:19 AM



7/3/2024, 11:20 AM



7/3/2024, 11:20 AM



7/3/2024, 11:21 AM



Appendix F

Examples of other existing homes with 2-car and 3-car
garages in the Avon Crest subdivision



8695 Lowell Road



8700 Lowell Road



8745 Lowell Road



8755 Lowell Road



8765 Lowell Road



8790 Lowell Road



8799 Lowell Road