

BOARD OF APPEALS

February 19, 2025

County Administration Building, 100 W. Washington St., Meeting Room 2000, Hagerstown, at 6:00 p.m.

AGENDA

AP2025-001: An appeal was filed by Samuel & Brittany Buhrman for a special exception to established a second principal permitted residential use (single-family dwelling) on a parcel with an existing single-family dwelling on property owned by the appellants and located at 19929 Lemuel Lane, Boonsboro, Zoned Agricultural Rural. - **GRANTED**

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than February 10, 2025. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

The Board of Appeals reserves the right to vary the order in which the cases are called. Please take note of the Amended Rules of Procedure (Adopted July 5, 2006), Public Hearing, Section 4(d) which states:

Applicants shall have ten (10) minutes in which to present their request and may, upon request to and permission of the Board, receive an additional twenty (20) minutes for their presentation. Following the Applicant's case in chief, other individuals may receive three (3) minutes to testify, except in the circumstance where an individual is representing a group, in which case said individual shall be given eight (8) minutes to testify.

Those Applicants requesting the additional twenty (20) minutes shall have their case automatically moved to the end of the docket.

For extraordinary cause, the Board may extend any time period set forth herein, or otherwise modify or suspend these Rules, to uphold the spirit of the Ordinance and to do substantial justice.

Tracie Felker, Chairman

Board of Zoning Appeals



WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

ZONING APPEAL

Property Owner: Samuel & Brittany Buhrman
19929 Lemuel Lane
Boonsboro MD 21713

Appellant: Samuel & Brittany Buhrman
19929 Lemuel Lane
Boonsboro MD 21713

Property Location: 19933 Lemuel Lane
Boonsboro, MD 21713

Description Of Appeal: Special exception to established a second principal permitted residential use (single-family dwelling) on a parcel with an existing single-family dwelling.

Appellant's Legal Interest In Above Property:

Owner:	Yes	Contract to Rent/Lease:	No
Lessee:	No	Contract to Purchase:	No
Other:			

Previous Petition/Appeal Docket No(s): AP2005-121

Applicable Ordinance Sections: Washington County Zoning Ordinance: Section 4.5

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single-Family Dwelling

Proposed Use: Second Single-Family Dwelling

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

Proposed:

I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 29 day of Jan, 2025.

My Commission Expires
Kathryn B. Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-001

State of Maryland Washington County, To Wit:

On 1/30/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Samuel & Brittany Buhrman and made oath in due form of law as follows:

Samuel & Brittany Buhrman will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 02/19/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 02/04/2025 and will remain until after the above hearing date.

Samuel & Brittany Buhrman

Sworn and subscribed before me the day and year first above written.

Notary Public

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025

My Commission Expires





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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BOARD OF ZONING APPEALS

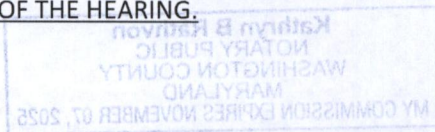
ATTENTION!

Posting Instructions

The premises **MUST** be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing. Section 25.51(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.



To Whom it May Concern:

My name is Sam Buhrman and my wife Brittany, and I are requesting a special exception for our farm at 19929 Lemuel Lane to replace a dilapidated mobile home with a new manufactured home. This new home will be occupied by my sister Sarah Mumma and her two children. As you will read in Sarah's note, she is a recently widowed mother. The close proximity to my wife and I will not only allow us to help care for them but will also provide Brittany the ability to take the kids to and from school when needed as she is a teacher at Greenbrier Elementary when the children would go.

The home being replace was in place on the farm when we purchased it in October of 2020. The current home is a late 1980's mobile home that was occupied at the time of our purchase by a young family. The trailer at that time was in very rough shape and not able to be repaired or maintained. The family has moved to a new home with our assistance.

The request is the replace the mobile home with a brand-new manufactured home meeting all of today's county standards. The sole intention is as a family residence for my sister to use through the children's schooling and beyond if she chooses. In the event she would vacate the property it would then be unoccupied until the time that my wife and I or our one of our children would choose to move into it.

Thank you for this consideration,

Sam Buhrman

19929 Lemuel Ln.

Boonsboro, MD 21713

301-991-5725

To Whom It May Concern:

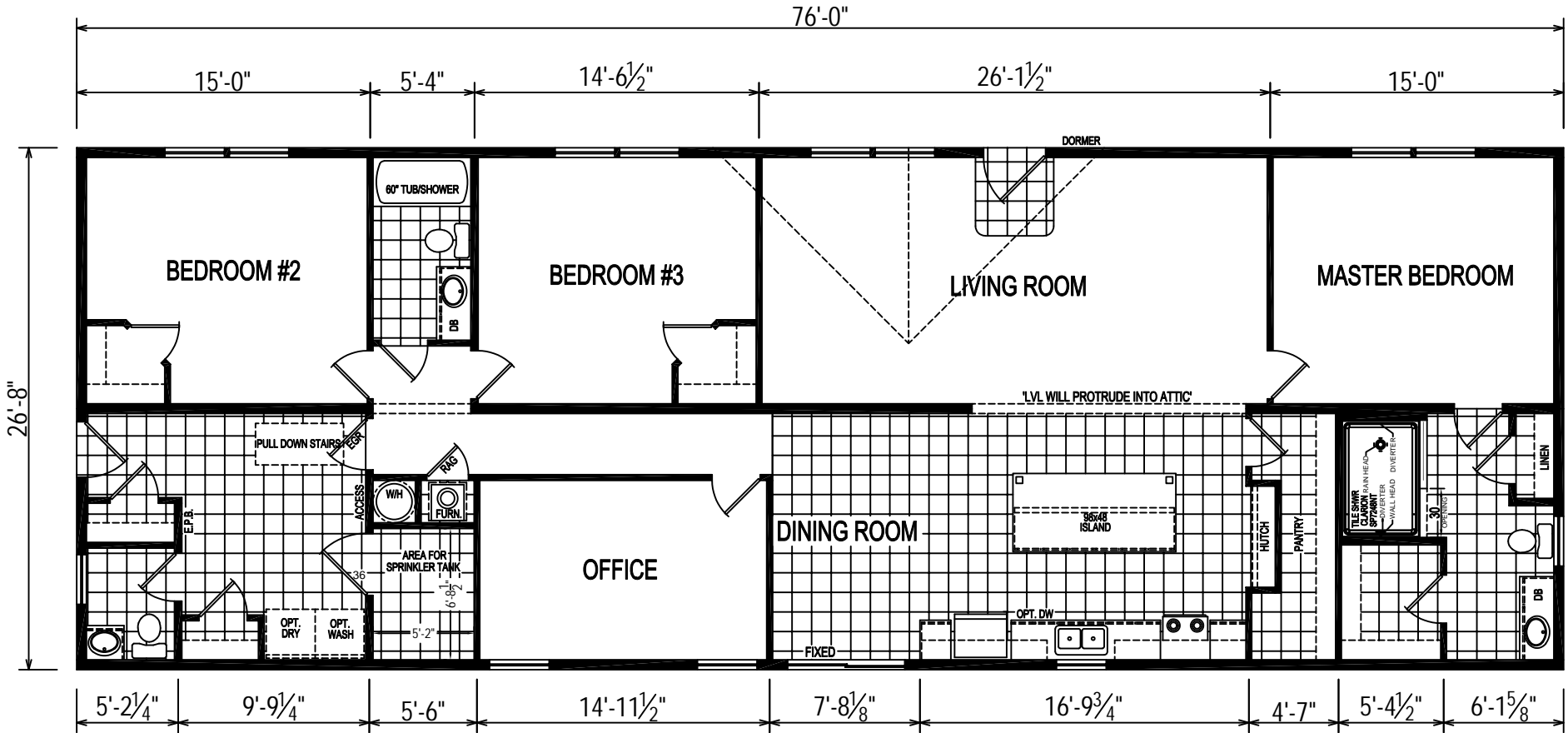
My name is Sarah Mumma. I am a 37-year-old single mother to a nine and five year-old. Life has been unusually tough for our family in the past few years. In 2021, I was shockingly diagnosed with stage 3 breast cancer. Right in the midst of busy young family life, our family rallied around us and we made it through chemotherapy, multiple surgeries and radiation. The majority of my treatment is provided right here in Washington County. My treatment will continue for the next several years in the hopes that I will remain in remission. In March 2024, I lost my husband and my children lost their father in a motorcycle accident. The hope that we had for a brighter future suddenly felt like it was ripped from our hands.

With a home in West Virginia that is far too large, and unfortunately too expensive; distance from family and from my work at the hospital as a nurse; and the lack of daily support that I need as a widow with two young children, we are struggling. My brother and sister have been our lifeboat in the storm. With no grandfathers or father in their lives, my brother's presence in my children's lives is essential. It was never asked of him, but he willingly stepped up and has been a daily support to myself and my children.

I am asking that you all please consider granting an acceptance for our home to be placed on my brother's property. Not only would this provide my family with the assistance we are desperately needing but it would also allow us to be a part of the community that we love. I was born and raised in Washington County and I would be honored to raise my children here. Thank you for your time and consideration.

Sarah E. Mumma


SMITTYS - MUMMA



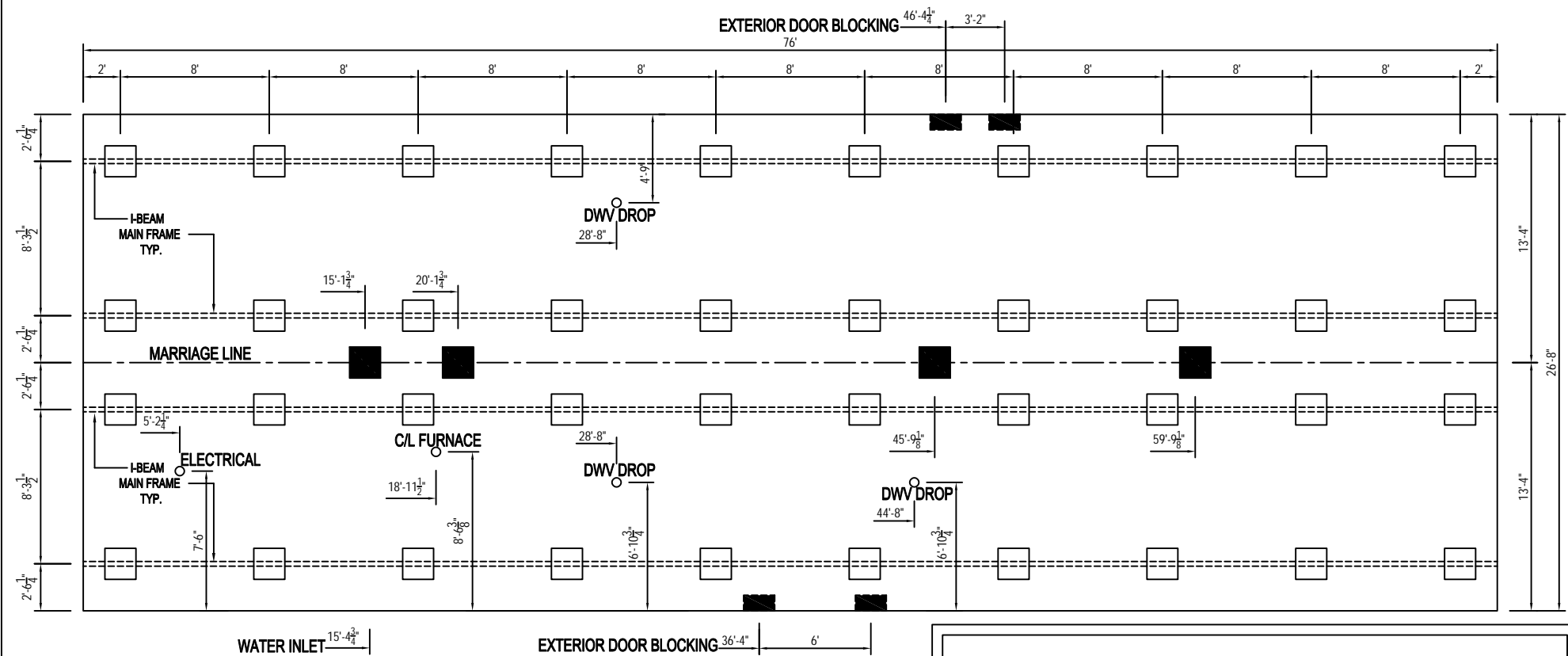
HD-80J605-LTD-STS
4 BEDROOM, 2 1/2 BATH
NOMINAL SIZE: 28'x80'
TOTAL AREA: 2,027 SQ. FT.

HUDSON DOUBLE




DUE TO CONSTANT PRODUCT IMPROVEMENT, ALL DIMENSIONS AND SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE OR OBLIGATION TO EAGLE RIVER HOMES. DIMENSIONS STATED ARE TO INDUSTRY STANDARDS. THE INFORMATION ON THIS PAGE IS PROPRIETARY AND CONFIDENTIAL.

 EAGLE RIVER HOMES <small>THE INFORMATION ON THIS PAGE IS PROPRIETARY AND CONFIDENTIAL.</small>		Revisions	Rev. Date:	Rev. By:	Date Drawn:	Title:	Serial No.:
	A	PLAN REVISIONS	11/06/24	DAM	9/21/24	LITERATURE PLAN	-
	B	.	.	.	Drawn By: DAM	Model: HD-80J605-LTD-STS	Sheet: LIT
	C	.	.	.			
	D	.	.	.			

SMITTYS - MUMMA



BLOCK BOTH SIDES OF ALL EXTERIOR DOORS.
ALSO, MARRIAGE WALL OPENINGS
AND SIDEWALL OPENINGS OVER 48".

-  TYPICAL I-BEAM PIER BLOCKING
 TYPICAL MARRIAGE WALL BLOCKING
 TYPICAL PERIMETER BLOCKING

THIS PIER PLACEMENT DRAWING IS NOT A FOUNDATION DESIGN. SEE CURRENT EAGLE RIVER HOMES INSTALLATION/SETUP MANUAL AND IT'S ADDENDUM(S) FOR FOUNDATION DESIGN

NOTES:


A. PRINTS ARE FOR SETUP ONLY AND ARE SUBJECT TO CHANGE WITHOUT NOTICE OR OBLIGATION. FOR PROPER SETUP, SITE PREPARATION AND SITE INSTALLATION, SEE THE EAGLE RIVER HOMES, LLC. INSTALLATION MANUAL.

B. ALL ASPECTS OF THE FOUNDATION CONSTRUCTION ARE TO BE PERFORMED ON SITE BY TRAINED INSTALLERS, AND SUBJECT TO LOCAL CODES AND REQUIREMENTS.

C. BLOCK BOTH SIDES OF ALL EXTERIOR DOORS. ALSO, MARRIAGE WALL OPENINGS AND SIDEWALL OPENINGS OVER 48".

D. ASSUMES 2000 PSI SOIL BEARING CAPACITY AND 24" DIA. FOOTER IN 20 PSF OR 30 PSF ROOF LOAD ZONE. SEE ERH INSTALLATION MANUAL FOR OTHER CONDITIONS.

DUE TO CONSTANT PRODUCT IMPROVEMENT, ALL DIMENSIONS AND SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE OR OBLIGATION TO EAGLE RIVER HOMES. DIMENSIONS STATED ARE TO INDUSTRY STANDARDS. THE INFORMATION ON THIS PAGE IS PROPRIETARY AND CONFIDENTIAL.

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	A	PLAN REVISIONS	11/06/24	DAM	9/21/24	PIER PLAN	-
	B	.	.	.	Drawn By: DAM		Sheet: PIER
	C	.	.	.			
	D	.	.	.			

LEGEND

L# = LINE NUMBER OF CHART

Ac = ACRES

N/F = NOW OR FORMERLY

L. = LIBER

F. = FOLIO

MD = MARYLAND

NAD = NORTH AMERICAN DATUM

R/W = RIGHT OF WAY

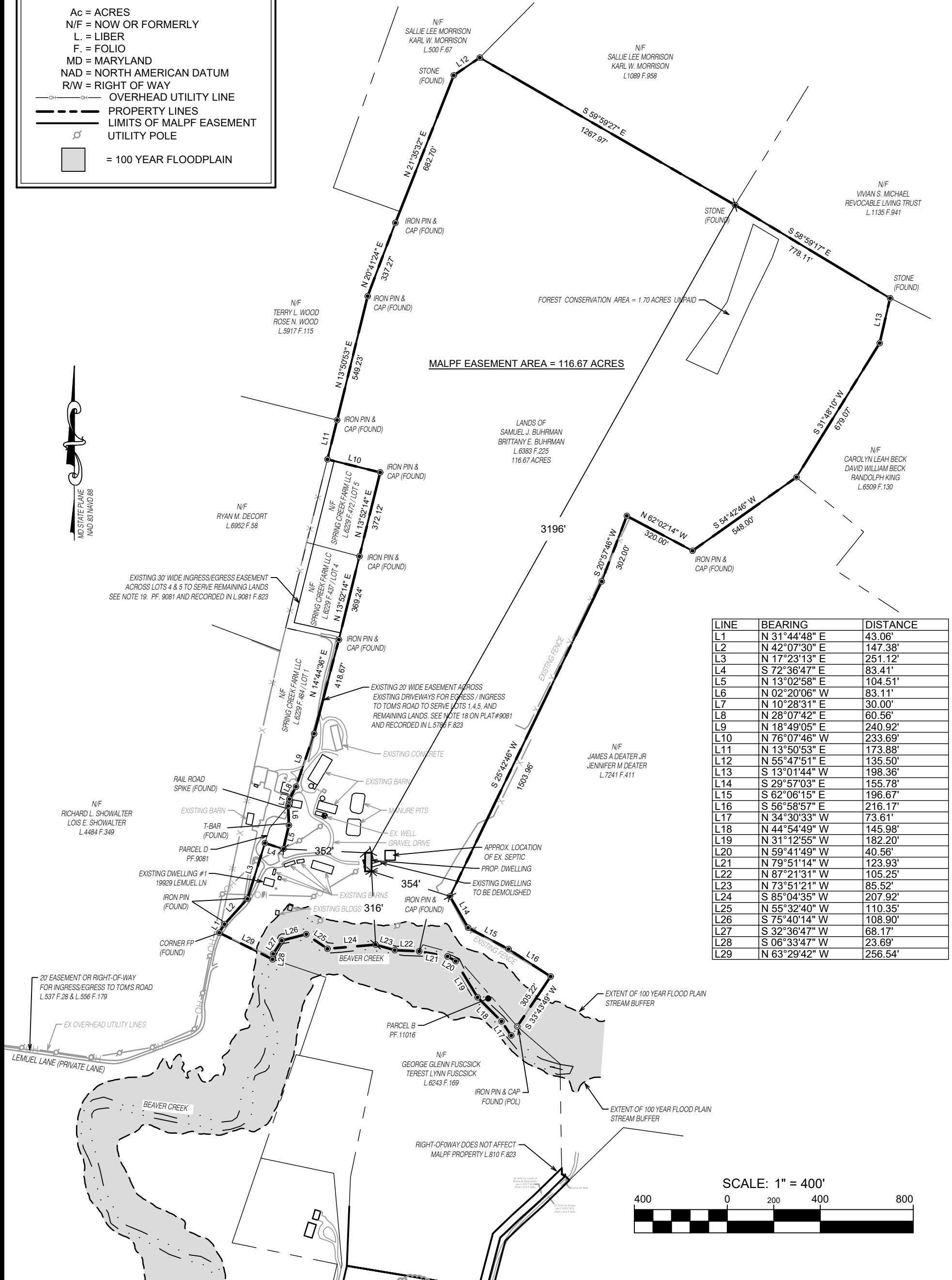
OVERHEAD UTILITY LINE

PROPERTY LINES

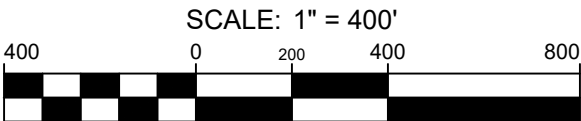
LIMITS OF MALPF EASEMENT

UTILITY POLE

= 100 YEAR FLOODPLAIN



LINE	BEARING	DISTANCE
L1	N 31°44'48" E	43.06'
L2	N 42°07'30" E	147.38'
L3	N 17°23'13" E	251.12'
L4	S 72°36'47" E	83.41'
L5	N 13°02'58" E	104.51'
L6	N 02°20'06" W	83.11'
L7	N 10°28'31" E	30.00'
L8	N 28°07'42" E	60.56'
L9	N 18°49'05" E	240.92'
L10	N 76°07'46" W	233.69'
L11	N 13°50'53" E	173.88'
L12	N 55°47'51" E	135.50'
L13	S 13°01'44" W	198.36'
L14	S 29°57'03" E	155.78'
L15	S 62°06'15" E	196.67'
L16	S 56°58'57" E	216.17'
L17	N 34°30'33" W	73.61'
L18	N 44°54'49" W	145.98'
L19	N 31°12'55" W	182.20'
L20	N 59°41'49" W	40.56'
L21	N 79°51'14" W	123.93'
L22	N 87°21'31" W	105.25'
L23	N 73°51'21" W	85.52'
L24	S 85°04'35" W	207.92'
L25	N 55°32'40" W	110.35'
L26	S 75°40'14" W	108.90'
L27	S 32°36'47" W	68.17'
L28	S 06°33'47" W	23.69'
L29	N 63°29'42" W	256.54'



TAX MAP: 63-9-61 DISTRICT: 16

DRAWING NUMBER 1 OF 1

DRAWN BY: AGH DATE: 11/24/24

CHECKED BY: DATE:

SCALE: 1" = 400'

FREDERICK SEIBERT & ASSOCIATES, INC.



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CIVIL ENGINEERS•SURVEYORS•LANDSCAPE ARCHITECTS•LAND PLANNERS

128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
505 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013
5201 SPRING ROAD, SUITE 3, SHERMANSDALE, PENNSYLVANIA 17090

(301) 791-3650

(301) 416-7478

(717) 597-1007

FAX (301) 739-4956

PLOT PLAN

FOR

SAM BUHRMAN

19929 LEMUEL LANE

BOONSBORO MD 21713

WASHINGTON COUNTY, MARYLAND

JOB NUMBER: 2024-0198

**BEFORE THE BOARD OF APPEALS
FOR WASHINGTON COUNTY, MARYLAND**

SAMUEL & BRITTANY BUHRMAN

*

Appeal No.: AP2025-001

Appellant

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* * * * * * * * * * * *

OPINION

Samuel and Brittany Buhrman (hereinafter “Appellants”) request a special exception for a second single-family dwelling at the subject property. The subject property is located at 19929 Lemuel Lane, Boonsboro, Maryland 21713 and is zoned Agricultural Rural. The Board held a public hearing in this matter on February 19, 2025.

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon proper notice to the parties and general public as required.

Findings of Fact

Based upon the testimony given, all information and evidence presented, and upon a study of the specific property involved and the neighborhood in which it is located, the Board makes the following findings of fact:

1. Appellants are the owners of the subject property, located at 19929 Lemuel Lane, Boonsboro, Maryland. The subject property is zoned Agricultural Rural.

2. The subject property consists of approximately 116.67 acres of farmland, currently improved with a single-family dwelling and an old mobile home, as well as other accessory buildings.

3. Appellants purchased the subject property in 2020 and at the time there was the existing single-family dwelling, and a mobile home placed there sometime in the late 1980’s for use by a tenant farmer.

4. The mobile home was dilapidated, unlivable and needed to be torn down.

5. Appellants propose to construct a second single-family dwelling on the property for Mr. Burhman’s sister, Sarah Mumma. Ms. Mumma is a cancer survivor and

recently lost her husband in 2024. She was left to raise two (2) young children in a large, expensive house in West Virginia that now must be sold.

6. Appellants' plan is to relocate Ms. Mumma and her children to the subject property so that they can be a daily support to them. Ms. Mumma desires a father-type figure for her children and Mr. Buhrman is willing to fill that role in addition to being their uncle.

7. The proposed dwelling will be a manufactured home placed in the same general location as the old mobile home. The home will have separate water and septic, and access from a shared lane on the property.

8. Appellants do not intend for the proposed home to be anything but for the family in order to support Ms. Mumma and her children.

9. There was no opposition presented to this appeal.

Rationale

Special Exception

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as "a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood." Article 28A. In addition, Section 25.6 sets forth the limitations, guides, and standards in exercise of the board's duties and provides:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.

- (c) Traffic conditions and facilities
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.
- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- (g) The most appropriate use of the land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

For the reasons set forth herein, the Board concludes that the special exception should be granted.

Appellants testified in support of their request and were able to appropriately address the Board's questions and concerns. Although subdivision is the usual method for carving out a second residence, to the naked eye the proposed project will not look any different than if they had drawn lines on a plat. The property has adequate space and natural characteristics which would mitigate any perceived impact from building another home. Moreover, it provides the opportunity for enhanced family support for Mr. Buhrman's sister and her children, who have endured the loss of their husband and father, and a difficult battle with cancer. Appellants' response to these circumstances and their willingness to pursue this project is a testament to their commitment to family. Moreover, the Board would find it difficult to identify a more virtuous and justifiable reason for constructing a second dwelling on a property.

Given that this could be done with a subdivision, the Board does not find that the proposed use will create dangerous traffic or other safety concerns within the surrounding area. The Board finds no cause for concern regarding the number of people residing or working in the area which is relatively small, nearby public gatherings or the conservation of property values.

Constructing an additional residence at the subject property does not conflict with the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Appellants testified that the proposed use will not produce any noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties. There was no evidence

presented that the proposed use would have any effect on property values or the peace and enjoyment of nearby homes.

The Board finds that the proposed use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

Notwithstanding the analysis pursuant to *Schultz v. Pritts* and the related appellate opinions, there are no judicial decisions directly affecting the subject property.

The proposed project is consistent with the orderly growth of the community. The proposed use has adequate buffering and screening to shield adjacent property owners and does not require any variances for setback requirements. Thus, the proposed project can be completed and still maintain the other requirements of the Ordinance. The Board finds that the proposed use is consistent with the purpose and vision of the Ordinance.

Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed use at the subject property will have no greater “adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellants’ request should be granted.

Accordingly, the request for a special exception for a second dwelling at the subject property is hereby GRANTED, by a vote of 5 to 0. The special is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: March 20, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.