

BOARD OF APPEALS

March 5, 2025

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

AGENDA

AP2025-002: An appeal was filed by New Life Christian Ministries for a variance from the required 25 ft. setback from the road right-of-way to 10 ft. for proposed freestanding sign on property owned by 1991 FGP LLC and located at 12031 Hopewell Road, Hagerstown, Zoned Highway Interchange. - **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 24, 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: 1991 FGP LLC
C/O A C & T Co Inc
PO Box 4217
Hagerstown MD 21741

Appellant: New Life Christian Ministries
12031 Hopewell Road
Hagerstown MD 21741

Property Location: 12031 Hopewell Road
Hagerstown, MD 21740

Description Of Appeal: Variance from the required 25 ft. setback from the road right-of-way to 10 ft. for proposed freestanding sign.

Docket No: AP2025-002
Tax ID No: 24004279
Zoning: HI
RB Overlay: No
Zoning Overlay:
Filed Date: 02/10/2025
Hearing Date: 03/05/2025

Appellant's Legal Interest In Above Property:

| | | | |
|----------------|----|--------------------------------|----|
| Owner: | No | Contract to Rent/Lease: | No |
| Lessee: | No | Contract to Purchase: | No |
| Other: | | | |

Previous Petition/Appeal Docket No(s): AP2010-003

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.23 (e)

Reason For Hardship: Entrance is somewhat secluded and want the sign near the entrance for maximum visibility and effectiveness.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: **Proposed Use:**

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 10 day of Feb., 2025.

My Commission Expires

MY COMMISSION EXPIRES NOVEMBER 07, 2025

Notary Public

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



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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-002

State of Maryland Washington County, To Wit:

On 2/10/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Dean Martin and made oath in due form of law as follows:

Dean Martin 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 03/05/2025, 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 02/18/2025 and will remain until after the above hearing date.

Dean Martin

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



Seal



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

BOARD OF ZONING APPEALS

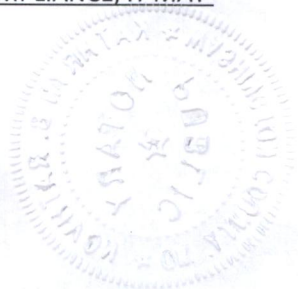
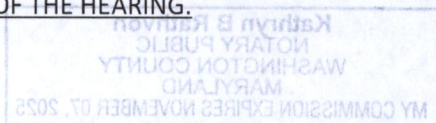
ATTENTION!

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.





Washington County
MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Century Graphics Group LLC d/b/a Sign Here
is authorized to file an appeal with the Washington County Board of Appeals for
a variance for reduced set-back for a free-standing sign on property
located 12031 Hopewell Road Hagerstown
The said work is authorized by ☒ Bred Fulton - Authorized Person
the property owner in fee.

PROPERTY OWNER

Bred Fulton
Authorized Person
☒ 1991 Fulton General Partnership LLC
Name

☒ 104217
Address

☒ Hagerstown, md.; 21741
City, State, Zip Code

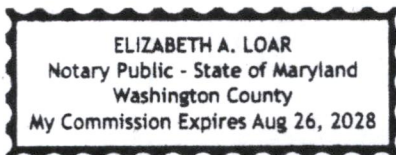
☒
Owner's Signature

Bred Fulton Authorized Person

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

☒ Elizabeth A Loar
Notary Public

My Commission Expires: Aug. 26, 2028



AUTHORIZED REPRESENTATIVE

Dean Martin

Name
345 E Antietam St

Address
Hagerstown MD 21740

City, State, Zip Code

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 31st day of January, 2025.

[Signature]
Notary Public

My Commission Expires: 11/20/2026

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1

WWW.WASHCO-MD.NET



345 E. Antietam St. Hagerstown, MD 21740
p) 800-442-7654 f) 301-791-9148
A d/b/a of Century Graphics Group LLC

February 3, 2025

To all concerned,

Our company is working with New Life Christian Ministries to install a sign/message center at their church campus on Hopewell Road.

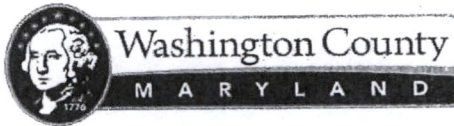
Their entrance is somewhat secluded, and we plan to position the sign near the entrance for maximum visibility and effectiveness. We are requesting a variance from the 25ft required set-back to 10ft in order to make the sign more readable from Hopewell Road. The proposed location does not conflict with other traffic or neighboring properties.

We appreciate your consideration.

Thanks

A handwritten signature in black ink, appearing to read "Dean Martin", is written over a horizontal line.

Dean Martin
Managing Member



BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired:

7-1-1 WWW.WASHCO-MD.NET

Appeal for Variance

Appeal is hereby made for a variance from a requirement of the Washington County Zoning Ordinance as follows:

Location 12031 HOPEWELL ROAD, HAGERSTOWN

Appellant's present legal interest in above property: (Check One)

☐ Owner (Including Joint Ownership) ☐ Lessee ☐ Contract to rent/lease

☐ Contract to Purchase ☒ Other SIGN COMPANY

Specify the Ordinance section and subsection from which the variance is desired:

Specify the particular requirement(s) from which a variance is desired in that section or subsection:

25 FT SET-BACK FROM R/O/W FOR FREE-STANDING SIGN

Describe the nature and extent of the desired variance from Ordinance requirements: listed above:

REDUCE TO 10 FT SETBACK FOR MAXIMUM VISIBILITY AT ENTRANCE

Describe reason(s) why the Ordinance requirement(s) in question would result in peculiar and/or unusual practical difficulties to or would impose exceptional or undue hardship upon the owner of the property if the requested variance were not granted:

Provide Detailed Explanation on Separate Sheet SEE ATTACHED

Has any previous petition or appeal involving this property been made to the Board?

☐ Yes ☐ No

If yes, list docket number(s): _____

I hereby certify that I have, to the best of my knowledge, accurately supplied the information required for the above referenced appeal.

[Signature]
Signature of Appellant

dean@signature.net
Email of Appellant

345 E ANTIETAM ST HAGERSTOWN MD 21740
Address and of Appellant

301-741-7654
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



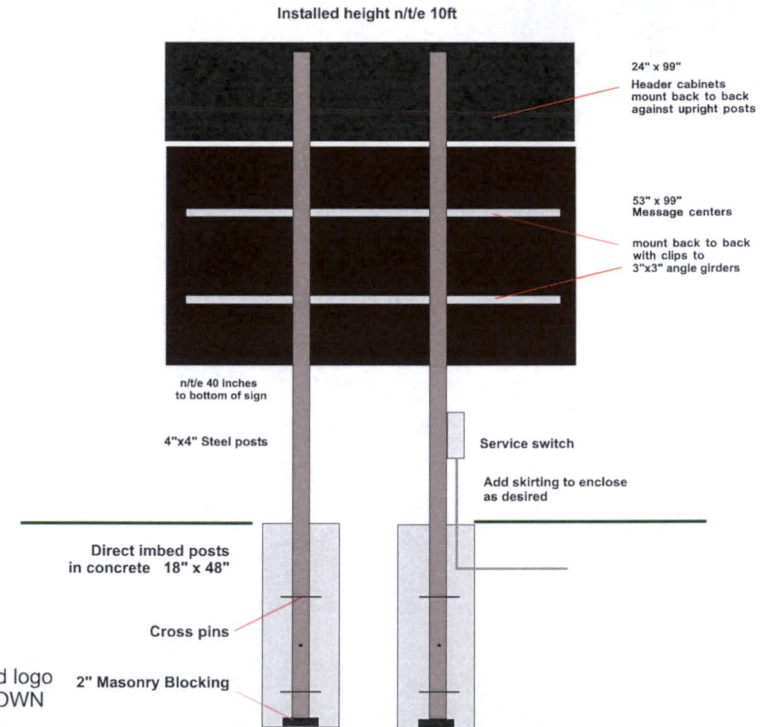
REPRESENTATIVE ONLY
LOCATION PER PLAT ATTACHED



DOUBLE-FACE ROADSIDE SIGN
ELECTRONIC MESSAGE CENTER
10mm Full Color LED RGB
Cabinet Size: 4ft 5in H x 8ft 3in L x 5in D
Viewing Area: 4ft H x 8ft L
Standard 5 Year Watchfire warranty applies.

Communications:
OPx - 4G Wireless with Watchfire Cellular Data Plan
Wireless Data Plan Life-of-sign Data Plan

HEADER CABINETS 24" x 99" with church name and logo
MOUNTED ON STRUCTURE & INSTALLED AS SHOWN



Date: **January 3 2025**

Description: **Roadside Message Center**

This drawing is the exclusive property of Sign Here (Century Graphics Group, llc) until purchased by the customer. It has been prepared and presented to the customer for concept and proposal purposes. All colors are representative unless noted otherwise. Reproduction or distribution of this drawing is expressly forbidden. This drawing and related graphics are available for purchase from Sign Here apart from the sign work proposed.

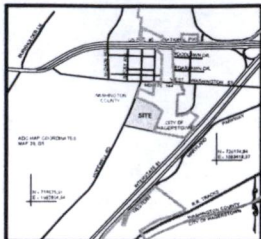


301-791-7654
800-442-7654

thesignpro@signhere.net

345 E. Antietam Street, Hagerstown, Maryland 21740

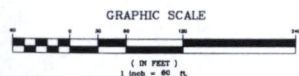
IDENTIFY WITH US!



VICINITY MAP SCALE: 1" = 2000'

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|--------|------------|--------------|---------------|-------------|
| PC1 | 125.57 | 18.46 | 175.12 | N89°46'30"W | 42°33'33" |
| PT1 | 125.57 | 363.58 | 348.88 | S72°48'30"W | 47°03'33" |

| LINE | BEARING | DISTANCE |
|--------|-------------|----------|
| LINE1 | S72°48'30"W | 186.12 |
| LINE2 | S72°48'30"W | 10.34 |
| LINE3 | S72°48'30"W | 107.50 |
| LINE4 | S72°48'30"W | 345.77 |
| LINE5 | S72°48'30"W | 45.24 |
| LINE6 | S72°48'30"W | 184.60 |
| LINE7 | S72°48'30"W | 215.20 |
| LINE8 | S72°48'30"W | 51.84 |
| LINE9 | S72°48'30"W | 33.37 |
| LINE10 | S72°48'30"W | 13.82 |



NEW LIFE CHRISTIAN MINISTRIES
 8141 KATE A. 1001 HOPKINS ROAD
 SOUTH OF WEST WASHINGTON STREET NORTH OF PALMYRA BOULEVARD
 WASHINGTON COUNTY, MARYLAND

PROJECT NO. 01-01-0001
 DATE 01-01-0001
 PROJECT MANAGER Kevin Freidberg
 FILE # 01-01-0001
 001-01-01-0001
 SCALE 1" = 60'

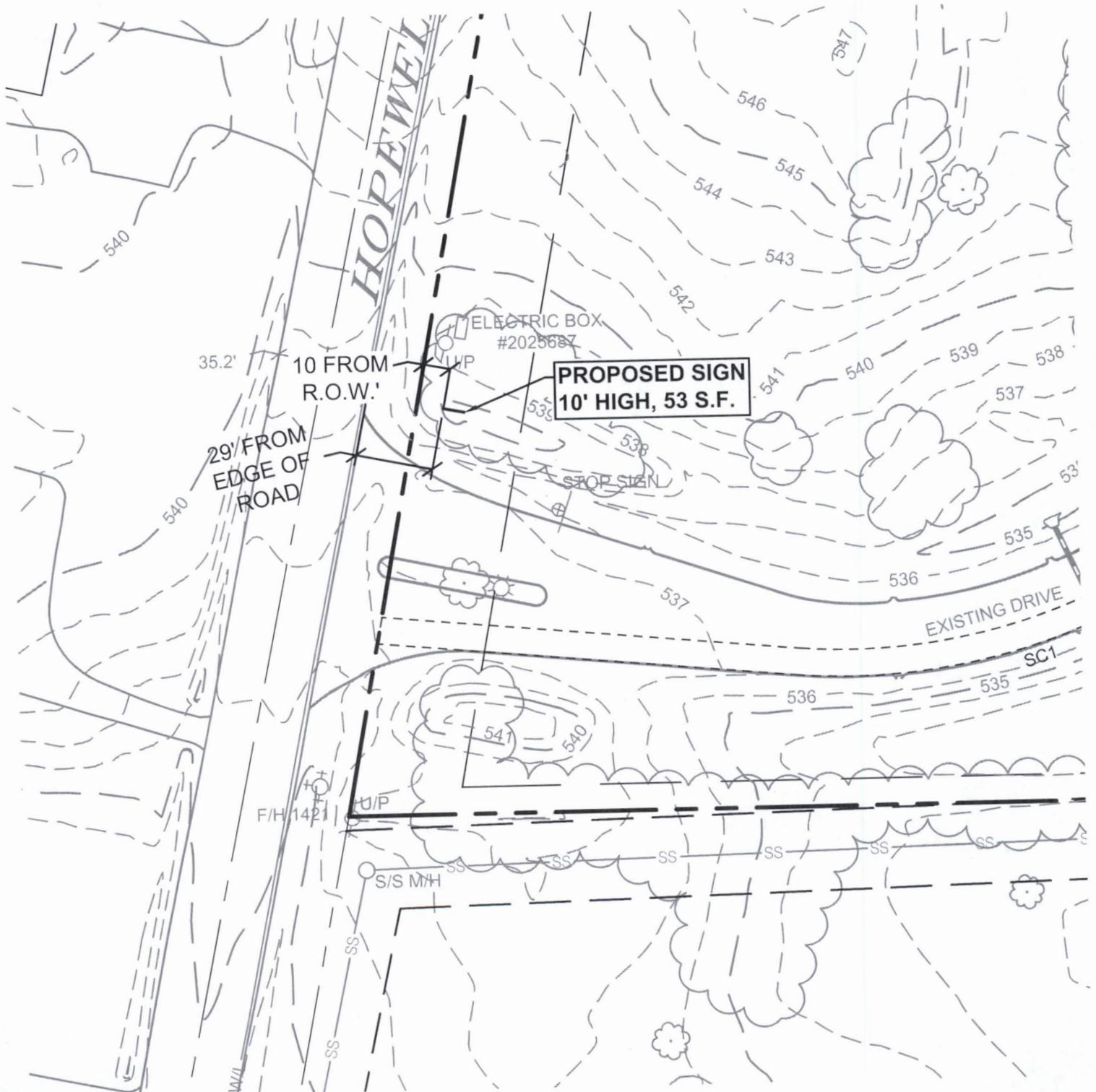
SIGN EXHIBIT

C-101
 SHEET 01 OF 01

FSAQ
 FREDERICK, SEIBERT & ASSOCIATES, INC.
 1000 E. WASHINGTON STREET, SUITE 200
 FREDERICK, MARYLAND 21701-1000
 TEL: 410-326-1000
 FAX: 410-326-1001
 WWW.FSAQ.COM

12031 Hopewell Road

Enlarged to show detail



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

NEW LIFE CHRISTIAN MINISTRIES

*

Appeal No.: AP2025-002

Appellants

*

*

* * * * *

OPINION

New Life Christian Ministries (hereinafter “Appellant”) requests a variance to reduce the required setback from 25 feet to 10 feet to construct a sign and message center at the subject property. The subject property is located at 12031 Hopewell Road, Hagerstown, Maryland 21740 and is zoned Highway Interchange. The Board held a public hearing in this matter on March 5, 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. 1991 FGP, LLC is the owner of the subject property located at 12031 Hopewell Road, Hagerstown, Maryland. The subject property is zoned Highway Interchange.

2. Appellant is the lessee of the subject property and has operated a church there since 2010.

3. The subject property consists of approximately 20 acres improved by a 20,000 square-foot building used for Appellant’s church. The building is situated a substantial distance from the road and there is a long drive extending from the There is

an elevated rock outcropping at the entrance to the property and trees which obscure sight lines to the south of the property.

4. The property was the subject of a previous appeal filed by the owner, seeking special exception approval in Case No. AP2010-003. In that case, the Board approved a special exception for a church as a functionally similar use.

5. Appellant's congregation continues to grow in size, as does the surrounding community. The intensity of the Appellant's use of the property and the amount of traffic in and out has increased substantially in fifteen (15) years.

6. Appellant proposes to construct a sign and message center within ten (10) feet of the right-of-way along Hopewell Road, in order to improve identification of the property and to promote their church activities.

7. The sign will be constructed on posts which will be imbedded in the rock outcropping at the entrance to the property. The sign will be lighted but has an auto-dimming feature so as not to create issues for passing motorists.

8. Along the Hopewell Road there are other businesses including Tractor Supply, Pavestone, Wantz Distributors, TBH and Purina all have signs near or along the roadway.

9. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.¹ "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably

¹ "When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive ("or"), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements." *Belvoir Farms Homeowners Ass'n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

Practical difficulty and undue hardship are typically the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” *North v St. Mary’s Cnty.*, 99 Md.App. 502, 514 (1994).

Appellants requested to reduce the front yard setback from 25 feet to 10 feet, to construct a sign and message center for its church. Pursuant to Section 22.23 of the Zoning Ordinance, the required setback for a sign is 25 feet from the right-of-way.

Appellant testified that due to the layout of the property, it can be difficult to find, and they have no signage announcing the church’s presence. Much like other churches and businesses in the surrounding area, Appellant proposes to construct a sign with a message center to communicate with the community and passing motorists. Appellant testified that if they were to observe the full setback requirement, the sign would be too far back from the road to be observed and therefore would not serve its purpose. The Board took notice that several other businesses along Hopewell Road have signage along the roadway, some of which are inside the setback area. In addition to the layout issues, the subject property also has trees on the south side of the entrance and rock on the north side of the entrance, which obscure the entrance to unknowing visitors. The proposed sign would announce the church and allow communication the surrounding community via the message center.

Based on the testimony and evidence, observing the strict setback requirements would deny Appellant a reasonable use of the property enjoyed by other properties in the surrounding area. This is the very essence of practical difficulty and as a result, Appellant's request is reasonably tailored to address the limitations imposed by the property. Additionally, the request is the minimum necessary to facilitate construction of the sign in a location that serves its function. The Board finds that practical difficulty exists which necessitates a relaxation of the front yard setback for construction of a sign and message center. The variance request is consistent with the spirit and intent of the Ordinance.

Accordingly, the request for a variance to reduce the required front yard setback from 25 feet to 10 feet to construct a sign and message center at the subject property is GRANTED by a vote 5 to 0. The variance 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: April 3, 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.