

BOARD OF APPEALS

September 3, 2025

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

AGENDA

AP2025-019: An appeal was filed by Railside Properties LLC for a variance from the required 40 ft. front yard setback to 20 ft. for proposed addition to the existing commercial building on the property owned by the appellant and located at 13705 Railroad Street, Maugansville, Zoned Business General.

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 August 25, 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: Railside Properties LLC
C/O Elvin Eby
PO Box 750
Maugansville MD 21767

Appellant: Railside Properties LLC
PO Box 750
Maugansville MD 21767

Property Location: 13705 Railroad Street
Maugansville, MD 21767

Description Of Appeal: Variance from the required 40 ft. front yard setback to 20 ft. for proposed addition to the existing commercial building on the property.

Docket No: AP2025-019
Tax ID No: 13022453

Zoning: BG
RB Overlay: No
Zoning Overlay:
Filed Date: 08/14/2025
Hearing Date: 09/03/2025

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):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section 12.5

Reason For Hardship: The size and shape of the property limits ability to meet setbacks for the structure.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Commerical Use **Proposed Use:** Addition to be Used by Existing Business

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.

Elvin J Eby
Appellant Signature

State Of Maryland, Washington County to-wit:

Affirmed
Sworn and subscribed before me this 14 day of August, 2025.

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

Kathryn B Rathvon
Notary Public



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AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-019

State of Maryland Washington County, To Wit:

On 8/14/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Elvin Eby and made oath in due form of law as follows:

Elvin Eby 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 09/03/2025, 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 08/19/2025 and will remain until after the above hearing date.

Elvin Eby

Affirmed

~~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



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BOARD OF ZONING APPEALS

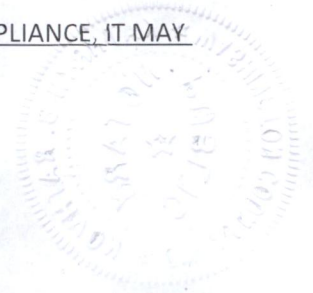
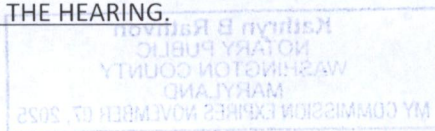
ATTENTION!

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.



Railside Properties, LLC
13705 Railroad Street
Hagerstown, MD 21740

Variance Request Information

Reason of Appeal

Railside Properties, LLC is proposing an addition to the current structure at 13705 Railroad Street. The proposed addition would be for the ongoing commercial operation of existing tenant. For the proposed addition, the applicant is asking for a variance from the required 40' setback to a 20' setback from Railroad Street. This would allow the southwest corner of the proposed building to meet the southeast corner of the existing building. The southeast corner of the existing building is 19.1' from the Railroad Street boundary line.

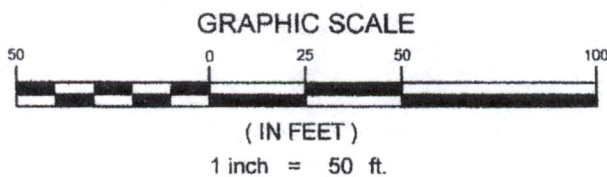
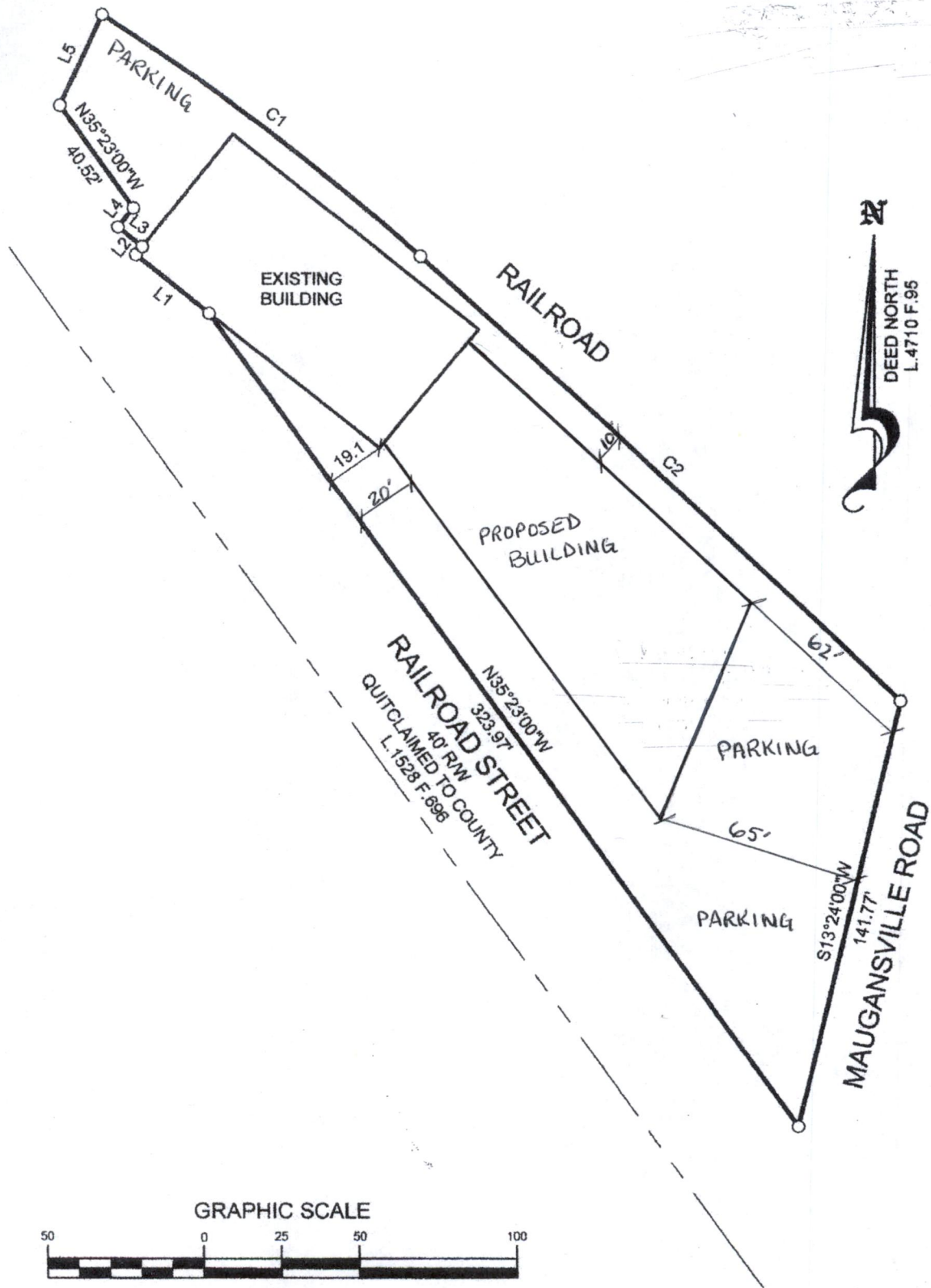
Strict compliance of the required 40' setback would hinder the usefulness of the addition because of the narrowness of the building giving it a hallway effect vs. useful space.

Denying the variance would hinder the usefulness of this property as it is situated between Railroad Street and the railroad, and cannot be joined with another property.

Granting the variance would add value to the neighborhood. Due to the narrow design of the property and the required setbacks, the property has in the past become a collection site of junk vehicles, general parking and storage, some of which is unsightly. Being able to utilize this property productively will add to the commerce of Maugansville and the county, and help raise the standard of the vicinity.

The traffic on Railroad Street consists primarily of the local occupants on Railroad Street. Therefore, a 20' setback would not impede traffic flow.

Public water and sewer are currently utilized in existing structure.



LINE	BEARING	DISTANCE
L1	N51°09'20\"W	29.97'
L2	N38°50'00\"E	3.29'
L3	N51°10'00\"W	10.00'
L4	N38°50'00\"E	8.00'
L5	N24°56'36\"E	32.14'

CURVE -	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	720.00'	128.04'	127.87'	S52°38'22\"E	10°11'21\"
C2	6,121.25'	210.41'	210.40'	S46°33'37\"E	1°58'10\"