

BOARD OF APPEALS

October 29, 2025

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

AGENDA

AP2025-024: An appeal was filed by Bryce Block for a special exception to establish a contractor equipment and storage yard on property owned by Railside Properties LLC and located at 15244 Fairview Road, Clear Spring, Zoned both Rural Village and Agriculture Rural District. -**GRANTED WITH CONDITIONS**

AP2025-025: Sharpsburg Pike Holding LLC is charging administrative error of the Zoning Administer stating the interpretation of Section 22.23(e) regarding "Use on the Premises Signs" is incorrect for installation of a freestanding sign that would advertise the uses(s) or tenant(s) on adjacent parcels. An appeal was also filed for a variance from the requirement of a property to have a lot frontage of at least 40 ft. in width to be reduced to 25 ft. and a variance from the 25 ft. setback for the sign support structure from the road right-of-way to 10 ft. for proposed freestanding sign on the property owned by the appellant and located at 10440 Vida Drive, Hagerstown, Zoned Highway Interchange District. -

CONTINUED TO THE DECEMBER 10TH HEARING

AP2025-026: An appeal was filed by Sharpsburg Pike Real Estate LLC for a variance from the 25 ft. setback for the sign support structure from the road right-of-way to 10 ft. for proposed freestanding sign and a variance from the 10 ft. setback from the road right-of-way to 3.47 ft. for a parking space on property owned by the appellant and located at 10320-10406 Sharpsburg Pike, Hagerstown, Zoned Highway Interchange District. - **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 October 20, 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
13705 Railroad Street
Hagerstown MD 21740

Appellant: Bryce Block
PO Box 2909
Hagerstown MD 21740

Property Location: 15244 Fairview Road
Clear Spring, MD 21722

Description Of Appeal: Special exception to establish a contractor equipment and storage yard.

Docket No: AP2025-024
Tax ID No: 13005397
Zoning: RV; A(R)
RB Overlay: No
Zoning Overlay:
Filed Date: 09/25/2025
Hearing Date: 10/15/2025

Appellant's Legal Interest In Above Property:

Owner: No

Contract to Rent/Lease: No

Lessee: No

Contract to Purchase: Yes

Other:

Previous Petition/Appeal Docket No(s):

AP2022-028

Applicable Ordinance Sections:

Washington County Zoning Ordinance Section: 3.3(1) Table of Land Use Regulations: Q

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential Lot with no Dwelling

Proposed Use: Contactor's Equipment and Storage Yard

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

Proposed:

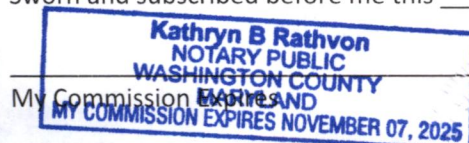
I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Bryce Block

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 25 day of September, 2025.



[Signature]

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-024

State of Maryland Washington County, To Wit:

On 9/25/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Bryce Block and made oath in due form of law as follows:

Bryce Block 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 10/15/2025, 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 09/30/2025 and will remain until after the above hearing date.

Bryce Block

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

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

Notary Public

Seal

My Commission Expires



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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BOARD OF ZONING APPEALS

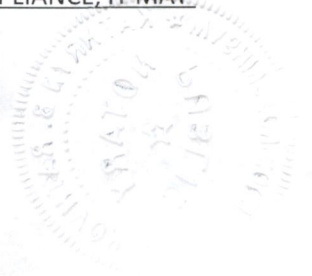
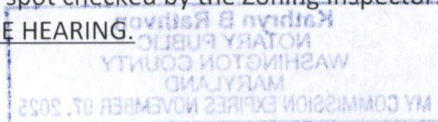
ATTENTION!

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.



Bryce Block – Legacy Residential Elevators

PO Box 2909

Hagerstown, MD 21741

9/24/2025



To the Board of Zoning Appeals:

747 Northern Ave

Hagerstown, MD 21742

Board of Zoning Appeals Members:

I am submitting this justification letter in support of my application for a special exception to operate a contractors storage yard for my residential elevator and handicap equipment service company, Legacy Residential Elevators at the property located at 15244 Fairview Rd, Clear Spring MD 21722. The proposed special exception is for a 5,000 square foot storage office facility only, the property will not become a bustling commercial hub. All sales, installation, meetings, and service work will be performed off site.

The on-site activities are limited to:

- Answering phone calls and communicating with team members and clients
- Scheduling services
- Managing administrative and billing paperwork
- Receiving, Staging and delivering enclosed residential packages to customers
- The business will operate Monday through Friday from 8:00 am – 4:00 pm with minimal to no noise disruption.

The proposed 5,000 square foot storage/office space will have no discernable impact on the (4) direct surrounding residential properties. There are to be no more than 2 deliveries per month from a semi-truck, and box trucks delivering materials to the customer(s) 2-3 times per week during normal business hours. All other business operations and duties will be conducted indoors within the standard business hours stated above, ensuring that the business activities do not disrupt or deter the neighborhoods residential character and community. The deliveries in and out of the proposed building are minimal and will not increase traffic congestion or negatively impact vehicular and pedestrian safety. All vehicles will either be parked well within property lines or within the building itself.

The proposed building use poses no threat to the public health, safety, or welfare of the surrounding community, there will be no hazardous materials stored or used on the property and the day-to-day use does not involve any dangerous activity that would increase environmental

damage or disrupt the peace of the nearby residential neighborhood. The business will not create any substantial noise, odor, dust, glare, or vibration that could harm the surrounding properties. Furthermore, the addition of the proposed building will not have a negative affect on the surrounding property values.

To ensure the Board that the communities welfare will be amongst top priority, I would also like to add that I, the owner of the building, have lived and grown up in the Clear Spring area. I also plan to build a single family dwelling on the same property as the proposed building within the next 5 years. I am sincere to keeping the peace and having a low negative impact on the community. I commit to the following mitigation measures:

- No customer visits to the property
- Conducting all business activity outside of receiving deliveries within the confines of the building. (Deliveries do not last longer than 30 minutes at a time)
- Storing all non-vehicular material within the confines of the building
- Displaying no free-standing signage on the property
- Keeping all delivery times within the confines of normal business hours

Based on the information presented in this proposal, I respectfully request the Board's approval. This Contractors storage yard is a low-impact use that meets all applicable criteria and will not negatively impact the surrounding community or neighborhood.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Bryce Block". The signature is written in a cursive, flowing style.

Bryce Block

GENERAL NOTES

- Any damage to adjoining public roads, utilities, etc. during construction will be repaired in kind by the contractor.
- No subsurface investigation has been performed by Frederick, Seibert and Associates, Inc. to determine ground water, rock, sinkholes or any other natural or man-made existing features. See geotech report by Hill-Carnes Engineering Associates, Inc. for subsurface findings.
- FSA, Inc. assumes no liability for the location of any above ground and below ground utilities. Existing utilities are shown from the best available information. Contractor to field verify location and depth of all above and below ground utilities prior to construction.
- The contractor shall locate existing utilities in advance of construction operations in the vicinity of proposed utilities.
- The contractor shall take all necessary precautions to protect the existing utilities and to maintain uninterrupted service. Any damage incurred due to the contractor's operation shall be repaired immediately at the contractor's expense. Contractor to use caution in areas where low hanging wires exist.
- All utilities shall be cleared by a minimum of 1'0". All utility poles shall be cleared by a minimum of 2'0" or lopped if required.
- The Contractor shall notify the following utilities or agencies at least five (5) days before starting work shown on these drawings:

Miss Usby	1-800-257-7777
Potomac Edison	1-800-255-3443
Columbia Gas (New Business)	1-800-440-6111
Columbia Gas (Conflicts)	301-759-1009
Verizon	301-750-7124
Antennia Cable	(202) 420-2082
Washington County Soil Conservation District	301-797-6821
Washington County Planning and Permitting	(202) 313-2650

- The contractor shall be responsible for coordination of his construction with the construction of other contractors.
- See Sheet C-181 for site boundary.
- The contractor shall notify the Architect/Engineer, before construction, of any conflicts between the plans and actual field conditions.
- The contractor shall protect all utilities and culvert pipes during construction by insuring proper cover, increasing cover, or constructing roadway and parking through base course before loading site with heavy vehicles.
- Job site safety is the sole responsibility of the contractor. The Contractor shall perform all excavation in accordance with OSHA Regulations for trench safety.
- The contractor shall perform his own field inspection and surveys (if necessary) to determine the limit of earthwork needed to complete this project. Any earthwork quantities that may be shown hereon are preliminary estimates only, and are intended for Soil Erosion Control plan review, if required. There has been no correction made to the earthwork quantities shown hereon due to the completion of field.
- The contractor shall be aware that in the event of discrepancy between scaled and figured dimensions shown on the plan, the figured dimensions shall govern.
- Sediment erosion control measures shall be installed per sediment control plans, details and specifications.
- Please refer to Geotechnical Report completed by Hill-Carnes Engineering Associates, Inc. for load bearing limits, etc.
- The entire area included within the proposed limits of cut and fill shall be stripped of all root material, trash and other organic and otherwise objectionable, non-composting and unsuitable soils and materials.
- It shall be the contractor's responsibility to determine the need for any work which would normally be required to complete the project. It shall be the contractor's responsibility to determine the need for any work which would normally be required to complete the project.
- All handicapped parking spaces shall be designed, ramped and signed to meet the minimum requirements of the Maryland Accessibility Code and ADA Standards for Accessible Design.
- The existing site contours shown hereon are LIDAR 1' contours and field checked by FSA in February 2023. (Contour accuracy is to plus or minus one half the contour interval).
- Limit of disturbed areas are to be the limit of property ownership, unless otherwise noted.
- Applicant to provide as-built markers at the completion of the project.
- This project has a projected start date of June 2024 and a completion date of December 2024.
- A complete set of approved plans and a copy of the grading permit must be on site and available for use by the inspector, or other representative of Washington County.
- There is a Board of Zoning Appeals Cases for this property under Washington County Appeal No. AP2022-028 to establish a machine shop facility in the Rural Village and Agricultural, Rural zoning district. The conditions of approval required by this Appeals Case, appropriate buffering and screening for surrounding properties, and the downward facing lighting is required, is shown hereon.
- Proposed SYAL will consist of an on-site Submerged Gravel Wetland.
- All existing drainage culverts and drainage easements are to be maintained and unaltered.
- Based on the peak hour trips being less than 21 trips, the road width is greater than 18 feet and the pavement appears to be in good condition, this project is exempt from APFO requirements. MDSHA also did not require a Traffic Impact Study to be performed.
- There are no floodplains as shown on Community Panel number 2404301260 with an effective date of 08/17/2017. There are steep slopes, streams and related buffers. There is no habitat of threatened or endangered species within the disturbed area identified by the U.S. Fish and Wildlife Service per 50 CFR 17 as required to be shown by section 307 of the Subdivision Ordinance and section 4.21 of the Zoning Ordinance.

DIVISION OF PLAN REVIEW & PERMITTING NOTES

- In conformance with the Stormwater Management Ordinance of Washington County, a performance security and executed maintenance agreement shall be required from the developer prior to issuance of any building or grading permit for construction per these plans.
- This project will require a third party qualified professional to be present at the preconstruction meeting. Construction inspection will be required for this project per the "Roadway and Stormwater Management Construction Verification Procedures" dated October 17, 2008.
- A complete set of approved plans and a copy of the grading permit must be on site and available for use by the inspector, or other representative of Washington County Division of Public Works.
- Developer/Contractor shall consult the certifying engineer and the County at least 5 days prior to the start of construction of the stormwater management system to schedule and coordinate inspection time tables.
- This development plan must comply with the current Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
- All grading for this project shall be the full responsibility of the property owner.
- No permanent structures (e.g., fences, sheds, play equipment, retaining walls) shall be permitted within any stormwater or storm drainage easement on this property.

ZONING DATA

ZONING DISTRICT	RV - RURAL VILLAGE
MAX. BUILDING HEIGHT	100 FT.
MINIMUM YARD SETBACK	
FRONT	25 FT.
SIDE	8 FT.
REAR	25 FT.
BOARD OF ZONING APPEALS CASE	AP2022-028

SITE DATA

TAX MAP - GRID - PARCEL	0004-0024-0009
ELECTION DISTRICT	13
ACCOUNT NUMBER	006397
LIBER / FOLIO	7188 / 0155
AREA SUMMARY	
PARCEL	9.62 AC
DISTURBED AREA	3.50 AC
EXISTING IMPERVIOUS	0.35 AC
PROPOSED IMPERVIOUS	0.97 AC (23%)
BUILDING SUMMARY	
FOOTPRINT	3,500 SF
OFFICE SPACE	4,600 SF
MACHINE-SHOP SPACE	12,172 SF
HEIGHT	4-20 FT.
PROPOSED USE	MACHINE-SHOP CONTRACTOR STORAGE YARD
HOURS OF OPERATION	MON THRU FRI 7:30AM-5:00 PM
PRECONSTRUCTION	SEMI-TRUCK-ONCE WEEKLY, BOX TRUCK-3 TIMES WEEK
EMPLOYEE SUMMARY	
OFFICE	2
MACHINE-SHOP	1
WATER & SEWER USAGE	
WATER PROVIDED	PRIVATE (WELL)
SEWER PROVIDED	PRIVATE (ON-LOT SEPTIC)
WASTE & RECYCLABLES	
SOLID WASTE REMOVAL	ON-SITE DUMPSTER
RECYCLE REMOVAL	ON-SITE DUMPSTER
SITE LIGHTING	
EXISTING	NONE
PROPOSED	BUILDING MOUNTED
SITE SIGNAGE	
EXISTING	NONE
PROPOSED	SEE LAYOUT SHEET FOR LEGEND
ADDRESS ASSIGNMENT	15244 FAIRVIEW ROAD, CLEAR SPRING, MARYLAND 21722
WAVES AND/OR VARIANCE	AP2022-028
FOREST CONSERVATION	APPROVED PER PLAT #11525
WATERSHED	
NAME	CONOCOCHIEGUE CREEK
NUMBER	02-14-05-04
FEWA PANEL #	2404301260

PARKING, LOADING & BICYCLE DATA

USE	REQUIREMENT	CALCULATION	REQUIRED
MAINTENANCE	1 SPACE PER EMPLOYEE ON MAIN SHFT	1 EMPLOYEES X 1 SPACE	1 SPACE
STORAGE YARD	PLUS 1 SPACE PER 500 GFA OF SALES AND/OR OFFICE SPACE	3,600 SF / 500 SF = 7.2	8 SPACES
TOTAL REQUIRED SPACES			9 SPACES
TOTAL PROVIDED PARKING SPACES			9 SPACES

LEGEND

EXISTING	PROPOSED
SUBJECT BOUNDARY	
BUILDING SETBACK LINE	
RIGHT OF WAY	
EASEMENT LINE	
ADJACENT BOUNDARY	
FENCE (METAL)	
FENCE (WOODEN)	
DITCH (STREAM)	
EDGE OF WATER	
WETLAND	
FLOODPLAIN	
SOL BOUNDARY	
RAILWAY	
CENTERLINE	
EDGE OF PAVEMENT	
EDGE OF GRAVEL	
CURB	
WALL	
GUARD RAIL	
EDGE OF CONCRETE	
BUILDING	
MAIL BOX	
SIGN (ROAD)	
SIGN (SITE)	
TRAFFIC SIGNAL	
TOPOGRAPHIC FEATURES	
CONTOUR (INTERMEDIATE)	
SPOTS ELEVATION	
VEGETATION AREAS	
TREELINE	
DECIDUOUS TREES	
EVERGREEN TREES	
SANITARY SEWER	
GRAVITY LINE	
FORCE MAIN LINE	
LATERAL	
MANHOLE	
CLEANOUT	
VALVE	
WATER	
COLD WATER LINE	
HOT WATER LINE	
MANHOLE	
FIRE HYDRANT	
VALVE	
METER	
WELL	
STORM DRAINAGE	
STORM SEWER LINE	
ROOF DRAIN LINE	
MANHOLE	
INLETS	
CLEANOUT	
UTILITIES	
GAS LINE	
ELECTRICAL LINE	
FIBER OPTIC LINE	
COMMUNICATION LINE	
OVERHEAD LINES	
MANHOLE	
PEDS. BOX, & ETC	
POLE	
LIGHT POLE	
GAS METER	
GAS VALVE	

LEGEND - ABBREVIATIONS

AASHTO	AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS	OC	ON CENTER
ADS	ADVANCED DRAINAGE SYSTEM	PC	POINT OF CURVE
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS	PCC	POINT OF COMPOUND CURVE
AWWA	AMERICAN WATER WORKS ASSOCIATION	PG	PROPOSED GRADE LINE
BLDG	BUILDING	PRC	POINT OF REVERSE CURVE
BOT	BOTTOM	PT	POINT OF TANGENT
CIP	CAST IRON PIPE	PVC	POINT OF VERTICAL CURVE
CL	CENTERLINE	PVI	POINT OF VERTICAL INTERSECTION
CUP	CORRUGATED METAL PIPE	PVT	POINT OF VERTICAL TANGENT
COMM	COMMUNICATION	ROW	RIGHT-OF-WAY
CONC	CONCRETE	SAN	SANITARY
DA	DRAINAGE AREA	SCE	STABILIZED CONSTRUCTION ENTRANCE
DIA	DIALECTER	SDR	STANDARD DRAINAGE RATIO
EGL	EXISTING GRADE LINE	SD	STORM DRAINAGE
EX	EXISTING	SOMH	STORM DRAIN MANHOLE
EIP	EXISTING IRON PIPE	SF	SQUARE FEET
FFE	FINISH FLOOR ELEVATION	SS	SANITARY SEWER
FH	FIRE HYDRANT	SSWH	SANITARY SEWER MANHOLE
GV	GATE VALVE	STA	STATION
HGL	HYDRAULIC GRADE LINE	STD	STANDARD
HDP	HIGH DENSITY POLYETHYLENE	SY	SQUARE YARDS
INVERT	INVERT	TAF	TYPE AS NOTED
LF	LINEAR FEET	TEVP	TEMPORARY
MAX	MAXIMUM	TS	TOP OF STRUCTURE
MB	MANHOLE	TG	TOP OF GRADE
MJ	MECHANICAL JOINT	TR	TOP OF RM
NO	NUMBER	TYP	TYPICAL
NC	NOT IN CONTRACT	UP	UTILITY POLE
NTS	NOT TO SCALE	VF	VERIFY IN FIELD
OR	OR APPROVED EQUAL	WL	WATERLINE
		WM	WATER METER
		WV	WATER VALVE



FSA
FREDERICK SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERING, SURVEYING, LAND SURVEYING
1500 LOCUST ROAD GREENCASTLE, PA 17225
PHONE: 717/720-6447

DATE	BY	CHKD	APP'D
12/12/2023	ASAM MYERS		
12/12/2023	PROJECT MANAGER		
12/12/2023	PROJECT MANAGER		

MAUGANSVILLE AG
SITUATE AT 15244 FAIRVIEW ROAD (MARYLAND ROUTE 404)
CLEAR SPRING
WASHINGTON COUNTY, MARYLAND
CLIENT: GLENN EBY
1500 LOCUST ROAD GREENCASTLE, PA 17225
PHONE: 717/720-6447

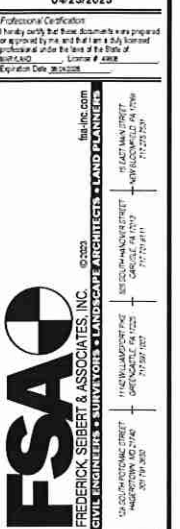
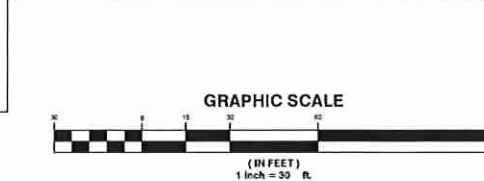
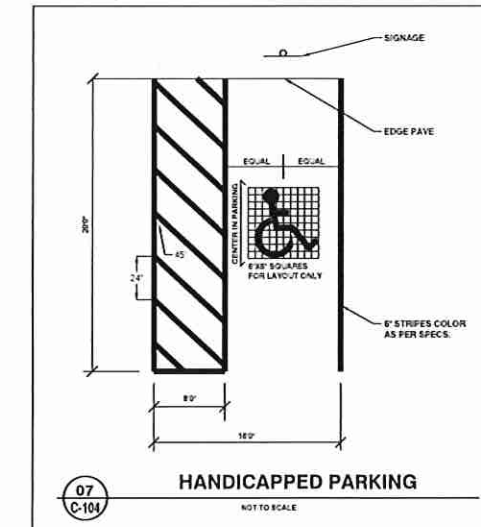
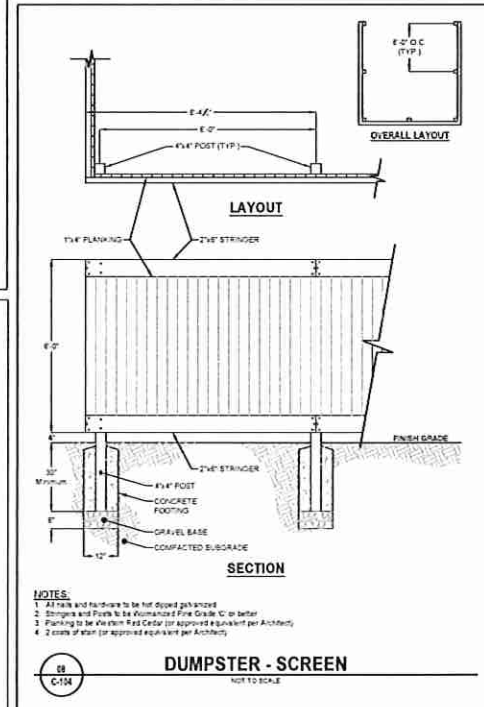
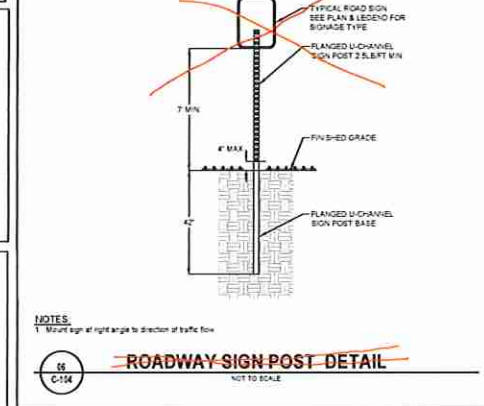
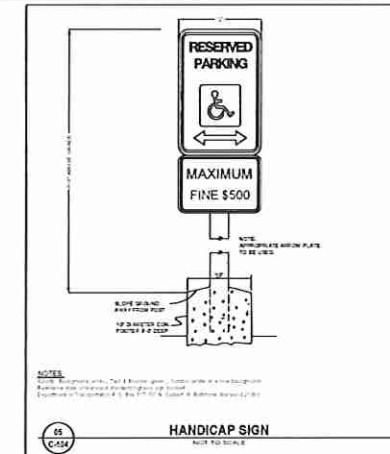
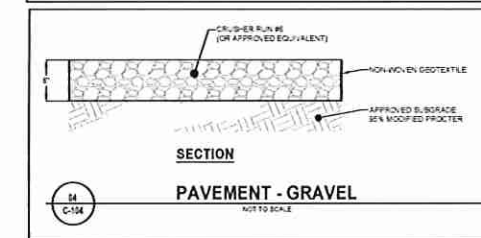
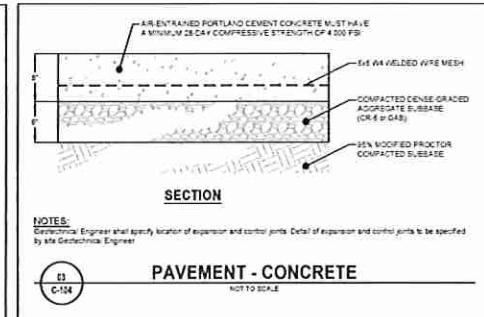
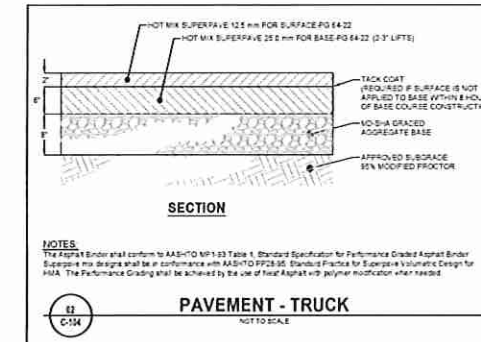
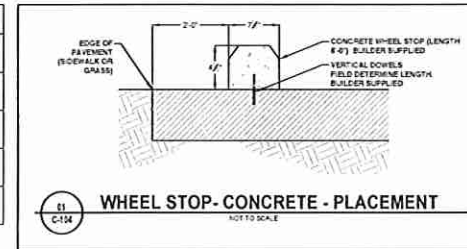
PROJECT NO.	1183-00A
DATE	12/12/2023
PROJECT MANAGER	T. FREDERICK
DATE	003-024-009
SCALE	NTS

GENERAL
NOTES
C-002
SHEET 02 OF 11

STRIPING NOTES:

1. FINAL APPLICATION OF WHITE AND YELLOW WATERBORNE PAVEMENT MARKINGS SHALL BE AFTER COMPLETION OF ALL ASSOCIATED PROJECT ROADWAY CLEAN-UP.
2. REFERENCE PUBLICATION 111M TC-8500 RECOMMENDED JUNE 13, 2013 FOR PAVEMENT MARKING DETAILS.
3. REFERENCE PUBLICATION 111M TC-8504 RECOMMENDED JUNE 13, 2013 FOR DELINEATION DETAILS.
4. REFERENCE PUBLICATION 111M TC-8700 SERIES RECOMMENDED JUNE 13, 2013 AND ANY CHANGES/REVISIONS FOR TRAFFIC CONTROL SIGNING STANDARDS.
5. REFERENCE FEDERAL HIGHWAY ADMINISTRATION M.U.T.C.D. 2009 EDITION CHAPTER 8B SECTION 27 FOR GRADE CROSSING PAVEMENT MARKINGS (FIGURE 8B-7)
6. ALL LONGITUDINAL WATERBORNE PAVEMENT MARKINGS SHALL REQUIRE TWO COATS

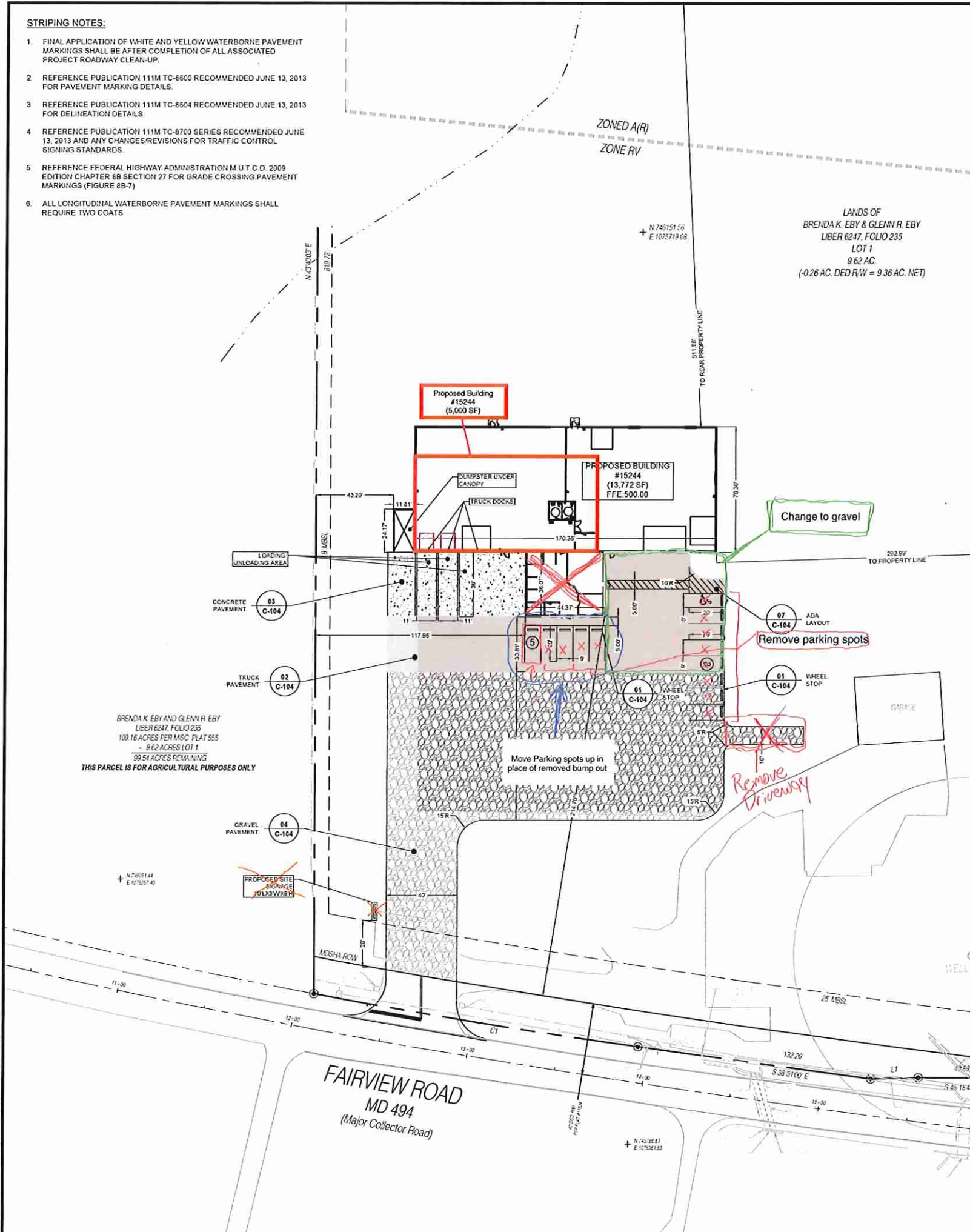
HATCH LEGEND		
HATCH	DESCRIPTION	SHEET/DETAIL
	TRUCK PAVEMENT	C-104-02
	GRAVEL PAVEMENT	C-104-04
	CONCRETE PAVEMENT	C-104-05
	GORE HATCHING	N/A



DATE	REVISION	DESCRIPTION
04/23/2025	1	ISSUED FOR PERMIT
04/23/2025	2	REVISED PER AGENCY COMMENTS
04/23/2025	3	REVISED PER AGENCY COMMENTS
04/23/2025	4	REVISED PER AGENCY COMMENTS
04/23/2025	5	REVISED PER AGENCY COMMENTS
04/23/2025	6	REVISED PER AGENCY COMMENTS
04/23/2025	7	REVISED PER AGENCY COMMENTS
04/23/2025	8	REVISED PER AGENCY COMMENTS
04/23/2025	9	REVISED PER AGENCY COMMENTS
04/23/2025	10	REVISED PER AGENCY COMMENTS

MAUGANSVILLE AG
 SITUATE AT 1524 FAIRVIEW ROAD (MARYLAND ROUTE 84)
 WASHINGTON COUNTY, MARYLAND
 CLIENT: GLENN EBY
 15008 LOCUST LANE GREENCASTLE, PA 17225
 PHONE: 717.720.9547

PROJECT NO: 1183.BMA
 DRAWN BY: ADAM MYERS
 PROJECT MANAGER: T. FREDERICK
 EMAIL: TFREDERICK@FSAINC.COM
 TYP. MAP: 004 - 009
 SCALE: 1" = 30'
 SHEET TITLE: SITE & DIMENSIONING PLAN
 C-104
 SHEET 06 OF 11



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

BRYCE BLOCK

*

Appeal No.: AP2025-024

Appellant

*

*

* * * * *

OPINION

Bryce Block (hereinafter “Appellant”) request a special exception to establish a contractor equipment and storage yard at the subject property. The subject property is located at 15244 Fairview Road, Clear Spring, Maryland 21722 and is zoned Rural Village and Agricultural, Rural. The Board held a public hearing in this matter on October 29, 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. The subject property is owned by Railside Properties, LLC and is located at 15244 Fairview Road, Clear Spring, Maryland 21722. The subject property is zoned Rural Village and Agricultural, Rural.

2. Appellant is the contract purchaser of the subject property where he plans to locate and operate his business. Appellant was granted authority from the owner to pursue this special exception request.

3. The subject property consists of Lot 1 which is approximately 9.62 acres separated from a larger 109.16-acre parcel. The remaining lands remain in agricultural use, but Lot 1 is zoned Rural Village.

4. Kathryn Rathvon presented the staff report to the Board, noting a prior approval for a special exception in 2022 and the Health Department's comment that perc testing would be required. Proper notice was issued to adjoining property owners and the public and the subject property was properly posted pursuant to the Zoning Ordinance.

5. Appellant's business is Legacy Residential Elevators which supplies and installs residential elevators and handicapped equipment.

6. Appellant's business will have 2 to 3 employees on-site and will have 2 box trucks for delivery of equipment which will remain parked at the property. The business will receive deliveries via semi or tractor trailer approximately 1 to 2 times per month.

7. Appellant's business will operate Monday through Thursday, from 7:30 a.m. to 5:00 p.m. Employees will work four (4) 10-hour shifts each week. There will be no business operations on the weekends.

8. Appellant's business operation will not produce any dust, debris, odors, gas, fumes, or noise other than that created by the loading and unloading of trucks occasionally.

9. Appellant proposes to construct a 5,000 square foot steel building that will be constructed to look like a pole barn. This building will be used for the purpose of storage of equipment and materials. There will not be any freestanding signage on the subject property.

10. Appellant intends to allow the remainder of the subject property to be used for cattle

11. In July 2022, the Board granted a request for a special exception to establish a machine shop facility at the subject property in Case No. AP2022-028.

12. The Board received a letter from Zack and Taylor Faith opposing the special exception request.

13. The Board heard testimony from surrounding property owners, all in opposition to the special exception request.

Rationale

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.

Appellant testified in support of his request and was able to appropriately address the Board’s questions and concerns. Given the nature of his business, he expects there to be less impact than the machine shop facility. Appellant is committed to ensuring that the existing agricultural uses remain in and around the proposed use. He testified that

there would be minimal impact on the surrounding properties and that he would do what was necessary to be a good neighbor.

The Board received testimony from Megan Clopein who noted her opposition to Appellant's request and expressed disapproval of the previous special exception granted in 2022. She testified that the subject property should be used for agricultural purposes which is consistent with the surrounding area. She was concerned about the company and potential expansion. Ms. Clopein also testified that the business would negatively affect her property values. The Board also received testimony from several members of the Destafeno family who have resided on property across the street from the subject property. They were also opposed to the special exception request. It was their belief that the subject property was to remain agricultural and therefore the proposed business was completely contrary to the nature of the land. They noted concerns about traffic given their observation that traffic has significantly increased on Fairview Road.

Despite the belief that property values would decrease, the Board was not presented with any evidence in support. There are many factors that can influence property valuations, but a mere concern that property values may be negatively impacted is not enough.

Appellants expect traffic to be significantly less than would have been anticipated with the previously approved machine shop facility. The proposed business will not have customers visiting on-site and deliveries will be limited to a few times per month. It should be noted that the increase in traffic highlighted by the opposition is likely the result of the bridge closure on U.S. Route 40. The Board does not find that the proposed use will create dangerous traffic or other safety concerns within the surrounding area. Moreover, the Board finds no cause for concern regarding the number of people residing or working in the area which is relatively small, or the impact on nearby public gatherings as it appears to be minimal.

The proposed contractor equipment and storage yard does not conflict with the character of the neighborhood, and it is not inconsistent with the existing uses in the area.

Appellant testified that he intends to construct a building that closely resembles the former barn that was on the property. The building will be used for the storage of materials and equipment and will have minimal outward appearance, except for the two box trucks and occasional deliveries each month. 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 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.

The Board appreciates and understands the neighbors' sentiment as expressed in their testimony. They have a legitimate interest in preserving the peace and enjoyment of their homes and their concerns were reasonable. However, the facts do not support those concerns sufficient to rebut the presumed appropriateness of the proposed special exception request.

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). Any impact would result from the proposed use would have similar impact regardless of the location in the zoning district and thus it is not unique to the subject property. For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellant’s request should be granted.

Accordingly, the request for a special exception to establish a contractor equipment and storage yard at the subject property is hereby GRANTED, by a vote of 5 to 0. The special exception 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: November 26, 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.



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: Sharpsburg Pike Holding LLC
1741 Dual Highway
Suite B
Hagerstown MD 21740

Appellant: Sharpsburg Pike Holding
1741 Dual Highway
Suite B
Hagerstown MD 21740

Property Location: 10440 Vida Drive
Hagerstown, MD 21740

Description Of Appeal: Charging administrative error of the Zoning Administer stating the interpretation of Section 22.23(e) regarding "Use on the Premises Signs" is incorrect for installation of a freestanding sign that would advertise the use(s) or tenant(s) on adjacent parcels.
Variance from the requirement for a property to have a lot frontage of at least 40 ft. in width to be reduced down to 25 ft. and a variance from the 25 ft. setback for the sign support structure from the road right-of-way to 10 ft. for proposed freestanding sign.

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: 22.23 (3)

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Commercial Lot

Proposed Use: Freestanding Sign

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 _____ day of October, 2025.

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: AP2025-025

State of Maryland Washington County, To Wit:

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

Frederick Seibert & Associates Inc 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 10/29/2025, 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 10/14/2025 and will remain until after the above hearing date.

Frederick Seibert & Associates Inc

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

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

Notary Public

Seal

My Commission Expires



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

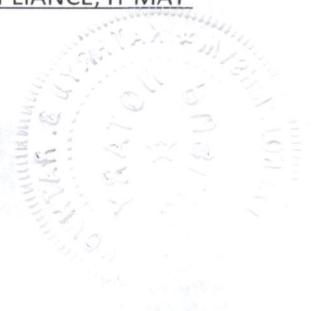
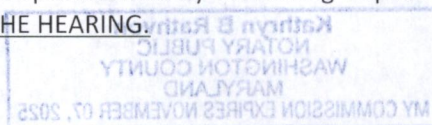
ATTENTION!

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 ED SCHREIBER
is authorized to file an appeal with the Washington County Board of Appeals for
ADMINISTRATIVE ERROR AND VARIANCES on property
located 10440 VIDAR DR, HAGERSTOWN MD 21740
The said work is authorized by SHARPSBURG PIKE HOLDING LLC
the property owner in fee.

PROPERTY OWNER

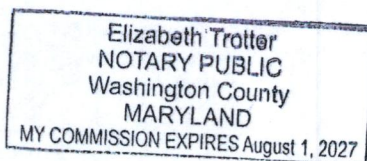
ADAM SHAOOL
ASHAOOL@WASHCODEVELOPMENTS.
COM
240-527-9014

SHARPSBURG PIKE HOLDING, LLC
Name
1741 DUAL HIGHWAY STE B
Address
HAGERSTOWN, MD 21740
City, State, Zip Code
[Signature]
Owner's Signature

Sworn and subscribed before me this 26 day of September, 2025.

[Signature]
Notary Public

My Commission Expires:



AUTHORIZED REPRESENTATIVE

ED SCHREIBER
Name
128 S. POTOMAC ST
Address
HAGERSTOWN MD 21740
City, State, Zip Code
[Signature]
Authorized Representative's Signature

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

[Signature]
Notary Public

My Commission Expires: 9/15/2028

80 West Baltimore Street | Hagerstown, MD 21740 | P: 240.313.2460 | P: 240.313.2461 | Hearing Impaired: 7-1-1

Ed J. Schreiber

From: Baker, Jill <JBaker@washco-md.net>
Sent: Wednesday, September 10, 2025 11:37 AM
To: Ed J. Schreiber
Cc: Trevor M. Frederick; Rathvon, Kathryn B.
Subject: RE: 10440 Vida Drive, Shops at Sharpsburg, FSA 5563
Attachments: 5563 Sign BZA.pdf

9/10 EMAIL FROM PLANNING DIRECTOR/ZONING ADMIN.

I have reviewed your request and offer the following opinion.

As you eluded to in your request for review, the ordinance says that, "Individual businesses or industrial establishments may erect a free-standing business sign, provided the lot frontage is at least 40 ft." (Section 22.23(e)). This regulation pertains to "Use on the Premises Signs". Because the sign being proposed will be on a separate premises from where the use(s) is/are taking place, it would be considered an 'Outdoor Advertising Sign' and the regulations in Section 22.24 will apply. I also need to point out that the tenant of Lot 2 already has one freestanding sign advertising their business. You also state that the sign being proposed will function in the same manner as a pylon sign in a shopping center. There is no regulatory language to allow for functionally similar signage. Either it is on-premises, or it is off-premises.

It is clear from the location on the exhibit you provided (attached), that the sign would be located on a separate premises from the other lots in the commercial subdivision that you wish to advertise. It is my opinion that this sign meets the definition of an Outdoor Advertising Sign and must therefore conform to the regulations for that use.

Please consider this a formal written opinion in response to your request for review. This opinion may be appealed to the Board of Zoning Appeals charging Administrative Error within 30 days of the sent date of this email. If you have any further questions or concerns, please let me know.

Jill



Jill Baker, AICP
Director/Zoning Administrator
747 Northern Avenue
Hagerstown, MD 21742
Phone: (240) 313-2433
E-mail: jbaker@washco-md.net
Website: www.washco-md.net

Get Connected and See Updates



NOTICE: This e-mail, including any attachments, is intended solely for the use of the addressee(s) and may contain confidential, proprietary, and privileged information, the unauthorized disclosure or use of which is prohibited. If you are not the intended recipient of this email or if you received this e-mail in error, please immediately notify the sender by reply email and delete this e-mail and any attachments from your system. Thank you.

From: Ed J. Schreiber <ESchreiber@fsa-inc.com>

Sent: Thursday, August 14, 2025 9:32 AM

To: Baker, Jill <JBaker@washco-md.net>

Cc: Trevor M. Frederick <TFrederick@fsa-inc.com>; Rathvon, Kathryn B. <krathvon@washco-md.net>

Subject: 10440 Vida Drive, Shops at Sharpsburg, FSA 5563

8/14/25 EMAIL FROM APPLICANT

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Jill,

Please accept this email as a request for your determination to allow the Board of Zoning Appeals hear a request for a freestanding sign to serve as an outdoor advertising sign. Section 22.23(e) of the Washington County Zoning Ordinance states that individual businesses are permitted a freestanding sign to advertise the use or tenant on the same lot as the freestanding sign. We have a project that several commercial lots have been created and each are proposed to be occupied by individual businesses. Four (4) of the six (6) lots created have panhandles that are approximately 250 feet in length or the main body of the lot is 300 feet from the main road frontage. These lots are range is size from .69 acres to 7.84 acres give the appearance of a small shopping center of smaller individual buildings and occupants. This enclave of lots/buildings gives the appearance of a shopping center and it is the desire to construct an individual sign to advertise for all four (4) lots, not unlike a shopping center. What is proposed is nothing like a true "Outdoor Advertising" that would be seen along an interstate.

An attempt was made to file for a Board of Zoning Appeals variance to allow 1 freestanding sign advertise the businesses on 4 individual lots, reduce the front yard setback from 25' to 10' and reduce the 40' lot frontage requirement to 25' which is the width of the panhandle. At the time I was advised that a variance of this nature would not be entertained by the Board and that if I disagreed I would need to file for Administrative Error. This is my request for a written decision explaining why this variance will not be entertained by the Board so I may move forward with filing for Administrative error. I have included a sketch of the subject properties for a better understanding of the site.

Project Name: Shops of Sharpsburg Pike

Owner/Applicant: Sharpsburg Pike Holding LLC

Project Address: 10305 Ezra Dr, Hagerstown, MD 21740

Tax Map__57__ **Grid**__10__ **Parcel**__644__ **Lot**__4__

Account # 10009707

Zoning: HI

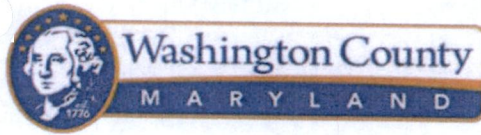
Variance request: From section 22.23(e) "Use on the Premises" signs. As stated in the Washington County Zoning Ordinance individual businesses are permitted a freestanding sign to advertise the use or tenant on the same lot as the freestanding sign. Also mentioned is that the sign must be 25' from the ROW. The applicant is requesting relief from the 25' setback requirement to 10', reduced lot width from 40' to 25' and that the freestanding sign may only advertise for the use on the lot that the sign would be constructed on and allow advertising for lots 2,6,7 & 8

In an effort to combine the advertising for 4 lots onto one sign the applicant is seeking to do the following:

1. Reduce clutter and confusion as to the tenants of each building and where to exit Sharpsburg Pike to get to said buildings.
2. Combining the signs of lots 2,6,7 & 8 is requested similar to the design of the private road that provides access to each lot. One access off of Sharpsburg Pike has been provided for several lots.
3. Reduction of the 25' setback is requested due to the odd configuration of the ROW in that area.

Undo burden is being placed on the applicant to provide individual freestanding signs not to mention the increased amount of clutter and confusion that is caused by multiple signs along the road.

Additional testimony will be provided at the hearing to support the applicants desire for combining signs and reducing the lot frontage requirement.



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 Charging Error In Administrative Ruling or Action

Property Location: 10440 VIDA DR, HAGERSTOWN MD

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

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

Official or agency from whose ruling or action this appeal is made: PLANNING & ZONING DEPT
PLANNING DIRECTOR / ZONING ADMINISTRATOR

Date of ruling or action: 9/10/2025

On attached sheet please provide:

- Brief description of ruling or action from which this appeal is made. (Attach copy of ruling or document indicating such action) SEE EMAIL FROM 9/10
- Brief description of what, in Appellant's view, the ruling or action should have been. SEE EMAIL FROM 8/14
- Section/subsection of the Zoning Ordinance which Appellant contends was misinterpreted SEE EMAIL 8/14
- Error in fact, if any, involved in the ruling or action from which this appeal is made
- Error of law, if any, involved in the ruling or action from which this appeal is made
- Questions of fact, if any, presented to the Board of this appeal
- State of Appellant's interest, i.e. manner in which Appellant is aggrieved by the ruling or action complained of (as property owner or otherwise):

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

SEE AFFIDAVIT

Signature of Appellant

SEE AFFIDAVIT

Address of Appellant

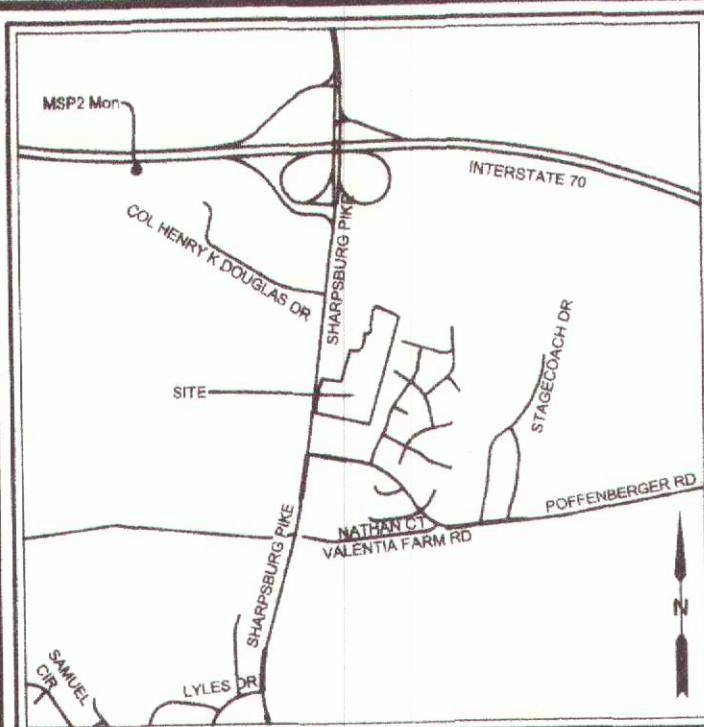
SEE AFFIDAVIT

Email of Appellant

SEE AFFIDAVIT

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.



LEGEND

- = PROPERTY LINE
- - - = PROPOSED PROPERTY LINE
- - - = PROPERTY LINE TO BE VACATED
- - - = RIGHT OF WAY
- = PROPERTY CORNER

LOT & AREA TABULATION

13.50 Acres Lands of Sharsburg Pike Holding, LLC

- 1.27 Acres Lot 2
- 0.98 Acres Lot 4
- 0.81 Acres Lot 5
- 1.69 Acres Lot 6
- 0.78 Acres Lot 7
- 7.84 Acres Lot 8
- 0.15 Acres Ded. R/W for Sharsburg Pike
- 0.00 Acres Remaining

*For future development on Lots 4-8, see General Note #4 on Sheet 2 regarding MBSLs.

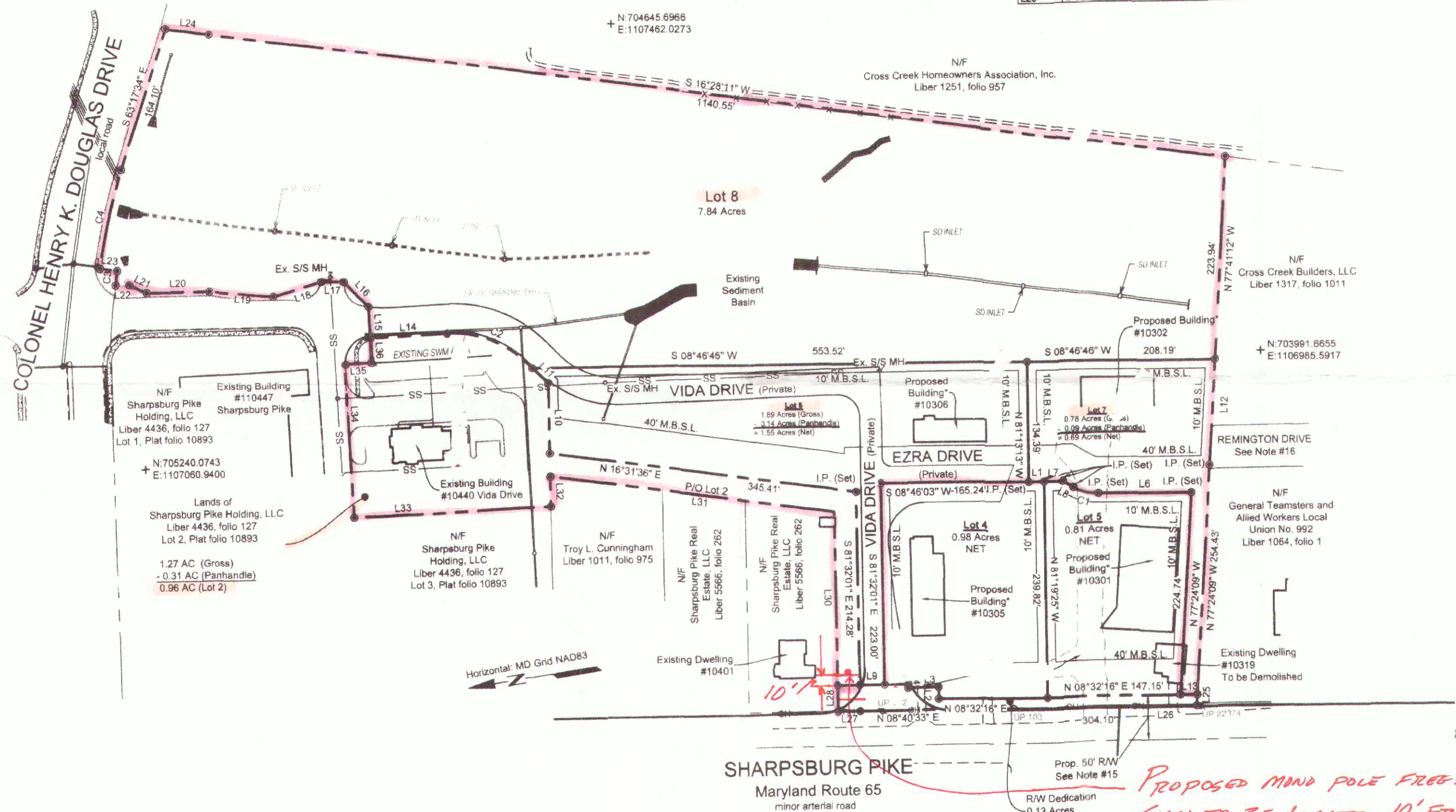
Sheet Index

Sheet 1 - Subdivision
Sheet 2 - Notes and Access Easement
Sheet 3 - SWM Easements
Sheet 4 - S/S and WL Easements

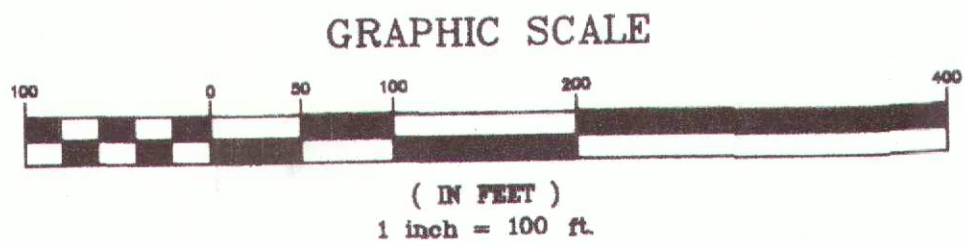
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	28.14'	32°14'58"	S 24°53'32" W	27.77'
C2	118.00'	106.54'	51°43'58"	N 32°05'27" E	102.96'
C3	64.00'	16.17'	1°28'44"	S 73°33'03" E	16.17'
C4	660.00'	109.88'	9°32'20"	S 68°03'43" E	109.75'

LINE	BEARING	DISTANCE
L1	S 08°46'03" W	17.31'
L2	S 81°27'44" E	13.27'
L3	N 06°32'16" E	33.59'
L4	S 81°27'44" E	4.29'
L5	N 08°32'16" E	26.48'
L6	S 08°46'03" W	103.33'
L7	S 08°46'03" W	20.98'
L8	S 41°01'00" W	13.86'
L9	N 08°32'16" E	28.00'
L10	S 81°32'01" E	79.12'
L11	N 53°42'08" E	24.90'
L12	N 77°36'09" W	119.88'
L13	N 08°32'16" E	18.80'
L14	N 06°13'28" E	85.48'
L15	S 83°26'20" E	34.24'
L16	N 55°28'40" E	39.52'
L17	N 10°05'50" E	25.18'
L18	N 07°03'10" W	65.19'
L19	N 14°08'29" E	71.68'
L20	N 08°12'08" E	70.57'
L21	N 36°17'47" E	20.89'
L22	N 08°12'08" E	15.20'
L23	N 17°10'07" E	19.00'
L24	S 16°29'06" W	49.11'
L25	N 77°24'09" W	12.41'
L26	N 08°45'59" E	70.82'
L27	S 08°41'37" W	25.01'
L28	S 81°33'05" E	28.86'
L29	S 06°32'16" W	25.01'

LINE	BEARING	DISTANCE
L30	S 81°31'55" E	192.55'
L31	N 16°31'32" E	320.16'
L32	N 81°32'01" W	32.64'
L33	N 06°13'28" E	219.77'
L34	S 83°46'32" E	172.18'
L35	S 08°13'28" W	30.00'
L36	S 83°26'20" E	28.00'



PROPOSED MOND POLE FREE-STANDING SIGN TO BE LOCATED 10' FROM ROW (R/L). SIGN WILL ADVERTISE FOR TENANTS OF LOTS 2, 6, 7 & 8



PLAT NO **11758**
DATE **MAY 01 2024**
WASHINGTON COUNTY



FSA
FREDERICK, SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

15 EAST MAIN STREET
NEW BLOOMFIELD, PA 17068
717.275.7301

606 SOUTH HANOVER STREET
CARLEISLE, PA 17033
717.701.8111

20 WEST BALTIMORE STREET
GREENCASTLE, PA 12225
717.591.1907

128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.3850

FINAL PLAT OF SUBDIVISION
OF
LOTS 4-8
FOR
Sharsburg Pike Holding, LLC
SITUATE ALONG THE EAST SIDE OF SHARPSBURG PIKE
WASHINGTON COUNTY, MARYLAND

PROJECT NO.	5563.C
DWN BY	LEJ
DATE	2.17.2023
PROJECT MANAGER	TMF
EMAIL	TFrederick@fsa-inc.com
ELECTION DISTRICT	10
PROPERTY INFORMATION	57-10-160
ACCOUNT NO.	10-020174
SCALE	1" = 100'
SHEET TITLE	

FINAL PLAT OF
SUBDIVISION
S-23-020
SHEET 01 OF 04

Owner:
Sharsburg Pike Holding, LLC
1741 Dual Highway, Suite B
Hagerstown MD 21740



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: Sharpsburg Pike Real Estate LLC
117 West Patrick Street
Suite 200
Frederick MD 21701

Appellant: Sharpsburg Pike Real Estate LLC
117 West Patrick Street
Suite 200
Frederick MD 21701

Property Location: 10320 -10406 Sharpsburg Pike
Hagerstown, MD 21740

Description Of Appeal: Variance from the 25 ft. setback for the sign support structure from the road right-of-way to 10 ft. for proposed freestanding sign and a variance from the 10 ft. setback from the road right-of-way to 3.47 ft. for parking space.

Docket No: AP2025-026
Tax ID No: 10013364
Zoning: HI
RB Overlay: No
Zoning Overlay:
Filed Date: 10/02/2025
Hearing Date: 10/29/2025

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 22.23(e) and Section 22.12 (f) 3 i

Reason For Hardship: Expanded Road right-of-way and limiting visibility

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Commercial Lot

Proposed Use: Freestanding Sign

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:
Proposed:

I hereby 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 7 day of October, 20 25.

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: AP2025-026

State of Maryland Washington County, To Wit:

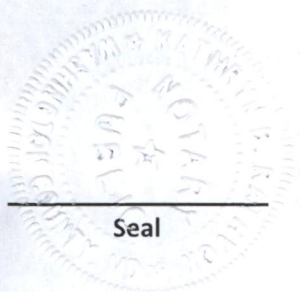
On 10/2/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert & Associates Inc and made oath in due form of law as follows:

Frederick Seibert & Associates Inc 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 10/29/2025, 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 10/14/2025 and will remain until after the above hearing date.

Frederick Seibert & Associates Inc

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



Seal

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

Notary Public

My Commission Expires



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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BOARD OF ZONING APPEALS

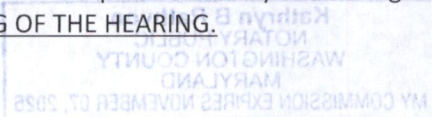
ATTENTION!

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.





Washington County MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that FSA, Inc (C/O: Ed Schreiber)
is authorized to file an appeal with the Washington County Board of Appeals for
Sharpsburg Pike Real Estate LLC SIGN SETBACK VARIANCE on property
located at 10320-10406 Sharpsburg Pike, Hagerstown, MD 21740
The said work is authorized by Sharpsburg Pike Real Estate LLC C/O: Ed Scott
the property owner in fee.

ED SCOTT
301-676-8444
301 694-6571

PROPERTY OWNER

Sharpsburg Pike Real Estate LLC

Name

117 W Patrick St, 200

Address

Hagerstown, MD 21701

City, State, Zip Code

[Signature]

Owner's Signature

Sworn and subscribed before me this 21st day of Aug, 2025.

[Signature]

Notary Public

My Commission Expires: 8/23/2025



AUTHORIZED REPRESENTATIVE

ED SCHREIBER

Name

128 S. POTOMAC ST

Address

HAGERSTOWN MD, 21740

City, State, Zip Code

[Signature]

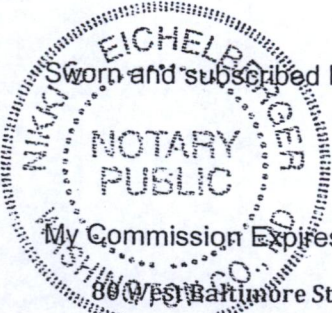
Authorized Representative's Signature

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

[Signature]

Notary Public

My Commission Expires: 9/15/2028



80 West Baltimore Street | Hagerstown, MD 21740 | P: 240.313.2460 | F: 240.313.2461 | Hearing Impaired: 7-1-1

Frederick Seibert & Associates, Inc.

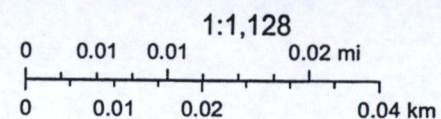


9/30/2025, 1:22:23 PM

World_Transportation

Parcels Washington County

MD_SixInchImagery



Maxar, Microsoft, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, ©
OpenStreetMap contributors, and the GIS User Community, Esri, HERE, iPC,

Web AppBuilder for ArcGIS

Maxar, Microsoft | MD IMAP, DoIT | U.S. Geological Survey | Hagerstown MD | Washington County Planning Department | Source: USDA NRCS, Esri | Washington County | Maryland Department of Transportation (MDOT), Maryland Department of Transportation State

Project Name: Sharpsburg Pike Retail

Owner/Applicant: Sharpsburg Pike Real Estate, LLC

Project Address: 10320-10406 Sharpsburg Pike, Hagerstown, MD 21740

Tax Map 57 **Grid** 10 **Parcel** 113

Account # 10017726, 10015685, 10004829, 10019567, 10019087, 10013364

Zoning: HI

**Variance Request – Section 22.23(e) – Use on Premises Signs
Washington County Zoning Ordinance**

The applicant is requesting a variance from Section 22.23(e) of the Washington County Zoning Ordinance, which states that "no part of the supporting structure of a use on premises sign shall be located closer than twenty-five (25) feet to the right-of-way." The applicant seeks to reduce this setback requirement to permit the supporting structure of the proposed sign to be no closer than thirteen (13) feet from the right-of-way.

As illustrated in the accompanying exhibit, the existing right-of-way (ROW) in the vicinity of the proposed sign is approximately 90 feet wide. This expanded ROW was required by the Maryland State Highway Administration (MDSHA) due to the anticipated installation of traffic signals. However, the area reserved for those signals was ultimately not used, and the ROW remains substantially wider than necessary for current roadway infrastructure.

If not for the additional ROW dedication that was requested—but never utilized—the variance sought would be only five (5) feet instead of thirteen (13) feet. Therefore, the extent of the variance request is directly tied to an unusual and exceptional circumstance that is not of the applicant's making.

The hardship in this case arises from the fact that the applicant was required to provide ROW that is now unused. As a result, the location of the sign must shift farther from the entrance to remain outside of the expanded ROW, significantly limiting visibility and functional placement. Without the variance, the sign cannot be placed where it is most needed—for effective identification and wayfinding at the property entrance.

Due to the unanticipated and now-unnecessary ROW expansion, strict enforcement of the 25-foot setback would impose practical difficulties and deny the applicant reasonable use of signage in line with the property's intended commercial use.

For these reasons, the applicant respectfully requests that the variance be granted to allow the supporting structure of the sign to be located no closer than thirteen (13) feet from the right-of-way.

Project Name: Sharpsburg Pike Retail

Owner/Applicant: Sharpsburg Pike Real Estate, LLC

Project Address: 10320-10406 Sharpsburg Pike, Hagerstown, MD 21740

Tax Map 57 **Grid** 10 **Parcel** 113

Account # 10017726, 10015685, 10004829, 10019567, 10019087, 10013364

Zoning: HI

1. Variance Request – Section 22.23(e) – Use on Premises Signs

Washington County Zoning Ordinance

The applicant is requesting a variance from Section 22.23(e) of the Washington County Zoning Ordinance, which states that "no part of the supporting structure of a use on premises sign shall be located closer than twenty-five (25) feet to the right-of-way." The applicant seeks to reduce this setback requirement to permit the supporting structure of the proposed sign to be no closer than thirteen (13) feet from the right-of-way.

As illustrated in the accompanying exhibit, the existing right-of-way (ROW) in the vicinity of the proposed sign is approximately 90 feet wide. This expanded ROW was required by the Maryland State Highway Administration (MDSHA) due to the anticipated installation of traffic signals. However, the area reserved for those signals was ultimately not used, and the ROW remains substantially wider than necessary for current roadway infrastructure.

If not for the additional ROW dedication that was requested—but never utilized—the variance sought would be only five (5) feet instead of thirteen (13) feet. Therefore, the extent of the variance request is directly tied to an unusual and exceptional circumstance that is not of the applicant's making.

The hardship in this case arises from the fact that the applicant was required to provide ROW that is now unused. As a result, the location of the sign must shift farther from the entrance to remain outside of the expanded ROW, significantly limiting visibility and functional placement. Without the variance, the sign cannot be placed where it is most needed—for effective identification and wayfinding at the property entrance.

Due to the unanticipated and now-unnecessary ROW expansion, strict enforcement of the 25-foot setback would impose practical difficulties and deny the applicant reasonable use of signage in line with the property's intended commercial use.

For these reasons, the applicant respectfully requests that the variance be granted to allow the supporting structure of the sign to be located no closer than thirteen (13) feet from the right-of-way.

2. Variance Request – Section 22.11(f)i- Parking facility setbacks

The applicant is requesting a variance from Section 22.11(f)i of the Washington County Zoning Ordinance, which states that Surface parking facilities shall be physically separated from a public or private street by a buffer area of at least 10 feet from the right of way line or from the property line, whichever is greater. The applicant seeks to reduce this setback requirement to permit the parking area to be no closer than 3.47 feet from the right-of-way.

As illustrated in the accompanying exhibit, the existing right-of-way (ROW) in the vicinity of the proposed sign is approximately 90 feet wide. This expanded ROW was required by the Maryland State Highway Administration (MDSHA) due to the anticipated installation of traffic signals. However, the area reserved for those signals was ultimately not used, and the ROW remains substantially wider than necessary for current roadway infrastructure.

If not for the additional ROW dedication that was requested—but never utilized—the variance would not be sought.. Therefore, the extent of the variance request is directly tied to an unusual and exceptional circumstance that is not of the applicant's making.

The hardship in this case arises from the fact that the applicant was required to provide ROW that is now unused. As a result, the location of the parking must shift farther from the entrance to remain outside of the expanded ROW, significantly limiting the parking and functional placement of the paving. Without the variance, the parking would not meet the requirements of ZO

Due to the unanticipated and now-unnecessary ROW expansion, strict enforcement of the 10-foot setback would impose practical difficulties and deny the applicant reasonable use of land in line with the property's intended commercial use.

For these reasons, the applicant respectfully requests that the variance be granted to allow the parking area of the to be located no closer than 3.47 feet from the right-of-way.

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

SHARPSBURG PIKE REAL ESTATE, LLC

*

Appeal No.: AP2025-026

Appellant

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* * * * *

OPINION

Sharpsburg Pike Real Estate, LLC (hereinafter “Appellant”) requests a variance to reduce the required setback for a sign support structure from the right-of-way from 25 feet to 10 feet for a proposed freestanding sign and a variance to reduce the required setback for a parking space from the right-of-way from 10 feet to 3.47 feet at the subject property. The subject property is located at 10320-10406 Sharpsburg Pike, Hagerstown, Maryland 21740 and is zoned Highway Interchange. The Board held a public hearing in this matter on October 29, 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. Appellant is the owner of the subject property located at 10320-10406 Sharpsburg Pike, Hagerstown, Maryland 21740. The subject property is zoned Highway Interchange.

2. The subject property consists of approximately 1.38 acres and is comprised of several residential lots improved by single-family dwellings.

3. Kathryn Rathvon presented the staff report to the Board. Proper notice was issued to adjoining property owners and the public and the subject property was properly posted pursuant to the Zoning Ordinance.

4. Appellant proposes to create one single parcel for development of two (2) restaurants and a retail shopping use, as well as adequate parking for said uses.

5. As part of its development plan, Appellant is seeking to construct a freestanding sign to advertise the businesses to passing traffic.

6. The State Highway Administration requested a bump out along the right-of-way on either side of the access to the property.

7. The State Highway Administration has given their approval for Appellant's proposed location for the freestanding sign.

8. There were no comments from other County departments or agencies.

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 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

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)

as obstructions) or other similar restrictions.” *North v St. Mary’s Cnty.*, 99 Md.App. 502, 514 (1994).

Pursuant to Section 22.23 of the Zoning Ordinance, a freestanding sign “shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way....” Appellant proposes to reduce this distance to ten (10) feet for a proposed freestanding sign on the subject property. Appellant presented testimony that the variance request was a direct result of having to include bump outs on either side of the access along the state highway right-of-way. Otherwise, the sign would have been located much closer to the required setback. The bump out requirement is a unique aspect of the subject property and was not created by Appellant.

Appellant has also requested a reduction in the setback requirement for one of the proposed parking spaces at the subject property to 3.47 feet. Section 22.12 of the Zoning Ordinance provides that, “[s]urface parking facilities shall be physically separated from a public or private street by a buffer area of at least 10 feet from the right of way line or from the property line, whichever is greater.” Similar to the sign location, Appellant presented testimony that but for the required bump out along the right-of-way, the parking space would meet the setback requirements. The reduction in setback only applies to one parking space, which is closest to the bump out area.

The Board finds that practical difficulty would result from strict compliance with the setback requirements. Without relaxation of the setbacks, Appellant would have no ability to construct a freestanding sign, a benefit that any other similarly situated property would have. Appellant would have to plan for a shopping center without a crucial element such as signage for destination and passing traffic. In addition, practical difficulty would result if the setback were not relaxed for parking as well. The Board finds that the proposed sign and parking space and requested variances do not confer any special privilege and are relatively minor relaxations of the setback requirements. Appellant’s request appears to be the minimum necessary to facilitate practical use of the property. The Board finds that both requests are necessary and remain consistent with the spirit and intent of the Ordinance.

Accordingly, the request for a variance to reduce the required setback for a sign support structure from 25 feet to 10 feet from the right-of-way for a proposed freestanding sign at the subject property is GRANTED by a vote of 5 to 0. The request for a variance to reduce the required setback for a parking space from the right-of-way from 10 feet to 3.47 feet at the subject property is GRANTED by a vote of 5 to 0. The variance relief 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: November 26, 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.