

BOARD OF APPEALS

November 8, 2023

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

AGENDA

AP2023-046: An appeal was filed by DRI/TCC Downsville I, LLC for a variance from the required 25 ft. setback from the road right-of-way to 5 ft. for a monument sign on property owned by the appellant and located at 10440 Downsville Pike, Hagerstown, Zoned Highway Interchange. **-GRANTED**

AP2023-047: An appeal was filed by Martin & Nicole Boese for a special exception to establish a second single-family dwelling on a parcel improved with a dwelling. The property is owned by the appellant and located at 14005 Misty Glen Lane, Hagerstown, Zoned Agricultural Rural. - **POSTPONED TO THE DECEMBER 6 HEARING**

AP2023-048: An appeal was filed by Vixen Hollow LLC for a special exception to establish a banquet/reception facility use on the property and a variance from the durable dustless/paved parking requirement on property owned by the appellant and located at 13030 Bikle Road, Smithsburg, Zoned Agricultural Rural.- **GRANTED**

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than October 30, 2023. 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.

Jay Miller, 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: DRI/TCC Downsville I, LLC
1055 Thomas Jefferson St NW
Suite 600
Washington DC 20007

Appellant: DRI/TCC Downsville I, LLC
1055 Thomas Jefferson St. NW
Suite 600
Washington DC 20007

Property Location: 10440 Downsville Pike
Hagerstown, MD 21740

Description Of Appeal: Variance from the required 25 ft. setback from the road right-of-way to 5 ft. for a monument 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): AP2022-055 & AP2022-006

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

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Distributor Center

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 10 day of October, 2023.

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

My Commission Expires

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: AP2023-046

State of Maryland Washington County, To Wit:

On 10/10/2023, 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 11/08/2023, 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 10/24/2023 and will remain until after the above hearing date.

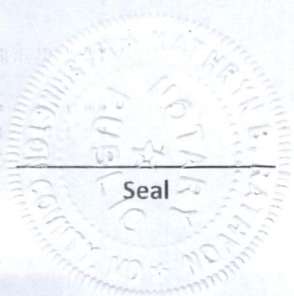
Frederick, Seibert & Associates Inc

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

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.

PROJECT NAME: Mid-Atlantic Crossroads I, FSA 6218.2

OWNER/APPLICANT: DRI/TCC Downsville I, LLC
1055 Thomas Jefferson St NW, Suite 600
Washington, DC 20007

Attn: Raymond Goins
rgoins@trammellcrow.com
202-295-3818

PROJECT LOCATION: South side of I-70 bounded by Downsville Pike to the south and east, Sterling Road to the south.

TAX MAP 57 **GRID** 1 **PARCEL** 258

Account Number: 26038197

ZONED: HI-Highway Interchange

Variance:

The variance request is from section 22.23(e) "Use on the Premises Signs" of the Washington County Zoning Ordinance. This request is specific to minimum setbacks for freestanding signs. The requirement is that no part of the supporting structure is less than 25 feet from the road right-of-way and that no part of the sign is closer than 5 feet from the road right-of-way. The applicant desires to place the support structure and signboard 5 feet from the road right-of-way.

In this case the road right-of-way is 150 feet wide or 81 feet from the paved surface of Downsville Pike. The location of the sign in relation to the entrance of the site is between I-70 and the entrance. The proposed location is most desirable to capture truck driver attention while approaching the existing entrance. The location is also 12 feet higher than Downsville Pike, if moved back any further than proposed the sign may not be visible. There are also overhead utilities that are directly behind the proposed sign location that cannot be interfered with. The sign itself is only 24 square feet with an overall height of 7 feet. The 6'x2' base directly below the signboard face.

The Zoning Ordinance indicates that pedestal freestanding signs or signs with a base and pole, the base and pole must be located 25 feet behind the right-of-way however the signboard may encroach to within 5 feet of the right-of-way. This is to allow the actual sign face to be as close to the travel portion of the road however maintain traffic safety by installing the sign base 25 feet off of the right-of-way. The proposed sign is 81 feet from the paved surface and 12 feet higher

than the paved surface of Downsville Pike. Granting the variance will not decrease safety.

The combination of Downsville Pike having an excessively wide right-of-way, topographic challenges of the site being higher than the road and utility locations has caused the need for requested relief.



Washington County
MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that ED SCHLEIBER
is authorized to file an appeal with the Washington County Board of Appeals for
FRONT YARD SETBACK VARIANCE FOR A FREESTANDING SIGN on property
located DOWNSVILLE PIKE AT STERLING RD, HAGERSTOWN MD
The said work is authorized by RAYMOND GOINS
the property owner in fee.

57-1-258 TM
26038197 Acct #

PROPERTY OWNER

DRIFTC DOWNSVILLE I, LLC
Name

1055 THOMAS JEFFERSON ST, NW, SUITE 600
Address

WASHINGTON DC 20007
City, State, Zip Code

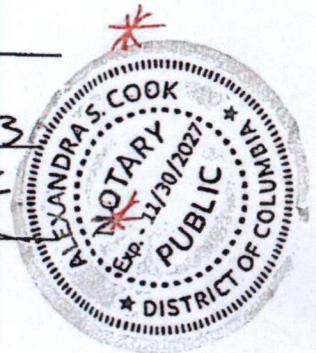
Owner's Signature

[Signature]

Sworn and subscribed before me this 5th day of October, 2023

Notary Public

[Signature]



My Commission Expires:

AUTHORIZED REPRESENTATIVE

ED SCHLEIBER
Name

128 S. POTOMAC ST
Address

HAGERSTOWN, MD 21740
City, State, Zip Code

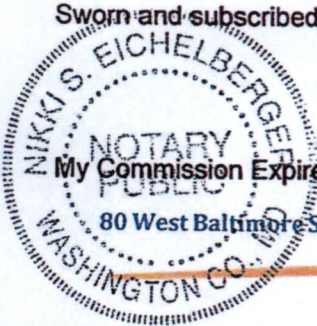
Authorized Representative's Signature

[Signature]

Sworn and subscribed before me this 5 day of October, 2023

Notary Public

[Signature]

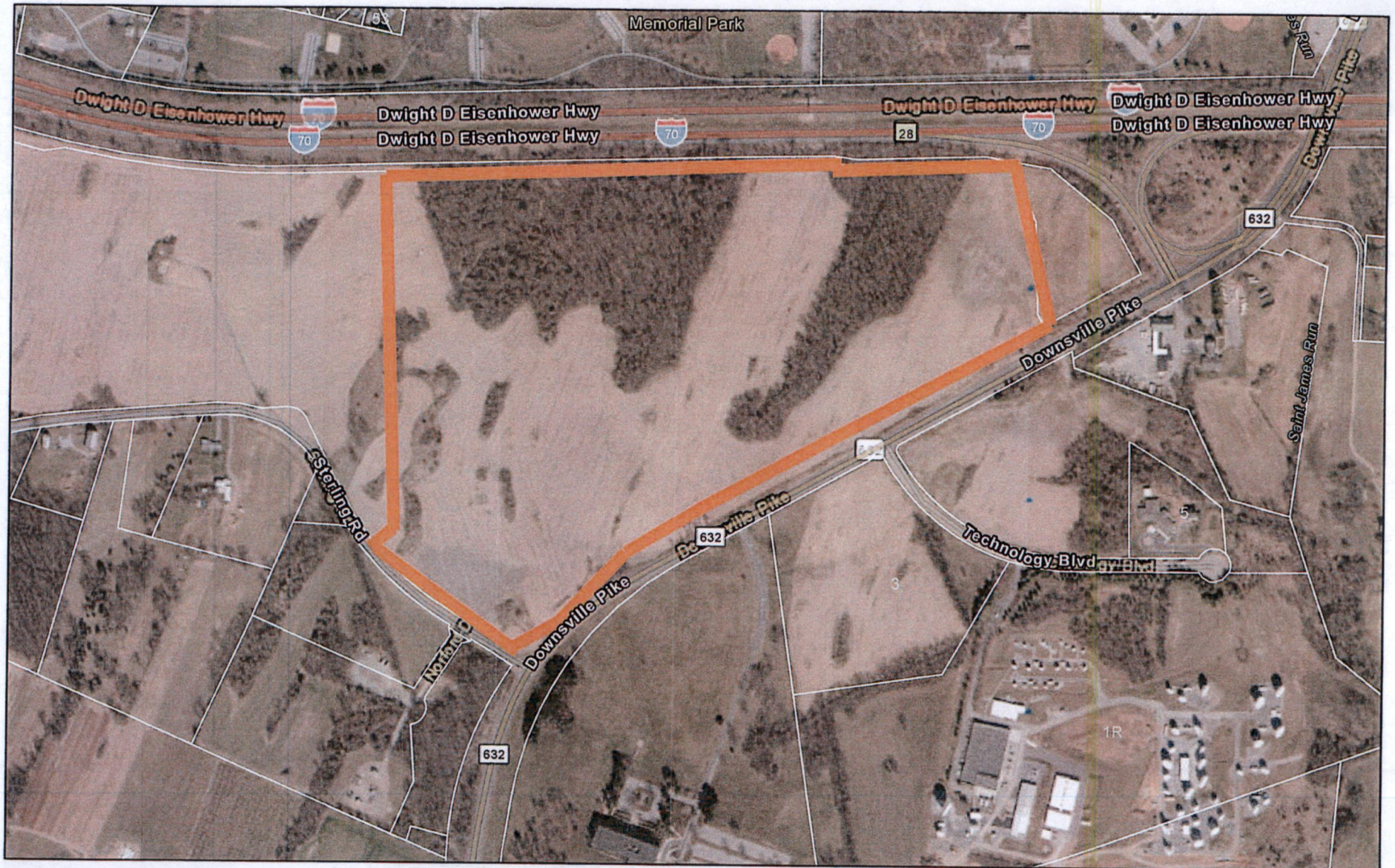


My Commission Expires: 9/15/2024

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

WWW.WASHCO-MD.NET

Frederick Seibert & Associates, Inc.

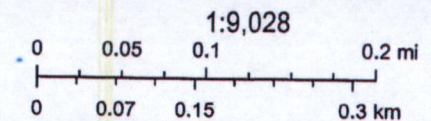


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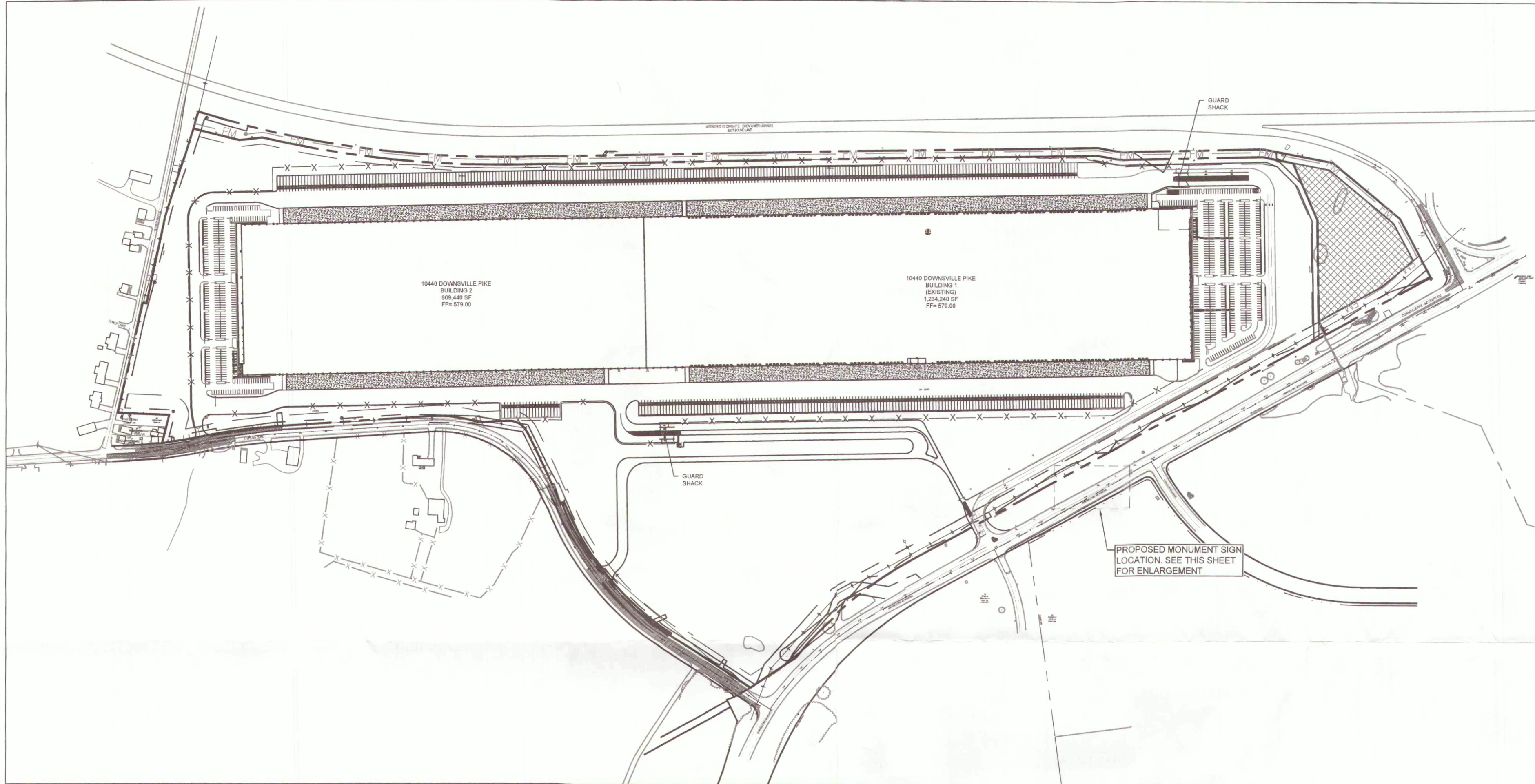
Esri Community Maps Contributors, WashCo MD, West Virginia GIS, ©
OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS

Maxar | MD IMAP, DoIT | Hagerstown MD | Washington County Planning Department | Source: USDA NRCS, Esri | MD IMAP, USDA | Esri, HERE, IPC | Esri Community Maps Contributors, WashCo MD, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, HERE,

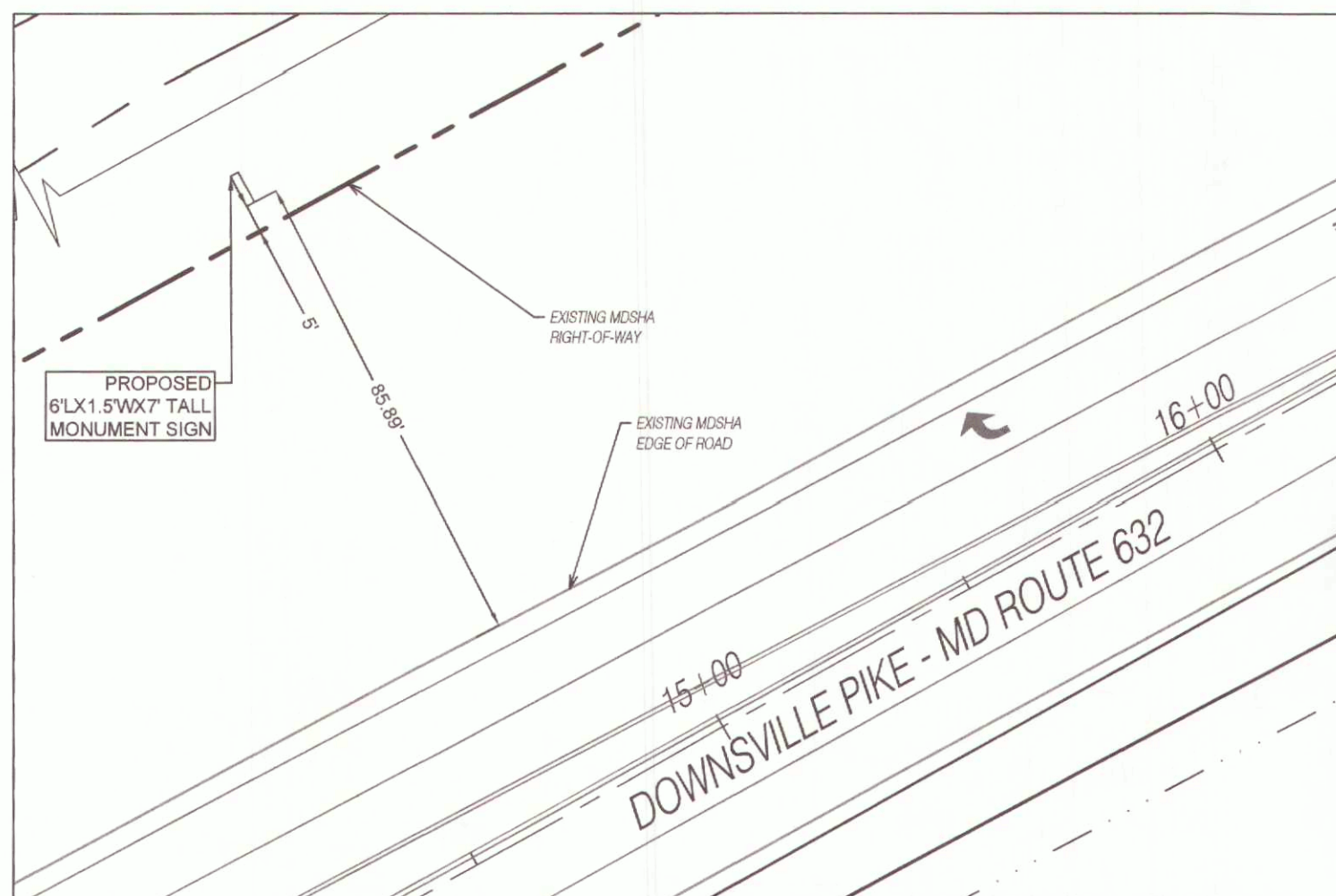
Adjacent Owners List, Mid-Atlantic Crossroads

Parcel	Name	Premise Address	Mailing address (if different from premise)
57-7-403	WCBOE	10435 Downsville Pike, Hagerstown, MD 21740	
57-7-618	DOWNSVILLE LOT D 15 LLC	Technology Blvd	11535 Hopewell RD, Hagerstown, MD 21740
57-7-96	DOWNSVILLE LOT C 20 LLC	17633 Technology Blvd	11535 Hopewell RD, Hagerstown, MD 21740
57-1-180	BSM WILLIAMSPORT LLC	10549 Downsville Pike	PO Box 4217 Hagerstown, MD 21741
56-6-262	DRI/TTC Downsville I, LLC	17222 Sterling Road	1055 Thomas Jefferson St NW,#600, Washington, DC 20007
56-6-262	DRI/TTC Downsville I, LLC	17222 Sterling Road	1055 Thomas Jefferson St NW,#600, Washington, DC 20007
56-12-137	Potomac Edison Co	10400 Norford Dr, Williamsport, MD 21795	800 Cabin Hill Dr, Greensburg, PA 15601
56-12-1002	Potomac Edison Co	Downsville Pike, Hagerstown, MD 21740	800 Cabin Hill Dr, Greensburg, PA 15601
56-12-137	Potomac Edison Co	10400 Norford Dr, Williamsport, MD 21795	800 Cabin Hill Dr, Greensburg, PA 15601

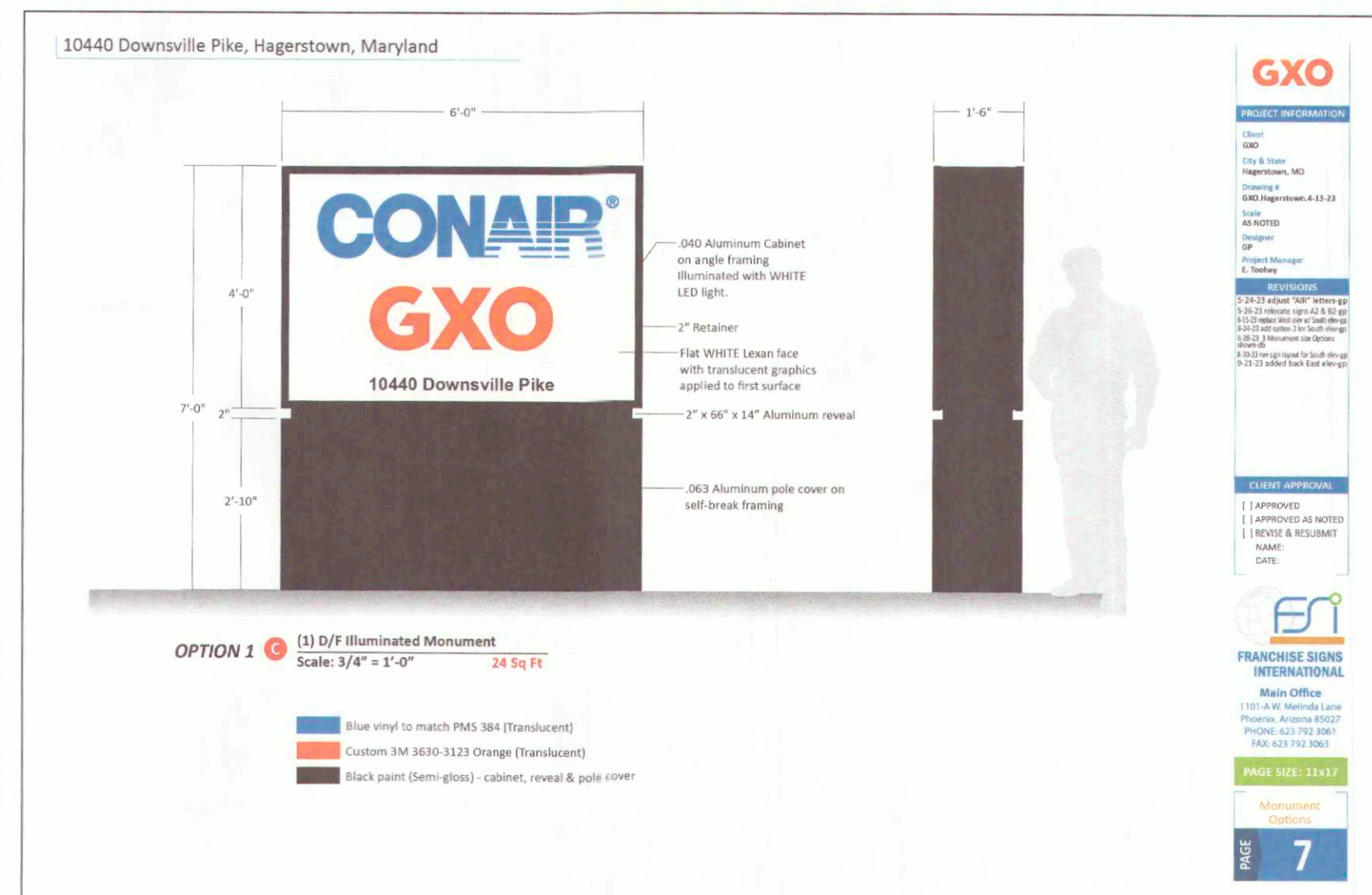


OVERALL SITE
SCALE: 1" = 300'

ENLARGEMENT OF MONUMENT SIGN LOCATION
SCALE: 1" = 30'



PROPOSED SIGN



MIDATLANTIC CROSSROADS II

SITUATED AT 10440 DOWNSVILLE PIKE

WASHINGTON COUNTY, MARYLAND

CLIENT: TRAMMELL CROW COMPANY
1055 THOMAS JEFFERSON STREET NW WASHINGTON, DC 20007
ATTN: TOM RATHBURN; PHONE: 202.295.3310

PROJECT NO. 6218.2

DWN BY ABRAM MYERS DATE 09-27-2023

PROJECT MANAGER: T. FREDERICK

EMAIL: TFREDERICK@FSA-INC.COM

TAX MAP - GRID - PARCEL

57-1-258,262,464

SCALE

AS SHOWN

SHEET TITLE

SIGN
EXHIBIT

SHEET 01 OF 01



FREDERICK, SEIBERT & ASSOCIATES, INC. 2023

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS

128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21140
301.91.5850

20 WEST BALTIMORE STREET
GREENCASTLE, PA 15225
717.701.0007

16 EAST MAIN STREET
NEW BLOOMFIELD, PA 17068
717.275.7331

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

*

DRI/TCC DOWNSVILLE I, LLC

*

Appeal No.: AP2023-046

Appellant

*

*

* * * * *

OPINION

DRI/TCC Downsville I, LLC (hereinafter “Appellant”) requests a variance to reduce the required setback from 25 feet to 5 feet for the construction of a monument sign at the subject property. The subject property is located at 10440 Downsville Pike, Hagerstown, Maryland and is zoned Highway Interchange. The Board held a public hearing in this matter on November 8, 2023.

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 10440 Downsville Pike, Hagerstown, Maryland. The subject property is zoned Highway Interchange.
2. The subject property consists of a newly developed warehouse property with two (2) large warehouse buildings which share a party-wall. The property is triangularly shaped and is bounded by Interstate 70, Downsville Pike and Sterling Road.
3. The subject property is situated approximately 12 feet above the roadway.
4. The subject property is subject to 117-foot right-of-way that was created in 1954.
5. There are utility lines running through property in the area where the sign would need to be located if no variance is granted.

6. The State Highway Administration was consulted about the proposed project and has no objection.

7. Appellant proposes to construct a 6-foot by 10-foot monument sign, 5 feet from the roadway to announce the entrance to its property. There will also be signage on the building which is not easily observed from the road.

8. 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. §§ 25.2(c) and 25.56.¹ “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. § 25.56(A).

Practical difficulty and undue hardship are 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.).

In the instate case, the Board heard testimony from Fred Frederick, a professional engineer, regarding the nature of the property. Mr. Frederick described the 12-foot change in topography and the rather large right-of-way created almost 70 years ago. Mr. Frederick testified that the right-of-way is excessive and is not likely to be fully realized.

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties 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 difficulties 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).

Nevertheless, its existence has the effect of pushing setbacks further away from the existing roadway and creating the situation presented in this case.

The location of the sign was chosen in order to announce the entrance to the property to truck traffic as it leaves Interstate 70, coming toward the property. The location also allows for maximum visibility given the topography change between the property and the roadway. If the sign were located further back, it would be difficult for traffic to see it clearly, particularly in the short distance traveled between the Interstate and the entrance. In addition, there are existing utility lines which would complicate the location of the sign in full compliance with the setback. These conditions constitute practical difficulty and warrant relief from the strict requirements of Section 22.23(e) of the Ordinance. Appellant's proposal also makes good sense from a traffic management perspective and promotes safety for traffic coming to the property from a busy interstate roadway. Under the circumstances, requiring strict compliance would render conformance unnecessarily burdensome and granting the variance would observe the spirit of the Ordinance. Appellant should be afforded the relief requested to construct the proposed sign.

Accordingly, the variance request to reduce the required setback from 25 feet to 5 feet for the construction of a monument sign at the subject property is GRANTED, by a vote of 5-0. Said variance request is granted upon the condition that the proposed use be consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: December 7, 2023

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: Martin & Nicole Boese
816 Dewey Avenue
Hagerstown MD 21742

Appellant: Martin & Nicole Boese
816 Dewey Avenue
Hagerstown MD 21742

Property Location: 14005 Misty Glen Lane
Hagerstown, MD 21742

Description Of Appeal: Special exception to establish a second single-family dwelling on a parcel improved with a dwelling.

Docket No: AP2023-047

Tax ID No: 09017712

Zoning: A(R)

RB Overlay: No

Zoning Overlay:

Filed Date: 10/17/2023

Hearing Date: 11/08/2023

Appellant's Legal Interest In Above Property: **Owner:** Yes

Lessee: No

Other:

Contract to Rent/Lease: No

Contract to Purchase: No

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section 4.5

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling

Proposed Use: Second Single Family Dwelling

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

Proposed:

I 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 23 day of October, 2023.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY

My Commission Expires **NOVEMBER 07, 2025**

Notary Public



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: AP2023-047

State of Maryland Washington County, To Wit:

On 10/17/2023, 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 11/08/2023, 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 10/24/2023 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

Project Name: Martin & Nicole Boese Special Exception

Owner/Applicant: Martin & Nicole Boese

Project Address: 14005 Misty Glen Lane

Tax Map 26 **Grid** 7 **Parcel** 417

Account # 09017712

Zoning: A(R) Agricultural Rural

Reason for filing:

This is a request for a Special Exception from section 4.5 of the Washington County Zoning Ordinance. Among other regulations this section states that "All lots, parcels or tracts either created prior to or after the adoption of this ordinance which are located in the A(R), EC, P, RV, RB, RT, RS, or RU districts shall be limited to one principal permitted residential use on a lot, parcel or tract".

The applicants desire to construct an 1,100 SF house on their 14 acre property which is currently improved with the applicants personal home. Aging in-laws would like to downsize from their current 3,000 SF residence, the 2nd dwelling is intended to allow the in-laws to live in said home and be close to the immediate family. Reciprocal healthcare/child care is also a driving factor that is further explained in a memo prepared by the applicant and enclosed with this application.

The shape of the existing lot portrays the appearance of the area for the 2nd house to be built as already existing as a separate lot. The existing house is over 400' off of Leiters Mill Road and about 12' lower than the proposed 2nd dwelling which will front directly on Leiters Mill Road and use an existing access. The Health Department has been contacted and will allow the 2nd dwelling to be hooked up to the existing system with minor modifications and use of the existing well is permitted. The applicants have met with all of the adjacent property owners to explain what their intentions are.

October 13, 2023

Dear Members of the Zoning Board of Appeals,

We are requesting a special exception to permit an accessory dwelling unit (ADU) on our property located at 14005 Misty Glen Lane, Hagerstown MD 21742.

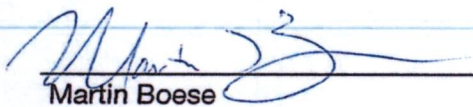
Nicole's parents, Steven and Jill Silas, are in their late 70's. While both Steven and Jill are in relatively good health, Steven is a cancer survivor and Jill has a family history of strokes and heart disease. As they age, it would be beneficial for our family if they lived nearby, but still maintained their own space and dignity. Our property is shaped with an approximate 1/4-1/3 acre exclave on the opposite side of our main lot, separated by a common driveway, that would easily fit a small retirement cottage. This area would be ideal for Nicole's parents to live out their golden years.

Meanwhile, our eldest daughter is autistic and suffers from treatment resistant depression. She has bouts of severe depression requiring electric convulsive therapy and sometimes psychiatric hospitalization. We have high hopes that she can lead a functional life - she is highly intelligent - but she may be unable to live without continued support. In the distant future, having a separate-yet-attached ADU on our property may be essential.


Thank you for your consideration.

Sincerely,

Martin & Nicole Boese



Martin Boese



Nicole Boese



Washington County MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

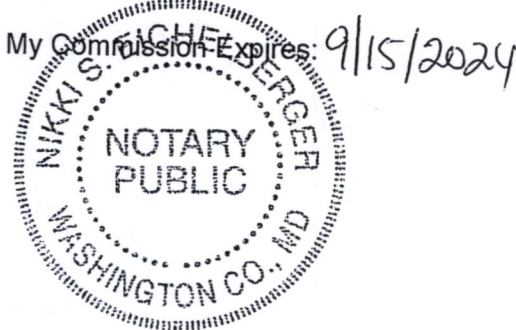
This is to certify that ED SCHREIBER
is authorized to file an appeal with the Washington County Board of Appeals for
SPECIAL EXCEPTION FOR 2nd DWELLING on property
located 14005 MISTY GLEN LN, HAGERSTOWN MD 21742
The said work is authorized by NICOLE BOESE
the property owner in fee.

PROPERTY OWNER

Nicole M. Boese
Name
816 Dewey Ave
Address
Hagerstown MD 21742
City, State, Zip Code
Nicole Boese
Owner's Signature

Sworn and subscribed before me this 28 day of September, 2023.

Nikki S. Echelberger
Notary Public

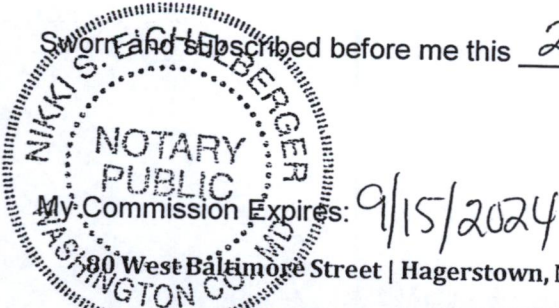


AUTHORIZED REPRESENTATIVE

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

Sworn and subscribed before me this 28 day of September, 2023.

Nikki S. Echelberger
Notary Public



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

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

SITE

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 017712

Owner Information

Owner Name: BOESE MARTIN LEWIS Use: RESIDENTIAL
BOESE NICOLE M Principal Residence: NO
Mailing Address: 816 DEWEY AVENUE Deed Reference: /07211/ 00329
HAGERSTOWN MD 21742-

Location & Structure Information

Premises Address: 14005 MISTY GLEN LN Legal Description: LOT 5 14.12 ACRES
HAGERSTOWN 21742-0000 14005 MISTY GLEN LANE
MISTY GLEN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8326
0026 0007 0417 9010142.22 0000 5 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
14.1200 AC 000000

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
/

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	112,800	112,800		
Improvements	0	0		
Total:	112,800	112,800	112,800	112,800
Preferential Land:	0	0		

Transfer Information

Seller: MISTY KNOLLS LLC	Date: 03/16/2023	Price: \$217,500
Type: ARMS LENGTH VACANT	Deed1: /07211/ 00329	Deed2:
Seller: TOUSA HOMES INC	Date: 01/16/2007	Price: \$1,000,000
Type: NON-ARMS LENGTH OTHER	Deed1: /03203/ 00666	Deed2:
Seller: MISTY GLEN DEVELOPMENT LLC	Date: 08/01/2005	Price: \$1,125,000
Type: ARMS LENGTH MULTIPLE	Deed1: /03203/ 00659	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

1082

Salisbury, McLister & Foley, LLP
File No. 23-34051ACW
Tax ID # 09-017712
Property Address - 14005 Misty Glen Lane, Hagerstown, MD 21742

This Deed, made this 8th day of March, 2023, by and between Misty Knolls, LLC, GRANTOR, and Martin Lewis Boese and Nicole M. Boese, GRANTEES.

Witnesseth –

That in consideration of the sum of Two Hundred Seventeen Thousand Five Hundred and 00/100 Dollars (\$217,500.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot or parcel of land situate, lying and being in Washington County, Maryland and being more particularly described as follows:

Being known and designated as Lot 5, as shown on the plat entitled "Combined Preliminary/Final Plat, Lots 1-5, Misty Glen, situate along the north side of Leiter's Mill Road, Election District 9", and recorded among the Plat Records of Washington County, Maryland in Plat Number 8326.

BEING part of the fee simple property which, by Deed dated December 22, 2006, and recorded in the Land Records of the County of Washington, Maryland, in Liber 3203, Folio 666, was granted and conveyed by Touse Homes, Inc. unto Misty Knolls, LLC.

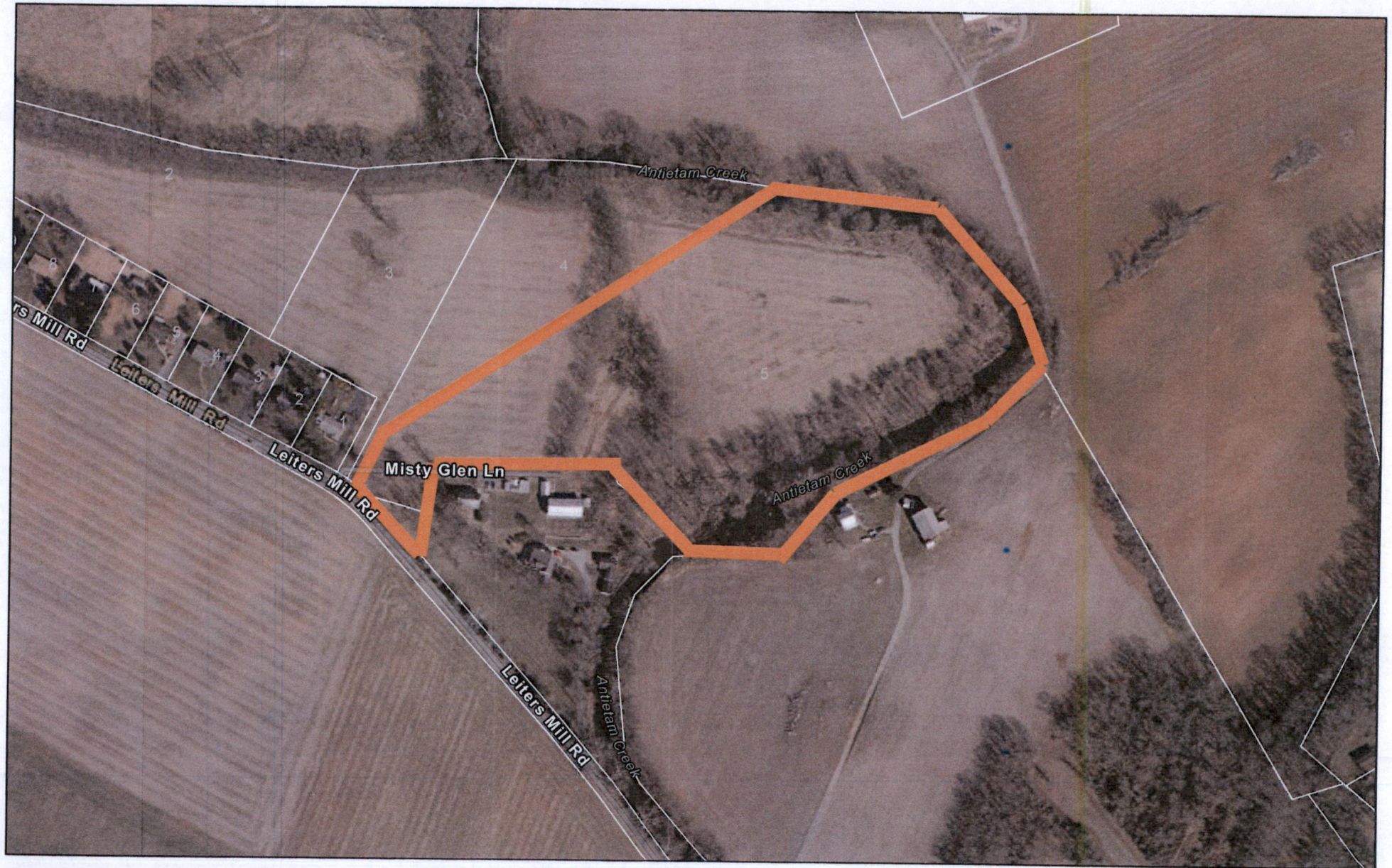
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Martin Lewis Boese and Nicole M. Boese, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

000324

Frederick Seibert & Associates, Inc.

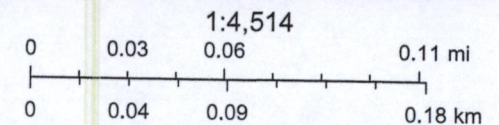


10/12/2023, 3:45:05 PM

World Transportation

Parcels

MD_SixInchImagery



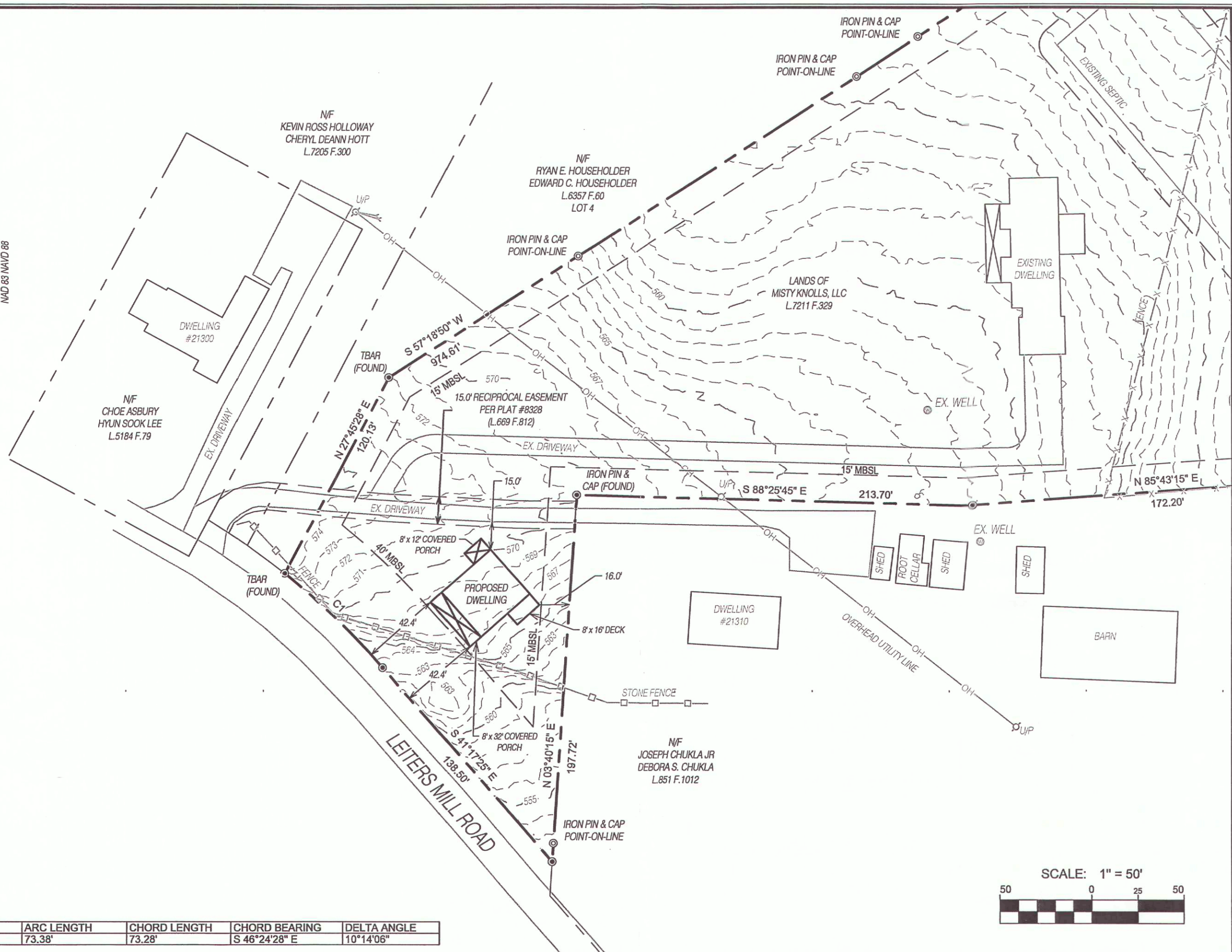
Esri, HERE, IPC, Esri Community Maps Contributors, Frederick County, WashCo MD, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS

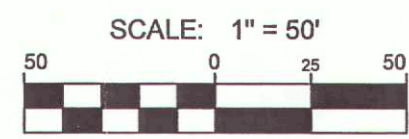
Adjacent Owners List, Boese Special Exception

[illegible]

MD STATE PLANE
NAD 83 NAVD 88



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	410.76'	73.38'	73.28'	S 46°24'28" E	10°14'06"



Preliminary / Final Plat
PLOT PLAN
FOR
**MARTIN LEWIS BOESE
& NICOLE M. BOESE**
14005 MISTY GLEN LANE
HAGERTSOWN MD 21742
WASHINGTON COUNTY, MARYLAND

JOB NUMBER:
2023-0028.2

**FREDERICK
SEIBERT &
ASSOCIATES, INC.**

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERTSOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
505 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013
5201 SPRING ROAD, SUITE 3, SHERMANSDALE, PENNSYLVANIA 17090
(301) 791-3950 (301) 415-7478 (717) 597-1007 FAX (301) 729-4656

2023

DATE:
10-04-2023

DATE:
10-04-2023

SCALE:
1" = 50'

TAX MAP 28-7-417 DISTRICT 09	DRAWING NUMBER 1 OF 1
DRAWN BY: MTJ	CHECKED BY: EJS



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: Vixen Hollow LLC
16039 Cloverton Lane
Williamsport MD 21795

Appellant: Vixen Hollow LLC
13030 Bikle Road
Smithsburg MD 21783

Property Location: 13030 Bikle Road
Smithsburg, MD 21783

Description Of Appeal: Special exception to establish a banquet/reception facility use on the property and a variance from the durable dustless/paved parking requirement.

Docket No: AP2023-048

Tax ID No: 07005938

Zoning: A(R)

RB Overlay: No

Zoning Overlay:

Filed Date: 10/17/2023

Hearing Date: 11/08/2023

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 Sections 5B.2, Table 3.3 (1) (B), and 22.12 (f) iv

Reason For Hardship:

Paved parking would be inconsistent with the agricultural feel and horseshoes are not always compatible with pave surfaces.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Horse Farm/Residential

Proposed Use: Banquet/Reception Facility

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 18 day of October, 2023.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND

My Commission Expires NOVEMBER 07, 2025

Notary Public



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: AP2023-048

State of Maryland Washington County, To Wit:

On 10/17/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Kuczynski & Kuczynski P.A. and made oath in due form of law as follows:

Kuczynski & Kuczynski P.A. 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 11/08/2023, 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 10/24/2023 and will remain until after the above hearing date.

Kuczynski & Kuczynski P.A.

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

**BOARD OF APPEALS
WASHINGTON COUNTY, MARYLAND**

Special Exception/Variance Appeal

**Hearing Date: November 8, 2023
for**

**VIXEN HOLLOW, LLC
Codi Trumpower
Caitlin Kuczynski-Trumpower**

PROPERTY

**LOCATION: 13030 Bikle Road
Smithsburg, MD 21783**

**APPELLANT: Vixen Hollow, LLC
&**

**PROPERTY 13030 Bikle Road
OWNER Smithsburg, MD 21783**

Submitted by: Edward L. Kuczynski, Esquire
Attorney for Appellant
KUCZYNSKI & KUCZYNSKI, P.A.
22 W. Salisbury Street
Williamsport, MD 21795
(301) 797-9120 phone
(301) 797-4317 facsimile
ed.kuczlaw@gmail.com

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BOARD OF ZONING FOR WASHINGTON COUNTY

**APPELLANT: VIXEN HOLLOW, LLC
CODI TRUMPOWER
CAITLIN KUCZYNSKI-TRUMPOWER**

**PROPERTY: VIXEN HOLLOW EQUESTRIAN CENTER
13030 BIKLE ROAD
SMITHSBURG, MARYLAND**

APPEAL – SPECIAL EXCEPTION/VARIANCE

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III.	ADJACENT PROPERTY OWNERS LIST, TAX MAP & SDAT ASSESSMENT RECORDS.....	27-52
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I.

**APPEAL DOCUMENTS AND
APPLICANT'S SUMMARY**



Washington County
MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Edward L. Kuczyński, Esquire
is authorized to file an appeal with the Washington County Board of Appeals for
Vixen Hollow, LLC on property
located 13030 Bickle Road, Smithsburg, MD 21783
The said work is authorized by Vixen Hollow, LLC
the property owner in fee.

PROPERTY OWNER

Vixen Hollow, LLC
Name
13030 Bickle Road
Address
Smithsburg, MD 21783
City, State, Zip Code
Edward L. Kuczyński
Owner's Signature

Sworn and subscribed before me this 16th day of October, 2023.

Linda Kuczyński
Notary Public
My Commission Expires: 03/24/2024

AUTHORIZED REPRESENTATIVE

Edward L. Kuczyński
Name Kuczyński & Kuczyński, P.A.
22 W. Salisbury ST.
Address
Williamstown, MD 21795
City, State, Zip Code

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 16th day of October, 2023.

Linda Kuczyński
Notary Public
My Commission Expires: 03/24/2024



Washington County

MARYLAND

BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742 | P 240.313.2430 | F 240.313.2461 | T 800.441.7-1-1

WWW.WASHCO-MD.NET

Appeal for Special Exception

Appeal is hereby made for a special exception under the Washington County Zoning Ordinance as follows:

Location 13030 Bikle Road, Smithsburg, MD 21783

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

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

☐ Contract to Purchase ☐ Other _____

Use Proposed: wedding ceremonies/receptions/banquets

Zoning Ordinance section and subsection(s) providing for proposed use: _____

Section 5B.2, Table 3.3(1)(B)

If filing functionally similar to a principal permitted use or special exception use, please list the use and describe the use similarities:

Provide Detailed Explanation on Separate Sheet

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

☐ Yes ☒ No

If yes, give docket number(s): _____

Additional comments, if any: Please see attached information

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

Signature of Appellant

cdkegustrian@gmail.com

Email of Appellant

Address of Appellant

13030 Bikle Rd, Smithsburg, MD
301-302-1284

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.

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

Table No. 3.3(1)^{5 6}
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

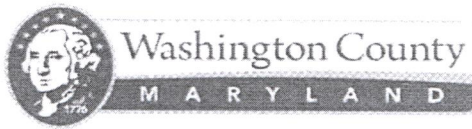
LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
A. Accessory							
Guest house in an accessory building	SE	SE	SE	SE	N	N	N/A
Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13	A	A	A	A	A	N	N/A
Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence	A	A	A	A	A	N	N/A
Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use	A	A	A	A	A	A	N/A
B. Accommodation and Food Services⁷							
Banquet/Reception Facilities	SE	SE	SE	SE	P	N	HIGH
Boarding or rooming houses	N	N	N	P	P	N	MODERATE
Bed and Breakfast	SE	SE	SE	P	P	N	MODERATE
Conference Centers	SE	SE	SE	SE	P	N	HIGH
Hotels and apartment hotels, including motels	N	N	N	N	P	N	MODERATE
Restaurants with drive-in, drive thru service	N	N	N	N	P	N	MODERATE
Restaurants without drive-in, drive-thru service	N	N	N	N	P	N	MODERATE
Resorts	N	N	N	N	P	N	HIGH
Taverns	N	N	N	N	P	N	HIGH
C. Administrative and Support and Waste Management and Remediation Services							
Building and dwelling services as defined in Article 28A	N	N	N	N	P	N	MODERATE
Landscaping Contractor	P	P	P	P	P	N	MODERATE

⁵ Table No. 3.3(1) amended 9/19/06 (RZ-06-007/ORD-06-09)

⁶ Table No. 3.3(1) amended 8/4/09 (RZ-09-001/ORD-09-08)

⁷ Revision 17, Table No. 3.3(1)B. amended 4/23/13 (RZ-12-002/ORD-2013-13)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted



BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742 | P 240.313.2430 | F 240.313.2461 | planning@washco-md.net

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 13030 Bikle Rd, Smithsburg, MD 21783

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

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

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

Section 22.12(f)iv

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

All off street parking facilities shall be designed with a stable dust free surface

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

To allow parking on the existing parking lot and if necessary on the small grass field parallel to the outdoor ring.

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

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
cdkequostan@gmail.com
Email of Appellant

13030 Bikle Rd, Smithsburg, MD
Address and of Appellant
301-302-1284
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.

shall not be converted into another use unless the minimum parking space requirements of this Article are satisfied without the parking structure. Enclosed structures containing off-street parking for employees shall be designed with a first-level entrance and height of at least nine feet in order to permit the entry and parking of vans used by van pool programs.

22.12 (f)

- ii. Parking facilities required by these regulations shall be provided on the same lot with such structure or land use unless otherwise provided in accordance by this Article.
- iii. Alterations to parking facilities after plan approval (i.e. stripping, traffic markings, surfacing, etc) that affect internal or external traffic patterns, minimum space and access aisle requirements or landscaping requirements, may require additional review by the Planning Commission.
- iv. All off-street parking facilities shall be designed with a stable, dust-free surface conforming to the standards of the Department of Land Development Engineering.
- v. No off-street parking area shall be designed to permit direct parking space ingress and egress to a public or private road, street, or highway.
- vi. Parking facilities shall be designed to maintain the use traffic on the developed site so as to avoid back-ups and congestion on public and/or private roads.
- vii. Adequate emergency vehicle access must be provided to each use.

2. Parking Stall and Access Lane Dimensions.

- i. Off-street parking facilities may contain any combination of angled, perpendicular or parallel parking spaces. The minimum design standards are as follows (see also Diagram 22-1):

A	B	C	D	E
Parking Angle (feet)	Stall Width (feet)	Stall Length (feet)	Curb Width per Vehicle (feet)	Aisle Width (feet)
0°	9	22	22	See Diagram 22-2
30°	9	20	19	
45°	9	20	13	
60°	9	20	10.5	
90°	9	20	9	

VIXEN HOLLOW, LLC

STATEMENT IN SUPPORT OF APPEAL FOR SPECIAL EXCEPTION AND VARIANCE

Background

Vixen Hollow, LLC owns 47.9 acres which fronts Bikle Road a short distance from Rt. 64. Caiti Kuczynski-Trumpower and her husband Codi Trumpower operate Vixen Hollow Equestrian Center where they board, train and breed sport horses.

Cait has been riding horses since she was 4 and started competing at the age of 7. She has spent most of my life pursuing her passion for horses and equestrian sports. It may seem cliché, but horses and the horse life are what drives her. During college she worked for a large competition barn in southern Virginian where she learned how to properly manage an equestrian facility from one of the best trainers in the industry. At this facility Caiti was also able to focus on advancing her riding skills that has allowed her to compete professionally. Upon graduation from college, she spent time in the Middleburg, Virginia area (the horse capital of the world) working for barns and riders to help her become more competitive in the equestrian sport of Eventing. Cait returned to Washington County in 2013 where she started her own business by leasing small facilities that allowed her to start to build the business.

In 2016, Cait was fortunate to have the opportunity to buy 47 acres on Bikle Road, near Smithsburg. Through private financing from the Seller (Vincent Groh) she was able build a state-of-the-art barn and training facility which includes indoor and outdoor arenas. Vixen Hollow Equestrian Center is one of the nicest facilities in this area. Caiti and Codi opened Vixen Hollow Equestrian Center in the fall of 2016. Caiti devotes her full-time work hours to operating the business and professionally competing. Her husband, a Washington County native and graduate of Hood college, in his hours away from his full-time job helps with the operating the farm and

supporting Caiti in her competition efforts. Vixen Hollow has 1 full time employee and 2-3 part time workers who help keep Vixen Hollow running.

The COVID-19 lockdowns as they pertained to the equestrian industry literally stopped Vixen Hollow's ability to run the business causing adverse impacts for almost two years. People could not come to the barn for lessons or shop for horses, competitions were cancelled and Vixen Hollow had no ability to hold any special events. Based upon the lessons that were learned through and coming out of COVID, Caiti and Codi realized that a change in their business plan was necessary for sustained survival and long-term profitability.

Original Plan

The original business plan for Vixen Hollow Equestrian Center revolved around three potential sources of income. First, they wanted to attract riders who would board and train their horses through instruction from Caiti, mounted and unmounted. Along that same line, they were hopeful that riders with other trainers would "trailer-in" to take lessons with Caiti as a professional to augment training that they were receiving elsewhere. Second, they wanted to schedule and hold a few strategically planned fund-raising events as well as clinics and competitions. Finally, the plan included buying, training, competing and reselling top quality sport horses.

Although Caiti initially found clients who wanted to board and train at Vixen Hollow, the turnover was more regular than anticipated and the income related to the training aspect was intermittent even though the clients agreed to a minimum amount of instruction. Even though Vixen Hollow has a beautiful indoor riding arena, most amateur riders do not want to ride during the winter months. In addition, the boarding fees alone barely cover feed, hay and the help necessary to take care of the horses on a daily basis. Although Caiti at times has had a regular clientele who would trailer in for lessons, those clients were seasonal and unpredictable.

During the first few years, Vixen Hollow successfully held a few special events, held clinics and had a few evening shows. Once COVID resulted in lock-downs and reduced person to person contact, those sources of revenue disappeared for over two years.

Buying, training, competing and re-selling horses has been the most successful aspect of the original business plan. Caiti has successfully trained and sold horses that she imported from Ireland and/or purchased from breeders domestically. These sales have been to customers from California, Florida, Pennsylvania, Virginia and Maryland. The downside is the monetary outlay that is necessary to purchase horses that have been “broken” with minimal training is substantial particularly when those efforts involve importing. With the onset of COVID, Vixen Hollow was unable to sell horses because of the lock-down. In addition, competitions were shut down for the better part of a year making it impossible to showcase the horses which were for sale.

After considerable reflection upon the lessons learned, Caiti and Codi have adjusted their business plan so that in the long-term Vixen Hollow Equestrian can hopefully continue to grow and succeed in Washington County – the place they both have chosen to live, raise their family and pursue their careers.

New Plan

First, Vixen Hollow has decided to move away from the boarding/training aspect of the original plan. Although Caiti will still provide training for horses on a short-term basis, the focus will concentrate more on training and selling what Vixen Hollow owns and breeds.

Along that line, Vixen Hollow has started a breeding program that hopefully will allow it to develop a continuous line of competitive, warm-blood sport horses that it will foal, break, train and sell annually. The initial cost of breeding is less than buying young horses in need of training, but the time with each horse will be longer since foals need to grow and mature before under saddle

training commences. The same time lag will occur to allow for the development of any available inventory. There are costs involved in this transition such as modification of some of the stalls and paddocks as well as marketing the breeding program. However, Vixen Hollow is fortunate to have several quality mares who will provide a great foundation to the stallions that will be utilized.

Second, Caiti has changed her competition focus. Although she loved competing in the sport of Eventing, there are virtually no opportunities to earn money by winning or placing in those competitions. Instead, Caiti has started focusing her competition outings on dressage and show jumping. Show jumping, in particular, offers riders the ability to win prize money at the professional and amateur levels. Although there is no guarantee of winning money, Caiti believes that she will be competitive enough with her current top horses to win enough to supplant any money that she may have earned teaching.

Finally, Vixen Hollow is a beautiful farm in a pastoral setting with a view of the mountains. With the changes outlined in this narrative, Caiti and Codi will have the ability to share their property on weekends for weddings, receptions and other similar events. Their plan is to obtain the approval from the County so that Vixen Hollow can hold outdoor events (mostly weddings and related receptions) on the property. Vixen Hollow, with some minor “dressing up” and minor capital outlay, will make a perfect location for these types of activities which will have a minimal impact on Vixen Hollow and the surrounding properties. The projected revenue, based upon their research, will eclipse anything that Vixen Hollow could earn through boarding and/or teaching. Having the ability to hold weddings, receptions and similar events will provide Vixen Hollow with a regular, consistent cash flow which it (and any agricultural operation) needs to fill in the gaps between the sale of horses which occur intermittently. The granting of the requested Special Exception and Variance will allow Vixen Hollow Equestrian to sustain its primary business of

breeding, training, competing and selling top quality sport horses and will allow Vixen Hollow to continue as a long-term equestrian facility in Washington County.

Special Exception

The Zoning Ordinance allows properties with 5 acres or more located in AR Zoning to operate banquet/event facilities with the granting of a Special Exception. The intent of the Applicant in this case is to use the curtilage of the existing structures (the barn and indoor arena) to allow couples to wed and have a reception following their ceremonies or hold a banquet. No new structures will be erected and the ceremonies/receptions would be held outside of the barn and indoor riding arena with the use of tents and/or canopies. (Please refer to BZA Exhibit prepared by FSA attached hereto as Exhibit 1).

Vixen Hollow has sufficient acreage and distance clearances, to meet the requirements specified in the Zoning Ordinance required for Banquet/Reception uses. The requested Special Exception is consistent with the Comprehensive Plan because the proposed additional use will help promote tourism and the agrarian heritage of Washington County. Rather than develop this parcel into housing or some other non-agricultural use, the proposed use, will allow the property to continue to operate actively as a farm yet allow the residents of and visitors to Washington County to enjoy the working horse farm and celebrate their weddings in a beautiful, pastoral setting. The granting of a Special Exception to allow ceremonies and receptions on the farm will allow Vixen Hollow, LLC to develop a predictable stream of income to assist in the operational equine/agricultural expenses of Vixen Hollow Equestrian Center.

If the Special Exception for ceremonies and receptions is granted, the weddings and receptions would be held outside the existing barn and indoor riding arena and would be limited to no more than 150 people from April through early November. All activities related to a

wedding/banquet/reception would conclude by 9:00 p.m. and any music will be regulated according to the sound study which has been performed.

Vixen Hollow would utilize fire rated frame tents to provide cover for the guests during the reception. The tents would initially be rented by the Applicant and will not exceed 2,500 square feet. It would be located to the back of the indoor riding arena as shown on the drawings prepared by Frederick, Seibert and Associates included and incorporated herein. This size tent requires 50 parking spaces per the Zoning Ordinance and could accommodate between 125 and 150 people. The existing gravel parking areas which are lighted will allow for compliance with the Zoning Ordinance without a variance related to the number of required spaces (50). Any additional parking can be accommodated with supplemental lighting on a grass area with which lies parallel to the outdoor riding arena near the reception tent. This additional parking will allow easy access to the activities.

Special Exception Criteria

In support of the criteria which is to be addressed by any Applicant for a Special Exception, the following information is set forth as follows:

Number of People Residing or Working in the Immediate Area Concerned

This portion of Bikle Road which is zoned AR contains a mix of residential, commercial, agricultural and residential uses. The proposed banquet/reception use is consistent with those uses.

Caiti and Codi's residence is located on the property within walking distance of the farm. They live there with their 2-year-old son. There are a few homes on the opposite side of Bikle Road which are approximately 600 feet or more from the proposed location for the receptions. These homes are shielded/buffered by the barn and indoor arena.

The front portion of the existing structure contains a 14-stall barn and is 40' x 120'. Connected to the barn is an 80' x 180' indoor riding arena. (See attached Photographs – Exhibits C - *). This structure will serve as a visual buffer and will assist in minimizing any sound emanating from the reception. The southern boundary of the property adjoins an electric transmission facility, the northern line (which contains a natural buffer of trees and growth) is over 1000 feet from the area to be utilized, contains a residence which cannot be seen from Vixen Hollow. The rear of the property is bordered by orchards and wooded areas. Also, in the area along Bikle Road is Columbia Manufacturing (previously Bikle Manufacturing), Mace Auto Body, A Day School/Church and the Greensburg Convenience Center transfer facility for the Washington County Landfill.

It is anticipated that in addition to Caiti and Codi who will be overseeing the events, there will be approximately one additional part-time employee. It is not anticipated that any food will be prepared onsite and any food that would be served in connection with banquets/receptions would be provided and served by caterers who would be delivering (and at times serving) the food to the site and/or as part of their contracts with the bride and groom or sponsor of the banquet.

Orderly Growth of Community

The proposed special exception allows for the continued use of this beautiful property for agricultural purposes and is consistent with promoting, supporting, and continuing the agricultural heritage of Washington County yet at the same time promoting tourism and attracting people from outside of the County. The proposed Special Exception is compatible with the Comprehensive Plan, the relevant portions of which are attached hereto. The proposed use will not have any adverse impact on the orderly growth of the community, interfere with the use of any of the

surrounding properties and is consistent with the type of agri-tourism growth that would be anticipated in AR zoning in Washington County.

Traffic Conditions and Facilities

The **Forty-seven (47)** acre site, the location and nature of the buildings, the availability of parking and the distance from other homes and businesses located on other nearby properties make this site a perfect location for wedding ceremonies, associated receptions and other types of banquets. At most, approximately 50 cars, based upon the parking requirements, would be entering and leaving as guests arrive and leave. Bikle Road as it exists is sufficient to support the slight increase in traffic that would result for short periods of time on the day of a wedding/reception/banquet. The stretch of Bikle Road leading from the State Highway to Vixen Hollow is wide, straight and lined with berms. Likely, only one wedding/reception/banquet would occur on a given weekend.

The location of the buildings, current parking areas and grounds currently exist in such a configuration that no changes will be necessary to accommodate parking for guests. Vixen Hollow will be limiting the guests to a maximum of 150. No parking will be required or permitted on Bikle Road.

The Effect of the Requested Use Upon the Peaceful Enjoyment of People in Their Homes

The surrounding area is lightly populated and the area that would be utilized by the Applicant is far enough from any adjacent property owners and/or homes that the use of this property as a banquet/reception facility should not have no adverse impact upon the peaceful enjoyment of people in their homes. The property is naturally buffered by trees, open space and distance. The barn and indoor riding arena also serve as a buffer toward the front of the property.

**The Effects of Odors, Dust, Gas, Smoke, Fumes, Vibrations, Glare and Noise
Upon the Use of Surrounding Property Values**

The use of this property as a banquet/reception facility should not result in any noxious odors, dust, gas, smoke, fumes, vibrations, glare and/or noise that would impact the surrounding properties. The only sound emanating from the property during a reception would be music. The sound test conducted and the Report which will be submitted indicates that there should be no adverse impact from sound or vibrations that would result from live or amplified music that may be utilized during a reception or banquet. The Applicants will require its clients to comply with the decibel limits recommended.

Furthermore, granting the requested special exception for this property as proposed likely will have no adverse impact on surrounding property values. If anything, its development and utilization in a positive and productive manner as proposed by the Applicant would have a stabilizing effect on property values in the surrounding area.

The Most Appropriate Use of Land and Structure

The utilization of this farm as a banquet/reception location is consistent with its current agricultural use as well as the goals for Washington County set forth in the Comprehensive Plan. The requested use will allow this property to continue in agriculture and allow people to celebrate their marriages with the beauty of the facility and surrounding area as a backdrop. Granting the Special Exception as requested will afford an ongoing agricultural operation in Washington County to generate a consistent and predictable stream of income which will allow it to cover its significant operational expenses and eventually achieve long-term profitability.

Decision of the Courts

Not applicable

The Purpose of These Regulations as Set Forth Herein

As stated previously, the requested use and the variance are consistent with the purpose and intent of the Zoning Ordinance as well as the Comprehensive Plan and are in harmony with same. The Special Exception criteria adopted by Washington County for banquet/event facilities was intended to permit interested individuals to conduct these types of businesses on their properties in appropriate settings as a way of promoting and supporting the agrarian heritage and the tourism industry of Washington County. The regulations were designed to allow these types of uses which the Board of County Commissioners found are consistent with the goals of the Comprehensive Plan to promote tourism and the agricultural heritage of Washington County. The requested Special Exception in this instance serves both. Please refer to the included sections of the Comprehensive Plan which are included herein for reference.

Type and Kind of Structures in the Vicinity Where Public Gatherings May be Held Such as Schools, Churches and the Like

No schools, churches or other property uses will be impacted adversely by granting the requested Special Exceptions and Variance. The use of the property for weddings and receptions will occur on weekends at times that do not interfere with the operation of any of the surrounding businesses and will not increase the current farm use of Vixen Hollow during the week.

Variance Request

The Applicant is requesting that the parking areas outlined on the drawing and/or substantially similar locations be permitted without the requirement that same be paved. As stated in the Application this request is being made to maintain the agricultural environment that currently exists and brings customers to this type of facility. Construction and maintenance of a blacktop paved parking lot would destroy the view shed of the property. In addition, macadam

and horseshoes are not always compatible. In order to maintain the agricultural feel, the agrarian intent of the proposed use and the daily agricultural use, paved parking would be inconsistent and would impose an undue hardship on the Applicant in the form of unnecessary and counter-intuitive expense.

II.

PHOTOGRAPHS



This photo is from a post

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Vixen Hollow Equestrian Center

March 22, 2017

...



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Vixen Hollow Equestrian Center

August 11 · 🌐

...

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 Comment

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This photo is from a post

View post



Vixen Hollow Equestrian Center

November 7, 2017

...



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Most relevant



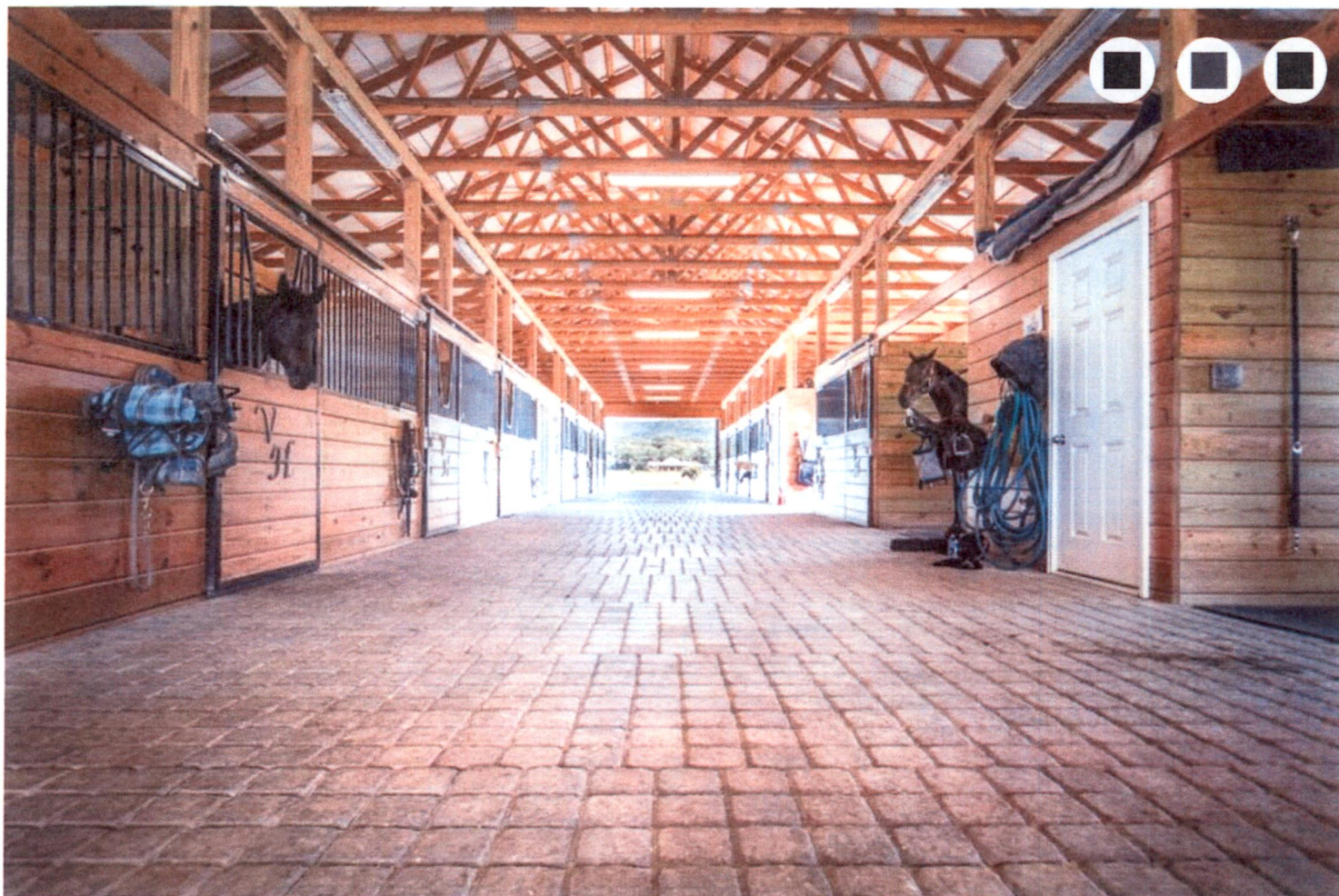
Pat Osborne
Very nice looking

Like Reply



Write a comment...





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Vixen Hollow Equestrian Center

July 31, 2017 · 🌐

...



1

 Like

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View post



Vixen Hollow Equestrian Center

August 11 · 🌐



Like

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Vixen Hollow Equestrian Center

September 7, 2018 · 

...



Angie Gordon, Monte Gordon and 5 others

1 



Like



Comment



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Most relevant 



Angie Gordon
ohhhh, i love this!

Like Reply 



Write a comment...





This photo is from a post

View post



Vixen Hollow Equestrian Center

February 18, 2017



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Vixen Hollow Equestrian Center

November 7, 2017 

...

 Like

 Comment

 Share



Write a comment...



III.

ADJACENT PROPERTY OWNERS LIST AND SDAT ASSESSMENT RECORDS

Adjacent Property Owners to Vixen Hollow

Parcel 235

Potomac Edison
Tax Dept
800 Cabin Hill Dr.
Greensburg, PA 15601-1689

Parcel 428, Lot 3

Mark & Brenda Covell
12941 Bikle Road
Smithsburg, MD 21783-1425

Parcel 428, Lot 2

Glenn & Tracy Marratto
12947 Bikle Road
Smithsburg, MD 21783-1425

Parcel 208

Ronald & Kimberly Gravely
13003 Bikle Road
Smithsburg, MD 21783-0000

Parcel 461

Eric & Joan Gerber
13009 Bikle Road
Smithsburg, MD 21783-1426

Parcel 42

Susanne Bikle
Joan Cooper Gerber
13009 Bikle Road
Smithsburg, MD 21783-1426

Parcel 109

Kenneth & Sarah Huntsberry
13037 Bikle Road
Smithsburg, MD 21783-1426

Parcel 326

Mark & Karen Borgan
13105 Bikle Road
Smithsburg, MD 21783-1428

Parcel 110

Nicholas & Liana Owad
13041 Bikle Road
Smithsburg, MD 21783-0000

Parcel 041/70

Thomas & Marsha Singer
13045 Bikle Road
Smithsburg, MD 21783-1426

Parcel 353

Simone Huerich
13112 Bikle Road
Smithsburg, MD 21783-1427

Parcel 298

Kari Watt & Joshua Ruch
13223 Sleepy Creek Lane
Smithsburg, MD 21783-0000

Parcel 3

Glenn & Rebecca Fishack
13408 Greensburg Road
Smithsburg, MD 21783-0000

Parcel 326

William & Audrey Partlow
13243 Sleepy Creek Lane
Smithsburg, MD 21783-1360

Adjacent Property Owners to Vixen Hollow con't.

Parcel 304

Terry & Deborah Roane
13201 Sleepy Creek Lane
Smithsburg, MD 21783-1360

Parcel 436

Joseph & Amy Bausman
13213 Sleepy Creek Lane
Smithsburg, MD 21783-1360

Parcel 437

James & Jennifer Bausman
13209 Sleepy Creek Lane
Smithsburg, MD 21783-1360

Parcel 360

Calvin & Mary Bausman
13205 Sleepy Creek Lane
Smithsburg, MD 21783-1360

Parcel 444

Gardenhour Orchards
P.O. Box 275
Smithsburg, MD 21783-0275

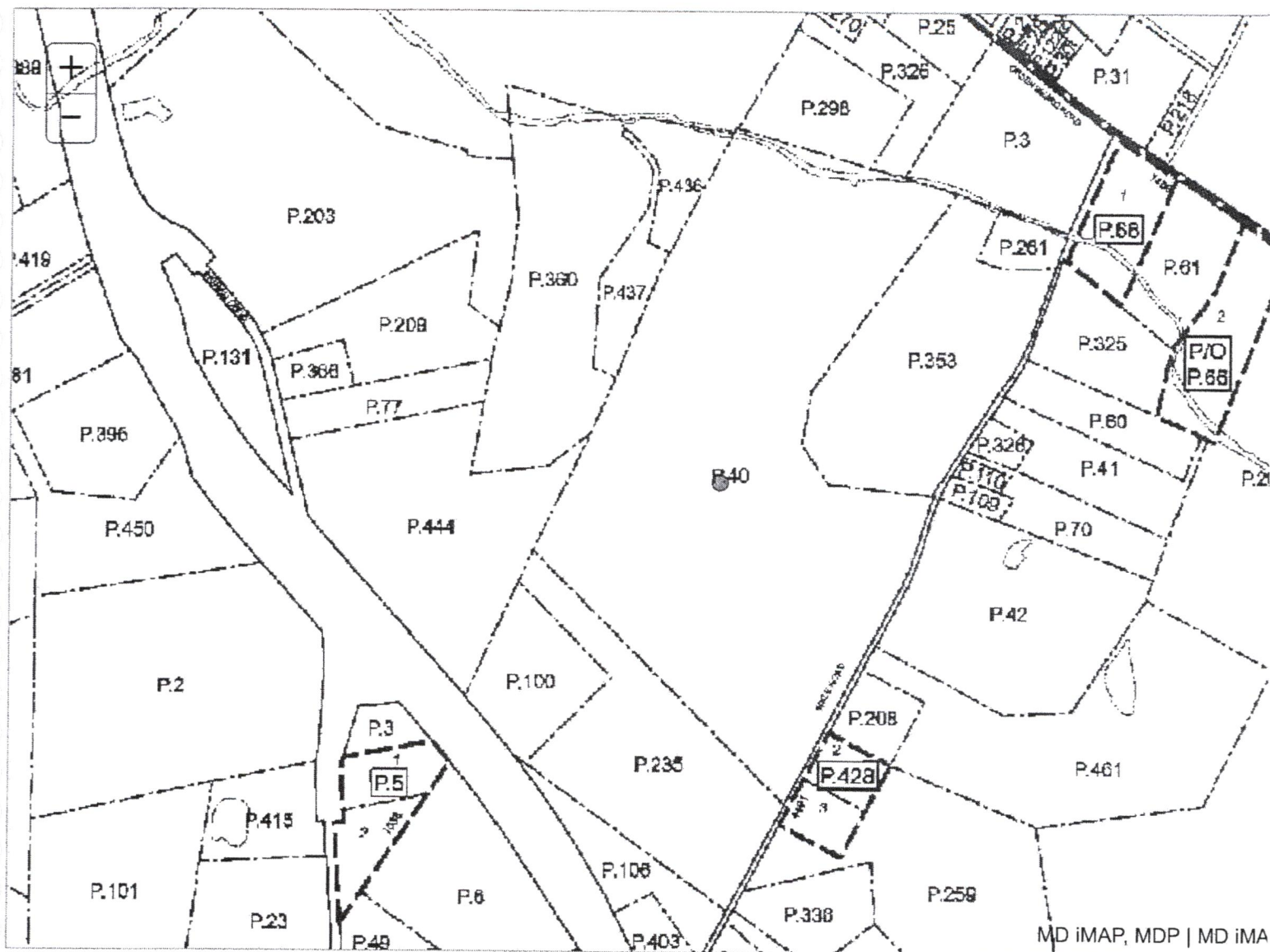
Parcel 336

Columbia Machine, Inc
107 Grand Boulevard
Vancouver, Washington 98661

Parcel 259

William Cooper & Stephanie Pryor
12925 Bikle Road
Smithsburg, MD 21783-1425

District: **07** Account Number: **005938**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

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[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 024975

Owner Information

Owner Name: POTOMAC EDISON CO Use: COMMERCIAL
Principal Residence: NO
Mailing Address: TAX DEPT Deed Reference: /00418/ 00660
800 CABIN HILL DR
GREENSBURG PA 15601-1689

Location & Structure Information

Premises Address: GREENSBURG RD 0-0000 Legal Description: 11.06 ACRES
SMITHSB/RINGGOLD ROAD TO GREENSBURG RD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: M-840
0040 0001 0235 30000.22 0000 2024 Plat Ref:
Town: None
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
11.0600 AC
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
/

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	0	0		
Improvements	0	0		
Total:	0	0	0	
Preferential Land:	0			

Transfer Information

Seller: FIERY LAWRENCE	Date: 01/25/1965	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00418/ 00660	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00
Special Tax Recapture:	None		

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 031092

Owner Information

Owner Name: COVELL MARK D & BRENDA J Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 12941 BIKLE RD Deed Reference: /01189/ 00472
SMITHSBURG MD 21783-1425

Location & Structure Information

Premises Address: 12941 BIKLE RD Legal Description: LOT 3 1.20 ACRES
SMITHSBURG 21783-0000 12941 BIKLE ROAD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 4491
0040 0002 0428 7010120.22 0000 3 2022 Plat Ref:
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1996	2,616 SF		1.2000 AC	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	SPLIT LEVEL	1/2 BRICK SIDING/4 SIDING	2 full/ 1 half	1 Attached		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	76,500	76,500		
Improvements	179,500	234,500		
Total:	256,000	311,000	292,667	311,000
Preferential Land:	0	0		

Transfer Information

Seller: COOPER SUSANNE E ET AL	Date: 11/29/1994	Price: \$24,900
Type: ARMS LENGTH VACANT	Deed1: /01189/ 00472	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 02/17/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 031084

Owner Information

Owner Name:	MARRATTO GLENN MARRATTO TRACY A	Use:	RESIDENTIAL
Mailing Address:	12947 BIKLE RD SMITHSBURG MD 21783-1425	Principal Residence:	YES
		Deed Reference:	/06662/ 00238

Location & Structure Information

Premises Address:	12947 BIKLE RD SMITHSBURG 21783-0000	Legal Description:	LOT 2 1.20 ACRES 12947 BIKLE RD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 4759	0040 0002 0428 7010120.22 0000 2 2022	Plat Ref:	
Town: None			

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1995	1,218 SF	900 SF	1.2000 AC	000000

Stories	Basement	Type	Exterior	Quality	Full/Half	Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNITS	SIDING/3	2 full/	1 half	1 Attached		

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	76,500	76,500		
Improvements	138,800	257,500		
Total:	215,300	334,000	294,433	334,000
Preferential Land:	0	0		

Transfer Information

Seller: KING ERIN D	Date: 06/15/2021	Price: \$367,000
Type: ARMS LENGTH IMPROVED	Deed1: /06662/ 00238	Deed2:
Seller: WHITE WILLIAM E	Date: 11/19/2012	Price: \$215,000
Type: ARMS LENGTH IMPROVED	Deed1: /04409/ 00397	Deed2:
Seller: S & A CUSTOM BUILT HOMES INC	Date: 11/29/1995	Price: \$118,500
Type: ARMS LENGTH IMPROVED	Deed1: /01242/ 00865	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00
Special Tax Recapture: None			

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 003145

Owner Information

Owner Name: GRAVELY RONALD LEE Use: RESIDENTIAL
GRAVELY KIMBERLY RENE Principal Residence: YES
Mailing Address: 13003 BIKLE RD Deed Reference: /06566/ 00346
SMTHSBURG MD 21713-0000

Location & Structure Information

Premises Address: 13003 BIKLE RD Legal Description: 1.63 ACRES
SMITHSBURG 21783-0000 13003 BIKLE ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0002 0208 7010120.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1978 1,400 SF 300 SF 1.6300 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
1 YES STANDARD UNITBRICK/ 3 2 full 1Att/1Det

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2023	As of 07/01/2024
Land:	79,700	79,700		
Improvements	143,700	274,800		
Total:	223,400	354,500	310,800	354,500
Preferential Land:	0	0		

Transfer Information

Seller: CASTLE TYLER Date: 03/30/2021 Price: \$385,000
Type: ARMS LENGTH IMPROVED Deed1: /06566/ 00346 Deed2:
Seller: MULLENDORE GEORGE W & Date: 09/15/2020 Price: \$235,000
ARDATH L
Type: NON-ARMS LENGTH OTHER Deed1: /06362/ 00319 Deed2:
Seller: GLADHILL SHERIDAN G & EDNA M Date: 08/26/1996 Price: \$126,000
Type: ARMS LENGTH IMPROVED Deed1: /01290/ 00747 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
County: 000 0.00
State: 000 0.00
Municipal: 000 0.00|0.00 0.00|0.00
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 037422

Owner Information

Owner Name: GERBER ERIC L & JOAN E C Use: AGRICULTURAL
Principal Residence: YES
Mailing Address: 13009 BIKLE RD Deed Reference: /02761/ 00363
SMITHSBURG MD 21783-1426

Location & Structure Information

Premises Address: 13009 BIKLE RD Legal Description: LOT 5 15.29 ACRES
SMITHSBURG 21783-0000 13009 BIKLE ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8120
0040 0002 0461 7010120.22 0000 5 2022 Plat Ref:
Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2005 3,594 SF 15.2900 AC 000000

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
1 1/2 YES STANDARD UNITBRICK/ 5 2 full/ 1 half 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	80,500	80,500		
Improvements	424,600	561,300		
Total:	505,100	641,800	596,233	641,800
Preferential Land:	5,500	5,500		

Transfer Information

Seller: BIKLE SUSANNE E &	Date: 08/26/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /02761/ 00363	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 04/04/2014

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 000774

Owner Information

Owner Name: BIKLE SUSANNE E
GERBER COOPER JOAN E
Mailing Address: 13009 BIKLE RD
SMITHSBURG MD 21783-1426
Use: AGRICULTURAL
Principal Residence: NO
Deed Reference: /01478/ 00151

Location & Structure Information

Premises Address: 13021 BIKLE RD
SMITHSBURG 21783-0000
Legal Description: 11.78 ACRES REM
13021 BIKLE ROAD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8120
0040 0002 0042 7010120.22 0000 2022 Plat Ref:
Town: None
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1918 2,306 SF 11.7800 AC
StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITBRICK/ 4 1 full/ 1 half 1 Detached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	79,100	79,100		
Improvements	190,000	252,200		
Total:	269,100	331,300	310,567	331,300
Preferential Land:	4,100	4,100		

Transfer Information

Seller: COOPER SUSANNE E ET AL	Date: 03/02/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01478/ 00151	Deed2:
Seller: BIKLE AUSTIN H	Date: 08/25/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01266/ 00455	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Denied 08/07/2014

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: HOMEOWNERS TAX CREDIT

Account Identifier: District - 07 Account Number - 005296

Owner Information

Owner Name: HUNTSBERRY KENNETH M & SARAH Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 13037 BIKLE RD Deed Reference: /00826/ 00088
SMITHSBURG MD 21783-1426

Location & Structure Information

Premises Address: 13037 BIKLE RD Legal Description: LOT .55 ACRES
SMITHSBURG 21783-0000 13037 BIKLE ROAD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0002 0109 7010120.22 0000 2022
Town: None Plat Ref:

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1957 1,056 SF 23,958 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
1 YES STANDARD UNIT SIDING/3 1 full 1 Detached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	66,900	66,900		
Improvements	87,100	138,600		
Total:	154,000	205,500	188,333	205,500
Preferential Land:	0	0		

Transfer Information

Seller: HUNTSBERRY KENNETH D & MARTHA E	Date: 11/10/1986	Price: \$32,851
Type: ARMS LENGTH IMPROVED	Deed1: /00826/ 00088	Deed2:
Seller: GARDENOUR LLOYD	Date: 10/28/1985	Price: \$31,000
Type: NON-ARMS LENGTH OTHER	Deed1: /00796/ 00695	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: HOMEOWNERS TAX CREDIT

Homestead Application Information

Homestead Application Status: Approved 02/28/2014

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: Completed with credit for 2023 Date: 05/30/2023

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 015259

Owner Information

Owner Name: BURGAN MARK R & KAREN S Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 13105 BIKLE RD Deed Reference: /01237/ 00136
SMITHSBURG MD 21783-1428

Location & Structure Information

Premises Address: 13105 BIKLE RD Legal Description: 141X198AV .63 AC
SMITHSBURG 21783-0000 13105 BIKLE ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0002 0326 7010120.22 0000 2022
Town: None Plat Ref:

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1945 1,474 SF 27,442 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 NO STANDARD UNITFRAME/2 1 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	68,700	68,700		
Improvements	54,200	79,300		
Total:	122,900	148,000	139,633	148,000
Preferential Land:	0	0		

Transfer Information

Seller: WOLFE JACK	Date: 10/27/1995	Price: \$75,000
Type: ARMS LENGTH IMPROVED	Deed1: /01237/ 00136	Deed2:
Seller: WOLFE JACK ET AL	Date: 08/10/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01172/ 00941	Deed2:
Seller: WILHIDE JAMES E & VICKI S	Date: 10/14/1993	Price: \$57,500
Type:	Deed1: /01118/ 00132	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 003625

Owner Information

Owner Name:	OWAD NICHOLAS JOHN	Use:	RESIDENTIAL
	OWAD LIANA MAE	Principal Residence:	YES
Mailing Address:	130412 BIKLE RD	Deed Reference:	/06453/ 00208
	SMITHSBURG MD 21783-0000		

Location & Structure Information

Premises Address:	13041 BIKLE RD	Legal Description:	LOT 80X200 .36 A
	SMITHSBURG 21783-0000		13041 BIKLE RD
			E/S GREENSBURG RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0040	0002	0110	7010120.22	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1959	1,769 SF		15,681 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/	3	2 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	62,800	62,800		
Improvements	96,400	219,700		
Total:	159,200	282,500	241,400	282,500
Preferential Land:	0	0		

Transfer Information

Seller: SARNO TRAVIS W	Date: 12/14/2020	Price: \$283,000
Type: ARMS LENGTH IMPROVED	Deed1: /06453/ 00208	Deed2:
Seller: TRAVIS HOLIDNG INC	Date: 10/19/2020	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06397/ 00235	Deed2:
Seller: FEDERAL HOME LOAN MORTGAGE CORP	Date: 01/09/2020	Price: \$94,507
Type: NON-ARMS LENGTH OTHER	Deed1: /06155/ 00306	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00
Special Tax Recapture: None			

Homestead Application Information

Homestead Application Status: Approved 05/18/2021

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier:

District - 07 Account Number - 037597

Owner Information

Owner Name:

SINGER THOMAS R & MARSHA A

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

13045 BIKLE RD
SMITHSBURG MD 21783-1426

Deed Reference:

/03332/ 00687

Location & Structure Information

Premises Address:

13045 BIKLE RD
SMITHSBURG 21783-0000

Legal Description:

LOT 1 2.69 ACRES
13045 BIKLE ROAD

Map: Grid: Parcel: Neighborhood:
0040 0002 0041 7010120.22

Subdivision:
0000

Section:

Block:

Lot:

Assessment Year:
2022

Plat No: 8489

Plat Ref:

Town: None

Primary Structure Built
2007

Above Grade Living Area
1,450 SF

Finished Basement Area

Property Land Area
2.6900 AC

County Use
000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	SIDING/	3	2 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	87,600	87,600		
Improvements	104,700	150,000		
Total:	192,300	237,600	222,500	237,600
Preferential Land:	0	0		

Transfer Information

Seller: BIKLE SUSANNE E &
Type: ARMS LENGTH VACANT

Date: 07/12/2007
Deed1: /03332/ 00687

Price: \$112,000
Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 02/17/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 037597

Owner Information

Owner Name: SINGER THOMAS R & MARSHA A Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 13045 BIKLE RD Deed Reference: /03332/ 00687
SMITHSBURG MD 21783-1426

Location & Structure Information

Premises Address: 13045 BIKLE RD Legal Description: LOT 1 2.69 ACRES
SMITHSBURG 21783-0000 13045 BIKLE ROAD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8489
0040 0002 0041 7010120.22 0000 2022 Plat Ref:
Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2007 1,450 SF 2.6900 AC 000000

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 NO STANDARD UNITSIDING/3 2 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	87,600	87,600		
Improvements	104,700	150,000		
Total:	192,300	237,600	222,500	237,600
Preferential Land:	0	0		

Transfer Information

Seller: BIKLE SUSANNE E &	Date: 07/12/2007	Price: \$112,000
Type: ARMS LENGTH VACANT	Deed1: /03332/ 00687	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 02/17/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX
HOMEOWNERS TAX CREDIT

Account Identifier: District - 07 Account Number - 004494

Owner Information

Owner Name: HEURICH SIMONE G Use: AGRICULTURAL
Principal Residence: YES
Mailing Address: 13112 BIKLE RD Deed Reference: /04433/ 00458
SMITHSBURG MD 21783-1427

Location & Structure Information

Premises Address: 13112 BIKLE RD Legal Description: 13.06 ACRES
SMITHSBURG 21783-0000 13112 BIKLE RD
S OF WELTY CHURCH ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0002 0353 7010120.22 0000 2022
Town: None Plat Ref:

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1820 3,629 SF 13.0600 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 YES STANDARD UNIT STONE/ 5 2 full/ 1 half 1 Detached
FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	77,200	77,200		
Improvements	266,100	291,400		
Total:	343,300	368,600	360,167	368,600
Preferential Land:	2,200	2,200		

Transfer Information

Seller: HEURICH CHRISTIAN III & SIMONE G	Date: 12/27/2012	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04433/ 00458	Deed2:
Seller: HEURICH CHRISTIAN III	Date: 02/26/1992	Price: \$0
Type:	Deed1: /01028/ 00207	Deed2:
Seller: EVANS MARGET SANDS	Date: 07/16/1982	Price: \$202,500
Type: ARMS LENGTH IMPROVED	Deed1: /00730/ 00745	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX
HOMEOWNERS TAX CREDIT

Homestead Application Information

Homestead Application Status: Approved 05/04/2011

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: Application Received Date: 05/30/2023

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 016271

Owner Information

Owner Name: WATT KARI
RUCH JOSHUA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 13223 SLEEPY CREEK LN
SMITHSBURG MD 21783-0000
Deed Reference: /05807/ 00075

Location & Structure Information

Premises Address: 13223 SLEEPY CREEK LN
SMITHSBURG 21783-0000
Legal Description: LOT 1 4 ACRES
13223 SLEEPY CREEK LA
SE/S PRIVATE LANE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0027 0020 0298 7010120.22 0000 1 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1977 1,096 SF 988 SF 4.0000 AC

Stories BasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
Split FoyerYES SPLIT FOYERSIDING/3 2 full 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	97,500	97,500		
Improvements	133,900	202,400		
Total:	231,400	299,900	277,067	299,900
Preferential Land:	0	0		

Transfer Information

Seller: WALBERG CATHERINE M &	Date: 08/06/2018	Price: \$249,900
Type: ARMS LENGTH IMPROVED	Deed1: /05807/ 00075	Deed2:
Seller: WALBERG CATHERINE M	Date: 02/22/2012	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04236/ 00089	Deed2:
Seller: WALBERG WILLIAM R	Date: 01/29/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03818/ 00492	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		

Homestead Application Information

Homestead Application Status: Denied 05/20/2019

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 015313

Owner Information

Owner Name:	FISHACK REBECCA M FISHACK GLENN D JR	Use:	AGRICULTURAL
Mailing Address:	13408 GRENSBURG ROAD SMITHSBURG MD 21783-	Principal Residence:	YES
		Deed Reference:	/06806/ 00158

Location & Structure Information

Premises Address:	13134 BIKLE RD SMITHSBURG 21783-0000	Legal Description:	7.162 ACRES 13134 BIKLE RD						
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0020	0003	7010120.22	0000				2022	
Town: None									Plat Ref:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use			
1900	2,291 SF		7,1600 AC				
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	3	2 full	1Att/1Det	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
Land:	77,900	01/01/2022	07/01/2023	07/01/2024
Improvements	111,300	190,100		
Total:	189,200	268,000	241,733	268,000
Preferential Land:	2,900	2,900		

Transfer Information

Seller: FISHACK GLENN	Date: 10/25/2021	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06806/ 00158	Deed2:
Seller: STOTTLEMYER ALICE R ET AL	Date: 08/15/1984	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01340/ 00724	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 11/13/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier:

District - 07 Account Number - 017928

Owner Information

Owner Name: PARTLOW WILLIAM E JR & AUDREY M

Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 13243 SLEEPY CREEK LN
SMITHSBURG MD 21783-1360

Deed Reference: /01091/ 00984

Location & Structure Information

Premises Address: GREENSBURG RD
SMITHSBURG 21783-0000

Legal Description: 2.67 ACRES
GREENSBURG ROAD
2 MI N SMITHSBURG

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0020	0326	7010120.22	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			2.6700 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	77,500	77,500		
Improvements	0	0		
Total:	77,500	77,500	77,500	77,500
Preferential Land:	0	0		

Transfer Information

Seller: WEICHT NELSON DEWEY	Date: 05/11/1993	Price: \$134,999
Type: NON-ARMS LENGTH OTHER	Deed1: /01091/ 00984	Deed2:
Seller: GELVIN WINNIE P	Date: 05/28/1981	Price: \$10,000
Type: ARMS LENGTH IMPROVED	Deed1: /00716/ 00987	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00
Special Tax Recapture: None			

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 003897

Owner Information

Owner Name: ROANE TERRY R Use: AGRICULTURAL
ROANE DEBORAH A Principal Residence: YES
Mailing Address: 13201 SLEEPY CREEK LN Deed Reference: /03177/ 00536
SMITHSBURG MD 21783-1360

Location & Structure Information

Premises Address: 13201 SLEEPY CREEK LN Legal Description: 13.12 ACRES
SMITHSBURG 21783-0000 13201 SLEEPY CREEK LANE
OFF GREENSBURG ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 11541
0027 0019 0304 7010120.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1977 1,992 SF 13.1200 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 YES SPLIT LEVEL BRICK/ 5 2 full/ 1 half 1Att/1Det

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	80,900	80,900		
Improvements	278,500	362,000		
Total:	359,400	442,900	415,067	442,900
Preferential Land:	5,900	5,900		

Transfer Information

Seller: DILLON ROBERT J	Date: 10/15/1986	Price: \$95,000
Type: ARMS LENGTH IMPROVED	Deed1: /03177/ 00536	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 03/02/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 031270

Owner Information

Owner Name: BAUSMAN JAMES WILLIAM Use: RESIDENTIAL
JENNIFER LYNN Principal Residence: NO
Mailing Address: 13205 SLEEPY CREEK LN Deed Reference: /03579/ 00490
SMITHSBURG MD 21783-

Location & Structure Information

Premises Address: 13209 SLEEPY CREEK LN Legal Description: LOT 2 2.16 ACRES
SMITHSBURG 21783-0000 13209 SLEEPY CREEK LANE
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 4883
0040 0001 0437 7010120.22 0000 2 2022 Plat Ref:
Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2.1600 AC 000000

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
/

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	73,700	73,700		
Improvements	0	0		
Total:	73,700	73,700	73,700	73,700
Preferential Land:	0	0		

Transfer Information

Seller: BAUSMAN JAMES WILLIAM	Date: 12/29/2008	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03579/ 00490	Deed2:
Seller: BAUSMAN CALVIN C & MARY H	Date: 04/26/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01267/ 00097	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

Real Property Data Search ()
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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 031262

Owner Information

Owner Name: BAUSMAN JOSEPH C Use: RESIDENTIAL
BAUSMAN AMY KATRINA Principal Residence: YES
Mailing Address: 13213 SLEEPY CREEK LN Deed Reference: /01267/ 00094
SMITHSBURG MD 21783-1360

Location & Structure Information

Premises Address: 13213 SLEEPY CREEK LN Legal Description: LOT 1 2.16 ACRES
SMITHSBURG 21783-0000 13213 SLEEPY CREEK LANE
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 4883
0040 0001 0436 7010120.22 0000 1 2022 Plat Ref:
Town: None
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1996 2,312 SF 2,1600 AC 000000
StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSIDING/3 2 full 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	83,700	83,700		
Improvements	155,300	263,600		
Total:	239,000	347,300	311,200	347,300
Preferential Land:	0	0		

Transfer Information

Seller: BAUSMAN CALVIN C & MARY H	Date: 04/26/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01267/ 00094	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:Class	07/01/2023	07/01/2024
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 01/12/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 006233

Owner Information

Owner Name: BAUSMAN CALVIN C Use: RESIDENTIAL
BAUSMAN MARY H Principal Residence: YES
Mailing Address: 13205 SLEEPY CREEK LN Deed Reference: /00753/ 00241
SMITHSBURG MD 21783-1360

Location & Structure Information

Premises Address: 13205 SLEEPY CREEK LN Legal Description: 12.86 ACRES
SMITHSBURG 21783-0000 13205 SLEEPY CREEK LANE
SW/S GREENSBURG ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 4883
0040 0001 0360 7010120.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1831 2,712 SF 12,8600 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSTONE/5 1 full/ 1 half 1 Detached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	144,300	144,300		
Improvements	215,200	236,600		
Total:	359,500	380,900	373,767	380,900
Preferential Land:	0	0		

Transfer Information

Seller: HALL ERNEST W ET AL	Date: 11/03/1983	Price: \$92,000
Type: ARMS LENGTH IMPROVED	Deed1: /00753/ 00241	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 12/18/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 035926

Owner Information

Owner Name: GARDENHOUR ORCHARDS INC Use: AGRICULTURAL
Principal Residence: NO
Mailing Address: PO BOX 275
SMITHSBURG MD 21783-0275
Deed Reference: /00737/ 00971

Location & Structure Information

Premises Address: INGRAM DR
SMITHSBURG 21783-0000
Legal Description: 14.31 ACRES REM
SMITHSBURG/WAYNESBORO RD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 5754
0040 0001 0444 7010120.22 0000 2022
Town: None
Plat Ref:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			14.3100 AC	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
/							

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	5,800	5,800		
Improvements	0	0		
Total:	5,800	5,800	5,800	5,800
Preferential Land:	5,800	5,800		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1: /00737/ 00971	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 000855

Owner Information

Owner Name: COLUMBIA MACHINE INC Use: COMMERCIAL
Mailing Address: 107 GRAND BOULEVARD Principal Residence: NO
VANCOUVER WA 98661- Deed Reference: /06784/ 00471

Location & Structure Information

Premises Address: 12921 BIKLE RD Legal Description: 2.98 ACRES
SMITHSBURG 21783-0000 12921 BIKLE ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0040 0002 0336 10000.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1970 18,248 SF 2.9800 AC

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
LIGHT MANUFACTURING/ C2

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	238,400	238,400		
Improvements	457,300	654,600		
Total:	695,700	893,000	827,233	893,000
Preferential Land:	0	0		

Transfer Information

Seller: BIKLE JOAN E TRUSTEE	Date: 10/06/2021	Price: \$925,000
Type: ARMS LENGTH IMPROVED	Deed1: /06784/ 00471	Deed2:
Seller: BIKLE RICHARD N	Date: 10/22/2020	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06401/ 00233	Deed2:
Seller: BIKLE RICHARD N	Date: 11/05/1981	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00722/ 01057	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 000847

Owner Information

Owner Name: COOPER WILLIAM R & STEPHANIE PRYOR Use: AGRICULTURAL
Principal Residence: YES
Mailing Address: 12925 BIKLE RD
SMITHSBURG MD 21783-1425
Deed Reference: /01537/ 00682

Location & Structure Information

Premises Address: 12925 BIKLE RD
SMITHSBURG 21783-0000
Legal Description: LOT 4 11.33 ACRES
12925 BIKLE ROAD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 5834
0040 0002 0259 7010120.22 0000 4 2022
Plat Ref:
Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1999 2,628 SF 11.3300 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 YES STANDARD UNIT SIDING/ 5 2 full/ 1 half 2 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	80,100	80,100		
Improvements	273,700	358,300		
Total:	353,800	438,400	410,200	438,400
Preferential Land:	5,100	5,100		

Transfer Information

Seller: COOPER WILLIAM R	Date: 11/16/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01537/ 00682	Deed2:
Seller: COOPER SUSANNE E ET AL	Date: 03/02/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01478/ 00156	Deed2:
Seller: BIKLE AUSTIN H & HELEN V	Date: 08/25/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01266/ 00455	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 01/27/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

IV.

**FREDERICK SEIBERT & ASSOCIATES
DRAWINGS – VIXEN HOLLOW, LLC**

ZONING DISTRICT _____ AR - AGRICULTURAL, RURAL
 MINIMUM YARD SETBACK _____
 FRONT _____ 50 FT.
 SIDE _____ 50 FT.
 REAR _____ 50 FT.

BOARD OF ZONING APPEALS CASE _____ REQUIRES A SPECIAL EXEMPTION FOR THE PROPOSED USE & A VARIANCE TO ALLOW PARKING IN THE GRASS

TAX MAP - GRID - PARCEL	0645-0002-0240
EXTING - SUPERFICUS	507
ACCOUNT NUMBER	000000
LIBR - FOLIO	0033 / 0034
PLAT NUMBER	MESC PLAT #41
AREA SUMMARY	
PARCEL	47.80 AC
EXTING SUPERFICUS	48.80 S.F. / 1.81 AC (%)
PROPOSED SUPERFICUS	2.14 S.F.
TOTAL SUPERFICUS	50.94 S.F. / 1.81 AC (%)
BUILDING SUMMARY	
EVENT SPACE	2,300 SF TENT
PROPOSED USE	SPECIAL EVENTS
HOURS OF OPERATION	8AM-5PM FRIDAY
DELIVERED	DELIVERY TRUCKS
EMPLOYEES	4
WATER & SEWER USAGE	
WATER PROVIDED	PRIVATE WELL
SEWER PROVIDED	PRIVATE SEPTIC
WASTE & RECYCLABLES	
SOLID WASTE REMOVAL	TRASH CANS PRIVATE HAULER
RECYCLE REMOVAL	TRASH CANS PRIVATE HAULER
SITE LIGHTING	
EXTING - PROPOSED	BUILDING MOUNTED LIGHTS
SITE LIGHTING	TEMPORARY PORTABLE LIGHTS
EXTING	NONE
PROPOSED	FREE STANDING AT ENTRANCE
ASSESSMENT	10200 BIPLE ROAD, SARTHEUR, MN 57183
FORBET CONSERVATION	LIBERTY - 347 OF LAND, 33TH JULY 2000-57, SECTION 13
FEMA PANEL #	24540C0010

USE	REQUIREMENT	CALCULATION	REQUIRED
BANQUET HALL	1 SPACE PER 50 S.F. OF GFA	2,500 SF / 50	50 SPACES
TOTAL REQUIRED SPACES			50 SPACES
TOTAL PROVIDED PARKING SPACES			50 SPACES



(IN FEET)
1 inch = 100 ft

[illegible]

VIXEN HOLLOW, LLC
SITUATE AT 1000 BIRCLE ROAD
NORTHEAST OF SMITHSBURY PKW. MD ROUTE 64
WASHINGTON COUNTY, MARYLAND
VIXEN HOLLOW, LLC
16035 CLOVERTON LANE, WILLIAMSPORT, MD 21796
ATTN: TO KALCZINSKI 301-1391-1762

PROJECT # 2023-0213

DATA BY DWH	DATE 06-16-2023
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PROJECT MANAGER: FRED FREDERICK
Email: FFFREDERICK@FSA-INC.COM
TIA BNP CRED FINDER
0040-0000-0040
SCALE

BZA EXHIBIT

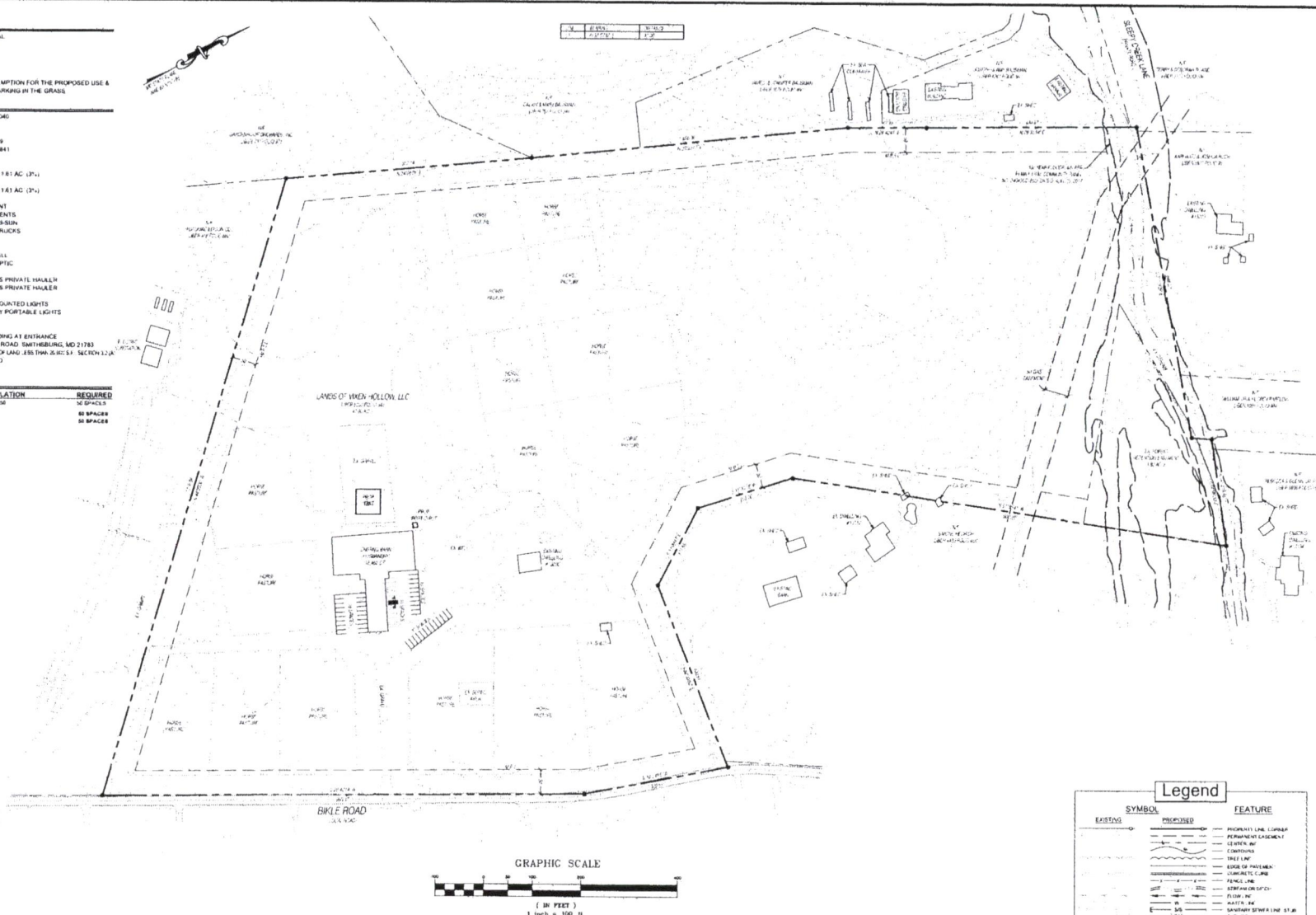
C-101
SHEET 01 OF 01

ZONING DISTRICT: AR - AGRICULTURAL RURAL
MINIMUM YARD SETBACK:
FRONT: 50 FT.
SIDE: 50 FT.
REAR: 50 FT.

BOARD OF ZONING APPEALS' CASE _____ REQUIRES A SPECIAL EXEMPTION FOR THE PROPOSED USE &
A VARIANCE TO ALLOW PARKING IN THE GRASS

TAX MAP - GRID - PARCEL	804-0000-0040
ELECTION DISTRICT	007
ACCOUNT NUMBER	6090M
EMER. FOLIO	MISC./10349
PLAT NUMBER	(SCT. PLAT #4)
AREA SUMMARY	
PANICE,	47.90 AC.
EXISTING IMPROVINGS	PROPOSED SF / 181 AC (P%)
IMPROVED IMPROVINGS	2.8 F
TOTAL IMPROVINGS	9,998 SF / 181 AC (P%)
BUILDING SUMMARY:	
EVENT SPACE	2,900 SF TENT
PROPOSED USE	SPECIAL EVENTS
HOURS OF OPERATION	MANHATTAN FESTIVAL
DELIVERIES	DELIVERY TRUCKS
EMPLOYEES	4
WATER & SEWER USAGE	A
WATER PROVIDED	PRIVATE WELL
SEWER PROVIDED	PRIVATE SEPTIC
WASTE & RECYCLABLES	
SOLID WASTE / HAZARDOUS	TRASH CANS PRIVATE HAULER
RECYCLE MATERIAL	TRASH CANS PRIVATE HAULER
SALE LIGHTING	
PROPOSED	BUILDING MOUNTED LIGHTS
STREET SIGNAGE	TEMPORARY PORTABLE LIGHTS
EXISTING	NONE
PROPOSED	FIRE STANDING AT ENTRANCE
ADDRESS ASSIGNMENT	10230 BIBLE ROAD SOUTHERNDEN, MD 21783
FOUNTAIN CONSERVATION	NEAREST LOT OF LAND .875 TONS 2.50 C/S 1.1
FEES PANEL V	24BAC0010

USE	REQUIREMENT	CALCULATION	REQUIRE
BAHOUT - SALL	1 SPACL PLH 30 S.F. CH C2A	2 300 SF 50	50 SPACEL
TOTAL REQUIRED SPACES			60 SPACES
TOTAL PROVIDED PARKING SPACES			60 SPACES



Legend

EXISTING	SYMBOL	FEATURE
		PROPERTY LINE, CORNER
		PERMANENT LAWN/GRASS
		SEWER, MS
		CONTINGENT
		TREE LINE
		EDGES OF PAVEMENT
		CONCRETE CURB
		PENCIL LINE
		SPRING OR SPRING CUP
		FLOOD IN
		RAVINE
		TRANSFER LINE TO STATE
		LAKE
		POOL/BARN
		STATIONARY OBJECT OR SURFACE
		PAVED DRIVE
		DRIVE
		UNPAVED DRIVE/ALLEY
		POST, FURNISHED METERS
		NOT A FENCED ELECTRIC LINE
		CLAWDRUM
		RAILROAD TRACKS
		WINDMILL, HEDGES, JUNGLES
		SEMI-CIRCULAR DRIVE/WALKWAY
		STONY AREA (GRAVEL)
		ICE PILE
		WINDMILL, HEDGES, JUNGLES
		POST, 4-6 FT
		POST, 6-10 FT
		POST, ELECTRIC
		DRIVE, 1/2 IN. OR SMALLER
		DRIVE, 3/4 IN. OR LARGER
		DRIVE, 1 IN. OR LARGER
		DRIVE, 1 1/2 IN. OR LARGER
		DRIVE, 2 IN. OR LARGER
		DRIVE, 3 IN. OR LARGER
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		DRIVE, 62 IN. OR LARGER
		DR

VIXEN HOLLOW, LLC
SITUATE AT TODD BRUCE ROAD
NORTHEAST OF SMITHSBURG, PRINCE GEORGES COUNTY, MARYLAND

2023-0213

DATE	3/1/23
TIME	06:16:00
OFFICER: [REDACTED] FILED: FREDERICK	
FBI - FREDERICK	
[REDACTED] (S) (P) (A) (R) (T)	
0040-0002-0040	
S	1
1 = 00	
[REDACTED]	

BZA EXHIBIT

C-101
SHEET 01 OF 01

V.

**SDAT ASSESSMENT REAL PROPERTY
DATA – SUBJECT PROPERTY**

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 07 Account Number - 005938

Owner Information

Owner Name: VIXEN HOLLOW LLC

Use: AGRICULTURAL NO

Mailing Address: 16039 CLOVERTON LN
WILLIAMSPORT MD 21795-0000

Principal Residence: NO

Deed Reference: /05233/ 00349

Location & Structure Information

Premises Address: 13030 BIKLE RD
SMITHSBURG 21783-0000

Legal Description: 47.919 ACRES
13030 BIKLE RD

Map: 0040 Grid: 0002 Parcel: 0040

Neighborhood: 7010120.22

Subdivision: 0000

Section:

Block:

Lot:

Assessment Year: 2022

Plat No: M-841

Plat Ref:

Town: None

Primary Structure Built 2017

Above Grade Living Area 1,440 SF

Finished Basement Area

Property Land Area 47.9100 AC

County Use

Stories 1

Basement NO

Type STANDARD UNIT

Exterior SIDING/

Quality 4

Full/Half Bath 2 full

Garage

Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	98,400	98,400		
Improvements	414,700	488,000		
Total:	513,100	586,400	561,967	586,400
Preferential Land:	23,400	23,400		

Transfer Information

Seller: GROH VINCENT R

Date: 05/23/2016

Price: \$160,000

Type: ARMS LENGTH VACANT

Deed1: /05233/ 00349

Deed2:

Seller:

Date:

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /00575/ 00377

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Exemption Information

Partial Exempt Assessments: Class

07/01/2023

07/01/2024

County: 000

0.00

State: 000

0.00

Municipal: 000

0.00|0.00

0.00|0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

VI.

DEED – SUBJECT PROPERTY

MAIL TO: Kuczynski & Kuczynski, P.A.
55 N. Jonathan St.
Hagerstown, MD 21740

THIS DEED, Made this 23rd day of May, 2016, by **VINCENT R. GROH**, of Berkeley County, State of West Virginia, hereinafter referred to as "Grantor".

WITNESSETH: that for and in consideration of the sum of **ONE HUNDRED SIXTY THOUSAND (\$160,000.00) DOLLARS**, and other good and valuable considerations the receipt of which is hereby acknowledged, the said Grantor, does hereby grant and convey unto **VIXEN HOLLOW, LLC**, all the following described real estate, together with improvements thereon, and all the rights, ways privileges and appurtenances thereunto belonging situate and lying in the Smithsburg Election District along the public road leading from Route 64 to Greensburg in Washington County, Maryland and more particularly described as follows:

Beginning at an iron pin in the Greensburg Road, a corner of lands of the Potomac Edison Company, thence with the latter North 45 degrees 24 minutes 45 seconds West 1318.04 feet to a brass disk set in concrete; thence by lands of the State of Maryland Road commission and the lands now or formerly of L. Foster Blickenstaff, North 23 degrees 11 minutes 11 seconds East 507.14 feet to a set iron pin; thence by lands now or formerly of Elvin R. Gelvin, North 22 degrees 28 minutes 55 seconds East 655.36 feet to a set iron pin at a post; thence by the same, North 27 degrees 46 minutes 26 seconds East 161.18 feet to a set iron pin at a wild cherry; thence by the same, North 27 degrees 41 minutes 39 seconds East 434.87 feet to a set iron pin at a sawed-off locust tree; thence by the same, and crossing the Little Antietam, South 72 degrees 13 minutes 44 seconds East 648.22 feet to a set iron pin; thence recrossing said Creek, North 31 degrees 13 minutes 1 second East 42 feet to a set iron pin; thence by lands now or formerly of Marshall Stottlemeyer, South 70 degrees 0 minutes 36 seconds East 385.95 feet to an iron pin in the center of said Creek; thence by lands now or formerly of J. M. Hoffman, the following courses and distances; South 18 degrees 15 minutes 27 seconds West 16.56 feet to a point; South 25 degrees 12 minutes 3 seconds West 187 feet to a set iron pin; South 70 degrees 40 minutes 24 seconds East 99.04 feet to a set iron pin; North 89 degrees 9 minutes 39 seconds East 194.78 feet to a set spike in the center line of the Greensburg Road, thence with the center line of the Greensburg Road, the following courses and distances; South 19 degrees, 22 minutes West 355 feet to a set spike; South 32 degrees 10 minutes 40 seconds West 544.24 feet to a point; thence leaving said center line, North 70 degrees 14 minutes 20 seconds West 13.2 feet to a point; thence along the Northern edge of the Greensburg Road, South 32 degrees 10 minutes 40 seconds West 60.22 feet to a point; thence South 70 degrees 14 minutes 20 seconds East 13.2 feet to an existing nail 4 feet from the Northern edge of the macadam of the Greensburg Road; thence with said road, south 17 degrees 30 minutes West 304.51 feet to a spike two feet from the Northern edge of the macadam of the Greensburg Road; thence with the Northern edge of the macadam of said Greensburg Road, South 27 degrees 46 minutes West 993.41 feet to the place of beginning. Containing 60.979 acres as per survey of William A. Brindle Associates dated October 9-10, 1973. SAVING AND EXCEPTING all that property conveyed by Vincent R. Groh to Eugene M. Pfeifer and Deborah B. Pfeifer by deed dated April 3, 1975, recorded among the Land Records of Washington County, Maryland in Liber 593, folio 200.

BEING the remaining property conveyed by Romaine S. Fiery to Vincent R. Groh, by deed dated January 31, 1974, recorded among the Land Records of Washington County, Maryland in Liber 575, folio 377.

Subject, however, to all rights, ways, easements or restrictions of record applicable thereto.

The said Grantor does hereby covenant that he will warrant specially the property herein conveyed and that he will execute such other and further assurances as may be requisite.

WITNESS my hand and seal.

WITNESS:

Jeane M. Riley

Vincent R. Groh (SEAL)

STATE OF MARYLAND, COUNTY OF WASHINGTON, To-wit:

I HEREBY CERTIFY, That on this 23rd day of May, 2016, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared VINCENT R. GROH, known to me, (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and also acknowledged that the consideration mentioned therein is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission Expires: 10/15/17

Jeane M. Riley
Notary Public

I HEREBY CERTIFY, That the above instrument was prepared by or under the supervision of an attorney admitted to practice law in the State of Maryland.

Edward L. Kuczynski

AGRICULTURE TAX \$ Letter of Intent
ACREAGE 47.919
CLERK Cmm

Title.groh.vincent.kuczynski.deed

TODD L. HERSHEY, TREASURER
TAXES PAID 52376.00

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Washington County
Cmm 5/23/16
Date

LR - Deed (w Taxes)
 Recording Fee - ALL 20.00
 Grantor/Grantee Name:
 Groh
 Reference/Control #:
 LR - County Transfer
 Tax - linked 550.00
 LR - Surcharge -
 linked 40.00
 LR - Recordation Tax -
 linked 1,216.00
 LR - State Transfer
 Tax - linked 800.00
 LR - Non-Resident Tax
 - linked 0.00
 =====
 SubTotal: 2,626.00
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 Total: 4,320.00
 05/23/2016 02:49
 CC21-TR
 #6195536 CC0403 -
 Washington
 County/CC04.03.04 -
 Register 04

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
Washington County, Maryland**

Dennis J. Weaver, Clerk
 24 Summit Avenue
 Hagerstown, MD 21740
 301-790-7991

For Clerks Use Only

Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	550.00
Recordation Tax	1,216.00
State Transfer Tax	800.00
Non-Resident Tax	
TOTAL	2,626.00

State of Maryland

☐ Baltimore City ☒ County: Washington

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1 Type(s) of Instruments		<input type="checkbox"/> Check Box if addendum Intake Form is Attached.																																																																									
2 Conveyance Type Check Box		<input type="checkbox"/> Improved Sale Arms-Length [1] <input type="checkbox"/> Unimproved Sale Arms-Length [2] <input type="checkbox"/> Multiple Accounts Arms-Length [3] <input type="checkbox"/> Not an Arms-Length Sale [9]																																																																									
3 Tax Exemptions (if applicable)		Recordation State Transfer County Transfer																																																																									
4 Consideration and Tax Calculations		<table border="1"> <tr> <th colspan="2">Consideration Amount</th> <th colspan="2">Finance Office Use Only Transfer and Recordation Tax Consideration</th> </tr> <tr> <td>Purchase Price/Consideration</td> <td>\$ 160,000.00</td> <td>Transfer Tax Consideration</td> <td>\$</td> </tr> <tr> <td>Any New Mortgage</td> <td>\$ 375,000.00</td> <td>X () % =</td> <td>\$</td> </tr> <tr> <td>Balance of Existing Mortgage</td> <td>\$</td> <td>Less Exemption Amount</td> <td>\$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Total Transfer Tax</td> <td>\$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Recordation Tax Consideration</td> <td>\$</td> </tr> <tr> <td>Full Cash Value:</td> <td>\$</td> <td>X () per \$500 =</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td>TOTAL DUE</td> <td>\$</td> </tr> </table>		Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration		Purchase Price/Consideration	\$ 160,000.00	Transfer Tax Consideration	\$	Any New Mortgage	\$ 375,000.00	X () % =	\$	Balance of Existing Mortgage	\$	Less Exemption Amount	\$	Other:	\$	Total Transfer Tax	\$	Other:	\$	Recordation Tax Consideration	\$	Full Cash Value:	\$	X () per \$500 =	\$			TOTAL DUE	\$																																								
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Distribution: White – Clerk's Office
Pink – Office of FinanceCenary – SDAT
Goldenrod – Preparer

AOC-CC-300 (5/2007)

VII.

PARCEL & ZONING MAP LOCATOR

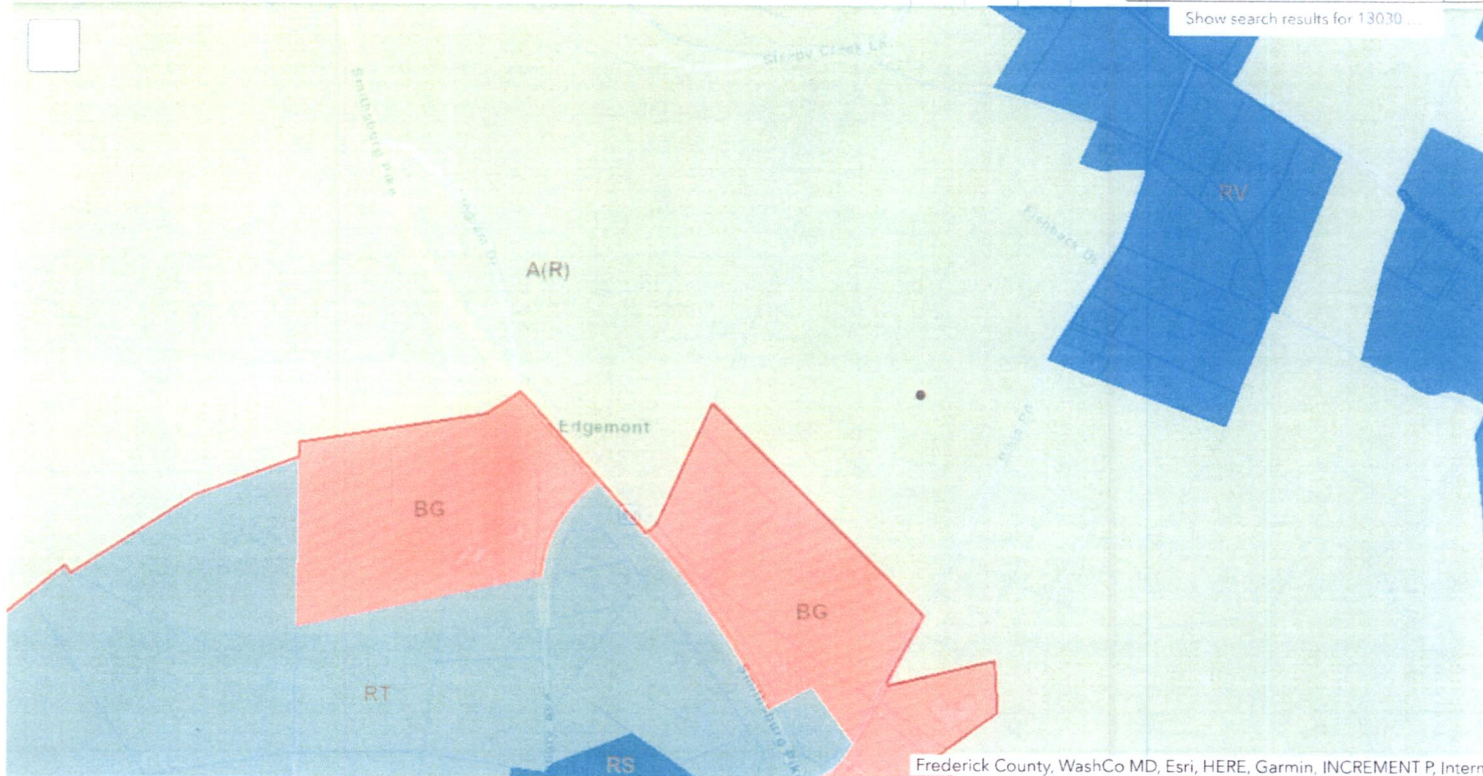


Parcel and Zoning Locator

Washington County, Maryland

13030 BIKLE Road, SMITH X

Show search results for 13030 ...



600ft

VIII.

ZONING ORDINANCE FOR
WASHINGTON COUNTY

ARTICLE 1, PURPOSE

ARTICLE 1. PURPOSE

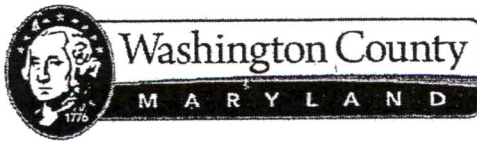
Section 1.0 General

The purpose of this Ordinance is to:

- (a) Protect and promote the health, safety and general welfare of the residents of Washington County in accordance with the adopted Plan for the County, Development Analysis Plan Map and Policies;
- (b) Help guide the future growth and development of Washington County in accordance with a comprehensive plan of land use and population density that provides for beneficial relationships among the residential, commercial, industrial, agricultural, and public areas within the County, and facilitates the adequate provision of transportation facilities, water, sewerage, schools, parks and other public improvements;
- (c) Insure adequate light, air and privacy for future development; secure safety from fire and other dangers, control congestion in the streets; prevent overcrowding of the land and undue concentration of the population;
- (d) Promote an improved appearance of the County with relation to the use and development of land and structures; promote the conservation of natural resources; and prevent environmental pollution;
- (e) Provide for the reservation of sufficient areas for future residential, commercial and industrial development at appropriate locations;
- (f) Preserve lands most suited for agricultural use; and
- (g) Provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in building, development, investment and other economic activity.

IX.

**JANUARY 18, 2018 TEXT AMENDMENT
RZ-17-007 BANQUET/RECEPTION FACILITIES**



Board of County Commissioners of Washington County, Maryland

Agenda Report Form

Open Session Item

SUBJECT: Consensus Discussion for Text Amendment – RZ-17-007

PRESENTATION DATE: January 16, 2018

PRESENTATION BY: Jill Baker, Chief Planner, Washington County Department of Planning and Zoning

RECOMMENDED MOTION: Consensus on changes to the proposed text amendments.

REPORT-IN-BRIEF: Application has been made to amend portions of the Washington County Zoning Ordinance included in Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, and 28A. The purpose of the amendments is to correct, clarify, and add new language related to boarding facilities, tourist homes, boarding and rooming houses, bed and breakfasts, country inns, and banquet/event facilities. One person spoke in favor of the amendments and one person spoke in opposition to the amendments during the public hearing. Staff has also received written comments from one person in favor of the amendment and three people in opposition to the request.

DISCUSSION: Detailed discussion of the amendments can be found in the Staff Report and Analysis dated September 8, 2017.

FISCAL IMPACT: None

ALTERNATIVES: N/A

ATTACHMENTS: Staff Report and Analysis dated September 8, 2017
Proposed text amendments
Planning Commission Recommendation dated October 19, 2017

October 19, 2017

RZ-17-007

**APPLICATION FOR TEXT AMENDMENT
PLANNING COMMISSION RECOMMENDATION
Articles: 3, 5A, 5B, 5C, 7A, 8, 9, 10, 28A**

RECOMMENDATION

On October 2, 2017, the Planning Commission held a public rezoning information meeting to consider text amendments to Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, and 28A of the Washington County Zoning Ordinance to correct, clarify and add new language related to boarding facilities, tourist homes, boarding and rooming homes, bed and breakfasts, country inns, and banquet/event facilities. Following a staff summary of the purpose and effects of the proposed amendments, one person spoke in favor of the proposed changes during the public information meeting and submitted written comments. The Washington County Planning Commission took action at its regular meeting held on Monday, October 2, 2017 to recommend approval of Text Amendment RZ-17-007 to the Board of County Commissioners.

Copies of the application, the Staff Report and Analysis, public comments received by the Department of Planning & Zoning, unapproved minutes of the September 25, 2017 public information meeting, and unapproved minutes of the October 2, 2017 regular meeting are attached.

Respectfully submitted,

Stephen T. Goodrich, Director
Washington County Department of
Planning & Zoning

JLB/STG/dse

Attachments

cc: Kirk Downey
file

RZ-17-007
PROPOSED TEXT AMENDMENTS FOR PUBLIC HEARING
ACCOMMODATION FACILITIES AND EVENT FACILITIES

**(1) ARTICLE 3 – DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES;
LAND USE REGULATIONS (RURAL AREA USES)**

Section 3.3 (1) Table of Land Use Regulations

A(R)–Agriculture (Rural)
EC – Environmental Conservation
P – Preservation
RV – Rural Village
RB – Rural Business
IM – Industrial Mineral

Table No. 3.3(1)
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM
B. Accommodations and Food Services						
Banquet/Reception Facilities	SE	SE	SE	SE	P	N
Bed and Breakfast, up to five (5) guest rooms	SEA	SEA	SEA	PSE	P	N
Boarding or Rooming houses	NSE	NSE	NSE	P	P	N
Country Inn	SE	SE	SE	SE	P	N

(2) ARTICLE 5A – “A(R)” AGRICULTURE (RURAL) DISTRICT

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 ac	300 ft	50 ft	100 ft	50 ft

(3) ARTICLE 5B – “EC” ENVIRONMENTAL CONSERVATION DISTRICT

Section 5B.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 ac	300 ft	50 ft	100 ft	50 ft

(4) ARTICLE 5C – “P” PRESERVATION DISTRICT

Section 5C.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

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Washington County MARYLAND

WASHINGTON COUNTY PLANNING COMMISSION ORDINANCE TEXT AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY

Rezoning No. RZ-17-007

Date Filed: July 12, 2017

Washington County Dept. of Planning & Zoning

Applicant

100 W. Washington Street, Suite 2600, Hagerstown

Address

☐ Property Owner

☐ Contract Purchaser

☐ Attorney

☐ Consultant

☐ Other: _____

Primary Contact

Phone Number

Address

E-mail Address

☐ Adequate Public Facilities Ordinance

☐ Forest Conservation Ordinance

☐ Subdivision Ordinance

☐ Solid Waste Plan

☐ Water and Sewer Plan

☒ Zoning Ordinance

☐ Other _____

Section No. Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, 28A

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

Notary Public

FOR PLANNING COMMISSION USE ONLY

☐ Application Form

☐ Fee Worksheet

☐ Application Fee

☐ Proposed Text Changes

☐ 30 copies of complete Application

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 ac	300 ft	50 ft	100 ft	50 ft

(5) ARTICLE 7A – “RT” RESIDENTIAL, TRANSITION DISTRICT

Section 7A.2 Special Exception Uses

(e) Bed and Breakfast; up to five (5) guest rooms

(f) Board or Rooming Homes

(g) Banquet/Reception Facilities

Section 7A.3 Accessory Uses

(e) The keeping of not more than four (4) roomers or boarders by a resident family.

Section 7A.5(a) Lot Area, Lot Width, and Yard Setback Requirements

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Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth
Banquet/Reception Facilities	5 ac	300 ft	n/a	50 ft	100 ft	50 ft

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(6) ARTICLE 8 – “RS” RESIDENTIAL, SUBURBAN DISTRICT

Section 8.2 Special Exception Uses

(a) Boarding or Rooming houses or tourist homes

(i) Banquet/Reception Facilities

Section 8.3 Accessory Uses

(a) Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.

(b) Keeping of roomers or tourists by a resident family.

(e)(b) Swimming pools, tennis and other similar courts when accessory to a residence.

Section 8.5(a) Lot Area, Lot Width, and Yard Setback Requirements

Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth
Banquet/Reception Facilities	5ac	300 ft	n/a	50 ft	100 ft	50 ft

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(7) ARTICLE 9 – “RU” RESIDENTIAL, URBAN DISTRICT

Section 9.2 Special Exception Uses

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- (b) Boarding or rooming houses or tourist homes
- (i) Bed and Breakfast; up to five (5) guest rooms
- (j) Banquet/Reception Facilities

Section 9.5 Lot Area, Lot Width and Yard Setback Requirements

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Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth
Banquet/Reception Facilities	5 ac	300 ft	n/a	50 ft	100 ft	50 ft

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(8) ARTICLE 10 – “RM” RESIDENTIAL MULTI-FAMILY

Section 10.2 Special Exception Uses

- (a) Boarding or rooming houses or tourist homes
- (k) Banquet/Reception Facilities

Section 10.5 Lot Area, Lot Width, and Density Requirements

Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth	Maximum Density
Banquet/Reception Facilities	5ac	300 ft	n/a	50 ft	100 ft	50 ft	n/a

(9) ARTICLE 28A DEFINITIONS

Banquet/Reception Facilities:

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Commercial establishment engaged in the provision of meeting or congregation facilities for special events such as weddings, parties, public meetings, and social gatherings. Such

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Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-17-007

September 8, 2017

WASHINGTON COUNTY ZONING ORDINANCE TEXT AMENDMENT STAFF REPORT AND ANALYSIS

ARTICLES 3, 5A, 5B, 5C, 7A, 8, 9, 10, 28A

Proposal: Application is being made to amend several sections of the Zoning Ordinance to correct and clarify language related to boarding facilities and event facilities.

Staff Report: The purpose of these amendments is to better clarify the varying types of boarding facilities in the County and provide more opportunities for the establishment of event facilities in the Urban Area.

Through the evolution of the Zoning Ordinance there have been many terms given to the issue of boarding of non-family members. Current terms in the Ordinance include boarding houses, rooming homes, tourist homes, bed and breakfast, etc. While generally having the same purpose, there are subtle differences that can mean a difference in intensities. There are differences between location, ownership, and number of renters. The purpose of these amendments is to better clarify and define the different intensities.

Also, there has been an increasing demand for "unconventional" wedding and reception facilities throughout the County. With this, there has been interest shown in allowing these types of facilities not just in the rural areas of the County but also in the urban areas. The purpose of the amendments relating to event facilities is to provide more opportunity for these types of uses in the growth areas.

Analysis: There are two general categories of amendments being proposed as part of this application. A brief outline of each amendment is listed below.

- A) The first set of amendments proposed as part of this application relates to the various types of boarding facilities uses currently outlined in the Zoning Ordinance. Since the inception of the Ordinance in 1973, there have been opportunities for private residences to "board" or "room" non-family members in their home for compensation. This amendment seeks to continue these uses but use more modern terms and clarify the different levels of intensity so that citizens can have a clear expectation of the various types of boarding facilities.

To begin analyzing these amendments, it is important to understand that boarding facilities, while being similar in the type of use, can have varying degrees of intensity and therefore varying impacts on neighboring properties and infrastructure. To define different levels of intensity, Staff looked specifically at three variables: 1) owner occupied vs. non-owner occupied; 2) duration of stay; and 3) number of rooms available for boarders.

Past experience has provided evidence that owner occupied structures vs. non-owner occupied structures have a tendency to receive more care and attention both from a visual standpoint as well as from a social aspect. People are more apt to be considerate of their neighbor if they have to live there and see them every day. So from this perspective it is at least perceived by most people that owner occupied structures are less objectionable than non-owner occupied.

120 West Washington Street, 2nd Floor | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

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74.

facilities may or may not include on-site catering services. Restaurants are not included as part of this definition. Such uses may be accessory when associated with hotels, motels, or resorts.

Bed and Breakfast:

An owner occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Such uses shall be limited to no more than five (5) guest rooms. A bed and breakfast may be an accessory use when located within the principle structure in the A, EC, P, and RV districts.

Boarding House:

A private dwelling unit or part thereof in which for compensation, lodging and possibly meals are provided to no more than four (4) roomers/boarders by a resident family. Rooms are offered on a single room occupancy basis and sanitary facilities may be shared. A common cooking area may be provided. Lodging is provided on no less than a month-to-month basis.

Country Inn:

A structure located outside of a designated growth area in which overnight or otherwise temporary lodging and meals are provided in exchange for compensation, to transient guests in not more than ten (10) guest rooms, and may include: banquet/reception facilities, catering for on-site events, and meeting rooms. Restaurants are not included as part of this definition.

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Duration of stay is a more subjective qualifier than the other two intensity factors. It is generally a function of the other two factors put together. Length of stay can depend on the number of rooms available and whether or not the structure is owner or non-owner occupied.

The number of rooms available for boarding is probably the most definitive way we can measure intensity. The more rooms available means more traffic, more parking, and in general more overall impact on our infrastructure.

Currently the Zoning Ordinance has three different terms that basically mean the same thing: boarding house, rooming house, and tourist house. In addition, some districts in the Ordinance also allow for "the keeping of not more than four (4) roomers or boarders by a resident family". The subtle differences between these terms are whether or not they are owner occupied and the number of occupants permitted. The current definition of a boarding house does not require the dwelling to be owner occupied nor does it limit the number of occupants, while the keeping of roomers and boarders use is explicit that the dwelling be owner occupied and it is limited to 4 roomers or boarders.

Staff is proposing to clarify this issue by combining all of these uses into one term, "boarding house", and modifying the definition to include a limit on the number of boarders, a defined duration of stay, and a statement that the dwelling be owner occupied. There are several reasons for this change. First, the current terminology is confusing and conflicting. By combining all of these terms it simplifies the intent of the use and gives all citizens an expectation of intensity. Second, there are currently no definitions for roomer or tourist homes in the ordinance. Tourist home in and of itself is a dated term that no longer applies to most jurisdictions so these changes are modernizing our Ordinance. Lastly, while some people are seeking ways to gain more income, these changes provide that opportunity while still protecting the intent of a residential neighborhood to be residential not commercial.

The next set of changes relating to boarding facilities is the Bed and Breakfast use. Currently, the Zoning Ordinance includes in the definition of a Bed and Breakfast that they can be considered an accessory use in the AR, EC, P, and RV zoning districts. However, in the Table of Land Use Regulations for the Rural Area, Bed and Breakfast is listed as a Special Exception use in the AR, EC, P and RV districts. To rectify this conflict, the definition of Bed and Breakfast is being changed to eliminate the language stating that it is an accessory use in specified districts. The Table of Land Use Regulations is therefore being changed to allow the use as an accessory use rather than a special exception use. Also being changed to the definition of a B&B is adding a definitive number of rooms that are permitted. Similar to the boarding homes, adding a defined number of rooms provides an expectation of intensity by neighbors. The five room limit was chosen to coincide with the Building code regulations for sprinkler systems. Any structure with more than 5 guest rooms is considered a commercial use and therefore requires a sprinkler system be installed. This provides a consistent breaking point between local Ordinances that define residential from commercial uses.

The final set of changes relating to boarding facilities is the addition of a new use called "Country Inns". The purpose of this addition is two-fold. First, Staff felt that there is a potential demand for larger homes in the Rural Areas of the County to accommodate more than the 5 room limitation of a bed and breakfast. Also, the requirement of boarding facilities being owner occupied could be difficult for those who want to run a small business but not live there. Lastly, as stated previously, the building code limits the number of guest rooms to 5 before sprinkler systems must be installed. For those individuals who wanted to accommodate slightly more rooms they would not be able to justify the additional cost of a sprinkler system.

There has always been the stated desire to promote more tourism related businesses in the County; however, there is also a balance that needs to be struck between promoting the rural nature of the County with small commercial businesses and overrunning the rural area with

76.

consideration, Staff concluded that 10 rooms seemed to be a good fit for the rural areas of the County. This would allow double the capacity of a typical B&B but still remain small enough to fit into the character of the rural areas of the County. Therefore, the new definition for a Country Inn provides for the installation of up to 10 rooms and does not require that the residence be owner occupied.

- B) The other set of amendments included in this case are related to the location of banquet and reception facilities. Currently the Zoning Ordinance allows for these types of venues to occur as a special exception use in the rural areas as well as principal permitted uses in the commercial districts.

It has been brought to our attention that there may be other areas within the County, specifically within the growth areas, that may also be suitable for these types of uses. As "unconventional" reception facilities are gaining in popularity, the County has sought to allow property owners to capitalize on these opportunities by recently including language into the Zoning Ordinance to define these uses and provide locations where these types of facilities should be located.

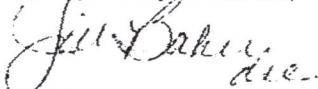
Recently there have been inquiries into allowing reception facilities to be located in residential zoning districts inside established growth area boundaries. At first glance it seems illogical and contrary to all our local land use policies to allow fairly intense commercial uses such as reception facilities in residential areas.

After further review, however, there are unique areas within the Urban Growth Area that may provide opportunities for reception facilities without disturbing the residential nature of an area. Many of these locations are distinguished as being part of an old farm that has since developed over time. These areas typically have larger lot sizes and still contain the original farmhouse and some of the accompanying out buildings such as barns, spring houses, milking parlors, etc. These unique areas provide historic context to the urbanization of the County and how agriculture is still a strong economic driver in the County.

Therefore, Staff has concluded that some of these areas may be appropriate for reception type uses even though the property may be zoned residentially. There are a few characteristics that provide a similar pattern of where these types of uses may be permitted. First, the property should be at least 5 acres in size. This provides buffer areas for neighboring residential uses and helps limit use conflicts. Also, Staff is proposing larger setbacks and lot widths for properties wishing to establish this type of use. Again, the purpose is to provide distance between incompatible uses. Lastly, Staff is recommending that reception facilities only be permitted by special exception use. This ensures that new reception facilities go through a public hearing process whereby neighbors may express their concerns and opinions about the new use. It also provides the opportunity for additional restrictions on the property relating to hours of operation, landscaping, screening, etc. to minimize potential conflicts.

Staff Recommendation: Based upon feedback and comments from other government agencies, developers, property owners, and the general public, Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

Respectfully submitted,


Jill L. Baker
Chief Planner

X.

SOUND TEST REPORT

XI.

RELEVANT PORTIONS OF COMPREHENSIVE PLAN

Comprehensive Plan for the County 2002



Washington County, Maryland

CERTIFICATE OF RESOLUTION

I, Paula A. Lampton, Chairperson of the Planning Commission for Washington County, Maryland, do hereby certify that the following is a true and correct copy of a Resolution passed by the Planning Commission, approving and recommending for adoption the revised Plan for the County, and that a true copy of the same is attached hereto and is made a part of this Resolution by reference.

RESOLUTION

WHEREAS, The Board of County Commissioners for Washington County, Maryland, on February 17, 1981, adopted the Plan for the County, Development Analysis Plan Map and Policies; and

WHEREAS, The Planning Commission for Washington County, in 1995, recognized the necessity to revise the Plan in order to more fully provide for the long-term needs of the citizens of the County consistent with orderly growth; and

WHEREAS, In 1995, The Planning Commission began an extensive revision to the Plan that involved the citizenry of the County, and the result of that five-year effort is a policy document that reflects the advice and assistance of many conscientious and dedicated citizens; and

WHEREAS, Pursuant to the authority prescribed in Article 66B of the Annotated Code of Maryland, the Planning Commission referred to all adjoining jurisdictions the recommended Plan and subsequently presented the proposed, revised Plan for the County in Public Hearing, now be it

RESOLVED BY THE PLANNING COMMISSION FOR WASHINGTON COUNTY, That the Commission does hereby approve the revised Plan for the County and the same is incorporated herein by reference in its entirety and made a part hereof; and be it further

RESOLVED, That the entire Plan for the County and the entire text of same and accompanying maps be certified and attested to by the Chairperson of this body on said entire text as required by Section 3.07 of the Annotated Code of Maryland; and be it further

RESOLVED, That a certified and attested copy of the Plan for the County incorporated herein by reference shall be transmitted to the Board of County Commissioners for Washington County, Maryland.

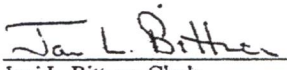
Paula A. Lampton
Paula A. Lampton, Chairperson

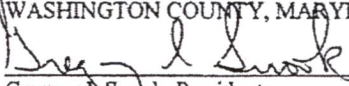
APPROVAL AND ADOPTION

This Comprehensive Plan for the County is hereby approved and adopted by the Board of County Commissioners of Washington County, Maryland this 27th day of August, 2002.

Effective the 27th day of August, 2002.

ATTEST:


Joni L. Bittner, Clerk

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

Gregory I. Snook, President

Washington County Comprehensive Plan 2002

Acknowledgments

This Plan was prepared by the Washington County Department of Planning and Community Development Department and updates the 1981 Comprehensive Plan for Washington County. The input and comments of citizens, municipal officials, groups, and organizations are gratefully acknowledged.

Washington County Board Of County Commissioners

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Paul L. Swartz, Vice-President
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in the County, Quirauk Mountain at 2,145 feet above sea level, to an elevation of approximately 300 feet above sea level in the Hagerstown Valley near the Potomac River. (See Map 3.)

Two streams and a drainage divide form three of the four County boundaries. All major streams including Sideling Hill Creek, Tonoloway Creek, Licking Creek, Conococheague Creek and Antietam Creek, drain into the Potomac River. (See Map 4.)

The geology of the County is complex. All of the surface rock strata and most of the subsurface rocks in Washington County are of sedimentary origin and consist of limestones, shales and sandstones. The Hagerstown Valley is underlain predominantly by relatively soluble limestone and shows evidence of sinkholes and caverns associated with karst topography. Limestone is also found in the Ridge and Valley province with the geomorphic features exhibiting characteristics produced by erosion and sedimentation. The more narrow valleys tend to be underlain mostly by shales, while the ridges are formed by resistant sandstones or quartzite.

Slopes are steepest along the eastern border of Washington County, as well as the areas between Licking Creek and Little Conococheague Creek; along the Little Tonoloway Creek; and along Sideling Hill Creek. In the Hagerstown Valley, which comprises more than half of the land area of the County, the land is, to the greatest extent, gently rolling. Nearly 30% of the County's total land area have slopes greater than 15% with an additional 8,000 acres on slopes above 30%.

3. Historical Sketch

Washington County, before 1739, was the home of the Delaware and Catawba Indians. The influence of white settlement on Native Americans was the same here as elsewhere in the country. The Indians were the stewards of the land. They did not know or understand the concept of private ownership of land. Large land grants were made to the Germans, Scotch and

English, who were willing to traverse South Mountain. The grants depleted more and more of the hunting and fishing grounds of the Delaware tribes and eventually resulted in their movement to unsettled territory.

The first European settlers in Washington County migrated here during the 1730s from Pennsylvania and the Frederick Valley in Maryland. They were joined by colonists from Southern Maryland who had prospered as tobacco farmers during the 17th & early 18th centuries.

The first major road through the Cumberland Valley, established in 1735-36, linked Harris' Ferry (Harrisburg) on the Susquehanna River to the Potomac at the mouth of the Conococheague Creek.

In 1739, Jonathan Hager took out several patents along the headwaters of the Antietam Creek. A new surge in population led to the development of towns like Sharpsburg which was settled in 1763 and Elizabeth Town (laid out by Jonathan Hager) in 1765, which later became known as Hagerstown.

Washington County was formally created from a larger Frederick County in 1776 with Hagerstown designated as the county seat. With the close of the 18th century it was apparent that the English and German settlers in the Great Valley region established two distinctly different economic and cultural traditions. Settlers from the Tidewater region transplanted the tobacco culture, including their slave labor force to Washington County with mixed success. German farms generally raised livestock and grain with wheat dominating the economy.

Early industry was dependent upon local farms and natural resources. Grain mills dotted the County and the iron industry produced arms and ammunition for the Revolutionary War. Transportation routes improved as the population and quantities of marketable goods increased.

The National Road was completed in Washington County in 1819 while the C & O Canal was completed in 1842. By 1860 the Cumberland Valley Railroad was providing regular service between Hagerstown and Philadelphia. These railways together with the turnpike system and the C & O Canal provided Washington County with transportation links to the major cities of the Mid-Atlantic coast. The improvements in transportation and accessibility to regional markets increased the prosperity of local farmers. However, this prosperity was interrupted by the Civil War. The transportation system, which linked the area to neighboring states, also acted as a crossroads for hostile armies. Major battles at South Mountain and Antietam in 1862 along with smaller battles across the County after the Battle of Gettysburg in 1863 have forever hallowed the soil of Washington County.

Washington County remained primarily agricultural after the Civil War. Manufacturing increased throughout the late 19th century, and was enhanced by a reliable and stable supply of labor and adequate transportation to ship out finished goods. Flour mills, sawmills, paper mills, furniture shops, knitting mills, agriculture equipment manufacturers, and manufacturers that related to the railroad industry all shaped the County economy. The importance of the rail industry in Washington County is exhibited by Hagerstown garnering the nickname the "Hub City" as a result of no less than 9 railroad lines intersecting here.

The number of manufacturing establishments dropped dramatically after 1900 with the trend toward industrial consolidation slowed only by the Great Depression. Changes also occurred in agriculture, especially the decreasing size of farms in Washington County. In 1870, the size of a typical farm was 143.9 acres. By 1930 that number had declined to a mere 93.5 acres.

By 1930 crop production had dropped with the exception of barley and oats. The

production of dairy products grew steadily even through the Great Depression. The railroad industries began their decline in the 1930s, and have continued to decline through the present day. The development of the interstate highway system has reinstated Washington County as a critical transportation hub. This transportation system also established Washington County as a home for commuters to the Baltimore and Washington DC employment areas.

Farming, manufacturing, and freight transportation have remained vital sectors of the County economy during the later half of the 20th Century. In the last twenty years these industries have been supplemented by the development of national financial transaction processing centers, large scale printing facilities, major regional commercial centers and promotion of tourism attractions as major employers in the local economy.

The historic development of the County has led to a unique blending of the past with the modern. As we head into the new millennium, the challenge will be to preserve the County's historic rural character while trying to meet the need to grow in order to effectively compete in the new global economy.

CHAPTER 2

VISIONS, GOALS AND OBJECTIVES

A. PLAN VISIONS

1. County Government Mission

On January 16, 2001 the Board of Commissioners of Washington County adopted the following as the County Mission. The Mission of Washington County Government is to provide exemplary public services by:

Supporting and strengthening individual and community self reliance and responsibility;

Promoting education, economic opportunities, public health, safety, and welfare;

Protecting the environment and cultural resources we share; and

Planning for future urbanization and a culturally diverse population.

The County's Mission of County Government along with the States "Eight Visions" have been used as the basis for the development of the goals and objectives articulated in the Comprehensive Plan.

2. State Visions

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 gave new responsibilities to jurisdictions in the State of Maryland to establish priority areas for growth and resource conservation. In an effort to provide consistent guidance and minimum standards for land use planning, "Eight Visions" were adopted in the Planning Act of 1992. They are included in the Washington County Comprehensive Plan as mandated by that legislation. The

Eight Visions are:

1. Development is concentrated into suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resource areas are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resources consumption, is practiced;
6. To assure that development is concentrated in suitable areas and that sensitive areas are protected, economic growth is encouraged and regulatory mechanisms are streamlined;
7. APFO and Infrastructure under the control of the County or municipal corporation are available or planned in areas where growth is to occur; and
8. Funding mechanisms are designed or revised to achieve the visions.

As an extension of the State Visions, the initiatives of the 1997 Smart Growth and Neighborhood Conservation Act have also been integrated into the update of this document. By incorporating these initiatives into the County Comprehensive Plan, further effort has been made to protect the natural environment by promoting the revitalization and continued growth of existing centers of development.

B. GOALS AND OBJECTIVES

Four major goals have been developed as a result of consideration to County and State visions, public input, analysis of past and projected growth trends, studies on the fiscal impact of growth, anticipated capital improvement program funding levels, and review of strengths and weaknesses of the former Comprehensive Plan.

Each of the Goals is supported by a list of Objectives that articulate a program for implementation of the plan. Taken together the Visions, Goals and Objectives establish a policy framework, which shall be the County's principal source of land use, environmental, and growth

policy. All other County plans and programs shall be consistent with, and supportive of, that framework.

GOAL 1: PROVIDE OPPORTUNITIES FOR INDIVIDUAL CHOICE AND SELF FULFILLMENT

Objectives:

Establish a variety of residential housing types, densities and locations.

Identify and promote the development of sites for economic development that have the ability to generate a variety of employment opportunities.

Provide recreational locations and sites that will create the opportunity to pursue various active and passive leisure activities.

Promote the location of public safety, emergency service and health care facilities to foster accessibility to all residents.

Encourage the use of different modes of transportation by providing facilities that allow for different transportation options.

GOAL 2: PROMOTE A BALANCED AND DIVERSIFIED ECONOMY, INCLUDING AGRICULTURE

Objectives:

Maintain at least 50,000 acres of land in the County in agricultural production by expanding current agricultural land preservation initiatives with an emphasis on preserving farming as a way of life and promoting the agricultural support industry.

Preserve mineral resource areas for continued and future production.

Promote the retention and expansion of existing businesses and industry while encouraging the development of new manufacturing and hi-tech industries to broaden the employment base.

Provide locations for new industry that encourage the use of existing infrastructure facilities and that take advantage of the interstate transportation system.

Encourage and expand opportunities for recreational, leisure and educational tourism with particular emphasis on development of heritage tourism attractions as destinations.

Promote educational opportunities that develop and improve the labor force.

Maximize opportunities for using the airport and railroads in promoting economic development.

Continue transformation of the former Fort Ritchie military base to the new Lakeside Corporate Center.

GOAL 3: ENCOURAGE THE STEWARDSHIP OF THE ENVIRONMENT AND THE COUNTY'S HERITAGE

Objectives:

Balance future growth with the need to preserve the historical, cultural and scenic beauty of the County for future generations.

Promote the compatibility of the built and natural environments by ensuring that the scale and character of developments are harmonious with existing conditions.

Target development away from lands with quality agricultural soils; thereby, maximizing agricultural potential and limiting conflicts with existing agricultural operations.

Limit the amount of development in sensitive areas.

Safeguard the unique environmental character of designated special planning areas.

Promote Rural Legacy initiatives in all rural areas of the County.

Maintain, and where feasible, expand forest conservation efforts.

Protect surface and ground water quality through storm water management, on lot sewage disposal, and wellhead protection regulations.

Encourage recycling and resource conservation.

GOAL 4: ESTABLISH PARAMETERS FOR MANAGING GROWTH

Objectives:

Concentrate development in designated growth areas and coordinate development to occur in an orderly manner.

Encourage opportunities where infill development can take place.

Promote the reutilization of brownfield sites.

Limit expansion of public water and sewer facilities outside of designated growth areas to only those extensions necessary to address health issues.

Locate and time growth so that it does not exceed the capacity of public roads, schools, parks and utilities or so that facilities can be upgraded to accommodate development as needed.

Promote policies that attribute costs for new services to new users.

Implement policies that avoid the premature conversion of farmland to non-agricultural uses.

Where feasible develop incentives to encourage development in designated growth areas or disincentives to discourage development in areas not designated for growth.

Encourage the efficient use of energy and water resources.

Ensure that the Capital Improvement Plan is consistent with the Comprehensive Plan.

Promote intergovernmental and interagency cooperation in land use decision making.

In summary, growth and development should be directed to the Urban or Town Growth Areas and Rural Villages where development now exists to maximize the investment in infrastructure and services. This, will in turn, minimize new investment in duplicate facilities and reduce development pressure on agricultural, open space and environmentally sensitive areas leading to the increased likelihood of their protection. The use of the capital improvement program to encourage development along with the promulgation of incentives and disincentives are the implementation method of choice in developing consistency with the Visions, Goals and Objectives.

ARTICLE II
THE GENERAL PLAN

CHAPTER 4

ECONOMIC DEVELOPMENT

A. INTRODUCTION

The economy of Washington County has changed dramatically from its creation in 1776. Rural areas of the County maintain its connection with its agricultural roots, while urban areas have seen dramatic changes in types of employment opportunities. From farming area, railroad hub and heavy manufacturing center, to regional retail center, warehouse/distribution hub and hi-tech financial processing clearinghouse; the evolution of the economy of Washington County has seen it all, and is poised for further expansion and evolution in the 21st century.

Unemployment trends in the County have plummeted over the decade of the 1990s from near double digit at the beginning of the decade, to around 3% by the end of the decade. This decrease in unemployment rates is consistent with both Maryland and National employment patterns. In contrast, at the beginning of the decade Washington County's unemployment rates were higher than both the State and National averages, while at the end of the decade Washington County's unemployment rates have been lower than the State and National averages. The following table illustrates annual average unemployment rates in the 1990s.

Town Growth Areas need to have proper zoning in place to facilitate economic development. Sufficient land needs to be identified to meet employment projections over at least the twenty (20) year planning period, and allow for a variety of choices in site location and size.

Economic Development strategies need to sustain and expand existing businesses and industries, attract new firms which can diversify the industrial/commercial base, promote increased opportunities as well as economic mobility for the labor force, while remaining sensitive to high standards of environmental quality. To accomplish these objectives, County economic development strategies have placed emphasis on:

- Increasing efforts to retain and expand existing businesses;

- Expanding educational opportunities to facilitate development of a prepared work force to meet future demands;

- Development and implementation of strategic marketing to attract higher technology and higher wage jobs;

- Encouraging the development of new industrial parks;

- Developing strategic partnerships that can foster economic growth through development of financial and regulatory incentives;

- Diversifying the County economy to insulate against cyclical economic swings;

- Preserving sufficient area to promote agriculture as a viable economic industry;

- Promoting recreational and heritage tourism;

- Encouraging redevelopment, revitalization, or rehabilitation of existing developed areas or sites where appropriate; and

- Targeting specific areas for economic development and providing the needed infrastructure to support new development.

These strategies are not meant as the only actions steering economic development efforts

Quarrying has been a part of the economy of Washington County throughout its history. Limestone and shale are currently the two primary minerals involved with mining activity. Major quarry operations conducted by H.B. Mellott, St. Lawrence Cement Corporation, Martin Marietta, C. William Hetzer and Redland Brick should be continuous throughout the 20-year horizon period for this plan. Zoning for major mining operations is addressed through the Industrial Mining classification, which is a floating zone classification restricted to areas outside of designated growth areas. Compatibility issues between expanding mining operations and nearby residential development have been on the rise. Addressing incompatibility issues must be balanced with efforts to insure the sustainability of the industry and utilization of the resources.

5. Tourism

Tourism is a major part of the Washington County economy. Unlike other industries it transcends the bounds of the rural and urban areas providing economic opportunities all across the County. Active and passive recreation areas, National and State Parks, restaurants, hotels, outlets and specialty shops, spectator sports, performing arts, museums, and a variety of scenic and historic sites support the tourism industry.

The major non-retail tourism attraction in Washington County is the Antietam Civil War Battlefield. Efforts by the State of Maryland to create a "Civil War Trails" program will highlight this attraction as well as other Civil War sites in Washington County. The creation of the South Mountain State Civil War Battlefield should also add to the promotion of the Civil War Heritage of Washington County.

Development of a "Civil War Heritage Area" in conjunction with Carroll and Frederick Counties will provide opportunities to promote conservation of historical sites as well as target

dollars to encourage heritage tourism investment. Development of an Arts and Entertainment District in the City of Hagerstown is also taking place to promote more tourism within the County.

The major commercial tourism attraction in Washington County is shopping. With two major interstate highways providing access and exposure to huge traffic volumes, retail expansion, particularly in the discount shopping or outlet arena, has significantly increased this segment of the tourism industry. Antiquing is another major segment of the retail tourism economy.

Recreational tourism has also been a popular attraction in the County. Pen Mar Park, Greenbrier State Park, C & O Canal, Appalachian Trail and the Western Maryland Rail-Trail are some of the major recreational tourism attractions bringing visitors to the County.

Protecting Washington County's natural, historic, cultural, and man made resources is vital for tourism. However, it is important to protect these resources not only for tourism, but also for their use in attracting and retaining new businesses and industry. While factors such as business climate, work force and location are important aspects in business location decisions, community environment and amenities can also be a very important factor.

6. Lakeside Corporate Center

The redevelopment and reuse plan for the former Fort Ritchie Military Base is designed to turn the facility into the Lakeside Corporate Center. The Pen Mar Development Corporation is charged with the task of overseeing the redevelopment and reuse of the facility and they have adopted a reuse plan. The plan emphasizes a combination of residential, educational, and hi-tech uses building on the physical plant and electronic communication infrastructure left in place by the military.

CHAPTER 10

HISTORIC AND CULTURAL RESOURCES

A. INTRODUCTION

In the beginning it was the Native Americans and Europeans. The former's stewardship of resources as a prerequisite for survival was confronted by the latter's motivations for freedom and prosperity in a land seemingly meant for that purpose. It is not until the unique set of circumstances that created the United States occurred and the embedded philosophies regarding consumption of resources and endless opportunity spread across the nation have the ideas regarding preservation developed. It is a natural part of the maturing of a culture and its multiple levels of government. Today there are more intersecting and overlapping issues, interests and concerns than ever before.

Physical, social and financial mobility brings people's needs and aspirations to mingle with history in Washington County. The balancing of past and future, urban and rural, stability and change are once again and still the task. The challenge is balancing the protection of heritage and cultural traditions while preserving property rights and accommodating development to meet the needs of an increasing population.

This chapter of the Comprehensive Plan will devote itself to presenting and sorting through the issues and formulating recommendations for implementation in land use philosophy, policy and regulation. It will attempt to balance the needs of an expanding population and economy with the preservation, improvement and continued use of historic and cultural resources. This will be done through the integration of the knowledge of their value into everyday and long-term activities. It is expected that this balance will produce benefits for the entire population and economy. Historic and cultural resources will enjoy a heightened

awareness and respect for their value in turn leading to their increased retention and rehabilitation.

Land use activities will run more smoothly and produce results more closely resembling the needs and desires of all the citizenry. Having its needs met with less conflict or loss of tradition improves comfort with inevitable change. The recognition of the value and the integration of methods to address them in daily land use activities will improve operations. The Comprehensive Plan must make the effort to show that preservation policies can meet the needs of the entire citizenry without unreasonably limiting their choices. The end result of a good plan should be the ability of citizens to make choices to meet their needs. Many choices must be available.

The goals stated at the beginning of this document will be met through implementation of recommendations provided at the end of this chapter for the inclusion of historic and cultural tradition issues in land use regulation and other programs. It is the goal of this chapter to fully integrate consideration for the preservation of historic and cultural resources into Washington County government's daily activities, both in the use or expansion of county facilities and infrastructure and the governance of private sector land use decisions. Recommendations will be made for retention or modification of current land use practices where appropriate. The addition of new guidelines will result in a predictable system of recognition, analysis and appropriate treatment of historic and cultural resources. These will concurrently meet the expressed desire of the community to retain them as visual reminders of the past, physical interpretations of our collective culture and resources with remaining utility as well as meet the needs of individual property owners for use and economic benefit with a minimum amount of conflict, compromise or expense. It is the County's desire to have historic and cultural resources remain accessible,

literally and figuratively, to those who desire them without infringing on the property rights of others.

The Plan attempts to achieve a balance between preservation and growth by:

1. Clearly explaining the value of historic and cultural resources to individuals and the community through a variety of forums.
2. Clearly illuminating the links between historic resource protection and the benefits to the Washington County economy and individuals, specifically highlighting economic development and tourism.
3. Dispel common myths about preservation and its effect on the community.
4. Provide recommendations for land use controls that will promote preservation and preserve property rights.

B. ANALYSIS

Washington County's history has been documented and told to varying degrees of detail on many occasions. Washington County prepared its own summary analysis of its history in 1975 called Historical Perspectives, a background study prepared for and prior to development of the 1981 Comprehensive Plan. It is also a resource for the reader who desires the detail that will not be presented here. The County's history is summarized in the introduction to Chapter 1.

Our history and that of the community tells us who we are and where we came from. It's like our parents. It's where you came from or what gave birth to you. Just as we are biological products of each of our parents we are also cultural products of our parental buildings sites, cultural traditions, ethnic backgrounds and the times that we were born into. They bear us and then teach us how to become part of the society.

dining, daycare or storage. Sensitive additions need not be prohibited in order to allow for greater reuse potential. Larger structures can be sensitively subdivided into smaller individual spaces for office, commercial uses or housing of all economic levels. There are too many examples of success in reuse of all types of buildings by all types of industry and business and too many incentives and other types of assistance today to make what may seem an unfeasible preservation project feasible.

Links and Benefits to Heritage Tourism

Tourism is a specialized form of economic activity and of special interest to local governments because it is seen to be a segment of the economy that does not cost the local government money in demand for services.

In Maryland, tourism is a \$7 billion per year industry. In Washington County tourism is estimated to contribute more than \$40 million to the local economy. 3.0 percent of the County's labor force worked in the tourism industry in 1998. Related taxes made up 3.9% of Washington County's total tax revenues in 1998. In 21 out of Maryland's 23 counties, tourism contributed from 1% to 12% of the total taxes collected in 1998.

The positive view of tourism is accurate but caution should be exercised in viewing it as all benefit with no costs. High demand for certain types of attractions may create the need for improved infrastructure to handle the influx of visitors.

Several recent studies show that there is a large segment of the population nationwide that have a strong interest in visiting historic sites and areas. It is a growing segment and will continue to grow as an opportunity to combine education and family activities. These types of visitors in Maryland are shown to stay longer, spend more money per day and more money per visit than other types of visitors

An increased and successful effort to encourage citizens and government to preserve the remaining historical resources increases and improves the County's overall appearance and reinforces its historical background and character. Increased individual site retention maintains the pool of potential sites that can be further developed as specific visitor destinations, obviously increasing financial benefits for property owners and operators.

Washington County is fortunate to have such a large pool of historic resources upon which to build new tourism opportunities. The fact that the pool is so large also increases the ability to convey to visitors the impression of historicity simply by their prominence on the landscape. Driving through Washington County, either on the interstate or on a secondary route, presents a great tourism promotion opportunity to impart the impression that there is a wealth of history still available for casual observation or focused visitation. Secondly, as long as they are in good repair, they convey a positive impression that the community as a whole and many individual property owners care about the history they represent.

If the County is to continue to be attractive to heritage visitors we must retain the physical evidence of that heritage and the atmosphere or ambiance that their continued existence on the landscape creates.

If we subscribe to the concept of heritage tourism then we must also accept the need to protect and restore historic resources and that intangible atmosphere and rural landscape.

Washington County's participation in the Maryland's Heritage Area Program is a major step developing and promoting heritage tourism opportunities. Washington County has received recognition of its Civil War Heritage Areas and Civil War Heritage Routes. (See Map 54.) They encompass a significant area of the County including all of the municipalities. The next step is certification of the heritage areas, which will create eligibility to receive funding for

development of a specific plan to increase heritage tourism and preservation opportunities. Incentives include matching grants and technical assistance, tax credits for job creation and other business activities and tax credits for rehabilitation of heritage structures. The progress toward Civil War Heritage Area certification is a positive influence on historical and cultural resources related to the Civil War event. The many other significant historical and cultural features that are not related to the Civil War history of Washington County must also be promoted.

Demolition by Neglect

The issue of demolition by neglect is an especially difficult matter to address. It appears to be among the largest deterrents to the retention of historic resources. Demolition by neglect can be further divided into two categories, willful and unintentional.

The willful variety of demolition by neglect occurs with at least the property owners knowledge if not active involvement. Property owners at some point in their ownership and maintenance regime make a conscious decision that the structures is no longer worth the effort to take care of and simply ignores any further maintenance requirements. If there is some perception by the owner that there will be resistance or opposition to demolition in the normal fashion demolition by neglect can give the appearance that there is a need to have it removed and in fact the community would benefit from its removal.

A variation on the willful demolition theme is associated with the acquisition of the property. The owners are not concerned with the condition of the structures at the time of neither acquisition nor its continued deterioration because there are no plans to use or reuse them. There will be little effort to maintain the buildings in good repair if there is no intention to use them and they quickly deteriorate through lack of attention to the most basic maintenance and security issues.

Finally, there is the most subjective and intangible yet possibly most important aspect of retention of the history itself, whether it is for the purpose of reminding us of our past or to use in educating future generations or the personal comfort from some knowledge of personal history.

C. RECOMMENDATIONS

Recommendations to promote the preservation of historic and cultural resources are grouped into four broad categories: Education, Survey and Identification, Regulation and Incentives.

There are many issues that affect historic sites and structures that are not directly related to land use controls. They are included because their end results are designed to contribute to the retention, improvement and reuse of sites and structures that are subsequently governed by land use regulation and policy. EDUCATION recommendations provide accurate information about available resources and sites as well as the truth about the benefits of restoration and appropriate treatment. SURVEY AND IDENTIFICATION is specifically focused at identifying resources. A comprehensive and cohesive preservation plan cannot be effective without the base of site knowledge provided by a complete survey. REGULATION is a necessary component of a larger program to implement the community's goals consistently and fairly. Finally, INCENTIVES are an important part of a successful preservation strategy and are needed balance the cost/benefit/profit ratios. Recommendations can easily have multiple category applications and benefits.

Educate and Organize

1. Washington County Government should assume a leadership role in the preservation partnership by adopting a highly visible, proactive and assistive position towards the preservation of historic resources.

2. Assess the County government system to identify and modify, where possible and appropriate, regulation and policy that guide government's activity to incorporate the new role of leadership in preservation.
3. As an alternative to new construction Washington County should consider seeking out historic resources for rehabilitation and reuse for government purposes and encourage other public entities to do the same.
4. Promote and pursue the concept of a centralized and comprehensive preservation resources library or network.
5. Initiate and/or reactivate umbrella organizations for preservation related organizations to promote information exchange, education and coordinated activities.
6. Work cooperatively with the Washington County Board of Education, Hagerstown Community College and other interested public and private education organizations to add or expand curriculum on historic and cultural resource issues such as preservation, local history and hands-on technical training in related trades and archeology.
7. Encourage adoption of sites and structures "in need" by corporate entities, professional and community service organizations and even schools with the intent to stabilize, rehabilitate and reuse for purposes related to their goals.
8. Develop and sponsor technical preservation, rehabilitation and historic structure maintenance training including actual sites as field laboratories. Give priority to Washington County's French Lane property as a long term training laboratory.
9. Develop or promote a heritage tourism business incubator and umbrella organization of current site owners to offer training and technical guidance in the unique aspects of historic resource development, ownership and operation.
10. If an opportunity arises, consider development of a County park with historical aspects or theme or incorporate historic resources into an existing park where available and appropriate.
11. Evaluate the costs and benefits of training current or future County staff in historic resource analysis to provide in house preservation expertise during the development and execution of County projects.

Survey

1. Complete the Washington County Historic Sites Inventory
2. Prioritize historic sites in preparation for implementation of land use guidelines.

3. As an alternative to large scale survey completion, include requirement in land use and development guidelines that the owner/developer be required to perform the necessary research to determine age and significance of structures impacted by development proposals.
4. Improve access and availability of historic site survey information.

Regulation

1. Evaluate existing land use regulations and procedures to determine appropriate measures to implement Comprehensive Plan goals. In general, land use regulation and procedure should be proactive, promote retention, rehabilitation and reuse of identified historic sites, remove obstacles that discourage retention and rehabilitation and identify and delete bias toward removal or demolition by neglect, including use separation. A level of significance based on previously completed prioritization should determine level of effort required of applicant and County to preserve structures and sites. Where applicant desires to retain, rehabilitate and reuse historic resources voluntarily, all incentives should be available even at the lowest level of historical significance.
2. Use the authority enabled by Article 66B to further define and address the specific concerns regarding demolition by neglect.
3. In the existing Historic Preservation zone:
 - a) Amend existing Historic Preservation overlay zones to comply with current requirements of enabling Article 66B.
 - b) Create and adopt design guidelines tailored to the specific character of Washington County's historic resources.
 - c) Amend Historic District Commission review and approval authority to be triggered by changes to the exterior appearance as opposed to only those that require building permits.
4. Consider transferable development rights as a means to preserve historic resources.
5. Evaluate the recently adopted Maryland Building Rehabilitation Code and consider adoption of a local version to encourage rehabilitation of existing historic structures.
6. Strengthen the current policy of referring demolitions to the Historic District Commission.
7. For regulatory and funding purposes, comprehensively define historic resources to include all types of buildings, structures, stone fences, man-made or natural landscape features and settings and archaeological features with the primary goal of protecting historic significance regardless of the physical nature of the resource.

Incentives

1. Investigate and adopt where determined to promote the goals of the Comprehensive Plan, a full range of financial incentives to assist property owners in the retention or acquisition and rehabilitation and reuse of historic resources.
2. Develop methods to identify and mitigate impending demolition by neglect.
3. Recognize successful rehabilitation projects through awards, publicity and other financial incentives.
4. Increase resources such as funding, training, outreach materials, staff and commitment to implement Comprehensive Plan recommendations.
5. In cooperation with State government, further investigate the effectiveness of a property tax assessment freeze following significant improvements to historic resources as an incentive.
6. Offer incentives to developers to incorporate existing historic structures into new development.
7. Determine if a local version of a curatorship program modeled after the existing Maryland program could produce significant increases in the retention of historic resources.
8. Determine if there is a significant need and market for salvaged materials from demolished historic structures and develop a program for collection and distribution of salvage material. Consider the French Lane Property as a potential location.
9. Adjust Economic Development recruiting efforts to include expert assistance to prospects in determining appropriate reuse alternatives for existing historic resources on potential development sites.
10. Create incentives and education for the development community to reduce the number of premature demolitions that result from the fear of State and federal funding regulations associated with historic preservation mitigation.
11. Create and implement a fully integrated preservation demonstration program to include acquisition of endangered sites, rehabilitation, training, linkage to public and trade education programs, and resale along with the requisite publicity to insure awareness of success.

CHAPTER 13

IMPLEMENTATION

A. INTRODUCTION

The implementation of the Comprehensive Plan is accomplished through regulations, financing of infrastructure improvements, and inter-jurisdictional coordination. Streamlining of regulations to implement growth management is an element required by State law.

Recommendations included in the Plan will be put in place by actions of both the public and private sectors.

The type, location and timing of development is regulated through County laws and ordinances such as the Zoning Ordinance, as well as guidance through functional plans such as the Water and Sewerage Plan. In particular, the Zoning Ordinance, Subdivision Ordinance, Forest Conservation Ordinance, Adequate Public Facilities Ordinance, Floodplain Ordinance, Historic Preservation Plan, Sensitive Area Plan, and Building Codes are critical to the overall regulatory implementation of the Comprehensive Plan.

Policy guidance is built into the planning process through the Water and Sewerage Plan, Solid Waste and Recycling Plan, and the Recreation and Open Space Plan. In addition, the Capital Improvement Program implements infrastructure development based on guidance from the functional plans.

These plans, regulations and programs have evolved over time and have influenced the County's past growth, its current trends, and how the County anticipates growing in the future. They have the function of guiding, or controlling private or public actions in connection with growth and development, and influence the character of a community. Character makes an area unique, creates a sense of place and is expressed through community design.

Community design is the relationship between land use, circulation, site planning, architecture and landscaping. It is concerned with the location of activity areas and the linkage between homes, shopping, services and employment opportunities. Both functional aspects and aesthetics must be considered if a sense of place is to be achieved through management of land use activity, development intensity, spatial relationships and visual character. Design principles should promote a built environment sensitive to overall community needs, neighborhood compatibility and sensitivity to the natural environment.

Regulatory Streamlining is required by the Planning Act of 1992 so that compliance with the original "Seven Visions" can be achieved. The Planning Act of 1992 directs local governments to streamline regulations to assure achievement of certain growth management and resource protection goals.

Identification of funding mechanisms and financial strategies to carry out recommendations in the Plan, is critical to the implementation of the plan. The Smart Growth Areas Act requires the designation of "Priority Funding Areas" for the purpose of taking advantage of State funding intended for both growth and resource protection.

Inter-jurisdictional coordination assures consistency between different jurisdictions' comprehensive plans as well as optimization of limited resources. It also provides an opportunity to coordinate with State and Federal growth management and environmental protection initiatives.

B. ANALYSIS

1. Zoning Classifications and regulations

Zoning relates to the delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings. The Washington County

Zoning Ordinance was adopted in 1972 and has been amended continuously since that time. Because of continuous amendment, the Ordinance can be difficult to interpret and a major rewrite to correct deficiencies and implement recommendations of this Comprehensive Plan is needed. A comprehensive rezoning of the entire County will be required to address the incorporation of new zoning districts and the replacement or modification of existing districts. Text amendments to clarify inconsistencies and definitions, as well as to support the new zoning district classifications, will be required.

The Urban and Rural Policy Areas are supported by distinct zoning districts of a fixed (Euclidean), floating or overlay zone classification. The Planned Unit Development and Rural Business classifications are floating zones, while the Antietam Overlay District is an overlay zoning classification. In general, residential densities vary from a maximum of 12 units per acre in the urban area, to minimum of 1 unit per 30 acres in the rural. Non-residential policy areas are designed to address employment, service and environmental considerations. Compatibility issues and the need to minimize the competition of various land uses for the same space, were major considerations in the elimination, modification and creation of new zoning district classifications.

The following chart relates policy areas with zoning districts and anticipated residential densities.

area in addition to what is already in place. This type of development is necessary to support the needs of the rural population, tourist, and the various industries located within the rural areas including agriculture. Thoughtful site planning and design based on the traditional rural character should provide for the commercial needs of the rural area in a manner that better reflects the rural area's unique and special character. Standards should be considered that promote the thoughtful design of the total site that is in harmony with the scale and character of the surrounding rural landscape. Particular attention should be given to commercial development in the Preservation Policy Area and the Antietam Overlay Area.

11. Streamlining Provisions

The Streamlining Element of the Comprehensive Plan is designed to streamline the review and approval of development projects in areas designated for growth in the Plan, consistent with the protection of sensitive areas and other public interests.

In particular, the Regulatory and Streamlining section shall encourage the following: 1) streamlined review of applications for development, including permit review and subdivision plat review within the areas designated for growth in the plan; 2) the use of flexible development regulations to promote innovative and cost saving site design while protecting the environment; and 3) encourage economic development in areas designated for growth in the plan through the use of innovative techniques.

This approach should convey to the development community, that within the area designated for growth; that policies fostering reasonable accommodation and facilities consistent with the goals of the Comprehensive Plan shall be the objective. However, for streamlining to be a reality all agencies or jurisdictions with a vested interest must cooperate with inter-jurisdictional issues resolved in a timely manner.

RESOLUTION NO. RS-06-016

ADOPTING AMENDMENTS TO THE TEXT OF THE 2002 COMPREHENSIVE
PLAN FOR WASHINGTON COUNTY, MARYLAND

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board"), adopted the 2002 Comprehensive Plan for Washington County, Maryland on August 27, 2002, effective August 27, 2002 (hereinafter the "Plan") in accordance with Md. Code, Article 66B, Section 3.07.

The Washington County Planning Commission (the "Planning Commission"), under the provisions of Md. Code, Article 66B, may recommend adoption of any amendment to the Plan.

Amendments to the Plan have been recommended by the Planning Commission and the proposed amendments would adjust the text of the Plan to include more specific references to the Management Plan for the Heart of the Civil War Heritage Area.

It is the opinion of the Planning Commission and the Board that the amendments are consistent with the goals and objectives of the Plan.

The Board and the Planning Commission held a joint public hearing for the purpose of taking testimony on the proposed amendments on March 13, 2006 pursuant to public notice duly given as required by Md. Code, Article 66B, Section 3.07.

A copy of the recommended amendments was referred to all adjoining planning jurisdictions, and to all affected State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the Plan.

The Board has considered all recommendations of the Planning Commission, the Planning Staff, those comments received as part of the public hearing before the Planning Commission and the Board, and also reviewed any written communications which were submitted concerning the proposed amendments to the Plan, and the Board conducted this review process in public session(s).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND, that the 2002 Comprehensive Plan for Washington County, Maryland is hereby amended as follows:

CP-06-001

- (1) Chapter 1, Economic Development, is hereby amended as follows:

Section B.5. is amended to read as follows:

B. Analysis

5. Tourism

Tourism is a major part of the Washington County economy. Unlike other industries it transcends the bounds of the rural and urban areas providing economic opportunities all across the County. Active and passive recreation areas, National and State Parks, restaurants, hotels, outlets and specialty shops, spectator sports, performing arts, museums, and a variety of scenic and historic sites support the tourism industry.

The major non-retail tourism attraction in Washington County is the Antietam National Battlefield. Efforts by the State of Maryland to create a "Civil War Trails" program highlight this attraction as well as other Civil War sites in Washington County. The creation of the South Mountain State Civil War Battlefield should also add to the promotion of the Heart of the Civil War Heritage Area of Washington County.

Washington, Carroll and Frederick Counties and their incorporated municipalities have cooperatively developed a management plan for the *Heart of the Civil War Heritage Area*. (See Map 52, Special Program Areas for Boundaries) Certification of the Heritage Area by the Maryland Heritage Area Authority, which includes approval of the management plan, will provide opportunities to promote conservation of historical sites as well as target certain growth area neighborhoods for future investments that promote and support heritage tourism.

- (2) Chapter 12, Land Use Plan, is hereby amended as follows:

Section C.5. is amended to read as follows:

C. RECOMMENDATIONS

5. Special Program Areas

Special Program Areas are areas in the County where the federal, state or local governments have established rules or regulations to support specific programs, preservation projects or policies. In these special program areas, additional land use or development restrictions or guidance policies may be encountered. In some cases, direct reference within the Comprehensive Plan is required for participation in a program. Six (6) special program areas have been identified and included as part of the elements of the Land Use Plan. They are: The Heart of the Civil War Heritage Area, National Scenic Road, and American Heritage River, Greenways, Rail to Trails and Watershed Areas.

a) The Heart of the Civil War Heritage Area

The Heart of the Civil War Heritage Area takes in all of the southern part of the County from Hagerstown to Sandy Hook. It includes all the municipalities in the County as well as the Greencastle Pike and Leitersburg Pike corridors. The Heart of the Civil War Heritage Area in Washington County is a portion of a larger program being developed in cooperation with Carroll and Frederick Counties as part of the Maryland Heritage Areas Program. The Heritage Areas Program is designed to promote preservation of historic and cultural resources and to encourage heritage tourism.

Certification of the *Heart of the Civil War Heritage Area* by the Maryland Heritage Area Authority is one of two steps that will create the opportunity for government, organizations and citizens to access financial and program development assistance for heritage resource protection and heritage tourism development. Certification of the heritage area is also dependent upon approval of the *Heart of the Civil War Heritage Area Management Plan*.

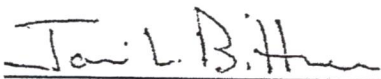
The second step required to create eligibility for program benefits is the incorporation of the approved Management Plan into the jurisdiction's comprehensive plan. The *Heart of the Civil War Heritage Area Management Plan*, as

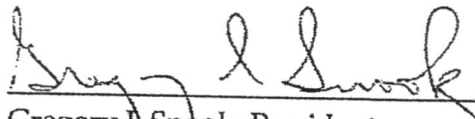
approved by the Maryland Heritage Area Authority, is included in Washington County's Comprehensive Plan and shall serve as the guidance document for activities supported by the Heritage Area Program incentives. The boundaries of the Heritage Area and the limits of the jurisdiction of the Management Plan are shown on Map 52, the Special Program Areas Map.

Adopted this 2nd day of May, 2006.
Effective the 2nd day of May, 2006.

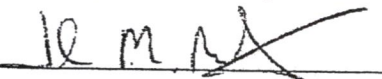
ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND


Joni L. Bittner, Clerk


Gregory I. Snook, President

Approved as to form
and legal sufficiency:


John M. Martirano
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street
Room 202
Hagerstown, MD 21740

F:\RESOLUTIONS\CP-06-001.DOC

ZONING DISTRICT _____ AR - AGRICULTURAL RURAL
MINIMUM YARD SETBACK:
FRONT _____ 50 FT.
SIDE _____ 50 FT.
REAR _____ 50 FT.

SITE DATA

TAX MAP - GRID - PARCEL	0040-0002-0040
ELECTION DISTRICT	07
ACCOUNT NUMBER	005938
LIBER / FOLIO	05233 / 00349
PLAT NUMBER	MISC. PLAT 841

AREA SUMMARY:

PARCEL	47.90 AC.
EXISTING IMPERVIOUS	69,954 S.F. / 1.61 AC (3%)
PROPOSED IMPERVIOUS	0 S.F.
TOTAL IMPERVIOUS	69,954 S.F. / 1.61 AC (3%)
BUILDING SUMMARY:	
EVENT SPACE	2,500 SF TENT
PROPOSED USE	SPECIAL EVENTS
PURPOSE OF OPERATION	BAW-9PM FR-SUN
DELIVERIES	DELIVERY TRUCKS
EMPLOYEES	4
WATER & SEWER USAGE:	
WATER PROVIDED	PRIVATE WELL
SEWER PROVIDED	PRIVATE SEPTIC
WASTE & RECYCLABLES:	
SOLID WASTE REMOVAL	TRASH CANS PRIVATE HA
RECYCLE REMOVAL	TRASH CANS PRIVATE HA
SITE LIGHTING:	
EXISTING	BUILDING MOUNTED LIGHTS
PROPOSED	TEMPORARY PORTABLE
SITE SIGNAGE:	
EXISTING	NONE
PROPOSED	FREE STANDING AT ENTRANCE
ADDRESS ASSIGNMENT	13030 BIKLE ROAD, SMITH
FOREST CONSERVATION	EXEMPT. UNIT OF LAND LESS TH
FEMA PANEL #	240403C0165D

USE	REQUIREMENT	CALCULATION	REQUIRED
BANQUET HALL	1 SPACE PER 50 S.F. OF GFA	2,500 SF/50	50 SPACES
TOTAL REQUIRED SPACES			50 SPACES
TOTAL PROVIDED PARKING SPACES			50 SPACES



SYMBOL		FEATURE	
<u>EXISTING</u>	<u>PROPOSED</u>		
		PROPERTY LINE, CORNER	
		PERMANENT EASEMENT CENTERLINE	
		CONTOURS	
		TIE LINE	
		EDGE OF PAVEMENT	
		CONCRETE CURB	
		FENCE LINE	
		STREAM OR DITCH	
		FLOW LINE	
		WATER LINE	
		SANITARY SEWER LINE, STUB	
		GAS LINE	
		FORCE MAIN	
		STORM DRAIN, END SECTION	
		ROOF DRAIN PIPE	
		WATER VALVE	
		WATER CAP, REDUCER, BEND	
		FIRE HYDRANT, TENDER	
		OVERHEAD ELECTRIC LINE	
		GUARDRAIL	
		RAILROAD TRACKS	
		BUILDINGS HOUSES, GARAGES	
		SANITARY SEWER MANHOLE	
		STORM DRAIN INLET	
		UTILITY POLE	
		HANDICAP PARKING	
		POLE LIGHT	
		ROAD SIGN	
		SPOT ELEVATION	
		DOUBLE WATER METER	
		DOUBLE SEWER CLEANOUT	
DETAIL # _____	SHEET # _____	DETAIL REFERENCE	
P.I.	POINT OF INTERSECTION	P.O.L.	POINT ON LINE
P.C.	POINT OF CURVATURE	B.C.	BOTTOM OF CURB
P.T.	POINT OF TANGENCY	T.C.	TOP OF CURB

Professional Certification:
I hereby certify that these documents were prepared
or approved by me, and that I am a duly licensed
professional under the laws of the State of _____,
License # _____
Expiration Date _____



FSA

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FREDERICK, SEIBERT & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

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800 SOUTH HANOVER STREET
CARLEISLE, PA 17012
717.261.0111

16 EAST MAIN STREET
NEWTON, MA 01968
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16100 W. 10TH AVE
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DENVER, CO 8023

[illegible]

VIXEN HOLLOW, LLC
SITUATE AT 13030 BIKLE ROAD
NORTHEAST OF SMITHSBURG PIKE, MD ROUTE 64

WASHINGTON COUNTY, MARYLAND
VIXEN HOLLOW, LLC
16039 CLOVERTON LANE, WILLIAMSPORT, MD 21795
ATTN: ED KUCZYNSKI (301) 591-1762

PROJECT NO.		2023-0213
DWN BY DWH	DATE	08-16-2023
PROJECT MANAGER: FRED FREDERICK		
EMAIL: FFFREDERICK@FSA-INC.COM		
TAX MAP: GRID-PARCEL		
0040-0002-0040		
SCALE		
1" = 100'		
SHEET TITLE		

BZA EXHIBIT

C-101
SHEET 01 OF 01

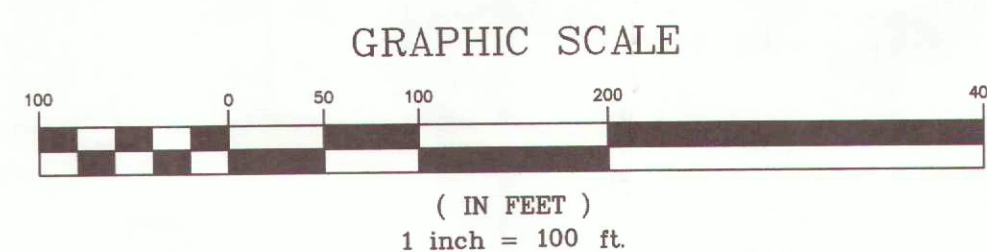
ZONING DISTRICT _____ AR - AGRICULTURAL RURAL

MINIMUM YARD SETBACK:

FRONT _____	50 FT.
SIDE _____	50 FT.
REAR _____	50 FT.

TAX MAP - GRID - PARCEL	0040-0002-0040
ELECTION DISTRICT	07
ACCOUNT NUMBER	005938
LIBER / FOLIO	05233 / 00349
PLAT NUMBER	MISC. PLAT 841
AREA SUMMARY:	
PARCEL	47.90 AC.
EXISTING IMPERVIOUS	69,954 S.F. / 1.61 AC (3%)
PROPOSED IMPERVIOUS	0 S.F.
TOTAL IMPERVIOUS	69,954 S.F. / 1.61 AC (3%)
BUILDING SUMMARY:	
EVENT SPACE	2,500 SF TENT
PROPOSED USE	SPECIAL EVENTS
HOURS OF OPERATION	9AM-9PM FRI-SUN
DELIVERIES	DELIVERY TRUCKS
EMPLOYEES	4
WATER & SEWER USAGE:	
WATER PROVIDED	PRIVATE WELL
SEWER PROVIDED	PRIVATE SEPTIC
WASTE & RECYCLABLES:	
SOLID WASTE REMOVAL	TRASH CANS PRIVATE HAULER
RECYCLE REMOVAL	TRASH CANS PRIVATE HAULER
SITE LIGHTING:	
EXISTING	BUILDING MOUNTED LIGHTS
PROPOSED	TEMPORARY PORTABLE LIGHTS
SITE SIGNAGE:	
EXISTING	NONE
PROPOSED	FREE STANDING AT ENTRANCE
ADDRESS ASSIGNMENT	13030 BIKE ROAD, SMITHSBURG, MD 21783
FOREST CONSERVATION	EXEMPT, UNIT OF LAND LESS THAN 20,000 S.F., SECTION 2, Q.
FEMA PANEL #	24043C0165D

USE	REQUIREMENT	CALCULATION	REQUIRED
BANQUET HALL	1 SPACE PER 50 S.F. OF GFA	2,500 SF/50	50 SPACES
TOTAL REQUIRED SPACES			50 SPACES
TOTAL PROVIDED PARKING SPACES			60 SPACES



Professional Certification:
I hereby certify that these documents were prepared
approved by me, and that I am a duly licensed
professional under the laws of the State of:
_____, License # _____,
Expiration Date _____.

[illegible]

VIXEN HOLLOW, LLC
SITUATE AT 1 3030 BIKLE ROAD
NORTHEAST OF SMITHSBURG PIKE, MD ROUTE 64
WASHINGTON COUNTY, MARYLAND
VIXEN HOLLOW, LLC
16089 CLOVERTON LANE, WILLIAMSPORT, MD 21795
ATTN: ED KLUCZYNSKI (301)-891-1762

PROJECT NO	
2023-0213	
DIVN BY	DATE
DWH	08-16-2023
PROJECT MANAGER: FRED FREDERICK	
EMAIL: FFREDERICK@FSA-INC.COM	
TAX MAP: GRID-PARCEL	
0040-0002-0040	
SCALE	
1" = 100'	
SHEET TITLE	

BZA EXHIBIT

C-101
SHEET 01 OF 01

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

VIXEN HOLLOW, LLC
Appellants

Appeal No.: AP2023-048

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OPINION

Vixen Hollow, LLC (hereinafter “Appellant”) requests a special exception to establish a banquet/reception facility use on the property and a variance from the durable dustless/paved parking requirement at the subject property. The subject property is located at 13030 Bikle Road, Smithsburg, Maryland and is zoned Agricultural, Rural. The Board held a public hearing on the matter on November 8, 2023.

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 13030 Bikle Road, Smithsburg, Maryland. The property is zoned Agricultural, Rural.
2. Appellant is a Maryland limited liability company, with the proprietors being Caitlin Kuczynski-Trumpower and Cody Trumpower.
3. The subject property consists of a 47.9-acre farm with a 14-stall barn, outdoor arena, indoor arena, pasture areas and a home in which Mr. and Mrs. Trumpower reside.
4. The subject property is located in area with a mix of residential, commercial and agricultural uses.

5. There are homes on the opposite side of Bikle Road which are approximately 600 feet from the proposed location for the events at the subject property.

Both the barn and indoor arena act to shield the proposed events area from those homes.

6. Appellant purchased the subject property in 2016 in order to reside and establish a horse farm and business for teaching and training.

7. Appellant has shifted the focus of the business from boarding and training to some training and mostly breeding and sales. Appellant now proposes to add event hosting as an additional income source from the property.

8. Appellant proposes to host weddings, receptions and similar events on weekends at the subject property. These events would include temporary tent structures and portable toilets, but no additional permanent structures at this time. There is no plan to have any events occur inside the barn or indoor arena.

9. The subject property has a large gravel area for parking which would accommodate more than the number of spaces necessary for such events. To the extent, additional parking is needed, there is a grass area next to the outdoor arena that can be used. Supplemental lighting would be obtained if this area is required for an event.

10. Mr. and Mrs. Trumpower will be the event hosts and will monitor events when held at the property. It is anticipated that they may have one (1) part-time employee to help with events.

11. Appellant expects that food will be prepared off-site and served at events by caterers which will be arranged with the clients. Appellant will not be participating in the provision of food, beverage or other accessory services typically associated with weddings and reception events.

12. Appellant plans to limit events to mostly weekend afternoons and evenings, with cut-off time of no later than 10:00 p.m.

Rationale

Special Exception Request

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.

The Board finds no cause for concern with respect to the number of people residing or working in the area, traffic conditions, nearby public gatherings or the conservation of

property values. There may be a slight increase in traffic as destination traffic to the subject property, but that will be limited to the specific times that events are being held.

The Board heard testimony from Fred Frederick, a professional engineer regarding sight distance and engineering. Mr. Frederick testified that there is more than sufficient sight distance for the entrance to the property and the proposed use does not create any additional engineering issues with respect to access. Mr. Frederick also noted that the entrance to the subject property is located approximately 1,500 feet from Route 64 and thus, does not affect traffic along that roadway.

The undisputed evidence presented to the Board was that the property will meet acceptable dust levels based on the distance to other properties in the area and the existing tree buffer. Appellant could also take steps such as watering the gravel drive and lots to further minimize dust from escaping. There will be no odors, gas, smoke, fumes, vibrations or glare produced. Sound levels will not exceed what would be normal to hear from surrounding properties due to existing buffers from trees and the structures on the property.

The proposed use will not affect any public gatherings in the vicinity and will be hardly noticeable to anyone other than the immediate and adjacent property owners. It is a good use of the land which maintains its natural characteristics while also making reasonable use for a return. Appellant's plan compliments the existing use as a horse farm without the need for wholesale changes or additional construction, thus preserving its agricultural identity. Appellant has thoroughly addressed the special exception criteria and there was only minimal opposition from one (1) neighbor which did not contradict the significant evidence presented to the Board. The Board finds that the proposed use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons,

we conclude that this appeal meets the criteria for a special exception and therefore should be granted.

Variance Request

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.¹ “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. § 25.56(A).

Practical difficulty and undue hardship are 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).)

In the case at bar, Section 22.12(f)(iv) requires that “parking and access lanes/aisles with a total area greater than 3,400 sq. ft. shall be paved.” The Ordinance goes on to define paving as “a durable and dustless surface that shall be properly drained and maintained.” Appellant requests to utilize the existing gravel lot in lieu of paving as

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties 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 difficulties 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).

required by the Ordinance. Appellant presented testimony that paving would be a considerable expense and would detract from the charm and nature of the farm setting. In addition, the gravel lot is used as a path for horses as they are led to and from other areas of the property. Horseshoes and pavement are not a good combination, and it would create an unnecessary risk for injury or accidents. Under the circumstances, strict compliance would render conformance unnecessarily burdensome. The variance relief is necessary to relieve said burden, but still observes the spirit of the Ordinance and promotes the County's investment in agricultural preservation.

Accordingly, the request for a special exception to establish a banquet/reception facility use at the subject property is hereby GRANTED, by a vote of 5 to 0. The accompanying request for variance relief from the durable dustless/paved parking requirement is also GRANTED, by a vote of 4 to 1.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: December 7, 2023

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.