

BOARD OF APPEALS

December 4, 2024

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

AGENDA

AP2024-051: An appeal was filed by SFG Properties for a variance from the off-street parking requirement of 221 parking spaces to 115 parking spaces for proposed warehouse use on property owned by VA Ave LLC and located at 16965 Virginia Avenue, Williamsport, Zoned Industrial Restrictive.-**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 November 25, 2024. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

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

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

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

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

Tracie Felker, Chairman

Board of Zoning Appeals



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: VA AVE LLC
17827 Virginia Avenue
Hagerstown MD 21740

Appellant: SFG Properties LLC
1920 McKinney Avenue
Suite 930
Dallas TX 75201

Property Location: 16965 Virginia Avenue
Williamsport, MD 21795

Description Of Appeal: Variance from the off-street parking requirement of 221 parking spaces to 115 parking spaces for proposed warehouse use.

Docket No: AP2024-051
Tax ID No: 26001870
Zoning: IR; BG
RB Overlay: No
Zoning Overlay:
Filed Date: 11/06/2024
Hearing Date: 12/04/2024

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s): AP2024-019
Applicable Ordinance Sections: Washington County Zoning Ordinance: Section 22.12

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use:	Vacant Lot	Proposed Use:	Warehouse
Previous Use Ceased For At Least 6 Months:		Date Ceased:	
Area Devoted To Non-Conforming Use -		Existing:	
		Proposed:	

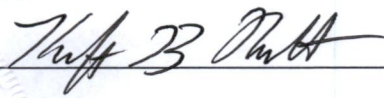
I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.


Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 7 day of November, 2024.

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)

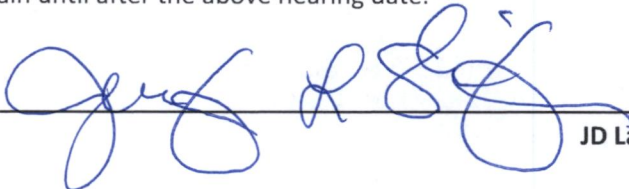
Docket No: AP2024-051

State of Maryland Washington County, To Wit:

On 11/6/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared JD Law Co., Inc. and made oath in due form of law as follows:

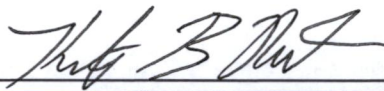
JD Law Co., Inc. will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 12/04/2024, and that said sign(s) will be erected on 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 11/19/2024 and will remain until after the above hearing date.



JD Law Co., Inc.

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



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

Notary Public

Seal

My Commission Expires



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

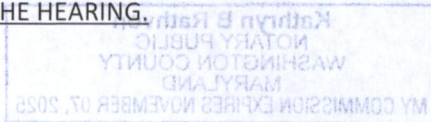
ATTENTION!

Posting Instructions

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

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

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





Washington County
MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that SFG Properties, LLC
is authorized to file an appeal with the Washington County Board of Appeals for
Variance regarding the off-street parking requirements per Section 22.12 of the Zoning Ordinance on property
located 16965 Virginia Avenue, Williamsport, MD (Tm 48 ; Parcel 282)
The said work is authorized by _____
the property owner in fee.

PROPERTY OWNER

VA AVE LLC

Name

17827 VIRGINIA AVENUE

Address

HAGERSTOWN, MD 21740

City, State, Zip Code

Owner's Signature

Sworn and subscribed before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

AUTHORIZED REPRESENTATIVE

TIMOTHY H. SHANK

Name

13201 FOUNTAIN HEAD ROAD

Address

HAGERSTOWN, MD 21742

City, State, Zip Code

Timothy H. Shank

Authorized Representative's Signature

Sworn and subscribed before me this 29 day of October, 2024.

Notary Public

My Commission Expires:

Kathleen A Stevens
Sept. 14, 2027

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

ADJACENT PROPERTY OWNERS					
	NAME	PREMISES ADDRESS	LIBER/FOLIO	MAILING ADDRESS	TAX MAP/PARCEL
1	MASSEY JERRY E	VIRGINIA AVE, WILLIAMSPORT, MD 21795	852/504	17026 VIRGINIA AVE, WILLIAMSPORT, MD 21795	48/822
2	MASSEY DANIEL S & MASSEY ODEZA A	17028 VIRGINIA AVE, WILLIAMSPORT, MD 21795	4360/23	17028 VIRGINIA AVE, WILLIAMSPORT, MD 21795	48/726
3	MASSEY JERRY E & MASSEY DAWN C	16926 VIRGINIA AVE, WILLIAMSPORT, MD 21795	976/6	17026 VIRGINIA AVE, WILLIAMSPORT, MD 21795	48/54
4	JTJ SCOOP LLC	16904 VIRGINIA AVE, WILLIAMSPORT, MD 21795	7164/49	14633 FALLING WATERS ROAD, WILLIAMSPORT, MD 21795	48/83
5	WASH CO COMMISSIONERS BOARD OF	VIRGINIA AVE, WILLIAMSPORT, MD 21795	696/251	C/O DIV OF PUBLIC WORKS 100 W WASHINGTON ST, HAGERSTOWN, MD	48/788
6	LEEL LLC	10843 ANDERSON DR, WILLIAMSPORT, MD 21795	1629/54	C/O LEON & MARGARET CATLETT 16746 SPIELMAN RD, FAIRPLAY, MD 21733	48/880
7	LEEL LLC	10841 ANDERSON DR, WILLIAMSPORT, MD 21795	1629/54	C/O LEON & MARGARET CATLETT 16746 SPIELMAN RD, FAIRPLAY, MD 21733	48/880
8	COURTEMANCHE ANNE K TRUST	10837 ANDERSON DR, WILLIAMSPORT, MD 21795	3422/557	17616 BURNSIDE AVE, HAGERSTOWN, MD 21740	48/880
9	COURTEMANCHE ANNE K TRUST	10835 ANDERSON DR, WILLIAMSPORT, MD 21795	3422/557	17616 BURNSIDE AVE, HAGERSTOWN, MD 21740	48/880
10	COURTEMANCHE ANNE K TRUST	10831 ANDERSON DR, WILLIAMSPORT, MD 21795	3422/553	17616 BURNSIDE AVE, HAGERSTOWN, MD 21740	48/880
11	COURTEMANCHE ANNE K TRUST	10829 ANDERSON DR, WILLIAMSPORT, MD 21795	3422/553	17616 BURNSIDE AVE, HAGERSTOWN, MD 21740	48/880
12	WEAVER SHAWN WEAVER APRIL	10825 ANDERSON DR, WILLIAMSPORT, MD 21795	6233/204	10825 ANDERSON DR, WILLIAMSPORT, MD 21795	48/880
13	GANJIAN ARASH	10821 ANDERSON DR, WILLIAMSPORT, MD 21795	1806/1045	67 ESSEX RD, GREAT NECK, NY 11023	48/880
14	DOAN NICHOLAS JOHN DOAN JENNIFER LEIGH	16909 VIRGINIA AVE, WILLIAMSPORT, MD 21795	6733/395	16909 VIRGINIA AVE, WILLIAMSPORT, MD 21795	56/898
15	JAKLIN PROPERTIES LLC	16907 VIRGINIA AVE, WILLIAMSPORT, MD 21795	4991/327	13530 MELLOTT LANE, WILLIAMSPORT, MD 21795	56/1046
16	MOWEN DONALD T JR ET AL	17023 ALLISON AVE, WILLIAMSPORT, MD 21795	3872/463	17023 ALLISON AVE, WILLIAMSPORT, MD 21795	56/263
17	POTOMAC EDISON CO	10802 BOWER AVE, WILLIAMSPORT, MD 21795	1000/1008	TAX DEPT 800 CABIN HILL DR, GREENSBURG, PA 15601	48/575
18	MAIN KENNETH M	16925 VIRGINIA AVE, WILLIAMSPORT, MD 21795	2504/559	16925 VIRGINIA AVE, WILLIAMSPORT, MD 21795	48/599
19	DENNIS BRADLEY	17025 VIRGINIA AVE, WILLIAMSPORT, MD 21795	7167/150	17025 VIRGINIA AVE, WILLIAMSPORT, MD 21795	48/344
20	HOLDCRAFT MEREDITH	17031 VIRGINIA AVE, WILLIAMSPORT, MD 21795	6103/195	17031 VIRGINIA AVE, WILLIAMSPORT, MD 21795	48/571
21	WILLIAMSPORT PROPERTY LLC	VIRGINIA AVE, WILLIAMSPORT, MD 21795	4913/289	C/O AARON SHRADER SR 16425 SHINHAM RD, HAGERSTOWN, MD 21740	48/627
22	BEAVER CREEK SELF STORAGE LLC	17119 VIRGINIA AVE, WILLIAMSPORT, MD 21795	6869/421	19941 BEAVER CREEK RD, HAGERSTOWN, MD 21740	48/309
23	CUNNINGHAM RUTH ANN DOMER	MINER AVE	3069/290	17101 MINER AVE, WILLIAMSPORT, MD 21795	48/618



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Variance

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

Location 16965 Virginia Avenue, Williamsport, MD (TM 48; Parcel 282)

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 of the zoning ordinance.

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

See attached.

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

See attached.

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: See attached.

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): AP2024-019

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

Email of Appellant

Address and of Appellant

Phone Number of Appellant

Josh Wheeler ATTN
josh.wheeler@stonemontfinancial.com
SFG Properties, LLC, ATtn: Josh Wheeler
1920 McKinney Avenue, Ste 930
Dallas, TX 75201
(817) 929-5988

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.

November 6, 2024

Washington County Board of Appeals
80 West Baltimore Street
Hagerstown, Maryland 21740

Re: SFG Properties, LLC - Proposed +/- 308,880 sf. Warehouse Building

+/- 32.108 acres (TM 48, Parcel 282) located at 16965 Virginia Avenue adjacent to Interstate 70 on the southeast side of Virginia Avenue (US Rte. 11)

Request for Variance from Off Street Parking Requirement

Dear Board Members:

My client, SFG Properties, LLC ("**Applicant**"), is the contract purchaser and potential developer of a proposed Warehouse / Distribution Facility on that certain property consisting of +/- 32.108 acres (TM 48, Parcel 282) located at 16965 Virginia Avenue adjacent to Interstate 70 on the southeast side of Virginia Avenue (US Rte. 11) and currently owned by VA AVE, LLC, a Maryland limited liability company (the "**Property**"). Attached hereto are an aerial photo and current parcel and zoning map showing the property and its surrounding neighborhood.

In 2017, at the request of the property owner, the Property was rezoned by the Board of County Commissioners from ORT (Office, Research and Technology) to IR (Industrial, Restricted).

Consistent with that IR zoning classification, in 2023 the Property Owner received Site Plan (SP-22-032) (the "**2023 Site Plan**") approval to develop and construct a 489,060 sf. Warehouse on the Property including the requisite 354 parking spaces. See attached sheets from

Earlier this year in May, the Property was before the Board (AP2024-019) at the request of another developer / contract purchaser who was seeking to construct a +/- 480,000 sf. high-bay cold storage warehouse. As stated in the attached Opinion by the Board, that project was denied a variance to extend the max. building height from 75' to 150', but was granted a variance to reduce the applicable parking requirement from 350 spaces to 115 spaces.

As described herein below, the Applicant seeks a similar parking space variance to construct a building much smaller than both the high-bay warehouse and as shown on the approved 2023 Site Plan.

Off-Street Parking Requirement

The Applicant is requesting a variance from the Off-Street Parking Requirement for "Warehouse or Wholesale Establishments" which, pursuant to § 22.12 of the Zoning Ordinance, is:

1 space per 1.5 employees on the main shift or 1 space per 1,500 sq. ft GFA, whichever is greater, plus 1 space per 350 sq. ft. GFA of sales and/or office space

As shown and depicted on the attached concept plan the Applicant is currently working on plans for a +/- 308,880 sf. warehouse building (the "**Project**"). It is anticipated that the Project will consist of +/- 303,690 sf. of warehouse space and +/- 5,190 sf. of office space to support the warehouse use.

As applied to the Project, the applicable Off-Street Parking Requirement would require a total of 221 parking spaces; 206 spaces for the warehouse portion of the Project and 15 spaces for the office portion.

As reflected on the current Concept Plan for the Project, a total of 115 parking spaces are proposed.

As also reflected on the Concept Plan for the Project, in addition to the 115 parking spaces there are 120 trailer drops spaces which are essential to the efficient operation of the site.

Also, as shown on the Concept Plan there is room on the site for a potential building expansion of up to +/- 180,180 sf. in the future. At that time, additional parking spaces will be required and the sufficiency of the 115 spaces in the "first phase" can be re-evaluated.

To require the additional parking spaces necessary to comply with the currently applicable Off-Street Parking Requirement would require the Applicant to either lose a portion of the more important trailer stalls; or construct, at a minimum, an additional +/- 19,000 square feet¹ of paved area (not counting additional drive aisles between the spaces). Both of which would impose an undue burden on the Applicant.

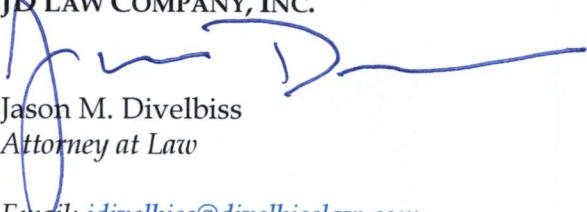
¹ Based upon the standard stall dimension of 9' x 20' (180 sf.)

The requested parking space variance is consistent with the operational requirements of this type of use and thus granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. This fact is demonstrated by the Board's approval of similar variances for other projects, including the high-bay warehouse project earlier this year.

In light of the foregoing, Applicant believes it's request for a variance from § 22.12 is justified and should be granted.

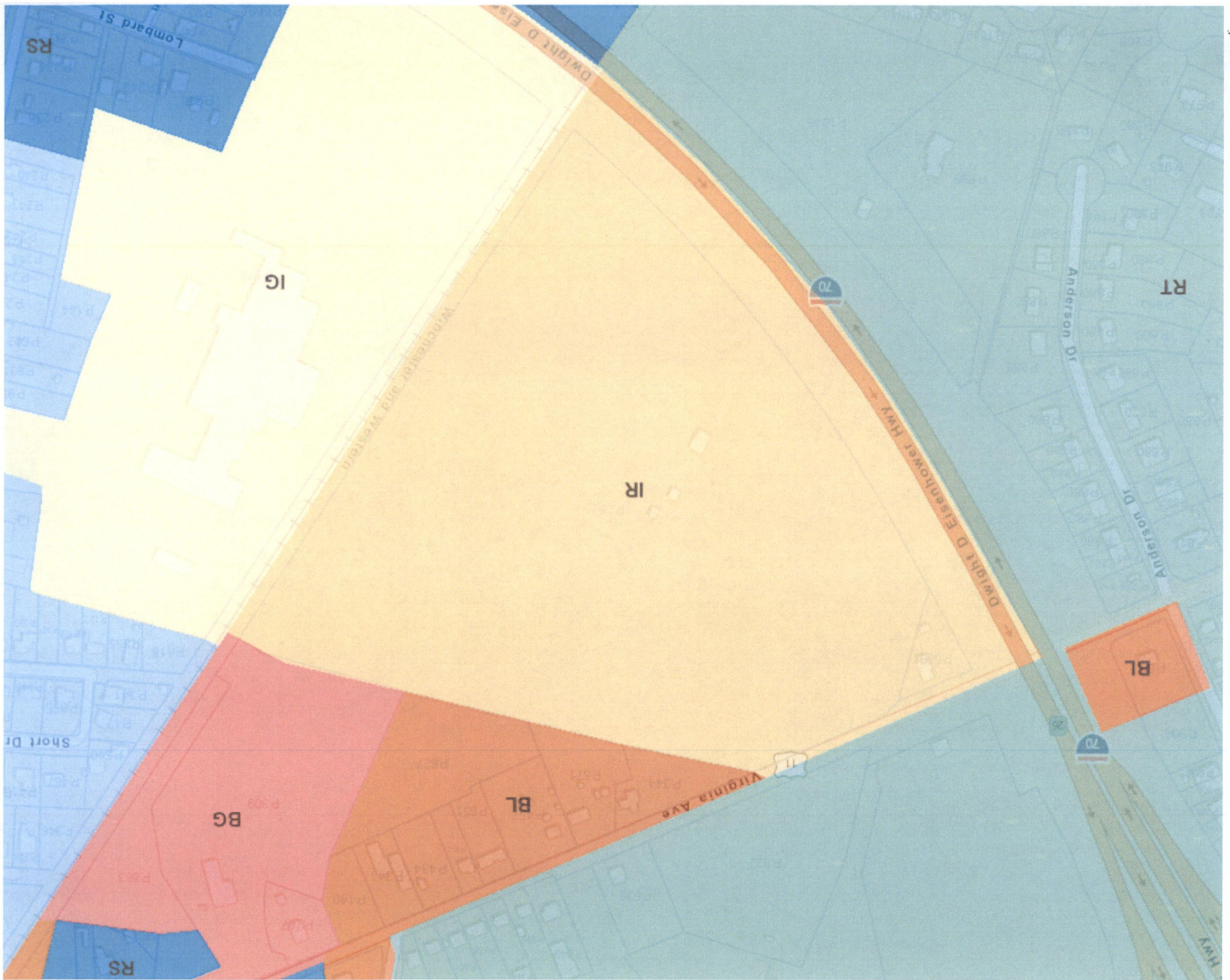
I look forward to discussing the Applicant's Project and the details of the within variance request at the Board's next available meeting.

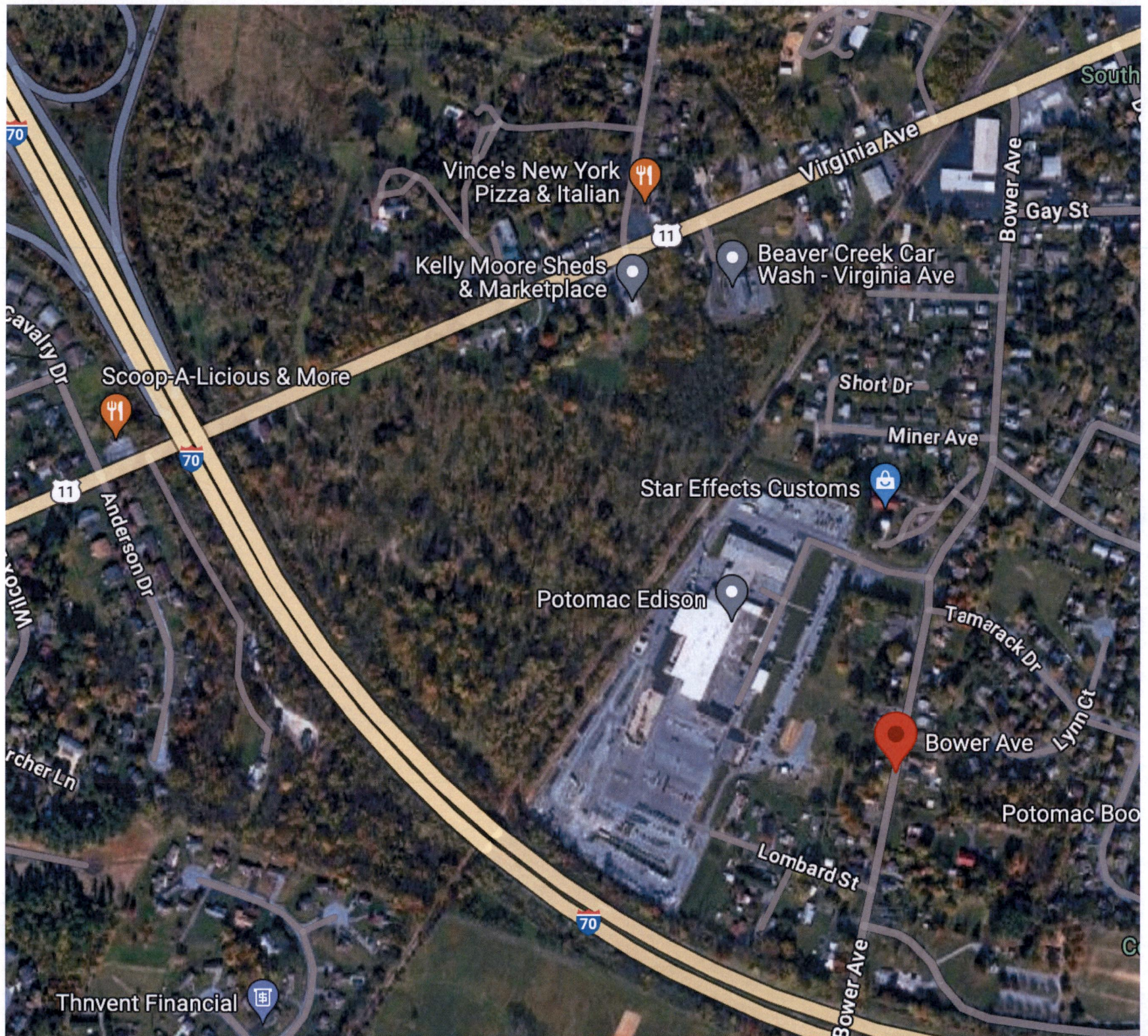
Very truly yours,
JD LAW COMPANY, INC.



Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com





GENERAL NOTES

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

Miss Utility	1-800-257-7777
Potomac Edison	1-800-258-3443
Columbia Gas (New Business)	1-800-448-6111
Columbia Gas (Confidential)	(301) 864-1885
Verizon	(301) 760-1124
Washington Cable	(202) 452-8082
City of Hagerstown Utilities Department	(301) 739-8577 Ext. 650
Washington County Soil Conservation District	(301) 707-6211 Ext. 3
Washington County Planning and Permitting	(240) 313-2460

- The contractor shall be responsible for coordination of his construction with the construction of other contractors.
- Bestmark is shown on sheet C-104, and is based on Maryland State Plane NAVD 83.
- The contractor shall notify the Architect/Engineer, before construction, of any conflicts between the plans and actual field conditions.
- The contractor shall protect all utilities and culvert pipes during construction by installing proper cover, increasing cover, or constructing roadway and parking through base course before loading site with heavy vehicles.
- Job site safety is the sole responsibility of the contractor. The Contractor shall perform all excavation in accordance with O.S.H.A. Regulations for trench safety.
- The contractor shall perform his own field inspection and surveys (if necessary) to determine the limit of earthwork needed to complete the project. Any earthwork quantities that may be shown herein are preliminary estimates only, and are intended for Cost Estimate/Control plan review, if required. There has been no contract made to the earthwork quantities shown herein due to the completion of the project.
- The contractor shall be aware that in the event of discrepancy between scaled and figured dimensions shown on the plan, the figured dimensions shall govern.
- Setback erosion control measures shall be installed per sediment erosion control plans, details and specifications.
- Please refer to Geotechnical Report completed by Hills-Carnes Engineering Associates for load bearing limits, etc.
- The entire area included within the proposed limits of cut and fill shall be stripped of all root material, trash and other organic and otherwise degradable, non-complying and unsuitable soils and materials.
- It shall be distinctly understood that failure to mention specifically any work which would naturally be required to complete the project shall not relieve the contractor of his responsibility to complete such work.
- All landscaped parking spaces shall be designed, ramped and signed to meet the minimum requirements of the Maryland code for the handicapped.
- The existing site contours shown herein are LEICAR 1' contours and field checked by FSA in June 2022. Contour accuracy is to plus or minus one half the contour interval.
- Limit of disturbed areas are to be the limit of property ownership, unless otherwise noted.
- The contractor shall provide MGS safety assistance for City Utilities Department, Water and Wastewater Division Inspectors.
- Applicant to provide as built plans at the completion of the project.
- This project has a proposed start date of February 2023 and a completion date of February 2024.
- A complete set of approved plans and a copy of the grading permit must be on site and available for use by the inspector, or other representative of Washington County.
- Proposed SWM will consist of on-site submerged gravel wetlands.
- There is no existing sanitary sewer line and easement that runs through the property that is shown on the plans.
- There are no parks, open space within or adjacent to the tract.
- All existing drainage culverts and drainage easements are to be maintained and unaltered.
- There are no existing or proposed pumping stations in this development.
- A complete set of approved plans and a copy of the grading permit must be on site and available for use by the inspector or other representative of Washington County.
- All grading on lot, either before or after the construction of a dwelling or appurtenances, shall be the full responsibility of the lot owner.
- A utility permit will be required for any proposed utility work located within the Washington County right-of-way.
- All proposed retaining walls over three feet high require a building permit and shall be designed according to the applicable Building Code and/or ASHTO standard, and shall be approved prior to construction, by the Washington County Division of Plan Review and Permitting.
- A public works agreement and performance security will be required for all improvements within the county right-of-way that are not otherwise regulated under a utility permit or entrance permit.
- Forest mitigation for this development will be addressed by two (2) on-site forest retention easements and the remaining by an off-site retention easement.
- There is currently a pump station under construction that flows into the stream shown on this plan. The proposed gravity sewer shown on this plan may not be tied into the existing sewer until this construction is completed in March of 2023.
- A grading easement will be required to be obtained from the owners at 17025 Virginia Avenue prior to grading on this property.

DIVISION OF PLAN REVIEW & PERMITTING NOTES

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

FIRE DEPARTMENT NOTES

- Construction occurring on this site shall comply with NFPA 241, Standard for safeguarding construction, alteration, and demolition operations, and chapter 16 of NFPA 1, uniform fire code.
- No open burning is permitted. Permits are required to perform loading operations within the city of Hagerstown.
- New buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road facing the property (NFPA 1-10.1.3.1).
- A fire department access box (knox box) shall be installed. This box will be required to contain keys to the building, gates, the protection system keys and other areas as required by the fire department. Plans should reflect the location of box near the main entrance. Application information may be obtained from this office by the general contractor or online at www.knoxbox.com

ZONING DATA

ZONING DISTRICT	IR - INDUSTRIAL RESTRICTED DISTRICT
BUILDING HEIGHT	24 FT.
MINIMUM YARD SETBACK	25 FT.
FRONT	25 FT.
SIDE	25 FT.
REAR	25 FT.

"WHERE THE PROPOSED USER OR BUILDINGS ABOUT A LOT IN A RR, RT, RS, RU, OR RM DISTRICT, A RESIDENTIAL USER IN A MIXED-USE DISTRICT OR ANY LOT OCCUPIED BY A DWELLING, SCHOOL, PLACE OF WORKSHIP, OR INSTITUTION FOR HUMAN CARE NOT LOCATED ON THE SAME LOT AS THE BAO USE OR BUILDING, OR ANY LOT WHICH IS PART OF A DULY RECORDED RESIDENTIAL SUBDIVISION, THE SIDE AND REAR SETBACKS SHALL BE ONE HUNDRED (100) FEET

"EXCEPT WHERE A LOT AND PROPOSED USER(S) ABOUT A RAILROAD OR RAILROAD SIDING, THE SIDE OR REAR YARD SETBACK ADJUTING THE RAILROAD OR RAILROAD SIDING SHALL NOT BE REQUIRED.

SITE DATA

TAX MAP - GRID - PARCEL	0048-0023-0082
ELECTION DISTRICT	26
ACCOUNT NUMBER	261870
USER / FOLIO	03032 / 00230
AREA SUMMARY:	
LOT	33.81 AC
DISTURBED AREA	1,345,544 SF / 31.00 AC
EXISTING IMPERVIOUS	3 SF / 0.12 AC (0%)
PROPOSED TOTAL IMPERVIOUS	944,267 SF / 22.60 AC (67%)
BUILDING SUMMARY:	
FOOTPRINT	489,060 SF
OFFICE SPACE	12,000 SF
WAREHOUSE SPACE	477,060 SF
HEIGHT	50 FT
PROPOSED USE	WAREHOUSE & OFFICE (PERMITTED USE)
HOURS OF OPERATION	24 HOURS A DAY / 7 DAYS A WEEK
FREIGHT/DELIVERY	300 TRUCKS/DAY
ADDRESS ASSIGNMENT	1595 VIRGINIA AVENUE WILLIAMSPORT, MARYLAND 21795
EMPLOYEE SUMMARY:	
OFFICE	29
WAREHOUSE	74 MAX/SHIFT
WATER & SEWER USAGE:	
WATER PROVIDED	CITY OF HAGERSTOWN WATER DIVISION
SEWER PROVIDED	WASHINGTON COUNTY DEPT. OF WATER QUALITY
EXISTING ALLOCATION	0 GPD
PROPOSED ALLOCATION	1,300 GPD (8 EDU)
WASTE & RECYCLABLES:	
SOLID WASTE REMOVAL	PRIVATE HAULER: ROLL OFF TRASH COMPACTOR IN BAY
RECYCLE REMOVAL	PRIVATE HAULER: ROLL OFF TRASH COMPACTOR IN BAY
SITE LIGHTING:	
EXISTING	NONE
PROPOSED	POLE & BUILDING MOUNTED
SITE SIGNAGE:	
EXISTING	NONE
PROPOSED	(1) GROUND MOUNTED (80 SF)
WATERBODIES:	
NAME	CONDOCCOCHIEQUE CREEK
NUMBER	20 14-04-04
FEMA PANEL #	24043C0281D & 24043C0282D DATED 08-15-2017
FUNCTIONAL ROAD CLASSIFICATION:	PRINCIPAL ARTERIAL
VIRGINIA AVENUE (US 11)	ON-SITE RETENTION (2) 24.88 AC

PARKING, LOADING & BICYCLE DATA

USE	REQUIREMENT	CALCULATION	REQUIRED
WAREHOUSE	1 SPACE PER 1,500 SF GFA	477,060 SF / 1,500 SF	319 SPACES
	PLUS 1 SPACE PER 100 GFA OF SALES	12,000 SF / 100 SF	12 SPACES
	AND/OR OFFICE SPACE		
TOTAL REQUIRED SPACES			331 SPACES
TOTAL PROVIDED VEHICULAR PARKING SPACES			334 SPACES
TOTAL ADA SPACES PROVIDED (PART OF THE TOTAL)			8 SPACES
TOTAL TRAILER PARKING SPACES (IN ADDITION TO VEHICULAR SPACES)			124 SPACES

LEGEND

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

LEGEND - ABBREVIATIONS

ASHTO - AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS	OC - ON CENTER
ADV - ADVANCED DRAINAGE SYSTEM	PC - POINT OF CURVE
ASTM - AMERICAN SOCIETY FOR TESTING AND MATERIALS	PCC - POINT OF COMPOUND CURVE
AWWA - AMERICAN WATER WORKS ASSOCIATION	PGL - PROPOSED GRADE LINE
BLDG - BUILDING	PRC - POINT OF REVERSE CURVE
BOT - BOTTOM	PT - POINT OF TANGENT
CD - CENTERLINE	PVC - POINT OF VERTICAL CURVE
CIP - CAST IRON PIPE	PIV - POINT OF VERTICAL INTERSECTION
CL - CORRUGATED METAL PIPE	PVT - POINT OF VERTICAL TANGENT
CMP - CORRUGATED METAL PIPE	RIGHT-OF-WAY
COMM - COMMUNICATION	SAN - SANITARY
CONC - CONCRETE	STAB - STABILIZED CONSTRUCTION ENTRANCE
DA - DRAINAGE AREA	SDR - STANDARD DIMENSION RATIO
DIA - DIAMETER	SP - SET IRON PIN
DGL - EXISTING GRADE LINE	SDR - STORM DRAINAGE
EX - EXISTING	SQ - SQUARE FEET
EXP - EXISTING IRON PIN	ST - STORM DRAIN MANHOLE
FFL - FRESH FLOOR ELEVATION	ST - SANITARY SEWER
FM - FIRE HYDRANT	ST - SANITARY SEWER MANHOLE
FTD - STANDARD	STA - STATION
GY - GATE VALVE	STD - STANDARD
HGL - HYDRAULIC GRADE LINE	SY - SQUARE YARDS
HDPE - HIGH DENSITY POLYETHYLENE	TAN - TYPE AB STRUCTURE
INV - INVERT	TEMP - TEMPORARY
LF - LINEAR FEET	TO - TOP OF FINISH
MB - MAIL BOX	TO - TOP OF GRADE
MIN - MINIMUM	TO - TOP OF RIM
ME - MECHANICAL JOINT	UP - UTILITY POLE
NO - NUMBER	VER - VERIFY IN FIELD
NTS - NOT TO SCALE	WL - WATERLINE
ON - ON APPROVED EQUAL	WM - WATER METER
	WW - WATER VALVE



Professional Engineer
 State of Maryland
 License No. 15000
 Date: 12/15/2022
 FSA, INC.
 1595 VIRGINIA AVENUE
 WILLIAMSPORT, MD 21795
 (301) 739-8577
 www.fsa-inc.com



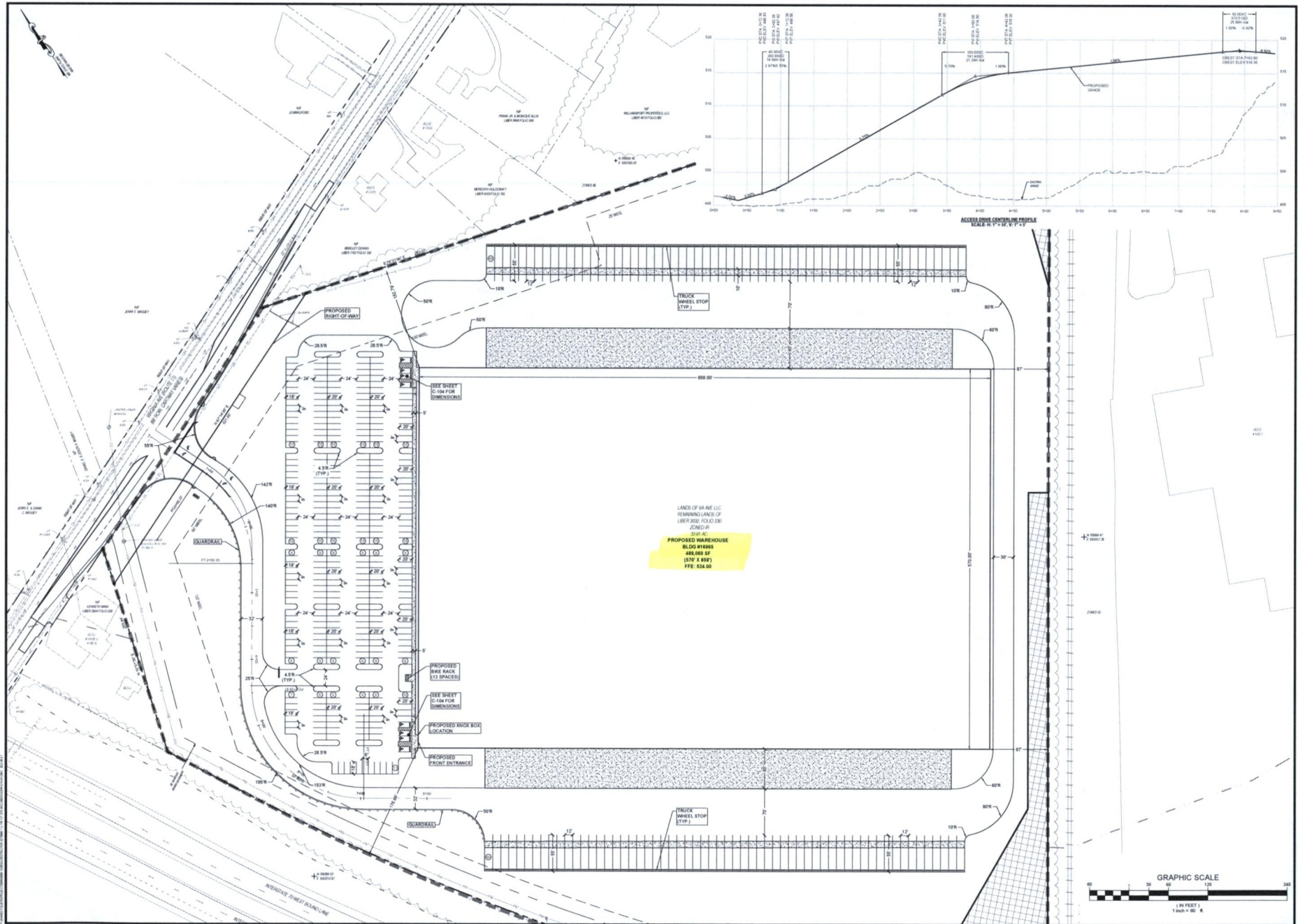
Professional Engineer
 State of Maryland
 License No. 15000
 Date: 12/15/2022
 FSA, INC.
 1595 VIRGINIA AVENUE
 WILLIAMSPORT, MD 21795
 (301) 739-8577
 www.fsa-inc.com

VIRGINIA AVE L.L.C.
 Situated along the southern line of Virginia Avenue (US Route 11) north of the intersection of Virginia Avenue and US Route 11, Washington County, Maryland
 17025 Virginia Avenue (US 11)
 Washington County, Maryland
 21795

PROJECT NO: 0091-1
 DATE: 10/25/2022
 PROJECT: VIRGINIA AVE L.L.C.
 DRAWN BY: JDOYTHFA INC.COM
 CHECKED BY: JDOYTHFA INC.COM
 0048-0023-0082

SCALE: N.T.S.
 SHEET 02 OF 30

GENERAL NOTES
 C-002
 SHEET 02 OF 30



FSA
FREDERICK SEBERT & ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
10000 RIVER ROAD
FARMERSVILLE, MD 21051
(410) 326-1000
www.fsa-landscape.com

VIRGINIA AVE L.L.C.
Blacksburg, VA 22019
1700 Virginia Avenue, Blacksburg, VA 22019

SITE & DIMENSIONING PLAN
C-106
SHEET 08 OF 30

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

NEWCOLD READING, LLC

Appellant

Appeal No.: AP2024-019

*

*

*

*

* * * * *

OPINION

NewCold Reading, LLC (hereinafter "Appellant") requests a variance to reduce the required parking spaces from 350 to 115 parking spaces and a variance to increased maximum height from 75 feet to 150 feet for a proposed high-bay cold storage warehouse at the subject property. The subject property is located at 16965 Virginia Avenue, Hagerstown, Maryland and is zoned Industrial, Restricted. The Board held a public hearing in this matter on May 22, 2024. Appellant was represented by Jason Divelbiss, Esq. at the hearing.

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. VA Ave, LLC is the owner of the subject property located at 16965 Virginia Avenue, Hagerstown, Maryland. The subject property is zoned Industrial, Restricted.
2. Appellant is the contract purchase of the subject property and potential developer.
3. In 2017, the subject property was the subject of a rezoning, changing the zoning classification from Office, Research and Technology to Industrial, Restricted.
4. The subject property consists of approximately 32.108 acres located

adjacent to Interstate 70 on the southeast side of Virginia Avenue. The subject property has 481 feet of road frontage on Virginia Avenue and 1,400 of common boundary on the east side of Interstate 70. The southeastern boundary is approximately 1,480 feet along the CSX railroad line.

5. The subject property abuts the Business General and Business local zoning districts to the east and west, the Industrial General to the south and the Residential, Transition district to the west and north.

6. Appellant proposes to construct a 480,450 square-foot automated frozen high-bay warehouse building at the subject property. Approximately 467,150 square feet will be used for warehouse space and 13,300 square feet will office space to support the warehouse use. Approximately 255,000 square feet of the warehouse space will be high-bay storage area that will extend up to between 135 and 150 feet in height.

7. The proposed operation would have approximately 125 to 140 total employees with a maximum of 35-45 on any shift, with a total of 90 when shifts overlap. Employees will work on five (5) rolling shifts each day. Overlapping will occur approximately two (2) times per day.

8. Appellant has developed similar projects in at least three (3) other states as well as internationally. In each project, the high-bay storage was within the 135-to-150-foot range.

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

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).

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).)

Parking Variance

Pursuant to Section 22.12 of the Zoning Ordinance, warehouse or wholesale establishments require "1 space per 1.5 employees on the main shift or 1 space per 1,500 sq. ft. GFA, whichever is greater, plus 1 space per 350 sq. ft. GFA of sales and/or office space." As applied to the proposed project, Appellant would need a total of 350 parking spaces which includes 312 parking spaces for the warehouse and 38 parking spaces for the office. Appellant testified that based on the operation of the proposed facility, there would be a total of 125-150 total employees working in five (5) rolling shifts that overlap. Thus, the project would require far less than the mandated 350 parking spaces.

Appellant also testified that approximately 255,000 square feet of the total area is part of the high bay portion of the warehouse. That leaves approximately 212,000 square feet of actual gross floor area, for which the Ordinance would require 141 parking spaces. The request for 115 parking spaces is only a small departure from this number and therefore reasonable under the circumstances. If Appellant were to comply with the strict requirements for parking, it would need to reduce the number of trailer stalls or install almost one (1) additional acre of paved area for parking. Given the shape of the lot and

proposed use, practical difficulty does exist, and the parking variance should be granted to allow for the most appropriate and efficient design of the subject property.

Height Variance

Pursuant to Section 13.4 of the Zoning Ordinance, "[no] structure shall exceed seventy-five feet in height, except as provided in Section 23.4. Section 23.4 exempts building height limitations from high density warehousing; however such warehousing is not otherwise defined by the Ordinance. Thus, Appellant seeks a general variance from the height limitations for buildings in the Industrial, Restricted zoning district.

Appellant testified that the building would have a modular look so as to disguise the high-bay storage area from the outside view. The height is necessary to efficiently store frozen food items and reduce cooling and energy costs. If Appellant were to comply with the strict height requirements, it would likely eliminate the operational efficiency sought be achieved in this unique design. As such, the absence of variance relief would be prohibitive for the project. Appellant asserts that all of this supports a finding of practical difficulty that justifies the variance relief.

There was considerable opposition presented by many of the nearby residents and property owners. The express concerns for traffic and noise and asserted that the proposed project was inconsistent with the character of the neighborhood.² The Board heard testimony that the proposed building does not resemble anything in the immediate area and would result in a ten (10) story building that everyone can see from their homes. Many of the witnesses were concerned about the disruption to the environment and the negative effect on their property values.

Generally speaking, the Board finds that many of concerns raised are valid given the nature of the project and the surrounding neighborhood. The Board appreciates the

² The Board was reminded that this was a variance request for a height increase and not a special exception request. The proposed use is already permitted under the Industrial, Restricted zoning classification.

citizens taking time to engage in the process and voice their concerns for what is happening in the community. However, the issue presented is not whether Appellant is permitted to locate a frozen high-bay storage warehouse at the subject property. That has been resolved by the Zoning Ordinance which permits such a use in the Industrial, Restricted zoning district. Instead, it is whether there is justification to grant a variance from the maximum height restrictions for the proposed building.

Having considered all of the testimony and evidence, the Board is concerned that approximately ten (10) stories of warehouse building is to be located among nearby homes. Furthermore, the Board struggles to find the justification for doubling the maximum allowable height for this project in the absence of a showing of uniqueness. Appellant provided a thorough presentation in support of its request, but failed to demonstrate how the property was unique and furthermore, that any such uniqueness related to the need for additional height on the building. Consequently, the Board finds that Appellant has not satisfied the criteria for the height variance and the request should be denied.

Accordingly, the variances to reduce the required parking spaces from 350 to 115 parking spaces for a proposed high-bay cold storage warehouse is GRANTED, by a vote 5 to 0. The variance to increase the maximum height from 75 feet to 150 feet for a proposed high-bay cold storage warehouse is DENIED, by a vote of 4 to 1.

BOARD OF APPEALS

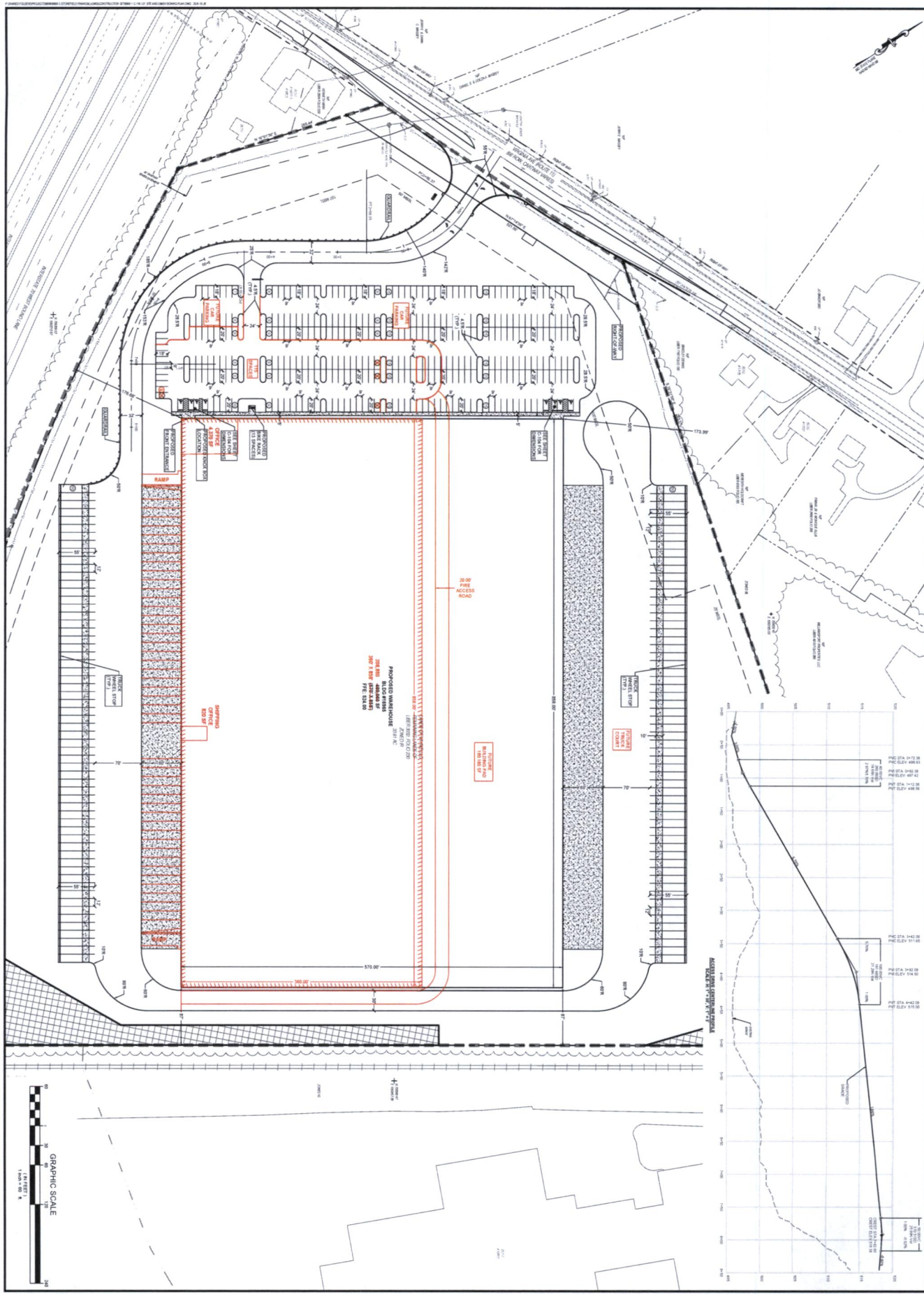
By: Jay Miller, Chair³

Date Issued: June 21, 2024

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.

³ Mr. Miller was a Board member and served as Chair at the time of the hearing and decision in this matter. His term has since expired, and he is no longer a member of the Board of Appeals.



GRAPHIC SCALE

0 10 20 30 40 50 60 70 80 90 100

1" = 40' 0"

REVISION

NO.	DATE	DESCRIPTION
1	10.06.22	REVISED PER HICD COMMENTS
2	10.20.22	REVISED PER "SMITH" PROJECT

Virginia Ave L.L.C.

Situated along the southern side of Virginia Avenue US Route 11
northwest of Interstate 70 and west of CSX Railroad

Washington County, Maryland

Virginia Ave L.L.C.
17827 Virginia Avenue, Pikesville, MD 21140

SITE & DIMENSIONING PLAN

C-106

SHEET 08 OF 30

FSAO

FREDERICK SEBERT & ASSOCIATES, INC. © 2023

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

500 SOUTH PINE STREET
WASHINGTON, DC 20004
202.331.8800

500 SOUTH PINE STREET
WASHINGTON, DC 20004
202.331.8800

500 SOUTH PINE STREET
WASHINGTON, DC 20004
202.331.8800

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO BE VERIFIED BY THE FIELD.

4. ALL DIMENSIONS ARE TO BE VERIFIED BY THE FIELD.

5. ALL DIMENSIONS ARE TO BE VERIFIED BY THE FIELD.

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

SFG PROPERTIES, LLC

Appellant

*

*

*

*

Appeal No.: AP2024-051

* * * * *

OPINION

SFG Properties, LLC (hereinafter “Appellant”) requests a variance to reduce the required parking spaces from 221 to 115 parking spaces for a proposed warehouse use at the subject property. The subject property is located at 16965 Virginia Avenue, Williamsport, Maryland 21795 and is zoned Industrial, Restricted. The Board held a public hearing in this matter on December 4, 2024. Appellant was represented by Jason Divelbiss, Esq. at the hearing.

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. VA AVE, LLC is the owner of the subject property located 19695 Virginia Avenue, Williamsport, Maryland. The subject property is zoned Industrial, Restricted.
2. Appellant is the contract purchaser of the subject property and potential developer.
3. In 2017, the subject property was the subject of a rezoning, changing the zoning classification from Office, Research and Technology to Industrial, Restricted.

4. The subject property consists of approximately 32.108 acres located adjacent to Interstate 70 on the southeast side of Virginia. The subject property has 481 feet of road frontage on Virginia Avenue and 1,400 of common boundary on the east side of Interstate 70. The southeastern boundary is approximately 1,480 feet along the CSX railroad line.

5. The subject property abuts the Business General and Business Local zoning districts to the east and west, the Industrial General zoning district to the south and the Residential, Transition zoning district to the west and north.

6. Appellant proposes to construct a 308,880 square foot warehouse building including 303,690 square feet dedicated to warehouse space and 5,190 square feet for office space to support the warehouse use.

7. The proposed design does not utilize all buildable area at the property and Appellant hopes to expand in the future.

8. Appellant expects to have approximately 30-36 total employees and staff for the warehouse operation.

9. The property was the subject of an appeal for variances to increase building height and to reduce required parking in Case No. AP2024-019.¹ The Board ultimately granted a reduction in required parking from 350 spaces to 115 spaces but denied the height variance request and the project did not move forward.

10. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.² “Practical

¹ The Appellant in that case was a different entity, seeking to construct a high-bay cold storage warehouse at the subject property.

² “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use

Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

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

Pursuant to Section 22.12 of the Zoning Ordinance, warehouse or wholesale establishments require “1 space per 1.5 employees on the main shift or 1 space per 1,500 sq. ft. GFA, whichever is greater, plus 1 space per 350 sq. ft GFA of sales and/or office space.” As applied to the proposed project, Appellant would need a total of 221 parking spaces which includes 206 parking spaces for the warehouse and 15 parking spaces for the office area. Appellant is seeking to reduce the required parking spaces to 115 for the proposed warehouse.

Appellant presented testimony that the required parking spaces greatly outnumber the need of the end user at this property. In fact, even the reduced number requested is still almost three (3) times that which would be necessary for the 30 to 36 employees working in the warehouse. Appellant also noted that in order to account for

variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

221 parking spaces, an additional 19,000 square feet of the property would have to be paved. Even with the possibility of warehouse expansion in the unused area behind the proposed building, Appellant would not require the number of parking spaces imposed by the Ordinance. Like other warehouse projects this Board has considered, truck access to loading areas and trailer drop areas is crucial to the operation and require significant exterior space. In order to comply with the Ordinance requirements, Appellant would either need to reduce those vital areas or increase considerably, the paved surface area surrounding the facility. The former creates the likelihood for reduce efficiency and productivity from the intended use and the latter is environmentally irresponsible. The Board finds that strict compliance would serve no practical benefit and results in elevating form over substance in this case. The required parking spaces would be unnecessarily burdensome and prevent a permitted use on otherwise usable portions of the subject property. For all these reasons, we conclude that the grant of variance relief secures public safety and welfare and upholds the spirit of the Ordinance.

Accordingly, the request for a variance to reduce the required parking spaces from 221 to 115 parking spaces for a proposed warehouse use at the subject property is hereby GRANTED, by a vote of 5 to 0. The variance is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: December 10, 2024

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.