

BOARD OF APPEALS

February 14, 2024

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

AGENDA

AP2024-006: An appeal was filed by Charles A. Shirk, Trustee, Residuary Trust of Charles E. Shirk requesting for a variance from the required 50 ft. setback for the proposed property line between the dwelling and two farm equipment structures; 20 ft. for the two farm equipment buildings. The appellant owns the property which is located at 11506 Shank Road, Clear Spring, Zoned Agricultural Rural District.

AP2024-007: An appeal was filed by Ronald & Joylin Horst requesting for variances from the required 50 ft. setback from the proposed property line between the dairy product store and equipment barn; 21 ft. for the dairy product store and 8 ft. for the equipment barn. The appellant owns the property which is located at 17811 Reiff Church Road, Hagerstown, Zoned Agricultural Rural District.

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than February 5, 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.

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: Charles A. Shirk, Trustee,
Residuary Trust of Charles E. Shirk
13028 Big Pool Road
Clear Spring MD 21722

Appellant: Charles A Shirk, Trustee, Residuary Trust of
Charles E Shirk
13028 Big Pool Road
Clear Spring MD 21722

Property Location: 11506 Shank Road
Clear Spring, MD 21722

Description Of Appeal: Variance from the required 50 ft. setback for the proposed property line between the dwelling and two farm equipment structures; 20 ft. for the two farm equipment buildings.

Docket No: AP2024-006
Tax ID No: 04007867
Zoning: AR
RB Overlay: No
Zoning Overlay:
Filed Date: 01/25/2024
Hearing Date: 02/14/2024

Appellant's Legal Interest In Above Property:

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

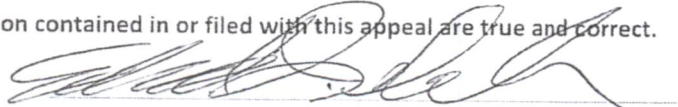
Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section 5A.6

Reason For Hardship: The two equipment buildings on proposed lot are not desired and burdens the lot owner with maintenance.

If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:

| | |
|---|----------------------------------|
| Existing Use: Dwelling with Buildings | Proposed Use: Subdivision |
| 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 26 day of January, 2024.
Nikki S. Eichelberger
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)

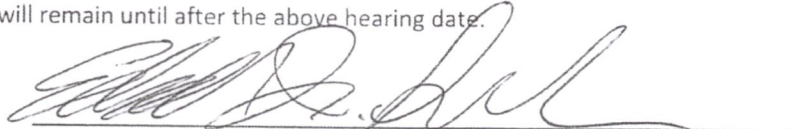
Docket No: AP2024-006

State of Maryland Washington County, To Wit:

On 1/25/2024, 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 02/14/2024, 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.

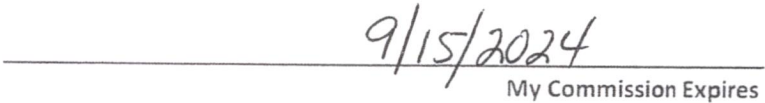
Sign(s) will be posted on 01/30/2024 and will remain until after the above hearing date.


Frederick, Seibert & Associates Inc

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




Notary Public


My Commission Expires

Project Name: Rodney Shirk Lot 1

Owner/Applicant: Charles A Shirk, Trustee, Residuary Trust of Charles E Shirk

Project Address: 11506 Shank Road, Clear Spring MD 21722

Tax Map 46 **Grid** 11 **Parcel** 36

Account # 04007867

Zoning: A(R)

Variance request:

The applicant desires to create a lot around the existing house, excluding two nearby equipment buildings. The new property line between the house and equipment buildings will be 50 feet from the house which satisfies the zoning ordinance however only 20 feet from the equipment buildings which is within the 50' minimum rear building restriction lines required for other principal permitted uses on the 180 acre remaining lands. This is from section/table 5A.5 of the Washington County Zoning Ordinance.

The proposed 1.74 acre lot meets all of the requirements for a new lot in the A(R) district as well as the special provisions prescribed in 5A.7 which impose a 50 foot buffer when adjacent to parcels actively being farmed.

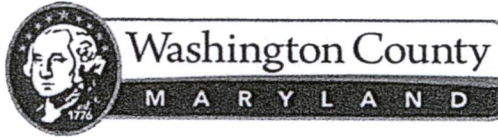
In order to create the lot, relief from either section of the zoning ordinance would be necessary.

Practical Difficulty

Strict compliance with the ordinance could only be achieved by including the equipment buildings on the proposed lot. Denying the request would create a substantial injustice as no new buildings are being proposed or constructed, we are only creating lines on paper, physically nothing changes on the property. Granting the variance observes the spirit of the ordinance and since nothing new is being constructed public safety and welfare are preserved.

Undue Hardship

Strict compliance can only be achieved by including the two large equipment buildings on the proposed lot which is not desired and burdens the lot owner with maintenance of said buildings. Floodplain and the configuration of the existing complex are peculiar to this property and make the design of the new lot difficult without obtaining relief.



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 VARIANCE TO REDUCE REAR SETBACK FROM 50' TO 20' IN THE A(2) DISTRICT located 11506 SHANK ROAD, CLEAR SPRING MD 21722 The said work is authorized by * CHARLES A. SHIRK, TRUSTEE the property owner in fee.

PROPERTY OWNER

* Charles A. Shirk
Name
* 13215 Big Pool Rd
Address
* Clear Spring, MD 21722
City, State, Zip Code
* Chh A. Shirk
Owner's Signature

Sworn and subscribed before me this 18 day of January, 2024.

* Nikki S. Eichelberger
Notary Public

My Commission Expires: 9/15/2024



AUTHORIZED REPRESENTATIVE

ED SCHREIBER
Name FSA
128 S. POTOMAC ST
Address
HAGERSTOWN, MD 21740
City, State, Zip Code

[Signature]
Authorized Representative's Signature

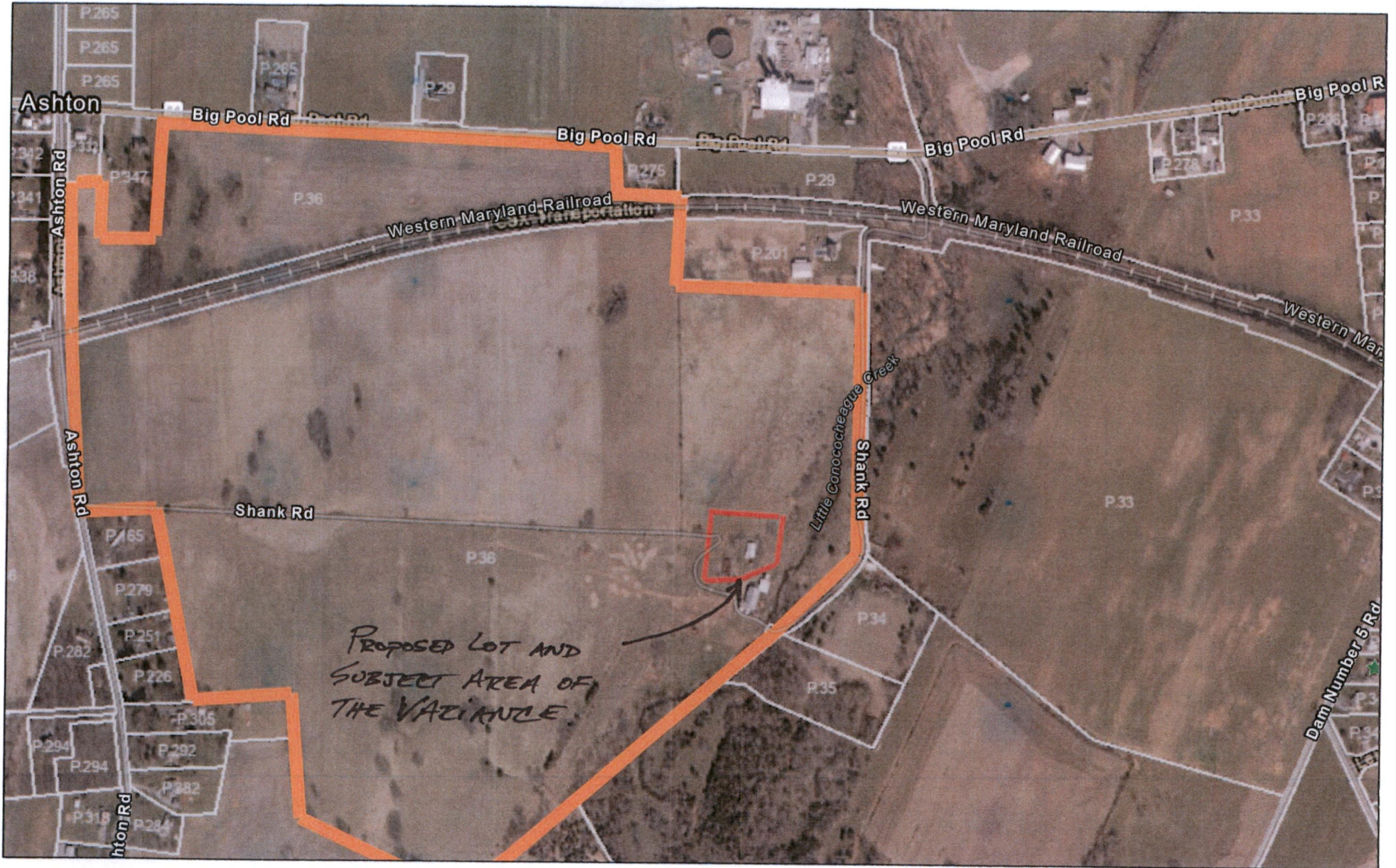
Sworn and subscribed before me this 18 day of January, 2024.

* Nikki S. Eichelberger
Notary Public

My Commission Expires: 9/15/2024

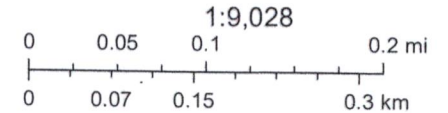


Frederick Seibert & Associates, Inc.

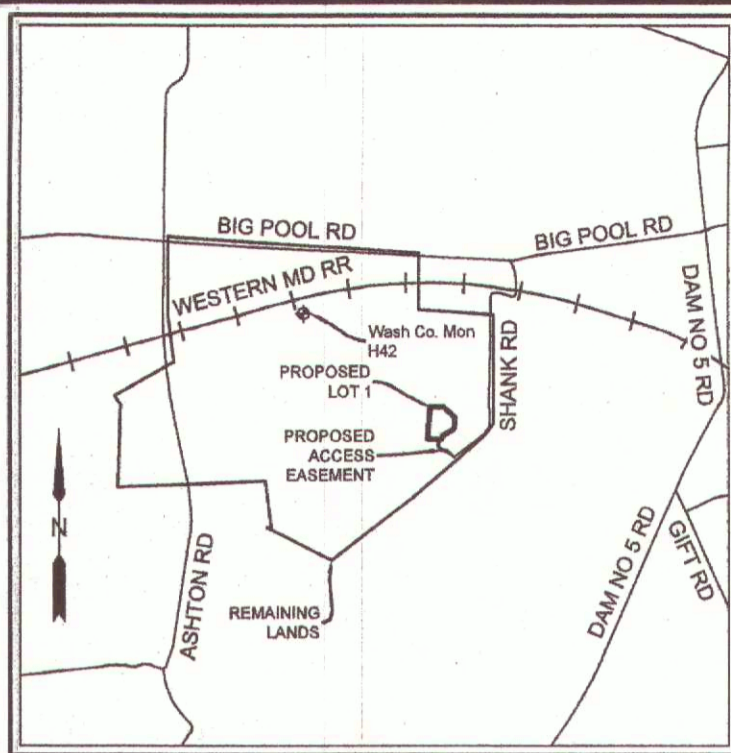


1/16/2024, 2:04:17 PM

- Parcels
- World Transportation
- MD_SixInchImagery
- FSA_Quote
- Other



Esri Community Maps Contributors, WVU Facilities, WashCo MD, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,



VICINITY MAP
SCALE 1"=2000'

Sensitive Area Notice

The stream buffers shown herein are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reserve area be established within the buffer.

Tracking Notes

- This residential subdivision plat is subject to all applicable local, state and federal laws and regulations. Any further potential of subdivision of any lots or remaining lands created by this subdivision is subject to the requirements of the Maryland Annotated Code, Environment Article, Section 9-206 and all applicable local, state and federal laws and regulations.
- In accordance with the requirements of the Maryland Annotated Code, Environment Article, Section 9-206, upon recordation of this plat, a total of 1 residential lots, plots, building sites, or other division of land have been created from the parent parcel or tract since October 1, 2012. In accordance with Maryland Annotated Code, Environment Article, Section 9-206, and subject to all other applicable local, state and federal laws, there are not more than 6 (remaining) residential lots, plots, building sites, or other divisions of land allowed as a subdivision.
- This residential minor subdivision may not be resubdivided or further subdivided into an additional building lot(s). Please note, for a simplified plat, notes 1 and 2 will apply. However, any new lot created under a simplified plat and denoted "not for development" will not be counted toward the 7 lot limit until such lot is submitted as a residential subdivision final plat.

Address Assignments

Lot 1 - 11506 Shank Road
Note: Each address is based on the entrance as shown on this plat. If the driveway is constructed at a different location from that shown herein, the address listed above may VOID and the owner/developer of the lot must reply to the Planning Commission for a new address assignment.



Additional Owner's Statement
We hereby certify that our interest is to transfer this land only to a member of the immediate family. No conveyance of this lot will be made to anyone not a member of the immediate family for a period of ten (10) years without approval of the Planning Commission except as may be required to satisfy a mortgage in case of loan foreclosure. We also acknowledge that the County is not responsible for acceptance or maintenance of the private road or right of way.
Signature(s): Charles A. Shirk, Trustee 1-18-2024
Charles A. Shirk, Trustee, Residuary Trust of Charles E. Shirk, Owner Date
Rodney Shirk 1-18-2024
Rodney Shirk, Recipient, Date

Intrafamily Transfer Declaration of Intent
Account: # 007987 District: 04 Map: 46 Grid: 11 Parcel: 38
Property Owner(s) Name(s): Charles A. Shirk, Trustee, Residuary Trust of Charles E. Shirk
Permanent Mailing Address: 13028 Big Pool Road, Clear Spring MD 21722
Recipients Name(s): Rodney Shirk
Recipients Relationship to Owner(s): Son
Property Location: 11506 Shank Road, Clear Spring MD 21722
Current deed reference(s): Liber: 1115, folio: 781
I, Charles A. Shirk, owner of the real property located at the above referenced location, and described in the above referenced deed(s) hereby declare my (our) intention to invoke the intrafamily transfer exemption for the above property, in accordance with the provisions of the Washington County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.
This declaration grants an exemption for the purpose of constructing a dwelling house intended for the use of the owner, or an immediate family member of the owner based on the Washington County Forest Conservation Program. If the lands does not remain in the possession of an immediate family member for a period of five (5) years the Owner must notify the Washington County Planning Commission and may lose this exemption. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 20,000 square feet of forest, or violates the requirements of a previous Forest Conservation Plan all or part of the lot within the five (5) year period, Washington County may require the owner to meet the forest conservation threshold established in the Forest Conservation Program and COMAR 08.19.03, and may also assess a noncompliance fee for forested areas out in violation of this exemption.
I (we) declare, under the penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information and belief, is true, correct and complete.
Signature(s): Charles A. Shirk, Trustee 1-18-2024
Charles A. Shirk, Owner Date
Rodney Shirk 1-18-2024
Rodney Shirk, Recipient Date

Dedication for Individuals
I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown herein, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.
This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives.
There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following:
and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision.
I/we do hereby assent to this plan of subdivision.
Witness our hands and seals this date 1-18-2024
Charles A. Shirk, Trustee (Seal)
Charles A. Shirk, Trustee, Residuary Trust of Charles E. Shirk
Witness: Rodney Shirk
Rodney Shirk

Certificate of Approval of Individual Water Supply and Individual Sewage System
I hereby certify that the minimum ownership area complies with the minimum width and minimum area requirements specified in C.O.M.A.R. 26.04.03.03. Such minimum ownership shall remain equal to the minimum width and minimum area set forth in C.O.M.A.R. 26.04.03.A (2) until community sewerage and water have been made available. Not more than one principle building may be erected or constructed on a lot or lots contained in the minimum ownership areas established by C.O.M.A.R. 26.04.03.A (2) until community sewerage has been made available.

Date _____ County Health Officer

Land Surveyor's Certification
I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Mildred M. Shirk, to Charles Alton Shirk, by deed dated September 22, 1993, and recorded in the Land Records of Washington County, Maryland in Liber No. 1115, folio 781; and that stones marked □ and/or bars marked ○ have been placed as indicated.
I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. LS-10731 Expiration Date 1/16/2026.
Date _____ Professional Land Surveyor

General Notes

- 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted in this area.
- There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
- Bearings, distances and coordinates are based on MD Grid NAD83.
- Soil types are as shown hereon.
- Minimum Building Setbacks: front yard-40'; side yard-15'; rear yard-50'. Minimum Building Setback Lines are based on the current Washington County Zoning Ordinance. Accessory structures may be constructed in accordance with Section 4.10 and Section 23.5 (b). Accessory structures are not permitted without the placement of the principal permitted structure. Zoned A(R). This lot is subject to 50' AG Buffer setbacks enumerated in Section 5A.7 of the Washington County Zoning Ordinance.
- Total upstream watershed affecting this subdivision: is less than 400 Acres.
- Lot 1 does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24043C006D dated August 15, 2017, Flood Zone X. A Portion of the Remaining Lands is within the 100 year Floodplain.
- Contours based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc. on or about January 2, 2024 under the direct supervision of Fred M. Frederick.
- There are no floodplains, streams, steep slopes, and other related buffers, or habitat of threatened or endangered species as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and Section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
- This subdivision is not within the Edgemont Reservoir Watershed, Smithsburg Reservoir Watershed, or the Upper Beaver Creek Drainage Basin per Washington County Watershed Mapper. This site is within the Little Conococheague Watershed #07140305.
- No other wells or septic lines within 100 feet of the Lot Lines except as shown hereon.
- All grading on each lot, done either before or after the construction of a dwelling or their appurtenances, shall be the full responsibility of the lot owner.
- No permanent structures (fences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
- This plat has been reviewed and approved per the A(R) Zoning District. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
- This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
- Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
- The remaining lands is not a legally established lot under COMAR 26.04.03 and may not be considered for development until such time as either the parcel can be served by a community sewage disposal system or evaluation of the parcel demonstrates that the parcel meets the provisions set forth in the Code of Maryland Regulations for subdivision of land in place at the time the proposal is submitted. Furthermore, development must be consistent with applicable State and County Codes, regulations, and laws, and the parcel may not be served by non-convention means of on-site sewage disposal. The designation of the remaining lands as an "Ag Parcel Only" does not infer it was created by means of the Simplified Plat process. It is only to emphasize that the remaining lands may not be developed until the Washington County Health Department has approved the appropriate health facilities. As Remaining Lands, a Development Plat is NOT required in order develop the property for permitted uses.
- Lot 1 as shown on this subdivision plat is zoned A(R) and has been determined to be an exemption lot per section 5A.4 of the Washington County Zoning Ordinance. Lot 1 does not meet density requirements per section 5A.3 of the Zoning Ordinance, thus it cannot be further subdivided.
Density and Exemption lot status in the A(R), EC and P districts became effective on October 29, 2002.
- Regarding the Washington County APFO, this plan meets the requirements of a "Minor Subdivision" as defined in section 2.3.12.1 and therefore is exempt under section 4.1.1 and 5.2.(d) of the Washington County Adequate Public Facilities Ordinance.



AREA TABULATION: REMAINING LANDS

| |
|-----------------------------|
| 181.97 AC (TAX MAP) |
| - 1.74 AC (PROPOSED LOT #1) |
| 180.23 AC (REMAINING LANDS) |

AREA TABULATION: LOT #1

| |
|---------------------------|
| 1.74 AC (PROPOSED LOT #1) |
|---------------------------|

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 14°56'13" E | 42.79' |
| L2 | N 65°33'30" E | 66.16' |

PLAT NO _____
DATE _____
WASHINGTON COUNTY

Certificate of Approval
FINAL APPROVAL GRANTED
Date: _____
By: _____
Washington County Planning Commission
Final Approval good for one hundred eighty (180) days from above date

Soil Table

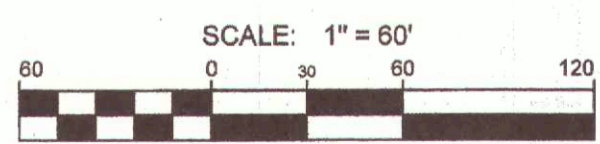
| Soil | Area (Ac.) | % |
|------|------------|-------|
| HbC | 1.26 | 72.41 |
| OrD | 0.48 | 27.59 |

LEGEND

- = PROPERTY LINE
- - - = PROPOSED PROPERTY LINE
- = PROPERTY LINE TO BE VACATED
- - - - - = RIGHT OF WAY
- = PROPERTY CORNER
- = TEST PIT; PERC

Owner:
Charles A. Shirk,
Trustee, Residuary Trust
of Charles E. Shirk
13028 Big Pool Road
Clear Spring MD 21722
301-491-0357

Purchaser:
Rodney Shirk
13028 Big Pool Road
Clear Spring MD 21722



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 Maryland, License # 10731
Expiration Date 01-16-2026

FSAI
FREDERICK, SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.701.8650
717.276.1007
20 WEST BALTIMORE STREET
GREENCASTLE, PA 17226
717.531.8111
905 SOUTH HANOVER STREET
CHARLESTON, PA 17013
16 EAST MAIN STREET
NEW BLOOMFIELD, PA 17068
717.276.7631
isa-inc.com

SUBDIVISION PLAT OF THE LANDS OF
CHARLES A. SHIRK, LOT 1
11506 SHANK ROAD
CLEAR SPRING MD 21722
WASHINGTON COUNTY, MARYLAND
CHARLES A. SHIRK
13028 BIG POOL ROAD, CLEAR SPRING MD 21722
301-491-0357

PROJECT NO. 2559.SS
DWN BY MTJ DATE 01-03-2024
PROJECT MANAGER: FFrederick
EMAIL: FFrederick@fsai-inc.com
PROPERTY INFORMATION / ACCT. # 48-11-36 / 04-007867
SCALE 1" = 60'
SHEET TITLE

SUBDIVISION PLAT
C-101
SHEET 01 OF 01

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 - 04 Account Number - 007867

Owner Information

Owner Name: SHIRK CHARLES A TRUSTEE Use: AGRICULTURAL
 RESIDUARY TRUST OF CHARLES E SHIRK Principal Residence: NO
 Mailing Address: 13028 BIG POOL RD Deed Reference: /01115/ 00761
 CLEAR SPRING MD 21722-1912

Location & Structure Information

Premises Address: 11506 SHANK RD Legal Description: 181.97 ACRES
 CLEAR SPRING 21722-0000 11506 SHANK RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0036 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1900 1,372 SF 181.9700 AC

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

Value Information

| | Base Value | Value | | Phase-in Assessments | |
|--------------------|------------|------------|------------|----------------------|-------|
| | | As of | As of | As of | As of |
| Land: | 141,000 | 01/01/2024 | 07/01/2023 | 07/01/2024 | |
| Improvements | 76,600 | 182,900 | | | |
| Total: | 217,600 | 323,900 | 217,600 | 253,033 | |
| Preferential Land: | 73,500 | 73,500 | | | |

Transfer Information

Seller: SHIRK CHARLES E & MILDRED M Date: 10/04/1993 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01115/ 00761 Deed2:
 Seller: SHIRK CHARLES E Date: 09/19/1990 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00969/ 00790 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:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 011376

Owner Information

Owner Name: REPP JOE A Use: RESIDENTIAL
 REPP SANDRA G Principal Residence: YES
 Mailing Address: 11411 ASHTON RD Deed Reference: /00787/ 00800
 CLEAR SPRING MD 21722-2009

Location & Structure Information

Premises Address: 11411 ASHTON RD Legal Description: 2.38 ACRES
 CLEAR SPRING 21722-0000 11411 ASHTON RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0016 0305 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1986 2,216 SF 2.3800 AC

StoriesBasementType Exterior QualityFull/Half BathGarage Last Notice of Major Improvements
 2 NO SPLIT LEVEL 1/2 BRICK SIDING/3 2 full/ 1 half 1Alt/1Det
 BRICK

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|---------------------------------------|------------------|
| | | As of 01/01/2024 | Phase-in Assessments As of 07/01/2023 | As of 07/01/2024 |
| Land: | 88,800 | 88,800 | | |
| Improvements | 145,900 | 215,800 | | |
| Total: | 234,700 | 304,600 | 234,700 | 258,000 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: NELLIE C STRITE Date: 06/26/1985 Price: \$12,500
 Type: ARMS LENGTH IMPROVED Deed1: /00787/ 00800 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 01/26/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 04 Account Number - 008820

Owner Information

Owner Name: POTOMAC HALL FARM INC Use: AGRICULTURAL
 Principal Residence: NO
 Mailing Address: C/O WARREN E STRITE Deed Reference: /01056/ 00799
 11166 ASHTON RD
 CLEAR SPRING MD 21722-2003

Location & Structure Information

Premises Address: 11166 ASHTON RD Legal Description: 75.48 ACRES REM
 11166 ASHTON RD
 CLEAR SPRING 21722-0000

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10380
 0046 0016 0069 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1825 2,127 SF 75.4800 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2024 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 102,400 | 102,400 | | |
| Improvements | 154,800 | 231,900 | | |
| Total: | 257,200 | 334,300 | 257,200 | 282,900 |
| Preferential Land: | 27,400 | 27,400 | | |

Transfer Information

Seller: STRITE NELLIE C Date: 09/03/1992 Price: \$570,000
 Type: NON-ARMS LENGTH OTHER Deed1: /01056/ 00799 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: 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 - 04 Account Number - 008081

Owner Information

Owner Name: MULLENDORE DEANNA J TRUSTEE Use: AGRICULTURAL
 Principal Residence: NO
 Mailing Address: 13130 GRUBER RD Deed Reference: /05853/ 00352
 CLEAR SPRING MD 21722-0000

Location & Structure Information

Premises Address: 11184 DAM 5 RD Legal Description: 188.81 ACRES
 CLEAR SPRING 21722-0000 11184 DAM 5 ROAD
 2 MI S CHARLTON

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10127
 0046 0017 0070 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1869 3,136 SF 188.8100 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 2 YES STANDARD UNIT BRICK/ 4 1 full

Value Information

| | Base Value | Value | | |
|--------------------|------------|---------------------|---|---------------------|
| | | As of 01/01/2024 | Phase-in Assessments As of 07/01/2023 | As of 07/01/2024 |
| Land: | 125,400 | 125,400 | | |
| Improvements | 168,500 | 294,100 | | |
| Total: | 293,900 | 419,500 | 293,900 | 335,767 |
| Preferential Land: | 50,400 | 50,400 | | |

Transfer Information

Seller: MULLENDORE DEANNA J TRUSTEE Date: 10/16/2018 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /05853/ 00352 Deed2:
 Seller: SHUPP DOROTHY L L/E Date: 04/27/2016 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /05211/ 00256 Deed2:
 Seller: SHUPP J PRESTON & Date: 06/16/2004 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /02359/ 00405 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:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 04 Account Number - 005147

Owner Information

Owner Name: KRINER BETTY JO Use: AGRICULTURAL
 KRINER KENNETH E Principal Residence: YES
 Mailing Address: 11232 DAM 5 RD Deed Reference: /00390/ 00040
 CLEAR SPRING MD 21722

Location & Structure Information

Premises Address: 11232 DAM 5 RD Legal Description: 120.40 ACRES
 CLEAR SPRING 21722-0000 11232 DAM 5 ROAD
 1/2 MI S CHARLTON

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 7666
 0046 0018 0071 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1880 3,043 SF 120.4000 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 NO STANDARD UNITSIDING/3 1 full/ 1 half 1 Attached

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2024 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 134,700 | 134,700 | | |
| Improvements | 175,300 | 353,300 | | |
| Total: | 310,000 | 488,000 | 316,900 | 369,333 |
| Preferential Land: | 59,700 | 59,700 | | |

Transfer Information

Seller: KRINER WILLIAM E Date: Price: \$0
 Type: Deed1: /00390/ 00040 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 04/07/2011

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 000862

Owner Information

Owner Name: WILSON NICOLETTE Y & WILSON THEODORE E Use: RESIDENTIAL
 Mailing Address: 12229 BOYD RD Principal Residence: NO
 CLEAR SPRING MD 21722-1606 Deed Reference: /01127/ 00685

Location & Structure Information

Premises Address: 11519 SHANK RD Legal Description: 4.04 ACRES
 CLEAR SPRING 21722-0000 11519 SHANK RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0012 0035 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
 4.0400 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | 01/01/2024 | As of | As of |
| Land: | 95,400 | 95,400 | 07/01/2023 | 07/01/2024 |
| Improvements | 0 | 0 | | |
| Total: | 95,400 | 95,400 | 95,400 | 95,400 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: BOYD SAMUEL B & M E Date: 12/06/1993 Price: \$0
 Type: ARMS LENGTH MULTIPLE Deed1: /01127/ 00685 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: 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 - 04 Account Number - 007700

Owner Information

Owner Name: BANZHOFF NANCY DIAN Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 11716 PINESBURG RD Deed Reference: /01807/ 00260
 WILLIAMSPORT MD 21795-2142

Location & Structure Information

Premises Address: 11533 SHANK RD Legal Description: 4.5 ACRES
 CLEAR SPRING 21722-0000 11533 SHANK RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0012 0034 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
 4.5000 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | 01/01/2024 | As of | As of |
| Land: | 100,000 | 100,000 | 07/01/2023 | 07/01/2024 |
| Improvements | 0 | 0 | | |
| Total: | 100,000 | 100,000 | 100,000 | 100,000 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: SHANK MILLARD F Date: 07/19/2002 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01807/ 00260 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: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 04 Account Number - 003284

Owner Information

Owner Name: HORST KEITH A Use: AGRICULTURAL
 HORST M ROSANNE Principal Residence: NO
 Mailing Address: 13526 BIG POOL RD Deed Reference: /04494/ 00308
 CLEAR SPRING MD 21722-1918

Location & Structure Information

Premises Address: 13626 BIG POOL RD Legal Description: 193.61 ACRES
 CLEAR SPRING 21722-0000 13626 BIG POOL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: M 1005-1005
 0046 0012 0033 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1848 4,038 SF 193.6100 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | As of | As of | As of |
| Land: | 204,700 | 01/01/2024 | 07/01/2023 | 07/01/2024 |
| Improvements | 197,500 | | | |
| Total: | 402,200 | | 402,200 | 456,400 |
| Preferential Land: | 62,200 | | | |

Transfer Information

Seller: HORST JOHN A & LINDA F Date: 03/18/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04494/ 00308 Deed2:
 Seller: GEHR JOSEPH W&M G Date: 05/01/2006 Price: \$1,200,000
 Type: ARMS LENGTH IMPROVED Deed1: /02991/ 00188 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:

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Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 007883

Owner Information

Owner Name: SHIRK EDWIN PAGE & SHIRK BONNIE SUE Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 11626 SHANK RD Deed Reference: /01203/ 00663
 CLEAR SPRING MD 21722-2038

Location & Structure Information

Premises Address: 11626 SHANK RD Legal Description: 5.62 ACRES
 CLEAR SPRING 21722-0000 11626 SHANK ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0012 0201 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1996 2,520 SF 5.6200 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 1/2 YES STANDARD UNITSIDING/3 2 full/ 1 half 1 Attached

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|----------------------|---------|
| | | As of 01/01/2024 | Phase-in Assessments | |
| | | As of 07/01/2023 | As of 07/01/2024 | |
| Land: | 118,100 | 118,100 | | |
| Improvements | 151,200 | 276,900 | | |
| Total: | 269,300 | 395,000 | 269,300 | 311,200 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: SHIRK CHARLES A TRUSTEE Date: 03/22/1995 Price: \$8,000
 Type: NON-ARMS LENGTH OTHER Deed1: /01203/ 00663 Deed2:
 Seller: SHIRK CHARLES E & MILDRED M Date: 10/04/1993 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01115/ 00761 Deed2:
 Seller: SHIRK CHARLES E Date: 09/19/1990 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00969/ 00793 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 01/27/2009

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 003624

Owner Information

Owner Name: HART HAROLD R Use: RESIDENTIAL
 Mailing Address: 13423 BIG POOL RD Principal Residence: YES
 CLEAR SPRING MD 21722-1917 Deed Reference: /04565/ 00150

Location & Structure Information

Premises Address: 13423 BIG POOL RD Legal Description: 1.16 AC
 CLEAR SPRING 21722-0000 13423 BIG POOL RD
 S/S MD RT 56

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0275 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2006 1,574 SF 1.1600 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 YES STANDARD UNITSIDING/4 1 full 1 Attached

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2024 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 76,600 | 76,600 | | |
| Improvements | 159,500 | 248,400 | | |
| Total: | 236,100 | 325,000 | 236,100 | 265,733 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: HART HAROLD R & TIMBERLY S Date: 06/17/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04565/ 00150 Deed2:
 Seller: HART FREDERICK R Date: 02/10/2006 Price: \$45,000
 Type: NON-ARMS LENGTH OTHER Deed1: /02923/ 00022 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:

Real Property Data Search ()
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Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 065813

Owner Information

Owner Name: HORST CHAD R Use: RESIDENTIAL
 HORST JENNIFER L Principal Residence: YES
 Mailing Address: 13330 BIG POOL RD Deed Reference: /05698/ 00004
 CLEAR SPRING MD 21722-

Location & Structure Information

Premises Address: 13330 BIG POOL RD Legal Description: LOT 12 1.50 ACRES
 CLEAR SPRING 21722-0000 13330 BIG POOL ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10784
 0046 0005 0265 4010023.22 0000 12 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2018 2,960 SF 1.5000 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|---------------------|----------------------|---------|
| | | As of 01/01/2024 | Phase-in Assessments | |
| | | As of 07/01/2023 | As of 07/01/2024 | |
| Land: | 80,000 | 80,000 | | |
| Improvements | 312,000 | 555,600 | | |
| Total: | 392,000 | 635,600 | 392,000 | 473,200 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: HORST BRENT E & Date: 02/28/2018 Price: \$60,000
 Type: NON-ARMS LENGTH OTHER Deed1: /05698/ 00004 Deed2:
 Seller: HORST JOHN A & Date: 03/18/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04494/ 00295 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 04/01/2019

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 - 04 Account Number - 004140

Owner Information

Owner Name: HORST ROBERT M Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 13304 BIG POOL RD Deed Reference: /00646/ 00464
 CLEAR SPRING MD 21722-1916

Location & Structure Information

Premises Address: 13304 BIG POOL RD Legal Description: LOT 1 2 ACRES
 CLEAR SPRING 21722-0000 13304 BIG POOL ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0265 4010023.22 0000 1 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1977 2,629 SF 2.0000 AC

StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements
 2 NO SPLIT LEVEL 1/2 BRICK FRAME/3 1 full/ 1 half
 BRICK

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2024 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 85,000 | 85,000 | | |
| Improvements | 169,900 | 251,300 | | |
| Total: | 254,900 | 336,300 | 254,900 | 282,033 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: Date: Price:
 Type: Deed1: /00646/ 00464 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 06/03/2011

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 - 04 Account Number - 004124

Owner Information

Owner Name: HORST BRENT E ET AL Use: AGRICULTURAL
 HORST MARY E Principal Residence: YES
 Mailing Address: 13526 BIG POOL RD Deed Reference: /07205/ 00293
 CLEAR SPRING MD 21722-1918

Location & Structure Information

Premises Address: 13526 BIG POOL RD Legal Description: 116.65
 CLEAR SPRING 21722-0000 13526 BIG POOL ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: M-952
 0046 0005 0029 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1800 3,940 SF 116.6500 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|---------------------|----------------------|---------|
| | | As of 01/01/2024 | Phase-in Assessments | |
| | | As of 07/01/2023 | As of 07/01/2024 | |
| Land: | 203,000 | 203,000 | | |
| Improvements | 258,400 | 388,300 | | |
| Total: | 461,400 | 591,300 | 461,400 | 504,700 |
| Preferential Land: | 53,000 | 53,000 | | |

Transfer Information

Seller: HORST BRENT E ET AL Date: 03/07/2023 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /07205/ 00293 Deed2:
 Seller: HORST JOHN A & Date: 03/18/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04494/ 00295 Deed2:
 Seller: HORST JOHN A Date: 12/06/1989 Price: \$200,000
 Type: ARMS LENGTH IMPROVED Deed1: /00937/ 00351 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 12/30/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 014650

Owner Information

Owner Name: SHIRK CHARLES A Use: RESIDENTIAL
 SHIRK WENDY D Principal Residence: YES
 Mailing Address: 13215 BIG POOL RD Deed Reference: /01203/ 00676
 CLEAR SPRING MD 21722-1915

Location & Structure Information

Premises Address: 13215 BIG POOL RD Legal Description: LOT 2 & PAR A 3.0 AC
 CLEAR SPRING 21722-0000 13215 BIG POOL RD
 SWS RT 56

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 5556
 0046 0011 0347 4010023.22 0000 2 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1997 2,452 SF 3.0000 AC 000000

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITBRICK/ 4 2 full/ 1 half 1 Attached
 SIDING

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|---------------------------------------|------------------|
| | | As of 01/01/2024 | Phase-in Assessments As of 07/01/2023 | As of 07/01/2024 |
| Land: | 95,000 | 95,000 | | |
| Improvements | 223,400 | 386,800 | | |
| Total: | 318,400 | 481,800 | 318,400 | 372,867 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: SHIRK CHARLES A Date: 10/25/1993 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01203/ 00676 Deed2:

Seller: CHARLES A SHIRK TRUSTEE/CARD Date: 10/25/1993 Price: \$0
 53 Type: NON-ARMS LENGTH OTHER Deed1: /01118/ 00996 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 ()
 Search Result for WASHINGTON COUNTY

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Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 014154

Owner Information

Owner Name: MCCARTY RODNEY A Use: RESIDENTIAL
 MCCARTY SENAR Principal Residence: YES
 Mailing Address: 11624 ASHTON RD Deed Reference: /01751/ 01067
 CLEAR SPRING MD 21722-0071

Location & Structure Information

Premises Address: 11624 ASHTON RD Legal Description: LOT 1 1.02 ACRES
 CLEAR SPRING 21722-0000 11624 ASHTON RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0341 4010023.22 0000 1 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2002 1,196 SF 1.0200 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 YES STANDARD UNITSIDING/4 2 full 1 Attached

Value Information

| | Base Value | Value | | |
|--------------------|----------------|----------------|----------------------|----------------|
| | | As of | Phase-in Assessments | |
| | | 01/01/2024 | As of | As of |
| Land: | 75,200 | 75,200 | 07/01/2023 | 07/01/2024 |
| Improvements | 145,600 | 226,700 | | |
| Total: | 220,800 | 301,900 | 220,800 | 247,833 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: DOWLER CHARLES E & EMMA B Date: 02/15/2002 Price: \$37,750
 L/E

Type: ARMS LENGTH VACANT Deed1: /01751/ 01067 Deed2:

Seller: DOWLER CHARLES E & EMMA B Date: 10/26/2001 Price: \$0

Type: NON-ARMS LENGTH OTHER Deed1: /01709/ 00359 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:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 002237

Owner Information

Owner Name: UMSTAD ROBERT C Use: RESIDENTIAL
 BEVIS DONALD R Principal Residence: YES
 Mailing Address: 11608 ASHTON RD Deed Reference: /02476/ 00248
 CLEAR SPRING MD 21722-2010

Location & Structure Information

Premises Address: 11608 ASHTON RD Legal Description: 2.69 ACRES
 CLEAR SPRING 21722-0000 11608 ASHTON RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0038 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1910 2,696 SF 2.6900 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITSIDING/3 1 full 1 Detached

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | As of | As of | As of |
| Land: | 91,900 | 01/01/2024 | 07/01/2023 | 07/01/2024 |
| Improvements | 129,700 | 91,900 | | |
| Total: | 221,600 | 237,000 | 221,600 | 257,367 |
| Preferential Land: | 0 | 328,900 | | |

Transfer Information

Seller: DOWLER CHARLES E & EMMA B L/E Date: 10/26/2004 Price: \$190,000
 Type: ARMS LENGTH IMPROVED Deed1: /02476/ 00248 Deed2:
 Seller: DOWLER CHARLES E Date: 10/26/2001 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01709/ 00359 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 07/14/2009

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 - 04 Account Number - 006887

Owner Information

Owner Name: BLAIR F WAYNE Use: AGRICULTURAL
 BLAIR PATSY S Principal Residence: YES
 Mailing Address: 13025 BIG POOL RD Deed Reference: /04763/ 00423
 CLEAR SPRING MD 21722-1913

Location & Structure Information

Premises Address: 13025 BIG POOL RD Legal Description: 186.632 ACRES
 CLEAR SPRING 21722-0000 13025 BIG POOL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0010 0039 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1865 2,372 SF 186.6320 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | As of | As of | As of |
| Land: | 136,400 | 01/01/2024 | 07/01/2023 | 07/01/2024 |
| Improvements | 85,600 | | | |
| Total: | 222,000 | | 222,000 | 248,433 |
| Preferential Land: | 61,400 | | | |

Transfer Information

Seller: RHODES WILSON B Date: 05/27/2014 Price: \$1
 Type: NON-ARMS LENGTH OTHER Deed1: /04763/ 00423 Deed2:
 Seller: Date: Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00240/ 00684 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 06/16/2023

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 - 04 Account Number - 000560

Owner Information

Owner Name: KLINE SCOTT WILLIAM Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 11439 ASHTON RD Deed Reference: /05102/ 00160
 CLEAR SPRING MD 21722-0000

Location & Structure Information

Premises Address: 11439 ASHTON RD Legal Description: 1.53 ACRES
 CLEAR SPRING 21722-0000 11439 ASHTON RD

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
|------|-------|---------|---------------|--------------|----------|--------|------|------------------|----------|
| 0046 | 0011 | 0165 | 4010023.22 | 0000 | | | | 2024 | |

Town: None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|-------------------------|-------------------------|------------------------|--------------------|------------|
| 1990 | 1,120 SF | | 1.5300 AC | |

| Stories | Basement | Type | Exterior Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---------|----------|-------------------|------------------|----------------|------------|-----------------------------------|
| 1 | NO | MANUFACTURED HOME | FRAME/3 | 2 full | 1 Detached | |

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | As of |
| | | 01/01/2024 | As of | 07/01/2024 |
| Land: | 80,300 | 80,300 | | |
| Improvements | 22,200 | 33,500 | | |
| Total: | 102,500 | 113,800 | 102,500 | 106,267 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

| | | |
|--|--|---------------------------|
| Seller: STANLEY ARTHUR CAMP & Type: NON-ARMS LENGTH OTHER | Date: 11/10/2015 Deed1: /05102/ 00160 | Price: \$90,000 Deed2: |
| Seller: MILLS BONNIE SUE Type: NON-ARMS LENGTH OTHER | Date: 10/09/2013 Deed1: /04647/ 00144 | Price: \$50,000 Deed2: |
| Seller: BITNER JOSEPH O & BARBARA A Type: NON-ARMS LENGTH OTHER | Date: 09/08/1998 Deed1: /01437/ 00748 | Price: \$35,000 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: None

Account Identifier: District - 04 Account Number - 005716

Owner Information

Owner Name: HOUCK MICHAEL Use: RESIDENTIAL
 HOUCK RACHEAL Principal Residence: YES
 Mailing Address: 11431 ASHTON RD Deed Reference: /07308/ 00006
 CLEAR SPRING MD 21722-2009

Location & Structure Information

Premises Address: 11431 ASHTON RD Legal Description: 11431 ASHTON RD
 CLEAR SPRING 21722-0000 1/2MI SOFINTERS MD 56

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0279 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1979 980 SF 1.6900 AC

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 NO MANUFACTURED HOMESIDING/3 1 full/ 1 half

Value Information

| | Base Value | Value As of 01/01/2024 | Phase-in Assessments | |
|--------------------|------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 81,900 | 81,900 | | |
| Improvements | 16,500 | 24,900 | | |
| Total: | 98,400 | 106,800 | 98,400 | 101,200 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: MELLOTT DALE E Date: 08/25/2023 Price: \$110,000
 Type: NON-ARMS LENGTH OTHER Deed1: /07308/ 00006 Deed2:

Seller: SHIRK CHARLES E Date: 03/04/1980 Price: \$0
 Type: Deed1: /00697/ 00840 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:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 007344

Owner Information

Owner Name: EBY WILLIAM D Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 13830 LEISHER CT Deed Reference: /04704/ 00501
 CLEAR SPRING MD 21722-0000

Location & Structure Information

Premises Address: 11425 ASHTON RD Legal Description: LOT 2 1.04 ACRES
 CLEAR SPRING 21722-0000 11425 ASHTON ROAD
 E/S DAM 5 RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0251 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1975 1,040 SF 1000 SF 1.0400 AC

Stories BasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 Split FoyerYES SPLIT FOYERSTONE/4 1 full/ 1 half 1 Attached

Value Information

| | Base Value | Value | Phase-in Assessments | |
|--------------------|------------|---------|----------------------|------------|
| | | | As of | As of |
| | | | 01/01/2024 | 07/01/2023 |
| Land: | 75,400 | 75,400 | | 07/01/2024 |
| Improvements | 178,100 | 344,400 | | |
| Total: | 253,500 | 419,800 | 253,500 | 308,933 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: TRIPLE SPRING PROPERTIES LLC Date: 01/29/2014 Price: \$244,900
 Type: ARMS LENGTH IMPROVED Deed1: /04704/ 00501 Deed2:

Seller: SANDERS JANIS M & JAMES W Date: 10/25/2006 Price: \$235,000
 Type: NON-ARMS LENGTH OTHER Deed1: /03138/ 00144 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:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 004531

Owner Information

Owner Name: DEEDS PAUL EDWARD Use: RESIDENTIAL
 DEEDS ELIZABETH ANN Principal Residence: YES
 Mailing Address: 11415 ASHTON RD Deed Reference: /04493/ 00478
 CLEAR SPRING MD 21722-2009

Location & Structure Information

Premises Address: 11415 ASHTON RD Legal Description: 1.97 ACRES
 CLEAR SPRING 21722-0000 11415 ASHTON RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0046 0011 0226 4010023.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1972 1,425 SF 1.9700 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 NO STANDARD UNITFRAME/3 2 full 1 Detached

Value Information

| | Base Value | Value As of 01/01/2024 | Phase-in Assessments | |
|--------------------|----------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 84,700 | 84,700 | | |
| Improvements | 86,600 | 171,800 | | |
| Total: | 171,300 | 256,500 | 171,300 | 199,700 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: DEEDS PAUL EDWARD Date: 03/18/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04493/ 00478 Deed2:
 Seller: ENGSTROM KARIN Date: 12/09/2009 Price: \$235,000
 Type: ARMS LENGTH IMPROVED Deed1: /03789/ 00498 Deed2:
 Seller: HUNNISETT RICHARD A Date: 05/19/1987 Price: \$76,000
 Type: ARMS LENGTH IMPROVED Deed1: /00845/ 00018 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 05/22/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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

**CHARLES A. SHIRK, TRUSTEE OF
RESIDUARY TRUST OF CHARLES E.
SHIRK**

Appellant

Appeal No.: AP2024-006

* * * * *

OPINION

Charles A. Shirk, Trustee, Residuary Trust of Charles E. Shirk (hereinafter "Appellant") requests a variance to reduce the required side yard setback from 50 feet to 20 feet for the proposed property line between the dwelling and farm equipment buildings at the subject property. The subject property is located at 11506 Shank Road, Clear Spring, Maryland and is zoned Agricultural, Rural. The Board held a public hearing in this matter on February 14, 2024.

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon proper notice to the parties and general public as required.

Findings of Fact

Based upon the testimony given, all information and evidence presented, and upon a study of the specific property involved and the neighborhood in which it is located, the Board makes the following findings of fact:

1. The subject property is owned by the Residuary Trust of Charles E. Kirk and is located at 11506 Shank Road, Clear Spring, Maryland. The subject property is zoned Agricultural, Rural.
2. Appellant is the Trustee of the Residuary Trust of Charles E. Kirk.
3. The subject property consists of approximately 181.97 acres with an old

farmhouse dwelling and multiple storage and accessory equipment buildings utilized for farming activities. Appellant's proposed Lot 1 consists of approximately 1.74 acres which encompasses the dwelling and is bounded to the east by the Little Conococheague Creek and Shank Road.

4. The dwelling was built circa 1850 and has maintained much of the original construction.

5. Appellant's brother, Rodney Shirk, has resided in the dwelling on the subject property for more than twenty-five (25) years.

6. Approximately twenty-five (25) acres of the subject property are leased to a solar company and the remainder of the farmland is used for grain production and cattle grazing.

7. Appellant proposes to convey the dwelling out of the Trust to Rodney Shirk and keep the accessory buildings with the farming operation. Thus, Appellant has proposed to subdivide the property creating a boundary line between dwelling and the buildings.

8. The most affected neighboring property owner will be the Trust as that adjacent owner.

9. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 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

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).

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.)

Pursuant to Section 5A.6 of the Zoning Ordinance, the required setback for the subject property as proposed in Appellant’s contemplated subdivision is 50 feet. Appellant testified that the purpose of subdividing is to ensure that the home which Rodney Shirk has lived in can be conveyed to him. Mr. Shirk has no use for the accessory farm buildings or equipment storage and does not want the responsibility for maintaining said buildings. Moreover, Appellant intends for the farm to remain in use which would necessitate the accessory buildings for farm equipment. The Board finds this request to be reasonable and logical given the intention to continue active farming operations at the property. The proposed subdivision will not affect any surrounding property owners and it does not confer any special benefit upon Appellant or Mr. Shirk. The Board finds that the shape and layout of the property present a practical difficulty in complying with the setback requirements and no less restrictive form of relief is available to Appellant.

Accordingly, the requested variance to reduce the required side yard setback from 50 feet to 20 feet for the proposed property line between the dwelling and farm equipment buildings 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: March 14, 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.



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: Ronald & Joylin Horst
 17811 Reiff Church Road
 Hagerstown MD 21740

Appellant: Ronald & Joylin Horst
 17811 Reiff Church Road
 Hagerstown MD 21740

Property Location: 17811 Reiff Church Road
 Hagerstown, MD 21740

Description Of Appeal: Variances from the required 50 ft. setback for the proposed property line between the dairy product store and an equipment barn; 21 ft. for the dairy product store and 8 ft. for the equipment barn.

Docket No: AP2024-007
Tax ID No: 13008248
Zoning:
RB Overlay: No
Zoning Overlay:
Filed Date: 01/25/2024
Hearing Date: 02/14/2024

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section 5A.6

Reason For Hardship: The dairy product store on proposed lot is not desired and burdens the lot owner with maintenance.

If Appeal of Ruling, Date Of Ruling:

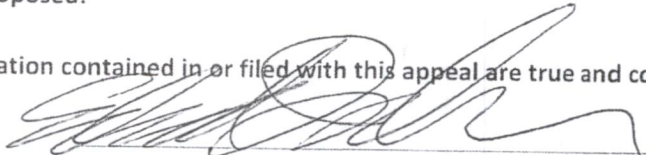
Ruling Official/Agency:

Existing Use: Commerical/Residential Lot **Proposed Use:** Subdivision

Previous Use Ceased For At Least 6 Months: **Date Ceased:**

Area Devoted To Non-Conforming Use -
Existing:
Proposed:

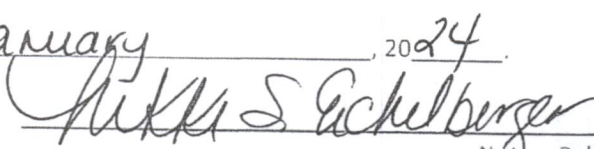
I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.


 Appellant Signature

State of Maryland, Washington County to-wit:

born and subscribed before me this 26 day of January, 2024.




 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: AP2024-007

State of Maryland Washington County, To Wit:

On 1/25/2024, 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 02/14/2024, 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 01/30/2024 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.

Notary Public

9/15/2024

My Commission Expires



Project Name: Ronald J Horst

Owner/Applicant: Delvern L Horst POA on behalf of Ronald J Horst

Project Address: 17811 Reiff Church Road, Hagerstown, MD 21740

Tax Map 24 **Grid** 2 **Parcel** 496

Account # 13008248

Zoning: A(R)

Variance request: The applicant desires to create a 10 acre lot around the existing dwelling and farm complex however excluding the existing dairy products store from the new lot leaving it on the remaining lands. The proposed property line running east and west between the dairy products store and the equipment barn is the subject of this request. By creating this line the equipment barn on the proposed lot will be 8 feet from the property line when 50 feet is required and the dairy products store on the remaining lands will be 21 feet from the property line when 50 feet is required. The minimum setbacks have been derived from section/table 5A.5 of the Washington County Zoning Ordinance.

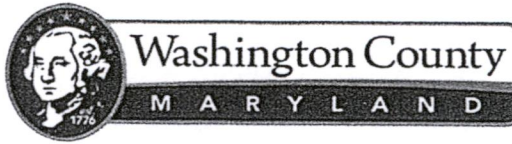
The property is soon to be passed down from the parents Ronald J Horst and Joylin F Horst to their sons Brendon who operates the dairy product store and Randall who operates the wholesale butcher shop, hence the need for the subdivision. Each son would like to continue their respective occupations with the benefits of owning the property and improvements.

Practical Difficulty

Because the subject buildings are so close together strict compliance with the ordinance could only be achieved by including the dairy products store on the proposed lot. Denying the request would create a substantial injustice as no new buildings are being proposed or constructed, we are only creating lines on paper, physically nothing changes on the property. Granting the variance observes the spirit of the ordinance and since nothing new is being constructed public safety and welfare are preserved.

Undue Hardship

Strict compliance can only be achieved by including the dairy products store on the proposed lot which is not desired and burdens the lot owner with maintenance of said buildings. The configuration of the existing complex is peculiar to this property and makes the design of the new lot difficult without obtaining relief.



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 SETBACK VARIANCES on property located 17811 REIFF CHURCH ROAD, HAGERSTOWN MD 21748. The said work is authorized by DELVERN HORST POA FOR RONALD J HORST the property owner in fee.

PROPERTY OWNER

Ronald J. Horst BY DELVERN HORST POA
Name
13622 Dixie Drive
Address
Hagerstown MD 21742
City, State, Zip Code
Delvern L. Horst POA
Owner's Signature



Sworn and subscribed before me this 20 day of January, 2024.

Seth M. Eby
Notary Public

My Commission Expires:

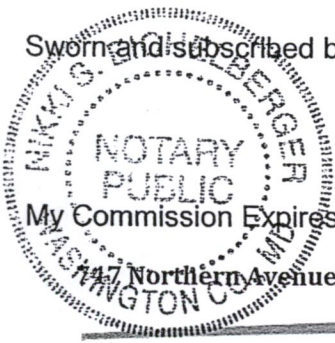
AUTHORIZED REPRESENTATIVE

Ed Schreiber, FSA
Name
128 S. Potomac St
Address
Hagerstown, MD 21740
City, State, Zip Code
Authorized Representative's Signature

Sworn and subscribed before me this 23 day of January, 2024.

Nikki S. Echelberger
Notary Public

My Commission Expires: 9/15/2024

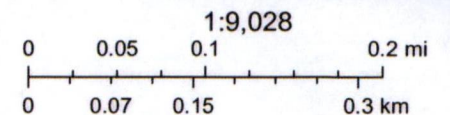


Frederick Seibert & Associates, Inc.



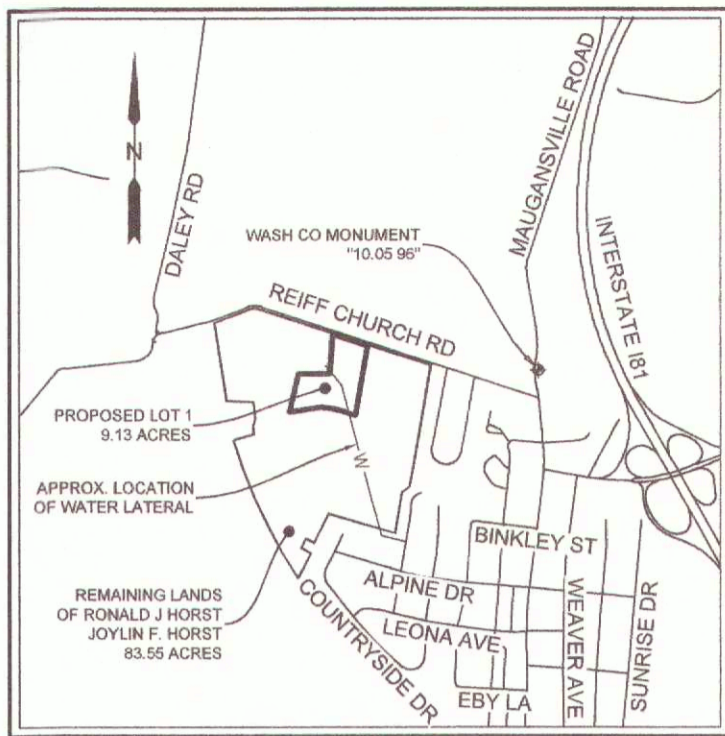
1/24/2024, 8:26:57 AM

World Transportation
MD_SixInchImagery



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

Web AppBuilder for ArcGIS



VICINITY MAP
SCALE 1"=2000'

| Soil Table | | |
|------------|------------|-------|
| Soil | Area (Ac.) | % |
| SpA | 1.03 | 11.37 |
| HaB | 5.96 | 65.86 |
| SpA | 0.52 | 5.75 |
| HaB | 1.49 | 16.47 |
| HbB | 0.05 | 0.55 |

Real Estate Transfer Declaration of Intent

Account #: 008248 District: 13 Map: 24 Grid: 02 Parcel: 496
 Name(s): Ronald J. Horst
 Joylin F. Horst
 Location: 17811 Reiff Church Road, Hagerstown MD 21740
 Current Deed Reference(s): Liber: 2278 Follo: 208
 We, Ronald J. Horst and Joylin F. Horst, the Owner(s) of the real property located at 17811 Reiff Church Road, Hagerstown MD 21740, and described in the above referenced deed(s) hereby declare my (our) intention to invoke the real estate transfer exemption for the above property, in accordance with the provisions of the Washington County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.
 This declaration grants an exemption for a real estate transfer to provide a security, leasehold or other legal or equitable interest, including a portion of a lot or parcel based on the Washington County Forest Conservation Program. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 20,000 square feet of forest, or violates the requirements of a previous Forest Conservation Plan on all or part of the parcel within the five (5) year period, Washington County may require the owner to meet the forest conservation threshold established in the Forest Conservation Program and COMAR 08.19.03, and may also assess a noncompliance fee for forested areas cut in violation of this exemption.
 I (We) declare, under the penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature(s): _____ Date: _____
 Owner: Ronald J. Horst
 _____ Date: _____
 Owner: Joylin F. Horst

Dedication for Individuals

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.
 This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives.
 There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following:

and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision.
 I/We do hereby assent to this plan of subdivision.
 Witness our hands and seals this date _____
 Owner: Ronald J. Horst (Seal)
 Owner: Joylin F. Horst (Seal)
 Witness _____

Certificate of Approval of Individual Water Supply and Individual Sewage System

I hereby certify that the minimum ownership area complies with the minimum width and minimum area requirements specified in C.O.M.A.R. 26.04.03. Such minimum ownership shall remain equal to the minimum width and minimum area set forth in C.O.M.A.R. 26.04.03.A (2) until community sewerage and water have been made available. Not more than one principle building may be erected or constructed on a lot or lots contained in the minimum ownership areas established by C.O.M.A.R. 26.04.03.A (2) until community sewerage has been made available.
 Date _____ County Health Officer _____

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Rebecca M. Horst, to Ronald J. Horst & Joylin F. Horst, by deed dated March 8, 2004, and recorded in the Land Records of Washington County, Maryland in Liber No. 2278, folio 208; and that stones marked □ and/or bars marked ○ have been placed as indicated.
 I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. LS-10731 Expiration Date 1/16/2024.
 Date _____ Professional Land Surveyor _____

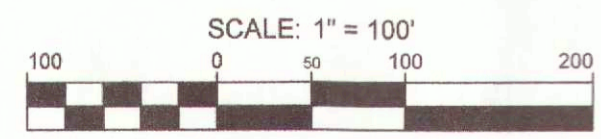
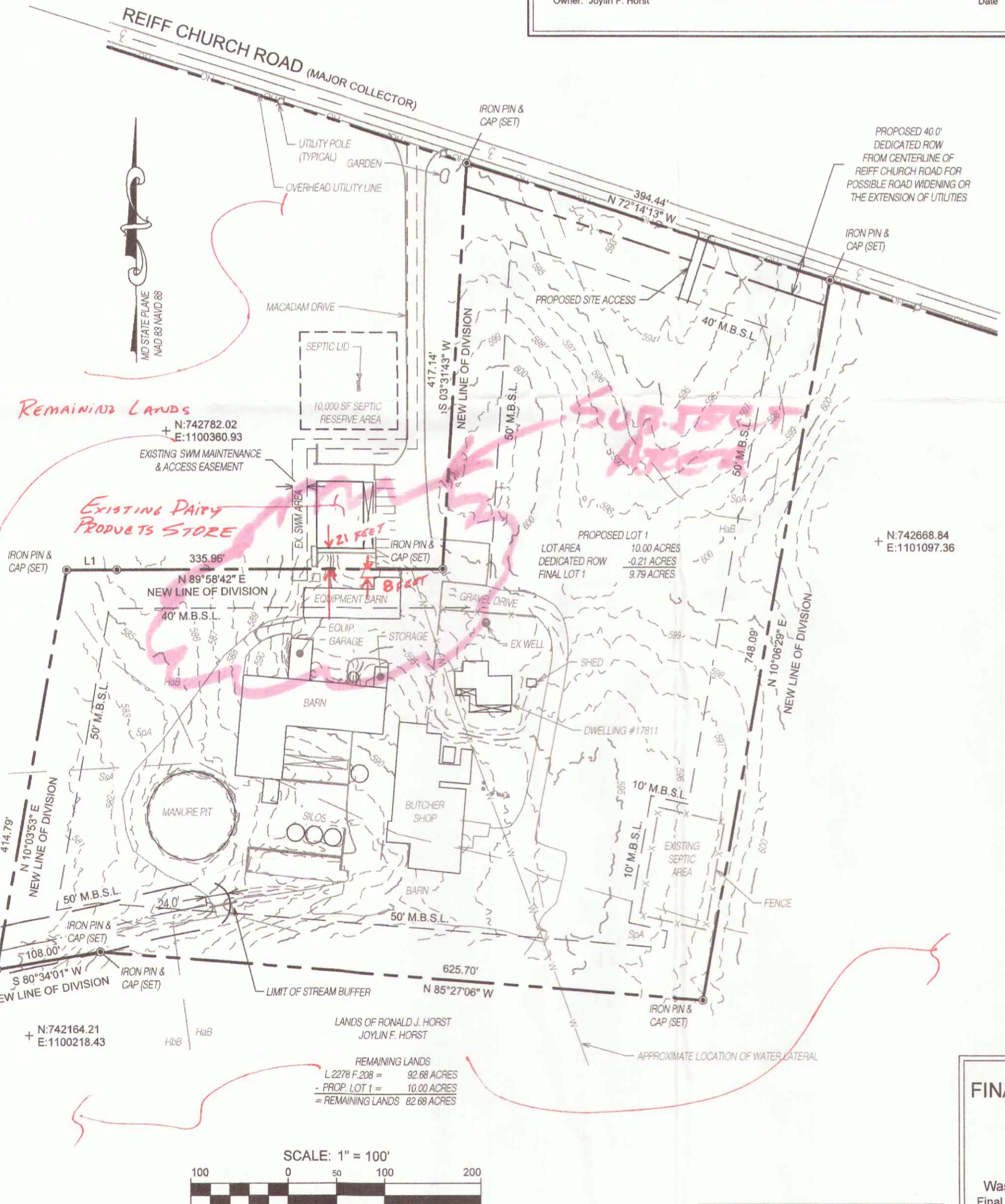
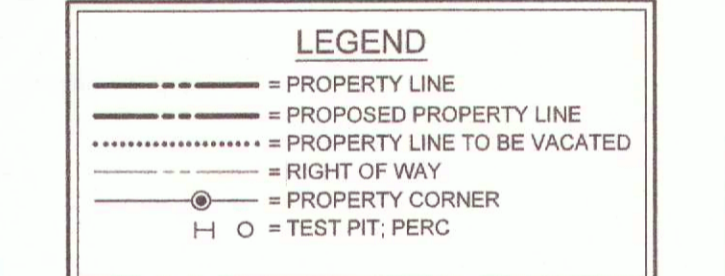
General Notes

- 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted in this area.
- There is a 10 ft wide drainage and utilities easement along all front lot lines and an 8 ft wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
- Bearings, distances and coordinates are based on MD Grid NAD83.
- Soil types are as shown hereon.
- Minimum Building Setbacks for Residential Structures: front yard- 40'; side yard- 15'; rear yard- 50'. Other permitted or conditional uses are Front: 50', Side: 50', Rear: 50'. Minimum Building Setback Lines are based on the current Washington County Zoning Ordinance. Accessory structures may be constructed in accordance with Section 4.10 and Section 23.5 (b). Accessory Structures are not permitted without the placement of the principal permitted structure. Zoned A(R) "Agricultural (Rural) District. Lot 1 is subject to the special provisions listed in Section 5A.7(4) of the Washington County Zoning Ordinance.
- Total upstream watershed affecting this subdivision: is less than 400 Acres.
- This parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24043C0110D dated August 15, 2017, Flood Zone X.
- Contours based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc. on or about 08-23-2023 under the supervision of FFM.
- There are no steep slopes, and other related buffers, or habitat of threatened or endangered species as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and Section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
- This subdivision is not within the Edgemont Reservoir Watershed, Smithsburg Reservoir Watershed, or the Upper Beaver Creek Drainage Basin per Washington County Watershed Mapper.
- No other wells or septic systems lie within 100 feet of the Lot Lines except as shown hereon.
- All grading on each lot, done either before or after the construction of a dwelling or their appurtenances, shall be the full responsibility of the lot owner.
- No permanent structures (fences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
- This plat has been reviewed and approved per the A(R) Zoning District. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
- This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
- Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
- The remaining lands is not a legally established lot under COMAR 26.04.03 and may not be considered for development until such time as either the parcel can be served by a community sewage disposal system or evaluation of the parcel demonstrates that the parcel meets the provisions set forth in the Code of Maryland Regulations for subdivision of land in place at the time the proposal is submitted. Furthermore, development must be consistent with applicable State and County Codes, regulations, and laws, and the parcel may not be served by non-convention means of on-site sewage disposal.
- An additional right of way 40' feet in width as measured from the centerline of Reiff Church Road is hereby dedicated for the purpose of future road widening.
- A 30' Easement is hereby established over the remaining lands for the existing water service lateral.
- Lot 1 is served by public water from the City of Hagerstown and on lot septic.
- In the event that Lot 1 or the Remaining Lands is ever sold outside the family, the owner of the Remaining Lands must either drill a new water well or obtain public water from the City of Hagerstown by extending the waterline currently ending at the northwest intersection of Shelby Circle with the southern marginal line of Reiff Church Road.

Sensitive Area Notice
 The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reserve area be established within the buffer.

- Tracking Notes**
1. This residential subdivision plat is subject to all applicable local, state and federal laws and regulations. Any further potential subdivision of any lots or remaining lands created by this subdivision is subject to the requirements of the Maryland Annotated Code, Environment Article, Section 9-206 and all applicable local, state and federal laws and regulations.
 2. In accordance with the requirements of the Maryland Annotated Code, Environment Article, Section 9-206, upon recordation of this plat, a total of 1 residential lots, plats, building sites, or other division of land have been created from the parent parcel or tract since October 1, 2012. In accordance with Maryland Annotated Code, Environment Article, Section 9-206, and subject to all other applicable local, state and federal laws, there are not more than 6 (remaining) residential lots, plats, building sites, or other divisions of land allowed as a subdivision.
 3. This residential minor subdivision may not be subdivided or further subdivided into an additional building lot(s). Please note, for a simplified plat, notes 1 and 2 will apply. However, any new lot created under a simplified plat and denoted "not for development" will not be counted toward the 7 lot limit until such lot is submitted as a residential subdivision final plat.

Address Assignments
 Note: Each address is based on the entrance as shown on this plat. If the driveway is constructed at a different location from that shown hereon, the address listed above may VOID and the owner/developer of the lot must reapply to the Planning Commission for a new address assignment.



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 89°58'38" E | 51.81' |

Certificate of Approval
FINAL APPROVAL GRANTED
 Date: _____
 By: _____
 Washington County Planning Commission
 Final Approval good for one hundred eighty (180) days from above date

PLAT NO _____
 DATE _____
 WASHINGTON COUNTY

RONALD J. HORST AND JOYLIN F. HORST
 PRELIMINARY / FINAL PLAT OF SUBDIVISION
 17811 REIFF CHURCH ROAD, HAGERSTOWN MD 21740
 WASHINGTON COUNTY MARYLAND
 FOR
 RON AND JOYLIN HORST
 17811 REIFF CHURCH ROAD, HAGERSTOWN MD 21740
 717.328.2236

PROJECT NO. 1416

| | |
|--------|------------|
| DWN BY | DATE |
| MTJ | 01-05-2022 |

PROJECT MANAGER: FFrederick
 EMAIL: FFrederick@fisa-inc.com
 PROPERTY INFORMATION
 24-02-496 - 13008248
 SCALE 1" = 100'
 SHEET TITLE

SUBDIVISION PLAT
 SHEET 01 OF 01



P:\SHARED\PLANS\2022\24-02-496-13008248\24-02-496-13008248.dwg, SUBDIVISION PLAT - 11-30-2022 DWG, 2022-12-06

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

RONALD AND JOYLIN HORST

Appellants

*

*

Appeal No.: AP2024-007

*

*

* * * * *

OPINION

Ronald and Joylin Horst (hereinafter “Appellants”) request a variance to reduce the required setback from 50 feet to 21 feet for the proposed property line from the dairy store and from 50 feet to 8 feet for the proposed property line from the equipment barn at the subject property. The subject property is located at 17811 Reiff Church Road, Hagerstown, Maryland and is zoned Agricultural, Rural. The Board held a public hearing in this matter on February 14, 2024.

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. Appellants are the owners of the subject property located at 17811 Reiff Church Road, Hagerstown, Maryland. The subject property is zoned Agricultural, Rural.
2. The subject property consists of 92.68 acres which includes a dwelling, farm complex with multiple accessory buildings, a dairy store and a butcher shop. The subject property is bounded to the north by Reiff Church Road.
3. Appellants propose to subdivide approximately ten (10) acres to create Lot 1 for their adult son, Randall Horst. The newly created lot would consist of the dwelling,

butcher shop and accessory farm buildings, but would carve out the dairy store.

4. The new Lot 1 would extend back from Reiff Church Road and turn between the rear of the dairy store and front of the equipment barn, creating a large, L-shaped property. Lot 1 would be surrounded by the remaining lands owned by Appellants.

5. Many of the accessory buildings at the subject property are situated close together and/or are located nearer to the dwelling. The dairy store stands separately in terms of its location and operation.

6. Appellants did not want their son to be burdened with the responsibility and maintenance of the dairy store building.

7. 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

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).

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 5A.6 of the Zoning Ordinance, the required setback for the subject property as proposed in Appellant's contemplated subdivision is 50 feet. The proposed subdivision is a reasonable use of the property as it is intended to create a lot to convey to Appellants' son and his family. Randall Horst will be continuing the family stewardship of the home and farm operation. Appellants testified that the subdivision lines were drawn in order to minimize the effect on existing buildings and the least impact on variance relief needed. There was no way to subdivide without creating setback issues or excluding buildings, such as the equipment barn. The desire is to have the farm accessory buildings all on one property with the dwelling.

The Board finds this to be a reasonable request and one necessitated by the layout of the buildings on the property, the topography and inherent characteristics of the subject property. Upon review of the subdivision plat and considering Appellants' testimony, the Board finds that it is the minimum necessary to afford relief and that said relief is required due to practical difficulty imposed by the setback requirements. Appellants' request will not confer a special benefit upon Appellants or Randall Horst and is consistent with the generational transfer of similar properties within the zoning district and elsewhere in the county. The Board finds that Appellants have met the criteria for the requested variance relief and the variances should be granted.

Accordingly, the requested variance to reduce the required setback from 50 feet to 21 feet for the proposed property line from the dairy store and from 50 feet to 8 feet for the proposed property line from the equipment barn 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: March 14, 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.