

**BOARD OF APPEALS**

**May 8, 2024**

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

**AGENDA**

**AP2024-015:** An appeal was filed by Daniel Rohrer Jr. for a variance from the required 50 ft. setback to 29.9 ft. for proposed agriculture structure on property owned by the appellant and located at 6853 Wheeler Road, Boonesboro, Zoned Preservation.

**AP2024-016:** An appeal was filed by Emily & Steven Crabtree for a variance from the required 40 ft. rear yard setback to 34 ft. for proposed rear addition to single family dwelling on property owned by the appellant and located at 10601 August Court, Williamsport, Zoned Residential Transition.

.....

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 April 29, 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: Daniel Rohrer Jr, 6853 Wheeler Road, Boonsboro MD 21713
Appellant: Daniel Rohrer Jr, 6853 Wheeler Road, Boonsboro MD 21713
Property Location: 6853 Wheeler Road, Boonsboro, MD 21713
Description Of Appeal: Variance from the required 50 ft. setback to 29.9 ft. for proposed agriculture structure

Appellant's Legal Interest In Above Property: Owner: Yes, Lessee: No, Other:
Contract to Rent/Lease: No, Contract to Purchase: No

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 5C.6
Reason For Hardship: Meeting the setback would negatively impact agricultural productive land.
If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:
Existing Use: Agriculture/Residence, Proposed Use: Expansion of Agriculture Structure
Previous Use Ceased For At Least 6 Months:
Area Devoted To Non-Conforming Use - Existing: Proposed:

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

Handwritten signature of Daniel A. Rohrer Jr. followed by a horizontal line and the text 'Appellant Signature'.

State Of Maryland, Washington County to-wit:

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

My Commission Expires

Handwritten signature of the Notary Public followed by a horizontal line and the text 'Notary Public'.



**Request for Variance from Minimum Required Setback  
From County Road**

Subject Property: 6853 Wheeler Road, Boonsboro, MD 21713  
Tax Account No: 19-005410  
Property Owner: Daniel Rohrer, Jr.  
Applicant: Daniel Rohrer, Jr.

Description: Proposed 40'-0" x 80'-0" addition to existing 40'-0" x 96'-0" agricultural building currently used for storage of hay and agricultural equipment. Current structure is non-conforming with a closest setback of 17'-9" from the edge of the asphalt of Wheeler Road and situated approximately 16" above the road surface on an embankment. The end-wall of the proposed structure nearest the road will begin at the centerline of the existing structure and project 80'-0" away from Wheeler Road. The closest setback from Wheeler Road will be approximately 29'-9" from the edge of asphalt of Wheeler Road.

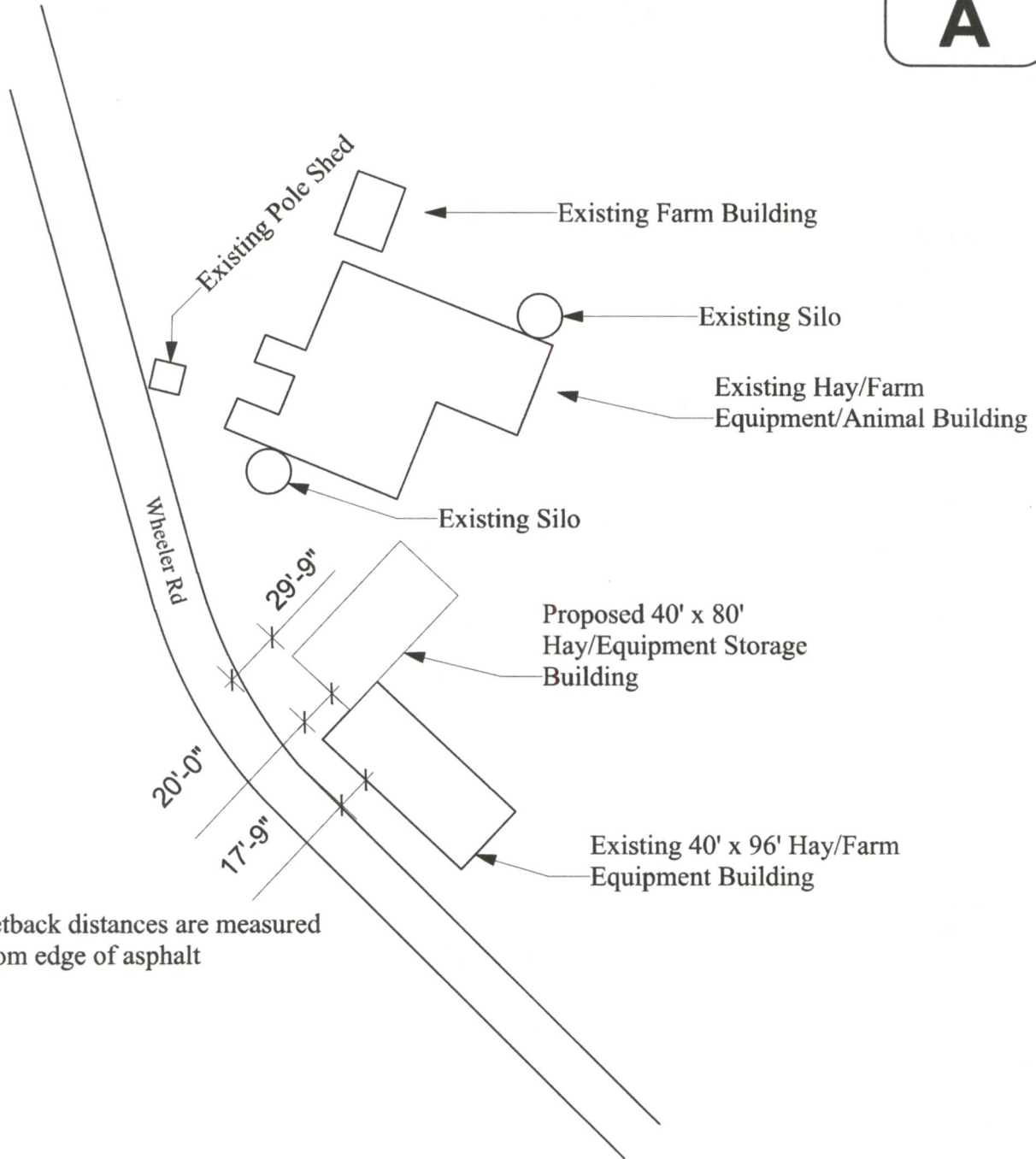
Reason for Variance: The current structures on the Property that support the farming activities on the Property are concentrated in the area proposed for the additional farm structure. The placement of the proposed storage building would unnecessarily burden the property owner and his current and anticipated farming practices. Currently, the majority of baled hay storage on the Property is in this location. The placement of an additional structure in a distant location will cause additional labor for the storage and access of stored animal feed as it will require additional trips to different locations when accessing animal feed stores. By concentrating the storage area in one location, labor and fuel will be saved. Additionally, as this area of the Property is currently equipment storage and not for pasture, grazing, or crops, no productive land will be taken out of production. Should the variance not be approved, additional production land may be lost to the placement of the needed structure.

As stated previously, should the variance not be granted, the needed structure would likely be constructed on agriculturally productive land. This would reduce the productiveness of the overall Property leading to a substantial injustice to the applicant and operator of the agricultural business on the Property by reducing the potential income produced on the Property.

Granting the variance would observe the spirit of the Ordinance. It would secure the public welfare by ensuring additional productive farmland is not lost. It would achieve the goal of preserving open land by placing the proposed structure adjacent to the existing structures on the Property. Additionally, as the existing and proposed structures are situated on an embankment elevated above the road surface of Wheeler Road, no additional risk is imposed by the construction of the proposed structure. Adequate protection to the Property owner, the County, and the public is afforded by the existence of the embankment adjacent to and between the existing and proposed structure and Wheeler Road, the County Road.

Attached Exhibits:

1. Exhibit A: Detail Plat of proposed structure and surrounding area.
2. Exhibit B: Overview of the Property showing detail area.
3. Exhibit C: Agricultural Certificate Application with attachments filed in April 2020.



Setback distances are measured from edge of asphalt

1

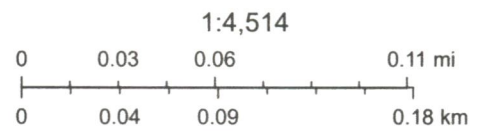
**Detail Plat 6853 Wheeler Road**  
Scale: 1:1000

# Property and Zoning Web Map



4/17/2024, 1:37:27 PM

 Parcels



MD IMAP, DoIT



## AGRICULTURAL CERTIFICATE

**Record No:** 2020-01514  
**Job Address:** 6853 WHEELER RD  
**Tax Account No:** BOONSBORO, MD 21713  
19005410

**Applied:** 4/29/2020  
**Approved:**  
**Status:** Review

**Applicant:** Daniel Rohrer  
6853 Wheeler Road  
BOONSBORO MD 21713

**Owner:** ROHRER DANIEL A JR

**DESCRIPTION:** Agricultural Certificate for 4,000 sq. ft. addition to existing AG building be used for storage of farm equipment and feed, on gravel, pre-engineered trusses

| Setbacks           | Proposed     | Minimum Required |
|--------------------|--------------|------------------|
| Lot Tract Area     | 123.80 acres | 40,000 sq. ft.   |
| Front Yard Setback | 4            | 50               |
| Rear Yard Setback  | 609          | 50               |
| Left Side Setback  | 1055         | 50               |
| Right Side Setback |              |                  |
| Lot Width          |              | 100              |

**Agricultural Building Exempt From a Building Permit:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be used by the public. However, any building or structure intended for use as a residential dwelling unit, in whole or in part, shall not be exempt from the building permit requirement.

**ATTENTION:** Agricultural buildings exempt from a building permit under the 2015 Washington County Building Code will require issuance of a plumbing, electrical and/or mechanical permit for installation of electrical systems, mechanical systems and water and wastewater systems. All requirements of the 2015 IECC, the 2015 IMC, the 2015 IPC and the 2014 NEC will apply. Where plumbing, electrical or HVAC system installation is part of a planned agriculture building construction, the applicant may be required to have a licensed contractor apply for trade permits prior to issuance of an "Agricultural Structure" certification.

**This Agricultural Certificate has been reviewed by the Permitting Department and should meet all applicable local and state codes and ordinances. Should you have any questions, please contact our department at 240-313-2460 between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday.**

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 - 19 **Account Number -** 005410

**Owner Information**

**Owner Name:** ROHRER DANIEL A JR      **Use:** AGRICULTURAL  
**Principal Residence:** YES  
**Mailing Address:** 6853 WHEELER RD      **Deed Reference:** /00806/ 00154  
BOONSBORO MD 21713-2627

**Location & Structure Information**

**Premises Address:** 6853 WHEELER RD      **Legal Description:** 123.80 ACRES  
BOONSBORO 21713-0000      6853 WHEELER RD

**Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:**  
0073 0008 0066 19010042.22 0000      2024      **Plat Ref:**

**Town:** None

**Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use**  
1880      2,692 SF      123.8000 AC

**StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements**  
2 YES STANDARD UNITBRICK/ 3 1 full

**Value Information**

|                    | Base Value | Value   |            | Phase-in Assessments |       |
|--------------------|------------|---------|------------|----------------------|-------|
|                    |            | As of   | As of      | As of                | As of |
| Land:              | 120,600    | 135,600 | 07/01/2023 | 07/01/2024           |       |
| Improvements       | 127,700    | 192,300 |            |                      |       |
| Total:             | 248,300    | 327,900 | 248,300    | 274,833              |       |
| Preferential Land: | 50,600     | 50,600  |            |                      |       |

**Transfer Information**

**Seller:** UNITED STATES STEEL CORP      **Date:** 03/27/1986      **Price:** \$157,675  
**Type:** ARMS LENGTH IMPROVED      **Deed1:** /00806/ 00154      **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 02/24/2015

**Homeowners' Tax Credit Application Information**

**Homeowners' Tax Credit Application Status:** No Application      **Date:**



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: Steven & Emily Crabtree
10601 August Court
Williamsport MD 21795
Appellant: Emily & Steven Crabtree
10601 August Court
Williamsport MD 21795
Property Location: 10601 August Court
Williamsport, MD 21795
Description Of Appeal: Variance from the required 40 ft. rear yard setback to 34 ft. for proposed rear addition to single-family dwelling.

Docket No: AP2024-016
Tax ID No: 26037166
Zoning: RT
RB Overlay: No
Zoning Overlay:
Filed Date: 04/18/2024
Hearing Date: 05/08/2024

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 7A.5 (a)

Reason For Hardship: The shape of the lot and location of the dwelling being angled on lot.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling Proposed Use: Rear Addition

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.

Emily Crabtree (handwritten signature)

Appellant Signature

State Of Maryland, Washington County to-wit:

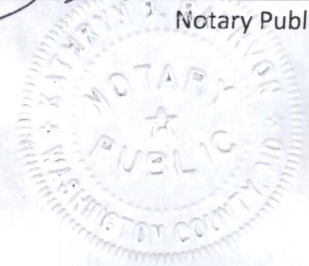
Sworn and subscribed before me this 18 day of April, 2024.

Kathryn B Rathvon (handwritten signature)

Notary Public

My Commission Expires

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







**BOARD OF ZONING APPEALS**

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

7-1-1 WWW.WASHCO-MD.NET

**Appeal for Variance**

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

Location 10601 August Court, Williamsport, MD 21795

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

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

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

Section 7A.5 (a)

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

40 ft. rear yard required from dwelling - will have 34 ft  
after addition to dwelling but requesting 32 ft for a buffer

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

See Attached

Describe reason(s) why the Ordinance requirement(s) in question would result in peculiar and/or unusual practical difficulties to or would impose exceptional or undue hardship upon the owner of the property if the requested variance were not granted:

**Provide Detailed Explanation on Separate Sheet**

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

Yes     No

If yes, list docket number(s): \_\_\_\_\_

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

Emily Crabtree  
Signature of Appellant

wildeatcoach82@aol.com  
Email of Appellant

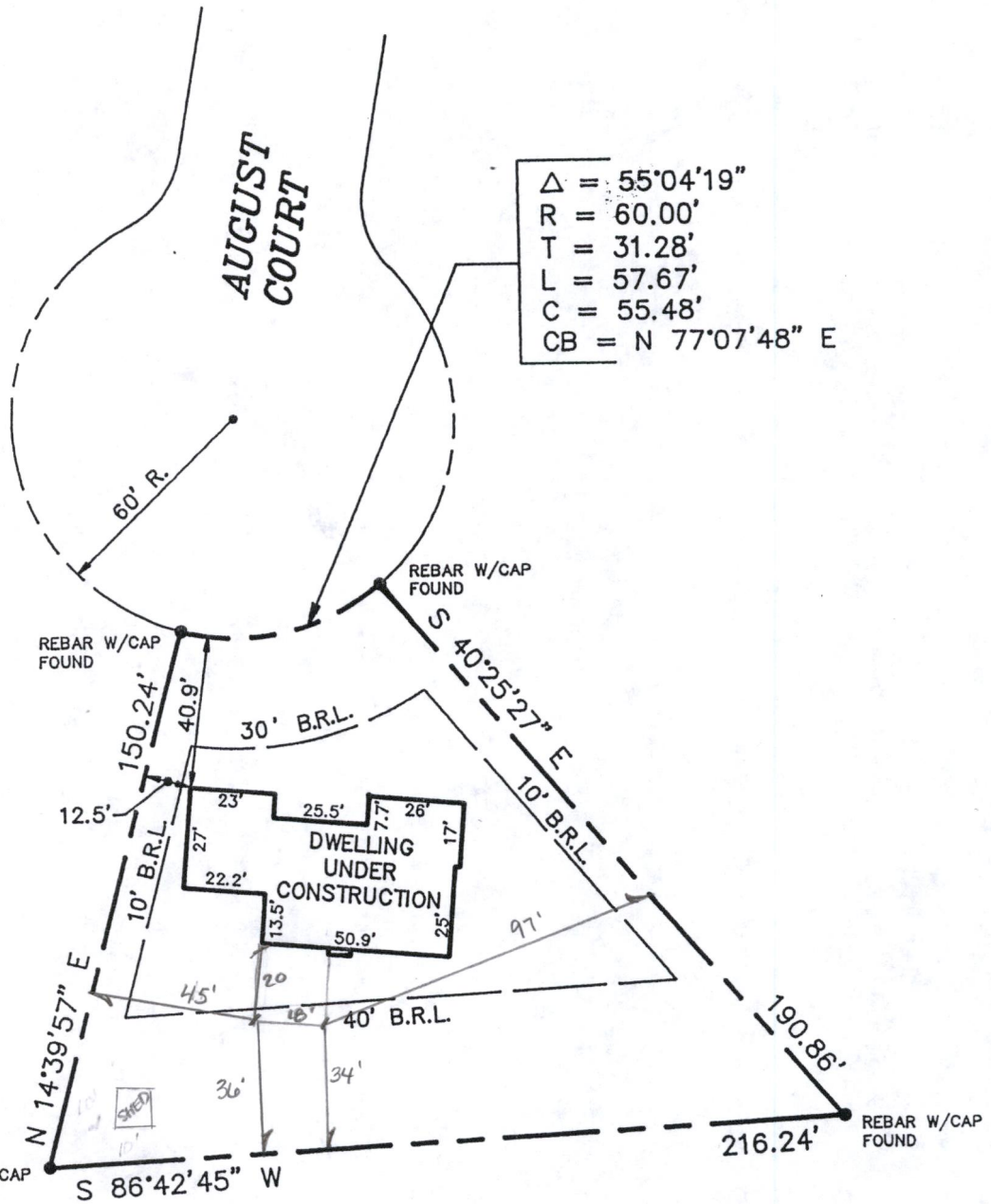
10601 August Ct. Wmspt. MD 21795  
Address and of Appellant

301 988 4217  
Phone Number of Appellant

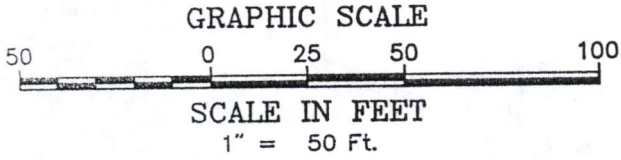
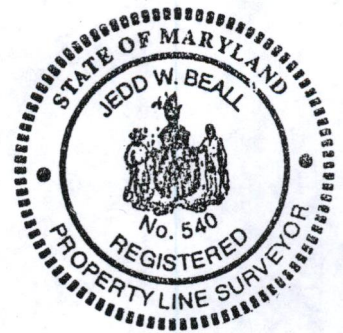
This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



MD GRID "PLANE AZIMUTH"



|          |   |               |
|----------|---|---------------|
| $\Delta$ | = | 55°04'19"     |
| R        | = | 60.00'        |
| T        | = | 31.28'        |
| L        | = | 57.67'        |
| C        | = | 55.48'        |
| CB       | = | N 77°07'48" E |



### SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE DWELLING UNDER CONSTRUCTION SHOWN HEREON IS CONSTRUCTED UPON AND ENTIRELY WITHIN THE PROPERTY LINES OF THE SUBJECT LOT.

**NOTE:**  
THIS IS NOT A PROPERTY SURVEY NOR IS IT INTENDED TO BE USED FOR DETERMINING PROPERTY LINES FOR

Requesting variance from minimum required 40 ft. rear yard setback to 32 ft. for construction of 20 ft. x 18 ft. family room on rear of existing dwelling

Existing dwelling was built in 1996 and is a one story with basement and 2 car attached garage. Applicants built the dwelling and due to a growing family are in need of additional gathering space.

The lot size is 19,892 sq. ft. It is located at the end of a cul de sac. The lot is "pie shaped" due to the location in the cul de sac - narrow in the front and wider in the rear - V which creates a hardship in meeting the rear yard setback. The dwelling is also on an angle on the lot.

The right rear corner of the proposed addition will be the closest to the property line.

The most affected property owner's view will be obstructed by large pine/spruce trees located on their property.

**Neighbors to Crabtree's at 10601 August Ct. Williamsport**

Robert and Sherry Scire  
10600 August Ct  
Williamsport, MD 21795

Ralph and Linda Baker (For sale)  
10605 August Ct  
Williamsport, MD 21795

Thomas and Cheryl Frame  
16716 Caldwell Ct  
Williamsport, MD 21795

John and Michelle Gest  
16720 Caldwell Ct  
Williamsport, MD 21795

Colby and Kayla Heiston  
16722 Caldwell Ct  
Williamsport, MD 21795

Jeremy and Ashley Turner  
10522 Connor Dr  
Williamsport, MD 21795