

BOARD OF APPEALS

June 25, 2025

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

AGENDA

AP2025-010: An appeal was filed by Obidi Holding LLC for a variance from the required 25 ft. setback for a sign supporting structure from the road right-of-way to 2 ft. and a variance from the requirement of no part of the sign closer than 5 ft. to the road right-of-way to 0 ft. for proposed freestanding sign and located at 13316 Marsh Pike, Hagerstown, Zoned Residential Suburban. Appeal is a continuance from the May 28th agenda. - **GRANTED**

AP2025-012: An appeal was filed by Washington County Commissioners for a variance from the required 50 ft side and rear year setback to 25 ft. for proposed above-ground fuel tanks and new diesel/gasoline fueling island with canopy on property owned by the appellant and located at 9659 National Pike, Big Pool, Zoned Environmental Conservation. **ABOVE-GROUND FUEL TANKS WAS DENIED. NEW DIESEL/GASOLINE FUELING ISLANDE WITH CANOPY WAS GRANTED.**

AP2025-013: An appeal was filed by William Blair for variances from the lot area and setback requirements for proposed subdivision of property. Proposed New Lot 1: Variance from the 40,000 sq. ft. lot area requirement to 30,492 sq. ft. to create residential lot. Proposed Revised Existing Lot: Variance from the 40,000 sq. ft. lot area requirement to 29,620.8 sq. ft. and variance from the 50 ft. side yard setback to 10 ft. for commercial use on the property owned by the appellant and located at 8642 & 8638 Downsville Pike, Williamsport, Zoned Rural Business. -**GRANTED**

AP2025-014: An appeal was filed by Cascade Properties LLC for a special exception to establish a medical device manufacturing business on property owned by the appellant and located at 24930 Reservoir Road, Cascade, Zoned Special Economic Development. -**GRANTED**

AP2025-015: An appeal was filed by JMMR Properties LLC for a floodplain ordinance variance from the requirement of substantial improvement interpretation on property owned by the appellant and located at 2620 Rohrsersville Road, Rohrsersville, Zoned Preservation. -**GRANTED**

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than June 16, 2025. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

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

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

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

For extraordinary cause, the Board may extend any time period set forth herein, or otherwise modify or suspend these

Tracie Felker, Chairman

Board of Zoning Appeals



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: Obidi Holding LLC
303 Memorial Boulevard W
Hagerstown MD 21740

Appellant: Obidi Holdings LLC
303 Memorial Boulevard W
Hagerstown MD 21740

Property Location: 13316 Marsh Pike, Unit# 100
Hagerstown, MD 21742

Description Of Appeal: Variance from the 25 ft. setback for a sign supporting structure from the road right-of-way to 2 ft. and a variance from the requirement of no part of the sign closer than 5 ft. to the right-of-way to 0 ft. for proposed freestanding sign.

Docket No: AP2025-010
Tax ID No: 27016243
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 05/07/2025
Hearing Date: 05/28/2025

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections:

Washington County Zoning Ordinance
Section 22.23 (e)

Reason For Hardship: Extraordinarily wide road right-of-way makes visibility for the sign difficult.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Physician Office

Proposed Use: Freestanding Sign

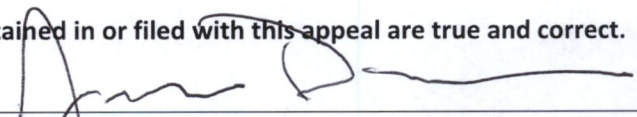
Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:
Proposed:

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


Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 8 day of May, 2025.




Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-010

State of Maryland Washington County, To Wit:

On 5/7/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Jason Divelbiss and made oath in due form of law as follows:


Jason Divelbiss 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 05/28/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 05/13/2025 and will remain until after the above hearing date.

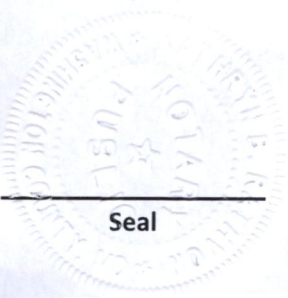


Jason Divelbiss

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



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



Seal

My Commission Expires



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

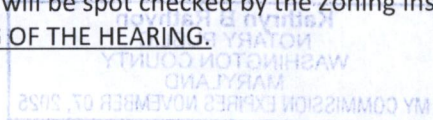
ATTENTION!

Posting Instructions

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

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

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





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 13316 Marsh Pike, Hagerstown, MD

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

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

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

§ 22.23(e)

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

25' setback requirement for supporting sign structure ?
5' setback requirement for sign face

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

Proposed 25' setback for supporting sign structure
Proposed 0' setback for sign face

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): AP2022-029 / AP2024-032 / AP2024-040

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

[Signature]
Signature of Appellant

Obidi Holdings, LLC
Address and of Appellant 303 Memorial Blvd.
Hagerstown, MD
21740

jdivelbiss@divelbisslaw.com
Email of Appellant

301-791-7060
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.

ADJACENT PROPERTY OWNERS					
	<u>NAME</u>	<u>PREMISES ADDRESS</u>	<u>LIBER/FOLIO</u>	<u>MAILING ADDRESS</u>	<u>TAX MAP/PARCEL</u>
1	Church Hebron Mennonite Inc	13315 Highline St.	691/519	13315 Highlane St., Hagerstown, MD 21741	25/740
2	Howe, Cecil H & Robin L	13308 Marsh Pike	6721/152	13308 Marsh Pike, Hagerstown, MD 21742	25/507
3	Grossnickle, John W & Sandra R	13312 Marsh Pike	1397/1028	13312 Marsh Pike, Hagerstown, MD 21742	25/818
4	Skaggs, John E & Catherine A	13322 Marsh Pike	1051/425	13322 Marsh Pike, Hagerstown, MD 21742	25/796
5	Maddox, Brianna A	13306 Marsh Pike	6451/290	13306 Marsh Pike, Hagerstown, MD 21742	25/245
6	Livingspace Inc	13324 Marsh Pike	1520/729	19707 Bluebell Ct., Hagerstown, MD 21740	25/130
7	Damore, Anthony J & Kelly A	13368 Marquise Dr	6425/292	13368 Marquise Dr., Hagerstown, MD 21742	25/832
8	Mellow, Bernadette	13366 Marquise Dr	6573/11	13366 Marquise Dr., Hagerstown, MD 21742	25/832
9	Bauroth, Alan & Judy	13362 Marquise Dr	6276/111	19629 Maddelena Cir., Estero, FL 33967	25/832
10	Melby, Catherine S	13356 Marquise Dr	6080/379	13356 Marquise Dr., Hagerstown, MD 21742	25/832
11	Ridgley Richard F & Geraldine G	13354 Marquise Dr	6098/219	13354 Marquise Dr., Hagerstown, MD 21742	25/832
12	Albowicz, Julianna M	13350 Marquise Dr	6980/53	13350 Marquise Dr., Hagerstown, MD 21742	25/832
13	Messer, Theresa M & Larry R	13348 Marquise Dr	5634/304	13348 Marquise Dr., Hagerstown, MD 21742	25/832
14	Nichols, Thomas E & Knoll Shawn	13344 Marquise Dr	5316/449	13344 Marquise Dr., Hagerstown, MD 21742	25/832
15	Elliot, William D & Juanita B	13342 Marquise Dr	5147/475	13342 Marquise Dr., Hagerstown, MD 21742	25/832
16	Gosnell Wayne S & Antoinette P	13338 Marquise Dr	4799/87	13338 Marquise Dr., Hagerstown, MD 21742	25/832

May 7, 2025

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

Re: Obidi Holdings, LLC - Request for Variance - Free-Standing Business Sign

Dear Board Members:

My client, Dr. Emeka Obidi of Partners in Pediatrics & Family Health and Obidi Holdings, LLC, a Maryland limited liability company (the "**Applicant**"), is the owner of the property located at 13316 Marsh Pike, Hagerstown, Maryland consisting of +/- 0.826 acres (TM 25, Parcel 128) (the "**Property**").

Pursuant to the Board's decision in October 2024 (AP2024-040), the Applicant was permitted to proceed with the construction of a new commercial building to be used as a full-service physicians' office which project is currently underway.

Unlike the prior request related to the modification of a previously approved Special Exception, the within request is simply a variance request to modify the setback requirements for a free-standing business sign as prescribed by § 22.23(e) of the Zoning Ordinance which states as follows:

no part of the supporting structure is less than twenty-five (25) feet from the street right of way, and that no part of the sign is closer than five (5) feet to the right of way

As shown on the sign rendering prepared by Sign Here and the Sign Variance Exhibit prepared by Triad Engineering, both of which are attached hereto, the Applicant has proposed a "V" shaped, two sign configuration which places the support structures at five feet (5') from the right of way for Marsh Pike and the closest part of the sign face itself at three feet (3') from the right of way line.

However, in the event the sign location needs to move closer to the road right of way in order to achieve sufficient sign visibility from Marsh Pike once on-site construction and landscaping is complete, the within request is for a variance from the applicable 25' (supporting structures) and 5' (sign face) setbacks to 2' and 0' respectively.

As can be seen on the site exhibit, the primary motivating factor for the within request is the extraordinarily wide road right of way on the west side of Marsh Pike which is sixty-two feet (62') from the center line of the existing roadway. By comparison, the roadway itself is only twenty-two feet (22') wide plus an additional +/- 6' of shoulder area. Thus, even at the requested minimum setback location i.e. 2' for the supporting structures and 0' for the sign face, there would remain nearly 50' of distance between the edge of pavement and the proposed signage.

Additionally, given the Applicant's motivation to re-build the new building essentially on the same footprint as the prior building which was significantly setback into the Property, visibility of the proposed signage along Marsh Pike is critical.

Strict compliance with § 22.23(e), specifically the requirement that the sign supporting structure be at least 25' from the street right of way, would place the proposed sign in the middle of the Applicant's parking lot, as shown on the site exhibit, thus rendering conformance unnecessarily burdensome and imposing substantial injustice to the Applicant.

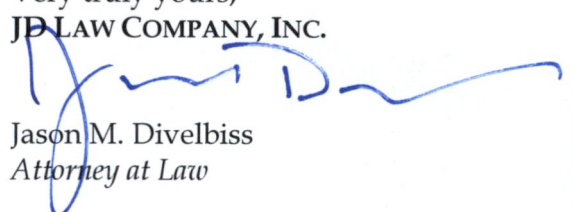
Notwithstanding the within requested variance, the Applicant's proposed sign location satisfies the following, arguably more essential, criteria in § 22.23:

- The signage shall be located in such a manner that traffic visibility is not impaired (§ 22.23(b)) which in this case has been satisfied;
- The subject property shall have at least 40' of lot frontage which in this case is 140';
- The Total surface area of the signage shall not exceed 300 sf. In this case the aggregate square footage of both signs is +/- 146 sf. less than 50% of the maximum permitted;
- Total height of sign shall not exceed 35'. In this case the signs are only 12' high only 35% of the maximum permitted; and
- Where the property adjoins any lots zoned RT, RS, RU, RM or RV, the proposed sign shall not face the adjoining, residentially zoned lot. In this case, because the Property itself as well as all adjoining properties are all zoned RS this criteria creates a particular challenge. The proposed solution is a "V-shape" sign configuration which will not directly face any residential property but instead be angled so as to face in the north and southbound directions of Marsh Pike. Attached hereto are photographs showing street level perspectives of and from the proposed sign location.

As such, granting the variance would not be inconsistent with the spirit of the Zoning Ordinance nor would it jeopardize general public safety and welfare.

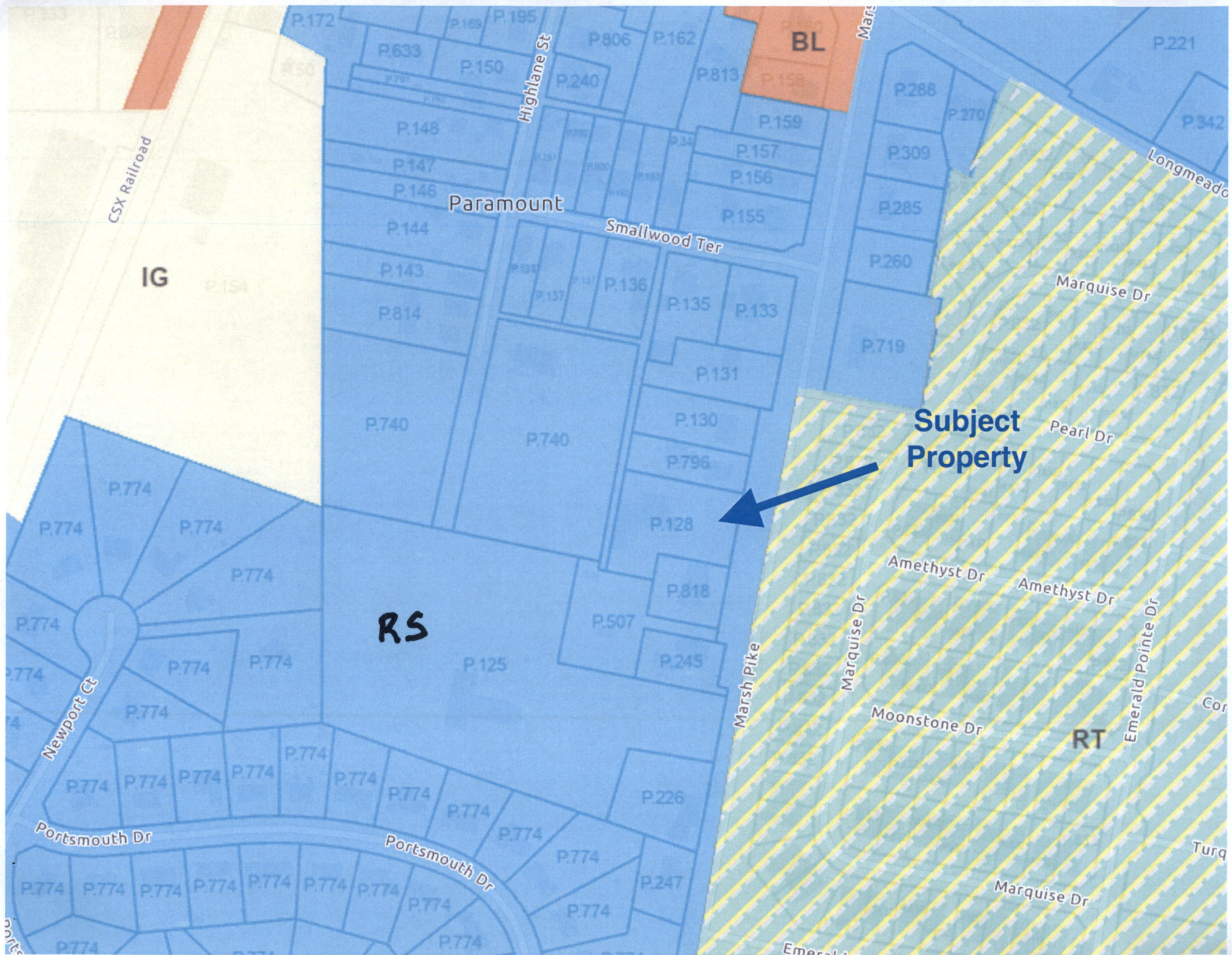
I look forward to discussing the Applicant's project and the details of the within request at the Board's next available meeting.

Very truly yours,
JD LAW COMPANY, INC.



Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com

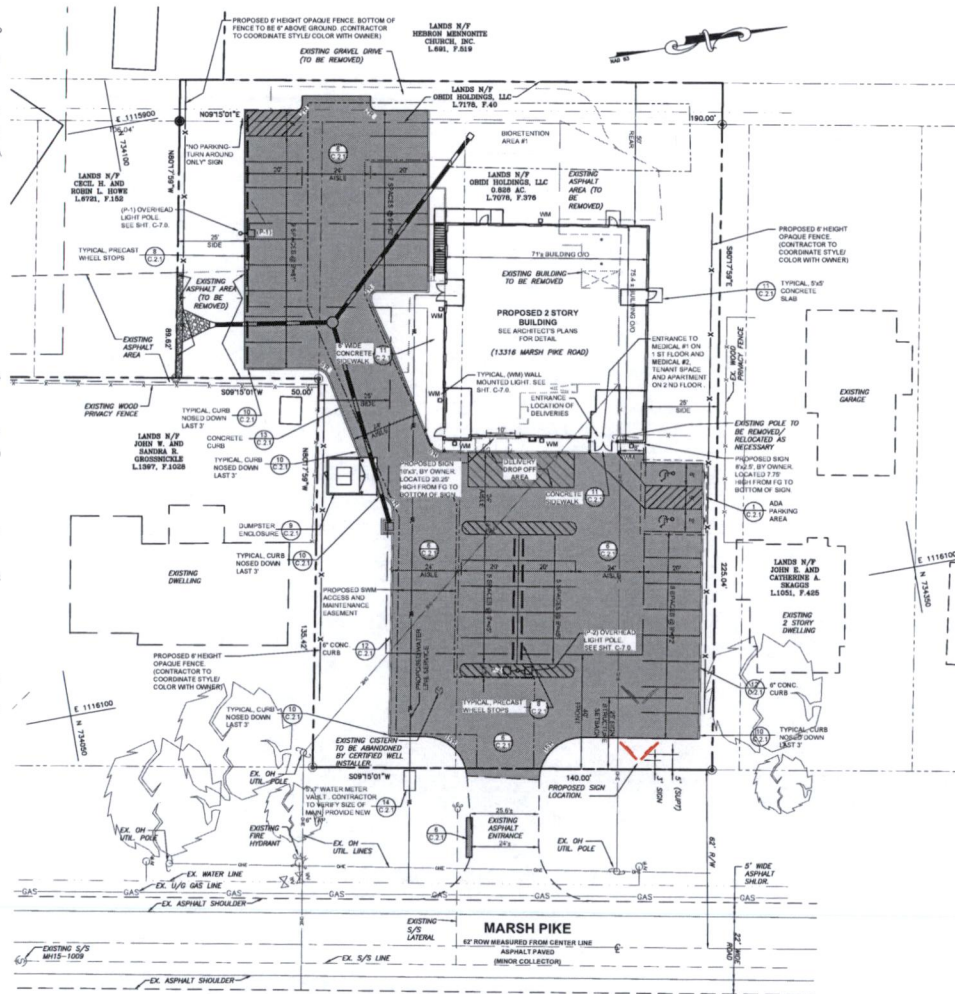


[illegible]

LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD
20,000 S.F.	100 FEET	40 FEET	25 FEET	50 FEET

- [illegible]

EX. CURRENT WATER ALLOCATION (1" METER)	= 400 GPD
<u>PROPOSED ADDITIONAL WATER ALLOCATION</u>	<u>= 400 GPD</u>
TOTAL	= 800 GPD
CURRENT SEWER ALLOCATION	= 400 GPD
<u>PROPOSED ADDITIONAL SEWER ALLOCATION</u>	<u>= 400 GPD</u>
TOTAL	= 800 GPD



GRAPHIC SCALE



Diagram illustrating the proposed sign location relative to an existing structure and utility pole. Key dimensions and labels include:

- 28' SIGN STRUCTURE SETBACK
- 40' FRONT
- 140.00'
- PROPOSED SIGN LOCATION.
- EX. OH UTIL. POLE
- 3' SIGN
- 5' (SUPT)
- 62' R₂
- SCALE 1"=10'

PROPOSED SIGN FOR ON PREMISE USE

PER WASHINGTON COUNTY ZONING ORDINANCE DIVISION II, SECTION
22.23(e)

SIGN DATA
LOT FRONTAGE: 140' (40' MIN. REQ'D)
SUPPORTING STRUCTURE: 5' FROM R/W (25' MIN. REQ'D)¹
ANY PART OF SIGN: 3' FROM R/W (5' MIN. REQ'D)²
SIGN AREA: 146 SF (300 SF MAX. REQ'D)
SIGN HEIGHT: 12' (35' MAX. REQ'D)

1. VARIANCE OF THE 5' FROM RAW LINE TO ANY PART OF THE SIGN AS SHOWN WE ARE REQUESTING THIS TO BE REDUCED TO 3'.
2. VARIANCE OF THE NO PART OF THE SUPPORTING STRUCTURE WITHIN 25' OF THE RAW LINE. AS SHOWN WE ARE REQUESTING THIS BE REDUCED TO 5'.

OWNER/DEVELOPER
OBIDI HOLDINGS, LLC
303 MEMORIAL BLVD W
HAGERSTOWN, MD 21740
PHONE: 301-768-3509
CHUKWUEMEKA OBIDI

TRIAD ENGINEERING, INC.
1075-D SHERMAN AVENUE
HAGERSTOWN, MD 21740
PH: 301.797.6400 FAX: 301.797.2424

OFFICE LOCATIONS
BAYLAND • PENNSYLVANIA • VIRGINIA • WEST VIRGINIA

CAUD FILE	4-30-2024	PER EDA VARIANCE 150MPH
	4-30-2024	PER EDA CASE NO. AFD204-046
	4-30-2024	PER WATER QUALITY COMMENTS
	5-2-2024	PER WASH CO. ENGINEERING PLAN REVIEW COMMENTS
	5-2-2024	PER WASH CO. PLANNING PLAN REVIEW COMMENTS
	5-2-2024	PER WASH CO. PLANNING DEPT. REVIEW COMMENTS
	5-2-2024	PER WASH CO. LAND DEVELOPMENT PLAN REVIEW COMMENTS
	5-17-2024	PER WASH CO. LAND DEVELOPMENT PLAN REVIEW COMMENTS
	5-17-2024	PER CITY OF PASADENA WATER COMMENTS
	5-17-2024	PER WASH CO. P.E. # 1 - GSE/DEPT. COMMENTS
	5-17-2024	PER WASH CO. P.E. # 2 - GSE/DEPT. COMMENTS
	5-17-2024	PER WASH CO. P.E. # 3 - GSE/DEPT. COMMENTS

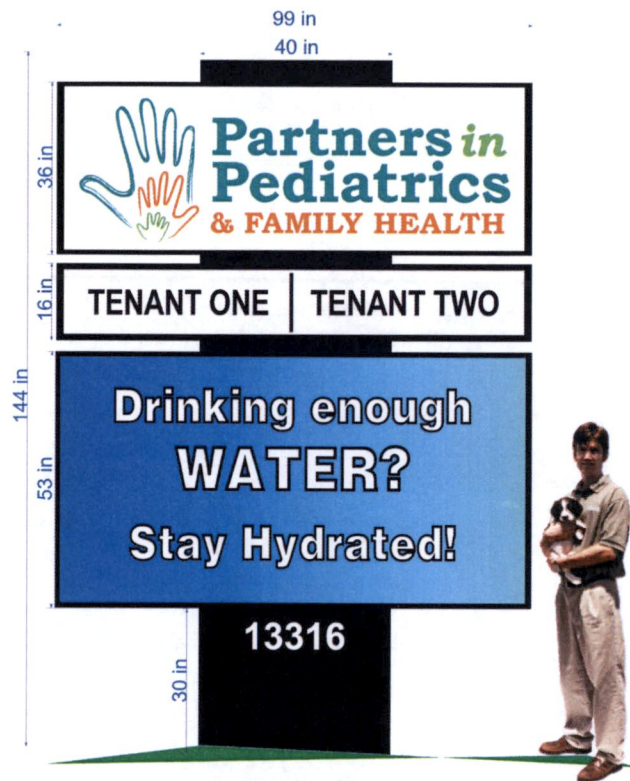


				02-14-2023

OBIDI HOLDINGS, LLC.
13316 MARSH PIKE
HAGERSTOWN, MD 21742

SIGN VARIANCE EXHIBIT

TRIAD
TRIAD ENGINEERING, INC.
www.triadeng.com
SHEET NUMBER:
EX-1.0
ISS NO. - 03-22-2637



ROADSIDE SIGN

Two identical structures set in v-configuration
Center supports with girders per drawing

HEADER CABINETS 36" x 99" with practice name and logo
INTERMEDIATE CABINETS 16" x 99" with tenant names

ELECTRONIC MESSAGE CENTER

10mm Full Color LED RGB

Cabinet Size: 4ft 5in H x 8ft 3in L x 5in D

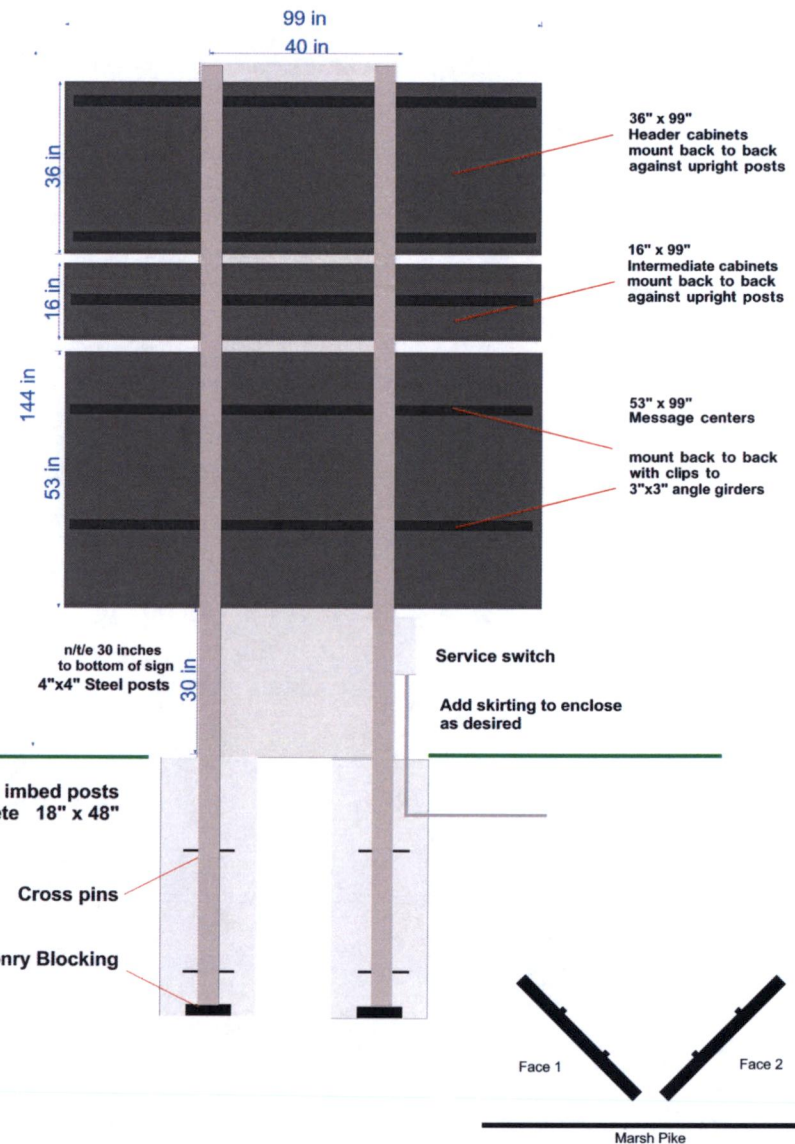
Viewing Area: 4ft H x 8ft L

Standard 5 Year Watchfire warranty applies.

Communications:

OPx - 4G Wireless with Watchfire Cellular Data Plan

Wireless Data Plan Life-of-sign Data Plan



Date: **April 28, 2025**

Description: **Roadside sign with Message Center**

This drawing is the exclusive property of Sign Here (Century Graphics Group, Inc) until purchased by the customer. It has been prepared and presented to the customer for concept and proposal purposes. All colors are representative unless noted otherwise. Reproduction or distribution of this drawing is expressly forbidden. This drawing and related graphics are available for purchase from Sign Here apart from the sign work proposed.



301-791-7654
800-442-7654

thesignpro@signhere.net

345 E. Antietam Street, Hagerstown, Maryland 21740

IDENTIFY WITH US!









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

OBIDI HOLDINGS, LLC

Appellant

Appeal No.: AP2024-040

* * * * *

OPINION

Obidi Holdings, LLC (hereinafter "Appellant") requests a modification of the previously approved special exception to establish a full-service physicians' office, to allow construction of a new building rather than re-use of the existing building at the subject property. Appellant also requests a variance to reduce the required parking spaces from 38 to 32 spaces at the subject property. The subject property is located at 13316 Marsh Pike, Hagerstown, Maryland and is zoned Residential, Suburban. The Board held a public hearing in this matter on September 4, 2024. Jason Divelbiss, Esq. represented Appellant at the hearing before the Board.

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

Findings of Fact

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

1. Appellant is the owner of the subject property, which is located at 13316 Marsh Pike, Hagerstown, Maryland. The subject property is zoned Residential Suburban.
2. The subject property consists of approximately .82 acres improved by a commercial building and situated among multiple surrounding mixed uses including

several residences, a senior living community, a salon, a bank, two (2) churches and an elementary school.

3. Appellant operates a family medical practice on Memorial Boulevard in Hagerstown, Maryland. Appellant proposes to construct another office at the subject property as a second location for the practice.

4. Appellant originally planned to renovate the existing building at the subject property and retain the residence on the second floor. The original plan included asbestos remediation but was otherwise to re-purpose the existing building elements. However, it was determined that certain portions of the building were not constructed sufficiently resulting in stability issues for the planned renovations. There are significantly increases costs to reinforce structural elements and bring the building into compliance with current code requirements.

5. Appellant proposes to demolish the existing building and construct a new building with a smaller footprint at the subject property. The building would have two (2) floors, with the medical practice on the first floor and a residence and tenant space on the second floor. The first floor would have twelve (12) patient exam rooms.

6. The original design had approximately forty-five (45) parking spaces assigned for the new building, pursuant to the Ordinance requirements. Appellant does not expect to need even half of those spaces for the proposed medical practice. The proposed design calls for 32 parking spaces, plus 2 spaces for the residence.

7. The proposed medical practice would be open Monday through Friday from 8:00 a.m. to 5:30 p.m. and 9:00 a.m. to 12:00 p.m. on Saturday.

8. Appellant plans to have approximately 7 to 8 employees.

9. Patients will be seen by staggered appointment only and at any given time, it is expected there would be a maximum of nine (9) to ten (10) cars in the parking lot. Appellant expects a maximum of three (3) to four (4) patients in any given hour.

10. The Board approved Appellant's special exception request to establish a

full-service physicians' office in an existing commercial building at the subject property in Case No. AP2022-029.¹

11. Appellant's neighbor John Skaggs, who lives immediately to the north testified that he was in support of the proposed project.

12. Appellant's neighbor, John Grossnickle testified that he supports the project but does not want a pain management clinic or similar use in the neighborhood.

13. Appellant's neighbor, Brianna Maddox testified that she supported the project and that Dr. Obidi has a great working relationship with the neighbors.

Rationale

Procedural History

Appellant initially applied for special exception approval for the subject property in the summer of 2022. The matter came before the Board on July 6, 2022 and the special exception was granted pursuant to a written decision dated August 4, 2022. The Board subsequently voted to amend typographical errors in the original opinion on November 30, 2024 and the Amended Opinion was issued on December 22, 2022.

Appellant began the planning and development process and was ultimately issued a demolition permit in 2024. As demolition work was set to begin, County staff discovered that Appellant's plan had changed from a renovation project to a demolition and rebuild project. At that time, it was determined that Appellant would need a new special exception because the prior special exception use had been approved specifically for the existing building at the subject property. Appellant promptly filed a request for a special exception. The hearing on the special exception request occurred on May 22, 2024

¹ AP2022-029 was originally heard on July 6, 2022 and issued a written opinion containing clerical errors. The Board subsequently approved corrections to the Opinion at a hearing on November 30, 2022 and the Amended Opinion was issued on December 22, 2022.

and the Board issued its written decision denying the request on June 18, 2024.²

Appellant subsequently filed this request for a modification of the original special exception which was granted in Case No. AP2022-029. The hearing on the initial modification request occurred on July 24, 2024 and the Board issued its written decision denying the request on August 24, 2024. Appellant subsequently filed this new request for modification of the original special exception granted in Case No. AP2022-029.

Modification Request

In Case No. AP2022-029, the Board imposed its standard condition that the use be consistent with the testimony and evidence presented. In that case, Appellant testified that his plan was to renovate the existing structure for the proposed physician's office. However, during the process it was determined that demolition would be required, and the office would have to be constructed as new. As a practical matter there appears to be no way to proceed with renovation and reuse of the existing building.

Appellant asserts that the Board did not specifically require that the building had to be renovated and reused, but rather adopted his stated plan to do so. Appellant contends that a significant change in circumstances occurred when they determined they could not renovate and had to transition to demolition and new construction. Appellant's argument is that this change in circumstances justifies a relaxation of the previously imposed condition.

In an effort to address the Board's previous concerns, Appellant presented a significantly modified and improved concept plan and design for the new building. The new design incorporates brick accents and board and batten exterior which is more consistent with the buildings in the surrounding neighborhood and the residential nature of the area. Appellant also designated the tenant space on the second floor specifically

² Appellant filed a Petition for Judicial Review in the Circuit Court for Washington County, which is now pending in Case No. C-21-CV-24-000305.

for medical or professional offices and expressed a willingness to place conditions on the use of that space. Moreover, Appellant changed the hours of operation slightly during the week and has requested a formal reduction of the parking requirement. The Board is persuaded that this modification request is substantially different from the previous request.

As presented, the modification request simply changes the method by which Appellant is to construct and establish the previously approved use. The impact remains unchanged as it relates to the surrounding neighborhood. The Board previously found that the proposed use would not produce any adverse effects and the same remains true when simply changing the method of construction. Furthermore, the redesign improves the overall fit with the character of the neighborhood. Based on the changes presented, the Board is persuaded that a modification of the conditions imposed on the original special exception should be granted to allow for demolition and new construction.

Parking Variance

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.³ "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

³ "When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive ("or"), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements." *Belvoir Farms Homeowners Ass'n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

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

While a reduction in parking is not necessary for the special exception use to exist, it substantially improves the use and design of the subject property. Appellant has been clear through multiple hearings that the Ordinance requirements for off-street parking was far more than needed. Reducing the parking spaces will benefit the neighbor most affected, allow for more landscape design and aid in conforming better to the character and nature of the neighborhood. The Board finds that practical difficulty exists and that the parking variance request should be granted.

Accordingly, the request to modify the previously approved special exception to establish a full-service physicians’ office in a new commercial building at the subject property to remove the condition providing for renovation of the existing building is hereby GRANTED, by a vote of 5 to 0. The request to reduce the required off-street parking spaces from 38 to 32 spaces at the subject property is hereby GRANTED, by a vote of 5 to 0.

The relief granted herein is granted subject to the standard condition that it is consistent with the testimony and evidence presented at the hearing.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: October 3, 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.

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

OBIDI HOLDINGS, LLC

Appellant

Appeal No.: AP2025-010

* * * * *

OPINION

Obidi Holdings, LLC (hereinafter “Appellant”) requests a variance to reduce the setback for a sign supporting a structure from 25 feet to 2 feet, and a variance to reduce the setback requirement of 5 feet from the right-of-way to 0 feet at the subject property. The subject property is located at 13316 Marsh Pike, Hagerstown, Maryland and is zoned Residential, Suburban. The Board held a public hearing in this matter on May 28, 2025, which was continued on June 25, 2025.¹ Jason Divelbiss, Esq. represented Appellant at the hearing before the Board.

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

Findings of Fact

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

1. Appellant is the owner of the subject property, which is located at 13316 Marsh Pike, Hagerstown, Maryland. The subject property is zoned Residential Suburban.
2. The subject property consists of approximately .82 acres improved by a commercial building and situated among multiple surrounding mixed uses including several residences, a senior living community, a salon, a bank, two (2) churches and an

¹ Board Member Brent Feight participated in the vote to continue the hearing on May 28, 2025, but abstained from the hearing and vote regarding this appeal.

elementary school.

3. Appellant operates a family medical practice on Memorial Boulevard in Hagerstown, Maryland. Appellant is in the process of constructing a medical office building at the subject property as a second location for the practice.

4. The Board approved Appellant's special exception request to establish a full-service physicians' office in an existing commercial building at the subject property in Case No. AP2022-029.²

5. The Board approved Appellant's request to modify the previously approved special exception to establish a full-service physicians' office, to allow construction of a new building rather than re-use of the existing building at the subject property in Case No. AP2024-040.

6. Appellant proposes to construct a V-shaped, two-sided freestanding sign which will include a total surface area of 146 square feet. The sign will be situated approximately 62 feet from the center line of Marsh Pike. In addition, the sign meets all other sign design requirements set forth in the Zoning Ordinance.

7. The right-of-way along Marsh Pike is larger than normal and the structures on other properties are all situated far back from the roadway.

8. There are other properties in the surrounding area that have signs which are closer to Marsh Pike.

Rationale

Procedural History

Appellant initially applied for special exception approval for the subject property in the summer of 2022. The matter came before the Board on July 6, 2022, and the special exception was granted pursuant to a written decision dated August 4, 2022. The Board

² AP2022-029 was originally heard on July 6, 2022, and issued a written opinion containing clerical errors. The Board subsequently approved corrections to the Opinion at a hearing on November 30, 2022, and the Amended Opinion was issued on December 22, 2022.

subsequently voted to amend typographical errors in the original opinion on November 30, 2024, and the Amended Opinion was issued on December 22, 2022.

Appellant began the planning and development process and was ultimately issued a demolition permit in 2024. As demolition work was set to begin, County staff discovered that Appellant's plan had changed from a renovation project to a demolition and rebuild project. At that time, it was determined that Appellant would need a new special exception because the prior special exception use had been approved specifically for the existing building at the subject property. Appellant promptly filed a request for a special exception. The hearing on the special exception request occurred on May 22, 2024 and the Board issued its written decision denying the request on June 18, 2024, in Case No. AP2024-020.³

Appellant subsequently filed a request for a modification of the original special exception which was granted in Case No. AP2022-029. The hearing on the initial modification request occurred on July 24, 2024, and the Board issued its written decision denying the request on August 24, 2024, in Case No. AP2024-032. Appellant subsequently filed this new request for modification of the original special exception granted in Case No. AP2022-029 and that request was granted in Case No. AP2024-040.

Appellant now submits this request for variance relief in order to construct a freestanding sign for the approved medical practice. The Board heard testimony and evidence during the regular hearing on May 28, 2025, including testimony and some questions from the neighboring property owners. It was clear from the testimony that Appellant had not had recent communication with the neighbors in relation to the sign request. The Board continued the hearing to allow for those discussions to take place and to allow time for additional evidence to be provided.

³ Appellant filed a Petition for Judicial Review in the Circuit Court for Washington County, which was later dismissed.

Variance

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.⁴ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

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

Pursuant to Section 22.23(3) of the Zoning Ordinance which requires that no part of the supporting structure of a freestanding sign may be closer than twenty-five (25) feet from the street right-of-way. In addition, it requires that no part of the sign may be closer than five (5) feet to the right-of-way. Appellant proposes to locate the supporting structure within 2 feet of the right-of-way and the sign will extend to the edge of the right-of-way.

It is noteworthy that Appellant’s proposed sign meets all of the other design standards for freestanding signs, except for the proposed location. Appellant presented

⁴ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

testimony and evidence about the need to announce the medical practice to the community and for patients looking to find the office. The building is situated toward the back of the property, far from the roadway. Given this positioning, a façade sign on the building will not satisfy the need to announce the practice to passing motorists. More importantly, freestanding signs are common, particularly for properties wherein the structures are setback from the roadway. Moreover, Appellant presented evidence that the proposed location will actually move the sign further from the adjacent property, thus further mitigating the effect.

As Appellant has noted in its presentation, the right-of-way along Marsh Pike is excessively large, resulting in the permissible sign area being located much further from the roadway than normal. The Board finds this to be a unique characteristic which materially affects the application of the setback requirements for a freestanding sign. The Board is persuaded that strict compliance with the Ordinance requirements will prevent a common use, namely a freestanding sign for a business. The requests appear to be the minimum necessary to afford relief and the Board is satisfied that Appellant has sufficiently consulted with the neighbors. The Board finds that practical difficulty exists and that the variance requests should be granted.

Accordingly, the variance to reduce the setback for a sign supporting a structure from 25 feet to 2 feet at the subject property is hereby GRANTED, by a vote of 4 to 0. The variance to reduce the setback requirement of 5 feet from the right-of-way to 0 feet at the subject property is hereby GRANTED, by a vote of 4 to 0. The relief granted herein is granted subject to the standard condition that it is consistent with the testimony and evidence presented at the hearing.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 24, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: Washington County Commissioners
100 West Washington Street
Hagerstown MD 21740

Appellant: Washington County Commissioners
100 West Washington Street
Hagerstown MD 21740

Property Location: 9659 National Pike
Big Pool, MD 21711

Description Of Appeal: Variance from the 50 ft. side and rear yard setback to 25 ft. for proposed above-ground fuel tanks and new diesel/gasoline fueling island with canopy.

Docket No: AP2025-012
Tax ID No: 15015756
Zoning: EC
RB Overlay: No
Zoning Overlay:
Filed Date: 06/03/2025
Hearing Date: 06/25/2025

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section 5B.6

Reason For Hardship: Compliance with the setback requirements would position the proposed fuel island/canopy in a location that would impede safe entry and exit from the existing and future garage bays located at the front of the maintenance building.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Office and Maintenance Shop **Proposed Use:** Above-ground Fuel Tanks and New Diesel/Gasoline Fueling Island with Canopy

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

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

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


Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 5 day of June, 20 25.

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


Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

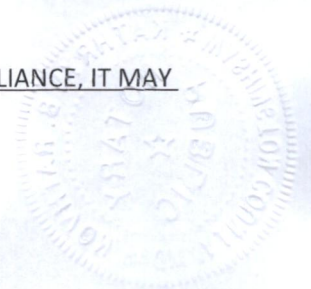
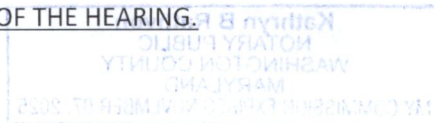
ATTENTION!

Posting Instructions

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

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

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





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-012

State of Maryland Washington County, To Wit:

On 6/3/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Washington County Commissioners and made oath in due form of law as follows:

Washington County Commissioners 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 06/25/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 06/10/2025 and will remain until after the above hearing date.

Washington County Commissioners

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

Notary Public

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND

MY COMMISSION EXPIRES NOVEMBER 07, 2025

Seal

My Commission Expires



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Andrew Eshleman
is authorized to file an appeal with the Washington County Board of Appeals for
Constructing a fuel system at the Western Highway Shop on property
located 9659 National Pike, Big Pool, MD
The said work is authorized by Washington County Board of County Commissioners
the property owner in fee.

PROPERTY OWNER

Washington County Commissioners
Name
100 West Washington Street
Address
Hagerstown, MD 21740
City, State, Zip Code

AMANDA HART BROOKS
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 6, 2027

Michelle Gordon
Owner's Signature Michelle Gordon, County Administrator

Sworn and subscribed before me this 22 day of May, 20 25.

[Signature]
Notary Public

My Commission Expires: 10/6/2027

AUTHORIZED REPRESENTATIVE

Andrew Eshleman
Name
100 West Washington Street
Address
Hagerstown, MD 21740
City, State, Zip Code

AMANDA HART BROOKS
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 6, 2027

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 22 day of May, 20 25.

[Signature]
Notary Public

My Commission Expires: 10/6/2027

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



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 9659 National Pike, Big Pool, Maryland

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 5B.6 Non-Residential Lots Size and Bulk Dimensions.

Specify the particular requirement(s) from which a variance is desired in that section or subsection:
Variance is desired from the 50 ft. side and rear yard setback requirements.

Describe the nature and extent of the desired variance from Ordinance requirements: listed above:
Reduction of the 50 ft. side and rear yard setback distances to 25 ft., 0 in.

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

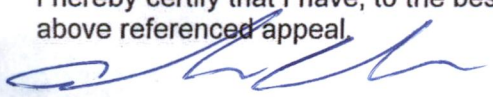
Provide Detailed Explanation on Separate Sheet

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

☐ Yes ☒ No

If yes, list docket number(s): _____

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



Signature of Appellant

aeshleman@washco-md.net

Email of Appellant

Washington County Division of Public Works
100 West Washington Street, Hagerstown, MD 21740

Address and of Appellant

(240) 313-2252

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.

Request for Variance from
Minimum Required Side and Rear Setback Distances

Subject Property: 9659 National Pike, Big Pool, MD 21711

Tax Account No: 15-015756

Zoning: EC – Environmental Conservation

Property Owner: Washington County Commissioners

Applicant: Andrew Eshleman, Director, Division of Public works

Description: Two new above-ground fuel tanks and a new diesel and gasoline fueling island with a 24'-0" x 30'-0" canopy structure are proposed to be installed approximately 25 feet from the southwest property line. The existing underground fuel tanks at the front of the maintenance building are to be removed to comply with MDE regulations.

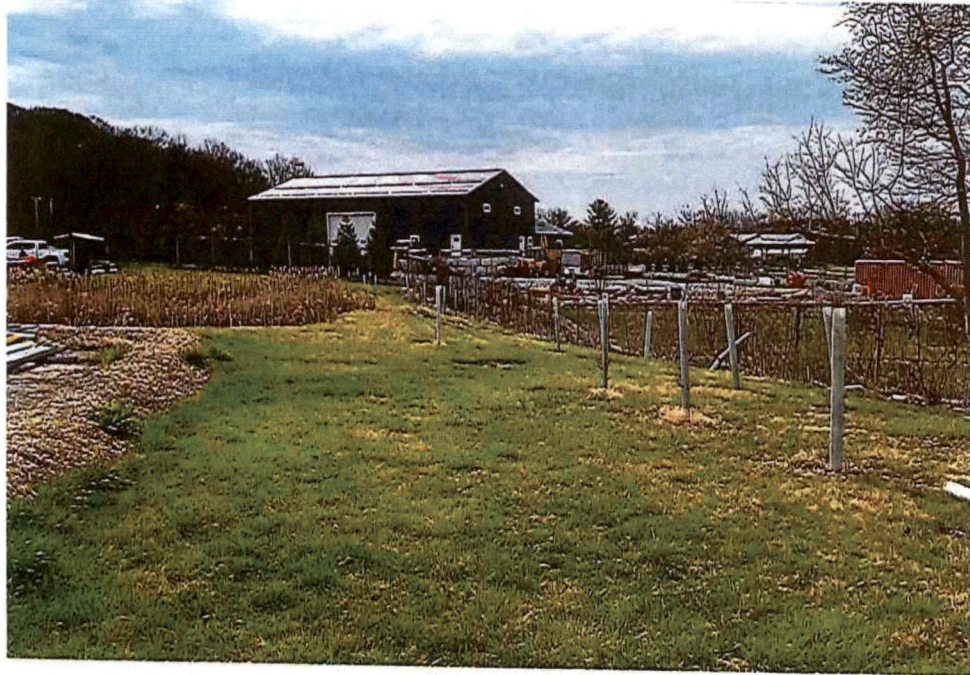
Reason for Variance: Strict compliance with the setback requirements would position the proposed fuel island/canopy in a location that would significantly impede safe entry and exit from the existing and future garage bays located at the front of the maintenance building. In addition, the general flow of large construction equipment and fueling trucks would be directed towards the maintenance building, causing an unsafe condition for employees, as well as visitors.

Other locations on the property have been explored; however, those options would create additional hardships, such as the need for construction of additional impervious area which would most likely require an increase in the size of stormwater management facilities, the relocation of trees that were previously planted to satisfy MS4 requirements, and additional limitations on the overall yard operation due to additional traffic that would be required to navigate the site while heavy equipment is in use.

Granting the variance would observe the spirit of the Ordinance by providing for and facilitating the adequate provision for the fueling of Washington County Emergency vehicles in the western portion of the County, thereby protecting and promoting the health, safety and general welfare of Washington County residents.

Attached Exhibits:

1. Exhibit A: Aerial view of the property showing proposed and existing structures, as well as the neighboring property.
2. Exhibit B: Photos of the site and surrounding area.







ZONED - EC

SET BACKS = 50'
(FRONT, SIDE, & REAR)

OVERHEAD
ELECTRIC

GRAPHIC SCALE

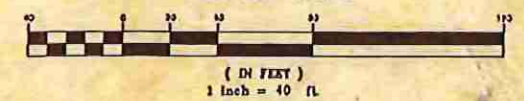


EXHIBIT - A

DEPARTMENT OF HIGHWAYS WESTERN SECTION SITE		WASHINGTON COUNTY, MARYLAND DIVISION OF ENGINEERING		DESIGNED BY: BO / PAM		REVISION DESCRIPTION		BY		DATE	
				DRAWN BY:							
				C.E.C. / C.J.							
				CHECKED BY:							
				BO / PAM							
				IN CHARGE:							
											
				Washington County Administrative Annex, Building 100 West Main Street, Pikesville, Maryland, 21442 Phone: 286-5133-2680							
SCALE 1"=40'											
SHEET NO. 1 OF 1											
PROJECT NO. 28-316											

[View Map](#) [No Ground Rent Redemption on File](#) [No Ground Rent Registration on File](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: District - 15 Account Identifier - 065814

Owner Information

Owner Name: VANMETRE MARK ALLEN Use: AGRICULTURAL
VANMETRE CHRISTINA DIAMOND Principal Residence: YES
Mailing Address: 9663 NATIONAL PK Deed Reference: /05626/ 00199
BIG POOL MD 21711-

Location & Structure Information

Premises Address: 9663 NATIONAL PIKE Legal Description: 23.38 ACRES
BIG POOL 21711-0000 9663 NATIONAL PIKE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0032 0017 0153 15010020.22 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2020 4,200 SF 23.3800 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
1 NO STANDARD UNITFRAME/4 2 full/ 2 half 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	71,100	71,100		
Improvements	398,300	617,800		
Total:	469,400	688,900	542,567	615,733
Preferential Land:	11,100	11,100		

Transfer Information

Seller: MCDOWELL JOHN P &	Date: 11/02/2017	Price: \$107,434
Type: ARMS LENGTH VACANT	Deed1: /05626/ 00199	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2024	07/01/2025
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 12/08/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

[View Map](#) [No Ground Rent Redemption on File](#) [No Ground Rent Registration on File](#)

Special Tax Recapture: None

Account Number: District - 15 Account Identifier - 007567

Owner Information

Owner Name:	WEAVER ELSIE MAY VIRGINIA ETAL	Use:	RESIDENTIAL
	WEAVER THOMAS A	Principal Residence:	YES
Mailing Address:	C/O HENESY ESTHER	Deed Reference:	/00744/ 00273
	9652 NATIONAL PIKE		
	BIG POOL MD 21711-		

Location & Structure Information

Premises Address:	9652 NATIONAL PIKE	Legal Description:	1 ACRE
	BIG POOL 21711-0000		N/S US RT 40

Map: Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0032	0017	0039	15010020.22	0000			2024	
								Plat Ref:

Town: None

Primary Structure Built Above Grade	Living Area	Finished Basement Area	Property Land Area	County Use
1950	2,025 SF		1.0000 AC	

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	65,000	65,000		
Improvements	32,100	66,500		
Total:	97,100	131,500	108,567	120,033
Preferential Land:	0	0		

Transfer Information

Seller:	WEAVER ELSIE MAY VIRGINIA	Date:		Price:	\$0
Type:		Deed1:	/00744/ 00273	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
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 12/26/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status:	No Application	Date:	
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[View Map](#) [No Ground Rent Redemption on File](#) [No Ground Rent Registration on File](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: District - 15 Account Identifier - 002034

Owner Information

Owner Name:	MCDOWELL GAIL ELLEN MCDOWELL JOHN P	Use:	AGRICULTURAL
Mailing Address:	18939 MANCHESTER DR HAGERSTOWN MD 21742-2665	Principal Residence:	NO
		Deed Reference:	/04713/ 00007

Location & Structure Information

Premises Address:	12408 LICKING CREEK RD BIG POOL 21711-0000	Legal Description:	65.34 ACRES REM 12408 LICKING CREEK ROAD
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	9534
0032	0017	0151	15010020.22	0000				2024	Plat Ref:	

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1890	1,192 SF		65.3400 AC	

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	77,600	77,600		
Improvements	10,200	15,400		
Total:	87,800	93,000	89,533	91,267
Preferential Land:	17,600	17,600		

Transfer Information

Seller: MCDOWELL GAIL ELLEN	Date: 02/12/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04713/ 00007	Deed2:
Seller: GODLOVE ROY E	Date: 12/05/2008	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03573/ 00416	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
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:

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

BOARD OF COUNTY COMMISSIONERS * Appeal No.: AP2025-012

FOR WASHINGTON COUNTY *

Appellant *

*

* * * * * * * * * * * *

OPINION

The Board of County Commissioners for Washington County, (hereinafter “Appellant”) requests variances to reduce the side yard setback from 50 feet to 25 feet and the rear yard setback from 50 feet to 25 feet for proposed above-ground fuel tanks and new diesel/gasoline fueling island with canopy at the subject property. The subject property is located at 9659 National Pike, Big Pool, Maryland 21711 and is Environmental Conservation. The Board held a public hearing in this matter on June 25, 2025.

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

Findings of Fact

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

1. Appellant is the owner of the subject property located at 9659 National Pike, Big Pool, Maryland. The subject property is zoned Environmental Conservation.

2. The subject property consists of a Washington County maintenance facility for fueling and storage of equipment, storage of road treatment and maintenance materials. The property has an office and maintenance building, a salt dome, underground storage tanks, materials storage areas and several additional storage buildings. In the northeast corner of the property, there is a prescribed forestation area to comply with requirements set forth by the Maryland Department of the Environment.

3. Appellant proposes to redesign the current property to install all above-ground fuel storage tanks and a fueling island with canopy similar to the site located at Northern Avenue.

4. Appellant proposes to remove the existing underground diesel storage tank and the existing above-ground gasoline storage tanks as part of the redesign.

5. There is currently no fueling location for county vehicles west of Northern Avenue in Hagerstown. The current site requires upgrades in order to serve as a fueling site for county vehicles.

6. The proposed fueling island would be located along the southwest property line and would be close to the entry and exit to the site. The proposed fuel tanks would be relocated to the rear of the property, in close proximity to the neighboring farm.

7. Opposition to the variance requests was presented by the neighboring property owners, Mark and Christina Van Metre.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.¹ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

Practical difficulty and undue hardship are typically the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

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 5B.6 of the Zoning Ordinance, the side and rear yard setbacks for other principal permitted uses in the Environmental Conservation zoning district is 50 feet. In this case, Appellant proposes to relocate fuel tanks and establish a fueling island which is both in close proximity to the side yard and rear boundary lines.

Andrew Eshelman, Director of Public Works, presented the case for Appellant. He testified that this project was an attempt to upgrade the existing facility, to make it environmentally safer and more cost effective, and facilitate support to county vehicles and employees operating in the western part of the county. Mr. Eshelman testified that they considered other designs but believed the proposed design to manage the flow of traffic and operations best. He touted the improved safety and environmental compliance with upgraded, above-ground tanks, and the benefit to the County in having a fueling facility to support vehicles and employees west of Hagerstown. Mr. Eshelman asked the Board to consider the impact of the setback requirements and find that they create practical difficulty for this project.

Mr. and Mrs. Van Metre testified in opposition to the proposed project. They noted their concerns about how close the relocated tanks and the fueling island would be to their farm operation. They also argued that the County had other options in terms of redesigning the site. Their residential well is located within 100 feet of the proposed fueling station and they express great concern for the potential for contamination. They asked that the County reconsider its plan and relocate the fuel tanks especially.

The Board finds that practical difficulty would result from strict compliance with the side yard setback. Under the circumstances, it appears that Appellant’s request as to the side yard is the minimum necessary to facilitate use of the property. The Board finds that relaxation of the side yard setback requirement is necessary and remains

consistent with the spirit and intent of the Ordinance. However, the Board is not persuaded that the requested rear yard setback is consistent with the spirit and intent of the Ordinance. Moreover, it is clear that the County has other options in the location of the proposed fuel tanks and fueling island, and therefore the Board is unable to find that strict compliance with the rear yard setback would result in practical difficulty.

Accordingly, the request for a variance to reduce the side yard setback from 50 feet to 25 feet at the subject property is GRANTED by a majority vote of 3 to 2. The request for a variance to reduce the rear yard setback from 50 feet to 25 feet at the subject property is DENIED by a vote of 5 to 0. The side yard variance relief is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 23, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: William Blair
8642 Downsville Pike
Williamsport MD 21795

Appellant: William Blair
8659 Downsville Pike
Williamsport MD 21795

Property Location: 8642 Downsville Pike
Williamsport, MD 21795

Description Of Appeal: Variance from the lot area requirements and setback requirements for proposed subdivision of property. Proposed New Lot 1: Variance from the 40,000 sq. ft. lot area requirement to 30,492 sq. ft. to create residential lot. Propose Revised Existing Lot: Variance from the 40,000 sq. ft. lot area requirement to 29,620.8 sq. ft. and variance from the 50 ft. side yard setback to 10 ft. for the commercial use on the property.

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:

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential & Commerical

Proposed Use:

Subdivide to Separate Residential Use from Commerical Use

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

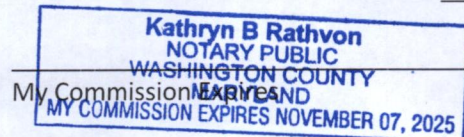
Proposed:

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 3 day of June, 2025.



Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-013

State of Maryland Washington County, To Wit:

On 6/3/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Michael Renn and made oath in due form of law as follows:

Michael Renn 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 06/25/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 06/10/2025 and will remain until after the above hearing date.

Michael Renn

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

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

Notary Public

Seal

My Commission Expires



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

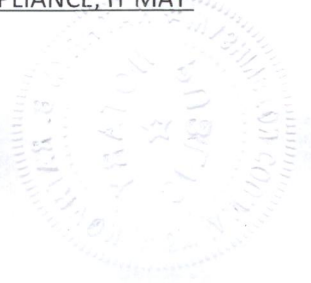
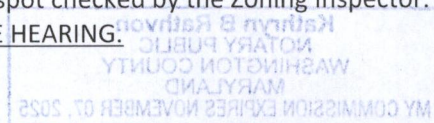
ATTENTION!

Posting Instructions

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

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

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





BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Michael Renu
is authorized to file an appeal with the Washington County Board of Appeals for
William Blair on property
located at 8659 Downsville Pike Hagerstown MD.
The said work is authorized by William Blair
the property owner in fee.



PROPERTY OWNER

William C Blair
Name
8659 Downsville Pike
Address
Hagerstown MD 21795
City, State, Zip Code
[Signature]
Owner's Signature

Sworn and subscribed before me this 23rd day of May, 20 25.

[Signature]
Notary Public

My Commission Expires: July 6, 2028

AUTHORIZED REPRESENTATIVE

Michael E. Renu
Name
15920 River Bend Ct.
Address
Hagerstown, MD 21795
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 23rd day of May, 20 25.

[Signature]
Notary Public

My Commission Expires: July 6, 2028

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



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 8642 DORVILLE FIRE HIGHWAY 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:

SE. 5 (a) and (c) & SD. 3 (a) 1

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

LOT SIZE IN R13 & R1 under REAR YARD 40,000 S.F.
SIDE SETBACK IN R13 WITHIN SD 1

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

By SUBDIVIDING THE LOT INTO TWO LOTS AND THE FRONT ONTO
SEPARATE LOTS THE ABOVE CAN NOT BE MET THE CRUSADLY PERFORM
15,000 1.35 ACRES

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): N/A

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

[Signature]
Signature of Appellant

8659 DORVILLE FIRE
Address and of Appellant

Email of Appellant

301-491-5594
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.



May 13, 2025
Washington County Department of Planning and Zoning
747 Northern Avenue
Hagerstown, Maryland 21742

RE: SP-23-001
Hardship Statement
William Blair Property – 6842 Downsville pike

HARDSHIP STATEMENT

The purpose of this appeal and its hardship lies in the fact that the Downsville General Store and a single-family residential home exist on the same 1.38-acre lot. My client has owned both the store and the home for over 40 years. There has been interest in purchase of the store and the house but not both. By subdividing the store (commercial) and the house (residential) it will allow each to be sold separately. However, by subdividing the General Store and the house onto separate lots, requirements in the RB and RV zoning cannot be met as far as lot size and side setbacks. We respectively request approval of this variance request as we feel a commercial and residential property should not be on the same parcel and the owner be allowed to sell or rent each property individually.

We thank you for your consideration in this matter.

Sincerely,

Michael E. Renn P.E., Professional Land Surveyor


Apex Land Solutions





ADC MAP COORDINATES
MAP 25 GRID B-9

GENERAL NOTES

- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE LANDS DESCRIBED IN WASHINGTON COUNTY LAND RECORDS IN LIBER 2052, FOLIO 464.
- NO TITLE REPORT WAS PERFORMED BY OR PROVIDED TO APEX LAND SOLUTIONS LLC REGARDING THE PROPERTY SHOWN HEREON. THIS PLAT MAKES NO ATTEMPT TO LOCATE ANY EASEMENTS OR RIGHTS-OF-WAY, IF ANY EXIST.
- ZONING: "(RB)"- RURAL BUSINESS DISTRICT
MINIMUM BUILDING SETBACK LINES:(M.B.S.L.)
FRONT = 40', SIDE = 50', REAR = 50'
MINIMUM LOT WIDTH IS 100'.
MINIMUM LOT AREA IS 40,000 SQUARE FEET.
8-DIGIT WATERSHED NUMBER - 02140501
- EXISTING 10,000 SQ. FT. SEPTIC AREAS ARE THE CURRENT MEANS OF SEWAGE DISPOSAL.
- WATER WELL AND CISTERN IS UTILIZED. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE SUBDIVISION BOUNDARIES EXCEPT EXCEPT AS SHOWN HEREON.
- 25' FROM THE CENTERLINE OF DOWNSVILLE PIKE IS DEDICATED TO WASHINGTON COUNTY FOR ROAD WIDENING.
- AN EIGHT FOOT (8') WIDE EASEMENT FOR UTILITIES AND DRAINAGE TO BE RESERVED ON THE INTERIOR OF EACH SIDE AND REAR LOT LINES. A TEN FOOT (10') WIDE EASEMENT FOR UTILITIES AND DRAINAGE TO BE RESERVED ALONG THE FRONT LOT LINE, BUT NOT SHOWN.
- THIS PLAT IS BASED ON A FIELD RUN MONUMENTED SURVEY PERFORMED BY APEX LAND SOLUTIONS UNDER THE DIRECT SUPERVISION OF MICHAEL E. RENN IN MARCH 2023 AND CONTOURS ARE BASED ON NAD 83/91.
- THE TOTAL DRAINAGE AREA IMPACTING SAID PROPERTY IS LESS THAN 400 ACRES.
- ACCESSORY STRUCTURES ARE PERMITTED IN ACCORDANCE WITH SECTIONS 4.10 AND 23.5 B OF THE ZONING ORDINANCE. ACCESSORY STRUCTURES ARE NOT PERMITTED WITHOUT A PRINCIPAL PERMITTED STRUCTURE.
- 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.
- ALL GRADING ON LOT/PARCEL, EITHER BEFORE OR AFTER THE CONSTRUCTION OF A DWELLING OR APPURTENANCES, SHALL BE THE FULL RESPONSIBILITY OF THE LOT/PARCEL OWNER.

"ENVIRONMENTALLY SENSITIVE AREA" NOTES

- THERE ARE NO BLUE LINE STREAMS ON THE PROPERTIES AS DEFINED BY THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT.
- THERE IS NO 100 YEAR FLOOD PLAIN AS DEFINED BY THE WASHINGTON COUNTY FLOOD PLAIN MANAGEMENT ORDINANCE OR AS SHOWN ON FEMA F.I.R.M. PANEL No. 24043C0295D, EFFECTIVE DATE OF AUGUST 15, 2017.
- THERE ARE NO WETLANDS ON THE SUBJECT PROPERTIES PER U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP.
- THE TOTAL DRAINAGE AREA CONTRIBUTING TO THE SUBJECT LOTS IS LESS THAN 400 ACRES+/-.
- NO AREAS OF STEEP SLOPES EXIST ON THE SUBJECT PROPERTY, AS DEFINED IN SECTION 28.631 OF THE WASHINGTON COUNTY ZONING ORDINANCE. (15% GREATER OR K-FACTOR .35 OR GREATER SOIL).
- THERE ARE NO BLUE LINE STREAMS ON THE SUBJECT PROPERTY AS DEFINED BY THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT SHEET 10 OF 56.
- NO AREAS OF THIS PROPERTY ARE HABITATS FOR PLANT OR ANIMAL SPECIES DETERMINED TO BE THREATENED OR ENDANGERED BY THE U.S. FISH AND WILDLIFE SERVICE (50 CFR 17).

INTERIM FACILITIES PROVISION CERTIFICATION

IN COMPLIANCE WITH COMAR 26.03.01.05.B(1) AND (2), THE INDIVIDUAL WATER SUPPLY AND/OR SEWER SYSTEM IS HEREBY PERMITTED ON A TEMPORARY INTERIM BASIS. FUTURE LOT OWNERS ARE ADVISED THAT THE INDIVIDUAL SYSTEMS SERVING THE LOT INDICATED ON THIS PLAT ARE OF A TEMPORARY INTERIM NATURE AND THAT CONNECTION TO A FUTURE COMMUNITY SYSTEM SHALL BE MADE WITHIN ONE (1) YEAR OR LESS AFTER THE SYSTEM BECOMES AVAILABLE.

INDIVIDUAL WATER SUPPLY (WELLS) AND INDIVIDUAL ON-SITE SEWERAGE DISPOSAL SYSTEM (OSDS)

THIS PROPOSED SUBDIVISION OF LAND AS REPRESENTED HEREON AND ON THE APPROVED PRELIMINARY PLAN HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE CODE OF MARYLAND ANNOTATED REGULATIONS 26.04.03 ALLOWING FOR THE SUBDIVISION OF LAND UTILIZING INDIVIDUAL WATER SUPPLY SYSTEMS AND INDIVIDUAL ON-SITE SEWERAGE DISPOSAL SYSTEMS UNTIL SUCH TIME AS COMMUNITY SYSTEMS ARE MADE AVAILABLE. THIS SUBDIVISION IS IN CONFORMANCE WITH THE CURRENT COMPREHENSIVE WATER AND SEWER PLAN THEREFORE COMPLIES WITH THE ENVIRONMENT ARTICLE §9-512. THE WASHINGTON COUNTY HEALTH OFFICER IS THE DELEGATED AUTHORITY PER ENVIRONMENT ARTICLE §1-301 THEREFORE THE HEALTH OFFICERS SIGNATURE ON THE PLAT CERTIFIES THAT THE PARCELS SHOWN HEREON ARE IN COMPLIANCE WITH THE APPLICABLE LAWS AND REGULATIONS AS OF THE APPROVED DATE.

PLAT NO. _____
DATE: _____
WASHINGTON COUNTY

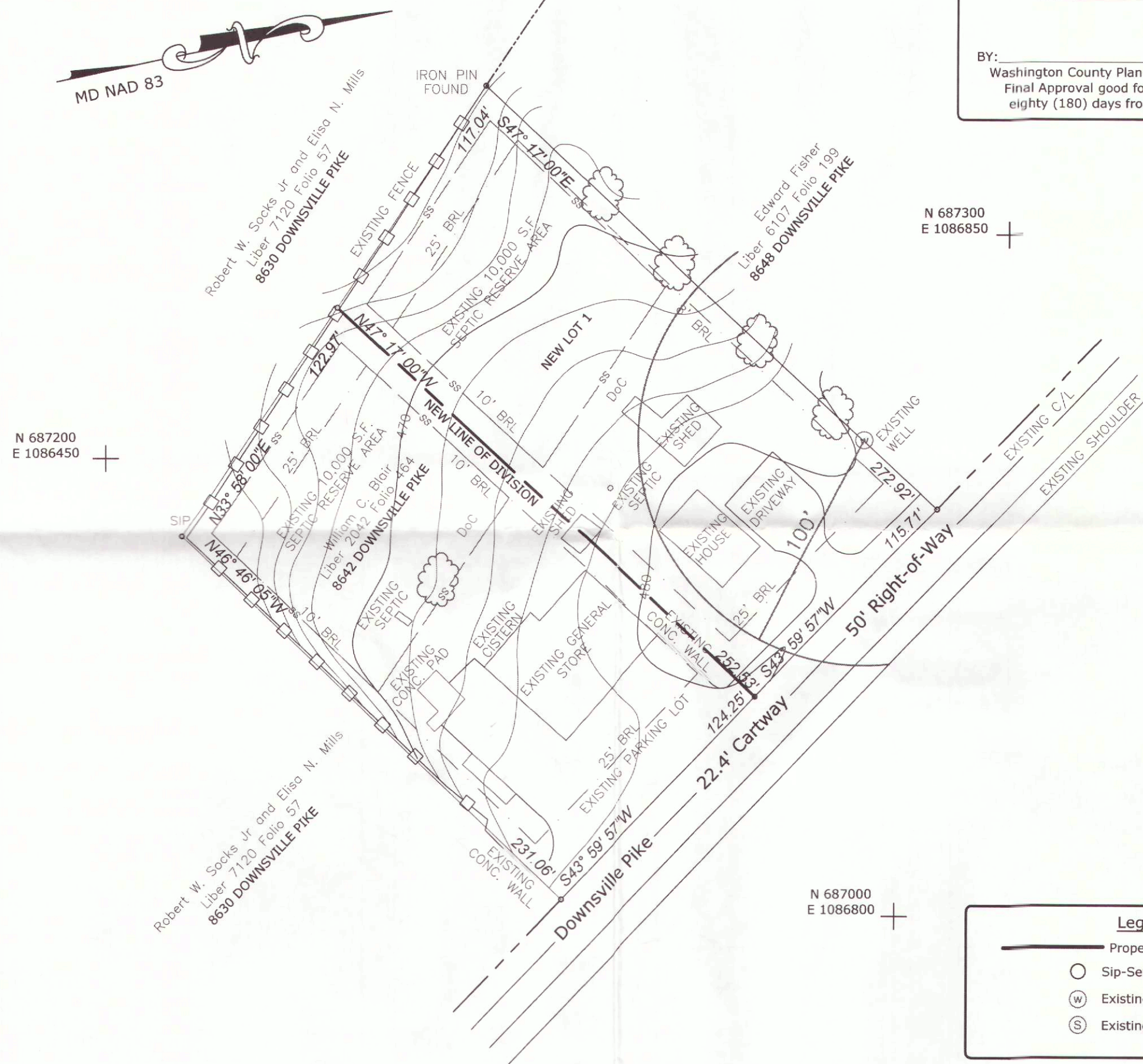
COUNTY HEALTH OFFICER

DATE

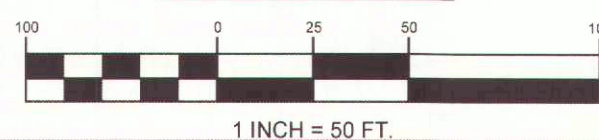
Certificate of Approval
FINAL APPROVAL GRANTED

DATE: _____

BY: _____
Washington County Planning Commission
Final Approval good for one hundred
eighty (180) days from above date



GRAPHIC SCALE:



1 INCH = 50 FT.

Legend

- Property Line
- Sip-Set Iron Pin
- Existing Well
- Existing Septic Tank

SOIL TABLE

DoC=Duffield silt loam 8-15% slopes~1 ac/100%

PARCEL 93 DEDICATION FOR INDIVIDUALS

I/WE, _____ DO HEREBY CERTIFY, FOR OURSELVES AND OUR PERSONAL REPRESENTATIVES, HEIRS AND ASSIGNS, THAT WE ARE THE LEGAL AND TRUE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAT AND THAT 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 DEDICATIONS 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 WE HEREBY RESERVE A FEE SIMPLE TITLE TO THE LAND UNDERLYING SAID EASEMENTS, RIGHTS OF WAY, OPEN SPACES AND RECREATION AREAS AND, WITH REGARD TO THE 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 OUR GRANTEEES, ASSIGNS, SUCCESSORS, HEIRS AND PERSONAL REPRESENTATIVES.

WITNESS OUR HANDS AND SEAL THIS ____ DAY OF _____, 2025.

WILLIAM BLAIR

WITNESS

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION EXCEPT THE FOLLOWING:

AND ALL PARTIES HAVING AN INTEREST HEREIN HAVE HEREUNTO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

WE DO HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

WITNESS OUR HANDS AND SEAL THIS ____ DAY OF _____, 2025.

WILLIAM BLAIR

WITNESS

ACREAGE SUMMARY

ORIGINAL PARCEL 30 - HOUSE AND STORE

ORIGINAL Parcel 30 (L. 2052, F. 464)	1.38 ACRES
MINUS New Lot 1 - HOUSE	0.70 ACRES
NEW PARCEL 30 - STORE	0.68 ACRES

PURPOSE NOTE:

THE SOLE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE EXISTING HOUSE (NEW LOT 1) FROM ORIGINAL PARCEL 30 (DOWNSVILLE GENERAL STORE).

OWNER:

WILLIAM BLAIR
8642 DOWNSVILLE PIKE
WILLIAMSPORT, MARYLAND 21795
PHONE - 301-491-5594

S-24-029



223 N. Prospect Street - Suite 304 - Hagerstown, MD 21740
Voice: 240-455-5209 Fax: 866-914-0344
www.apexlandsolutions.net



REVISIONS

NO.	DESCRIPTION	BY	DATE
1	INITIAL SUBMITTAL	MER	7/28/24
2			
3			

LAND SURVEYOR'S CERTIFICATION:

I hereby certify that the plan shown hereon is correct; that it is a subdivision of all of the lands conveyed unto John M. Hamsher Jr., and Ruth S. Hamsher, his wife, from Grafton Downs, Jr., and Helen V. Downs, his wife, by deed dated October 17, 1949, and recorded among the Land Records of Washington County, Maryland in Liber 253, Folio 652, and that iron pins with caps 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 licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 21318 Exp. 1-11-25.

Preliminary/Final Subdivision of Land for: William Blair

8642 Downsville Pike, Williamsport, MD 21795

Liber 2052 Folio 464

Tax Account No. 003146

Tax Map 61 Grid 21 E.D. 20 Parcel 30

Washington County, Maryland

Drawn: M. Mellott

Checked: M. Renn

Date: September 12, 2024

Project No: 24-057

Scale: 1 inch = 50 feet

Sheet: 1 of 1

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

WILLIAM BLAIR

* **Appeal No.: AP2025-013**

Appellant

*

*

* * * * * * * * * * *

OPINION

William Blair, (hereinafter “Appellant”) requests a variance to reduce the required lot area from 40,000 square feet to 30,492 square feet for proposed New Lot 1 and variances to reduce the required lot area from 40,000 square feet to 29,680 square feet and to reduce the rear yard setback from 50 feet to 10 feet for proposed Revised Existing Lot at the subject property. The subject property is located at 8642 Downsville Pike, Williamsport, Maryland 21795 and is zoned Rural Village with a Rural Business Overlay. The Board held a public hearing in this matter on June 25, 2025.

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

Findings of Fact

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

1. Appellant is the owner of the subject property located at 8642 Downsville Pike, Williamsport, Maryland. The subject property is zoned Rural Village with a Rural Business Overlay.

2. The subject property consists of 1.38 acres improved by an existing dwelling and an existing general store that have been on the property since at least 1944.

3. Each of the structures on the subject property are served by well and septic.

4. The subject property predates the adoption of the Zoning Ordinance.

5. Appellant has attempted to sell the subject property, but purchasers were not interested in buying the home and the store together.

6. Appellant proposes to subdivide the subject property into two (2) lots, one for the home and the other containing the general store. The proposed lot for the general store would be Revised Existing Lot containing approximately .68 acres. The proposed lot for the home would be New Lot 1 containing approximately .70 acres.

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 as set forth in Section 25.2 and 25.56 of the Ordinance.¹ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

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

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

Pursuant to Section 5D.3 of the Zoning Ordinance, the minimum required lot size for a property without public water and sewer is 40,000 square feet. Section 5E.5 of the Ordinance provides for the bulk regulations in the Rural Business Overlay and requires a minimum lot size of 40,000 square feet and a 50-foot setback from property zoned for or occupied by a residential land use. In this case, Appellant proposes to subdivide the subject property into two (2) lots, one for the home and the other containing the general store.

Appellant testified that despite attempts to market the property, potential purchasers were not interested in buying with the uses combined on one (1) lot. In observing the property, there are clearly distinct uses, even without an official subdivision into separate lots. Appellant seeks to create two (2) smaller, but more marketable lots, consistent with other properties in the surrounding area. There is no proposal to construct new buildings with the variance relief requested. Given that the property was created long before the Zoning Ordinance, there was no accounting for lot sizes or setback requirements. Appellant argued that imposing those requirements leaves the subject property in a far less desirable condition for the resale market and prevents practical use.

The Board finds that practical difficulty would result from strict compliance with the lot size and setback requirements. The property was created before such bulk regulations were imposed and thus, Appellant has no other means to address the detrimental effects of compliance with the Ordinance. Under the circumstances, it appears that Appellant's requests are the minimum necessary to facilitate practical use of the property and future marketability. The Board finds that relaxation of the lot size and rear yard setback requirements is necessary and remains consistent with the spirit and intent of the Ordinance.

Accordingly, the request for a variance to reduce the required lot area from 40,000 square feet to 30,492 square feet for proposed new Lot 1 and variances to reduce the required lot area from 40,000 square feet to 29,680 square feet and to reduce the rear yard setback from 50 feet to 10 feet for proposed existing Lot at the subject property are

GRANTED by a vote of 5 to 0. The variance relief is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 23, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: Cascade Properties LLC
25009 Lake Wastler Drive
Cascade MD 21719

Appellant: Cascade Properties LLC
25009 Lake Wastler Drive
Cascade MD 21719

Property Location: 24930 Reservoir Road
Cascade, MD 21719

Description Of Appeal: Special exception to establish a medical device manufacturing business.

Docket No: AP2025-014
Tax ID No: 14066790
Zoning: SED
RB Overlay: No
Zoning Overlay:
Filed Date: 06/05/2025
Hearing Date: 06/25/2025

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s): AP2022-018 & AP2021-035

Applicable Ordinance Sections: Washington County Zoning Ordinance Section 19C.3

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Former Military Base Building **Proposed Use:** Medical Device Manufacturing Business

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 5 day of June, 2025.

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

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-014

State of Maryland Washington County, To Wit:

On 6/5/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared John Krumpotich and made oath in due form of law as follows:

John Krumpotich 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 06/25/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 06/10/2025 and will remain until after the above hearing date.

John Krumpotich

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

Notary Public

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

My Commission Expires

Seal



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

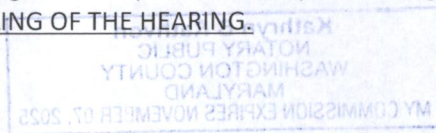
ATTENTION!

Posting Instructions

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

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

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





Cascade Properties LLC
25009 Lake Wastler Drive
Cascade, MD 21719

June 3, 2025

Washington County Board of Zoning Appeals
747 Northern Avenue
Hagerstown, MD 21742

Ref: SJ Incorporation
24930 Reservoir Road
Cascade, MD 21719

To whom it may concern:

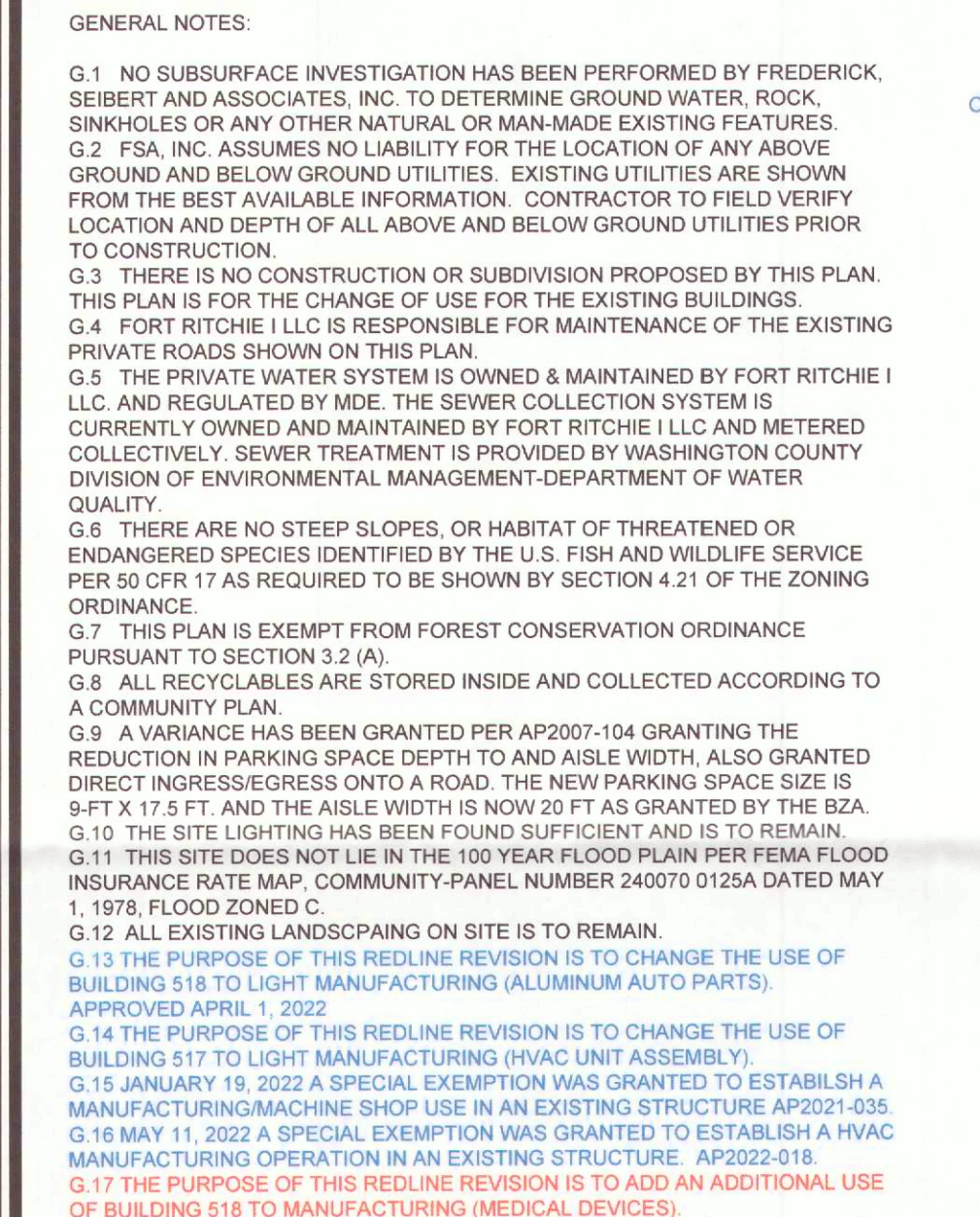
A special zoning exception which is allowable in the Fort's special economic zone, must be filed in order for SJ Incorporation to expand their medical device manufacturing business into Washington County. The building and site in question is surrounded by the Fort Ritchie property, owned by Cascade Properties LLC, by more than 1000 feet on all sides. While SJ incorporation looks to eventually have 300 employees in the old commissary building, their growth will be gradual.

Fort Ritchie which was once a deserted, crumbling former military base is once again bustling with activity. SJ incorporation will add to its revival. 300 employees sounds like a large number, but the base once held well north of 2500 people.

Finally, we do not believe that any of their operations will cause any noise, chemical, or parking concerns. The commissary has a very large parking lot and site to handle the operations SJ proposes. The commissary has several bay doors for loading and unloading and a parking lot with clearance for truck turn around already in place.

I look forward to discussing this with the board on June 25, 2025

John Krumpotich



SITE DATA #18	Harshman Automotive	8:00
HOURS OF OPERATION	7:00 AM - 5:00 PM MON - FRI	
FUNCTIONAL DESCRIPTION	DATA OFFICE DATA CENTER LIGHT MAINT	
DELIVERIES	4 DELIVERY TRUCK MONTHLY	
TOTAL FLOOR SPACE	12,000 SF	1 STORY 1,000 SF
NO. OF EMPLOYEES	4	
PARKING REQUIRED	7	400 SPACES

1 space per employee on the main shift plus 1 space per 350 sq ft of office and/or sales space

SITE DATA #518 SJ Incorporation	
HOURS OF OPERATION	MON - FRI, 24 HOURS
FUNCTION DESCRIPTION	MANUFACTURING (MEDICAL DEVICES)
OFFICE SPACE	2,000 S.F.
MAIN SHIFT EMPLOYEES	90
DELIVERIES	25 BOX TRUCKS WEEKLY
PARKING REQUIRED	98 SPACES (1 SPACE PER EMPLOYEE ON THE MAIN SHIFT)

PARKING #518	
PARKING REQUIRED	
HARSHMAN AUTOMOTIVE	7
SJ INCORPORATION	96
TOTAL	103
PARKING PROVIDED	
REGULAR SPACES	144
HANDICAP SPACES	8
TOTAL PROVIDED	150

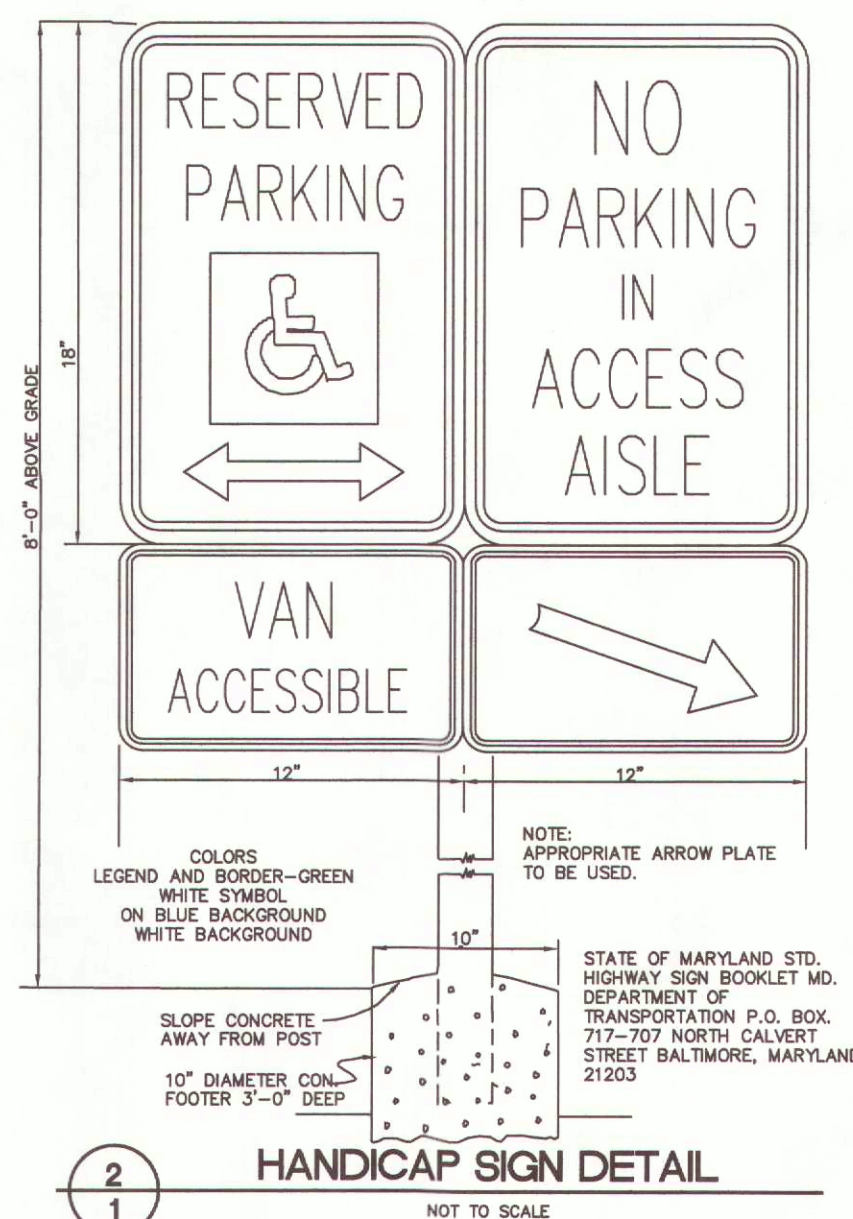
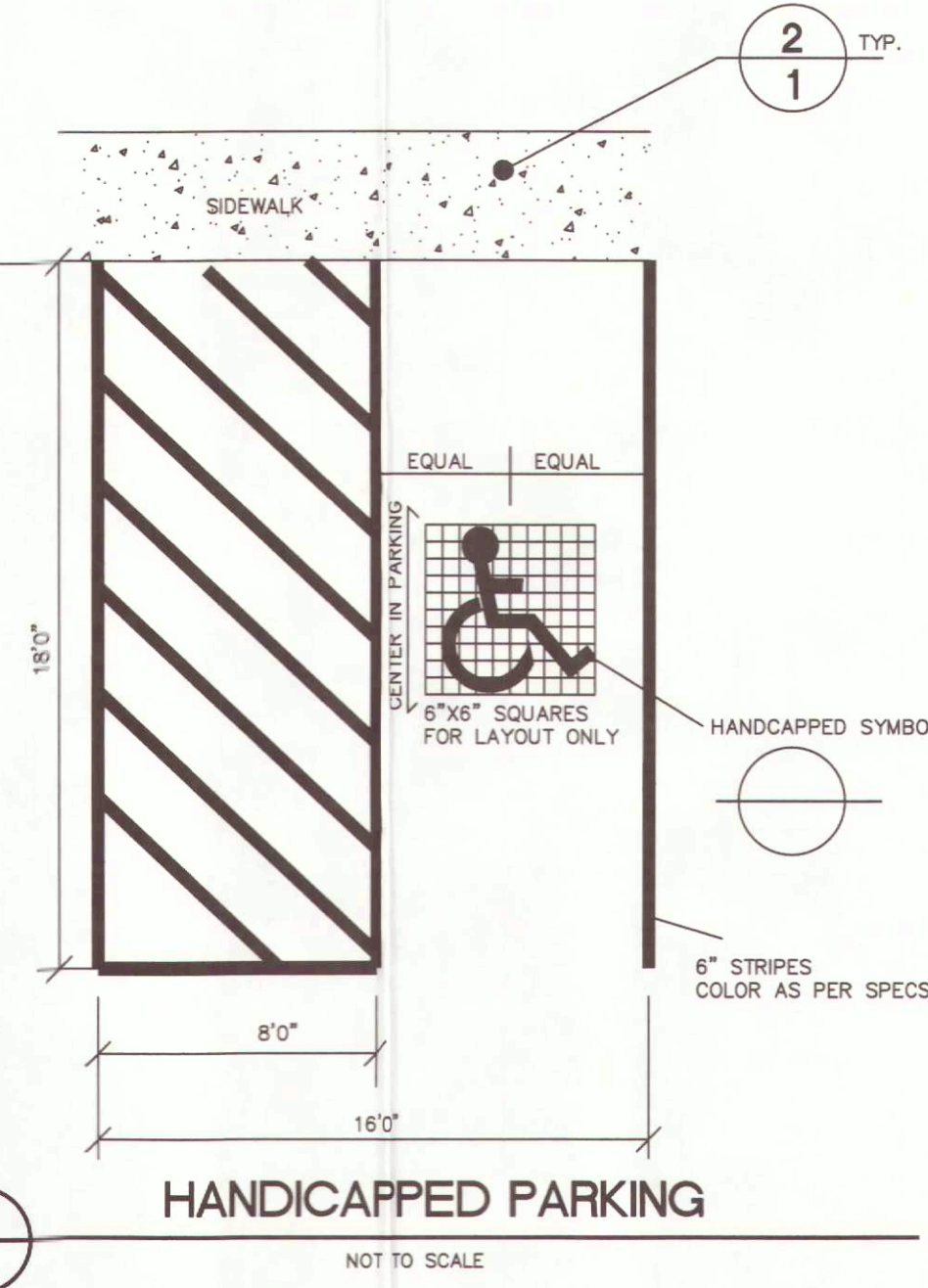
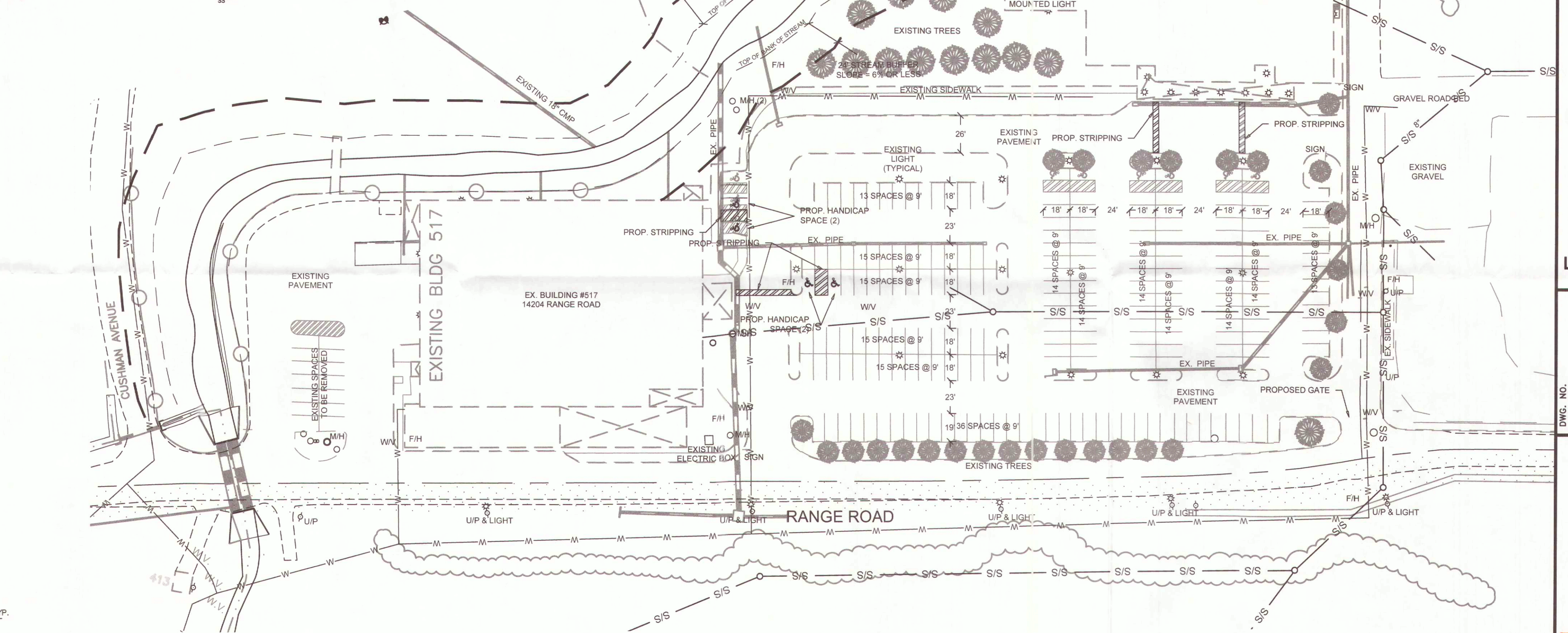
SITE DATA #517 JRJ MANUFACTURING		8:00
HOURS OF OPERATION		7:00 AM - 5:00 PM MON - FRI
FUNCTIONAL DESCRIPTION		ORANGE LIGHT MANUFACTURING
DELIVERIES	1-2	DELIVERY TRUCK MONTHLY WEEK
TOTAL FLOOR SPACE		27,250 SF - 1 STORY / 1,000 SF
NO. OF EMPLOYEES	15	00
PARKING REQUIRED	16	00 SPACES
PARKING PROVIDED		00 SPACES
REGULAR SPACES		00
HANDICAP SPACES		00
TOTAL PROVIDED		00

1 space per employee on the main
 shift plus 1 space per 350 sq ft of office
 and/or sales space

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 as may be specifically 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.

SYMBOL		FEATURE	
<u>EXISTING</u>	<u>PROPOSED</u>	PROPERTY LINE, CORNER	
		PERMANENT EASEMENT	
		CONTOURS	
		TREE LINE	
		EDGE OF ROAD	
		CONCRETE CURB	
		FENCE LINE	
		STREAM OR DITCH	
		POLE LIGHT	
		FLOW LINE	
		WATER LINE	
		SANITARY SEWER LINE	
		STORM DRAIN	
		ROOF DRAIN PIPE	
		WATER VALVE	
		WATER CAP, REDUCER, BEND	
		FIRE HYDRANT, METER	
		BUILDINGS, HOUSES, GARAGES	
		SANITARY SEWER MANHOLE	
		STORM DRAIN INLET	
		UTILITY POLE	
		HANDICAP PARKING	
		DETAIL REFERENCE	
		EXISTING SPOT ELEVATION	
		PROPOSED SPOT ELEVATION	
		TOP OF CURB	
		BOTTOM OF CURB	
		POINT OF INTERSECTION	
		POINT OF CURVATURE	
		POINT OF TANGENCY	
		POINT ON LINE	
		DOUBLE WATER METER	
		DOUBLE SEWER CLEANOUT	

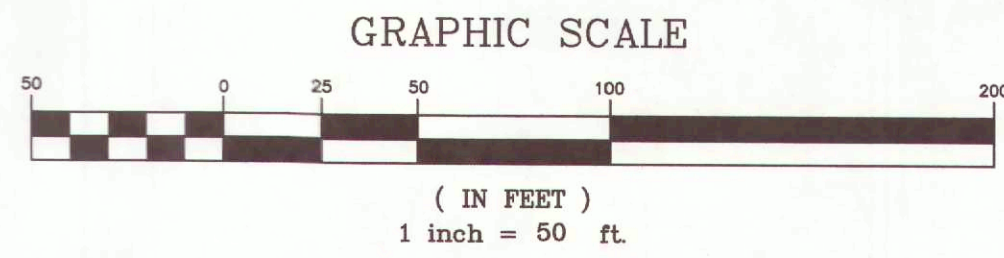


THIS PLAN/PLAT HAS BEEN REVIEWED BY THE WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY FOR ITS COMPLIANCE WITH THE COUNTY CAPACITY MANAGEMENT PLAN FOR THE SYSTEM. THE SERVICE TO THIS PROJECT IS NOT BEING PROVIDED FOR CONSTRUCTION SHOWN ON THIS PLAN. SHALL BE IN ACCORDANCE WITH THE CAPACITY MANAGEMENT PLAN DEVELOPED FOR THE SYSTEM BASED ON AVAILABILITY OF ALLOCATION REMAINING IN THE FACILITY.

Kevin Slack 8/26/08


WASHINGTON COUNTY DEPARTMENT OF WATER QUALITY

OWNER/DEVELOPER
Ft. Ritchie I, LLC
c/o COPT Property Management Services, LLC
P.O. Box 773
Cascade, MD 21719
Attn: William Hofmann
PHONE #: (301) 241-4050
FAX #: (301) 241-4141



REVISIONS:	DATE:
REVISION APPROVED 06-14-2022	6-14-2022
REDLINE REVISION	06-03-2025

**FREDERICK
SEIBERT &
ASSOCIATES, INC.**



CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
11218 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
202 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-5650 (301) 416-7478 (717) 597-1007
FAX (301) 739-4856

JOB NO.	4226.15
TAX MAP 28-1-162	ELECT. DIST. 14
DWN BY DWH	DATE 4/2/08
CHK BY	DATE
SCALE 1" = 50'	

REDUCTION
SITEPLAN

for
BUILDING #518 & #517

SITUATE ALONG THE EAST SIDE OF
WEST BANFILL AVENUE

WASHINGTON COUNTY, MARYLAND

SHEET NO.:

1

1

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

CASCADE PROPERTIES, LLC

Appellant

Appeal No.: AP2025-014

* * * * *

OPINION

Cascade Properties, LLC (hereinafter “Appellant”) requests a special exception to establish a medical device manufacturing business at the subject property. The subject property is located at 24930 Reservoir Road, Cascade, Maryland 21719 and is zoned Special Economic Development. The Board held a public hearing in this matter on June 25, 2025.¹

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

Findings of Fact

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

1. Appellant is the owner of the subject property located at 24930 Reservoir Road, Cascade, Maryland. The subject property is zoned Special Economic Development.

2. Appellant purchased the subject property in 2021 and currently a total of 94 commercial and residential tenants in various buildings on the property.

3. The subject property is part of the former Fort Ritchie property and consists of Existing Building #518 which is a large, one-story building originally used as a commissary by the United States Army.

¹ Board Member Brent Feight abstained from the hearing and vote regarding this appeal.

3. The subject property currently houses Harshman Automotive.
4. The subject property has been the subject of two (2) previous requests for special exceptions, both of which were granted by the Board in AP2021-035 and AP2022-018.
5. Appellant proposes to co-locate a medical equipment manufacturing business on the other side of Existing Building #518. The company will manufacture I.V. bags for distribution to medical end users.
6. It is expected that the manufacturer would begin with approximately 100 to 150 employees and would gradually transition to between 250 and 300 employees, working on three (3) shifts.
7. There will be no changes or additions made to the exterior of Existing Building #518. There is no need for additional lighting or infrastructure to support the manufacturing use. All operations will be contained inside the building.
8. There was opposition presented to this appeal.

Rationale

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as “a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.” Article 28A. In addition, Section 25.6 sets forth the limitations, guides, and standards in exercise of the board’s duties and provides:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in

dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.
- (c) Traffic conditions and facilities
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.
- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- (g) The most appropriate use of the land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

For the reasons set forth herein, the Board concludes that the special exception should be granted.

The subject property is located in a generally rural area, inside the former Fort Ritchie. Although there are residences nearby, the population is moderate to low in the surrounding area. The testimony presented was that the proposed facility will not produce any noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties. Additionally, there was no evidence presented that the proposed use would affect property values in the surrounding area. Likewise, there is no evidence that it will create dangerous traffic or other safety concerns within the surrounding area.

The Board finds that the proposed use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

Notwithstanding the analysis pursuant to *Schultz v. Pritts* and the related appellate opinions, there are no judicial decisions directly affecting the subject property.

The proposed project is consistent with the orderly growth of the community. Appellant provided evidence and testimony about the continuing efforts to redevelop

the Fort Ritchie property, especially regarding uses that will generate employment opportunities for the County. Appellant also noted that other manufacturing and commercial uses have previously been approved for the property. The Board finds that the proposed use is consistent with the purpose and vision of the Ordinance.

The proposed facility does not create additional traffic or impact access to gatherings or events that may be held at locations, including churches and schools in the surrounding area.

The Board notes that any use of property has some impact on the surrounding neighborhood. The test is not whether there is adverse impact, but whether the nature of the specific property or area exacerbates that adverse impact. Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed use at the subject property will have no greater “adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellant’s request should be granted.

Accordingly, the request for a special exception for at the subject property is hereby GRANTED, by a vote of 4 to 0. The special exception is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 23, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: JMMR Properties LLC
301 Lanafield Drive
Boonsboro MD 21713

Appellant: JMMR Properties LLC
301 Lanafield Drive
Boonsboro MD 21713

Property Location: 2620 Rohrersville Road
Rohrersville, MD 21779

Description Of Appeal: Variance from the requirement of the substantial improvement interpretation of the floodplain ordinance.

Docket No: AP2025-015
Tax ID No: 08000832
Zoning: P
RB Overlay: No
Zoning Overlay:
Filed Date: 06/05/2025
Hearing Date: 06/25/2025

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Floodplain Ordinance Section 5.3 (A) (1)

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single-Family Dwelling

Proposed Use: Improvements to Dwelling

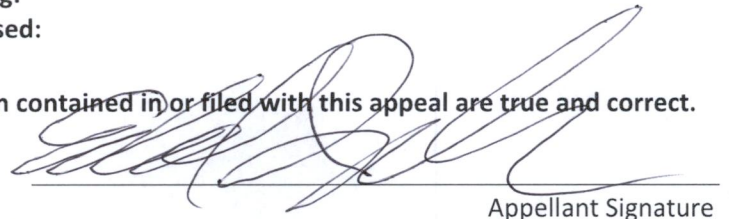
Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:
Proposed:

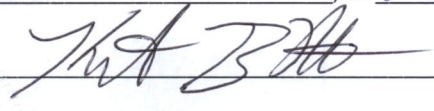
I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.


Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 5 day of June, 2025.

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


Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-015

State of Maryland Washington County, To Wit:

On 6/5/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert & Associates Inc and made oath in due form of law as follows:

Frederick Seibert & Associates Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/25/2025, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 06/10/2025 and will remain until after the above hearing date.

Frederick Seibert & Associates Inc

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

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

Notary Public

Seal

My Commission Expires



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

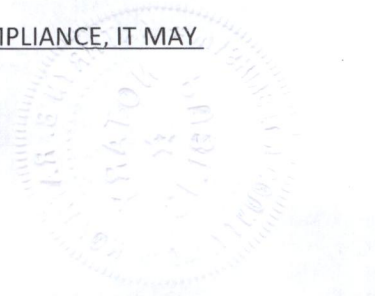
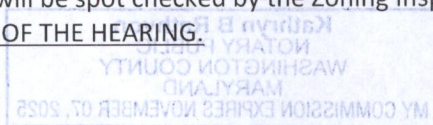
ATTENTION!

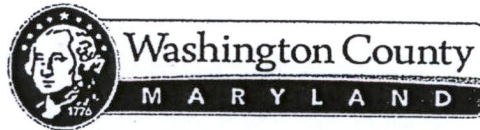
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2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

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





BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21740 | P: 240.313.2460 | F: 240.313.2461 | Hearing Impaired: 7-1-1

WWW.WASHCO-MD.NET

Appeal for Floodplain Variance Application

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.

Checklist

- ☐ Copy of permit application
- ☒ Site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks.
- ☒ Architectural drawings None - all Interior
- ☒ Elevation Certificate
- ☒ Other: See Attachment list

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

Section I. Project Information

A. Applicant

Name: JMMR Properties LLC c/o James Ringley

Address: 301 Lanafield Drive, Boonsboro, MD 21713

Phone: 240-203-2073

Email: JMMR Properties LLC @ gmail.com

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

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

☐ Contract to Purchase ☐ Other _____

B. Owner

Name: Same

Address: _____

Phone: _____

Email: _____

C. Property

Property Address: 2620 Rohrersville Road

SDAT Account Identifier: 08-000832

Map: 84 Grid: 23 Parcel: 108 Lot:

Brief Description of Project: Repair and Improvements to a house built in
1965

Existing Use: Residential Proposed Use: Residential

Current Value of Structure: \$165,000 As of Date: 9-12-2024 (purchase price)

Estimated Project Cost (including labor): \$72,475

D. Flood Insurance Rate Map (FIRM)

Panel No.: 24043 CO 393 Effective Date: 8-15-2017

Flood Source: FIRM Floodplain Type(s): Tidal/Riverine/Coastal

Flood Zone: AE Base Flood Elevation: 628.4 Elevation Datum: NAVD 1988

Section II. Variance Information

A. Description of the variance sought:

To allow improvements to be done to this house that is barely in
the flood plain.

B. Reason for the variance request:

House is of sound structural character. House needs improvements
as it has been neglected. Risk is extremely low to flooding and
would pose little damage to improvements and no risk to downstream
houses.

C. Applicable Section(s) of the Code:

1. Substantial Improvement interpretation
2. 5.3 (A) (1)

Section III. Considerations for Variances (please address each one)

- A. The danger that materials may be swept onto other lands to the injury of others.

None

- B. The danger to life and property due to flooding or erosion damage.

None

- C. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.

Flooding in the 100 yr. Flood Plain 1 in 100. Risk would be minimal if it did occur as floor will be LVP and any mechanical elements will be elevated above the 100 yr. Flood Plain.

- D. The importance of the services to the community provided by the proposed development.

There is a housing shortage and this house is of value and can easily and safely be repaired.

- E. The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.

N/A

- F. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.

N/A

- G. The compatibility of the proposed use with existing and anticipated development.

It is residential and agricultural around this house

- H. The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.

The use is already existing since 1965

- I. The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.

Very safe, driveway is not in a flood plain

- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

This house sits at the very upper limit of the Flood Plain and therefore these risks are none existant.

- K. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

None

- L. The comments provided by MDE (NFIP State Coordinator).

Unknown

Section IV. Limitations for Granting Variances (please address each one)

- A. A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulates standards other than health and public safety.

Again, this site sits at the very top of the FEMA flood plain. Before 2017, the FEMA map had the limit of the flood plain just south of this site and it was not in the flood plain.

- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

The house was built in 1967 and until 2017 it was located outside of the flood plain. Now in 2017 it is just barely in the flood plain by 6" at the middle of the house and zero inches at the south end of the house.

- C. A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in these regulations.

The granting of this variance will not change any flow characteristics. The house already exists. The variance merely allows the owner to make inside improvements to the house.

D. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
All of the above statements prove that the granting of the variance
will not result in any additional threats to public safety above
what presently exists.

E. A determination that the building, structure or other development is protected by methods to minimize flood damages.
The amount of potential water pressure against the house at this
location is negligible since it is located on the flood plain fringe
and is at the very top of the flood plain limit and the hydraulic
gradients falls away quickly as it slopes south.

F. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
This variance is the minimum needed to allow improvements
inside the house.

Section V. Previous Appeal Information

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

☐ Yes ☒ No

If yes, list docket number(s): _____

Section VI. Certification

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

Jim Nepp
Signature of Appellant

301 Lam Field Drive

Email of Appellant
Boomsboro MD 21713

jmrproperhasllc@gmail.com

Address of Appellant

240-203-2073

Phone Number of Appellant

Section VII. Resources

Maryland Flood Risk Application, <https://mdfloodmaps.net/>

FEMA Map Service Center, <https://msc.fema.gov/portal/home>

FEMA Technical Bulletins (TBs), <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>

Technical Bulletin, Update Overview

Technical Bulletin 0, User's Guide to NFIP Technical Bulletins

Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures (2020)

Technical Bulletin 2, Flood Damage-Resistant Materials Requirements

Technical Bulletin 3, Non-Residential Floodproofing Requirements and Certifications

Technical Bulletin 4, Elevator Installation

Technical Bulletin 5, Free-of-Obstruction Requirements (2020)

Technical Bulletin 6, Below-Grade Parking Requirements

Technical Bulletin 7, Wet Floodproofing Requirements

Technical Bulletin 8, Corrosion Protection of Metal Connectors in Coastal Areas

Technical Bulletin 9, Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings

Technical Bulletin 10, Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding

Substantial Improvement/Substantial Damage Desk Reference (FEMA P-758)

https://www.fema.gov/sites/default/files/2020-07/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf

Floodplain Management Bulletin – Variances and the National Flood Insurance Program (FEMA P-993)

https://www.fema.gov/sites/default/files/2020-08/FEMA_P-993_FPM-Bulletin_Variance.pdf

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name: James Ringley

Policy Number: _____

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

Company NAIC Number: _____

City: Rohrsersville

State: MD

ZIP Code: 21779

A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number:
Tax Map 84, Grid 23, Parcel 108

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): Residential

A5. Latitude/Longitude: Lat. 39.388331° Long. -77.657092 Horizontal Datum: ☐ NAD 1927 ☐ NAD 1983 ☒ WGS 84

A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).

A7. Building Diagram Number: 7

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s): N/A sq. ft.

b) Is there at least one permanent flood opening on two different sides of each enclosed area? ☐ Yes ☐ No ☒ N/A

c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade:
Non-engineered flood openings: _____ Engineered flood openings: _____

d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in.

e) Total rated area of engineered flood openings in A8.c (attach documentation - see Instructions): _____ sq. ft.

f) Sum of A8.d and A8.e rated area (if applicable - see Instructions): _____ sq. ft.

A9. For a building with an attached garage:

a) Square footage of attached garage: 500.00 sq. ft.

b) Is there at least one permanent flood opening on two different sides of the attached garage? ☐ Yes ☒ No ☐ N/A

c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade:
Non-engineered flood openings: N/A Engineered flood openings: _____

d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in.

e) Total rated area of engineered flood openings in A9.c (attach documentation - see Instructions): _____ sq. ft.

f) Sum of A9.d and A9.e rated area (if applicable - see Instructions): _____ sq. ft.

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1.a. NFIP Community Name: Washington County, MD

B1.b. NFIP Community Identification Number: 240070

B2. County Name: Washington

B3. State: MD

B4. Map/Panel No.: 24043CO393

B5. Suffix: D

B6. FIRM Index Date: _____

B7. FIRM Panel Effective/Revised Date: 08/15/2017

B8. Flood Zone(s): AE

B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): 628.4

B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9:

☒ FIS ☐ FIRM ☐ Community Determined ☐ Other: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? ☐ Yes ☒ No

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

2620 Rohrsersville Road

City: Rohrsersville

State: MD

ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: OPUS determined

Vertical Datum: _____

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other: _____

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?

☐ Yes ☒ No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

a) Top of bottom floor (including basement, crawlspace, or enclosure floor):

627.80

☒ feet ☐ meters

b) Top of the next higher floor (see Instructions):

635.90

☒ feet ☐ meters

c) Bottom of the lowest horizontal structural member (see Instructions):

☐ feet ☐ meters

d) Attached garage (top of slab):

635.10

☒ feet ☐ meters

e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area):

627.80

☒ feet ☐ meters

f) Lowest Adjacent Grade (LAG) next to building: ☐ Natural ☒ Finished

627.80

☒ feet ☐ meters

g) Highest Adjacent Grade (HAG) next to building: ☐ Natural ☒ Finished

634.90

☒ feet ☐ meters

h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:

629.20

☒ feet ☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

☐ Check here if attachments and describe in the Comments area.

Certifier's Name: Frederic M. Frederick

License Number: 10731

Title: Surveyor

Company Name: FSA

Address: 128 South Potomac Street

City: Hagerstown

State: MD

ZIP Code: 21740

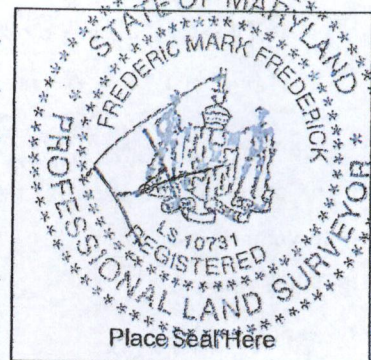
Signature: _____

Date: 1-10-2025

Telephone: (301) 791-3650

Ext.: 1204

Email: FFrederick@fsa-inc.com



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):

Basement is currently being refinished

Water heater, washer and dryer in basement per owner

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrersville Road

City: Rohrersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION E - BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1-E5. For Items E1-E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge

☐ Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Telephone: _____ Ext.: _____ Email: _____

Comments: _____

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

City: Rohrsersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION G - COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.a. ☐ A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.
- G2.b. ☐ A local official completed Section H for insurance purposes.
- G3. ☐ In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.
- G4. ☐ The following information (Items G5-G11) is provided for community floodplain management purposes.
- G5. Permit Number: _____ G6. Date Permit Issued: _____
- G7. Date Certificate of Compliance/Occupancy Issued: _____
- G8. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement
- G9.a. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum: _____
- G9.b. Elevation of bottom of as-built lowest horizontal structural member: _____ ☐ feet ☐ meters Datum: _____
- G10.a. BFE (or depth in Zone AO) of flooding at the building site: _____ ☐ feet ☐ meters Datum: _____
- G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: _____ ☐ feet ☐ meters Datum: _____
- G11. Variance issued? ☐ Yes ☐ No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: _____ Title: _____

NFIP Community Name: _____

Telephone: _____ Ext.: _____ Email: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

City: Rohrsersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION H - BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5-9. Top of bottom floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is: _____ ☐ feet ☐ meters ☐ above the LAG

b) For Building Diagrams 2A, 2B, 4, and 6-9. Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: _____ ☐ feet ☐ meters ☐ above the LAG

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

☐ Yes ☐ No

SECTION I - PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge.* Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.

☐ Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Telephone: _____ Ext.: _____ Email: _____

Comments: _____

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS
See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

City: Rohrsersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.

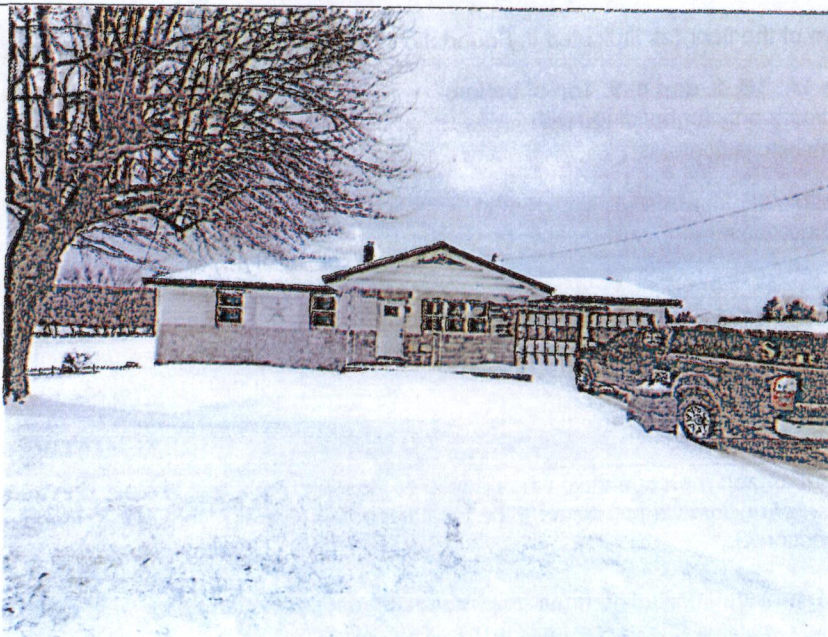


Photo One

Photo One Caption: Front

Clear Photo One



Photo Two

Photo Two Caption: Rear

Clear Photo Two

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

City: Rohrsersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.

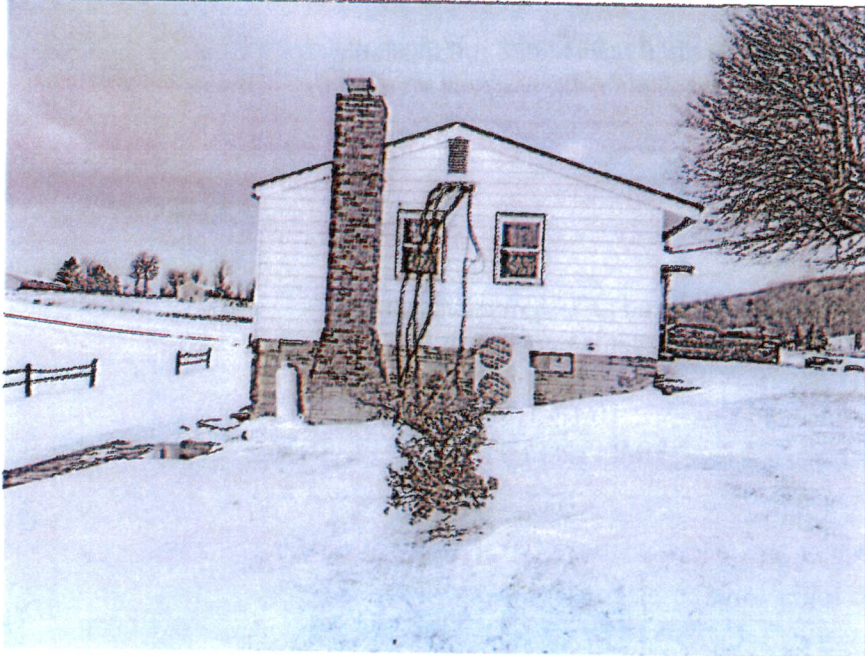


Photo Three

Photo Three Caption: Left Side

Clear Photo Three

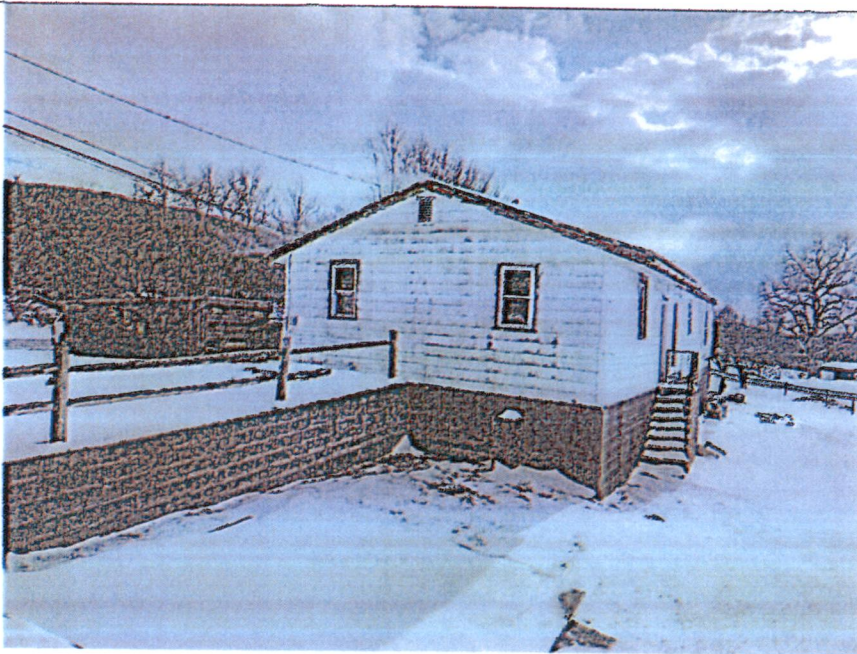


Photo Four

Photo Four Caption: Right Side

Clear Photo Four

Ryder W. Hawbecker

From: opus <opus@ngs.noaa.gov>
Sent: Thursday, January 9, 2025 7:14 AM
To: Ryder W. Hawbecker
Subject: OPUS-RS solution : 3074_FP OP1736424694806

FILE: 3074_FP OP1736424694806

2005 NOTE: The IGS precise and IGS rapid orbits were not available
2005 at processing time. The IGS ultra-rapid orbit was/will be used to
2005 process the data.
2005

NGS OPUS-RS SOLUTION REPORT

=====

All computed coordinate accuracies are listed as 1-sigma RMS values.
For additional information: <https://www.ngs.noaa.gov/OPUS/about.jsp#accuracy>

USER: rhawbecker@fsa-inc.com DATE: January 09, 2025
RINEX FILE: 3074008t.25o TIME: 12:13:03 UTC

SOFTWARE: rsgps 1.38 RS273.prl 1.99.3 START: 2025/01/08 19:24:30
EPHEMERIS: igu23483.eph [ultra-rapid] STOP: 2025/01/08 20:02:00
NAV FILE: brdc0080.25n OBS USED: 3798 / 4329 : 88%
ANT NAME: SOKGRX3 NONE QUALITY IND. 6.58/ 4.31
ARP HEIGHT: 2.1 NORMALIZED RMS: 0.361

REF FRAME: NAD_83(2011)(EPOCH:2010.0000) ITRF2014 (EPOCH:2025.02143)

X:	1055182.919(m)	0.008(m)	1055181.935(m)	0.008(m)
Y:	-4822097.920(m)	0.019(m)	-4822096.487(m)	0.019(m)
Z:	4025842.873(m)	0.022(m)	4025842.832(m)	0.022(m)

LAT:	39 23 18.48768	0.009(m)	39 23 18.51979	0.009(m)
E LON:	282 20 34.96067	0.008(m)	282 20 34.93331	0.008(m)
W LON:	77 39 25.03933	0.008(m)	77 39 25.06669	0.008(m)
EL HGT:	160.360(m)	0.027(m)	159.089(m)	0.027(m)
ORTHO HGT:	193.682(m)	0.032(m)	[NAVD88 (Computed using GEOID18)]	

635.438

UTM COORDINATES STATE PLANE COORDINATES

	UTM (Zone 18)	SPC (1900 MD)	
Northing (Y) [meters]	4363254.938	191335.931	627741.300
Easting (X) [meters]	271176.793	343403.884	1126650.909
Convergence [degrees]	-1.68676944	-0.41232778	
Point Scale	1.00024472	0.99998982	
Combined Factor	1.00021956	0.99996466	



0 Rohrsersville Rd, Rohrsersvill X Q

v search results for 2620 Rohrsers...



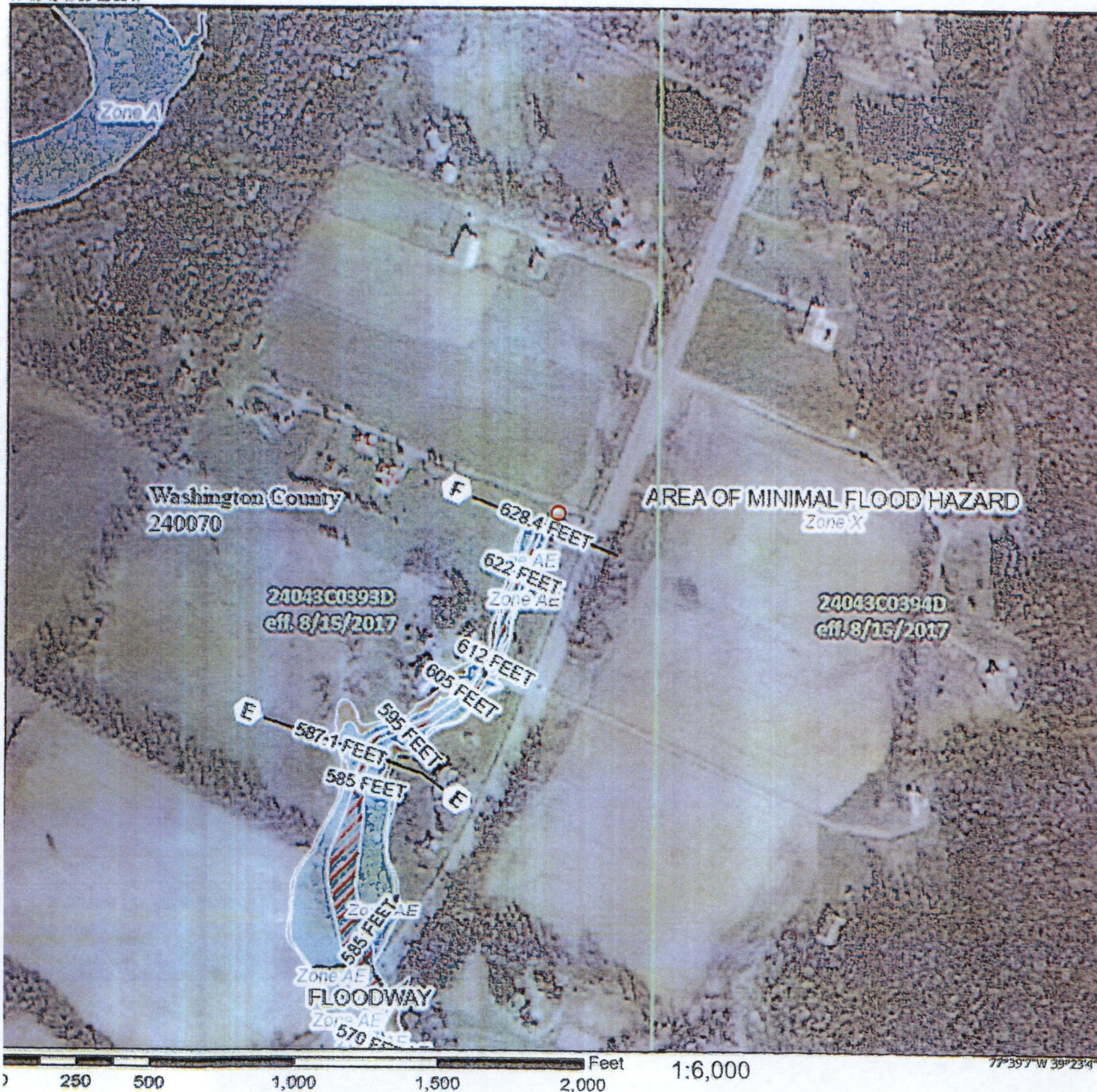
Search



National Flood Hazard Layer FIRMette



77°39'45"W 39°23'32"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A V A99
	With BFE or Depth Zone AE, AO, AH, VE, AP
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
	Area with Flood Risk due to Levee Zone X
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
GENERAL STRUCTURES	Area of Undetermined Flood Hazard Zone X
	Channel, Culvert, or Storm Sewer
OTHER FEATURES	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
MAP PANELS	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
MAP PANELS	Unmapped
	The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/8/2025 at 4:12 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Fred M. Frederick

From: Fred M. Frederick
Sent: Thursday, April 24, 2025 2:53 PM
To: Fred M. Frederick
Subject: FW: Flood Plain Variance

-----Original Message-----

From: Williams, Heather <hwilliams@washco-md.net>
Sent: Thursday, April 24, 2025 2:36 PM
To: Fred M. Frederick <FFrederick@fsa-inc.com>
Cc: Keith D. Moore <KMoore@fsa-inc.com>
Subject: RE: Flood Plain Variance

Proposed Improvements

This is the description the applicant provided in the on-line application...

"Interior and exterior renovations to include, demolish (3) sheds and level ground, remove and replace 4 exterior windows, front entry door with pre-hung 36" LH inswing, install metal roof over existing three-tab shingle roof, remove porch from master bedroom area and patch in vinyl siding, paint exterior vinyl siding, install new foot valve on water line, replace rotten soffit and fascia, wrap exposed soffit and fascia with trim coil, Garage: replace 8x7 garage doors, remove existing back steps, paint garage steps, remove debris, paint interior, Throughout entire dwelling: replace drywall, HVAC, electric and plumbing upgrades, and paint, Living Room: remove carpet, refinish hardwood floor, Kitchen: remove popcorn ceilings, remove laminate floor, install tile flooring, replace cabinets, sink, countertops, appliances, backsplash, and fixtures, Hallway: refinish hardwood flooring, Bathroom: replace fiberglass shower, diverter, replace toilet, vanity and faucet, install new exhaust fan and new tile flooring, Bedrooms: paint and refinish doors, Basement: remove trash and refuse left in basement, drywall, install 1000 sq. ft. of LVP flooring, Basement Bath: replace fixtures, install tile flooring"

Thank you,
Heather

Heather Williams, CFM
Sr. Plan Reviewer/Floodplain Manager
Division of Engineering
747 Northern Ave
Hagerstown, MD 21742
P: (240) 313-2416
<http://www.washco-md.net/>

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: None

Account Number: District - 08 Account Identifier - 000832

Owner Information

Owner Name:	JMMR PROPERTIES LLC	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	301 LANAFIELD DR BOONSBORO MD 21713-	Deed Reference:	/07531/ 00330

Location & Structure Information

Premises Address:	2620 ROHRERSVILLE RD ROHRERSVILLE 21779-0000	Legal Description:	LOT 200X90 .42 A 2620 ROHRERSVILLE RD W/S MD RT 67
-------------------	---	--------------------	--

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0084	0023	0108	8010077.22	0000				2024	
Town: None									Plat Ref:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1965	1,008 SF	504 SF	18,000 SF	

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2024	As of 07/01/2024	As of 07/01/2025
Land:	54,000	54,000		
Improvements	113,300	166,700		
Total:	167,300	220,700	185,100	202,900
Preferential Land:	0	0		

Transfer Information

Seller: BOLT ESTHER H	Date: 09/12/2024	Price: \$165,000
Type: NON-ARMS LENGTH OTHER	Deed1: /07531/ 00330	Deed2:
Seller: BOLT KENNETH N	Date: 06/10/2022	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07033/ 00182	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00393/ 00716	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
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

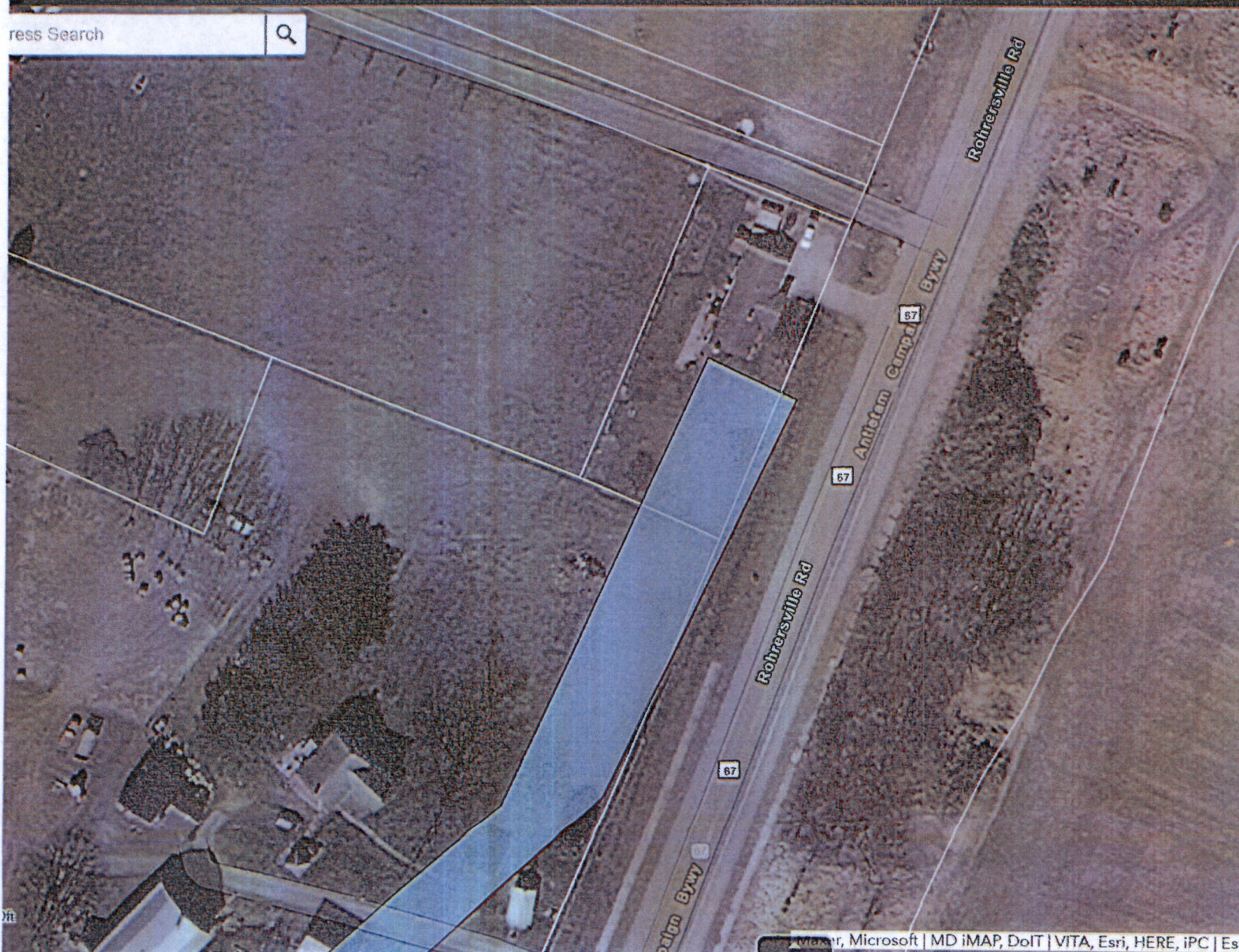
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

FSAwebMap

with Web AppBuilder for ArcGIS

ress Search



Layer List

- ☐ Aerial Grid
- ☐ Grid 2014 Aerial and Contours
- ☒ Townships
- ☐ NPS_Land_Resources_Division_Bound
Tract_Data_Service - nps_tracts
- ☐ Streams
- ☐ Soils
- ☐ Traffic Counts
- ☐ NGS Survey Control
- ☐ Septic Restricted
- ☐ Septic Prohibited
- ☐ FSA Old Tax Map Scans
- ☐ CountyControl -
GISLayers.GISADMIN.CountyControl
- ☐ USA Wetlands
- ☒ Floodplains Old
- ☐ OLD Parcels
- ☒ Parcels Washington County
- ☐ RecordedPlats_Maryland_MDOTSHA
- ☐ Maryland Flood...



Search



ress Search



Measurement

1 Feet (US)

Measurement Result

150.1 Feet (US)

Clear

Construction Costs

BASEMENT

blueridge 5 zone mini split system
 capeting and padding basement
 drywall removal and install
 ceramic tile for bathroom
 fiberglass tub
 update electrical and run new

FIRST FLOOR

Vinyl double hung windows
 Vinyl double hung window install
 Bathroom tile, fixtures, vanity
 36x80 fiberglass front door
 Vinyl siding outside entire home
 garage doors 8x7
 refinish existing hardwood floors
 kitchen cermaic tile
 kitchen cabinets grey soft close drawers
 drywall removal and installation
 samsung kitchen appliances
outside home
 removal of existing metal shed and level grade ground
 install metal roofing oiver existing shingle roof
 install paver patio and removal of existing concrete at rear of home
 install 16x12 deck pressure treated lumber at rear of home

CONTRACTOR

COST

Dennis Ian	11480
carpet gallery	4000
Dave Ian	3000
Ian	1000
Ian	500
Brian Ian	5000

CONTRACTOR

COST

Beacon	1600
josh ian	1000
pb auctions	1000
josh ian	700
josh ian	7000
Nick Ian	2495
Dave Ian	1000
pb auctions	500
pb auctions	3500
Dave Ian	5000
best buy	3500

Josh Ian	1200
Josh Ian	10000
Josh Ian	1000
Josh Ian	8000
total	72475

\$8000:
 Flood
 Risk
 Area

INVOICE

J and B garage doors

55 S Main St,
Smithsburg, Maryland 21783
Phone: 2403829631
jbfamilydoors@gmail.com
jandbgaragedoors.com

INVOICE #	12345
INVOICE DATE:	10/01/2024

BILL TO

James Ringley
301 Lanafield Ct
2402036284
James.ringley@rmcollisionglass.com

QTY	ITEM ID#	DESCRIPTION	UNIT PRICE	ITEM TOTAL
2		8x7 Garage Doors	\$375.00	\$750.00
1		Installation Fitment And Function Test	\$1,700.00	\$1,700.00

SUBTOTAL \$2,450.00

PAYMENT TERMS 1/2 due at start of job
PAYMENT DUE 12/18/2024

TAX	\$45.00
TOTAL DUE	\$2,495.00

Make All Checks Payable To: J and B garage doors

THANK YOU FOR YOUR BUSINESS!

Daves Painting llc

309 bent willow
Greencastle PA
(301)800-1638

Invoice

submitted 10/01/24

Invoice for

James Ringley
JMMR Properties LLC
301 Lanafield Drive
Boonsboro MD 21713

Payable to

Daves Painting llc

Invoice #

4201

Project

2620 Rohrsersville Rd

Due date

1/3 due at start of project

Description	Qty	Unit price	Total price
Drywall removal / installation first floor	1	\$5,000.00	\$5,000.00
Drywall removal / installation basement level	1	\$3,000.00	\$3,000.00
Refinish hardwood floors on main level-includes	1	\$1,000.00	\$1,000.00
Bathroom first floor tile, tub, toilet, tile and vanity	1	\$1,500.00	\$1,500.00

Notes:

Subtotal \$10,500.00
Adjustments \$0.00

\$10,500.00



HVAC INVOICE

Bill From

Name: Dennis
Company Name: HVAC
PRO
Street Address:
City, ST ZIP Code:
Phone: 5715742922

Bill To

Name: James
Ringley
Company Name: JMMR
Properties
Street Address: 301 Lanafield
Ct.
City, ST ZIP Code: Boonsboro, MD
21713
Phone: 2402032073

Invoice No. 534

Invoice Date: 4/01/24

Due Date: 4/11/24

Description of Work Performed	Service/Hours	Price (\$)	Total (\$)
Blueridge 5 zone mini split system			8000.00
Install air handlers, run line sets, charge and test system for leaks	30	100.00	3000.00

Subtotal	11000.00
Sales Tax	480.00
Other	
Total	11480.00

Terms and Conditions



CONSTRUCTION INVOICE

Bill From

Name: Josh Griffith
Company Name: _____
Street Address: Marbern
rd
City, ST ZIP Code: Hagerstown, MD
21740
Phone: _____
3017687206

Bill To

Name: Jame
Ringley _____
Company Name: JMMR
Properties llc _____
Street Address: 301 Lanafield
ct
City, ST ZIP Code: Boonsboro,
MD 21713
Phone: _____
2402032073

Invoice No. 7645

Invoice Date: 11/01/24

Due Date: 11/20/24

Description/Job Phase	Quantity/Hours	Price (\$)	Total (\$)
Vinyl double hung windows	8	200.00	1600.00
Vinyl double hung window install	1		1000.00
Metal roofing supplies panels,screws,capping,vents.	1		5000.00
Metal roofing install over existing shingle roof.	1		5000.00
16x12 lumberdecking,posts,concvrete,hardware.	1		3000.00
16x12 deck installation on rear of home	1		5000.00
Remove concrete install paver patio on rear of home.	1		1000.00
Vinyl siding- certainteed main street blue,j channel, starter strips,soffitt.	1		5000.00
Vinyl siding installation of entire home.	1		2000.00
36x80 inch fiberglass front door	1	400.00	400.00
Front door fitment and installation	3	100.00	300.00
Removal of existing metal sheds and level and grade ground.	12	100.00	1200.00
Subtotal			30500.00
Sales Tax			900.00



Washington County Board of Zoning Appeals Owner's Representative Affidavit

This is to certify that Fred Frederick or Ed Schreiber w/ FSA
is authorized to file an appeal with the Washington County Board of Appeals for Flood Plain Variance

on property located 2620 Kahrsville Rd.

The said work is authorized by JMMR Properties LLC & James Ringley
the property owner in fee.

PROPERTY OWNER

JMMR Properties LLC & James Ringley

Name 301 Lanefield Dr.

Address Boonsboro, MD. 21713

City, State, Zip Code

[Signature]
Owner's Signature

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

NATALIE SARMIENTO

Notary Public
Washington County
Maryland

My Commission Expires May 3, 2028

[Signature]
Notary Public

AUTHORIZED REPRESENTATIVE

Fred Frederick or Ed Schreiber
Name Frederick, Seibert + Associates, Inc.

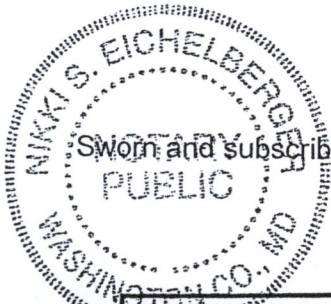
Address 128 S. Potomac Street

Hagerstown, MD 21740
City, State/Zip Code

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 4 day of June, 2025.

[Signature]
Notary Public



My Commission Expires
NOTARY PUBLIC

WASHINGTON COUNTY
STATE OF MARYLAND

My Commission Expires 9/15/2028

APPEAL FOR FLOOD PLAIN VARIANCE

Client: JMMR Properties LLC
c/o James Ringley

FSA #: 3074.FP

Location: 2620 Rohersville Road

Included with this submission:

1. Appeal for Flood Plain Variance Application *& AFFIDAVIT & Building PERMIT*
2. Site map showing location of house and flood plain
3. Elevation Certificate
4. List of proposed improvements to house
5. SDAT for 2620 Rohersville Road
6. Flood plain aerial showing flood plain in 2016
7. Flood plain aerial showing flood plain in 2017 with flood plain elevations and Hydraulic Gradient
8. Contractor's Cost Estimates



WASHINGTON COUNTY DIVISION OF PERMITS & INSPECTIONS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2460 | F:240.313.2461 | Hearing Impaired: 7-1-1

RECEIPT

Permit Number:	2024-04773	Date:	10/09/2024
Permit Type:	Residential Building	Applicant:	James Ringley
Permit Address:	2620 ROHRERSVILLE Road		
Contractor:	Work Description: Interior and exterior renovations to include, demolish (3) sheds and level ground, remove and replace 4 exterior windows, front entry door with pre-hung 36" LH inswing, install metal roof over existing three-tab shingle roof, remove porch from master bedroom area and patch in vinyl siding, paint exterior vinyl siding, install new foot valve on water line, replace rotten soffit and fascia, wrap exposed soffit and fascia with trim coil, Garage: replace 8x7 garage doors, remove existing back steps, paint garage steps, remove debris, paint interior, Throughout entire dwelling: replace drywall, HVAC, electric and plumbing upgrades, and paint, Living Room: remove carpet, refinish hardwood floor, Kitchen: remove popcorn ceilings, remove laminate floor, install tile flooring, replace cabinets, sink, countertops, appliances, backsplash, and fixtures, Hallway: refinish hardwood flooring, Bathroom: replace fiberglass shower, diverter, replace toilet, vanity and faucet, install new exhaust fan and new tile flooring, Bedrooms: paint and refinish doors, Basement: remove trash and refuse left in basement, drywall, install 1000 sq. ft. of LVP flooring, Basement Bath: replace fixtures, install tile flooring		
Permit Status:	Revisions Required		

Fees	Payment
------	---------

Application Fee	\$65.00	Transaction #:	BJ0M5A17EAA0
Additions, Alterations, Repairs and Remodeling	\$201.60	Payment by:	Credit Card
Technology Fee	\$15.00		
Total Fees:	\$281.60		
Total Payments:	\$281.60		
Balance Due:	\$0.00		

- PLEASE DO NOT PROCEED WITH ANY WORK UNTIL THE PERMIT IS APPROVED AND ISSUED.
- All fees must be paid prior to permit issuance - EXCEPTION - FEES FOR THE TOWN OF BOONSBORO AND CLEAR SPRING ARE TO BE PAID AT THE TOWN AND NOT ONLINE. All other fees can be paid online with a credit card (Visa/Mastercard).
- All work authorized by a Permit must comply with all applicable ordinances and codes adopted by the County of Washington and the State of Maryland.
- All work authorized by a Permit must comply with all applicable ordinances and codes adopted by Washington County, Maryland and the State of Maryland. Required inspections can be scheduled by calling the IVR at 240-313-2488.
- Permits shall automatically EXPIRE and become void if work is not commenced within 180 days, or if work is suspended or an inspection is not obtained within 180 days.
- The issuance of a Permit shall not serve to legalize other unpermitted construction, improper occupancies, additional dwelling units, or unauthorized land uses not otherwise legally established. All Permits are subject to review and approval by the Division.

****IF YOUR TRADE PERMIT IS ASSOCIATED WITH A BUILDING PERMIT, ALL INSPECTIONS MUST BE SCHEDULED UNDER THE BUILDING PERMIT.**

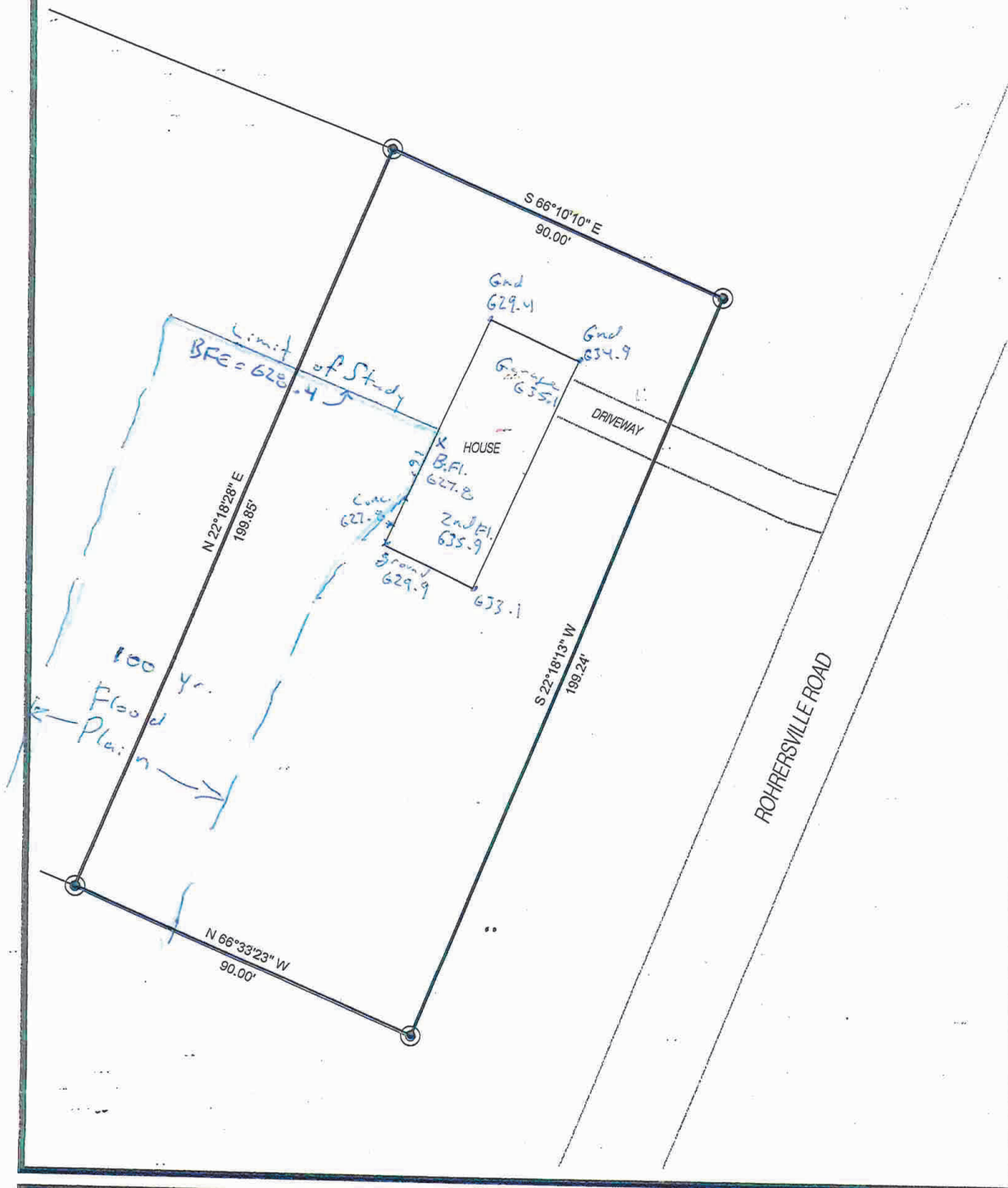
****INSPECTION REQUESTS MUST BE MADE 24 HOURS IN ADVANCE AND NO WORK SHALL BE COVERED UP UNTIL SUCH INSPECTIONS HAVE BEEN COMPLIED.**

Plot Plan

2620 Rohrersville Road, Rohrersville, MD 21779

for

JMMR PROPERTIES LLC



PROPERTY INFORMATION Map: 84 Parcel: 108 ED: 8		 FREDERICK, SEIBERT & ASSOCIATES, INC. CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS		PROJECT NO. 3074.FP
DWN BY SMS	DATE 6-3-2025			
PROJECT MANAGER FMF	EMAIL FFrederick@fsa-inc.com	© 2025 fsa-inc.com		
SCALE 1" = 30'		128 SOUTH POTOMAC STREET HAGERSTOWN, MD 21740 301.791.3650		11142 WILLIAMSPORT PIKE GREENCASTLE, PA 17225 717.597.1007
SHEET 01 OF 01		505 SOUTH HANOVER STREET CARLISLE, PA 17013 717.701.8111		15 EAST MAIN STREET NEW BLOOMFIELD, PA 17068 717.275.7531

RE: UPDATED Flood Plain Elevation Certificate for 2620 Rohrersville Rd

From Fred M. Frederick <FFrederick@fsa-inc.com>

Date Fri 6/20/2025 1:33 PM

To Williams, Heather <hwilliams@washco-md.net>; Rathvon, Kathryn B. <krathvon@washco-md.net>; Calimer, Rebecca <rcalimer@washco-md.net>

 3 attachments (7 MB)

doc09933320250618173513.pdf; doc09933420250618173607.pdf; doc09933620250618183028.pdf;

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Hi Katie

Yes please feel free to share this with the Board but I will also be bringing copies along to enter into the record.

Include the email below as an explanation also.

Thank you

Fred Frederick RLS, PE

President

FREDERICK, SEIBERT & ASSOCIATES, INC.

CIVIL ENGINEERING | LAND SURVEYING | LANDSCAPE ARCHITECTURE

128 S. Potomac St, Hagerstown, MD 21740

O: [301.791.3650](tel:301.791.3650) D: [301.800.0642](tel:301.800.0642)

www.fsa-md.com

HAGERSTOWN, MD | CARLISLE, PA | GREENCASTLE, PA

From: Fred M. Frederick
Sent: Wednesday, June 18, 2025 6:32 PM
To: Williams, Heather <hwilliams@washco-md.net>
Cc: Matthew Smith -MDE- <matthewv.smith@maryland.gov>
Subject: UPDATED Flood Plain Elevation Certificate for 2620 Rohrsersville Rd

Heather

I have updated the Flood Cert based on an actual NGS Monument (F-146) rather than using the February 2025 data when we used our GPS equipment and only collected data for 2 hours and then used the NGS OPUS program to get the elevations.

After I inquired about the OPUS resolution I was told that for vertical elevations it needs to be 4 or more hours of satellite data collection to get more accurate elevations. So we located a NGS monument nearby (see last page of Flood Cert and that made a 0.20' change and is the most accurate data available.

We are still in the flood plain, only now its only by 0.40' and not 0.60'

I have also attached additional data showing the hydraulic gradient and the act that the flood plain only touches our building by 16' or less as the flood plain continues to drop down quickly per the FEMA elevations.

I wanted to review this with you in person but I understand how busy everyone is.

I also spoke to Matthew Smith today and he sent me the SI / SD Desk reference. One of the options listed was to get a professional appraisal of the structure and I am getting that done. I am hoping that its complete by Tuesday. I will let you know as soon as I have it.

I also spoke with the client again today about his \$350,000 number and he point blank told me he really doesn't have any experience with this and thought they were asking for the estimated value of the house once its repaired and improved. He said his real improvements numbers are the \$72475.00

I will be back in touch once we have a certified appraisal report of the structure

Thank you

Fred Frederick RLS, PE
President

FREDERICK, SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERING | LAND SURVEYING | LANDSCAPE ARCHITECTURE
128 S. Potomac St, Hagerstown, MD 21740
O: [301.791.3650](tel:301.791.3650) D: [301.800.0642](tel:301.800.0642)

www.fsa-md.com

HAGERSTOWN, MD | CARLISLE, PA | GREENCASTLE, PA

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name: James Ringley

Policy Number: _____

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

Company NAIC Number: _____

City: Rohrsersville State: MD ZIP Code: 21779

A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number:
Tax Map 84, Grid 23, Parcel 108

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): Residential

A5. Latitude/Longitude: Lat. 39.388331° Long. -77.657092 Horizontal Datum: ☐ NAD 1927 ☐ NAD 1983 ☒ WGS 84

A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).

A7. Building Diagram Number: 7

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s): N/A sq. ft.

b) Is there at least one permanent flood opening on two different sides of each enclosed area? ☐ Yes ☐ No ☐ N/A

c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade:
Non-engineered flood openings: _____ Engineered flood openings: _____

d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in.

e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): _____ sq. ft.

f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): _____ sq. ft.

A9. For a building with an attached garage:

a) Square footage of attached garage: 500.00 sq. ft.

b) Is there at least one permanent flood opening on two different sides of the attached garage? ☐ Yes ☒ No ☐ N/A

c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade:
Non-engineered flood openings: N/A Engineered flood openings: _____

d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in.

e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): _____ sq. ft.

f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): _____ sq. ft.

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1.a. NFIP Community Name: Washington County, MD

B1.b. NFIP Community Identification Number: 240070

B2. County Name: Washington

B3. State: MD

B4. Map/Panel No.: 24043CO393

B5. Suffix: D

B6. FIRM Index Date: _____

B7. FIRM Panel Effective/Revised Date: 08/15/2017

B8. Flood Zone(s): AE

B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): 628.4

B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9:

☒ FIS ☐ FIRM ☐ Community Determined ☐ Other: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? ☐ Yes ☒ No

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

2620 Rohrsersville Road

City: Rohrsersville

State: MD

ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: NGS F-146

Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other:

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?

☐ Yes ☒ No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

a) Top of bottom floor (including basement, crawlspace, or enclosure floor):

628.00

☒ feet ☐ meters

b) Top of the next higher floor (see Instructions):

636.10

☒ feet ☐ meters

c) Bottom of the lowest horizontal structural member (see Instructions):

☐ feet ☐ meters

d) Attached garage (top of slab):

635.30

☒ feet ☐ meters

e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area):

628.00

☒ feet ☐ meters

f) Lowest Adjacent Grade (LAG) next to building: ☐ Natural ☒ Finished

628.00

☒ feet ☐ meters

g) Highest Adjacent Grade (HAG) next to building: ☐ Natural ☒ Finished

635.10

☒ feet ☐ meters

h) Finished LAG at lowest elevation of attached deck or stairs, including structural support:

629.40

☒ feet ☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

☐ Check here if attachments and describe in the Comments area.

Certifier's Name: Frederic M. Frederick

License Number: 10731

Title: Surveyor

Company Name: FSA

Address: 128 South Potomac Street

City: Hagerstown

State: MD

ZIP Code: 21740

Signature:

Date: 06/05/2025

Telephone: (301) 791-3650

Ext.: 1204

Email: FFrederick@fsa-inc.com



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):

Basement is currently being refinished

Water heater, washer and dryer in basement per owner

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

2620 Rohrsersville Road

City: Rohrsersville

State: MD

ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is:

_____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is:

_____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is:

_____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is:

_____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is:

_____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

☐ Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Telephone: _____ Ext.: _____ Email: _____

Comments: _____

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

2620 Rohrsersville Road

City: Rohrsersville

State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

SECTION G – COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.a. ☐ A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.
- G2.b. ☐ A local official completed Section H for insurance purposes.
- G3. ☐ In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.
- G4. ☐ The following information (Items G5–G11) is provided for community floodplain management purposes.
- G5. Permit Number: _____ G6. Date Permit Issued: _____
- G7. Date Certificate of Compliance/Occupancy Issued: _____
- G8. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement
- G9.a. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum: _____
- G9.b. Elevation of bottom of as-built lowest horizontal structural member: _____ ☐ feet ☐ meters Datum: _____
- G10.a. BFE (or depth in Zone AO) of flooding at the building site: _____ ☐ feet ☐ meters Datum: _____
- G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: _____ ☐ feet ☐ meters Datum: _____
- G11. Variance issued? ☐ Yes ☐ No If yes, attach documentation and describe in the Comments area.

The local official who provides information in Section G must sign here. *I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.*

Local Official's Name: _____ Title: _____

NFIP Community Name: _____

Telephone: _____ Ext.: _____ Email: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Signature: _____ Date: _____

Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H):

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

<div>Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 2620 Rohrsersville Road</div> <div>City: <u>Rohrsersville</u> State: <u>MD</u> ZIP Code: <u>21779</u></div>	FOR INSURANCE COMPANY USE <div>Policy Number: _____</div> <div>Company NAIC Number: _____</div>
SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)	
<p>The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). <i>Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.</i></p> <p>H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):</p> <p>a) For Building Diagrams 1A, 1B, 3, and 5–9. Top of bottom _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above the LAG floor (include above-grade floors only for buildings with subgrade crawlspaces or enclosure floors) is:</p> <p>b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above the LAG higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is:</p> <p>H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION	
<p>The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. <i>The statements in Sections A, B, and H are correct to the best of my knowledge.</i> Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.</p> <p><input type="checkbox"/> Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.</p> <p>Property Owner or Owner's Authorized Representative Name: _____</p> <p>Address: _____</p> <p>City: _____ State: _____ ZIP Code: _____</p> <p>Signature: _____ Date: _____</p> <p>Telephone: _____ Ext.: _____ Email: _____</p> <p>Comments: _____</p>	

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

City: Rohrsersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: Front

Clear Photo One



Photo Two

Photo Two Caption: Rear

Clear Photo Two

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
2620 Rohrsersville Road

City: Rohrsersville State: MD ZIP Code: 21779

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: Left Side

Clear Photo Three



Photo Four

Photo Four Caption: Right Side

Clear Photo Four



The NGS Data Sheet

See file [dsdata.pdf](#) for more information about the datasheet.

PROGRAM = datasheet95, VERSION = 8.12.5.19

Starting Datasheet Retrieval...

1 National Geodetic Survey, Retrieval Date = JUNE 5, 2025 08:18:31 EDT

JV3939 *****

JV3939 DESIGNATION - F 146

JV3939 PID - JV3939

JV3939 STATE/COUNTY- MD/WASHINGTON

JV3939 COUNTRY - US

JV3939 USGS QUAD - KEEDYSVILLE (2016)

JV3939

JV3939 *CURRENT SURVEY CONTROL

JV3939

JV3939* NAD 83(1986) POSITION- 39 23 18.63 (N) 077 39 25.08 (W) HD_HELD1

JV3939* NAVD 88 ORTHO HEIGHT - 193.686 (meters) 635.45 (feet) ADJUSTED

JV3939

JV3939 GEOID HEIGHT - -33.322 (meters) GEOID18

JV3939 DYNAMIC HEIGHT - 193.572 (meters) 635.08 (feet) COMP

JV3939 MODELED GRAVITY - 980,037.5 (mgal) NAVD 88

JV3939

JV3939 VERT ORDER - FIRST CLASS II

JV3939

JV3939.The horizontal coordinates were determined by differentially corrected

JV3939.hand held GPS observations or other comparable positioning techniques

JV3939.and have an estimated accuracy of +/- 3 meters.

JV3939

JV3939.The orthometric height was determined by differential leveling and

JV3939.adjusted by the NATIONAL GEODETIC SURVEY

JV3939.in June 1991.

JV3939

JV3939.Significant digits in the geoid height do not necessarily reflect accuracy.

JV3939.GEOID18 height accuracy estimate available [here](#).

JV3939

JV3939.Click [photographs](#) - Photos may exist for this station.

JV3939

JV3939.The dynamic height is computed by dividing the NAVD 88

JV3939.geopotential number by the normal gravity value computed on the

JV3939.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

JV3939.degrees latitude (g = 980.6199 gals.).

JV3939

JV3939.The modeled gravity was interpolated from observed gravity values.

JV3939

JV3939;

	North	East	Units	Estimated Accuracy
JV3939;SPC MD	- 191,340.3	343,402.9	MT	(+/- 3 meters HH1 GPS)

JV3939

JV3939_U.S. NATIONAL GRID SPATIAL ADDRESS: 18STJ7117563259(NAD 83)

JV3939

JV3939 SUPERSEDED SURVEY CONTROL

JV3939

JV3939.No superseded survey control is available for this station.

JV3939

JV3939_MARKER: DV = VERTICAL CONTROL DISK

JV3939_SETTING: 49 = STAINLESS STEEL ROD W/O SLEEVE (10 FT.+)

JV3939_STAMPING: F 146 1979

JV3939_MARK LOGO: NGS

JV3939_PROJECTION: RECESSED 10 CENTIMETERS

JV3939_MAGNETIC: N = NO MAGNETIC MATERIAL

JV3939_STABILITY: B = PROBABLY HOLD POSITION/ELEVATION WELL

JV3939_SATELLITE: THE SITE LOCATION WAS REPORTED AS SUITABLE FOR

JV3939+SATELLITE: SATELLITE OBSERVATIONS - May 27, 2021

JV3939_ROD/PIPE-DEPTH: 4.6 meters

JV3939

Plot Plan

2620 Rohrsersville Road, Rohrsersville, MD 21779

for

JMMR PROPERTIES LLC

Feb. 2025 - OPUS elevations (using only 2hr satellite data collection)
June 2025 - N.G.S. elevations (more accurate)

Flood Plain Hydraulic Gradient Slope = 4.39%



PROPERTY INFORMATION

Map: 84 Parcel: 108 ED: 8

DWN BY SMS	DATE 6-3-2025
PROJECT MANAGER FMF	EMAIL FFrederick@fsa-inc.com

SCALE
1" = 30'

SHEET 01 OF 01



FREDERICK, SEIBERT & ASSOCIATES, INC.

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fsa-inc.com

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.3650

11142 WILLIAMSPORT PIKE
GREENCASTLE, PA 17225
717.597.1007

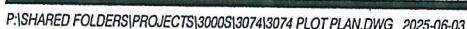
505 SOUTH HANOVER STREET
CARLISLE, PA 17013
717.701.8111

15 EAST MAIN STREET
NEW BLOOMFIELD, PA 17068
717.275.7531

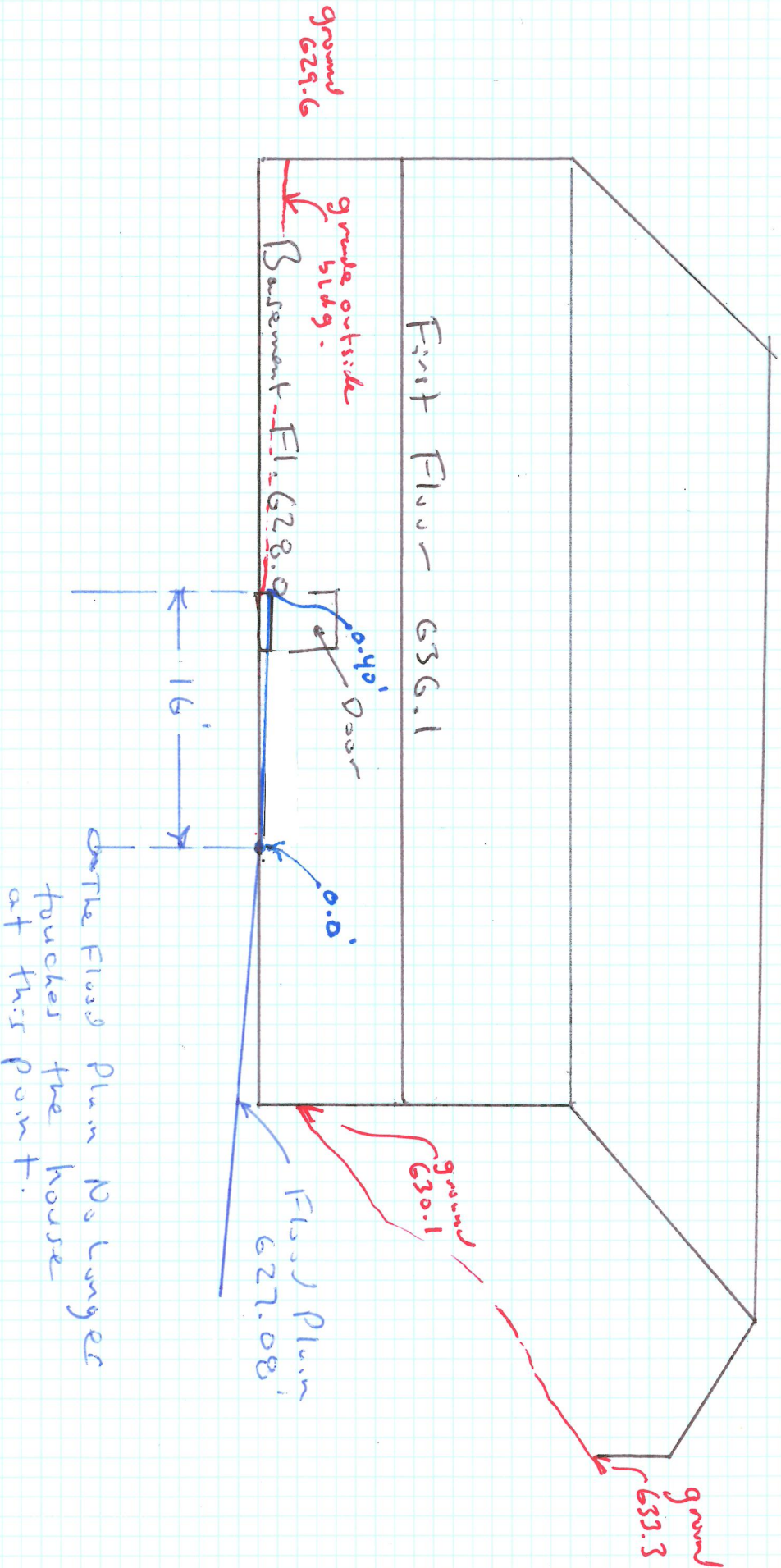
PROJECT NO.

3074.FP

Based on the Hydraulic Gradient, the water would only touch the house for 16'. And depth would be 0.4' to 0' in that 16' length



1" = 15'



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

JMMR PROPERTIES, LLC

* **Appeal No.: AP2025-015**

Appellant

*

*

* * * * * * * * * * *

OPINION

JMMR Properties, LLC, (hereinafter “Appellant”) requests a variance from the requirement of the substantial improvement interpretation and elevation requirements of the Floodplain Ordinance at the subject property. The subject property is located at 2620 Rohrsersville Road, Rohrsersville, Maryland 21779 and is zoned Preservation. The Board held a public hearing in this matter on June 25, 2025. Fred Frederick, a professional engineer, presented Appellant’s case and the County was represented by Heather Williams, Senior Plan Reviewer.

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

Findings of Fact

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

1. Appellant is the owner of the subject property located at 2620 Rohrsersville Road, Rohrsersville, Maryland. The subject property is zoned Preservation.

2. The subject property consists of approximately 18,000 square feet, improved by a dwelling structure that was constructed in 1965. The structure has an above-grade living area of 1,008 square feet and finished basement area totaling 504 square feet.

3. Appellant purchased the subject property in September 2024.

4. Appellant had the subject property appraised at a value of \$300,000.

5. The County used both the Maryland State Department of Assessments and Taxation value of \$140,676¹ and the recent sale price from September 2024 125,400² to determine the value of the structure for application of the Ordinance.

6. The Base Flood Elevation as determined for the subject property is 628.4 feet as reflected on the Maryland Digital Flood Insurance Rate Map and on the Elevation Certificate.

7. The Flood Protection Elevation calculated at 629.4, or one (1) additional foot beyond the Base Flood Elevation for the subject property.

8. Based on a field survey, the elevation of the lowest floor of the subject structure is 627.80 feet.

9. Appellant had begun renovation and construction of the structure when issues arose regarding the application of the Floodplain Ordinance. Appellant projects the total cost of repairs and construction to be \$72,475.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.³ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

¹ This the value of the structure without the land included as required by the Floodplain Ordinance.

² This is the resulting value of the structure when applying the same ratio from the SDAT value.

³ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

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

Elevation

Pursuant to Section 5.3(A)(1) of the Floodplain Ordinance, the “*lowest floors* shall be elevated to or above the *flood protection elevation*. The Floodplain Ordinance defines the lowest floor as “the lowest floor of the lowest enclosed area of a building or *structure*.” Flood protection elevation or FPE refers to the *base flood elevation* plus one foot of freeboard. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to *flood* heights greater than the height calculated for a selected size *flood* or *floodway* conditions...”

The Base Flood Elevation as determined for the subject property is 628.4 feet as reflected on the Maryland Digital Flood Insurance Rate Map and on the Elevation Certificate. This results in the Flood Protection Elevation calculated at 629.4, or one (1) additional foot beyond the Base Flood Elevation for the subject property. Based on measurements, the elevation of the lowest floor of the subject structure is 627.80 feet, resulting in a difference of 1.6 feet. Appellant is requesting a variance for this difference.

The County argues that Appellant can resolve this difference by treating the basement as an enclosure below the lowest floor, however that would eliminate that area as livable space for the structure. The loss of reasonable use of an entire floor is untenable situation for Appellant. Appellant provided testimony and evidence about the location of the floodplain in relation to the structure and the fact that the floodplain area does not extend to the front of the property. It begins at a side entrance and extends for approximately sixteen (16) feet, gradually sloping away from the structure. Under the

circumstances, the Board is persuaded that the risk of flooding is relatively low and the difference in elevation is sufficiently minimal that it can be set aside with a variance.

Substantial Improvement

Section 2.0 of the Floodplain Ordinance defines “substantial improvement” as:

Any reconstruction, rehabilitation, addition, or other improvement of a building or *structure*, over a five-year period, the cumulative cost of which equals or exceeds 50 percent of the *market value* of the building or *structure* before the *start of construction* of the improvement. The term includes *structures* which have incurred substantial damage, regardless of the actual repair work performed.

The definition goes on to describe exceptions for the correction of code violations and historic structures, neither of which would apply to this case.

In processing this case, the County reasonably relied upon the SDAT values and the recent sales price, both adjusted for percentages related to the value of the structures and excising the value of the land. Based on those calculations, the project exceeded the 50% threshold as set forth in the Floodplain Ordinance. Appellant had an appraisal completed on June 19, 2025, by Krista Hershberger, a Certified Residential Appraiser. The appraisal value in “as-is” condition was \$300,000. When the Board applies the County’s ratio of 76% for the structure, the value is equal to \$228,000. Applying the costs of construction which Appellant testified were \$72,475, the substantial improvement would be equal to 32%, thus meeting the requirements of the Floodplain Ordinance.

The Board finds that practical difficulty would result from strict compliance with the requirements of the Floodplain Ordinance. The subject property is at the outer edges of the floodplain area and not a significant risk for flooding. The Board finds that relaxation of the requirements is necessary to permit reasonable use and improvement of the property and is consistent with the spirit and intent of the Zoning Ordinance.

Accordingly, the requests for variances from the requirement of the substantial improvement interpretation and elevation requirements of the Floodplain Ordinance the subject property are GRANTED by a majority vote of 3 to 2. The variance relief is granted subject to the standard condition that the use is consistent with the testimony and

evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 24, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.