

BOARD OF APPEALS

August 7, 2024

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

AGENDA

AP2024-033: An appeal was filed by Joseph & Stephanie Blank for a variance from the required 100 ft. setback for an animal husbandry structure to 62 ft. from the front property line and 69 ft. from the rear property line for three goats on the property owned by the appellants and located at 7707 McClellan Avenue, Boonsboro, Zoned Rural Village.- **GRANTED**

AP2024-034: An appeal was filed by James & Catherine Root for a variance from the required 15 ft. rear and side yard setback to 6 ft. for proposed detached accessory building on the property owned by the appellants and located at 17359 Shepherdstown Pike, Sharpsburg, Zoned Preservation. - **GRANTED**

AP2024-035: An appeal was filed by Emma Neubert for a variance from the required 100 ft. setback to 25 ft. from the south property line for an animal husbandry structure on the property owned by the appellant and located at 4336 Trego Road, Keedysville, Zoned Preservation. - **GRANTED**

AP2024-036: An appeal was filed by Mary Anne Day for a variance from the required 8 ft. side yard setback to 0 ft. for proposed replacement deck on property owned by the appellant and located as 20008 Sheridan Avenue, Hagerstown, Zoned Residential Suburban. - **GRANTED**

AP2024-037: An appeal was filed by 2003 Mason Dixon LLC for a variance from the required 1 space per 1.5 employees on the main shift or 1 space per 1,500 sq. ft. gross floor area, whichever is greater, plus 1 space per 350 sq. ft. gross floor area of sales and/or office space to 1 space per 1,800 sq. ft. of gross floor area plus 1 space per 350 sq. ft. gross floor area of sales and/or office space for warehouse use on property owned by the appellant and located at 17933 & 17939 Mason Dixon Road, Hagerstown, Zoned Highway Interchange. - **GRANTED**

Closed Session: (To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the Board of Commissioners of Washington County has jurisdiction; or any other personnel matter that affects one or more specific individual; and To consult with counsel to obtain legal advice on a legal matter)

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 July 29, 2024. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

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

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

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

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

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: Joseph & Stephanie Blank
7707 McClellan Avenue
Boonsboro MD 21713

Appellant: Joseph & Stephanie Blank
7707 McClellan Avenue
Boonsboro MD 21713

Property Location: 7707 McClellan Avenue
Boonsboro, MD 21713

Description Of Appeal: Variance from the required 100 ft. setback for an animal husbandry structure to 62 ft. from the front property line and 69 ft. from the rear property line for three goats on the property.

Docket No: AP2024-033

Tax ID No: 12000669

Zoning: RV

RB Overlay: No

Zoning Overlay:

Filed Date: 07/10/2024

Hearing Date: 08/07/2024

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.94 (a)

Reason For Hardship: Rehoming one goat that has been integrated into the family for an extending period of time.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling **Proposed Use:** Animal Husbandry (3 Goats)

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.

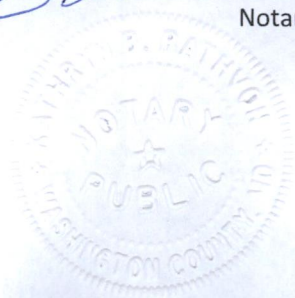
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 10 day of July, 2024.

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: AP2024-033

State of Maryland Washington County, To Wit:

On 7/10/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Joseph & Stephanie Blank and made oath in due form of law as follows:

Joseph & Stephanie Blank 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 08/07/2024, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 07/23/2024 and will remain until after the above hearing date.

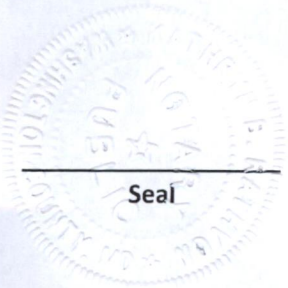
Joseph & Stephanie Blank

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

Notary Public



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

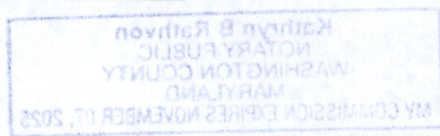
ATTENTION!

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.



Dear Washington County Board Members,

My name is Joey Blank, I am 37 years old, and I am a happy resident of Washington County, Boonsboro zipcode. I was raised by my grandparents on an multi generational farm and have been surrounded by the principles of ethical animal stewardship my entire life. I am unfortunately having to take your precious time to address a permitting violation I have incurred relating to my 3 pet goats that are very loved and cherished by myself and my family. Currently I am in violation of setback requirements, short by roughly 35 feet on 2 sides of my 4 side square shaped property, based on the 100 feet from property line requirement.

Two years ago my wife and I made the decision to take on the responsibility of raising 2 happy goat brothers. We birthed the original 2 goats directly from their mother and were with them every day until they were safely allowed to leave their mother. We have been with the original 2 goat brothers since the literal very beginning, creating a strong and unbreakable bond and imprint. I went through all county required steps to ensure I was compliant for these 2 goats that we adopted. However a few months after this, I was given the responsibility of third goat due to it being dropped off to my residence by an unfit caretaker. This third goat was a baby runt, removed from its mother far too soon, as the original caretakers thought having a baby goat was something "cool" and "hip". Unfortunately they were unable to take on the responsibility of this goat and as a result dropped this goat off to us in hopes that my wife and I would be able to give this third goat in question a good life. Being the compassionate steward of life that I am, I agreed to this and in return spent countless hours, extraordinary mental and physical fortitude, as well as an exorbitant amount of money to ensure this 3rd goat survived and was able to live a happy life. Due to the nature of this process, the bond we created with this 3rd goat is immense and unrivaled by any other pet I have ever had the pleasure to come across.

We are humbly asking that the county grant us a reduced setback requirement for the 2 sides of my property in question so we can continue raising and enjoy all 3 of our goat pets, together as they should be, as a family. We do not see these goats as livestock or farm animals. They are neutered male goats that receive vet visits every other month. We consider these goats more than pets, they are part of our family. Also, we have had the pleasure of allowing neighboring church children and neighborhood children to come over and visit and give our goats snacks and experience the joy they bring. Our adjacent neighbors all have made nothing but positive comments about them and are thrilled to see a younger generation care for these animals and share their joy the way that we have. They are trained better than most dogs I have encountered. Up until just a few months ago my wife and I of 14 years were under the impression we could not have children due to biological reasons. Raising these goats was our way to create a loving, life nurturing existence. I am happy to say that just last month, we were blessed with our first child and we hope to share the memories and experience of raising these pet goats with our child when she is old enough to understand.

Below I am listing our reasoning of appeal based on Practical Difficulties in regard to this violation.

1) Strict compliance would mean that we are faced with 2 options and/or outcomes. Our family trying to re-home a pet goat that has required and continues to require special medical care and treatment OR the board approving our request. If the board does not approve our request, we are faced with an almost impossible and heartbreaking task of finding a good home for 1 goat as to bring us back down to the acceptable 2 animal requirement based on current setback requirements. These pet goats are our family. The burden of doing this would mean extreme mental anguish for all of family members, especially me and my wife whom have put so much of our soul into these 3 pet goats. Additionally due to the support we have garnered from our neighbors, we foresee neighbors being upset on behalf of us if we were to have to do this heartbreaking task.

2) Denying this variance request would do extreme injustice to myself from a mental health medical standpoint. I am Dr. diagnosed with PTSD and anxiety, and these pet goats are the few things in my life that relieve the burden of carrying the mental trauma I have faced. In a way they are a massive emotional support tool for myself. Compounding this would be extreme injustice to my wife's mental health due to her also being such a huge part in my life and my PTSD struggle as well as being a huge part of these goats lives.

3) Granting this variance would ensure my household, including myself, are able to live a life that supports our mental health as well as ensures these animals are not subjected to any possible harm or mistreatment that would be out of our control if we had to attempt to rehome 1 goat. Ultimately this would secure the public welfare of myself and my wife through the means of negating any possible mental anguish we would incur if we have to attempt to reduce our pets down to 2. This would also ensure the neighbor children and parents continue to experience the joy of all 3 goats together when they come by to visit them.

My wife and I are law abiding, honest, civilians that only want to be great stewards of life as well as share that magic with others. We hope and pray that the members of this board are able to see it in your hearts to allow us to continue raising all 3 of our pet goats with a reduced setback for the 2 sides in question. We are willing to pay whatever monetary amount the board seems fit as well as engage in any other community serving awareness campaigns that may be applicable, if it means we can continue raising our 3 pet goats Leo, Apollo, and Peanut.


Sincerely and Humbly,

Joey and Stephanie Blank

UNIVERSITY OF MARYLAND EXTENSION

Washington County Office
7303 Sharpsburg Pike
Boonsboro, Maryland 21713
TEL 301-791-1304
FAX 301-791-1048
jsemler@umd.edu

TO: Joey Blank
7707 McClellan Avenue
Boonsboro, MD 21713

FROM: Jeff Semler 
Extension Educator
Agriculture and Natural Resources

DATE: June 28, 2024

SUBJECT: Nutrient Management Plan

In accordance with county zoning regulations concerning animal husbandry facilities, a nutrient management "plan" is required for construction of livestock facilities.

Obviously, your three goats will not produce a large amount of manure, but some manure will accumulate and will need to be disposed of.

Most of the manure can be recycled on your 1.15-acre property as fresh or composted material. However, you should plan to move some of the manure to other fields or gardens.

Manure or compost may be applied to dormant grass at a rate of 10 tons per acre (50 pounds per 100 square feet). Fields or gardens to be plowed down may receive up to 20 tons of manure per acre (100 pounds per 100 square feet) but will require little to no fertilizer supplementation.

JS/jws

cc: Soil Conservation District



WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

1260 Maryland Avenue, Suite 101 • Hagerstown, MD 21740

Phone: (301)797-6821

facebook.com/wcscd

www.conservaionplace.com

TO: Washington County Division of Planning and Zoning

FROM: Mark Kendle *MLK*
Programs Technician / Office Coordinator

DATE: July 1, 2024

SUBJECT: Waste Management and Nutrient Management Plans

The operator listed below has an approved waste management plan and a nutrient management plan and we have discussed the need to properly store and manage manure to prevent water quality problems:

Joey Blank
7707 McClellan Ave.
Boonsboro, MD 21713

The manure production from all sources on the farm is less than 6,000 tons.

The farm is not in the urban growth area.

If you have any questions or need additional information, please give me a call.

MJK/ORS

District Board of Supervisors

Harry E. Strite
Chair

J.D. Rinehart
Vice Chair

J. Scott Shank, III
Treasurer

Edward C. Wurmb, D.V.M.
Supervisor

J. Tyler Harp
Supervisor

Boyd Michael
Associate

Kirk E. Winders
Associate

Ariel Herrod
Associate

WASTE MANAGEMENT PLAN

OPERATOR: Joseph Blank

ADDRESS: 7707 McClellan Ave.
Boonsboro, MD 21713

DATE: 07/1/2024

PHONE: 240-405-3282

PREPARED BY: Mark Kendle

Washington County Soil Conservation District
1260 Maryland Avenue, Suite 101
Hagerstown, MD 21740

SITUATION:

A. Location: 7707 McClellan Ave., Boonsboro, MD 21713

B. Enterprise: 3 Goats

1. Type of facility to be constructed: 10' x 11' Existing Structure.
2. Current manure handling: None
3. Proposed manure handling: Manure will be composted and used on gardens and flower beds located on the property.

C. Animal Numbers: 3

D. Acreage available for manure application: 1.15

I. SPECIAL CONCERNS IDENTIFIED BY DISTRICT PERSONNEL: (to include all areas which are contributing to water quality concerns)

II. RECOMMENDATIONS:

- Compost to reduce volume and to stabilize nutrients
- If volume becomes a problem, move off site to neighbors and local farmers
- Avoid stacking waste in areas of water run-off (i.e. roof run-off, drainage swales, etc.)
- Keep records of nutrient production and use
- Gutter shed and outlet water to a clean area away from waste.
- Rotationally graze animals to preserve vegetation and prevent any water quality/erosion potential.

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT MANURE PRODUCTION WORKSHEET

TYPE: URBAN GROWTH: No

DAILY PRODUCTION OF MANURE PER ANIMAL UNIT (1000 POUNDS LIVE WEIGHT)

SWINE

Grower (40-220#)....63.4#
Replace. Gilt.....32.8#
Gestating Sow.....27.2#
Lactating Sow.....60.0#
Boar.....20.5 #
Nurs. Pig (1-40#)...106.0#

DAIRY

Lact. Cow...80.0#
Dry Cow.....82.0#
Heifer.....85.0#

SHEEP....40.0#

HORSE....50.0#

POULTRY

Layer.....60.5#
Turkey...43.6#

BEEF

Hi-energy diet...51.2#
Hi-forage diet....59.1#
Cow.....63.0#

No./Type	X	<u>Ave. Wt.</u> 1000#	X	<u>Manure Produced</u> See above	=	Lbs. Daily
3 Goats	X	.175	X	40.0#	=	21.00
	X		X		=	
	X		X		=	
	X		X		=	
	X		X		=	
	X		X		=	
	X		X		=	
				TOTAL	=	21.00 Lbs. Daily

365 days/year X 21.00 lbs. Divided by 2000#/Ton = **3.8 Tons/ Year** Manure Production

Operation is below the 6000 ton per year threshold set by county ordinance that requires a more formal review procedure.



142 Ft

62 Ft to Property Boundary

69 Ft

Existing Structure

ENTRANCE



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: James & Catherine Root
17359 Shepherdstown Pike
Sharpsburg MD 21782

Appellant: James & Catherine Root
17359 Shepherdstown Pike
Sharpsburg MD 21782

Property Location: 17359 Shepherdstown Pike
Sharpsburg, MD 21782

Description Of Appeal: Variance from the required 15 ft. rear and side yard setback to 6 ft. for proposed detached accessory building

Docket No: AP2024-034
Tax ID No: 01001671
Zoning: P
RB Overlay: No
Zoning Overlay: AO2
Filed Date: 07/11/2024
Hearing Date: 08/07/2024

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 5C.5

Reason For Hardship: Smaller lot for the zoning district and meeting setback would reduce the play area for the family child care business use.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential Lot

Proposed Use: Detached Accessory Structure

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.

James E. Root
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 19th day of July, 2024.

4-11-2025

My Commission Expires

Debra Sue Eckard

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2024-034

State of Maryland Washington County, To Wit:

On 7/11/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared James & Catherine Root and made oath in due form of law as follows:

James & Catherine Root 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 08/07/2024, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 07/23/2024 and will remain until after the above hearing date.

James & Catherine Root

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



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

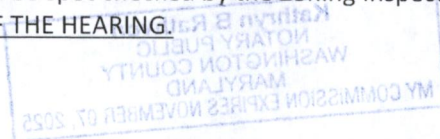
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5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

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.

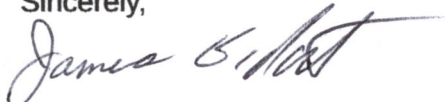


July 9, 2024

To Whom It May Concern,

We are applying for a zoning appeal because our lot is small and we are trying to use the ground in the most efficient way possible. The rear property line already has a permitted privacy fence installed. My wife is a licensed family child care provider. When the building is installed at the current regulations of 15 feet off the rear property line, we will only have 20 feet of ground between the garage doors and the play area. In order to better suit the activities of the children, we ask that we obtain permission to move the new building back 9 feet closer to the rear property line. This would make the building 6 feet off the rear property line and give the children more room to run and play in front of the new building. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E Root", written in dark ink.

James E Root

Note: Parcel does not lie within the 100 year flood plain per FEMA flood insurance rate map community panel number 240070 0205A, dated May 1, 1978, flood zone C.

Hand-drawn site plan of a property. The plan shows a rectangular lot with dimensions 195' 30" 00" N and 70' 00" 00" E. A brick retaining wall is shown on the north side, with a height of 58.9'. A 1-story brick building is located in the center, with a macadam drive running alongside it. The building is labeled "#17359 1 STORY BRICK BLDG.". A note indicates that the "Adjoiner's macadam drive encroaches over property line by 3.2'". A garage is shown at the south end of the lot, with dimensions 36' x 30'. The area is calculated as 0.28 Ac. ±. The plan also shows a concrete fence post (fnd) at the south corner and a 6' wide driveway. Bearings are given for the lot boundaries: N 70° 00' 00" E and S 70° 00' 00" W. A note at the bottom right says "I.P. (fnd)".

Key features and dimensions:

- Lot dimensions: 195' 30" 00" N, 70' 00" 00" E
- Brick Retaining Wall: 58.9' high
- 1-story Brick Bldg. (#17359)
- Macadam Drive
- Garage: 36' x 30'
- Area: 0.28 Ac. ±
- Concrete Fence Post (fnd)
- Adjoiner's macadam drive encroaches over property line by 3.2'
- 6' wide driveway
- Bearings: N 70° 00' 00" E, S 70° 00' 00" W
- I.P. (fnd)

I hereby certify that the dwelling and/or improvements shown hereon are within the metes and bounds of the lands conveyed to Carrol Morel Churchey and Evelyn Ruth Churchey, his wife, by Carrol Morel Churchey and Evelyn Ruth Churchey, his wife, formerly known as Evelyn Ruth Heckman by deed dated August 17, 1978 and recorded in the Land Records of Washington County, Maryland in Liber 666, folio 336 and that the improvements shown hereon were located by accepted field practices and include permanent visible structures and surface encroachments if any that exist on the subject property at the date of survey dated August 7, 1995. This plat is for determining property lines and prepared for exclusive use of present owners of property and also those who purchase, mortgage, or guarantee the title thereto at this time of settlement and as to them I warrant the accuracy of this plat. No title report furnished.

821-95



Drawing No:	1 of 1	
Text Map:	76-19-148	
District:	1	
Drawn By:	CHH	Date: 8-15-95
Checked By:	Fmf	Date: 8-21-95
Scale:	1" = 30'	

Civil Engineers ■ Surveyors ■ Landscape Architects ■ Land Planners
128 South Potomac Street Hagerstown, Maryland 21740
(301) 791-3650 (301) 416-7478 Fax (301) 739-4956
10 West Baltimore Street Greencastle, Pennsylvania 17225
(717) 587-1003

PSA- 3013.0

58.9'

199.9'

200'

Proposed Building Location

36'

30'

19'-2"

6'

6'

61.10'

Scale: 1" = 30'
Date: 05/30/24



Fisher Structures <fishers21740@gmail.com>

Here's Your Custom Design

1 message

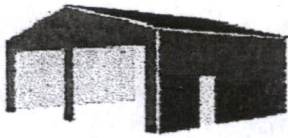

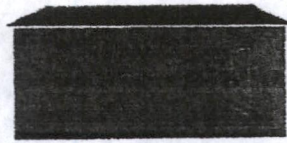
Newmart Builders Inc <john.lewis@newmartbuilder.com>
To: fishers21740@gmail.com

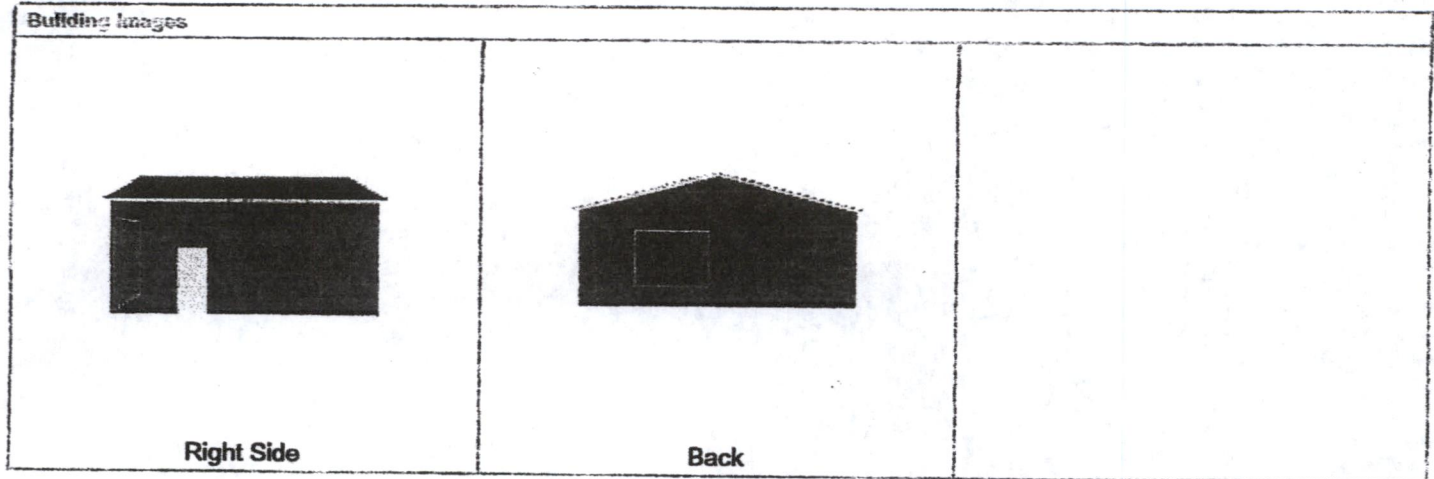
Fri, May 31, 2024 at 11:12 AM



Newmart Builders, Inc.
1000 Cycle Lane
South Hill, VA 23970
800-547-8480
john.lewis@newmartbuilder.com

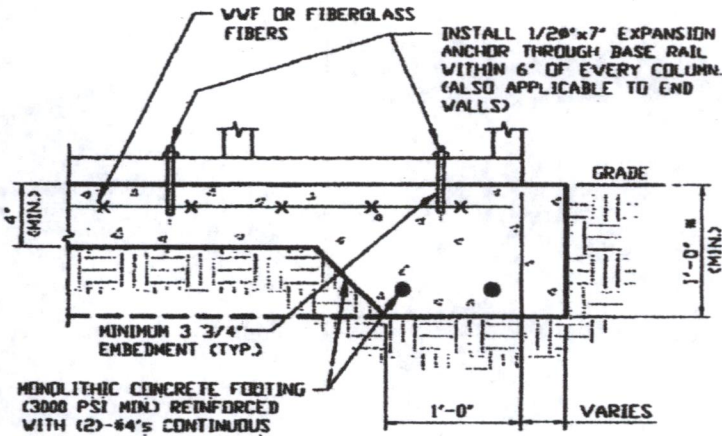
Customer Order - May 31, 2024

Ship To		Order # 1717168213910452-1	
Name <u>Jim Root</u>			
Install Address <u>17359 Shepherdstown Pike</u>			
City <u>Sharpsburg</u>		State <u>MD</u>	Zip Code <u>21782</u>
Email <u>fishers21740@gmail.com</u>		Phone # <u>301-988-8773</u>	Mobile # _____
Building Info	Size	Color	Anchoring & Site Preparation
Style: <u>Truss Building (24-40' Wide)</u>		Roof <u>Green</u> <input type="checkbox"/>	Installation Surface: <u>Concrete</u>
Roof Overhang: <u>6"</u>	<u>36'</u> X <u>30'</u> X <u>12'</u>	Trim: <u>White</u> <input type="checkbox"/>	Power Available <input type="checkbox"/>
Roof Style: <u>A-Frame Vertical</u>	Width Frame Length Leg Height	Siding: <u>Clay</u> <input type="checkbox"/>	Site Ready <input type="checkbox"/>
Leg Style: <u>Truss Leg</u>			Jobsite Level <input type="checkbox"/>
Brace: <u>Certified Bracing Included</u>			
Design Link & Notes			
Design Link: https://design.newmartbuildersinc.com/?lng=en-US#c5569dd08bfb0ef5713cd13c80562cec			
Building Images			
			
Perspective View	Front	Left Side	



Description	Quantity	Amount
Style: Truss Building (24-40' Wide)		
Base Price: 36'x30'	1	\$8,650.00
Installation Surface: Concrete	1	-
Roof: Green	1	-
Trim Colors: White	1	-
Siding: Clay	1	-
Frame Spacing: 4ft on Center	1	-
Roof Style: A-Frame Vertical	1	-
Roof Pitch: 3/12	1	-
Roof Overhang: 6"	1	-
Trusses: Welded Truss - 7'-14' Leg Heights	1	-
Leg Style: Truss Leg	1	-
Brace: Certified Bracing Included	1	-
Leg Height: 12'	1	\$1,000.00
Left Side: Fully Enclosed - Siding: Horizontal	1	\$750.00
Right Side: Fully Enclosed - Siding: Horizontal	1	\$750.00
Front End: Fully Enclosed - Siding: Horizontal	1	\$2,400.00
Back End: Fully Enclosed - Siding: Horizontal	1	\$2,400.00
Walk-in Door (36" x 80")	1	\$300.00
Custom Size Frameout (14'x10') - Corner Style: Square (Traditional)	2	\$520.00
* Lift/Logistics Fee Will Apply & Trusses Automatically Include Certified Bracing	1	-
Additional Fees		
Nontaxable Fuel charge		\$40.00
Box Trim Included		-
Drip Stop (Roof)		\$1,004.40
Lift Logistics	1	\$3,700.00
Building Estimate:		\$17,774.40
Material Surcharge:		-\$2,147.44
Subtotal:		\$15,626.96
Non-Taxable Services:		\$3,740
Sales Tax (6%):		\$937.62
Total Order Amount:		\$20,304.58
CL# 2521	Deposit Required to Order:	\$1,562.70
Final Balance Due at Installation:		\$18,741.88

BASE RAIL ANCHORAGE OPTIONS



3A

CONCRETE MONOLITHIC SLAB BASE RAIL ANCHORAGE

SCALE: NTS
NOTE: MIN. ANCHOR EDGE DISTANCE IS 4"
= COORDINATE WITH LOCAL BUILDING CODES/ORD.
REGARDING REQUIRED FOOTING DEPTH.

GENERAL NOTES

NOTE: CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM
SOIL BEARING CAPACITY OF 1,500 PSF.

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE
STRENGTH OF 3,000 PSI AT 28 DAYS.

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING
BARS SHALL BE PER ACI-318.
3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND
PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE
EARTH OR WEATHER, AND 1 1/2" ELSEWHERE.

REINFORCING STEEL:

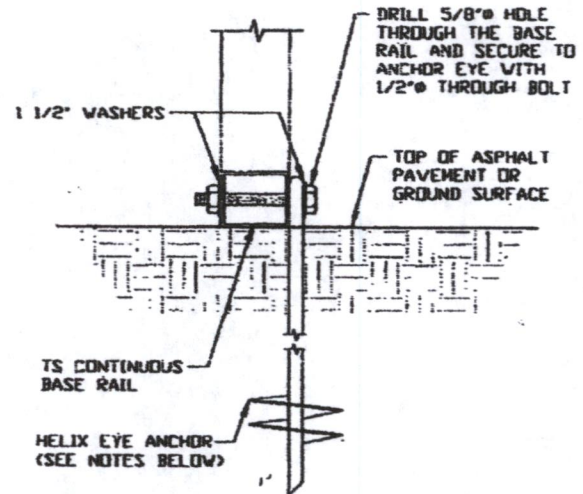
THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE
60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC
MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAY BE BENT IN THE SHOP OR THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE
BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT
BE FIELD BENT.

HELIX ANCHOR NOTES:

1. FOR VERY FINE AND/OR CEMENTED SANDS, COARSE GRAVEL
AND COBBLES, CALICHE, PRELOADED SILTS AND CLAYS, USE
MINIMUM (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR
SINGLE 6" HELIX WITH MINIMUM 50" EMBEDMENT.
2. FOR CORAL USE MINIMUM (2) 4" HELICES WITH MINIMUM
30" EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM
50" EMBEDMENT.
3. FOR MEDIUM DENSE COARSE SANDS, SANDY GRAVELS, VERY
STIFF SILTS, AND CLAYS USE MINIMUM (2) 4" HELICES WITH
MINIMUM 30 INCH EMBEDMENT OR SINGLE 6" HELIX WITH MINIMUM
50" EMBEDMENT.
4. FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND
SILTS ALLUVIAL FILL, USE MINIMUM (2) 6" HELICES WITH MINIMUM
50" EMBEDMENT.
5. FOR VERY LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER
CLAYS AND SILTS, ALLUVIAL FILL, USE MINIMUM (2) 8" HELICES
WITH MINIMUM 60" EMBEDMENT.



3B

GROUND BASE HELIX ANCHORAGE

SCALE: NTS (CAN BE USED FOR ASPHALT)
= COORDINATE WITH LOCAL CODES/ORD.
REGARDING REQUIRED ANCHOR LENGTH.

Validity Notice

Plans Expiration Date:

31 October 2023

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: JS

CHECKED BY: JP

PROJECT NO: VSN

**CLIENT: NEWMART
BUILDERS**

**NEWMART BUILDERS
1000 CYCLE LANE
SOUTH HILL, VA 23970
30'-0" x 14'-0" FULLY OPEN STRUCTURE**

DATE: 10-21-22

SHT. 9

SCALE: NTS

DWG. NO: SK-1

**JOB NO: 18125/
180-003/180-003/180-003**

REV: 0

THIS DOCUMENT IS THE PROPERTY OF MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THIS DOCUMENT IS STRICTLY PROHIBITED AND ANY VIOLATION THEREOF MAY BE SUBJECT TO LEGAL ACTION.







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: Emma Neubert
4336 Trego Road
Keedysville MD 21756

Appellant: Emma Neubert
4336 Trego Road
Keedysville MD 21756

Property Location: 4336 Trego Road
Keedysville, MD 21756

Description Of Appeal: Variance from the required 100 ft. setback to 25 ft. from the south property line for animal husbandry structure.

Docket No: AP2024-035
Tax ID No: 08009724
Zoning: P
RB Overlay: No
Zoning Overlay:
Filed Date: 07/15/2024
Hearing Date: 08/07/2024

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.94 (a)

Reason For Hardship: Topography of the property

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential **Proposed Use:** Animal Husbandry

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.

Emma Neubert

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 15 day of July, 2024.

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

[Signature]

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2024-035

State of Maryland Washington County, To Wit:

On 7/15/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Emma Neubert and made oath in due form of law as follows:

Emma Neubert 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 08/07/2024, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 07/23/2024 and will remain until after the above hearing date.

Emma Neubert

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

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

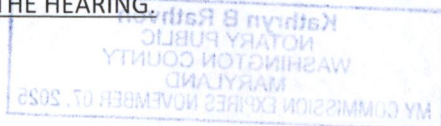
ATTENTION!

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.



To whom this may concern:

My name is Emma Neubert and I am requesting a variance to Section 25.56 of the Washington County Zoning Ordinance with respect to 4336 Trego Rd, Keedysville, MD, 21756 (The Property). Specifically I am requesting a 3 stall barn for horses placed 25 feet off the property line as opposed to the 100ft distance required by the ordinance. This location is the most suitable for the barn based on the topographical nature of the property, and other locations adhering to the ordinance would cause Undue Hardship and Practical Difficulty. I am hoping to bring my two horses home to live with me prior to the winter setting in.

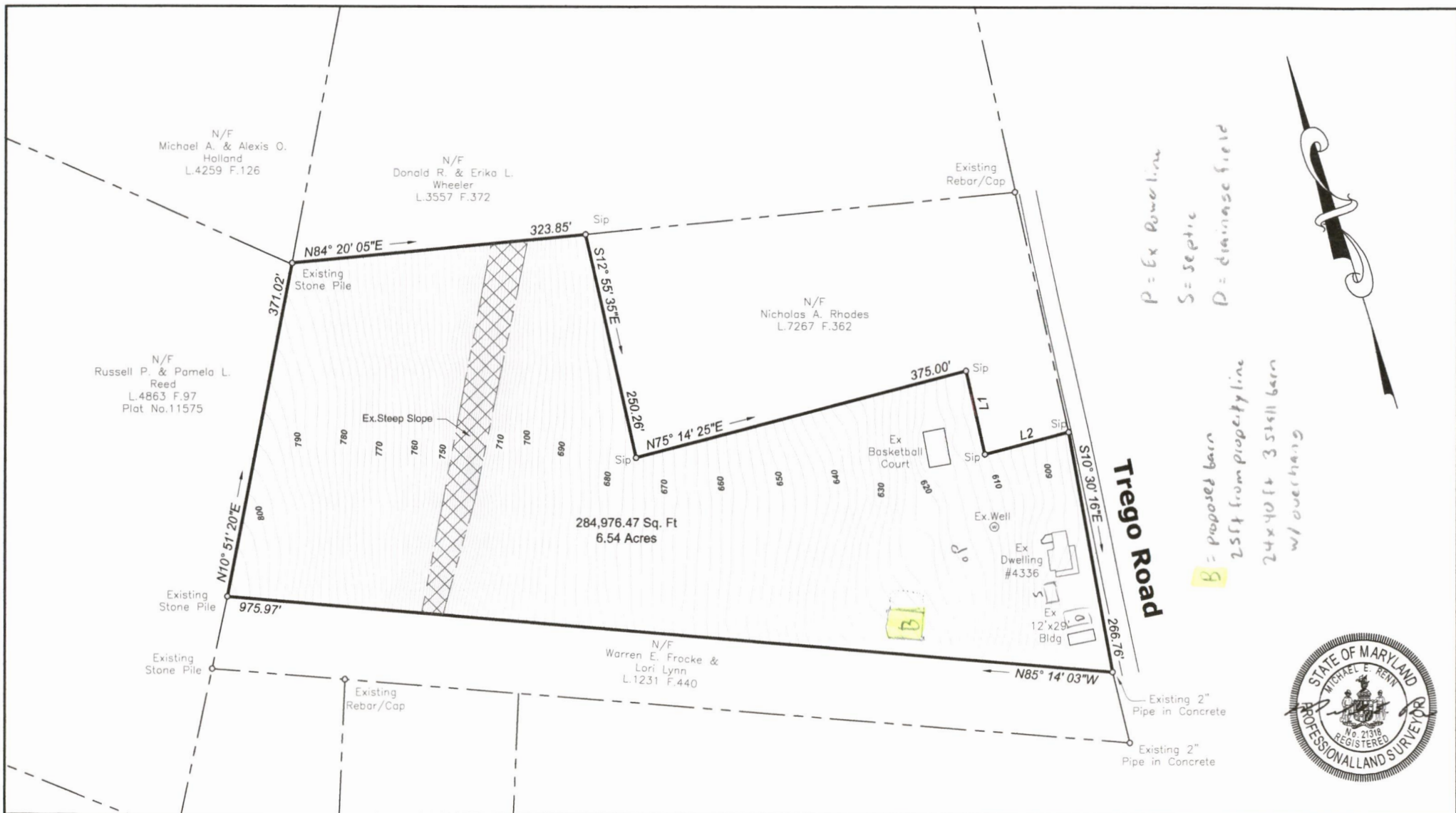
The topography of The Property offers some general difficulty in the use of the land for housing and care of livestock. Roughly 1.7 acres of this property resides atop a "40ft cliff" as shown on the topographical map provided. This leaves 4.8 acres of potentially usable pasture land to support livestock. What is not shown on the map is the forestation of The Property. The proposed location of the barn minimizes the need for deforestation while still providing sufficient pasture land to support the horses. Locations further back on The Property present an Undue Hardship in regards to distance from the residence to the horses as well as an increased deforestation requirement.

Having the barn in the proposed location offers the most use of the land to be grazed, least number of mature trees to be removed and easiest access in case of emergency care needing to be provided to the animals. I have already spoken to the adjacent neighbor, Mr. Gene Frocke, about this proposed location of the barn and he has no qualms and has stated he is willing to write that statement if necessary.

Thank you for your time.

Emma Neubert

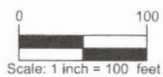
A handwritten signature in cursive script that reads "Emma Neubert".





APEX
LAND SOLUTIONS, LLC

Apex Land Solutions, LLC
 11800 Greencastle Pike
 Hagerstown, Maryland 21740
 phone: (240) 455-5209
 fax: (866) 914-0344
 info.apexlandsolutions@gmail.com



NOTES
 1. Bearings showing hereon are referred to Maryland NAD83.
 2. This survey was done without the benefit of a title report.
 3. The property corners shown hereon are all set iron pins unless otherwise noted.

BOUNDARY SURVEY FOR:
EMMA NEUBERT
 4336 TREGO ROAD
 KEEDYSVILLE, MD 21756
 LIBER 7474 FOLIO 367

Drawn: M. Mellott
 Checked: M. Renn
 Date: June 28, 2024
 Project Number: 24-052
 Scale: 1 inch = 100 feet



Additional Information for 4336 Trego Rd Variance request:

Animal Husbandry/Expansion of ownership:

Current Large animals owned:

- 2 horses

On this property there is hopes to expand ownership to a maximum of

- 4 horses
- 8 goats
- 10-15 chickens

These numbers are not intended to all be held at the same time and could be any combination of less. I believe in my assessment of the property it can properly support a smaller combination of this quantity of animals.

Goats are in the near hopes due to one of the current owned horses having separation anxiety and retrieving a “nanny” goat would potentially bring that stress level down so she is not a danger to herself.

Building restrictions due to land:

- Tree removal
 - o Proposed location requires 2-6 medium sized trees removed.
 - Medium = approximately 10in diameter
 - o Other locations minimum 4-5 medium trees 2 extra-large pine trees (1.5-2.5 ft diameter)
- Landscape/foundation prep
 - o Proposed location allows for dirt to be shifted to level the proposed area and some of the surrounding area to adjust run off water.
 - o Other locations may require excessive digging and risk of root damage, fill dirt to be brought in or larger building plans such as a bank barn.
- Terrain/Unchangeable items
 - o Land is very rocky and has large boulders as you move up the property.
 - o On terrain map shows a 40 foot “cliff” or rock wall that breaks up property and looses a fair amount of space.
 - o Power lines cut through the property in the space closer to the house that also offers a flat section that could support a barn.

1. Photo 1 shows man in hat on property line and another man 25ft from the property line.
2. Photo 2 shows a 40 ft distance 25ft off the property line
3. Photo 3 shows looking towards the structures from the back side of the 40ft line
4. Photo 4 shows “grazing area” that has multiple trees blocking able space to place building
5. Photo 5 shows from front of the 40ft spacing looking farther back in the property and the slope taken right after the desired location of barn.













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: Mary Anne Day
20008 Sheridan Avenue
Hagerstown MD 21742

Appellant: Mary Anne Day
20008 Sheridan Avenue
Hagerstown MD 21742

Property Location: 20008 Sheridan Avenue
Hagerstown, MD 21742

Description Of Appeal: Variance from the required 8 ft. side yard setback to 0 ft. for proposed replacement deck.

Docket No: AP2024-036
Tax ID No: 18009056
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 07/17/2024
Hearing Date: 08/07/2024

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections:

Reason For Hardship: Backyard will become inaccessible without deck.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential **Proposed Use:** Deck

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.

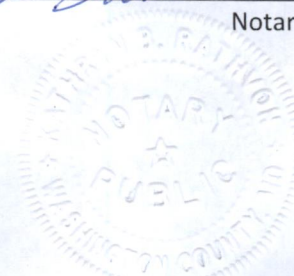
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 17 day of August, 2024.

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

Notary Public





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2024-036

State of Maryland Washington County, To Wit:

On 7/17/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Mary Anne Day and made oath in due form of law as follows:

Mary Anne Day 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 08/07/2024, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 07/23/2024 and will remain until after the above hearing date.

Mary Anne Day

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





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

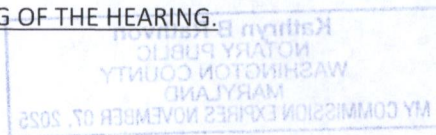
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Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.



To: Board of Zoning Appeals
747 Northern Avenue
Hagerstown, MD 21742

From: Mary Anne Day
20008 Seridan Ave.
Hagerstown, MD 21742

I am applying for a variance from the set back criteria. There is a currently existing wooden deck on the property. To my personal knowledge, the deck has been where it is for at least thirty (30) years. I have lived in the home for approximately that long and the existing deck has been in place the entire time.

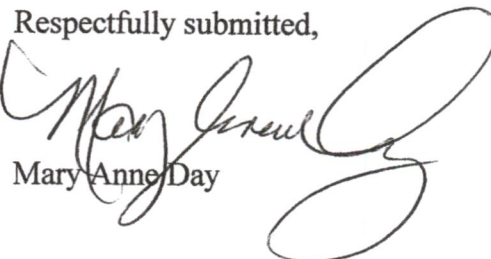
As you can see from the drawing, the deck is along the property line. To attach the deck to the house will require a variance from the set back line. As currently constituted, the rear exit from the home is to the deck, essentially along the property line. If the variance is not granted, the rear access will become unusable and all rear access to the back yard from the back of the house will be cut off. There is no way to reconfigure the rear access from the home without a large investment of funds and serious renovation to the back of the house. There is simply no where else to put the deck..

The door out of the back of the house is not at ground level—it is at the level of the existing deck, approximately 4 feet above ground level. If the deck is not approved, once again the rear yard becomes inaccessible and essentially of no use to the homeowner.

All of the existing wood deck was in place when I purchased the home in 2003. All I am doing is making a smaller composite deck.

I respectfully request that the variance be approved.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mary Anne Day", is written over a printed name. The signature is fluid and cursive, with a large loop at the end.

Mary Anne Day

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

Special Tax Recapture: None

Account Identifier:

District - 18 Account Number - 009056

Owner Information

Owner Name:

DAY MARY ANNE

Use:
Principal
Residence:RESIDENTIAL
YES

Mailing Address:

20008 SHERIDAN AVE
HAGERSTOWN MD 21742-
4355

Deed Reference: /01944/ 00071

Location & Structure Information

Premises Address:

20008 SHERIDAN AVE
HAGERSTOWN 21742-0000Legal Description: LOT 65 62X190
.270AC
20008 SHERIDAN
DR
BAIRS
DEVELOPMENT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0038	0021	0369	18020213.22	0050			65	2022	Plat Ref:

Town: None

Primary Structure
Built:Above Grade Living
AreaFinished Basement
AreaProperty Land
AreaCounty
Use

1951

1,610 SF

364 SF

11,780 SF

Stories: Basement

Type

Exterior

Quality

Full/Half
Bath

Garage

Last Notice of
Major
Improvements

1 1/2

YES

STANDARD
UNIT

SIDING/ 3

1 full

1
Detached**Value Information**

Base Value:

Value:

Phase-in Assessments

As of
01/01/2022As of
07/01/2023As of
07/01/2024

Land:

45,800

45,800

Improvements:

99,600

137,700

Total:

145,400

183,500

170,800

183,500

Preferential Land:

0

0

Transfer Information

Seller: FRANTZ JOHN H

Date: 03/03/2003

Price: \$125,000

Type: NON-ARMS LENGTH OTHER

Deed1: /01944/ 00071

Deed2:

Seller: FRANTZ JOHN H J

Date: 11/02/1990

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1 /00974/ 00920

Deed2:

Seller: PERKINS JACK C

Date: 10/15/1982

Price: \$53,600

Type: ARMS LENGTH IMPROVED

Deed1: /00734/ 00380

Deed2:

Exemption InformationPartial Exempt
Assessments:

Class:

07/01/2023

07/01/2024

County:

000

0.00

State:

000

0.00

Municipal:

000

0.00|0.00

0.00|0.00



GEORGE & CHARLOTTE BALDWIN
L. 270 F. 26

Hub(Found) N 88° 35' E 62.00' Iron Pipe

GEORGE & JOANNE BURCHARD
L. 658 F. 368

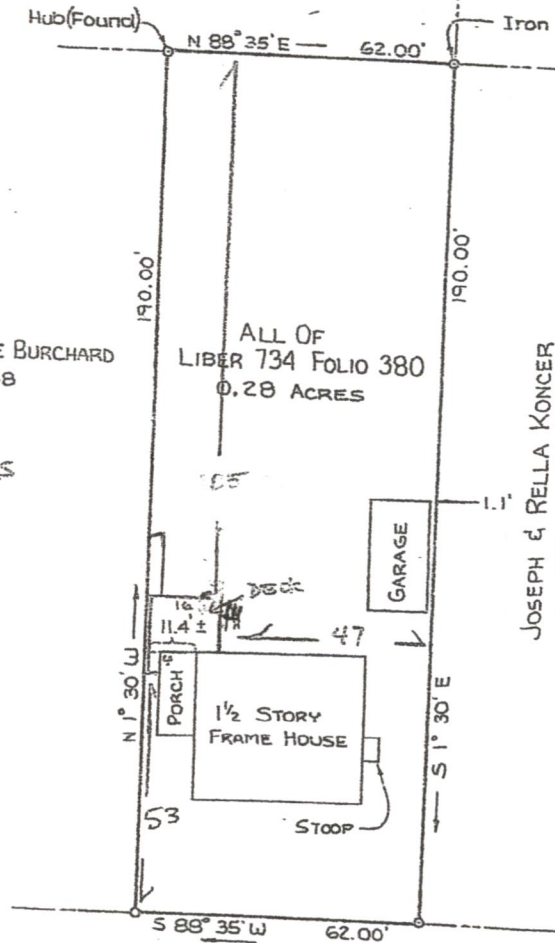
ALL OF
LIBER 734 FOLIO 380
0.28 ACRES

JOSEPH & RELLA KONCER
L. 255 F. 269

DECK SETBACKS
Front - 53'
Rear - 105'
Left - 1/2 inches
Right - 47'



Timothy G. Wither
6/24/86



SHERIDAN AVENUE

LOT SURVEY
PROPERTY OF
JOHN H. J. FRANTZ

DRAWN BY: J.D.S.
DATE: 6-24-86
CHECKED BY: R.E.T.
DATE: 6/24/86
SCALE: 1" = 40'

FOX & ASSOCIATES, INC.
ENGINEERS SURVEYORS PLANNERS
581 MT. AETNA ROAD, HAGERSTOWN, MD. 21740
(301) 733-8503 OR (301) 293-4250

DISTRICT 18
TAX MAP NO. 38
DWO. NO. A-5611



GEORGE & CHARLOTTE BALDWIN
L. 270 F. 26

Hub(Found) N 88° 35' E 62.00' Iron Pipe

GEORGE & JOANNE BURCHARD
L. 658 F. 368

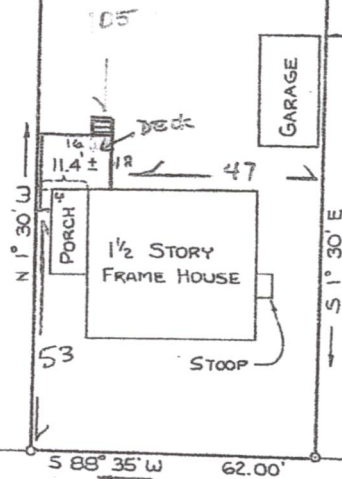
ALL OF
LIBER 734 FOLIO 380
0.28 ACRES

JOSEPH & RELLA KONIGER
L. 255 F. 269

DECK SETBACKS
Front - 53'
Rear - 105'
Left - $\frac{1}{2}$ 6 inches
Right - 47'



Timothy G. Wither
6/24/06



SHERIDAN AVENUE

LOT SURVEY
PROPERTY OF
JOHN H. J. FRANTZ

DRAWN BY: J.D.S.	DATE: 6-24-06
CHECKED BY: R.E.T.	DATE: 6/24/06
SCALE: 1" = 40'	

FOX & ASSOCIATES, INC.
ENGINEERS SURVEYORS PLANNERS
981 MT. AETNA ROAD, HAGERSTOWN, MD. 21740
(301) 733-8503 OR (301) 293-4250

DISTRICT	18
TAX MAP NO.	38
DWG. NO.	A-5611



MHIC# 120193
VA# 2705 056682

4112 Trego Road
Keedysville, MD 21756
301.432.0804
301.416.0030

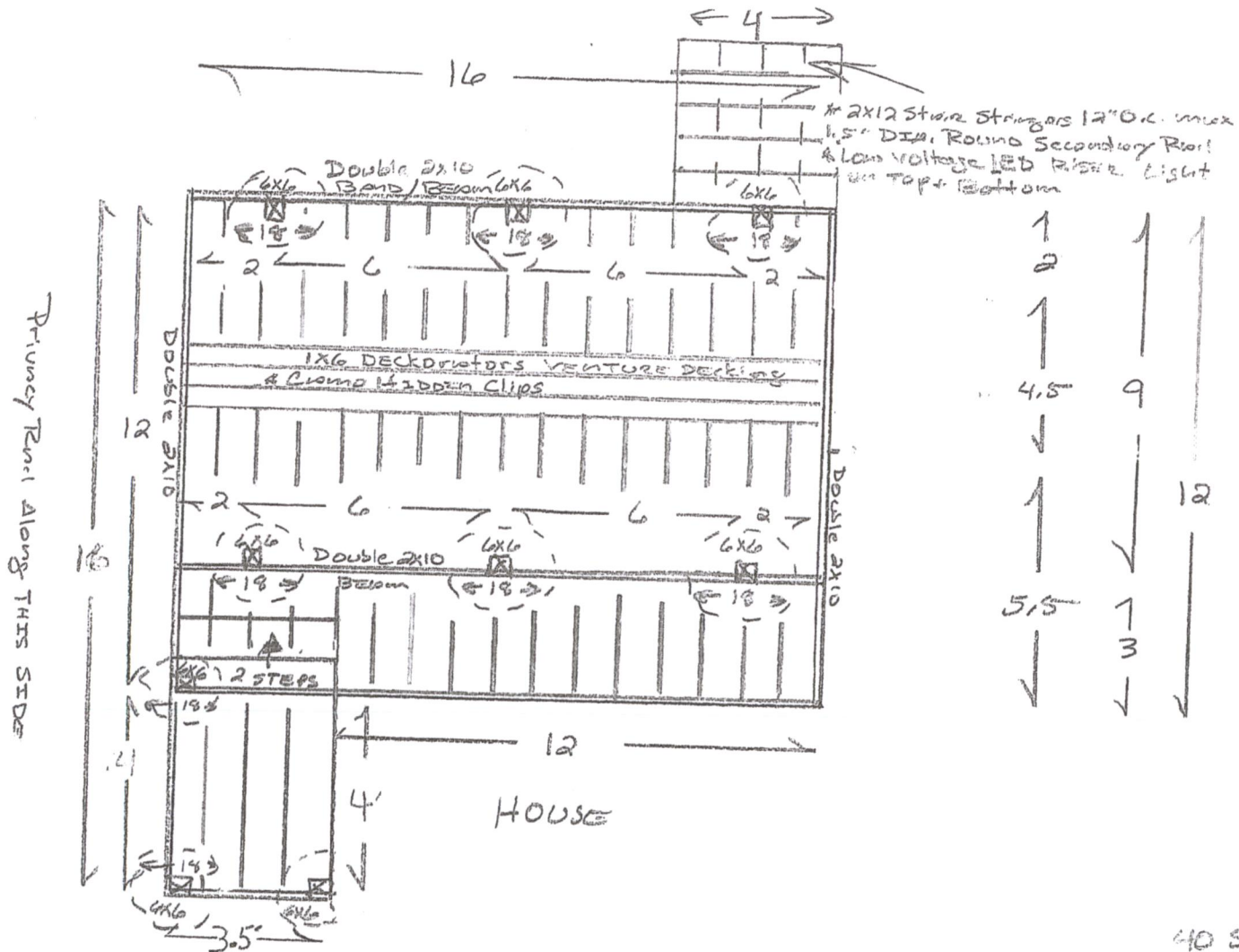
OWNER(S) NAME George & Mary JOB ADDRESS _____
ADDRESS 30000 Sherrin Ave DATE 5-9-2024
CITY, STATE & ZIP Wheaton, MD 20759 PHONE RES: 301-416-4630 OFF: _____
DIRECTIONS _____

Work to be performed by Contractor.
Contractor agrees to:

Supply, install, labor and materials to perform
the following: Remove and install existing fence
existing 2x4x4x6x8x10x12x14x16x18x20x22x24x26x28x30x32x34x36x38x40x42x44x46x48x50x52x54x56x58x60x62x64x66x68x70x72x74x76x78x80x82x84x86x88x90x92x94x96x98x100x102x104x106x108x110x112x114x116x118x120x122x124x126x128x130x132x134x136x138x140x142x144x146x148x150x152x154x156x158x160x162x164x166x168x170x172x174x176x178x180x182x184x186x188x190x192x194x196x198x200x202x204x206x208x210x212x214x216x218x220x222x224x226x228x230x232x234x236x238x240x242x244x246x248x250x252x254x256x258x260x262x264x266x268x270x272x274x276x278x280x282x284x286x288x290x292x294x296x298x300x302x304x306x308x310x312x314x316x318x320x322x324x326x328x330x332x334x336x338x340x342x344x346x348x350x352x354x356x358x360x362x364x366x368x370x372x374x376x378x380x382x384x386x388x390x392x394x396x398x400x402x404x406x408x410x412x414x416x418x420x422x424x426x428x430x432x434x436x438x440x442x444x446x448x450x452x454x456x458x460x462x464x466x468x470x472x474x476x478x480x482x484x486x488x490x492x494x496x498x500x502x504x506x508x510x512x514x516x518x520x522x524x526x528x530x532x534x536x538x540x542x544x546x548x550x552x554x556x558x560x562x564x566x568x570x572x574x576x578x580x582x584x586x588x590x592x594x596x598x600x602x604x606x608x610x612x614x616x618x620x622x624x626x628x630x632x634x636x638x640x642x644x646x648x650x652x654x656x658x660x662x664x666x668x670x672x674x676x678x680x682x684x686x688x690x692x694x696x698x700x702x704x706x708x710x712x714x716x718x720x722x724x726x728x730x732x734x736x738x740x742x744x746x748x750x752x754x756x758x760x762x764x766x768x770x772x774x776x778x780x782x784x786x788x790x792x794x796x798x800x802x804x806x808x810x812x814x816x818x820x822x824x826x828x830x832x834x836x838x840x842x844x846x848x850x852x854x856x858x860x862x864x866x868x870x872x874x876x878x880x882x884x886x888x890x892x894x896x898x900x902x904x906x908x910x912x914x916x918x920x922x924x926x928x930x932x934x936x938x940x942x944x946x948x950x952x954x956x958x960x962x964x966x968x970x972x974x976x978x980x982x984x986x988x990x992x994x996x998x1000x1002x1004x1006x1008x1010x1012x1014x1016x1018x1020x1022x1024x1026x1028x1030x1032x1034x1036x1038x1040x1042x1044x1046x1048x1050x1052x1054x1056x1058x1060x1062x1064x1066x1068x1070x1072x1074x1076x1078x1080x1082x1084x1086x1088x1090x1092x1094x1096x1098x1100x1102x1104x1106x1108x1110x1112x1114x1116x1118x1120x1122x1124x1126x1128x1130x1132x1134x1136x1138x1140x1142x1144x1146x1148x1150x1152x1154x1156x1158x1160x1162x1164x1166x1168x1170x1172x1174x1176x1178x1180x1182x1184x1186x1188x1190x1192x1194x1196x1198x1200x1202x1204x1206x1208x1210x1212x1214x1216x1218x1220x1222x1224x1226x1228x1230x1232x1234x1236x1238x1240x1242x1244x1246x1248x1250x1252x1254x1256x1258x1260x1262x1264x1266x1268x1270x1272x1274x1276x1278x1280x1282x1284x1286x1288x1290x1292x1294x1296x1298x1300x1302x1304x1306x1308x1310x1312x1314x1316x1318x1320x1322x1324x1326x1328x1330x1332x1334x1336x1338x1340x1342x1344x1346x1348x1350x1352x1354x1356x1358x1360x1362x1364x1366x1368x1370x1372x1374x1376x1378x1380x1382x1384x1386x1388x1390x1392x1394x1396x1398x1400x1402x1404x1406x1408x1410x1412x1414x1416x1418x1420x1422x1424x1426x1428x1430x1432x1434x1436x1438x1440x1442x1444x1446x1448x1450x1452x1454x1456x1458x1460x1462x1464x1466x1468x1470x1472x1474x1476x1478x1480x1482x1484x1486x1488x1490x1492x1494x1496x1498x1500x1502x1504x1506x1508x1510x1512x1514x1516x1518x1520x1522x1524x1526x1528x1530x1532x1534x1536x1538x1540x1542x1544x1546x1548x1550x1552x1554x1556x1558x1560x1562x1564x1566x1568x1570x1572x1574x1576x1578x1580x1582x1584x1586x1588x1590x1592x1594x1596x1598x1600x1602x1604x1606x1608x1610x1612x1614x1616x1618x1620x1622x1624x1626x1628x1630x1632x1634x1636x1638x1640x1642x1644x1646x1648x1650x1652x1654x1656x1658x1660x1662x1664x1666x1668x1670x1672x1674x1676x1678x1680x1682x1684x1686x1688x1690x1692x1694x1696x1698x1700x1702x1704x1706x1708x1710x1712x1714x1716x1718x1720x1722x1724x1726x1728x1730x1732x1734x1736x1738x1740x1742x1744x1746x1748x1750x1752x1754x1756x1758x1760x1762x1764x1766x1768x1770x1772x1774x1776x1778x1780x1782x1784x1786x1788x1790x1792x1794x1796x1798x1800x1802x1804x1806x1808x1810x1812x1814x1816x1818x1820x1822x1824x1826x1828x1830x1832x1834x1836x1838x1840x1842x1844x1846x1848x1850x1852x1854x1856x1858x1860x1862x1864x1866x1868x1870x1872x1874x1876x1878x1880x1882x1884x1886x1888x1890x1892x1894x1896x1898x1900x1902x1904x1906x1908x1910x1912x1914x1916x1918x1920x1922x1924x1926x1928x1930x1932x1934x1936x1938x1940x1942x1944x1946x1948x1950x1952x1954x1956x1958x1960x1962x1964x1966x1968x1970x1972x1974x1976x1978x1980x1982x1984x1986x1988x1990x1992x1994x1996x1998x2000x2002x2004x2006x2008x2010x2012x2014x2016x2018x2020x2022x2024x2026x2028x2030x2032x2034x2036x2038x2040x2042x2044x2046x2048x2050x2052x2054x2056x2058x2060x2062x2064x2066x2068x2070x2072x2074x2076x2078x2080x2082x2084x2086x2088x2090x2092x2094x2096x2098x2100x2102x2104x2106x2108x2110x2112x2114x2116x2118x2120x2122x2124x2126x2128x2130x2132x2134x2136x2138x2140x2142x2144x2146x2148x2150x2152x2154x2156x2158x2160x2162x2164x2166x2168x2170x2172x2174x2176x2178x2180x2182x2184x2186x2188x2190x2192x2194x2196x2198x2200x2202x2204x2206x2208x2210x2212x2214x2216x2218x2220x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BRENDAN Casey
 Casey fence And Deck
 MHC # 120193
 301-213-2966

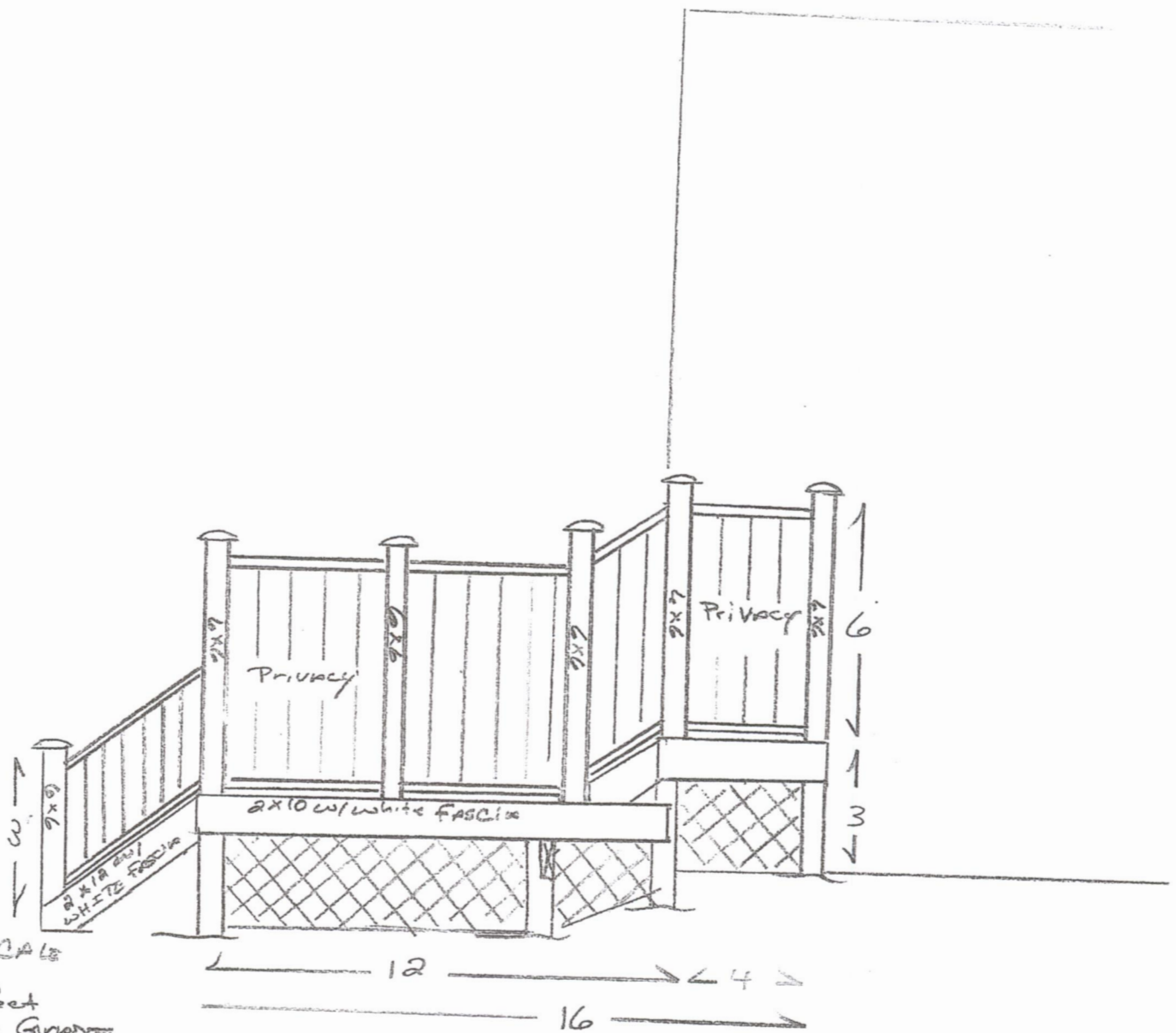
MARY ANN DAY
 20008 SHERIDAN AVE.
 HAGERSTOWN, MD. 21742
 301-491-4050



40 SLOPE
 3.5-4' ABOVE GRADE

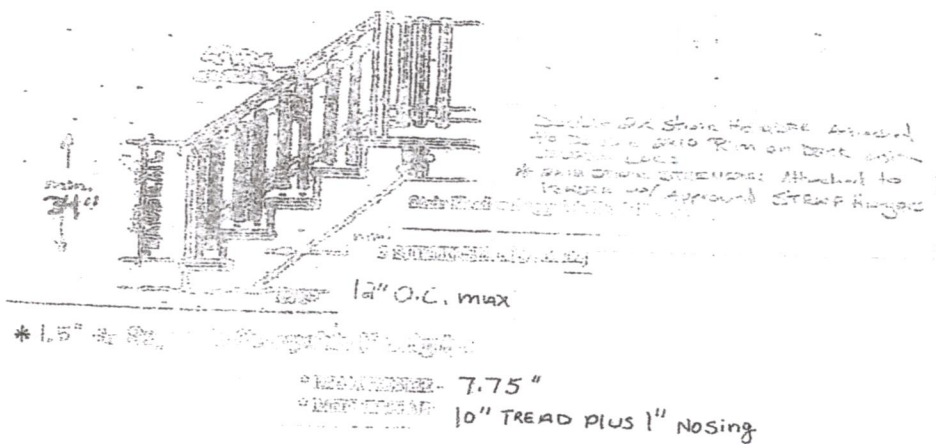
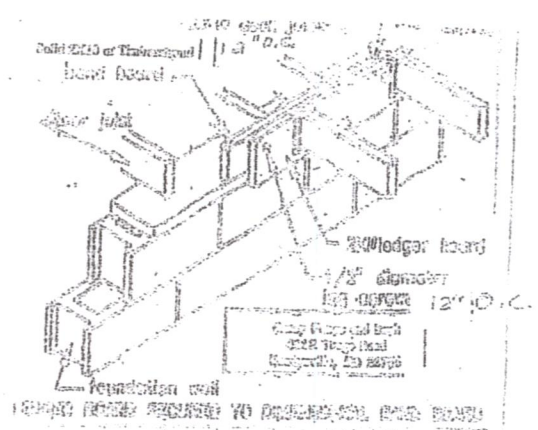
Brendan Casey
Casey Fence And Deck
MHIC#120193
301-213-2966

MARY ANNE DAY
20008 SHERIDAN AVE
HAGERSTOWN, MD. 21742
301-491-4050



40 SCALE

3.5 feet
Above Ground





Total Quality. Assured.

Code Compliance Research Report

CCRR-0195

Issue Date: 10-01-2015

Revision Date: 12-06-2023

Renewal Date: 12-31-2024

DIVISION: 06 00 00 – WOOD, PLASTICS AND COMPOSITES
Section: 06 50 00 – Structural Plastics
Section: 06 53 00 – Plastic Decking

REPORT HOLDER:

Eovations, LLC
5 Meadowcraft Parkway
Selma, AL 36701
(334) 872-1580
www.Eovationsllc.com

REPORT SUBJECT:

Eovations™ Deck Boards
Eovations™ Porch Boards
Deckorators® Vault Deck Boards also known as Deckorators Voyage and Eovations Tractio
Deckorators® Frontier Deck Boards
Deckorators® Voyage Varied-Plank Decking
Deckorators® Dock and Deck Board
SLS Composite Deck Boards
Ultra Light Deck Boards

1.0 SCOPE OF EVALUATION

1.1. This research report addresses compliance with the following Codes:

2021, 2018, 2015 *International Building Code®* (IBC)
2021, 2018, 2015 *International Residential Code®* (IRC)

NOTE: This report references the most recent edition of the codes cited Section numbers in earlier editions may differ.

1.2. Deck and porch boards have been evaluated for the following properties:

Structural Performance
Durability
Surface Burning

1.3. Eovations™, Deckorators®, SLS Composite, Ultra Light deck and Porch boards are intended for use as a walking surface on exterior decks, balconies, porches, and walkways,

including stairs in One- and Two-Family Dwellings regulated by the IRC and other construction types regulated by the IBC in accordance with IBC Sections 705.2.3 [1406.3] *Combustible projections*, where fire-resistance rated floor construction is not required for the deck or balcony.

2.0 STATEMENT OF COMPLIANCE

Eovations™, Deckorators®, SLS Composite, Ultra Light deck and porch boards comply with the Codes listed in Section 1.1, for the properties stated in Section 1.2 and uses stated in Section 1.3, when installed as described in this report, including the Conditions of Use stated in Section 6.0.

3.0 DESCRIPTION

3.1. Eovations™, Deckorators®, SLS Composite, Ultra Light Deck Boards are thermoplastic composite deck boards, co-extruded using proprietary inorganic fillers and polypropylene (PP) materials with a polypropylene cap.

3.2. Finished deck boards are available in solid or slotted rectangular profiles.

3.2.1. Eovations™ deck boards are provided with nominal dimensions of 5.3 inches wide and 0.75 inches thick. See Figure 1.

3.2.2. SLS Composite and Ultra Light deck boards are provided with nominal dimensions of 5.2 inches wide and 0.800 inches thick. See Figure 2.

3.2.3. Deckorators® Vault and Frontier deck boards are provided with nominal dimensions of 5.5 inches wide and 0.835 inches thick. See Figure 3.

3.2.4. Deckorators® Voyage Varied-Plank Decking is provided with nominal dimensions of 3.5 inches, 5.5 inches, 7.25 inches, and 9.25 inches wide and 0.835 inch thick. See Figure 6.



545 E. Algonquin Road • Arlington Heights • Illinois • 60005
intertek.com/building





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: 2003 Mason Dixon LLC
11535 Hopewell Road
Hagerstown MD 21740

Appellant: 2003 Mason Dixon LLC
11535 Hopewell Road
Hagerstown MD 21740

Property Location: 17933 & 17939 Mason Dixon Road
Hagerstown, MD 21740

Description Of Appeal: Variance from the required 1 space per 1.5 employees on the main shift or 1 space per 1,500 sq. ft. GFA, whichever is greater, plus 1 space per 350 sq. ft. GFA of sales and /or office space to 1 space per 1,800 sq. ft. of GFA plus 1 space per 350 sq. ft. GFA of sales and/or office space.

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): AP2003-061, AP2015-041

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.12

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: **Proposed Use:**

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.

Pennsylvania Franklin County
State Of ~~Maryland~~, Washington County to-wit:

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

April 6, 2024
My Commission Expires

[Signature]
Appellant Signature

[Signature]
Notary Public

Commonwealth of Pennsylvania - Notary Seal
JENNIFER L SHIFLER - Notary Public
Franklin County
My Commission Expires April 6, 2026
Commission Number 1328515



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2024-037

State of Maryland Washington County, To Wit:

On 7/17/2024, 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 08/07/2024, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 07/24/2024 and will remain until after the above hearing date.

~~Jason Divelbiss~~
HBR

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

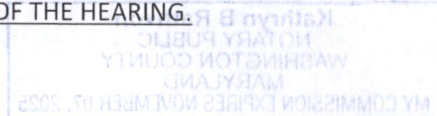
ATTENTION!

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 17939 Mason Dixon Rd., Hagerstown, MD 21740

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:

Article 22 Section 22.12. off. Street Parking Requirement for Warehouse or Wholesale Establishments

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

1 space per 1500ft GFA plus 1 space per 350 sqft GFA of sales and/or office space. 879 space requirement for building 1. 436 space requirement for building 2.

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

Decrease the parking space requirement to 744 from 879 for building 1 and to 369 from 436 for building 2.

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

Provide Detailed Explanation on Separate Sheet

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

☐ Yes ☒ No

If yes, list docket number(s): _____

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

[Signature]
Signature of Appellant Attorney

jdive@divelbiss.com
Email of Appellant

11535 Hagerwell Rod, Po Box 4317
Hagerstown, MD 21741
Address and of Appellant

(301) 582-2700
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.

Real Property Data Search ()

Search Result for WASHINGTON COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture: AGRICULTURAL TRANSFER TAX****Account Identifier:** District - 13 Account Number - 000239**Owner Information**

Owner Name: 2003 MASON DIXON LLC **Use:** AGRICULTURAL
Principal Residence: NO
Mailing Address: 11535 HOPEWELL RD **Deed Reference:** /02173/ 00676
HAGERSTOWN MD 21740-2109

Location & Structure Information

Premises Address: 17939 MASON DIXON RD **Legal Description:** 172.29 ACRES
HAGERSTOWN 21740-0000 17939 MASON DIXON RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0010 0020 0068 13010330.22 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
172.2900 AC

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	129,500	129,500		
Improvements	35,700	46,100		
Total:	165,200	175,600	168,667	172,133
Preferential Land:	69,500	69,500		

Transfer Information

Seller: MARTIN LEO E & MARY E ET AL	Date: 10/31/2003	Price: \$1,450,000
Type: ARMS LENGTH VACANT	Deed1: /02173/ 00676	Deed2:
Seller: MARTIN LEO E & MARY E	Date: 04/15/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01979/ 00339	Deed2:
Seller: MARTIN LEO E	Date: 12/03/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01308/ 01041	Deed2:

Exemption Information

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

Special Tax Recapture: AGRICULTURAL TRANSFER TAX**Homestead Application Information****Homestead Application Status:** No Application**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application **Date:**

ADJACENT PROPERTY OWNERS					
	<u>NAME</u>	<u>PREMISES ADDRESS</u>	<u>LIBER/FOLIO</u>	<u>MAILING ADDRESS</u>	<u>TAX MAP/PARCEL</u>
1	Richard E & Delores M Witner	17739 Mason Dixon Rd. Hagerstown, MD 21740	5006/369	13662 Williamsport Pike, Greencastle, PA 17225	0010/0131
2	Richard E & Delores M Witner	17735 Mason Dixon Rd. Hagerstown, MD 21740	4776/93	13662 Williamsport Pike, Greencastle, PA 17225	0010/0131
3	Pamela Joy Reno	17731 Mason Dixon Rd. Hagerstown, MD 21740	4845/187	17731 Mason Dixon Rd. Hagerstown, MD 21740	0010/0131
4	Wayne L & Nancy J Bartles	17725 Mason Dixon Rd. Hagerstown, MD 21740	973/196	17725 Mason Dixon Rd. Hagerstown, MD 21740	0010/0048
5	Michael L Lushbaugh	17719 Mason Dixon Rd. Hagerstown, MD 21740	1377/483	17719 Mason Dixon Rd. Hagerstown, MD 21740	0010/0075
6	Anna M Shank	17709 Mason Dixon Rd. Hagerstown, MD 21740	394/.296	17709 Mason Dixon Rd. Hagerstown, MD 21740	0010/0069
7	Doris A Elliott L/E	14717 Daley Rd. Hagerstown, MD 21740	7045/210	14717 Daley Rd. Hagerstown, MD 21740	0010/0045
8	Elizabeth & Kenneth Butts	14713 Daley Rd. Hagerstown, MD 21740	2770/499	14713 Daley Rd. Hagerstown, MD 21740	0010/0071
9	Lamar S & Alicia M Burkholder	14709 Daley Rd. Hagerstown, MD 21740	5918/370	14709 Daley Rd. Hagerstown, MD 21740	0010/0116
10	Vaughn & Nola E Martin	14635 Daley Rd. Hagerstown, MD 21740	5929/275	14635 Daley Rd. Hagerstown, MD 21740	0010/0128
11	Jose A Soto	14625 Daley Rd. Hagerstown, MD 21740	4976/443	14625 Daley Rd. Hagerstown, MD 21740	0010/0128
12	Lowell R & Luella M Eby	14611 Greencastle Pike, Hagerstown, MD 21740	1544/107	14611 Greencastle Pike, Hagerstown, MD 21740	0010/0142
13	Kenneth E & Fannie H Eby	14438 Daley Rd. Hagerstown, MD 21740	4111/15	17806 Reiff Church Road Hagerstown, MD 21740	0010/0074
14	Leon R & Esther M Eby	Daley Rd. Hagerstown, MD 21740	4752/485	17806 Reiff Church Road Hagerstown, MD 21740	0010/0067
15	Mylin E & Darlene F Horst	14402 Maugansville Rd Hagerstown, MD 21740	1082/187	14402 Maugansville Rd. Hagerstown, MD 21740	0024/0486
16	Ethan G & Annette M Eby	14612 Maugansville Rd Hagerstown, MD 21740	4324/380	14612 Maugansville Rd. Hagerstown, MD 21740	0010/0066
17	Stanley E & Belinda K Kegarise	18017 Mason Dixon Rd. Hagerstown MD 21740	1346/1043	18017 Mason Dixon Rd. Hagerstown, MD 21740	0010/0065

July 15, 2024

Washington County Board of Appeals
747 Northern Avenue
Hagerstown, Maryland 21742

**Re: 2003 MASON DIXON LLC
Request for Variance from Off Street Parking Area Requirements for
Warehouse Establishments**

Dear Board Members:

My client, 2003 MASON DIXON LLC (the "**Applicant**"), is the owner of the property located at 17939 Mason Dixon Road consisting of +/- 172 acres (TM 10, Parcel 68) the "**Property**"). The Property is currently zoned PI (Planned Industrial).

The Applicant is requesting a variance from the Off-Street Parking Requirement for "Warehouse or Wholesale Establishments" which, pursuant to Article 22, Section 22.12 of the Zoning Ordinance, is as follows:

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

As shown and depicted on the attached concept plan, the Applicant is currently working on plans for two (2) buildings on the Property consisting of +/- 1,237,600 sf. ("**Building #1**") and +/- 611,520 sf. ("**Building #2**") (collectively, the "**Project**").¹

It is anticipated that each building will consist of approximately 98% warehouse space and 2% office space to support the warehouse use.

As applied to the Project, the applicable Off-Street Parking Requirement would require 879 parking spaces for Building #1 and an additional 436 for Building #2. Based upon the standard stall dimension of 9' x 20' (180 sf.) the required 1,315 parking spaces equate to 236,700 sf. (5.43 ac.) of paved area not including drive aisles.

Without modifying either the requirement for handicap parking spaces or the 1 space per 350 sf of GFA ratio requirement for the Office portion of the buildings, the

¹ The Project is nearly identical to the Johnson Development project on Oak Ridge Drive adjacent to I-70 next to the Prime Outlets which consists of a +/- 1,200,000 sf. building and +/- 597,500 building.

Applicant is requesting that the parking space requirement for the Warehouse portion of the Project be decreased to **1 space per 1,800 sq. ft. GFA** rather than 1 space per 1,500 sq. ft. of GFA.

This new standard, if approved by the Board, would reduce the space requirement for the Project down to 744 spaces for Building #1 and 369 spaces for Building #2 determined as follows:

	<u>Current Requirement</u>	<u>Requested Variance</u>
<u>Building #1</u>		
Warehouse – 1,213,600 sf.	810 spaces (1:1,500 sf.)	675 spaces (1:1,800 sf.)
Office – 24,000 sf.	69 spaces (1:350 sf.)	69 spaces (1:350 sf.)
SUB-TOTAL:	879 spaces	744 spaces
<u>Building #2</u>		
Warehouse – 599,020 sf.	400 spaces (1:1,500 sf.)	333 spaces (1:1,800 sf.)
Office – 12,500 sf.	36 spaces (1:350 sf.)	36 spaces (1:350 sf.)
SUB-TOTAL:	436 spaces	369 spaces
TOTAL:	1,315 spaces	1,113 spaces

As reflected on the current Concept Plan for the Project, a total of 1,162 parking spaces are proposed; 785 spaces for Building #1 and 377 for Building #2.

However, because the Property may be approved, developed and perhaps even constructed before the end-user is known, the Applicant would like to have some flexibility to provide slightly less than the currently shown 1,162 in the event the Concept Plan needs need to modified to accommodate an end-user.

As also reflected on the Concept Plan for the Project, in addition to the 1,162 parking spaces there are 632 trailer drops spaces (377 for Building #1; and 255 for Building #2) which are essential to the efficient operation of the site and necessary to make the Project attractive to end-users.

To require the additional parking spaces necessary to comply with the currently applicable Off-Street Parking Requirement would require the Applicant to either lose a portion of the more important trailer stalls; or construct at a minimum an additional +/- 36,000 square feet of paved area (not counting additional drive aisles). Both of which would impose an undue burden on the Developer.

The requested parking space variance is consistent with the operational requirements of this type of use and thus granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

This fact is demonstrated by the Board's approval of similar variances for other projects including:

- The nearly identical size Johnson Development project on Oak Ridge Drive which requested and received a variance in April 2022 from 1,318 spaces to 737 spaces; and
- The Downsville Pike warehouse project which also requested and received a variance in April 2022 from 1,450 spaces to 1,105 spaces.

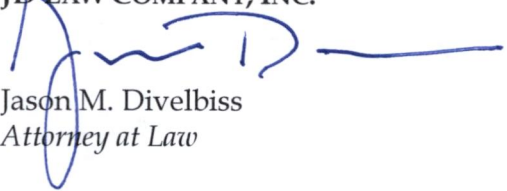
Even more instructive, before the Off-street Parking requirement in the Zoning Ordinance was revised in 2010,² several warehouses were constructed in the County with parking ratios even less than what is being requested here:

- Staples on Hopewell Road: 1,025,894 sf. / 280 spaces = 1/3,664 sf.
- Liberty Property on Newgate Blvd: 1,232,985 sf. / 440 spaces = 1/2,802 sf.
- Home Depot on Hunters Green Pkwy: 824,298 sf. / 330 spaces = 1/2,498 sf.

In light of the foregoing, Applicant believes it's request for a variance from Article 22, Section 22.12 is justified and should be granted on the basis of practical difficulty pursuant to §25.56 of the Zoning Ordinance.

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

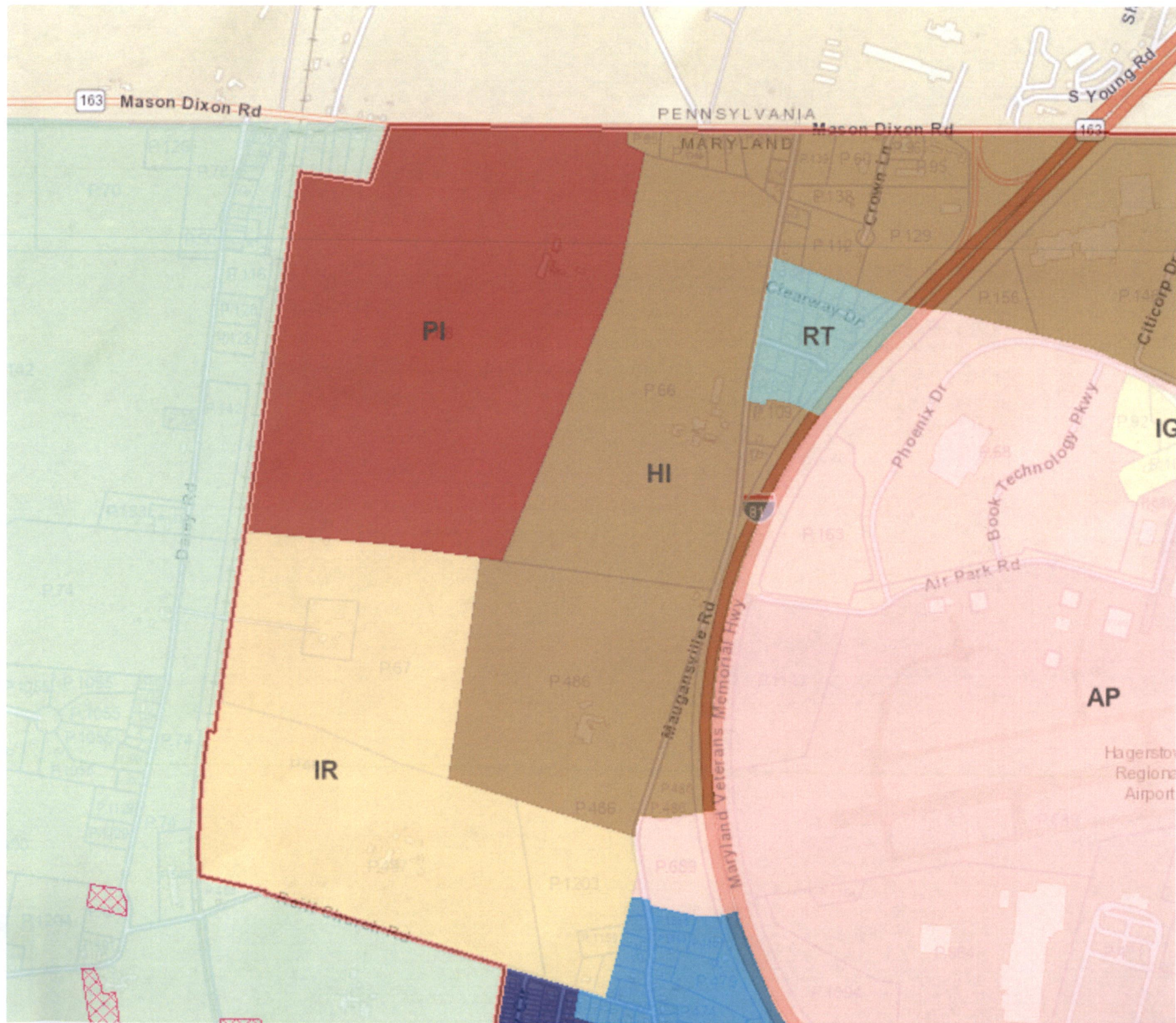
Very truly yours,
JD LAW COMPANY, INC.



Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com

² Prior standard was 1 space per main shift employee plus two (2) spaces per wholesale establishment



Zoning Ordinance Requirement Prior to 2010

Restaurants, Taverns, Lounges, Nightclubs	1 space per 50 sq. ft. customer floor space
Shopping Center (Retail greater than 2,000 sq. ft. floor space)	5.5 spaces per 1,000 sq. ft. of gross leasable retail floor space
Swimming Pool	1 space for every 7 persons lawfully permitted at any one time
Theaters, Auditoriums, Stadiums	1 space per every 2 seats
Townhouses or single-family attached dwellings	1.8 spaces per unit
Transportation terminals (Trucking, etc.)	1 space per main shift employee
 Warehouses or Wholesale Establishments	1 space per main shift employee plus 2 spaces per wholesale establishment

Provisions for the handicapped shall be provided in accordance with Code of Maryland Regulations 05.01.017, Maryland Building Code for the Handicapped.

Uses not specifically included in this schedule shall be subject to requirements of similar enumerated uses.

- (c) Design Standards - Every off-street parking area shall be developed and maintained in accord with the following requirements:
1. All off-street parking areas excepting those in the IR and IG Districts which are paved with an impermeable surface and which have an area of 10,000 sq. ft. and greater shall have landscaped areas which constitute a minimum of 5% of the total impervious area of the parking lot. The landscaped areas shall be unpaved, permeable, linear strips or variable shaped islands in the interior of the parking area which shall be planted with ground cover of shrubs, trees, or grasses. Where determined by the County Engineer to be adequate for a given project, a crushed stone, gravel, or aggregate surface may be used in lieu of impermeable surface paving.
 2. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public streets. Where proposed lighted parking areas are located adjacent to a residential district or residential use, lighting shall be of minimum intensity to assure safety and security and shall be well shielded from the adjacent property.
 3. The periphery of off-street parking areas shall be adequately buffered from any lot in an "R" District or any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as the said uses or