

## BOARD OF APPEALS

February 18, 2026

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

### AGENDA

**AP2026-001:** An appeal was filed by Sean & Tracy Hayden for a variance from the 40 ft. setback from the road right-of-way to 6 ft. for construction of a replacement single-family dwelling on property owned by the appellants and located at 6346 Zittlestown Road, Middletown, Zoned Preservation District. - **DENIED**

**AP2026-002:** An appeal was filed by Trinity Nursing Academy Inc for a variance from the 25 ft. side yard setback requirement to 17 ft. for proposed addition to existing commercial building on property owned by the appellant and located at 20142 National Pike, Hagerstown, Zoned Agricultural Rural. - **GRANTED**

**AP2026-003:** An appeal was filed by Ridgetop Roofing LLC for a special exception for the manufacturing of metal roofing panels from raw materials in existing building; filing for functionally similar to a machine shop. Also, a special exception for contractor's equipment storage yard for metal roofing business, on property owned by Lynn Diller and located at 21612 Jefferson Boulevard, Smithsburg, Zoned Agricultural Rural. - **GRANTED**

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Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than February 9, 2026. 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: Sean & Tracy Hayden
6346 Zittlestown Road
Middlestown MD 21769
Appellant: Sean & Tracy Hayden
6346 Zittlestown Road
Middlestown MD 21769
Property Location: 6346 Zittlestown Road
Middlestown, MD 21769
Description Of Appeal: Variance from the 40 ft. setback from the road right-of-way to 6 ft. for construction of a replacement single-family dwelling.

Docket No: AP2026-001
Tax ID No: 06008496
Zoning: P
RB Overlay: No
Zoning Overlay:
Filed Date: 01/29/2026
Hearing Date: 02/18/2026

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: Topography of the property and cost
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:
Existing Use: Dwelling
Proposed Use: Replacement Dwelling
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.

[Handwritten Signature]
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 29 day of Jan, 2026.

Nov. 7, 2029
My Commission Expires

[Handwritten 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: AP2026-001

**State of Maryland Washington County, To Wit:**

On 1/29/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Rose Borisow and made oath in due form of law as follows:

Rose Borisow will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 02/18/2026, 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 02/03/2026 and will remain until after the above hearing date.

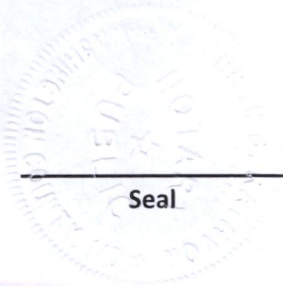
Rose Borisow

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

Notary Public

Nov. 7, 2029

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!

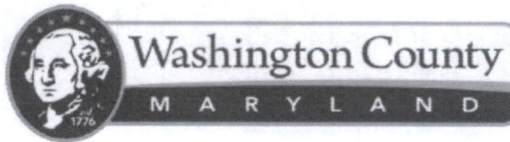
### Posting Instructions

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.





**BOARD OF ZONING APPEALS**

**OWNER REPRESENTATIVE AFFIDAVIT**

This is to certify that Rose Borisow  
is authorized to file an appeal with the Washington County Board of Appeals for  
Tracy and Sean Hayden on property  
located 6346 Zittlestown Rd, Middletown MD 21769.  
The said work is authorized by Tracy and Sean Hayden  
the property owner in fee.

**PROPERTY OWNER**

Tracy and Sean Hayden

Name

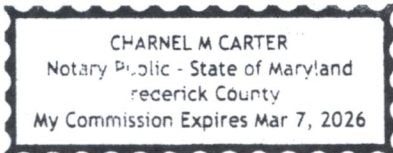
6346 Zittlestown Rd

Address

Middletown MD 21769

City, State, Zip Code

Owner's Signature



Sworn and subscribed before me this 28th day of January, 2026.

Charnel M Carter Notary Public  
Notary Public

My Commission Expires:

**AUTHORIZED REPRESENTATIVE**

ROSEMARIE BORISOW

Name

1 S. MAIN ST

Address

WOODSBORO MD 21798

City, State, Zip Code

Authorized Representative's Signature



**Charnel M Carter**  
Title Insurance Producer  
105 Swallow Pointe Court  
Frederick, Maryland 21702  
3003668355

Sworn and subscribed before me this 28th day of January, 2026.

Charnel M Carter Notary Public  
Notary Public

My Commission Expires:



**MHBR #6677**

**MHIC #130127**

**Date:** January 29, 2026

**To:** Washington County, Board of Zoning Appeals

**From:** Joel Rensberger

**Cc:** Rose Borisow

**Regarding:** Variance Request: 6346 Zittlestown Rd., Middletown, MD 21769

**Section:** 5C.5-Front Yard Setback Requirement

Dear Chairperson and Members,

Thank you for considering our appeal. On behalf of Sean and Tracy Hayden, longtime Washington County owners and residents, we respectfully ask that you allow us to rebuild their home closer to the road than the zoning ordinance allows for new construction typically, but farther back than the current home.

The related section is 5C.5- The 40 ft. Front yard setback requirement.

The home we seek to replace is a failing 1915 structure with lead paint, lead-soldered plumbing work, and has a septic system that currently discharges into the creek. It's time it be addressed is our feeling.

This request is unique; our project cannot comply with the ordinance. This home predates the zoning ordinance. If forced to comply with the letter of the ordinance, an undue hardship would immediately befall the family. A hardship such that we cannot proceed forward.

A. Practical Difficulty

Strict compliance would push the new planned home further into the hill, adding 17 feet of vertical foundation construction to the foundation. As such, a new 2<sup>nd</sup> lower story and an unimaginable number of steps for the Owners would be required. Strict compliance would add roughly 125k to the cost of the project, as well as trigger additional SWM/ESD requirements of unknown cost (as of this writing)

Denying the variance would do substantial injustice to the applicant. Such would render the project unbuildable for their finances. Such would mean that we cannot remove and replace the family home with a new suitable and safe dwelling.

Granting of the variance will be consistent with the spirit and intent of the zoning ordinance. The family site plan places the new home adjusted eastward for enhanced safe sitelines, replaces the septic system, and drills a new well. As is typical for old Washington County, it remains close to the road, but further back than today, consistent with zoning spirit.

B. Undue Hardship

Strict compliance does restrict the Applicant from securing an undue return and reasonable use. The Hayden family seeks to replace their family home with a new safe one. Zoning setbacks of today, if strictly applied, mandate a 17' rise in foundation costs, which makes the project fail for them/unbuildable.

The hardships are unique to this property (when compared to most new construction). The current home is just 24' from the center of road. The family plan is 32' from the center of road. **The existing concrete stairs up to the existing house are 8' from the center of the roadway. Our plan places the new proposed steps up to the house 15.5' from the center of the roadway (7.5' to the good). The existing stairs are almost at the edge of pavement; we propose pulling them back by 7.5' and improving site distance.** This district and this road are replete with homes very close to the road, we seek to improve in all regards.

The hardship is not the result of any action by the applicant, except for that they seek to improve their living condition, for themselves and their daughters.

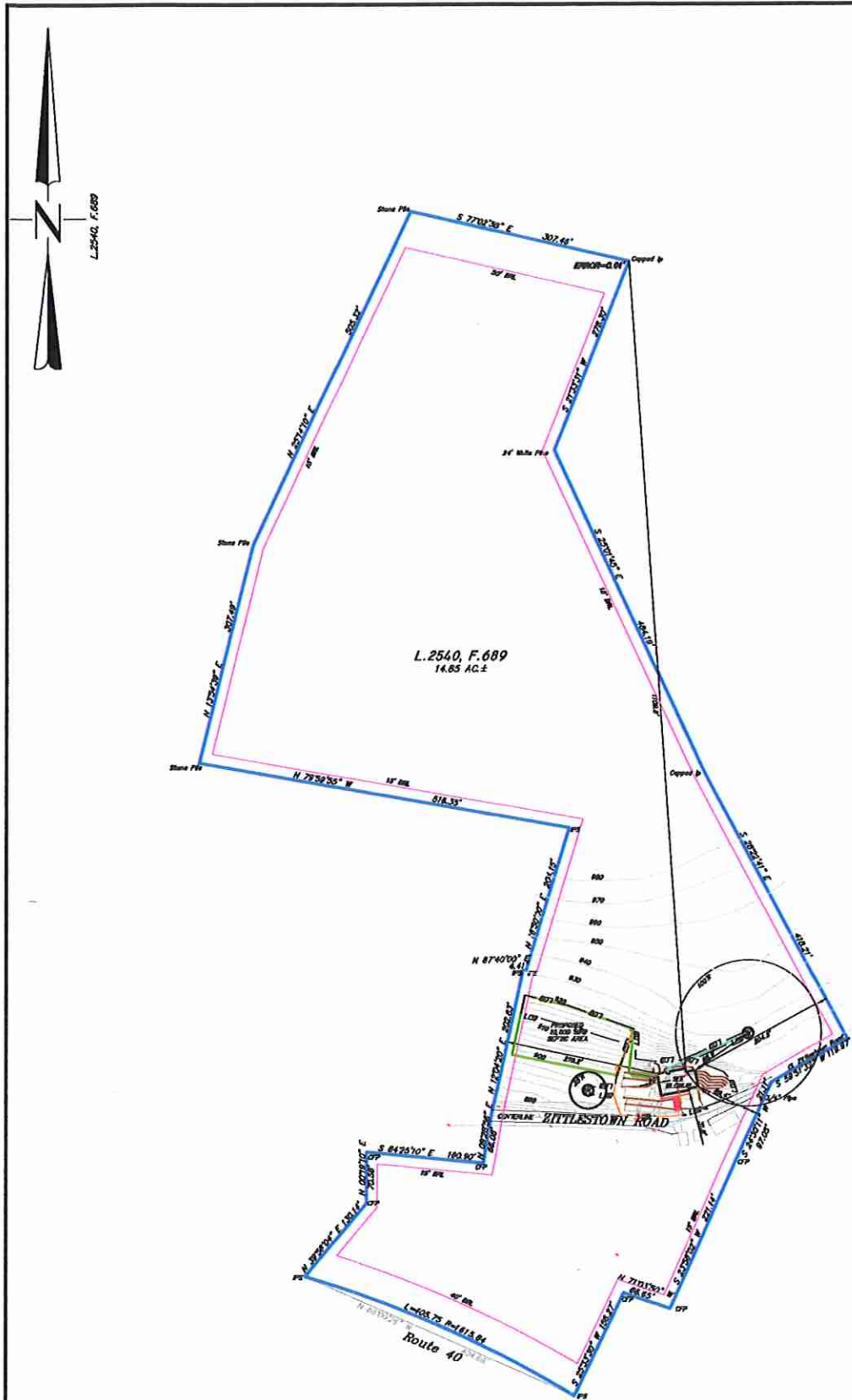


Joel Rensberger

Owner/Builder

*Joel@CERensbergerBuilder.com*

*1 South Main Street, Woodsboro, MD 21798 (301) 370-4042*



**NOTES:**

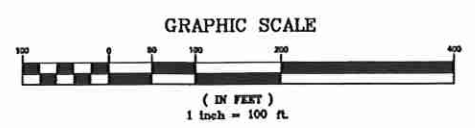
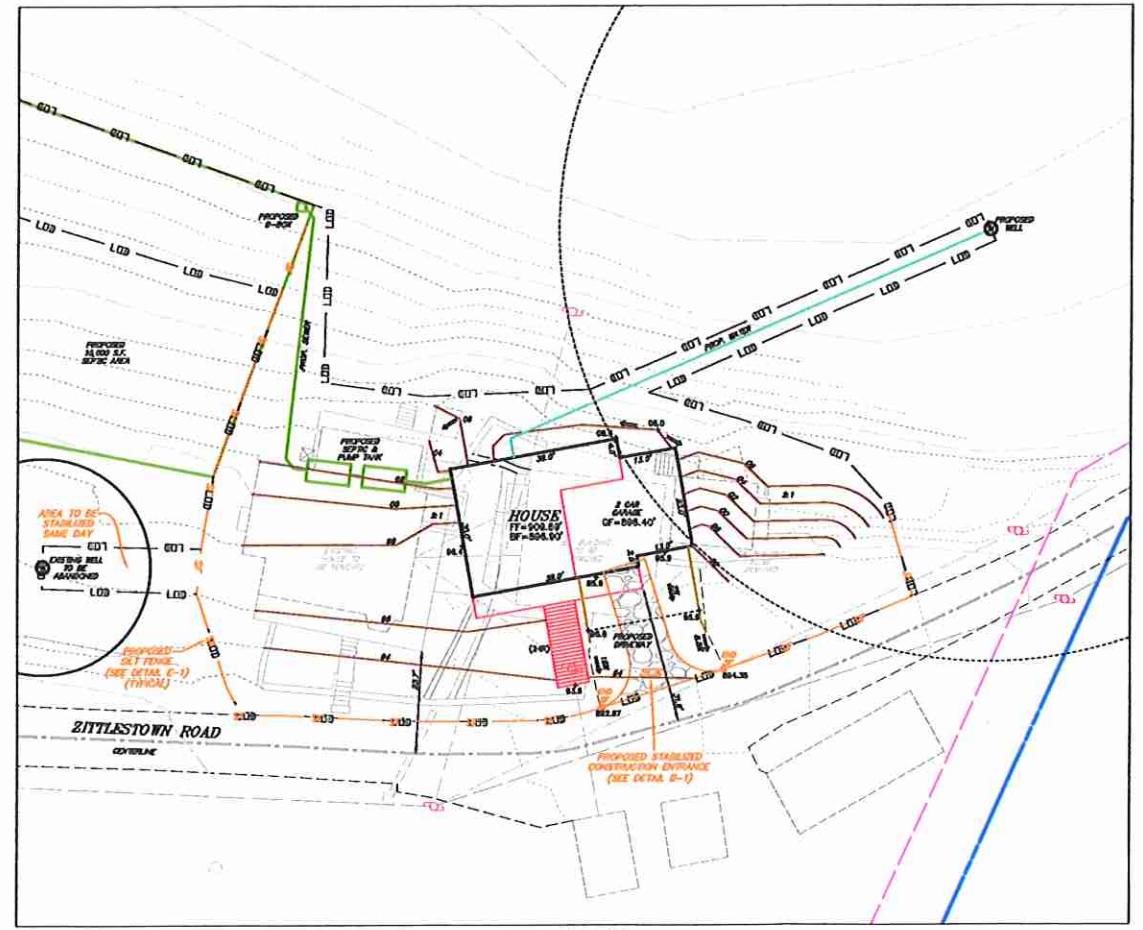
1. CURRENT DEED REFERENCE: L.2540, F.689
2. CURRENT PLAT REFERENCE: N/A
3. EXISTING TOPOGRAPHY BASED ON FIELD SURVEY CONDUCTED BY LAVELLE & ASSOC. INC. ON 4/22/2025.
4. LIMIT OF DISTURBANCE = 15,830 S.F.
5. THE PORTION OF THE PROPERTY SHOWN DOES NOT FALL WITHIN THE "FEMA FLOODPLAIN" PER FREDERICK COUNTY PROPERTY EXPLORES. THE PROPERTY IS SHOWN IN ZONE X (ANNUAL FLOOD HAZARD, OUTSIDE THE 500-YR OR 100-YEAR FLOOD AREA, & THE 0.2-PERCENT-ANNUAL-CHANCE, OR 500-YEAR, FLOOD). PER FEMA MAP NUMBER 2404303820, WITH AN EFFECTIVE DATE OF AUGUST 13, 2017.
6. THE PORTION OF THE PROPERTY SHOWN DOES NOT CONTAIN ANY WETLANDS, PER U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY.
7. BUILDING DIMENSIONS SHOWN FOR BUILDING PERMIT USE ONLY; FOR CONSTRUCTION REFER TO ARCHITECTURAL PLANS.
8. EXISTING UTILITY LOCATION NOT KNOWN, UNLESS SHOWN.
9. NO SITE INVESTIGATIONS WERE PERFORMED AS PART OF THIS DESIGN. IT IS RECOMMENDED THAT A GEOTECHNICAL ENGINEER BE CONSULTED TO VERIFY THAT THE PROPOSED IMPROVEMENTS AS SHOWN ARE SUITABLE FOR THE SITE.
10. ALL ROADS SHOWN ARE ASSUMED TO BE 6" HIGH.

**STORMWATER TREATMENT METHOD:**

1. STORMWATER MANAGEMENT TO BE PROVIDED USING A COMBINATION OF ROOFTOP DISCONNECTED, AS SHOWN & NON-ROOFTOP FOR THE PAVED SURFACES (DRIVEWAY/SIDEWALK).

**STORMWATER DESIGN CRITERIA:**

1. SHEET FLOW MUST BE MAINTAINED IN AREAS RECEIVING DISCONNECTED RUNOFF, IF SLOPES ARE TOO STEEP (>3%), A SERIES OF TERRACES OR BERMS MAY BE USED TO MAINTAIN SHEETFLOW. THESE TERRACES MAY BE READILY CONSTRUCTED OF LANDSCAPING STONES, TIMBER, OR EARTHEN BERMS.
2. SHOULD AREAS RECEIVING DISCONNECTED RUNOFF BECOME COMPACTED DURING CONSTRUCTION, SCARPING THE SURFACE OR ROTOTILLING THE SOIL TO A DEPTH OF FOUR TO SIX INCHES SHALL BE PERFORMED TO ENSURE PERMEABILITY. ADDITIONALLY, AMENDMENTS MAY BE NEEDED FOR TIGHT, CLAYEY SOILS.



**LAVELLE & ASSOCIATES INCORPORATED**  
 PLANNERS • SURVEYORS  
 P.O. Box 372, Frederick, Maryland 21705  
 TEL: (301) 685-9722, FAX: (301) 685-9766

**SITE PLAN**  
 L.2540, F.689  
 SITUATED AT 6346 ZITTELSTOWN ROAD  
 ELECTION DISTRICT No. 06  
 WASHINGTON COUNTY, MARYLAND

STATE OF MARYLAND  
 DIVISION OF LAND SURVEYING  
 PROFESSIONAL LAND SURVEYOR  
 Registered by:  
 [Signature]  
 6FFA71567C214D8  
 Reg. No. 21701, Exp. 6/11/2027

FIELD DATE: 4/22/2025  
 DRAWING DATE: 10/7/2025  
 SCALE: 1" = 100'  
 PROJ. No. 25-033  
 FILE: LPS\Zittelstown Road\md.dwg  
 DRAWN: DM  
 PAGE 1 OF 1

A LICENSEE EITHER PERSONALLY PREPARED THIS SITE PLAN OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION 08.11.02 OF THE CODE OF MARYLAND REGULATIONS (COMAR).

**OWNERS**  
 SEAN & TRACY HAYDEN  
 6346 ZITTELSTOWN ROAD  
 MIDDLETOWN, MD 21769

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

**SEAN & TRACY HAYDEN**

\* **Appeal No.: AP2026-001**

**Appellants**

\*

\*

\* \* \* \* \*

**OPINION**

Sean and Tracy Hayden (hereinafter "Appellants") requests a variance to reduce the required setback from the road right-of-way from 40 feet to 6 feet for construction of a replacement single-family dwelling at the subject property. The subject property is located at 6346 Zittlestown Road, Middletown, Maryland 21769 and is zoned Preservation. The Board held a public hearing in this matter on February 18, 2026.

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon notice to the parties and general public as required. Kathryn Rathvon provided the Staff Report indicating that proper notice of the hearing was given to adjacent property owners by letter, publication was made in the newspaper, and the subject property was properly posted.

**Findings of Fact**

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

1. Appellants are the owners of the subject property located at 6346 Zittlestown Road, Middletown, Maryland 21769. The subject property is zoned Preservation.

2. Zittlestown Road is a narrow, unlined road which has no shoulder or additional room on either side of the roadway. The road is 25 feet wide and there are areas, including the subject property where trees, shrubbery and other elements encroach into the roadway.

3. The subject property consists of approximately 14.85 acres situated on both sides of Zittlestown Road as it bends and traverses up the mountain. The subject property is improved by an existing dwelling which was constructed in 1915 and needs repair. The dwelling has approximately 2,700 square feet of living space and is located so close to the roadway that the front steps land at the edge of the pavement. There are also multiple existing accessory buildings located to the right of the dwelling.

4. The subject property has a steep grade that increases from the home site toward the rear of the property.

5. Appellants proposes to tear down the existing dwelling and construct a new home. The home will be designed to bring the driveway off of Zittlestown Road, with a garage and basement underneath the living space. In order to have the upper floors meet the change in grade, the basement level has been designed much taller than normal.

6. Appellants are seeking a variance to 6 feet which is where the new front steps are designed to land as the extend from the front of the home.

7. Appellants intends to remove the concrete channel used for drainage along the slope. Runoff water will be diverted as sheets instead of funneled into the channel.

8. The Division of Engineering submitted a Memorandum which stated no position as to the variance request but noted suggestions to mitigate potential future impacts to the proposed project.

9. The Board did not receive any letters of opposition, however, there were two (2) witnesses who testified in opposition at the hearing.

### **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.<sup>1</sup> “Practical

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<sup>1</sup>“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)

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 5C.5 of the Zoning Ordinance, the front yard setback for the subject property is 40 feet from the road right-of-way. Appellants presented testimony through their homebuilder, Joel Rensberger, about the project. He testified that they are seeking to replace the existing home which is in disrepair, with a similarly sized new home. The proposed design has a garage underneath the home which is elevated to accommodate the slope and topography of the property. He also testified that it was not possible to move the home site back from the roadway because of the drastic increase in grade towards the rear of the property. Mr. Rensberger also noted that turning the stairs parallel to the home was not consistent with the design standards in the neighborhood. The location of the accessory buildings on one side of the dwelling also necessitated the design of the driveway on the other side. Mr. Rensberger testified that moving the home or modifying the proposed design would be difficult and expensive given the topography and location of the roadway.

Appellants presented testimony and evidence regarding the proposed warehouse and its operation. Appellants noted that the proximity of the CSX railroad spur provides additional flexibility for potential end users that want rail access. In order to maintain

this flexibility, they must reduce the required parking to include rail access in the site design. Appellants also noted the negative effect that additional parking spaces will have on surface water runoff and maintaining green spaces. Appellants stated that the required parking spaces were far in excess of what was needed for the proposed use and that other warehouse uses have been approved for similar reductions in parking.

The Board heard opposition testimony from Arthur Poffenberger and Gary Godlove during the hearing. The testimony focused on the proximity to the roadway, including the tight bend in the road as it passes the subject property. Both witnesses were concerned about how close the structure would be to the road and passing traffic. Specifically, there are existing impediments like shrubbery and the steps which are already encroaching upon the roadway. Mr. Poffenberger also noted an ongoing problem with drainage, and he was concerned that further disruption to the property would exacerbate water runoff issues.

While the Board understands the challenges presented by the topography and location of the subject property, there are concerns about the proposed project. The existing dwelling is in fact very close to the edge of Zittlestown Road. There are shrubs and plants which encroach into the path of traffic. In addition, the buildings on the other side of the road appear to be constructed right at or very near the edge of the paved roadway. The Board also noted that when tearing down a dwelling for replacement, the owner must comply with the applicable Ordinance restrictions. In this case, Appellants' plan will force them to comply with the front yard setback requirements. Their solution is to raise the basement level and construct stairs that land just six (6) feet from the existing roadway. Not only is this perilously close to the road, but it fails to take into consideration any expansion or improvement to the roadway in the future. Moreover, Appellants acknowledged that there were other, less desirable and possibly more expensive options for locating the new dwelling and stairs. Although those options were less preferred, they were not impossible or impractical. Appellants' request is therefore not the minimum necessary to facilitate practical use of the property.

Accordingly, the request for a variance to reduce the required setback from the road right-of-way from 40 feet to 6 feet for construction of a replacement single-family dwelling at the subject property is DENIED by a vote of 4 to 1. 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: Robert Meyers, Acting Chair

**Date Issued: March 17, 2026**

#### 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: Trinity Nursing Academy Inc
186 Thomas Johnson Drive
Suite 203
Frederick MD 21702
Appellant: Trinity Nursing Acadmey Inc
20412 National Pike
Hagerstown MD 21740
Docket No: AP2026-002
Tax ID No: 16012483
Zoning: A(R)
RB Overlay: Yes
Zoning Overlay:
Filed Date: 01/29/2026
Hearing Date: 02/18/2026

Property Location: 20142 National Pike
Hagerstown, MD 21740

Description Of Appeal: Variance form the 25 ft side yard setback requirement to 17 ft for proposed addition to existing commercial building.

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 5E.5(c)

Reason For Hardship: Due to current footprint and orientation of non-conforming building. Compliance would necessitate an irregular and inefficient building layout.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Commercial Proposed Use: Addition to Existing Commercial Building

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.

[Handwritten Signature]
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 29 day of Jan, 2026

Nov. 7 2029
My Commission Expires



[Handwritten 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: AP2026-002

State of Maryland Washington County, To Wit:

On 1/29/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick, Seibert & Associates Inc and made oath in due form of law as follows:

Frederick, Seibert & Associates Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 02/18/2026, 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 02/03/2026 and will remain until after the above hearing date.

Frederick, Seibert & Associates Inc

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

Notary Public

My Commission Expires



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

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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.



**Project Name: Trinity Nursing Academy, Building Addition Variance**

**Owner/Applicant: Trinity Nursing Academy Inc, c/o Simi Meadows**

**Project Address: 20412 National Pike, Hagerstown, MD 21740**

**Tax Map 58 Grid 22 Parcel 42**

**Account # 16-012483**

**Zoning: RB Rural Business**

**Variance Request – Side Yard Setback (Section 5E.5(c)) of the Washington County Zoning Ordinance.**

The applicant requests a variance from the side yard setback requirement established in Section 5E.5(c) of the Zoning Ordinance, which requires a minimum side yard setback of twenty-five (25) feet where a lot adjoins property zoned for or occupied by a non-residential land use. The applicant proposes a reduced side yard setback of seventeen (17) feet to permit construction of an addition to an existing building.

The subject property contains an existing 1,545 square foot structure that is legally nonconforming with respect to the side yard setback. The left front corner of the existing building is located approximately seven (7) feet from the side property line, with the remainder of the structure set back approximately seventeen (17) feet. The proposed addition, totaling approximately 1,878 square feet, would be constructed directly to the rear of the existing thirty (30) foot wide structure and would continue the existing seventeen (17) foot setback before increasing to approximately twenty-eight (28) feet from the side property line, thereby exceeding the required setback for a portion of the addition.

Strict enforcement of the twenty-five (25) foot side yard setback would create a practical difficulty due to the established footprint and orientation of the existing nonconforming structure. Compliance would necessitate an irregular and inefficient building layout, resulting in unusable interior space, compromised internal circulation, and increased complexity in extending building utilities and means of access. Additionally, compliance would require unnecessarily complex exterior elevations and roof configurations, substantially increasing construction costs without advancing the intent of the zoning ordinance or providing a corresponding public benefit.

The requested variance represents the minimum relief necessary to allow reasonable use of the property and is consistent with the existing development pattern on the site. The proposed addition maintains a setback that is equal to or greater than the majority of the existing structure, reduces the degree of nonconformity at the rear of the building, and will not adversely impact adjacent properties. Granting the variance will not alter the essential character of the area, impair the intent of the zoning ordinance, or be detrimental to the public health, safety, or welfare.



# Washington County Board of Zoning Appeals Owner's Representative Affidavit

This is to certify that Fred Frederick or Ed Schreiber  
is authorized to file an appeal with the Washington County Board of Appeals for side yard setback Reduction  
on property located at 20142 National Pike  
The said work is authorized by Trinity Nursing Academy c/o Simisola Meadows  
the property owner in fee.

PROPERTY OWNER  
Trinity Nursing Academy  
c/o Simisola Meadows  
Name  
20142 National Pike  
Address  
Hagerstown, MD 21740  
City, State, Zip Code

Simisola Meadows  
Owner's Signature

Sworn and subscribed before me this 21 day of January, 2026.



Nikki S. Eichelberger  
Notary Public

My Commission Expires:  
NIKKI S. EICHELBERGER  
NOTARY PUBLIC  
WASHINGTON COUNTY  
STATE OF MARYLAND  
My Commission Expires 9/15/2028

### AUTHORIZED REPRESENTATIVE

Fred Frederick or Ed Schreiber w/FSA  
Name  
128 S. Potomac Street  
Address  
Hagerstown, MD 21740  
City, State, Zip Code

[Signature]  
Authorized Representative's Signature

Sworn and subscribed before me this 22 day of January, 2026.



Nikki S. Eichelberger  
Notary Public

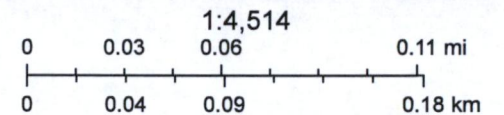
My Commission Expires:  
NIKKI S. EICHELBERGER  
NOTARY PUBLIC  
WASHINGTON COUNTY  
STATE OF MARYLAND  
My Commission Expires 9/15/2028

# Frederick Seibert & Associates, Inc.



1/13/2026, 9:10:34 AM

-  SixInchImagery2023\_2024
-  HL Database
- World\_Transportation
- Parcels Washington County



Vantor, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, HERE, IPC,

Web AppBuilder for ArcGIS

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 - 16 Account Identifier - 012483

**Owner Information**

Owner Name: TRINITY NURSING ACADEMY INC      Use: COMMERCIAL  
 Principal Residence: NO  
 Mailing Address: 186 THOMAS JOHNSON DR      Deed Reference: /07212/ 00418  
 SUITE 203  
 FREDERICK MD 21702-

**Location & Structure Information**

Premises Address: 20142 NATIONAL PIKE      Legal Description: LT 104.82X328.32 AVG  
 HAGERSTOWN 21740-0000      .72 AC 20142 NATIONAL PI  
 N/S US RT 40

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0058	0022	0042	10000.22	0000				2025	
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	1,500 SF		31,363 SF	

StoriesBasementType	ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
MEDICAL OFFICE BUILDING/	C2

**Value Information**

	Base Value	Value As of 01/01/2025	Phase-In Assessments	
			As of 07/01/2025	As of 07/01/2026
Land:	62,700	62,700		
Improvements	106,600	210,200		
Total:	169,300	272,900	203,833	238,367
Preferential Land:	0	0		

**Transfer Information**

Seller: DAVIS LAWRENCE E	Date: 03/20/2023	Price: \$275,000
Type: ARMS LENGTH IMPROVED	Deed1: /07212/ 00418	Deed2:
Seller: WESTLAND PROPERTIES LLC	Date: 08/08/2006	Price: \$299,000
Type: ARMS LENGTH IMPROVED	Deed1: /03074/ 00720	Deed2:
Seller: ALBERT EUGENE S JR &	Date: 07/05/2000	Price: \$77,000
Type: NON-ARMS LENGTH OTHER	Deed1: /01583/ 00280	Deed2:

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
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:

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB District has safe and usable road access on a road that meets the standards under the "Policy for Determining Adequacy of Existing Roads." In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, flood plains, etc. can be adequately addressed; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Section 5E.5 Bulk Regulations:<sup>72</sup>

- (a) Lot Size:  
Minimum 40,000 Sq. Ft.
- (b) Front Yard Building Setback:  
40 Feet from a Minor Collector or Local Public Road Right of Way  
50 feet from a Major Collector or Arterial Public Road Right of Way
- (c) Side and Rear Yard Building Setbacks:  
50 Feet from a property zoned for or occupied by a Residential Land Use;  
→ 25 Feet from a property zoned for or occupied by a Non-Residential Land Use.
- (d) Structure Height: 35 Feet
- (e) Lot Coverage: Maximum 65 %
- (f) Parking.
  1. Off-street parking facilities shall be provided in accordance with Article 22, Division I of this Ordinance.
  2. Parking and access aisles are permitted in the front yard setback area. Parking and access aisles are permitted in the side and rear yard setback areas only when the lot abuts a property with a non-residential land use.

<sup>72</sup> Revision 15, Section 5F.4(c) amended 9/19/06 (RZ-06-007) [as of 9-1-15 Section 5F.4(c) became Section 5E.4(c) - see RZ-14-002/ORD-2015-20]



**GENERAL NOTES**

- Any damage to adjoining public roads, utilities, etc. during construction will be repaired in kind by the contractor.
- No subsurface investigation has been performed by Frederick, Seibert and Associates, Inc. to determine ground water, rock, sinkholes or any other natural or man-made existing features.
- FSA, Inc. assumes no liability for the location of any above ground and below ground utilities. Existing utilities are shown from the best available information. Contractor to field verify location and depth of all above and below ground utilities prior to construction.
- The contractor shall locate existing utilities in advance of construction operations in the vicinity of proposed utilities.
- The contractor shall take all necessary precautions to protect the existing utilities and to maintain uninterrupted service. Any damage incurred due to the contractor's operation shall be repaired immediately at the contractor's expense. Contractor to use caution in areas where low hanging wires exist.
- All utilities shall be cleared by a minimum of 1'-0". All utility poles shall be cleared by a minimum of 2'-0" or tunneled if required.
- The contractor shall be responsible for coordination of his construction with the construction of other contractors.
- The contractor shall notify the Architect/Engineer, before construction, of any conflicts between the plans and actual field conditions.
- The contractor shall protect all utilities and culvert pipes during construction by insuring proper cover, increasing cover, or constructing roadway and parking through base course before loading site with heavy vehicles.
- Job site safety is the sole responsibility of the contractor. The Contractor shall perform all excavation in accordance with O.S.H.A. Regulations for trench safety.
- The contractor shall perform his own field inspection and surveys (if necessary) to determine the limit of earthwork needed to complete this project. Any earthwork quantities that may be shown hereon are preliminary estimates only, and are intended for Soil Erosion Control plan review, if required. There has been no correction made to the earthwork quantities shown hereon due to the compaction of fill.
- The contractor shall be aware that in the event of discrepancy between scaled and figured dimensions shown on the plan, the figured dimensions shall govern.
- The entire area included within the proposed limits of cut and fill shall be stripped of all root material, trash and other organic and otherwise objectionable, non-complying and unsuitable soils and materials.
- It shall be distinctly understood that failure to mention specifically any work which would naturally be required to complete the project shall not relieve the contractor of his responsibility to complete such work.
- All handicapped parking spaces shall be designed, ramped and signed to meet the minimum requirements of the Maryland Accessibility Code and ADA Standards for Accessible Design.
- The existing site contours shown hereon are LIDAR 1' contours and field checked by FSA in November 2025. (Contour accuracy is to plus or minus one half the contour interval).
- Exterior lighting will consist of building mounted lights and pole mounted lights as shown on the photometrics plans and utility plan.
- This project has a projected start date of May 2026 and a completion date of July 2026.
- A complete set of approved plans and a copy of the grading permit must be on site and available for use by the inspector, or other representative of Washington County.
- There are no Board of Zoning Appeals Cases for this property.
- All existing drainage culverts and drainage easements are to be maintained and unaltered.

**ZONING DATA**

ZONING DISTRICT	RB - RURAL BUSINESS DISTRICT
BUILDING HEIGHT	35 FT.
MINIMUM YARD SETBACK:	
*FRONT	50 FT.
**SIDE	25 FT.
**REAR	25 FT.

\*40' FROM A MINOR COLLECTOR OR LOCAL PUBLIC ROAD RIGHT OF WAY; 50' FROM A MAJOR COLLECTOR OR ARTERIAL PUBLIC ROAD RIGHT OF WAY  
 \*\*50' FROM A PROPERTY ZONED FOR OR OCCUPIED BY A RESIDENTIAL LAND USE; 25' FROM A PROPERTY ZONED FOR OR OCCUPIED BY A NON-RESIDENTIAL LAND USE

BOARD OF ZONING APPEALS' CASE \_\_\_\_\_ NONE

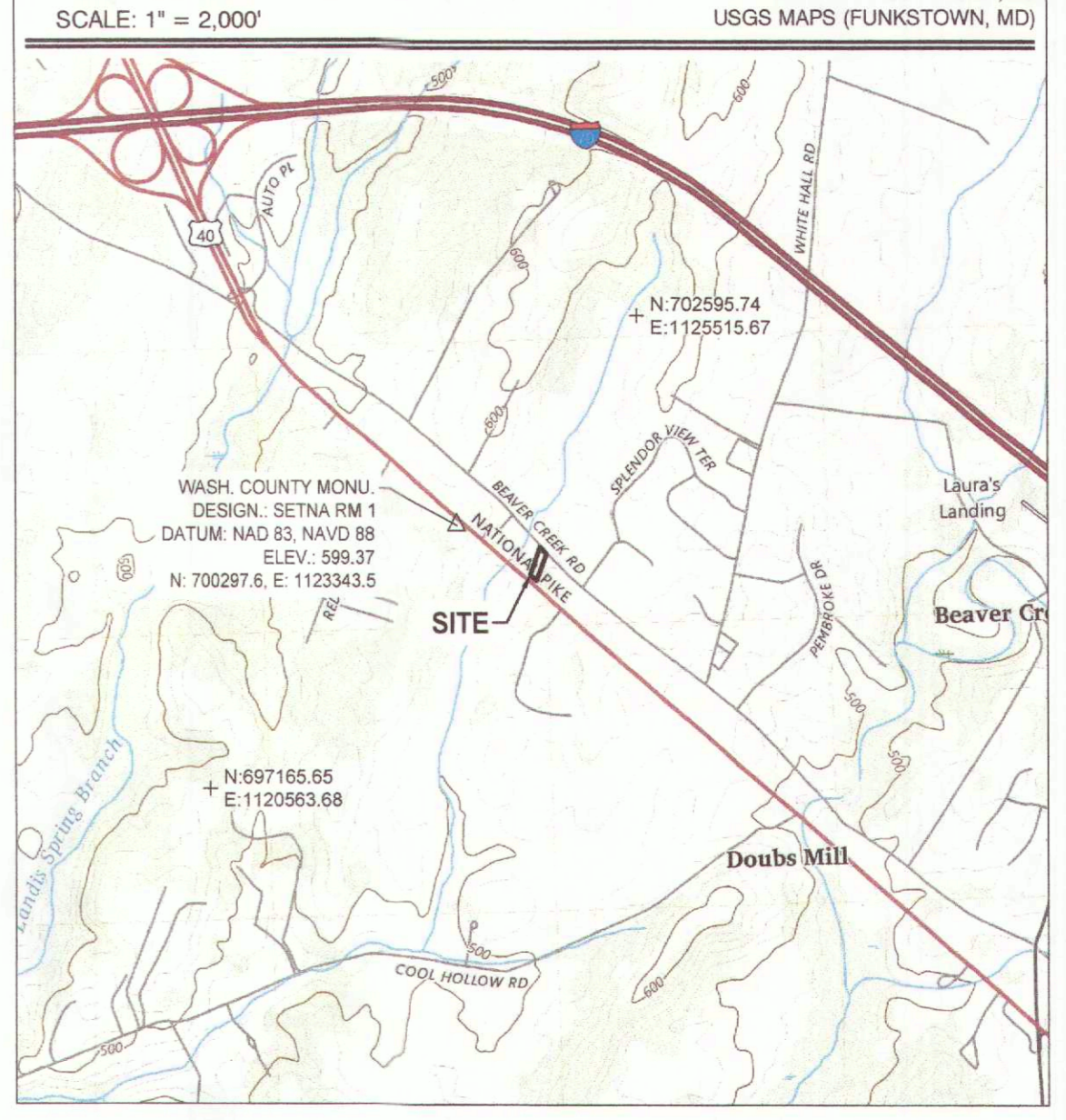
**SITE DATA**

TAX MAP - GRID - PARCEL	0058-0022-0042
ELECTION DISTRICT	16
ACCOUNT NUMBER	0012483
LIBER / FOLIO	07212 / 00418
AREA SUMMARY:	
PARCEL	0.72 AC.
DISTURBED AREA	3,000 S.F. / 0.07 AC.
EXISTING IMPERVIOUS	6,073.5 S.F. / 0.14 AC. (19%)
PROPOSED IMPERVIOUS	2,439 S.F. / 0.06 AC. (8%)
BUILDING SUMMARY:	
FOOTPRINT	1,545 S.F.
HEIGHT	20 FT.
PROPOSED USE	NURSING SCHOOL (PERMITTED USE)
HOURS OF OPERATION	9 AM - 5 PM
TEACHERS	3
STUDENTS	8
WATER & SEWER USAGE:	
WATER PROVIDED	PRIVATE WELL
SEWER PROVIDED	PRIVATE SEPTIC
WASTE & RECYCLABLES:	
SOLID WASTE REMOVAL	PRIVATE HAULER: INSIDE TRASH CAN
RECYCLE REMOVAL	PRIVATE HAULER: INSIDE TRASH CAN
SITE LIGHTING:	
EXISTING	NONE
PROPOSED	NONE
SITE SIGNAGE:	
EXISTING	NONE
PROPOSED	BUILDING & GROUND MOUNTED
DELIVERIES:	
LOCAL CLASSIFICATION:	BEAVER CREEK ROAD
MAJOR COLLECTOR	NATIONAL PIKE
WAIVER AND/OR VARIANCE	NONE
FOREST CONSERVATION	EXEMPT, DISTURBANCE LESS THAN 20,000 S.F.
WATERSHED:	
NAME	ANTIETAM CREEK
NUMBER	02-14-05-02
FEMA PANEL #	24043C0310D

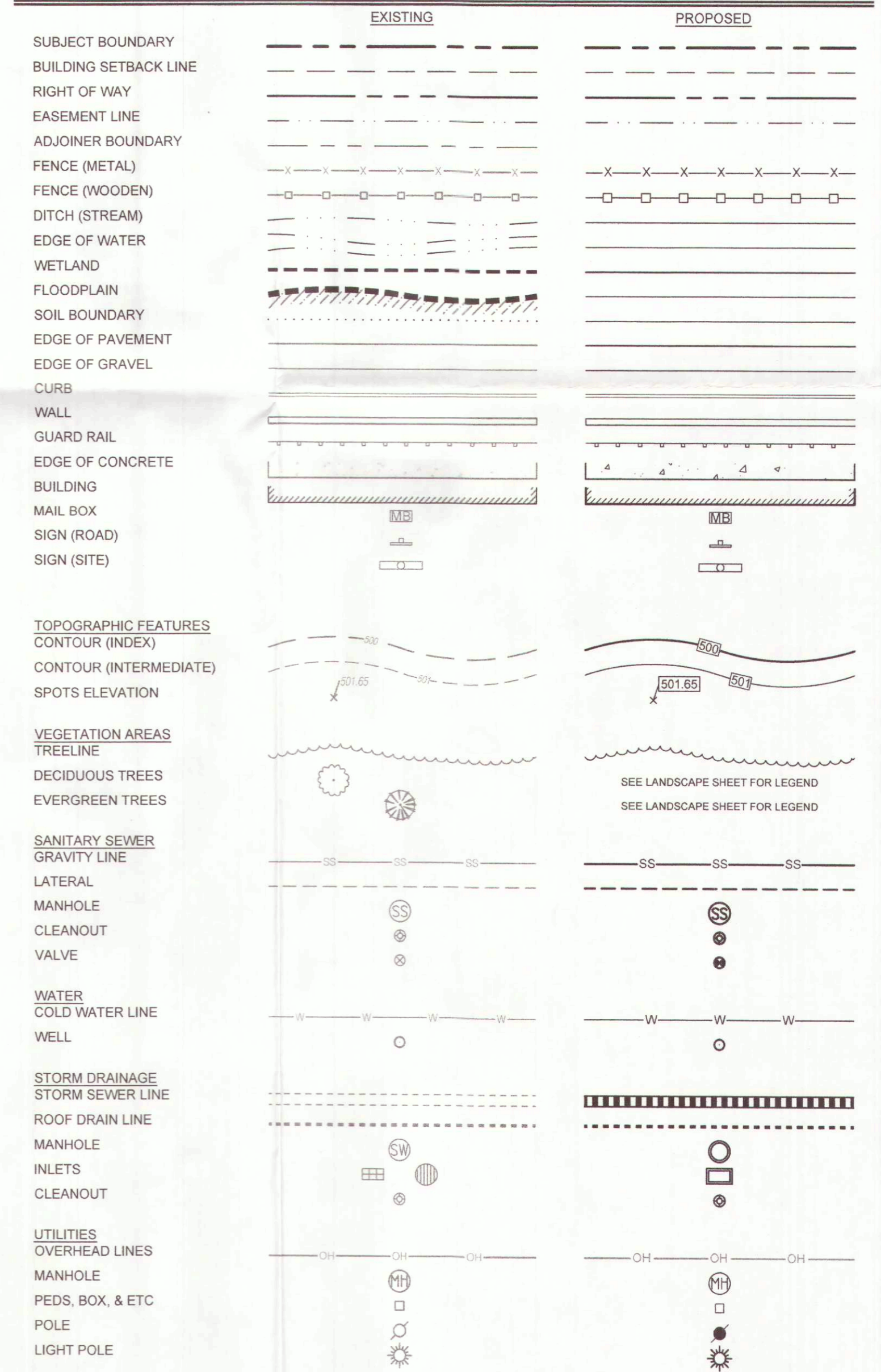
**PARKING, LOADING & BICYCLE DATA**

USE	REQUIREMENT	REQUIRED
SCHOOL	REQUIRED PARKING SHALL BE BASED UPON A DETAILED PARKING ANALYSIS AND STUDY THAT SHALL ADDRESS: NUMBER OF FACULTY AND STAFF, PROJECTED ENROLLMENT, REQUIREMENTS FOR SPECIAL EVENTS, AND CAPACITY OF SPECIAL ASSEMBLY AREAS. THE FINAL DETERMINATION OF ADEQUACY SHALL BE MADE BY THE PLANNING COMMISSION.	11 SPACES
TOTAL REQUIRED SPACES		11 SPACES
TOTAL PROVIDED PARKING SPACES		12 SPACES

**VICINITY MAP**



**LEGEND**



**LEGEND - ABBREVIATIONS**

BLDG	BUILDING	MAX	MAXIMUM	STA	STATION
BOT	BOTTOM	MB	MAIL BOX	SY	SQUARE YARDS
CMP	CORRUGATED METAL PIPE	MIN	MINIMUM	TEMP	TEMPORARY
CO	SANITARY SEWER CLEAN-OUT	NTS	NOT TO SCALE	TS	TOP OF STRUCTURE
COMM	COMMUNICATION	ROW	RIGHT-OF-WAY	TG	TOP OF GRATE
CONC	CONCRETE	SAN	SANITARY	TR	TOP OF RIM
EX	EXISTING	SD	STORM DRAINAGE	TYP	TYPICAL
FH	FIRE HYDRANT	SOMH	STORM DRAIN MANHOLE	UP	UTILITY POLE
HDPE	HIGH DENSITY POLYETHYLENE	SF	SQUARE FEET	WL	WATERLINE
INV	INVERT	SS	SANITARY SEWER	WM	WATER METER
LF	LINEAR FEET	SSMH	SANITARY SEWER MANHOLE	WV	WATER VALVE

Professional Certification:  
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional under the laws of the State of Maryland. License # 00000  
 Expiration Date 09/24/2026

**FSA**  
 CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS  
 FREDERICK, SEIBERT & ASSOCIATES, INC.  
 1142 WILLIAMSBURG PIKE  
 GREENSBORO, PA 17033  
 717.751.2800  
 201.775.2800

**TRINITY NURSING ACADEMY**  
 20142 NATIONAL PIKE  
 SOUTH OF BEAVER CREEK ROAD, WEST OF HELISTONE DRIVE  
 WASHINGTON COUNTY, MARYLAND  
 TRINITY NURSING ACADEMY  
 20142 NATIONAL PIKE HAGERSTOWN, MD 21740  
 ATTN: SIMI MEDICONS, TRINITYNURSINGACADEMY@GMAIL.COM

PROJECT NO. 3865.1  
 DWN BY: DWH DATE: 11-12-2025  
 PROJECT MANAGER: Trevor Frederick  
 EMAIL: tffredrick@fsa-inc.com  
 TAX MAP - GRID - PARCEL: ELECTION DISTRICT  
 0058-0022-0042, 16  
 SCALE: 1" = 20'

MINOR SITE PLAN  
 C-101  
 SHEET 01 OF 01

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

TRINITY NURSING ACADEMY, INC.

\*

**Appeal No.: AP2026-002**

**Appellant**

\*

\*

\* \* \* \* \*

**OPINION**

Trinity Nursing Academy, Inc. (hereinafter "Appellant") requests a variance to reduce the side yard setback from 25 feet to 17 feet for a proposed addition to the existing commercial building at the subject property. The subject property is located at 20142 National Pike, Hagerstown, Maryland 21740 and is zoned Agricultural, Rural. The Board held a public hearing in this matter on February 18, 2026.

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon notice to the parties and general public as required. Kathryn Rathvon provided the Staff Report indicating that proper notice of the hearing was given to adjacent property owners by letter, publication was made in the newspaper, and the subject property was properly posted.

**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 Trinity Nursing Academy, Inc., a corporation which operates a business for training and instruction of nursing candidates. It is owned and operated by Simi Meadows.
2. Appellant is the owner of the subject property located at 20142 National Pike, Hagerstown, Maryland 21740. The subject property is zoned Agricultural, Rural.
3. The subject property consists of approximately .72 acres which is improved by an existing commercial structure which is approximately 1,545 square feet in size. The

subject property is situated along the north side of National Pike and is bounded to the east by an antiques business. The subject property is bounded to the rear by Beaver Creek Road.

4. The existing structure on the subject property is located 8 feet from the side yard property line in the front and approximately 17 feet from the side yard property line in the rear.

5. Appellant operates a nursing school program which began in 2013. Appellant currently has a location in Frederick County and is looking to expand into Washington County with this project.

6. Appellant seeks to construct an addition to the rear of the existing building at the subject property. The plan is to follow the existing building lines to maintain a consistent and aesthetically appealing transition to the new building.

7. Appellant is seeking a variance to reduce the side yard setback to 17 feet for the proposed addition.

8. 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.<sup>1</sup> “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).

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<sup>1</sup> “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).

Pursuant to Section of 5E.5© of the Zoning Ordinance, the required side yard setback for the subject property is 25 feet. Ms. Meadows testified that the proposed addition was necessary to create additional space for the nursing school program. The design is intended to align the corners of the building to make it appear as one large building. This is both for aesthetics and practical use. Ms. Meadows further testified that if the addition were constructed pursuant to the setbacks, the buildings would not align, and the addition would take up space that could appropriately be used for other purposes. It does not appear that the proposed addition will affect the adjacent property to the west. Ms. Meadows testified that the variance requested is only that which is necessary to line up with the northwest corner of the existing building.

The Board finds that practical difficulty would result from strict compliance with the setback requirement. Without relaxation of the setback, Appellant would be required to construct the addition offset from the existing building and they would not be aligned. This is not only aesthetically problematic, but it would limit practical use of the buildings together. The variance does not confer any special privilege and is consistent with other warehouse uses in the County wherein variance relief has been granted to reduce unnecessary parking spaces. Appellant’s request appears to be the minimum necessary to facilitate practical use of the property. The Board finds that side yard variance is necessary and remains consistent with the spirit and intent of the Ordinance.

Accordingly, the request for a variance to reduce the side yard setback from 25 feet to 17 feet for a proposed addition to the existing commercial building at the subject property is 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: Robert Meyers, Acting Chair

**Date Issued: March 17, 2026**

#### 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: Lynn Diller, 446 Blough Road, Boswell PA 15531
Appellant: Ridgetop Roofing LLC Inc, 21612 Jefferson Boulevard, Smithsburg MD 21783
Property Location: 21612 Jefferson Boulev, Smithsburg, MD 21783
Description Of Appeal: Special exception for the manufacture of metal roofing panels from raw materials in existing building.

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Sections 5A.2 (Table No. 3.3 (1) K&Q)

Reason For Hardship:
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:

Existing Use: Agricultural Building, Proposed Use: Roofing Manufacturing Business
Previous Use Ceased For At Least 6 Months: Area Devoted To Non-Conforming Use - Existing: Proposed:

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

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 29 day of Jan, 20 26.

Nov. 7, 2029
My Commission Expires

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: AP2026-003

State of Maryland Washington County, To Wit:

On 1/29/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert Association Inc and made oath in due form of law as follows:

Frederick Seibert Association Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 02/18/2026, 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 02/03/2026 and will remain until after the above hearing date.

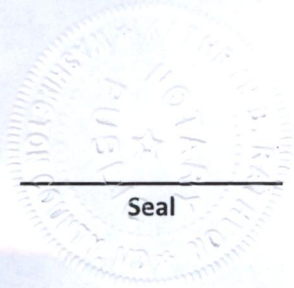
Frederick Seibert Association Inc

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

Notary Public

Nov. 7, 2029

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

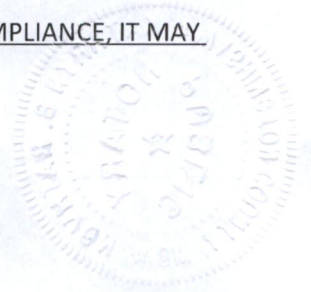
### ATTENTION!

### 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.



**Project Name:** Ridgetop Roofing LLC

**Applicant:** Ridgetop Roofing LLC c/o Larwin Martin  
21612 Jefferson Blvd  
Smithsburg, MD 21783  
301-824-8686  
[larwin@ridgetoproofing.com](mailto:larwin@ridgetoproofing.com)

**Property Owner:** Lynn M Diller  
446 Blough Road  
Boswell, PA 15531

**Project Address:** 21612 Jefferson Blvd, Smithsburg, MD 21783

**Tax Map** 39 **Grid** 20 **Parcel** 489

**Account #** 18-021323

**Zoning:** A(R)

**Request:** Special Exception (Section 5A.1) to allow the manufacture of metal roofing panels from raw materials shipped from other locations. This is filed as functionally similar to a machine shop which is a Special Exception use in the A(R) district. The similarity between the two uses is the manipulation of metal materials on-site. Some of the materials, both raw and finished, will be stored within the existing 12,675 SF metal building that has been recently erected.

Other materials, both raw and finished will be stored outside, hence the need for a second Special Exception request to create a contractor's equipment storage yard on the same property. To allow for growth the applicant is requesting to have a contractor's equipment storage yard behind the existing building and well within the permitted envelope to create said yard. The Zoning Ordinance indicates 50 foot setbacks for "Other Principal permitted or Conditional Uses".

There are several other smaller buildings on-site that should NOT be considered as part of the manufacturing process however the parking area is to be included.



# Washington County Board of Zoning Appeals Owner's Representative Affidavit

This is to certify that ED SCHREIBER OR FRED FREDERICK  
is authorized to file an appeal with the Washington County Board of Appeals for SPECIAL EXCEPTIONS  
on property located 21612 Jefferson Blvd, Smithstown MD 21783  
The said work is authorized by Lynn Diller  
the property owner in fee.

### PROPERTY OWNER

Lynn M Diller  
Name  
446 Blauvelt Rd.  
Address  
Boswell, PA 15531  
City, State, Zip Code

Lynn M Diller  
Owner's Signature

Sworn and subscribed before me this 30 day of December, 2025.

Commonwealth of Pennsylvania - Notary Seal  
Cheyanne Vasos, Notary Public  
My Commission Expires 11/11/2028  
My commission expires November 11, 2028  
Commission number 1372627  
Member, Pennsylvania Association of Notaries

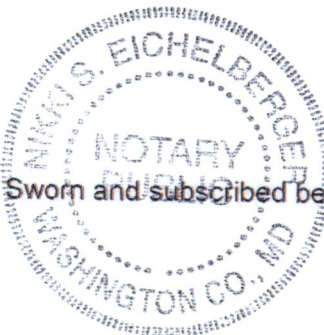
Cheyanne Vasos  
Notary Public

### AUTHORIZED REPRESENTATIVE

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

Fred Frederick or Ed Schreiber  
Authorized Representative's Signature

Sworn and subscribed before me this 22 day of January, 2024.



Nikki S Eichelberger  
Notary Public

My Commission Expires:  
NIKKI S. EICHELBERGER  
NOTARY PUBLIC  
WASHINGTON COUNTY  
STATE OF MARYLAND  
My Commission Expires 9/15/2028

Fred M. Frederick

2025-0283

**From:** Baker, Jill <JBaker@washco-md.net>  
**Sent:** Tuesday, October 21, 2025 10:00 AM  
**To:** Fred M. Frederick  
**Cc:** Ed J. Schreiber; Rathvon, Kathryn B.  
**Subject:** RE: Larwin Martin / 21612 Jefferson Blvd ... and Donovan Carbaugh FCE Replat

*Jill BAKER RESPONSE TO QUESTION BELOW*

Hey Fred,  
Per your request below, I'm providing a determination of how Mr. Martin may proceed with his proposed business.

During our meeting on October 1, 2025 we discussed a potential business use that Mr. Martin would like to pursue on his property at 21612 Jefferson Blvd. Based on that conversation it is my understanding that Mr. Martin wants to use the existing building on the site to create metal roofing panels from raw materials shipped in from another location. The finished product would then be stored on-site and within the building until it could be shipped out to off-site projects. The closest description of this business would likely be a machine shop due to the fact there will be manipulation of metal materials on the site. Machine shops are a special exception in the Agriculture Rural zoning district. In addition, if there are any plans to store materials outside, this action would be considered a contractor's storage yard and would also be a special exception use in the zoning district.

I know you are familiar with the special exception process but, if you have any questions you can call me or Katie Rathvon.

Jill

**From:** Fred M. Frederick <FFrederick@fsa-inc.com>  
**Sent:** Tuesday, October 7, 2025 1:27 PM  
**To:** Baker, Jill <JBaker@washco-md.net>  
**Cc:** Ed J. Schreiber <ESchreiber@fsa-inc.com>  
**Subject:** Larwin Martin / 21612 Jefferson Blvd ... and Donovan Carbaugh FCE Replat

**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 Jill *QUESTION TO JILL BAKER*

Thank you for meeting Larwin and me last week to discuss his remaining lands ( Per the under review FOX Plat) and Larwin using that lot for an agricultural business.

We discussed two possible options:

1. Getting a Special Exception for his uses
2. Doing a Rural Business overlay.

You were going to think about this and let me know how he should proceed. I am in no hurry as Fox needs to get the plat approved first, but I just wanted to remind you of this.



Address Search





View Map No Ground Rent Redemption on File No Ground Rent Registration on File

**Special Tax Recapture: AGRICULTURAL TRANSFER TAX**

Account Number: District - 18 Account Identifier - 021323

**Owner Information**

Owner Name: DILLER LYNN M Use: AGRICULTURAL  
 Principal Residence:NO  
 Mailing Address: 446 BLOUGH ROAD Deed Reference: /06842/ 00284  
 BOSWELL PA 15531-

**Location & Structure Information**

Premises Address: 21612 JEFFERSON BLVD Legal Description: 17.06 ACRES REM  
 SMITHSBURG 21783-0000 21612 JEFFERSON BLVD  
 Map:Grid:Parcel:Neighborhood:Subdivision:Section:Block:Lot:Assessment Year:Plat No: 11984-11987  
 0039 0020 0489 18010205.22 0000 2025 Plat Ref:

Town: None

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use  
 17.0600 AC

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

**Value Information**

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2025	As of	As of
			07/01/2025	07/01/2026
Land:	66,000	66,000		
Improvements	74,600	74,600		
Total:	140,600	140,600	140,600	140,600
Preferential Land:	11,000	11,000		

**Transfer Information**

Seller: EMRALSHAOOL MANSOOR & JANET Date: 11/24/2021 Price: \$600,000  
 Type: ARMS LENGTH VACANT Deed1: /06842/ 00284 Deed2:  
 Seller: HOOVER E RANDALL ET AL Date: 07/21/2004 Price: \$755,000  
 Type: ARMS LENGTH VACANT Deed1: /02390/ 00008 Deed2:  
 Seller: VALLAMONT FARMS Date: 02/13/1989 Price: \$22,333  
 Type: NON-ARMS LENGTH OTHER Deed1: /00904/ 01037 Deed2:

**Exemption Information**

Partial Exempt Assessments: Class 07/01/2025 07/01/2026  
 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 ApplicationDate:

## ARTICLE 5A – "A(R)" AGRICULTURAL (RURAL) DISTRICT<sup>51</sup>

### Section 5A.0 Purpose

The purpose of this district is to provide for continued farming activity and the many uses that do not require public water and sewerage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County. The Agricultural zoning district has been purposely drawn to enclose large blocks of the best soils for intensive agricultural production as well as gently rolling topography for farming. Most of the operating farms as well as the largest block of farmland preserved through the Agricultural Preservation Program is located in this area.

### Section 5A.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

### Section 5A.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

### Section 5A.3 Criteria

The maximum density in the Agricultural zoning district shall be one (1) dwelling unit per five (5) acres of land owned minus the lot area taken off under Section 5A.4.

### Section 5A.4 Exemptions

- (a) Each parcel of land of sufficient size as of October 29, 2002 shall be permitted to subdivide up to three (3) lots, which may be increased to a maximum of five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every five acres.
- (b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

<sup>51</sup>

Revision 14, Article 5A added 7/26/05 (RZ-03-005)

Section 5A.5 Residential Lot Size and Bulk Dimensions<sup>52</sup>

	Lot Area	Lot Width	Lot Area/Family	Front Yard	Side Yard	Rear Yard	Height
Dwelling, Single Family	40,000 sq. ft.	100 ft.	40,000 sq. ft.	40 ft in.	15 ft.	50 ft.	40 ft.
Dwelling, Two-Family	40,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Semi-Detached**	20,000 sq. ft.	50 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.

\*\* Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval.

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)<sup>53 54</sup>

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 acres	300 ft.	50 ft.	100 ft.	50 ft.
Schools, Elementary	15 Acres	400 ft.	150 ft.	100 ft.	50 ft.
Schools, Middle	30 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Schools, High	60 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Churches	2 Acres	200 ft.	100 ft.	50 ft.	50 ft.
Other Principal Permitted or Conditional Uses	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

Section 5A.7 Special Provisions<sup>55</sup>

1. New development adjacent to existing Industrial Mineral (IM) zoning districts shall have a setback of 200 feet from all shared property lines.
2. Developments opting to use the clustering provision outlined in Article 22, Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.
3. Development that occurs within the Airport Overlay Area as designated in the Comprehensive Plan shall have a density requirement of one (1) dwelling unit per fifty (50) acres of land owned. No lots under Section 5A.4 shall be permitted in the Airport Overlay Area.
4. Side yard setbacks for residential use lots shall be a minimum of 50 ft. for lots five (5) acres or greater in size.

<sup>52</sup> Revision 16, Section 5A.5 amended 8/4/09 (RZ-09-001)  
<sup>53</sup> Revision 15, Section 5A.6 amended 9/19/06 (RZ-06-007)  
<sup>54</sup> Revision 18, Section 5A.6 amended 1/16/18 (RZ-07-007/ORD-2018-03)  
<sup>55</sup> Revision 16, Section 5A.7 amended 8/4/09 (RZ-09-001)

A(R)-Agriculture (Rural)  
 EC-Environmental Conservation  
 P-Preservation  
 RV-Rural Village  
 RB-Rural Business  
 IM-Industrial Mineral

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Nursing/Convalescent Homes.	N	N	N	N	P	N	MODERATE
Transitional or Sheltered Care Facility, not to include Assisted Living Facilities.	N	N	N	N	P	N	MODERATE
<b>J. Housing</b>							
Dwelling unit in conjunction with a principal non-residential use	SE	SE	SE	SE	P	N	LOW
Dwellings, semi-detached	SE	SE	SE	P	N	N	N/A
Dwellings, single family	P	P	P	P	N	N	N/A
Dwellings, two-family	P	P	P	P	N	N	N/A
Home, occupation	A	A	A	A	N	N	N/A
Home, resident business	SE	SE	SE	SE	N	N	N/A
Mobile Homes	P	P	P	N	N	N	N/A
Model Homes	P	P	P	P	N	N	N/A
Temporary residential sales office	P	P	P	P	N	N	N/A
<b>K. Manufacturing<sup>10</sup></b>							
Abattoirs, slaughterhouses, stockyards	N	N	N	N	P	N	HIGH
Brewery, Farm with a valid Class 8 manufacturing license	P	P	P	P	P	N	MODERATE
Brewery, Commercial with a valid Class 5 manufacturing license	SE	SE	SE	SE	P	N	MODERATE
Carpentry or woodworking shops	SE	SE	SE	SE	P	N	HIGH
Concrete and ceramic products manufacture, including ready-mixed concrete plants	N	N	N	N	P	P	HIGH
Flour mill, grain milling or drying	N	N	N	N	P	N	HIGH
Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9	SE	SE	SE	N	P	N	HIGH
Grain elevators, grain bins, and feed mills, primarily for wholesale use.	P	SE	SE	N	P	N	MODERATE
Machine Shops	SE	SE	SE	SE	P	N	MODERATE
Recycling facilities	N	N	N	N	P	N	HIGH
Sawmills & Lumber Drying	SE	SE	SE	N	P	N	MODERATE
Sawmills, Temporary	P	P	P	N	N	P	HIGH
Wind mill farms	SE	SE	SE	SE	N	N	N/A
Wineries, Farm with a valid Class 4 manufacturing license	P	P	P	P	P	N	MODERATE
Wineries, Commercial with a valid Class 3 manufacturing license	SE	SE	SE	SE	P	N	MODERATE

10

Revision 17 Table 3.3(1)K. amended 4/23/13 (RZ-12-002/ORD-2013-13)

P-Permitted  
 SE-Special Exception  
 A-Accessory  
 N-Not Permitted

A(R)-Agriculture (Rural)  
 EC-Environmental Conservation  
 P-Preservation  
 RV-Rural Village  
 RB-Rural Business  
 IM-Industrial Mineral

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 6 months within a calendar year <sup>12</sup>	SE	SE	SE	SE	P	N	LOW
<b>Q. Transportation and Warehousing</b>							
Airports, private or landing fields, and heliports, subject to the Provisions of Article 21.	SE	SE	SE	N	N	N	N/A
Commercial parking lot or garage	N	N	N	N	P	N	LOW
Contractor's equipment and Storage yards	SE	SE	SE	SE	P	N	MODERATE
Explosives Storage	SE	SE	SE	N	N	N	N/A
Mini-warehouses excluding outside storage or outside uses	N	N	N	N	P	N	LOW
Mixed use buildings including, warehouses, wholesale and retail sale	N	N	N	N	P	N	MODERATE
Warehouses	N	N	N	N	P	N	MODERATE
<b>R. Utilities<sup>13</sup></b>							
Commercial Communications Towers, subject to the requirements of Section 4.22	SE	SE	SE	N	N	N	N/A
Public utility buildings, structures, or uses including radio, television, and other communication facilities not considered Essential Utility Equipment, as defined in Article 28A	SE	SE	SE	SE	P	N	LOW
Solar Energy Generating Systems, in accordance with Section 4.26	SE	SE	SE	N	N	SE	LOW

<sup>12</sup> Revision 17, Table No. 3.3(1)P. amended and eff. 2/26/13 (RZ-12-004/ORD-2012-03)

<sup>13</sup> Revision 17, Table No. 3.3(1)R. amended 10/4/11 (RZ-11-003/ORD-2011-21)

P-Permitted  
 SE-Special Exception  
 A-Accessory  
 N-Not Permitted

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

**RIDGETOP ROOFING, LLC**

\*      **Appeal No.: AP2026-003**

**APPELLANT**

\*

\*

\*      \*      \*      \*      \*      \*      \*      \*      \*      \*      \*      \*

**OPINION**

Ridgetop Roofing, LLC (hereinafter “Appellant”) requests a special exception for the manufacture of metal roofing panels from raw material as functionally similar to a machine shop and a special exception to establish a contractor’s equipment storage yard for a metal roofing business, all at the subject property. The subject property is located at 21612 Jefferson Boulevard, Smithsburg, Maryland 21783 and is zoned Agricultural, Rural. The Board held a public hearing in this matter on February 18, 2026.

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon notice to the parties and general public as required. Kathryn Rathvon provided the Staff Report indicating that proper notice of the hearing was given to adjacent property owners by letter, publication was made in the newspaper, and the subject property was properly posted.

**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.      Lynn Diller is the owner of the subject property, which is located at 21612 Jefferson Boulevard, Smithsburg, Maryland 21783. The subject property is zoned Agricultural, Rural.
2.      Appellant’s business includes the manufacture and sale of metal roofing parts, and delivery and installation for customers. The specific process includes rolling steel into corrugated segments. The rolling machine is maintained inside barn building and other than some noise, there is no gas, smoke, fumes or vibrations emitted.

3. Larwin Martin is the owner and operator of Ridgetop Roofing, LLC. Mr. Martin is the contract purchaser of the subject property which consists of approximately 17 acres improved by a 13,000 square-foot barn building. Mr. Martin previously obtained an Agricultural Certificate of Compliance for the equipment storage in the barn building.

4. Mr. Martin is also the contract purchaser of approximately 13 acres adjacent to the subject property that will be used as his home site.

5. Mr. Martin has approximately 200 ewes and 400 lambs on the property and intends to maintain this agricultural use in conjunction with Appellant's business.

6. Appellant transports products and materials using trucks and gooseneck trailers, or less frequently, customers will pick up materials. Approximately two (2) to three (3) times per month, Appellant may receive delivery of raw materials by tractor trailer.

7. Appellant plans to operate its rolling machine and store raw and finished materials as well as equipment inside the existing building.

8. The Board received comments from the Fire Inspector regarding the need to ensure the proposed building met all code requirements, including a change in occupancy limits. The Board also received comments that the project would need to meet commercial code requirements.

9. There were no other comments received from any County departments or agencies.

10. The Board did not receive any letters in support or opposition to the requests. However, three (3) witnesses did testify in opposition during the hearing.

### **Rationale**

#### ***Functionally Similar Use***

The Board must first determine whether the proposed use is functionally similar to a permitted or special exception use in the zoning district. Pursuant to Section 5A.2 of the Zoning Ordinance, permitted and special exception uses in the Agricultural, Rural zoning district include those delineated in the Table of Land Uses, "and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article." Appellant asserts that the manufacture of metal roofing panels from raw material

is functionally similar to a machine shop, which is a special exception use in Agricultural, Rural zoning district. See Table of Land Uses 3.3(1).

Article 28A defines a “machine shop” as “[a] business engaged in the machining of metal on a job basis. Services include: machining, drilling, surface grinding, laser polishing, milling, boring and turning.” Mr. Martin testified that he uses a rolling machine to turn raw material into the finished product for sale and installation. The process is done as needed for each job and the purpose is to mold and manipulate the metal. This sounds similar to machining, boring, milling and turning which are included in a machine shop. Based on the testimony and evidence, the Board finds that manufacture of metal roofing panels from raw material is functionally similar to a machine shop.

### *Special Exceptions*

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 exceptions should be granted.

Appellant has requested a special exception for the manufacture of metal roofing panels from raw material as functionally similar to a machine shop and a special exception to establish a contractor's equipment storage yard for a metal roofing business. The barn building already exists and appears to be a standard, albeit large, agricultural building constructed on the subject property. From the outside there would be no difference between agricultural activities and Appellant's manufacturing operations. Mr. Martin testified that the coils of metal used to manufacture the roofing elements must be kept in a temperature-controlled building. Mr. Martin also testified that traffic would be limited to the businesses pickup trucks loading material to deliver to jobsites and the occasional delivery of raw materials by tractor trailer. The subject property has more than sufficient space to accommodate this traffic and the impact to overall traffic on Jefferson Boulevard will be minimal. Mr. Martin stated that he believed the proposes uses were a good fit for the property, that he would be relocating to live adjacent to the business and that he wanted to be a good neighbor to the surrounding properties.

The Board also heard opposition testimony from three (3) witnesses: Laurie Waltz, John Keefer and Patrick Orsi. Ms. Waltz raised concerns about changing the nature of the neighborhood by allowing a commercial use at the subject property. She feared that there would be a domino effect on surrounding properties, thus eliminating the agricultural identity of the area. Mr. Keefer was concerned with the effect on property values, particularly the residential properties adjacent to the subject property. He was also concerned about future expansion of Appellant's business. Mr. Orsi questioned the integrity of Appellant's request, given that he had been using the existing barn building for his business. He did not believe that the business operation fit with the character of the neighborhood.

The Board finds that the proposed use will not create dangerous traffic or other safety concerns within the surrounding area. The testimony and evidence presented were that most traffic would be pickup trucks with trailers transporting manufactured materials to jobsites. On-site customer traffic will be minimal and brief in duration when it occurs. Moreover, large truck traffic will be limited to just a few times per month on average. Certainly, appropriate care should be taken to manage ingress and egress during events, but given their limited occurrence, any impact on traffic would be minimal. Moreover, the Board finds no cause for concern regarding the number of people residing or working in the area as they are spread out, thus reducing any impact from the proposed uses. The impact on nearby public gatherings also appears to be minimal.

The proposed uses do not conflict with the character of the neighborhood and are not inconsistent with the existing uses in the area. Appellant presented testimony that the proposed uses will not produce any noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties. There was no evidence presented that the proposed use would have any effect on property values or the peace and enjoyment of nearby homes.

The Board finds that the proposed uses are appropriate uses 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 uses 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. The proposed use does not require any variances for setback requirements. Thus, the proposed project can be completed and still maintain the other requirements of the Ordinance. The Board finds that the proposed uses are consistent with the purpose and vision of the Ordinance.

Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed uses 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). Any impact would result from the proposed use would have similar impact regardless of the location in the zoning district and thus it is not unique to the subject property. For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellant’s requests should be granted.

Accordingly, the request for a special exception for the manufacture of metal roofing panels from raw material as functionally similar to a machine shop is GRANTED, by a vote of 4 to 1. The request for a special exception at the subject property is hereby GRANTED, by a vote of 4 to 1. The special exceptions are 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: Robert Meyers, Acting Chair

**Date Issued: March 19, 2026**

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.