

BOARD OF APPEALS

March 18, 2026

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

AGENDA

AP2026-005: An appeal was filed by First Church of God of Blairs Valley for a variance from the 25 ft. setback from the road right-of-way to 6 ft. for proposed freestanding sign on property owned by the appellant and located at 13722 Blairs Valley Road, Clear Spring, Zoned Environmental Conservation District. - **GRANTED**

AP2026-006: An appeal was filed by Anytime Electric for a special exception to establish a contractor's equipment storage yard for an electrical contractor on vacant property owned by Paul & Fannie Diller and located adjacent to 17639 Mason Dixon Road, Hagerstown, Zoned Agricultural Rural. - **GRANTED**

AP2026-007: An appeal was filed by Sharpsburg Pike Holding LLC for a variance from the 25 ft. setback from the road right-of-way to 7 ft. for proposed monument sign on property owned by the appellant and located at 10306 Ezra Drive, Hagerstown, Zoned Highway Interchange. - **GRANTED**

AP2026-008: An appeal was filed by Mision Cristiana Ciudad Deseada Church for a special exception to establish a place of worship in an existing commercial building on property owned by Hagerstown Table Corp. and located at 17559 York Road, Hagerstown, Zoned Business Local.-**GRANTED**

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than March 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: First Church of God of Blairs Valley
Appellant: First Church of God of Blairs Valley
Property Location: 13722 Blairs Valley Road
Description Of Appeal: Variance from the 25 ft. setback from the road right-of-way to 6 ft. for proposed freestanding sign.

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section 22.23 (e)
Reason For Hardship: Location of the road through the church property
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:
Existing Use: Proposed Use: Freestanding Sign
Previous Use Ceased For At Least 6 Months: Date Ceased:
Area Devoted To Non-Conforming Use - Existing: Proposed:

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

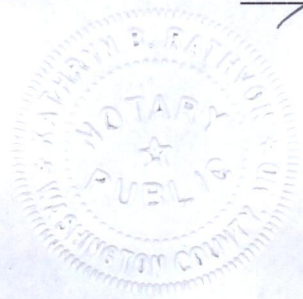
Signature of Appellant
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 23 day of Feb., 2026.

Nov. 7, 2029
My Commission Expires

Signature of Notary Public
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: AP2026-005

State of Maryland Washington County, To Wit:

On 2/23/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Philip Helser and made oath in due form of law as follows:

Philip Helser 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 03/18/2026, 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 03/03/2026 and will remain until after the above hearing date.

Philip Helser

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

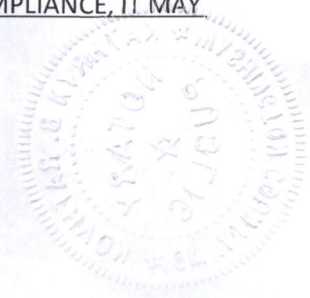
ATTENTION!

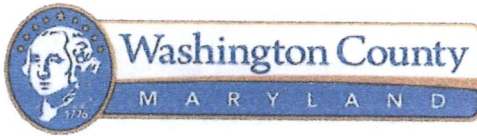
Posting Instructions

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.





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 13722 Blairs Valley Road Clear Spring, MD 21722

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

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

Specify the Ordinance section and subsection from which the variance is desired: 22.22e / 22.24 b.2 / 22.25e

Specify the particular requirement(s) from which a variance is desired in that section or subsection: 22.22e, No part of support is less than 25 Ft of right of way / 22.24 b.2 Sign's must be static / 22.25e Sign shall not be located on the right of way.

Describe the nature and extent of the desired variance from Ordinance requirements: listed above: 1 To be able to place a led sign with in the right of way. 2 The sign is led and will change the info on it.

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

Provide Detailed Explanation on Separate Sheet

Has any previous petition or appeal involving this property been made to the Board? Yes No

If yes, list docket number(s):

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

Signature of Appellant Phil's G Helser

Address and of Appellant 13530 Blairs Valley Rd Clear Spring MD 21722

Email of Appellant philhelsersr@gmail.com

Phone Number of Appellant 301-302-5406

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.

Blairs Valley 1st Church Of God

2/23/2026

Trustee/Elder
Philip G Helser
13530 Blairs Valley Rd
Clear Spring, MD
21722 301-302-5406

*To Washington County Commissioners:
Reasons for variance request.*

Our church respectfully requests approval of a variance to the required signage setback regulations due to site-specific conditions that create practical limitations on compliant sign placement. The configuration of the property, including visibility constraints and existing structural features, restricts the ability to install signage in full accordance with current setback requirements while maintaining effective identification of our church. The proposed signage location has been carefully considered to ensure it does not obstruct visibility, create safety concerns, or negatively impact neighboring properties and the overall character of the area. Granting this variance would allow reasonable business identification consistent with surrounding development while upholding the intent of the county's zoning ordinances and supporting activity within the community.

Thank you


Philip G. Helser

Blairs Valley 1st Church Of God

2/23/2026

Trustee/Elder
Philip G Helser
13530 Blairs Valley Rd
Clear Spring, MD
21722 301-302-5406

Explanation of existing and desired conditions.

Currently the existing sign is 3 ft. w x 4 ft H. The sign is set into a stone wall and is parallel with the road. The sign is not well read at 15 mph because of its location. Visiting pastors have told us that GPS has been sending them to wrong locations.

The new sign would be perpendicular to the road and double sided it would be seen from either direction of travel. The name of the Church and its building number would be part of the non-changing section of the sign. The LED section would display various messages such as service times, various programs and advertising special events for the community.



NOT TO SCALE

height from ground to base 7'-8'

Sign dimensions: (led 6'W X 4'H) lighted upper 16" X 6'

COLORS DEPICTED ARE FOR PROOF REPRESENTATION ONLY. ACTUAL COLORS MAY DIFFER FROM MONITOR OR PRINTOUT.

© 2024 BAER'S SIGN SERVICE, LLC

PROJECT: BLAIRS VALLEY 1ST CHURCH OF GOD		TRACY BAER 717-360-2154 tbaer@baersign.com	 BAER'S SIGN SERVICE LLC <i>Signs for Success Since 1948</i>
DRAWN BY: T. BAER	QUOTED BY: T. BAER		
DATE: 12/4/2025	PROPOSAL NUMBER	THIS ARTWORK IS THE EXCLUSIVE PROPERTY OF BAER'S SIGN SERVICE, LLC AND MAY NOT BE COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION OF THE OWNER. THIS DESIGN REMAINS THE PROPERTY OF BAER'S SIGN SERVICE, LLC UNTIL A LOGO/DESIGN FEE AND PURCHASE PRICE HAVE BEEN MET, AT WHICH TIME THE OWNER SHALL RELEASE THE RIGHTS TO THE PURCHASER. ANY UNAUTHORIZED USE OF THIS ARTWORK IS SUBJECT TO ADDITIONAL FEES. THE PURCHASE OF A SIGN CONTAINING THIS DESIGN DOES NOT INCLUDE LOGO/DESIGN AND PURCHASE FEES AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THE SIGN INTENDED.	
APPROVED BY:	DATE:		
REVISION #			



Property and Zoning Lookup

Washington County Maryland Find address or place

Distance

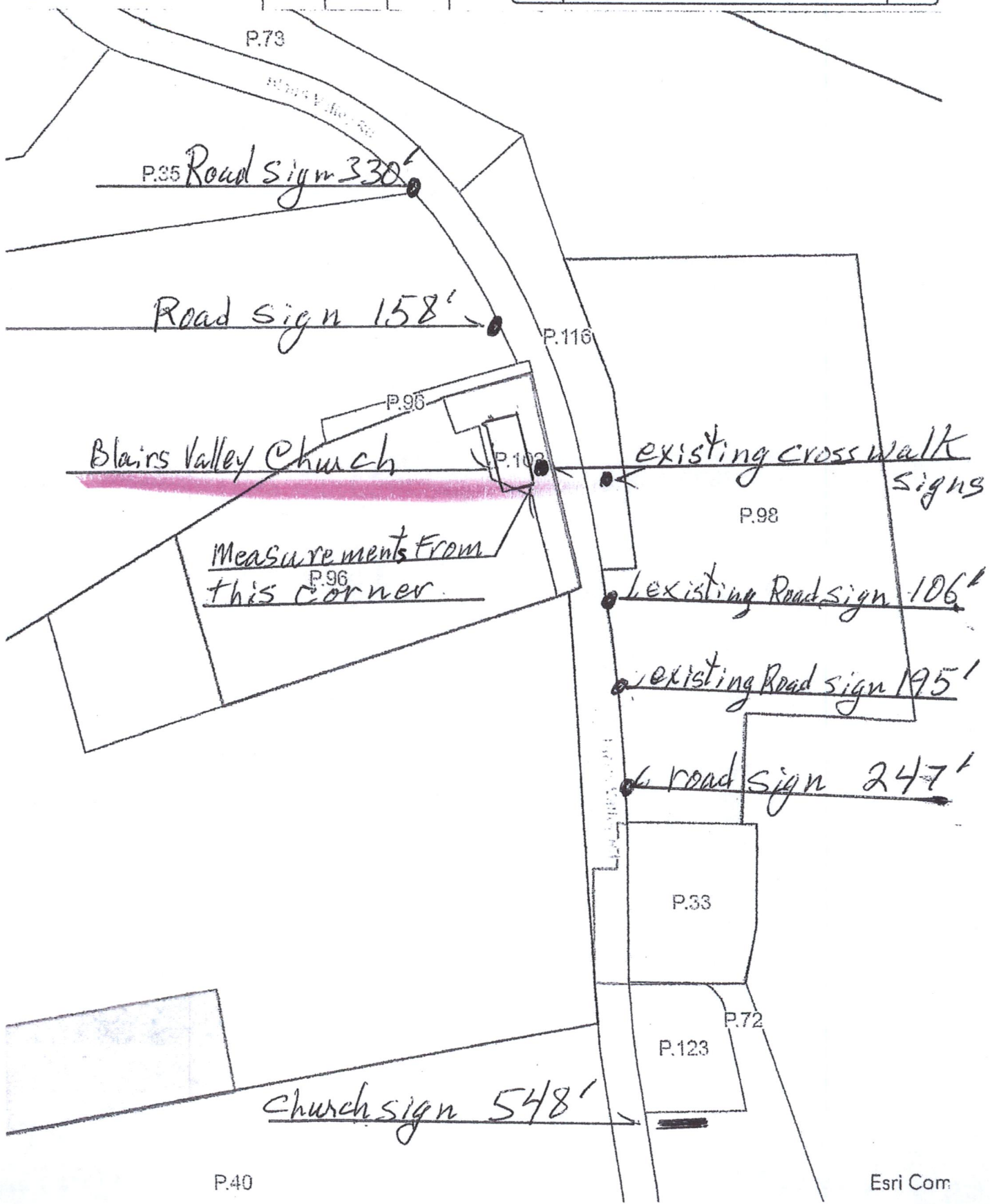
29.59 ft *From road center*

actual measurement 30.5'

New measurement



P-2





P.96

graveyard right of way

Utility Pole

Parking

graveyard

Blairs Valley Church

Parking

18' Septic Tank opening

35'6" Holding Tank opening

Sewer/Septic locations

Parking & right of ways

Parking

Parking

Utility Poles

P.96

Pa 7



-77.00700000 Degrees

Blairs Valley 1st Church Of God

2/23/2026

Trustee/Elder
Philip G Helser
13530 Blairs Valley Rd
Clear Spring, MD
21722 301-302-5406

List of neighboring properties.

- Ray and Virginia Yeakle :
13726 Blairs Valley Rd Clear Spring, Md 21722
- Ronnie and Faye Western:
13641 Blairs Valley Rd Clear Spring, MD 21722
- Clyde And Janelle Stotler:
13640 Blairs Valley Rd Clear Spring, MD
- Blairs Valley Cemetery Association, Inc.
13722 Blairs Valley Rd Clear Spring, MD
PO Box 21 Clear Spring, Md 21722



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

**FIRST CHURCH OF GOD OF
BLAIRS VALLEY**

APPELLANT

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*

Appeal No.: AP2026-005

* * * * *

OPINION

First Church of God of Blairs Valley (hereinafter “Appellant”) requests a variance to reduce the setback from the road right-of-way from 25 feet to 6 feet for a proposed freestanding sign at the subject property. The subject property is located at 13722 Blairs Valley Road, Clear Spring, Maryland 21722 and is zoned Environmental Conservation. The Board held a public hearing in this matter on March 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 the owner of the subject property located at 13722 Blairs Valley Road, Clear Spring, Maryland. The subject property is zoned Environmental Conservation.
2. The subject property consists of a church building which is set along the roadway of Blairs Valley Road, with pull-in parking along the building as well as parking across the road.
3. Appellant has an existing sign for the church, which is parallel with the roadway, making it difficult to see when approaching the property.
4. Appellant proposes to construct a freestanding, LED sign to display

information about church services, events and programs. The sign is proposed to be perpendicular to the roadway so that passing traffic can see the messages.

5. The proposed sign will be elevated and can be located on either side of the roadway in between designated parking for the church.

6. The Apostolic Church of Maryland is located approximately 800 feet from the subject property and has a sign which is perpendicular to the roadway and well inside the setback requirements.

7. The Health Department indicated its approval without further comments. There were no other comments received from any County departments or agencies.

8. There was no opposition presented.

Rationale

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

Practical difficulty and undue hardship are typically the result of a property being unique. "'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such

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

as obstructions) or other similar restrictions." *North v St. Mary's Cnty.*, 99 Md.App. 502, 514 (1994).

Appellant provided testimony regarding the lack of setback area between the roadway and the church building. The parking for the church is situated just off the road on either side as well. There was testimony about the difficulty Appellant has experienced in using the existing sign which is parallel to passing traffic. Appellant has a desire to modernize the way it communicates with membership and the community.

The Board finds Appellant's request to reduce the setback requirement appropriate under the circumstances. Given the proximity of the church building to the roadway, the property is significantly limited and does not have sufficient space for a freestanding sign. The variance does not confer any special privilege and is consistent with other similarly situated properties in the area. Appellant's request appears to be the minimum necessary to facilitate practical use of the property. The Board finds that relaxation of the setback requirement is necessary and remains consistent with the spirit and intent of the Ordinance. The variance request should be granted.

Accordingly, the request for a variance to reduce the setback from the road right-of-way from 25 feet to 6 feet for a proposed freestanding sign at the subject property is hereby GRANTED, by a vote of 5 to 0. The variance relief is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: April 16, 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: Paul & Fannie Diller
1659 Mason Dixon Road
Greencastle PA 17225
Appellant: Anytime Electric
14500 Daley Road
Hagerstown MD 21740
Docket No: AP2026-006
Tax ID No: 13019231
Zoning: A(R)
RB Overlay: No
Zoning Overlay:
Filed Date: 02/24/2026
Hearing Date: 03/18/2026
Property Location: State Line Road
Hagerstown, MD
Description Of Appeal: Special exception to establish a contractor's equipment storage yard for an electrical contractor.

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Article 3 Table 3.3 (1) Q

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

Existing Use: Agricultural Land
Proposed Use: Electrical Contractor Storage Yard and Office
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.

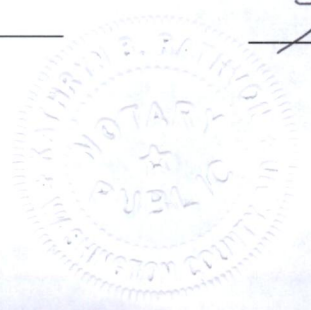
[Handwritten signature]
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this ___ day of Feb, 20 26.

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: AP2026-006

State of Maryland Washington County, To Wit:

On 2/24/2026, 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 03/18/2026, 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 03/03/2026 and will remain until after the above hearing date.

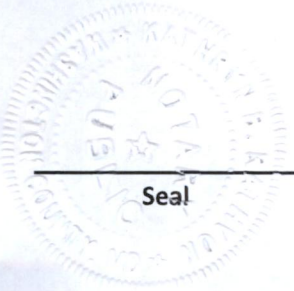
Frederick, Seibert & Association Inc

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

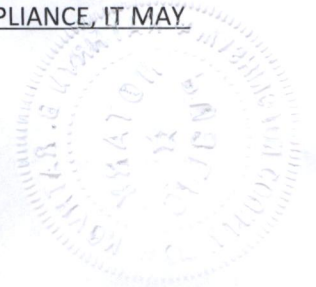
ATTENTION!

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.





BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Bryan Eby or ED SCHREIBER
is authorized to file an appeal with the Washington County Board of Appeals for
Special exception for contractor's storage yard _____ on property
located along the south side of Mason Dixon Road (TM:0010-0013-0070)

The said work is authorized by Paul Diller Estate, Robert Diller Executor
the property owner in fee.

PROPERTY OWNER

Paul R. Diller Estate Robert L. Diller Executor
Name

1321 Mason-Dixon Rd.
Address

Greencastle, PA, 17225
City, State, Zip Code

Robert L. Diller Executor
Owner's Signature

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

Julie R. Horst
Notary Public

My Commission Expires: 09-10-2027

AUTHORIZED REPRESENTATIVE / CONTRACT PURCHASER

Bryan Eby
Name

14500 Daley Road
Address

Hagerstown md. 21740
City, State, Zip Code

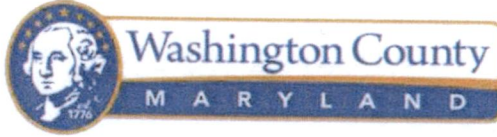
[Signature]
Authorized Representative's Signature

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

Julie R. Horst
Notary Public

My Commission Expires: 09-10-2027





BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that ED SCHREIBER is authorized to file an appeal with the Washington County Board of Appeals for SPECIAL EXCEPTION FOR CONTRACTORS EQUIPMENT STORAGE on property located ALONG THE SOUTH SIDE OF MARYDIXON ROAD TRN-10 6-13-P-70 The said work is authorized by the property owner in fee.

PROPERTY OWNER

Name
Address
City, State, Zip Code
Owner's Signature

Sworn and subscribed before me this ___ day of ___, 20__.

Notary Public

My Commission Expires:

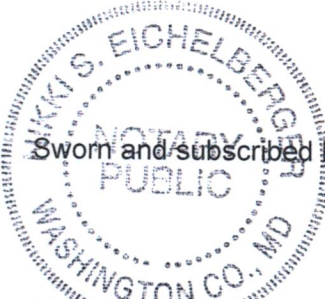
AUTHORIZED REPRESENTATIVE / CONSULTANT

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

Authorized Representative's Signature

Sworn and subscribed before me this 19 day of February, 2026.

Notary Public signature



My Commission Expires: 9/15/2028

Project Name: Anytime Electric

Owner: Estate of Paul R Diller
c/o Robert L Diller, Executor
1321 Mason-Dixon Road
Greencastle, PA 17225

Applicant: Bryan Eby
Anytime Electric
14500 Daley Road
Hagerstown, MD 21740
Bryaneby84@gmail.com
301-573-4664

Project Address: 26 acres along the south side of Mason Dixon Road
approximately 1,100 LF west of Daly Road

Tax Map 10 **Grid** 13 **Parcel** 70

Account # 13-019231

Zoning: A(R)

Re: Application for Special Exception – Contractors Equipment Storage Yard

Applicant: Bryan Eby, Owner, Anytime Electric

The Applicant, Bryan Eby, owner of Anytime Electric, respectfully requests a Special Exception to permit a Contractors Equipment Storage Yard for an electrical contractor.

Mr. Eby is proposing to relocate his existing operation, currently situated approximately one-half (½) mile south along Daley Road. The current location (14500 Daley Road) was granted a Special Exception under Application No. AP2011-004 without conditions and has operated in compliance for approximately fifteen (15) years. Due to the continued growth of the business, Mr. Eby has outgrown the existing facility and has entered into a contract to purchase the subject property.

The subject tract consists of approximately 26 acres, of which the northern 200 feet (approximately 3.15 acres) are located in Pennsylvania. The area proposed for the Special Exception encompasses approximately 4 acres, with the remaining 22 acres to continue in agricultural use.

Access to the subject area will be provided by a paved driveway from Mason Dixon Road. The proposed building site is located approximately 600 feet from Mason Dixon Road, minimizing visual impact from the public right-of-way.

The proposed development includes the following:

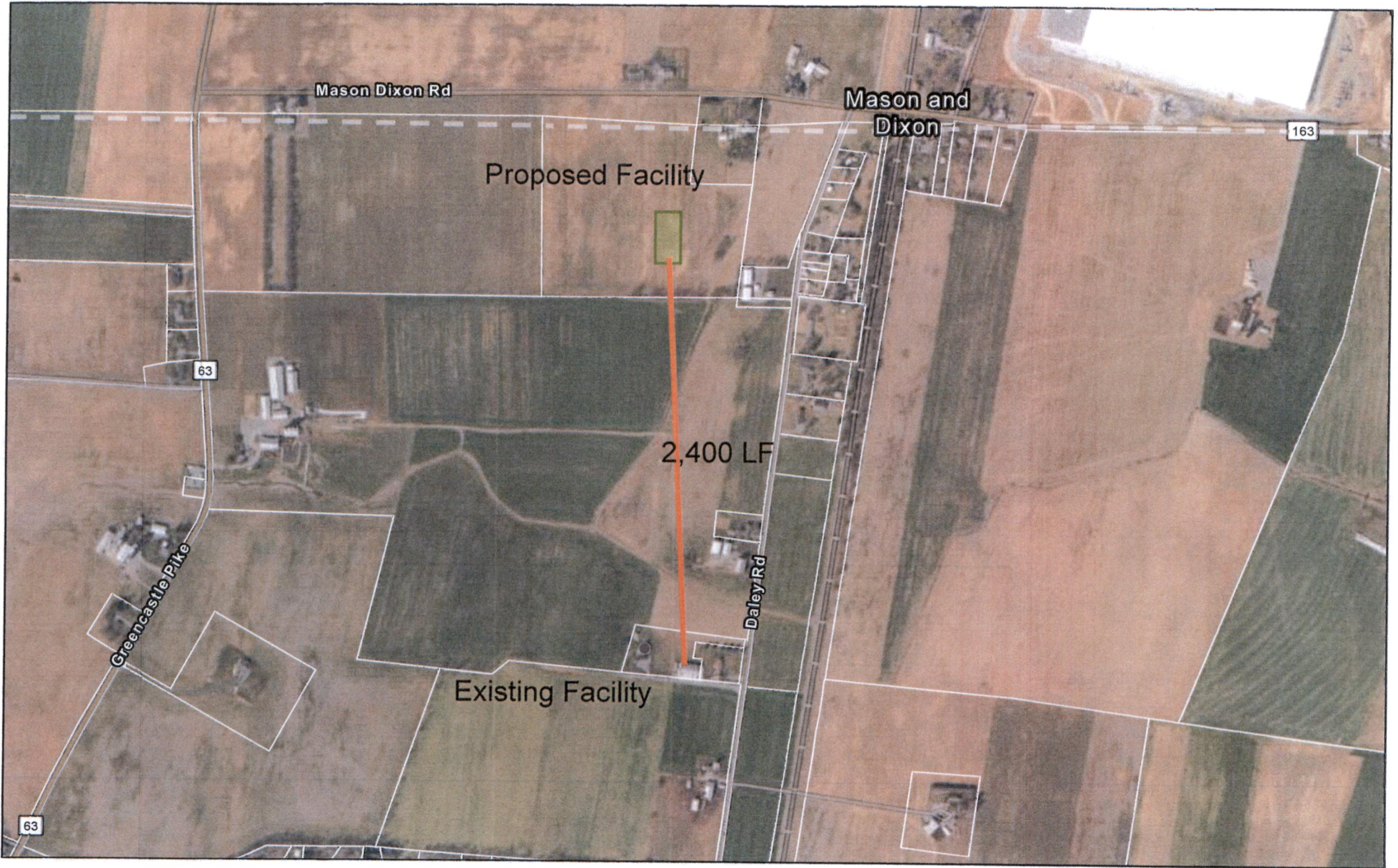
1. Construction of a 22,000-square-foot building to include storage, shop, and office space. The structure will be designed to resemble agricultural buildings common to the surrounding area.
2. A parking area accommodating approximately 30 automobile spaces and 15 work truck spaces.
3. Installation of stormwater management facilities and a landscape buffer along the adjacent property boundary within the 3.5-acre project area.
4. A workforce of approximately 30 employees, with approximately 20 employees reporting to the site daily before departing for field assignments.
5. Hours of operation from 6:30 a.m. to 4:30 p.m., Monday through Friday.
6. All exterior lighting will be building-mounted.
7. Outside storage limited to 15 work trucks and no more than 12 wood utility poles.
8. No customer traffic will be generated at the site.

The prior approval under AP2011-004 and the Applicant's fifteen years of compliant operation demonstrate Mr. Eby's ability to adhere to approved plans and conditions. The proposed relocation reflects the natural growth of a successful local business.

The property is located in a rural area, and the proposed use will not produce fumes, smoke, odors, dust, gases, vibrations, glare, or noise that would disturb neighboring properties. Furthermore, Mr. Eby has met with all adjoining property owners and has received favorable feedback and support regarding the proposed relocation.

For these reasons, the Applicant respectfully submits that the proposed use satisfies the criteria for a Special Exception and will not adversely impact the health, safety, or welfare of the surrounding community.

Frederick Seibert & Associates, Inc.

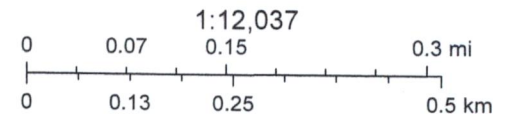


2/17/2026, 8:16:52 AM

SixInchImagery2023_2024

Parcels Washington County

World_Transportation



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Web AppBuilder for ArcGIS

ARTICLE 5A – "A(R)" AGRICULTURAL (RURAL) DISTRICT⁵¹

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.

⁵¹

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

Section 5A.5 Residential Lot Size and Bulk Dimensions⁵²

	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)^{53 54}

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 Provisions⁵⁵

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.

⁵² Revision 16, Section 5A.5 amended 8/4/09 (RZ-09-001)

⁵³ Revision 15, Section 5A.6 amended 9/19/06 (RZ-06-007)

⁵⁴ Revision 18, Section 5A.6 amended 1/16/18 (RZ-07-007/ORD-2018-03)

⁵⁵ 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
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 ¹²	SE	SE	SE	SE	P	N	LOW
Q. Transportation and Warehousing							
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
R. Utilities¹³							
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

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

¹³ 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

Commercial Communications Equipment:

Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon a commercial communications tower or antenna support structure.

Commission:

The Washington County Planning Commission.

Comprehensive Care Facility:

A building or group of buildings that contain independent dwelling units, facilities for assisted living, and facilities for nursing or convalescent care on the same site.

Concrete Operations:

Concrete and ceramic products manufacture, including ready-mix concrete plants shall not exceed five (5) acres in size where permitted by special exception without a specific finding of compatibility of the use by the Board of Appeals.

Conference Centers:²²³

A facility used for conferences and seminars. Such facilities may also have accommodations for sleeping, food preparation and eating, recreation, entertainment, and meeting rooms provided these ancillary uses do not exceed 49% of the structure. Such uses may be accessory when associated with hotels, motels, or resorts.

Construction Started:

For the purposes of this Ordinance, construction will be deemed to have begun when all the necessary excavation and piers and/or footings of one or more buildings or structures covered by the permit have been completed.

Contractor's Storage Yard:

The temporary or permanent storage of contractor's equipment and/or supplies relating to any of the building trades that are located outside of permanent structures on a parcel of land and that may or may not include office space and a maintenance area.

- A. Low intensity storage: shall be defined as a storage yard of 2,500 square feet or less that allows for storage of up to 5 individual pieces of equipment, including company vehicles, and employs 3 people or less.

²²³

Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

- B. High intensity storage: shall be defined as a storage yard of more than 2,500 square feet that allows for the storage of more than 5 individual pieces of equipment, including company vehicles, and employs 4 people or more.

Convenience Store:

Any retail establishment offering for sale: prepackaged or pre-processed food products, household items, and other goods commonly associated with the same and having a gross floor area of 5,000 square feet or less. Such establishments may also sell gasoline at retail prices. The area utilized for the sale of gasoline shall be considered as part of the gross floor area.

Country Inn:²²⁴

A structure located outside of a designated growth area in which overnight or otherwise temporary lodging and meals are provided, in exchange for compensation, to transient guests in not more than ten (10) guest rooms, and may include banquet/reception facilities, catering for on-site events, and meeting rooms. Restaurants are not included as part of this definition.

Court:

An open, uncovered outdoor space enclosed on two or more sides by exterior walls or buildings on the same lot.

Crematories:²²⁵

Facilities designed for the cremation of human and animal bodies. Such facilities are considered as an accessory use when operated in conjunction with a funeral home.

Dairy Products Store:

A retail establishment offering for sale dairy products produced on-site and that is accessory to a principal agricultural use of a property.

Declaration of Intent:

A signed and notarized statement by the landowner of the owner's agent certifying that the activity on the landowner's property:

- A. Is for certain activities exempted under the Washington County Forest Conservation Ordinance, and
- B. Does not circumvent the requirements of the Forest Conservation Ordinance.

²²⁴ Revision 18, definition added 1/16/18 (RZ-07-007/ORD-2018-03)

²²⁵ Revision 16, definition amended 8/4/09 (RZ-09-001/ORD-09-08)

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

BRYAN EBY
Appellant

*
*

Appeal No. AP2011-004

OPINION

This action is a request for a special exception to establish an electrical contractor's storage facility and for variances from the minimum lot area of 4 acres to 2.6 acres, from the minimum lot width of 300' to 195', and from the minimum 50' left side yard setback to 15' from said facility. The subject property is located at 14611 Greencastle Pike, Hagerstown, Maryland, is owned by the Lowell R. and Luella M. Eby, and is zoned Agricultural (Rural).

A public hearing was held before the Board on March 23, 2011. No opposition was presented to this appeal.

FINDINGS OF FACT

The following findings of fact are made by the Board, based upon the testimony given and all data and other evidence presented, and upon a study of the specific property involved, as well as the neighborhood:

1. Appellant seeks to build a storage building to house electrical equipment on the subject property.
2. Appellant is subdividing this property from a larger tract, the remainder of which remains as farmland.
3. The subject property is rocky pasture and not highly suitable to higher-value agricultural use.
4. The equipment will be stored inside of the structure.
5. The structure will be similar in design and appearance to other agricultural buildings found in the neighborhood.
6. The facility will be serviced by approximately 2 deliveries per week.
7. There will be no customer visits to the facility.

8. The hours of operation will be 7 a.m. to 5 p.m. Monday through Friday, and 7 a.m. to noon on Saturday.

9. The area is very rural, and the closest residence—save that of his father, who works with the Appellant in the business—is about 500' away.

10. Traffic generation will be minimal, as Appellant's 4 employees take their vehicles home and report directly to job sites.

11. Appellant's business is currently operated as a home occupation from a lot directly in front of this one.

12. The variances are necessary due to the size and shape of the proposed lot and so that the maximum amount of land may remain in agricultural use.

13. No one testified in opposition to this request.

RATIONALE

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood. A variance may be granted upon a showing of practical difficulty or undue hardship. Sections 25.2(c) and 25.56. "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 variances 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).

The Appellant has met its burden for the requested relief. The special exception use is one that is pre-deemed to be compatible in the district unless the inherent adverse effects of the use are greater at the proposed site than they would be at any other location in the district. The business is operating as a home occupation on an adjacent property. The site is in a relatively rural area of the County, and traffic generated by the use is already occurring and is not incompatible with existing road infrastructure. Likewise, the use itself will not generate fumes, smoke, odors, dust, gas, vibrations, glare or noise that would disrupt neighbors' quiet enjoyment of their property.

Furthermore, the grant of the variances allows the greatest amount of productive farmland to remain in agricultural use. For these reasons, each element of a practical difficulty is met and we are convinced that the grant of this variance upholds the spirit of the ordinance.

No evidence was presented that the proposed use was incompatible with the neighborhood; disruptive of neighbors' quiet enjoyment of their properties; detrimental to surrounding property values; generative of excessive odors, dust, gas, smoke, fumes, vibrations, or glare; generative of traffic that would exceed the capacity of existing infrastructure; or that the proposal was an inappropriate use of land or structure. Based upon all of the testimony and evidence presented, this Board finds that the subject request does not adversely affect the public health, safety, security, morals, or general welfare, nor does it result in dangerous traffic conditions, or jeopardize the life and property of neighborhood residents. Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED by a vote of 5-0.

BOARD OF APPEALS

By: Donald Spickler, Chair

Date Issued: April 21, 2011

January 21, 2026


Washington County Board of Zoning Appeals
100 West Washington Street
Hagerstown, MD 21740

RE: Special Exception for a Contractor's Storage Yard for Electrical Contractor


Dear Board Members:

We the below, signed neighbors of the 21-acre Diller parcel located along the south side of Mason Dixon Road, hereby acknowledge that we met with Mr. Brian Eby (contract/purchaser) regarding the above referenced special exception and we are not opposed to the Board granting a special exception for a contractor's storage yard so that he may use this property for his electrical contractor business.

Arlin Martin @ State Line Road, Hagerstown, MD



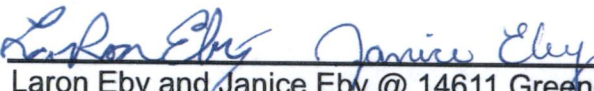
Taylor Davis and Amanda Davis @ 17639 Mason Dixon Road, Hagerstown, MD




Darrell Eby and Joyce Eby @ 14714 Daley Road, Hagerstown, MD




Paul Diller @ Mason Dixon Road, Hagerstown, MD



Laron Eby and Janice Eby @ 14611 Greencastle Pike, Hagerstown, MD



Eunice (Strite) Petre @ 1665 Mason Dixon Road, Greencastle, PA



Paul and Fannie Diller @ 1659 Mason Dixon Road, Greencastle, PA



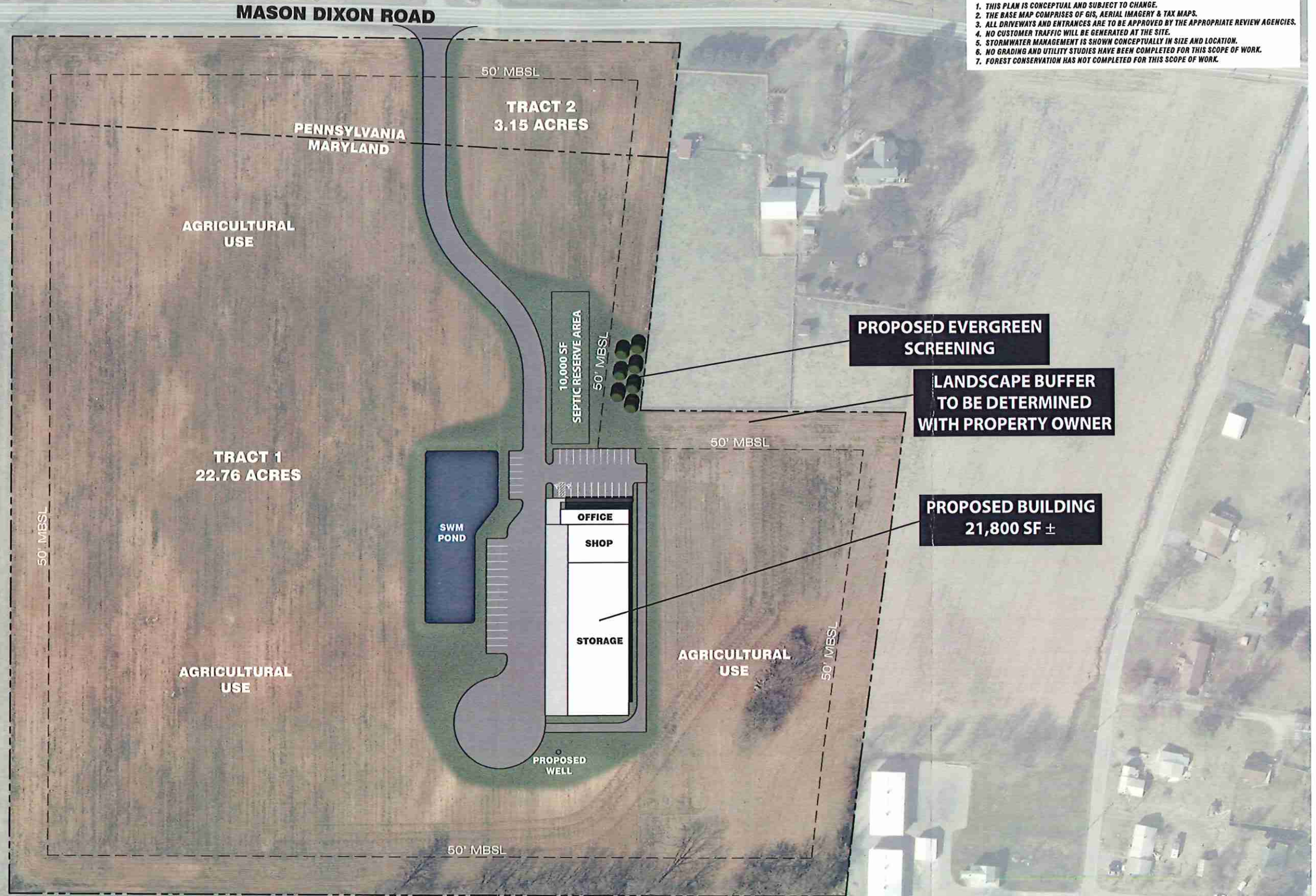
0' 60' 120' 180'

CONCEPT DATA

PARCEL AREA	
TRACT 1 (MARYLAND)	22.76 ACRES
TRACT 2 (PENNSYLVANIA)	3.15 ACRES
TOTAL AREA	25.91 ACRES
IN AGRICULTURE	22 ACRES ±
ZONING	A(R)
PROPOSED USE	ELECTRICAL CONTRACTOR CONTRACTOR'S EQUIPMENT & STORAGE YARDS (SE)
MINIMUM LOT AREA	3 ACRES
MINIMUM LOT WIDTH	300'
SETBACKS	
FRONT	50'
SIDE	50'
REAR	50'
NUMBER OF EMPLOYEES	30 ± OVERALL, 20 EMPLOYEES REPORT TO THIS SITE DAILY BEFORE DEPARTING FOR FIELD ASSIGNMENTS
NUMBER OF DELIVERIES	2 BOX TRUCKS DAILY, 1 TRACTOR TRAILER MONTHLY
EXTERIOR LIGHTING	BUILDING MOUNTED
HOURS OPERATION	MONDAY - FRIDAY 6:30 AM - 4:30 PM
OUTSIDE STORAGE	15 WORK TRUCKS, 12 UTILITY POLES
REQUIRED PARKING	
WAREHOUSE	1 SPACE PER 1,500 SF GFA + 1 SPACE PER 350 SF GFA OF SALES AND/OR OFFICE SPACE
PROPOSED PARKING	16 SPACES REQUIRED 30 AUTO SPACES & 15 WORK TRUCK SPACES

CONCEPT NOTES

1. THIS PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE.
2. THE BASE MAP COMPRISES OF GIS, AERIAL IMAGERY & TAX MAPS.
3. ALL DRIVEWAYS AND ENTRANCES ARE TO BE APPROVED BY THE APPROPRIATE REVIEW AGENCIES.
4. NO CUSTOMER TRAFFIC WILL BE GENERATED AT THE SITE.
5. STORMWATER MANAGEMENT IS SHOWN CONCEPTUALLY IN SIZE AND LOCATION.
6. NO GRADING AND UTILITY STUDIES HAVE BEEN COMPLETED FOR THIS SCOPE OF WORK.
7. FOREST CONSERVATION HAS NOT COMPLETED FOR THIS SCOPE OF WORK.



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

ANYTIME ELECTRIC

*

Appeal No.: AP2026-006

*

APPELLANT

*

*

* * * * *

OPINION

Anytime Electric (hereinafter "Appellant") requests a special exception to establish a contractor's equipment storage yard for an electrical contractor at the subject property. The subject property is located at State Line Road, Hagerstown, Maryland and is zoned Agricultural, Rural. The Board held a public hearing in this matter on March 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 an electrical contractor owned and operated by Bryan Eby, at 14500 Daley Road, Hagerstown, Maryland. Mr. Eby is also the contract purchaser for the subject property.
2. Paul and Fannie Diller are the owners of the subject property located at State Line Road, Hagerstown, Maryland. The subject property is zoned Agricultural, Rural.
3. The subject property consists of approximately 26 acres of which 3 acres are located in Pennsylvania. The subject property is situated on the south side of Mason Dixon Road. The area affected by this special exception request is approximately 4 acres, with the remaining 22 acres to continue being planted for crops.

4. Appellant proposes to construct a large agricultural-type building that will have the appearance of a barn at the subject property. The purpose of the building would be to relocate the business operations and to store materials and equipment for the business. All items would be stored inside, and the space would be used for storage. There would be no retail operations or customers visiting the subject property.

5. There will be no manufacturing or fabricating of materials at the subject property.

6. Appellant proposes to relocate the fleet of company vehicles to the subject property where employees would have to come and exchange vehicles before and after jobs. Appellant expects to have between twenty (20) and thirty (30) employees.

7. Appellant expects to have supplier deliveries at least one (1) time per week and may have some special deliveries by box truck or tractor-trailer.

8. Appellant will operate Monday through Friday, from 6:30 a.m. to 4:30 p.m. There will be no weekend operations for the business.

9. Appellant has agreed to pave the road servicing the proposed building to limit dust and noise for neighboring properties. There will be minimal noise from the use of the property other than vehicle and truck traffic.

10. The Health Department indicated its approval with the comment that the project would require a platted septic reserve. There were no other comments from any County agencies or departments.

11. The Board received one (1) letter of support.

12. The Board heard opposition testimony from two (2) witnesses during the hearing.

Rationale

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

guides, and standards in exercise of the board's duties and provides:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

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

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

Mr. Eby testified that his electrical contracting business has expanded over the years and he needs additional space to store materials and equipment used for his various jobs. Much of the materials are sensitive to weather and the elements and therefore need to be stored indoors. He plans to design the proposed building to look like a barn in order to maintain consistency with the remaining use of the property and surrounding area. Mr. Eby noted that the storage of materials and equipment will not produce any noise, dust, gas, odor, fumes, light or other effects that would impact neighboring properties. Mr. Eby testified that other than his employees and some deliveries traveling in and out of the property, it will appear like an agricultural use. He also indicated that he spoke to the neighbors about his plans and there were no concerns.

The Board also heard testimony from Duane Martin and Ben Martin, both of whom opposed the proposed project. Duane Martin had compiled a number of signatures of nearby property owners who were opposed to Appellant's plans. The chief concern was that the scale of the business was not appropriate for the subject property. They also raised concerns about sight lines, noise and traffic. Ben Martin also testified that he was concerned about the light pollution from such a large building and that the location was the highest point on the subject property.

While the Board certainly understands the concerns raised in opposition, they would likely be concerns on any similarly situated property elsewhere in the zoning district. Given the zoning on this property, Appellant could construct the same building for use as a barn related to agricultural operations and it would not require the Board's approval.

The Board finds that the proposed use will not create dangerous traffic or other safety concerns within the surrounding area. 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 which is relatively small, or the impact on nearby public gatherings as it appears to be minimal.

The proposed use does not conflict with the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Appellant presented testimony that the proposed use 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 use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

Notwithstanding the analysis pursuant to *Schultz v. Pritts* and the related appellate

opinions, there are no judicial decisions directly affecting the subject property.

The proposed project is consistent with the orderly growth of the community. 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 use is 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 use at the subject property will have no greater “adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Schultz v. Pritts*, 291 Md. 1, 15 (1981). 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 request should be granted.

Accordingly, the request for a special exception to establish a contractor’s equipment storage yard for an electrical contractor at the subject property is hereby GRANTED, by a vote of 5 to 0. The special exception is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: April 16, 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: Sharpsburg Pike Holding LLC
1741 Dual Highway
Suite B
Hagerstown MD 21740

Docket No: AP2026-007
Tax ID No: 10067469

Appellant: Sharpsburg Pike Holdings LLC
1741 Dual Highway
Suite B
Hagerstown MD 21740

Zoning: HI
RB Overlay: No
Zoning Overlay:

Filed Date: 02/24/2026
Hearing Date: 03/18/2026

Property Location: 10306 Ezra Drive
Hagerstown, MD 21740

Description Of Appeal: Variance from 25 ft. setback from the road right-of-way to 7 ft. for proposed monument sign.

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 Article 22 Division II Section 22.23 (e)

Reason For Hardship:

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.

[Handwritten signature of the appellant]

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 27 day of Feb, 2026.

Nov. 7, 2029
My Commission Expires

[Handwritten signature of the notary public]
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: AP2026-007

State of Maryland Washington County, To Wit:

On 2/24/2026, 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 03/18/2026, 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 03/03/2026 and will remain until after the above hearing date.

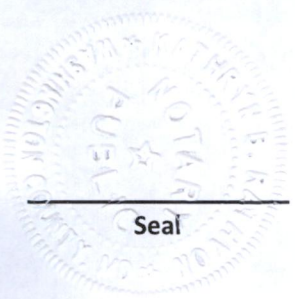
Frederick, Seibert & Association Inc

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

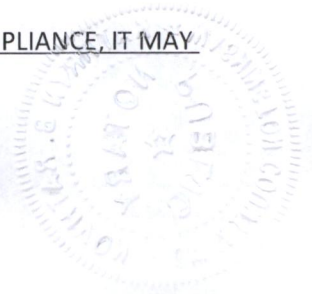
ATTENTION!

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: **Shops of Sharpsburg Pike**

Owner/Applicant: **Sharpsburg Pike Holding LLC**
 1741 Dual Highway, Suite B
 Hagerstown, MD 21740

Project Address: **10306 Ezra Dr, Hagerstown, MD 21740**

Tax Map 57 **Grid** 10 **Parcel** 656 **Lot** 6

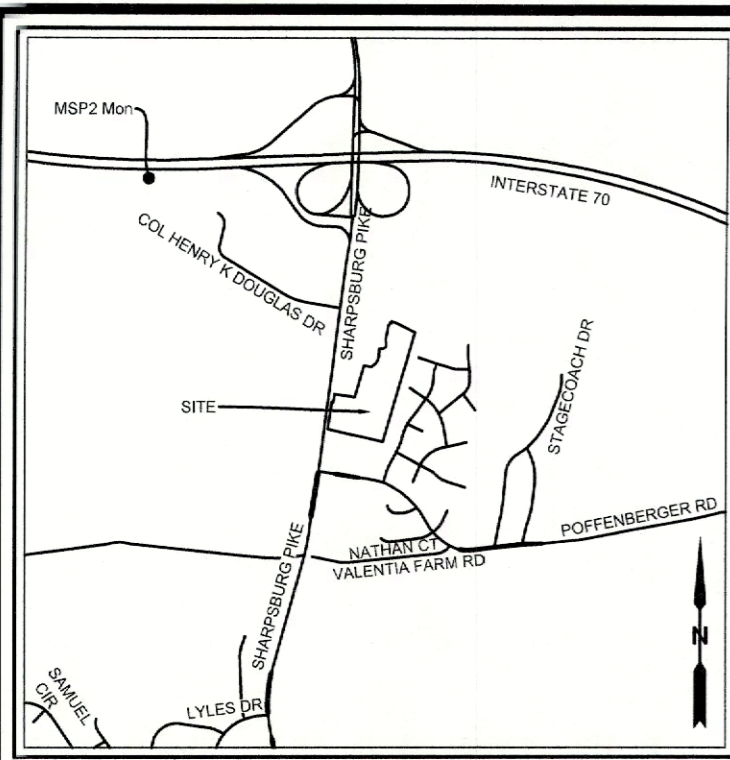
Account # **10067469**

Zoning: HI

Variance request: From section 22.23(e) "Use on the Premises" signs. As stated in the Washington County Zoning Ordinance individual businesses are permitted a freestanding sign to advertise the use or tenant on the same lot as the freestanding sign. Also mentioned is that the sign must be 25' from the ROW. The applicant is requesting relief from the 25' setback requirement to 7' which is where the sign could be placed if the ROW were uniform and not offset in front of lot 6a.

The 25' setback requirement is consistent for a uniform width ROW from which the sign must be set back from. In this particular case the Sharpsburg Pike right of way has a uniform 50 foot overall right of way except at the new traffic signal for Sharpsburg Pike and Vida Drive. Due to new traffic signals, the right of way offsets further into lot 4 by 19 feet thus making visible and useful placement of a freestanding sign difficult. This request is very similar to AP2025-026 which granted the reduction of a freestanding sign from 25 feet to 10 feet from the right of way due to an unusually large ROW in the vicinity of traffic signals. The subject site is directly across Sharpsburg Pike from the granted request in AP2025-026.

Additional testimony will be provided at the hearing to support the applicants desire for combining signs and reducing the lot frontage requirement.



VICINITY MAP
SCALE 1"=2000'

LEGEND

- = PROPERTY LINE
- - - = PROPOSED PROPERTY LINE
- = PROPERTY LINE TO BE VACATED
- - - - - = RIGHT OF WAY
- = PROPERTY CORNER

LINE	BEARING	DISTANCE
L1	S 08°32'16" W	21.00'
L2	S 08°46'03" W	17.31'
L3	S 81°27'44" E	13.27'
L4	N 08°32'16" E	33.59'
L5	S 81°27'44" E	4.29'
L6	N 08°32'16" E	18.48'

Sheet Index
 Sheet 1 - Subdivision
 Sheet 2 - Notes and Access Easement
 Sheet 3 - SWM Easements
 Sheet 4 - S/S and WL Easements

Soil Table

Soil	Area	%
Ft	1.5 Ac.	12.4
HaB	0.2 Ac.	1.6
HcB	10.5 Ac.	86.0

Land Surveyor's Certification
 I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Bowman 2000, LLC, to Sharnsberg Pike Holding, LLC, by deed dated July 11, 2017, recorded at Liber 5542, folio 213 among the Land Records of Washington County, Maryland, and part of the lands conveyed by Mansoor Emral Shaool and Janet Emral Shaool, to Sharnsberg Pike Holding, LLC, by deed dated December 13, 2012, recorded at Liber 4436, folio 127 among the Land Records of Washington County, Maryland, and part of the lands conveyed by Hoffman Family Homestead, LLC, to Sharnsberg Pike Holding, LLC, by deed dated October 5, 2017, recorded at Liber 5807, folio 90 among the Land Records of Washington County, Maryland, and that stones marked □ and/or bars marked ○ have been placed as indicated.
 I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. LS-10731 Expiration Date 1/16/2028.

Date _____ Professional Land Surveyor _____

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

 and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision.
 I/We do hereby assent to this plan of subdivision.

Witness our hands and seals this date _____
 _____ (Seal)
 Owner: Sharnsberg Pike Holding, LLC

Witness _____

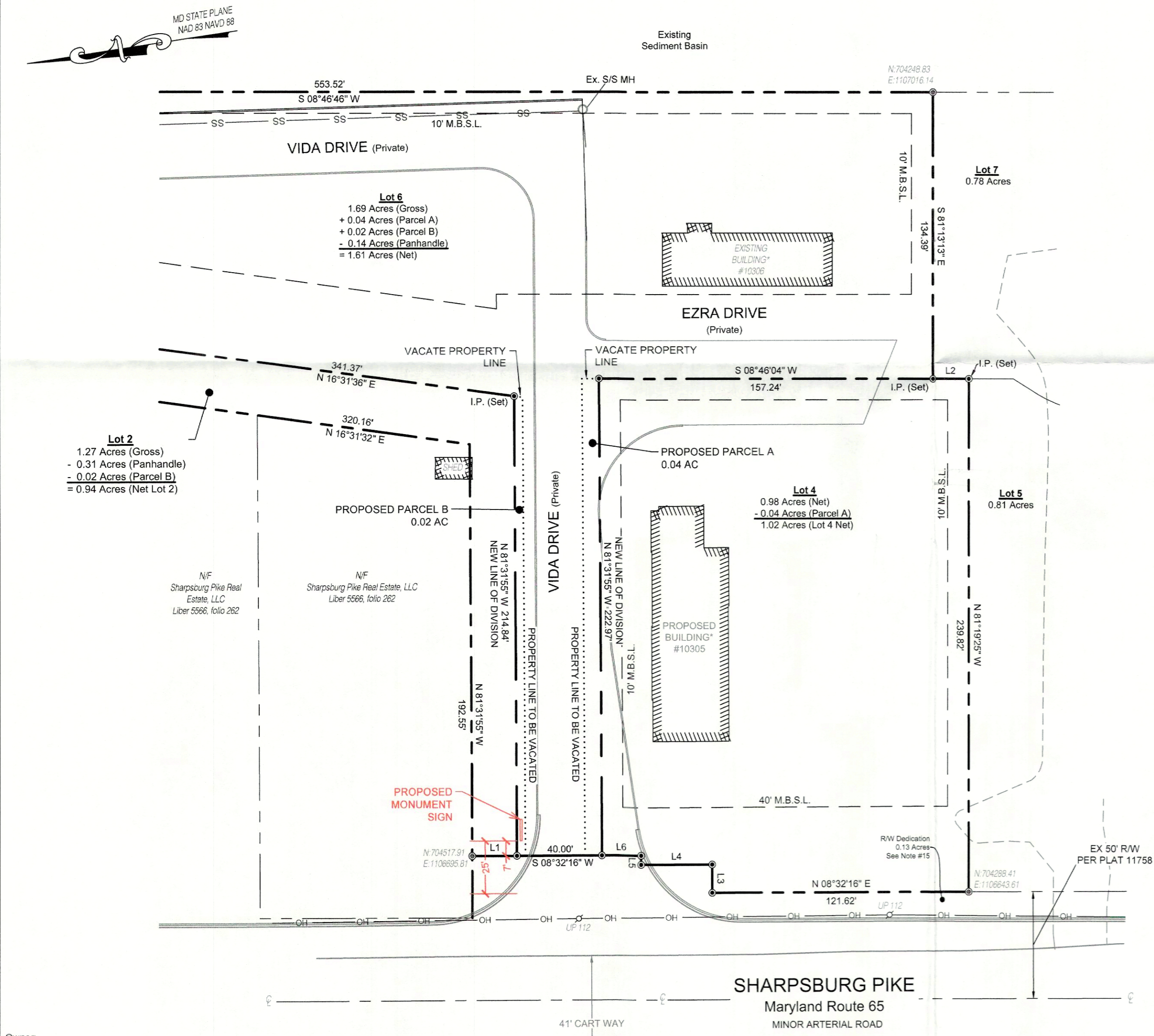
Community Water Supply and Community Sewerage Systems (Existing systems)
 This proposed subdivision of land as represented hereon and on the approved plan has been found to be in compliance with the Code of Maryland Regulations 26.04.03 allowing for the subdivision of land utilizing community water supply systems and community sewerage systems. This subdivision is in conformance with the current approved County Comprehensive Water and Sewer Plan therefore complies with Environment Article §9-512. The Washington County Approving Authority is the delegated authority per Environment Article §1-301 therefore the Approving Authority's signature on the plat certifies that the parcels shown hereon are in compliance with the pertinent laws and regulations as of the approval date.

Approving Authority _____ Date _____

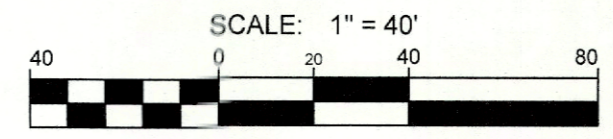
Note - Subdivisions served by Community Water Supply and Community Sewerage Systems must include on the plat the owner statement below:
 As the owner of this property, I hereby certify that community water supply and sewerage facilities will be available to all lots offered for sale.

Owner: Sharnsberg Pike Holding, LLC _____ Date _____

- General Notes**
- There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
 - Bearings, distances and coordinates are based on MD Grid NAD83.
 - Soil types are as shown hereon.
 - Minimum Building Setbacks (All Principal, Special Exception, and Accessory BL, BG, and ORT Uses): Front yard-40'; side yard-10'; rear yard-10'. Minimum Building Setbacks (All Principal Permitted IR Uses except Heliports and Commercial Communication Towers): Front yard-40'; side yard-25'; rear yard-25'. Minimum Building Setbacks (Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas): Front yard-50'; side yard-50'; rear yard-50'. Minimum Building Setback Lines are based on the current Washington County Zoning Ordinance. Accessory structures may be constructed in accordance with Section 4.10 and Section 23.5 (b). Accessory Structures are not permitted without the placement of the principal permitted structure. Zoned HI - Highway Interchange.
 Any future MBSLs are reduced by the Access, SWM, S/S, and WL Easements. Exact MBSLs should be determined at the Site Plan stage of development.
 - Total upstream watershed affecting this subdivision: is less than 400 Acres.
 - This parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24043C0305D dated August 15, 2017, Flood Zone X.
 - Boundary is based on a field survey performed by FSA, Inc.
 - There are no floodplains, streams, steep slopes, and other related buffers, or habitat of threatened or endangered species as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and Section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
 - No other wells or septic lie within 100 feet of the Lot Lines.
 - All grading on each lot, done either before or after the construction of a dwelling or their appurtenances, shall be the full responsibility of the lot owner.
 - No permanent structures (fences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
 - This plat has been reviewed and approved per the HI Zoning District. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
 - This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
 - Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
 - The proposed structure(s) shown hereon is for general purposes only and is not to be construed as the only proposed location for a proposed structure(s).
 - An additional variable width right of way for Sharnsberg Pike is hereby dedicated for the purpose of future road widening and traffic light installation, totaling 0.13 Acres. Colonel Henry K. Douglas Drive is subject to a variable width right of way that coincides with the western boundary line of Lot 8 and further described on Plat 10893.
 - Remington Drive is a local, private street subject to a right of way for future roadway per Plat folio 3847 and 10893.
 - Forestation was previously addressed on the "Final Plat, Shops at Sharnsberg Pike" recorded among the Land Records of Washington County, Maryland in Plat folio 10893.
 - Per OM-22-002, approved 9-7-2022, Modification to create 4 lots without usable public road frontage permitted.
 - The Approved Plats of this project is "Shops at Sharnsberg Pike", PSP-21-002, approved May 8, 2023 and "Final Plat of Subdivision of Lots 4-8" Plat Folio 11781.



Owner:
 Sharnsberg Pike Holding, LLC
 1741 Dual Highway, Suite B
 Hagerstown MD 21740



Certificate of Approval
FINAL APPROVAL GRANTED

Date: _____

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

PLAT NO _____
 DATE _____
 WASHINGTON COUNTY

FSA
 FREDERICK, SEIBERT & ASSOCIATES, INC.
 CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

15 EAST MAIN STREET
 NEW PINE CREEK, PA 17068
 717.275.7291

505 SOUTH HANOVER STREET
 GREENCASTLE, PA 17225
 717.701.8111

20 WEST BALTIMORE STREET
 GREENCASTLE, PA 17225
 717.597.0007

108 SOUTH POTOMAC STREET
 HAGERSTOWN, MD 21740
 301.791.8650

REALLOTMENT SUBDIVISION PLAT
 OF
 LOTS 2, 4 & 6
 FOR
 Sharnsberg Pike Holding, LLC
 SITUATE ALONG THE EAST SIDE OF SHARPSBURG PIKE
 WASHINGTON COUNTY, MARYLAND

PROJECT NO. 5563.C

DWN BY MTJ DATE 02-17-2026

PROJECT MANAGER TMF
 EMAIL TFrederick@fisa-inc.com

ELECTION DISTRICT 10
 PROPERTY INFORMATION 57-10-160
 ACCOUNT NO. 10-020174

SCALE 1" = 100'

SHEET TITLE

FINAL PLAT OF
 SUBDIVISION

SHEET 01 OF 04

P:\SHEET FILES\PROJECTS\5563\5563.C SHOPS COMMERCIAL\UNITS\SUBDIVISION\REALLOTMENT\PLAT\5563.C FINAL PLAT - SHEET 1 (REALLOTMENT).DWG, 2/19/2026

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

SHARPSBURG PIKE HOLDING, LLC

*
*
*
*

Appeal No.: AP2026-007

APPELLANT

* * * * *

OPINION

Sharpsburg Pike Holding, LLC (hereinafter “Appellant”) requests a variance to reduce the setback from the road right-of-way from 25 feet to 7 feet for a proposed monument sign at the subject property. The subject property is located at 10306 Ezra Drive, Hagerstown, Maryland 21740 and is zoned Highway Interchange. The Board held a public hearing in this matter on March 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 the owner of the subject property located at 10306 Ezra Drive, Hagerstown, Maryland. The subject property is zoned Highway Interchange.
2. The subject property consists of approximately 1.69 acres and is comprised of Vida Drive and the existing KOAN cannabis business.
3. Appellant proposes to construct monument sign announcing the existing business in close proximity to the intersection of Vida Drive and Sharpsburg Pike. The sign would be located seven (7) feet from the right-of-way.
4. The State Highway Administration requested a bump out along the right-of-

way on either side of the access to the property.

5. The Board has approved similar variance relief in two (2) other appeals related to properties at this intersection.

6. There were no comments from the State Highway Administration.

7. There were no comments from other County agencies or departments.

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

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

Pursuant to Section 22.23 of the Zoning Ordinance, a freestanding sign, "shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way..." Appellant proposes to reduce this distance to seven (7)

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

feet for a proposed freestanding sign on the subject property. Appellant presented testimony that the variance request was a direct result of having to include the bump outs on either side of the access along the state highway right-of-way. Otherwise, the sign would have been much closer to the required setback distance.

The Board finds that practical difficulty would result from strict compliance with the setback requirements. Appellant was at the behest of the State Highway Administration regarding design of the access points. Without relaxation of the setback, Appellant would not have the ability to construct a freestanding sign. The variance does not confer any special privilege and is consistent with the uses that other similarly situated properties enjoy. Appellant's request appears to be the minimum necessary to facilitate practical use of the property. The Board finds that relaxation of the setback requirement is necessary and remains consistent with the spirit and intent of the Ordinance. The variance request should be granted.

Accordingly, the request for a variance to reduce the setback from the road right-of-way from 25 feet to 7 feet for a proposed monument sign at the subject property is hereby GRANTED, 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: Tracie Felker, Chair

Date Issued: April 16, 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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2026-008

State of Maryland Washington County, To Wit:

On 2/26/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Mision Cristiana Ciudad Deseada Church and made oath in due form of law as follows:

Mision Cristiana Ciudad Deseada Church 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 03/18/2026, 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 03/03/2026 and will remain until after the above hearing date.

Mision Cristiana Ciudad Deseada Church

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

Notary Public

Nov. 7, 2026

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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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.





Mision Cristiana Ciudad Deseada Church
72 Keystone Ln
Berryville, VA 22611

Board of Zoning Appeals

Washington County, Maryland

Re: Application to Establish a Worship Hall

Dear Members of the Board,

On behalf of Mision Cristiana Ciudad Deseada Church, our pastoral leadership, and our church board committee, we would like to express our sincere gratitude to the Board of Zoning Appeals for granting us the opportunity to appear before you and for taking the time to hear our application regarding the establishment of a small worship hall at the above-referenced property.

We truly appreciate your professionalism, attention, and dedication to serving Washington County and its residents. It is an honor to be considered, and we are thankful for the respectful and thoughtful manner in which our request was received.

Enclosed with this letter is our formal Statement to the Board of Zoning Appeals, submitted exactly as presented during the hearing, outlining our mission, proposed operations, anticipated attendance, and our commitment to full compliance with all county regulations and community standards.

Our church's desire is to be a positive presence within the Hagerstown community—serving families, supporting youth, promoting moral values, and contributing to a safe and respectful neighborhood environment. We remain fully committed to being responsible neighbors and to working cooperatively with Washington County at all times.

Thank you once again for your time, your service, and your careful consideration of our application. Should you require any additional information or clarification, we would be honored to provide it.

Respectfully submitted,

Pastor Edgar Sorto

Mision Cristiana Ciudad Deseada Church
On behalf of the Church Board Committee

Contact Information:
Pastor Edgar Sorto – 540-323-1560
Manuel Alejandro Jimenez (Assistant) – 571-233-1221

Statement to the Board of Zoning Appeals
Washington County, Maryland
Application to Establish a Worship Hall
Mision Cristiana Ciudad Deseada Church

Property Address:
17559 York Road
Hagerstown, Maryland 21740
Washington County, Maryland

Dear Members of the Board,

We come before you respectfully and with sincere appreciation for the opportunity to present this proposal. We are grateful for your time, consideration, and service to Washington County and to the State of Maryland.

We are here to request approval to establish a small worship hall at:

17559 York Road, Hagerstown, Maryland 21740, Washington County, Maryland,
under the name Mision Cristiana Ciudad Deseada Church.

Our church is currently located at 72 Keystone Lane, Berryville, Virginia, where we have faithfully served our community since the early 1990s. For over three decades, we have remained in the same location, building strong relationships and providing spiritual guidance and community support. Today, our congregation includes approximately 587 members, including children.

Several families currently travel from Hagerstown to Berryville each week to attend services. This requires significant travel time, especially for families with children. By opening a small worship hall in Hagerstown, these families would be able to worship, serve, and grow spiritually within their own community, reducing travel burdens and strengthening their local involvement.

Our mission extends beyond religious services. We are committed to:

- Strengthening families and promoting unity.
- Providing moral and spiritual guidance.
- Offering mentorship to youth and helping guide them away from drugs and alcohol.
- Supporting the Hispanic community in becoming strong, responsible contributors to society.
- Helping prevent family breakdown and social instability.
- Creating a positive, safe, and supportive environment for the surrounding community.

We believe that establishing this worship hall will contribute to a safer and more stable neighborhood by offering guidance, support, and community engagement.

Expected Attendance

At this time, we anticipate approximately 30 attendees initially. While we hope to grow in the future, any expansion would be handled responsibly and in full compliance with county regulations.

Operating Hours

- Wednesdays: 7:00 PM – 10:00 PM
- Fridays: 7:00 PM – 10:00 PM
- Sundays: 9:00 AM – 1:00 PM

In addition, there may be occasional special events or activities. Specific dates have not yet been scheduled; however, such events would most likely take place on Fridays, Saturdays, or Sundays. All events will be conducted respectfully and with consideration for the surrounding community.

Community Commitment & Compliance

- We will implement parking control measures to ensure safe and orderly traffic flow.
- Volunteers will assist with parking when necessary to prevent congestion or disruption.
- All vehicles will be parked in designated spaces.
- Noise levels will remain within legally permitted guidelines.
- No loud outdoor amplified activities will be conducted.
- We will maintain cleanliness inside and outside the property.
- The surrounding area will remain clean and well cared for.
- We will comply fully with all county codes, zoning requirements, safety standards, and community regulations.

Our intention is to reflect respect, responsibility, and cooperation at all times.

Commitment to the Community

Our prayer and sincere intention is to create a peaceful space where individuals and families can hear the Word of God, receive guidance, and find strength during difficult times. We seek to help individuals make wise decisions, strengthen family values, and contribute positively to society.

We respectfully ask for your consideration and approval of this request. We are committed to serving Washington County with integrity and dedication.

Thank you for your time and thoughtful consideration.

Respectfully submitted,

Pastor Edgar Sorto
Mision Cristiana Ciudad Deseada Church
and Church Board Committee Members

For any questions, please contact:
Pastor Edgar Sorto – 540-323-1560
Manuel Alejandro Jimenez (Assistant) – 571-233-1221











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

**MISION CRISTIANA CIUDAD
DESEADA CHURCH**

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*
*

Appeal No.: AP2026-008

APPELLANT

* * * * *

OPINION

Mision Cristiana Ciudad Deseada Church (hereinafter “Appellant”) requests a special exception to establish a place of worship in an existing commercial building at the subject property. The subject property is located at 17559 York Road, Hagerstown, Maryland 21740 and is zoned Business Local. The Board held a public hearing in this matter on March 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. Hagerstown Table Corp is the owner of the subject property located at 17559 York Road, Hagerstown, Maryland. The subject property is zoned Business Local.
2. Appellant is a church with a congregation of approximately 587 members, currently based in Berryville, Virginia and where it has operated since the early 1990s. Appellant is the contract lessee of the subject property.
3. The subject property consists of the end unit of a retail shopping center located behind the existing Western Sizzlin restaurant on York Road in Hagerstown.
4. The property was the subject of a request for a special exception to establish an

upscale family-style billiard parlor with restaurant and a request for a parking variance in Case No. AP98-017. The request for a special exception and variance were denied in a written decision issued on April 15, 1998.

5. The property was the subject of variance request for signage which was placed on the building in Case No. AP2001-036. The variance requested was granted in a written decision issued May 9, 2001.

6. Appellant proposes to establish a Hagerstown location for its place of worship as there are several members of its small congregation that travel to Berryville from the Hagerstown area.

7. Appellant expects the initial attendance to be approximately 30 people, with growth anticipated within the limits of the space of the property. Regular services and programs will be offered on Wednesdays from 7:00 p.m. to 10:00 p.m., Fridays from 7:00 p.m. to 10:00 p.m. and Sundays from 9:00 a.m. to 1:00 p.m. In addition, there may be special events from time to time, typically on the weekends.

8. The location has a large parking lot with numerous parking spaces which are shared among the other tenant businesses. There is more than sufficient parking for all of the tenants at the subject property.

9. Appellant will have people helping to direct traffic through the parking lot on Sundays and during any special events.

10. Appellant spoke to the other tenants in the shopping center, and all indicated their approval for the proposed project.

10. There was no opposition presented.

Rationale

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

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

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

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

Appellant testified that the use of the property would be far lower than the capacity for the space as it tries to grow the congregation. The busiest times for the church are typically during periods when the other businesses are much less busy or closed. Appellant presented testimony that there would be no impact on the surrounding properties as the space would be used similar to any business. The subject property was chosen because it was a good fit for a place of worship with adequate access and parking. The Board is persuaded that the proposed use would be a good fit for the property. It is unlikely there will be any impact on the surrounding properties, much less even noticed.

The Board finds that the proposed use will not create dangerous traffic or other safety concerns within the surrounding area. 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 which is relatively small, or the impact on nearby public gatherings as it appears to be minimal.

The proposed use does not conflict with the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Appellant presented testimony that the proposed use 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 use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

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

The proposed project is consistent with the orderly growth of the community. 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 use is 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 use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). 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 request should be granted.

Accordingly, the request for a special exception to establish a place of worship in an existing commercial building at the subject property is hereby GRANTED, by a vote of 5 to

0. The special exception is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: April 16, 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.