

BOARD OF APPEALS

June 24, 2026

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

AGENDA

AP2026-018: Mark Winders filed to appeal the Planning Commission's approval of the simplified plat SI-26-006 for property owned by Randy & Misti Winders and located at 10614 Crystal Falls Drive, Hagerstown, Zoned Environmental Conservation District. **POSTPONED TO JULY 22, 2026 HEARING.**

AP2026-019: An appeal was filed by John R. Oliver Co. Inc. for a variance from the lot area, lot width, and side yard setbacks for an existing two-family dwelling to be subdivided into two semi-detached dwellings. The property is owned by the appellant and located at 19325 Longmeadow Road Units C & D, Hagerstown, Zoned Residential Suburban District. Unit C-variances: lot area from 6,250 sq. ft. to 4,931 sq. ft., lot width from 37.5 ft to 27.06 ft., side yard setback from 12 ft. to 10.31 ft. Unit D-variances: lot area from 6,250 sq. ft. to 4,154 sq. ft., lot width from 37.5 ft. to 23.22 ft., side yard setback from 12 ft. to 5.40 ft.-**GRANTED**

AP2026-020: An appeal was filed by Bailey & Joel Ziler for a variance from the lot area, lot width, and side yard setbacks for an existing two-family dwelling to be subdivided into two semi-detached dwellings. The property is owned by the appellants and located at 136 & 138 Harvard Road, Hagerstown, Zoned Residential Urban District. 136 Harvard Road-variances: lot area from 5,000 sq. ft. to 4,500 sq. ft., lot width from 35 ft. to 25.02 ft., side yard setback from 10 ft. to 5.09 ft. 138 Harvard Road-variances: lot area from 5,000 sq. ft. to 4,500 sq. ft., lot width from 35 ft. to 24.98 ft., side yard setback from 10 ft. to 5.08 ft.-**GRANTED**

AP2026-021: An appeal was filed by Sign Here for a variance from the required 25 ft. setback from the road right-of-way to 10 ft. for proposed freestanding sign on the property owned by CRP/TCC Rhoton Owner LLC and located at 16545 Cargo Drive, Hagerstown, Zoned Planned Industrial.-**DENIED**

AP2026-022: An appeal was filed by Sign Here for a variance from the required 25 ft. setback from the road right-of-way to 0 ft. for proposed freestanding sign on the property owned by Mt. Pleasant Church of God and located at 24107 Foxville Road, Smithsburg, Zoned Environmental Conservation.-**GRANTED**

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than June 15, 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: Randy & Misti Winders
10614 Crystal Falls Drive
Hagerstown MD 21742

Appellant: Mark Winders
10807 Mapleville Road
Hagerstown MD 21742

Property Location: 10614 Crystal Falls Drive
Hagerstown, MD 21742

Description Of Appeal: Appeal from the Planning Commission ruling on approval of simplified plat SI-26-006

Docket No: AP2026-018
Tax ID No: 18040204
Zoning: EC
RB Overlay: No
Zoning Overlay:
Filed Date: 05/26/2026
Hearing Date: 06/24/2026

Appellant's Legal Interest In Above Property:

Owner: No

Contract to Rent/Lease: No

Lessee: No

Contract to Purchase: No

Other: Devisee Under Last Will and Testament of Verda K. Winders, Estate #82147

Previous Petition/Appeal Docket No(s):

SI-26-006

Applicable Ordinance Sections:

Washington County Subdivision Ordinance Sections: 103, 107, 109, 303, 312, 315, 318, 604

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

04/30/2026

Ruling Official/Agency:

Washington County Planning Commission

Existing Use:

Proposed Use:

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

Proposed:

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

Mark Winders

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 26 day of May, 2026.

Nov. 7, 2029

My Commission Expires

Tha B

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: AP2026-018

State of Maryland Washington County, To Wit:

On 5/26/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Mark Winders and made oath in due form of law as follows:

Mark Winders will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/24/2026, 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 06/09/2026 and will remain until after the above hearing date.

Mark Winders

Mark Winders

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

Shirley B. The

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.



BASIS OF APPEAL

1. Power of Attorney Expired

The plat was submitted by Verda K. Winders, by and through Randy Winders, pursuant to a purported power of attorney, as attorney-in-fact for his deceased parent. Under Section 17-106 of the Estates and Trusts Article of the Maryland Code, the power of attorney purporting to authorize Randy Winder to act on behalf of Verda K. Winders terminated upon her death. Verda K. Winders died on February 14, 2025. At all relevant times, Randy Winders lacks and has lacked legal authority to submit any simplified plat, his power to so act on behalf of Verda K. Winders having been terminated and revoked by operation of statutory law on February 14th last year.

2. No Consent to Subdivision or Partition

Section 9-107(a)(1) of the Estates and Trust Article of the Maryland Code provides that:

"(a) (1) When *two or more heirs or legatees are entitled to distribution of undivided interests in property of the estate*, the personal representative or one or more of the heirs or legatees may petition the court before the formal or informal closing of the estate, to make partition.

(2) After notice to the interested heirs or legatees and subject to the requirements of Title 14, Subtitle 7 of the Real Property Article, the court shall partition the property in the same manner as provided by law for civil actions of partition.

(b) The court may direct the personal representative to sell property which cannot be partitioned without prejudice to the owners and cannot conveniently be allotted to one party. " MD Code, Estates and Trust Art., §9-107 (emphasis supplied)

As provided in the Last Will and Testament of the Decedent, Randy Winders and Mark A. Winders, as residuary devisees of the real property depicted on the simplified plat, are entitled to receive undivided interests in the real property of the Decedent.

The Applicant has not petitioned the Orphans' Court or the Circuit Court for Washington County for partition of the property, or any other proposed distribution.

Pursuant to Section 318(2)(C) of the Washington County Subdivision Ordinance, the signatures of all proposed grantees are required to be placed on the simplified subdivision plat as a prerequisite to approval. Randy Winders has failed to obtain the concurrence of Mark A. Winders as required in the Subdivision Ordinance.

Section 318(2)(C) of the Subdivision Ordinance requires, *inter alia*, that all prospective grantees be identified in the simplified plat:

"The simplified plat shall contain the following information:

* * *

C. Name and address of the owner of the land to be subdivided and the name and address of the property owner to receive the subdivided parcel(s), if different from that of the owner."

Mark A. Winders, Applicant, has not consented to the subdivision and does not intend to waive his right to receive an undivided interest in the property of the Decedent's estate in kind to which he is justly entitled under the dispositive provisions of the Decedent's Will and § 9-104 of the Estates Article of the Maryland Code, which provides:

"Subject to the terms of the will and the needs of administration, the assets of the estate of a decedent shall be distributed in kind to the extent possible through application of the provisions of this section."

This matter is subject to the continuing jurisdiction and further order of the Orphans' Court for Washington County. Absent order of the Orphans' Court or a judicial decree of partition and the expiration or resolution of all rights to post-trial and appellate relief, Randy Winders, acting in any capacity, may not subdivide, partition or convey the property for any lawful purpose.

Section 318 of the Subdivision Ordinance provides:

"Use of the simplified plat procedure is limited to:

A. Subdivision *for conveyance* of land between adjacent and abutting property owners for property enlargement. The parcel or parcels *to be conveyed* may contain existing accessory structures or be intended for construction of new accessory structures as long as there is a common property line with the parcel containing an existing principal structure or use.

B. Adjustment of property lines and/or correction of deed discrepancies.

C. Acquisition in fee simple of utility or access rights of way. In cases where the parcels(s) created for this purpose are not combined with an existing adjacent parcel, the new parcel shall meet the applicable lot dimension and road frontage requirements specified in the current subdivision and zoning ordinances.

D. Other purposes not specified above may be considered individually by the Planning Commission." (emphasis supplied)

The simplified plat process requires an actual intention and contemplation of a voluntary conveyance of one or more parcels identified on the proposed simplified subdivision plat to a consenting grantee or grantees, and further requires that the party or parties to whom the parcel(s) so created are intended to be conveyed shall be identified by name and address on the plat submitted. The purpose for which the subdivision is proposed fails to comply with the requirements of §318(A) of the Subdivision Ordinance. No approval of the simplified plat has been sought by Randy Winders from the Planning Commission. The approved simplified plat fails comply with the simplified plat requirements of the Subdivision Ordinance and was improperly approved.

No conveyance of any portion of the land depicted on the simplified plat can be deeded to Mark A. Winders, as no such deed would be accepted by Mark A. Winders pursuant to the line of division on the plat as proposed. In the absence of his acceptance of the deed, no conveyance can occur. Acceptance of a proffered deed is an essential component of the conveyance of real property in Maryland. The simplified plat was improperly approved.

The distribution of a deed cannot occur in the estate unless the proposed distribution is approved by the judges of the Orphans' Court in an administrative account and the time for filing exceptions to the account shall have expired or exceptions overruled by said judges pursuant to a contested proceeding. The simplified plat was improperly approved.

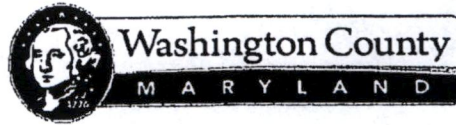
3. Impermissible Delegation of Administrative Discretion

The simplified plat has not been approved by the Planning Commission. The purported delegation of simplified plat approval authority to the Planning Director exceeds the statutory delegation of subdivision authority by the State of Maryland to the Board of County Commissioners of Washington County, Maryland and to the Washington County Planning Commission under Title 5 of the Land Use Article of the Maryland Code. The review and approval of a simplified subdivision plat are

non-delegable duties of the Planning Commission involving the exercise of administrative discretion and are not subject to re-delegation by the Planning Commission to the County Planning Director.

Action Requested

For these and other reasons which may be identified in the course of this appeal, the Board of Appeals is compelled as a matter of law to conduct a hearing de novo, to deny approval of the simplified subdivision plat and to reverse the approval of the simplified plat by the Washington County Planning Commission or its delegee.



BOARD OF APPEALS

80 West Baltimore Street | Hagerstown, MD 21740 | P: 240.313.2460 | F: 240.313.2461 | Hearing Impaired: 7-1-1

WWW.WASHCO-MD.NET

Appeal from the Planning Commission Ruling

Property Location: 10614 Crystal Falls Drive and 10817 Mapleville Road
Name/Address of Property Owner: Estate of Verda K. Winders, Randy M. Winders, Personal Representative
10614 Crystal Falls Drive, Hagerstown, MD 21742 (not Appellant)

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

 Owner (Including Joint Ownership) Lessee Contract to rent/lease
 Contract to Purchase X Other Devisee under Last Will and Testament of Verda K. Winders, Estate #82147

Applicable Ordinance Section(s): 103, 107, 109, 303, 312, 315, 318, 604

Date of Planning Commission Ruling: April 30, 2026

MUST BE FILED WITHIN 30 DAYS AFTER THE DECISION

Planning Commission Ruling (Attach copy of ruling or document indicating such action):

Approval of Simplified Plat, see attached

Applicants must make application in person and shall submit *nine (9)* complete sets of the items listed below. Incomplete applications will not be accepted.

- A written statement demonstrating the specific reason(s) for the request. The standards for appealing a Planning Commission ruling are outlined in the Appeal from the Planning Commission Ruling Filing Procedures.
- Copy of ruling or document indicating such ruling/action.
- If request was for a variance from the terms of the Subdivision Ordinance, state the hardship on the Appellant.
- Any additional statements explaining, in the Appellant's opinion, what errors of law or what incorrect decisions were made by the Commission in ruling on the Appellant's request.
- Other information that applicants feel will be useful to justify their request, this could include pictures, letters of support from impacted neighbors, concept draws of the structure.
- If you are not the property owner, a notarized affidavit from the property owner authorizing the appeal shall be submitted. This includes applicants filing as an agent on behalf of the property owner.

- o Pay the filing fee by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:

- o Appeal from Planning Commission Ruling.....\$150.00

ALL FILING FEES ARE NON-REFUNDABLE

Note: A plan review fee of \$150 and/or floodplain review of \$150.00 may be charged by the Engineering Department.

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

Mark A. Winders

Signature of Appellant

Mark A. Winders

Revised April 2026

10807 Mapleville Rd., Hagerstown MD 21742

Address of Appellant



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING

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

Date: 04-30-2026

WINDERS RANDY M WINDERS MISTI D
10614 CRYSTAL FALLS DR
HAGERSTOWN, MD 21742

SIMPLIFIED PLAT NAME	: Misti Winders and Randy Winders
ENGINEER	: FREDERICK SEIBERT & ASSOCIATES
APPLICATION NUMBER	: SI-26-006
LOCATION	:

Dear Owner:

This is to inform you that the Simplified Plat referenced above was acted on by the Washington County Planning Commission on April 30, 2026 and was approved with the conditions stated at the bottom of this letter.

The Simplified Plat has been approved for the purpose stated above, with the conditions stated below. Any development of the land must be submitted for approval by the Planning Commission in accordance with the provisions of the Subdivision Ordinance. This Simplified Plat must be filed for recordation with the Clerk of the Circuit Court within six (6) months following the plat approval and signature by the Director of the Planning and Zoning Department. If the plat is not filed within that period, the approval shall become void.

Within five (5) days of the recordation of the plat, your surveyor must provide the Planning and Zoning Department with one (1) reproducible and two (2) copies of the plat along with a digital CAD file as specified in the County Subdivision Digital Submission Policy. You will receive a separate letter with the signed original indicating the date by which the plat must be recorded as well as the date by which the reproducible, copies and digital CAD file are due. Please note that the recordation of this subdivision plat does NOT transfer the title of the property. The actual transfer of property is done by the execution and recordation of deeds which describe the parcels shown on the subdivision plat.

Sincerely,

Jennifer D. Kinzer, GISP
Interim Director

CC: FREDERICK SEIBERT & ASSOCIATES
SAS/MSG

CONDITIONS:

- See general notes for the plat/plan for detailed conditions.

FILED

COPY

2025 FEB 20 PM 2:53

LAST WILL AND TESTAMENT

LACY M. FLOOK
REGISTER OF WILLS

OF

VERDA K. WINDERS

I, Verda K. Winders, of Washington County, Maryland, being of sound and disposing mind, memory and understanding, do make, publish and declare this to be my Last Will and Testament.

ITEM I: Prior Wills. I hereby revoke any and all Wills and Codicils previously made by me at any time.

ITEM II: Debts and Funeral Expenses. I direct my Personal Representative or Personal Representatives, hereinafter named, to pay all of my lawful debts, the expense of administering my estate, and to expend such sums for my funeral and burial and for the erection of a suitable stone or marker at my grave as he in his discretion may deem proper, without being subject to any limitations which may be imposed by any law, and without the necessity of obtaining an Order of Court approving payment of any such expense.

ITEM III: Estate Taxes. All estate, inheritance, legacy, succession and transfer taxes (including any interest and penalties thereon) lawfully payable with respect to all property includable in my gross estate or taxable in consequence of my death by any State or territory of the United States, or under the laws of the United States, or by any other taxing authority,

prepaid) shall be paid by my Personal Representative out of my residuary estate, and my Personal Representative shall not be entitled to any reimbursement for any such taxes from any person or corporation. This provision to pay all taxes out of my residuary estate shall not apply, however, to any generation skipping transfer tax (if applicable) or to any additional estate or inheritance tax resulting from a disposition or change in the use of real property valued on the basis of its use.

ITEM IV: Rest and Residue. I hereby give, devise and bequeath all of the rest, residue and remainder of my estate of whatsoever kind and wheresoever situate unto my children, in equal shares, per stirpes.

If any child or descendant entitled to distribution is then under the age of twenty-one (21) years, such child or descendant's share shall be distributed to the Personal Representative. Such share shall be administered under the Maryland Uniform Transfers to Minors Act until such person attains the age of twenty-one (21) years or dies prior thereto.

ITEM V: Powers of Fiduciaries. In the investment, administration, and distribution of my estate my Personal Representative may perform every act in the management of my estate which individuals may perform in the management of like property owned by them without authorization of any court, even though any such act would not be authorized or appropriate for fiduciaries but for this power under any statutory or other rule of law, including in this grant, without impairing its plenary nature, power to administer the same.

wholly or partly on credit; to delegate discretion; and to distribute in kind or in money, wholly or partly in each, even if shares be composed differently.

ITEM VI: Appointment of Personal Representative. I hereby nominate, constitute and appoint my son, Randy M. Winders, as Personal Representative of this Will. In the event of his death, or refusal or inability to act, I hereby nominate, constitute and appoint my granddaughter, Hollee D. Winders, as Alternate Personal Representative, with all the rights and duties herein given to or imposed upon my Personal Representative. I direct that neither of them shall be required to furnish bond.

Throughout this, my Last Will and Testament, the masculine gender shall be deemed to include the feminine, the singular, the plural, and vice versa.

(SIGNATURE AND WITNESS ATTESTATIONS APPEAR ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, I, Verda K. Winders, have set my hand and seal to this, my Last Will and Testament, this 31 day of July, 2017.

Verda K. Winders

(SEAL)

Verda K. Winders

SIGNED, SEALED, PUBLISHED AND DECLARED, by the above-named Verda K. Winders, as and for her Last Will and Testament, in the presence of us, who, at her request, in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto.

Justin M. Bayles
Witness

10715 Downsville Pike

Hagerstown, MD 21740

ADDRESS

Marcia L. Bremer
Witness

10715 Downsville Pike

Hagerstown, MD 21740

ADDRESS

Danille Adams
Witness

10715 Downsville Pike

Hagerstown, MD 21740

ADDRESS

LINE	BEARING	DISTANCE
L1	N 67°11'46" W	147.15
L2	N 61°04'55" W	36.64
L3	N 88°49'30" W	184.49
L4	N 45°15'14" W	110.24
L5	N 74°18'32" W	103.84
L6	N 25°21'28" E	107.08
L7	S 74°22'21" E	107.33
L8	S 46°10'14" E	111.43
L9	S 86°49'37" E	43.72
L10	S 61°11'35" E	34.78
L11	S 60°11'46" E	49.21
L12	S 17°33'20" W	138.88
L13	S 14°53'53" W	149.84
L14	S 27°09'33" W	225.31
L15	N 63°01'02" W	249.33
L16	N 42°03'04" E	44.50
L17	N 30°30'40" E	229.02
L18	S 27°56'14" W	188.24
L19	S 27°03'53" W	44.44
L20	S 27°03'53" W	51.56
L21	S 25°04'12" W	131.75
L22	S 67°19'12" E	17.89
L23	S 24°29'04" W	164.41
L24	N 58°16'07" E	19.19
L25	N 58°15'10" E	22.72
L26	N 32°29'17" E	95.82
L27	N 55°13'37" W	216.18
L28	N 34°45'23" E	119.28
L29	S 55°13'37" E	1125.51
L30	S 38°54'18" E	89.76
L31	S 50°08'14" W	43.17
L32	S 72°14'30" W	43.64
L33	S 62°33'11" W	28.18
L34	N 26°31'44" W	40.32

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	148.19	609.09	135°56'28"	N 67°09'59" W	1147.82
C2	183.07	149.25	135°56'28"	N 57°10'01" W	481.66
C3	183.13	218.92	18°40'28"	N 48°32'03" W	182.90
C4	37.44	89.64	23°49'28"	N 73°07'50" W	37.27
C5	215.67	596.89	20°42'33"	N 76°32'19" W	214.50
C6	81.47	233.70	19°58'23"	N 56°11'50" W	81.06
C7	58.19	84.18	38°14'19"	N 63°17'00" W	55.15
C8	70.40	189.05	23°51'33"	N 62°27'16" W	69.89
C9	74.54	194.05	22°00'35"	S 63°22'45" E	74.09
C10	39.50	59.19	38°14'19"	S 83°17'00" E	38.77
C11	90.18	258.70	19°58'23"	S 58°11'50" E	90.72
C12	124.70	671.69	20°42'33"	S 76°32'19" E	123.48
C13	21.07	64.68	23°49'28"	S 73°07'50" E	20.82
C14	55.83	191.92	16°40'28"	S 48°32'03" E	55.65
C15	97.80	183.24	135°56'28"	S 37°10'01" E	98.46
C16	142.11	584.05	135°56'28"	S 67°09'59" E	1141.76

Area Tabulation

L3751.698 Dale and Kathleen Winders	230.90 acres
L11901.313 and L12361.511 Randy and Misty Winders	3.60 acres
L15081.245 Mark and Suzanne Winders	3.00 acres
Remainder =	224.30 acres

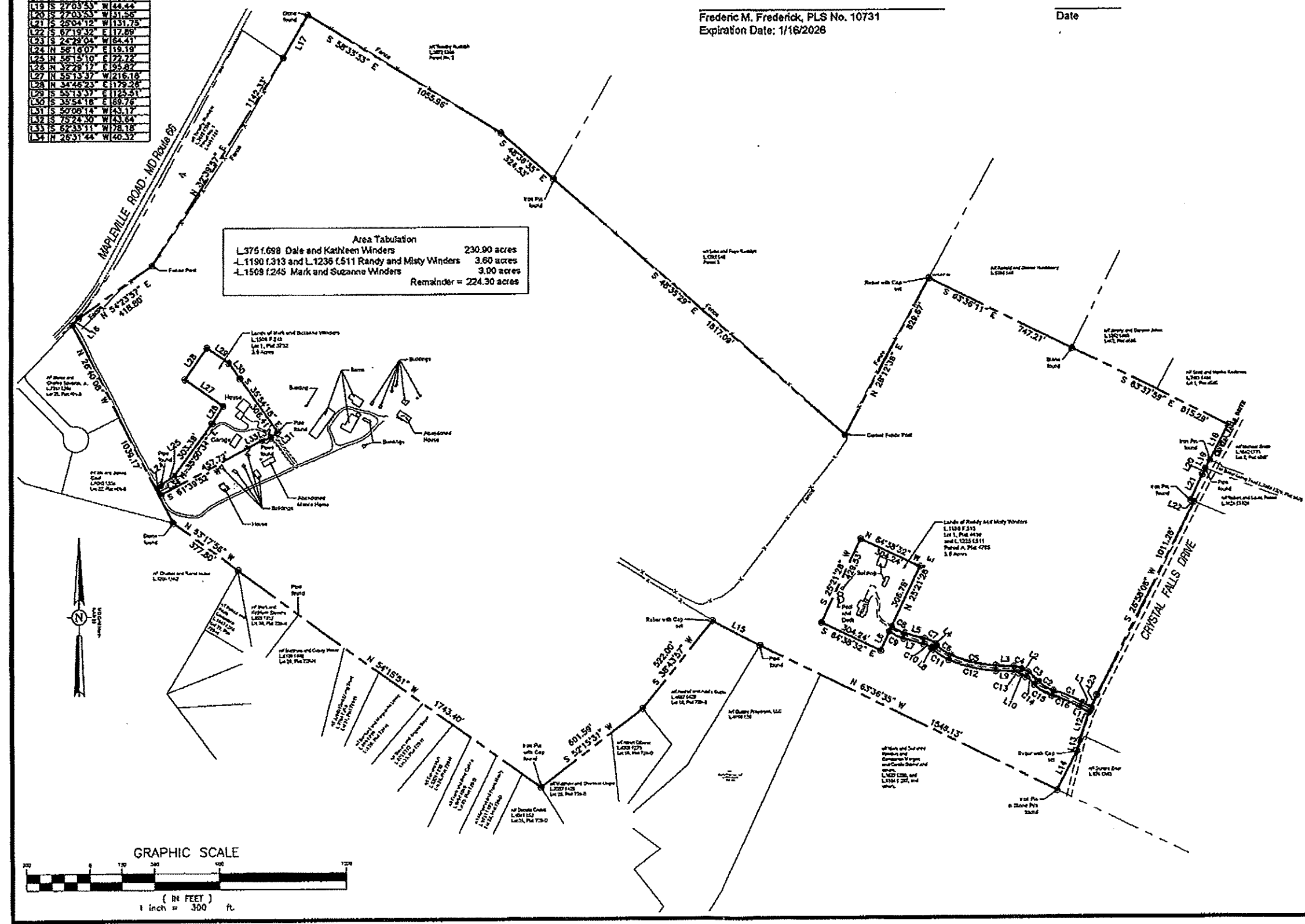
SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct; that it is the remainder of the land conveyed by Edward Oswald, Jr., Trustee, to Dale R. Winders and V. Kathleen Winders, by a deed dated December 29, 1961, recorded in Liber 375, folio 690, among the Land Records of Washington County, Maryland. That this boundary survey was personally prepared by me or that I was in responsible charge over its preparation and the surveying work reflected hereon is in compliance with the requirements set forth in COMAR 09.13.06.03 in effect at the time this survey was performed.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date: 1/16/2026

Frederic M. Frederick, PLS No. 10731
Expiration Date: 1/16/2026

Date _____



Boundary Survey of the Dale and Kathleen Winders Farm

Situate between Mapleville Road and Crystal Falls Drive
10817 Mapleville Road, Hagerstown
Washington County, Maryland

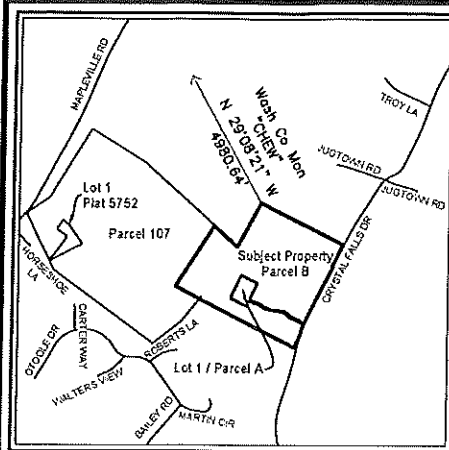
PROJECT NO.	7987
DRAWN BY	DHF
DATE	12-13-2025
PROJECT MANAGER	F. Frederick
EMAIL	frick@fseinc.com
TAX MAP	50-3-107
SCALE	1" = 300'
SHEET TITLE	Boundary Survey

C-101
SHEET 01 OF 01

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

12500 WASHINGTON STREET
HAGERSTOWN, MD 21740
301-698-0508

11175 EAST LANE
HAGERSTOWN, MD 21740
301-698-0508



VICINITY MAP
SCALE 1"=2000'

Sensitive Area Notice

The stream buffer shown hereon was established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 4.09 in an effort to preserve or improve water quality. The property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer or shall any refuse areas be established within the buffer.

LEGEND

- PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- PROPERTY LINE TO BE VACATED
- - - RIGHT OF WAY
- PROPERTY CORNER
- ▨ Steep Slopes

- GENERAL NOTES**
1. Zoning is EC, Front: 40', Side: 15', Rear: 50'.
 2. No development shall mean that building or zoning permits, including Residential, will not be issued until such a time as a development plat is submitted in accordance with the provision of all applicable ordinances and approved by the Washington County Planning Commission.
 3. Accessory structures would be permitted in accordance with Section 318.1 of the Washington County Subdivision Ordinance.
 4. There are no habitat of threatened or endangered species identified by the U.S. Fish and Wildlife Service per 50 CFR 17 as required to be shown by Section 316 of the Washington County Subdivision Ordinance in Section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
 5. This parcel does lie within the limits of the 100 year Flood plain per FEMA Flood Insurance Rate Map Community Panel #24043C03300, dated August 15, 2017, Flood Zone AE.
 6. Boundaries based on MD 694 North.
 7. This plat has been reviewed and approved per the EC Zoning District. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
 8. Contours based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA.
 9. Soil types are as shown hereon.
 10. The intermittent stream shown hereon has a northwestern 84' stream buffer and a southeastern 32' stream buffer based on 21% and 6% slopes, respectively.
 11. The purpose of this plat is to combine existing Lot 1 and Parcel A (Plat folio 4765) with 69.0 acres (Parcel B) of the surrounding farm, leaving 144.30 acres in the remaining lands to the west.

OWNER'S STATEMENT

Application is hereby made for approval of the indicated subdivision for development purposes only and not for development except as indicated herein. Any development of this land shall be in accordance with the provisions of the plat and the provisions of the plat shall be in accordance with the provisions of the plat.

Date _____ Owner, Randy Winders (P.O.A. for Verda Kathleen Winders)

Date _____ Purchaser, Misti D. Winders

Date _____ Purchaser, Randy M. Winders

LAND SURVEYOR'S CERTIFICATION

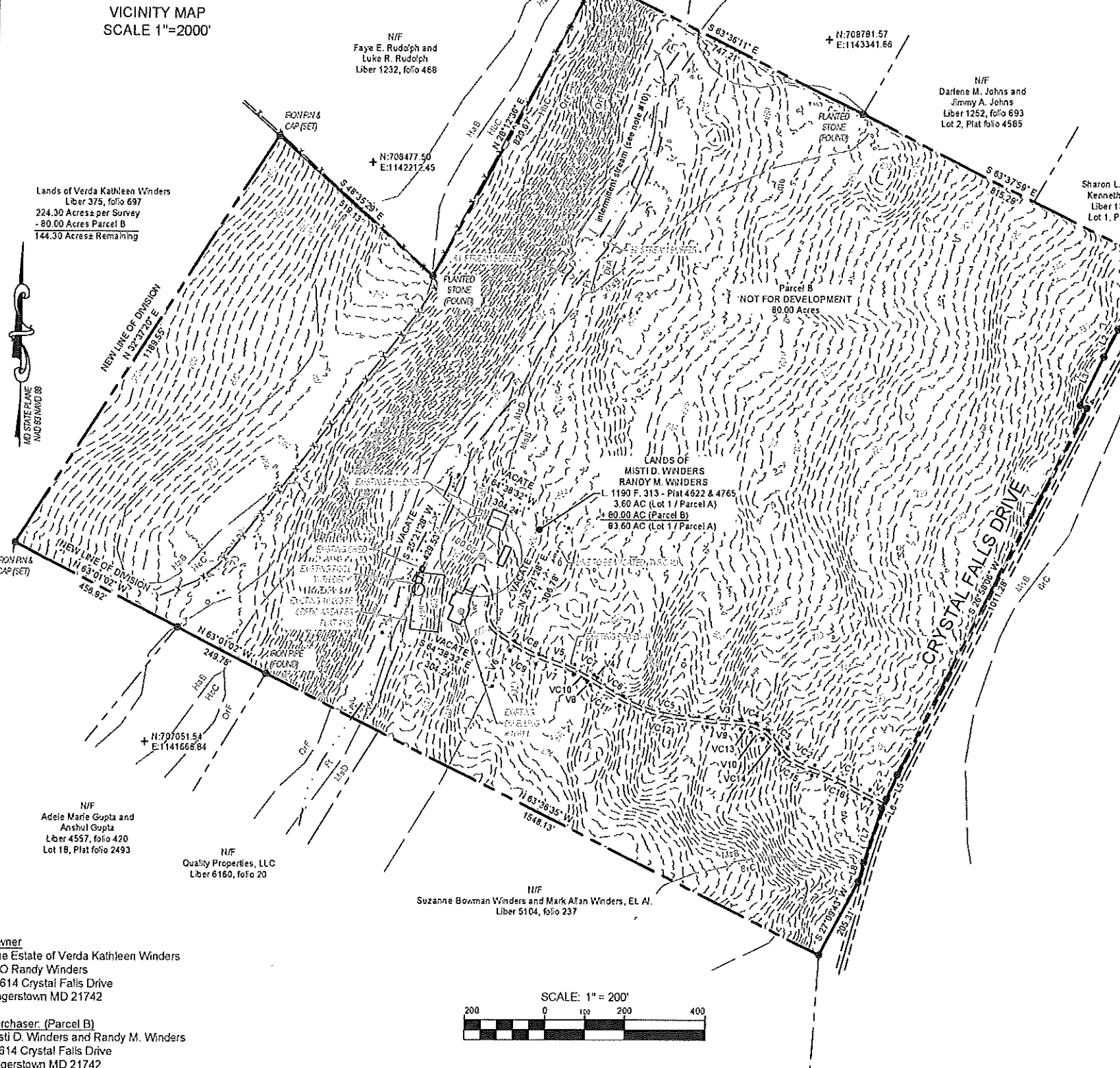
I hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the land conveyed by Edward Oswald, Jr., Trustee, to Dr. R. Winders and Kathleen Winders, by deed dated December 23, 1981 and recorded in the Land Records of Washington County, Maryland in Liber 375, folio 69, and that the same marked O and/or marked O 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-13731. Expiration Date 11/6/2025.

Date 3-12-2026 *[Signature]*
Professional Land Surveyor

PROPERTY LINE ADJUSTMENT PLATS

This plat represents a change in lot lines or street lines that the Washington County Appraising Authority has determined, according to the Code of Maryland regulations 26.04.03 subdivision definition, will not adversely affect the safety and adequacy of existing water supplies or sewage disposal areas on the subject lots or adjacent lots. The property line adjustment is in accordance with the current approved County Comprehensive Water and Sewer Plan and/or the complex with Encumbrance Record 88-519. The Washington County Appraising Authority is the designated authority per Environmental Article 61-201 and the Washington County Appraising Authority's signature on this plat confirms the above determination as of the approval date.

Approving Authority _____ Date _____



PROPERTY LINES TO BE VACATED

LINE	BEARING	DISTANCE
V1	N 60°11'46" W	47.15'
V2	N 61°04'55" W	36.64'
V3	N 58°49'30" W	84.49'
V4	N 46°15'14" W	10.54'
V5	N 74°18'34" W	93.84'
V6	N 25°21'28" E	97.08'
V7	N 74°27'21" E	97.33'
V8	S 46°10'14" E	11.43'
V9	S 66°49'57" E	83.72'
V10	S 61°11'35" E	34.78'
V11	S 60°11'46" E	48.21'

PROPERTY LINE CURVES TO BE VACATED

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
VC1	509.05'	148.19'	147.82'	N 67°09'59" W	13°56'28"
VC2	140.24'	83.07'	81.86'	N 57°10'01" W	33°56'22"
VC3	216.92'	63.13'	62.90'	N 48°32'03" W	16°40'28"
VC4	69.66'	37.54'	37.27'	N 73°07'50" W	23°59'20"
VC5	595.69'	215.67'	214.50'	N 76°32'19" W	20°42'33"
VC6	233.70'	61.47'	61.06'	N 56°11'50" W	19°58'25"
VC7	64.16'	58.40'	55.15'	N 63°17'00" W	36°14'19"
VC8	165.05'	70.40'	69.89'	N 63°17'00" W	23°51'33"
VC9	194.05'	74.54'	74.09'	S 63°22'45" E	22°00'35"
VC10	59.19'	39.50'	39.77'	S 63°17'00" E	38°14'19"
VC11	258.70'	90.19'	89.73'	S 56°11'50" E	19°58'25"
VC12	521.69'	224.70'	223.48'	S 76°32'19" E	20°42'33"
VC13	64.66'	27.07'	26.87'	S 73°07'50" E	23°59'20"
VC14	191.92'	55.85'	55.65'	S 48°32'03" E	16°40'28"
VC15	165.24'	97.88'	96.46'	S 57°10'01" E	33°56'22"
VC16	584.05'	142.11'	141.76'	S 67°09'59" E	13°56'28"

**CERTIFICATE OF APPROVAL
FINAL APPROVAL GRANTED**

Date _____

By _____

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

Approved as a division of land, not for
development, with the stipulation that the
foregoing Owner's Statement be made a part
of the deed conveyance

PLAT NO _____
DATE _____
WASHINGTON COUNTY



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

150-B-100.COM
16 EAST MAIN STREET
NEW BLOOMFIELD, PA 17060
717.257.7581

1116 VILLAMOUNT AVE
GREENSBORO, NC 27406
336.737.1111

122 SOUTH POTOMAC STREET
FACEDOWN, MD 21740
410.771.1366

**SIMPLIFIED SUBDIVISION PLAT
OF THE LANDS OF WINDERS: PARCEL B**

10014 CRYSTAL FALLS DRIVE
HAGERSTOWN MD 21742
WASHINGTON COUNTY, MARYLAND
FOR
MISTI WINDERS & RANDY WINDERS
10014 CRYSTAL FALLS DRIVE, HAGERSTOWN MD 21742
301.955-0000

PROJECT NO 7987

DRAWN BY MTJ **DATE** 03-12-2026

PROJECT MANAGER F.Fredrick
EMAIL F.Fredrick@fai-inc.com

PROPERTY INFORMATION/ACCT #
59-03-107 / 18-022575

SCALE 1" = 20'

SHEET TITLE



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: John R Oliver CO Inc
19733 Leitersburg Pike
Hagerstown MD 21742

Appellant: John R. Oliver Co Inc
19733 Leitersburg Pike
Hagerstown MD 21742

Property Location: 19325 B Longmeadow Road C & D
Hagerstown, MD 21742

Description Of Appeal: Variance from the lot area, lot width, and side yard setbacks for an existing two-family dwelling to be subdivided into two semi-detached dwellings. 19325 Longmeadow Road Unit C-variances: lot area from 6,250 sq. ft. to 4,931 sq. ft., lot width from 37.5 ft to 27.06, side yard setback from 12 ft. to 10.31 ft. 19325 Longmeadow Road Unit D-variances: lot area from 6,250 sq. ft. to 4,154 sq. ft., lot width from 37.5 ft. to 23.22 ft., side yard setback from 12 ft. to 5.40 ft.

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): AP2017-001, OM-26-001

Applicable Ordinance Sections: Washington County Zoning Ordinance Article 8, Section 8.5 (a)

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Two-Family Dwelling

Proposed Use: (2) Semi-Detached Dwellings

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

Proposed:

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 10 day of June, 2026.

Nov. 7, 2029

My Commission Expires

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2026-019

State of Maryland Washington County, To Wit:

On 6/3/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert & Associates and made oath in due form of law as follows:

Frederick Seibert & Associates will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/24/2026, 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 06/09/2026 and will remain until after the above hearing date.

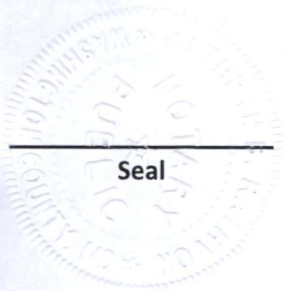
Frederick Seibert & Associates

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

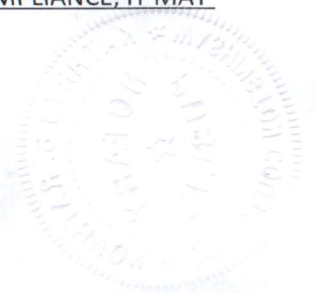
ATTENTION!

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.



Project Name: Oliver, 19325 Longmeadow Road

Owner/Applicant: John R Oliver Co Inc

Project Address: 19325 C&D Longmeadow Road, Hagerstown

Tax Map 25 **Grid** 19 **Parcel** 164

Account # 27009816

Zoning: RS Residential Suburban

Variance Request

Section 8.5 – Lot Area, Lot Width, and Yard Setback Requirements

The applicant respectfully requests variances from the lot width, lot area requirements and side yards for semi-detached dwellings in the RS District.

Background

The subject property currently contains an existing duplex constructed in 2007. At the time of construction, the lot measured 50.28 feet in width and was considered an existing undersized lot of record. Construction was permitted pursuant to Section 23.1(b) and yard modifications under Section 23.5(a)(1).

The property's original lot area of 11,092 square feet was subsequently reduced to 9,085 square feet due to:

- A 502 square foot fee simple taking by Washington County for improvements to Longmeadow Road; and
- A 1,515 square foot conveyance to an adjacent property owner.

These reductions were permitted pursuant to Section 23.1(e) and approval AP2017-001.

The applicant now proposes to create a property line between the two existing dwelling units in order to sell them as individual semi-detached homes. No new construction is proposed. The total lot width and total lot area will remain unchanged.

1. Lot Width Variance

Section 8.5 requires a minimum lot width of 37.5 feet for each semi-detached lot in the RS District.

The applicant requests approval of:

- **Lot 1:** 27.06 feet
- **Lot 2:** 23.22 feet

The reduced widths are necessitated solely by the existing placement of the duplex structure. The structure has existed in its current configuration since 2007.

2. Lot Area Variance

Section 8.5 requires a minimum lot area of 6,250 square feet per semi-detached lot in the RS District.

The applicant requests approval of:

- **Lot 1:** 4,931 square feet
- **Lot 2:** 4,154 square feet

The total lot area of 9,085 square feet will remain unchanged. The requested reductions are required only to establish individual fee-simple lots corresponding to the existing duplex units.

3. Lot Side Yard Variance

Section 8.5 requires a minimum side yard of 12 feet for each semi-detached lot in the RS District.

The applicant requests approval of:

- **Lot 1:** 5.40 feet
- **Lot 2:** 5.40 feet

The reduced setbacks are necessitated solely by the existing placement of the duplex structure. The structure has existed in its current configuration since 2007.

Justification for Variances

1. **Existing Conditions** – The duplex was lawfully constructed in 2007 under previously granted approvals. The current request does not intensify use, increase density, or alter the physical footprint of the building.
2. **No Change in Character** – The neighborhood has functioned with this duplex in its current form for nearly two decades. The proposed subdivision will not alter the appearance, scale, or compatibility of the property within the neighborhood.
3. **No Adverse Impact** – Because no structural modifications are proposed, the requested relief will not negatively impact surrounding properties.
4. **Practical Difficulty** – Strict compliance with the lot width and lot area requirements would unreasonably prevent the applicant from establishing individual ownership of the existing units. The requested relief is the minimum necessary to allow reasonable use of the property.
5. **Public Benefit** – Creating individual semi-detached lots promotes homeownership rather than continued rental occupancy, which contributes positively to neighborhood stability.
6. **Substantial Justice** – Denial of the requested variances would result in substantial injustice, as the property has long functioned as two independent dwelling units. A lesser relaxation would not provide meaningful relief.

Conclusion

The requested variances will allow the formal subdivision of an existing duplex into two semi-detached lots without altering the total lot area, overall density, or neighborhood character. The conditions of the property remain materially the same as when AP2017-001 was granted.

For these reasons, the applicant respectfully requests approval of the lot width, lot area and setback variances.

ARTICLE 23 EXCEPTIONS AND MODIFICATIONS

Section 23.0 Generally

The regulations specified in this Ordinance shall be subject to the following exceptions, modifications and interpretations:

Section 23.1 Lot Area Modification^{176 177}

- (a) Minimum lot area, lot width regulations and the distance requirements of Section 4.9 in any district shall not apply to repeater, booster transformer, switching stations, and public utility facilities.
- (b) In any district wherein a single-family dwelling is permitted, such dwelling may be permitted on any lot or parcel which is of record by deed properly recorded in the land records of Washington County or a subdivision duly recorded in the Plat Records of Washington County as of the effective date of this Ordinance.
- (c) Except in a Rural Village District, if a public water supply is accessible and individual lot sewerage facilities are approved, the minimum lot size for a dwelling shall be twenty thousand (20,000) square feet, with one hundred (100) feet width at the building lines, subject, however, to the requirements of the Maryland State Health Department. Minimum building setback lines shall be the same as for the Rural Village District.
- (d) Single-family retirement homes in nursing home or retirement home complexes may be located on lots smaller than otherwise required by the applicable section of this Ordinance. The total number of lots and dwelling units shall be consistent with the provisions of Section 22.81 for clustering except that the lots need not be subdivided.
- (e) Minimum lot area, lot width and building setbacks in any district shall not apply to a lot reduced in area below the minimum for that zoning district by reason of a dedication for public purposes or by reason of a condemnation proceeding initiated by a federal, state or county governmental agency, and any lot so reduced shall be considered non-conforming by reason of that action.
- (f) In the A(R), EC, P, RV, RT, RS and RU Districts, wherein a public or private elementary, middle or high school is a principal permitted use, the minimum lot area, lot width, front, side, and rear yard setbacks, may be modified as follows based on enrollment.

¹⁷⁶

Revision 15, Section 23.1(d)&(g) amended 9/19/06 (RZ-06-007/ORD-06-09)

¹⁷⁷

Revision 18, Section 23.1 amended 10/11/16 (RZ-13-003/ORD-2016-18)

ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT⁷⁹

Section 8.0 Purpose

The purpose of the Residential, Suburban District is to provide appropriate locations in the Urban and Town Growth Areas for single and two-family dwellings on moderately sized lots and limited community service type uses.

All new development in the Residential, Suburban District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and applicable regulations contained in other articles shall apply in the "RS" Residential, Suburban District.

Section 8.1 Principal Permitted Uses

- (a) Dwellings, single-family, two-family, and semi-detached.
- (b) Conversion or alteration of a building existing at the time of the enactment of this Ordinance to accommodate two (2) or more families; provided the requirements of Section 23.1 and the requirements of the Health Department are complied with.
- (c) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.
- (d) Places of worship, schools, and colleges. (See also Section 23.1(g))
- (e) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers and their associated swimming pools.⁸⁰
- (f) Mixed use developments subject to the provisions of Article 16.

Section 8.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)^{81 82}

- (a) Boarding or rooming houses.
- (b) Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9.

⁷⁹ Revision 17, Article 8 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005) (ORD-2012-07)

⁸⁰ Revision 17, Section 8.1(e) amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

⁸¹ Revision 17, Section 8.2 amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

⁸² Revision 18, Section 8.2 amended 1/16/18 (RZ-17-007/ORD-2018-03)

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling Single-Family*	10,000 sq. ft.	70 ft.	10,000 sq. ft.	20 ft.	8 ft.	40 ft.
Dwelling, Two-Family*	12,500 sq. ft.	75 ft.	6,250 sq. ft.	20 ft.	12 ft.	40 ft.
Dwelling, Semi-Detached*	6,250 sq. ft.	37 1/2 ft.	6,250 sq. ft.	20 ft.	12 ft. (exterior side only)	40 ft.
Clubs, Fraternities	20,000 sq. ft.	100 ft.		35 ft.	20 ft.	40 ft.
Other Principal Permitted or Conditional Uses	20,000 sq. ft.	100 ft.		40 ft.	25 ft.	50 ft.
Boarding or Tourist Homes	20,000 sq. ft.	100 ft.		35 ft.	20 ft.	40 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 8.6.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Single-family and semi-detached dwellings*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Two Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

Frederick Seibert & Associates, Inc.

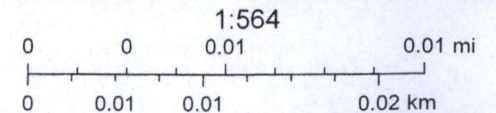


3/2/2026, 1:41:28 PM

 SixInchImagery2023_2024

Parcels Washington County

World_Transportation



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

Web AppBuilder for ArcGIS



Washington County MARYLAND

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
LOT AREA AND LOT WIDTH VARIANCES on property
located 19325 CAD LONGMEADOW ROAD, HAGERSTOWN MD 21742
The said work is authorized by THE JOHN R. OLIVER CO. INC c/o MARK OLIVER
the property owner in fee.

PROPERTY OWNER
MARK OLIVER

THE JOHN R. OLIVER CO. INC

Name

1733 LEITERSBURG PIKE

Address

HAGERSTOWN, MD 21742

City, State, Zip Code

Owner's Signature

Sworn and subscribed before me this 2nd day of March, 2026.

Notary Public

My Commission Expires: Nov 15, 2027

AUTHORIZED REPRESENTATIVE

ED SCHREIBER c/o FSA

Name

128 S. POTOMAC ST

Address

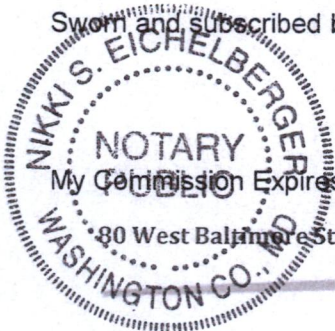
HAGERSTOWN, MD 21740

City, State, Zip Code

Authorized Representative's Signature

Sworn and subscribed before me this 2 day of June, 2026.

Notary Public



My Commission Expires: 9/15/2028

80 West Baltimore Street | Hagerstown, MD 21740 | P: 240.313.2460 | F: 240.313.2461 | Hearing Impaired: 7-1-1

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Number: District - 27 Account Identifier - 009816

Owner Information

Owner Name: OLIVER JOHN R CO INC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 19733 LEITERSBURG PIKE Deed Reference: /03231/ 00682
HAGERSTOWN MD 21742-1443

Location & Structure Information

Premises Address: 19325C LONGMEADOW RD Legal Description: 1/2 LT 10/11 0.208 ACRES
HAGERSTOWN 21742-0000 19325C LONGMEADOW RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10743
0025 0019 0164 27010233.22 0000 2025 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2007 2,332 SF 0.2080 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 NO END UNIT SIDING/ 4 4 full

Value Information

	Base Value	Value As of 01/01/2025	Phase-in Assessments As of 07/01/2025	As of 07/01/2026
Land:	68,000	68,000		
Improvements	143,700	200,700		
Total:	211,700	268,700	230,700	249,700
Preferential Land:	0	0		

Transfer Information

Seller: CORNICE CUSTOM HOMES LLC	Date: 02/22/2007	Price: \$73,000
Type: ARMS LENGTH VACANT	Deed1: /03231/ 00682	Deed2:
Seller: HOUSTON STEVEN	Date: 08/06/2003	Price: \$55,000
Type: ARMS LENGTH VACANT	Deed1: /02091/ 00438	Deed2:
Seller: LEHMAN GERALD R & SARAH J	Date: 01/10/2003	Price: \$35,500
Type: ARMS LENGTH VACANT	Deed1: /01906/ 00275	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2025	07/01/2026
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Tribune Title, LLC
 File No. 07-1428
 Tax ID#

CLERK OF CIRCUIT COURT
 WASHINGTON COUNTY

This Deed, made this 13th day of February, 2007, by and between Cornice Custom Homes LLC, party of the first part, GRANTOR; and The John R. Oliver Company, Inc., party of the second part, GRANTEE.

- Witnesseth -

That in consideration of the sum of SEVENTY THREE THOUSAND AND 00/100 DOLLARS (\$73,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said The John R. Oliver Company, Inc., in fee simple, all that lot of ground situate in the County of Washington, State of Maryland, and described as follows, that is to say:

All that lot of ground situate in the County of Washington, State of Maryland and described as follows:

All that lot or parcel of land, together with any improvements thereon, situate in Election District No. 27, Washington County, Maryland, and being described as follows: Being the eastern half of Lot No. 10 and the Western half of Lot 11 on a Plat of Lots as laid out for William H. Hykes, at Paramount, said Plat being recorded in Plat Record No. 1, folio 8 of the Plat Records of Washington county, Maryland, making fifty (50) feet in the aggregate and running back with that uniform width to the land formerly owned by Harry R. Rowland and wife and known as the "Shank Land"; SAVING AND EXCEPTING FROM THE PROPERTY DESCRIBED ABOVE all that real property described in a Deed from Mary M. Kreps to the Board of County Commissioners of Washington county, Maryland, dated June 10, 1975 and recorded among the Land Records of Washington County, Maryland in Liber 599, folio 113.

SAVING AND EXCEPTING THEREFROM all that lot or parcel of ground designated as Parcel A of Lot 1 on the "Combined Preliminary and Final Plat of Lot 1, Mary M. Kreps", recorded among the Land Records of Washington County, Maryland, at Plat folio 4392; Containing 0.092 acres, more or less.

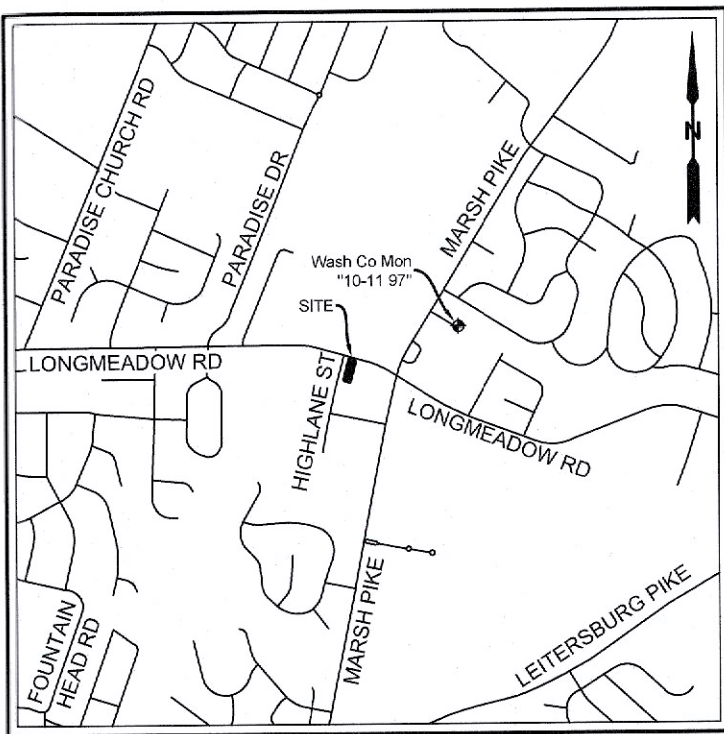
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said The John R. Oliver Company, Inc., in fee simple.

And the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

P:\SHARED\TOLLESON\PROJECTS\2025\2025-0375-Subdivision Plat - 2025.DWG 2025-03-02

Owner:
The John R. Oliver Company, Inc.
19733 Leitersburg Pike
Hagerstown MD 21742
240-675-4542



VICINITY MAP
SCALE 1"=2000'

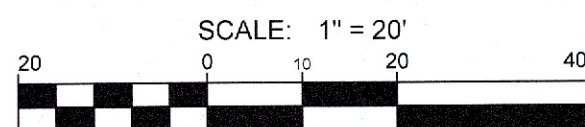
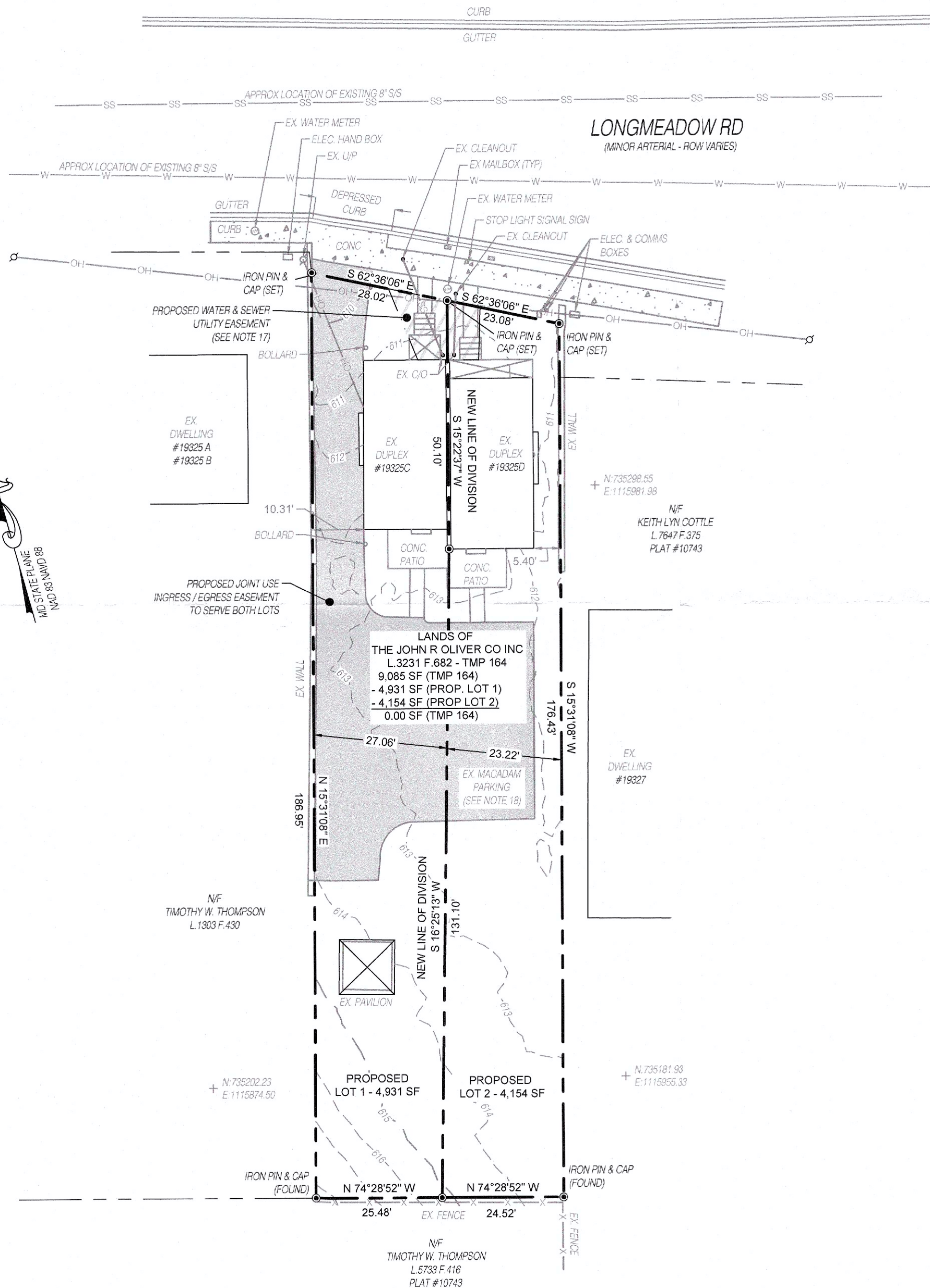
Address Assignments

Lot 1 -
Note: Each address is based on the entrance as shown on this plat. If the driveway is constructed at a different location from that shown hereon, the address listed above may VOID and the owner/developer of the lot must reply to the Planning Commission for a new address assignment.

LEGEND		
---	= PROPERTY LINE	
- - - -	= PROPOSED PROPERTY LINE	
.....	= PROPERTY LINE TO BE VACATED	
---	= RIGHT OF WAY	
●	= PROPERTY CORNER	
H O	= TEST PIT; PERC	

Soil Table		
Soil	Area (Ac.)	%
HdB	0.24	100

	PROPOSED WATER & SEWER UTILITY EASEMENT (SEE NOTE 17)
	PROPOSED JOINT USE INGRESS / EGRESS EASEMENT TO SERVE BOTH LOTS



Witness

Dedication for Corporations

I, Mark Oliver, President of The John R. Oliver Co., do hereby certify that the corporation is a legal and true owner of the property shown and described on this plat and that the corporation does adopt this Plan of Subdivision, establish the minimum building restriction lines, dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, agree to keep open all spaces and recreation areas shown and agree that the dedications shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and we hereby reserve the fee simple area to the land underlying said easements, rights of way, open spaces, and recreation areas, and with regard to the said easements and rights of way, hereby agree to convey the same to said Board, for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.

This deed and agreement of dedication shall be binding upon the corporation's grantees, assigns, and successors.

Witness our hands and seals this date _____

(Seal)

President: John R. Oliver Co. C/O Mark Oliver

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: John R. Oliver Co. Inc.

Date

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 Comice Custom Homes LLC to The John R. Oliver Company, Inc., by deed dated February 13, 2007, and recorded in the Land Records of Washington County, Maryland in Liber No. 3231, folio 682; and that stones marked O and/or bars marked O 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

General Notes

- 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted in this area.
- 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: front yard-20'; side yard-8'; rear yard-40'. 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 RS.
- 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. 24043C0137D dated August 15, 2017, Flood Zone X.
- Contours based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc. on or about December 19, 2025.
- 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.
- This subdivision is not within the Edgemont Reservoir Watershed, Smithsburg Reservoir Watershed, or the Upper Beaver Creek Drainage Basin per Washington County Watershed Mapper.
- No other wells or septic lie within 100 feet of the Lot Lines except as shown hereon.
- 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 RS 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.
- A 20 foot water & sewer utility easement, 10 feet on each side of each lateral, is being established from the front of the dwellings to the Longmeadow Road ROW to provide for service and maintenance of water & sewer laterals.
- A joint use ingress/egress, parking, utility and maintenance easement is being shown on the existing macadam shown on the west side of lot 1 and rear of lots 1 & 2.

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

SUBDIVISION PLAT OF THE LANDS OF
THE JOHN R. OLIVER CO. INC.: LOTS 1 & 2

19325 C & D LONGMEADOW RD
HAGERSTOWN MD 21742
WASHINGTON COUNTY

FOR
THE JOHN R. OLIVER CO. INC.
19733 LEITERSBURG PIKE, HAGERSTOWN MD 21742
240-675-4542

PROJECT NO.

2025-03758

DWN BY

DATE

MTJ

02-02-2026

PROJECT MANAGER: FFrederick

EMAIL: FFrederick@fsa-inc.com

PROPERTY INFORMATION / ACCT #

25-19-164 / 27-009816

SCALE

1" = 20'

SHEET TITLE

SUBDIVISION
PLAT

SHEET 01 OF 01

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

© 2026
fsa-inc.com

16 EAST MAIN STREET
NEW ELMHURST, IL 60059
773.725.7501

505 SOUTH HANOVER STREET
CARLETON, IL 60135
773.701.8111

11142 WILLIAMSBURG PIKE
GREENCASTLE, PA 15226
717.581.1507

128 SOUTH FOTOMAC STREET
HAGERSTOWN, MD 21740
301.791.5860

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

JOHN R. OLIVER CO, INC.

* **Appeal No.: AP2026-019**

*

APPELLANT

*

*

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

OPINION

John R. Oliver Co, Inc. (hereinafter “Appellant”) requests variances to reduce the lot area from 6,250 square feet to 4,931 square feet, the lot width from 37.5 feet to 27.06 feet and the side yard setback from 12 feet to 10.31 feet for Unit C at the subject property. Appellant also requests variances to reduce lot area from 6,250 square feet to 4,154 square feet, the lot width from 37.5 feet to 23.22 feet and the side yard setback from 12 feet to 5.40 feet for Unit D at the subject property. The subject property is located at 19325 B Longmeadow Road, Units C & D, Hagerstown, Maryland 21742 and is zoned Residential, Suburban. The Board held a public hearing in this matter on June 24, 2026.

The 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 owners of the subject property located at 19325 B Longmeadow Road, C & D, Hagerstown, Maryland 21742. The subject property is zoned Residential, Suburban.

2. The subject property consists of approximately 9,085 square feet situated along the south side of Longmeadow Road and improved by a duplex dwelling known as Units C

and D.

3. The existing duplex was constructed in 2007. There is no new construction being proposed.

4. Appellant is seeking to create a line of division, separating the existing duplex into semi-detached dwellings which can be marketed for sale.

5. The subject property was the subject of an Ordinance Modification in May 2026 (OM-26-001) to reduce the road frontage and negate the need for each lot to have usable road frontage.

6. The subject property was the subject of a variance request in Case No. AP2017-001, wherein the lot area was reduced for land acquisition to the adjacent parcel.

7. Appellant intends to create an easement to serve the properties for purposes of the driveway.

8. The Board did not receive any letters in support or opposition to the appeal and there were no comments provided from other agencies or departments.

9. 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).

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)

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 8.5(a) of the Zoning Ordinance, the minimum lot area is 6,250 square feet, the minimum lot width is 37.5 feet, and the minimum side yard setback is 12 feet for the subject property. Appellant presented testimony that there are no changes proposed to the total lot dimensions and there will be no new construction as a result of this request. Appellant is simply seeking to divide the dwelling along the party wall and create semi-detached dwellings that can be marketed separately for sale. Appellant presented testimony that there was a plan for shared access and use of the parking area. The general character of the property will not change, and it will appear just as it has for nineteen years, as two units that share a common wall. The size dimensions of the subject property were impacted by prior variances requests and a modification. In addition, the duplex was constructed under different setback and dimensional requirements. As it currently exists, there is no meaningful way to divide the properties except along the party wall as Appellant has proposed.

The Board finds that practical difficulty would result from strict compliance with the setback requirements. 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 variances to reduce the lot area from 6,250 square feet to 4,931 square feet, the lot width from 37.5 feet to 27.06 feet and the side yard setback from 12 feet to 10.31 feet for Unit C at the subject property. Appellant also requests variances to reduce lot area from 6,250 square feet to 4,154 square feet, the lot width from 37.5 feet to 23.22

feet and the side yard setback from 12 feet to 5.40 feet for Unit D at the subject property are 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: July 23, 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: Bailey & Joel Ziler
136 Harvard Road
Hagerstown MD 21742

Appellant: Bailey & Joel Ziler
136 Harvard Road
Hagerstown MD 21742

Property Location: 136 & 138 Harvard Road
Hagerstown, MD 21742

Description Of Appeal: Variance from the lot area, lot width, and side yard setbacks for an existing two-family dwelling to be subdivided into two semi-detached dwellings. 136 Harvard Road-variances: lot area from 5,000 sq. ft. to 4,500 sq. ft., lot width from 35 ft to 25.02 ft., side yard setback from 10 ft. to 5.09 ft. 138 Harvard Road-variances: lot area from 5,000 sq. ft. to 4,500 sq. ft., lot width from 35 ft. to 24.98 ft., side yard setback from 10 ft. to 5.08 ft.

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): AP2001-019

Applicable Ordinance Sections: Washington County Zoning Ordinance Article 9, Section 9.5 (a)

Reason For Hardship: Request to allow each side to be bought or sold individually.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Two-Family Dwelling **Proposed Use:** (2) Semi-Detached Dwellings

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

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

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 10 day of June, 2026.

Nov. 7, 2029

My Commission Expires

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2026-020

State of Maryland Washington County, To Wit:

On 6/3/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert & Associates and made oath in due form of law as follows:

Frederick Seibert & Associates will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/24/2026, 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 06/09/2026 and will remain until after the above hearing date.

Frederick Seibert & Associates

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

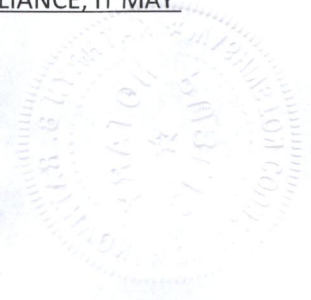
ATTENTION!

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.



Project Name: 136 & 138 Harvard Road

Owner/Applicant: Bailey & Joel Ziler
136 Harvard Road
Hagerstown, MD 21742
bailey@nytcpa.com
301-491-5041

Project Address: 136 & 138 Harvard Road, Hagerstown, MD 21742

Tax Map 50 **Grid** 13 **Parcel** 514

Account # 10025214

Zoning: RU following standards for Semi-Detached dwellings

Variance request: The applicant would like to reduce the lot area, lot width and side yard setback requirements as listed in table 9.5(a) for a proposed subdivision of the Duplex into Semi-Detached units allowing each side to be bought or sold individually. The requested reductions are as follows:

	Required/lot	Proposed/lot
Lot area	5,000 SF	4,500 SF
Lot width	35'	24.98'
Right side exterior	10'	5.09'
Left side exterior	10'	5.08'

This property is currently improved with a duplex unit (two dwellings under 1 roof owned by a single entity). The lot that this duplex is located on, Colonial Park Section B, Block 8, lot 27 was created and recorded in March 1942 and is 50 feet wide by 180 feet deep with an area of 9,000 SF. The duplex on this lot was constructed around 2001. The property zoning was the same then as it is now, RU. That being the case, modification 23.5 (a)(1) of the Washington County Zoning ordinance highlighted below must have been utilized as the lot did not meet the minimum bulk requirements for a two-family dwelling when the duplex was constructed. Please see table 9.5(a) from the Washington County Zoning Ordinance which is attached for stated minimums. Section 23.5 states the following:

Section 23.5 Yard Modification

(a) For any lot of record in any District wherein a single-family or two-family dwelling or mobile home is principally permitted and/or if such use is existing, if the lot does not

TABLE 9.5 WCZO

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling, Single-Family*	6,500 sq. ft.	60 ft.	6,500 sq. ft.	20 ft.	8 ft.	25 ft.
Dwelling, Two-Family*	10,000 sq. ft.	70 ft.	5,000 sq. ft.	25 ft.	10 ft.	40 ft.
Dwelling, Semi-Detached*	5,000 sq. ft.	35 ft.	5,000 sq. ft.	25 ft.	10 ft. (exterior side only)	40 ft.
Clubs, Fraternities, etc.	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Nursing/Convalescent Homes	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Other Permitted or Special Exception Uses	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 9.6.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Single-family and semi-detached dwellings*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Two Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

Section 9.6 Public Facilities

(a) All new development in the Residential, Urban District shall be served by public water and sewer facilities that have been approved by the Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.
2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:



Washington County
MARYLAND

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
SETBACK, LOT WIDTH AND AREA VARIANCES on property
located 136 & 138 HARVARD RD, HAGERSTOWN MD
The said work is authorized by BAILEY ZILER
the property owner in fee.

PROPERTY OWNER

Bailey Ziler
Name
136 HARVARD RD
Address
HAGERSTOWN, MD 21742
City, State, Zip Code
→ Bailey Ziler
Owner's Signature

Sworn and subscribed before me this 21st day of May, 2020 ←

My Commission Expires: 10/27/29

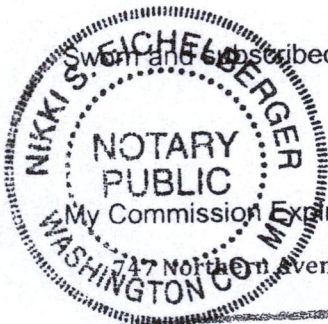
Virginia Marie Martin ←
Notary Public Virginia Marie Martin

AUTHORIZED REPRESENTATIVE

ED SCHREIBER c/o FSA
Name
128 S. POTOMAC ST
Address
HAGERSTOWN MD 21740
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 2 day of June, 2020.

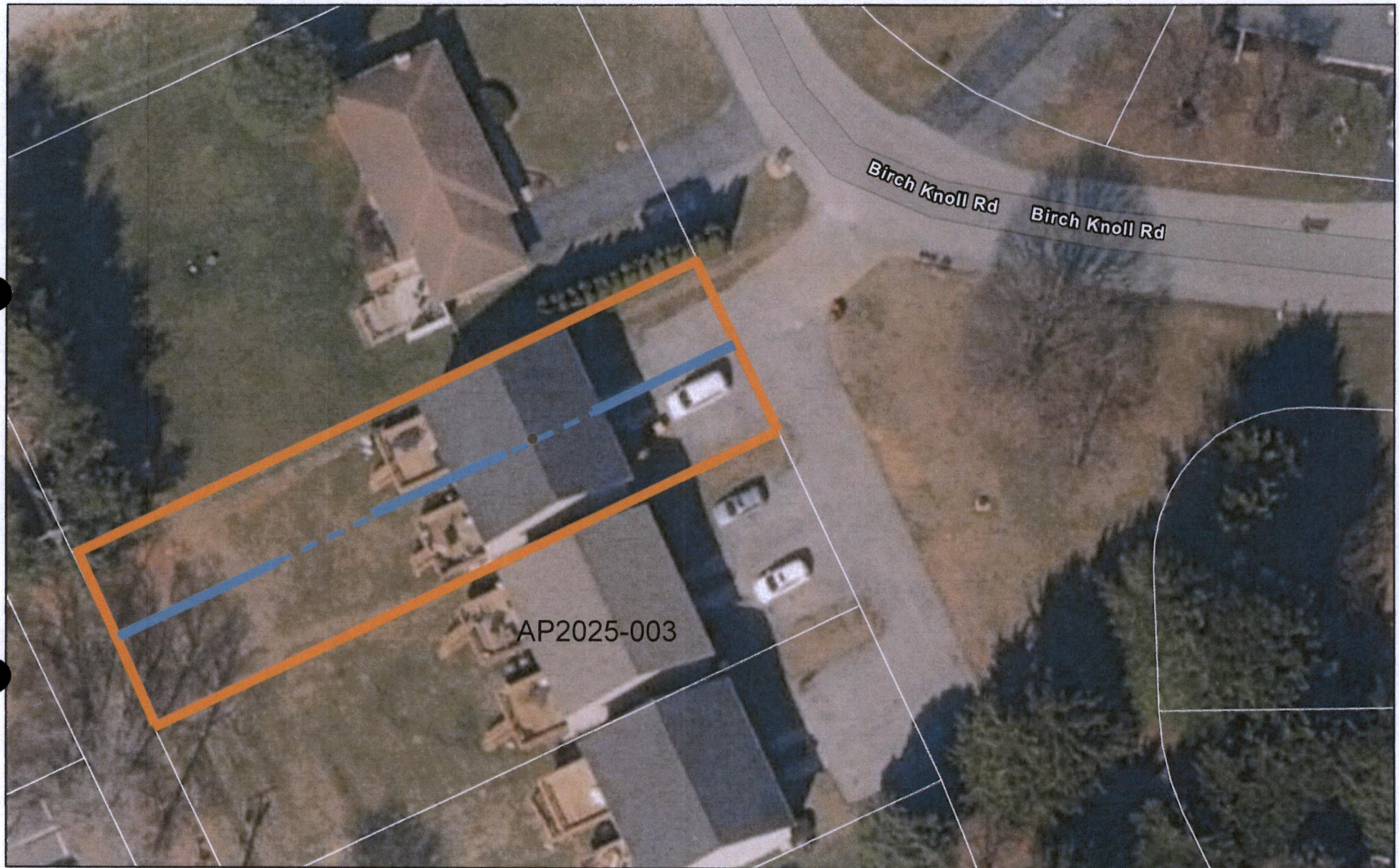
Nikki S. Echelburger
Notary Public



My Commission Expires: 9/15/2028

147 North Hill Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1

Frederick Seibert & Associates, Inc.

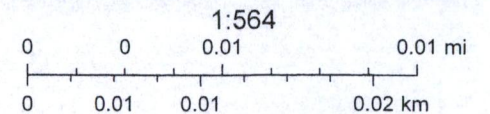


5/13/2026, 11:26:08 AM

 SixInchImagery2023_2024

Parcels Washington County

World_Transportation



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, MD iMAP, DoIT, Esri, HERE, iPC,

Web AppBuilder for ArcGIS

Microsoft, Vantor | MD iMAP, DoIT | Washington County Planning Department | Source: USDA NRCS, Esri | Maryland Department of Transportation (MDOT), Maryland Department of Transportation State Highway Administration (MDOT SHA), MDOT SHA Office of

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

142 144 HARVARD ROAD, LLC

*

Appeal No.: AP2025-003

Appellants

*

*

* * * * *

OPINION

142 144 Harvard Road, LLC, (hereinafter "Appellant") requests variances to reduce the required minimum lot area from 5,000 square feet to 4,500 square feet, and to reduce the required lot width from 35 feet to 25 feet for both properties. Appellant also requests to reduce the required side yard setback from 10 feet to 4.98 feet for 142 Harvard Road, and to reduce the side yard setback from 10 feet to 5.08 feet for 144 Harvard Road. The subject property is located at 142 and 144 Harvard Road, Hagerstown, Maryland 21742 and is zoned Residential, Urban. The Board held a public hearing in this matter on March 19, 2025

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

Findings of Fact

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

1. Appellant is the owner of the subject property located at 142 and 144 Harvard Road, Hagerstown, Maryland. The subject property is zoned Residential, Urban.

2. The subject property consists of approximately .20 acres improved by an existing duplex which has separate entrances, utilities and a large, shared parking area. The property is currently used as two (2) separate residences.

3. The subject property was created as a lot in 1942, well before the adoption of the Zoning Ordinance. The existing duplex dwelling was constructed in 2001 on an undersized lot of 9,000 square feet, with a lot width of 50 feet.

4. Appellant proposes to subdivide the property along the party wall dividing the dwelling units, in order to create two (2) separate properties with semi-detached dwellings.

5. Appellant is not proposing to change the location of the existing dwelling, or to change the boundaries of the subject property. There will be no observable change to the appearance of the property.

6. 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).

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)

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).

Appellant requested the multiple variances in order to create separate properties by way of subdivision. Any subdivision would impose new requirements for minimum lot area, lot width and side yard setbacks. Pursuant to Section 9.5(a) of the Zoning Ordinance, the required lot area is 5,000 square feet, the required lot width is 35 feet, and the required side yard setback is 10 feet for semi-detached dwellings.

Appellant testified that it did not create the situation at the subject property but was trying to maximize the utility by converting to semi-detached dwellings that could be sold for home ownership. The proposed subdivision will not change the setback measurements but does necessitate review given the stricter requirements in the Ordinance. Appellant is limited by the size of the lot, the existing structure and the inability to expand the property to meet the Ordinance requirements. Under the circumstances, it appears that Appellants’ requests are the minimum necessary to facilitate subdivision of the property into semi-detached dwellings. The Board finds that practical difficulty exists which necessitates a relaxation of the bulk dimensions and side yard setback requirements. The variance requests are consistent with the spirit and intent of the Ordinance.

Accordingly, the request for variances to reduce the required side yard setback from 12 feet to 5 feet and to reduce the required rear yard setback from 12 feet to 5 feet at the subject property are GRANTED by a vote 5 to 0. The requested variance to reduce the required side yard setback from 10 feet to 4.98 feet for 142 Harvard Road is

GRANTED by a vote of 5 to 0. The requested variance to reduce the side yard setback from 10 feet to 5.08 feet for 144 Harvard Road is GRANTED by a vote of 5 to 0. All of the variances are granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: April 16, 2025

Notice of Appeal Rights

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



Washington County
MARYLAND

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
SETBACK, LOT WIDTH AND AREA VARIANCES on property
located 136 & 138 HARVARD RD, HAGERSTOWN MD.
The said work is authorized by BAILEY ZILER
the property owner in fee.

PROPERTY OWNER

BAILEY ZILER
Name
136 HARVARD RD
Address
HAGERSTOWN, MD 21742
City, State, Zip Code
→ BAILEY ZILER
Owner's Signature

Sworn and subscribed before me this 21st day of MAY, 2020.

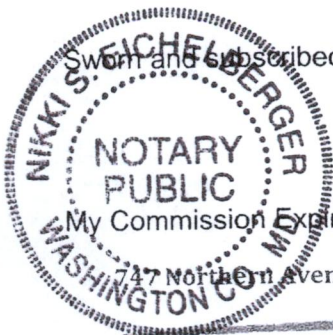
My Commission Expires: 10/27/29

Virginia Marie Martin
Notary Public Virginia Marie Martin

AUTHORIZED REPRESENTATIVE

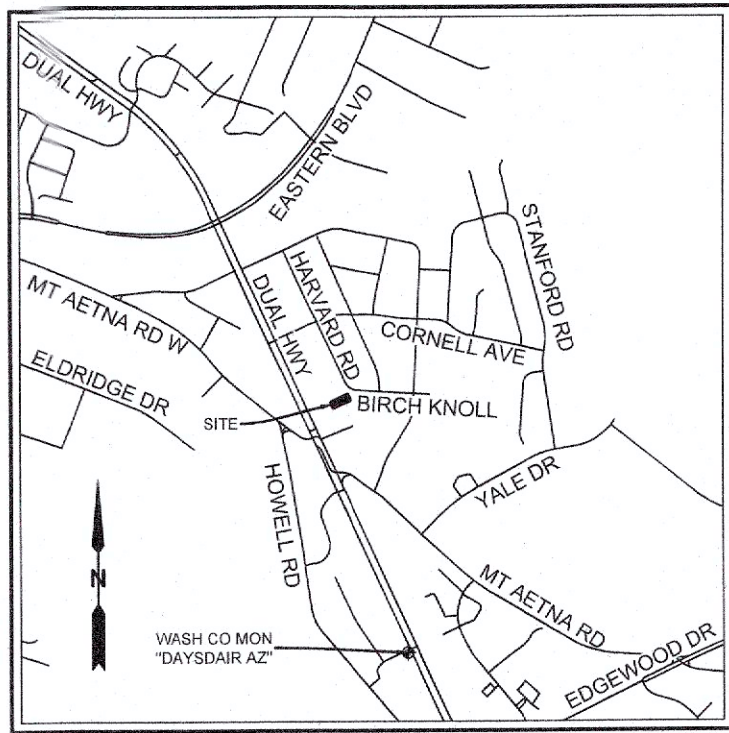
ED SCHREIBER c/o FSA
Name
128 S. POTOMAC ST
Address
HAGERSTOWN MD 21740
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 2 day of June, 2020.



Nikki S. Eichelberger
Notary Public

My Commission Expires: 9/15/2028
247 North Elm Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1



Soil Table: Lot 27A

Soil	Area (SF.)	%
HdD	2,037 SF	45.27
HdB	2,463 SF	54.73

Soil Table: Lot 27B

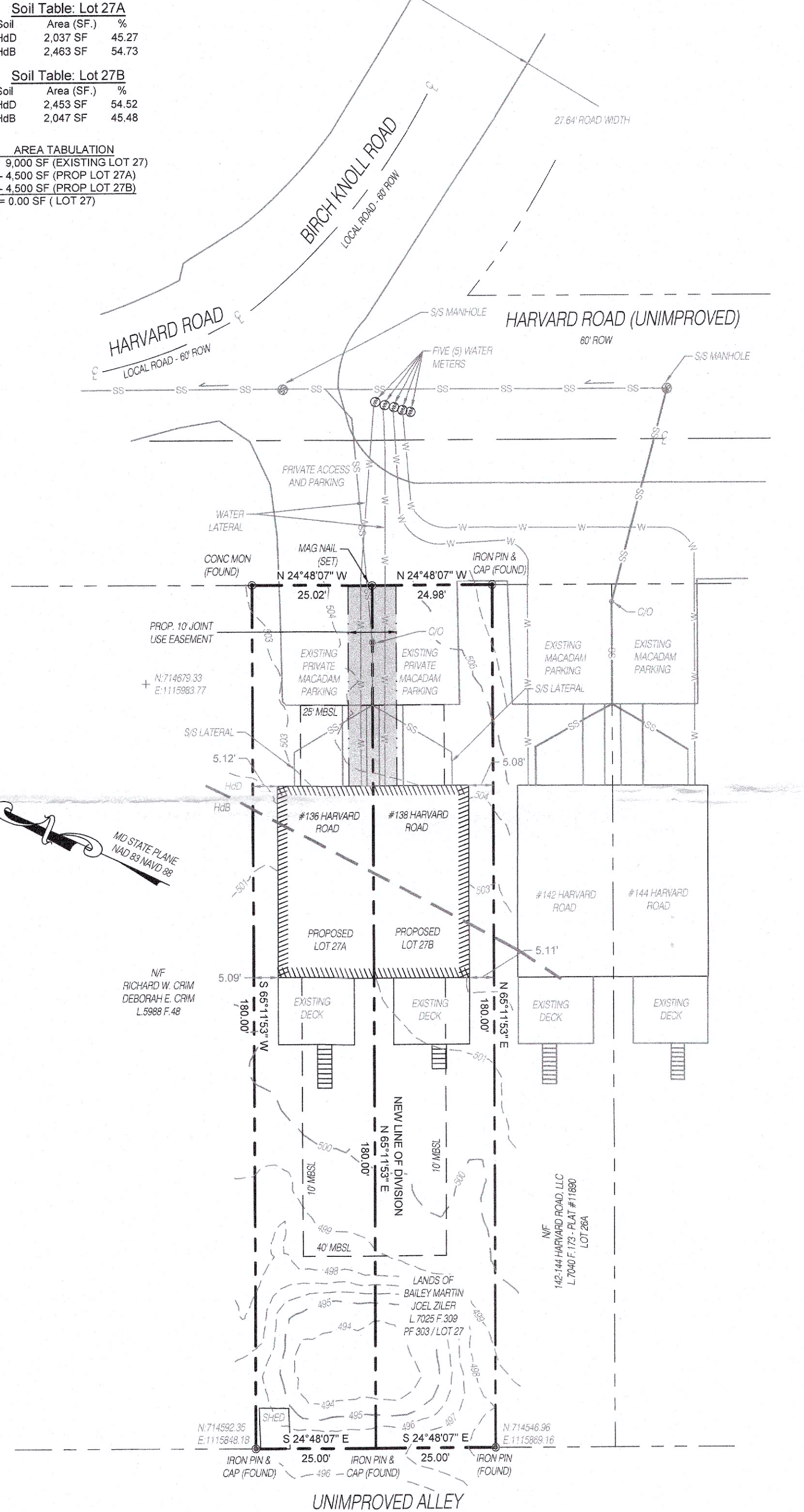
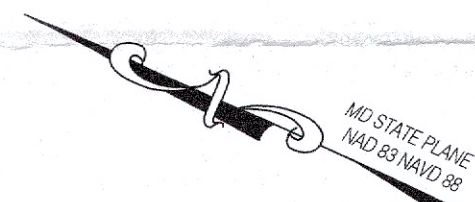
Soil	Area (SF.)	%
HdD	2,453 SF	54.52
HdB	2,047 SF	45.48

AREA TABULATION

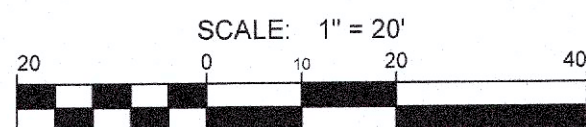
9,000 SF (EXISTING LOT 27)
- 4,500 SF (PROP LOT 27A)
- 4,500 SF (PROP LOT 27B)
= 0.00 SF (LOT 27)

LEGEND

---	= PROPERTY LINE
- - - -	= PROPOSED PROPERTY LINE
.....	= PROPERTY LINE TO BE VACATED
- . - . -	= RIGHT OF WAY
+	= PROPERTY CORNER
H O	= TEST PIT, PERC
- - -	= EASEMENT
W	= WATERLINE
SS	= SANITARY SEWER



Owner / Purchaser
Bailey Ziler
136 Harvard Road
Hagerstown MD 21740
301-491-5041



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

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.

Dedication PUBLIC UTILITIES
I/we also certify that the community water and/or community sewerage system proposed for this subdivision will be available to all lots offered for sale. I/we also certify that plans for the community water supply and/or community sewerage system facilities, including any necessary point of discharge, have been approved by the Department of Health and Mental Hygiene.

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 _____
Owner: Bailey Ziler _____ (Seal)
Witness _____
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 Hartland Properties, LLC, to Bailey Martin and Joel Ziler, by deed dated May 27, 2022, and recorded in the Land Records of Washington County, Maryland in Liber No. 7025, folio 309; and that stones marked O and/or bars marked O 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
Community Water Supply and Community Sewerage Systems (Existing systems)
This proposed subdivision of land as represented hereon and on the approved preliminary plan has been found to be in compliance with the Code of Maryland 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 Health Officer is the delegated authority per Environment Article §1-301 therefore the Health Officer'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 _____
Noté - 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: Bailey Ziler _____ Date _____
General Notes
1. 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.
2. Bearings, distances and coordinates are based on MD Grid NAD83.
3. Soil types are as shown hereon.
4. Minimum Building Setbacks: front yard-25'; side yard-10'; rear yard-40'. 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 RU for Semi-Detached Dwellings.
5. Total upstream watershed affecting this subdivision: is less than 400 Acres.
6. This parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24043C0139D dated August 15, 2017, Flood Zone X.
7. Contours based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc.
8. 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.
9. This subdivision is not within the Edgemont Reservoir Watershed, Smithsburg Reservoir Watershed, or the Upper Beaver Creek Drainage Basin per Washington County Watershed Mapper. This site is with the Antietam Creek #02140602.
10. 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.
11. 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.
12. This plat has been reviewed and approved per the RU Zoning District for semi-detached dwellings. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
13. This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
14. Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
15. The purpose of this subdivision plat is to separate the existing two-family dwelling by creating a property line along the common wall creating semi-detached dwellings. Once approved and recorded each side may be sold individually.
16. On _____, the Washington County Board of Zoning Appeals case _____, granted the following reductions of the bulk requirements on table 9.5 of the Washington County Zoning Ordinance to allow the subdivision of the duplex unit into semi-detached units.

	REQUIRED	PROPOSED
LOT AREA	5,000 SF / LOT	4,500 SF / LOT
LOT WIDTH	35'	24.98'
RIGHT SIDE YARD (EXTERIOR)	10'	5.09'
LEFT SIDE YARD (EXTERIOR)	10'	5.08'

**PRELIMINARY / FINAL RE-SUBDIVISION OF
COLONIAL PARK, SECTION B, BLOCK 8, LOT 27**

136 & 138 HARVARD ROAD
HAGERSTOWN MD 21742
WASHINGTON COUNTY, MD
FOR
BAILEY ZILER
136 HARVARD ROAD, HAGERSTOWN MD 21740
301-491-5041

PROJECT NO. 2026-0105
DWN BY MTJ DATE 04-14-2026
PROJECT MANAGER: FFrederick
EMAIL: FFrederick@fisa-inc.com
PROPERTY INFORMATION / ACCT# 50-13-1738 / 10-058031
SCALE 1" = 20'
SHEET TITLE

**SUBDIVISION
PLAT**

SHEET 01 OF 01



FREDERICK, SEIBERT & ASSOCIATES, INC.
1142 WILLIAMSPORT PKE
GREENBELT, MD 21740
301.791.3650
128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.3650
301.491.5041
15 EAST MAIN STREET
NEW HAVEN, CT 06511
717.275.7551

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

BAILEY AND JOEL ZILER

* **Appeal No.: AP2026-020**

*

APPELLANTS

*

*

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

OPINION

Bailey and Joel Ziler (hereinafter “Appellants”) request variances to reduce the lot area from 5,000 square feet to 4,500 square feet, the lot width from 35 feet to 25.02 feet and the side yard setback from 10 feet to 5.09 feet for 136 Harvard Road. Appellant also requests variances to reduce lot area from 5,000 square feet to 4,500 square feet, the lot width from 35 feet to 24.98 feet and the side yard setback from 10 feet to 5.08 feet for 138 Harvard Road. The subject property is located at 136 and 138 Harvard Road, Hagerstown, Maryland 21742 and is zoned Residential, Urban. The Board held a public hearing in this matter on June 24, 2026.

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

Findings of Fact

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

1. Appellants are the owners of the subject property located at 136 and 138 Harvard Road, Hagerstown, Maryland 21742. The subject property is zoned Residential, Urban.

2. The subject property was the subject of a previous request for a variance to reduce the side yard setbacks from 10 feet to 5 feet. That request was granted in a written decision issued by the Board in Case No. AP2001-019.

3. The subject property consists of approximately a 50-foot by 150-foot lot totaling approximately 9,000 square feet and improved by a duplex dwelling unit. The lot was created in 1942, and the duplex was constructed in 2001, when the previous variance relief was granted to allow smaller side yards.

4. Appellant proposes to subdivide the subject property to create semi-detached dwellings with a line of division between the two dwellings.

5. There would be no new construction or development of the property and no outward change to the character of the property. There are separate water and electric connections for each dwelling unit.

6. The subject property has long operated as two (2) dwelling units.

7. The Board did not receive any letters in support or opposition to the appeal and there were no comments provided from other 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,

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)

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 9.5(a) of the Zoning Ordinance, the minimum lot area is 5,000 square feet and the minimum lot width is 35 feet and the minimum side yard setback is 10 feet. The Board heard testimony that the lot dimensions were created prior to the inception of the Zoning Ordinance and that Appellants have not done anything to materially change the lot size or shape. Appellants are seeking to ratify the current use of the property as separate units by creating a lot line right down the middle of the dwelling unit. As semi-detached dwellings, the property can be rented or sold as a separate parcel, which promotes home ownership. Appellants testified that there would be no new construction or development of the property; just a line of division that will create two (2) lots.

The subject property is a typical design and layout for properties that were created in the 1940s and before the Zoning Ordinance. Although the Ordinance has evolved over time, the application of the bulk dimensional requirements to the older, smaller lots is often problematic. The Board finds that practical difficulty would result from strict compliance with the setback requirements. 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. Moreover, there is no lesser relaxation of the requirements would provide sufficient relief. The variance request should be granted.

Accordingly, the request for variances to reduce the lot area from 5,000 square feet to 4,500 square feet, the lot width from 35 feet to 25.02 feet and the side yard setback from 10 feet to 5.09 feet for 136 Harvard Road. Appellant also requests variances to reduce lot area from 5,000 square feet to 4,500 square feet, the lot width from 35 feet to 24.98 feet and the side yard setback from 10 feet to 5.08 feet for 138 Harvard Road are 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: July 23, 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: CRP/TCC Rhoton Owner LLC
888 16th Street
Suite 555 NW
Washington DC 20006

Appellant: Sign Here
345 East Antietam Street
Hagerstown MD 21740

Property Location: 16545 Cargo Drive
Hagerstown, MD 21740

Description Of Appeal: Variance from the required 25 ft. setback from the road right-of-way to 10 ft. for proposed freestanding sign.

Docket No: AP2026-021
Tax ID No: 13030820
Zoning: PI
RB Overlay: No
Zoning Overlay:
Filed Date: 06/04/2026
Hearing Date: 06/24/2026

Appellant's Legal Interest In Above Property:

Owner:	No	Contract to Rent/Lease:	No
Lessee:	No	Contract to Purchase:	No
Other:	Sign Contractor		

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Article 22, Division II, Section 22.23 (e)

Reason For Hardship: Due to forestation easement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Warehouse **Proposed Use:** Freestanding Sign

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

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

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 4 day of June, 2026.

Nov. 7, 2029

My Commission Expires

Notary Public





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2026-021

State of Maryland Washington County, To Wit:

On 6/4/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Sign Here and made oath in due form of law as follows:

Sign Here will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/24/2026, 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 06/09/2026 and will remain until after the above hearing date.

Sign Here

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

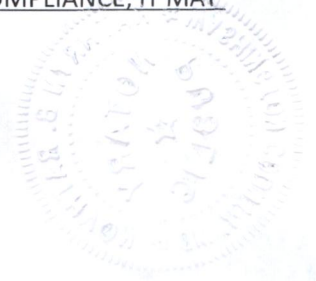
ATTENTION!

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.





Washington County MARYLAND

BOARD OF APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that CENTURY GRAPHICS GROUP LLC D/B/A SIGN HERE
is authorized to file an appeal with the Washington County Board of Appeals for
REDUCED SET-BACK FOR FREE-STANDING SIGN on property
located 16545 CARGO DRIVE HAGERSTOWN MD
The said work is authorized by X CRP/TCC OWNER, L.L.C.
the property owner in fee.

PROPERTY OWNER

X CRP/TCC OWNER, LLC.
Name
X 888 16th Street, suite 555, NW
Address
X Washington DC 20006
City, State, Zip Code
X [Signature]
Owner's Signature

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

ALEXANDRA S. COOK
Notary Public, District of Columbia
My Commission Expires 11/30/2027

My Commission Expires: 11/30/2027

[Signature]
Notary Public



AUTHORIZED REPRESENTATIVE

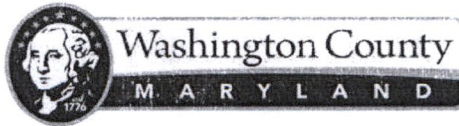
SIGN HERE JEAN MARION
Name
345 E ANTIETAM ST
Address
HAGERSTOWN MD 21740
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 3rd day of June, 2026.

KATHLEEN S. MAJEED
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 20, 2026

My Commission Expires: 11/20/2026

[Signature]
Notary Public



Board of Appeals

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

WWW.WASHCO-MD.NET

Variance Request

Property Location 16545 CARGO DRIVE HAGERSTOWN MD

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

☐ Owner (Including Joint Ownership)

☐ Lessee ☐ Contract to rent/lease ☐ Contract to Purchase

Other SIGN CONTRACTOR

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

Example: Article 5A, Section 5A.5-Requires 15 ft. side yard setback.

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

Example: Requesting adjustment from 15 ft. to 12 ft. for new detached garage.

SET-BACK VARIANCE FOR FREESTANDING ROAD-SIDE SIGN
25 FT REDUCED TO 10 FT DUE TO FORESTATION EASEMENT

Applicants must make application in person and shall submit *nine (9)* complete sets of the items listed below. Incomplete applications will not be accepted.

- A written statement demonstrating the specific reason(s) for the adjustment request including which standard the appeal is for practical difficulty or undue hardship. The standards for a variance is outlined in the Variance Filing Procedures.
- A plot plan (concept plan), drawn to a scale indicating the following information:
 - Outline of the entire property;
 - Location of all existing and/or proposed structures with measurements from structures to property lines;
 - Location of existing and/or future septic and wells;
 - Any street rights-of-way or other easements (i.e. utility, storm water management, etc.);
 - Existing/proposed entrance/exit to property, driveways, etc.
 - Existing/proposed parking areas
- If Request is for commercial use, in addition to above, the following additional information will be required:
 - Location of any freestanding signage
 - Number of employees (existing/proposed)
 - Hours of operation
 - Proposed landscaping and lighting

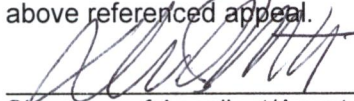
PAGE TWO
VARAINCE REQUEST

- Other information that applicants feel will be useful to justify their request, this could include pictures, letters of support from impacted neighbors, concept draws of the structure.
- If you are not the property owner, a notarized affidavit from the property owner authorizing the appeal shall be submitted. This includes applicants filing as an agent on behalf of the property owner.
- Pay the filing fee by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:
 - Residential Variance.....\$150.00
 - Commercial Variance.....\$300.00

ALL FILING FEES ARE NON-REFUNABLE

Note: A plan review fee of \$150 and/or floodplain review of \$150.00 may be charged by the Engineering Department.

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/Agent

dean@signhere.net

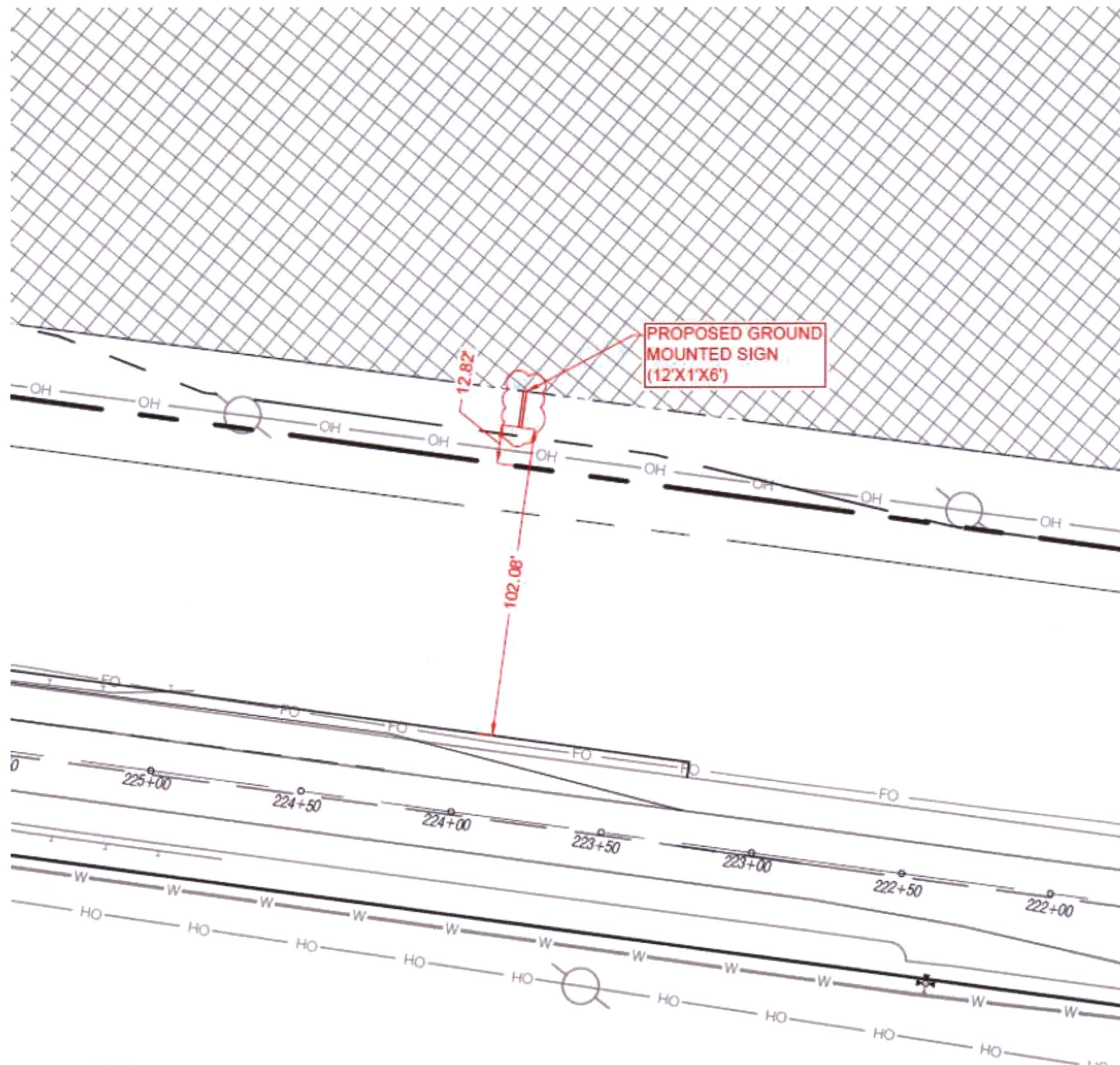
Email of Appellant/Agent

345 E. ANTIETAM ST HAGERSTOWN MD

Address and of Appellant/Agent 21740

301-791-7654

Phone Number of Appellant/Agent



SITE PHOTO FOR CONCEPT

WAREHOUSE



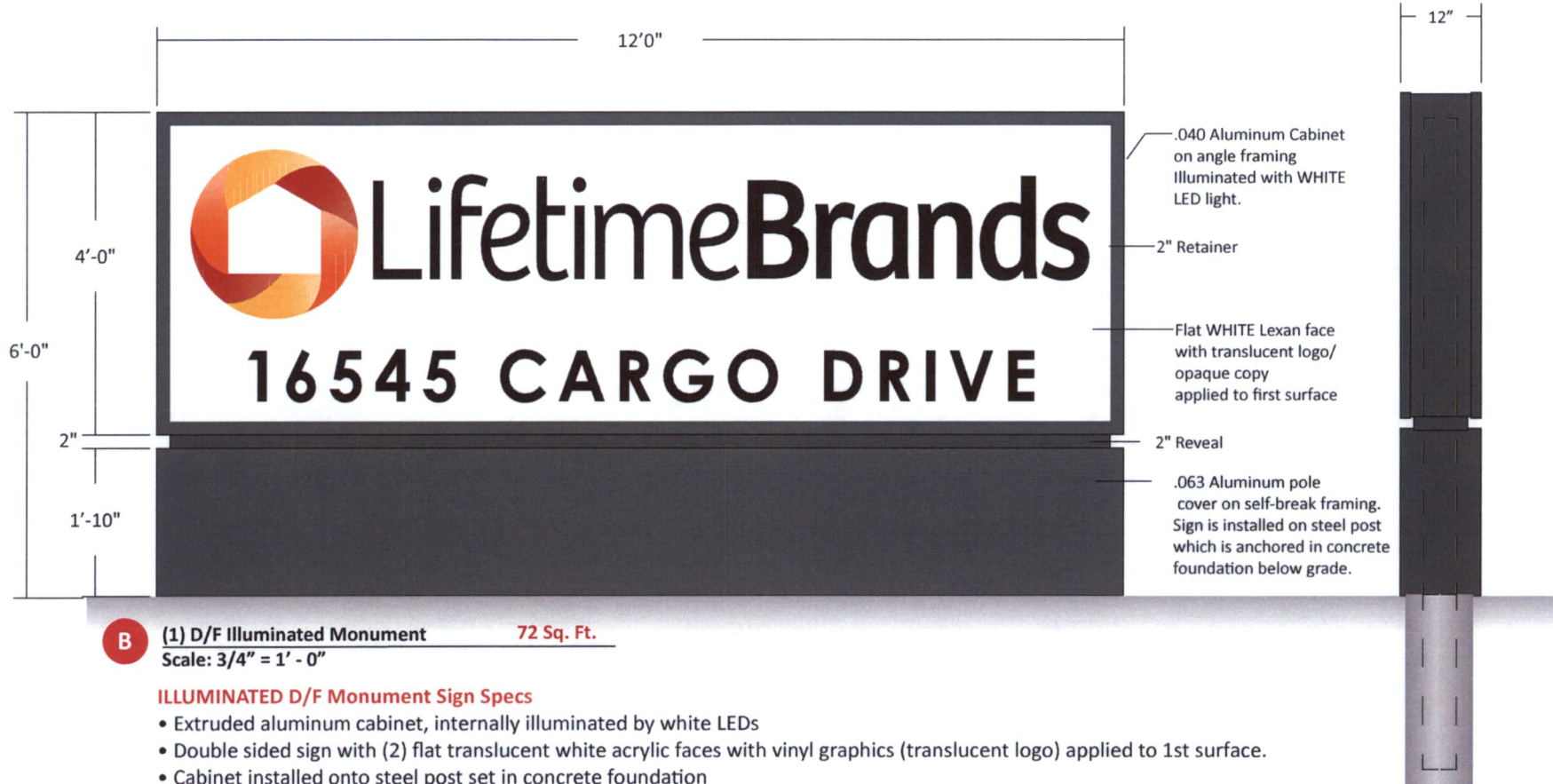
APPROX
SIGN LOCATION



HIGHWAY



16545 Cargo Dr. Hagerstown, MD



B (1) D/F Illuminated Monument 72 Sq. Ft.
Scale: 3/4" = 1' - 0"

ILLUMINATED D/F Monument Sign Specs

- Extruded aluminum cabinet, internally illuminated by white LEDs
- Double sided sign with (2) flat translucent white acrylic faces with vinyl graphics (translucent logo) applied to 1st surface.
- Cabinet installed onto steel post set in concrete foundation
- Pole cover, reveal fabricated of aluminum & finished paint color TBD

 Color of gradient / logo TBD

 Color of cabinet TBD



PROJECT INFORMATION

Client
Lifetime Brands
City & State
Hagerstown, MD
Drawing #
Lifetime Brands, Hagerstown
MD (12-30-25)
Scale
As Noted
Designer
DB
Project Manager
E. Toohey

REVISIONS

1-8-25 Site map for sign A prop
osed location. Increased sign to
match "Hagerstown, MD - monu
ment (11-3-23) file 10ft x 6ft -db
2-26-26 increased mon. to 4' x 12'-gp
2-27-26 rev mon. to illuminated-gp

CLIENT APPROVAL

☐ APPROVED
☐ APPROVED AS NOTED
☐ REVISE & RESUBMIT
NAME:
DATE:

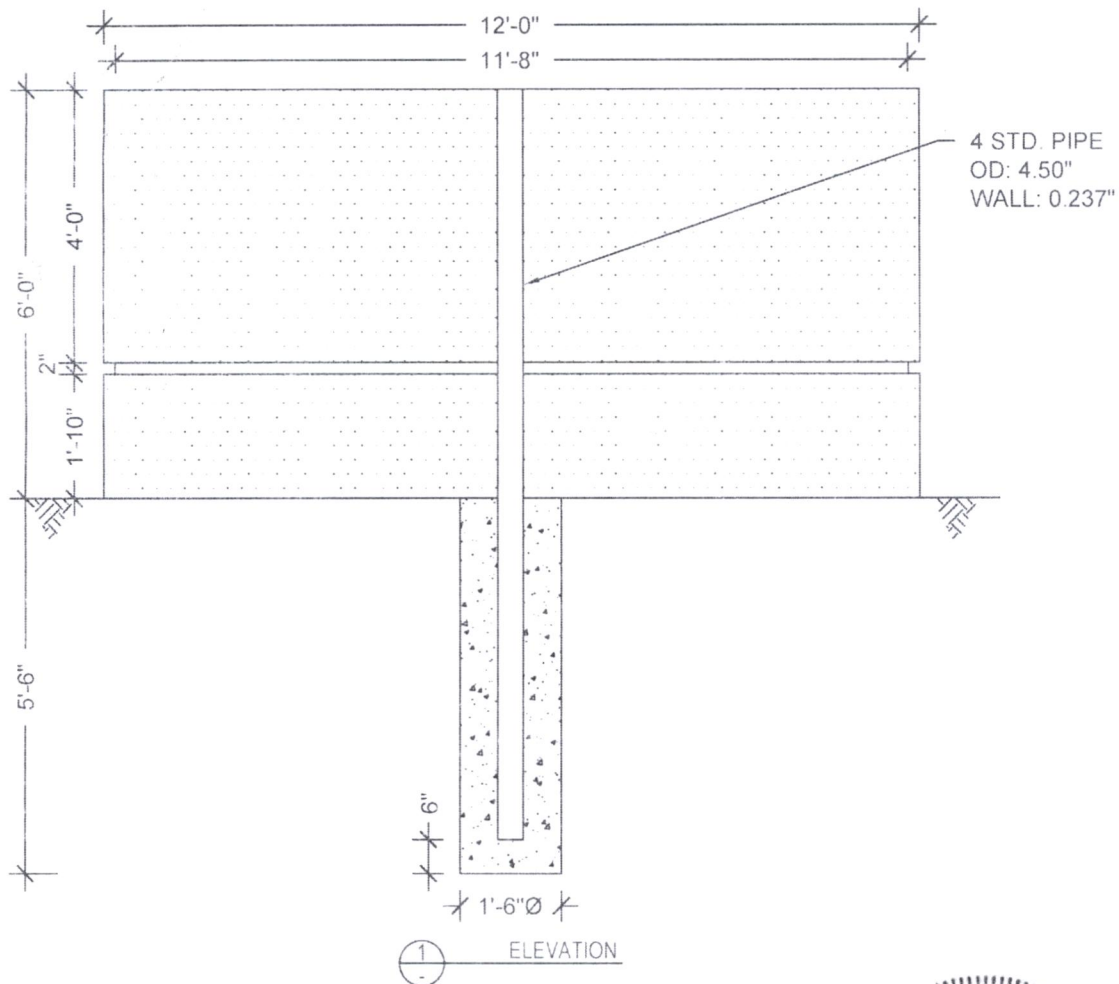
a²z Sign
& Design
4140 Clemmons Rd
Clemmons, NC 27012



12396 WORLD TRADE DRIVE, SUITE 312
 SAN DIEGO, CA 92128
 PROJECTMANAGER@SULLAWAYENG.COM
 PHONE: 1-858-312-5150 FAX: 1-858-777-3534

PROJECT: LIFETIME BRANDS - 16545 CARGO DR., HAGERSTOWN, MD
 PROJECT #: 56213
 CLIENT: A2Z SIGN & DESIGN

DATE: 04/01/2026
 ENGINEER: SP
 LAST REVISED:



GENERAL NOTES

1. DESIGN CODE: IBC 2021
2. DESIGN LOADS: ASCE 7-16
3. WIND VELOCITY 115 MPH EXPOSURE C
4. CONCRETE 2500 PSI MINIMUM
5. PIPE STEEL ASTM A53 GR. B, $F_y = 35$ KSI MIN.
6. LATERAL SOIL BEARING PER IBC CLASS 4 (150 PSF/FT)
7. PROVIDE PROTECTION AGAINST DISSIMILAR METALS
8. ALL DIMENSIONS TO BE VERIFIED PRIOR TO FABRICATION

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT
 THESE DOCUMENTS WERE PREPARED OR APPROVED BY
 ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
 ENGINEER UNDER THE LAWS OF THE STATE OF
 MARYLAND, LICENSE #38709, EXPIRATION DATE: 5-13-2026



PROJECT: LIFETIME BRANDS
 PROJ. NO.: 56213
 CLIENT: A2Z SIGN & DESIGN

DATE: 4/1/26
 ENGINEER: SP

V5.5

units; pounds, feet unless noted otherwise

Applied Wind Loads; from ASCE 7-16

$$F = q_z * G * C_f * A_f \quad \text{with } q_z = 0.00256 K_z K_{zt} K_d V^2 \quad (29.3.2 \text{ \& } 29.4)$$

$$C_f = 1.400 \quad (\text{Fig. 29.3-1})$$

$$\text{max. height} = 6.0$$

$$K_{zt} = 1.0 \quad (26.8.2) \quad (=1.0 \text{ unless unusual landscape})$$

$$s = 6.0$$

$$K_z = \text{from table 28.3-1}$$

$$\text{Exposure} = c$$

$$K_d = 0.85 \quad \text{for signs (table 26.6-1)}$$

$$V = 115 \quad \text{mph}$$

$$G = 0.85 \quad (26.9)$$

$$\text{weight} = 0.72 \quad \text{kips}$$

$$s/h = 1.000$$

$$M_{DL} = 0.00 \quad \text{k-ft}$$

$$B/s = 2.00$$

Pole Loads	structure component	height at section c.g	K_z	q_z	pressure $q_z * G * C_f$	A_f	shear	Wind Moment M_w			
	1	0.92	0.850	24.5	29.11	22.0	640	587			
	2	1.92	0.850	24.5	29.11	1.9	57	108			
	3	4.00	0.850	24.5	29.11	48.0	1397	5589			
					sums:	71.9	2094	6.28	(M_w)	k-ft	arm = 3.0
					for s/h=1, add 10% (asce fig. 29.4-1):	x 1.10		6.91			
					$P_u =$	0.86	kip	$M =$	6.91	k-ft	$M = \sqrt{M_{DL}^2 + M_w^2}$
					$M_u = \sqrt{(1.2 M_{DL}^2 + 1.0 M_w^2)} =$	6.91	k-ft				

Pole Design

section; pipe

$$M_u \leq \phi M_n \quad \text{with } M_n = f_y Z \quad f_y = 35 \quad \text{ksi} \quad \phi = 0.9$$

H	M_u (k-ft)	Z req'd. (in)	Size (in)	t (in)	Z	Use:
at grade	6.91	2.63	3.5	0.226	3.0	4 STD. Pipe, $\phi M_n = 10.6$ k-ft

Footing Design

footprint: round

$$\omega = 1.3 \quad \text{IBC 1605.3.2} \quad \text{IBC Table 1806.2, sections 1806.3.4, 1807.3.2} \quad S = (1.3 \times 2x)$$

$$P = 1.63 \quad \text{kip} \quad S1 = S \times d / 3 \quad A = 2.34 \times P / (S1 \times b) \quad S = 400$$

$$S1 = 736 \quad d = 0.5 \times A (1 + (1 + 4.36 \times h/A)^{.5}) \quad \text{IBC 1807.3.2.1}$$

$$A = 3.46$$

footing: 1' - 6" dia.

5' - 6" deep



10815 Rancho Bernardo RD., SD, CA 92127
 projectmanager@sullawayeng.com
 Phone: 858-312-5150 Fax: 858-777-3534

PROJECT: LIFETIME BRANDS
 PROJ. NO.: 56213
 CLIENT: A2Z SIGN & DESIGN

DATE: 4/1/2026
 ENGINEER: SP

units; pounds, feet unless noted otherwise

Check Pipe4SCH40 for torsion and combined forces

(AISC 14 H3)

$T_u =$	60.31 k-in		$F_y =$	35 ksi
			$D =$	4.5 in ³
$F_{cr} =$	206.2 ksi	(eq'n. H3-2a)	$t =$	0.221 in ³
or			$E =$	29000 ksi
$F_{cr} =$	189.4 ksi	(eq'n. H3-2b)	$L =$	72 in
but not greater than:			$C =$	6.36 in ³
$0.6 F_y =$	21 ksi		$\phi =$	0.9
$\phi T_n = \phi F_{cr} C =$	120 k-in	OK		
$M_r/M_c + (T_r/T_c)^2 =$	0.904	<1 OK		
				(eq'n. H3-6)

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

SIGN HERE

* **Appeal No.: AP2026-021**

*

APPELLANT

*

*

* * * * * * * * * * *

AMENDED OPINION

This Amended Opinion is issued to correct inadvertent inaccuracies in the original opinion and to properly reflect the vote of the Board on the record.

Sign Here (hereinafter “Appellant”) requests a variance from the required 25-foot setback from the road right-of-way to 10 feet for a proposed freestanding sign at the subject property. The subject property is located at 16545 Cargo Drive, Hagerstown, Maryland 21740 and is zoned Planned Industrial. The Board held a public hearing in this matter on June 24, 2026.

The 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 sign contractor for the owner of the subject property and has the owner’s permission to pursue this appeal.

2. CRP/TCC Rhoton Owner, LLC is the owner of the subject property located at 16545 Cargo Road, Hagerstown, Maryland 21740. The subject property is zoned Planned Industrial.

3. The subject property consists of approximately 99.38 acres of land, improved

by a 1,023,120 square foot warehouse which was constructed in 2026.

4. The subject property was the subject of a previous appeal for a parking variance to reduce the number of required parking spaces in Case No. AP2022-050.

5. There is a broad right-of-way area along Greencastle Pike in front of the subject property.

6. There is a large forestation easement situated along the front portion of the property closest to Greencastle Pike.

7. Appellant proposes to construct an illuminated monument sign approximately 10 feet from the road right-of-way for the existing warehouse operation. The sign is to be located so as to signal traffic, primarily travelling north so that it can turn into the property.

8. The Board did not receive any letters in support or opposition to the appeal and there were no comments provided from other agencies or departments.

9. 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,

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)

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, the support structure for a free-standing sign shall be no closer than 25 feet from the road right-of-way. In this case, the right-of-way is exceptionally large, resulting in significant distance from the actual roadway. Appellant testified that strict compliance with the setback would make the sign hard to see for traffic and would push it into the existing forestation area. The proposed location helps to avoid the forestation and increases the utility of the sign by placing it closer to the road for traffic to see. Appellant testified that the purpose is to announce the warehouse operation and give traffic an indicator to turn into the property, particularly coming north on Greencastle Pike.

Despite the evidence and testimony presented, the Board had concerns about the proposed location of the sign. Appellant was asked if the sign could be moved to reduce the necessary variance relief and the answer seemed to be in the affirmative. Appellant was unable to provide sufficient explanations for choices made by the property owner regarding the sign. The Board therefore cannot find that the request made is the minimum necessary to facilitate practical use of the property. Moreover, given the other location options, it would appear that there is no practical difficulty in constructing a sign, just in a different location. As a result, Appellant has not satisfied the criteria for a variance and the request should be denied.

Accordingly, the request for a variance from the required 25-foot setback from the road right-of-way to 10 feet for a proposed freestanding sign at the subject property is hereby DENIED, by a vote of 3 to 2.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 23, 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: Mt. Pleasant Church of God
C/O Rev Tim Shirley
24107 Foxville Road
Smithsburg MD 21783

Appellant: Sign Here
345 East Antietam Street
Hagerstown MD

Property Location: 24107 Foxville Road
Smithsburg, MD 21783

Description Of Appeal: Variance from the required 25 ft. setback from the road right-of-way to 0 ft. for proposed freestanding sign.

Docket No: AP2026-022
Tax ID No: 07023286
Zoning: EC
RB Overlay: No
Zoning Overlay:
Filed Date: 06/04/2026
Hearing Date: 06/24/2026

Appellant's Legal Interest In Above Property:

Owner:	No	Contract to Rent/Lease:	No
Lessee:	No	Contract to Purchase:	No
Other:	Sign Contractor		

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections:

Washington County Zoning Ordinance Article 22, Division II, Section 22.23 (e)

Reason For Hardship: Due to viewing distance limitations & parking lot location

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Church

Proposed Use: Freestanding Sign

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:
Proposed:

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 4 day of June, 2026.

Nov. 7, 2029
My Commission Expires

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2026-022

State of Maryland Washington County, To Wit:

On 6/4/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Sign Here and made oath in due form of law as follows:

Sign Here will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/24/2026, 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 06/09/2026 and will remain until after the above hearing date.

Sign Here

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

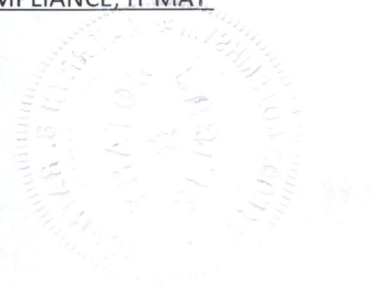
ATTENTION!

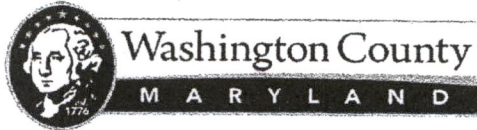
Posting Instructions

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.





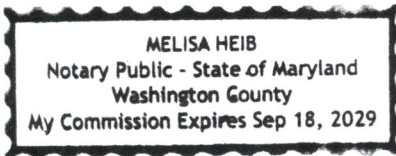
BOARD OF APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that CENTURY GRAPHICS GROUP LLC D/B/A SIGN HERE
is authorized to file an appeal with the Washington County Board of Appeals for
SET-BACK VARIANCE FOR ROADSIDE SIGN on property
located 24107 FOXVILLE ROAD SMITHSBURG MD
The said work is authorized by X
the property owner in fee.

PROPERTY OWNER

X Timothy Shirley
Name
X 24107 Foxville RD
Address
X Smithsburg MD 21783
City, State, Zip Code
X [Signature]
Owner's Signature



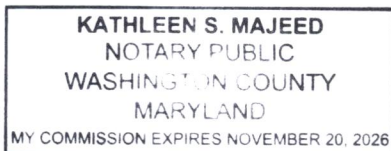
X Sworn and subscribed before me this 4 day of June, 2026.

[Signature]
Notary Public

My Commission Expires: 9/18/29

AUTHORIZED REPRESENTATIVE

SIGN HERE - DEAN MARTIN
Name
345 E. ANTIETAM ST
Address
HAGERSTOWN MD 21740
City, State, Zip Code
[Signature]
Authorized Representative's Signature

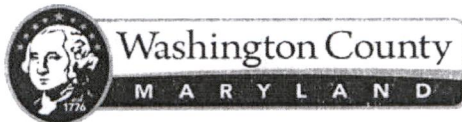


Sworn and subscribed before me this 4th day of June, 2026.

[Signature]
Notary Public

My Commission Expires: 11/20/2026

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



Board of Appeals

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

WWW.WASHCO-MD.NET

Variance Request

Property Location 24107 FOXVILLE ROAD SMITHSBURG MD

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

☐ Owner (Including Joint Ownership)

☐ Lessee

☐ Contract to rent/lease

☐ Contract to Purchase

Other SIGN CONTRACTOR

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

Example: Article 5A, Section 5A.5-Requires 15 ft. side yard setback.

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

Example: Requesting adjustment from 15 ft. to 12 ft. for new detached garage.

APPEAL TO REDUCE SET-BACK FROM 25 FEET TO 0 FEET
DUE TO VIEWING DISTANCE LIMITATIONS & PARKING LOT LOCATION

Applicants must make application in person and shall submit *nine (9)* complete sets of the items listed below. Incomplete applications will not be accepted.

- A written statement demonstrating the specific reason(s) for the adjustment request including which standard the appeal is for practical difficulty or undue hardship. The standards for a variance is outlined in the Variance Filing Procedures.
- A plot plan (concept plan), drawn to a scale indicating the following information:
 - Outline of the entire property;
 - Location of all existing and/or proposed structures with measurements from structures to property lines;
 - Location of existing and/or future septic and wells;
 - Any street rights-of-way or other easements (i.e. utility, storm water management, etc.);
 - Existing/proposed entrance/exit to property, driveways, etc.
 - Existing/proposed parking areas
- If Request is for commercial use, in addition to above, the following additional information will be required:
 - Location of any freestanding signage
 - Number of employees (existing/proposed)
 - Hours of operation
 - Proposed landscaping and lighting

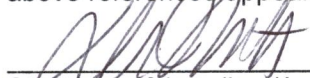
PAGE TWO
VARAINCE REQUEST

- Other information that applicants feel will be useful to justify their request, this could include pictures, letters of support from impacted neighbors, concept draws of the structure.
- If you are not the property owner, a notarized affidavit from the property owner authorizing the appeal shall be submitted. This includes applicants filing as an agent on behalf of the property owner.
- Pay the filing fee by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:
 - Residential Variance.....\$150.00
 - Commercial Variance.....\$300.00

ALL FILING FEES ARE NON-REFUNABLE

Note: A plan review fee of \$150 and/or floodplain review of \$150.00 may be charged by the Engineering Department.

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/Agent

dean@signature.net

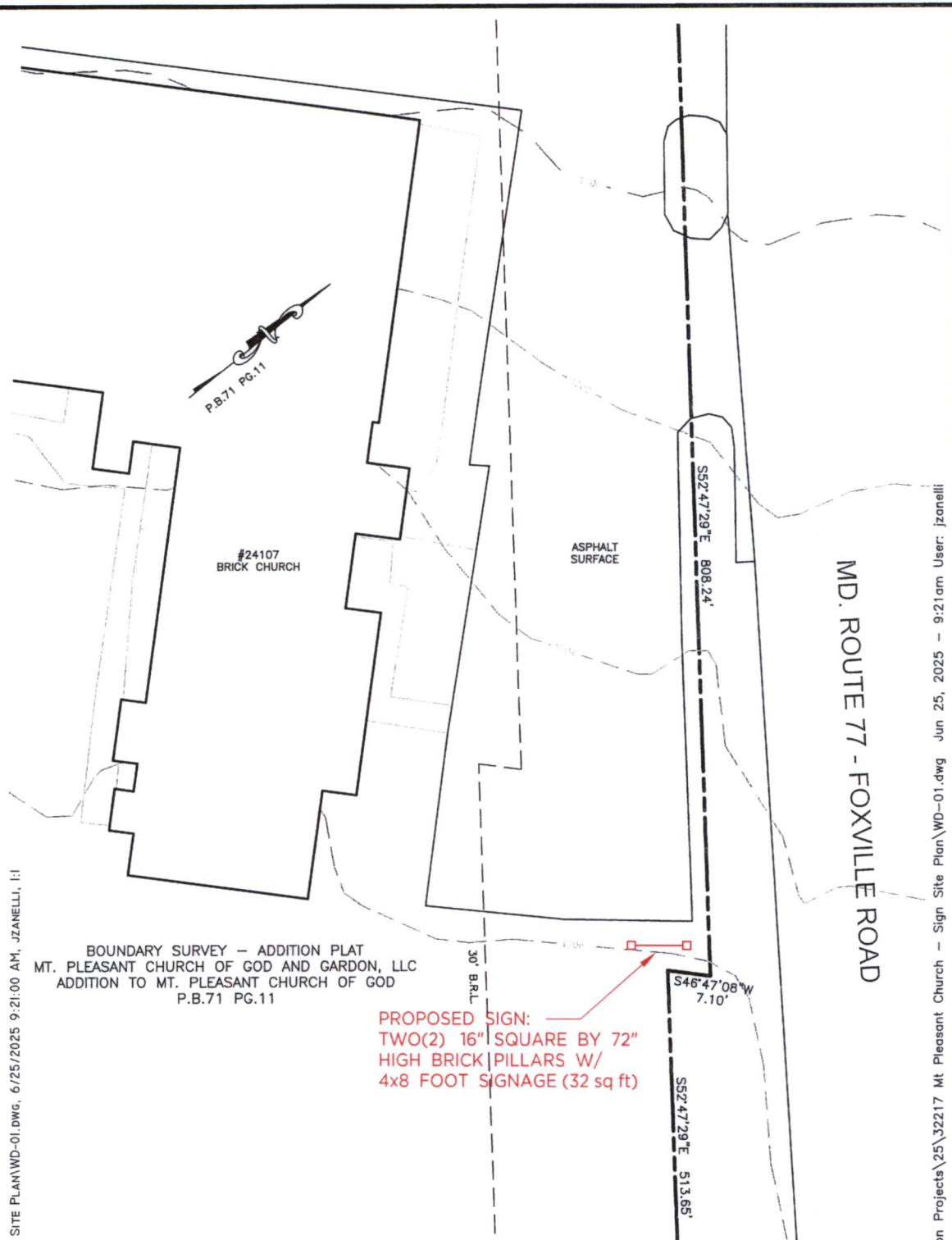
Email of Appellant/Agent

345 E. ANTIETAM ST HAGERSTOWN MD

Address and of Appellant/Agent

301-791-7654

Phone Number of Appellant/Agent



H:\Carlson Projects\25\32217 MT PLEASANT CHURCH - Sign Site Plan\WD-01.dwg, 6/25/2025 9:21:00 AM, JZANELLI, I:1

H:\Carlson Projects\25\32217 Mt Pleasant Church - Sign Site Plan\WD-01.dwg Jun 25, 2025 - 9:21am User: jzanelli

BOUNDARY SURVEY - ADDITION PLAT
MT. PLEASANT CHURCH OF GOD AND GARDON, LLC
ADDITION TO MT. PLEASANT CHURCH OF GOD
P.B. 71 PG. 11

PROPOSED SIGN:
TWO(2) 16" SQUARE BY 72"
HIGH BRICK PILLARS W/
4x8 FOOT SIGNAGE (32 sq ft)

SITE PLAN
FOR
CHURCH SIGN
MT. PLEASANT CURCH OF GOD
BOOK 2782 PAGE 01
(PLAT BOOK 71 AT PAGE 11)
SITUATED AT 24107 FOXVILLE ROAD

Sign detail added by sign company

DRAWN BY: J.A.Z.	DATE: 05/06/25
CHECKED BY: J.A.Z.	DATE: 05/06/25
SCALE: 1" = 20'	

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS
82 WORMANS MILL COURT SUITE G FREDERICK, MARYLAND 21701
PHONE: (301)695-0880 FAX: (301)293-6009
email: foxfrederick@foxassociatesinc.com

DISTRICT	10
TAX MAP No.	17
DWG. No.	A-20558

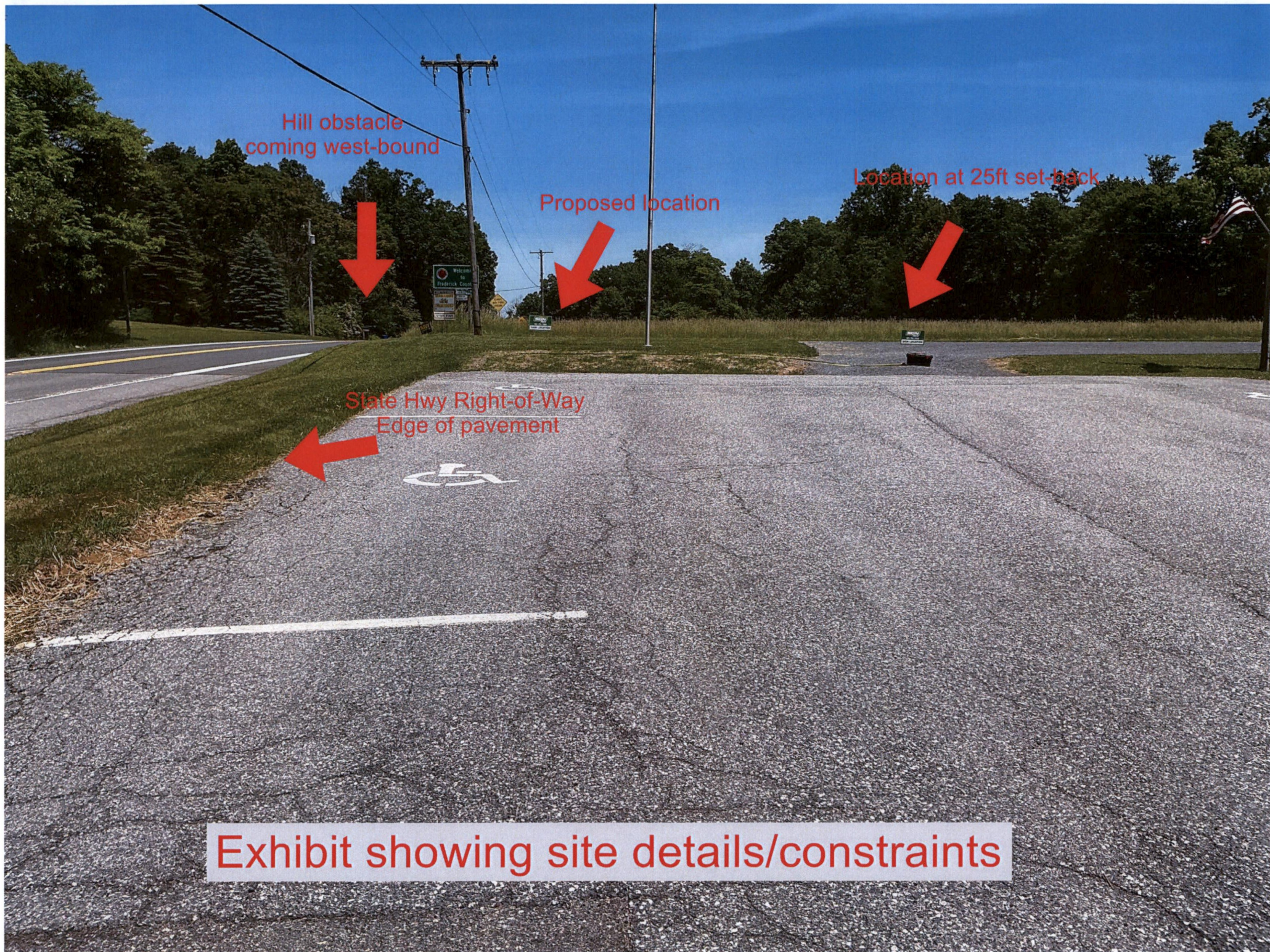
Hill obstacle
coming west-bound

Proposed location

Location at 25ft set-back

State Hwy Right-of-Way
Edge of pavement

Exhibit showing site details/constraints



Front/Back View



Date: 8/13/25
Description: Sign design drawings for roadside monument

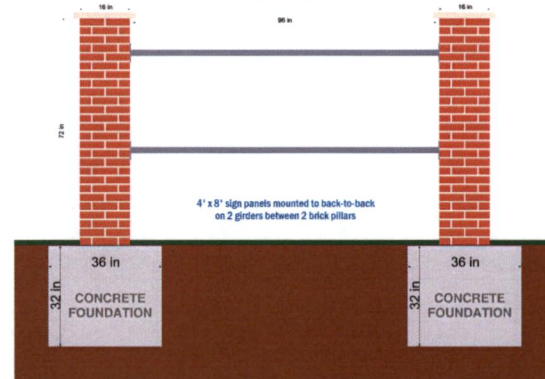
This drawing is the exclusive property of Sign Here (Century Graphics Group, Inc) until purchased by the customer. It has been prepared and presented to the customer for concept and proposal purposes. All colors are representative unless noted otherwise. Reproduction or distribution of this drawing is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



301-791-7654
800-442-7654
info@signhere.net
345 E. Antietam Street, Hagerstown, Maryland 21740

IDENTIFY WITH US!

Inside View



Date: 8/13/25
Description: Structural drawings for roadside monument sign

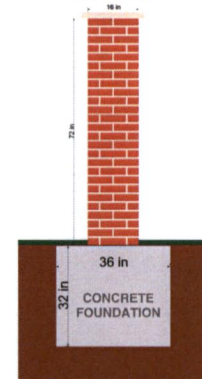
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301-791-7654
800-442-7654
info@signhere.net
345 E. Antietam Street, Hagerstown, Maryland 21740

IDENTIFY WITH US!

End View



Date: June 4 2026

Description: Roadside monument

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



IDENTIFY WITH US!

301-791-7654
800-442-7654
info@signhere.net

345 E. Antietam Street, Hagerstown, Maryland 21740

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

SIGN HERE

* **Appeal No.: AP2026-022**

*

APPELLANT

*

*

* * * * * * * * * * *

OPINION

Sign Here (hereinafter “Appellant”) requests a variance from the required 25-foot setback from the road right-of-way to 0 feet for a proposed freestanding sign at the subject property. The subject property is located at 24107 Foxville Road, Smithsburg, Maryland 21783 and is zoned Environmental Conservation . The Board held a public hearing in this matter on June 24, 2026.

The 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 sign contractor for the owner of the subject property and has the owner’s permission to pursue this appeal.

2. Mt. Pleasant Church of God is the owner of the subject property located at 24107 Foxville Road, Smithsburg, Maryland 21783. The subject property is zoned Environmental Conservation.

2. The subject property consists of approximately 10,000 square feet, situated on the south side of Foxville Road and improved by an existing church building. The parking lot is right along the roadway, and the overflow parking is at the top of the hill.

3. The original church was built in the 1900s and the existing church was rebuilt approximately 40 years ago.

4. Approximately three (3) years ago, a plow truck hit the existing sign on the property. Since that time, the church has not had a freestanding sign for passing vehicles.

5. Appellant proposes to construct a freestanding monument sign at the crest of the hill and close to the roadway so that traffic coming both ways can see it.

6. The right-of-way for Foxville Road is located at the edge of the pavement abutting the subject property.

8. The Board did not receive any letters in support or opposition to the appeal and there were no comments provided from other agencies or departments.

9. 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

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)

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, the support structure for a free-standing sign shall be no closer than 25 feet from the road right-of-way. Appellant testified that the church has been without a sign for approximately three (3) years and needs a way to inform passing vehicles. The church plans to build a freestanding monument sign along the roadway at the crest of a hill near the overflow parking lot. This location is ideal for visibility and avoids the hill being an obstacle on one side and the trees obstructing view on the other side. In order to comply with the setback, the sign would have to be located in the middle of the overflow parking lot, which would create problems for traffic flow and parking. Appellant also noted that there are other businesses and properties in the surrounding area that have signs right along the roadway. Given the location of the parking lot and church building, there are no other locations which would provide sufficient visibility for vehicles travelling on Foxville Road.

The Board finds that practical difficulty would result from strict compliance with the setback requirements. 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 required rear yard setback from 50 feet to 25 feet for a proposed detached garage at the subject property is hereby GRANTED, by a vote of 4 to 0. The variance relief is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: July 23, 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.