

BOARD OF APPEALS

July 22, 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. **-CONTINUED-DATE TO BE DETERMINED**

AP2026-025: An appeal was filed by ASSA ABOLY Fenestration d/b/a Caldwell Manufacturing for a variance from the required 150 ft. setback to 25 ft. for property line adjoining a residential district, and a variance from the required 75 ft. setback to 25 ft. for property line adjoining an industrial district for expansion of existing industrial use on property owned by the appellant and located at 9850 Prosperity Lane, Williamsport, Zoned Planned Industrial. **-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 July 13, 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

[Signature]

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2026-018

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.

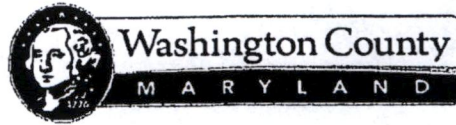
3. Impermissible Delegation of Administrative Discretion

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. Byrne
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	228.70	19°58'23"	S 58°11'50" E	90.72
C12	224.70	621.69	20°42'33"	S 76°32'19" E	223.48
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	55.62
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	141.76

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

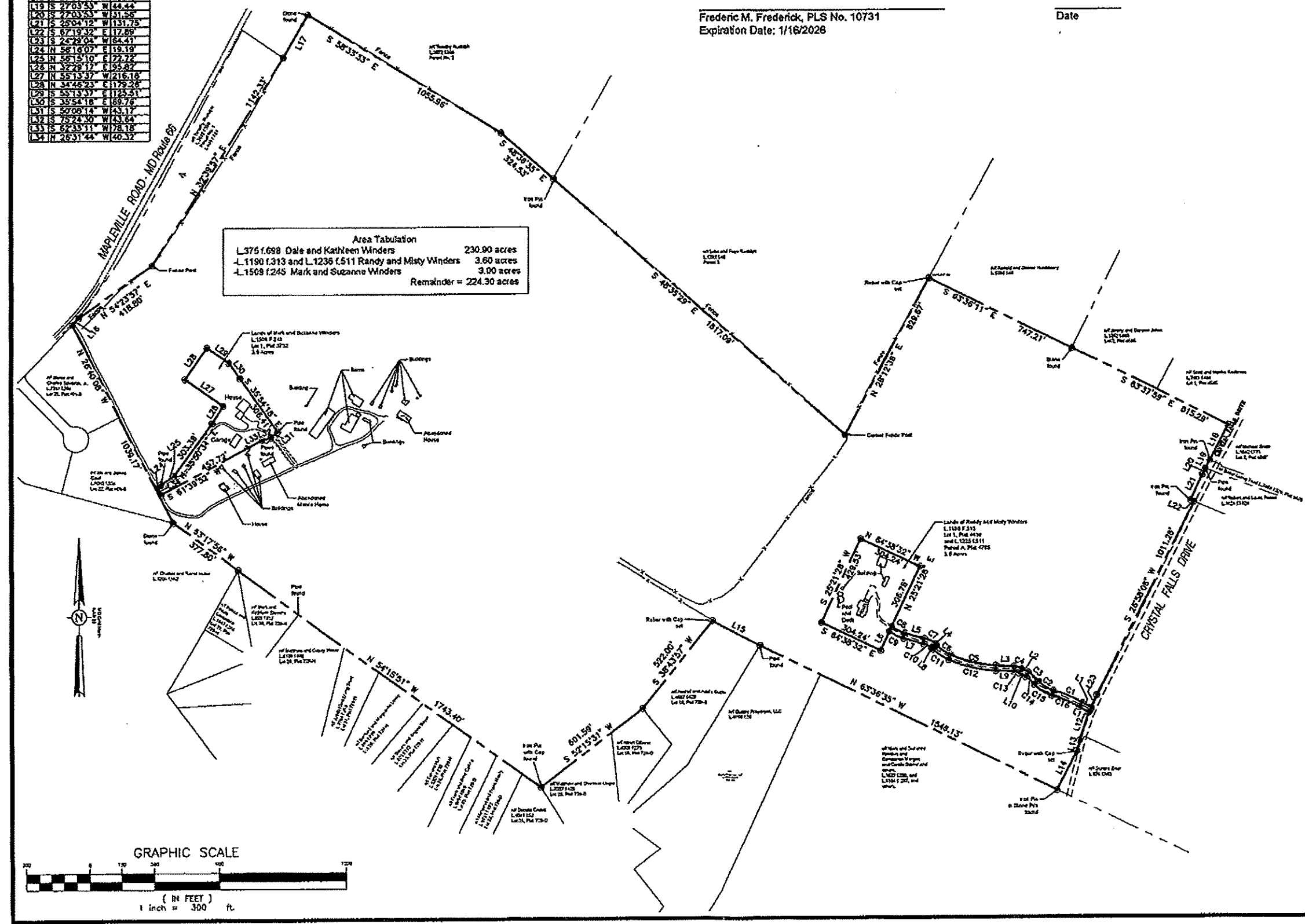
SURVEYOR'S CERTIFICATION

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

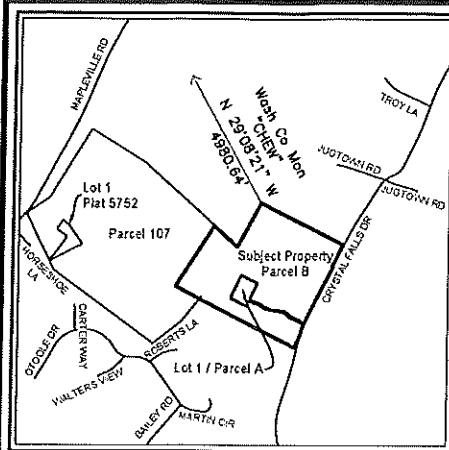
Boundary Survey

C-101
SHEET 01 OF 01

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

12500 WASHINGTON STREET
HAGERSTOWN, MD 21740
301.791.2500

11175 EAST LANE
ARNDTSDORF, MD 21771
301.791.2500



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 hereon. Any development of this land shall be in accordance with the provisions of the existing Subdivision Ordinance.

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. It is a subdivision of part of the lands conveyed by Edward Oswald, Jr., Trustee, to Dale R. Winders and Kathleen Winders, by deed dated December 23, 1981 and recorded in the Land Records of Washington County, Maryland in Liber 275, folio 69, and that the same marked O and/or other marks 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.

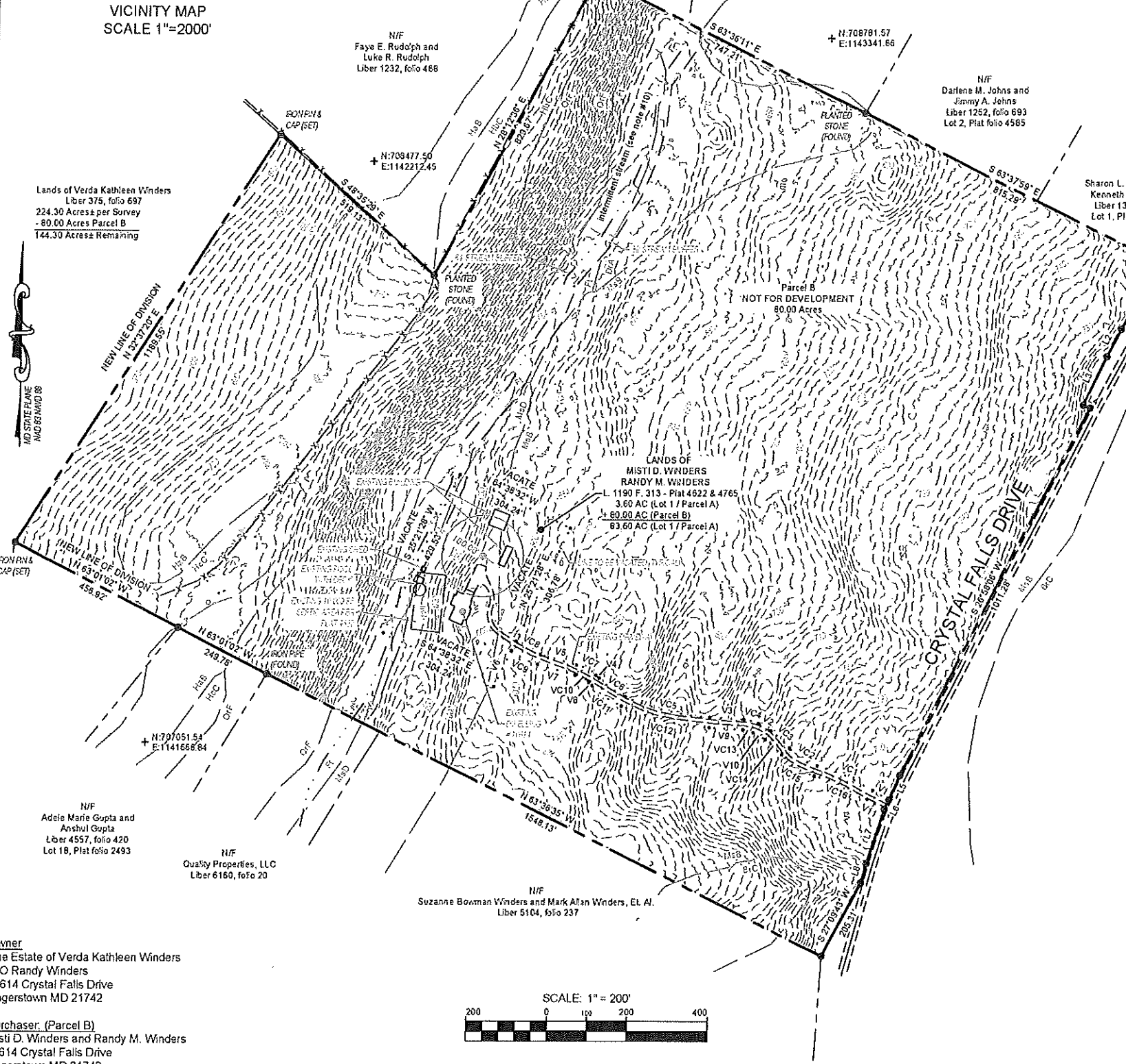
Date 3-12-2026 *[Signature]*
Professional Land Surveyor

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 therefore complies with Encumbrance Article 58-519. The Washington County Appraising Authority is the delegated 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.

Appraising Authority

Date



PROPERTY LINES

LINE	BEARING	DISTANCE
L1	S 27°55'14" W	188.24'
L2	S 27°03'53" W	76.00'
L3	S 25°04'12" W	131.75'
L4	S 67°19'32" E	17.99'
L5	S 24°29'04" W	64.41'
L6	S 25°05'17" W	25.08'
L7	S 17°53'20" W	138.86'
L8	S 14°35'55" W	49.84'

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	S 74°27'21" E	97.33'
V8	S 46°10'14" E	11.43'
V9	S 86°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	89.66'	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'	81.47'	81.06'	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

STATE OF MARYLAND
FREDERICK SEIBERT & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR
LS-10731
150-BIG.COM
16 EAST MAIN STREET
NEW BLOOMFIELD, PA 17068
717-257-7581

FSA
FREDERICK SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
1118 VILLAMOUNT AVE
GREENSBORO, NC 27406
336-733-1000

SIMPLIFIED SUBDIVISION PLAT
OF THE LANDS OF WINDERS: PARCEL B
10014 CRYSTAL FALLS DRIVE
HAGERSTOWN MD 21742
WASHINGTON COUNTY, MARYLAND
FOR
MISTI WINDERS AND RANDY WINDERS
10014 CRYSTAL FALLS DRIVE, HAGERSTOWN MD 21742
301-958-0000

PROJECT NO. 7987
DRAWN BY MTJ
DATE 03-12-2026
PROJECT MANAGER F.Friedrich
EMAIL: FFriedrich@fai-inc.com
PROPERTY INFORMATION/ACCT # 59-03-107 / 18-022575
SCALE 1" = 20'
SHEET TITLE

SIMPLIFIED PLAT

SHEET 01 OF 01



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: ASSA ABOLY Fenestration d/b/a Caldwell Manufacturing
475 Mile Crossing Blvd
Suite 400
Rochester NY 14624

Appellant: ASSA ABOLY Fenestration d/b/a Caldwell Manufacturing
475 Mile Crossing Blvd
Suite 400
Rochester NY 14624

Property Location: 9850 Prosperity Lane
Williamsport, MD 21795

Description Of Appeal: Variance from the required 150 ft. setback to 25 ft. for property line adjoining a residential district, and a variance from the required 75 ft. setback to 25 ft. for property line adjoining an industrial district for expansion of existing industrial use.

Docket No: AP2026-025

Tax ID No: 02015854

Zoning: PI

RB Overlay: No

Zoning Overlay:

Filed Date: 06/25/2026

Hearing Date: 07/22/2026

Appellant's Legal Interest In Above Property:

Owner: Yes

Contract to Rent/Lease: No

Lessee: No

Contract to Purchase: No

Other:

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections:

Washington County Zoning Ordinance Article 18, Section 18.100, (b)

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Industrial Use

Proposed Use: Industrial Use Expansion

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 25 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: AP2026-025

State of Maryland Washington County, To Wit:

On 6/25/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared ASSA ABOLY Fenestration d/b/a Caldwell Manufacturing and made oath in due form of law as follows:

ASSA ABOLY Fenestration d/b/a Caldwell Manufacturing 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 07/22/2026, 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 07/07/2026 and will remain until after the above hearing date.

ASSA ABOLY Fenestration d/b/a Caldwell Manufacturing

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

Notary Public

Nov. 7, 2029

My Commission Expires

Seal





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

ATTENTION!

Posting Instructions

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

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

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





BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Keith Rochon
is authorized to file an appeal with the Washington County Board of Appeals for
ASSA ABLOY Fenestration d/b/a/ Caldwell Manufacturing on property
located 9850 Prosperity Lane, Williamsport, Washington County, MD 21795.
The said work is authorized by ASSA ABLOY Fenestration d/b/a Caldwell Manufacturing
the property owner in fee.

PROPERTY OWNER

ASSA ABLOY Fenestration d/b/a Caldwell Manufacturing

Name

475 Mile Crossing Blvd

Address

Rochester, NY 14620-14624

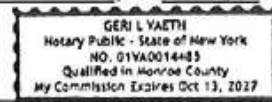
City, State, Zip Code

[Signature]
Owner's Signature

AXEL HUSEN, CEO

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

[Signature]
Notary Public



My Commission Expires: October 13, 2027

AUTHORIZED REPRESENTATIVE

Robert m. BAKER, CFO

Name

475 mile crossing Blvd

Address

Rochester NY 14624

City, State, Zip Code

[Signature]

Authorized Representative's Signature

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

[Signature]
Notary Public



My Commission Expires: October 13, 2027

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

18Jun2026**County Planner**

Washington Township
747 Northern Avenue
Hagerstown, MD 21742

Dear County Planner,

We submit this request for consideration of a setback variance in connection with a proposed expansion of our existing manufacturing facility at 9850 Prosperity Lane, Williamsport, MD 21795, within Washington Township. The planned addition is essential to meet increased production demands, enhance operational efficiency, and sustain ongoing employment opportunities within the local community.

To accommodate the planned increased production, the facility will need to expand in size by about 100,000 ft² and add a driveway for truck traffic. Due to unique physical conditions of the subject property—specifically fixed parcel boundaries—strict compliance with current setback requirements would result in practical difficulty and undue hardship. These conditions are inherent to the property and were not created by the applicant. As such, they limit the development of the site in a manner consistent with planned operational needs.

Granting the requested variance will not confer any special privilege that is denied to other properties but rather will allow for a reasonable and necessary use of the land. Furthermore, the proposed expansion has been carefully designed to remain in harmony with the general intent of the zoning ordinance and the character of the surrounding area. We are committed to incorporating appropriate buffering, landscaping, and site orientation to minimize any potential impacts on adjacent properties and to ensure compatibility with neighbouring uses.

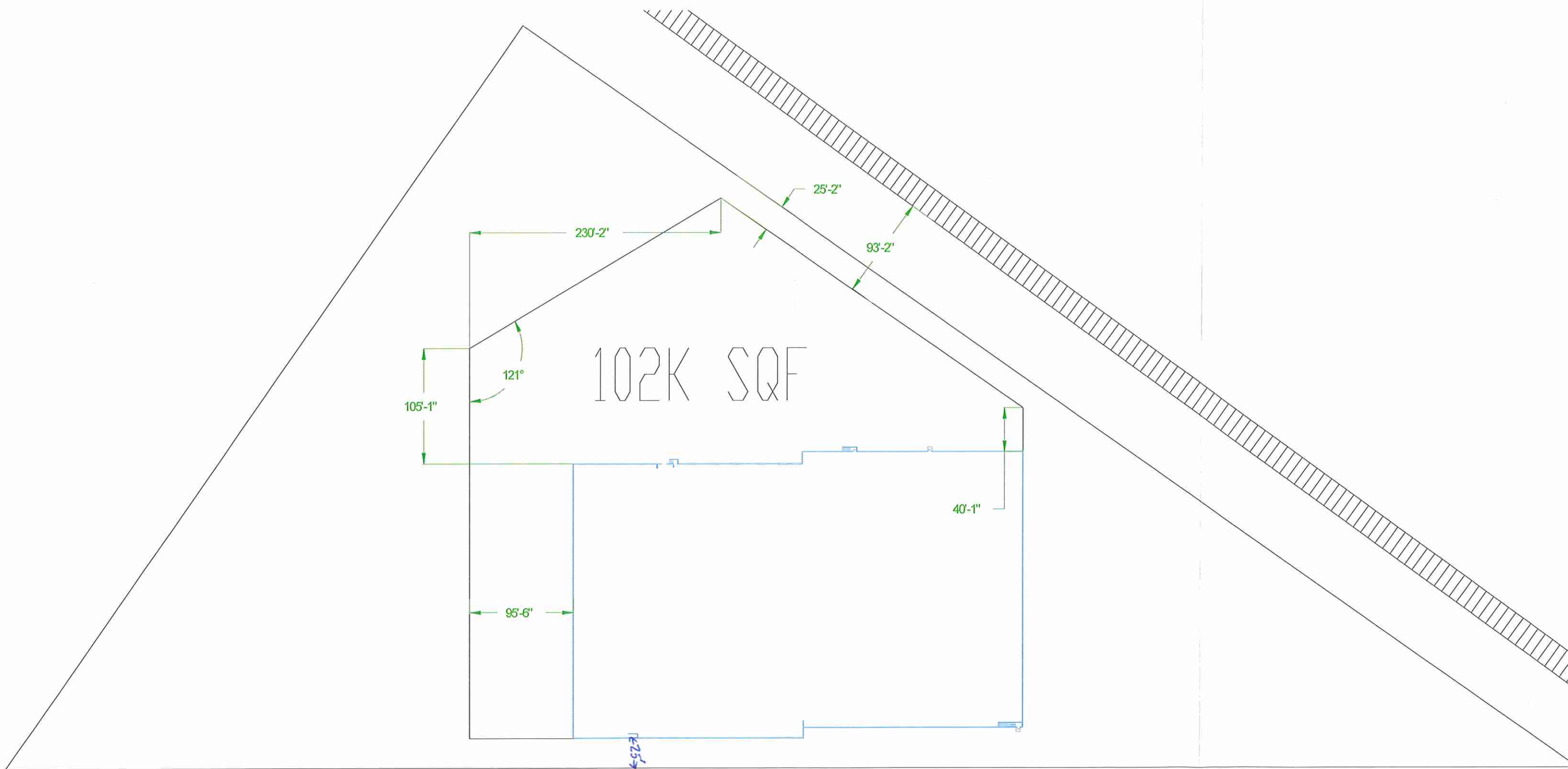
In accordance with Maryland variance standards, we believe this request satisfies the applicable criteria, including the presence of unique physical conditions, the existence of practical difficulty or undue hardship, the absence of conditions created by the applicant, and consistency with the spirit and intent of the zoning ordinance and public interest.

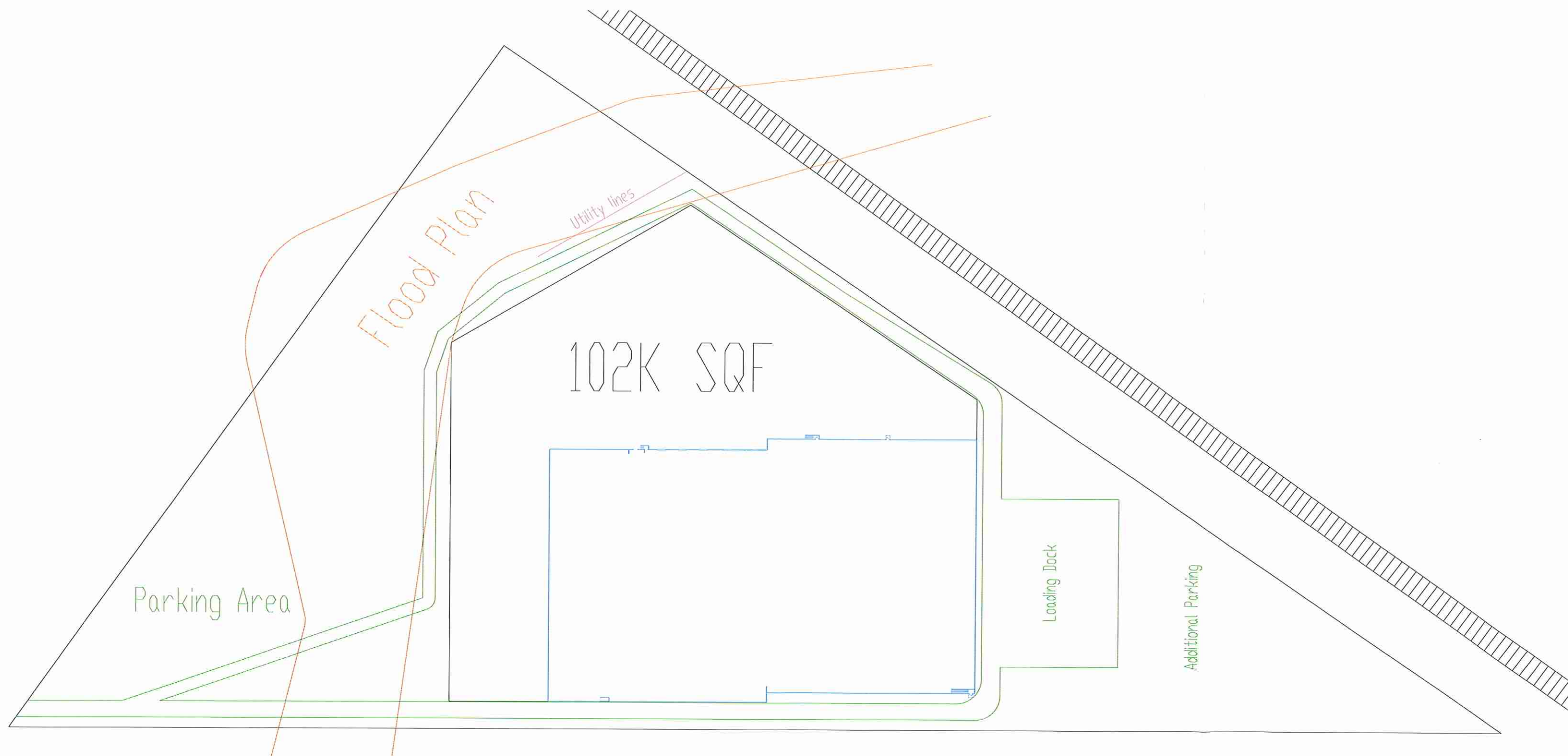
Accordingly, we respectfully request your review of this matter and guidance regarding the variance process. We look forward to working collaboratively with your office to ensure that the proposed project aligns with the Township's planning objectives and regulatory requirements while supporting local economic development.

Thank you for your consideration.

Sincerely,

Keith Rochon
Director of Program Management
ASSA ABLOY Fenestration
keith.rochon@assaabloy.com
248-421-5096





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

ASSA ABLOY FENESTRATION

*

Appeal No.: AP2026-025

d/b/a CALDWELL MANUFACTURING

*

*

APPELLANT

*

*

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

OPINION

ASSA ABLOY Fenestration d/b/a Caldwell Manufacturing (hereinafter “Appellant”) requests a variance to reduce the required setback for a property line adjoining a residential district from 150 feet to 25 feet, and a variance to reduce the required setback for a property line adjoining an industrial district from 75 feet to 25 feet, for the expansion of an existing industrial use at the subject property. The subject property is located at 9850 Prosperity Lane, Williamsport, Maryland 21795 and is zoned Planned Industrial. The Board held a public hearing in this matter on July 22, 2026.¹

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 owner of the subject property located at 9850 Prosperity Lane, Williamsport, Maryland 21795. The subject property is zoned Planned Industrial.
2. Appellant is a large global company with locations in several countries, engaged in the manufacturing of access control systems, security features and hardware.

¹ Board Member Brent Feight recused himself from consideration for this appeal. Alternate Board Member Todd Gossert participated in the hearing and decision in this matter.

3. Appellant acquired the subject property in 2022 and joined together manufacturing operations at the existing facility. The Williamsport location currently employs approximately 200 people across three (3) shifts. The facility primarily manufactures door and window hardware as components for larger access control systems.

4. The subject property consists of approximately 10.70 acres, improved by an industrial building with a loading dock and designated parking area. The property is triangular in shape and is bounded on one side by railroad tracks and on another side by residentially zoned land.

5. The subject property is located on the north side of Lappans Road, among other industrial and manufacturing businesses.

6. The existing building is already 25 feet from the adjoining residential lands.

7. Appellant's operation has grown and it has experienced an increased demand for products. In order to meet these demands, Appellant needs to expand its operation and by extension, its capacity to manufacture products.

8. Appellant proposes to expand the existing building to include an additional 120,000 to 150,000 square feet of manufacturing area for additional equipment and storage. The additional area would extend towards the railroad tracks and away from the adjoining residential zoning district.

9. The expansion of Appellant's existing operation would create approximately 120 new jobs, would increase efficiency and synergy at the facility and would improve existing truck traffic patterns in and out of the property.

10. The Board did not receive any letters of support for or in opposition to this appeal.

11. The Engineering Division did not take issue with the variance requests but did note that the subject property, including the existing buildings and proposed expansion, lie within the 100-year FEMA floodplain. There were no other comments provided from other agencies or departments.

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

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

Pursuant to Section 18 of the Zoning Ordinance, the side yard setback for the subject property is 15 feet. The subject property has an odd shape which exacerbates the impact of the dimensional requirements, particularly building setbacks. The building at the property has existed for approximately 44 years and predates the imposition of bulk dimensional requirements as set forth in the current Zoning Ordinance. Appellant’s plan of expansion is typical of growing manufacturing operations. Appellant proposes an expansion that has the least impact on any neighboring properties and will improve the internal traffic flow and utility of the existing facility. One of the requested variances is simply to confirm what is already in existence – that the current building is 25 feet from the adjoining property on the

² “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)

other side of Prosperity Lane. The proposed expansion will be located mostly to the rear of the building, moving closer to the existing railroad tracks. Appellant would be unable to expand or add to the existing building without some relief from the setback requirements due to the size and shape of the property and the orientation of the building in relation to the boundary lines.

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 requirements is necessary and remains consistent with the spirit and intent of the Ordinance. The variance requests should be granted.

Accordingly, the request for a variance request to reduce the required setback for a property line adjoining a residential district from 150 feet to 25 feet, and the variance request to reduce the required setback for a property line adjoining an industrial district from 75 feet to 25 feet, for the expansion of an existing industrial use 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: August 20, 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.