BOARD OF APPEALS

September 30, 2026

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

AGENDA

AP2026-029: An appeal was filed by Ministerio Voz Que Clama En El Desierto Inc for a special exception to establish a place of worship in the existing commercial building on property owned by Old Orchard LLC and located at 17611 Virginia Avenue, Hagerstown, Zoned Business Local District. **- GRANTED**

AP2026-030: An appeal was filed by Strickler Signs for a variance from the required 25 ft setback from the road right-of-way to 17 ft 6 in for proposed freestanding sign on property owned by the Toothman Revocable trust and location at 81 North Edgewood Drive, Hagerstown, Zoned Business Local District. **- GRANTED**

AP2026-031: An appeal was filed by Ronald Ellis for a variance from the required 50 ft rear yard setback to 31 ft for addition to single-family dwelling on property owned by the appellant and located at 11704 Camden Road, Williamsport, Zoned Environmental Conservation District. - **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 September 21, 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: Old Orchard LLC
C/O Trustcorp America
18702 Crestwood Drive
Hagerstown MD 21742

Appellant: Ministerio Voz Que Clama En El Desierto Inc
16918 Shadybrook Ter
Hagerstown MD 21740

Property Location: 17611 Virginia Avenue
Hagerstown, MD 21740

Docket No: AP2026-029
Tax ID No: 26010241
Zoning: BL
RB Overlay: No
Zoning Overlay:
Filed Date: 08/28/2026
Hearing Date: 09/30/2026

Description Of Appeal: Special exception to establish a place of worship in existing commercial building.

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

Previous Petition/Appeal Docket No(s): AP2003-085

Applicable Ordinance Sections: Washington County Zoning Ordinance Article 11 Business Local District, Section 11.3 Special Exception Uses (c) Places of worship

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Commercial Building
Proposed Use: Place of Worship

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 28 day of Aug., 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: AP2026-029

State of Maryland Washington County, To Wit:

On 8/28/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Ministerio Voz Que Clama En El Desierto Inc and made oath in due form of law as follows:

Ministerio Voz Que Clama En El Desierto Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 09/30/2026, 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 09/15/2026 and will remain until after the above hearing date.

Ministerio Voz Que Clama En El Desierto Inc

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

Notary Public

Seal

Nov. 7, 2029

My Commission Expires

WASHINGTON COUNTY BOARD OF ZONING APPEALS
747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

BOARD OF ZONING APPEALS

ATTENTION!

Posting Instructions

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

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

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

Washington County
MARYLAND

BOARD OF APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Jonathan Paz
is authorized to file an appeal with the Washington County Board of Appeals for
special exception for place of worship on property
located 17611 Virginia Avenue, Hagerstown, MD 21740
The said work is authorized by Old Orchard LLC
the property owner in fee.

PROPERTY OWNER

Old Orchard LLC
Name
603 Oak Hill Avenue
Address
Hagerstown, MD 21740
City, State, Zip Code
Owner's Signature

CHERYL D. MILLS NOTARY PUBLIC WASHINGTON COUNTY, MD MY COMMISSION EXPIRES OCTOBER 7, 2027

Sworn and subscribed before me this 26th day of August, 2024.

Notary Public

My Commission Expires: 10/7/27

AUTHORIZED REPRESENTATIVE

Jonathan Paz
Name
16918 Shadybrook Terrace
Address
Hagerstown, MD 21740
City, State, Zip Code
Authorized Representative's Signature

CHERYL D. MILLS NOTARY PUBLIC WASHINGTON COUNTY, MD MY COMMISSION EXPIRES OCTOBER 7, 2027

Sworn and subscribed before me this 26th day of August, 2024.

Notary Public

My Commission Expires: 10/7/27

Washington County
MARYLAND

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

Appeal for Special Exception

Property Location 17611 Virginia Ave, Hagerstown MD 21740

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

_____ Owner (Including Joint Ownership)

_____ Lessee ✓ Contract to rent/lease _____ Contract to Purchase

Other _____

Specify the Ordinance section and subsection(s) providing for proposed use:
Special Exception Example: Article 7A, Section 7A.2 Special Exception Uses (g) Banquet/Reception Facilities

Religious organization. (Articles of Inc. enclosed)

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 and addressing the standards for a special exceptions outlined in the Special Exception 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

- 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:
  - Special Exception $500.00
    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

16918 Shadybrook terrace Hagerstown
Address and of Appellant/Agent

jlcmoranpainting@gmail.com
Email of Appellant/Agent

11 301-473-0099
Phone Number of Appellant/Agent

MINISTERIO VOZ QUE CLAMA EN EL DESIERTO INC
16918 Shadybrook Ter
Hagerstown MD 21740
(240) 422-4088
pazmoranjonathan@gmail.com

ATTENTION: BOARD OF ZONING APPEALS
WASHINGTON COUNTY, MARYLAND

RE: Application to Establish a Place of Worship

Dear Members of the Board,

On behalf of our congregation mentioned above, it is our desire to establish a place of worship at 17611 Virginia Ave, Hagerstown MD 21740.
Our desire is to be a positive presence in the community. Also to serve families, support youth and children, and to promote moral values in a safe and respectful environment. We are fully committed to being responsible neighbors within Washington County.

Enclosed with this document you will find the Articles of Incorporation for our church, these will show the purpose of the church, management, etc.

HOURS OF OPERATION:

Tuesday 7:00 pm – 9:00 pm
Thursday 7:00 pm – 9:00 pm
Saturday 7:00 pm – 9:00 pm
Sunday 5:00 pm – 8:00 pm

Attendance: At this time, we anticipate approximately 25 attendees initially. While we hope to grow in the future, any expansion would be handled responsibly and in full compliance with county regulations.

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

Community Commitment & Compliance • We will implement parking control measures to ensure safe and orderly traffic flow. • Volunteers will assist with parking when necessary to prevent congestion or disruption. • All vehicles will be parked in designated spaces. • Noise levels will remain within legally permitted guidelines. • No loud outdoor amplified activities will be conducted. We will maintain cleanliness inside and outside the property. • The

surrounding area will remain clean and well cared for. We will comply fully with all county codes, zoning requirements, safety standards, and community regulations.
We respectfully ask for your consideration and approval of this request. We are committed to serving Washington County with integrity and dedication. Thank you for your time and thoughtful consideration.

Sincerely,

Jonathan Paz Moran
Pastor

ARTICLES OF INCORPORATION FOR A RELIGIOUS CORPORATION

FIRST: The Undersigned, being at least 18 years of age have been elected by the members of the congregation to act as trustees in the name and on behalf of said congregation do hereby associate ourselves as incorporators with the intention of forming a Religious Corporation under the general laws of Maryland:

Name: JONATHAN JOSUE PAZ MORAN Address: 16918 SHADYBROOK TER, HAGERSTOWN, MD, 21740

Name: BELSY DENIS SUMETA ARRIAZA Address: 16918 SHADYBROOK TER, HAGERSTOWN, MD, 21740

Name: KEVIN ISIDRO PAZ MORAN Address: 20 MANOR DR, APT 101, HAGERSTOWN, MD, 21740

Name: BRAYAN OSEAS PAZ MORAN Address: 20 MANOR DR, 101, HAGERSTOWN, MD, 21740

SECOND: The name of the Religious Corporation is: MINISTERIO VOZ QUE CLAMA EN EL DESIERTO INC (D27519412)

THIRD: The purpose(s) of the Religious Corporation is to:
ESTABLISH A PLACE OF WORSHIP.

In order to operate in Maryland, will the registering entity require a business or industry license that is issued by the state or any other local agency? No

FOURTH: Election of Trustees:

A. Time and manner for the election of new Trustees:
THE PERSON MUST RECEIVE A 2/3 MAJORITY OF VOTES CAST FOR EACH VACANT OFFICE TO CONSTITUTE RATIFICATION/ELECTION. MEMBERS OF THE BOARD SHALL SERVE FOR A PERIOD OF THREE (3) YEARS.

B. Qualifications of those able to be elected as a Trustee:
OFFICERS SHALL BE PERSONS, MALE OR FEMALE, OF MATURE CHRISTIAN EXPERIENCE AND KNOWLEDGE, WHO SHALL BE EXPECTED TO MEET THE REQUIREMENTS AS SET FORTH IN 1 TIMOTHY 3 AND ACTS 6. ELDERS SHALL BE AT LEAS 21 YEARS OLD.

C. Qualifications of those able to vote for Trustees:
QUALIFYING VOTING MEMBERS SHALL BE ACTIVE MEMBERS OF THE CHURCH.

ARTICLES OF INCORPORATION FOR A RELIGIOUS CORPORATION

FIFTH: The address of the principal place of worship is:
17611 VIRGINIA AVE
HAGERSTOWN, MD 21740

SIXTH: The Name and Address of the Resident Agent of the corporation is:

JONATHAN JOSUE PAZ MORAN
16918 SHADYBROOK TER
HAGERSTOWN, MD 21740

SEVENTH:

This corporation is organized exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue law) or (b) by a corporation contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law.

Upon the dissolution of this corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code (or corresponding section on any future federal tax code), or shall be distributed to the Federal government, or to a state or local government for public purpose. Any such assets not so disposed of shall be disposed by the Court of Common Pleas of the county in which the principal office of the corporation is ten located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

EIGHTH: Signatures of Trustees

IN WITNESS WHEREOF, we the trustees have signed these Articles of Incorporation and severally acknowledge the same to be our act.

JONATHAN JOSUE PAZ MORAN

BELSY DENIS SUMETA ARRIAZA

KEVIN ISIDRO PAZ MORAN

BRAYAN OSEAS PAZ MORAN

NINTH: Signature of Resident Agent

I hereby consent to my designation in this document as resident agent for this entity.

JONATHAN JOSUE PAZ MORAN

Signature of Resident Agent

ARTICLES OF INCORPORATION FOR A RELIGIOUS CORPORATION

FIRST: The Undersigned, being at least 18 years of age have been elected by the members of the congregation to act as trustees in the name and on behalf of said congregation do hereby associate ourselves as incorporators with the intention of forming a Religious Corporation under the general laws of Maryland:

ZONIA MARINA MORAN VELASQUEZ DE PAZ	20 MANOR DR, 101, HAGERSTOWN, MD, 21740

ARTICLES OF INCORPORATION FOR A RELIGIOUS CORPORATION

EIGHTH: Signatures of Trustees

IN WITNESS WHEREOF, we the trustees have signed these Articles of Incorporation and severally acknowledge the same to be our act.

ZONIA MARINA MORAN
VELASQUEZ DE PAZ

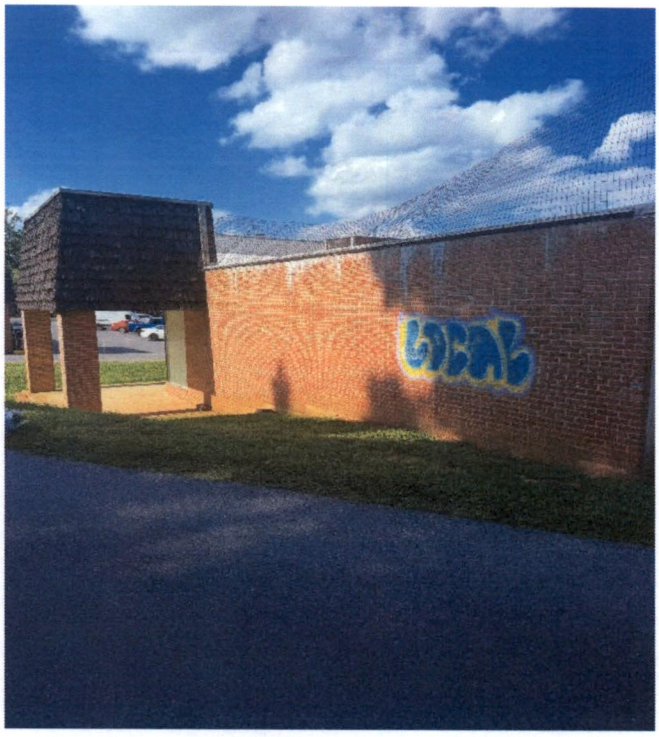





TOP
Allstate


Allstate







ArcGIS Web Map



8/24/2026, 1:48:48 PM

County Boundary

Parcel Boundaries

1:875

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Maryland Department of Transportation (MDOT)
, Maryland Department of Transportation State Highway Administration (MDOT SHA),
MDOT SHA Geospatial Technologies Team (GIS@sha.state.md.us), MD iMAP, MDP, SDAT, MD

BEFORE THE BOARD OF ZONING APPEALS
FOR WASHINGTON COUNTY, MARYLAND

MINISTERIO VOZ QUE CLAMA EN EL DESIERTO, INC. 17611 Virginia Avenue Hagerstown, Maryland 21740	* * * *	Appeal No. AP2026-029

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

OPINION

Ministerio Voz Que Clama En El Desierto, Inc., a Maryland corporation (hereinafter "Appellant") requests a special exception to establish a place of worship in the existing commercial building located at 17611 Virginia Avenue, Hagerstown, Maryland, which building is zoned Business Local District, and owned by Old Orchard, LLC, a Maryland limited liability company. The Board of Zoning Appeals (the "Board") held a public hearing on this matter on September 30, 2026.

The appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County (the "Ordinance"), and upon notice to the parties and general public as required. Kathryn Rathvon provided the Staff Report indicating that (i) proper notice of the hearing was given to adjacent property owners by letter, and (ii) the subject property was properly posted. Notice was also published in the newspaper. Christina Line, on behalf of the Owner, testified in support of Appellant's requested special exception.

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. Old Orchard, LLC, a Maryland limited liability company, is the owner of the subject property located at 17611 Virginia Avenue, Hagerstown, Maryland. The subject property is zoned Business Local District.

2. The subject property is a presently unoccupied storefront in a shopping center with a large, shared parking lot.

3. Appellant is the contract lessee of the subject property.

4. Appellant is a church with a congregation of approximately ten (10) members. Appellant proposes to establish its place of worship at the subject property.

5. Appellant expects that people are expected to be in the building on Tuesdays, Thursdays, and Saturdays from 7:00 p.m. to 9:00 p.m., and on Sundays from 5:00 p.m. to 7:00 p.m.

6. No neighbors or other tenants have expressed concern about the proposed use of the subject property.

7. Appellants do not anticipate any substantial changes to the exterior of the building, with the exception of possible signage.

RATIONALE

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Ordinance. A special exception is defined as "a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood." *See* Ordinance, Article 28A. Additionally, Section 25.6 of the Ordinance sets forth the limitations, guides, and standards in exercise of the Board's duties and provides:

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

(e) The conservation of property values.

(f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.

(g) The most appropriate use of the land and structure.

(h) Decision of the courts.

(i) The purpose of these regulations as set forth herein.

(j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

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

Due to the current vacancy of the subject property and the absence of any concerns expressed by neighboring property owners and tenants, the Board is persuaded that the proposed use would be a good fit for the property, and that it is unlikely that there will be any significant impact on the surrounding properties.

Due to the nature of the use and the small size of the current congregation, the Board finds that the proposed use will not create dangerous traffic conditions or other safety concerns within the surrounding area. However, if and as Appellant's congregation grows, and during events, Appellant should certainly take appropriate care to manage ingress and egress, but based on the limited occurrence of such events, any impact on traffic would be minimal. Moreover, the Board finds no cause for concern regarding the number of people residing or working in the area which is relatively small, or the impact on nearby public gatherings as it appears to be minimal.

The proposed use does not conflict with the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Indeed, Ms. Line testified that Old Orchard, LLC leases other similar properties to churches for the same purpose. The Board finds that the proposed use will not produce any undue noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties. There was no evidence presented that the proposed use would have any effect on the property values or the peace and enjoyment of nearby homes.

The Board finds that the proposed use is an appropriate use of the land and/or structure. The Board recognizes that there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed

by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on the surrounding property.

Notwithstanding the analysis pursuant to *Schultz v. Pritts*, 291 Md. 1 (1981) and the related appellate opinions, there are no judicial decisions directly affecting the subject property.

The Board finds that the proposed use is consistent with the purpose and vision of the Ordinance, and will contribute to the orderly growth of the community.

Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz*, 291 Md. at 15. Any impact that may result from the proposed use would have similar impact regardless of the location in the zoning district and thus it is not unique to the subject property. For all these reasons, the Board concludes that this appeal satisfies the criteria for a special exception, and Appellant's request should be granted.

Accordingly, the request for a special exception to establish a place of worship in any existing commercial building at the subject property is hereby GRANTED, by a vote of 5 to 0. The special exception is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF ZONING APPEALS

By: Tracie Felker, Chair

Date Issued:October 30, 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: The Toothman Revocable Trust, Ronald G Toothman Trust
11350 Kieffer Funk Road
Smithsburg MD 21783

Appellant: Strickler Signs
3999 Carlisle Pike
New Oxford PA 17350

Property Location: 81 No Edgewood Drive
Hagerstown, MD 21740

Docket No: AP2026-030
Tax ID No: 10002583
Zoning: BL
RB Overlay: No
Zoning Overlay:
Filed Date: 09/03/2026
Hearing Date: 09/30/2026

Description Of Appeal: Variance from the required 25 ft setback from the road right-of-way to 17 ft 6 inches for proposed freestanding sign.

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): AP2026-026 & AP2002-072

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

Reason For Hardship: Meeting the setback would significantly reduce visibility from the roadway due to existing site constraints and would diminish the intended purpose and effectiveness of the signage.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Freestanding Sign
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 3 day of Sept., 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: AP2026-030

State of Maryland Washington County, To Wit:

On 9/3/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Strickler Signs and made oath in due form of law as follows:

Strickler Signs 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 09/30/2026, 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 09/15/2026 and will remain until after the above hearing date.

Strickler Signs

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

Notary Public

Seal

Nov. 7, 2029

My Commission Expires

WASHINGTON COUNTY BOARD OF ZONING APPEALS
747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

BOARD OF ZONING APPEALS

ATTENTION!

Posting Instructions

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

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

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

DATE 09/02/2026 **Job # 260277**

Variance Hearing Date: September 30th 2026

Location: Toothman Orthodontics @ 81 North Edgewood Drive – Hagerstown MD

Zoning Office Washington County MD

VARIANCE REQUEST

Requesting variance for a 17-foot 6-inch set back of ROW vs ordinance 25ft set back.

Attached Documents

1. Letter of Request
2. Application – Board of Appeals – pertaining to Washington County MD, sign regulations,
    a. Article 22 / Division 2
3. Statement Letter
4. Board of Appeals – Owner Representative Affidavit
5. GIS – Washington County MD Parcel Details Sheet
6. Renderings
    a. Proposed Sign, color copy Version -06
    b. Site Map Renderings
7. Appeal Fee – Check # 46547
8. , Amt $300.00
9. Copies – (9) copies

Please contact me if you have any questions or need additional documentation.

Thank you.

Kevin Coutts

Strickler Signs

717.624.8450
kcoutts@stricklersigns.com
hweikel@stricklersigns.com

Washington County MD Sign Ordiance

letter, and cabinet signs located on the outside of the building, whether located on a wall, mansard, awning, canopy, or window. No such sign shall extend above the roof line of its building or canopy structure.

510.2 Minimum Standards and Conformance:

510.2.1 Minimum Standards:
The minimum standards set forth herein shall not be construed as relieving any owner or tenant of the responsibility for compliance with other local resolutions, codes, and regulations, including established requirements and provisions of the International Building Code or National Electrical Code or other authority having jurisdiction.

510.2.2 Conformance Required:
All signs erected, replaced, reconstructed, expanded, or relocated on any property shall conform with the provisions of this Article and with all other pertinent laws For the purposes of sign regulation, this Article shall supersede the provisions of Article III where the two Articles conflict.

510.2.3 Electrical Safety:
All signs having electric wiring shall bear a seal of approval of a nationally recognized electrical testing laboratory. Each sign with electrical wiring must have an external disconnect. Where appropriate, label numbers shall be registered with the Washington County Planning director's Office at the time a sign permit is issued.

510.2.4 Solar Powered Signs:
A sign that utilizes solar panels for power are permitted as long as they are included as part of the sign structure.

510.2.5 Setback:
The following signs shall be erected no closer than ten (10) feet to any property line or public street right-of-way. In addition, such signs shall comply with Section 4.11 of the Zoning Code, which deals with vision clearance at street intersections. If the adjoining street right-of-way is less than fifty (50) feet in width, each such sign shall be located no closer than thirty-five (35) feet from the centerline of the right-of-way.

A. Freestanding signs;

B. Real estate signs;

C. Political signs;

D. Construction signs;

E. Directory signs;

F. Ground-mounted signs; and

G. Temporary signs.

510.2.6 Noncommercial Copy:
Any sign, display, or device allowed under this resolution may contain, in lieu of

Washington County
MARYLAND

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

Signage

Property Location Toothman Orthodontics @ 81 North Edgewood Dr. 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 X Agent, 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.
510.2.5 Sign Set Back from ROW

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.

Requesting adjustment from 25ft set back to 17'6" set back from ROW

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 are 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 Attached Documents
  - Number of employees (existing/proposed) 10
  - Hours of operation M-T 8 4:30 F 8-1 Sat & Sun Closed
  - Proposed landscaping and lighting Attached

1

- ✓ 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

Strickler Signs
3999 Carlisle Pike New Oxford Pa 17350
Address and of Appellant/Agent

KCoutts@stricklersigns.com
Email of Appellant/Agent

C. 717 465 5461
Phone Number of Appellant/Agent

Hearing Sept 30th CK# 46547, $300.-

For a property zoned **BL (Business Local)** in Washington County, the sign regulations are generally governed by Article 22 / Division 2 of the Washington County Zoning Ordinance.

Based on the current ordinance materials and recent Planning Commission documents, the typical allowances for a **freestanding business sign** in the BL district are:

Requirement	Typical BL Allowance
Maximum sign height	**35 feet**
Minimum setback from right-of-way	**25 feet** from the street ROW to the sign structure
Maximum sign area	Generally calculated at **2 sq. ft. per linear foot of building frontage**, subject to an overall cap (commonly **600 sq. ft. cumulative signage**)

Additional notes:

- Only **1 freestanding sign per frontage** is typically permitted.
- Signs are prohibited within the public right-of-way.
- Corner lots may qualify for signage facing each street frontage.
- Electronic message centers/digital signs may have additional operational restrictions. (Washington County)

One recent Washington County case specifically cited the BL/commercial freestanding sign setback standard as:

> "no part of the supporting structure … less than twenty-five (25) feet from the street right-of-way."

Date 09/02/2026
Project # 260277
Variance Hearing September 30th 2026

WASHINGTON COUNTY MARYLAND
BOARD OF APPEALS
REF : VARIANCE REQUEST

Property Location @ Toothman Orthodontics – 81 North Edgewood Drive – Hagerstown, MD 21740

To Zoning Hearing Board Members:

The requested variance is necessary to allow the proposed sign installation at a 17-foot 6-inch setback from the Right-of-Way (ROW) in lieu of the required 25-foot setback. The reduced setback is being requested due to site-specific conditions that limit the practical placement of the sign while still maintaining visibility, functionality, and safety.

The proposed location provides the best opportunity for the sign to be visible to passing traffic and effectively serve the property while remaining within the available site area. Moving the sign farther back to meet the 25-foot setback requirement would significantly reduce visibility from the roadway due to existing site constraints and would diminish the intended purpose and effectiveness of the signage.

The requested placement does not create an obstruction, does not interfere with pedestrian or vehicular circulation, and will maintain appropriate clearance from the roadway. The proposed location represents the minimum adjustment necessary to achieve reasonable visibility and functionality for the property while respecting the intent of the setback regulations.

For these reasons, we respectfully request approval of the variance to permit the sign to be installed at a 17-foot 6-inch setback from the ROW.

Respectfully,

Kevin Coutts, sign agent

717.465.5461

CC

kcoutts@stricklersigns.com

hweikel@stricklersigns.com

Washington County
MARYLAND

BOARD OF APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Stricklers Signs
is authorized to file an appeal with the Washington County Board of Appeals for
variance from freestanding sign setback on property
located 81 North Edgewood Drive, Hagerstown.
The said work is authorized by Ronald Toothman
the property owner in fee.

ANGELA J SMITH
NOTARY PUBLIC
REG. #00376808
MY COMMISSION EXPIRES
03/31/2029
COMMONWEALTH OF VIRGINIA

PROPERTY OWNER

Ronald G Toothman
Name
81 N. Edgewood Dave
Address
Hagerstown, MD 21740
City, State, Zip Code
Owner's Signature

Sworn and subscribed before me this 27 day of 7, 2026.

Notary Public

My Commission Expires: 03/31/2029

AUTHORIZED REPRESENTATIVE

Kevin Coutts
Name
1595 Knoxlyn Rd
Address
Gettysburg PA 17325
City, State, Zip Code
Authorized Representative's Signature

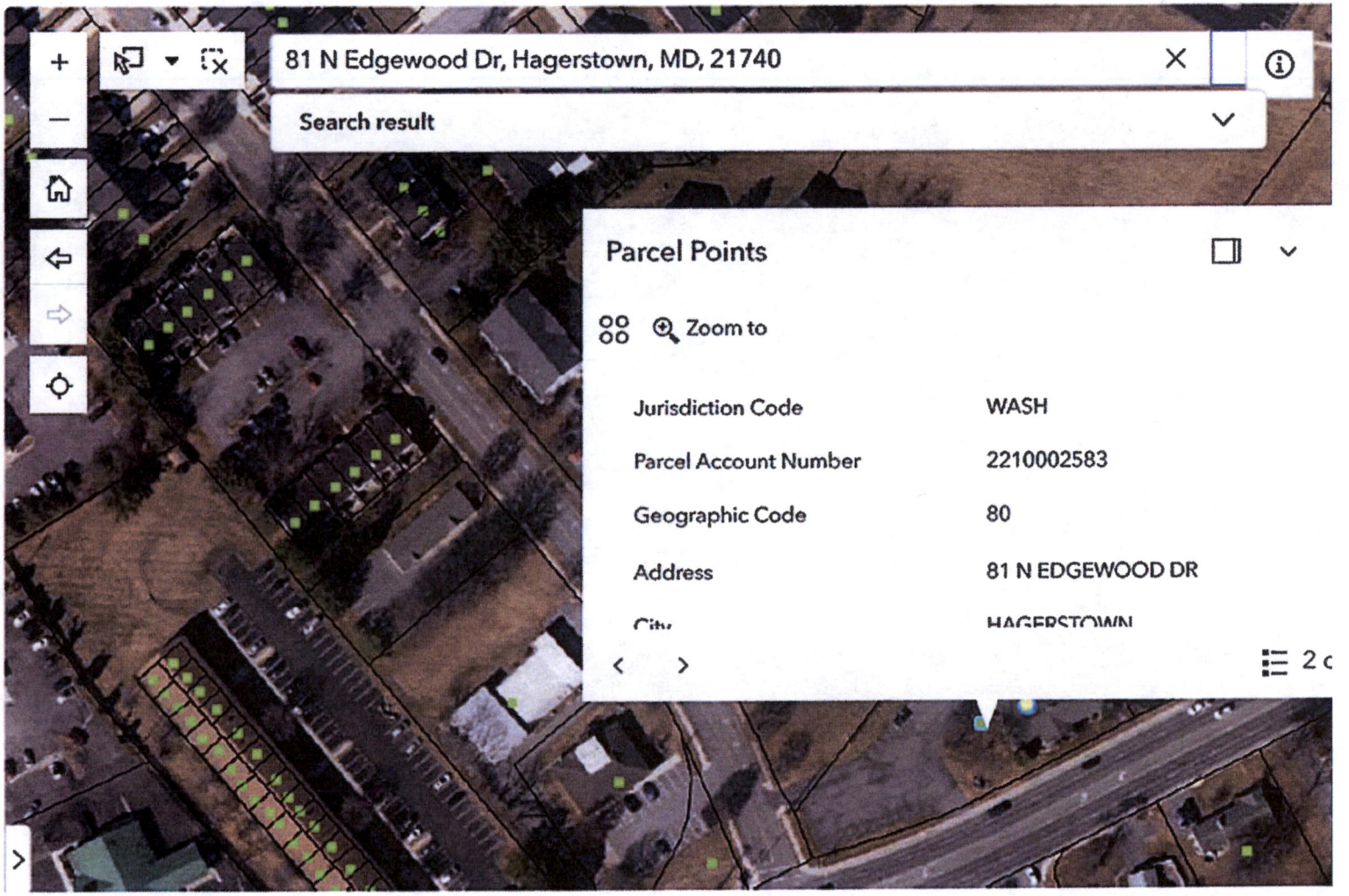
Sworn and subscribed before me this 28 day of July, 2026.

Notary Public

My Commission Expires: Nov. 7, 2029

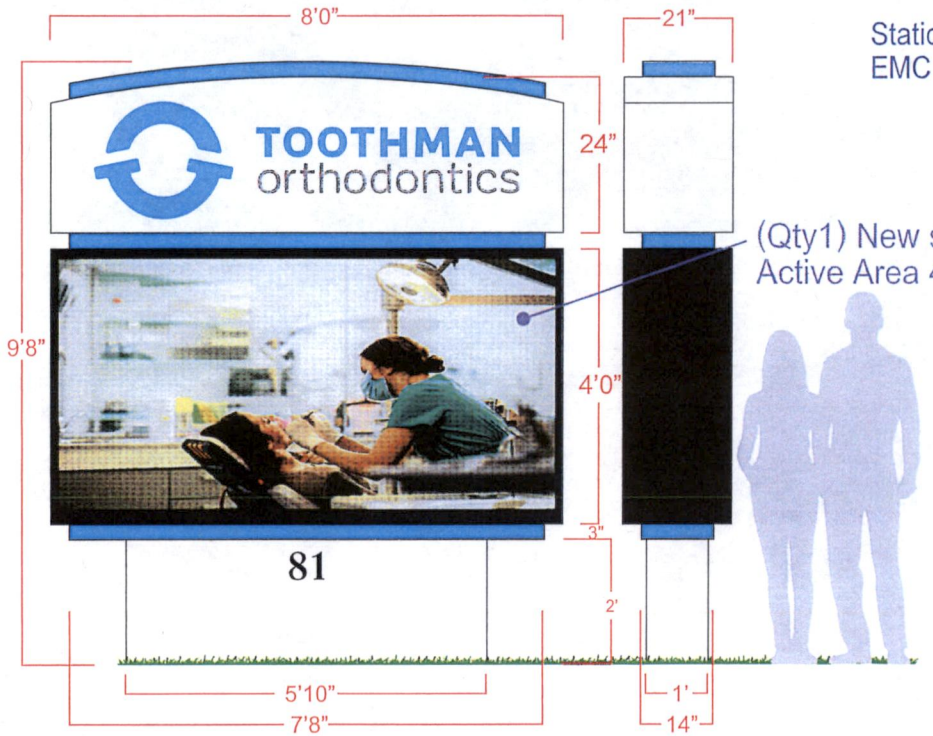
GIS – WASHINGTON COUNTY MD

GIS



New d/f Monument

- Scrap & Remove Existing Monument
- Fabricate & Install White d/f Sign Cabinet
- Routed Push-Thru Faces
  w/ Digitally Printed Graphics
- Blue Cap above Cabinet, Reveal beneath
- Utilize (1) Existing Single Face 6mm Electronic Message Center, 120V 46AMPs, 23 per Face, Single Phase Service
- Installing (1) 4'5"x8'3" Single Face 6mm Watchfire EMC to Existing EMC. Existing Sign is "Brain" Primary Unit & New Secondary Unit
- Content will be the same on both sides
- White Skirt w/ Black Vinyl Numbers
- New Pipe & Foundation



Static ID Cabinet = 26"h x 96"w = 17.33 Sq Ft
EMC = 4'h x 8'w = 32 Sq Ft
TOTAL SQ FT = 49.33

(Qty1) New s/f 6mm Watchfire (4'5"x8'3")
Active Area 4' x 8'

Existing
Remove & Scrap



Concept Drawings, Pending Final Revision / Approval

Pantone 300 C (Primary Blue)

260277-06
Toothman Orthodontics
260277-XX_ToothmanOrtho

STRICKLER
stricklersigns.com
Kevin Coutts
717-465-5461 | kcoutts@stricklersigns.com
Toll Free 800.222.0187 Fax 717-624-8450

7

TOOTHMAN ORTHODONTICS
81 North Edgewood Dr, Hagerstown, MD 21740

QUANTITY | 1	CHANNEL LETTERS |
SCALE | 1/2"=1'	SIGN CABINET |
ILLUMINATED ■	DIGITAL SIGN |
NON-ILLUMINATED □	LED BORDER TUBE |
SINGLE FACED □	VOLTAGE |
DOUBLE FACED ■	AMPS PER FACE |
	TOTAL AMPS |
	PHOTOCELL |
	TIMER |
	DISCONNECT SWITCH |

UL LISTED

DATE/ARTIST	DESCRIPTION
6/2/26 DWE	Concept
6/3/26 DWE	Concept
6/11/26 DWE	Revisions
6/11/26 DWE	More Revisioning
6/15/26 DWE	Revisions

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CLIENT SIGNATURE

Sign Location

New Location



Old Location



New Location



Old Location



260277-11

Toothman Orthodontics

260277-XX_ToothmanOrtho

STRICKLER
stricklersigns.com
Kevin Coutts
717-468-5461 | kcoutts@strickersigns.com
Toll Free 800.222.0367 Fax 717-624-8450

7

TOOTHMAN ORTHODONTICS
81 North Edgewood Dr, Hagerstown, MD 21740

QUANTITY | 1	CHANNEL LETTERS |	
SCALE |	SIGN CABINET |	
	DIGITAL SIGN |	
	LED BORDER TUBE |	
ILLUMINATED ■	VOLTAGE |	® LISTED
NON-ILLUMINATED □	AMPS PER FACE |	
	TOTAL AMPS |	
SINGLE FACED □	PHOTOCELL |	
	TIMER |	
DOUBLE FACED ■	DISCONNECT SWITCH |	

DATE/ARTIST	DESCRIPTION
6/2/26 DWE	Concept
6/3/26 DWE	Concept
6/11/26 DWE	Revisions
6/11/26 DWE	More Revisioning
6/15/26 DWE	Revisions
8/3/26 DWE	Revisions
8/19/26 DWE	Customer Revisions
8/26/26 DWE	Location Change

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CLIENT SIGNATURE


Path
Polygon
Circle
3D path
3D polygon
the distance between two points on the ground
Map Length: 17.71 Feet
ound Length: 18.02
Heading: 152.85 degrees
e Navigation
Save
Clear
new pylon location
Toothman Orthodontics
150' ST
75' ST
263.17 ft
75.08 ft
150.39 ft
17.75 ft
234.35 ft
Image © 2025 Airbus
Google Earth


New location 2nd request
ROW
17'6" Back

BEFORE THE BOARD OF ZONING APPEALS
FOR WASHINGTON COUNTY, MARYLAND

W.J. STRICKLER SIGNS, INC. 3999 CARLISLE PIKE New Oxford, PA 17350	*	Appeal No. AP2026-030

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

OPINION

W.J. Strickler Signs, Inc., a Pennsylvania corporation (hereinafter "Appellant") requests a variance to reduce the required setback from 25 ft. to 17 ft. 6 inches from the road right-of-way for purposes of maintaining a freestanding sign. The subject property is located at 81 N. Edgewood Drive, Hagerstown, Maryland, owned by Ronald G. Toothman, Trustee for the Toothman Revocable Trust, and zoned Business Local District. The Board of Zoning Appeals (the "Board") held a public hearing on this matter on September 30, 2026.

The Appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County (the "Ordinance") and upon notice to the parties and general public as required. Kathryn Rathvon provided the Staff Report indicating that (i) proper notice of the hearing was given to adjacent property owners by letter, (ii) publication was made in the newspaper, and (iii) the subject property was properly posted. There was no third-party testimony in support of or in opposition to the proposed variance. The Maryland State Highway Administration had no comment regarding the requested variance.

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. The subject property, located at 81 N. Edgewood Drive, Hagerstown, Maryland, is owned by Ronald G. Toothman, Trustee for the Toothman Revocable Trust, and is zoned Business Local District.

2. The subject property is located at the intersection of N. Edgewood Drive and Langley Drive and is accessible by entryways on both roads. Edgewood Drive experiences a frequently high volume of traffic.

3. The subject property is currently improved by a small wooden sign, which has proved ineffective for the business operated on the subject property. The current sign is located approximately 19.8 ft. from the public right-of-way on Edgewood Drive.

4. Although the existing sign encroaches on the 25-ft. setback area, it does so only because it was erected prior to the widening of Edgewood Drive by the State Highway Administration (SHA), and therefore brought closer to the right-of-way merely by its expansion and the shifting of property lines.

5. Appellant proposes to erect a new digital sign in approximately the same location as the current sign. However, the new sign cannot be erected using the same support structure as the current sign and the drip edge of the new sign will cause it to be 17.6 ft. from the existing right-of-way (approximately 2.2 ft. closer to the right-of-way than the current sign, and 7.4 ft. into the 25-ft. setback area).

6. The proposed location of the new digital sign will not inhibit drivers' sightlines and visibility for safe ingress and egress to and from the subject property at either entrance.

7. The new digital sign will be perpendicular to N. Edgewood Drive and therefore does not face the residential properties on the opposite side of N. Edgewood Drive.

8. Appellant intends to have the new digital sign change screens approximately ever 10-12 seconds, and does not intend to use flashing lights or sounds. Further, Appellant testified that the brightness level of the sign can be adjusted and reduced during evening hours.

RATIONALE

The Board may grant a variance upon satisfaction of a two-part test by showing that (i) the subject property's uniqueness and (ii) the existence of practical difficulty[1] or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance. *See Dan's Mountain Wind Force, LLC v. Allegany County Board of Zoning Appeals*, 236 Md. App. 483, 491-92 (2018). The "uniqueness" requirement considers whether "the property whereon structures are to be placed (or uses conducted, is – in and of itself – unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness and peculiarity of the subject property causes the

[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 difficult 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).

zoning provision to impact disproportionately upon that property." *Cromwell v. Ward*, 102 Md. App. 691, 694 (1995). Upon successfully proving uniqueness, "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; (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. *See* Ordinance, Section 25.56(A). The Board finds that Appellant satisfactorily proved the uniqueness of the subject property and the practical difficulty and undue hardship caused by requiring strict compliance.

The Board finds that the subject property is unique among the surrounding properties. First, the subject property is only one of four properties zoned Business Local fronting N. Edgewood Drive: 13 N. Edgewood Drive; 1691 Langley Drive; 81 N. Edgewood Drive; and 149 N. Edgewood Drive. With the exception of 149 N. Edgewood Drive, these properties are primarily surrounded by properties (i) located within the municipal boundaries of the City of Hagerstown, and (ii) residential properties zoned Residential, Suburban District.

Of the four aforementioned Business Local properties, only three have signage along N. Edgewood Drive. 13 N. Edgewood Drive does not have signage along N. Edgewood Drive as its primary entrance and parking lot is located on the west side of Langley Drive behind 1691 Langley Drive. 1691 Langley Drive has signage along and nearly abutting Edgewood Drive, but that sign is located within the municipal boundaries of the City of Hagerstown and is not subject to the Ordinance. 149 N. Edgewood Drive has a large masonry sign set back from N. Edgewood Drive. However, 149 N. Edgewood Drive (i) is located at the corner of the intersection of N. Edgewood Drive and Mount Aetna Road; (ii) is located on a relative straight stretch of N. Edgewood Drive, and (iii) is a significantly larger property than the subject property, with substantially more open space between the primary structure on the property and N. Edgewood Drive.

The subject property is particularly unique in that it is located shortly after southbound traffic on N. Edgewood Drive crests an incline and slopes downhill, curving slightly to the right approaching the intersection with National Pike. The subject property is located on the inside of the aforementioned curve, reducing the effective visibility of Appellant's sign to southbound traffic. Nonetheless, the Board finds that the proposed location for the new digital sign (which is

approximately in the same location as the current sign) does provide for the greatest visibility to passing traffic. Based on the foregoing, the Board finds that the subject property satisfies the uniqueness requirement for a variance.

The Board further finds that the requested variance should be granted as a result of practical difficulty in relocating the sign elsewhere on the property while maintaining adequate and effective visibility and safety. It is worth noting that the current wooden sign was erected prior to the SHA's widening of Edgewood Drive and construction of sidewalks adjacent thereto, thus altering the existing boundary lines of the subject property by the SHA's taking in 2008. But for the SHA's taking, the current wooden sign's location (approximately the same location where the new digital sign will be placed) would have complied with the 25-ft. setback requirement in the Ordinance. The reduced open space on the subject property resulting from the SHA's taking creates a practical difficulty for Appellant in its ability to relocate the sign elsewhere on the subject property. Therefore, the Board finds that strict compliance under these circumstances would render conformance unnecessarily burdensome.

Additionally, the Board finds that given the historic lack of traffic accidents or safety issues relating to the current sign, and the fact that placing the new sign outside of the 25-ft. setback would substantially, if not completed prevent, visibility of the sign to southbound traffic, denying the variance would do substantial injustice to Appellant. Further, the proposed variance encroaches only about 2 ft. further into the setback area than the current sign. Due to the minimal difference between location from the existing sign and the new sign, as well as the continued respect for the right-of-way and safety of the public thereon, the Board finds that a lesser relaxation than the requested variance would not give substantial relief, and that the requested variance observes the spirit of the Ordinance and secure public safety and welfare.

CONCLUSION

Accordingly, based on the foregoing, Appellant's request for a variance to reduce the required setback for the subject property from 25 ft. to 17.6 ft. from the road right-of-way for purposes of maintaining a freestanding sign is granted by a vote of 4 to 1. The variance relief is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

[SIGNATURE ON THE FOLLOWING PAGE]

BOARD OF ZONING APPEALS

By: Tracie Felker, Chair

Date Issued: October 30, 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: Ronald W Ellis
11704 Camden Road
Williamsport MD 21795

Appellant: Ronald Ellis
11704 Camden Road
Williamsport MD 21795

Property Location: 11704 CAMDEN Road
Williamsport, MD 21795

Docket No: AP2026-031
Tax ID No: 23005239
Zoning: EC
RB Overlay: No
Zoning Overlay:
Filed Date: 09/02/2026
Hearing Date: 09/30/2026

Description Of Appeal: Variance from the required 50 ft rear yard setback to 31 ft for addition to single-family dwelling

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

Previous Petition/Appeal Docket No(s): AP93-101

Applicable Ordinance Sections: Article 5B Environmental Conservation District, Section 5B.5 Residential Lot Size and Bulk Dimensions

Reason For Hardship: Contour of the driveway, moving garage further on the property will provide manageable access to first bay of garage.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single-Family Dwelling
Proposed Use: Addition

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.

Ronald W Ellis
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 4 day of Sept, 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: AP2026-031

State of Maryland Washington County, To Wit:

On 9/2/2026, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Ronald Ellis and made oath in due form of law as follows:

Ronald Ellis 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 09/30/2026, 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 09/15/2026 and will remain until after the above hearing date.

Ronald W Ellis

Ronald Ellis

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

Notary Public

Seal

Nov. 7, 2029

My Commission Expires

WASHINGTON COUNTY BOARD OF ZONING APPEALS
747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

BOARD OF ZONING APPEALS

ATTENTION!

Posting Instructions

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

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

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

Washington County
MARYLAND

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 11704 Camden RD Williamsport MD 21795

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

X Owner (Including Joint Ownership)

_____ Lessee _____Contract to rent/lease _____ Contract to Purchase

Other _____

Specify the Ordinance section and subsection from which the variance is desired:
Example: Article 5A, Section 5A.5-Requires 15 ft. side yard setback.
Article 5B Section 5B.5 Residential lot size and Bulk Dimensions rear yard setback of 50 ft.

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.

Requesting adjustment from 50' to 31 ft

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 are 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

September 2, 2026

TO: Board of Appeals

FROM: Ronald Ellis, Owner

I am requesting a variance for building a two-car garage attached to my home by a mud room at my residence at 11704 Camden Road, Williamsport, adjusting the setback from my property line from 50 feet to 31 feet.

I am requesting this variance due to the undue hardship because of the contour of my driveway to Camden Road. By setting over the garage the additional feet, it will provide manageable access to the first bay. We couldn't go back farther in the back yard due to the well. We couldn't go to the front yard due to the septic and septic reserve area.

Ronald Ellis

August 28, 2026

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

RE: Variance for a rear yard setback

Dear Board Members:

We the below signed neighbors of Ronald Ellis hereby acknowledge that we met with Ron regarding the above referenced variance and we are not opposed to the Board granting a variance for this rear setback so that he may build a garage ~~within~~ up to 31' of his rear property line.

Sign _____ 9/4/26

Print Robert Bryce 443-277-4677

August 28, 2026

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

RE: Variance for a rear yard setback

Dear Board Members:

We the below signed neighbors of Ronald Ellis hereby acknowledge that we met with Ron regarding the above referenced variance and we are not opposed to the Board granting a variance for this rear setback so that we may build a garage within 31' of his rear property line.

Margie G. Wolverton

Margie Y. Wolverton

Elizabeth S. Hanna

Elizabeth G. Hanna

_____

_____

Variance Drawing

11704 Camden Road, Williamsport, MD

for

Ron Ellis

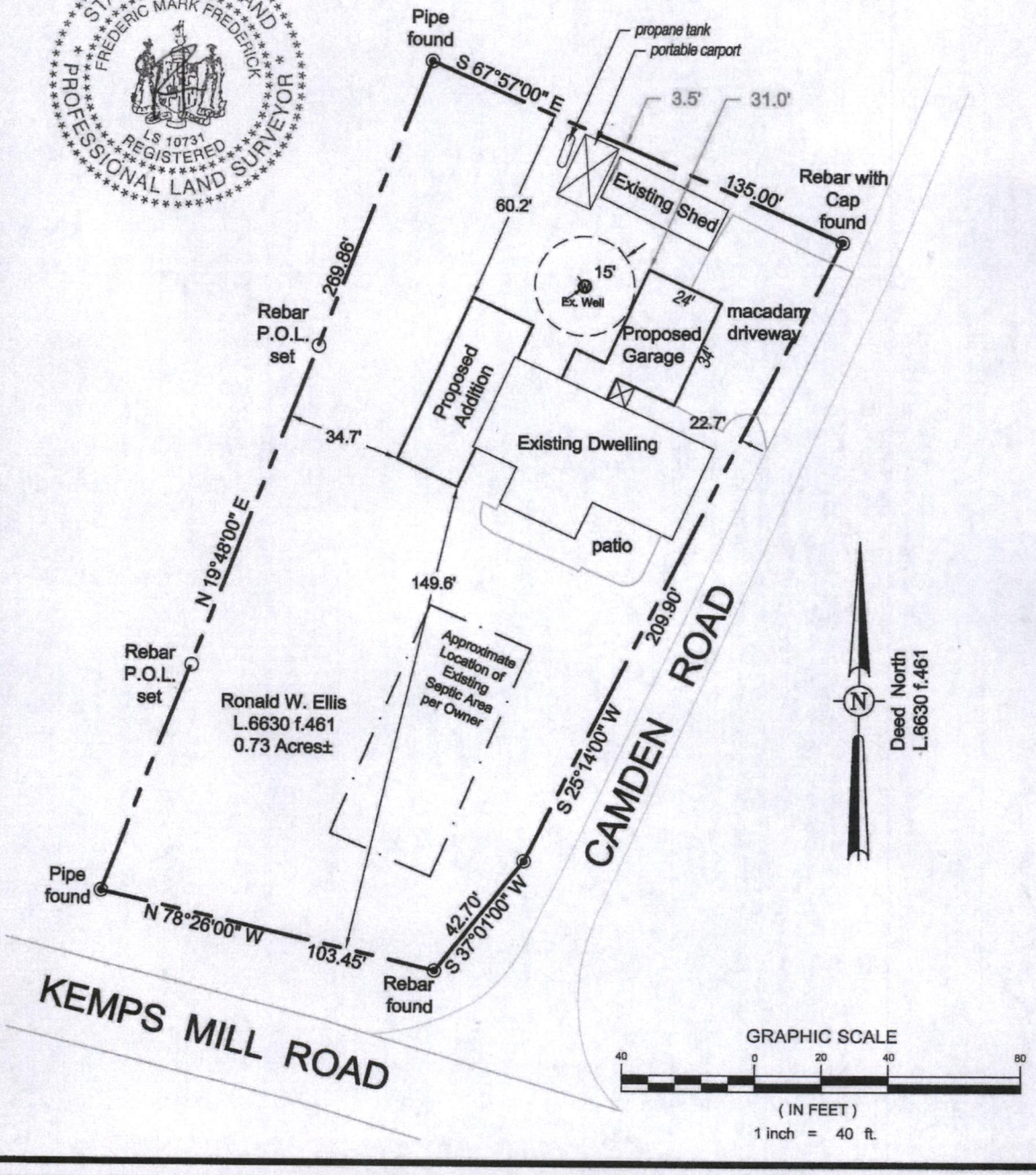
SURVEYOR'S CERTIFICATION

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: 1/16/2028

Frederic M. Frederick, PLS No. 10731
Expiration Date: 1/16/2028

Aug. 28, 2026
Date

STATE OF MARYLAND
FREDERIC MARK FREDERICK
LS 10731
REGISTERED
PROFESSIONAL LAND SURVEYOR



Tax Map	47-12-264
DWN BY	DHH
DATE	8-28-26
PROJECT MANAGER	F. Frederick
EMAIL	ffrederick@fsa-inc.com
SCALE	1" = 40'
	SHEET 1 OF 1

FSA

FREDERICK, SEIBERT & ASSOCIATES, INC. © 2026 fsa-inc.com

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

128 SOUTH POTOMAC STREET HAGERSTOWN, MD 21740 301.791.3650	11142 WILLIAMSPORT PIKE GREENCASTLE, PA 17225 717.597.1007	505 SOUTH HANOVER STREET CARLISLE, PA 17013 717.701.8111	15 EAST MAIN STREET NEW BLOOMFIELD, PA 17068 717.275.7531

PROJECT NO. 2026-0128

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Frederick Seibert & Associates, Inc.



9/1/2026, 3:34:32 PM

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FSA Database

Parcels Washington County

1:2,257

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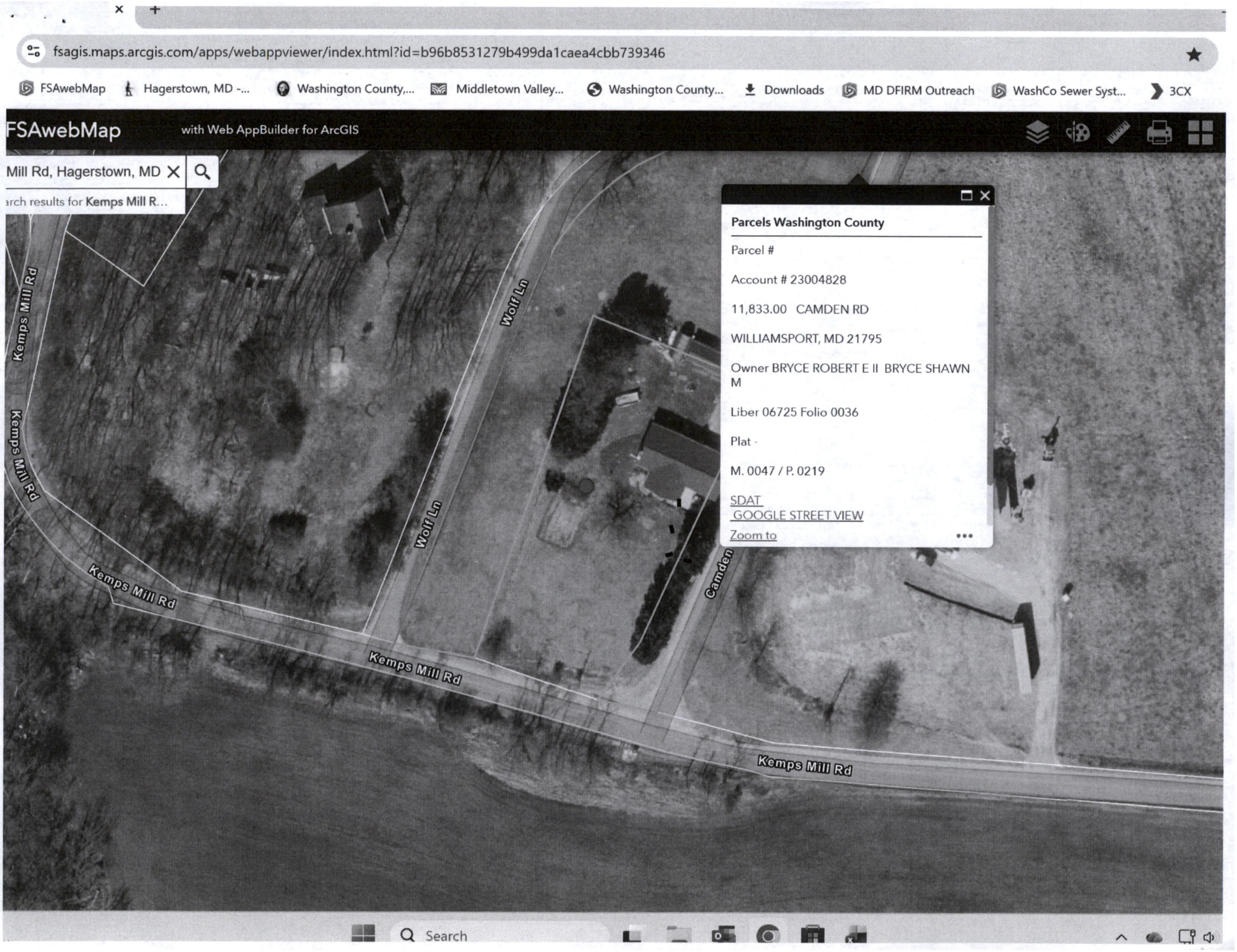
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Web AppBuilder for ArcGIS

Microsoft, Vantor | MD iMAP, DoIT | Hagerstown MD | Washington County Planning Department | Source: USDA NRCS, Esri | MD iMAP, MDP, SDAT | Washington County | Maryland Department of Transportation (MDOT), Maryland Department of Transportation State


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Hagerstown, MD -...
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Middletown Valley...
Washington County...
Downloads
MD DFIRM Outreach
WashCo Sewer Syst...
3CX
FSAwebMap
with Web AppBuilder for ArcGIS
Mill Rd, Hagerstown, MD
arch results for Kemps Mill R...
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Wolf Ln
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Camden Rd
Camden Rd
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Kemps Mill Rd
Kemps Mill Rd
Kemps Mill Rd
Kemps Mill Rd
Wolf Ln
Wolf Ln
Camden Rd
Camden R
Parcels Washington County
Parcel #
Account # 02017075
11,571.00 KEMPS MILL RD
WILLIAMSPORT, MD 21795
Owner HANNA MARGIE Y C/O
WOLVERTON MARGIE Y
Liber 01509 Folio 0779
Plat - 1722
M. 0047 / P. 0303
SDAT
GOOGLE STREET VIEW
Zoom to
Search


fsagis.maps.arcgis.com/apps/webappviewer/index.html?id=b96b8531279b499da1caea4cbb739346
FSAwebMap
Hagerstown, MD -...
Washington County,...
Middletown Valley...
Washington County...
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WashCo Sewer Syst...
3CX
FSAwebMap
with Web AppBuilder for ArcGIS
Mill Rd, Hagerstown, MD
arch results for Kemps Mill R...
Parcels Washington County
Parcel #
Account # 23004828
11,833.00 CAMDEN RD
WILLIAMSPORT, MD 21795
Owner BRYCE ROBERT E II BRYCE SHAWN M
Liber 06725 Folio 0036
Plat -
M. 0047 / P. 0219
SDAT
GOOGLE STREET VIEW
Zoom to
Kemps Mill Rd
Kemps Mill Rd
Kemps Mill Rd
Kemps Mill Rd
Wolf Ln
Wolf Ln
Camden
Search

BEFORE THE BOARD OF ZONING APPEALS
FOR WASHINGTON COUNTY, MARYLAND

RONALD W. ELLIS 11704 Camden Road Williamsport, Maryland 21795	*	Appeal No. AP2026-031

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

OPINION

Ronald W. Ellis (hereinafter "Appellant") requests a variance from the rear yard setback requirement from 50 ft. to 31 ft. for a garage. The subject property is located at 11704 Camden Road, Williamsport, Maryland 21795 and is zoned Environmental Conservation. The Board of Zoning Appeals (the "Board") held a public hearing in this matter on September 30, 2026.

The appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County (the "Ordinance") and upon notice to the parties and general public as required. Kathryn Rathvon provided the Staff Report indicating that (i) proper notice of the hearing was given to adjacent property owners by letter, (ii) publication was made in the newspaper, and (iii) the subject property was properly posted. There was no third-party testimony in support of or in opposition to the proposed variance. Notice was provided to the Washington County Health Department, and no comment was received in response.

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 act:

1. The subject property, located at 11704 Camden Road Williamsport, MD, is owned by Ronald W. Ellis and is zoned Environmental Conservation.

2. Appellant desires to construct a garage at the rear of the subject property, which is a permitted use in the Environmental Conservation District.

3. The subject property is a lot of record in the Environmental Conservation District, is improved by a single-family dwelling, and does not meet the minimum lot area and/or minimum lot width for the Environmental Conservation District.

4. The Environmental Conservation District had 50-ft. setback requirement for the rear boundary line of the subject property.

5. In connection with Appellant's permit application for the construction of the garage, Appellant submitted plans to build the garage 39 feet from the rear property line. The Zoning Coordinator granted a yard modification pursuant to Section 23.5(a)(2) of the Ordinance, thus reducing the 50-ft. setback requirement to a 37.5-ft. setback (*i.e.*, 25.0% of the depth of the lot).

6. Appellant later determined during construction of the garage that an adjustment would be required due to constraints to place in another location due to the existing well, the existing septic area, and the location of an existing telephone pole next to the current garage. The desired adjustment would also allow for a straight entrance into the garage, which is safer during inclement weather, and to avoid circumventing the telephone pole. The desired adjustment requires a variance to reduce the rear yard setback to 31 ft. (*i.e.*, an additional 6.5 ft. beyond what the Zoning Coordinator may allow under Section 23.5(a)(2) of the Ordinance).

7. Appellant received and submitted in the record letters of support from the neighboring property owners regarding the requested variance, including the owner(s) of the property abutting the rear property line who would be most affected by a grant of the requested variance.

Rationale

The Board may grant a variance upon satisfaction of a two-part test by showing that (i) the subject property's uniqueness and (ii) the existence of practical difficult[1] or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance. *See Dan's Mountain Wind Force, LLC v. Allegany County Board of Zoning Appeals*, 236 Md. App. 483, 491-92 (2018). The "uniqueness" requirement considers whether "the property whereon structures are to be placed (or uses conducted, is – in and of itself – unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property." *Cromwell v. Ward*, 102 Md. App. 691, 694 (1995). Upon successfully proving uniqueness, "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; (2) denying the variance

[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 difficult 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).

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. *See* Ordinance, Section 25.56(A). The Board finds that Appellant satisfactorily proved the uniqueness of the subject property and the practical difficulty and undue hardship caused by requiring strict compliance.

The Board finds that the subject property's unique nature is primarily due to it being a lot of record that fails to meet the minimum lot area and/or minimum width for the Environmental Conservation District. *See* Ordinance, Section 23.5(a). Additionally, the location of the well and septic systems on the subject property, as well as certain public utilities (*e.g.*, telephone poles along Camden Road), further add to the subject property's uniqueness making Appellant's proposed location of the garage the most convenient, safe, and practical. Based on the foregoing, the Board finds that the subject property satisfies the uniqueness requirement for a variance.

The Board further finds that the requested variance should be granted as a result of the practical difficulty in locating the garage elsewhere on the property. The difference of an additional variance of 6.5 ft. from the yard modification granted in connection with Appellant's permit application is minor in light of the increased convenience, safety, and practicality of the use of the garage. Additionally, as there is only support from the neighboring property owners that may be affected by the requested variance, the Board finds that requiring strict compliance would unreasonably prevent the use of the subject property for a permitted purpose and would render conformance unnecessarily burdensome.

Further, due the minimal area in which the garage may be constructed, based on the location of the well and septic systems, as well as public utilities, the Board finds that denying the requested variance would do substantial injustice to Appellant and a lesser relaxation than what is requested would not give substantial relief. Lastly, and for the same reasons set forth above, the Board finds that granting the requested variance would observe the spirit of the Ordinance and secure public safety and welfare.

CONCLUSION

Accordingly, based on the foregoing, Appellant's request for a variance to reduce the required setback on the subject property from 50 ft. to 31 ft. from the rear property line for purposes of constructing a garage is granted by a vote of 5 to 0. The variance relief is granted subject to the

standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

[SIGNATURE ON THE FOLLOWING PAGE]

BOARD OF ZONING APPEALS

By: Tracie Felker, Chair

Date Issued: October 30, 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.