

BOARD OF APPEALS

December 10, 2025

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

AGENDA

AP2025-025: Sharpsburg Pike Holding LLC is charging administrative error of the Zoning Administer stating the interpretation of Section 22.23(e) regarding “Use on the Premises Signs” is incorrect for installation of a freestanding sign that would advertise the uses(s) or tenant(s) on adjacent parcels. An appeal was also filed for a variance from the requirement of a property to have a lot frontage of at least 40 ft. in width to be reduced to 25 ft. and a variance from the 25 ft. setback for the sign support structure from the road right-of-way to 10 ft. for proposed freestanding sign on the property owned by the appellant and located at 10440 Vida Drive, Hagerstown, Zoned Highway Interchange District. **-BOARD UPHELD THE ZONING ADMINISTER'S OPINION, VARAINCES WERE NOT ACTIONED BY THE BOARD.**

AP2025-029: An appeal was filed by 9738 Downsville Pike LLC for a special exception to establish a resident business for an accounting office in accessory structure on property owned by the appellant and located at 9738 Downsville Pike, Hagerstown, Zoned Agricultural Rural 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 December 1, 2025. 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: Sharpsburg Pike Holding LLC
1741 Dual Highway
Suite B
Hagerstown MD 21740

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

Property Location: 10440 Vida Drive
Hagerstown, MD 21740

Description Of Appeal: Charging administrative error of the Zoning Administer stating the interpretation of Section 22.23(e) regarding "Use on the Premises Signs" is incorrect for installation of a freestanding sign that would advertise the use(s) or tenant(s) on adjacent parcels.
Variance from the requirement for a property to have a lot frontage of at least 40 ft. in width to be reduced down to 25 ft. and a variance from the 25 ft. setback for the sign support structure from the road right-of-way to 10 ft. for proposed freestanding sign.

Docket No: AP2025-025
Tax ID No: 10066000

Zoning: HI
RB Overlay: No
Zoning Overlay:

Filed Date: 10/02/2025
Hearing Date: 10/29/2025

Appellant's Legal Interest In Above Property:

Owner: Yes	Contract to Rent/Lease:	No
Lessee: No	Contract to Purchase:	No
Other:		

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.23 (3)

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Commercial Lot **Proposed Use:** Freestanding Sign

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

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

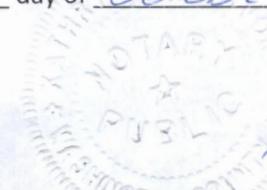
I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this

day of October, 20 25.





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-025

State of Maryland Washington County, To Wit:

On 10/2/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert & Associates Inc and made oath in due form of law as follows:

Frederick Seibert & Associates Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 10/29/2025, 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 10/14/2025 and will remain until after the above hearing date.

Frederick Seibert & Associates Inc

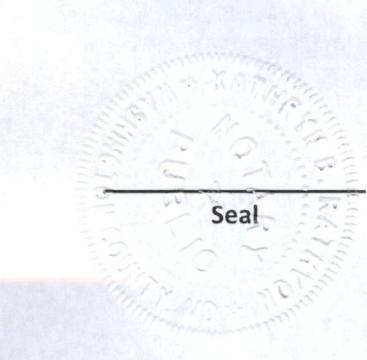
Sworn and subscribed before me the day and year first above written.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025

Notary Public

My Commission Expires

Seal





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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BOARD OF ZONING APPEALS

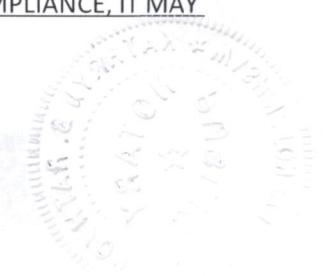
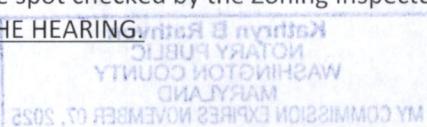
ATTENTION!

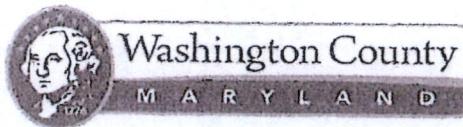
Posting Instructions

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 Ed Schreiber is authorized to file an appeal with the Washington County Board of Appeals for ADMINISTRATIVE ERROR AND VARIANCES located 10440 VIDA DR, HAGERSTOWN MD 21740 on property The said work is authorized by SHARPSBURG PIKE HOLDING LLC the property owner in fee.

PROPERTY OWNER

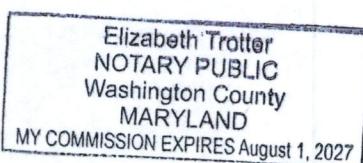
ADAM SHACOL
ASHAOLD@WASHCODEVELOPMENTS.
com
240-527-9014

SHARPSBURG PIKE HOLDING, LLC
Name 1741 DUAL HIGHWAY STE B
Address HAGERSTOWN, MD 21740
City, State, Zip Code
Adam Schreiber
Owner's Signature

Sworn and subscribed before me this 26 day of September, 2025.

Elizabeth Trotter
Notary Public

My Commission Expires:



AUTHORIZED REPRESENTATIVE

Ed Schreiber
Name 128 S. POTOMAC ST
Address HAGERSTOWN MD 21740
City, State, Zip Code
Ed Schreiber
Authorized Representative's Signature

Sworn and subscribed before me this

29 day of September, 2025.

Mark S. Eichelberger
Notary Public

My Commission Expires:



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

Ed J. Schreiber

From: Baker, Jill <JBaker@washco-md.net>
Sent: Wednesday, September 10, 2025 11:37 AM
To: Ed J. Schreiber
Cc: Trevor M. Frederick; Rathvon, Kathryn B.
Subject: RE: 10440 Vida Drive, Shops at Sharpsburg, FSA 5563
Attachments: 5563 Sign BZA.pdf

9/10 Email From Planning Director/Zoning Admin.

I have reviewed your request and offer the following opinion.

As you eluded to in your request for review, the ordinance says that, "Individual businesses or industrial establishments may erect a free-standing business sign, provided the lot frontage is at least 40 ft." (Section 22.23(e)). This regulation pertains to "Use on the Premises Signs". Because the sign being proposed will be on a separate premises from where the use(s) is/are taking place, it would be considered an 'Outdoor Advertising Sign' and the regulations in Section 22.24 will apply. I also need to point out that the tenant of Lot 2 already has one freestanding sign advertising their business. You also state that the sign being proposed will function in the same manner as a pylon sign in a shopping center. There is no regulatory language to allow for functionally similar signage. Either it is on-premises, or it is off-premises.

It is clear from the location on the exhibit you provided (attached), that the sign would be located on a separate premises from the other lots in the commercial subdivision that you wish to advertise. It is my opinion that this sign meets the definition of an Outdoor Advertising Sign and must therefore conform to the regulations for that use.

Please consider this a formal written opinion in response to your request for review. This opinion may be appealed to the Board of Zoning Appeals charging Administrative Error within 30 days of the sent date of this email. If you have any further questions or concerns, please let me know.

Jill



Jill Baker, AICP
Director/Zoning Administrator
747 Northern Avenue
Hagerstown, MD 21742
Phone: (240) 313-2433
E-mail: jbaker@washco-md.net
Website: www.washco-md.net

Get Connected and See Updates



NOTICE: This e-mail, including any attachments, is intended solely for the use of the addressee(s) and may contain confidential, proprietary, and privileged information, the unauthorized disclosure or use of which is prohibited. If you are not the intended recipient of this email or if you received this e-mail in error, please immediately notify the sender by reply email and delete this e-mail and any attachments from your system. Thank you.

From: Ed J. Schreiber <ESchreiber@fsa-inc.com>
Sent: Thursday, August 14, 2025 9:32 AM
To: Baker, Jill <JBaker@washco-md.net>
Cc: Trevor M. Frederick <TFrederick@fsa-inc.com>; Rathvon, Kathryn B. <krathvon@washco-md.net>
Subject: 10440 Vida Drive, Shops at Sharpsburg, FSA 5563

8/14/25 Email from Applicant

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Jill,

Please accept this email as a request for your determination to allow the Board of Zoning Appeals hear a request for a freestanding sign to serve as an outdoor advertising sign. Section 22.23(e) of the Washington County Zoning Ordinance states that individual businesses are permitted a freestanding sign to advertise the use or tenant on the same lot as the freestanding sign. We have a project that several commercial lots have been created and each are proposed to be occupied by individual businesses. Four (4) of the six (6) lots created have panhandles that are approximately 250 feet in length or the main body of the lot is 300 feet from the main road frontage. These lots are range is size from .69 acres to 7.84 acres give the appearance of a small shopping center of smaller individual buildings and occupants. This enclave of lots/buildings gives the appearance of a shopping center and it is the desire to construct an individual sign to advertise for all four (4) lots, not unlike a shopping center. What is proposed is nothing like a true "Outdoor Advertising" that would be seen along an interstate.

An attempt was made to file for a Board of Zoning Appeals variance to allow 1 freestanding sign advertise the businesses on 4 individual lots, reduce the front yard setback from 25' to 10' and reduce the 40' lot frontage requirement to 25' which is the width of the panhandle. At the time I was advised that a variance of this nature would not be entertained by the Board and that if I disagreed I would need to file for Administrative Error. This is my request for a written decision explaining why this variance will not be entertained by the Board so I may move forward with filing for Administrative error. I have included a sketch of the subject properties for a better understanding of the site.

Project Name: Shops of Sharpsburg Pike

Owner/Applicant: Sharpsburg Pike Holding LLC

Project Address: 10305 Ezra Dr, Hagerstown, MD 21740

Tax Map 57 **Grid** 10 **Parcel** 644 **Lot** 4

Account # 10009707

Zoning: HI

Variance request: From section 22.23(e) "Use on the Premises" signs. As stated in the Washington County Zoning Ordinance individual businesses are permitted a freestanding sign to advertise the use or tenant on the same lot as the freestanding sign. Also mentioned is that the sign must be 25' from the ROW. The applicant is requesting relief from the 25' setback requirement to 10', reduced lot width from 40' to 25' and that the freestanding sign may only advertise for the use on the lot that the sign would be constructed on and allow advertising for lots 2,6,7 & 8

In an effort to combine the advertising for 4 lots onto one sign the applicant is seeking to do the following:

1. Reduce clutter and confusion as to the tenants of each building and where to exit Sharpsburg Pike to get to said buildings.
2. Combining the signs of lots 2,6,7 & 8 is requested similar to the design of the private road that provides access to each lot. One access off of Sharpsburg Pike has been provided for several lots.
3. Reduction of the 25' setback is requested due to the odd configuration of the ROW in that area.

Undo burden is being placed on the applicant to provide individual freestanding signs not to mention the increased amount of clutter and confusion that is caused by multiple signs along the road.

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



Washington County
MARYLAND

BOARD OF ZONING APPEALS

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

Appeal Charging Error In Administrative Ruling or Action

Property Location: 10440 Vida 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

Official or agency from whose ruling or action this appeal is made: Planning & Zoning Dept
Planning Director/Zoning Administrator

Date of ruling or action: 9/10/2025

On attached sheet please provide:

- Brief description of ruling or action from which this appeal is made. (Attach copy of ruling or document indicating such action) SEE Email From 9/10
- Brief description of what, in Appellant's view, the ruling or action should have been. SEE Email From 8/14
- Section/subsection of the Zoning Ordinance which Appellant contends was misinterpreted SEE Email 8/14
- Error in fact, if any, involved in the ruling or action from which this appeal is made
- Error of law, if any, involved in the ruling or action from which this appeal is made
- Questions of fact, if any, presented to the Board of this appeal
- State of Appellant's interest, i.e. manner in which Appellant is aggrieved by the ruling or action complained of (as property owner or otherwise):

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

SEE AFFIDAVIT

Signature of Appellant

SEE AFFIDAVIT

Address of Appellant

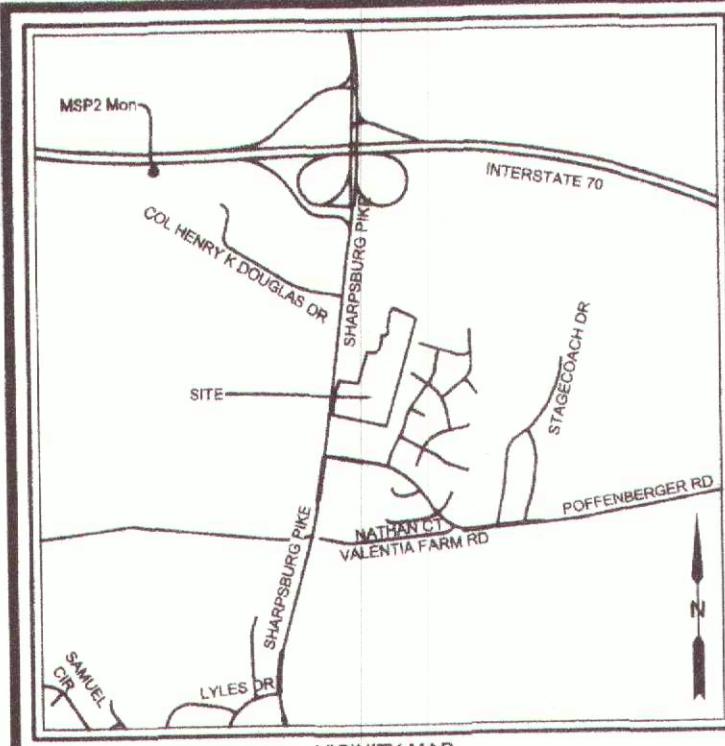
SEE AFFIDAVIT

Email of Appellant

SEE AFFIDAVIT

Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



LEGEND

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

LOT & AREA TABULATION

13.50 Acres Lands of Sharpsburg Pike Holding, LLC
 - 1.27 Acres Lot 2
 - 0.98 Acres Lot 4
 - 0.81 Acres Lot 5
 - 1.69 Acres Lot 6
 - 0.78 Acres Lot 7
 - 7.84 Acres Lot 8
 - 0.15 Acres Ded. R/W for Sharpsburg Pike
 0.00 Acres Remaining

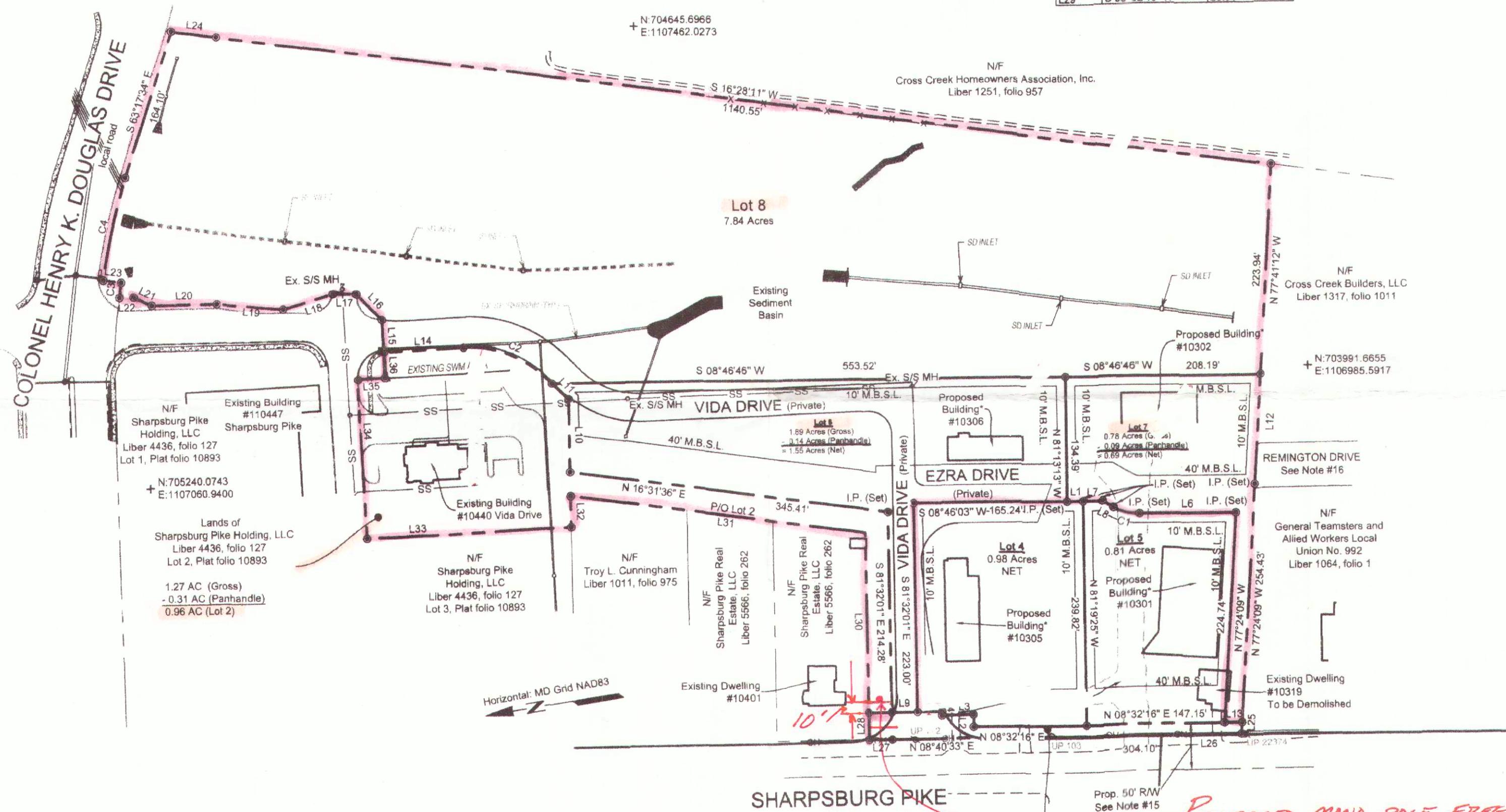
*For future development on Lots 4-8, see General Note #4
 on Sheet 2 regarding MBSLs.

Sheet Index

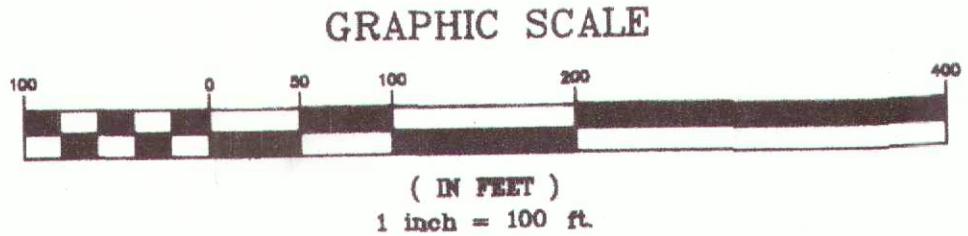
Sheet 1 - Subdivision
 Sheet 2 - Notes and Access Easement
 Sheet 3 - SWM Easements
 Sheet 4 - S/S and WL Easements

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	28.14'	32° 14' 58"	S 24° 53' 32" W	27.77'
C2	118.00'	106.54'	51° 43' 58"	N 32° 05' 27" E	102.96'
C3	641.00'	16.17'	126° 44"	S 73° 33' 03" E	16.17'
C4	660.00'	109.88'	9° 32' 20"	S 68° 03' 43" E	109.75'

LINE	BEARING	DISTANCE
L1	S 08° 46' 03" W	17.31'
L2	S 81° 27' 44" E	13.27'
L3	N 06° 32' 16" E	33.59'
L4	S 81° 27' 44" E	4.29'
L5	N 06° 32' 16" E	26.48'
L6	S 08° 46' 03" W	103.33'
L7	S 08° 46' 03" W	20.98'
L8	S 41° 10' 00" W	13.66'
L9	N 08° 32' 16" E	28.00'
L10	S 81° 32' 01" E	79.12'
L11	N 53° 42' 08" E	24.90'
L12	N 77° 36' 09" W	119.88'
L13	N 06° 32' 16" E	18.80'
L14	N 06° 13' 28" E	85.48'
L15	S 83° 26' 20" E	34.24'
L16	N 55° 28' 40" E	39.52'
L17	N 10° 05' 50" E	25.18'
L18	N 07° 03' 10" W	55.19'
L19	N 14° 08' 29" E	71.68'
L20	N 08° 12' 08" E	70.57'
L21	N 36° 17' 47" E	20.89'
L22	N 06° 12' 08" E	15.20'
L23	N 17° 10' 07" E	19.00'
L24	S 16° 29' 06" W	49.11'
L25	N 77° 24' 09" W	12.41'
L26	N 06° 45' 59" E	70.62'
L27	S 06° 41' 37" W	25.01'
L28	S 81° 33' 05" E	28.86'
L29	S 06° 32' 16" W	25.01'



SHARPSBURG PIKE HOLDING, LLC
 1741 Dual Highway, Suite B
 Hagerstown MD 21740



PLAT NO 11758
 DATE MAY 01 2024
 WASHINGTON COUNTY

FINAL PLAT OF SUBDIVISION
 S-23-020
 SHEET 01 OF 04

FS&O
 FREDERICK, SEIBERT & ASSOCIATES, INC.
 CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
 15 EAST MAIN STREET
 NEW OMERO, PA 17068
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305 SOUTH HANOVER STREET
 HAGERSTOWN, MD 21740
 301/731-3560

20 WEST BALTIMORE STREET
 HAGERSTOWN, MD 21740
 301/731-7007

1728 SOUTH ACTONIC STREET
 HAGERSTOWN, MD 21740
 301/731-7007

305 SOUTH HANOVER STREET
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 717/701-6111

15 EAST MAIN STREET
 NEW OMERO, PA 17068
 717/701-6111

305 SOUTH HANOVER STREET
 HAGERSTOWN, MD 17068
 717/701-6111

15 EAST MAIN STREET
 NEW OMERO, PA 17068

Project Name: Resident Business for 9738 Downsville Pike LLC

Owner/Applicant: 9738 Downsville Pike LLC

Project Address: 9738 Downsville Pike, Hagerstown, MD 21740

Tax Map 56 Grid 23 Parcel 869

Account # 02-008386

Zoning: A(R)

Special Exception for a Resident Business

As outlined in Table 3.3(1) of the Washington County Zoning Ordinance, the proposed Resident Business Use requires a public hearing and approval by the Board of Zoning Appeals. The business will be operated by members of the family residing on the property, with no more than two (2) non-resident employees, as permitted by the ordinance.

The proposed resident business is an accounting office serving an existing Tri-State area business owned and operated by the owners of the land and will be located within an accessory building on the 123-acre farm. The existing dwelling on the property will be demolished and replaced with a new single-family residence to be occupied by the owners of the land.

The business will remain incidental and subordinate to the primary residential use of the property and complies with the following applicable criteria:

The use does not exceed more than five thousand (5,000) SF of the floor space of the dwelling or an accessory structure. **The applicant is proposing a 5,000 SF building.**

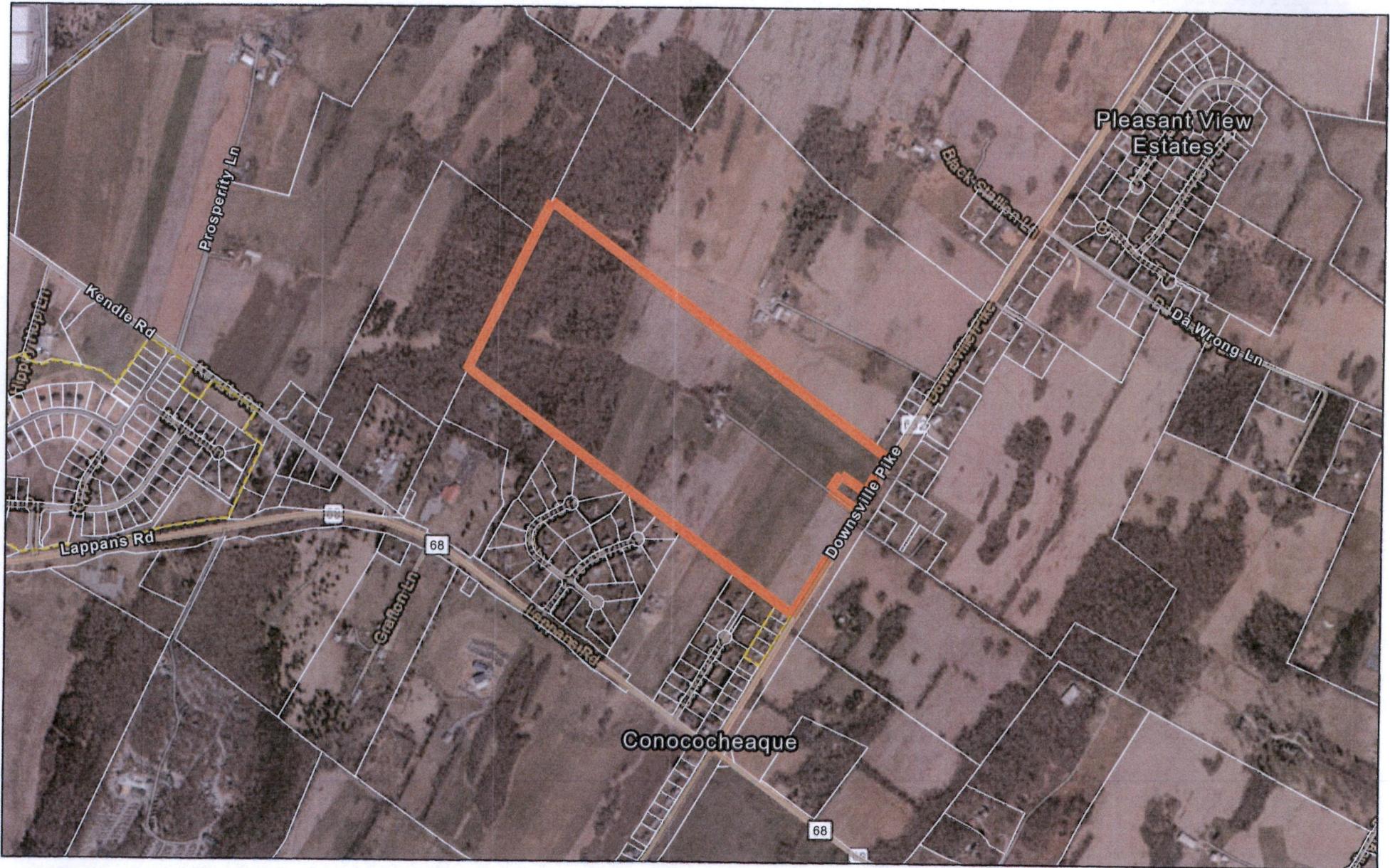
- A. The use will not generate vehicular parking that would exceed spaces for the employee & equipment. **Six (6) parking spaces are proposed.**
- B. Freight and delivery traffic shall not be to a greater extent than would normally result from a residential occupancy unless otherwise approved by the Board. **One or two UPS deliveries per day is anticipated.**
- C. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips. **Very few additional trips are anticipated. The proposed use is to be an accounting office for**

an existing business, very little walk in traffic is currently experienced nor anticipated.

- D. Outside storage of materials will not exceed ten (10) percent of the lot area, but not exceed 5,000. **No outside storage is proposed nor anticipated.**
- E. Signage for the business is limited to one (1) sign not more than ten (10) SF in total sign area. **Applicant will abide by the sign design standards.**
- F. Hours of operation for the business are to be approved as a part of the special exception by the Board. **The applicant intends to keep office hours of 8:00 AM-4:30 PM Monday-Friday.**
- G. The use has no other evidence of being visible, audible or abnormally odoriferous from the outside of the dwelling or accessory building to indicate it being used for anything other than residential purposes.
The proposed accessory building for the resident business will be taking the place of the original farmhouse located on this property which is located with the following setbacks:
 - Front- 1,450 feet
 - Rear- 1,990 feet
 - R Side- 392 feet
 - L Side- 1080 feet
- H. Upon approval of the special exception a minor site plan shall be submitted and approved by the Planning Commission. **If the Special Exception is approved a site plan shall be submitted to the Planning Department.**

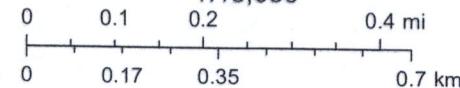
Having met or affirmatively answered all the criteria listed above the applicant hereby request the Board review the information provided and issue a favorable opinion.

Frederick Seibert & Associates, Inc.



11/17/2025, 11:14:41 AM

1:18,056



World_Transportation FSA Boundary Resolution

MD_SixInchImagery

Parcels Washington County

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

Web AppBuilder for ArcGIS

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: District - 02 Account Identifier - 008386

Owner Information

Owner Name:	9738 DOWNSVILLE PIKE LLC	Use:	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	1825 HOWELL RD SUITE 4	Deed Reference:	/07431/ 00171
	HAGERSTOWN MD 21740-		

Location & Structure Information

Premises Address:	9738 DOWNSVILLE PIKE	Legal Description:	123.84 ACRES
	HAGERSTOWN 21740-0000		9738 DOWNSVILLE PIKE

Map: Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	M 1103
0056 0023 0869	2010080.22	0000					2024	Plat Ref:	

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use									
1900	3,942 SF								123.8400 AC

Stories	Basement	Type	Exterior	Quality	Full/Half	Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	STUCCO/3	4 full/ 1 half				SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
			As of	As of
			01/01/2024	07/01/2025
Land:	117,900	117,900		
Improvements	231,200	432,500		
Total:	349,100	550,400	483,900	550,400
Preferential Land:	42,900	42,900		

Transfer Information

Seller: LEHMAN NELSON R ET AL	Date: 04/05/2024	Price: \$1,850,000
Type: ARMS LENGTH IMPROVED	Deed1: /07431/ 00171	Deed2:
Seller: LEHMAN IRENE R	Date: 01/13/2015	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04891/ 00258	Deed2:
Seller: SHANK EARL R	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00589/ 00816	Deed2:

Exemption Information

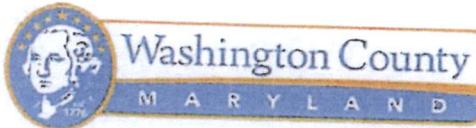
Partial Exempt Assessments: Class		07/01/2025	07/01/2026
County: 000	0.00		
State: 000	0.00		
Municipal: 000	0.00 0.00	0.00 0.00	

Special Tax Recapture: AGRICULTURAL TRANSFER TAX**Homestead Application Information**

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



BOARD OF ZONING APPEALS
OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Ed Schreiber
is authorized to file an appeal with the Washington County Board of Appeals for
Specified Exception
located 9738 Downsville Pike, Hagerstown MD 21740 on property
The said work is authorized by 9738 Downsville Pike, LLC c/o Todd Snook
the property owner in fee.

PROPERTY OWNER
9738 Downsville Pike, LLC
c/o Todd Snook

Name

1825 Howell Road, Suite 4

Address

Hagerstown, MD 21740

City, State, Zip Code

Todd Snook

Owner's Signature

Sworn and subscribed before me this 3rd day of NOVEMBER, 20 25.

Michael Lee Fisher
Notary Public

My Commission Expires: FEB. 17, 2027

MICHAEL LEE FISHER
Notary Public - State of Maryland
Washington County
My Commission Expires Feb 19, 2027

AUTHORIZED REPRESENTATIVE

Ed Schreiber, c/o FSA

Name

128 S. Potomac St

Address

Hagerstown, MD 21740

City, State, Zip Code

Mikki S. Eichelberger
Authorized Representative's Signature

Sworn and subscribed before me this 17th day of November, 20 25.

Mikki S. Eichelberger
Notary Public

My Commission Expires: 9/15/2028



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

TABLE No 3.3(1) WCZO
(RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Nursing/Convalescent Homes.	N	N	N	N	P	N	MODERATE
Transitional or Sheltered Care Facility, not to include Assisted Living Facilities.	N	N	N	N	P	N	MODERATE
J. Housing							
Dwelling unit in conjunction with a principal non-residential use	SE	SE	SE	SE	P	N	LOW
Dwellings, semi-detached	SE	SE	SE	P	N	N	N/A
Dwellings, single family	P	P	P	P	N	N	N/A
Dwellings, two-family	P	P	P	P	N	N	N/A
Home, occupation	A	A	A	A	N	N	N/A
Home, resident business	SE	SE	SE	SE	N	N	N/A
Mobile Homes	P	P	P	N	N	N	N/A
Model Homes	P	P	P	P	N	N	N/A
Temporary residential sales office	P	P	P	P	N	N	N/A
K. Manufacturing¹⁰							
Abattoirs, slaughterhouses, stockyards	N	N	N	N	P	N	HIGH
Brewery, Farm with a valid Class 8 manufacturing license	P	P	P	P	P	N	MODERATE
Brewery, Commercial with a valid Class 5 manufacturing license	SE	SE	SE	SE	P	N	MODERATE
Carpentry or woodworking shops	SE	SE	SE	SE	P	N	HIGH
Concrete and ceramic products manufacture, including ready-mixed concrete plants	N	N	N	N	P	P	HIGH
Flour mill, grain milling or drying	N	N	N	N	P	N	HIGH
Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9	SE	SE	SE	N	P	N	HIGH
Grain elevators, grain bins, and feed mills, primarily for wholesale use.	P	SE	SE	N	P	N	MODERATE
Machine Shops	SE	SE	SE	SE	P	N	MODERATE
Recycling facilities	N	N	N	N	P	N	HIGH
Sawmills & Lumber Drying	SE	SE	SE	N	P	N	MODERATE
Sawmills, Temporary	P	P	P	N	N	P	HIGH
Wind mill farms	SE	SE	SE	SE	N	N	N/A
Wineries, Farm with a valid Class 4 manufacturing license	P	P	P	P	P	N	MODERATE
Wineries, Commercial with a valid Class 3 manufacturing license	SE	SE	SE	SE	P	N	MODERATE

10

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

P-Permitted

SE-Special Exception

A-Accessory

N-Not Permitted

ARTICLE 28A - DEFINITIONS WCZO

manufacturing, industrial operations or pilot plant involving machines or operations normally associated with production or assembly lines or the production of goods in quantity above that needed for product testing and evaluation.

Research Institution:²⁴⁵

A non-profit or for-profit organization, establishment, or other entity engaged in conducting original investigation on a systematic basis to gain new knowledge, and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes.

A research institution typically conducts its research, experimental development, and analyses in a defined field, such as physical, engineering, life or social sciences, or the humanities. The use includes the necessary laboratory and pilot production areas required to conduct the research.

Resident Business:²⁴⁶

A special exception use of a dwelling or accessory structure, as approved by the Board of Appeals, conducted solely by a member or members of the family residing therein and not more than two (2) non-resident employees, which is incidental or subordinate to the main use of the building for dwelling purposes and meets the following criteria:

- A. The use does not exceed more than five thousand (5,000) square feet of the floor space of the dwelling or an accessory structure;
- B. The use will not generate vehicular parking that would exceed spaces for the employee and equipment;
- C. Freight and delivery traffic shall not be to a greater extent than would normally result from residential occupancy unless otherwise approved by the Board;
- D. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips.
- E. Outside storage of materials will not exceed ten (10) percent of the lot area, but not to exceed 5,000 square feet in any instance;
- F. Signage for the business is limited to one (1) sign not more than ten (10) square feet in total sign area;
- G. Hours of operation for the business is approved as part of the special exception by the Board;
- H. The use has no other evidence being visible, audible or

²⁴⁵

Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

²⁴⁶

Revision 18, Resident Business definition amended 9/1/15 (RZ-14-002) (ORD-2015-20)

abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes.

- I. Upon approval of the special exception a minor site plan shall be submitted and approved by the Planning Commission.

Resort:

A building or buildings containing guest rooms where, for compensation, lodging and meals are provided, located on a lot at least seventy-five percent of the land area of which shall be used to provide recreational facilities for the use of its guests. Such recreational facilities may include a golf course, swimming pool, tennis courts, and may include bridle paths, hiking trails, and other similar or related facilities, but no outdoor amusement devices other than normal playground equipment.

Restaurant, Drive-In:

Any place or premises used for the sale, dispensing, or serving of food or beverages to patrons in automobiles, including those establishments where the patrons, in addition to being accommodated in their automobiles, may also be accommodated within the premises.

Restoration:

The process of accurately recovering the form and details of a property as it appeared during a particular period of time by means of removal of later work and the replacement of missing original work.

Retail Sales:²⁴⁷ Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Manufacturing of products sold on site may be permitted provided the manufacturing process is accessory and subordinate to the selling activities.

Retail Services:²⁴⁸ Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, education, and social services, museums, and galleries.

Riding Academy/Stable:

An establishment or lot where horses, ponies, or other such animals used for transportation/recreation are boarded and cared for or commercially hired out whether with or without instruction in riding.

²⁴⁷

Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)

²⁴⁸

Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)

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

SHARPSBURG PIKE HOLDING, LLC

Appeal No.: AP2025-025

Appellant

*

*

* * * * *

OPINION

Sharpsburg Pike Holding, LLC (hereinafter "Appellant") files this appeal charging administrative error, more particularly that the Zoning Administrator's interpretation of Section 22.23(e) is incorrect for installation of a freestanding sign that would advertise the use(s) or tenant(s) on adjacent parcels. In addition, Appellant requests a variance to reduce the required minimum lot frontage from 40 feet to 25 feet, and a variance to reduce the required setback for the sign support structure from the road right-of-way from 25 feet to 10 feet for a proposed freestanding sign at the subject property. The subject property is located at 10440 Vida Drive, Hagerstown, Maryland 21740 and is zoned Highway Interchange. The Board conducted a public hearing in this matter on October 29, 2025, during which it was determined that the matter should be continued for additional information to be presented. The Board resumed the public hearing on December 10, 2025.

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

Findings of Fact

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

1. Appellant is the owner of the subject property located at 10440 Vida Drive, Hagerstown, Maryland 21740. The subject property is zoned Highway Interchange.
2. Kathryn Rathvon presented the staff report to the Board. Proper notice was issued to adjoining property owners and the public and the subject property was properly posted pursuant to the Zoning Ordinance.

3. The subject property consists of approximately eight (8) separate lots which adjoin one another, of which Lots 2, 6, 7 and 8 have panhandle road frontage along Sharpsburg Pike. Several of the lots are occupied by existing businesses as follows:

Lot 1 – Aldi
Lot 2 – Dunkin Donuts
Lot 3 – Taco Bell
Lot 5 – Auto Zone
Lot 6 – KOAN Cannabis
Lot 7 – Jersey Mike’s Subs

The subject property is accessed from Vida Drive which is located entirely on Lot 6 and intersects with Sharpsburg Pike at a traffic signal and also snakes behind Lot 2 to the entrance drive from Col. Henry K. Douglas Drive to the north.

4. The subject property was subdivided to create Lots 4, 5, 6, 7, and 8. Each lot has separately metered water service from the City of Hagerstown.

5. Appellant’s plan is to manage the lots together, similar to a shopping center. The lots are integrated as premises, the Shops at Sharpsburg. There are covenants running with the lands which govern maintenance and responsibilities for the tenants that occupy each of the lots.

6. Appellant proposes to construct a pylon sign on Lot 2 that would carry the names of the businesses operated on Lots 2, 6, 7, and 8.

7. Lot 1 has an existing pylon sign for the Shops at Sharpsburg, which carries the names of several businesses, including Aldi, Jersey Mike’s Subs, and Dunkin Donuts.

8. On August 14, 2025, Appellant’s engineer, Ed Schreiber emailed the Zoning Administrator to request that she determine whether a freestanding sign constructed at the subject property but to advertise or announce businesses on separate but adjoining lots would be permitted as a “Use on the Premises” sign.

9. On September 10, 2025, the Zoning Administrator sent an email to Appellant’s engineer explaining that the proposed sign would not be considered a “Use on the Premises” sign because the sign would be on “a separate premises from where the use(s) is/ore taking place.” The Zoning Administrator determined that the proposed sign would an “Outdoor Advertising” sign and noted that Section 22.24 of the Zoning Ordinance would apply.

10. Appellant timely noted this appeal charging administrative error and also requesting variances for the minimum road frontage and setback requirements in order to construct the proposed sign.

11. During the hearing, Appellant presented testimony from their engineer, Trevor Frederick and owner, Adam Shaool, as well as counsel, Paul Flynn, Esq. Jill Baker, Zoning Administrator, testified on behalf of the County in response to the appeal.

Rationale

Administrative Error

Section 25.2 of the Zoning Ordinance empowers the Board of Appeals to "hear and decide appeals where it is alleged there is an error in any other, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance, the Washington County Forest Conservation Ordinance, or of any ordinance adopted thereto." Appellant brings this appeal challenging the Zoning Administrator's interpretation of 22.23 regarding "Use on the Premises" signs. Section 22.23 provides in pertinent part:

Business signs pertaining to "use on the premises", as enumerated in Section 22.22(a), are permitted as an accessory use in all districts, provided the following provisions are adhered to:

.....

(e) Individual business or industrial establishments may erect a free-standing business sign, provided the lot frontage is at least forty (40) feet.

As the parties point out, the Ordinance does not specifically define what constitutes a "Use on the Premises" sign. The term "premises" is not defined in the Ordinance either. Applying the longstanding rules of statutory construction and interpretation, when a term is not defined the Board looks to the commonly accepted meaning or definition. Merriam-Webster defines premises as "a piece of land with the buildings on it, or a building or part of a building usually with its appurtenances (such as grounds)." For purposes of this appeal, the Board finds that this definition should apply to the interpretation of the Ordinance.

Appellant asserts that although the subject lots are subdivided, to any visitor or passerby, the properties are integrated as a shopping center. The composition of lots was planned and developed as the Shops at Sharpsburg and the intention is to manage them as a shopping center. Appellant submitted the Declaration of Covenants and Restrictions which governs each of the lots uniformly with provisions for sharing of expenses and maintenance.

Appellant asserts that sign provision was intended for broader application than just a lot, which is a term that is defined by the Ordinance. The Ordinance defines a lot as “an identified tract of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this Ordinance.” See Section 28A. Appellant suggests that if the signage for uses were to be limited to the uses on a particular lot, then Section 22.23 would say “Use on the Lot” instead of “Use on the Premises”. Thus, the meaning should be interpreted more broadly than the Zoning Administrator’s determination.

Appellant also suggests that an “Outdoor Advertising” sign is more akin to a highway billboard sign, announcing a business or use in another location. Appellant takes issue with the binary nature of the decision in which the Zoning Administrator by default classified the proposed sign as an “Outdoor Advertising” sign. Admittedly, this is a compelling argument as the proposed sign does not seem to fit with the characteristics associated with billboard or highway signs. Moreover, the applicability of either sign classification may be a valid question, just not to be resolved herein. While it may be that the proposed sign does not qualify as either a “Use on the Premises” sign or an “Outdoor Advertising” sign, it is not for the Board to legislate new language for the Ordinance.

The Board is simply not persuaded that the proposed sign is a “Use on the Premises” sign. Appellant is unable to overcome the clear fact that the proposed sign will advertise businesses that are on separate lots and therefore not on the premises. The must reject Appellant’s argument that “premises” should include a series of adjoining lots, even if they are operated together. Such an extension may result in a slippery slope for future requests and invites manipulation of the language in the Ordinance. The Board finds that the Zoning Administrator’s interpretation of “Use on the Premises” is supported by the plain meaning of “premises” and the requirement for road frontage for any free-standing sign. It would be

counterintuitive to require road frontage for a freestanding sign, while at the same time allowing signage for a use that is not on the property and does not meet the road frontage requirement. The Board recognizes that there may be room for further clarification of the language in the Ordinance, but until such time as the County Commissioners do so, the Zoning Administrator's interpretation must stand. Appellant's appeal charging administrative error should be denied.

Variance Requests

In light of the decision regarding the charge of administrative error, the Board finds it unnecessary to address the accompanying variance requests. The appeal as to the variance requests should be dismissed as moot.

Accordingly, Appellant's appeal charging administrative error is DENIED, and the decision of the Zoning Administrator is AFFIRMED. The request for a variance to reduce the required minimum lot frontage from 40 feet to 25 feet, and a variance to reduce the required setback for the sign support structure from the road right-of-way from 25 feet to 10 feet for a proposed freestanding sign at the subject property, are DISMISSED AS MOOT.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: January 9, 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:	9738 Downsville Pike LLC 1825 Howell Road Suite 4 Hagerstown MD 21740	Docket No:	AP2025-029
		Tax ID No:	02008386
Appellant:	9738 Downsville Pike LLC 1825 Howell Road Suite 4 Hagerstown MD 21740	Zoning:	A(R)
		RB Overlay:	No
		Zoning Overlay:	
		Filed Date:	11/19/2025
		Hearing Date:	12/10/2025
Property Location:	9738 DOWNSVILLE Pike Hagerstown, MD 21740		
Description Of Appeal:	Special exception to establish a resident business for an accounting office in accessory structure.		

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 Table No. 3.3 (1) J

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential

Proposed Use: Resident Business

Previous Use Ceased For At Least 6 Months:

Date Ceased:

Area Devoted To Non-Conforming Use -

Existing:

Proposed:

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 20 day of November, 20 25.

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: AP2025-029

State of Maryland Washington County, To Wit:

On 11/19/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Frederick Seibert and Associates and made oath in due form of law as follows:

Frederick Seibert and Associates will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 12/10/2025, 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 11/25/2025 and will remain until after the above hearing date.

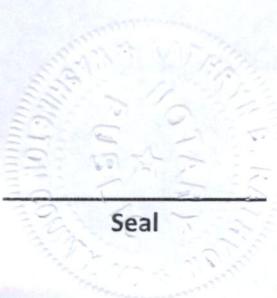
Frederick Seibert and Associates

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

Notary Public

My Commission Expires

Seal





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

BOARD OF ZONING APPEALS

ATTENTION!

Posting Instructions

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

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

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



Project Name: Resident Business for 9738 Downsville Pike LLC

Owner/Applicant: 9738 Downsville Pike LLC

Project Address: 9738 Downsville Pike, Hagerstown, MD 21740

Tax Map 56 Grid 23 Parcel 869

Account # 02-008386

Zoning: A(R)

Special Exception for a Resident Business

As outlined in Table 3.3(1) of the Washington County Zoning Ordinance, the proposed Resident Business Use requires a public hearing and approval by the Board of Zoning Appeals. The business will be operated by members of the family residing on the property, with no more than two (2) non-resident employees, as permitted by the ordinance.

The proposed resident business is an accounting office serving an existing Tri-State area business owned and operated by the owners of the land and will be located within an accessory building on the 123-acre farm. The existing dwelling on the property will be demolished and replaced with a new single-family residence to be occupied by the owners of the land.

The business will remain incidental and subordinate to the primary residential use of the property and complies with the following applicable criteria:

The use does not exceed more than five thousand (5,000) SF of the floor space of the dwelling or an accessory structure. **The applicant is proposing a 5,000 SF building.**

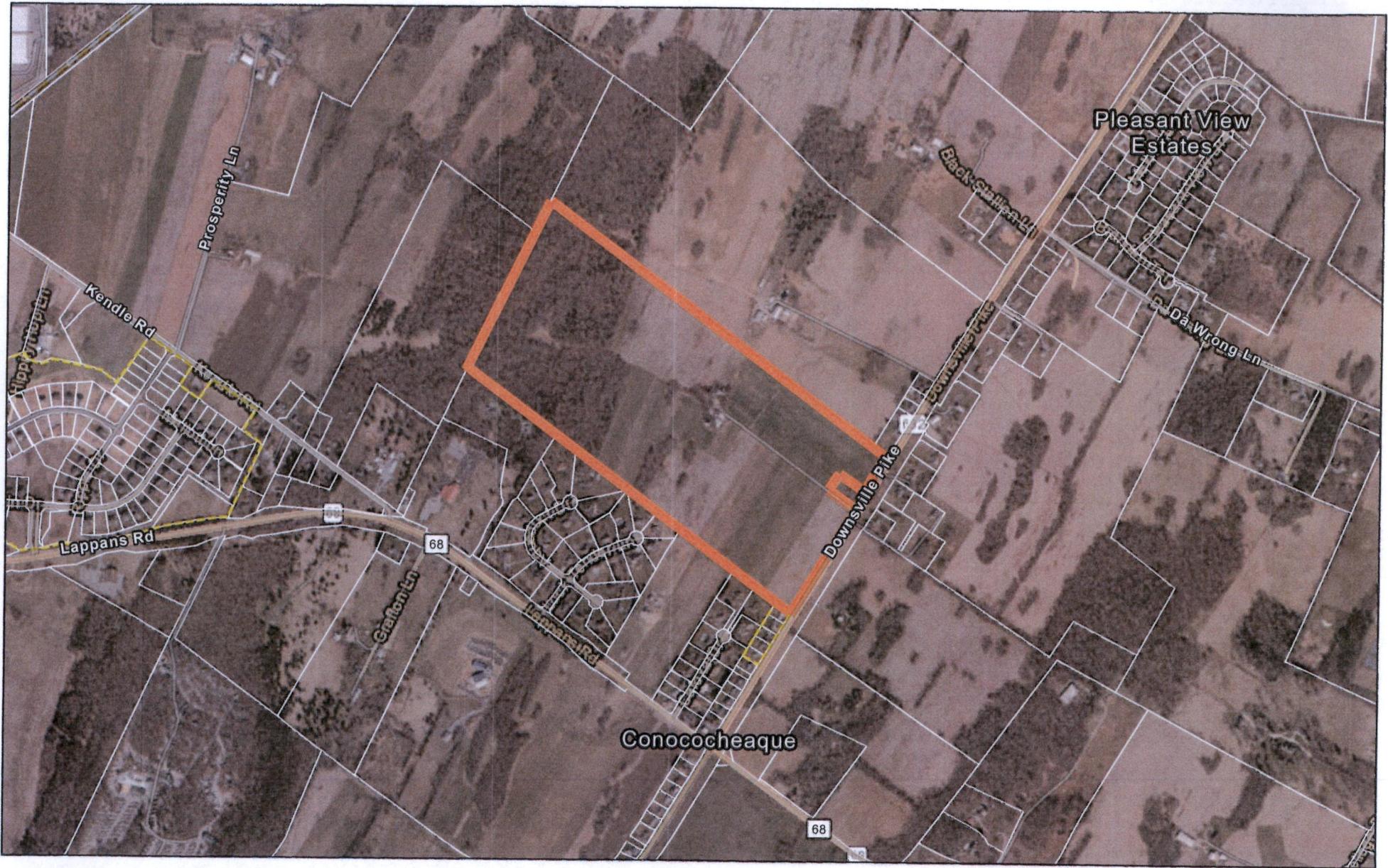
- A. The use will not generate vehicular parking that would exceed spaces for the employee & equipment. **Six (6) parking spaces are proposed.**
- B. Freight and delivery traffic shall not be to a greater extent than would normally result from a residential occupancy unless otherwise approved by the Board. **One or two UPS deliveries per day is anticipated.**
- C. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips. **Very few additional trips are anticipated. The proposed use is to be an accounting office for**

an existing business, very little walk in traffic is currently experienced nor anticipated.

- D. Outside storage of materials will not exceed ten (10) percent of the lot area, but not exceed 5,000. **No outside storage is proposed nor anticipated.**
- E. Signage for the business is limited to one (1) sign not more than ten (10) SF in total sign area. **Applicant will abide by the sign design standards.**
- F. Hours of operation for the business are to be approved as a part of the special exception by the Board. **The applicant intends to keep office hours of 8:00 AM-4:30 PM Monday-Friday.**
- G. The use has no other evidence of being visible, audible or abnormally odoriferous from the outside of the dwelling or accessory building to indicate it being used for anything other than residential purposes.
The proposed accessory building for the resident business will be taking the place of the original farmhouse located on this property which is located with the following setbacks:
 - Front- 1,450 feet
 - Rear- 1,990 feet
 - R Side- 392 feet
 - L Side- 1080 feet
- H. Upon approval of the special exception a minor site plan shall be submitted and approved by the Planning Commission. **If the Special Exception is approved a site plan shall be submitted to the Planning Department.**

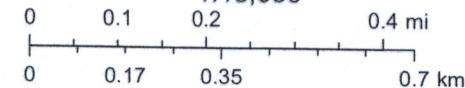
Having met or affirmatively answered all the criteria listed above the applicant hereby request the Board review the information provided and issue a favorable opinion.

Frederick Seibert & Associates, Inc.



11/17/2025, 11:14:41 AM

1:18,056



World_Transportation FSA Boundary Resolution

MD_SixInchImagery

Parcels Washington County

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

Web AppBuilder for ArcGIS

Vantor | MD iMAP, DoIT | U.S. Geological Survey | Hagerstown MD | Washington County Planning Department | Source: USDA NRCS, Esri | Washington County | Maryland Department of Transportation (MDOT), Maryland Department of Transportation State Highway

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: District - 02 Account Identifier - 008386

Owner Information

Owner Name:	9738 DOWNSVILLE PIKE LLC	Use:	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	1825 HOWELL RD SUITE 4	Deed Reference:	/07431/ 00171
	HAGERSTOWN MD 21740-		

Location & Structure Information

Premises Address:	9738 DOWNSVILLE PIKE	Legal Description:	123.84 ACRES
	HAGERSTOWN 21740-0000		9738 DOWNSVILLE PIKE

Map: Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	M 1103
0056 0023 0869	2010080.22	0000					2024	Plat Ref:	

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use									
1900	3,942 SF								123.8400 AC

Stories	Basement	Type	Exterior	Quality	Full/Half	Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	STUCCO/3	4 full/ 1 half				SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
			As of	As of
			01/01/2024	07/01/2025
Land:	117,900	117,900		
Improvements	231,200	432,500		
Total:	349,100	550,400	483,900	550,400
Preferential Land:	42,900	42,900		

Transfer Information

Seller: LEHMAN NELSON R ET AL	Date: 04/05/2024	Price: \$1,850,000
Type: ARMS LENGTH IMPROVED	Deed1: /07431/ 00171	Deed2:
Seller: LEHMAN IRENE R	Date: 01/13/2015	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04891/ 00258	Deed2:
Seller: SHANK EARL R	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00589/ 00816	Deed2:

Exemption Information

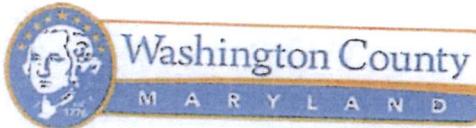
Partial Exempt Assessments: Class		07/01/2025	07/01/2026
County: 000	0.00		
State: 000	0.00		
Municipal: 000	0.00 0.00	0.00 0.00	

Special Tax Recapture: AGRICULTURAL TRANSFER TAX**Homestead Application Information**

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



BOARD OF ZONING APPEALS
OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Ed Schreiber
is authorized to file an appeal with the Washington County Board of Appeals for
Specified Exception
located 9738 Downsville Pike, Hagerstown MD 21740 on property
The said work is authorized by 9738 Downsville Pike, LLC c/o Todd Snook
the property owner in fee.

PROPERTY OWNER
9738 Downsville Pike, LLC
c/o Todd Snook

Name

1825 Howell Road, Suite 4

Address

Hagerstown, MD 21740

City, State, Zip Code

Todd Snook

Owner's Signature

Sworn and subscribed before me this 3rd day of NOVEMBER, 20 25.

Michael Lee Fisher
Notary Public

My Commission Expires: FEB. 17, 2027

MICHAEL LEE FISHER
Notary Public - State of Maryland
Washington County
My Commission Expires Feb 19, 2027

AUTHORIZED REPRESENTATIVE

Ed Schreiber, c/o FSA

Name

128 S. Potomac St

Address

Hagerstown, MD 21740

City, State, Zip Code

Mikki S. Eichelberger
Authorized Representative's Signature

Sworn and subscribed before me this 17th day of November, 20 25.

Mikki S. Eichelberger
Notary Public

My Commission Expires: 9/15/2028



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

TABLE No 3.3(1) WCZO
(RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Nursing/Convalescent Homes.	N	N	N	N	P	N	MODERATE
Transitional or Sheltered Care Facility, not to include Assisted Living Facilities.	N	N	N	N	P	N	MODERATE
J. Housing							
Dwelling unit in conjunction with a principal non-residential use	SE	SE	SE	SE	P	N	LOW
Dwellings, semi-detached	SE	SE	SE	P	N	N	N/A
Dwellings, single family	P	P	P	P	N	N	N/A
Dwellings, two-family	P	P	P	P	N	N	N/A
Home, occupation	A	A	A	A	N	N	N/A
Home, resident business	SE	SE	SE	SE	N	N	N/A
Mobile Homes	P	P	P	N	N	N	N/A
Model Homes	P	P	P	P	N	N	N/A
Temporary residential sales office	P	P	P	P	N	N	N/A
K. Manufacturing¹⁰							
Abattoirs, slaughterhouses, stockyards	N	N	N	N	P	N	HIGH
Brewery, Farm with a valid Class 8 manufacturing license	P	P	P	P	P	N	MODERATE
Brewery, Commercial with a valid Class 5 manufacturing license	SE	SE	SE	SE	P	N	MODERATE
Carpentry or woodworking shops	SE	SE	SE	SE	P	N	HIGH
Concrete and ceramic products manufacture, including ready-mixed concrete plants	N	N	N	N	P	P	HIGH
Flour mill, grain milling or drying	N	N	N	N	P	N	HIGH
Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9	SE	SE	SE	N	P	N	HIGH
Grain elevators, grain bins, and feed mills, primarily for wholesale use.	P	SE	SE	N	P	N	MODERATE
Machine Shops	SE	SE	SE	SE	P	N	MODERATE
Recycling facilities	N	N	N	N	P	N	HIGH
Sawmills & Lumber Drying	SE	SE	SE	N	P	N	MODERATE
Sawmills, Temporary	P	P	P	N	N	P	HIGH
Wind mill farms	SE	SE	SE	SE	N	N	N/A
Wineries, Farm with a valid Class 4 manufacturing license	P	P	P	P	P	N	MODERATE
Wineries, Commercial with a valid Class 3 manufacturing license	SE	SE	SE	SE	P	N	MODERATE

10

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

P-Permitted

SE-Special Exception

A-Accessory

N-Not Permitted

ARTICLE 28A - DEFINITIONS WCZO

manufacturing, industrial operations or pilot plant involving machines or operations normally associated with production or assembly lines or the production of goods in quantity above that needed for product testing and evaluation.

Research Institution:²⁴⁵

A non-profit or for-profit organization, establishment, or other entity engaged in conducting original investigation on a systematic basis to gain new knowledge, and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes.

A research institution typically conducts its research, experimental development, and analyses in a defined field, such as physical, engineering, life or social sciences, or the humanities. The use includes the necessary laboratory and pilot production areas required to conduct the research.

Resident Business:²⁴⁶

A special exception use of a dwelling or accessory structure, as approved by the Board of Appeals, conducted solely by a member or members of the family residing therein and not more than two (2) non-resident employees, which is incidental or subordinate to the main use of the building for dwelling purposes and meets the following criteria:

- A. The use does not exceed more than five thousand (5,000) square feet of the floor space of the dwelling or an accessory structure;
- B. The use will not generate vehicular parking that would exceed spaces for the employee and equipment;
- C. Freight and delivery traffic shall not be to a greater extent than would normally result from residential occupancy unless otherwise approved by the Board;
- D. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips.
- E. Outside storage of materials will not exceed ten (10) percent of the lot area, but not to exceed 5,000 square feet in any instance;
- F. Signage for the business is limited to one (1) sign not more than ten (10) square feet in total sign area;
- G. Hours of operation for the business is approved as part of the special exception by the Board;
- H. The use has no other evidence being visible, audible or

²⁴⁵

Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

²⁴⁶

Revision 18, Resident Business definition amended 9/1/15 (RZ-14-002) (ORD-2015-20)

abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes.

- I. Upon approval of the special exception a minor site plan shall be submitted and approved by the Planning Commission.

Resort:

A building or buildings containing guest rooms where, for compensation, lodging and meals are provided, located on a lot at least seventy-five percent of the land area of which shall be used to provide recreational facilities for the use of its guests. Such recreational facilities may include a golf course, swimming pool, tennis courts, and may include bridle paths, hiking trails, and other similar or related facilities, but no outdoor amusement devices other than normal playground equipment.

Restaurant, Drive-In:

Any place or premises used for the sale, dispensing, or serving of food or beverages to patrons in automobiles, including those establishments where the patrons, in addition to being accommodated in their automobiles, may also be accommodated within the premises.

Restoration:

The process of accurately recovering the form and details of a property as it appeared during a particular period of time by means of removal of later work and the replacement of missing original work.

Retail Sales:²⁴⁷ Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Manufacturing of products sold on site may be permitted provided the manufacturing process is accessory and subordinate to the selling activities.

Retail Services:²⁴⁸ Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, education, and social services, museums, and galleries.

Riding Academy/Stable:

An establishment or lot where horses, ponies, or other such animals used for transportation/recreation are boarded and cared for or commercially hired out whether with or without instruction in riding.

²⁴⁷ Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)

²⁴⁸ Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)

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

9738 DOWNSVILLE PIKE, LLC

*** Appeal No.: AP2025-029**

Appellant

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

OPINION

9738 Downsville Pike, LLC (hereinafter “Appellant”) requests a special exception to establish a resident business for an accounting office in an accessory structure at the subject property. The subject property is located at 9738 Downsville Pike, Hagerstown, Maryland 21740 and is zoned Agricultural, Rural. The Board held a public hearing in this matter on December 10, 2025.

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

Findings of Fact

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

1. The subject property is owned by Appellant and is located at 9738 Downsville Pike, Hagerstown, Maryland 21740. The subject property is zoned Agricultural, Rural.

2. Kathryn Rathvon presented the staff report to the Board, noting that the Board received letters of support from neighbors and no opposition. Proper notice was issued to adjoining property owners and the public and the subject property was properly posted pursuant to the Zoning Ordinance.

3. The subject property consists of approximately 123 acres of farmland which is improved by an existing single-family dwelling and several accessory buildings.

4. Appellant is a Maryland limited liability company, and its principals are Todd Snook and his wife who own and operate.

5. Appellant purchased the subject property in 2024 with the intention of building a home for Mr. Snook and his wife.

6. Appellant intends to demolish the existing dwelling and construct a 5,000 square foot accessory building to be located in its place. Appellants plan to construct a new residence further beyond the proposed accessory building, situated along a loop driveway.

7. The proposed accessory building will have office space to serve the operation of the Valley Storage business, a living area, kitchen and fitness area.

8. Appellant proposes to establish a resident business in the newly constructed building. The business will not have any signage and will not receive customers or regular deliveries. The business will employ the Snooks' son and a chief financial officer, with four (4) total people working at the subject property.

9. Appellant also plans to demolish the existing building nearest to the silo because it is dilapidated. In its place, Appellant plans to construct a new barn to service the agricultural operations at the subject property.

10. All of the new construction at the subject property will be of similar design and aesthetics.

Rationale

The Zoning Ordinance classifies a resident business as a special exception in the Agricultural, Rural zoning district. See Table of Uses. A resident business is defined as:

A special exception use of a dwelling or accessory structure, as approved by the Board of Appeals, conducted solely by a member or members of the family residing therein and not more than two (2) non-resident employees, which is incidental or subordinate to the main use of the building for dwelling purposes and meets the following criteria:

- A. The use does not exceed more than five thousand (5,000) square feet of the floor space of the dwelling or an accessory structure;
- B. The use will not generate vehicular parking that would exceed spaces for the employee and equipment;

- C. Freight and delivery traffic shall not be to a greater extent than would normally result from residential occupancy unless otherwise approved by the Board;
- D. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips;
- E. Outside storage of materials will not exceed then (10) percent of the lot area, but not to exceed 5,000 square feet in any instance;
- F. Signage for the business is limited to one (1) sign not more than then (10) square feet in total sign area;
- G. Hours of operation for the business is approved as part of the special exception by the Board;
- H. The use has no other evidence being visible, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes.

Article 28A of the Zoning Ordinance. In addition to these specific criteria, the Board must apply the special exception criteria.

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

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

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.
- (c) Traffic conditions and facilities
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.
- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.

- (g) The most appropriate use of the land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

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

Appellant presented testimony in support of its request and was able to appropriately address the Board's questions and concerns. Based on the testimony, it appears that they designed their proposal by giving due consideration to the resident business criteria set forth in the Ordinance. They meet the requirements for resident and non-resident employees, the dedicated space devoted to the business and the impact on traffic and parking. The office and the building in which it is located will be subordinate to the new single-family dwelling and agricultural uses on the property. The resident business intends to operate during normal business hours. Appellant presented testimony that there will be no customer patronage to the property and no visual, audible or odoriferous elements produced from the use of the property. In addition, there would be no signage and no freight or regular deliveries to the business. As presented by Appellant, the proposed use would satisfy the specific criteria for a resident business pursuant to Article 28A of the Zoning Ordinance.

Appellants expect traffic to be unaffected by the addition of the proposed resident business. Only two (2) of the employees will need to travel to the property and aside from staff, there will not be client or customer traffic. Appellant does not expect to receive frequent deliveries and to the extent they occur, they will be typical for a small office operation. There will not be any freight or large equipment deliveries to the business. The Board finds that the proposed use will not create dangerous traffic or other safety concerns within the surrounding area.

Given the self-contained nature of the proposed resident business, the Board finds no cause for concern regarding the number of people residing or working in the area or

the impact on nearby public gatherings as it appears to be minimal. The proposed resident business does not conflict with the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Appellant testified that he intends to construct a building that will be similar in design to the new dwelling and the new barn structure. From the outside, the property will appear to be a farm with a home and accessory buildings. The nature of the use as office space will not produce any noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties. There was no evidence presented that the proposed use would have any effect on property values or the peace and enjoyment of nearby homes. In fact, the evidence presented suggests that from the outside no one would know that a business is operating in the accessory building.

The Board finds that the proposed use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

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

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

Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). Any impact would result from the

proposed use would have similar impact regardless of the location in the zoning district and thus it is not unique to the subject property. For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellant's request should be granted.

Accordingly, the request for a special exception to establish a resident business for an accounting office in an accessory structure at the subject property is hereby GRANTED, by a vote of 5 to 0. The special exception is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: January 9, 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.