

## BOARD OF APPEALS

January 19, 2022

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

### AGENDA

**DOCKET NO. AP2021-034:** An appeal was made by Jeffrey Baldwin for a special exception for second dwelling on parcel currently improved with a single family dwelling and a variance from the maximum density of one dwelling unit per 30 acres of land to 6.25 acres for two dwelling units on property owned by the appellant and located at 4940 Raspberry Road, Rohrsersville, Zoned Preservation.-**GRATNED WITH CONDITIONS**

**DOCKET NO. AP2021-035:** An appeal was made by Cascade Properties LLC for a special exception to establish manufacturing/machine shop use in existing structure owned by the appellant and located at 24930 Reservoir Road, Cascade, Zoned Special Economic Development.-**GRANTED**

**DOCKET NO. AP2021-036:** An appeal was made by Star Community Inc for a variance from the required 25 ft. setback from the street right-of-way to 17 ft. for placement of freestanding sign on property owned by the appellant and located at 16404 National Pike, Hagerstown, Zoned Residential Transition. -**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 January 10, 2022. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

Due to government regulations during the COVID-19 restriction, all hearing will take place virtually. No participants will be allowed to attend the hearing in person until further notice. The general public who wish to give testimony towards a case is **strongly encouraged to do so by writing a letter or by sending an email to the following:**

Katie Rathvon, Zoning Coordinator  
80 W Baltimore St  
Hagerstown, MD 21740  
krathvon@washco-md.net

All letters and emails will be read during the hearing and placed on file as an official record of the case. If you would rather give a voice testimony and/or listen to the hearing, you can do so by teleconferencing. Using a phone, you can dial in at the scheduled time of the hearing to (301) 715-8592. When prompted use meeting ID code **936-5340-6468** and meeting password **185254**. You also have the option to participate via live video or watch the hearing live. Using a computer or smart phone, go online to [www.zoom.us](http://www.zoom.us) and use the same meeting ID number and meeting password to access the hearing. Again, you are strongly encouraged to submit your testimony by letter or email.

The Board of Zoning Appeals reserves the right to vary the order in which the cases are called. 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.

Paul Fulk, Chairman  
Board of Zoning Appeals

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

**JEFFREY BALDWIN**

**APPELLANT**

**APPEAL No. AP2021-034**

**OPINION**

Jeffrey Baldwin (hereinafter, "Appellant") requests a special exception to allow the construction of a second single-family dwelling on a 6.25-acre property, and a variance from the maximum density of one (1) single-family dwelling per thirty (30) acres in the Preservation Zoning District. The subject property, owned by Appellant and Louise Kauffmann, is located at 4940 Raspberry Road, Rohrsersville, Maryland, and is zoned Preservation. The Board held a public hearing on the matter on January 19, 2022.

The appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County, Maryland (hereinafter, the "Ordinance") 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 and Louise Kauffmann have owned the subject property located at 4940 Raspberry Road, Rohrsersville, Maryland since 2017. The subject property is zoned Preservation (P).

2. The subject property is improved by an owner-occupied, one-story single-family dwelling constructed in 1856, currently comprising approximately 1,133 square feet of above-grade living area with one (1) full bathroom and no basement, situated on 6.25 acres of land. Several small additions to the dwelling were made in the 1920s or 1930s and the early 1980s. Appellant has made several improvements to the exterior of the structure and replaced the entire septic system, retaining it in its previous location.

3. Appellant desires to construct a second “cottage-style” single-family dwelling with a footprint of approximately 650-680 square feet on the subject property, so that Appellant’s 88 year-old father can live in the proposed dwelling and be cared for by family (father now lives almost 2 hours away in Allegany County, MD).

4. Section 4.5 of the Ordinance limits lots in the P Zoning District to one (1) principal permitted residential use; thus, a special exception is required to construct a second single-family dwelling on the subject property. In addition, Section 5C.3 of the Ordinance limits the maximum density in said zoning district to one (1) dwelling unit per thirty (30) acres of land; thus, a variance is required to exceed said density on the subject property.

5. The subject property is bisected by a stream and floodplain area and a public roadway (Park Hall Road) that limits construction for Appellant’s stated purposes to the southernmost half (approximately 3.2 acres) of said property.

6. The only plausible area for an addition to the existing dwelling would require father to negotiate stairs (which he is unable to do), would impact the existing well and septic lines, and would disrupt the historic roof-line and character of the original cabin section. The proposed dwelling would eliminate these issues.

7. The proposed dwelling will be situate in the Southwest corner of the subject property, and its placement will be compliant with the rear and side yard setbacks. The proposed dwelling will also be almost completely shielded from the road and adjacent neighbors by the mature trees on the subject property, as well as by an existing outbuilding to the East of the proposed dwelling.

8. The subject property will not perc for a second septic system, but the existing septic system will accommodate the proposed dwelling.

9. No additional traffic, dust, noise, or odors would be created as Appellant’s father does not drive, and after father’s passing, Appellant intends to use the proposed dwelling as a workshop and home office (Appellant is a government employee whose work involves remote website maintenance). Appellant intends to install only that lighting that would be typical for a small, single-family dwelling.

10. Contiguous properties South and West of the subject property are in excess of 30 acres. Lots to the North and East are smaller, but located farther away from the proposed dwelling.



11. Neighbors who own 4939 and 4945 Raspberry Road (the most-affected neighbors) submitted an email into the record indicating their “strong support” of Appellant’s application, and agreed with Appellant’s statement regarding placement of the proposed dwelling in an area that would shield the home from other properties, would not generate additional traffic, would preserve existing mature trees on the subject property, would maintain the historic nature and appearance of the existing original dwelling structure, and would not result in the loss of any land in agricultural use. There were no letters or testimony from persons opposed to the application.

12. An email was received into the record from the Maryland Department of Health, indicating that the subject property was perc tested and would not support an additional 10,000 square foot reserve area for septic. The Board finds that Appellant’s plan to tie-in to the existing septic (with approval by the County) would eliminate this issue.

13. A memo was received into the record from the Chief of Plan Review in the County Division of Engineering, indicating that Raspberry Road is inadequate (too narrow) to support new development and that any development should be located outside the existing floodplain located on the subject property as shown on the materials provided with the appeal. The Board finds that the proposed dwelling will result in no additional traffic and the proposed placement of said dwelling will be outside the floodplain.

#### **RATIONALE**

##### **PART I - SPECIAL EXCEPTION**

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” (Ordinance, Article 28A).

In the instant case, Appellant testified that the proposed dwelling will not generate any additional noise, odor, dust, or traffic, that no existing mature trees will be disturbed by the proposed construction, that natural vegetation will shield the said dwelling from neighbors, and the construction will not interfere with the nature and appearance of the existing historic dwelling. In addition, Appellant testified that use of the proposed dwelling after his father’s passing would be limited to personal workshop and home office purposes.

The Board discussed and considered the testimony and other evidence given in support of Appellant's contention that the proposed dwelling would not present adverse effects greater than other similar uses in the P Zoning District. The Board also read into evidence and considered the emails submitted by the adjoining neighbor and the Maryland Department of Health, and the memo submitted by the County Division of Engineering. The Board is also pleased that the primary purpose of Appellant's proposed use is also intended to take care of his elderly father.

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). For all these reasons, the Board concludes that this appeal meets the criteria for a special exception, secures public safety and welfare, otherwise conforms to and upholds the spirit of the Ordinance, and is compatible with the existing neighborhood.

Therefore, Appellant's request for a special exception to construct a second single-family dwelling as proposed on the subject property is GRANTED, by a vote of 5-0. Said special exception is granted upon the condition that the construction and use of said second dwelling will be conducted in a manner consistent with the testimony and evidence presented herein and in compliance with all other applicable governmental requirements.

## **PART II - VARIANCE**

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

<sup>1</sup> "When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive ("or"), Maryland court generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties 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).



“Undue hardship” may be found when: (1) strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and (2) the difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and (3) the hardship is not the result of the applicant’s own actions (Ordinance §25.56(B)).

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

In this matter, Appellant’s proposal to construct a second single-family dwelling on the subject property is limited by the unique nature of said property, impacted as it is by the stream, floodplain, and public roadway. The historic nature of the construction of the original portion of the existing dwelling, and the topography around the existing dwelling, also significantly limits how and where an addition to be made to the home might be feasible (if at all).

The Board finds that for the variance requested in this case, the aforesaid unique limitations of the subject property and the existing dwelling thereon (none of which are the result of Appellant’s own actions), and the impracticality of an addition to the existing dwelling, impose an undue hardship on Appellant if the Ordinance were strictly enforced. The Board also gives weight to the fact that the Applicant’s proposal is “strongly supported” by the most-affected neighbor.

For these reasons, the Board finds that strict compliance with the Ordinance would prevent Appellant making a reasonable use of the subject property, the difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district, and the hardship is not the result of the applicant’s own actions.

Therefore, Appellant’s request for a variance from the maximum density of one

(1) dwelling unit per thirty (30) acres of land to two (2) dwelling units on 6.25 acres of land, is GRANTED, by a vote of 5-0. Said variance is granted upon the condition that location and construction of the proposed single-family dwelling will be consistent with the testimony and evidence presented herein and in compliance with all other applicable government regulations.

BOARD OF APPEALS

By: Paul Fulk, Chair

**Date Issued: February 18, 2022**

Notice of Appeal Rights

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the jurisdiction, may appeal the same to the Circuit Court for Washington County within thirty (30) days, in a manner set forth in Md. Code Ann., Land Use, § 4-401.

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

**CASCADE PROPERTIES, LLC**

**APPELLANT**

**APPEAL No. AP2021-035**

**OPINION**

Cascade Properties, LLC, a Maryland limited liability company (hereinafter, "Appellant") requests a special exception use to establish and operate a manufacturing/machine shop business in an existing structure on subject property containing approximately 36.81 acres, owned by Appellant and improved by "Existing Building 518", with an address of 24930 Reservoir Road, Cascade, Maryland, and located in the former Fort Ritchie Military Reservation, and zoned Special Economic Development District. The Board held a public hearing on the matter on January 19, 2022.

The appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County, Maryland (hereinafter, the "Ordinance") 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 has owned the subject property containing approximately 36.81 acres and improved by "Existing Building 518", with an address of 24930 Reservoir Road, Cascade, Maryland in the former Fort Ritchie Military Reservation since April 2021. The subject property is zoned Special Economic Development (SED).
2. Existing Building 518 (hereinafter, the "Building") is an approximately 40,000 square foot one-story building originally used as a commissary by the U.S. Army. The Building is currently vacant, as it has been for many years.
3. Appellant desires to allow use of the Building by an outside contractor to



do establish and operate computer numerical control (“CNC”) manufacturing/machining of aluminum parts for customized automobiles, said parts to be delivered to and fit/installed offsite at the contractor’s Smithsburg, MD location.

4. Section 19C.3 of the Ordinance allows for machine shop or functionally similar special exception use in the SED District, but only by special exception; thus, Appellant seeks such a special exception for the proposed use on the subject property.

5. Appellant’s representative, John Krumpotich, and contractor Randall Harshman testified that concrete block walls of the Building and interior-installed dust filtration and air-handling equipment will limit noise and dust, as will the more than 1000 foot distances in all directions from the Building to any homes. No additional lighting will be installed. All equipment, machinery, tools, and materials will be stored inside the Building. There will be 4-5 employees on site and some material deliveries during normal working hours, but no customer traffic, as all orders are received remotely.

6. Mr. Krumpotich testified that his company owns a significant amount of acreage to the South and West of the subject property, on which he hopes to develop for residential purposes; thus, there is an incentive for Appellant to ensure the proposed operations do not cause negative impacts on that additional acreage.

7. Mr. Krumpotich further testified that “revitalization” of the former Fort Ritchie property is a key objective of the County, and the proposed use will assist a local business and lessen the attractiveness of the currently vacant Building for vandalism.

8. Appellant provided the Board with an exhibit drawing of the subject property and surrounding properties prepared by Frederick, Seibert & Associates, Inc., with the Building clearly identified thereon.

9. There was no correspondence or testimony from any persons in favor of or opposed to the application, and no correspondence received from any government agencies.

#### **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” (Ordinance, Article 28A).

In the instant case, Appellant’s representative and proposed contractor testified regarding the proposed use in the Building, and discussed the various factors that will ensure there will not be any additional nor significant noise, odor, dust, or traffic.

Mr. Krumpotich also testified as to the goals for revitalization the former Fort Ritchie property, and his companies’ plan to redevelop other areas of said property for residential purposes.

The Board discussed and considered the testimony and other evidence given in support of Appellant’s contention that the proposed use would not present adverse effects greater than other similar uses in the SED Zoning District. The Board indicated that the Applicant appears to have addressed all of the elements needed to secure the requested special exception and that the proposed use seems to be an appropriate and positive use of the subject property.

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). For all these reasons, the Board concludes that this appeal meets the criteria for a special exception, secures public safety and welfare, otherwise conforms to and upholds the spirit of the Ordinance, and is compatible with the existing neighborhood.

Therefore, Appellant’s request for a special exception use to establish and operate a manufacturing/machine shop business in Existing Building 518 on the subject property as proposed is GRANTED, by a vote of 5-0. Said special exception is granted upon the condition that the establishment and operation of said business will be conducted in a manner consistent with the testimony and evidence presented herein and in compliance with all other applicable governmental requirements.

BOARD OF APPEALS

By: Paul Fulk, Chair

**Date Issued: February 18, 2022**

#### Notice of Appeal Rights

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the jurisdiction, may appeal the same to the Circuit Court for Washington County within thirty (30) days, in a manner set forth in Md. Code Ann., Land Use, § 4-401.



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

**STAR COMMUNITY, INC.**

**APPELLANT**

**APPEAL No. AP2021-036**

**OPINION**

Star Community, Inc. (hereinafter, "Appellant") requests a variance from the required 25 foot setback from a street right-of-way (Ordinance §22.23(e)) to 17 feet for placement of a proposed freestanding commercial sign on the subject property. The subject property is located at 16404 National Pike, Hagerstown, Maryland, and is zoned Residential (Transition). The Board held a public hearing on the matter on January 19, 2022.

The appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County, Maryland (hereinafter, "Ordinance") 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 16404 National Pike, Hagerstown, Maryland, acquired in October 2020. The subject property is zoned Residential (Transition).

2. The subject property is a nearly rectangular lot comprised of approximately 3.65 acres, upon which are several buildings and a parking lot which serves as a home and program facility for persons with intellectual disabilities.

3. The subject property is located on the Northern side of the National Pike (MD Rt. 40) approximately 250 feet from the intersection with Williamport Pike (MD Rt. 63); said intersection being commonly known as "Huyetts Crossroads".

4. The entrance to the subject property is a semi-circular macadam driveway with two (2) entrances (or exits) at either end onto MD Rt. 40 located directly in front of the main building. Between the inside edge of said driveway and the Northern margin of MD Rt. 40 is a grassy area, within which Appellant desires to place a freestanding commercial sign (the "Sign"), perpendicular to MD Rt. 40; the southernmost edge of said Sign being 17 feet from the Northern margin of MD Rt. 40 .

5. Appellant proposes that the top edge of the Sign (including the "post and panel" supporting structure) will stand seven (7) feet high and be approximately six (6) feet wide, supported by a black metal frame along the Sign sides and two vertical anchor legs only three (3) inches in width. The Sign is proposed to contain Appellant's stylized logo in yellow/gold on a dark blue background extending from the top of the frame approximately 3.5 feet down, with the address number "16404" in a contrasting color on an approximately six (6) inch high black background just below the upper logo portion of the Sign. The lower three (3) feet will be open between the frame legs. Upward-facing, ground-level flood lights will shine on the sign, but not late at night.

6. The Ordinance allows for placement of a freestanding commercial sign on a lot, "provided that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way..." (Ordinance §22.23(e)).

7. There is insufficient front yard setback space to place the Sign. The main building and driveway improvements were constructed and installed by a previous owner. Placement of the Sign elsewhere on the subject property will either result in Appellant having to install the Sign in the driveway and/or for the Sign to not be visible to motorists in time to turn safely into the driveway to the main building or parking lot.

8. While Appellant's business name and address appears on the main building facing parallel to MD Rt. 40, the information is on white decals affixed to a transom window above the main doorway, which window is obstructed on both sides by two building wings that project well beyond said doorway. A motorist would have to be looking directly perpendicular to the front entrance to even see said window.

9. MD Rt. 40 and the Huyetts Crossroads intersection is a congested, high traffic area with travel speeds that make it difficult (if not impossible) for drivers not familiar with the subject property to see the driveway entrance in time to decelerate



and turn into the subject property safely. Thus, many visitors pass by the driveway entrance, and must turn around onto MD Rt. 40 East, then make a left-hand turn to the driveway entrance. Conversely, visitors proceeding slowly on MD Rt. 40 searching for the address above the main doorway would pose a hazard for drivers behind them.

10. Appellant's representative, Stuart Mullendore (a volunteer of Appellant, and whose wife is president of Appellant's board of directors) testified that Appellant provided the MD State Highway Administration with the Sign drawings and related documents and received verbal approval of the Sign and its placement location, as it is not in or overhanging the road right-of-way.

11. Appellant provided the Board with copies of the proposed Sign with dimensions and details of the Sign and supporting structure, an aerial photograph of the subject property and its location in relation to Huyetts Crossroads, and an approved revision to an approved site plan prepared by Triad Engineering, Inc., showing roads, property boundaries, improvements and proposed Sign location on the subject property (previously submitted to the County Plan Review Department for review).

12. An email was received and read into the record from a Real Property Specialist with the MD Department of Transportation State Highway Administration confirming Mr. Mullendore's testimony in item 10 above.

13. There was no correspondence or testimony from any persons in favor of or opposed to the application, and no other correspondence received from any government agencies.

#### **RATIONALE**

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship (Ordinance §§25.2(c) and 25.56).<sup>1</sup> "Practical difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variances would do substantial injustice to the

<sup>1</sup> "When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive ("or"), Maryland court generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties 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).



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 (Ordinance §25.56(A)).

“Undue hardship” may be found when: (1) strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and (2) the difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and (3) the hardship is not the result of the applicant’s own actions (Ordinance §25.56(B)).

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

In this case, Appellant’s representative testified that this case presents an undue hardship on Appellant since there exists no other area for placement of the Sign that would fulfill the stated need for it, or would cause it to be placed somewhere impractically in the driveway itself.

The Board finds that for the variance requested in this case, the particular location proposed for placement of the Sign, the orientation of the existing buildings, macadam driveway, and grassy area between the driveway and MD Rt. 40, the need for motorists visiting Appellant’s establishment to easily identify the address and safely decelerate to enter the either of the driveway entrances, and the absurdity of placing the Sign in a location that will render it useless for the stated purposes or require placement in the driveway itself, all combine to create a practical difficulty for Appellant if the Ordinance were strictly enforced. Strict compliance would render conformance unnecessarily burdensome. Further, a lesser relaxation than that applied for would not give substantial relief, while granting the variance will observe the spirit of the Ordinance and secure public safety and welfare.

Therefore, Appellant’s request for a variance from the required 25 foot setback from a street right-of-way to 17 feet for placement of a proposed freestanding commercial sign on the subject property is GRANTED, by a vote of 5-0. Said variance is

granted upon the conditions that placement of said proposed sign will be consistent with the testimony and evidence presented herein and in compliance with all other applicable governmental requirements..

BOARD OF APPEALS

By: Paul Fulk, Chair

**Date Issued: February 18, 2022**

Notice of Appeal Rights

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the jurisdiction, may appeal the same to the Circuit Court for Washington County within thirty (30) days, in a manner set forth in Md. Code Ann., Land Use, § 4-401.