

BOARD OF APPEALS

March 1, 2023

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

AGENDA

DOCKET NO. AP2023-009: Appeal scheduled to be heard during the March 15 hearing.

DOCKET NO. AP2023-010: An appeal was filed by Michael & Hannah Leatherman for a variance from the required 100 ft. setback requirement for animal husbandry to 30 ft. from the south property line and 40 ft. from the east property line for existing structure on property owned by the appellants and located at 9813 White Hall Road, Hagerstown, Zoned Agricultural Rural.-GRANTED

DOCKET NO. AP2023-011: An appeal was filed by C. Williams Hetzer Inc. for a variance from the required 12 ft. side yard setback to 9 ft. for future semi-detached dwellings. Board to first determine if variance request is substantially similar to a previous appeal AP2023-004; a request for a variance from the required 12 ft. side yard setback to 8 ft. for future semi-detached dwellings on property owned by the appellant and located at 13810 A-13814 B Weaver Avenue, Maugansville, Zoned Residential Suburban.- NO FURTHER ACTION AS SUBSTANTIALLY SIMILAR TO PREVIOUS DISAPPROVAL OF AP2023-004.

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 February 20, 2023. 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.

Jay Miller, 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: Michael & Hannah Leatherman
9813 White Hall Road
Hagerstown MD 21740

Appellant: Michael & Hannah Leatherman
9813 White Hall Road
Hagerstown MD 21740

Property Location: 9813 White Hall Road
Hagerstown, MD 21740

Description Of Appeal: Variance from the required 100 ft. setback requirement for animal husbandry to 30 ft. from the south property line and 40 ft. from the east property line for existing 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 Section 22.94 (a)

Reason For Hardship: Building is existing and the topography of the property

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling

Proposed Use: Animal Husbandry

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 7 day of Feb, 2023.



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: AP2023-010

State of Maryland Washington County, To Wit:

On 2/7/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Michael & Hannah Leatherman and made oath in due form of law as follows:

Michael & Hannah Leatherman 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 03/01/2023, 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 02/14/2023 and will remain until after the above hearing date.

Michael & Hannah Leatherman

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

Dear Appeals Board Members-

In 2018 we put a 20' x 20' building with a 10' canopy awning at the rear of our property where we store supplies and equipment for our garden. A portion of this building also houses 7 goats for our kids' 4H projects. We only plan to house animals in the building for another 8 years when our last child ages out of the program at which time the building will probably become entirely storage. The building is approximately 30 feet from the cemetery property line to the south and approximately 40 feet from the property line to the east. When we put the building there in 2018, we were unaware of the 100' setback requirement for a building housing animals and only learned about this recently. There were no houses within several hundred feet of the building and we have lived at the location for the past 20 years. We chose this location for the building because it was a somewhat level location that allowed for a fenced in area and it was close to the garden for storing equipment and supplies. It was also an elevated location so we wouldn't have problems with water laying in the area. The area to the west of the garden is a low-lying area that floods in heavy rains, so we wanted to stay away from that area. Our youngest daughter has been asking for chickens and with the price of eggs, last summer we agreed and purchased a small portable chicken coop that we keep in or around the garden with a few chickens in as well. We have obtained our waste management plan, nutrient management plan, and are now requesting a zoning variance to be in compliance.

Thank you

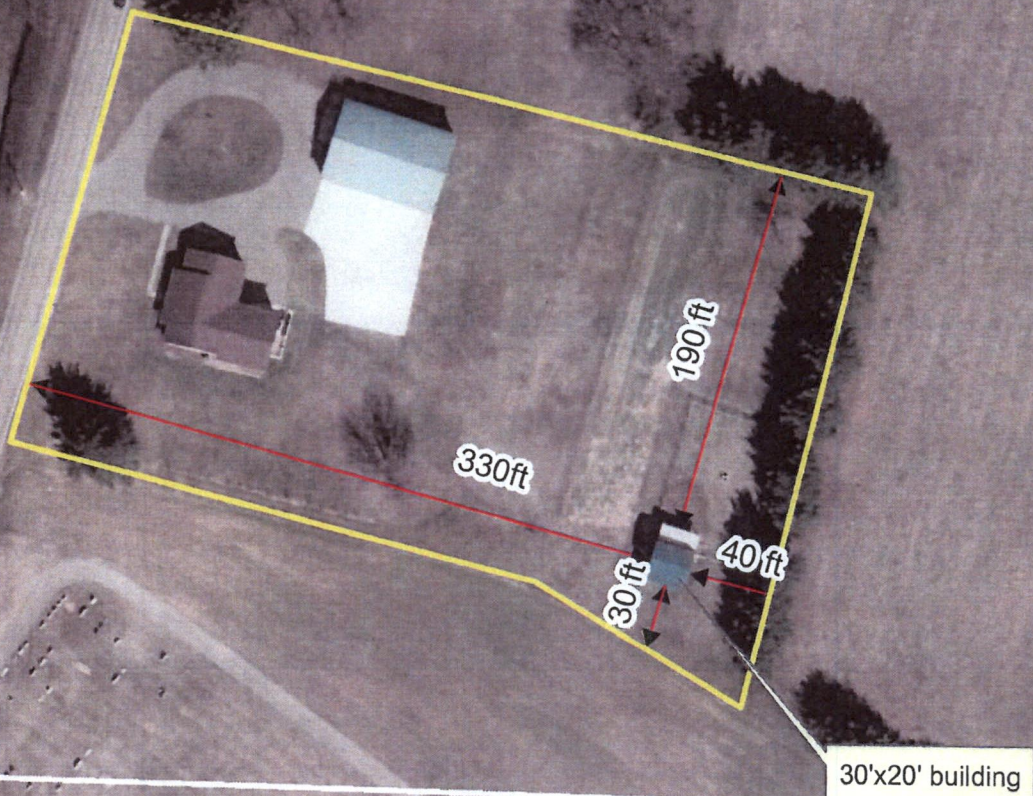
Michael & Hannah Leatherman

I would like to continue with our other statement that allowing our children to have these goats and get involved with the animal portion of 4-H has taught them so much. They have learned responsibility because an animal is expected to be kept fed, kept healthy and kept clean on a daily basis. They have learned the ups and downs of this project as well. They have watched breeding, sickness, death and the birth process. This is something that they will take with them throughout their life. They are looking into "what they want to be when they grow up". Our oldest is now involved in her high school FFA chapter and has become an active member and looks to get into something in the Ag Field, possibly into animals or horticulture. Our youngest has always loved animals and could not wait till she was old enough to show at our local fair two years ago. She spent hours before she was old enough to be a 4-Her at the barn with her sisters' animals walking them, brushing them, and just loving on them. She has been saying for a while that she wants to do something with animals at a zoo or aquarium when she grows up. They have learned so much from these projects and continue to as the years go on. I ask that you please take this into consideration as you make this decision.

Thank you

Hannah Leatherman

Leatherman
9813 White Hall Road



From:

Hind Hamdan and Bahaa Yanes

20414 Highview Court, Hagerstown, Md 21740

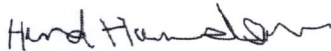
February 1, 2023

To whom it may concern,

We, the undersigned, Hind Hamdan and Bahaa Yanes, owners and residents of residential property on 20414 Highview Court in Hagerstown, Md, are long term neighbors of Michael and Hannah Leatherman of 9813 White Hall Rd., Hagerstown, Md, attest today that they are neighbors in excellent standing.

We have not been negatively impacted by their keeping of minor livestock in our neighborhood.

We can easily observe their well-kept animal lodgings and surroundings as well as the healthy animals they have kept for the last several years without apparent detriment.

A handwritten signature in black ink, appearing to read "Hind Hamdan" followed by a stylized flourish.

Hind Hamdan and Bahaa Yanes

05-February-2023

Washington County Planning & Zoning
747 Northern Ave
Hagerstown, MD 21742

Reference: Neighbor of the Leatherman's

To: Members of the Washington County Planning Commission and to those Whom It May Concern:

I am writing in reference to the personal property located at 9813 White Hall Road, Hagerstown, MD 21740 owned by Michael & Hannah Leatherman. It is our understanding the small barn/out building at the lower part of their property is infringing on the county property line setback requirement for this type of structure.

The Beaver Creek Cemetery, Association, Inc. is the owner of the adjacent property to the south of the Leatherman property, located at the corner of White Hall Road and Beaver Creek Road and would request for the commission to grant a variance to them for this building at its current location.

The location of this building neither hinders nor obstructs from the current or future operations of the cemetery. The cemetery does not have saleable lots near this building or near the adjoining property lines. On behalf of Beaver Creek Cemetery, we are in support of the commission granting this variance as requested by the Leatherman's at this hearing.

Sincerely,

Beaver Creek Cemetery Association, Inc.

Board of Director

A handwritten signature in cursive script that reads "Mark D. Angle". The signature is written in dark ink and is positioned above the printed name and address.

Mark D. Angle - Treasurer
21506 National Pike
Boonsboro, MD 21713

Feb. 4th, 2022

Dear Appeals Board Members,

We are writing in support of our neighbors, the Leathermans. Ever since we moved in to the neighboring property three years ago, it has been a pleasure living next to such a kind family. They have several goats on their property which we can see from our yard. They have never caused any kind of disturbances. We like to watch them play around in their enclosure. They take great care of the animals and we think that they are a wonderful addition to our community.

Sincerely,

**Brian and Allison Weyant
240-520-1880
9819 White Hall Rd.
Hagerstown MD 21740**

Mailing Address of owners of adjoining property

Bahaa Yanes & Hind Hamdan
20414 Highview Court
Hagerstown, MD 21740

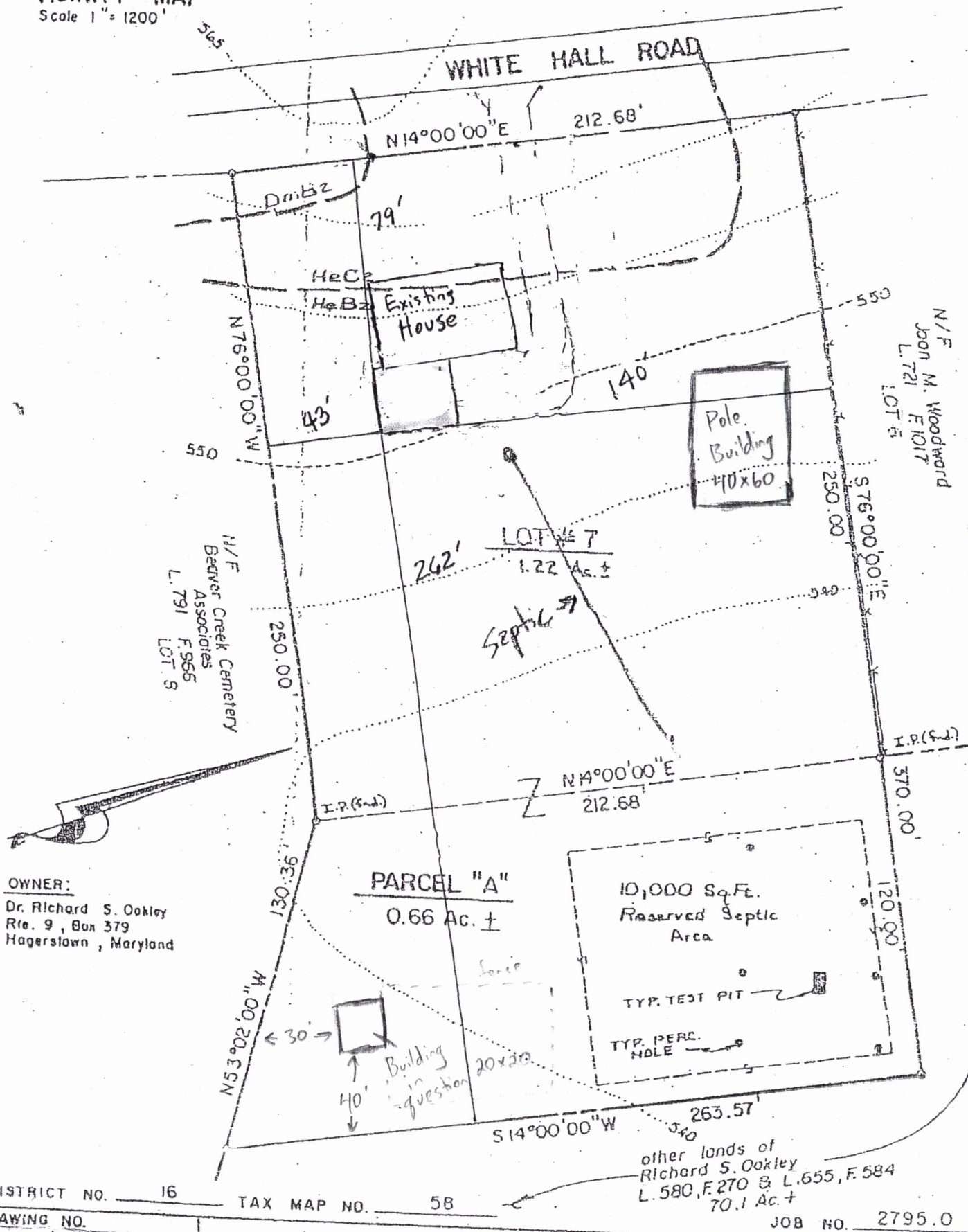
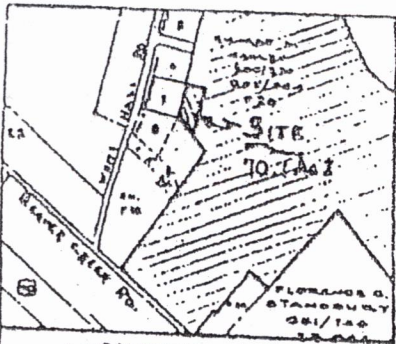
Brian & Allison Weyant
9819 White Hall Rd
Hagerstown, MD 21740

Beaver Creek of the Brethren Church Cemetery
Attn: Mr. Dave Pryor
20615 Mt. Aetna Rd.
Hagerstown, MD 21742

Asad Ghattas
Lot D14
Property --20407 Trout Drive Hagerstown, MD
Mailing Address- 13621 Crayton Blvd PO Box 1916 Hagerstown, MD 21742

Eric Bowman
20415 Trout Drive
Hagerstown, MD 21740

Simplified Plat of Subdivision
for
RICHARD S. OAKLEY
situate along the
East Side of White Hall Road
WASHINGTON CO., MARYLAND



OWNER:
Dr. Richard S. Oakley
Rte. 9, Box 379
Hagerstown, Maryland

DISTRICT NO. 16

TAX MAP NO. 58

DRAWING NO. 1 OF 2

DRAWN BY: R. RICE
DATE: 10-14-85

CHECKED BY: DATE

SCALE: 1" = 50'

ASSOCIATED ENGINEERING SCIENCES, INC.

CIVIL ENGINEERS

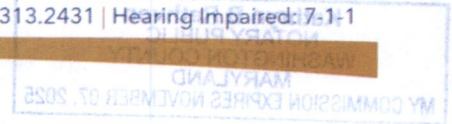
34 WEST FRANKLIN STREET
HAGERSTOWN, MARYLAND

JOB NO. 2795.0



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: C. Williams Hetzner Inc
PO Box 506
Hagerstown MD 21741

Appellant: C. Williams Hetzner Inc
PO Box 506
Hagerstown MD 21741

Property Location: 13810 A A-13814 B Weaver Avenue
Maugansville, MD 21767

Description Of Appeal: Variance from the required 12 ft. side yard setback to 9 ft. for future semi-detached dwellings. Board to first determine if variance request is substantially similar to a previous appeal AP2023-004; a request for a variance from the required 12 ft. side yard setback to 8 ft. for future semi-detached dwellings.

Docket No: AP2023-011
Tax ID No: 13001502
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 02/09/2023
Hearing Date: 03/01/2023

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 8.5 (a)

Reason For Hardship: Due to the change in the zoning and increase in setback requirements.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Vacant Lots **Proposed Use:** Semi-Detached Dwellings

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

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

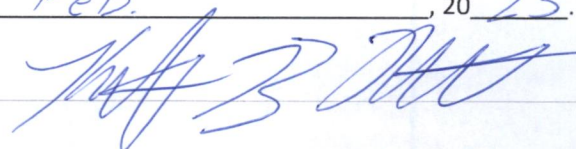
I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

 Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 9 day of Feb., 20 23.





My Commission Expires

Notary Public

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

MY COMMISSION EXPIRES NOVEMBER 07, 2025
KATHRYN B RATHVON
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND



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: AP2023-011

State of Maryland Washington County, To Wit:



On 2/9/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Jeffrey Piper and made oath in due form of law as follows:

Jeffrey Piper 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 03/01/2023, 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 02/14/2023 and will remain until after the above hearing date.


Jeffrey Piper

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

Seal

My Commission Expires



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Variance

Appeal is hereby made for a variance from a requirement of the Washington County Zoning Ordinance as follows:

Location 13810A, 13810B, 13812A, 13812B, 13814A and 13814B Weaver Avenue, Maugansville, MD 21767

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

☐ Owner (Including Joint Ownership) ☐ Lessee ☐ Contract to rent/lease

☐ Contract to Purchase ☒ Other Owner Representative by Affidavit.

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

Section 8.5(a) Lot Area, Lot Width, and Yard Setback Requirements.

Specify the particular requirement(s) from which a variance is desired in that section or subsection:

Dwelling Semi-Detached 12 foot (exterior side only) Side Yard Setback.

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

Desired variance is to reduce the 12 foot side yard setback requirement to a 9 foot side yard setback.

Describe reason(s) why the Ordinance requirement(s) in question would result in peculiar and/or unusual practical difficulties to or would impose exceptional or undue hardship upon the owner of the property if the requested variance were not granted:

Provide Detailed Explanation on Separate Sheet

Has any previous petition or appeal involving this property been made to the Board?

☒ Yes ☐ No

If yes, list docket number(s): AP2003-151, AP2007-016, AP2007-017, AP2007-018 and AP2023-004

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

Signature of Appellant

jap@jeffreypiperandco.com

Email of Appellant

Jeffrey A. Piper

P.O. Box 94, Mercersburg, PA 17326

Address and of Appellant

240-520-4605

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.



Washington County

M A R Y L A N D

DIVISION OF

ENGINEERING & CONSTRUCTION MANAGEMENT

PLAN REVIEW | PERMITTING | ENGINEERING | CONSTRUCTION

**Washington County Building Code Board of Appeals
Owner's Representative Affidavit**

This is to certify that Jeffrey A. Piper is authorized to file an appeal with the Washington County Building Code Board of Appeals for a variance from side yard setback on property located at 13810A, 13810B, 12812A, 13812B, 13814A and 13814B Weaver Avenue, Maugansville, MD 21767.

The said work is authorized by C. William Hetzer, Inc. the property owner in fee.

PROPERTY OWNER

C. William Hetzer, Inc.

Property Owner's Name

P.O. Box 506

Property Owner's Address

Hagerstown, MD 21741

City, State, Zip Code

Tony L. Kerns, President

Property Owner's Signature

Sworn and subscribed before me this 8th day of February, 20 23.

My Commission Expires: 12/8/24

Robin Di Giuseppe

Notary Public

AUTHORIZED REPRESENTATIVE

Jeffrey A. Piper

Authorized Representative's Name

P.O. Box 94

Authorized Representative's Address

Mercersburg, PA 17326

City, State, Zip Code

Authorized Representative's Signature

Sworn and subscribed before me this 9 day of February, 20 23.

My Commission Expires:

April 7, 2023

Revised: 7-30-15

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

WWW.WASHCO-MD.NET



February 8, 2023

Jeffrey A. Piper, Applicant by Affidavit
C. William Hetzer, Inc., Maryland, Owner
Lots 1 through 6, S & H, LLC
13810A, 13810B, 13812A, 13812B, 13814A and 13814B Weaver Avenue
Maugansville, MD 21767

(First BZA Variance AP-2023-004)
BZA Variance Criteria

The subject lots 1 through 6 are located at 13810A through 13814B Weaver Avenue and are vacant and undeveloped at this time. These lots are shown on plats entitled, "Combined Preliminary/Final Plat of Re-Subdivision, Lots 1 Through 6, S & H, LLC" and recorded among the land records of Washington County, Maryland as plat numbers 9180 – 9181. These plats were finally approved on July 24, 2007 under the previous, now defunct 'RR' Rural Residential Zoning District, which then required a 10' minimum side yard setback for semi-detached dwellings (see Exhibit "A"). The zoning has since changed for this property and is now subject to the requirements of the 'RS' Residential Suburban District (see Exhibit "B"). This district requires a 10' minimum side yard setback for single family dwellings and 12' minimum side yard setback for semi-detached dwellings, which are what is intended to be constructed at this time. Due to the change in zoning and increase in setback requirements, the building envelope for these lots have been reduced, rendering them much less usable, buildable, marketable and desirable.

A. Practical Difficulty

1. Due to the reduction of the building envelope caused by the change in zoning and current side yard setbacks, the width of this lot will not allow for the construction of a typical width semi-detached dwelling. Based upon experience, local construction knowledge and other available information, the typical full width of a semi-detached dwelling is approximately 40', 20' of width for each half of dwelling. This typical width would allow for a 16' wide single car garage and a 4' wide entrance way for each half of dwelling at street level. Strict compliance with the required side yard setback will render conformance unnecessarily burdensome and will only allow a dwelling width of approximately 34', 17' of width for each half of dwelling.

2. Considering the above information, denying the variances would do substantial injustice to the applicant and a relaxation lesser than the 8 foot side yard being applied for would not give substantial relief.

3. Granting the variance would observe the spirit of the Ordinance and not impede on public safety and welfare. (See Exhibit "C") Based on GIS and aerial images, there are existing business buildings, apartment buildings, single family dwellings and duplexes within 2 blocks

East-West and 3 block to the North-South of this property that are within the current yard setbacks. The requested 8' side yard setback would create a minimum clear width of 16' between buildings, which would exceed the required fire separation distance.

B. Undue Hardship

1. Due to the change in zoning and increase in setback requirements, a typical width semi-detached dwelling cannot be constructed on these lots. A smaller width dwelling would not allow for the necessary frontage to accommodate amenities typically included in these type of dwellings. The infrastructure is in place within the right of way of Weaver Avenue, which would still need constructed and connected to these dwellings. Unfortunately, the cost of installing utilities to these dwellings will be difficult to offset if larger dwellings cannot be constructed. Considering these points, strict compliance with the Ordinance would prevent the applicant and owner from securing a reasonable return from or make reasonable use of this lot.

2. Since the change in zoning and increase in setback requirements occurred after the approval date of these lots on the previously mentioned subdivision plats, the difficulties and hardships are peculiar to Lots 1 through 6. (See Exhibit "D") There are only two other vacant and undeveloped lots out of more than 170 lots within 2 blocks East-West and 3 block to the North-South of this property. This property, being Lots 1 through 6 of this subdivision, is adversely affected by the change in zoning and increase in setback requirements.

3. As stated previously, Lots 1 through 6 of which the variance is being applied for is shown on plats that were finally approved on July 24, 2007 under the previous, now defunct 'RR' Rural Residential Zoning District. The zoning has since changed for this property and is now subject to the requirements of the 'RS' Residential Suburban District. The hardship is not the result of the applicant's or owner's actions.

(Second Request for BZA Variance)
BZA Variance Criteria

The appellant is asking for a new hearing to have the Board of Zoning Appeals reconsider a variance request of 9' side yard setbacks in lieu of the original 8' requested.

The criteria is based on my 38 years' experience in land development and building construction, which ties into knowledge pertaining to cost feasibility, product design and marketability.

Since the last meeting, I have performed more feasibility studies on product by visiting other communities within Washington County along with developments located in multiple states. I also visited National Builders websites on the entire East Coast for research based on the same types of products. That said I found no product less than 20' in width.

Based upon my 38 years of experience and performing a more in-depth feasibility of product, 17' in width minus the deduction of exterior walls equaling 1' in width, and a 3' wide staircase, leaves a livable interior space of 13' in width. This truly is not a feasible product at a combined Lot + Home price of \$250,000 +/- nor would it be desirable.

This puts the focus really on financial, product feasibility and the land being unsuitable for development. This would be in my opinion, a hardship on all parties, including effecting revenues through taxes and utilities for both the County and City.

I would like to point out just few more items to consider:

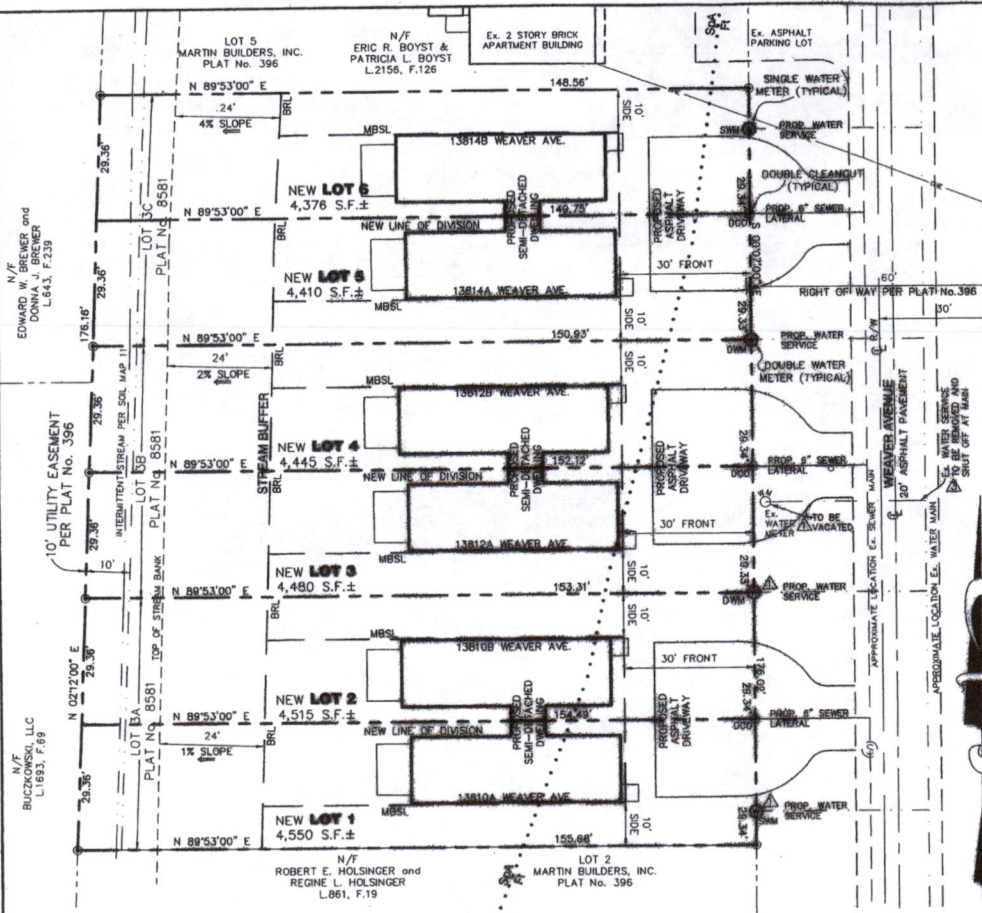
These Lots have been unsalable for the past 20+ years. In addition, there are several other properties in close vicinity with less setbacks. This request is only 1' less than the 10' setbacks previously approved under the 'RR' Zoning and only 1' less than if someone was to build a single family dwelling under the current 'RS' Zoning.

I ask to please reconsider this reasonable request that benefits all parties.

Thank you,



Jeffrey A. Piper



Dedication for Corporations

We, S & H, LLC, being a Maryland limited liability company, do hereby certify that we are the legal and true owner of the property shown and described on this plan. And we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street and road rights of way designated on this plan, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedications shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedication until legal acceptance thereof by said Board. And we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas, and with regard to the said easement and rights of way hereby agree to convey the same to said Board for the use of said Washington County, without consideration upon the legal acceptance of said easement and/or rights of way by said Board.

This deed and agreement of dedication shall be binding upon our grantees, assigns, successors, heirs, and personal representatives.
Witness our hands and seals this 15th day of Nov, 2007.
[Signature] Witness
[Signature] Ronnie Starkey

We also certify that the community water and/or community sewerage system proposed for this subdivision will be available to all lots offered for sale. We also certify that plans for the community water supply and/or sewerage system facilities, including any necessary point of discharge, have been approved by the Department of Health and Mental Hygiene. There are no suits, actions at law, leases, liens, mortgages, trusts, easements or rights of way affecting the property included in this plan of subdivision, except the following:

And all parties having an interest therein have hereunto affixed their signatures, indicating their assent to this plan of subdivision.

I/We hereby assent to this plan of subdivision. Witness our hands and seals this 15th day of Nov, 2007.
[Signature] Witness
[Signature] Ronnie Starkey

Certificate of Approval of Community Water and Sewerage Systems

I hereby certify that the use of the community water and sewerage systems for this subdivision is in conformance with the county water and sewerage plan.

[Signature] Date
[Signature] County Health Officer

Final Approval Granted

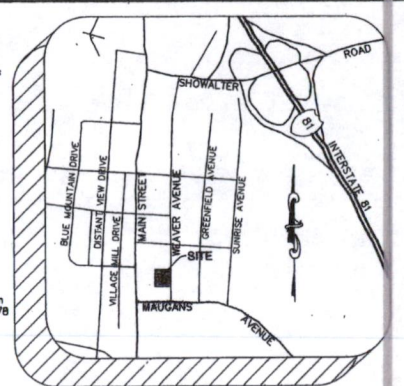
Date: 7/14/07
Washington County Planning Commission
By: *[Signature]*

Owner/Developer

S & H, LLC
ATTN: MR. RONNIE STARKEY
1120 WEST WASHINGTON STREET
HAGERSTOWN, MD 21740
PHONE: 301-714-1781

General Notes

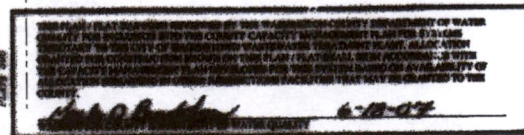
- 1) No title report performed by or provided to Triad Engineering, Inc. regarding the property shown hereon. This plat makes no attempt to locate any easements or rights of way, if any exist, other than those shown hereon.
- 2) Contours shown hereon are derived from field surveys and based on an assumed datum.
- 3) 10 feet along front, 8 feet along side and rear lot lines is dedicated for drainage and utility easements.
- 4) Zoned "RR" Rural Residential
- 5) "MBSL" denotes minimum building setback lines for semi-detached dwellings per Zoning Ordinance.
- 6) Front: 30' Side: 10' Rear: 40'
- 7) Accessory structures may be constructed in accordance with section 4.10 and 23.5(b) of the Zoning Ordinance. No accessory structures permitted prior to construction of a principal permitted structure.
- 8) "BRL" denotes building restriction line per Health Department, developer, or other regulatory agency.
- 9) House address is based on entrance location as shown on this plat. If driveways are constructed at different locations, the address for the lot is void and the owner or developer of the lot must reapply to the Planning Department for a new address.
- 10) The lot shown hereon is not affected by the limits of the 100 year flood plain as shown on flood insurance rate map number 240070-0000A, dated May 1, 1978.
- 11) Weaver Avenue is classified a local road with a future right of way width of 50 feet, the existing right of way width is 60', no dedication is required.
- 12) Soil types:
Ft. Detrick silt loam
Sp. 1: 100% silt loam, 0 to 3 percent slopes
- 13) There are no known habitats of threatened or endangered species identified by the U.S. Department of the Interior, Fish and Wildlife Service per 50CFR 17 as required to be shown by section 314 of the Subdivision Ordinance and section 4.21 of the Zoning Ordinance. This subdivision is not within the limits of the Appalachian Trail Corridor or the watersheds of the Edgemont-Smithsburg Reservoirs. This subdivision is not within the Beaver Creek drainage basin. There are no wetlands on these lots per mapping by the U.S. Department of the Interior, Fish and Wildlife Service's, Hagerstown, MD-PA "quod".
- 14) There is an intermittent stream symbol present on these Lots as shown on the soil survey map number 11 of Washington County see "Sensitive Area Notice". There are no areas of steep slopes as defined by Article 28.531 of the Washington County Zoning Ordinance.
- 15) The watershed area above this site is less than 400 acres.
- 16) The purpose of this plat is to re-subdivide Lots 3A, 3B, and 3C of Martin Builders, Inc. previously recorded as Washington County record plat number 8581 & 8582 into Lots 1-6, as indicated. All other restrictions and conditions of the previously recorded plat not changed hereon shall remain in effect.
- 17) Reference is hereby made to Variance granted by the Washington County Board of Zoning Appeals, Resolution number AP2007-015 and AP2007-016 through AP2007-018 for a reduction of the minimum Lot Area and Lot Width as established hereon.



Sensitive Area Notice Stream Buffer

The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures are permitted within the stream buffer except those existing at the time of this subdivision and shown hereon and those designated to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws and policies. No septic systems shall be constructed within the buffer nor shall any septic reserve area be established within the buffer.

Exhibit "A"



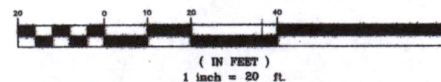
Surveyor's Certification

I hereby certify that to the best of my professional knowledge and belief the plan shown hereon is correct, that it is a subdivision of all of the land conveyed by BLPN Properties, LLC, unto S & H, LLC, by deed dated April 12, 2007, and recorded among the land records of Washington County, Maryland in Liber 3855, at Page 188. And that concrete monuments marked with iron pipes and surveyor's caps marked thus: @ have been set and indicated.

5/15/07 Date
Robert B. Bush, Maryland Registered Professional Surveyor, No. 12002

- REVISÉ 8/29/07 PER CITY WATER DEPARTMENT
- REVISÉ 8/15/07 PER COUNTY ENGINEERING DEPARTMENT
- REVISÉ 8/15/07 PER CITY WATER DEPARTMENT

GRAPHIC SCALE



TRIAD ENGINEERING INC.

10750 Sherman Avenue Hagerstown, Maryland 21740
Phone: (301) 787-4800 • Fax: (301) 787-2424 • Email: hagerstown@triadeng.com
MONTGOMERY • ST. ALBANS • GREENSBORO • WINCHESTER • FREDERICK • HAGERSTOWN
WEST VIRGINIA • PENNSYLVANIA • VIRGINIA • MARYLAND

PLAT NO. 9180
DATE JUL 9 2007
WASHINGTON COUNTY

COMBINED PRELIMINARY/FINAL PLAT OF RE-SUBDIVISION

LOTS 1 THROUGH 6 S & H, LLC

PREVIOUSLY RECORDED AS LOTS 3A, 3B, & 3C, MARTIN BUILDERS, INC., WASHINGTON COUNTY RECORD PLAT NUMBER 8581 & 8582. SITUATED ALONG THE WEST SIDE OF WEAVER AVENUE, 280' SOUTH OF GARNETTE AVENUE IN MAUGANSVILLE, WASHINGTON COUNTY, MARYLAND

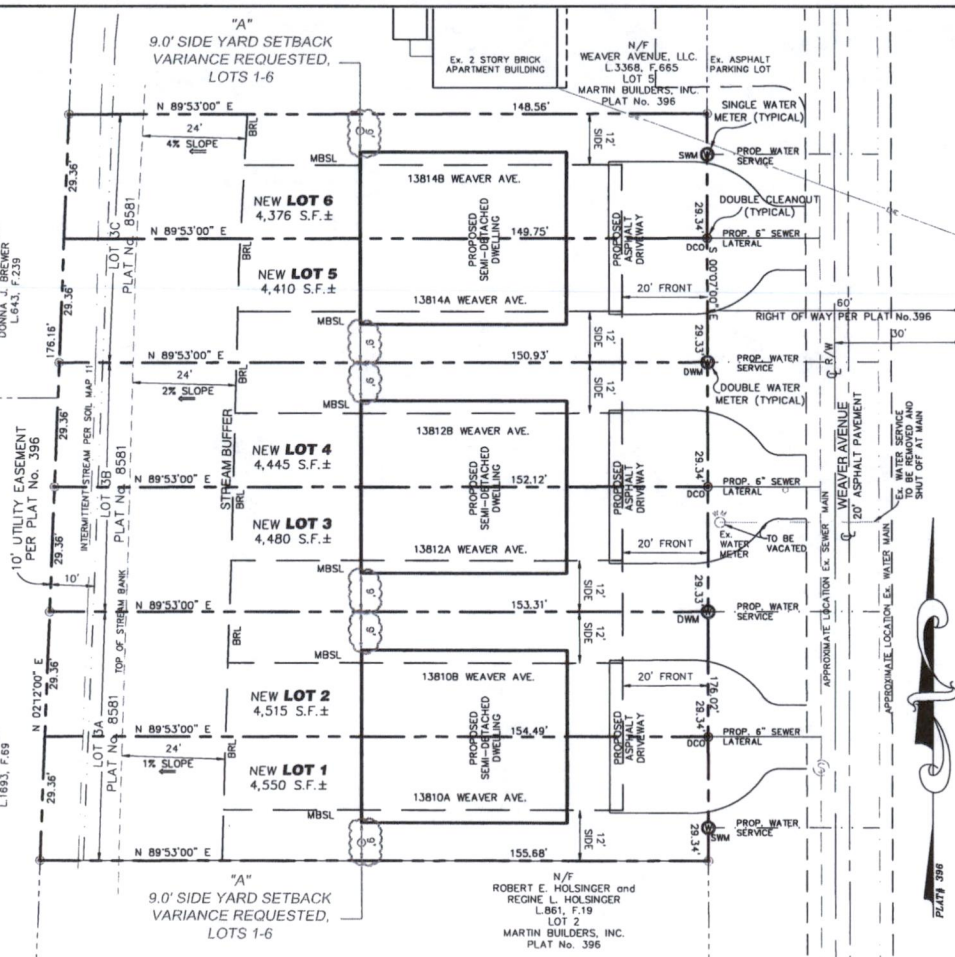
ELECTION DISTRICT NUMBER 13, TAX MAP 24-3, GRID 3, PARCELS 1504 & 1505	DATE	SCALE	FILE NO.	DRAWN BY:	SHEET NO.
	May 3, 2007	1" = 20'	3026.SH	C.A.R.	102
			TRAD JOB No. 03-07-0072	CHECKED BY: R.B.B.	

MSA CSM 2167 6732-1
5-07-064

P142714

N/F
EDWARD W. BREWER and
DONNA J. BREWER
L 643, F 239

N/F
BUCKOWSKI, LLC
L 1681, F 59

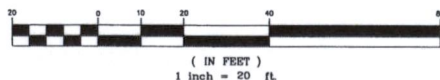


ACREAGE TABULATION

EXISTING LOT 3A PER PLAT 8581	9,065 S.F.±
LESS NEW LOT 1	4,550 S.F.±
LESS NEW LOT 2	4,515 S.F.±
REMAINING AREA LOT 3A	0 S.F.±
EXISTING LOT 3B PER PLAT 8581	8,925 S.F.±
LESS NEW LOT 3	4,480 S.F.±
LESS NEW LOT 4	4,445 S.F.±
REMAINING AREA LOT 3B	0 S.F.±
EXISTING LOT 3C PER PLAT 8581	8,786 S.F.±
LESS NEW LOT 5	4,410 S.F.±
LESS NEW LOT 6	4,376 S.F.±
REMAINING AREA LOT 3C	0 S.F.±

APPLICANT:
JEFFREY A. PIPER AND COMPANY
ATTN: MR. JEFFREY A. PIPER
P.O. BOX 94
MERCERSBURG, PA 17326
(240)520-4605

GRAPHIC SCALE



Sensitive Area Notice Stream Buffer

The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance, Article IV, Section 409 in an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures are permitted within the stream buffer except those existing at the time of this subdivision and shown hereon and those designated to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws and policies. No septic systems shall be constructed within the buffer nor shall any septic reserve area be established within the buffer.



VICINITY MAP
SCALE: 1"=2,000

General Notes:

- 1) No title report performed by or provided to Triad Engineering, Inc. regarding the property shown hereon. This plat makes no attempt to locate any easements or rights of way, if any exist, other than those shown hereon.
- 2) Contours shown hereon are derived from field surveys and based on an assumed datum.
- 3) 10 feet along front, 8 feet along side and rear lot lines is dedicated for drainage and utility easements.
- 4) Zoned "RR" Rural Residential
- 5) "MBSL" denotes minimum building setback lines for semi-detached dwellings per Zoning Ordinance.
- 6) "BRL" denotes building restriction line per Health Department, developer, or other regulatory agency.
- 7) House address is based on entrance location as shown on this plat, if driveways are constructed at different locations, the address for the lot is void and the owner or developer of the lot must reapply to the Planning Department for a new address.
- 8) The lot shown hereon is not affected by the limits of the 100 year flood plain as shown on flood insurance rate map number 240070-0080A, dated May 1, 1978
- 9) The lot shown hereon is served by The City of Hagerstown water and Washington County sewerage systems.
- 10) There are no known wells or sewer areas within 100 feet of the lot shown hereon, except as shown.
- 11) Weaver Avenue is classified a local road with a future right of way width of 50 feet, the existing right of way width is 60', no dedication is required.
- 12) Soil types:
Ft. Funkston silt loam
SsA: Swampy silt loam, 0 to 3 percent slopes
- 13) There are no known habitats of threatened or endangered species identified by the U.S. Department of the Interior, Fish and Wildlife Service per 50CFR 17 as required to be shown by section 314 of the Subdivision Ordinance and section 4.21 of the Zoning Ordinance. This subdivision is not within the limits of the Appalachian Trail Corridor or the watersheds of the Edgemont-Smithsburg Reservoirs. This subdivision is not within the Beaver Creek drainage basin. There are no wetlands on these Lots per mapping by the U.S. Department of the Interior, Fish and Wildlife Service's, Hagerstown, MD-PA "quad".
- 14) There is an intermittent stream symbol present on these Lots as shown on the soil survey map number 11 of Washington County see "Sensitive Area Notice". There are no areas of steep slopes as defined by Article 28.631 of the Washington County Zoning Ordinance.
- 15) The watershed area above this site is less than 400 acres.
- 16) Reference is hereby made to a plat entitled "LOTS 1 THROUGH 6, S & H, LLC," dated May 3, 2007, and recorded among the land records of Washington County, Maryland as Plat 9180.
- 17) Reference is hereby made to Variances granted by the Washington County Board of Zoning Appeals, Docket number AP2003-151 and AP2007-016 through AP2007-018 for a reduction of the minimum Lot Area and Lot Width as established hereon.

VARIANCE REQUEST

DEPICTED VARIANCE	SECTION OF ZONING ORDINANCE	TYPE OF REGULATION	ORDINANCE REQUIREMENT	PROPOSED DIMENSION (VARIANCE REQUESTED)
"A"	8.5(a)	SIDE YARD SETBACK	MIN. WIDTH 12 FEET	9 FEET

TRIAD ENGINEERING, INC.

1075-D SHERMAN AVENUE
HAGERSTOWN, MD 21740
PH: 301.797.6400 FAX: 301.797.2424

OFFICE LOCATIONS

MARYLAND OFFICE: 1075-D SHERMAN AVENUE, HAGERSTOWN, MD 21740
WEST VIRGINIA OFFICE: 1075-D SHERMAN AVENUE, HAGERSTOWN, MD 21740

CADD FILE:

03221053-82A-EX

OWNER/DEVELOPER:

OWNER:
C. WILLIAM HETZER, INC.
P.O. BOX 506
HAGERSTOWN, MD 21741-0506

BOARD OF ZONING APPEALS EXHIBIT
FOR
LOTS 1-6
S & H LLC

SITUATED ON THE WEST SIDE OF AND AT THE INTERSECTION OF MAUGANS AVENUE AND WEAVER AVENUE, APPROXIMATELY 290 FEET NORTH FROM THE INTERSECTION OF MAUGANS AVENUE AND WEAVER AVENUE.

TRIAD ENGINEERING, INC.
www.triadeng.com

SHEET NUMBER
1 OF 1

FILE NO.:
JOB NO.: 03-22-10-3



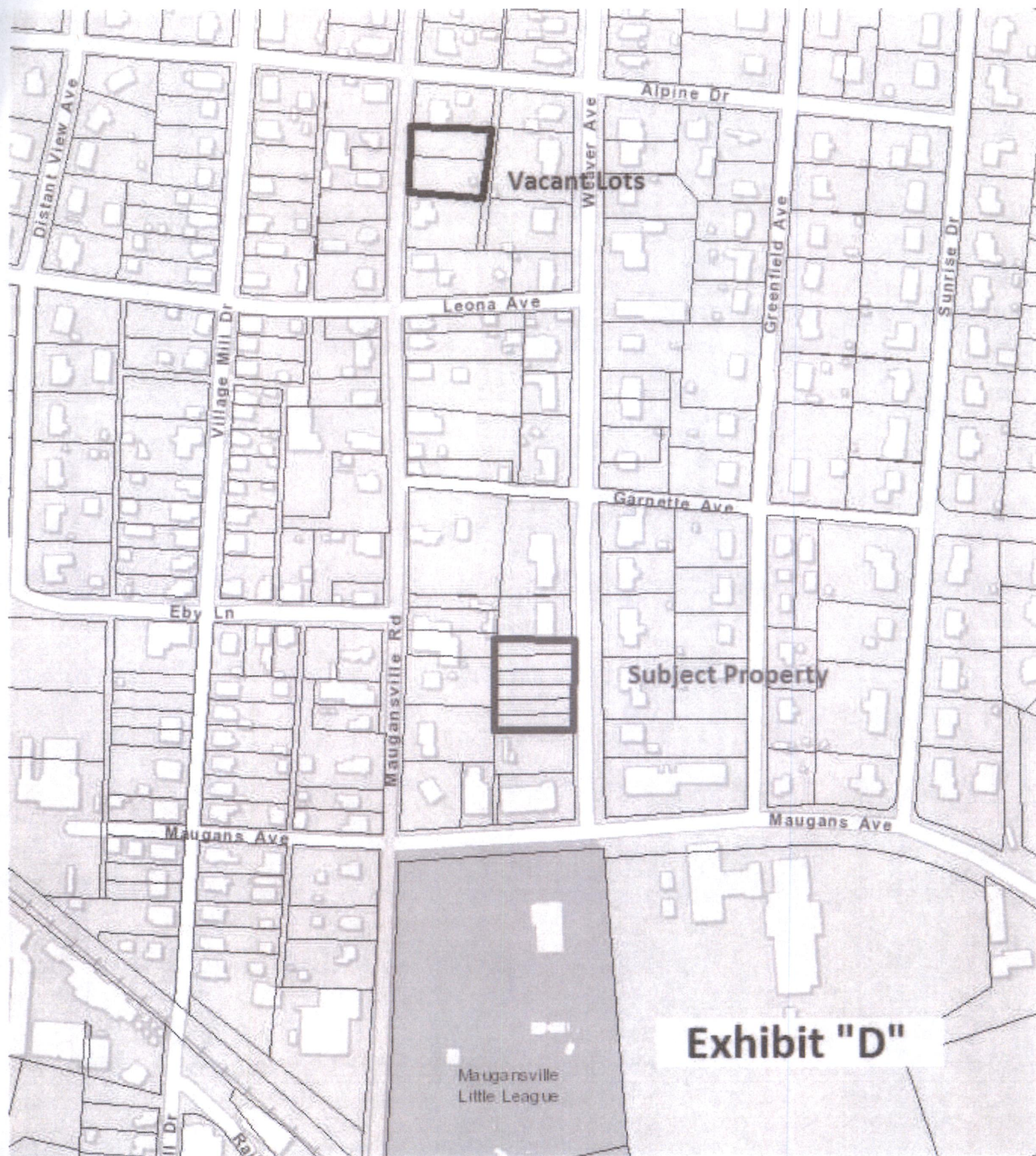


Exhibit "D"