

BOARD OF APPEALS

May 10, 2023

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

AGENDA

DOCKET NO. AP2023-017: An appeal was filed by Jay Sun Properties LLC for a variance to convert a two-family dwelling into two semi-detached dwellings for a future subdivision. For 17429 A Virginia Avenue a variance from the required lot width of 35 ft. to 24.16 ft. and for 17429 B Virginia Avenue a variance from the required lot width of 35 ft. to 25.76. The property is located at 17429 A&B Virginia Avenue, Hagerstown, Zoned Residential Urban. - **GRANTED**

DOCKET NO. AP2023-018: An appeal was filed by Jay Sun Properties LLC for a variance to convert a two-family dwelling into two semi-detached dwellings for a future subdivision. For 916 A Harwood Road for a variance from the required lot area of 5,000 sq. ft. to 4,756 sq. ft. and lot width requirement of 35 ft. to 23.8 ft. and 916 B Harwood Road for a variance from the required lot area of 5,000 sq. ft. to 4,284 sq. ft. and lot width requirement of 35 ft. to 21.33 ft. The property is located at 916 A&B Harwood Road, Hagerstown, Zoned Residential Urban. - **GRANTED**

DOCKET NO. AP2023-019: An appeal was filed by Clever Holding LLC for a special exception for the board to find the use functionally similar to any principally permitted or special exception use in the district for a transportation trucking company on the property owned by the appellant and located at 17950 Maugans Avenue, Maugansville, Zoned Business General. - **GRANTED**

DOCKET NO. AP2023-020: An appeal was filed by Zachery & Jennifer Sword for a variance from the required 15 ft. side yard setback to 8 ft. for proposed detached garage on property owned by the appellant and located at 21510 Ridenour Road, Boonsboro, Zoned Environmental Conservation. - **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 May 1, 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: Jay Sun Properties LLC
13202 Unger Road
Hagerstown MD 21742

Docket No: AP2023-017

Tax ID No: 26034043

Zoning: RU

Appellant: Jay Sun Properties LLC
13202 Unger Road
Hagerstown MD 21742

RB Overlay: No

Zoning Overlay:

Filed Date: 04/11/2023

Hearing Date: 05/10/2023

Property Location: 17429 A A & B Virginia Avenue
Hagerstown, MD 21740

Description Of Appeal: Variance to convert two-family dwelling into semi-detached dwellings for future subdivision. Variance from the required lot width of 35 ft. to 24.16 ft. for 17429 A Virginia Ave. Variance from the required lot width of 35 ft. to 25.76 ft. for 17429 B Virginia Ave.

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: 9.5 (a)

Reason For Hardship: Lot was/is considered an undersized lot of record when originally developed.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Two-Family Dwelling

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.

Handwritten signature of the appellant.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 11 day of April, 2023.

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

Handwritten signature of the notary public.

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: AP2023-017

State of Maryland Washington County, To Wit:

On 4/11/2023, 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 05/10/2023, 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 04/25/2023 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

Seal

My Commission Expires

Project Name: Jay-Sun Properties, 17429 A&B Virginia Ave

Owner/Applicant: Jay-Sun Properties, LLC

Project Address: 17429 A & B Virginia Ave

Tax Map 49 Grid 19 Parcel 206

Account # 26034043

Zoning: RU

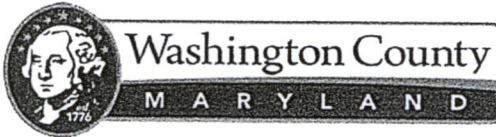
Variance request:

The requested variances are from the bulk setback and area requirements for Semi-Detached units as shown in section 9.5 of the Washington County Zoning Ordinance.

Required lot width per side:	35 feet
Requested lot width:	
17429 A	24.16 feet
17429 B	25.76 feet

The owner would like to subdivide an existing duplex (1 building with 2 dwelling units on one property) into semi-detached units (1 building, 2 units that share a common property line making them individual units). The existing structure was built in 1985 on a 12,000 SF lot. This lot, as built upon, is what is considered an undersized Lot of Record due to lot width. In the RU district the zoning ordinance allows both types of dwellings, the setbacks and lot area are essentially the same for Duplex lots and Semi-Detached lots, Semi-Detached lots are simply half of what they would be for a duplex unit.

Nothing new is being constructed only a property line being created between the units which will allow additional home ownership opportunities vs the property being used as a rental property in perpetuity.



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 VARIANCE TO REDUCE LOT WIDTH on property located 17429 VIRGINIA AVE HAGERSTOWN MD. The said work is authorized by JAY SUN PROPERTIES LLC c/o JASON BETKER the property owner in fee.

PROPERTY OWNER

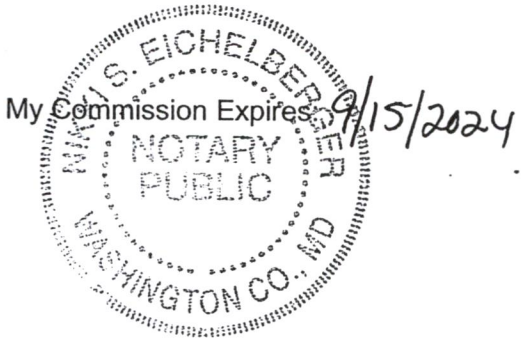
JAY SUN PROPERTIES LLC c/o JASON BETKER
Name
13202 UNGER ROAD
Address
HAGERSTOWN MD 21742
City, State, Zip Code

*

[Signature]
Owner's Signature

Sworn and subscribed before me this 5 day of April, 2023.

[Signature]
Notary Public



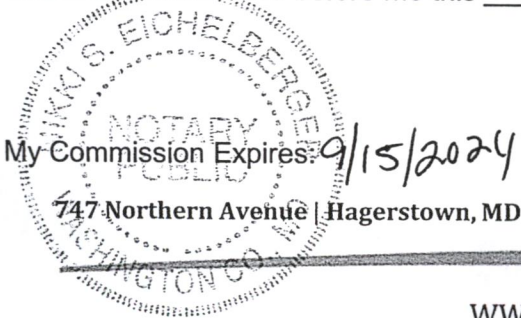
AUTHORIZED REPRESENTATIVE

ED SCHREIBER
Name
128 S. POTOMAC ST
Address
HAGERSTOWN MD 21740
City, State, Zip Code

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 5 day of April, 2023.

[Signature]
Notary Public

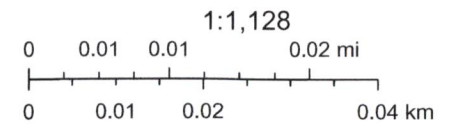


Frederick Seibert & Associates, Inc.



3/31/2023, 11:33:21 AM

World Transportation ● FSA Database Parcels
MD_SixInchImagery ● HL Database



Esri Community Maps Contributors, WashCo MD, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling, Single-Family*	6,500 sq. ft.	60 ft.	6,500 sq. ft.	20 ft.	8 ft.	25 ft.
Dwelling, Two-Family*	10,000 sq. ft.	70 ft.	5,000 sq. ft.	25 ft.	10 ft.	40 ft.
Dwelling, Semi-Detached*	5,000 sq. ft.	35 ft.	5,000 sq. ft.	25 ft.	10 ft.(exterior side only)	40 ft.
Clubs, Fraternities, etc.	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Nursing/Convalescent Homes	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Other Permitted or Special Exception Uses	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 9.6.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Single-family and semi-detached dwellings*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Two Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

Section 9.6 Public Facilities

(a) All new development in the Residential, Urban District shall be served by public water and sewer facilities that have been approved by the Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.
2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 029082

Owner Information

Owner Name: FREY LOREN K & FREY SHERRI L Use: RESIDENTIAL
 Mailing Address: 632 CORNELL AVE Principal Residence:NO
 HAGERSTOWN MD 21742-0000 Deed Reference: /05174/ 00073

Location & Structure Information

Premises Address: 11039 ROESSNER & 11041 AVE Legal Description: LOT 88 IRREG .44 AC
 HAGERSTOWN 21740-0000 11039&11041 ROESSNER AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0019 0166 26010518.22 0000 88 2023 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1913	3,344 SF		19,355 SF	

Stories	Basement	Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	END UNIT BRICK/	3	2 full	1 Detached	

Value Information

	Base Value	Value		
		As of 01/01/2023	Phase-In Assessments As of 07/01/2022	As of 07/01/2023
Land:	45,000	45,000		
Improvements	115,700	196,300		
Total:	160,700	241,300	160,700	187,567
Preferential Land:	0	0		

Transfer Information

Seller: TAYLOR JOYCE J	Date: 03/02/2016	Price: \$100,750
Type: NON-ARMS LENGTH OTHER	Deed1: /05174/ 00073	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00530/ 00276	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 025125

Owner Information

Owner Name: SHAFFER JERRY T Use: RESIDENTIAL
 Mailing Address: 17431 VIRGINIA AVENUE Principal Residence: YES
 HAGERSTOWN MD 21740-7778 Deed Reference: /00532/ 00714

Location & Structure Information

Premises Address: 17431 VIRGINIA AVE Legal Description: LOT 148 50X240
 HAGERSTOWN 21740-0000 2024 VIRGINIA AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0019 0207 26010510.22 0000 148 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1930 2,072 SF 12,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITSIDING/3 2 full 1 Detached

Value Information

	Base Value	Value		Phase-In Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2022	As of 07/01/2023
Land:	46,000	46,000			
Improvements	103,500	156,100			
Total:	149,500	202,100	149,500		167,033
Preferential Land:	0	0			

Transfer Information

Seller: Date: Price:
 Type: Deed1: Deed2:

Seller: Date: Price:
 Type: Deed1: Deed2:

Seller: Date: Price:
 Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2022 07/01/2023
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 03/13/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 003121

Owner Information

Owner Name: CELESTIN KENNETH F Use: APARTMENTS
 Mailing Address: 17427 VIRGINIA AVE Principal Residence: YES
 HAGERSTOWN MD 21740-0000 Deed Reference: /06217/ 00130

Location & Structure Information

Premises Address: 17427 VIRGINIA AVE Legal Description: LOT 146 50X240 .28AC
 HAGERSTOWN 21740-0000 17427 VIRGINIA AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0019 0658 30000.22 0000 146 2021
 Town: None Plat Ref:

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 3,196 SF 12,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 MULTIPLE RESIDENCE/ C4

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2021	As of	As of
Land:	97,500	97,500	07/01/2022	07/01/2023
Improvements	121,800	145,600		
Total:	219,300	243,100	235,167	243,100
Preferential Land:	0	0		

Transfer Information

Seller: MICHAEL SHEREE L Date: 04/02/2020 Price: \$246,000
 Type: ARMS LENGTH IMPROVED Deed1: /06217/ 00130 Deed2:
 Seller: MICHAEL LOWELL C SR Date: 08/26/2019 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /06050/ 00320 Deed2:
 Seller: BRINDLE THEODORE W Date: 06/30/1983 Price: \$85,000
 Type: ARMS LENGTH IMPROVED Deed1: /00745/ 01018 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2022 07/01/2023
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 037646

Owner Information

Owner Name: CHURCH BAPTIST VIRGINIA AVE Use: EXEMPT COMMERCIAL
 Mailing Address: 17426 VIRGINIA AVE Principal Residence: NO
 HAGERSTOWN MD 21740-7747 Deed Reference: /00281/ 00582

Location & Structure Information

Premises Address: 17426 VIRGINIA AVE Legal Description: LOT 100X240
 HAGERSTOWN 21740-0000 17426 VIRGINIA AVE
 CHURCH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0013 1121 30000.22 0000 2021 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 9,284 SF 24,000 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 CHURCH / C2

Value Information

	Base Value	Value		
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023
Land:	144,000	144,000		
Improvements	819,300	856,200		
Total:	963,300	1,000,200	987,900	1,000,200
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County: 700	987,900.00	1,000,200.00
State: 700	987,900.00	1,000,200.00
Municipal: 700	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 023904

Owner Information

Owner Name: HOLDEN ASHLEY E Use: RESIDENTIAL
 Mailing Address: 17430 VIRGINIA AVE Principal Residence: YES
 HAGERSTOWN MD 21740-0000 Deed Reference: /04923/ 00224

Location & Structure Information

Premises Address: 17430 VIRGINIA AVE Legal Description: LOT 162 50X190
 HAGERSTOWN 21740-0000 17430 VIRGINIA AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0013 0874 26010518.22 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1928 1,944 SF 9,500 SF

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITBRICK/ 3 2 full/ 1 half 1 Detached

Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	52,200	52,200		
Improvements	120,000	201,100		
Total:	172,200	253,300	172,200	199,233
Preferential Land:	0	0		

Transfer Information

Seller: 17430 VIRGINIA AVENUE LLC Date: 03/12/2015 Price: \$132,400
 Type: NON-ARMS LENGTH OTHER Deed1: /04923/ 00224 Deed2:
 Seller: CHURCH VIRGINIA AVENUE Date: 07/25/2008 Price: \$0
 BAPTIST Deed1: /03528/ 00672 Deed2:
 Type: NON-ARMS LENGTH OTHER
 Seller: ROWLAND JOHN E Date: 11/20/2007 Price: \$275,000
 Type: ARMS LENGTH IMPROVED Deed1: /03407/ 00632 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2022 07/01/2023
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 11/28/2016

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 034043

Owner Information

Owner Name: JAY SUN PROPERTIES LLC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 13202 UNGER RD Deed Reference: /06802/ 00218
HAGERSTOWN MD 21742-0000

Location & Structure Information

Premises Address: 17429 VIRGINIA AVE Legal Description: LOT 147 50X240 .28AC
HAGERSTOWN 21740-0000 17429 VIRGINIA AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 90
0049 0019 0206 26010510.22 0000 147 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1985 2,176 SF 12,000 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 NO END UNIT SIDING/ 3 2 full/ 2 half

Value Information

	Base Value	Value		Phase-In Assessments	
		As of	As of	As of	As of
Land:	45,000	01/01/2023	07/01/2022	07/01/2023	
Improvements	133,000	196,400			
Total:	178,000	241,400	178,000	199,133	
Preferential Land:	0	0			

Transfer Information

Seller: BETKER JASON	Date: 10/21/2021	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06802/ 00218	Deed2:
Seller: MICHAEL SHEREE L	Date: 10/21/2019	Price: \$175,000
Type: ARMS LENGTH IMPROVED	Deed1: /06093/ 00135	Deed2:
Seller: MICHAEL LOWELL C SR	Date: 08/26/2019	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06050/ 00308	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00

Special Tax Recapture: None

Homestead Application Information

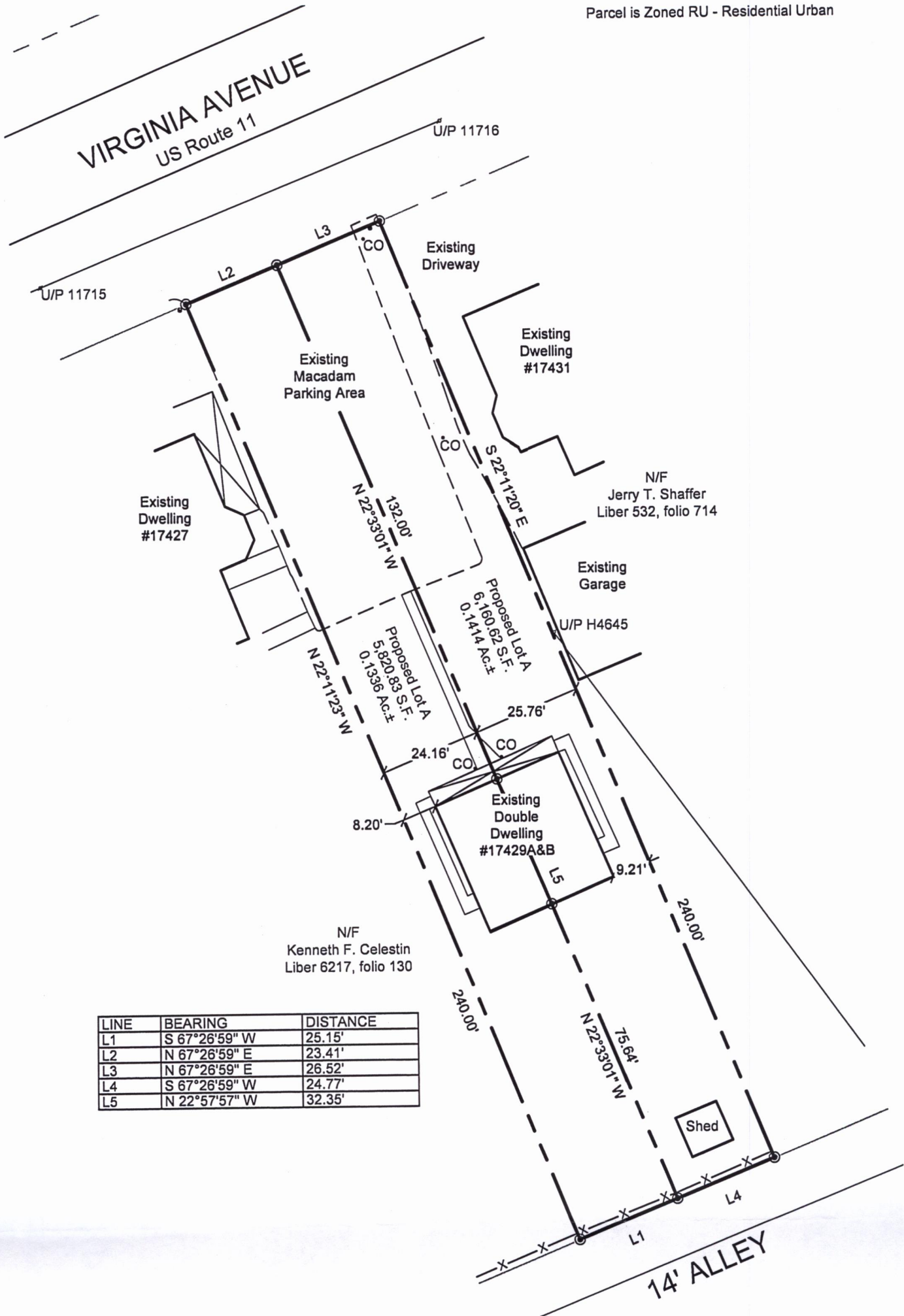
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

EXHIBIT OF PROPOSED SUBDIVISION
17429 Virginia Avenue, Hagerstown, MD 21742

Parcel is Zoned RU - Residential Urban



LINE	BEARING	DISTANCE
L1	S 67°26'59" W	25.15'
L2	N 67°26'59" E	23.41'
L3	N 67°26'59" E	26.52'
L4	S 67°26'59" W	24.77'
L5	N 22°57'57" W	32.35'

PROPERTY INFORMATION

49-19-206

DWN BY
LEJ

DATE
4.3.2023

PROJECT MANAGER
EJS

EMAIL
ESchreiber@fsa-inc.com

SCALE

1" = 30'

SHEET 01 OF 01



FREDERICK, SEIBERT & ASSOCIATES, INC. © 2023

fsa-inc.com

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.3650

20 WEST BALTIMORE STREET
GREENCASTLE, PA 17225
717.597.1007

505 SOUTH HANOVER STREET
CARLISLE, PA 17013
717.701.8111

5201 SPRING ROAD
SHERMANS DALE, PA 17090
717.567.3680

PROJECT NO.

2023-0072

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

JAY SUN PROPERTIES, LLC

*

*

Appeal No.: AP2023-017

*

Appellant

* * * * *

OPINION

Jay Sun Properties, LLC (hereinafter “Appellant”) requests a variance to convert a two-family dwelling into semi-detached dwellings for future subdivision, as well as variances to reduce the required lot width from 35 feet to 24.16 feet for 17429 A Virginia Avenue and a variance to reduce the required lot width from 35 feet to 25.76 feet for 17429 B Virginia Avenue, all at the subject property. The subject property is located at 17429 A and 17429 B Virginia Avenue, Hagerstown, Maryland and is zoned Residential, Urban. The Board held a public hearing in this matter on May 10, 2023.

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 17429 A and 17429 B Virginia Avenue, Hagerstown, Maryland. The subject property is zoned Residential, Urban.

2. The subject property consists of duplex style homes on a 12,000 square foot lot, constructed in 1985. The lot was created prior to the adoption of the Zoning Ordinance.

3. The existing duplex homes have separate water and sewer service and separate electric service.

4. The subject property has a large parking area towards the front which is sufficient for both units of the duplex.

5. Pursuant to the Zoning Ordinance, the minimum required lot width for a semi-detached dwelling is 35 feet.

6. Both sides of the duplex are currently occupied with residents.

7. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.¹ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. § 25.56(A).

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.

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical 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).

502, 514 (1994).)

In the instant case, Appellant seeks to subdivide the subject property so that the single lot with duplex dwelling becomes two lots with semi-detached dwellings. Appellant's purpose in doing so is to make the properties more marketable for sale. The property currently operates as two separate dwellings and residences, despite sharing a party wall. Appellant's request to insert a boundary line down the middle will do nothing to change the use or general character of the property. The Board is persuaded that it will improve marketability and support future home ownership which is consistent with the vision and purpose of the Zoning Ordinances. Appellant did not create the lot or construct the dwelling structure thereon. Likewise, Appellant did not create the small lot size or the topographic changes in elevation which have influenced the construction and use of the property.

Accordingly, the variance request to reduce the required lot width from 35 feet to 24.16 feet for 17429 A Virginia Avenue is GRANTED, by a vote of 4-1. The variance request to reduce the required lot width from 35 feet to 25.76 feet for 17429 B Virginia Avenue is GRANTED, by a vote of 4-1. Said variance requests are granted upon the condition that the proposed use be consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: June 9, 2023

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

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

ZONING APPEAL

Property Owner: Jay Sun Properties LLC
13202 Unger Road
Hagerstown MD 21742

Appellant: Jay Sun Properties LLC
13202 Unger Road
Hagerstown MD 21742

Property Location: 916 A A & B Harwood Road
Hagerstown, MD 21740

Description Of Appeal: Variance to convert two-family dwelling into semi-detached dwellings for future subdivision. Variance from the required lot area of 5,000 sq. ft. to 4,756 sq. ft. and lot width requirement of 35 ft. to 23.81 ft. for 916A Harwood Road. Variance from the required lot area of 5,000 sq. ft. to 4,284 sq. ft. and lot width requirement of 35 ft. to 21.33 ft. for 916 B Harwood Road.

Docket No: AP2023-018
Tax ID No: 26038235
Zoning: RU
RB Overlay: No
Zoning Overlay:
Filed Date: 04/11/2023
Hearing Date: 05/10/2023

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: 9.5 (a)

Reason For Hardship: Lot was considered an undersized lot of record when originally developed.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Two-Family Dwelling **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 11 day of April, 2023.



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: AP2023-018

State of Maryland Washington County, To Wit:

On 4/11/2023, 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 05/10/2023, 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 04/25/2023 and will remain until after the above hearing date.



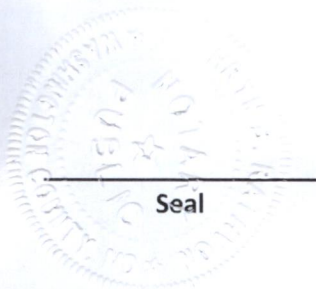
Frederick, Seibert & Associates Inc

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



Seal

My Commission Expires

Project Name: Jay-Sun Properties, 916 A&B Harwood Road

Owner/Applicant: Jay-Sun Properties, LLC

Project Address: 916 A&B Harwood Road

Tax Map 49 Grid 14 Parcel 980

Account # 26038235

Zoning: RU

Variance request:

The requested variances are from the bulk setback and area requirements for Semi-Detached units as shown in section 9.5 of the Washington County Zoning Ordinance.

Required Lot area per side: 5,000 SF

Requested Lot area:

916A 4,756 SF

916B 4,284 SF

Required lot width per side: 35 feet

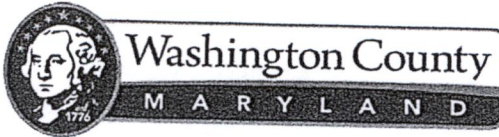
Requested lot width:

916A 23.81 feet

916B 21.33 feet

The owner would like to subdivide an existing duplex (1 building with 2 dwelling units on one property) into semi-detached units (1 building, 2 units that share a common property line making them individual units). The existing structure was built in 1998 on a 9000 SF lot. This lot, as built upon, is what is considered an undersized Lot of Record. In the RU district the zoning ordinance allows both types of dwellings, the setbacks and lot area are essentially the same for Duplex lots and Semi-Detached lots, Semi-Detached lots are simply half of what they would be for a duplex unit.

Nothing new is being constructed only a property line being created between the units which will allow additional home ownership opportunities vs the property being used as a rental property in perpetuity.



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 VARIANCE TO REDUCE LOT WIDTH & AREA located 916 HARWOOD RD HAGERSTOWN MD on property. The said work is authorized by JAY SUN PROPERTIES C/O JASON BETKER the property owner in fee.

PROPERTY OWNER

JAY-SUN PROPERTIES C/O JASON BETKER
Name

13202 UNGER RD
Address

Address

HAGERSTOWN MD 21742
City, State, Zip Code

City, State, Zip Code

*

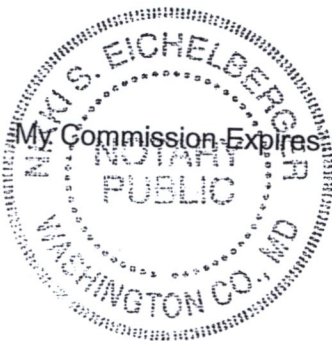
[Signature]
Owner's Signature

Owner's Signature

Sworn and subscribed before me this 5 day of April, 2023.

[Signature]
Notary Public

Notary Public



AUTHORIZED REPRESENTATIVE

[Signature] ED SCHREIBER
Name

Name

128 S. POTOMAC ST
Address

Address

HAGERSTOWN MD 21740
City, State, Zip Code

City, State, Zip Code

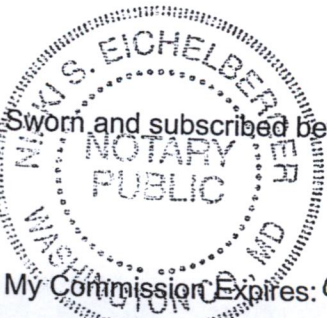
[Signature]
Authorized Representative's Signature

Authorized Representative's Signature

Sworn and subscribed before me this 5 day of April, 2023.

[Signature]
Notary Public

Notary Public



My Commission Expires: 9/15/2024

Frederick Seibert & Associates, Inc.

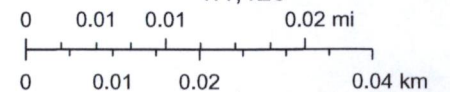


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Esri Community Maps Contributors, WashCo MD, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling, Single-Family*	6,500 sq. ft.	60 ft.	6,500 sq. ft.	20 ft.	8 ft.	25 ft.
Dwelling, Two-Family*	10,000 sq. ft.	70 ft.	5,000 sq. ft.	25 ft.	10 ft.	40 ft.
Dwelling, Semi-Detached*	5,000 sq. ft.	35 ft.	5,000 sq. ft.	25 ft.	10 ft.(exterior side only)	40 ft.
Clubs, Fraternities, etc.	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Nursing/Convalescent Homes	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Other Permitted or Special Exception Uses	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 9.6.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Single-family and semi-detached dwellings*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Two Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

Section 9.6 Public Facilities

(a) All new development in the Residential, Urban District shall be served by public water and sewer facilities that have been approved by the Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.
2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 030595

Owner Information

Owner Name: NORRIS SHERRIA Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 919 HARWOOD RD Deed Reference: /04834/ 00358
 HAGERSTOWN MD 21740-7160

Location & Structure Information

Premises Address: 919 HARWOOD RD Legal Description: LOT 173 55X220 .28AC
 HAGERSTOWN 21740-0000 919 HARWOOD ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0014 0416 26010510.22 0000 173 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1952 966 SF 12,100 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 YES STANDARD UNITSIDING/3 1 full

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	46,000	46,000		
Improvements	60,100	100,100		
Total:	106,100	146,100	106,100	119,433
Preferential Land:	0	0		

Transfer Information

Seller: MANGOLD SHERRIA Date: 09/29/2014 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04834/ 00358 Deed2:
 Seller: MANGOLD DAVID L & SHERRIA Date: 06/28/2004 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /02404/ 00616 Deed2:
 Seller: WEBB ETHEL M Date: 08/13/1998 Price: \$72,900
 Type: ARMS LENGTH IMPROVED Deed1: /01432/ 00416 Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 022274

Owner Information

Owner Name: ROHRER GARY N & HOPE L Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 1515 SHERMAN AVE Deed Reference: /01483/ 01077
 HAGERSTOWN MD 21740-7166

Location & Structure Information

Premises Address: 915 HARWOOD RD Legal Description: LOT 172 60X225 .31AC
 HAGERSTOWN 21740-0000 915 HARWOOD ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 114
 0049 0014 0415 26010510.22 0000 172 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1955 1,334 SF 13,500 SF

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 YES STANDARD UNITSIDING/3 1 full 1 Detached

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	46,700	46,700		
Improvements	79,200	123,500		
Total:	125,900	170,200	125,900	140,667
Preferential Land:	0	0		

Transfer Information

Seller: PALMER NELDA J Date: 03/26/1999 Price: \$75,000
 Type: NON-ARMS LENGTH OTHER Deed1: /01483/ 01077 Deed2:

Seller: MUNSON LARRY E ET AL Date: 08/06/1992 Price: \$75,000
 Type: ARMS LENGTH IMPROVED Deed1: /01052/ 00892 Deed2:

Seller: PURDHAM ISAAC N & ELSIE L Date: 12/07/1988 Price: \$49,500
 Type: ARMS LENGTH IMPROVED Deed1: /00898/ 00833 Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 029325

Owner Information

Owner Name: STROUD ROBERT T & STROUD BETTY JUNE Use: RESIDENTIAL
 Mailing Address: 14152 GOSSARD MILL RD Principal Residence: NO
 HAGERSTOWN MD 21740-0000 Deed Reference: /04629/ 00189

Location & Structure Information

Premises Address: 1501 SHERMAN AVE Legal Description: LOT 92 50X200 .23 AC
 HAGERSTOWN 21740-0000 1501 SHERMAN AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 114
 0049 0014 0359 26010510.22 0000 92 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1954 1,680 SF 10,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 2 YES STANDARD UNITBRICK/ 3 2 full

Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	45,000	45,000		
Improvements	104,700	131,800		
Total:	149,700	176,800	149,700	158,733
Preferential Land:	0	0		

Transfer Information

Seller: STROUD ROBERT T Date: 09/10/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /04629/ 00189 Deed2:
 Seller: COFFIN MARJORIE & Date: 05/02/2013 Price: \$139,000
 Type: ARMS LENGTH IMPROVED Deed1: /04528/ 00107 Deed2:
 Seller: SHANK PRISCILLA J Date: 08/09/2005 Price: \$245,000
 Type: ARMS LENGTH IMPROVED Deed1: /02742/ 00522 Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 003857

Owner Information

Owner Name: TIGERROSE TEREES ET AL Use: RESIDENTIAL
 Mailing Address: 1415 SHERMAN AVE Principal Residence: YES
 HAGERSTOWN MD 21740-7164 Deed Reference: /06910/ 00124

Location & Structure Information

Premises Address: 1415 SHERMAN AVE Legal Description: LTS90/91 100X200 .23
 HAGERSTOWN 21740-0000 1415 SHERMAN AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0014 0358 26010510.22 0000 90 91 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1952 1,964 SF 20,000 SF

StoriesBasementType Exterior QualityFull/Half BathGarage Last Notice of Major Improvements
 1 NO STANDARD UNITSTUCCO/3 1 full 1 Attached

Value Information

	Base Value	Value		
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	50,000	50,000		
Improvements	82,200	174,900		
Total:	132,200	224,900	132,200	163,100
Preferential Land:	0	0		

Transfer Information

Seller: TIGERROSE TEREES ET AL Date: 01/27/2022 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /06910/ 00124 Deed2:
 Seller: TIGERROSE TEREES Date: 03/09/2021 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /06542/ 00071 Deed2:
 Seller: BUTTS BETTY G Date: 10/02/2020 Price: \$100,000
 Type: NON-ARMS LENGTH OTHER Deed1: /06380/ 00421 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2022 07/01/2023
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 006058

Owner Information

Owner Name: MOATS JEFFREY L Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 1413 SHERMAN AVE Deed Reference: /05705/ 00001
 HAGERSTOWN MD 21740-7164

Location & Structure Information

Premises Address: 1413 SHERMAN AVE Legal Description: LOT 89 50X200 0.23AC
 HAGERSTOWN 21740-0000 1413 SHERMAN AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0014 0978 26010510.22 0000 89 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1963 1,073 SF 1000 SF 10,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 YES STANDARD UNITBRICK/ 3 2 full

Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	45,000	45,000		
Improvements	107,800	169,900		
Total:	152,800	214,900	152,800	173,500
Preferential Land:	0	0		

Transfer Information

Seller: DATTILIO CARMON Date: 03/12/2018 Price: \$159,900
 Type: ARMS LENGTH IMPROVED Deed1: /05705/ 00001 Deed2:

Seller: Date: Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00388/ 00332 Deed2:

Seller: Date: Price:
 Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 015820

Owner Information

Owner Name: BOWLING BENJAMIN PAUL Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1411 SHERMAN AVE Deed Reference: /06568/ 00342
HAGERSTOWN MD 21740-7164

Location & Structure Information

Premises Address: 1411 SHERMAN AVE Legal Description: LOT 88 50X200 0/23AC
HAGERSTOWN 21740-0000 1411 SHERMAN AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0049 0014 0357 26010510.22 0000 88 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1963 1,073 SF 500 SF 10,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
1 YES STANDARD UNITBRICK/ 3 1 full 1 Carport

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	45,000	45,000		
Improvements	90,100	156,700		
Total:	135,100	201,700	135,100	157,300
Preferential Land:	0	0		

Transfer Information

Seller: PURDHAM AARON M Type: ARMS LENGTH IMPROVED	Date: 03/31/2021 Deed1: /06568/ 00342	Price: \$194,900 Deed2:
Seller: LARGE BEVERLY ANN Type: NON-ARMS LENGTH OTHER	Date: 05/24/2017 Deed1: /05509/ 00139	Price: \$140,900 Deed2:
Seller: Type: NON-ARMS LENGTH OTHER	Date: Deed1: /00394/ 00773	Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 019796

Owner Information

Owner Name: MUMMERT ANNETTE G Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 1409 SHERMAN AVE Deed Reference: /01200/ 00117
 HAGERSTOWN MD 21740-7164

Location & Structure Information

Premises Address: 1409 SHERMAN AVE Legal Description: LOTS 86/87 100X200
 HAGERSTOWN 21740-0000 1409 SHERMAN AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0049 0014 0356 26010510.22 0000 86 87 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1956 1,152 SF 576 SF 20,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 YES STANDARD UNITSIDING/3 1 full/ 1 half

Value Information

	Base Value	Value		
		As of 01/01/2023	Phase-in Assessments	
		As of 07/01/2022	As of 07/01/2023	
Land:	50,000	50,000		
Improvements	84,000	132,300		
Total:	134,000	182,300	134,000	150,100
Preferential Land:	0	0		

Transfer Information

Seller: MUMMERT ROBIN L & ANNETTE G Date: 02/22/1995 Price: \$4,000
 Type: NON-ARMS LENGTH OTHER Deed1: /01200/ 00117 Deed2:
 Seller: MUMMERT LAWRENCE M SR Date: 03/13/1991 Price: \$80,000
 Type: NON-ARMS LENGTH OTHER Deed1: /00986/ 00506 Deed2:
 Seller: Date: Price:
 Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 10/20/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 03 Account Number - 024679

Owner Information

Owner Name: HARPER MARY KATHRYN Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 416 WESTEND LN Deed Reference: /03822/ 00025
 LEWISBURG PA 17837-7315

Location & Structure Information

Premises Address: ELMWOOD RD Legal Description: LOT 187 100X150 .34A
 HAGERSTOWN 21740-0000 W/S ELMWOOD ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0310 0000 0810 3020306.22 0000 2023 Plat Ref:

Town: HAGERSTOWN

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 14,810 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 /

Value Information

	Base Value	Value		
		As of	Phase-In Assessments	
		01/01/2023	As of	As of
Land:	20,500	20,500	07/01/2022	07/01/2023
Improvements	0	0		
Total:	20,500	20,500	20,500	20,500
Preferential Land:	0	0		

Transfer Information

Seller: HARPER R EDWARD & MARY K Date: 02/05/2010 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /03822/ 00025 Deed2:
 Seller: SNOOK WILLIAM R Date: 12/19/1986 Price: \$7,000
 Type: NON-ARMS LENGTH OTHER Deed1: /00830/ 00540 Deed2:
 Seller: Date: Price:
 Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 26 Account Number - 038235

Owner Information

Owner Name: JAY SUN PROPERTIES LLC Use: RESIDENTIAL
 Principal Residence:NO
 Mailing Address: 13202 UNGER RD Deed Reference: /06802/ 00224
 HAGERSTOWN MD 21742-0000

Location & Structure Information

Premises Address: 916 HARWOOD A & B RD Legal Description: LOT 186 0.21 AC
 HAGERSTOWN 21740-0000 916 A&B HARWOOD ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 114
 0049 0014 0980 26010510.22 0000 186 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1998 2,224 SF 9,000 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 2 NO END UNIT SIDING/ 3 2 full/ 2 half

Value Information

	Base Value	Value		
		As of 01/01/2023	Phase-in Assessments	
		As of 07/01/2022	As of 07/01/2023	
Land:	45,000	45,000		
Improvements	150,700	222,800		
Total:	195,700	267,800	195,700	219,733
Preferential Land:	0	0		

Transfer Information

Seller: BETKER JASON Date: 10/21/2021 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /06802/ 00224 Deed2:
 Seller: DALY MAURICE F & Date: 11/05/2020 Price: \$235,000
 Type: ARMS LENGTH IMPROVED Deed1: /06415/ 00312 Deed2:
 Seller: DALY MAURICE F & Date: 10/08/2019 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /06084/ 00107 Deed2:

Exemption Information

Partial Exempt Assessments:Class 07/01/2022 07/01/2023
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

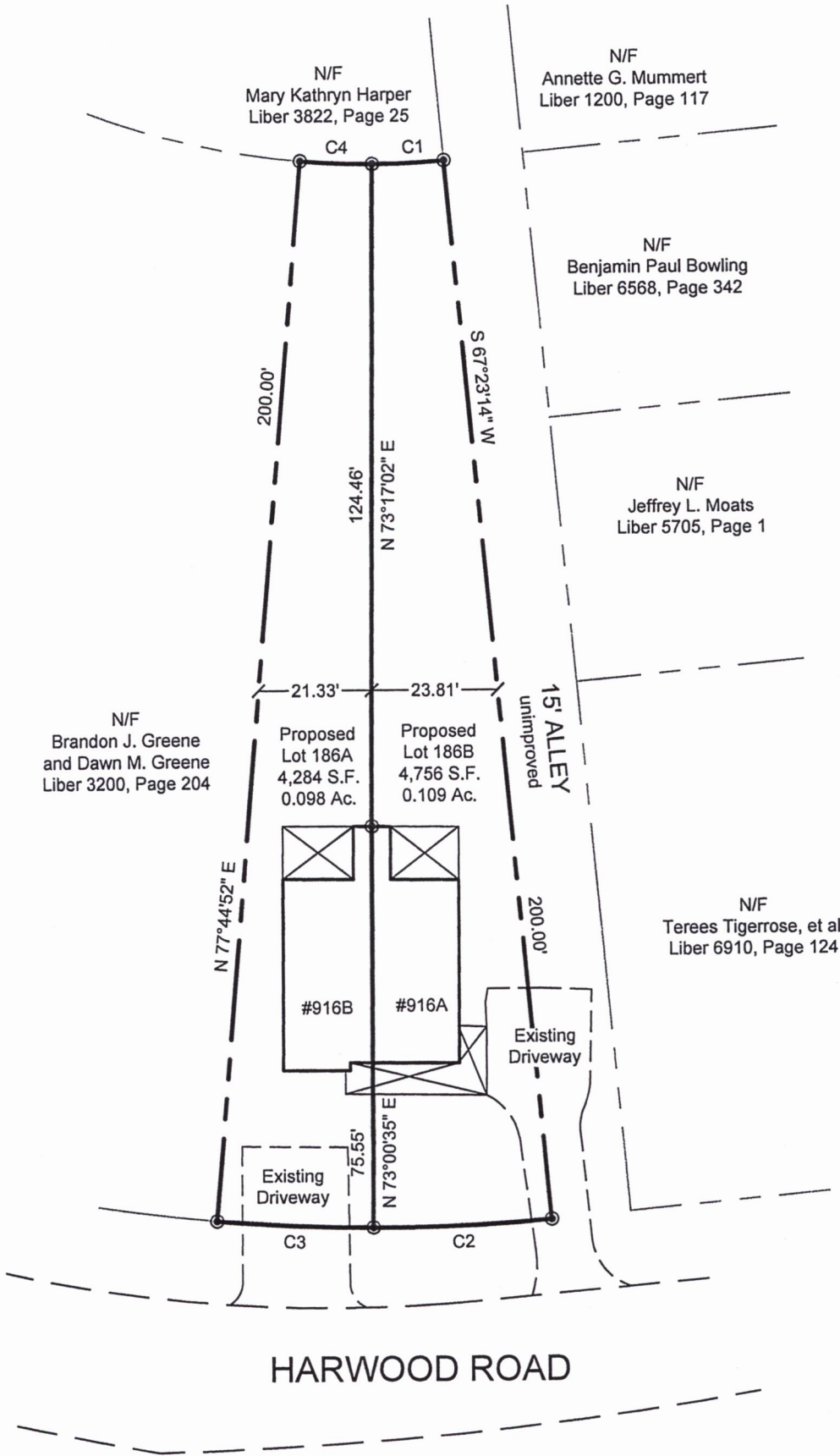
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

EXHIBIT OF SUBDIVISION CONCEPT
 916A and 916B Harwood Road, Hagerstown, Maryland
 Lot 186, Prospect Place, to become Lots 186A and 186B

Parcel Zoned RU



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	150.00'	13.56'	5°10'49"	S 20°01'21" E	13.56'
C2	350.00'	33.78'	5°31'49"	N 19°50'51" W	33.77'
C3	350.00'	29.51'	4°49'48"	N 14°40'02" W	29.50'
C4	150.00'	13.56'	5°10'49"	S 14°50'32" E	13.56'

PROPERTY INFORMATION	
49-14-980	
DWN BY	DATE
LEJ	3.24.2023
PROJECT MANAGER	EMAIL
EJS	ESchreiber@fsa-inc.com
SCALE	
1" = 30'	
SHEET 01 OF 01	



FREDERICK, SEIBERT & ASSOCIATES, INC. © 2023 fsa-inc.com

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

128 SOUTH POTOMAC STREET HAGERSTOWN, MD 21740 301.791.3650	20 WEST BALTIMORE STREET GREENCASTLE, PA 17225 717.597.1007	505 SOUTH HANOVER STREET CARLISLE, PA 17013 717.701.8111	5201 SPRING ROAD SHERMANS DALE, PA 17090 717.567.3680
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PROJECT NO.
2023-0073

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

JAY SUN PROPERTIES, LLC

*

*

Appeal No.: AP2023-018

Appellant

*

* * * * *

OPINION

Jay Sun Properties, LLC (hereinafter "Appellant") requests a variance to convert a two-family dwelling into semi-detached dwellings for future subdivision, as well as variances to reduce the required lot area from 5,000 square feet to 4,756 square feet and to reduce the required lot width from 35 feet to 23.81 feet for 916 A Harwood Road, and a variances to reduce the required lot area from 5,000 square feet to 4,284 square feet and to reduce the required lot width from 35 feet to 21.33 feet for 916 B Harwood Road, all at the subject property. The subject property is located at 916 A and 916 B Harwood Road, Hagerstown, Maryland and is zoned Residential, Urban. The Board held a public hearing in this matter on May 10, 2023.

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 916 A and 916 B Harwood Road, Hagerstown, Maryland. The subject property is zoned Residential, Urban.

2. The subject property consists of a duplex style dwelling on an approximately 9,000 square-foot lot. The duplex dwelling was constructed in 1998, although the lot was created prior to the adoption of the Zoning Ordinance.

3. The subject property has two (2) driveways so that each side of the duplex has parking. The residents of 916 A use part of the alley in connection with their driveway.

4. The alley behind the property is an old leftover alley that was never conveyed to the County.

5. There is a significant elevation change in the property resulting in one side having a front entrance and the other side having a side entrance.

6. Pursuant to the Zoning Ordinance, the minimum required lot area for a semi-detached dwelling is 9,000 square feet and the minimum required lot width is 35 feet.

7. Both sides of the duplex are currently occupied with residents.

8. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.¹ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical 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).

observe the spirit of the Ordinance and secure public safety and welfare. § 25.56(A).

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 the instant case, Appellant seeks to subdivide the subject property so that the single lot with duplex dwelling becomes two lots with semi-detached dwellings. Appellant’s purpose in doing so is to make the properties more marketable for sale. The property currently operates as two separate dwellings and residences, despite sharing a party wall. Appellant’s request to insert a boundary line down the middle will do nothing to change the use or general character of the property. The Board is persuaded that it will improve marketability and support future home ownership which is consistent with the vision and purpose of the Zoning Ordinances. Appellant did not create the lot or construct the dwelling structure thereon. Likewise, Appellant did not create the small lot size or the topographic changes in elevation which have influenced the construction and use of the property.

Accordingly, the request for a variance to convert a two-family dwelling into semi-detached dwellings for future subdivision, as well as variances to reduce the required lot area from 5,000 square feet to 4,756 square feet and to reduce the required lot width from 35 feet to 23.81 feet for 916 A Harwood Road, and a variances to reduce the required lot area from 5,000 square feet to 4,284 square feet and to reduce the required lot width from 35 feet to 21.33 feet for 916 B Harwood Road, all at the subject property are GRANTED, by a vote of 4-1. The application is granted upon the condition that the proposed use be

consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: June 9, 2023

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: Clever Holding LLC
PO Box 463
Maugansville MD 21767

Docket No: AP2023-019

Tax ID No: 13011885

Zoning: BG

Appellant: Clever Holdings LLC
PO Box 463
Maugansville MD 21767

RB Overlay: No

Zoning Overlay:

Filed Date: 04/11/2023

Hearing Date: 05/10/2023

Property Location: 17950 Maugans Avenue
Maugansville, MD 21767

Description Of Appeal: Special exception for the board to find the use functionally similar to any principally permitted or special exception use in the district for transportation trucking company.

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 12.2 (I)

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Transportation Trucking Company Proposed Use: Transportation Trucking Company

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.

Handwritten signature of Juan Cleve over a horizontal line, with 'Appellant Signature' printed below.

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 11 day of April, 2023.

Notary Public stamp for Kathryn B Rathvon, Washington County, MD, commission expires November 07, 2025.

Handwritten signature of the Notary Public over a horizontal line, with 'Notary Public' printed below.



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: AP2023-019

State of Maryland Washington County, To Wit:

On 4/11/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Clever Holdings LLC and made oath in due form of law as follows:

Clever Holdings LLC 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 05/10/2023, 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 04/25/2023 and will remain until after the above hearing date.

Clever Holdings LLC

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

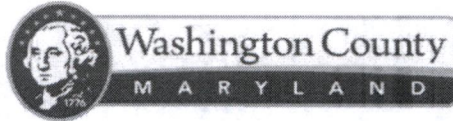
Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025

Notary Public



Seal

My Commission Expires



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Special Exception

Appeal is hereby made for a special exception under the Washington County Zoning Ordinance as follows:

Location 17950 Maugans Ave 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

Use Proposed: Special Exception Use for "Wholesale/Retail outside building material storage yards"

Zoning Ordinance section and subsection(s) providing for proposed use: Section 12.2(a) - Functionally Similar to wholesale/retail usage as used in the past for Best Building Components but with extremely less intense usage... far less traffic/trucks/flatbeds coming in & out of the facility & far less outside storage as was utilized in the past... See sections 1, 2, 3, 4 starting on page 4 for further explanation & detailed description.

If filing functionally similar to a principal permitted use or special exception use, please list the use and describe the use similarities:

Provide Detailed Explanation on Separate Sheet

Has any previous petition or appeal involving this property been made to the Board?
 Yes No

If yes, give docket number(s): _____

Additional comments, if any: _____

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

Duane L. Clever

Signature of Appellant

Duane@CleverTransferLLC.com

Email of Appellant

14363 Locust Level Road, Greencastle PA 17225

Address of Appellant

(o)240-513-7090 x101 (c)717-860-8640

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

DEPARTMENT OF PLANNING & ZONING

PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

Site Plan Determination Form

Prior to filing a permit application for additions or revisions for multi-family or non-residential projects, this form shall be completed to determine the necessity of a commercial site plan submittal in compliance with Section 4.11 of the Washington County Zoning Ordinance.

PROPERTY OWNER INFORMATION

Name: Clever Holdings LLC ATTN: Duane Clever (Owner)
Address: 17950 Maugans Ave Maugansville, MD 21767
Phone No. Office: 240-513-7090 x101 Cell: 717-860-8640 E-mail: Duane@CleverTransferLLC.com

PROPERTY SUMMARY DATA

Property Address: 17950 Maugans Ave Maugansville, MD 21767 Property Tax ID No.: 13-011885, 13011966, 13-011958
Map: 243 Block: Parcel: 1715, 1716, 1717 Parcel Size/Acreage: 5.979 Acres
Zoning District: BG Area of Disturbance: N/A sq. ft. (See attached sheet to estimate area of disturbance)
Is property currently occupied? Yes X No If no, when was building/property vacated?

LAST APPROVED TENANT INFORMATION

Name of last approved tenant: Best Building Components
Previous use of property (circle all that apply): Retail Warehouse **Industrial** **Office** Restaurant Church
Residential Other – Describe:
Does previous tenant have an approved site plan? Yes No X
If YES, attach a copy of the most recent approved site plan. If NO, provide a "to scale" drawing (plot plan) of the property.
Provide a detailed history of the use of the building/property by last tenant: (attach a separate sheet if necessary)

On Page 4, please refer to the section labeled as...

1.) Detailed History of The Use of The Building/Property By Last Tenant:

Number of Existing Parking Spaces	<u>20</u>	Number of Employees	<u>12</u>
Daily Traffic (one-way trips, including employees)	<u>60</u>	Hours of Operation	<u>7am - 5pm M-F</u>
Gross Floor Area of Building (s)	<u>10,000 sf</u>	Number of Floors	<u>1 floor</u>

PROPOSED TENANT INFORMATION

Name of proposed business: Clever Transfer LLC (also Owned by Duane Clever)
Proposed Use of property by new tenant (circle all that apply): Retail Warehouse **Industrial** **Office** Church
Restaurant Residential Other – Describe: _____

Attach an "AS IS" floor plan of the tenant space and a floor plan of how the proposed tenant will occupy this space. Floor plans should include location of ingress/egress, windows, room designations such as restroom, office, warehouse, etc.

Provide details as to how the building/property will be used. Be specific in describing special processes, rooms, such as paint booths, hazardous materials, etc. (Attach a separate sheet, if necessary)

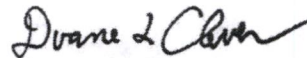
On Page 4, please refer to the section labeled as...
2.) Details as to How the Building/Property Will Be Used if the Exception is Accepted:

Number of employees 17
Hours of operation 7am - 5pm
Number of floors 1 floor

Daily traffic (one-way trips, including employees) 25-35
Gross floor area of building(s) 10,000 sf

04/10/2023

DATE



SIGNATURE OF OWNER/APPLICANT

FOR PLANNING & ZONING DEPARTMENT USE ONLY

Based on the information provided on this form by the owner/applicant:

- Review and approval of site plan required
- Site plan not required
- Conditions:

COMMENTS:

Jill Baker, AICP, Director of Planning & Zoning

Date

Katie Rathvon, Zoning Coordinator

Date

1.) Detailed History of The Use of The Building/Property by Last Tenant:

This property had been used as a Truss & Manufacturing Plant by the family of Phil Martin for at least the last 50 years. Lumber would be transported daily onto the property via flatbed & then offloaded so that the tenants could either precision cut lumber inside the facility & assemble their orders for trusses or other wholesale lumber orders. Once assembled, these wholesale/retail building materials would be stored & staged/loaded onto flatbed trailers & transported off the property. It was not uncommon to see 20+ trucks roll in & out of the facility each day. Best Building Components (aka Best) sold this property to Clever Holdings LLC in May of 2022 & removed their mill saws & other equipment off the premises in Sept 2022. **We believe Best's usage was compliant with what has been described as an acceptable "Special Exception Use" for wholesale/retail outside building material storage yards as laid out in Section 12.2(a) of the Washington Co. Zoning Ordinance although it appears that they never applied or officially received that Exception.**

2.) Details as to How the Building/Property Will Be Used if the Exception is Accepted:

Clever Transfer LLC is a trucking transportation company also owned by Duane & Cheryl Clever that originally moved onto the property via a lease agreement with Best in January of 2018. They have always dispatched their own trucks to haul freight (including lumber) for brokers on flatbed, van, & step-deck trailers. While they dispatch 10-12 total trucks in total, only 2 of those trucks are back in the yard each night as they handle runs that can be covered within a day. The rest of the fleet are considered "over-the-road" which means those trucks only come back onto the property roughly once a week for maintenance or repairs or for time off. After Clever Holdings LLC bought the property in May of 2022 & Best removed the last of their equipment, Clever Transfer LLC converted that additional inside warehouse space to better accommodate their trailers for storage & repair. (See the attached pdf named: [CTL - Full Map FINAL with Full Tags 2023-02-23.pdf](#) for more details). The layout of the property on this "**plot plan**" includes roughly 8500 sf of inside space for the truck & trailer shop & another 1200 sf of office space as well as marking the dimensions & layout of the property including the designated outside spaces. Clever Transfer LLC utilizes these outside spaces to stage loads for delivery, to park other equipment as accessories to the primary use of the property, to store lumber as before (although in an extremely lesser degree), & to park/store trucks & trailers while not in use or while they are waiting to be maintained or repaired. An additional pdf named: [CTL - Fire Safety Exit Map FINAL with Full Tags 2023-02-22.pdf](#) constitutes the "**AS-IS**" floor plan as requested along with the plans for continued future usage.

3.) Requesting the "Special Exception Use":

In these regards, Clever Transfer LLC believe they have been using this property in a functionally similar way to how it's primarily been used for at least the last 50 years. **They believe this usage is consistent with being functionally similar to the "Special Exception Use" laid out in Section 12.2(a) of the Washington Co. Zoning Ordinance pertaining to wholesale/retail outside building material storage yards. They believe their usage of the property is also extremely less intense than how the property has been used by previous tenants.** If this "Special Exception Use" were to be granted for Clever Transfer LLC, they would continue to perform their business as described in #2 above.

4.) Summary & List of Additional Reference Materials:

>> Clever Transfer LLC believe they have been using this property in a functionally similar use as previously used on this property consistent with Section 12.2(a) of the Washington Co. Zoning Ordinance pertaining to wholesale/retail outside building material storage yards.

>> Clever Transfer LLC also believe their usage of the property is extremely less intense than how the property has been used by previous tenants.

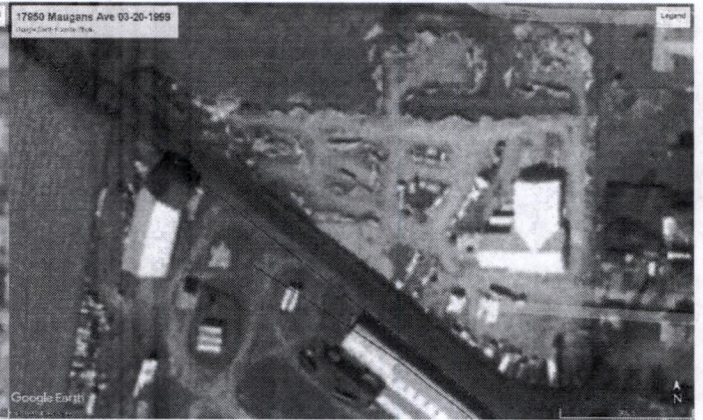
- far less traffic/trucks/flatbeds coming in and out of the facility each day
- far less outside storage as was utilized in the past by previous tenants
- the manufacturing element of the wholesale/retail business conducted of the past has been eliminated – no more noisy mill saws

>> Please refer to page 6 for Supplemental Photos supporting the property usage for the previous tenants of the property as described in Section #1 above

>> Please refer to pages 7 & 8 for the "plot plan" & the "AS-IS" floor plan as referred to in Section #2 above:

- [CTL – Full Map FINAL with Full Tags 2023-02-23.pdf](#) "plot plan"
- [CTL - Fire Safety Exit Map FINAL with Full Tags 2023-02-22.pdf](#) "AS-IS" floor plan


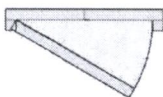




>> Please refer to pages 9 & 10 for the Names and Mailing Addresses of Adjoining Landowners to Parcels 1715, 1716 & 1717

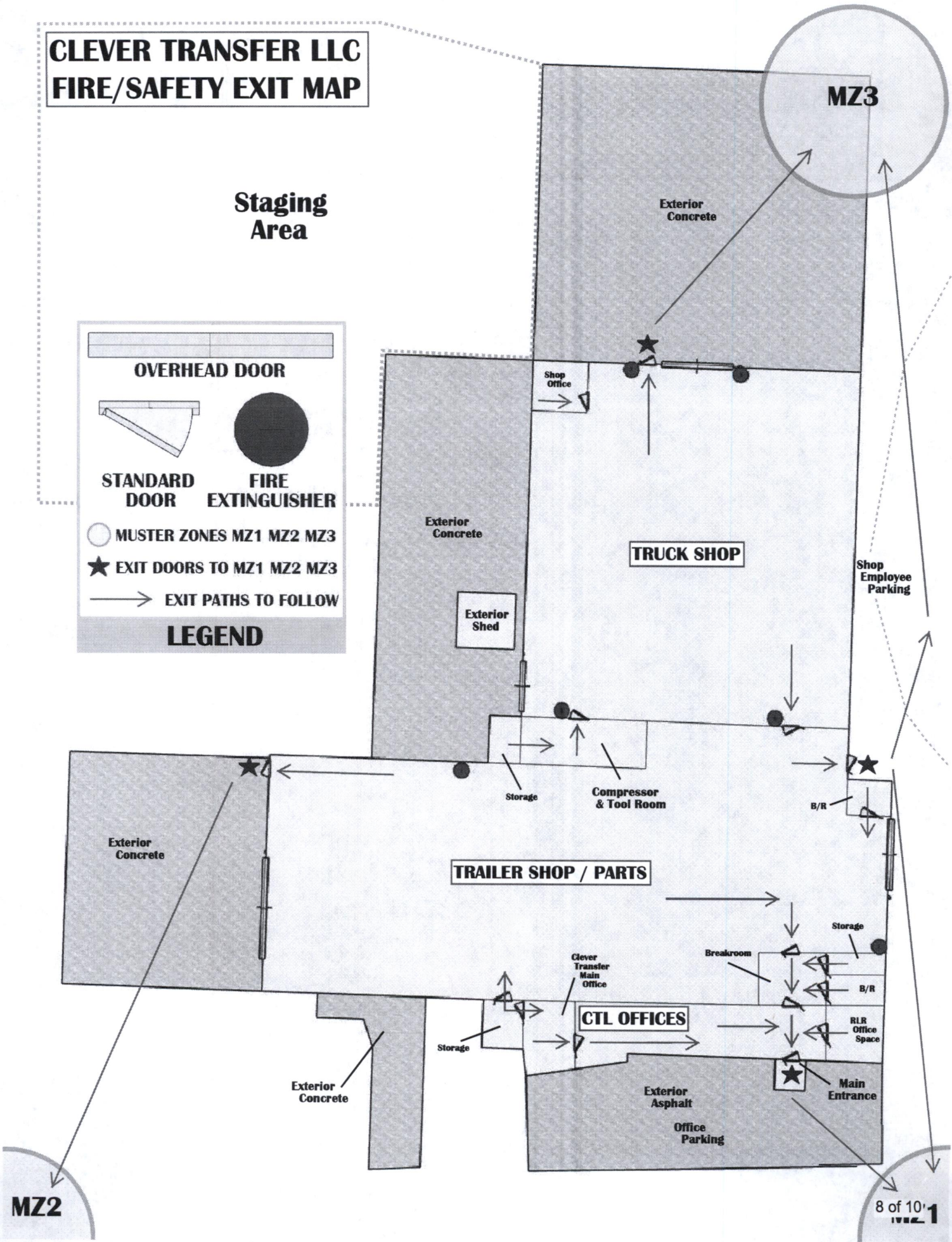


CLEVER TRANSFER LLC FIRE/SAFETY EXIT MAP

Staging Area

LEGEND

-  OVERHEAD DOOR
-  STANDARD DOOR
-  FIRE EXTINGUISHER
-  MUSTER ZONES MZ1 MZ2 MZ3
-  EXIT DOORS TO MZ1 MZ2 MZ3
-  EXIT PATHS TO FOLLOW



Shop Employee Parking

**Names and Mailing Addresses of
Adjoining Landowners to
Parcels 1715, 1716 & 1717**

Parcel 1079-Lot 5

MESSERSMITH CATHERINE JEAN
13816 COUNTRYSIDE DR
MAUGANSVILLE 21767-0000

Mailing Address:

13816 COUNTRYSIDE DR
MAUGANSVILLE MD 21767-9721

Parcel 1079-Lot 3

FISHER MICHAEL L & FISHER ALISON M
13812 COUNTRYSIDE DR
MAUGANSVILLE 21767-0000

Mailing Address:

13812 COUNTRYSIDE DR
MAUGANSVILLE MD 21767-0000

Parcel 1777

WOOD ALVIN THOMAS
13802 DISTANT VIEW AVE
MAUGANSVILLE 21767-0000

Mailing Address:

PO BOX 166
MAUGANSVILLE MD 21767-0166

Parcel 1706

CHURCH ASSEMBLY OF GOD
13814 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

13814 VILLAGE MILL DR
P O BOX 237
MAUGANSVILLE MD 21767-0237

Parcel 1707-Lots 1 & 2

CHURCH ZION ASSEMBLY OF GOD INC
13812 A&B VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

PO BOX 237
MAUGANSVILLE MD 21767-0237

Parcel 1707-Lot 3

BRODAU SIARHEI & ALENA
13812 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

13812 VILLAGE MILL DR
PO BOX 566
MAUGANSVILLE MD 21767-0566

Parcel 1707-Lot 4

MUMMA JUSTIN R
13810 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

13810 VILLAGE MILL DR
PO BOX 511
MAUGANSVILLE MD 21767-0511

Parcel 1708-Lots 10 & 11

KEGLEY KOGER BARBARA ANN
13806 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

19223 CROSS RIDGE DR
GERMANTOWN MD 20874

Parcel 1709

GROSS DAVID & GROSS LAURA
13802 VILLAGE MILL DR
MAUGANSVILLE MD 21767-0087

Mailing Address:

13802 VILLAGE MILL DR
PO BOX 87
MAUGANSVILLE 21767-0000

Parcel 1709

WASH CO COMMISSIONERS BOARD OF
VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

C/O DIV OF PUBLIC WORKS
100 W WASHINGTON ST
HAGERSTOWN MD 21740-0000

Parcel 1712-Lot 1

MAJETT JAVON C
13746 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

13746 VILLAGE DRIVE
PO BOX 653
MAUGANSVILLE MD 21767-0653

Parcel 1712-Lot 2 & 3

PEACHTREE SUITES LLC
13742 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

19741G LEITERSBURG PIKE
HAGERSTOWN MD 21742-1443

Parcel 1713

BROWN GENEVA
13736 VILLAGE MILL DR
MAUGANSVILLE 21767-0000

Mailing Address:

13736 VILLAGE MILL DR
PO BOX 561
MAUGANSVILLE MD 21767-0561

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

CLEVER HOLDINGS, LLC
Appellant

*

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Appeal No.: AP2023-019

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* * * * *

OPINION

Clever Holdings, LLC (hereinafter “Appellant”) requests a special exception to establish a transportation trucking company as a functionally similar use to a principal permitted and/or special exception use in the Business General zoning district, at the subject property. The subject property is located at 17950 Maugans Avenue, Maugansville, Maryland and is zoned Business General. The Board held a public hearing on the matter on May 10, 2023.

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. Appellants own the subject property located at 17950 Maugans Avenue, Maugansville, Maryland. The property is zoned Business General.
2. The subject property consists of
3. The entrance gate to the subject property is situated at the western terminus of Maugans Avenue.
4. The subject property was previously used to manufacture, store and transport milled lumber and related products for approximately fifty (50) years. There

were regular and frequent deliveries and shipments to and from the property. At some point the prior business, Best Building Components ceased the manufacture of trusses and truss components. The remaining operation was delivery, storage and shipment of materials by truck.

5. Appellant began operating its business from the subject property in 2018, pursuant to a lease agreement with the previous owner. In 2022, Appellant purchased the subject property and was later notified about the need to have a zoning certificate.

6. Appellant's regular business hours will be 7:00 a.m. to 5:00 p.m. each weekday. It is possible that some trucks will be leaving or returning to the subject property during off-peak times.

7. Appellant has a fleet of twelve (12) trucks and seventeen (17) employees. Appellant estimates approximately two (2) trucks will come and go each day from the fleet. The trucks are typically gone for a week, except for local trucks coming to the property for repair work.

8. All of Appellant's drivers will have a means of access to the entrance gate and will not have to park on the street or idle for long periods wait to gain entry.

9. Appellant is willing to make changes to some of the lighting to limit light pollution on the neighboring properties.

Rationale

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.

The questions presented to the Board are twofold. First, the Board must determine if Appellant's business is functionally similar to the any of the uses classified as permitted or by special exception under Section 12.2 of the Zoning Ordinance. Second, the Board must determine whether the requested use satisfies the criteria for a special exception. For the reasons set forth below, the Board answers both questions in the affirmative.

The Ordinance contains a catch-all provision for special exceptions in Section 12.2(l), which states:

Section 12.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

.....

- (l) Any other use that the Board finds is functionally similar to any principally permitted use or special exception except adult bookstores, adult mini-motion picture theaters, or any other type of adult entertainment listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, no which will materially or adversely affect the use of any adjacent or neighboring properties.

Appellant testified about the nature of the prior use including the transition to more lumber transport and storage. Appellant also noted in its application that it had been operating at the property pursuant to a lease since 2018. Appellant's business consists mostly of trucking and transport, which also happen to be essential functions of many building material storage yards. By necessity, trucks must deliver the materials and subsequently transport them away to their next destination. The prior use under Best Building Components had freight companies from all over coming to the subject property to deliver and/or to transport materials.

Appellant has requested that the Board find its use to be functionally similar to the uses in Section 12.2(a), which are:

- (a) Wholesale and retail outside building material storage yards; utility storage yards, such as water, electric, gas, communication, and sewer; and outside storage yards which are directly related to any principal permitted or special exception use in a BG zone.

Appellant asserts that given the essential nature of truck shipping and deliver for storage yards, Appellant's operation trucking operation fits within that category of use that is permitted by special exception. The Board is persuaded not only by the nature of the use to generally include trucking and transport as a component, but also based on the prior use of the property and the fact that Appellant's business has operated there for the last five (5) years.

The Board heard testimony in opposition to the special exception request that there is light pollution on the neighboring residences, concern for aesthetics and a concern for truck traffic at the subject property. Appellant testified that he was willing to address the lighting issue in order to limit any pollution on the neighbors. Appellant was also willing to remove some of the debris and junk so that the property has a clear and neater appearance. Appellant reiterated their desire to be a good neighbor and minimize concerns or impact on the neighboring properties.

The testimony and evidence demonstrate a far less intense use of the property than existed under the prior owner. There will be less trips to and from the property on a daily basis, and with all drivers having access, there won't be trucks idling or waiting to be granted access. The operation does not produce excessive noise, dust, gas, odor or other byproducts that would affect the surrounding properties. In fact, it is likely that the frequent train traffic has more of an impact than Appellant's business.

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, we conclude that this appeal meets the criteria for a special exception and secures public safety and welfare and upholds the spirit of the Ordinance.

Accordingly, the request for a special exception to establish a transportation

trucking company at the subject property, as a functionally similar use to a principal permitted and/or special exception use, namely wholesale and retail outside building material storage yards; utility storage yards, such as water, electric, gas, communication, and sewer; and outside storage yards which are directly related to any principal permitted or special exception uses in the Business General zoning district, is hereby GRANTED, by a vote of 5-0.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: June 9, 2023

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: Zachery & Jennifer Sword
21510 Ridenour Road
Boonsboro MD 21713
Appellant: Zachery Sword
21510 Ridenour Road
Boonsboro MD 21713
Property Location: 21510 Ridenour Road
Boonsboro, MD 21713
Docket No: AP2023-020
Tax ID No: 16022640
Zoning: EC
RB Overlay: No
Zoning Overlay:
Filed Date: 04/18/2023
Hearing Date: 05/10/2023

Description Of Appeal: Variance from the required 15 ft. side yard setback to 8 ft. for proposed detached garage.

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: 5B.5

Reason For Hardship: Meeting the setback would render left garage door inaccessible from the driveway.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling Proposed Use: Detached Garage

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.

[Handwritten signature of appellant]

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 18 day of April, 2023.

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

[Handwritten signature of notary]

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: AP2023-020

State of Maryland Washington County, To Wit:

On 4/18/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Zachery & Jennifer Sword and made oath in due form of law as follows:

Zachery & Jennifer Sword 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 05/10/2023, 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 04/25/2023 and will remain until after the above hearing date.

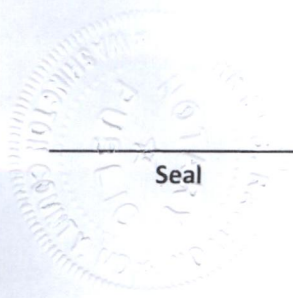
Zachery & Jennifer Sword

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

Notary Public

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

My Commission Expires



Seal

Variance Request For:

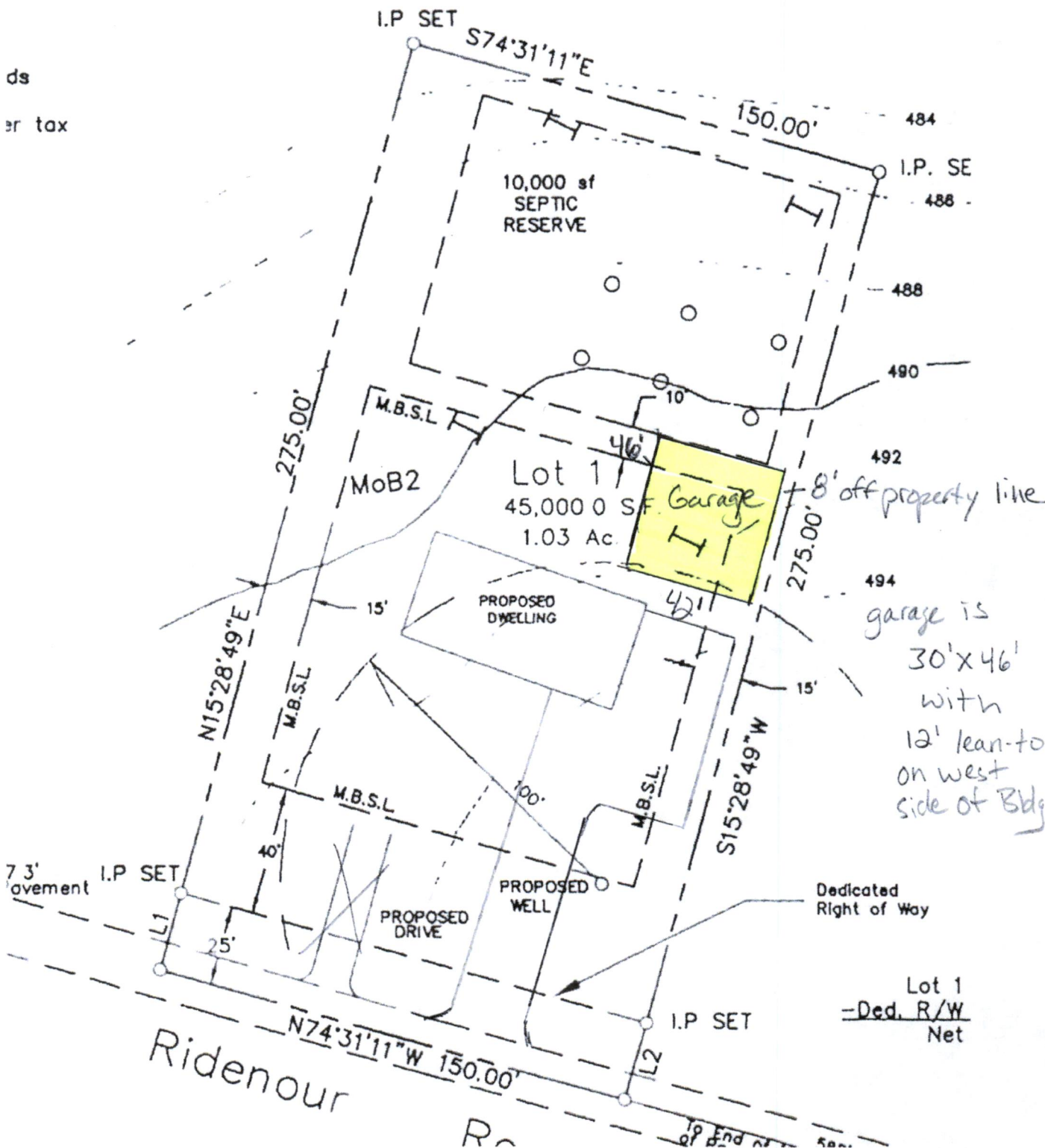
Zachery R. Sword
21510 Ridenour Road
Boonsboro, MD 21713

Statement of Reasoning:

We are in the process of planning the addition of a large, detached garage to our backyard. We would like to request a modification to the setback requirements for the placement of the building closer to the eastern side of our property. We would like to place the building 8 feet off the property line, if possible, to ease the accessibility to the garage doors from our driveway. Should we have to abide by the current setback, the left garage door would be located behind our house, rendering it inaccessible via Zach's service van or his personal truck based on how close the building would have to be to the house due to the septic reserve. Many other properties in the area have large, detached garages on their properties and we feel our property value would render undue hardship should this setback request be unapproved.

Variance Request for:
 Zachery Sword
 21510 Ridenour Road
 Boonsboro, MD 21713

ds
 or tax



Variance Request for:

Zachery Sword
21510 Ridenour Road
Boonsboro, MD 21713

Property Owners/Addresses for locations adjacent and across from property:

1. Across the street-

Allen L. & Kimberly S. Plunkard
21509 Ridenour Road
Boonsboro, MD 21713

2. Adjacent to all three sides of property-

Trippett Enterprises LLC.
District-16; Account Number- 008060
Map-0059; Grid- 0019; Parcel-0278
Black Rock Road
Hagerstown, MD 21740

Mailing Address: 328 OELLA AVE
BALTIMORE MD 21228

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

ZACHERY AND JENNIFER SWORD

*

*

Appeal No.: AP2023-020

Appellant

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* * * * *

OPINION

Zachery and Jennifer Sword (hereinafter “Appellants”) request a variance to reduce the side yard setback from 15 feet to 8 feet for a proposed detached garage at the subject property. The subject property is located at 21510 Ridenour Road, Boonsboro, Maryland and is zoned Environmental Conservation. The Board held a public hearing in this matter on May 10, 2023.

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. Appellants are the owners of the subject property located at 21510 Ridenour Road, Boonsboro, Maryland. The subject property is zoned Environmental Conservation.
2. The subject property consists of a rectangular lot totaling approximately 1.03 acres with road frontage on Ridenour Road. There is an existing dwelling with a driveway approaching the east side of the home and traversing around to the rear. The subject property is surrounded by farmland to the east, west and north. There are homes to the south, across Ridenour Road.

3. The subject property has a well located in the front yard and a 10,000 square-foot septic reserve area at the rear of the property extending to the rear boundary line.

4. There is a recorded plat reserving an 8-foot drainage easement along the side and rear boundaries of the subject property.

5. Appellants propose to construct a 30-foot by 46-foot, two-car garage to the rear of their home. There will be an additional 12-foot lean-to on the west side of the garage building.

6. There are several other properties in the surrounding area that have large, detached garages.

7. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.¹ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. § 25.56(A).

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,

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical 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).

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 the instant case, Appellants seek to construct a detached garage much like several of the neighbors enjoy in the surrounding area. The location of their home on the subject property, coupled with their well, septic reserve area and the drainage easements all limit the location any additional construction. Appellants’ driveway is located on the east side of the home and winds around the side of the home to the rear to the area which has been designated for construction of the garage. If Appellants were to comply with the setback requirements, one of their garage doors would be located directly behind the east side of their home and would be inaccessible. This creates a practical difficulty and prevents a use commonly enjoyed by others in the neighborhood. Appellants have requested minimum necessary setback to abut the drainage easement and still afford the relief necessary. Appellants have satisfied the variance criteria and the relief requested should be granted.

Accordingly, the request for a variance to reduce the side yard setback from 15 feet to 8 feet for a proposed detached garage at the subject property is GRANTED, by a vote of 5-0. The application is granted upon the general condition that the proposed use be consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: June 9, 2023

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.