

BOARD OF APPEALS

May 24, 2023

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

AGENDA

AP2023-021: An appeal was filed by James & Jennifer Nichols for a variance from the required 40 ft. rear yard setback to 25 ft. for a proposed addition to the existing single-family dwelling on property owned by the appellants and is located at 10729 Greenwich Drive, Williamsport, Zoned Residential Transition.-**GRANTED**

AP2023-022: Appeal rescheduled for the June 7th hearing

AP2023-023: An appeal was filed by Sheetz Inc. for a variance from the required 40 ft. front yard setback to 30 ft. along the Mt. Aetna Road property line for proposed convenience store, a variance from the 25 ft. setback from the road right-of-way for a freestanding sign to 5 ft. for a sign to be located along the Dual Highway and 10 ft. for a sign to be located along Mt. Aetna Road on property owned by Ghattas Enterprises Maugans Ave Limited Partnership and located at 1333 Dual Highway, Hagerstown, Zoned Business General.-**GRANTED**

Closed Session

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 15, 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: James & Jennifer Nichols
10729 Greenwich Drive
Williamsport MD 21795

Appellant: James & Jennifer Nichols
10729 Greenwich Drive
Williamsport MD 21795

Property Location: 10729 Greenwich Drive
Williamsport, MD 21795

Description Of Appeal: Variance from the required 40 ft. rear yard setback to 25 ft. for proposed addition to existing single-family dwelling.

Docket No: AP2023-021
Tax ID No: 26041333
Zoning: RT
RB Overlay: No
Zoning Overlay:
Filed Date: 04/28/2023
Hearing Date: 05/24/2023

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: 7A.5(a)

Reason For Hardship: Shape of lot, plated drainage easement for the right side of the property, and garage is located on the left side of the dwelling.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling **Proposed Use:** Single Family Dwelling Addition

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.

James Nichols

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 28 day of April, 20 23.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
My Commission Expires November 07, 2025

Kathryn B Rathvon

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: AP2023-021

State of Maryland Washington County, To Wit:

On 4/28/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Jamie Nichols and made oath in due form of law as follows:

Jamie Nichols 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 05/24/2023, 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 05/09/2023 and will remain until after the above hearing date.

Jamie Nichols

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

Notary Public



My Commission Expires

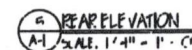
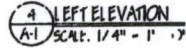
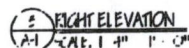
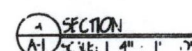
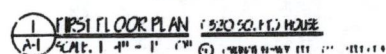
Seal

To whom it may concern,

I am applying for a variance on my property at 10729 Greenwich Drive Williamsport, MD 21795 to build a 20'x20' family room off the back the of my house and I will only be 25' from my rear property line. The reason I am building it there is I have a water easement that runs up along the right side of my house and my driveway and garage are on the left side which runs parallel with a drainage culvert and my property line.

Sincerely,

Jamie & Jennifer Nichols

[illegible]

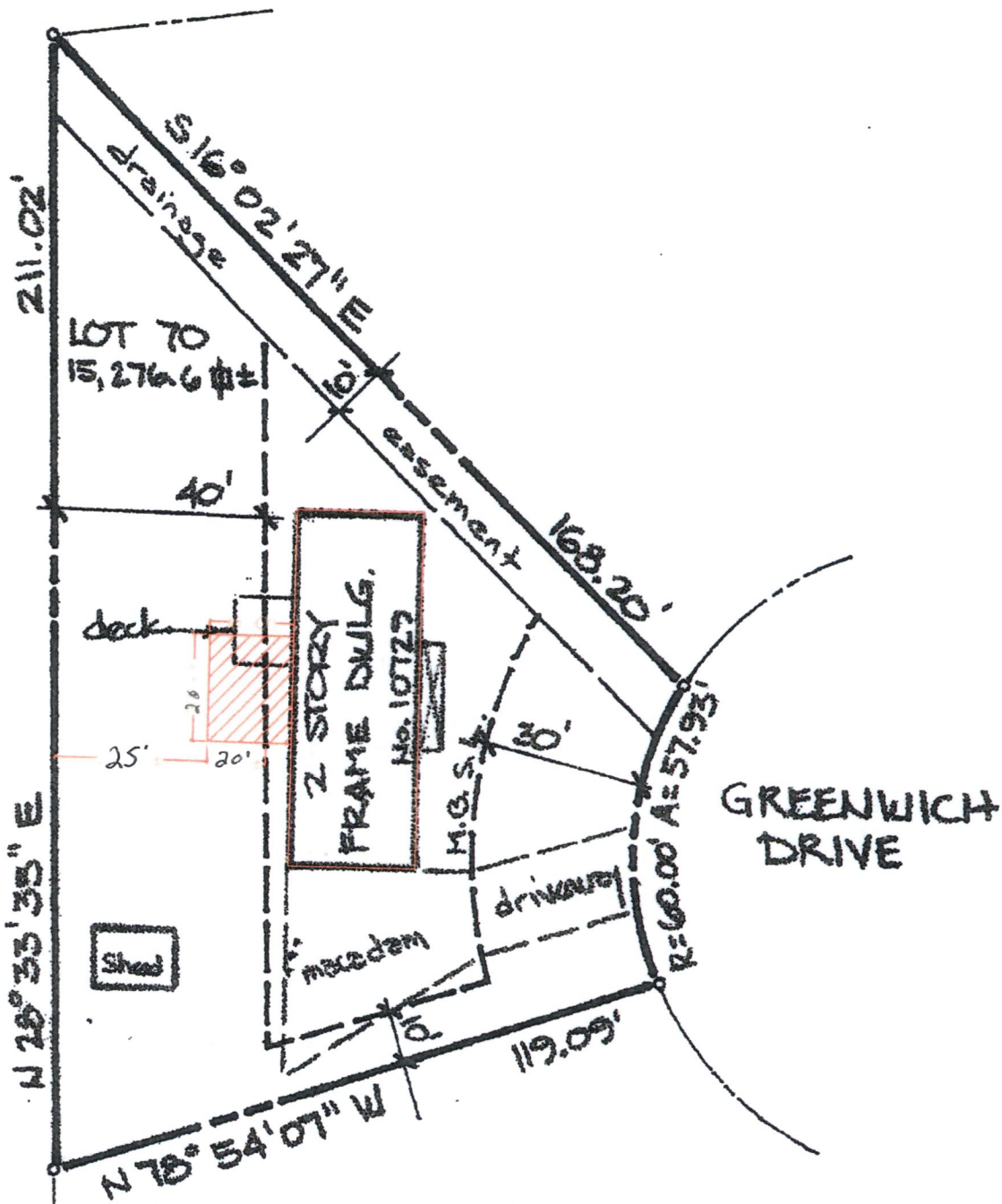
ADDITION FOR:
JAMIE & JENNIFER NICHOLS
10723 GREENWICH DRIVE
WILLIAMSPORT, MARYLAND 21795

DRAFTING SERVICES



A-1

4-24-22



HOUSE LOCATION DRAWING
10729 Greenwich Drive, Williamsport, Maryland
for
Jamie Nichols and Jennifer Nichols

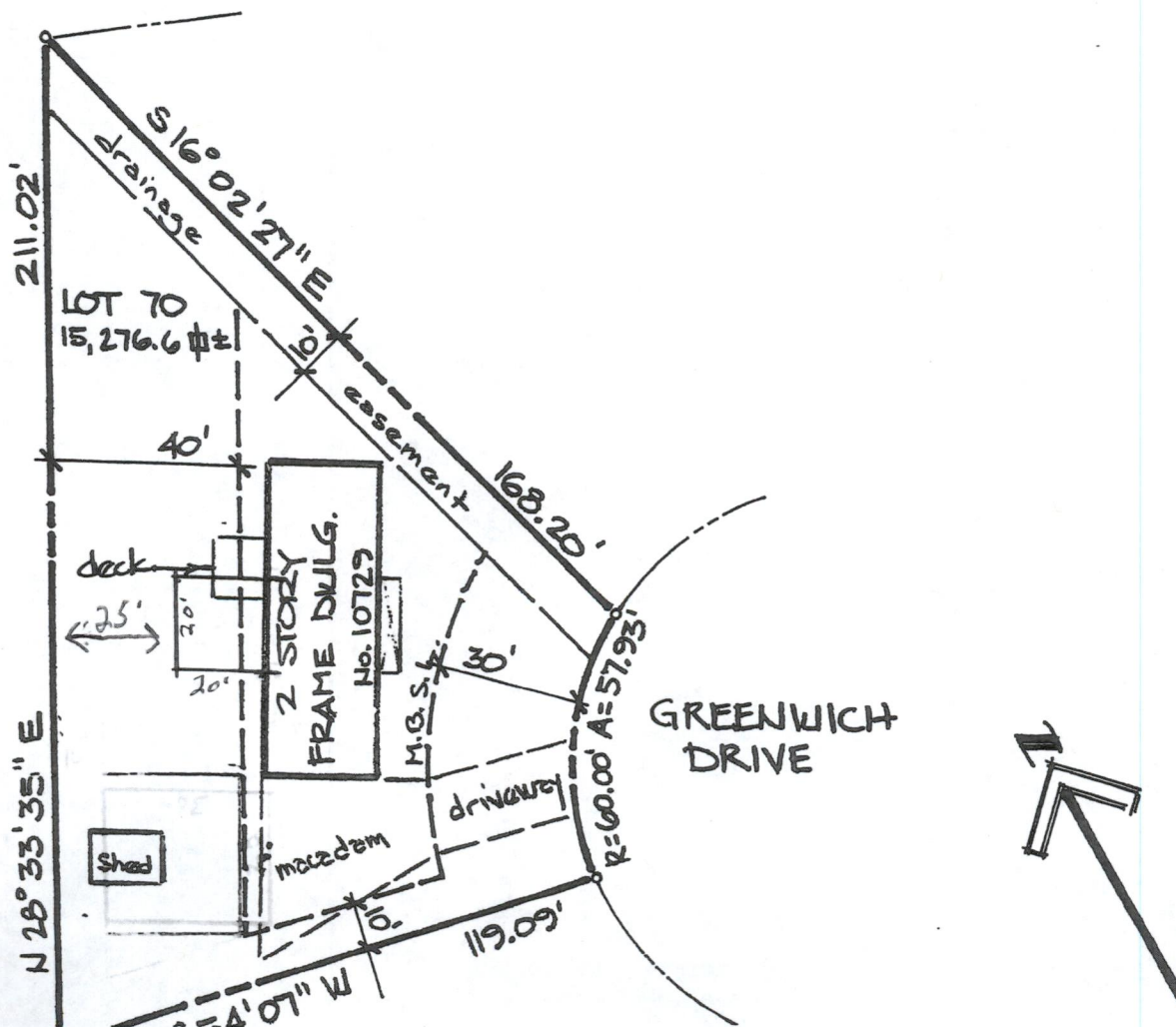
Parcel designated as Lot No. 70, on the Final Plat of Subdivision, Sterling Oaks, Phase III, recorded among the Land Records of Washington County, Maryland, in Plat folio 6207.

This parcel does not lie in the 100 year flood plain, FEMA Flood Insurance Rate Map, Community Panel No. 240070 0090 B effective September 30, 1992, Flood Zone C.

SURVEYOR'S CERTIFICATION

I hereby certify that the dwelling and/or improvements shown hereon are within the metes and bounds of the lands conveyed by Ronald C. Edens, II, by his attorney in fact Tina McVicker, to Jeffrey L. Grabill, by deed dated December 21, 2004, recorded in the Land Records of Washington County, Maryland, in Liber 2535, folio 396, and that the improvements shown hereon were located by accepted field practices and include permanent visible structures and surface encroachments if any that exist on the subject property at the date of survey, June 17, 2013. This drawing is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing, and is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements, and does not provide for the accurate identification of property boundary lines, but this identification may not be required for the transfer of title or securing financing or refinancing, and as to them I warrant the accuracy of this plat. No title report furnished.

Professional Certification: I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date, January 16, 2014.



Charles & Charity Mumma
10727 Greenwich Drive
Williamsport, Md 21795

Dan Tracey & Shelley Funk
10730 Greenwich Drive
Williamsport, Md 21795

Michael & Krista shank
10844 Hersey Drive
Williamsport, MD 21795

Christopher & Krista Downs
10843 Hersey Drive
Williamsport, MD 21795

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

JAMES AND JENNIFER NICHOLS

Appellant

*

*

*

Appeal No.: AP2023-021

* * * * *

OPINION

James and Jennifer Nichols (hereinafter “Appellants”) request a variance to reduce the required rear yard setback from 40 feet to 25 feet for a proposed addition to an existing single-family dwelling at the subject property. The subject property is located at 10729 Greenwich Drive, Williamsport, Maryland and is zoned Residential, Transition. The Board held a public hearing in this matter on May 24, 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 10729 Greenwich Drive, Williamsport, Maryland. The subject property is zoned Residential, Transition.
2. The subject property consists of a shallow, pie-shaped lot with an existing single-family dwelling. There is a driveway extending from Greenwich Drive to the left side of the residence.
3. There is a recorded water and drainage easement along the right side of the property.

4. Appellants propose to construct a 20' by 20' addition to expand their living room area. The addition would follow the existing roof line and extend toward the rear of the property where the deck previously existed.

5. Appellants planted Leyland cypress trees along the rear boundary line as a form of screening approximately five (5) years ago.

6. 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. 502, 514 (1994).)

In the instant case, Appellants seek to construct a room addition to expand their

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).

living area space in their home. detached garage much like several of the neighbors enjoy in the surrounding area. The location of their home on the subject property, coupled with the water and drainage easement, limit the location of any additional construction. The pie shape and shallowness of the subject property also restricts Appellants' ability to add to the footprint of their home. In addition, Appellants could not ask for variance relief to add to the right side of their home, and therefore the rear of the home was the only location for expansion.

Appellants' home is already very close to the 40-foot setback line and without a variance, it would not be possible to construct any addition to the home. Appellants' desire to increase living space in their home is reasonable and does not confer any special benefit upon them that other surrounding properties would not enjoy. The imposition of the strict setback requirements in this case creates a practical difficulty and prevents a use commonly enjoyed by others in the neighborhood. Appellants have satisfied the variance criteria and the relief requested should be granted.

Accordingly, the request for a variance to reduce the required rear yard setback from 40 feet to 25 feet for a proposed addition to an existing single-family dwelling 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 21, 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

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

Property Owner: Ghattas Enterprises Maugans Ave Limited Partnership
Docket No: AP2023-023

13621 Crayton Boulevard
Hagerstown MD 21742

Tax ID No: 10006511

Appellant:

Sheetz Inc
43374 Fullerton Street
Ashburn VA 20147

Zoning: BG

RB Overlay: No

Zoning Overlay:

Filed Date: 05/04/2023

Hearing Date: 05/24/2023

Property Location: 1333 Dual Highway
Hagerstown, MD 21740

Description Of Appeal: Variance from the required 40 ft. front yard setback to 30 ft. along the Mt. Aetna Road property line for proposed convenience store; a variance from the required 25 ft. setback from the road right-of-way to 10 ft. for proposed freestanding sign to be located along the Mt. Aetna Road property line and a variance from the required 25 ft. setback from the road right-of-way to 5 ft for proposed freestanding sign to be located along the Dual Highway property line.

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 12.5 and 22.23(e)

Reason For Hardship: Due to lot size, configuration, existing topography, and location with having road frontage along two roads.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Vacant

Proposed Use: Convenience Store with Fuel Pumps

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

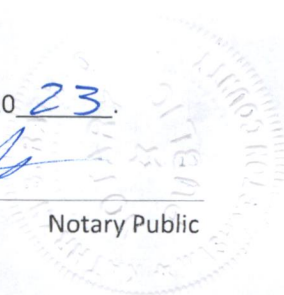
State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 4 day of May, 2023.

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

[Signature]

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: AP2023-023

State of Maryland Washington County, To Wit:

On 5/4/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Fox and Associates Inc and made oath in due form of law as follows:

Fox and 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 05/24/2023, 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 05/09/2023 and will remain until after the above hearing date.

Fox and Associates Inc

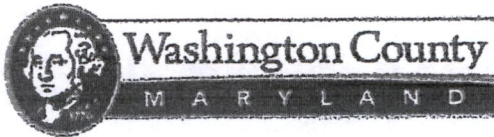
Sworn and subscribed before me the day and year first above written.

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

Notary Public

Seal

My Commission Expires



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Gary Kilfeather, Sheetz Engineering/Permit Project Manager
is authorized to file an appeal with the Washington County Board of Appeals for
variances to the sign setback and the front yard setback _____ on property
located 1333 Dual Highway, Hagerstown, MD 21740.
The said work is authorized by Asad Ghattas
the property owner in fee.

PROPERTY OWNER

Ghattas Enterprises, Maugans Avenue Limited Partnership

Name

13621 Crayton Blvd

Address

Hagerstown, MD 21742

City, State, Zip Code

[Signature]
Owner's Signature

Sworn and subscribed before me this 3 day of May, 2023.

[Signature]
Notary Public

My Commission Expires: 3/24/2027

REBECCA SHIRLEY
Notary Public
Washington County
Maryland
My Commission Expires March 24, 2027

AUTHORIZED REPRESENTATIVE

Gary Kilfeather

Name

43374 Fullerton St.

Address

Ashburn, VA 20147

City, State, Zip Code

[Signature]

Gary Kilfeather

Authorized Representative's Signature

Digitally signed by Gary Kilfeather
DN: C=US, E=gkilfeather@sheetz.com,
O="Sheetz, Inc.", OU=Development -
D111, CN=Gary Kilfeather
Reason: I am approving this document
Date: 2023.05.03 14:02:18 -0400

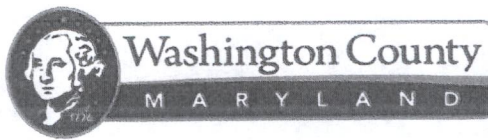
Sworn and subscribed before me this 3 day of May, 2023.

[Signature]
Notary Public

My Commission Expires: 11/30/2026

Jacob Anthony Puraiza Mondarez
Commonwealth of Virginia
Notary Public
Commission No. 8034148
My Commission expires 11/30/2026

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



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Variance

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

Location 1333 Dual Highway, Hagerstown, MD 21740

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

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

☐ Contract to Purchase ☐ Other

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

Section 12.5 Front Yard Setback, non-residential building

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

Section 12.5 front yard setback- seeking reduction of front yard setback from 40' to 30'

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

Section 12.5 seeking reduction of front yard setback from 40' to 30' due to 10' right of way dedication offered to the County

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

See Summary of Appeal Attached **Provide Detailed Explanation on Separate Sheet**

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

☐ Yes ☐ No

If yes, list docket number(s):

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

Gary Kilfeather

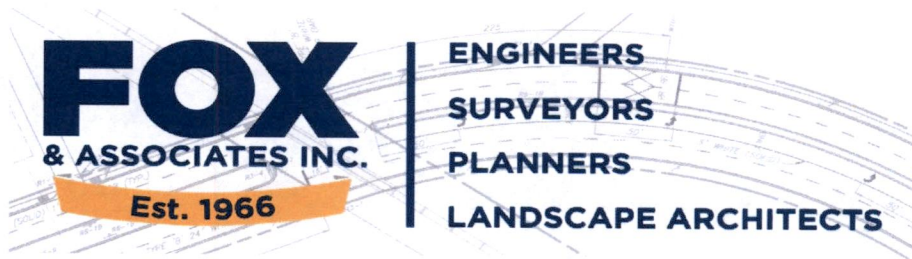
Digitally signed by Gary Kilfeather
DN: cn=Gary Kilfeather, o=Washington County, ou=Development - D411,
email=g.kilfeather@washco-md.net

43374 Fullerton St., Ashburn, VA 20147

Signature of Appellant

Address 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.



82 Worman's Mill Ct
Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009

April 27, 2023

Washington County Board of Zoning Appeals
80 West Baltimore Street
Hagerstown, Maryland 21740

Attn: Board Members

Re: Sheetz Mt. Aetna
Variance Request – Front Yard Setback

Dear Members:

This letter is in reference to the proposed Sheetz project along Mt. Aetna Road and is being submitted on behalf of Sheetz, Inc., the developer, and Ghattas Enterprises, c/o Assad Ghattas, the property owner, to request a variance to the required front yard setback Section 12.5. The address of the subject property is 1333 Dual Highway and consists of parcels 27, 544, and 1440 and is located immediately west of the intersection of Dual Highway and Mt. Aetna Road. A Site Plan (SP-22-044) and Resubdivision Plat (S-22-053) are currently under review by County staff.

The property is a redevelopment site located within the Business General, BG zoning and requires a 40' building setback from the right of way line. The initial Site Plan submitted to Washington County for review shows the site layout based on the 40' building setback from the existing right of way along Mt. Aetna Road, demonstrating the site is adequate to meet the zoning setback requirements and further meets Sheetz preferred site layout.

Since the subject parcels are lots of record, consolidating them is not required to develop the property. However, the property owner has agreed to do so and in return dedicate 10' of right of way to the County, subject to receiving Board of Zoning Appeals approval for a reduced building setback of 30'. Without BZA approval of a reduced building setback by 10', this site will not be adequate in size for the Sheetz store and gas sales, and provide adequate parking and access. This is partly due to the size and configuration of the property and location given the site has road frontage along Mt. Aetna Road and Dual Highway (MD 40) that requires greater front yard setbacks.

A variance may be granted by the Board upon showing a practical difficulty or undue hardship as listed below.

Undue Hardship:

1. Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from, or to make reasonable use of the property.

The previous use of the property was a car dealership and service facility. Since then, the majority of the various building structures have been demolished except for a building slab and basement walls that remain today. The property has been in this condition for several years with limited opportunities for redevelopment.

2. The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district.

The difficulty of developing this site is due to the lot size, configuration, existing topography, and location with having road frontage along Dual Highway and Mt. Aetna Road. There is a significant amount of fill that will need to be imported and a retaining wall constructed along Mt. Aetna Road to bring the site up to grade to provide adequate useable area for the proposed use.

3. The hardship is not the result of the applicant's own actions.

As mentioned, the property is bound by Dual Highway and Mt. Aetna Road on three sides thus limiting the useable lot area to redevelop the site once the front yard setbacks are applied. There is also a significant difference in elevation from Dual Highway to Mt. Aetna which presents challenges to redevelop and attract other permitted uses.

For the above reasons, the applicant is hereby requesting a variance to reduce the required building setback from 40' to 30' as a result of the proposed 10' of right of way dedication offered to the County.

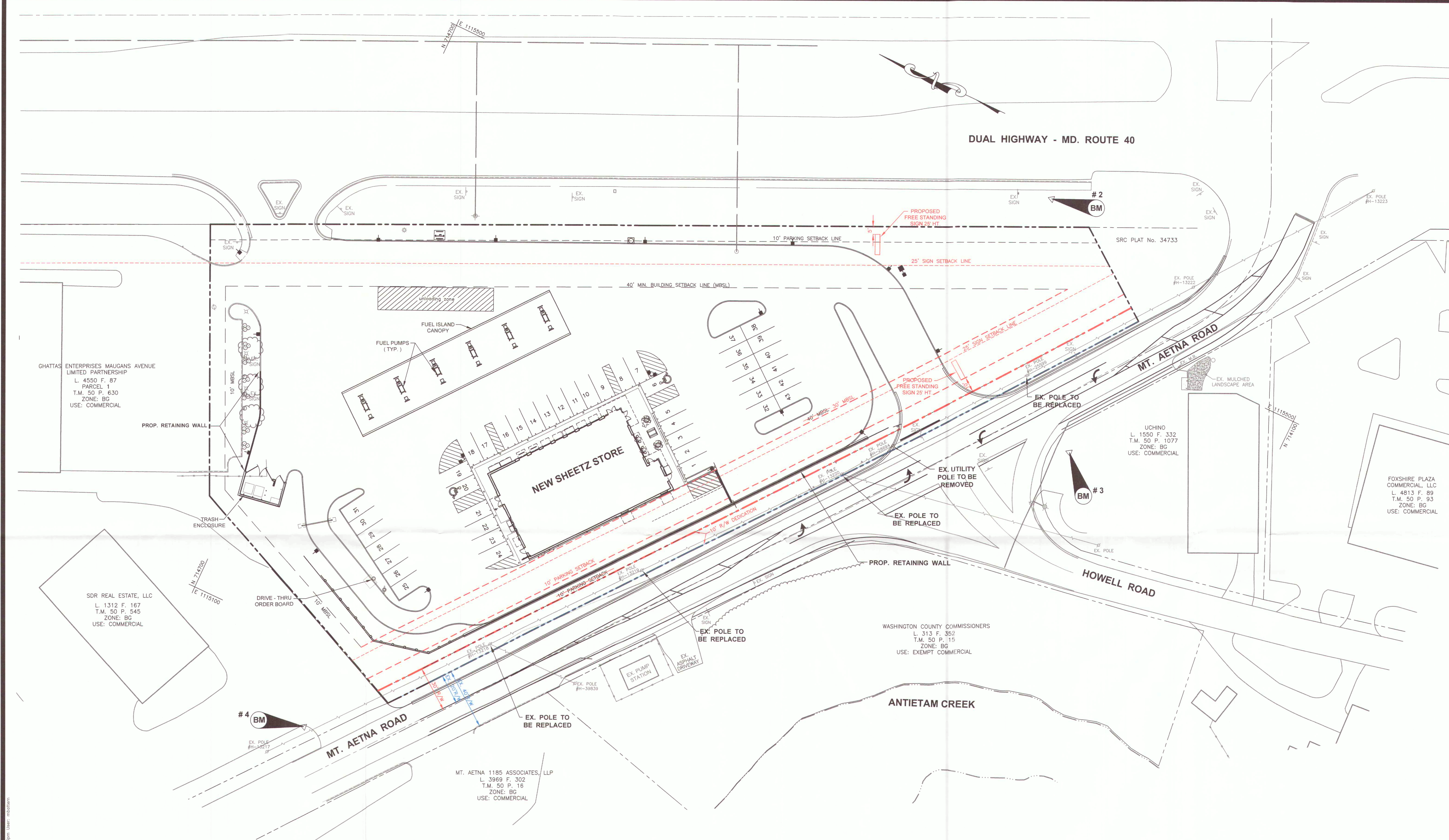
Sincerely,

Fox & Associates, Inc.



Mike Battern, PE
Project Manager

H:\Corporation Projects\22-31857-Sheetz - Mt. Aetna\Exhibit BZA Exhibit.dwg May 01, 2023 2:56pm User: msattam



SITE DATA	
TAX MAP/PARCEL	50/27,544,1440
ELECTION DISTRICT	10
ZONING	BG, BUSINESS GENERAL
PARCEL ACREAGE	2.70 AC.
EXISTING USE	PREVIOUSLY DEVELOPED (AUTO SALES & REPAIR FACILITIES)
PROPOSED USE	MULTI-USE RETAIL - CONVENIENCE STORE & GAS STATION (12 FUELING STATIONS)
MINIMUM BUILDING SETBACK LINES (MBSL) PER ZONING	
FRONT	40 ft. (30 ft. PROPOSED ALONG MT. AETNA ROAD)
SIDE	10 ft.
REAR	10 ft.
No. of EMPLOYEES	8 PER SHIFT
HOURS OF OPERATION	24 HR./DAY, SEVEN DAYS/WEEK
PARKING REQUIRED	COMMERCIAL RETAIL SALES: 5 SPACES/1,000 S.F. OF GROSS LEASABLE AREA (GLA) 6,139 S.F. x 80%/1,000 x 5 = 25 RESTAURANT: 1 SPACE/75 S.F. OF GROSS FLOOR AREA (GFA) 6,139 S.F. x 20%/75 = 17 TOTAL = 42 SPACES REQUIRED
PARKING PROVIDED	43 SPACES (2 HANDICAP SPACES); 1 TRUCK LOADING SPACE
SIGNAGE ALLOWED	EXTERIOR SIGNS ATTACHED OR INTEGRAL TO STRUCTURE 32 S.F. PER LENGTH OF BUILDING FRONTAGE 32 S.F. x 105 FT. = 210 S.F. MAX. 2 FREE STANDING SIGNS PERMITTED W/MAX. TOTAL AREA OF 600 S.F.

FOX & ASSOCIATES, INC.

ENGINEERS-SURVEYORS-PLANNERS

82 WORMANS MILL COURT
HAGERSTOWN, MD. 21740
PHONE: (301)733-8603
or (301)416-7250
FAX: (301)293-6009

WWW.FOXASSOCIATESINC.COM E-MAIL: FOX@FOXASSOCIATESINC.COM

DRAWN BY

REVISION

DATE

BZA EXHIBIT - BUILDING SETBACK

SHEETZ - MT. AETNA

SITUATED AT THE INTERSECTION OF MT. AETNA ROAD AND MD. ROUTE 40
HAGERSTOWN ELECTION DISTRICT No. 10
WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 30'

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE No.: 43207 EXP. DATE: 12/20/24

PROJECT NO.: 22-31857

DRAWING NO.: D - 3576

DATE: APRIL 2023

DRAWN BY: MFB

CHECKED BY: MFB

SHEET 1 OF 1

SP - 22 - 044



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Variance

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

Location 1333 Dual Highway, Hagerstown, MD 21740

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

☐ Owner (Including Joint Ownership) ☒ Lessee ☐ Contract to rent/lease
☐ Contract to Purchase ☐ Other _____

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

Section 22.23(e) sign setback

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

Section 22.23(e) sign setback - seeking reduction of sign setback from 25' to 10' along Mt Aetna Rd & from 25' to 5' along Dual Highway

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

Section 22.23(e) seeking reduction of sign setbacks to allow maximum visibility for drivers

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

See Summary of Appeal Attached **Provide Detailed Explanation on Separate Sheet**

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

☐ Yes ☐ No

If yes, list docket number(s): _____

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

Gary Kilfeather

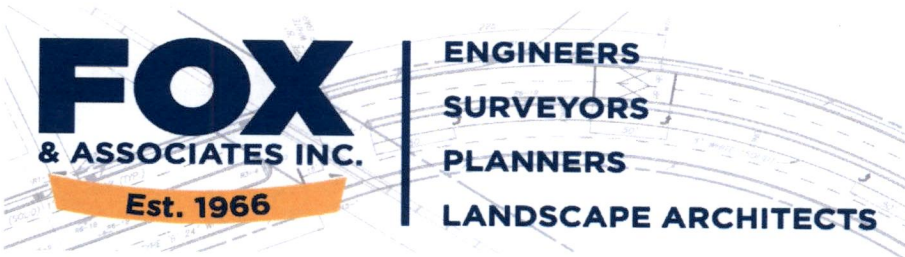
Digitally signed by Gary Kilfeather
DN: cn=Gary Kilfeather, o=Washington County, ou=Development
Reason: I am approving this document
Date: 2015.01.29 13:43:07 -05'00'

Signature of Appellant

43374 Fullerton St., Ashburn, VA 20147

Address 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.



82 Worman's Mill Ct
Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009

April 27, 2023

Washington County Board of Zoning Appeals
80 West Baltimore Street
Hagerstown, Maryland 21740

Attn: Board Members

Re: Sheetz Mt. Aetna
Variance Request – Sign Setback

Dear Members:

This letter is in reference to the proposed Sheetz project along Mt. Aetna Road and is being submitted on behalf of Sheetz, Inc., the developer, and Ghattas Enterprises, c/o Assad Ghattas, the property owner, to request a variance for the required 25' sign setback Section 22.23(e) of the Ordinance. The address of the subject property is 1333 Dual Highway and consists of parcels 27, 544, and 1440 and is located immediately west of the intersection of Dual Highway and Mt. Aetna Road. A Site Plan (SP-22-044) and Resubdivision Plat (S-22-053) are currently under review by County staff.

The property is a redevelopment site located within the Business General, BG zoning and has road frontage along Dual Highway and Mt. Aetna Road. In accordance with the Zoning Ordinance, the project is allowed two free-standing signs, one for each frontage and requires the supporting structure to be located a minimum 25' from the street right of way and that no part of the sign shall be closer than 5' from the right of way. The maximum height shall not exceed 35' per the Ordinance. The project proposes two free-standing signs, one sign along Mt. Aetna Road and one along Dual Highway. Both signs are proposed to be 25' in height and will have a Sheetz logo at the top with gas prices below. A detail of the sign is attached.

The location of the sign along Mt. Aetna Road is proposed to be 10' from the dedicated right of way line. This is in part due to providing separation from the existing overhead utilities as has been coordinated with Potomac Edison and to provide better visibility of the sign by allowing it to be closer to the entrance. There is a significant amount of fill that will need to be imported and a retaining wall constructed along Mt. Aetna Road to bring the site up to grade and provide adequate useable area to accommodate Sheetz preferred site layout. The retaining wall has a maximum height of 17.5' +/- and is setback from the proposed right of way dedication line ranging from 4.1' to 6.7'. The proposed sign will be set back further from the right of way than the retaining wall and utility poles. Mt. Aetna Road will be curbed and the posted speed limit is 25 mph.

The sign along Dual Highway is proposed to be 5' from the right of way. This is consistent with other existing signs near the Sheetz site as can be seen on the attached sign setback exhibit.

A variance may be granted by the Board upon showing a practical difficulty or undue hardship as listed below.

Practical Difficulty:

1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

In accordance with the Zoning Ordinance two free-standing signs are allowed, one along each frontage, with a maximum height of 35' and the signs could extend to within 5' of the right of way. If required to meet the Ordinance, the two signs would require much larger support structures to allow the sign to extend to within 5' of the right of way. The two signs would be 40' apart (see attached sign separation exhibit). The larger support structure and distance separating the two signs is not desirable.

2. Denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief.

The lot size, configuration, existing topography, and location with having road frontage along Dual Highway and Mt. Aetna Road, makes the site challenging to develop and accommodate Sheetz preferred layout. Potential sign locations are limited. Sheetz prefers the signs to be as close to the road as possible to maximize driver visibility to read the gas prices and attract customers. As in the case for the proposed sign along Dual Highway, the location from the right of way is consistent with other existing signs near the Sheetz site.

3. Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

The requested setback variance would be consistent with other existing sign setbacks along Dual Highway and in the case of the Mt Aetna sign, the sign would be set back further than the retaining wall and utility poles. In both cases, granting the variance would not appear to be detrimental to the public safety or welfare.

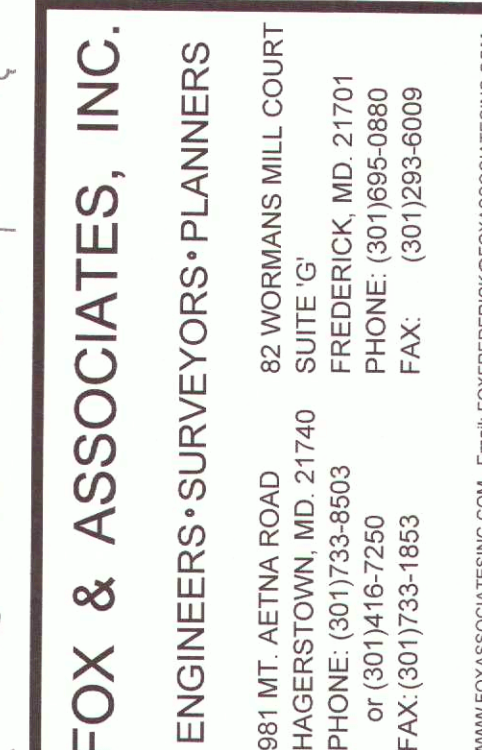
For the above reasons, the applicant is hereby requesting a variance to reduce the required sign setback from 25' to 10' along Mt. Aetna Road and 5' along Dual Highway.

Sincerely,

Fox & Associates, Inc.



Mike Battern, PE
Project Manager



DRAWN BY

DRAWN BY

REVISION

DATE _____

BZA EXHIBIT - SIGN SETBACK

SHEETZ - MT. AETNA

SITUATED AT THE INTERSECTION OF MT. AETNA ROAD AND MD. ROUTE 40
HAGERSTOWN ELECTION DISTRICT No. 10
WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 50'

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO.: 43207 EXP. DATE: 12/20/24

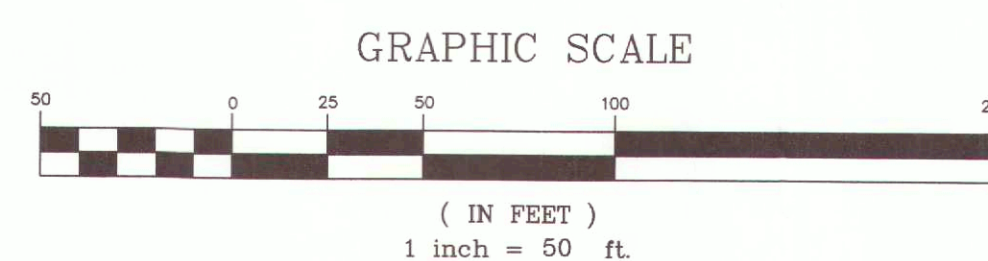
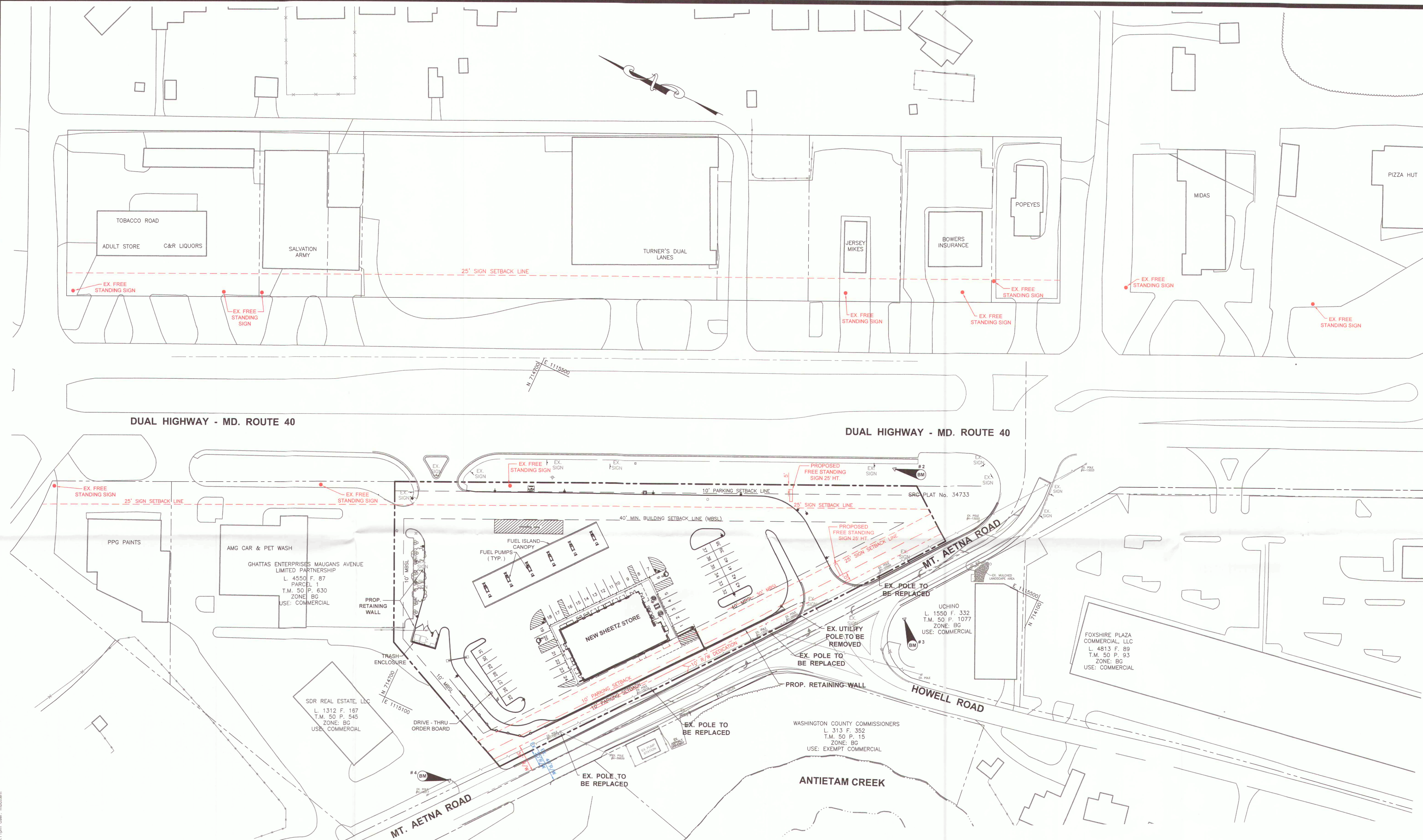
PROJECT NO. 22 - 31857

DRAWING NO. D - 3576

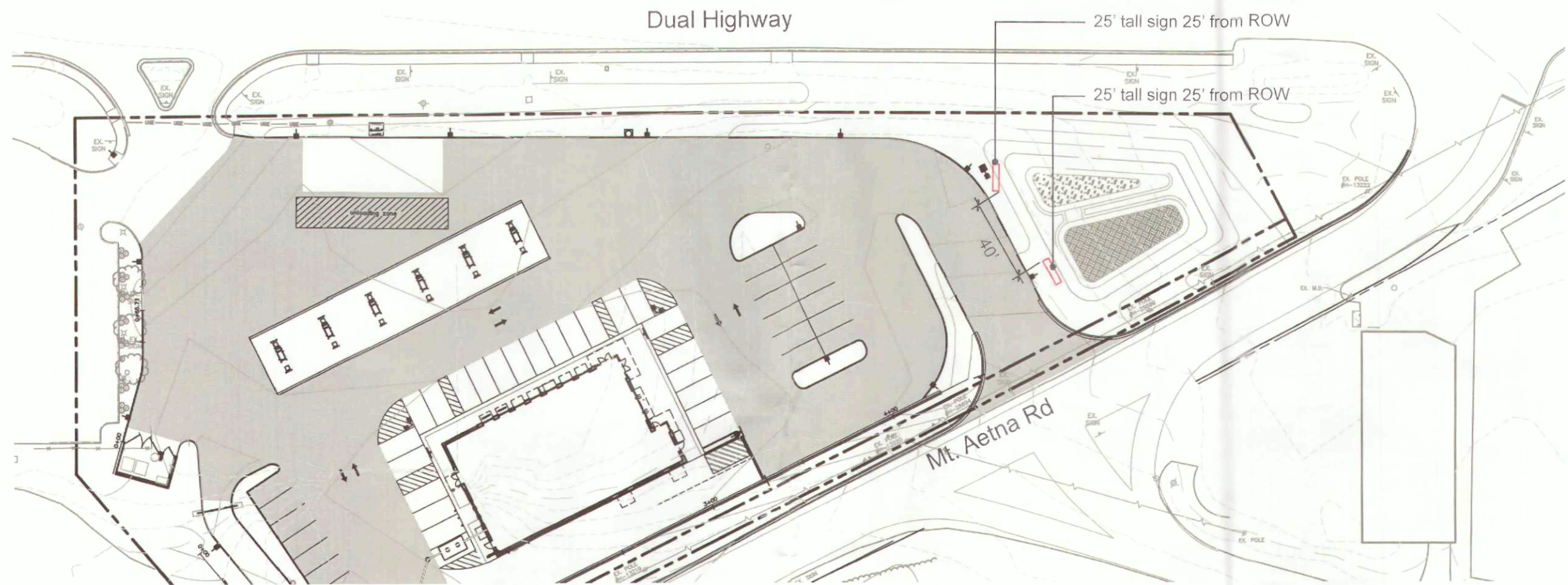
DATE: APRIL 2023

DRAWN BY: MFB

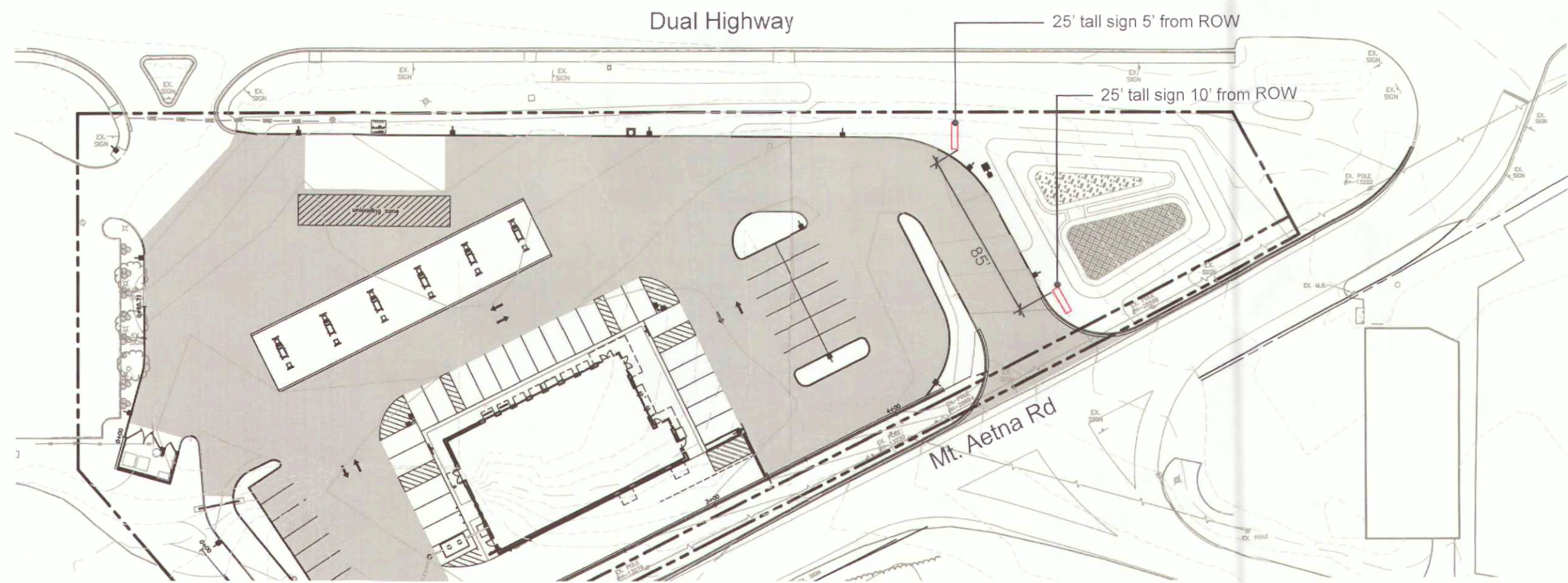
CHECKED BY: MFB

SHEET 1 OF 1

SITE DATA	
TAX MAP/PARCEL	50/27,544,1440
ELECTION DISTRICT	10
ZONING	BG, BUSINESS GENERAL
PARCEL ACREAGE	2.70 Ac.
EXISTING USE	PREVIOUSLY DEVELOPED (AUTO SALES & REPAIR FACILITIES)
PROPOSED USE	MULTI-USE RETAIL - CONVENIENCE STORE & GAS STATION (12 FUELING STATIONS)
MINIMUM BUILDING SETBACK LINES (MBSL) PER ZONING	
FRONT	40 ft. (30 ft. PROPOSED ALONG MT. AETNA ROAD)
SIDE	10 ft.
REAR	10 ft.
No. of EMPLOYEES	8 PER SHIFT
HOURS OF OPERATION	24 HR./DAY, SEVEN DAYS/WEEK
PARKING REQUIRED	COMMERCIAL RETAIL SALES: 6 SPACES/1,000 S.F. OF GROSS LEASABLE AREA (GLA) 6,139 S.F. x 80%/1,000 x 5 = 25 RESTAURANT: 1 SPACE/75 S.F. OF GROSS FLOOR AREA (GFA) 6,139 S.F. x 20%/75 = 17 TOTAL = 42 SPACES REQUIRED
PARKING PROVIDED	43 SPACES (2 HANDICAP SPACES); 1 TRUCK LOADING SPACE
SIGNAGE ALLOWED	EXTERIOR SIGNS ATTACHED OR INTEGRAL TO STRUCTURE 2 S.F. PER LENGTH OF BUILDING FRONTAGE 2 S.F. x 105 FT. = 210 S.F. MAX. 2 FREE STANDING SIGNS PERMITTED W/MAX. TOTAL AREA OF 600 S.F.



Code Requirement: Signs to be 25' from ROW



Requested variance: Signs to be located 5' and 10' from ROW

nt. of Mt. Aetna Road
and Dual Highway
Hagerstown
Maryland

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

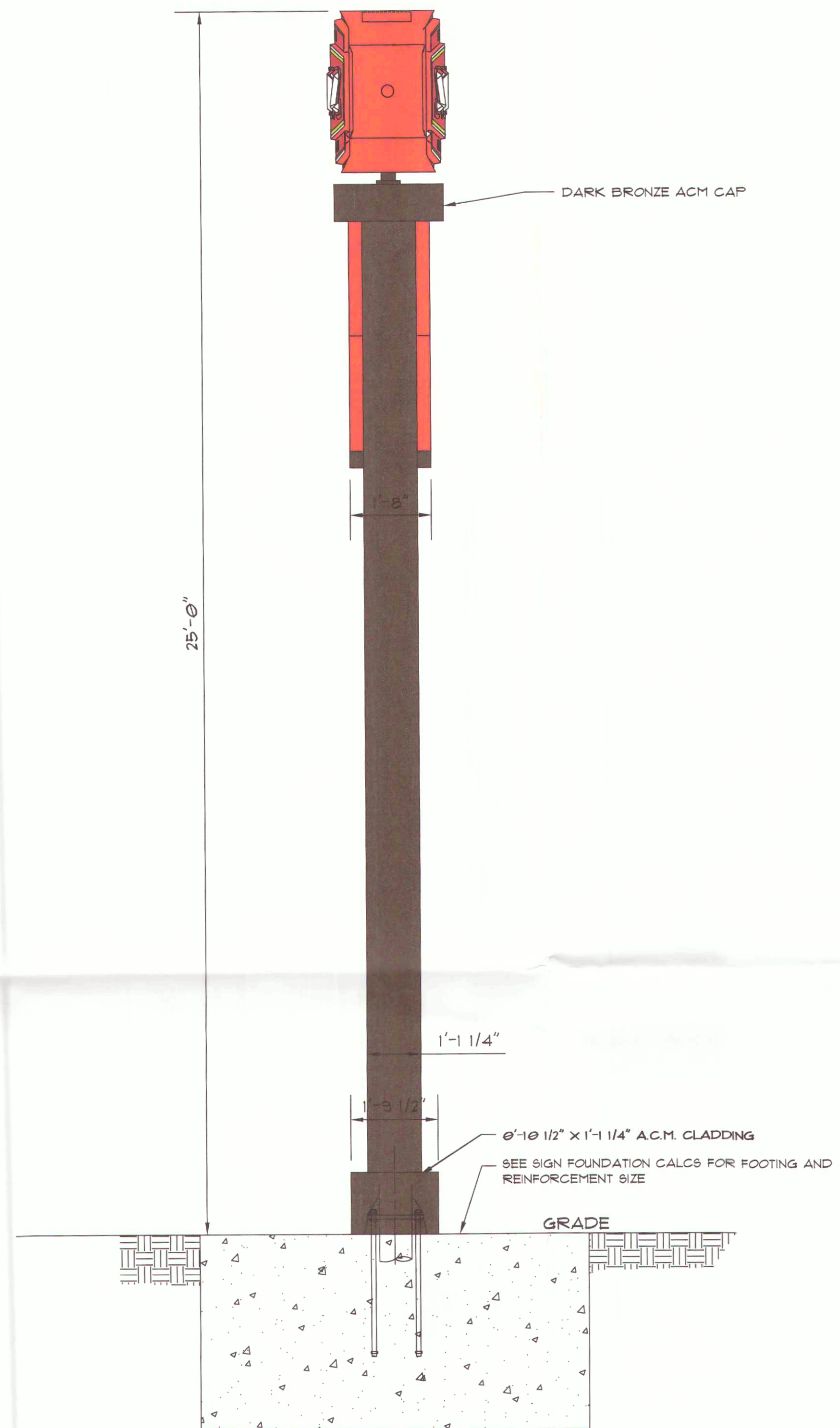
PROFESSIONAL

KEYPLAN

SUE:	04-18-23
PROJECT NO:	
AUTHOR BY:	NMI
REVIEW BY:	
SHEET TITLE	

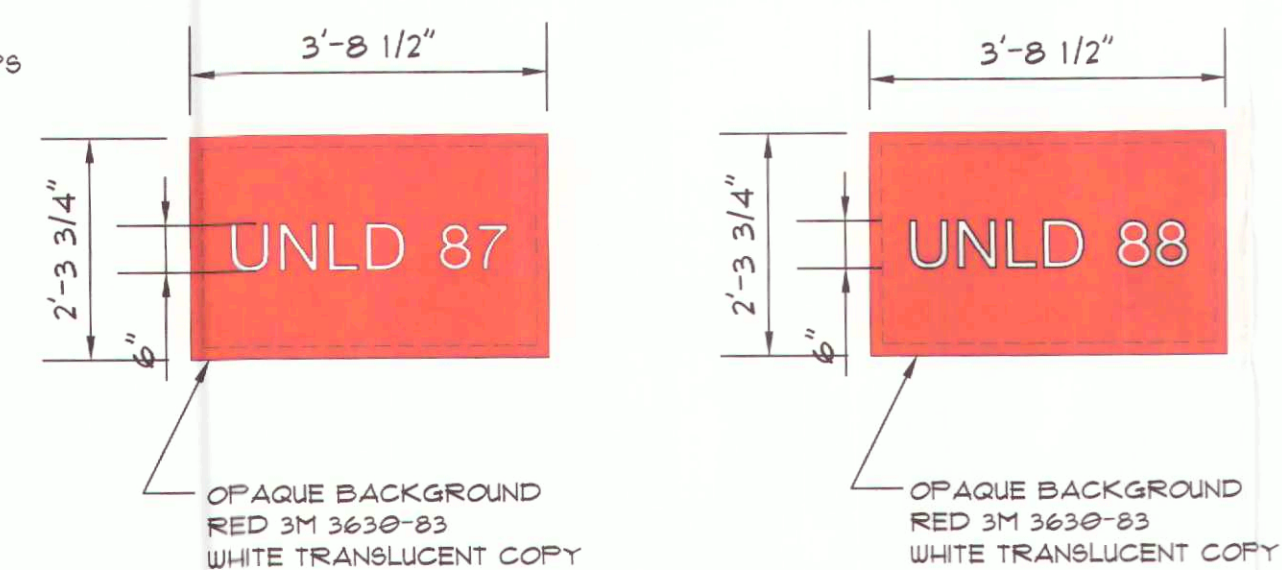
POLE SIGN DETAILS

SIGN



DOUBLE FACED GAS PRICE SIGN SIDE ELEVATION
SCALE: 1/2"=1'-0"

TOTAL SIGN AREAS: 65.67 SQ. FT.



SIGN IS TYPICAL OF TWO

**Sheetz Mt Aetna
Adjacent Property Information**

Site Address	Property Owner	Mailing Address
1382 Dual Highway	Kasheer International, Inc.	13036 Park Crescent Cir Oak Hill, VA 20171-2820
1380 Dual Highway	Donald C. & Jacquelyn R. Bowers	1869 Meridian Dr. Hagerstown, MD 21742-1233
1370 Dual Highway	TR Dual LLC c/o Ted Shank	17827 Virginia Ave Hagerstown, MD 21740
1350 Dual Highway	Turner Dev Co, Inc.	17325 Virginia Ave Hagerstown, MD 21740-7604
1308 & 1310 Dual Highway	The Salvation Army	PO Box 747, 525 George St. Hagerstown, MD 21740
1304 Dual Highway	JGT Enterprises, Inc.	325 Belvedere Court Falling Waters, WV 25419
1301 Dual Highway	GW Properties, LLC	3213 Crescent Park Lane Greer, SC 29650
1317 Dual Highway	Ghattas Enterprises Maugans Avenue Limited Partnership	13621 Crayton Blvd Hagerstown, MD 21742
1190 Mt. Aetna Rd	SDR Real Estate, LLC	1190 Mt. Aetna Rd Hagerstown, MD 21740-6833
1185 Mt. Aetna Rd	Mt Aetna 1185 Associates, LLC	1185 Mt. Aetna Rd Hagerstown, MD 21740-6832
1189 Mt. Aetna Rd	Washington County Commissioners	Court House Hagerstown, MD 21740
1401 Dual Highway	Itsuro J. & Marilyn B. Uchino	255 Dill Ave Frederick, MD 21701-4905

POPEYES

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 003466

Owner Information

Owner Name: KASHEER INTERNATIONAL INC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 13036 PARK CRESCENT CIR Deed Reference: /02121/ 00058
OAK HILL VA 20171-2820

Location & Structure Information

Premises Address: 1382 DUAL HWY Legal Description: LT21 75X180 .30 AC
HAGERSTOWN 21740-0000 1382 DUAL HWY
COLONIAL PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 303
0050 0013 0656 10000.22 0000 C 8 21 2022 Plat Ref:

Town: None

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
2004 2,284 SF 13,500 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
FAST FOOD / C4 2004

Value Information

	Base Value	Value		
		As of 01/01/2022	As of 07/01/2022	As of 07/01/2023
Land:	243,000	243,000		
Improvements	635,700	635,700		
Total:	878,700	878,700	878,700	878,700
Preferential Land:	0	0		

Transfer Information

Seller: BULLDOG FEDERAL CREDIT UNION	Date: 09/04/2003	Price: \$362,500
Type: ARMS LENGTH VACANT	Deed1: /02121/ 00058	Deed2:
Seller: BANK HAGERSTOWN TRUST CO	Date: 09/17/1999	Price: \$290,000
Type: ARMS LENGTH IMPROVED	Deed1: /01525/ 00403	Deed2:
Seller: CBS ENTERPRISES INC	Date: 02/26/1981	Price: \$65,000
Type: ARMS LENGTH IMPROVED	Deed1: /00713/ 00426	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

BOWERS INSURANCE

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 023858

Owner Information

Owner Name: BOWERS DONALD C &
BOWERS JACQUELYN R Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 1869 MERIDIAN DR Deed Reference: /01389/ 00196
HAGERSTOWN MD 21742-1233

Location & Structure Information

Premises Address: 1380 DUAL HWY Legal Description: LTS19-20 100X180 .41
HAGERSTOWN 21740-0000 1380 DUAL HIGHWAY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 303
0050 0013 0723 10000.22 0000 B 8 19 20 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1975 3,422 SF 18,000 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
OFFICE BUILDING/ C3

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	324,000	324,000		
Improvements	250,100	250,100		
Total:	574,100	574,100	574,100	574,100
Preferential Land:	0	0		

Transfer Information

Seller: WAGNER ARNOLD N & JACKLYN	Date: 02/17/1998	Price: \$275,000
Type: ARMS LENGTH IMPROVED	Deed1: /01389/ 00196	Deed2:
Seller: WAGNER AGENCY ET AL THE	Date: 04/04/1997	Price: \$48,000
Type: NON-ARMS LENGTH OTHER	Deed1: /01328/ 00193	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

JERRY MILES

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 003164

Owner Information

Owner Name: TR DUAL LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: C/O TED SHANK Deed Reference: /05375/ 00298
17827 VIRGINIA AVE
HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: 1370 DUAL HWY Legal Description: LOTS 17/18
HAGERSTOWN 21740-0000 BLK 8 SEC B 100X180
1370 DUAL HWY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0013 1326 10000.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1977 1,248 SF 18,000 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
RESTAURANT/ C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	324,000	324,000		
Improvements	76,900	109,900		
Total:	400,900	433,900	411,900	422,900
Preferential Land:	0	0		

Transfer Information

Seller: SHARRETT INC	Date: 11/22/2016	Price: \$405,000
Type: ARMS LENGTH IMPROVED	Deed1: /05375/ 00298	Deed2:
Seller: CALLAS M & G BACHTELL	Date: 12/11/1986	Price: \$225,000
Type: ARMS LENGTH IMPROVED	Deed1: /00829/ 00426	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

TURNER'S LANES

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 023351

Owner Information

Owner Name: TURNER DEV CO INC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 17325 VIRGINIA AVE Deed Reference: /00361/ 00027
HAGERSTOWN MD 21740-7604

Location & Structure Information

Premises Address: 1350 DUAL HWY Legal Description: PTLTS 7-14 BL-8
HAGERSTOWN 21740-0000 1.6 AC 1350 DUAL HWY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0013 0654 10000.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1958 40,950 SF 67,954 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
BOWLING ALLEY/ C3

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	1,115,100	1,115,100		
Improvements	715,500	667,900		
Total:	1,830,600	1,783,000	1,783,000	1,783,000
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

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:

SALVATION ARMY

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 002516

Owner Information

Owner Name: SALVATION ARMY THE Use: COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 747 Deed Reference: /06128/ 00250
525 GEORGE ST
HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: 1308 DUAL HWY Legal Description: LOT 5 PT 6 75X180 0.31 ACRE
HAGERSTOWN 21740-0000 1308 DUAL HWY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 303
0050 0007 0913 10000.22 0000 B 8 5 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1950 8,523 SF 0.3100 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
RETAIL STORE / C3 2000

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	216,000	216,000		
Improvements	618,200	439,900		
Total:	834,200	655,900	655,900	655,900
Preferential Land:	0	0		

Transfer Information

Seller: ALI REAL ESTATE LLC	Date: 12/05/2019	Price: \$875,000
Type: ARMS LENGTH MULTIPLE	Deed1: /06128/ 00250	Deed2:
Seller: BADERZADA QAMBAR A	Date: 06/15/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05252/ 00131	Deed2:
Seller: ROSENTHAL BROTHERS LLC	Date: 10/08/2014	Price: \$675,000
Type: ARMS LENGTH MULTIPLE	Deed1: /04839/ 00453	Deed2:

Exemption Information

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

SALVATION ARMY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 023610

Owner Information

Owner Name: SALVATION ARMY THE Use: COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 747 Deed Reference: /06128/ 00250
525 GEORGE ST
HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: 1310 DUAL HWY Legal Description: LOT 37.5 X 180
HAGERSTOWN 21740-0000 1310 DUAL HIGHWAY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0007 0944 10000.22 0000 B 8 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1956 2,448 SF 6,750 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
RETAIL STORE/ C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2022	As of 07/01/2023
Land:	108,000	108,000		
Improvements	203,200	86,500		
Total:	311,200	194,500	194,500	194,500
Preferential Land:	0	0		

Transfer Information

Seller: ALI REAL ESTATE LLC	Date: 12/05/2019	Price: \$875,000
Type: ARMS LENGTH MULTIPLE	Deed1: /06128/ 00250	Deed2:
Seller: BADERZADA QAMBAR A	Date: 06/15/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05252/ 00131	Deed2:
Seller: ROSENTHAL FAMILY PARTNERSHIP	Date: 10/08/2014	Price: \$675,000
Type: ARMS LENGTH MULTIPLE	Deed1: /04839/ 00453	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

C&R LIQUORS, ADULT STORE
TOBACCO ZONE

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 003806

Owner Information

Owner Name: JGT ENTERPRISES INC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 325 BELVEDERE COURT Deed Reference: /05848/ 00444
FALLING WATERS WV 25419-

Location & Structure Information

Premises Address: 1304 DUAL HWY Legal Description: LTS1-4 210X180 .86AC
HAGERSTOWN 21740-0000 1304 DUAL HWY

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0050	0007	0519	10000.22	0000	B	8	1 4	2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1965	10,564 SF		37,800 SF	

StoriesBasementType	ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
SHOPPING CENTER / COMMUNITY/	C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	604,800	604,800		
Improvements	1,000,000	1,000,000		
Total:	1,604,800	1,604,800	1,604,800	1,604,800
Preferential Land:	0	0		

Transfer Information

Seller: BUCZKOWSKI LLC	Date: 10/05/2018	Price: \$1,750,000
Type: ARMS LENGTH IMPROVED	Deed1: /05848/ 00444	Deed2:
Seller: CLOPPER ESTATES INC	Date: 03/03/2003	Price: \$725,000
Type: ARMS LENGTH IMPROVED	Deed1: /01944/ 00043	Deed2:
Seller: CLOPPER JOHN E SR	Date: 12/30/1992	Price: \$575,000
Type: NON-ARMS LENGTH OTHER	Deed1: /01074/ 00326	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:

PPG PAINTS

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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 007097

Owner Information

Owner Name: G W PROPERTIES LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 3213 CRESCENT PARK LANE Deed Reference: /01830/ 00463
GREER SC 29650-

Location & Structure Information

Premises Address: 1301 DUAL HWY Legal Description: LTS13/14 BL 6 .486AC
HAGERSTOWN 21740-0000 1301 DUAL HIGHWAY
1303-1305

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0007 0546 10000.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1950 7,881 SF 21,184 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
STORAGE WAREHOUSE/ C2

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	338,900	338,900		
Improvements	297,600	297,600		
Total:	636,500	636,500	636,500	636,500
Preferential Land:	0	0		

Transfer Information

Seller: FULLER MICHAEL O Date: 09/16/2002 Price: \$250,000
Type: ARMS LENGTH IMPROVED Deed1: /01830/ 00463 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: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

CAR WASH

Real Property Data Search ()
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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 019990

Owner Information

Owner Name: GHATTAS ENTERPRISES MAUGANS Use: COMMERCIAL
AVENUE LIMITED PARTNERSHIP Principal Residence: NO
Mailing Address: 13621 CRAYTON BLVD Deed Reference: /04550/ 00087
HAGERSTOWN MD 21742-0000

Location & Structure Information

Premises Address: 1317 DUAL HWY Legal Description: LTS 9 THRU 12 BL-6
HAGERSTOWN 21740-0000 240X150 IMP
1317 DUAL HWY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0007 0630 10000.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
8813 36,154 SF

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	578,400	578,400		
Improvements	623,600	623,600		
Total:	1,202,000	1,202,000	1,202,000	1,202,000
Preferential Land:	0	0		

Transfer Information

Seller: CWP DUAL LLC	Date: 05/30/2013	Price: \$2,259,500
Type: ARMS LENGTH MULTIPLE	Deed1: /04550/ 00087	Deed2:
Seller: SHARRETT RALPH L TRUSTEE	Date: 03/19/2007	Price: \$1,060,000
Type: ARMS LENGTH IMPROVED	Deed1: /03250/ 00001	Deed2:
Seller: SHARRETT RALPH L	Date: 08/08/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01352/ 00989	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	0.00	
State:	0.00	
Municipal:	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 ()
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SDR REAL ESTATE

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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 011604

Owner Information

Owner Name: SDR REAL ESTATE LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 1190 MOUNT AETNA RD Deed Reference: /01312/ 00167
HAGERSTOWN MD 21740-6833

Location & Structure Information

Premises Address: 1190 MT AETNA RD Legal Description: LTS 17-18-19 BLK 6
HAGERSTOWN 21740-0000 PTLTS 8-12 16 BLK K6
1190 MT AETNA RD 1.02 ACRES

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0050	0013	0545	10000.22	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1977	9,000 SF		44,267 SF	

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	619,700	619,700		
Improvements	131,200	131,200		
Total:	750,900	750,900	750,900	750,900
Preferential Land:	0	0		

Transfer Information

Seller: CAREY JOHN P	Date: 12/20/1996	Price: \$320,000
Type: ARMS LENGTH IMPROVED	Deed1: /01312/ 00167	Deed2:
Seller: KINSLOW NORMAN P	Date: 05/22/1986	Price: \$425,000
Type: ARMS LENGTH IMPROVED	Deed1: /00810/ 00511	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	0.00	
State:	0.00	
Municipal:	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 ()
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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 023580

Owner Information

Owner Name: MT AETNA 1185 ASSOCIATES LLP Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 1185 MOUNT AETNA RD Deed Reference: /03969/ 00302
HAGERSTOWN MD 21740-6832

Location & Structure Information

Premises Address: 1185 MT AETNA RD Legal Description: 4.072 ACRES
HAGERSTOWN 21740-0000 1185 MT AETNA ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0013 0016 10000.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1974 12,800 SF 4.0720 AC

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
OFFICE BUILDING/ C2

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	343,600	343,600		
Improvements	466,200	587,900		
Total:	809,800	931,500	850,367	890,933
Preferential Land:	0	0		

Transfer Information

Seller: MT AETNA 1185 ASSOCIATES LLP	Date: 10/25/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03969/ 00302	Deed2:
Seller: SULCHEK RONALD Z & M EUGEN MITTEL	Date: 01/23/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01385/ 00049	Deed2:
Seller: VALLEY COMPLEX INC	Date: 12/30/1986	Price: \$410,000
Type: ARMS LENGTH IMPROVED	Deed1: /00832/ 00785	Deed2:

Exemption Information

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

PUMP STATION

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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 031745

Owner Information

Owner Name: WASH CO COMMISSIONERS Use: EXEMPT COMMERCIAL
Principal Residence: NO
Mailing Address: COURT HOUSE Deed Reference: /00313/ 00352
HAGERSTOWN MD 21740

Location & Structure Information

Premises Address: 1189 MT AETNA RD Legal Description: 0.931 AC PUMPING STA
HAGERSTOWN 21740-0000 1189 MT AETNA ROAD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0050	0013	0015	10000.22	0000				2022	
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	264 SF		0.9300 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
		STORAGE WAREHOUSE/		C1			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	40,500	40,500		
Improvements	2,400	2,100		
Total:	42,900	42,600	42,600	42,600
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:	500	42,600.00	42,600.00
State:	500	42,600.00	42,600.00
Municipal:	500	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
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Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 020182

Owner Information

Owner Name:	UCHINO ITSURO J & UCHINO MARILYN B	Use:	COMMERCIAL
Mailing Address:	255 DILL AVE FREDERICK MD 21701-4905	Principal Residence:	NO
		Deed Reference:	/01555/ 00332

Location & Structure Information

Premises Address:	1401 DUAL HWY HAGERSTOWN 21740-0000	Legal Description:	LOTS 1/2/38 0.38 AC OLD MT AETNA ROAD W US RT # 40
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0050	0013	1077	10000.22	0000				2022	
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1965	4,800 SF		16,552 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			MEDICAL OFFICE BUILDING/	C3			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	264,800	264,800		
Improvements	281,100	134,100		
Total:	545,900	398,900	398,900	398,900
Preferential Land:	0	0		

Transfer Information

Seller: SACK DANIEL B	Date: 02/28/2000	Price: \$325,000
Type: ARMS LENGTH IMPROVED	Deed1: /01555/ 00332	Deed2:

Seller: SHINDLE GLENN R	Date: 02/16/1999	Price: \$300,000
Type: ARMS LENGTH IMPROVED	Deed1: /01475/ 00262	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:

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

SHEETZ, INC.

Appellant

Appeal No.: AP2023-023

* * * * *

OPINION

Sheetz, Inc. (hereinafter "Appellant") request variances to reduce the required front yard setback from 40 feet to 30 feet along Mt. Aetna Road for a proposed convenience store, to reduce the required setback from the road right-of-way from 25 feet to 10 feet along Mt. Aetna Road for a freestanding sign, and to reduce the required setback from the road right-of-way from 25 feet to 5 feet along Dual Highway for the location of a freestanding sign, all at the subject property. The subject property is located at 1333 Dual Highway, Hagerstown, Maryland and is zoned Business General. The Board held a public hearing in this matter on May 24, 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. Ghattas Enterprises Maugans Ave Limited Partnership owns the subject property located at 1333 Dual Highway, Hagerstown, Maryland. The subject property is zoned Business General.

2. Appellant is the contract lessee for the subject property and has been authorized by the owner to bring this appeal.

3. The subject property consists of three (3) parcels which are situated between the Dual Highway and Mt. Aetna Road and come to a point at the two roads' convergence. It is a narrow, triangular-shaped property with two (2) front yards and limited depth from the road frontage on either side.

4. There is a considerable change in grade from Dual Highway and Mt. Aetna Road at various points and the subject property will require significant fill and a retaining wall that will be approximately 17 feet.

5. The subject property is the site of a former auto collision and repair center, and a portion is the current location of a car and pet wash facility.

6. The owner has agreed to dedicate a 10-foot right-of-way along Mt. Aetna Road for future expansion and utility relocation.

7. Appellant conducted a traffic study for the project and based on the results, there was no recommendation for a traffic signal at the intersection of Mt. Aetna Road and Howell Road.

8. Appellant proposes to construct a Sheetz convenience store with fuel pumps at the subject property. Appellant proposes to construct two (2) signs, one along Mt. Aetna Road and another along Dual Highway.

9. The subject property was granted variance relief from the required 40-foot setback for a body shop/collision center in April 2000.¹

10. The required front yard setback from Mt. Aetna Road is 40 feet pursuant to the Zoning Ordinance.

¹ Case No. AP2000-023.

11. The required setback for a freestanding sign is 25 feet from the road right-of-way pursuant to the Zoning Ordinance.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.² “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. 502, 514 (1994).)

In the instant case, the size and shape of the parcels comprising the subject property form a narrow, irregular triangle which comes to a point between Mt. Aetna Road and Dual Highway. The effect of the convergence of these two roads, the limited depth of the property and change in elevation from Mt. Aetna Road up to Dual Highway

² “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).

make the subject property unique and complicate the bulk dimensional requirements. The location of proposed structures for the Sheetz project are dictated by the lot depth and sloping topography. The Board heard testimony from Appellant regarding the significant amount of fill that would be required and the large retaining wall to be constructed along Mt. Aetna Road. The shape, depth and topography of the subject property created practical difficulties in maintaining the required setback distances. The testimony and evidence presented by Appellant demonstrates the need for some relaxation of the setback requirements and the Board finds the variance relief should be granted.

With respect to signage, Appellant's witnesses testified that two (2) signs will be constructed, one along Mt. Aetna Road and the other along Dual Highway. Appellant noted that the same practical difficulties exist for locating the signs. With respect to the Dual Highway sign, the relief requested is only that which is necessary to locate the sign consistent with other signs along the Dual Highway corridor. The second sign along Mt. Aetna Road is for traffic that will be traveling below the subject property and where the view of the property and the Dual Highway sign may be blocked. Again, given the narrowness and limited depth of the property, it would be difficult, if not impossible to fully comply with the setback requirements for signage. Based on the testimony and evidence, the Board believes that variance relief is necessary for the construction of the freestanding signs.

Accordingly, the request for a variance to reduce the required front yard setback from 40 feet to 30 feet along Mt. Aetna Road for a proposed convenience store at the subject property is GRANTED, by a vote of 5-0. The request for a variance to reduce the required setback from the road right-of-way from 25 feet to 10 feet along Mt. Aetna Road for a freestanding sign at the subject property is GRANTED, by a vote of 4-1. The request for a variance to reduce the required setback from the road right-of-way from 25 feet to 5

feet along Dual Highway for the location of a freestanding sign at the subject property is GRANTED, by a vote of 3-2. 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 23, 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.