BOARD OF APPEALS

June 7, 2023

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

AGENDA

AP2023-022: Appeal rescheduled for the June 21st agenda.

AP2023-024: An appeal was filed by Shannon Cantrill for a special exception to establish a banquet/reception facility in accordance with justification statement with new banquet facility to be constructed on property owned by Shannon Cantrill and Edward Evans and located at 15542 Broadfording Road, Hagerstown, Zoned Agricultural Rural. - **DENIED**

AP2023-025: An appeal was filed by Alfredo Alvarado & Roxana Navida Diaz for a variance from the required 100 ft. setback requirement for animal husbandry structure to 0 ft. from the right side yard and rear yard property line and 50 ft. for the left side yard for chicken coop on property owned by the appellant and located at 11004 Lincoln Avenue, Hagerstown, Zoned Residential Urban. - **GRANTED WITH CONDITIONS**

AP2023-026: An appeal was filed by Robert & Patricia Ford for a variance from the 100 ft. setback requirement for animal husbandry structure to 60 ft. from the North property line, 80 ft. from the South property line, and 43 ft. from the West property line for a chicken coop on property owned by the appellant and located at 19016 Longmeadow Drive, Hagerstown, Zoned Residential Suburban. -GRANTED WITH CONDITIONS

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 29, 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

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

ZONING APPEAL

Property Owner: Appellant:	15542 Broadfording Ro Clear Spring MD 21722 Shannon Cantrill 15542 Broadfording Ro	Shannon Cantrill & Edward Evans 15542 Broadfording Road Clear Spring MD 21722 Shannon Cantrill 15542 Broadfording Road Clear Spring MD 21722		Docket No: Tax ID No: Zoning: RB Overlay: Zoning Overlay: Filed Date: Hearing Date:	AP2023-024 23011069 A(R) No 05/08/2023 06/07/2023
Property Location:	15542 Broadfording Ro Clear Spring, MD 21722				
Description Of Appe	beal: Special exception to establish banquet/rec statement with new banquet facility to be				accordance with justification
Appellant's Legal Interest In Above Property:		Owner:	Yes	Contract to Rent/Lease:	No
		Lessee:	No	Contract to Purchase:	No
		Other:			
Previous Petition/Ap	peal Docket No(s):				
Applicable Ordinance	e Sections:	Washing	Washington County Zoning Ordinance Section: 3.3(1) B and 28A		
Reason For Hardship:					
If Appeal of Ruling, Date Of Ruling:					
Ruling Official/Agency:					
Existing Use: Residential		Propose	ed Use:	Banquet/Recept	ion Facilitiy
Previous Use Ceased For At Least 6 Months:				Date Ceased:	
Area Devoted To Non-Conforming Use -		Existing Propose			

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

Curer

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this Kathryn B Rathvon NOTARY PUBLIC WASHINGTON COUNTY MARYLAND MYCGIAMISBIBNIDOPIERD WOKEMBER 07, 2025

day of 20 2

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: AP2023-024

State of Maryland Washington County, To Wit:

On 5/8/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Shannon Cantrill and made oath in due form of law as follows:

Shannon Cantrill 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 06/07/2023, 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 05/23/2023 and will remain until after the above hearing date.

Shannon Cantrill

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

Kathryn B Rathvon PUBLIC IGTON COUNT MARYLAND MY COMMISSION EXPIRES NOVEMBER 07, 2025

Notary Public

My Commission Expires

Seal



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Shannon Cantrill is authorized to file an appeal with the Washington County Board of Appeals for for a special exception to establish banquet/reception facility on property located 15542 Broadfording Road Clear Spring Maryland 21722 The said work is authorized by Edward Evans the property owner in fee. **PROPERTY OWNER** Edward EVANS Name 15542 Broadtording Address <u>City</u>, State, Zip Code 91299 Owner's Signature Sworn and subscribed before me this day of 20 📈 Notary Public My Commission Expires: AUTHORIZED REPRESENTATIVE Kathryn B Rathvon NOTARY PUBLIC WASHINGTON COUNTY MARYLAND MY COMMISSION EXPIRES NOVEMBER 07, 2025 Address City, State. Zip Code Authorized Representative's Signature 2023 Sworn and subscribed before me this day of Notary Public My Commission Expires: 747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1 Kathryn B Rathvon NOTARY PUBLIC WASHINGTON COUNTY MARYLAND WWW.WASHCO-MD.NET MY COMMISSION EXPIRES NOVEMBER 07, 2025

BOARD OF APPEALS OF WASHINGTON COUNTY

Application of: * Case No. AP2023-024 Shannon Cantrill * Applicant *

JUSTIFICATION STATEMENT

Shannon Cantrill, Applicant, by William C. Wantz, her attorney, submits this Justification Statement supporting her application for a special exception to establish a banquet/reception facility.

The Property

The Applicant and Edward Evans own a parcel of land comprised of approximately 38.83 acres situate along the north side of Broadfording Road. Mr. Evans has provided an affidavit authorizing the Applicant to apply for the special exception. The property is occupied by Cory Hemp and his family, who will manage the proposed use. The land is currently zoned A(R) (Agricultural, Rural) under §3.3(1)(b) of the Washington County Zoning Ordinance.

The Proposal

If approved, the Applicant and Mr. Hemp intend to design, construct and establish and manage a newly constructed banquet and reception venue and accessory pavilion. No existing structures are expected to remain in singlefamily residential use.

Construction will be new and subject to compliance with applicable building codes. Fire protection and adequate access via a newly constructed access lane extending to the use from the existing gravel driveway will be integral to the site plan.

The proposed use is expected to be in accordance with the purpose of the Agricultural Rural zoning district and the Washington County Zoning Ordinance generally:

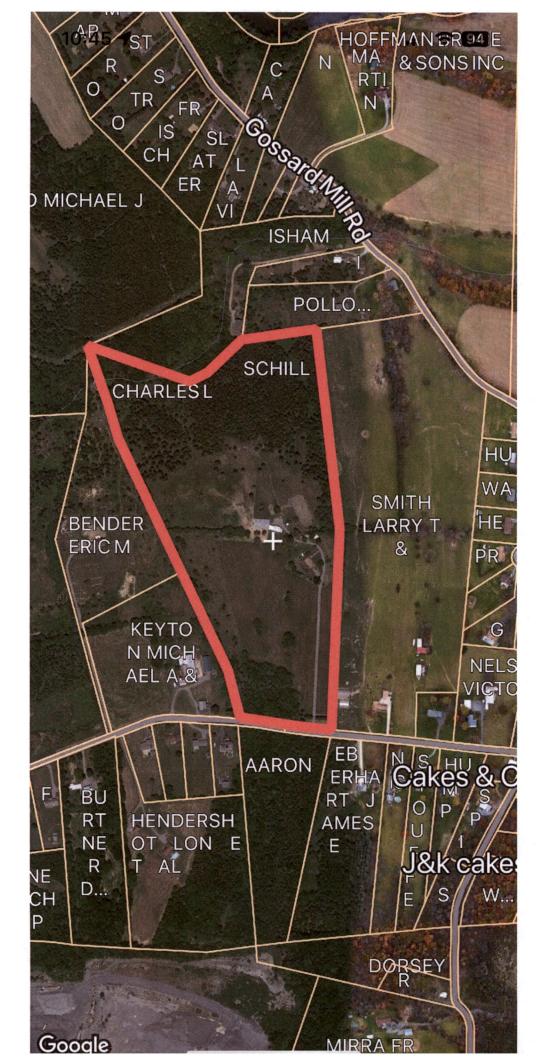
"Section 5A.0 Purpose

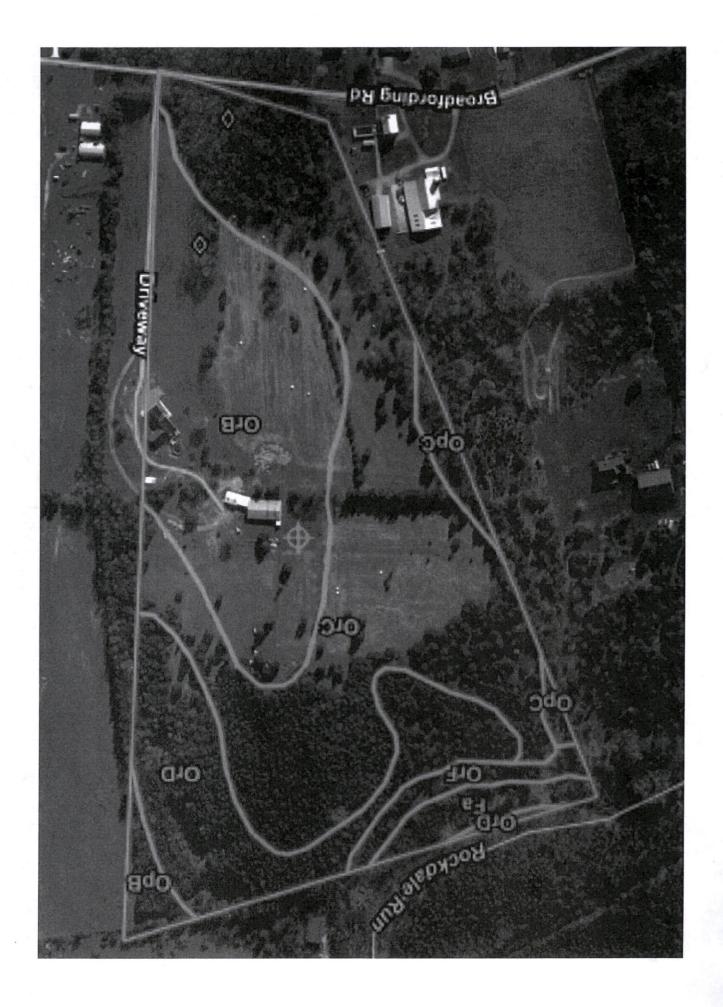
The purpose of this district is to provide for continued farming activity and the many uses that do not require public water and sewerage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County. The Agricultural zoning district has been purposely drawn to enclose large blocks of the best soils for intensive agricultural production as well as gently rolling topography for farming. Most of the operating farms as well as the largest block of farmland preserved through the Agricultural Preservation Program is located in this area." Ordinance, §5A.0

The property is not well-suited to agricultural production. Soil data submitted confirms that over 90% of the parcel is quite rocky with extensive outcrops.

The proposed use does not require public water or sewerage.

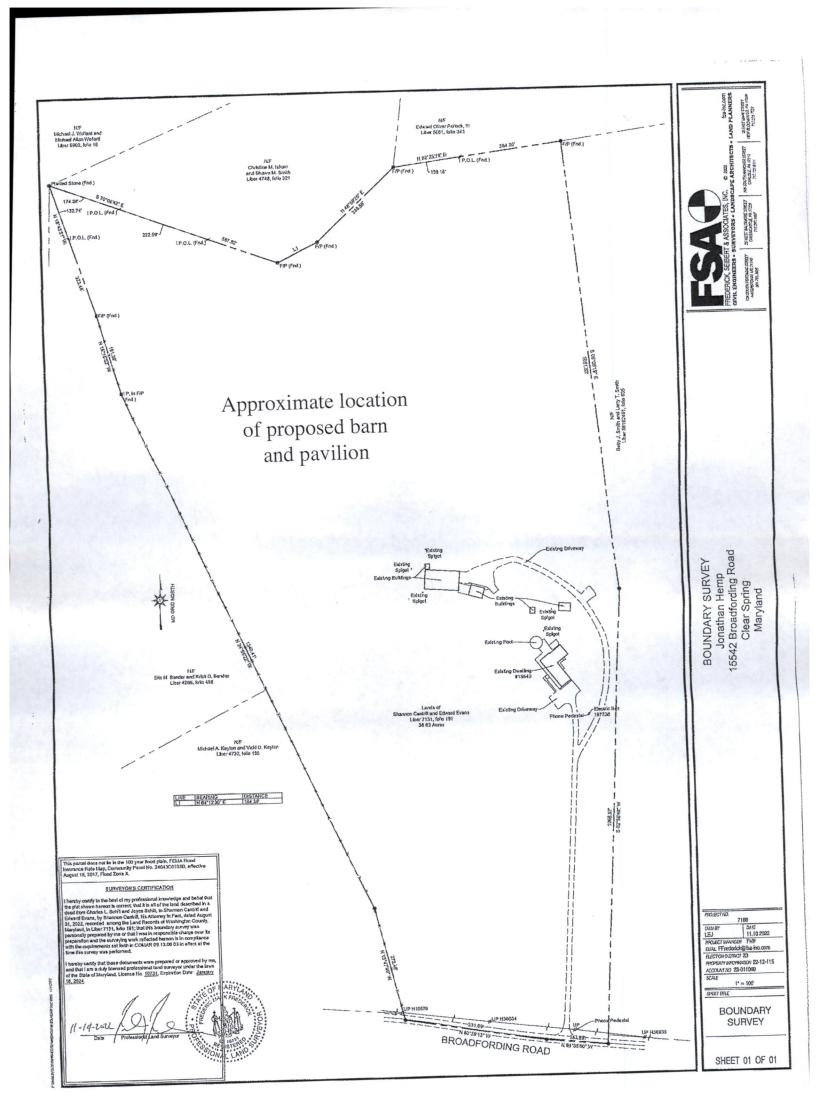
The use is well-positioned in a rural-agricultural setting to contribute to Washington County's rural commerce.





Washin (MD04)	gton County, Mary 3)	/land	8
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Fa	Fairplay silt loam, 0 to 3 percent slopes	1.0	2.9%
ОрВ	Opequon silty clay loam, 3 to 8 percent slopes	0.7	1.9%
ОрС	Opequon silty clay loam, 8 to 15 percent slopes	0.8	2.2%
OrB	Opequon-Rock outcrop complex, 3 to 8 percent slopes	10.3	29.0%
OrC	Opequon-Rock outcrop complex, 8 to 15 percent slopes	16.3	45.8%
OrD	Opequon-Rock outcrop complex, 15 to 25 percent	5.6	15.8%
	slopes		
OrF	Opequon-Rock outcrop complex, 25 to 65 percent slopes	0.9	2.5%
Totals	for Area of	35.7	100.0%

ŕ





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

MY COMMISSION EXPIRES NOVEMBER O7 2025

ZONING APPEAL

Property Owner:	Roxana Y Navida Diaz		Docket No:	AP2023-025
	Alfredo Lainez Alvarado	0	Tax ID No:	26030242
	11004 Lincoln Avneue			
	Hagerstown MD 21740)	Zoning:	RU
Appellant:	Roxana Diaz		RB Overlay:	No
	11004 Lincoln Avenue		Zoning Overlay:	
	Hagerstown MD 21740)	Filed Date:	05/11/2023
			Hearing Date:	06/07/2023
Property Location:	11004 Lincoln Avenue			
	Hagerstown, MD 21740)		
Description Of Appeal	Variance from the requ	ired 100 ft. setback	requirement for a	animal husbandry structure to
		ard and rear yard pr	operty line and 50	0 ft. for the left side yard for
	chicken coop.			
			Contract to	
Appellant's Legal Interest In Above Property:		Owner: Yes	Contract to Rent/Lease:	No
		Lessee: No	Contract to Purchase:	No
		Other:		
Previous Petition/App	eal Docket No(s):			
Applicable Ordinance	Sections:	Washington County Zoning Ordinance Section 22.94 (a) $\&$ 9.5 (a)		
Reason For Hardship:	Size of lot			
If Appeal of Ruling, Date Of Ruling:				
Ruling Official/Agency	:			
Existing Use: Sin	gle Family Dwelling	Proposed Use:	Animal Husband	ry (Chicken Coop)
Previous Use Ceased F	or At Least 6 Months:		Date Ceased:	
Area Devoted To Non-	Conforming Use -	Existing:		
		Proposed:		

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this _____ day of ______

,20 23.



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: AP2023-025

Seal

State of Maryland Washington County, To Wit:

On 5/11/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Roxana Diaz and made oath in due form of law as follows:

Roxana Diaz 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 06/07/2023, 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 05/23/2023 and will remain until after the above hearing date.

Roxana Diaz

Notary Public

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

B Rathvon athr RY PUBLIC INGTON COUNTY ARYLAND MY COMMISSION EXPIRES NOVEMBER 07, 2025

My Commission Expires



BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742 | E 240.313.2430 | 240.313.2461 | Demonstrate Exposured

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 11004 Lincoln Avenue Hagerstown

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

_x__ 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 22.94 (a)

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

Minimum building setback of 100 ft. from the property line or public road right-of-way

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

Redution of rear and right side yard setback to 0ft. and to 50 ft. for the left side yard setback

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

Provide Detailed Explanation on Separate Sheet

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

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.

Signature of Appellant

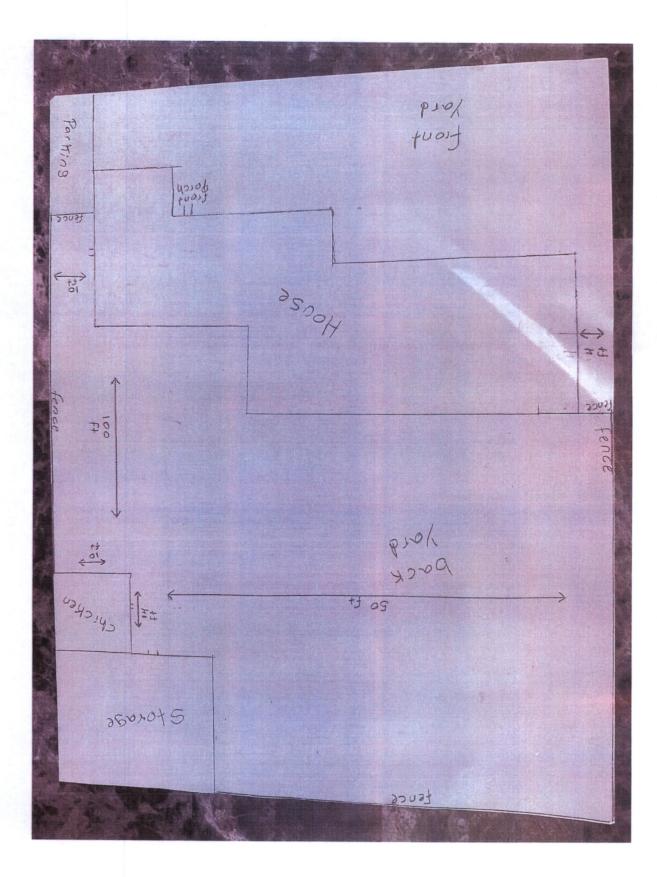
Address and of Appellant

Email of Appellant

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.

Revised May 24, 2022



Washington County Zoning Review Map





Real Property Data Search () Search Result for WASHINGTON COUNTY

View Map	iew Map View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture	: None			
Account Identifier:	District - 26 Account	Number - 030242		
	Owner	Information		
Owner Name:	NAVIDAD ROXANA Y ALVARADO ALFREDI		RESIDENTIAL	
Mailing Address:	11004 LINCOLN AVE HAGERSTOWN MD 2	a con rear or arrow.	/06772/ 00338	
	Location & Str	ucture Information		
Premises Address:	11004 LINCOLN AVE HAGERSTOWN 2174		n: LOT 91 PT 92 60X190 11004 LINCOLN AVE	
Map: Grid: Parcel: N	eighborhood: Subdivision:	Section: Block: Lot: Asse	ssment Year: Plat No:	
0049 0019 0168 26	6010518.22 0000	2023	Plat Ref:	
Town: None				
Primary Structure Buil	It Above Grade Living Area F	inished Basement Area Prope	erty Land Area County Use	
1940	1.219 SF	11,40		
StoriesBasementType	,	IVHalf BathGarage Last No ull 1 Detached	tice of Major Improvements	
	Value I	nformation		

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	55,700	55,700		
Improvements	68,700	147,700		
Total:	124,400	203,400	124,400	150.733
Preferential Land:	0	0		

Transfer Information

Seller: SEAL BEVERLY	Date: 09/28/2021	Price: \$217,000
Type: ARMS LENGTH IMPROVED	Deed1: /06772/ 00338	Deed2:
Seller: WAGNER ERNA G	Date: 03/30/2016	Price: \$140,500
Type: NON-ARMS LENGTH OTHER	Deed1: /05191/ 00154	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00272/ 00703	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:



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: Appellant:	Robert & Patricia Ford 19016 Longmeadow Road Hagerstown MD 21742 Robert Ford 19016 Longmeadow Road Hagerstown MD 21742		Docket No: Tax ID No: Zoning: RB Overlay: Zoning Overlay: Filed Date: Hearing Date:	AP2023-026 27009980 RS No 05/18/2023 06/07/2023	
Property Location:	19016 Longmeadow Ro Hagerstown, MD 21742				
Description Of Appeal: Variance from the 100 ft. setback requirement for animal husbandry structure to 60 from the North property line, 80 ft. from the South property line, and 43 ft. from the property line for a chicken coop.					
Appellant's Legal Intere	Owner:	Yes	Contract to Rent/Lease:	No	
		Lessee:	No	Contract to Purchase:	No
		Other:			
Previous Petition/Appe	al Docket No(s):				
Applicable Ordinance S	ections:	Washing	Washington County Zoning Ordinance Section: 22.94(a) & 8.5 (a)		
Reason For Hardship:	Due to size and shape of	of propert	:y		
If Appeal of Ruling, Date	e Of Ruling:				
Ruling Official/Agency:					
Existing Use: Sing	le Family Dwelling	Propose	d Use:	Animal Husband	ry (Chicken Coop)
Previous Use Ceased For At Least 6 Months:				Date Ceased:	
Area Devoted To Non-C	Conforming Use -	Existing: Propose			

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this

day of 20

Kathryn B Rathvon NOTARY PUBLIC GTON M MC COMMISSION E RES NOVEMBER 07, 2025

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: AP2023-026

State of Maryland Washington County, To Wit:

On 5/18/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Robert Ford and made oath in due form of law as follows:

Robert Ford 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 06/07/2023, 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 05/23/2023 and will remain until after the above hearing date.

Kit /

Robert Ford

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

Notary Public Kathryn B Rathvon NOTARY PUBLIC SHINGTON COUNTY MARYLAND MY COMMISSION EXPIRES NOVEMBER 07, 2025

Seal

My Commission Expires

April 24, 2023

Kathryn B. Rathvon Division of Planning & Zoning 747 Northern Avenue Hagerstown, MD 21742

Dear Ms. Rathvon,

We are writing you to discuss the zoning requirements and requesting approval for variances needed for maintaining no more than twelve laying chickens on the property at 19016 Longmeadow Road in Hagerstown (parcels #27009980 and #27009999).

We plan to place the chicken coop on the West side of the house. This placement meets or exceeds the 100ft setback requirement to the East property line, is approximately 60ft from Longmeadow Road to the North, and 80ft from the property line to the South. To the West, the placement will be 43ft to parcel #27009999 and an additional 60ft to the neighboring property line. This parcel, while under our ownership, will never be developed as it is too small and sits too low. We are unable to meet the required setback on the North (road), West, and South portions of the property due to the size and shape of the property as it is wide from East to West but narrow from North to South. Our desired placement of the chicken coop, while unable to fully meet the setback requirements to each property line, is substantially farther from any residential structure. We are requesting your approval of these variances as we believe this placement is reasonable in effectively mitigating any issues with neighboring properties.

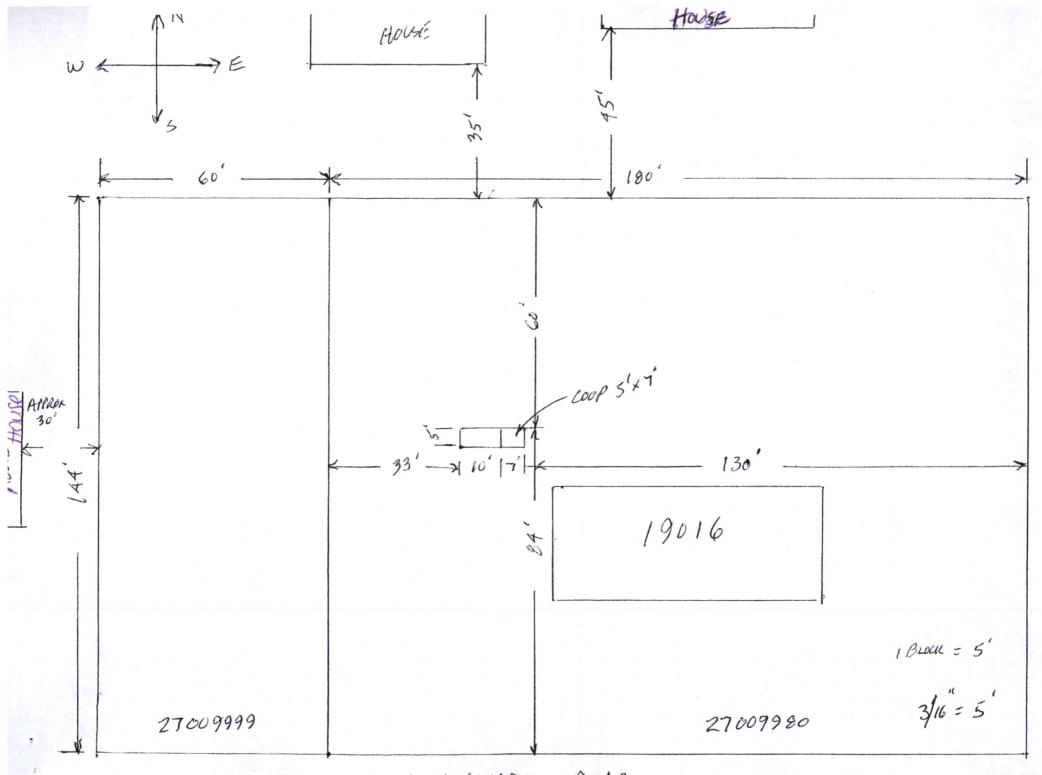
Our reasons for wishing to maintain chickens on the property are two-fold. The first of which is that we enjoy fresh and homegrown foods and recent increases in egg prices make this a more cost-effective alternative for our family. More importantly, my granddaughter Abby suffers from Autism Spectrum Disorder (ASD). Caring for and nurturing animals is an effective calming mechanism for Abby as well as a tool for her to continue to develop and grow as an individual. Allowing Abby the capability to work with her mother, Allison, to care for the chickens would provide significant therapeutic benefits as well as valuable occupational skills to an amazing young individual. Should you have any questions surrounding Abby's diagnosis or special needs, please feel free to contact her services coordinator Carrie Keebaugh (Service Access & Management Inc) at 717-977-7615.

We respectfully request your consideration to approve the setback variances in order to allow for the maintenance of chickens on the property based upon our explanation above.

Sincerely.

Robert H. Ford Jr. (resident homeowner)

Allison A. Ford (non-resident caretaker)



5.00

LONGMEADOW ROAD













