

BOARD OF APPEALS

June 21, 2023

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

AGENDA

AP2023-022: An appeal was filed by Dominion Realty LLC for a variance from the required 20 parking spaces to 17 spaces for future warehouse, retail, and office use on parcel improved with retail shopping center on property owned by the appellant and located at 18113 Maugans Avenue, Hagerstown, Zoned Highway Interchange.- **GRANTED**

AP2023-027: An appeal was filed by Kehoe Realty LLC for a variance from the required 40 ft. front yard setback to 20 ft. for proposed new structure on property owned by the appellant and located at 1221 Security Road, Hagerstown, Zoned Residential Suburban.- **GRANTED**

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than June 12, 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: Dominion Realty LLC
14627 Cearfoss Pike
Hagerstown MD 21740
Appellant: Dominion Realty LLC
18113 Maugans Avenue
Suite 101
Hagerstown MD 21740
Property Location: 18113 Maugans Avenue, Suite# TBD
Hagerstown, MD 21740
Description Of Appeal: Variance from the required 20 parking spaces to 17 for future warehouse, retail, and office use on property improved with retail shopping center.

Docket No: AP2023-022
Tax ID No: 13010757
Zoning: HI
RB Overlay: No
Zoning Overlay:
Filed Date: 05/04/2023
Hearing Date: 06/21/2023

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): AP2019-015
Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.12 (b)

Reason For Hardship: Unusual and unique shape of the property
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:

Existing Use: Retail Shopping Center Proposed Use: Additional Retail/Office and Warehouse Use
Previous Use Ceased For At Least 6 Months: Date Ceased:
Area Devoted To Non-Conforming Use - Existing:
Proposed:

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

[Handwritten Signature]
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 1 day of June, 2023.

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

[Handwritten 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: AP2023-022

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 Frederick, Seibert & Associates Inc and made oath in due form of law as follows:

Frederick, Seibert & Associates Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/21/2023, 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 06/06/2023 and will remain until after the above hearing date.



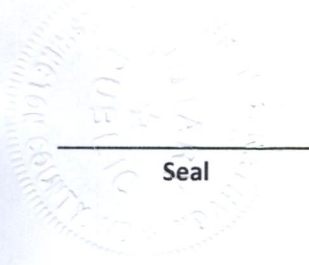
Frederick, Seibert & Associates Inc

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



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

Notary Public



Seal

My Commission Expires



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that ED SCHREIBER, FSA is authorized to file an appeal with the Washington County Board of Appeals for PARKING VARIANCE on property located 18113 MAUGANS AVE, HAGERSTOWN MD 21740 The said work is authorized by DOMINION REALTY, LLC c/o MICHAEL GODINEZ the property owner in fee.

301-800-7446

PROPERTY OWNER DOMINION REALTY, LLC c/o MICHAEL GODINEZ Name 18113 MAUGANS AVE, SUITE 101 Address HAGERSTOWN, MD 21740 City, State, Zip Code [Signature] Owner's Signature

Sworn and subscribed before me this 2 day of May, 2023.

[Signature] Notary Public



My Commission Expires: 9/15/2024

AUTHORIZED REPRESENTATIVE ED SCHREIBER, FSA Name FSA 128 S. POTOMAC ST Address HAGERSTOWN, MD 21740 City, State, Zip Code [Signature] Authorized Representative's Signature

Sworn and subscribed before me this 2 day of May, 2023.

[Signature] Notary Public



My Commission Expires: 9/15/2024

Project Name: Dominion Realty, LLC

Owner/Applicant: Dominion Realty, LLC c/o Michael Godinez

Project Address: 18113 Maugans Ave, Hagerstown, MD 21740

Tax Map 243 Grid _____ Parcel 1378

Account # 13010757

Zoning: HI

Variance request: The applicant is requesting a parking reduction of the required 20 spaces to 17 spaces. The new building requiring the parking is comprised of the following:

Warehouse: 4,994 Square Feet

Retail: 2,000 Square Feet

Office: 1,800 Square Feet

This variance is from section 22.12(b) of the Washington County Zoning Ordinance.

The owner/applicant will demonstrate "Practical Difficulty" due to the unusual and unique shape of the property. Please see previous case AP 2019-015.

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

MICHAEL GODINEZ

Appeal No. AP2019-015

Appellant

OPINION

This appeal is a request for a variance to reduce the minimum required parking from 52 parking spaces to 21 parking spaces, and a variance to reduce setback for a freestanding sign from 25 feet to 10 feet at the subject property. The subject property is located at 18113 Maugans Avenue, Hagerstown, Maryland; is owned by Caleb Martin; and is zoned Highway Interchange (HI). The Board held a public hearing on the matter on June 12, 2019.

Findings of Fact

Based upon the testimony given, all information and evidence presented, and upon a study of the specific property involved and the neighborhood in which it is located, the Board makes the following findings of fact:

1. Appellant is the contract purchaser of the subject property, located at 18113 Maugans Avenue, Hagerstown, Maryland.
2. The property consists of a large industrial/commercial type building and 13 existing parking spaces.
3. Appellant proposes to construct a 4,480 square foot addition to increase the size of the building for three segmented uses. There will be a 2,000 square foot section

for a reptile and aquatics store. There will be a 3,000 square foot section devoted to Appellant's E-commerce garden supply store for inventory storage. The remaining area will be used as a small storefront for the minimal in-store traffic. Appellant also plans to pave the parking area and improve the aesthetics of the property.

4. There will be very little destination traffic to the subject property, with much of the business being conducted online.

5. With the proposed addition to the building, the new site design calls for 21 parking spaces.

6. There was no opposition presented to this request.

Rationale

This 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). After presenting testimony and evidence but prior to deliberations, Appellant withdrew his variance request related to the setback for a freestanding sign. Thus, the

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).

Board is left to consider Appellant's lone variance request to reduce the minimum required parking spaces at the subject property.

"'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions." *North v. St. Mary's Cnty.*, 99 Md. App. 502, 514 (1994).) In this case, the subject property has an extremely irregular and definitively unique shape. It is located along a significant curve in the roadway which further limits the site design and location of buildings. Appellant did not construct the building currently on the subject property nor did he cause the strange configuration of the property lines.

The Appellant has demonstrated a practical difficulty if variance relief is not granted. Appellant is correct that under the current Ordinance requirements, he would need 51 parking spaces to comply with the added square footage to the building. Appellant is able to create 21 parking spaces while keeping his expansion design. It is likely that this increase in parking spaces is unnecessary for the expected visitor volumes to the businesses, and thus far exceeds the actual minimum capacity standards.² The relaxation of the setback requirements affords Appellant the necessary relief and avoids the unreasonable and unfair result of limiting what is otherwise a permitted use of the subject property. For all these reasons, we conclude that the grant of variance relief

² The minimum requirements for parking spaces often do not take into consideration actual use of the property. Although Appellant's business and the reptile and aquatics store are permitted uses which were implicitly contemplated when devising the parking requirements, their character as online retail businesses with limited destination customers was clearly not envisioned.

secures public safety and welfare and upholds the spirit of the Ordinance.

Accordingly, the request for a variance to reduce the minimum required parking spaces from 52 spaces to 21 spaces at the subject property is hereby GRANTED by a vote of 4-1.

BOARD OF APPEALS

By: Paul Fulk, Chair

Date Issued: July 9, 2019

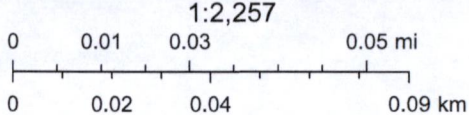
Frederick Seibert & Associates, Inc.



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

Web AppBuilder for ArcGIS

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 010757

Owner Information

Owner Name: DOMINION REALTY LLC Use: COMMERCIAL
 Mailing Address: 14627 CEARFOSS PIKE Principal Residence: NO
 HAGERSTOWN MD 21740-0000 Deed Reference: /06017/ 00226

Location & Structure Information

Premises Address: 18113 MAUGANS AVE Legal Description: 1.21 ACRES
 HAGERSTOWN 21740-0000 18113 MAUGANS AVE
 MAUGANSVILLE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: M790
 0243 0000 1378 30000.22 0000 2021 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	10,432 SF		1.2100 AC	

StoriesBasementType	ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
STORAGE WAREHOUSE/	C3 2020

Value Information

	Base Value	Value		
		As of 01/01/2021	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	211,800	211,800		
Improvements	368,200	370,600		
Total:	580,000	582,400	581,600	582,400
Preferential Land:	0	0		

Transfer Information

Seller: MARTIN CALEB H	Date: 07/12/2019	Price: \$365,000
Type: ARMS LENGTH IMPROVED	Deed1: /06017/ 00226	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00561/ 00235	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 002819

Owner Information

Owner Name: BOARD OF EDUCATION OF WASHINGTON COUNTY **Use:** EXEMPT COMMERCIAL
Mailing Address: 10435 DOWNSVILLE PIKE HAGERSTOWN MD 21740-0000 **Principal Residence:** NO
Deed Reference: /02172/ 00488

Location & Structure Information

Premises Address: 18145 MAUGANS AVE HAGERSTOWN 21740-0000 **Legal Description:** 28.49 ACRES
 18145 MAUGANS AVE
 MAUGANSVILLE ELEM SCHOOL

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 9671
 0024 0015 0514 30000.22 0000 2021 **Plat Ref:**

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2008 91,586 SF 28,490 AC

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 ELEMENTARY SCHOOL / C5

Value Information

	Base Value	Value		
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023
Land:	2,136,700	2,136,700		
Improvements	16,691,800	16,884,400		
Total:	18,828,500	19,021,100	18,956,900	19,021,100
Preferential Land:	0	0		

Transfer Information

Seller: CHARLTON CORA M **Date:** 10/30/2003 **Price:** \$515,000
Type: ARMS LENGTH IMPROVED **Deed1:** /02172/ 00488 **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: 440 18,956,900.00 19,021,100.00
State: 440 18,956,900.00 19,021,100.00
Municipal: 440 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 000948

Owner Information

Owner Name: LONG KEITH J & KIMBERLY S Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 13803 SUNRISE DR Deed Reference: /01640/ 00556
 HAGERSTOWN MD 21740-1602

Location & Structure Information

Premises Address: 13803 SUNRISE DR Legal Description: LTS 11&12 0.63 AC
 HAGERSTOWN 21740-0000 13803 SUNRISE DRIVE
 MAUGANSVILLE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0243 0005 1384 13020333.22 0000 11 12 2023 27,325 SF Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1957 1,792 SF 27,325 SF

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 YES STANDARD UNITBRICK/ 4 1 full/ 1 half 1Att/1Det

Value Information

	Base Value	Value	Phase-In Assessments	
			As of	As of
Land:	56,800	56,800	07/01/2022	07/01/2023
Improvements	191,900	292,600		
Total:	248,700	349,400	248,700	282,267
Preferential Land:	0	0		

Transfer Information

Seller: LONG KEITH J & KIMBERLY S Date: 03/30/2001 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01640/ 00556 Deed2:
 Seller: LONG KEITH J & Date: 10/02/2000 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /01601/ 00312 Deed2:
 Seller: MARTIN DEAN E & DARLENE F Date: 06/16/1997 Price: \$114,900
 Type: ARMS LENGTH MULTIPLE Deed1: /01342/ 00147 Deed2:

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 05/15/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 033595

Owner Information

Owner Name: WASH CO COMMISSIONERS BOARD OF Use: EXEMPT
 Principal Residence: NO
 Mailing Address: 100 W WASHINGTON ST Deed Reference: /04479/ 00053
 HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: SENECA RIDGE DR Legal Description: SWM AREA #2 1.0383 ACRES
 HAGERSTOWN 21740-0000 SENECA RIDGE DRIVE
 SENECA RIDGE SUBDIVISION

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10166
 0024 0009 1191 13020347.22 0186 SWM2 2023 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			1.0383 AC	000000

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	As of
		01/01/2023	07/01/2022	07/01/2023	
Land:	0	0			
Improvements	0	0			
Total:	0	0	0	0	
Preferential Land:	0	0			

Transfer Information

Seller: MAGNUM CENTER LLC	Date: 02/28/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04479/ 00053	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01906/ 00458	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	502	0.00	0.00
State:	502	0.00	0.00
Municipal:	502	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 011133

Owner Information

Owner Name: WASH CO COMMISSIONERS BOARD OF Use: EXEMPT
 Principal Residence:NO
Mailing Address: 100 W WASHINGTON ST Deed Reference: /04479/ 00053
 HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: MAUGANS AVE Legal Description: SWM AREA #1 1.9976 ACRES
 HAGERSTOWN 21740-0000 MAUGANS AVE
 E/S MAUGANSVILLE RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10166
 0243 0012 1190 13010330.22 0000 SWM 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1.9976 AC

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

/

Value Information

	Base Value	Value		
		As of	As of	As of
Land:	0	01/01/2023	07/01/2022	07/01/2023
Improvements	0			
Total:	0	0	0	0
Preferential Land:	0			

Transfer Information

Seller: MAGNUM CENTER LLC	Date: 02/28/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04479/ 00053	Deed2:
Seller: HORST NORMAN A & LOIS H	Date: 01/12/2004	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /02230/ 00091	Deed2:
Seller: MARTIN CHARLES E & SARAH	Date: 12/04/1989	Price: \$93,750
Type: NON-ARMS LENGTH OTHER	Deed1: /00936/ 01023	Deed2:

Exemption Information

Partial Exempt Assessments:Class		07/01/2022	07/01/2023
County:	502	0.00	0.00
State:	502	0.00	0.00
Municipal:	502	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 008620

Owner Information

Owner Name: INTERNATIONAL UNION UNITED Use: COMMERCIAL
 Principal Residence: NO
 Mailing Address: 18131 MAUGANS AVENUE Deed Reference: /00523/ 00030
 HAGERSTOWN MD 21740-1664

Location & Structure Information

Premises Address: MAUGANS AVE Legal Description: 3.03 ACRES SW/S
 MAUGANSVILLE 21767-0000 MAUGANSVILLE SCHOOL RD
 MAUGANSVILLE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0243	0000	1376	30000.22	0000				2021	
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1981	8,661 SF		131,986 SF	

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

Value Information

	Base Value	Value	Phase-in Assessments	
			As of	As of
Land:	757,500	757,500	07/01/2022	07/01/2023
Improvements	374,500	402,300		
Total:	1,132,000	1,159,800	1,150,533	1,159,800
Preferential Land:	0	0		

Transfer Information

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

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



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: Kehoe Realty LLC
6390 Riding Horse Drive
Mt Airy MD 21771
Appellant: Kehoe Realty LLC
6390 Riding Horse Drive
Mt. Airy MD 21771
Property Location: 1221 Security Road
Hagerstown, MD 21742
Docket No: AP2023-027
Tax ID No: 18016613
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 06/01/2023
Hearing Date: 06/21/2023

Description Of Appeal: Variance from the required 40 ft. front yard setback to 20 ft. for proposed new structure.

Appellant's Legal Interest In Above Property: Owner: Yes
Contract to Rent/Lease: No
Lessee: No
Contract to Purchase: No
Other:

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance Section 8.5 (a)

Reason For Hardship: Unique and unusual shape of property due to nature of the surrounding properties and Antietam Creek/floodplain buffering.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Bar & Grill/Restaurant Proposed Use: Bar & Grill/Restaurant

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

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

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

[Handwritten signature of Appellant]

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 1 day of June, 2023.

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

[Handwritten signature of Notary Public]

Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2023-027

State of Maryland Washington County, To Wit:

On 6/1/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Kehoe Realty LLC and made oath in due form of law as follows:

Kehoe Realty LLC will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 06/21/2023, 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.

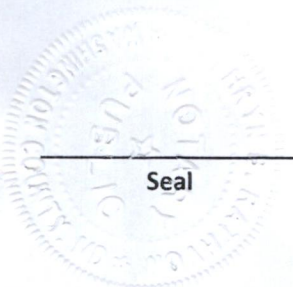
Sign(s) will be posted on 06/06/2023 and will remain until after the above hearing date.

Kehoe Realty LLC

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

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

Notary Public



Seal

My Commission Expires



BOARD OF ZONING APPEALS

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

7-1-1 WWW.WASHCO-MD.NET

Appeal for Variance

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

Location 1221 Security Rd. Hagerstown, MD 21740 Property ID: 18-016613

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 8.5 - Minimum Front Yard Depth

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

Min. Front Yard Required - 40' Proposed - 20'

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

See attached.

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

Provide Detailed Explanation on Separate Sheet

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

Yes No

If yes, list docket number(s): _____

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 *[Signature]* 11125 Bemisderfer Rd.
Attorney For Greencastle, PA 17225
Email of Appellant *jdive@bisco-div.com* Kehoe Realty, LLC Address and of Appellant
717-593-7200
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.

May 31, 2023

Washington County Board of Appeals
80 W. Baltimore Street
Hagerstown, MD 21740

Re: Request for Variances: +/- 2.66 ac. located at 1221 Security Road, Hagerstown, MD 21740 (TM 38; Parcel 678; Tax ID No. 18-016613) (the "Property")

Dear Board Members:

KEHOE REALTY LLC, a Maryland limited liability company (the "**Applicant**") hereby requests a variance from the Washington County Zoning Ordinance (the "**Ordinance**") as follows:

Min. Front Yard: 40' requirement : 20' proposed

Summary

The Applicant purchased the Property in August '22 and is in the process of planning a comprehensive renovation to the Property that will require a complete tear-down and rebuilding of the existing building and improvements (collectively, the "**Project**"). A conceptual site plan for the Project is attached.

Although the subject Property is currently improved with the Creekside Bar & Grill (and has been for at least 30+ years), it is zoned RS (Residential, Suburban). See attached, labeled Zoning Map.

As such, the Applicant is in the process of confirming with the Planning Director that the existing use is a legal, nonconforming use entitled to continue operating on the Property. Once confirmed, the applicable Min. Front Yard Depth will be 40' pursuant to § 8.5 of the Zoning Ordinance.

As shown on the Site Plan, the current building currently sits on (and possibly even slightly over) the front Property line abutting Security Road.

Although the current sketch plan shows the building located +/- 26' from the front property line, in the event the footprint needs to move closer to the road due to the proximity of Antietam Creek to the rear of the Property the within request is for a variance from the applicable 40' setback to 20'.

General Authority

The Board of Appeals of Washington County (the “Board”) is authorized by Section 25.2(c) of the Zoning Ordinance to grant variances from “height, lot area, yard regulations, parking space requirements, sign regulations, distance requirements specified in Section 4.9, buffer requirements and other distance or dimensional requirements.”

Pursuant to Section 25.56, a variance may be granted upon a showing of either practical difficulty or undue hardship.

In this case, the two (2) requested variances are “dimensional” rather than “use” variances making practical difficulty the applicable standard.

Section 25.56(A) of the Zoning Ordinance sets forth the criteria for finding practical difficulty; they are as follows:

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

Justification

Unique and Unusual

The Property is unique and unusual in a manner different from the nature of the surrounding properties such that its uniqueness causes the subject setback requirement to disproportionately impact the Property in that:

- The Property is extremely long and narrow tapering even further on the E/S;
- The impact of the Property’s narrowness is further magnified by being bounded on the S/S by the Antietam Creek and the corresponding floodplain buffering requirements;

Practical Difficulty

In this case, requiring strict compliance with the Ordinance would render conformance unnecessarily burdensome since the Property’s shape and location makes it impractical if not impossible to situate the proposed new building any further from Security Road.

Although the building may be able to be situated as much as 25-26’ from Security Road, in order to allow some flexibility in the final building design and site plan process the Applicant has requested a variance to 20’ and thus has requested the minimum variances

required to accommodate the Project and a lesser relaxation than that applied for would not give substantial relief.

Because the existing building is located on (and possibly even slightly over) the front Property line abutting Security Road, granting the requested variance to allow the new building to be constructed no less than 20' from the property line would still be a drastic improvement over the current situation. As such, approving the requested variance will facilitate and observe the spirit of the Zoning Ordinance and secure public safety and welfare.

CONCLUSION

For the reasons and justifications stated above, the Applicant respectfully requests that the Board grant the requested variance so that the Project may proceed as proposed and illustrated on the attached conceptional site plan.

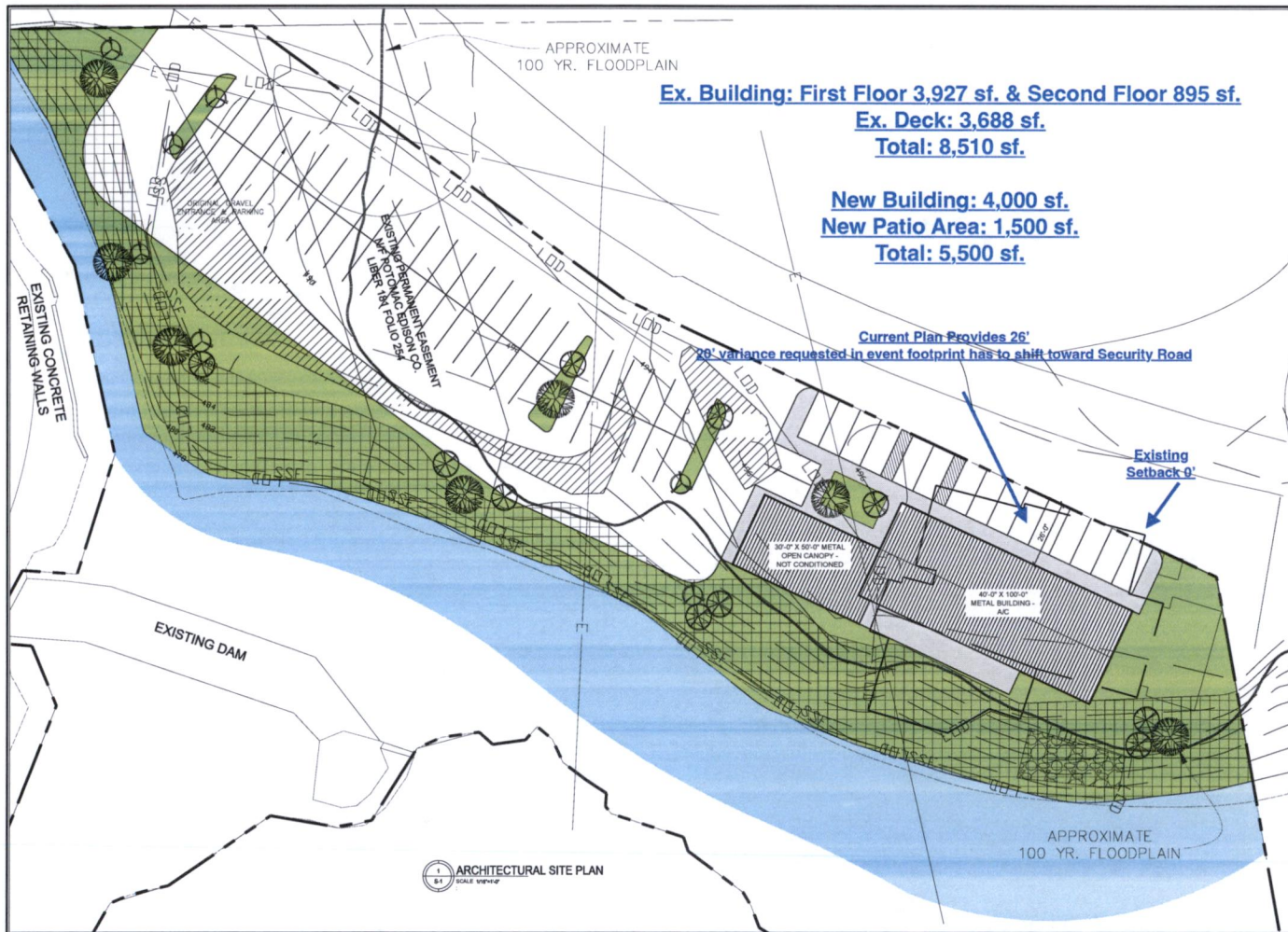
A check for the Board's filing fee and engineering review fee, and list of adjacent property owners are provided herewith.

Very truly yours,
JD LAW COMPANY, INC.

A handwritten signature in black ink, appearing to read 'J. M. Divelbiss', with a long horizontal line extending to the right.

Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com



Ex. Building: First Floor 3,927 sf. & Second Floor 895 sf.
Ex. Deck: 3,688 sf.
Total: 8,510 sf.

New Building: 4,000 sf.
New Patio Area: 1,500 sf.
Total: 5,500 sf.

Current Plan Provides 26' 28' variance requested in event footprint has to shift toward Security Road

Existing Setback 9'

ARCHITECTURAL SITE PLAN
 SCALE 1/8" = 1'-0"

WADE
 ARCHITECTURE
 WASHINGTON, DC 20004-4408

NOT FOR CONSTRUCTION
 NOT FOR PERMIT
 2023

Creekside Bar & Grill Renovation
 Hagerstown, MD

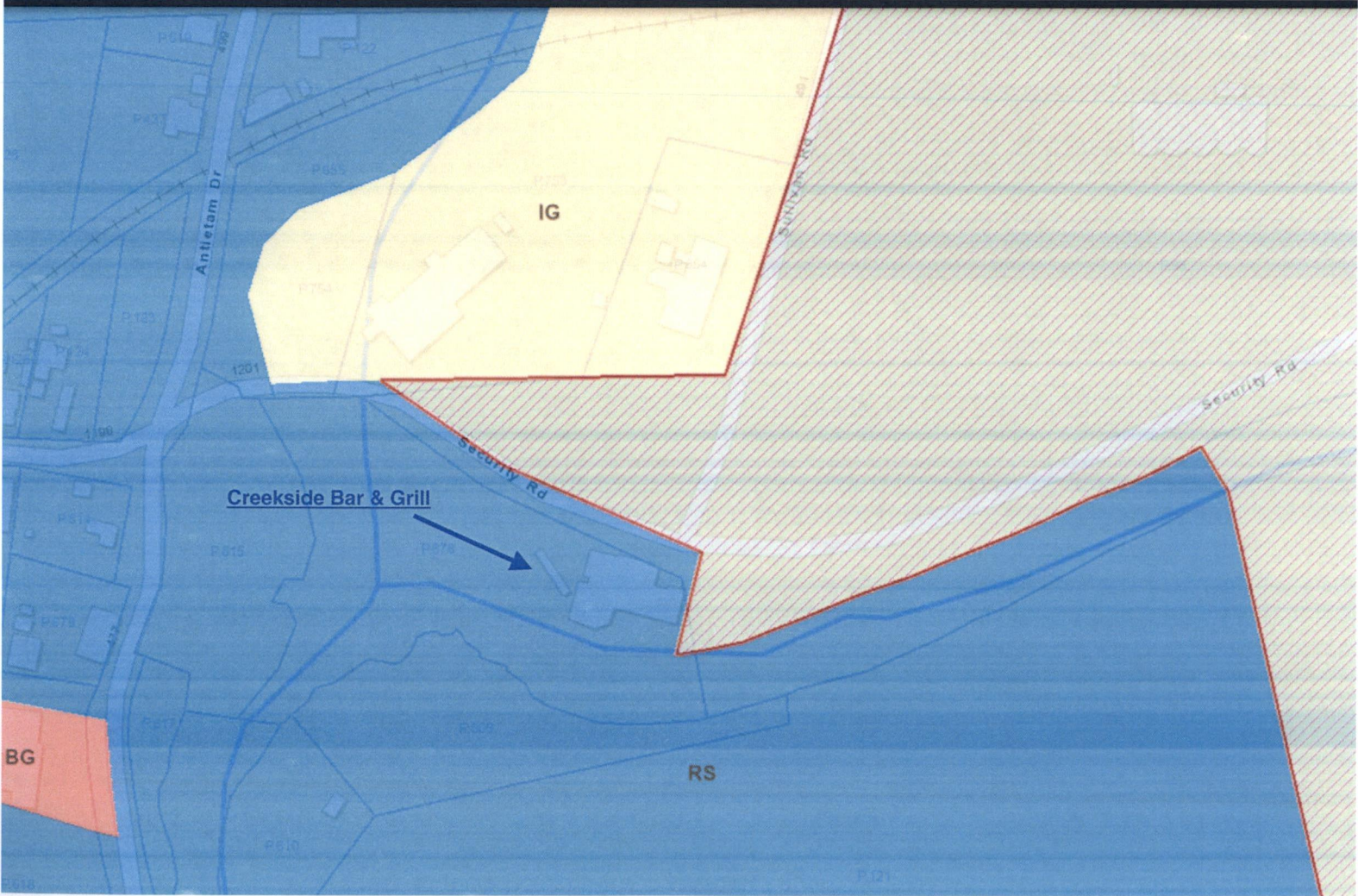
SITE PLAN

NO.	REVISIONS	DATE

PROJECT NUMBER: 23-014
 DATE: 05/24/23
 DRAWN BY: JMS
 CHECKED BY: JMS
 SHEET NO.

S-1

3/1/23



	<u>Map/Parcel</u>	<u>Premises Address</u>	<u>Owner</u>	<u>Mailing Address</u>
1	0038/0615	458 Antietam Drive. Hagerstown, MD 21742	Washington County Board of Commissioners	100 W. Washington St. Ste 1101 Hagerstown, MD 21740
2	0038/0655	Security Rd. Hagerstown, MD 21742	Holcim US Inc	6211 Ann Arbor Rd. Dundee, MI 48131
3	0038/0754	Security Rd. Hagerstown, MD 21742	Andy B. Stamper Jr. & Pamela K. Stamper	1210 Security Rd. Hagerstown, MD 21742
4	0038/0753	1210 Security Rd. Hagerstown, MD 21742	Andy B. Stamper Jr. & Pamela K. Stamper	1210 Security Rd. Hagerstown, MD 21742
5	0038/0098	1260 Security Rd. Hagerstown, MD 21742	Holcim US Inc	6211 Ann Arbor Rd. Dundee, MI 48131
6	0038/0609	Needys Lane Hagerstown, MD 21742	Gerald E. Levardi	70 Upper Rd. Martinsburg, WV 25401
7	0038/0610	Needys Lane Hagerstown, MD 21742	Anthony Christopher Manilla	19222 Jamestown Drive. Hagerstown, MD 21742