

BOARD OF APPEALS

August 16, 2023

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

AGENDA

AP2023-034: An appeal was filed by LeRoy Myers for a variance from the required 75 ft. side and rear yard setback to 25 ft. for future development of the property owned by MBVT LLC and located at 10318 Grumbacker Lane, Williamsport, Zoned Planned Industrial. - **GRATNED**

AP2023-035: An appeal was filed by Jasmie Campbell for a special exception to establish the professional office for a tutoring business on the property owned by DHINGI LLC and located at 19426 Leitersburg Pike, Hagerstown, Zoned Residential Urban. - **GRANTED**

AP2023-036: An appeal was filed by Verizon for a special exception to establish a commercial communication tower and a variance from the minimum setback of the distance equaling the total height of the tower (155 ft.) & equipment plus 200 ft. for a total setback of 355 ft. from the Rural Village district to 139 ft. 9 in. for the western boundary for the proposed tower on property owned by Robert & Marvina Veil Jr. and located at 21536 Leitersburg Smithburg Road, Smithsburg, Zoned Rural Village and Agricultural Rural. - **POSTPONED TO THE SEPTEMBER 13 HEARING.**

AP2023-037: An appeal was filed by Foxshire Plaza Residential LLC for a variance to convert two-family dwelling into semi-detached dwellings for future subdivision. Variance for 2209 Beverly Drive: lot size requirement of 5,000 sq. ft. for a semi-detached dwelling to 4,037 sq. ft. on property owned by the appellant and located at 2207 & 2209 Beverly Drive, Hagerstown, Zoned Residential Urban. - **GRANTED**

AP2023-038: An appeal was filed by John McKenna for a special exception to expand the previously approved resident business JMAC firearms LLC to include inventory on property owned by the appellant and located at 19920 Alva Court Keedysville, Zoned Preservation. - **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 August 7, 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: MBVT LLC
18136 Oak Ridge Drive
Hagerstown MD 21740
Appellant: LeRoy Myers
11748 Ashton Road
Clear Spring MD 21722
Property Location: 10318 Grumbacker Lane
Williamsport, MD 21795
Description Of Appeal: Variance from the required 75 ft. side and rear yard setback to 25 ft. for future development.

Docket No: AP2023-034
Tax ID No: 02020572
Zoning: PI
RB Overlay: No
Zoning Overlay:
Filed Date: 07/12/2023
Hearing Date: 08/16/2023

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 18.100 (b)
Reason For Hardship: Constraints of the lot has limited the opportunities for development.
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:
Existing Use: Vacant lot Proposed Use: Vacant lot
Previous Use Ceased For At Least 6 Months: Date Ceased:
Area Devoted To Non-Conforming Use - Existing:
Proposed:

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

Handwritten signature of the appellant in blue ink.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 13 day of July, 2023.

Handwritten signature of the notary public in blue ink.

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: AP2023-034

State of Maryland Washington County, To Wit:

On 7/12/2023, 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 08/16/2023, 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 08/01/2023 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 LE Roy Myers
is authorized to file an appeal with the Washington County Board of Appeals for
Setback VARIANCE
located CORNER of PARTNERSHIP COURT / GRUMBACHER LANE, Wmspt MD 21795 on property
The said work is authorized by TIM PALKOVITZ
the property owner in fee.

*This appeal is
all that Le Roy Myers
is authorized to do.
Tim
Palkovitz*

PROPERTY OWNER

MBVT LLC
Name
18136 OAK RIDGE DRIVE
Address
HAGERSTOWN MD 21740
City, State, Zip Code
[Signature]
Owner's Signature

Sworn and subscribed before me this 7 day of JULY, 20 23.

SUSAN CARPENTER
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES 2/27/24

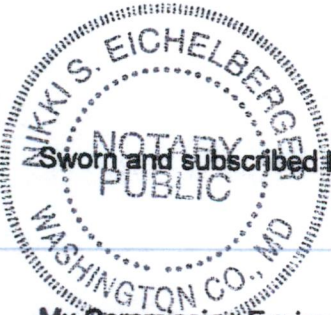
[Signature]
Notary Public

My Commission Expires:

AUTHORIZED REPRESENTATIVE

LE Roy Myers
Name
11748 Ashton Rd
Address
CLEAR SPRING MD 21722
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 10 day of JULY, 20 23.



[Signature]
Notary Public

My Commission Expires: 9/15/2024

Project Name: Lot 4- Interstate Industrial Park

Owner/Applicant: MBVT, LLC / Myers Management (Leroy Myers)

Project Address: SW Corner of Grumbacker and Industrial Lane
Williamsport, MD 21795

Tax Map 0056 **Grid** 0009 **Parcel** 1063

Account # 02-020572

Zoning: Planned Industrial District (PI)

Variance request:

The applicant is requesting a variance to the required rear and side yard setback under Section 18.10 for this parcel.

This zoning district requires a 75' building setback from the rear and side property lines along with 50' from the existing right of way. This property has road frontage along Grumbacker Lane and Industrial Lane. There are two adjoining properties, Lot 2 and Lot 3R. The current uses of these adjoining lots are Steel Distributor, Engine Repair and Office Equipment Sales.

The difficulty in developing this site, with the required setbacks, is due to lot size, configuration, existing topography, and location with having road frontage along two public roads. The property has been in this configuration for several years with limited opportunities for development. The requested variance is to reduce the 75' rear and side yard setback to 25' which is consistent with previously approved Board of Zoning Appeal (BZA) Case's within this Industrial Park:

- AP2005-113 (side yard reduction from 75' to 10')
- AP2005-143 (side yard reduction from 75' to 38')
- AP2011-029 (side yard reduction from 75' to 25')
- AP2012-08 (rear yard reduction from 75' to 46')

Without BZA approval of the reduced rear and side yard setback, this site will not be adequate in size for the proposed flex building, large vehicle turning movements nor have adequate room for parking and access.

A variance may be granted by the BZA 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 buildable area, with the larger rear and side setback in conjunction with the lot shape and frontage on two public streets has significantly reduced the building area of this lot. Due to these constraints the lot has had limited opportunities for development.

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

The difficulty in developing this site, with the required setbacks, is due to lot size, configuration, existing topography, and location with having road frontage along two public roads. These same limitations existed on other lots within this industrial park, resulting in those lots requesting and receiving setback variances.

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

This is an existing developed and recorded lot that is bound by Grumbacker Land and Industrial Drive with significant difference in elevation, limiting access to the site. The limited access in relation to the reduced buildable area of the site is solely due to the configuration of this lot within the Planned Industrial Park.

Lot 4- Interstate Industrial Park BZA



7/11/2023, 2:35:06 PM

World Transportation

Parcels

MD_SixInchImagery

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.09 km

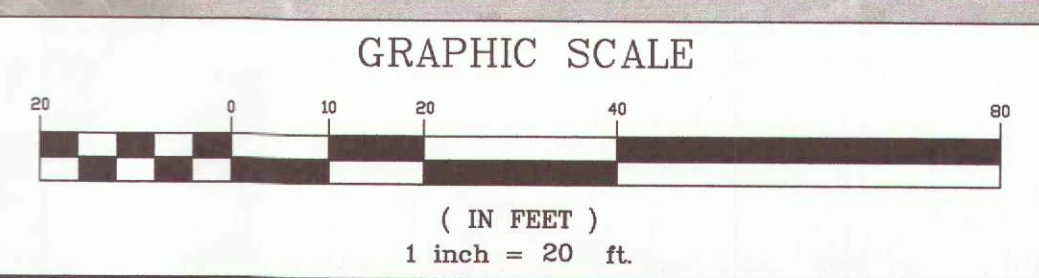
Esri Community Maps Contributors, WashCo MD, West Virginia GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS

SITE DATA	
TAX MAP - GRID - PARCEL	0056-0009-1063
ELECTION DISTRICT	02
ACCOUNT NUMBER	020572
LIBER / FOLIO	02559/00327, PLAT 6489 (LOT 4)
ZONING	IR
AREA SUMMARY:	
PARCEL	2.125 AC
DISTURBED AREA	2.125 AC
EXISTING IMPERVIOUS	0 SF / 0.0 AC (0%)
PROPOSED TOTAL IMPERVIOUS	55,304 SF / 1.3 AC (81%)
PROPOSED USE	WAREHOUSE (FLEX)
BUILDING AREA	23,500 SF
OFFICE	5,500 SF (21.5%)
WAREHOUSE	20,000 SF (78.5%)
PARKING:	
REQUIRED	29 (1 PER 1500 SF WAREHOUSE/ 1 PER 350 SF OFFICE)
PROVIDED	40 REGULAR SPACES, 2 HANDICAP AND 8 LOADING SPACES
STORMWATER MANAGEMENT	OFF-SITE QUANTITY, ON-SITE ESD
FOREST CONSERVATION	ADDRESS PER PLAT 6489 (PAYMENT-IN-LIEU)
WATERSHED:	
NAME	CONOCOCHEAGUE CREEK
NUMBER	02-14-05-04
FEMA PANEL #	24043C0281D



MD STATE PLANE
NAD 83 NAVD 88



NOT APPROVED FOR CONSTRUCTION
 MYERS FLEX BUILDING
 SITE PLAN FOR THE CONCEPT DESIGN OF INDUSTRIAL DRIVE AND GRUMBACKER LANE
 WASHINGTON COUNTY
 11746 ASHTON ROAD, CLEAR SPRING, MD 21722
 ATTN: LEROY WEISS (301) 867-6765

ES&T CONSULTING
 FREDERICK SEIBER & ASSOCIATES, INC.
 CIVIL ENGINEERS & SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
 120 WEST PARKWAY STREET
 GREENSBORO, NC 27406
 336.732.2626

PROJECT NO. 2023-0163
 DWN BY DATE 06-21-23
 DST PROJECT MANAGER: DAVE THOSTLE
 EMAIL: dthostle@es-t.com
 TAX MAP-GRID-PARCEL 56-9-1063
 SCALE 1" = 20'
 SHEET TITLE
 CONCEPT 1
 06-21-23
 C-101
 SHEET 01 OF 01

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

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 020513

Owner Information

Owner Name: KLINE KENNETH D JR L/E **Use:** INDUSTRIAL
 KLINE BARBARA A L/E **Principal Residence:** NO
Mailing Address: 16254 RIVER BEND CT **Deed Reference:** /07156/ 00256
 WILLIAMSPORT MD 21795-2154

Location & Structure Information

Premises Address: 10303 PARTNERSHIP CT **Legal Description:** LOT 2 2.50 ACRES
 WILLIAMSPORT 21795-0000 10303 PARTNERSHIP CT

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 9072
 0056 0009 1061 30000.22 0000 2 2021 **Plat Ref:**

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2003 15,600 SF 2.5000 AC 000000

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 STORAGE WAREHOUSE/ C4

Value Information

	Base Value	Value		
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023
Land:	250,000	250,000		
Improvements	527,800	554,700		
Total:	777,800	804,700	795,733	804,700
Preferential Land:	0	0		

Transfer Information

Seller: KLINE KENNETH D JR & BARBARA A **Date:** 12/12/2022 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** /07156/ 00256 **Deed2:**

Seller: MYERS LIMITED PARTNERSHIP **Date:** 05/11/2000 **Price:** \$107,845
Type: ARMS LENGTH VACANT **Deed1:** /03286/ 00106 **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 - 02 Account Number - 020521

Owner Information

Owner Name: BENNETT DEVELOPMENT GROUP LLC Use: INDUSTRIAL
Principal Residence: NO
Mailing Address: 10307 PARTNERSHIP CT STE 100 Deed Reference: /01630/ 00390
WILLIAMSPORT MD 21795-0000

Location & Structure Information

Premises Address: 10307 PARTNERSHIP CT Legal Description: LOT 3R 2.0376 ACRES
WILLIAMSPORT 21795-0000 10307 PARTNERSHIP CT
INDUSTRIAL&GRUMBACKER LN

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	6489
0056	0009	1062	30000.22	0000			3R	2021	Plat Ref:	

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2001	10,400 SF		2.0300 AC	000000

Stories Basement Type	Exterior Quality Full/Half Bath	Garage	Last Notice of Major Improvements
STORAGE WAREHOUSE /	C4		

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2021	As of	As of
			07/01/2022	07/01/2023
Land:	203,000	203,000		
Improvements	482,800	482,800		
Total:	685,800	685,800	685,800	685,800
Preferential Land:	0	0		

Transfer Information

Seller: MYERS LIMITED PARTNERSHIP	Date: 02/16/2001	Price: \$90,000
Type: ARMS LENGTH VACANT	Deed1: /01630/ 00390	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:

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

LEROY MYERS

Appellant

*

*

Appeal No.: AP2023-034

*

*

* * * * *

OPINION

Leroy Myers (hereinafter "Appellant") requests a variance to reduce the required side yard setback from 75 feet to 25 feet and the required rear yard setback from 75 feet to 25 feet for future development at the subject property. The subject property is located at 10318 Grumbacker Lane, Williamsport, Maryland and is zoned Planned Industrial. The Board held a public hearing in this matter on August 16, 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. MBVT, LLC is the owner of the subject property located at 10318 Grumbacker Lane, Williamsport, Maryland. The subject property is zoned Planned Industrial.

2. Appellant is the contract purchaser of the subject property and authorized by the owner to pursue this appeal.

3. The subject property consists of a long, narrow lot which is bound on 2 sides by industrial uses, namely an engine repair and office space and a steel distributor. It is also bounded to the north by Industrial Lane, resulting in two front yards.

4. Appellant proposes to develop an office and warehouse flex building on the subject property. The building would run the length of the lot and would be located as far west and south as possible to allow for truck traffic.

5. Several adjacent properties have obtained variance relief in the past to reduce side and rear yard setbacks.

6. The side yard and rear yard setbacks are both 75 feet for the subject property.

7. The proposes use is similar to those uses found along Governor Lane Boulevard.

8. There was no opposition presented to this appeal.

Rationale

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

Practical difficulty and undue hardship are the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” *North v. St. Mary’s Cnty.*, 99 Md. App.

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v. North*, 355 Md. 259, 276 n.10 (1999) (citations omitted).

502, 514 (1994).)

In the instate case, the subject property is unique based on the long, narrow shape and significant setback requirements. The result is a significantly small building envelope given the applicable zoning for the property. The result is a practical difficulty that complicates development of the property for reasonable uses permitted under the Zoning Ordinance.

Appellant's plan to push the proposed building back away from the roadway serves two purposes. First, it allows for a larger parking lot area so that trucks and equipment can maneuver. Second, it increases the building envelope to reasonable dimensions and eliminates negative space between the adjacent properties. The Board considers these to be improvements to the operation of the property which observe the spirit of the Ordinance and further secure public safety and welfare. The request is the minimum necessary to afford relief and is consistent with relief that has been granted previously for adjacent properties. The variance relief will not confer any special benefit upon Appellants and is necessary to facilitate the use of the property in an appropriate manner. The Board finds that Appellant has satisfied the criteria for a variance based on practical difficulty and the relief should be granted.

Accordingly, the variance request to reduce the required side yard setback from 75 feet to 25 feet and the required rear yard setback from 75 feet to 25 feet at the subject property is GRANTED, by a vote of 5-0. Said variance requests are granted upon the condition that the proposed use be consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: September 15, 2023

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: DHINGI LLC
 19426 Leitersburg Pike
 Hagerstown MD 21742

Appellant: Jasmie Campbell
 16620 Virginia Avenue B
 Williamsport MD 21795

Property Location: 19426 Leitersburg Pike
 Hagerstown, MD 21742

Docket No: AP2023-035
Tax ID No: 27000827
Zoning: RU
RB Overlay: No
Zoning Overlay:
Filed Date: 07/13/2023
Hearing Date: 08/16/2023

Description Of Appeal: Special exception to establish the professional office for a tutoring business.

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): AP99-013
Applicable Ordinance Sections: Washington County Zoning Ordinance: Section (c)

Reason For Hardship:
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:

Existing Use: Medical/Dental Clinic
Proposed Use: Tutor Business

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.

Jasmie Gel
 Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 13 day of July, 2023.

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: AP2023-035

State of Maryland Washington County, To Wit:

On 7/12/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Jasmie Campbell and made oath in due form of law as follows:

Jasmie Campbell 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 08/16/2023, 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 08/01/2023 and will remain until after the above hearing date.

Jasmie Campbell

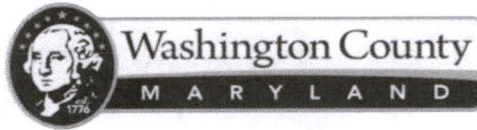
Sworn and subscribed before me the day and year first above written.

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

Notary Public

Seal

My Commission Expires



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Special Exception

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

Location 19426 Leitersburg Pike Suite 1, Hagerstown, MD, 21742

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

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

Use Proposed: Academic Tutoring Business with 11 part-time employees

Zoning Ordinance section and subsection(s) providing for proposed use: _____

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

Provide Detailed Explanation on Separate Sheet

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

Yes No

If yes, give docket number(s): _____

Additional comments, if any: _____

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

Jasmine Campbell
Signature of Appellant

16620 Virginia Ave B, Williamsport, MD, 21795
Address of Appellant

Campbell.jasmine.jmc@gmail.com
Email of Appellant

3013022726
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.



OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that JASMINE CAMPBELL is authorized to file an appeal with the Washington County Board of Appeals for DHINGI LLC C/O AJAYDEEP S. GORAYA on property located 19426 LEITERSBURG PIKE HAGERSTOWN. The said work is authorized by AJAYDEEP S. GORAYA the property owner in fee.



PROPERTY OWNER

AJAYDEEP SINGH GORAYA
Name
4 CUMBERNAULD CT
Address
ROCKVILLE MD 20850
City, State, Zip Code

[Signature]
Owner's Signature

Sworn and subscribed before me this 8th day of July, 2023.

My Commission Expires: 04/1/2027
Notary Public [Signature]

AUTHORIZED REPRESENTATIVE

Jasmine Campbell
Name
16620 Virginia Avenue B
Address
Williamsport, MD, 21795
City, State, Zip Code

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 13th day of July, 2023.

My Commission Expires:
Notary Public [Signature]

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



Prestige Academic Prep has been in business since May 2020. We are a local tutoring company located in Hagerstown, MD. We are owned and operated by Jasmine Campbell who is also a native of Hagerstown. Prestige Academic Prep provides academic and test preparation services to students throughout Washington County in grades Kindergarten through 12th grade and some college level courses.

Prestige initially started off as a remote business for the first year in a half and in January 2022 we opened our first brick-and-mortar location at 22 West Baltimore Street. After we opened our first physical location, our customer base grew quickly, and we recognized that we eventually would need more space to operate. When began looking for a new location that would accommodate our growing business needs. While searching for a new location, it was important that we also have a space that is safe and easily accessible for our parents and students.

The location that we think would be the best fit for us to operate our business is located at 19426 Leitersburg Pike Suite 1 in Hagerstown, MD. This location has many great benefits and provides an opportunity for Prestige to continue to grow throughout Washington County. We would also be located near many schools including Paramount Elementary, Maugansville Elementary, Pangborn Elementary, Northern Middle School, North Hagerstown High School, and Saint Maria Goretti which are all within a 2-mile or less radius. In addition to being central to many WCPS schools, this location is in an area that has been consistently thriving both residentially and commercially.

Leitersburg Pike is one of the main roads in Hagerstown and has steady flow of traffic throughout the day. Most of our tutoring sessions would be conducted between the hours of 3pm-8pm. During our hours of operation, traffic would be moderate as people are usually commuting from work during this time. Although Prestige typically operates during evening hours, the traffic throughout the day on Leitersburg Pike is usually steady and our signage would be visible when driving. This would allow us to market our services even when we are not physically in the office.

This location is one of many suites located at this address. Our neighbors would include a doctor's office, dentist office, and accountant who all operate during day hours which are typically between 8am-4pm. Most of these surrounding businesses would be closed prior to us opening which would make it easier for our customers to come and go. There would also be more parking space for our customers.

Since Covid-19 started, the academic performance of school systems throughout the country continue to decline. Tutoring in Washington County is needed, especially in-person services. In-person tutoring provides the one-on-one attention that many students need to grow as learners and social beings. Lastly, there are no brick-and-mortar tutoring businesses located within a 20+ mile radius of this address which means that Prestige would have the opportunity to attract many future customers.

Oak Hill Ave

Prestige Academic Prep

Leitersburg Pike

211 feet

47 feet

87 feet

134 feet

226 feet

51 feet

Entrance/
Exit

Parking

Sign

60



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

JASMIE CAMPBELL

Appellant

*

*

Appeal No.: AP2023-035

*

* * * * *

OPINION

Jasmie Campbell (hereinafter "Appellant") requests a special exception to establish a professional office for a tutoring business at the subject property. The subject property is located at 19426 Leitersburg Pike, Hagerstown, Maryland and is zoned Residential, Urban. The Board held a public hearing on the matter on August 16, 2023.

Findings of Fact

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

1. DHINGI, LLC owns the subject property located at 19426 Leitersburg Pike, Hagerstown, Maryland. The property is zoned Residential, Urban.
2. The subject property is currently used or was last used as a medical/dental clinic.
3. Appellant works full time for NIH, but started her tutoring business, Prestige Academic Prep in 2020 as an after-hours, part-time service.
4. Appellant proposes to locate her tutoring business at the subject property. The business would be open Monday through Thursday in the evening hours, typically when other businesses are closed.
5. Appellant's tutoring business would provide individual, one-to-one tutoring services on an appointment basis.

6. Appellant chose the subject property based on its location in close proximity to many schools and its accessibility for clients.
7. Appellant plans to have signage that will identify the business.
8. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as “a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.” Article 28A. In addition, Section 25.6 sets forth the limitations, guides, and standards in exercise of the board’s duties and provides:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.
- (c) Traffic conditions and facilities
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.
- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- (g) The most appropriate use of the land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

The Board finds no cause for concern with respect to the number of people residing or working in the area, traffic conditions, nearby public gatherings or the conservation of property values. The proposed project involves locating a business in a location that previously housed medical/dental clinic. Based on Appellant's testimony and anticipated hours, the proposed use will create far less traffic to and from the building and the peak times will be during hours when other businesses are not open. It is unlikely such a project would have any impact on roads, traffic, the neighboring properties and/or businesses, and public gatherings. Aside from new signage identifying the business, the Board finds it is likely there would be no discernable impact to operating Appellant's business at the subject property. The Board finds that the proposed use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons, we conclude that this appeal meets the criteria for a special exception and therefore should be denied.

Accordingly, the request for a special exception to establish a professional office for a tutoring business at the subject property is hereby GRANTED, by a vote of 5 to 0.

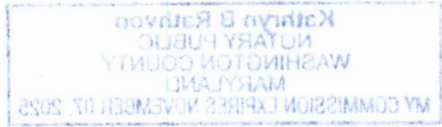
BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: September 15, 2023

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: Robert & Marvina Veil Jr.
21536 Leitersburg Smithsburg Road
Hagerstown MD 21742
Appellant: Verizon
1095 6th Avenue
New York NY 10036
Docket No: AP2023-036
Tax ID No: 09006753
Zoning: RV; A(R)
RB Overlay: No
Zoning Overlay:
Filed Date: 07/13/2023
Hearing Date: 08/16/2023

Property Location: 21536 Leitersburg Smithsburg Road
Hagerstown, MD 21742

Description Of Appeal: Special exception to establish a commercial communication tower and a variance from the minimum setback of the distance equaling the total height of the tower (155 ft.) & equipment plus 200 feet for a total setback of 355 ft. from the Rural Village district to 139 ft. 9 in. for the western boundary for the proposed tower.

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 Table 3.3(1) R & Section: 4.22 A 2

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential Proposed Use: Commerical Commuication Tower & Compound

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

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

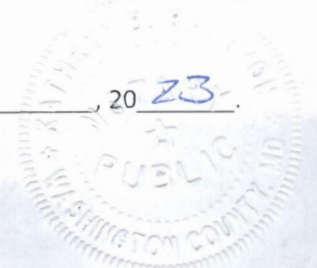
I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Handwritten signature of Brandon M. Smith

Appellant Signature

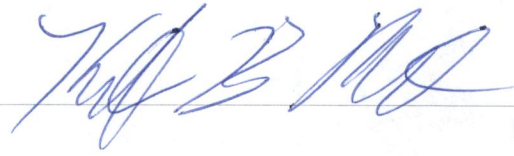
State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 13 day of July, 2023.



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

My Commission Expires



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: AP2023-036

State of Maryland Washington County, To Wit:

On 7/13/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Brendan Sikora and made oath in due form of law as follows:

Brendan Sikora 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 08/16/2023, 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 08/01/2023 and will remain until after the above hearing date.

Brendan Sikora

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

Notary Public

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

Seal

My Commission Expires



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Phillip Stetler
is authorized to file an appeal with the Washington County Board of Appeals for
cellular telecommunications tower on property
located at 21536 Leitersburg Smithsburg Rd., Hagerstown, Md.
The said work is authorized by the undersigned
the property owner in fee.

PROPERTY OWNER

Robert C. Veil, Jr.
Name
21536 Leitersburg Smithsburg Rd.
Address
Hagerstown, Md. 21742
City, State, Zip Code

[Signature]
Owner's Signature

Sworn and subscribed before me this 28th day of June, 2023.

My Commission Expires: 4/26/25
Nancy H Eichelberger
Notary Public

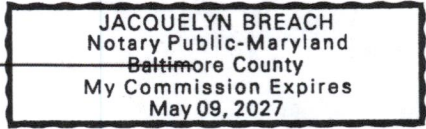
AUTHORIZED REPRESENTATIVE

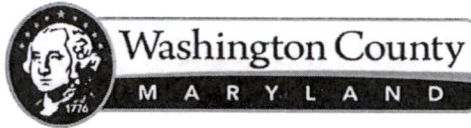
Phillip Stetler
Name
3620 Commerce Dr., Suite 707
Address
Baltimore, MD 21227
City, State, Zip Code

[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 29th day of June, 2023.

My Commission Expires: May 09, 2027
[Signature]
Notary Public





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 Special Exception

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

Location 21536 Leitersburg Smithburg Rd, Leitersburg, MD 21742

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

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

Use Proposed: Communications Tower

Zoning Ordinance section and subsection(s) providing for proposed use: Section 4.22

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

Provide Detailed Explanation on Separate Sheet

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

If yes, give docket number(s): _____

Additional comments, if any: _____

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

[Signature]
Signature of Appellant

3620 Commerce Dr, Ste. 707, Baltimore, MD 21227
Address of Appellant

pstotler@sitelinkwireless.com
Email of Appellant

443-977-7561
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.



June 6, 2023

**Statement of Certified Engineer
Site Selection and Performance Standards**

Site Name: Leitersburg

Site Address: 21536 Leitersburg Smithsburg Road, Hagerstown, MD 21742

Latitude: 39.691711

Longitude: -77.618489

The proposed communications tower was selected by Verizon Wireless (VZW) to improve wireless coverage in Leitersburg, MD and the north east corner of Washington County, MD. The main coverage objective is to bridge the gap between Reid, MD and Smithsburg, MD and enhance wireless coverage on Leiters Mill Rd, Leitersburg Smithsburg Rd, US Route 60, 62 and 418. In addition, the site will help offload existing VZW sites in the area which will in turn improve in-building coverage for residents and businesses in the area. Verizon Wireless is committed to providing state of the art wireless services that benefit your community.

Sincerely

Hamed Semati

Hamed Semati
RF Engineer – Washington/Baltimore/Virginia
10170 Junction Drive
Annapolis Junction, MD 20701

Applicant: Verizon Wireless
Special Exception Project Narrative
Site Name: Leitersburg
Tax ID Number: 006753
21536 Leitersburg Smithburg Road, Leitersburg, MD 21742

Verizon Wireless proposes to install a new cell tower in Washington County, Maryland, in compliance with the Washington County Zoning Ordinance. The proposed facility will be located at 21536 Leitersburg Smithburg Road, Leitersburg, MD 21742.

First and foremost, it is important to note that the purpose of this proposed cell tower is to enhance cellular coverage and capacity in the area. In today's world, reliable cellular service is critical for communication, emergency services, and economic growth. The proposed cell tower will improve cellular service, which will benefit the residents, businesses, and visitors in the area.

In accordance with the Zoning Ordinance, the proposed cell tower meets all applicable zoning requirements. The proposed tower generally meets the setback and height requirements outlined in the ordinance and is located on a parcel of land zoned A(R).

Furthermore, the proposed tower is designed to blend in with the surrounding environment. It will be a monopole design, which is the most common design for modern cell towers. The proposed monopole will be 155' in height. The tower will be a neutral color that will help it blend in with the surrounding area. Additionally, the tower will be designed to minimize visual impact that will make it less noticeable.

In addition to complying with zoning requirements, the proposed tower will be designed with safety in mind. The tower will be engineered to withstand severe weather conditions, such as high winds and heavy snowfall, and it will be constructed with materials that meet or exceed all applicable safety standards.

It is important to note that the proposed tower will be subject to extensive public review and input. The Washington County Planning Commission will hold a public hearing on the proposal, and residents and stakeholders will have the opportunity to provide feedback and ask questions.

Below is a narrative addressing the Zoning Ordinance directives and how Verizon will address each item in ***bold and italics***.

Compliance with Washington County Zoning Ordinance, Section 4.22

A. Design requirements

In addition to the applicable requirements for a site plan as specified in Section 4.11, the applicant shall provide the following information as part of the site plan submittal. These provisions shall apply to towers in all districts where permitted as a principal permitted or special exception use:

1. Subject to a minimum setback of a distance equaling the total height of the tower and equipment. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant. ***The tower will meet property line setback requirements to the north, south, and to the east. Verizon will not meet the western setback (139'9") and therefore requests a setback variance.***
2. Subject to a minimum distance requirement of a distance equaling the height of the tower and equipment plus 200 feet from the RT, RS, RU, RM and RV districts or the nearest part of any existing dwelling, school, church, or institution for human care, in any other district. ***As previously stated, Verizon requests a setback variance to the western boundary. The tower will not meet the requirement of "a distance equaling the height of the tower plus 200 feet from the RV district."***
3. Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and equipment. ***N/A***
4. Subject to a height not to exceed 200 feet. Measurement of tower height shall include the tower structure itself, the base pad, and any other equipment attached thereto which extends more than twenty (20) feet over the top of the tower structure itself. The tower height shall be measured from grade. ***The proposed structure will measure 155 feet above ground level.***
5. Proposed towers shall meet the following minimum separation requirements from existing towers or towers which have been issued a permit but are not yet constructed.
(a) Monopole towers shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty (750) feet. (b) Self-supporting lattice or guyed towers shall be separated from all other self-supporting or guyed towers by a minimum of fifteen hundred (1,500) feet. (c) Self-supporting lattice or guyed towers shall be separated from all monopole towers by a minimum of seven hundred and fifty (750) feet. ***N/A***
6. All towers shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of comparable equipment for other carriers. An application for a tower shall be accompanied by an affidavit from the applicant stating that one ten (10) foot space on the proposed tower will be specifically reserved for use by the County, and that other spaces will be made available to other future users, when possible. ***The tower is designed to accommodate Verizon and up to three (3) additional carriers.***

7. Fencing shall be provided around the base of the tower and any associated equipment buildings. **Verizon will comply with this requirement.**
8. All sites shall be identified by means of a sign no larger than two square feet affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency. **Verizon will comply with this requirement.**
9. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Planning Commission or Board of Zoning Appeals. Towers shall not be lighted unless specifically required by the FAA. **The tower will be a muted grey/steel color and will blend, to the extent possible, with existing adjacent land uses. The tower will not be lighted.**
10. In order to protect the natural skyline, towers should be sited within areas of mature vegetation and should be located down slope from ridge lines, and toward the interior of the parcel whenever possible. Placement should only be considered elsewhere on the property when valid technical data supplied by the applicant indicates that there is no other suitable location. **The tower will be sited amidst existing, mature trees and vegetation. It will not be located along a ridge line and is located as much to the interior of the property as is practically possible.**
11. Towers proposed to be located within the Appalachian Trail corridor special planning area as identified in the adopted Comprehensive Plan for the County, any "AO" Antietam Overlay zoning district or "HP" Historic Preservation zoning district shall utilize stealth technology as defined in Article 28A to minimize visual impact. **The tower is not proposed to be located within the Appalachian Trail corridor or in any Antietam Overlay or Historic Preservation zoning district.**
12. (a) A Commercial Communication Tower that is out of service for a continuous six (6) month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of the Tower that is deemed to be abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operation difficulty and providing a reasonable timeframe for correction action, within thirty (30) days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the Tower has not been abandoned. **Noted.**
(b) If the Tower is determined to be abandoned, the Owner of the Tower shall remove the Tower and all related equipment at the Owner's sole expense within three (3) months of the Date of Notice of Abandonment. If the Owner fails to remove the Tower

and related equipment, the Administrator may pursue legal action to have the Tower removed at the Owner's expense. **Noted.**

B. Additional Provisions for Towers Permitted by Special Exception

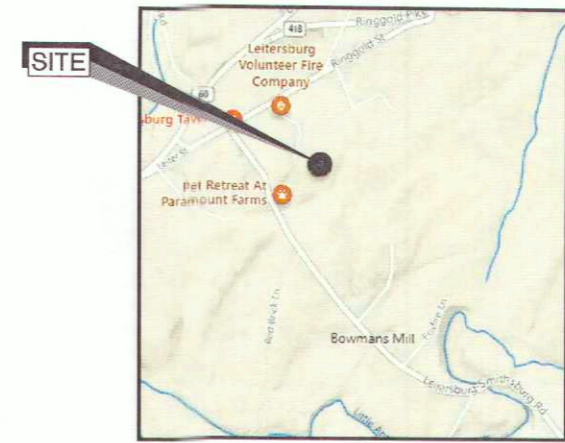
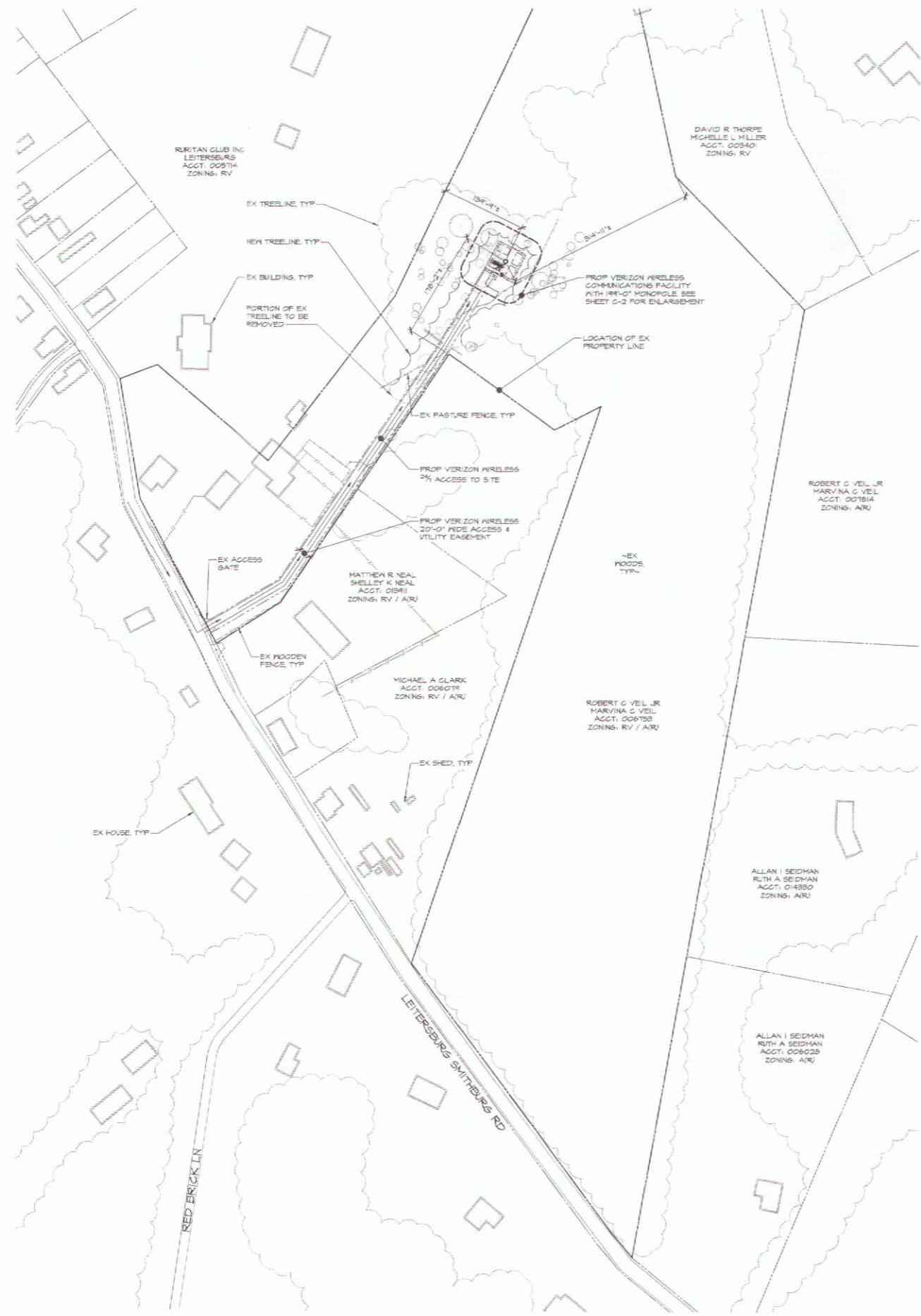
In addition to the limitations, guides and standards enumerated in Section 25.6, the Board of Zoning Appeals shall consider the following provisions when considering a request for a special exception for a commercial communications tower.

1. In those cases where a proposed tower is part of a grid or network, the applicant shall provide a map indicating the location of any existing or proposed towers in the grid or network within Washington County and within one (1) mile of the County boundary. ***Upon request, Verizon will gladly provide a map indicating existing Verizon sites within Washington County.***
2. The tower shall be compatible with and shall not adversely impact the character and integrity of surrounding properties. Consideration shall be given to the view shed associated with scenic and historic areas and to the use of stealth technology to minimize the visibility of the proposed tower. ***Verizon submits that the tower will not adversely impact the character and integrity of surrounding properties.***
3. The applicant shall submit a visual analysis which may include, photo simulation, field mock-up, elevations or other visual or graphic illustrations to determine visual impact. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable towers in the area, and shall identify and include all feasible mitigation measures. ***As part of the special exception application package, Verizon has included photo simulations to help show the visual impact of the proposal.***
4. The Board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the area affected by the proposed tower and mitigate any adverse impacts which arise in connection with approval of the special exception. **Noted.**

In conclusion, the proposed cell tower is a necessary and appropriate addition to the community. It will enhance cellular service, comply with zoning requirements, blend in with the surrounding environment, and ensure safety. I urge you to approve this proposal in accordance with the Washington County Zoning Ordinance.

Thank you for your consideration.

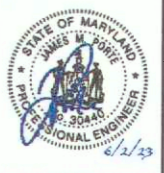
A B C D E F G H J K L M N P Q R



VICINITY MAP
SCALE: 1" = 1000'

- SITE NOTES:**
1. APPLICANT: VERIZON WIRELESS
6170 JUNCTION DRIVE, STE 300
ANNAPOLIS JUNCTION, MD 20701
TEL: (301) 512-2000
FAX: (301) 512-2184
 2. PROPERTY OWNER: ROBERT C VEIL, JR.
MARVINA C VEIL
2186 LETTERSBURG SMITHSBURG RD
HAGERSTOWN, MD 2142
 3. SITE DATA: DEED BOOK: 00430 PAGE: 00444
ACCOUNT NUMBER: 00678
TRACT AREA: 2.0000 ACRES
DISTRICT: 01
ADDRESS: 2186 LETTERSBURG SMITHSBURG RD
HAGERSTOWN, MD 2142
EXISTING USE: AGRICULTURAL / TELECOMMUNICATIONS
 4. ZONING: RY - RURAL VILLAGE
ARU - AGRICULTURAL, RURAL
 5. HORIZONTAL AND VERTICAL CONTROL SHOWN HEREON IS BASED ON A SP8 LATITUDE BY MORRIS & RITCHE ASSOCIATES, INC. DATED OCTOBER 2022.
LATITUDE: N84° 41' 24.61" (34.619157°)
LONGITUDE: W77° 31' 07.25" (-77.518624°)
GROUND ELEVATION: 634.00' AMSL (AVS)
PROPOSED STRUCTURE HEIGHT: 96.00' ASL
TOTAL ELEVATION (AMSL): 633.00' AMSL
 6. TOTAL DISTURBED AREA = 12,250 SF
 7. THE PROPOSED FACILITIES WILL CONSIST OF ONE (1) 11'-0" LONG x 9'-0" WIDE CONCRETE EQUIPMENT PAD AND ONE (1) 1'-0" LONG x 9'-6" WIDE CONCRETE GENERATOR PAD WITHIN A 50'-0" x 50'-0" FENCED COMPOUND. SIX (6) ANTENNAS SHALL BE MOUNTED ON A NEW 119'-0" MONOPOLE WITH A RAD CENTER AT AN ELEVATION OF 18'-0" ABOVE GRADE LEVEL FOR THE RECEIPTION OF VERIZON WIRELESS TELECOMMUNICATIONS.
 8. THE STRUCTURE WILL NOT SUPPORT LIGHTS OR SIGNS UNLESS REQUIRED FOR AIRCRAFT WARNING OR OTHER SAFETY REASONS.
 9. THE APPLICANT WILL PROVIDE A CERTIFICATION FROM A REGISTERED ENGINEER THAT THE STRUCTURE WILL MEET THE APPLICABLE DESIGN STANDARDS FOR WIND LOADS PER THE REQUIREMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION.
 10. IF THE ANTENNAS ARE NO LONGER USED FOR TELECOMMUNICATIONS PURPOSES FOR A CONTINUOUS PERIOD OF ONE (1) YEAR, THEY SHALL BE REMOVED BY THE ANTENNA OWNER AT OWNER'S EXPENSE.
 11. NO WATER OR SANITARY UTILITIES ARE REQUIRED FOR THE OPERATION OF THIS FACILITY.
 12. STORMWATER MANAGEMENT NOTE: NO STORMWATER MANAGEMENT IS REQUIRED FOR THIS SITE.
 13. BOUNDARY SHOWN PER COUNTY RECORDS. EXISTING SITE FEATURES SHOWN PER SURVEY BY MORRIS & RITCHE ASSOCIATES, INC. OCTOBER 2022.
 14. THIS PLAN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. PLAN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 15. ALL DETAILS SHOWN ARE 'STANDARD' OR 'TYPICAL' FOR REFERENCE ONLY. FOR ACTUAL DETAILS, SEE ARCHITECTURAL, STRUCTURAL OR CONSTRUCTION PLANS BY OTHERS.
 16. STRUCTURAL ANALYSIS/DESIGN TO BE PERFORMED BY OTHERS AT CLIENT AND/OR OWNER'S DISCRETION PRIOR TO COMMENCEMENT OF ANY WORK.
 17. THE COMMUNICATIONS EQUIPMENT SHALL BE UNMANNED, WITH INFREQUENT VISITS (FOUR OR FEWER PER YEAR) BY MAINTENANCE PERSONNEL, AND WITH ACCESS AND PARKING FOR NO MORE THAN ONE VEHICLE. THE PROPOSED FACILITY IS NOT FOR HUMAN HABITATION AND THEREFORE HANDICAP ACCESS IS NOT REQUIRED.
 18. THE PROPOSED COMMUNICATIONS EQUIPMENT, ANTENNAS AND RELATED MOUNTING DEVICES DO NOT EXCEED TWELVE (12) FEET IN TOTAL HEIGHT.

- GENERAL NOTES:**
1. CONTRACTOR SHALL NOTIFY "MISS UTILITY" (811) 48 HOURS PRIOR TO DOING ANY EXCAVATION IN THIS AREA. CONTRACTOR SHALL CONTACT A SUBSURFACE UTILITY LOCATOR FOR LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL VERIFY EXISTING UTILITY LOCATIONS BY TEST PIT AS NECESSARY. LOCATION OF UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE AND FOR PLANNING PURPOSES ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. DAMAGE TO UTILITIES OR PROPERTY OF OTHERS BY THE CONTRACTOR DURING CONSTRUCTION SHALL BE REPAIRED TO PRECONSTRUCTION CONDITIONS BY THE CONTRACTOR.
 2. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH ALL STATE AND LOCAL CODES AND ORDINANCES, THE LATEST EDITION THEREOF.
 3. ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADDRESSING ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
 4. CONTRACTOR SHALL COORDINATE ALL UTILITY CONNECTIONS WITH APPROPRIATE UTILITY OWNERS.
 5. THESE PLANS ARE NOT FOR RECORDATION OR CONVEYANCE.
 6. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO PRECONSTRUCTION CONDITIONS BY THE CONTRACTOR.



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. 15349, EXPIRATION DATE: 12/24/2025.

verizon
LETTERSBURG
2186 LETTERSBURG SMITHSBURG ROAD
LETTERSBURG, MARYLAND 2142 (WASHINGTON COUNTY)

REVISIONS:

NO	DESCRIPTION	DATE	INT

DESIGNED BY: JMF
DRAWN BY: DNT
PROJECT NO: 104213218
DATE: 11/24/2022
SCALE: AS NOTED

TITLE:
Site Plan

SHEET:
C-1



SITE PLAN
SCALE: 1" = 100'-0"

MORRIS & RITCHE ASSOCIATES, INC.
 Civil / Structural Engineers
 1200-B East Joppa Rd, Suite 400K
 Towson, Maryland 21286
 410-821-1890
 410-821-1740 Fax



PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 30440. EXPIRATION DATE: 12/24/2023.

verizon
LETTERSBURG
 21536 LETTERSBURG SMITHSBURG ROAD
 LETTERSBURG, MARYLAND 21742 (WASHINGTON COUNTY)

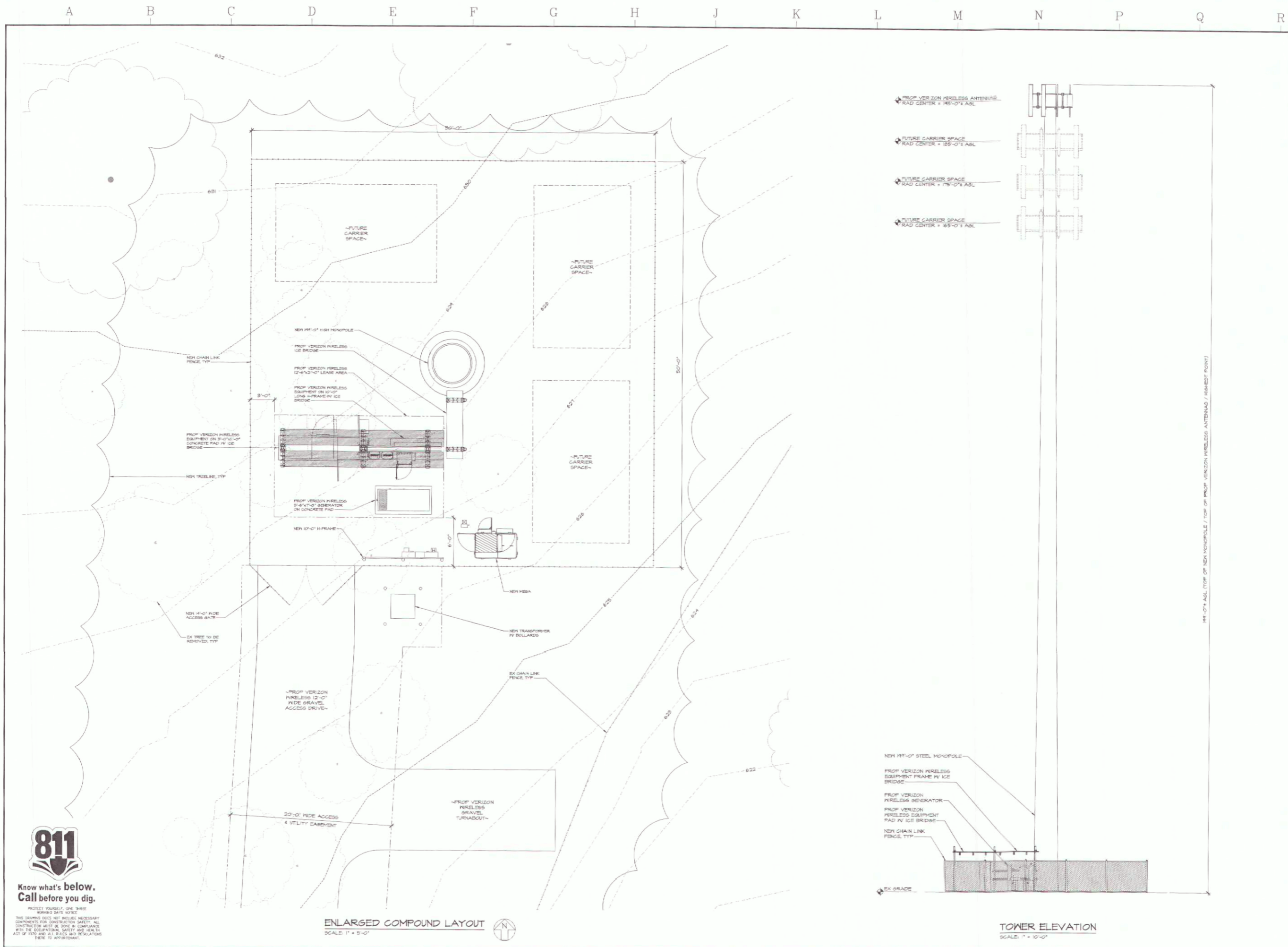
REVISIONS:

NO.	DESCRIPTION	DATE	INT.

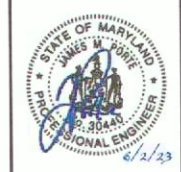
DESIGNED BY: JMF
 DRAWN BY: DNT
 PROJECT NO: 104213215
 DATE: 11/29/2022
 SCALE: AS NOTED

TITLE:
Site Details

SHEET:
C-2



PROTECT YOURSELF, GIVE THREE MINUTES. SAVE LIVES.
 THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTINANT.



PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 12345, EXPIRATION DATE: 02/28/2025.

verizon
 LEITERSBURG
 21556 LEITERSBURG SMITHSBURG ROAD
 LEITERSBURG, MARYLAND 21742 (WASHINGTON COUNTY)

REVISIONS:

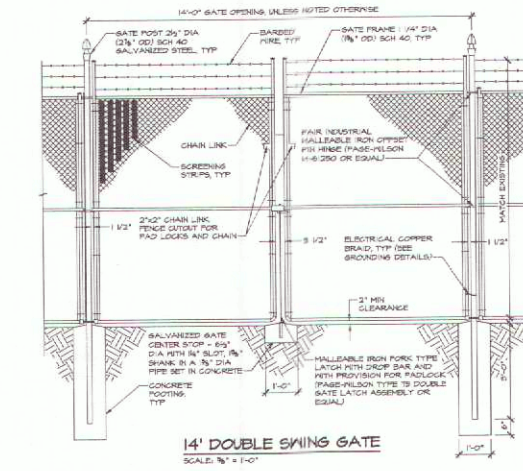
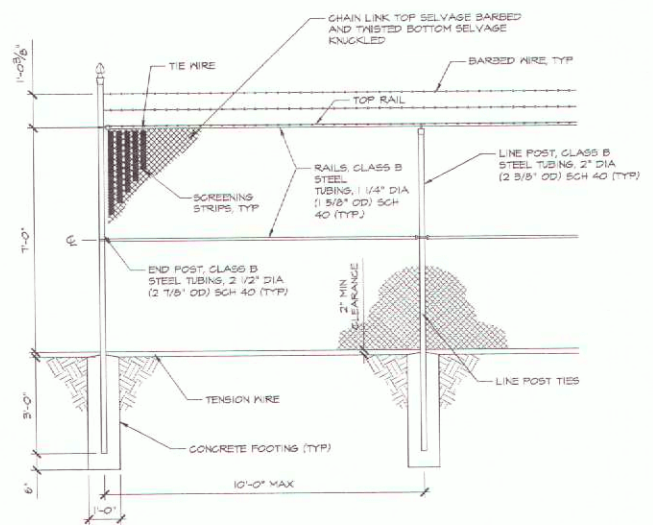
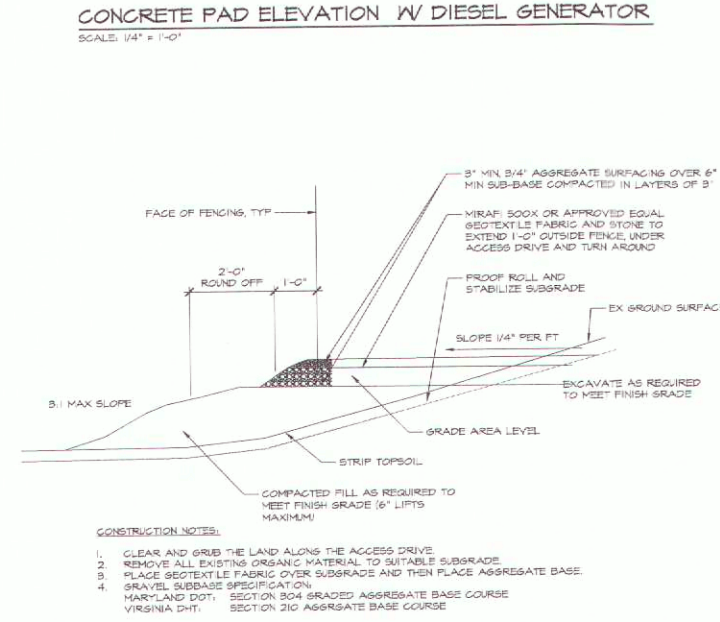
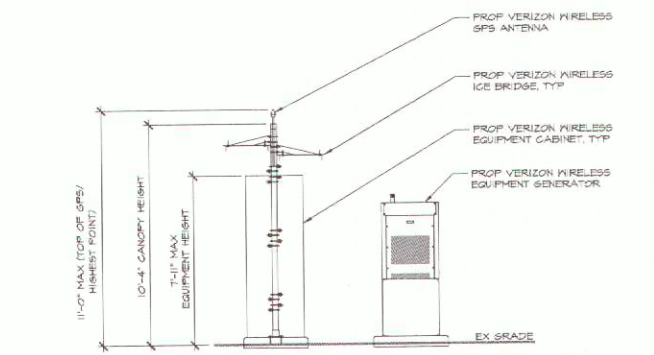
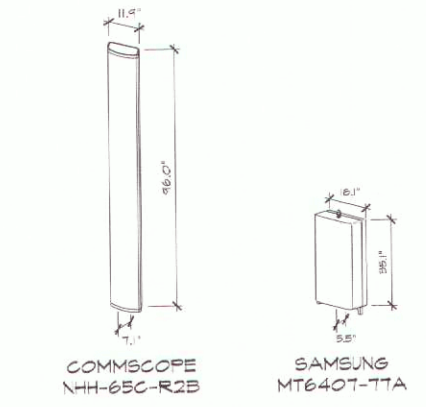
NO.	DESCRIPTION	DATE	INT.

DESIGNED BY: JMP
 DRAWN BY: DNT
 PROJECT NO: 04212018
 DATE: 11/29/2022
 SCALE: AS NOTED

Antenna Schedule & Equipment Details
 SHEET: **C-3**

ANTENNA COLOR CODING SCHEDULE

SECTOR	POS	MANUFACTURER	MODEL #	AZIMUTH	RAD CENTER (FT)	ANTENNA TECHNOLOGY	ANTENNA COLOR CODING
ALPHA	1	NONE	N/A	N/A	N/A	N/A	N/A
	2	JMA	MX06PRO860-02	4°	151'-0"±	100/850/2/00 (8 CABLES)	TX: PURPLE/GREEN/RED/GREEN/PURPLE (P16/S16/S16/P16) RX: PURPLE/GREEN/RED/GREEN/PURPLE (P16/S16/S16/P16) TX: ORANGE/YELLOW/ORANGE (O2/Y1/O2) RX: ORANGE/YELLOW/ORANGE (O2/Y1/O2) TX: PINK/RED/PINK (P2/R1/P2) RX: PINK/RED/PINK (P2/R1/P2)
	3	JMA	MX06PRO860-02	4°	151'-0"±	100/850/1000 (8 CABLES)	TX: PURPLE/GREEN/RED/GREEN/PURPLE (P16/S16/S16/P16) RX: PURPLE/GREEN/RED/GREEN/PURPLE (P16/S16/S16/P16) TX: PINK/RED/PINK (P2/R1/P2) RX: PINK/RED/PINK (P2/R1/P2)
	4	NONE	N/A	N/A	N/A	N/A	N/A
BETA	1	NONE	N/A	N/A	N/A	N/A	N/A
	2	JMA	MX06PRO860-02	124°	151'-0"±	100/850/2/00 (8 CABLES)	TX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) RX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) TX: ORANGE/YELLOW/ORANGE (O2/Y1/O2) RX: ORANGE/YELLOW/ORANGE (O2/Y1/O2) TX: PINK/YELLOW/PINK (P2/Y1/P2) RX: PINK/YELLOW/PINK (P2/Y1/P2)
	3	JMA	MX06PRO860-02	124°	151'-0"±	100/850/1000 (8 CABLES)	TX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) RX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) TX: PINK/YELLOW/PINK (P2/Y1/P2) RX: PINK/YELLOW/PINK (P2/Y1/P2)
	4	NONE	N/A	N/A	N/A	N/A	N/A
GAMMA	1	NONE	N/A	N/A	N/A	N/A	N/A
	2	JMA	MX06PRO860-02	244°	151'-0"±	100/850/2/00 (8 CABLES)	TX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) RX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) TX: ORANGE/YELLOW/ORANGE (O2/Y1/O2) RX: ORANGE/YELLOW/ORANGE (O2/Y1/O2) TX: PINK/YELLOW/PINK (P2/Y1/P2) RX: PINK/YELLOW/PINK (P2/Y1/P2)
	3	JMA	MX06PRO860-02	244°	151'-0"±	100/850/1000 (8 CABLES)	TX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) RX: PURPLE/GREEN/YELLOW/GREEN/PURPLE (P16/S16/Y16/S16/P16) TX: PINK/YELLOW/PINK (P2/Y1/P2) RX: PINK/YELLOW/PINK (P2/Y1/P2)
	4	NONE	N/A	N/A	N/A	N/A	N/A



- TYPICAL MONI WIRE FENCE NOTES**
- GATE POST: CORNER, TERMINAL OR FULL POST 2 1/2" DIA (2 7/8" OD) SCHEDULE 40 FOR GATE WIDTHS UP TO 6 FEET OR 12 FEET FOR DOUBLE SWING GATE PER ASTM-F1003.
 - LINE POST: 2" DIA (2 3/8" OD) SCHEDULE 40 PIPE PER ASTM-F1003.
 - GATE FRAME: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1003.
 - TOP RAIL & BRACE RAIL: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1003.
 - FABRIC: 4 GA CORE WIRE SIZE 2" MESH CONFORMING TO ASTM-A952.
 - TIE WIRE: MINIMUM 1 GA GALVANIZED STEEL AT POSTS AND RAILS. A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOUSING RINGS SPACED MAX 24" INTERVALS.
 - TENSION WIRE: 7 GA GALVANIZED STEEL.
 - BARBED WIRE: DOUBLE STRAND (2-2 1/2") OD TWISTED WIRE TO MATCH WITH FABRIC. 14 GA. 4 FT BARBS SPACED ON APPROXIMATELY 4" CENTERS.
 - GATE LATCH: 1-3/8" OD FLANGER ROD WITH HUBBARD TYPE GATCH AND LOCK KEYS ALIKE FOR ALL SITES IN A GIVEN MTA.
 - LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED WITH IF REQUIRED.
 - CHAIN LINK FENCE SHALL INCLUDE VERTICAL PVC SCREENING SLATS, ALL SIDES, (COLOR: DARK GREEN OR BLACK)

- TYPICAL MONI WIRE FENCE NOTES**
- GATE POST: CORNER, TERMINAL OR FULL POST 2 1/2" DIA (2 7/8" OD) SCHEDULE 40 FOR GATE WIDTHS UP TO 6 FEET OR 12 FEET FOR DOUBLE SWING GATE PER ASTM-F1003.
 - LINE POST: 2" DIA (2 3/8" OD) SCHEDULE 40 PIPE PER ASTM-F1003.
 - GATE FRAME: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1003.
 - TOP RAIL & BRACE RAIL: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1003.
 - FABRIC: 4 GA CORE WIRE SIZE 2" MESH CONFORMING TO ASTM-A952.
 - TIE WIRE: MINIMUM 1 GA GALVANIZED STEEL AT POSTS AND RAILS. A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOUSING RINGS SPACED MAX 24" INTERVALS.
 - TENSION WIRE: 7 GA GALVANIZED STEEL.
 - BARBED WIRE: DOUBLE STRAND (2-2 1/2") OD TWISTED WIRE TO MATCH WITH FABRIC. 14 GA. 4 FT BARBS SPACED ON APPROXIMATELY 4" CENTERS.
 - GATE LATCH: 1-3/8" OD FLANGER ROD WITH HUBBARD TYPE GATCH AND LOCK KEYS ALIKE FOR ALL SITES IN A GIVEN MTA.
 - LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED WITH IF REQUIRED.

811
 Know what's below.
 Call before you dig.
 PROJECT POSSIBLY GIVE THREE WORKING DAYS NOTICE
 THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPLICABLE.



MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg Overall Site Layout

01 June 2023





EXISTING
PHOTO #1

LEITERSBURG
PROPOSED MONOPOLE

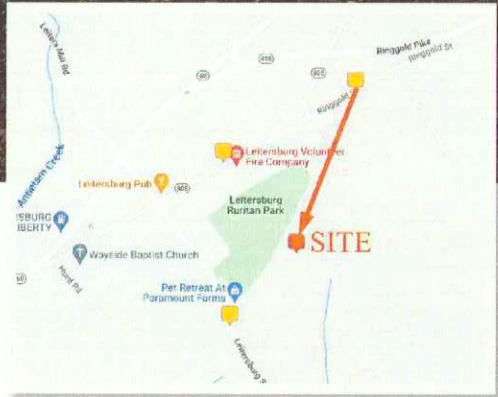


MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Existing View 1

01 June 2023





PROPOSED
PHOTO #1

LEITERSBURG
PROPOSED MONOPOLE

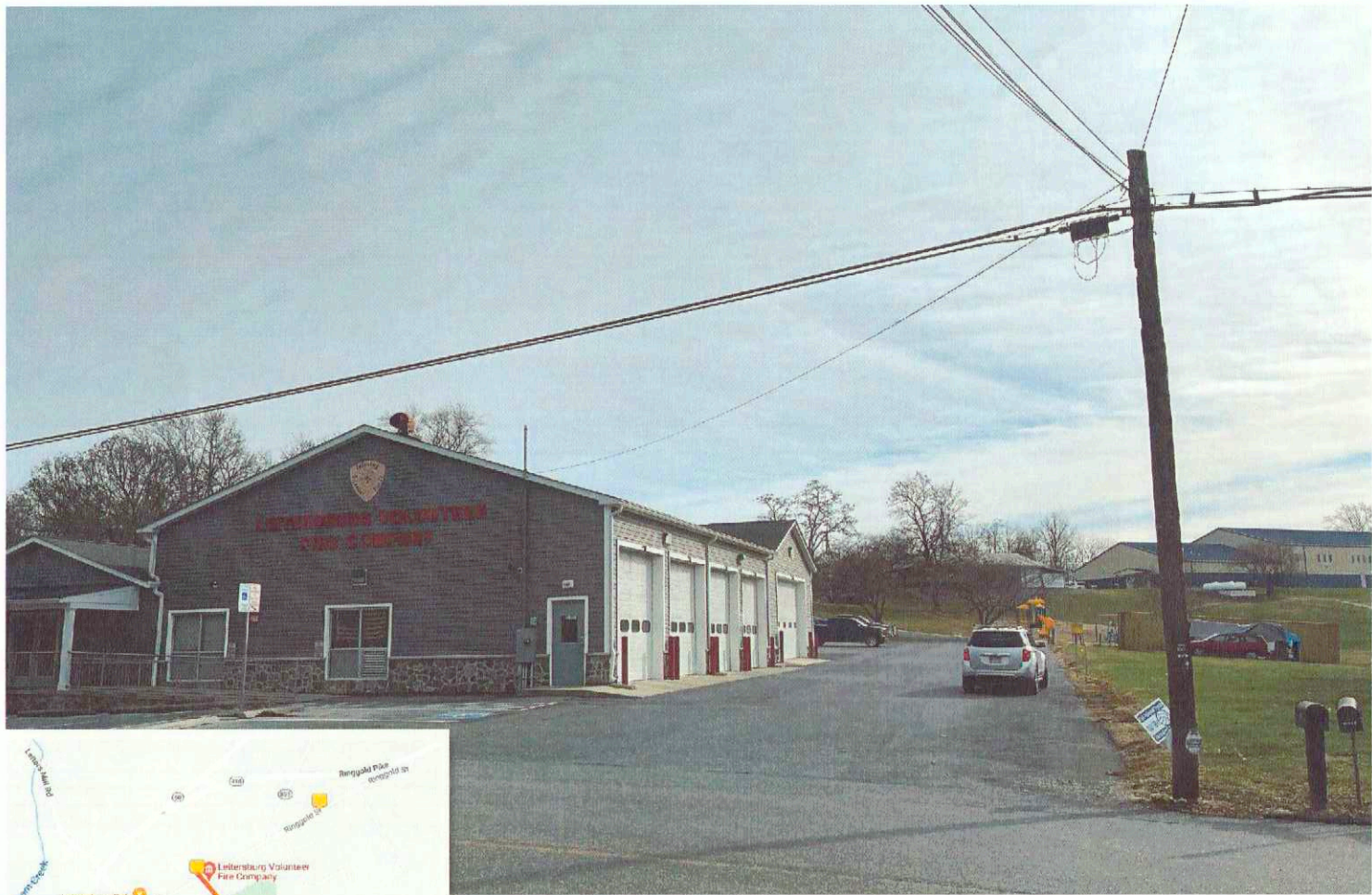


MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Proposed View 1

01 June 2023





EXISTING
PHOTO #2

LEITERSBURG
PROPOSED MONOPOLE



MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Existing View 2

01 June 2023





PROPOSED
PHOTO #2

LEITERSBURG
PROPOSED MONOPOLE



MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Proposed View 2

01 June 2023





EXISTING
PHOTO #3

LEITERSBURG
PROPOSED MONOPOLE



MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Existing View 3

01 June 2023





PROPOSED
PHOTO #3

LEITERSBURG
PROPOSED MONOPOLE



MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leithersburg
Proposed View 3

01 June 2023





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

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



ZONING APPEAL

Property Owner: Foxshire Plaza Residential LLC
1741 Dual Highway
Suite B
Hagerstown MD 21740

Docket No: AP2023-037
Tax ID No: 10059321

Appellant: Foxshire Plaza Residential LLC
1741 Dual Highway
Suite B
Hagerstown MD 21740

Zoning: RU
RB Overlay: No
Zoning Overlay:

Filed Date: 07/18/2023
Hearing Date: 08/16/2023

Property Location: 2207 & 2209 Beverly Drive
Hagerstown, MD 21740

Description Of Appeal: Variance to convert two-family dwelling into semi-detached dwellings for future subdivision. Variance for 2209 Beverly Drive: lot size requirement of 5,000 sq. ft. for a semi-detached dwelling to 4,037 sq. ft.

Appellant's Legal Interest In Above Property:

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

Previous Petition/Appeal Docket No(s):

Applicable Ordinance Sections: Washington County Zoning Ordinance: Section 9.5 (a)

Reason For Hardship:

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Two Family Dwelling (Duplex) **Proposed Use:** Semi-Detached Dwellings

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

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

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

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 25 day of July, 2023.

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



My Commission Expires

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: AP2023-037

State of Maryland Washington County, To Wit:

On 7/18/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Fox & Associates Inc and made oath in due form of law as follows:

Fox & 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 08/16/2023, 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.

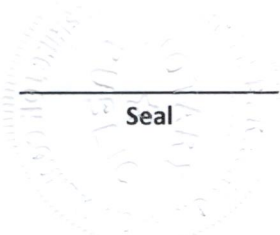
Sign(s) will be posted on 08/01/2023 and will remain until after the above hearing date.

Fox & 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 GORDON POTTENBERGER is authorized to file an appeal with the Washington County Board of Appeals for FOXSHIRE PLAZA RESIDENTIAL LLC on property located 2209 BEVERLY DRIVE. The said work is authorized by SASSAN SHAOOL the property owner in fee.

PROPERTY OWNER

SASSAN SHAOOL
Name
1741 DUAL HWY SUITE B
Address
HAGERSTOWN, MD 21740
City, State, Zip Code
Owner's Signature

Sworn and subscribed before me this 28 day of June, 2023.

Elizabeth Trotter
Notary Public

My Commission Expires:

Elizabeth Trotter
NOTARY PUBLIC
Washington COUNTY
MARYLAND
MY COMMISSION EXPIRES Aug 1, 2023

AUTHORIZED REPRESENTATIVE

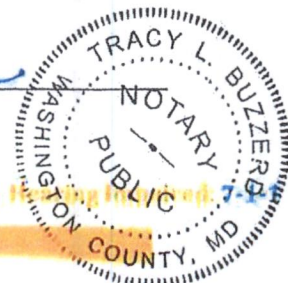
GORDON POTTENBERGER
Name
981 MT AETNA RD.
Address
HAGERSTOWN, MD 21740
City, State, Zip Code
Authorized Representative's Signature

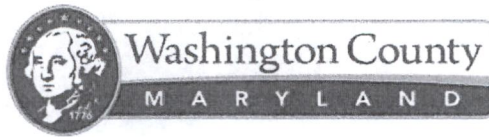
Sworn and subscribed before me this 28th day of June, 2023.

Tracy L. Buzzard
Notary Public

My Commission Expires: December 19, 2023

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





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 2209 BEVERLY DR., HAGERSTOWN 21740

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:

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

SECT. 9.5. a LOT AREA

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

LOT AREA REDUCTION FROM 10,000 SF. TO 4037 + 6542 SF

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 [X] 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] Signature of Appellant

981 MT. RETNA RD. HAG. MD 21740 Address and of Appellant

APOTTENBERGER@FOXASSOCIATESINC.COM Email of Appellant

301 733 8503 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.

BZA Variance Narrative

Owner: Foxshire Plaza Residential LLC

Address: 2209 Beverly Drive, Hagerstown, MD 21740

TM 50/P 1744, Zoned RU

The subject property has an existing two family dwelling. The applicant desires to subdivide the property through the middle of the structure to create two semi-detached dwelling units.

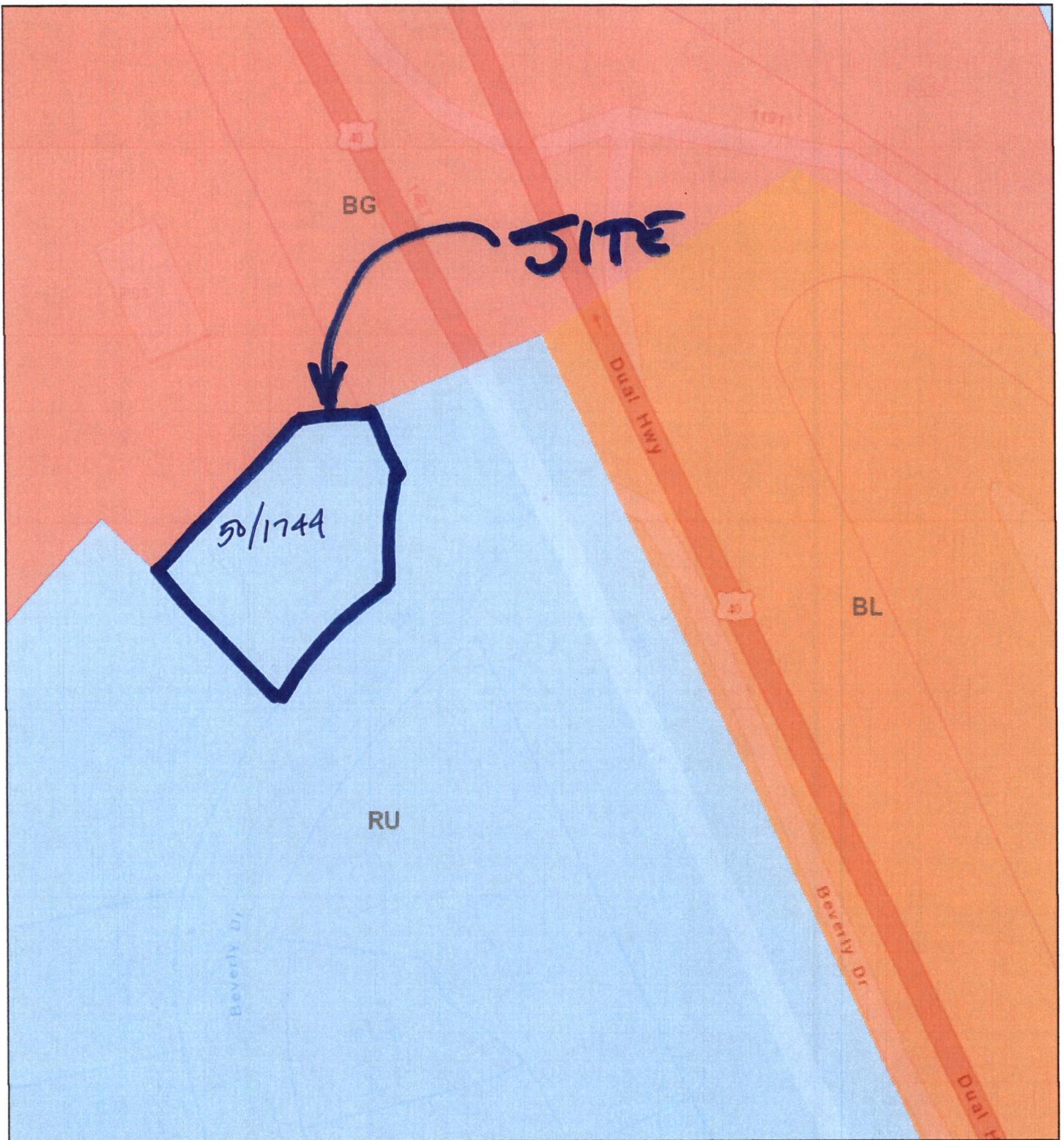
This will require a variance to the lot area requirement. Article 9.5.a requires each semi-detached dwelling to have 10,000 square feet of land. We are requesting a reduction to 4,037 and 6,542 square feet for lot 1A and lot 1B, respectively.

I believe there's an argument here for approval due to practical difficulty:

1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose.
2. Denying the variances would do substantial injustice to the applicant and lesser amounts than applied for would not give substantial relief. Since the structure is existing, there is no flexibility on the new property line location.
3. Granting the variance would observe the spirit of the Ordinance and ensure public safety and welfare. Two family dwellings are a principally permitted use in the RU zoning district. The structure has already been in existence for years as a two family dwelling. Granting the variance will allow the owner to sell each half.






Additionally, the existing paved area in front of the existing two-family structure is large enough to park 10-12 vehicles. More than required for the proposed 2 semi-detached dwellings.

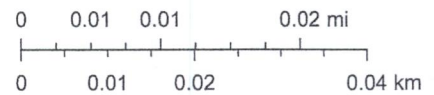
Property and Zoning Web Map



6/21/2023, 2:51:02 PM

1:1,128

- | | |
|--|--|
| Zoning |  Residential, Urban |
|  Business, General |  Growth Area Boundaries |
|  Business, Local |  Parcels |



Washington County Planning Department, City of Hagerstown, WashCo MD, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

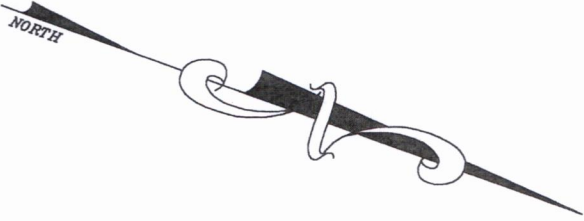


Google Earth

© 2023 Google



6.96 ft



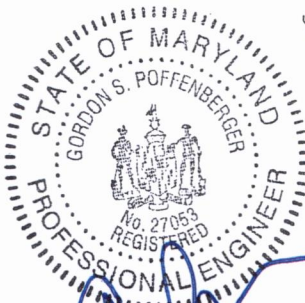
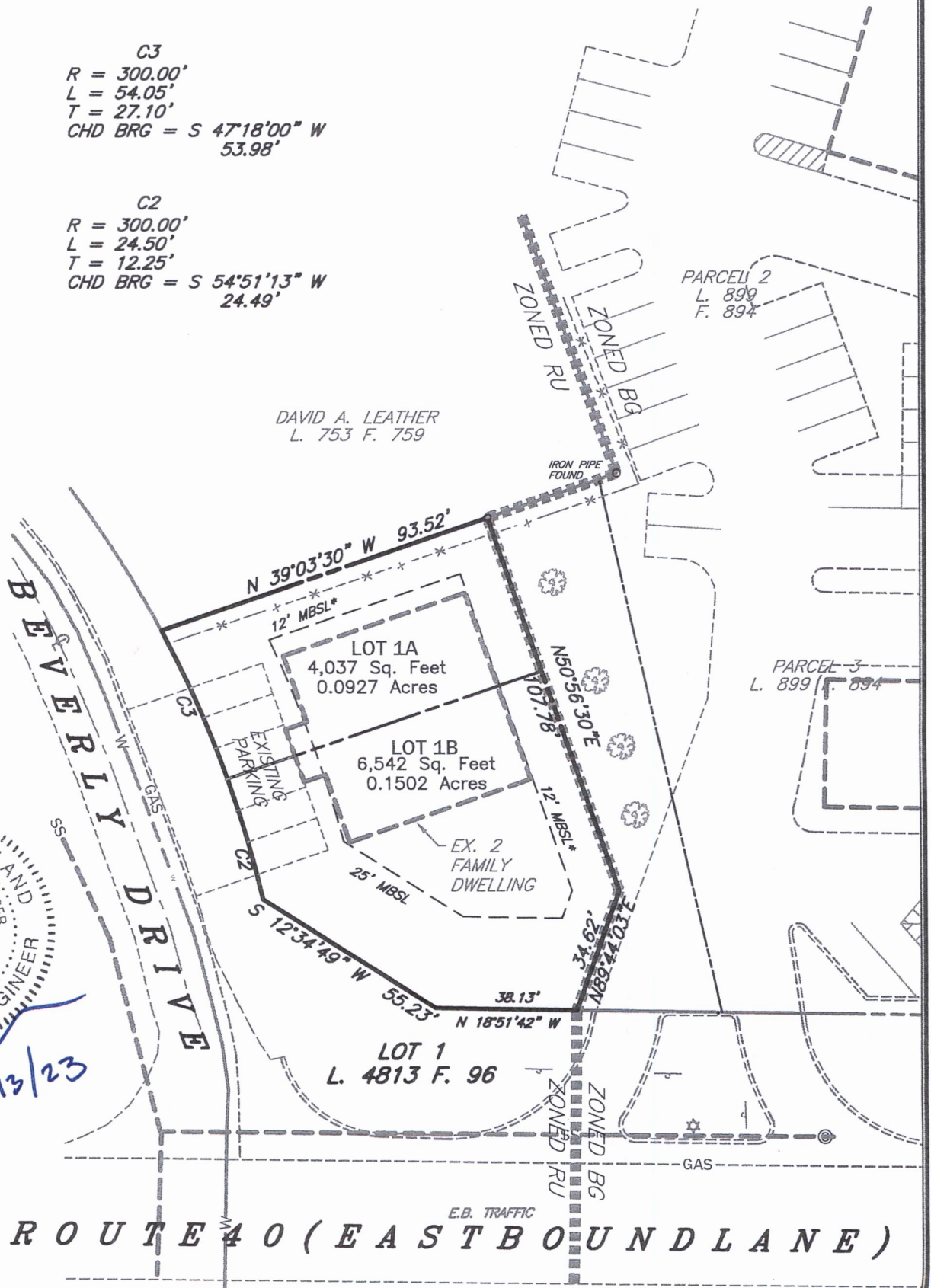
C3
 R = 300.00'
 L = 54.05'
 T = 27.10'
 CHD BRG = S 47°18'00" W
 53.98'

C2
 R = 300.00'
 L = 24.50'
 T = 12.25'
 CHD BRG = S 54°51'13" W
 24.49'

DAVID A. LEATHER
 L. 753 F. 759

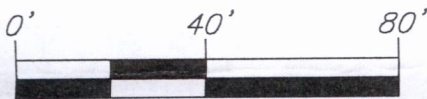
PARCEL 2
 L. 899
 F. 894

PARCEL 3
 L. 899
 F. 894



GSP
 7/13/23

U. S. R O U T E 4 0 (E A S T B O U N D L A N E)



SCALE: 1" = 40'

* PER RECORDED PLAT FOLIO 9033
 CURRENT 'RU' SIDE SETBACK IS 10 ft.

B.Z.A. EXHIBIT
 PARCEL 4 - LANDS OF
FOXSHIRE PLAZA RESIDENTIAL, LLC

SITUATE AT 2209 BEVERLY DRIVE
 WASHINGTON COUNTY, MD

DRAWN BY: RLB	DATE: JUNE 2023
CHECKED BY: GSP	DATE: JUNE 2023
SCALE: 1" = 40'	

FOX & ASSOCIATES, INC.
 ENGINEERS • SURVEYORS • PLANNERS
 981 MT. AETNA ROAD, HAGERSTOWN, MD. 21740
 PHONE: (301)733-8503
 email: foxassoc@foxassociatesinc.com

DISTRICT	10
TAX MAP No.	50
DWG. No.	A-25216

H:\00\0040204\23-31996 Parcel 4 Subdivision\BZA\01-BZA Exhibit.dwg Jul 13, 2023 - 12:19pm User: rbluimman

ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT⁸⁵

Section 9.0 Purpose

The purpose of the Residential, Urban District is to provide appropriate locations in the Urban and Town Growth Areas for residential development at greater densities and limited community service type uses.

All new development in the Residential, Urban District should be served by public water and sewerage facilities approved by the Washington County Health Department.

The following regulations and the applicable regulations contained in other articles shall apply in the "RU" Residential, Urban District.

Section 9.1 Principal Permitted Uses

- (a) Dwellings, single-family, two-family, and semi-detached.
- (b) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.
- (c) Places of worship, schools, and colleges. (See Section 23.1(g))
- (d) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers and their associated swimming pools.⁸⁶
- (e) Conversion and alteration of a building existing at the time of the enactment of this Ordinance to accommodate not more than two (2) families; provided that the requirements of Section 23.1 as well as the requirements of the Health Department are complied with.
- (f) Mixed use developments subject to the provisions of Article 16.

Section 9.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)^{87 88}

- (a) Nursing/convalescent homes, assisted living, or comprehensive care facilities.
- (b) Boarding or rooming houses.

⁸⁵ Revision 17, Article 9 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005) (ORD-2012-07)

⁸⁶ Revision 17, Section 9.1(d) amended and eff. 2/26/13 (RZ-12-004) (ORD)-2013-03)

⁸⁷ Revision 17, Section 9.2 amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

⁸⁸ Revision 18, Section 9.2 amended 1/16/18 (RZ-17-007/ORD-2018-03)

- (c) Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9.
- (d) Professional offices, beauty parlors, or barbershops (in residence).
- (e) Medical or dental clinics and hospitals.
- (f) Golf courses, country clubs, private clubs, and similar recreational uses.
- (g) Nursery schools or child care centers.
- (h) Public utility buildings, structures, or uses not considered Essential Utility Equipment, as defined in Article 28A.
- (i) Bed and Breakfast; up to five (5) guest rooms.
- (j) Banquet/Reception Facilities.

Section 9.3 Accessory Uses

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Incidental home occupations.
- (c) Swimming pools, tennis, and other similar courts when accessory to a residence.

Section 9.4 Height Regulations

No principal permitted structure shall exceed forty (40) feet in height and no accessory structure shall exceed twenty-five (25) feet, except as provided in Section 23.4.

Section 9.5 Lot Area, Lot Width, and Yard Setback Requirements⁸⁹

- (a) The following minimum requirements shall be observed where public water and sewer facilities will be used, subject to the modified requirements in Article 23.⁹⁰

⁸⁹

Revision 18, Section 9.5 amended, 1/16/18 (RZ-17-007/ORD-2018-03)

⁹⁰

Revision 17, Section 9.5(a) amended and eff. 2/26/13 (RZ-12-004/ORD-2013-03)

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

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

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

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

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

Section 9.6 Public Facilities

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

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

- i. The need to protect environmental resources from potential pollution from failing septic systems.
- ii. The availability and proximity of existing public water and sewer facilities.
- iii. The status of any available plans for utility extensions in the future that may serve the area.
- iv. The existence and operation of private, on-site health facilities in the vicinity.
- v. Recommendations of the Washington County Health Department.
- vi. The adopted Washington County Water and Sewerage Plan.
- vii. Recommendations of the potential service provider.
- viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.
- ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate the minimum lot size shall be as specified in Section 9.5(b). Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.
- x. Any private on-site well or septic system shall meet all Health Department requirements.

(b) All new development in the Residential, Urban District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 9.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

The parking of tractor-trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.

Section 9.8 Site Plans

Uses that require site plans according to the requirements of Section 4.11 shall comply with and provide all information necessary to determine compliance with the design guidelines contained in Article 22, Division I (Parking), Division II (Signs), Division X (Lighting) and Division XI (Landscaping, Screening and Buffering).

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 - 059321

Owner Information

Owner Name: FOXSHIRE PLAZA RESIDENTIAL LLC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1741 DUAL HWY STE B Deed Reference: /04813/ 00096
HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: 2209 BEVERLY DR Legal Description: LOT 1 0.24 ACRES
HAGERSTOWN 21740-0000 2209 BEVERLY DR

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 9033
0050 0013 1744 10010150.22 0000 1 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2009 5,560 SF 1000 SF 10,454 SF 000000

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
2 YES END UNIT SIDING/ 4 12 full

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	As of
Land:	48,800	01/01/2022	07/01/2022	07/01/2023
Improvements	394,400	514,400		
Total:	443,200	563,200	483,200	523,200
Preferential Land:	0	0		

Transfer Information

Seller: FOXSHIRE PLAZA ENTERPRISES Date: 08/19/2014 Price: \$0
LLC
Type: NON-ARMS LENGTH OTHER Deed1: /04813/ 00096 Deed2:
Seller: Date: Price: \$0
Type: NON-ARMS LENGTH OTHER Deed1: /01580/ 00942 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:

2023 RU

	<u>Adjoiner/Local Official</u>	<u>Address</u>		<u>T.M.</u>	<u>Parcel</u>
1	Washington Co. BOCC	100 West Washington Street	Hagerstown, MD 21740		
2	David Leather	2213 Beverly Drive	Hagerstown, MD 21740	50	411
3	Foxshire Plaza Commercial LLC	1741 Dual Hwy, Suite B	Hagerstown, MD 21740	50	93

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

FOXSHIRE PLAZA RESIDENTIAL, LLC

Appellant

*

*

*

*

Appeal No.: AP2023-037

* * * * *

OPINION

Foxshire Plaza Residential, LLC (hereinafter "Appellant") requests a variance to convert a two-family dwelling to a semi-detached dwelling for future subdivision and a variance for 2209 Beverly Drive to reduce required lot size from 5,000 square feet to 4,037 square feet at the subject property. The subject property is located at 2207 and 2209 Beverly Drive, Hagerstown, Maryland and is zoned Residential, Urban. The Board held a public hearing on the matter on August 16, 2023.

Findings of Fact

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

1. Appellant owns the subject property located at 2207 and 2209 Beverly Drive, Hagerstown, Maryland. The property is zoned Residential, Urban.
2. The subject property consists of approximately 10,579 square feet with a large two-family dwelling and a parking area for multiple vehicles in front, closest to the roadway.
3. Appellant proposes to subdivide the property along the party wall between the two dwelling units, making it a semi-detached dwelling. There would be no change

to the appearance of the property and no additions or modifications are planned.

4. The resulting subdivision would create a lot for 2209 Beverly drive that would be approximately 4,037 square feet and a lot for 2207 Beverly Drive that would be approximately 6,542 square feet.

5. Pursuant to the Zoning Ordinance, semi-detached dwellings are required to have a lot size of 10,000 square feet.

6. Appellant has a pending purchase contract on one-half of the building, subject to approval of the variance relief and subdivision.

7. Some of the neighboring property owners have concerns about the number of people living in the building and double parking of cars which affects traffic on Beverly Drive.

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

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).

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 instate case, the majority of the buildable area of the subject property is occupied by the existing building. Based on the testimony, it was originally constructed with the idea of being a multi-unit residential building. However, it has been limited to two-family dwelling. Appellant is attempting to improve the marketability of the property by subdividing into separate units for sale.

The Board acknowledges the concerns raised by the opposition at the hearing as well. Various members of the small community along Beverly Drive expressed legitimate concern about changing the nature of the property. There were concerns raised about the possibility of one-half becoming a rental property, in addition to the concerns for parking, the number of residents and the storage of junk and materials on the property. To the extent these issues have persisted at the subject property, they are problems that clearly have an impact on the neighbors. However, the Board views Appellant's propose plan as an opportunity to alleviate some of those concerns and exert more control over use of the property.

Given the odd shape of the property and manner in which the setback requirements create specific buildable area that cannot be modified, the property does present with difficulties. Without some type of variance relief, there would be no way to expand the existing building, or construction additional buildings to enhance market value. In terms of lot size, the subdivision dictates the size of the lots because of the location of the building on the property. The only appropriate subdivision line is along

the party wall of the building, leaving one lot larger than the other by necessity. The Board finds that these conditions constitute practical difficulty that complicates reasonable use and reasonable return from the property. The Board further finds that Appellant has satisfied the criteria for a variance based on practical difficulty and the relief should be granted.

Accordingly, the variance to convert a two-family dwelling to a semi-detached dwelling for future subdivision and the variance for 2209 Beverly Drive to reduce required lot size from 5,000 square feet to 4,037 square feet at the subject property are GRANTED, by a vote of 5-0. Said variance requests are granted upon the condition that the proposed use be consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: September 15, 2023

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

ZONING APPEAL

Property Owner: John & Cynthia McKenna
19920 Alva Court
Keedysville MD 21756
Appellant: John McKenna
19920 Alva Court
Keedysville MD 21756
Property Location: 19920 ALVA Court
KEEDYSVILLE, MD 21756
Description Of Appeal: Special exception to expand the previously approved resident business JMAC firearms LLC to include inventory.

Docket No: AP2023-038
Tax ID No: 08014493
Zoning: P
RB Overlay: No
Zoning Overlay:
Filed Date: 07/25/2023
Hearing Date: 08/16/2023

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): AP2016-027
Applicable Ordinance Sections: Washington County Zoning Table of Land Use 3.3 (1) J.
Reason For Hardship:
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:
Existing Use: Residential Business Proposed Use: Expand Residential Business
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.

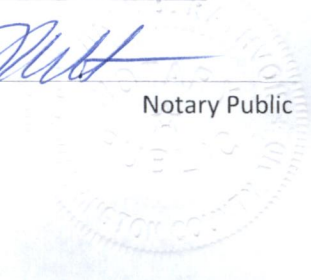
Handwritten signature of John A. McKenna over a line, with 'Appellant Signature' printed below.

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 25 day of July, 2023.

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

Handwritten signature of Kathryn B Rathvon over a line, with 'Notary Public' printed below.





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2023-038

State of Maryland Washington County, To Wit:

On 7/25/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared John McKenna and made oath in due form of law as follows:

John McKenna 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 08/16/2023, 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 08/01/2023 and will remain until after the above hearing date.

John McKenna

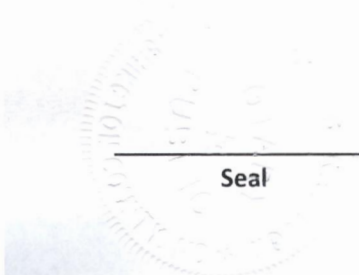
Sworn and subscribed before me the day and year first above written.

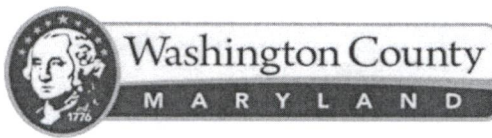
Notary Public

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

Seal

My Commission Expires





BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for Special Exception

Appeal is hereby made for a special exception under the Washington County Zoning Ordinance as follows: Location 1992 Alva Court Keedysville

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

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

Use Proposed: Expantion of Resident Business

Zoning Ordinance section and subsection(s) providing for proposed use: Land Use Chart 3.3(1) J

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

Provide Detailed Explanation on Separate Sheet

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

Yes No

If yes, give docket number(s): AP2016-027

Additional comments, if any: AFT is requiring and update to the Resident Business to include inventory

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

John A. McKenslick
Signature of Appellant
mcknslick@aol.com
Email of Appellant

1992 Alva Court Keedysville
Address of Appellant
301-674-4886
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.

Real Property Data Search ()
 Search Result for WASHINGTON COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 014493

Owner Information

Owner Name: MCKENNA JOHN A & CYNTHIA A **Use:** RESIDENTIAL
Mailing Address: 19920 ALVA CT **Principal Residence:** YES
 KEEDYSVILLE MD 21756-1621 **Deed Reference:** /01971/ 00363

Location & Structure Information

Premises Address: 19920 ALVA CT **Legal Description:** LOT 21 4.05 ACRES
 KEEDYSVILLE 21756-0000 19920 ALVA COURT
 VALLEY RIDGE ESTATES

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	6531
0081	0015	0451	8010087.22	0171			21	2021	Plat Ref:	

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2003	4,278 SF		4.0500 AC	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	5	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value		
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023
Land:	110,500	110,500		
Improvements	348,200	394,400		
Total:	458,700	504,900	489,500	504,900
Preferential Land:	0	0		

Transfer Information

Seller: PATRIOT HOMES INC	Date: 04/04/2003	Price: \$436,575
Type: ARMS LENGTH IMPROVED	Deed1: /01971/ 00363	Deed2:
Seller: VALLEY LAND & DEVELOPMENT LLC	Date: 06/17/2002	Price: \$375,000
Type: ARMS LENGTH MULTIPLE	Deed1: /01795/ 00508	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 03/24/2011

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

STEEP SLOPE NOTE
Septic reserve areas as required by County and State Health Regulations shall not be located in areas of steep slope as defined in section 502.04. The Planning Commission may require the use of appropriate best management practices upon the recommendation of the Soil Conservation District where development is proposed on areas of steep slope.

SENSITIVE AREA NOTICE
The stream buffer shown herein is established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 408. In an effort to preserve or improve water quality, the property owner is required to establish and maintain in perpetuity vegetative ground cover in accordance with current best management practices recommended by the Washington Co. Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reserve area be established within the buffer.

Forest Conservation Easement Area = 18.96 Ac.±

n/t Joseph Edgar Clapp 1194 / 250

n/t Douglas A. Seaking 551 / 380

NOTE: The 100 year flood plain superceeds the 24 foot stream buffer that is required for 0-6% slopes.

NOTE: Each address is based on the entrance as shown on this plat. If the driveway is constructed at a different location from that shown hereon, the address listed above may VOID and the owner/developer of the lot must reapply to the Planning Commission for a new address assignment.

DEDICATION FOR CORPORATIONS

Valley land and we, Ronald Starkey, President, and Heine A. Heiser, Secretary, of Developtec, LLC a Maryland Corporation do hereby certify that the corporation is a legal and true owner of the property shown and described on this plat and that the said corporation does adopt this Plat of Subdivision, establish the minimum building restriction lines, dedicate to public use of utility and drainage easement areas and all other street and road rights of way described on this plat, agree to keep open all spaces and recreation areas shown, and agree that the dedications shall not impose any responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications, until such time as the Board of County Commissioners, by said Board, and said corporation does hereby release the fee simple title to the land underlying such easements, rights of way, open spaces and recreation areas, and the right to the said easements and rights of way, hereby agrees to convey the same to said Board, for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way to said Board. This deed and agreement of dedication apply to the existing and proposed streets, easements, and other structures.

I/We do hereby certify that the community water and/or community sewerage system proposed for this subdivision will be available to all lots offered for sale. I/We do certify that plans for the community water supply and/or community sewerage system facilities, including any necessary point of discharge, have been approved by the Maryland Department of the Environment.

I/We do hereby certify that the community water and/or sewerage system facilities, including any necessary point of discharge, have been approved by the Maryland Department of the Environment.

I/We do hereby certify that the community water and/or sewerage system facilities, including any necessary point of discharge, have been approved by the Maryland Department of the Environment.

I/We do hereby certify that the community water and/or sewerage system facilities, including any necessary point of discharge, have been approved by the Maryland Department of the Environment.

AFPA TABULATION

90.14 Ac. Lots 3, 4, 6 and thru 22
2.23 Ac. Alva Court E/W
92.37 Ac. Total Development

No.	Bearing	Distance	No.	Bearing	Distance	Area	Perimeter	Area	Perimeter
01	N75°00'00" E	175.00	01	N75°00'00" E	175.00	15.14	313.21	15.14	313.21
02	S24°47'47" E	473.00	02	S24°47'47" E	473.00	329.09	322.55	329.09	322.55
03	S72°24'30" E	473.00	03	S72°24'30" E	473.00	325.88	469.27	325.88	469.27
04	S79°02'59" E	26.00	04	S79°02'59" E	26.00	23.29	22.68	23.29	22.68
05	S69°02'59" E	60.00	05	S69°02'59" E	60.00	51.84	59.14	51.84	59.14
06	N61°23'41" E	60.00	06	N61°23'41" E	60.00	64.29	61.26	64.29	61.26
07	N12°42'22" E	14.93	07	N12°42'22" E	14.93	14.93	14.93	14.93	14.93
08	N106°50'59" E	60.00	08	N106°50'59" E	60.00	111.11	95.90	111.11	95.90
09	S37°02'00" E	25.00	09	S37°02'00" E	25.00	23.59	22.69	23.59	22.69
10	S37°02'00" E	25.00	10	S37°02'00" E	25.00	23.59	22.69	23.59	22.69
11	S20°10'43" E	525.00	11	S20°10'43" E	525.00	184.90	183.94	184.90	183.94
12	S20°10'43" E	525.00	12	S20°10'43" E	525.00	184.90	183.44	184.90	183.44
13	S19°43'59" E	325.00	13	S19°43'59" E	325.00	118.13	183.89	118.13	183.89
14	S19°43'59" E	325.00	14	S19°43'59" E	325.00	148.35	147.89	148.35	147.89
15	S19°43'59" E	325.00	15	S19°43'59" E	325.00	203.18	209.39	203.18	209.39
16	S19°43'59" E	325.00	16	S19°43'59" E	325.00	14.32	14.32	14.32	14.32

GENERAL NOTES

- 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted on this site.
- There is a 10 ft. wide drainage and utility easement along all front lot lines and an 8 ft. wide drainage and utility easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
- Resurvey based on dead North.
- Minimum Building Setbacks: front yard-50', side yard-50', rear yard-50', minimum Building Setback Lines are based on the current Washington County Ordinance. Accessory Structures may be constructed in accordance with Section 4.10 and Section 21.5 (b). Frontage or setback lines of water's edge (Section 28.10) (Forest Co. Ordinance) (Accessory structures shall not be constructed until principal structure is constructed on property).
- All additional right-of-way 70 feet in width as measured from the centerline of Trego Road is hereby dedicated for the purpose of the proposed future widening of said road.
- Tall sign structures are prohibited within the minimum 100' setback.
- There are no holes or openings or enclosures identified by the U.S. Fish and Wildlife Service per 50 C.F.R. 17.11 as shown by Section 100 of the Forest Conservation Easement. There is a 100 year flood plain buffer, other signs barriers and other structures.
- Accessory structures shall not be placed on any lots until the principal structure has been constructed.
- The condition shall have been shown within the 100 year flood plain and Local Flood Plain maps and approved.
- The condition shall have been shown on Lots 4, 11 and 12 has a County Right of Way 8' per Road Base 1, page 292. This right of way was officially designated by the Board of Co. Commissioners of Washington County.
- Lot 7 and 22 will require pumping of the effluent to the reserved septic area.

CERTIFICATE OF APPROVAL
FINAL APPROVAL GRANTED

DATE: 4-6-01

BY: Robert C. Amb
WASHINGTON COUNTY PLANNING COMMISSION

LAND SURVEYOR'S CERTIFICATION

I hereby certify that the data shown herein is correct, that it is a subdivision of part of the land conveyed by G.D. to the State and Development by deed of Edward J. Starkey and recorded in Liber 1830, folio 500 among the Land Records of Washington County, Maryland, and that same marked "a" and/or same marked "b" have been as indicated.

Date: March 6, 2001
Professional Land Surveyor

TAX MAP 01-15-02 DISTRICT 8

DRAWING NUMBER 1 OF 2

DRAWN BY: R.E. Rice DATE: Feb. 27, 2001

CHECKED BY: DATE:

SCALE: 1" = 80'

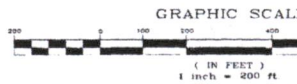
FREDERICK SEIBERT & ASSOCIATES, INC.

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
(301) 791-3800 (301) 283-7478 FAX (301) 798-4986

10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(717) 987-1087

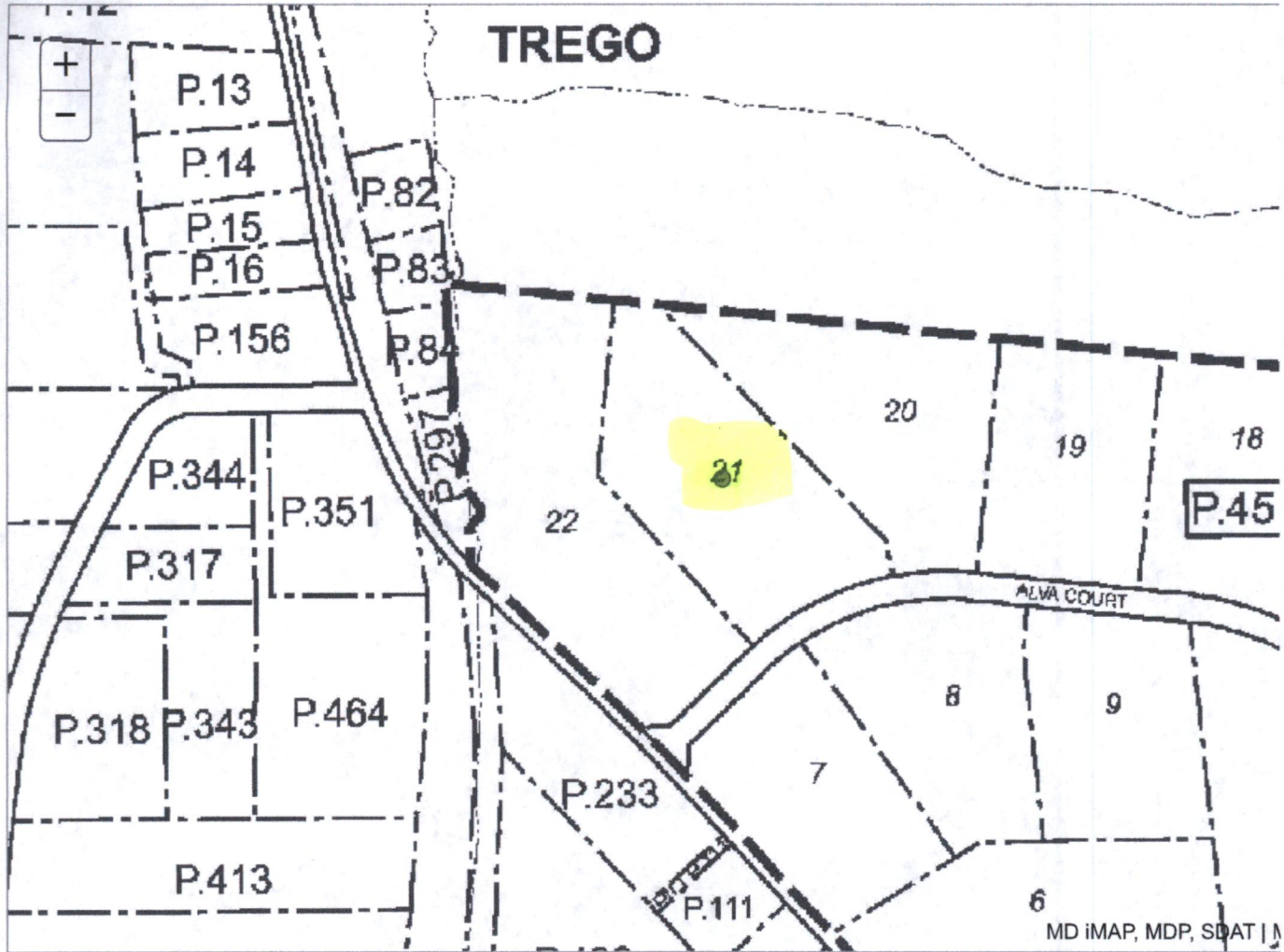
Final Plat of Subdivision
of
Lots 3, 4, 6 and through 22
Valley Ridge Estates
for
S & H Partnership
situate along the north side
of Trego Road
WASHINGTON COUNTY, MARYLAND

OWNER / DEVELOPER
S&H Partnership
c/o Ronnie Starkey
5090 Mountain Road
Frederick, MD. 21703



MSA 5511 1253-6031-1

District: **08** Account Number: **014493**

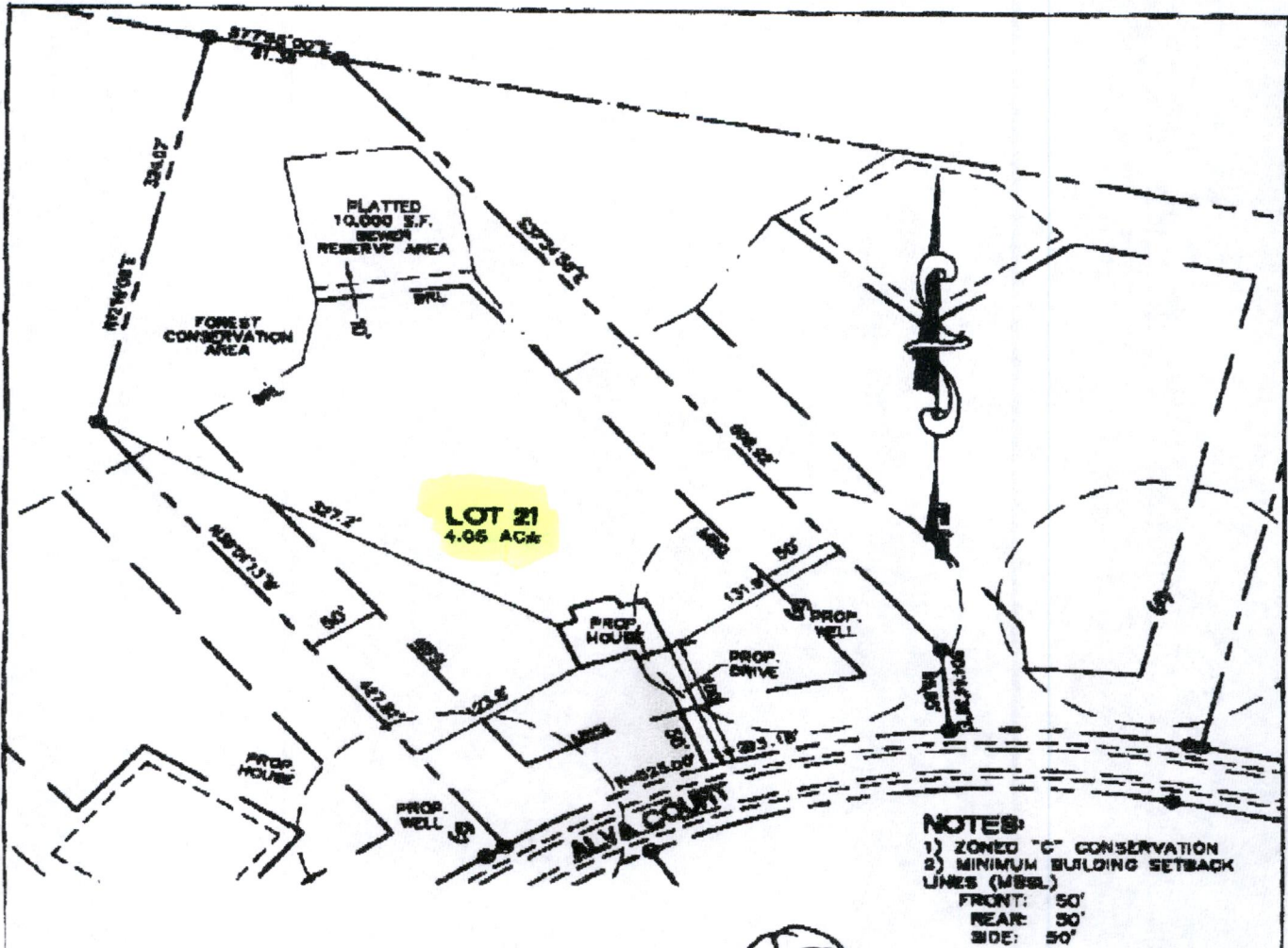


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

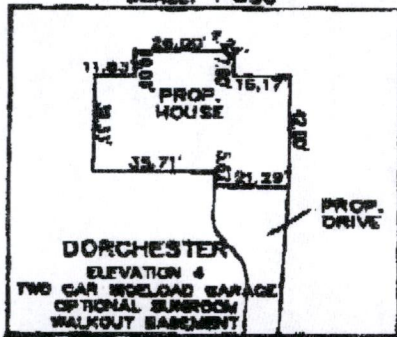
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).



HOUSE DETAIL
SCALE: 1"=50'



PROPOSED HOUSE SITE
LOT 21
VALLEY RIDGE ESTATES
 WASHINGTON COUNTY PLAT No. 5531
 SITUATED ALONG THE NORTH SIDE OF
 ALVA COURT
 WASHINGTON COUNTY, MARYLAND

DRAWN BY:
RBS

CHECKED BY:

SCALE:
1" = 100 ft.

DATE:
07-26-02

GERALD A. CUMP & ASSOCIATES, INC.
SURVEYORS & ENGINEERS

151 East Baltimore Street
 Hagerstown, Maryland 21740
 Phone: (301) 788-8211

PROJECT DIST:
S

TAX MAP:
S1

DATE: REV. 08/02/02
07-26-02

JOB NO.
2800

TRAVELERS HIGH VALUE

Policy #: 9881250666371

Insured: JOHN MCKENNA



Other

Note:

Front

TRAVELERS HIGH VALUE

Policy #: 9881250666371

Insured: JOHN MCKENNA



Other

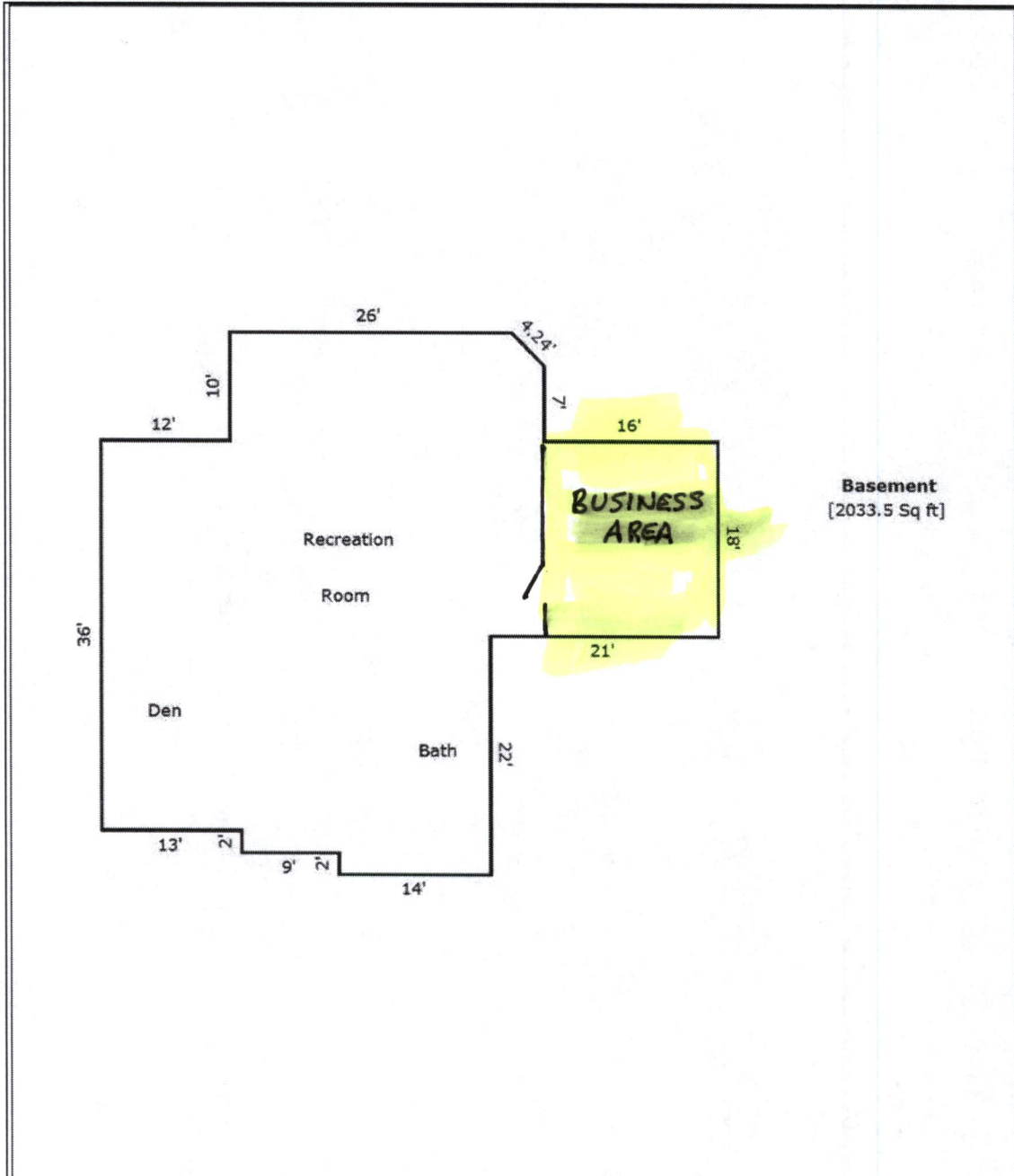
Note:

Back

SKETCH ADDENDUM

File # 20160418-1265-2

Borrower/Client John McKenna
 Property Address 19920 Alva Ct
 City Keedysville County Washington State MD Zip Code 21756
 Lender Caliber Home Loans



Basement
 [2033.5 Sq ft]

TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

Non-living Area		
Basement	2033.5 Sq ft	
		0.5 x 3 x 3 = 4.5
		26 x 3 = 78
		29 x 7 = 203
		57 x 18 = 1026
		36 x 18 = 648
		23 x 2 = 46
		14 x 2 = 28

JMAC Firearms LLC
19920 Alva Court Keedysville, MD 21756
301-674-4886

Dear Washington County Zoning Board, the following is my Justification Statement.

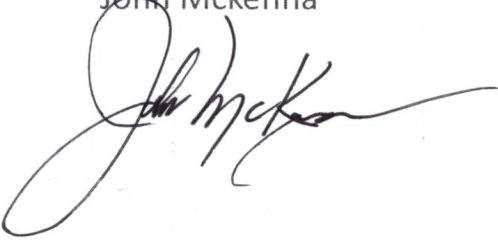
- A. Two adults living at the residence Cindy and John Mckenna
- B. No growth or impact to the community
- C. No impact on Traffic conditions
- D. **No** effect on surrounding residents or neighbors
- E. No odors, dust, gas, smoke or fumes or noise to the surrounding community
- F. No change to the existing land or structure
- G. No schools, churches are in the vicinity of the residence.

Reason for refiling as follows-

- A. To comply with the Bureau of alcohol tobacco and firearms update to the resident business to include **"inventory"**.
- B. To include the sale of firearms to Maryland Residents. If approved the amount of inventory would be \$20,000
- C. **No** changes to the business work area or business hours

Thank you.

John Mckenna

A handwritten signature in black ink, appearing to read "John Mckenna". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Surrounding Neighbors

Rodney and Laura Menas
19906 Alva Court
Keedysville, MD 21756
301 432 6931

Joe and Marianne Glass
19907 Alva Court
Keedysville, MD 21756
301 432 7293

Mike and Lisa Bainbridge
19928 Alva Court
Keedysville, MD 21756
301 606 7329

John and Robin Hammond
19925 Alva Court
Keedysville, MD 21756
301 788 3436

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

JOHN MCKENNA
Appellant

*

*

Appeal No.: AP2023-038

*

* * * * *

OPINION

John McKenna (hereinafter "Appellant") requests a special exception to expand the resident business JMAC Firearms, LLC to include inventory at the subject property. The subject property is located at 19920 Alva Court, Keedysville, Maryland and is zoned Preservation. The Board held a public hearing on the matter on August 16, 2023.

Findings of Fact

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

1. Appellant and his wife are the owners of the subject property located at 19920 Alva Court, Keedysville, Maryland. The property is zoned Preservation.
2. Appellant operates JMAC Firearms, LLC at the subject property.
3. On July 28, 2016, Appellant was granted a special exception for his business, which included the sale of firearms and application of a protective coating on firearms. At the time, Appellant confirmed that no inventory would be maintained on the property.
4. Appellant contracts with various law enforcement and government agencies to deliver large orders but is acting primarily as a broker.
5. Appellant maintains two gun safes, one for business and one for personal use. For purposes of the business, guns may be temporarily stored in the safe before being shipped or delivered to a customer.

6. Appellant reported that he had 16 guns that were related to his government contracts and could not be sold to the public by law. He also reported having 4 handguns that were not for sale to the public, but legally could be sold.

7. During a recent ATF compliance audit, Appellant was informed that any guns being stored at the property for the business were to be considered inventory. In addition, any accessories that are ordered for a customer but come to the subject property would also be considered inventory.

8. As a result of the ATF audit, Appellant was directed to seek permission to maintain inventory so that he was in compliance with his license requirements.

9. Appellant had no plan to change the business model or to start maintaining on-hand inventory for sale to the public.

10. There was no opposition presented to this appeal.

Rationale

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as “a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.” Article 28A. In addition, Section 25.6 sets forth the limitations, guides, and standards in exercise of the board’s duties and provides:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other

information germane to the case and shall give consideration to the following, as applicable:

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.
- (c) Traffic conditions and facilities
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.
- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- (g) The most appropriate use of the land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

The Board notes that this is merely an expansion of already approved special exception use at the subject property. It is noteworthy that although the original case brought opposition from the neighbors, this request had no opposition at the hearing.

Based on Appellant's testimony, he operates a responsible and law-abiding gun business at the subject property. He has appropriate security measures in place and is consistently in compliance with all rules and regulations applicable to the business. The request herein is borne out of a need to affirm what has already been occurring at the property so that the ATF is satisfied that it is approved. While Appellant has not considered the firearms being stored to be inventory, the ATF has expanded the definition of inventory to include any guns being stored, not just those offered for sale to the public. Appellant testified that he has no intention of changing his business model to keep an active inventory. He seeks approval of the inventory component only to comply with his license requirements.

The Board finds no cause for concern with respect to the number of people residing or working in the area, traffic conditions, nearby public gatherings or the conservation of property values. The proposed expansion will not change the outward appearance or effect of the business. As such, it is highly unlikely such an expansion would have any

impact on roads, traffic, the neighboring properties and/or businesses, and public gatherings. The Board finds that the proposed use at the subject property will have no greater “adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons, we conclude that this appeal meets the criteria for a special exception and therefore should be denied.

Accordingly, the request for a special exception to expand the resident business JMAC Firearms, LLC to include inventory at the subject property is hereby GRANTED, by a vote of 5 to 0.

BOARD OF APPEALS

By: Jay Miller, Chair

Date Issued: September 15, 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.