

BOARD OF APPEALS

September 13, 2023

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

AGENDA

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 & Marvinia Veil Jr. and located at 21536 Leitersburg Smithburg Road, Smithsburg, Zoned Rural Village and Agricultural Rural. - **Postponed to the October 11, 2023 Hearing.**

AP2023-042: An appeal was filed by Knoedler Jefferson LLC for variance from the parking requirement of 5 parking spaces per 1,000 sq. ft. of gross leasable area of the structure for commercial retail sales; 75 parking spaces to the existing 41 parking spaces on property owned the appellant and located at 19918 Jefferson Boulevard, Hagerstown, Zoned Residential Transition. **Postponed to the October 11, 2023 Hearing.**

AP2023-043: An appeal was filed by Austin Bard for a special exception to expand the existing dog kennel business and variance from the required 400 ft. setback to 276 ft. from the North property line on property owned by Marcie McCleary and located as 18126 Lappans Road, Fairplay, Zoned Rural Village and Agricultural Rural.- **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 September 4, 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



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 & Marvinia Veil Jr.
21536 Leitersburg Smithsburg Road
Hagerstown MD 21742

Appellant: Verizon
1095 6th Avenue
New York NY 10036

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.

Appellant Signature

State Of Maryland, Washington County to-wit:

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

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



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 09/13/2023, 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 08/29/2023 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



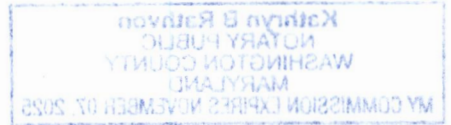
Seal

My Commission Expires



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 & Marvinia Veil Jr.
21536 Leitersburg Smithsburg Road
Hagerstown MD 21742

Appellant: Verizon
1095 6th Avenue
New York NY 10036

Property Location: 21536 Leitersburg Smithsburg Road
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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.

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

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:	

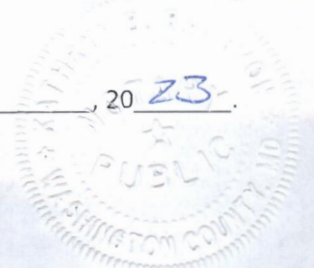
I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Brandon H. Smith

Appellant Signature

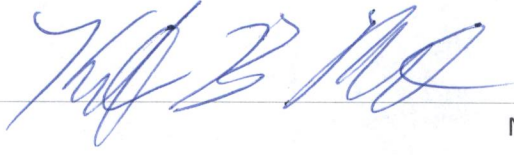
State Of Maryland, Washington County to-wit:

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

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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:

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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.

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 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
[Signature]
Notary Public

AUTHORIZED REPRESENTATIVE

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

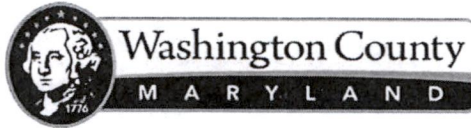
[Signature]
Authorized Representative's Signature

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

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

JACQUELYN BREACH
Notary Public-Maryland
Baltimore County
My Commission Expires
May 09, 2027

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



BOARD OF ZONING APPEALS

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

WWW.WASHCO-MD.NET

Appeal for 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,
Address of Appellant MD 21227

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 expensed 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.**

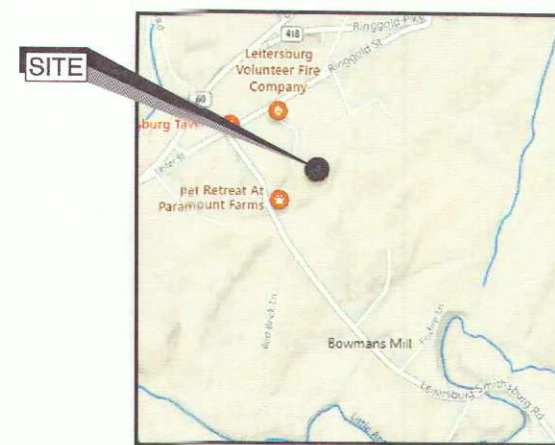
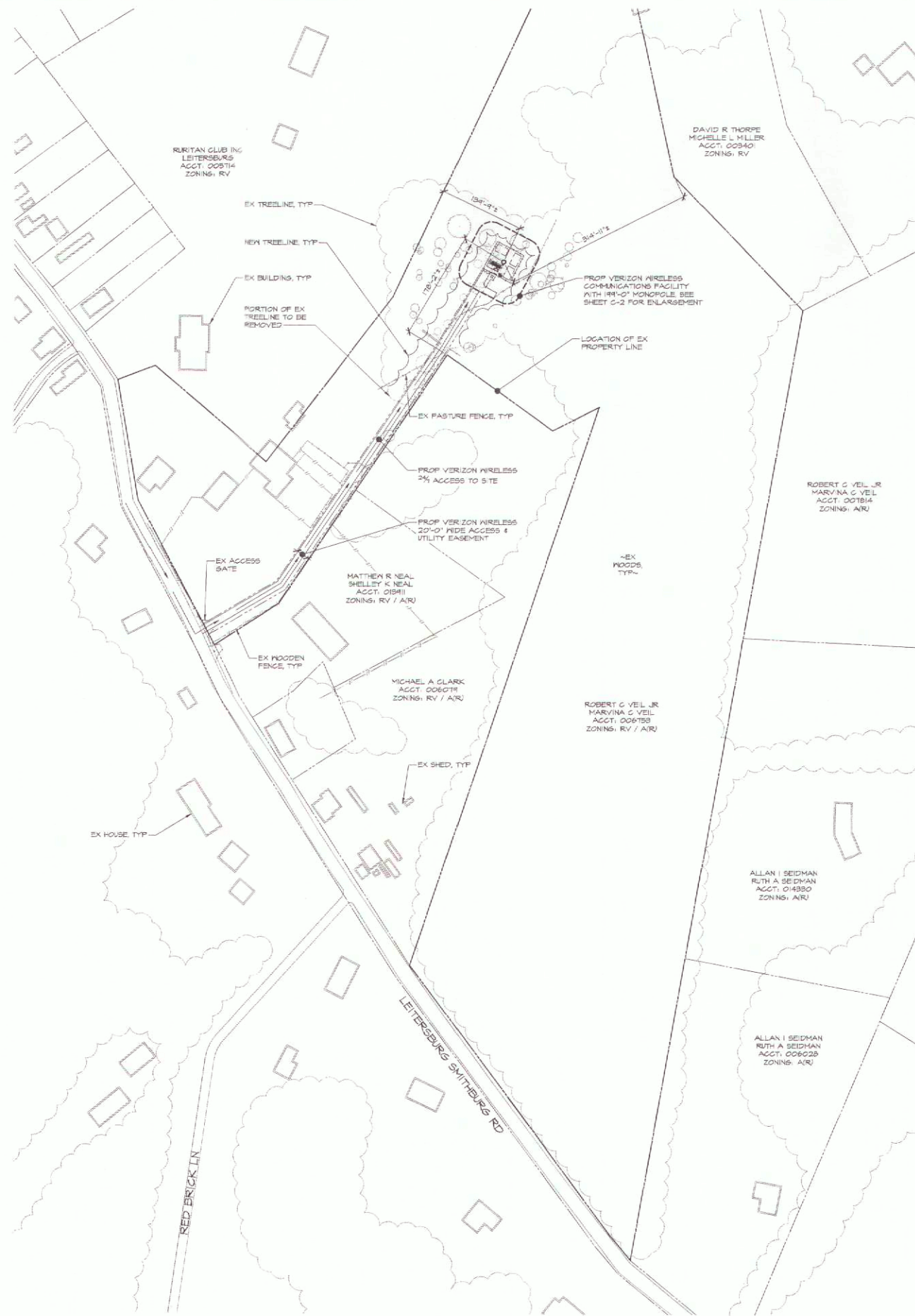
B. Additional Provisions for Towers Permitted by Special Exception

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.



- SITE NOTES:**
1. APPLICANT: VERIZON WIRELESS
10110 JUNCTION DRIVE, STE 300
ANNAPOLIS, MD 20701
TEL: (301) 512-3000
FAX: (301) 512-3168
 2. PROPERTY OWNER: ROBERT C VEIL JR
MARVINA C VEIL
2186 LEITESBURG SMITHSBURG RD
HAGERSTOWN, MD 2142
 3. SITE DATA: DEED BOOK: 00430 PAGE: 00844
ACCOUNT NUMBER: 00678
TRACT AREA: 2.0000 ACRES
DISTRICT: 01
ADDRESS: 2186 LEITESBURG SMITHSBURG RD
HAGERSTOWN, MD 2142
EXISTING USE: AGRICULTURAL / TELECOMMUNICATIONS
 4. ZONING: RV - RURAL VILLAGE
A/R - AGRICULTURAL, RURAL
 5. HORIZONTAL AND VERTICAL CONTROL SHOWN HEREON IS BASED ON A GPS LATITUDE BY MORRIS & RITCHIE ASSOCIATES, INC. DATED OCTOBER 2022.
LATITUDE: N 41° 41' 24.66" (34.619151°)
LONGITUDE: W 77° 01' 57.23" (-77.032524°)
GROUND ELEVATION: 634.00' AMSL (AVS)
PROPOSED STRUCTURE HEIGHT: 190.00' ASL
TOTAL ELEVATION (AMSL): 824.00' AMSL
 6. TOTAL DISTURBED AREA = 12,050 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 8'-6" WIDE CONCRETE GENERATOR PAD WITHIN A 50'-0"x50'-0" FENCED COMPOUND. SIX (6) ANTENNAS SHALL BE MOUNTED ON A NEW 174'-0" MONOPOLE WITH A RAD CENTER AT AN ELEVATION OF 195'-0" ABOVE GRADE LEVEL FOR THE RECEIPT OF VERIZON WIRELESS TELECOMMUNICATIONS.
 8. THE STRUCTURE WILL NOT SUPPORT LIGHTS OR SIGNS UNLESS REQUIRED FOR AIRCRAFT WARNINGS OR OTHER SAFETY RECORDS.
 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 & RITCHIE 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 COMMUNICATION 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" (BU) 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 OTHER 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 ASSURING BY 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.

MORRIS & RITCHIE ASSOCIATES, INC.
Civil / Structural Engineers
1225-B East Joppa Rd, Suite 400K
Dorsey, Maryland 21036
410-821-1690
410-821-1748 Fax



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. 30440, EXPIRATION DATE: 12/24/2025.

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

REVISIONS:			
NO	DESCRIPTION	DATE	INT

DESIGNED BY: JMF
DRAWN BY: DNT
PROJECT NO: 104212219
DATE: 11/29/2022
SCALE: AS NOTED

Site Plan

C-1



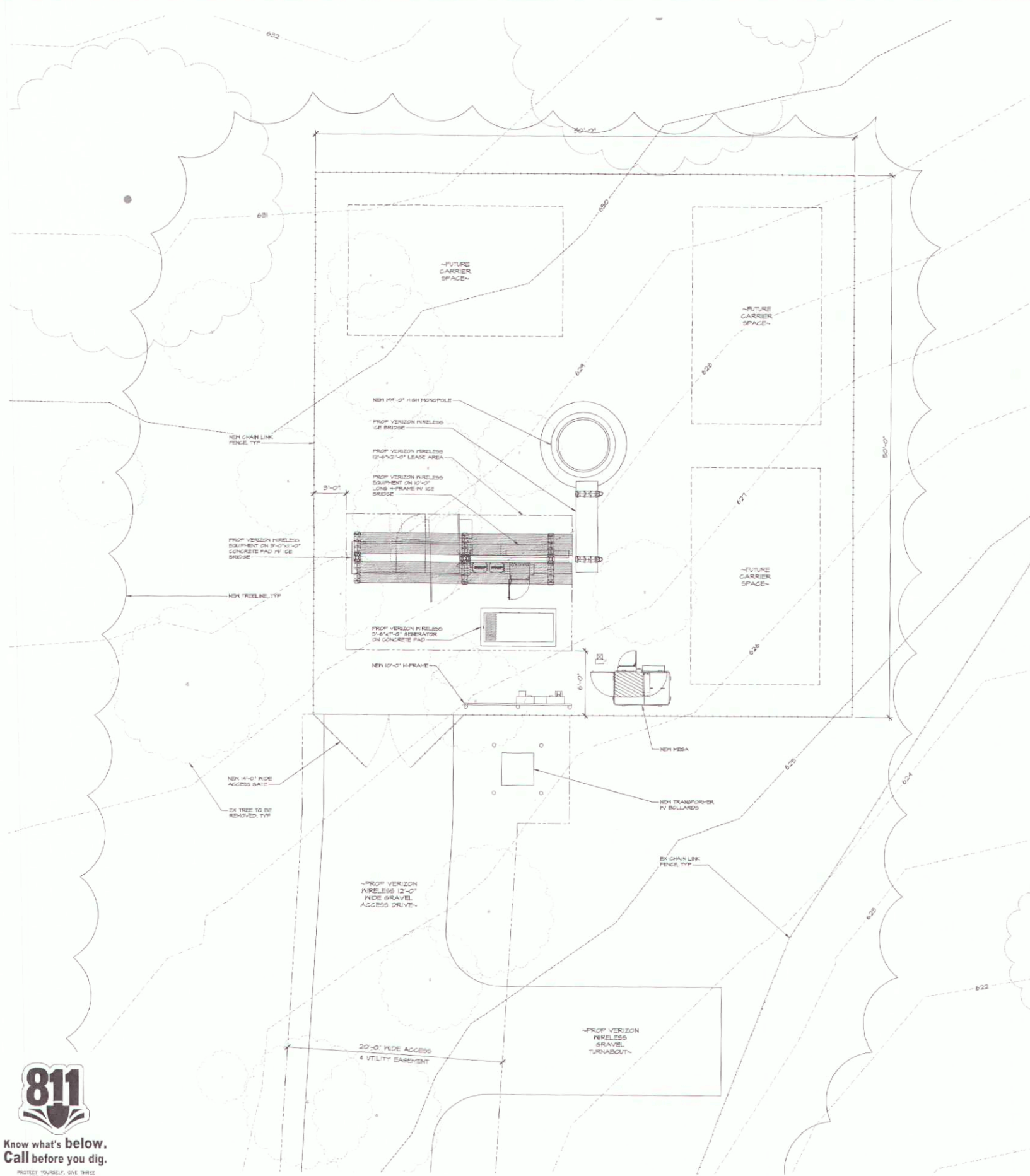
Know what's below.
Call before you dig.

PROTECT YOURSELF, ONE THREE WORKING DAYS NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY COMMENTS 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 APPROPRIATE.

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



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



- PROPOSED VERIZON WIRELESS ANTENNAS
RAD CENTER = 185'-0" ASL
- FUTURE CARRIER SPACE
RAD CENTER = 185'-0" ASL
- FUTURE CARRIER SPACE
RAD CENTER = 175'-0" ASL
- FUTURE CARRIER SPACE
RAD CENTER = 165'-0" ASL



185'-0" ASL (TOP OF NEW MONOPOLE / TOP OF PROPOSED VERIZON WIRELESS ANTENNAS / HIGHEST POINT)

- NEW 10'-0" STEEL MONOPOLE
- PROPOSED VERIZON WIRELESS EQUIPMENT FRAME IV ICE BRIDGE
- PROPOSED VERIZON WIRELESS GENERATOR
- PROPOSED VERIZON WIRELESS EQUIPMENT PAD IV ICE BRIDGE
- NEW CHAIN LINK FENCE, TYP



TOWER ELEVATION
SCALE: 1" = 10'-0"

MORRIS & RITCHIE ASSOCIATES, INC.
Civil / Structural Engineers
1220-B East Joppa Rd., Suite 400E
Towson, Maryland 21206
410-821-1890
410-821-1748 Fax

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. 30440, EXPIRATION DATE: 12/24/2023.

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

REVISIONS:			
NO.	DESCRIPTION	DATE	INT.

DESIGNED BY: JMP

DRAWN BY: DNT

PROJECT NO: 104213215

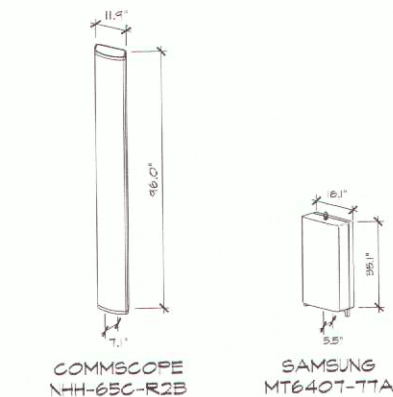
DATE: 11/29/2022

SCALE: AS NOTED

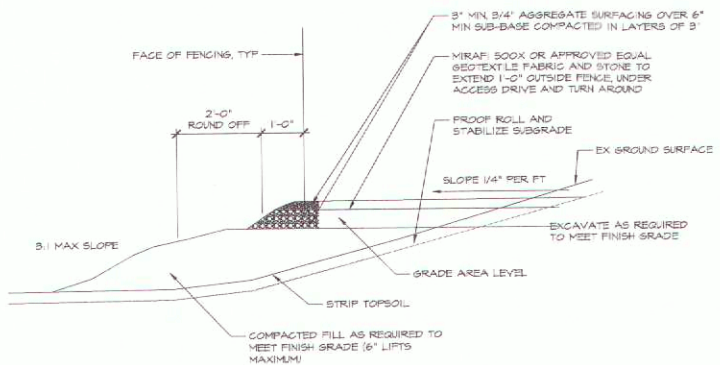
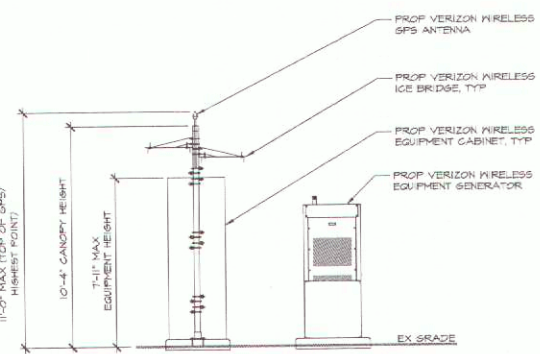
TITLE: **Site Details**

SHEET: **C-2**

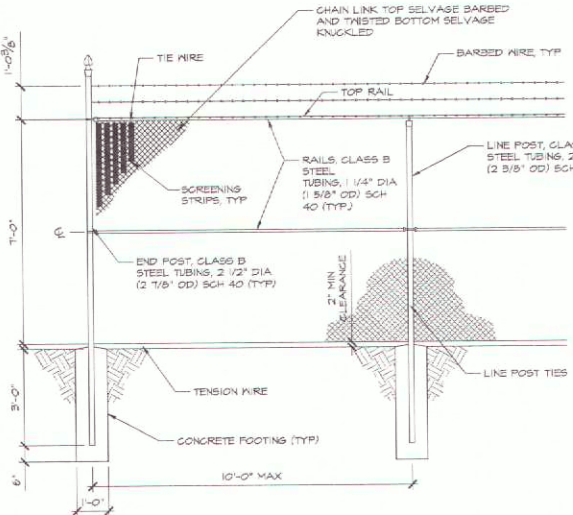
811
Know what's below.
Call before you dig.
PROTECT YOURSELF. GIVE THREE WARNING DAYS' NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE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



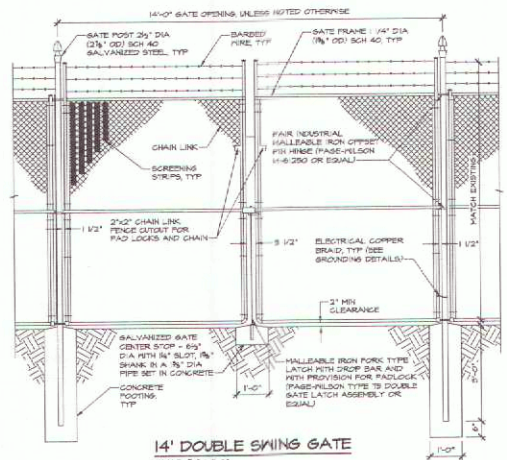
VERIZON WIRELESS ANTENNA DETAILS
NOT TO SCALE



- CONSTRUCTION NOTES:
1. CLEAR AND GRUB THE LAND ALONG THE ACCESS DRIVE
 2. REMOVE ALL EXISTING ORGANIC MATERIAL TO SUITABLE SUBGRADE
 3. PLACE GEOTEXTILE FABRIC OVER SUBGRADE AND THEN PLACE AGGREGATE BASE
 4. GRAVEL SUBBASE SPECIFICATION: MARYLAND DOT: SECTION 304 GRADED AGGREGATE BASE COURSE VIRGINIA DMT: SECTION 210 AGGREGATE BASE COURSE



- TYPICAL MONOWIRE FENCE NOTES
1. GATE POST: CORNER, TERMINAL OR FULL POST 2 1/2" DIA (2 7/8" OD) SCHEDULE 40 FOR GATE WIDTHS UP THRU 6 FEET OR 12 FEET FOR DOUBLE SWING GATE PER ASTM-F1008.
 2. LINE POST: 2" DIA (2 3/8" OD) SCHEDULE 40 PIPE PER ASTM-F1008.
 3. GATE FRAME: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1008.
 4. TOP RAIL: 1 BRACE RAIL: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1008.
 5. FABRIC: 9 GA CORN NIRE SIZE 2" MESH CONFORMING TO ASTM-A952.
 6. TIE WIRE: MINIMUM 11 GA GALVANIZED STEEL AT POSTS AND RAILS. A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOE RINGS SPACED MAX 24" INTERVALS.
 7. TENSION WIRE: 7 GA GALVANIZED STEEL.
 8. BARBED WIRE: DOUBLE STRAND 2-2 1/2" OD TWISTED WIRE TO MATCH WITH FABRIC.
 9. 14 GA 4 FT BARBS SPACED ON APPROXIMATELY 4" CENTERS.
 10. GATE LATCH: 1-3/8" OD FLANGER ROD WITH MUSHROOM TYPE CATCH AND LOCK KEYS ALIKE FOR ALL SITES IN A GIVEN MTA.
 11. LOCAL ORDINANCE OF BARBED WIRE PERMITS REQUIREMENT SHALL BE COMPLIED WITH IF REQUIRED.
 12. CHAINLINK FENCE SHALL INCLUDE VERTICAL PVC SCREENING SLATS, ALL SIDES, (COLOR: DARK GREEN OR BLACK)



- TYPICAL MONOWIRE FENCE NOTES
1. GATE POST: CORNER, TERMINAL OR FULL POST 2 1/2" DIA (2 7/8" OD) SCHEDULE 40 FOR GATE WIDTHS UP THRU 6 FEET OR 12 FEET FOR DOUBLE SWING GATE PER ASTM-F1008.
 2. LINE POST: 2" DIA (2 3/8" OD) SCHEDULE 40 PIPE PER ASTM-F1008.
 3. GATE FRAME: 1 1/4" DIA (1 5/8" OD) SCHEDULE 40 PIPE PER ASTM-F1008.
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 7. TENSION WIRE: 7 GA GALVANIZED STEEL.
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 10. GATE LATCH: 1-3/8" OD FLANGER ROD WITH MUSHROOM TYPE CATCH AND LOCK KEYS ALIKE FOR ALL SITES IN A GIVEN MTA.
 11. LOCAL ORDINANCE OF BARBED WIRE PERMITS REQUIREMENT SHALL BE COMPLIED WITH IF REQUIRED.

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 (6 CABLES)	TX: PURPLE/GREEN/RED/WHITE (P/G/R/W) RX: PURPLE/GREEN/RED/WHITE (P/G/R/W) TX: ORANGE/RED/WHITE (O/R/W) RX: ORANGE/RED/WHITE (O/R/W) TX: ORANGE/RED/WHITE (O/R/W) RX: ORANGE/RED/WHITE (O/R/W)
	3	JMA	MX06PRO860-02	4°	151'-0" ±	100/850/100 (6 CABLES)	TX: PURPLE/GREEN/RED/WHITE (P/G/R/W) RX: PURPLE/GREEN/RED/WHITE (P/G/R/W) TX: PINK/RED/PINK (P/R/P) RX: PINK/RED/PINK (P/R/P) TX: PINK/RED/PINK (P/R/P) RX: PINK/RED/PINK (P/R/P)
	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 (6 CABLES)	TX: PURPLE/GREEN/RED/WHITE (P/G/R/W) RX: PURPLE/GREEN/RED/WHITE (P/G/R/W) TX: ORANGE/RED/WHITE (O/R/W) RX: ORANGE/RED/WHITE (O/R/W) TX: ORANGE/RED/WHITE (O/R/W) RX: ORANGE/RED/WHITE (O/R/W)
	3	JMA	MX06PRO860-02	124°	151'-0" ±	100/850/100 (6 CABLES)	TX: PURPLE/GREEN/RED/WHITE (P/G/R/W) RX: PURPLE/GREEN/RED/WHITE (P/G/R/W) TX: PINK/RED/PINK (P/R/P) RX: PINK/RED/PINK (P/R/P) TX: PINK/RED/PINK (P/R/P) RX: PINK/RED/PINK (P/R/P)
	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 (6 CABLES)	TX: PURPLE/GREEN/RED/WHITE (P/G/R/W) RX: PURPLE/GREEN/RED/WHITE (P/G/R/W) TX: ORANGE/RED/WHITE (O/R/W) RX: ORANGE/RED/WHITE (O/R/W) TX: ORANGE/RED/WHITE (O/R/W) RX: ORANGE/RED/WHITE (O/R/W)
	3	JMA	MX06PRO860-02	244°	151'-0" ±	100/850/100 (6 CABLES)	TX: PURPLE/GREEN/RED/WHITE (P/G/R/W) RX: PURPLE/GREEN/RED/WHITE (P/G/R/W) TX: PINK/RED/PINK (P/R/P) RX: PINK/RED/PINK (P/R/P) TX: PINK/RED/PINK (P/R/P) RX: PINK/RED/PINK (P/R/P)
	4	NONE	N/A	N/A	N/A	N/A	N/A

MORRIS & RITCHIE ASSOCIATES, INC.
Civil/Structural Engineers
1230-B East Joppa Rd, Suite 400K
Towson, Maryland 21286
410-821-1880
410-821-1748 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: 12/31/2025.

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

REVISIONS:			
NO.	DESCRIPTION	DATE	INT.

DESIGNED BY: JMF
DRAWN BY: DNT
PROJECT NO: 04213218
DATE: 11/24/2022
SCALE: AS NOTED

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



Know what's below.
Call before you dig.

PROTECT YOURSELF 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 APPROPRIATE.



EXISTING
PHOTO #1

LEITERSBURG
PROPOSED MONOPOLE

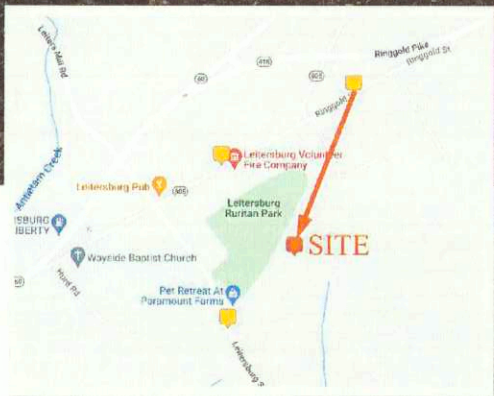


MORRIS & RITCHIE
ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Existing View 1

01 June 2023





PROPOSED
PHOTO #1

LEITERSBURG
PROPOSED MONOPOLE

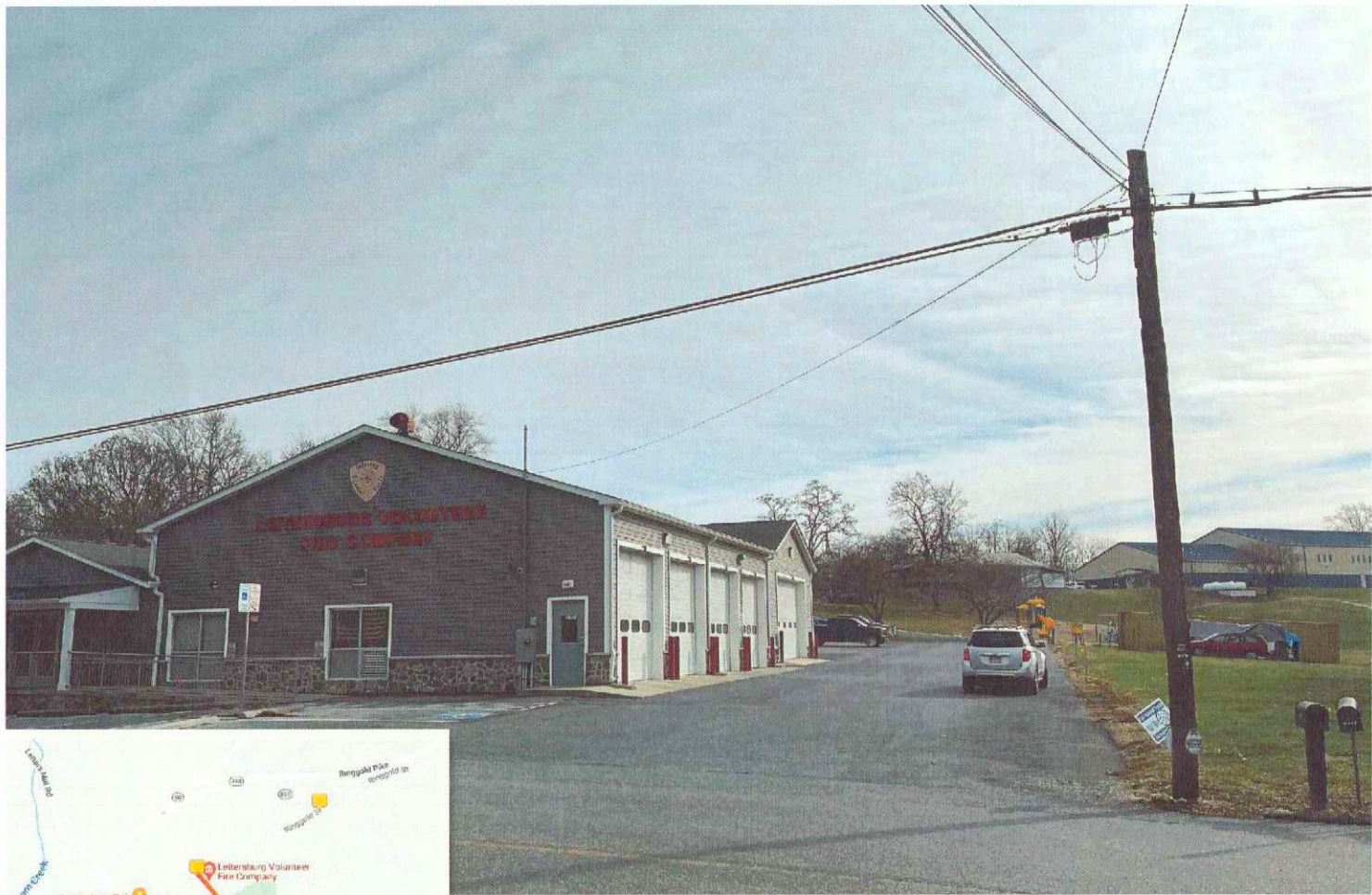


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ASSOCIATES, INC.
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Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

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





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

Leitersburg
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

ZONING APPEAL

Property Owner: Knoedler Jefferson LLC
1020 Hawlings Road
Brookeville MD 20833

Appellant: J. Chris Knoedler
1020 Hawlings Road
Brookeville MD 20833

Property Location: 19918 Jefferson Boulevard
Hagerstown, MD 21742

Description Of Appeal: Variance from the parking requirement of 5 parking spaces per 1,000 sq. ft. of gross leasable area of the structure for commercial retail sales; 75 parking spaces to the existing 41 parking spaces on the parcel.

Docket No: AP2023-042
Tax ID No: 18018497
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 08/18/2023
Hearing Date: 09/13/2023

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): AP93-016, AP2008-050, AP2011-031, AP2021-034, AP2011-035, AP2023-033

Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.12 B1

Reason For Hardship: Cannot expand parking due to existing size and conditions of the property.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Retail **Proposed Use:** Retail
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 22nd day of August, 2023.

Debra Sue Eckard



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: AP2023-042

State of Maryland Washington County, To Wit:

On 8/18/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared J. Chris Knoedler and made oath in due form of law as follows:

J. Chris Knoedler 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 09/13/2023, 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 08/29/2023 and will remain until after the above hearing date.

J. Chris Knoedler

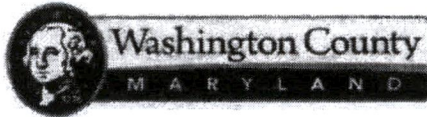
Sworn and subscribed before me the day and year first above written.

Notary Public

4-11-2025

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 Variance

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

Location 19918 JEFFERSON BLVD HAGERSTOWN, MD

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

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

☐ Contract to Purchase ☐ Other _____

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

SECTION 22.12 B1

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

5 PARKING SPACES PER 1000 SQFT OF GLA

FOR COMMERCIAL RETAIL SALES

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

ORDINANCE REQUIRES 75 SPACES

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

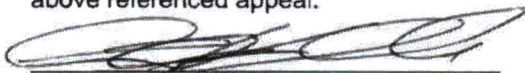
Provide Detailed Explanation on Separate Sheet

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

☒ Yes ☐ No

If yes, list docket number(s): AP 2023-033

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


Signature of Appellant

1070 HAWKINS RD
BROOKVILLE MD 20833
Address and of Appellant

CHRIS.KNOEDLER@VERIZON.NET
Email of Appellant

301-518-1308
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.

Board of Zoning Appeals

Appeal for Variance

**19918 Jefferson Blvd
Hagerstown, MD 21742**

Reasons why ordinance requirements in question would impose undue hardship.

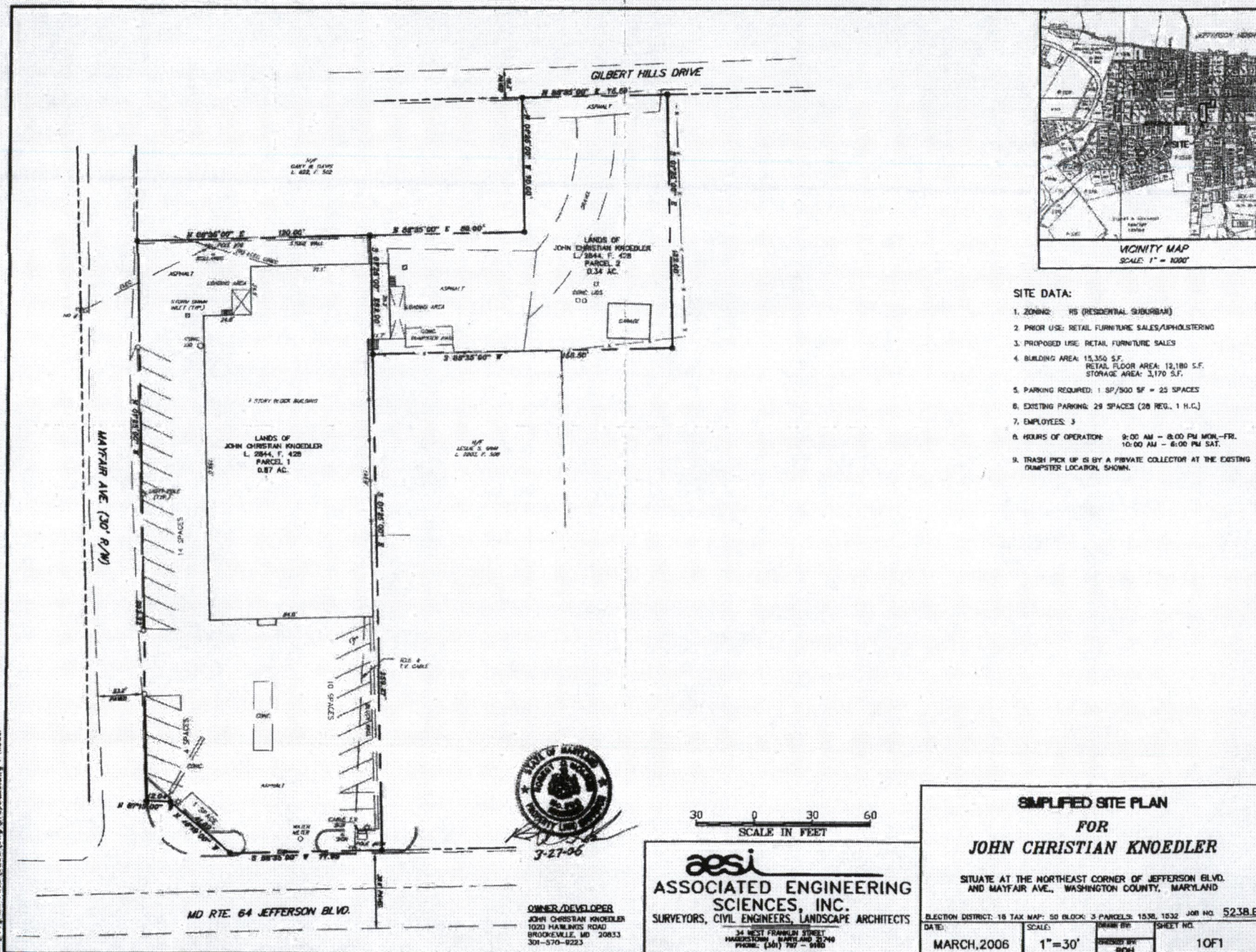
- 1. Size and scope of required number of parking spaces is limited to the 41 existing spaces by property size.**
- 2. Ordinance requirement would deem property unfeasible for building's historical and intended uses.**

DG Market has done a study on the number of cars that visit our store per hour. For a DGPM, an average of 31 cars will visit our store in an hour. The average number of customer cars that will be in our stores parking lot is only 5, but those 5 cars will change 6 times within the hour (making the average 31 cars visiting our store).

Chris Knoedler

(301) 518-1308

E:\Program Files\5238\dwg\proposals.dwg 1 Model



SITE DATA:

1. ZONING: RS (RESIDENTIAL SUBURBAN)
2. PRIOR USE: RETAIL FURNITURE SALES/UPHOLSTERING
3. PROPOSED USE: RETAIL FURNITURE SALES
4. BUILDING AREA: 15,350 S.F.
RETAIL FLOOR AREA: 12,180 S.F.
STORAGE AREA: 3,170 S.F.
5. PARKING REQUIRED: 1 SP/500 SF = 25 SPACES
6. EXISTING PARKING: 28 SPACES (28 REQ. 1 H.C.)
7. EMPLOYEES: 3
8. HOURS OF OPERATION: 9:00 AM - 6:00 PM MON-FRI.
10:00 AM - 6:00 PM SAT.
9. TRASH PICK UP IS BY A PRIVATE COLLECTOR AT THE EXISTING DUMPSTER LOCATION SHOWN.



Gilbert Hills Dr

Gilbert Hills Dr

Mayfair Ave

Mayfair Ave

64

Jeffersor



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: Marcie McCleary
18126 Lappans Road
Fairplay MD 21733

Appellant: Austin Bard
1592 Wilkson Lane
Chambersburg PA 17202

Property Location: 18126 Lappans Road
Fairplay, MD 21733

Description Of Appeal: Special exception to expand the existing dog kennel business and variance from the required 400 ft. setback to 276 ft. from the North property line.

Docket No: AP2023-043
Tax ID No: 12003811
Zoning: RV; A(R)
RB Overlay: No
Zoning Overlay:
Filed Date: 08/18/2023
Hearing Date: 09/13/2023

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): AP96-140, AP2001-045, AP2013-002

Applicable Ordinance Sections: Washington County Zoning Ordinance Table 3.3 (1) M, Section 4.9

Reason For Hardship: Setback requirement would prevent the dog kennel expansion from being done.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Dog Kennel Business **Proposed Use:** Expanding Dog Kennel Business

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.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this _____ day of _____, 20_____.

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: AP2023-043

State of Maryland Washington County, To Wit:

On 8/18/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Austin Bard and made oath in due form of law as follows:

Austin Bard 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 09/13/2023, 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 08/29/2023 and will remain until after the above hearing date.

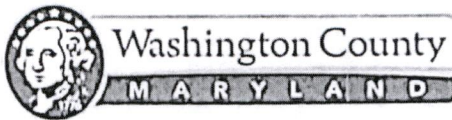
Austin Bard

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

Notary Public

Seal

My Commission Expires



BOARD OF ZONING APPEALS

80 West Baltimore Street Hagerstown, MD 21740 || 240.313.2460 || 240.313.2461 | Hearing Department 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 18126 Lappans Road Fairplay MD 21733

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: Expansion of current business

Zoning Ordinance section and subsection(s) providing for proposed use: 5A.2 12.2(d) 19.3(c)

If filing functionally similar to a principal permitted use or special exception use, please list the use and describe the use similarities: Same use (kernel) / Larger building

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): AP 96-104 Oct 30th 1996

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 Austin Bard

people.services@gmail.com
Email of Appellant

1592 Wilkeson Lane Chambersburg PA 17202
Address of Appellant

717-340-4514
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



Washington County
MARYLAND

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 18126 Lappans Road Fairplay, MD 21733

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

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

☒ Contract to Purchase ☐ Other _____

Specify the Ordinance section and subsection from which the variance is desired: 25.56 & 25.6

Specify the particular requirement(s) from which a variance is desired in that section or subsection:
Variance from the required 400' back side set back to 200'

Describe the nature and extent of the desired variance from Ordinance requirements: listed above:
Add a new 61' X 216' building to board dogs. (161' X 216' w/fencing)

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: A 400' building set back would prevent us from building a new dog kennel on said property.
Provide Detailed Explanation on Separate Sheet

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

If yes, list docket number(s): AP 96-104 Oct 30th 1996 (current owner)

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

1592 Wilksan Lane Chambersburg PA 17202
Address and of Appellant

geoexservices@gmail.com
Email of Appellant

717-360-4514
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



Washington County

MARYLAND

BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Austin Bard
is authorized to file an appeal with the Washington County Board of Appeals for
A new kennel building on property
located 18126 Lappans Road Fairplay, MD 21733.
The said work is authorized by Marcie McCleary
the property owner in fee.



PROPERTY OWNER

Marcie A. McCleary
Name
18126 Lappans Rd.
Address
Fairplay, MD 21733
City, State, Zip Code
Marcie A. McCleary
Owner's Signature

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

Christina E Poole
Notary Public

My Commission Expires: 7-24-27

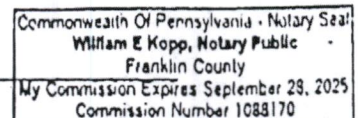
AUTHORIZED REPRESENTATIVE

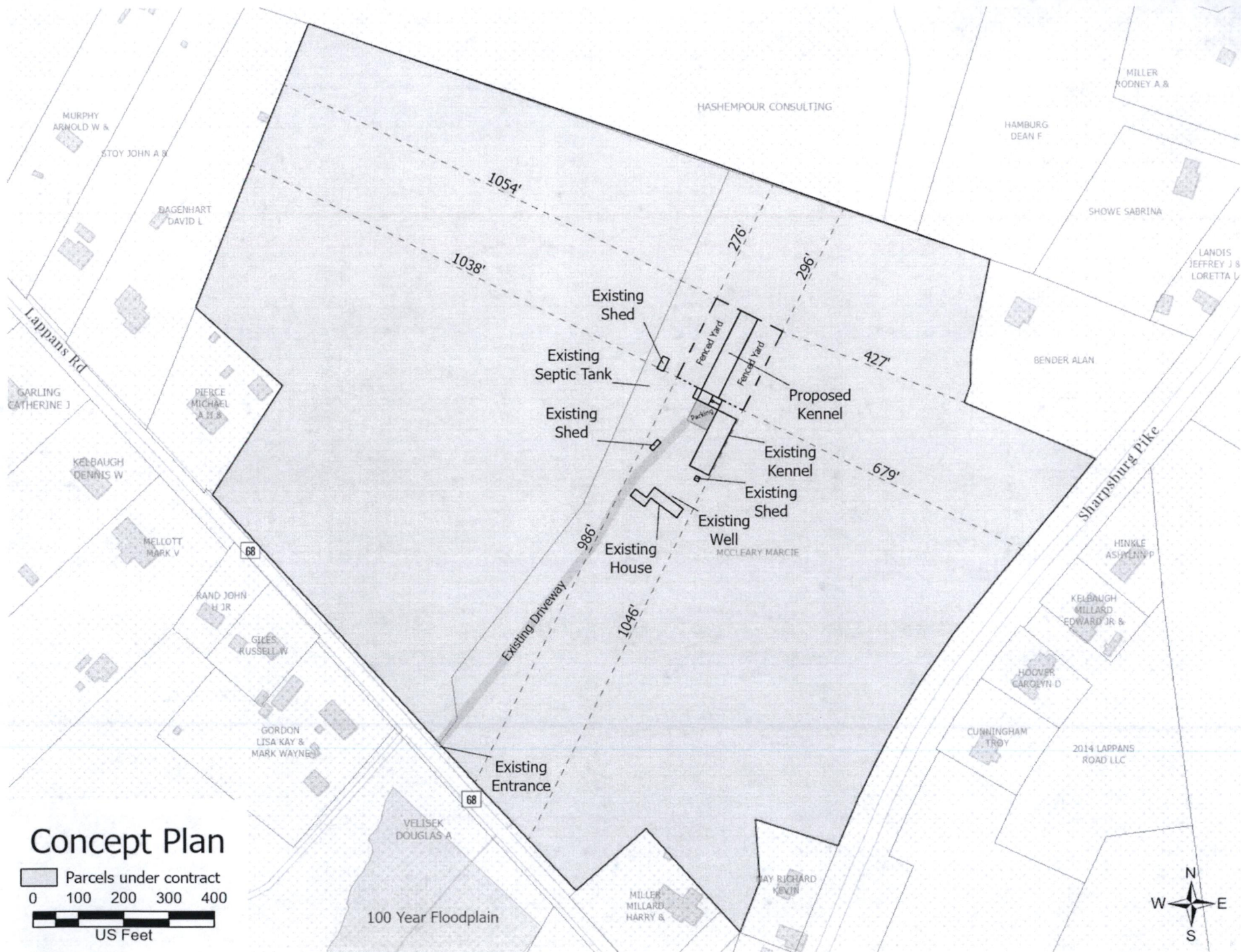
Austin Bard
Name
1592 Wilkeson Lane
Address
Chambersburg, PA 17202
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 7th day of August, 2023.

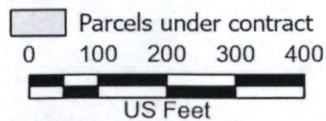
[Signature]
Notary Public

My Commission Expires: 9/28/23





Concept Plan



Site plan of the proposed building layout for the 161st Street station. The plan shows a central building footprint with a total area of 161,000 sq ft. The building is surrounded by a 25-foot wide 'Turf' area. The plan includes dimensions for various sections: 11', 24', 27', 23', 12', 10', 7', 4'x7', 4'x0', 16', 41', 8', 43', 8', 8', 25', 192', and 161'. The building is oriented with its long side parallel to 161st Street.

Turf

Other Information

Existing

Proposed

Location of any freestanding signage	Driveway entrance	Same as existing
Number of employees	5 to 6	Same as existing
Hours of Operation	Mon, Wed Fri - 8am - 12pm and 4pm - 5:30pm Tues - Thurs - 8am -12pm and 2pm - 5:30pm Saturday - 9am - 12pm Sunday - Closed	Monday-Friday: 7:00am - 9:00am, 5:00pm - 6:30pm Saturday: 7:00am - 10:00am Sunday: 5:00pm - 6:30pm

Neighbors

DAGENHART DAVID L - 18044 LAPPANS RD FAIRPLAY MD 21733

HASHEMPOUR CONSULTING - 13902 CARLSON FARM DR. GERMANTOWN MD 20874

PIERCE MICHAEL A II - 18100 LAPPANS RD FAIRPLAY MD 21733

CUNNINGHAM TROY - PO BOX 30 FUNKSTOWN MD 21734

BENDER ALAN - 8820 SHARPSBURG PIKE FAIRPLAY MD 21733

2008 LAPPANS LLC - PO BOX 4217 HAGERSTOWN MD 21741

GARLING CATHERINE J - 18045 LAPPANS RD FAIRPLAY MD 21733

HOOVER CAROLYN D - PO BOX 114 FAIRPLAY MD 21733

GILES RUSSELL W - 18117 LAPPANS RD FAIRPLAY MD 21733

RAND JOHN H JR - 8539 OLD 126 WARFORDSBURG PA 17267

KELBAUGH DENNIS W - 18103 LAPPANS RD FAIRPLAY MD 21733

KELBAUGH MILLARD EDWARD JR - 8803 SHARPSBURG PIKE FAIRPLAY MD 21733

MCNAMEE MARK D - 18154 LAPPANS RD FAIRPLAY MD 21733

MCNAMEE MARK D - 18154 LAPPANS RD FAIRPLAY MD 21733

MAY RICHARD TODD - C/O MAYS SERVICE STATION FAIRPLAY MD 21733

MILLER MILLARD HARRY - 18146 LAPPANS RD FAIRPLAY MD 21733

HINKLE ASHYLNN P - 8807 SHARPSBURG PIKE FAIRPLAY MD 21733

VELISEK DOUGLAS A - 18125 LAPPANS RD FAIRPLAY MD 21733

GORDON LISA KAY MARK WAYNE - 18123 LAPPANS RD FAIRPLAY MD 21733

MELLOTT MARK V - 18105 LAPPANS RD FAIRPLAY MD 21733

MAY RICHARD KEVIN - 8835 SHARPSBURG PIKE FAIRPLAY MD 21733

STOY JOHN A - 7539 SHARPSBURG PIKE BOONSBORO MD 21713

HAMBURG DEAN F - 311 FRIDINGER AVE HAGERSTOWN MD 21740

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

AUSTIN BARD

Appellant

*

*

Appeal No.: AP2023-043

*

* * * * *

OPINION

Austin Bard (hereinafter “Appellant”) requests a special exception to expand the existing dog kennel business and variance to reduce the required setback from 400 feet to 276 feet on the north property line at the subject property. The subject property is located at 18126 Lappans Road, Fairplay, Maryland and is zoned Rural Village and Agricultural, Rural. The Board held a public hearing on the matter on September 13, 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. Marcie McCleary owns the subject property located at 18126 Lappans Road, Fairplay, Maryland which is also known as Widow’s Mite Farm. The property is zoned Rural Village and Agricultural, Rural.

2. The subject property consists of a farm and residence, as well as an existing kennel building for Ms. McCleary’s dog kennel business. The subject property spans both parcels 185 and 277, with the residence and business primarily located on parcel 185, and parcel 277 being mostly farmland.

3. In 1996, the subject property was the subject of a special exception request to establish the dog kennel business. The Board granted the special exception and a variance for a freestanding sign in case AP96-140.

4. Since 1997, the dog kennel business has operated at the subject property. It has had capacity for up to fifty (50) dogs although is rarely at full capacity at any given time.

5. Appellant proposes to expand the business by constructing a 41 by 192-foot building for an additional fifty (50) kennel stalls which connect to outdoor runs. The total capacity for the business would then be up to 100 kennel spaces.

6. The proposed building would be located just beyond the existing parking area and would run in the same direction as the existing kennel building. As a result, the building would be located approximately 276 feet from the northern boundary line.

7. Appellant is in the business of commercial kennel operations and operates kennels in Pennsylvania and elsewhere in Maryland. They are committed to cleaning kennels and runs every day when occupied and they have a practice of letting only two (2) dogs out at a time for run time.

8. Appellant reports only minimal noise complaints related to its other kennel facilities.

9. Ms. McCleary reports that the business tends to have seasonal trends, but that she has never had any complaints about barking, noise or the general operation of the kennel business.

10. There was no opposition presented to this appeal.

Rationale

Special Exception

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 expanding a business that has existed in that location for more than twenty-five (25) years. It is unlikely such a project would have any impact on roads or traffic, the neighboring properties and/or businesses, and public gatherings. Aside from the presence of additional dogs and construction of an additional building, the Board finds it is likely there would be no discernable impact from the expansion of the 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 granted.

Variance

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

Practical difficulty and undue hardship are the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” *North v. St. Mary’s Cnty.*, 99 Md. App. 502, 514 (1994).)

In the instant case, the required setback for the proposed use is 400 feet, given the nature of the use and nearby residential properties. Appellant proposes to locate a new kennel building approximately 276 feet from the northern property line and thus, seeks this variance. Appellant testified during the hearing that it was possible to turn the

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

proposed building so that it ran parallel to the northern property line, thus alleviating the need for variance relief. Appellant further testified that doing so would make the new building inconsistent with the position of the other existing buildings on the property. Moreover, it would result in the outdoor run area being more exposed to the northern boundary line and neighboring properties. The proposed location of the new building attempts to mitigate the outdoor run areas by having them open to the east and west sides of the subject property, further from neighboring properties and uses. Appellant's variance request is designed to address the practical difficulty imposed by having to locate the building in a different location rather than proposed co-location with the existing kennel building. It does not confer any special benefit upon Appellant and will help to mitigate any concerns or impact that additional dogs may have on neighboring properties. Under the circumstances, the Board finds that Appellant has satisfied the criteria for variance relief and the request should be granted.

Accordingly, the request for a special exception to expand the existing dog kennel business at the subject property is hereby GRANTED, by a vote of 4 to 1. The request for a variance to reduce the required setback from 400 feet to 276 feet on the north property line at the subject property is hereby GRANTED, by a vote of 4 to 1. Both the special exception and variance requests are granted with the standard condition that the use be consistent with the testimony and evidence presented to the Board.

BOARD OF APPEALS

By: Tracie Felker, Acting Chair

Date Issued: October 12, 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.