

BOARD OF APPEALS

October 11, 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 & Marvina Veil Jr. and located at 21536 Leitersburg Smithburg Road, Smithsburg, Zoned Rural Village and Agricultural Rural.-**GRANTED WITH CONDITIONS**

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. A reduction of the required 75 parking spaces to the existing 41 parking spaces on property owned the appellant and located at 19918 Jefferson Boulevard, Hagerstown, Zoned Residential Transition.-**GRANTED**

AP2023-045: An appeal was filed by D. Ralph & Betty J. Thacker for a variance to reduce the left side yard to 6 ft. from the required 12 ft. for panhandle lot subdivision on property owned by the appellant and located at 7371 Mountain Laurel Road, Boonsboro, Zoned Residential Transition.-**DENIED**

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 October 2, 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: | Robert & Marvina Veil Jr. 21536 Leitersburg Smithsburg Road Hagerstown MD 21742 | Docket No: | AP2023-036 |
| Appellant: | Verizon 1095 6th Avenue New York NY 10036 | Tax ID No: | 09006753 |
| | | Zoning: | RV; A(R) |
| | | RB Overlay: | No |
| | | Zoning Overlay: | |
| | | Filed Date: | 07/13/2023 |
| | | Hearing Date: | 10/11/2023 |

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: |

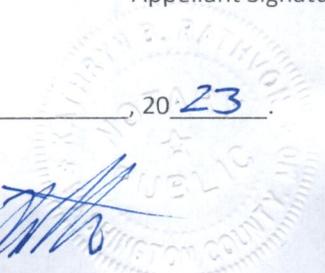
I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 26 day of Sept., 2023.

Kathryn B Rathvon
 NOTARY PUBLIC
 WASHINGTON COUNTY
 MARYLAND
 MISSION 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 10/11/2023, 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 09/26/2023 and will remain until after the above hearing date.

~~Brendan Sikora~~ *KSR*

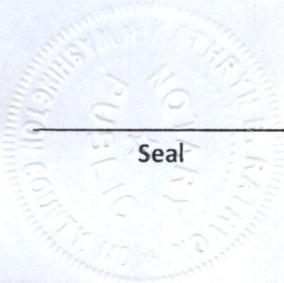
Sworn and subscribed before me the day and year first above written.

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

Notary Public

Seal

My Commission Expires





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

BOARD OF ZONING APPEALS

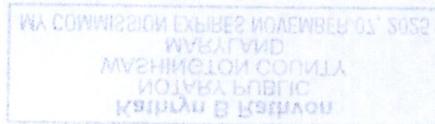
ATTENTION!

Posting Instructions

The premises MUST be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing
Section 25.51(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.





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: 09/13/2023

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 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.

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

Handwritten signature of the 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:

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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

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

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 & 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:

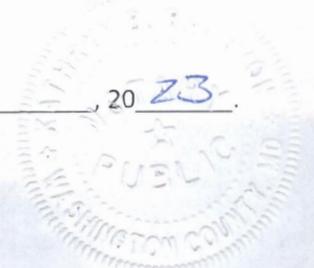
I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

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:

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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.

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

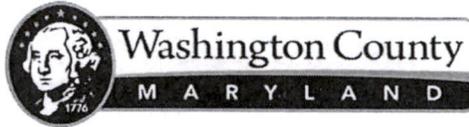
Phillip Stetler
Name
3620 Commerce Dr., Suite 707
Address
Baltimore, MD 21227
City, State, Zip Code

[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

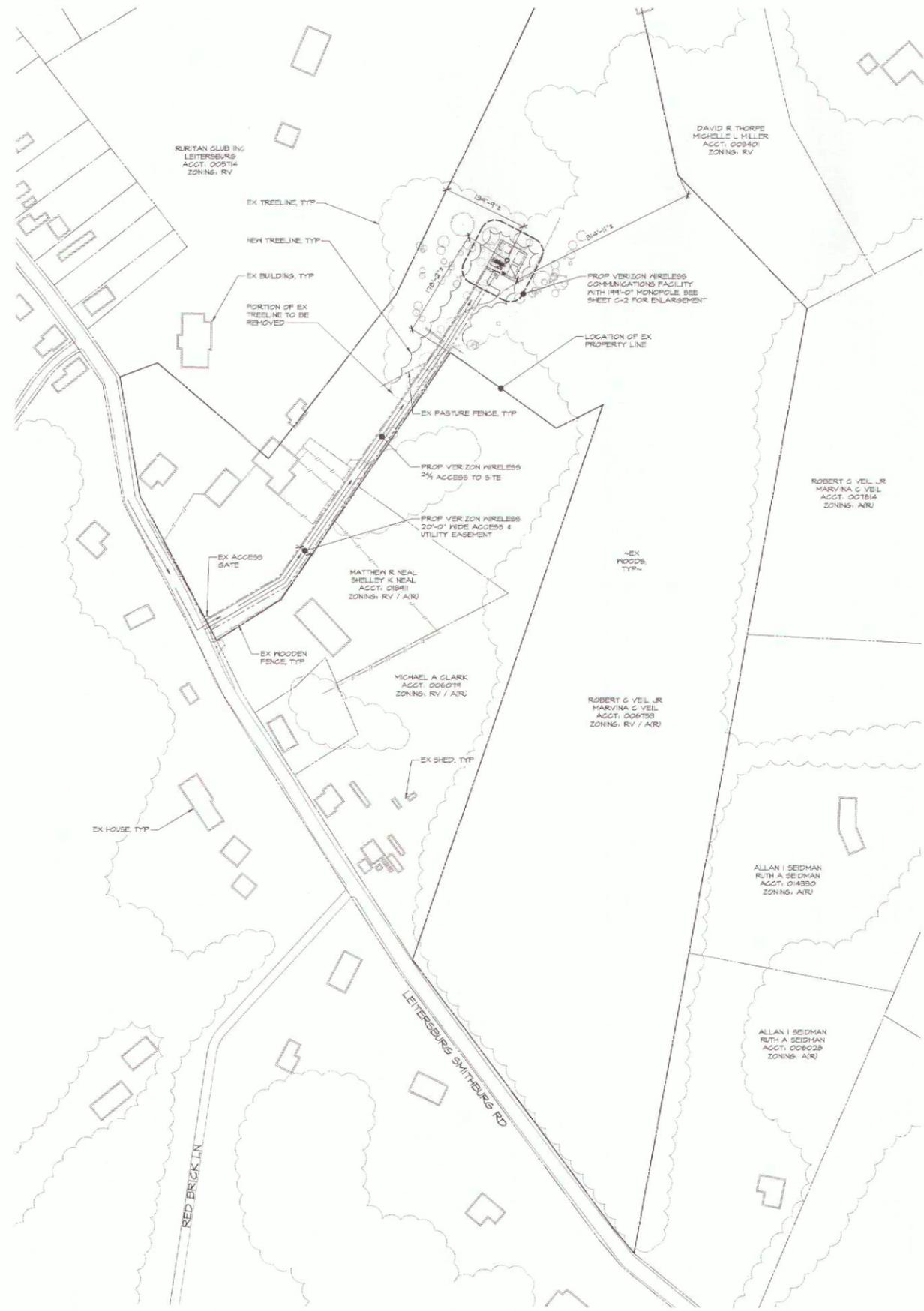
In addition to the limitations, guides and standards enumerated in Section 25.6, the Board of Zoning Appeals shall consider the following provisions when considering a request for a special exception for a commercial communications tower.

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" = 100'

- 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.
MARYNA 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 & RITCHIE ASSOCIATES, INC. DATED OCTOBER 2022.
LATITUDE: N84° 41' 24.61" (34.61975°)
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 & 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 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.

MORRIS & RITCHIE ASSOCIATES, INC.
Civil / Structural Engineers
1229-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. 15349, EXPIRATION DATE: 12/24/2025.

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

REVISIONS:

| NO | DESCRIPTION | DATE | INT |
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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 LETERSBURG SMITHSBURG ROAD
 LETERSBURG, MARYLAND 21742 (WASHINGTON COUNTY)

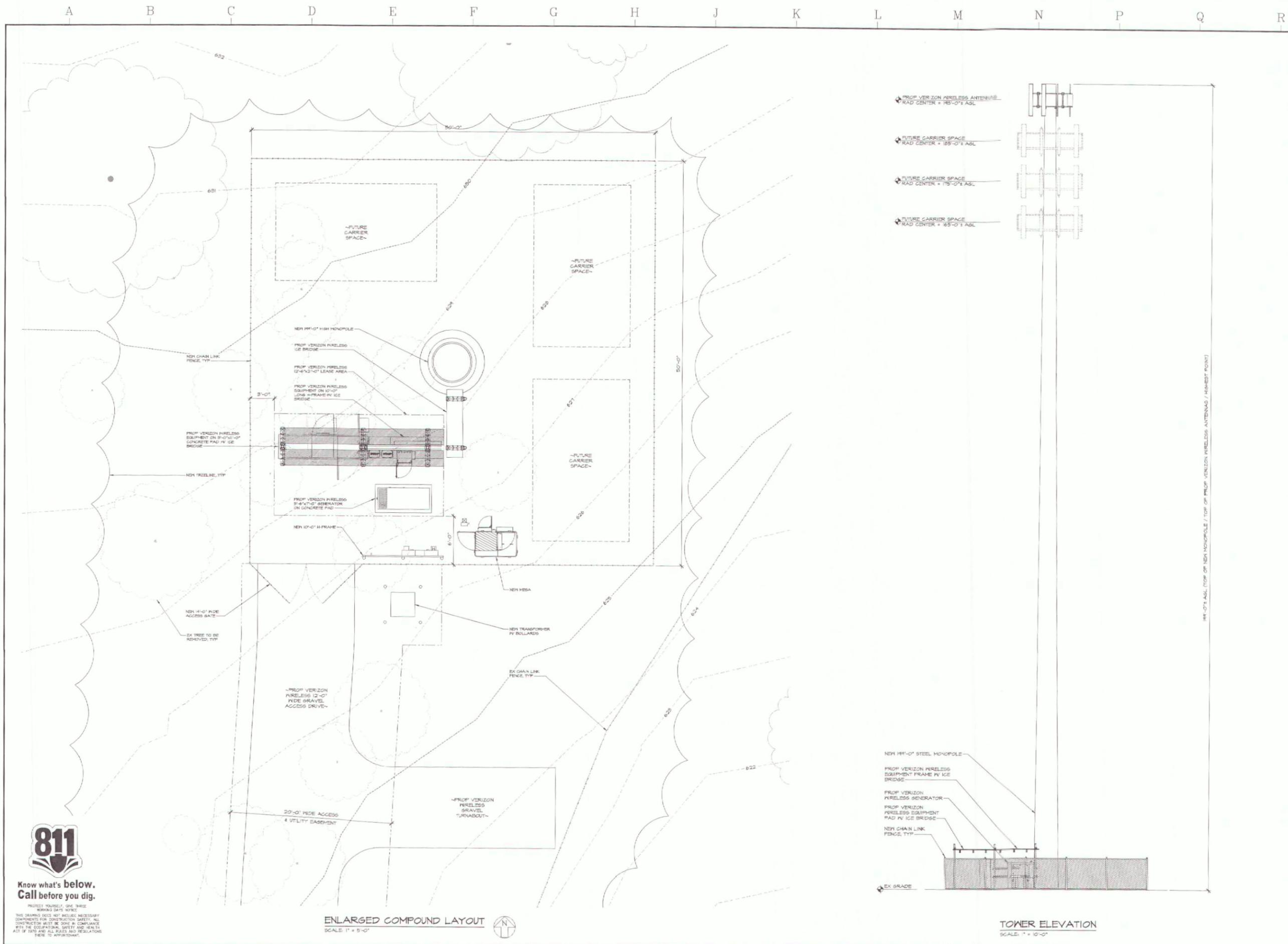
REVISIONS:

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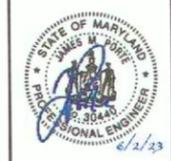
DESIGNED BY: JMF
 DRAWN BY: DNT
 PROJECT NO: 104213215
 DATE: 11/29/2022
 SCALE: AS NOTED

TITLE:
Site Details

SHEET:
C-2



PROTECT YOURSELF, GIVE THREE MINUTES. SAFETY NOTES:
 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. 100440, EXPIRATION DATE: 02/28/2023.

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

REVISIONS:

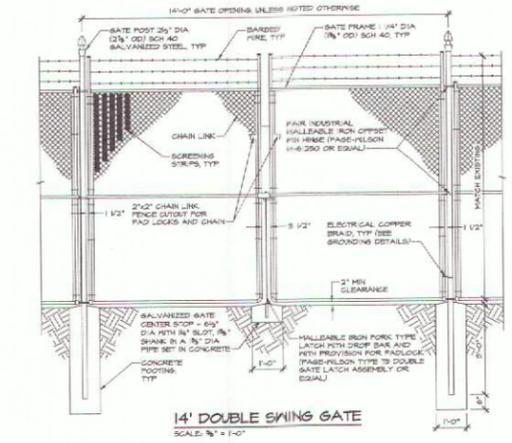
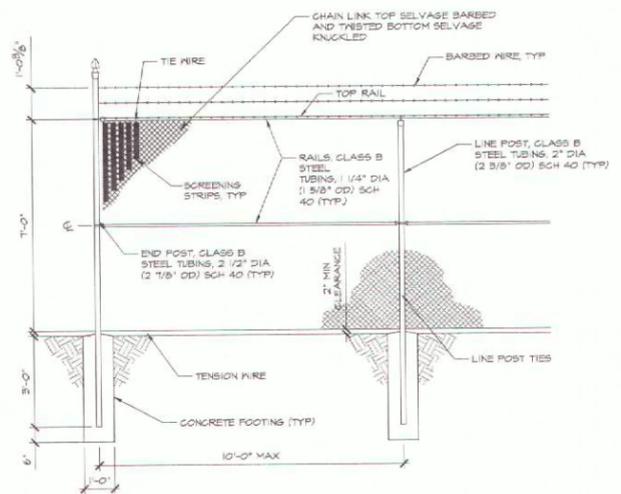
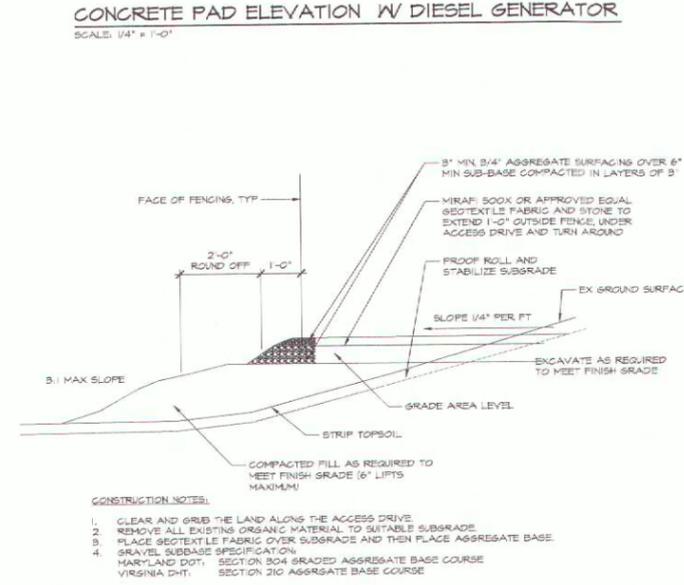
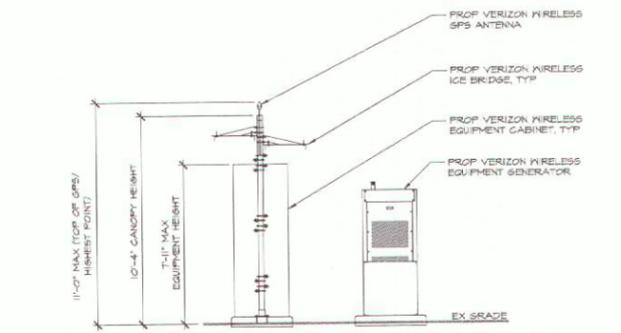
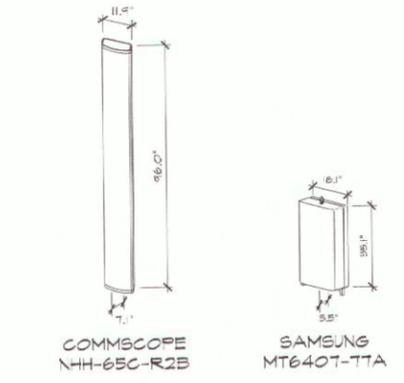
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DESIGNED BY: JMP
 DRAWN BY: DNT
 PROJECT NO: 04212018
 DATE: 11/29/2022
 SCALE: AS NOTED

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 (6 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"± | 100/850/100 (6 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 (6 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"± | 100/850/100 (6 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 (6 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"± | 100/850/100 (6 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: 9 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 PERMITS 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.
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 - 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 PERMITS 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 & FITCHIE
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

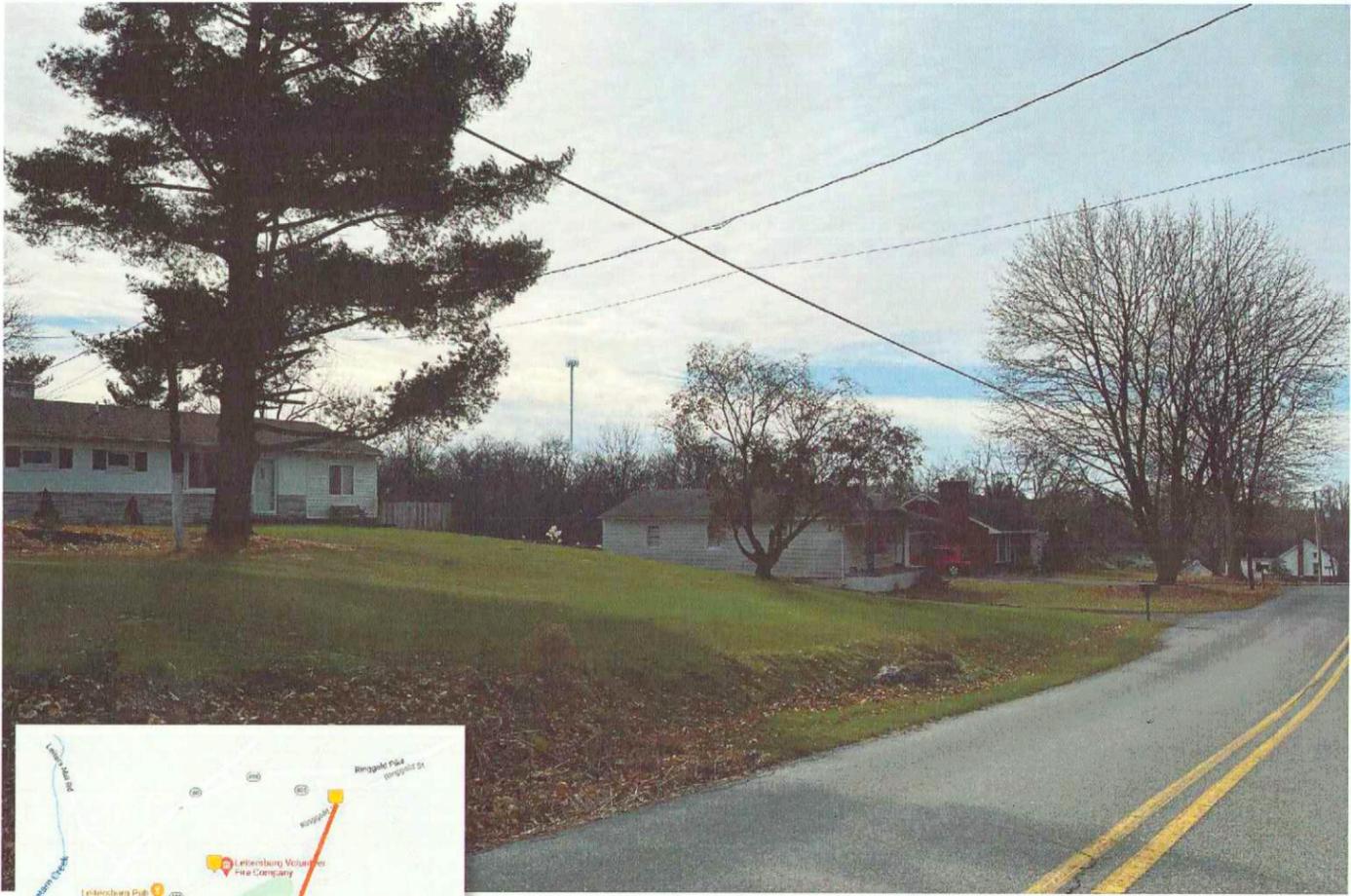


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410-821-1690
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Leitersburg
Existing View 1

01 June 2023





PROPOSED
PHOTO #1

LEITERSBURG
PROPOSED MONOPOLE

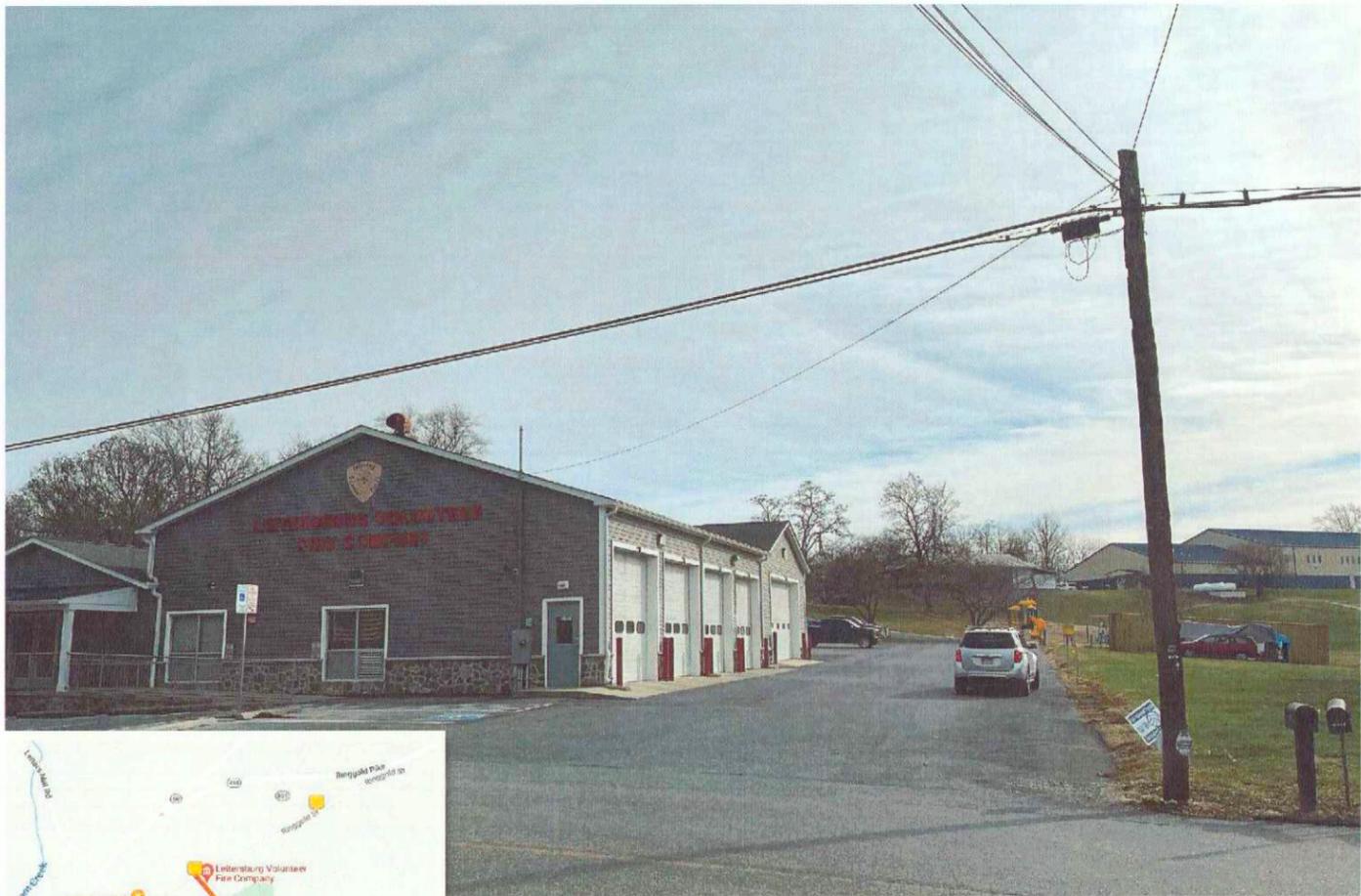


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Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

Leitersburg
Proposed View 1

01 June 2023





EXISTING
PHOTO #2

LEITERSBURG
PROPOSED MONOPOLE



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ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
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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

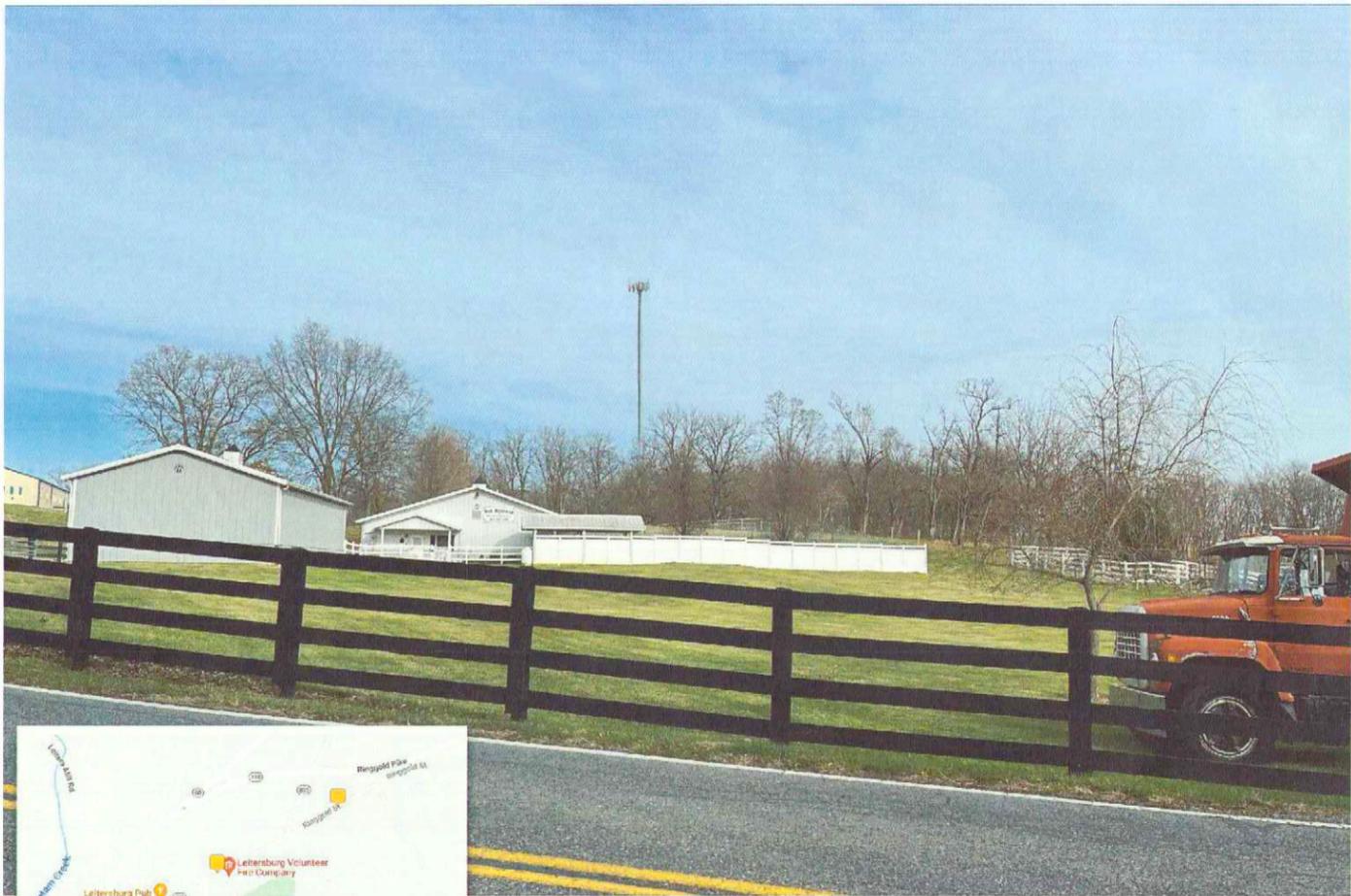


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ASSOCIATES, INC.
1220-B East Joppa Road, Suite 400K
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

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



Rathvon, Kathryn B.

From: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Sent: Tuesday, October 10, 2023 4:40 PM
To: Rathvon, Kathryn B.
Cc: Rick Novak; Ben Bobloch; Brendan Sikora
Subject: RE: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road
Attachments: 51157905-v1-Letter to Washington County AP2023-036.pdf; Leitersburg - Zoning Drawings - 2023-10-09.pdf; Leitersburg- Monopole Engineering Cert. Letter - 2023-10-06.pdf; Verizon Affidavit of Co-Location (Leitersburg).pdf

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Katie,

As we discussed last week, attached are supplemental documents being submitted on behalf of Verizon Wireless for this matter. I will have hard copies for all the Board members and opponents available as well.

If it would be helpful, I can send you a clean copy of the application with all exhibits electronically. Just let me know.

Let me know if you need anything else.

Doug

Douglas A. Sampson

Associate

SAUL EWING LLP | Baltimore

Office: (410) 332-8661

From: Rathvon, Kathryn B. <krathvon@washco-md.net>
Sent: Friday, October 6, 2023 2:20 PM
To: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Subject: RE: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road

****EXTERNAL EMAIL** - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.**

Good afternoon,

All documents are to be received at least one business day prior to the hearing date and 6 hard copies will need to be supplied by you at the hearing and you may want to have extra for the opposition, as there is going to be an attorney present for the opposition. I have attached a copy of the rules of procedure for you to review, the appellant paper work I have to date, and staff comments. You will present your appeal, however we are not able to do PowerPoint presentation. Typically hard copies for the board members to review is the best. After your presentation the board will ask questions. Then anyone in support will be able to come up and speak and anyone in opposition will be able to. You will then get a chance to address the concerns made by the opposition.



Katie Rathvon
Zoning Coordinator, Division of Planning & Zoning
747 Northern Avenue,
Hagerstown, MD, 21742
P: (240) 313-2464
krathvon@washco-md.net



From: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Sent: Friday, October 6, 2023 1:48 PM
To: Rathvon, Kathryn B. <krathvon@washco-md.net>
Subject: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road

You don't often get email from douglas.sampson@saul.com. [Learn why this is important](#)

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Good afternoon Katie,

My name is Doug Sampson. I was recently retained by Verizon and Site Link Wireless to represent them at the upcoming Board of Appeals hearing this Wednesday evening. I left you a voicemail as well.

I wanted to touch base and introduce myself. I also am in the process of gathering additional information and documentation to demonstrate my client's compliance with the Washington County Zoning Code. Would it be possible to submit any additional materials to the Board in advance of the hearing? Alternatively, I can present the materials to the Board Wednesday evening.

I also wanted to confirm the format. Some jurisdictions prefer full witness testimony with exhibits, while others just want to hear from me more informally and ask any questions about the application. I would also be happy to prepare a PowerPoint presentation if that would assist the Board. Any guidance you have on the preferred procedure would be appreciated.

Looking forward to meeting you next week. If you're unavailable to respond today, perhaps we can touch base Monday morning.

Have a great weekend,
Doug Sampson



Douglas A. Sampson

Associate

 (410) 353-2325

 Douglas.Sampson@saul.com

Read my bio >>

| | |
|---|--|
| <p>SAUL EWING <small>LLP</small></p> | <p>1001 Fleet Street, 9th Floor Baltimore, MD 21202-4359</p> |
|---|--|



**SAUL EWING OPENS CA OFFICES IN
LOS ANGELES AND ORANGE COUNTY**



"Saul Ewing LLP (saul.com)" has made the following annotations:

+~~~~~+

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MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



October 6, 2023

Mr. Rick Novak
Site Link Wireless, LLC
3620 Commerce Drive, Suite 707
Baltimore, Maryland 21227

Re: Site Link Wireless, LLC – Leitersburg
21536 Leitersburg Smithsburg Road
Leitersburg, Maryland 21742 (Washington County)
MRA Job No. 10427.3213

Dear Rick:

The purpose of this letter is to certify that the proposed 155'-0" monopole structure will be designed by the manufacturer to meet the requirements of the 2018 International Building Code (2018 IBC) and the ANSI/TIA-222-H Standard.

Per the TIA-222-H Standard, ASCE 7-16, and 2018 IBC requirements, the monopole shall be designed under the following minimum loading conditions:

TIA-222-H: 112 mph Wind (3-second gust) + No Ice
TIA-222-H: 40 mph Wind (3-second gust) + 1" Radial Ice

Note: The monopole shall also be designed to resist seismic loading per TIA-222-H in conjunction with site specific soil parameters determined from a geotechnical investigation.

In addition to the minimum loading conditions above, we note that the monopole shall also be designed by the manufacturer such that should failure of the monopole occur under extreme weather conditions, the maximum "fall zone" radius will not exceed half the height of the tower (77'-6") from the center of the monopole's base. While failure is extremely rare in any kind of tower, it is especially so for monopoles. The proposed monopole shall be designed by the manufacturer such that if failure were to occur, it would occur in the middle / upper portion of the monopole to meet the maximum "fall zone" radius requirement previously defined.

We also note that in addition to the above, the monopole will be designed to support a maximum of five (5) wireless carriers.

1220-B East Joppa Road, Suite 400K, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Purcellville, VA ♦ Raleigh, NC ♦ Orlando, FL
(410) 515-9000 (443) 490-7201 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 994-4047 (984) 200-2103 (407) 317-6288

Monopole design documents shall be submitted from the manufacturer as part of the Building Permit submission. If you should have any questions or require any additional information, please do not hesitate to call our office.

Sincerely,
MORRIS & RITCHIE ASSOCIATES, INC.



10/06/2023

James M. Porte, P.E.
Senior Structural Engineer

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: December 24, 2023.

V:\bg_PROJECTS\09000-10999\10427 Verizon Wireless Projects\10427_3213 Leitersburg\Correspondences\Letters\Leitersburg Monopole Fall Letter.doc

October 9, 2023

Washington County
Board of Zoning Appeals
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2460

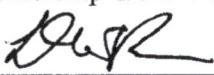
**Appeal for Special Exception for 155' Telecommunications Monopole at
21536 Leitersburg Smithsburg Road, Leitersburg, MD 21742**

AFFIDAVIT OF FCC COMPLIANCE AND TOWER CO-LOCATION

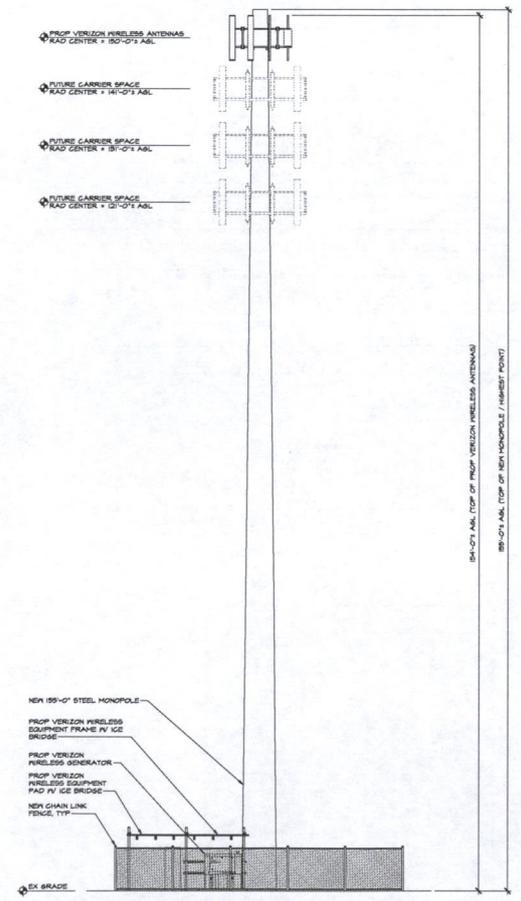
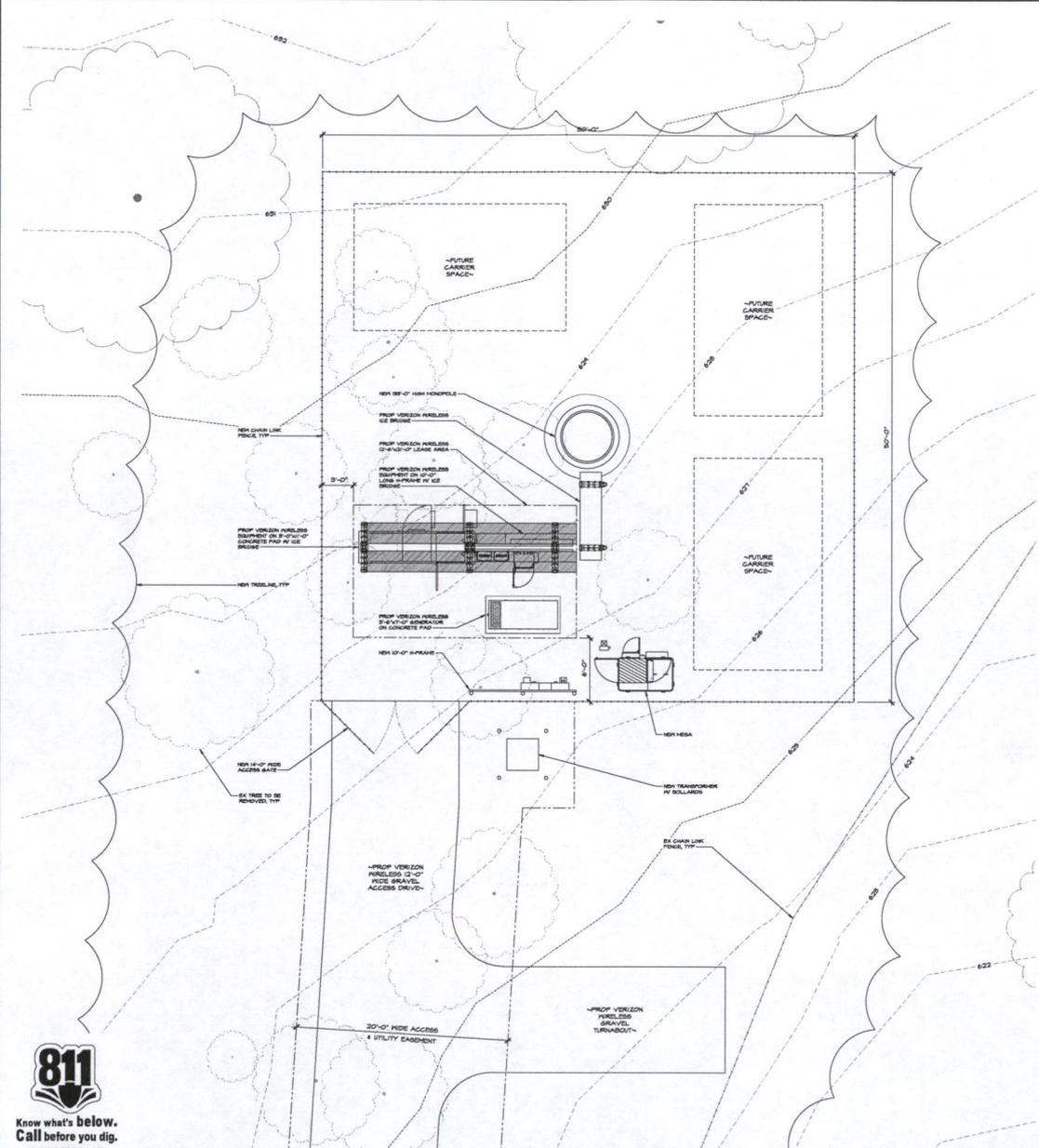
Pursuant to Washington County Zoning Ordinance 4.22(A)(6) the undersigned does hereby declare and affirm under the penalties of perjury, and agrees on behalf of Cellco Partnership d/b/a Verizon Wireless ("Verizon"), concerning the Appeal for a Special Exception to build a new telecommunications facility (the "Facility") on a portion of the property located at 21536 Leitersburg Smithsburg Road, Leitersburg, MD 21742 (the "Property") as follows:

1. The Undersigned is a duly appointed agent of Verizon, the Applicant and wireless provider, and as such is authorized to give this Affidavit and bind Verizon to this Agreement.
2. The Facility, will at all times, comply with applicable Federal Communications Commission ("FCC") standards and requirements to provide the proposed services. The antennas, as proposed and designed for this Facility, comply with all applicable FCC requirements.
3. Pursuant to Washington County Zoning Ordinance 4.22(A)(6), Verizon certifies that it will reserve one ten (10) foot space on the proposed tower specifically for use by the County and that the Facility will have space to accommodate up to three additional wireless carriers.

Cellco Partnership d/b/a Verizon Wireless

By:  (SEAL)
David W. Reinauer
Manager - Real Estate

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

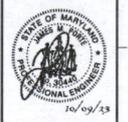


NEW 100'-0" STEEL MONOPOLE
 PROP VERIZON WIRELESS EQUIPMENT FRAME IV ICE BRIDGE
 PROP VERIZON WIRELESS GENERATOR
 PROP VERIZON WIRELESS EQUIPMENT PAD IV ICE BRIDGE
 NEW CHAIN LINK FENCE TYP
 EX GRADE

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

ENLARGED COMPOUND LAYOUT
 SCALE: 1" = 5'-0"

MRA
MORRIS & RITCHE
ASSOCIATES, INC.
 Chief / Structural Engineer
 1300 S. South Avenue, Suite 400C
 Towson, Maryland 21286
 410-881-1300
 410-881-1748 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. 13342022. EXPIRATION DATE 12/31/2025.

verizon
 LEITERSBURG
 21936 LEITERSBURG SMITHSBURG ROAD
 LEITERSBURG, MARYLAND 21742 (WASHINGTON COUNTY)

REVISIONS:

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DESIGNED BY: JHP
 DRAWN BY: DNT
 PROJECT NO: 10421923
 DATE: 11/29/2022
 SCALE: AS NOTED

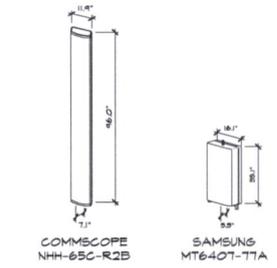
TITLE: Site Details

SHEET: C-2

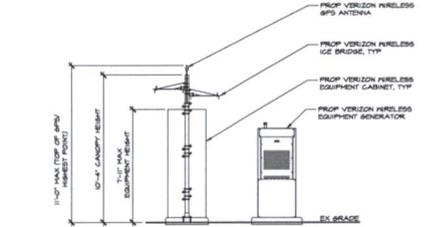


Know what's below.
 Call before you dig.

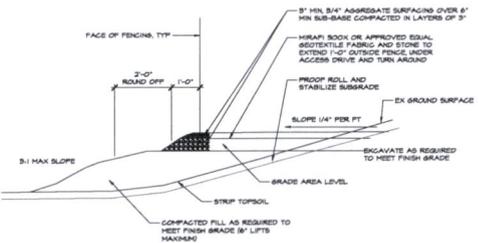
PROJECT OWNERS: USE THESE WARNING SIGNS TO ADVISE NEARBY PARTIES OF THE PRESENCE OF UNDERGROUND UTILITIES. ALL OPERATIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPLICABLE.



VERIZON WIRELESS ANTENNA DETAILS
NOT TO SCALE

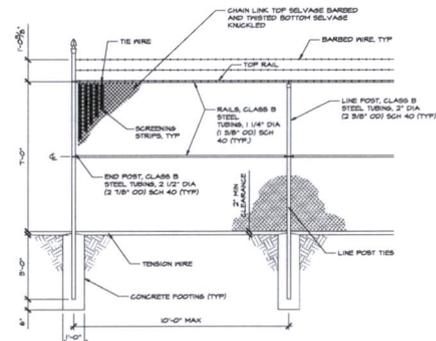


CONCRETE PAD ELEVATION W/ DIESEL GENERATOR
SCALE: 1/4" = 1'-0"



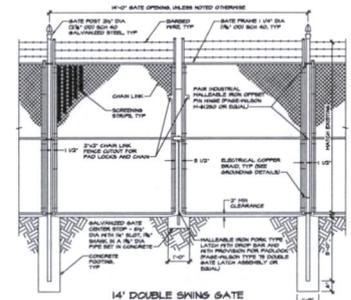
- CONSTRUCTION NOTES:**
1. CLEAR AND GRUB THE LAND ALONG THE ACCESS DRIVE.
 2. REMOVE ALL EXISTING ORGANIC MATERIAL TO OUTSIDE SURFACING.
 3. PLACE GEOTEXTILE FABRIC OVER SUBGRADE AND THEN PLACE AGGREGATE BASE.
 4. GRAVEL SUBBASE SPECIFICATION: MARYLAND DOT: SECTION 304 GRADED AGGREGATE BASE COURSE VIRGINIA DMT: SECTION 310 AGGREGATE BASE COURSE

LEASE AREA, ACCESS DRIVE & TURN AROUND AREA SURFACING
SCALE: 1/4" = 1'-0"



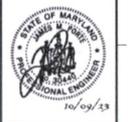
CHAIN LINK FENCE DETAIL
SCALE: 3/8" = 1'-0"

- TYPICAL FENCE LINE FENCE NOTES:**
1. GATE POST, CORNER TERMINAL OR PULL POST 2 1/2" DIA (2 1/8" O.D.) SCHEDULE 40 PIPE FOR GATE POSTS UP THRU 3 FEET OR 12 FEET FOR DOUBLE SHINS GATE PER ASTM-F1003.
 2. LINE POST 2" DIA (2 1/8" O.D.) SCHEDULE 40 PIPE PER ASTM-F1003.
 3. GATE FRAME: 1 1/4" DIA (1 1/8" O.D.) SCHEDULE 40 PIPE PER ASTM-F1003.
 4. TOP RAIL: 1 BRASS RAIL, 1 1/4" DIA (1 1/8" O.D.) SCHEDULE 40 PIPE PER ASTM-F1003.
 5. FABRIC: 4 GA. COBALT FIBRE 2 1/2" MESH, CONFORMS TO ASTM-F1003.
 6. TIE WIRE: MINIMUM 1/8" GALVANIZED STEEL, AT POSTS AND RAILS, A SINGLE WRAP OF FABRIC TO ALL AT TENSION WIRE BY 1/2" RINGS SPACED MAX 24" INTERVALS.
 7. TENSION WIRE: 1 GA. GALVANIZED STEEL.
 8. BARBED WIRE: DOUBLE STRAND (2 1/2" O.D.) TWISTED WIRE TO MATCH WITH FABRIC, 14 GA. 4 FT BARBS SPACED ON APPROXIMATELY 4" CENTERS.
 9. GATE LATCH: 1/2" DIA PLUMBER KNOB WITH HINGED TYPE CATCH AND LOCK, KEYS ALIGNED FOR ALL SITES IN A GIVEN MFL.
 10. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED WITH, IF REQUIRED.
 11. CHAIN LINK FENCE SHALL INCLUDE VERTICAL PVC SCREENING SLATS, ALL SIDED (COLOR: DARK GREEN OR BLACK).



- TYPICAL GATE LINE FENCE NOTES:**
1. GATE POST: CORNER TERMINAL OR PULL POST 2 1/2" DIA (2 1/8" O.D.) SCHEDULE 40 PIPE FOR GATE POSTS UP THRU 3 FEET OR 12 FEET FOR DOUBLE SHINS GATE PER ASTM-F1003.
 2. LINE POST 2" DIA (2 1/8" O.D.) SCHEDULE 40 PIPE PER ASTM-F1003.
 3. GATE FRAME: 1 1/4" DIA (1 1/8" O.D.) SCHEDULE 40 PIPE PER ASTM-F1003.
 4. TOP RAIL: 1 BRASS RAIL, 1 1/4" DIA (1 1/8" O.D.) SCHEDULE 40 PIPE PER ASTM-F1003.
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 9. GATE LATCH: 1/2" DIA PLUMBER KNOB WITH HINGED TYPE CATCH AND LOCK, KEYS ALIGNED FOR ALL SITES IN A GIVEN MFL.
 10. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED WITH, IF REQUIRED.

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
Chief / Resident Engineer
13845 Rockledge Rd, Suite 400E
Thermans, Maryland 21158
410-861-1280
410-861-1748 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. 10109753, EXPIRATION DATE: 03/31/2025.

verizon
LEITERSBURG
LEITERSBURG
LEITERSBURG
21936 LEITERSBURG SMITHSBURG ROAD
LEITERSBURG, MARYLAND 21142 (WASHINGTON COUNTY)

REVISIONS:

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DESIGNED BY: JWP
DRAWN BY: DNT
PROJECT NO: 10421523
DATE: 11/29/2022
SCALE: AS NOTED

TITLE:
Antenna Schedule & Equipment Details

SHEET:
C-3



Know what's below.
Call before you dig.

PROJECT OWNERS: USE THESE WARNING DAYS NOTICE
THIS DRAWING DOES NOT SOLICIT NECESSARY CONSENTS AND PERMISSIONS FROM ALL UTILITIES OR PUBLIC WORKS AGENCIES. ALL UTILITIES OR PUBLIC WORKS AGENCIES MUST BE NOTIFIED AND CONSENT OBTAINED PRIOR TO ANY CONSTRUCTION. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS AND PERMISSIONS PRIOR TO CONSTRUCTION.

Rathvon, Kathryn B.

From: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Sent: Wednesday, October 11, 2023 10:43 AM
To: Rathvon, Kathryn B.
Cc: Rick Novak; Ben Bobloch; Brendan Sikora
Subject: RE: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road
Attachments: Leitersburg Verizon Coverage Plots Oct. 2023.pdf

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Katie,

As a follow-up, attached are coverage maps we will be sharing with the Board tonight. We will have hard copies for the Board and will also have them on blown-up foam boards.

See you this evening,
Doug Sampson

Douglas A. Sampson
Associate
SAUL EWING LLP | Baltimore
Office: (410) 332-8661

From: Sampson, Douglas A.
Sent: Tuesday, October 10, 2023 4:40 PM
To: 'Rathvon, Kathryn B.' <krathvon@washco-md.net>
Cc: 'Rick Novak' <rnovak@sitelinkwireless.com>; Ben Bobloch <bbobloch@sitelinkwireless.com>; Brendan Sikora <bsikora@sitelinkwireless.com>
Subject: RE: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road

Katie,

As we discussed last week, attached are supplemental documents being submitted on behalf of Verizon Wireless for this matter. I will have hard copies for all the Board members and opponents available as well.

If it would be helpful, I can send you a clean copy of the application with all exhibits electronically. Just let me know.

Let me know if you need anything else.

Doug

Douglas A. Sampson
Associate
SAUL EWING LLP | Baltimore
Office: (410) 332-8661

From: Rathvon, Kathryn B. <krathvon@washco-md.net>
Sent: Friday, October 6, 2023 2:20 PM
To: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Subject: RE: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road

****EXTERNAL EMAIL** - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.**

Good afternoon,

All documents are to be received at least one business day prior to the hearing date and 6 hard copies will need to be supplied by you at the hearing and you may want to have extra for the opposition, as there is going to be a attorney present for the opposition. I have attached a copy of the rules of procedure for you to review, the appellant paper work I have to date, and staff comments. You will present your appeal, however we are not able to do PowerPoint presentation. Typically hard copies for the board members to review is the best. After your presentation the board will ask questions. Then anyone in support will be able to come up and speak and anyone in opposition will be able to. You will then get a chance to address the concerns made by the opposition.



Katie Rathvon
Zoning Coordinator, Division of Planning & Zoning
747 Northern Avenue,
Hagerstown, MD, 21742
P: (240) 313-2464
krathvon@washco-md.net



From: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Sent: Friday, October 6, 2023 1:48 PM
To: Rathvon, Kathryn B. <krathvon@washco-md.net>
Subject: Docket No. AP2023-036: Verizon Wireless 21536 Leitersburg Smithsburg Road

You don't often get email from douglas.sampson@saul.com. [Learn why this is important](#)

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Good afternoon Katie,

My name is Doug Sampson. I was recently retained by Verizon and Site Link Wireless to represent them at the upcoming Board of Appeals hearing this Wednesday evening. I left you a voicemail as well.

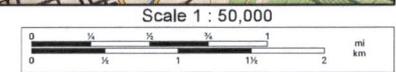
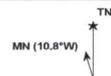
I wanted to touch base and introduce myself. I also am in the process of gathering additional information and documentation to demonstrate my client's compliance with the Washington County Zoning Code. Would it be possible



Data use subject to license.

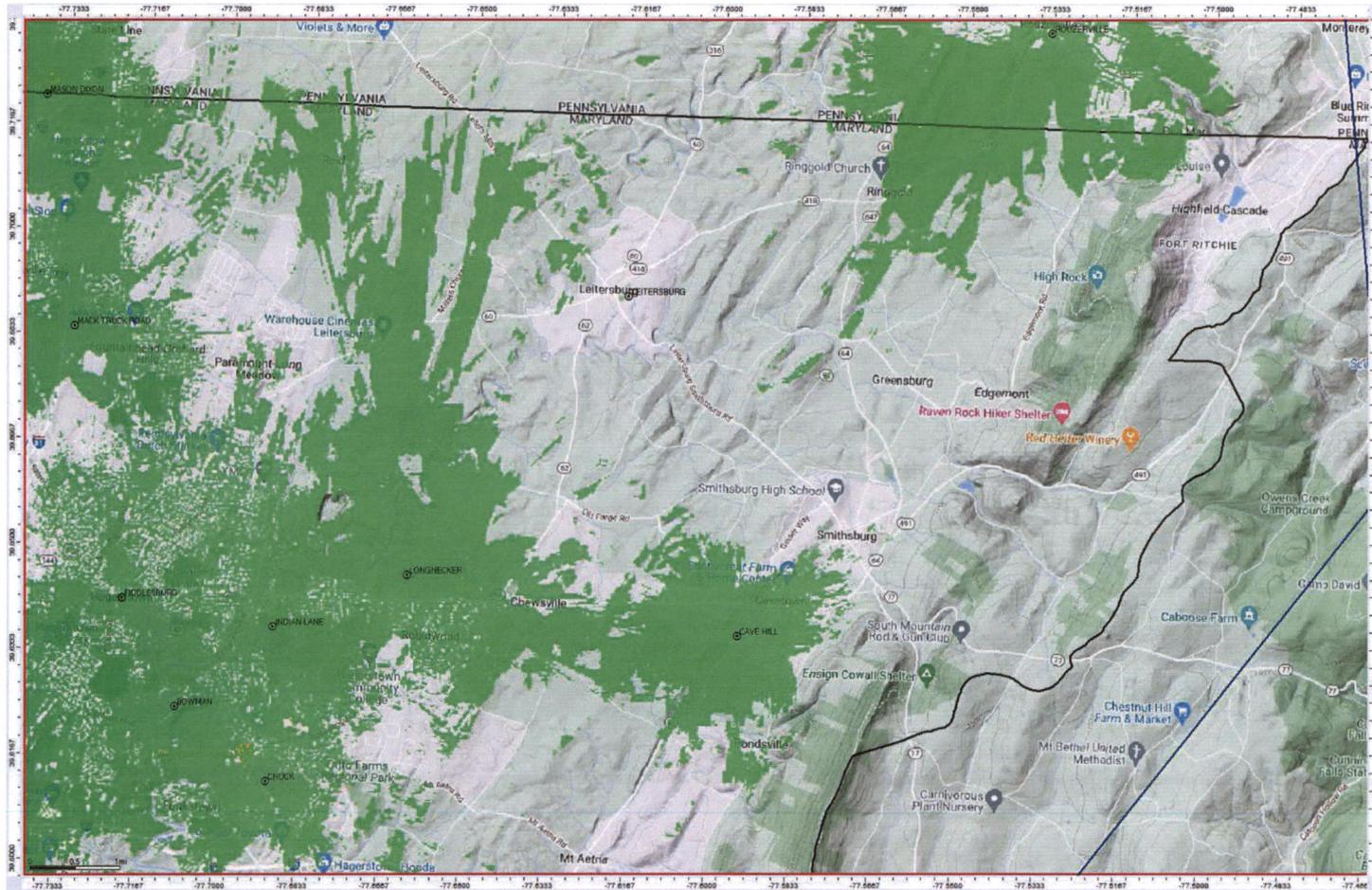
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www.delorme.com



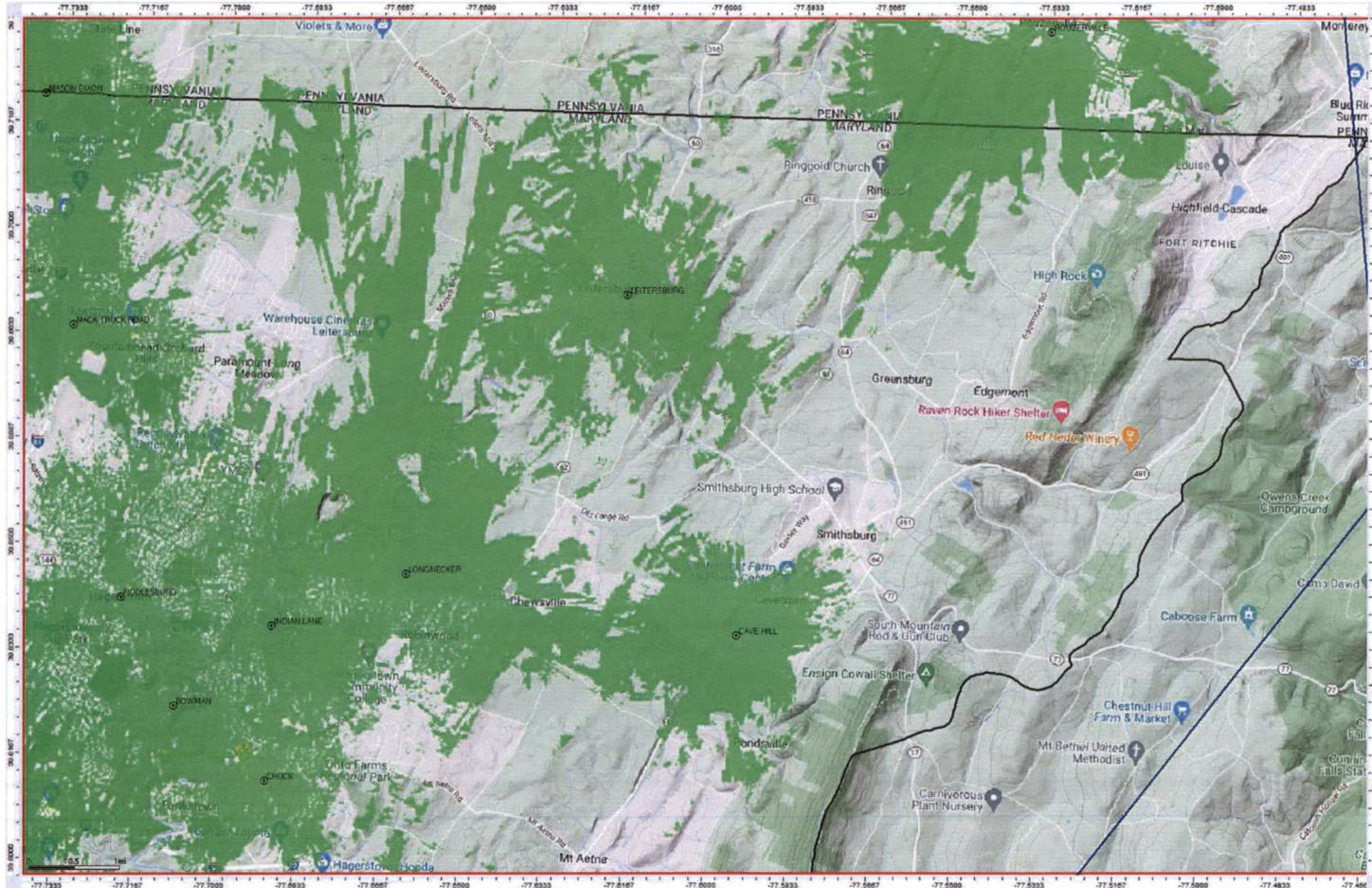
1" = 4,166.7 ft Data Zoom 12-0

Existing 700 Coverage



Confidential and proprietary materials for Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Proposed 700 Coverage



Confidential and proprietary materials for Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

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

VERIZON

* **Appeal No.: AP2023-036**

Appellant

*

*

* * * * * * * * * * *

OPINION

Verizon (hereinafter “Appellant”) requests a special exception to establish a commercial communication tower at the subject property. Appellant also requests a variance to reduce the minimum setback from the western boundary from 355 feet to 139 feet, 9 inches at the subject property. The subject property is located at 21536 Leitersburg Smithsburg Road, Hagerstown, Maryland and is zoned Agricultural, Rural. The Board held a public hearing in this matter on October 11, 2023.¹

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. Robert Veil, Jr. and Marvina Veil are the owners of the subject property located at 21536 Leitersburg Smithsburg Road, Hagerstown, Maryland. The subject property is zoned Agricultural, Rural.

2. The subject property consists of approximately twenty-one (21) acres, improved by a home, and operated as Paramount Farm. The topography is generally

¹ The Board had a quorum of four (4) members present for this hearing. Given the possibility for a split vote, Appellant was given the opportunity to postpone this matter to another hearing wherein the full board would be present.

hilly, with some level area located in the rear of the property where this project is proposed. Mr. and Mrs. Veil have owned the subject property for approximately thirty-five (35) years.

3. Appellant is the contract lessee of the subject property and files this appeal with permission of the owners.

4. The closest cellular communications tower is located Ivy Hill Farms in Ringgold, Maryland, approximately 3.5 miles away.

5. Appellant proposes to construct a 155-foot monopole, commercial communications tower at the subject property.

6. The tower will provide opportunity for co-location by other service providers as required by law. Appellant will also reserve 10 feet for County communications use.

7. The site will have access via a crushed stone and/or compacted gravel drive. The tower and accessory equipment will be contained in a 50 by 50-foot fenced area.

8. Appellant anticipates there will be 2 to 3 visits to the site each year to perform inspections and maintenance and/or repairs.

9. Construction of the site will take between 3 and 6 months, with the heaviest activity occurring in the first 60 days.

10. The monopole is designed to meet the requirements of the 2018 International Building Code and the ANSI/TIA-222-H standards. It is designed to have a fall radius of 75 feet.

11. The Ordinance requires the proposed monopole communications tower to have a setback of 355 feet from the subject property boundary lines. The subject property meets this requirement along the north, south and east boundary lines.

12. There was technical opposition to the proposed project, seeking to impose conditions on the development of the property, but not opposed to the project. Appellant agreed to all of the suggested conditions which were made part of the record.

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.

For the reasons set forth herein, the Board concludes that the special exception should be granted.

The Board heard testimony from Appellant and several witnesses, that there is a real issue with cellular service in the area of the proposed project. Multiple witnesses described an inability to make cellular calls or having calls “drop out” when entering the immediate area of the subject property. Moreover, Appellant provided cellular service coverage maps which illustrated a gap in reliable cellular service in the surrounding area. The proposed communications tower is necessary to resolve the gap in coverage and bring reliability to cellular communications, including emergency and first responder calls. Given the need demonstrated, the proposed project will benefit those living and working in the surrounding area and is part of the orderly growth of the community.

The proposed project will not generate traffic, except for a few visits each year for maintenance and repair. Aside from initial construction, there is no evidence that it will produce noise, gas, dust, odors, smoke, glare, or vibrations that would affect the surrounding properties. Other than the monopole’s visibility, its daily operation is passive and will not affect nearby homes or residences. Despite concern for property values noted in opposition testimony, there was no specific evidence presented to support such a concern.

Based on the testimony and evidence presented, the Board finds that the proposed commercial communications tower is an appropriate use of the subject property. The Board further 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 secures public safety and welfare, consistent with the spirit of the Ordinance.

Variance

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.² “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. § 25.56(A).

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

The Ordinance imposes strict setback requirements for projects with significant height as a safety measure to protect neighboring properties. In applying the setback requirements in this case, the Board must consider the evolution of design and construction for modern structures, specifically commercial communications towers. Appellant testified and submitted a Letter of Certification from its engineer that the monopole is designed to have a limited fall radius of approximately half the height of the structure. The proposed monopole will meet current design standards for wind ratings

² “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v. North*, 355 Md. 259, 276 n.10 (1999) (citations omitted).

and for failure to occur at the middle and upper portions of the structure. The design elements of the monopole mitigate any concern for the failure of the structure to affect neighboring properties. Appellant has requested a setback which is the maximum distance from the site to the western boundary, but still exceeds the “fall zone” for the monopole structure. Appellant is unable to create more distance and there is no other location on the property which is suitable for constructing the proposed project. The Board finds that these circumstances constitute practical difficulty, and the requested variance relief should be granted.

Accordingly, the special exception to establish a commercial communication tower at the subject property is GRANTED, by a vote of 4 to 0. The variance request to reduce the minimum setback from the western boundary from 355 feet to 139 feet, 9 inches at the subject property is also GRANTED, by a vote of 4 to 0. Both the special exception and the variance relief are granted subject to the general condition that the proposed use be consistent with the testimony and evidence presented herein and the following specific conditions:

1. That the monopole be constructed in a neutral color;
2. That there will not be any freestanding signage;
3. That the monopole will not be lit; and
4. That Appellant retain the existing mature trees and vegetation.

BOARD OF APPEALS

By: Tracie Felker, Acting Chair

Date Issued: November 8, 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: Knoedler Jefferson LLC
1020 Hawlings Road
Brookeville MD 20833

Docket No: AP2023-042
Tax ID No: 18018497
Zoning: RS

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

RB Overlay: No
Zoning Overlay:
Filed Date: 08/18/2023
Hearing Date: 09/13/2023

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.

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.

Delbra 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

ZONING APPEAL

Property Owner: Knoedler Jefferson LLC
1020 Hawlings Road
Brookeville MD 20833
Appellant: J. Chris Knoedler
1020 Hawlings Road
Brookeville MD 20833
Docket No: AP2023-042
Tax ID No: 18018497
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 08/18/2023
Hearing Date: 10/11/2023

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. A reduction of the required 75 parking spaces down to the existing 41 parking spaces on the parcel.

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.

[Handwritten signature]

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 25 day of Sept., 20 23.



[Handwritten signature of Kathryn B Rathvon]



WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue Hagerstown, MD 21742-2723 F 240.313.2430 T 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 10/11/2023, 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 09/26/2023 and will remain until after the above hearing date.

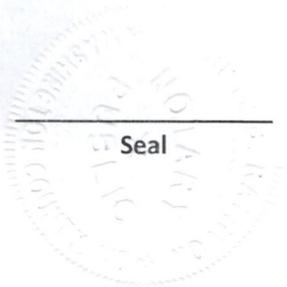
J. Chris Knoedler

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

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

Notary Public

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

BOARD OF ZONING APPEALS

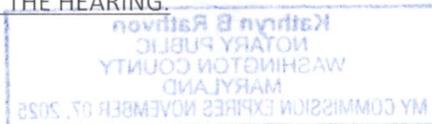
ATTENTION!

Posting Instructions

The premises **MUST** be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing
Section 25.51(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.





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

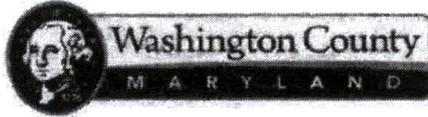
Sworn and subscribed before me the day and year first above written.

Notary Public

Seal

4-11-2025

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 22.17 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:

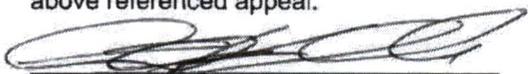
Provide Detailed Explanation on Separate Sheet

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 HAYLINGS 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**

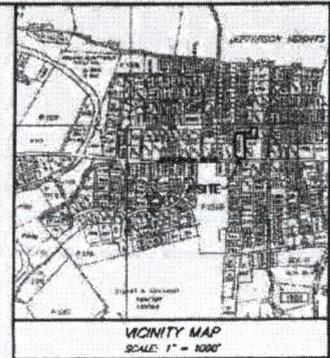
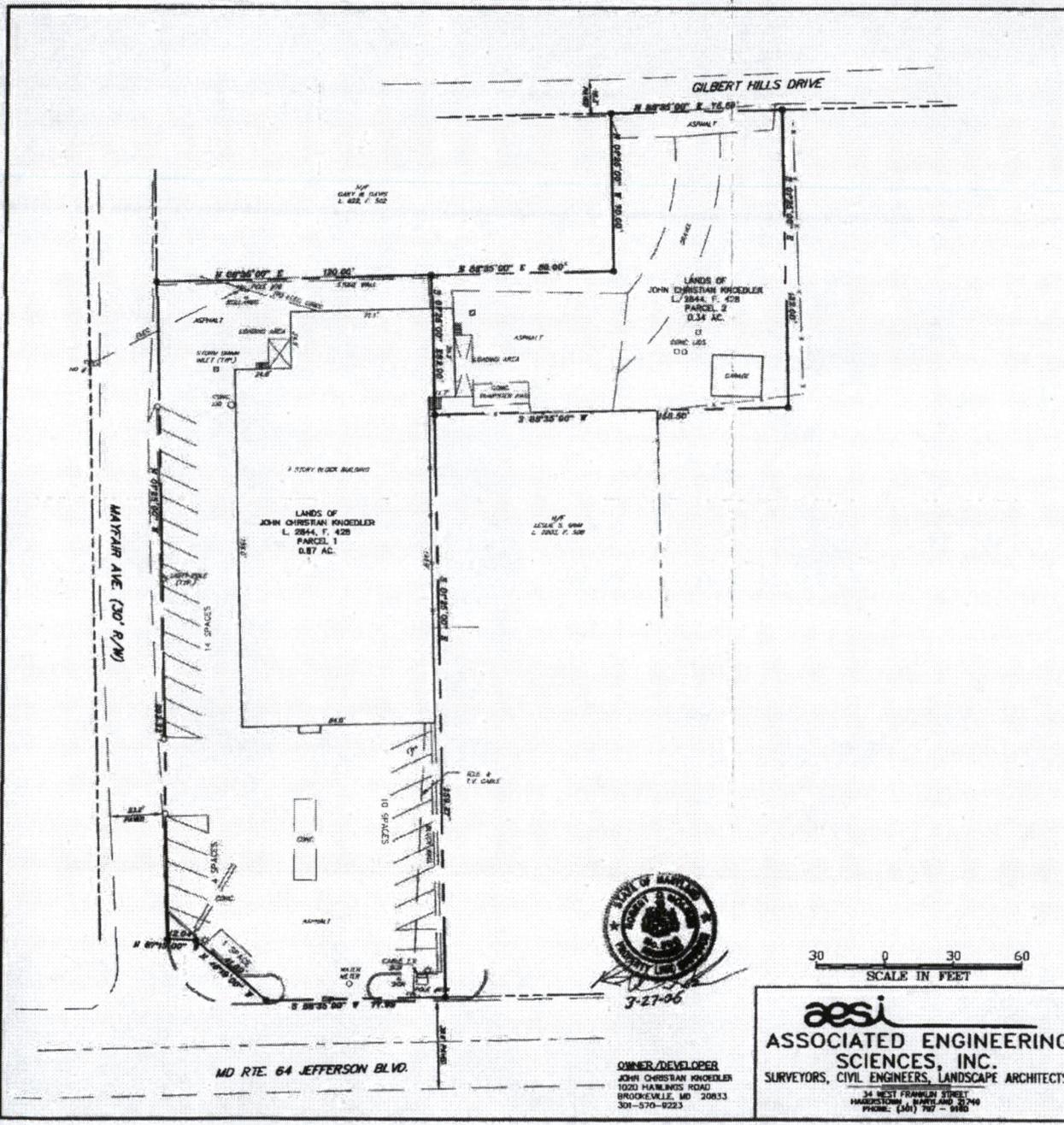
Reasons why ordinance requirements in question would impose undue hardship.

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

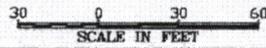


- SITE DATA:**
1. ZONING: RS (RESIDENTIAL SUBURBAN)
 2. PRIOR USE: RETAIL FURNITURE SALES/UPHOLSTERING
 3. PROPOSED USE: RETAIL FURNITURE SALES
 4. BUILDING AREA: 15,350 S.F.
 RETAIL FLOOR AREA: 12,180 S.F.
 STORAGE AREA: 3,170 S.F.
 5. PARKING REQUIRED: 1 SP/500 SF = 25 SPACES
 6. EXISTING PARKING: 28 SPACES (28 REG., 1 H.C.)
 7. EMPLOYEES: 3
 8. HOURS OF OPERATION: 9:00 AM - 8:00 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.



associated ENGINEERING SCIENCES, INC.
 SURVEYORS, CIVIL ENGINEERS, LANDSCAPE ARCHITECTS
 34 WEST FRANKLIN STREET
 HAGERSTOWN, MARYLAND 21740
 PHONE: (410) 797-9180

OWNER/DEVELOPER
 JOHN CHRISTIAN KNOEDLER
 1020 HAWKINS ROAD
 BROOKEVILLE, MD 20833
 301-570-8223



**SIMPLIFIED SITE PLAN
 FOR
 JOHN CHRISTIAN KNOEDLER**

SITUATE AT THE NORTHEAST CORNER OF JEFFERSON BLVD.
 AND MAYFAIR AVE., WASHINGTON COUNTY, MARYLAND

| | |
|---|----------------|
| ELECTION DISTRICT: 18 TAX MAP: 50 BLOCK: 3 PARCELS: 1530, 1532 JOB NO. 5238.B | |
| DATE: MARCH, 2006 | SHEET NO. 10F1 |
| SCALE: 1" = 30' | DRAWN BY: BDM |

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

Gilbert Hills Dr

Gilbert Hills Dr

Mayfair Ave

Mayfair Ave

64

Jefferson



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

J. CHRIS KNOEDLER

Appellant

*

*

Appeal No.: AP2023-042

*

*

* * * * *

OPINION

J. Chris Knoedler (hereinafter “Appellant”) requests a variance to reduce the required number of off-street parking spaces from 75 to 41 at the subject property. The subject property is located at 19918 Jefferson Boulevard, Hagerstown, Maryland and is zoned Residential, Suburban. The Board held a public hearing in this matter on October 11, 2023.¹

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. Appellant’s company, Knoedler Jefferson, LLC is the owner of the subject property located at 19918 Jefferson Boulevard, Hagerstown, Maryland. The subject property is zoned Residential, Suburban.

2. The subject property consists of approximately .87 acres with a 15,000 square foot building and off-street parking areas in the front and along the side.

¹ The Board had a quorum of four (4) members present for this hearing. Given the possibility for a split vote, Appellant was given the opportunity to postpone this matter to another hearing wherein the full board would be present.

3. The building was originally constructed in the 1960s, which predates the adoption of the Zoning Ordinance. At that time the existing parking was sufficient for the use of the property.

4. The subject property has been operated as a grocery store, convenience store, a fabric and upholstery shop, and a retail pet food store.

5. In AP2023-031, Appellant sought and obtained approval for a change in nonconforming use to operate DG Market at the subject property.

6. The DG Market intends to only use 9,800 square feet of the total 15,000 square-foot building.

7. The Zoning Ordinance requires five (5) off-street parking spaces per 1,000 square feet of gross leasable area of the structure for commercial retail sales.

8. The DG Market anticipates having a total of 8 to 10 employees with a maximum of 5 employees working at any given time.

9. Most deliveries will occur in the early morning hours before the store opens for business. All deliveries and truck unloading will be done using the loading dock off Mayfair Avenue.

10. 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 25.56.² “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than

² “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v. North*, 355 Md. 259, 276 n.10 (1999) (citations omitted).

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 subject property’s development is complicated by its age and construction prior to the application of zoning requirements. While the parking was sufficient for the use at the time, it does not meet the technical requirements of the Ordinance. Citing data from DG Market, Appellant testified that the average is approximately 31 cars per hour, with 5 or more cars changing over in that time period. Moreover, only 5 parking spaces will be necessary for staff and employees, leaving adequate parking for customers. Perhaps the most important element of Appellant’s project is the fact that DG Market is using approximately 65% of the total square footage of the building. When applied to the Ordinance requirement, Appellant would technically need approximately 49 parking spaces. Thus, Appellant’s request to utilize the existing 41 parking spaces seems completely reasonable when applied to the actual use of the building.

Appellant testified that there is no way to create additional parking without removing part of the existing building or acquiring additional properties. Both options are costly and unreasonable in these circumstances, resulting in practical difficulty. Appellant is making the best use of the property by repurposing it as a DG Market and it will utilize all of the parking spaces currently available. The variance relief requested is

warranted based on the practical difficulty and is the minimum necessary for relief from the Ordinance requirements.

Accordingly, the variance to reduce the required number of off-street parking spaces from 75 to 41 at the subject property is GRANTED, by a vote of 4-0. Said variance request is granted upon the condition that the proposed use be consistent with the testimony and evidence presented herein.

BOARD OF APPEALS

By: Tracie Felker, Acting Chair

Date Issued: November 8, 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: D. Ralph & Betty J. Thacker
20021 Thacker Drive
Boonsboro MD 21713
Appellant: D. Ralph & Betty J. Thacker
20021 Thacker Drive
Boonsboro MD 21713
Property Location: 7371 Mountain Laurel Road
Boonsboro, MD 21713
Description Of Appeal: Variance to reduce the left side yard to 6 ft. from the required 12 ft. for panhandle lot subdivision.

Docket No: AP2023-045
Tax ID No: 06010741
Zoning: RT
RB Overlay: No
Zoning Overlay:
Filed Date: 09/21/2023
Hearing Date: 10/11/2023

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section 7A.5 (b)

Reason For Hardship: Accessory structures cannot be on unimproved lot.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling Proposed Use: Subdivision for Two Residential Lots

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

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

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

[Handwritten Signature]
Appellant Signature

State Of Maryland, Washington County to-wit:

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

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

[Handwritten Signature]
Notary Public



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2023-045

State of Maryland Washington County, To Wit:

On 9/21/2023, 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 10/11/2023, 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.

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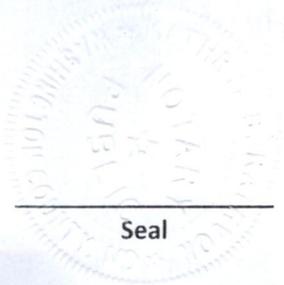
Frederick Seibert & Associates Inc

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

My Commission Expires



Seal



BOARD OF ZONING APPEALS

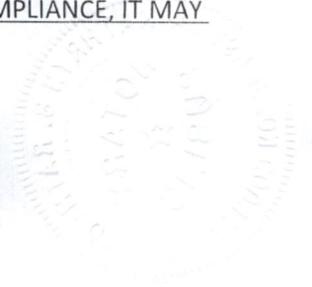
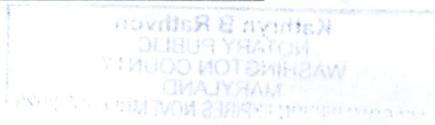
ATTENTION!

Posting Instructions

The premises MUST be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing
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4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.



Project Name: Ralph Thacker, 7371 Mountain Laurel Road

Owner/Applicant: Ralph Thacker

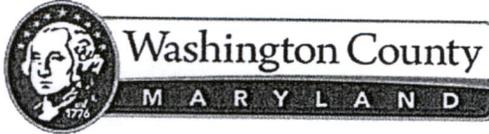
Project Address: 7371 Mountain Laurel Road, Boonsboro, MD 21713

Tax Map 68 Grid 24 Parcel 82

Account # 06010741

Zoning: RT

Variance request: Reduce the left side yard to 6' from the required 12' as enumerated on table 7A.5(b) of the Washington County Zoning Ordinance. The applicant desires to subdivide the 18 acre property into 2 new lots, 6 and 9 acres in size with 2.3 acres in the remaining lands currently improved with a house and 3 outbuildings. The applicant would have liked to configure proposed lot 1 to have 2 of the outbuildings however keeping an accessory structure on an unimproved lot is not permitted nor is a variance entertained. Due to the location of the existing outbuildings, in order to avoid having the outbuildings on the unimproved lot a panhandle must be configured between the existing shed and existing property line. In order to keep the minimum panhandle width the new property line will be 6' from the existing shed. Attempting a panhandle from the opposite side of the property is unlikely due to steep slopes. All improvements are existing, including a gravel driveway where the subject panhandle is to go. Nothing physical will change, only lines on paper.



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

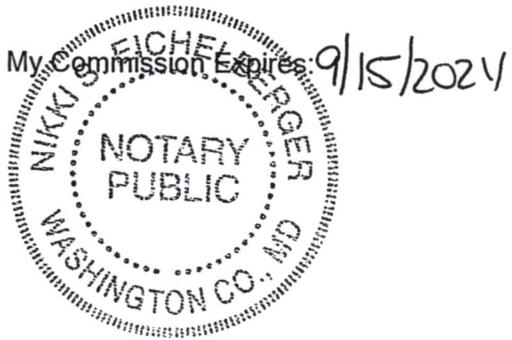
This is to certify that ED SCHREIBER
is authorized to file an appeal with the Washington County Board of Appeals for
LEFT SIDE YARD VARIANCE on property
located 7371 MOUNTAIN LAUREL ROAD, BOONSBORO MD
The said work is authorized by KALPH THACKER
the property owner in fee.

PROPERTY OWNER

RALPH THACKER
Name
20021 THACKER DR
Address
BOONSBORO MD 21713
City, State, Zip Code
Ralph Thacker
Owner's Signature

Sworn and subscribed before me this 31 day of August, 2023.

Nikki S. Eichelberger
Notary Public



AUTHORIZED REPRESENTATIVE

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

Sworn and subscribed before me this 31 day of August, 2023.

Nikki S. Eichelberger
Notary Public



Frederick Seibert & Associates, Inc.

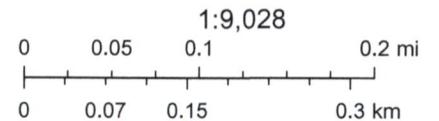


9/20/2023, 1:33:15 PM

World Transportation

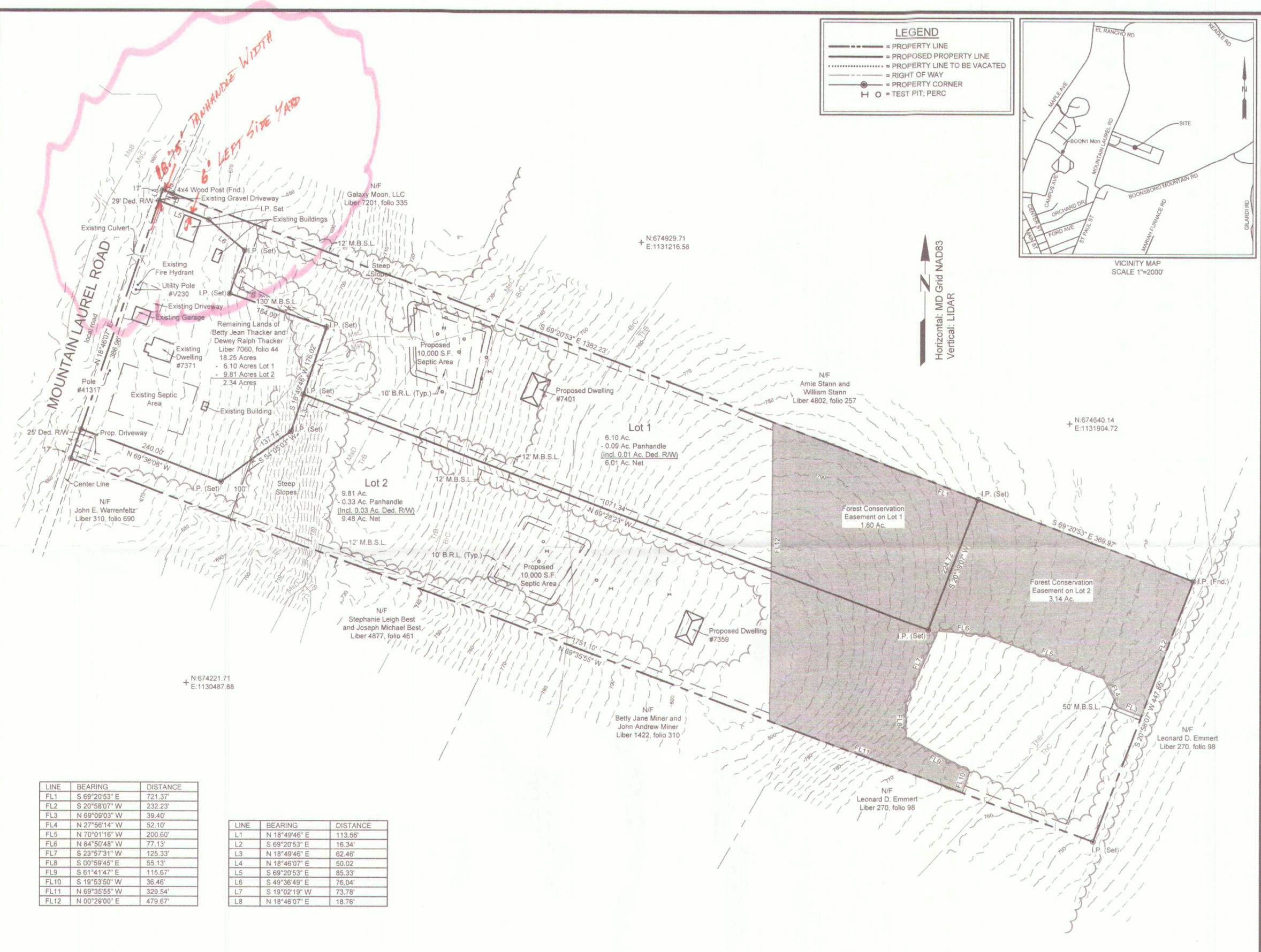
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MD_SixInchImagery



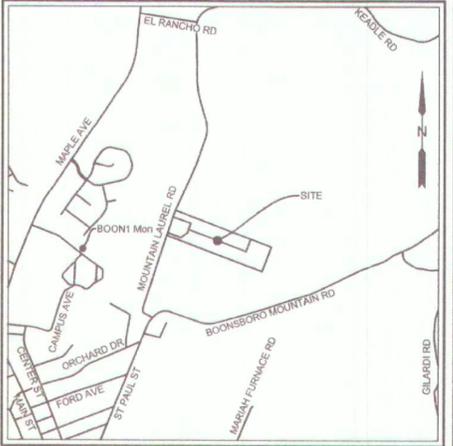
Esri, HERE, IPC, Esri Community Maps Contributors, Frederick County, WashCo MD, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS



LEGEND

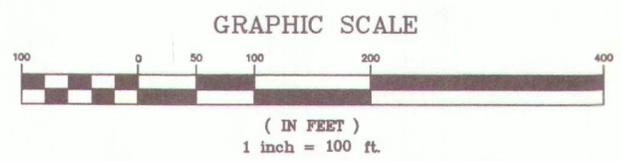
- = PROPERTY LINE
- - - = PROPOSED PROPERTY LINE
- = PROPERTY LINE TO BE VACATED
- - - - - = RIGHT OF WAY
- = PROPERTY CORNER
- H O = TEST PIT; PERC



Horizontal: MD Grid NAD83
Vertical: LIDAR

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| FL1 | S 69°20'53" E | 721.37' |
| FL2 | S 20°58'07" W | 232.23' |
| FL3 | N 69°09'03" W | 39.40' |
| FL4 | N 27°56'14" W | 52.10' |
| FL5 | N 70°01'16" W | 200.60' |
| FL6 | N 84°50'48" W | 77.13' |
| FL7 | S 23°57'31" W | 125.33' |
| FL8 | S 00°59'45" E | 55.13' |
| FL9 | S 61°41'47" E | 115.67' |
| FL10 | S 19°53'50" W | 36.46' |
| FL11 | N 69°35'55" W | 329.54' |
| FL12 | N 00°29'00" E | 479.67' |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 18°49'46" E | 113.56' |
| L2 | S 69°20'53" E | 16.34' |
| L3 | N 18°49'46" E | 62.46' |
| L4 | N 18°46'07" E | 50.02' |
| L5 | S 69°20'53" E | 85.33' |
| L6 | S 49°36'49" E | 76.04' |
| L7 | S 19°02'19" W | 73.78' |
| L8 | N 18°46'07" E | 18.76' |



Sheet Index
Sheet 1 - Plan
Sheet 2 - Notes

PLAT NO _____
DATE _____
WASHINGTON COUNTY

PRELIMINARY/FINAL PLAT OF SUBDIVISION
OF
LOTS 1 AND 2
FOR
BETTY JEAN THACKER AND DEWEY RALPH THACKER
SITUATE ALONG THE EAST SIDE OF MOUNTAIN LAUREL ROAD
WASHINGTON COUNTY, MARYLAND

PROJECT NO. 2022-0337
DWN BY LEJ DATE 4.21.2023
PROJECT MANAGER FFMF
EMAIL FFrederick@fisa-inc.com
ELECTION DISTRICT 06
PROPERTY INFORMATION 68-24-82
ACCOUNT NO. 06-010741
SCALE 1" = 100'
SHEET TITLE

PLAT OF
SUBDIVISION
S-23-041
SHEET 01 OF 02

FSA
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CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
188 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.3880
908 SOUTH HANOVER STREET
GREENCASTLE, PA 17225
717.597.1007
15 EAST MAIN STREET
CARLISLE, PA 17013
717.701.8111
1500 N. MARKET STREET
NEW BLENHEIM, PA 17241
717.275.7851

P:\03\2022\0337\FINAL\PLAT\2022-0337-01.PLT (DWG) DATE: 04/21/2023 10:00:00 AM

Owner:
Betty Jean Thacker and Dewey Ralph Thacker
20021 Thacker Drive
Boonsboro MD 21713
(301)-667-4748

SITE

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

Special Tax Recapture: None

Account Identifier: District - 06 Account Number - 010741

Owner Information

Owner Name: THACKER DEWEY RALPH Use: RESIDENTIAL
 THACKER BETTY JEAN Principal Residence: NO
 Mailing Address: 20021 THACKER DR Deed Reference: /07060/ 00044
 BOONSBORO MD 21713-

Location & Structure Information

Premises Address: 7371 MOUNTAIN LAUREL RD Legal Description: 18.25 ACRES
 BOONSBORO 21713-0000 7371 MOUNTAIN LAUREL RD

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
|------|-------|---------|---------------|--------------|----------|--------|------|------------------|-----------|
| 0068 | 0024 | 0082 | 6010101.22 | 0000 | | | | 2022 | |
| | | | | | | | | | Plat Ref: |

Town: None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|-------------------------|-------------------------|------------------------|--------------------|------------|
| 1890 | 1,488 SF | | 18.2500 AC | |

| Stories | Basement Type | Exterior Quality | Full/Half Bath | Garage | Last Notice of Major Improvements | |
|---------|---------------|------------------|----------------|----------|-----------------------------------|------------|
| 1 | 1/2 | YES | STANDARD UNITS | SIDING/3 | 1 full | 1 Detached |

Value Information

| | Base Value | Value As of 01/01/2022 | Phase-in Assessments | |
|--------------------|----------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 191,200 | 181,200 | | |
| Improvements | 72,100 | 134,600 | | |
| Total: | 263,300 | 315,800 | 298,300 | 315,800 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: MOSER PATRICIA M Date: 07/18/2022 Price: \$480,000
 Type: NON-ARMS LENGTH OTHER Deed1: /07060/ 00044 Deed2:

Seller: Date: Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00433/ 00684 Deed2:

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

Exemption Information

| Partial Exempt Assessments: Class | | 07/01/2023 | 07/01/2024 |
|-----------------------------------|-----|------------|------------|
| 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 - 06 Account Number - 010423

Owner Information

Owner Name: MINER JOHN ANDREW & MINER BETTY JANE Use: RESIDENTIAL
 Mailing Address: 10923 BOWER AVE Principal Residence:NO
 HAGERSTOWN MD 21740-7627 Deed Reference: /01422/ 00310

Location & Structure Information

Premises Address: MOUNTAIN LAUREL RD Legal Description: 2.75 ACRES
 BOONSBORO 21713-0000 MOUNTAIN LAUREL ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0068 0024 0083 6010101.22 0000 2022

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2.7500 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | 01/01/2022 | As of | As of |
| Land: | 83,100 | 73,100 | 07/01/2023 | 07/01/2024 |
| Improvements | 0 | 0 | | |
| Total: | 83,100 | 73,100 | 73,100 | 73,100 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: MINER STANLEY R SR & BETTY L Date: 06/30/1998 Price: \$30,000
 Type: NON-ARMS LENGTH OTHER Deed1: /01422/ 00310 Deed2:

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

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

Exemption Information

Partial Exempt Assessments:Class 07/01/2023 07/01/2024
 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 - 06 Account Number - 010407

Owner Information

Owner Name: BEST STEPHANIE LEIGH Use: RESIDENTIAL
 BEST JOSEPH MICHAEL Principal Residence: YES
 Mailing Address: 7351 MOUNTAIN LAUREL RD Deed Reference: /04877/ 00461
 BOONSBORO MD 21713-2133

Location & Structure Information

Premises Address: 7351 MOUNTAIN LAUREL RD Legal Description: 2.9 ACRES
 BOONSBORO 21713-0000 7351 MOUNTAIN LAUREL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0068 0024 0196 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2000 1,970 SF 1100 SF 2.9000 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 1/2 YES STANDARD UNITSIDING/4 3 full/ 1 half 1 Attached

Value Information

| | Base Value | Value As of 01/01/2022 | Phase-in Assessments | |
|--------------------|------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 94,200 | 84,200 | | |
| Improvements | 227,700 | 397,200 | | |
| Total: | 321,900 | 481,400 | 428,233 | 481,400 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: CHURCHEY RONALD S & WYNN A Date: 12/17/2014 Price: \$325,000
 Type: ARMS LENGTH IMPROVED Deed1: /04877/ 00461 Deed2:
 Seller: MINER JOHN A & BETTY J Date: 07/03/1997 Price: \$35,000
 Type: ARMS LENGTH VACANT Deed1: /01345/ 00893 Deed2:
 Seller: MINER HAROLD C Date: 02/06/1995 Price: \$35,000
 Type: ARMS LENGTH VACANT Deed1: /01198/ 00559 Deed2:

Exemption Information

Partial Exempt Assessments:Class 07/01/2023 07/01/2024
 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 - 06 Account Number - 016995

Owner Information

Owner Name: AURICHIO INVESTMENT LLC Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 13113 CASABELLA DRIVE Deed Reference: /07272/ 00192
 WINDERMERE FL 34786-

Location & Structure Information

Premises Address: 7353 MOUNTAIN LAUREL RD Legal Description: 1 ACRE
 BOONSBORO 21713-0000 7353 MOUNTAIN LAUREL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0068 0024 0139 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1991 2,178 SF 1.0000 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 1 YES STANDARD UNITSIDING/3 2 full 1Att/1Det

Value Information

| | Base Value | Value | | |
|--------------------|------------|---------------------|---|---------------------|
| | | As of 01/01/2022 | Phase-in Assessments As of 07/01/2023 | As of 07/01/2024 |
| Land: | 80,000 | 70,000 | | |
| Improvements | 81,800 | 165,600 | | |
| Total: | 161,800 | 235,600 | 211,000 | 235,600 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: WARRENFELTZ JOHN E Date: 06/29/2023 Price: \$245,000
 Type: ARMS LENGTH IMPROVED Deed1: /07272/ 00192 Deed2:

Seller: Date: Price: \$0
 Type: Deed1: /00310/ 00690 Deed2:

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

Exemption Information

Partial Exempt Assessments:Class 07/01/2023 07/01/2024
 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 - 06 Account Number - 009700

Owner Information

Owner Name: BLANK REX KEVIN & BLANK MARILYN DYAN Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 7362 MOUNTAIN LAUREL RD Deed Reference: /04672/ 00055
 BOONSBORO MD 21713-2132

Location & Structure Information

Premises Address: 7362 MOUNTAIN LAUREL RD Legal Description: 1.02 ACRES
 BOONSBORO 21713-0000 7362 MOUNTAIN LAUREL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0068 0024 0255 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1890 2,424 SF 1.0200 AC

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

Value Information

| | Base Value | Value As of 01/01/2022 | Phase-in Assessments | |
|--------------------|------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 80,100 | 70,100 | | |
| Improvements | 84,700 | 174,700 | | |
| Total: | 164,800 | 244,800 | 218,133 | 244,800 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

| | | |
|---------------------------------|----------------------|-----------------|
| Seller: BLANK REX K & MARILYN D | Date: 11/25/2013 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /04672/ 00055 | Deed2: |
| Seller: BLANK REX K & MARILYN D | Date: 05/12/2011 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /04088/ 00155 | Deed2: |
| Seller: KEPHART BEULAH E | Date: 05/11/1987 | Price: \$64,900 |
| Type: ARMS LENGTH IMPROVED | Deed1: /00844/ 00257 | Deed2: |

Exemption Information

| | | |
|-----------------------------------|------------|--------------------------|
| Partial Exempt Assessments: Class | 07/01/2023 | 07/01/2024 |
| 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 - 06 Account Number - 023274

Owner Information

Owner Name: BOARD OF EDUCATION Use: EXEMPT COMMERCIAL
 Mailing Address: 10435 DOWNSVILLE PIKE Principal Residence: NO
 HAGERSTOWN MD 21740-0000 Deed Reference: /00354/ 00113

Location & Structure Information

Premises Address: 10 CAMPUS AVE Legal Description: 92.025AC
 BOONSBORO 21713-0000 10 CAMPUS AVE
 BOONSBORO HIGH SCHOOL

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
|------|-------|---------|---------------|--------------|----------|--------|------|------------------|-----------|
| 0600 | 0000 | 1381 | 10000.22 | 0000 | | | | 2022 | |
| | | | | | | | | | Plat Ref: |

Town: BOONSBORO

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|-------------------------|-------------------------|------------------------|--------------------|------------|
| 1950 | 279,963 SF | | 92.0200 AC | |

| Stories Basement Type | Exterior Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|-----------------------|------------------|----------------|--------|-----------------------------------|
| ELEMENTARY SCHOOL / | C3 | | | |

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2022 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 3,040,400 | 3,040,400 | | |
| Improvements | 25,578,700 | 26,664,800 | | |
| Total: | 28,619,100 | 29,705,200 | 29,343,167 | 29,705,200 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

| Seller: | Date: | Price: |
|---------|----------------------|--------|
| Type: | Deed1: /00354/ 00113 | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |

Exemption Information

| Partial Exempt Assessments:Class | 07/01/2023 | 07/01/2024 |
|----------------------------------|-------------------|---------------|
| County: | 440 29,343,167.00 | 29,705,200.00 |
| State: | 440 29,343,167.00 | 29,705,200.00 |
| Municipal: | 440 29,343,167.00 | 29,705,200.00 |

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 - 06 Account Number - 014402

Owner Information

Owner Name: NEEL FRED ET AL Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 7404 MOUNTAIN LAUREL RD Deed Reference: /03805/ 00368
 BOONSBORO MD 21713-2134

Location & Structure Information

Premises Address: 7404 MOUNTAIN LAUREL RD Legal Description: 1.35 ACRES
 BOONSBORO MD 21713-0000 7404 MOUNTAIN LAUREL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8758
 0068 0024 0375 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1974 2,240 SF 750 SF 1.3500 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------------|------------------|------------------|
| | | As of 01/01/2022 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 82,600 | 72,600 | | |
| Improvements | 130,600 | 280,500 | | |
| Total: | 213,200 | 353,100 | 306,467 | 353,100 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: WILSON ROBERT T & SHARON A Date: 01/07/2010 Price: \$254,000
 Type: ARMS LENGTH IMPROVED Deed1: /03805/ 00368 Deed2:

Seller: SIPE JOHN E Date: 03/21/1984 Price: \$70,000
 Type: ARMS LENGTH IMPROVED Deed1: /00759/ 01014 Deed2:

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

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
 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 07/28/2010

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 - 06 Account Number - 001629

Owner Information

Owner Name: GALAXY MOON LLC Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 14507 FAIRACRES ROAD Deed Reference: /07201/ 00335
 SILVER SPRING MD 20905-

Location & Structure Information

Premises Address: 7405 MOUNTAIN LAUREL RD Legal Description: 2.14 ACRES
 BOONSBORO 21713-0000 7405 MOUNTAIN LAUREL RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8097
 0068 0024 0235 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1901 1,092 SF 2.1400 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITFRAME/3 0 full 1 Detached

Value Information

| | Base Value | Value | | |
|--------------------|------------|---------------------|---|---------------------|
| | | As of 01/01/2022 | Phase-in Assessments As of 07/01/2023 | As of 07/01/2024 |
| Land: | 88,500 | 78,500 | | |
| Improvements | 42,000 | 90,400 | | |
| Total: | 130,500 | 168,900 | 156,100 | 168,900 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: BOYER HOWARD E & Date: 03/01/2023 Price: \$110,000
 Type: ARMS LENGTH IMPROVED Deed1: /07201/ 00335 Deed2:
 Seller: BEARD DAWN M Date: 06/29/2011 Price: \$199,900
 Type: NON-ARMS LENGTH OTHER Deed1: /04110/ 00271 Deed2:
 Seller: BOYER HOWARD E & Date: 04/03/2007 Price: \$229,900
 Type: ARMS LENGTH IMPROVED Deed1: /03261/ 00560 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
 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 - 06 Account Number - 018068

Owner Information

Owner Name: STANN WILLIAM Use: RESIDENTIAL
 STANN AMIE Principal Residence:NO
 Mailing Address: 7435 MOUNTAIN LAUREL RD Deed Reference: /04802/ 00257
 BOONSBORO MD 21713-2135

Location & Structure Information

Premises Address: MOUNTAIN LAUREL RD Legal Description: 25 ACRES
 BOONSBORO 21713-0000 MOUNTAIN LAUREL ROAD
 2 MI N BOONSBORO

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0068 0024 0260 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 25.0000 AC

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

Value Information

| | Base Value | Value As of 01/01/2022 | Phase-in Assessments | |
|--------------------|------------|------------------------------|----------------------|---------------------|
| | | | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 215,000 | 205,000 | | |
| Improvements | 0 | 0 | | |
| Total: | 215,000 | 205,000 | 205,000 | 205,000 |
| Preferential Land: | 0 | 0 | | |

Transfer Information

Seller: SHADOAN ARLENE T Date: 07/31/2014 Price: \$150,000
 Type: NON-ARMS LENGTH OTHER Deed1: /04802/ 00257 Deed2:
 Seller: MACK Date: 02/04/1981 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /00712/ 00745 Deed2:
 Seller: Date: Price:
 Type: Deed1: Deed2:

Exemption Information

| Partial Exempt Assessments:Class | 07/01/2023 | 07/01/2024 |
|----------------------------------|------------|------------|
| 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: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 06 Account Number - 003966

Owner Information

Owner Name: SHEFFLER ALBERT L Use: AGRICULTURAL
 SHFFLER CAROLYN Principal Residence:NO
 Mailing Address: C/O ALBERT SHEFFLER Deed Reference: /07246/ 00002
 20906 BOONSBORO MT RD
 BOONSBORO MD 21713-

Location & Structure Information

Premises Address: BOONSBORO MOUNTAIN RD Legal Description: 60.81 ACRES
 BOONSBORO 21713-0000 BOONSBORO MOUNTAIN ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8112
 0069 0019 0012 6010101.22 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 60.8100 AC

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

Value Information

| | Base Value | Value | | |
|--------------------|---------------|---------------------|---------------------|---------------------|
| | | As of 01/01/2022 | As of 07/01/2023 | As of 07/01/2024 |
| Land: | 11,400 | 11,400 | | |
| Improvements | 0 | 0 | | |
| Total: | 11,400 | 11,400 | 11,400 | 11,400 |
| Preferential Land: | 11,400 | 11,400 | | |

Transfer Information

Seller: EMMERT LEONARD D Date: 05/16/2023 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /07246/ 00002 Deed2:
 Seller: EMMERT LEONARD D Date: 01/09/1989 Price: \$18,500
 Type: ARMS LENGTH IMPROVED Deed1: /00270/ 00098 Deed2:
 Seller: Date: Price:
 Type: Deed1: Deed2:

Exemption Information

| Partial Exempt Assessments:Class | 07/01/2023 | 07/01/2024 |
|----------------------------------|------------|--------------------------|
| County: | 000 | 0.00 |
| State: | 000 | 0.00 |
| Municipal: | 000 | 0.00 0.00 0.00 0.00 |

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

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**

*

D. RALPH AND BETTY J. THACKER * **Appeal No.: AP2023-045**

*
*
*

Appellants

* * * * * * * * * * * *

OPINION

D. Ralph Thacker and Betty J. Thacker (hereinafter “Appellants”) request a variance to reduce the left side yard setback from 12 feet to 6 feet for a panhandle lot subdivision at the subject property. The subject property is located at 7371 Mountain Laurel Road, Boonsboro, Maryland and is zoned Residential, Transition. The Board held a public hearing in this matter on October 11, 2023.¹

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon proper notice to the parties and general public as required.

Findings of Fact

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

1. Appellants are the owners of the subject property located at 7371 Mountain Laurel Road, Boonsboro, Maryland. The subject property is zoned Residential, Transition.
2. The subject property consists of approximately 18 acres improved by a house and various accessory buildings, including a tractor shed. There is an existing gravel drive that proceeds back from Mountain Laurel Road in front of the tractor shed and back to the rear of the property.

¹ The Board had a quorum of four (4) members present for this hearing. Given the possibility for a split vote, Appellant was given the opportunity to postpone this matter to another hearing wherein the full board would be present.

3. The existing house was constructed in the 1890s and the tractor shed is an aging, rudimentary structure used to store equipment.

4. Appellants propose to subdivide the subject property into a 6-acre lot, a 9-acre lot and a remaining 2.3-acre lot which contains the house and 3 of the accessory buildings.

5. The subdivision will result in a panhandle lot with access along the gravel drive which passes in front of the tractor shed.

6. There is a trench which traverses the center of the subject property, situated between the tractor shed and the existing house.

7. The subdivision could not be done to include the tractor shed on the new lot because it is an accessory structure.

8. There was technical opposition presented as simply a desire to ensure the provisions of the Zoning Ordinance were properly followed.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship. §§ 25.2(c) and 25.56.² “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. § 25.56(A).

Practical difficulty and undue hardship are the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography,

² “When the terms unnecessary hardship (or one of its synonyms) and practical difficulties are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulties standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v. North*, 355 Md. 259, 276 n.10 (1999) (citations omitted).

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).)

Appellant presented testimony indicating that the proposed location of the driveway for the panhandle was the only logical location. Appellants did acknowledge that access could be achieved on the opposite side of the residence, but that it was steep and required switchbacks. Appellants also refuted the suggestions of the Board that a driveway could be located between the tractor shed and the home. The proposed panhandle lot would result in the driveway access running within 6 feet of the existing tractor shed. The shed only opens to the driveway side and therefore, use of the shed would require equipment to traverse portions of the proposed driveway and new lot.

The Board is not persuaded that the proposed plan is the only option for creating access to the subdivided lot. While Appellants' plan is the preferred option, the Board is unable to find that such a plan is the minimum necessary to facilitate subdivision. As a result, the Board finds that Appellants have failed to satisfy the criteria for a variance as set forth in the Ordinance, and the request for relief should be denied.

Accordingly, the variance to reduce the left side yard from 12 feet to 6 feet at the subject property is DENIED, by a vote of 4-0.

BOARD OF APPEALS

By: Tracie Felker, Acting Chair

Date Issued: November 9, 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.