

## BOARD OF APPEALS

December 6, 2023

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

### AGENDA

**AP2023-047:** An appeal was filed by Martin & Nicole Boese for a special exception to establish a second single-family dwelling on a parcel improved with a dwelling and a variance from the required 50 ft. side yard setback for residential use lots when the lot is 5 acres or greater in size to 15 ft. for East property line for proposed single-family dwelling. Also a variance from the required 50 ft. side yard setback to 16 ft. for constructed accessory structure. The property is owned by the appellant and located at 14005 Misty Glen Lane, Hagerstown, Zoned Agricultural Rural. **POSTPONED TO DECEMBER 20 HEARING.**

**AP2023-049:** An appeal was filed by Dominion Realty LLC for a variance requesting a parking reduction of the required 35 spaces to 17 spaces for proposed change of space from retail use to a restaurant use on property owned by the appellant and located at 18117 Maugans Avenue, Hagerstown, Zoned Highway Interchange. **-GRANTED**

**AP2023-050:** An appeal was filed by Austin Brad for a variance from the required 400 ft. setback to 147 ft. from the North property line, 39 ft. from the West property line, 293 ft. from the East property line for new boarding facility with outdoor runs on property owned by Marcie McCleary and located at 18126 Lappans Road, Fairplay, Zoned Agricultural Rural. - **GRANTED**

\*\*\*\*\*

Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than November 27, 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:** Martin & Nicole Boese  
816 Dewey Avenue  
Hagerstown MD 21742

**Appellant:** Martin & Nicole Boese  
816 Dewey Avenue  
Hagerstown MD 21742

**Property Location:** 14005 Misty Glen Lane  
Hagerstown, MD 21742

**Description Of Appeal:** Special exception to establish a second single-family dwelling on a parcel improved with a dwelling and a variance from the side yard setback of 50 ft. for residential use lots of 5 acres or greater in size to 15 ft. for the East property line for proposed single-family dwelling. Variance from the required 50 ft. side yard setback to 16 ft. for constructed accessory structure.

**Docket No:** AP2023-047

**Tax ID No:** 09017712

**Zoning:** A(R)

**RB Overlay:** No

**Zoning Overlay:**

**Filed Date:** 10/17/2023

**Hearing Date:** 12/06/2023

**Appellant's Legal Interest In Above Property:** **Owner:** Yes

**Lessee:** No

**Other:**

**Contract to Rent/Lease:** No

**Contract to Purchase:** No

**Previous Petition/Appeal Docket No(s):**

**Applicable Ordinance Sections:** Washington County Zoning Ordinance Section 4.5 & 5A.7 (4.)

**Reason For Hardship:** Irregular shape of existing lot

**If Appeal of Ruling, Date Of Ruling:**

**Ruling Official/Agency:**

**Existing Use:** Single Family Dwelling

**Proposed Use:** Second Single Family Dwelling

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

**Date Ceased:**

**Area Devoted To Non-Conforming Use -**

**Existing:**

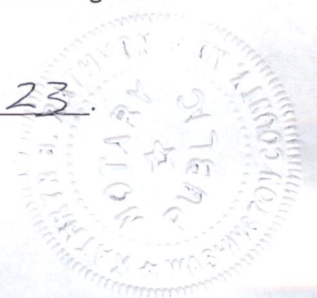
**Proposed:**

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

Appellant Signature

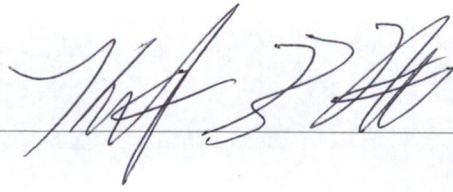
State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 16 day of November, 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: AP2023-047

**State of Maryland Washington County, To Wit:**

On 10/17/2023, 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 12/06/2023, 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 11/21/2023 and will remain until after the above hearing date.

Frederick, Seibert & Associates Inc

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

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 ED SCHREIBER  
is authorized to file an appeal with the Washington County Board of Appeals for  
SPECIAL EXCEPTION FOR 2<sup>nd</sup> Dwelling & SIDE YARD VARIANCE on property  
located 14005 MISTY GLEN LN, HAGERSTOWN MD 21742  
The said work is authorized by NICOLE BOESE  
the property owner in fee.

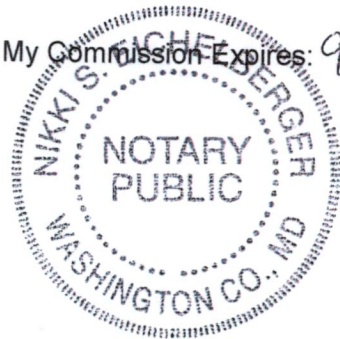
#### PROPERTY OWNER

Nicole M. Boese  
Name  
816 Dewey Ave  
Address  
Hagerstown MD 21742  
City, State, Zip Code  
N. Boese  
Owner's Signature

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

Nikki S. Echelberger  
Notary Public

My Commission Expires: 9/15/2024



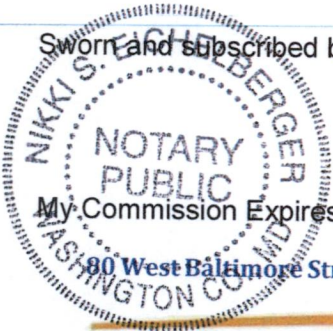
#### AUTHORIZED REPRESENTATIVE

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

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

Nikki S. Echelberger  
Notary Public

My Commission Expires: 9/15/2024



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

**Project Name: Martin & Nicole Boese Special Exception/Side Yard Variance**

**Owner/Applicant: Martin & Nicole Boese**

**Project Address: 14005 Misty Glen Lane**

**Tax Map** 26 **Grid** 7 **Parcel** 417

**Account # 09017712**

**Zoning: A(R) Agricultural Rural**

**Reason for filing:**

This is a request for a Special Exception from section 4.5 of the Washington County Zoning Ordinance. Among other regulations this section states that "All lots, parcels or tracts either created prior to or after the adoption of this ordinance which are located in the A(R), EC, P, RV, RB, RT, RS, or RU districts shall be limited to one principal permitted residential use on a lot, parcel or tract".

The applicants desire to construct an 1,100 SF house on their 14 acre property which is currently improved with the applicants personal home. Aging in-laws would like to downsize from their current 3,000 SF residence, the 2<sup>nd</sup> dwelling is intended to allow the in-laws to live in said home and be close to the immediate family. Reciprocal healthcare/child care is also a driving factor that is further explained in a memo prepared by the applicant and enclosed with this application.

The variance request is for a right-side yard setback variance to 15' from the required 50' setback as specified in Section 5A.7(4) under special provisions. This is a little known provision that was written into the ordinance during the 2005 comprehensive map amendment. This states that side yard setbacks for residential use lots shall be a minimum of 50' for lots 5 acres in size or greater. I can understand this requirement for lots created after the 2005 comprehensive rezoning, such lots can be designed to accommodate the greater setback and the greater setback can be shown on the plan. To retrofit 50' building restriction lines on large lots does not always work. This lot is a perfect instance, the 14.15 acre lot is comprised of 10.07 acres of floodplain meaning the house well and septic have to be pushed up towards the front of the pie shaped lot. Once you remove 10.07 acres of floodplain you are left with 4.08 acres, under the threshold that requires the 50' setback. The subdivision plat that created this lot, plat 8328, shows 15' setbacks and no mention of 50' setbacks if over 5 acres in size.



The variance hardship is the irregular shape of the existing lot which portrays the appearance of the area for the 2<sup>nd</sup> house to be built as already existing as a separate lot. No different then the dozen lots immediately to the west on Leiters Mill Road, all which have 15' side yard setbacks. The existing house is over 400' off of Leiters Mill Road and about 12' lower than the proposed 2<sup>nd</sup> dwelling which will front directly on Leiters Mill Road and use an existing access. The Health Department has been contacted and will allow the 2<sup>nd</sup> dwelling to be hooked up to the existing system with minor modifications and use of the existing well is permitted. The applicants have met with all of the adjacent property owners to explain what their intentions are.

October 13, 2023

Dear Members of the Zoning Board of Appeals,

We are requesting a special exception to permit an accessory dwelling unit (ADU) on our property located at 14005 Misty Glen Lane, Hagerstown MD 21742.

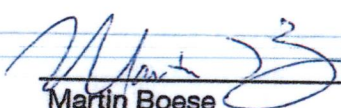
Nicole's parents, Steven and Jill Silas, are in their late 70's. While both Steven and Jill are in relatively good health, Steven is a cancer survivor and Jill has a family history of strokes and heart disease. As they age, it would be beneficial for our family if they lived nearby, but still maintained their own space and dignity. Our property is shaped with an approximate 1/4-1/3 acre exclave on the opposite side of our main lot, separated by a common driveway, that would easily fit a small retirement cottage. This area would be ideal for Nicole's parents to live out their golden years.

Meanwhile, our eldest daughter is autistic and suffers from treatment resistant depression. She has bouts of severe depression requiring electric convulsive therapy and sometimes psychiatric hospitalization. We have high hopes that she can lead a functional life - she is highly intelligent - but she may be unable to live without continued support. In the distant future, having a separate-yet-attached ADU on our property may be essential.

Thank you for your consideration.

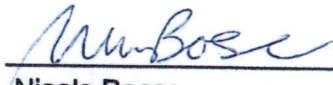
Sincerely,

Martin & Nicole Boese



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Martin Boese



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Nicole Boese

Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

SITE

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 017712

**Owner Information**

Owner Name: BOESE MARTIN LEWIS Use: RESIDENTIAL  
BOESE NICOLE M Principal Residence: NO  
Mailing Address: 816 DEWEY AVENUE Deed Reference: /07211/ 00329  
HAGERSTOWN MD 21742-

**Location & Structure Information**

Premises Address: 14005 MISTY GLEN LN Legal Description: LOT 5 14.12 ACRES  
HAGERSTOWN 21742-0000 14005 MISTY GLEN LANE  
MISTY GLEN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8326  
0026 0007 0417 9010142.22 0000 5 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
14.1200 AC 000000

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

**Value Information**

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	112,800	112,800		
Improvements	0	0		
Total:	112,800	112,800	112,800	112,800
Preferential Land:	0	0		

**Transfer Information**

Seller: MISTY KNOLLS LLC	Date: 03/16/2023	Price: \$217,500
Type: ARMS LENGTH VACANT	Deed1: /07211/ 00329	Deed2:
Seller: TOUSA HOMES INC	Date: 01/16/2007	Price: \$1,000,000
Type: NON-ARMS LENGTH OTHER	Deed1: /03203/ 00666	Deed2:
Seller: MISTY GLEN DEVELOPMENT LLC	Date: 08/01/2005	Price: \$1,125,000
Type: ARMS LENGTH MULTIPLE	Deed1: /03203/ 00659	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:



1082

Salisbury, McLister & Foley, LLP  
File No. 23-34051ACW  
Tax ID # 09-017712  
Property Address - 14005 Misty Glen Lane, Hagerstown, MD 21742

**This Deed**, made this 8th day of March, 2023, by and between **Misty Knolls, LLC**, GRANTOR, and **Martin Lewis Boese and Nicole M. Boese**, GRANTEES.

**Witnesseth –**

**That in consideration** of the sum of Two Hundred Seventeen Thousand Five Hundred and 00/100 Dollars (\$217,500.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot or parcel of land situate, lying and being in Washington County, Maryland and being more particularly described as follows:

Being known and designated as Lot 5, as shown on the plat entitled "Combined Preliminary/Final Plat, Lots 1-5, Misty Glen, situate along the north side of Leiter's Mill Road, Election District 9", and recorded among the Plat Records of Washington County, Maryland in Plat Number 8326.

BEING part of the fee simple property which, by Deed dated December 22, 2006, and recorded in the Land Records of the County of Washington, Maryland, in Liber 3203, Folio 666, was granted and conveyed by Touse Homes, Inc. unto Misty Knolls, LLC.

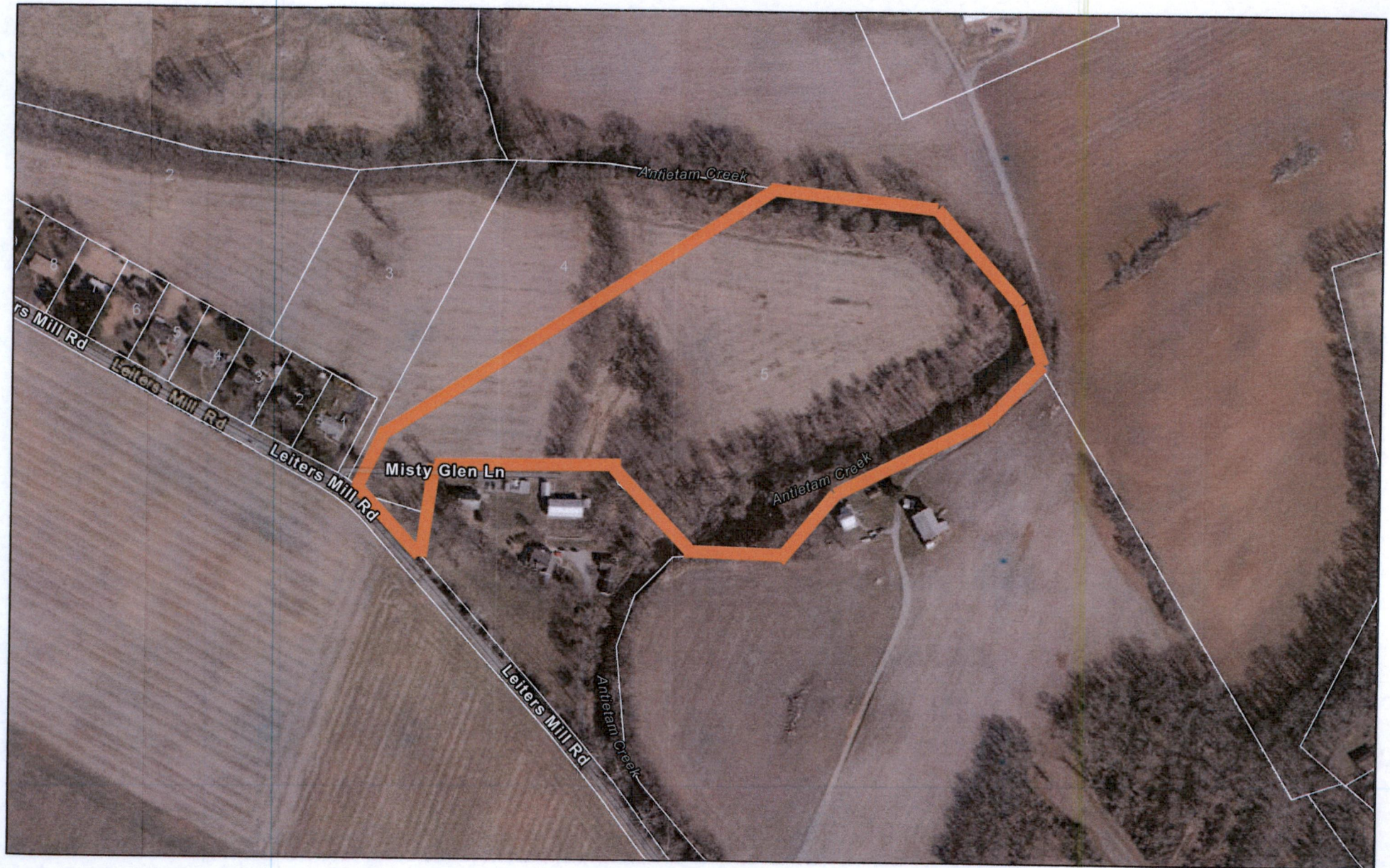
**Together with** the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

**To Have and To Hold** the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Martin Lewis Boese and Nicole M. Boese, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

**And** the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.



# Frederick Seibert & Associates, Inc.

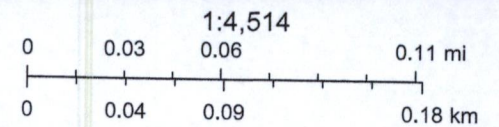


10/12/2023, 3:45:05 PM

World Transportation

Parcels

MD\_SixInchImagery



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

Web AppBuilder for ArcGIS

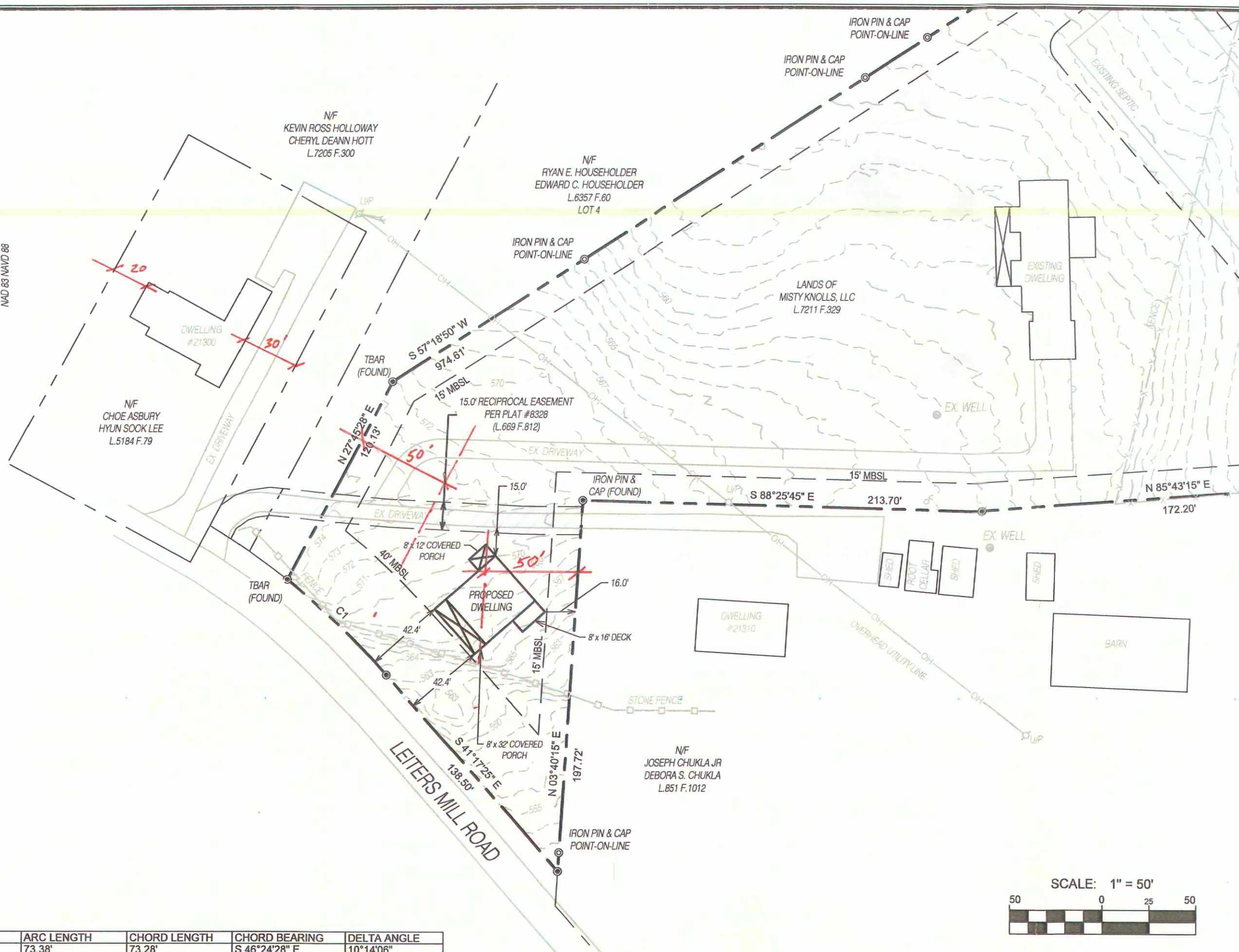
Maxar | MD iMAP, DoIT | Hagerstown MD | Washington County Planning Department | Source: USDA NRCS, Esri | MD iMAP, USDA | Esri, HERE, IPC | Esri Community Maps Contributors, Frederick County, WashCo MD, © OpenStreetMap, Microsoft, Esri, HERE,



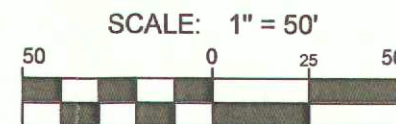
### Adjacent Owners List, Boese Special Exception

[illegible]





CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	410.76'	73.38'	73.28'	S 46°24'28" E	10°14'06"



**FREDERICK  
SEIBERT &  
ASSOCIATES, INC.**

©2023

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
505 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013  
220201 SPRING ROAD, SUITE 3, SHERMANSDALE, PENNSYLVANIA 17090  
(301) 791-3850

FAX (301) 739-4958

717) 597-1007

301) 416-7478

WASHINGTON COUNTY, MARYLAND  
HAGERISOWN MD 21742

Preliminary / Final Plat  
PLOT PLAN

FOR  
MARTIN LEWIS BOESE  
& NICOLE M. BOESE

14005 MISTY GLEN LANE  
HAGERTSOWN MD 21742

**JOB NUMBER:**  
202

2023-0028.2

TAX MAP 26-7-417 DISTRICT 09

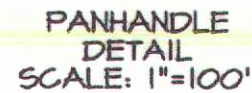
DRAWING NUMBER 1 OF 1

DRAWN BY: MTJ	DATE: 10-04-2023
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CHECKED BY: EJS	DATE: 10-04-2023
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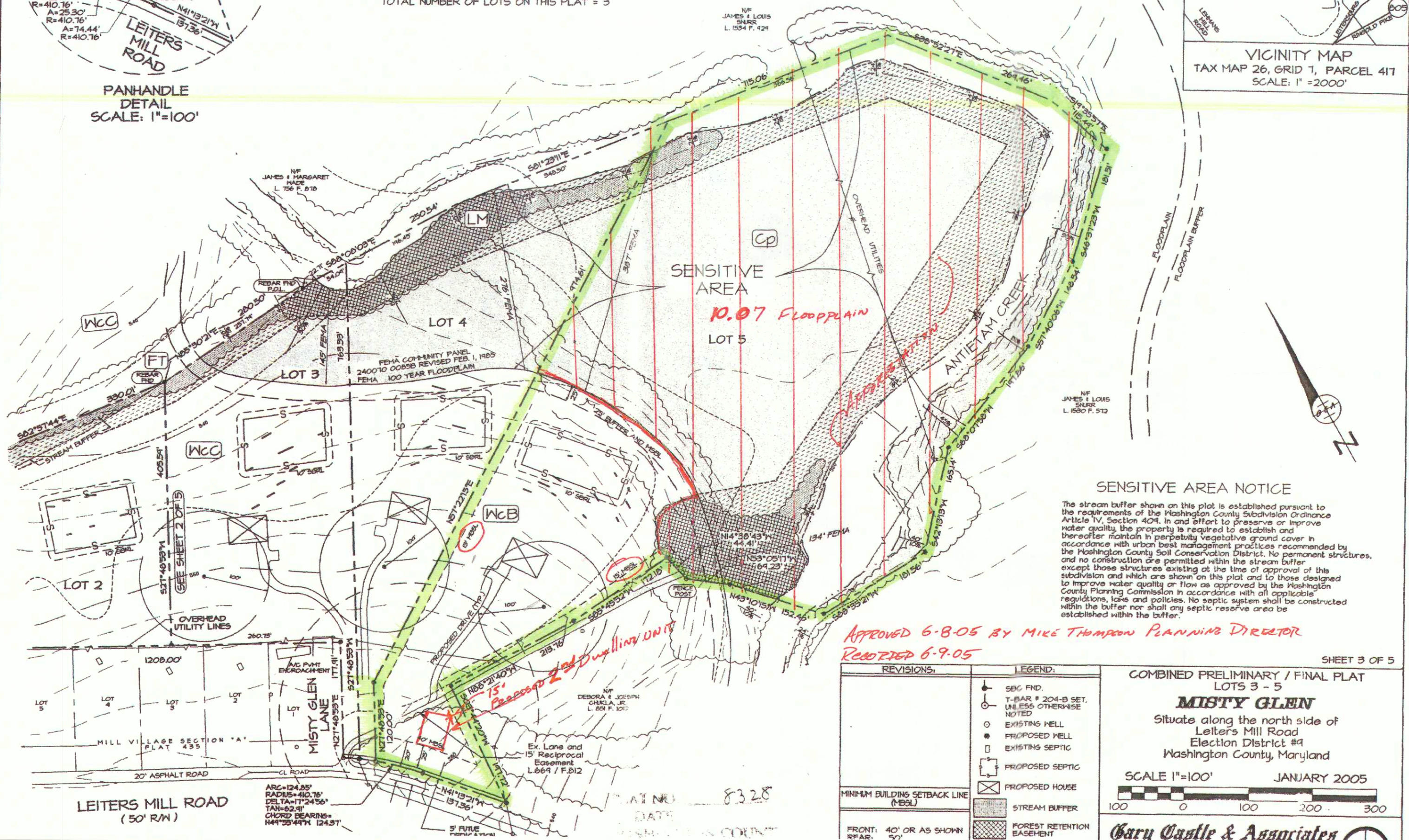
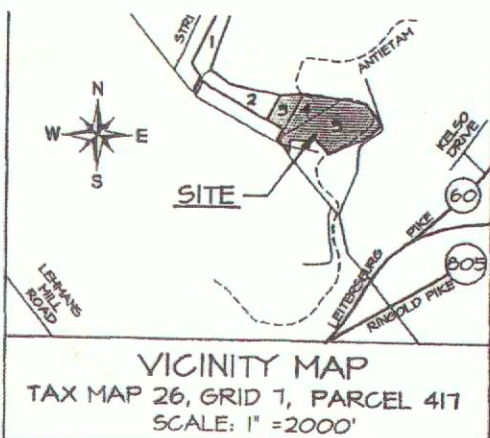
SCALE:  $1'' = 50'$





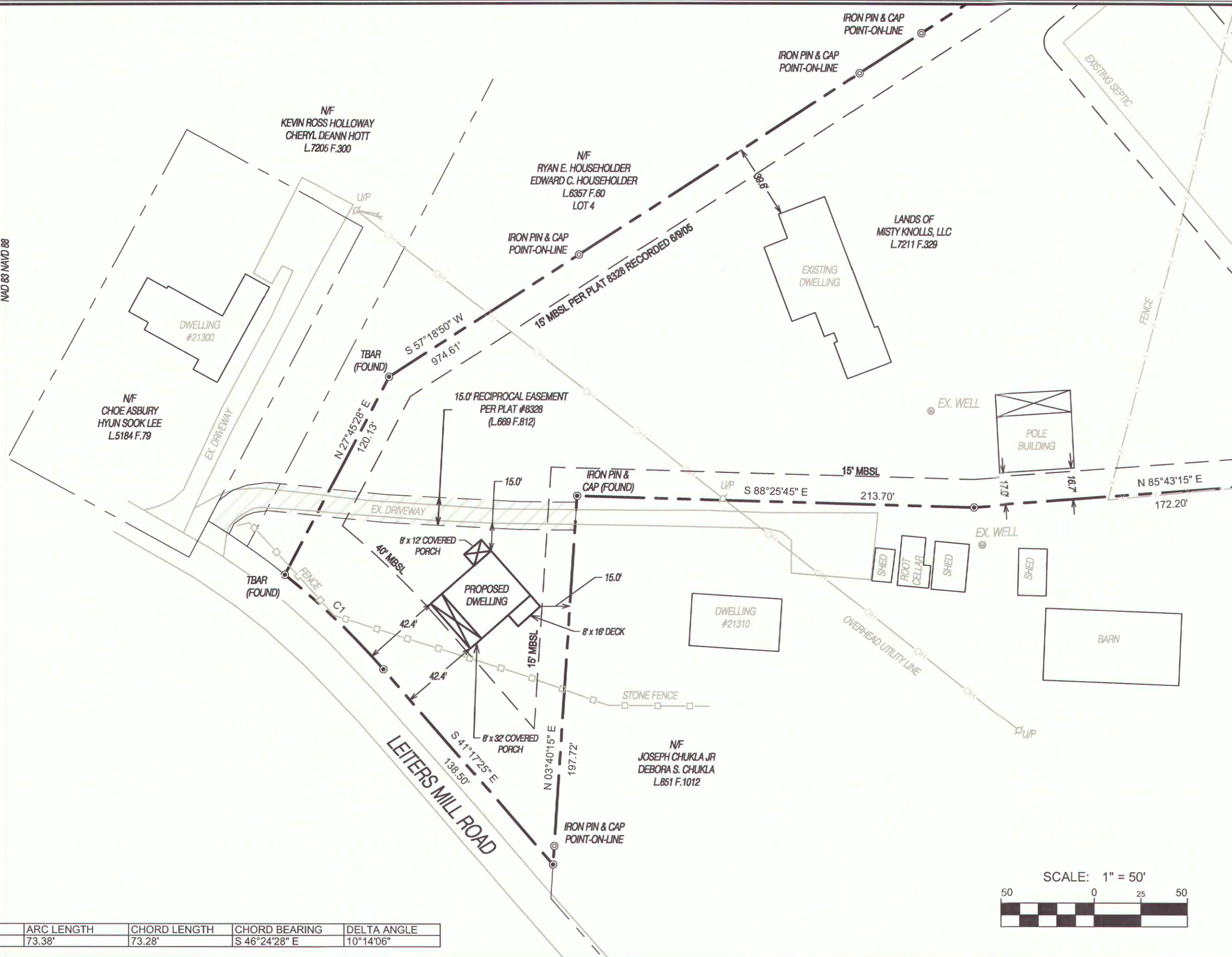
TOTAL NUMBER OF LOTS ON THIS PLAT = 3

4. There are no habitats of threatened or endangered species identified by the U. S. Fish and Wildlife Service per 50 CRF 17, as required to be shown by section 306, 307 and 314 of the Subdivision Ordinance and Section 4.21 of the Zoning Ordinance.
5. There were no wetlands observed on this site outside of the Antietam Creek banks.

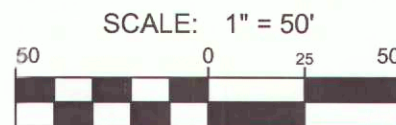




MD STATE PLANE  
NAD 83 NAVD 88



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	410.76'	73.38'	73.28'	S 46° 24' 28\"	10° 14' 06\"



**FREDERICK  
SEIBERT &  
ASSOCIATES, INC.**



2023

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
505 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013  
5201 SPRING ROAD, SUITE 3, SHERMANSDALE, PENNSYLVANIA 17090  
(301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4656

TAX MAP 26-7-417 DISTRICT 09	DRAWING NUMBER 1 OF 1
DRAWN BY: MTJ	DATE: 10-04-2023
CHECKED BY: EJS	DATE: 10-04-2023
SCALE: 1" = 50'	

BZA  
EXHIBIT  
FOR

MARTIN LEWIS BOESE  
& NICOLE M. BOESE

14005 MISTY GLEN LANE  
HAGERTSOWN MD 21742

WASHINGTON COUNTY, MARYLAND

JOB NUMBER:  
2023-0028.2



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

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Hagerstown MD 21742

**Appellant:** Martin & Nicole Boese  
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**Property Location:** 14005 Misty Glen Lane  
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**Tax ID No:** 09017712

**Zoning:** A(R)

**RB Overlay:** No

**Zoning Overlay:**

**Filed Date:** 10/17/2023

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**Lessee:** No

**Other:**

**Contract to Rent/Lease:** No

**Contract to Purchase:** No

**Previous Petition/Appeal Docket No(s):**

**Applicable Ordinance Sections:** Washington County Zoning Ordinance Section 4.5

**Reason For Hardship:**

**If Appeal of Ruling, Date Of Ruling:**

**Ruling Official/Agency:**

**Existing Use:** Single Family Dwelling

**Proposed Use:** Second Single Family Dwelling

**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 23 day of October, 2023.

**Kathryn B Rathvon**  
NOTARY PUBLIC  
WASHINGTON COUNTY

My Commission Expires **NOVEMBER 07, 2025**

Notary Public





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

## AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2023-047

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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 11/08/2023, 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 10/24/2023 and will remain until after the above hearing date.

Frederick, Seibert & Associates Inc

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

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

Notary Public

Seal

My Commission Expires

**Project Name: Martin & Nicole Boese Special Exception**

**Owner/Applicant: Martin & Nicole Boese**

**Project Address: 14005 Misty Glen Lane**

**Tax Map** 26 **Grid** 7 **Parcel** 417

**Account # 09017712**

**Zoning: A(R) Agricultural Rural**

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The shape of the existing lot portrays the appearance of the area for the 2<sup>nd</sup> house to be built as already existing as a separate lot. The existing house is over 400' off of Leiters Mill Road and about 12' lower than the proposed 2<sup>nd</sup> dwelling which will front directly on Leiters Mill Road and use an existing access. The Health Department has been contacted and will allow the 2<sup>nd</sup> dwelling to be hooked up to the existing system with minor modifications and use of the existing well is permitted. The applicants have met with all of the adjacent property owners to explain what their intentions are.



October 13, 2023

Dear Members of the Zoning Board of Appeals,

We are requesting a special exception to permit an accessory dwelling unit (ADU) on our property located at 14005 Misty Glen Lane, Hagerstown MD 21742.

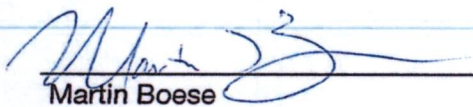
Nicole's parents, Steven and Jill Silas, are in their late 70's. While both Steven and Jill are in relatively good health, Steven is a cancer survivor and Jill has a family history of strokes and heart disease. As they age, it would be beneficial for our family if they lived nearby, but still maintained their own space and dignity. Our property is shaped with an approximate 1/4-1/3 acre exclave on the opposite side of our main lot, separated by a common driveway, that would easily fit a small retirement cottage. This area would be ideal for Nicole's parents to live out their golden years.

Meanwhile, our eldest daughter is autistic and suffers from treatment resistant depression. She has bouts of severe depression requiring electric convulsive therapy and sometimes psychiatric hospitalization. We have high hopes that she can lead a functional life - she is highly intelligent - but she may be unable to live without continued support. In the distant future, having a separate-yet-attached ADU on our property may be essential.

Thank you for your consideration.


Sincerely,

Martin & Nicole Boese



---

Martin Boese



---

Nicole Boese





# Washington County MARYLAND

## BOARD OF ZONING APPEALS

### OWNER REPRESENTATIVE AFFIDAVIT

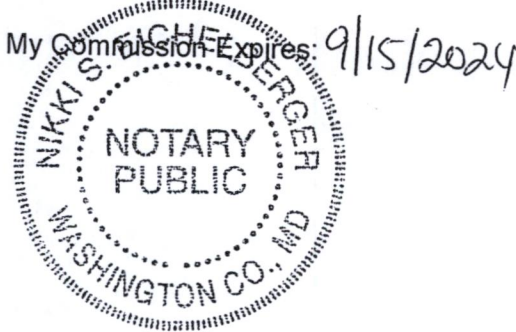
This is to certify that ED SCHREIBER  
is authorized to file an appeal with the Washington County Board of Appeals for  
SPECIAL EXCEPTION FOR 2<sup>nd</sup> DWELLING on property  
located 14005 MISTY GLEN LN, HAGERSTOWN MD 21742  
The said work is authorized by NICOLE BOESE  
the property owner in fee.

#### PROPERTY OWNER

Nicole M. Boese  
Name  
816 Dewey Ave  
Address  
Hagerstown MD 21742  
City, State, Zip Code  
Nicole Boese  
Owner's Signature

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

Nikki S. Echelberger  
Notary Public

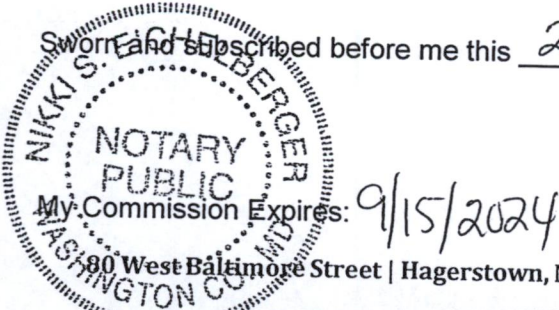


#### AUTHORIZED REPRESENTATIVE

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

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

Nikki S. Echelberger  
Notary Public



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

Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

SITE

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 017712

**Owner Information**

Owner Name: BOESE MARTIN LEWIS Use: RESIDENTIAL  
BOESE NICOLE M Principal Residence: NO  
Mailing Address: 816 DEWEY AVENUE Deed Reference: /07211/ 00329  
HAGERSTOWN MD 21742-

**Location & Structure Information**

Premises Address: 14005 MISTY GLEN LN Legal Description: LOT 5 14.12 ACRES  
HAGERSTOWN 21742-0000 14005 MISTY GLEN LANE  
MISTY GLEN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 8326  
0026 0007 0417 9010142.22 0000 5 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
14.1200 AC 000000

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

**Value Information**

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	112,800	112,800		
Improvements	0	0		
Total:	112,800	112,800	112,800	112,800
Preferential Land:	0	0		

**Transfer Information**

Seller: MISTY KNOLLS LLC	Date: 03/16/2023	Price: \$217,500
Type: ARMS LENGTH VACANT	Deed1: /07211/ 00329	Deed2:
Seller: TOUSA HOMES INC	Date: 01/16/2007	Price: \$1,000,000
Type: NON-ARMS LENGTH OTHER	Deed1: /03203/ 00666	Deed2:
Seller: MISTY GLEN DEVELOPMENT LLC	Date: 08/01/2005	Price: \$1,125,000
Type: ARMS LENGTH MULTIPLE	Deed1: /03203/ 00659	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

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:



1082

Salisbury, McLister & Foley, LLP  
File No. 23-34051ACW  
Tax ID # 09-017712  
Property Address - 14005 Misty Glen Lane, Hagerstown, MD 21742

**This Deed**, made this 8th day of March, 2023, by and between Misty Knolls, LLC, GRANTOR, and Martin Lewis Boese and Nicole M. Boese, GRANTEES.

**Witnesseth –**

**That in consideration** of the sum of Two Hundred Seventeen Thousand Five Hundred and 00/100 Dollars (\$217,500.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot or parcel of land situate, lying and being in Washington County, Maryland and being more particularly described as follows:

Being known and designated as Lot 5, as shown on the plat entitled "Combined Preliminary/Final Plat, Lots 1-5, Misty Glen, situate along the north side of Leiter's Mill Road, Election District 9", and recorded among the Plat Records of Washington County, Maryland in Plat Number 8326.

BEING part of the fee simple property which, by Deed dated December 22, 2006, and recorded in the Land Records of the County of Washington, Maryland, in Liber 3203, Folio 666, was granted and conveyed by Touse Homes, Inc. unto Misty Knolls, LLC.

**Together with** the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

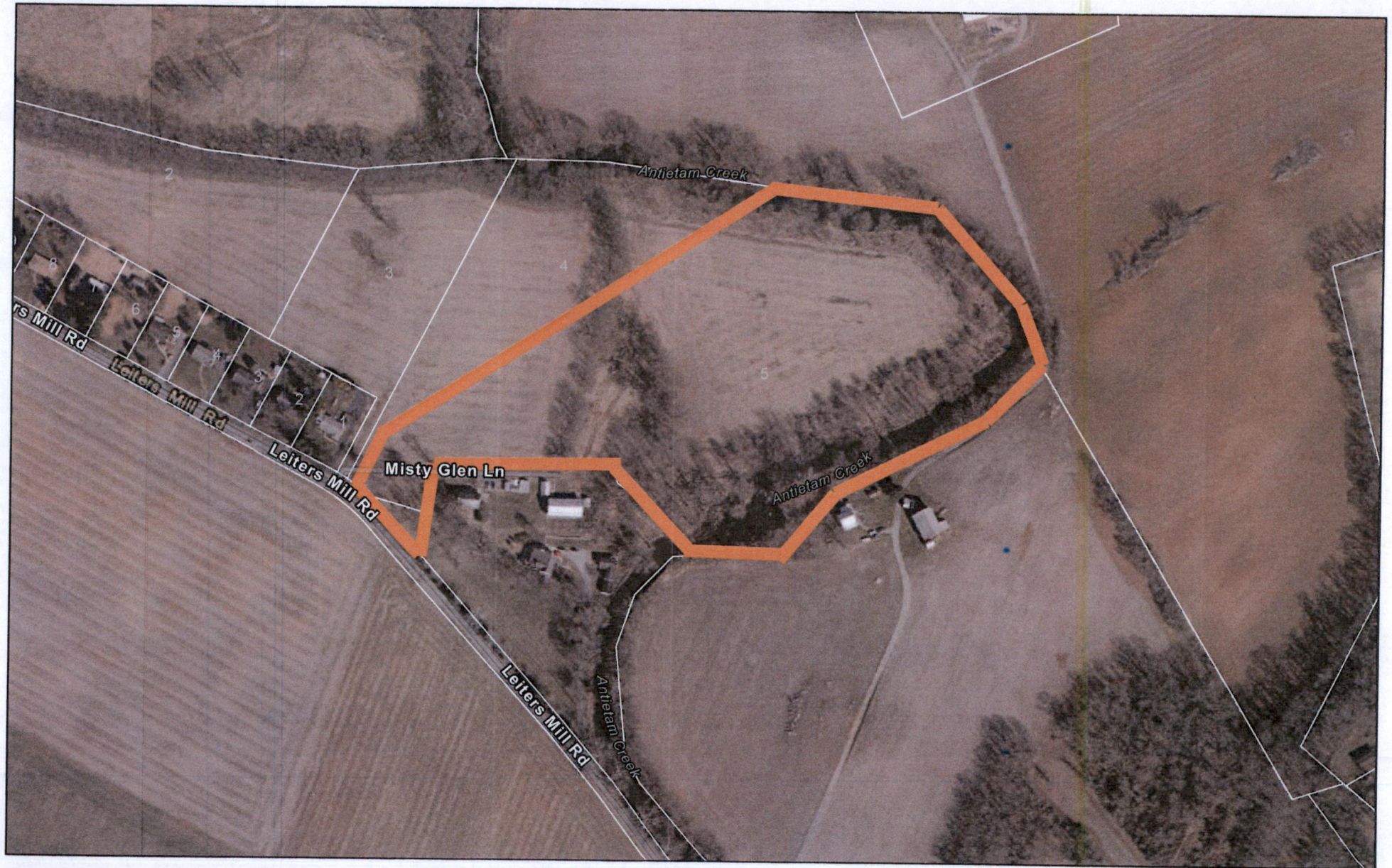
**To Have and To Hold** the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Martin Lewis Boese and Nicole M. Boese, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

**And** the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

000324



# Frederick Seibert & Associates, Inc.

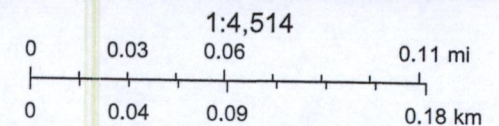


10/12/2023, 3:45:05 PM

World Transportation

Parcels

MD\_SixInchImagery



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Web AppBuilder for ArcGIS



### Adjacent Owners List, Boese Special Exception

[illegible]





CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	410.76'	73.38'	73.28'	S 46°24'28" E	10°14'06"



TAX MAP 26-7-417 DISTRICT 09

DRAWING NUMBER 1 OF 1

<b>DRAWN BY:</b>	<b>DATE:</b>
------------------	--------------

CHECKED BY:	DATE:
-------------	-------

SCALE 4" = 50'

**FREDERICK  
SEIBERT &  
ASSOCIATES, INC.**

©2023

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
605 SOUTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013  
SUITE 3, SHERMANDALE, PENNSYLVANIA 17090

FAX (301) 739-4956

(717) 597-1007

(301) 416-7478

**JOB NUMBER:**  
2023-0028.2

Preliminary / Final Plat  
PLOT PLAN  
FOR

MARTIN LEWIS BOESE

*& NICOLE M. BOESE*

4005 MISTY GLEN LANE

HAGERTSOWN MD 21742

WASHINGTON COUNTY, MARYLAND





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

## ZONING APPEAL

**Property Owner:** Dominion Realty LLC  
14627 Cearfoss Pike  
Hagerstown MD 21740

**Appellant:** Dominion Realty LLC  
14627 Cearfoss Pike  
Hagerstown MD 21740

**Property Location:** 18117 Maugans Avenue  
Hagerstown, MD 21740

**Description Of Appeal:** Variance requesting a parking reduction of the required 35 spaces to 17 spaces for proposed change of space from retail use to a restaurant use.

**Docket No:** AP2023-049  
**Tax ID No:** 13010757  
**Zoning:** HI  
**RB Overlay:** No  
**Zoning Overlay:**  
**Filed Date:** 10/25/2023  
**Hearing Date:** 12/06/2023

**Appellant's Legal interest In Above Property:**

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

**Previous Petition/Appeal Docket No(s):** AP2023-022, AP2019-015

**Applicable Ordinance Sections:** Washington County Zoning Ordinance Section: 22.12 (b)

**Reason For Hardship:** Unusual and unique shape of the property

**If Appeal of Ruling, Date Of Ruling:**

**Ruling Official/Agency:**

**Existing Use:** Shopping Center **Proposed Use:** Restaurant Use

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

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

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

Appellant Signature

State Of Maryland, Washington County to-wit:

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

Notary Public

My Commission Expires

**Kathryn B Rathvon**  
NOTARY PUBLIC  
WASHINGTON COUNTY  
MARYLAND

MY COMMISSION EXPIRES NOVEMBER 07, 2025



WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

## AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2023-049

State of Maryland Washington County, To Wit:

On 10/25/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Dominion Realty LLC and made oath in due form of law as follows:

Dominion Realty LLC will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 12/06/2023, 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 11/21/2023 and will remain until after the above hearing date.

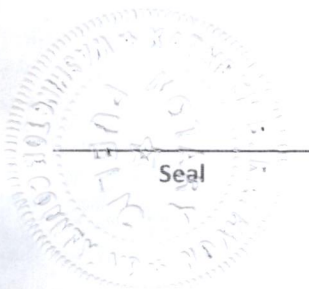
Dominion Realty LLC

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

Notary Public



My Commission Expires





**Project Name:** Dominion Realty, LLC

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

**Project Address:** 18117 Maugans Ave, Hagerstown, MD 21740

**Tax Map** 243 **Grid**            **Parcel** 1378

**Account #:** 13010757

**Zoning:** HI

**Variance Request:** The applicant is requesting a parking reduction of the required 35 spaces to 17 spaces. The new building requiring the parking is comprised of the following:

Warehouse: 4,994 Square Feet

Office: 2,000 Square Feet

**Restaurant: 1,800 Square Feet (proposed change from Retail)**

This variance is from section 22.12(b) of the Washington County Zoning Ordinance. The owner/appliant will demonstrate "Practical Difficulty" due to the unusual and unique shape of the property. Please see previous cases AP 2019-015 and AP 2023-002.



**Neighboring Properties (18117 Maugans Ave Hagerstown, MD 21740)**

See below for a list of each of the neighboring properties. Also included is the SDAT data for each of the properties listed.

#1 - 18145 Maugans Ave  
Board of Education of Washington County  
10435 Downsville Pike  
Hagerstown, MD 21740-00

#2 - 13803 Sunrise Dr  
Long Keith J & Kimberly S  
13803 Sunrise Dr  
Hagerstown, MD 21740-1602

#3 - Seneca Ridge Dr  
Washington County Commissioners Board  
100 W Washington St  
Hagerstown, MD 21740-0000

#4 - Maugans Ave  
Washington County Commissioners Board  
100 W Washington St  
Hagerstown, MD 21740-0000

#5 - 18131 Maugans Ave  
International Union United  
18131 Maugans Ave  
Hagerstown, MD 21740-1664



### **Businesses Located On Complete Premises**

See below for a list of each of the businesses located at the subject property including their number of employees and hours of operation.

#1 - Appalachian Reptiles & Aquatics  
18113 Maugans Ave Suite 100  
Hagerstown, MD 21740  
Monday: Closed;  
Tuesday-Sunday: 12:00 - 8:00 PM  
3 Employees

#2 - Garden Dominion Supply  
18113 Maugans Ave Suite 101  
Hagerstown, MD 21740  
Monday: Friday: 8:00 - 5:00 PM  
3 Employees

#3 - K&A Tax&Accounting  
18113 Maugans Ave Suite 102  
Hagerstown, MD 21740  
*\*Tax Season Only (Jan - May)*  
Monday - Friday: 9:00 - 5:00 PM  
1 Employee

#4- Native LLC  
18113 Maugans Ave Suite 103  
Hagerstown, MD 21740  
*\*By Appointment Only*  
2 Employees

#5 - Garden Dominion Supply  
18117 Maugans Ave Suite 200  
Hagerstown, MD 21740  
*\*Used for storage, no walk-in*  
Monday - Friday: 9:00 - 5:00 PM  
0 Employee

**#6 - Gio's Pizzeria (Proposed)**  
**18117 Maugans Ave Suite 201**  
**Hagerstown, MD 21740**  
**Monday - Sunday: 8:00 - 9:00 PM**  
**3 Employees**

TOTAL PARKING ON SHARED PREMISES: **38 SPACES**

TOTAL EMPLOYEES PARKING (IF ALL AT ONCE): **11 SPACES**

REMAINING SPACES FOR CUSTOMERS (WORST CASE): **27 SPACES**



**Businesses Located At 18117 Maugans Ave Hagerstown, MD 21740**

See below for a list of each of the businesses located at the subject property including their number of employees and hours of operation.

#1 - Garden Dominion Supply  
18117 Maugans Ave Suite 200  
Hagerstown, MD 21740

*\*Used for storage, no walk-in*  
Monday - Friday: 9:00 - 5:00 PM  
0 Employee

**#2 - Gio's Pizzeria (Proposed)**  
**18117 Maugans Ave Suite 201**  
**Hagerstown, MD 21740**

**Monday - Sunday: 8:00 - 9:00 PM**  
**3 Employees**

#3 - Office Space Empty  
18117 Maugans Ave Suite 202  
Hagerstown, MD 21740

*\*figures are assumed*  
Monday-Friday: 9:00 - 5:00 PM  
2 Employees

**TOTAL PARKING BEING CONSIDERED: 17 SPACES**

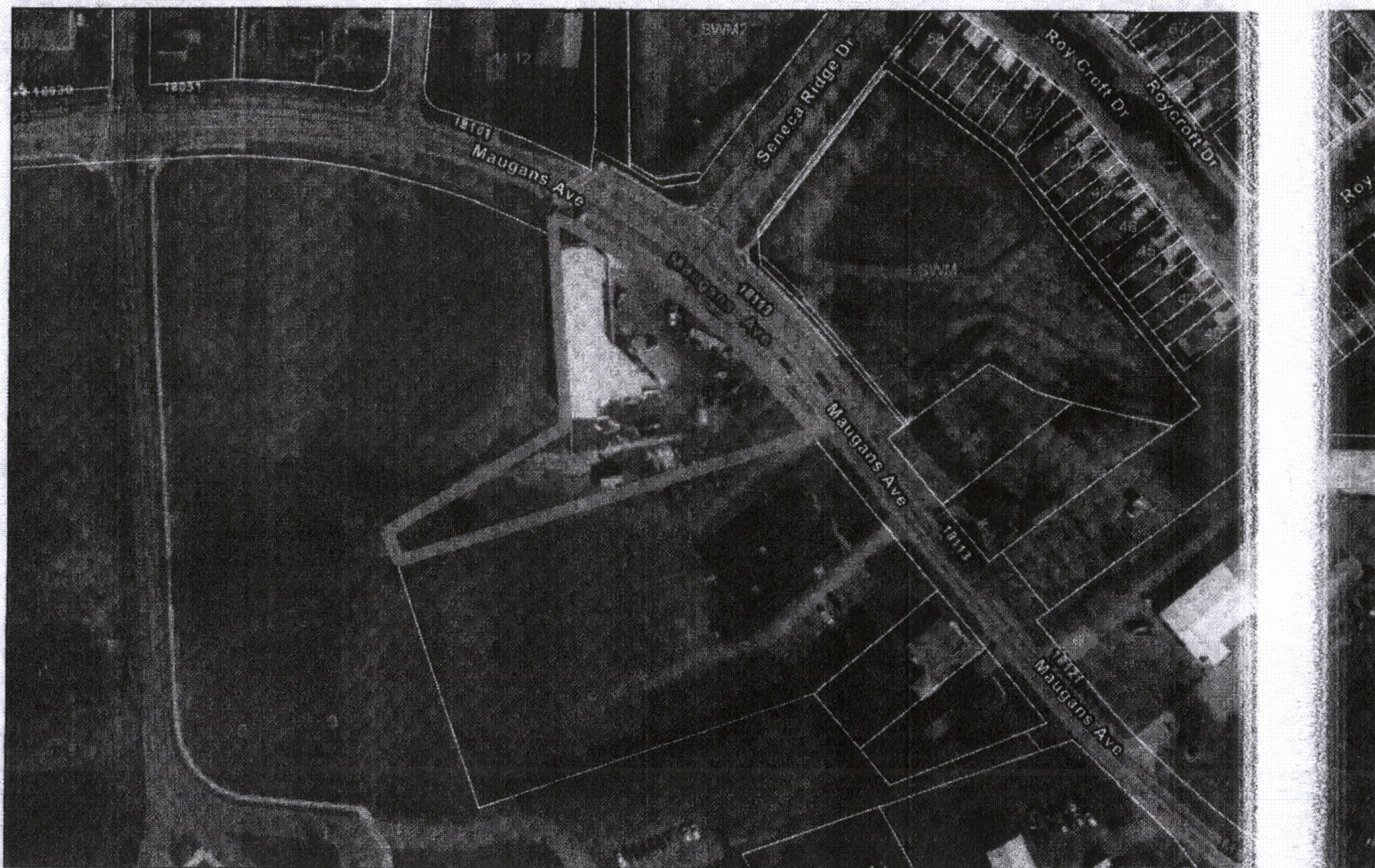
**TOTAL EMPLOYEES PARKING (IF ALL AT ONCE): 5 SPACES**

**REMAINING SPACES FOR CUSTOMERS (WORST CASE): 12 SPACES\***

*\*not including sharing the adjacent parking lot which is mostly unused.*



Frederick Seibert & Associates, Inc.



5/1/2023, 12:43:22 PM

## World Transportation

## Parcels

MD\_SixInchImagery

1:2,257

0 0.01 0.03 5 ml

0 0.02 0.04 0.09 km

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Mexxit, Microsoft | MD MAP Dait | Harnstium UN | Washington P...  
Bla... ..



Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

\* Subject Property

View Map View Property Tax Information View County Tax Information

Account Identifier: District = 13 Account Number = 010757

### Owner Information

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

### Location & Structure Information

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

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: M790  
C243 0000 1378 30000.22 0000 2021 Plat Ref:  
Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
10,432 SF 1,2100 AC

Stories/Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements  
STORAGE WAREHOUSE/ C3 2020

### Value Information

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

### Transfer Information

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

### Exemption Information

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

Special Tax Recapture: None

### Homestead Application Information

Homestead Application Status: No Application

### Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:





Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 002819

**Owner Information**

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

\*neighboring property

**Location & Structure Information**

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

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

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
2008 91,586 SF 28.4900 AC

Stories/Basement Type: ELEMENTARY SCHOOL / Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements: C5

**Value Information**

	Base Value	Value As of 01/01/2021	Phase-In Assessments As of 07/01/2022 As of 07/01/2023	
Land:	2,136,700	2,136,700		
Improvements	16,891,800	16,884,400		
Total:	18,828,500	19,021,100	18,956,900	19,021,100
Preferential Land:	0	0		

**Transfer Information**

Seller:	Date:	Price:
CHARLTON CORAM	10/30/2003	\$515,000
Type: ARMS LENGTH IMPROVED	Deed1: /02172/ 00488	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	440	18,956,900.00	19,021,100.00
State:	440	18,956,900.00	19,021,100.00
Municipal:	440	0.00/0.00	0.00/0.00

Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: No Application

Montgomery Tax Credit Application Status: No Application Date:



Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 000948

**Owner Information**

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

**Location & Structure Information**

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

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

Town: None

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

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

**Value Information**

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

**Transfer Information**

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

**Exemption Information**

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

Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: Approved 05/15/2008

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:



\* Neighboring property.



Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 033595

Owner Information

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

Location & Structure Information

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

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

Town: None

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

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

Value Information

	Base Value	Value	Phantom Assessments	Value
Land	0	0	0	0
Improvements	0	0	0	0
Total	0	0	0	0
Preferential Land:	0	0	0	0

Transfer Information

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

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

#3

\* neighboring parcel



#4

Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 011133

## Owner Information

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

\* neighboring property

## Location &amp; Structure Information

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

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 10156  
0243 0012 1190 13010330.22 0000 SWM 2023 Plat Ref:

Town: None

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

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

## Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments As of 07/01/2022 As of 07/01/2023	
Land:	0	0		
Improvements	0	0		
Total:	0	0	0	0
Preferential Land:	0	0		

## Transfer Information

Seller: MAGNUM CENTER LLC	Date: 02/26/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04479/ 00053	Deed2:
Seller: HORST NORMAN A & LOIS H	Date: 01/12/2004	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /02230/ 00091	Deed2:
Seller: MARTIN CHARLES E & SARAH	Date: 12/04/1989	Price: \$93,750
Type: NON-ARMS LENGTH OTHER	Deed1: /00936/ 01023	Deed2:

## Exemption Information

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

Special Tax Recapture: None

## Homestead Application Information

Homestead Application Status: No Application

## Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



#5

Real Property Data Search ( )  
Search Result for WASHINGTON COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 13 Account Number - 008620

**Owner Information**

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

**Location & Structure Information**

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

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
0243 0000 1378 30000.22 0000 2021 Plat Ref:  
Town: None

Primary Structure Built: Above Grade Living Area: Finished Basement Area: Property Land Area: County Use:  
1981 8,661 SF 131,686 SF

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

**Value Information**

	Base Value	Value			Phase-in Assessments	
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023		
Land:	757,500	757,500				
Improvements	374,500	402,300				
Total:	1,132,000	1,159,800	1,150,533	1,159,800		
Preferential Land:	0	0				

**Transfer Information**

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

**Exemption Information**

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

Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:



MD STATE PLANE  
NAD 83 NAVD 88

+ N:738708.51  
E:1103860.49

N/F  
BOARD OF EDUCATION OF  
WASHINGTON COUNTY  
TM: 0024-0015-0514  
L: 2172 F. 488  
28.49 AC.

BUILDING (10,381 SF)  
FFE 638.4+  
  
LANDS OF  
DOMINION REALTY LLC  
#18113 MAUGANS AVENUE  
TM: 0243-0000-1378  
L: 6017 F. 226  
1.28 AC.

PARKING VARIANCE  
APPROVED UNDER  
AP2019-15

SD JUNCTION BOX  
TS 638.45  
INV: 633.37

21' A-VEE  
DRAINAGE  
EASEMENT

DRAINAGE EASEMENT  
PER PLAT 790

PARKING VARIANCE THIS  
REQUEST

RESTAURANT (1,800 SF)  
OFFICE (2,000 SF)

PROP. BUILDING  
7239 S.F.  
FFE: 638.72  
#18117  
MAUGANS AVE.  
WAREHOUSE  
4,994 SF

+ N:738535.71  
E:1104060.57

N/F  
UNITED INTERNATIONAL UNION  
TM: 0243-0000-1376  
L: 523 F. 30  
3.03 AC.

MACADAM  
PARKING LOT

MAUGANS AVENUE  
(ROW VARIES)

WATER METER

U/P C&P #1

EX S/S  
LATERAL

U/P #H9821

MH SD15-331

U/P C&P #8

INV: 634.21

MH SD15-332

ELECTRIC  
BOX

GUY  
WIRE

LAWN

STREAM

S 59°01'58" W  
245.30

100-YR FLOODPLAIN  
PER FSA FLOOD STUDY

S 71°19'38" W  
459.80

+ N:738533.25  
E:1103751.38

24' FT  
STEEP  
SLOPE





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

## ZONING APPEAL

**Property Owner:** Marcie McCleary  
18126 Lappans Road  
Fairplay MD 21733

**Appellant:** Austin Brad  
1592 Wilkson Lane  
Charmersburg PA 17202

**Property Location:** 18126 Lappans Road  
Fairplay, MD 21733

**Description Of Appeal:** Variance from the required 400 ft. setback to 147 ft. from the North property line, 39 ft. from the West property line, 293 ft. from the East property line for new boarding facility with outdoor runs.

**Docket No:** AP2023-050  
**Tax ID No:** 12003811  
**Zoning:** A(R); RV  
**RB Overlay:** No  
**Zoning Overlay:**  
**Filed Date:** 11/15/2023  
**Hearing Date:** 12/06/2023

**Appellant's Legal Interest In Above Property:**

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

**Previous Petition/Appeal Docket No(s):** AP96-140, AP2001-045, AP2013-002, AP2023-043

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

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

**If Appeal of Ruling, Date Of Ruling:**

**Ruling Official/Agency:**

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

**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 15 day of November, 2023











WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

## AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2023-050

State of Maryland Washington County, To Wit:

On 11/15/2023, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Austin Brad and made oath in due form of law as follows:

Austin Brad 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 12/06/2023, 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 11/21/2023 and will remain until after the above hearing date.

Austin Brad

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

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

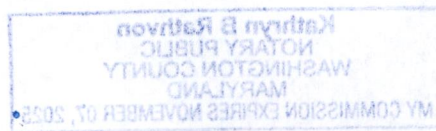
### ATTENTION!

### 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.

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







## BOARD OF ZONING APPEALS

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

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

### Appeal for Variance

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

Location 18126 Lappans Road Fairplay, MD 21733

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

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

☒ Contract to Purchase ☐ Other \_\_\_\_\_

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

Section 4.9 Distance Requirements and Section 25.56 Variances

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

Kennels shall be subject to two times the distance requirements of 200' in section 4.9

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

We would like to build a new 61'X216' pet boarding facility (161'X216' w/fencing)

Desired setbacks: Back - 145', West - 40', East - 290'

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 - 043

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

Austin Bard  
Signature of Appellant

austin@camfinancialllc.com  
Email of Appellant

1592 Wilkson Ln Chambersburg, PA 17202  
Address and of Appellant

717-360-4514  
Phone Number of Appellant

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



Strict compliance to the distance requirement of 400 feet, 200 feet as stated in section 4.9 and two times that for a kennel as stated in Table No. 3.3(1), would unreasonably prevent the use of the property for a permitted purpose. Conformity to this requirement would prevent us from building a new larger kennel to satisfy the increased demand for pet boarding in the state of Maryland. The proposed location for the new building alleviates the practical difficulty of having to locate the new building in a different location on the property. By co-locating the new building alongside the existing kennel, we will be able to maintain the natural flow of the property while also utilizing the current infrastructure such as septic and water, thus eliminating unnecessary disturbance and environmental impact to the surrounding area. We feel strongly that the proposed orientation of the new building compliments the current landscape of the property while maintaining the spirit of the ordinance in question. We ask that you grant us the variance and we look forward to serving the local community.





Washington County  
MARYLAND

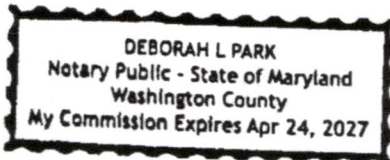
# BOARD OF ZONING APPEALS

## OWNER REPRESENTATIVE AFFIDAVIT

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

### PROPERTY OWNER

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



Sworn and subscribed before me this 14 day of November, 2023.

[Signature]  
Notary Public

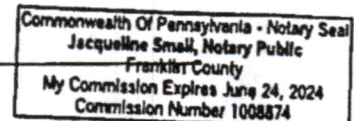
My Commission Expires:

### AUTHORIZED REPRESENTATIVE

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

Sworn and subscribed before me this 14 day of November, 2023.

Jacqueline Small  
Notary Public



My Commission Expires: 6-24-2024

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

WWW.WASHCO-MD.NET



Drawn:	M. RENN
Checked:	M. RENN
Date:	November 2, 2023
Project No.:	23-034
Scale:	1inch = 100 feet
Sheet:	1 of 1