



DEPARTMENT OF PLANNING & ZONING  
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

## REVISED AGENDA

### WASHINGTON COUNTY PLANNING COMMISSION

December 5, 2022, 7:00 PM  
100 W Washington Street, Room 2000

#### CALL TO ORDER AND ROLL CALL

#### PUBLIC INPUT MEETING

1. **RZ-22-004** – Text Amendment submitted by the Washington County Board of County Commissioners to remove truck stops as a special exception use in the Highway Interchange district and to require warehouses with gross building areas greater than or equal to 1,000,000 sq. ft. to be special exception uses in all districts where warehouses are currently permitted; Planner: Jill Baker \*

#### ORDINANCE MODIFICATION

1. **OM-22-012** – Ordinance modification to the Westfields cluster development plan to reduce the rear yard setback for lot 758 from the approved 40 ft. to 35 ft.; Location: 9318 Alloway Drive; Planner: Jill Baker \*  
**Review/Approval**

#### OTHER BUSINESS

1. **Update of Projects Initialized** – Jennifer Kinzer \* **Information/Discussion**

#### ADJOURNMENT

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#### WORKSHOP

1. Comprehensive Plan Update – Land Use Plan discussion; Planner: Jill Baker **Information/Discussion**

#### UPCOMING MEETINGS

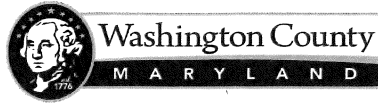
1. Monday, January 9, 2023, 7:00 p.m. – Washington County Planning Commission regular meeting

\**attachments*

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

WWW.WASHCO-MD.NET

*The Planning Commission reserves the right to vary the order in which the cases are called. Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2430 to make arrangements no later than 10 working days prior to the meeting. Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.*



Division of Planning & Zoning

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

WWW.WASHCO-MD.NET

FOR OFFICE USE

DOCKET NO.: ADJ 2022-103  
MAP: 1062, BLOCK: 103, PARCEL: 0295  
ZONING DISTRICT: RT  
DATE OF FILING: 11/2/22

## ADMINISTRATIVE ADJUSTMENT REQUEST

**Note:** The request shall not exceed 20 percent of the unmodified standard from the provisions of the following dimensional requirements: 1) Buffer yard and building/structure setback requirements; 2) Distance requirements outlined in Section 4.9; 3) Building height; 4) Parking space and parking aisle dimensions

**IF YOU BELIEVE THERE IS A POTENTIAL FOR NEIGHBORHOOD OPPOSITION, IT IS STRONGLY RECOMMENDED THAT AN APPLICATION BE SUBMITTED DIRECTLY TO THE BOARD OF ZONING APPEALS PURSUANT TO THE STANDARD VARIANCE PROCESS.**

PROPERTY LOCATION			LOT SIZE - ACERAGE	
9318 Alloway Drive Hagerstown, MD 21740			11,974 SF or 0.27 AC.	
PROPERTY OWNER(S)			TELEPHONE	
Westfields Investment, LLC			301.620.4462	
PROPERTY OWNER(S) ADDRESS		CITY	STATE	ZIP
7420 Hayward Road Suite 203		Frederick	MD	21702-2509
APPLICANT/OWNER REPRESENTATIVE			TELEPHONE	
DRB Group (Contract Purchaser)			240.420.6046	
APPLICANT/OWNER REPRESENTATIVE ADDRESS		CITY	STATE	ZIP
10212 Governor Lane Blvd., Suite 1006		Williamsport	MD	21795
APPLICANT'S LEGAL INTEREST IN THE ABOVE PROPERTY:				
<input type="checkbox"/> OWNER (INCLUDING JOINT OWNERSHIP) <input type="checkbox"/> LESSEE <input type="checkbox"/> CONTRACT TO RENT/LEASE <input checked="" type="checkbox"/> CONTRACT TO PURCHASE				
<input type="checkbox"/> OTHER (PLEASE SPECIFY)				
HAVE ANY PREVIOUS PETITIONS OR APPEALS INVOLVING THIS PROPERTY BEEN MADE? YES _____ NO <u>x</u> _____				
IF YES, LIST DOCKET NUMBER(S): N/A				
1 - SPECIFY THE ARTICLE AND SECTION OF THE ORDINANCE AND THE PARTICULAR REQUIREMENT(S) FROM WHICH THE ADJUSTMENT IS DESIRED: EXAMPLE: Article 5A, Section 5A.5 – Requires 15-ft. side yard setback. Requesting adjustment to 12-ft. for detached garage				
Section 7A.5(a) Lot Area, Lot Width, and Yard Setback Requirements mandate a 40' rear yard setback in the RT Zoning District.				
The request made using this Administrative Adjustment process is to seek approval of a rear yard setback to 35' to accommodate the construction of a morning room to the rear of the dwelling proposed to be constructed on this lot. The adjustment sought is 5' or 12.5 % of the unmodified standard of 40' rear MBSL for the RT Zoning District. Note that no construction has begun on this lot.				
2 - WHAT ARE THE EXTRAORDINARY CONDITIONS PERTAINING TO THE PARTICULAR USE OR DEVELOPMENT PROPOSED, OR TO THE PIECE OF PROPERTY IN QUESTION BECAUSE OF ITS SIZE, SHAPE, TOPOGRAPHY OR OTHER CONDITION, WHICH JUSTIFY THE ADJUSTMENT REQUEST? HOW ARE THE EXTRAORDINARY CONDITIONS PECULIAR OR UNIQUE TO THE USE OR DEVELOPMENT PROPOSED?				
The subject lot has a total lot depth of 140.00'. The dwelling being considered on this lot is the Cedar product (house type) as offered by the DRB Group. The DRB Group has a pending sales contract on this lot for the Cedar dwelling for a private owner. The Cedar dwelling is offered with multiple options such as rear extensions, 3-car garage, and a morning room. These options have been requested as desired house options by the purchaser. The addition of the rear extension and morning room to this dwelling results in the house extending into the rear 40' MBSL by approximately 4' resulting in this Administrative Adjustment request. The rear of this lot is bordered by open space so no residential lots abut the rear of this proposed dwelling. Additionally, no dwellings currently exist or are in the permitting process adjacent to lot 758. The development of lot 758 is the first lot to be developed in this nearly opened section of Westfields.				

\* SEE FOLLOWING PAGE  
FOR ENLARGED RESPONSE  
TEXT.

PAGE TWO  
ADMINISTRATIVE ADJUSTMENT REQUEST  
DOCKET NO.: ADJ 2022-003  
DATE OF FILING: 11-2-22

\* **3 - HOW WOULD THE STRICT APPLICATION OF THE ORDINANCE'S REQUIREMENTS TO THE USE OR DEVELOPMENT PROPOSED, OR TO THIS PIECE OF PROPERTY IN PARTICULAR, RESULT IN A PRACTICAL DIFFICULTY OR UNDUE HARDSHIP?**

This request for an Administrative Adjustment to seek relief to the rear setback is a result of the house buyer's desires. Therefore, the Practical Difficulty or Undue Hardship associated with this Administrative Adjustment is created by the contract buyer (DRB Group's customer) of the lot/dwelling type and not due to the "non-standard building restriction lines or lot shape. The Practical Difficulty or Undue Hardship would be the DRB Group potentially losing this contract (the house sale) and the County not benefiting from the increased tax base. The basis of this request, the finding that no detriment is caused, is primarily due to the lot bordering a large open space to the rear and that no development, meaning no dwellings currently exist or are in the permitting process adjacent to lot 758. The development of lot 758 is the first lot to be developed in this newly opened section of Westfields. The denial of the Administrative Adjustment sought would result in the desired morning room not being able to be an offered option on the Cedar house type selected by the contract purchasers of this lot. The addition of the rear extension and morning room to this dwelling results in the house extending into the rear 40' MBSL by approximately 4' resulting in this Administrative Adjustment request. The rear of this lot is bordered by open space, so no residential lots about the rear of this proposed dwelling that could result in a detriment to other property owners as no other property owners other than the project developer, Westfield Investment LLC, and the contract purchaser, DRB Group are impacted should this Administrative Adjustment be approved. Both Westfield Investment LLC and DRB Group have consented to this Administrative Adjustment filing.

**4 - WHAT CONDITIONS, FACTORS AND/OR CIRCUMSTANCES GIVE ASSURANCE THAT A GRANT OF THE REQUESTED ADJUSTMENT WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO OTHER PROPERTY OWNERS, NEIGHBORING RESIDENTS, OR TO THE PUBLIC GOOD, AND WOULD OBSERVE THE PURPOSE AND INTENT OF THE ORDINANCE? (USE A SEPARATE SHEET IF NECESSARY.)**

The addition of the rear extension and morning room to this dwelling results in the house extending into the rear 40' MBSL by approximately 4' resulting in this Administrative Adjustment request. The rear of this lot is bordered by open space so no residential lots about the rear of this proposed dwelling. Additionally, no dwellings currently exist or are in the permitting process adjacent to lot 758. The development of lot 758 is the first lot to be developed in this newly opened section of Westfields. Therefore, the granting of this Administrative Adjustment request would not cause any detriment to other property owners as no lots adjacent to or nearby lot 758 have been developed or are owned by any other party as ownership of lots in this section currently is either Westfields Investments, LLC or DRB Group.

**5 - PROVIDE ANY ADDITIONAL INFORMATION THAT YOU BELIEVE MAY BE PERTINENT TO THE CONSIDERATION OF THIS REQUEST. (USE A SEPARATE SHEET IF NECESSARY.)**

Attached to this Administrative Adjustment filing is a Plot Plan for Lot 758 showing the placement of the dwelling proposed. Also attached is WC Plat 11006-11008 that depicts the uses adjacent to lot 758. i.e., Open Space Areas and currently undeveloped Final Platted residential building lots.

I HEREBY AFFIRM THAT ALL OF THE STATEMENTS AND INFORMATION CONTAINED IN OR FILED WITH THIS ADMINISTRATIVE ADJUSTMENT ARE TRUE AND CORRECT. I FURTHER UNDERSTAND THAT OPPOSITION TO THIS REQUEST COULD RESULT IN THE ZONING ADMINISTRATOR REQUIRING THIS REQUEST TO GO BEFORE THE BOARD OF ZONING APPEALS USING THE STANDARD APPEAL PROCESS. UNDER ANY EVENT, THE FILING FEE FOR THIS ADMINISTRATIVE ADJUSTMENT WILL NOT BE REFUNDED.

11/2/2022

DATE

Matt Stare  
SIGNATURE OF APPLICANT

Matt Stare Director of Land DRB Group

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF NOVEMBER 2022

01/27/2024  
MY COMMISSION EXPIRES:

Kelly J Carr  
NOTARY PUBLIC

KELLY J. CARR  
Notary Public-Maryland  
Washington County  
My Commission Expires  
January 27, 2024

### **3 - HOW WOULD THE STRICT APPLICATION OF THE ORDINANCE'S REQUIREMENTS TO THE USE OR DEVELOPMENT PROPOSED, OR TO THIS PIECE OF PROPERTY IN PARTICULAR, RESULT IN A PRACTICAL DIFFICULTY OR UNDUE HARDSHIP?**

This request for an Administrative Adjustment to seek relief to the rear setback is a result of the house buyer's desires. Therefore, the Practical Difficulty or Undue Hardship associated with this Administrative Adjustment is created by the contract buyer (DRB Group's customer) of the lot/dwelling type and not due to the "non-standard building restriction lines or lot shape. The Practical Difficulty or Undue Hardship would be the DRB Group potentially losing this contract (the house sale) and the County not benefiting from the increased tax base. The basis of this request, the finding that no detriment is caused, is primarily due to the lot bordering a large open space to the rear and that no development, meaning no dwellings currently exist or are in the permitting process adjacent to lot 758. The development of lot 758 is the first lot to be developed in this nearly opened section of Westfields. The denial of the Administrative Adjustment sought would result in the desired morning room not being able to be an offered option on the Cedar house type selected by the contract purchasers of this lot. The addition of the rear extension and morning room to this dwelling results in the house extending into the rear 40' MBSL by approximately 4' resulting in this Administrative Adjustment request. The rear of this lot is bordered by open space, so no residential lots abut the rear of this proposed dwelling that could result in a detriment to other property owners as no other property owners other than the project developer, Westfield Investment LLC, and the contract purchaser, DRB Group are impacted should this Administrative Adjustment be approved. Both Westfield Investment LLC and DRB Group have consented to this Administrative Adjustment filing.



# Washington County MARYLAND

## BOARD OF ZONING APPEALS

### OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Stephen C. Cvijanovich  
is authorized to file an appeal with the Washington County Board of Appeals for  
Administrative Adjustment Request associated with 9318 Alloway Drive Hagerstown, MD 21740 on property  
located 9318 Alloway Drive Hagerstown, MD 21740.  
The said work is authorized by Westfields Investment, LLC  
the property owner in fee.

#### PROPERTY OWNER

Westfields Investment, LLC

Name

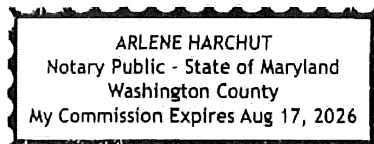
7420 Hayward Road Suite 203

Address

Frederick, MD 21702-2509

City, State, Zip Code

Owner's Signature



Sworn and subscribed before me this 31st day of October, 2022.

Arlene Harchut

Notary Public

My Commission Expires: August 17, 2026

#### AUTHORIZED REPRESENTATIVE

Stephen C. Cvijanovich

Name

981 Mt. Aetna Road

Address

Hagerstown, MD 21740

City, State, Zip Code

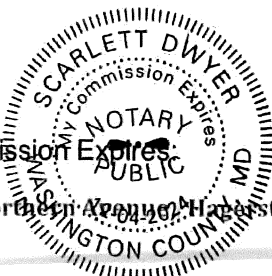
Authorized Representative's Signature

Sworn and subscribed before me this 31 day of October, 2022.

Scarlett Dwyer

Notary Public

My Commission Expires:



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

EXISTING GRADING AND UTILITIES (WITHOUT  
BENEFIT OF AS-BUILT SURVEY DATA) SHOWN  
HEREON PER "GRADING & SEDIMENT CONTROL  
PLAN" SHEET 7 OF 22 OF WESTFIELDS  
SECTION 8 IMPROVEMENT PLANS PREPARED  
BY FOX & ASSOCIATES, INC.

M.B.S.L. DENOTES MINIMUM  
BUILDING SETBACK LINE.

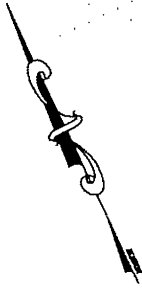
NO PARCEL SHOWN HEREON BEING ALL OF  
LOT 38 AS SHOWN ON A FINAL PLAT OF  
WESTFIELDS, SECTION 7B AND RECORDED AT  
PLAT No. 11006-11008 AMONG THE LAND  
RECORDS OF WASHINGTON COUNTY, MARYLAND.

NOTE: PARCEL SHOWN HEREON IS NOT  
WITHIN ANY 100 YEAR FLOOD PLAIN AS  
SHOWN ON FEMA FLOOD INSURANCE RATE  
MAP 24043C0305D. EFFECTIVE DATE:  
AUGUST 15, 2017.

LOT 758

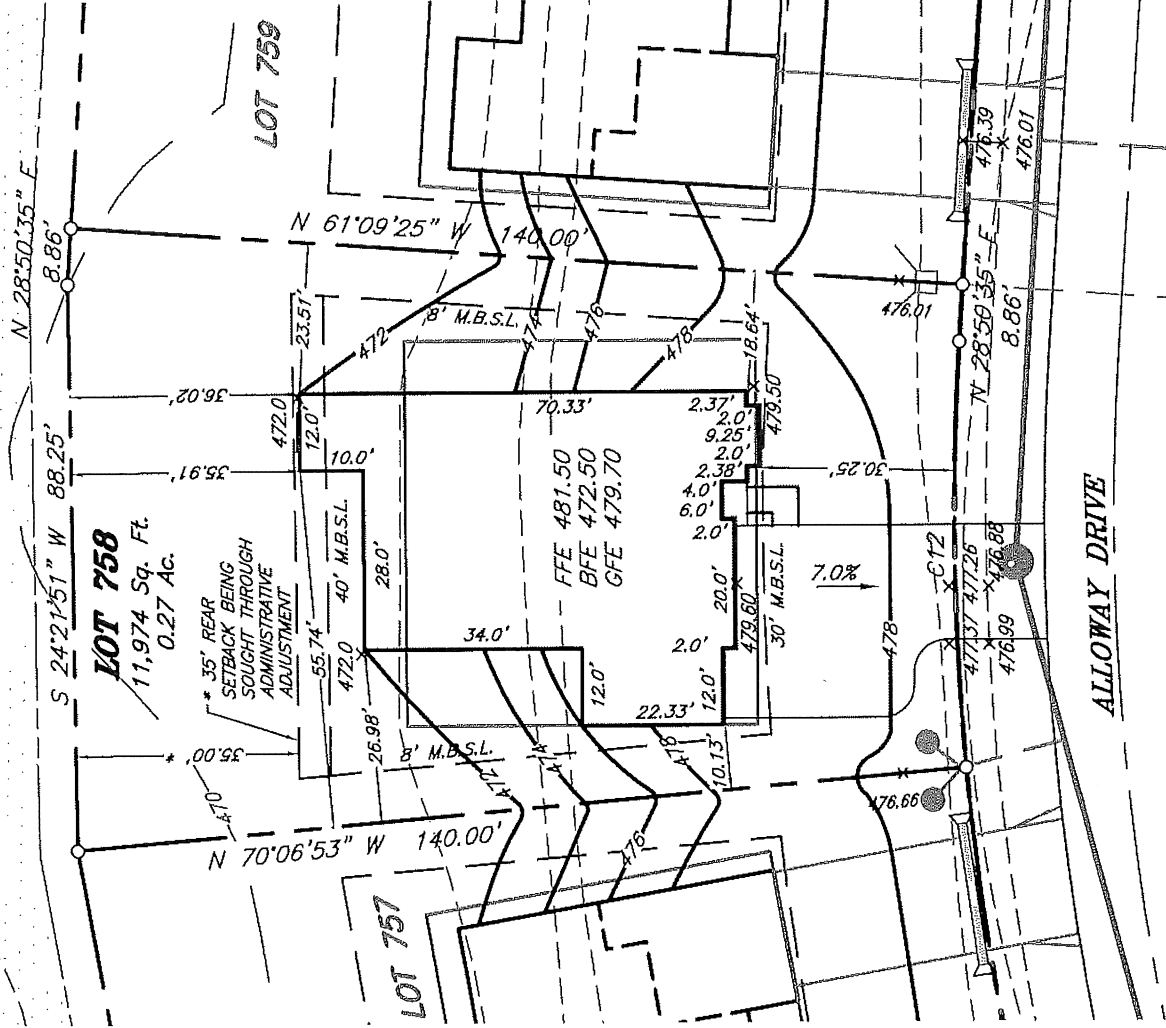
CEDAR II, ELEV. 3, COOF CO#1  
STONE W/TABLE  
MORNING ROOM; 4' REAR EXTENSION  
GARAGE 3 CAR FRONT ENTRY  
WALKOUT BASEMENT  
HOUSE FOOTPRINT = 2,739 S.F.

DRIVEWAY 1,222.5 S.F.  
LEADWALK 40.0 S.F.  
SOD 4,144.2 S.F.  
SEED 4,827.3 S.F.



H.O.A. OPEN SPACE NO. 4

1,107,139 Sq. Ft.  
25.42 Ac.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C12	425.00'	66.45'	66.38'	S 24°21'51" W	8°57'29"

PLOT PLAN  
**WESTFIELDS SECTION 7B**  
**LOT 758**

SITUATE AT 9318 ALLOWAY DRIVE  
WASHINGTON COUNTY, MARYLAND

SHEET 1 OF 1  
16-31238

DRAWN BY: WMH	DATE: 10.20.22
CHECKED BY: SCC	DATE: 10.20.22
SCALE: 1" = 30'	

**FOX & ASSOCIATES, INC.**  
**ENGINEERS • SURVEYORS • PLANNERS**

981 MT. AETNA ROAD, HAGERSTOWN, MARYLAND 21740  
PHONE: (301) 733-8503 FAX: (301) 733-1853

DISTRICT	10
TAX MAP No.	62
DWG. No.	A-24860