

BOARD OF APPEALS

December 18, 2024

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

AGENDA

AP2024-052: An appeal was filed by Cindy Smith & Margaret Williams for a special exception for an environmental conservation education and banquet/reception facility use and a variance from the off-street dust-free surface parking requirement on property owned by the appellants and located at 1069 Valley Road, Knoxville, Zoned Environmental Conservation. - GRANTED WITH CONDITIONS

AP2024-053: An appeal was filed by Jorge & Francisco Trejo for a special exception for a contractor's equipment and storage yard on undeveloped property owned by the appellants and located at 21406 Mount Lena Road, Boonsboro, Zoning Rural Village. - DENIED

AP2024-054: An appeal was filed by Jose & Marili Gonzalez for a variance from the required 100 ft. setback for an animal husbandry structure to be 85ft. from the right property line and 78 ft. from the left property line on property owned by the appellants and located at 12809 Little Antietam Road, Hagerstown, Zoned Agricultural Rural. -DENIED

AP2024-055: An appeal was filed by Trejo Brothers LLP requesting for a rental business for construction equipment and party supplies to be considered a functionally similar use to a principally permitted use within the zoning district on property owned by D&G LLC and located at 1055 Mount Aetna Road, Hagerstown, Zoned Business General. - 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 December 9, 2024. 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.

Tracie Felker, 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: Cindy Anne Smith & Margaret Elizabeth Williams
Appellant: Cindy Smith & Margaret Williams
Property Location: 1069 Valley Road, Knoxville, MD 21758
Description Of Appeal: Special exception for an environmental conservation education and banquet/reception facility use and a variance from the off-street dust-free surface parking requirement.

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 Sections: Table 3.3(1) B and 22.12 (f) iv

Reason For Hardship: Expense for installing a parking lot that will not be frequently used.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential and Agricultural Proposed Use: Education and Reception 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.

Handwritten signature of the appellant and the printed text 'Appellant Signature'.

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 21 day of November, 2024.

Notary Public seal for Kathryn B Rathvon, Washington County, My Commission Expires November 07, 2025.

Handwritten signature of the notary public and the printed text '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: AP2024-052

State of Maryland Washington County, To Wit:

On 11/20/2024, 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 12/18/2024, 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 11/26/2024 and will remain until after the above hearing date.



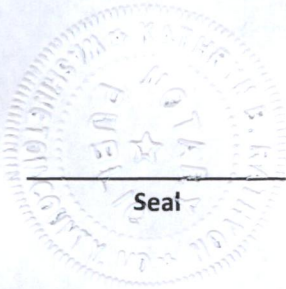
Frederick Seibert & Associates Inc

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



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

Notary Public



Seal

My Commission Expires



BOARD OF ZONING APPEALS

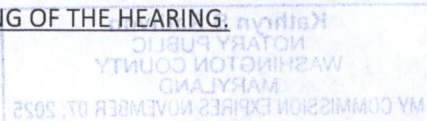
ATTENTION!

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.



Project Name: Hope Valley Farms

Owner/Applicant: Cindy Smith and Beth Williams

Project Address: 1069 Valley Road, Knoxville MD

Tax Map 88 Grid 1 Parcel 83

Account # 11006043

Zoning: EC Environmental Conservation

Special Exception: Environmental Conservation Education and Banquet/Special Events Venue as listed in Table 3.3(1)B as a Special Exception Use.

The applicants currently operate a Roadside Flower stand under the name Hope Valley Farms. They would like to expand and make full use of the buildings on-site by allowing small scale special events and environmental conservation education classes on the grounds and in the renovated barns.

Variance request: 22.12(f)iv of the Washington County Zoning Ordinance states "All off-street parking facilities shall be designed with a stable, dust-free surface conforming to the standards of the Department of Land Development Engineering.

Due to the infrequency of larger scale special events the applicants are requesting a variance from this section due to the large expense, environmental damage and constructing a parking lot that will be used very infrequently. When larger scale events occur a designated area in a grass field within 200' of any of the event buildings can be provided. Undue hardship and practical difficulties would be experienced not only by the applicants but also the environment with such a large paved surface and un-needed earth movement for SWM facilities.

Additional testimony and exhibits will be provided at the public hearing.



Washington County Board of Zoning Appeals Owner's Representative Affidavit

This is to certify that ED SCHREIBER OR FRED FREDERICK
is authorized to file an appeal with the Washington County Board of Appeals for A
SPECIAL EXCEPTION FOR AN EVENT CENTER & VARIANCE
on property located 1069 Valley Road, Knoxville MD 21758
The said work is authorized by CINDY SMITH & BETH WILLIAMS
the property owner in fee.

PROPERTY OWNER

CINDY SMITH
Name
1069 Valley Road
Address
KNOXVILLE MD 21758
City, State, Zip Code
[Signature]
Owner's Signature

Sworn and subscribed before me this 15 day of November, 2024.



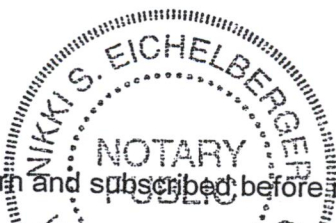
[Signature]
Notary Public

NIKKI S. EICHELBERGER
NOTARY PUBLIC
WASHINGTON COUNTY
STATE OF MARYLAND
My Commission Expires 9/15/2028

AUTHORIZED REPRESENTATIVE

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

Sworn and subscribed before me this 15 day of November, 2024.



[Signature]
Notary Public

NIKKI S. EICHELBERGER
NOTARY PUBLIC
WASHINGTON COUNTY
STATE OF MARYLAND
My Commission Expires 9/15/2028

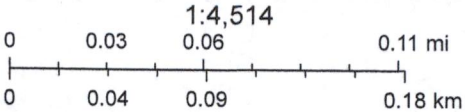
Frederick Seibert & Associates, Inc.



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Parcels Washington County



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Frederick Seibert & Associates, Inc.




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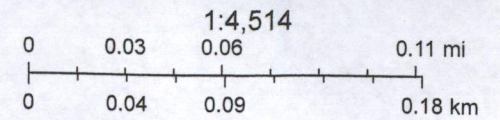
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Parcels Washington County

Zoning

 Environmental Conservation



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A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

↔ Table No. 3.3(1)^{6,7} ↔

**TABLE OF LAND USE REGULATIONS
 (RURAL AREA USES)**

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
A. Accessory							
Guest house in an accessory building	SE	SE	SE	SE	N	N	N/A
Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13	A	A	A	A	A	N	N/A
Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence	A	A	A	A	A	N	N/A
Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use	A	A	A	A	A	A	N/A
B. Accommodation and Food Services^{8,9}							
Banquet/Reception Facilities	SE	SE	SE	SE	P	N	HIGH
Bed and Breakfast; up to five (5) guest rooms	A	A	A	SE	P	N	MODERATE
Boarding or rooming houses	SE	SE	SE	P	P	N	MODERATE
Conference Centers	SE	SE	SE	SE	P	N	HIGH
Country Inn	SE	SE	SE	SE	P	N	
Hotels and apartment hotels, including motels	N	N	N	N	P	N	MODERATE
Restaurants with drive-in, drive thru service	N	N	N	N	P	N	MODERATE
Restaurants without drive-in, drive-thru service	N	N	N	N	P	N	MODERATE
Resorts	N	N	N	N	P	N	HIGH
Taverns	N	N	N	N	P	N	HIGH
C. Administrative and Support and Waste Management and Remediation Services							
Building and dwelling services as defined in Article 28A	N	N	N	N	P	N	MODERATE
Landscaping Contractor	P	P	P	P	P	N	MODERATE

6 Table No. 3.3(1) amended 9/19/06 (RZ-06-007/ORD-06-09)
 7 Table No. 3.3(1) amended 8/4/09 (RZ-09-001/ORD-09-08)
 8 Revision 17, Table No. 3.3(1)B. amended 4/23/13 (RZ-12-002/ORD-2013-13)
 9 Revision 18, Table No. 3.3(1)B. amended 1/16/18 (RZ-17-007/ORD-2018-03)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Sanitary landfills, provided such use shall be two (2) times the distance specified in Section 4.9.	N	N	N	N	P	N	N/A
D. Agriculture, Forestry, Fishing and Hunting							
Forests and Wildlife preserves, fish hatcheries and similar conservation areas	P	P	P	P	P	P	LOW
Forestation	P	P	P	P	P	P	LOW
Produce stands/Farmers Market	SE	SE	SE	SE	P	N	MODERATE
Roadside stands	A	A	A	A	A	N	MODERATE
Agricultural uses, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22 Division IX	P	P	P	P	P	P	LOW
E. Arts, Entertainment, and Recreation							
Amusement parks	N	N	N	N	P	N	HIGH
Bowling alleys	N	N	N	N	P	N	HIGH
Circus, carnival, dog and horse shows or similar transient enterprise; provided, that such use shall not exceed ten (10) days at any one time, and which does not include any permanent structure	P	P	P	P	A	N	MODERATE
Clubs, Country	SE	SE	SE	N	P	N	MODERATE
Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9	SE	SE	SE	SE	P	N	MODERATE
Recreation Centers	SE	SE	SE	SE	P	N	MODERATE
Commercial swimming pools	N	N	N	N	P	N	HIGH
Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9	N	N	N	N	P	N	HIGH
Golf courses	N	N	N	N	P	N	MODERATE
Golf driving ranges	N	N	N	N	P	N	MODERATE
Indoor firing range	SE	SE	SE	SE	P	N	MODERATE
Marinas, boat rentals, docks, piers and wharves	SE	SE	SE	SE	P	N	MODERATE
Museum, arts center or tourism entertainment facility	N	N	N	N	P	N	MODERATE

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Riding academies, livery stables, subject to the distance requirements specified in Section 4.9	P	P	P	P	P	N	MODERATE
Taxidermy Service	P	P	P	P	P	N	LOW
Theaters	N	N	N	N	P	N	HIGH
Theaters, Outdoor; provided a minimum of five (5) acres is maintained; and provided such use shall be subject to three (3) times the distance requirements of Section 4.9	N	N	N	N	P	N	HIGH
Trap, skeet, rifle, or archery ranges, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9 and all safety standards of county, state and federal agencies are observed	SE	SE	SE	N	P	N	HIGH
Travel trailer parks/Camp grounds, subject to the provisions of Section 22.5 and provided such use shall be three (3) times the distance requirements specified in Section 4.9	SE	N	N	SE	P	N	HIGH
F. Construction							
Surface grading, removal of top soil, shale or similar material in preparing the property for development; but not including open pit quarrying or mineral processing on site; subject to the performance standards in Section 4.12. A grading plan containing the information required in Section 15.3 showing the existing and proposed surface contours and providing for the re-vegetation of the property shall be submitted to the Planning Commission for approval	P	P	P	P	N	N	N/A
G. Educational Services							
Public or private college, trade and technical institutions	SE	N	N	N	P	N	HIGH
Schools – public or private – elementary through high	P	P	P	P	N	N	HIGH
H. Finance and Insurance							
Banks and financial institutions	N	N	N	N	P	N	MODERATE
I. Health Care and Social Assistance							
Assisted Living Facilities	N	N	N	N	P	N	MODERATE
Clinics with or without a pharmacy	N	N	N	N	P	N	MODERATE
Comprehensive Care Facilities	N	N	N	N	P	N	HIGH
Day-Care, Adult & Child centers, including Nursery Schools.	N	N	N	N	P	N	MODERATE
Day-care, In home Family/Child Care Facilities	P	P	P	P	N	N	N/A

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

ARTICLE 5B – "EC" ENVIRONMENTAL CONSERVATION DISTRICT⁵⁶

Section 5B.0 Purpose

The purpose of this district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

Section 5B.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5B.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5B.3 Criteria

The maximum density in the Environmental Conservation zoning district shall be one (1) dwelling unit per twenty (20) acres of land owned minus the lot area taken off under Section 5B.4.

Section 5B.4 Exemptions

- (a) Each parcel of land of sufficient size as of October 29, 2002 shall be permitted to subdivide up to three (3) lots, which may be increased to a maximum of five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every twenty acres.
- (b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

⁵⁶ Revision 14, Article 5B added 7/26/05 (RZ-03-005)

Section 5B.5 Residential Lot Size and Bulk Dimensions⁵⁷

	Lot Area	Lot Width	Lot Area/Family	Front Yard	Side Yard	Rear Yard	Height
Dwelling, Single Family	40,000 sq. ft.	100 ft.	40,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Two-Family	40,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Semi-Detached**	20,000 sq. ft.	50 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.

** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval.

Section 5B.6 Non-Residential Lots Size and Bulk Dimensions (not covered in Rural Business)^{58 59}

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 acres	300 ft.	50 ft.	100 ft.	50 ft.
Schools, Elementary	15 Acres	400 ft.	150 ft.	100 ft.	50 ft.
Schools, Middle	30 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Schools, High	60 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Churches	2 Acres	200 ft.	100 ft.	50 ft.	50 ft.
Other Principal Permitted or Conditional Uses	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

Section 5B.7 Special Provisions⁶⁰

1. New development adjacent to existing Industrial Mineral (IM) zoning districts shall have a setback of 200 feet from all shared property lines.
2. Developments opting to use the clustering provision outlined in Article 22, Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.
3. Side yard setbacks for residential use lots shall be a minimum of 50 ft. for lots twenty (20) acres or greater in size.

⁵⁷ Revision 16, Section 5B.5 amended 8/4/09 (RZ-09-001)
⁵⁸ Revision 15, Section 5B.6 amended 9/19/06 (RZ-06-007)
⁵⁹ Revision 18, Section 5B.6 amended 1/16/18 (RZ-07-007/ORD-2018-13)
⁶⁰ Revision 16, Section 5B.7 amended 8/4/09 (RZ-09-001)

PARKING LOT SURFACE

(c) **Handicapped Accessible Parking and Passenger Loading Zones**

Handicapped accessible parking shall be in conformance with the Maryland Accessibility Code, COMAR 05.02.02 and the Americans with Disabilities Act.

(d) **Bicycle Parking**

1. **Number of spaces needed.** All parking facilities containing more than fifty (50) parking spaces shall provide one bicycle parking space or locker for every twenty-five (25) automobile parking spaces in the facility. No more than twenty-five (25) bicycle parking spaces or lockers shall be required in any one facility.
2. **Type of facilities.** Bicycle parking facilities may include various types of racks or lockers that enable the user to lock the frame and/or the wheels of the bike with a cable or U-shaped lock.
3. **Location of facilities.** Bicycle parking facilities shall be located so as to be safe from motor vehicle traffic and secure from theft. Interior storage and lockers are encouraged for uses that promote long or medium term parking.
They shall be properly maintained.
 - i. Parking should be located in a highly visible, well-lit area within close proximity to the use it supports.

(e) **Recreational Travel and Recreational/Off-Road Vehicle Parking**

1. Such vehicles shall be considered accessory uses in any district, provided they are parked or stored in a garage or accessory building in the rear yard, side yard, or driveway of the lot occupied by the owner. Vehicles stored outside of storage buildings shall be parked no closer than four (4) feet to the rear and side lot lines and no closer than ten (10) feet from the front lot line or to the road/street edge, street curb or sidewalk, whichever is closest to the parked vehicle.
2. In the RM and PUD districts, "recreational vehicle" parking spaces shall be provided in addition to all other parking requirements in this Article. Spaces shall be provided at a ratio of 1 space per 50 passenger vehicle parking spaces and shall be a minimum of 30 ft long and 15 ft. wide. There shall be a minimum of 1 space provided.

(f) **Design Standards.**

1. In General.
 - i. Off-street parking facilities may be enclosed in a structure or may be open. Garages and other parking structures shall not be converted into another use unless the minimum parking space requirements of this Article are satisfied without the parking structure. Enclosed structures containing off-street parking for employees shall be designed with a first-level entrance and height of at least nine feet in order to permit the entry and parking of vans used by van pool programs.



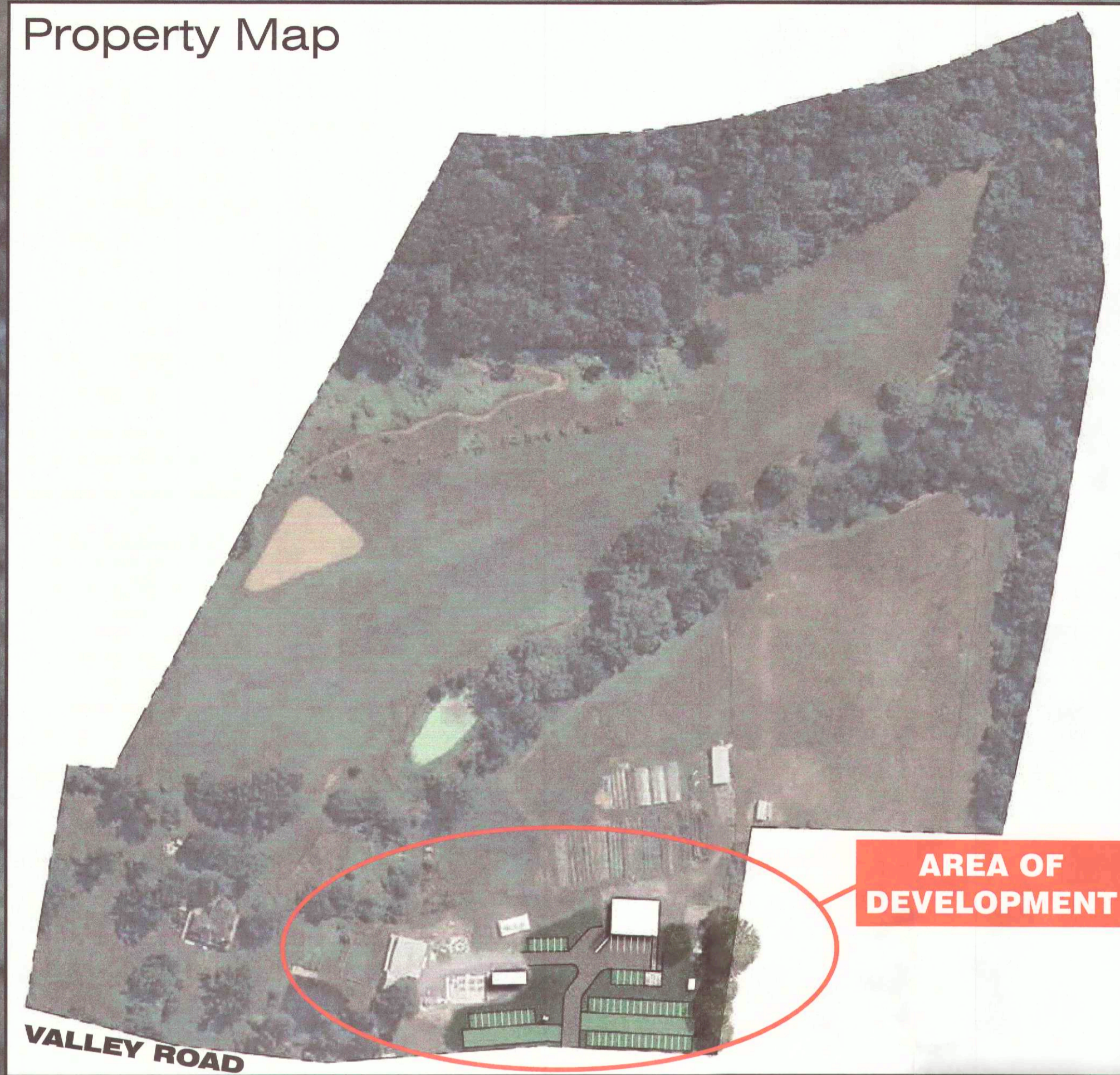
- ii. Parking facilities required by these regulations shall be provided on the same lot with such structure or land use unless otherwise provided in accordance by this Article.
- iii. Alterations to parking facilities after plan approval (i.e. stripping, traffic markings, surfacing, etc.) that affect internal or external traffic patterns, minimum space and access aisle requirements or landscaping requirements, may require additional review by the Planning Commission.
- iv. All off-street parking facilities shall be designed with a stable, dust-free surface conforming to the standards of the Department of Land Development Engineering.
- v. No off-street parking area shall be designed to permit direct parking space ingress and egress to a public or private road, street, or highway.
- vi. Parking facilities shall be designed to maintain the use traffic on the developed site so as to avoid back-ups and congestion on public and/or private roads.
- vii. Adequate emergency vehicle access must be provided to each use.

2. Parking Stall and Access Lane Dimensions.

- i. Off-street parking facilities may contain any combination of angled, perpendicular or parallel parking spaces. The minimum design standards are as follows (see also Diagram 22-1):

A	B	C	D	E
Parking Angle (feet)	Stall Width (feet)	Stall Length (feet)	Curb Width per Vehicle (feet)	Aisle Width (feet)
0°	9	22	22	See Diagram 22-2
30°	9	20	19	
45°	9	20	13	
60°	9	20	10.5	
90°	9	20	9	

Property Map



CONCEPT DATA

ZONING	EC
PROPOSED USE	EDUCATIONAL & SPECIAL EVENTS VENUE (SPECIAL EXCEPTION)
SETBACKS (BANQUET/RECEPTION FACILITIES)	
FRONT-	50'
SIDE-	100'
REAR-	50'
REQUIRED PARKING (BANQUET HALLS)	1 SPACE PER 50 SF GFA
PROPOSED PARKING	3,052 ± / 50 = 61 SPACES
	61 SPACES

TENT LOCATION

OUTDOOR PATIO & SEATING AREAS

EXISTING GREENHOUSES

EXISTING BARN CONVERTED TO EDUCATIONAL & SPECIAL EVENTS VENUE 23' x 53' (1,219 SF ±)

EXISTING BARN CONVERTED TO EDUCATIONAL & SPECIAL EVENTS VENUE 47' x 39' (1,833 SF ±)

EXISTING BARN STORAGE BARN 22' x 24' (528 SF ±)

PORTABLE RESTROOMS

EXISTING OFFICE COLD STORAGE

GRASS SURFACE PARKING

GRASS SURFACE PARKING

EXISTING WELL

EXISTING ROADSIDE FLOWERS STAND

VALLEY ROAD



**Hope Valley Farm & Retreat LLC
1069 Valley Road Knoxville, MD 21758**

Cindy Smith & Beth Williams

301-514-5268 / 240-529-3988

www.hopevalleyfarmmd.com

hopevalleyfarmmd@gmail.com

Instagram @hopevalleyfarmmd

Est. November 2019

I. EXECUTIVE SUMMARY

Hope Valley Farm & Retreat, LLC was established in November 2019 as a woman-owned business located at 1069 Valley Road, Knoxville, MD 21758. Nestled on 29.7 acres of breathtaking rolling hills with mountain and valley views, the property features two tranquil ponds, streams, and a segment of the historic B&O Railway path bordering Israel Creek. The rich landscape offers endless potential for growth and community engagement.

When we first purchased the property, it was a neglected cattle farm in disrepair. Barns were falling apart, debris and broken equipment littered the grounds, and the landscape had been forgotten. Since then, we've poured our hearts into restoring and revitalizing the property, transforming it into the stunning, welcoming space it is today. Local residents have shared their gratitude, saying they're thrilled to see the farm's new life and the positive impact it has had on the area.

Currently, Hope Valley Farm cultivates 2 acres dedicated to cut flower production, pumpkins, and sunflowers, alongside housing goats and chickens. During the warmer months, the farm hosts a variety of programs including:

- Outdoor educational programs
- Girl Scout summer camps
- Agricultural education for school groups
- You-pick flower experiences
- Community Supported Agriculture (CSA) subscriptions
- A farm stand featuring seasonal goods

The farm collaborates with youth-focused organizations such as the Brunswick Library, Wild Sprouts, and ARC of Washington County, enriching the local community through shared learning and engagement.

In addition to agricultural operations, part of the property's historic circa 1813 farmhouse serves as an Airbnb, offering visitors a unique opportunity to enjoy the farm's scenic beauty and historic charm.

Hope Valley Farm & Retreat is dedicated to connecting people with nature, fostering community, and building a sustainable future through education, agriculture, and shared experiences.

Business Mission

At Hope Valley Farm, our mission is to nurture a connection with nature and enhance the quality of life through outdoor education and hands-on enrichment. By teaching horticultural skills and sustainable farming practices, we empower individuals to grow, learn, and thrive. We are committed to sowing the seeds of knowledge, cultivating a low-carbon future, and nurturing the next generation of farmers dedicated to sustainable agriculture.

Industry Overview

The agricultural and agritourism industries have evolved to meet the growing demand for authentic, sustainable, and community-centered experiences. One notable trend is the rise of barn events, which originated in rural farming communities as natural and intimate gathering spaces. Today, barn gatherings, receptions, and special events have surged in popularity as families seek rustic, unique venues that offer convenience and affordability. This trend has been a significant driver of agritourism, enabling farms to diversify their income and maintain financial sustainability alongside traditional crop production.

Another growth area within agriculture is the flower industry, which has expanded significantly since the 2020 pandemic. As more consumers and florists prioritize sustainability, locally grown flowers have become a preferred choice. Beyond their aesthetic appeal, cut flowers are increasingly recognized for their mental health benefits, such as reducing anxiety and enhancing mood by increasing serotonin levels. A study conducted by Harvard University further emphasizes the positive effects of having flowers in the home, demonstrating their potential to improve overall well-being.

The pandemic has also caused shifts in education, with parents embracing alternative and outdoor learning environments. Outdoor educational programs on farms offer unique opportunities for children to explore nature, gain hands-on agricultural experience, and learn in a setting that promotes physical activity and mental wellness.

Hope Valley Farm & Retreat connects these trends, offering events, locally grown cut flowers, and outdoor educational programs that cater to the evolving needs of modern families and communities.

Services

Hope Valley Farm & Retreat, LLC is excited to expand our offerings by utilizing our two barns for a variety of events and programs. These services aim to promote community connections, provide unique experiences, and support local businesses in Washington County.

Special Exception Proposed Barn Uses

1. Educational Programs:

- Youth and adult flower workshops and classes.
- Hands-on activities for school and youth groups, and other local organizations.

2. Private Celebrations:

- Birthday and graduation gatherings.
- Bridal and baby showers.

3. Small Weddings and Gatherings:

- Rustic barn weddings for intimate groups.
- Seasonal celebrations and family reunions.

4. Community Events:

- Church retreats, garden clubs, non-profits, and civic group meetings.
- Girl Scout summer day camps.
- Farm tours.

Community and Economic Impact

Hosting these events would attract visitors to Washington County and support local businesses, including:

- Nearby wineries like Big Cork Winery, Antietam Creek Vineyards, Blue Mountain Wine Crafters, Cool Ridge Vineyard and Red Heifer Winery.
- Local accommodations such as Inn BoonsBoro, Jacob Rohrbach Inn, Stoney Creek Farm, Inn at Antietam and nearby B&Bs.
- Restaurants, caterers, and historical attractions like Antietam Battlefield, Washington Monument Park, and the C&O Canal.

Facility Details and Policies

● Barn Features:

Both barns are equipped with electricity but do not have heating or air conditioning, making them ideal for seasonal use.

● Restroom Facilities:

A four-stall restroom trailer with water, heating, and air conditioning will be available for all events. It is thoroughly cleaned before and after use, with the 500-gallon tank pumped monthly or as needed.

● Event Regulations:

- Events will conclude by 10:00 PM, and no loud music will be allowed.
- Licensed caterers will be required for all food services.
- Trash must be removed by caterers after each event.
- Owners will be present on site throughout every event to ensure a smooth experience.

Parking and Accessibility

- An open grass field will accommodate up to 61 vehicles.
- Plans include paving two handicap-accessible parking spots.
- To minimize traffic on Valley Road, attendees will be encouraged to carpool using the nearby Weverton Park-and-Ride.

Flower Workshops

We also plan to host floral workshops in the barns, accommodating 10–30 participants. These sessions will offer hands-on learning experiences, fostering creativity and mindfulness.

By offering these new services, we aim to enhance the appeal of Hope Valley Farm & Retreat as a regional destination while maintaining a commitment to sustainability and community well-being.

II. MARKETING SUMMARY

Hope Valley Farm & Retreat, LLC employs a strategic mix of digital and local marketing initiatives to reach families, couples, and community groups seeking a charming, rural setting for their events and activities. By expanding our marketing efforts and engaging with industry-specific channels, we aim to enhance our visibility and grow our customer base.

Current Marketing Efforts

Our current marketing strategy includes:

- **Social Media Platforms:**
Actively engaging audiences on Facebook, Instagram, and Pinterest with visually compelling content showcasing barn events, workshops, and the natural beauty of the farm.
- **Website:**
Providing detailed information on services, pricing, and booking, with high-quality imagery and user-friendly navigation.
- **Farmers Markets:**
Building local connections and raising awareness through participation in community markets.

Planned Marketing Expansions

To further broaden our reach, we will:

- Apply to become a Maryland's Best producer and be listed on their website.
- Partner with Here Comes the Guide publication, a trusted resource for venues, to attract couples planning rustic and intimate ceremonies.
- Utilize Washington County media outlets for advertisements like Maryland's Best and press releases to connect with local and regional audiences.
- Attend local trade shows and industry events to network with potential clients and vendors.

Target Market

Our target customers include:

- **Families and Couples:**
Seeking an intimate, picturesque setting for milestone celebrations, ceremonies, and gatherings.
- **Community Groups:**
Organizations such as Girl Scouts, garden clubs, and church groups looking for unique event spaces.
- **Local Learners:**
Individuals interested in flower workshops, agricultural education, and seasonal programs.

Pricing Strategy

Our pricing reflects the premium value of our offerings, while remaining competitive in the regional market:

- **Classes and Personalized Workshops** (ideal 10-20, but no more than 35):
Priced between \$20 and \$75 per participant, depending on subject matter and duration.
- **Special Occasion Events (family reunions, baby showers, etc.):**
\$250 per hour per barn, with a 3-hour minimum (setup and cleanup included).
- **Small Weddings** (ideal 30-50 guests but no more than 99):
 - Single barn rental: \$4,800 (includes Friday rehearsal, Saturday ceremony and reception, and Sunday cleanup).
 - Both barns: \$6,000 for the full weekend package.
 - Additional fees apply for Airbnb accommodations.
 - Only one event is permitted per weekend to ensure exclusivity, quality service and low impact on the community.

Value Proposition

Hope Valley Farm & Retreat offers a unique blend of natural beauty, historical charm, and personalized service. By leveraging our idyllic setting and building positive relationships through workshops, events, and community involvement, we create memorable experiences that resonate deeply with our guests.

SWOT ANALYSIS

Strengths

1. Convenient Location:

The farm is ideally situated just an hour from major metropolitan areas like Baltimore and Washington, DC, and 30 minutes from nearby cities such as Frederick, Hagerstown, and Leesburg. This proximity makes it an attractive venue for both local and regional events.

2. Competitive Pricing:

In an industry where event venues can be costly, Hope Valley Farm & Retreat offers a more affordable alternative, providing a simpler yet beautiful setting for those seeking a rustic, intimate atmosphere.

3. Unique Setting:

With 29.7 acres of rolling hills, ponds, streams, and a historical significance, the property is a natural asset. Its beauty also supports flower farming, creating opportunities for agricultural sales and unique, nature-based event offerings.

4. Combined Experience:

Cindy brings 12 years of business management experience. Beth contributes over 20 years of experience as a teacher with expertise in planning, organization, and educational programming. This diverse skill set allows for seamless operations and the development of unique programs.

5. Diverse Offerings:

A blend of agritourism, educational programs, flower workshops, and event hosting provides multiple revenue streams and attracts a variety of customers (families, couples, schools, and community groups).

6. Community Engagement:

Strong partnerships with local youth organizations (Brunswick Library, Wild Sprouts, ARC of Hagerstown) and local businesses help build a loyal customer base and enhance local support.

7. Exclusivity for Events:

By hosting only one event per weekend, the farm can offer a personalized, high-quality experience for weddings and other special occasions.

8. Established Digital Presence:

Active engagement on Facebook, Instagram, Pinterest, and a user-friendly website helps raise awareness and promote services.

9. Seasonal & Year-Round Potential:

The farm can offer both seasonal activities like flower picking and year-round services such as educational programs and event hosting.

Weaknesses

1. Local Competition:

The area is home to several flower farms and wedding venues, such as Winding Root Flower Farm, CoolHollow Flower Farm, Bluebird Manor, and Big Cork Winery. These established venues may pose a challenge in attracting clients.

2. Seasonal Limitations:

The barns lack heating or air conditioning, limiting their use to the warmer months. This creates a seasonality issue for events that could otherwise take place year-round.

3. Limited Capacity:

The farm's event space is restricted by the size of the barns and available parking, limiting the number of guests for large-scale events.

4. Dependence on Seasonal Demand:

Some services, such as flower picking and certain outdoor educational programs, are weather-dependent and may experience fluctuations in demand during colder months.

5. Limited Recognition Beyond Local Area:

While well-known in the local community, the farm may need additional marketing efforts to reach regional or out-of-state visitors for events and retreats.

6. Operational Staffing:

With events requiring significant hands-on involvement, additional staffing for large events and peak seasons may be necessary to maintain quality and efficiency.

Opportunities

1. Increased Demand for Sustainable and Local Products:

The ongoing rise in interest for locally grown, sustainable flowers presents an opportunity to grow the farm's CSA program and flower-related offerings.

2. Expansion of Agritourism:

As agritourism continues to grow, expanding partnerships with wineries, local B&Bs, and nearby historical sites like Antietam Battlefield could attract more tourists and increase foot traffic to the farm.

3. Educational Programming Expansion:

With the increasing interest in outdoor education, Hope Valley Farm can provide alternative learning models and nature enrichment.

4. Collaboration with Local Vendors and Businesses:

Partnering with nearby businesses such as Heather Shawver Photography, Celebrations Catering, Bernadette Miller Art & Design, and Whistle Punk Farm, Hope Valley Farm can enhance the value of services offered and create cross-promotional opportunities.

5. Leverage Local History and Community Engagement:

Sharing the rich history of the property and surrounding areas, like the B&O Railway history and the nearby Antietam Battlefield, can provide a unique narrative that sets Hope Valley Farm apart.

6. Educational Programs on Flower Farming:

There is an opportunity to educate the community about cut flower farming, sustainable agriculture, and the benefits of locally grown flowers through workshops and farm tours.

7. Stronger Community Partnerships:

By working more closely with local organizations such as the Brunswick Library, Girl Scouts, ARC of Washington County, and outdoor nature programs like Wild Sprouts, Hope Valley Farm can strengthen its role as a community partner, driving engagement and encouraging long-term loyalty.

Threats

1. Weather:

Weather conditions can be unpredictable, especially with seasonal events.

Extreme weather can disrupt outdoor activities, especially in the absence of air conditioning or heating for barn events.

2. Economic Factors:

Economic downturns can affect spending on events, and discretionary activities, potentially leading to a decline in bookings.

3. More Elaborate Venues:

The rise of more elaborate and luxurious venues with modern amenities could pose competition, especially for couples looking for high-end options.

4. Future Pandemics:

Unforeseen global health crises, like the COVID-19 pandemic, can significantly impact event gatherings, leading to cancellations, lower attendance, and tighter regulations on group activities.

III. CONCLUSION

Hope Valley Farm & Retreat, located at 1069 Valley Road in Washington County, offers a truly magical setting that draws people in with its picturesque views. Our mission is to share this unique property with those seeking to reconnect with nature, and create lasting memories in a peaceful rural setting. Whether it's through picking flowers, a relaxing retreat or a special event, we want to provide a space where people can experience the serenity and charm of the countryside. Our farm is uniquely positioned to become a leading destination in Washington County for agritourism, memorable events, and educational programs with diverse offerings, and strong community ties, providing an intimate setting for families and organizations seeking a retreat in nature.

Our strategic marketing efforts, including collaborations with local businesses, a solid digital presence, and attendance at farmers markets and trade shows, will help us expand our reach and attract new customers. We are committed to offering a high-quality, affordable experience for all our clients while maintaining sustainable practices and community engagement.

Despite competition from other local venues and flower farms, our competitive pricing,

personalized services, and rich historical backdrop set us apart. The combination of Cindy's business expertise and Beth's educational background provides a solid foundation for the continued success and growth of Hope Valley Farm & Retreat.

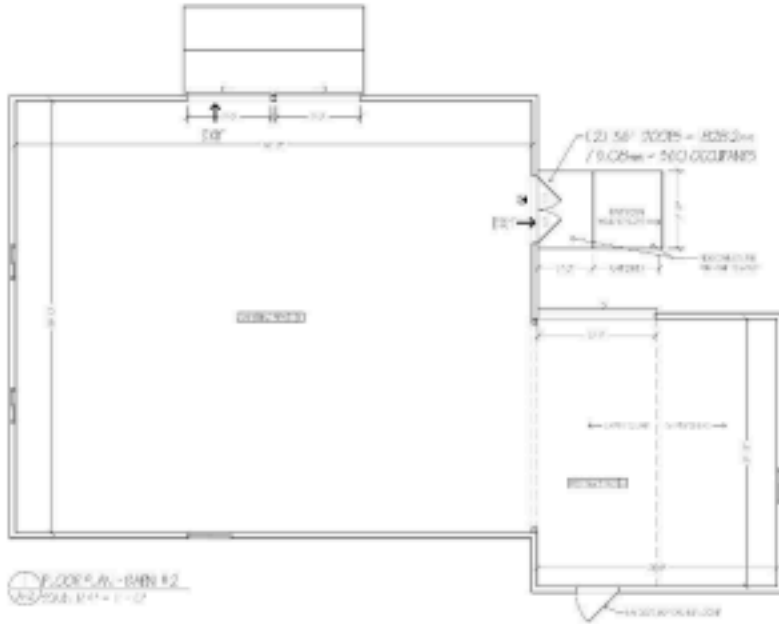
With the potential to expand our event offerings, enhance local partnerships, and educate the community about the benefits of local agriculture, we believe that Hope Valley Farm & Retreat will thrive as a destination that not only meets the growing demand for unique event venues but also contributes to the local economy and strengthens the community.

We are excited to continue building this agritourism venture and look forward to collaborating with Washington County for its success. With our commitment to sustainability, education, and community, we are confident that Hope Valley Farm & Retreat will become a cherished destination for locals and visitors alike by delivering exceptional service and creating an environment where people can connect, learn, and celebrate.

Beth and Cindy - Hope Valley Farm Flowers



Wood Barn Structure #1 -



BUILDING DESIGN CENTER

WEINGARTEN — 15470E, SAUNDERS RD
 200120A

ADDRESS: 15470E SAUNDERS RD

WEINGARTEN, MO — 65002-0000

CORPORATION — 200120A

CONTRACT NO. — 200120A

DATE OF ISSUE — 1/27/2014

DATE OF REVISION — 1/27/2014

DATE OF REVISION — 1/27/2014

DATE OF REVISION — 1/27/2014

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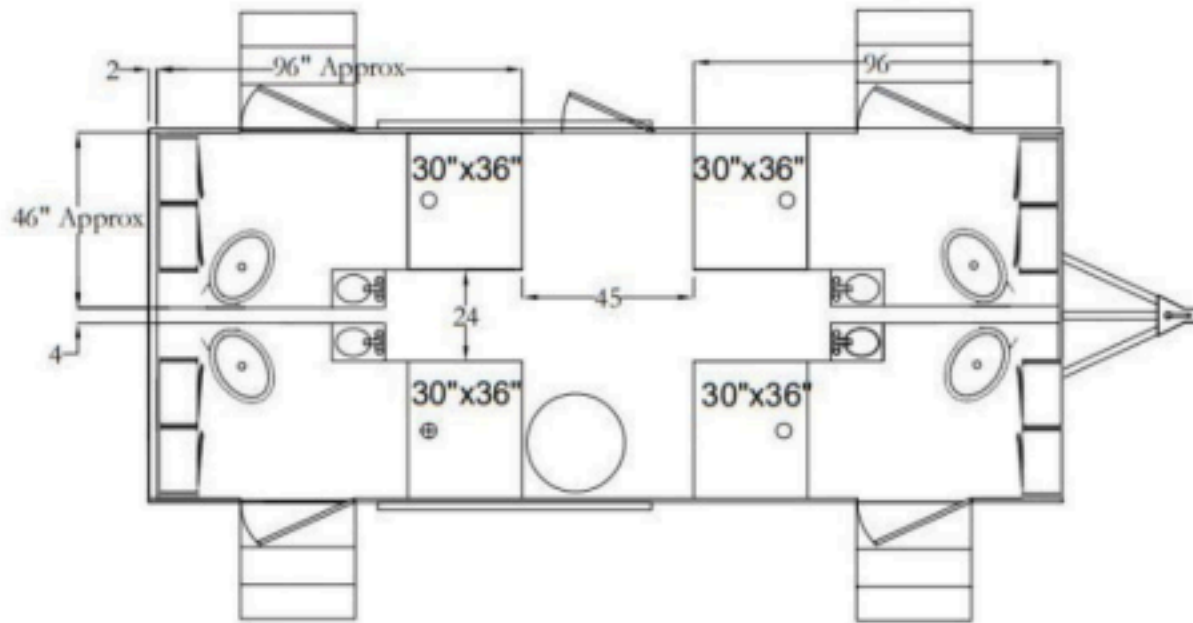


E. COOPER ARCHITECT
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A-2
 1/27/2014
 1/27/2014

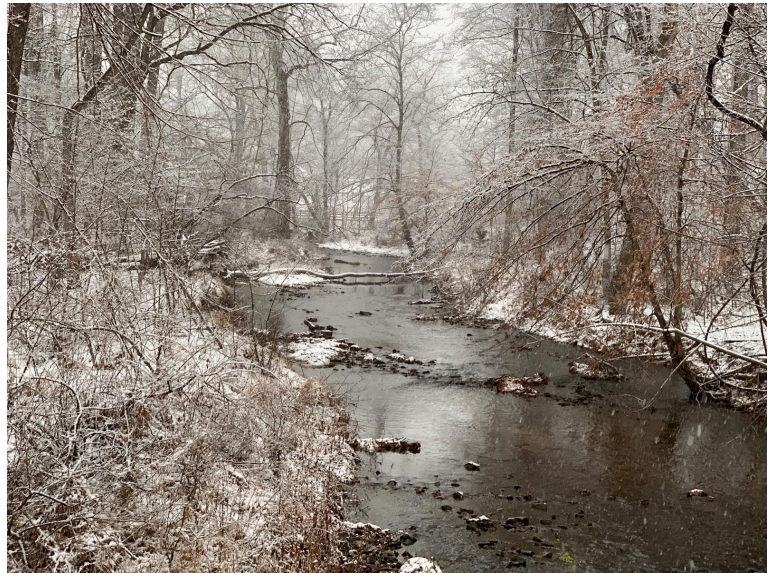
Block Barn Structure #2 -

4 Station Shower/Restroom Combo Trailer With Lockers - Hercules Explorer Series - Full Heat

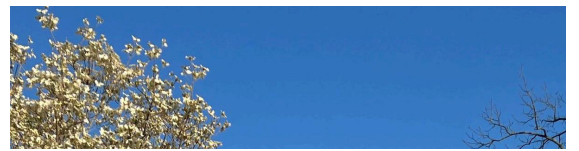


**PORTABLE RESTROOM
TRAILERS, LLC**
Mobile Restroom Trailers





1813c. Farmhouse -





Flower Production and Farmers Markets -



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

CINDY SMITH & MARGARET WILLIAMS * **Appeal No.: AP2024-052**

Appellant

*

*

* * * * *

OPINION

Cindy Smith and Margaret Williams (hereinafter “Appellants”) request a special exception for an environmental conservation education and banquet/reception facility, and a variance from the off-street dust-free parking requirement at the subject property. The subject property is located at 1069 Valley Road, Knoxville, Maryland 21758 and is zoned Environmental Conservation. The Board held a public hearing in this matter on December 18, 2024.

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. Cindy Smith and Margaret Williams are the owners of the subject property, located at 1069 Valley Road, Knoxville, Maryland. The subject property is zoned Environmental Conservation.

2. The subject property consists of approximately 29.7 acres of farmland containing several barns and other accessory buildings. Approximately two (2) acres of the property are dedicated to cut flower production, as well as housing animals.

3. Appellants have created a flower farm at the subject property, growing

flowers to fulfill subscription sales, on-site sales, farmers' markets and "self-pick" services.

4. Appellants also operate Wild Sprouts, Inc. providing nature-based education and learning services at the subject property.

5. Appellants propose to host special events at the subject property using the existing farm and accessory buildings for weddings and receptions. There will be no new construction of buildings for this use.

6. Per the Fire Marshal, Appellants are limited to 99 people, however they expect capacity to be more like 50-60 people plus staff.

7. Appellants propose the use to be seasonal from April to October, for events to end by 9:30 p.m. with lights out by 10:00 p.m., that there will only be one (1) event per weekend and all events will have outside vendors for food and entertainment. Appellants are willing to submit to these as conditions of the proposed use.

8. Appellants will clearly mark the subject property for entry and exit for visitors and will encourage event attendees to utilize Route 67 because there are less residences to pass before arriving at the subject property.

9. The Ordinance dictates that Appellants need sixty-one (61) parking spaces, which they believe will be far more than they actually utilize. They plan to have parking primarily in the grass areas and want to avoid having to pave a large area.

10. The traffic data shows a total of 400 trips in and around the immediate area and three (3) vehicle accidents since 2019.

11. Many of Appellants' immediate neighbors as well as others submitted letters and testimony in support of the proposed use.

12. There was opposition presented to this appeal.

Rationale

Special Exception

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

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

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

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

Appellants presented thorough and detailed testimony regarding the proposed use, their plans and their attempts to address concerns that have been raised about the subject property. They were prepared to accept self-imposed conditions that limit the

size and intensity of events. Appellants had overwhelming support from neighbors, friends, customers, parents and others from the community. Although it is not an enumerated part of the criteria, it is clear that the current operation of the property is a service to many in the community.

The Board heard from witnesses in opposition to the special exception request, based on concerns for traffic on Valley Road. Both opposition witnesses noted that Valley Road is narrow and is essentially a one-lane road in many spots. They testified that there were numerous blind curves and areas where you have to stop to allow another vehicle pass. They were concerned that drivers who were not familiar with the road could be put in dangerous situations while travelling to events at the subject property. On the other hand, many of the immediate neighbors did not believe there was any reason to be concerned about traffic. Appellants' engineer, Fred Frederick testified that the traffic trips are very low in the area and volume increase is not a concern based on Appellants' vision of the events business. Mr. Frederick also noted additional modifications could be made during the site plan review process to address traffic concerns.

While Valley Road is narrow and can be difficult to navigate, it is not unlike a number of roads in Washington County that wind their way to farms, events and reception locations, businesses and commercial enterprises. While care should be taken in the development of the events business and the use of the only road that serves the property, it does not rise to the level of preventing the proposed use. The Board does not find that the proposed use will create dangerous traffic or other safety concerns within the surrounding area. Notwithstanding that, Appellants would be best served with encouraging carpooling or shuttle service off-site to minimize the traffic along a narrow roadway.

The Board finds no cause for concern regarding the number of people residing or working in the area which is relatively small, nearby public gatherings or the conservation of property values.

The inclusion of one event per weekend for six (6) months each year will not affect the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Appellants testified that the proposed use will not produce any noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties. There was no evidence presented that the proposed use would have any effect on property values or the peace and enjoyment of nearby homes.

The Board finds that the proposed use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

Notwithstanding the analysis pursuant to *Schultz v. Pritts* and the related appellate opinions, there are no judicial decisions directly affecting the subject property.

The proposed project is consistent with the orderly growth of the community. The proposed use has adequate buffering and screening to shield adjacent property owners and does not require any variances for setback requirements. Thus, the proposed project can be completed and still maintain the other requirements of the Ordinance. The Board finds that the proposed use is consistent with the purpose and vision of the Ordinance.

Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellant's request should be granted.

Variance

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

Practical difficulty and undue hardship are typically 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 this case, Section 22.12(f)(iv) requires that “parking and access lanes/aisles with a total area greater than 3,400 square feet shall be paved.” The Ordinance further defines paving as “a durable and dustless surface that shall be properly drained and maintained.” Appellants have requested to utilize the existing grass areas in lieu of paving as required by the Ordinance. Appellants presented testimony that paving would be a significant expense and would detract from the charm and aesthetics of the otherwise natural, agricultural setting. Under the circumstances, strict compliance with the

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty 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 difficulty 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)

Ordinance would render conformance unnecessarily burdensome. The Board finds that variance relief is necessary to relieve this burden and to observe the spirit and intent of the Ordinance.

Accordingly, the request for a special exception for an environmental conservation education and banquet/reception facility at the subject property is hereby GRANTED, by a vote of 4 to 1. Likewise, the request for a variance from the off-street dust-free parking requirement at the subject property is hereby GRANTED, by a vote of 5 to 0. Both the special exception and the variance relief are granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board. They are also subject to the following conditions, which Appellants suggested in their presentation:

1. Special events will have a maximum capacity of 99 people, including staff and vendors;
2. Special events will only be held from April 1st to October 31st each year;
3. Events will end by 9:30 p.m., and lights out will be at 10:00 p.m.;
4. Appellants will limit events to one (1) per weekend; and
5. Events will be catered and utilize outside vendors.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: January 17, 2025

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: Jorge & Francisco Trejo
234 Stanford Road
Hagerstown MD 21742
Appellant: Jorge & Francisco Trejo
234 Stanford Road
Hagerstown MD 21742
Property Location: 21406 Mount Lena Road
Boonsboro, MD 21713
Description Of Appeal: Special exception for a contractor's equipment and storage yard on undeveloped property.

Docket No: AP2024-053
Tax ID No: 16065766
Zoning: RV
RB Overlay: No
Zoning Overlay:
Filed Date: 11/20/2024
Hearing Date: 12/18/2024

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 Table 3.3 (1) Q

Reason For Hardship:
If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:
Existing Use: Undeveloped Lot
Proposed Use: Contractor's Equipment and Storage Yard
Previous Use Ceased For At Least 6 Months:
Area Devoted To Non-Conforming Use -
Date Ceased:
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 J. Trejo
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 20 day of November, 2024.

Kathryn B Rathvon
Notary Public
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025

Handwritten signature of Kathryn B Rathvon
Notary Public





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2024-053

State of Maryland Washington County, To Wit:

On 11/20/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Gabriela Trejo and made oath in due form of law as follows:

Gabriela Trejo 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 12/18/2024, 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 11/26/2024 and will remain until after the above hearing date.

Gabriela Trejo

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



Seal



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

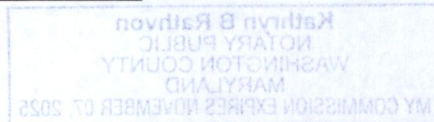
ATTENTION!

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.



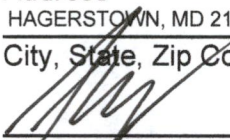


BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

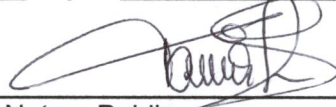
This is to certify that GABRIELA TREJO
is authorized to file an appeal with the Washington County Board of Appeals for _____ on property
located 21406 MOUNT LENA ROAD BOONSBORO MD 21713
The said work is authorized by JORGE TREJO
the property owner in fee.

PROPERTY OWNER


JORGE TREJO
Name
234 STANFORD ROAD
Address
HAGERSTOWN, MD 21742
City, State, Zip Code

Owner's Signature

Sworn and subscribed before me this 19 day of November, 2024.

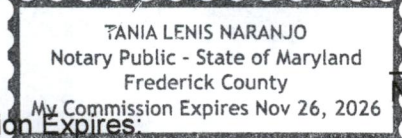
My Commission Expires: 


Notary Public

AUTHORIZED REPRESENTATIVE

GABRIELA TREJO
Name
234 STANFORD ROAD
Address
HAGERSTOWN, MD 21742
City, State, Zip Code

Authorized Representative's Signature

Sworn and subscribed before me this 19 day of November, 2024.

My Commission Expires: 

Notary Public



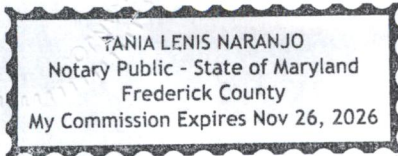
BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

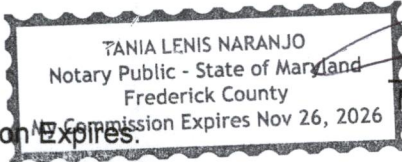
This is to certify that GABRIELA TREJO
is authorized to file an appeal with the Washington County Board of Appeals for _____ on property
located 21406 MOUNT LENA ROAD BOONSBORO MD 21713
The said work is authorized by FRANCISCO TREJO
the property owner in fee.

PROPERTY OWNER

FRANCISCO TREJO
Name
234 STANFORD ROAD
Address
HAGERSTOWN, MD 21742
City, State, Zip Code
[Signature]
Owner's Signature



Sworn and subscribed before me this 19 day of November, 2024.



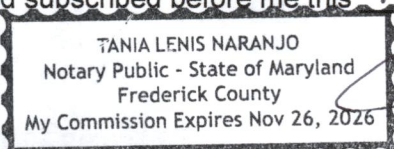
[Signature]
Notary Public

My Commission Expires:

AUTHORIZED REPRESENTATIVE

GABRIELA TREJO
Name
234 STANFORD ROAD
Address
HAGERSTOWN, MD 21742
City, State, Zip Code
Gabriela Trejo
Authorized Representative's Signature

Sworn and subscribed before me this 19 day of November, 2024.



[Signature]
Notary Public

My Commission Expires:

Jorge Trejo
Francisco Trejo
234 Stanford Rd
Hagerstown, MD 21742

November 20th, 2024

We Jorge and Francisco Trejo, are submitting an appeal to see if we can be given an opportunity to store construction tools and equipment at **21406 Lena Road Boonsboro MD, 21713**. We are a small Family Construction Business working hard on building something for our family's future.

We understand that the location of the property is zone out as residential, but if we are given the opportunity to store our tools and equipment, we can fence out the property by making it look decent and not making the community look messy. We will not be selling anything from there so we will not have any traffic jam issues, we will not do anything that can affect odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surroundings.

We will not disturb any of the homeowners or businesses in the area our purpose if only to store our equipment and to help us run our business from there, there will be 1 person running the small office pretty much just doing paperwork, making sure all the equipment/tools are in order. Occasionally, onsite not all the time our crew will also only stop by to pick up, take back and organize the tools/equipment used we will respect any homeowners and business by not making much noise and do it at a time when we are not being too early or too late. We are willing to adapt to whatever the conditions may be to help us make this happen.

We would also like to apologize for any issues and inconveniences we might have caused for not making this request sooner.

We anticipate a favorable response and please do not hesitate to contact me for any further questions or concerns regarding this matter. You may contact Jorge at (240)626-6020, Francisco (301)401-1312.

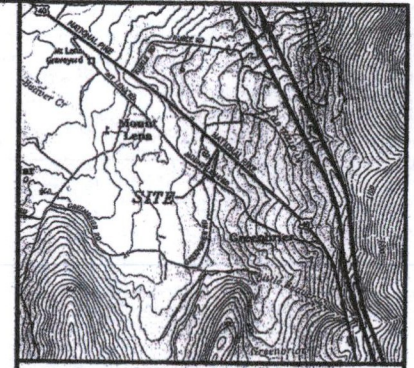
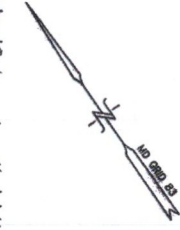
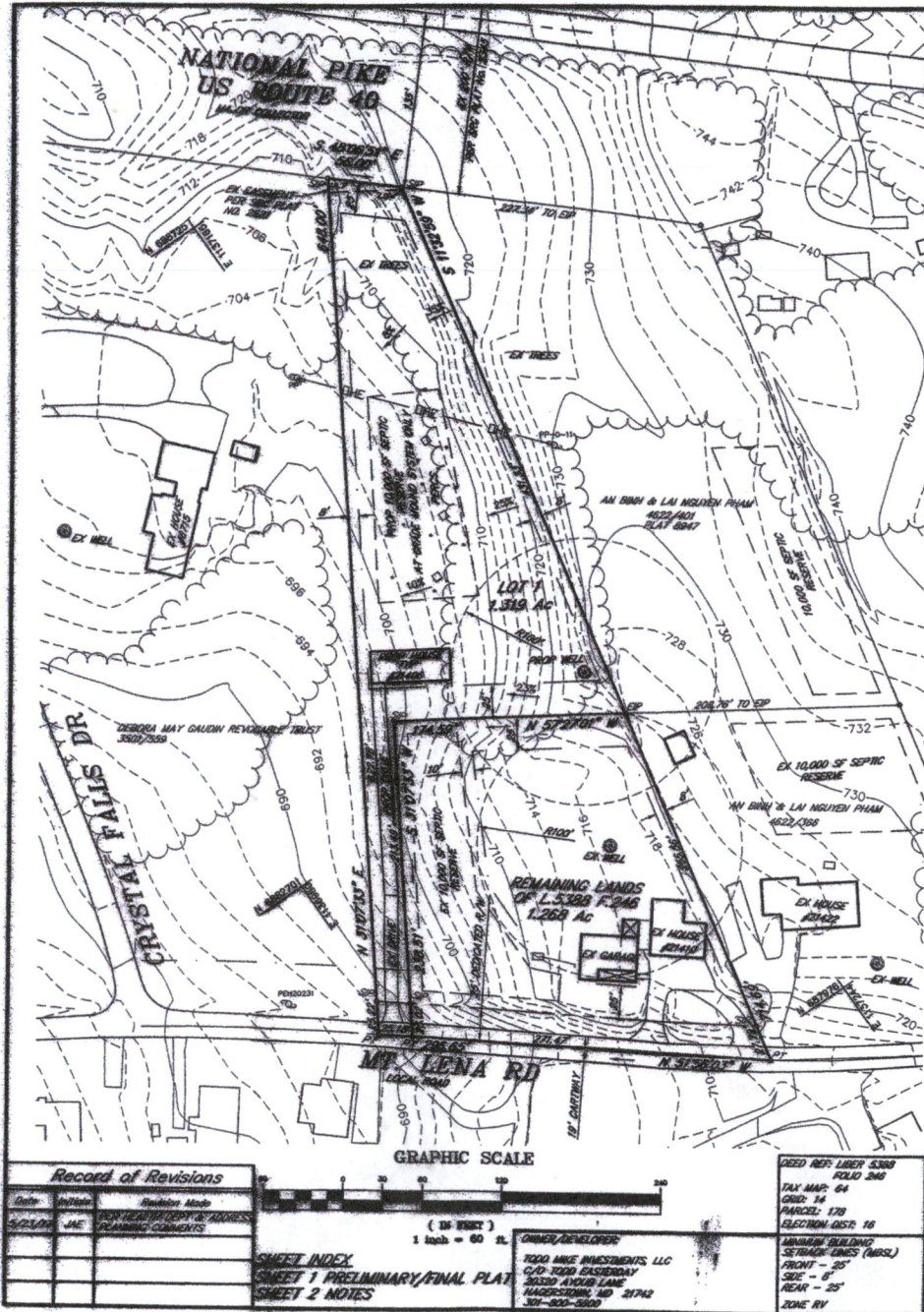
Respectfully,



JORGE TREJO



FRANCISCO TREJO



LOCATION MAP 1"=2000'
 TAX MAP 84 GRID 14 PARCEL 178
 ADC MAP 27 GRID 48

AREA TABULATION

ORIGINAL AREA L.5388 F.246	2.587 Acres
- LOT 1	1.319 Acres
REMAINING LANDS OF L.5388 F.246	1.268 Acres
GROSS AREA OF LOT 1	1.319 Acres
- DEDICATED R/W	0.014 Acres
- PANHANDLE	0.122 Acres
NET AREA OF LOT 1	1.183 Acres
GROSS REMAINING LANDS OF L.5388 F.246	1.268 Acres
- DEDICATED R/W	0.147 Acres
NET REMAINING LANDS OF L.5388 F.246	1.121 Acres

CERTIFICATE OF APPROVAL
FINAL APPROVAL GRANTED

Date: 7-24-17

By: [Signature]
 Washington County Planning Commission

FINAL APPROVAL GOOD FOR SIX (6) MONTHS FROM ABOVE DATE.

SOILS:

Symbol	Description	Acres	Percentage
BnB	Braddock-Thurmont gravelly loams, 3-BX slopes, k factor .24	2.587	100%

PLAT NO. 10753
 DATE: 7/24/17
 WASHINGTON COUNTY

PRELIMINARY/FINAL PLAT
 FOR LOT 1
 FOR
TODD MIKE INVESTMENTS, LLC
 SITUATE ALONG THE NORTH SIDE OF MT. LENA RD
 ELECTION DISTRICT 16
 WASHINGTON COUNTY
 MARYLAND

CO. FILE NO. S-17-015

Area	2.587 Ac.
Scale	1"= 60'
Date	7/22/17
Drawn	JAE
Checked	[Signature]
730	7644

R LEE ROYER & ASSOCIATES
 SURVEYING

PENNSYLVANIA - MARYLAND
 1844 BUCKHORN TRAIL EAST
 WASHINGTON, PA 17260
 717-266-6849

SHEET 1



Record of Revisions

Date	Author	Revision	Block
7/22/17	JAE	PRELIMINARY/FINAL PLAT	ADDRESS
	JAE	PLANNING COMMENTS	

GRAPHIC SCALE

(IN FEET)
 1 inch = 60 ft.

SHEET INDEX
 SHEET 1 PRELIMINARY/FINAL PLAT
 SHEET 2 NOTES

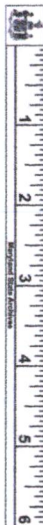
OWNER/DEVELOPER:
 TODD MIKE INVESTMENTS, LLC
 C/O TODD ESKERDAY
 30320 AYDOR LANE
 WASHINGTON MD 21742
 301-800-5100

DEED REF: LIBBY S300
 FOLIO 248
 TAX MAP: 84
 GRID: 14
 PARCEL: 178
 ELECTION DIST: 16

MINIMUM BUILDING SETBACK LINES (MSL)
 FRONT - 25'
 SIDE - 6'
 REAR - 25'
 ZONE: RV

P23185

MSA C2167-7709-1



OWNERS' DEDICATION

WE DO HEREBY CERTIFY FOR OURSELVES AND OUR PERSONAL REPRESENTATIVES, HEIRS AND ASSIGNS THAT WE HAVE REVIEWED THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN AND THAT WE HEREBY AGREE TO THE PLAN OF SUBDIVISION SHOWN HEREON. WE HEREBY AGREE TO THE LOCATION OF ALL UTILITIES AND DRAINAGE SYSTEMS AND ALL ERECTION, CONSTRUCTION AND MAINTENANCE OF SAID UTILITIES AND DRAINAGE SYSTEMS AND TO KEEP OPEN ALL SAID UTILITIES AND DRAINAGE SYSTEMS. WE HEREBY AGREE THAT SAID DEDICATION SHALL TAKE EFFECT AND BE BINDING UPON US, OUR HEIRS AND ASSIGNS, OUR SUCCESSORS, HEIRS, AND PERSONAL REPRESENTATIVES ON THE DATE OF COUNTY COMMISSIONER'S APPROVAL OF THIS PLAN OF SUBDIVISION AND WE HEREBY AGREE TO WAIVE SIMPLE TITLE IN THE LAND UNDER THE SAID EASEMENTS RIGHTS OF WAY, OPEN SPACES AND RESERVE RIGHTS AND TO WAIVE TO THE SAID EASEMENTS, AND RIGHTS OF WAY, HEREBY MADE TO GRANT TO SAID BOARD OF COUNTY COMMISSIONERS UNDER THE USE OF SAID WASHINGTON COUNTY ZONING ORDINANCE UNDER THE LEGAL ACCEPTANCE OF SAID EASEMENTS AND/OR RIGHTS OF WAY BY SAID BOARD.

THIS DEED AND AGREEMENT OF DEDICATION SHALL BE BINDING UPON MY/OUR GRANTEES, ASSIGNS, SUCCESSORS, HEIRS, AND PERSONAL REPRESENTATIVES.

THERE ARE NO SALES, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY DESCRIBED IN THE PLAN OF SUBDIVISION EXCEPT THE FOLLOWING:

AND ALL PARTIES HAVING AN INTEREST THEREIN HAVE HERETOFORE AFFIRMED THEIR SIGNATURES, INDICATING THEIR ASSENT TO THE PLAN OF SUBDIVISION.

WITNESS OUR HANDS AND SEALS THIS 21 DAY OF APRIL 2017

WITNESS: *Dale E. Conley* DATE: 4/21/17
 WITNESS: *Michael Easterday* DATE: 4/21/17

HEATHER B. JENKINS
 Notary Public
 Washington County
 Maryland
 My Commission Expires November 30, 2018

STORMWATER MANAGEMENT NOTE

On lot Stormwater Management is required and shall be reviewed and approved by the Washington County Department of Public Works, Land Development Engineering at the Grading Permit stage. Stormwater Management must meet current criteria of the Stormwater Management Ordinance at the time of Grading Permit application. All on-lot facilities will be owned and maintained by the lot owner. They will have to be bonded prior to Grading Permit issuance and will require a Maintenance Agreement between the Lot Owner and the County. Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.

Note: Any development must comply with the Stormwater Management Regulations. Stormwater Management will be provided at the time of permit application. Washington County Engineering Department review fees will be determined and due prior to the approval of building entrance permits.

CERTIFICATION FOR LENDING INSTITUTIONS

WE DO HEREBY ASSENT TO THIS PLAN OF SUBDIVISION:

Dale E. Conley 4-20-2017
 Date Conley Date
Michael Easterday 4-20-2017
 Date Easterday Date

Record of Revisions

Date	Initials	Revisions Made

OWNER/DEVELOPER:
 TODD MIKE INVESTMENTS, LLC
 C/O RICH EASTERDAY
 20300 AYUB LN
 HAGERSTOWN MD 21742
 301-990-9800

CERTIFICATE OF APPROVAL OF INDIVIDUAL WATER SUPPLY & INDIVIDUAL SEWERAGE SYSTEM

I HEREBY CERTIFY THAT THE MINIMUM OWNERSHIP AREA COMPLES WITH THE MINIMUM WETLAND AND TERRESTRIAL AREA REQUIREMENTS SPECIFIED IN COMAR 08.04.02.01. SUCH MINIMUM OWNERSHIP SHALL TERMINATE TO THE MINIMUM WETLAND AND TERRESTRIAL AREA SET FORTH IN COMAR 08.04.02.01.01. COMMUNITY SEWERAGE AND WATER HAVE BEEN MADE AVAILABLE. NOT MORE THAN ONE PRINCIPAL BUILDING MAY BE ERECTED OR CONSTRUCTED ON A LOT OR COMBINED AS SET FORTH IN THE MINIMUM OWNERSHIP AREA AS ESTABLISHED BY COMAR 08.04.02.01.01. UNTIL COMMUNITY SEWERAGE HAS BEEN MADE AVAILABLE.

Date: *4/21/17* DATE: 4/21/17
 County Health Officer: *Michael Easterday* COUNTY HEALTH OFFICER

INTERIM FACILITIES PROVISION CERTIFICATE

IN COMPLIANCE WITH COMAR 08.04.02.01.01 AND (2) THE INDIVIDUAL WATER SUPPLY AND/OR SEWER SYSTEM IS HEREBY PERMITTED ON A TEMPORARY INTERIM BASIS. ROUTINE MAINTENANCE IS ADVISED THAT THE INDIVIDUAL SYSTEMS SERVING THE LOT INDICATED ON THIS PLAN ARE OF TEMPORARY INTERIM NATURE AND THAT CONNECTION TO A PERMANENT COMMUNITY SYSTEM SHALL BE MADE WITHIN ONE (1) YEAR OF LESS AFTER THE SYSTEM BECOMES AVAILABLE.

Date: *4/21/17* DATE: 4/21/17
 County Health Officer: *Michael Easterday* COUNTY HEALTH OFFICER

INTRAFAMILY TRANSFER DECLARATION OF INTENT

District 18 Account # 005885 Map 6E Grid 1E Parcel 122

Property Owner's Name(s): *Todd Mike Investments, LLC*
 Permanent Mailing Address: *20300 Ayub Ln, Hagerstown, MD 21742*

Recipient's Name(s): *Michael Easterday*
 Recipient's Relationship to Owner(s): *Son/Daughter*

Property Location: *North Side of Mt. Lena Road*
 Current Deed Reference: *Lib 5382 Folio 246*

I, *Michael Easterday*, the Owner(s) of the real property located at 21410 Mt. Lena Road and described in the above referenced deed(s) hereby declare my (our) intention to make the intrafamily transfer exemption for the above referenced property in accordance with the provisions of the Washington County Forest Conservation Ordinance and COMAR 08.18.01.04. for a period of five (5) consecutive full taxable years following the date of acquisition of this document. This declaration grants an exemption for the purpose of constructing a dwelling house intended for the use of the owner or the immediate family member of the owner identified above based on the Washington County Forest Conservation Ordinance. If the land does not remain in the possession of an immediate family member for a period of the (5) years the Owner must notify the Washington County Planning Commission and may lose this exemption. If the Owner makes application for an activity regulated under the Forest Conservation Ordinance, clears more than 20,000 square feet or more of forest from the above referenced property, or violates the requirements of a previous Forest Conservation Plan on all or part of the lot within the five (5) year period covered by this Declaration of Intent, Washington County may re-evaluate the exempt status conferred by this most information of information requirements established in the Forest Conservation Ordinance and COMAR 08.18.01.04. Forested areas cut in violation of this exemption may also be subject to noncompliance fees.

I (we) declare under the penalties of law that this declaration, including any accompanying forms and statements, has been executed by me (us) and the information contained herein, to the best of my (our) knowledge, information and belief, is true, correct and complete.

Todd Easterday Date: 4-21-2017
 Michael Easterday Date: 4-21-2017

SUBVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE LANDS AS CONVEYED BY RALPH KENDLE AND JANICE LORRAINE KENDLE TO TODD MIKE INVESTMENTS, LLC BY DEED DATED DECEMBER 7, 2016, AND RECORDED AT LIBER 5388 FOLIO 246; AMONG LAND RECORDS OF WASHINGTON COUNTY, MARYLAND.

Date: 4-17-17
 R. Lee Royer
 R. LEE ROYER
 PROPERTY LINE SURVEYOR
 MD REGISTRATION No. 163

NOTES

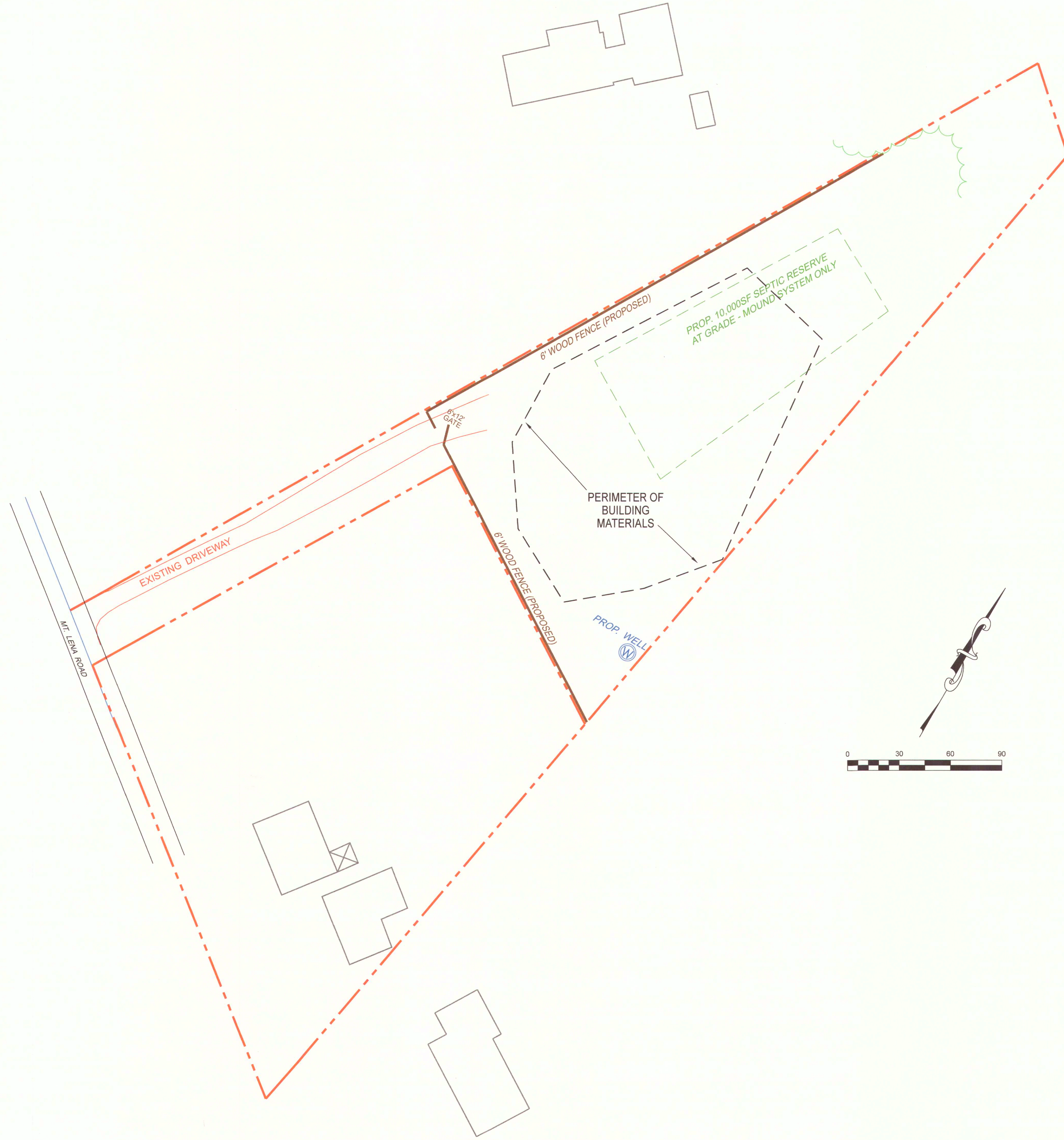
1. BEARINGS AND DISTANCES IN BASED ON A FIELD RUN MONUMENTED BOUNDARY SURVEY DONE ON OR ABOUT MARCH 20, 2017, BY R. LEE ROYER & ASSOCIATES. HORIZONTAL DATUM BASED ON MD NAD83.
2. ZONED "RV" RURAL VILLAGE.
3. TOPOGRAPHY FROM WASHINGTON COUNTY GIS, NAVD83 DATUM.
4. RESERVED 10,000 SQUARE FOOT WASTE DISPOSAL SYSTEM AREA. NO PHYSICAL STRUCTURES PERMITTED. THERE SHALL BE A 10' SETBACK FROM SEPTIC RESERVE AREA.
5. THERE ARE NO WELLS, HOUSES OR SEWAGE DISPOSAL SYSTEMS WITHIN 100 FEET OF THE SUBDIVISION BOUNDARY, UNLESS SHOWN.
6. MT. LENA ROAD - LOCAL ROAD. A 25 FOOT RIGHT-OF-WAY MEASURED FROM THE CENTERLINE OF THE ROAD SHALL BE DEDICATED ALONG THE FRONTAGE OF THE LOTS FOR THE PURPOSE OF SUCH ROAD WIDENING.
7. NATIONAL FIRE (US ROUTE 40) - MAJOR COLLECTOR. ADEQUATE RIGHT-OF-WAY EXISTS FOR ROUTE 40. NO ADDITIONAL DEDICATION IS NEEDED.
8. THERE ARE NO FLOODPLAINS, STREAMS AND RELATED BUFFERS, OR HABITAT OF THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S. FISH AND WILDLIFE SERVICE PER 50 CFR 17 AS REQUIRED TO BE SHOWN BY SECTIONS 306, 307 & 314 OF THE SUBDIVISION ORDINANCE AND SECTION 4.21 OF THE ZONING ORDINANCE.
9. STEEP SLOPES HAVE BEEN LABELED.
10. THERE ARE NO FLOODPLAINS AS PER THE FLOOD INSURANCE RATE MAP No. 2400700180A, DATED MAY, 1 1978, ZONE C.
11. AN 8' WIDE UTILITY & DRAINAGE EASEMENT IS TO BE DEDICATED ALONG THE REAR AND SIDE PROPERTY LINES. A 10' WIDE UTILITY & DRAINAGE EASEMENT IS TO BE DEDICATED ALONG THE FRONT PROPERTY LINE.
12. ADDRESS IS BASED ON THE ENTRANCE LOCATION. IF DRIVEWAY IS CONSTRUCTED IN A DIFFERENT LOCATION, ADDRESS IS VOID AND OWNER MUST REAPPLY TO THE WASHINGTON COUNTY PLANNING COMMISSION FOR A NEW ADDRESS ASSIGNMENT.
13. THE RESIDENTIAL SUBDIVISION PLAN IS SUBJECT TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS. ANY FURTHER POTENTIAL OF SUBDIVISION OF ANY LOTS OR REMAINING LANDS CREATED BY THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE MARYLAND ANNOTATED CODE, ENVIRONMENT ARTICLE, SECTION 9-206 AND ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS.
14. IN ACCORDANCE WITH THE REQUIREMENTS OF THE MARYLAND ANNOTATED CODE, ENVIRONMENT ARTICLE, SECTION 9-206, UPON REDEDICATION OF THIS PLAN, A TOTAL 1 RESIDENTIAL LOTS, PLATS, BUILDING SITES, OR OTHER DIVISION OF LAND HAVE BEEN CREATED FROM THE PARENT PARCEL OR TRACT SINCE OCTOBER 1, 2012. IN ACCORDANCE WITH MARYLAND ANNOTATED CODE, ENVIRONMENT ARTICLE, SECTION 9-206 AND SUBJECT TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS, THERE ARE NOT MORE THAN 6 (SIX) REMAINING RESIDENTIAL LOTS, PLATS, BUILDING SITES, OR OTHER DIVISION OF LAND ALLOWED AS A SUBDIVISION.
15. ALL PROPOSED WELLS SHALL BE 100 FEET FROM ALL SEPTIC RESERVE AREAS.
16. DRAINAGE AREA TO THE SITE IS 128 ACRES.
17. THIS SITE IS NOT WITHIN 1000 FEET OF THE APPALACHIAN TRAIL.
18. THIS PLAN IS REVIEWED/APPROVED PER THE RV ZONING DISTRICTS. ANY DEVELOPMENT/CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE WASHINGTON COUNTY ZONING ORDINANCE CURRENTLY BEING ENFORCED.
19. THIS SITE IS NOT LOCATED WITHIN THE EDGEMOOR OR SMITHSBURG RESERVOIR WATERSHED OR THE UPPER BEAVER CREEK WATERSHED.

TODD MIKE INVESTMENTS, LLC
 SITUATE ALONG THE NORTH SIDE OF MT. LENA RD
 ELECTION DISTRICT 18
 WASHINGTON COUNTY
 MARYLAND

R. LEE ROYER & ASSOCIATES
 SURVEYING
 FERRYVILLE, MARYLAND
 1104 BUCHANAN TRAIL EAST
 WASHINGTON, PA 15386
 717-265-4869
 SHEET 2

CO. FILE NO. S-17-015

Area: _____
 State: _____
 Date: 4/21/17
 Drawn: JAE
 Checked: _____
 File: 7644



**MT. LENA RD. PROPERTY
 FOR
 TREJOS BROS.**

BUILDER: TREJOS BROS.	PLAN: MT. LENA ROAD
ADDITION:	PWR JOB NO:
ADDRESS:	DRAWN BY: BH
LOT:	CHECKED BY: VP
CITY:	DATE: DATE:
	SCALE: SCALE:



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: Jose & Marili Gonzalez
12809 Little Antietam Road
Hagerstown MD 21742
Appellant: Jose Gonzalez
12809 Little Antietam Road
Hagerstown MD 21742
Property Location: 12809 Little Antietam Road
Hagerstown, MD 21742
Description Of Appeal: Variance from the required 100 ft. setback for an animal husbandry structure to be 85 ft. from the right property line and 78 ft. from the left property line.

Docket No: AP2024-054
Tax ID No: 09013946
Zoning: A(R)
RB Overlay: No
Zoning Overlay:
Filed Date: 11/20/2024
Hearing Date: 12/18/2024

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: 22.94 (a)

Reason For Hardship: Property is not wide enough to meet the setbacks.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Residential Proposed Use: Animal Husbandry

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 20 day of November, 2024.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY

[Handwritten signature]

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: AP2024-054

State of Maryland Washington County, To Wit:

On 11/20/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Jose Gonzalez and made oath in due form of law as follows:

Jose Gonzalez 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 12/18/2024, 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 11/26/2024 and will remain until after the above hearing date.

Jose Gonzalez

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

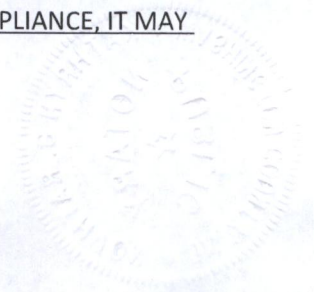
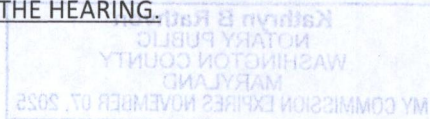
ATTENTION!

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.





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 12809 Little Antietam RD Hagerstown MD 21742

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

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

Specify the Ordinance section and subsection from which the variance is desired: Zoning ordinance - Zoning Certification

Specify the particular requirement(s) from which a variance is desired in that section or subsection: housing animals distance from property line - 100 Feet.

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

Distance of structure animal housing is less than 100FT from neighbor property line.

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

Provide Detailed Explanation on Separate Sheet

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

If yes, list docket number(s):

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

Signature of Appellant jcow51983@yahoo.com Email of Appellant

12809 little Antietam Rd Hagerstown MD 21742 Address and of Appellant 301-788-9969 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.

November 14,2024
12809 Little Antietam rd
Hagerstown MD 21742

APPEAL FOR VARIANCE

To whom it may concern:

I Jose Gonzalez ,I am writing this document to ask for appeal
To the ordinance regarding animals housing in my property.
There is not enough land to meet the required ordinance, but
I think it will be fair to me and my family to have the zoning
Permit approve ,since many neighbors in the area have farm
Animals.

We moved to this nice county to be able to have farm animals
They are a good way of relaxing time and a good way to my
Kids to spend time outside and have good time with the
Animals is like a good therapy for them makes them really
Happy, if we don't get the permits approve they will be some-
How depress. I am please asking to have this
Permits approved, it will be a big help to my family well being.
We are planning to house 20 chickens,including 2 roosters
Also Planning to have some chicks since we planning -

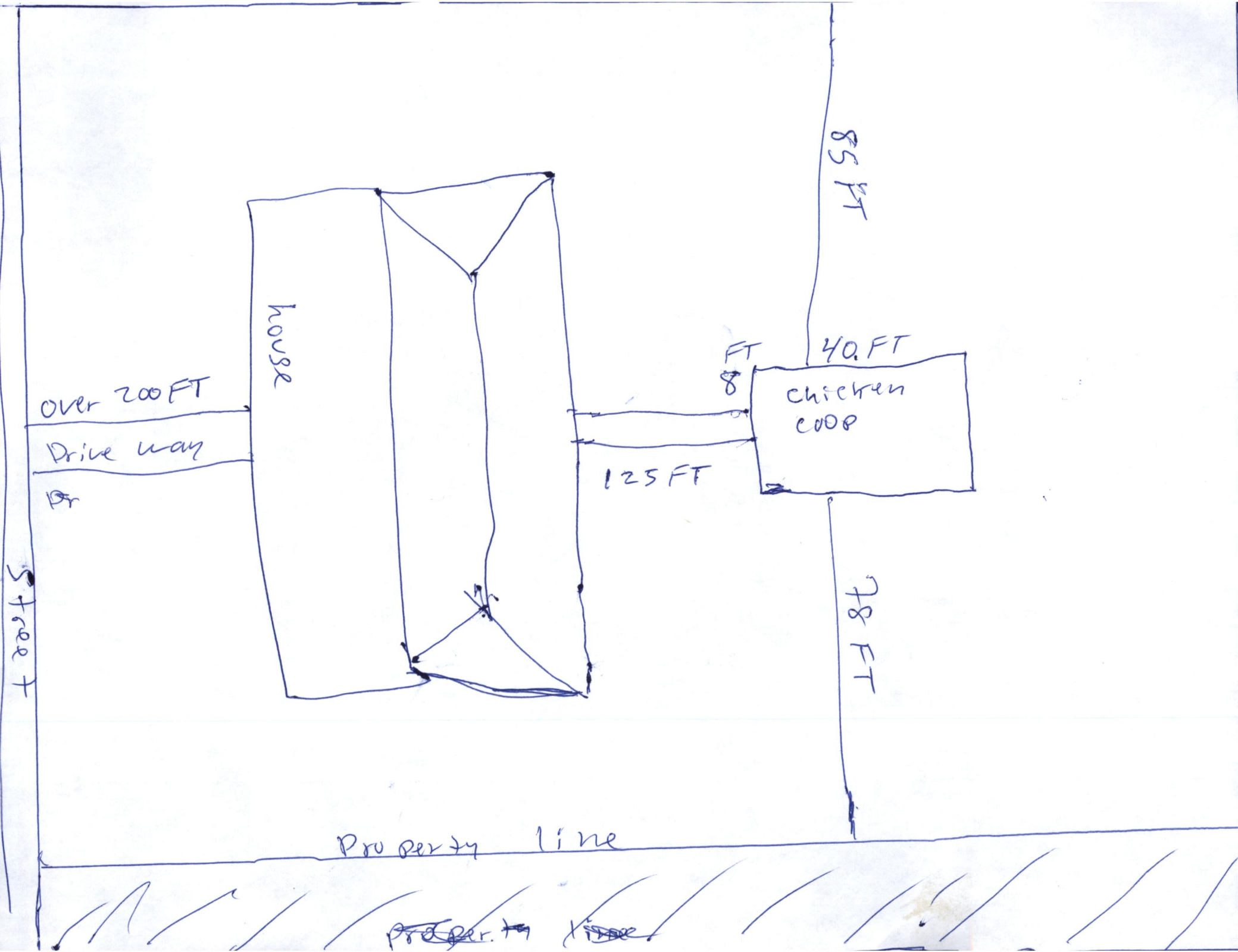
To eat some chickens time to time.and have the chicks to
Replaced the chickens.we also like to eat the eggs .

We are planning to house the animals in a 8x40ft animals
House including 2 goats.

Thank you so much for your attention and really hoping
To get the approval.



Jose Gonzalez -----



Over 200 FT

Drive way

Dr

Street

house

125 FT

FT
8

40 FT

chicken
coop

85 FT

78 FT

Property line

~~Property line~~



WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

1260 Maryland Avenue, Suite 101 • Hagerstown, MD 21740

Phone: (301)797-6821

[facebook.com/wcscd](https://www.facebook.com/wcscd)

www.conservationplace.com

TO: Washington County Division of Planning and Zoning

FROM: Mark Kendle *MLK*
Programs Technician / Office Coordinator

DATE: November 14, 2024

SUBJECT: Waste Management and Nutrient Management Plans

The operator listed below has an approved waste management plan and a nutrient management plan and we have discussed the need to properly store and manage manure to prevent water quality problems:

Jose Gonzalez
12809 Little Antietam Road
Hagerstown, MD 21742

The manure production from all sources on the farm is less than 6,000 tons.

The farm is not in the urban growth area.

If you have any questions or need additional information, please give me a call.

MJK/ORS

District Board of Supervisors

Harry E. Strite
Chair

J.D. Rinehart
Vice Chair

J. Scott Shank, III
Treasurer

Edward C. Wurmb, D.V.M.
Supervisor

Ariel Herrod
Supervisor

Boyd Michael
Associate

Kirk E. Winders
Associate

Jose Gonzalez
12809 Little Antietam Road
Hagerstown, MD 21742

Property Lines and building locations are approximate



Little Antietam Rd

12792

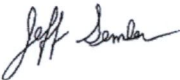
02

02

UNIVERSITY OF
MARYLAND
EXTENSION

Washington County Office
7303 Sharpsburg Pike
Boonsboro, Maryland 21713
TEL 301-791-1304
FAX 301-791-1048
jsemler@umd.edu

TO: Jose Gonzalez
12809 Little Antietam Road
Hagerstown, MD 21742

FROM: Jeff Semler 
Extension Educator
Agriculture and Natural Resources

DATE: November 7, 2024

SUBJECT: Nutrient Management Plan

In accordance with county zoning regulations concerning animal husbandry facilities, a nutrient management "plan" is required for construction of livestock facilities.

Obviously, your twenty chickens and two goats will not produce a large amount of manure, but some manure will accumulate and will need to be disposed of.

Most of the manure can be recycled on your 2.21-acre property as fresh or composted material. However, you should plan to move some of the manure to other fields or gardens.

Manure or compost may be applied to dormant grass at a rate of 10 tons per acre (50 pounds per 100 square feet). Fields or gardens to be plowed down may receive up to 20 tons of manure per acre (100 pounds per 100 square feet) but will require little to no fertilizer supplementation.

JS/jws

cc: Soil Conservation District

WASTE MANAGEMENT PLAN

OPERATOR: Jose Gonzalez

ADDRESS: 12809 Little Antietam Road
Hagerstown, MD 21742

DATE: 11/12/2024

PHONE: 301-788-9969

PREPARED BY: Mark Kendle

Washington County Soil Conservation District
1260 Maryland Avenue, Suite 101
Hagerstown, MD 21740

ANIMAL WASTE MANAGEMENT GUIDELINES

Proper management of animal wastes will prevent potential problems regarding surface and groundwater pollution, as well as reducing perceived and actual negative effects to neighbors. The animal husbandry operation on your property may be relatively small, in terms of animal numbers, waste produced, and acres of land affected, but the responsibility to properly manage the animal waste produced remains with you. We offer these guidelines in lieu of a formal Waste Management Plan due to the limited scope of your operation.

We expect you will follow the guidelines that apply to your operation.

CRITICAL FACTORS TO CONSIDER

1. **Housing animals:** Sufficient space must be provided for not only the current numbers of animals but any potential additional animals.
2. **Social and legal concerns:** We recommend you contact adjacent property owners to discuss the proposed construction of your animal husbandry facility. We have found that by taking this one simple step, you can avoid many future problems. Please observe all setback requirements related to buildings, property lines, wells, etc.
3. **Drainage control:** Excessive drainage of water through your building and adjacent heavy traffic areas should be minimized through proper grading during the construction of your facility. Do not locate buildings in natural or manmade drainage swales or drainage easements.
4. **Roof runoff control:** Runoff of rainwater from roofs should be collected in rain gutters (spouting) and directed away from areas where animal waste is deposited or stored. Gutter outlets need to be protected from erosion by proper placement of rocks or commercially available splash blocks.
5. **Nutrient management:** The Washington County University of Maryland Extension has provided you with an abbreviated Nutrient Management Plan. The recommendations in the plan need to be followed to be sure animal waste is applied to the land in a manner that does not cause excess nutrients to run off into nearby drainage ways, streams, rivers, or ponds.
6. **Stocking:** Land can easily be over-grazed when the stocking rate exceeds the capacity of pasture ground. A simple rule of thumb is not to exceed one animal unit (1000 lbs. of animal) per acre to maintain forage quality and quantity. Consult with the County Extension Agent or the Soil Conservation District personnel to determine if adequate pasture is available.

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT MANURE PRODUCTION WORKSHEET

TYPE: URBAN GROWTH: No

DAILY PRODUCTION OF MANURE PER ANIMAL UNIT (1000 POUNDS LIVE WEIGHT)

SWINE

Grower (40-220#)....63.4#
 Replace. Gilt.....32.8#
 Gestating Sow.....27.2#
 Lactating Sow.....60.0#
 Boar.....20.5 #
 Nurs. Pig (1-40#)...106.0#

DAIRY

Lact. Cow...80.0#
 Dry Cow.....82.0#
 Heifer.....85.0#

SHEEP...40.0#

HORSE...50.0#

POULTRY

Layer.....60.5#
 Turkey...43.6#

BEEF

Hi-energy diet...51.2#
 Hi-forage diet....59.1#
 Cow.....63.0#

No./Type	X	<u>Ave. Wt.</u> 1000#	X	<u>Manure Produced</u> See above	=	Lbs. Daily
Chickens - 20	X	0.004	X	60.5#	=	4.84
Goats - 2	X	0.15	X	40.0#	=	12
	X		X		=	
	X		X		=	
	X		X		=	
	X		X		=	
			TOTAL		=	16.84 Lbs. Daily

365 Days / Year X 16.84 lbs. Divided by 2000 / Ton = **3.07 Tons / Year Manure Production**

Operation is below the 6000 tons per year threshold set by the Washington County ordinance, therefore, does not require a more formal review procedure.

SITUATION:

- A. Location: 12809 Little Antietam Road, Hagerstown, MD 21742
- B. Operation: Goats / Chickens
 - 1. Type of facility to be constructed: 33' x 8' animal structure
 - 2. Current manure handling: Majority of the manure is composting in the 52' x 114' run. Excess manure is placed in compost bin next to the run.
 - 3. Proposed manure handling: Continue to let the manure compost in run and remove excess manure into compost bins or take excess manure to county landfill.
- C. Animal Numbers: 22
- D. Acreage available for manure application: 0.14 Acres

I. SPECIAL CONCERNS IDENTIFIED BY DISTRICT PERSONNEL: (to include all areas which are contributing to water quality concerns)

- Chickens and Goats must be confined to fenced in run area at all times.
- Free Range is not applicable at this property.

II. RECOMMENDATIONS:

- Compost to reduce volume and to stabilize nutrients.
- If volume becomes a problem, move off-site to neighbors and local farmers.
- Avoid stacking waste in areas of water run-off (i.e. roof run-off, drainage swales, etc.)
- Keep records of nutrient production and use
- Gutter shed and outlet water to a clean area away from waste.
- Rotationally graze animals to preserve vegetation and prevent water quality/erosion potential.

NUTRIENT MANAGEMENT:

- A. The Water Quality Improvement Act of 1998 requires most farmers in Maryland to develop and implement a nutrient management plan by specific deadlines

over the next several years. All agricultural operations grossing \$2500.00 or more annually, or livestock operations with more than eight animal units (one animal unit = 1,000 pounds live weight) are required to develop and implement a plan. Please review the information provided with this plan to determine if you are subject to the Water Quality Improvement Act.

- B. Test all manure for nutrient value. Use all manure sources before commercial fertilizer. Soil test regularly and follow test results.
- C. Follow the Nutrient Management Plan developed by the University of Maryland Extension, attached to this plan.

D. Labs available for testing manure:

- 1. Spectrum Analytic Inc
PO Box 639
Washington Court House, OH 43160 Phone 1-800-321-1562
- 2. A&L Eastern Agriculture Labs, Inc.
7621 Whitepine Road Richmond, VA. 23234 Phone (804)743-9401
- 3. Waters Agricultural Laboratories
2101 Calhoun Road
Highway 81
Owensboro, KY 42301 Phone (270)-685-4039

A. Application:

- 1. Rate of manure application should be based on realistic yield goals and not exceed the nutrient recommendations from the Nutrient Management Plan provided by the University of Maryland Extension. Application rates should be reduced on ground where incorporation is not feasible.
- 2. Application equipment should be calibrated annually. This service can be provided by The University of Maryland Extension.
 - A. Do not spread manure on snow covered or frozen ground.
 - B. Do not spread manure within 100 feet of a flowing stream and within 5 feet of a drainage way.

I have reviewed the Animal Waste Management Plan, and the information contained in this document is true and accurate to the best of my knowledge:

Signature: Mark J. Velt

Soil Conservation Representative

Date: 11/19 / 2024

Signature: JAY

Landowner / Operator

Date: 11/20/2024

- ◆ All calculations contained in this document are based on information provided to the Washington County Soil Conservation District by the Landowner/Operator
- ◆ The Washington County Division of Planning and Zoning require permits for the construction of Animal Husbandry Facilities. They may be contacted at (240) 313-2461.



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 & G LLC
C/O Greg Strait
PO Box 603
Greencastle PA 17225
Appellant: Trejo Brothers LLP
234 Stanford Road
Hagerstown MD 21742
Property Location: 1055 Mount Aetna Road
Hagerstown, MD 21740
Description Of Appeal: Requesting for a rental business for construction equipment and party supplies to be considered a functionally similar use to a principally permitted use within the zoning district.

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

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section 12.2 (I)
Reason For Hardship:
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:

Existing Use: Previously Contractor Company Proposed Use: Equipment/Party Rental Business
Previous Use Ceased For At Least 6 Months: Date Ceased:
Area Devoted To Non-Conforming Use - Existing: Proposed:

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

[Signature]
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 21 day of November, 2024.

Kathryn B Rathvon
Notary Public
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025

[Signature]
Notary Public
[Notary Seal]



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: AP2024-055

State of Maryland Washington County, To Wit:

On 11/21/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Gabriela Trejo and made oath in due form of law as follows:

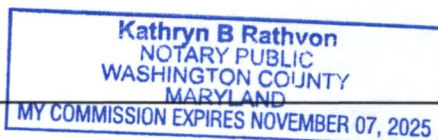
Gabriela Trejo will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 12/18/2024, and that said sign(s) will be erected on 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 11/26/2024 and will remain until after the above hearing date.

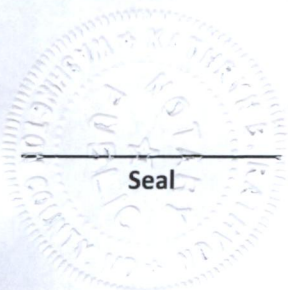
Gabriela Trejo

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

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

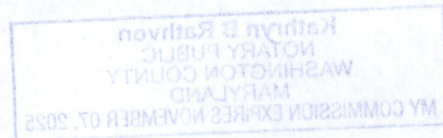
ATTENTION!

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.





BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

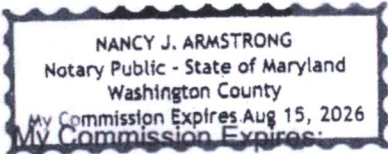
This is to certify that Trejo Brothers Construction, LLP is authorized to file an appeal with the Washington County Board of Appeals for located 1055 Mount Aetna Road Hagerstown, MD 21740 on property The said work is authorized by D:G LLC, Gregory Strait the property owner in fee.

PROPERTY OWNER

D:G, LLC Name PO Box 603 Address Greencastle, PA 17225 City, State, Zip Code

Owner's Signature

Sworn and subscribed before me this 18th day of November, 2024.



Nancy J. Armstrong Notary Public

AUTHORIZED REPRESENTATIVE

Jorge Trejo Name 234 STUNFORE RCI Address HAGERSTOWN, MD 21742 City, State, Zip Code

Jorge Trejo Authorized Representative's Signature

Sworn and subscribed before me this 21 day of November, 2024.

My Commission Expires:



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



BOARD OF ZONING APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that GABRIELA TREJO is authorized to file an appeal with the Washington County Board of Appeals for located 1055 Mount Aetna Road Hagerstown MD 21740 The said work is authorized by TREJO BROTHERS CONSTRUCTION LLP - JORGE TREJO the property owner in fee.

PROPERTY OWNER

JORGE TREJO Name 234 STANFORD RD Address HAGERSTOWN, MD 21742 City, State, Zip Code Owner's Signature



Sworn and subscribed before me this 8th day of November, 2024.

My Commission Expires: 3/28/27

Sheryl Bingaman Notary Public

Sheryl Bingaman Notary Public Washington County, MD My Commission Expires: March 28, 2027

AUTHORIZED REPRESENTATIVE

GABRIELA TREJO Name 234 STANFORD RD Address HAGERSTOWN, MD 21742 City, State, Zip Code Authorized Representative's Signature



Sworn and subscribed before me this 8th day of November, 2024.

My Commission Expires: 3/28/27

Sheryl Bingaman Notary Public

Sheryl Bingaman Notary Public Washington County, MD My Commission Expires: March 28, 2027

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

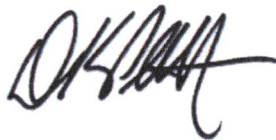
STATE OF MARYLAND

Department of Assessments and Taxation

I, DANIEL K. PHILLIPS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO LIMITED LIABILITY PARTNERSHIPS, OR THE RIGHTS OF LIMITED LIABILITY PARTNERSHIPS TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT TREJO BROTHERS CONSTRUCTION LLP (A16422180), REGISTERED MARCH 17, 2015, IS A LIMITED LIABILITY PARTNERSHIP EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF MARYLAND, AND THAT THE LIMITED LIABILITY PARTNERSHIP IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING TO TRANSACT BUSINESS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS NOVEMBER 19, 2024.



Daniel K. Phillips
Director



700 East Pratt Street, 2nd Flr, Ste 2700, Baltimore, Maryland 21202
Telephone Baltimore Metro (410) 767-1344 / Outside Baltimore Metro (888) 246-5941
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice

Online Certificate Authentication Code: BqRpNa_YqUCotbzq8Ht6nw
To verify the Authentication Code, visit <http://dat.maryland.gov/verify>

STATE OF MARYLAND
Department of Assessments and Taxation

I, Daniel K. Phillips, Director of the State Department of Assessments and Taxation, hereby certify that the attached document, consisting of 2 pages, inscribed with the same Authentication Code, is a true copy of the public record of the

CERTIFICATE OF LIMITED LIABILITY PARTNER-DOMESTIC LLP

for

TREJO BROTHERS CONSTRUCTION LLP

(Department ID: **A16422180**)

I further certify that this document is a true copy generated from the online service with the State Department of Assessments and Taxation.

In witness whereof, I have hereunto subscribed my signature and affixed the seal of the State Department of Assessments and Taxation of Maryland at Baltimore on this November 19, 2024.



Daniel K. Phillips
Director



700 East Pratt Street, 2nd Flr, Ste 2700, Baltimore, Maryland 21202
Telephone Baltimore Metro (410) 767-1344 / Outside Baltimore Metro (888) 246-5941
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice

Online Certificate Authentication Code: 81CfdqK_I EuWRd7z1f8UAQ
To verify the Authentication Code, visit <http://dat.maryland.gov/verify>

Certified Documents with a verifiable Authentication Code are Official, State-Approved Documents

CORPORATE CHARTER APPROVAL SHEET

** EXPEDITED SERVICE **

** KEEP WITH DOCUMENT **

DOCUMENT CODE 60 BUSINESS CODE 20



1000362007726872

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

ID # A16422180 ACK # 1000362007726872
PAGES: 0002
TREJO BROTHERS CONSTRUCTION LLP

Surviving (Transferee) _____

03/17/2015 AT 07:03 A WO # 0004443595

New Name _____

FEES REMITTED

Base Fee: 100
Org. & Cap. Fee: _____
Expedite Fee: 70
Penalty: _____
State Recordation Tax: _____
State Transfer Tax: _____
Certified Copies _____
Copy Fee: _____
Certificates _____
Certificate of Status Fee: 20
Personal Property Filings: _____
Mail Processing Fee: _____
Other: _____

TOTAL FEES: 190

Credit Card Check _____ Cash _____

Documents on _____ Checks _____

Approved By: 15

Keyed By: _____

COMMENT(S):

_____ Change of Name
_____ Change of Principal Office
_____ Change of Resident Agent
_____ Change of Resident Agent Address
_____ Resignation of Resident Agent
_____ Designation of Resident Agent
_____ and Resident Agent's Address
_____ Change of Business Code
_____ Adoption of Assumed Name
_____ Other Change(s)

Code _____

Attention: _____

JORGE TREJO BARAJAS
4994 PINTAIL CT
FREDERICK MD 21703-9504

CUST ID: 0003227015
WORK ORDER: 0004443595
DATE: 03-25-2015 04:35 PM
AMT. PAID: \$190.00

CERTIFICATE OF LIMITED LIABILITY PARTNERSHIP

The undersigned, with the intention of creating a Maryland Limited Liability Partnership files the following certificate of Organization:

(1) The name of the Limited Liability Partnership is: TREJO BROTHERS CONSTRUCTION LLP

(2) The purpose for which the Limited Liability Partnership is filed is as follows:
NEW CONSTRUCTION AND REMODELING OF EXISTING STRUCTURES FOR:
CONCRETE, HARDWOOD FLOORING, AND FRAMING

(3) The address of the Limited Liability Partnership in Maryland is:
4994 PINTAIL CT FREDERICK, MD. 21703

(4) The resident agent of the Limited Liability Partnership in Maryland is:
JORGE LUIS TREJO BARAJAS
whose address is 4994 PINTAIL CT. FREDERICK, MD. 21703

(5) Other Provisions: OTHER PARTNERS ARE:
OMAR ALEJANDRO TREJO AND JUAN CARLOS TREJO

(6) _____

Signature(s) of Authorized Person(s)

(7) 
Resident Agent
I hereby consent to my designation in this document.

Filing party's return address:
4994 PINTAIL CT.
FREDERICK, MD. 21703

CUST ID:0003227015
WORK ORDER:0004443595
DATE:03-25-2015 04:35 PM
AMT. PAID:\$190.00

TREJO BROTHERS CONSTRUCTION LLP

234 Stanford Road Hagerstown, MD 21742

Trejo.Brothers1@gmail.com

[Office: \(240\)626-6020](tel:(240)626-6020)

November 20th, 2024

I Jorge Trejo, General Partner for Trejo Brothers Construction LLP, am submitting an appeal to see if we can be given an opportunity to operate a Party Rental and Construction Business at **1055 Mount Aetna Road Hagerstown, MD 21740**.

We would like to rent party supplies, tables, chairs, inflatables and tents.

As for the construction side, we would like to operate our current business set the main office there and rent small tools and equipment.

And at some point, we would like to sell Construction Materials such to Pavers and Stone Venier.

We do not anticipate any changes to the property, since it already has a storage building on the rear of the building and is fenced out so we will make sure that we can have everything well organized and separated as best possible so that it does not look like a cluster and can give a clean and welcoming environment.

- We expect to have 1-3 employees during business hours.
- We will not sell any type of material that might affect odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surroundings
- As far as traffic we will load and unload in a timely manner to avoid any or if so minimal traffic stops.

We anticipate a favorable response and please do not hesitate to contact me for any further questions or concerns regarding this matter. You may contact Jorge at (240)620-3414 or at the office phone number (240)626-6020.

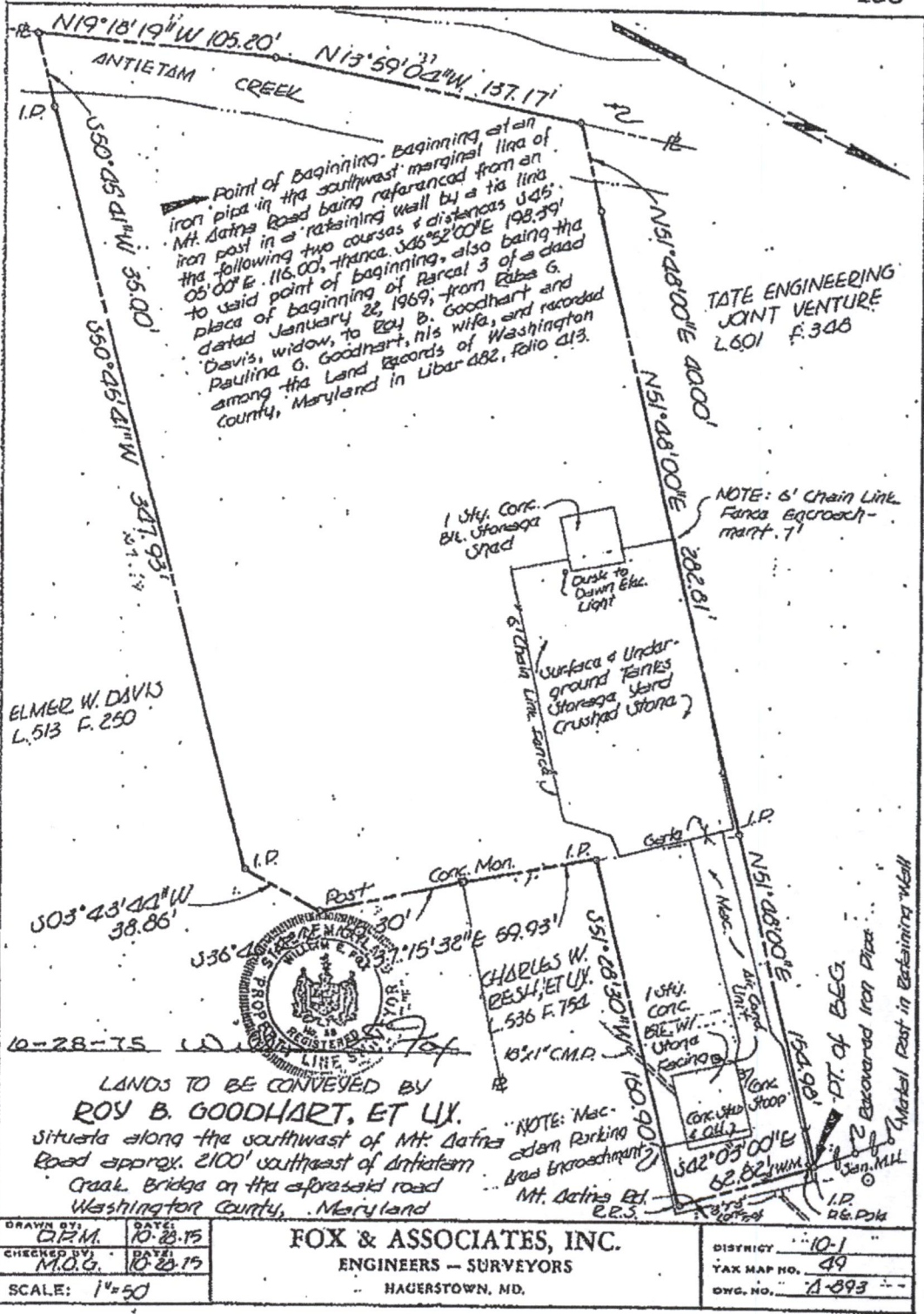
Respectfully,



JORGE TREJO

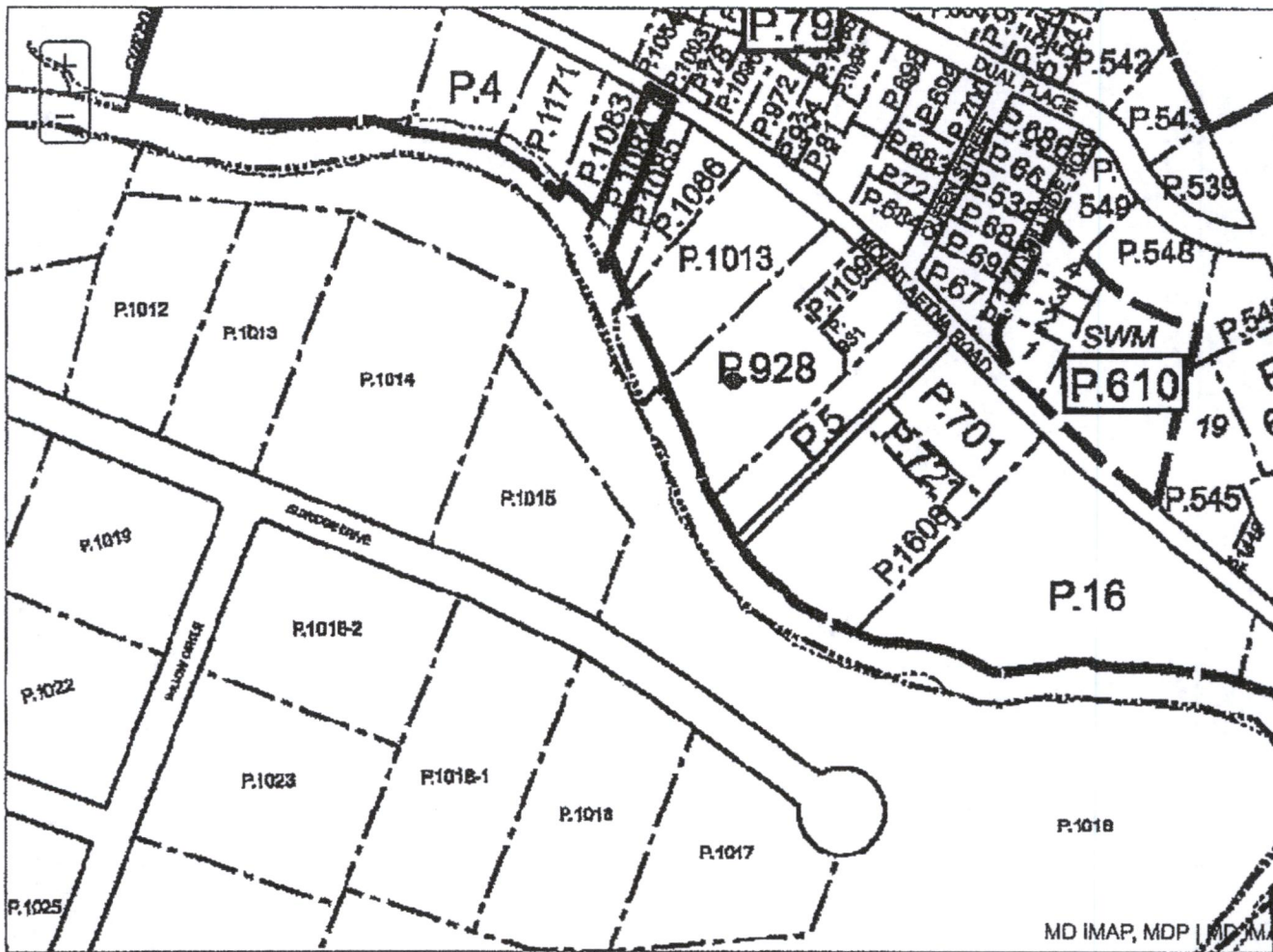
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WASHINGTON COUNTY CIRCUIT COURT (Land Records) VJB 604, p. 0455, MSA_CE18_564. Date available 09/27/2005. Printed 11/13/2024.

District: 10 Account Number: 017610



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

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

Property maps provided courtesy of the Maryland Department of Planning.

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

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

TREJO BROTHERS, LLP

* **Appeal No.: AP2024-055**

Appellant

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OPINION

Trejo Brothers, LLP (hereinafter “Appellant”) requests a special exception for a rental business for construction equipment and party supplies to be considered a functionally similar use to a principally permitted use at the subject property. The subject property is located at 1055 Mount Aetna Road, Hagerstown, Maryland 21740 and is zoned Business General. The Board held a public hearing in this matter on December 18, 2024.

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. D & G, LLC is the owner of the subject property, located at 1055 Mount Aetna Road, Hagerstown, Maryland. The subject property is zoned Business General.
2. Appellant is the contract lessor of the subject property.
3. The subject property consists of a small commercial building with a fenced in rear yard area with gate access out to Mount Aetna Road.
4. In the immediate surrounding neighborhood there are several businesses including, Sunbelt Natural Foods, Hagerstown Smiles Dental office, Olde Town Title,

Fraker Signs, Fox & Associates Engineering and a dance studio.

5. Appellant would like to operate a rental business for party supplies and construction rental equipment at the subject property. This would include inflatables and other party supplies, hand tools and power tools, and small equipment. The largest piece of equipment they would expect to rent would be a bobcat.

6. Appellant characterized the proposed use as a very small-scale version of Ted's Rent-it Center.

7. Appellant expects to have between one (1) and three (3) employees during business hours and hopes to grow the business to a point where other products could be offered.

8. Aside from customer traffic in and out of the property, Appellant does not expect to change or affect the current traffic on Mount Aetna Road.

9. There was no opposition presented to this appeal.

Rationale

Functionally Similar Use

The Board must first determine whether the proposed use is functionally similar to a permitted or special exception use in the zoning district. Pursuant to Section 12.2 of the Ordinance, special exception uses in the Business General zoning district include those indicated in the Ordinance, "and any other use that the Board finds is functionally similar to any principally permitted use or special exception except adult bookstores, adult mini-motion picture theaters, or any type of adult entertainment listed in this Article." Appellants have asserted that the proposed use is similar to a retail outside building materials storage use which is an enumerated special exception in the Business General District. Based on the testimony that equipment and materials will be stored in the rear yard and the building will be used as an office, the Board is persuaded that the proposed use will be functionally similar to a special exception use.

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 subject property is already set up for a retail business, similar to other

properties in the surrounding area. The inclusion of Appellant's proposed business will not affect the character of the neighborhood, and it is not inconsistent with the existing uses in the area. Appellant provided testimony that the use will not produce any noise, odor, gas, smoke, fumes, or vibrations upon the surrounding properties and given the description, that appears accurate. There was no evidence presented that the proposed use would have any effect on property values or the peace and enjoyment of nearby homes. There is no evidence to suggest that the proposed use will have an effect on gatherings at any such locations in the surrounding area.

The Board finds that the proposed use is an appropriate use of land and/or structure. The Board recognizes there may be other appropriate uses for the property, but the proposed use is similar to a use that is permitted by special exception. There is an inherent appropriateness to such use as deemed by the Board of County Commissioners, subject to review of the criteria to evaluate the impact on surrounding properties.

Notwithstanding the analysis pursuant to *Schultz v. Pritts* and the related appellate opinions, there are no judicial decisions directly affecting the subject property.

The proposed project is consistent with the orderly growth of the community. There is no evidence that it will create dangerous traffic or other safety concerns within the surrounding area. The proposed use has adequate buffering and screening to shield adjacent property owners and does not require any variances for setback requirements. Thus, the proposed project can be completed and still maintain the other requirements of the Ordinance. The Board finds that the proposed use is consistent with the purpose and vision of the Ordinance.

Having considered the testimony and evidence presented and having further considered the criteria set forth in the Ordinance, the Board finds that the proposed use at the subject property will have no greater "adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within

the zone." *Schultz v. Pritts*, 291 Md. 1, 15 (1981). For all these reasons, we conclude that this appeal meets the criteria for a special exception, and Appellant's request should be granted.

Accordingly, the request for a special exception for a rental business for construction equipment and party supplies to be considered a functionally similar use to a retail outside building materials storage use at the subject property is hereby GRANTED, by a vote of 5 to 0. The special exception is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: January 17, 2025

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.