

## BOARD OF APPEALS

January 22, 2025

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

### AGENDA

**AP2024-058:** An appeal was filed by Donald & Kimmy Armstrong II for a variance from the required 12 ft. side and rear yard setback to 5 ft. for proposed detached garage on property owned by the appellants and located at 13612 Paradise Church Road, Hagerstown, Zoned Residential Suburban.

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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 January 13, 2025. 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: Donald & Kimmy Armstrong II
13612 Paradise Drive
Hagerstown MD 21742
Appellant: Donald & Kimmy Armstrong II
13612 Paradise Church Road
Hagerstown MD 21742
Property Location: 13612 Paradise Church Drive
Hagerstown, MD 21742
Description Of Appeal: Variance from the required setback of 12 ft. for side and rear yard setback to 5 ft. for a detached garage.

Docket No: AP2024-058
Tax ID No: 27001211
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 12/17/2024
Hearing Date: 01/22/2025

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 8.5 (b)

Reason For Hardship: Usable area is limited due to private well and septic area.

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single-Family Dwelling Proposed Use: Detached Garage

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 17 day of December, 2024.

[Handwritten Signature]
Notary Public

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





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**AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)**

Docket No: AP2024-058

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

On 12/17/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Donald & Kimmy Armstrong II and made oath in due form of law as follows:

Donald & Kimmy Armstrong II 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 01/22/2025, 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 12/31/2024 and will remain until after the above hearing date.

*Donald & Kimmy Armstrong II*  
\_\_\_\_\_  
Donald & Kimmy Armstrong II

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

*Kathryn B Rathvon*  
\_\_\_\_\_  
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

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## BOARD OF ZONING APPEALS

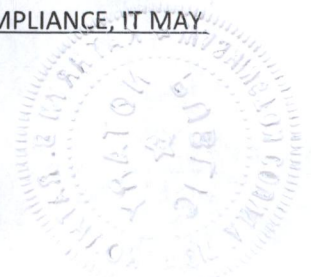
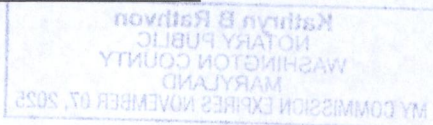
### ATTENTION!

### 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.



December 13, 2024

Donald Armstrong II  
13612 Paradise Church Road  
Hagerstown, MD 21742

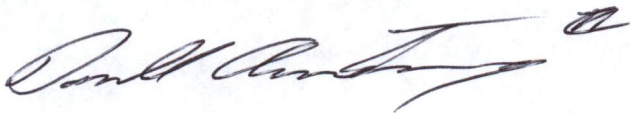
To whom it may concern,

Our property located at 13612 Paradise Church Road, Hagerstown, MD currently has a 7' x 7' shed that was built in 1968 on a concrete foundation that is 2' to 2' 4" from the side and back property lines. We would like to have the shed removed and have a 42' x 40' garage constructed on a concrete foundation with a setback of 5' from the side property line and 5' from the back property line which would still observe the spirit of the Ordinance and secure public safety and welfare.

Due to our property being on a private well and septic, the useable area to build a garage is limited. If we were granted a variance for a 5' setback from the side and back property lines, the proposed garage would meet the 25' setback from our current well that would allow it to be accessible for repairs.

If need be, it would also meet setbacks for siting of a new well, allowing for 100' from our septic and neighboring septics, 25' from the proposed garage, 15' from the existing well, and enough area to allow well rig access. The front and northern side yard area by the house is our current septic area and repair area. The only access for a vehicle to enter our back yard is from the southern side yard.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Donald Armstrong II", with a stylized flourish at the end.

Donald Armstrong II

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

**Special Tax Recapture: None**

**Account Identifier:** District - 27 Account Number - 011217

**Owner Information**

**Owner Name:** ARMSTRONG DONALD L II      **Use:** RESIDENTIAL  
 ARMSTRONG KIMMY L      **Principal Residence:** YES  
**Mailing Address:** 13612 PARADISE CHURCH RD      **Deed Reference:** /01882/ 00324  
 HAGERSTOWN MD 21742-2426

**Location & Structure Information**

**Premises Address:** 13612 PARADISE CHURCH RD      **Legal Description:** LOT 125X200 .57 A  
 HAGERSTOWN 21742-0000      13612 PARADISE CHURCH RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0024	0018	0974	27010230.22	0000				2025	
									<b>Plat Ref:</b>

**Town:** None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1968	1,856 SF		24,829 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full/ 1 half	1 Attached	

**Value Information**

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2024	07/01/2025
<b>Land:</b>	77,400	77,400		
<b>Improvements</b>	113,400	113,400		
<b>Total:</b>	190,800	190,800	190,800	
<b>Preferential Land:</b>	0			

**Transfer Information**

<b>Seller:</b> MARTIN DONALD H	<b>Date:</b> 12/09/2002	<b>Price:</b> \$153,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /01882/ 00324	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00	0.00

**Special Tax Recapture: None**

**Homestead Application Information**

**Homestead Application Status:** No Application

**Homeowners' Tax Credit Application Information**

**Homeowners' Tax Credit Application Status:** No Application      **Date:**

House Location Survey  
for  
Donald & Kimmy Armstrong  
13612 Paradise Church Road  
Hagerstown, MD

NOTE: Parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 240070 0085B, dated February 1, 1985, Flood Zone C.

**SURVEYOR'S CERTIFICATION**

I hereby certify that the dwelling and/or improvements shown hereon are within the metes and bounds of Parcel No. 2 of the lands conveyed to Donald H. Martin and Esther M. Martin by Donald H. Martin and Esther M. Martin, by deed dated March 8, 1996 and recorded in the Land Records of Washington County, Maryland in Liber 1258, folio 1008 and that the improvements shown hereon were located by accepted field practices and include permanent visible structures and surface encroachments if any that exist on the subject property at the date of survey dated November 21, 2002. This plat is not for determining property lines, but prepared for exclusive use of present owners of property and also those who purchase, mortgage, or guarantee the title thereto at this time of settlement and as to them I warrant the accuracy of this plat. No title report furnished.

*Frederic M. Frederick*

NOV 25 2002

