

ORDINANCE NO. ORD-2026-08

AN ORDINANCE TO AMEND THE ZONING MAP
FOR WASHINGTON COUNTY, MARYLAND
(RZ-25-010)

Pursuant to the provisions of Section 19.1 *et seq.* of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), David and Jessica Testa, the Applicants, have petitioned the Board of County Commissioners of Washington County, Maryland (*Board*), seeking to rezone three acres of real property, along the south side of the Leitersburg Pike, from the current Agricultural A(R) to the Rural Business (RB) classification.

The matter has been designated as Case No. RZ-25-010.

This application was reviewed by the Planning Commission, and the Planning Commission recommended that the application be approved.

The Board has considered all information presented at the public hearing conducted on March 24, 2026, and the recommendation of the Planning Commission. The Board has made factual findings and conclusions of law that are set forth in the attached Decision. The findings of fact and conclusions of law are incorporated herein.

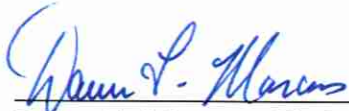
NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the property which is the subject of Case No. RZ-25-010 be, and hereby is, rezoned to the Agricultural Rural A(R) with the Rural Business (RB) overlay classification.

IT IS FURTHER ENACTED AND ORDAINED that the official Zoning Map for Washington County be, and hereby is, amended accordingly. The Director of Planning and Zoning shall cause the Zoning Map to be amended pursuant to this Ordinance.

Adopted and effective this 12th day of May, 2026.

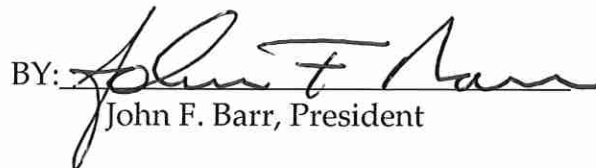
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Dawn L. Marcus, Clerk

BY:



John F. Barr, President

Approved as to form and
legal sufficiency:



Victor Scarpelli
Assistant County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

BEFORE THE
BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

DECISION
Rezoning Case RZ-25-10

Property Owner: Aaron J. Schroyer
Applicant: David and Jessica Testa
Requested Zoning Change: Agricultural Rural to Agricultural Rural with
Rural Business Overlay
Property: 20511 Leitersburg Pike, Election District #9 -
Leitersburg

The Board of County Commissioners of Washington County (the "Board"), acting upon the Applicant's Request, makes findings of fact with respect to the grant of a floating zone. We consider the recommendation of the Planning Commission which was made in this case, the legislative prerequisites for the floating zone and the compatibility of the surrounding neighborhood. After considering the recommendation of the Planning Commission and hearing evidence presented by the Applicant at a Public Hearing on March 24, 2026, the Board will grant the requested zoning map amendment and makes the following Decision, which adopts the findings of the Staff Report and Planning Commission, as well as the Applicant's arguments.

I. BACKGROUND:

David and Jessica Testa (the "Applicants"), have operated a business, Freedom Trailers, within an area zoned as Rural Business. This business has been successful, and the Applicants are interested in expanding. To that end, the Applicants have entered into an agreement with their neighbors in order to lease, and eventually own, three additional acres located directly behind their current business. This area is currently zoned Agricultural. The Applicants applied to the Board of County Commissioners to rezone this three-acre area located directly behind the Freedom Trailers business as a Rural Business Floating Zone so that they may continue to develop their business.

II. APPLICABLE LAW

The Rural Business District is established as a "floating zone" which may be located on any parcel in an Agricultural, Environmental, Conservation, Preservation, or Rural Village Zoning District. Washington County Zoning Ordinance, Section 5E.0. In order to rezone a property to a "floating zone," the zoning authority must find that the legislative prerequisites for the zone are met and the rezoning must be compatible with the surrounding neighborhood. *County Council of Prince George's County v. Zimmer Development Company*, 444 Md. 490, 516 (2015).

III. ANALYSIS There are four legislative prerequisites which must be met for the establishment of a new Rural Business District. These criteria are:

1. The proposed Rural Business District must not be within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed Rural Business District must have safe and usable road access on a road that meets the standards under the "Policy of Determining Adequacy of Existing Roads." In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed;
4. The location of a Rural Business District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Based on the evidence submitted, and with the advice of the Department of Planning and Zoning, the Board makes the following determinations:

1. The proposed Rural Business District is not located within any designated growth area identified in the Washington County Comprehensive Plan;
2. The subject three-acre area will have safe and usable access when it is joined with the existing Rural Business District currently being operated by the Applicants;

3. There are no onsite issues related to sewage disposal, water supply, stormwater management, or flood plans involved in this rezoning;
4. There are no cultural or historic implications involved in this application.

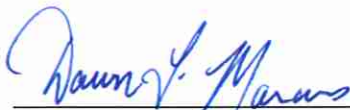
For these reasons, the Board finds that the proposed zoning amendment meets all applicable legislative prerequisites. Additionally, the Board determines that the proposed zoning amendment fits in with and is compatible to the current adjacent land uses. The Rural Business District was established to permit continuation and development of businesses that support the agricultural industry and farming community. Washington County Zoning Ordinance, Section 5E.0. Freedom Trailers is such a business whose products complement and support the local farming community.

CONCLUSION

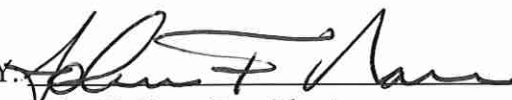
Based on the information provided by the Applicants in the initial application, further analysis by Staff and the recommendation of the Planning Commission, the Board of County Commissioners believes that there is sufficient evidence submitted to meet the burden for this Board to find in favor of the Applicant. The area in question shall be rezoned as a Rural Business District.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
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MARYLAND



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