



Washington County
MARYLAND

FOR PLANNING COMMISSION USE ONLY
Rezoning No. _____
Date Filed: _____

**WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE MAP AMENDMENT APPLICATION**

Ralph E. & Leah A. Martin

Applicant

19815 Reidtown Road
Hagerstown, MD 21742

Address

Noel S. Manalo, Esq.

Primary Contact

Offit Kurman, P.A.
5301 Bucklestown Pike, Suite 304
Frederick, MD 21704

Address

☒ **Property Owner** ☐ **Contract Purchaser**
☐ **Attorney** ☐ **Consultant**
☐ **Other:** _____

(240) 772-5108

Phone Number

noel.manalo@offitkurman.com

E-mail Address

Property Location: 19815 Reidtown Road - E of Paradise Church Rd., W of Marsh Pike

Tax Map: 0011 **Grid:** 0020 **Parcel No.:** 0031 **Acreage:** 2 Ac. +/-

Current Zoning: Rural Village **Requested Zoning:** Rural Business District (RB) Floating Zone

Reason for the Request: ☐ Change in the character of the neighborhood
 ☐ Mistake in original zoning ☒ **X Floating Zone**

PLEASE NOTE: A Justification Statement is required for either reason.

Ralph E. Martin

Leah A. Martin
Applicant's Signature

Franklin Co, PA

Subscribed and sworn before me this 4th day of August, 2023

My commission expires on 08/02/2026 *Megan M. Osborne*
Notary Public

FOR PLANNING COMMISSION USE ONLY

- ☐ Application Form
- ☐ Fee Worksheet
- ☐ Application Fee
- ☐ Ownership Verification
- ☐ Boundary Plat (Including Metes & Bounds)

- ☐ Names and Addresses of all Adjoining & Confronting Property Owners
- ☐ Vicinity Map
- ☐ Justification Statement
- ☐ 30 copies of complete Application Package

Commonwealth of Pennsylvania - Notary Seal
Megan M. Osborne, Notary Public
Franklin County
My commission expires August 2, 2026
Commission number 1123890
Member, Pennsylvania Association of Notaries

THIS DEED is made this 21st day of December, 2016, by Grant B. Martin, Personal Representative of the Estate of Anna Mary Martin, late of Washington County, Maryland, hereinafter Grantor, and Ralph E. Martin and Leah A. Martin, husband and wife, hereinafter Grantees.

WHEREAS, on the day of 10th day of July, 2016, Anna Mary Martin died, seized and possessed of the herein described property; and

WHEREAS, on the day of 15th day of August, 2016, the undersigned was appointed Personal Representative of the Estate of by the Orphans' Court for Washington County, Maryland, Estate No. 72216; and

WHEREAS, the decedent was a legal resident of the State of Maryland; no affidavit of residency or certificate of exemption of withholding tax is applicable or required.

NOW THEREFORE THIS DEED WITNESSETH: That for and in consideration of the sum of **SEVENTY THOUSAND and 00/100 (\$70,000.00) DOLLARS**, the receipt of which is hereby acknowledged, I, the said **GRANT B. MARTIN, Personal Representative of the Estate of ANNA MARY MARTIN**, do hereby grant and convey unto **RALPH E. MARTIN and LEAH A. MARTIN, husband and wife**, in fee simple, all those tracts or parcels of land, together with the improvements thereon, and all the rights, ways, privileges and appurtenances thereunto belonging on in anywise appertaining, lying contiguous and being situate in Election District No. 27, Washington County, Maryland, and being more particularly described as follows:

PARCEL NO. 1: Being all that tract or parcel of land lying South of the public road leading from Marsh Mills to Middleburg, being part of that tract of land which was conveyed to John S. Strite and Michael H. Eshelman by Peter H. Eshelman and Christian H. Eshelman, Trustees, by Deed dated March 29, 1895 and recorded in Liber 103, Folio 223 among the Land Records of Washington County, Maryland, and designated as Lot 3 on the Plat of survey, and contained with the following courses and distances: BEGINNING in the middle of the aforesaid public road and at the end of 45 perches on the first or North 59 ¼ degrees West 64-9/10 perch line of the aforesaid conveyance and at the end of the third line of Lot 2 which was conveyed to William H. Hykes by John S. Strite by Deed dated March 28, 1909 and recorded in Liber 110, Folio 160 among the aforesaid Land Records, and running thence reversing said third line of Lot No 2, South 31 degrees West 18 perches to a stone; thence South 59 ½ degrees East 9 perches to a stone at a corner of Lot No. 4; and with it North 31 degrees East 18 perches to the middle of said public road; and thence in the center thereof North 59 ½ degrees West 9 perches to the point of beginning; containing one (1) acre of land, more or less.

PARCEL NO. 2: Being all that tract or parcel of land, together with the improvements thereon, situate and lying on the Southwester side of the public road leading from Lehman's Mill (aka Marsh Mill) to Middleburg, and BEGINNING

for the outlines of the same in the aforesaid public road and at the end of 54 perches on the first or North 59 ¼ degrees West 64-9/10 perch line of the Deed from Peter H. Eshelman, et al, Trustees, to John S. Strite, et al, and at the end of the third line of Lot 1, South 31 degrees West 18 perches to a stone; thence South 59 ½ degrees East 9 perches to Lot No. 3; and with it North 31 degrees East 18 perches to the middle of said public road; and thence in the center thereof North 59 ½ degrees West 9 perches to the point of beginning; containing one (1) acre of land, more or less, and being known and designated as Lot No. 2.

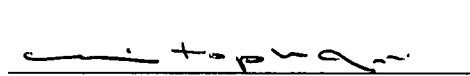
The street address of the herein described property is currently known and designated as 19815 Reidtown Road, Hagerstown, Maryland.

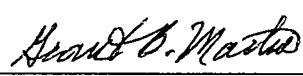
BEING all of the same property which was conveyed from Anna Mary Martin to Harvey M. Miller, Trustee, by Deed dated May 19, 1965 and recorded in Liber 423, Folio 553 among the Land Records of Washington County, Maryland; AND BEING all of the same property which was conveyed from Harvey M. Miller, Trustee, to Anna Mary Martin and Martha B. Martin, as joint tenants with the right of survivorship, by Deed dated May 19, 1965 and recorded in Liber 423, Folio 555 among the aforesaid Land Records. Martha B. Martin died on February 11, 2014; title thereafter vested in Anna Mary Martin.

THE above described property is conveyed subject to and together with any and all covenants, conditions, restrictions, reservations, easements, and rights of way of record applicable thereto.

WITNESS my hand and seal.

WITNESS:



 (SEAL)

Grant B. Martin, Personal Representative
of the Estate of Anna Mary Martin

STATE OF MARYLAND, COUNTY OF WASHINGTON, To-Wit:

I HEREBY CERTIFY that on this 21st day of December, 2016, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Grant B. Martin, Personal Representative of the Estate of Anna Mary Martin, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within and foregoing instrument; and he did acknowledge the execution of the within and foregoing Deed to be his voluntary act and deed; and he did acknowledge that the consideration is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:

9/6/2017

Heidi Jane Cooley (SEAL)
Notary Public

THIS is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Christopher Joliet
Christopher Joliet, Esquire

FIRST TIME MARYLAND HOME BUYER AFFIDAVIT

Each of the undersigned is a Grantee of residentially improved real property located at 19815 Reidtown Road, Hagerstown, Washington County, Maryland, as more particularly described herein; and each of the undersigned is a first-time Maryland home buyer, defined as an individual who has never owned residential real property in the State of Maryland that has been the individual's principal place of residence and who will occupy the property as his/her principal residence.

STATE OF MARYLAND, COUNTY OF WASHINGTON, To-Wit:

SWORN AND SUBSCRIBED before me, a Notary Public in and for the State and County aforesaid, this 21st day of December, 2016.

WITNESS my hand and Official Notarial Seal.

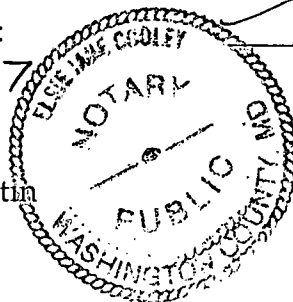
My Commission Expires:

9/6/2017

Heidi Jane Cooley (SEAL)
Notary Public

Mail to:

Mr. & Mrs. Ralph E. Martin
19815 Reidtown Road
Hagerstown, MD 21742



TODD L. HERSHEY, TREASURER
TAXES PAID December 22, 2016

cm

LR - Deed (w Taxes)
 Recording Fee - ALL
 20.00

Name: martin
 Ref:
 LR - County Transfer
 Tax - linked 100.00
 LR - Surcharge -
 linked 40.00
 LR - Recordation Tax -
 linked 532.00
 LR - State Transfer
 Tax - linked 175.00
 LR - NR Tax - 1kd 0.00

SubTotal: 867.00

Total: 867.00

12/22/2016 01:31

CC21-TR

#7503734 CC0403 -
 Washington
 County/CC04.03.04 -
 Register 04

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
 Washington County, Maryland**

Dennis J. Weaver, Clerk
 24 Summit Avenue
 Hagerstown, MD 21740
 301-790-7991

For Clerks Use Only

Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	100 -
Recordation Tax	532 -
State Transfer Tax	175 -
Non-Resident Tax	
TOTAL	867 -

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Washington

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

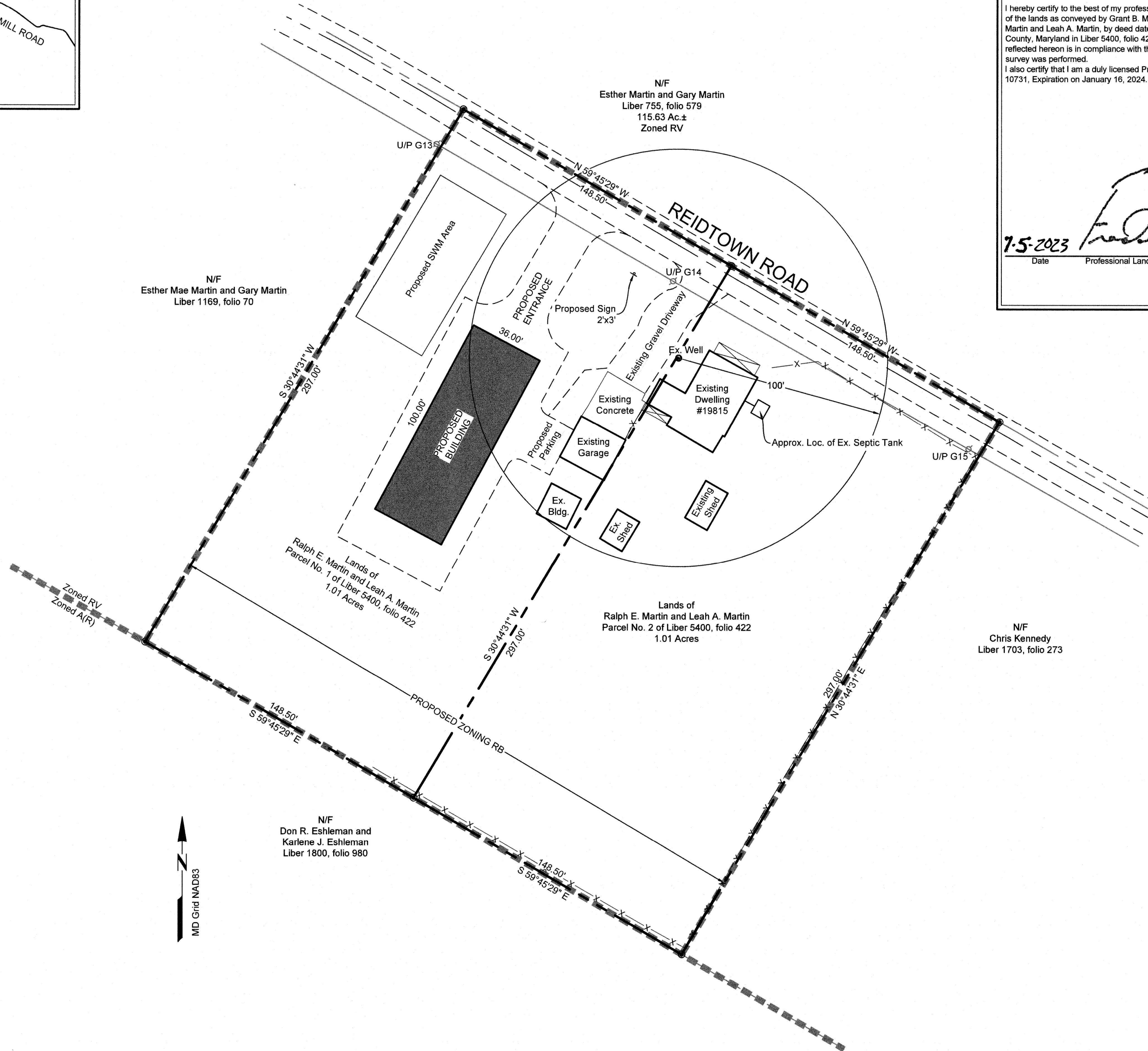
1 Type(s) of Instruments		<input type="checkbox"/> Check Box if addendum Intake Form is Attached.					
<input checked="" type="checkbox"/> Deed		<input type="checkbox"/> Mortgage		<input type="checkbox"/> Other		<input type="checkbox"/> Other	
<input type="checkbox"/> Deed of Trust		<input type="checkbox"/> Lease		<input type="checkbox"/> Other		<input type="checkbox"/> Other	
2 Conveyance Type Check Box		<input type="checkbox"/> Improved Sale Arms-Length [1]		<input type="checkbox"/> Unimproved Sale Arms-Length [2]		<input type="checkbox"/> Multiple Accounts Arms-Length [3]	
		<input type="checkbox"/> Not an Arms-Length Sale [9]					
3 Tax Exemptions (if applicable)		Recordation		1st time MD home buyers			
Cite or Explain Authority		State Transfer					
		County Transfer					
4 Consideration and Tax Calculations		Consideration Amount Purchase Price/Consideration \$ 70,000.00 Any New Mortgage \$ Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value: \$				Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$	
5 Fees		Amount of Fees Recording Charge \$ 60.00 Surcharge \$ State Recordation Tax \$ 532.00 State Transfer Tax \$ 175.00 County Transfer Tax \$ 100.00 Other \$ Other \$		Doc. 1 \$ \$ \$ \$ \$ \$		Doc. 2 \$ \$ \$ \$ \$ \$	
						Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:	
6 Description of Property		District 27 Property Tax ID No. (1) 011055 Grantor Liber/Folio 423/555 Map Parcel No. Var. LOG <input type="checkbox"/> (5)		Subdivision Name Lot (3a) Block (3b) Sect/AR (3c) Plat Ref. SqFt/Acreage (4) 2		Location/Address of Property Being Conveyed (2) 19815 Reiddtown Road, Hagerstown, MD 21742 Other Property Identifiers (if applicable) Water Meter Account No.	
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: EASEMENT INTEREST ONLY If Partial Conveyance, List Improvements Conveyed:					
7 Transferred From		Doc. 1 – Grantor(s) Name(s) Grant B. Martin, PR the Estate of Anna Mary Martin Doc. 1 – Owner(s) of Record, if Different from Grantor(s)		Doc. 2 – Grantor(s) Name(s) Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
8 Transferred To		Doc. 1 – Grantee(s) Name(s) MARTIN, Ralph E. & Leah A., h/w New Owner's (Grantee) Mailing Address same - will live in the property		Doc. 2 – Grantee(s) Name(s)			
9 Other Names to Be Indexed		Doc. 1 – Additional Names to be Indexed (Optional)		Doc. 2 – Additional Names to be Indexed (Optional)			
10 Contact/Mail Information		Instrument Submitted By or Contact Person Name: C. Joliet, Esquire Firm Address: Phone: ()		<input type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input checked="" type="checkbox"/> Return Address Provided			
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER		Assessment Information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will the property being conveyed be the grantee's principal residence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
		Assessment Use Only – Do Not Write Below This Line Terminal Verification Agricultural Verification Whole Part Tran. Process Verification Transfer Number Date Received: Deed Reference: Assigned Property No.: Year 20 20 Geo. Map Sub Block Land Zoning Grid Plat Lot Buildings Use Parcel Section Occ. Cd. Total Town Cd. Ex. St. Ex. Cd.					
		REMARKS:					

Space Reserved for County Validation

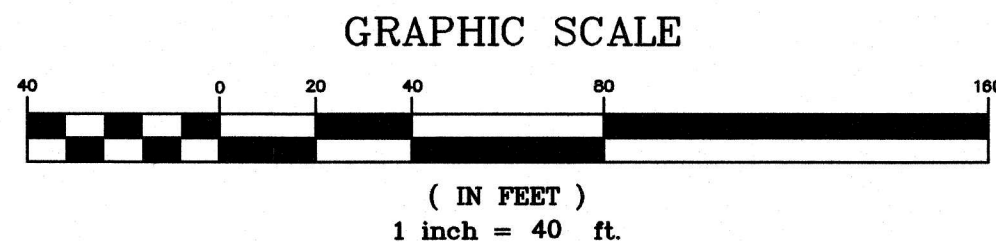
Space Reserved for Circuit Court Clerk Recording Validation



VICINITY MAP
SCALE 1"=2000'



Owner:
Leah Martin and Ralph Martin
19815 Reidtown Road
Hagerstown MD 21742



General Notes

1. Parcels are currently zoned RV - Rural Village
2. Proposed zoning is RB - Rural Business.
3. This Rezoning Exhibit was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.

Proposed Site

Functional Use: Auto Body Repair and Painting
Hours: Monday - Friday 8 AM - 6 PM
Employees: 2
Deliveries: Small Truck/Van twice a day
Estimated Number of Customers: 2/Day
30% of business is Agriculturally related

Land Surveyor's Certification

I hereby certify to the best of my professional knowledge and belief that the plan shown hereon is correct; that it is all of the lands as conveyed by Grant B. Martin, Personal Representative of the Estate of Anna Mary Martin, to Ralph E. Martin and Leah A. Martin, by deed dated December 23, 2016, recorded among the Land Records of Washington County, Maryland in Liber 5400, folio 422; that this document was prepared by myself and that the survey work reflected hereon is in compliance with the requirements set forth in COMAR 09.13.06.12 in effect at the time this survey was performed.
I also certify that I am a duly licensed Professional Land surveyor under the laws of the State of MD. License No. 10731, Expiration on January 16, 2024.

7-5-2023 *Frederick M. Frederick*
Date Professional Land Surveyor



FSA

FREDERICK, SEIBERT & ASSOCIATES, INC.
© 2023
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

15 EAST MAIN STREET
NEW BLOOMFIELD, PA 17068
717.276.7631

305 SOUTH BALTIMORE STREET
GREENCASTLE, PA 12256
717.997.1007

128 SOUTH POTOMAC STREET
HAGERSTOWN, MD 21740
301.791.6650

REZONING EXHIBIT
OF
PARCEL 31
FOR
LEAH A. MARTIN AND RALPH E. MARTIN
SITUATE AT 19815 REIDTOWN ROAD, HAGERSTOWN
WASHINGTON COUNTY, MARYLAND

PROJECT NO. 2023-0114	
DWN BY LEJ	DATE 6.21.2023
PROJECT MANAGER EJS	
EMAIL ESchreiber@fisa-inc.com	
ELECTION DISTRICT 27	
PROPERTY INFORMATION 11-20-31	
ACCOUNT NO. 27-011055	
SCALE 1" = 40'	
SHEET TITLE	

REZONING
EXHIBIT

Zoning Ordinance Map Amendment
19815 Reidtown Road, Hagerstown
Applicant: Ralph E. and Leah A. Martin

Adjoining Property Owners

Tax Account Number: 27-011268

Tax Map 11, Parcel 39

Property Address: 19836 Reidtown Road, Hagerstown

Owner(s): Gary R. and Esther M. Martin

Mailing Address:

19717 Reidtown Road
Hagerstown, MD 21742

Tax Account Number: 27-025927

Tax Map 11, Parcel 30

Property Address: 19823 Reidtown Road, Hagerstown

Owner(s): Chris Kennedy

Mailing Address:

19823 Reidtown Road
Hagerstown, MD 21742

Tax Account Number: 27-004865

Tax Map 11, Parcel 40

Property Address: 19703 Reidtown Road, Hagerstown

Owner(s): Don R. and Karlene J. Eshleman

Mailing Address:

19707 Reidtown Road
Hagerstown, MD 21742

Tax Account Number: 27-011225

Tax Map 11, Parcel 32

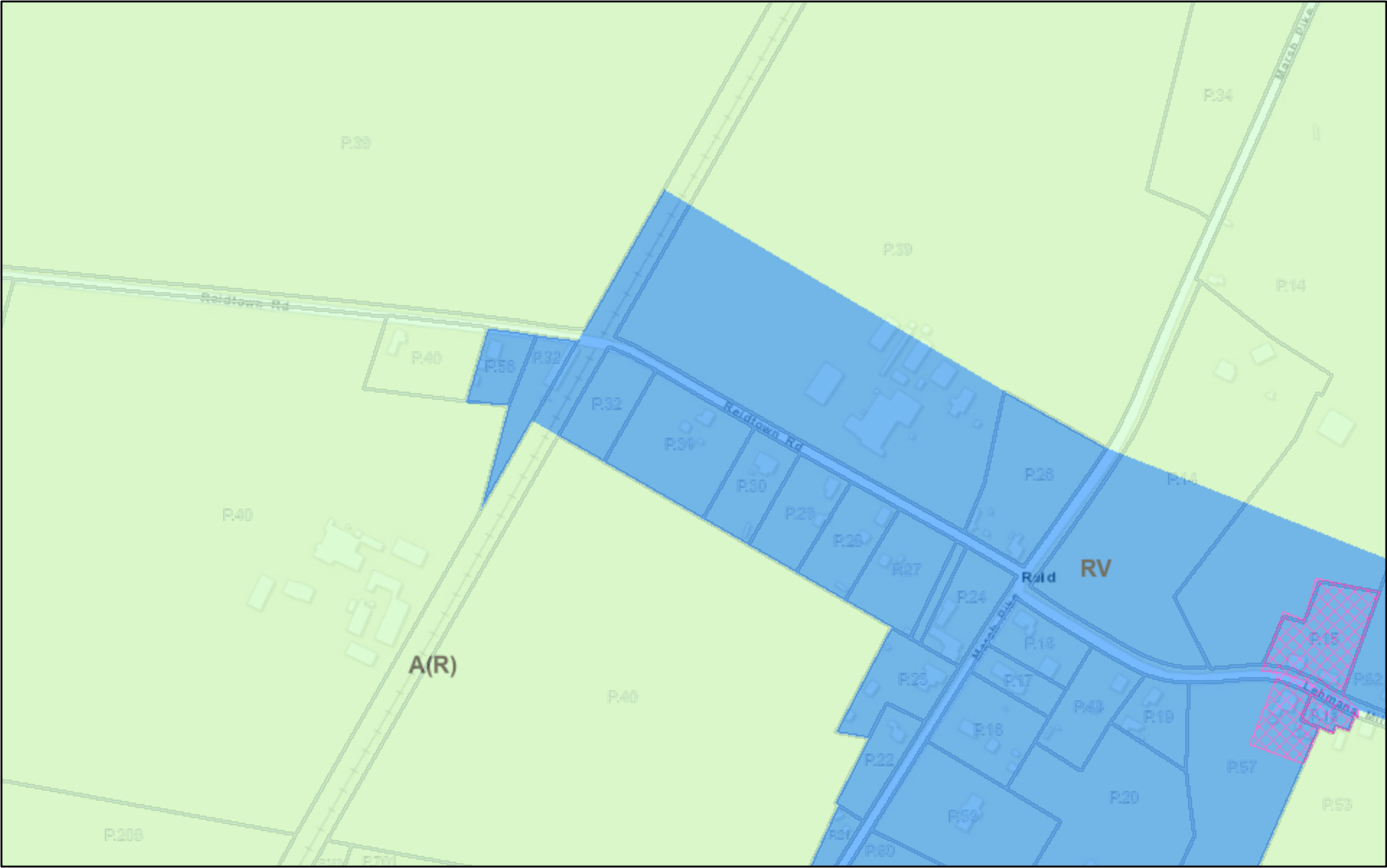
Property Address: 19723 Reidtown Road, Hagerstown

Owner(s): Gary and Esther Mae Martin

Mailing Address:

19717 Reidtown Road
Hagerstown, MD 21742
4863-4394-5072, v. 1

Property and Zoning Web Map



7/14/2023, 11:43:55 AM

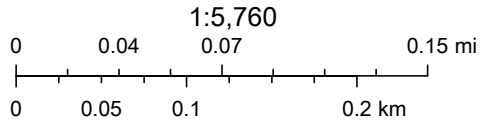
- Zoning

Agricultural (Rural)

Rural Village
- Zoning Overlay

Rural Business

Parcels



Washington County Planning Department, WashCo MD, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Washington County, MD GIS

This map is provided for informational purposes ONLY. Data are not guaranteed by Washington County Maryland to be free of errors. Data should be verified through appropriate sources.

Noel S. Manalo, Principal
240.772.5108 Phone
240.772.5135 Facsimile
Noel.Manalo@offitkurman.com

August 18, 2023

VIA HAND-DELIVERY AND EMAIL

Board of County Commissioners
Planning Commission
Washington County, Maryland
100 West Washington Street
Hagerstown, Maryland 21740

Re: Map Amendment Application for 19815 Reidtown Road
Request for Rural Business District (RB) Floating Zone

Honorable County Commissioners and Planning Commission:

On behalf of Ralph E. & Leah A. Martin (collectively “Applicant”), owners of the +/- 2.0 acres located at 19815 Reidtown Road, Hagerstown, Maryland 21742, Tax Map 0011, Grid 0020, Parcel 0031, Tax ID #27-011055 (the “Property”), we offer the following justification statement in support of our request for application of the Rural Business District (RB) Floating Zone to the Property.

The Property is currently zoned Rural Village and improved with a residence and outbuildings. The primary use is currently residential with related agricultural/livestock uses. The Applicant intends to conduct an automobile body repair service at the Property. Granting of the RB Floating Zone would permit the repair service use. The Applicant would conduct the business with no additional employees in the foreseeable future. The number of automobiles the Applicant would be working on would be limited to no more than 2-3 at any given time.

Granting the request would allow the Applicant to provide a desired and needed service to neighboring agricultural properties in the proximate Rural Village area. There would be no discernable impacts related to noise, traffic, dust or fumes that would not otherwise be typical in the Rural Village zone in this location. As specified in the Purpose Statement of the RB District, the requested zoning and allowance of the automobile body repair use would “support the agricultural industry and farming community” and would help establish a location for “businesses and facilities not otherwise permitted in rural areas of the County.”

Below in bold typeface are the relevant provisions from the Washington County Zoning Ordinance with responses following each provision:

ARTICLE 5E - "RB" RURAL BUSINESS DISTRICT

Section 5E.4 Criteria

(b) The RB Floating Zone District may be newly established at a particular location if the following criteria are met.

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;

RESPONSE: The Property is not within any designated growth area identified in the Washington County Comprehensive Plan.

2. The proposed RB District has safe and usable road access on a road that meets the standards under the "Policy for 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;

RESPONSE: The Property has safe and usable road access on Reidtown Road. The Applicant anticipates meeting the standards of the referenced Policy document. The intended use will not generate more than fifteen (15) peak hour trips.

3. Onsite issues relating to sewage disposal, water supply, stormwater management, flood plains, etc. can be adequately addressed; and

RESPONSE: The intended use will not create any sewage disposal, water supply, stormwater or other issues that are not above and beyond impacts already accounted for by the current residential (and related agricultural and livestock) use onsite.

4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

RESPONSE: The intended use would not create any impacts discernable beyond the current residential (and related agricultural and livestock) use. Vehicle movements would be consistent with the existing residential and agricultural uses. The auto body repair work would be conducted completely indoors. Therefore, the intended use would not create any incompatibilities with any of the above elements that may be in the vicinity.

Section 27.3 Factors to be considered in a request for a map amendment.

In order for an amendment, modification, repeal, or reclassification of such district as herein provided, the local legislative body shall make findings of fact in each specific case including, but not limited to, the following matters:

(a) The report and recommendation of the Planning Commission.

RESPONSE: Acknowledged.

(b) Population change in the area of the proposed change.

RESPONSE: According to census.gov, April 1, 2010 population for Washington County was 147,430 and estimate for July 1, 2022 was 155,590.

(c) Availability of public facilities in the area.

RESPONSE: Property is served by County roads and by well and septic.

(d) Present and future transportation patterns in the area.

RESPONSE: Rural Village residents and agricultural operations infrequently use Reidtown Road presently; given the rural nature of this part of Washington County, this pattern is not likely to change in the future.

(e) Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates.

RESPONSE: The proposed use would be practically indistinguishable from the current residential and agricultural uses at the Property and therefore maintain compatibility. The Property is adjacent to/proximate to parcels identified in the "Reid (I) Historic Rural Village/Community."

(f) The relationship of the proposed change to the Adopted Plan for the County, Development Analysis Plan Map and Policies.

RESPONSE: The proposed use would be consistent with the Adopted Plan maps and policies, as the RB Zoning District is specifically meant for rural areas of the County.

(g) Whether there was a substantial change in the character of the neighborhood where the property is located.

RESPONSE: Not applicable, as the RB Zoning District is a floating zone.

(h) Whether there was a mistake in the existing zoning classification.

RESPONSE: Not applicable, as the RB Zoning District is a floating zone.

For the foregoing reasons, and as supported by the accompanying application materials, the Applicant submits that the requested zoning meets the necessary requirements, and we respectfully request your approval of the application. The Applicant will provide additional information, submissions and testimony as may be required.

Sincerely,



Noel S. Manalo



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

November 6, 2023

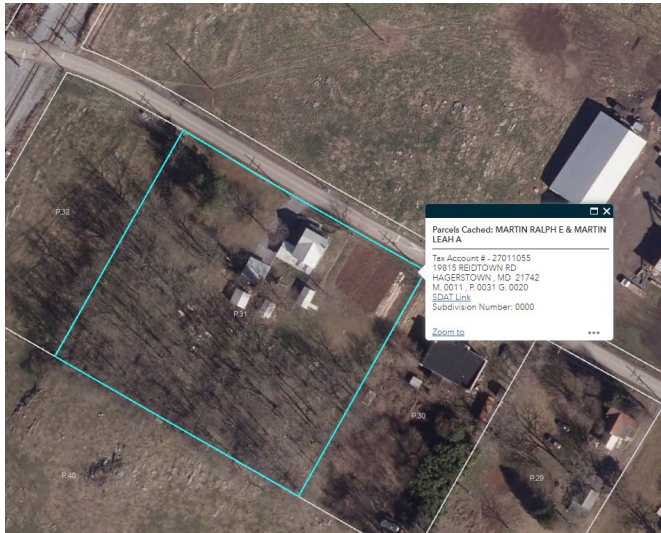
Case #: RZ-23-006

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Ralph E. and Leah A. Martin
Applicant(s)	:	Ralph E. and Leah A. Martin
Location	:	19815 Reidtown Rd
Election District	:	#27 – Fountainhead
Comprehensive Plan	:	
Designation	:	Rural Village
Zoning Map	:	11
Parcel(s)	:	P. 31
Acreage	:	2 acres
Existing Zoning	:	Rural Village (RV)
Requested Zoning	:	Rural Village (RV) with Rural Business (RB) overlay
Date of Hearing	:	October 2, 2023

I. Background Information

a. Location and Description of Subject Properties



The subject parcel is located on the south side of Reidtown Road between the CSX railroad line and Marsh Pike, approximately 1 mile east of Hagerstown Regional Airport in the Rural Village of Reid. The property subject to this rezoning encompasses 2 acres of land and is owned by the applicant. It is improved by an existing single-family dwelling and associated accessory structures.

The site lies outside of both the Airport (AP) and Airport Overlay Zoning Districts that strictly govern land uses in the vicinity of the Airport. The land does, however, fall within the Hazardous Wildlife Attractant Management Overlay District that protects airport operations from wildlife hazards. The proposed land use (auto body repair) does not seem to pose any threat to airport operations, however.

b. Rural Business Floating Zone Purpose and Criteria

The Rural Business Zoning District (RB) is established to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County. It is established as a “floating zone” which may be located on any parcel in an Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District. A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land.

Section 5E.4 of the Rural Business Zoning District describes the criteria that must be met for the establishment of a new Rural Business Zoning District. These criteria include:

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB District has 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; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Section 5E.6c further expands upon the above noted criteria in describing the basis for which the Planning Commission should base its recommendation to the Board of County Commissioners upon after the Public Information Meeting including:

1. The proposed district will accomplish the purpose of the RB District;
2. The proposed site development meets criteria identified in Section 5E.4 of this Article;
3. The roads providing access to the site are appropriate for serving the business-related traffic generated by the proposed RB land use;
4. Adequate sight distance along roads can be provided at proposed points of access;

5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity;
6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

To be established, RB districts must also meet bulk requirements outlined in Article 5E.5. A preliminary site plan which addresses the elements noted above and other criteria in 5E.6.a(3) in greater detail is also a required part of the application process. Finally, approval of the application to create an RB District shall only be for the use identified on the application and preliminary site plan. An approved RB District covers only the portion of the parcel or lot identified in the application. Changes to the use, intensity or area covered by an approved RB District shall be reviewed by the Planning Commission. A new public hearing may be required to approve the changed use.

II. Staff Analysis

The staff analysis of the proposed rezoning will utilize the criteria outlined in the previous section of this report to determine the suitability of applying a newly created RB floating zone in the designated location.

1. The proposed district will accomplish the purpose of the RB District;

As defined above, one purpose of the floating zone is to “*establish locations for businesses and facilities not otherwise permitted in the rural areas of the County.*” The proposed auto body service facility is not a permitted land use in the underlying Rural Village Zoning District. Services are presently limited in the immediate vicinity of this property, given its location in a rural area of the County. Therefore, it would have the potential to “*serve the needs of the rural residential population.*”

2. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;

The proposed site of this rezoning is located outside of the County’s current Urban Growth Area boundary. This status is not proposed to change in the forthcoming Comprehensive Plan update.

3. Road and Traffic Considerations

a. Traffic Generation

Traffic generation from the proposed land use is estimated by the Applicant in their justification statement (Exhibit F) to be less than 15 trips per day. This trip generation estimate falls below the requirements of the RB District which necessitate a traffic study when 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.*”

Traffic counts on County and State roads in the vicinity of the rezoning site provide limited information traffic flow or congestion that might be impacted an expanded business at this location. Single day traffic counts were collected for one 24-hour period in 2022 at three locations in the vicinity of the subject site, near its intersection with Marsh Pike. The counts for these three locations are noted below:

- Reidtown Rd, west of Marsh Pike (.15 miles away): 355 vehicles
- Lehman's Mill Rd, east of Marsh Pike (.20 miles away): 297 vehicles
- Lehman's Mill Historic District (.33 miles away): 287 vehicles

SHA does not maintain a permanent traffic counter in the immediate vicinity of the site.

b. Road and Site Circulation Improvements

The proposed business is located on Reidtown Rd, which is classified as a local road in the Transportation Element of the County's 2002 Comprehensive Plan. Local roads serve a mean ADT of less than 1,000 vehicles in rural areas such as this. Parking is planned on the east side of the building that would be constructed to conduct the auto body repair service.

A review of the County's 10-Year CIP and the State Highway Administration's Consolidated Transportation Plan did not note any road improvements in the vicinity of this proposed rezoning that would affect road capacity or traffic flow. The Highway Plan in the 2002 Comprehensive Plan and HEPMPO's LRTP also did not indicate any immediate road improvements in the vicinity.

The Applicant's preliminary site plan (Exhibit C) anticipates a second entrance onto Reidtown Road from the proposed use, separate from the current driveway that leads to the house. This Exhibit appears to indicate an intent to subdivide the property in the event of zoning approval, separating the residential and commercial uses.

The application was sent to the Washington County Department of Engineering for their review and comment. They offered the following comments:

- *We have evaluated the proposal and Reidtown Road appears inadequate for commercial traffic in accordance with the Adequate Public Facilities Ordinance and Policy to Determine the Adequacy of Existing Highways, dated May 2005. Per available records Reidtown Road has varying widths from 14.0 feet to 21.0 feet with an average width of +/- 15.3 feet. In accordance with Section III.F.1 and the exemption provided under Section V.D.2 of the aforementioned policy, the minimum required pavement width is eighteen (18) feet along the proposed lot frontage and out to the nearest road deemed adequate, in this case Marsh Pike. Should the project move forward, the applicant shall be required to have a Road Condition Survey and road widening plans prepared by a licensed professional to accompany the Site Plan submission.*
- *Adequate intersection sight distance will be required for any access that serves the commercial use in accordance County Policy and AASHTO standards. The access will*

require a Washington County Entrance Permit and must be upgraded/installed to commercial standards.

4. Site Planning Considerations

a. Water

The proposed rezoning site is designated as W-7 in the 2009 Water and Sewer Plan with no planned connection to public water. An existing well connected to the residential use is depicted on Applicant's Exhibit C. No additional information about water usage is provided on the preliminary site plan aside from a declaration within their justification statement:

"The intended use will not create any sewage disposal, water supply, stormwater or other issues that are above and beyond impacts already accounted for by the current residential and agricultural use onsite."

Well locations are approved by the Washington County Health Department. The Health Department is also responsible for monitoring wells for water quality issues.

b. Sewer

The proposed rezoning site is designated as S-7 in the 2009 Water and Sewer Plan with no planned connection to public sewer. An approximate location of the existing septic system is depicted on Applicant's Exhibit C. No additional information on sewage disposal was provided beyond the declaration noted above.

The Washington County Health Department is responsible for approving the location and method of sewage disposal on individual properties in the County. A copy of this rezoning application was routed for the Health Department for their review. No comments were received.

c. Stormwater Management

A stormwater management pond is proposed in the northwest corner of the property on the preliminary site plan to capture stormwater from the storage facility.

The application was sent to the Washington County Department of Engineering for their review and comment. They offered the following comments:

- *The property is located within the Hazardous Wildlife Attractant Management District and may need to be reviewed by the appropriate airport authorities. This will also be of consideration in review of any required stormwater management facilities for the project.*
- *The State of Maryland classifies "Vehicle Service and Maintenance Facilities" as "Stormwater Hotspots". Any required stormwater management for the project would need to comply with "hotspot" requirements as specified in the Maryland Stormwater Design Manual.*
- *A portion of the property is located within the Maryland Sensitive Species Project Review Area and may need to be reviewed by the Maryland Department of the Environment.*

d. Floodplain

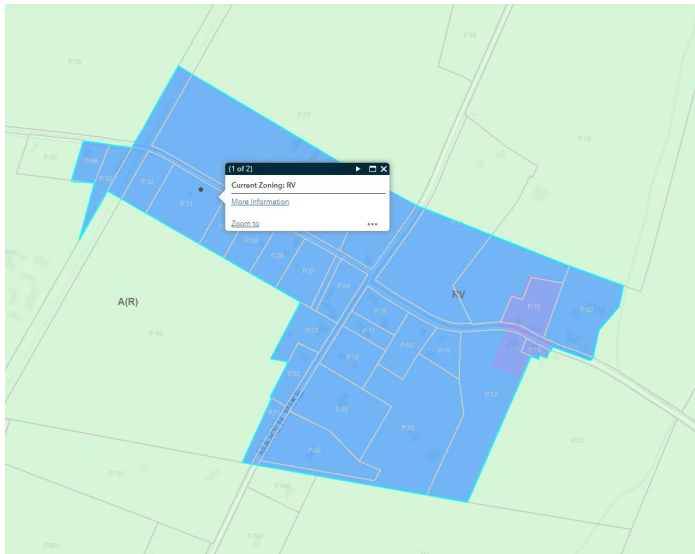
The proposed rezoning site does not contain floodplain.

e. Bulk Regulations

The applicant's Justification Statement does not specifically address bulk requirements such as setbacks or lot coverage aside from a generalized parking area east of the proposed building. The apparent intent to subdivide the parcel if zoning approval was granted, as potentially indicated on Exhibit C, does raise some question about the ability of the project to meet side yard setback requirements for the existing dwelling and its accessory structures.

5. Compatibility with Adjacent Land Uses

a. Land Use in the Vicinity



As seen at left, the parcel is part of a block of properties zoned RV, some of which fall within the Rural Village of Reid. There is one other existing RB Zoning District in the vicinity, at the Lehman's Mill Historic District to the east. All the surrounding lands are zoned Agricultural Rural A(R).

Land use conforms to the zoning, with small residential lots found within the RV District and along Marsh Pike. These lots give way to larger agricultural parcels on all sides in the immediate vicinity.

Given the prohibition on most commercial uses in rural areas of the County outside of an established RB Zoning District, services are limited in the vicinity. There is an antique shop within the RB District at Lehman's Mill Historic District. An engraving shop is located just south of the Reidtown Road/Marsh Pike intersection. There is one other auto body shop in the vicinity of the rezoning site, on Marsh Haven Lane along the Pennsylvania border, located approximately one mile from subject property.

b. Historic Resources

There are 6 existing historic sites within $\frac{1}{2}$ mile or less of this proposed rezoning that should be considered in evaluating its compatibility. Two are located on immediately adjacent properties. Two other sites are found within the larger Lehman's Mill National Register Historic District. The others are within $\frac{1}{4}$ mile of the site, just west of the CSX railroad line. Three others are located approximately $\frac{1}{2}$ mile south of the site across U.S. 40 near I-70 West. Four of the six sites were documented on the Maryland Historic Sites Inventory by the Maryland

Historical Trust (MHT) but were not listed as National Historic Register Properties. These six historic sites are described in the inventory as follows:

➤ **Within Reid Historic Rural Village/Community**

Individual structures noted below within Reid were surveyed by MHT, but the larger community does not have a fully completed and adopted historic survey.

- WA-I-220: "Reid School" (adjoining property)

Early 20th century 1 ½ story brick rural educational facility.

- WA-I-215: "Eshelman-Martin Farm" (adjacent property)

19th century farm complex offering an example of a large early plantation in Washington County owned by members of the prominent local family. Includes 2-story multi-sectioned brick farmhouse and several outbuildings.

- WA-I-223: "Reid Elevator" (.10 miles away)

Early 20th century frame grain storage facility, feed mill and general store built to accommodate the needs of the surrounding agrarian community. The mill is still actively used.

➤ **Lehman's Mill National Register Historic District (WA-I-523) – .33 miles away**

The Lehman's Mill Historic District located near Marsh Run, is significant for its association with the county's agricultural and economic history. It is the oldest continuously operating mill in Washington County and is the most intact mill complex remaining in the County as well. The Historic District includes the mill, mill farm, miller's house, assorted domestic agricultural and mill-related outbuildings, and vestiges of the mill race and dam. Individual structures that were surveyed by MHT survey and are among those listed on the National Register are noted below.

- WA-I-209: "Lehman's Mill (Marsh Mills)"

Mid-to-late 19th century 2 ½ story brick grist mill. The mill has been in continuous operation since at least 1869 provides an excellent example of an early rural industrial structure.

- WA-I-211: "Lehman's Mill House"

Early-to-Mid-19th century 2-story roughcast limestone farmhouse associated with larger mill complex.

➤ **Other Historic Structures**

- WA-I-224: "Eshelman Farm" (.20 miles away)

Mid-19th century farmstead including 2 ½ story brick dwelling and frame bank barn.

c. Agricultural Land Preservation

The proposed rezoning site is located outside of the County's designated Priority Preservation Area (PPA). The PPA boundary terminates just east of the RV District shown previously. There would be no impact on County agricultural land preservation efforts as a result of this rezoning request.

6. Additional Considerations

a. Emergency Services

The Hagerstown Regional Airport's Fire Department (Station 35) is the nearest emergency services provider to this site, located approximately 3 miles west at the Airport.

b. Comprehensive Plan Designation

The 2002 Comprehensive Plan designated this site as falling within the Rural Village Policy Area in its Land Use Plan. This Policy Area, found throughout the County, is associated with small communities in rural areas of the County, often settled historically, at junctions in roads or along railroads or waterways. Typically, they include a small residential core with associated institutional and/or commercial services (i.e. – post office, church, school or retail establishment). Due to constraints on infrastructural capacity, Rural Villages are intended to absorb limited growth and development, typically through infill or redevelopment within the communities existing footprint. Permitted development should be of a similar density, scale and use type/mixture as that which already exists in the village.

c. Hours of Operation, Employees

The anticipated hours of operation for the proposed auto body repair shop are Monday through Friday, 8 am to 8 pm with two onsite employees. Their preliminary site plan estimates that the business would receive two daily customers and the same number of deliveries by small truck or van each day.

III. Recommendation

Based on the analysis provided above and offered by the applicant in their justification statement, Staff believes that there is sufficient evidence that the criteria outlined in Article 5E of the Zoning Ordinance has been met for the application of a Rural Business floating zone to the subject area.

Considerations that the Planning Commission and Board of County Commissioners may wish to investigate further during public meetings include the following:

- The issues raised about road adequacy for commercial vehicle traffic on Reidtown Road, which may necessitate road widening from the subject site to Marsh Pike.

- Whether the applicant has considered the architectural designs for the proposed structure that would be compatible with the historic architectural context of the surrounding Rural Village.
 - Since Reid does not have a fully completed and adopted historic survey, and there are no currently documented historic resources on the subject property, there would not be an architectural review by the Historic District Commission during site planning. Therefore, this is more a general question as to whether the proposed structure housing the auto body repair facility would be compatible in terms of scale, intensity or character with adjacent structures and land uses.
- The ability of the proposed use to meet setback requirements in the event of a subdivision, if that is indeed the intent of the applicant.

It is likely that the above questions can be addressed during development review of an eventual site plan, if the zoning was first to be approved for this parcel. The criteria for establishing a new RB Zoning District do allow for considerations such as these to be investigated during the rezoning process, however, if the Commission or Board chooses to do so.

Respectfully submitted,

Travis Allen
Senior Planner