



WASHINGTON COUNTY PLANNING COMMISSION
ORDINANCE TEXT AMENDMENT APPLICATION

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

DEC 17 2025

Danielle Eyler Durning
Applicant

25212 Cascade Road, Cascade MD 21719
Address

Danielle Eyler Durning
Primary Contact

25212 Cascade Road, Cascade MD 21719
Address

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: Washington County citizen

301-992-4661
Phone Number

danielleeyler@gmail.com
E-mail Address

- Adequate Public Facilities Ordinance
- Forest Conservation Ordinance
- Subdivision Ordinance
- Solid Waste Plan

- Water and Sewer Plan
- Zoning Ordinance
- Other _____

Section No. Table No. 3.3(1); Chapter 28A (Definitions)

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

REBECCA JAMISON
Notary Public-Maryland
Washington County
My Commission Expires
August 06, 2029

Danielle Eyler Durning
Applicant's Signature

Subscribed and sworn before me this 17TH day of DECEMBER, 2025.

My commission expires on AUGUST 06, 2029
Rebecca Jamison
Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
- Application Fee
- Proposed Text Changes
- 30 copies of complete Application



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING FEE WORKSHEET

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

PLEASE COMPLETE ONLY THE 2025 SECTION THAT APPLIES.

Applicant's Name: Danielle Eyler Durning Date: December 11, 2025

Zoning Ordinance Map Amendment \$ 2,000.00

Number of Acres * _____ x \$20.00 per acre \$ _____

Engineering Review Fee \$ 150.00

Technology Fee \$ 15.00

TOTAL FEES DUE – MAP AMENDMENT \$ _____

Text Amendment \$ 2,000.00

Choose One: Adequate Public Facilities Ordinance
 Forest Conservation Ordinance
 Solid Waste Plan
 Subdivision Ordinance
 Water and Sewer Plan
 Zoning Ordinance
 Other: _____

Technology Fee \$ 15.00

TOTAL FEES DUE – TEXT AMENDMENT \$ 2,015.00

Forest Conservation Exemption \$ 25.00

Technology Fee \$ 15.00

TOTAL FEES DUE – FOREST EXEMPTION . . . \$ 40.00

Please make checks payable to "Washington County Treasurer".



WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE TEXT AMENDMENT

REQUIRED APPLICATION MATERIALS CHECKLIST

All materials must be clearly labeled

Original plus 1 copy and one digital copy sent to
askplanning@washco-md.net of complete application package

- 1. **Application Form:** A completed and signed application form. A copy of the proposed changes to the existing language must accompany the application.
- 2. **Fee Worksheet and Application Fee:** A completed Fee Worksheet must be submitted at the time application is made. If paying by check, please make checks payable to the “Washington County Treasurer”. If paying by credit card, the application must be accepted for completeness and initialized by the Department prior to accepting payment. An invoice will be e-mailed to the applicant and **must** be paid prior to the deadline specified in the e-mail. The rezoning process will not begin until payment has been received.
- 3. **Justification Statement:** A written explanation of the reasons why the amendment is being requested, setting forth in sufficient detail to properly advise County officials as to the justification for the amendment. The justification statement must include the following:
 - i. Describe how the request is consistent with the County’s most recent adopted Comprehensive Plan; AND
 - ii. Provide a statement describing how the request is logical and appropriate.
- 4. Any other material facts that support the amendment. **2022 Petition; 2025 Petition**

ZONING CODE TABLE NO. 3.3(1)
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)
(Zoning Ordinance page 11)

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
P. Retail and Wholesale Trade							
Printing, blue printing, photocopying, and similar reproduction services	N	N	N	SE	P	N	LOW
<u>Small Box Variety Store within 1,000 feet of property with a historic designation or subject to a historic trust easement.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>HIGH</u>
Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 6 months within a calendar year	SE	E	SE	SE	P	N	LOW

ZONING CODE CHAPTER 28A (DEFINITIONS)
(Zoning Ordinance pages 341 – 342)

Signs:

A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business. All signs must be located on the premises of the development so identified.

* * *

- F. Sign Area: The cumulative area of all faces of a sign, including the advertising surface and any framing, trim, or molding; but not including the supporting structure.
- G. Sign Face: The area or display surface of any sign upon, against, or through which the message is displayed or illustrated on said sign.

Small Box Variety Store:

A store with 16,000 square feet or less gross square footage which sells assorted physical goods, merchandise and food and non-food products directly to consumers at an average retail cost of \$15.00 or less. A small box variety store does not include a grocery store or convenience store.

Small Wind Energy System:

Means a single-towered wind energy system that:

- A. is used to generate electricity;
- B. has a rated nameplate capacity of (50) kilowatts or less; and
- C. has a total height of one hundred fifty (150) feet or less.

December 14, 2025

Mr. John F. Barr, President,
Board of County Commissioners
Mr. Jeffrey A. Cline, Vice-President
Mr. Randall E. Wagner, Commissioner
Mr. Derek Harvey, Commissioner
Mr. Randal Leatherman, Commissioner

RE: Request for Zoning Text Amendment
Small Box Stores: Cascade Maryland

Dear President Barr and Commissioners:

I am a resident of Cascade, where I live with my husband and two young children. For more than three years now, we have been fighting to keep a Dollar General from being built at 14403 McAfee Hill Road. The Board of Zoning Appeals approved a special exception for this use, concluding it is “functionally similar” to a grocery store.

The proposed Zoning Text Amendment (ZTA) would prohibit a “small box variety store” from being located on property in the Rural Village zone if that property is within 1,000 feet of a historic district or a property protected by a historic trust easement. This is a narrowly written text amendment designed specifically to protect property within the Rural Village zone if it is proximate to historically designated or protected resources. This proposal is not a blanket prohibition against Dollar General-type stores on properties zoned Rural Village, but rather a carefully written amendment designed to protect historic resources and the properties around them.

The ZTA is intended to support the purpose clause of the Rural Village zone. The proposed use is entirely inconsistent with the purpose of the zone, as we have explained to the Board and the Circuit Court. The purpose of the Rural Village zone is “to preserve the unique historic or rural character” of our community. Cascade has a unique historic character and a rural character deserving of protection, and we have been fighting for too long to ensure that those protection goals are enforced.

My property, and the neighboring Dollar General site, are zoned Rural Village. We are across the street from the historic – and now revitalizing – Fort Ritchie. We provided the Board with a study confirming that Dollar General stores are highly likely to damage the business interests of existing grocery stores like Sanders Market - our local “mom and pop” grocery store - which has served Cascade for decades. By extension, a Dollar General would threaten the local grocery ventures that have recently opened at revitalizing Fort Ritchie, including a small general store, a bakery, an apothecary, and soon a butcher and pick-your-own flower shop, and by extension eroding the financial viability of Fort Ritchie. There are already three Dollar General stores within 5 miles of my home. We do not need another one.

If built, the Dollar General would be directly across the street from Lake Royer and a highly visible eyesore from the Fort Ritchie property, especially from Lakeside Hall where weddings are routinely held. Like the rural, historic nature of Cascade, Fort Ritchie is a treasured historic resource deserving of protection. A Dollar General at the proposed location would be a deterrent to wedding parties seeking a truly historic, rural setting, further eroding the financial viability of Fort Ritchie.

In addition to the damage to the rural historic nature of Cascade and the historic setting associated with Fort Ritchie that the proposed Dollar General would cause, it also would materially devalue my home. During the Board of Appeals hearings, we presented an appraisal and expert testimony confirming that our house would lose in the neighborhood of \$30,000 in value (as would my closest neighbor). This is because a Dollar General has the same negative effect on home values as convenience stores and liquor stores (both not allowed in the Rural Village zone). The Board agreed with our appraiser, and made a finding that the Dollar General, if built, would have this adverse impact on our home values. The adverse financial impact is undisputed.

We appealed the Board's approval to the Circuit Court for Washington County, which remanded the case to the Board. After the Board approved the Dollar General a second time and we appealed a second time, the Circuit Court again remanded the case to the Board. We and Outdoor Contractors, the special exception applicant on behalf of Dollar General, both appealed to the Appellate Court of Maryland, where the case is now pending.

This legal background confirms that the Zoning Code needs clarification, and I am not alone in this view. The broader Cascade community has rallied behind my family to appear at Board of Appeals hearings, to raise money for a zoning lawyer to represent us before the Board and in Court, and to attend Court hearings to show support for us. A petition filed in the first Board hearing had nearly 500 signatures in opposition to this proposal, and a more recent petition has added several hundred more. I am enclosing those petitions in support of this request. We should not have to spend years, and tens of thousands of dollars – as we have done - to protect our community from a use that does not belong here because it violates the purpose and intent of the Rural Village zone.

Please accept the ZTA Amendment package which I have filed concurrently with this Statement of Justification. I also would ask that you expedite your review, to the extent legally possible under the notice and hearing requirements. As you know, my prior two requests were rejected out-of-hand, the first time by the County Administrator and the second time by Commissioner Cline. Both rejections were based on legal advice from County Attorney Zachary Kieffer, who represented Outdoor Contractors at the first Board of Appeals hearing, in part because he raised concerns that a legislative change would cause "confusion."

I want to be perfectly clear: The purpose of the proposed ZTA is to *eliminate* the confusion surrounding the Zoning Ordinance that has thus far resulted in two Board of Appeals decisions, two Circuit Court decisions, and has led to a pending appellate court hearing pending which we believe will result in a near-certain remand to the Board of Appeals for a third hearing.

Please respect the concerns raised by the hundreds of residents of Cascade and surrounding Washington County communities that are looking to you for help. Protect our mountain community and adopt the requested ZTA.

Sincerely,

Danielle Marie Durning

Danielle Marie Durning
25212 Cascade Road
Cascade MD 21719
301-992-4661

danielleeyler@gmail.com

January 20, 2026

Mr. John F. Barr, President,
Board of County Commissioners
Mr. Jeffrey A. Cline, Vice-President
Mr. Randall E. Wagner, Commissioner
Mr. Derek Harvey, Commissioner
Mr. Randal Leatherman, Commissioner

RE: Request for Zoning Text Amendment
Small Box Stores: Cascade Maryland
JUSTIFICATION STATEMENT

Dear President Barr and Commissioners:

I am a resident of Cascade, where I live with my husband and two young children. For more than three years now, we have been fighting to keep a Dollar General from being built at 14403 McAfee Hill Road. The Board of Zoning Appeals approved a special exception for this use, concluding it is “functionally similar” to a grocery store. We seek your approval of a proposed Zoning Text Amendment (“ZTA”): (1) as a logical and appropriate clarification of the purpose and scope of the Rural Village zone; and (2) as consistent with, and in furtherance of, the goals of the County’s 2040 Comprehensive Plan for Washington County, adopted on August 26, 2025.

Multiple public officials have told me that they are unable to take up this ZTA while a pending court appeal is underway. As clearly explained in the legal analysis filed as Attachment One to this Justification Statement, the Commissioners have clear authority to consider and approve the requested ZTA while any court proceedings are pending.

Failure to act would be a political *choice* by the Commissioners to reject my request for help – not a legal requirement. I remain highly concerned that the Commissioners’ continued reliance on this misplaced “legal argument” is a carry-over from legal advice offered previously by County Attorney Zacchary Kieffer.

The Requested Zoning Text Amendment Is A Logical and Appropriate Clarification of the Purpose And Scope Of The Rural Village District.

The proposed Zoning Text Amendment (ZTA) would prohibit a “small box variety store” on property in the Rural Village zone located within 1,000 feet of a historic district or a property protected by a historic trust easement (“Protected Area”). This is a narrowly written text amendment designed specifically to protect property within the Rural Village zone if it is proximate to historically designated or protected resources. While a Dollar-General-type store is not allowed in the Rural Village zone, the proposed amendment will eliminate any potential ambiguity by expressly protection While it is clear to me that Dollar-General-type stores are not allowed in the Rural Village zone, the proposed amendment will address any potential ambiguity, and clearly protect historic resources and the properties around them.

The ZTA is intended to support the purpose clause of the Rural Village zone. The proposed use is entirely inconsistent with the purpose of the zone, as we have explained to the Board of Appeals and the Circuit Court. The purpose of the Rural Village zone is “to preserve the unique historic or rural

character” of our community. Cascade has a unique historic character and a rural character deserving of protection, and we have been fighting for too long to ensure that those protection goals are enforced.

My property, and the neighboring Dollar General site, are zoned Rural Village. We are across the street from the historic – and now revitalizing – Fort Ritchie. We provided the Board with a study confirming that Dollar General stores are highly likely to damage the business interests of existing grocery stores like Sanders Market - our local “mom and pop” grocery store - which has served Cascade for decades. By extension, a Dollar General would threaten the local grocery and other business ventures that have recently opened at revitalizing Fort Ritchie, including a small general store, a bakery, an apothecary, and soon a butcher and pick-your-own flower shop, and by extension eroding the financial viability of Fort Ritchie. There are already three Dollar General stores within 5 miles of my home. We do not need another one.

If built, the Dollar General would be directly across the street from Lake Royer and a highly visible eyesore from the Fort Ritchie property, especially from Lakeside Hall where weddings are routinely held and a recently announced boutique hotel that will support the Fort’s wedding events (and revenue. Like the rural, historic nature of Cascade, Fort Ritchie is a treasured historic resource deserving of protection). The hotel represents a significant additional investment in the local economy and merits protection. A Dollar General at the proposed location would be a deterrent to wedding parties seeking a truly historic, rural setting, further eroding the financial viability of Fort Ritchie.

In addition to the damage to the rural historic nature of Cascade and the historic setting associated with Fort Ritchie that the proposed Dollar General would cause, it also would significantly devalue my home. During the Board of Appeals hearings, we presented an appraisal and expert testimony confirming that our house would lose in the neighborhood of \$30,000 in value (as would my closest neighbor). This is because a Dollar General has the same negative effect on home values as convenience stores and liquor stores (both not allowed in the Rural Village zone). The Board agreed with our appraiser, and made a finding that the Dollar General, if built, would have this adverse impact on our home values. The adverse financial impact is undisputed.

We appealed the Board’s approval to the Circuit Court for Washington County, which remanded the case to the Board. After the Board approved the Dollar General a second time and we appealed a second time, the Circuit Court again remanded the case to the Board. We and Outdoor Contractors, the special exception applicant on behalf of Dollar General, both appealed to the Appellate Court of Maryland, where the case is now pending.

As is clear from the multiple court decisions, the Zoning Code needs clarification. Adopting the proposed ZTA will assist the courts, not confuse them.

The Proposed ZTA Is Consistent With And Will Further The Goals Of The County’s Most Recent Comprehensive Plan

This proposed amendment is consistent with and supportive of the Goals and Objectives set forth in the 2040 Comprehensive Plan for Washington County adopted on August 26, 2025 (the Plan), and, by extension, the purposes of the Rural Village zone as stated in Section 5D.0 of the Zoning Ordinance for Washington County, MD.

The Plan is a comprehensive document intended to guide growth and development, and the general

policy guidelines it describes are meant to inform various land use regulations, including zoning regulations. *See* Plan Page 2-3 (“This policy document in turn serves as the foundational basis for implementing various land use regulations such as zoning which carries out the plan’s recommendations across rural and urban areas alike.”); Plan Page 15-1 (“The Comprehensive Plan is not a stand-alone document, but is supported by (and, in turn supports) related planning program documents including the [Zoning Ordinance].”). Among the stated purposes of the Plan are to “[g]uide and accomplish the coordinated, adjusted, and *harmonious* development of the local jurisdictions and their environs;” and “[t]o promote good civic design and arrangement . . .” Plan Page 2-3 (emphasis added). The Plan proposes to accomplish these purposes by establishing certain Goals and Objectives. Plan Page 3-3. In this case, the proposed ZTA would directly further Items 2, 6, and 8 of the Plan’s Goals and Objectives by imposing a very reasonable restriction on the precise location of small box stores when situated in the Rural Village zone.

1. Item 2: Promote a balanced and diversified economy.

The proposed text amendment serves to protect the highly local, diverse economies in rural villages. In discussing the economic development strategies for the County, the Plan recognizes the “need to sustain and expand *existing* businesses and industries . . .” and places emphasis on, among other factors: “[i]ncreasing efforts to retain and expand *existing* businesses;” “[p]romoting recreational and heritage tourism;” and “[e]ncouraging *redevelopment, revitalization, or rehabilitation of existing developed areas or sites where appropriate.*” Plan Page 9-18; *see also* Plan Page 15-3 (reflecting the general concern of attracting and retaining businesses)(italics added). The proposed ZTA would aid in accomplishing these goals by protecting existing local businesses in the County’s rural villages.

The local economies in Rural Village communities largely consist of a collection of diverse small businesses and “mom-and-pop” stores. Due to the depth and breadth of their product offerings, small box stores are highly likely to damage existing business interests that are focused on recreational and heritage tourism by eroding the aesthetic of those areas, and in particular impeding the revitalization and rehabilitation of business interests on historic properties. Opening one “cookie cutter” nationally-based business at the expense of highly localized business interests does not “[p]romote a balanced and diversified economy.” This is especially true for local businesses that reinvest in their village through community-based service activities. Imposing a minimum distance restriction on the placement of small box stores from historic resources, often foundational to revitalization and rehabilitation efforts, would limit the area of impact of these negative consequences on historical resources and the Rural Villages in which they are situated.

In some Rural Villages, heritage tourism comprises part of the local economy. For example, historic and scenic venues may be hired for social gatherings like weddings. These venues are often sought out for the immersion in a truly historic, rural setting that they can provide. A box store built within the viewshed of these highly unique settings threatens the quality of the historic and rural sight lines from these tourism venues, potentially limiting customers’ interest in that venue. They also are the backdrop for historic tours. Eroding the business revenue that support these resources is detrimental to the continued financial viability of the village economy. While the Rural Village zone prohibits these uses altogether, the proposed ZTA would protect these heritage tourism activities in the Rural Villages by eliminating all ambiguity with respect to Protected Areas.

In addition to adversely affecting local businesses and tourism revenue, small box stores – just like convenience stores and liquor stores – tend to materially devalue the neighboring properties, which is also detrimental to the local economy. The proposed ZTA is consistent with and supportive of the Comprehensive Plan Goal and Objective of promoting a balanced and diversified economy in the

County.

2. Item 6: Enhance the County’s rich historic and cultural heritage through land preservation and historic preservation efforts.

The proposed ZTA would serve the Plan’s Goals and Objectives pertaining to the protection of historic resources. Chapter 5: Historic Element of the Plan recounts Washington County’s rich history and the efforts the County has taken thus far to identify and preserve its approximately 120 historic resources and districts included on the National Register of Historic Places. Plan Pages 5-8–5-9. It is suspected that over 22,000 more historic resources have not yet been evaluated. Plan Page 5-13. Of the 63 Rural Villages listed in Table 5.4 of the Plan, only 25 have been surveyed for the Washington County Historic Sites Inventory. See Plan Pages 5-23–5-24. The Plan advocates for the remaining Rural Villages to be surveyed in order that the Historic District Commission be able to “continue review of changes to identified contributing resources and new construction which may adversely affect those resources.” Plan Page 5-22; see also Plan Page 5-32 (listing a Historic Element Recommendation to “[e]xpand and update the Washington County Historic Sites Inventory . . .”); Plan Page 15-13 (incorporating the foregoing recommendation as a long-term goal in the Plan’s implementation). See Attachment Two: 38 Rural Villages Pending Historic Sites Inventory Survey.

While they await formal study, the historical character of the 38 Rural Villages not yet surveyed should not be eroded by context inappropriate development, a consequence of allowing the development of small box stores in close proximity to a Rural Village’s historical resources. The proposed ZTA would ensure that the character of all of these potential historical resources is protected and preserved until all surveys have been completed. In so doing, the ZTA would also serve the Historic Element Recommendations to “[m]inimize factors which negatively impact historic and cultural resources by balancing growth . . .” and to “[i]dentify and protect additional scenic corridors and areas with a high integrity of historic context through land use policies.” Plan Page 5-32.

Additionally, the proposed ZTA is also in harmony with the Historic Element Recommendation to “[c]ollaborate with historic resource interest groups and connect with new audiences by promoting historic resources and improving cooperative relationships with historic resource interested parties.” Plan Page 5-32. See also Plan Pages 15-12–15-13 (incorporating each of these recommendations as medium- or long-term goals in the Plan’s implementation); Plan Page 2-3 (“Above all, a comprehensive plan offers the opportunity for the communities to develop a shared vision for their future.”).

While the proposed ZTA is narrowly tailored, this type of amendment is clearly within the envisioned scope of regulatory change contemplated by the Plan. *The Plan recommends impactful changes to the Zoning Ordinance and stricter protections for historical resources.* See, e.g., Plan Page 15-9 (recommending as a medium-term goal “[u]pdat[ing] and revis[ing] the Zoning and Subdivision Ordinance regulations to incorporate appropriate zoning districts and development standards recommended in [the Growth Management & Land Use Element] chapter”); Plan Page 5-32 (including a Historic Element Recommendation to “[m]odernize and create a separate Historic Preservation Ordinance that consolidates terminology for review areas to reduce confusion and also addresses topics specific to Historic Preservation such as demolition and demolition by neglect of historic resources”); Plan Page 15-12 (incorporating the same as a short-term goal in the Plan’s implementation). Pending adoption of a Historic Preservation Ordinance, the proposed ZTA will ensure that the historically designated Protected Areas will receive continued aesthetic and financial protection.

The proposed ZTA is thus consistent with and supportive of the Goal and Objective of enhancing the County's rich historic and cultural heritage through land preservation and historic preservation efforts.

3. Item 8: Encourage infill development and revitalization of existing communities using context sensitive development strategies to maintain and enhance community character.

The proposed ZTA would protect the rural and historical character of the Rural Villages by restricting the placement of small box stores within the very limited 1,000-foot radius of a historic Protected Area. Rural Villages are “definable on the landscape and contribute to the unique character of Washington County.” Plan Page 14-26. They are what one pictures when thinking of the quintessential small town: “a small core of a residential neighborhood associated with a retail establishment or an institution such as a post office, elementary school, church or fire station.” Plan Page 14-26. Retail stores in these rural areas and historic setting tend to be smaller, more product-specific specialty stores (bakeries, candy stores, clothing stores, jewelers, mom-and-pop grocery and general stores, apothecaries, etc.) or service-specific businesses (auction houses, flea markets, upholstery stores, etc.), explicitly allowed under the Rural Village zone, usually against a natural landscape backdrop of ponds or lakes teeming with wildlife, lush green fields, and breathtaking forested mountain views.

Washington County has long focused its efforts on preserving the boundary between these types of rural areas and their more developed urban counterparts. *See, e.g.,* Plan Page 11-14; Plan Page 6-17 (noting in the context of housing that “Washington County has long pursued a strategy of seeking to attract development where it is desirable (in planned growth areas where infrastructure needed to serve development already exists), **while limiting its spillover effects in areas where it is less desired (in rural areas where agriculture is the primary land use and sensitive environmental resources are found in greater abundance)**” (emphasis added)); Plan Page 15-6 (recognizing the need for “context sensitive design” in Rural Villages in the realm of transportation to “preserve community character”). The Plan clearly indicates that in identifying sites for commercial uses, among the factors for consideration are the following: “[t]he ability to mitigate developmental impacts on sensitive environmental, historical or cultural features;” “[a]voidance of areas where there is a high probability of incompatibility with existing residential development;” “[l]ocat[ing] retail commercial sites where they best serve the market niche being targeted whether regional, community, or neighborhood based;” and “[w]hen feasible, associat[ing] development with an approved or proposed incentive area such as Enterprise Zones or Foreign Trade Zones.” Plan Page 9-17.

The County has used “a variety of regulatory tools” to “avoid conflicts from incompatible land uses.” Plan Page 6-18. For instance, the general policy guidelines that undergird the Plan are meant to inform various land use regulations, including zoning regulations. Plan Pages 2-3, 15-1. The Zoning Ordinance recognizes some of the Plan’s policy goals in Section 5D.0, which elaborates the purposes for which the Rural Village zone was established. The underlying purpose of the Rural Village designation is to “preserve the unique historic or rural character of existing villages by encouraging compatible development within a defined village boundary.” To be permitted in this zone, development must be “generally of a similar density, scale and use type and mixture as that which exists in the village,” and is expected to be primarily residential, with only “a limited amount of mixed rural services.” These limitations “prevent large amounts or inappropriately scaled development or uses that would detract from the existing rural or historic character of the village.” *Accord* Plan Page 14-24 (“The challenge of the Land Use Plan dealing with the Rural Area, is to preserve the rural character through policies that will not promote significant development but will

maintain a productive environment for the existing industries located there.”); Plan Page 14-26 (recognizing that attention must be paid to “design criteria thereby preserving the historical nature of the area in terms of scale and compatibility” and recommending that “[d]evelopment should be limited to infill development in accordance with the defined boundaries for the Rural Village”); Plan Page 14-27 (“Non-agricultural commercial uses in the rural areas should be limited to uses that serve the needs of the rural residential population, provide for recreation and tourism opportunities, and that support, complement, and promote the farming, forestry, and heritage tourism industries.”). *See also* Plan Page 14-28 (specifying Land Use and Growth Recommendations to “[r]eview and update definitions of rural business zoning to incorporate an emphasis on retaining scale and compatibility with surrounding properties” and “[r]eview and potentially reduce the number of commercial land uses permitted by right in the Rural Business floating zone to ensure they are meeting the intended purpose of the district [and particularly] intensity of use, appearance in context of the rural area, and potential design standards”).

The proposed ZTA simultaneously promotes the overall spirit and the Goals and Objectives of the Plan with regard to protecting and enhancing community character, as well as the purpose and intent of the Rural Village zone. In contrast to the bucolic setting invoked by the description of the typical Rural Village, the highly commercialized “cookie cutter” design, intrusive lighting, and conspicuous signage of the typical small box stores make it an eminently visible eyesore in close proximity to historical resources. This type of commercial development is terribly out of character with the style and scale of the historic, rural surroundings and the small, local-business oriented economy. Issues such as increased tractor-trailer traffic for deliveries, magnified noise and congestion from additional consumer vehicular traffic 7 days a week, community safety concerns associated with all of this increased traffic, uncharacteristic nighttime lighting, and odor and vermin associated with the presence of dumpsters all significantly detract from the existing unique historic and rural aesthetic of the Rural Villages.

The proposed ZTA is thus consistent with and supportive of the Goal and Objective of encouraging infill development and revitalization of existing communities using context sensitive development strategies to maintain and enhance community character.

Conclusion

The broader Cascade community has rallied behind my family to appear at Board of Appeals hearings, to raise money for a zoning lawyer to represent us before the Board and in Court, and to attend Court hearings to show support for us. A petition filed in the first Board hearing had nearly 500 signatures in opposition to this proposal, and a more recent petition has added several hundred more. I am enclosing those petitions in support of this request. We should not have to spend years, and tens of thousands of dollars – as we have done - to protect our community from a use that does not belong here because it violates the purpose and intent of the Rural Village zone.

Please accept the ZTA Amendment package which I have filed concurrently with this Statement of Justification. I also would ask that you expedite your review, to the extent legally possible under the notice and hearing requirements. As you know, my prior two requests were rejected out-of-hand, the first time by the County Administrator and the second time by Commissioner Cline. Both rejections were based on legal advice from County Attorney Zachary Kieffer, who represented Outdoor Contractors at the first Board of Appeals hearing, in part because he raised concerns that a legislative change would cause “confusion.”

I want to be perfectly clear once again: The purpose of the proposed ZTA is to *eliminate* the

confusion surrounding the Zoning Ordinance that has thus far resulted in two Board of Appeals decisions, two Circuit Court decisions, and has led to a pending appellate court hearing pending which we believe will result in a near-certain remand to the Board of Appeals for a third hearing. The proposed ZTA is a logical, narrowly tailored amendment specifically proposed to clarify the purpose and scope of the Rural Village zone. Moreover, it is consistent with the Comprehensive Plan in that it shows clear support for three of the Plan's Goals and Objectives, and is at least neutral to the remaining five. Plan Page 2-6 ("A consistent regulation or decision may show clear support for the Plan. It may also be neutral – but it should never undermine the Plan.") (quoting Managing Maryland's Growth: Models and Guidelines – Achieving "Consistency" Under The Planning Act of 1992; Maryland Office of Planning; April, 1994; Publication #94-03; page 2)).

Please respect the concerns raised by the hundreds of residents of Cascade and surrounding Washington County communities that are looking for your support, as our elected representatives, in protecting our mountain community by adopting the requested ZTA.

Sincerely,
/s/ Danielle Marie Durning

Danielle Marie Durning
25212 Cascade Road
Cascade MD 21719
301-992-4661
danielleeyler@gmail.com

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301-992-4661
danielleyleyler@gmail.com

At the request of my client, Danielle Durning, I am providing you with a summary of the established Maryland court decisions that (1) require a local legislative body to apply existing laws while litigation is underway; and (2) will apply the existing laws in a pending case, even if doing so would have the effect of ensuring an earlier agency decision.

This legal analysis confirms that while the Commissioners may choose not to act on the amendment application filed by Ms. Durning, which seeks to clarify the Rural Village Zone, the Commissioners are not precluded from doing so. In other words, declining to act on the pending amendment would be a political choice, not a legal choice.

The legislature's right to amend existing laws pending litigation was established fifty years ago in *Levitt v. Corp. v. Powell*, 237 Md. 121, 124, 203 A.2d 259 (1964), when the Supreme Court of Maryland held as follows:

"Maryland consistently has followed the rule that 'an appellate court is bound to decide a case according to existing laws, even though a judgment rightful when rendered by the court below should be reversed as a consequence,' ... [and] a change in the [zoning] law after a decision below and before final decision by the appellate Court will be applied by that Court unless vested or accrued substantive rights would be disturbed or unless the legislature shows a contrary intent."

AL
"Vested rights" only accrue if a property owner has begun construction pursuant to a validly issued building permit.¹

¹ The vested rights principle has been clearly explained as follows: "[W]hen a property owner (1) obtains a lawful building permit, (2) commences to build in good faith, and (3) completes substantial construction on the property, his right to complete and use that structure cannot be affected by any subsequent change of the applicable building or zoning regulations." *Case of Baltimore v. W. Shore Casino, Inc.*, 110 Md. App. 300, 325 (1996). No vested rights are implicated in connection with the proposed text amendments.



January 20, 2026

Mr. John F. Barr, President,
Board of County Commissioners
Mr. Jeffrey A. Cline, Vice-President
Mr. Randall E. Wagner, Commissioner
Mr. Derek Harvey, Commissioner
Mr. Randal Leatherman, Commissioner

RE: Legislative Zoning Amendments While Litigation Is Ongoing

Dear Commissioners:

At the request of my client, Danielle Durning, I am providing you with a summary of long-established Maryland court decisions that (1) confirm a local legislature’s legal authority to amend zoning laws while litigation is underway; and (2) will apply the amendment during a pending court case, even if doing so would have the effect of reversing an earlier agency or court decision.

This legal analysis confirms that while the Commissioners may choose not to act on the zoning text amendment application filed by Ms. Durning, which seeks to clarify the Rural Village zone, the Commissioners are not precluded from doing so. In other words, declining to adopt the proposed zoning text amendment would be a political choice, not a legal choice.

The legislature’s right to amend zoning laws pending litigation was established fifty years ago in *Yorkdale Corp. v. Powell*, 237 Md. 121, 124, 205 A.2d 269 (1964), when the Supreme Court of Maryland held as follows:

“Maryland consistently has followed the rule that ‘an appellate court is bound to decide a case according to existing laws, even though a judgment rightful when rendered by the court below should be reversed as a consequence,’ . . . [and] a change in the [zoning] law after a decision below and before final decision by the appellate Court will be applied by that Court unless vested or accrued substantive rights would be disturbed or unless the legislature shows a contrary intent.

Id..

“Vested rights” only accrue if a property owner has begun construction pursuant to a validly issued building permit.¹

¹ The vested rights principle has been clearly explained as follows: “[W]hen a property owner (1) obtains a lawful building permit, (2) commences to build in good faith, and (3) completes substantial construction on the property, his right to complete and use that structure cannot be affected by any subsequent change of the applicable building or zoning regulations.” *Town of Sykesville v. W. Shore Commc’ns*, 110 Md. App. 300, 329 (1996). No vested rights are implicated in connection with the proposed text amendment.

The *Yorkdale* principle has been consistently and repeatedly affirmed by the courts. See *In re Northpoint Realty Partners, LLC*, 265 Md. App. 270, 291 (2025)(confirming *Yorkdale* held a statutory change "after a decision below and before final decision by the appellate Court" applies retroactively "unless vested or accrued substantive rights would be disturbed or unless the legislature shows a contrary intent"); *McHale v. DCW Dutchship Island LLC*, 415 Md. 145, 160 (2010) (noting *Yorkdale* held that in zoning and land use cases a court would apply a substantive change to a statute during the course of litigation"); *Layton v. Howard Cnty. Bd. of Appeals*, 399 Md. 36, 70 (2007) (stating "we reaffirm the *Yorkdale* rule that a substantive change in relevant statutory law that takes place during the course of the litigation of a land use or zoning issue shall be retrospectively applied by appellate courts").

I trust this summary of Maryland law clarifies that the Commissioners have legal authority to adopt the zoning text amendment requested by Ms. Durning.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

Cc: Danielle Eyler Durning

Table 5-4: Rural Villages Historic Survey Status (cont.)

Rural Villages Remaining for Survey			
Bagtown	Charlton	Huyett**	Mount Briar
Beaver Creek	Chewsville	Indian Springs	Pecktonville
Big Pool	Dargan	Jugtown	Pinesburg
Big Spring	Eakles Mill	Kemps**	Pondsville
Bostetter**	Edgemont	Kemps Mill	Reid
Breathedsville	Ernstville	Lappans	St. James (Lydia)
Bridgeport**	Fairview	Mapleville	Trego/Rohrersville Station
Cascade	Fiddlersburg/Security**	Mercersville	Yarrowsburg
Cearfoss	Garretts Mill	Middleburg**	
Cedar Lawn**	Greensburg	Mount Aetna	

*Not Rural Village zoning, however, individual contributing resources to a survey area are included and those resources are now incorporated into the Washington County Historic Sites Inventory by this plan

**Urban Rural Villages of which their contributing resources only are reviewed for Design Review or demolition, not new construction

DOCKET NO. AP2022-034: Outdoor Contractors, Inc.: appeal for a special exception to establish general retail/merchandise store ("Dollar General")

Michele Rosenfeld <michele@marylandpropertylaw.com>

Tue 8/30/2022 9:08 AM

To: Rathvon, Kathryn B. <krathvon@washco-md.net>

 1 attachments (12 MB)

Petition signatures in opposition.pdf

Ms. Rathvon:

Please submit the attached petitions in opposition to the above-referenced application in the record and circulate as appropriate.

Thank you,

Michele Rosenfeld
The Law Office of Michele Rosenfeld LLC
1 Research Court, Suite 450
Rockville MD 20850
michele@marylandpropertylaw.com
301-204-0913



There are other abandoned previously established village lots within the community more suitable including the old Decker store and the old BP station.

Our skies will be polluted with extreme bright lights at night. Store will be open every seven days a week from 8 a.m. to 10 p.m.

Increased traffic – customers and delivery trucks - will increase accidents and create noise, dust, smoke and fumes pollution.

Increased trash and smell due to large concrete dumpsters in the rear of the store.

Increased crime, loitering, vandalism in surrounding homes and neighborhoods.

Dollar General is harmful to communities and to the physical health of our residents since they limit access to healthy foods.

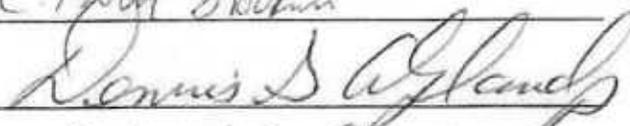
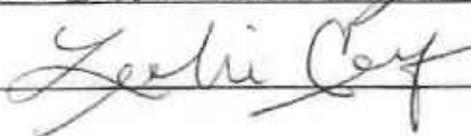
Dollar General will close down locally owned grocery stores and prevent other grocery stores with healthier food choices from moving in.

There are more appropriate uses for this parcel of land.

We, the undersigned, are signing this petition to oppose Outdoor Contractors Inc.'s request for a special exception. We are saying NO to Dollar General and yes to preserving and protecting our peaceful, healthy, safe, unpolluted, quiet, starlit nights here in the rural mountaintop village of Highfield-Cascade! Thank you!

Printed Name

Signed Name

- | | | |
|----|--------------------------|---|
| 1. | <u>Thomas Cregger</u> | <u></u> |
| 2. | <u>C Robert Stockman</u> | <u>C. Robert Stockman</u> |
| 3. | <u>Dennis Abplanalp</u> | <u></u> |
| 4. | <u>Leslie Cerf</u> | <u></u> |

PRINT

SIGN

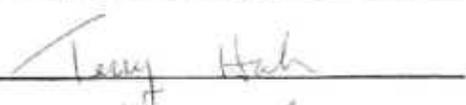
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6. Damien Applabaip



7. Teresa Hahn



8. Terry Hahn



9. Sharon Toms



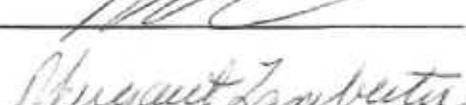
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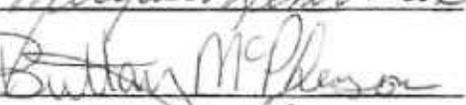
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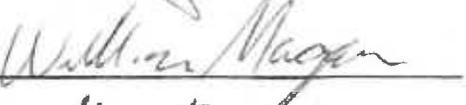
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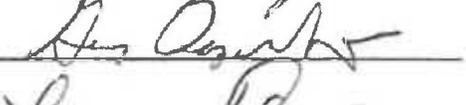
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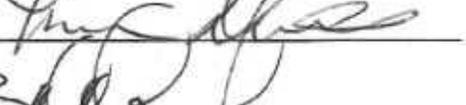
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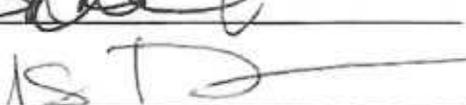
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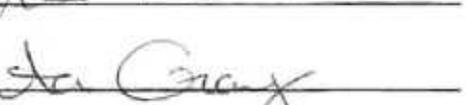
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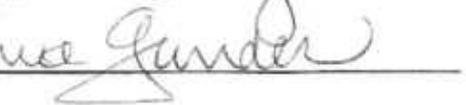
17. Gary Dagenhart



18. Kevin Davis



19. BENJAMIN D. DOMERICK



20. Lisa Devlin



21. Greta Gray



22. DIANA GUNDER



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23. DANNY STOLKSLAGER



24. Tim Clark



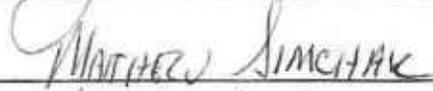
25. Karen Sander



26. Jane Simchak



27. Matthew Simchak



28. KIMBERLY A. KLEPPNER



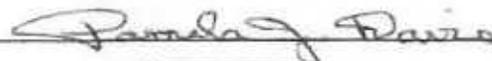
29. Patrick Bragg



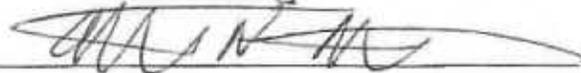
30. Danny L. Davis



31. Pamela J. Davis



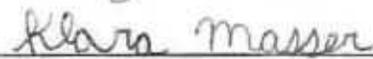
32. MATTHEW MASSER



33. Kathy Masser



34. Klara masser



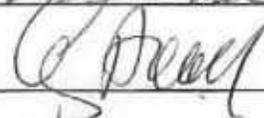
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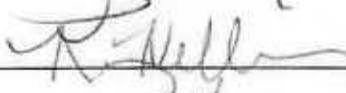
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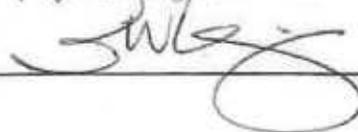
37. Andy Brewer



38. Gay Hillert



39. BRIAN W. IRVING



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40. Roger Willard Roger L. Willard

41. ROBERT MATEER Robert Mateer

42. Terry Weikert Terry Weikert

43. Kira Weikert Kira Weikert

44. Eugenia Fisher Eugenia Fisher

45. Doug Warren Doug Warren

46. Linda Crider Linda Crider

47. Lucille Hammann Lucille Hammann

48. WILLIAM HAMMANN William Hammann

49. Clarence Beaver III Clarence Beaver III

50. Cocture Beaver Cocture Beaver

51. Deborah Huffman Deborah Huffman

52. STEPHEN ZAPOTOCKY Stephen Zapotocky

53. Deb Redden Deb Redden

54. Patricia Ashby Patricia Ashby

55. Steven Bounn Steven Bounn

56. DON CRUTHER Donald Cruth

57. ~~Patricia Ashby~~ ~~Patricia Ashby~~

58. RANDALL HUMPHREY Randall Humphrey

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59. BARRY J. CERF

Barry J. Cerf

60. Mark A Cunningham

Mark A Cunningham

61. Daniel Hunt

D Hunt

62. Bradley Hunt

Bradley Hunt

63. John Wisner

John Wisner

64. Michael Norris

Michael Norris

65. Nancy Stefan

Nancy Stefan

66. Shelba Bollinger

Shelba G. Bollinger

67. David E. Bollinger

David E Bollinger

68. Lura Stockman

Lura Stockman

69. Jeff McKenzie

Jeff McKenzie

70. Dawn Bickenstaff

Dawn Bickenstaff

71. Mark Salovey

Mark Salovey

72. DANNY L. LASPE

Danny L. Laspe

73. Kathleen Kaminski

Kathleen Kaminski

74. Daniel Bernd

Daniel Bernd

75. Stacy Kragh

Stacy Kragh

76. GERALDINE OTREMBA

Geraldine Otremba

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77. Heidi Martin

Heidi Martin

78. Sarah Ryder

Sarah Ryder

79. Jason Prebus

Jason Prebus

80. Stan Tomesky

Stan Tomesky

81. Linda Harbaugh

Linda Harbaugh

82. PAMELA HOWARD

Pamela Howard

83. Ashley Harbaugh

Ashley Harbaugh

84. D Day

D Day

85. Nicole Deavers

Nicole Deavers

86. John Deavers

John Deavers

87. Randy Sutton

Randy Sutton

88. Pat Sutton

Pat Sutton

89. Barbara Robinson

Barbara Robinson

90. Tim GRESS

Tim Gress

91. Peme Emrick

Peme Emrick

92. Andrew Emrick

Andrew Emrick

93. Susan Foyle

Susan Foyle

94. Kathy Weaver

Kathy Weaver

95. Keith M. Cullen

Keith M. Cullen

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96. WILLIAM F. KROEBER

W. F. Kroeber

97. ANGELA AUMAR Angela Aum

98. _____

99. _____

100. _____

7A

97

- 5. Allison Morris ~~_____~~
- 6. Kayla Cox Kayla B Cox
- 7. Tim Heuser ~~_____~~
- 8. Heather Bodnar Heather Bodnar
- 9. Nicholas Shockey ~~_____~~
- 10. Ken Buckler ~~_____~~
- 11. Valerie Elliott VK Elliott
- 12. William Elliott ~~_____~~
- 13. Sheila Wallace ~~_____~~
- 14. Steven Rhodes ~~_____~~
- 15. Barbara OBryan Barbara OBryan
- 16. Richard Jones ~~_____~~
- 17. Dan Bloom Dan B Bloom
- 18. Debbie Answorth Debra Answorth
- 19. Becky Harbaugh Becky Harbaugh
- 20. Roger HARBAUGH ~~_____~~
- 21. Brandon Staley ~~_____~~
- 22. Allison Severance Allison Severance

- | | | |
|-----|----------------------------------|---------------------|
| 23. | James Jason R. Lowman | |
| 24. | Bryce B. Furt | Gregory B. DeLarter |
| 25. | David | David Fyfe |
| 26. | David | David Sewell |
| 27. | AMIT | AMIT SOOD |
| 28. | Nancy Kirkpatrick | Nancy Kirkpatrick |
| 29. | James Kirkpatrick | James Kirkpatrick |
| 30. | Joyce Johnson | Joyce Johnson |
| 31. | Judy Johnson | Judy Johnson |
| 32. | Michael Downelly | Michael Downelly |
| 33. | Pt Straubs | Pt Straubs |
| 34. | Melissa Gladhill | Melissa Gladhill |
| 35. | Barry Gladhill | Barry Gladhill |
| 36. | Carmen Fox | Carmen Fox |
| 37. | Linda Ott | Linda Ott |
| 38. | Samantha Phillips | Samantha Phillips |
| 39. | Judy Fox | Judy Fox |

40. Karen Taylor KAREN TAYLOR

41. KATHRYN RATTIGAN ~~KATHRYN RATTIGAN~~

42. Jean Rattigan Jean Rattigan

43. Diane Guassardo Diane Guassardo

44. Mark Guassardo Mark Guassardo

45. Vera Demeduk Vera Demeduk

46. Warren Spaid Warren Spaid

47. Diane Wilkinson Diane C. Wilkinson

48. Nina Thomas Nina Thomas

49. Jae Mann Jae Mann

50. Yes Tilton Yes Tilton

51. Patricia Sorey

52. Ala Clauer

53. _____

54. _____

55. _____

56. _____

57. _____

58. _____

(48)

B3

There are other abandoned previously established village lots within the community more suitable including the old Decker store and the old BP station.

Our skies will be polluted with extreme bright lights at night. Store will be open every seven days a week from 8 a.m. to 10 p.m.

Increased traffic – customers and delivery trucks - will increase accidents and create noise, dust, smoke and fumes pollution.

Increased trash and smell due to large concrete dumpsters in the rear of the store.

Increased crime, loitering, vandalism in surrounding homes and neighborhoods.

Dollar General is harmful to communities and to the physical health of our residents since they limit access to healthy foods.

Dollar General will close down locally owned grocery stores and prevent other grocery stores with healthier food choices from moving in.

There are more appropriate uses for this parcel of land.

We, the undersigned, are signing this petition to oppose Outdoor Contractors Inc.'s request for a special exception. We are saying NO to Dollar General and yes to preserving and protecting our peaceful, healthy, safe, unpolluted, quiet, starlit nights here in the rural mountaintop village of Highfield-Cascade! Thank you!

Printed Name

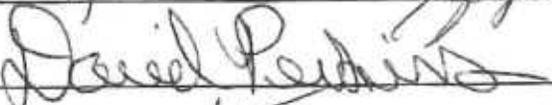
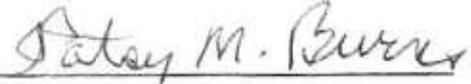
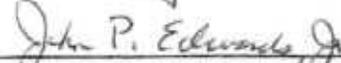
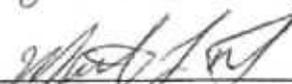
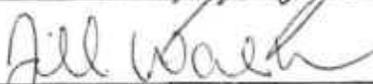
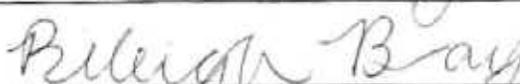
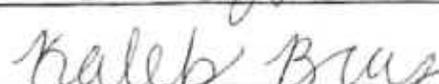
Signed Name

1. Megan Ames - Merri Hill
2. Aimee Dr. Beverly
3. Janet Wainmaker
4. Angela Jones

CI

5. Debora Ettore
6. Carla Ottaway
7. ~~Tom~~ Tom
8. Ashley Cuduff
9. Matthew Cuduff
10. Adam Rock
11. ~~Ben~~ Ben
12. MATT NORRIS
13. JEREMY CHANDLER
14. Shauna Lawrence
15. Donald Chiswick
16. Lisa Band
17. ~~Carrie~~ Carrie
18. Josh Stadar
19. ~~Salmon Jones~~ Salmon Jones
20. ~~Donna Jones~~ Donna Jones
21. Hannah Greco Hannah Greco
22. ~~Bill Greco~~ Bill Greco

23. Jesse Creitz
24. Paige Kennedy
25. John Sprinkle
26. Meagan Moka
27. James Harris
28. Herb Brown
29. ~~Herb Brown~~
30. Patricia Jones
31. Peggy Heiston - Cascade
32. Kourtney Schmidt
33. Jonathan Schmidt
34. Jill Wachter
35. Mike Bray
36. Rileigh Bray
37. Kaleb Bray
38. Terri Leonard
39. Jason Freeman

40. Dylan Kerns 
41. Neely Mills
42. Shanon Burt
43. Tyler Wile 
44. David Perkins 
45. Katie Guth
46. Rob Flan 
47. ~~Dan~~ 
48. ~~Blm/Dr~~ 
49. Keri Nugent 
50. Kati Dain 
51. Ann Dible 
52. Patsy Burns 
53. John Edwards 
54. Matthew Nugent 
55. Jill Wachter 
56. Mike Bray 
57. Rileigh Bray 
58. Kaleb Bray 

- | | | |
|-----|-----------------------|---------------------------|
| 59. | Kelly Savinck | Kelley Salunck |
| 60. | Danny Laspo | Danny Loape |
| 61. | Hope Woodford | Hope Woodford |
| 62. | Bonnie McLaughlin | Bonnie McLaughlin |
| 63. | Tracy Ebersole | Tracy Ebersole |
| 64. | John Hirst | John Hirst |
| 65. | John Hirst | |
| 66. | Kathy Burdette | Kathy Burdette |
| 67. | Steve Burdette | Steve Burdette |
| 68. | Hope Whitlock | Hope Whitlock |
| 69. | Kris Burgett | Kris Burgett |
| 70. | Jennifer Frasier | Jennifer Frasier |
| 71. | Angela Auman | |
| 72. | Vanessa Thomas | |
| 73. | Kim Massett | Kim Massett |
| 74. | RD RAPPLEYE II | RD RAPPLEYE II |
| 75. | Bernadette M. Harris | Bernadette Harris |
| 76. | | |

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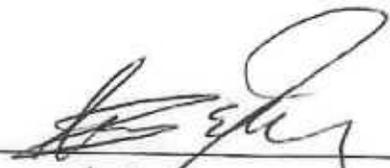
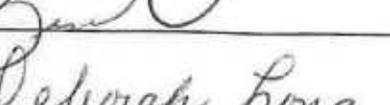
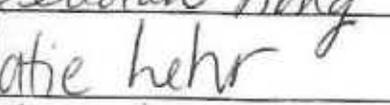
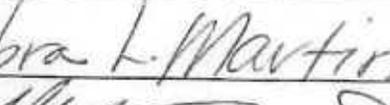
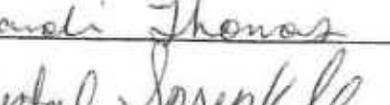
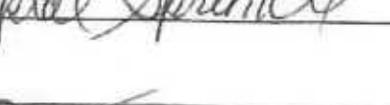
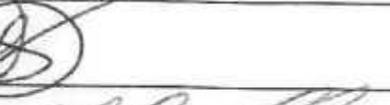
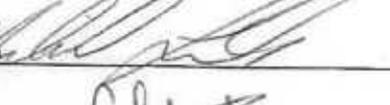
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Printed Name	Signed Name
1. Jon Seibamer	Jon Seibamer
2. Tiffany Fox	Tiffany Fox
3. Lynn Martin	Lynn A. Martin
4. N. Vicki Vicino	N. Vicki Vicino

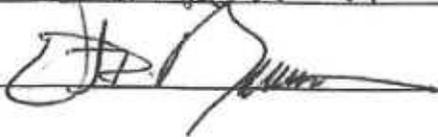
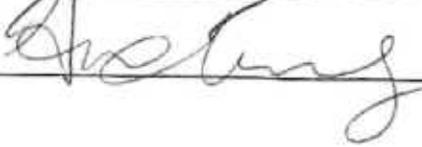
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| 5. <u>Ronald E Hainwo</u> | <u>Ronald E Hainwo</u> |
| 6. <u>Matt Stewart</u> | <u>Matt Stewart</u> |
| 7. <u>CHRISTOPHER KENDIG</u> | <u>Christopher Kendig</u> |
| 8. <u>Mike Swartz</u> | <u>Mike Swartz</u> |
| 9. <u>DAVID PERKINS</u> | <u>David Perkins</u> |
| 10. <u>Madalyn Eiker</u> | <u>Madalyn Eiker</u> |
| 11. <u>Amanda Black</u> | <u>Amanda Black</u> |
| 12. <u>Cheyenne Worth</u> | <u>Cheyenne Worth</u> |
| 13. <u>Harp Worth</u> | <u>Harp Worth</u> |
| 14. <u>Curtis STINE</u> | <u>Curtis Stine</u> |
| 15. <u>Kathy Wleaver</u> | <u>Kathy Wleaver</u> |
| 16. <u>Mary Fox</u> | <u>Mary Fox</u> |
| 17. <u>Misty Stull DeGrange</u> | <u>Misty Stull DeGrange</u> |
| 18. <u>Jeremy DeGrange</u> | <u>Jeremy DeGrange</u> |
| 19. <u>David Thomas</u> | <u>David Thomas</u> |
| 20. <u>George R. Kuhn</u> | <u>George R. Kuhn</u> |
| 21. <u>Devin Wallace</u> | <u>Devin Wallace</u> |
| 22. <u>Zachary Faust</u> | <u>Zachary Faust</u> |

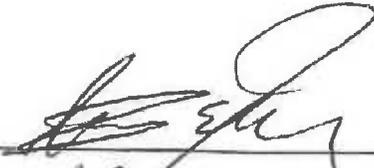
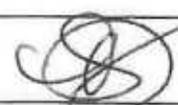
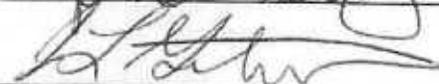
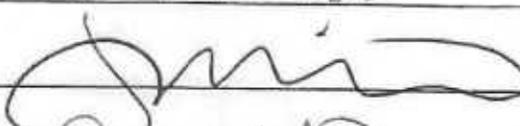
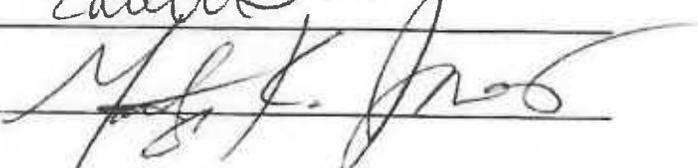
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| 23. | Denise Green | Denise Green |
| 24. | Vince Drenner | Vince Drenner |
| 25. | Fusene munn | |
| 26. | Michael Lipchack | Michael Lipchack |
| 27. | Dan Arrison | Dan Arrison |
| 28. | Matt NORRIS | Matt Norris |
| 29. | Jake Lorenzen | Jake Lorenzen |
| 30. | MARY S. Miller | Mary S. Miller |
| 31. | Joe Morris | Joe Morris |
| 32. | BS Smith | BS Smith |
| 33. | Captin Hook | |
| 34. | TOMY WARR | |
| 35. | Danny L Laspe | Danny L. Laspe |
| 36. | Robin Sward | Robin Sward |
| 37. | Katherine Zebroski | Thomas Zebroski |
| 38. | Schuberting | Schuberting |
| 39. | Andrea Woodring | Andrea Woodring |

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| 40. | TERRY WILEY |  |
| 41. | Gerald Hutchins |  |
| 42. | Kortney McCullough |  |
| 43. | Bryan Overmire |  |
| 44. | Deborah Long |  |
| 45. | Katie Hehr |  |
| 46. | Debra L. Martin |  |
| 47. | Matt Thomas |  |
| 48. | Brandi Thomas |  |
| 49. | Crystal Sprinkle |  |
| 50. | Karen Lantz |  |
| 51. | Micuelle Strong |  |
| 52. | Michael Liles |  |
| 53. | Jenna Coblenz |  |
| 54. | JEFF GILCHRIST |  |
| 55. | LISA TRIND |  |
| 56. | Shanon Murphy |  |
| 57. | Zachary Wolford |  |
| 58. | Marilyn K. Jones | |

59. ~~Wendy Rose~~ Virginia Rose
60. JAMES T. HARRIS James T. Harris
61. Lillian E. Harris Lillian E. Harris
62. ~~Ann S. Tremaine~~
63. Bryce Rock Bryce Rock
64. Jessica Bennett Jessica Bennett
65. William Crain William Crain
66. Craig Lewis Craig W. Lewis
67. Tyler Royer Tyler Royer
68. Rebekah Raum Rebekah Raum
69. Lori Curbon Lori Curbon
70. Russell Matthews Russell Matthews
71. Sydney Stull Sydney Stull
72. Rebecca Baker Rebecca Baker
73. Daniel Gufos Daniel Gufos
74. Jim Atkinson Jim Atkinson
75. Angeline Johnson Angeline J.
76. Captain Gunch Captain Calloway

77. Molly Lane Molly Lane
78. ~~Iley Torres~~ ~~Iley Torres~~
79. Kate Grove Kate Grove
80. Hope Whitlock Hope Whitlock
81. ~~Joseph DiMaggio~~ Joseph DiMaggio
82. ~~Tobie Davies~~ Tobie Davies
83. Shane Ruby ~~Shane Ruby~~
84. _____
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| 23. | Denise Green | Denise Green |
| 24. | Vince Drenner |  |
| 25. | Eugene Munn | |
| 26. | Michael Lipchick | Michael Lipchick |
| 27. | Dan Arrison |  |
| 28. | Matt NORRIS | Matt Dan |
| 29. | Jake Lorenzen |  |
| 30. | Mary S. Miller | Mary S. Miller |
| 31. | Joe Morris | Joe M |
| 32. | BS Smith | BS |
| 33. | Captin Hook | |
| 34. | Tom Wank | |
| 35. | Danny L. Lapse | Danny L. Lapse |
| 36. | Robin Sward | Robin Sward |
| 37. | Katherine Zebroski | Thomas Zebroski |
| 38. | Scha Woodring |  |
| 39. | Andrea Woodring |  |

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| 40. | Terry Wiley |  |
| 41. | Gerald Watson |  |
| 42. | Kortney McCullough |  |
| 43. | Bryan Hooverman |  |
| 44. | Deborah Long | Deborah Long |
| 45. | Katie Hehr | Katie Hehr |
| 46. | Debra L. Martin | Debra L. Martin |
| 47. | Matt Thomas |  |
| 48. | Brandi Thomas | Brandi Thomas |
| 49. | Crystal Sprinkle | Crystal Sprinkle |
| 50. | Karen Lantz | |
| 51. | Micuelle Strong |  |
| 52. | Michael Liles |  |
| 53. | Jenna Coblenz | Jenna Coblenz |
| 54. | JEFF GILCHRIST |  |
| 55. | LYSA TORIND |  |
| 56. | Shanon Murphy | Shanon Murphy |
| 57. | Zachary Wolford | Zachary Wolford |
| 58. | Marilyn K. Jones |  |

59. Virginia Rowe Virginia Rowe
60. JAMES T. HARRIS James T. Harris
61. Lillian E. Harris Lillian E. Harris
62. Quinn S. Tremaine Quinn S. Tremaine
63. Bryce Rock Bryce Rock
64. Jessica Bennett Jessica Bennett
65. William Crain William Crain
66. Craig Lewis Craig W. Lewis
67. Tyler Royer Tyler Royer
68. Rebekah Raum Rebekah Raum
69. Lori Curbow Lori Curbow
70. Russell Matthews Russell Matthews
71. Sydney Stull Sydney Stull
72. Rebecca Baker Rebecca Baker
73. Daniel Gilfoos Daniel Gilfoos
74. Jan Atkinson Jan Atkinson
75. Angeline Johnson Angeline J.
76. Captain Cunch Captain Cunch

- | | | |
|-----|-----------------|------------------------|
| 77. | Molly Lane | Molly Lane |
| 78. | Iley Torres | Iley Torres |
| 79. | Katie Grove | Katie Grove |
| 80. | Hope Whitlock | Hope Whitlock |
| 81. | Joseph DiMaggio | Joseph DiMaggio |
| 82. | Tobie Davies | Tobie Davies |
| 83. | Shane Ruby | Shane Ruby |
| 84. | | |
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| 95. | | |

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Our skies will be polluted with extreme bright lights at night. Store will be open every seven days a week from 8 a.m. to 10 p.m.

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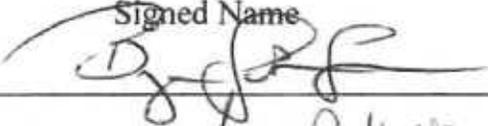
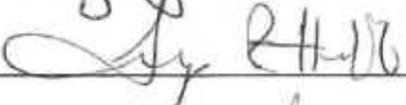
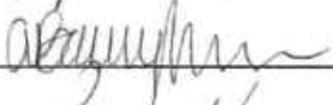
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Dollar General is harmful to communities and to the physical health of our residents since they limit access to healthy foods.

Dollar General will close down locally owned grocery stores and prevent other grocery stores with healthier food choices from moving in.

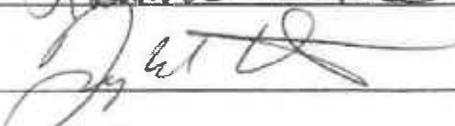
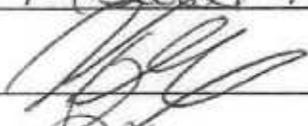
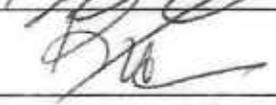
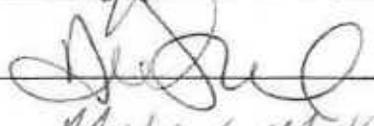
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Printed Name	Signed Name
1. Bryon Smith	
2. Jennifer Huff	
3. Amber Baumgardner	
4. Pat Kump	

PRINT

SIGN

- | | |
|------------------------|--|
| 5. Laura White | Laura White |
| 6. TYLER BENTZ |  |
| 7. Marnie Mortenson | M. Joseph Mortenson |
| 8. Kyle Shorb |  |
| 9. KEVIN WADE |  |
| 10. Makaila Miller | Makaila Miller |
| 11. Cathy Earhart | Cathy M. Earhart |
| 12. Brian Poy |  |
| 13. Tracy Delauter |  |
| 14. Sheila Seiss |  |
| 15. Charles Miller | Charles L Miller |
| 16. Ashley Heaton | Ashley Heaton |
| 17. Sheila Foy | |
| 18. Angie Crouse | Angie Crouse |
| 19. Kyrina McGlaughlin | Kyrina McGlaughlin |
| 20. Diana Shepard |  |
| 21. Michael Mellott | Michael Mellott |
| 22. Jason C. Hurd | Jason C. Hurd |

PRINT

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- | | |
|-----------------------------|------------------|
| 23. Kenna Gisriel | Ken Griel |
| 24. Terry M. Sebald | Terry M Sebald |
| 25. Elaine Robinet | Elaine Robinet |
| 26. Wendy Gisriel | Wendy Gisriel |
| 27. Terra Salazar | Terra Salazar |
| 28. MATT Norris | Matt Norris |
| 29. Donnie Travis | Donnie Travis |
| 30. Lon ^D Warner | Lon D Warner |
| 31. BEAD EYLER | Bead Eyer |
| 32. Steve Smith | Steve Smith |
| 33. Laurie Vierra | Laurie Vierra |
| 34. Diana Flannery | Diana Flannery |
| 35. Sandy Ford | Sandy Ford |
| 36. Krissy Schulte | Krissy Schulte |
| 37. Heather Sellner | Heather Sellner |
| 38. Alyson Krogh | Alyson Krogh |
| 39. Catherine Harvey | Catherine Harvey |

PRINT

SIGN

40. James Lehr

James Lehr

41. Dylan Spearin

Dylan Spearin

42. Sydney Biser

Sydney Biser

NO please
♡

43. Sara Smith

Sara Smith

44. Ava Garner

Ava Garner

45. J.M. Hookway.

JM Hookway

46. Madeline Krogh

Madeline Krogh

47. Macy Delphrey

Macy Delphrey

48. Amy Garner

Amy Garner

49. Tara Balar

Tara Balar

50. Lacy Barnhart

Lacy Barnhart

51. Sue Kemp

Sue Kemp

52. D.E. Bay

D.E. Bay

53. Kylie Eiker

Kylie Eiker

54. Pearl Seiss

Pearl Seiss

55. Rick Seiss

Rick Seiss

56. Lee Thomas Sebold

Lee Thomas Sebold

57. Jenna Seiss

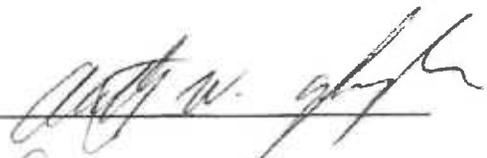
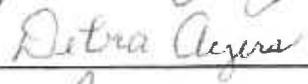
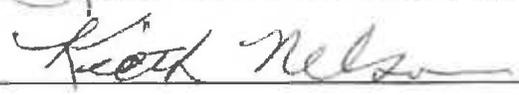
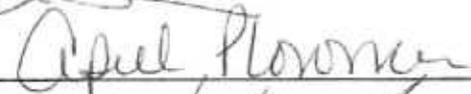
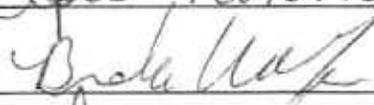
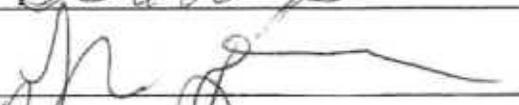
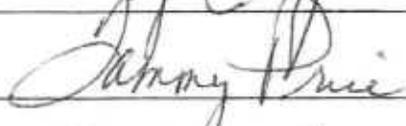
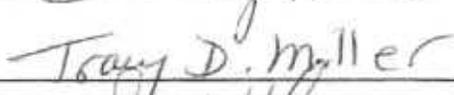
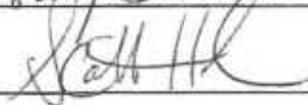
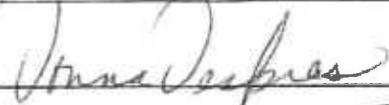
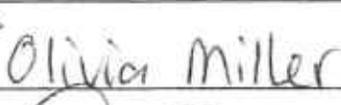
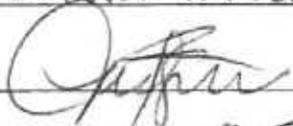
Jenna Seiss

58. Hayley Boser

Hayley Boser

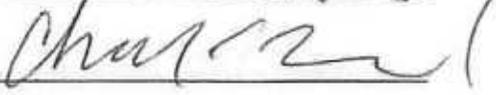
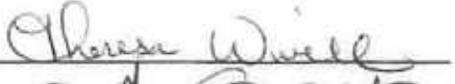
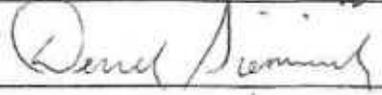
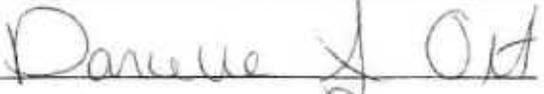
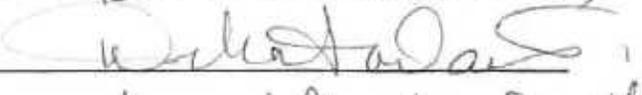
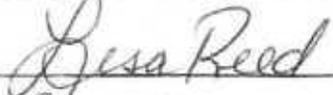
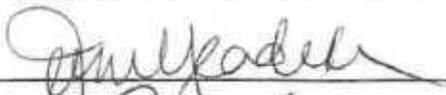
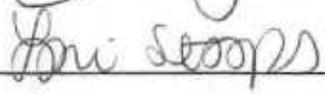
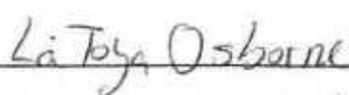
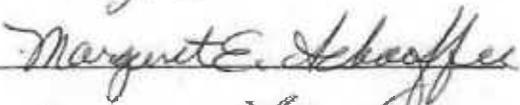
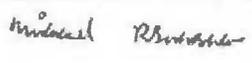
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SIGN

- 50. Anthony Aug. Linkugel 
- 49. Debra Ayers 
- 41 42. Audrey Maraban 
- 62 43. Jean Churnesky 
- 63 44. Keith Nelson 
- 64 45. Erica Henson 
- 65 46. Jim Sevens 
- 66 47. APRIL PLOWMAN 
- 67 48. Brenda Wolfe 
- 68 49. Sherry Morris 
- 69 50. Tammy Price 
- 70 51. Tracy D. Miller 
- 71 52. Scott D Hahn 
- 72 53. ~~Thomas~~ 
- 73 54. Olivia Miller 
- 74 55. Timothy Seiss 
- 75 56. Mason Still 
- 76 57. Elizabeth Wagoner 
- 17 58. Elizabeth Farmer 

PRINT

SIGN

78 48.	Terry Bowman	
79 49.	FRED HOLDAWAY	
80 48.	Chad Farace	
81 48.	Theresa Wivell	
82 49.	Jude Bertrand	
83 45.	Dennel Sienieruk	
84 46.	Danielle Ott	
85 49.	Kath Sanders	
86 48.	Debra Davis	
87 49.		Jamie Custer Smith
88 39.	Lisa Reed	
89 38.	RICK SANDERS	
90 41.	Jennifer Yeadeke	
91 38.	Arnie Stoops	
92 34.	Loni Stoops	
93 35.	Robert L Miller	
94 35.	Li Toya Osborne	
95 37.	Margaret E. Schaeffer	
96 38.	Anthony Forrest	
	Michael Bradshaw	

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Printed Name

Signed Name

- | | | |
|----|---------------------|---------------------|
| 1. | <u>Wayne Jones</u> | <u>Wayne Jones</u> |
| 2. | <u>Vickie Gipp</u> | <u>Vickie Gipp</u> |
| 3. | <u>Ashley Boone</u> | <u>Ashley Boone</u> |
| 4. | <u>Deborah Baer</u> | <u>Deborah Baer</u> |

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|--------------------------------|-----------------------------|
| 5. Bernard Baer | <i>Bernard Baer</i> |
| 6. Brian Faulkner | <i>Brian Faulkner</i> |
| 7. Jessica Brown | <i>Jessica Brown</i> |
| 8. GARY HARRIS AUGUST | <i>Gary & August</i> |
| 9. Kevin Law | <i>Kevin Law</i> |
| 10. Jeffrey Small | <i>J & M</i> |
| 11. Denise Sewell | <i>Denise Sewell</i> |
| 12. John Friend | <i>J Friend</i> |
| 13. Denise Stauter | <i>Denise Stauter</i> |
| 14. Julie Sanders | <i>Julie Sanders</i> |
| 15. Tracey Bare | <i>Tracey M. Bare</i> |
| 16. Rachel Keller | <i>Rachel Keller</i> |
| 17. Rosalie Sanders-Luke | <i>Rosalie Sanders-Luke</i> |
| 18. L. Michele Firme | <i>L. Michele Firme</i> |
| 19. Robert + Janis Strickmeyer | <i>Robert Strickmeyer</i> |
| 20. MITCHELL E. SHOCKEN | <i>Mitchell E Shocken</i> |
| 21. Susan Mason | <i>Susan Mason</i> |
| 22. Kristi DAVIS | <i>Kristi Dief</i> |

PRINT

SIGN

23. ANTHONY GROVE

Anthony Grove

24. Joan Fry

Joan Fry

25. Anthony Butler

Anthony Butler

26. Brian Lee

Brian Lee

27. RHEFF SANDERS

Rheff Sanders

28. BRIAN LEWIS

Brian Lewis

29. David Cecil

David Cecil

30. Gary Hill

Gary Hill

31. ROSEMARY HILL

Rosemary Hill

32. JOHN GERMAN

John German

33. PETER KROGH

Peter Krogh

34. Lee Loucosky

Lee Loucosky

35. Hollie Wauter

Hollie Wauter

36. Karel A Blinck

Karel A Blinck

37. Shawn C. Wolfe

Shawn C Wolfe

38. Devin Galicia

Devin Galicia

39. EVALYN HENRY

Evalyn M Henry

- | | | |
|-----|-------------------------|-------------------|
| 40. | FARA EVE BARNET | Fara |
| 41. | Pamela Reed | Pamela |
| 42. | Charles Henson | Charles |
| 43. | Derek Frey | Derek Frey |
| 44. | Troy Simmons | Troy Simmons |
| 45. | Susan Donnelly | Susan Donnelly |
| 46. | Tressa Palmer | Tressa Palm |
| 47. | HELGA Fox | Helga Fox |
| 48. | Sue Shockey Sue Shockey | Sue Shockey |
| 49. | Thomas Fink | Tom Fink |
| 50. | DAVID SANDERS | David Sanders |
| 51. | Natasha Fitz | Natasha Fitz |
| 52. | Rodney Harbaugh | Rodney Harbaugh |
| 53. | Crystal Sprengle | Crystal Sprengle |
| 54. | Deborah Zimmerman | Deborah Zimmerman |
| 55. | Dennis Proberizer | Dennis Proberizer |
| 56. | Wendy Hopkins | Wendy Hopkins |
| 57. | Carin Forrest | Carin Forrest |
| 58. | Denny Forrest | Denny Forrest |

PRINT

SIGN

- | | |
|----------------------|------------------|
| 59. Reese Fox | Reese fox |
| 60. CECIL WILLY | Cecil Willy |
| 61. Angie Hahn | Angie Hahn |
| 62. Rachel Fox | Rachel Fox |
| 63. Tammy Fox | Tammy Fox |
| 64. STEVEN FOX | Steve |
| 65. Michael Bradshaw | Michael Bradshaw |
| 66. Corey Muddick | Corey Muddick |
| 67. Dale Parn | Dale Parn |
| 68. David Shackley | David Shackley |
| 69. Kevin Bilder | Kevin Bilder |
| 70. Steve King | Steve King |
| 71. Jeremy Harshman | Jeremy Harshman |
| 72. Brian Kutter | Brian Kutter |
| 73. Judy Barton | Judy Barton |
| 74. Brian Wolfe | Brian Wolfe |
| 75. Robin Karpitsky | Robin Karpitsky |

PRINT

SIGN

- | | |
|-------------------------------|---------------------------|
| 77. <u>Sheila Fox</u> | <u>Sheila Fox</u> |
| 78. <u>ALBERT G. HOBBS</u> | <u>Albert Hobbs</u> |
| 79. <u>Kimberly S. Geric</u> | <u>Kelly S/G</u> |
| 80. <u>Tina Hadley</u> | <u>Tina Hadley</u> |
| 81. <u>Lee Sturtevant</u> | <u>Lee Sturtevant</u> |
| 82. <u>Terry Bowman</u> | <u>Terry Bowman</u> |
| 83. <u>Ryan Bowman</u> | <u>Ryan Bowman</u> |
| 84. <u>ANGELA SPÉGAL</u> | <u>Angela Spegal</u> |
| 85. <u>Josh Kristiney</u> | <u>Josh Kristiney</u> |
| 86. <u>PAUL SANDERS</u> | <u>Paul Sanders</u> |
| 87. <u>OWEN SANDERS</u> | <u>Owen Sanders</u> |
| 88. <u>Harper Sanders</u> | <u>Harper Sanders</u> |
| 89. <u>Jason Umpierrez</u> | <u>Jason Umpierrez</u> |
| 90. <u>Laure McLaughlin</u> | <u>Laure McLaughlin</u> |
| 91. <u>Leah Walter</u> | <u>Leah Walter</u> |
| 92. <u>Hershel Ridener</u> | <u>Hershel Ridener</u> |
| 93. <u>TOM ZIMMERMAN</u> | <u>Tom Zimmerman</u> |
| 94. <u>Caleb McLeaf</u> | <u>Caleb McLeaf</u> |
| 95. <u>Frederick Loukford</u> | <u>Frederick Loukford</u> |

PRINT

SIGN

96. Stacey Green

Stacey Green

97. Shane Biser

Shane Biser

98. Kristin McInnis

Kristin McInnis

99. VERONICA COHEMAN

Veronica Cohegan

100. John Sprinkle

John Sprinkle

PETITION **AGAINST** DOLLAR GENERAL
AT 11433 MCAFEE ROAD in CASCADE, MARYLAND

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- **DOLLAR GENERAL WOULD UNDERMINE THE AESTHETIC AND COMMERCIAL STRENGTH OF OUR COMMUNITY.**

➤ **HELP STOP THIS INSULT TO CASCADE AND ITS RESIDENTS.**

	<u>NAME</u>	<u>MAILING ADDRESS (Washington County)</u>	<u>EMAIL ADDRESS</u>
1	Tory Fitzgerald	14351 Pen Mar High Rock Rd Cascade, MD 21719	Tory.Fitzgerald204@gmail.com
2	Cary Blackdeer	14525 Maryland Ave Cascade md 21719	ccBlackdeer70@gmail.com
3	Cindy Shafer	735 Interval Rd Hagerstown, MD 21740	tazscouter@gmail.com
4	Larry Potter	735 Interval Rd Hagerstown, MD 21740	lpyankeefan@gmail.com
5	Richard Thompson	11425 McAfee Hill Rd Cascade, md. 21719	Rthomps66@yahoo.com
6	Carmen Fox	24843 Pen Mar Rd Cascade MD 21719	Kaycarmar@aol.com
7	Mark Fox	24843 Pen Mar Rd Cascade MD 21719	Kaycarmar@aol.com

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8	Kay Fox	24843 Pen War Rd Cascade MD 21719	kofx95@gmail.com
9	Nicah Metcalf	14530 Pennersville Rd Cascade MD 21719	mandem816@gmail.com
10	Emily Metcalf	14530 Pennersville Rd Cascade MD 21719	Emilmetcalf812@gmail.com
11	Abigail Brewer	14849 Malisn Pike Apt A	AbigailBrewer@gmail.com
12	Sage DMU	75750 Military Rd Cascade	
13	Kathy Ashkorman	12123 Thure Rd Smithsburg MD	Totrad104@AOL.COM
14	Tammy Richards	25450 Highfield Rd, Cascade	TLRichards1000@gmail.com

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15	Cori Whidden	12510 Pleasant Valley Rd Smithsburg	coriwhidden@gmail.com
16	David Creaser	P.O. Box 263 390 N Main St Smithsburg	desafer@hotmail.com
17	Stephanie Lida	P.O. Box 413 Smithsburg MD	S11ida1@ychoo.com
18	Paul Sanders	25407 Military Rd Cascade MD 21719	paul.sanders.legmail.com
19	Jean Bellerive	10911 Millbrook Rd Keedysville MD 21756	JBellerive@aol.com
20	Margaret Phelps	13525 Melrose Rd. Whore 17268	mphelps@ymail
21	Tracy Sallee	5103 Wiggins Rd Thurmont MD 21788	TracySallee32@gmail.com

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22	Gary Sullivan	5103 Wigginsville Rd Thurmont MD 21788	Sullivan2@yahoo.com
23	David Leishman	20 Pleasant Acres Dr Thurmont MD 21788	midgetdaniga@yahoo.com
24	Gres Smith	12510 Pleasant Valley Rd Smithsburg MD 21783	Sustar@12@Yahoo.com
25	Shirley Bush	9834 Crossfield Rd Hagerstown, MD 21740	_____
26	Heather Lantz	14189 Cushman Ave Cascade MD 21719	hstarr2008@gmail.com
27	Ther Lee	17130 Raven Rock Rd. Cascade MD 21719	thalee318@gmail.com
28	Mark Simon	17130 Raven Rock Rd. Cascade MD 21719	Mark A Simon@gmail.com

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	<u>NAME</u>	<u>MAILING ADDRESS</u> (Washington County)	<u>EMAIL ADDRESS</u>
29	Ruth Chichester	14338 Reckord Ave Cascade, MD 21719	r-golden700@hotmail.com
30	Ally Spaid	12910 Quirkauk Schoss Rd Sabillasville MD 21786	ally@myactv.net
31	Yvonne Ford	12840 Red Heifer Winery Ln. Smithsburg, MD 21783	yvonne@redheiferwinery.com
32	Kevin Ford	" "	kevin@redheiferwinery.com
33	Penny Tolson	13044 Mount Zion Rd. Sabillasville MD 21780	pennylaneRVA@gmail.com
34	Cathy & McClure	11706 Pineburg Rd. Wmpt. MD 21779	catservice6263@gmail.com
35	Sarah Hoffmann	11535 Pineburg Rd. Williamsport, MD, 21795	Sarah0376@gmail.com

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	<u>NAME</u>	<u>MAILING ADDRESS</u> (Washington County)	<u>EMAIL ADDRESS</u>
36	Tim McCartney	11595 PINEBROOK RD, WILLIAMSPORT, MD 21795	twmccart75@gmail.com
37	Dwayne McClure	11706 Pinesburg El. Williamsport, Md. 21795	Cat service 60263@gmail.com cat@cat.com
38	Susan Mason	PO Box 1037 Cascade MD 21719	susank518@gmail.com
39	Bob Ruppberg	PO Box 1037 Cascade MD 21719	thereahobsteale@gmail.com
40	Tommy Ruppberg	25255 Cascade Rd Cascade MD 21719	tkirk130@verizon.net
41	Paul Ruppberg	25255 Cascade Rd Cascade MD 21719	jimbobk107@verizon.net
42	Stephanie Mordock	14237 Pen Mar Highock rd cascade MD 21719	stephnmordock@gmail.com

PETITION AGAINST DOLLAR GENERAL
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	<u>NAME</u>	<u>MAILING ADDRESS</u> (Washington County)	<u>EMAIL ADDRESS</u>
43	Danielle Lasher	16 Mckee Ave Hagerstown MD 21742	dlasher@info.mechicemaryland.com
44	Savannah Bosley	16 Mckee Ave Hagerstown MD 21742	sbsosley21@gmail.com
45	Umchele Thompson	14216 Umchele Wood Rd Cascade MD 21716	K.15.22@hotmail.com
46	Nelson Rodrick	25210 Cascade Rd Cascade MD 21719	KroderrickEAST@gmail.com
47	Kevin Zarrin	2510 Cascade Rd Cascade MD 21719	Kevin.zarrin@landscape.com
48	Jason Berger	24955 Rayer Run Rd. SABILLVILLE MD 21780	jberger@gmail.com
49	WARREN SPAIN	12910 Birchack School Rd Sabbillsville, MD 21780	wspain@mycraft.net

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50	Makaila Walker	14561 Pennersville RD Cascade, MD, 21719	Vintage Kitch @ ypskus
51	Janae Apr	2468 Linden Ave. Cascade, MD 21719	lapeibaum@gmail.com
52	Kyara Lapanski	17601G Sunshine Tr. Sabillasville MD 21780	Karen Syme @ yahoo.com
53	Suzanne Gurness	25314 Witten Rd. Cascade, MD 21719	Schumtsyng@hotmail.com
54	Suzanne M. Rafter	2146 Garinger Ave Hagerstown, MD 21740.	Suzanne-Rafter@live.com
55	Pat Strubs	9648 Downsville Pike Hagerstown, MD 21740	Patstrubs@outlook.com
56	Staci Luchman	22149 Jugford Rd. Hagerstown, MD 21742	Staci@hagerstownmanagement.com

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57	MARK FOX	24843 Rowles Rd Cascade Md	Kaycarmer@f401.com
58	Bob ^{Ellie} Dwyardin-Woodball	17744 Virginia Ave Hagerstown MD	Apothecarydwyardin@gmail.com
59	Austin Woodball		awood2817@gmail.com
60	Stacey Durning	1606 Sunbreak Ln Hagerstown MD	Stacyd3@verizon.net
61	Joyce Shull	1302 Oak Hill Ave Hager MD	JOYCE_SHULL@hotmail.com
62	Allison Severance	39 N Main Street Keedysville	allison@allisonseverancepottery.com
63	Ram Spicer	25525 Heiston Lane Cascade, MD 21715	Rammyspice.BG@gmail.com

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65	Denise Stauffer	Cascade Md 21719	hastmsd@comcast.net
66	Sharon Smith	2222 Jefferson Blvd Smithsburg, MD 21783	smsmith21783@gmail.com
67	Lorie Dixon	18306 Ashley Drive 303 HAWKSBURG MD 21740	strudel56@gmail.com
68	Jill Snapp	12111 Balt Howard St 526 Hos. md 21140	TFlake1904@yahoo.com
69	Molly Love	14108 Cushman Ave Cascade MD 21719	molly@theFoxTeam.net
70	Robert Scott	7214 Eyles Valley Flint Road Sublissville WV 26049 21780	RobbieESP@EBS.CO.WV

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75	Michael Brooks	1309 Oak Hill Ave Hagerstown, MD 21742	speed924@aol.com
76	Ann Brooks	1309 Oak Hill Ave Hagerstown, MD 21742	annbrooks@aol.com
77	Beth Neisser	42 McKee Ave. Hagerstown, MD 21742	b.neisser@verizon.net

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78	Joshua Harman	24726 Raven Rock Rd Smithsburg MD 21783	jshbn753@gmail.com
79	Rebecca Harman	Same	↗
80	William L Lizne	↗	↗
81	Charlotte Harshman	22149 Sugarbush Rd Hoopersburg MD 21742	Charlotteharshman@icloud.com
82			
83			
84			

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1	Dena Leibman	6613 Harbaugh Rd Sabbilsville PA 20910	dena@zignofarmretreat.com
2	Rena Applebaum	3268 Taylor R Clerks Forge PA 20915	Rapplebaum@comcast.net
3	Melissa Everett	15303 Summit Farm Dr Blue Ridge Summit PA	
4	Hannah Best	16 Maple Trout, Fairfield, PA 17320	
5	Haley Best	16 Maple Trl, Fairfield, PA 17320	
6	Holly Best	16 Maple Trl, Fairfield, PA 17320	
7	Deanna Best	16 Maple Trl, Fairfield, PA 17320	

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8	Ann Fuste	6 Sunny Ct. Thurmont, MD, 21788	
9	Phyl Franke	PO Box 47 Rouzenile PA 17250	phylfranke70@gmail.com
10	Robyn Miller	8 Cross Trail Fairfield PA 17320	robyn.burkett@comcast.net
11	See Miller	" "	" "
12	Michelle Spang	11962 Furness Rd. B05 PA 17214	msfrang196@aol.com
13	Frank Tomke	327 W. NORTH ST. WYNEBORO PA 17258	
14	Michael Fox	13075 Pen Mar Rd Wynnesboro PA 17268	

PETITION **AGAINST** DOLLAR GENERAL
 AT 11433 MCAFEE ROAD in CASCADE, MARYLAND

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16	Denselethend	17224 Sabi, Lassville Rd Sabi, Lassville MD	
17	Joy HARRIS	Schwartzville, PA 19473	
18	John G. Carlson	337 Northford Ave Mary esboro	
19	Danielle Grossnickle	13115 Redbud Ct Mary esboro PA 17268	daniellemg24@gmail.com
20	Lison HARRIS	12440A Renner RD Mary esboro, MD 21757	
21	Scott Simmons	11709 Bellwood Dr Mary esboro PA 17268	ssimmon1@gmail.com

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25	MaryAnn Killian	14044 Stride Mountain Rd Wagnersboro, Pa 17268	wkaron88@gmail.com
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31	Steven Kidwell	15307 Summit Farm Rd PA 17814	Kidwell1975@gmail.com
32	Robyn Kaous	26 Barbara Tr Fairfield PA 17320	rkaous17@icloud.com
33	Tom Kaous	↓	tkous1979@yahoo.com
34	Barb O'Brien Richard Jones	5836 Rowland Hill Rd Cascade, MD 21719	brb@bnde@gmail.com
35	Diane Hollada	7981 Mon Dr Dyersburg PA 17268	dhollada@hotmail.com

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39	THOMAS MEHR	11	11
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47	Lisa Leisinger	13157 Kaiser Ridge Rd Hagerstown, MD	leisinger@yahoo.com
48	Phyllis Leisinger	13157 Kaiser Ridge Rd Hagerstown, MD	_____
49	Steve Trindle	110711 Oak Forest Dr Hagerstown, MD	_____

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56	Pete Elms	4215 OAKRIDGE AVE CHERRY CHASE MD 20815	PETE@ESSNET.NET.

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58	Rich Maxey	400 S. MOUNTAIN ST. APT. 1 RAVON WV 25938	richmax71@yahoo.com
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60	Isabel SVOU	10301 Falls Road Potomac MD 20854	isabel.v.svou@gmail.com
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**WASHINGTON COUNTY ZONING ORDINANCE
STAFF REPORT AND ANALYSIS**

ARTICLES 3, 28A

Proposal: Application is being made to amend multiple sections of the Zoning Ordinance to define the term “*small box variety store*” and to restrict the location of “*small box variety stores within 1,000 feet of a property with a historic designation or subject to a historic trust easement*” in rural zoning districts of the County.

Discussion: The purpose of this text amendment is to create a new definition for a “*small box variety store*.” This newly defined type of land use would then be restricted to only being allowed in a Rural Business Zoning District (RB), and further limited by the distance restriction noted above. RB Zoning Districts are established as a floating zone through the rezoning process which may be located on any parcel in an Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District.

Background:

The contract purchaser at 14413 McAfee Hill Road (Tax ID: 14006443) seeks to create a new Dollar General store at this location, specifically a DG Market. The DG Market concept plan includes dedicating approximately one-third (1/3) of the retail sales area to fresh produce, dairy products, baked goods and other grocery items. The remainder of the sales area is reserved for household products, non-prescription medications and first aid products, personal care items, cleaning products and pet care products.¹

To this point, the Washington County Board of Zoning Appeals (BZA) has granted a special exception for the “general retail/merchandise store” sought in their application, finding it functionally similar to a grocery store, as is permitted under Section 5D.2 of the RV Zoning District. The author of the proposed text amendment has appealed this decision, first to the Washington County Circuit Court and most recently to the Appellate Court of Maryland, where the case is now pending.

In the interim period, the applicant seeks to address the relative ambiguity in how to classify a modern retail establishment of this nature which combines multiple traditional retail stores under one roof, as has become common in the industry. The proposed text amendment seeks to classify this type of land use as a “*small box variety store*,” which would only be permitted in an RB Zoning

¹ Board of Zoning Appeals Appeal No. AP2023-029, p.3.

District, and prohibited in all other rural zoning districts in Washington County. The proposed amendment is silent on whether the newly defined land use would be allowed in urban zoning districts.

As noted above, RB Zoning Districts are established as floating zones which are applied on a given property only after a rezoning map amendment has been approved by the Board of County Commissioners of Washington County (BOCC). Only land uses identified on rezoning application materials are allowed within an approved RB Zoning District, and any land use changes require further review by the Planning Commission and/or the BOCC.

The proposed amendments would further limit the location of these stores, even within an RB Zoning District, by prohibiting them “*within 1,000 feet of a property with a historic designation or subject to a historic trust easement.*” Their proposed definition for a “*small box variety store*” reads as follows:

“A store with 16,000 square feet or less gross square footage which sells assorted physical goods, merchandise and food and non-food products directly to consumers at an average retail cost of \$15.00 or less. A small box variety store does not include a grocery store or a convenience store.”

Analysis:

The analysis that follows looks at the specific standards proposed by the applicant’s text amendments through the two primary questions required as part of the submission of application materials for this type of zoning amendment:

1) Provide a statement describing how the request is logical and appropriate

For a variety of reasons outlined in the paragraphs that follow, the request does not seem logical and appropriate for how the County has treated similar land uses under current zoning regulations. The logic of the each of the two proposed amendments will be analyzed in greater depth: A) Changes to the Table of Land Use Regulations for Rural Area Uses (Table No. 3.3(1)); and B) The newly defined term of “*small box variety store.*”

A. Changes to the Table of Land Use Regulations for Rural Area Uses (Table No. 3.3(1))

a. Past County Zoning Classification for Dollar General Stores

First, multiple Dollar General stores have opened up in recent years throughout Washington County which provide examples to look at how County zoning regulations have been applied to this type of land use previously. Of these stores which have opened, the one at 18206 Lappans Rd (at the intersection of Sharpsburg Pike) provides a very similar context to the store

being proposed at 14413 McAfee Hill Road (which is the genesis for this text amendment). The parcel at 18206 Lappans Road is also zoned RV, as the intersection of Lappans Road and Sharpsburg Pike is a rural village with multiple individual historic structures that were previously inventoried by the Maryland Historic Trust (MHT). These historic resources are within immediate proximity of where the store was built.

The Dollar General at Lappans Road was also permitted by special exception (Appeal No. AP2019-004) by the BZA, using very similar rationale in their approval for that project, as was outlined in the most recent opinions for the 14413 McAfee Hill Road request. The 2019 special exception request was also for a “general retail/merchandise store” and required the BZA to determine functional similarity to other uses permitted in the RV zoning district. The opinion concluded that:

“Pursuant to Article 3, Section 3.3 of the Zoning Ordinance, bakery shops, candy stores, florist shops, garden shops, and laundry or dry-cleaning services are all principally permitted uses in the Rural Village (RV) zoning district. In addition, auction houses, flea markets, clothing stores, dairy product stores, furniture and upholstery stores, gift or jewelry stores, grocery stores and hardware stores are all permitted by special exception. The proposed use is retail sales facility which necessarily includes the sale of candy, dairy and food products, some clothing items, some garden items, some items commonly found in grocery stores and hardware stores. In sum, the proposed use is a compilation of other enumerated uses which are permitted by right or by special exception in the zoning district. Accordingly, the proposed use is substantially similar to those uses specified by the Ordinance as special exception or permitted uses.”

b. Treatment of New Construction Adjacent to Historic Resources

Another concern is the use of historic resources as a tool to prohibit new construction that may be undesirable to some. As introduced in the preceding section, the Dollar General store at 18206 Lappans Road is zoned RV and is located in a rural village with multiple individual historic structures within immediate proximity of where the store was built that were previously inventoried by the Maryland Historic Trust (MHT). The larger community at Lappans has not been surveyed and adopted as a “Historic Rural Village.” Therefore, the Historic District Commission of Washington County (HDC) would not have commented on the exterior appearance of the new construction proposed at the Lappans Road location.

The main difference between the rural village at Lappans Road location and Fort Ritchie is that the latter has had this larger survey completed and was encumbered with a MHT easement (Deed Reference: L5971/F255) in 2019. In each of these two locations, however, the parcel where a Dollar General was either built or currently proposed was only adjacent to these historic resources and not located within a designated “Historic Rural Village” or encumbered with a

historic preservation easement of any kind. Therefore, the HDC would not have done design review of the new construction proposed in either location.

It is not the stated or implied intent of the Rural Village Zoning District to grant ultimate approval or denial authority to the HDC for the land use that is proposed.² That authority lies with the Zoning Administrator. The HDC's authority is limited to architectural review of structures located within a fully surveyed and adopted "Historic Rural Village." HDC review is limited to approval of exterior changes that require a building permit or applications for local tax credit purposes. It is the broader zoning standards (such as permitted uses, setbacks, lot sizes, etc.) that ultimately determine what types of land uses may be located in specific zoning districts. The input of the HDC is focused on ensuring that the land uses which are permitted by zoning conform in appearance to the context of the rest of the surrounding rural village by accounting for standards such as³:

- a. *The exterior appearance of existing structures in the Rural Village including materials, style, arrangement of doors and windows, mass, height and number of stories, roof style and pitch, proportion.*
- b. *Building size and orientation*
- c. *Landscaping*
- d. *Signage*
- e. *Lighting*
- f. *Setbacks*
- g. *Accessory structures*

The proposed text amendment language clearly utilizes the proximity to historic structures to severely restrict, to the point of near prohibition in rural areas of the County, the creation of a Dollar General-type variety store. This contradicts the intent of the Zoning Ordinance to focus primarily on the exterior appearance when reviewing new construction of permitted land uses in the RV Zoning District. The Ordinance specifically states: "*It is the intention of the Rural Village designation to promote new development that is consistent in type, scale and appearance with existing development in the village.*"

Further, it would become impossible to open a Dollar General-type variety store in the rural zoning districts of Washington County without going through a full-rezoning process, since the applicant proposes only to allow this type of land use in an RB Zoning District. New RB Zoning Districts are established only after a rezoning has been approved by the BOCC. The rezoning process typically takes several months to complete and incurs substantial costs to the applicant without a pre-determined outcome of success. These are hurdles the applicant would face just to get zoning approval for this type of land use on the property, let alone the time and money that

² See Historic District Commission March 5, 2026 Comment Letter page 1 for further explanation.

³ Washington County Zoning Ordinance, Section 5D.5, p. 52.

would be required for the subsequent review and approval of their actual development plans and permits.

c. Distance Requirements

Even if someone was able to get a new RB Zoning District established on their property to meet these requirements, they would face still another hurdle to overcome. They would have to now be more than 1,000 feet away from a “*property with a historic designation or subject to a historic trust easement.*”

The 1,000-foot distance requirement is equivalent to, or even exceeds, the most intensive land uses identified in the Zoning Ordinance Article 3 Table of Land Use Regulations for Rural Area Land Uses.⁴ Only Trap, skeet, rifle, or archery ranges, (including gun clubs) and various adult entertainment facilities and require a 1,000-foot setback. Industrial mineral operations (mining), landfills and racetracks all have a smaller setback in rural areas than is proposed for these amendments. There is not convincing evidence offered in the BZA opinions or elsewhere in application materials submitted to conclude the operations of a Dollar General-type variety store would be more impactful to neighboring properties than the above-mentioned land uses to warrant a distance requirement of this magnitude.⁵ Particularly since many parcels zoned RV are smaller in size, the effect of this distance requirement would essentially make it impossible to establish a new RB Zoning District on top of an existing RV Zoning District for the purpose of creating a “*small box variety store.*”

Another important point related to this distance requirement proposed by the text amendment is the language pertaining to historic properties. The specific meaning of a “*property with a historic designation*” is not clearly defined by the plain language of the amendment or further defined elsewhere in the proposal to draw a clear line at what historic properties this does and does not include.⁶ As should be clear from the preceding discussion of the subtle differences between properties that are merely zoned Rural Village, and those which have been officially recognized as “Historic Rural Villages” through an adopted formal survey of historic resources occurring throughout the entire community, specific language matters when it comes to regulations. It is highly possible, for example, that the proposed language could be interpreted even more restrictively to include properties without legal recognition of their historic qualities (such as a listing on the National Historic Register or a County Historic Preservation Overlay Zoning District). Inclusion on the Maryland Inventory of Historic Properties, for example, is simply for informational and planning purposes and has no bearing on regulation or financial incentives. Thus, the ambiguity in the language proposed in the Table of Land Use Regulations for rural areas

⁴ Table No. 3.3(1), p. 6-12.

⁵ See Historic District Commission March 5, 2026 Comment Letter page 2 for further explanation.

⁶ See Historic District Commission March 5, 2026 Comment Letter page 2 for further explanation.

could very easily lead to either confusion or overreach in administration of the proposed zoning standards.

Finally, it should also be noted that while the greatest impact of the proposed distance requirement would be felt by properties zoned RV, properties zoned A(R), EC or P could also be affected. Since a RB Zoning District can be established on any of the four zoning districts listed in the prior sentence, properties zoned A(R), EC or P with historic resources might also be impacted by the distance requirement. Thus, the potential effect of the proposed amendment is not nearly as narrow as is contended by the applicant in their proposal.⁷

d. Consistency in Zoning Definitions and Applications in Urban and Rural Areas

The proposed amendment language is clearly focused on where “*small box variety stores*” may be located in rural areas of Washington County, particularly in RV Zoning Districts. It is silent on their fate in urban areas, however, as the amendment makes no changes to any of the urban zoning districts expressly authorizing “*small box variety stores*” as a permitted land use.

Once again, this omission leaves room for ambiguity and confusion in zoning application. On one hand, this type of land use could probably still be allowed in urban areas if, for example, a Dollar General-type store was classified as under a different permitted land use or found functionally similar to a permitted land use in a given urban zoning district. It makes little sense, however, for an identical land use to be considered a “*small box variety store*” if located in a rural area, but a grocery store if developed in an urban area, to provide one possibility. An extreme interpretation of the proposed amendment language could lead some to conclude that “*small box variety stores*” should not be allowed in urban zoning districts either, based upon language contained in the purpose statements of Zoning Ordinance (Article 1). Zoning regulations should define similar or identical land uses in a consistent manner wherever they occur throughout the County to the greatest possible extent to provide clarity to all users of the Ordinance.

B. The Definition of a “*Small Box Variety Store*”

The intended definition of a “*small box variety store*” is highly specific to the development project that has been proposed at 14413 McAfee Hill Road. The 16,000 gross square foot limit directly matches the current store model of a DG Market.⁸ The \$15 average retail cost also targets the specific pricing of most Dollar General merchandise.⁹ In most cases, it is advisable that zoning definitions be written specifically enough that they clearly define the land use, but not so specific that they cannot be generalized to similar types of land use that may occur throughout the County. As currently written, the proposed definition largely fails to achieve those dual purposes as it would

⁷ See Historic District Commission March 5, 2026 Comment Letter page 3 for further explanation.

⁸ Retrieved from <https://www.supermarketnews.com/finance/dollar-general-boosts-store-size> on February 23, 2026.

⁹ Retrieved from <https://perfectunion.us/dollar-general-prices/> on February 23, 2026.

largely only apply to the Dollar General-type of model for a variety store. A second entirely new definition might be necessary to describe a variety store that fell outside of the applicant’s defined parameters.

There is also concern that the 16,000, “or less”, gross square foot size limit could severely restrict smaller variety stores that could conceivably fit onto a smaller parcel in an RV Zoning District. Though the RV Zoning District is one which is intended to be primarily residential in nature, the District also expects to have “... *a limited amount of mixed rural services.*”¹⁰ Thus, while development in rural villages is mostly intended to be composed of residential infill, with limited expansion beyond the current footprint of the community due to infrastructural concerns, RV does not seek to exclude all commercial opportunities for development that is “... *of a similar density, scale and use type and mixture as that which exists in the village.*”¹¹ These details are the crux of the opening purpose statement for the RV Zoning District which reads: “*The Rural Village designation is provided to preserve the unique historic or rural character of existing villages by encouraging compatible development within a defined village boundary.*”¹²

The inclusion of the term “*box*” in the new definition also leaves the strong impression that this type of variety store is undesirable if owned by a national retailer, but may not be if owned by a local resident. Zoning does not typically regulate land use on the basis of ownership alone, particularly to the level of excluding certain types of land use based solely upon that characteristic. In laying out a zoning map of an entire County, many different characteristics are considered in applying different zoning categories spatially across the land. Almost uniformly, these characteristics are objective in nature (i.e. – proximity to water and sewer infrastructure, road capacity, the presence of environmental or historic resources, etc.). Introducing subjective criteria into zoning definitions, such as ownership status, as a fundamental test to whether or not a specific land use is allowed runs the risk of being intentionally exclusionary to a degree which may or may not be legal if challenged in court.

2) Describe how the request is consistent with the County’s most recently adopted Comprehensive Plan;

The discussion points above provide a case study on the interaction between zoning and land use in locations where historic resources are present. Having this specific knowledge of County regulations informs a broader understanding of the intent of Comprehensive Plan goals, objectives and policies which relate to economic development and historic resource protection.

The applicant’s Justification Statement cites three goals from the Comprehensive Plan which they contend support the proposed text amendment:

¹⁰ Washington County Zoning Ordinance, Article 5E, p. 49.

¹¹ See Zoning Ordinance reference above

¹² See Zoning Ordinance reference above

- Goal #2: *Promote a balanced and diversified economy.*

This goal ties almost exclusively to the policies advanced in the Economic Development chapter of the Comprehensive Plan. A complete reading of this chapter unequivocally defines an economic development strategy that seeks to support communities through the retention of existing businesses as well as the attraction of new businesses. There is no intent to focus solely on one part of this dual strategy at the expense of the other.

As detailed previously in this report, rural villages do anticipate and encourage new development to a limited extent, as long as it fits the character of the existing community and is supported by the available infrastructure. The former Fort Ritchie, in particular, is identified as a Targeted Economic Development Area in the Economic Development chapter of the Comprehensive Plan due to the available infrastructure in the area including public water, public sewer, natural gas, and a private internal road network. By excluding a type of land use which has the potential to fit within an existing community if designed properly, the range of goods and services immediately available to rural communities without traveling to distant population centers becomes more limited. It is debatable whether the proposed amendments would serve to spur additional economic development in rural communities or to deter it.

The impact of new commercial businesses on the property values of adjacent home and existing businesses in rural villages is also utilized by the applicant as justification for the proposed amendments. As discussed previously when talking about the inclusion of property ownership in zoning definitions, the impact on adjacent property values is another subjective criteria that should not be a primary determinant in deciding which types of land use are appropriate in a specific zoning district, unless the proposed use is likely to result in a complete loss in economic value for adjacent properties (i.e. – a taking that occurs when the government claims land through the eminent domain process). Nonetheless, this reasoning was examined further in the BZA opinion for the first special exception granted for the McAfee Hill Road property as follows:

“There were several opposition witnesses who raised a concern for property values and the opposition presented testimony from a Certified Residential Appraiser. Mr. Bentson testified that it was his opinion it would be reasonable to expect a five percent to ten percent loss of value when compared to similar properties that were not affected by the proposed project. He testified further that the proposed Dollar General Store would have the same negative impact on property values as a 7-11 Convenience Store or a liquor store. Mr. Bentson also acknowledged that the impact to value would be the same regardless of the location in the zoning district. It is this last part that is particularly important to the Board’s analysis. It is not surprising that a commercial use such as the one proposed would have some impact on adjacent residential property values. However, the real question is whether the impact is unique to this location, and therefore greater, as compared

to other locations in the zoning district. The Board finds that the impact is no greater at the subject property than it would be at another location within the district.”¹³

- Goal #6: *Enhance the County's rich history and cultural heritage through land preservation and historic preservation efforts.*

It should be noted that, other than in cases where a given historic property has been permanently preserved in an easement, most historic preservation at the federal, state and local levels of government is incentive based. Most often, the use of tax incentives is used to encourage private sector investment in the rehabilitation and re-use of historic buildings. While an incentive-based system for preserving historic resources certainly has its limitations, it also recognizes the fundamental fact that most historic resources are owned privately. This limits how much the government can require of properties not held publicly when the fundamental concern is not one of protecting public health, safety or welfare; concerns which form the traditional legal justification behind land use controls. Accordingly, many of the objectives which accompany Goal #6 in the Implementation chapter of the Comprehensive Plan reference incentive-based policies the County wishes to use to encourage further preservation of its historic resources. Until the County completes and adopts surveys of the remaining rural villages that haven't been done yet, there are limits on what regulations it can impose on new development in those locations.

- Goal #8: *Encourage infill development and revitalization of existing communities using context sensitive development strategies to maintain and enhance community character.*

The above responses to Goals #2 & 6 then feed into the idea of context sensitive development mentioned in Goal #8. It's been reiterated multiple times in this report that County regulations in RV Zoning Districts focus on regulating the exterior appearance of new construction, not restricting or prohibiting land uses which are allowed by right or by special exception. Context sensitive development recognizes that new development should be consistent in type, scale and appearance with existing development. In the case of rural villages, it is certainly not hard to imagine the fit of a variety store to serve the rural residential population. Therefore, the question becomes more one of how to best accommodate that type of land use into the specific context of a rural community. Ultimately this can be achieved through a project design that is of a similar scale, intensity and appearance as the land uses in the immediate surrounding area. Infill, redevelopment and new development must work together hand-in-hand, even in rural villages, to maintain the vitality of that place into the future.

Additional Agency Comments:

The Washington County Department of Business Development offered the following comments when routed a copy of the application:

¹³ Board of Zoning Appeals Appeal No. AP2022-034, p.6.

“The proposed RZ-26-001 text amendment creates a potential governance concern for Washington County Government. Under the amendment as written, the Board of County Commissioners (BOCC) would have no authority over determinations made by the Washington County Historical Society regarding what constitutes or is designated as a historic structure or landmark.

As a result, this amendment would effectively shift control over business site selection within Rural Business Village zoning districts from the BOCC to the Historical Society. Specifically, the Historical Society could, either now or in the future, exert influence over the siting of businesses under 16,000 square feet that sell retail products to consumers at an average price of \$15 or less.

This business category is broadly defined and could unintentionally encompass a wide range of commercial uses beyond those likely intended. Given that the BOCC lacks the authority to approve or deny historic site designations, the amendment would grant the Washington County Historical Society substantial influence over business site selection within this zoning district and industry segment.”

Staff Recommendation:

In the focus to exclude a specific type of land use from a specific place, the proposed amendments are highly likely to result unintended consequences that would severely restrict the ability of rural properties to open a variety store in a rural setting under the proposed zoning regulations. In doing so, the amendments undercut the ability of the Rural Business Zoning District to function as it is intended to. In particular, the proposed requirement for a 1,000-foot setback from historic structures makes it all but impossible to establish a new RB District for the purpose of opening a variety store in a rural village setting because of the small parcels sizes that characterize most of those locations throughout the County.

The RB Zoning District is intended “... to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County.”¹⁴ This purpose statement recognizes the necessity of having limited services in the rural areas of the County to “... serve the needs of the rural residential population...” The public review process inherent in the procedures for establishing a new RB Zoning District enable citizens to assist the BOCC in determining the appropriateness of a given project at a given location. The same could also be said of the public comment process for special exception requests to the BZA. The proposed amendment would largely remove those opportunities for variety stores that might seek to locate in rural zoning districts.

The use of historic resources as a tool for excluding land uses deemed undesirable by some runs contrary to the intent of the Zoning Ordinance. The intent of the Ordinance concerning the

¹⁴ Zoning Ordinance Article 5E, p.54

Staff Report & Analysis
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effect of development on historic resources is principally focused on regulating the exterior appearance of new construction (particularly in RV Zoning Districts), not the outright prohibition of land uses that have the potential to be compatible with the location with a proper project design.

It is staff's view that, however well-intentioned these amendments may be, they do not logically support or augment current zoning regulations that govern new development in the general proximity of historic resources in rural villages specifically, or rural areas overall. Nor do the proposed amendments echo the true intent of Comprehensive Plan goals, objectives and policies for rural area development and protection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Travis Allen". The signature is fluid and cursive, with a large initial "T" and "A".

Travis Allen
Senior Planner

Lloyd Yavener, Chair
Justin Bedard, Vice Chair
Ann Aldrich
Brianna Candelaria



Michael Lushbaugh
Tyler Milam
Gregory Smith
Randal Leatherman, BOCC Rep

HISTORIC DISTRICT COMMISSION OF WASHINGTON COUNTY, MARYLAND

DATE: March 5, 2026

TO: Planning Commission
c/o Travis Allen
747 Northern Avenue
Hagerstown, MD 21742

FROM: Washington County Historic District Commission (HDC)

SUBJ: RZ-26-001, Text Amendment - Small Box Variety Stores - Table 3.3(1), Chapter 28A Definitions

The proposed text amendment requests the addition of language to table 3.3(1) describing uses in the rural area that “small box variety stores within 1,000 feet of property with a historic designation or subject to a historic trust easement” not be permitted with the exception of the rural business overlay. It also notes the intensity of this use as “HIGH”. The request also includes updates to Chapter 28A Definitions to include a “Small Box Variety Store: A store with 16,000 square feet or less gross square footage which sells assorted physical goods, merchandise and food and non-food products directly to consumers at an average retail cost of \$15.00 or less. A small box variety store does not include a grocery store or convenience store.”

The Historic District Commission (HDC) will focus their comments on the update to table 3.3(1) specifically regarding language “within 1,000 feet of property with a historic designation or subject to a historic trust easement”. Historic resources do not appear in Table 3.3(1) in any land use. The Zoning Ordinance for Washington County (the Ordinance) instead includes Article 20: “HP” Historic Preservation District, Article 20A: “AO” Antietam Overlay, Section 5D.5 Architectural Review and a definition of historic resources in Chapter 28A. The HP, AO and Rural Village zoning categories reviewed by the HDC have limits to their extent which are justified by documentation or study of historic resources. These categories have outlined activities that are subject to the approval or recommendations of the HDC. Activities are reviewed based on the guidelines included in Article 20 and the adopted Design Guidelines for Historic Properties which both reference the Secretary of Interior (SOI) Standards for Rehabilitation. The guidelines in place for review do not limit the use of property but rather the compatibility of new construction with the documented historic resources. The applicant’s justification letter states that the proposed language “is a narrowly written text amendment designed specifically to protect property within the Rural Village zone if it is proximate to historically designated or protected resources.” (Justification Statement 1/20/26, p.1) The Ordinance already provides mechanisms for review by the HDC in specific zoning categories as well as involvement in the review of applications such as special exceptions or rezoning applications county-wide.

In the Ordinance the terminology most frequently referenced regarding historic resources includes the National Register of Historic Places (NR), the Maryland Historical Trust’s (MHT) Inventory of Historic Properties (MIHP), Washington County Historic Sites Inventory and Historic Preservation Overlay (HP). These are referenced in the

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Ordinance where the County has determined impact to historic resources should be reviewed by the HDC. The term “historic trust easement” in the proposed amendment is assumed to be an MHT Preservation Easement. MHT easements are an agreement between a property owner and MHT and it is not advisable to then extend a regulatory buffer to adjacent property owners. The term “historic designation” is ambiguous. It is not consistent with naming conventions utilized in the Ordinance. The HDC does not recommend this language nor does it recommend impacting adjacent property owners when they are not included in the documentation of the historic resources.

The applicant has included a 1,000 foot buffer in the proposed amendment. For historic resource protection, it is not advisable to include buffers without documentation studying any impacts to the integrity of the setting of the historic resources to support the buffer. For example, the Ordinance does include the AO around Antietam National Battlefield to protect the context of that site. That land management regulation was a result of analyses including viewshed around the battlefield. There has been no analysis provided indicating the reason a 1,000 buffer was chosen specific to the associated land use. It appears arbitrary in both distance and the inconsistent use of terminology regarding historic resources.

It is important to note that the table language requested would still allow applications for the Small Box Variety Stores in all rural zoning categories that are able to successfully obtain a Rural Business Overlay, including the Rural Village. The proposed language merely removes the Special Exception process. Both rezoning and special exceptions include the potential for the HDC’s review and comment, and both still include a public notification process. There appears to be no additional historic resource protection resulting in the restriction of the use to the Rural Business Overlay.

The applicant also provides support for their application stating that Comprehensive Plan 2040 (CP2040) notes a need for remaining rural villages in the County to be surveyed. While true that there are rural villages remaining to be surveyed, the rural village mentioned repeatedly in the application “Cascade” has had several surveys completed in 1999, 2001 and 2012 and is considered adequately documented at this time with design review by the HDC in place. CP2040 Historic Element goals encourage a holistic approach to historic resource protection rather than narrowly written amendments. This includes identification of additional historic resources, study of scenic corridors and a modernization of historic policies and ordinances currently in place.

In summary, the HDC reviews activities and applications in areas designated for their review as well as commenting on applications for special exception or rezonings where historic resources may be impacted. The proposed amendment is ambiguous in its terminology regarding historic resources, and it does not include any analysis to support a 1,000 foot buffer. While the HDC supports the expansion of historic resource protections, there is no current recommendation in the CP2040 that proposes limiting individual land uses.

Thank you for the opportunity to review and comment on this application.

Sincerely,



Meghan Jenkins, GISP
HDC Staff

ATT: 1, Statistics

HDC staff offers the following statistics for consideration during this text amendment review to determine impact to property owners. There are ~20,200 parcels in the rural area. It is important to note that the count of parcels involved that follows is not cumulative as some of these designations overlap. There are ~715 (4% of total rural) parcels within 1,000 feet of the County's Historic Preservation Zoning (HP) properties. There are ~3,980 (20% of total rural) parcels within 1,000 feet of National Register of Historic Places (NR) properties. The term "historic trust easement" is assumed to be an MHT Preservation Easement. There are ~425 (2% of total rural) tax parcels in the County rural area which are within 1,000 feet of a MHT Preservation Easement. There are 10 MHT Preservation Easements in the rural area of the County. These include:

- **Kennedy House**, 2406 Chestnut Grove Road, Sharpsburg (Current Zoning EC w/ HP Overlay)
- **Plumb Grove Mansion**, 12654 Broadfording Road, Clear Spring (Current Zoning EC)
- **Rohrer House**, 12346 Hopscotch Lane, Hagerstown (Current Zoning AR)
- **Baker Farm**, 19522 Shepherdstown Pike, Keedysville (Current Zoning P)
- **Wilson's Bridge**, 15033 Wilson Bridge Park Lane (Current Zoning RV)
- **Moore Farm**, 14404 Cearfoss Pike, Hagerstown (Current Zoning AR)
- **Antietam Railroad Station**, 17230 Shepherdstown Pike, Sharpsburg (Current Zoning P w/ AO2)
- **Snively Farm/Felfoot Parcel**, 5660 Mount Briar Road, Keedysville (Current Zoning P)
- **Wiles Tract at Williamsport Battlefield**, 14926 Falling Water Road, Williamsport (Current Zoning EC)
- **Fort Ritchie**, 25036 Pen Mar Road, Cascade (Current Zoning SED)

The applicant's justification statement, again, stated this amendment was intended "to protect property within the Rural Village zone if it is proximate to historically designated or protected resources." For that reason, the numbers provided by staff cover the entirety of the County's rural area. For context, the HDC currently reviews applications for ~500 parcels within adopted/surveyed rural villages, and an additional ~250 parcels through Antietam Overlay or Historic Preservation Overlay. There are ~1100 Washington County Historic Sites Survey properties that are flagged for potential review depending on their proposed activities. There is significant variation in potential impacts due to the ambiguous language used.