



Washington County MARYLAND

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

WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP AMENDMENT APPLICATION

Michael Godinez / Dominion Realty LLC

Applicant

18113 Maugans Ave Suite 101 Hagerstown, MD 21740

Address

Michael Godinez

Primary Contact

18113 Maugans Ave Suite 101 Hagerstown, MD 21740

Address

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: _____

240-457-0288

Phone Number

michael@gardendominion.com

E-mail Address

Property Location: 18132 Maugans Ave Hagerstown, MD 21740

Tax Map: 0243 Grid: 0000 Parcel No.: 1373 Acreage: 0.37406

(According to Survey By Fog Assocs)

Tax Account ID: District - 13 Account Identifier - 003890

Current Zoning: RM Requested Zoning: HI

- Reason for the Request:
- Change in the character of the neighborhood
 - Mistake in original zoning
 - Floating or overlay zoning district

[Handwritten Signature]

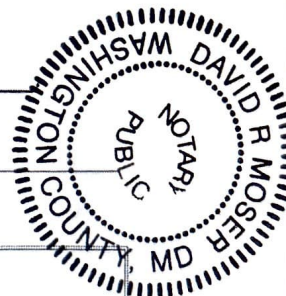
Applicant's Signature

Subscribed and sworn before me this 19 day of February, 2026

My commission expires on 10-15-28

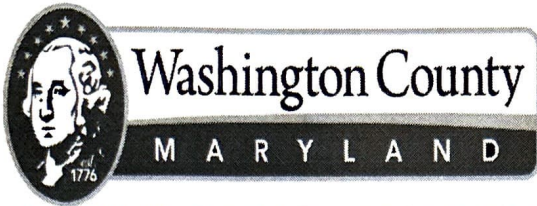
[Handwritten Signature]

Notary Public



FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
- Application Fee
- Ownership Verification or Owner's Affidavit
- Boundary Plat (Including Metes & Bounds)
- Vicinity Map
- Justification Statement
- 2 hard copies and 1 digital copy of complete Application Package



WASHINGTON COUNTY DEPARTMENT OF
PLANNING & ZONING FEE WORKSHEET

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

PLEASE COMPLETE ONLY THE
SECTION THAT APPLIES.

Applicant's Name: Michael Godinez / Dominion Realty LLC Date: 2/19/26

Zoning Ordinance Map Amendment \$ 2,000.00
 Number of Acres * 1 (min) x \$20.00 [1 acre minimum]
 per acre \$ 20.00
 Engineering Review Fee \$ 150.00
 Technology Fee \$ 15.00
TOTAL FEES DUE – MAP AMENDMENT \$ 2,185.00

*Minimum charge of \$20.00 [if less than one acre]

Text Amendment \$ 2,000.00
 Choose One: Adequate Public Facilities Ordinance
 Forest Conservation Ordinance
 Solid Waste Plan
 Subdivision Ordinance
 Zoning Ordinance
 Other: _____
 Technology Fee \$ 15.00
TOTAL FEES DUE – TEXT AMENDMENT \$ 2,015.00

N/A

Water and Sewer Plan Amendment \$ 2,000.00
 Technology Fee \$ 15.00
TOTAL FEES DUE – WATER AND SEWER PLAN AMENDMENT \$ 2,015.00

N/A

Forest Conservation Exemption \$ 25.00
 Technology Fee \$ 15.00
TOTAL FEES DUE – FOREST EXEMPTION \$ 40.00

N/A

Please make checks payable to "Washington County Treasurer".



Washington County

M A R Y L A N D

WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP 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. The application must be notarized if submitted by anyone other than the property owner(s).
- ✓ 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. **Ownership Verification:** Proof of ownership interest in the subject property, including a copy of the current deed to the property; **OR**, an Owner's Affidavit.
- ✓ 4. **Boundary Plat:** A boundary description, including metes and bounds, prepared and sealed by a land surveyor registered in the State of Maryland.
- ✓ 5. **Vicinity Map:** An 8 1/2 " x 11" page size map showing the zoning of all property within 1,000 feet of the site.
- ✓ 6. **Justification Statement:** Rezoning applications for Euclidean zones must provide evidence to support the applicant's claim that a change in the character of the neighborhood or a mistake in the current zoning has occurred. Applications **must** address all items specified and described in Section 27.3 of the County's Zoning Ordinance, including, but not limited to the following information:
 - ✓ a. Population change in the area of the proposed change.
 - ✓ b. Availability of public facilities in the area.
 - ✓ c. Present and future transportation patterns in the area.
 - ✓ d. Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates.
 - ✓ e. The relationship of the proposed change to the Adopted Plan for the County. Development Analysis Plan Map and Policies.
 - ✓ f. Whether there was a substantial change in the character of the neighborhood where the property is located.
 - ✓ g. Whether there was a mistake in the existing zoning classification.
 - ✓ h. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.
 - ✓ i. Justification for change in the character of the neighborhood shall include:
 - i. A description of the neighborhood and events that have occurred since the last comprehensive zoning of the property; **AND**
 - ii. Describe how the request is consistent with the County's most recent adopted Comprehensive Plan; **AND**
 - iii. Provide a statement describing how the requested zoning is logical and appropriate.

- √ j. Justification for mistake in the current zoning shall include:
- i. Describe events that have occurred since the last comprehensive zoning of the property that supports the applicant's claim that the County erred in the application of the current zoning; **AND**
 - ii. Describe how the request is consistent with the County's most recent adopted Comprehensive Plan; **AND**
 - iii. Provide a statement describing how the requested zoning is logical and appropriate.

7.
N/A

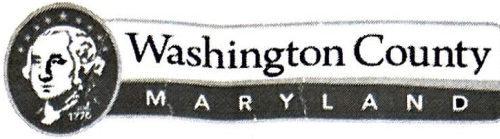
7. Floating Zone and Overlay Zone Map Amendments:

- a. Applications for floating or zones shall include information required by the respective Articles of the Zoning Ordinance. These include Articles 5E, 15, 16, 17, 18 and 20.
- b. Applications for floating or overlay zones shall include select information required by Article 27.3, including:
 - i. Availability of public facilities in the area.
 - ii. Present and future transportation patterns in the area.
 - iii. Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates.
 - iv. The relationship of the proposed change to the County's most recent adopted Comprehensive Plan.
 - v. Provide a statement describing how the requested zoning is logical and appropriate for the area.

SPECIAL NOTE: When requesting one of the following zoning districts, a Concept Plan (developed in accordance with the requested district Articles noted above) must be submitted with the zoning map amendment application.

- Rural Business (RB)
- Mixed Use Residential (MXR)
- Mixed Use Commercial (MXC)
- Mixed Use Employment (MXE)
- Industrial Mineral (IM)
- Planned Industrial (PI) *
- Planned Business (PB) *

*Concept plans developed for proposed new PI or PB districts **must** receive Planning Commission approval prior to inclusion in an amendment application.



Department of Planning and Zoning
OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Michael Godinez / Dominion Realty LLC is authorized to file a rezoning application with the Department of Planning and Zoning for Re-Zoning from "RM" to "HI" zoning located 18132 Mangans Ave Hagerstown MD 21740. The said work is authorized by Tracy Lynn Greene the property owner in fee.

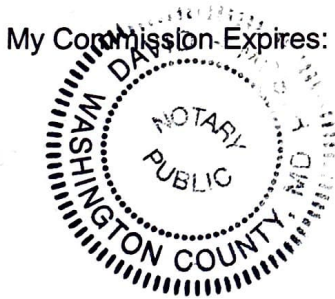
PROPERTY OWNER

Tracy Lynn Greene
Name
15596 Conden Drive
Address
Greencastle, PA, 17225
City, State, Zip Code
Tracy Lynn Greene
Owner's Signature

Sworn and subscribed before me this 18 day of February, 2026.

Notary Public

My Commission Expires:



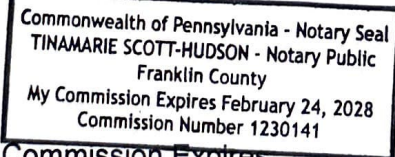
AUTHORIZED REPRESENTATIVE

Michael Godinez / Dominion Realty LLC
Name
18113 Mangans Ave Suite 101
Address
Hagerstown, MD 21740
City, State, Zip Code
Michael Godinez
Authorized Representative's Signature

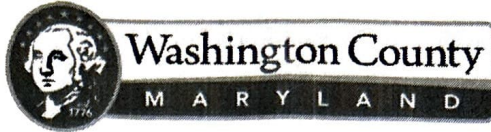
Sworn and subscribed before me this 18th day of February, 2026.

Tinamarie Scott-Hudson
Notary Public

My Commission Expires:



Feb. 24, 2028



Department of Planning and Zoning
OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that Michael Godinez / Dominion Realty LLC is authorized to file a rezoning application with the Department of Planning and Zoning for Re-zoning from "BM" to "HI" zoning located 18128 Mawgans Ave Hagerstown, MD 21740 on property The said work is authorized by FB Real Estate LLC / Fatima Bhutta the property owner in fee.

PROPERTY OWNER

Fatima Bhutta
Name
11420 Woodview Drive
Address
Hagerstown, MD, 21742
City, State, Zip Code
Fatima Bhutta
Owner's Signature

Sworn and subscribed before me this 19th day of FEBRUARY, 2020.

[Signature]
Notary Public

My Commission Expires: 5/25/2028

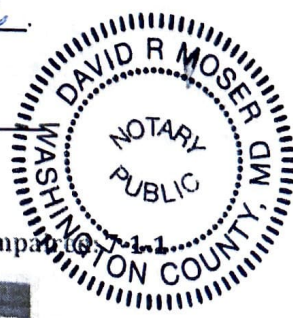
AUTHORIZED REPRESENTATIVE

Michael Godinez / Dominion Realty LLC
Name
18113 Mawgans Ave Suite 101
Address
Hagerstown, MD 21740
City, State, Zip Code
[Signature]
Authorized Representative's Signature

Sworn and subscribed before me this 19 day of February, 2020.

[Signature]
Notary Public

My Commission Expires: 10-15-28



B. Type of Loan

1. FHA 2. RHS 3. Conv. Unins. 4. File No. 2026-844 7. Loan No. 183724 8. Mortgage Insurance Case No.

4. VA 5. Conv Ins.

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "p.o.c." were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower:
FB Real Estate, LLC
11420 Woodview Drive
Hagerstown, MD 21742

E. Name & Address of Seller:
John Lynch
11947 Azalea Drive
Hagerstown, MD 21740

F. Name & Address of Lender:
Commercial Lender LLC
PO BOX 3803
VERNON, CT 06066

G. Property Location:
18128 Mangans Avenue
Hagerstown, MD 21740

M. Settlement Agent:
Premier Settlements & Title Services, LLC

I. Settlement Date:
02/06/2026
Pending Date:
02/06/2026
Disbursement Date:
02/06/2026

N. Settlement Agent:
Premier Settlements & Title Services, LLC

Place of Settlement:
223 North Prospect Street Suite 208
Hagerstown, MD 21740

Settlement statement showing that "FB Real Estate, LLC" a.k.a. "Fatima Bhutta" owns the property & not "John Lynch". Fatima Bhutta signed owner's affidavit.

J. Summary of Borrower's Transaction

200. Cash	\$220,000.00
201. Cash	\$39,747.13
202. Cash	\$772.23
203. Cash	\$260,519.36
204. Cash	\$1,000.00
205. Cash	\$223,000.00
210. City/Town Taxes	
211. County Taxes	
212. Assessments	
213. Sewer 11/26/2025 to 02/06/2026	\$151.33
214.	
215.	
216.	
217.	
218.	
219.	
220. Total Paid by/for Borrower	\$224,151.33
208. Cash at Settlement from/to Borrower	
201. Gross amount due from borrower (line 120)	\$260,519.36
202. Less amounts paid by/for borrower (line 220)	\$224,151.33
203. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	\$34,368.03

K. Summary of Seller's Transaction

400. Gross Amount Due to Seller	
401. Contract sales price	\$220,000.00
402. Personal property	
403.	
404.	
405.	
Adjustment for items paid by seller in advance	
406. City/Town Taxes	
407. County Taxes 02/06/2026 to 06/30/2026	\$772.23
408. Assessments	
409.	
410.	
411.	
412.	
420. Gross Amount Due to Seller	\$220,772.23
500. Reductions in Amount Due to Seller	
501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	\$2,161.00
503. Existing loan(s) taken subject to	
504. Payoff of First Mortgage Loan	
505. Payoff of Second Mortgage Loan	
506. Water SP56743	\$148.31
507.	
508.	
509.	
Adjustments for items unpaid by seller	
510. City/Town Taxes	
511. County Taxes	
512. Assessments	
513. Sewer 11/26/2025 to 02/06/2026	\$151.33
514.	
515.	
516.	
517.	
518.	
519.	
520. Total Reduction Amount Due Seller	\$2,480.64
600. Cash at Settlement to/from Seller	
601. Gross amount due to seller (line 420)	\$220,772.23
602. Less reductions in amounts due seller (line 520)	\$2,480.64
603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	\$218,291.59

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe the standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper.

The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

The information requested does not lend itself to confidentiality.

Division of Real Estate		
700. Total Real Estate Broker Fees	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of commission (line 700) as follows:		
701. \$		
702. \$		
703. Commission paid at settlement		
704.		
800. Items Payable in Connection with Loan		
801. Our origination charge		
802. Your credit or charge (points) for the specific interest rate chosen		
803. Appraisal fee		
804. Credit report		
805. Tax service		
806. Flood certification		
807. Loan Origination Fee to Commercial Lender LLC	\$5,017.50	
808. Closing Fee to Elite Commercial Closings, LLC	\$1,995.00	
809. Admin Fee to Investment Property Loan Exchange LLC	\$393.00	
810. Lender Holdback to Commercial Lender LLC	\$25,000.00	
900. Items Requested by Lender to be Paid in Advance		
901. Daily interest charges from 02/04/2026 to 03/01/2026 @ \$54.94 /day	\$1,263.74	
902. Mortgage insurance premium		
903. Homeowner's insurance to TAPCO	\$1,545.09	
904.		
1000. Reserves Deposited with Lender		
1001. Initial deposit for your escrow account		
1002. Homeowner's insurance		
1003. Mortgage insurance		
1004. Property taxes		
1005.		
1006.		
1007. Aggregate Adjustment \$0.00		
1100. Title Charges		
1101. Settlement or closing fee to Premier Settlements & Title Services, LLC		
1102. Owner's title insurance to First American Title Insurance Company	\$1,191.00	
1103. Lender's title insurance to First American Title Insurance Company	\$286.00	
1104. Lender's title policy limit \$221,000.00		
1105. Owner's title policy limit \$220,000.00		
1106. Title - Buyer Settlement Fee to Premier Settlements & Title Services, LLC	\$573.00	
1107. Title - Seller Settlement Fee to Premier Settlements & Title Services, LLC		\$350.00
1108. Title - Title Abstract to American Title Services, Inc.	\$300.00	
1109. Title - Electronic Document Storage to Premier Settlements & Title Services, LLC	\$60.00	
1110. Title - Dead Prep to Mary Ann Ferguson	\$20.00	
1111. Title - Title Insurance Binder to Premier Settlements & Title Services, LLC	\$35.00	
1112. CPL (Lender) to First American Title Insurance Company	\$95.00	
1200. Government Recording and Transfer Charges		
1201. Recording Fee: Deed \$60.00 Mortgage \$115.00 Release \$ to Clerk of the Circuit Court	\$175.00	
1202. City/County tax/stamp Deed \$850.00 Mortgage \$0.00 to Clerk of the Circuit Court	\$425.00	\$425.00
1203. State tax/stamp Deed \$1,100.00 Mortgage \$0.00 to Clerk of the Circuit Court	\$550.00	\$550.00
1204. Reconciliation Tax - County (Deed) to Clerk of the Circuit Court	\$836.00	\$836.00
1205. Reconciliation Tax - County (Mortgage) to Clerk of the Circuit Court	\$22.80	
1300. Additional Settlement Charges		
1301.		
1302.		
1303.		
1304.		
1305.		
1306.		
1307.		
1308.		
1309.		
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section N)	\$39,747.13	\$2,161.00

See signature addendum

FB Real Estate, LLC, a Maryland Limited Liability Company

By: *Jahma Burt*
Facility Director, Sole Member

2/10/20
Date

John Lynch
John Lynch

2/6/20
Date

The HUD-1 settlement statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement

Settlement Agent

[Signature]

2/6/20
Date

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: None

Account Number: District - 13 Account Identifier - 003890

Owner Information

Owner Name: GREENE TRACY LYNN Use: RESIDENTIAL
 Principal Residence: YES
 Mailing Address: 18132 MAUGANS AVE Deed Reference: /07342/ 00381
 HAGERSTOWN MD 21740-

Location & Structure Information

Premises Address: 18132 MAUGANS AVE Legal Description: LOT 75X251 0.39 ACRES
 HAGERSTOWN 21740-0000 18132 MAUGANS AVE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0243	0000	1373	13010330.22	0000				2026	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1950	1,410 SF		0.3900 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	SIDING/	3	1 full/ 1 half	1 Detached	

Value Information

	Base Value	Value As of 01/01/2026	Phase-in Assessments	
			As of 07/01/2025	As of 07/01/2026
Land:	53,400	53,400		
Improvements	155,900	201,400		
Total:	209,300	254,800	209,300	224,467
Preferential Land:	0	0		

Transfer Information

Seller: BRADLEY RALPH JR Type: NON-ARMS LENGTH OTHER	Date: 10/23/2023 Deed1: /07342/ 00381	Price: \$80,000 Deed2:
Seller: M & T BANK Type: NON-ARMS LENGTH OTHER	Date: 06/26/2018 Deed1: /05780/ 00255	Price: \$80,000 Deed2:
Seller: DAVIS EDWARD G Type: NON-ARMS LENGTH OTHER	Date: 03/29/2018 Deed1: /05717/ 00268	Price: \$105,525 Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

View Map

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: None

Account Number: District - 13 Account Identifier - 008426

Owner Information

Owner Name: LYNCH JOHN Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 11949 AZALEA DRIVE Deed Reference: /05140/ 00472
 HAGERSTOWN MD 21740-0000

Location & Structure Information

Premises Address: 18128 MAUGANS AVE Legal Description: PT LOT 92X110
 HAGERSTOWN 21740-0000 18128 MAUGANS AVE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0243	0000	1374	13010330.22	0000				2026	

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1933	1,638 SF		10,120 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	STUCCO/	3	1 full	1 Attached	

Value Information

	Base Value	Value As of 01/01/2026	Phase-In Assessments	
			As of 07/01/2025	As of 07/01/2026
Land:	50,000	50,000		
Improvements	135,000	182,100		
Total:	185,000	232,100	185,000	200,700
Preferential Land:	0	0		

Transfer Information

Seller: COMMUNITY DEV ADM MD DEPT Type: NON-ARMS LENGTH OTHER	Date: 01/07/2016 Deed1: /05140/ 00472	Price: \$72,800 Deed2:
Seller: POE STEPHEN S Type: NON-ARMS LENGTH OTHER	Date: 04/22/2015 Deed1: /04950/ 00028	Price: \$136,000 Deed2:
Seller: BRICKER GARY L & CARLA F Type: ARMS LENGTH IMPROVED	Date: 05/05/2008 Deed1: /03491/ 00626	Price: \$184,000 Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

FROM:

Dominion Realty LLC
18113 Maugans Ave Suite 101
Hagerstown, MD 21740

TO: Washington County Planning Commission

RE: Rezoning Request (18128 & 18132 Maugans Ave)

To whom it may concern,

We are requesting to rezone the properties located at 18128 and 18132 Maugans Avenue, Hagerstown, MD 21740, from their current "RM – Residential Multifamily" designation to "HI – Highway Interchange." This request is based on changes in the neighborhood since the last comprehensive rezoning in 2012, as well as a potential misalignment with the original zoning in light of surrounding land uses, anticipated future development, and greatly increased vehicular traffic counts.

These parcels are situated on the west side of Maugans Avenue, which is predominantly occupied by commercially zoned HI (Highway Interchange) properties, including Burger King, Dunkin' Donuts, the former Bobcat facility, Fulton Bank, Martin's Garage, Allegheny Ag, UAW, and seven additional businesses located directly opposite the subject properties. All Maugans Avenue parcels located west of I-81, beyond the subject properties and extending up to 18113 Maugans Avenue, are zoned "HI," with the exception of 18128 and 18132 Maugans Avenue, which retain their "RM" zoning designation. They are the last two Maugans Avenue-addressed houses on the west side of the avenue in this area that are not zoned "HI".

These parcels are the only Maugans Avenue-fronting properties that are both physically and functionally isolated from the remainder of the RM-zoned district, which is served by a network of internal roads and neighborhood access that these parcels neither connect to nor share. While the remainder of the RM zone benefits from low-traffic, residential streets and a neighborhood-oriented setting, these parcels are located directly on Maugans Avenue—a corridor classified by MDOT as an "Urban Minor Arterial" carrying approximately 8,000 vehicles per day, or over 2.29 million vehicle passes annually. Traffic counts in front of the parcels increased by roughly 8% between 2023 and 2024 alone. The location and traffic exposure of these parcels are therefore inconsistent with the intended character and purpose of the RM zoning district, as

established under Washington County's 2012 zoning ordinance.

Additionally, these two parcels are physically separated from the remainder of the RM-zoned district by substantial buffers of mature trees, shrubs, and other vegetation—which equates to approximately 142 feet from the rear west side of the property to the nearest RM-zoned house, and approximately 59 feet from the rear east side to the nearest RM-zoned house—creating a clear visual and functional separation. This separation reflects a key intent of the zoning ordinance, which is to distinctly differentiate RM areas from HI and other commercial zoning areas. The property immediately to the west and rear of the subject parcels is owned by Washington County and is dedicated exclusively to stormwater management for the remaining RM zone; it does not serve the subject parcels. This area cannot be altered or developed for residential purposes, as it is essential for managing stormwater for all dwellings within the RM district. Dense vegetation surrounding the subject parcels further reinforces their separation from the remainder of the RM zone, and a perennial stream running through this section also contributes to their isolation. Since additional residential development is not possible due to the stream, stormwater management area, and conservation trees, reclassifying these parcels to 'HI' zoning is further supported, as such a change would have no potential for adverse impacts in the future.

Additional Considerations

Recent Neighborhood Change: The most recent comprehensive zoning plan was adopted in 2012. Since that time, substantial additional development has occurred in the immediate vicinity of these two parcels, including directly across the street. In 2012, the site across from the subject properties contained a small structure which supported, at most, a single low-volume commercial business. That structure has since been demolished and replaced with two new buildings totaling nearly 20,000 square feet of commercial space, accommodating seven businesses.

Utilities: Both parcels have access to public water (City of Hagerstown), sewer service (Washington County), natural gas, fiber-optic internet, and electricity—including three-phase power, which is uncommon in residential areas and indicates that the parcels are ready for commercial use, like the properties across from it and nearby, further supporting reclassification to 'HI' zoning.

Surrounding Areas / Development: It is our understanding that Maugans Avenue is part of the county's 20-year improvement plan, which is anticipated to further increase traffic

volumes over time. Independently of these parcels or this project, improvements are planned at the intersection of Maugans Avenue and Shawley Drive to support additional commercial development along Shawley Drive and Label Lane. These planned enhancements reinforce the expectation of continued growth in the area and suggest that both traffic and local population are likely to increase along Maugans Avenue, the primary access route to the subject parcels. Increasing traffic volumes and continued nearby development along Maugans Avenue further support the appropriateness of classifying these two parcels as "HI".

Consistent with Comprehensive County Plan: Reclassifying these two parcels from 'RM' to 'HI' would remain consistent with what we understand to be the County's long-term vision for this corridor. As currently configured, there is clear physical separation between these parcels and any residential or multi-family development. Notably, other HI-zoned properties directly adjoin the same RM district without the degree of buffer space or mature vegetation that separates these two parcels. As discussed in the 'Surrounding Areas / Development' section above, such a transition would be reasonable and consistent with the evolving character of the corridor, particularly given the concentration of HI-zoned commercial uses directly across the street, adjacent to, and in close proximity to the subject properties.

Potential For Error In 2012: It is reasonable to consider that the original 2012 Comprehensive Zoning Plan may not have fully accounted for the unique characteristics of these two parcels in relation to the surrounding area and Maugans Ave. At that time, commercial activity in the immediate vicinity was limited—particularly across the street—and traffic volumes were lower. The long-term intensity and evolution of development along this corridor may not have been fully foreseeable when the zoning designations were established. However, as currently situated, these two parcels are physically and functionally independent from the remainder of the RM district and are separated by substantial buffer areas. Given this separation, and considering the existing development pattern, it would have been reasonable for these parcels to have been classified as "HI" in a manner consistent with the neighboring Allegany Ag property (HI-zoned), as well as the UAW facility and seven additional HI-zoned businesses directly across the street. The neighboring land use context and infrastructure characteristics more closely align with Highway Interchange zoning than with Residential Multi-Family classification.

Dilapidated Status: The current condition of the two residential structures reflects significant disrepair, as documented in the photographs submitted with this application. Observed conditions include exposed interior areas to the outside, deteriorated and crumbling cinder block piles, collapsed roof sections on accessory structures, and general debris and litter throughout both properties. There appears to have been limited recent investment in the maintenance or upkeep of these sites. Based on conversations with former occupants, primary concerns included high traffic volumes, truck-related noise, and ongoing litter—conditions consistent with the surrounding Highway Interchange-oriented corridor rather than a residential neighborhood setting. Reclassification of these parcels to the more appropriate “HI” designation would allow for meaningful reinvestment and site improvement. Such improvements would not only bring the proper ties into alignment with the surrounding commercial character of the area, but would also enhance the visual appearance of the corridor and create a more orderly, maintained, and aesthetically improved frontage along Maugans Avenue for the benefit of adjacent proper ties and the traveling public.

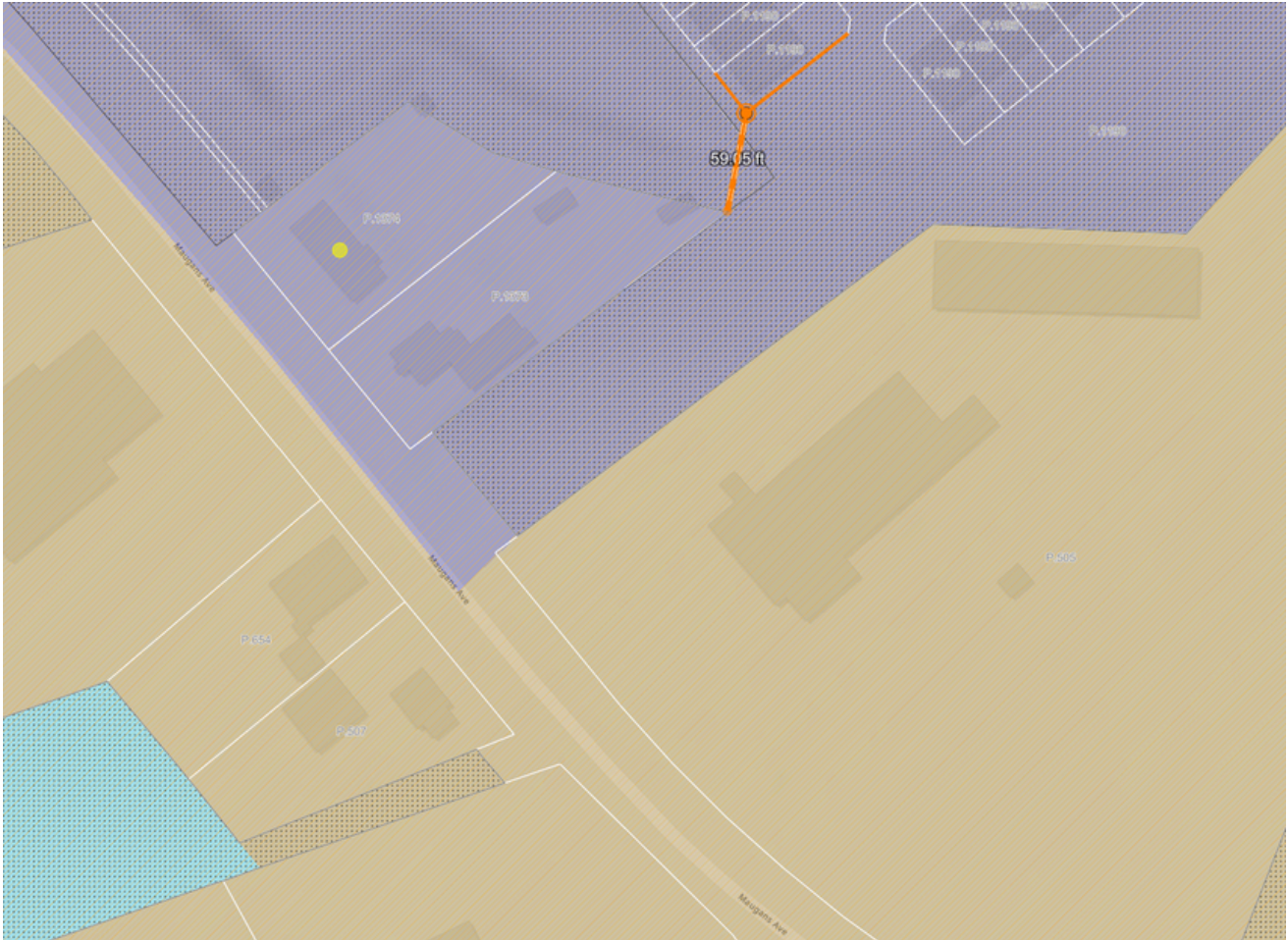
In conclusion, we respectfully submit that reclassifying the subject properties located at 18128 and 18132 Maugans Avenue, Hagerstown, Maryland 21740, from “RM – Residential Multifamily” to “HI – Highway Interchange” is a logical and well-supported action based on the evidence and analysis presented herein. The proposed rezoning is consistent with the established development pattern along the Maugans Avenue corridor, compatible with adjacent / nearby HI-zoned properties, and aligned with what we believe to be the County’s long-term planning objectives for this area.

For these reasons, we respectfully request that the Planning Commission recommend approval of this rezoning application. We appreciate the Commission’s time, review, and consideration. Sincerely,

Michael Godinez

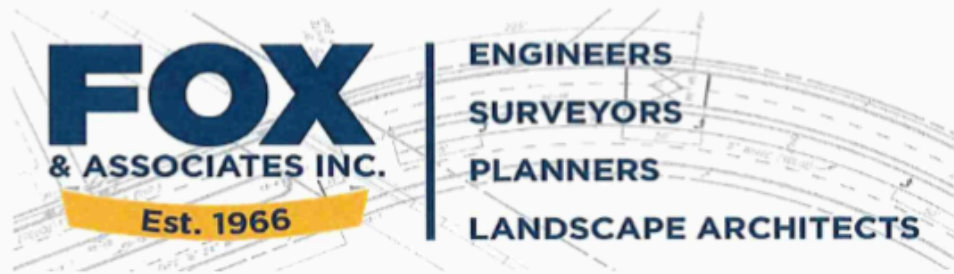
Michael Godinez
Dominion Realty LLC
2/19/2026

Approximately 59 feet of forested buffer separates the subject parcel from the nearest residential property. (rear east)



Approximately 155 feet of forested buffer separates the subject parcel from the nearest residential property. (rear west)





981 Mt Aetna Rd
Hagerstown, MD 21740
Phone: 301-733-8503
Fax: 301-733-1853

February 19, 2026

Michael Godinez
Dominion Realty LLC
18113 Maugans Ave
Suite 101
Hagerstown, MD 21740

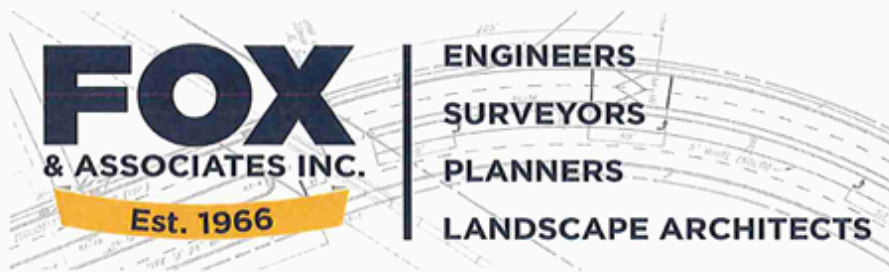
RE: 18128 Maugans Ave, Hagerstown, MD (Tax Map 0243, Parcel 1374)
18132 Maugans Ave, Hagerstown, MD (Tax Map 0243, Parcel 1373)

Dear Mr. Godinez,

The properties located at 18128 and 18132 Maugans Avenue, Hagerstown, MD, are within the "RM" - Residential, Multi-Family District. These two properties are the only two residential properties located within the RM District that front on Maugans Avenue. Both properties are isolated from the remainder of the residential properties located within "RM" District. The remainder of the residential properties in the RM district are served by a shared network of internal roads and neighborhood access. Neither of these two properties are connected to that network.

Sincerely,
FOX & ASSOCIATES, INC.


George E. Nagel
Director of Surveys



981 Mt. Aetna Road
Hagerstown, MD 21740
Phone: 301-733-8503
Fax: 301-733-1853
Email: foxhagerstown@foxassociatesinc.com

February 19, 2026

**DESCRIPTION OF
LANDS OF
JOHN LYNCH**
Liber 5140, at folio 472

Situate north of Maugans Avenue and west of Interstate 81 in District Number 13, Washington County, Maryland, and being more particularly described as follows:

Beginning at a point along the northern right of way of Maugans Avenue, said being at the end of the South 53° 35' 00" West 147.08 foot line of Stormwater Management Area No. 1, Stormwater Management Area No. 1 being graphically shown on a plat entitled "Final Plat, Seneca Ridge Subdivision", recorded as Plat No. 7546-7551 among the Land Records of Washington County, Maryland, thence with the boundary of said Stormwater Management Area No. 1 the following three (3) courses;

- 1) North 53° 28' 49" East 147.11 feet to a rebar and cap found, thence
- 2) South 59° 03' 35" East 58.90 feet to a rebar and cap found, thence
- 3) South 73° 24' 03" East 48.30 feet to a rebar and cap found at the northwest corner of a parcel of land described in a deed from Ralph Bradley, Jr. to Tracy Lynn Greene, dated October 23, 2023, and recorded in Liber 7342, at folio 381 among the aforesaid land records, thence with the western boundary of said parcel of land (Liber 7342, at folio 381)
- 4) South 53° 38' 27" West 192.81 feet to the northern right of way of Maugans Avenue, thence with the northern right of way of Maugans Avenue
- 5) North 40° 08' 55" West 92.68 feet to the Point of Beginning containing 15,406 square feet or 0.35367 acres of land more or less.

Being part of that parcel of land described in a deed from Community Development Administration, Maryland Department of Housing and Community Development to John Lynch, dated December 29, 2015, recorded in Liber 5140, at folio 472 among the Land Records of Washington County, Maryland.

The bearings described above are in the datum of the Maryland Coordinate System of 1983 (NAD 83(2011)).

This description was either personally prepared by me or under my responsible charge of the preparation and the surveying work reflected in it, all in compliance with the requirements set forth in COMAR 09.13.06.12 in effect at the time of this work, and that I am a duly licensed land surveyor under the laws of the State of Maryland, License No. 21052, and License Expiration Date: 8/24/2026.



George E. Nagel
Professional Land Surveyor





981 Mt. Aetna Road
Hagerstown, MD 21740
Phone: 301-733-8503
Fax: 301-733-1853
Email: foxhagerstown@foxassociatesinc.com

February 19, 2026

**DESCRIPTION OF
LANDS OF
TRACY LYNN GREENE**
Liber 7342, at folio 381

Situate north of Maugans Avenue and west of Interstate 81 in District Number 13, Washington County, Maryland, and being more particularly described as follows:


Beginning at a point along the northern right of way of Maugans Avenue, said being the southwest corner of a parcel of land described in a deed from Community Development Administration, Maryland Department of Housing and Community Development to John Lynch, dated December 29, 2015, recorded in Liber 5140, at folio 472 among the Land Records of Washington County, Maryland, thence with the eastern boundary of said parcel of land (Liber 5140, at folio 472)

- | | |
|---------------------------|--|
| 1) North 53° 38' 27" East | 192.81 feet to a rebar and cap found along the southern boundary of Stormwater Management Area No. 1, Stormwater Management Area No. 1 being graphically shown on a plat entitled "Final Plat, Seneca Ridge Subdivision", recorded as Plat No. 7546-7551 among the aforesaid land records, thence with the boundary of Stormwater Management Area No. 1 |
| 2) South 76° 30' 02" East | 96.25 feet to a rebar and cap found along the western boundary of Parcel Three, Parcel Three being described in a deed from Magnum Center, LLC to Seneca Ridge Homeowner's Association, Inc., dated May 20, 2014, recorded in Liber 4789, at folio 45 among the aforesaid land records, thence with the western boundary of Parcel Three (Liber 4789, at folio 45) |
| 3) South 53° 37' 54" West | 249.98 feet to the northern right of way of Maugans Avenue, thence with the northern right of way of Maugans Avenue |
| 4) North 40° 08' 55" West | 92.68 feet to the Point of Beginning containing 16,294 square feet or 0.37406 acres of land more or less. |

Being part of that parcel of land described in a deed from Ralph Bradley, Jr. to Tracy Lynn Greene, dated October 23, 2023, recorded in Liber 7342, at folio 381 among the Land Records of Washington County, Maryland.

The bearings described above are in the datum of the Maryland Coordinate System of 1983 (NAD 83(2011)).




This description was either personally prepared by me or under my responsible charge of the preparation and the surveying work reflected in it, all in compliance with the requirements set forth in COMAR 09.13.06.12 in effect at the time of this work, and that I am a duly licensed land surveyor under the laws of the State of Maryland, License No. 21052, and License Expiration Date: 8/24/2026.





George E. Nagel
Professional Land Surveyor



MDOT SHA Annual Average Daily Traffic (AADT)

AADT: 7,840 (MAUGANS AVE)   

 Zoom to


MARYLAND DEPARTMENT OF TRANSPORTATION

Road: MAUGANS AVE (CO-146)

Road Section:
ROAD END TO IS 81 (2 Lanes)

Peak Hour Direction: West

Functional Class:
URBAN Minor Arterial

Ann. Vehicle Miles Traveled: 2.29 mil.

AADT by Vehicle Type:

- Car: 6,492
- Pickup Truck: 1,221
- Motorcycle: 89
- Bus: 0
- Truck (Single Unit): 38
- Truck (Combination Unit): 0

Source: <https://data-maryland.opendata.arcgis.com/datasets/mdot-sha-annual-average-daily-traffic-aadt-segments/explore?location=39.692634%2C-77.736986%2C17>



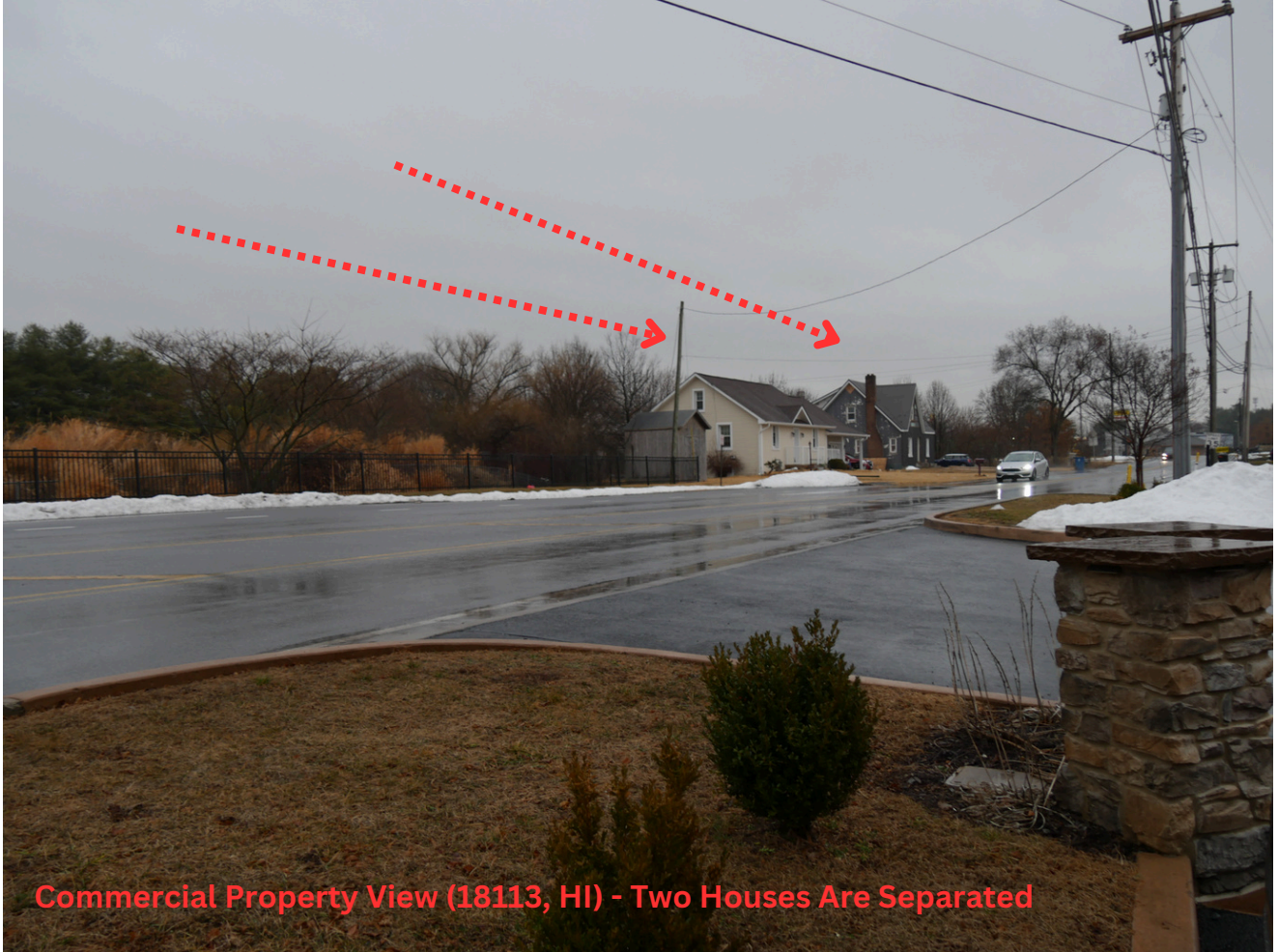
Side View - Alleghany Ag (HI), Martins Garage (HI)



Front Porch View - Three Commercial (HI) buildings



Front Driveway View - Exposed Walls / Disrepair



Commercial Property View (18113, HI) - Two Houses Are Separated



Front Driveway View - Disrepair



Front Driveway View - Disrepair



Front Driveway View - UAW (HI) - Directly across street



Front Driveway View - UAW (HI)



Yard - Disrepair, sheds caving in, litter



Front Driveway View - UAW (HI)



Yard - Disrepair



Back Yard - Shed Caving In, Litter



Yard - Disrepair, Sheds Caving In, Litter



Side Yard View - Alleghany Ag (HI)



Back of Property - Clear Buffer From All Houses (Photo Taken In WINTER)



West Side Yard View - Facing Stormwater Retention Pond / Buffered



Side View - You can see Murgans Ave Commercial Properties



Rear Yard - Houses Buffered By Trees, Photo Taken In WINTER



Entrance To "RM" Zone, Secluded Entrance

**Application for Map Amendment
Staff Report and Analysis**

Property Owner(s)	:	Tracy Greene; FB Real Estate, LLC.
Applicant(s)	:	Michael Godinez
Location	:	18132 and 18128 Maugans Ave
Election District	:	#13 – Maugansville
Comprehensive Plan		
Designation	:	High Density Residential
Zoning Map	:	243
Parcel(s)	:	P. 1373 & 1374
Acreage	:	0.72 acres (P. 1373: 0.37 ac; P. 1374: 0.35)
Existing Zoning	:	RM – Residential, Multifamily
Requested Zoning	:	HI – Highway Interchange
Date of Meeting	:	May 4, 2026

I. Background and Findings Analysis:

1. Site Description

The proposed rezoning site is two parcels located on the northern side of Maugans Ave, approximately .30 miles northwest of Interstate 81. The total acreage of the parcels that are the subject of this rezoning is 0.72 acres. The parcels are described below:

Parcel #1: Tax Map 243; Parcel 1373 – The parcel consists of 0.37 acres. Currently sitting on the parcel is a single-family detached house with a dilapidated accessory structure. The property is lined with mature trees and shrubby on the north and east sides. There are no environmentally sensitive areas on the property.

Parcel #2: Tax Map 243; Parcel 1374 – The parcel consists of 0.35 acres. Currently on the property is a single-family detached house with an accessory structure on the edge of the property. The property is lined with mature trees and shrub on the north and west sides. There are no environmentally sensitive areas on the property.

2. Population Analysis

To evaluate the change in population, information was gathered from the US Census Bureau for a thirty-year time span. This range was chosen to provide long term population trends for the election district of the proposed rezoning and the County.

The proposed rezonings are located within the Maugansville Election District (#13). The table below shows the population for that district and county between 1990-2020. The district has grown 19% over the thirty-year period (0.63% per year) while the County has grown 21.6% (0.72% per year). Maugansville Election District saw the highest percentage growth between the years 2000-2010 at 8.0%.

Table 1: Maugansville Election District Population Trends

Population Trends 1990-2020			
<u>Year</u>	<u>Area</u>	<u>Population</u>	<u>% change from previous decade</u>
<u>1990</u>	District	<u>5,351</u>	
	County	<u>121,393</u>	
<u>2000</u>	District	<u>5,698</u>	<u>6.5%</u>
	County	<u>131,932</u>	<u>8.7%</u>
<u>2010</u>	District	<u>6,154</u>	<u>8.0%</u>
	County	<u>147,430</u>	<u>11.7%</u>
<u>2020</u>	District	<u>6,429</u>	<u>4.5%</u>
	County	<u>154,705</u>	<u>4.9%</u>

Source: US Census Bureau

3. Availability of Public Facilities

A. Water and Sewerage

The adopted Water and Sewerage Plan for the County establishes the policies and recommendations for public water and sewer infrastructure to help guide development in a manner that helps promote healthy and adequate service to citizens. By its own decree, the purpose of the Washington County Water and Sewerage Plan is "...to provide for the continued health and well-being of Washington Countians and our downstream neighbors..."¹ This is achieved through implementing recommendations within the County Comprehensive Plan and the Water and Sewerage Plan to provide for services in a

¹ Washington County, Maryland Water and Sewerage Plan 2009 Update, Page I-2

timely and efficient manner and by establishing an inventory of existing and programmed services.

Water:

W1-Existing Service (County)

The parcels are served by existing (W-1) public water facilities as they are in the Urban Growth Area. This area has water service provided by the City of Hagerstown which also owns the distribution system. The surrounding area is also designated W-1 and served by the City. The City of Hagerstown Water Division offered no comment on the proposed rezoning when sent the application for review.

Wastewater:

W1-Existing Service (County)

The subject parcels are served by existing (W-1) public sewerage facilities within the Urban Growth Area. The County owns the collection system and handles the effluent treatment at the Conococheague Wastewater Treatment Plant. Nearly all adjacent properties are also designated W-1 and served by the same treatment facility.

The Department of Water Quality, the wastewater provider for this area, offered no comment on the proposed rezoning when sent the application for review.

B. Emergency Services

Fire and Emergency Services:

Maugansville Goodwill Volunteer Fire Company (13730 Maugansville Road) – 0.4 miles away

The parcels subject to the proposed rezoning are located within the service area of the Maugansville Goodwill Volunteer Fire Company. Their station is located approximately 0.4 miles away from the properties subject to the rezoning. Community Rescue Service provides the nearest emergency rescue services; they are located 0.3 miles away.

A copy of this application was sent to the Maugansville fire company as well as to the Washington County Division of Emergency Services. No comments were received.

C. Schools

The subject sites are within the districts of Maugansville Elementary, Western Heights Middle and North Hagerstown High schools. The requested zoning classification, Highway Interchange (HI), does not allow for residential development. Therefore, there would be **no school capacity mitigation requirements** for pupil generation under the County's Adequate Public Facilities Ordinance.

4. Present and Future Transportation Patterns

Road Access

The parcels subject to the rezoning are located on Maugans Avenue. Maugans Ave is functionally classified as Urban Minor Arterial

Traffic Volume

In addition to evaluating access points of subject properties for rezoning purposes, it is also important to evaluate traffic generation from proposed development in the context of existing traffic volumes. This is commonly accomplished through the analysis of prior traffic counts and any existing traffic impact studies. The proposed sites are located on a county road, traffic counts are shown for locations near the site along Maugans Avenue.

The County's Division of Engineering & Construction Management collected single day traffic counts at five locations in the vicinity of the site in 2016 and 2022. These locations are found at various points along Maugans Avenue within ¼ mile or less from the site. These counts provide insight into the traffic volume in the neighborhood.

Shown in the table below, the highest traffic volume was recorded on Maugans Avenue with 9,847 vehicles, ~850' east of the rezoning site. The second highest volume was recorded at the intersection of Shawley Drive and Maugans Ave with 2,532 vehicles. All but two locations recorded an increase in traffic volume between 2016 and 2020.

Table 2: County Traffic Volumes

	<u>2016</u>	<u>2022</u>
<u>Maugans Ave West of Oliver Drive</u>	4,910	9,847
<u>Seneca Ridge Drive North of Maugans Ave</u>	1,471	1,914
<u>Shawley Drive South of Maugans Ave</u>	2,228	2,532
<u>Sunrise Ave North Of Maugans Ave</u>	531	453
<u>Oliver Dr North Of Maugans Ave</u>	1,314	622

Source: Washington County Division of Engineering and Construction Management Traffic Count Inventory Map

Future Road Improvements

According to a review of short- and long-term transportation planning documents, there is a project currently slated to occur in the immediate vicinity of the subject parcel on County, State or Federal roads.

Improvements to the I-81 interchange at Maugans Ave east of the site is identified in both the Hagerstown Eastern Panhandle Metropolitan Planning Organization's Long Range Transportation Plan (LRTP) and the Highways Plan of Washington County's Comprehensive Plan in the Transportation Chapter. According to the LRTP, the work will not be completed before the 2027-2035 time frame.

The Washington County Engineering Plan Review offered no comment on the proposed rezoning after receiving a copy of the application for review.

Public Transportation

This area is served by Route 443 of the County Commuter. Route 443 travels between the Washington County Transit Center in Hagerstown and the town of Maugansville. The route operates six days per week, between Monday and Saturday.

5. Compatibility with Existing and Proposed Development in the Area:

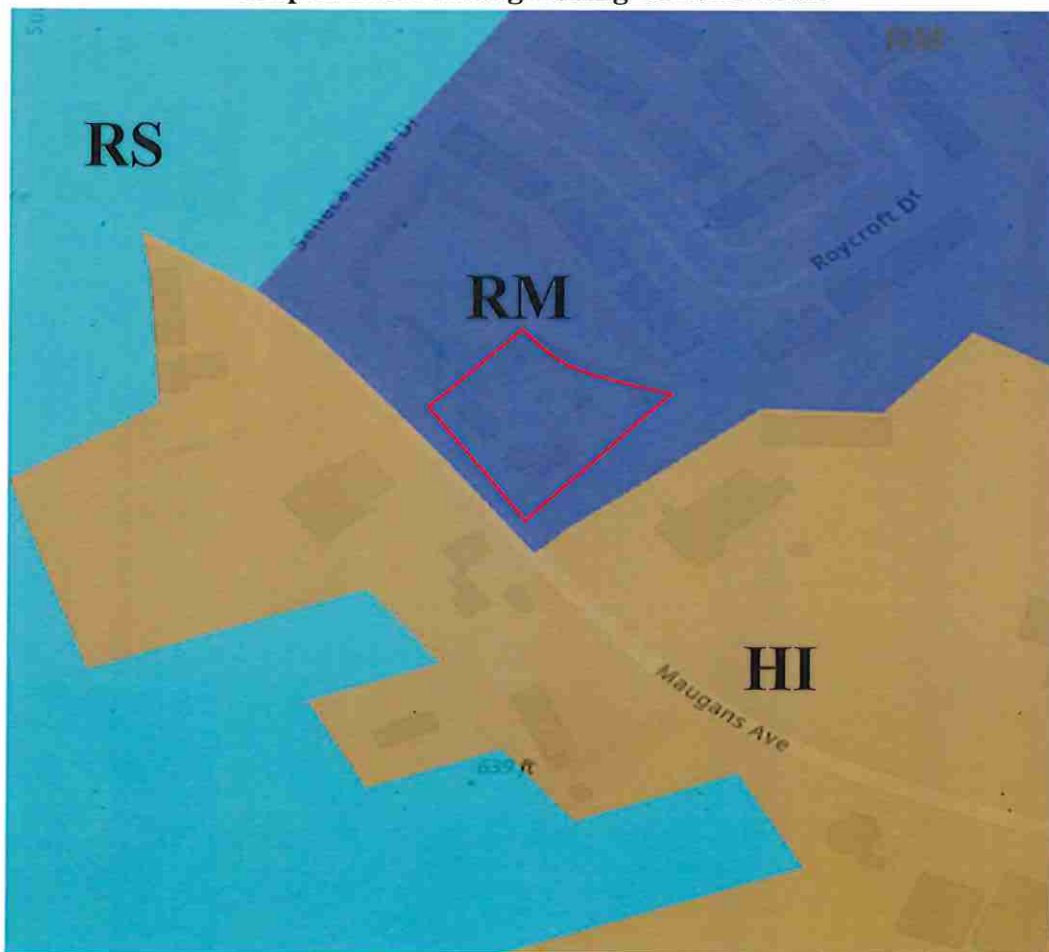
A. Zoning

The subject parcels are currently zoned Residential Multifamily (RM) and are requesting to change to Highway Interchange (HI). The purpose of the HI zoning district is:

“...to provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population, or uses that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles. In addition to providing accessible locations, the Highway Interchange District is intended to protect the safe and efficient operation of the interchange and to promote its visual attractiveness. ...” Washington County Zoning Ordinance, Article 19

The HI Zoning District does not define its own individual permitted uses. The district instead pulls permitted uses from the BL, BG, PB and ORT districts as well as IR with the exception of heliports and Commercial Communications Towers. The applicants for this rezoning did not state their intended use.

Map 1: Surrounding Zoning Classifications



The immediate vicinity of the rezoning is a mix of HI, RM, and RS. The subject parcels (roughly identified by the green trapezoid) lie on the edge of two districts. The

subject parcels (RM) are not part of the RM residential development to the north. RS and HI make up the majority of the surrounding area. The HI district is predominantly to the east around I-81. The RS district can be seen west of Seneca Ridge Drive and south of Maugans Ave. The Airport Overlay Zone covers the whole area around the subject parcels.

B. Land Use

Image 1: Vicinity Land Use



Source: Google Maps

The proximity of the major transportation interchange influences the nature of the land use in the area. The portion of Maugans Avenue that the subject parcels are on includes a mix of residential and commercial uses. The Seneca Ridge development sits directly north of the subject parcels, containing a mixture of single and multifamily structures.

There are a large number of commercial businesses on Maugans Avenue. Allegheny AG, United Auto Workers union, and a commercial building to house seven businesses are located in the immediate vicinity of the subject parcels. The west side of Maugans Ave is predominately commercial uses. These uses include Burger King, Dunkin' Donuts, McCarthy Tire Service, and Martin's garage.

Maugansville lies just west of the rezoning site. Holsinger's Meat Market and Maugansville Creamery give way to residential land use.

C. Historic Sites

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. According to the Washington County Historic Sites Survey there are 0 historic sites located within a 0.5-mile radius of the proposed rezoning areas.

6. Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

Each of the properties is located in the sub-policy area High Density Residential. The Comprehensive Plan offers the following definition for this policy area:

“High Density Residential areas are located in close proximity to existing urban cores. Residential uses associated with this area include single-family & two-family residences, triplexes, quadplexes, townhouses, and multi-family structures.”²

7. “Change or Mistake” Rule

When rezonings are not part of a comprehensive rezoning by the governing body, individual map amendments (also known as piecemeal rezonings) are under an obligation to meet the test of the “Change or Mistake” Rule. The “Change or Mistake” Rule requires proof by the applicant that there has been either: a substantial change in the character in of the neighborhood since the last comprehensive zoning plan (2012), or a mistake in designating the existing zoning classification.

As part of the evaluation to determine whether the applicant has proven whether there has been either a change or mistake in the zoning of a parcel, the Maryland Annotated Code Land Use Article and the Washington County Zoning Ordinance state that the local legislative body is required to make findings of fact on at least six different criteria in order to ensure that a consistent evaluation of each case is provided. Those criteria include:

1) population change; 2) the availability of public facilities; 3) present and future transportation patterns; 4) compatibility with existing and proposed development for the

² 2040 Washington County, Maryland Comprehensive Plan, 14-22

area; 5) the recommendation of the planning commission; and 6) the relationship of the proposed amendment to the local jurisdiction's Comprehensive Plan.

Even when change or mistake has been sufficiently sustained, it merely allows the local governing body the authority to change the zoning; it *does not require* the change. When conditions are right for a change the new zone must be shown to be appropriate and logical for the location and consistent with the County's Comprehensive Plan.

II. Staff Analysis:

The analysis of a rezoning request begins with a strong presumption that the current zoning is correct. It is assumed that the governing body performed sufficient analysis, exercised care, and gave adequate consideration to all known concerns when zoning was applied to a parcel of land. However, there are instances by which a case can be established to show that the governing body either erred in establishment of the proper zoning of a property or that enough change has occurred within the neighborhood surrounding the property since the governing body's last assessment to require a new evaluation of the established zoning designation.

The applicant of this case has indicated in their justification statement that they believe that there has been both a mistake in the current zoning and a substantial change in the character of the neighborhood since last comprehensive rezoning in 2012. As noted in the prior section describing the "Change or Mistake" Rule, the Washington County's Zoning Ordinance requires data to be presented to the local legislative body on factors such as population change, present and future traffic patterns, the availability of public facilities, the relationship of the proposed change to the Comprehensive Plan and its compatibility with existing and proposed development in order to determine how the area subject to rezoning has evolved since the comprehensive rezoning.

A. Evidence for Mistake in the Current Zoning

In order to demonstrate that a mistake was made by the regulatory body in applying the existing zoning classification to the parcel, the applicant must establish error occurred as a result of factors such as:

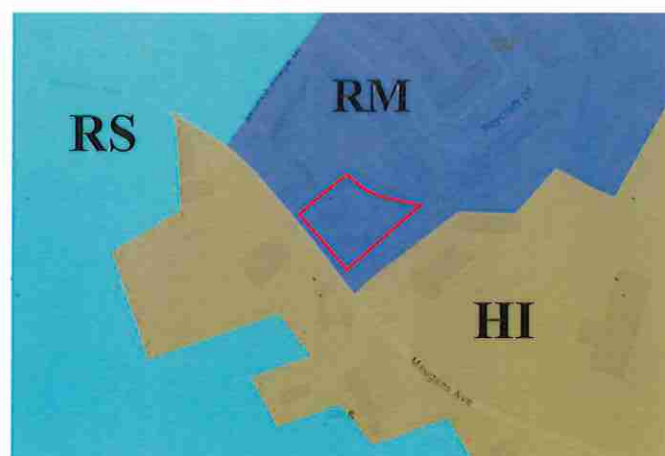
1. A failure to take into account projects or trends probable of fruition;
2. Decisions based on erroneous information;
3. Facts that later prove to be incorrect;
4. Events that have occurred since the current zoning; or
5. Ignoring facts in evidence at the time of zoning application.

The last Comprehensive Rezoning in Washington County was completed in 2012, affecting the Urban Growth Area that surrounds the City of Hagerstown and the towns of Williamsport and Funkstown. The Rezoning affected approximately 17,000 parcels and 38,000 acres of land.³ Information such as population projections, growth trends, transportation and infrastructure data, and the recommendations of the Comprehensive Plan were considered as a part of this effort. The input of property owners, local officials, County staff and the general public was also solicited and considered in the assignment of each parcel affected by the Comprehensive Rezoning.

The applicant contends that the Board of County Commissioner's (BOCC) erred in their decision during the 2012 UGA Comprehensive Rezoning to rezone the lots in question to RM. The applicant claims that factors such as following were not fully considered by the Board in their 2012 decision:

- The inconsistent application of the HI-1 rezoning classification to properties along Maugans Avenue where the subject parcels are located;
 - Residential usage of the subject properties would continue to be viable despite the geographic separation of the properties from adjacent residential neighborhoods and the commercial growth in the vicinity.
- i. **Recent Zoning History**
- These properties were rezoned to the present RM designation in conjunction with the Comprehensive Rezoning of the Urban Growth Area in 2012.

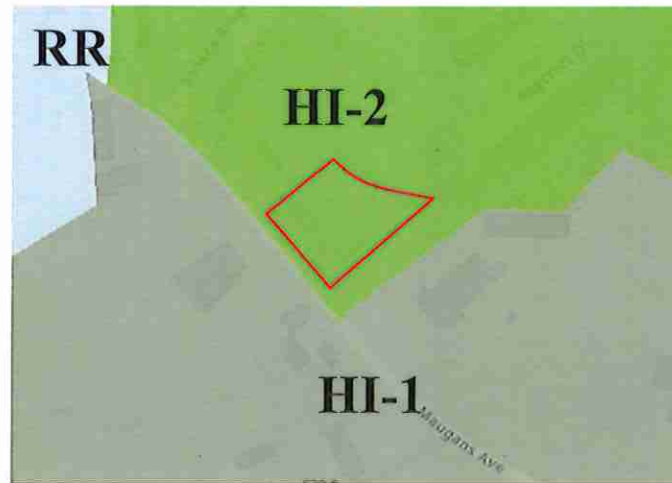
Current Zoning



³ Washington County Ordinance No. ORD-2012-08

- Prior to 2012, the properties were zoned Highway Interchange District HI-2.

Pre-2012 Zoning



The HI-2 zoning district was intended to serve as a transitional zone between HI-1 zones and nearby residential areas. Typically, HI-1 areas were designated on lands closest to interstate highway interchanges, with HI-2 zones then buffering adjacent lands in the vicinity of the interchanges. HI-1 allowed commercial and industrial uses. Permitted uses were pulled from the BL, BG, PB, and IR Districts.

HI-2 allowed low intensity business and industrial uses as well, but also residential development at varying densities. Permitted uses were pulled from the BT, RM, PUD, IT, RR, RS and RU Districts. The HI-2 zoning district was eliminated during the 2012 UGA Rezoning, while the HI-1 zoning district was later eliminated with the rezoning of the County's Town Growth Areas, beginning in 2013.

This left only the current standalone HI zoning district which now had a solely commercial/industrial focus which no longer permitted residential development of any kind. Residential properties that were formerly permitted within HI-2 zoning districts were reassigned to existing residential zoning classifications such as the RM zoning which is currently applied to the subject properties.

➤ **Discussion**

No documentation exists which definitively explains why the subject properties were not given HI-1 zoning classification when HI-2 zoning classification was repealed in 2012. However, the presence of residential structures on the properties at the time may have influenced the decision.

ii. **Impacts Affecting Continued Residential Use**

Looking into the second part of the applicant's argument in favor of "mistake", which concerns the continued viability of residential usage at the site. The parcels have a history of residential usage.

In considering the Board's decision not to rezone the subject parcels at the time of the 2012 Comprehensive Rezoning, it's essential to zero in on what has and has not changed since that time to impact the current residential use. In 2012, the residential structures on the subject parcels were occupied, giving the Board the disincentive to change to a commercial zoning class. In addition, the area immediately behind the subject parcels is Seneca Ridge, a multifamily residential development. However, the properties for the rezoning are not part of the development with a natural separation from a stream and vegetation.

As seen in Exhibit G, the applicant states the residential structures on the properties are currently in a dilapidated status due to limited investment interest as a result of high traffic and litter conditions from Maugans Ave. By not keeping up with the upkeep of the structures, it removes the likelihood of the structures being used as housing by new owners.

While staff would completely agree that the site is impacted by its location along a busy stretch of Maugans Avenue, near an interstate interchange, we would assert that the neglect of the properties has had an equal impact on the subject properties. Greater examination of the effects of traffic on the site will be further discussed in this report when looking at the evidence for "change in the neighborhood."

iii. **Evidence for Substantial Change in the Character of the Neighborhood**

In addition to the claim that the Board made a mistake in the application of the current zoning, the applicant also argues that there has been a substantial **change** in the character of the neighborhood since the time of the last comprehensive zoning plan. In order to demonstrate that a substantial change has occurred in the character of the neighborhood since the passage of the last Comprehensive Zoning Plan, the applicant must establish:

1. What area reasonably constitutes the "neighborhood" of the subject property;
2. The changes that have occurred in the neighborhood since the comprehensive zoning;
3. Proof that these changes resulted in a change in the character of the neighborhood.

Maryland case law has consistently established that these factors must be considered cumulatively, not individually, if the applicant is to demonstrate proof that a substantial change in the character of the neighborhood has occurred. Correspondingly, a substantial change in any one individual factor doesn't necessarily illustrate that substantial change has occurred in the neighborhood overall.

A. Neighborhood Definition

The Applicant does not define the neighborhood in their justification statement. However, the area around the subject parcels has built out according to the established zoning which has allowed industrial/commercial development prior to 2012 and after.

B. Changes that have occurred in the Neighborhood

The applicant contends in their Justification Statement that a substantial change has occurred in the character of the neighborhood since the 2012 Comprehensive Rezoning of the UGA. As evidence, they offer:

1. *An increase in annual average daily traffic on Maugans Avenue*
2. *The substantial commercial development in the vicinity of the site*

i. Changes in Average Annual Daily Traffic

To expand on the point above concerning traffic on Maugans Avenue, it is important to understand the caveats to the Applicant's conclusion that traffic is increasing to a substantial degree in the neighborhood.

First, traffic count data was considered by the Board as a part of the Urban Area Comprehensive Rezoning in 2012, and was factored into the ultimate decisions about the appropriate zoning classification for the subject parcels, and the surrounding area. Second, traffic data can vary considerably from year to year at any given location, due to factors that may not necessarily be locally derived. For example, construction work on a nearby road requires closure or diversion of traffic to alternate routes, nearby roads can see short-term upticks in traffic that may not necessarily be reflective of long-term traffic increases.

In support of the Applicant's claim of traffic increases, long-term traffic data shows an increase in volume along Maugans Avenue as seen in Table 2 of this report on page 5.

Traffic on Maugans Avenue has increased roughly 20% between 2016 and 2022.⁵ While this number may be inflated by external factors,⁶ it still gives a picture of growth in

the area. However, traffic data from Maryland Department of Transportation shows an increase of 23% in annual average daily trips (AADT) between 2012 (6,327 AADT) and 2025 (7,791 AADT). These numbers further show an increase of growth in the neighborhood surrounding the site.

ii. Neighborhood Zoning Changes from 2012 Comprehensive Rezoning

As shown on pages 10 & 11, the only significant zoning changes in the neighborhood from the 2012 Comprehensive Rezoning was the removal of the HI-2 zoning classification. Before, the subject parcels were zoned Highway Interchange (HI-2). The surrounding area of the site was Highway Interchange (HI-1) apart from Residential Rural (RR) to the west.

The current zoning shows the effects of the Urban Growth Area Comprehensive Rezoning. The HI-2 zoning was eliminated and that area was assigned Residential, Multifamily (RM) and Residential, Suburban (RS). The surrounding area of the site has remained mostly HI being predominately commercial and industrial uses.

The applicant's argument that substantial new commercial development in the neighborhood constitutes a change in the neighborhood is unfounded as the development is consistent with the current and previous zoning of the area.

III. Conclusion:

The applicant claims both a mistake in the designation of the existing zoning and a substantial change in the character of the neighborhood have or did occur since the time of the last comprehensive rezoning, thereby warranting their petition to rezone the properties from RM to HI.

The burden of the applicant in a "Mistake" case is to provide evidence that the Board:

- 1) Failed to take into account projects or trends probable of fruition,
2. Made decisions based on erroneous information,
3. Used facts that later prove to be incorrect,
4. Couldn't have foreseen Events that have occurred since the current zoning
5. Ignored facts in evidence at the time of zoning application.

The burden of the applicant in a "Change" case is to illustrate three points:

1. Defining the boundaries of the neighborhood,
2. Demonstrating that substantial changes have occurred since the last Comprehensive Zoning Plan, and

3. Showing that those changes resulted in the altered character of the neighborhood.


Regarding the charge of mistake, it has been demonstrated that the selective reassignment of HI-2 to RM in the area was likely due to the already existing Seneca Ridge development prior to 2012. It is likely the subject properties were grouped with the development even though they are not directly related. It has also revealed that neglect and traffic have played a role in the continued viability of residential use at the site since 2012. This makes it difficult to characterize the decisions made in 2012 to reassign the subject properties to RM as being a mistake.

The analysis also shows the applicant has not met the burdens in proving that a substantial change has occurred in the neighborhood since the 2012 UGA Rezoning. The applicant failed to define what constitutes a neighborhood except for the expected and continued commercial/industrial uses in the vicinity.

The Land Use Plan Map for the Comprehensive Plan assigns these parcels as high density residential. However, continued growth in commercial development and traffic, over time it is likely the site will be less desirable as a residential use. Despite all listed above, there is logic to now applying HI zoning classification to these properties, based on their separation from the development and proximity to other commercial uses.

Staff also wishes to advise that decision makers carefully consider the wide range of land uses permitted under the HI zoning requested by the applicant to gauge compatibility to the neighborhood surrounding the site.

Respectfully submitted,



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