



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

## AGENDA

### WASHINGTON COUNTY PLANNING COMMISSION

January 4, 2021, 7:00 PM

VIRTUAL MEETING ONLY

\*\*Access to County buildings is currently restricted due to the Governor's State of Emergency declaration due to the COVID-19 pandemic. Therefore, the general public may not attend the physical meeting but will have access to the meeting through the County's Facebook live stream or the Washington County Commissioners' YouTube channel.\*\*

#### **CALL TO ORDER AND ROLL CALL**

#### **PUBLIC INFORMATION MEETING**

1. **RZ-20-003 – Brandon Green** – Proposed rezoning of property located at 19223 Manor Church Road; Current Zoning: EC (Environmental Conservation); Proposed Zoning: RB (Rural Business); Planner: Jill Baker \*

#### **MINUTES**

1. December 7, 2020 Planning Commission regular meeting minutes \*

#### **NEW BUSINESS**

#### **SITE PLANS**

1. **Sheetz – Sharpsburg Pike [SP-20-024]** Proposed Sheetz convenience store along the east side of Sharpsburg Pike, just south of the existing McDonald's; Zoning: HI (Highway Interchange); Planner: Lisa Kelly \*

#### **FOREST CONSERVATION**

1. **TENTATIVE Foxberry Farms [PP-20-002]** Request for a variance to remove specimen trees from property located along the west side of Little Antietam Road; Zoning: A(R) – Agricultural Rural; Planner: Travis Allen

#### **OTHER BUSINESS**

1. **Digging & Rigging [SP-18-030]** Extension Request for the Digging & Rigging storage building site plan for property located at 11424 Stotler Road; Planner: Ashley Holloway \*
2. **Update of Staff Approvals** – Ashley Holloway

#### **ELECTION OF OFFICERS**

#### **CLOSED SESSION**

*To discuss potential candidates to be recommended to the Board of County Commissioners for appointment to the Planning Commission to fill two upcoming vacancies.*

## **ADJOURNMENT**

## **UPCOMING MEETINGS**

1. Monday, February 1, 2021 – Washington County Planning Commission regular meeting

## ***\*a t t a c h m e n t s***

*The Planning Commission reserves the right to vary the order in which the cases are called. Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2430 to make arrangements no later than 10 working days prior to the meeting. Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.*



FOR PLANNING COMMISSION USE ONLY

Rezoning No. \_\_\_\_\_

Date Filed: \_\_\_\_\_

WASHINGTON COUNTY PLANNING COMMISSION  
ZONING ORDINANCE MAP AMENDMENT APPLICATION

Brandon Green

Applicant

4221 Mathewson Drive NW, Washington, DC  
20011

Address

Zachary J. Kieffer, Esq.

Primary Contact

19405 Emerald Square, Suite 2100 Office 202  
Hagerstown, MD 21742

Address

☒ Property Owner

☐ Contract Purchaser

☐ Attorney

☐ Consultant

☐ Other: \_\_\_\_\_

240-513-4332

Phone Number

zach@zkiefferlaw.com

E-mail Address

19223 Manor Church Road, Boonsboro

Property Location: \_\_\_\_\_

0068

0174

65.37

Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel No.: \_\_\_\_\_ Acreage: \_\_\_\_\_

EC

RB Overlay

Current Zoning: \_\_\_\_\_ Requested Zoning: \_\_\_\_\_

Reason for the Request: ☐ Change in the character of the neighborhood

☐ Mistake in original zoning

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

SARAH ELIZABETH TOZER  
NOTARY PUBLIC  
REGISTRATION # 7786358  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
OCTOBER 31, 2022

Applicant's Signature

Subscribed and sworn before me this 26 day of October, 2020.

My commission expires on 10/31/2022

Notary Public

FOR PLANNING COMMISSION USE ONLY

- |   |   |
|---|---|
| <input type="checkbox"/> Application Form                         | <input type="checkbox"/> Names and Addresses of all Adjoining & Confronting Property Owners |
| <input type="checkbox"/> Fee Worksheet                            | <input type="checkbox"/> Vicinity Map   |
| <input type="checkbox"/> Application Fee                          | <input type="checkbox"/> Justification Statement  |
| <input type="checkbox"/> Ownership Verification                   | <input type="checkbox"/> 30 copies of complete Application Package                          |
| <input type="checkbox"/> Boundary Plat (Including Metes & Bounds) |   |



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: Brandon Green Date: October 27, 2020

**Zoning Ordinance Map Amendment** ..... \$ 2,000.00

Number of Acres \* 65.37 x \$20.00 [1 acre minimum]  
per acre ..... \$ 1,307.40

Engineering Review Fee ..... \$ 150.00

Technology Fee ..... \$ 15.00

**TOTAL FEES DUE – MAP AMENDMENT** ..... \$ 3,472.40

\*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  
☐ 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".

North American Title Company  
File No. 04-2067-12DBK  
Tax ID # 19-000923

2491 0176  
CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY

1083

**This Deed**, made this 29th day of October, 2004, by and between **KIMBERLY A. SCHMIDT**, party of the first part, Grantor; and **BRANDON GREEN, as to an undivided 50% AND JOSEPH FARONE and DAVID V. KEMPTON, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**, as to an undivided 50% interest, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of ONE MILLION ONE HUNDRED NINETY THOUSAND AND 00/100 DOLLARS (\$1,190,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said BRANDON GREEN and JOSEPH FARONE and DAVID V. KEMPTON, with interests as stated above, TENANTS IN COMMON AS TO THE WHOLE, in fee simple, all that lot of ground situate in Washington County, Maryland and described as follows, that is to say:

All that tract of land or Farm, together with the improvements thereon, situated and lying to the East of Antietam Creek, South of Monroe Road, and West of Wheeler Road in Election District No. 10, Washington County, and being particularly described on a plat prepared by J.H. Selbert, and shown and designated as "Remaining Lands" on the plat entitled "Plat of the property of Mrs. Helene R. Crane", which plat is recorded among the Land Records of Washington County, Maryland at Plat folio 1554, containing 65.37 acres of land, more or less.

BEING the same land conveyed to the Grantor herein by Deed recorded in Liber 2095, Folio 722, among the aforesaid Land Records

Title Insurer: Commonwealth Land Title Insurance Company

Tax Account No. 19-000923

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said BRANDON GREEN, JOSEPH FARONE and DAVID V. KEMPTON, with interests and tenancy as stated above, in fee simple.

And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

TNP FD SURE 2	20.00
RECORDING FEE	20.00
RECORDATION 1	9,044.00
TR TAX STATE	5,550.00
TOTAL	15,034.00
Rest# NABJ	Rec# 15333
DJH LH	81k # 782
Nov 10, 2004	09:59 am

CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:

\_\_\_\_\_

*Kimberly A. Schmidt* (Seal)  
KIMBERLY A. SCHMIDT

State of Maryland

Montgomery County, to wit:

I hereby certify that on this 29th day of October, 2004, before me, the subscriber, a Notary Public of aforesaid jurisdiction, personally appeared KIMBERLY A. SCHMIDT, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public



David Kanstoroom, Notary Public  
Montgomery County, State of Maryland  
My Commission Expires 4/1/2008

My Commission Expires:

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

*David Kanstoroom*  
David Kanstoroom

AFTER RECORDING, PLEASE RETURN TO:  
North American Title Company  
4733 Bethesda Avenue, Suite 801  
Bethesda, MD 20814

File No. 04-2067-12

DENNIS J. WEAVER  
CLERK OF THE CIRCUIT COURT  
FOR WASHINGTON COUNTY  
IMPROVEMENT FEE 20  
RECORDING FEE 25  
RECORDING TAX 9046.00  
COUNTY TRANSFER TAX —  
TRANSFER TAX 594 5950.00  
TOTAL 15034.00

AGRICULTURE TAX \$ 206.00  
ACREAGE 65.37  
CLERK DM

TODD L. HERGENROTTER, TREASURER  
11/29/2004

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Washington County

By

Date

CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of § 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a deed or other instrument that affects a change in ownership of real property is recorded. The requirements of § 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

**1. Transferor Information**

Name of Transferor

**KIMBERLY A. SCHMIDT****2. Reason for Exemption****Resident**
☒ I, Transferor, am a resident of the State of Maryland.
**Status**

- ☐ Transferor is a resident entity under § 10-912(A)(4) of Maryland's Tax General Article, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

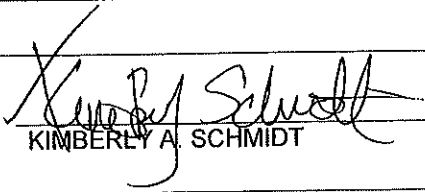
**Principal Residence**

- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC § 121.

**Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.**

**3a. Individual Transferors**

Witness

  
 KIMBERLY A. SCHMIDT
**3b. Entity Transferors**

Witness/Attest

By:

CLERK OF CIRCUIT COURT  
WASHINGTON COUNTYAFFIDAVIT AS TO TOTAL PAYMENT PURSUANT TO SECTION 10-912(B)(2) OF  
THE  
TAX-GENERAL ARTICLE OF  
THE ANNOTATED CODE OF MARYLAND

The undersigned make(s) oath, in due form of law and under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "withholding law") as follows:

1. That **KIMBERLY A. SCHMIDT**, is/are the transferor(s) of that real property described in the accompanying deed, commonly known as: Property Address: 19223 MANOR CHURCH ROAD, BOONSBORO, MD 21713, (the "property");
2. That I/we have examined the settlement statement prepared in connection with the transfer of the property, including both the gross amounts due to me/us and the listing of expenses and adjustments which result in a reduction in the net proceeds due to me/us;
3. That with respect to the determination of "total payment," stated below, for the purpose of the withholding law: (a) the "total payment," includes the fair market value of any property transferred to me/us as part of the sale; (b) in calculating the deductions from gross proceeds, "debts incurred in contemplation of sale" (meaning debts secured by the property that were incurred within 120 days of the sale, such as loan funds received from a financing or a previous or new line of credit within the past 120 days prior to the sale of the property) were not deducted from gross proceeds and (c) in calculating the deductions from gross proceeds, only my/our expenses arising out of the sale or exchange of the property have been deducted; and
4. That the amount of "total payment" for the purpose of the withholding law is \$ 473,693.22.

DATED this 29th day of October, 2004,

WITNESS:

 (Seal)  
KIMBERLY A. SCHMIDT

State of Maryland

Montgomery County, to wit:

I hereby certify that on this 29th day of October, 2004, before me, the subscriber, a Notary Public of aforesaid jurisdiction, personally appeared KIMBERLY A. SCHMIDT, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the foregoing are true and correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public



David Kanstroom, Notary Public  
Montgomery County, State of Maryland  
My Commission Expires 8/1/2005

My Commission Expires:



2491 0180

CLERK OF CIRCUIT COURT  
WASHINGTON COUNTY

## State of Maryland Land Instrument Intake Sheet

[ ] City [X] County: Washington

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

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

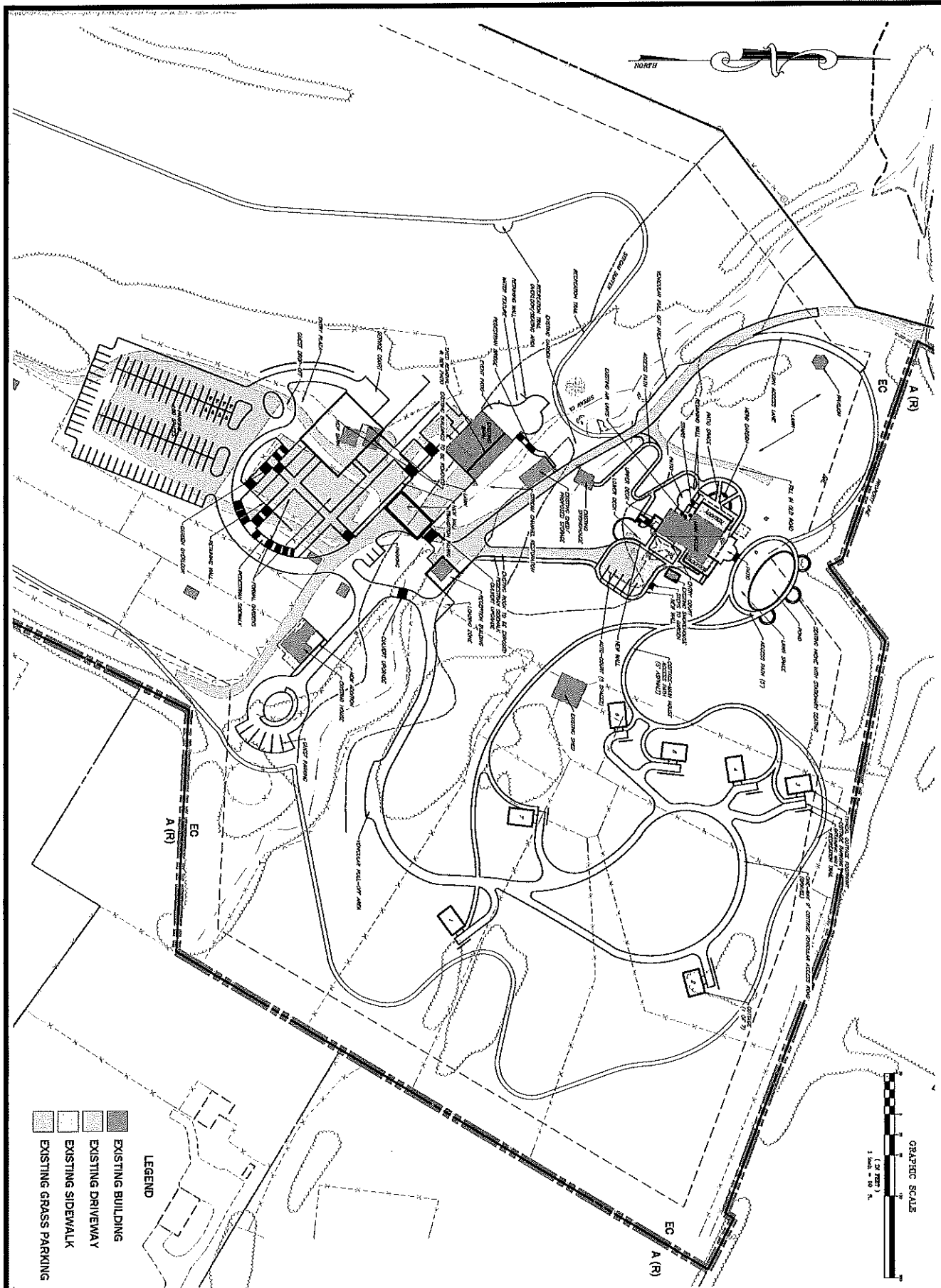
1	Type(s) of Instruments	( [ ] Check Box if Addendum Intake Form is Attached.)						
		1 Deed	Mortgage	Other	Other			
2	Conveyance Check Box	2 Deed of Trust	Lease					
		X Improved Sale	Unimproved Sale	Multiple	Not an Arms-Length Sale [9]			
3	Tax Exemptions (if Applicable)	Arms-Length [1]	Arms-Length [2]	Arms Length [3]				
		Recordation						
		State Transfer	First Time Maryland Home Buyer					
Cite or Explain Authority		County Transfer						
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only				
		Purchase Price/Consideration	\$ 1,190,000.00	Transfer and Recordation Tax Consideration				
		Any New Mortgage	\$ 833,000.00	Transfer Tax Consideration	\$			
		Balance of Existing Mortgage	\$ 0.00	x ( ) %	\$			
		Other:	\$	Less Exemption Amount	\$			
		Other:	\$	Total Transfer Tax	\$			
		Other:	\$	Recordation Tax Consideration	\$			
		Full Cash Value	\$ 1,190,000.00	x ( ) per \$500	\$			
		TOTAL DUE		\$				
5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent:		
		Recording Charge	\$ 20.00	\$ 20.00		Tax Bill:		
		Surcharge	\$ 20.00	\$ 20.00		C.B. Credit:		
		State Recordation Tax	\$ 9044.00	\$		Ag. Tax/Other:		
		State Transfer Tax	\$ 5950.00	\$				
		County Transfer Tax	\$ 5700.00	\$				
		Other	\$	\$				
		Other	\$	\$				
6	Description of Property  SOAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
			19-000923	2095/722				[ ] (5)
		Subdivision Name		Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage(4)
		MONROE ROAD						
		Location/Address of Property Being Conveyed (2)						
		19223 MANOR CHURCH ROAD, BOONSBORO, MD 21713						
		Other Property Identifiers (if applicable)				Water Meter Account No.		
		Residential [X] or Non-Residential [ ] Fee Simple [X] or Ground Rent [ ] Amount:						
		Partial Conveyance? [ ] Yes [X] No Description/Amt. of SqFt/Acreage Transferred:						
7	Transferred From	If Partial Conveyance, List Improvements Conveyed:			Doc. 2 - Grantor(s) Name(s)			
		Doc. 1 - Grantor(s) Name(s)			BRANDON GREEN by/thru Realty Exchange Corp			
		KIMBERLY A. SCHMIDT			JOSEPH FARONE			
		DAVID V. KEMPTON						
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)					
8	Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)			
		BRANDON GREEN by/thru Realty Exchange Corp,			the Trustee or Trustees named therein			
		DAVID V. KEMPTON						
		New Owner's (Grantee) Mailing Address						
1300 FAIRMONT STREET, NW, WASHINGTON, DC 20009								
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)			
					CHASE MANHATTAN MORTGAGE CORPORATION			
10	Contact/Mail Information	Instrument Submitted By or Contact Person				[X] Return to Contact Person		
		Name: Real Estate Title Services				[ ] Hold for Pickup		
		Firm: North American Title Company				[ ] Return Address Provided		
		Address: 4733 Bethesda Avenue Suite 801 Bethesda, MD 20814						
Phone: Telephone: 301-907-3980 Fax: 301-907-3979								
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER								
Assessment Information		[X] Yes [ ] No	Will the property being conveyed be the grantee's principal residence?					
		[X] Yes [ ] No	Does transfer include personal property? If yes, identify:					
		[X] Yes [X] No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)					
Assessment Use Only - Do Not Write Below This Line								
[ ] Terminal Verification [ ] Agricultural Verification [ ] Whole [ ] Part [ ] Tran. Process Verification								
Transfer Number:		Date Received:		Deed Reference:		Assigned Property No.:		
Year		Geo.		Map		Sub	Block	
Land		Zoning		Grid		Plat	Lot	
Buildings		Use		Parcel		Section	Occ. Cd.	
Total		Town Cd.		Ex. St.		Ex. Cd.		
REMARKS:								

WASHINGTON COUNTY CIRCUIT COURT (Land Records) D.J.W.2491, p. 0180, MSA\_CE18-2441. Date available 11/15/2004. Printed 10/28/2009.

ADJACENT AND ADJOINING PROPERTIES  
To  
19223 Manor Church Road, Boonsboro, MD 21713  
Information derived from SDAT property information

- 1) Map: 0067 Parcel: 0255  
Record Owner: Alice G. Backman Trustee  
Premises Address: 0 Manor Church Road, Boonsboro, MD 21733  
Mailing Address: 1010 McCauley Court, Hagerstown, MD 21740
- 2) Map: 0067 Parcel: 0383  
Record Owner: Alice G. Backman Trustee  
Premises Address: 19121 Manor Church Road, Boonsboro, MD 21713  
Mailing Address: 1010 McCauley Court, Hagerstown, MD 21740
- 3) Map: 0068 Parcel 0355  
Record Owner: Carl & Ann Anderson  
Premises Address: 7501 Overlook Drive, Boonsboro, MD 21713  
Mailing Address: Same as Premises
- 4) Map: 0068 Parcel 0327  
Record Owner: Frank S. Bowman, III  
Premises Address: 0 Monroe Road, Boonsboro, MD 21731  
Mailing Address: 9430 Stottlemeyer Road, Boonsboro, MD 21731
- 5) Map: 0068 Parcel 0481  
Record Owner: Charles & Emma Lorusso  
Premises Address: 0 Wheeler Road, Boonsboro, MD 21713  
Mailing Address: 7228 Wheller Road, Boonsboro, MD 21713
- 6) Map: 0068 Parcel: 0534  
Record Owner: Daryl & Sherry Olden  
Premises Address: 7142 Wheeler Road, Boonsboro, MD 21713  
Mailing Address: Same as Premises
- 7) Map: 0068 Parcel: 0489  
Record Owner: Charles & Courtney Wren  
Premises Address: 7136 Wheeler Road, Boonsboro, MD 21713  
Mailing Address: Same as Premises
- 8) Map: 0068 Parcel: 0510  
Record Owner: Daryl & Sherry Olden  
Premises Address: 7134 Wheeler Road, Boonsboro, MD 21713  
Mailing Address: 7142 Wheeler Road, Boonsboro, MD 21713

- 9) Map: 0068 Parcel: 0569  
Record Owner: Bretta Snyder  
Premises Address: 19422 True Grace Lane, Boonsboro, MD 21713  
Mailing Address: Same as Premises
- 10) Map: 0068 Parcel: 0569  
Record Owner: Neal E. Beard  
Premises Address: 19426 True Grace Lane, Boonsboro, MD 21713  
Mailing Address: 19405 True Grace Lane, Boonsboro, MD 21713
- 11) Map: 0068 Parcel: 0434  
Record Owner: Robert L. Watkins  
Premises Address: 19405 True Grace Lane, Boonsboro, MD 21713  
Mailing Address: 19552 Mill Point Road, Boonsboro, MD 21713
- 12) Map: 0073 Parcel: 0063  
Record Owner: Arthur & Judith Williamson  
Premises Address: 6924 Girl Scout Road, Boonsboro, MD 21713  
Mailing Address: Same as Premises
- 13) Map: 0072 Parcel 0026  
Record Owner: Potomac Conference Corporation of Seventh Day Adventists  
Premises Address: 6701 & 6703 Girl Scout Road, Boonsboro, MD 21713  
Mailing Address: 606 Greenville Avenue, Staunton, VA 24401



- LEGEND**
- EXISTING BUILDING
  - EXISTING DRIVEWAY
  - EXISTING SIDEWALK
  - EXISTING GRASS PARKING

**ZONING EXHIBIT**  
**STONEY CREEK FARM**

SITUATE AT 10223 MANOR CHURCH ROAD  
 KILGORE DISTRICT 10  
 BOONSBORO, WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 50'  
 PROFESSIONAL CERTIFICATION

**FOX & ASSOCIATES, INC.**

ENGINEERS • SURVEYORS • PLANNERS

801 W. ALMA ROAD  
 WASHINGTON, MD 21740  
 PHONE: (301)723-8800  
 FAX: (301)723-8803

80 WORMING MILL COUNTRY  
 SUITE 10  
 FORT BELLEVILLE, MD 21701  
 PHONE: (301)723-8800  
 FAX: (301)723-8800

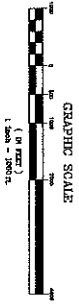


SHEET 1 OF 1

PROJECT NO. 10-11-10  
 DATE: 10/11/10  
 DRAWN BY: J. J. J.  
 CHECKED BY: J. J. J.



**SCALE: 1" = 500'**



- ZONING KEY**
- A (R) AGRICULTURAL (RURAL)
  - EC ENVIRONMENTAL CONSERVATION
  - P PRESERVATION
  - RV RURAL VILLAGE



**ZONING NEIGHBORHOOD EXHIBIT  
STONEY CREEK FARM**

SITUATE AT 10823 MANOR CHURCH ROAD  
KLEATON DISTRICT 19  
BOONSBORO, WASHINGTON COUNTY, MARYLAND

SCALE: 1" = 1000'  
PROFESSIONAL CERTIFICATION

DATE: 10/1/01  
PROJECT NO.: 10-01-001  
SHEET 1 OF 1

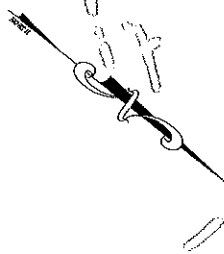
**FOX & ASSOCIATES, INC.**

ENGINEERS • SURVEYORS • PLANNERS

101 W. ALMA ROAD  
HAGERSTOWN, MD 21740  
PHONE: (301) 723-8000  
FAX: (301) 723-1623

800 W. MARYLAND MILITARY  
SUITE 101  
FREDERICK, MD 21701  
PHONE: (301) 790-0000  
FAX: (301) 790-0009



[illegible]

**FOX**  
# ASSOCIATES INC.  
EST. 1968







THE LAW OFFICE OF  
**ZACHARY J. KIEFFER, LLC**

October 28, 2020

***Re: Justification Statement: 19223 Manor Church Road, Boonsboro, MD 21713 (the "Property"); Rural Business (RB) District Application***

REQUEST

Application is made by Brandon Green (the "Applicant") for a Map Amendment to the current Washington County Zoning Map, amending the Property (Tax Map 0068, Parcel 0174) with the RB District Overlay, to expand and renovate the existing bed and breakfast and event center operating as "Stoney Creek Farm". The Applicant's intended use is categorized as a "Hotel" which is a principally permitted use in the RB District, as indicated in Article 3, Table 3.3(1) of the Washington County Zoning Ordinance (the "Ordinance").

BACKGROUND

The Property consists of +/- 65.37 acres and is located at 19223 Manor Church Road, Boonsboro, MD 21713. The Applicant claims title to the Property by virtue of a Deed dated November 11, 2004 and recorded among the Land Records of Washington County at Liber 2491, folio 0176<sup>1</sup>. The Property is more particularly identified as "Remaining Land" on the "Plat of the Property of Mrs. Helene F. Crane", recorded among the Plat Records of Washington County, Maryland at Plat No. 1554 and is zoned EC Environmental Conservation. Improvements on the Property consist of multiple buildings, including a main farm house built in the early 1800s with an area of +/- 4,830 square feet, a bank barn from the mid 1800s containing +/- 6,350 square feet, a guest house built in the 1980s containing +/- 2,260 square feet, a +/- 440 square foot office, a woodworking shop and multiple smaller structures scattered throughout the Property. Additional features include the original spring house, smokehouse and various storage facilities.

*Proposed Improvements-* The following proposed improvements to the Property are more particularly shown on the "Master Plan," attached hereto and incorporated herein as "Exhibit A".

- The Applicant's contemplated improvements to the Property in conjunction with

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<sup>1</sup> Subsequent Deeds to the Property have been recorded among the Land Records of Washington County, namely: 1) Liber 4814, folio 0086 and 2) Liber 6169, folio 0148. These deeds have changed the ownership structure of the Property, but the principals have generally remained the same since the recording of the Deed stated above.

this application consist of an expansion of the main historic house including the addition of a commercial kitchen, restrooms and solarium. It is important to note that the Applicant is not increasing additional event capacity.

- Renovations and upgrades to the five suites in the main house are also planned.
- The guest house will undergo an entire renovation to create eight estate rooms.
- Seven cottages of +/- 600-700 sf each are planned and to be situated on that portion of the Property identified on the Master Plan as the "Cottage Environs".
- The existing barn will be restored into an open-air pavilion of approximately 5,600 square feet.
- A new barn and event space of approximately 5,600 square feet will be built on the site adjacent to the old barn within the footprint of a previously removed structure.
- Renovations and expansion of the office to accommodate guest check-in, operations and overnight staff quarters.
- Other amenities to be offered include renovations to the 100 square foot spring house, new and upgraded roads, walkways, parking, gardens and trails throughout the Property.
- The Applicant also intends to install new septic system with state-of-the-art technology and solar array panels to serve the Property and upgrade the stormwater management features and stream buffers.

In total, the renovations and upgrades will result in 5 historic rooms in the Main House, along with 8 estate rooms and 7 cottages upon the Property for a total of 20 overnight accommodations. The Applicant contemplates a unique, luxury-class venue for the Property, which would be the first of its kind in Washington County. The Applicant anticipates a capital investment in the Property of at least \$12 million. Having secured the services of local counsel, Fox & Associates, Inc., and C.R. Semler, Inc., the Applicant has also partnered with Maryland vendors: Benton Design, Kimley-Horn, McMillen Metro and anticipates continuing to add local vendors to complete the renovations. Post-construction, Stoney Creek Farm will work with local farmers and small businesses to procure locally sourced products and services including meat, dairy and produce for service to guests, and supplies for the business operations. The Applicant envisions Stoney Creek Farm involved as an asset and partner for the community, providing ten (10) full time and twenty (20) part-time jobs and contributing substantially to the tax base. Upon completion of the renovations, Stoney Creek Farm, will become a destination venue, highlighting the rich history, culture and charm of the County.

#### APPELLATE HISTORY

Applicant submitted a request for special exception to the Board of Zoning Appeals of Washington County (the "BZA") in Appeal No. AP2006-115. A public hearing was held before the BZA on September 27, 2006, at which neither opposing testimony nor evidence was presented. By written opinion dated October 26, 2006, the BZA granted a special exception to allow receptions, meetings, and other social events in an existing barn in connection with Stoney Creek Farm's Bed & Breakfast.

Thereafter, and during the course of converting the barn to a reception facility, the Applicant received a list of road improvements from the Washington County Engineering Department required for Manor Church Road to meet the adequacy requirements for a reception facility. In a letter dated March 19, 2007 from Mark Stransky at the Washington County Engineering Department (the "Stransky Letter"), Mr. Stransky informed the Applicant that Manor Church Road would need to be widened, and four hillcrests might require flattening. As a result of the determination in the Stransky Letter, Applicant filed a request to the BZA in Appeal No.: AP2007-068, for variance from the road adequacy requirements set forth in the Stransky Letter. A public hearing was held before the BZA on August 22, 2007, at which Applicant and opponents of the request produced testimony. By written opinion dated September 20, 2007, the BZA granted the Applicant a variance from the road adequacy requirements under the Adequate Public Facilities Ordinance (the "APFO").

In granting the variance, the Board determined: (1) the requirements imposed by the APFO would result in extraordinary hardship<sup>2</sup> to the Applicant<sup>3</sup>; (2) the physical features and characteristics of the proposed plat or site plan are such that a waiver would not impair the intent and purpose of the requirement; (3) the variance will not endanger or present a threat to the public health, safety, or welfare; and (4) granting the variance would observe the spirit of the APFO and secure public safety and welfare.

This decision was appealed to the Circuit Court of Washington County. By written opinion dated May 19, 2008, the Circuit Court affirmed the decision of the BZA, upholding the grant of the variance.

#### JUSTIFICATION

1. *Bulk Regulations.* The proposed Map Amendment sought by the Applicant satisfies the Bulk Regulations required by the Ordinance for an RB District overlay as more specifically shown on Exhibit B:
  - a. Lot Size: Minimum 40,000 sf – the Property contains +/- 65.37 acres, well above the minimum lot size.
  - b. Front Yard Building Setback: 40 feet from a Minor Collector or Local Public Road Right of Way or 50 feet from a Major Collector or Arterial Public Road Right of Way- Proposed use complies with all front yard setbacks, as shown on Exhibit B.
  - c. Side and Rear Yard Building Setbacks: 50 feet from a property zoned for or occupied by a Residential Land Use; 25 feet from a property zoned for or occupied by a Non-Residential Land Use- Proposed use complies with all side and rear yard setbacks, as shown on Exhibit B.
  - d. Height: No proposed or existing structure is or shall be greater than 35 feet.
  - e. Lot Coverage: Maximum 65%. The footprint of the buildings contemplated

---

<sup>2</sup> The APFO defines "Extraordinary Hardship" as "a condition that exists when strict compliance with this Ordinance would result in an unusually and extraordinarily severe financial economic impact on the owner or developer."

<sup>3</sup> The BZA determined that estimated costs to improve the road are in the neighborhood of \$902,000.00, which would have increased project costs by 450%.

- by Applications renovations is less than 65% of the area of the Property.
- f. Parking: As shown on Exhibit B, the Applicant anticipates the creation of approximately 123 parking spaces. All off-street parking facilities shall be in accordance with Article 22, Division I of the Ordinance.
  - g. Signage: Though no signage is proposed at this time, any subsequent signage shall conform to the requirements set forth in Section 22.23 of the Ordinance.
  - h. Lighting: Any and all building mounted or freestanding lighting shall be constructed so that light and glare are directed toward the ground.
  - i. Outside storage of materials is not contemplated.
  - j. Screening: Trash, refuse or recycling receptacles shall be screened from public view.
2. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan.
3. The existing lane on the Property will remain the ingress/egress point to access Manor Church Road. Manor Church Road is classified as a State Road. The adequacy of Manor Church Road has been extensively examined and litigated in connection with AP2007-068, as discussed above. Though the renovation and expansion of Stoney Creek Farm necessitated this appeal and accompanying rebranding of the use as a Hotel, the Applicant's actual use of the Property does not materially differ from the use contemplated when the Board of Zoning Appeals granted the variance in AP2007-068. The Applicant envisions Stoney Creek Farm as a destination inn and venue. Upon arrival by guests, most, if not all activities will take place on-site. Guests will remain at the Property for the majority of their stay, thus negating concerns about increased traffic on Manor Church Road. In any event, the traffic is anticipated to be less than the 25 peak hour trips contemplated in the Stransky Letter. While the Applicant was granted a special exception from compliance with the APFO's road adequacy provisions, in practice, the use of Manor Church Road will not endanger public health, safety and welfare and will continue to provide safe and usable access to the Property.

The Applicant re-examined the issue of road adequacy and trip generation with Mike Nalepa, Senior Traffic Engineer with Street Traffic Studies, Ltd. As more particularly set forth in Mr. Nalepa's letter, attached hereto and incorporated herein as "Exhibit C," Morning and Evening Peak Hour trips are estimated at 14 and 11, respectively. Mr. Nalepa thus concludes a full traffic study is not necessary, as Applicant's intended use does not surpass the 25 peak hour trip threshold. Moreover, anticipated trips by commercial truck traffic is well below the 40% threshold, further alleviating the need for a traffic study. Despite general and anecdotal concerns about increased traffic, professional analysis supports the Applicant's assertions that granting this application will not result in an overburdening of Manor Church Road and that Manor Church Road will continue to be a safe and usable road. Further, since Stoney Creek Farm opened under the current ownership in 2006, there have been no major accidents or issues associated with the Applicant's use of the Property. Indeed, the

BZA noted in its AP2007-068 opinion that intermittent weekend traffic would not threaten the public health, safety or welfare. In fact, the current configuration of Manor Church Road will serve to keep traffic at reasonable speeds.

4. With a focus on environmental preservation, a new septic area for the Property is contemplated for the Property using best available materials and practices, much further away from water ways on the Property than the current system. Additionally, Applicant has spent considerable time and resources on developing an adequate storm water management and stream buffer restoration plan using native plants and techniques. Water sources for the Property are adequate for Applicant's intended expansion and these environmental enhancements will improve the water quality in the area. Applicant's interest and the necessity of adequate water management are of considerable importance to the Property, as its natural beauty will highlight the accommodations and add to its characterization as a destination business.
5. The location of the proposed RB District is compatible with existing land uses. The Property is zoned EC with an approved operating bed and breakfast. Granting the Applicant's request to overlay the Property with the RB District merely permits a modest expansion of an existing use and amenities on the Property with accompanying upgrades and additions to the facilities already existing and in place on the Property. Moreover, the Property has been used for the operation of various commercial activities since the 1970s.

Applicant's contemplated use of the Property with the RB District overlay comports with the surrounding cultural and historic elements of the area. As opposed to tearing down the historic buildings to make way for new, modern-style buildings, the Applicant has elected to renovate and maintain these historical elements of the Property, preserving its rural character and congruity with the surrounding rural area. The RB District would also support agricultural preservation efforts in the area. The Applicant's renovations, while extensive, leaves the majority of the Property undeveloped. This balance allows the Applicant a return on his investment without changing the character of the Property, maintained since the original structures were built in the 1800s.

While the Property would be sole property in this EC district to be zoned with the RB District, three other parcels within 2 miles of the Property already have the RB District overlay.

The Applicant's proposed RB District and contemplated use is compatible with the existing land uses on the adjacent and nearby parcels surrounding the Property. The relative low intensity of the use further points to the proposed RB District's compatibility with existing land uses. The purpose of the RB District is "...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County." (Ordinance, Article 5E-"RB" Rural Business District). Granting the Applicant's rezoning request

and placing the RB Overlay on the Property will satisfy at least three of the goals of the RB District. Stoney Creek Farm will support the agricultural industry and farming community by partnering with local farmers to provide locally food and beverages, creating a farm to table dining experience highlighting quality County products. The Property provides for recreation and tourism opportunities, allowing guests to experience and enjoy the rural and historical surroundings proximate to the Property, as well as the Towns of Boonsboro and Keedysville. Finally, the Property with the RB District overlay, will establish a location for facilities not otherwise permitted in the rural areas of the County. Applicant's proposed use will be consistent with the purpose of the RB District and satisfies the elements and criteria necessary to approve the RB District overlay on the Property. Applicant respectfully requests that this application be granted and allowed to proceed with necessary development review and approvals.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Zachary J. Kieffer', written in a cursive style.

Zachary J. Kieffer  
*Attorney at Law*

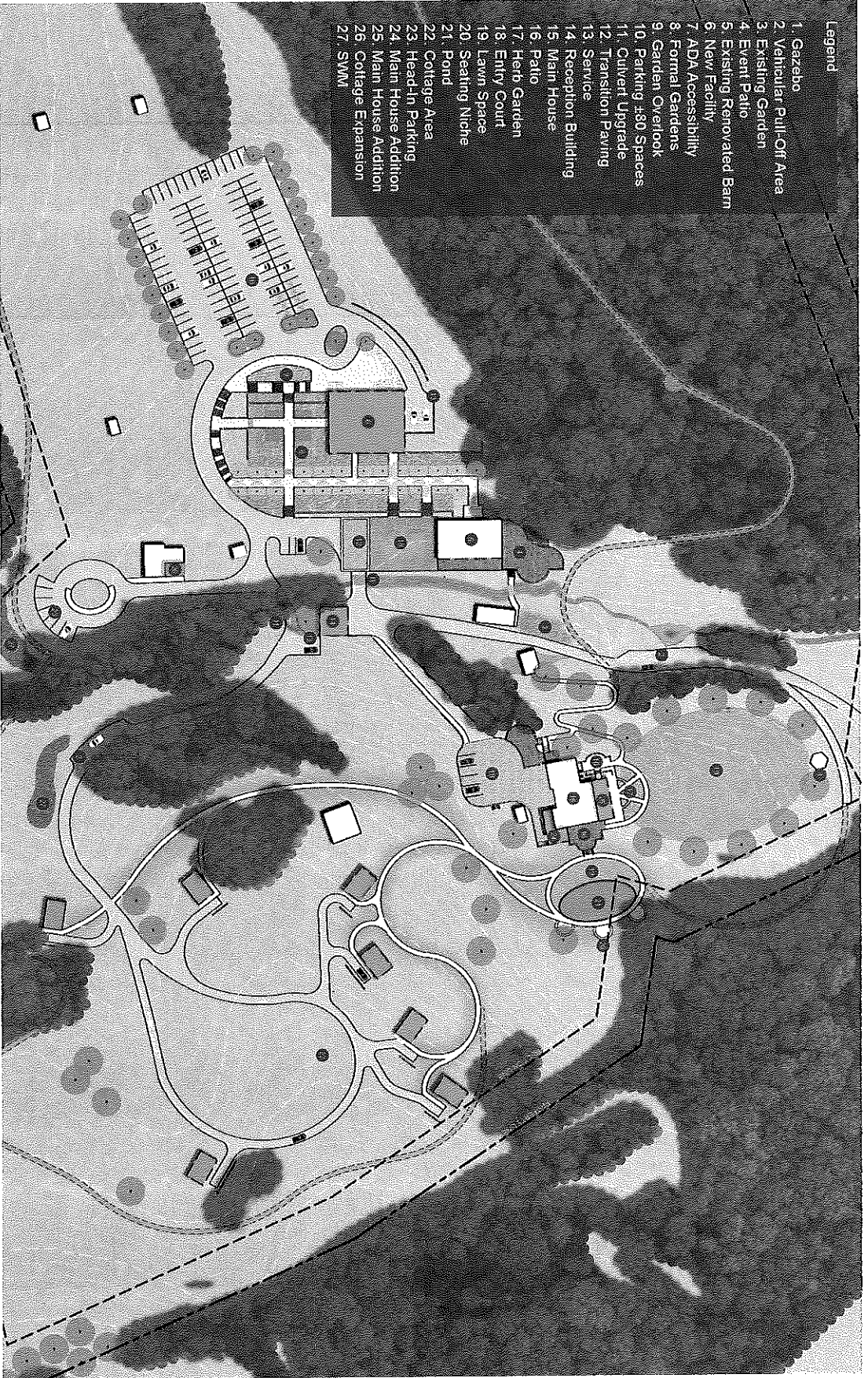


MASTER PLAN DOCUMENT  
MARCH 25, 2020

Stoney Creek Farm  
BOONSBORO, MARYLAND



- Legend**
1. Gazebo
  2. Vehicular Pull-Off Area
  3. Existing Garden
  4. Event Patio
  5. Existing Renovated Barn
  6. New Facility
  7. ADA Accessibility
  8. Formal Gardens
  9. Garden Overlook
  10. Parking :80 Spaces
  11. Culvert Upgrade
  12. Transition Paving
  13. Service
  14. Reception Building
  15. Main House
  16. Patio
  17. Herb Garden
  18. Entry Court
  19. Lawn Space
  20. Seating Niche
  21. Pond
  22. Cottage Area
  23. Head-In Parking
  24. Main House Addition
  25. Main House Addition
  26. Cottage Expansion
  27. SWM



**Master Plan**  
MARCH 25, 2020

**Stoney Creek Farm**  
BOONSBORO, MARYLAND

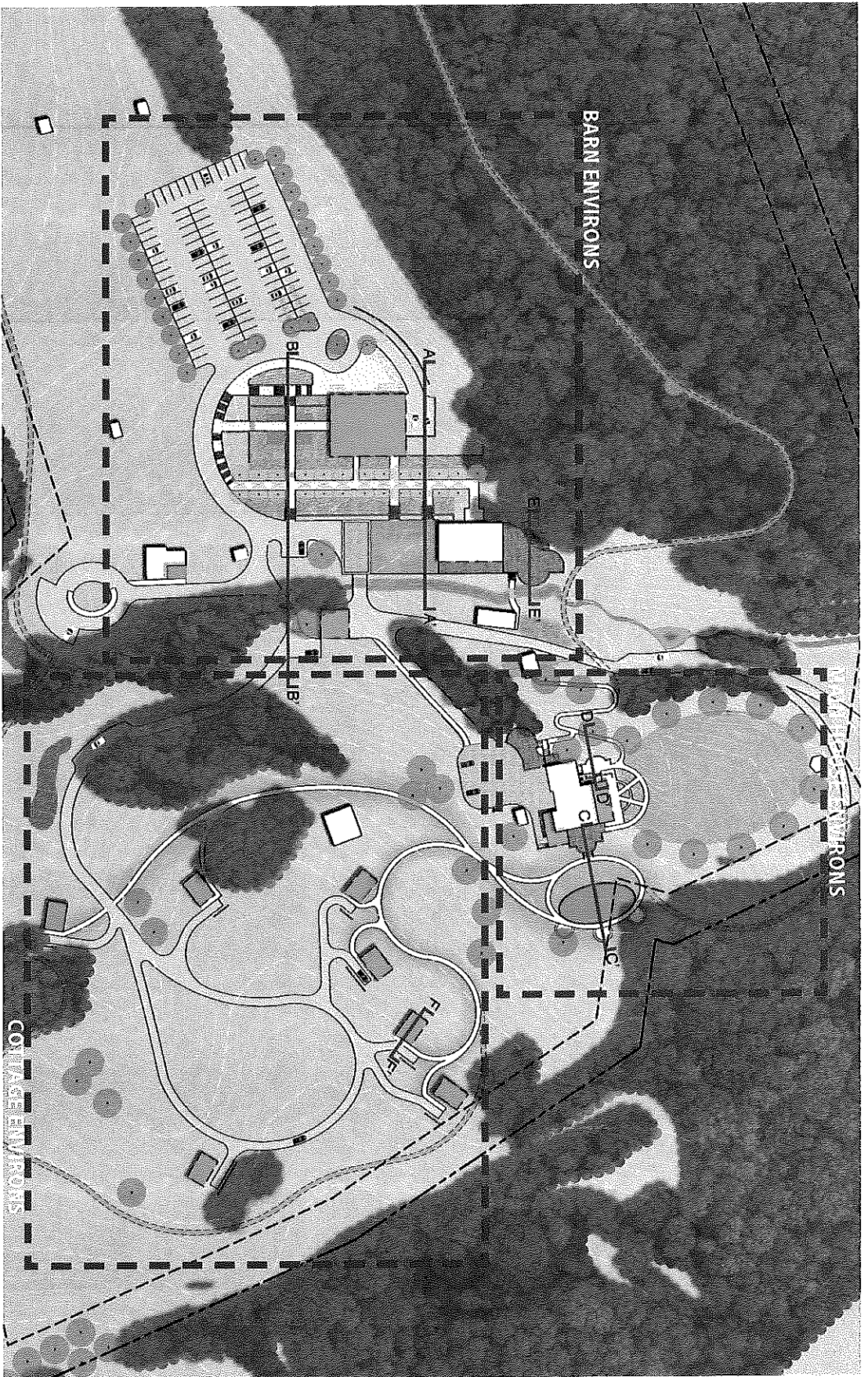


**Kimley»Horn**



**Master Plan**  
MARCH 25, 2020

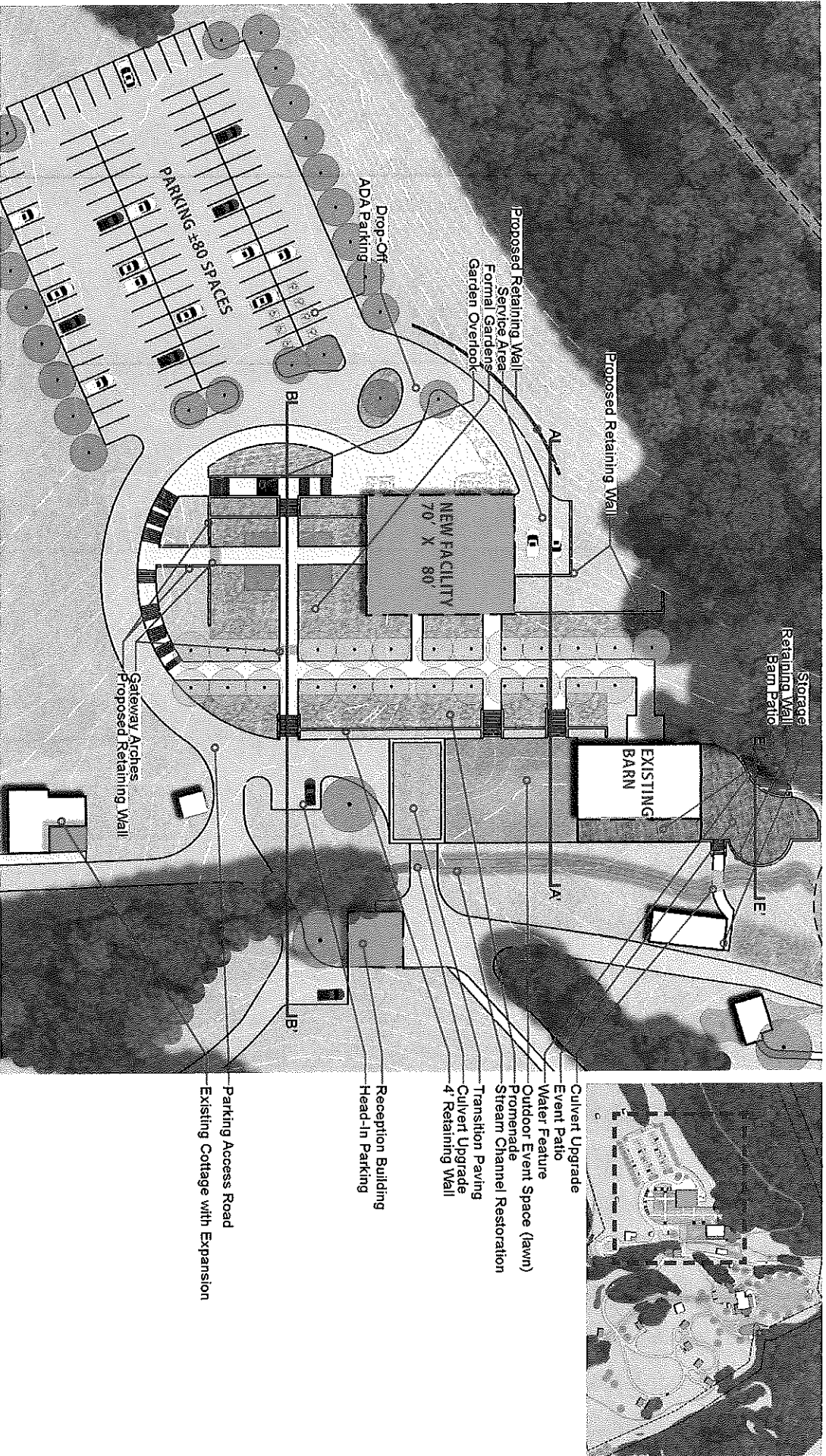
**Stoney Creek Farm**  
BOONSBORO, MARYLAND



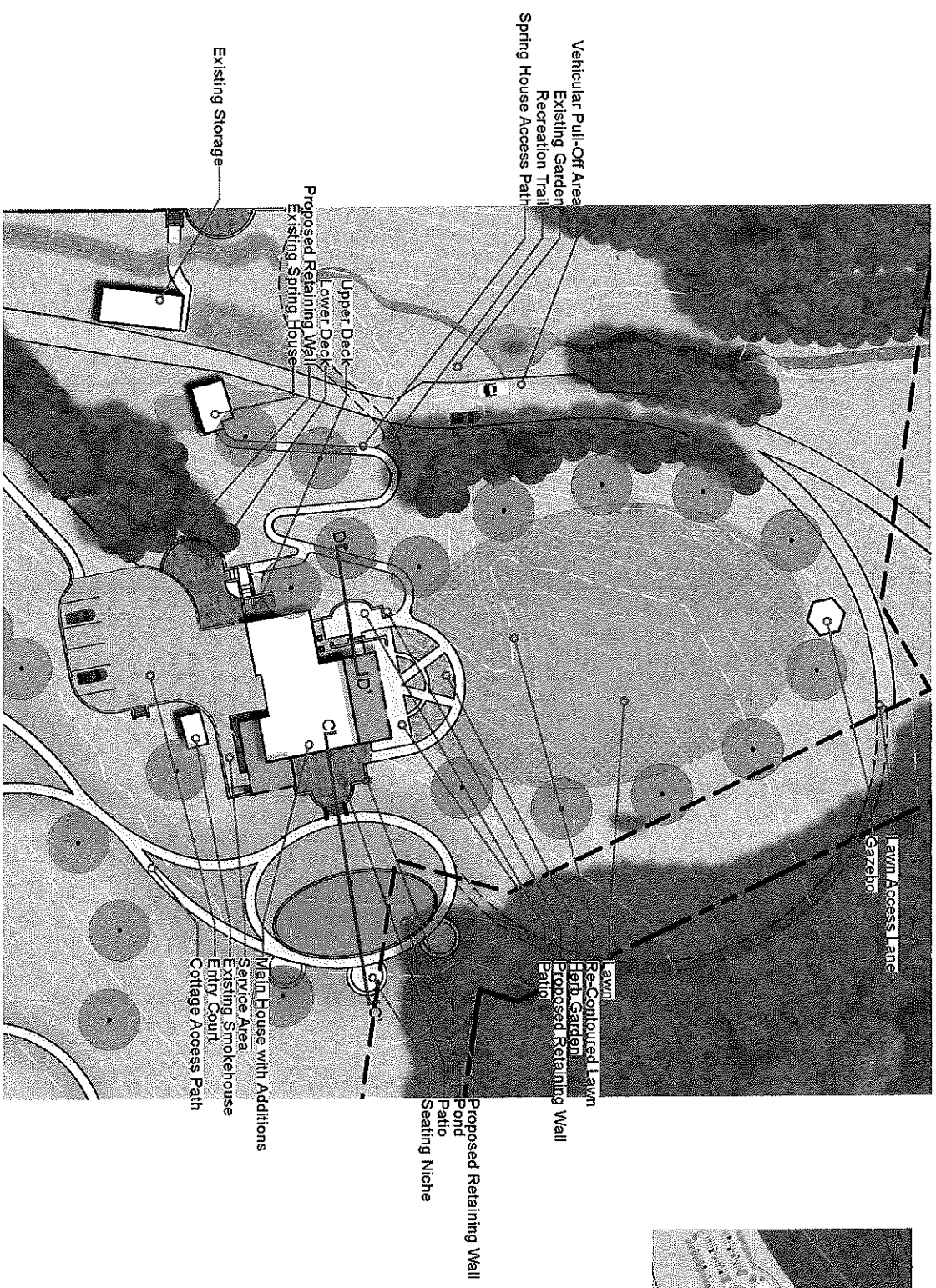
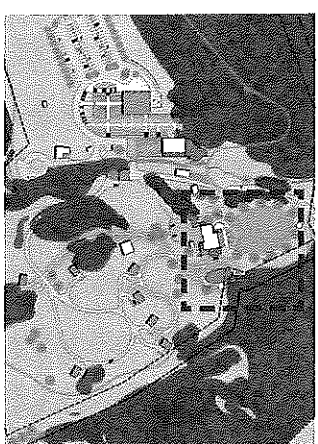
# BARN ENVIRONS

MARCH 25, 2020

## Stoney Creek Farm BOONSBORO, MARYLAND





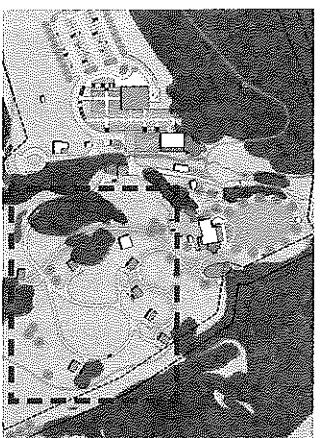
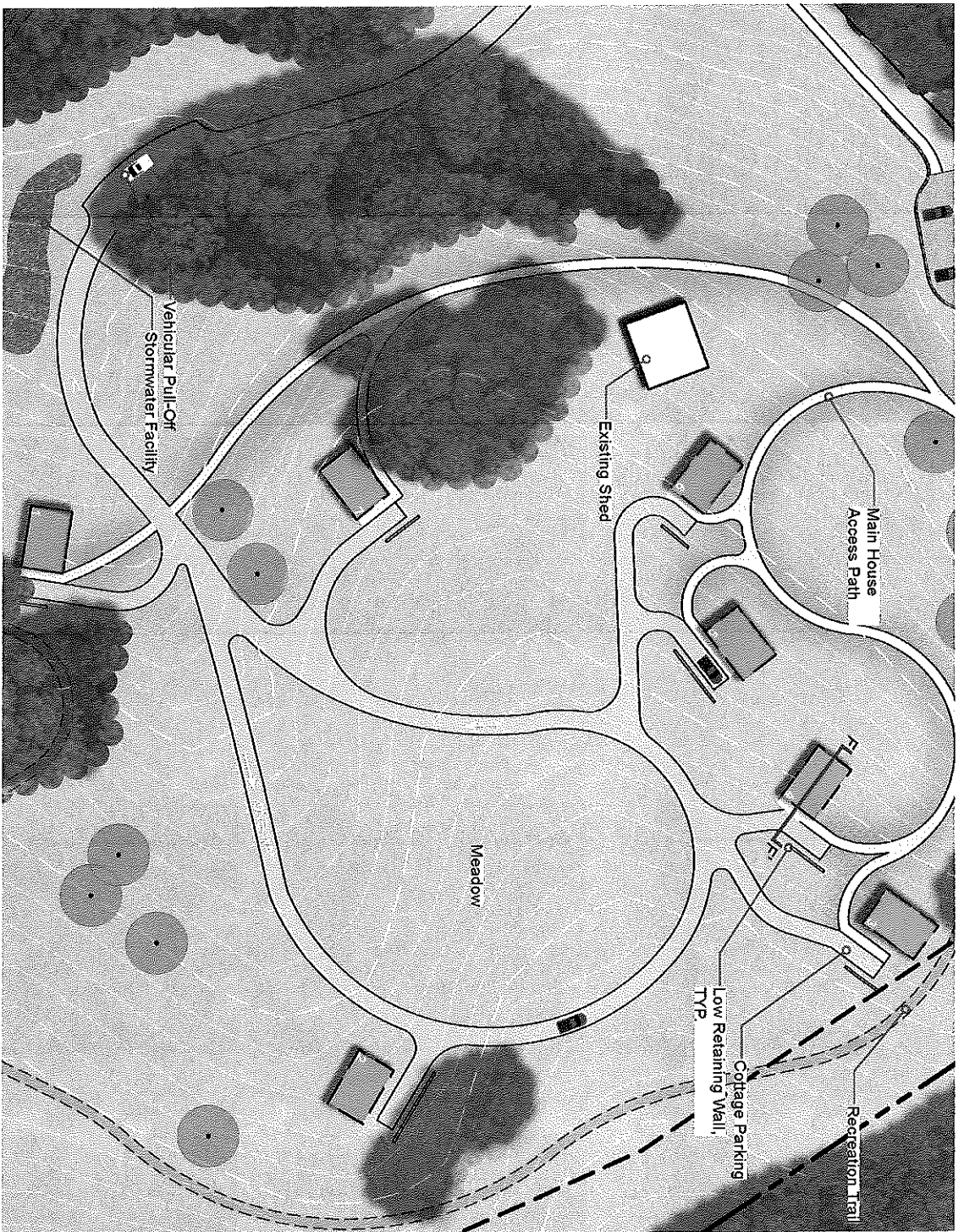


# MAIN HOUSE ENVIRONS

MARCH 25, 2020

## Stoney Creek Farm

BOONSBORO, MARYLAND

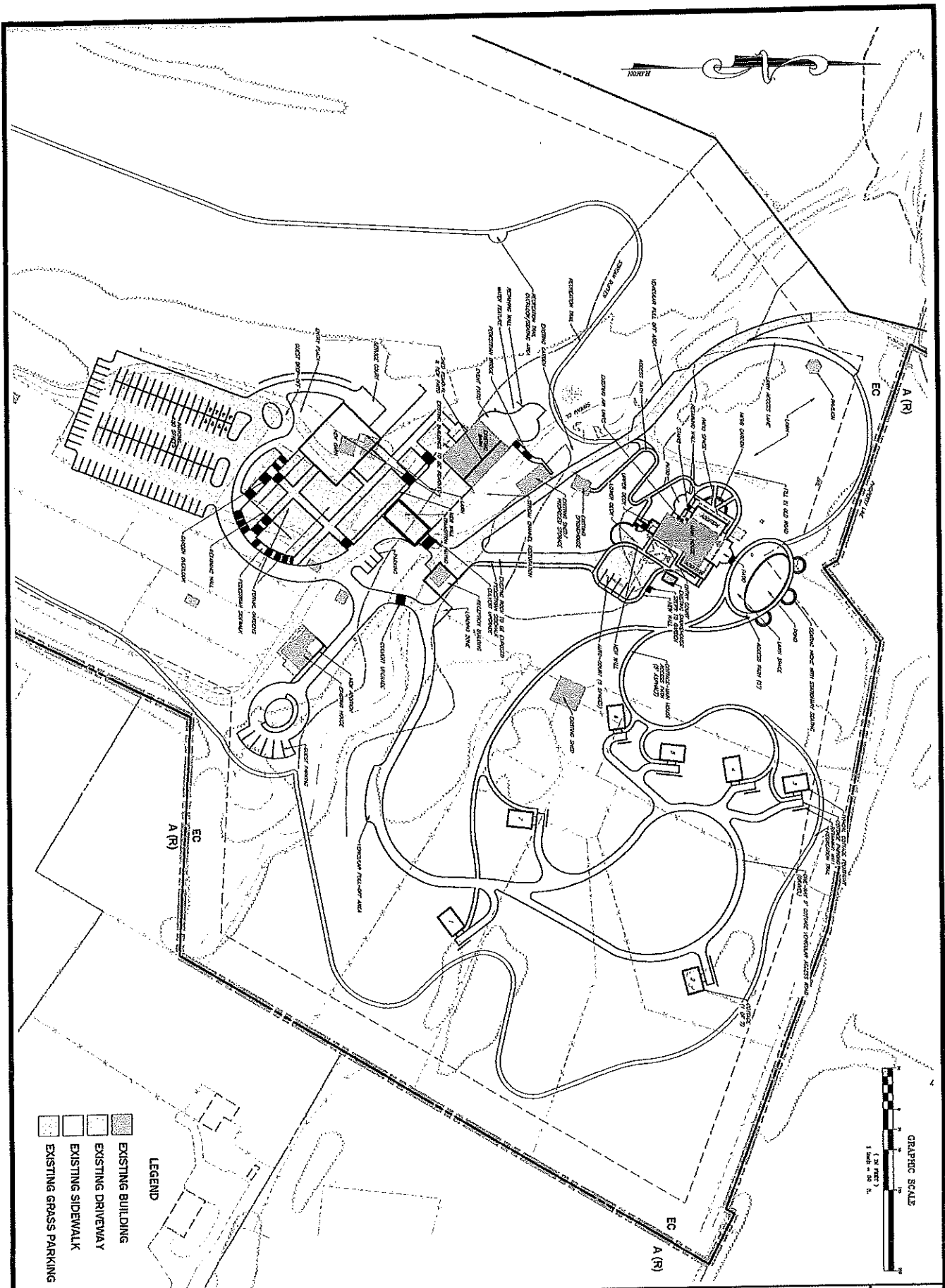


# COTTAGE ENVIRONS

MARCH 25, 2020

## Stoney Creek Farm

BOONSBORO, MARYLAND



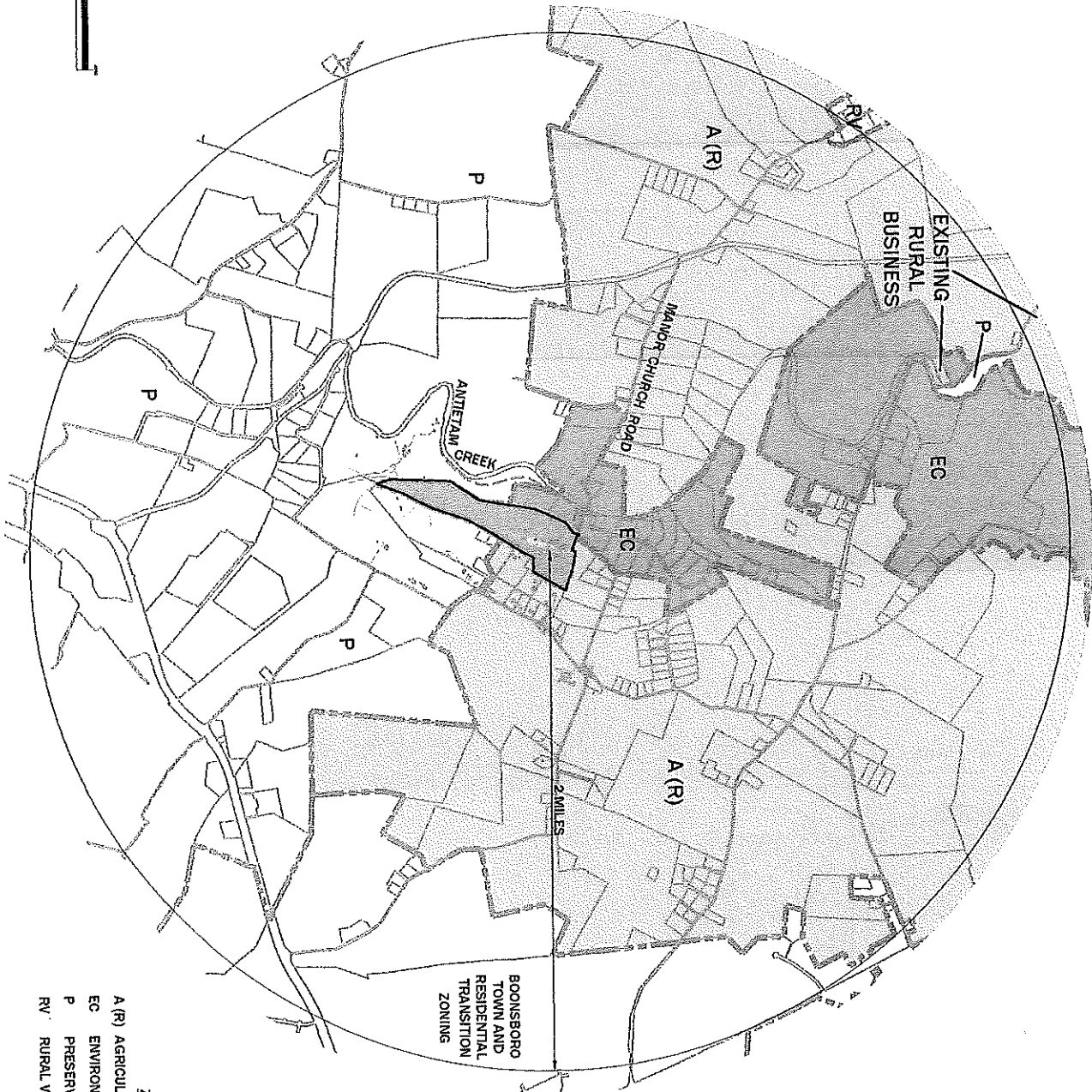
- LEGEND**
- EXISTING BUILDING
  - EXISTING DRIVEWAY
  - EXISTING SIDEWALK
  - EXISTING GRASS PARKING



<p><b>ZONING EXHIBIT</b>  <b>STONEY CREEK FARM</b></p> <p>SITUATE AT 18223 MANOR CHURCH ROAD          ELECTION DISTRICT 18          BOONSBORO, WASHINGTON COUNTY, MARYLAND</p> <p>SCALE: 1" = 50'          PROFESSIONAL CERTIFICATION</p> <p>DATE: _____</p>	<p><b>FOX &amp; ASSOCIATES, INC.</b>          ENGINEERS • SURVEYORS • PLANNERS</p> <p>8811 MT. AERON ROAD          HAGERSTOWN, MD. 21740          PHONE: (410) 773-8933          FAX: (410) 773-8933</p>	<p><b>FOX ASSOCIATES</b>          EST. 1962</p> <p>82 NORMAN MILL COURT          SUITE "C"          FREDERICK, MD. 21701          PHONE: (410) 773-8933          FAX: (410) 773-8933</p>
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- ZONING KEY**
- A (R) AGRICULTURAL (RURAL)
  - EC ENVIRONMENTAL CONSERVATION
  - P PRESERVATION
  - RV RURAL VILLAGE



SHEET 1 OF 1

1. NORTH ARROW AND SCALE  
 2. ZONING DISTRICTS  
 3. PROPERTY LINES  
 4. ROAD LINES  
 5. CREEK LINES  
 6. FENCE LINES  
 7. LOT LINES  
 8. EASEMENT LINES  
 9. UTILITY LINES  
 10. OTHER LINES  
 11. ZONING DISTRICTS  
 12. PROPERTY LINES  
 13. ROAD LINES  
 14. CREEK LINES  
 15. FENCE LINES  
 16. LOT LINES  
 17. EASEMENT LINES  
 18. UTILITY LINES  
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 23. CREEK LINES  
 24. FENCE LINES  
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 94. ROAD LINES  
 95. CREEK LINES  
 96. FENCE LINES  
 97. LOT LINES  
 98. EASEMENT LINES  
 99. UTILITY LINES  
 100. OTHER LINES

# **ZONING NEIGHBORHOOD EXHIBIT STONEY CREEK FARM**

SITUATE AT 16285 MANOR CHURCH ROAD  
 ELECTION DISTRICT 19  
 BOONSBORO, WASHINGTON COUNTY, MARYLAND

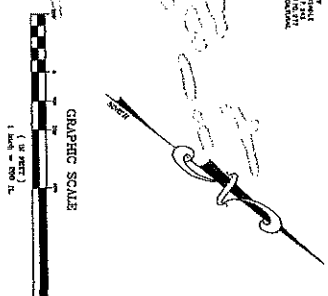
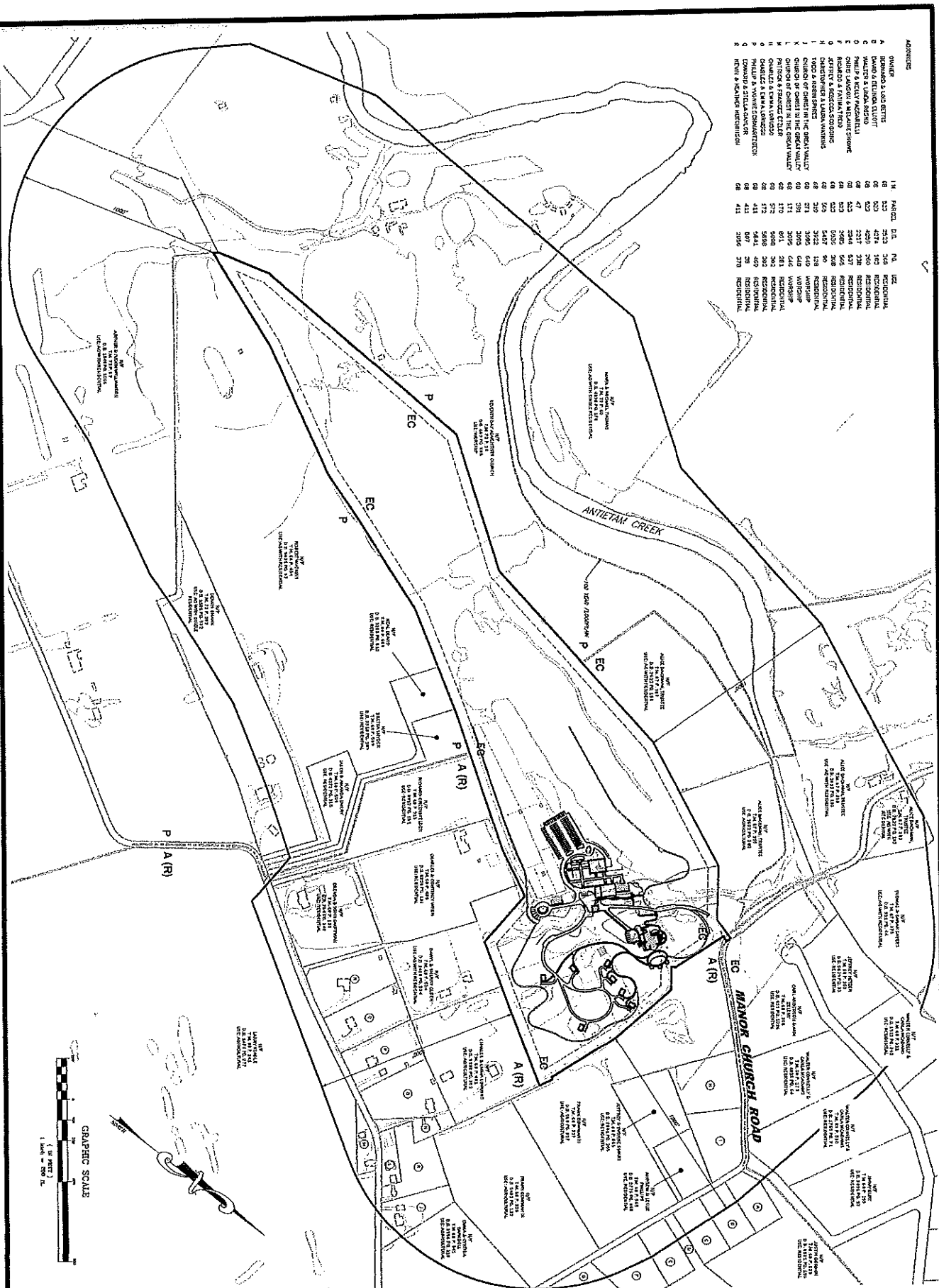
## **FOX & ASSOCIATES, INC.**

ENGINEERS • SURVEYORS • PLANNERS

801 MT. AETHA ROAD  
 FARMINGTON, MD. 21740  
 PHONE: (301) 733-8883  
 or (301) 111-7283  
 FAX: (301) 733-1853

82 WOODLAND HILL COURT  
 SUITE "A"  
 FARMINGTON, MD. 21741  
 PHONE: (301) 733-8883  
 FAX: (301) 733-4000



[illegible]

**ZONING EXHIBIT**  
**STONEY CREEK FARM**  
SITUATE AT 16223 MANOR CHURCH ROAD  
ELECTION DISTRICT 19  
BOONSBORO, WASHINGTON COUNTY, MARYLAND

**FOX & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • PLANNERS

951 MY. METRA ROAD HAGERSTOWN, MD. 21740	82 WORMANS MILL CIRCLE SUITE "C" FREDERICK, MD. 21701
PHONE: (301)733-8833 FAX: (301)733-1853	PHONE: (301)895-0850 FAX: (301)283-8008

[www.foxandassociates.com](http://www.foxandassociates.com) E-MAIL: [info@foxandassociates.com](mailto:info@foxandassociates.com)

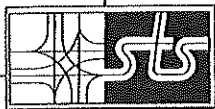
**FOX**  
 & ASSOCIATES INC.  
 Est. 1966  
 Douglas & Jones

1. HATCH CANNOT BE IN PLACE  
 EXISTING HATCH REMOVED OR  
 APPROVED BY ME AND THE HATCH  
 NOT LINED THE LAST OF NOVEMBER  
 ORDERED STATE OF ILLINOIS  
 COUNTY STATE OF ILLINOIS

PROJECT NO. 75-51-087  
 DRAWING NO. 2002  
 DATE 2002  
 DRAWN BY: DOR  
 CHECKED BY: GSI

SHEET 1 OF 1





# Street Traffic Studies, Ltd.

• A Maryland DOT Small Business Certified Company

A Virginia SWaM Certified Company

January 30, 2020

Mr. Ashley R. Holloway  
Director of Plan Review & Permitting  
80 W. Baltimore Street  
Hagerstown, Maryland 21740

RE: 19223 Manor Church Road  
STS No.: 6753

Dear Mr. Holloway:

This is in reference to an existing bed and breakfast facility located at 19223 Manor Church Road. The existing facility consists of four (4) overnight suites and also hosts weddings and group events. The current proposal is to increase the number of overnight suites to 20 (a 16 unit increase). The purpose of this letter is to provide a trip generation projection for the proposed change and suggest that a full traffic impact study is not required for this project.

The Institute of Transportation Engineer's (ITE) publication, Trip Generation, 10<sup>th</sup> Edition, does not have a trip generation rate for bed and breakfast uses. For the purposes of this analysis the trip rate for Hotels was used. This should provide a conservative projection of generated trips as a bed and breakfast use generally does not generate the same amount of turnover as a hotel.

The ITE trip generation rates for hotels are shown in Table 1 along with the projected trips generated by 16 rooms.

**TABLE 1**  
**TRIP GENERATION**  
**19223 MANOR CHURCH ROAD SITE**

<u>LAND USE</u>	<u>MORNING PEAK HOUR</u>			<u>EVENING PEAK HOUR</u>		
<u>Generation Rate</u>	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>
Hotel (310)						
Trips/Room	$\text{Ln}(T) = 0.87\text{Ln}(X) + 0.22$			$T = 0.73(X) - 0.49$		
Trips/16 rooms	8	6	14	5	6	11

Mr. Ashley R. Holloway  
Page Two  
January 30, 2020

In view of the above, it is suggested that a full traffic study should not be required for this proposed use as the change will not result in a significant increase in trips. The attached count sheet was taken from the County database and it appears that the count was conducted in the immediate vicinity of the site. The count shows a very low volume and the additional trips generated by the additional 16 units will not result in any capacity issues in the area.

Please review the above and let me know if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Nalepa". The signature is stylized with a large, sweeping "M" and a cursive "Nalepa".

Mike Nalepa  
Senior Traffic Engineer

Station Name:Manor Church Rd - 760  
 Site ID:000000000760  
 Station Num:000000000760  
 Description:Manor Church Rd-West of Wheeler Rd/Mill Point Rd  
 City:Boonsboro  
 County:Washington  
 Start Date/Time:04-07-2016 00:00  
 End Date/Time:04-07-2016 23:59

	West	East	All Lanes
00:00	0	0	0
00:15	0	0	0
00:30	0	0	0
00:45	0	0	0
01:00	0	0	0
01:15	0	1	1
01:30	0	0	0
01:45	0	0	0
02:00	0	0	0
02:15	0	0	0
02:30	0	0	0
02:45	0	0	0
03:00	0	0	0
03:15	0	0	0
03:30	0	0	0
03:45	0	0	0
04:00	0	0	0
04:15	0	0	0
04:30	0	0	0
04:45	0	1	1
05:00	2	1	3
05:15	1	2	3
05:30	0	0	0
05:45	0	2	2
06:00	0	0	0
06:15	1	0	1
06:30	0	1	1
06:45	1	1	2
07:00	0	1	1
07:15	0	2	2
07:30	0	2	2
07:45	0	0	0
08:00	1	4	5
08:15	1	4	5
08:30	1	2	3
08:45	1	0	1
09:00	0	1	1
09:15	0	4	4
09:30	1	0	1
09:45	1	2	3
10:00	2	3	5
10:15	0	0	0
10:30	2	0	2
10:45	1	1	2
11:00	3	1	4
11:15	0	1	1
11:30	1	2	3
11:45	2	3	5

	West	East	All Lanes
12:00	1	0	1
12:15	3	1	4
12:30	0	2	2
12:45	1	3	4
13:00	2	1	3
13:15	2	1	3
13:30	0	2	2
13:45	1	1	2
14:00	2	1	3
14:15	1	1	2
14:30	2	2	4
14:45	3	1	4
15:00	0	0	0
15:15	0	4	4
15:30	3	0	3
15:45	0	0	0
16:00	3	2	5
16:15	2	1	3
16:30	2	2	4
16:45	2	2	4
17:00	6	1	6
17:15	1	0	1
17:30	1	1	2
17:45	3	2	6
18:00	0	2	2
18:15	1	0	1
18:30	0	6	6
18:45	3	4	7
19:00	3	3	6
19:15	1	1	2
19:30	0	2	2
19:45	2	4	6
20:00	0	2	2
20:15	2	0	2
20:30	1	0	1
20:45	3	0	3
21:00	1	0	1
21:15	0	0	0
21:30	1	0	1
21:45	0	0	0
22:00	0	0	0
22:15	0	0	0
22:30	0	0	0
22:45	0	1	1
23:00	1	0	1
23:15	0	0	0
23:30	0	1	1
23:45	0	0	0

AM Peak Hour 10:15 - 11:14 07:30 - 08:29 08:00 - 08:59  
 AM Peak Value 6 10 14

PM Peak Hour 16:15 - 17:14 18:30 - 19:29 18:30 - 19:29  
 PM Peak Value 11 13 20

Total 81 98 179  
 Percentages 45.25% 54.75% 100.00%



## DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

December 21, 2020

Case #: RZ-20-003

### Application for Map Amendment Staff Report and Analysis

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Property Owner(s) :	Brandon Green
Applicant(s) :	Same as property owner
Location :	19223 Manor Church Road
Election District :	#19 - Keedysville
Comprehensive Plan Designation :	Environmental Conservation
Zoning Map :	68
Parcel(s) :	P. 174
Acreage :	65.37 acres
Existing Zoning :	Environmental Conservation
Requested Zoning:	Environmental Conservation with Rural Business (RB) overlay
Date of Meeting :	January 4, 2021

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Application has been made by Mr. Brandon Green requesting a zoning map amendment to apply a Rural Business floating zone district to land located at 19223 Manor Church Road near Boonsboro. The parcel contains 65.37 acres of land and is currently improved with an historic single-family home that has been renovated to operate as a Bed and Breakfast, a tenant house, and several small outbuildings associated with the original farm. The parcel is located in the Rural Area of the County as designated by the Comprehensive Plan and is currently zoned Environmental Conservation

The Rural Business zoning district has been established as a “floating zone” within the County Zoning Ordinance. This designation provides more flexibility than that of a traditional Euclidean zoning. As such, applicants seeking to apply the Rural Business Floating Zone are not required to comply with the change or mistake rule.

For a property to be eligible to receive the RB floating zone designation, there are four basic criteria that first need to be met:

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

2. The proposed RB District has safe and usable road access on a road that meets the standards under the “Policy for Determining Adequacy of Existing Roads”. In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Evaluation of the application’s consistency with these criteria is included in the Staff Analysis.

### **Staff Analysis:**

Although the change or mistake rule is not applicable, the Planning Commission and the Board of County Commissioners are required. in their deliberations. to establish express findings that at a minimum consider the purpose of the proposed Rural Business zoning classification, the applicable policies of the Comprehensive Plan and the Zoning Ordinance, and the compatibility of the proposed RB district with neighboring properties.

In accordance with Section 5E.6 of the Washington County Zoning Ordinance, the procedure for creation of a new RB zoning district includes the Planning Commission making a recommendation to the Board of County Commissioners on six points of interest. These points are outlined and analyzed below.

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

The purpose of the Rural Business floating zone is *“...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreational and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County....”*.

According to the applicant’s justification statement, the purpose of requesting an RB floating zone on this property is to expand the existing bed and breakfast and event center uses. Currently, there is an existing 19<sup>th</sup> century historic farmhouse on this site that houses a five room Bed and Breakfast. There also currently exists a single family tenant home, a large bank barn, springhouse and several smaller outbuildings. The owner is now seeking to expand the number of guest rooms on the site by creating 8 estate rooms in the existing tenant house and building 7 “cottage” structures on the site to increase the total number of rooms to 20. According to the Zoning Ordinance, this number of rooms would fall under the definition of a hotel. The expansion

of the number of guest rooms seems to meet the purpose of the RB district by providing a support service to the tourism and recreation opportunities in the County.

2. The proposed site development meets criteria identified in Section 5E.4 of this Article [Article 5E – Rural Business District].

a. The proposed RB District is outside of any designated growth area.

The subject parcel is in fact located outside of any designated growth area boundary as illustrated in the adopted Plan for the County.

b. The proposed RB District has safe and usable road access...

The property has an existing access onto Manor Church Road which is owned and maintained by the County. The applicant outlines in the justification statement a detailed evaluation of road access for both the previous use approvals and the additional uses requested as part of this rezoning. In summary, the applicant states that an appeal granted by the Board of Zoning Appeals in 2007 to absolve the property owners from extensive road upgrades should continue to be upheld even with the increased number of rooms. They have provided supplemental information in the application packet from a licensed traffic engineer that the added rooms requested as part of this rezoning application will not substantially affect the existing condition.

The applicant states that they “...envision Stoney Creek Farm as a destination inn and venue”. That once guests arrive they “...will remain at the Property for the majority of their stay, thus negating concerns about increased traffic on Manor Church Road.” Staff understands that this is the business model in which the property owner “envisions” the operation of the facility, however, the natural functionality of a hotel is to provide an overnight stay facility for tourists and visitors to further explore the vicinity. Furthermore, the applicant also states in their application that the use fits the purpose of the RB district because it supports the tourism and recreation opportunities in the County.

The additional information included in the application shows a traffic count study done by a traffic engineer showing the number of peak hour trips expected from a hotel type use. They state in the evaluation that there are 4 existing rooms in the bed and breakfast that they exclude as existing conditions. So the information provided shows the traffic counts of a hotel use with 16 guest rooms. They concluded that 16 additional rooms would produce 14 AM peak hour trips and 11 PM peak hour trips. Therefore, the use falls below the threshold for a traffic study with is 25 peak hour trips.

While these issues have been viewed independently, they have not been viewed comprehensively. The additional 16 rooms may not exceed the threshold for a traffic study and potential road improvements, the comprehensive use of the property including the event center and all 20 hotel rooms would likely produce the need for additional review. While this

matter may have been litigated by the BZA in 2007, the property owner is now exceeding the conditions of that approval. With the additional uses proposed on the property, Staff would recommend that additional review should be completed with regard to traffic impacts.

The application was reviewed by the Department of Plan Review and Permitting and they commented, "Road adequacy requirements under the Washington County Adequate Public Facilities Ordinance will have to be fulfilled as previously identified in 2006 when the banquet/reception use was approved for the property by the Board of Zoning Appeals (AP2006-115)".

- c. On-site issues relating to sewage disposal, water supply, stormwater management, etc. can be adequately addressed.

According to the preliminary site plan submitted with the application there is a platted septic reserve area on the property as well as an existing well. According to the applicant's justification statement they intend to install a new septic reserve area on the property using the best available technologies and locate it further away from existing waterways to help improve water quality on the site. They also state that the existing water resources on the site are adequate for the proposed use.

Stormwater management is expected to be addressed on the site along with stream restoration to help improve water quality and quantity issues on the site.

This application was sent to the Washington County Health Department for review and no comments have been received.

- d. The location of the RB District would not be incompatible with existing uses, cultural or historic resources or agricultural preservation efforts.

Existing on the subject parcel is historic inventory site WA-II-189, the Schlosser-Crane Farm. According to the historic survey completed by the Maryland Historic Trust in 1975, "This farm complex includes a two story, four bay brick dwelling, a stone spring house with a massive exterior stone chimney and two large bank barns. Together these structures form an important group representing Washington County's vernacular architecture." It is believed that one of the barns has been demolished.

In addition to the historic site on the subject property, there are several other historic resources documented within a one-half mile of the proposed rezoning area as outlined below. There appears to be no negative impact on the physical or contextual appearance of these historic resources.

WA-II-188 – Schlosser-Crane Farm – built in 1785 with an addition in 1850, fieldstone farm house that provides an example of the County's 18<sup>th</sup> century vernacular architecture. One

of the oldest structures in the Manor Church area. Located approximately 1000 ft from the subject property.

WA-II-118 – Ruins of a limestone house and culvert – early 1800s former house that provides an example of 19<sup>th</sup> century dwellings in the area. Located approximately 300 ft from the subject property.

WA-II-246 – Ringers Cemetery – Most graves are marked with limestone tombstones engraved with names and mid-19<sup>th</sup> century dates of the Ringer family (oldest dated 1790). Located approximately 500 ft from the subject property.

WA-II-190 – Thomas-Rollins House - Built in 1883, and having received few alterations, the structure is an excellent dated example of the brick vernacular architecture of Washington County dating from the last quarter of the 19<sup>th</sup> century. Located approximately 1000 ft from the subject property.

WA-II-272 – Monroe Church of Christ - Built in 1872 as the Monroe Chapel of the United Brethren in Christ it is. a three bay, one story brick building resting on fieldstone foundations. Located approximately 800 ft. from the subject property.

WA-II-286 – mid-19<sup>th</sup> century farm complex – 2 story brick dwelling, bank barn, 2<sup>nd</sup> brick home and several outbuildings. Located approximately 1600 ft from the subject property.

The property is located within the County's established Rural Legacy Area and is adjacent to the Williamson Rural Legacy easement at the southernmost tip of the parcel. It is also immediately adjacent to an Agricultural Preservation district along its western boundary. The property is also located within the County's designated Priority Preservation Area; therefore, additional land preservation easements may occur in this area.

Land preservation is a voluntary opportunity for property owners interested in preserving the agricultural, historic, and cultural aspects of their property. The size and cultural aspects of the existing property could qualify it for preservation potential. If the property is rezoned and used for commercial use, it would likely no longer qualify for these voluntary programs.

3. The road providing access to the site is appropriate for the proposed RB land use.

This issue has already been discussed in other portions of this report.

4. Adequate sight distance along roads can be provided at proposed point of access to the site.

The applicant has not provided this information as part of their application. However, the point of access for this parcel is existing and is assumed to meet adequate sight distance standards for the proposed use. This may be reevaluated as part of the final site plan process due to the commercial nature of the proposed use.



5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from the existing land uses in the vicinity.

The existing farmhouse that includes the bed and breakfast is located approximately 400 ft from the front property line along Manor Church Road. The proposed expansion does not appear to have any significant change in the footprint of the existing building that would warrant additional buffering or landscaping.

The proposed new barn and parking area for the event center is located well away from any existing residential uses in the area and is buffered to the west by a large stand of mature forest. The proposed new cottages appear to be located at least 200 ft from any existing residential use. Based on the proposed location of the new cottages in areas away from existing residential uses and near pockets of trees and forest, there doesn't appear to be a great need for additional buffering. Landscaping may help provide additional privacy for some of the cottages proposed near the eastern border of the subject property but doesn't seem to be necessary to mitigate conflicting land uses at this time.

6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

In their justification statement, the applicant contends that the proposed use of this property as a hotel and event center is compatible with the adjacent land uses and structures because it is only a modest expansion of the existing bed and breakfast use and that it "...comports with the surrounding cultural and historic elements of the area". The property owners desire to maintain the historical elements of the property including the existing historic home, bank barn and spring house show a desire to maintain and highlight the area's history.

Typically, the perception of a "hotel" in a rural area seems incompatible to the ideals of "rural" living and heritage. However, in this specific case, the property owner is putting forth a unique and unorthodox vision of a "hotel". The proposal feels more like that of a destination resort that became popular in the 1950s and 60s as "getaways" from urban living. However, in this case there is no anchor attraction such as a lake or recreational area to keep visitors on the site. Instead, the applicant is using local history and culture to attract visitors who want the unique experience of staying in more remote and rural area. This unique proposal of spreading different types of guest arrangements over a large property as opposed to building a multi-story modern complex seems to better fit into the rural character of the area. It is important to be cautious of the number of units being proposed on rural properties so as to maintain a low residential density. The number of units is also important to consider when evaluating the neighboring properties and the impacts of short term stay units in a community.

**Recommendation:**

Based on the information provided by the applicant in the initial application and analysis by Staff, we believe that most of the evidence that has been provided shows a case that would support the application of a Rural Business floating zone to the subject area. However, Staff is concerned that there is a lack of evidence provided to show that the road adequacy and impacts of an expanded use on Manor Church Road are not a risk to public safety. It would be the recommendation of Staff to carefully review this information and implement sufficient conditions, as deemed appropriate, to the zoning approval that would ensure safe usage of the road.

Respectfully submitted,

Jill Baker  
Director

## Site Plan for Sheetz – Sharpsburg Pike

Presented for review and approval is a site plan for Sheetz Convenience Store.

The subject site is located along the east side of the Sharpsburg Pike, just south of the existing McDonald's. Zoning is HI – Highway Interchange.

The developer is proposing to construct a 6,000 square foot store on a 2.14 acre parcel. Building Height will be 20 feet. The store will have six gas islands in front of the building. There will be a separate lane in the rear of the site for drive thru ordering with two pickup windows on the northside of the building.

There will be a right in turn lane into the site, along with access from H.K. Douglas Drive. Drivers can also enter and exit from the access road that serves McDonald's.

Hours of operation will be 7 days a week, 24 hours per day.

There will be 5 to 6 people working per shift.

Deliveries will be by tractor trailer and box truck daily.

Water and sewer will be public service.

Solid waste will be taken care of by an enclosed dumpster.

Lighting will be pole mounted and building mounted.

Signage will be building mounted and a pole mounted sign will be adjacent to the right in access lane.

Forestation requirements have already been met by a 2018 approved easement plat that retains 3.86 acres of existing forest near Exline Road.

Landscaping is to be added throughout the parking lot, in front of the site adjacent to Sharpsburg Pike, around the dumpster, and adjacent to the parking spaces.



# WASHINGTON COUNTY DIVISION OF PLAN REVIEW & PERMITTING

80 West Baltimore Street | Hagerstown, MD 21740-6003 | P: 240.313.2460 | F: 240.313.2461 | Hearing Impaired: 7-1-1

## SITE PLAN STAFF REPORT

### BASE INFORMATION

**SITE NAME.....:** Sheetz - Sharpsburg Pike  
**NUMBER.....:** SP-20-024

**OWNER.....:** BOWMAN 2000 LLC  
**LOCATION.....:** East side of the Sharpsburg Pike  
**DESCRIPTION.....:** Proposed Sheetz Convenience Store

**ZONING.....:** Highway Interchange  
**COMP PLAN LU.....:** Commercial  
**PARCEL.....:** 10030358  
**PLANNING SECTOR.....:** 1  
**ELECTION DISTRICT.....:** 10

**TYPE.....:** Commercial  
**GROSS ACRES.....:**  
**DWELLING UNITS.....:**  
**TOTAL LOTS.....:** 3  
**DENSITY.....:** 0 Units Per Acre

**PLANNER.....:** Lisa A Kelly  
**ENGINEER.....:** FREDERICK SEIBERT & ASSOCIATES  
**RECEIVED.....:** October 29, 2020

### SITE ENGINEERING

#### HYDROGRAPHY, SENSITIVE & ENVIRONMENTAL INFORMATION

**FLOOD ZONE.....:** Yes  
**WETLANDS.....:** None  
**WATERSHED.....:** Antietam Creek  
**ENDANGERED SPECIES.....:** None  
**STEEP SLOPES.....:** No  
**STREAM BUFFER.....:** No  
**HISTORIC INVENTORY.....:** I515  
**EASEMENTS PRESENT.....:** None

Staff Comments:

*Not Applicable*



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SITE DESIGN		
Impervious Area Plan	Impervious Maximum Allowed	Open Space Area Planned
74		
Open Space Minimum Required	Residential Amenity Plans	Solid Waste Disposal Plans
	N/A	Enclosed dumpster
Materials Stored on Site	Buffer Design Meets Requirements	Landscaping Meets Requirements
No	Yes	Yes
Lighting Plan Meets Requirements	Pedestrian Access is Adequate	Bus Stop is Within Walking Distance
Yes		
Loading Area Meets Requirements		
		Not Fast Track
Parking Spaces - Total Planned	Parking Spaces - Per Dwelling Unit	
53		
Parking Spaces - Minimum Required	Recreational Parking Provided	
31	No	

ACCESS SPACING VARIANCE NEEDED: No

	SCHOOL INFORMATION		
	ELEMENTARY	MIDDLE	HIGH
SCHOOL DISTRICT	Rockland Woods	E Russell Hicks	South Hagerstown
PUPIL YIELD			
CURRENT ENROLLMENT			
MAXIMUM CAPACITY			

PUBLIC FACILITIES INFORMATION	
FIRE DISTRICT.....:	FUNKSTOWN
AMBULANCE DISTRICT.....:	HAGERSTOWN

	WATER & SEWER INFORMATION	
	WATER	SEWER
METHOD.....:	City	County
SERVICE AREA.....:	City	County
PRIORITY.....:	1-Existing Service	1-Existing Service
NEW HYDRANTS.....:		
GALLONS PER DAY SEWAGE....:		
PLANT INFO.....:		Conococheague



Washington County Division of Plan Review and Permitting  
80 W. Baltimore St.  
Hagerstown, MD 21740-6003

TRIAD Job No. 03-06-0139

WCDPRP Job No. SP-18-030

Extension to be put on next available planning commission meeting agenda.

Final plan approval is contingent upon resolution of Health Department approvals. All other required agency approvals have been obtained.

No. SP-18-030, Digging and Rigging-New Storage Building.

Cindy Thurber

Administrative Assistant

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