



# Washington County MARYLAND

FOR PLANNING COMMISSION USE ONLY  
Rezoning No. BZ-25-001  
Date Filed: 1-30-25

RECEIVED

## WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP AMENDMENT APPLICATION

JAN 30 2025

### Myron & Hazel Horst

Applicant

6821 Sharpsburg Pike, Sharpsburg, MD 21782

Address

### Noel S. Manalo, Esq.

Primary Contact

Offit Kurman P.A., 30 West Patrick St., Suite 300, Frederick, MD 21701

Address

- Property Owner
- Attorney
- Other: \_\_\_\_\_
- Contract Purchaser
- Consultant

WASHINGTON COUNTY  
DEPT. OF PLANNING & ZONING

(240) 772-5108

Phone Number

noel.manalo@offitkurman.com

E-mail Address

Property Location: 6821 Sharpsburg Pike - at Taylors Landing Rd & Sharpsburg Pke

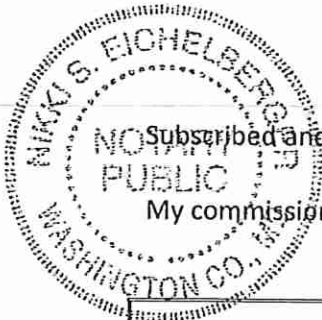
Tax Map: 0072 Grid: 0008 Parcel No.: 0168 Acreage: 10.7 entire parcel

Tax Account ID: 12-000421

Current Zoning: P & Antietam 2 Overlay Requested Zoning: RB (1.6 acre requested)

- 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.



Myron J. Horst  
Applicant's Signature

Subscribed and sworn before me this 14 day of January, 2025.

My commission expires on 9/15/2028

Nikki S. Eichelberger  
Notary Public

### FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
- Application Fee
- Ownership Verification
- Boundary Plat (Including Metes & Bounds)
- Names and Addresses of all Adjoining & Confronting Property Owners
- Vicinity Map
- Justification Statement
- 30 copies of complete Application Package



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: Myron & Hazel Horst Date: January 14, 2025

Zoning Ordinance Map Amendment \$ 2,000.00
Number of Acres \* 1.68 x \$20.00 [1 acre minimum]
per acre \$ 33.60
Engineering Review Fee \$ 150.00
Technology Fee \$ 15.00
TOTAL FEES DUE - MAP AMENDMENT \$ 2,198.60
\*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

Water and Sewer Plan Amendment \$ 2,000.00
Technology Fee \$ 15.00
TOTAL FEES DUE - WATER AND SEWER PLAN 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".

Robinson & Robinson  
 File No. 22-299  
 Tax ID # 12-000421  
 Underwriter: The Security Title Guarantee Corporation of Baltimore

Taxes Paid \$2,367.44  
 Robert M. Breeding, Treasurer  
 TY 02-23-2023

Washington Cty Cir Crt  
 IMP FD SURE \$40.00  
 RECORDING FEE \$20.00  
 TR TAX STATE \$2,375.00

CTY REC TAX \$3,610.00  
 TOTAL \$6,045.00  
 KRT RZ 08:36 am  
 Feb 23, 2023

**This Deed**, made this 25th day of October, 2022 by and between Kenneth A. Barnhart and Tracey L. Barnhart, a married couple, parties of the first part, Grantors; and Myron Horst and Hazel Horst, a married couple, parties of the second part, Grantees.

**- Witnesseth -**

**That for and in consideration** of the sum of FOUR HUNDRED SEVENTY FIVE THOUSAND AND 00/100 (\$475,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Myron Horst and Hazel Horst, a married couple, their assigns, the survivor of them and the survivor's heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot or parcel of land situate along the East side of the Hagerstown-Sharpsburg Highway, approximately 1000 feet Southward from its intersection with the Bakersville-Keedysville Road, in Election District No. 12, Washington County, Maryland and being more particularly described as follows: :

BEGINNING at a post in the East marginal line of said Highway said post being at or near the end of the first line of the deed from Clarence W. Easterday and others to Price Farms, Inc., dated April 9, 1963, and recorded in Liber No. 392, folio 75, one of the Land Records of Washington County, and running thence along the East marginal line of said Highway by a curve to the right having a radius of 28,607.9 feet for a distance of 733.70 feet, the chord being North 11 degrees 58 minutes 21 seconds East 733.68 feet to a point, and North 12 degrees 42 minutes 26 seconds East 1075.08 feet to a white oak tree, thence leaving the Highway and running back therefrom South 76 degrees 38 minutes East 282.86 feet to a stake, thence South 9 degrees 33 minutes West 364.96 feet to a post, thence South 6 degrees 02 minutes West 345.0 feet to a post, thence South 2 degrees 37 minutes West 312.0 feet to a post, thence South 7 degrees 28 minutes West 462.95 feet to a point on a rock, thence South 2 degrees 12 minutes East 239.48 feet to a post in the first line of the aforementioned deed, thence with a portion of said line North 88 degrees 39 minutes West 501.64 feet to the place of beginning; containing 15.03 acres of land, more or less.

Being further defined as all of the land indicated on the plat of land as approved by the Washington County Planning & Zoning Commission, recorded with the deed at Liber 560, folio 185, said land being conveyed subject to the restrictions and conditions indicated thereon; subject also to the right of way and easements heretofore granted the State Roads Commission of Maryland as shown on their plat record in the Office of the Clerk of the Circuit Court for Washington County.

SAVING AND EXCEPTING THEREFROM all of that property contained in the deed recorded among the Land Records of Washington County, Maryland, at Liber 1266, folio 1069.

BEING the same property conveyed to Kenneth A. Barnhart and Tracey L. Barnhart, husband and wife, from Kenneth A. Barnhart by deed dated November 24, 2020, and recorded January 19, 2021, among the Land Records of Washington County, Maryland, in Book 6488, Page 1.

**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 Myron Horst and Hazel Horst, a married couple, their assigns, the survivor of them and the survivor's heirs, personal representatives and assigns, in fee simple.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0135, MSA\_CE18\_7150. Date available 02/27/2023. Printed 01/31/2025.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0136, MSA\_CE18\_7150. Date available 02/27/2023. Printed 01/31/2025.

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

As Witness the hands and seals of said Grantors, the day and year first above written.

Witness signatures: Kenneth A. Barnhart (SEAL) and Tracey L. Barnhart (SEAL)

STATE OF MARYLAND  
COUNTY OF WASHINGTON, to wit:

I hereby certify that on the 26th day of October, 2022, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kenneth A. Barnhart and Tracey L. Barnhart, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that the matters and facts set forth herein are true.

As witness, my hand and notarial seal.

Signature of Notary Public

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.

(SEAL)

Russ Robinson, III, Attorney

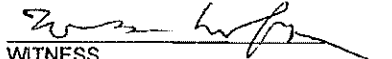
AFTER RECORDING, PLEASE RETURN TO:  
Robinson & Robinson  
182 West Washington Street  
Hagerstown, MD 21740

AGRICULTURE TAX: Letter of Intent  
ACRES: 10.7  
CLEAR: Gina Sharpe


RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Washington County  
Gina Sharpe 10/26/2022

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

**As Witness** the hands and seals of said Grantors, the day and year first above written.

  
WITNESS

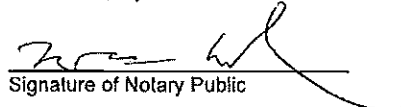
 (SEAL)  
Kenneth A. Barnhart

 (SEAL)  
Tracey L. Barnhart

STATE OF MARYLAND  
COUNTY OF WASHINGTON, to wit:

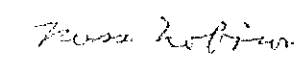
I hereby certify that on the 25th day of October, 2022, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kenneth A. Barnhart and Tracey L. Barnhart, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that the matters and facts set forth herein are true.

As witness, my hand and notarial seal.

  
Signature of Notary Public

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.

 (SEAL)  
\_\_\_\_\_  
Russ Robinson, III, Attorney

AFTER RECORDING, PLEASE RETURN TO:  
Robinson & Robinson  
152 West Washington Street  
Hagerstown, MD 21740

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0137, MSA\_CE18\_7150, Date available 02/27/2023. Printed 01/31/2025.

**MARYLAND  
FORM  
WH-AR**

**Certification of Exemption from Withholding Upon  
Disposition of Maryland Real Estate Affidavit of  
Residence or Principal Residence**

**2022**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. 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 Kenneth A. Barnhart

**2. Description of Property** (Street address. If no address is available, include county, district, subdistrict and lot numbers).

6821 Sharpsburg Pike, Sharpsburg, MD 21782

**3. Reasons for Exemption**

**Resident Status**

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), 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 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

**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**

[Signature]  
Witness

Kenneth A. Barnhart

Name

[Signature]  
Signature

10/25/2022

\*\*Date

**3b. Entity Transferors**

Witness/Attest

Name of Entity

By

Name

\*\*Date

Title

\*\* Form must be dated to be valid.

**Note:** Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

**To the Clerk of the Court:** Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2022

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. 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 Tracey L. Barnhart

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

6821 Sharpsburg Pike, Sharpsburg, MD 21782

3. Reasons for Exemption

Resident Status

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), 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 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

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

[Handwritten signature]

Tracey L. Barnhart  
Name

Signature

[Handwritten signature]

10-25-2022  
Date

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Date

Title

\*\* Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 7198, p. 0140, MSA\_CE18\_7150. Date available 02/27/2023. Printed 01/31/2025.

*Letter of Intent*

State of Maryland Land Instrument Intake Sheet							
<input type="checkbox"/> Baltimore City		<input checked="" type="checkbox"/> County: <b>Washington</b>					
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only - All Copies Must Be Legible)							
1 Type(s) of Instruments	( <input type="checkbox"/> Check Box if addendum Intake Form is Attached )						
	<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____			
2 Conveyance Type Check Box		<input checked="" type="checkbox"/> Improved Sale Arms-Length (1)	<input type="checkbox"/> Unimproved Sale Arms-Length (2)	<input type="checkbox"/> Multiple Accounts Arms-Length (3)	<input type="checkbox"/> Not an Arms-Length Sale (9)		
3 Tax Exemptions (if applicable)		Recordation					
4 Cite or Explain Authority		State Transfer					
5 Cite or Explain Authority		County Transfer					
4 Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only Transfer and Recordation Tax Consideration			
	Purchase Price/Consideration \$ 475,000.00			Transfer Tax Consideration \$			
	Any New Mortgage \$			X ( ) % = \$			
	Balance of Existing Mortgage \$			Less Exemption Amount = \$			
	Other: \$			Total Transfer Tax = \$			
	Other: \$			Recordation Tax Consideration \$			
Full Cash Value: \$			X ( ) per \$500 = \$				
			<b>TOTAL DUE</b> \$				
5 Fees	Amount of Fees		Doc. 1	Doc. 2			
	Recording Charge		\$ 60.00	\$	Agcst:		
	Surcharge		\$	\$	Tax BR:		
	State Recordation Tax		\$ 3,610.00	\$	C.B. Credit:		
	State Transfer Tax		\$ 2,375.00	\$	Ag. Tax/Other:		
	County Transfer Tax		\$ 0.00	\$			
	Other		\$	\$			
Other		\$	\$				
6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Libers/Volts	Map	Parcel No.	Ver. LGG	
		12-000421	6488 1	72	168	<input type="checkbox"/> (d)	
	Subdivision Name		Lot (2a)	Block (2b)	Sec/AR (2c)	Plat Ref.	Sq/Ft/Acreage (4)
						4918	10,700 AC
	Location/Address of Property Being Conveyed (2)						
	6821 Sharpsburg Pike, Sharpsburg, MD 21782						
	Other Property Identifiers (if applicable)						
	Water Meter Account No.						
	Residential <input checked="" type="checkbox"/> Or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount \$ _____						
	Partial Conveyance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of Sq/Ft/Acreage Transferred:						
If Partial Conveyance, List Improvements							
7 Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)			
	Kenneth A. Barnhart and Tracey L. Barnhart						
	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)			
	Myron Horst and Hazel Horst						
	New Owner's (Grantee) Mailing Address						
7318 Sharpsburg Pike, Sharpsburg, MD 21782							
9 Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)			
10 Contact/Mail Information	Instrument Submitted By or Contact Person					<input checked="" type="checkbox"/> Return to Contact Person	
	Name: Lisa Ramsey					<input type="checkbox"/> Hold for Pickup	
	Firm: Robinson & Robinson					<input type="checkbox"/> Return Address Provided	
	Address: 152 West Washington Street Hagerstown, MD 21740 Phone: (301) 797-0100						
<b>IMPORTANT! BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER</b>							
Assessment Information		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the transfer include personal property? If yes, identify:				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was property surveyed? If Yes, attach copy of survey (if recorded, no copy required).				
Assessment use only - Do Not Write Below This Line							
Terminal Verification		Agricultural Verification		Whole		Part	
						Trans. Process Verification	
Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:	
Year	20	20	Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings			Use	Parcel	Section	Occ. Cd.	
Total			Town Cd.	Ex. St.	Ex. Cd.		
REMARKS:							

Space Reserved for County Verification

Distributed: White Clerk's Office      Yellow: SDAT      Pink: Office of Finance      Holdover: Registrar      A/R 4 YR: 2023-2024



State of Maryland Land Instrument Intake Sheet

Baltimore City X County: Washington

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

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

Form sections 1-11 including: Type(s) of Instruments, Conveyance Type Check Box, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, and Assessment Information.

WASHINGTON COUNTY CIRCUIT COURT (Land Records), KRT 7198, p. 0141, MSA, CE18, 7150, Date available 02/27/2023, Printed 01/31/2025

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation

Distribution: White - Clerk's Office, Pink - Office of Finance, Canary - SDAT, Goldenrod - Preparer, AOC-CC-3693-2007

# Frederick Seibert & Associates, Inc.



1/14/2025, 7:29:36 AM

World Transportation

Parcels Washington County

MD\_SixInchImagery

1:4,514

0 0.03 0.06 0.11 mi  
0 0.04 0.09 0.18 km

Esri Community Maps Contributors, WestCo MD, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/

Maxar | MD iMAP, DoIT | U.S. Geocliological Survey | Source: USDA NRCS, Esri | Maryland Department of Transportation (MDOT), Maryland Department of Transportation State Highway Administration (MDOT SHA), MDOT SHA Office of Highway Development (OHD), Web AppBuilder for ArcGIS

**ZONING DATA**

EXISTING ZONING DISTRICT \_\_\_\_\_  
 PROPOSED ZONING DISTRICT \_\_\_\_\_  
 MAX. BUILDING HEIGHT \_\_\_\_\_  
 MINIMUM BUILDING SETBACKS FROM PROPERTY LINES:  
 FRONT \_\_\_\_\_  
 REAR \_\_\_\_\_  
 SIDE \_\_\_\_\_  
 PROPOSED USE \_\_\_\_\_  
 TREE REPAIR / REPLACEMENT SERVICE (PERMITTED BY RIGHT) \_\_\_\_\_

**SITE DATA**

TAX MAP - GRID - PARCEL \_\_\_\_\_  
 LIBER / FOLIO \_\_\_\_\_  
 AREA SUMMARY: \_\_\_\_\_  
 BUILDING SUMMARY: \_\_\_\_\_  
 HEIGHT \_\_\_\_\_  
 HOURS OF OPERATION \_\_\_\_\_  
 WATER & SEWER USAGE: \_\_\_\_\_  
 WASTE PROVIDED \_\_\_\_\_  
 SEWER WELL (EXISTING) \_\_\_\_\_  
 PRIVATE SEPTIC (EXISTING) \_\_\_\_\_  
 SITE LIGHTING: \_\_\_\_\_  
 EXISTING \_\_\_\_\_  
 PROPOSED \_\_\_\_\_  
 SITE SIGNAGE \_\_\_\_\_  
 TRASH COLLECTION \_\_\_\_\_  
 ON SITE DUMPSTER \_\_\_\_\_

**PARKING DATA**

TOTAL REQUIRED SPACES \_\_\_\_\_  
 TOTAL PROVIDED SPACES \_\_\_\_\_

2 SPACES PER SERVICE BAY + 1 SPACE PER EMPLOYEE  
 2 BAYS \* 2 = 4 EMPLOYEES + 1 = 5 SPACES

**LEGEND**

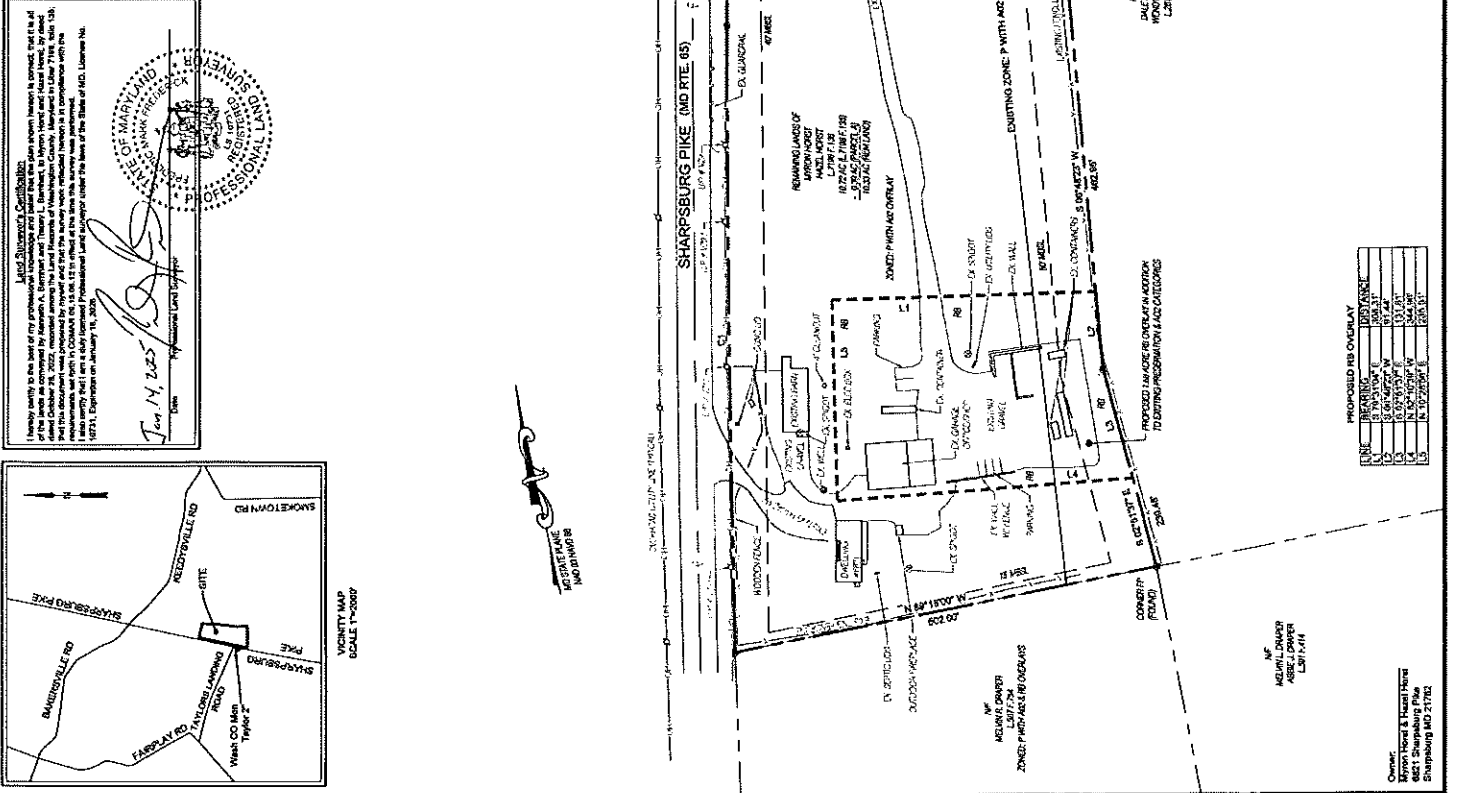
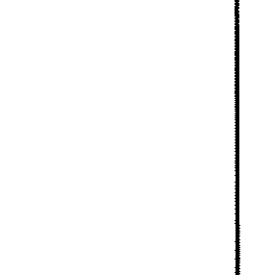
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPERTY LINE TO BE VACATED
- PROPERTY CORNER
- FB OVERLAY ZONING BOUNDARY

**PROFESSIONAL CERTIFICATION:**

I hereby certify to the best of my professional knowledge and belief that the information furnished herein is true and correct, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland. License No. \_\_\_\_\_

DATE: Jan 14, 2025

\_\_\_\_\_  
 PROFESSIONAL LAND SURVEYOR



**PROPOSED FB OVERLAY**

LINE	REMARKS	FB NO.
1	SHARPSBURG PIKE	101.45
2	SHARPSBURG PIKE	101.46
3	SHARPSBURG PIKE	101.47
4	SHARPSBURG PIKE	101.48
5	SHARPSBURG PIKE	101.49

DATE: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 SHEET NO: \_\_\_\_\_

CONTRACT FOUND TO EXISTING PRESERVATION & AC OVERLAYS

PROPOSED LINE TO BE VACATED AT ADDRESS TO EXISTING PRESERVATION & AC OVERLAYS

PROPERTY LINE TO BE VACATED TO EXISTING PRESERVATION

PROPERTY LINE TO BE VACATED TO EXISTING PRESERVATION

PROPERTY LINE TO BE VACATED TO EXISTING PRESERVATION

PROPERTY LINE TO BE VACATED TO EXISTING PRESERVATION

PROPERTY LINE TO BE VACATED TO EXISTING PRESERVATION

**REZONING EXHIBIT**

OF THE  
**LANDS OF HORST**  
 FOR  
**MYRON & HAZEL HORST**  
 SITUATE AT 6821 SHARPSBURG PIKE, SHARPSBURG  
 WASHINGTON COUNTY, MARYLAND

**FSA**  
 FREDERICK SEBERT & ASSOCIATES, P.C.  
 CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS

PROJECT NO: 2106.1  
 DATE: 11-09-2024  
 PROJECT MANAGER: FREDERICK SEBERT  
 PROJECT ENGINEER: FREDERICK SEBERT  
 PROJECT SURVEYOR: FREDERICK SEBERT  
 SCALE: 1" = 100'  
 SHEET FILE: \_\_\_\_\_

**REZONING EXHIBIT**

BOUNDARY RELOCATED  
 10-06-24 PROPERTY LINE AND ZONING  
 10-21-24 - UPDATED SURVEYORS  
 CERTIFICATE

**SHARPSBURG PIKE (MD RTE. 65)**

**REMAINING LOTS OF APPROXIMATELY 107 AC ± (178.77 AC ± LESS 71.77 AC ±)**

**REMAINING LOTS OF APPROXIMATELY 107 AC ± (178.77 AC ± LESS 71.77 AC ±)**

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**REMAINING LOTS OF APPROXIMATELY 107 AC ± (178.77 AC ± LESS 71.77 AC ±)**

**REMAINING LOTS OF APPROXIMATELY 107 AC ± (178.77 AC ± LESS 71.77 AC ±)**

## **Zoning Ordinance Map Amendment**

6821 Sharpsburg Pike, Sharpsburg MD

Applicant: Myron & Hazel Horst

### Adjoining Property Owners

**Tax Account Number: 12-006039**

**Tax Map 72, Parcel 19**

**Property Address:** 18025 Keedysville Road, Boonsboro, MD

**Owner(s):** Dale & Wendy Price

**Mailing Address:**

18039 Keedysville Road

Boonsboro, MD 21713

**Tax Account Number: 12-012314**

**Tax Map 72 , Parcel 222**

**Property Address:** 6943 Sharpsburg Pike, Boonsboro, MD

**Owner(s):** Mary Ann & James Kelly Frey

**Mailing Address:**

6943 Sharpsburg Pike

Boonsboro, MD 21713

**Tax Account Number: 12-004796**

**Tax Map 72 , Parcel 166**

**Property Address:** 6918 Sharpsburg Pike, Boonsboro, MD

**Owner(s):** Travis Gardner

**Mailing Address:**

6918 Sharpsburg Pike

Boonsboro, MD 21713

**Tax Account Number: 12-003404**

**Tax Map 72 , Parcel 180**

**Property Address:** Sharpsburg Pike, Keedysville, MD 21756

**Owner(s):** Stephen Hubbard

**Mailing Address:**

PO Box 1

Fairplay, MD 21733

**Tax Account Number: 12-001525**

**Tax Map 72 , Parcel 166**

**Property Address:** 17824 Taylors Landing Road, Sharpsburg MD

**Owner(s):** Donald & Dinah Stevens

**Mailing Address:**

17824 Taylors Landing Road

Sharpsburg, MD 21782

**Tax Account Number: 12-001924**

**Tax Map 72 , Parcel 111**

**Property Address:** 6741 Sharpsburg Pike, Sharpsburg, MD

**Owner(s):** Erin & Jessie Planck

**Mailing Address:**

6741 Sharpsburg Pike

Sharpsburg, MD 21782

**Tax Account Number: 12-003194**

**Tax Map 72, Parcel 170**

**Property Address:** Sharpsburg Pike, Sharpsburg

**Owner(s):** Erin & Jessie Planck

**Mailing Address:**

6741 Sharpsburg Pike

Sharpsburg, MD 21782

**Tax Account Number: 12-001983**

**Tax Map 72, Parcel 106**

**Property Address:** 17809 Taylors Landing Road, Sharpsburg, MD

**Owner(s):** Robert & Naia Bonnet

**Mailing Address:**

17809 Taylors Landing Road

Sharpsburg, MD 21782

January 31, 2025

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

Re: Map Amendment Application for 6821 Sharpsburg Pike  
Request for Rural Business District (RB) Floating Zone

Honorable County Commissioners and Planning Commission:

On behalf of Myron & Hazel Horst (collectively "Applicant"), owners of the +/- 10.72 acres located at 6821 Sharpsburg Pike, Sharpsburg, Maryland 21742, Tax Map 0072, Grid 0008, Parcel 0168, Tax ID #12-000421 (the "Property"), we offer the following justification statement in support of our request for application of the Rural Business District (RB) Floating Zone to a +/- 1.68 acre portion of the Property.

The Property is currently zoned Preservation with Antietam Overlay 2 and improved with a residence, barn and garage. The primary use is currently residential with related agricultural/livestock uses. The Applicant intends to conduct a tire repair service at the Property. Granting of the RB Floating Zone would permit the tire repair use. The Applicant would conduct the business with no additional employees in the foreseeable future. The plan of business is Applicant would pick up tires or customers would drop them off, and the Applicant would conduct the repairs on site; there would be no vehicle storage associated with the repair use. The customer base would be farm and agricultural property owners and their vehicle needs. There would be no signage or significant marketing beyond neighbors and existing acquaintances of the Applicant, as the Applicant foresees viable and ample business just from that group.

Repair work and all related equipment would be done indoors. There would be very limited outdoor storage of a temporary basis, and it would be appropriately screened.

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

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

**ARTICLE 5E - "RB" RURAL BUSINESS DISTRICT**

**Section 5E.4 Criteria**

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

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

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

**2. The proposed RB District has safe and usable road access on a road that meets the standards under the "Policy for Determining Adequacy of Existing Roads." In addition a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;**

RESPONSE: The Property has safe and usable road access on Sharpsburg Pike/MD Route 65. The Applicant anticipates meeting the standards of the referenced Policy document. The intended use will not generate more than fifteen (15) peak hour trips.

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

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

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

RESPONSE: The intended use would not create any impacts discernable beyond the current residential use. Vehicle movements would be consistent with the existing residential and agricultural uses. The auto tire repair work would be conducted completely within the existing garage structure. Therefore, the intended use would not create any incompatibilities with any of the above elements that may be in the vicinity. The Property is directly adjacent to an existing RB District -- 6741 Sharpsburg Pike (Tax ID # 12-001924) -- the location of an auction business.

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

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

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

RESPONSE: Acknowledged.

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

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

**(c) Availability of public facilities in the area.**

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

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

RESPONSE: Sharpsburg Pike, and existing Minor Arterial Road already serves residential and agricultural property owners/operations; this pattern is not likely to change in the future.

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

RESPONSE: The proposed use would be practically indistinguishable from the current residential and agricultural uses at the Property and therefore maintain compatibility. The Property is within the Antietam Overlay 2.

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

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

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

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

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

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

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



Sincerely,

A handwritten signature in black ink that reads "Noel Manalo". The signature is written in a cursive style with a horizontal line at the end.

NOEL S. MANALO

cc: Mr. Myron Horst  
Frederick, Seibert & Associates, Inc.

4921-3545-2430, v. 2

April 7, 2025

Case #: RZ-25-001

## Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Myron & Hazel Horst
Applicant(s)	:	Myron & Hazel Horst
Location	:	6821 Sharpsburg Pike
Election District	:	#12 – Fairplay
Comprehensive Plan Designation	:	Preservation
Zoning Map	:	72
Parcel(s)	:	P. 168
Acreage	:	10.7 acres (1.68 within RB Overlay)
Existing Zoning	:	Preservation (P) with Antietam Overlay 2 District (AO-2)
Requested Zoning	:	Preservation (P) with Antietam Overlay 2 District (AO-2) and Rural Business (RB) overlay
Date of Hearing	:	April 7, 2025

### I. Background Information

#### a. Location and Description of Subject Properties



The subject parcel is located at on the east side of Sharpsburg Pike (MD-65) at its intersection with Taylors Landing Road. The property subject to this rezoning encompasses 10.7 acres of agricultural land, 1.68 acres of which would be encumbered with the Rural Business (RB) floating zone.

The property contains a single-family dwelling, barn and a recently constructed garage/office building. The garage/office building was originally permitted as an agricultural support building for various farm related purposes in 2020.

In addition to the Preservation (P) base zoning which is applied to the property, the parcel also falls within the Antietam Overlay-2

Zoning District (AO-2). The AO-2 District extends 1,000 feet east/west from the road centerline along this stretch of MD-65, encumbering multiple properties south of Bakersville Rd & Keedysville Rd for approximately 1 mile south of this intersection. It defines an approach buffer to Antietam National Battlefield which is designed to regulate the exterior appearance of all commercial and non-residential uses, excluding farm structures, to preserve the historic character of the road corridor on the approach to the Battlefield. The AO-2 is also applied to many other properties along three other road segments on MD-65 and MD-34 (Shepherdstown Pike), in or immediately around the Towns of Sharpsburg and Keedysville.

There are no known sensitive environmental areas on the property.

#### **b. Rural Business Floating Zone Purpose and Criteria**

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

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

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

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

1. The proposed district will accomplish the purpose of the RB District;
2. The proposed site development meets criteria identified in Section 5E.4 of this Article;
3. The roads providing access to the site are appropriate for serving the business-related traffic generated by the proposed RB land use;
4. Adequate sight distance along roads can be provided at proposed points of access;
5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity;
6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

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

## **II. Staff Analysis**

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

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

As defined above, one purpose of the floating zone is to “*establish locations for businesses and facilities not otherwise permitted in the rural areas of the County.*” “Auto Sales and Services” are listed together as a single principal permitted use within an RB Zoning District in the Table of Land Use Regulations for Rural Areas in Article 3 of the Zoning Ordinance. Under the current P zoning, the proposed use would not be permitted.

The applicant’s Justification Statement also contends that the proposed tire repair shop would “*support the agricultural industry and farming community,*” fulfilling one of the other stated purposes of the RB Zoning District.

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

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

### 3. Road and Traffic Considerations

#### a. Traffic Generation

Traffic counts on County and State roads in the vicinity of the rezoning site provide limited insight on traffic flow or congestion that might be impacted an expanded business at this location. Single day traffic counts were collected for one 24-hour period in 2016 at three local road intersections with Sharpsburg Pike in the immediate vicinity of the subject site. The counts for these three locations are noted below:

- Taylors Landing Rd at Sharpsburg Pike (300 feet west): 388 vehicles
- Bakersville Rd at Sharpsburg Pike (.50 miles northwest): 722 vehicles
- Keedysville Rd at Sharpsburg Pike (.50 miles northeast): 934 vehicles

Until 2020, the Maryland State Highway Administration (SHA) maintained a traffic counter approximately 2 miles north of the site, near the intersection of MD-65 and MD-63 (Spielman Rd). Perhaps due to COVID-19, the counter at this location was discontinued in that year, making 2019 the last year in which traffic was counted along MD-65 in relative proximity to the rezoning site. Accordingly, a twenty-year survey of traffic counts at this location is detailed below from 1999-2019.

These counts indicate an increase in traffic traveling north/south on MD-65 during the last twenty years. A high of 9,363 vehicles was counted in 2019 after traffic remained largely steady at around 8,500 AADT. The 2019 figure represents a 20.4% increase in the last twenty years (or 1% annually). The traffic volume data shown in the table below is expressed in annual average daily traffic volumes (AADT).

Year	Sharpsburg Pike @ Spielman Rd
2019	9,363
2014	8,671
2009	8,462
2004	8,575
1999	7,775

As noted previously, the requirements of the RB District require a traffic study when the proposed business, activity or facility generates “25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic.” The applicant’s justification statement asserts that “*The intended use will not generate more than 15 peak hour trips.*”

#### b. Road and Site Circulation Improvements

The site is located directly on Sharpsburg Pike. The road is classified as an Other Principal Arterial (Non-Interstate) in the Functional Road Classification portion of the Transportation Element in the County's 2002 Comprehensive Plan. This classification accounts for mobility and access characteristics of the roadway in its categorization. Non-Interstate Arterial roads are designed to carry greater than 5,000 Average Daily Traffic in rural areas. The County's road classification system is based upon the Federal Highway Functional Classification System, but modified to reflect local road conditions.

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

The Highways Plan in the 2002 Comprehensive Plan and in the current draft of the Comprehensive Plan update also do not propose notable road projects for this portion of MD-65. Much of the current attention for that roadway in transportation planning documents focuses on improvements to the MD-65/I-70 interchange, or widening of the state highway from that point to Lappans Rd.

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization's current Long Range Transportation Plan does call for long-term widening of MD-65 all the way to the Town of Sharpsburg. This is however a long-term project, not slated for implementation prior to 2036.

The Applicant's preliminary site plan (Exhibit C) does not anticipate any access changes from the property to MD-65.

SHA and the Washington County Department of Engineering had no comment when routed the application for review.

### **Site Planning Considerations**

#### **a. Water**

The proposed rezoning site is designated as W-7 in the 2009 Water and Sewer Plan with no planned connection to public water. An existing well on the property is depicted on Washington County Plat 4918, which subdivided the subject lot in 1996. The preliminary site plan in this application also locates the well. Well locations are approved by the Washington County Health Department. The Health Department is also responsible for monitoring wells for water quality issues.

#### **b. Sewer**

The proposed rezoning site is designated as S-7 in the 2009 Water and Sewer Plan with no planned connection to public sewer. An approximate location of the existing septic system is depicted on the recorded plat noted above and on the PSP. The Applicant's justification statement asserts that "*The intended use will not create any sewage disposal, water supply, stormwater or other issues that are not above and beyond impacts already accounted for by the current residential use onsite.*"

The Washington County Health Department is responsible for approving the location and method of sewage disposal on individual properties in the County. A copy of this rezoning application was routed for the Health Department for their review. They offered no substantive comment.

**c. Stormwater Management (SWM)**

The applicant's Justification Statement comment regarding development related effects on stormwater was noted above. SWM facilities are not shown on the preliminary site plan included with the application.

The Washington County Department of Engineering had no comment when routed the application for review.

**d. Floodplain**

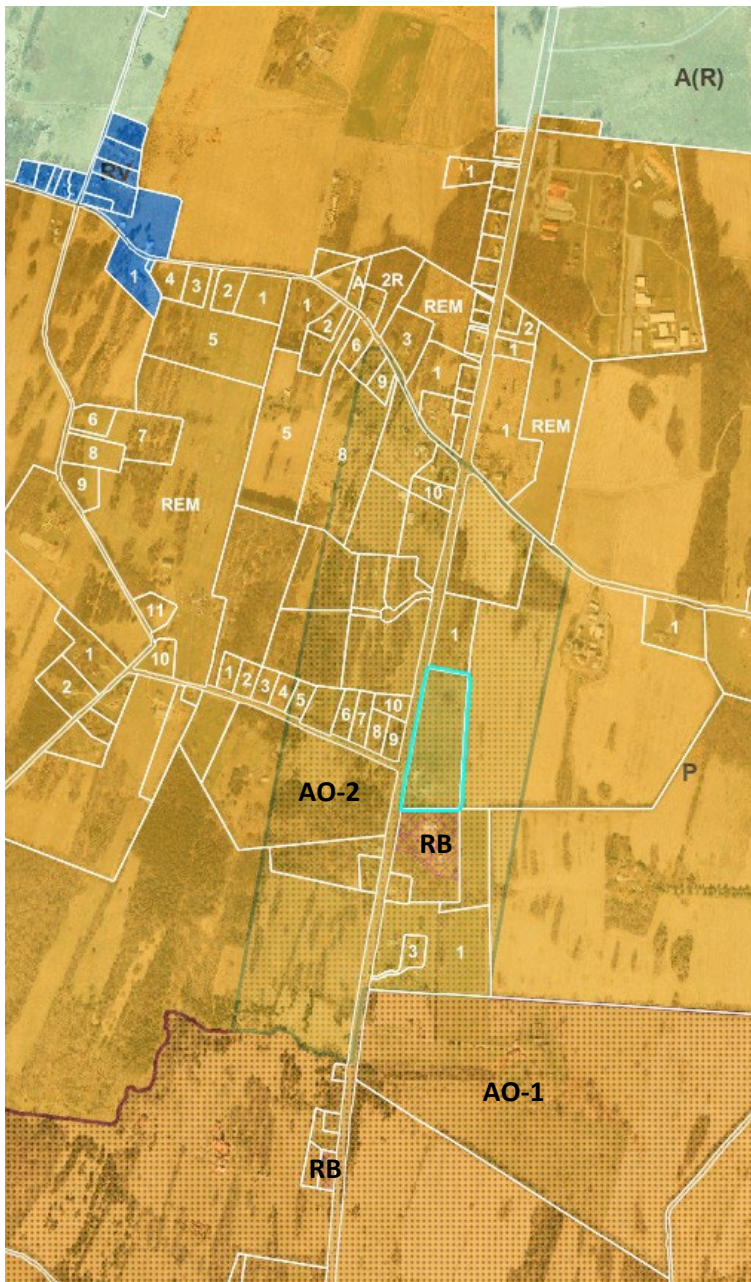
The proposed rezoning site does not contain floodplain area.

**e. Bulk Regulations**

Zoning setbacks are shown on the applicant's PSP and on the recorded plat for this lot previously discussed.

#### 4. Compatibility with Adjacent Land Uses

##### a. Land Use in the Vicinity



The surrounding lands contain a mixture of rural zoning classifications and accompanying land uses as seen in the image at left. As noted previously, most properties in the immediate area are zoned Preservation (P). These properties include a mix of minor residential subdivisions along major roads, and larger agricultural parcels further away from MD-65.

The Antietam Overlay-2 zone (Battlefield Approach) encompasses the area previously described in the report introduction from Bakersville Rd & Keedysville Rd south along MD-65.

The Antietam Overlay-1 (Battlefield Buffer) follows to the south of the AO-2 corridor and encompasses the lands of Antietam National Battlefield.

The Historic Rural Village of Bakersville is found in the Rural Village Zoning District to the northwest of the subject property.

Larger agricultural parcels are then found in the Agricultural Rural (AR) lands to the north.

There are also two other existing RB Zoning Districts in the immediate vicinity providing prior precedent for commercial uses along this stretch of

MD-65. These adjacent rural businesses include:

- Stoney Hollow Gifts at (adjacent parcel to south) - originally permitted as an antique shop, noted in Applicant's Justification Statement as being an auction house.
- 6508 Sharpsburg Pike – former Clara Bee Gift Shop with Antietam battlefield diorama, currently used as an apartment building.



## **b. Historic Resources**

As the property is in close proximity to Antietam National Battlefield, there are numerous existing historic sites within ½ mile or less of this proposed rezoning site that should be considered in evaluating its compatibility. As previously discussed, the site lies within the AO-2 zoning overlay which encompasses the approach to Battlefield. The northern boundary of the Battlefield is roughly .25 miles south of the subject property.

Beyond the numerous historic resources pertaining to the Battlefield, there are 11 sites are described in the Maryland Historic Trust Inventory of State Historic Sites as follows:

### ➤ **Offsite Historic Properties within ½ mile of property**

- WA-II-303: “Remsburg Farm” (400’ southwest)

Early 20<sup>th</sup> farm complex with 2-story frame house, bank barn and several outbuildings.

- WA-II-318: “Brick Church Building” (550’ southwest)

Late 19<sup>th</sup> brick building, formerly a Brethren Church that may have served as a temporary hospital after the Battle of Antietam, now converted to a dwelling.

- WA-II-1144: “Ritchie Property” (.5 miles southwest)

Mid-19<sup>th</sup> century farm complex with roughly a dozen contributing structures (2-story stone dwelling, 2-story frame house, stone log house, stone bridge, family cemetery, variety of domestic outbuildings of frame, log and stone construction). These contributing structures encompass what were formerly multiple farmsteads including those listed under the following MHT listings:

- WA-II-1121: “Spring Wood Farm”
- WA-II-1136: “Jacob Coffman House and Cemetery”

- WA-II-359: “A. Hammond House/Sharon L. Hall Property” (.25 miles southeast)

Mid-19<sup>th</sup> century farm complex with 2 story brick farmhouse, frame barn and outbuildings.

- WA-II-358: “Late 19th Century Farmstead” (.5 miles northeast)

Late 19<sup>th</sup> century farm complex with 2 story brick farmhouse and bank barn and outbuildings.

- WA-II-453: “Mid-19th Century Brick Farm Complex” (.5 miles west)

Mid-19<sup>th</sup> Century farm complex including 2 story brick farmhouse and frame barn.

- WA-II-325: “Eakle-Poffenberger House” (.33 miles north)

Early 20<sup>th</sup> century 2 story frame farmhouse and outbuildings.

- WA-II-329: “Mid-19th Century Brick Farmhouse” (.4 miles north)

Mid-19th century 2 story brick farmhouse with smoke house and bank barn.

➤ **Historic Reviewing Agency Comments**

Meghan Jenkins, who acts as the liaison between the Department of Planning and Zoning and the Historic District Commission (HDC), offered the following comments on behalf of the HDC when outed a copy of the rezoning application:

*The property at 6821 Sharpsburg Pike (Tax ID 12000421) is fully encompassed by the portion of Antietam Overlay 2 (AO2) which is a 1000’ buffer of Sharpsburg Pike. The Antietam Overlay “1) preserves the existing quality of the viewshed of the Antietam Battlefield, and 2) ensures that development of certain lands adjacent to the major roads which provide public access to the Antietam Battlefield (i.e., Maryland Routes 34 and 65) is compatible with the agricultural and historic character of the area” (Section 20A.0 Purpose). The HDC reviews applications in the AO1 and AO2 in accordance with the provisions of Article 20, Historic Preservation District, and Section 20.6.*

*The HDC reviewed this rezoning application at its March 5, 2025 meeting. The rezoning application included a deed for the property which had no mention of the existing Maryland Environmental Trust (MET) easement on the property. The HDC recommends that the applicant cleans up the title information for this property by recording a deed which properly reflects the restrictions and conditions of the property. The purpose of the MET easement is very similar to that of the AO2 stating that “conserving the dominant scenic, cultural, rural, historical, archaeological, agricultural, woodland and wetland character of the Property...preventing the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition and in protecting the viewshed and landscape surrounding the Antietam Battlefield” (L1363, F1042). The easement also restricts commercial activities other than farming except those that can be performed in existing buildings (L1363 F1043). The Historic District Commission does not typically comment on the proposed use of property, only the impact of the proposed use on the Antietam Overlay’s purpose. In this case the HDC did want to point out that the proposed use does not appear consistent with the language of the MET easement. The HDC does believe that as long as the use is restricted to the pole building and the minimal parcel area defined on the rezoning application, the proposed use will not be in conflict with the purpose of the AO2.*

*The HDC noted that the building proposed for the RB Overlay use was recently constructed as an Agricultural Building. The AO2 specifically exempts agricultural buildings from the provisions of Article 20, Historic Preservation District, and Section 20.6 of the Zoning Ordinance. However, if this commercial use is approved for the RB Overlay, the site will be subject to these review criteria for any future plans or permits including signage. The HDC has Design Guidelines for Historic Structures which include guidance on signage and other site development that should be followed for any future applications on this property.*

*The application included responses to Section 5E.4 Criteria for Rural Business. The HDC respectfully disagrees with the response to #4 regarding incompatibility with existing land uses, cultural or historic resources, or agricultural preservation efforts due to the response neglecting to account for the purpose of the AO2 or the MET easement in any form, both of which are in place on this property with the intent to protect the viewshed entering the Antietam Battlefield. The response also mentions an adjacent property and its existing RB overlay. The HDC looked at both properties and found that there is a significant difference in the view from the roadway for these properties. The RB Overlay at 6741 Sharpsburg Pike has 150' of mixed forest buffering the view of the commercial use on the property and is minimally visible from the roadway. The RB overlay application has proposed an area for the overlay which starts approximately 130' back from the road and the HDC emphasizes this overlay should maintain that minimum in addition to requiring a mixed forest native vegetative buffer similar to those in place nearby to minimize visibility of the commercial use should this be approved. The HDC also noted that all storage of equipment and supplies should be to the rear of the building as indicated by the proposed rezoning area. The application includes a response to Section 27.3.(e) which requires the consideration of the application's compatibility with existing and proposed development with properties that include resources on the Washington County Historic Sites Inventory. Again, in this response, there is little substance in regard to the analysis of the AO2 purpose and no mention of the property's MET easement which support the Washington County Historic Sites Survey for the Antietam Battlefield (WA-II-477).*

*Finally, the HDC discussed the placement of a floating zone (RB) in conjunction with an overlay zone such as the AO2. Many of the existing businesses were in existence when these various zoning mechanisms were implemented. The HDC understands the need for Rural Businesses, however, they are concerned that there is no expiration to the Rural Business once applied to a property and if another business is functionally similar, the RB persists with property transfer. Their preference would be to minimize areas where floating zones interact with overlays, perhaps with an expiration of floating zones where they overlap with overlays upon transfer of property. The concern of the HDC is that there is inadequate understanding of information and impacts for the buyer of these properties with multiple zoning Sections in effect. This can cause confusion for property owners regarding the use of the property. It also causes inadvertent expansion of the RB over time in areas where resource protection should be a priority as indicated by the purpose statements of the overlay.*

*Summary of Recommendations:*

- 1. Consider correcting the title information for this property by recording a deed which properly reflects the restrictions and conditions of the property.*
- 2. The proposed RB overlay should maintain the 130' buffer from Sharpsburg Pike and a minimal coverage of the parcel as indicated on the application.*
- 3. The site will be subject to the provisions of Article 20, Historic Preservation District, and Section 20.6 of the Zoning Ordinance for any future plans or permits including signage. The HDC has Design Guidelines for Historic Structures which include guidance on signage and other site development that should be followed for any future applications on this property.*

4. *Require mixed forest native vegetative buffers similar to those in place nearby to minimize visibility of the commercial use.*
5. *All storage of equipment and supplies should be to the rear of the building as indicated by the proposed rezoning area.*
6. *Minimize areas where floating zones interact with overlays, perhaps with an expiration of floating zones where they overlap with overlays upon transfer of property.*

### c. Agricultural Land Preservation



The proposed rezoning site is located within the heart of the County’s designated Rural Legacy Area (RL). The program was created to focus on some of Maryland’s best natural, agricultural, historical and cultural areas and Maryland’s most significant rural landscapes. The Program encourages local governments and

private land trusts to identify Rural Legacy Areas and to competitively apply for funds to complement existing lands preservation efforts or to develop new ones. Easements are sought from willing landowners in order to protect areas vulnerable to sprawl

development that can weaken an area’s natural resources, thereby jeopardizing the economic value of farming, forestry, recreation and tourism. The RL is heavily concentrated in this area of southern Washington County in the lands around Antietam Battlefield. RL easements that have been purchased are shown in light red on the map.

Parcels in light green on the image have enrolled in the County’s Agricultural District program. This program is intended to be a precursor for lands to eventually establish a permanent agricultural land preservation easement through various means.

In service of the above objectives, the property itself is encumbered with an easement from the Maryland Environmental Trust (MET). MET works with the Maryland Department of Natural Resources to engage landowners who are willing to donate a conservation easement for tax deductions, tax credits and land protection purposes. The purpose of the MET easement is, according to language contained in the deed of easement is for:

*“... conserving the dominant scenic, cultural, rural, historical, archaeological, agricultural, woodland and wetland character of the Property...preventing the use or development of the*

*Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition and in protecting the viewshed and landscape surrounding the Antietam Battlefield.”*

➤ **Agricultural Land Preservation Reviewing Agency Comments**

MET offered the following response in an email exchange with Washington County Land Preservation Planner Chris Boggs after being sent the rezoning application for review:

*“Article II.A.(1) of the Horsts’ Conservation Easement gives the owner the ability to operate a tire repair business out of the existing garage as long as they do not alter the external structure or appearance and if they ensure all materials would be stored out of sight due to the scenic value. They would not be allowed to expand or build a new structure for the purpose of having a commercial tire business.*

*We don’t necessarily want to prevent the rezoning if they need it to operate within the existing garage, but we also don’t want it to be easier for someone to build a commercial business unrelated to agriculture in the future.”*

**5. Additional Considerations**

a. Emergency Services

The Fairplay Community Volunteer Fire Company of District 12 is the nearest emergency services provider to this site, located approximately 2 miles northwest. The Division of Emergency Services had no comment when routed a copy of the application.

b. Comprehensive Plan Designation

The 2002 Comprehensive Plan designated this site as falling within the Preservation Policy Area in its Land Use Plan. This Policy Area is the focus of rural land preservation area efforts. It includes the County’s designated Rural Legacy Area, federal lands, state parks, state wildlife management areas, county parks, Edgemont Watershed and most of the mountaintops as well the Potomac River. Purchase of development easements to support preservation efforts in this area is encourage. Limited development to support the goals and objectives of preserving the resources of this area is a priority.

c. Business Operations (Hours of Operation, Employees, etc.)

According to the preliminary site plan provided by the applicant, the anticipated hours of operation for the various proposed businesses are Monday through Friday, 8 am to 5 pm, Saturday 8-12 pm. The number of employees would be two for the business. The applicant’s justification statement indicates that:

*“The applicant would conduct the business with no additional employees in the foreseeable future. The plan of business is the Applicant would pick up tires or customers would drop them off, and the Applicant would conduct the repairs on site; there would be no vehicle storage*

*associated with the repair use. The customer base would be farm and agricultural property owners and their vehicle needs. There would be no signage or significant marketing beyond neighbors and existing acquaintances of the Applicant, as the Applicant foresees viable and ample business just from that group. Repair work and all related equipment would be done indoors. There would be very limited outdoor storage on a temporary basis, and it would be appropriately screened.”*

### **III. Recommendation**

The criteria outlined in Article 5E of the Zoning Ordinance details the conditions which must be met for a new RB floating zoned to be applied to a prospective property through the rezoning process. The analysis in this staff report has uncovered the central nature of two criteria which principally affect the appropriateness of establishing a new RB District in this specific location - compatibility with existing land uses and cultural or historic resources. Compatibility with the surrounding character of the “neighborhood” forms the central concern for decision makers to analyze in their review of this rezoning application.

To this end, the applicant looks to establish a new commercial use on lands immediately surrounding the nationally significant Antietam Battlefield, in the AO-2 Zoning District which buffers the approach to the Battlefield. The commercial use would also be pursued within an existing MET easement which was designed to further regulate the character of development in this approach zone to conserve the scenic and historic character of lands in this corridor.

On the other hand, the intended use as a tire repair business would be conducted inside an existing accessory building with minimal visual or operational impact to the surrounding area. As noted earlier in this report however, that existing accessory structure was permitted originally as an agricultural structure (which was therefore not reviewed by the HDC due to the exclusion in the Zoning Ordinance for agricultural structures), not as a commercial building. This building also did not exist at the time the MET easement was established (1997 – see L1363, F1054), leading one to question whether pursuing a commercial use in the structure is in keeping with the stated intent of the permanent easement, despite the ambiguous response from MET on whether commercial activities are permitted in the new structure.

Therefore, the Planning Commission and Board of County Commissioners should carefully consider these compatibility concerns in balance with the other criteria outlined in Section 5E of the Zoning Ordinance to determine the appropriateness of establishing a new RB Zoning District at this property in the vicinity of Antietam Battlefield.

Respectfully submitted,



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