

**FREDERICK COUNTY BOARD OF APPEALS**  
**STAFF REPORT VIRTUAL MEETING ON MARCH 24, 2022 @ 7pm**

**Case Number:** B267866 (B-22-06)

**Applicant:** Beck Prospect, LLC "aka" "Beckley's"

**Appeal:** Requesting a Special Exception approval to establish Recreational Vehicle Storage Facility in the Agricultural zoning district.

**Location:** Property located at 11214 Angleberger Road, Thurmont, Maryland, on the east side of US Route 15, Map 32, Lot 29, Tax ID# 20392770, Zoning Agricultural (A) and Low Density Residential, Size 25.84 Acres.

**Planning Region:** Frederick

**Zoning District:** Agricultural (A)/Low Density Residential (R1)

**Comp. Plan Designation:** Agricultural/Rural Community

**Applicable Ordinances:**  
Sec. 1-19-3.210 Special Exceptions  
Sec. 1-19-8.344 RV Storage Facility in the Agricultural Zoning District  
Sec. 1-19-11.100 Definitions

**Background**

The subject parcel is zoned Agricultural and contains 25.84 acres.

Frederick County Zoning Ordinance Section 1-19-11.100 defines *RECREATIONAL VEHICLE STORAGE FACILITY* as "A parcel of land utilized for storing recreational vehicles as defined within this section."

Frederick County Zoning Ordinance Section 1-19-11.100 defines *RECREATIONAL VEHICLE* as "A vehicle built on a single chassis which is 400 square feet or less at the longest horizontal projection, self-propelled or towable, and designed primarily for temporary living while traveling or camping and is only occupied when located in an RV park which is approved by the county."

Beckley's pursued and obtained a similar special exception in 2014 (Board of Appeals Case No. B-14-07) for 11127 Leatherman Road, Thurmont, Maryland (Tax ID # 20-408553), on the south side of Angleberger Road. Beckley's, has to utilize the special exception and continues to store RV's at 11127 Leatherman Road. *The current request is for substantially the same such special exception use that was approved in 2014, although this request is on a different parcel.*

### **Proposal:**

The Applicant desires to locate an approximately 225-space RV storage facility on the subject Property as part of the Beckley's business, and hereby requests approval from the Board of Appeals for the special exception use, pursuant to Zoning Ordinance §§ 1-19-3.210 & 1-19- 8.344.

Please note that this use requires site plan review and approval as well as building permit review and approval prior to the establishment on this new proposed use. Please contact Senior Planner Ashley Moore 301.600.1165 in order to discuss the site plan review and approval process.

### **General Criteria - Variance:**

Section 1-19-3.210 of the Frederick County Zoning Ordinance sets forth the general criteria which must be satisfied before the Board of Zoning Appeals may grant a special exception. The Applicant's request satisfies all of these criteria which are described as follows:

- A.** An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

**The Applicant States that Beck Prospect, LLC (Corporation) is the owner of the Property.**

- B.** (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter.

**The Applicant States that the proposed use is consistent with the purpose and intent of the Frederick County Comprehensive Plan and the Frederick County Zoning Ordinance. As noted above, the request is in furtherance of expansion of an existing business which has been located proximate to the Property for many years. The Rural Community designation in the Comprehensive Plan "recognizes existing rural communities that have historically developed as cross road communities with an identifiable concentration of residences and in some cases still support commercial uses." The existing Beckley's facility is zoned General Commercial (GC) and will work in conjunction with the proposed RV storage special exception use (as it does with the existing RV storage special exception use). The special exception will allow for the continued provision of community services and facilities in an efficient manner.**

- B. (2)** The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.

**The Applicant States that the proposed RV storage is adjacent to the existing Beckley's facility, as required by the applicable specific use regulations in Zoning Ordinance § 1-19-8.344 (the "RV Storage Use Regulations"). The proposed use, when combined with the existing Beckley's facility (including the existing RV storage special exception use), will provide seamless, integrated RV services, with high visibility from, and direct access to, US Route 15. The proposed use is an appropriate and orderly development of the existing Beckley's business that is already located in the neighborhood. The proposed used will enhance the existing business and will facilitate the Applicant's ability to serve its customers from Frederick County and elsewhere.**

B. (3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district.

**The Applicant States that the Operation of the RV storage will not have an adverse effect on nearby properties by reason of noise, fumes, vibration or other characteristics above and beyond those inherently associated with the use at any other location in the Agricultural zoning district. The existing Beckley's operation (including the existing RV storage special exception use) adjacent to the Property has proven to be compatible with the neighborhood for many years. In addition, the RV Storage Use Regulations serve to ensure minimization of any cause for objection by nearby properties.**

B. (4) Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

**The Applicant States that as more fully shown and described on the plan, the application meets these requirements.**

B. (5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

**The Applicant States that the accompanying material, and existing approvals for Beckley's, demonstrate compliance with this requirement, in addition to compliance with the RV Storage Use Regulations. When considered as part of the existing Beckley's operation, the RV storage has frontage and access on Angleberger Road and US Route 15. To date, the existing road system has proved adequate for the existing operations on this site.**

**III. SPECIFIC USE REGULATIONS FOR RV STORAGE IN THE AGRICULTURAL ZONING DISTRICT:**

Frederick County Zoning Ordinance § 1-19-8.344 sets for the specific provisions for the requested special exception use. This application satisfies the specific conditions of that Section, as follows:

A recreational vehicle storage facility shall be permitted in the Agricultural Zoning District where the following provisions are met:

**A.** A recreational vehicle storage facility shall be permitted only on a parcel that is adjacent to or adjoining a parcel on which a conforming recreational vehicle sales and service center is located. For the purposes of this subsection, a property separated from a recreational vehicle sales and service center by a transportation or utility right-of-way (whether fee simple estate or lesser interest in realty) is deemed to be adjacent along the length of such right-of-way.

**As shown on the accompanying plan, the Property is adjacent to the existing Beckley's recreational vehicle sales and service center (conforming, in the GC zone).**

**B.** No structure for the storage of recreational vehicles is permitted.

**The Applicant States that, as shown on the accompanying plan, the application does not propose a structure for storage of recreational vehicles.**

**C.** No recreational vehicle sales are permitted on the parcel containing the recreational vehicle storage facility.

**The Applicant States that he intends to comply with this requirement.**

**D.** The storage facility may include one accessory building for the purpose of maintenance of recreational vehicles stored on-site. The building shall not exceed 5,000 square feet to accommodate the maintenance of stored recreational vehicles, related offices, and equipment.

**The Applicant States that he is proposes using the existing barn as an accessory building for the purpose of maintenance of recreational vehicles stored on-site**

**E.** Maintenance activities (including all equipment and supplies) shall be conducted within a structure enclosed on at least 3 sides and screened from public view on the fourth side, unless enclosed.

**The Applicant States that he intends to comply with this requirement.**

**F.** Maintenance activities shall be conducted at least 100 feet from any residential dwelling on adjacent properties. All other activities shall maintain a minimum setback of 50' from all property lines. All structures shall be setback a minimum of 50' from all property lines.

**The Applicant States that as illustrated on the plan, the applicant intends to comply with this requirement.**

G. Structures, parking, and recreational vehicles shall not be located within the setback areas.

**The Applicant States that he intends to comply with this requirement.**

H. A maximum height of 30'.

**The Applicant States that he intends to comply with this requirement.**

I. A vehicle circulation plan shall be submitted indicating adequate turn radius is provided both to and from the subject property as well as for vehicle movement within the site for all proposed vehicles and equipment being used.

**The Applicant States that he is submitting such a circulation plan to comply with this requirement.**

J. The Board of Appeals may increase the minimum landscaping, buffering, and screening as provided in Section 1-19-6.400, to minimize the adverse effects of the project on surrounding properties.

**Acknowledged.**

K. Petroleum, flammable liquid, or hazardous substance storage tanks shall have a 100% catchment basin, or double-walled containment and a spill protection overfill alarm. This does not apply to propane or natural gas tanks.

**The Applicant intends to comply with this requirement.**

L. The use shall comply with Section 1-6-50 (Wellhead Protection Ordinance) of the Frederick County Code at the time of site development plan approval.

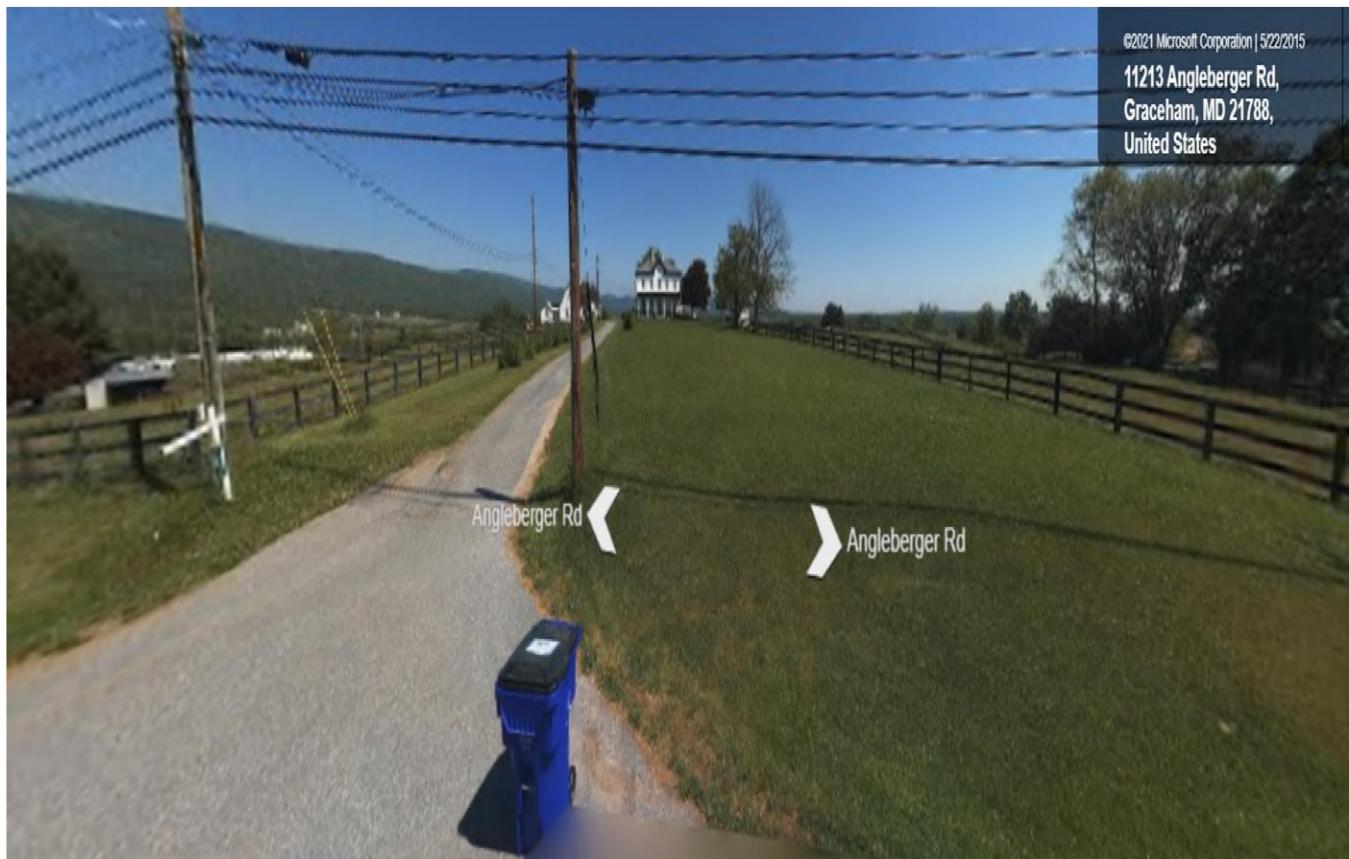
**The Applicant intends to comply with this requirement.**

**Actions Needed:**

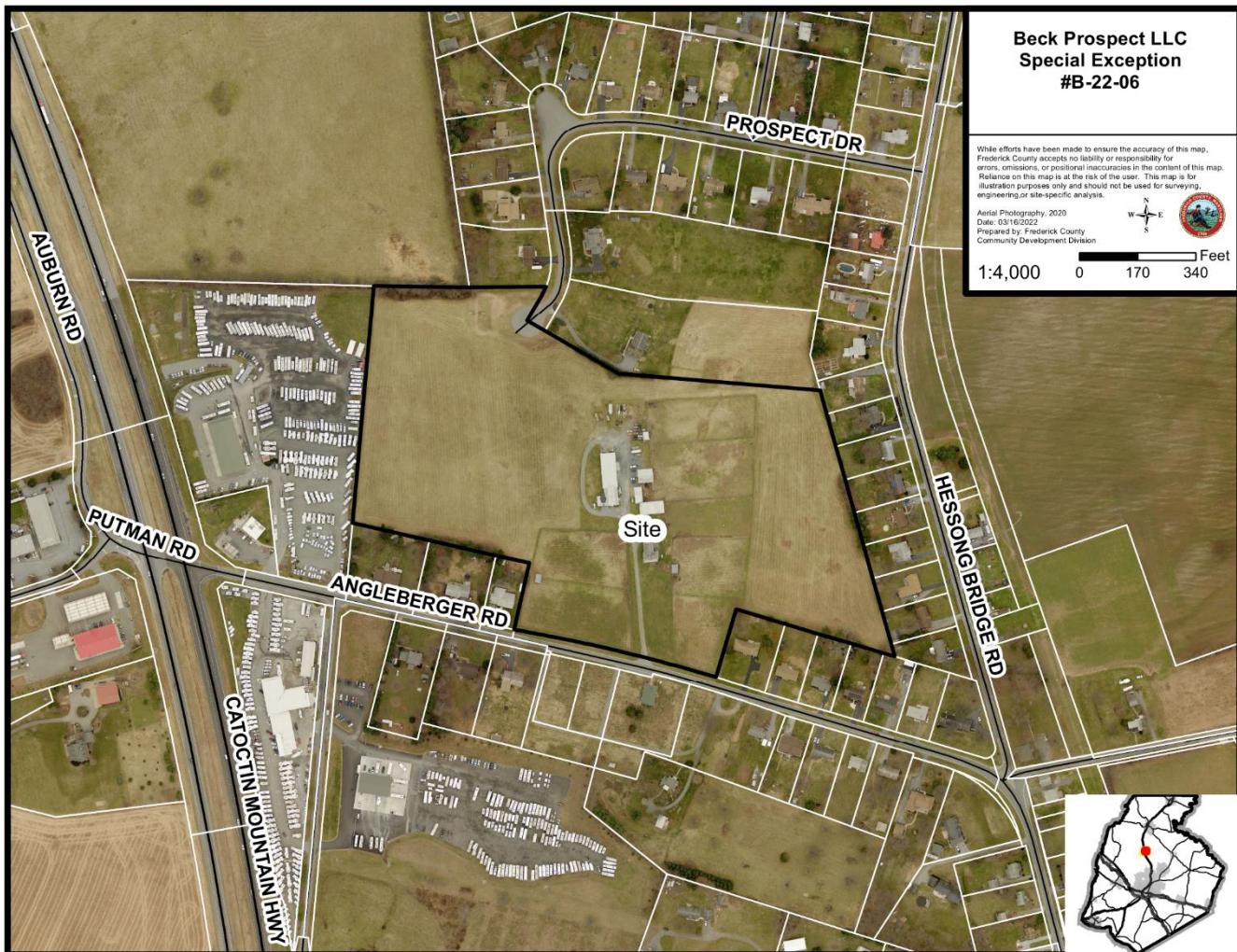
Staff requests that the Board review the request for Special Exception as per Sections 1-19-3.210 and 1-19-8.344 then render a decision on the Applicant's request.

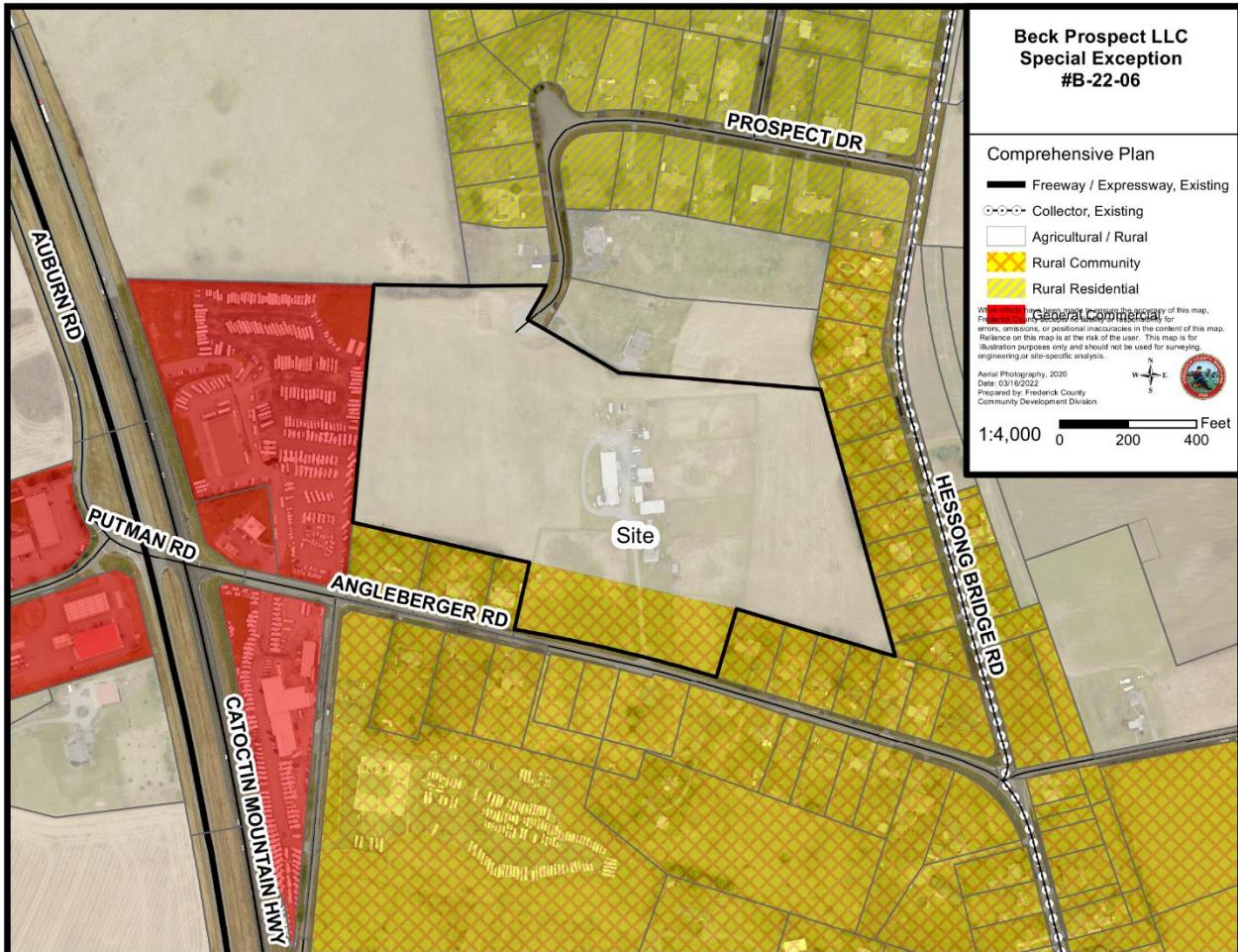
**Please note that this use requires site plan review and approval as well as building permit review and approval prior to the establishment on this new proposed use. Please contact Senior Planner Ashley Moore 301.600.1165 in order to discuss the site plan review and approval process.**

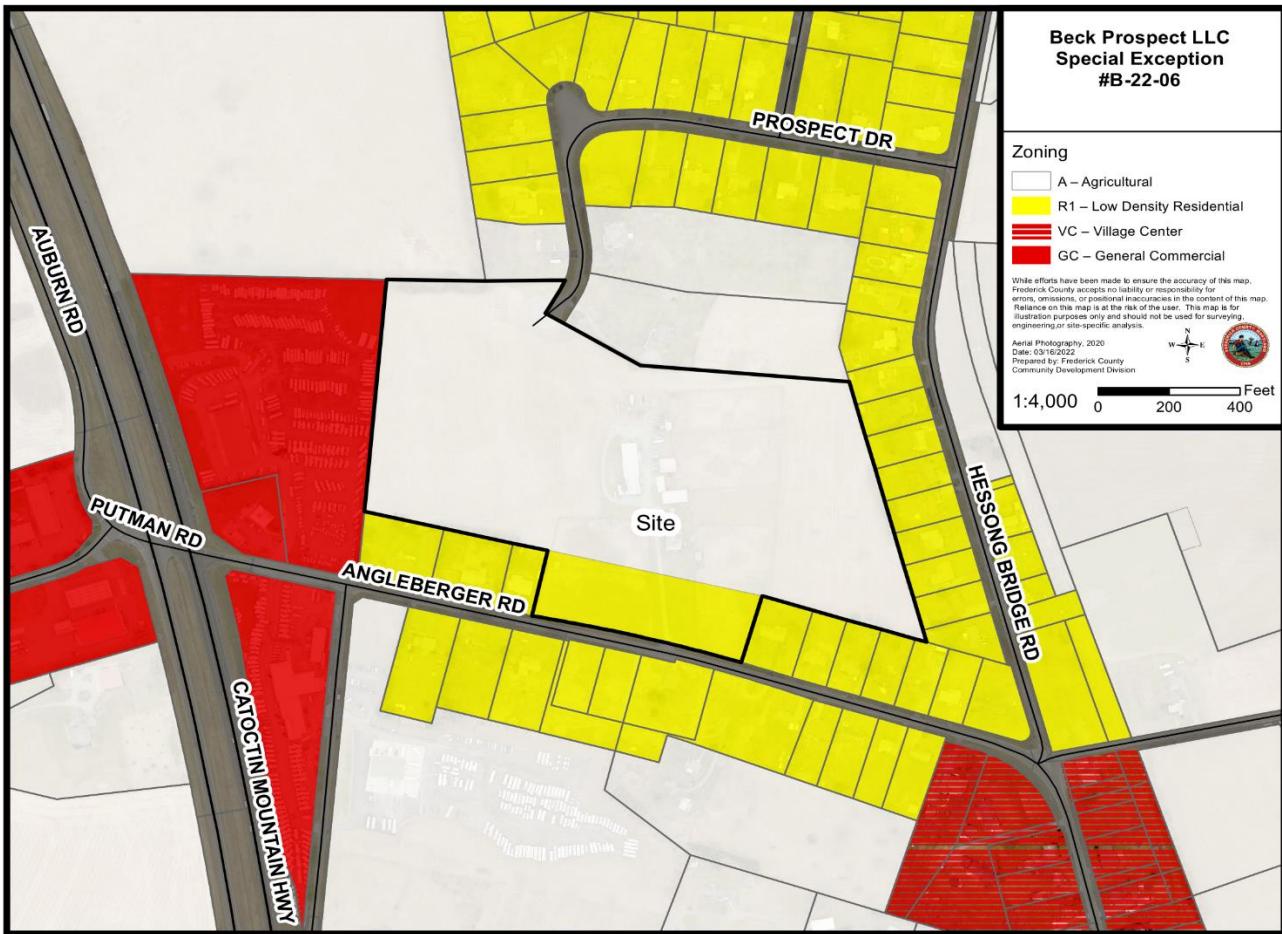
**Attachment 1**

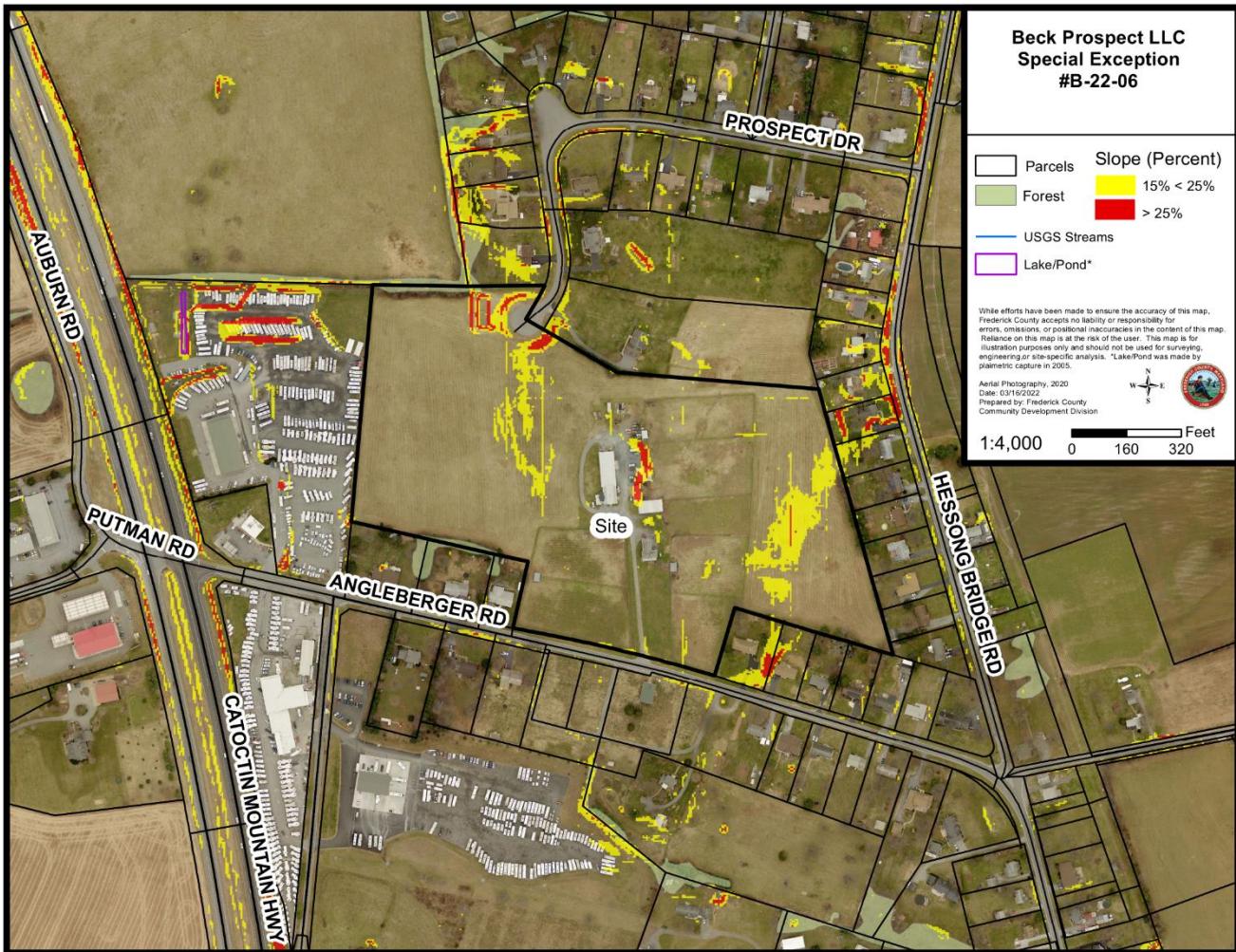


## Maps













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April 12, 2022

**VIA E-MAIL**

Board of Appeals  
Frederick County, Maryland  
30 North Market Street  
Frederick, Maryland 21701

RE: Beck Prospect, LLC - BOA Case # B-22-06

Honorable Board Members:

Thank you for your grant of continuance in the above-referenced matter; the Applicant appreciates the opportunity to ensure that you have a sufficient record for your deliberations. In addition to the submissions provided to date, please note as follows:

1. Applicant clarifies its original justification statement to state that vehicular access to the subject property and to the existing Beckley's facilities is from Angleberger Road, which intersects US Route 15.
2. The Applicant no longer proposes maintenance of RVs on the subject property of this application. Therefore, all references to the maintenance building and maintenance activities are no longer relevant and should not be considered part of the application. The enclosed revised exhibit reflects this change.
3. Additional photographs of the existing structures are enclosed.
4. Listing and sizes of the existing structures are shown on the enclosed exhibit.
5. The exhibit provided with the original application included a scale; for convenience, however, the enclosed exhibit shows distances of all existing and proposed structures to the property lines.
6. As stated in the original justification statement, the number of employees and equipment needed will not vary from the current operations. The number of current employees at the current facility is 150, and the equipment required for the RV Storage use is forklifts and tractors, also utilized at the current facility.

The special exception use of RV Storage is allowed in the Agricultural Zoning District. The scope of the application is therefore restricted to the proposed use for the subject property.

As you are aware, should you approve the special exception, the Applicant is required to submit a site development plan that will be reviewed by Frederick County Planning Staff. The Frederick County Planning Commission will then conduct its own review and public hearing on the site plan.

Only after that process can the Applicant proceed to obtain permits to improve the subject property for the intended use.

Please let us know if you need additional information, and we look forward to discussing this with you further at your hearing.

Sincerely,



Noel Manalo  
MCNEES WALLACE & NURICK LLC

Enclosures

cc: Beck Prospect, LLC  
B&R Design Group