

**JUSTIFICATION STATEMENT
APPLICATION FOR SPECIAL EXCEPTION
RUSTIC RETREAT/CAMP/OUTDOOR CLUB IN RC AND A DISTRICTS**

2914 Roderick Road - Mountainside

I. INTRODUCTION

This is an Application to modify the existing Special Exception for a camp known as Mountainside for the purpose of making certain recreational, operational and safety improvements. NJR, LLC (“Applicant”), is the owner of certain property located at 2914 Roderick Road in Frederick, Maryland (Tax Account No. 07-200102) (“Property”). The Property is more particularly described as Parcel 55, on Tax Map 96, and in that certain Deed dated September 19, 2002, and recorded among the Land Records of Frederick County in Book 3245 at Page 1418 (“Deed”). See Exhibit B. As shown on the compilation Zoning/Tax Map (Exhibit C) the Property consists of approximately 105 acres located on the west side of Roderick Road approximately 1 mile south of Route 80 (Fingerboard Road).¹

The Property is zoned Agricultural (A). See Exhibit C. Per Frederick County Zoning Ordinance (“Zoning Ordinance”) Sections 1-19-5.310, 1-19-8.327 and 1-19-8.323, the Applicant was granted special exceptions to operate a rustic retreat/camp/outdoor club and a childcare center in the A District at the Property.² The approved Special Exceptions are B-02-22, which approved the camp, B-06-38, approving the replacement of the proposed 90-person bunk house with yurts, and B-12-06, approving the expansion and conversion of the approved multi-purpose building into a larger “living building” (B-02-22, B-06-38 and B-12-06 collectively referred to herein as the “Camp Special Exception”). The special exception for a childcare center for before and after school care approved for the Property as B-15-28 is not included in this application.³

This Application proposes minor modifications to the Property to add certain recreational equipment and structures to increase safety and access and improve the educational experience and enjoyment of the children, parents and staff at Mountainside.⁴ The modifications include: (a) approval of a new play structure; (b) the addition of changing stalls for the existing swimming pool; (c) the addition of certain recreational equipment, including a pillow jumper, low-level platform play equipment/ropes course and electric go karts; (d) the replacement of existing storage sheds; and (e) the relocation of the high tunnel, an enclosed agricultural structure used to cultivate plants, all as detailed herein.

¹ The Deed describes the Property as consisting of 115 acres and a later survey indicates that the Property consists of 105 acres and therefore, the Applicant, in taking a conservative approach and currently identifies the Property as being 105 acres.

² Section 1-19-5.310 of the Zoning Ordinance requires approval of a site development plan for the operation of a rustic retreat/camp/outdoor club and a childcare center in the A District. Accordingly, the Applicant also obtained approval of Site Development Plan S-03-04, as amended, for the Property.

³ This application amends the camp special exception, including its recreational equipment. The childcare special exception approval, B-15-28, does not need to be amended because it already provides for the use of the camp recreational equipment. It is therefore not included in this application.

⁴ The term parents includes both parents and guardians.

II. BACKGROUND

Mountainside has operated at the Property as a year-round camp for almost twenty (20) years and as a childcare center providing before and after care during the school year for approximately ten (10) years. The primary camp operations occur June through August with agricultural and environmental educational activities provided the balance of the year. The childcare center operates its before and aftercare program for school age children during the school year, September through June, and much of that programming includes outdoor camp activities.

The Property is approximately 105 acres, comprising the camp/child care improvements, which include various buildings, many of which are adaptive reuse of previously existing agricultural buildings, a pool, tennis/basketball courts, soccer field, amphitheater, zipline, tunnel slides, baseball field, playground, parking, a bus loop for pick-up and drop-off, a temporary tent, yurts, high tunnel (similar to a greenhouse), and an active educational farm, through which gravel and mulch paths meander. The Property is also improved with the principal residence of Joseph and Nancy Richardson, the principals of NJR, LLC, and founders of Bar-T and Mountainside. The remainder of the Property consists of natural features, including agricultural fields, forest stands, a pond and a segment of the North Branch stream with riparian buffers that were recently enhanced through a grant project administered by the State of Maryland, all of which is depicted as follows:



III. Proposed Modifications

The Applicant proposes the following minor modifications to the Property:

A. Play Structure

The Applicant respectfully requests approval of the new play structure depicted below. The play structure was designed for a broad age range of children, transitioning from a small slide accessible from a single set of stairs to two (2) large tunnel slides accessible from an enclosed climbing tower. It is located on approximately 1,927 square feet of mulch bedding to provide the appropriate fall zone. It replaced one (1) of the two (2) approved baseball fields at the front of the camp on the south side of the parking lot to provide a more popular recreational activity for children that is a safe distance from the parking facility, but still visible to parents and staff from the pick-up and drop-off areas to improve the safety and efficiencies of the camp experience.

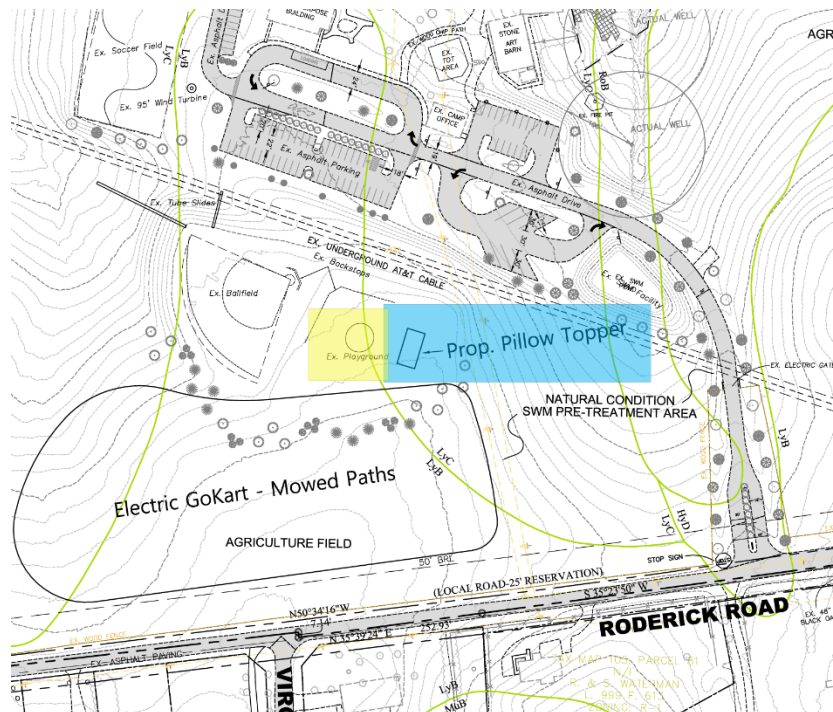


B. Jumping Pillow

The Applicant proposes a jumping pillow, as depicted below, as a new recreational amenity at the Property. The proposed jumping pillow is approximately 69 feet long by 33 feet wide. It will be surrounded by a 6-foot barrier of smooth pea gravel wrapping around all four sides. A fence will enclose the jumping pillow and pea gravel boarder.



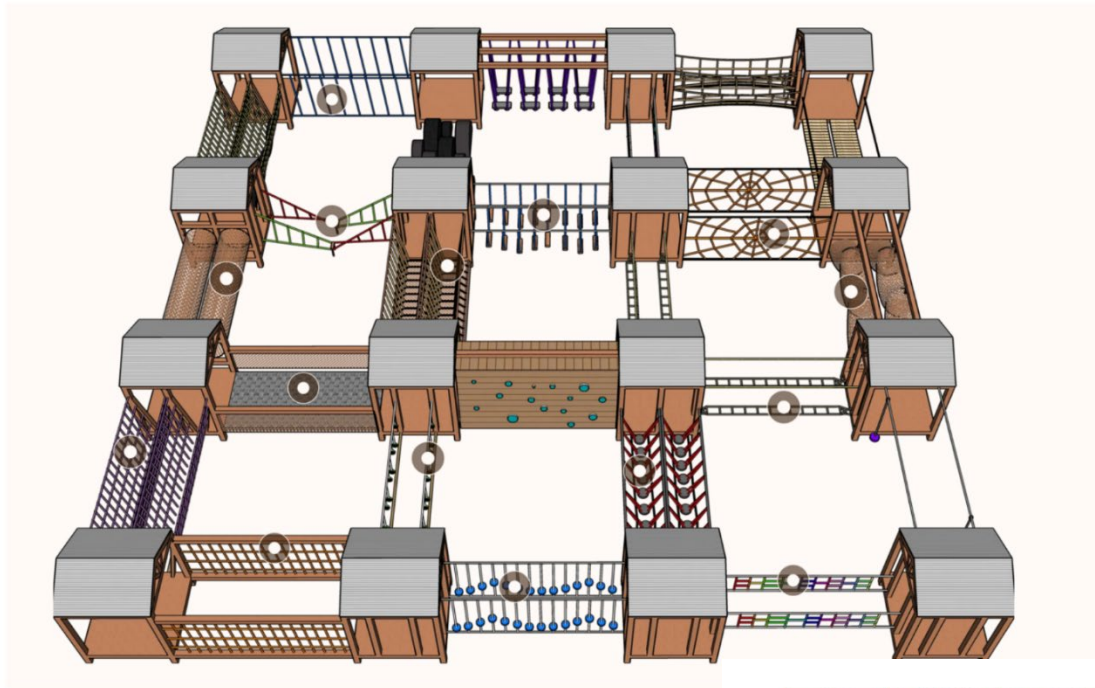
The jumping pillow will be located to the east of the playground for ease of extending electric service to that location to power the fan that fills the jumping pillow with air. As depicted below, collocating the jumping pillow (prop. pillow topper) with the playground will further enhance the camper's experience while improving pick-up and drop-off efficiency. Jumping pillows are associated with parks, farms and agritourism, thereby an inherent part of this camp use and will be an entertaining activity for campers of all ages at Mountainside.⁵



⁵ The jumping pillow proposed by the Applicant is similar to the jumping pillows located at Magnolia Meadows Farms (13001 Creagerstown Road, Thurmont, MD 21788) pictured above, Summers Farm (7503 Hollow Road, Middletown, MD 21769) and Gaver Farms (5501 Detrick Road, Mt. Airy, MD 21771).

C. Lower-Level Platforms

Lower-level platform play equipment is proposed for younger campers as an alternative to and within the sight line of the zipline, which will enable staff to simultaneously monitor campers on the zipline and on the lower-level platforms. The proposed lower-level platforms are a play structure generally designed as 6-foot x 6-foot covered platforms raised about 1-foot above grade and connected by play elements, such as ropes courses or climbing structures. The below generally depicts the lower-level platforms proposed for Mountainside at the maximum build out formation of 4 x 4 platforms.



The platforms are spaced at 16-foot intervals connected with play elements measuring approximately 15 feet 6 inches long, as further depicted below:



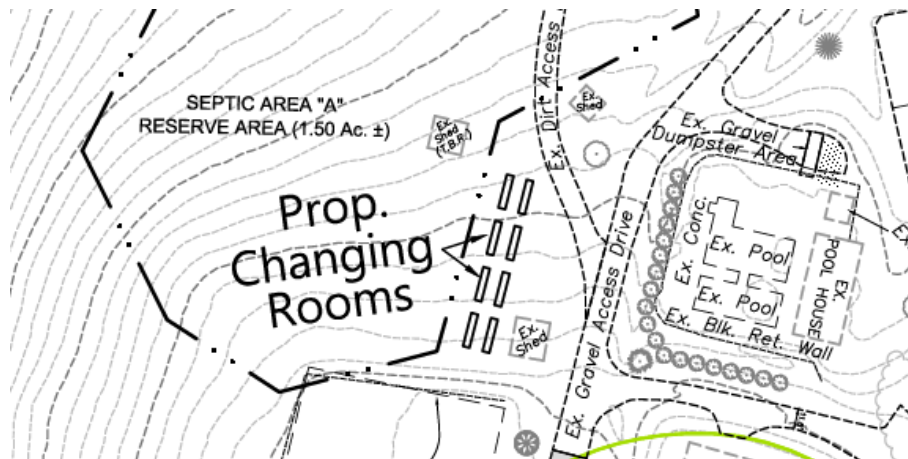
Initially, the Applicant proposes to install the lower-level platforms in a 3 x 3 platform configuration, which will occupy approximately 2,500 square feet of land, and expand the formation to 4 x 4 if the structures gain popularity, which will occupy approximately 4,356 square feet of land. The addition of lower-level platforms will enhance the camp experience for younger campers in a way that allows staff to continue to monitor the activities of older and younger campers at the same time.

D. Changing Stall Structures

The Applicant requests approval to install changing stalls proximate to the existing swimming pool. Mountainside campers have multiple opportunities throughout the day to use the pool for recreation and to stay cool during the summer. Previously, campers changed for the pool in locker room style changing areas, but this style is outdated and lacks the necessary privacy for campers. Individual changing stalls, like department store dressing rooms, are the preferred means to provide an improved level of privacy that is beneficial to both campers and staff.



This style of changing rooms has been successful at the Ranch location. Specifically, the Applicant proposes to install to the west of the swimming pool, 24 changing stalls via 2 rows of 4 of the above-depicted structures, each of which includes 4 individual changing stalls. The layout of the proposed changing stalls or rooms is depicted below:



E. Go Karts

The Applicant proposes to incorporate electric go karts into its camp upon a mowed path at the front of the camp. There is a broad age range of summer campers, and it is necessary to offer activities that will engage older campers. Like many other local camps, the Applicant proposes to add battery powered electric go karts to Mountainside for cruising through the designated area. The go karts, as depicted below, have 2 seats with adjustable 4-point safety harness, heavy duty steel frame, a 20-mile range on a single charge, Bluetooth connectivity, all terrain wheels, spring suspension, headlights and rear drum brakes:



The go karts will not generate any noise because they are electric powered. The go-karts will be stored overnight in a secured trailer that can be relocated internal to the site after the peak camp season. A mowed path is the preferred designating area for the go karts because it can be easily reconfigured during the camp season to keep the campers engaged with the activity. It will also avoid the installation of any permanent track or path system to allow for agricultural uses to continue in the area outside the peak camp season.

F. Shed

The Applicant proposes to replace the existing shed behind the temporary tent within the middle of the camp with a prefabricated shed of a similar size as identified on the Site Plan filed herewith.

G. High Tunnel

The high tunnel is an agricultural structure that functions like a greenhouse that the Applicant will relocate on the west side of the camp. The existing high tunnel is approximately 30 feet wide x 50 feet long and will be relocated between the septic reserve fields. The high tunnel is used by the caretaker and for agricultural education programs at Mountainside during and outside of the camp season.



III. GENERAL REQUIREMENTS FOR SPECIAL EXCEPTIONS:

Section 1-19-3.200.1(C) of the Frederick County Zoning Ordinance requires a special exception application include:

- (1) Plot plan or accurate drawing of the property showing the distances of all existing and proposed structures from all property lines, driveways and parking areas;**
- (2) Name and address of each person owning property adjacent to the subject property;**
- (3) Plans, architectural drawings, photographs, elevations, specifications or other detailed information fully depicting the exterior appearance of any existing structures on the property, including signs and the proposed construction;**
- (4) In addition, for all applications for a special exception or approval, a statement shall be provided explaining in detail how the use is to be operated. The following information is required to be submitted:**
 - (a) Hours of operation;**
 - (b) Number of anticipated employees;**
 - (c) Equipment involved; and**
 - (d) Any special conditions or limitations which the applicant proposes for adoption by the Board.**

The Applicant has submitted with this application, and incorporated herein: 1) State Department of Assessments and Taxation Property information sheet (Exhibit A); 2) Deed (Exhibit B); 3) the Compilation Zoning/Tax Map (Exhibit C); 4) Site Plan (Exhibit D); 5) an aerial of the Property and surrounding area (Exhibit E); 6) photographs of the proposed improvements including the Play Structure (Exhibit F); Jumping Pillow (Exhibit G); Lower-Level Platforms (Exhibit H); Changing Stall Structures (Exhibit I); Go Karts (Exhibit J); High Tunnel (Exhibit K); 7) American Camp Association Go Kart Accreditation Standards (Exhibit L); and 8) Livable Frederick Master Plan Excerpts (Exhibit M). A list of adjacent property owners is also part of its Application. The Applicant proposes no changes to the hours of operation or employees as

approved by this Board pursuant to the Camp Special Exception and proposes no special conditions or limitations.

Section 1-19-3.210 of the Zoning Ordinance sets forth the general criteria which must be satisfied before the Board of Appeals (“Board”) may grant a special exception. The Applicant’s request satisfies all of these criteria, 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 is the owner of the Property pursuant to the Deed. See Exhibit B.

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

The proposed modifications to the approved camp are consistent with the purpose and intent of the Comprehensive Development Plan and the Zoning Ordinance. The Property is zoned A and is also designated as Agricultural/Rural in the *2012 Comprehensive Plan Map*, as amended. The A district is intended “to preserve productive agricultural land and the character and quality of the rural environment and to prevent urbanization where roads and other public facilities are scaled to meet only rural needs.” Zoning Ordinance § 1-19-5.220. Section 1-19-8.327 of the Zoning Ordinance allows a camp within the A district with the approval of a special exception and site plan. The Board approved the Camp Special Exception in 2002. This Application merely proposes eight (8) minor modifications to the Property to add amenities that will elevate the unique camp experience at Mountainside and enhance access and safety for the staff, parents and campers.

All eight (8) of the proposed modifications are inherent to the uses permitted within the A District – camp as contemplated by Section 1-19-8.327 of the Zoning Ordinance – and therefore, consistent with the purpose and intent of the Zoning Ordinance. All eight (8) modifications are inherent of the camp use because they add outdoor recreational activities typically associated with a camp or agritourism uses (e.g. play structure, lower-level platforms, jumping pillow); improve the use of the existing outdoor camp amenities (e.g. the structures with individual changing stalls for the pool); or improve existing operational efficiencies (e.g. the replacement of on-site storage sheds).

Electric go karts are characteristic of a camp because there are various local camps that already provide this activity. For example, Camp Airy & Louise in Thurmont (Frederick County) and Camp Sonshine International in Silver Spring (Montgomery County) incorporate go karts on paved tracks into their summer camp programs.⁶ Kids After Hours Red Barn Camp in Sykesville (Carroll County) provide ATVs on dirt tracks as part of its camp and day care programming.⁷ The

⁶ Go karts at Camp Airy are evidenced here: <https://www.airylouise.org/camp-airy-for-boys/activities/extreme-sports/> Go carts at Camp Sonshine are depicted here: <https://campsonshine.org/summer-camp-activities-for-all-ages/>

⁷ The use of four wheelers at Red Barn Camp is depicted here: <https://www.kidsafterhours.com/summer-camp/summer-camps/red-barn-ranch-camp/>

two Accreditation Standards issued by the American Camp Association (“ACA”) for the use of go karts at camps further exemplifies that go karts are inherent of a camp. The issuance of such standards means that there are numerous camps providing go karts and therefore enough available data for the ACA to prepare and issue camp accreditation standards for go kart safety and design, which includes the use of helmets. The high tunnel is both a camp and an agricultural use consistent with the A district because it is utilized for growing plants by the farmer that performs agricultural activities at the Property and serves as a component of the year-round agricultural education program approved under the Camp Special Exception. For these reasons, the Application is consistent with the purpose and intent of the Zoning Ordinance.

The Application is also consistent with the purpose and intent and furthers the stated vision, vision themes, goals and initiatives of the *Livable Frederick Master Plan* (“LMFP”).⁸ The LMFP envisions “a vibrant and unique community where people live, work, and thrive while enjoying a strong sense of place and belonging.” LFMP at p. 23. It broadly encourages the creation of jobs and embraces small businesses. LFMP at p. 25. Mountainside is a small business within the County that directly contributes and supports the LMFP vision by providing year-round child care through summer camp and before and after school programs that are necessary for parents to thrive in the County.

The LFMP targets residential and employment growth opportunities within identified primary and secondary growth sectors, which includes the areas near the Property, such as Urbana. LFMP p. 39, 40, 45 - 50. Mountainside is positioned to service these targeted employment and residential growth areas, being aptly located on the periphery of the Urbana County Growth Area and the Interstate Corridor. LFMP p. 40 and 45. The Property, itself, is located within the LFMP established Agricultural Infrastructure Sector. This sector encompasses properties within the A district, but outside the areas identified for agricultural preservation. LFMP at p. 60, 61 and 63. This supports the continued operation, evolution and improvement of Mountainside, including through the modifications proposed by this Application.

The LFMP includes community, health, economy and environment vision themes. LFMP p. 8. Each vision theme includes goals and initiatives to implement the policy goals of the LFMP. The Application implements at least one initiative of each LFMP Vision Theme. A goal of the Tradition Category of the Community vision theme is the adaptive reuse of heritage buildings within the County. LFMP p. 113. Mountainside incorporates the County’s heritage into its programs through the adaptive reuse of old barns and farm buildings at the Property that enable the children to experience places of this County’s past. LFMP p.116. The Application supports the overarching message of the Health vision theme of the LFMP because it creates more outdoor activities to increase physical activity. LFMP p.140.

Two goals under the support category of the Health vision theme are to “support efforts to make high quality child care geographically and financially available to all children in the County” and to “support after-school and out-of-school community programs for all children regardless of economic level that boost academic performance, reduce risky behavior, promote physical health, and provide safe, structured environments for children of working parents.” LFMP p. 147-148.

⁸ The LFMP can be accessed here: <https://www.frederickcountymd.gov/DocumentCenter/View/319126/Livable-Frederick-Master-Plan---Adopted-Plan?bidId=>

The Application will heighten the quality of service provided at Mountainside by adding recreational features designed to enhance the child's experience and improve child, parent and staff safety through additional privacy features and improved site design. By enhancing the experience at Mountainside, the Applicant also satisfies the Economic vision theme of the LFMP by improving the quality of life in the County and creating services that will help attract and retain business within the County. LFMP p. 160. It is also an example of the continued investment in and growth of small business within the County. The Application also furthers the Environment vision of the LFMP by maintaining existing forest, streams and other environmental features by locating the proposed improvements outside those areas and by relocating the high tunnel for the continuation of the agricultural educational programs at the Property. LFMP p. 186-187. Overall, the Application proposes modifications to the Property consistent with LFMP.

(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.

As the Board found in the Camp Special Exception approval, the nature and intensity of the camp and the size of the Property in relation to those uses are such that they are in harmony with the appropriate and orderly development of the surrounding neighborhood. The improvements proposed by the Application will maintain this finding of harmony because they are located at the rear of the Property (high tunnel and lower-level platforms) or within areas of previously approved improvements. For example, the playground and jumping pillow will replace one of the two baseball fields and will be screened by landscaping. The go karts are proposed within the front of the Property but are electric and will not generate any noise. Go karts are also operated at grade and will therefore have low visibility. Their visibility will be further minimized by the existing agriculture field because the go karts will be operated within a mowed path hidden by the remainder of the field and enclosed by the Property's fence.

(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 modifications proposed by the Application will not produce any noise, fumes, vibrations or other characteristics beyond those inherently associated with a camp at any other location within the A zoning district. The Application proposes additional outdoor recreational equipment and structures inherent of a camp, as well as agricultural activities, and will not produce any fumes, vibrations or other characteristics deemed adverse for these uses. The play equipment and structures will be utilized by the children already attending the camp and childcare center and therefore, no additional noise will be generated beyond that of children playing outdoors, which is an inherent characteristic of Mountainside. Moreover, the go karts do not have combustion engines but are electric powered and will not produce any emissions, fumes or noise. The majority of the additional recreational equipment will be interspersed within the existing camp facilities on a significantly large Property and therefore, setback and buffered from any surrounding uses.

(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.

As the Board found in the Camp Special Exception approval, the parking areas at Mountainside comply with the off-street parking requirements in the Zoning Ordinance and will be screened from confronting residential uses, and the driveway achieves maximum safety.

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

As the Board previously found, the road system providing access to the Property is typical for a rural residential area and is adequate to serve the site for the approved uses. In addition, the Applicant previously widened Roderick Road.

III. SPECIFIC USE REGULATIONS – RUSTIC RETREAT/CAMP/OUTDOOR CLUB:

The Application complies with the specific use regulations for a rustic retreat/camp/outdoor club within the A District as set forth in Zoning Ordinance § 1-19-8.327:

(A) A minimum 10 acre lot size is required.

The Property is approximately 105 acres in size and therefore exceeds the minimum lot size for a camp in the A zoning district. See Exhibit D.

(B) Rustic retreat/camp/outdoor club with a planned capacity of 100 persons or more must have a minimum of 50 feet of frontage with access on a public road having a minimum pavement width of 20 feet to the nearest paved road. If the planned capacity is under 100 persons, there will be no specific road requirements other than the provisions contained in § [1-19-3.210\(B\)\(5\)](#).

The Board found in its approval of the Camp Special Exception that Mountainside, which is approved for a capacity of over 100 persons, exceeds the 50-foot minimum frontage requirement with approximately 1,140 feet of frontage on Roderick Road, which has a paved width of 20 feet. The Application does not propose any modifications that would impact the Property's satisfaction of this requirement.

(C) The project will be designed so that an overall density of 3 persons per acre is not exceeded.

The Board found in its approval of the Camp Special Exception that Mountainside is designed to serve 315 persons on site at any one time consistent with the density threshold of 3 persons per 105 acres of the Property. The original maximum allowable persons of 345 was reduced once the Property size was surveyed as 105 acres, rather than 115 acres.

(D) Total impervious surface area for buildings and parking shall be limited to 4,000 square feet for every 1 acre of lot area up to a maximum of:

- (1) 3 acres for lots of 100 acres or less; or**
- (2) 4 acres for lots between 101 and 250 acres; or**
- (3) 5 acres for lots of 251 acres or larger.**

The Application does not propose an increase to the amount of impervious area for buildings or parking on the Property.

(E) The requirement for all yards is 50 feet.

The location of all buildings on site and proposed by the Application exceed this 50-foot setback requirement as depicted on the plans filed with this Application.

(F) One freestanding on-premises identification sign no more than 25 square feet in area and subject to a minimum setback of 15 feet is permitted.

Mountainside has one (1) freestanding sign at the entry driveway off Roderick Road that is less than 25 square feet in area and meets the minimum 15-foot setback.

(G) Parking shall be limited to that number required by zoning ordinance and co-located adjacent to the access drive. An increase in the number of parking spaces may be granted by the Planning Commission where the applicant can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission. Parking approved beyond that number required by zoning ordinance shall be constructed of pervious materials.

The Application does not propose any modifications to the existing parking facility at Mountainside, which will continue to meet all Zoning Ordinance requirements and continue to be primarily used for the drop and pick up of children via bus or shuttle.

(H) Permanent residential occupancy shall be limited to the resident owner, manager, or caretaker.

The Application does not propose any new resident owner, manager or caretaker residences, beyond those identified on the Applicant's approved site plan.

(I) Caretaker residence(s) is permitted as an accessory use to a rustic retreat/camp/outdoor club where a specific plan is presented and approved by the Board of Appeals.

The Application does not propose any new resident owner, manager or caretaker residences, beyond those identified on the Applicant's approved site plan.

(J) Within the RC District:

- (1) The requirements of § 1-19-7.200 of this Code will be met.**

This section is not applicable because the Property is within the A zoning district.

(K) Insofar as practical at the time of site development plan review, the landscape shall be preserved in its natural state by:

- (1) Minimizing tree and soil removal or disturbance;**
- (2) Retaining existing tree lines, forest buffers, and rock formations reducing visual impacts of development on surrounding properties and rights-of-way;**
- (3) Siting buildings to protect and enhance the visual relationship between buildings and the natural terrain;**
- (4) Reducing visual prominence of proposed structures by building adjacent to woodland edges and not in the center of open space areas on a proposed site;**
- (5) Avoiding building on ridge lines, unless alternative site locations are unavailable and existing forest buffers can be retained to reduce visual impacts;**
- (6) Opening up views only through selective tree and limb removal rather than clear cutting.**

The Application will retain the natural state of the Property by locating all newly proposed recreational and storage facilities outside the existing forest, stream buffers and other natural areas of the Property. The Application does not propose any impacts to the existing forest or environmental features on the Property or removal of any trees or soil. The high tunnel, storage shed and lower-level platforms will be visually buffered by the existing Property improvements to protect and enhance the visual relationship between buildings and the natural terrain. The playground structure and jumping pillow will replace a baseball field at the front of the camp, which will contract the area of disturbance to expand the amount of natural terrain. The go karts are utilized at grade level and will be stored within a locked trailer overnight to reduce any visual impact they may have at the Property.

V. CONCLUSION

For the reasons outlined above, the Applicant submits that all of the requirements of Section 1-19-3.210 of the Zoning Ordinance are satisfied and respectfully requests that the Board grant the request for special exception to modify the existing camp and childcare center uses at the Property, as described above. The Applicant will supplement its application as necessary, including, but not limited to, by offering testimony at the required public hearing or providing any additional information necessary to facilitate this request.

Respectfully submitted:



Casey L. Cirner

8/26/25

Date

