



FREDERICK COUNTY BOARD OF APPEALS

August 22, 2024

TITLE: Beck Prospect, LLC "aka" "Beckley's"

CASE NUMBER: B-24-12 (B276165)

REQUEST: Requesting a special exception approval to establish a 9.72 acre, 210 parking space Recreational Vehicle Storage Facility in the Agricultural zoning district, per Sections 1-19-3.210 Special Exceptions, 1-19-8.344 RV Storage Facility in the Agricultural Zoning District and 1-19-11.100 Definitions. **This application was continued from the June 27, 2024, BOA Hearing.**

PROJECT INFORMATION:

ADDRESS/LOCATION: 11214 Angleberger Road, Thurmont, Maryland
TAX MAP/PARCEL: Tax Map 32, Parcel 0029
ZONE: General Commercial/Agricultural
REGION: Frederick
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Commercial/Agricultural/Rural

APPLICANT/REPRESENTATIVES:

APPLICANT: Paul Rose - McNees Wallace & Nurick LLC
OWNER: Beck Prospect, LLC
ENGINEER:
ARCHITECT:
ATTORNEY: Paul Rose - McNees Wallace & Nurick LLC

STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions in the staff report, Staff finds that the proposed special exception, to allow a 9.72 acre, 210 parking space Recreational Vehicle Storage Facility in the Agricultural zoning district meets the criteria established in Sections 1-19-3.210 Special Exceptions, 1-19-8.344 RV Storage Facility in the Agricultural Zoning District and 1-19-11.100 Definitions.

ATTACHMENTS:

- Attachment 1: Site Plan
- Attachment 2: SHA Improvement Plan (Semi-Final Review 2023)
- Attachment 3: Aerial Map of Subject Property and Surrounding Area
- Attachment 4: Zoning Map
- Attachment 5: Land Use Map
- Attachment 6: Environmental Features Map

¹ The term Applicant refers to both the Representative and the Property Owner(s).

Note: All code references herein are to the Frederick County Code, unless otherwise specified.

Background:

The subject parcel is zoned Agricultural and contains 25.61 acres. This parcel will be subdivided into a 9.72 acre tract to host RV Storage, with a 15.89 acre remainder.

Frederick County Code 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.”

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. Recreational vehicles must:

- (a) Have a current valid license plate;
- (b) Be ready for highway use; and
- (c) Be occupied for less than 14 consecutive days on a single site.

In 2022, Beckley's pursued a similar special exception, (Case B-22-06) on the same property located at 11214 Angleberger Road, Thurmont, Maryland 21788, on April 28, 2022, which was denied. A special exception for RV storage was approved on April 3, 2014, for 11127 Leatherman Road, Thurmont, Maryland 21788.

(Staff Comment) The Application before the BOA is to establish a 9.72 acre, 210 parking space Recreational Vehicle Storage Facility in the Agricultural zoning district. If this use is approved by the BOA, a Type 1 Site Plan will need to be approved by the Planning Commission (PC), that will address transportation and related Adequate Public Facilities requirements, landscaping, lighting, setbacks and other development related matters that do not fall under the purview of the BOA. A Public Hearing will be required as part of the site plan approval process.

1-19-3.210. SPECIAL EXCEPTIONS.

(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.

Paul Rose, who is representing the Owner, states that Beck Prospect, LLC., is the owner of this property.

(B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

- (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of Chapter 1-19 of the Frederick County Code;

2) B-24-12 (B276165) BECK PROSPECT LLC “AKA” “BECKLEY’S”

The Applicant states that the proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Zoning Ordinance. The proposed use is in furtherance of an expansion of an existing business that 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 crossroad 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 use, which was previously approved by special exception). This requested special exception will allow for the continued provision of community services and facilities in an efficient manner.

Previously, in its Findings and Decisions, dated June 22, 2022, the Board of Appeals found that the 2022 Application was not consistent with the purpose and intent of the Frederick County Comprehensive Plan and the Frederick County Zoning Ordinance. With the changes highlighted in the Applicants Justification Statement, including providing additional landscaping, mandatory buffer areas, a reduction in area impacted by the additional parking spaces, as well as a reduction in the light pollution generated by the operation of the RV business, the Applicant submits that the proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Zoning Ordinance.

Staff Comment: *The Frederick County Comprehensive Plan map identifies the subject property as Agricultural/Rural and it is zoned Agricultural. The existing Recreational Vehicle Storage areas along U.S. 15, are zoned General Commercial and the storage lot to the south is zoned Agricultural.*

(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 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 use is adjacent to the existing Beckley’s facility, as required by the applicable use regulations in Section 1-19-8.344 of the Zoning Ordinance (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 use will enhance the existing business and will facilitate the Applicant’s ability to serve its customers who come from Frederick County and elsewhere.

In its Findings and Decisions, dated June 22, 2022, the Board of Appeals found that the nature and intensity of the proposed use in the 2022 Application was not in harmony with the appropriate and orderly development of the neighborhood and that the proposed use would be disruptive to surrounding homes. With the changes highlighted in the Applicants Justification Statement, including a reduction in the requested number of parking spaces from 270 to 210, a reduction in the amount of land dedicated to parking from 9 acres to 4.8 acres, as well as additional screening, the Applicant submits that the proposed use is in harmony with the appropriate and orderly development of the

neighborhood and will not be disruptive to surrounding homes. An additional concern raised in public comment on April 28, 2022, related to property values, as neighboring property owners argued that the proposed special exception would negatively impact their property values. In response to that concern, the Applicant engaged Terrence ("Bud") W. McPherson of McPherson & Associates, Inc. to prepare an Appraisal Report as to whether approval of this Application would adversely affect the property values of neighboring properties. Mr. McPherson opined that, as of December 21, 2023, the proposed special exception use would not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated with any other location within the zoning district. Mr. McPherson's Appraisal Report is submitted with this Application. The Appraisal Report demonstrates that this Application is in harmony with the appropriate and orderly development of the neighborhood and would not be disruptive to surrounding homes. This Application is subject to the Frederick County Planning Commission review and approval of a site plan for the subject property, prior to establishment of any use on this property.

(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. Previously, in its Findings and Decisions, dated June 22, 2022, the Board of Appeals found that the proposed use in the 2022 Application would have an adverse effect on neighboring properties due to noise, light, and increased traffic, and that the neighbors would suffer adverse effects above and beyond those inherently associated with the use at another location within the Agricultural zoning district. The Applicant submits that the proposed use will not have an adverse effect on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district.

(4) Parking areas will comply with the off-street parking regulations of Chapter 1-19 of the County Code 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 Site Plan (See Attachment # 1), the Application meets these requirements. The Applicant has addressed the neighboring property owners' and Board of Appeals' concerns regarding screening. This use will require approval by the Frederick County Planning Commission including lighting, landscaping, and parking,

(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 documents submitted as part of this Application, 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 facility 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. Further, Mr. Caloggero's Traffic Engineering Assessment addresses the neighboring property owners', and the Board of Appeals' concerns regarding safety due to increased RV and other traffic on adjoining roads. As explained in the Traffic study, Mr. Caloggero concluded that the proposed use would only generate an additional three (3) AM and four (4) PM peak hour trips on average each day. Moreover, Mr. Caloggero noted that the Maryland Department of Transportation State Highway Administration (MDOT SHA) is proposing new J-turns at the intersection of US-15 and Angleberger Road/Auburn Road. The final plans for those improvements are due to be completed in 2024, with construction to begin in 2024. Mr. Caloggero opined that: (a) the proposed RV storage area with 210 spaces would have a minimal impact on traffic and the surrounding area roadway network based on projected peak hour trips; and (b) safety and operations will be enhanced by MDOT SHA's planned improvements at US 15 and Angleberger Road/Auburn Road. Mr. Caloggero's Traffic Engineering Assessment will be submitted with this Application.

(C) In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements for each use outlined in §§ [1-19-8.320](#) through [1-19-8.355](#) of this Code.

See the discussion of § 1-19-8.344 below.

(D) A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under Chapter 1-19 of the Frederick County Code and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of Chapter 1-19 and may be grounds for termination of the special exception.

The Applicant states that they understand this requirement and will comply.

(E) The Board of Appeals shall not grant a special exception unless and until:

(1) A written application for a special exception is submitted indicating the section of Chapter 1-19 of the Frederick County Code under which the special exception is sought and stating the grounds on which it is requested; and

In the Justification Statement, the Applicant has referenced appropriate sections of the Zoning Ordinance that pertain to this request.

(2) A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

The Applicant states that a hearing with the BOA on this application was scheduled for June 27, 2024, and has been rescheduled to August 22, 2024.

(F) The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

The Applicant understands that some uses such as storage related to the business, may be considered incidental to the primary use, which is RV Sales and Storage.

(G) No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

The Applicant states that they understand this requirement and will comply.

(H) If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

The Applicant states that they understand this requirement and will comply.

1-19-8.344. Specific Use Regulations For RV Storage In The Agricultural Zoning District

Zoning Ordinance § 1-19-8.344 sets forth 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 7 4886-0364-9177, v. 1 (whether fee simple estate or lesser interest in realty) is deemed to be adjacent along the length of such right-of-way.

The Applicant states that, as shown on the accompanying Site 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 Site 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 they understand and agree 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 does not propose to use an accessory building on the Property for maintenance of the recreational vehicles. Any maintenance of the recreational vehicles will occur in previously approved, existing buildings elsewhere on the Beckley's 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 they understand and agree to comply with this requirement. No buildings, on the adjacent property zoned (A) will be used for storage for Beckley's RV Sales and Storage.

(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 they understand and agree to comply with this requirement.

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

The Applicant states that they understand and agree to comply with this requirement.

(H) A maximum height of 30'.

The Applicant states that they understand and agree 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 a circulation exhibit is included with the Site Plan submitted with this Application.

(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.

The Applicant understands that the Board of Appeals may require increases as provided in Section 1-19-6.400. Furthermore, the Applicant states that this Application provides for significantly increased landscape screening, as well as the planting and creation of forest within the forest buffers on both the north and south boundaries of the Property, than the previous application showed. This Application will require approval by the Frederick County Planning Commission.

(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 states that they understand and agree 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 approval.

The Applicant states that they understand and agree to comply with this requirement.

Applicant's Statement and Concluding Comments

For the reasons referenced in the Applicants Justification Statement and this staff report, the Applicant submits that all the requirements of Sections 1-19-3.210 and 1-19-8.344 of the Zoning Ordinance have been satisfied and respectfully requests that the Board grant its request for special exception approval for an RV storage facility on the Property, as part of Beckley's services. The Applicant heard the concerns of the neighboring property owners and the Board of Appeals in response to the 2022 Application. This Application addresses those concerns by proposing: (1) significantly fewer parking spaces (210) on less acreage (9.72 acres); (2) greatly enhanced screening (forest buffers with a minimum width of 50 feet and slatted fencing); and (3) a Lighting Plan that demonstrates that the lighting used in the proposed special exception use will not adversely affect neighboring property owners. Further, the Applicant has submitted expert reports to the effect that the proposed recreational vehicle storage facility will have a minimal impact on traffic and the surrounding area roadway network based on projected peak hour trips, traffic safety and operations will be enhanced by MDOT SHA's planned improvements at US 15 and Angleberger Road/Auburn Road, and that the proposed special exception use will not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated with any other location within the Agricultural zoning district.

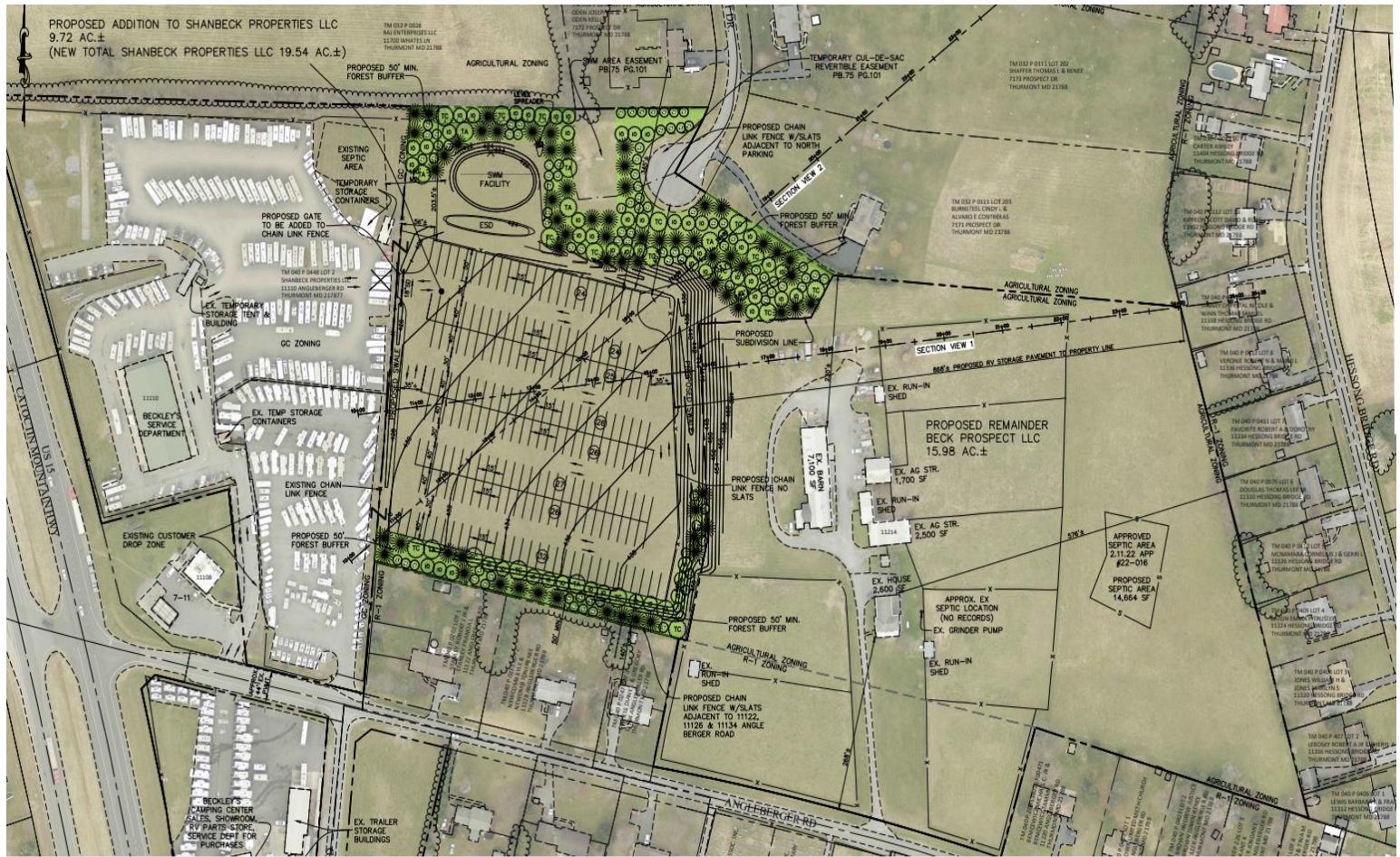
FINDINGS

Staff finds that the proposed special exception, to allow a 9.72 acre, 210 space Recreational Vehicle Storage Facility in the Agricultural zoning district meets the criteria established in Sections 1-19-3.210 Special Exceptions, 1-19-8.344 RV Storage Facility in the Agricultural Zoning District and 1-19-11.100 Definitions.

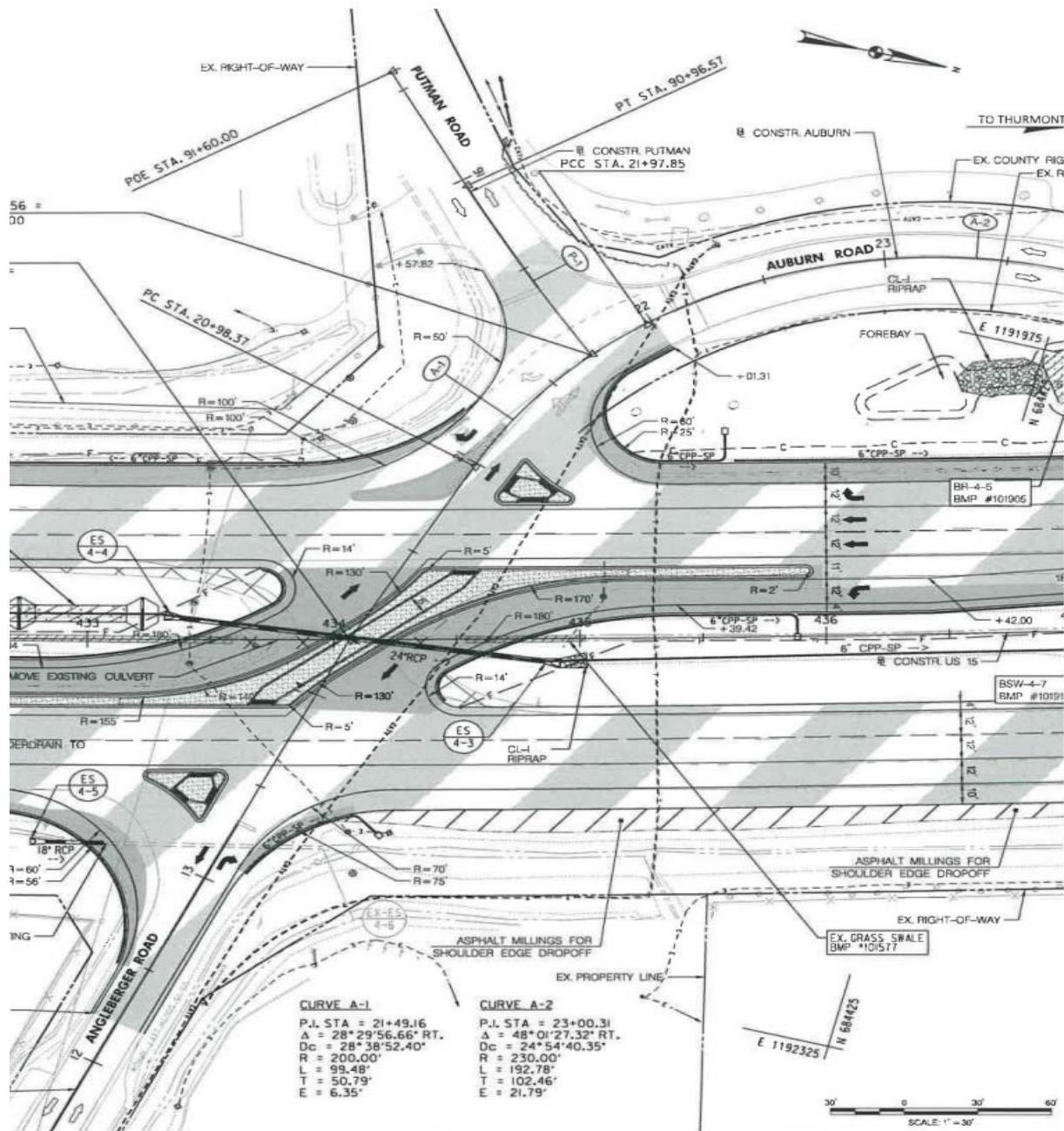
(Staff Comment) The Application before the BOA is to establish a 9.72 acre, 210 parking space Recreational Vehicle Storage Facility in the Agricultural zoning district. If this use is approved by the BOA, a Type 1 Site Plan will need to be approved by the Planning Commission (PC), that will address transportation and related Adequate Public Facilities requirements, landscaping, lighting, setbacks and other development related matters that do not fall under the purview of the BOA. A Public Hearing will be required as part of the site plan approval process.

A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a one-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months

Attachment 1. Site Plan

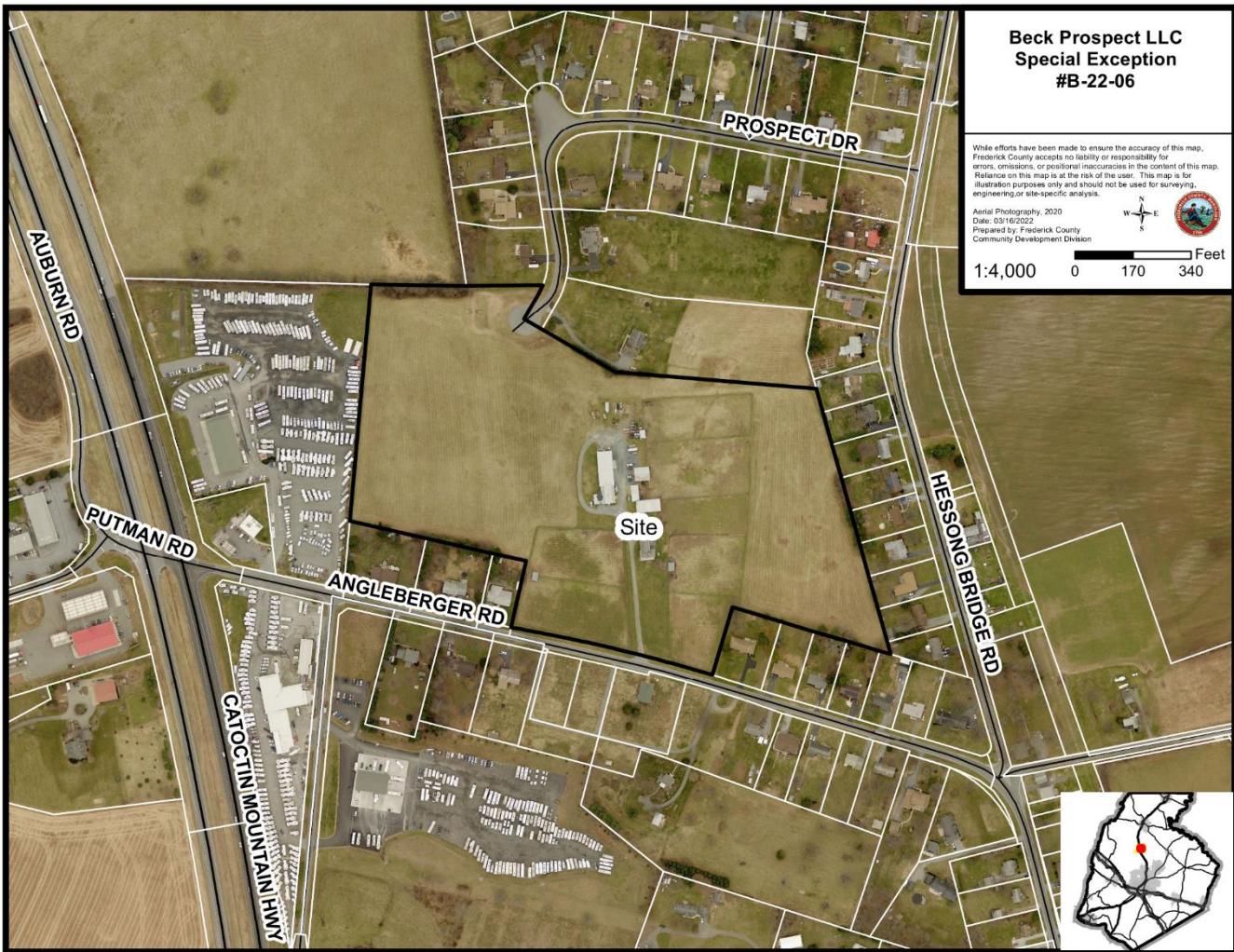


Attachment 2. SHA Highway Improvement Plan (Semi-Final Review 2023)

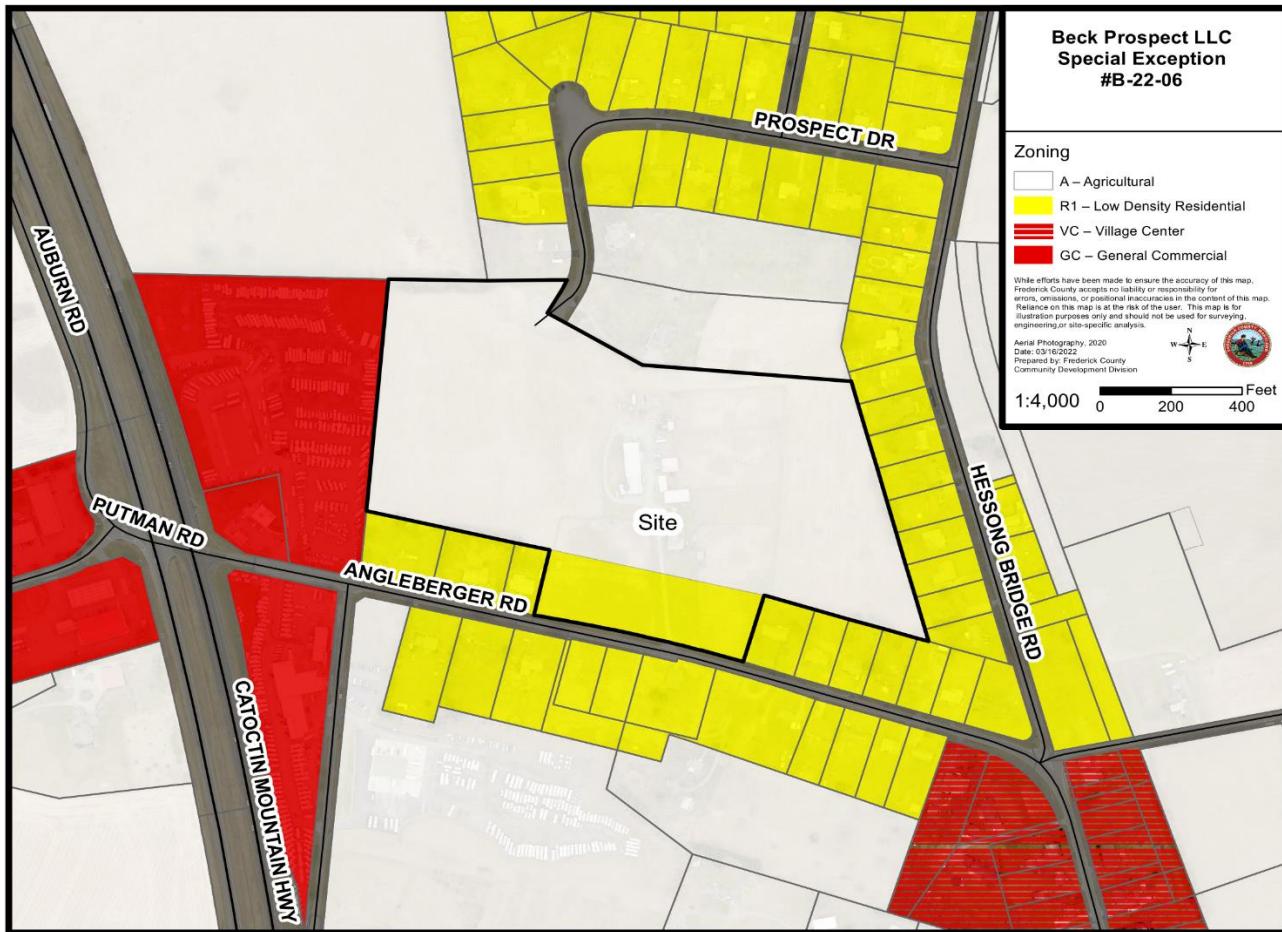


Attachment 3. Aerial Map of Subject Property and Surrounding Area

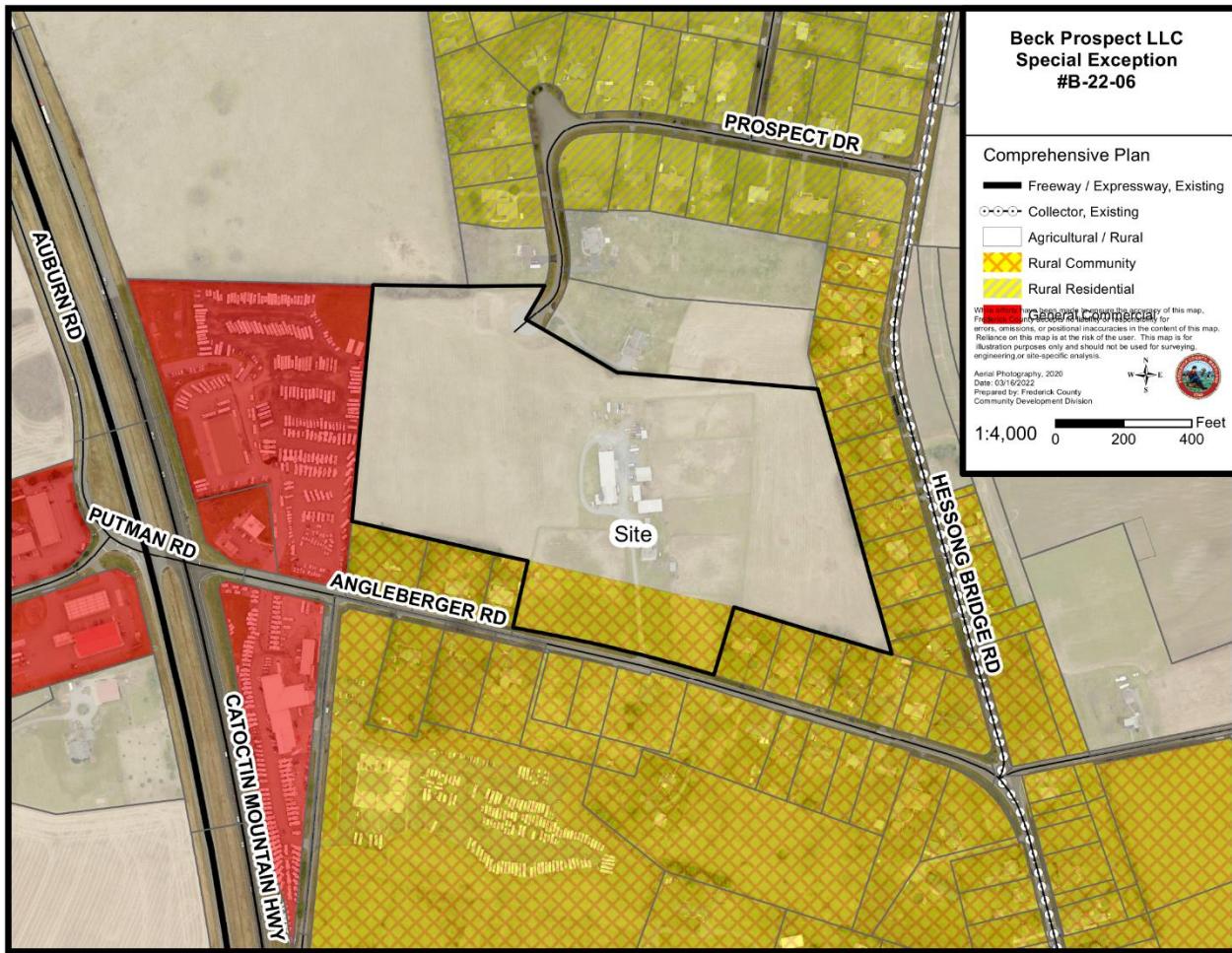
(Note: Tract is 9.72 Acres and does not include the entire parcel shown)



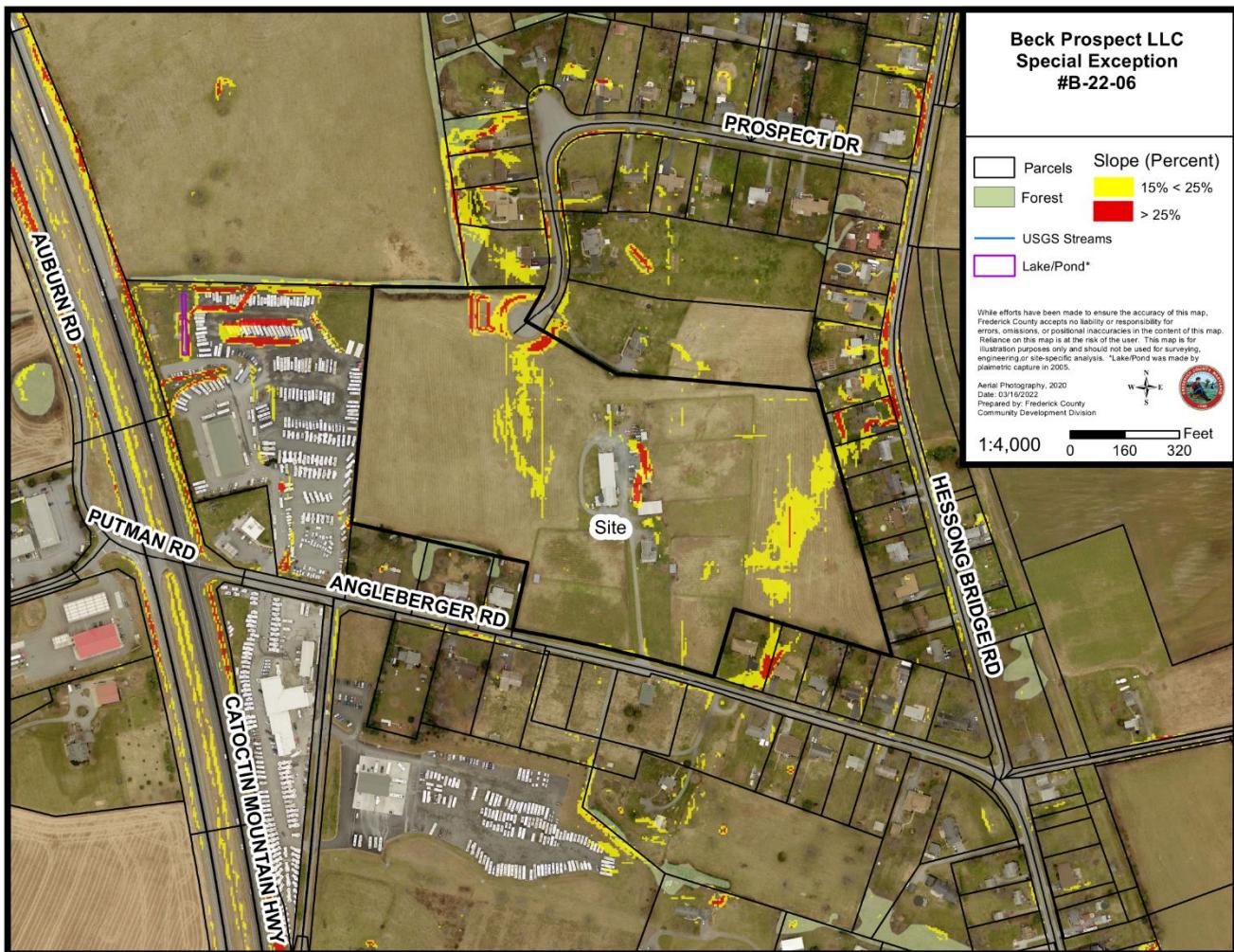
Attachment 4. Zoning Map



Attachment 5. Land Use Map



Attachment 6. Environmental Features Map



**JUSTIFICATION STATEMENT
APPLICATION FOR SPECIAL EXCEPTION USE
RECREATIONAL VEHICLE STORAGE FACILITY
IN THE AGRICULTURAL ZONING DISTRICT
LANDS OF BECK PROSPECT, LLC, 11214 ANGLEBERGER ROAD**

I. INTRODUCTION

The applicant, Beck Prospect, LLC (the “Applicant” or “Beckley’s”) through related entities is and has been the owner and operator of the existing Beckley’s Camping Center, a recreational vehicle (“RV”) sales and service business, located at 11109 Angleberger Road, Thurmont, Maryland, on the east side of US Route 15. Beckley’s has been in business for over thirty (30) years and has been recognized as the leading RV dealer in Maryland. Beckley’s facility is located on both the north and south side of Angleberger Road.

In 2014, Beckley’s pursued and obtained a special exception (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. That portion of the business currently operates with the RV storage special exception use.

This Application is for substantially the same special exception use as was approved in 2014. The Applicant is the owner of 11214 Angleberger Road, Thurmont, Maryland (Tax ID# 20-392770) (the “Property”), on the north side of Angleberger Road, adjacent to the existing Beckley’s facility. The Property is zoned Agricultural, with a portion zoned R-1 (Low Density Residential). The portion zoned R-1 abuts Angleberger Road. The Property is designated Agricultural on the Comprehensive Plan, with a portion designated Rural Community (the portion designated Rural Community is that portion that is zoned R-1 and abutting Angleberger Road). The Applicant desires to locate a 210-space RV storage facility on the Property as part of Beckley’s business.

On April 28, 2022, the Applicant brought a request for special exception before the Board of Appeals to operate the Property as an RV storage facility (Case No. B-22-06 (B267866)) (the “2022 Application”). The Board of Appeals voted 2-2. On June 22, 2022, the Board of Appeals issued its Findings and Decisions. In accordance with applicable law and the Board of Appeals’ Bylaws, the tie vote constituted a denial of the 2022 Application. More than one year having passed since the Board of Appeals denied the 2022 Application, the Applicant submits this new Application. The Applicant took note of the public comment at the hearing on April 28, 2022 and the Board of Appeals’ concerns, as stated at the hearing on April 28, 2022, and as outlined in the Board of Appeals’ Findings and Decisions, dated June 22, 2022. This Application seeks to address each of those concerns. Specifically, this Application differs from the Applicant’s previously denied request for a special exception in the following material ways:

1. The 2022 Application sought approval for 270 parking spaces. This Application seeks approval for 210 parking spaces. At the hearing before the Board of Appeals on April 28, 2022, Andrew Brown, Board Member, attempted to make a motion to approve the 2022

Application on the condition that the 2022 Application be limited to 210 parking spaces on 7 acres. Upon advice of counsel, Mr. Brown did not make that motion. Nevertheless, the Applicant heard Mr. Brown and has now presented an Application for 210 parking spaces (a significant reduction of 60 parking spaces).

2. The 2022 Application contemplated a proposed RV parking area of nine (9) acres. This Application seeks approval for a proposed RV parking area of 4.84 acres.

3. One of the concerns raised during public comment and Board discussion on April 28, 2022 (and in the Board's Findings and Decisions, dated June 22, 2022) related to screening. This Application proposes much more screening than the 2022 Application. The Applicant is contemporaneously submitting a Board of Zoning Appeals Site Plan (the "Site Plan"), which shows that the Applicant is proposing a 50-foot minimum forest buffer along the south boundary of the Property and a variable-width forest buffer along the north boundary with a maximum width of 130 feet to provide additional screening from neighbors. In total, the Applicant is proposing approximately two acres of forest buffer. The Applicant is also proposing slatted fencing along the north and south boundaries of the Property. The proposed RV storage facility will be completely screened from the neighboring properties.

4. Another concern raised during public comment and Board discussion on April 28, 2022 (and in the Board's Findings and Decisions, dated June 22, 2022) related to light pollution. In response to those concerns, the Applicant has already replaced all the lights used in the existing RV storage area with field adjustable flood lights that allow the Applicant to adjust wattage and angle the existing lights down. The Applicant proposes to install the same field adjustable flood lights in the proposed recreational vehicle storage facility. Further, this Application provides that there will be no light spillage over 0.5-foot candles at the Property line, and the contemporaneously submitted Lighting Plan illustrates a 0-foot candle contour, which shows that the proposed lighting will generate 0-foot candles near the boundary of the RV parking area and within the Property. This means that the proposed special exception use will not adversely affect the neighboring properties in terms of light pollution. Finally, the contemporaneously submitted Site Plan shows that the proposed lighting levels for the RV storage area will be reduced fifty percent (50%) one hour after closing until one-half hour before opening.

5. Another concern raised during public comment and Board discussion on April 28, 2022 (and in the Board's Findings and Decisions, dated June 22, 2022) related to traffic. The Applicant engaged Joseph J. Caloggero of The Traffic Group to conduct a Traffic Engineering Assessment for the existing and proposed operations of Beckley's based on the proposed plan to develop a RV storage area with 210 spaces. Mr. Caloggero concluded that the proposed use would only generate an additional three (3) AM and four (4) PM peak hour trips on average each day. Moreover, Mr. Caloggero noted that the Maryland Department of Transportation State Highway Administration (MDOT SHA) is proposing new J-turns at the intersection of US-15 and Angleberger Road/Auburn Road. The final plans for those improvements are due to be complete in 2024, with construction to begin in 2024. Mr. Caloggero opined that: (a) the proposed RV storage

area with 210 spaces would have a minimal impact on traffic and the surrounding area roadway network based on projected peak hour trips; and (b) safety and operations will be enhanced by MDOT SHA's planned improvements at US 15 and Angleberger Road/Auburn Road.

II. GENERAL REQUIREMENTS FOR SPECIAL EXCEPTIONS

Section 1-19-3.200.1(C) of the Frederick County Zoning Ordinance requires, for an application for special exception:

(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;

Applicant's Response: The Applicant has submitted a Site Plan, which shows the distances of all existing structures. The Applicant does not propose any new structures as part of this Application.

(2) Name and address of each person owning property adjacent to the subject property;

Applicant's Response: The Applicant has submitted a list of adjoiners as part of its Application.

(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;

Applicant's Response: The Applicant has submitted the Site Plan, which fully depicts the proposed construction. The existing house and agricultural buildings on the site are not part of this recreational vehicle storage application, and no change of use is proposed for the existing structures.

(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.**

Applicant's Response: The use is to be operated as a service to Beckley's customers desiring to store their RVs, consistent with the purpose and intent of Section 1-19-8.344 of the Zoning Ordinance. The use will be integrated into the overall services currently being provided by Beckley's, as the proposed use is an expansion of an existing RV storage area, which was previously approved by special exception. The hours of operation, number of anticipated employees, and equipment involved is intended to be consistent with the existing Beckley's

operation (Monday through Friday, 9:00AM to 7:00 PM; Saturday, 9:00AM to 4:00 PM). The use is a necessary accessory to, and a part of, the existing RV sales and service use. The RV storage use would operate in the same manner as the existing operations in that only Beckley's employees would drive the RVs on site upon drop off by the customer. The Applicant reserves the right to supplement its Application with additional information relevant to this requirement, as may be necessary.

Section 1-19-3.210 of the Frederick County Zoning Ordinance sets forth the general criteria that must be satisfied before the Board of Zoning Appeals may grant a special exception. This Application satisfies all 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.

Applicant's Response: The Applicant 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.

Applicant's Response: The proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Zoning Ordinance. As stated above, the proposed use is in furtherance of an expansion of an existing business that 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 crossroad 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 use, which was previously approved by special exception). This requested special exception will allow for the continued provision of community services and facilities in an efficient manner.

In its Findings and Decisions, dated June 22, 2022, the Board of Appeals found that the 2022 Application was not consistent with the purpose and intent of the Frederick County Comprehensive Plan and the Frederick County Zoning Ordinance. With the changes highlighted above in the introduction to this Justification Statement, the Applicant submits that the proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and the Zoning Ordinance.

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.

Applicant's Response: The proposed RV storage use is adjacent to the existing Beckley's facility, as required by the applicable use regulations in Section 1-19-8.344 of the Zoning Ordinance (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 use will enhance the existing business and will facilitate the Applicant's ability to serve its customers from Frederick County and elsewhere.

In its Findings and Decisions, dated June 22, 2022, the Board of Appeals found that the nature and intensity of the proposed use in the 2022 Application was not in harmony with the appropriate and orderly development of the neighborhood and that the proposed use would be disruptive to surrounding homes. With the changes highlighted above in the introduction to this Justification Statement, the Applicant submits that the proposed use is in harmony with the appropriate and orderly development of the neighborhood and will not be disruptive to surrounding homes.

An additional concern raised in public comment on April 28, 2022 related to property values, as neighboring property owners argued that the proposed special exception would negatively impact their property values. In response to that concern, the Applicant engaged Terrence ("Bud") W. McPherson of McPherson & Associates, Inc. to prepare an Appraisal Report as to whether approval of this Application would adversely affect the property values of neighboring properties. Mr. McPherson opined that, as of December 21, 2023, the proposed special exception use would not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated with any other location within the zoning district. Mr. McPherson's Appraisal Report is submitted with this Application. The Appraisal Report is important in that it further demonstrates that this Application is in harmony with the appropriate and orderly development of the neighborhood and would not be disruptive to surrounding homes.

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.

Applicant's Response: 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.

In its Findings and Decisions, dated June 22, 2022, the Board of Appeals found that the proposed use in the 2022 Application would have an adverse effect on neighboring properties due to noise, light, and increased traffic, and that the neighbors would suffer adverse effects above and beyond those inherently associated with the use at another location within the Agricultural zoning district. With the changes highlighted above in the introduction to this Justification Statement (and illustrated in the contemporaneously submitted Site Plan), the Applicant submits that the proposed

use will not have an adverse effect on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district.

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.

As more fully shown and described on the Site Plan, the Application meets these requirements. The Applicant has addressed the neighboring property owners' and Board of Appeals' concerns regarding screening.

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

Applicant's Response: 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 facility 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.

Further, Mr. Calogero's Traffic Engineering Assessment addresses the neighboring property owners' and the Board of Appeals' concerns regarding safety due to increased RV and other traffic on adjoining roads. As explained above, Mr. Calogero concluded that the proposed use would only generate an additional three (3) AM and four (4) PM peak hour trips on average each day. Moreover, Mr. Calogero noted that the Maryland Department of Transportation State Highway Administration (MDOT SHA) is proposing new J-turns at the intersection of US-15 and Angleberger Road/Auburn Road. The final plans for those improvements are due to be complete in 2024, with construction to begin in 2024. Mr. Calogero opined that: (a) the proposed RV storage area with 210 spaces would have a minimal impact on traffic and the surrounding area roadway network based on projected peak hour trips; and (b) safety and operations will be enhanced by MDOT SHA's planned improvements at US 15 and Angleberger Road/Auburn Road. Mr. Calogero's Traffic Engineering Assessment will be submitted with this Application.

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

Zoning Ordinance § 1-19-8.344 sets forth 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.

Applicant's Response: As shown on the accompanying Site 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.

Applicant's Response: As shown on the accompanying Site 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.

Applicant's Response: The Applicant will 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.

Applicant's Response: The Applicant does not propose to use an accessory building on the Property for maintenance of the recreational vehicles. Any maintenance of the recreational vehicles will occur in previously approved, existing buildings elsewhere on the Beckley's 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.

Applicant's Response: The Applicant will 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.

Applicant's Response: The Applicant will comply with this requirement.

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

Applicant's Response: The Applicant will comply with this requirement.

H. A maximum height of 30'.

Applicant's Response: The Applicant will 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.

Applicant's Response: A circulation exhibit is included with the Site Plan submitted with this Application.

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.

Applicant's Response: Acknowledged. The Applicant notes that this Application provides for significantly increased landscape screening, as well as the planting and creation of forest within the forest buffers on both the north and south boundaries of the Property.

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.

Applicant's Response: The Applicant will 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 approval.

Applicant's Response: The Property is not in a mapped wellhead protection area.

V. CONCLUSION

For the reasons outlined above, the Applicant submits that all the requirements of Sections 1-19-3.210 and 1-19-8.344 of the Ordinance have been satisfied and respectfully requests that the Board grant its request for special exception approval for an RV storage facility on the Property, as part of Beckley's services. The Applicant heard the concerns of the neighboring property owners and the Board of Appeals in response to the 2022 Application. This Application addresses those concerns by proposing: (1) significantly fewer parking spaces (210) on less acreage (4.84 acres); (2) greatly enhanced screening (forest buffers with a minimum width of 50 feet and slatted fencing); and (3) a Lighting Plan that demonstrates that the lighting used in the proposed special exception use will not adversely affect neighboring property owners. Further, with his Application, the Applicant submits expert reports to the effect that the proposed recreational vehicle storage facility will have a minimal impact on traffic and the surrounding area roadway network based on projected peak hour trips, traffic safety and operations will be enhanced by MDOT SHA's planned improvements at US 15 and Angleberger Road/Auburn Road, and the proposed special exception use will not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated with any other location within the Agricultural zoning district.



REAL ESTATE
APPRaisERS &
CONSULTANTS

APPRAISAL REPORT

**Adverse Effects, if any, of Approval of a Special Exception on Neighboring Properties for a
Proposed Recreational Vehicle (RV) Storage Lot**

**Beck Prospect LLC Property
11214 Angleberger Road
Thurmont, Maryland 21788**

Effective Date of Valuation:

As Is: December 21, 2023

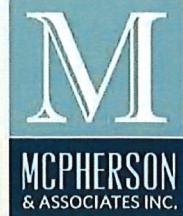
Prepared for:

**Mr. Kelly T. Shanholzter
Beck Prospect LLC
11109 Angleberger Road
Thurmont, MD 21788**

Prepared by:

**Terrence W. McPherson, MAI, SRA
McPherson & Associates, Inc.
7360 Guilford Drive, Suite 200
Frederick, MD 21704**

January 12, 2024



REAL ESTATE
APPRASERS &
CONSULTANTS

Mr. Kelly T. Shanholtzer
Beck Prospect LLC
11109 Angleberger Road
Thurmont, MD 21788

RE: Proposed Recreational Vehicle (RV) Storage Lot
*Beck Prospect LLC Property
11214 Angleberger Road
Thurmont, Maryland 21788*

Mr. Shanholtzer:

In accordance with a Contract for Appraisal Services, I prepared an Appraisal Report of my opinion as to whether, "operations in connection with the special exception for the proposed use at the proposed location will 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," of the fee simple estate, subject to encumbrances identified in this report, of the referenced property. The report attached to this letter presents detailed discussions of appraisal methods and techniques, data, reasoning and analysis used in the appraisal process to develop the opinions of value.

The intended use of this report is for submission to the Board of Appeals (BOA). The report was prepared in accordance with a Contract for Appraisal Services dated July 25, 2023 and the appraisal guidelines, rulings and standards identified in this report. This report is prepared for the sole and exclusive use of Addressee of this contract (Client) and attorney Paul D. Rose, Jr. It is not to be relied upon by any third parties for any purpose, whatsoever.

A three-step method was used to estimate whether the special exception will have an adverse effect on the market values of neighboring properties in accordance with the criteria in the above referenced ordinance (Section 1-19-3.210 Special Exceptions, Frederick County Zoning Ordinance). First, the subject property, and the neighboring properties (abutting and confronting) will be identified and described. Next, the proposed special exception use as RV storage lot and the impact on abutting and confronting properties will be described. A Detrimental Conditions Analysis, using a case study of similar uses, on the value will be used to estimate the impact assuming the storage lot is approved and constructed (*Hypothetical Condition*). Third, based on this analysis, I will render an opinion as to whether there will be an adverse effect of the special exception with the approval and construction of the RV storage lot. This methodology is similar to the Before and After Rule used in eminent domain valuation to estimate just compensation.

Based on my investigation, research, and analysis, it is my opinion, as of December 21, 2023 the proposed special exception use of a recreational vehicle storage lot at the proposed location will not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated with any other location within the zoning district.

Mr. Shanholtzer
Transmittal Letter Page 2 of 2

The opinions contained in this report are subject to the *Definitions*, *Certifications*, and *Underlying Assumptions and Contingent Conditions*, and the following *Hypothetical Condition*:

- The After analysis is based on the *Hypothetical Condition* that the special exception for the proposed RV storage lot is approved and the proposed storage lot is constructed.

The use of this *Hypothetical Condition* might affect assignment results.

This letter of transmittal is part of the Appraisal Report and is not valid if separated from the remainder of the report. The salient data and analysis on which the values are based follows.

Respectfully submitted,

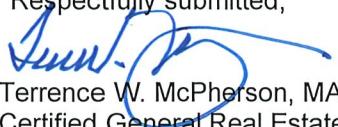

Terrence W. McPherson, MAI, SRA
Certified General Real Estate Appraiser
State of Maryland No. 04-638

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ADDENDA

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS:

Location (Address): 11214 Angleberger Road
Thurmont, Maryland 21788

Owner of Record: Beck Prospect LLC

Land Area:	<u>Property</u>	<u>Square Feet (SF)</u>	<u>Acres</u>
	Total - Parcel 0029	1,119,496	25.70
	Less Special Exception Area	<u>-210,831</u>	<u>-4.84</u>
	Green Space	908,665	20.86

(Source: Addition Plat 78, Page 100, Deed, Board of Zoning Appeals Notes and Details, prepared by Harris Smariga)

Brief Description of the Improvements: The property is improved with a two-story farmhouse, bank barn, three run-in sheds, and two farm storage buildings. The house and outbuildings will not be used as part of the special exception use and will not be described in greater detail.

Zoning: A, Agricultural and R1, Low Density Residential

Flood Zone: Zone X, an area of minimal flooding

Highest and Best Use Conclusion:**Before:**Subject Property:

As If Vacant: The use as a farmette is an interim use until a special exception is granted for use of approximately 4.84 acres of the western portion of the property, adjoining an existing GC, General Commercial RV Storage parking facility with a service garage, as a fenced RV storage parking facility developed in accordance with a BZA Site Plan prepared by HSA. These uses are legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current. The most likely purchaser is the owner-operator of the adjacent Beckley's recreational vehicle sales and service center.

As Is: The use as a farmette is an interim use until a special exception is granted for use of approximately 4.84 acres of the western portion of the property, adjoining an existing GC, General Commercial RV Storage parking facility with a service garage, as a fenced RV storage parking facility developed in accordance with a BZA Site Plan prepared by HSA. This use is legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current (subject to a *Hypothetical Condition*). The most likely purchaser is the owner-operator of the adjacent Beckley's recreational vehicle sales and service center.

After: The same as Before except the proposed special exception use is assumed to be approved and constructed (*Hypothetical Condition*).

Before and After Construction of the Proposed RV Storage Lot:Abutting and Confronting Residential Properties:

As if Vacant: The use as a residential building lot is legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current. The most likely buyer is a local builder or an individual or a couple.

As Is: The existing use a detached single family house is legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current. The most likely buyer is an individual or couple that will owner-occupy or rent the property.

Property Rights Appraised: Fee simple estate

Conclusion: Based on my investigation, research, and analysis, it is my opinion, as of December 21, 2023, the proposed special exception as a recreational vehicle storage lot at the proposed location will not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated with any other location within the zoning district.

The opinions contained in this report are subject to the *Definitions, Certifications, and Underlying Assumptions and Contingent Conditions*, and the following *Hypothetical Condition*:

- The After analysis is based on the *Hypothetical Condition* that the special exception for the proposed RV storage lot is approved and the proposed storage lot is constructed.

The use of this *Hypothetical Condition* might affect assignment results.

Dates of Inspection: December 14, December 20, and December 21, 2023

CERTIFICATION OF THE APPRAISER: I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report, or the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the *Uniform Standards of Professional Appraisal Practice*.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the date of this report, Terrence W. McPherson, MAI, SRA has completed the continuing education program for Designated Members of the Appraisal Institute.
11. As of the date of this report, Terrence W. McPherson has completed the Standards and Ethics Education Requirement for Practicing Affiliates of the Appraisal Institute.
12. Terrence W. McPherson made a personal inspection of the property that is the subject of this report.
13. No one provided significant real property appraisal assistance to the persons signing this certification.
14. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.


Terrence W. McPherson, MAI, SRA
Certified General Real Estate Appraiser
State of Maryland No. 04-638

1/12/2024
Date

UNDERLYING ASSUMPTIONS AND CONTINGENT CONDITIONS:

- This report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the *USPAP* for an Appraisal Report. The depth of discussion contained in this report is specific to the needs of the client and for the stated intended use.
- This property has been appraised as though free of liens and encumbrances, in responsible ownership, and under competent management.
- Title to the property is assumed to be good and marketable, and no responsibility is assumed by the appraiser for legal purposes.
- The value estimate reported is contingent upon the continuance of existing economic conditions both locally and nationally and is based on the current purchasing power of the dollar.
- Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the author, particularly as to valuation conclusions, the identity of the appraiser or firm with which they are connected, or any reference to the Appraisal Institute or their respective professional designations. Further, the appraiser or firm assumes no obligation, liability, or accountability to any third party. If this report is placed in the hands of anyone but the client, the client shall make such party aware of all the assumptions and limiting conditions of the assignment.
- Possession of any copy of this report does not carry with it the right of publication, nor may it be used by anyone other than the client without consent of the appraiser and, in any event, only in its entirety.
- The values for land, as contained in this report, are a constituent part of the total value reported and neither is (or are) to be used in making a summation appraisal by the combination of values created by another appraiser. Either is invalid if so used.
- Information concerning the property furnished by the client and others is assumed correct.
- I am not required to give testimony or to be in attendance in court or any government proceeding or other hearing with reference to the property without prior written contractual arrangements regarding such additional employment.
- The appraiser assumes there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. The appraiser assume no responsibility for such conditions, or for engineering that might be required to discover such factors.
- The values estimated in this report are based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The appraiser is not an expert in the identification of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions that would affect the property negatively. It is possible that tests and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous materials and environmental conditions on or around the property that would negatively affect its value. I recommend that the client consider obtaining a Phase I Environmental Site Assessment on the subject from a qualified expert.
- It is assumed the subject is in full compliance with all applicable federal, state, and local environmental, zoning, and building code regulations and laws, unless noncompliance is stated and defined in this report.
- This appraisal has been made without the benefit of a title search. Only easements, covenants, rights-of-

ways and restrictions identified in this report have been considered in my valuation. I reserve the right to revalue the property should this information become available at a later date.

- The stamps and/or consideration placed on deeds are correct or reflect the correct relationship to the actual consideration.
- It is assumed that all required licenses, consents or other legislative or administrative authority, from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- The Monocacy Valley Region of Frederick County contains limestone formations that experience solution cavities or sink holes. This geological situation is typical of the area. There is no indication that this situation is a problem with the subject site. However, the attention of the reader is directed to the potential for the problem to arise at some point in the future. The impact on value, if any, is reflected in the comparable sales and leases.
- The After analysis is based on the Hypothetical Condition that the special exception for the proposed RV storage lot is approved and the proposed storage lot is constructed.

COMPLIANCE WITH COMPETENCY PROVISION OF USPAP: The appraiser certifies that he complies with the competency provisions of the *USPAP* both in terms of technical (property type and methodology) and geographic proficiency. No further steps were required to comply with this provision of the *USPAP*.

SCOPE OF WORK:

Appraisal Problem: I was requested to render an opinion as to whether the “operations in connection with the special exception (RV storage lot) at the proposed location will 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 proposed recreational vehicle (RV) storage lot will be constructed on 4.84 acres of a larger 25.70 acre farmette located within approximately 200 feet of the intersection of Angleberger Road and US 15. Two GC, General commercial zoned properties, an abutting Beckley's Camping Center Service Department with a RV Storage parking lot and a 7-11 Convenience Store separate the subject from US 15. Beckley's RV sales and service facility is immediately south of the subject of the intersection of Leatherman Road and Angleberger Road and US 15 and Angleberger Road. Detached houses, a church with a cemetery and a farm will abut and/or confront the proposed RV storage lot.

The proposed subject RV storage lot facility will be an expansion of the existing storage lot at 11110 Angleberger Road (Tax Map 0040, Parcel 0448). The properties abutting and confronting the proposed subject RV storage lot are currently exposed to potential detrimental conditions, (lights from commercial uses, views of RV storage lot, noise and traffic). Properties along Prospect Drive have a direct or indirect view of headlights on vehicles on US 15 in winter months.

I have identified 14 abutting and or confronting properties set forth on the HAS Site Plan that will be directly impacted by the proposed special exception use that are listed later in this report.

Each abutting confronting property will not be valued. Rather, a Detrimental Condition Analysis using a case study of the impact of a similar use on the value of abutting and confronting residential properties. My opinion, as to the impact of the subject proposed special exception use on market value will apply to all abutting and confronting properties.

Property 4 is Beckley's Camping Center Service Department, and RV storage lot. The subject is an expansion of this area. This property is not adversely impacted by the special exception use.

Property 5 is a 117.53-acre farm that abuts Beckley's Camping Center, Service Department and RV storage lot and will abut part of the proposed subject RV lot. The house and farm outbuildings are approximately 3,000 feet north of the subject. The value of farms and farmland are not adversely impacted by abutting commercial uses similar to subject.

Confronting properties #11 and #12, which front on the south side of Angleberger Road, are a church (Saint John the Baptist Catholic Church and cemetery). Churches and religious institutions are typically located along or in proximity to highly traveled roads and can abut or confront commercial or industrial uses. The proposed RV storage parking lot will not adversely impact these properties.

The owner/developer will use excavation of the proposed RV lot, setbacks, forest buffers, special lighting, fencing with screening, will prohibit access to the public, sales and buildings on the lot in an effort to mitigate potential detrimental conditions from the RV storage lot on abutting and confronting properties.

Inspection: Terrence W. McPherson made a physical observation of the property on December 14, and December 20, 2023, at which time the property, surrounding area, and street scenes were photographed. The observation consisted of walking and driving on the site and viewing the abutting and confronting properties most impacted by the proposed RV storage lot, from the fronting roads.

The subject and abutting and confronting properties were viewed on the night of December 21, 2023 to observe the lights from the subject and abutting and confronting properties.

Extent of Research into Relevant Property Characteristics: I reviewed the following:

- Frederick County Zoning Map

- Relevant sections of the Frederick County Zoning Ordinance
- Flood Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)
- Maryland State Department of Assessment and Taxation (SDAT) Real Property Data Search
- Subject Deed (15159/213)
- Addition Plat, Mt. Prospect LLC. Addition to Lot 2, Block 1, Section A Mount Prospect Estates, prepared by Gary Castle & Associates, Plat Book 78, Page 100, Recorded March 17, 2005

Extent of Research into Factors Affecting Value: To complete this appraisal, I made a number of independent investigations and analyses and relied upon data retained in my office, which is updated regularly. The investigation undertaken and the major data sources included:

- Pertinent planning documents, zoning maps and ordinances
- Section 1-19-3.210, Special Exceptions, Frederick County Zoning Ordinance
- Assessment information from the SDAT
- Demographic data from the Frederick County Planning Office and the STDB Online
- Draft letter to Andrew Brown, Chair, Board of Appeals of Frederick County, from Joseph J. Caloggero, PE, PTOE, PTP, Vice President of The Traffic Group, dated December 8, 2023
- Board of Zoning Appeals Site Plan, Beckley's RVs, prepared by Harris Smariga & Associates, Inc. (HSA), dated October 2023
- Board of Zoning Appeals Notes and Details, Beckley's RVs, prepared by HSA, dated October 2023
- Board of Zoning Appeals Lighting Plan, Beckley's RVs, prepared by HSA, dated October 2023
- Untitled Landscape Plan of Forest Buffer, prepared by HSA

I conducted interviews with staff members of appropriate state and local government agencies, property owners, brokers and other major participants in the local real estate market.

Extent of Data Research: Information regarding transfers of comparable properties in the market area was obtained by researching transfers occurring between January 1, 2014 and the date of the appraisal. Sales were investigated using the following sources:

- SpecPrint
- SDAT Real Property System
- Metropolitan Regional Information Systems, Inc. (MRIS)
- Loopnet
- CoStar Comps

Copies of deeds and other legal instruments were reviewed online at MDLandRec.net and an attempt was made to contact buyers, sellers, brokers and lenders to verify transaction data and ensure that the sales were arm's length.

Type and Extent of Analysis: A three-step method was used to estimate whether the special exception will have an adverse effect on the market values of neighboring properties in accordance with the criteria in the previously referenced ordinance. First, the subject property, and the neighboring properties (abutting and confronting) will be identified and described. Next, the proposed special exception use as RV Storage Lot and the impact on abutting and confronting properties will be described. A Detrimental Conditions Analysis, using a case study of a similar use, on the value will be used to estimate the impact assuming the storage lot was approved and constructed (*Hypothetical Condition*). Third, based on this analysis, I will render an opinion as to whether there will be an adverse effect on the market value of abutting and confronting properties as a result of approval of the special exception and construction of the RV storage lot. This methodology is similar to the Before and After Rule used in eminent domain valuation to estimate just compensation.

The *Income Approach* is not applicable as the typical purchaser of the abutting and confronting residential houses would not purchase the properties for income generating potential. The lot valuation section of the *Cost Approach* is applicable. The impact of the special exception use on the market value of abutting and confronting properties after approval and construction of the RV storage lot will be estimated. A

Detrimental Condition Analysis of the proposed special exception use will be completed.

There were an adequate number of sales of residential lots and residential dwellings in a residential subdivision in Frederick County with and without exposure to detrimental conditions, similar to the proposed RV storage lot, to extract the impact, if any, caused by the uses. Therefore, the *Sales Comparison Approach* is applicable and was used in the Detrimental Condition Analysis After construction of the RV storage lot (*Hypothetical Condition*).

CLIENT, PURPOSE, AND INTENDED USE OF THE APPRAISAL:

Client: Mr. Kelly T. Shanholtzer, Beck Prospect LLC
Purpose: Provide an opinion as to whether, "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."

Intended Use: For submission to the Board of Appeals (BOA)
Intended User: This appraisal report is prepared for the sole and exclusive use of Addressee of this contract (Client) and attorney Paul D. Rose, Jr.; it is not to be relied upon by any third parties for any purpose, whatsoever.

Guidelines: The report was prepared in accordance with a Contract for Appraisal Services dated July 25, 2023 and with the Code of Professional Ethics and *Uniform Standards of Professional Appraisal Practice* of the Appraisal Foundation/Institute. A copy of the contract is in the *Addenda*.

PERTINENT DATES: Effective Date of Appraisal: December 21, 2023
 Date of Report: January 12, 2024
 Date of Inspection: December 14, December 20, and December 21, 2023

PROPERTY RIGHTS APPRAISED: Fee simple estate subject to encumbrances identified in this report.

PROPERTY IDENTIFICATION AND OWNERSHIP:

Address/Location: 11214 Angleberger Road
 Thurmont, Maryland 21788
 Tax Map 0032, Parcel 0029

Legal Description: Metes and Bounds
 Liber 15159, Folio 213
 Land Records of Frederick, MD

Census Tract: 7513.02

Covenants: N/A

Ownership: Beck Prospect LLC

Existing Use: Farmette

Use Reflected in the Appraisal: Upon Completion of Proposed RV storage lot

Comments. The property that is subject to the special exception has transferred once in the past three years. The property was purchased on July 15, 2021, from Mt. Prospect LLC to Beck Prospect, LLC for \$1,150,000 (Liber 15159, Folio 213).

Research of the applicable public records, private data services and an interview of the current owner, revealed that the subject property is not under current agreement or option and is not offered for sale on the open market. Additionally, according to these sources, the subject property has not been transferred during the past three years. (2020-2023 USPAP, *Advisory Opinion 1*).

DEFINITIONS:

Market Value: "The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:"

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold un-affected by special or creative financing or sales concessions granted by anyone associated with the sale. (*§225.62 Definitions; Reg. Y, 55 FR 27771, July 5, 1990; Federal Reserve System*)

As Is Market Value: "The estimate of the market value of real property in its current physical condition, use, and zoning as of the appraisal date." (*Interagency Appraisal and Evaluation Guidelines*)

Fee Simple Estate: "Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat." (*The Dictionary of Real Estate Appraisal*, 7th Edition, Chicago: Appraisal Institute, 2022)

External Obsolescence: "A type of depreciation; a diminution in value caused by negative external influences and generally incurable on the part of the owner, landlord, or tenant. The external influence may be either temporary or permanent. There are two forms of external obsolescence: economic and locational." (*The Dictionary of Real Estate Appraisal*, 7th Edition, Chicago: Appraisal Institute, 2022)

Highest and Best Use: "1) The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity; 2) The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset's existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS); 3) [The] highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future. (*Uniform Appraisal Standards for Federal Land Acquisitions*)" (*The Dictionary of Real Estate Appraisal*, 7th Edition, Chicago: Appraisal Institute, 2022)

Interim Use: "The use contemplated by the market participants that the subject real estate can be put to while waiting for certain subsequent factors to occur. Examples include farming the land in a developing area waiting on sewers to be available or establishing a used car sales lot until the demand for retail uses is strong enough to support a new facility. Many times these are used to defray holding cost expenses, e.g. real estate taxes." (*The Dictionary of Real Estate Appraisal*, 7th Edition, Chicago: Appraisal Institute, 2022)

Conformity: "The appraisal principle that real estate value is created and sustained when the characteristics of a property conform to the demands of its market." (*The Dictionary of Real Estate Appraisal*, 7th Edition, Chicago: Appraisal Institute, 2022)

Abut: To share a common boundary with another property. (*The Dictionary of Real Estate Appraisal*, 7th Edition, Chicago: Appraisal Institute, 2022)

Detrimental Condition: "Any issue or condition that may cause a diminution in value to real estate. (*Real Estate Damages, Third Edition*, by Randall Bell, PhD, MAI, Appraisal Institute, 2016)

Detrimental Condition Matrix: "A matrix that illustrates the three detrimental stages (assessment, repair, and ongoing) and three detrimental condition issues (cost, use, and risk)." (*Real Estate Damages, Third*

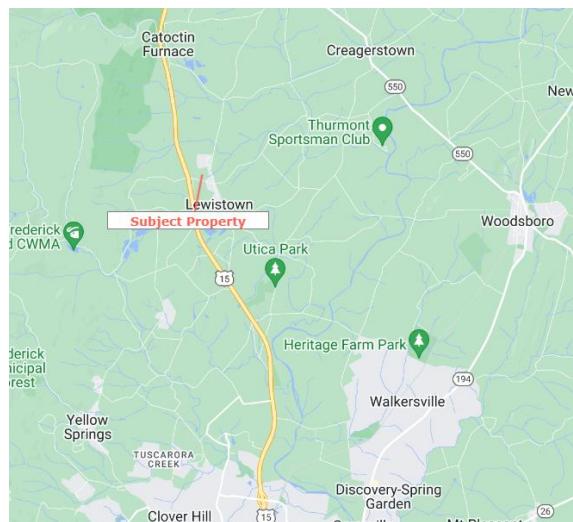
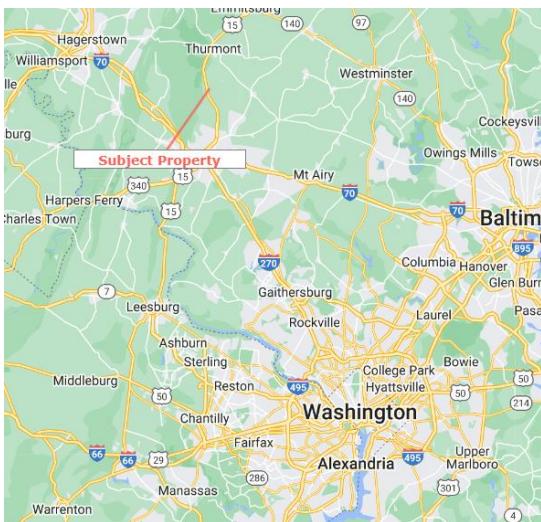
Edition, by Randall Bell, PhD, MAI, Appraisal Institute, 2016)

Detrimental Condition Model: "A graph that illustrates all of the categories of stages and issues that must be considered when studying the effects of a detrimental condition on real estate values, assessment stage, repair stage, ongoing stage, and market resistance." (*Real Estate Damages, Third Edition, by Randall Bell, PhD, MAI, Appraisal Institute, 2016*)

Detrimental Condition Stages: "The three stages of a detrimental condition analysis, specifically, the assessment, repair, and ongoing stages." (*Real Estate Damages, Third Edition, by Randall Bell, PhD, MAI, Appraisal Institute, 2016*)

**ANALYSIS
BEFORE APPROVAL AND
CONSTRUCTION OF REQUESTED
SPECIAL EXCEPTION USE**

ENVIRONS AND NEIGHBORHOOD: The subject is approximately five miles north of the corporate limits of Frederick and 4.5 miles south of the corporate limits of Thurmont.



Boundaries: US 15 Corridor, extending north from the City of Frederick and generally bounded by the Cunningham Falls State Park to the west and north, the City of Frederick Municipal Forest to the west; Hessong Bridge Road and Old Frederick Road to the east and south; and Old Frederick Road to the east/south, and Maryland Route 550 (MD 550) to the north/northeast.

Trends: The neighborhood is primarily agricultural in character, a trend that is expected to continue. A limited number of commercial uses surround intersections with US 15. Intensive commercial development is north in Thurmont and south in Frederick. The population of the County is expected to continue to increase; but in the subject's rural neighborhood, limited development is anticipated.

Population Trends: The region has experienced significant growth in population. This trend is expected to continue as supported by the chart below:

	5 Min Drive Time from Subject	21788 (Thurmont)	Frederick County, MD	Maryland
2000 Total Population	779	10,475	190,622	5,162,430
2010 Total Population	788	11,316	233,385	5,773,552
2000-2010 Annual Growth Rate	-0.11%	0.62%	1.80%	0.87%
2019 Total Population	802	11,619	261,947	6,120,651
2010-2019 Annual Growth Rate	0.19%	0.29%	1.26%	0.63%
2024 Total Population	811	11,807	277,489	6,299,601
2019-2024 Annual Growth Rate	0.22%	0.32%	1.16%	0.58%

(Source: STDB)

Commercial/Retail Uses: Limited commercial land uses, primarily located at intersections with US 15, including the following:

- Mountaindale Convenience Store with gas pumps at Putman Road & US 15
- Tractor Supply store at Devilbiss Bridge Road
- 7-Eleven a gas station/convenience store (7/11) & Beckley's Service Center
- Beckley RV sales and repair facility at the intersection of Angleberger Road and US 15.
- Custom Siding of Frederick
- Wolfe Auctions
- Springfield Manor Winery, Distillery, Brewery & Inn (Event Center)
- Cactus Flats

- A B Sears Marine: corner of US 15 and Fish Hatchery Road
- Frederick Auto Care.

Office/Industrial/Employment Uses: Staley's Warehouse Park is a three building multi-tenant light industrial warehouse project is on the west side of south bound US 15, across from Angleberger Road. The majority of area residents are likely employed in Frederick or the Washington-Baltimore Metropolitan Area.

Residential Uses: Scattered rural, residential single-family dwellings served with private well and septic systems.

Institutional Land Uses:

- Lewistown Elementary School
- Lewistown Volunteer Fire Company
- Utica District Park
- Catoctin Mountain Zoological Park
- FCF Church

The Catoctin Mountain National Park and Cunningham Falls State Park are just outside the market area boundaries, on the west side of US 15. The market area is served by the Lewistown and Thurmont Volunteer Fire Departments (VFD). Police service is provided by the Maryland State Police and Frederick County Sheriff's Department. There is no bus service, which is typical of the area. Access to places of worship, recreation, public schools, and police and fire protection are average for the neighborhood.

Linkages: The market area has average to good access to surrounding roadways. US 15 is a major north-south arterial road in the County. US 15 to the north provides access to Pennsylvania and to the south extends into Northern Virginia. In the Frederick area, US 15 connects with I-70 and I-270. These interstates provide high-speed access to Baltimore and Washington, respectively.

Traffic counts on US 15 and Hessong Bridge Road in proximity to the subject, compiled by the MD Department of Transportation, State Highway Administration, are summarized below.

US 15 Angleberger Rd To Auburn Rd (4 Lanes)		Hessong Bridge Road, US 15 to MD 550 (2 Lanes)		
Year	Traffic Count	Annual %Δ	Traffic Count	Annual %Δ
2022	35,201	26.52%	761	7.94%
2020	27,822	-17.20%	705	-16.57%
2019	33,601	1.21%	845	1.32%
2018	33,200	-6.88%	834	1.35%
2016	38,501	7.02%	812	2.73%
2014	33,762	--	770	--
2012	--	--	--	--

(Source: Maryland Department of Transportation Annual Average Daily Traffic Locator)

US 15 is a nationally designated scenic roadway. The Maryland portion of US 15 is referred to as the Catoctin Mountain National Scenic Byway. This designation is under the direction of the US Department of Transportation and Federal Highway Administration.

As discussed in the *Site Description*, the State Highway Administration is planning to upgrade the intersection of Angleberger Road/Auburn Road and U.S. 15.

Market Area Life Cycle: Stabilization to slow growth.

Significant Influences: The at-grade intersection of Angleberger Road/Auburn Road and US 15 is a positive factor for commercial and light industrial land uses. However, most residential properties fronting Angleberger Road east of a ridge crossing the subject property at 11230 Angleberger Road and the section of Prospect Drive parallel to Hessong Bridge Road, have a direct and or indirect of traffic (headlights at night) on US 15 and the lights associated with existing commercial and industrial uses surrounding the intersection of Angleberger Road/Auburn Road and US 15. Exposure to these uses could potentially have a negative

impact on the residential properties.

Conclusion: As of the effective date of valuation, all segments of the real estate market, except for the general office market, were in an expansion phase.

SITE DESCRIPTION:

Identification: 11214 Angleberger Road
Thurmont, Maryland 21788
Tax Map 0032, Parcel 0029
Metes and Bounds
Liber 15159, Folio 213
Land Records of Frederick, MD



<u>Land Area:</u>	<u>Property</u>	<u>Square Feet (SF)</u>	<u>Acres</u>
	Total - Parcel 0029	1,119,496	25.70
	Less Special Exception Area	<u>-210,831</u>	<u>-4.84</u>
	Green Space	908,665	20.86

(Source: Plan, Board of Zoning Appeals Notes and Details, prepared by Harris Smariga)

Surrounding Land Uses:

<i>Direction</i>		<i>Land Use</i>
North	-	Farm and detached houses in Mt. Prospect Estates
South	-	Detached houses, Angelberger Road with residences, a church and cemetery beyond
East	-	Detached houses in Mt. Prospect Estates
West	-	Beckley's Camping Center Service Department and RV Storage Parking Lot, with 7-11 convenience store, US 15 and Mountaintop Convenience store and a multi-tenant warehouse beyond

Roads and Access: Access is from two points along the North side of Angleberger Road, which extends east from US 15, a divided dual lane highway that provides access to Pennsylvania to the north and to Virginia to the south. The property also fronts on the Prospect Drive cul-de-sac that extends from Hessong Bridge Road. The proposed special exception use will share an asphalt drive that extends within a 50 foot right-of-way on a 9.82 acre property identified as Lot 2, New Prospective Estates (Tax Map 0040, Parcel 0448). An asphalt drive extends north from Angleberger Road and provides access to the farmhouse and outbuildings.

In a letter dated January 8, 2024, Mr. Caloggero, PE, PTOE, PTP, noted, "At the intersection of U.S. 15 @ Angleberger Road/Auburn Road, the Maryland Department of Transportation, State Highway Administration (MDOT SHA) is proposing new J-Turns to enhance safety operations..." Mr. Caloggero further notes: "based on the information provided, it is our opinion that the new Beckleu's RV Storage Lot

with 210 spaces would have a minimal impact on traffic and the surrounding area roadway network based on the projected peak hour trips. Additionally, with the road improvements by MDOT SHA, safety and operations will be enhanced at U.S. 15 @ Angleberger Road/Auburn Road."

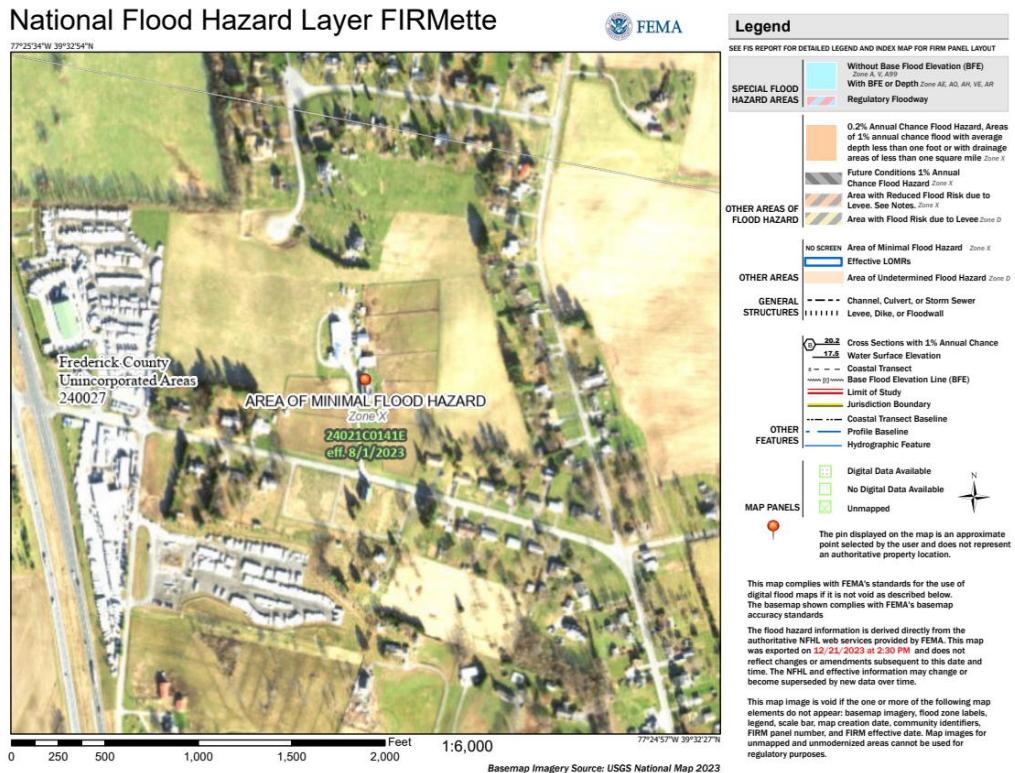
Frontage and Visibility: The property fronts on the north side of Angleberger Road and at the Prospect Drive cul-de-sac. Average visibility.

Shape and Topography: Irregular shape, with a rolling topography that increases in elevation from approximately 428 feet along the western boundary (area of special exception) to 470 feet along a ridge where a farm and farm and outbuildings are located to approximately 430 feet along the eastern boundary. A storm water management basin is west of Prospect Drive.

Soils and Drainage: Soil tests were not provided. This report assumes there are no soil or subsoil conditions that would restrict development. It is assumed that the load bearing capacity of the property is adequate to support the improvements. The property appears to be well drained.

The values estimated in this report are based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The appraiser is not an expert in the identification of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions that would affect the property negatively. It is possible that tests and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous materials and environmental conditions on or around the property that would negatively affect its value. I recommend that the client consider obtaining a Phase I Environmental Site Assessment on the subject from a qualified expert.

Flood Plain/Wetlands: FEMA Flood Rate Map Panel 24021C0141E, dated August 1, 2023 indicates that the subject is in a Zone X, an area of minimal flooding. (Source: FEMA Map Service Center)



Utilities: No water or sewer; public electric, private telecommunications service. The subject is classified as

NPS, a classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly owned community water or sewer systems within the timeframe of the current County Comprehensive Plan.

Covenants, Easements and Encroachments: None noted.

Significant Influences: The elevation of the property increased from 428 feet in the northwest corner and along the western boundary to the highest elevation of 470 feet in the central portion of a ridge that extends north to south in the central portion of the property. The elevation declines to approximately 426 feet to 442 feet on abutting properties fronting Prospect Drive.

Development Ordinances: The property is developed; however, compliance with the special exception ordinance previously mentioned as well as site plan approval will be required to develop the western portion of the property into the RV storage lot.

Conclusion: The physical characteristics of the property are suitable for the existing use as a farmette and the proposed special exception use of approximately 4.84 acres of the western section.

IMPROVEMENT DESCRIPTION: The property is improved with a two-story farmhouse, bank barn, three run-in sheds, and two farm storage buildings. The house and outbuildings will not be used as part of the special exception use and will not be described in greater detail.

ABUTTING AND CONFRONTING PROPERTIES: There are approximately 31 properties that either abut or confront the larger subject and proposed 4.84 acre special exception use. All of the properties, except the Saint John the Baptist Catholic Church, cemetery properties, existing RV storage lot and service garage and a farm, are detached single family houses located on lots that range in size from approximately .50 acres to 3.95 acres and front on either Angleberger Road, Hessong Bridge Road or Prospect Drive.

As previously mentioned, due to the topographical features of the property and proximity to the proposed RV storage lot. I estimate that 14 properties will be directly impacted by the proposed RV storage lot. The address and photograph of each property follows.

Abutting Properties

No. **Property Owner Data:**

1 STANLEY ROBERT J JR &
STANLEY FRANCIA L
11122 ANGLEBERGER RD
THURMONT MD 21788



Type
Split Level

2 NEWCOMB KYLE & TONI RENEE
11126 ANGLEBERGER RD
THURMONT MD 21788



Raised Rancher

3 DANIELS DIANE L & GREGORY
11134 ANGLEBERGER RD
THURMONT MD 21788



Ranch Style

4 SHANBECK PROPERTIES LLC
11110 ANGLEBERGER ROAD
THURMONT MD 21788



Beckley's RV

5 RAJ ENTERPRISES LLC
11700 WHATES LAND
THURMONT MD 21788



Farm

6 BURNSTEEL CINDY L &
ALVARO E CONTRERAS
7171 PROSPECT DR
THURMONT MD 21788



2-Story Colonial

7 ODEN JOSEPH W & ODEN KELLI R
7172 PROSPECT DR
THURMONT MD 21788



2-Story Colonial

Confronting Properties

8 SHAYNE A FREEBERT
11117 ANGLEBERGER RD
THURMOND MD 21788



2-Story Colonial

9 BUDGETT JANELL & BUDGETT
SHAWN D 11123 ANGLEBERGER RD
THURMONT MD 21788



Ranch Style

10 SPECHT COREY S. & SPECHT
CANDACE L. 11131 ANGLEBERGER
RD THURMONT MD 21788



2-Story Colonial

11 LEWISTOWN CEMETARY ASSOC.
INC.
11225 ANGLEBERGER RD
C/O ERIC FOUT
43 PLEASANTS ACRE DR
THURMONT MD 21788



Cemetery

12 LEWISTOWN CEMETARY ASSOC.
INC.
11199 ANGLEBERGER RD
C/O ERIC FOUT
43 PLEASANTS ACRE DR
THURMONT MD 21788



Church

13 WILLIAMS JOSHA & VALERIE
7174 PROSPECT DR
THURMONT MD 21788



Split Level

14 SHAFFER THOMAS L & RENEE
7173 PROSPECT DR
THURMONT MD 21788



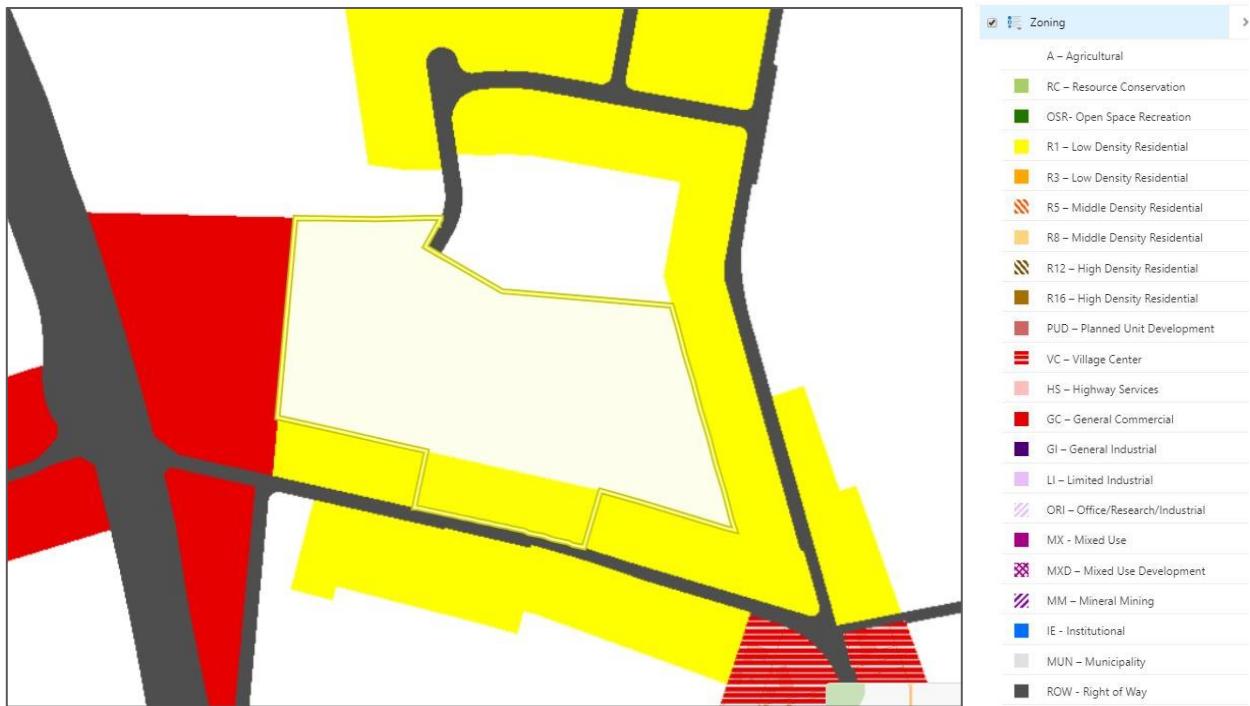
2-Story Colonial

Comments: Properties #1- #3 are detached single family houses and front on Angleberger Road and abut the area currently used as farmland, proposed for the RV storage parking lot. Scattered trees are along the rear boundary of these properties. Property #1 abuts the existing RV storage lot (Tax Map 0040, Parcel 0448) and each property is exposed, to varying degrees, to the existing parking lot lights. Property #6 is elevated and will have a view of the RV parking lot. However, the proposed forest buffer and existing cypress spruce trees along part of the southern boundary will mitigate potential adverse effects from the view of the

RV lot. The forest buffer along the Prospect Drive cul-de-sac will also block or mitigate the view of the RV storage lot.

Properties #8-#10 are located across from Properties #1-#3 on the south side of Angleberger Road. The houses on Properties #1-#3 screen these properties from the subject. These properties abut an existing Beckley's RV service garage and RV storage lot on the east side of Leatherman Road. Properties #13 and #14 front on Prospect Drive. These properties have a view of the proposed subject RV storage lot and the existing RV storage lot.

ZONING: The subject is zoned A, Agricultural and R-1, Low Density Residential in Frederick County, Maryland. The R-1 zone extends approximately 200 feet north of Angleberger Road. The abutting and confronting properties are Zoned A and R-1.



A, Agricultural Zoning District:

Purpose: According to Section 1-19-5.220 of the Frederick County Zoning Ordinance, the purpose of the Agricultural District is *to preserve the 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.* The district will serve as a buffer between General Commercial and Industrial Districts and Residential zones.

Permitted Use Subject to Design Regulation: Agricultural activities, agritourism enterprise, limited road side stands, nursery wholesale, farm winery and/or brewery, forestry, single-family detached residential and two-family dwellings, mobile homes, boarding stable, group home (small); Permitted Uses Subject to site Plan Approval: Nursery retail, farm winery and/or brewery tasting room, commercial road side stands, residence in conjunction with permitted use, bed and breakfast, commercial boarding stable, auctions sales (animals), cemetery, group home (large), fire and rescue service, place of worship public buildings, and borrow pit operations.

Permit Uses Subject to Special Exception & Site Plan Approval: Sawmills, accessory apartments, travel trailer park, farm equipment sales or service, feed and grain mills, communications tower, landscaping contractor, country inn, ag products processing, veterinary hospital, kennel, school bus parking, shooting range/gun club, private aircraft landing & storage area, tent campground, rustic retreat/camp/outdoor club, nursing home, nongovernmental utility and industrial waste landfill, civic service club, civic community center, sludge pit.

Yard and Bulk Regulations: The Agricultural zoning requirements permit residential single-family dwellings on a minimum lot size of 40,000 square feet. A minor subdivision of three lots plus the remainder is permitted to subdivide off each original tract of land (referred to as conventional rights). Clustering of residential building lots is permitted with Frederick County Planning Commission approval. One additional building lot can be subdivided for each 50 acres (or remaining fraction thereof) in excess of the first 25 acres; in addition to the three lots and remainder permitted under a minor subdivision. An original tract of land is described in

the Frederick County Land Records as of August 18, 1976. Parcels containing less than 25 acres can receive cluster subdivision rights with Planning Commission approval.

R1, Low Density Residential Zoning District:

Purpose: This District is generally intended for low-density suburban single-family detached residential development at a subdivision density of 1 dwelling unit per 40,000 square feet.

Permitted Use Subject to Design Regulation:

1. Assisted living facilities (community-based)
2. Construction/sale trailers (temporary) in an approved development actively under construction
3. Dwelling units (adult independent)
4. Dwelling unit (abutting heavy industrial zone)
5. Single-family detached dwellings
Farming
6. Piers (private residential, if accessory to a dwelling unit)
7. Public utility essential services
8. Religious facilities on a lot of at least two acres that have 300(more or less) onsite parking spaces
9. Schools (private academic) in existence on or before May 12, 2005
10. Staging areas for county capital projects
11. Swimming pools and recreational facilities/community (if located at least 50 feet from each residential lot line or dwelling unit)
12. Swimming pools (private)

<u>Yard and Bulk Regulations: Minimum Requirements</u>	<u>Maximum Requirements</u>
Minimum Lot Size	40,000 Square Feet
Front Setback	40 Feet
Each Side Yard Setback	15 Feet
Rear Setback	35 Feet
Building Height	45 Feet
Corner side lot line	40 Feet
Combined side lot lines	40 Feet
Principal arterial or higher Classification road	50 Feet
• Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line: 125 feet	

Conclusion: Based on a review of the zoning regulations and an inspection of the subject, the existing use is in conformance with the zoning classifications. The proposed RV storage lot use must comply with the previously referenced ordinance, approval by the Board of Zoning Appeals and site plan approval. It is recommended that reference be made to the Frederick County Zoning Ordinance for further details.

ASSESSMENT AND TAXES: The assessment of real property in the State of Maryland is based on estimates of market value, which, under Maryland Law, is known as full cash value. Assessments are established by a triennial assessment system. This method is based on a three year cycle, in which one-third of all real property is reviewed and assessed every year. The base value is the full cash value prior to the most recent assessment. The date of finality (effective date of valuation) of the base value is typically three years prior to the most recent assessment (current value). The assessment is controlled by a phase-in provision. When the full cash value increases, the increase in assessed value is phased-in equally over the next three years. The base value and current assessed value are used to calculate phase-in values.

The real estate assessment and tax load are below:

Tax Account No. 20-392770:

Owner	BECK PROSPECT LLC
Parcel ID	20392770
Bill Year	2024

Tax Charges

	Taxable Value	Tax Rate	Amount
BAY RESTORATION FEE	1	60.000000	\$60.00
COUNTY TAXES	715,867	1.060000	\$7,588.19
OVERPAYMENT	715,867		\$0.00
SYSTEM BENEFIT CHG	1	88.000000	\$88.00
STATE TAXES	715,867	0.112000	\$801.77
STORM WATER FEE			\$0.01
Total			\$8,537.97

Tax Exemptions/Credits

	Value	Tax Rate	Amount
AG TAX CREDIT BUILD	0		(\$397.84)
Total			(\$397.84)
2024 Charges			\$8,140.13

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments	
			As of 07/01/2023	As of 07/01/2024
Land:	320,300	300,000		
Improvements	356,900	493,200		
Total:	677,200	793,200	715,867	754,533
Preferential Land:	8,600	8,600		

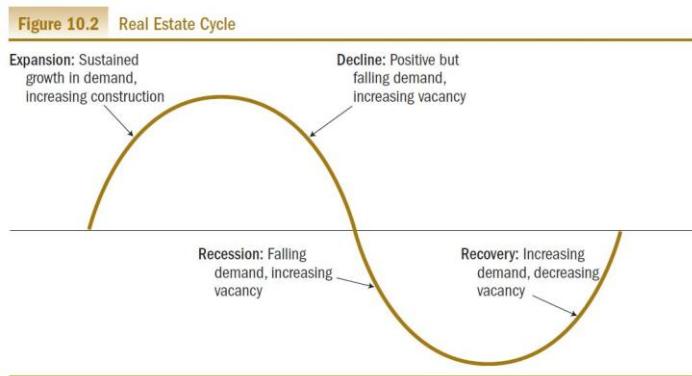
Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	9/30/2023	\$8,140.13	\$8,140.13	\$0.00	\$0.00	\$0.00
TOTAL		\$8,140.13	\$8,140.13	\$0.00	\$0.00	\$0.00

According to the Treasurer's Office website, the real estate taxes have been paid.

The subject assessment is based on a preferential land use as agricultural land that does not reflect market value. Tax-Property Article 8-209 (agricultural use assessment law) permits lands that are actively devoted to agricultural use to be assessed as that use based on a set assessed value per acre based on the quality (class) of the soil and/or use as woodland.

MARKET ANALYSIS:

Historical Perspective: The real estate market, similar to other forms of investment, is cyclical and rarely maintains equilibrium. There are four phases similar to economic and business cycles, including recovery, expansion, decline and recession. Each phase of a cycle will impact owners, tenants, investors and lenders differently. Property values typically increase during the expansion phase of a cycle. Typically the expansion phase leads to over building (hypersupply) and ruinous competition, which results in a decline and then recession. New construction stops as a result of oversupply and ultimately the decline in rental rates, property values, contraction, and possibly a recession. Recovery is characterized by increases in demand and the absorption of excess supply. Therefore, it is important to identify current market conditions to determine where they fall within the cycle.



(Source: *The Appraisal of Real Estate, Fourteenth Edition, Page 135*)

Property Productivity:

Location Analysis: The subject property and abutting and confronting properties are northwest of the rural community of Lewistown between Thurmont and Frederick. The properties are immediately east of the commercial and industrial land uses surrounding the intersection of US 15 and Angleberger Road/Auburn Road.

Physical Attributes:

Site Analysis: Physical descriptions of the site were presented earlier. The properties abutting and confronting the subject special exception property were identified in the *Improvement Description*.

Property Type: The subject is a farmette. The abutting and confronting properties are primarily detached single family houses, a farm, commercial use, and institutional uses (church and cemetery).

Legal/Regulatory Attributes: Based on a review of the zoning regulations and an inspection of the subject, the current use is in conformance with the Frederick County A, Agricultural and R-1 Low Density Residential zoning classifications.

Market Delineation: The most likely buyer of the subject property is the owner-operator of the existing Beckley's recreational vehicle sales and service center. The most likely buyer of the abutting and confronting residential properties is an individual or couple that will owner-occupy or rent the property.

Demand Forecast: Consideration was given to the inferred demand indicated by the following factors.

National Trends and Events Affecting Market:

- Overall Economy –The National Bureau of Economic Research (NBER) announced on June 8, 2020, the US economy reached a peak in February 2020 which was the end of a 128 month expansion (longest in the history of the US). The Pandemic resulted a significant spike in unemployment and a

contraction in Gross Domestic Product (GDP) and of real Gross Domestic Income (GDI). The NBER concluded that “*the unprecedented magnitude of the decline in employment and production, and its broad reach across the entire economy, warrants the designation of this episode as a recession, even if it turns out to be briefer than earlier contractions.*” The coronavirus recession officially began on February 20, 2020 and ended April 2020. While highly destructive, it is marked as the shortest US economic downturn on record. “*The increase in second quarter (2021) GDP (at an annual rate of 6.7 percent) reflected the continued economic recovery, reopening of establishments, and continued government response related to the COVID-19 Pandemic.*”

- The federal funds rate is the rate at which banks can borrow money. A lower rate means banks can borrow at a lower rate and pass this savings on to the consumer. According to a Federal Reserve press release dated October 23, 2023, *directors generally reported strong or steady economic activity. Many directors noted strength in overall consumer spending. Labor market conditions continued to improve, with some directors citing increased labor availability and easing wage growth; still, several directors also noted persistent hiring challenges and wage pressures. In most Districts, credit conditions remained tight. Many directors noted slowdowns in residential or commercial real estate activity.* The committee has decided to leave the target range for federal funds rate unchanged at 5.4%.
- The Wall Street Journal (WSJ) Prime Rate as of August 2, 2023 was 8.5%. The rate has increased 375 basis points since August 2022.
- American Rescue Plan: President Joe Biden’s \$1.9 trillion American Rescue Plan was approved by the House with Senate amendment on March 10, 2021 and was signed into law on March 12, 2021.
- Inflation Reduction Act 2022: Purpose of the act is to make a down payment on deficit reduction to fight inflation, invest in domestic energy production, and reduce carbon emissions by 2030. The Bill also allows for Medicare to negotiate prescription drugs prices and extend and expand the Affordable Care Act.
- Infrastructure Investment and Jobs Act 2021: \$1 trillion dollar bill to fund the cost to upgrade outdated roads, bridges, transit systems, airports, water systems, electric vehicle charging, broadband and cleaning up Brownfield and Superfund sites.
- The US Consumer Confidence Index (CCI) is a forward-thinking indicator of the level of optimism on the state of the economy that consumers express through their current habits of savings and spending. A press release dated November 28, 2023 states, *The Conference Board Consumer Confidence Index® increased in November to 102.0 (1985=100), up from a downwardly revised 99.1 in October. The Present Situation Index—based on consumers' assessment of current business and labor market conditions—ticked down slightly to 138.2 (1985=100), from 138.6. The Expectations Index—based on consumers' short-term outlook for income, business, and labor market conditions—rose to 77.8 (1985=100) in November, up from its downwardly revised reading of 72.7 in October. Despite this month's improvement, the Expectations Index remains below 80 for a third consecutive month—a level that historically signals a recession within the next year.*

Present Situation and Expectations Index



- “Consumer confidence increased in November, following three consecutive months of decline,” said **Dana Peterson, Chief Economist at The Conference Board**. “This improvement reflected a recovery in the Expectations Index, while the Present Situation Index was largely unchanged.”

The chart that follows indicates the quarterly (3rd quarter 2023) personal consumption expenditures was approximately 15.48 billion dollars which was an approximately 2.3% increase over the 3rd quarter of 2022. After the initial shock of the Pandemic, consumer spending surged in the second quarter of 2020. With the introduction of Omicron variant there was a slight slowdown in the pace expenditures but are continuing to climb beyond pre-Pandemic.



National Housing Market Trends: The following factors are indicators of demand for residential properties.

New Home Sales: Sales of new single-family houses in October 2023 were at a seasonally adjusted annual rate of 679,000, according to estimates released jointly November 27, 2023, by the U.S. Census Bureau and the Department of Housing and Urban Development. This is 5.6 percent (± 12.3 percent) below the revised September rate of 719,000 but is 17.7 percent (± 17.9 percent) above the October 2022 estimate of 577,000.

The median sales price of new houses sold in October 2023 was \$409,300. The average sales price was \$487,000.

The seasonally adjusted estimate of new houses for sale at the end of October was 439,000. This represents a supply of 7.8 months at the current sales rate.

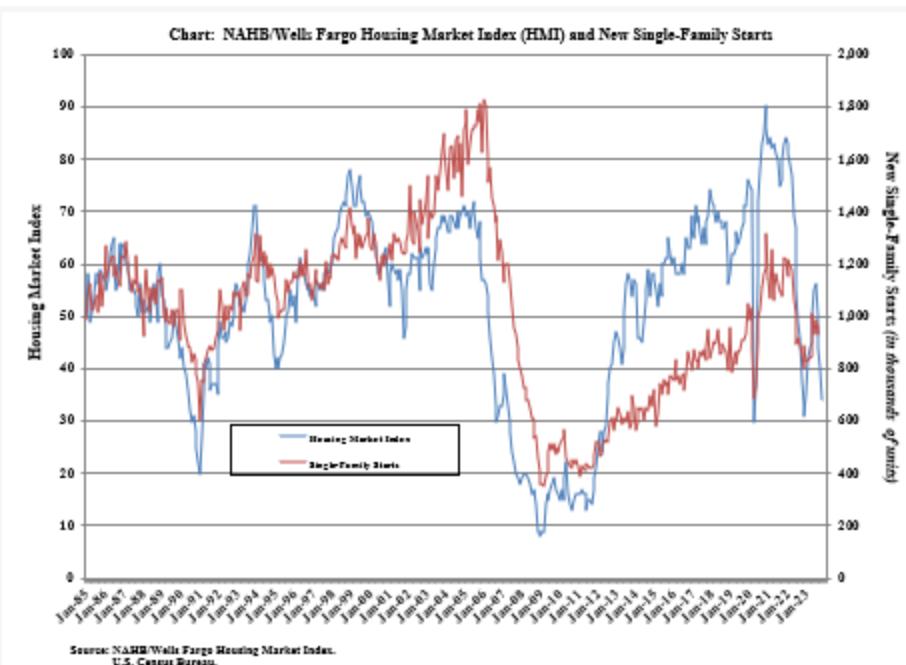
(Source: <https://www.census.gov/construction/nrs/current/index.html>)

Stubbornly high mortgage rates that have climbed to a 23 year high and have remained above 7% for the past two months continue to take a heavy toll on builder confidence, as sentiment levels have dropped to the lowest point since January 2023.

Builder confidence in the market for newly built single-family homes in October fell four points to 40 from a downwardly revised September reading, according to the National Association of Home Builders (NAHB)/Wells Fargo Housing Market Index (HMI) released November 18, 2023. This is the third consecutive monthly drop in builder confidence.

Builders have reported lower levels of buyer traffic, as some buyers, particularly younger ones, are priced out of the market because of higher interest rates. Higher rates are also increasing the cost and availability of builder development and construction loans, which harms supply and contributes to lower housing affordability. “The housing affordability crisis can only be solved by adding additional attainable, affordable supply,” said NAHB Chief Economist Robert Dietz. “Boosting housing production would help reduce the shelter inflation component that was responsible for more than half of the overall Consumer Price Index increase in September and aid the Fed’s mission to bring inflation back down to 2%. However, uncertainty regarding monetary policy is contributing to affordability challenges in the market.”

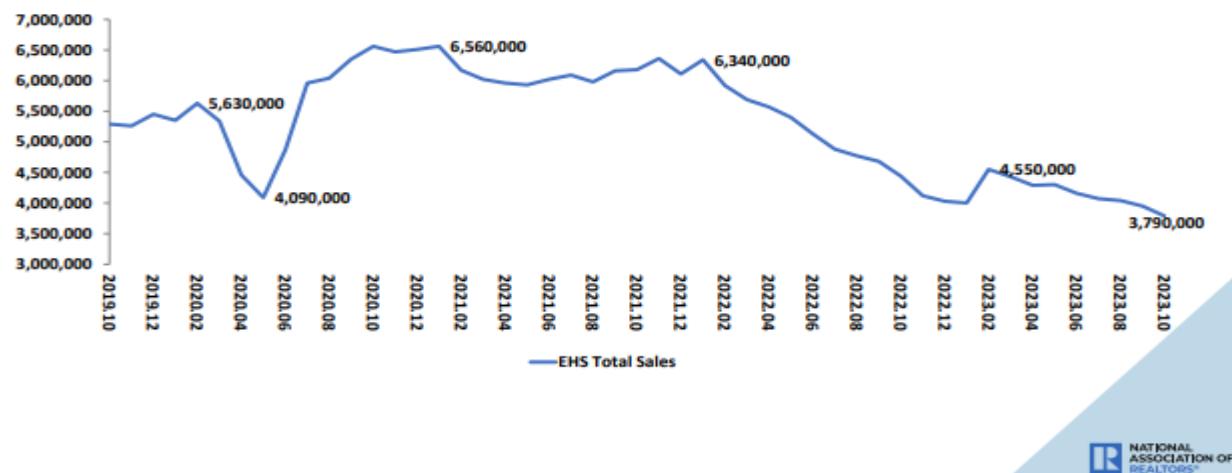
All three HMI indices posted declines in October. The HMI index gauging current sales conditions fell four points to 46, the component charting sales expectations in the next six months dropped five points to 44 and the gauge measuring traffic of prospective buyers dipped four points to 26. (Source: <https://www.nahb.org/news-and-economics/press-releases>)



<https://www.nahb.org/news-and-economics/housing-economics/indices/housing-market-index>

Existing Home Sales: A chart of the existing home sales and housing supply in the United States, prepared by the National Association of Realtors® follows.

Total Existing Home Sales, SA Annual Rate



Total existing-home sales completed transactions that include single-family homes, townhomes, condominiums and co-ops, slid 4.1% from September to a seasonally adjusted annual rate of 3.79 million in October. Year-over-year, sales fell 14.6% (down from 4.44 million in October 2022).

Total housing inventory² registered at the end of October was 1.15 million units, grew 1.8% from September but down 5.7% from one year ago (1.22 million). Unsold inventory sits at a 3.6-month supply at the current sales pace, up from 3.4 months in September and 3.3 months in October 2022.

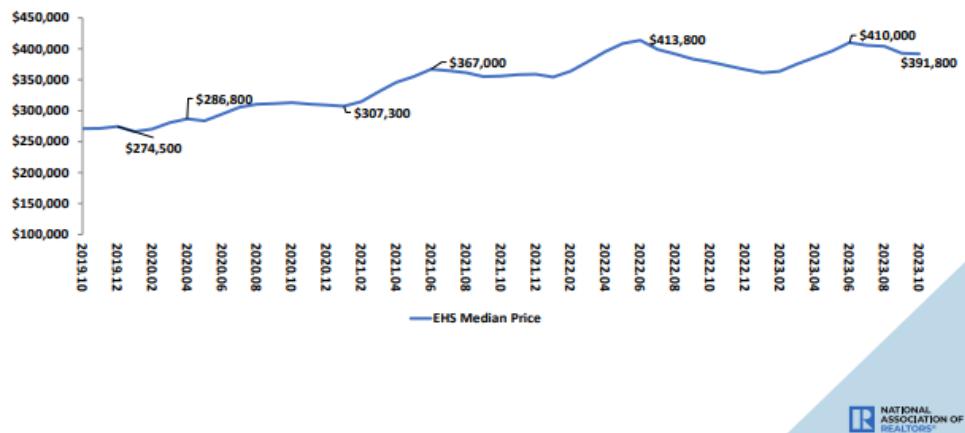
First-time buyers were responsible for 28% of sales in October, up from 27% in September and identical to October 2022. NAR's 2023 *Profile of Home Buyers and Sellers* – released in October 2023⁴ – found that the annual share of first-time buyers was 32%.

All-cash sales accounted for 29% of transactions in October, unchanged from September but up from 26% in October 2022.

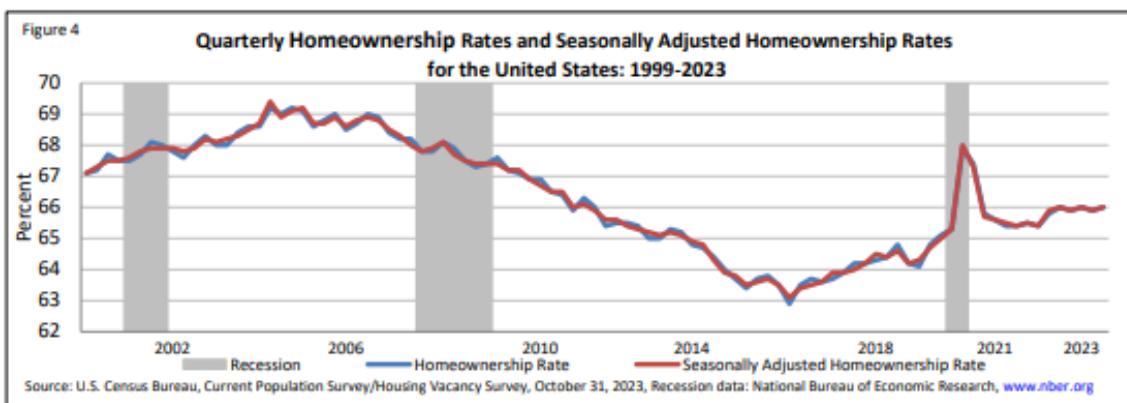
Individual investors or second-home buyers, who make up many cash sales, purchased 15% of homes in October, down from 18% in September and 16% one year ago. Distressed sales⁵ – foreclosures and short sales – represented 2% of sales in October, unchanged from last month and the previous year.

Single-family home sales waned to a seasonally adjusted annual rate of 3.38 million in October, down 4.2% from 3.53 million in September and 14.6% from the previous year. The median existing single-family home price climbed \$396,100 in October, up 3.0% from October 2022.
(Source: <https://www.nar.realtor/newsroom/existing-home-sales>).

Median Price of Existing Home Sales



Homeownership: The homeownership rate of 66.0 percent was virtually the same as the rate in the third quarter 2022 (65.8 percent) and not statistically different from the rate in the second quarter 2023 (65.9 percent). The following chart shows these trends.



Regional Housing Market Trends:

Bright MLS: A summary of November 2023 Market Report for the MD/WV Panhandle follows:

	November 2023	vs. November 2022
Closed sales	547	▲ +2.6%
Median sales price	\$285,000	▲ +5.5%
Median days on market	14	▼ -3 days
New pending sales	544	▲ +3.2%
New listings	615	▲ +7.7%
Active listings	1,363	▼ -2.5%
Months of supply	2.29	▲ +15.7%
Showings	6,045	▲ +2.4%

This Report indicates "Tight supply promotes competition among buyers and prices continue to rise. The median price of \$285,000 in November 2023 was 5.5% higher than November 2022. Additionally, the pace on the market remains quick. Half the homes in the MD/WV Panhandle sold in under two weeks."

Local Area Factors:

Population Growth and Demographics: The population of the County is expected to continue to trend upward which will, in turn, increase the demand for detached single homes. The work force is generally well educated, yet relatively inexpensive as compared to the wages paid closer to Washington, DC.

Employment/Economic Base: The following chart prepared by the Federal Reserve Bank of St. Louis, using date from the US Bureau of Labor Statistics summarizes trends in the Frederick County labor force.



The civilian labor force remained between 127,000 and 131,000 from mid-2010 through May 2017. From June 2017 through May 2019, the labor force increased from 131,000 to 134,000. In July 2019, the civilian labor force was 135,232, exceeding this high and marking the highest civilian labor force in 30+ years. The onset of the COVID-19 Pandemic initially caused a dip in the civilian labor force. In July 2020, the civilian labor force was 133,434 and fluctuated through November when it dipped to 130,939 in

November 2021. Although this trend shows a dip for 2021, since November 2021 the labor force has trending upward and in October 2023 was 137,319.

Unemployment: A chart summarizing unemployment rates in Frederick County, Maryland, and the United States follows:



The unemployment rate is an indication of an area's economic health. The unemployment rate in Frederick County spiked during the great recession and started declining in late 2010 and was nearing pre-recession levels before the COVID-19 Pandemic which began in March 2020 (CDC). In April 2020, the national unemployment rate was at a high of 14.7% (9.5% in MD and 8.5% in the County), and trending downward since. In October 2023, the unemployment rate in Frederick County was 2.0%, slightly lower than the State rate of 2.1% and significantly lower than the US rate of 3.6%. All three rates are at or lower than pre-Pandemic levels.

Home Mortgage Rates: Residential mortgage rates have significantly increased from the historic lows of two years ago. The rate for 30- and 15-year mortgages is approximately 6.99% and 6.31%, respectively. (Source: bankrate.com)

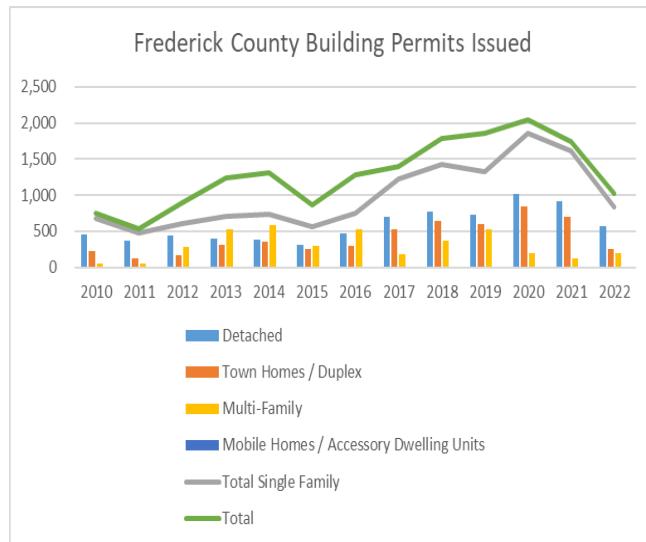
New Home Inventory: The inventory of unsold new houses is minimal as developers and builders are only finishing lots or constructing new houses that are contracted.

Affordability: The overall demand for housing in Frederick County is driven in part by the relative affordability of housing compared to other jurisdictions in the region that are closer to the DC Beltway. The price of housing in the area as compared to these jurisdictions is outlined in a chart below.

Area	2012 ASP		% Change 2011-2012		2013 ASP		% Change 2012-2013		2014 ASP		% Change 2013-2014		2015 ASP		% Change 2014-2015		2016 ASP		% Change 2015-2016		2017 ASP		% Change 2016-2017		2018 ASP		% Change 2017-2018		2019 ASP		% Change 2018-2019		2020 ASP		% Change 2019-2020		2021 ASP		% Change 2020-2021		2022 ASP		% Change 2021-2022	
	2012	2013	2011	2012	2013	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013				
Maryland																																												
Anne Arundel County, MD	\$356,297	2.76%	\$371,093	4.15%	\$367,038	-1.09%	\$358,461	-2.34%	\$365,890	2.07%	\$382,773	4.61%	\$401,537	4.9%	\$411,547	2.5%	\$450,706	9.5%	\$493,179	9.4%	\$531,710	7.8%																						
Frederick County, MD	\$267,285	5.9%	\$296,077	10.8%	\$294,326	-0.6%	\$296,696	0.8%	\$303,767	2.38%	\$322,298	6.10%	\$340,513	5.7%	\$350,481	2.9%	\$382,503	9.1%	\$441,504	15.4%	\$489,019	10.8%																						
Howard County, MD	\$403,119	-0.1%	\$418,825	3.9%	\$431,300	3.0%	\$430,624	-0.2%	\$436,084	1.27%	\$444,708	1.98%	\$452,951	1.9%	\$461,876	2.0%	\$481,034	6.3%	\$543,319	10.6%	\$587,099	8.1%																						
Montgomery County, MD	\$465,597	3.1%	\$500,316	7.5%	\$503,956	0.7%	\$501,305	-0.5%	\$505,285	0.79%	\$522,780	3.46%	\$541,398	3.6%	\$554,555	2.4%	\$589,405	6.3%	\$530,000	-10.1%	\$555,000	4.7%																						
Virginia																																												
Loudoun County, VA	\$431,003	3.08%	\$463,313	7.50%	\$479,514	3.50%	\$478,937	-0.12%	\$483,713	1.00%	\$506,051	4.62%	\$523,497	3.4%	\$543,985	3.9%	\$599,070	10.1%	\$675,816	12.8%	\$753,461	11.5%																						

The price of housing in all jurisdictions increased from 2013 to 2022. The previous information includes only properties entered into the Metropolitan Regional Information Systems (MRIS) and Bright MLS. While this database does not represent the entire market, it provides a reasonably good indication of the disparity of home prices in the area. The price gap between Frederick County jurisdiction to the south and east should ensure that Frederick County will continue to draw Washington Metropolitan area home buyers.

Building Permit Analysis: Demand for housing can be reflected in the number of residential building permits issued. A chart prepared from data from the US Census Bureau displaying the number of building permits for new private housing structures by buildings permits in Frederick County since 2010 follows.

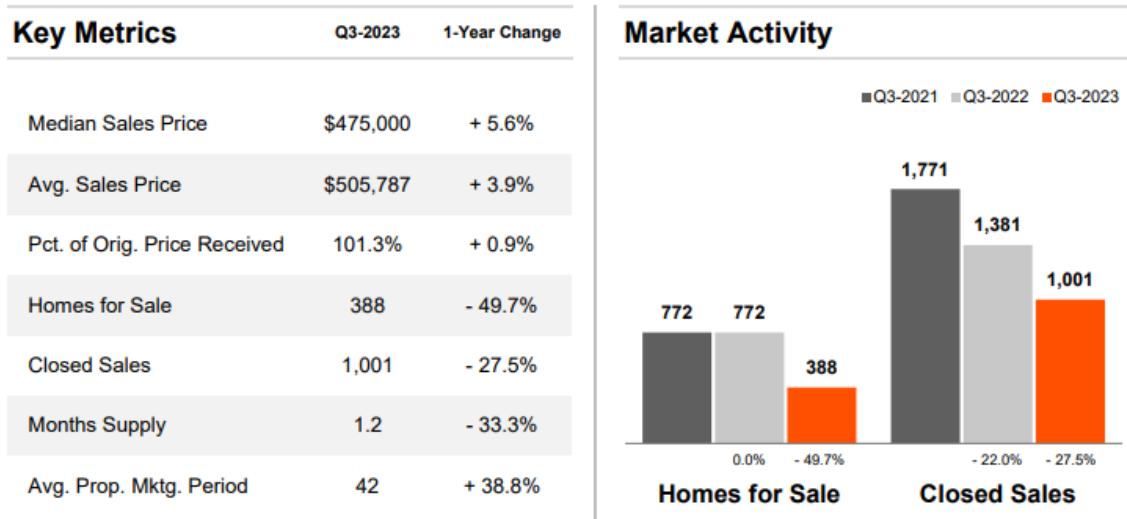


The number of permits issued ranges from less than 1,000 in 2010 to 2,604 in 2020. In 2021 the number began to decrease and remained relatively low in 2022, due to the spike in interest rates and a decline in the number of apartments that were in the pipeline. It is projected that the 2023 numbers for Frederick County will show further decline.

Commuter Patterns: According to the American Community Survey prepared by the US Census Bureau, the mean commute time of residents in Frederick County in 2021 was 34.8 minutes.

Existing Home Sales Data/Trends: The chart and graph that follows, prepared by BrightMLS data, identifies trends for Frederick County home sales, listings and one-year changes in metrics for the 3rd quarter 2023.

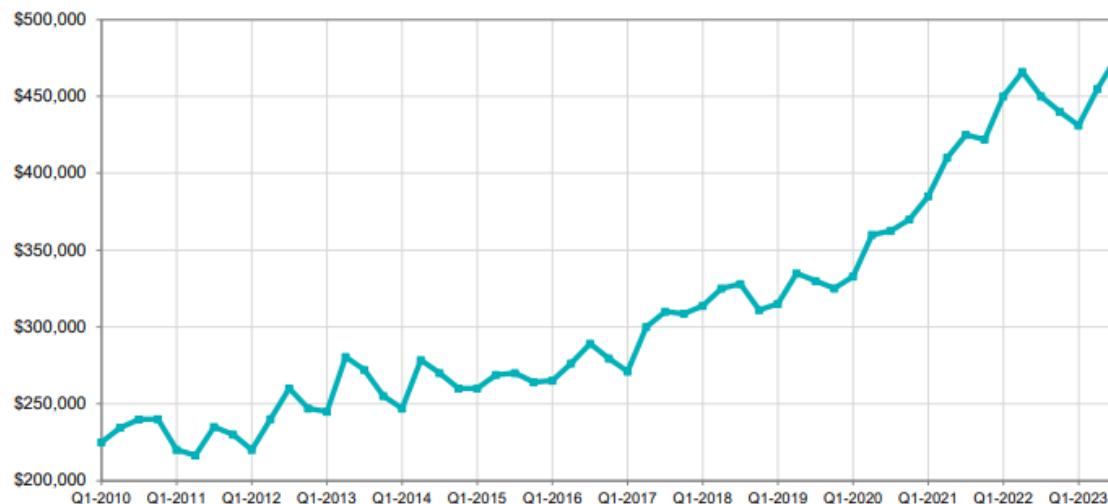
Frederick County, MD



While the median home price was up, the total number of closed sales was down 27.5%, however this is due in part to the lack of supply which was down 33.3%. Most home owners are reluctant to sell due to the significantly lower interest rates on their home loans as compared to current interest rates.

The change in the medial price form the first Quarter 2010 to the third quarter 2023 is depicted in the following chart.

Historical Median Sales Price for Frederick County, MD



The median sales price declined in the 2nd - 4th quarters of 2022 but rebounded in 2023

Supply:

Existing: There are 154 detached homes in Frederick County currently for sale in Bright MLS ranging in price from \$169,000 to \$1,279,000.

Supply and Demand Interaction:

Strengths: *Macro*

- + Location in the Washington Metropolitan Area
- + Overall health of the national economy
- + Low unemployment rate and increasing labor force
- + Low housing supply
- + Moderating interest rates and inflation

Micro

- + Proximity to City of Frederick
- + Limited supply of resale homes
- + Moderating interest rates and inflation

Weaknesses: - Relatively high interest rates and inflation

- Relatively high interest rates and inflation

Conclusion: While the number of sales of resale houses has declined, the average and median sale prices have increased and the number of listings has declined. There was a 1.2 month supply of housing units as of the date of valuation. Potential detrimental conditions typically have less impact on the sale price of a house during periods of limited supply and rising prices in the market.

HIGHEST AND BEST USE: The highest and best use of the land as though vacant and as improved must meet four criteria: legally permissible, physically possible, financially feasible, and maximally productive. The maximum productive use is the use that produces the highest residual land value based upon the market risk and rate of return. The highest and best use of the land as though vacant is based on the theoretical assumption that the land is vacant or can be made vacant by demolishing any improvements. The analysis of the property's highest and best use as improved is based on the potential of the land and the improvements.

Before:

Subject Property:

As If Vacant: The use as a farmette is an interim use until a special exception is granted for use of approximately 4.84 acres of the western portion of the property, adjoining an existing GC, General Commercial RV Storage parking facility with a service garage, as a fenced RV storage parking facility developed in accordance with a BZA Site Plan prepared by HSA. These uses are legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current. The most likely purchaser is the owner-operator of the adjacent Beckley's recreational vehicle sales and service center.

As Is: The use as a farmette is an interim use until a special exception is granted for use of approximately 4.84 acres of the western portion of the property, adjoining an existing GC, General Commercial RV Storage parking facility with a service garage, as a fenced RV storage parking facility developed in accordance with a BZA Site Plan prepared by HSA. This use is legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current (subject to a *Hypothetical Condition*). The most likely purchaser is the owner-operator of the adjacent Beckley's recreational vehicle sales and service center.

After: The same as Before except the proposed special exception use is assumed to be approved and constructed (*Hypothetical Condition*).

Before and After Construction of the Proposed RV Storage Lot:

Abutting and Confronting Residential Properties:

As if Vacant: The use as a residential building lot is legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current. The most likely buyer is a local builder or an individual or a couple.

As Is: The existing use a detached single family house is legally permissible, physically possible, financially feasible, appropriately supported (adequate demand) and a maximally productive use that results in the highest present value and is the highest and best use. The timing of this use is current. The most likely buyer is an individual or couple that will owner-occupy or rent the property.

**ANALYSIS
AFTER APPROVAL AND
CONSTRUCTION OF SPECIAL
EXCEPTION RV STORAGE LOT
(SUBJECT TO *HYPOTHETICAL
CONDITION*)**

SCOPE OF WORK: The description of the property with the special exception approval and construction of the RV storage lot is the same as the *Site and Improvement Descriptions* without special exception use approval, except for the items set forth below and on the following pages.

SITE DESCRIPTION:

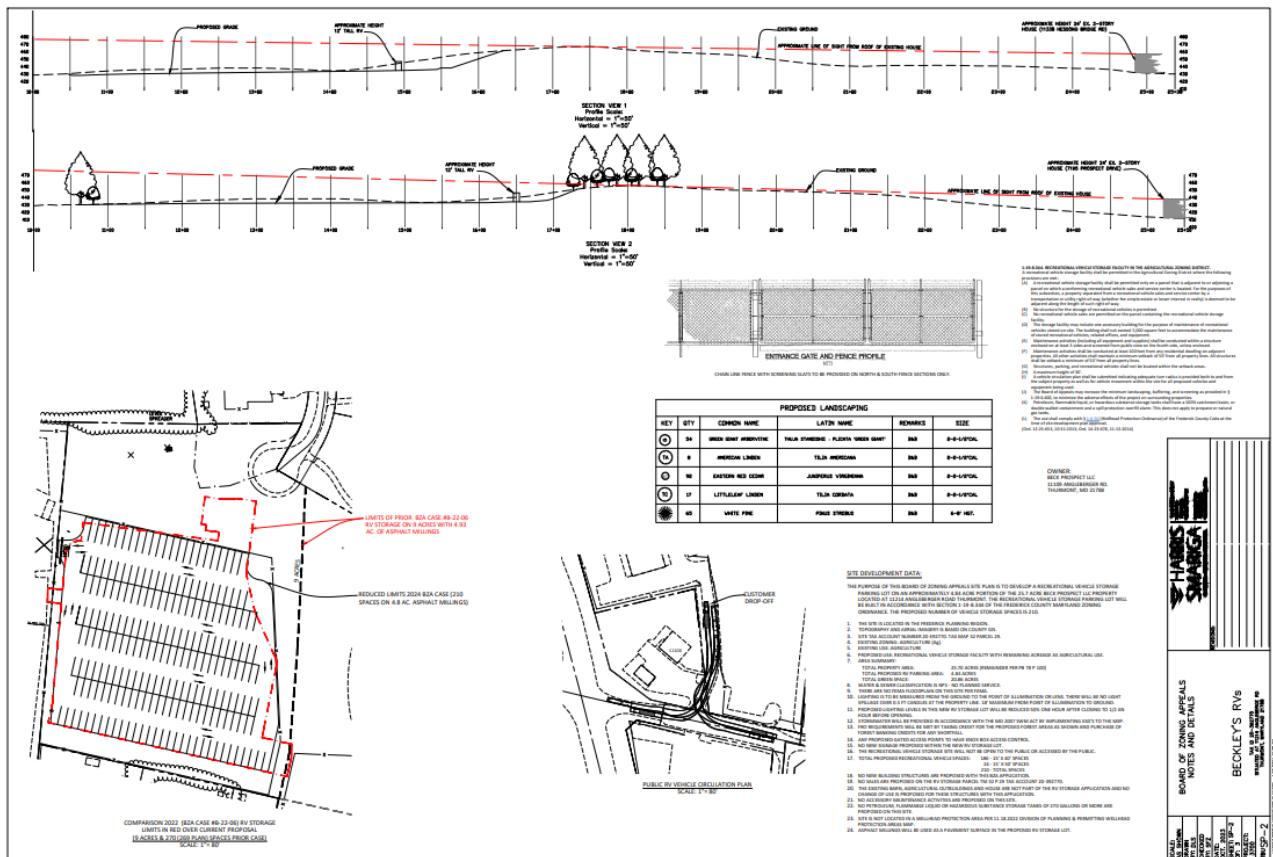
Overview: The 4.84 acres of the larger 25.70-acre subject parcel developed into RV storage lot is located between the abutting storage yard with a service garage on a GC, Commercial zoned property (TM 0040, Parcel 0448) to the west and the foot of a ridge on the subject. The remaining 20.86 acres is an (existing) agricultural use (green space).

Three Plans, prepared by Harris, Smariga & Associates (HSA) and identified in the *Scope of Work*, illustrating the RV storage facility, adjoining and abutting properties, notes, details and lighting, and mitigating construction features are below and on the following pages.

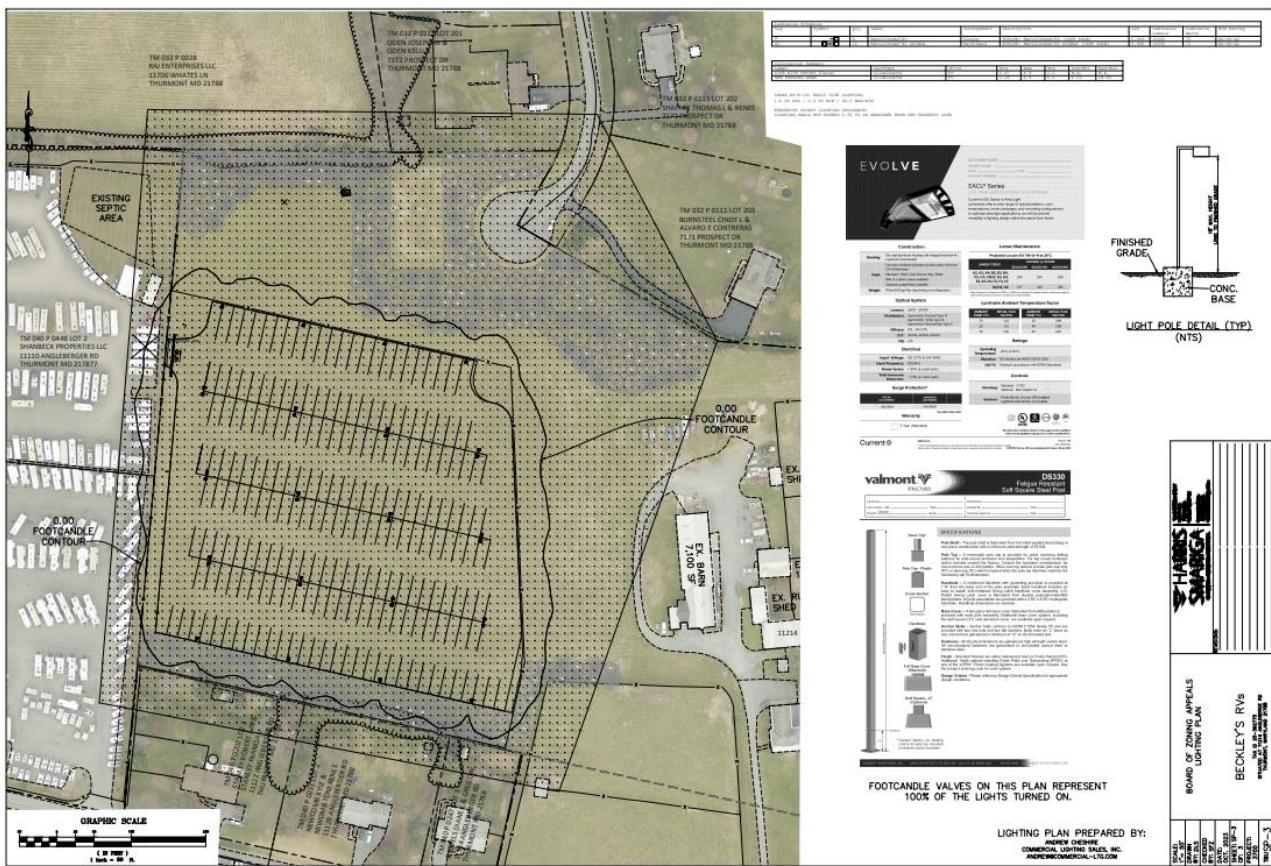
Board of Appeals Site Plan



Board of Appeals Notes and Details



Board of Appeals Lighting Plan



Roads and Access: A shared asphalt drive that extends from Angleberger Road within a 50 foot right-of-way across a 9.82 acre property identified as Lot 2, New Prospective Estates (Tax Map 0040, Parcel 0448) and provides access through an existing RV Storage area to the subject.

Frontage/Visibility/View: The forest buffers and excavation of the site for the RV storage area will reduce the visibility of this area to adjoining and confronting properties.

Shape and Topography: The area of the RV storage lot was excavated approximately zero to 10 feet. A storm water management facility was constructed east of Prospect Drive along the northeast corner of the property.

Conclusion: The excavation of the special exception area reduced the elevation of the site and lowered the area of the RVs visible to most abutting and confronting properties.

IMPROVEMENT DESCRIPTION:

Site Improvements: The parking area is constructed in accordance Section 1-19-8.344 of the Code and is enclosed by a chain link fence with screening slats along the south and north boundary and will extend along Property #3's side/east boundary to Angleberger Road. 32 pole mounted LED light fixtures (8 single, 12 double on 20 poles) with zero uplighting mounted on a concrete base with no light spillage over 0.5-foot candles are located along the northern and southern boundary of the storage lot and in the interior of the lot. A 0-foot candle contour line on the *Lighting Plan* indicates the proposed lights will produce 0 candles outside the boundary of the the storage lot and within the property boundaries. The lighting levels will be reduced by 50% one hour after closing and one half-hour before opening. The hours of operation will be Monday through

Friday, 9:00 AM to 7:00 PM; Saturday, 9:00 AM to 4:00 PM.

A sliding chain link gate provides access to the storage area. A 50' forest buffer extends along the southern boundary of abutting Properties #1 - #3 and north of Property #3 before extending east up of the ridge, along Prospect Drive, surrounds the SWM facilities and part of the south boundary of abutting Properties #6 and #7. There is no signage within the storage lot and no storage tank over 270 gallons.

A breakdown of the RV parking spaces follows:

<u>Dimension of Spaces</u>	<u>Number</u>
14' x 40'	186
14' x 50'	24
Total	210

The following construction features of the RV Storage facility mitigate potential negative externalities/detrimental conditions created by the use:

- 50' wide minimum forest buffer separates the RV Storage area and extends along the southern boundary (rear of abutting Properties #1 - #3) along Angleberger Road and narrows and extends north from Property #3 and east up part of the ridge. Addition forest buffer areas wrap around Prospect Drive and extend east along part of Property #6's southern boundary west along the southern boundary of Properties #6 and #7 and SWM facilities.
- The forest buffer will consist of 6'- 8' high white pines and 2 to 2 ½ caliper trees of various other species.
- A chain link fence with three strains of barbed wire will enclose the storage area. Screening slats are on the north and south sections (Properties #1- #3)
- Topographical features (ridge) were enhanced by excavating the RV storage yard to reduce visibility to the directly impacted abutting and confronting properties. The elevation of the ridge containing the farmhouse and outbuildings blocks the view of houses, fronting Hessong Bridge Road and others not previously identified as directly confronting properties on Prospect Drive and Angleberger Road
- The storage area is not open to or accessible to the public.
- There are no sales and there is no signage for the facility.
- No light spillage over 0.5-foot candles at the property line and lighting levels will be reduced by 50% one hour after closing and ½ hour before opening.
- No petroleum tanks of 270 gallons or more

Building Improvements: There will be no new building structures.

Conclusion and Analysis: Based on the previous description and analysis the following detrimental conditions that could potentially adversely affect abutting and confronting properties are below:

- View of recreational vehicles and pole mounted lights in the storage lots (mitigated by screening)
- Noise
- Traffic

Highest and Best Use: The same as Before except the proposed special exception use is assumed to be approved and constructed (*Hypothetical Condition*).

Detrimental Condition Analysis:

Construction of the special exception use (RV storage lot) creates detrimental conditions on the abutting and confronting properties that can potentially have an adverse impact on value. Randall Bell, PhD, MAI has developed a methodology identifying and measuring the impact of a detrimental condition on real property in a book entitled *Real Estate Damages*.

When there is the potential for the impact of a detrimental condition on value a detrimental condition analysis is required. Real estate impacted by a detrimental condition has a life cycle with three potential phases that are outlined in the below matrix:

Exhibit 1.1 The Detrimental Condition Matrix

		Detrimental Condition Stages		
		Assessment	Repair	Ongoing
Detrimental Condition Issues	Cost	Cost to assess and responsibility Engineering Phase I, II, III studies	Repair costs and responsibility Repairs Remediation Contingencies	Ongoing costs and responsibility Operations and maintenance (O&M) monitoring
	Use	All loss of utility while assessed Disruptions Safety concerns Use restrictions	All loss of utility while repaired Income loss Expense increase Use restrictions	Ongoing use disruptions Alterations to highest and best use
	Risk	Uncertainty factor Discount, if any, where extent of damage is unknown	Project incentive Financial incentive, if any, to complete repairs	Market resistance Residual resistance, if any, due to situation

Source: Randall Bell, Property Owners Manual (Laguna Beach, CA: Owners Manual Press, 2004).

The impact from a detrimental condition typically falls along a continuum ranging from no adverse impact on value to complete loss of value. Every stage is not relevant or applicable to every detrimental conditional analysis. The impact of detrimental conditions associated with proposed RV storage lot is discussed below.

Assessment Stage: This step occurs when the damage is assessed. The damages identified and addressed by identifying and describing the proposed impact on the abutting and confronting properties.

Abutting and Confronting Properties: The RV storage lot will generate the detrimental conditions on the following abutting and confronting properties:

Properties 1-3: A chain link fence with screening slats will extend along the northern boundary of these properties followed by a 50' side forest buffer that will extend to the RV storage lot. The forest buffer and fencing will screen views of the pole mounted lights and recreational vehicle storage on the lot.

Properties 6 and 7: These detached houses are elevated above the subject RV storage lot. The views of the existing RV storage lot before construction of the proposed RV storage lot will move closer to these properties. The same screening techniques used to mitigate the impact on Properties #1-#3 will be used for these properties. An existing line of dense cypress trees buffer much of the view of the RV storage lot from Property #6. Due to the elevation, these properties will have a view of the subject storage lot.

Confronting Properties:

Properties #8-#10: As previously mentioned, the houses and partially treed rear boundaries on Properties #1-#3 plus the above mentioned mitigating screening items will buffer much of the view of the subject storage lot from these properties.

Properties #14 and #15: The rear of Property #14 will have a direct view and Property #15 will have a restricted view of the subject RV storage lot.

Noise: Forklifts and similar equipment will be used to move the non-motorized recreational vehicles. The noise generated by this equipment is similar to farm equipment in the neighborhood.

Traffic: The subject RV storage lot will generate additional traffic that could adversely impact all of the properties to varying degrees. However, Mr. Caloggero concluded on Page 4 of his traffic assessment report, "...it is our opinion that the new Beckley's RV Storage Lot with 210 spaces would have minimal impact on the traffic and the surrounding roadway networks based on the projected peak hour trips. Additionally, with the road improvements by MDOT SHA, safety and operations will be enhanced at US 15 at Angleberger Road/Auburn Road."

Conformity: The proposed RV storage lot will be a non-residential use in the immediate neighborhood. Property values are typically at optimal levels and maximized when a property conforms to surrounding properties. However, the subject will be an expansion of an existing RV storage lot. Existing non-residential uses already abut and confront most of the properties impacted by the proposed subject special exception use. This issue will be further addressed by the following case study.

Repair Stage: The HSA Plan identifies setbacks, fencing and landscaping (forest buffers) that will be used to buffer the storage lot from the abutting and confronting properties. The height of the parking lot lights and type of fixtures are designed to reduce the bleeding of light or illumination to the abutting and confronting properties.

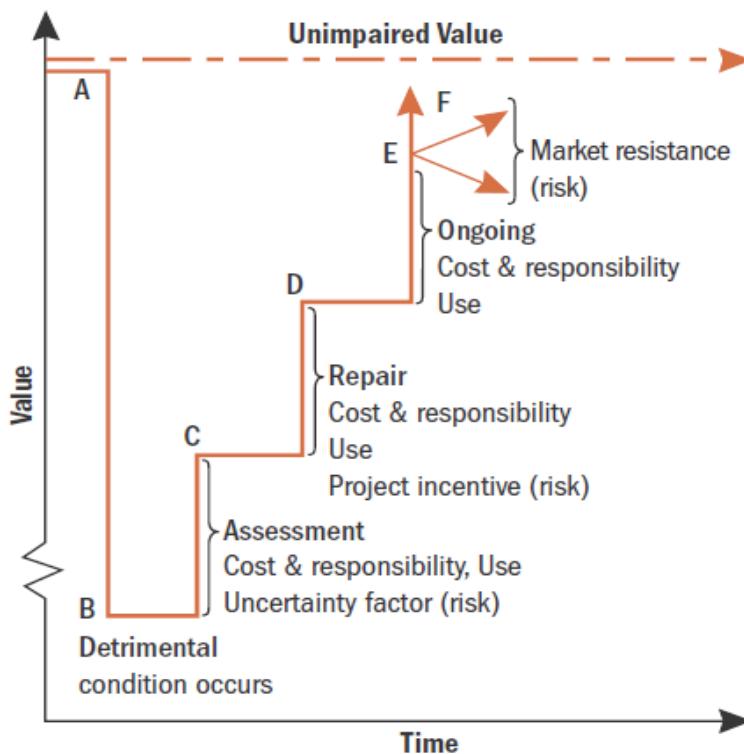
Ongoing Stage: The ongoing use of the RV storage lot could disrupt the use and quiet enjoyment of the abutting and confronting properties. However, as previously mentioned, the abutting and confronting properties are exposed to existing conditions associated with an existing the RV storage lot and other non-residential uses.

Cost, Use and Risk: The cost, use and risk factors must be considered as they relate to each applicable stage. There are no costs associated with the proposed RV storage lot in any stage.

If the subject RV storage lot was the first non-residential use in the immediate area, the use of the abutting and confronting properties could be adversely impacted by the construction of the storage lot as it could negatively impact the privacy and quiet enjoyment of the properties. However, the issue is whether construction of the subject property and adding another non-residential use will adversely impact the values of abutting and confronting properties.

The risk to the abutting and confronting properties associated with the proposed RV storage lot is attributed to the market resistance from property buyers/potential purchasers will be ongoing. This risk and potential adverse impact is addressed and measured using a case study with a *Paired Data Analysis* and *Group Data Analysis* developed later in this report.

The detrimental condition model, shown on the following page, graphically illustrates all possible stages and is theoretical including all possible stages and the relationship of time and value.

Exhibit 1.3 **The Detrimental Condition Model**


Source: Bell, *Property Owners Manual*.

A, in the above chart is the unimpaired value of a property. The detrimental conditions caused by a special exception use are depicted in the chart in labels B through F. The impact on the subject is reflected in the E and F section of the chart, which includes market resistance and risk.

The below chart, known as the Bell Chart, organizes detrimental conditions into 10 standard categories.

Exhibit 1.4 **The Bell Chart: 10 Categories of Detrimental Conditions**

DC Class	Description
I. General Conditions	Baseline description and general market issues, i.e., real estate, franchise, business, FF&E, goodwill, personal property, products, services, etc.
II. Transactional Conditions	Unique sales or transfer issues, i.e., motivation, option, assemblage, distress, financing, bankruptcy, foreclosure, etc.
III. Distress and Sociological Conditions	Human loss and tragedy issues, i.e., crime, war, terrorism, accident, car crash, air disaster, train derailment, shipwreck, death, disability, illness, injury, etc.
IV. Legal Conditions	Legal issues, i.e., eminent domain, contract, tort, insurance claim, title, lot line, CC&R, lien, bond, lease, historic, moratorium, zoning, easement, etc.
V. External Conditions	Neighborhood issues, i.e., nuisance, proximity, noise, odor, hazard, power lines, airport, privacy, view, etc.
VI. Building and Manufacturing Conditions	Construction, equipment and mechanical issues, i.e., defects, engineering, repairs required, design, code, architecture, infestation, regulations, permits, etc.
VII. Site and Infrastructure Conditions	Soils, geotechnical and right-of-way issues, i.e., drainage, grading, fill, cracking, subsidence, slides, roads, corrosive soils, compaction, groundwater, utilities, etc.
VIII. Environmental and Biomedical Conditions	Contamination, health and toxicity issues, i.e., spills, haz-mat, asbestos (1979), lead paint (1978), mold, radioactive, metals, solvents, biological, hydrocarbons, plague, epidemic, etc.
IX. Conservation Conditions	Cultural and natural resource issues, i.e., habitat, endangered species, natural and cultural resources, archeological, shoreland, wetland, overpopulation, etc.
X. Natural and Climate Conditions	Natural disaster and weather issues, i.e., flood, hurricane, typhoon, wildfire, seismic, volcano, tornado, global warming, tsunami, famine, drought, storms, etc.

The special exception use (RV storage lot) is a Class V Detrimental condition. Based on the following research and analysis, I will render an opinion as to whether the detrimental condition from the proposed RV storage lot will adversely impact the market value of abutting and confronting properties.

ESTIMATE OF POTENTIAL ADVERSE EFFECT OF SPECIAL EXCEPTION USE ON THE MARKET VALUE OF NEIGHBORING RESIDENTIAL PROPERTIES: As previously mentioned, the properties abutting and confronting the proposed subject RV storage lot are exposed to an existing RV storage lot that is lighted and adjoins the subject. There were sales of residential properties similar to the abutting and confronting residential properties on the subject in the below subdivision that were researched and analyzed.

HOLLY RIDGE CASE STUDY: This residential subdivision is on the south side of Baltimore Road across from the Spring Ridge PUD. The developers sold finished detached and townhouse lots to NVR, Inc. for construction of new housing units. The portion of the subdivision surrounding the Baltimore Road entrance (Sheperd Drive) to the subdivision abuts four GC, General Commercial zoned properties fronting Baltimore Road with detrimental conditions (lights, view of commercial and industrial uses, noise, storage yard for vehicles) that exceed those associated with the subject. Properties 2-4 are contiguous and contain 5.72 acres which is larger than the subject. These properties contain over 21,400 square feet of commercial and industrial buildings. The residential properties, which are elevated, have a view of four commercial properties with industrial lots. Detached houses and townhouses abut or confront these properties. There is no forest or treed buffer similar to the subject that separates the detrimental conditions associated with commercial and industrial uses, other than a treed rear lot line on Avery's (Property 1) rear yard and a small open space area of the townhouse lots, from the residential houses and townhouses.

An aerial view with the commercial uses abutting and confronting residential uses identified, a brief description of each use and photographs is below and on the following page:



1. 9009 Old National Pike (Avery's American Grill): This dual level/restaurant contains a 5,789 square foot restaurant on a 1.22 acre lot. The restaurant is set back from the road with lights along the rear of the building and an asphalt drive is along the rear of the lot. The front of the detached 2 story house located at 5835 Shepherd Drive (Lot 281) has a view of this property.
2. 9019A-C Baltimore Road (Long Electric): This .50-acre lot is improved with a 2 story office building (1,530 square feet.) and two detached garage/warehouses, that contain 4,400 square feet for a total of 5,931 square feet.. This property abuts a 2 story house located at 5837 Shepherd Drive (Lot 280).

3. Old National Pike (Ferrell Gas LP): This one-acre lot is uses as a fuel tank farm with two large outside propane tanks and outside storage.
4. Mains Lane/Saxa LP (Five Industrial Buildings/ Warehouses): This 4.22 acre property contains a detached warehouse buildings containing 15,550 square feet and a storage yard that abuts townhouses that front on Shepherds Drive and Barts Way. Photographs of two of the above referenced properties follow:



View of the storage yard on the Saxa LP property abutting the townhouses on Barts Lane



View of Averys Maryland Grill and detached houses in Holly Ridge in the background

Several techniques are used to quantify the impact, if any, of detrimental conditions on residential properties. The data techniques include paired data analysis, grouped data analysis, and secondary data analysis (surveys). Secondary analysis (surveys) is only used when there is insufficient market data. Since there is adequate market data, secondary analysis (survey) is not applicable.

Paired data analysis is based on the premise that when two properties that have sold are equivalent in all respects but one, the value of the single difference can be measured by the difference in the price between the two properties: in this instance, the impact of detrimental conditions on abutting and confronting residential properties.

I researched sales of finished townhouses lots and detached lots and detached houses that are abutting/confronting the above commercial uses and lots and houses not abutting or confronting (not exposed) these properties in Holly Ridge Subdivision. A paired data analysis using sales of finished townhouse and detached lots was prepared. Sales of lots that abut the previously mentioned commercial and industrial uses were compared to sales of lots of not abutting or confronting these detrimental conditions.

The finished lots were purchased by NVR, Inc a seasoned new home builder with extensive experience in Frederick County. Lots that abut detrimental conditions that would adversely impact the sale price of new houses and townhouses should have been reflected in a lower price when compared to lots not exposed to these conditions.

The analysis of the finished lots is followed by a paired data analysis of a detached house is on the following pages:

PAIRED DATA ANALYSIS #1 - TOWNHOUSE LOTS

	Abuts Saxa LP Lots 282-285, Shepherds Drive		Not Abutting Detrimental Uses Lots 290-294, Shepherds Drive	
	1	2	3	4
Sale Number				
Approximate Distance(Blocks)/Direction	-	-	< 1 Block	< 1 Block
Date of Sale	Mar-16	Sep-19	Oct-16	Nov-18
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Sale Price	\$340,000	\$344,000	\$340,000	\$344,000
Size (No. Lots)	4	4	4	4
Sale Price/Lot	\$85,000	\$86,000	\$85,000	\$86,000
ELEMENTS OF COMPARISON				
Property Rights Conveyed	0%	0%	0%	0%
Adjusted Unit Price	\$85,000	\$86,000	\$85,000	\$86,000
Financing	0%	0%	0%	0%
Adjusted Unit Price	\$85,000	\$86,000	\$85,000	\$86,000
Conditions of Sale	0%	0%	0%	0%
Adjusted Unit Price	\$85,000	\$86,000	\$85,000	\$86,000
Expenditures Made Immediately After	0%	0%	0%	0%
Adjusted Unit Price	\$85,000	\$86,000	\$85,000	\$86,000
Market Conditions/Date of Sale	1%	0%	1%	0%
Adjusted Unit Price	\$86,000	\$86,000	\$86,000	\$86,000
PHYSICAL CHARACTERISTICS				
Location	0%	0%	0%	0%
Size (Sq. Ft.)	0%	0%	0%	0%
Zoning Classification	0%	0%	0%	0%
Topography	0%	0%	0%	0%
Utilities	0%	0%	0%	0%
Entitlements	0%	0%	0%	0%
Net Adjustment	0%	0%	0%	0%
Indicated Unit Value	\$86,000	\$86,000	\$86,000	\$86,000
Price of Lots Not Abutting Detrimental Uses		\$86,000		
Price of Lots Abutting Detrimental Uses		\$86,000		
Difference Attributed to Detrimental Conditions		0%		

PAIRED DATA ANALYSIS # 2 - DETACHED LOTS

	Abuts Long Electric/Saxa Lot 280 Shepherds Drive	Lot 281 Shepherds Drive	Not Abutting Detrimental Uses	
	1	2	Lots 274-278, Shepherds Drive	Lots 271 & 272, Shepherds Drive
Sale Number	1	2	3	4
Approximate Distance(Blocks)/Direction	-	-	< 1 Block	< 1 Block
Date of Sale	Mar-16	Jun-18	Mar-16	Jul-16
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Sale Price	\$135,000	\$140,139	\$675,000	\$270,000
Size (No. Lots)	1	1	5	2
Sale Price/Lot	\$135,000	\$140,139	\$135,000	\$135,000
ELEMENTS OF COMPARISON				
Property Rights Conveyed	0%	0%	0%	0%
Adjusted Unit Price	\$135,000	\$140,139	\$135,000	\$135,000
Financing	0%	0%	0%	0%
Adjusted Unit Price	\$135,000	\$140,139	\$135,000	\$135,000
Conditions of Sale	0%	0%	0%	0%
Adjusted Unit Price	\$135,000	\$140,139	\$135,000	\$135,000
Expenditures Made Immediately After	0%	0%	0%	0%
Adjusted Unit Price	\$135,000	\$140,139	\$135,000	\$135,000
Market Conditions/Date of Sale	0%	-4%	0%	0%
Adjusted Unit Price	\$135,000	\$135,000	\$135,000	\$135,000
PHYSICAL CHARACTERISTICS				
Location	0%	0%	0%	0%
Size (Sq. Ft.)	0%	0%	0%	0%
Zoning Classification	0%	0%	0%	0%
Topography	0%	0%	0%	0%
Utilities	0%	0%	0%	0%
Entitlements	0%	0%	0%	0%
Net Adjustment	0%	0%	0%	0%
Indicated Unit Value	\$135,000	\$135,000	\$135,000	\$135,000
Price of Lots Not Abutting Detrimental Uses	\$135,000			
Price of Lots Abutting Detrimental Uses	\$135,000			
Difference Attributed to Detrimental Conditions	0%			

Comments: The townhouse and detached lots are similar except for abutting detrimental uses and change in market conditions/date of sale. After adjusting for the lots for differences in market conditions, the difference in the adjusted lot price is attributed to abutting detrimental conditional uses that are more intense than the subject lots. There is no difference between the lots abutting detrimental uses and those not abutting detrimental uses.

The above analysis and results are consistent with an interview of the developer of the Holly Ridge lots who indicated the abutting and confronting detrimental uses (commercial/industrial) had no adverse impact on the price of the abutting or confronting detached single family or townhouse lots.

Detached Single Family Houses: This analysis uses three sales. 5837 Shepherd Drive (Lot 280) abuts Long Electric and Saxa Limited properties. This house was a former new home model house. Comparable #1 and #2, which are not exposed to the detrimental conditions, were adjusted for differences as compared to 5837 Shepherd Drive. The difference between the adjusted sale price of each sale is attributed to the impact of a detached house abutting commercial and industrial land uses with detrimental conditions. This analysis, using lump sum adjustments, follows.

PAIRED DATA ANALYSIS

Property	BACKS TO STORAGE YARD	COMPARABLE 1	COMPARABLE 2
Address:	5837 Shepherd Drive Frederick, Maryland 21704	5824 Shepherd Drive Frederick, Maryland 21704	5830 Shepherd Drive Frederick, Maryland 21704
Distance From Subject (blocks)		1 / Block	1 Block
Sale Price	\$589,000	\$590,750	\$500,000
Price Per Sq. Ft.	\$248.94	\$252.03	\$3,571,429
Data Source and Verification	Bright MLS, Exterior Inspection, Deed 7 Days on the market	Deed, SDAT, Bright MLS 5 Days on the market	Deed, SDAT, Bright MLS
ELEMENTS OF COMPARISON	DESCRIPTION	DESCRIPTION +/- Adjust.	DESCRIPTION +/- Adjust.
Property Rights	Similar	\$0	\$0
Adjusted Sale Price	\$589,000	\$590,750	\$500,000
Sales or Financing Concessions	Conventional	\$0	\$0
Adjusted Sale Price	\$589,000	\$590,750	\$500,000
Conditions of Sale		\$0	\$0
Adjusted Sale Price	\$589,000	\$590,750	\$500,000
Expenditures Made Immediately After Settlement		\$0	\$0
Adjusted Sale Price	\$589,000	\$590,750	\$500,000
Date of Sale (Market Conditions)	C-7/09/2021; S 8/30/2021	\$0	C-10/13/2021; S 11/12/2020
Adjusted Sale Price	\$589,000	\$600,713	\$46,646
Location	Frederick, Maryland 21704	Frederick, Maryland 21704	Frederick, Maryland 21704
Land Area (Acres)	0.1800	\$0	\$0
Topography / Shape	Gently Rolling to Hilly w/ Some Steep Slopes / Irregular / Stream	Level to Rolling / Irregular	Level to Rolling / Irregular
View	Below Average - Storage Yard	Average	\$0
Appeal / Design	Average / 2 Story	Similar / 2 Story	\$0
Quality of Construction	Average / Aluminum Siding/Partial Front Stone Veneer	Average / Aluminum Siding/Partial Stone	\$3,500
Age / Condition	5 Years / Good/Former Model	5 Years / Good	4 Years / Good
Rooms- Bedrooms-Baths (Full/Half)	8 Rms- 4 Bdrm- 2.5 Bath	8 Rms- 4 Bdrm- 2.5 Bath	8 Rms- 4 Bdrm- 2.5 Bath
G.L.A. (Sq.Ft)	2,366	2,344	\$0
Basement & Finish	Full; Unfinished	Full Walkout: 550 Sq. Ft. Finished. Family Room & Storage Room	Full Walkout: 500 Sq. Ft. Finished. Family Room & Storage Room
Kitchen	Island, Granite Counter Tops Shaker Cabinets	Inferior: No island, granite	\$7,500
Heating/Cooling	Gas Heat & Electric Heat Pump with CAC	Gas Heat & Electric Heat Pump with CAC	\$0
Garage/Carport	Attached 2 Car Garage	Similar	\$0
Fireplace	1 Pre Fab Gas Fireplace	No Fireplace	\$5,000
Patio, Porch, Deck	Front covered porch, stone patio with fire pit	Smaller Covered Front Porch	\$6,500
Features:	9 foot ceiling on 1st floor, Sun Room Upgraded Trim	Standard	\$0
NET ADJUSTMENT(+/-)	0	-\$8,250	-\$9,000
ADJUSTED SALE PRICE OF COMPARABLE	\$589,000	\$592,463	\$537,646

Note: The adjustments are approximations and rely on the appraisers judgment based on market observations. The market may not reflect as much accuracy as the adjustments suggest.

Comments: After making adjustments so that the adjusted sale prices are similar except for exposure to detrimental conditions associated with previously identified commercial and industrial land uses, the adjusted price of Sales #1 and #2, which do not abut the properties with detrimental conditions, ranges from less than 1% for Sale #1 to 8.7% for Sale #2 less than the sale price of 5837 Shepherd Drive indicating the exposure to the previously described detrimental conditions did not have a measurable impact on the sale price of the property. This analysis supports the previously paired data analysis using finished lot sales and is consistent with a conversation with the listing agents of 5837 Shepard Drive who indicated the detrimental conditions associated with the abutting and confronting commercial/industrial uses had no adverse impact on the sale price.

Group Data Analysis: The group data analysis groups data by an independent variable. Sales are analyzed in pairs or groups. There were an insufficient number of recent sales of detached houses abutting and confronting the previously described properties and associated detrimental conditions. Therefore, I compared a group of townhouse sales between 2016 and 2017 and 2019 and 2020 that abutted the detrimental conditions (Group #1) with sales of townhouses that did not abut or confront the detrimental conditions of the commercial properties (Group #2). There was an insufficient number of sales in 2018 and 2021-2023 to analyze. The difference, if any, is attributed to the impact of the detrimental conditions. The analysis follows.

Group # 1 - Abutting Storage Lot with No Buffer

<u>Lot Number</u>	<u>Address</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Settlement Date</u>		<u>Type</u>	<u>GLA (S. F.)</u>	<u>Liber/Folio</u>	<u>Original</u>	<u>Final</u>	<u>\$/Sq. Ft.</u>	<u>GLA(1)</u>
				<u>(SDAT)</u>	<u>End Unit Townhouse</u>							
282	5931 Shepherd Lane	NVR, Inc.	Ankur Gupta	7/14/16		1,440	11252/255		\$300,000	\$208.33		
283	5929 Shepherd Lane	Matthew Ayers	Ran Deng	9/9/21	Townhouse	1,454	15268/144	\$314,900	\$350,000	\$240.72		
		NVR Inc.	Matthew Ayers	9/7/16	Townhouse	1,454	11356/331		\$286,000	\$196.70		
284	5927 Shepherd Lane	NVR Inc.	Courtney M. Abrecht	3/31/16	Townhouse	1,680	11345/227		\$309,368	\$184.15		
285	5925 Shepherd Lane	Mark Adjei	Khadisha Johnson	8/6/21	End Unit Townhouse	1,440	15182/461	\$379,900	\$380,000	\$263.89		
		NVR Inc.	Mark Adjei	9/7/2016	End Unit Townhouse	1,440	11356/295		\$282,093	\$195.90		
286	5923 Shepherd Lane	NVR, Inc.	Christina and Martinez Jose Elias Ramos	2/6/17	End Unit Townhouse	1,440	11673/418	\$296,810	\$296,810	\$206.12		
287	5921 Shepherd Lane	NVR, Inc.	Christopher and Juliana Morgan	2/16/17	Townhouse	1,440	11673/388	\$315,970	\$315,970	\$219.42		
288	5919 Shepherd Lane	Adam and Amy Treisler	Emmanuel H. and Revecca Cudjoe	2/7/20	Townhouse	1,680	13546/264	\$315,000	\$317,500	\$188.99		
		NVR, Inc.	Adam and Amy Treisler	2/2/17	Townhouse	1,680	13546/264	\$303,010	\$303,010	\$180.36		
289	5917 Shepherd Lane	NVR, Inc.	Diana Ream	2/16/17	End Unit Townhouse	1,440	11674/1	\$295,340	\$295,340	\$205.10		
290	5915 Shepherd Lane	Shannon Humphreys	Logan Smock and Brooke Kline	6/7/19	End Unit Townhouse	1,440	13014/443	\$334,750	\$334,750	\$232.47		
		NVR, Inc.	Shannon Humphreys	3/16/17	End Unit Townhouse	1,440	11717/433	\$333,355	\$333,355	\$231.50		
45	5877 Barts Way	NVR, Inc.	Steven Jessy Valdez and Jennifer Keane	12/20/19	End Unit Townhouse	1,454	13423/186	unknown	\$306,990	\$211.13		
46	5875 Barts Way	NVR, Inc.	Wenxia Zhang	1/8/20	Townhouse	1,440	13450/191	unknown	\$296,990	\$206.24		
47	5873 Barts Way	NVR, Inc.	Mariessa and Sean Magirinis	12/20/19	Townhouse	1,440	13423/260	unknown	\$312,625	\$217.10		
48	5871 Barts Way	NVR, Inc.	Kristin Elizabeth Berger and Kim Marco Peaks, Sr.	12/19/19	Townhouse	1,440	13414/448	unknown	\$327,680	\$227.56		
49	5869 Barts Way	NVR, Inc.	NiMah Keita-Kumako	12/18/19	End Unit Townhouse	1,440	13413/123	unknown	\$289,990	\$201.38		
50	5867 Barts Way	NVR, Inc.	Admassu Woldegiorgis and Estegenet Gizaw	11/29/19	End Unit Townhouse	1,440	13376/68	unknown	\$312,585	\$217.07		
51	5865 Barts Way	NVR, Inc.	Henry and Tial Pen Vangchhia	11/22/19	Townhouse	1,440	13360/446	unknown	\$300,035	\$208.36		
52	5863 Barts Way	NVR, Inc.	Amanda Malone	11/27/19	Townhouse	1,440	13372/157	unknown	\$322,065	\$223.66		
53	5861 Barts Way	NVR, Inc.	Eileen Suzanne Thomas	12/20/19	End Unit Townhouse	1,440	13421/286	unknown	\$299,990	\$208.33		
Average \$/ Sq. Ft. NVR 2019-2022 - 1,440/-										\$213.43		
NVR 2016-2017 - 1,440/-										\$203.06		

Group # 2 - Not Abutting Storage Lot with No Buffer

291	5913 Shepherd Lane	NVR Inc.	Andy Suther and Alexis Hudson	3/16/2017	Townhouse	1,694	11714/348	\$317,010	\$317,010	\$187.14
292	5311 Shepherd Lane	NVR Inc.	Adam and Amanda Haarer	3/16/2017	End Unit Townhouse	1,440	11717/404	\$304,640	\$304,640	\$211.56
293	5909 Shepherd Lane	Amanda Miller	Ramana and Laxmi Venkat Manusani	1/19/2022	Townhouse	1,680	16217/25	\$410,000	\$410,000	\$244.05
		NVR Inc.	Amanda Miller	3/16/2017			11717/26	\$319,935	\$319,935	\$190.44
294	5907 Shepherd Lane	Amanda Shafer	Stacey M. Schumann	4/12/2021	End Unit Townhouse	1,694	14757/376	\$367,500	\$367,500	\$216.94
		NVR Inc.	Amanda Shafer	3/16/2017	End Unit Townhouse	1,694	11717/228	\$339,975	\$339,975	\$200.69
54	5855 Barts Way	NVR Inc.	Cynthia Boadu and Prince K. Sasu	5/28/2019	End Unit Townhouse	1,680	12991/164	\$335,200	\$335,200	\$199.52
55	5853 Barts Way	NVR Inc.	Yessika Valenuela	5/15/2019	Townhouse	1,440	12971/14	\$320,000	\$320,000	\$222.22
56	5851 Barts Way	NVR Inc.	Racquel Russ	5/3/2019	Townhouse	1,680	12950/200	\$325,000	\$325,000	\$193.45
57	5849 Barts Way	NVR Inc.	Gina Marie Wood	5/17/2019	Townhouse	1,680	12976/220	\$325,000	\$325,000	\$193.45
58	5847 Barts Way	John David Cruz	Marie Durane and Billy Windley Seymour	11/9/2021	Townhouse	1,680	15480/173	\$384,999	\$384,999	\$229.17
		NVR Inc.	John David Cruz	5/16/2019	Townhouse	1,680	12972/153	\$326,495	\$326,495	\$194.34
59	5845 Barts Way	Susan Sharp Amsden	Megh Raj Kadel	6/16/2020	End Unit	1,452	13818/182	\$345,000	\$345,000	\$237.60
		NVR Inc.	Susan Sharp Amsden	3/25/2019	End Unit	1,452	12887/226	\$309,990	\$309,990	\$213.49
						2,210	11717/228	\$339,975	\$339,975	\$153.83
21	5811 Barts Way	Thierry Benjamin Kaore	Kacie Lynn and Liam Patrick Tart	11/23/2022	End Unit	1,694	16236/11	\$405,000	\$405,000	\$239.08
		NVR Inc.	Thierry Benjamin Kaore	10/2/2019	End Unit	1,694	13246/386	\$353,555	\$353,555	\$208.71
20	5813 Barts Way	NVR Inc.	Roselle Enriquez and Enrico Griego Caperal	9/26/2019	Townhouse	1,680	13234/385	\$355,920	\$355,920	\$211.86
19	5815 Barts Way	NVR Inc.	Ping Wang Towers and Karen Towers	9/27/2019	Townhouse	1,438	13237/477	\$331,670	\$331,670	\$230.65
18	5817 Barts Way	Andrew Arthur Linn	Shahan Mahamadalsam and Shahinben Salimhal Vahora	8/22/2023	Townhouse	1,680	16570/183	\$433,000	\$433,000	\$257.74
		NVR Inc.	Andrew Arthur Linn	9/27/2019	Townhouse	1,680	13240/130	\$340,425	\$340,425	\$202.63
17	5819 Barts Way	NVR Inc.	Ronald and Crystal Grimm	12/4/2019	Townhouse	1,680	13376/241	\$345,170	\$345,170	\$205.46
16	5821 Barts Way	NVR Inc.	Arzouma Kompare and Aminata Kompaore Traore	10/2/2019	End Unit	1,680	13246/210	\$361,045	\$361,045	\$214.91
22	5807 Barts Way	NVR Inc.	Brian Paul Schmoyer	10/21/2019	End Unit	1,680	13283/216	\$360,529	\$360,529	\$214.60
23	5805 Barts Way	NVR Inc.	Caroline Olabisi Ogunbodeo	10/22/2019	Townhouse	1,280	13287/477	\$304,730	\$304,730	\$238.07
24	5803 Barts Way	NVR Inc.	Carla Sue Difenderfer	10/21/2019	Townhouse	1,448	13283/414	\$330,855	\$330,855	\$228.49
25	5801 Barts Way	NVR Inc.	Francine Hawes	10/17/2019	End Unit	1,680	13280/336	\$338,075	\$338,075	\$201.24
26	5797 Barts Way	John Christopher Richardson	Desia Rachelle Hartwell	6/4/2021	End Unit	1,680	14954/138	\$375,000	\$375,000	\$223.21
		NVR Inc.	John Christopher Richardson	9/17/2019	End Unit	1,680	13217/210	\$343,900	\$343,900	\$204.70
27	5795 Barts Way	NVR Inc.	Tony Aaron Gal	9/12/2019	Townhouse	1,440	13207/68	\$320,640	\$320,640	\$222.67
28	5793 Barts Way	NVR Inc.	Komal Cheryl Carter	9/12/2019	Townhouse	1,288	13207/46	\$288,250	\$288,250	\$223.80
29	5791 Barts Way	NVR Inc.	Sreenivasa Reddy Pusapat and Sandhya Reddy Doola	9/13/2019	End Unit	1,680	13210/320	\$344,430	\$344,430	\$205.02
230	5751 Barts Way	NVR Inc.	Stephen Matthew Davis and Sana Shamim	8/24/2017	End Unit	1,680	11996/500	\$318,655	\$318,655	\$189.68
231	5753 Barts Way	Muhammad Sarosh	Prashanth Gaddam and Hima Bindu Manda	4/4/2023	Townhouse	1,454	16386/134	\$418,500	\$418,500	\$287.83
		Andrew Flain	Muhammad Sarosh	2/16/2021	Townhouse	1,454	14541/156	\$354,800	\$354,800	\$244.02
		NVR Inc.	Andrew Flain	6/29/2017	Townhouse	1,454	11905/198	\$296,090	\$296,090	\$203.64
232	5755 Barts Way	NVR Inc.	Rebecca Robinson and Allen Etzler	6/29/2017	Townhouse	1,440	11905/168	\$302,690	\$302,690	\$210.20
233	5757 Barts Way	Joseph Fehrkob	Babak Makhmalbaf and Zahra Mehrizadeh	8/6/2020	Townhouse	1,440	13958/377	\$345,000	\$345,000	\$239.58
		NVR Inc.	Joseph Fehrkob	6/29/2017	Townhouse	1,440	11905/227	\$294,250	\$294,250	\$204.34
234	5759 Barts Way	NVR Inc.	Ines Hansen	7/13/2017	Townhouse	1,440	11922/44	\$284,730	\$284,730	\$197.73
235	5761 Barts Way	Karthik Chittamori	Morris and Kule Sando	3/19/2020	Townhouse	1,694	13600/38	\$341,400	\$341,400	\$201.53
		NVR Inc.	Karthik Chittamori	7/19/2017	Townhouse	1,694	11934/108	\$338,215	\$338,215	\$199.65
236	5763 Barts Way	NVR Inc.	Kishor Shrestha and Sonam Karmacharya	7/20/2017	End Unit	1,680	11936/342	\$337,795	\$337,795	\$201.07
237	5771 Barts Way	NVR Inc.	Javier Jaco	4/25/2018	End Unit	2,523	12381/160	\$325,000	\$325,000	\$128.81
238	5773 Barts Way	NVR Inc.	Alberto and Diana Betances	10/3/2017	Townhouse	1,908	12061/158	\$290,650	\$290,650	\$152.25
239	5775 Barts Way	Nathan Bradley	Sarita R. Joshi	4/18/2022	Townhouse	2,131	15862/455	\$400,000	\$400,000	\$187.71
		NVR Inc.	Nathan Bradley	10/16/2017	Townhouse	2,131	12089/45	\$300,640	\$300,640	\$141.08
240	5777 Barts Way	Stephanie Michaels	Subha Choudhuri	11/4/2021	Townhouse	1,923	15466/1	\$370,000	\$370,000	\$192.41
		NVR Inc.	Stephanie Michaels	10/16/2017	Townhouse	1,923	12082/147	\$321,105	\$321,105	\$166.98
241	5762 Barts Way	Chris O'Daniel	Emekulu Tessema Alemaw and Tesfaye Mihret Khaddis	2/19/2021	End Unit	2,131	14560/50	\$385,000	\$385,000	\$171.28
		NVR Inc.	Chris O'Daniel	10/25/2017	End Unit	2,131	12100/354	\$308,655	\$308,655	\$144.84
242	5781 Barts Way	Guang Chuang	Andrew Stallings and Amanda Allen	10/15/2020	End Unit	2,131	14175/385	\$350,000	\$350,000	\$164.24
		NVR Inc.	Guang Chuang	11/21/2017	End Unit	2,131	12144/469	\$312,347	\$312,347	\$146.57
243	5783 Barts Way	NVR Inc.	Todd David Patton	10/31/2017	Townhouse	1,908	12108/280	\$298,180	\$298,180	\$156.20
244	5785 Barts Way	NVR Inc.	Charles SR and Paula Dabbs	11/7/2017	Townhouse	2,145	12120/195	\$279,165	\$279,165	\$130.15
245	5787 Barts Way	Kyle Cuzillo	Sai Krishna Mamidi and Meher Sravya Kancharla	4/23/2021	End Unit	2,020	14811/145	\$375,000	\$375,000	\$185.64
		NVR Inc.	Kyle Cuzillo	11/7/2017	End Unit	2,020	12120/165	\$308,595	\$308,595	\$152.77
246	5768 Barts Way	NVR Inc.	Kalani James	11/1/2017	End Unit	2,534	12111/188	\$315,268	\$315,268	\$124.42
247	5766 Barts Way	Brittany Lyle	Shane Montgomery Bryan	7/17/2020	Townhouse	2,052	13903/281	\$355,000	\$355,000	\$173.00
		NVR Inc.	Brittany Lyle	10/25/2017	Townhouse	2,052	12100/324	\$301,630	\$301,630	\$146.99
248	5764 Barts Way	Robert Zell	Tian Zhou	4/28/2022	Townhouse	2,331	15886/42	\$400,000	\$400,000	\$171.60
		NVR Inc.	Robert Zell	11/1/2017	Townhouse	2,331	12131/425	\$290,355	\$290,355	\$124.56
249	5762 Barts Way	NVR Inc.	Rasheed and Shannon Barrow	11/28/2017	Townhouse	2,465	12152/408	\$327,165	\$327,165	\$132.72
250	5760 Barts Way	NVR Inc.	Sameul and Kimberly Mitchell	11/1/2017	End Unit	2,331	12111/217	\$307,755	\$307,755	\$132.03
251	5758 Barts Way	NVR Inc.	Natalia Machado-Capobianco and Jackson Thotamwai	7/13/2017	End Unit	2,534	11922/73	\$316,800	\$316,800	\$125.02
252	5756 Barts Way	Kyler Akers	Chad M. and Tara M. Allen	11/2/2018	Townhouse	2,160	12772/476	\$324,900	\$324,900	\$150.42
		NVR Inc.	Kyler Akers	7/19/2017	Townhouse	2,160	11934/77	\$283,975	\$283,975	\$131.47
253	5754 Barts Way	NVR Inc.	Eric Nicholson and Emily Bagirova	7/31/2017	Townhouse	2,520	11952/86	\$309,540	\$309,540	\$122.83
254	5752 Barts Way	NVR Inc.	Joseph Kaluku	7/25/2017	Townhouse	2,174	11943/439	\$299,175	\$299,175	\$137.61
255	5750 Barts Way	NVR Inc.	Lawrenicia Addo	8/10/2017	End Unit	2,400	11972/375	\$324,665	\$324,665	\$135.28

Average \$/ Sq. Ft. NVR 2019 - 2020 - 1,440/-
NVR 2016 - 2017 - 1,440/-

\$217.58
\$166.64

Conclusion: The average price per square foot of gross living area above grade of the townhouses abutting detrimental conditions for 2016-2017 sold for approximately 21.9% more than sale in Group 2 (not abutting detrimental conditions). This difference appears to be influenced by another variable, the greater number of sales of larger size townhouses in Group 2. There is an inverse relationship between size and sale price which appears to have lowered the average price per square foot. The average sale price for Group 1 sales between 2019 and 2020 was 1.9% lower than Group 2 sales. The sales data appears to have been influenced by the spike in the price of townhouses caused by the COVID-19 pandemic. Due to these additional variables, less weight was given to this data analysis method.

Final Conclusion: The preceding analysis of sales in Holly Ridge that abut and confront commercial and industrial uses with detrimental conditions that are not screened to the level proposed for the subject indicates the sale prices were not adversely impacted by these detrimental conditions. Therefore, the potential detrimental conditions (abutting a storage yard, view and exposure to lights and noise) associated with the subject RV storage lot will not have an adverse effect on the market value of abutting and confronting (residential) properties to the subject.

Based on my investigation, research, and analysis, it is my opinion, as of December 21, 2023 the proposed special exception as a recreational vehicle storage lot at the proposed location will not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated at any other location within the zoning district.

The opinions contained in this report are subject to the *Definitions*, *Certifications*, and *Underlying Assumptions and Contingent Conditions*, and the following *Hypothetical Condition*:

- The After analysis is based on the *Hypothetical Condition* that the special exception for the proposed RV storage lot is approved and the proposed storage lot is constructed.

The use of this *Hypothetical Condition* might affect assignment results.

ADDENDA

QUALIFICATIONS OF THE APPRAISER/CONSULTANT

TERRENCE W. MCPHERSON bud@mcphersonassoc.com

Professional Membership/Affiliate:

- Maryland Certified General Real Estate Appraiser #04-638 (1991)
- Pennsylvania Certified General Appraiser #GA-001236-L (1994)
- Virginia Certified General Real Estate Appraiser #4001-003413 (1995)
- West Virginia Certified General Real Estate Appraiser #312 (2002)
- Maryland Real Estate Broker #48715

Appraisal Institute:

- MAI Designation, Appraisal Institute, 1984
- SRA, Senior Residential Appraiser, 1982
- Board of Directors, Washington Metropolitan Chapter, 1991
- Board of Directors, Maryland Chapter, 1994-1996
- Treasurer, Maryland Chapter, 1997
- Secretary, Maryland Chapter, 1998
- Vice President, Maryland Chapter, 1999
- President, Maryland Chapter, 2000

American Institute of Real Estate Appraisers:

- Board of Directors, Maryland Chapter No. 26, 1986-1989

Society of Real Estate Appraisers:

- Board of Directors, Washington Metropolitan Chapter, 1985-1989
- President, Washington Metropolitan Chapter, 1990

Frederick County Building Industry Association,

- Land Use Council Member Since 2016

Education and Background:

- BA Degree (Magna Cum Laude) Political Science, University of Maryland, Baltimore County Campus, 1975
- Grimes & Associates Realty, Inc., Real Estate Sales, March 1976 to March 1979
- Baystate Appraisal Corporation, Associate Appraiser, March 1979 to October 1979
- Donald V. Urquhart & Assoc., Associate Appraiser, October 1979 to January 1985
- Associate Real Estate Broker - State of Maryland, 1980
- Partner - Grimes & Associates Realty, Inc., 1982 to 1984
- Partner - McPherson, Urquhart & Associates, October 1980 to January 1985
- Partner - Urquhart, McPherson, Hannan, Six & Assoc., January 1985 to March 1986
- Partner - McPherson, Six & Associates, Inc., April 1986 to June 1991
- Owner - McPherson & Associates, Inc., June 1991 to Present
- Owner – Real Estate Brokers, Inc.

Real Estate Courses Completed:

Frederick Community College:

- Basic Real Estate Principles

University of Maryland:

- Advanced Principles of Real Estate II

Montgomery Community College:

- Advanced Principles of Real Estate II

Society of Real Estate Appraisers:

- Course 101 - Introduction to Real Estate Appraising
- R-2 Narrative Report Seminar

American Institute of Real Estate Appraisers:

- Course 1B, Capitalization Theory and Techniques (Parts I, II & III)
- Course II-I, Case Studies in Real Estate Valuation
- Course II-2, Valuation Analysis and Report Writing
- Course IV, Condemnation
- Course VIII, Single-Family Residential Valuation

- Standards of Professional Practice and Ethics

Appraisal Institute:

- Condominiums, Co-Ops and PUDs, 2008
- 2020-2021 USPAP 7-Hour Equivalent Update, August 2020
- Business Practices and Ethics
- Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets, September 2012
- Introduction to Green Buildings: Principles & Concepts, November 2014
- Uniform Appraisal Standards for Federal Land Acquisitions: Practical Applications 2017

Seminars:

- Commercial Market Update, January 2007
- Real Estate Development and Feasibility, July 2007
- What's In Store? Real Estate Economy 2008, July 2007
- Real Estate Market Update: Metro DC RE: 2008 & Beyond, October 2008
- PA State Regulations, May 2021
- Appraisal Challenges: Declining Markets and Sales Concessions, September 2009
- Appraising Distressed Commercial Real Estate: Here We Go Again, November 2009
- Advanced Spreadsheet Modeling for Valuation Applications, September 2010
- How Tenants Create or Destroy Value: Leasehold Valuation and Its Impact on Value, May 2019
- Appraising Automobile Dealerships, June 2019
- Analyzing Operating Expenses, August 2020

Teaching Experience:

- University of Virginia - Extension Course, Introduction to Appraising Real Property, Guest Lecturer; SREA Course 102, Spring of 1987
- Montgomery Community College - SREA Course 102, 1986
- The Greater Baltimore Board of Realtors, Inc. - Appraisal Licensing Courses; 1991-1992

Expert/Qualified Witness: Allegany, Carroll, Frederick and Washington Counties Circuit Court; Maryland Tax Court, U.S. Bankruptcy Court; North District of WV; Southern Division for the District of Maryland; Carroll County Board of Zoning Appeals; Prince Georges County Property Review Board; Washington County Property Review Board and Fairfax County Property Review Board; United States Court of Federal Claims and United States District Court of Maryland

Representative Clients:

• Bank of America	• Woodsboro Bank	• City of Frederick
• CitiBank, N.A.	• FCB Bank	• U.S. Justice Department
• Truist	• U.S. Dept. of Interior & GSA	• Citizens Bank
• Wells Fargo Bank	• Willard Agri Services	• Atlantic Union Bank
• PNC Real Estate Services	• Natelli Communities	• ACNB Bank
• Fifth Third Bank	• Capital Bank	• Maryland State Highway Admin.
• Jonestown Bank & Trust Co.	• MidAtlantic Farm Credit	• Wesbanco Bank
• Sandy Spring Bank	• Middletown Valley Bank	• M&T Bank
• FDIC	• MidLantic Financial	• BCT – Bank of Charles Town
• Attorneys, Certified Public Accountants Private Individuals	• Maryland Department of Natural Resources (DNR)	

Cross Section of Appraisals: Garden apartments, shopping centers, warehouses, general and medical office buildings and condominium units; surgical centers, mixed use buildings, motels, truck stops, raw land, residential and industrial subdivisions, golf courses, veterinary clinics, farms, condemnation valuation, residential properties, special purpose properties (places of worship, schools, car dealerships and campgrounds), partial interest valuations; market studies for apartment projects, consultations and absorption and financial feasibility analysis of mixed use projects.

Consulting: Feasibility analysis of proposed residential and commercial developments, and mixed use developments; fee structures for management and leasing of residential and commercial buildings; assist in preparation of requests for proposals; land use studies; cost benefit analysis; and arbitration.



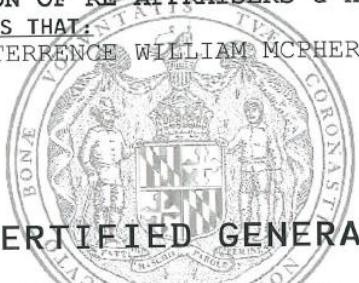
LICENSE * REGISTRATION * CERTIFICATION * PERMIT

STATE OF MARYLAND
MARYLAND DEPARTMENT OF LABOR

Lawrence J. Hogan, Jr.
Governor
Boyd K. Rutherford
Lt. Governor
Tiffany P. Robinson
Secretary

COMMISSION OF REAL APPRAISERS & HOME INSPECTORS
CERTIFIES THAT:

TERRENCE WILLIAM MCPHERSON



IS AN AUTHORIZED: **04 - CERTIFIED GENERAL**

LIC/REG/CERT EXPIRATION EFFECTIVE CONTROL NO
638 12-31-2024 12-05-2021 1632 5802297

Terren...
Signature of Bearer

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

Tiffany P. Robinson

Secretary

SUBJECT PHOTOS



Street Scene of Hessong Bridge Road at Prospect Drive, Looking South



Street Scene of Angleberger Road from Leatherman Drive, Looking East



Street Scene of Angleberger Road, Looking South Towards US 15



View from Area of RV Storage Lot, Looking Northeast Toward Prospect Drive



View from Existing RV Storage Lot on Adjoining Property, Looking East



View from Northern Section of Proposed RV Storage Lot, Looking East Toward the Ridge and Farmhouse and Outbuildings

SUBJECT PHOTOS



View from Southern Section of the Proposed RV Storage Lot, Looking South at the Rear of Properties #1 - #3



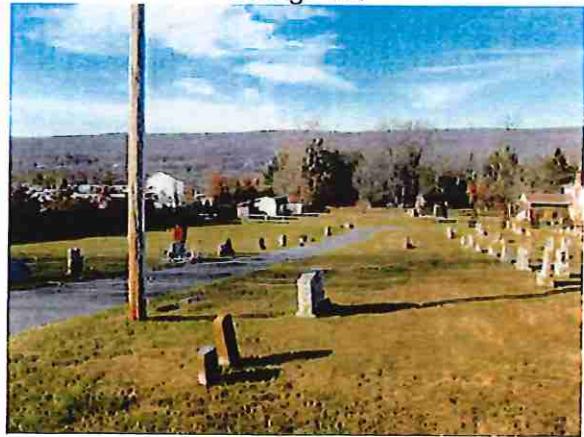
View from Southern Section of the Proposed RV Storage Lot, Looking South at the Rear of Properties #1 - #3



View of Abutting Property (#6, 7171 Prospect Drive), Looking Northeast from Proposed RV Storage Lot



View of Proposed Entrance from Angleberger Road to Subject RV Storage Lot from Leatherman Drive



View of Property #11, Looking Northwest



January 8, 2024

Andrew Brown, Chair
Board of Appeals
Frederick County
30 N. Market St.
Frederick, MD 21701



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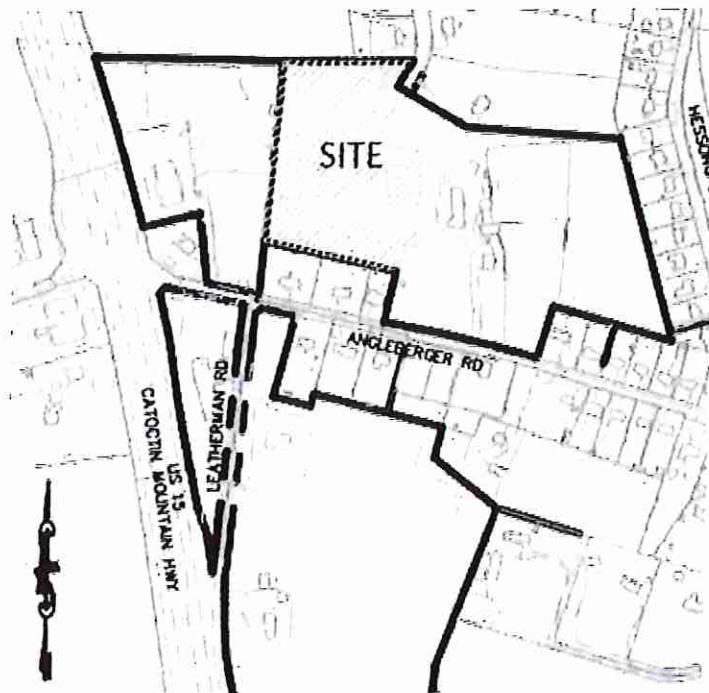
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RE: Beckley's RVs
Frederick County, Maryland
Our Job No.: 2023-0339

Dear Mr. Brown:

As requested, we have prepared a Traffic Engineering Assessment for the existing and proposed operations of Beckley's RVs based on the proposed plan to develop a Recreational Vehicle (RV) Storage Lot with 210 spaces generally located along the north side of Angleberger Road to the east of the existing Beckley's RV Lot as shown below in Figure 1.

Figure 1 – Site Location Map



Unfortunately, the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) does not have a Land Use Code for an RV Storage Area. However, it is our opinion that this use will not generate a significant number of trips on a daily or peak hour basis. Our understanding of the operations is that owners will store their RVs at this facility and remove them from the facility when needed for their personal use.

The closest Land Use Code in ITE, in my opinion, is a Mini-Warehouse/Self-Storage (ITE Land Use Code 151), which operates similarly to the RV Storage Area. A facility which has individual units for people to rent to store personal goods/items. Per ITE, 210 Units of a Mini-Warehouse/Self-Storage would generate 3 AM and 4 PM peak hour trips on average each day. I would assume a similar trip generation for the RV Storage Area as well.

We observed operations at the facility and noted the following:

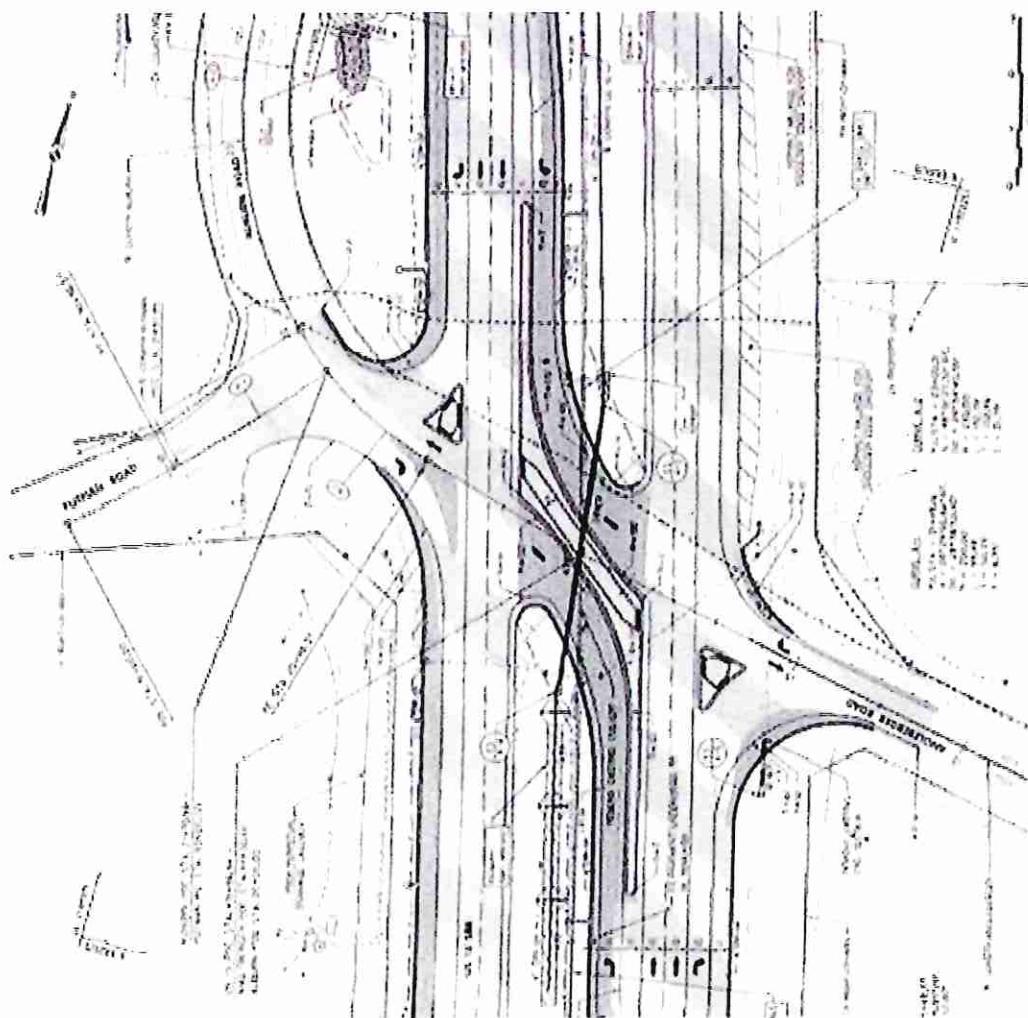
- Unregistered vehicles were utilizing the County Road System adjacent to their property and discussed with ownership. Since discussions, Beckley RVs has registered forklifts, gators, and tractors through the Maryland Department of Transportation Motor Vehicle Administration. At this time, Beckley RVs are researching other employee/customer transportation vehicles to replace the golf carts.

At the intersection of US 15 @ Angleberger Road/Auburn Road, the Maryland Department of Transportation State Highway Administration (MDOT SHA) is proposing new J-Turns to enhance safety and operations and the Semi-Final Plan is shown below in Figure 2. This improvement will include:

- Limit movements on Angleberger Road and Auburn Road @ US 15 to a Right In/Right Out/Left In Only.
- Channelize the left turns from US 15 to Angleberger Road and Auburn Road.
- Physically restrict the left turns out from Angleberger Road and Auburn Road to US 15.

As per MDOT SHA, the Final Plans are due to be completed in 2024 and construction to begin in 2024.

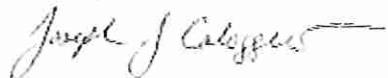
Figure 2 – SHA Improvement Plan (Semi-Final Review September 2023)



Based on the information provided, it is our opinion that the new Beckley's RVs Storage Lot with 210 spaces would have a minimal impact on traffic and the surrounding area roadway network based on the projected peak hour trips. Additionally, with the road improvements by MDOT SHA, safety and operations will be enhanced at US 15 @ Angleberger Road/Auburn Road.

If you have any questions, please let me know. Thank you.

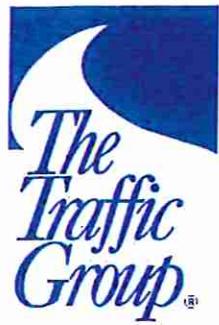
Sincerely,



Joseph J. Caloggero, P.E., PTOE, PTP
Vice President

JJC:amr

\F:\2023\2023-0339_Beckley's RVs\DOCS\CORRESP\ANALYST\Beckley's RV Ltr_Brown.docx



January 8, 2024

Andrew Brown, Chair
Board of Appeals
Frederick County
30 N. Market St.
Frederick, MD 21701



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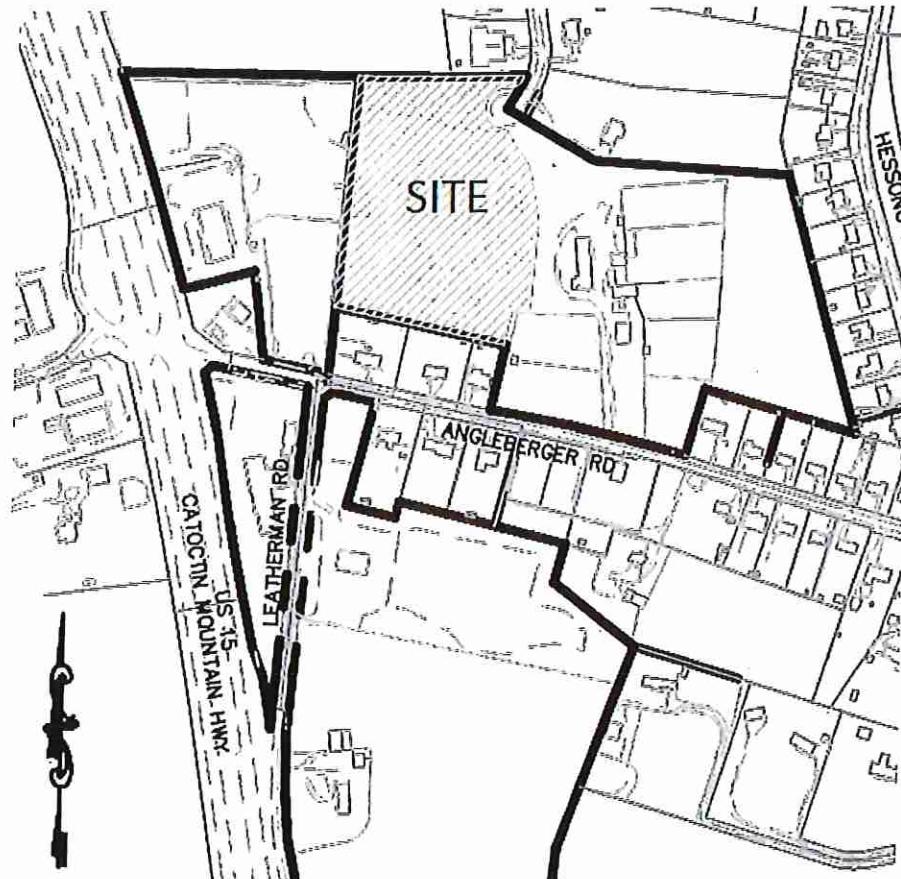
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Frederick County, Maryland
Our Job No.: 2023-0339

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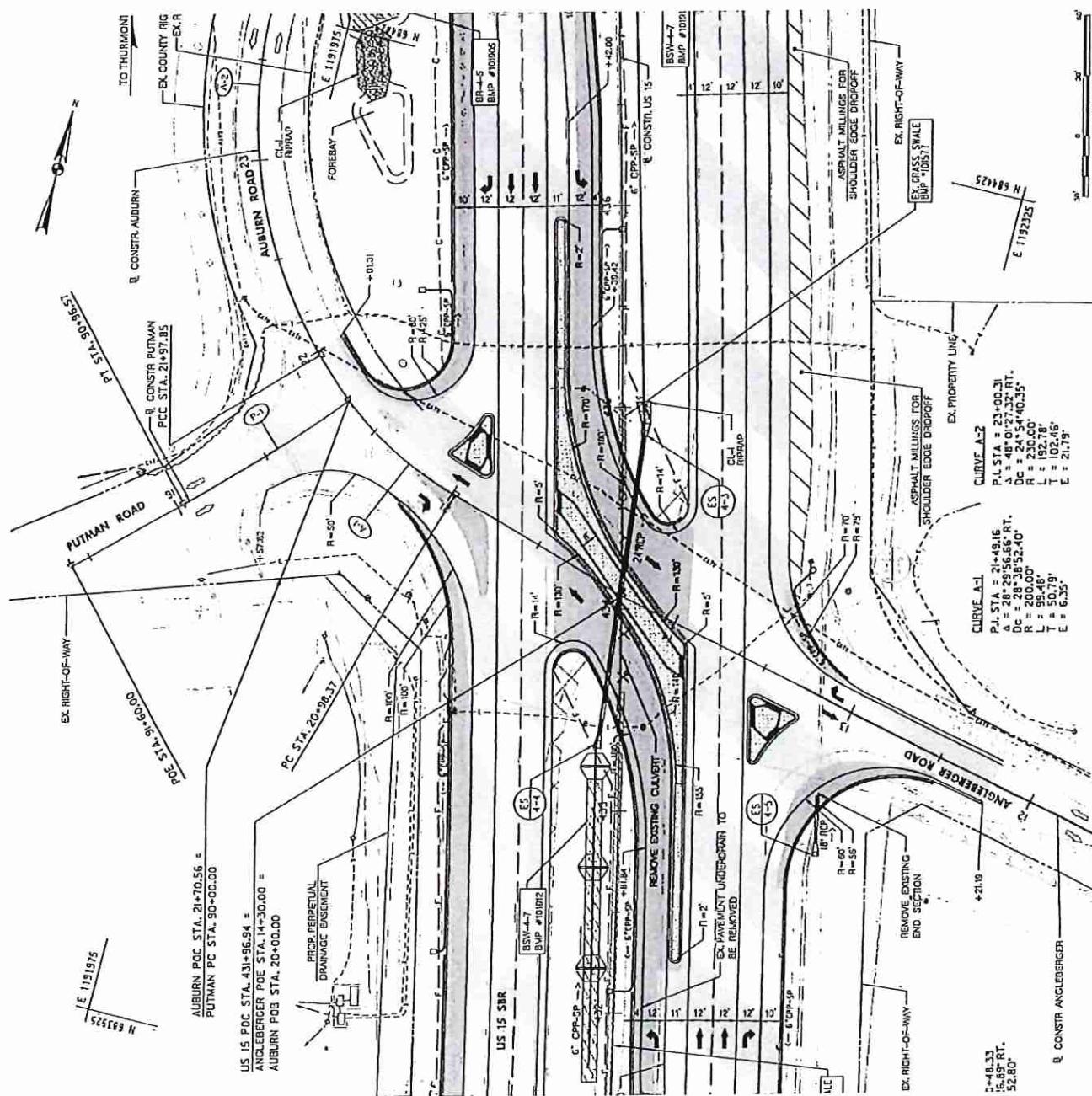
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Sincerely,



Joseph J. Caloggero, P.E., PTOE, PTP
Vice President

JJC:amr

(F:\2023\2023-0339_Beckley's RVs\DOCS\CORRESP\ANALYST\Beckleys RV Ltr_Brown.docx)

PROPOSED ADDITION TO SHANBECK PROPERTIES LLC
9.72 AC. \pm
(NEW TOTAL: SHANBECK PROPERTIES LLC 19.54 AC. \pm)

TM 032 P 0028
RAJ ENTERPRISES LLC
11700 WHATES LN
THURMONT MD 21787

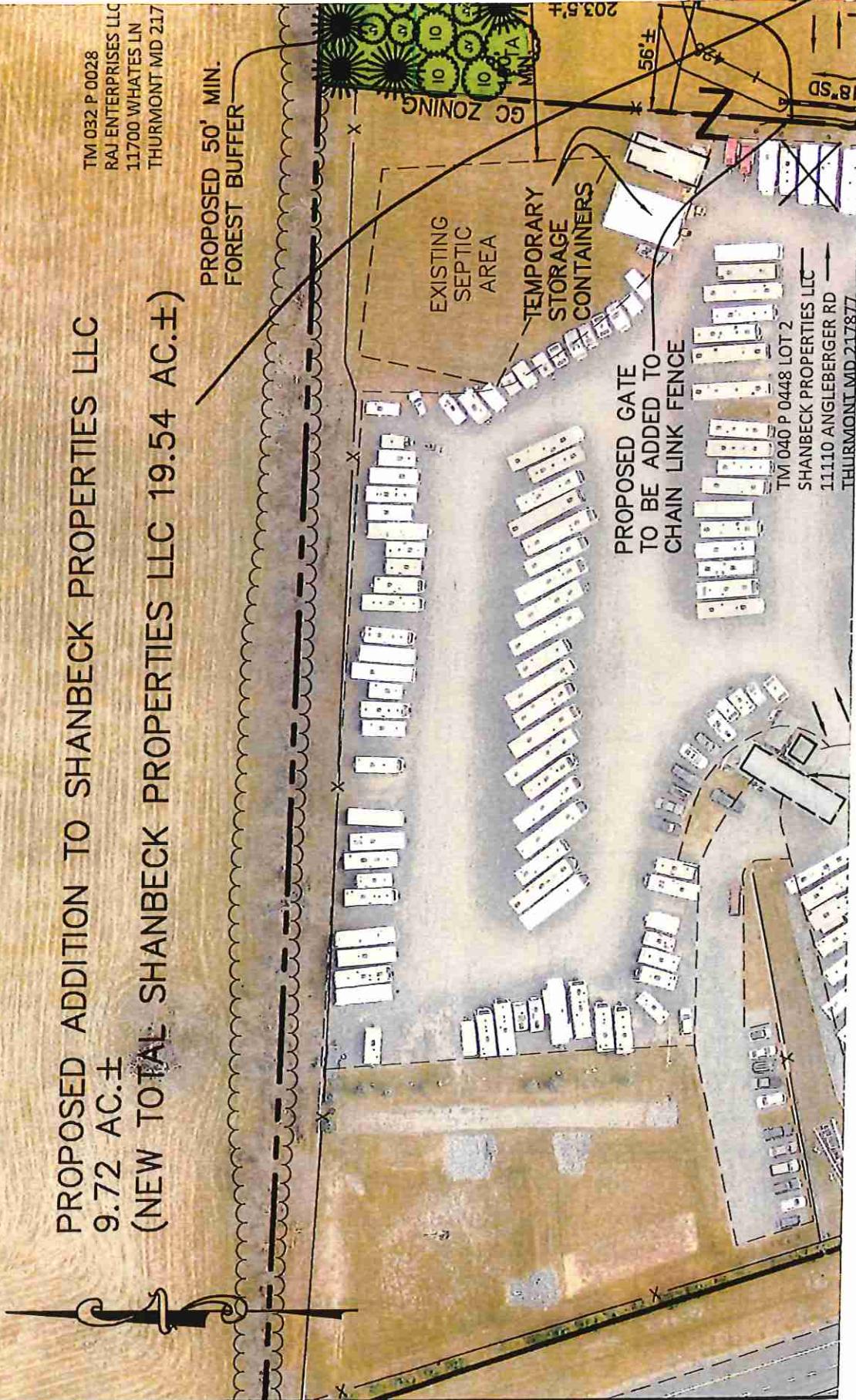
PROPOSED 50' MIN.
FOREST BUFFER

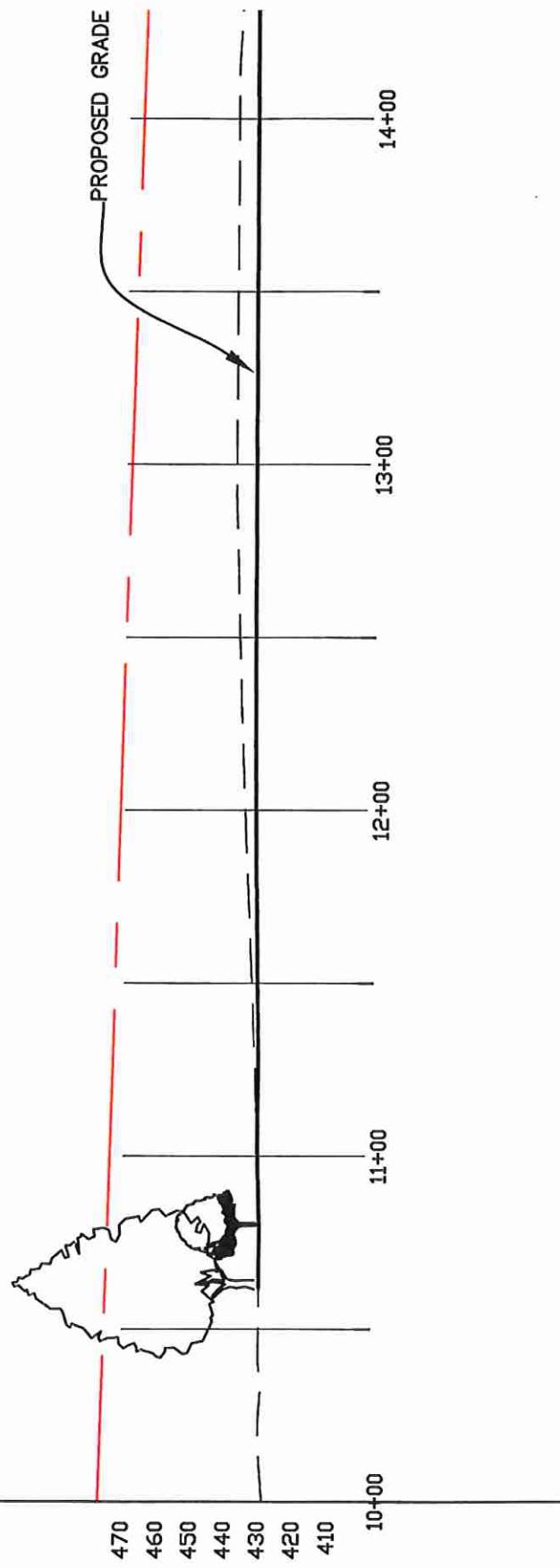
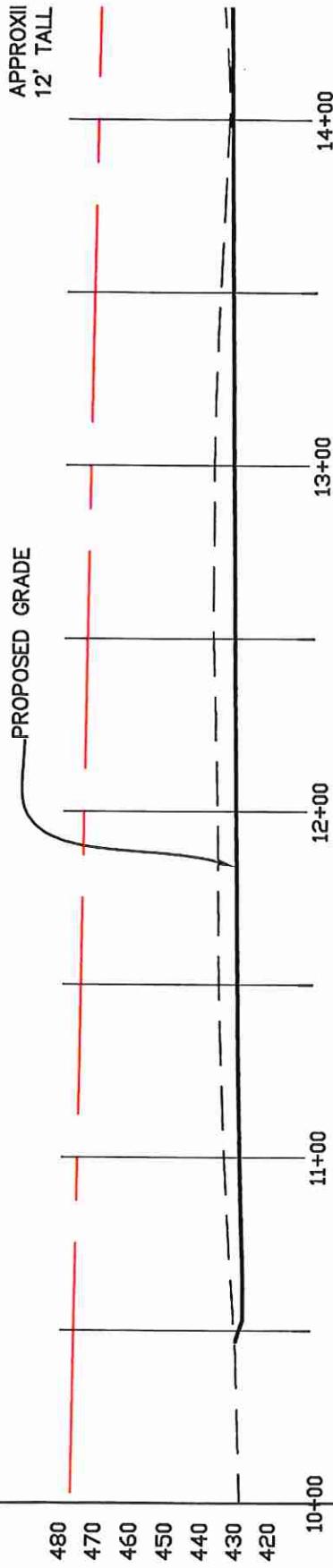
EXISTING
SEPTIC
AREA

TEMPORARY
STORAGE
CONTAINERS

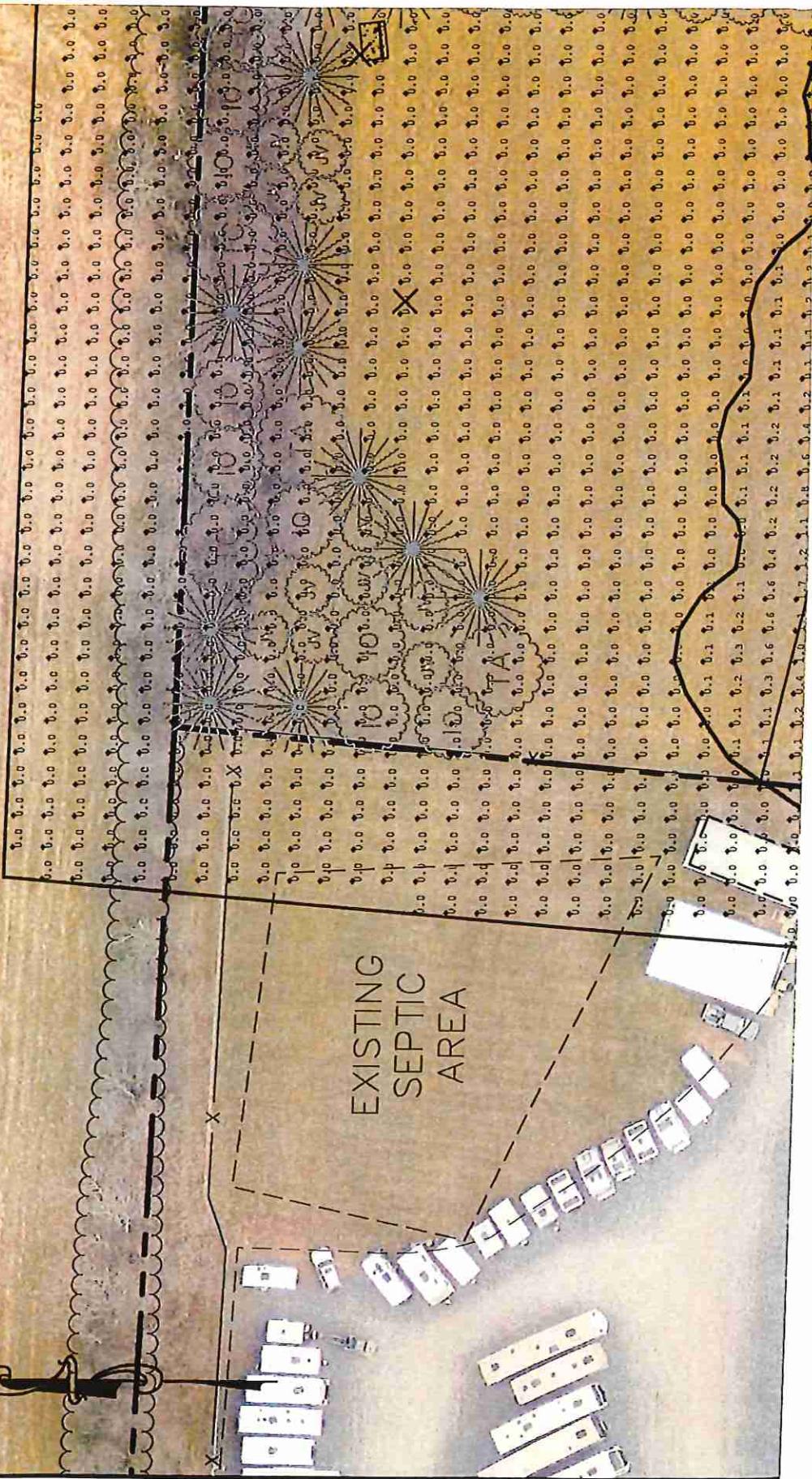
PROPOSED GATE
TO BE ADDED TO
CHAIN LINK FENCE

TM 040 P 0448 LOT 2
SHANBECK PROPERTIES LLC
11110 ANGLEBERGER RD
THURMONT MD 21787

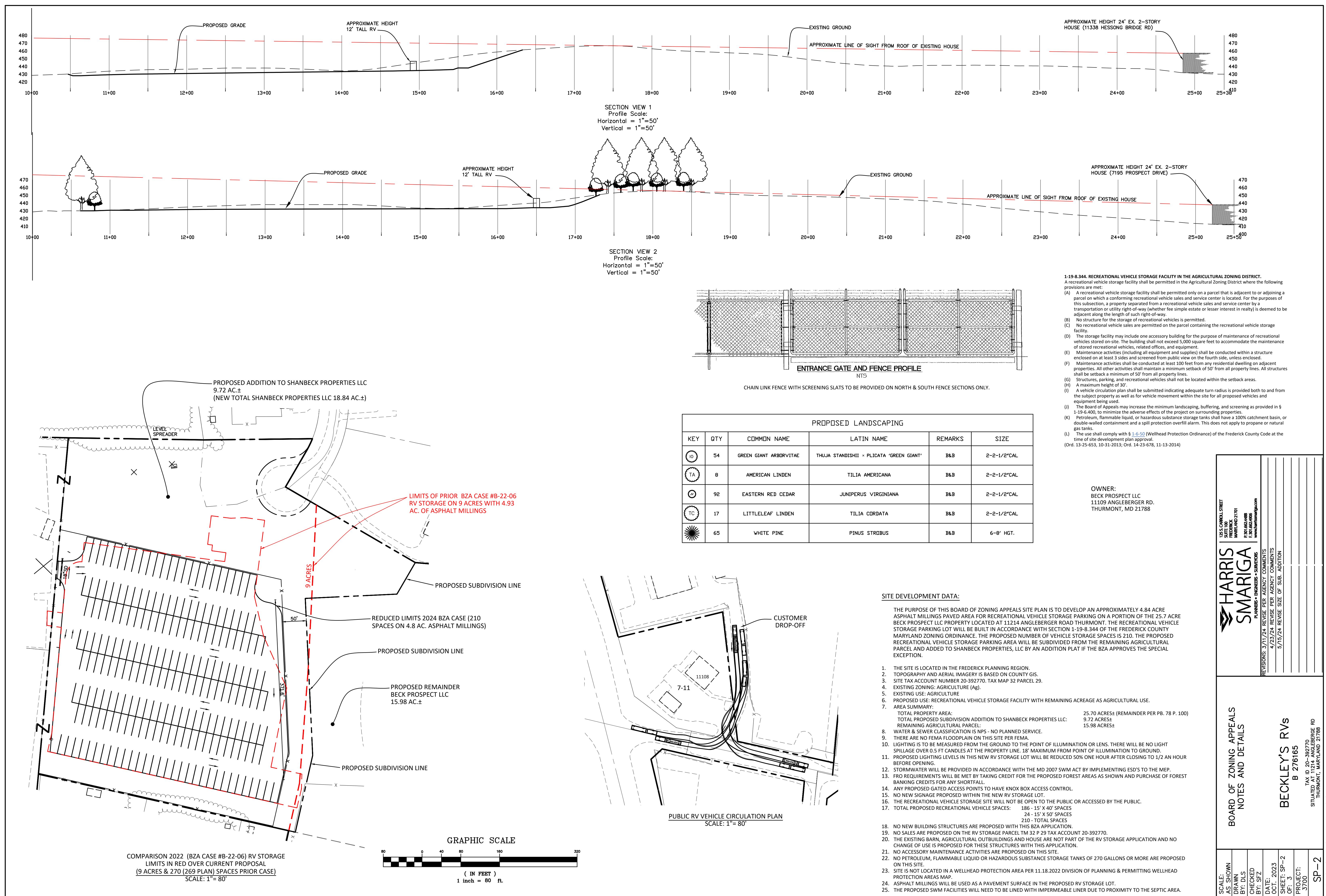




TM 032 P 0028
RAJ ENTERPRISES LLC
11700 WHATES LN
THURMONT MD 21788









EXISTING VIEW FROM PROSPECT DRIVE



FUTURE VIEW FROM PROSPECT DRIVE WITH PROPOSED FOREST

From: Brenda Genemans <bgenemans@gmail.com>
Sent: Monday, August 19, 2024 7:40 AM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Subject: Hearing 8/22- Beckley's RV- appeal

[EXTERNAL EMAIL]

Please see attached letter for the 8/22 hearing related to Beckley's RV special exception appeal.

If you could please confirm that you are in receipt of this letter.

Thank you.

Brenda Genemans
301-305-7142

I'm Brenda Genemans- I have lived at 11241 Angleberger Road since October of 2004. I've witnessed the expansion of the Beckley's RV Camping business over the course of the last 20 years.

My focus is on the special exception ordinance that was filed in 2022, which has 5 subsections that I would like to address the continued issues that exist, which therefore, should not allow approval of this special exception. I believe the purpose of these subsections is to ensure that expansion would occur in a responsible nature to the surrounding community. All subsections continue to have issues which would not facilitate a responsible expansion of Beckley's RV business.

1. Consistent with the development plan- the conditions and use in the prior plans that were approved have not been met; the use of the lot approved on Leatherman Road is being used for multiple purposes, used and new RVs are held/stored and sold from that lot. In addition, numerous safety violations are occurring with the existing operation at Beckley's RV- including the use of forklifts and golf carts on public roads. If the existing approved plans are not being abided, then how do we have trust that the new exception would also be followed?
2. The nature/size of the site must be in harmony with the development/neighborhood. There has been no interaction with the neighboring community since the last hearing other than one meeting held in June one week prior to the original hearing date; this meeting was only known via written invitation to a handful of adjacent properties, not the 40 plus neighbors who live in the surrounding area; how does this demonstrate being in "harmony" if there is no interaction other than a meeting conducted by their attorney. None of the employees or owners spoke themselves, only the paid attorney and site planner. The attorney's statement "Kelly really cares about the community"- those are words without actions. Our community is considered to be rural, which is why most of us intentionally purchased our homes in this area for the view of the mountains, the peacefulness, and absence of crime/traffic. This expansion will remove all of those- our view has been negatively altered, the peacefulness is replaced with overflowing lights and crime/traffic will only increase to a level that is not acceptable to us.
3. The operations can not adversely effect the area such as noise, fumes, and other- this would include light, water, noise, trees to "buffer" - We encounter noise from the increased traffic of campers transported to their business, test drives, and forklifts moving the campers from lot to lot. The light has altered our rural view of the sky as well as the mountains. The trees that are in the "plan" to "buffer" the light- will take numerous years to obtain the height that will actually "buffer" the view. Again, this condition still has issues that remain unresolved.
4. The parking areas need to achieve maximum safety- Golf carts and forklifts routinely cross Angleberger Road over to Leatherman Road, this equipment is operated as if they have "sole use" of the road and we are just an interruption to their business flow. We often have to yield to this business traffic to avoid accidents, including our son's school bus. Most of us avoid the intersection to avoid the chance of an accident; therefore, we have altered our navigation to work around Beckley's- how is this a full enjoyment of our community?
5. The road system can provide access to the site – including on/off ramps. There have been no changes to the Angleberger Road/Route 15 interchange that would improve the access

to the site; no on/off ramps- U turn intersection has not been put in place. This intersection is one of the most dangerous on Route 15 at this time. Until there has been a new ramp/U-turn insection put into place, this is still an issue.

Only the bare minimum is done in order to say that something was done, is that how you show you "really care" about someone? That does NOT successfully meet each of the 5 subsections in the exception, therefore, the business will not be expanding responsibly.

-----Original Message-----

From: Robert Stanley Jr <joebob40@comcast.net>
Sent: Sunday, August 18, 2024 5:43 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Subject: Beckley's case No. B-24-12 (B276165)

[EXTERNAL EMAIL]

See attached letter.

Thank you!
Francia and Robert Stanley

I want to start this letter by stating that my husband and I support Beckley's in their request to allow an RV storage facility. We are the 1st house on Angleberger Rd next to Beckley's used RV lot.

The home my husband and I live in is my family home which was built in the 1960s, so I lived here before Beckley's establishment was built in Lewistown. I moved to Thurmont in my early 20's, but my parents lived in our home until they downsized in 2010, when my husband and I bought the house from my parents. Throughout my teens and now since my husband and I have lived here, Beckley's has been a great neighbor. In fact, our son started working for Beckley's right out of high school and has been very successful in his career with them. After my husband retired, he went to work for Beckley's.

This is a great company, who in our opinion is a great neighbor, who appreciates their employees and the neighborhood that they serve. This storage facility is just another way to serve their customers.

Again, my husband and I are in support of Beckley's request for the storage facility to be approved.

Sincerely,

Francia and Robert Stanley

Mr, Paone,

Below are my comments on the BOA Case B-24-12.

Thanks for the opportunity, Harvey Burnsteel

Mr. Paone

Subject; BOA CASE NUMBER:B-24-12 (B276165)

I have assumed that comments must be in by close of business, 4:00PM, on the fourth day before the BOA hearing as stated in the Notice to Adjacent Property Owners/Interested Parties, June 27, 2024 signed by Tolson DeSa, Zoning Administrator.

This is my 8 page review of an 82 page file found on Board of Appeals Frederick County Maryland official website August 22, 2024. The file contains the Justification Statement Application for special exemption use recreational vehicle storage facility the agricultural zoning District Lands of Beck Prospect,LLC 11214 Angelberger road. The file contains the Applicants Justification Statement and all supporting data including a lengthy 49 page report by McPherson and Associates, INC. and other relevant documents that support the Applicants Justification.

Been There, Done That

One more time around Picadilly Circus

Reference the above to the the 28 April, 2022 BOA hearing.

I am a concerned Frederick County Citizen, my daughter and her family live in the neighborhood, Mount Pleasant Estates, affected by the potential approval of the Applicant's special exemption request for a long term RV storage facility in the agricultural zoning district.

I encourage the BOA to deny the exemption request.

I completely support all comments of the Mount Pleasant Estates residents to the Board of Appeals concerning; Lands of beck prospects, LLC 11214 Anglerberger Road.

The residents of Mount Pleasant Estates an I are relying on the Board's thorough and judicious review of the facts in the Applicants Justification and whether or not they satisfy and comply with: § 1-19-3.210. SPECIAL EXCEPTIONS.

From the zoning Board of Appeals, Administration Statement: The Board of Appeals, Boards Purpose, Third Bullet "To authorize, upon appeal specific cases, a variance from the terms of the Zoning Ordinance" This of course implies the variance complies with zoning law.

The BOA, must focus on the primary main issue when deciding approval or denial of the request. A political strategist in President Clinton's election campaign hung a sign in the campaign headquarter's in Little Rock, three short statements to keep the campaign on focus, one Statement read:

"The economy, stupid"

It wasn't a rude comment on intelligence or a derogatory statement. It became viral overnight and any "Cause" today "economy" is replaced with their main issue. So for this Justification exemption the appropriate focus statement is:

The parking lot, stupid.

At Paragraph three of the the current BOA Case B-24-12 Justification Statement INTRODUCTION, is:

"This Application is for substantially the same specific use as was approved in 2014." OKAY."

Paragraph four notes: "On April 28, 2022 the Applicant brought a request for special exemption before the Board of Appeals. The Board of Appeals voted 2-2...and according to the he Board of Appeals By-Laws that constituted a denial of the 2022 Application." Correct.

Repeating the above quotes, this current justification opening line statement could be: This Application [BOA Case Number B-24-12] is for substantially the same specific use as was approved in 2014. And it would be Absolutely correct!

This new version of the Applicant's request is a dressed up version of Applicant's request Case No. B-22-06 it has minor changes to appease the neighborhood concerns and demonstrate to the BOA that the Applicant's request complies with zoning law. However; Reducing; lighting pollution, parking spaces, and parking area are all good but they do not add sufficient support for compliance with zoning special exemption requirements.

Using current jargon i'll cut to the chase.

The conclusions of the Applicant's Justification Statement at (1), (2), (3), completely miss the main concern of the neighboring property owner, the parking lot itself. Reducing lighting intensity, number of parking spaces, less acreage for parking spaces does nothing to resolve the main issue: The parking lot will still be there!

Screening. I don't recall any direct issues with screening. This is a bit of smoke and mirrors; out-of-sight-out of mind proposition. So if the Mount Pleasant Estate residents can't see a parking it does'n exist?? But, the parking lot is still there. Screening and slotted fencing causes concerns: what's behind the fence, something awful, some sort of confinement facility, etc. The neighborhood know what's there, an every day utilitarian parking lot nothing visually appealing. Also some of the lot will not be screened as the

geography of the land preclude a direct view of the parking lot. But the lot is still on agricultural land, which is the main concern!

Traffic. The Expert traffic report from The Traffic Group is all but useless. It is mostly simply an opinion and a flawed comparison with a mini-storage business. There is no evaluation of the the frequent real time unsafe, possibly illegal traffic use by the Applicant's personnel while moving RVs over public road between the Applicant maintenance sales, maintenance and storage facilities.

Mr Calogero with The Traffic Group states: "... (ITE) does not have a land use code for an RV storage area." The residents have no concern for land use codes in an RV storage area.

The traffic assessment suggestion that the traffic environment of a 200 unit covered mini-self storage storage business is similar to the Applicant's business traffic environment is an apples to oranges comparison. This is pure conjecture! The Mini-storage vehicles are mostly private vehicle cars. The Applicants vehicles are large and wide RVs. The mini-storage probably has a single access/exit point. The Applicant's business has four access/exit points: fire station, two intersections with both ends of Leatherman Road, and two enter/exit lanes on Angleberger Road.

A neighbor has photo data on traffic experiences prior to 2022 and from 28 April 2022 to the present time and has offered it to the BOA. This photo data shows continued disregard of vehicle and road safety, probable violations of OSHA and NIOSH regulations. Residents still see road traffic violations.

Where are the actual on site recordings and studies where Beckley's traffic exists: the enter/exit sites and road use from the Fire station on Hessong Bridge Road, Leatherman Bridge Road to Angleberger road, Intersections at both ends of Leatherman Road, and the Maryland Route 15 intersection with Angleberger Road? Where is an analysis of traffic and other public road use violations of Maryland vehicle requirements? Well they could not be analyzed since the were no reported incidents. And these events can not be prosecuted since the violations were not witnessed by a Law Enforcement Officer.

The Traffic Group assessment also contains a Maryland Department of Transportation State Highway Administration proposal as a future solution to problems with the Route 15/Angleberge Road. It will completely eliminate cross highway traffic. But tragically it will markedly increase the probability of accidents between north bound route 15 traffic and right turn traffic from Angleberger Road north bound route 15 traffic.

My grandson was involved in a side swipe property event earlier this year at this intersection.

I prevented an accident about 4:35PM on July 19 this year on Angleberger Road which is indicative of the Applicant's employees frequent violation of traffic rules.

The Applicant states that Mr. Caloggero of The Traffic Group opined that the brief assessment of The Traffic Group will enhance safety and operations of the justification request. Opined is not hard engineering, safety and scientific data.

Light pollution. The applicant has reduced the light intensity. Good.

The applicant submitted a study on light intensity at ground level that would escape the area being light. There is no concern whatsoever for the foot candle light intensity on the residents property as shown in an attached graphic. Light measurement on the ground is irrelevant. The light on the horizon which will escape any shrouding of the light source is still light pollution. Any resident who has or can find a clear view south to south east in the evening will see visible light on the horizon by emitted light radiation. If a parking lot is approved the light source would be closer to residential properties! The light on the horizon

which will escape any shrouding of the light source is still light pollution. This is not desirable and the parking lot is still there.

Real Estate. The real estate expert, McPherson & Associates INC. clearly states three times in their report that 14 of 3 approximately Properties, 45%, "...will be directly impacted by the special exemption use that are listed in later in the report.." Page notations in the Realtor's report denoting property impact are at (Report File/BOA File) file pages are: 10/32, 23-26, And, /45-48 where there is an individual property analysis of the impact. At the Final Conclusions of the report, (55/77). Their is a self "contradictory statement:

"Final Conclusion: The preceding analysis of sales in Holly Ridge that abut and confront commercial and industrial uses with detrimental conditions that are not screened to the level proposed for the subject indicates the sale prices were not adversely impacted by these detrimental conditions. Therefore, the potential detrimental conditions (abutting a storage yard, view and exposure to lights and noise) associated with the subject RV storage lot will not have an adverse effect on the market value of abutting and confronting (residential) properties to the subject.

Based on my investigation, research, and analysis, it is my opinion, as of December 21, 2023 the proposed special exception as a recreational vehicle storage lot at the proposed location will not have an adverse effect on the market value of neighboring properties above and beyond those inherently associated at any other location within the zoning district."

Which is it, the declarative statements of facts in the report itself, or the the contradictory statements of the report's Final Conclusions?

Most of pages one and two of the justification statement are spent comparing the April 22 hearing results with action taken by the Applicant during the intervening year with each paragraph addressing specific concerns raised during public comment and Board discussions during the April 28 hearing without directly relating the actions to: § 1-19-3.210. SPECIAL EXCEPTIONS these actions have completely missed the main issue; The parking lot stupid. None of these discussions provide any additional substantial evidence that the Applicant's Justification Statement shows compliance with zoning laws and § 1-19-3.210. SPECIAL EXCEPTIONS for use other than agriculture within an Agricultural Zoning District.

Comments on the Special Exemption requirements follow.

(1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter: and {stating the next criteria}

The Applicant's response and the BOA review of those comments go into some detail with the purpose and content of the Plan. The plan is a broad ranging vision of the future of the county; economy, industry, production facilities, medical facilities, what the count envisions for the future: farming, service industry, etc. None of this has a specific notation relative Mount Pleasant Estate and the proposed parking lot. Mount Pleasant is built out, there are no remaining build lots. Future needs would be those that a municipality would provide: water and sewer, side walks, street lighting, road repair, etc. None of this is germane to the proposed parking lot and providing these needs are not the responsibility of the Applicant. One could say that Applicant as a county resident living life and conduction business with no legal issue -- then he is consistent with the plan, but neither an approve or disapprove relative to Case No. B-24-12.

(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; and {stating the next criteria}

I do not see that a commercial parking lot for long term storage for 210 privately owner RVs will be in harmony with the rural residential neighborhood of Mount Pleasant Estates. Orderly development is discussed above at special exemption criteria (1).

(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; and {stating the next criteria}

Pleas see my comments on The real estate expert, McPherson & Associates INC. Clearly there are definite adverse affects with the if the applicant's Justification request if it is approved!

(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.

Relative to screening, traffic and parking please see my comments above relative to the Applicant's justification Statement conclusions. Please pay special attention the traffic road use and safety issues in the justification. Clearly there are adverse issues relative to maximum safety with the Applicant's performance on roads within his traffic environment!

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

The road system may be adequate for the intended use. However the Applicant's use of the road system demonstrate serious adverse affect on the use of the system. Please see my comments on the Applicant's conclusion relative to traffic and roads. This performance on the road system even if adequate negates any positive approval of meeting this criteria.

One final note. The BOA review of the Applicant's Justification Statement at pages 2-8 of the 82 page official file makes an incorrect observation which is critical. At Background, 1-19-3.210 special exemptions, item 2 end statements: the McPherson et al assessment states "that 14 of approximately properties will be directly impacted if the special exemption is approved.

Sincerely,
Harvey Burnsteel
Thurmont, Md
301-643-5877

From: Harvey Burnsteel <donnanharv@aol.com>
Sent: Monday, August 19, 2024 4:00 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Subject: BOA CASE NUMBER:B-24-12 (B276165)

[EXTERNAL EMAIL]

Mr. Paone,

No matter how many times one does; edit, cut, paste some words get away.

The last page of my comments a bunch of spaces popped up they are irrelevant. However one numeral got away; the number of impacted properties should ave stated: "14 of approximateyl 31" should have been stated.

Harvey Burnsteel

From: Jan Genemans <genemans@gmail.com>
Sent: Monday, August 19, 2024 3:54 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Cc: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Dodson, Eric <EDodson@FrederickCountyMD.gov>; Mishler, Mark <MMishler@FrederickCountyMD.gov>; Green, Joe <JGreen1@FrederickCountyMD.gov>; McGrew, Matthew <MMcGrew1@FrederickCountyMD.gov>
Subject: Re: Beckley's BOA Application

[EXTERNAL EMAIL]

BOA,

I respectfully request before you consider the current application for exception by Beckley's which they are using the 2014 approval as justification for the present 2022 (failed) and revised 2024 (current) application.

Everyone is aware and psychologist often say "past behaviors are indicative of future behaviors". From what I have observed from Beckley's this holds true. Beckley's has a history of misrepresenting their case, they did this in 2014, 2022, and they are currently doing this with you now.

I have made 3 short videos showing how distorted, the the point of being NOT true, and are Enough to introduce into evidence that Beckley's is not a good neighbor and will continue to obstruct the public roadways with the additional traffic that the BOA 2014 enabled, if you proceed to double the number of spaces for RV's.

Please review my 2022 letter, as nearly none of these things have been corrected.

Please do not rezone; nor subdivide the protected historical property as listed on your website: https://maps.frederickcountymd.gov/GISPublicDownload/MapAtlas/CountywideMaps/Historic_34x44.pdf

County code requires the following on protected historical site:

§ 1-19-8.600. HISTORIC STRUCTURES OR SITES.

The Board of Appeals may grant a special exception in any zoning district, for the conversion of an existing historic structure or site into a restaurant, country inn, antique shop, museum, business or professional office, group home use, or a facility for functions, provided that other applicable requirements of this chapter are met. Such conversion shall not result in any substantial external alteration of the appearance of the historic structure or site. Historic structure or site as used in this section only means a structure or site listed on or eligible for the National Register of Historic Places or on the Maryland Inventory of Historic Properties and listed on the Frederick County Register of Historic Places. All properties requesting a special exception under this section shall be listed on the Frederick County Register of Historic Places prior to making application for a special exception. If the

special exception is granted, the applicant must complete the steps outlined in § 1-19-8.356(O) before the special exception is utilized.

The County Code prohibits any substantial alteration of the appearance of the historic structure, which includes the entire property as Mr. Remsburg, according to the historical book indicated that he built this on top of the hill to enjoy the view - anything to disrupt this view is not in agreement with county code.. Building a lot full of supposedly used campers will substantially modify the appearance of the site. This should not be allowed under any circumstances.

I have created 3 videos, one of which shows beyond any reasonable doubt that Beckleys may have committed perjury and has grossly misrepresented other facts where they can easily be proven false with the embedded videos that I have provided.

I highly encourage you to watch each of the videos before the hearing this Thursday.

My document clearly shows that Beckleys was not honest with the BOA at the last hearing on many points. Please consider an enforcement action as they swore to tell the whole truth, and they didn't.

Video #1: Beckely's Perjury, Misrepresenting the Truth, & Admission to Deliberate Violations of County Code

<https://youtu.be/JBjWZeZFN-A>

This video exclusively deals with the sworn testimony, under oath, at the Frederick County Board of Appeals hearing on April 28, 2022.

This video highlights seemingly intentional and deliberate entering into the public record a letter where they knowingly knew, through cross examination admission, contained at least one or more false statements that would appear to meet the criteria for 'perjury'.

This video also highlights statements when referencing the previous 2014 hearing as a 'case study' on several other things that were sworn to as true, yet video evidence and public record evidence indicates to the contrary making these statements, as entered in the hearing - FALSE.

It would seem to appear that Beckley's has a systemic problem of not telling the whole truth to the public.

Also highlighted in this video is the apparent deliberate continuous violations of county code as well in direct violation of the 2014 BOA approval requirements that Beckley's admitted to and is shown on video.

This is a public issue as it represents ground water mismanagement, road use mismanagement, illegal alteration of a protected historic property, traffic safety issues among many other issues including but not limited to violating the public trust.

Beckley's needs to address and correct each and every point identified in this video and/or the appropriate public officials and/or enforcement should do it for them.

Video #2: More than 350 Peak Weekday Public Road Movements per Hour

<https://youtu.be/PBrvoULzFIQ>

Frederick County requires a formal traffic study if these movements are more than 50 per hour. Beckley's study indicated 13 per hour. This 19 minute video will clearly show the number is closer to 350, more than 7x (700%) required for a traffic study or 27x (2,700%) higher than their seriously flawed study from the result of the BOA's 2014 approval under false pretexts.

Video #3: Slides and Videos of Beckley's near misses

This is a slide-show and video montage of Beckley's and Near Misses including a near miss of 4 vehicles on US-15, Driving on the wrong side of the road, rolling road blocks, stopped traffic on Leatherman, Angleberger and Hessong Bridge Roads, among many other issues. Please watch the first few minutes as you are able as it shows that Beckley's is not a good neighbor.

Please be so kind as to forward the link to Video #1 to your attorney for review and enforcement for their review as well.

Please be so kind as to forward the link to Video #2 @ #3 to the traffic engineers as this has additional information that may be interested in upgrading/updating the rural road system that clearly is not adequate for Beckley's commercial operations.

Thank you for your time in evaluating these videos, please independently verify everything Beckley's tells you as you will be amazed at the difference between what Beckley's has used in their Justification statement to what actually is.

Thank you for your time and attention to this matter. Take care.

Jan Genemans
11241 Angleberger Road
Thurmont, MD 21788

On Thu, Jul 11, 2024 at 4:23 PM Paone, Michael <MPaone@frederickcountymd.gov> wrote:

Good Afternoon Jan,

Frederick County has not issued any permits related to the Beckley's BOA Application. The County would not issue permit's related to an unapproved BOA Applications.

I have cc'd our Erosion and Sediment Control staff, our Zoning Inspectors, and our Traffic Engineering staff. They are welcome to respond directly to you if they have anything to add to this response.

Best to you.

Michael Paone

From: Jan Genemans <genemans@gmail.com>
Sent: Thursday, July 11, 2024 3:22 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>; Uttermohlen, Robert <RUttermohlen@FrederickCountyMD.gov>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Cc: Anderson, Katrina <KAnderson01@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Cindy burnsteel <cburnsteel@yahoo.com>; Renee Shaffer <rlootoole@yahoo.com>; Brenda Genemans <bgenemans@gmail.com>; Suzanne P <stopbeckleysrvs@gmail.com>; Diane Daniels <gdbldaniels@msn.com>; Harvey Burnsteel <donnanharv@aol.com>; rippeons@comcast.net
Subject: Re: Beckley's BOA Application

[EXTERNAL EMAIL]

Mr. Uttermohlen, Mr. DeSa, Mr. Paone & the BOA,

Today I noticed that Beckley's has broken ground in dozens of areas with a powered backhoe and a front-end loader on their property and appears to be proceeding to make modifications in accordance with their plans on the 2024 BOA application in your system. My understanding from the June 27th continuance this has not yet been approved by the BOA and should not be approved any sooner than the evening of August 22, 2024 with a small waiting period for any additional appeals through the court system - yet Beckley's is apparently proceeding in accordance with their plans as though it has been fully approved approved in spite of what has already transpired in the June 27th 2024 hearing.

Can you please confirm at your earliest convenience for me if they have been given approval to proceed with their plans that have not yet been approved? If not, why are they proceeding? And if they have been approved, how did this approval occur without a public hearing on the matter? I really appreciated your rapid response when they started to dig up the cul-de-sac in June, a similar amount of attention to this new development would be greatly appreciated and is respectfully requested as it would seem Beckley's is intent on proceeding without the benefit of a public hearing which apparently undermines the BOA's authority without a public hearing.

Furthermore, I have not yet been put in contact with county's traffic engineers, as previously requested, as we would like to get an independent factual verification of Beckley's statements contained within their justification statement and their supporting documentation that does not support the facts that they attest to prior to the next hearing. I have extensive videographic and photographic evidence to the contrary of Beckley's documentation that I am willing to attest to under oath in court.

I have also gone through some land records online, and have found specific instructions that I wish to share with the BOA on traffic patterns that Beckley's is in apparent direct violation as found on the county's GIS system (<https://gis-fcgmd.opendata.arcgis.com/pages/map-products>). As your office is at the land records building, I also would to visit and gain access to the the most current digital and/or original public land records of 11214 Angleberger Road, AND the updated land records of 11110 Angleberger Road, 11109 Angleberger Road, and 111217 Leatherman Road and review the with you for compliance purposes as the digital drawings on the county's GIS system appear to be out of date and/or are incomplete online.

With the understanding of the GIS disclaimer I would like to verify that Beckley's is selling product to which Mr. Uttermohlen has already taken photographs on public property/right-of-ways; hence, my formal request for actual land records as I was unaware that a private business, Beckley's, could use public lands in this manner - again I would like clarification from the actual property records prior to

escalating this issue as well. Additionally the land records in the GIS do not match the satellite overlays on some of Beckley's properties from a variety of years that I wish to bring to your attention as well as potential zoning violations. There are also sight-line violations, using public property as a loading/unloading zone, among other issues that are not in compliance with the Frederick County Code that we have not yet discussed.

Thank you for your immediate time and attention to these matters.

Sincerely,

Jan Genemans

11241 Angleberger Road

Thurmont, MD 21788

mobile 240-626-9090

On Mon, Jun 24, 2024 at 3:54 PM Jan Genemans <genemans@gmail.com> wrote:

Michael/Tolson,

Thank you for reaching out with the continuance to August 22, 2024 for the hearing. In the unlikely event that the meeting is not continued to August a smaller group of the community will be attending the hearing on Thursday. We respectfully request that the continuance be the first order of business for this meeting in order not to waste the community's time on this matter and we can reconvene in August.

I would like to follow up on my request to have the county perform a traffic study, I have hundreds of videos including ones taken today on the actual traffic pattern that does not match report attachments to this application. I am willing to do the legwork as I wish to convey as accurately as possible with video and photographic evidence to the contrary. Please put me in touch with the appropriate county employees this week in order to obtain the required information for this appeal by "Beckley's".

11214 Angleberger is listed on your GIS website as a historical property under the designation of "F-3-072 / Alexander Ramsburg Farmstead" as defined by Frederick County Code § 1-19-11.100 (B) 'Historic Structure' (b) which is also designated on a map from the Maryland Historical Trust (<https://mht.maryland.gov/>). According to your website a historic review was completed and approved "Historic Review ID 670079" - can you please supply a copy of this review prior to this Thursday's hearing as it is not attached to your website. I am primarily interested, as this property is in the Maryland Historical Trust, if proper permission should be obtained from the state of Maryland prior to this appeal being heard. Has this been done? If 'yes,' please provide records for the certificate of appropriateness as specified in § 1-23-11(A) of Frederick County Code in accordance with the Freedom of Information Act as this approval also from the community's perspective apparently violates the following provisions contained in the Frederick County Code § 1-23-2(A), § 1-23-2(B), § 1-23-2(B)(1), § 1-23-2(B)(2), § 1-23-2(B)(3), § 1-23-2(B)(5), § 1-23-2(B)(6), § 1-23-2(B)(7), & § 1-23-2(B)(8). If 'no,' please postpone the hearing until all of the aforementioned Frederick Code has been adequately addressed by the BOA and Maryland Historical Trust and applicable Maryland regulations and code.

"Beckley's" in their current appeal CASE NUMBER: B-24-12 (B276165) references a BOA approval that strongly implies that the B-24-12 case is 'substantially the same special exception use that was approved in 2014' with case B-14-07.

In 2014, Beckley's pursued and obtained a special exception (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. That portion of the business currently operates with the RV storage special exception use.

This Application is for substantially the same special exception use as was approved in 2014. The Applicant is the owner of 11214 Angleberger Road, Thurmont, Maryland (Tax ID# 20-392770) (the "Property"), on the north side of Angleberger Road, adjacent to the existing Beckley's facility.

I have also brought up several apparent continuous violations of county code on the Case Number of B-14-07 for 11127 Leatherman Road property that the BOA which is zoned previously approved, and I have several more violations to bring to your attention as well at your convenience.

I respectfully request that the BOA not allow Beckley's to have an appeal until ALL violations that have been brought to your attention have been adequately addressed in zoning enforcement and/or related investigations at the county, state, and federal levels have been completed and corrected specific to Frederick County Code, Maryland State Law with applicable regulation and code, and in accordance with CFR & USC whichever regulation/code is most stringent if there is a conflict in definitions.

Currently "Beckley's" is in apparent continual violation of at least the following provisions of § 1-19-8.344(C) "No recreational vehicle sales are permitted on the parcel containing the recreational vehicle storage facility." - This is blatantly happening on a continual basis spanning years and I request that the county investigate "Beckley's" for apparently defrauding the community and/or taxpayer.

Currently "Beckley's" is in apparent continual violation of at least the following provisions of § 1-19-8.344 (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. (G) "Structures, parking, and recreational vehicles shall not be located within the setback areas." - The employee lot has not complied with this, parking is within an arm's length of the property located at 11117 Angleberger Road and has been in continual violation for years.

Currently "Beckley's" is in apparent continual violation of at least the following provisions of § 1-19-8.344(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." A circulation plan that is done in accordance with this provision has never been submitted to/from the subject property encompassing the following roads: Angleberger Road, Leatherman Road, US-15, Hessong Bridge Road, and Fish Hatchery Road. This is the reason why I am requesting that the county traffic engineers perform a proper traffic study to verify Beckley's opinion on whether or not the existing road can handle this traffic - I have video evidence it is not.

As I have run out of time to make the 1600 deadline for the meeting on June 27th, I will also indicate that the following provision are also not being followed Beckley's:

(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.

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

I will expand these violations in a separate letter for the August 22, 2022 along with many other apparent violations.

The table at § 1-19-5.310 that is cross linked from § 1-6-50 which is cross linked from § 1-19-8.344 specifically prohibits "Beckley's" from washing RV's - I have extensive videos and photographs of this being done where "Beckley's" is in gross violation of this code.

I reserve the right to expand this list for the August 22, 2024 hearing as I find additional violations in County Code, Maryland Law, and Federal Law.

To summarize, I would like the BOA to pause "Beckley's" application until all of the apparent violations can be addressed.

Sincerely,

Jan Genemans

On Fri, Jun 21, 2024 at 4:48 PM Paone, Michael <MPaone@frederickcountymd.gov> wrote:

Good afternoon All.

I do not have a lot of email addresses of concerned citizens, related to the above referenced application, but wanted to send this notice to the few that I have.

I notified the BOA members yesterday that the Applicant has indicated that they will be requesting a continuation of Beckley's Special Exception Hearing, until the August 22, 2024 BOA Hearing.

Jan Genemans shared his concerns about the BOA sign placement errors and the Applicant has stated that they intend to request a continuation until August, in order to clearly meet the sign posting requirement.

This email is not intended to discourage anyone from attending the June 27, 2024, BOA Hearing. I did not want anyone to be surprised when they hear the Applicant's request for a continuance until August 22, 2024, and the Hearing is not held.

Please feel free to call me today with any questions at (301) 600-1351. I will be out of town next week enjoying some vacation time. If you have questions related to the BOA Hearing after today (FRIDAY) please contact Tolson DeSa at (301) 600-1491.

Best,

Michael Paone

From: Jan Genemans <genemans@gmail.com>
Sent: Monday, June 10, 2024 12:06 AM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Cc: Paone, Michael <MPaone@FrederickCountyMD.gov>; Cindy burnsteel <cburnsteel@yahoo.com>; Renee Shaffer <rlotoole@yahoo.com>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Brenda Genemans <bgenemans@gmail.com>; Suzanne P <stopbeckleysrvs@gmail.com>; Diane Daniels <gdbldaniels@msn.com>; Harvey Burnsteel <donnanharv@aol.com>
Subject: Re: Beckley's BOA Application

[EXTERNAL EMAIL]

Tolson DeSa or any BOA member/employee who can address compliance issues,

Please be aware that the property in question is located in Thurmont, not Frederick, and the local newspaper for Thurmont is the *Catoctin Banner*, not the *Frederick News Post* - currently, nor previously are there any adverts from the BOA about this hearing: <https://www.thecatoctinbanner.com/category/classifieds/>. Can you verify that this advert has been placed in a Thurmont news publication?

Additionally, as I am not a subscriber to the Frederick News Post, I attempted to and was unable to locate your advertisement in the *Frederick News Post* online. I specifically searched Google in the following manner which returned one unrelated result "frederick county "board of appeals" site:fredericknewspost.com" with a searched date range of 1/1/24 to 6/9/24 within the past half year. Please provide a direct link to your advertisement as the major search engines are unable to provide one. A similar search of "frederick county BOA site:fredericknewspost.com", minus the quotes, returned no results. I wish to independently verify your statement of the advert. Also, please provide a link to your rules that have these requirement(s)?

Please respond to my video that contains proof of groundbreaking prior to the BOA hearing. Why was groundbreaking allowed to occur prior to BOA approval? I understand you have redirected this complaint to the "Public Works" - I am assuming for repair of the damaged road surface - please confirm? Yet the drawing at <https://planningandpermitting.frederickcountymd.gov/record-details/#intdetails/planning/intid/276165> under the title of 'Beckley's RV Site Plan - 031124REV.pdf', I would like to call your attention to the corner coordinates of the area labelled "TEMPORARY CUL-DE-SAC REVERTIBLE EASEMENT PB. 75 PG 101" as the area where ground was broken, please explain as this point where the digging occurred is clearly identified on your website's drawing? Can you communicate with me how long the revertible easement is in place? The community needs to know.

Please respond to my video that shows a private farm homestead being used as a commercial office space and a used vehicle lot. Why is Beckley's allowed to use agricultural property contrary to current BOA zoning?

I will be creating a new video clearly showing and documenting repeated and continual violations of requirements from the 2014 BOA ruling spanning several years since I brought up the issues from the 2022 hearing, please expect this by Tuesday, June 11th for your review.

Even though I should not have to remind this board of its fiduciary responsibilities to follow the rules, regulation, and the law - it would seem that I have to do so as I feel that my very legitimate questions are not being answered adequately. I come from a regulatory compliance background, predominantly federal and international (ISO standards) where the written rules, regulations, and compliance with the law is strictly enforced and verified by independent authorities. I have also interfaced and participated in multi-agency exercises, emergency response, military missions, etc. with the state police (Maryland and elsewhere), Baltimore county police, Baltimore city police, MDE, EPA, USCG, NCIS, etc. etc. etc. As you have a fiduciary responsibility, please follow your own rules, as written, or I will escalate these issues to the appropriate authorities.

I will independently forward you an e-mail with a document attached from April 16, 2022, 8:03 PM, which I previously sent you, the vast majority of issues identified in this email still remains unresolved - in the upcoming days I will be updating this document to reflect the current BOA hearing in the upcoming days with a keen eye on compliance with the county requirements verbatim (as written). The attached documented on that e-mail chain, that I will forward separate with the appropriate time stamps from over two years ago should have been more than sufficient for a unanimous vote in the negative since Beckley's very obviously has not followed the BOA requirements since the 2014 approval, and they still haven't with almost no meaningful improvement except a very minor improvement on the light pollution, and mixing used vehicles with the new ones on the 2014 approved lot.

I look forward to your answers on these issues as soon as practical. Thank you.

Sincerely,

Jan Genemans

On Fri, Jun 7, 2024 at 8:56 AM DeSa, Tolson <TDeSa@frederickcountymd.gov> wrote:

Good Morning Mr. Genemans,

Thank you for the below.

Staff is actively working with the Applicant to ensure that all of the regulations are followed in accordance with their upcoming Board of Appeals application. Please note that this hearing is also currently advertised in the Frederick News Post in accordance with posting guidelines.

Frederick County Zoning has no purview over the right of way of Prospect Drive. I will forward this complaint to our Dept of Public Works.

If you witness any more traffic violations regarding golf carts, etc...those need to be directed to the Sheriffs office.

Please let me know if you have any questions.

Regards,

Tolson DeSa

Zoning Administrator

tdesa@frederickcountymd.gov

301.600.1491

30 N. Market Street

Frederick, MD 21701

This email is not intended for the receipt and use by anyone other than the intended addressee(s) and may contain confidential and privileged information. If you are not the intended recipient of this e-mail, you are hereby notified that any unauthorized use, distribution or forwarding of this email is strictly prohibited. This email is not intended to take the place of a zoning interpretation. For zoning interpretations please submit a written request to Zoning Administration.

From: Jan Genemans <genemans@gmail.com>
Sent: Friday, June 7, 2024 2:15 AM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>; Cindy burnsteel <cburnsteel@yahoo.com>; Renee Shaffer <rlotoole@yahoo.com>; Green, Joe <JGreen1@FrederickCountyMD.gov>
Cc: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Brenda Genemans <bgenemans@gmail.com>; Suzanne P <stopbeckleysrvs@gmail.com>; Diane Daniels <gdbldaniels@msn.com>; Harvey Burnsteel <donnanharv@aol.com>
Subject: Re: Beckley's BOA Application

[EXTERNAL EMAIL]

Mr Green, Mr Paone,

A courtesy reply of receipt is required of government addressees by end of business today or these may be escalated as we feel they are not being responded to adequately due to the short-fused nature of the surprise hearing tentatively scheduled for June 27, less than 3 weeks away still not adequately that still does not have the 30 day minimum required placards placed on the public roads that abut the property at 11214 Angleberger Road.

Thank you for having Beckley's move the placards earlier on June 6th from being mostly obscured by bushes on the US-15 side, and reorienting the Angleberger Placard so that is is more readily visible from both eastbound and westbound traffic; however, this sign has 'no stopping' signs, which makes it impractical to stop and record this information; whereas, US-15 is exceptionally dangerous as traffic flows well in excess of the posted speed limits and is a very dangerous and deadly intersection - not very conducive to safely obtaining the required information. Furthermore, 11214 Angleberger still does not have the required posted placards. I do like the pro-active approach to posting the additional placards that do not meet the current requirements as written.

Are you aware that there was groundbreaking prior to BOA approval on the 6th of June? The groundbreaking took place sometime this morning at the center of the cul-de-sac of Prospect Drive and would appear to be a hole for a fence post. Has the BOA approved the intentional damage to the public road that demarcates the agricultural property owned by Beckley's?

Here is another compliance violation video at:

<https://youtu.be/Nj2xQL-qAow>

This video starts off where Beckley's apparently dug a hole in the middle of the Prospect Road cul-de-sac, perhaps for a fence post demarcating the corner of their property. When a construction project officially starts it is usually done with a groundbreaking ceremony, where a small amount of material is dug up. This happened on June 6, 2024.

The confusing part is surrounded by what appears to be survey markings which others might call graffiti or vandalism of public property.

This is followed by another scene clearly indicating that there are no BOA signs posted on the property of 11214 in addition to Prospect Road and a properly marked survey mark in asphalt in accordance with the aforementioned BOA affidavit.

Then it is followed by clearly showing that the agricultural residence at 11127 Leatherman Road is likely being used as commercial office space as well as commercial used vehicle sales lot in

additional apparent violations of zoning.

There was a pedestrian crossing ahead of me, I stopped for them in accordance with the law; however, Beckley's does not have a crosswalk painted on the ground even though this is a very high traffic crosswalk.

This is followed by the better placement of the still incorrectly placed 11214 placards on the Angleberger and US-15 sides of 11110 Angleberger road. I do not mind if these are in place in addition to the required non-existent ones at 11214 Angleberger as required by the BOA affidavit.

Thank you for your attention and time to this matter.

Sincerely,

Jan Genemans

11241 Angleberger Road

P.S. I have additional video showing unlicensed golf carts travelling between Beckley's primary place of business and 11127 Leatherman road, available upon request.

On Wed, Jun 5, 2024 at 12:56 AM Jan Genemans <genemans@gmail.com> wrote:

Michael,

Here is the first of many videos to come that shows apparent deliberate violations by Beckley's of written instructions on BOA website, you may find it at <https://youtu.be/OCcnmGFTcm0>. Once I am finished, I will have a summary letter of apparent violations which will document with photographic and video evidence which is contrary to what Beckley's is supposed to be doing when compared to the BOA's documentation. I am respectfully requesting additional time to complete a multitude of videos. As per your e-mail in which you state "I would try to get any video and associated letter to us as soon as possible" I will submit them as soon as each one is available. My intention is to create one video per complaint and explanation per day which will be aggregated for my official letter at the deadline you specified verbally on the telephone as the close of business on Monday the 24th of June - please correct me if my understanding of the deadline is in error. The official letter that I will submit in the future will also contain photos and/or video stills in addition to video links.

To be honest, I was not aware of the placard posting on US-15 until you mentioned it in this e-mail chain, and then it took me several drive-by's before I discovered the obscure and inconspicuous location. If the community is limited to the 4 minute requirement of your rules, please enforce your rules with Beckley's in all aspects of their appeals including the specific instructions in the BOA's affidavit. Since Beckley's is

allowed to change 10 feet into a tenth of mile, an increase of over 5000% - it would be impractical if we, the people, respectfully request an increase of the 4 minute limit to 200 minutes per person during the hearing; however, I will request it, as Beckley's is apparently allowed to deviate by that amount when you stated "**need to be visible from Rt 15**". I really would like to ensure that we are reading the same documentation and requirements.

Just as a reminder, this is not my one formal letter to be submitted to the BOA, it is merely the first of many issues I will be raising with the BOA which is clearly contradictory to the BOA's written documentation and I am providing them as they become available instead of a summary statement letter later on in the month.

As part of your recommendation, I am including Mr. Joe Green in this correspondence, as this is the first of many formal complaints of violations that I will be filing when there is written BOA documentation which directly contradicts video and photographic evidence of what Beckley's is actually doing.

Thank you for your time and understanding on this matter.

Sincerely,
Jan

Issue 1 of XX: Beckley's violation - failure to comply with the BOA's written affidavit for placard placement.

Reference: video / photo evidence of placard placement failure to follow affidavit instructions:
<https://youtu.be/OCcnmGFTcm0>

BOA,

In the interest of 'fairness', we the community of Lewistown, MD respectfully requests that the appeals case start after the first available date **30 days after the required placards are posted at 11214 Angleberger Road and at the end of Prospect road as clearly articulated in your affidavit document [source: <https://frederickcountymd.gov/DocumentCenter/View/5552/Affidavit-Site-Plan-2021?bId=1>]** clearly states "Placard must be placed **on the property** within ten (10) feet of all property lines which abut a public road." Your statement clearly indicates that the placard[s] must be placed '**on the property**' not a nearby property separated by 3 private residences well in excess of 190 feet and is not visible to the affected area, and the one on US-15 is a tenth of a mile away, not within 10 feet, also has a convenience store / gas station in addition to the 3 private residences level of separation and is also not visible to the affected area.

While we, the community, do endorse the additional **optional** placards that have been placed at 11110 Angleberger Road and US-15 (Catoctin Mountain Highway) we feel that the BOA has been appeasing Beckley's by allowing an apparent unauthorized modification to the rules as written without an additional public hearing to modify the rules contained in the required 'affidavit'. If I am in error of the unauthorized modification, please cite the specific, with accessible link, 'public hearing' that allows the modification of

your rules? Also, please specify why the current affidavit that is currently posted has not been removed from the public view if these rules have changed?

The posting of the placard[s] in accordance with a clearly articulated affidavit, as currently written, has yet to occur. Once the posting of the placard[s] has taken place, by Beckley's, as per your written affidavit currently available on your website, please re-schedule the meeting to the first available meeting after the 30 day minimum has been met as articulated with the affidavit's statement "**Placard must be posted a minimum of thirty (30) days prior to the Planning Commission public meeting date**".

Furthermore, the same affidavit, clearly states "Placard must be posted in **conspicuous manner**, not over six (6) feet above the ground level and affixed to a sturdy frame where it will be **clearly visible** and legible **to the public**." We feel that this video [<https://youtu.be/OCcnmGFTcm0>], without any doubt, clearly indicates that Beckley's placed BOA placards in a manner to make them **INCONSPICUOUS** where they will **NOT be clearly visible to the public** [in their vehicles] by obscuring them by placing them between and mostly behind two large bushes AND, the placard on Angleberger placard is oriented in such a manner that is only visible when viewed from the westbound lane. Additionally, the placement of these signs are not visible from the affected area.

In summary, we feel that Beckley's has NOT complied with several of the bulleted points in the affidavit. We respectfully request that the hearing be postponed until Beckley's can fully comply with all of the BOA's rules and directives and not be allowed to have any additional hearings until they fully comply with the written BOA rules and directives as written.

Sincerely,
Concerned citizens in Lewistown

On Mon, Jun 3, 2024 at 12:32 PM Paone, Michael <MPaone@frederickcountymd.gov> wrote:

Hi Jan,

Attached are the most recent submissions to the Board of Appeals (BOA) by Beckley's RV LLC. I have attached the most recent Beckley's site plan, Justification Statement and Traffic Study. We are in the process of adding all submission documents to the County website in the next day or so. Please feel free to share this with other citizens interested in the Application. As for your presentation, I would try to get any video and associated letter to us as soon as possible. They will be provided to the BOA, as soon as we receive them, to give the BOA members adequate time to review. Individuals wishing to speak are allotted 4 minutes to present, but there is no video option for a presenter.

Best,

Michael Paone

From: Jan Genemans <genemans@gmail.com>
Sent: Monday, June 3, 2024 10:17 AM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Subject: Re: BOA 4/28/22 Minutes

[EXTERNAL EMAIL]

Michael Paone,

I tried to call you at 08:12 and again 08:32 EDT today, Monday, June 3, 2024 - I left voice mails on both occasions.

Beckley's has **not** had a community outreach to any of the directly affected neighbors who abut the proposed parking lot since prior to the 2022 (two thousand twenty-two) meeting in spite of documentation where Beckley's has their contact information on your website. **I will drive by this week and check the signs. They need to be visible from Rt 15, to the extent possible and visible from Angleberger Road**

The BOA sign is still not in the correct position as described on your website's affidavit.

The BOA 2014 approved lot this weekend was wide open for new vehicle sales, I have extensive new video on this.

Beckley's continues to flaunt your rules by openly breaking your written instructions - we feel that this is reasonable ground to hold Beckley's in 'contempt' of the BOA. Today would be a perfect day to verify that Beckley's is in compliance with your 2014 directives. If Beckleys has not complied with your rules for a decade, giving them additional new commercial storage options the community does not expect anything different. Staff cannot do that.

Again, I respectfully request a copy of your rules so that I can formally request compliance verification for existing rules, and if Beckley's is found not to be in compliance, rules for formally requesting that Beckley's be held in contempt for deliberately violating the spirit as well as the written rules of the BOA.

We have read the portion where the BOA has directed Beckleys on 4/11/2024 at 12:52 PM to have a community outreach in order to have a 'less confrontational BOA meeting,' as of the writing of this e-mail Beckley's has not had a community outreach as of today. Since Beckley's apparently can ignore your written suggestions, rules, and directives, this will only lead to a much more confrontational meeting than the 2022 meeting as we feel that our concerns have not been addressed in the past two years.

As Beckley's has just completed their 'open house' where they were blatantly showing/selling new vehicles from the 2014 BOA approved lot that was intended for used vehicles storage only - today would be a perfect day for a compliance check to verify that Beckley's is apparently incapable of complying with the BOA's 2014 written requirements. **Please send in a formal complaint if you believe there is a violation. This can be sent to Joe Green, Division of Planning and Permitting at 301-600-2341**

I am again going to formally request the deadlines needed to submit evidence for extensive BOA non-compliance of your written requirements in addition to unsafe operations of unlicensed fork trucks and golf carts which is in violation of OSHA rules and state law. If this deadline has passed, I strongly request that this BOA be postponed in order that I might be able to submit this video and photographic evidence to the BOA and other state and federal agencies too. **By-Laws Provided.**

I did notice that most, not all, of the operators of these vehicles were wearing day-glow yellow shirts for the first time ever, which is only the first step of many required to be in compliance with multitude of safety regulations, laws, and requirements that are being ignored by Beckley's. They still operated the vehicles in an unsafe manner failing to stop at a posted stop sign, and having near misses with other vehicles, all documented multiple times on irrefutable video recordings. **Please call the Sheriff's Office for a traffic complaint.**

Thank you for your timely response to these matters.

Sincerely,

Jan Genemans

11241 Angleberger Road

Thurmont, MD 21788

home VOIP: 301-898-8070

On Fri, May 31, 2024 at 8:51 AM Paone, Michael <MPaone@frederickcountymd.gov> wrote:

Give me a call when you can.

Michael Paone

(301) 600-1351

From: Jan Genemans <genemans@gmail.com>
Sent: Thursday, May 30, 2024 11:58 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Cc: Cindy burnsteel <cburnsteel@yahoo.com>; Harvey Burnsteel <donnanharv@aol.com>; Suzanne P <stopbeckleysrvs@gmail.com>
Subject: Re: BOA 4/28/22 Minutes

[EXTERNAL EMAIL]

Mr. Paone,

Thank you for all of your assistance for the original appeal on April 28, 2022. I am very grateful that the BOA sought to call attention to the safety practices at Beckley's as the verbal reasoning for not approving the previous appeal for pretty much the very similar request presently before the BOA in 2024 which was decided two years ago in 2022. While Beckley's did install some very small crossing signs, very little else has improved in the way of safety from Beckley's. Just last week, I caught Beckley's cutting off my son's school bus driver and forcing the Frederick County school bus to perform an evasive braking maneuver in order to avoid coming near a RV driven by Beckley's that failed to stop at a stop sign that consequently endangered the school bus - I have captured this on video and would like to submit it as evidence to BOA for unsafe practices by Beckley's. Just yesterday, on my way to bring my son to a baseball game, I had to brake for an RV exiting Beckley's primary lot in the westbound travel lane heading east bound in order to avert a potential head-on collision with this oversized RV.

As I do not want to embarrass the BOA regarding all of the issues I called to the board's attention in 2022 that have apparently been left unaddressed since I brought them up to the BOA in 2022 regarding the enforcement of existing BOA rules for the property that the BOA approved in 2014 so that you might be able to address them properly prior to the next meeting tentatively scheduled for June 27, 2024 at 7PM. I am going to again, request that the BOA make an unannounced site inspection of the compliance of BOA rules/requirements for the BOA appeal that was approved in 2014 (reference: B-14-07 www.frederickcountymd.gov/DocumentCenter/View/267219/B-14-07_Staff-Report_Feb2014 & frederick.granicus.com/MediaPlayer.php?view_id=10&clip_id=4218) and if you find what I am communicating to you is true, I respectfully request that you deny Beckley's currently appeal for failing to comply with the terms that the BOA has specified which are very similar to the ones for this appeal.

I have extensive video and photographs that I need to catalog since the last appeal that involved Beckley's. As you indicated in your previous correspondence it was you clearly stated to me "It is now well past the permitted deadline to file an appeal", yet there is a new appeal which I did not expect based on our previous correspondence, so while I have collected several hundred videos and several thousand photographs since the April 22, 2022 BOA hearing, I would like additional time to assemble this evidence for the BOA in a manner that doesn't waste days of the Board's time as I did not anticipate having to use these videos and photographs in this manner.

This video and photographic evidence I have contains BOA violations, OSHA safety violations, illegal use of unlicensed vehicles on public roads (Leatherman Road, Angleberger Road and even Hessong Bridge Road a half mile from distant from their primary activity) including temporary gridlock/blockage of each of these roads and traffic having to stop/brake/swerve to avoid Beckley's operations on public roadways. I also have video and photographic evidence that apparently directly contradicts sworn testimony on at least 4 issues from the 2022 BOA hearing (https://frederick.granicus.com/MediaPlayer.php?view_id=10&clip_id=8763). Beckley's camping also continues to store their commercial products, free of charge, on Lewistown Volunteer Fire Department property, all of whom have Frederick County e-mail addresses like just like BOA

members have. Beckley's employees have testified under oath that they 'donate' a variety of equipment including a fire truck. To the general public, most of whom are taxpayers, this would might appear as a conflict of interest to the any county related activity for free-of-charge storage of commercial product that spans multiple years with an aggregate worth well in excess of a million dollars at \$100-\$200 per RV per month in order to prevent any appearance of conflicts with [https://frederickcountymd.gov/DocumentCenter/View/18072/Ethics-Chapter-of-the-Frederick-County-Code?bId=#:~:text=\(A\)%20The%20county%20officials%20and,%2D7.1%2D4\(F\)](https://frederickcountymd.gov/DocumentCenter/View/18072/Ethics-Chapter-of-the-Frederick-County-Code?bId=#:~:text=(A)%20The%20county%20officials%20and,%2D7.1%2D4(F)) could you be so kind as to obtain the documentation for these generous gifts from Beckley's that their employees indicated under oath at the April 2022 meeting?

While on the topic of BOA violations, it is noteworthy to note that any required BOA placard has not been on the property in question since 2022. The current placard is posted on 11110 Angleberger Road, and I initially thought it was unrelated to the previous and current 11214 Angleberger Road BOA issue. Please be aware that the current placard is posted in the incorrect location as the sign does not comply with the provision of "**Placard must be placed on the property** within ten (10) feet of all property lines which abut a public road." contained within the document located at: <https://frederickcountymd.gov/DocumentCenter/View/5552/Affidavit-Site-Plan-2021?bId=> it is not even in the direct line of sight of the property in question. The following video at <https://youtu.be/LcSRwKINbOw> was taken this morning, on May 30, 2024 and as of this evening a few minutes ago, the position of the signage has not changed. Since one of the provisions on the aforementioned Affidavit states "Placard must be posted a minimum of thirty (30) days prior to the Planning Commission public meeting date" AND "If the required signage is not maintained, THE HEARING MAY BE RE-SCHEDEDULED."

► As the "Placard must be posted a minimum of thirty (30) days prior to the Planning Commission public meeting date" Please re-schedule this hearing as Beckley's has not posted the required signage within the 30 day requirement in the location specified in the aforementioned affidavit?

Based on our last communication, I was under the mistaken impression that Beckley's was not permitted to file any additional appeals on this matter. Since I was mistaken, I would like to know when the current deadline is for submitting my video and photographic evidence to support a multitude of apparent violations where Beckleys continue to ignore your written instruction in addition to safety regulations and the law. When is the deadline for submitting this information? What are the acceptable formats for submitting this video & photographic evidence? Is it possible for me to obtain written rules for the BOA hearing in order that I might be able to better comply with submitting evidence in a timely manner?

Once again, I would like to take the opportunity to thank the BOA's voice their concern for the public safety from the April 2022 meeting as it is much appreciated by myself and several

members of the community. I look forward to BOA's continued support for the safety of the community when the BOA considers a slightly revised appeal by Beckley's from the April 2022 as Beckley's has for the most part continued to use public roads and continues to obstruct traffic in an unsafe manner. I also, would like to respectfully request that the meeting be postponed by one month, or more, on the account that Beckley's was unable to follow BOA's affidavit for properly posting the required BOA's "Placard must be posted a minimum of thirty (30) days prior to the Planning Commission public meeting date" and as allowed for the BOA's statement of " If the required signage is not maintained, THE HEARING MAY BE RE-SCHEDULED."

Thank you for your time and attention to this matter, and I look forward to hearing from you soon.

Sincerely,

Jan Genemans

11241 Angleberger Road

Thurmont, MD 21788

From: Leatrice Urbanowicz <lurbanowicz@gmail.com>
Sent: Wednesday, August 7, 2024 8:30 AM
To: Planning and Zoning
Subject: August 22 hearing

[EXTERNAL EMAIL]

Good day

While none of the appeals to be discussed on August 22 (B-24-12 B276165, B-24-16 B276721, and B-24-17 B275892) directly affect me or my home, I wish to state my views anyway.

First, B-24-17 B275892, regarding limited agricultural activity, I feel is the most critical of the three, and I strongly recommend you deny this request for the welfare of the animals involved. The property is only approximately 3/4 acre, which is not nearly enough land for the stated purpose of housing chickens, goats, and a calf. While fully adequate for chickens, 3/4 acre is not even close enough for either goats or a calf but especially not for both. Please do not allow the animals to be crowded onto this property.

Second, B-24-12 B276165, special exception for RV storage facility, unless objected to by direct neighbors, should be approved. It is located near an already-existing RV dealership, and is not visible from the nearby highway (US 15) so will not further detract from any highway views.

Third, B-24-16 B276721, variance to construct a pool house "needed for health-related matters." There are issues which need to be answered before approval is allowed. If the variance is objected to by close neighbors, particularly any along the back of the property who may feel adversely affected, it should be denied. You should also determine exactly what is meant by "health-related matters." Are we talking about installing a restroom so people don't pee in the pool, or what? This variance needs further review before passage is permitted.

I thank you for your time and for your service to our beautiful county.
Leatrice Urbanowicz
6008 Jefferson Pike
Frederick MD 21703
240-626-4640

From: kipekr@netzero.net <kipekr@netzero.net>
Sent: Sunday, August 18, 2024 6:28 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Cc: kipekr@netzero.com; odenjoe10@gmail.com
Subject: Photos-Beckley's appeal

[EXTERNAL EMAIL]

Good evening,
Attached is a letter and photos from 7172 Prospect Drive.
Thank you,
The Oden's

Please note: forwarded message attached

From: kipekr <kipekr@netzero.com>
To: kipekr@netzero.com
Subject: Photos
Date: Sun, 18 Aug 2024 18:22:49 -0400

Sent from my Verizon, Samsung Galaxy smartphone

August 18, 2024

To: Whom it concerns

I am going to give you a little backstory of my family. My family lives at 7172 Prospect Drive, Thurmont, MD 21788. We bought the house in August 2019; it was the perfect place to raise our son and let our dogs have the backyard they deserve to play and run. We did not mind seeing the campers that are currently on the lot behind 7-11. We still had a great view of the mountains, wildlife and what other features nature has to offer as our family spends a lot of time outside.

Now, that you know a little bit of background; let's get into the reasons that Beckly's should not be allowed the special exception of the property at 11214 Angleberger Road, Thurmont, MD 21788.

Our primary concern is the water/well and septic system. Our property has two wells; the first was unsuccessful, so a second well was drilled and found to be satisfactory. However, the previous owners experienced a loss in water pressure when Beckley's storage was constructed behind the 7-11. As the current owners, we have not encountered any issues, but we are apprehensive about the potential for losing water pressure, which is vital for daily household functions. Regarding the septic system, it occupies most of our backyard, preventing us from utilizing the end of our property, which is why our solar panels are positioned closer to the house. Should the county grant Beckley's request, we are concerned about the impact on our water and well. We would like to know how Beckley's and the county plan to address these concerns and ensure accountability for any necessary restitution.

Lighting is another issue of concern. The current lighting is sufficiently bright, allowing us to enjoy the outdoors and view the stars at night, as we are fond of outdoor activities. However, winter becomes challenging when the leaves drop, and more lights become visible at night. To sleep and ensure our room is completely dark, we need to close all bedroom doors and blinds. Increased lighting will complicate this because we are morning people who retire early. Should the county approve Beckley's request, how will Beckley and the county address these concerns and ensure accountability for any restitution?

We recognize that there are no specific regulations in the State of Maryland or Frederick County regarding the planting of trees along property boundaries. Our concern pertains to the positioning of the trees, not only in relation to the property lines but also in relation to

the solar wall on our property. Positioned 15 feet from the boundary, this wall is crucial for enabling my family to harness clean, renewable energy and contribute excess power back to the local grid, aiding the neighborhood and community. The trees, currently young, are expected to grow quickly under favorable conditions, which could diminish the solar wall's energy capture, thereby reducing renewable energy output. This reduction could impose a financial burden on my family and decrease the energy supplied to the community grid. Additionally, the proximity of the trees to the property line raises concerns about root growth potentially interfering with the solar wall's foundation, risking damage. Since our family bore the full cost of the solar wall installation, we are apprehensive that these actions might lead to unwarranted expenses without any positive return, and possibly cause damage due to tree rooting. We request information on the county and Beckley's strategies to compensate for the increased energy costs and potential repairs to our system. We would like to know how Beckley and the county plan to address these issues and ensure accountability for restitution.

Safety is a major concern for us, not only in our neighborhood but also at the intersection of Route 15 and Angleberger Road. An accident occurred at this intersection during our last meeting, raising fears that it involved one of our neighbors. Since then, there have been several serious accidents. The increasing traffic and speeding on Route 15 are alarming. Additionally, there are concerns about rising crime, highlighted by an incident where catalytic converters were stolen from a property. Although the thief was apprehended, the worry persists. Should the county approve Beckley's request, questions remain on how Beckley's and the county will address these issues and ensure accountability for any restitution.

Finally, I would like to address our property's value. Our home was purchased in 2019 for approximately \$370,000. Since that time, the value of our property has risen by nearly \$186,000. We are concerned that granting a special exception for RV storage will diminish our home's value as it detracts from the natural beauty and wildlife surrounding the adjacent properties at 11214 Angleberger Road. Should the county approve Beckley's request, we are interested in understanding how Beckley and the county plan to address these concerns and ensure accountability for any potential restitution.

The land at 11214 Angleberger Road ought to remain designated for agriculture. Prior to our purchase of the property at 7172 Prospect Drive, the former owners informed us that the land was intended for residential development, but it failed the percolation test for well installation. We have serious concerns that could negatively impact our residency if Beckley's is granted the special exception use. Should the county approve Beckley's

proposal, what measures will Beckley's and the county take to address these issues and ensure accountability for any necessary restitution?

Thank you kindly,

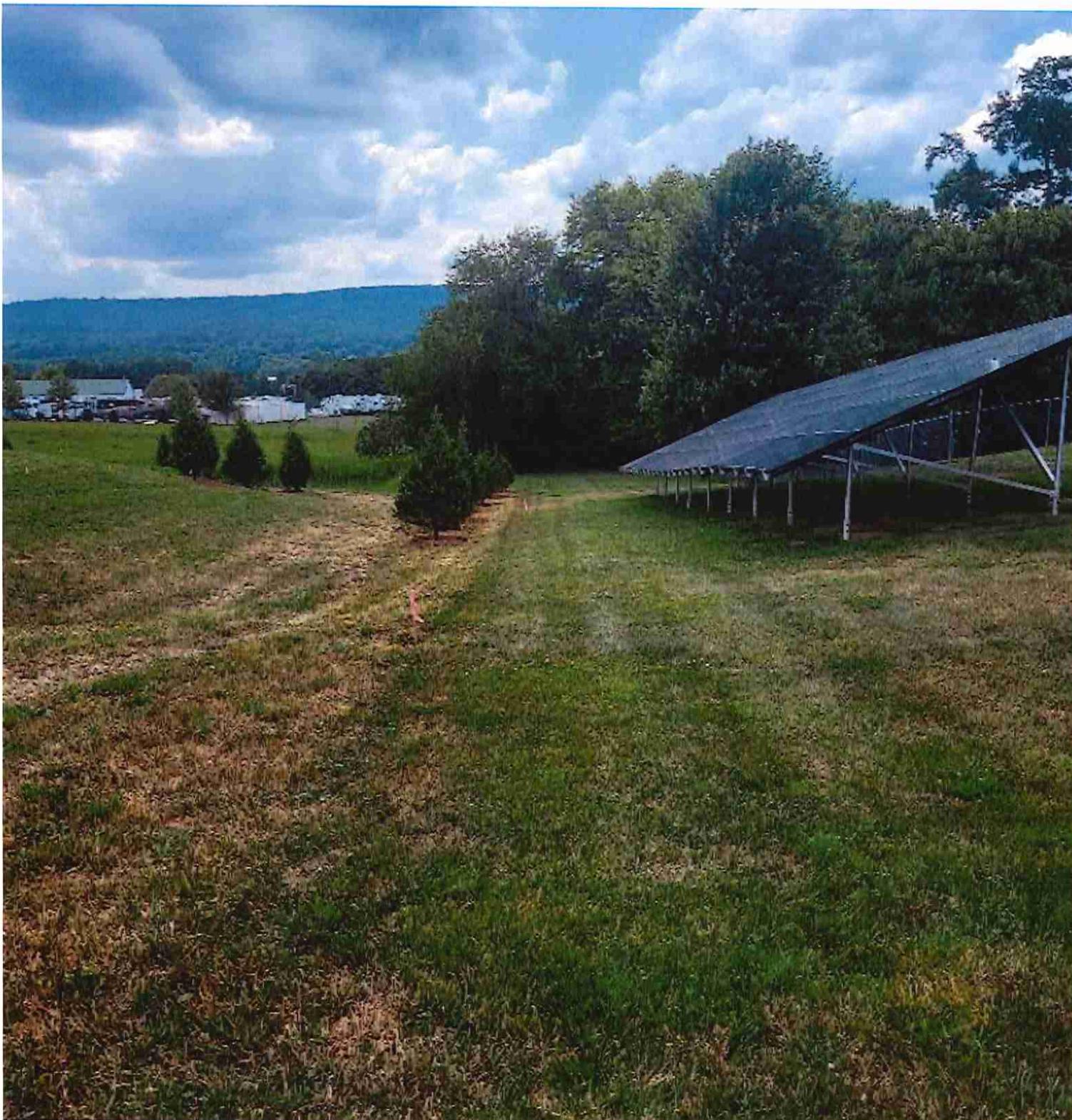
The Oden's



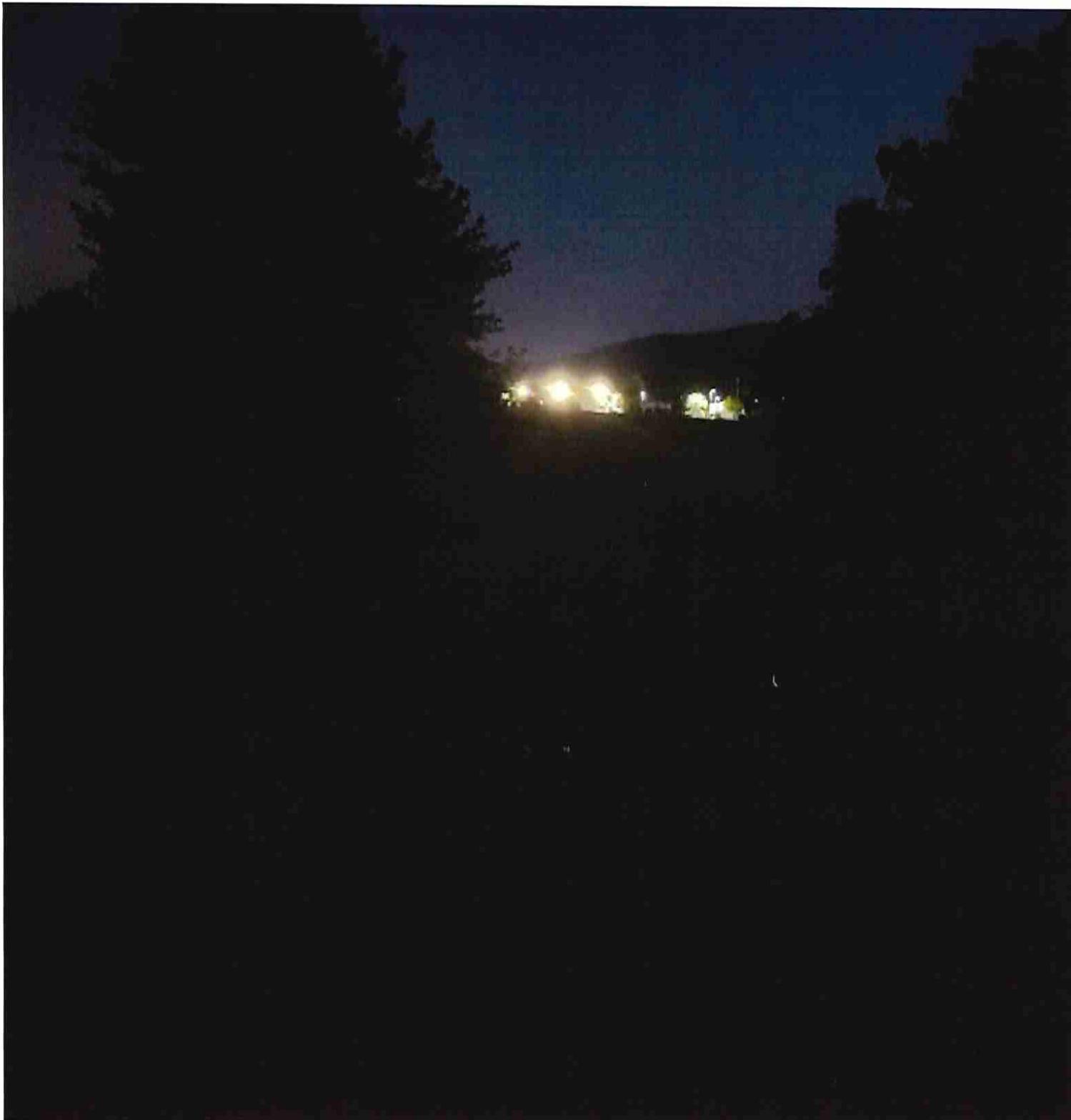




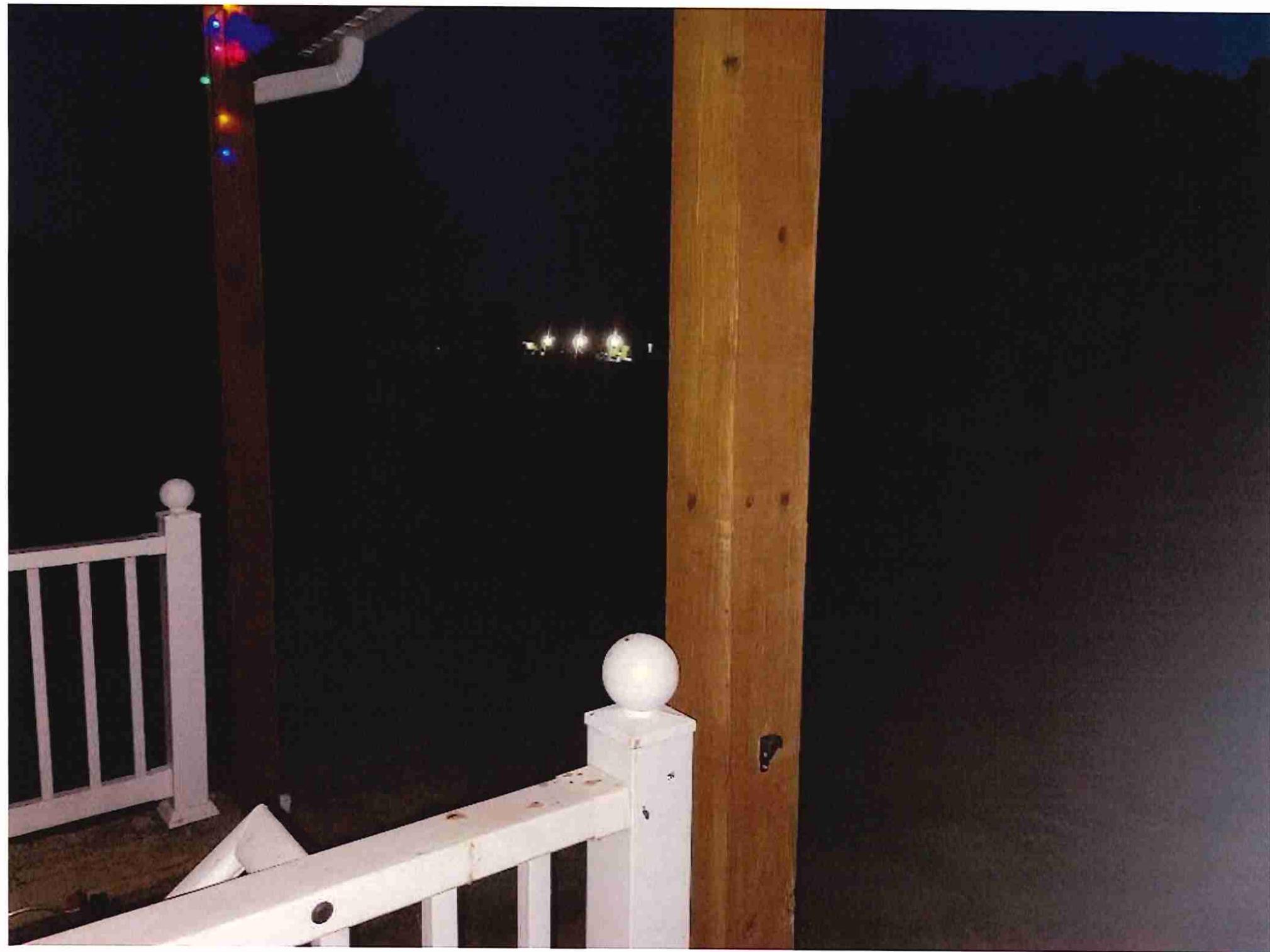


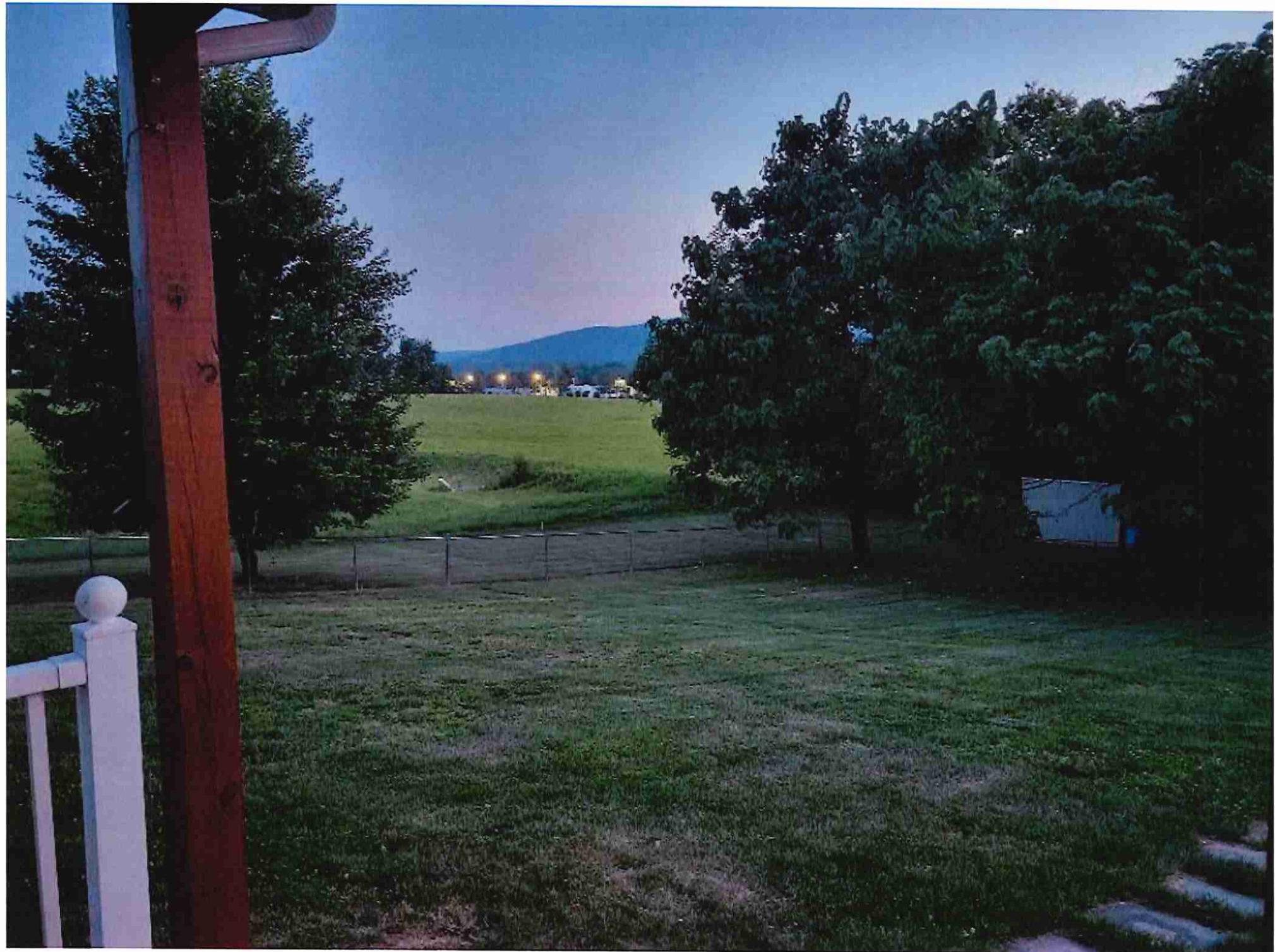
















From: Rose, Paul D JR <PRose@mcneeslaw.com>
Sent: Tuesday, August 6, 2024 5:26 PM
To: Paone, Michael <MPaone@FrederickCountyMD.gov>
Cc: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Anderson, Katrina <KAnderson01@FrederickCountyMD.gov>; Cerilla-Costa, Sabrina <SCerilla-Costa@mcneeslaw.com>; linggpc@xecu.net; Fran Zeller <FZeller@harrissmariga.com>; Kelly Shanholtzer <kelly.sales@beckleysrvs.com>
Subject: FW: Pictures for Beckley's RV Hearing

Michael:

Please see the attached photographs of the planting my client already completed near the Prospect Drive cul-de-sac. We would like to show some of these photographs as part of our client's case presentation on August 22, 2024.

Please let me know if you have any questions.

Many thanks,

Paul

From: Cerilla-Costa, Sabrina <SCerilla-Costa@mcneeslaw.com>
Sent: Tuesday, August 6, 2024 4:29 PM
To: Rose, Paul D JR <PRose@mcneeslaw.com>
Subject: Pictures for Beckley's RV Hearing

Hi Paul,

Please see attached pictures.

Thanks!

Sabrina Cerilla-Costa
Legal Secretary



McNees Wallace & Nurick LLC
8490 Progress Drive, Suite 225
Frederick, MD 21701
Tel: (301)241-2010
E-mail | [Website](#)

The foregoing message may be protected by the attorney-client privilege. If you believe it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete it. Thank you.











Beck Prospect, LLC/ Beckley's RVs
11109 Angleberger Road
Thurmont, Maryland 21788

June 5, 2024

Dear Neighbor:

For more than forty (40) years, Beck Prospect, LLC/Beckley's RVs ("Beckley's") has been honored to serve Frederick County and beyond. While our business has grown over the years, our commitment to our community has remained the same. That is why we are writing to you today. Beckley's plans to enhance its RV services to meet growing customer demand. To that end, we have applied to the Frederick County Board of Appeals (the "Board of Appeals") for a special exception to locate a 210-space RV storage facility on the property as part of Beckley's business (the "Application").

You may recall that on April 28, 2022, Beckley's brought a request for special exception before the Board of Appeals to operate the Property as an RV storage facility (Case No. B-22-06 (B267866)) (the "2022 Application"). The Board of Appeals denied the 2022 Application. More than one year having passed, Beckley's has submitted a new Application. Beckley's took note of the public comment at the hearing on April 28, 2022 and the Board of Appeals' concerns. Beckley's current Application seeks to address each of those concerns.

We are your neighbors, and we value your input. We hope you will join us for a community open house:

Date: June 20, 2024
Time: 6:00 to 7:00 p.m.
Place: Lewistown Volunteer Fire Company
11101 Hessong Bridge Road
Frederick, Maryland 21701

We look forward to meeting with the community on June 20, 2024 to discuss the Application.

Sincerely,



Kelly Shanholtzer
Beck Prospect, LLC/Beckley's RVs