



FREDERICK COUNTY BOARD OF APPEALS

October 23, 2025

TITLE:

**RF Gauss Assoc Inc (Applicant)
James Austin Fraley Jr., Vicky D. Fraley, Rockie
Lee Fraley, and William Austin Fraley (Owners)**

FILE NUMBER:

B-25-24 (B277883)

REQUEST:

Requesting Special Exception approval, in accordance with Section 1-19-8.600 Historic Structures and Sites, and Section 1-19-3.210 Special Exceptions, and Section 1-19-8.356.(O) Facility For Functions for the conversion of an existing historic structure, that was used as a store, into a museum. The historic store is leased by the Catoctin Furnace Historical Society, Inc. (CFHS) who would like to open it as a historic museum. Property address is 12621 Catoctin Furnace Rd, Thurmont, MD 21788.

PROJECT INFORMATION:

ADDRESS/LOCATION: 12621 Catoctin Furnace Rd, Thurmont, MD 21788
TAX MAP/PARCEL: Tax Map 032, Parcel 0141
ZONE: Low Density Residential (R1)
REGION: Thurmont
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Rural Community

APPLICANT/REPRESENTATIVES:

APPLICANT: RF Gauss Assoc, Inc.
OWNER: James A. Fraley Jr., Vicky D. Fraley, Rockie Lee Fraley, and William A. Fraley
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF:

Michael Paone, Zoning Planner

RECOMMENDATION:

Based on the findings and conclusions in the staff report, staff has no objection to approval of a Special Exception, in accordance with Section 1-19-8.600 Historic Structures and Sites, and Section 1-19-3.210 Special Exceptions and Section 1-19-8.356.(O) Facility For Functions for the conversion of an existing historic structure, that was used as a store, into a museum. The historic store is leased by the Catoctin Furnace Historical Society, Inc. (CFHS) who would like to open it as a historic store museum. Property address is 12621 Catoctin Furnace Rd, Thurmont, MD 21788.

Attachments:

Attachment #1: Property Site Plan
Attachment #2: Property Photo
Attachment #3: Property Photo
Attachment #4: Property Photo

Attachment #5: Aerial Map
Attachment #6: Zoning Map
Attachment #7: Comprehensive Plan Map
Attachment #8: 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

§ 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.

§ 1-19-8.356.(O) FACILITY FOR FUNCTIONS.

After a special exception and Facility MOU has been approved under this section the following requirements must be satisfied prior to establishing the use:

1. A site development plan application must be filed with the County;
2. The site plan must be reviewed by the Historic Preservation Commission;
3. Any proposed alterations to the exterior of structures or the site must receive approval from the Historic Preservation Commission in accordance with Chapter 1-23 of the County Code;
4. The Planning Commission will review and approve the site plan if it meets the requirements under this chapter; and
5. The use may be established on the property only after site development plan approval from the Historic Preservation Commission and the Planning Commission, and after all necessary Certificates of Appropriateness and permits have been applied for, approved, and a Certificate of Occupancy issued.

General Criteria – Special Exception:

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

The Applicant states that the signatory, Elizabeth A. Comer, is the current president of the Catoctin Furnace Historical Society, Inc. (CFHS), a 54-year-old 501(c)3 nonprofit historical society. The Board of CFHS has authorized Ms. Comer to apply for this special exception on behalf of the historical society. CFHS has a 10-year renewable lease signed on 2/14/2024 with the historic store property owners, James Austin Fraley, Jr., Vicky D. Fraley, Rockie Lee Fraley, and William Austin Fraley.

- 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 this chapter; and

The Applicant states that the subject site is Low Density Residential (R1) on the Frederick County Zoning Map. The County Comprehensive Plan designates this site as Rural Community. The Applicant states that they intend to preserve the village's historic architectural heritage and appearance as well as protect and preserve historic structures and properties while encouraging heritage tourism. The Applicant states they will preserve

the rich industrial history of the village, which always includes a village general store as part of the community, while continuing to operate the Museum of the Ironworker across the street and interpret the village and its history for visitors. This use is consistent with the Comprehensive Development Plan.

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

The Applicant states that the proposed “F.W. Fraley General Merchandise Store Museum” is in harmony with the appropriate nature of this National Register Historic District and is located on a 0.0913 acre parcel that is zoned R-1 Low Density Residential. The Property is located at 12621 Catoctin Furnace Road in the center of the historic Catoctin Furnace village in northern Frederick County. Catoctin Furnace Road (MD 806) is a State Highway classified as an open section with 11’ lanes and nominal shoulders. Wide shoulders with pull-off are provided at the subject property and immediately to the north and south of the subject property, the F.W. Fraley Store. Surrounding properties in the vicinity are zoned R-1 Residential and improved with historic single-family residences. A church is located immediately to the north with single family historic dwellings to the south and across Route 806 to the west. Rocko Meats, a 90-year-old business, is located to the east of the subject property. Rocko Meats ownership is the continuation of the Fraley family in the village for more than 250 years beginning with Heinrich Froelich, a Revolutionary War soldier who worked in the village while a prisoner of war and settled in the village as soon as the war ended. The State of Maryland, Department of Natural Resources, Maryland Park Service, owns land to the west and north of the subject property as Cunningham Falls State Park. The Applicant notes that limiting opening hours to only those of the Museum of the Ironworker (Thursday – Sunday, 10 am – 4 pm from Memorial Day to Labor Day (summer hours) and Saturday and Sunday, 10 am – 4 pm from Labor Day to Memorial Day (winter hours) as well as a maximum of 49 visitors will limit the impact of the museum facility and be in harmony with the appropriate and orderly development of the neighborhood.

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

The Applicant states that the store has been on this site since 1906 and the exterior has been painstakingly and accurately restored to U.S. National Park Service Secretary of the Interior Standards. There will be no noise emanating from the historic store museum and no fumes, vibration, or other adverse effects. All historic store museum visitors will be part of a guided tour that begins at the Museum of the Ironworker and takes the visitor across the street to the historic store museum as part of their guided tour.

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

The Applicant states that the number of visitors to the Museum of the Ironworker averages 10 to 15 persons per day. It is believed that this is what the historic museum store will average as well. The visitors are to expected to be the same or similar to the Museum of the Ironworker visitors, typically couples or family groups and rarely individuals. Usually there is more than one person per vehicle visiting, so there are fewer cars than people. Visitors are spread out during the 6-hour window for visiting and seldom do more than

one couple or family arrive at the same time. Most visitors park at the Catoctin Furnace parking lot (12698 Catoctin Furnace Road with 15 spaces including an EV charger) and walk the 0.2 mile African American Cemetery Interpretive Trail to the village. Parking will comply with the Frederick County Code.

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 property is located on Catoctin Furnace Road (MD 806) within the historic unincorporated village of Catoctin Furnace in northern Frederick County. Catoctin Furnace Road is classified as an open section state highway with 11' lanes and nominal shoulders. The roadway footprint is more than 200 years old. Safe ingress and egress from the existing and proposed parking areas onto Catoctin Furnace Road is facilitated by a speed limit of 35 MPH, 10" white edge lines, and 10" double yellow centerline pavement markings which increase visibility and narrow travel lanes, thus causing drivers to instinctively decrease speeds. The road system is more than adequate to serve the 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.

The Applicant's property is a contributing element within the Catoctin Furnace National Register of Historic Places district which was placed on the National Register on February 11, 1972. In addition, the F.W. Fraley Store was individually placed on the Frederick County Register of Historic Places on May 10, 2024 (HPC Case # CR 24-01) by unanimous approval of the Frederick County Historic Preservation Commission and Frederick County Council. The property is subject to historic preservation easements with the Maryland Historical Trust and Frederick County to preserve the structure and maintain its appearance as a historic rural/country store museum.

§ 1-19-8.356.(O) FACILITY FOR FUNCTIONS.

After a special exception and Facility MOU has been approved under this section the following requirements must be satisfied prior to establishing the use:

1. A site development plan application must be filed with the County;

The Applicant states that a site development plan application will be submitted after approval of the special exception.

2. The site plan must be reviewed by the Historic Preservation Commission; Agreed, the site plan will be submitted to the Historic Preservation Commission for review.

The Applicant states that no use will be established until all necessary certificates and permits are issued.

3. Any proposed alterations to the exterior of structures or the site must receive approval from the Historic Preservation Commission in accordance with Chapter 1-23 of the County Code;

The Applicant states that there are no proposed alterations to the exterior of the structure.

The exterior has been totally restored to the National Park Service Secretary of the Interior Standards, and it is subject to two preservation easements – the Maryland Historical Trust and Frederick County Historic Preservation Commission. However, should there be any exterior alterations they will be approved by the Historic Preservation Commission in accordance with Chapter 1-23 of the County Code.

4. The Planning Commission will review and approve the site plan if it meets the requirements under this chapter; and

The Applicant states that a site plan will be submitted for review and approval by the Planning Commission.

5. The use may be established on the property only after site development plan approval from the Historic Preservation Commission and the Planning Commission, and after all necessary Certificates of Appropriateness and permits have been applied for, approved, and a Certificate of Occupancy issued.

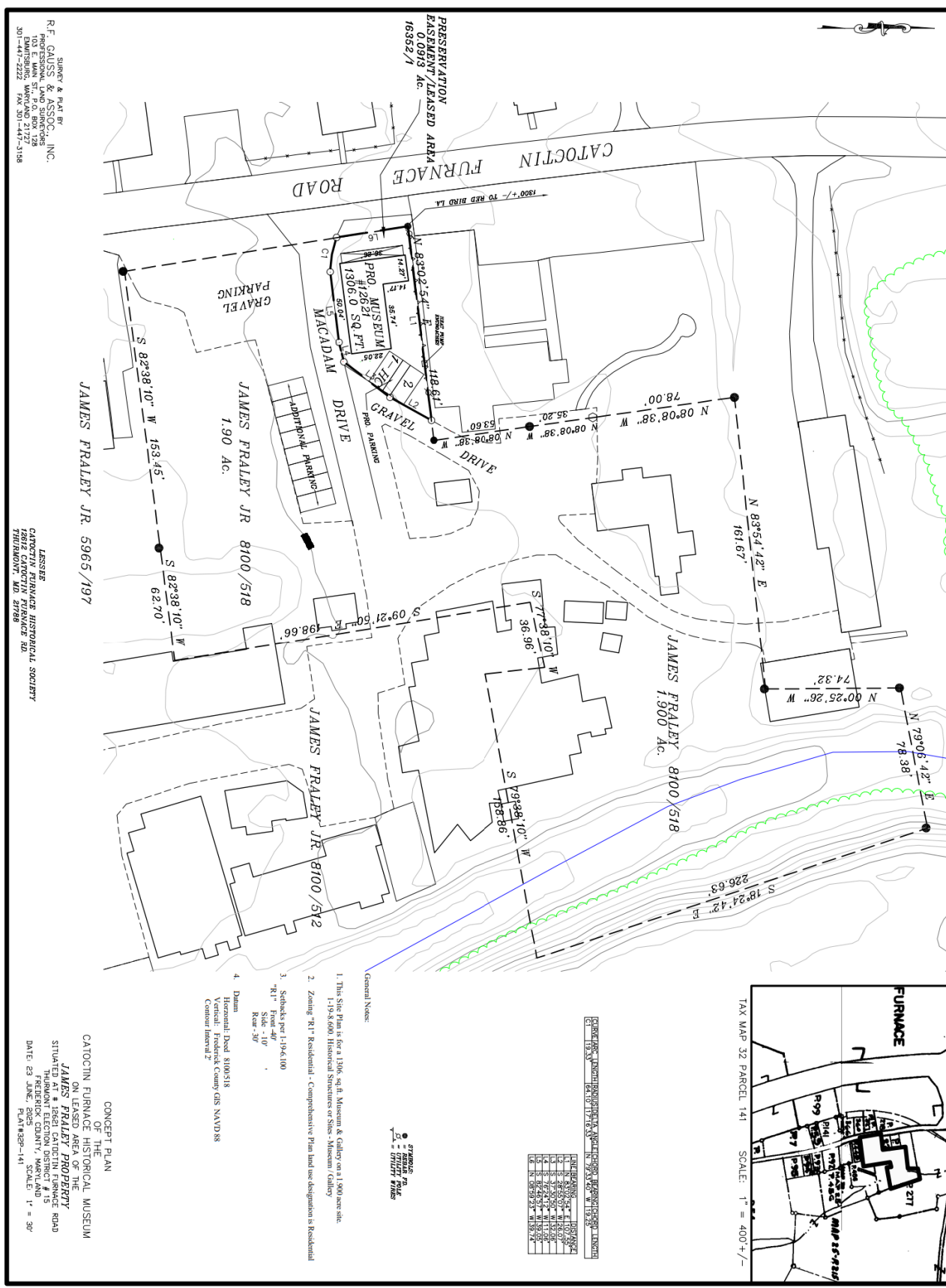
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Recommendation

Based on the findings and conclusions in the staff report, staff has no objection to approval of a Special Exception, in accordance with Section 1-19-8.600 Historic Structures and Sites, Section 1-19-3.210 Special Exceptions and Section 1-19-8.356 Facility for Function, for the conversion of an existing historic structure, that was used as a store, into a museum. The historic store is leased by the Catoctin Furnace Historical Society, Inc. (CFHS) who would like to open it as a historic store museum. Property address is 12621 Catoctin Furnace Rd, Thurmont, MD 21788.

§ 1-19-3.210. SPECIAL EXCEPTIONS. 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 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 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

Attachment #1: Property Site Plan



Attachment #2: Property Photo



Attachment #3: Property Photo

The F.W. Fraley Store building façade retains the appearance as a historic rural/country store



Attachment #4: Property Photo

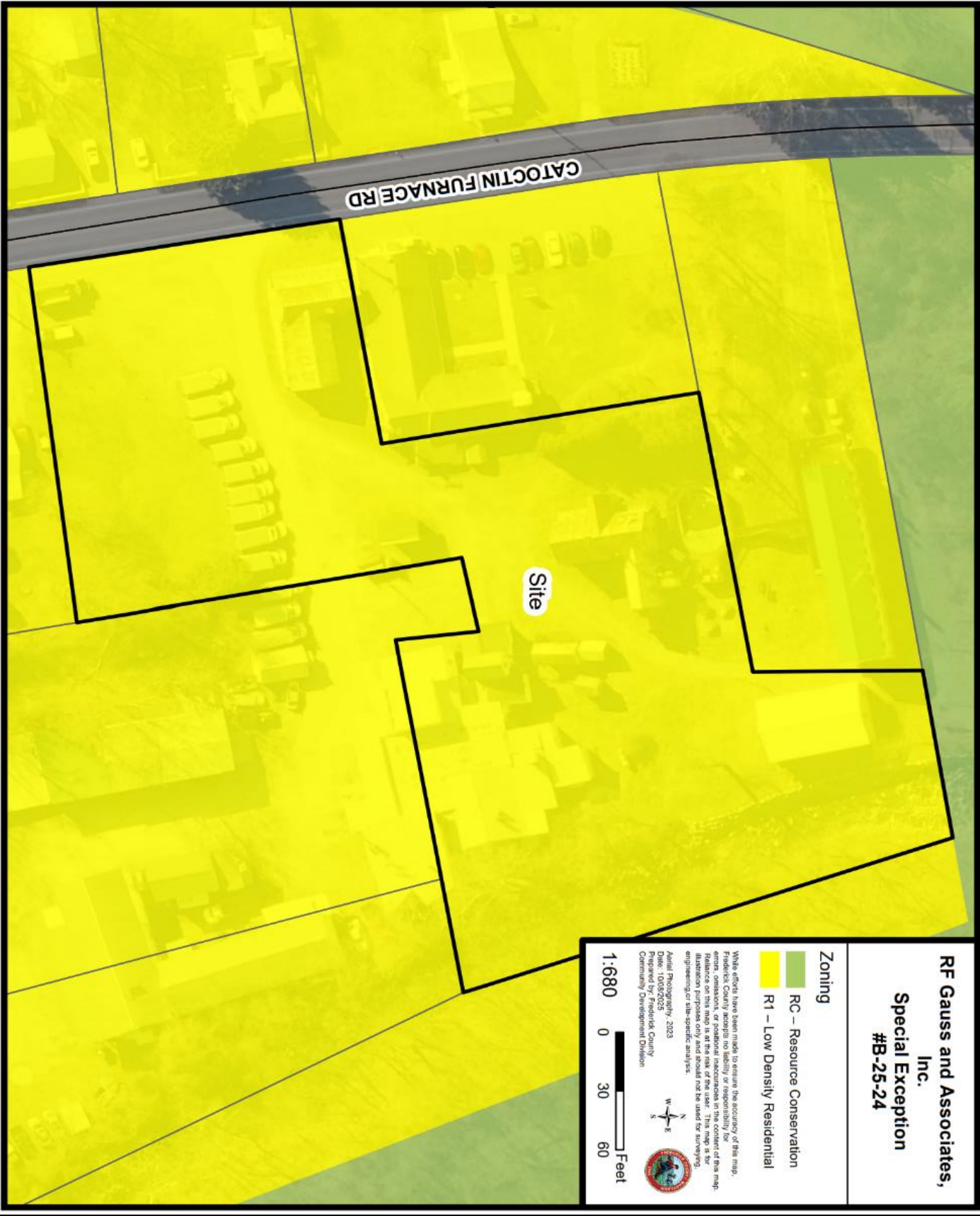
The F.W. Fraley Store building still maintains its outward appearance as a historic rural/country store



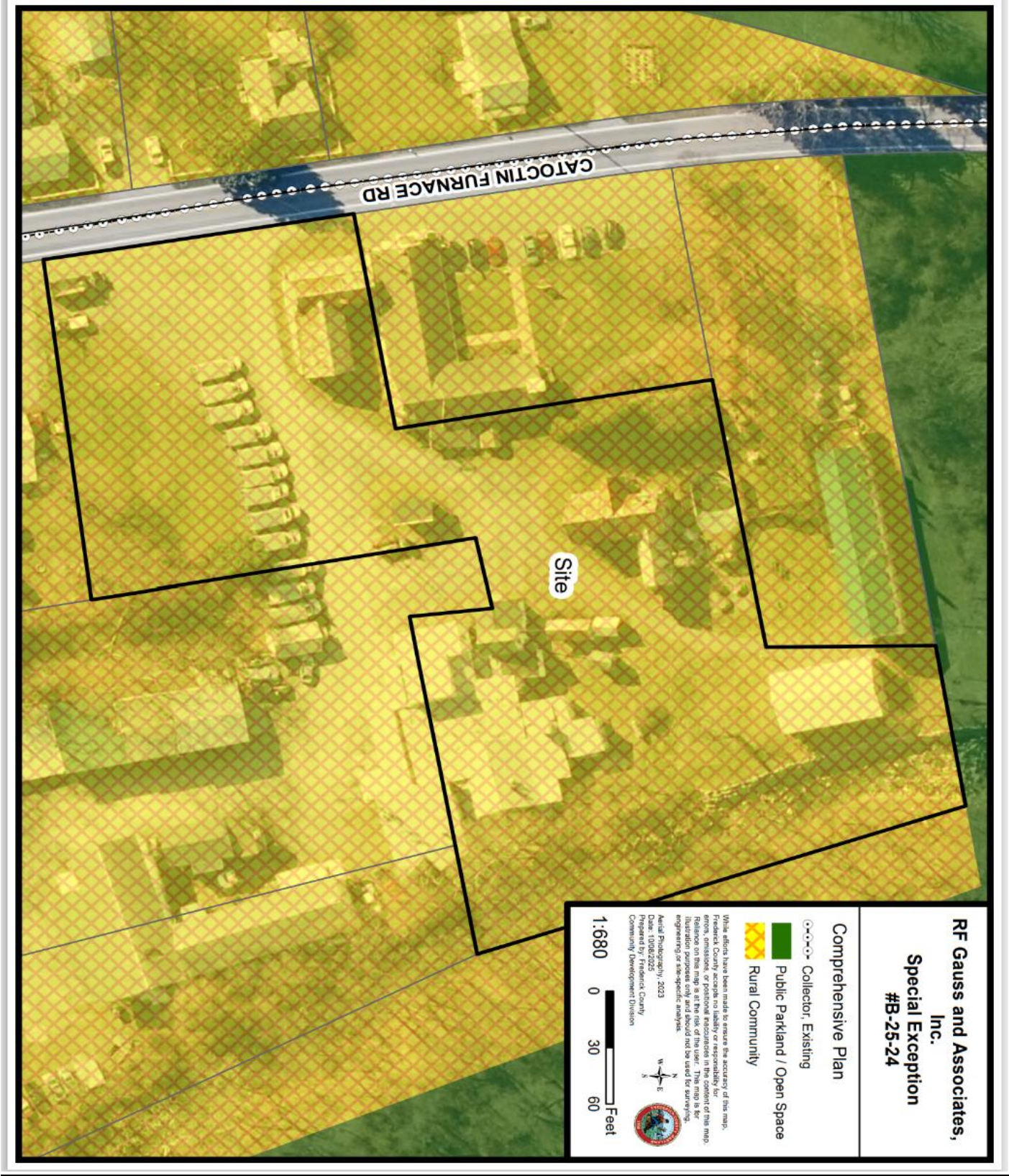
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