



FREDERICK COUNTY BOARD OF APPEALS

JANUARY 22, 2026

TITLE: Howard and Virginia Crum

FILE NUMBER: B-25-34 B273452

REQUEST: Requesting a special exception to modify and expand a special exception that was originally approved in Case No. B-10-09, by increasing the hours of operation for an antique shop, whose structure is listed on the Register of Historic Places, in accordance with Section 1-19-3.230 Special Exceptions and Section 1-19-11.100 Definitions. The Applicant is seeking to have the hours expanded to seven (7) days per week, 9 AM to 4 PM.

PROJECT INFORMATION:

ADDRESS/LOCATION: 4005 Buckeystown Pike, Frederick, MD 21704
MAP/PARCEL: Tax Map 095, Parcel 0218
COMP. PLAN: Industrial Neighborhood
ZONING: (A) Agricultural
PLANNING REGION: Adamstown
WATER/SEWER: PS/PS

APPLICANT/REPRESENTATIVES:

APPLICANT: Virginia Crum¹
OWNER: Howard and Virginia Crum
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael A. Paone, Zoning Planner

RECOMMENDATION: Staff does not object to the approval to modify the existing Special Exception for an antique shop, for the purpose of changing the hours of operation. The existing special exception is an approved antique store in accordance with Section 1-19-3.230 Special Exceptions, and Section 1-19-11.100 Definitions. The Applicant is seeking to have the hours expanded to seven (7) days per week, 9 AM to 4 PM. Please see Background below for the terms of the 2010 approval.

Attachments:

Attachment #1 – Property Plat
Attachment #2 – Vicinity Map
Attachment #3 – Aerial Map
Attachment #4 – Zoning Map
Attachment #5 – Comprehensive Plan Map
Attachment #6 – Environmental Features Map
Attachment #7 – Prior Case B-10-09 Findings and Decisions Letter

¹ The term Applicant refers collectively to both the Applicant and the Property Owners.

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

Background

The property for which the special exception modification is sought consists of approximately 2.56 +/- acres of land and is located at 4005 Buckeystown Pike, Frederick. On November 18, 2010, the Frederick County Board of Appeals (the "Board") granted the Applicants' request for a special exception to operate an antique shop in the historic barns located on their property, formally known as 3995 Buckeystown Pike.

The Applicant currently has 7 employees working a total of 210 hours per week (and anticipates having 9 employees working 250 per week total). There is no specialized equipment involved with the antique shop other than small box trucks rented for loading and unloading furniture, etc. and periodic tractor trailer deliveries.

The Applicant is requesting the Board to modify and expand the hours of operation approved as part of the 2010 Board Approval, see attachment #7. The hours of operation that were previously approved by the Board are as follows: "...the third Friday, Saturday and Sunday of every month except for May and November. In November the activity would be extended to the first weekend as well, anticipating the holidays. In May the activity would also be open the first weekend, anticipating Mother's Day. Normal hours for Friday and Saturday would be from 9 AM to 5 PM; Sunday Noon to 5 PM. Other days and times are also listed in the Applicant's Justification Statement."

The Applicant is requesting the Board to modify the above referenced hours by expanding the allowed hours of operation for the antique shop as follows: Seven (7) days per week, 9 AM to 4 PM. No other alterations are proposed.

§ 1-19-3.210 - 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.

Virginia Crum and her husband, Howard Crum, are owners of the 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; and

The Applicant states that the Property is designated Agricultural/Rural on the Comprehensive Plan. The Property is listed on the Frederick County Register of Historic Places as the Graf Farmstead (CR 124-01, MIHP # F-1-189). To implement the Comprehensive Plan's policy of encouraging the preservation of the County's historic resources, the Zoning Ordinance provides a mechanism (through a special exception from the Board) to allow certain commercial uses of property (including antique shops) in any zoning district. The Applicant has successfully operated the antique shop for years in accordance with the 2010 Board Approval and it has become a staple of the Buckeystown community. Since its opening, the business has grown and hopes to grow more in harmony with the neighborhood. The Comprehensive Plan supports local economic growth, employment and additional tax base. However, the limited and intermittent hours of operation are no longer conducive to its operations and often lead to more concentration of crowds.

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

The Applicant states that they have operated the antique shop in a manner that has been sensitive to and respectful of its neighbors. They believe that they have the support of their immediate neighbors in this Application. As stated in the 2010 Board Approval, the historic barns on this 2.56-acre site preserves the character of the neighborhood “without overburdening the parcel.” Applicant avers that this requested expansion of business days will not detract from the important agricultural and historical characteristics of the Property nor alter the character of the neighborhood. It will enhance Applicant’s planning, scheduling, coordination and preparation for customers and deliveries and reduce the concentration of traffic, thereby making overall operations safer and more convenient. Additionally, these expanded hours will allow the Applicant to offer consistent employment within the Frederick community.

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 they have an established track record of operating the antique shop without generating excessive noise, dust, vibrations or other potentially negative impacts on its neighbors or their properties. Expanding their hours of operation will reduce the impact from its operations by spreading out over longer periods the concentration of customers and visitors. They operate cooperatively with St. John’s Catholic Prep. through sharing vehicular access. The hours of operation (9 AM to 4 PM) are off peak in terms of the normal workday. The requested hours of operation will spread out visitors instead of concentrating them within limited days of the week or month. The 2010 Board Approval found that the antique shop met this requirement and would not create a greater adverse impact here than it would elsewhere in the Agricultural zone in part because of the large size of the Property in relation to the special exception use and that will not change if the hours of operation are expanded. The antique shop is an appropriate use at this location.

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 to achieve maximum safety.

The Applicant states that the Site Plan for the Property was reviewed and approved by the County with due consideration for screening of the parking areas from residential uses and an appropriate and safe design of the entrance and exit drives. The parking areas are adequate and can accommodate the customers and visitors to the Property. In fact, all these aspects of the subject antique business, “Chartreuse & Co’s” operation will be improved by being open daily and having fewer visitors at any given time.

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

The Applicant states that this was a consideration of the County as part of its previous approval of the Site Plan. Maryland Route 85 (Buckeystown Pike) is a major arterial roadway with capacity and design adequate to serve the Property and the antique store. The Applicant does not anticipate any degradation in safety or adequacy of this road if the hours of operation are expanded. The road system providing access to the Property is already enhanced with acceleration and deceleration lanes serving the Buckeystown Post Office, and St. John’s Catholic Prep.

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 the County Code.

The Applicant understands and agrees to this requirement. In accordance with §1-19-8.320, if this application is approved the Applicant will have to update their site development plan to reflect the Board's final decision.

D. 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 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 understands and agrees to comply with this requirement.

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 County Code under which the special exception is sought and stating the grounds on which it is requested; and

The Applicant has complied with this requirement.

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

The Applicant has made a written application stating the grounds upon which it is requested and is complying with the process.

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 and agrees to comply with this requirement.

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 will not expand the hours of operation beyond what is approved by the BOA.

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 understands and agrees to comply with this requirement.

H. A decision of the Board of Appeals granting a special exception will be void 5 years from 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 1-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicant understands and agrees to comply with this requirement.

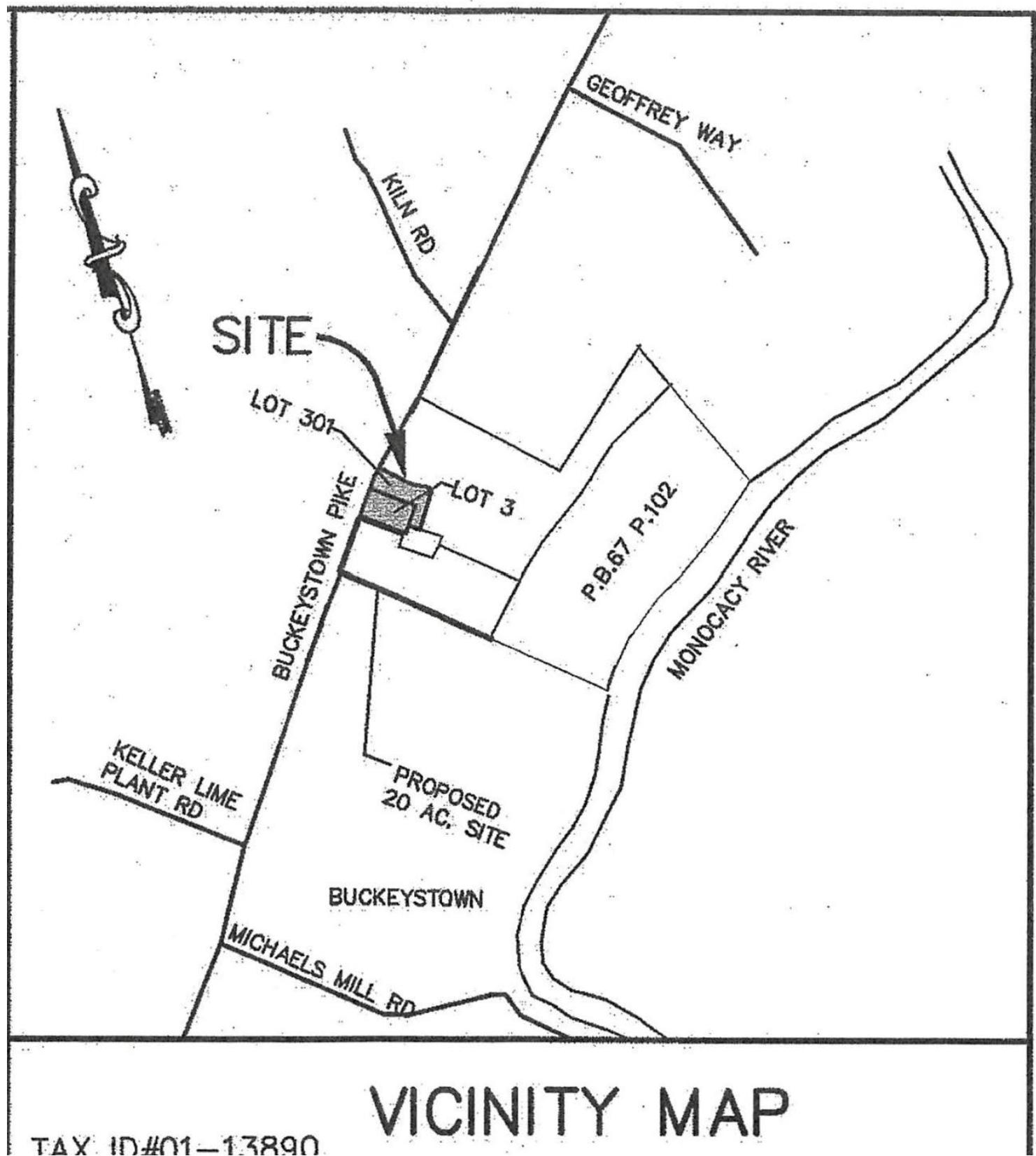
Recommendation

Based on the findings and conclusions in the staff report, Staff does not object to the approval of the requested modification to the antique store hours of operation in accordance with the Frederick County Code, Sections 1-19-3.230 Special Exceptions, Section 1-19-11.100 Definitions. The new hours would allow the antique store to be open Seven (7) days per week, 9 AM to 4 PM.

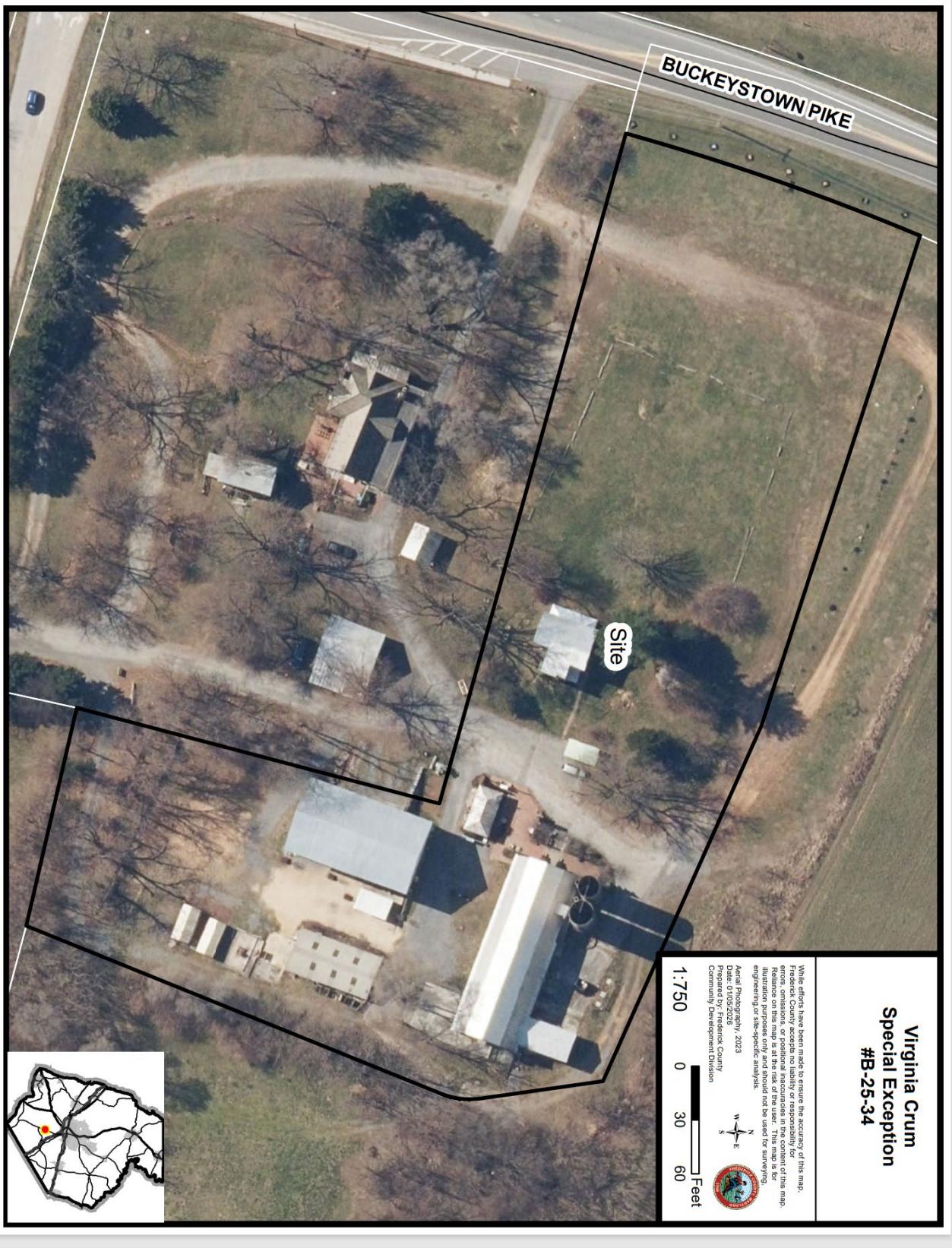
§ 1-19-3.210. SPECIAL EXCEPTIONS. A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been 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 Plat

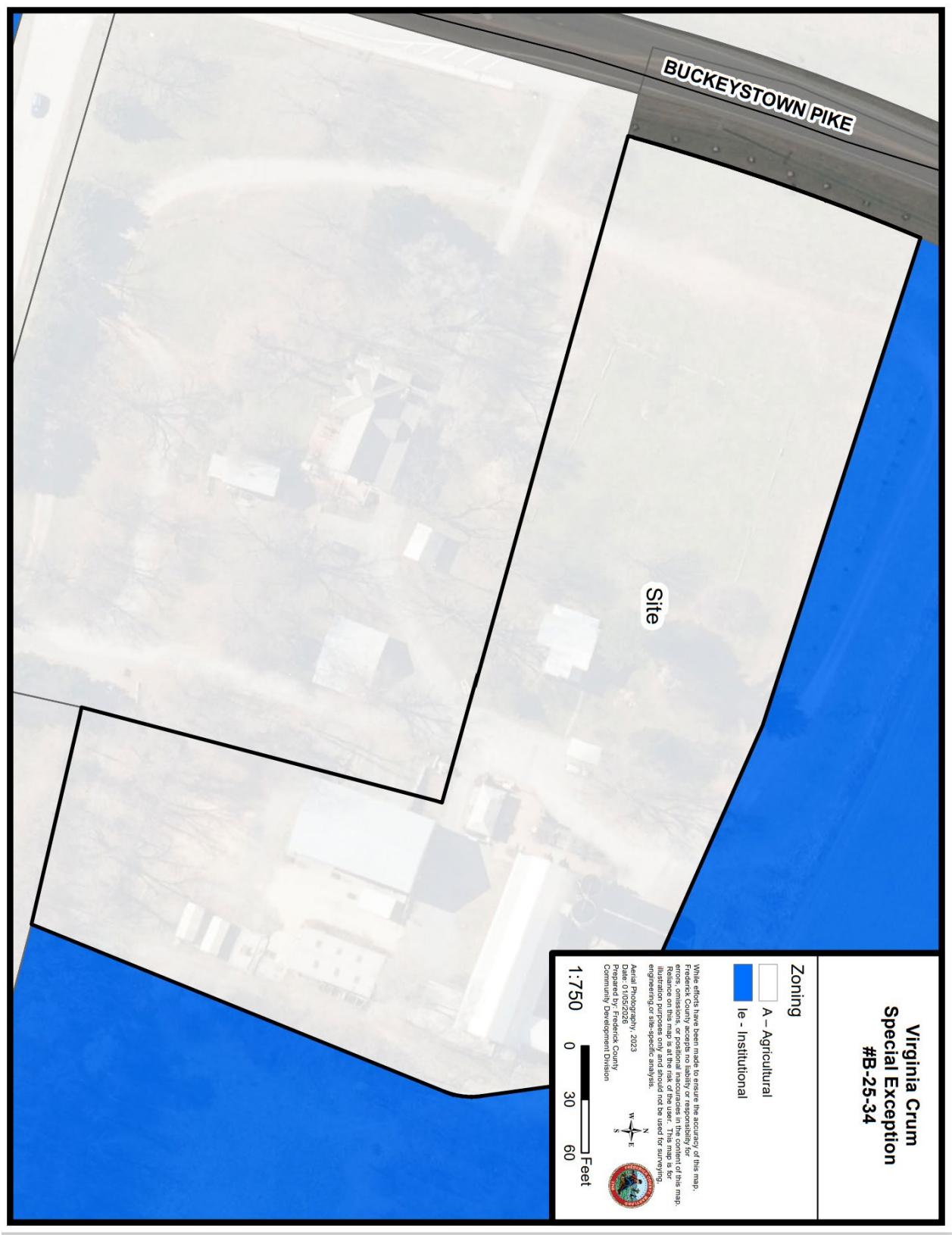
Attachment #2: Vicinity Map



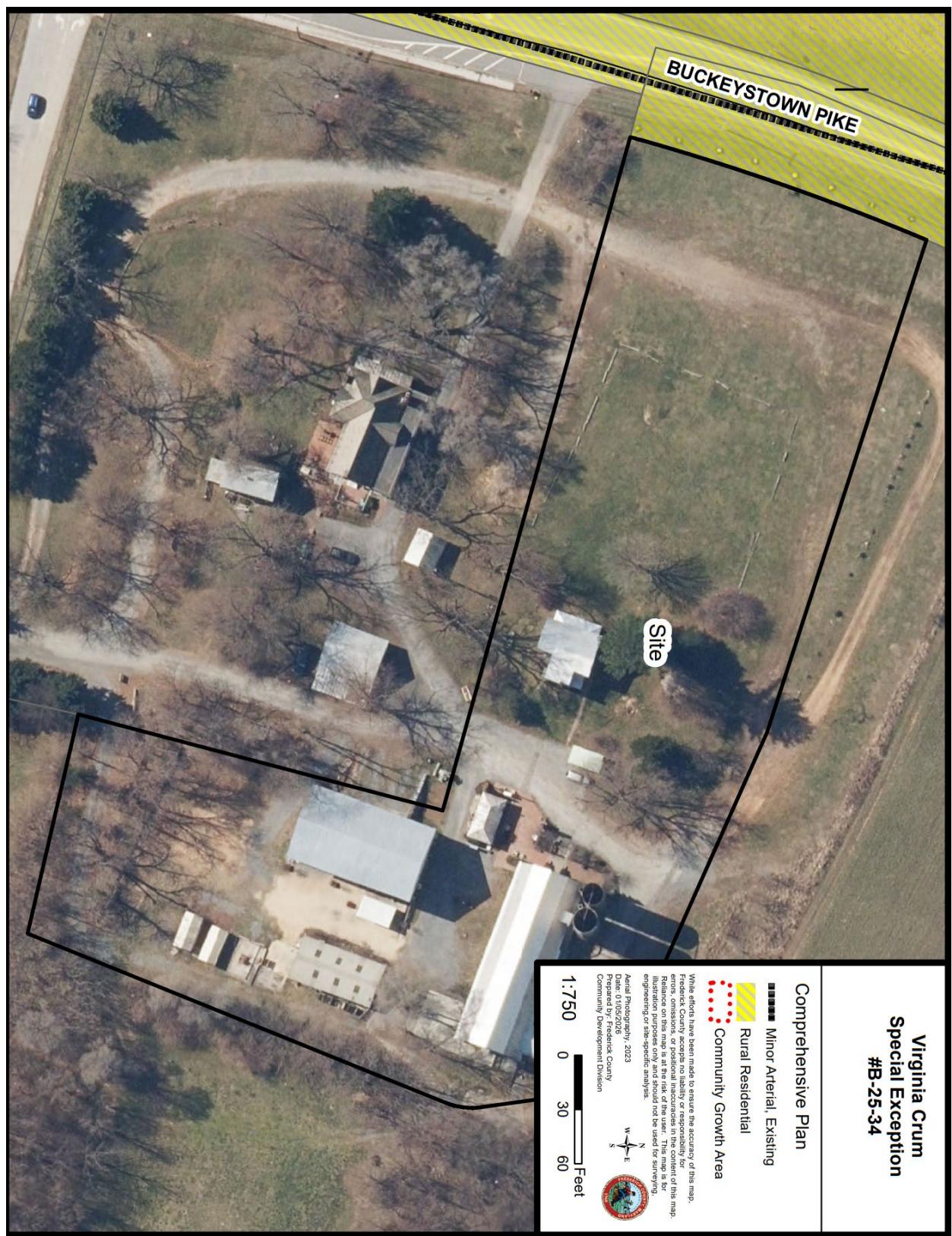
Attachment #3:Aerial Map



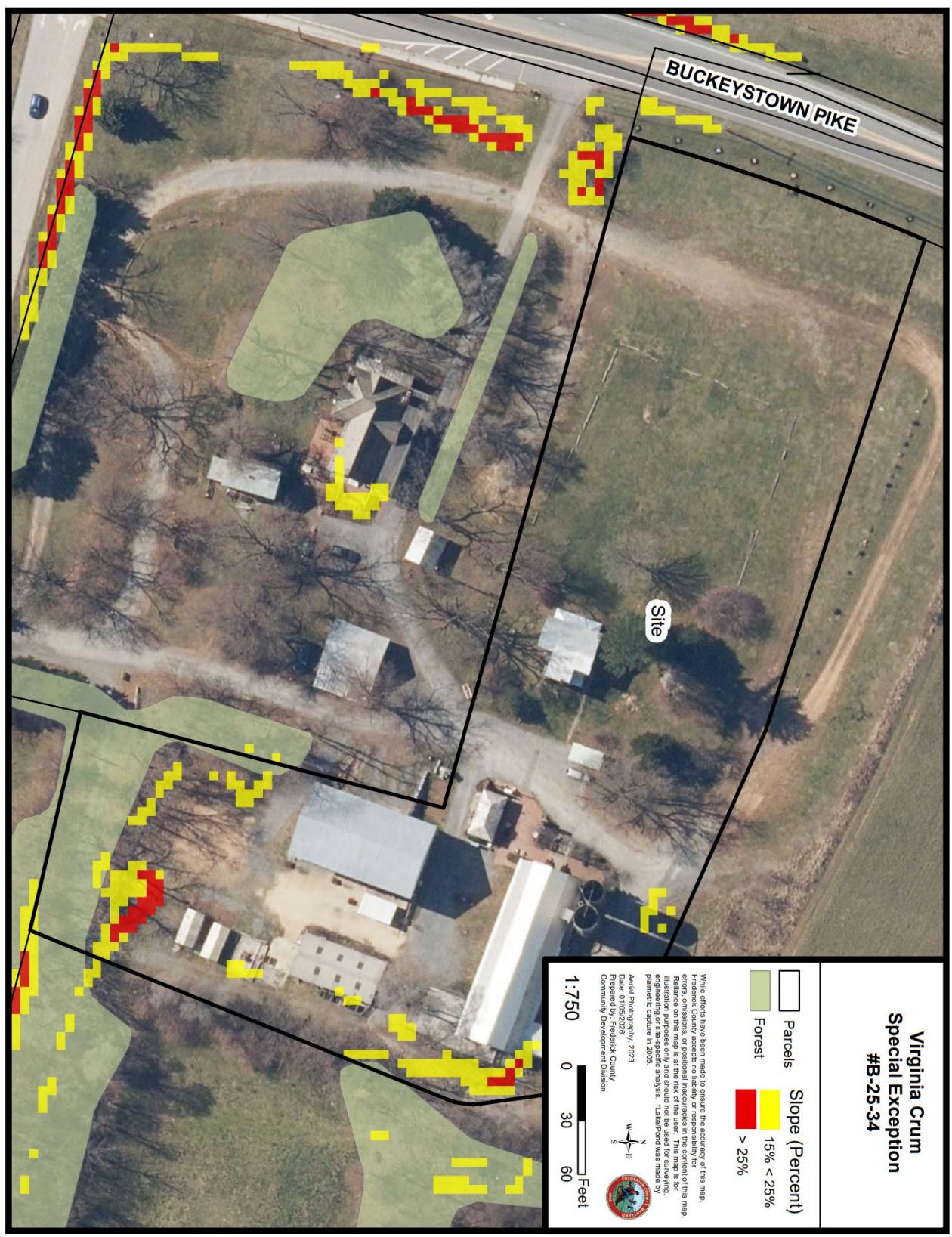
Attachment #4: Zoning Map



Attachment #5: Comprehensive Plan Map



Attachment 6: Environmental Features Map



IN THE MATTER OF: * **BEFORE THE**
THE APPLICATION OF * **BOARD OF APPEALS**
Howard and Virginia Crum * **FOR FREDERICK COUNTY, MD**
c/o Ashley Mancinelli, Esq. * **CASE NO. B-10-09**
Severn, O'Connor & Kresslien *

* * * * *

FINDINGS AND DECISIONS

This matter comes before the Board on the application of the Howard and Virginia Crum, represented by Ashley Mancinelli, Esq. of Severn, O'Connor and Kresslien (hereinafter "the Applicants") for a special exception for a proposed antique shop located in buildings proposed for the County Register of Historic Places as provided for in the Frederick County Code. The property (hereinafter "the Property") for which the special exception is sought consists of 2.56 +/- acres of land, more or less, and is located at 3995 Buckeystown Pike Frederick MD, Maryland, zoned Agricultural. It is further identified as Lot 301, Parcel 151 on Frederick County Tax Map No. 95. Applicant seeks a special exception under Section 1-19-3.210 and 1-19-8.600 of the Frederick County Code in order to establish the business in several historic barns on the lot adjacent to their home at 4007 Buckeystown Pike.

In accordance with the Frederick County Code, Section 1-19-3.200 (I) the Board visited the site to view the Property.

The Frederick County Code, Section 1-19-3.210 (B) provides that a special exception is a matter of development policy and that the Board of Appeals "should consider the relation of the proposed use to the existing and future development patterns." In addition, Section 1-19-3.210 provides that the following conditions must be met:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and
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
3. Operations in connection with any special exception use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would be the operations of any permitted use not requiring special exception approval; and
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; and

5. The road system providing access to the proposed use is adequate to serve the site for the intended use; and
6. A written application is submitted; and
7. A public hearing has been held.

Under Section 1-19-8.600, 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, inn, antique shop, museum, information center, business or professional office, group home use, or a facility for functions such as seminars, festivals, cultural or social events, or other similar activities of historic interest, provided that off-street parking 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, the Maryland Register of Historic Places or the Frederick County Register of Historic Places. All requests for special exception under this section shall be referred to the Frederick County Historic Preservation Commission for determination of eligibility for placement on the Frederick County Register of Historic Places, and for review and comment. Before the special exception can take effect, the historic structure or site must be listed on the Frederick County Register of Historic Places.

At the September 23, 2010 hearing, testimony was presented by Mr. Rick Brace, Principal Planner II for Frederick County, Mr. Larry Smith, Frederick County Zoning Administrator and the Applicants in both verbal and written testimony. Evidence, testimonial and documentary, presented before the Board revealed that the site was considered eligible for listing according to the County's Historic Preservation Commission and that the proposed use would take place the third Friday, Saturday and Sunday of every month except for May and November. In November the activity would be extended to the first weekend as well, anticipating the holidays. In May the activity would also be open the first weekend, anticipating Mother's Day. Normal hours for Friday and Saturday would be from 9AM to 5PM; Sunday Noon to 5PM. Other days and times are also listed in the Applicant's Justification Statement. Expected, according to the Applicant, are between 100 to 300 people during the normal hours.

In accordance with section 1-19-3.210(A), as noted in testimony and on the site visit, the proposed operation is consistent with the purpose and intent of the Comprehensive Development Plan in that the Plan promotes preservation of the heritage of the County by adaptive reuse of buildings and properties. The Board further couples this with the provisions of the Code which require the nature and intensity of the special exception to be in harmony with the appropriate and orderly development of the neighborhood. The Frederick County Code provides that one of the principles of the

historic building or site is to preserve the character of the neighborhood and having the existing barn buildings on this 2.56 acre site does so without overburdening the parcel.

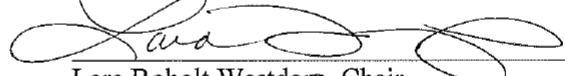
The Board further finds that the placement of the operation at this location would not be objectionable to neighboring properties due to noise or vibrations.

The Applicant's site plan shows the parking areas all comply with section 1-19-6.220 of the Zoning Ordinance. Further, in response to remarks about parking in the septic area, the Applicant indicated no parking would be taking place there, as well as noting that overflow parking if required would take place on the school adjacent. In addition, the concept plan indicates that the entrance and exit drives do not pose a risk to the safety of those utilizing the site, subject to the required site development plan review. Furthermore, Staff testimony, Applicant's testimony and site plans identify the road system to the Property as an arterial road which the Board finds as adequate to serve the site for the proposed uses.

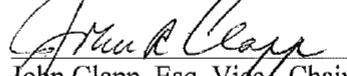
For all of the foregoing reasons, the Board of Appeals grants the Applicants request for a special exception, on a motion from Mr. Clapp, seconded by Ms. Sepe 3-0-1 (Westdorp), *subject* to the condition(s):

1. Continued compliance with the general and specific criteria of the Ordinance.

Adopted by the Board of Appeals on the 18 day of November, 2010.



Lara Boholt Westdorp, Chair



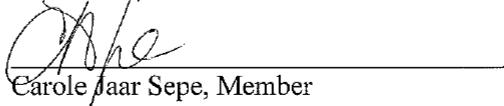
John Clapp, Esq. Vice-Chair



Sean Michalski, Member



Alan Duke, Member



Carole Jaar Sepe, Member

Section 1-19-3.200 (J)

A decision of the Board granting a variance or a special exception will be void two years from date of approval unless the use is established or a building permit is issued and construction has begun and is in accordance with the terms of the decision.