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## Moxley impatient to sell farmland, relocate

After decade of fighting with Walkersville to rezone land, landowner says he's trying to protect his rights

by Jeremy Hauck | Staff Writer

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Standing along a wall at Town Hall in mid-August, landowner David W. Moxley watched as Walkersville residents peppered the Ahmadiyya Muslim Community's national president with wary comments about terrorism and Islamic customs, in addition to zoning worries.

It wasn't long after that Moxley, who owns the 224-acre Nicodemus Farm, retained a lawyer to protect his deal to sell the farmland to the Muslim group.

"I have no desire except for to sell my farm and relocate," Moxley said in a December interview at his home. "I don't want to fight the town in any way, shape or form, but I won't necessarily



Bill Ryan/The Gazette

David W. Moxley bought the Nicodemus farm for \$3.4 million in 1996, from Hood College.

walk away from my rights.”

Moxley’s lawyer, Roman P. Storzer, of Washington, D.C.-based Storzer and Greene, is ready to take the town to court if either the Zoning Board of Appeals or the Board of Commissioners denies the Muslims the right to build a retreat center on the farmland, he said.

“If the action is taken to prevent this group from locating there, and litigation ensues, then the town’s administration is going to have to face a jury of its peers and be able to answer for their actions,” Storzer said in a telephone interview.

Moxley said he wants to sell the Nicodemus Farm 11 years after purchasing it because he wants to move to his native Ellicott City in March. His father and sister are in declining health, and he wants his young daughter, Jeannie, to grow up near her cousins.

The 7,000-square-foot colonial home on the property that overlooks Walkersville and farms to the east is “more house than we need,” he said.

Inside the historic home, antique furniture and decorations have been shoved to the margins of the main room, and toys and more practical furniture has replaced them.

Moxley has been asking the Town of Walkersville for permission to develop the Nicodemus property for more than a decade. The town has rebuffed him each time.

As a principal partner in 103-29 Limited Partnership, Moxley bought the Nicodemus farm for \$3.4 million from Hood College in 1996, and immediately proposed building 378 single-family homes there. The Nicodemus family had

donated the farm to Hood College in 1996 after owning it for 150 years.

Town commissioners, on Dec. 11, 1996, voted against Moxley's request to rezone the land from agriculture to residential, citing the character of the area surrounding the farm. Officials were also concerned about resulting traffic, school crowding, water and sewer issues.

A three-year legal battle between the developer and the town ensued, in which Moxley claimed commissioners acted capriciously and unfairly in denying his request to rezone. Moxley and his partners dropped the lawsuit against the town on Feb. 24, 1999, and canceled a rezoning hearing scheduled for the following day in Frederick County Circuit Court.

In 2003 Moxley presented a concept to build 430 single-family homes and 170 townhouses during the public input period of the town's comprehensive plan update. That concept also failed.

Moxley sued the town in the late 1990s, he said, in order to avoid losing millions. Moxley said both of his parents were ill at the time, and that his family feared losing millions again through the application of the estate tax. "I didn't want to do that, but we were stuck between a rock and a hard place."

Moxley, who owns the farm jointly with his father and sister, listed the farm for sale in August 2006. The Ahmadis were the only ones to make him an offer, he said. "I didn't expect the rigamarole that's occurred," Moxley said. "I think it's unfounded."

History of Nicodemus farmland