

**FREDERICK COUNTY BOARD OF APPEALS**  
**STAFF REPORT FOR July 25, 2019 @ 7pm**

**Case Number:** **B-19-21 (AP# 19526)**

**Applicant:** **Linda and Daniel Patton**

**Appeal:** **Requesting a Special Exception for a Limited Agricultural Activity in the Residential Districts.**

**Location:** **9229 Oak Tree Circle, Frederick MD 21701, Tax Map 50, Parcel 0154, Tax ID# 08-216487, .57 Acres, Zoned Low Density Residential (R1)**

**Planning Region:** **Walkersville**

**Zoning District:** **Low Density Residential (R1)**

**Comp. Plan Designation:** **Rural Residential**

**Applicable Ordinances:** **Sec. 1-19-3.210 Special Exceptions  
Sec. 1-19-8.325 Limited Agricultural Activity in the Residential Districts  
Sec. 1-19-11.100 Definitions**

**Background:**

The subject parcel is zoned Residential-1 (R1) and contains .57 acres.

Ordinance Section 1-19-11.100 defines *AGRICULTURAL ACTIVITY, LIMITED* as "The keeping of farm animals in residential districts on lots with less than 3 acres. Apiaries are excluded from this definition."

Ordinance Section 1-19-11.100 defines *FARM ANIMALS* as "Those animals ordinarily found on a farm, including but not limited to: horses, ponies, sheep, goats, bulls, buffalo, cows, steers, rabbits raised for commercial purposes, turkeys, pigs, ducks, geese, chickens and guinea hens."

**Proposal:**

The Applicant is requesting Special Exception approval for a Limited Agricultural Activity for the purpose of keeping chickens in a pen, on a residential lot that has less than 3 acres.

The Applicant submits that the chicken coop area will meet the 50 foot setback requirement.

## **General Criteria – Special Exception:**

Under the provisions of Section 1-19-3.210 of the County Zoning Ordinance:

(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.

*We, the applicants, are the listed owners of the subject 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 this chapter; and

*We, the applicants, state that the proposed use is consistent with the Comprehensive 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; and

*We, the applicants, state that the coop lines containing the chickens are at least 50 feet away from the property lines and more than 100 feet from the well. Additionally, the chickens are relatively quiet, and should not disturb any neighbors. Distance from property lines will be 54 ft from side lot lines, 50 ft from rear lot line, and excess of 63 ft from the front property line.*

(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

*We, the applicants, state that the Limited Agricultural Activity will not cause any odor, smoke, vibrations or unreasonable noise which can be detected at or beyond the property line.*

(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.

*We, the applicants, state that there are no employees associated with this proposal, no business or additional infrastructure required.*

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

*We, the applicants, state that there are no employees associated with this proposal, no business or additional infrastructure required.*

**Specific Criteria – Section 1-19-8.325 Limited Agricultural Activity in the Residential Districts**

A limited agricultural activity shall be permitted in the residential districts where the following provisions are met:

(A) The keeping of farm animals in conjunction with a single family residence, on lots less than 3 acres, shall be permitted in residential districts provided that no pens, stalls, or runs will be located closer than 50 feet of any lot line (see also Section 1-19-8.240).

*We, the applicants, state that the chicken coop and run will meet the 50 ft requirement from all property lines. These include approximately 54 ft from both side property lines, 50 ft from the rear property line and in excess of 63 ft from the front property line.*

(B) All criteria in Section 1-19-3.210 and all other provisions of this chapter shall be met.

*We, the applicants, agree that all criteria in Section 1-19-3.210 and all other provisions of this chapter have been met.*

(C) The limited agricultural activity shall not cause any odor, dust, smoke, vibration or unreasonable noise which can be detected at or beyond the property line.

*We, the applicants, state that the Limited Agricultural Activity will not cause any odor, smoke, vibrations or unreasonable noise which can be detected at or beyond the property line.*

**Action Required:**

Staff requests that the Board review the general and specific criteria for Special Exception under Section 1-19-3.210 (*Special Exceptions*) and Section 1-19-8.325 (*Ltd Ag Activity in the Residential Districts*) and render a decision on the applicant's requests.

## Site Maps:



