

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

Case Number: B-19-23 (AP# 19583)

Applicant: Teresa Tippet and Denise Demosky

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

Location: 5806 Catocin Vista Dr., Mt. Airy MD 21771, Tax Map 80, Parcel 0106, Tax ID# 09-236120, .51 Acres, Zoned Low Density Residential (R1)

Planning Region: New Market

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 .51 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 would like to keep chickens on the property. 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.
- *The applicant is listed as the owner 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
- *The hens will primarily live in a 5'x12' coop and run within the designated 50' setback requirement. A drawing is attached. They will be locked into the coop at night.*
 - *The coop/run for the hens, (NO ROOSTERS), will be located at least 50 feet from all property lines.*
- (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 property is in an older development across the street and one line of houses over from two farms that raise cattle, one herd is raised for milk and the other is raised for beef. The farm where the beef cattle are raised also raises chickens for eggs, lambs for meat, and vegetables.*
 - *The 6 hens are quiet and should not disturb any neighbors. There are NO ROOSTERS.*
 - *The coop/run will be at least 50 feet away from all property lines.*
 - *The coop/run is cleaned weekly to maintain a clean environment.*
- (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 hens are quiet and should not disturb any neighbors.*
 - *The coop/run will be at least the 50 feet away from all property lines.*
 - *The coop/run is swept out weekly to maintain a clean environment.*
 - *The coop is opened each morning at approximately 7am and closed each evening.*
 - *No employees are associated with the proposed use.*
 - *No equipment associated with proposed use.*

- (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 subject property is a private residence and as such no further parking is required.*
- (5) The road system providing access to the proposed use is adequate to serve the site for the intended use.
- *Detrick Road, Catoctin View Drive, and Catoctin Vista Drive is adequate to serve our property.*
 - *The road system providing access to the proposed use is adequate to serve for the intended use*

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 § 1-19-8.240).
- *The coop/run for the hens will be at least 50 feet away from the property lines as indicated in the drawing submitted. The setbacks will be approximately 50 ft from side and rear yard property lines. Approximately 150 ft from the front property line.*
- (B) All criteria in § 1-19-3.210 and all other provisions of this chapter shall be met.
- *We have studied the codes and zoning ordinance; this proposal meets the minimum requirements of a limited agricultural activity special exception.*
- (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.
- *The coop/run will be situated at least 50 feet or more from all lot property lines.*
 - *The hens will not raise dust beyond the coop/run.*
 - *The hens are quiet and only cluck every now and then.*
 - *The coop is cleaned weekly.*
 - *Operations consist of feeding, cleaning and activity during daylight hours only; the coop is opened at approximately 7am and closed at dark.*
 - *Feeding/watering is done as needed upon low feeder/water supply.*
 - *No employees are associated with the proposed use*
 - *No equipment associated with proposed use*

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:



