

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

Case Number: B-19-24 (AP# 19593)

Applicant: Anthony and Jessica Taylor

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

Location: 11978 Arlington Mill Road, Union Bridge MD 21791, Tax Map 60, Parcel 0088, Tax ID# 213410, 1.08 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 Low Density Residential (R1) and contains 1.08 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 and goats, on a residential lot that has less than 3 acres.

The Applicant has submitted a site plan showing that the proposed pen 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
 - *Pens will be located at least 50 (fifty) feet from all property lines, well, and septic (as indicated on the included drawing).*
 - *Animals will have proper covered shelter in addition to their pen.*
 - *Animals will be used for 4-H activities and will have regular exercise.*
 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
 - *Pens will be located at least 50 (fifty) feet from all property lines, well, and septic (as indicated on the included drawing).*
 - *Animals will not be of disturbance to the neighbors*
 - *All poultry will be hens, there will be no roosters*
 - *Pens will be cleaned on a regular basis to maintain a clean atmosphere*
 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
 - *Animals will not be of disturbance to the neighbors*
 - *All poultry will be hens, there will be no roosters*
 - *Pens will be located at least 50 (fifty) feet from all property lines, well, and septic (as indicated on the included drawing).*
 - *Pens will be cleaned on a regular basis to maintain a clean atmosphere*
 - *All required care will take place during daylight hours only*
 - *No employees are associated with the proposed use*
 - *No equipment associated with propose.*

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.
 - *This is a private residence, where no further parking is required. Existing driveway will be used.*
5. The road system providing access to the proposed use is adequate to serve the site for the intended use.
 - *Arlington Mill Road sufficiently meets the needs to serve our request.*

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.
 - *Pens will be located at least 50 (fifty) feet from all property lines, well, and septic (as indicated on the included drawing). This includes a minimum of 58 ft from the side property lines, 51 ft and 54 ft from the rear property line and 95 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 have studied the code 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.
 - *Pens will be located at least 50 (fifty) feet from all property lines, well, and septic (as indicated on the included drawing).*
 - *Animals will not be of disturbance to the neighbors*
 - *All poultry will be hens, there will be no roosters*
 - *Pens will be cleaned on a regular basis to maintain a clean atmosphere*
 - *All required care will take place during daylight hours only*
 - *No employees are associated with the proposed use*
 - *No equipment associated with proposed use*
 - *Animals will not cause any dust past 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:



