

**FREDERICK COUNTY BOARD OF APPEALS**  
**STAFF REPORT FOR APRIL 28, 2022 @ 7pm**

**Case Number:** B269068 (B-22-14)

**Applicants:** Carl and Clara Vickers

**Appeal:** Requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210 and Section 1-19-8.325 of the Frederick County Zoning Ordinance to allow up to 10 chickens, with no roosters, on a residentially zoned property.

**Location:** The property is described as 7845 Ridge Road, Frederick, MD 21702, Tax Map 56, Parcel 512, Tax ID# 24458326, Zoning Low Density Residential (R1), Size 1.7 Acres (the "Property")

**Planning Region:** Frederick

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

**Comp. Plan Designation:** Rural Residential

**Applicable Law:**  
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 Property is zoned Low Density Residential and contains 1.7 acres.

Section 1-19-11.100 of the Frederick County Zoning Ordinance 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."

Section 1-19-11.100 of the Frederick County Zoning Ordinance 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 a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210 and Section 1-19-8.325 of the Frederick County Zoning Ordinance to allow up to 10 chickens on the Applicants' residentially zone property with no roosters. The chickens will be located in a partially wooded area approximately 10' x 25', consistent with the rural nature of the community. The Applicants have submitted a site plan showing that the proposed pen area will meet the 50 foot setback requirement. (Attachment 1)

**§ 1-19-3.210 - General Criteria – Special Exception:**

Under the provisions of Section 1-19-3.210 of the Frederick 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 Applicants are listed as the property owners and therefore have a financial interest in 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 Applicants state that the proposed use is consistent with the Comprehensive Plan. Caring for chickens is not uncommon in the area, and it is consistent with the rural nature of the community. The coop and run will be at least 50' from all property lines, and the chickens will be kept in the enclosed coop and run, protecting them from any potential threat as well as keeping them on the Applicants property.*

(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 Applicants state that the nature and intensity of the Special Exception will be in harmony with the appropriate and orderly development of the neighborhood. The property is in a rural area where homes are separated by mature trees, plenty of undergrowth, and all surrounding homes have several acres for yards. The coop and run will be at least 50' from all property lines, and it will be well-maintained, cleaned at least 2-3 times per week, and painted to be aesthetically pleasing to view.*

(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 Applicants state the Limited Agricultural Activity will not cause any odor, smoke, vibrations or unreasonable noise which can be detected at or beyond the property line. They state this Special Exception will not have an adverse effect on the characteristics of the neighborhood. The chickens will include only hens (females), so there will be minimal noise because they are natural quiet animals. The coop and run will be cleaned regularly (2-3 times per week). Hemp chicken bedding will be used as bedding because it is highly absorbent, is touted for repelling pests or parasite, and also prevents moisture build-up in the coop.*

(4) Parking areas will comply with the off street parking regulations of Chapter 1-19 of the Frederick County Code 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 Applicants state the property is a private residence and they will comply with all parking and related requirements. No further parking is required as there are no business or additional infrastructure requirements.*

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

*The Applicants state that Ridge Road is adequate for the intended use and having chickens on the property does not place any additional requirements on the road. This will not cause any additional traffic.*

#### **§ 1-19-8.325 - Specific Criteria –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 Applicants state that they understand this requirement and the coop and run will be located at least 50 feet from all property lines.*

(B) All criteria in § [1-19-3.210](#) and all other provisions of Chapter 1-19 of the Frederick County Code shall be met.

*The Applicants state that they have reviewed the requirements and this proposal meets the minimum requirements of a Limited Agricultural activity exception.*

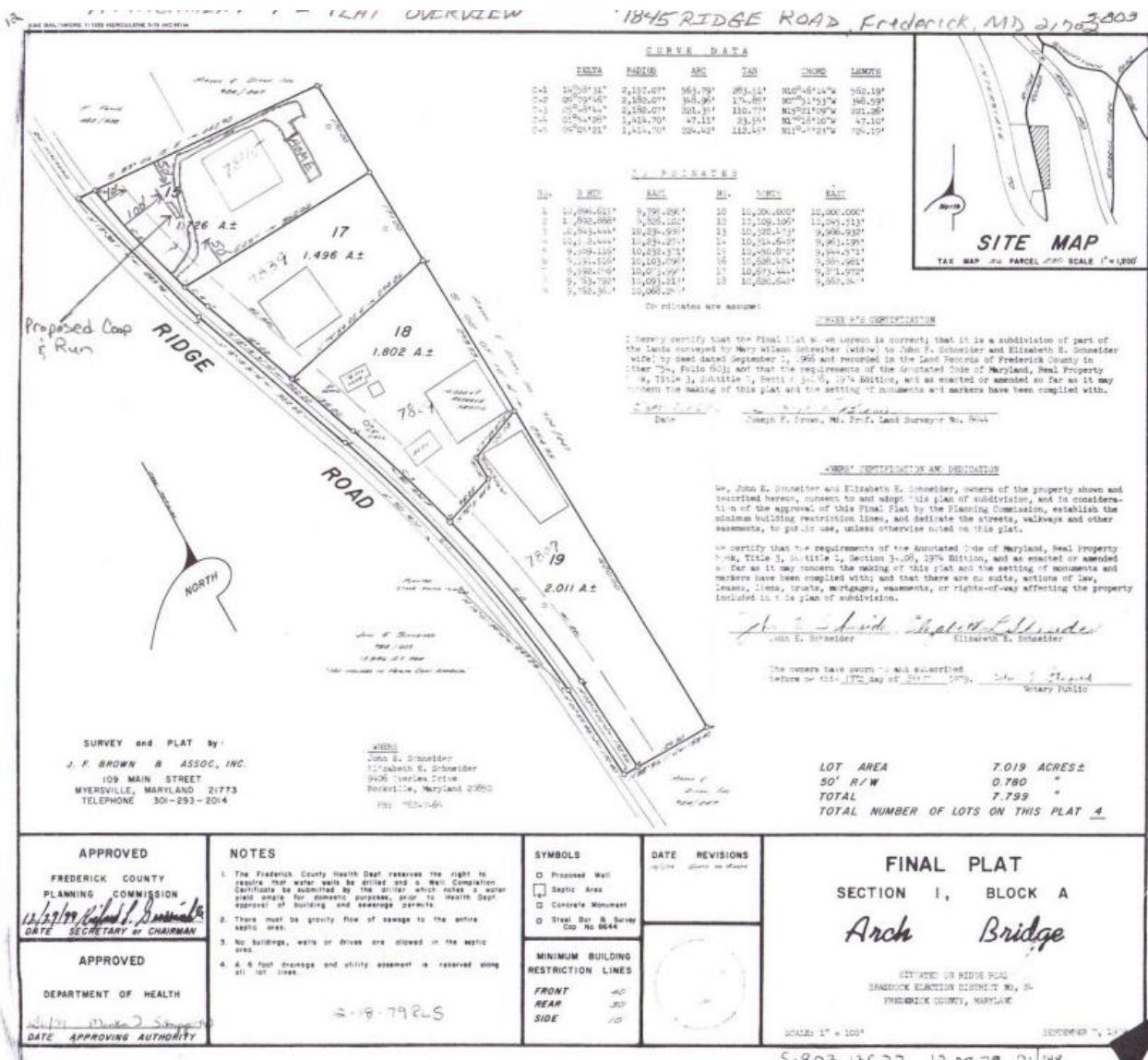
(C) The limited agricultural activity shall not cause any odor, dust, smoke, vibration or unreasonable noise which can be detected at or beyond the property line.

*The Applicants state they will ensure that operations in connection with this Special Exception will not have an adverse effect on the characteristics of the neighborhood. The coop and run will be located at least 50 feet from all property lines, will be cleaned 2-3 times per week, and maintained with hemp bedding. Noise, fumes, odors, dust, smoke, vibration or unreasonable noise will not extend beyond the property line.*

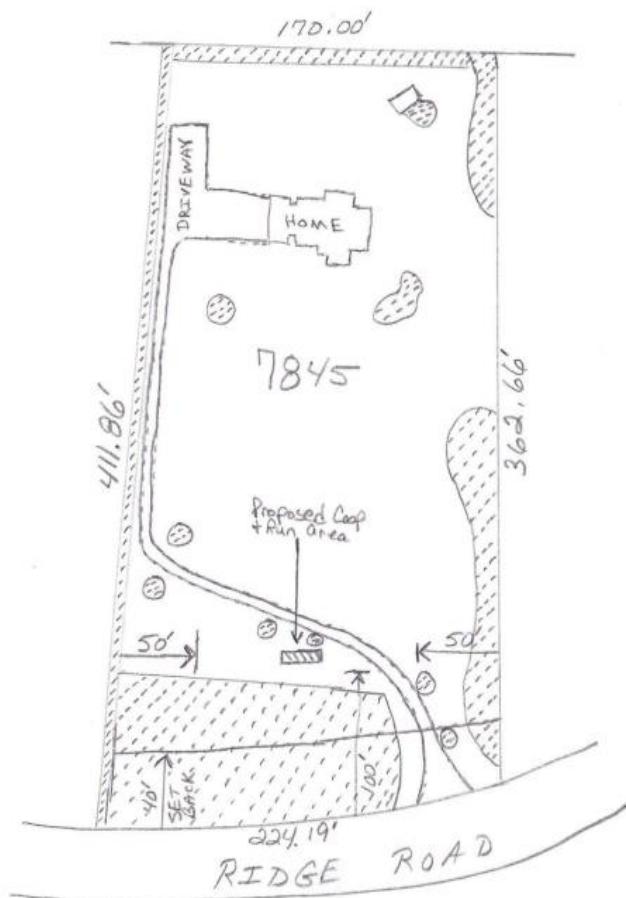
**Action Required:**

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*) of the Frederick County Zoning Ordinance and render a decision on the Applicants' request to allow up to 10 chickens on the property with no roosters.

## Attachments



ATTACHMENT 2 - DETAILED PLAT OVERVIEW



7845 RIDGE ROAD  
FREDERICK, MD 21702

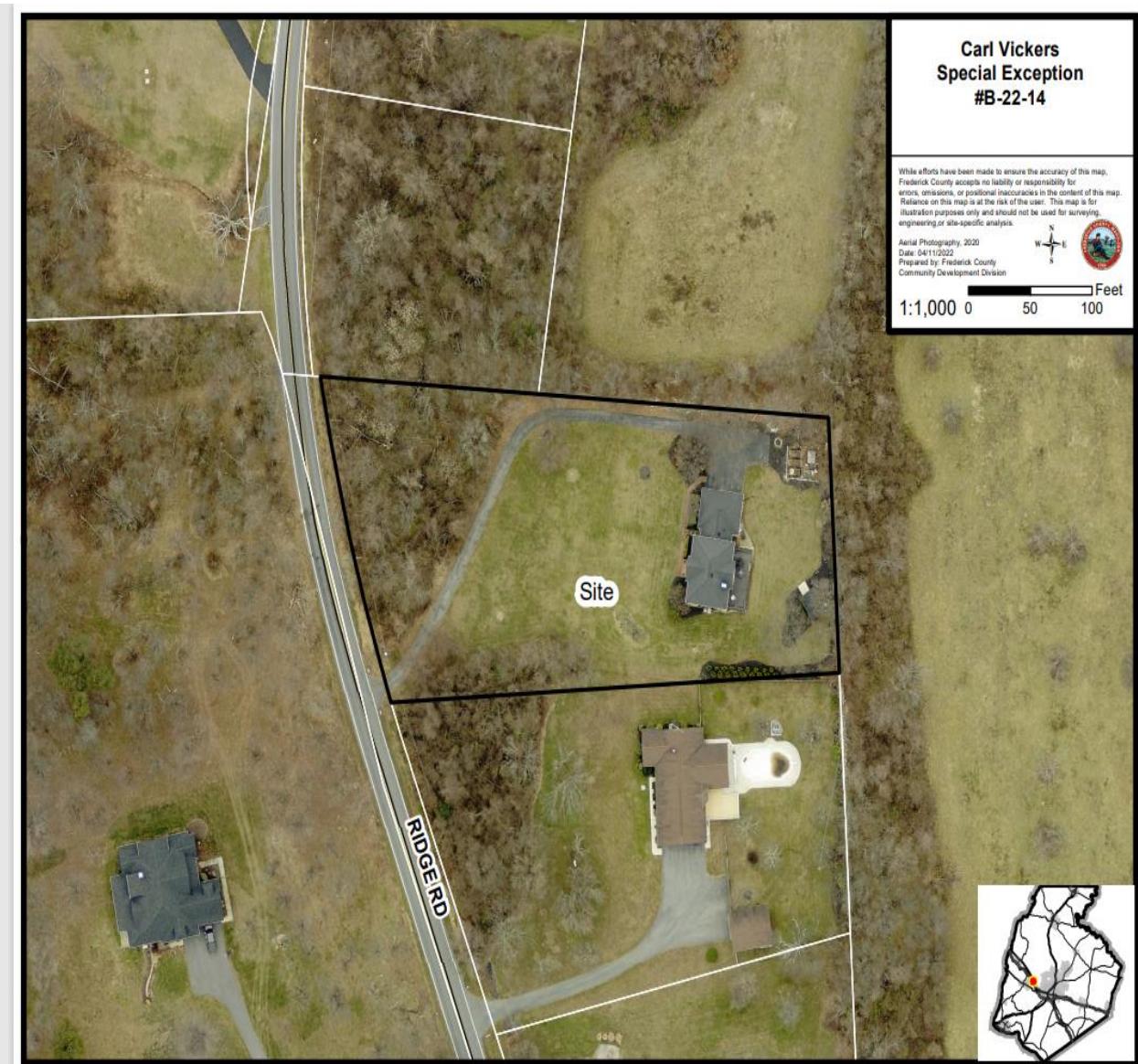
OWNERS:  
CARL & CLARA VICKERS

LEGEND:

- ████████ - FOREST/TREES
- - TREES
- ▨ - PROPOSED COOP  
RUN AREA



## **GIS Maps**



B-22-14

