



FREDERICK COUNTY PLANNING COMMISSION

September 22, 2022

TITLE: **Limited Agricultural Activity**

FILE NUMBER: **B-22-27 (B273402)**

REQUEST: 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, 4 chickens, 2 turkeys, 4 ducks, 2 pygmy goats and 1 potbelly pig as family pets on a residentially zoned property.

PROJECT INFORMATION:

ADDRESS/LOCATION: 3325 Glenwood Place, Ijamsville MD 21574
MAP/PARCEL: Tax Map 97, Parcel 0219
COMP. PLAN: (RR) Rural Residential
ZONING: (R1) Low Density Residential
PLANNING REGION: Urbana
WATER/SEWER: NPS/NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Michael Vallarino
OWNER: Michael Vallarino
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael A. Paone

RECOMMENDATION: Staff recommends approval of the requested Special Exception in accordance with Section 1-19-3.210 (*Special Exceptions*) and Section 1-19-8.325 of the Frederick County Zoning Ordinance.

Enclosures:

Exhibit #1 – Property Site Plan
Exhibit #2 – Aerial Map
Exhibit #3 – Zoning Map
Exhibit #4 – Env. Features Map
Exhibit #5 – Comprehensive Plan

BACKGROUND

The Property is zoned Low Density Residential and contains 1.64 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.”

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 4 chickens, 2 turkeys, 4 ducks, 2 pygmy goats and 1 potbelly pig, on the Applicants’ residentially zoned property. 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:

- 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 states that he is an owner of 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 (the “Zoning Ordinance”); and

The Applicant states that having farm animals is consistent with the rural character of the community and consistent with the Comprehensive Plan.

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 Applicant states that this is a low intensity operation and should have no negative impact on surrounding community, nor will it impact the orderly development of this area.

2. 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 Applicant states that the farm animals pen will be cleaned regularly.

3. Parking areas will comply with the off street parking regulations of Chapter 1-19 of the Frederick County Code (the "Zoning Ordinance") and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out to achieve maximum safety.

The Applicant states that the approval of this application will not cause there to be an increased need for parking.

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

The Applicant states that there will no additional traffic caused by the approval of this application.

C. In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements for each use outlined in §§ [1-19-8.320](#) through [1-19-8.355](#) of this Code.

See discussion below of § 1-19-8.325.

D. A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under Chapter 1-19 of the Frederick County Code (the "Zoning Ordinance") and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of Chapter 1-19 of the Frederick County Code (the "Zoning Ordinance") and may be grounds for termination of the special exception.

The Applicant states that he understands this requirement.

E. The Board of Appeals shall not grant a special exception unless and until:

1. A written application for a special exception is submitted indicating the section of Chapter 1-19 of the Frederick County Code (the "Zoning Ordinance") under which the special exception is sought and stating the grounds on which it is requested; and

2. A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

The Applicant states that he understands the process.

F. The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

The Applicant states that he understands this provision.

G. No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

The Applicant states he understands this requirement.

H. If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

The Applicant states that he understands this requirement.

I. A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicant states that he understands this requirement.

§ 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 Applicant states that he has submitted a site plan showing that the chicken, coop, and run will be located 50 feet away 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 (the "Zoning Ordinance") shall be met.

The Applicant states that he understands this requirement.

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 Applicant states that the chicken coop and run will be located 50 feet away from all property lines and will be cleaned weekly or more often when needed. There will be no roosters and the special exception use will comply with this section.

RECOMMENDATION

Staff finds that the proposed Special Exception under Section 1-19-3.210 (*Special Exceptions*) and 1-19-8.325 Limited Agricultural Activity in the Residential Districts and complies with the Frederick County Zoning Ordinance. Staff has no objections to the approval of the Special Exception.

A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months

Hand-drawn site plan for LOT 14. The plan shows a rectangular lot with a house and a garage. The house is labeled "House" and has a "B. R. L." (Back Room) area. The garage is labeled "Garage". A driveway is shown leading from the street to the garage. The lot is bounded by a "Fence" on the north and east sides. Dimensions are given for the lot boundaries and internal features. The lot area is noted as "11,525 sq. ft." and "642 Ac. ±". The street is labeled "S. 8.00' W." and "S. 6.00' W.". The lot is also labeled "LOT 14" and "EASEMENT".

GIS MAPS







