



# FREDERICK COUNTY BOARD OF APPEALS

## OCTOBER 23, 2025

**TITLE:** Trinh Phuong Vo

**FILE NUMBER:** B-25-21 (B277826)

**REQUEST:** Requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210, Section 1-19-8.325, and Section 1-19-11.100 of the Frederick County Code to allow up to 16 hens and 4 ducks, with no roosters, on a residentially zoned property consisting of 1.38 acres. The pen/run is approximately 20'X10'.

### PROJECT INFORMATION:

ADDRESS/LOCATION: 4305 Araby Church Rd, Frederick, MD 21704  
MAP/PARCEL: Tax Map 087, Parcel 0039  
COMP. PLAN: Rural Community  
ZONING: (R1) Low Density Zoning  
PLANNING REGION: Urbana  
WATER/SEWER: NPS/NPS

### APPLICANT/REPRESENTATIVES:

APPLICANT: Trinh Phuong Vo<sup>1</sup>  
OWNER: Trinh Phuong Vo  
ENGINEER: N/A  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Michael A. Paone, Zoning Planner

**RECOMMENDATION:** Staff recommends approval of the requested Special Exception for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210, Section 1-19-8.325, and Section 1-19-11.100 of the Frederick County Code to allow up to 16 hens and 4 ducks, with no roosters, on a residentially zoned property consisting of 1.38 acres (the "Property") and zoned (R1) Low Density Residential.

### ATTACHMENTS:

Attachment #1 – Site Plan of Property  
Attachment #2 – Aerial Map  
Attachment #3 – Zoning Map  
Attachment #4 – Comprehensive Plan Map  
Attachment #5 - Environmental Features Map

<sup>1</sup> The term Applicants refers collectively to both the Applicant and the Property Owner.

Note: All code references herein are to the Frederick County Code, unless otherwise specified.

## **BACKGROUND**

The Property is zoned R1 Low Density Residential which allows for low density residential development with a maximum density of 40,000 SF per dwelling unit.

Section 1-19-11.100 of the Frederick County Code defines *AGRICULTURAL ACTIVITY, LIMITED* as "The keeping of farm animals in residential districts on lots with less than 3 acres".

The Applicant is requesting 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 Code to allow up to 16 hens and 4 ducks, with no roosters, on the Applicant's residentially zoned property of 1.38 acres. The Applicant has submitted a site plan showing that the proposed coop 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 she, Trinh Phuong Vo, is the owner of the Property. This is consistent with the applicable SDAT document and Deed for this address.**

- 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 Applicant states that having hens and ducks on her property, is consistent with the rural nature of the area and is consistent with the purpose and the intent of the Comprehensive Development 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

**The Applicant states that the nature and intensity of raising up to 16 hens and 4 ducks, with no roosters, will be in harmony with the neighborhood.**

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 Applicant states that the coop will be cleaned regularly to avoid any odors or fumes generated by the animals.**

4. Parking areas will comply with the off-street parking regulations of Chapter 1-19 of the County Code 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 the application will not require any additional parking spaces or changes to the driveway access for this Property.**

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

**The Applicant states that the road system providing access to this Property will remain adequate and that the approval of this application will not create a need for any changes to the Property's road access.**

- 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 Sections 1-19-8.320 through 1-19-8.355 of the County Code.

**The Applicant states that she understands and agrees to this requirement.**

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 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 and may be grounds for termination of the special exception.

**The Applicant states that she understands and agrees to comply with any additional conditions imposed by the BOA.**

- D. 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 County Code under which the special exception is sought and stating the grounds on which it is requested; and

**The Applicant states that she has complied with this requirement.**

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

**The Applicant states that she has made a written application stating the grounds upon which the special exception is requested and are complying with the process. A public hearing is scheduled for October 23, 2025.**

- 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 she understands and agrees to this requirement.**

- 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 that the Limited Agricultural Activity will not be expanded beyond what is approved. The coop will be kept at least 50' from all property lines.**

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 she understands and agrees to 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 she understands and agrees to 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 the coop will be located a minimum of 50 feet away from all lot lines. (Attachment #1) and that no pens, stalls, or runs will be closer than 50 feet from any lot line.**

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

**The Applicant states that she understands and agrees to 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 cleaned regularly to avoid odor or dust that can be detected at or beyond the property line. There will be no smoke or vibration as a result of the animals.**

Based on the findings and conclusions set forth herein, Staff does not object to the approval of the requested Special Exception for a Limited Agricultural Activity in the Residential Districts, consistent with Sections 1-19-3.210, 1-19-8.325, and 1-19-11.100 of the Frederick County Code, to allow up to 16 chickens and 4 ducks, with no roosters on residentially zoned property, containing 1.38 acres.

**§ 1-19-3.210. SPECIAL EXCEPTIONS. 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.**

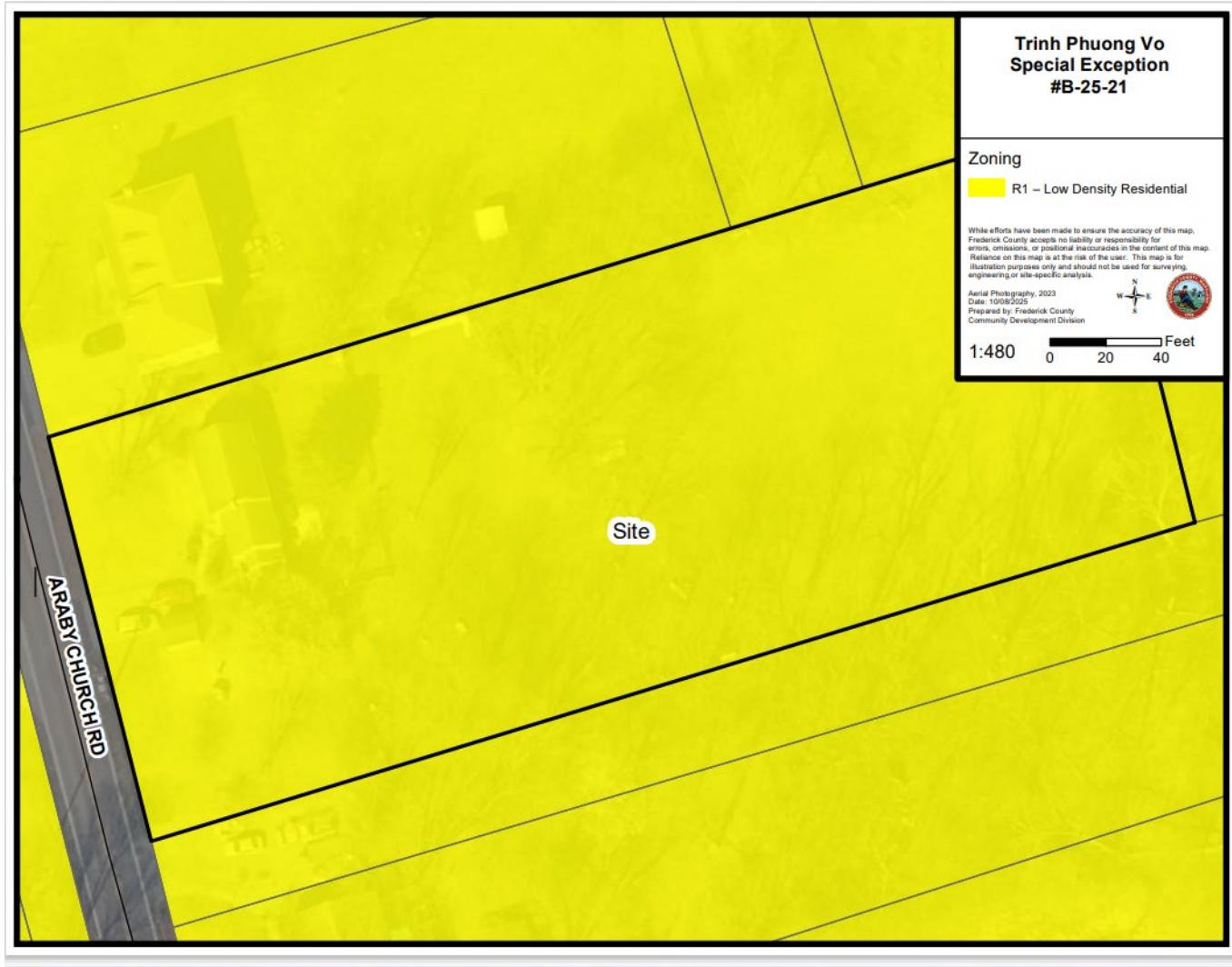
Attachment #1: Site Plan Of Property



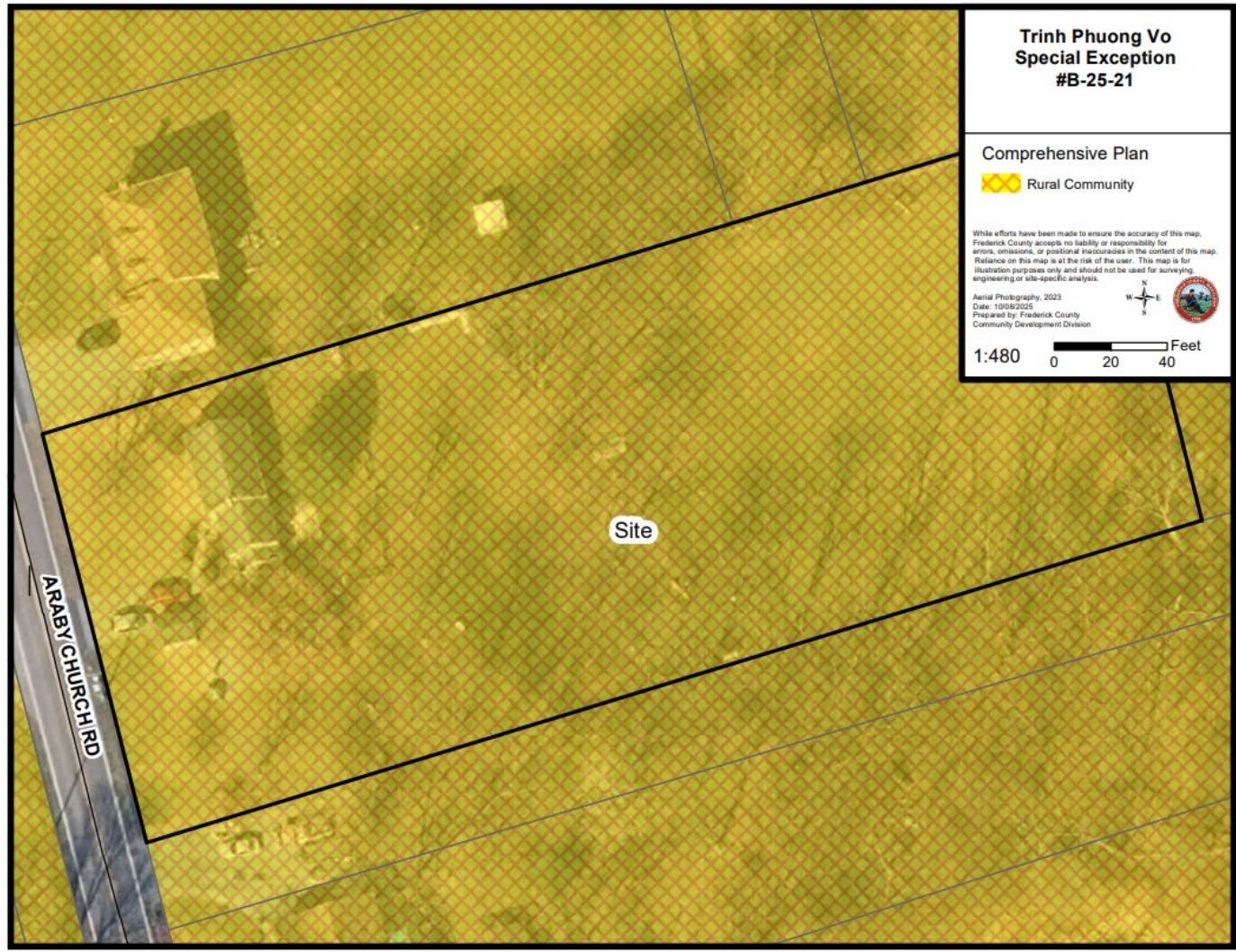
## Attachment #2: Aerial Map



### Attachment #3: Zoning Map



**Attachment #4: Comprehensive Plan Map**



## Attachment #5: Environmental Features Map

