



FREDERICK COUNTY BOARD OF APPEALS

MAY 22, 2025

TITLE: Jennifer and Nicholas Seabrook (Owners)
Jennifer Seabrook (Applicant)

FILE NUMBER: B-25-11 (B276862)

REQUEST: Requesting a special exception to allow a Kennel in the Village Center (VC) zoning district in accordance with Sections 1-19-3.210 Special Exceptions and 1-19-8.338 Kennels, Animal Hospitals or Veterinarian Clinics in the A and VC Districts, and 1-19-6.100 Design Standards. The property is 1.34 acres in size.

PROJECT INFORMATION:

ADDRESS/LOCATION: 3620 Buckeystown Pike, Buckeystown, MD 21717
MAP/PARCEL: Tax Map 095, Parcel 1135
COMP. PLAN: Village Center
ZONING: Village Center (VC)
PLANNING REGION: Adamstown
WATER/SEWER: W-5/S-5

APPLICANT/REPRESENTATIVES:

APPLICANT: Jennifer Seabrook
OWNER: Jennifer and Nicholas Seabrook
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael A. Paone, Zoning Planner

RECOMMENDATION: Staff recommends approval of the requested Special Exception to allow a Kennel in the Village Center (VC) zoning district in accordance with Sections 1-19-3.210 Special Exceptions and 1-19-8.338 Kennels, Animal Hospitals or Veterinarian Clinics In the A and VC Districts, and 1-19-6.100 Design Standards.

Attachments:

Attachment #1 – Site Plan of Property
Attachment #2 – FEMA Floodplain on Property
Attachment #3 – Aerial Map
Attachment #4 – Zoning Map
Attachment #5 – Comprehensive Plan Map
Attachment #6 - Environmental Features Map

The term Applicant refers to both the Applicant and the Property Owners.

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

BACKGROUND

The Applicant is requesting a special exception to allow a Kennel in the Village Center (VC) zoning district in accordance with Sections 1-19-3.210 Special Exceptions, 1-19-8.338. Kennels, Animal Hospitals or Veterinarian Clinics in the A and VC Districts, and 1-19-6.100 Design Standards. The property is located at 3620 Buckeystown Pike, Buckeystown, MD 21717 and is 1.34 acres (the "Property"). The proposed kennel will be located within an existing 30' x 50' accessory structure located on the Property.

The Property is zoned Village Center (VC) which allows for a Kennel use, subject to approval by the Board of Appeals (BOA). The Applicant plans to establish a pet training, boarding, day care, and grooming facility under the VC zoning designation. Specifically, the Applicant will be offering overnight boarding for up to 14 dogs in a climate controlled, clean, and professionally managed kennel. The Applicant will offer playtime with other dogs, as well as optional training and grooming services, all in a secure, climate-controlled environment.

Section 1-19-11.100 of the Frederick County Code defines Kennel as "A facility where 9 or more dogs, cats or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed."

§ 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 the Property is legally owned by Jennifer and Nicholas Seabrook.

- 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 Frederick County Comprehensive Plan designates the Property as Village Center (VC). A Kennel is a permitted use as a special exception in the VC zoning district, subject to Board of Appeals approval and site development plan approval. The proposed Kennel use is consistent with the Comprehensive Plan.

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 proposed Kennel and associated activities will be conducted inside the existing accessory structure with no activities provided outside of the Kennel building. This will eliminate any noises, odors or other characteristics associated with this use.

3. 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 proposed use will be required to go through the County site development plan review and approval process, which will determine how many parking spaces will be required as well as landscape screening and related site plan requirements. The Applicant will be required to comply with the site plan.

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

The Applicant states that the site is served by Buckeystown Pike, which, under the County Road Classification system, is a minor arterial road. The proposed use will generate a minor traffic load, however it will still be well within the traffic capacity for Buckeystown Pike.

- 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 understands and agrees to this requirement which is further addressed below.

- 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 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 understands and agrees to comply with any additional conditions imposed by the BOA.

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

The Applicant states that they have 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 a BOA Hearing is scheduled for May 22, 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 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 Kennel use will not be expanded beyond what is approved by the BOA.

- 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 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 understands and agrees to this requirement.

Staff Comment: The Kennel must hold all events within qualifying indoor buildings in accordance with Section 1-19-8.338. (B) Operations will be conducted within a completely enclosed building, and no outside runs or kennels are permitted.

1-19-8.338. KENNELS, ANIMAL HOSPITALS OR VETERINARY CLINICS IN THE A AND VC DISTRICTS.

The following provisions shall apply to commercial kennels, animal hospitals or veterinary clinics in the A and VC Districts.

- A. The minimum lot area, lot width, yard setbacks and height shall be as provided for in the table in § [1-19-6.100](#).

The Applicant states that they will abide by all lot area requirements. This use will also require site development plan review and approval prior to occupancy.

- B. Operations will be conducted within a completely enclosed building, no outside runs or kennels are permitted, except in the A District, and then subject to a 150 foot minimum setback from all property lines.

The Applicant states that the operation will be located within the existing building on the property and there will be no outside runs or kennels.

- C. In the A District, the maximum number of animals permitted shall be 100.

This property is zoned Village Center (VC). The Applicant understands and agrees to this requirement, and in further response states that they will not keep more than 14 animals at one time on the property.

- D. In the A District, one freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

This property is zoned Village Center (VC). Therefore, these regulations are not applicable.

- E. The subject property must have frontage and access on a paved public road.

The Applicant states that the subject property fronts on Buckeystown Pike, which is a paved public roadway with Minor Arterial status.

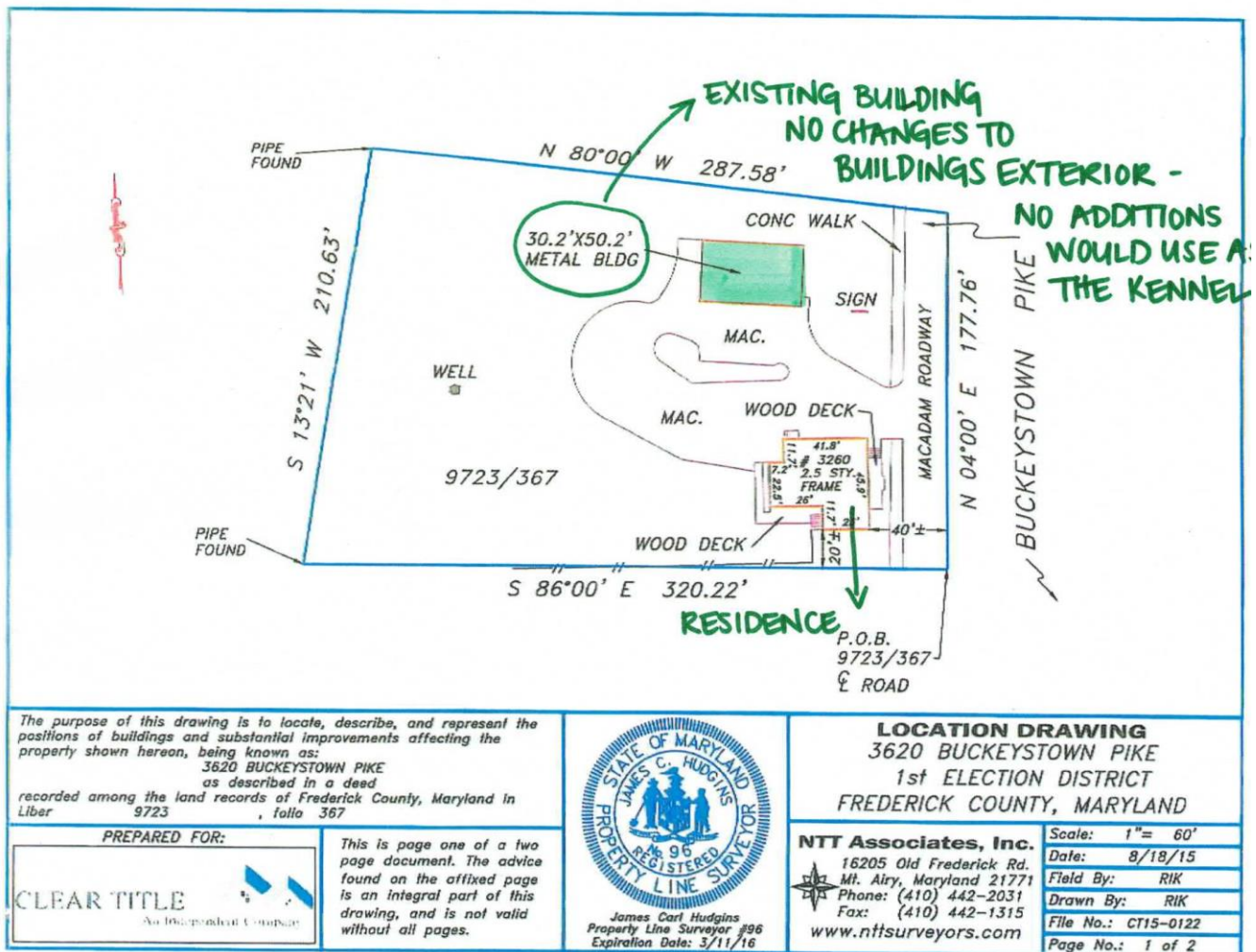
Recommendation

Based on the findings and conclusions in the staff report, Staff has no objection to the approval of the requested Kennel in accordance with Sections 1-19-8.338 Kennels, Animal Hospitals or Veterinarian Clinics In The A and VC Districts, 1-19-3.210 Special Exceptions, and 1-19-6.100 Design Standards.

Please note that this use must receive site development plan approval as well as building permit approval prior to any occupancy or construction beginning on this Property.

§ 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 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.

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