



---

# **FREDERICK COUNTY BOARD OF APPEALS**

## **JUNE 26, 2025**

---

**TITLE:** Rikki and Jason Daniels (Owners/Applicants)

**FILE NUMBER:** B-25-12 (B277383)

**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 50 chickens, with no roosters, using 1 stationary and 1 mobile chicken coup, on a residentially zoned property consisting of 2.4 acres. The address for this property is 4714 Deer Spring Road, Middletown, MD 21769.

### **PROJECT INFORMATION:**

ADDRESS/LOCATION: 4714 Deer Spring Road, Middletown, MD 21769  
MAP/PARCEL: Tax Map 066, Parcel 0771  
COMP. PLAN: Rural Community  
ZONING: (R3) Low Density Zoning  
PLANNING REGION: Middletown  
WATER/SEWER: W-1/NPS

### **APPLICANT/REPRESENTATIVES:**

APPLICANT: Rikki and Jason Daniels  
OWNER: Rikki and Jason Daniels  
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 50 chickens, with no roosters, using 1 stationary and 1 mobile chicken coup, located at 4714 Deer Spring Road, Middletown, MD 21769, a residentially zoned property consisting of 2.4 acres (the "Property").

### **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

The term Applicant refers collectively to both Property Owners.

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

## **BACKGROUND**

The Property is zoned R3 Low Density Residential which allows for low density residential development with a maximum density of 12,000 sq. ft. 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 50 chickens, with no roosters, on the Applicant's residentially zoned property of less than 3 acres. The Applicant proposes to have one stationary pen and one mobile pen that will be moved each day but will remain 50' from all property lines. The Applicant has submitted a site plan showing that the proposed pen area will meet the 50-foot setback requirement. (**Attachment #1**) The Applicant is planning to sell the eggs generated by the chickens, off site with no onsite sales.

### **§ 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 they, Jason and Rikki Daniels, are the owners 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 chickens, on lots similar to the Applicant's, 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 50 chickens will be in harmony with the neighborhood and is consistent with the purpose and the intent of the Comprehensive Development Plan.**

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 practice of keeping chickens in mobile pens renders cleaning of the pen unnecessary as the pen is moved every day. This provides fertilization of the ground and allows for the grass to grow back before the pen is moved to the same area. The mobile pen is 8' x 4' and will house no more than 6 chickens. The stationary coop will be cleaned regularly to avoid any smells or fumes generated by the coop.**

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 cause 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 understands and agrees to this requirement. See discussion of § 1-19-8.325 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 has complied with this requirement.**

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 has made a written application stating the grounds upon which the special exception is requested and is complying with the process. A public hearing has been scheduled and will be held on June 26, 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 Limited Agricultural Activity will not be expanded beyond what is approved. The coop location for the stationary coop will not be changed and the mobile pen 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 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.**

#### **§ 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 stationary coop, mobile pen, and run will be located a minimum of 50 feet away from all lot lines. (Attachment #1)**

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

**See discussion of § 1-19-3.210 above.**

- 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 stationary 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 chickens.**

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 50 chickens, with no roosters, using 1 stationary and 1 mobile chicken coup on residentially zoned property, containing 2.4 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**

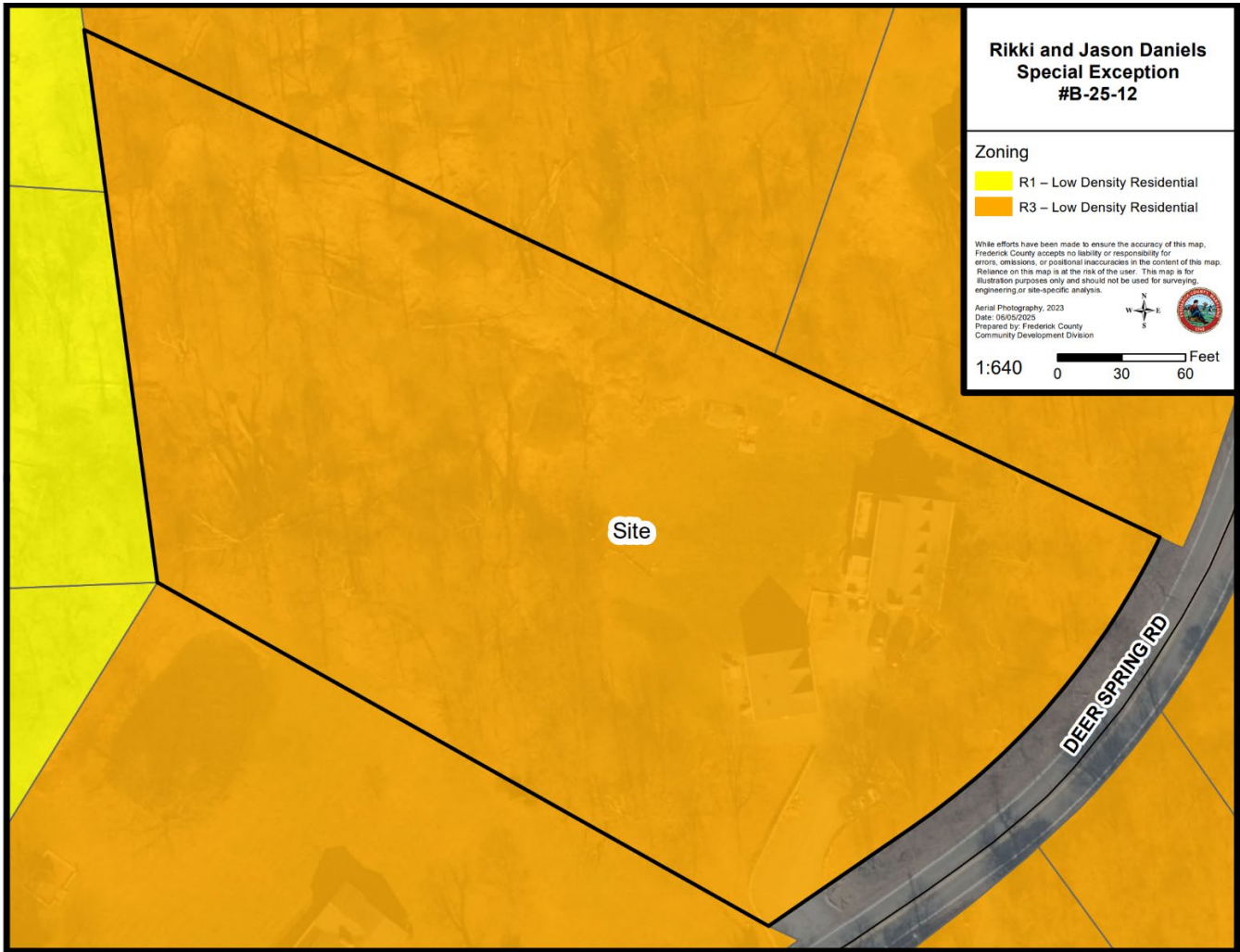


## Attachment #2: Aerial Map



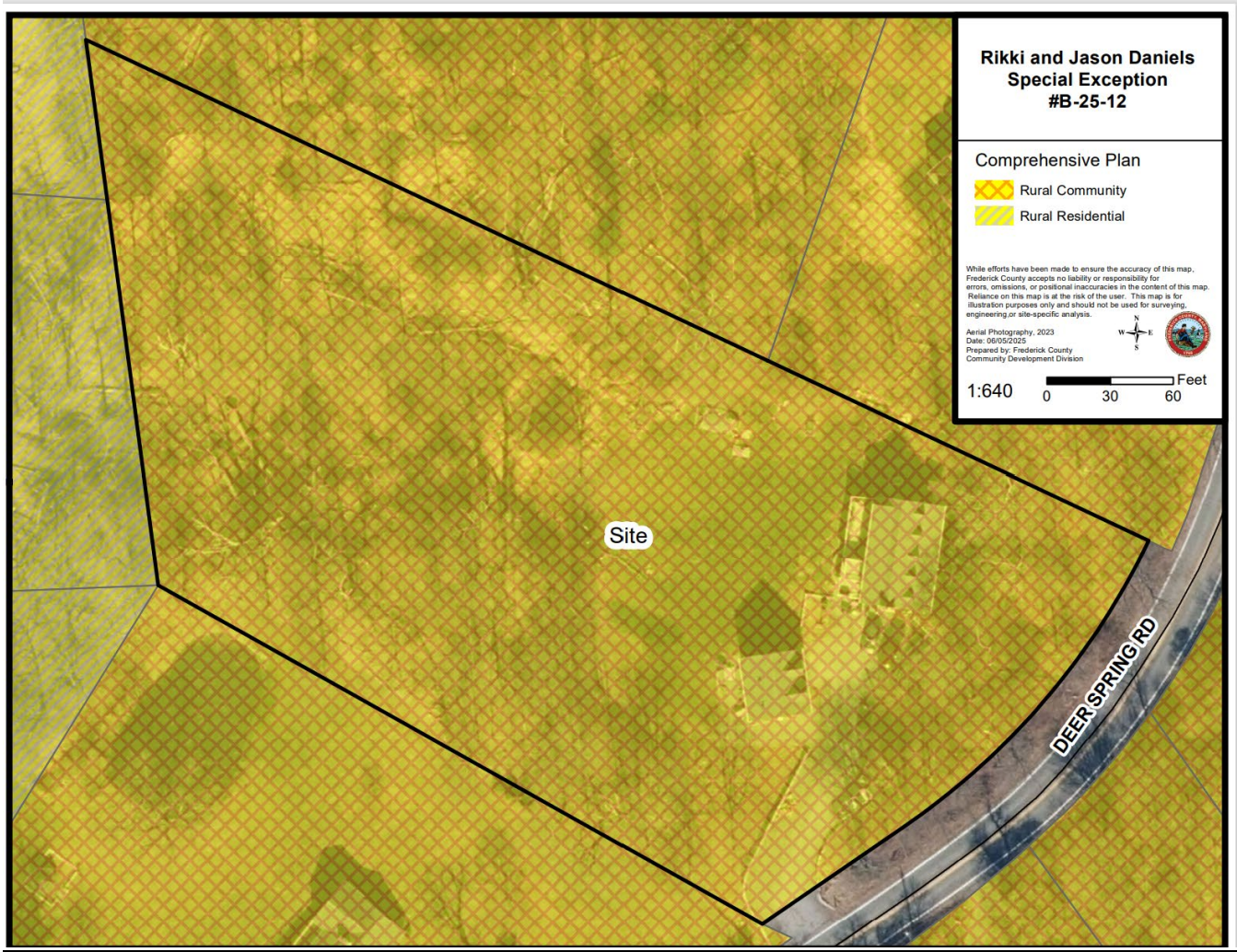


**Attachment #3: Zoning Map**





**Attachment #4: Comprehensive Plan Map**



**Attachment #5: Environmental Features Map**

