

September 2, 2025

Tolson DeSa
Zoning Administrator
30 N. Market Street
Frederick, MD 21701

Dear Mr. DeSa,

We are writing to request that the Board of Appeals reconsider their oral decision made on August 28, 2025, regarding case B-25-19. This case involves a request for a special exemption for limited agricultural activity, specifically to allow the Phillips at 2684 Lydia Court, Adamstown, MD, to raise 7 farm animals (5 pigs and 2 goats or sheep).

During the appeal hearing, new circumstances were presented that we were not notified about prior. This new information has a direct impact on our family and would have drastically increased our involvement with the hearing.

The Phillips have been raising farm animals without a permit. They had at least 4 pigs and 2 sheep on their property from May to August of 2025. The enclosure for these pigs was located on the far south side of their property and was placed on a concrete slab. During the hearing, it was revealed that they planned to move the enclosure to the other side of their yard, within 50 feet of our property and 75 feet from our pool deck. We were never made aware of this change and there is no public record of these new plans. The official Notice to Adjacent Property Owners/Interested Party, nor the appeal application submitted, demonstrated or the relocation of the enclosure. This information would have prompted us to attend the hearing in person to contest the relocation.

After doing some research, with the help of Commissioner Brad Young, we discovered that this new location was not suggested or formally approved by the health department or the planning and permitting department. According to Tolson DeSa, the images submitted by Mr. Phillips were not to scale and should not be relied upon without a surveyors permit. In this case, approval was given based on a rough sketch without any consideration to the surrounding neighbors property.

Additionally, the issue of odor from the pig enclosure was dismissed. The hearing focused primarily on the new location of the enclosure and the measures the Phillips took to minimize smell. However, the odor still extended beyond their property line, which impacts us and other neighbors. We recognize that this smell will only intensify if the enclosure is relocated closer to our home.

Trudy Kirkpatrick, one of the Phillips' adjacent neighbors, spoke at the hearing about the foul odor from the current pig enclosure. Mid-meeting, we learned about the plans for relocating the enclosure, prompting Tiffany to call and express these concerns. Unfortunately, these concerns were ignored. The adjacent neighbors have both complained about the smell, even with measures taken to reduce odors.

The Zoning Board of Appeals is responsible for ensuring the fair application of zoning laws while balancing the interests of property owners. In this instance, it seems that the interests of the surrounding property owners were not adequately considered. Allowing 5 pigs on 1.31 acres, particularly so close to neighboring properties, will significantly affect the quality of life for those nearby. If we had known about the plan to move the pig enclosure within 50 feet of our property line, we would have participated in the appeal hearing.

We respectfully ask that you reconsider the oral agreement allowing our neighbors to raise 5 pigs on their property so close to ours. We are the ones primarily impacted by this decision and we would like the opportunity to appeal this approval. Please take into account the negative impacts this decision may have on our family and our quality of life.

Sincerely,

Joel & Tiffany Kowalsky

2686 Lydia Ct,
Adamstown, MD 21710

September 2, 2025

Mike and Kerry Phillips
2684 Lydia Court
Adamstown, MD
21710

Dear Mike and Kerry,

We would like to inform you that we will be appealing the newly approved zoning ordinance for limited agriculture in a residentially zoned area. We were notified that you were applying for a permit to have 2 sheep and 5 swine on your property. However, there was no notice that you were planning to move the animals closer to our home. Specifically, 50 feet from our shared property line. If we were given notice of this change, we would have appeared at the original hearing to oppose.

Considering that we detected the smell from our home throughout the summer, when the enclosure was farther from our home, already on a concrete slab, we are concerned that the smell will be stronger and more frequent from a closer location. From this experience, we now know that 50 feet from a neighbor in a residential neighborhood is not an appropriate distance for containing swine odor.

We do not oppose your right to farm, your decision to participate in 4H or deny any of the benefits your children have gained. As your neighbors, we were not given the courtesy of a conversation or any notification of your intent to relocate the swine enclosure so close to our home. Learning this information mid way through the appeal hearing was quite disappointing. Furthermore, we do not believe that 1.31 acres in a residential neighborhood is an appropriate amount of space to raise swine without negatively impacting your close proximity neighbors.

We reached out on September 1, 2025, to try and have a discussion between neighbors, but you declined the opportunity to speak in person. At this time, it is in our best interest to file an appeal with the county zoning board. We hope to find a solution where both parties can enjoy their hobbies and maintain a comfortable quality of living.

Sincerely,

Joel & Tiffany Kowalsky

2686 Lydia Court
Adamstown, MD 21710

September 12, 2025

To: Mr. Tolson Desa
Zoning Administrator
12 E. Church Street
Frederick, MD 21701

Subject: APPEAL OF ZONING BOARD DECISION TO APPROVE THE VIOLATION OF
ARTICLE VIII, DIVISION 3 COMMITTED at 2684 Lydia Ct., Adamstown, MD 21710.
CASE NUMBER: B-25-19

Dear Mr. Tolson Desa and other Members of the Board,

I am writing to formally appeal the decision made by the Zoning Board regarding the approval of keeping 5 pigs and 2 sheep on a 1.3 acres residential property in 2684 Lydia Ct., Adamstown, MD 21710.

I believe that the Board's decision did not adequately consider the negative impact of the decision of allowing 2 lambs/sheep and 5 pigs to be used in 4H program in a residential neighborhood. Pigs produce significant amounts of waste and the putrid odor emanating from the animals' waste constitute a nuisance surrounding the neighboring properties. Sheep make loud bleating sounds that disturb the peace and quite of adjacent properties. I understand that they use the animals for the 4-H programs. I am all for the 4-H programs, provided it will not become a nuisance and totally hamper my ability to enjoy my property.

I live right next to 2684 Lydia Court, and the presence of these nuisances have greatly impacted my life. I am a retired 68-year-old widow who is just beginning to come to terms with losing a husband 3+ years ago. I always think that a house is a sanctuary for the people who live in it and I am making a lot of effort to make it so. With the presence of the nuisances, it'll be hard to accomplish this.

I came to this country as a tourist in 1988. I have lived here in the United States longer than anywhere else in the world and consider Adamstown as my retirement home. My grandfather and an uncle both served in the United States Army, and my grandpa had often told our family about the many good things living in this country. My father was a court stenographer and my mother was a seamstress. They were hardworking people and there was always more than enough food on the table for 6. I have a degree in Accounting and because of that I was able to find work in this country easily once I got permission to do so. I have worked hard and I always pay my taxes on time. I have never committed any crime in any place I have lived and I have a very clean record in both the Montgomery County and the Frederick County areas.

I have been informed that there are two more neighbors who are writing an appeal. They are the Kowalski Family and the Ali Family. Both the Kowalsky Family and the Ali Family indicated

that they have also smelled the foul odor and heard the loud noises of the animals and were disturbed by it.

The Kowalskys live on the other side of the property with animals and the Alis live behind me. All our three houses are in very close proximity to the address in question, so we are all impacted by the nuisance created by the animals. My property and the Kowalskys being adjacent to the property in question are more affected by it.

I have been informed that the Alis Family did not receive directions in the mail on how to send comments at the time of the hearing. They did not know that they could call or send an email.

I was given permission to use their names to present as my new evidences. I have also procured a letter from a licensed Realtor who offered his professional opinion regarding the negative effect of foul odors and unsightly conditions that often accompany from such animals. The realtor's name is Joshua Pratt. His information can be found in the attached document.

I also have a written testimony from the landscaper who planted 15 pots of American Pillar Arbovitae on my yard testifying that he smelled the foul odor when he was working on my yard. Attached is a copy of his email containing all his personal information.

As a resident of Adamstown, I am deeply invested in the integrity and regulation of our community. I respectfully request that the board reviews the following points:

Point 1: Inability to Enjoy my Property. As my property is situated right next to where the animals are, the putrid odor from the pigs and the sheep's loud bleating can be strongly detected along my backyard. It had greatly impaired my ability to enjoy my property. I have also noticed that there were flies that would come into my house that I have not experienced before since I moved to my house 13 years ago.

Point 2: Property Devaluation. The foul odors and unsightly condition that often accompany such animals and farm equipments displayed in very close proximity to my backyard have a negative impact on both the desirability and market value of my property. I have enclosed a testimony from a licensed Realtor.

Point 3: Non-Conformity or Violation of Article VIII, Division 3c. The keeping of livestock in 2684 Lydia Ct., Adamstown, MD 21710 is clearly not in compliance with "allowed by right" rules for having multiple pigs and lambs. The lot is residentially zoned (not agricultural) and only in a 1.3 acres lot. It is a tiny area to keep 5 pigs and 2 sheep. It will be impossible to contain the putrid odor and the noise that will accompany in keeping such animals. The animals should be better off in a much larger area where the foul odor does not render such great nuisance to nextdoor neighbors.

In conclusion, I respectfully urge the board to reconsider its decision and do not allow the keeping of 2 lambs or sheep and 5 pigs in 2684 Lydia Ct., Adamstown, MD 21710.

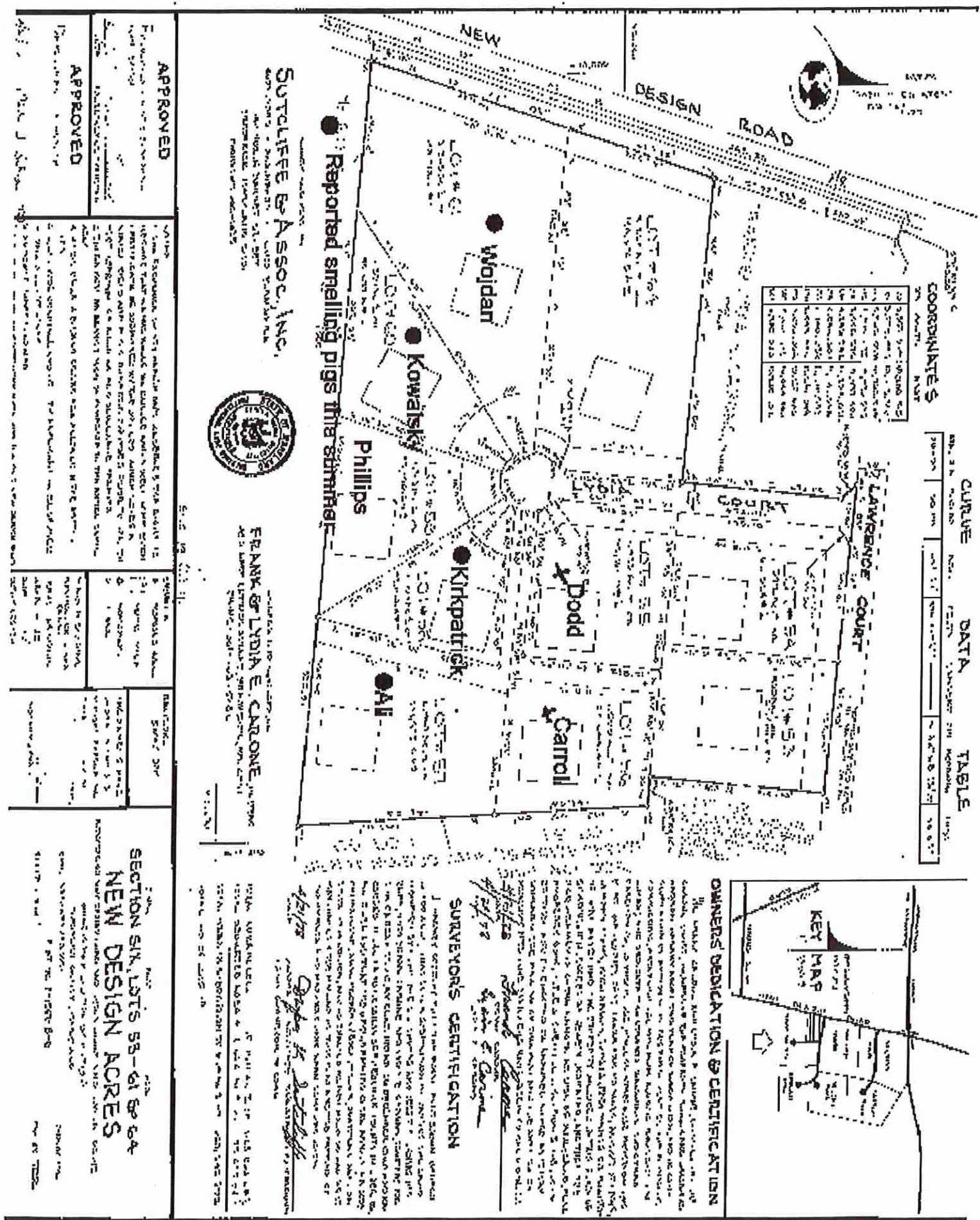
I thank the members of the Board for their time and attention in this matter and I look forward for a prompt response.

Respectfully,

Gertrudes Kirkpatrick
2685 Lydia Ct.
Adamstown, MD 21710
tkirkpatrick675@gmail.com
301-473-6425

cc: Mike and Kerry Phillips
2684 Lydia Ct.
Adamstown, MD 21710

Encl.: Testimonial Letters of Joshua Pratt and Charles Dorsey



----- Forwarded message -----

From: Gertrudes Kirkpatrick <tkirkpatrick675@gmail.com>
Date: Fri, Sep 12, 2025 at 4:34 PM
Subject: Fwd: observation while working
To: <staples@printme.com>

----- Forwarded message -----

From: Ba <c.e.dorsey@verizon.net>
Date: Thu, Sep 11, 2025 at 5:37 PM
Subject: observation while working
To: TKirkpatrick675@gmail.com <TKirkpatrick675@gmail.com>

To whomever this may concern : I , the undersigned, engaged to plant some evergreen tress for Trudy this past Spring at 2685 Lydia Ct. Adamstown, MdWhile working , I observed a very strong foul odor coming from her next door neighbor who had several pigs (a pig pen) . The odor was very strong to the point that I asked her " how she can put up with that while living right next door " . The trees I planted can provide some visual privacy to a degree , but can never help with that smell coming from the pigs next door. I can be reached at 410-984-3753 or by email. Regards,
Charles

Charles E. Dorsey
Landscape Contractors, Inc.
PO Box 343
Woodbine, Md 21797
c.e.dorsey@verizon.net
Since 1986

----- Forwarded message -----

From: **Gertrudes Kirkpatrick** <tkirkpatrick675@gmail.com>
Date: Fri, Sep 12, 2025 at 4:38 PM
Subject: Fwd: Impact to Home Value
To: <staples@printme.com>

----- Forwarded message -----

From: **Josh Pratt** <joshuaallenpratt@gmail.com>
Date: Fri, Sep 5, 2025 at 8:57 AM
Subject: Impact to Home Value
To: <tkirkpatrick675@gmail.com>

To Whom It May Concern,

My name is Josh Pratt, and I am a licensed Realtor with Long & Foster Real Estate. I have been licensed for nearly 10 years and am a second-generation Realtor. Over the course of my career, I have been recognized as a top producer by several publications, including Bethesda Magazine and Washingtonian Magazine, and I am consistently among the top producers in my office.

Recently, Gertrudes Kirkpatrick reached out to me seeking my professional opinion regarding the presence of small farm animals on the property adjacent to hers. Based on my experience and understanding of buyer behavior, I can state with confidence that the vast majority of prospective buyers would be deterred by the foul odors and unsightly conditions that often accompany such animals. These factors typically have a negative impact on both the desirability and market value of neighboring properties.

Josh Pratt
801-367-1544
Josh@JoshPrattHomes.com
Licensed Realtor in DC, MD & VA

JoshPrattHomes.com

September 15th, 2025

Tolson DeSa
Zoning Administrator
30 N. Market Street
Frederick, MD 21701

Dear Mr. DeSa,

We respectfully request that the Board of Appeals reconsider their oral decision made on August 28th, 2025. This is regarding case B-25-19. This case involves a request for a special exemption for limited agricultural activity, specifically to allow the Phillips Family at 2684 Lydia Court, Adamstown, MD, to raise 7 farm animals (5 pigs and 2 goats or sheep). This issue was first brought to our attention by our bordering neighbor, Mrs. Kirkpatrick at 2685 Lydia Ct. During the appeal hearing, new circumstances were presented that we were not notified about prior.

The Phillips' have been raising farm animals without proper permits for the past three years starting in the spring of 2022. The enclosure for these animals was located on the far southeast corner of their property. The initial year of just sheep did not encroach on anyone's quality of life, except for the noise, which was manageable. However, with the addition of pigs, the odors that can be smelled from our yard have been more prevalent.

The prevailing winds in the area are from the South and West, and the pens' location is positioned upwind of our home and that of Mrs. Kirkpatrick's. I've included a map of our surrounding neighborhood for reference. Several times during the months of May, June and July we could smell the pens from our pool deck, and guests that were visiting had also commented if the wind was blowing the wrong way. If we were in the yard closer to the pens the smells were quite strong. This is not the same as when the crop fields are sprayed with fertilizer and odorous for a couple of weeks in the spring. This is a persistent offense that is prominent at a time of year when families are outside the most.

We understand that the violation was one of positioning and boundary lines. However, the newly proposed location, that we only briefly saw unofficial drawings of, places it at a higher elevation and is still upwind of ours and Mrs. Kirkpatrick's home. While it may meet the county's requirement for zoning, the offending smells will still permeate the surrounding areas. Furthermore, it places it closer to dwellings compared to the old location.

During the hearing it was brought up that the Phillips' intended to pour a concrete slab with sand to minimize the odor at the new location. However, what was not mentioned is that a slab was poured at the first location this spring and did not make a noticeable difference in keeping the odors at bay. The adjacent neighbors have both complained about the smell, even with measures taken to reduce odors. We also believe the witnesses in support of this motion at the hearing (Dodd and Carroll) cannot weigh in

on this matter, since they live several hundred feet away and are not impacted. (See map)

After doing some research, with the help of Commissioner Brad Young, we discovered that this new location was not suggested or formally approved by the health department or the planning and permitting department. According to Tolson DeSa, the images submitted by Mr. Phillips were not to scale and should not be relied upon without a surveyor's permit. In this case, approval was given based on a rough sketch without any consideration to the surrounding neighbor's property.

Respectfully, we support 4H and what it stands for. But allowing 5 pigs to be kept in a residential neighborhood like Lydia Ct. creates an eyesore and reduces the quality of life for everyone in the surrounding area.

Sincerely,
Terry and Rebecca Ali
2687 Lydia Ct,
Adamstown, MD 21710

September 16, 2025

Mike and Kerry Phillips
2684 Lydia Court
Adamstown, MD 21710

Dear Mike and Kerry,

We would like to inform you that we will be appealing the oral decision made on August 28, 2025, regarding case B-25.29.

While we respect your right to farm, we believe that 5 pigs on such a small lot in a residential neighborhood is not ideal for the quality of life for the surrounding neighbors. We had no issues with the noise the sheep produced; however the odor of the pigs was prevalent at times in our yard, deck and pool area.

Sincerely,

Terry and Rebecca Ali
2687 Lydia Court
Adamstown, MD 21710

