

## BOARD OF APPEALS

August 21, 2024

County Administration Building, 100 W. Washington St., Meeting Room 2000, Hagerstown, at 6:00 p.m.

### AGENDA

**AP2024-038:** An appeal was filed by Maria Carrillo for a variance from the required 100 ft. setback requirement for animal husbandry structures to 10 ft. from the rear property line, 17 ft. from the side property line, 87 ft. from the side property line, and 99 ft. from the front property line for the existing structures (chicken coops) on property owned by the appellant and located at 9805 Ferwood Lane, Hagerstown, Zoned Residential Suburban. - **DENIED**

**AP2024-039:** An appeal was filed by Milestone tower Limited Partnership for a special exception for proposed monopole-style commercial communications facility on property owned by Cool Brook Lands Inc and located at 20026 Lehmans Mill Road, Hagerstown, Zoned Agricultural Rural. (**MOVED TO THE SPETEMPER 18 HEARING DATE**)

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Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than August 12, 2024. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

The Board of Appeals reserves the right to vary the order in which the cases are called. Please take note of the Amended Rules of Procedure (Adopted July 5, 2006), Public Hearing, Section 4(d) which states:

Applicants shall have ten (10) minutes in which to present their request and may, upon request to and permission of the Board, receive an additional twenty (20) minutes for their presentation. Following the Applicant's case in chief, other individuals may receive three (3) minutes to testify, except in the circumstance where an individual is representing a group, in which case said individual shall be given eight (8) minutes to testify.

Those Applicants requesting the additional twenty (20) minutes shall have their case automatically moved to the end of the docket.

For extraordinary cause, the Board may extend any time period set forth herein, or otherwise modify or suspend these Rules, to uphold the spirit of the Ordinance and to do substantial justice.

Tracie Felker, Chairman

Board of Zoning Appeals



WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

ZONING APPEAL

Property Owner: Maria Carrillo
9805 Fernwood Lane
Hagerstown MD 21740
Appellant: Maria Carrillo
9805 Fernwood Lane
Hagerstown MD 21740
Property Location: 9805 Ferwood Lane
Hagerstown, MD 21740
Description Of Appeal: Variance from the required 100 ft. setback requirement for animal husbandry structures to 10 ft. from the rear property line, 17 ft. from the side property line, 87 ft. from side property line and 99 ft. from the front property line for the existing structures (chicken coops)

Docket No: AP2024-038
Tax ID No: 10000319
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 07/24/2024
Hearing Date: 08/21/2024

Appellant's Legal Interest In Above Property: Owner: Yes
Contract to Rent/Lease: No
Lessee: No
Contract to Purchase: No
Other:

Previous Petition/Appeal Docket No(s):
Applicable Ordinance Sections: Washington County Zoning Ordinance Section: 22.94 (a)
Reason For Hardship: Lot size would not allow for structure to meet all setbacks from all property lines.
If Appeal of Ruling, Date Of Ruling:
Ruling Official/Agency:
Existing Use: Residential Lot
Proposed Use: Animal Husbandry (Chicken Coop)
Previous Use Ceased For At Least 6 Months:
Date Ceased:
Area Devoted To Non-Conforming Use -
Existing:
Proposed:

I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Maria Carrillo
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 24 day of July, 2024.

My Commission Expires
Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 07, 2025
Notary Public



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## AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2024-038

State of Maryland Washington County, To Wit:

On 7/24/2024, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Maria Carrillo and made oath in due form of law as follows:

Maria Carrillo will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 08/21/2024, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 07/30/2024 and will remain until after the above hearing date.

Maria Carrillo

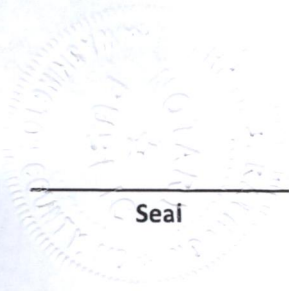
Sworn and subscribed before me the day and year first above written.

Notary Public

Kathryn B Rathvon  
NOTARY PUBLIC  
WASHINGTON COUNTY  
MARYLAND  
MY COMMISSION EXPIRES NOVEMBER 07, 2025

My Commission Expires

Seal





WASHINGTON COUNTY BOARD OF ZONING APPEALS

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## BOARD OF ZONING APPEALS

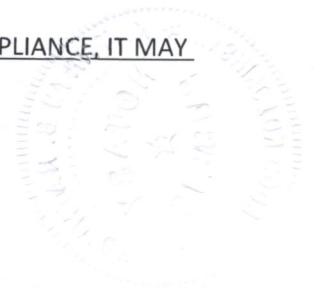
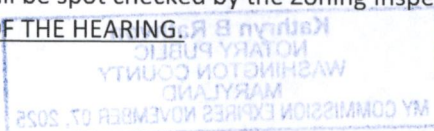
### ATTENTION!

### Posting Instructions

The premises MUST be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing  
Section 25.51(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.



June 25th,2024

To whom it may concern,

I am writing in response to the letter I received regarding my chickens.

First, I want to apologize for any disturbances caused by the roosters I previously had. I have since removed them from my property. I currently have 20 chickens and 2 roosters, which are relatively quiet and are very dear to my family. They are our pets, and my sons especially love them. Additionally, they provide us with fresh eggs daily.

The chickens live in two different separate sheds with a chicken run . We diligently clean the sheds, we use their waste as fertilizer for our plants and grass, and dispose of the remainder properly. Occasionally, the chickens roam in my backyard, but they do not leave the property or fly over any boundaries. They usually stay under my deck. The larger shed contains the majority of the chickens, while the smaller shed contains three slightly aggressive chickens.

I am asking for an exception on one requirement that is the 100ft setback requirement, due to the fact that my properties backyard does not reach the 100ft setback that is being required. Unfortunately we cannot move the 2 sheds and the handcrafted chicken run because once the house was bought the sheds were already built-in.

I kindly request your understanding and permission to keep my chickens and roosters. Thank you for your consideration.

Sincerely,

Maria Teresa Carrillo Dominguez

