

BOARD OF APPEALS

August 6, 2025

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

AGENDA

AP2025-017: An appeal was filed by Cascade Town Centre Development LLC for a variance from the lot width and yard requirements for proposed subdivision of 11 two-family dwellings into 22 semi-detached dwellings on property owned by the appellant and located at Hart Avenue, Cushman Avenue & North Boyd Street, Cascade, Zoned Special Economic Development. - **GRANTED**

AP2025-018: An appeal was filed by Oumarou Issifi & Mariam Tahirou for a variance from the 100 ft. animal husbandry structure setback from all property lines to 7 ft. from the left property line, 40 ft. from the right property line, and 90 ft. from the rear property line on property owned by the appellants and located at 1516 Sherman Avenue, Hagerstown, Zoned, Residential Urban. - **DENINED**

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 July 28, 2025. 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: Cascade Town Centre Development LLC
14475 Molleville Avenue
Cascade MD 21719

Appellant: Cascade Town Centre Development LLC
14475 Molleville Avenue
Cascade MD 21719

Property Location: Hart Ave, Cushman Ave, & North Boyd St.
Cascade, MD 21719

Description Of Appeal: Variance from Lot Width and Yard Requirements for proposed subdivision of 11 two-family dwellings into 22 semi-detached dwellings.

Docket No: AP2025-017
Tax ID No: 14067131
Zoning: SED
RB Overlay: No
Zoning Overlay:
Filed Date: 07/10/2025 ^{KBR}
Hearing Date: 08/06/2025

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): OM-22-003

Applicable Ordinance Sections: Washington County Zoning Ordinance Section 19C.6

Reason For Hardship: See justification statement

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: One Lot with 11 Two-Family Dwellings

Proposed Use: 22 Semi-detached Dwellings

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.

Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 10 day of July, 2025.

Kathryn B Rathvon
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND

My Commission Expires NOVEMBER 07, 2025

Notary Public



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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-017

State of Maryland Washington County, To Wit:

On ¹⁰7/9/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Cascade Town Centre Development LLC and made oath in due form of law as follows:

Cascade Town Centre Development LLC 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 08/06/2025, 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 07/22/2025 and will remain until after the above hearing date.

Cascade Town Centre Development LLC

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

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

Notary Public

Seal

My Commission Expires



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

BOARD OF ZONING APPEALS

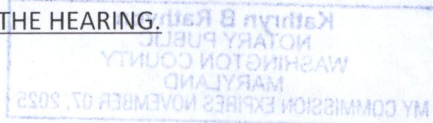
ATTENTION!

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.



<u>Lot Number</u>	<u>Variance Requested</u>
--------------------------	----------------------------------

Lot 2A	Front MBSL from 25' to 13.5'
Lot 2B	Lot Width from 75' to 41' and Front MBSL from 25' to 13.5'
Lot 2C	Lot Width from 75' to 42' and Front MBSL from 25' to 16.5'
Lot 2D	Lot Width from 75' to 45' and Front MBSL from 25' to 16.5'
Lot 2E	Lot Width from 75' to 44' and Front MBSL from 25' to 13.5'
Lot 2F	Lot Width from 75' to 43' and Front MBSL from 25' to 13.5'
Lot 2G	Lot Width from 75' to 45' and Front MBSL from 25' to 16.5'
Lot 2H	Lot Width from 75' to 44' and Front MBSL from 25' to 16.5'
Lot 2I	Lot Width from 75' to 42' and Front MBSL from 25' to 13.5'
Lot 2J	Lot Width from 75' to 74' and Front MBSL from 25' to 13.5'
Lot 2K	Lot Width from 75' to 47', Front MBSL from 25' to 18.5', and Rear MBSL from 40' to 37'
Lot 2L	Lot Width from 75' to 47', Front MBSL from 25' to 18.5', and Rear MBSL from 40' to 37'
Lot 2M	Lot Width from 75' to 52'
Lot 2N	Lot Width from 75' to 51'
Lot 2O	Lot Width from 75' to 52'
Lot 2P	Lot Width from 75' to 48'
Lot 2Q	Lot Width from 75' to 46'
Lot 2R	Lot Width from 75' to 53'
Lot 2S	Lot Width from 75' to 50' and Front MBSL from 25' to 23'
Lot 2T	Lot Width from 75' to 42' and Front MBSL from 25' to 23'
Lot 2U	Lot Width from 75' to 56', Front MBSL from 25' to 19', and Rear MBSL from 40' to 35'
Lot 2V	Lot Width from 75' to 47', Front MBSL from 25' to 19', and Rear MBSL from 40' to 23'



Washington County
MARYLAND

BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742 | P 240.313.2430 | F 240.313.2461 | Hearing Impaired:

7-1-1 WWW.WASHCO-MD.NET

Appeal for Variance

Appeal is hereby made for a variance from a requirement of the Washington County Zoning Ordinance as follows:

Location Cascade Town Centre LOTS 2A-2U Situate along North Boyd St., Cushman Ave, & Hart Ave.

Appellant's present legal interest in above property: (Check One)

☒ Owner (Including Joint Ownership) ☐ Lessee ☐ Contract to rent/lease
☐ Contract to Purchase ☐ Other

Specify the Ordinance section and subsection from which the variance is desired:

19C.6 Special Economic Development District LOT AREA, LOT WIDTH AND YARD REQUIREMENTS

Specify the particular requirement(s) from which a variance is desired in that section or subsection:

LOT WIDTH; FRONT YARD SETBACK & SIDEYARD SETBACK

Describe the nature and extent of the desired variance from Ordinance requirements: listed above:

Reduce LOT Width from 75' to 41'; Reduce FRONT YARD SETBACK From 25' to 13.5'
AND REDUCE REAR YARD SETBACK From 40' TO 23'

Describe reason(s) why the Ordinance requirement(s) in question would result in peculiar and/or unusual practical difficulties to or would impose exceptional or undue hardship upon the owner of the property if the requested variance were not granted:

Provide Detailed Explanation on Separate Sheet

Has any previous petition or appeal involving this property been made to the Board?

☒ Yes ☐ No

If yes, list docket number(s): Om-22-003

I hereby certify that I have, to the best of my knowledge, accurately supplied the information required for the above referenced appeal.

Signature of Appellant

jlee@washingtonsm.com
Email of Appellant

14475 Molleville Rd.

14303 Lake Royal Drive; Cascade, MD. 21719
Address and of Appellant

240-432-2747
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering the information necessary to submit an application. However, the application shall be processed in person.



FOX
& ASSOCIATES INC.

Est. 1966

ENGINEERS

SURVEYORS

PLANNERS

LANDSCAPE ARCHITECTS

981 Mt Aetna Rd

Hagerstown, MD 21740

Phone: 301-733-8503

Fax: 301-733-1853

A variance is being sought from Zoning Ordinance, Article 19C "Special Economic Development District", Section 19.C.6 "Lot Area, Lot Width, and Yard Requirements". Not allowing this Variance would result in Practical Difficulty, as well as create an Undue Hardship to the property owner.

The property in question is Lot 2 on a Preliminary / Final Plat of Subdivision for Cascade Town Centre LLC recorded among the land records of Washington County, Maryland as Plat 11530 – 11538. The lot is located on former Fort Ritchie property containing 11 duplexes to be subdivided into 22 Semi-Detached Lots. The property is zoned "SED", Special Economic Development District. The owner proposes to subdivide and offer for sale existing semi-detached dwellings. These dwellings were built by the U.S. Army and do not meet current Washington County Zoning requirements.

As shown in the supporting documents, the required lot width for Semi-Detached Dwelling in the "SED" District is the same as the required lot width for Single Family Dwelling, despite the required lot area being reduced. This is an obvious error when compared to other Zoning Districts allowing Semi-Detached Lots

Also, these structures are existing and predate the current Washington County Zoning Ordinance, the structures encroach upon the current Yard Setbacks.

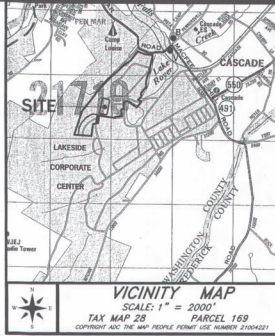
	<u>Adjoiner/Local Official</u>
1	CASCADE PROPERTIES LLC c/o JOHN KRUMPOTICH
2	WASHINGTON BOUNTY BOARD OF COMMISSIONERS
3	AARON STRAUSS FOUNDATION
4	ROBERT & LAURALEE RAPPLEYE
5	ROBERT & LAURALEE RAPPLEYE

<u>Mailing Address</u>
25009 LAKE WASTLER DRIVE, CASCADE MD 21719
100 W. WASHINGTON STREET, HAGERSTOWN MD 21740
5750 PARK HEIGHTS AVE. STE. 306, BALTIMORE MD 21215
11 FARRAGUT LN, NEW CASTLE DE 19720
11 FARRAGUT LN, NEW CASTLE DE 19720

<u>Premise Address</u>	<u>T.M.</u>	<u>Parcel</u>
24949 LAKE WASTLER DRIVE, CASCADE MD 21719	28	178
25036 PEN MAR ROAD, CASCADE MD 21719	28	162
24959 PEN MAR ROAD, CASCADE MD 21719	14	13
14410 EUREKA TRAIL, CASCADE MD 21719	14	378
PEN MAR ROAD, CASCADE MD 21719	28	102

NOTES:

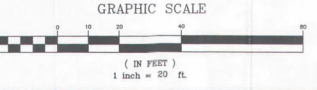
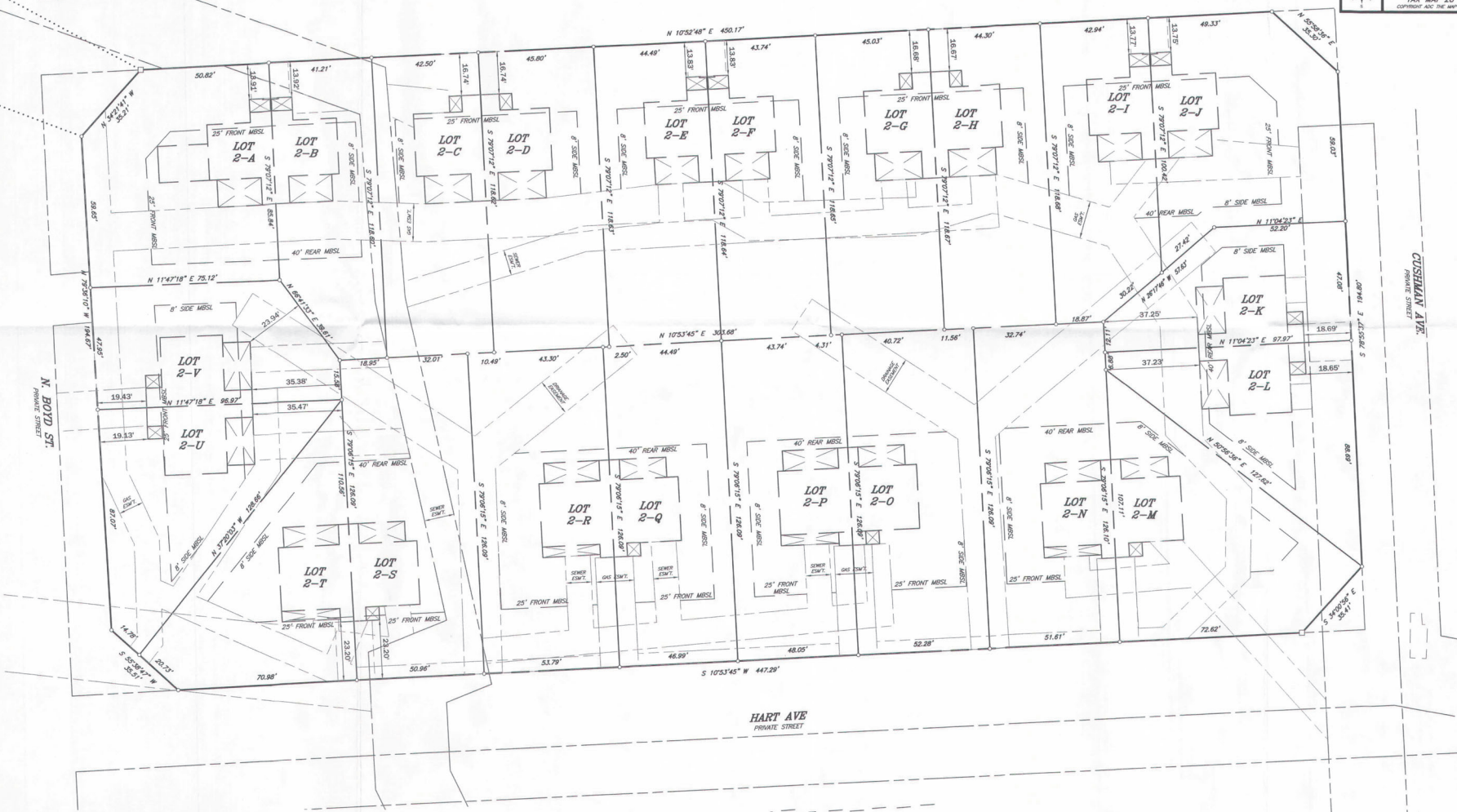
- 1. BEARINGS BASED ON NAD 83 MARYLAND COORDINATE SYSTEM.
- 2. ZONING IS "SD" SPECIAL ECONOMIC DEVELOPMENT DISTRICT.
- 3. BEARINGS AND DISTANCES IN AGREEMENT WITH A SURVEY BY FOX & ASSOCIATES, INC.
- 4. SETBACKS: DWELLING, SEMI-DETACHED
FRONT 25'
SIDES 8'
REAR 40'
- 5. PREVIOUSLY APPROVED SUBDIVISION PLATS:
PLAT #709 TITLED "SIMPLIFIED PLAT TO ADD PARCEL 'A' TO CASCADE TOWN CENTRE DEVELOPMENT, LLC FROM WASHINGTON COUNTY B.O.C.C.", BY WASHINGTON COUNTY, MARYLAND DIVISION OF ENGINEERING & CONSTRUCTION MANAGEMENT, RECORDED ON AUGUST 21, 2017.
PLAT #11079 TITLED "LAND TRANSFER PLAT FOR FORT BITCHIE" BY FREDERICK SEIBERT & ASSOCIATES, INC., RECORDED ON APRIL 2, 2020.
PLAT #11287 TITLED "PRELIMINARY / FINAL PLAT, LOTS 3, 4, & 5", BY FREDERICK SEIBERT & ASSOCIATES, INC., RECORDED ON JULY 27, 2021.
PLAT #11530 TITLED "PRELIMINARY / FINAL PLAT, LOTS 1 & 2", BY FOX & ASSOCIATES, INC., RECORDED ON JANUARY 4, 2023.
6. AN ORDINANCE MODIFICATION (04-22-003) TO "SECTION 405.11 B" TO CREATE TWO MULTI FAMILY LOTS OF RECORD THAT DO NOT HAVE FRONTAGE ON A PUBLIC STREET WAS APPROVED ON MARCH 7, 2022.



FOX & ASSOCIATES, INC.
Est. 1966
Copyright © 2025

ENGINEERS • SURVEYORS • PLANNERS

83 WILSONS MILL COURT
SUITE 10
FREDERICK, MD 21701
PHONE: (301) 735-8503
FAX: (301) 735-8505
www.foxandassociates.com



OWNER / DEVELOPER
CASCADE TOWN CENTRE DEVELOPMENT, LLC
14333 LAKE RIDGE DRIVE
CASCADE, MD 21719
ATTN: ADE LEE
PHONE: (240) 432-2747

B.Z.A. EXHIBIT
CASCADE TOWN CENTRE
LOTS 2A-2V
SITUATE ALONG NORTH BOYD ST., CUSHMAN AVE., AND HART AVE.
ELECTION DISTRICT 14
WASHINGTON COUNTY, MARYLAND

SCALE: 1"=20'

I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME
AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS
OF THE STATE OF MARYLAND.
LICENSE NO.: 27053 EXP. DATE: 1/25/26

PROJECT NO.: 21-51155
DRAWING NO.:
DATE: JULY 2025
DRAWN BY: RLB
CHECKED BY: GSP

SHEET 1 OF 1

**BEFORE THE BOARD OF APPEALS
FOR WASHINGTON COUNTY, MARYLAND**

**CASCADE TOWN CENTRE
DEVELOPMENT, LLC
Appellants**

* **Appeal No.: AP2025-017**

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* * * * *

OPINION

Cascade Town Centre Development, LLC, (hereinafter “Appellant”) requests variances to reduce the lot width and lot area for a proposed subdivision of eleven (11) two-family dwellings into twenty-two (22) semi-detached dwellings at the subject property. The subject property is identified as Lots 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2 R, 2S, 2T, 2U and 2V, and located at Hart Avenue, Cushman Avenue and North Boyd Street, Cascade, Maryland 21719. The subject property is zoned Special Economic Development. The Board held a public hearing in this matter on August 6, 2025.¹

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon proper notice to the parties and general public as required.

Findings of Fact

Based upon the testimony given, all information and evidence presented, and upon a study of the specific property involved and the neighborhood in which it is located, the Board makes the following findings of fact:

1. Appellants are the owners of the subject property which is zoned Special Economic Development and is located within the former Fort Ritchie property.

¹Board Member Brent Feight but abstained from the hearing and vote regarding this appeal. With the abstention, the Board had a quorum of four (4) members and Appellant was given the choice to proceed or request a postponement due the potential for a tie vote. Appellant elected to proceed with the hearing.

2. The subject property consists of eleven lots improved by two-family dwelling structures for housing. Each of the lots was laid out without the benefit of the bulk area and setback requirements of the Special Economic Development zoning district.

3. The subject property has an existing sewer system which is planned for some required upgrades.

4. The streets serving the subject property including Hart Avenue, Cushman Avenue and North Boyd Street are all private roads. Appellant had a road adequacy study and milling and other improvements were recommended. Appellant expects that once these roads are improved, they will be dedicated as public streets.

5. Appellant proposes to subdivide the existing lots and convert eleven two-family structures into twenty-two semi-detached dwellings. Appellant already has interest from potential purchases for some of the dwellings if the subdivision is approved.

6. In the Special Economic Development zoning district, the required lot width is seventy-five feet for semi-detached dwellings. In most other zoning districts, the required lot width would be approximately one-half of that amount.

7. There was no opposition presented during the hearing. The Board did receive one letter in opposition to the request.

8. The Board received comments from the Public Works Department and the Department of Water Quality, mostly regarding the necessary upgrades to the sewer system. There were no other concerns or comments from other County departments or agencies.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.² “Practical

² “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

Practical difficulty and undue hardship are typically the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” *North v St. Mary’s Cnty.*, 99 Md.App. 502, 514 (1994).

Pursuant to Section 19C.6 of the Zoning Ordinance, semi-detached dwellings are required to have a lot width of 75 feet, front yard setback of 25 feet and a rear yard setback of 40 feet. Appellant proposes subdivide each of the referenced lots in order to create twenty-two (22) semi-detached dwellings that could be offered for sale. The dwellings themselves would remain the same and there would be no material changes made to the subject property other than drawing a dividing line to separate the lots. Appellant testified that there would be no increase in impact or intensity, as the same number of people would be permitted to occupy the newly created semi-detached properties. The project will lead to an improvement of the existing private roads and result in their dedication to the County. It will also result in much-needed improvements to the existing sewer system. Appellant argued that the proposed changes will enhance the subject property, draw interest, increase home ownership and benefit the overall community.

The Board finds that practical difficulty would result from strict compliance with the lot width and setback requirements. It does not confer any special privilege and is consistent with structures on other properties in the neighborhood. The Board noted that Appellant’s request does not increase the resulting occupancy of the subject

property. Instead, it is a reorganization of the property to make it more marketable and improve utility in the current housing market. Appellant's request was sufficiently detailed in order to address the variance relief as to each lot and therefore appears to be the minimum necessary to facilitate practical use of the property. The Board finds that relaxation of the lot width and setback requirements are both necessary and consistent with the spirit and intent of the Ordinance.

Accordingly, the request for a variance to reduce the required lot width and setbacks areas at the subject property are GRANTED by a vote of 4 to 0. The specific variances granted are as follows:

Lot 2A	Front MBSL from 25 feet to 13.5 feet
Lot 2B	Lot width from 75 feet to 41 feet and front MBSL from 25 feet to 13.5 feet
Lot 2C	Lot width from 75 feet to 42 feet and front MBSL from 25 feet to 16.5 feet
Lot 2D	Lot width from 75 feet to 45 feet and front MBSL from 25 feet to 16.5 feet
Lot 2E	Lot width from 75 feet to 44 feet and front MBSL from 25 feet to 13.5 feet
Lot 2F	Lot width from 75 feet to 43 feet and front MBSL from 25 feet to 13.5 feet
Lot 2G	Lot width from 75 feet to 45 feet and front MBSL from 25 feet to 16.5 feet
Lot 2H	Lot width from 75 feet to 44 feet and front MBSL from 25 feet to 16.5 feet
Lot 2I	Lot width from 75 feet to 42 feet and front MBSL from 25 feet to 13.5 feet
Lot 2J	Lot width from 75 feet to 74 feet and front MBSL from 25 feet to 13.5 feet
Lot 2K	Lot width from 75 feet to 47 feet and front MBSL from 25 feet to 18.5 feet and rear MBSL from 40 feet to 37 feet
Lot 2L	Lot width from 75 feet to 47 feet and front MBSL from 25 feet to 18.5 feet and rear MBSL from 40 feet to 37 feet
Lot 2M	Lot width from 75 feet to 52 feet
Lot 2N	Lot width from 75 feet to 51 feet
Lot 2O	Lot width from 75 feet to 52 feet
Lot 2P	Lot width from 75 feet to 48 feet
Lot 2Q	Lot width from 75 feet to 46 feet
Lot 2R	Lot width from 75 feet to 53 feet
Lot 2S	Lot width from 75 feet to 50 feet and front MBSL from 25 feet to 23 feet
Lot 2T	Lot width from 75 feet to 50 feet and front MBSL from

	25 feet to 23 feet
Lot 2U	Lot width from 75 feet to 56 feet and front MBSL from 25 feet to 19 feet and rear MBSL from 40 feet to 35 feet
Lot 2V	Lot width from 75 feet to 47 feet and front MBSL from 25 feet to 19 feet and rear MBSL from 40 feet to 23 feet

The variance relief is granted subject to the standard condition that the use is consistent with the testimony and evidence presented during the hearing before the Board.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: September 4, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.



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: Oumarou Issifi & Mariam Tahirou
1516 Sherman Avenue
Hagerstown MD 21740

Appellant: Oumarou Issifi
1516 Sherman Avenue
Hagerstown MD 21740

Property Location: 1516 Sherman Avenue
Hagerstown, MD 21740

Description Of Appeal: Variance from the 100 ft. animal husbandry structure setback from all property lines to 7 ft. from the left property line, 40 ft. from the right property line, and 90 ft. from the rear property line.

Docket No: AP2025-018
Tax ID No: 26026911
Zoning: RU
RB Overlay: No
Zoning Overlay:
Filed Date: 07/17/2025
Hearing Date: 08/06/2025

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: Structure was built before knowledge of the requirements and would be costly to move

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single-Family Dwelling **Proposed Use:** Chicken Coop

Previous Use Ceased For At Least 6 Months: **Date Ceased:**

Area Devoted To Non-Conforming Use -
Existing:
Proposed:

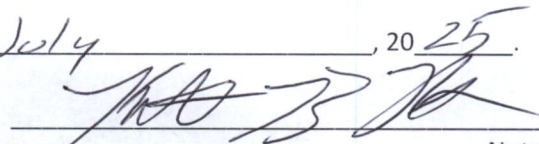
I hearby affirm that all of the statements and information contained in or filed with this appeal are true and correct.


Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 17 day of July, 2025.

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


Notary Public



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

AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-018

State of Maryland Washington County, To Wit:

On 7/17/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Oumarou Issifi and made oath in due form of law as follows:

Oumarou Issifi 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 08/06/2025, 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.

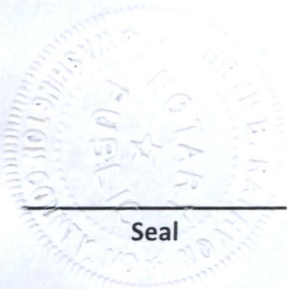
Sign(s) will be posted on 07/22/2025 and will remain until after the above hearing date.

Oumarou Issifi

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

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

Notary Public



Seal

My Commission Expires



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

BOARD OF ZONING APPEALS

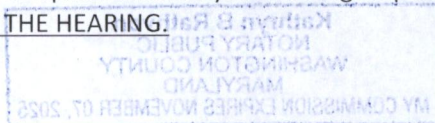
ATTENTION!

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.



WE ARE A FAMILY OF 8 (MY WIFE AND OUR 6 KIDS),
AND CHICKEN IS A BIG PART OF OUR DIET. NOT ONLY
DO WE CONSUME CHICKEN MEAT A LOT, BUT IT ALSO
HAS TO BE HALAL MEAT, MEANING IT HAS TO BE
SLAUGHTERED ACCORDING TO ISLAMIC DIETARY LAWS.
THE CHICKEN SOLD IN GROCERY STORES IS NOT HALAL
SO WE CANNOT CONSUME THAT. SAME THING FOR OTHER
TYPE OF MEAT, BUT WE ARE ONLY TALKING ABOUT
POULTRY FOR THIS LICENCE BECAUSE WE ARE ~~NOT~~
PLANNING ON HAVING ANY OTHER ANIMALS.
WE ALSO EAT A LOT OF EGGS, SO THIS WILL BE AN
OPPORTUNITY TO HAVE EGGS AS WELL.
FOR THE CHICKENS WASTE, I PLAN ON SWEEPING THE
COOP AT LEAST ONCE A WEEK AND DISPOSE IT IN THE
TRASH. WE PLAN ON HAVING 12 CHICKENS TO START,
AND IT MAY INCREASE TO 20-25 LATER ON.
I HAVE HAD THIS CHICKEN COOP FOR ABOUT 3 YEARS,
WAY BEFORE OUR NEW NEIGHBORS IN 1524 MOVED
IN. I SPENT A LOT OF TIME AND MONEY BUILDING
IT, I BURIED SOME WIRES UNDERGROUND TO KEEP
PREDATORS AWAY. IT IS PINNED TO THE
GROUND IN HOLES AND MOUNTED IT WILL

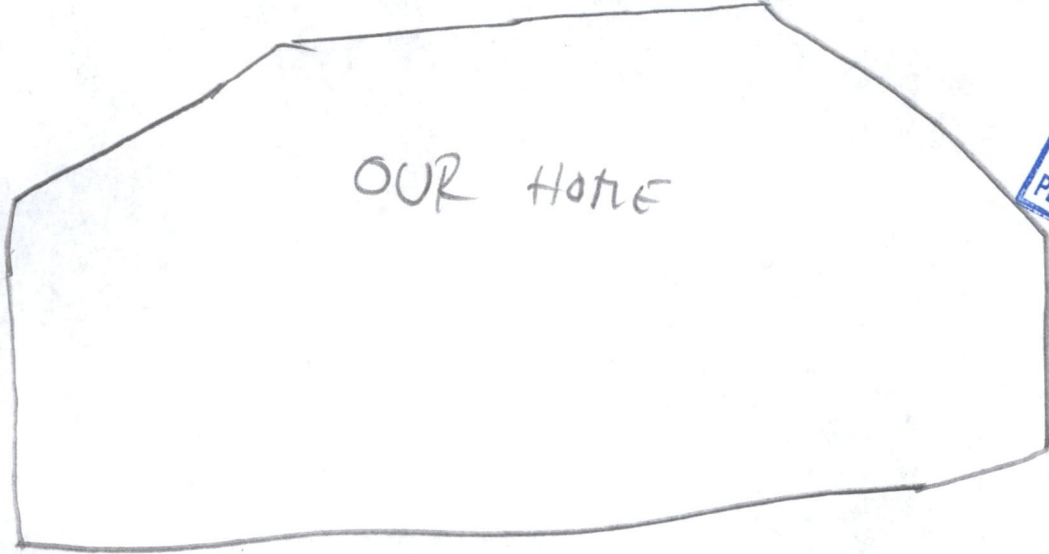
INEVITABLY DAMAGED IT. THESE ARE SOME OF
THE REASONS I BELIEVE WE SHOULD HAVE OUR CHICKEN
COOP WHERE IT CURRENTLY IS.

OUMAROU ISSIFI

1516 SHERMAN AVENUE

HAGERSTOWN, MD 21740

301-331-2382



OUR HOME

1512 SHERMAN AVE

7 FT

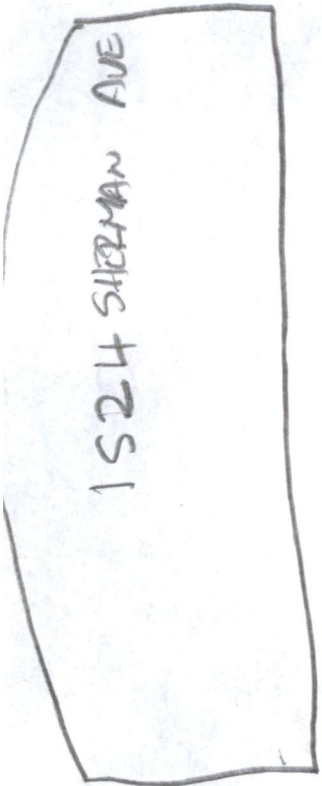


CHICKEN COOP

40 FT

90 FT

REAR OF OUR HOUSE NEIGHBOR



1524 SHERMAN AVE

**BEFORE THE BOARD OF APPEALS
FOR WASHINGTON COUNTY, MARYLAND**

OUMAROU ISSIFI

* **Appeal No.: AP2025-018**

Appellant

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OPINION

Oumarou Issifi, (hereinafter “Appellant”) requests variances to reduce the required setback of 100 feet for animal husbandry structure to 7 feet from the left property line, 40 feet from the right property line and 90 feet from the rear property line at the subject property. The subject property is located 1516 Sherman Avenue, Hagerstown, Maryland 21740 and is zoned Residential, Urban. The Board held a public hearing in this matter on August 6, 2025.

This appeal was heard pursuant to Article 25 of the Zoning Ordinance for Washington County and upon proper notice to the parties and general public as required.

Findings of Fact

Based upon the testimony given, all information and evidence presented, and upon a study of the specific property involved and the neighborhood in which it is located, the Board makes the following findings of fact:

1. Appellant is the owner of the subject property located at 1516 Sherman Avenue, Hagerstown, Maryland. The subject property is zoned Residential, Urban.

2. The subject property consists of 50-foot by 200-foot, rectangular-shaped lot, improved with a single-family dwelling. It is situated very close to the neighboring residence at 1512 directly to the north.

3. Appellant purchased the subject property in 2015 and has never had any problem with his neighbors. He believes that the neighbors directly adjacent to his property have caused this issue and are harassing him.

4. Appellant has already constructed a chicken coop at the subject property and this variance request is in response to a complaint that was made about the structure. Appellant was unaware that he needed variance relief in order to construct the chicken coop structure.

5. The chicken coop structure is approximately 12 feet long, 7 feet wide and 4 feet high.

6. Appellant has and his wife have six (6) children, all of whom reside in the home with them. Chicken and eggs are a large part of their regular diet and must be prepared in accordance with Islamic dietary laws.

7. Robert Swagger lives to the rear of the subject property and supports the variance requests. Mr. Swaggert reported that there have been chickens at the subject property for the last ten (10) years.

8. The neighbors from 1512 Sherman Avenue and 1524 Avenue oppose the variance requests. They report that there were more than fifteen (15) chickens as well as roosters and ginny fowl at the subject property. The neighbors report concerns regarding the smell and the incessant noise coming from the subject property.

9. There were no other concerns or comments from other County departments or agencies.

Rationale

The Board has authority to grant a variance upon a showing of practical difficulty or undue hardship as set forth in Section 25.2 and 25.56 of the Ordinance.¹ “Practical Difficulty” may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variance would do substantial injustice

¹ “When the terms unnecessary hardship (or one of its synonyms) and practical difficulty are framed in the disjunctive (“or”), Maryland courts generally have applied the more restrictive hardship standard to use variances, while applying the less restrictive practical difficulty standard to area variances because use variances are viewed as more drastic departures from zoning requirements.” *Belvoir Farms Homeowners Ass’n, Inc. v North*, 355 Md. 259, 276 n. 10 (1999) (citations omitted)

to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(A).

Practical difficulty and undue hardship are typically the result of a property being unique. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” *North v St. Mary’s Cnty.*, 99 Md.App. 502, 514 (1994).

Pursuant to Section 22.94 of the Zoning Ordinance, “...any structure housing animals shall have a minimum building setback of 100 feet from the property line or public road right-of-way unless exempted under Section 22.92(b).” Appellant is requesting variance relief for the left side, right side and rear property lines in order to maintain the existing chicken coop structure which was built without knowledge of the setback requirements. Appellant asserts that given the size of his property, there is no place where he can locate the chicken coop and comply with the setback requirements. Appellant testified that he was willing to agree to any limitations necessary that would allow him to continue using the chicken coop because it is essential to the operation of his household. Appellant argued that it would be a financial hardship to take down the structure and move it, and that moving it would only mean creating another issue with setbacks in a different location at the property.

The Board recognizes the financial hardship that may result from having to move the structure. However, the Board would also note that it was constructed without consulting the Zoning Ordinance. Section 22.94 applies to animal waste storage and management systems associated with animal husbandry facilities and structures housing said animals. It imposes a much larger setback than the respective district setback requirements in order to address the circumstance where animal husbandry activities are occurring in residential zoning districts where homes are much closer to each other. The

setback is designed to mitigate against those issues associated with animal husbandry including waste storage and disposal, smells, noise, additional structures and the overall increased intensity of use for an otherwise residential property. It was intended for situations just like the instant case, where a property owner wants to house chickens within seven (7) feet of his neighbor's property. Appellant has acknowledged that due to the limited size of his property, there is no location where he can place the chicken coop and comply with the setbacks. The Board has noted before that just because a use is permitted, does not mean that it can be practically exercised on any given property. The subject property is simply too small to reasonably accommodate the chicken coop regardless of its location. The Board finds that the variance requests are not consistent with the intent of the Ordinance, in particular the protections intended by Section 22.94 with respect to animal husbandry structures. Therefore, the variance requests must be denied.

Accordingly, the request for variances to reduce the required setback of 100 feet for animal husbandry structure to 7 feet from the left property line, 40 feet from the right property line and 90 feet from the rear property line at the subject property are DENIED by a vote of 5 to 0.

BOARD OF APPEALS

By: Tracie Felker, Chair

Date Issued: September 4, 2025

Notice of Appeal Rights

Any party aggrieved by a final order of the Authority in a contested case, whether such decision is affirmative or negative in form, is entitled to file a petition for judicial review of that order to the Circuit Court for Washington County within thirty (30) days of the date of the order.