

BOARD OF APPEALS

November 12, 2025

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

AGENDA

AP2025-027: An appeal was filed by Erin & Travis Burdette for a variance from the 100 ft. setback requirement for animal husbandry structures down to 8 ft. 4 in. from the West property line, 12 ft. 6 in. from the North property line, and 45 ft. 6 in. from the East property line for an existing structure for domestic fowl (chickens/ducks) on property owned by the appellants and located at 300 Hebb Road, Hagerstown, Zoned Residential Suburban District. - **GRANTED**

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 November 3, 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: Erin & Travis Burdette
300 Hebb Road
Hagerstown MD 21740

Appellant: Erin & Travis Burdette
300 Hebb Road
Hagerstown MD 21740

Property Location: 300 Hebb Road
Hagerstown, MD 21740

Description Of Appeal: Variance from the 100 ft. setback requirement for animal husbandry structures down to 8 ft. 4 in. from the West property line, 12 ft. 6 in. from the North property line, and 45 ft. 6 in. from the East property line for an existing structure for domestic fowl (chickens/ducks).

Docket No: AP2025-027
Tax ID No: 10014328
Zoning: RS
RB Overlay: No
Zoning Overlay:
Filed Date: 10/22/2025
Hearing Date: 11/12/2025

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: Size of lot will not allow for setback to be met

If Appeal of Ruling, Date Of Ruling:

Ruling Official/Agency:

Existing Use: Single Family Dwelling **Proposed Use:** Animal Husbandry (Domestic Fowl Structure)

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.

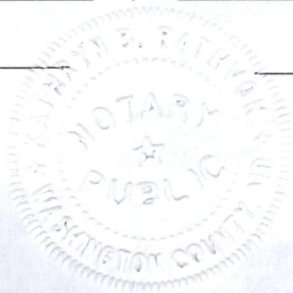
Appellant Signature

State Of Maryland, Washington County to-wit:

Sworn and subscribed before me this 22 day of October, 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: AP2025-027

State of Maryland Washington County, To Wit:

On 10/22/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared Erin Burdette and made oath in due form of law as follows:

Erin Burdette 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 11/12/2025, 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 10/28/2025 and will remain until after the above hearing date.

Erin Burdette

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



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

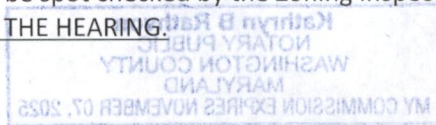
ATTENTION!

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.



To whom it may concern:

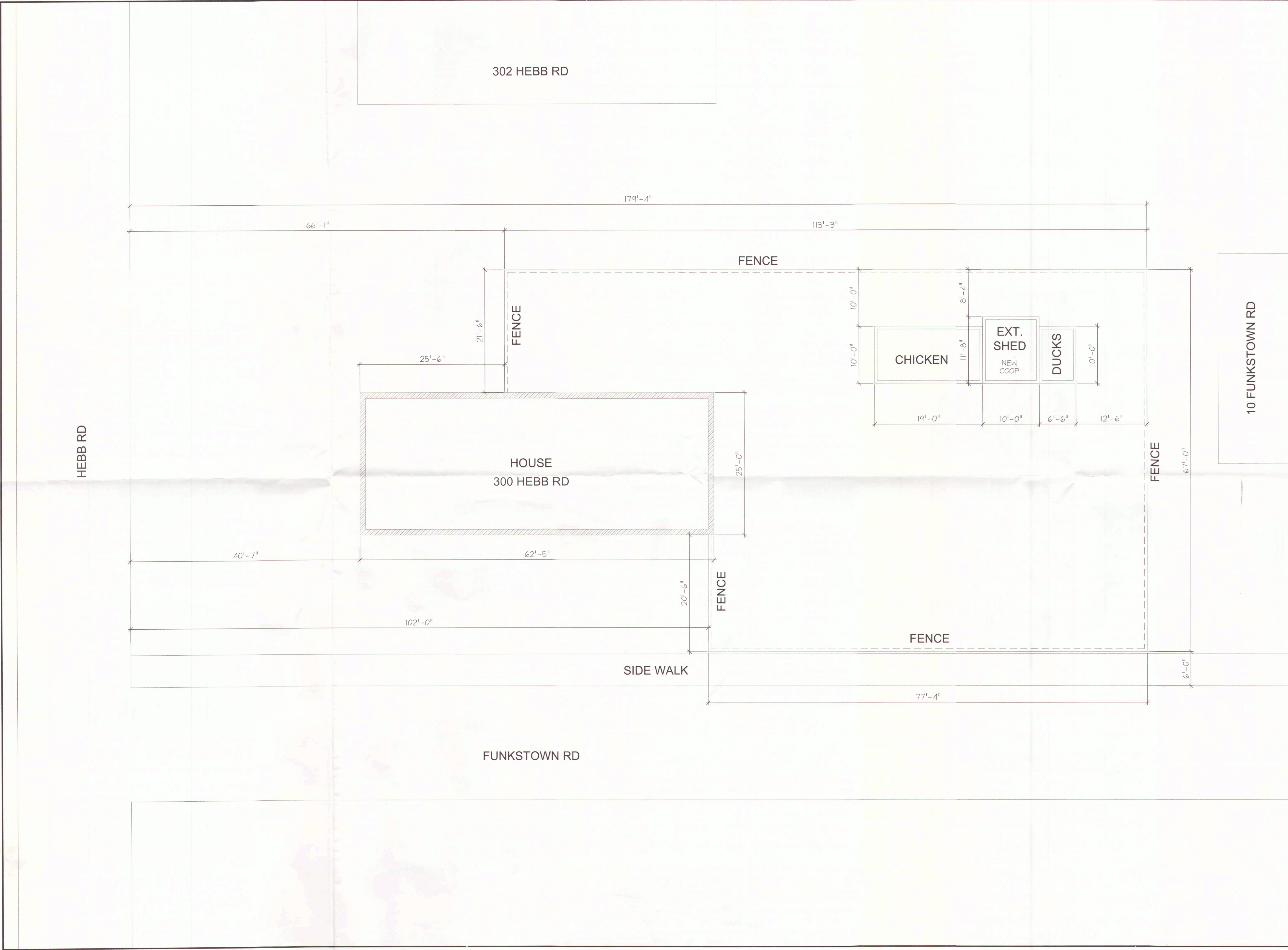
The idea initially to get chickens came from needing to do some creative thinking to assist my children in various ways. My two older children live part time in a situation that currently cannot be changed that affects them negatively and has for quite some years. Due to this situation and my inability to make unilateral decisions in regards to therapy, and they are not allowed to go to church as my younger two go. I started thinking creatively to help them regulate their feelings, give them a sense of purpose and provide a relaxing environment for at least part of their lives. We thought of chickens and ducks because they are prey animals are very sensitive to emotions and actions, tone of voice and body language. My older children, in order to care for them and build relationships with them, are forced to regulate their very big emotions, otherwise the animals are too scared to be around them. The older children, and our younger children also take care of them on a regular basis, helping to support our need to grow the desire in our children to work hard and care for others, as these animals are dependent on us. We have seen tremendous amounts of growth in a very short time. We were also thrilled with the other gifts these animals bring. We are a family who enjoys helping others in various ways. We give away 95% of our eggs to others, we know a lot of families that are struggling to put food on the table and it brings joy to our family to be able to help in any way. We have also been able to use these small animals with other families and children to encourage the same types of emotional regulation and distraction as they are able to identify and talk about their feelings because of the need to regulate their emotions which then produces the ability to think clearly and soundly.

When we decided to go forward with the plan, we took a look at our yard and the potential areas the coops could go, due to the size and shape of our yard, existing structures and then of course property lines.

We thought about putting our coop adjacent to the front of the shed-pointed to the center of the yard. However this came with a few problems. First, we have 5 children. They play various sports and practice and play in the yard by themselves, and as a family. They have also accumulated a number of friends from an adjacent neighborhood, who regularly come and play at our house and in our yard. Our home is safe and supervised, where food is provided and needs are met if they are not being met elsewhere, that includes emotionally. We did not want to monopolize the entire yard, as

we wish for this continue. We also would like to add to our yard later for these purposes with a possible trampoline or pool to continue to accommodate the needs of our family, and those of adjacent neighborhood friends.

We also took into account the health and well being of the animals. The only areas of our yard that have shade is the inner side- adjacent to our neighbor, and then also in the front yard. The center of the yard has no covering and is at the mercy of all elements; sun, rain, wind, snow, and ice. Taking into account the sky rocketing temperatures in the Summer, and plummeting temperatures in the Winter. We thought best (after talking to and securing the permission and blessing of the closest and affected neighbors) to utilize the side of the existing shed as a source to help shelter from the elements while also utilizing the shade and shrubbery for privacy and protection for the animals. Finally, we found this to be the best placement for our specific yard shape is because of our other animals. We have four boxers. We also utilize the yard for their needs such as using the bathroom, running and playing if the day did not provide an opportunity for a walk. If we were to place the coop/run in the center of the yard, furthest away from every property line, however still not meeting the minimum there, it would provide a huge source of interest every day for them. With it being off to the side and not front and center, it is much easier to train them to be disinterested. Which will lead to it being ignored by them as time goes on. From what we understand, our closest neighbors (the three closest- each side and behind) enjoy watching the chickens, and hearing and seeing our family take care of them. We hope to have the opportunity to continue to share these blessings that we have experienced with others, as we know they are not just providing a nutritional need.



JOB INFORMATION				
ARCHITECT				
CLIENT	..			
ERECTOR				
JOB #				
PM	..			
300 HEBB ROAD				
GENERAL NOTES				
HOLES	13/16" Ø U.N.O.			
WELDS	E70 U.N.O.			
BOLTS	3/4" Ø A325 U.N.O.			
FINISH				
PRINT RECORD				
HARD COPY	PDF	ISSUED FOR	CHECKED FOR	DATE
			PM	FINAL
REVISIONS				
#	DATE	REMARKS		
1				
2				
3				
4				
5				
6				
ITEM#	DESCRIPTION			
0				
DRAWN BY:		DATE:		
DRAWING #:		0		

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

ERIN & TRAVIS BURDETTE

*

Appeal No.: AP2025-027

Appellant

*

*

* * * * *

OPINION

Erin and Travis Burdette (hereinafter “Appellants”) request a variance to reduce the required setback 100 feet to 8 feet, 4 inches from the West property line, a variance to reduce the setback from 100 feet to 12 feet, 6 inches from the North property line and a variance to reduce the setback from 100 feet to 45 feet, 6 inches from the East property line for the placement of an animal husbandry structure at the subject property. The subject property is located at 300 Hebb Road, Hagerstown, Maryland 21740 and is zoned Residential, Suburban. The Board held a public hearing in this matter on November 12, 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. Appellants are the owners of the subject property located at 300 Hebb Road, Hagerstown, Maryland 21740. The subject property is zoned Residential, Suburban.
2. The subject property consists of approximately 10,000 square feet improved by a single-family dwelling and an existing shed which is to be incorporated into the animal husbandry structure. The subject property is bounded to the east by Funkstown Road, to the south by Hebb Road and to the north and west by neighboring residential properties.
3. Kathryn Rathvon presented the staff report to the Board. Proper notice was issued to adjoining property owners and the public and the subject property was properly posted pursuant to the Zoning Ordinance.

4. Appellants currently have seven (7) chickens and two (2) ducks. Although they previously had a rooster, he has been removed and there is no intention of having roosters in the future.

5. The rear yard of the subject property is completely fenced and secure.

6. Appellants propose to construct an animal husbandry structure utilizing the existing shed. The area for chickens would be approximately 19 feet by 10 feet and the area for ducks would be 6 feet, 6 inches by 10 feet, using the exterior walls of the shed on either side.

7. The collective fowl will serve as creative therapy for Mrs. Burdette's children who struggle with a divided custody situation.

8. Appellant's next-door neighbor submitted a letter in support of the proposed project.

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

10. There was no opposition presented to this appeal.

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 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

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)

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, a freestanding sign “[a]nimal waste storage and management systems associated with an animal husbandry facility and/or any structure housing animals shall have a minimum building setback of 100 feet from the property line or public right-of-way unless exempted under Section 22.92(b).” Appellants propose to reduce the required 100-foot setback on three (3) sides of the property to allow construction of a chicken and duck coop connected to their existing shed.

Given the size and shape of the property, there is no location in which the proposed coop could be constructed and avoid the need for variances. Appellants testified that they chose the location not only to co-locate with the shed, but also to allow for other activities in the yard and to afford the animals the least exposed area. They have asked for the minimum necessary to construct a reasonable shelter for their chickens and ducks. Appellants’ intention is to provide creative opportunities for Ms. Burdette’s children to have an outlet, find therapeutic relief and learn responsibility. In addition, Appellants’ neighbors are supportive of the structure and do not have an objection to its location.

The Board finds that practical difficulty would result from strict compliance with the setback requirements. Without relaxation of the setbacks, Appellant would have no ability to construct the structure anywhere on the property. The Board further finds that the requested variances do not confer any special privilege or benefit upon Appellants. Appellants’ request appears to be the minimum necessary to facilitate practical use of the property. The Board finds that the variance requests are necessary and remain consistent with the spirit and intent of the Ordinance.

Accordingly, request a variance to reduce the required setback 100 feet to 8 feet, 4 inches from the West property line, a variance to reduce the setback from 100 feet to 12 feet, 6 inches from the North property line and a variance to reduce the setback from 100 feet to 45 feet, 6 inches from the East property line for the placement of an animal husbandry

structure at the subject property, are all GRANTED by a vote of 5 to 0. 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: December 11, 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.