



## BOARD OF ZONING APPEALS

80 West Baltimore Street | Hagerstown, MD 21740 | P: 240.313.2460 | F: 240.313.2461 | Hearing Impaired: 7-1-1  
WWW.WASHCO-MD.NET

### Filing Procedures

- **Incomplete applications will not be accepted.**
- Applications may be filed between 8:00 a.m. and 3:00 p.m. Monday through Friday **except** on a specified filing cut-off day which is 12:00 p.m.

**Variance Request** – If requesting a variance, be prepared to tell the Board why the property is unique or why you cannot comply with the strict terms of the Ordinance; in so doing, you should discuss the following criteria, as applicable, excerpted from Section 25.56 of the Washington County Zoning Ordinance:

A variance may be granted by the Board upon a showing of criteria of practical difficulty or undue hardship described below respectively:

#### A. Practical Difficulty

1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and
2. Denying the variances 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.

#### B. Undue Hardship

1. Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and
2. The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and
3. The hardship is not the result of the applicant's own actions.

**Special Exception Request** – If requesting a special exception, be prepared to discuss the following criteria excerpted from Section 25. 6 of the Washington County Zoning Ordinance:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.
- (c) Traffic conditions and facilities.
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.
- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- (g) The most appropriate use of land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

The standard for the grant or denial of a special exception is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zoning district.

**Administrative Appeal** – If charging an administrative appeal, be prepared to discuss the following criteria excerpted from Section 25.4 of the Washington County Zoning Ordinance:

An appeal to the Board may be taken by a person aggrieved or by any officer, department, board, commission or bureau of the County affected by any decision of the Planning and Zoning Commission or the Historic District Commission. Such appeal shall be taken within thirty (30) days after the decision by filing with the appropriate Commission and with the Board, a Notice of Appeal, specifying the grounds thereof. The appropriate Commission shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**Requirements:**

Applicants must make application in person and shall submit **nine (9)** complete sets of the items listed below. Incomplete applications will not be accepted.

- A scaled plot plan (concept plan), indicating the following:

Outline of the entire property

Show all existing and/or future structures with measurements from structures to property lines

***It is very important that you are very clear as to the measurements/changes you are requesting. Incorrect measurements/information could result in a denial or a second request to the Board.***

Location of existing and/or future septic and well

Any street right-of-ways or easements

Existing/Proposed entrance/exit to property, parking area(s), driving paths, etc.

If request is for commercial use, in addition to above, the following additional information will be required:

Location of any freestanding signage

Number of employees (existing/proposed)

Hours of operation

Proposed landscaping and lighting

- Provide name and mailing address of owners of land adjoining the subject property, developed or not, on all sides, including land across any street. Property owner information may be obtained at the Maryland State Assessment Office, 3 Public Square, Hagerstown, Maryland or on the Internet at <http://www.dat.state.md.us/> under real property search.
- A statement demonstrating the specific reason(s) for the appeal request including, section(s) being appealed and that the request conforms to the standards listed above.
- If you are not the property owner, a notarized affidavit from the property owner authorizing the appeal shall be submitted. This includes applicants filing as agent, contract to purchase or lease subject property.
- Any other information applicant feels will be useful to Board
- Pay the appropriate filing fee by cash or check made payable to the Washington County Treasurer:

1 or 2 Family Residential Units/Accessory Uses . . . . .	\$ 150.00
Other Variance . . . . .	300.00
Special Exception . . . . .	500.00
Includes Change and Expansion of Non-Conforming Use	
Appeal Charging Administrative Error . . . . .	150.00
Includes Appeals from Planning Commission Decision	
Request for Hearing Postponement . . . . .	150.00

**Note:** A plan review fee of \$150.00 and/or a floodplain review fee of \$150.00 may be charged by Plan Review

- Upon verifying all of the above is complete, the appeal will be processed and advertised in the Herald Mail newspaper 15 days prior to the public hearing.
- The applicant will be responsible for conspicuously posting the property with a placard 14 days before the date of the hearing as required in Section 25.51(c) of the Washington County Zoning Ordinance. The applicant is responsible for maintaining the placard as posted for the full 14 days. The Plan Review & Permitting Department will provide the placard.
- Letters will be mailed to the applicant and, as a courtesy, to adjacent property owners, approximately two weeks prior to the hearing to notify those persons of the date, time and place of the hearing.

The Board shall render a written decision within thirty (30) days after completion of the hearing.

The result of the hearing will also be posted on the County’s web -site at: <http://www.washco-md.net>

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, or board, bureau of the jurisdiction, may appeal the same to the Circuit Court of Washington County in a manner set forth in Section 4.08 of Article 66B of the Annotated Code of Maryland. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.