



Department of Planning & Zoning

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2461 | Hearing Impaired: 7-1-1
WWW.WASHCO-MD.NET

ADMINISTRATIVE ADJUSTMENT FILING PROCEDURES

Purpose:

The purpose of the administrative adjustment process is to provide an abbreviated method of relief for property owners seeking minor and minimally invasive adjustments to certain dimensional standards enumerated in the Washington County Zoning Ordinance.

If you believe there is potential for neighborhood opposition, it is strongly recommended that an application be submitted directly to the Board of Appeals pursuant to the standard variance process.

Applicability:

In accordance with Section 25.8 of the Washington County Zoning Ordinance:

Upon petition by the property owner, the Zoning Administrator may grant an adjustment in an amount not to exceed 20% of the unmodified standard from the provisions of the following dimensional bulk requirements:

- 1. Buffer Yard and Building/Structure Setback Requirements;*
- 2. Distance requirements outlined in Section 4.9;*
- 3. Building Height; and*
- 4. Parking Space and Parking Aisle Dimensions*

Administrative adjustments may only be requested for prospective relief and may not be used to rectify after-the-fact errors. The adjustment shall be judged pursuant to the same limitations, guides, and standards applicable to variances granted by the Board of Appeals outlined in Section 25.56 of this Ordinance.

Application Process:

Incomplete applications will not be accepted.

- Applications may be filed between 8:00 am and 3:30 pm Monday through Friday by appointment only.
- Applications must be filed in person with the Department of Planning and Zoning.
- Three (3) complete sets of the Administrative Adjustment Appeal information are required at the time of filing.
- Payment of the of \$75.00 by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer is due at the time of filing. Filing fees are **non-refundable** and may not be applied toward the application of a Board of Appeals request should the administrative modification be denied by the Zoning Administrator.

Standards for Variances:

The Zoning Administrator shall decide all requests based on the same standards for variances required of the Board of Appeals as stated in the excerpted language from Section 25.56 of the Washington County Zoning Ordinance as follows:

- 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 [adjustments] 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 [adjustment] 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.*

Procedures:

Within five (5) working days of acceptance of the application, the Zoning Administrator shall distribute notification letters to all immediately adjacent and confronting property owners via first class and certified mail. The notice shall inform the recipients of their opportunity to review and comment on the proposed adjustments(s).

Notified property owners will have fifteen (15) days from the date on the notification letter to submit written comments about the requested adjustment. All public comment, written or electronic, must contain the name and address of the author. Verbal communication and anonymous correspondence will not be considered in the determination of the adjustment.

Decision:

The Zoning Administrator shall render a decision within ten (10) calendar days of the end of the public comment period. The decision will be in the form of a written opinion with findings of fact. The formal opinion will be mailed to the property owner/applicant.

Any person aggrieved by the granting or denial of an administrative adjustment may appeal the decision of the Zoning Administrator to the Board of Appeals within fifteen (15) days of the issuance of the written decision.

Denial of an adjustment request shall not prevent the applicant from immediately filing a variance request for the same relief with the Washington County Board of Appeals. All variance requests coming before the Board following the denial of an administrative adjustment will be heard and decided on a de novo basis, that is, the hearing before the Board shall proceed and be decided as if the request for administrative adjustment had never occurred.

Approval of an adjustment request will allow the applicant to apply for the required building permit with the Division of Permits and Inspections.



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Administrative Adjustment Request

Property Location _____

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 request is desired:

Example: Article 5A, Section 5A.5-Requires 15 ft. side yard setback.

Describe the nature and extent of the desired request from Ordinance requirements:

Example: Requesting adjustment from 15 ft. to 12 ft. for new detached garage.

Applicants must make application in person and shall submit *three (3)* complete sets of the items listed below. Incomplete applications will not be accepted.

- A written statement demonstrating the specific reason(s) for the adjustment request including which standard the appeal is for; practical difficulty or undue hardship. The standards for the request are outlined in the Administrative Adjustment Filing Procedures.
- A plot plan (concept plan), drawn to a scale and indicating the following information:
 - Outline of the entire property;
 - Location of all existing and/or proposed structures with measurements from structures to property lines;
 - Location of existing and/or future septic and wells;
 - Any street rights-of-way or other easements (i.e. utility, storm water management, etc.);
 - Existing/proposed entrance/exit to property, driveways, etc.
 - Existing/proposed parking areas
- Other information that appellant feels will be useful to justifying their request, this could include pictures, letters of support from impacted neighbors, concept draws of the structure.
- If you are not the property owner, a notarized affidavit from the property owner authorizing the request is required. This includes applicants filing as an agent on behalf of the property owner.

ADMINISTRATIVE ADJUSTMENT REQUEST

- Filing fee is due at the time of application and can be by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:
 - Administrator Adjustment Request.....\$ 75.00

ALL FILING FEES ARE NON-REFUNDABLE

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/Agent

Address and of Appellant/Agent

Email of Appellant/Agent

Phone Number of Appellant/Agent



Department of Planning & Zoning
OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that (person filing request) _____
is authorized to file an administrative adjustment with the Department of Planning & Zoning for
_____ on property
located _____.

The said work is authorized by (property owner's name) _____
the property owner in fee.

PROPERTY OWNER

Name

Address

City, State, Zip Code

Owner's Signature

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

AUTHORIZED REPRESENTATIVE

Name

Address

City, State, Zip Code

Authorized Representative's Signature

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

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