



BOARD OF 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 from the Planning Commission Ruling Filing Procedures

Appeal from Planning Commission Ruling Filing Procedures – If appealing the Planning Commission ruling, be prepared to tell the Board why the ruling or action is incorrect; in so doing, you should discuss the following criteria, as applicable:

- Brief description of ruling or action from which this appeal is made. Include copy of ruling or document indicating such action.
- Brief description of what, in Appellant's view, the ruling or action should have been
- Section/subsection of the Zoning Ordinance Or Subdivision Ordinance which Appellant contends was misinterpreted
- Error in fact, if any, involved in the ruling or action from which this appeal is made
- Error of law, if any, involved in the ruling or action from which this appeal is made
- Questions of fact, if any, presented to the Board of this appeal
- Other information that the Appellant feel will be useful to justify their request, this could include pictures, letters of support from impacted neighbors, concept draws of the structure.
- State of Appellant's interest, i.e. manner in which Appellant is aggrieved by the ruling or action complained of (as property owner or otherwise).
- Filing must occur within 30 days of the ruling or action.

Application Process:

Incomplete applications will not be accepted.

- Applications are filed by appointment only. Appointments are accepted Monday-Friday between 8:00 a.m. and 3:30 p.m. **except** on a specified filing cut-off day which is 12:00 p.m. To schedule an appointment call 240-313-2430.
- Applications must be filed in person with the Department of Planning and Zoning.
- Nine (9) complete sets of the Charging Error in Administrative Ruling or Action Filing information are required at the time of filing.
- Pay the appropriate filing fee by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:
Appeal from Planning Commission Ruling \$150.00
Request for Hearing Postponement..... \$150.00

Filing fees are non-refundable.

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

Before 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 Department of Planning & Zoning Department will provide the placard to the applicant at the time of filing.
- The clerk to the Board of Appeals will be placing a public notice in the local newspaper, on the Washington County Planning and Zoning webpage under Board of Zoning Hearing Agenda, and courtesy letters will be mailed to neighboring property owners notifying them of the hearing.
- The clerk to the Board of Appeals will provide the applicant with any letters of support or opposition and or agency review comments received for review. This same information will be provided to the Board of Appeals members for consideration and may be discussed during the hearing.

Public Hearing

- Appellant or appellant's representative is to attend the hearing and will go before the Board to state their case and answer questions from the board members. Appellants are generally granted 10 minutes to present their case but the appellant can request an additional 20 minutes for a total of 30 minutes.
- Anyone attending the hearing is permitted to speak in support or opposition to the appeal. The appellant will be given a chance to address the oppositions concerns.
- The Board will then go into deliberations and there will be no further comment taken at that time. The board members will make their informal decision during the hearing. The formal and official written opinion will be issued within 30 days and a copy of the decision will be served to the parties via US postal service.

Opinion:

- If the appeal is granted, the appellant may apply for or continue with the permit process at their own risk after the hearing. The formal opinion can be challenged up to 30 days after the formal opinion has been issued to the Circuit Court. Any fees paid during this time will not be refunded if the Circuit Court overturns the Board of Appeals opinion.
- If the appeal is denied, the appellant may challenge the formal opinion in Circuit Court within 30 days of the formal opinion filing. The appellant can also file for a new appeal either 12 months after the original appeal or a new request can be submitted but must be deemed substantially different from the original proposal.
- 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.
- Appeals granted by the Board of Appeals do not have a time requirement of when the project must start. If the project is delayed and there is a change to the property, zoning, or project; a new approval may be required.



BOARD OF APPEALS

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

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Appeal from the Planning Commission Ruling

Property Location: _____

Name/Address of Property Owner: _____

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

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

Applicable Ordinance Section(s): _____

Date of Planning Commission Ruling: _____

MUST BE FILED WITHING 30 DAYS AFER THE DECISION

Planning Commission Ruling (Attach copy of ruling or document indicating such action):

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 written statement demonstrating the specific reason(s) for the request. The standards for appealing a Planning Commission ruling are outlined in the Appeal from the Planning Commission Ruling Filing Procedures.
- Copy of ruling or document indicating such ruling/action.
- If request was for a variance from the terms of the Subdivision Ordinance, state the hardship on the Appellant.
- Any additional statements explaining, in the Appellant's opinion, what errors of law or what incorrect
 - decisions were made by the Commission in ruling on the Appellant's request.
- Other information that applicants feel will be useful to justify 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 appeal shall be submitted. This includes applicants filing as an agent on behalf of the property owner.

- Pay the filing fee by cash, Visa/MasterCard, or check made payable to the Washington County Treasurer:
 - Appeal from Planning Commission Ruling.....\$150.00

ALL FILING FEES ARE NON-REFUNDABLE

Note: A plan review fee of \$150 and/or floodplain review of \$150.00 may be charged by the Engineering Department.

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

Address of Appellant



BOARD OF APPEALS

OWNER REPRESENTATIVE AFFIDAVIT

This is to certify that _____
is authorized to file an appeal with the Washington County Board of Appeals for _____ on property
located _____.

The said work is authorized by _____
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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