



DEPARTMENT OF PLANNING & ZONING
PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

WASHINGTON COUNTY PLANNING COMMISSION APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

APPLICANT

NAME _____

MAILING ADDRESS _____

TELEPHONE _____
(home) (work) (cell)

PROPERTY OWNER

NAME _____

MAILING ADDRESS _____

TELEPHONE _____
(home) (work) (cell)

CONSULTANT

NAME _____

ADDRESS _____

TELEPHONE _____

DESCRIPTION OF PROPERTY

TAX ACCOUNT ID # (Required) _____

PARCEL REFERENCE: MAP _____ GRID _____ PARCEL _____

PROPOSED LOT ACREAGE _____ TOTAL SITE ACREAGE _____

ZONING DISTRICT _____ ROAD FRONTAGE (FT) _____

To the best of my knowledge, the information provided in this application and other material submitted is correct.

Applicant's Signature

Date

Property Owner's Signature

Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____

**PROCEDURE FOR REQUESTS FOR A MODIFICATION TO THE
STANDARDS OF THE SUBDIVISION ORDINANCE**

1. Modification request applications shall be filed with the Washington County Department of Planning & Zoning, Washington County Administrative Annex, 747 Northern Avenue, Hagerstown, Maryland 21742, Phone: 240-313-2430, between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday. Copies of the application forms can be picked up at this location or can be printed from the following: <https://www.washco-md.net/wp-content/uploads/planrev-AppSubdOrdMods.pdf>. A Filing fee of \$115.00 dollars should be submitted when no engineering / outside agency review is required. A filing fee of \$265.00 is required when multiple agency review is necessary, and can be paid by cash or check made payable to the Washington County Treasurer. Incomplete applications will not be accepted.

2. The Planning Commission meets on a monthly basis on the second floor of the County Administration Building, 100 West Washington Street, Room 2000, Hagerstown, Maryland. Meetings begin promptly at 7:00 p.m. The Planning Commission reserves the right to cancel and/or change the meeting dates and time as needed. Applications must be filed at least 25 days prior to the scheduled meeting of the Planning Commission.

3. Upon receipt of the modification application, the Planning & Zoning Staff will review for completeness and then set up an individual file for the application. Once review is complete, the assigned Planner will present the modification request to the Planning Commission at its regularly scheduled meeting. The Commission will take action the night of the meeting unless more information for review is requested. Staff would then schedule the modification request for a future Planning Commission meeting.

4. In requesting a modification from Subdivision Ordinance regulations, the Applicant and/or their Consultant should be prepared to tell the Planning Commission why the property is unique or the minimum terms of the Ordinance that cannot be complied with. A modification may only be granted by the Commission upon a showing of criteria of practical difficulty or undue hardship listed below (but not limited to):

(a) There are special circumstances or conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of their land.

(b) The hardship is not the result of the applicant's own actions – that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.

(c) Granting the modification would be in harmony with the general purpose of the Ordinance and preserve its spirit.

(d) That the modification is to correct inequities resulting from a physical hardship such as topography.

(e) The granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.

5. The Director of the Department of Planning & Zoning shall have the authority to consider administratively the following modifications from Subdivision Ordinance requirements:

(a) Where it is impractical to dedicate the full right-of-way required by Washington County Plan Review or State Highway Administration are satisfied with the acquired right-of-way.

(b) Where the existing structure, septic system, or other appurtenance is within the right-of-way to be dedicated and for which the relocation of same may create a future hardship.

(c) When the property access or driveway intersects with a State maintained road and the access permit issued by the State requires the property access or driveway to be located such that it fails to meet the Subdivision Ordinance spacing requirements. The Director can grant a modification from the County's Highway Plan spacing requirements up to 25% from the current spacing requirements if: a physical hardship or safety condition is identified; does not create a condition which allows for more lots than would be permitted if the modification was not granted; location must be approved by Planning & Zoning and/or State Highway; and have no negative impact on neighboring properties.

(d) Panhandle Length – based upon a physical hardship, no negative impact on neighboring properties; and the local fire department concurs with site.

(e) Public Road Frontage – Up to 25% from the current standard of 25 feet based upon a physical hardship, safety condition, existing condition where there is less than 25 foot of frontage identified. The driveway geometry associated with the new frontage/access configuration shall be approved by County Planning & Zoning and/or State Highway Administration. There is no negative impact on neighboring properties.

(f) The Director of the Department of Planning & Zoning shall have the ability to grant the creation of a lot without road frontage in those cases where the proposed subdivided lot(s) contain existing structures and an attempt is being made to comply with the Zoning Ordinance provision of one principle use on one zoning lot.

6. On the submitted Preliminary and Final Subdivision Plat, include modification reference number, description of modification request and approval, any conditions and the date request was granted by the Planning Commission. Submit modification approval letter with plat submittal.

7. Appeal by any person aggrieved from any action of the Planning Commission or the Director of the Department of Planning & Zoning shall be to the Board of Zoning Appeals pursuant to the provisions of Article 25 of the Washington County Zoning Ordinance. (Section 109 – Subdivision Ordinance). You may contact the Board of Appeals at the County Administrative Annex, 747 Northern Avenue, Hagerstown, Maryland 21742; Phone: 240-313-2430; <https://www.washco-md.net/planning-zoning/zoning-appeals/>.

SUBDIVISION MODIFICATION APPLICATION CHECKLIST

The following items are required as part of the Subdivision Modification application:

Applicant	Staff	
_____	_____	A complete Application Form, signed by the applicant, property owner, and consultant (if applicable). All information must be typed or clearly printed on the application. Please include this checklist.
_____	_____	A filing fee of \$115.00 when no Engineering or outside agency review is required. A fee of \$265.00 is required when multiple agency reviews are required. Make check payable to: Washington County Treasurer. Include fee worksheet.
_____	_____	Twelve (12) sketch plans, drawn to scale, showing:
_____	_____	a. dimensions & shape of proposed lot with acreage;
_____	_____	b. size & location of existing and/or future structures;
_____	_____	c. existing/proposed roadways and associated access right of way or easements;
_____	_____	d. existing/proposed entrance/exit to property;
_____	_____	e. natural or topographic peculiarities of the lot in question.
_____	_____	Any additional drawings, pictures, or information that will assist the Planning Commission in making its decision.