

**CITY OF HAGERSTOWN BOARD OF ZONING APPEALS
ADMINISTRATIVE APPEAL PETITION**

Planning Department Use Only: BZA Case No.: Z - ____ - ____ Date Received: _____ Drawing attached:
Zoning District: _____ City Tax Map No.: _____ Block: _____ Parcel: _____
Posting Deadline: _____ Assigned Hearing Date: _____ Deadline for Written Decision: _____

Please type or print all material legibly. Please provide:

- 1. *This original application form plus nine (9) copies of this application and***
- 2. *10 copies of all additional supporting information you wish to include.***
(Additional copies of large display exhibits and original photographs are not required)

1. APPLICANT'S NAME _____

TRADING AS (IF APPLICABLE) _____

ADDRESS _____

DAYTIME PHONE NUMBER: _____ FAX: _____

E-MAIL ADDRESS (IF AVAILABLE) _____

2. ATTORNEY (Legal counsel is not required, but if an attorney will represent you, please complete.)

NAME _____

ADDRESS _____

DAYTIME PHONE NUMBER: _____ FAX: _____

E-MAIL ADDRESS (IF AVAILABLE) _____

3. RESPONDENT (Person or Agency whose decision you are appealing.) _____

ADDRESS _____

DAYTIME PHONE NUMBER: _____ FAX: _____

E-MAIL ADDRESS (IF AVAILABLE) _____

=====

4. PROPERTY IDENTIFICATION (If a particular parcel or parcels of real property is involved in this appeal)

ADDRESS: _____ ACREAGE: _____

5. APPLICANT'S INTEREST IN SUBJECT PROPERTY OR ISSUE:

[] OWNER (including joint ownership) [] OTHER (describe your interest in the property on the lines provided below and provide the name, address and telephone number of the property owner. Consent of the property owner is not required. If you are appealing a decision rendered regarding a property that you have no direct interest in but the decision affects you in some way... for example, you are an adjacent property owner that would be affected by the decision being appealed.....state this in the space provided below).

6. APPEAL REQUEST:

APPLICANTS MUST ATTACH A COPY OF THE RULING OR NOTICE THAT YOU ARE APPEALING. FAILURE TO DO SO MAY RESULT IN THE PETITION BEING DISMISSED.

BRIEFLY DESCRIBE THE RULING OR ACTION FROM WHICH THIS APPEAL IS TAKEN:

DATE OF RULING OR ACTION: _____

BRIEF DESCRIPTION OF THE POSITION OF THE APPLICANT AS TO WHY THE DECISION SHOULD BE SET ASIDE:

OTHER FACTORS WHICH THE APPELLANT WISHES THE BOARD TO CONSIDER:

7. ADDITIONAL MATERIALS, FEES, POSTING AND ADVERTISING:

A. If desired, supplemental pages may be attached to this petition.

This original application and nine (9) copies of this petition must be submitted. If the applicant desires to submit supplemental materials, pages, etc., ten (10) copies are required. However, additional copies of original photographs and large graphic exhibits are not required. Single copies of original photographs and large exhibits are sufficient. Please do not mount large exhibits to foamcore or other rigid backing, as the exhibit becomes damaged when removed for placement in the file.

B. The undersigned agrees in matters involving land use, except in administrative appeals where the appellant has no authority to enter onto the property in question, to properly post the property at least 10 days immediately prior to the hearing and maintain the property poster(s) during the period the property is required to be posted.

C. The undersigned agrees to pay all costs in accordance with the current schedule of fees adopted by the Mayor and City Council. Make checks payable to "City of Hagerstown."

8. SIGNATURES

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

Signature of Counsel (if applicable)

Signature of Applicant

For more explanatory information, please go to page 4.

WHAT IS AN APPEAL AND WHAT ARE THE STANDARDS THE BOARD OF ZONING APPEALS USES TO MAKE ITS DECISION?

An appeal may be filed when an aggrieved party believes that the Zoning Administrator (or any other City employee or agency responsible for decisions based on the Zoning Ordinance) has made an error in their interpretation or understanding of the Zoning Ordinance.

For example... The Zoning Administrator has informed you that you must build your proposed building 20 feet from the property line. You read the Ordinance and your understanding of the Ordinance is that the building has only to be 15 feet from the property line. You believe the Zoning Administrator made a mistake.

In an appeal, the Board of Zoning Appeals can only determine whether the person or agency whose decision you are appealing made a mistake in reading and understanding the Ordinance. The Board cannot waive the requirements of the Ordinance in an appeal. If the Board determines that the Zoning Administrator read the Ordinance correctly, there was no error. If this determination is made, the Board cannot then say "but we will give it to you anyway."

Waiving bulk requirements (setbacks, parking, etc.) or requesting a special exception requires a different application, with different review and approval standards than what the Board can consider in an appeal alleging a mistake. Filing an appeal (using this application form) cannot be used to obtain a variance, special exception or other type of review within the purview of the Board of Zoning Appeals. You may obtain the appropriate application forms by contacting the Hagerstown Planning Department.

For more information, contact:

Telephone: 301-739-8577, extension 138

Fax: 301-739-3117

Hagerstown Planning Department

1 East Franklin Street, Hagerstown Maryland, 21740

E-Mail: planning@hagerstownmd.org

Last amended: September, 2008