

**CITY OF HAGERSTOWN BOARD OF ZONING APPEALS
APPLICATION FOR A SPECIAL EXCEPTION**

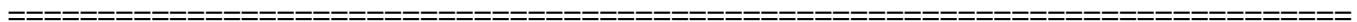
Planning Department Use Only: BZA Case No.: Z - ____ - ____ Date Received: _____ Drawing attached:
Zoning District: _____ City Tax Map No.: _____ Block: _____ Parcel: _____
Posting Deadline: _____ Assigned Hearing Date: _____ Deadline for Written Decision: _____

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. PROPERTY IDENTIFICATION
ADDRESS: _____ ACREAGE: _____

4. APPLICANT'S INTEREST IN SUBJECT PROPERTY:
[] OWNER (including joint ownership) [] OTHER (describe your interest in your the property on the lines below and provide the name, address and telephone number of the owner.
Attach written authorization from the owner of the property that they consent to this appeal, or have them sign this application form as a co-applicant.

5. SPECIAL EXCEPTION REQUEST:

The undersigned applies to the Board of Zoning Appeals for approval of a special exception under Section(s) _____ of the Zoning Ordinance (Article 4 of the Land Management Code), pertaining to the _____ Zoning District for the following use(s):

6. DESCRIPTION OF PROPOSED USE:

A. Present or most recent use of the subject property:

B. The proposed use of the property (including any existing or permitted uses of the property that would be conducted on the property in addition to the special exception use):

C. Please provide a description of the operation of the proposed use, including where applicable: types of activities; hours of operation; number of employees, occupants, and customers; quantity and types of vehicles and trips to be generated to and from the site:

D. Some special exception uses have specific performance conditions cited in the Zoning Ordinance. Please provide additional information necessary to determine whether the proposed special exception complies with specific performance criteria (when applicable).

E. Does the Zoning Ordinance have a minimum lot size requirement for this proposed use in this zoning district? _____ If yes, what is the minimum requirement? _____

F. Any other factors or information the applicant desires the Board to consider:

7. SPECIAL EXCEPTION SITE DRAWING

In order for the Board to have a clear understanding of the unique conditions of your property and your variance request(s), you must submit with this application a drawing of the property, showing the property lines, the property's relationship to adjacent streets and buildings, the location of existing buildings on the site an proposed improvements that would occur if the special exception is granted. Attach a copy to the original application form and each of the 9 copies to be submitted.

8. ADDITIONAL MATERIALS, FEES, POSTING AND ADVERTISING:

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

This original application plus nine (9) copies of this application must be submitted. If the applicant desires to submit additional 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 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".

9. 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

WHAT IS A SPECIAL EXCEPTION AND WHAT ARE THE STANDARDS THE BOARD USES TO MAKE ITS DECISION?

A special exception use is a use that is generally considered permitted in a zoning district , but the Board of Zoning Appeals must review the proposal to ensure that there are no unique impacts created by your proposal that inordinately impact adjacent or nearby properties more than is generally inherent to the use in this district.

Simply put, the Board makes sure that the proposed use is no worse at this particular site than it would be at any other property in the same zoning district. The process assumes there will be impacts. The question to be answered is: “are the impacts of the proposed use greater at this location than it would be at other properties in the same zoning district”?

In order to approve a special exception, the Board of Zoning Appeals must:

1. Receive this completed application, provided by you and submitted at the Planning Department
2. Find that they have the power to grant the special exception. The Board has no authority to grant a special exception for a use that is not listed on the list of permitted special exceptions.
3. Find that granting the special exception will not materially or adversely affect the public interest. In making this determination, the Board shall consider, among other things, the impact of the proposed use on neighborhood parking and whether any proposed activities will create adverse visual, odor, dust, and/or noise impacts for surrounding properties.

It is these standards that you should be prepared to address at your hearing in order for the Board to be able to approve your special exception.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and the issues considered in #3 above. Violation of such conditions and safeguards when made a part of the terms under which a special exception is granted, shall be deemed to be a violation of the Zoning Ordinance, subject to enforcement action.

For more information, contact:
Telephone: 301-739-8577, Extension 138
Fax: 301-739-3117

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