



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

FOREST CONSERVATION VARIANCE APPLICATION

Schedule C4

(Last Revised: January 1, 2021)

Submittal Requirements:

- Original Application and 13 copies, including Checklist
- 14 copies of all supporting documentation, 1 digital copy of all materials
- Filing fee (please consult current fee schedule)

Case No. FC - _____

Office Use Only

Munis No. - _____

Location of Property: _____
(Please include street address, if known)

Zoning District: _____ Tract Size: _____

Applicant's Name: _____

Trading As (if applicable): _____ Email: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Counsel for Applicant*: _____

Counsel's Name: _____ Email: _____

Mailing Address: _____

Telephone: _____ Fax: _____

*Legal counsel is not required, but if an attorney will represent you, please complete this section.

Applicant's Interest in Subject Property:

- Owner (including joint ownership)
- Other (on a separate sheet, describe your interest in the property on the lines provided 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.**)

This Chart for Staff Use Only

Date Accepted for Processing		
Maryland Department of Natural Resources Action	Date:	

Variance Requests:

The applicant applies to the Planning Commission for approval of a variance (or variances) to the Forest Conservation Ordinance as follows:

	**See Below	Applicable Section of Forest Conservation Ordinance (Article 7, LMC)	Type of Regulation	Ordinance Requirement	Variance Requested
Example		F.3.c.	Retention of existing large trees	Retain trees of 30 or more inches in diameter 4.5 feet above ground	Remove one 36-inch diameter elm tree. Tree is in dying condition due to disease and root disturbance
1.					
2.					
3.					
4.					
5.					

** For applications involving multiple lots or properties, use this column to identify the specific lot that is the subject of this individual request. If only one property is involved in this application, please disregard this column.

If more than five variances are being applied for, please attach a separate sheet of paper describing the remaining variances using this chart format.

Variance Exhibit:

In order for the Planning Commission to have a clear understanding of the unique conditions of your property and your variance request(s), when your application affects the layout of your project, you must submit a drawing of the project with your application. The drawing must show the conditions on the site, the unique circumstances that affect your request, and the conditions that would result if your request is approved.

Documentation Required in Ordinance to Justify Variance Requests:

The Ordinance (Article 7, Section M) requires that the following information be provided for the Planning Commission to entertain your request. The Planning Commission will make a decision on your application based on conformance with this information. The space following each criteria is provided to assist you in preparing your testimony to the Commission. For additional space, please attach additional sheets.

A. A person may request a variance from this ordinance be granted by the Planning Commission if the person demonstrates that enforcement would result in unwarranted hardship. Please describe your unwarranted hardship.

B. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

C. Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

D. Verify that the granting of the variance would not confer on the applicant a special privilege that would be denied to other applicants.

E. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

F. Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

G. Verify that the granting of a variance will not adversely affect water quality.

Maryland Department of Natural Resources Action:

A copy of this application will be sent to the Maryland Department of Natural Resources (DNR) within 15 days of its submission to the Planning and Code Administration Department. The DNR has the right and authority to initiate or intervene in an administrative, judicial, or other original proceeding or appeal in the state concerning an approval of a variance under the Natural Resources Article, Section 5-1601-5-1612, Annotated Code of Maryland, or this ordinance.

Such objection or intervention does not preclude the applicant from proceeding with the request, unless otherwise prohibited by law.

Additional Materials and Fees:

- If desired, supplemental pages may be attached to this application. **Fourteen copies of this application must be submitted. If the applicant desires to submit supplemental materials, pages, etc., 14 copies are required (original photographs and large graphic exhibits excepted). Please do not mount large exhibits to foam core or other rigid backing, as the exhibit becomes damaged when removed for placement in the file.**
- The undersigned agrees to pay all costs in accordance with the current fee schedule adopted by the Mayor and City Council. Please make checks payable to the “City of Hagerstown.”

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.

Attorney’s Signature (if applicable)

Applicant’s Signature

Property Owner’s Signature (if other than applicant)

City of Hagerstown, Maryland
Planning and Code Administration Department
One East Franklin Street, Suite 300
Hagerstown, MD 21740
T | 301.739.8577, Ext. 138
F | 301.790.2650

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