



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

WAIVER APPLICATION TO STANDARDS OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (ARTICLE 5)

Schedule W

(Last Revised: April 21, 2021)

Submittal Requirements:

Case No. ___ - 20___ - ___

Office Use

- Include this original schedule and nine copies, plus 10 copies of all support information when submitting your site plan, development plan or subdivision plat application.
- Forward an electronic version of this schedule and supporting documentation to PCAD staff.
- Waiver application filing fee (please consult current fee schedule).
- This form shall also be used when requesting a waiver but no plan submittal is required.

Name and Description of Project: _____

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

Engineering/Survey Company Name (if applicable): _____

Contact Person: _____ Email: _____

Telephone: _____ Fax: _____

Legal Counsel Name, Email and Phone (when applicable): _____

This Chart for Staff Use Only			
Date Accepted for Processing:		Review Date:	

The Planning Commission is authorized to reduce or waive, with appropriate justification, the information and design standards for plans and development found in Article 5 of the Land Management Code (the Subdivision and Land Development Ordinance) and select provisions of Article 4 (the Zoning Ordinance).

Article 5, Section A.6 states: Where the Commission finds that unnecessary hardships may result from strict compliance with these Regulations, or where the Commission finds that modification of these standards is in the public interest or in the interest in achieving the best quality of development design, or protects environmentally sensitive features worthy of preservation that will otherwise be damaged or destroyed, it may vary the provisions found in Sections E and G of this Article, so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of these Regulations. The applicant must establish that the request will meet one or more of the following conditions: PLEASE MARK BELOW WHICH CONDITION(S) YOU ADDRESS IN YOUR JUSTIFICATION.

- ___ a. Avoids an undue hardship that was not self-created and that results from the peculiar and uncommon conditions of the property;
- ___ b. Avoids a clearly unreasonable requirement that would not serve any valid public purpose;
- ___ c. Allows an alternative standard that is clearly proven by the applicant to provide equal or better results;
- ___ d. Allows a layout or improvements that would clearly be more in the public interest than what would occur if the modification were not granted;
- ___ e. Removes a requirement that is not appropriate, especially because of the small size of the proposed subdivision; or
- ___ f. A modification may also be granted where necessary for preservation of environmentally sensitive features.

Where a modification is granted, the Commission may attach such conditions as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.

Exemption:

There are provisions in the Ordinance that are written in a permissive manner, or state that the provision is at the discretion of the Planning Commission. In those cases, this waiver application will not be required, as it is not the applicant requesting relief to a specifically codified standard.

Instructions to Engineer/Surveyor, Developer or Applicant:

Complete the sections below, providing as complete answers as possible. Be sure to address the six criteria found on page 1 of this application. The Board will need to find that your request meets at least one of the six criteria in order to approve your request(s).

Applicant's Interest in Subject Property:

_____ 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 owner. Attach written authorization from the owner of the property that they consent to this application, or have them sign this application form as a co-applicant.)

Description of Proposed Use:

Briefly describe the proposed use of the property, including any existing or permitted uses of the property that would be conducted on the site. When this is to be attached to a pending subdivision or site plan, stating "see pending site plan...." and inserting the file number is sufficient.

Waiver Request(s):

The applicant applies to the Planning Commission for approval of a waiver (or waivers) to the requirements of Article 5 of the Land Management Code (Subdivision and Land Development Ordinance) as follows (use additional sheets as necessary):

	Section of Subdivision and Land Development Ordinance (Art. 5, LMC)	Type of Regulation	Ordinance Requirement	Variance Requested
Example:	I.4.h(7)	Minimum width of planting islands	8 feet	Reduce one island to 7 feet and one to 6 feet
1.				
2.				
3.				
4.				
5.				

Justification:

Provide an explanation as to why a waiver to the requirements of the Ordinance should be approved, citing such factors as unique circumstances of the property, existing improvements, etc. See the front page of this application for the six criteria used by the Commission. The Commission must determine that your request(s) meet at least one of these six criteria. Use and attach additional sheets as necessary.

Waiver Exhibit:

When a waiver request will be considered by the Planning Commission in conjunction with approval of a site plan or development plan, no additional exhibit is necessary. In cases where the waiver is requested in advance of Planning Commission review of a plan, or in the case where a waiver is needed but is not or will not be part of a required plan, the applicant shall 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 and proposed improvements that would occur if the waiver(s) is (are) granted.

Additional Materials and Fee Collection:

If desired, supplemental pages may be attached to this application. The original and nine copies of this application must be submitted. If the applicant desires to submit supplemental materials, pages, drawings, etc., ten copies are required. Original photographs and large graphic exhibits are exempt from the requirement for copies. Please do not mount large exhibits to foam core or other 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 schedule of fees adopted by the Mayor and City Council. 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.

NOTE: Signatures are not required when submitting as part of a pending, site plan, development plan or subdivision plat, where owner's authorization has previously been provided to initiate the development or subdivision process.

Attorney's Signature (if applicable)

Applicant's Signature

Property Owner's Signature (if other than applicant)

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