



# CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

## BOARD OF ZONING APPEALS – SPECIAL EXCEPTION APPLICATION

### Submittal Requirements:

- Original application with original signatures and 9 copies
- 10 copies of all site drawings and any additional supporting documentation
- Filing fee (please consult current fee schedule)

Case No. Z - \_\_\_\_\_  
Office Use Only

Munis #: \_\_\_\_\_

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

Size of Property (acres/square feet): \_\_\_\_\_

### Applicant's Interest in Property:

- Owner (including joint ownership)     Other (describe your interest in 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.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Trading As (if applicable): \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Daytime Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

### Attorney (legal counsel is not required, but if an attorney will represent you, please complete this section):

Name of Attorney: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

This Chart for Staff Use Only	Munis #:	
	Date Accepted for Processing:	Drawing Attached: Yes No
Zoning District:	Posting Deadline:	
Assigned Hearing Date:	Opinion Due:	

**Special Exception Request:**

The undersigned hereby 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):

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**Description of Proposed Use:**

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

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B. Proposed use of property, including any existing or permitted uses of the property that would be conducted on the site, in addition to the special exception use (include number and type of dwellings, area and use of commercial and industrial buildings and/or land uses):

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C. 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:

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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):

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E. If the Zoning Ordinance has a minimum lot size requirement for this proposed use, list the requirement or write “not applicable.”

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F. Please list any other factors or information you would like the Board of Zoning Appeals to consider.

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G. Special exception uses are required to provide parking required by Section O. of the Zoning Ordinance. Based on the requirements of Section O., how many parking spaces are required for this use? How many parking spaces are provided for this use and other uses on this property? On-street parking spaces shall not figure into the total number of spaces provided. Count only those spaces on the property. If the parking provided on the property does not meet minimum requirements for all uses on the subject property, the applicant may proceed but completing a variance application seeking the Board of Zoning Appeals’ approval of a variance to reduce this requirement is required.

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H. 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); see Section U.8.a.(7):

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**Special Exception Site Drawing:**

In order for the Board of Zoning Appeals to have a clear understanding of the unique conditions of your property and your special exception request(s), you must submit a drawing of the property with this application, 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 special exception(s) is/are granted. Attach a copy to the original application form and each of the nine copies submitted.

Attached to this application is a sample drawing for you to use as an example and guide in preparing a drawing for your application.

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**Additional Materials, Fees, Posting, and Advertising:**

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

**This original application form and nine (9) copies of the 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 graphic exhibits are sufficient. Please do not mount large exhibits to foam core or other rigid backing, as the exhibit can be damaged when removed for placement in the file.**

B. The undersigned agrees to properly post the property at least ten (10) days immediately prior to the hearing and maintain the poster(s) during the period the property is required to be posted. Failure to comply with this requirement will delay the Board hearing the case.

C. The undersigned agrees to pay all costs in accordance with the current fee schedule adopted by the Mayor and City Council. Checks are to be made 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.

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Attorney’s Signature (if applicable)

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Applicant’s Signature

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Property Owner’s Signature (if other than applicant)

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## **What is a Special Exception and what are the Standards Used by the Board to Make a 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 the proposal that would inordinately impact adjacent or nearby properties more than is generally inherent to the use in this district.

Simply stated, the Board makes sure that the proposed use is no worse at this particular site than it would be at any other typical 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 and Code Administration 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.

This is explained in more detail in the Zoning Ordinance, Section U.8.a.

It is these standards that you should be prepared to address at your hearing in order for the Board of Zoning Appeals 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.

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For more information, please contact:

**Hagerstown Planning and Code Administration Department**

City of Hagerstown, Maryland  
One East Franklin Street, Suite 300  
Hagerstown, MD 21740

T: 301.739.8577, ext. 138

F: 301.791.2650

Email: [planning@hagerstownmd.org](mailto:planning@hagerstownmd.org)

Last Amended: 2/5/2020

This drawing is an example of what will need to be provided as an exhibit with your special exception application. Simpler drawings may be acceptable depending on the complexity of the request.

