



# CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

## BOARD OF ZONING APPEALS – ADMINISTRATIVE APPEAL PETITION

### Submittal Requirements:

Case No. Z - \_\_\_\_\_

- Original application with original signatures and 9 copies
- Copies of the ruling or notice that is being appealed; failure to do so may result in the petition being dismissed
- 10 copies of all additional supporting information you wish to include
- Filing fee (please consult [current fee schedule](#))

Office Use Only

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. 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 (i.e., you are an adjacent property owner that would be affected by the decision being appealed), state this in the space provided below. You may attach an additional sheet.

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: \_\_\_\_\_

Respondent (person or agency whose decision you are appealing): \_\_\_\_\_

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

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

Email (if available): \_\_\_\_\_

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

**Appeal Request:**

Briefly describe the ruling or action from which this appeal is being taken:

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Date of Ruling or Action: \_\_\_\_\_

**NOTE: Maryland law and the Zoning Ordinance require that applications in appeals include the grounds on which this appeal will be argued. Failure to complete this section may result in your application being denied.**

Brief description of the position of the applicant as to why the decision should be set aside or reversed:

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Other factors which the appellant wishes the Board of Zoning Appeals to consider:

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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 this petition 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 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 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 (if different from owner)

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Property Owner's Signature (if other than applicant)

### **What is an Appeal and what are the Standards Used by the Board to Make a Decision?**

An appeal may be filed when an aggrieved party believes the Zoning Administrator (or any other City employee or agency responsible for decisions based on the Zoning Ordinance) 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 only has 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 Planning and Code Administration Department.

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For more information, please contact:

#### **Hagerstown Planning and Code Administration Department**

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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: 4/2016