



BOARD OF APPEAL'S APPLICATION
TOWN OF EMMITSBURG
300A South Seton Avenue, Emmitsburg, MD 21727
www.emmitsburgmd.gov · (301) 600-6300

SECTION A – DATA

Property Description

Address (full): _____

Tax Map / Parcel No: _____ Zoning Classification: _____

Applicant

Name: _____

Address (full): _____

Phone: _____ Cell: _____

E-mail: _____ Fax: _____

(If applicant is not the owner, consent to act on the owner's behalf is required)

Owner(s)

Name(s): _____

Address (full): _____

Phone: _____ Cell: _____

E-mail: _____ Fax: _____

Proxy (if applicable)

This is to certify that the undersigned has designated _____

as his/her representative to provide testimony and act on the owner's behalf at the Board of Appeal's meeting to be held on _____ (date), and any related lawfully adjourned meetings thereof. In no event shall this proxy be valid for a period longer than the legal decision rendered for this Board of Appeal's meeting. This proxy shall be revocable at any time at the request of the undersigned owner.

(Print Name)

(Signature)

SECTION B – INSTRUCTIONS

This section is to assist applicants in applying to the Board of Appeals. The process is explained in detail in Chapter 17.12 (§17.12.050 for variances & §17.12.060 for special exceptions) of the Town of Emmitsburg's Zoning Ordinance. Any information provided in these checklists is intended only as a guide. The applicant is advised to consult this Chapter as well as obtain the services of an attorney, engineer, or other professionals in completing this application and presenting evidence before the Board. The applicant is not required to be represented by third parties.

1. Attach appropriate written explanation / arguments that indicate how the applicant's request meets the requirements set forth for a variance (Section E) or a special exception (Section F), or on what grounds the appeal is based. Variance applicants must also attach a copy of a denied zoning permit. For appeals, attach a true copy of the Decision/Order/Determination of the Zoning Administrator.
2. Attach all drawings, photographs, plans, and/or illustrations, which will help explain the request. Six (6) copies of any documents are required. Any materials submitted with this application or entered as Exhibits during the hearing become the property of the Town of Emmitsburg and are kept with this application. Include existing and proposed building structures, driveways, parking, landscaping, property lines, etc. Be sure to include all dimensions where applicable.
3. It is the applicant's responsibility to locate property lines and to check the property deed for easements and restrictive covenants.
4. The Town's Board of Appeals meet on an as-needed basis. Complete applications, with exhibits, for consideration in any given month must be submitted within thirty (30) days from the decision being appealed from. The date, place, and time of the hearing will be confirmed by phone or mail. In addition, the Town's Zoning Ordinance requires the Board of Appeals (or their designated Town Official) to place a public hearing notice in a paper of general circulation in the Town at least once, not more than thirty (30) or less than ten (10) days prior to the hearing. The Town is also required to give not less than ten (10) days public notice thereof by the posting of not less than one sign of at least three (3) square feet in area.
5. The applicant, or their representative, shall present the request to the Board of Appeals and be available to answer questions, if needed.

The Board of Appeals may hold more than one hearing on an application, or may continue a hearing over several dates. All deliberations and decisions will be made in public at scheduled hearing dates and times. Many times, the Board will make its decision immediately following the conclusion of the hearing. The applicant or other aggrieved parties may make a Petition for Judicial Review to the Circuit Court of Frederick County within thirty (30) days of the Board's written hearing decision.

SECTION C – FEES

Example of service provided through fees include advertising, attorney, stenographer, & Town staff time.

Special Exception..... \$500.00

Variance..... \$300.00

Zoning Administrator appeals / interpretations..... \$300.00

Hearing continuances if requested by applicant..... \$150.00

SECTION D – Administration

Indicate type of application below: (Initial all that apply)

Chapter 17.12 of the Zoning Ordinance:

_____ Appeals from the determination of the Zoning Administrator

_____ Application for variance(s) from the terms of the zoning ordinance.

_____ Application for special exception(s) from the terms of the zoning ordinance.

_____ Other (explain): _____

Sworn Statement of Truth (Initial): (All applicants **must** complete this section)

Applicant, being duly sworn, says he/she is:

_____ the owner of the property in question.

_____ the authorized agent for the owner of record of the property for which the application is made. The owner’s signature authorization to his/her/its agent to act on owner’s behalf is required to be submitted.

_____ a person aggrieved.

_____ an officer or agency of the municipality.

The undersigned applicant hereby verifies that the statements made in this application, and all information and exhibits provided with this application are true and correct to the best of the applicant’s knowledge or information and belief. The applicant acknowledges that the Town or its representatives have not provided any legal representation and no opinion rendered by the Town or its representatives as to the validity of the applicant’s prospects for relief. I understand that false statements herein are made subject to the penalties of Maryland State law relating to unsworn falsification to authorities.

Individual Applicant: _____

Print Applicant Name

Signature of Applicant

Partnership/Corporate Applicant: _____

Name of Partnership / Corporation

THE APPLICANT MUST PROVE, BOTH IN WRITING AND THROUGH TESTIMONY, HOW THE VARIANCE REQUEST(S) MEETS THE RELEVANT CRITERIA STATED ABOVE.

SECTION F – SPECIAL EXCEPTION APPLICATIONS

The Board of Appeals may grant special exceptions. In deciding such matters, the Board shall give consideration, among other things to the following: (Reference: §17.12.060 of the Town of Emmitsburg Code).

1. Decisions of the circuit court of the County and the Court of Appeals of the state. _____

2. The orderly growth of the neighborhood and community. _____

3. The most appropriate use of land and structure. _____

4. Facilities for sewers, water, trash collection, and disposal, and the ability of the Town to supply such services. _____

5. Availability of fire-fighting equipment. _____

6. The effect of such use upon the peaceful enjoyment of people in their homes. _____

7. The number of people residing, working, or studying in the immediate areas. _____

8. The type and kind of structures in the vicinity where people are apt to gather in large numbers such as schools, places of worship, theaters, hospitals, and the like. _____

9. Traffic conditions, including facilities for pedestrians, such as sidewalks, safety zones, parking facilities available, and the access of cars on highways. _____

10. The preservation of cultural and historic landmarks. _____

11. The conservation of property values. _____

12. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the uses of surrounding properties. _____

13. The contribution, if any, such proposed use, building or addition would make toward the deterioration of areas and neighborhoods. _____

14. Accordance of contemplated action with an adopted Town plan. _____

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.