



For Official Use Only	
ZBA Case Number:	
Hearing Date:	
Ad Date:	
Application Fee:	\$650.00
Date Paid:	

Planning Department \* 140 W. Patrick Street\* Frederick, Maryland 21701 \* 301.600.1499

## ZONING BOARD OF APPEALS SUBSTITUTION OF NONCONFORMING USE APPLICATION

Please legibly print or type the following application in its entirety. Incomplete applications will not be accepted. **Submit the thirteen (13) copies** of this application, and any supporting information, along with appropriate fees, the application deadline date as specified on the Zoning Board of Appeals Schedule.

<b>APPLICANT INFORMATION - OWNER'S AFFIDAVIT MUST BE SUBMITTED WITH APPLICATION.</b>
Contact Name:
Firm/Company:
Address:
Phone: <span style="float:right">email:</span>
<b>OWNER INFORMATION</b>
Name:
Firm/Company:
Address:
Phone: <span style="float:right">email:</span>

<b>PROJECT INFORMATION</b>
Project Location: (Street Address)
Current Zoning: <span style="float:right">Current Name/Use:</span>
Proposed Use:

<b>JUSTIFICATION FOR SUBSTITUTION OF NONCONFORMING USE</b>
Section 308(c) states: <i>"The Zoning Board of Appeals may authorize conditional uses only when the Board finds that the following conditions exist: (Please respond to each condition statement in the area provided - use additional paper if necessary.)"</i>
(1) The proposed use is in harmony with the purpose and intent of the Comprehensive Plan and this Code.

<p>(2) The characteristics of the use and its operation on the property in question and in relation to adjacent properties will not create any greater adverse impact than the operation of any permitted use not requiring conditional use approval.</p>
<p>(3) That the proposed activity will comply with all conditions and requirements set forth in this Code, including any specific standards established in Article 8 of this Code.</p>
<p>Section 905(c) of the Land Management Code states: <i>The Zoning Board of Appeals may approve a substitution of a nonconforming use with another nonconforming use as a conditional use provided that all of the following conditions and requirements can be met:</i></p>
<p>1. The applicant assumes the burden of proof and shall sufficiently present facts and the Board shall determine that it is physically or economically impracticable to change the use of the lot or parcel to conforming use. Absence of this requirement shall automatically require the Zoning Board of Appeals to deny the conditional use.</p>
<p>2. The proposed substitution nonconforming use shall meet the off-street parking, off-street loading, and other applicable requirements of this Code that would normally be required for the establishment of a use in a district that allows the proposed use.</p>
<p>3. The applicant shall show that the proposed change of nonconforming use shall be less objectionable in external effects than the existing nonconforming use with respect to:</p> <ul style="list-style-type: none"> <li>a. Traffic generation and congestion, including truck, passenger car and pedestrian traffic;</li> <li>b. Noise, smoke, dust, gases, heat, odor, glare or vibration;</li> <li>c. Storage and waste disposal; and</li> <li>d. Appearance</li> </ul>
<p>4. The applicant must provide guarantees as deemed necessary by the Board to ensure that no hazardous or obnoxious effluent will be released into the air, water, or onto the ground and that all wastes and by-products will be disposed of in a safe and healthful manner.</p>

I hereby attest that the information provided on and attached to this application is complete and correct.

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Date

**AGENT AUTHORIZATION LETTER**

I / WE, \_\_\_\_\_, representing  
*(Individual's name -- please type or print in ink)*

\_\_\_\_\_,  
*(Corporate name, if applicable)*

being the current owner(s) of the property legally described as follows:

do hereby designate and authorize \_\_\_\_\_  
*(Individual's name -- please type or print in ink)*

representing, \_\_\_\_\_  
*(Corporate name, if applicable)*

to act as my / our agent in applying to the City of Frederick for \_\_\_\_\_

\_\_\_\_\_ approval in conjunction with the

\_\_\_\_\_ project involving the property described above, and  
to sign on my / our behalf all application forms and other documents which may be necessary for this purpose.

\_\_\_\_\_  
*(Signature of property owner)*

\_\_\_\_\_  
*(Type or print name of signatory)*

\_\_\_\_\_  
*(Title and corporate name, if applicable)*

All correspondence will be sent to the applicant. If the owner also wishes to receive a copy, please check box:

State of \_\_\_\_\_, County of \_\_\_\_\_

The foregoing indenture was acknowledged before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

by \_\_\_\_\_,  
who is personally known to me, or who has produced

\_\_\_\_\_ as identification, and who did / did not take an oath.

\_\_\_\_\_, Notary Public, State of \_\_\_\_\_  
*(Notary's signature)*

Commission No. \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Name of notary *(typed, printed, or stamped)* \_\_\_\_\_

\_\_\_\_\_  
(Date)

**Re: Application number** \_\_\_\_\_

**Project:** \_\_\_\_\_

Dear Neighbor,

I am applying to the City of Frederick Zoning Board of Appeals for approval  
of a \_\_\_\_\_(type) at \_\_\_\_\_(location)  
for the purposes of \_\_\_\_\_.

You are invited to attend the scheduled public meeting in support or in opposition of this  
request. Meeting details are as follows:

**Meeting Date:** \_\_\_\_\_

**Meeting Time:** 7:00 p.m.

**Meeting Location:** City Hall, 101 North Court

If you have any further questions about this request, please contact the Case Planner or  
me by phone at the numbers listed below:

Applicant's name and phone number: \_\_\_\_\_

Case Planner's name and phone number: \_\_\_\_\_

Sincerely,

(Applicants Name)

## NEIGHBOR NOTIFICATION PROCEDURE

**Required for annexation, master plan, area plan, major/minor site plan, and general text/map amendment (including HDO boundary change) applications, and all ZBA applications (except wheelchair accessibility variances).**

1. Complete the Neighbor Notification letter, included in the application, and available on the City of Frederick website.
2. Find the addresses for the properties that are next door, directly across the street, and directly behind your property (otherwise known as “adjacent and abutting properties”). A good resource is the State Department of Assessment and Taxation website. It can be found at [www.dat.state.md.us](http://www.dat.state.md.us). Click on “Real Property Data Search”, and then select “Frederick County” and “Street Address” on the next page. When you enter in your street name, it will provide you with a list of property owners on the street. Select those property owners who own the properties next door, and across the street. Even if you think you know the addresses of your neighbors, it’s a good idea to check this website because the letter needs to go to the property **owner**, and the property may be rented.
3. Make as many copies as you need of the letter, and put the letters in envelopes, addressed to all the adjacent and abutting property owners, but **DO NOT MAIL - YET**.
4. **At least 18 days prior to your public hearing**, take the letter in their envelopes to the Post Office, and ask the cashier/clerk for “certificates of mailing” for the letters. The clerk will give you a card to fill out for each letter that states to what addresses the letters are being sent. The certificates of mailing cost approximately \$1.05/letter. The clerk will stamp the certificates of mailing, and give them back to you. Planning Staff will not call you to remind you to mail your letters, so please do this at your earliest convenience. **If the letters are not mailed 18 days prior to the meeting, the case will be delayed one month due to improper advertising.**
5. Bring back in the stamped certificates of mailing (or a copy of them) for our files at least 18 days prior to the meeting. When you bring in the certificates, you will receive your sign to post on your property (for ZBA applications). The sign must be posted on the property 15 days prior to the meeting for Planning Commission and ZBA applications.