



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 INTENSIFICATION 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, by the application deadline date specified on the Zoning Board of Appeals Schedule.

APPLICANT INFORMATION - OWNER'S AFFIDAVIT MUST BE SUBMITTED WITH APPLICATION.
Contact Name:
Firm/Company:
Address:
Phone: email:
OWNER INFORMATION
Name:
Firm/Company:
Address:
Phone: email:
PROJECT INFORMATION
Project Location: (Street Address)
Current Zoning: Current Business Name/Use:
Description of the proposed intensification:

JUSTIFICATION FOR NONCONFORMING USE
Per Section 909 The Zoning Board of Appeals may authorize the intensification of a nonconforming use only when the Board finds that the following conditions exist: <i>(Please respond to each condition statement in the area provided - use additional paper if necessary.)</i>
(1) A lawful nonconforming use shall not expand or extend beyond the existing documented boundaries of the nonconforming activity or use on a property.
(2) A lawful nonconforming use may intensify the activities within the established boundaries of the nonconforming use or activity of a site. The Zoning Board of Appeals shall determine if the proposed intensification of the nonconforming use/activity is within the established historical boundaries and is not expanding beyond those historical, documented boundaries.

Evidence of these established boundaries shall include, but are not limited to aerial photographs, building permits, or similar written documentation.	
(3)	A use, activity, or construction shall not be permitted to intensify the nonconformity if it is determined that:
	A. It does not reflect the nature and purpose of the original, lawful non-conforming use
	B. It constitutes a use different in character, nature, and kind than the original nonconforming use, as opposed to merely a different manner of utilizing the original, lawful non-conforming use;
	C. It has a substantially different effect upon the neighborhood than the original, lawful nonconforming use;

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. 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.