This checklist is provided to you, for your information only, and is **not to be considered legal advice**.

**First**, and most importantly: You must understand that the relief you request is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. The Office Of Administrative Law will rule on the evidence and testimony to determine whether or not the petition will be granted.

**Second**: You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, though it is recommended that you consider obtaining legal representation. If you are incorporated, it is considered a requirement that you be represented by an attorney.

**Third**: It is strongly recommended that you read and understand the requirements of the BCZR and related policies.

**Fourth**: No employee of the Department of Permits, Approvals and Inspections (PAI) may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Administrative Law Judge rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied. For further information or to make the **required appointment**, please contact:

Zoning Review Office  
Department of Permits, Approvals and Inspections  
111 West Chesapeake Avenue  
Room 111  
Towson, MD 21204  
Telephone: 410-887-3391

**INDIVIDUAL RESIDENTIAL LOTS**

- Variances  
- Administrative Variances  
- Special Hearings  
- Administrative Special Hearings  
- Posting & Waivers

**YOU MUST MAKE AN APPOINTMENT TO FILE A PETITION**

Call 410-887-3391 to make an appointment and confirm filing fees. Due to the exacting review necessary for petition filing, petitions or revisions will not be processed or accepted if they are just delivered or mailed.
AUTHORITY AND PETITIONER’S BURDEN:

All requests for zoning residential lot variances and special hearings are handled by the Department of Permits, Approvals and Inspections (PAI), Zoning Review Office. Applications/forms are available from Zoning Review or online**. Hearings are scheduled before an Administrative Law Judge. The legislation that provides the Judge with the authority is in Sections 307 & 500 of the BCZR. The Director of PAI interprets and enforces the BCZR. Any disagreement with said interpretation may be taken to the Office of Administrative Law per Section 500.7 (BCZR).

** http://www.baltimorecountymd.gov/Agencies/permits/pdm_zoning/zonforms.html#forms

Legal representation is recommended in all cases, but in the case of a corporation, it is a requirement. The information that proceeds is provided to give the petitioner a basic understanding of the legal burden of proof that must be satisfied prior to the granting of the petition. It is not a substitute for private legal counsel nor should it be construed as legal advice.

Variances: Under the authority of Section 307.1 (BCZR), the Administrative Law Judge, applying the two-step test set forth in Cromwell v. Ward, 100 Md. App. 691 (1995), has the authority to grant variance from the height, area, parking, and sign regulations.

A. The first step requires the petitioner to prove, to the satisfaction of the hearing officer, that the property whereon structures are to be placed (or uses conducted) is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties.

B. The second step of the test requires that the petitioner demonstrate that strict compliance with the BCZR would result in either practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:

1. "To prove undue hardship for a use variance, the following three criteria must be met:

   (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).

   (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.

   (iii) Hardship was not the result of applicant's own actions.

2. To provide practical difficulty for an area variance, the following criteria must be met:

   (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

   (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.

   (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

C. No increase in residential density beyond that allowed by the BCZR shall be permitted.

D. The relief requested must be in strict harmony with the spirit and intent of height, area, parking, or sign regulations.

E. And only in such manner as to grant relief without substantial injury to the public health, safety, and general welfare.
Special Hearings:

Under the authority of BCZR Section 500.6, the Office of Administrative Law has the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass orders regarding these matters.

Under the authority of BCZR Section 500.7, any person can petition the Office of Administrative Law to hold a public hearing to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such a person in any property insofar as they are affected by the BCZR.

Use Permits:

Certain uses have singular, individual characteristics which make it necessary, in the public interest (even though other County permits may not be required), to specify regulations for each zoning classification. Under the authority of Section 500.4 (BCZR), the Director of PAI has the power to issue a use permit provided that all of the conditions for that particular use specified in the BCZR are met. Under the authority of Section 500.7 (BCZR), he has the right to require a public hearing whenever he deems it in the public interest.

YOU MUST MAKE AN APPOINTMENT TO FILE A PETITION

Call 410-887-3391 to make an appointment and confirm filing fees. Due to the exacting review necessary for petition filing, petitions or revisions will not be processed or accepted if they are just delivered or mailed. Revisions must be filed with the original filing intake Planner.

FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE. CALL TO CONFIRM COST. SIGN POSTERS FEES VARY. CONTACT POSTERS FOR THEIR SIGN FEES.

General Application Procedure:

A zoning hearing can only grant relief from the BCZR. It is your responsibility to contact other county/state agencies (See page 5) to determine if your plan meets their requirements!

Normally before granting relief, the Office of Administrative Law shall require advertising and posting of the property and shall require a public hearing. All orders of the Administrative Law Judge shall contain a finding of fact specifying the reason or reasons for granting or denying each request.

The normal time period from time of filing a petition until the time of receipt of the written order is usually somewhere between 45 and 60 days. Also, in addition to filing fees, costs are incurred for posting the property and advertising the hearing in area newspapers.

At the time of petition filing, petitioners will pay the filing costs. Be aware that fees are subject to change without notice. The posting must be arranged by the petitioner. The property must be posted and the posting sign must remain visible on the property for a period of 15 days. Check with your sign poster before removing the sign.

Zoning petitions may be filed with Zoning Review Office, PAI, only by appointment (M-F) during office hours on forms furnished by this office or online (see page 2 **). Information on the forms must be typed or printed legibly and signed by the legal owner(s) with address, work and home phone numbers and Email address provided. While the planner will assist the petitioner in interpreting the provisions of the BCZR applicable to their case, the request wording and all other information submitted in the application, shall be the sole responsibility of the petitioner(s).

County employees requesting a hearing must have Council approval. Speak to a planner.
Administrative Variances Hearing/Posting:

To save the individual Baltimore County homeowner time and money, effective March 30, 1990, an administrative variance procedure for an owner occupied residential lot was established pursuant to Section 32-3-303, Baltimore County Code. This procedure may not require newspaper advertising or a public hearing and, as such, the overall time period from the date of filing to written order will diminish and possibly save costs.

If a formal hearing demand (challenge) is not filed with Zoning Review by a property owner within 1,000 feet of site during the posting period, the administrative procedure may continue. Beyond 1,000 feet, a challenge is honored at the discretion of the Administrative Law Judge. The challenge fee is $60.00 paid by the challenger. (call 410-887-3391 to confirm the challenge fee.) Without paying the $60.00 processing fee for a demand for a full hearing, any interested party may address their concerns or concurrence to the hearing officer in writing, well in advance of a decision, c/o Zoning Review Office, which will be forwarded to the Judge making the decision.

Possible Full Public Hearing Required?:

If a hearing demand, as described above, is filed and/or if the Administrative Law Judge, decides there is a need, the application will leave the administrative process, necessitating advertising, re-posting, and a public hearing. In such cases, the petitioner will receive written notice that a standard public hearing will be scheduled under the standard time/cost framework. Petitioners will receive notification by mail. The new fees should be paid by mail upon receipt of the statements.

Who May Use The Administrative Variance Procedure?:

1. Legal owner(s) of a single family owner-occupied residential property.
   
   The above parties must submit a notarized affidavit attesting to the fact that they do now own and occupy said residential property and that there are no active Code Enforcement violation cases on the subject property.

Who May Not Use The Administrative Variance Procedure?:

1. Contract purchaser(s) of a single family residential property.
2. Petitioners filing a residential variance in combination with a special hearing and/or special exception. (Other than an Administrative Special Hearing for Historic Properties)
4. A builder or developer requesting variance(s) for lot(s).
5. Vacant lots for homes to be built are not eligible per Section 32-3-303, BCC.
6. Properties under an active zoning violation may not use this type of variance.

Administrative Special Hearing Waiver for Historic Properties

Per Section 500.7 BCZR and Title 32, Baltimore County Code, alterations to historic property may require a posting notification/or a waiver/public hearing similar to the Administrative Variance process. Contact the Landmarks Preservation Commission representative in the Office of Planning (410-887-3495). Use the following wording in the petition request:

Special Hearing to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2) to raze, alter or construct addition to building: (indicate type of work in this space).
The Petition Application Must Contain:

1. Twelve (12) copies of the hearing plan (14 for floodplain sites) with information as indicated on checklist. (See Example # 1).

2. Three (3) copies of petition, typed or printed, with original signatures and applicable information on each copy with daytime telephone numbers and Email address.

3. Three (3) copies of the property description. (See Page # 8).

4. One (1) copy of the GIS Zoning Map available from the Zoning Review Counter. (See Example # 2).

5. One (1) completed copy of the advertising and posting requirements and procedures form – To be completed at time of filing. (See last page of this checklist).

6. Filing Fees: Contact Zoning Review (410-887-3391) to confirm the fees. Variance or special hearing - $75.00 filing fee due at the time of petition filing. Newspaper will mail the bill to the party indicated on the advertising/posting form for required newspaper advertising. Posting fees vary and are billed by the sign poster you engage to post your property. An additional $75.00 (as a special hearing fee) is required for an amendment to a final development plan (required for any lot which is on an approved zoning final development plan).

An Administrative Variance Must Contain Items 1-6 Above, And:

1. Affidavit forms (reverse side of petition form) with original signatures and complete notarized statement that petitioners own and occupy the described residential property and that there are no active Code Enforcement violation cases on the site.

2. Photographs of the property indicating existing conditions, immediately adjacent dwellings, and area of proposed changes; each clearly labeled and identified for the filing review.

Review / ZAC Agencies: Once filed, the petition information is forwarded by Zoning Review to the Zoning Advisory Committee (ZAC) agencies as necessary for their review. The Petitioner(s) should contact the following agencies prior to plan preparation to be made aware of any comments/issues for their particular case.

1. Tax Assessments (SDAT)       410-512-4906
2. Development Plans Review (traffic issues) 410-887-3751
3. Fire Department 410-887-3998
4. State Highway Administration 410-545-5600
5. County Roads 410-887-3739
6. Planning (design, screening, landscaping, historic) 410-887-3211
7. Plans Review (construction/fire/floodplain codes) 410-887-3987
8. Department of Environmental Protection and Sustainability (DEPS) See following note* 410-887-3980
9. If floodplain, Department of Natural Resources 410-631-3902
10. If critical area, Maryland Office of Planning 410-767-4485

*NOTE: The Administrative Law Judge must have any DEPS Chesapeake Bay Critical Area (CBCA) comments before your order can be written.
100-Year Floodplains and waivers:

The 100-year floodplain information and requirements (Bill 173-93, 11/17/93) may be obtained in Public Works (room 311) and Building Plans Review (room 120) in the Baltimore County Office Building. Flood Plain waivers require a special hearing. The following wording must be used:

Riverine (No New Buildings): Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0, Building Code; and Sections 32-4-414, 32-4-107(a)(2), 32-8-301, BCC to (add, build, rebuild, repair, etc.) ___________________ in a riverine floodplain.

Tidal: Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0, Building Code, and Sections 32-4-414, 32-4-107(a)(2), 32-8-301, BCC to (add, build, rebuild, repair, etc.) ___________________ in a tidal floodplain.

Hearing Plan Requirements:

12 copies required. (14 for sites in a flood plain) The plans shall be legible, accurate and in no case can it be larger than 24" x 36". Plans must be trimmed or folded to a neat 8-1/2" x 11" size. Use of the checklist blank plan form is not required. Plans shall contain the following information:

1. **TEXT:** Election & Councilmanic districts, hearing type, subdivision information, owner’s name(s), property address, plan date, (if, or not in CBCA / historic / or floodplain), zoning, GIS map copy#, and any active zoning violation# with stated reasons for citation.

2. **DRAWING SCALE:** 1"=20', 1"= 30', 1"=40' or 1"=50'. If 40 acres or more, use 1"=100' scale.

3. **OUTLINE OF PROPERTY:** Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)

4. **VICINITY MAP:** A legible vicinity map with site outline must be included on all plans WITH SITE AND INTERSECTING ROADS CLEARLY AND ACCURATELY SHOWN AND NAMED. DO NOT PUT ON A SEPARATE SHEET; IT MUST BE ON THE SITE PLAN SHEET!

5. **PRIOR ZONING CASES:** The case #, date of the order(s), what was granted or denied, and any restrictions from prior zoning case(s), must be listed on the hearing plan.

6. **CURRENT OR OUTSTANDING ZONING VIOLATIONS:** Any correction notice # and/or citation # and the inspector’s name must be listed on the hearing plan.

7. **OWNERSHIP:** On subject and adjacent properties including owner’s name(s), lot numbers, subdivision name, 10 digit tax account numbers, and/or deed references. See your GIS Map copy, and contact SDAT or Land Records for more complete information.

8. **LOCATION:** North Arrow, Street address and names of adjoining street(s), beginning point of description and distance from property corner to the nearest public street centerline. Measure this onsite or use record plats, SDAT records, or the utilities maps from room 206, County Office Building.) This beginning point and distance should start the written zoning description.

9. **STREETS, WIDENING, R/W, EASEMENTS:** Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements with the stated type/purpose or any right-of-ways shown and labeled as being public or private.

10. **BUILDINGS:** Use, dimensions, height and location of all existing buildings/improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if changing. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
11. **STREET SETBACKS:** If a new dwelling is proposed or the new addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.

12. **UTILITIES:** Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities drawings are available in Room 206, County Office Building.)

13. **FEATURES:** Location of streams, storm water management systems drainage, pipe systems on or within 50 feet of the property, and the location of the 100 year floodplain (if any). If floodplain or not, state this on the plan, including the elevation.

14. **B.O.C.A.:** Buildings must meet the building code and fire code requirements.

15. **SPECIAL REQUIREMENTS:** For special hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required. For waterfront construction (over the water), such as piers and piles, ask for a copy of the checklist for waterfront construction.

16. **SPECIAL DISTRICT OR AREA LOCATION:** For sites located in the Back River Neck or Bowleys Quarters Peninsula districts or in the Martin State Airport 3 mile proximity radius, check with Zoning Review for applicability of any special regulations as they relate to your petition request.

**EXAMPLE # 1 HEARING PLAN:**

(12 COPIES OR IF FLOOD PLAIN, 14 COPIES. DESIGN YOUR SCALED DRAWING (See Page 6, # 2) TO FIT THE PROVIDED BLANK PLAN FORM. IF A LARGER PLAN IS NEEDED, YOU MAY ENLARGE THE BLANK PLAN FORM BEFORE ADDING YOUR CHECKLIST DETAILS.)

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**PLAN DRAWN BY:** ROBERT SMITH **DATE:** 3/30/11 **SCALE:** 1 INCH = 40 FEET
THE ZONING PETITION PROPERTY DESCRIPTION:

Three (3) typed copies (separate pages) of the zoning description of the property is required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed are too wordy but some of the information must be used. (Note: Old deed information such as perches or a stone, etc. cannot be used as is.) Read your deed, your location survey and your State Assessment record to determine which of the three options you should use. **DO NOT PHOTOCOPY THE DESCRIPTION IN THE DEED.** The zoning property description must include Part A and Part B:

**PART A (START DESCRIPTION WITH THE FOLLOWING):**

ZONING PROPERTY DESCRIPTION FOR________________________________________ (address or location)

*Beginning at a point on the (north, south, east or west) side of (name of street on which property fronts) which is (width of street right-of-way in feet) feet wide at a distance of (# of feet) feet (north, south, east or west) of the centerline of the nearest improved intersecting street (name of street) which is (width of street right-of-way in feet) feet wide.

**ALERT!**

*Be aware that the Beginning Point and the distance in feet to the street centerline intersection, as stated in the zoning property description, must be shown and labeled on the hearing plan. The lot area (total square feet or acres) on the hearing plan and the zoning description must agree.

**PART B (CONTINUE DESCRIPTION WITH ONE OF THE FOLLOWING 3 OPTIONS):**

**OPTION 1 (Metes and Bounds Sample – lot not part of record plat or minor subdivision):**

**THIS IS A SAMPLE ONLY:** Thence the following courses and distances: (1st Point of Call-“POC”) N.87 12' 13" E. 321.1', (2nd POC) S.18 27' 03" E. 87.2', (3rd POC) S.62 19' 00" W. 318', and (4th POC) N.08 15' 22" W. 80', back to the point of beginning as recorded in Deed Liber (__), Folio (__), containing (# of total square feet or acres of lot). Located in the (__ ) Election District and (__) Council District.

or

**OPTION 2 (Subdivision Lot – lot is part of record plat):**

Being Lot #(__), Block (__), Section #(__) in the subdivision of (name of subdivision) as recorded in Baltimore County Plat Book #(__), Folio #(__), containing (# of total square feet or acres of lot). Located in the (__ ) Election District and (__) Council District.

or

**OPTION 3 (Minor Subdivision Lot Sample):**

**THIS IS A SAMPLE ONLY:** Thence the following courses and distances: (1st Point of Call-“POC”) N.87 12' 13" E. 321.1', (2nd POC) S.18 27' 03" E. 87.2', (3rd POC) S.62 19' 00" W. 318', and (4th POC) N.08 15' 22" W. 80' back to the point of beginning, as recorded in Deed Liber (__), Folio (__), containing (# of total square feet or acres of lot). Located in the (__ ) Election District and (__) Council District. Also known as Lot #(__) in the minor subdivision of (name of minor subdivision), minor subdivision # (_--__ _ --M), as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.
The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: ____________________________

Property Address: ______________________________________________________________

Property Description: ______________________________________________________________

_______________________________________________________________________________

Legal Owners (Petitioners): __________________________________________________________________

Contract Purchaser/Lessee: __________________________________________________________________

PLEASE FORWARD ADVERTISING BILL TO:

Name: ____________________________________________________________________________

Company/Firm (if applicable): ____________________________________________________________

Address: ____________________________________________________________________________

_______________________________________________________________________________

Telephone Number: ____________________________________________________________________

Revised 7/9/2015