



Zoning Review  
Department of Permits, Approvals and Inspections  
Baltimore County Office Building  
Towson, MD 21204

# ZONING CHECKLIST

## PART I: NON-RESIDENTIAL BUILDING PERMITS AND/OR PART II: ZONING PUBLIC HEARING APPLICATIONS

### PART I

Please be aware that this checklist is for your information only and **it is not intended to offer, or to be considered, legal advice.**

Revised 7/2024

=====

This checklist is a guide in preparing plans and information for building permit (PART I) and/or zoning public hearing (PARTS I and II) applications. Ten (10) copies of the site plan must accompany an application for a building permit, while for zoning hearings four (4) and one (1) PDF. TO AVOID TIME-CONSUMING AND COSTLY DELAYS, ALL CHECKLIST INFORMATION MUST BE INCLUDED ON THE PLAN AND/OR IN THE HEARING APPLICATION.

1. \_\_\_\_ NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, ZONING MAP NUMBER(S) AND TITLE PLAN "PLAN TO ACCOMPANY \_\_\_\_ PERMIT", (OR HEARING TYPE(S) AS APPLICABLE) AND THE DATE. Zoning Hearing Plans and Descriptions must be sealed by a MD registered Professional Engineer, Surveyor or Landscape Architect.
2. \_\_\_\_ SCALE OF DRAWING: Use Engineers Scale of 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'. If acreage exceeds 40 acres, use 1" = 100' scale.
3. \_\_\_\_ OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances, gross and net area (acres and square feet) of parcel(s). This also applies to zoning hearing areas on the site with the POB and intersecting street name and distance shown and matching the sealed zoning description(s) required for all zoning hearing applications.
4. \_\_\_\_ VICINITY MAP: A vicinity map must be included on all site plans with the scales of 1" = 200', 1" = 500', or 1" = 1,000' WITH THE SITE AND HEARING LOCATIONS CLEARLY AND ACCURATELY OUTLINED AND LABELED.
5. \_\_\_\_ PREVIOUS COMMERCIAL PERMIT: Number(s) and the work on the same property and the approximate date of the last improvement listed on the plan or if very old, age of building and parking spaces.

6. \_\_\_\_ ZONING HEARINGS, CRG, DRC, WAIVERS: The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed in detail on the plan. List any CRG, DRC, or waiver approval dates and file numbers and dates on the plan, along with the type granted. Also reference any authorized changes on a previously approved plan. State if or not the property is under active zoning violation(s), state the reason for citation, and add the case number and the inspectors name.
7. \_\_\_\_ ZONING: Zone lines on and adjacent to the site must be clearly shown and labeled on the plan. Copies of the GIS zoning map may be obtained from PAI, room 124, County Office Building.
8. \_\_\_\_ OWNERSHIP: Of parcel(s) and relation of parcel(s) to adjacent property including tax account number (10 digits), deed reference numbers, lot numbers, and subdivision name.
9. \_\_\_\_ LOCATION: Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street centerline. For hearing plans, match it to zoning description.
10. \_\_\_\_ STREETS, WIDENING, RIGHT-OF-WAY, EASEMENTS: Include all existing public boundary streets with the existing right-of-way width and paving width. ALSO INCLUDE ANY RIGHT-OFWAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE OF MARYLAND. Include any existing or proposed easements or right(s)-of-way and indicate public or private. (For Baltimore County roads, Room 200 and Room 206, County Office Building; State Highways: phone number (410-545-5600.)
11. \_\_\_\_ USES, BUILDINGS: Existing location and proposed use of all buildings (or additions) and property, show building locations, orientations and uses on adjacent properties. Note height and number of stories.
12. \_\_\_\_ DIMENSIONS, SETBACKS: Dimensions and orientation of buildings and setbacks from property lines, include all setbacks between buildings.
13. \_\_\_\_ STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setbacks an BL, BM, and BR zones per Section 303.2, BCZR, and Policy 3-2.1. Also see average setback requirements if in a CR District in 259.3.C.2.
14. \_\_\_\_ ENTRANCES: Location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, R/R ties. (For County requirements, Developers Engineering at 887-3751 or State Highways at 410-545-5600.)
15. \_\_\_\_ SIGNS: All existing and proposed, location, height, square footage, illumination, setback from existing or proposed right-of-way, and note if single or double-faced. See Permit Drawing/Detail Checklist on the County Website at the Zoning Forms Summary under Permits, Approvals and Inspections. Note all signs will comply with Section 450 BCZR or list the required relief and BCZR Section references for the zoning hearing.
16. \_\_\_\_ UTILITIES: Show location and size of public utilities and the right-of-way both adjacent to and on-site. In the event that no public water or sewer exist, the means for providing proper well and septic system must be indicated. (Public utilities, room 206, County Office Building.)
17. \_\_\_\_ FEATURES: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property and the 100-year floodplain, if any. State flood plain status.
18. \_\_\_\_ FLOOR AREA, GROSS (Floor Area Ratio) CALCULATIONS: (Used for parking calculations.) The floor area ratio is the total gross floor area of all the floor areas of all the buildings on a site, divided by the gross site area. The gross site area includes up to one-half of the boundary streets to which the property has right of access, up to a maximum of 30 feet.
19. \_\_\_\_ HEIGHT DETERMINATION: Tent must be included for buildings above 40 feet (see Section 231, BCZR). Where a building height determination is required and Section 231 does not apply, use Zoning Policy 1-8 and show a scaled detailed drawing on the plan.

20. \_\_\_\_ AMENITY OPEN SPACE (AOS): Location and square foot calculations in the following zones: R.A.E.-1, R.A.E.-2, R.O., OR-1, OR-2, O.T., S-E, B.L.-C.C.C., B.L.-C.T., B.M.-C.C.C., B.M.-C.T., B.R.-C.C.C., and B.R.-C.T. The qualifying AOS areas within the net lot area must be shaded, dimensioned and separate areas subtotaled in square feet on the plan print and included in the AOS calculations in the notes.
21. \_\_\_\_ FIRE HYDRANTS: Location of fire hydrants and distance to the property.
22. \_\_\_\_ SITE PLANS: Must be trimmed to a neat 8-1/2" x 11" or, where larger prints are necessary, they shall be folded to that size with the title block showing. THEY MUST BE LEGIBLE. AND NO LARGER THAN 24" X 36" (unless authorized by the intake review Planner).
23. \_\_\_\_ REQUIRED OFF-STREET PARKING AND CALCULATIONS: On the site plan for all uses on the property pursuant to Section 409, BCZR, and the attached standards and samples.
24. \_\_\_\_ SPECIAL USE REQUIREMENTS: Must show compliance on the plan with the applicable zoning regulations and BCZR Sections, to include, but not limited to the following: Farm and agricultural operations (S. 404); waterfront construction/facilities (S. 417); car wash (S. 419 and 409.10); amusement devices (S. 422 and 423); child care (S. 424); assisted living (S. 432); truck facilities (S. 410, also see online checklist.); service stations (S. 405); damaged or disabled vehicles and parts (S. 405.A); uses with automotive stacking such as banks, drive-through restaurants, etc. (S. 409.10); business / industrial parking in a residential zone (S. 409.8.B.2); In DR zones, RTA requirements (1B01.1.B.1).
25. \_\_\_\_ BASIC SERVICES MAPS: State if the site is, or is not, in any failed Basic Services Map areas. If in a failed area, identify it and state what action is being taken to resolve the issue.
26. \_\_\_\_ ZERO SETBACK BUILDINGS: Must meet building code, as well as fire code requirements, with regard to type of construction, windows, etc.
27. \_\_\_\_ FEES: For the permit filing fees contact Permits and Licenses at (410-887-3900). For all required development review fees contact Development Management at (410-887- 3335). Zoning Hearing fees vary; contact Zoning Review at (410-887-3391) to confirm filing costs.

# REQUIRED NUMBER OF OFF-STREET PARKING SPACES

## CHART IS ONLY A GUIDE AND IT DOES NOT SUPERCEDE SECTION 409 BCZR

RETAIL/BEAUTY OR BARBER SHOP/SKATING RINK.....5/1,000	GROUP CHILD CARE/NURSERY SCHOOL.....1/Emp. (Minimum 2)
SHOPPING CENTER 100,000 SQ. FT. G.L.A. ** .....5/1,000	HOSPITAL..... 1.5/BED
HOTEL/MOTEL/ROOMING&BOARDING/TOURIST HOME...1/RM / SUITE	MARINA/BOAT YD ..... 0.5/SLIP / STORAGE SPACE ON LAND
NURSING HOME OR ASSISTED LIVING FACILITY (ALF)* ..... 1/3 BEDS	POOL HALL/ARCADE ..... 4/1,000
MANUFACTURING/WAREHOUSE..... 1/EMP	SCHOOLS (ALL)... 1/EMP..VISITOR/STUDENT ..... PER REVIEW
POOL (community) ..... 1/7 PERSONS (capacity per Health Dept.)	POOL (commercial) ..... 1/4 PERSONS (capacity per Health Dept.)
RESTAURANT (standard, ie; with seating (no CLASS "D" LIC).....16/1,000	RESTAURANT (carry-out only) .....5/1,000
TAVERN/NIGHT CLUB/DANCE HALL/CATERING HALL..... 20/1,000	CLASS "D" LIQUOR. LIC. USES (ALL) .....20/1000
ATHLETIC CLUB/HEALTH SPA (3/COURT) OTHERWISE..... 10/1,000	CONTINUING CARE FACILITY .....1/DWU..ALF/NURSING SEE*
HOUSING FOR THE ELDERLY..CLASS A..1/1.5DWU...CLASS B...1/DWU	GOLF COURSE..8/HOLE...DRIVE RANGE/MINI GOLF ..... 1.5/TEE
BOWLING ALLEY .....4/LANE	RELIGIOUS ASSEMBLY/THEATRE/AUDITORIUM..... 1/4SEATS
AUTO SALES..DISPLAY/OFFICES/PARTS..5/1,000...SERVICE..3.3/1,000	SERVICE GARAGE (no fuel sales) ..... 3.3/1,000
FURNITURE/CARPET STORE..RESEARCH & LAB USES.....2.5/1,000	FUNERAL HOME..... 10/1,000...1/2EMP..... 1/BUSINESS VEHICLE
DORMITORY...1/4BEDS...FRAT OR SORORITY HOUSE..... 1/2BEDS	FUEL (AUTO) SERVICE STATION.....SEE SECTION 405
CAR WASH..... SEE SECTION 419	TRUCKING FACILITIES** .....SEE SECTIONS 410 /409/TF CHKLST
TOWSON (C.T.) DISTRICT PARKING**, .....SEE SECTION 409	HISTORIC BUILDINGS** ..... SEE SECTION 409
OFFICE (GENERAL) / PERSONAL SERVICE.....3.3/1,000	OFFICE (MED)/CLINIC..VETS OFFICE/VETERINARIUM...4.5/1,000

### NOTES:

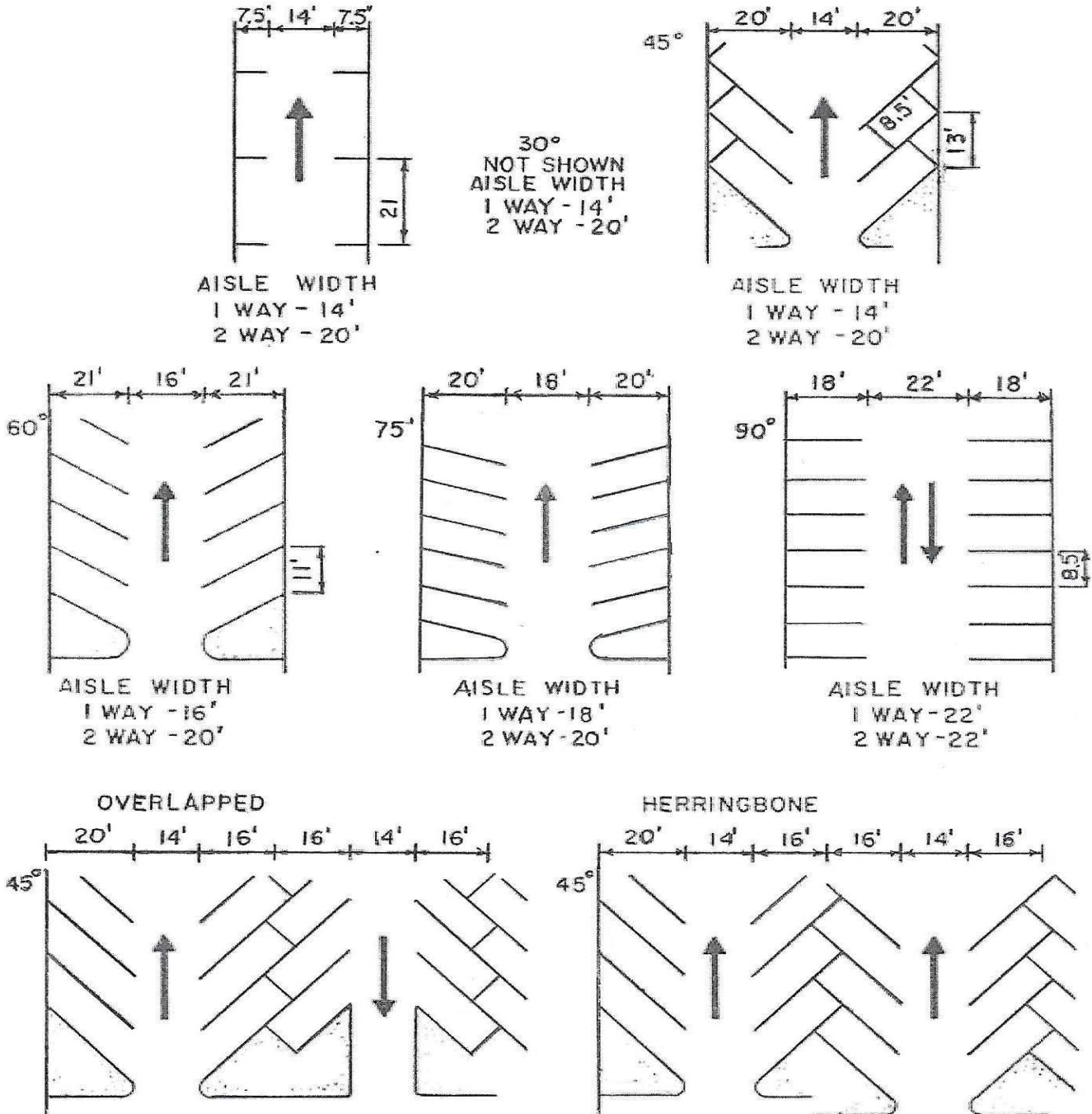
CONTACT ZONING REVIEW FOR PARKING CALCULATIONS NOT LISTED  
 MIXED USES MEANS MIXED CALCULATIONS SUBTOTALLED AND OVERALL  
 ROUND EACH FRACTIONAL CALCULATION TO THE HIGHER WHOLE NUMBER  
 Example: 5 parking space per 1,000 sq. ft. of gross floor area is written as 5/1,000  
 Employee: 1 parking space per employee is written as 1/Emp.  
 \*\* = see Section 409 for details/exceptions/special regulations  
 DWU = Dwelling Unit

Sample: required / provided parking space calculations:  
 Proposed general office: 6,000 sq. ft. @ 3.3/1,000 = 19.8 or 20  
 Proposed retail space: 3,500 sq. ft. @ 5/1,000 = 17.5 or 18  
 Total required parking spaces = 38  
 Total parking provided (on-site parking spaces) = ##

# Sample Parking Layouts

See BCZR 409.4.C

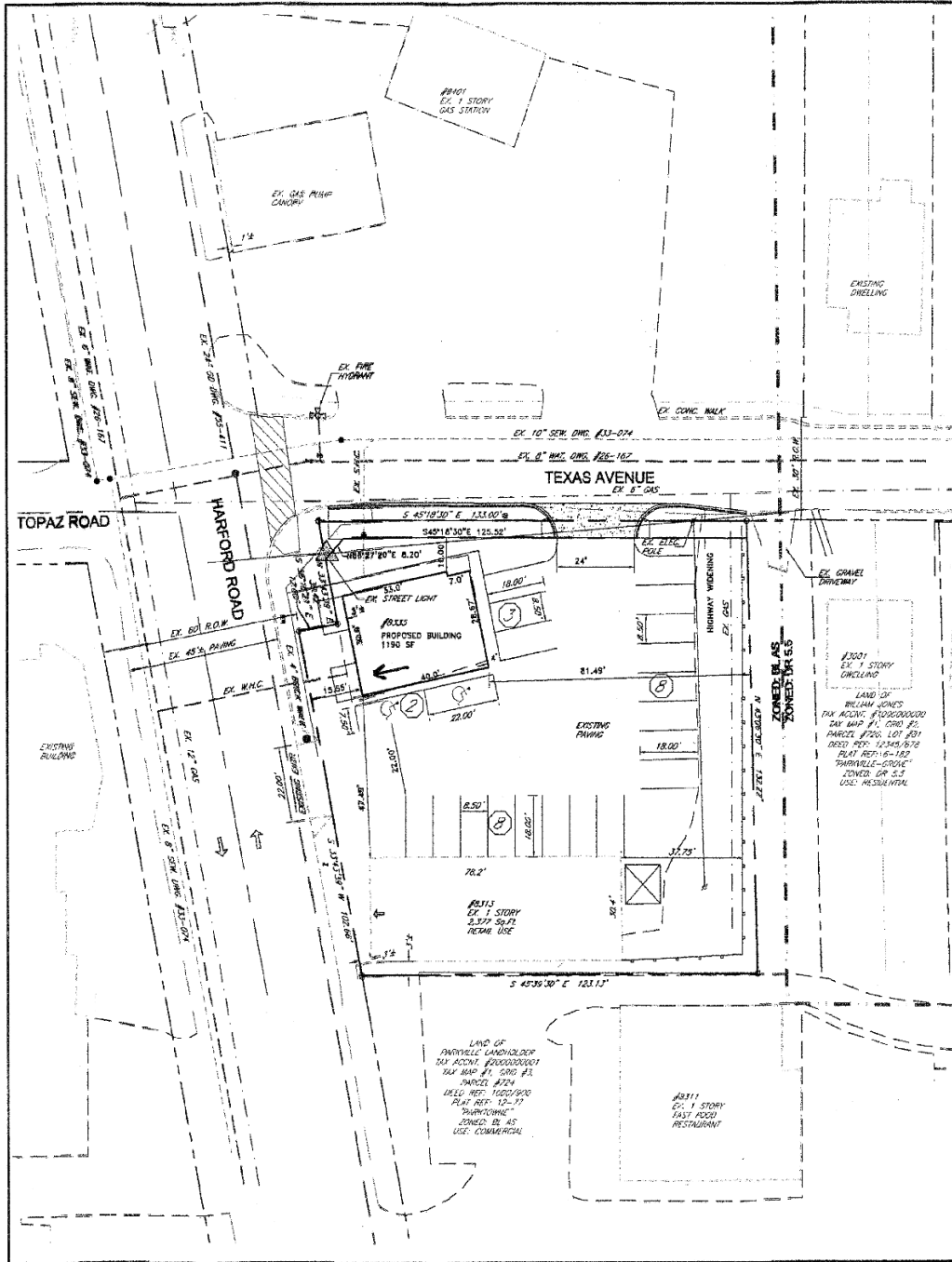
Parking examples are **NOT TO SCALE**



All parking maneuvering, access, aisles are required to be paved and striped per BCZR Section 409.8.

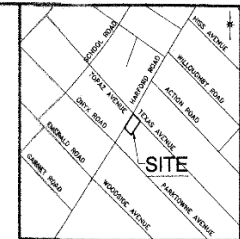
# OFF-STREET PARKING REQUIREMENTS

1. \_\_\_\_ PAVING: (type and extent), STRIPING, AND 10-FOOT SETBACK TO A STREET R/W (8 feet if existing on 5/26/88 and documented) and must be clearly indicated on the plan and notes.
2. \_\_\_\_ DESIGN STANDARDS, SCREENING, AND LANDSCAPING: must be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 32-4-404 of the Baltimore County Code. (See Section 409.8.A.1, BCZR.) Contact County Landscape Architect at 410-887-3751.
3. \_\_\_\_ CURBING: or anchored wheel stops must be provided around parking lots and must be located not to interfere with the required landscaping and screening. Show a detail for wheel stops.
4. \_\_\_\_ DEAD-END PARKING BAYS: require a back-around or turn-around. Traffic circulation must be shown by the use of arrows on the plan. (See Section 409.8.A.5, BCZR.)
5. \_\_\_\_ LIGHTING: Add note: "Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential site and public streets." Indicate placement, height, and direction on the plan and show protected by curbing or landscaping. If no lighting, state so. (See Section 409.8.A.3, BCZR.)
6. \_\_\_\_ ENTRANCES: on County roads for one-way traffic; 17 feet wide. Two-way traffic; not less than 24 feet nor more than 30 feet wide. Monumental entrances shall be provided with a minimum 2-foot wide median. Traffic lanes; not less than 17 feet nor more than 24 feet wide. Inbound lane not less than 18 feet the nor more than 36 feet wide for outbound. Entrances minimum 7.5 feet to property line. (Contact Developers Engineering, 410-887-3751.)
7. \_\_\_\_ ENTRANCES: on State roads are subject to the approval of the State Highway Administration. (Contact: Bureau of Access Permits at 410-545-5600.)
8. \_\_\_\_ DRIVE-THROUGH STACKING REQUIRED: BANK - 5 for first station, 2 for each additional station; RESTAURANT - 7 per station and 5 behind order board; CAR WASH - see Section 419, BCZR; OTHER USES - as determined by Zoning Review. *NOTE:* Do not count the space(s) at the service window(s). Drive-through lanes must be clearly marked by striping or pavement markings, may not block parking spaces, maneuvering aisles or cross the (clearly shown) principal pedestrian access.
9. \_\_\_\_ COMPACT OR SMALL CAR SPACES: When more than 50 spaces are provided in office and industrial uses and parking structures for residential and lodging uses only. Space size 7.5 x 16 feet (angled) and 7.5 x 18 feet (parallel) are permitted up to 40% maximum of the required spaces. All dimensions, calculations, and typical spaces must be on the plan. (Section 409.5)
10. \_\_\_\_ LOADING: (commercial or industrial) must be shown on the plan and be adequate to accommodate the size and use of the building in addition to all other parking requirements. Loading spaces may not impede normal vehicle circulation or block required spaces.
11. \_\_\_\_ HANDICAPPED: For parking space requirements. (Contact: Plans Review 410-887-3987).
12. \_\_\_\_ ADJUSTMENTS: (allowed in office and industrial): TRANSIT - 5% reduction; RIDESHARING - 10% reduction; SHARED PARKING - see Section 409.6.B.3, BCZR.
13. \_\_\_\_ BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE: may be granted by the Office of Administrative Law after a 15 day posting procedure. If a request for a public hearing is filed within this time period, a Special Hearing is required (see Section 409.8.B, BCZR). *NOTE:* In the D.R. zone, within a residential transition area, all RTA requirements must be met or a variance must be granted. (See Section 1B01.1.B.1, BCZR.)



**GENERAL NOTES:**

- OWNER: JOHN DOE  
108 MASON STREET  
ESSEX, MARYLAND
- SITE AREA:  
GROSS: 23,609 Sq.Ft. or 0.542 Ac.±  
NET: 17,021 Sq.Ft. or 0.391 Ac.±
- BUILDING AREA:  
EXISTING: 3,132 Sq.Ft.  
PROPOSED ADDITION: 81 Sq.Ft.  
TOTAL PROPOSED: 3,213 Sq.Ft.
- UTILITIES:  
PUBLIC WATER,  
PUBLIC SEPTIC.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100270F, PANEL # 270 OF 580 DATED SEPTEMBER 26, 2008.
- PARKING CALCULATIONS:  
RESTAURANT (CARRY-OUT ONLY)  
REQUIRED: 1190 Sq.Ft. @ 5 PER 1,000 = 6 SPACES  
RETAIL STORE  
REQUIRED: 2,377 Sq.Ft. @ 8 PER 1,000 = 12 SPACES  
TOTAL REQUIRED = 18 SPACES  
PROVIDED: 21 SPACES  
SPACES (2 HANDICAPPED, 19 REGULAR)
- SETBACKS:  
REQUIRED PROVIDED  
FRONT 2' 3'  
SIDE 10' 10'±  
REAR 20' 81'±
- HEIGHT OF STRUCTURE:  
MAX. PERMITTED: 40'  
PROVIDED: EXISTING: 16' PROPOSED: 16'
- DEED REF: 12690/43
- TAX ACCOUNT: #140208610-140208612 & 1402089310
- COUNCILMANIC DISTRICT: 6th
- REGIONAL PLANNING DISTRICT: 316
- CENSUS TRACT: 4921.01
- WATERSHED: BACK RIVER
- ZONING: BL-AS  
(PER 1"=200' ZONING MAP 081A1)
- TAX MAP #81, PARCEL #720, LOT #'S 1-5
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- PERMITS ON FILE: 8733121 INTERIOR ALTERATIONS AND ADDITION  
8746552 FRONT AND REAR ADDITIONS
- FLOOR AREA FOR BL:  
MAXIMUM PERMITTED: 3.0  
EXISTING: 3,132 + 23,609 = 0.133  
PROPOSED: 3,168 + 23,609 = 0.134
- EXISTING FREE STANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- PREVIOUS ORD MEETINGS:  
021810C FOR THE ADDITION ON THE SIDE  
081010C FOR THE ADDITION TO THE REAR  
122110B FOR THE RECONSTRUCTION OF THE BUILDING
- AVERAGING PROVISION OF NEAREST BUILDINGS TO THE NORTH AND SOUTH OF THE PROPOSED BUILDING. PER DISCUSSIONS WITH THE ZONING OFFICE THIS SETBACK WILL SATISFY THE AVERAGING PROVISION FOR FRONT SETBACK IN ACCORDANCE WITH BCZR SECTION 303.2. THE BUILDING IS BEING CONSTRUCTED IN THE SAME LOCATION AS THE EXISTING BUILDING EQUAL WITH THE PREVIOUS FRONT BUILDING LINE.



**LOCATION MAP**  
SCALE: 1" = 500'

**Mainstreet Engineering, Inc.**

121 Zoning Avenue  
Towson, Maryland 21284  
Phone: 410-592-1234

PLAN TO ACCOMPANY  
BUILDING PERMIT  
FOR THE  
**RESTAURANT**  
8335 HARFORD ROAD

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DESIGNED BY: RBR	SCALE: 1" = 30'
DRAWN BY: RBR	SHEET NO.:
DATE: 01-27-11	1 OF 1

# PART II

## ADDITIONAL INFORMATION FOR NON-RESIDENTIAL ZONING PUBLIC HEARING APPLICATIONS (to be included with PART I / Checklist site plans when filing a petition)

### FOR NON- RESIDENTIAL VARIANCES, SPECIAL HEARINGS, SPECIAL EXCEPTIONS, WAIVERS AND USE PERMITS

**First:** and most importantly: You must understand that the relief you have requested 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. Unless incorporated, you are not required to have an attorney, but it is strongly recommended that you consider obtaining legal representation. If you are incorporated, it is a requirement that you be represented by an attorney.

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

**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.

When you have completed the following steps, **petitions may be submitted by using the U.S. Postal Service, private delivery service (FedEx, UPS, etc.) or in-person drop-off at the Zoning counter. Revisions will not be processed or accepted if they are just delivered or mailed. Revisions must be filed with the original intake Planner.**

---

#### AUTHORITY AND PETITIONER'S BURDEN:

### **INFORMATION ONLY, NOT LEGAL ADVICE**

All requests for non-residential variances, special hearings, special exceptions, and use permits are handled by the Department of Permits, Approvals and Inspections (PAI). *Applications are obtained from and filed with the Zoning Review section of PAI* and all hearings are scheduled before an Office of Administrative Law Judge (**ALJ**). The enabling legislation providing the Administrative Law Judge (**ALJ**) with this authority is in Sections 307 and 500 of the Baltimore County Zoning Regulations (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). If the site in question is to be approved by the Administrative Law Judge (**ALJ**) as part of the development process, the public zoning requests will be considered concurrently with the development proposal.

**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.



**ALL HEARINGS ARE SCHEDULED IN THE ORDER RECEIVED. FAILURE TO ACCEPT AND/OR POSTPONE TWO (2) SCHEDULED HEARING DATES, ADVERTISE AND/OR POST SIGNAGE, WILL RESULT IN THE PETITION CASE BEING DELAYED AND RETURNED TO THE END OF PENDING CASE FILES. A NEW HEARING DATE WILL BE RECHEDULED IN THE ORDER THAT IT IS RECEIVED. IN ADDITION, A RECHEDULING FEE OF \$250.00 MAY BE REQUIRED.**

## VARIANCES

Under the authority of Section 307.1 (BCZR), the Administrative Law Judge, (ALJ) 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 ALJ, 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 must 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.

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

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

- (i) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser realization than that applied for would give substantial relief.
  - (ii) 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 zoning regulations shall be permitted.
  - D. The relief requested must be in strict harmony with the spirit and intent of height, area, off-street parking, or sign regulations.
  - E. And only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

## SPECIAL HEARINGS

Under the authority of Section 500.6 (BCZR), 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 his order regarding this matter.

Under the authority of Section 500.7 (BCZR), 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 effected by the BCZR.

# USE PERMITS AND WAIVERS

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 certain use permits (certain others are issued under the authority of the Office of Administrative Law) provided that all of the conditions for that particular use specified in the BCZR are met. Under the authority of Section 500.7 (BCZR), the Director has the right to require a public hearing whenever the Director deems it in the public interest. Waivers, such as for flood plain construction also require a public hearing and must follow the zoning hearing intake and filing procedures.

## 100-YEAR FLOODPLAINS AND WAIVERS

The 100-year floodplain information and requirements (Bill 173-93, 11/17/93) may be obtained in the Development Plans Review Division (room 107) and Building Plans Review (room 110) in the Baltimore County Office Building. Flood Plain waivers require a Special Hearing. The following wording must be used:

**Riverine Wording:** (No New Buildings): Special Hearing for a waiver pursuant to BCZR Section 500.7; Building Code Parts 123, 124, 125; and BCC Sections 32-4-414, 32-4-107(a)(2), 32-8-301 to permit a proposed \_\_\_\_\_ (i.e., replacement or rebuilt building/structure; repair to a building/structure, etc.) in a riverine floodplain.

**Tidal Wording:** Special Hearing for a waiver pursuant to BCZR Section 500.7; Building Code Parts 123, 124, 125; and BCC Sections 32-4-107(a)(2), 32-8-301 to permit a proposed \_\_\_\_\_ (i.e., new building/structure; addition to a building/structure; replacement or rebuilt building/structure; repair to a building/structure, etc.) in a tidal floodplain.

**Note:**

DRC recommendations must accompany the petition and the State Department of Natural Resources (DNR), must also review all petition documents as part of the Zoning Advisory Committee (ZAC).

## SPECIAL EXCEPTIONS

Because not all uses fit neatly into permitted categories or zones, and under certain conditions various uses could be detrimental; the uses listed as special exceptions in the BCZR are permitted only if granted by the Office of Administrative Law, under the authority of Section 500.5 (BCZR). In cases of petitions for special exceptions under Section 502 of these regulations, the Office of Administrative Law shall hold a public hearing. After the hearing, the ALJ shall pass his order granting or refusing the special exception. In granting any special exception, the Administrative Law Judge must find that the use for which the special exception is requested will not:

- A. be detrimental to the health, safety, or general welfare of the area;
- B. create congestion in roads, streets, or alleys;
- C. create a potential hazard from fire, panic, or other dangers;
- D. overcrowd land and cause undue concentration of population;
- E. interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements;
- F. interfere with adequate light and air;
- G. be inconsistent with the spirit and intent of the BCZR;
- H. be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR.

In granting any special exception, the ALJ may impose such conditions, restrictions, or regulations as he deems necessary or advisable for the protection of surrounding and neighboring properties.

# GENERAL APPLICATION PROCEDURE

A zoning hearing can only address issues as regulated by the BCZR. (Certain hearings, such as flood plain waiver public hearings are an exception to this.) You must contact other county/state agencies to determine if your plan meets their requirements!

Normally before granting any relief, the Office of Administrative Law shall require advertising and posting of the property and shall require, as applicable, a public hearing. All orders of an ALJ 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 90 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. The petitioner will also receive a list of approved sign posters and the petitioner is responsible for hiring one of these approved posters to properly post the subject property with two (2) signs. The two (2) posting signs must remain *visible* on the property for a period of at least 20 days before the hearing and/or closing date.

Zoning petitions may be filed with PAI by appointment only. Applications/forms are available from Zoning Review or online.\*\* All information on the forms must be typed or printed and they must be signed by the legal owner(s) or a corporate officer, with his/her title, the address, zip code, work and home telephone numbers and Email address provided. While the planner will assist the petitioner in interpreting those provisions of the BCZR applicable to the particular case, the final wording of the request and other information submitted, as set forth in the application, shall be the sole responsibility of the petitioner(s).

\*\* [http://www.baltimorecountymd.gov/Agencies/permits/pdm\\_zoning/zonforms.html#forms](http://www.baltimorecountymd.gov/Agencies/permits/pdm_zoning/zonforms.html#forms)

## THE APPLICATION MUST CONTAIN

- **Petition:** 3 (three) original petition forms signed and filled out as indicated. Any person signing as an authorized agent of the petitioner or contract purchaser must be able to bind the petitioner or contract purchaser to a legal contract. Their position must be indicated and where any doubt as to the person's authority may exist, a letter of authorization is required.
- **Plats:** PDF file or 3 (three) a copies of a **sealed** hearing plan with all information as indicated in this checklist.
- **Description:** 3 (three) separate copies of a **sealed description** of the property, beginning with the distance to the nearest improved intersecting street centerline, **as indicated in this checklist**.
- **Zoning Map:** 1 (one) copy of the GIS zoning map with the location and boundaries of the property accurately depicted (matching the sealed description) and the official 5 digit zoning map number (example: 070A2). Obtain map from the Zoning Review Counter **or** obtain map from the following web address: **bcgis.baltimorecountymd.gov/myneighborhood** and click on the "Map Views" button and then the "Development & Permits" tab. (See Example 4 on Page 14).
- **Fee:** 1 (one) filing fee of \$500.00 for each separate request of a variance, special hearing or special exception maximum charge of \$1,200.00 for one property/lot). Checks must be made payable to Baltimore County, Maryland. (Be aware that fees are subject to change without notice)
- **Advertising Form:** 1 (one) completed copy of the advertising form. You will be billed directly by the newspapers.
- **Posting:** Applicant is responsible for the posting (securing and paying an approved sign poster). The current list of approved sign posters is available in the Zoning Review Office.

# THE ZONING HEARING 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 comply with 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 (number of feet of right-of-way width) wide at the distance of (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street (name of street) which is (number of feet of right-of-way width) wide.

\*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 (number of total square feet or acres in lot). Located in the ( \_ ) Election District and ( \_ ) Council District.

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 (number of total square feet or acres in lot). Located in the ( \_ ) Election District and ( \_ ).

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. 18', and (4th POC) N.08 15' 22" W. 80' back to the point of beginning, as recorded in Deed Liber ( \_ ), Folio ( \_ ), containing (number of total square feet or acres in 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.

## REVIEW AGENCIES

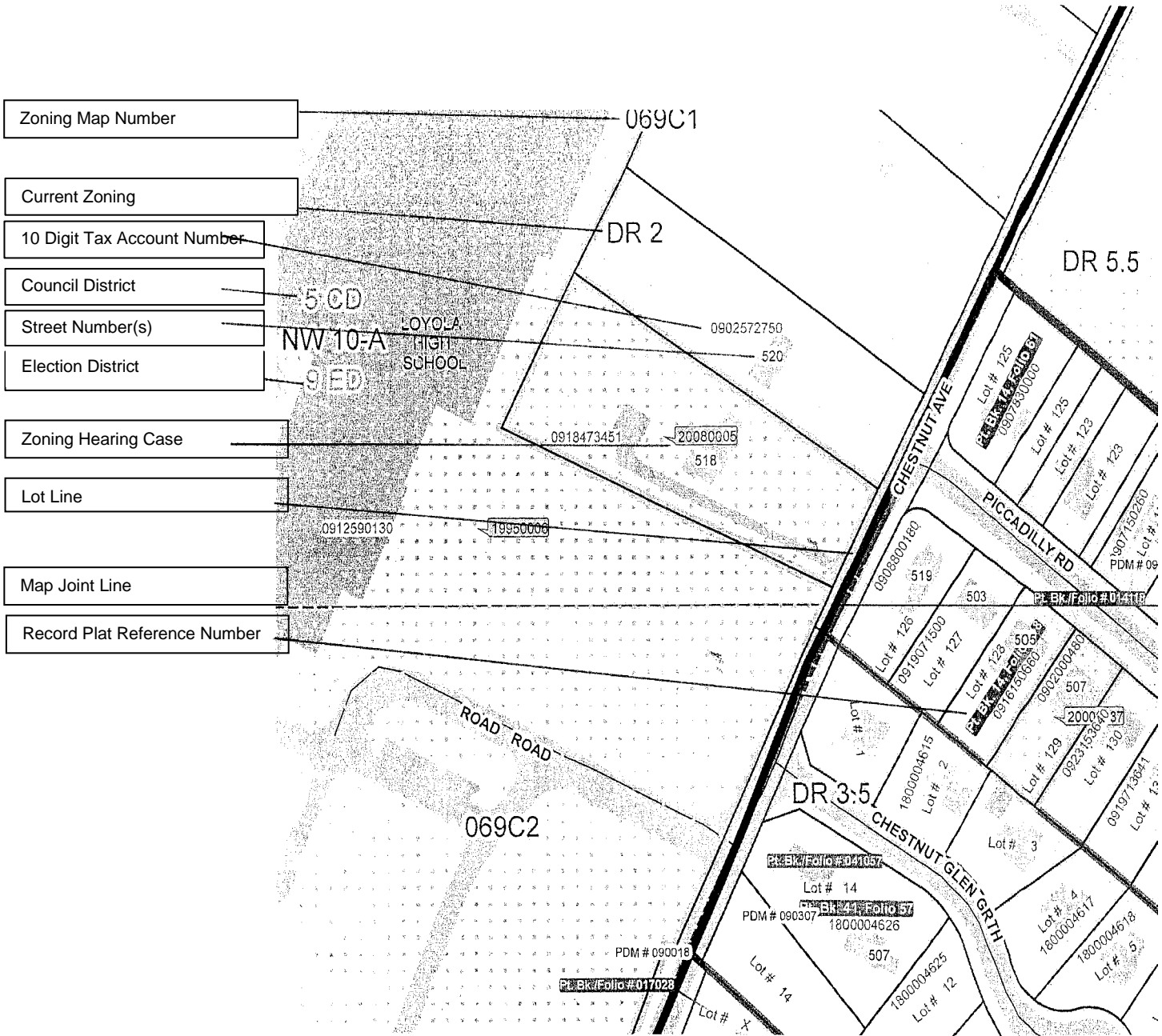
Prior to preparing the required plans, the petitioner or the engineer should contact the following agencies for pertinent data that may be required.

- |  |                           |
|--|---------------------------|
| 1. 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 plans)                           | 410-887-3987              |
| 8. Department of Environmental Protection and Sustainability (DEPS) (see note) | 410-887-3980              |
| 9. If <i>floodplain</i> , Maryland Department of the Environment               | Kevin.Wagner@Maryland.gov |
| 10. If <i>critical area</i> , Maryland Office of Planning                      | 410-767-4485              |

**NOTE:** For CBCA (Critical Area) sites: Without **DEPS comments** the ALJ will not write an order.  
**Floodplains and historic buildings should be identified and addressed as needed.**  
**Flood Plain** determination/issues call the Dept. of Public Works at 410-887-3300.  
**Historic** issues/questions call the Office of Planning at 410-887-3480.

# EXAMPLE #2 - GIS MAP COPY

Available from the Zoning review counter. The color copy of this map is required for petition filing. This black and white example is keyed to the map information outlining the hearing site clearly on this map.



# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 **two** signs 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: \_\_\_\_\_

Legal Owners (Petitioners): \_\_\_\_\_

Contract Purchaser/Lessee: \_\_\_\_\_

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

\*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.