

DEPARTMENT OF PLANNING AND ZONING CUSTOMER ASSISTANCE GUIDE

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ADMINISTRATIVE VARIANCES

ADOPTED JULY 2008

Administrative Variances are defined by the Zoning Ordinance as "A *modification of the setback requirements of this Zoning Ordinance granted by the Administrative Variance officer in accordance with Section 11-3.*" The Administrative Variance Officer is "The *Director of the Department of Planning & Zoning or another designee authorized by the Board of County Commissioners to grant administrative variances in accordance with Section 11-3 of this Zoning Ordinance.*" The purpose of the Administrative Variance is to delegate approval authority to grant setback variances for single-family residences, accessory residential structures, and additions to residences and accessory structures to the Administrative Variance Officer.

An applicant seeking a variance may request the same of the Board of Appeals, pursuant to Section 11-1.01.A of the Zoning Ordinance, without first applying for an administrative variance.

SUMMARY OF ADMINISTRATIVE VARIANCE CRITERIA ***See Section 11-3.01 of the Zoning Ordinance for regulations***

The Administrative Variance Officer may grant setback variances **only** where it is demonstrated that peculiar and unusual practical difficulties exist on the parcel which warrant a setback variance, and such difficulties are created by exceptional narrowness, shallowness, or shape of the parcel, by reason of exceptional topographical conditions, or by other extraordinary situations or conditions affecting the property. The applicant shall demonstrate that the following additional criteria have been met:



1. The requested variance shall not reduce required setbacks by more than 50 percent and in no case shall the required setback be reduced to less than five feet.
2. The proposed structure for which a variance is requested shall not exceed 1000 square feet in gross floor area.
3. The administrative variance is **not** intended to authorize the Administrative Variance Officer to grant variances to State or local requirements that are intended to protect environmentally sensitive areas, such as streams, slopes, wetlands, natural heritage areas, or critical areas.
4. Administrative variances may not be granted for after-the-fact variance requests or to correct a zoning violation. Such variance requests shall be made to the Board of Appeals.

ADMINISTRATIVE VARIANCE PROCESS

1. **APPLICATION.** A person requesting an administrative variance must file the required application with the Department of Planning and Zoning. The application shall consist of the following:
 - Referral Form – A copy of the referral form prepared by the Department of Planning & Zoning staff member responsible for referring the case for variance review. It must indicate the purpose of the referral and the Zoning Ordinance section from which relief is sought.
 - Application Form – A completed application form.
 - Application fee – Fee schedule can be found in application package.
 - Affected Property Owner List & Signed Forms - Written documents bearing the signatures of all affected property owners demonstrating that they agree with the requested variance for the specific, proposed development activity. Affected property owners include all owners of all properties that abut the side or rear property line from which an administrative variance is sought; or in the case of an administrative variance request for front setback adjustment, all owners of all properties that abut a side property line of the subject property and those whose properties lie directly across the street from the subject property
 - A scale drawing of the property showing the location and size of proposed structures and any additions to existing structures, as well as the distance between those structures and/or additions and all property boundaries.
2. **PROCEDURE.**
 - Upon acceptance of the application, the Administrative Variance Officer shall mail a confirmatory notice to all affected property owners providing them with an opportunity to comment on the request within 10 calendar days.
 - The applicant shall obtain an Administrative Variance Sign from Planning & Zoning and post the property with a notice of the variance request for a period of 10 days after acceptance of the application by the Administrative Variance Officer. An "Affidavit of Sign Posting" form shall be submitted to Planning & Zoning upon completion of the 10 day posting.
 - If adverse comments are received from any property owners objecting to the variance request, the applicant shall be required to withdraw the application and submit a variance request to the Board of Appeals.
 - Prior to making a decision, the Administrative Variance Officer may visit the property to verify information contained in the application.
3. **DECISIONS.** Unless delayed by actions of the applicant or affected property owners, the Administrative Variance Officer shall decide the issue raised by the application within 30 days of acceptance of the application. The decision shall be in writing and shall include findings of fact that support the decision. In granting an administrative variance, the Administrative Variance Officer may impose conditions that are reasonable or necessary for the protection of surrounding and neighboring properties.

4. **DENIALS.** If the application is denied, all future variance applications involving substantially the same proposal on the same property shall be submitted to the Board of Appeals.
5. **APPEALS.**
- Any Applicant aggrieved by a decision on an Administrative Variance may apply for a variance from the Board of Appeals in accordance with Section 11-1.01.A of the Calvert County Zoning Ordinance.
 - Any person or persons, other than the applicant, aggrieved by an Administrative Variance decision may file an appeal with the Clerk to the Board of Appeals no later than 30 days from the date of the Administrative Variance Officer's decision.

If you have any questions concerning these regulations or any activities not specifically mentioned, please do not hesitate to call the Department of Planning and Zoning at 410-535-1600, ext. 2356.

<i>This publication has been approved by:</i>	<i>Date:</i>
 Gregory A. Bowen, Director Planning and Zoning	 Douglas A. Parran County Administrator

**ADMINISTRATIVE VARIANCE
FEE SCHEDULE**

Single Variance.....	\$75.00
Multiple Variances.....	\$75.00 per Variance
Revision to a Previously Approved Variance.....	\$75.00
Revision/Modification of a Variance.....	\$75.00

One complete application package must be filed in order for a variance case to be created and reviewed. The attached application form contains details and requirements submitting the application. Complete applications shall be submitted to the Department of Planning & Zoning.

Application fees will only be refunded if written notice of withdrawal of the application is received in the Department of Planning and Zoning prior to the review of the application.

APPLICATIONS AND PLANS THAT ARE INCOMPLETE ARE NOT CONSIDERED TO HAVE BEEN PROPERLY SUBMITTED AND WILL BE RETURNED TO THE APPLICANT FOR COMPLETION BEFORE BEING REVIEWED .

APPLICATION PACKAGES

One (1) complete application package and the appropriate application fee must be submitted to the Administrative Variance Planner in order for an application to be reviewed. Applications must include the following:

- A completed application form attached to a plan of the proposed construction or use. The plans must include all the detailed information noted below.
- A single copy of the referral form prepared by the Department of Planning and Zoning staff member responsible for referring the case for variance review. It must indicate the purpose of the referral and the Zoning Ordinance section from which relief is sought.

PLAN REQUIREMENTS

- A plat of the property, drawn to scale. The scale must be no smaller than 1 inch = 40 feet for house plot plans, or 1 inch = 50 feet for larger development site plans.
- Sediment and erosion control measures and stormwater management devices, as required for the development type (you may need to contact Soil Conservation Service and Div. of Engineering, respectively)
- Tree cover and location of existing and proposed major tree and shrub areas, and the limit of clearing and/or disturbance
- For lots created in subdivisions prior to 1984, calculations of impervious surfaces for the entire lot
- Building Restriction Lines
- Dimensions of existing and requested structures and improvements, including principal and accessory buildings and structures, walkways, driveways and roads, well and septic system
- Distances to property lines of the requested development
- Floodplains, waterways and wetlands, including named waterways and unnamed streams and wetlands, and the distances to these waterways and wetlands from the proposed development or activity
- Required buffers from wetlands and waterways
- Critical Area line if applicable
- A plan exhibiting Health Department approval, where applicable, must be provided. Additional information or documents may be included with the application and will be retained in the file for the case.

***** The Administrative Variance Officer has the authority to waive the requirement for any of the information noted above. The Administrative Variance Officer may also require additional information before rendering a decision on your request. *****

**CALVERT COUNTY
ADMINISTRATIVE VARIANCE**

150 Main St.
Prince Frederick, MD 20678
410-535-2348 * 301-855-1243
TDD 800-735-2258

(P&Z USE ONLY) FEES: PER FEE SCHEDULE Date Filed: _____ Fees Paid: _____ Receipt No.: _____ Rec'd By: _____ Case No.: _____

APPLICATION FOR VARIANCE

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE ADMINISTRATIVE VARIANCE OFFICER AND STAFF THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION:

Tax Map No. _____ Parcel _____ Block _____ Section _____ Lot _____

Tax ID No. _____ Property Zoning Classification _____

Property Address _____

Has subject property ever been before the Board of Appeals? ___ (yes) ___ (no)

Has subject property ever submitted for/received Administrative Variance? ___ (yes) ___ (no)

If yes to either, give Case No. and date: _____

PROPERTY OWNER(S):

PRINTED NAME(s): _____

MAILING ADDRESS: _____

TELEPHONE: HOME: _____ WORK _____ CELL _____

EMAIL ADDRESS _____

Owner's Signature and Date

Co-Owner's Signature and Date

APPLICANT (if different from owner):

PRINTED NAME: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS _____

Applicant's Signature and Date

Co-Applicant's Signature and Date

**ADMINISTRATIVE VARIANCE
REFERRAL FORM**

The purpose of the preliminary project review is to determine the variance necessary for completion of the project you propose. You must have this form completed by the appropriate Planning and Zoning staff member before filing your application for review.

Property Owner _____

Property Address _____

Property Location: Tax Map _____ Parcel _____ Lot _____ Section _____ Plat _____

Project Description _____

Zoning _____ Permit No.(s) _____

The project described above requires the following variance(s), in accordance with the Zoning Ordinance sections noted:

Variance Required	Zoning Ordinance Section

Applicant's Signature:

Name

Date

This project was reviewed by the undersigned staff member:

Name

Date

PURPOSE OF VARIANCE

REQUEST IS FOR: (check all items that apply)

- Variance
- Multiple Variances
- Revision to a Previously Approved Variance

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage).

DIRECTIONS TO PROPERTY FROM COURTHOUSE: (NOTE: FAILURE TO PROVIDE COMPLETE AND ACCURATE DIRECTIONS MAY RESULT IN A DELAY TO YOUR CASE)

AFFECTED PROPERTY OWNERS LIST

YOU MUST LIST THE NAMES AND ADDRESS OF ALL AFFECTED PROPERTY OWNERS. THIS INCLUDES ALL OWNERS WHICH ABUT THE SIDE AND REAR PROPERTY LINE FROM WHICH THE VARIANCE IS SOUGHT. IN THE CASE OF A VARIANCE REQUEST TO THE FRONT SETBACK, THIS INCLUDES THE OWNERS OF ALL PROPERTIES THAT ABUT A SIDE PROPERTY LINE AND LIE DIRECTLY ACROSS THE STREET FROM THE SUBJECT PROPERTY. NOTE: FAILURE TO CORRECTLY LIST NAMES AND ADDRESSES OF ALL AFFECTED PROPERTY OWNERS MAY RESULT IN A DELAY TO YOUR REVIEW.

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

IF YOUR PROPERTY ADJOINS A PRIVATELY OWNED ROAD, YOU MUST LIST THE NAME AND ADDRESS OF THE OWNER BELOW:

Name: _____

Address: _____

**ADMINISTRATIVE VARIANCE
AFFECTED PROPERTY OWNER**

Date:

Applicant:

Address:

Affected Property Owner:

Address:

Description of Administrative Variance Requested:

As an affected property owner, you are being asked to weigh in on whether or not you support the requested reduction to the building setback as required by the Calvert County Zoning Ordinance.

_____ I (We) support the proposed reduction to the building setback.

_____ I (We) object to the proposed reduction to the building setback.

Reason for Objection:

Signature

Date

PROPERTY POSTING REQUIREMENTS

When you receive your Administrative Variance application acceptance letter, you will also be given a printed sign that must be placed on your property as described below. If you are not given a sign, please ask for one. The Administrative Variance application fee includes the cost of one printed sign. Should you need another sign for any reason, the charge is \$5.00 per sign.

You must use the information contained in this letter to complete the sign. Upon completion of posting the sign for ten days, the signed affidavit must be submitted to the Review Planner.

Signposts must meet the height requirements noted below. Lusby Hardware on Main Street has agreed to carry signposts that meet these requirements. You may purchase one from them or construct your own.

SIGN POSTING PROCESS

1. Obtain a sign from the Department of Planning and Zoning.
2. Obtain or construct a signpost that allows the sign to be posted no less than 2 feet and no more than 5 feet above ground level.
3. Carefully read the letter you receive from Planning & Zoning regarding your case.
4. Use a black, waterproof marker to insert the proper information in the correct blank spaces on the sign. Make sure your sign includes the case number, and the description of the variance request.
5. At least 10 days prior to the scheduled public hearing you must post the sign on the subject property. The sign shall be posted within 15 feet of the boundary line of the property that abuts the most traveled County, State or private road. If no such road abuts the property, then the sign must be posted facing in such a manner as may be most readily seen by the public.
6. The sign must remain continuously posted on the subject property until the Administrative Variance Officer has rendered a decision on the case.
7. After the sign have been posted, you must sign and return the attached affidavit to the Office of Planning & Zoning in order for the variance request to be reviewed by the Administrative Variance Officer.

NOTE

Your application will not be considered properly advertised if the sign posting requirements noted above are not met. The Administrative Variance Officer cannot take action on your request until the requirements are met.

Calvert County

Administrative Variance

Affidavit of Sign Posting

Note: This form is to be provided to the Permit Planner prior to approval of the application.

Case Number: _____

Applicant(s): _____

Subject Property Address: _____

I have posted the Administrative Variance sign on the above-named property in accordance with Section 11-3.C.2. of the Calvert County Zoning Ordinance, which has been provided to me. The sign was posted at least 10 days prior to submitting this form.

I solemnly affirm under penalty of perjury that the contents of this affidavit are true and correct to the best of my knowledge and belief.

(Name: Please Print)

(Signature and Date)

Notice to Applicant: This signed and dated Affidavit of Sign Posting must be included in the final package presented to the Administrative Variance Officer . Failure to present the Affidavit will result in denial of the application. If the application is denied, resubmittal of the application will require an additional fee.