

Council of the Town of Leonardtown

Date Introduced on First Reading: April 14, 2008
Amendment Adopted: N/A
Date Adopted on Second Reading: May 20, 2008
Date Effective: June 9, 2008

Ordinance No. 140
Zoning Ordinance Text Amendment
Subject: Administrative Variances

Purpose

For the purpose of amending the Zoning Ordinance of the Town of Leonardtown in order to revise existing provisions.

Ordinance

Whereas, under the provisions of Article 66B of the Annotated Code of Maryland, the Town Council of Leonardtown for Leonardtown, Maryland, is empowered to adopt, revise and amend the Leonardtown Zoning Ordinance; and

Whereas, the current Zoning Ordinance heretofore adopted and currently in effect shall be and the same is hereby amended as follows:

155-105.(C) ADMINISTRATIVE VARIANCES

A. Purpose.

The purpose of this Section is to delegate to the Administrative Variance Review Committee approval authority to grant setback variances for single-family residences, accessory residential structures, and additions to residences and accessory structures. The Administrative Variance Review Committee shall consist of the Town Administrator, the Town Planner, and the Mayor.

B. Application.

1. An applicant seeking a variance may request the same of the Board of Appeals, pursuant to section 155-135 of the Leonardtown General Code, without first applying for an administrative variance.
2. A person requesting an administrative variance must file the required application with the Town of Leonardtown.
3. The application consists of the following:
 - a. an application form;
 - b. application fee;
 - c. 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; and
 - d. 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.

C. Procedure.

The Administrative Variance Review Committee shall establish and publish procedures for

the processing of applications including, but not limited to, the following:

1. Upon acceptance of the application, the Administrative Variance Review Committee shall mail a confirmatory notice to all affected property owners providing them with an opportunity to comment on the request within a specified time period.
2. The applicant shall 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 Review Committee.
3. 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.
4. Prior to making a decision, the Administrative Variance Review Committee may visit the property to verify information contained in the application.

D. Criteria.

The Administrative Variance Review Committee 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:

Option A

1. The requested variance shall not reduce required setbacks by more than 50 percent.

Option B

1. The requested variance shall not reduce required setbacks to less than five feet.
2. The area of the proposed structure which lies outside the Building Restriction Line (BRL) for which a variance is requested, shall not exceed one hundred (100) square feet.
3. Nothing in this Section is intended to authorize the Administrative Variance Review Committee 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.

E. Decisions.

Unless delayed by actions of the applicant or affected property owners, the Administrative Variance Review Committee 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 Review Committee may impose conditions that are reasonable or necessary for the protection of surrounding and neighboring properties.

F. 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.

G. Appeals,

1. Any applicant aggrieved by a decision made pursuant to this Section may apply for a variance from the Board of Appeals.
2. Any person or persons, other than the applicant, aggrieved by a decision made pursuant to this Section may file an appeal with the Clerk to the Board of Appeals no later than 30 days from the date of the Administrative Variance Review Committee's decision. The Board of Appeals Clerk will schedule the appeal for the next available Board of Appeals public hearing.

H. Fees,

The Town of Leonardtown shall be responsible for establishing the fee schedule for administrative variances.

Attest:

Laschelle E Miller
Laschelle E. Miller
Town Administrator

Commissioners of Leonardtown:

Walter Wise
Walter Wise
Vice President

Thomas R. Collier
Thomas R. Collier
Council Member

Robert C. Combs
Robert C. Combs
Council Member

Leslie E. Roberts
Leslie E. Roberts
Council Member

Sanford
Council Member

This ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 22nd day of May, 2008.

Laschelle E Miller
Laschelle E. Miller, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) approve this Ordinance the 22nd day of , 2008.

J. Harry Norris, III
J. Harry Norris, III, Mayor