

Charles County Board of Appeals Rules of Procedure for Minor Variances

WHEREAS, procedures for the Board of Appeals of Charles County, Maryland, have been previously adopted by the Board on October 26th, 1993, and

WHEREAS, it is the intent and desire of the Board of Appeals for Charles County that rules of procedure pursuant to Section 409 of the revised and updated Charles County Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Appeals for Charles County, Maryland, this 12th day of December, 2000, that the following rules of procedure for Minor Variances are hereby adopted.

I. GENERAL. The Charles County Board of Appeals' Rules of Procedure for Minor Variances are supplementary to requirements set forth in the Charles County Code, Charles County Zoning Ordinance and the Rules of Procedure of the Board of Appeals which should be reviewed for additional procedural requirements.

II. CRITERIA.

Minor Variances of the required standard may not exceed the following limits:

A. Building setbacks may not be more than 20% or 3 feet whichever is greater.

2. Height limits may not be more than 10% or 10 feet.
3. Parking and loading spaces may not be more than 10% or 10 spaces.
4. Area and other dimensional requirements may not be more than 10%; however, no adjustment may be made to lot areas.

III. FEES.

- A. A filing fee will be charged for the Board's processing of Minor Variances.
- B. The appropriate filing fee will be established in the "Schedule of Fees and Charges" adopted by the County Commissioners.
- C. Fees will be paid by the Applicant at the time any application is submitted. All checks should be made payable to the "County Commissioners of Charles County, Maryland." in all cases, the Applicant will be liable for the payment of all fees once the application has been processed.

IV. SCHEDULING

- A. The Board of Appeals gives priority consideration in terms of scheduling minor variances above the other cases before the Board.
- B. If workload becomes a scheduling problem, additional hearings will be added to the schedule to accommodate the minor variances.

V. NOTICE TO THE PUBLIC.

- A. Not less than 14 days prior to the hearing, the Applicant or the

Applicant's agent shall mail a notice provided by the clerk to the Board of Appeals by Certified Mail, Return Receipt Requested, to all adjoining and confronting property owners of the time, date, place, and nature of the public hearing. The Applicant shall file, with the Zoning Officer, an affidavit of mailing of such notice as an exhibit in the public hearing prior to 4:30 p.m. of the day of the hearing and in no case after the commencement of the hearing.

- B. At least 14 days prior to the hearing, the Applicant shall erect a sign(s) provided by the Zoning Officer on the subject property. Such sign(s) will be erected within 10 feet of the boundary line of such land which abuts every public road and, if the property does not abut a public road, the sign must be posted at the nearest public road which provides access to the property. The sign(s) shall be affixed to a rigid board and be maintained by the Applicant until a written decision and order is issued by the Board. The sign will contain a bold notice that it is a misdemeanor for anyone to tamper with such a sign during the period it is required to be posted. The Applicant shall file, with the Zoning Officer, an affidavit certifying the posting of said sign(s) as a exhibit in the public hearing prior to 4:30 p.m. of the day of the hearing and in no case after the commencement of the hearing.
- C. The responsibility of assuring compliance with the posting and mailing requirements of this section shall be on the Applicant.

Should a dispute arise as to whether there has been compliance with the advertising, posting, or mailing requirements of this section, it shall be the Applicant's burden to establish the compliance. If the Board determines that the Applicant has made a good faith effort to comply with the requirements of this section, the Applicant shall be afforded a reasonable opportunity to correct the non-compliance. If the Board determines that the Applicant has not made a good faith effort to comply with the requirements of this section, the Board may dismiss the Petition.

VI. STAFF REPORT

- A. Planning and Growth Management will provide the Board Members with a Staff Report one (1) week prior to the hearing.

VII. REQUIRED FINDINGS

- A. Prior to granting of Minor Variances the Board of Appeals shall make findings as required by Section 416 (c) of the Charles County Zoning Ordinance.

VIII. DECISION AND ORDER.

- A. The final Order of the Board granting or denying an application shall be in writing, signed by the Members, attested by the Clerk, accompanied by written findings of fact and conclusions of law. The decision and order shall be made a part of the record of proceedings and shall be filed with the Office of Planning and Growth Management and maintained as part of the official records

of the County. Each case shall be decided, and the final decision and order shall be issued not later than five (5) working days from the close of the last public hearing, unless such time is extended by an official resolution adopted by the Board.

- B. Upon receipt of the Board's final decision and order in any case, the Clerk shall cause copies thereof to be made and mailed to the Applicant, all parties of interest who appeared or testified during the hearing and who provide their names and addresses and all other persons who make a request for a copy thereof.
- B. In making the decision, the Board of Appeals may grant the Minor Variance only in cases where the strict compliance with the terms of the ordinance would result in practical difficulty of unreasonable hardship which has not been caused by the action of the Applicant or Applicant's predecessors in title. The Board of Appeals shall not grant a variance if to do so would violate the spirit and intent of the regulations, or cause of be likely to cause substantial injury to the public, safety and general welfare.

AND, BE IT FURTHER RESOLVED THAT, this Resolution shall take effect on

the 12th Day of December, 2000.

**BOARD OF APPEALS OF
CHARLES COUNTY, MARYLAND**

A. J. PERK, JR., CHAIRMAN

KENNETH G. WHITE, VICE CHAIRMAN

RICHARD P. KOCH

DOROTHEA H. SMITH

JOSEPH D. RICHARD