

ELKTON BUILDING AND PLANNING OFFICES

TOWN OF ELKTON
P.O. BOX 157
ELKTON, MD 21921

CASE NO. _____
DATE FILED _____

A. APPLICATION FOR:

- ☐ VARIANCE
☐ SPECIAL EXCEPTION
☐ ADMINISTRATIVE REVIEW
☐ CRITICAL AREA
☐ FILING FEE - \$358.00

HEARING DATES & TIME:

PLANNING COMMISSION _____
ZONING BOARD OF APPEALS _____
TIME _____
FORM MUST BE FILED BY _____

INSTRUCTIONS:

1. This application must be submitted to the Office of the Building Official, Town Hall, 100 Railroad Avenue, Elkton, MD 21921.
 2. Please complete all items below. Incomplete information will cause delay in processing of application.
 3. Applicant should be sure that the request meets the criteria under which special exceptions or variances may be granted as set forth in the Zoning Ordinance.
 4. If the applicant fails to attend, or be represented at any scheduled hearing on this application, the application will be considered to be withdrawn. If the applicant wishes to have the matter rescheduled for hearing, a new application must be submitted along with the required fee.
- ☐ **Sketch, Drawing, Plat Required.** (Provide rear, front, and side distances from property lines, dimensions of project.) **Variance applications require eight (8) sets of all applicable information. Special exception applications require sixteen (16) sets of all applicable information.**
- ☐ Building permit may be obtained 30 days after signing of the Opinion by the Chairperson of the Board of Zoning Appeals

B. APPLICANT INFORMATION:

Name of Applicant/Agent _____ Tel # _____
Address _____
Email _____

C. PROPERTY INFORMATION:

Location _____
Zoning Map # _____ Block # _____ Parcel # _____ Zone _____
Land use designation in the Critical Area _____

D. Provision of the Chesapeake Bay Critical Area Program under which this application is being submitted (if applicable):

E. SPECIAL EXCEPTIONS ONLY. Provision of Zoning Ordinance under which this application is submitted by Section _____ Para ____ Page # _____.

F. PURPOSE OF APPLICATION. Please state specific request and reason applicant feels this request should be granted: (Be specific) _____

Reviewed by: _____ Signature of Applicant/Agent _____

TOWN OF ELKTON
ADMINISTRATIVE REVIEW, VARIANCES, AND SPECIAL EXCEPTIONS

Administrative Review is to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Town's Zoning Ordinance.

Variances are required for height, area, and size of structure or size of yards and open spaces, including number of off-street parking spaces required and percentage of lot area occupied by structure. A variance may be granted to allow modifications including expansion of a non-conforming lot, but shall not be granted to allow expansion of a non-conforming use.

Special Exceptions are uses that would not be appropriate generally or without restriction throughout the zone. Such uses may be permitted in such zone as special exceptions, if specific provision for such special exception is made in the Town's Zoning Ordinance.

Requirements for filing include: Completed application that includes sketch, site plan, correct number of copies of applicable information, and appropriate filing fee. A non-refundable filing fee encompasses the following: advertisement of the public notice on two consecutive Wednesdays in the Cecil Whig, posting of public notice on the applicant's property, court stenographer fees, and town zoning attorney fees.

There is a cut-off date each month for the following month's meeting. This is in view of the fact that the public notice must be advertised in the Cecil Whig for two consecutive Wednesdays and there must be 15-30 days between the second advertisement and the date of the public meeting.

The Board of Zoning Appeals will vote on each case at the public meeting. However, the decision is not final and official until such date as the Chairperson of the Board of Zoning Appeals signs the formal written Opinion. The Town zoning attorney is permitted thirty (30) days to write the Opinion for your case and obtain the signature of the Chairperson for the Opinion. In the event that your application was unopposed and was approved by the Board, you may initiate construction, but you do so at your peril for the following reason: any case decided by the Board may be appealed to the Circuit Court *within thirty (30) days* after the date of the written Opinion (**Town of Elkton Zoning Ordinance, Article V, Section 1, Subsection 6**). Therefore, should the Circuit Court reverse the decision of the Board, the application approval is vacated, and any project would have to be removed, with the property to revert to a conforming zoning status. If you choose to initiate construction prior to the expiration of the appeal time, a waiver must be signed by the property owner at the time of building permit issuance.

If a variance is granted for a "conforming" structure, the granting of a variance shall cause the structure to then be considered "nonconforming", and any future expansion, extension or improvement upon said structure will require the property owner to obtain additional variances.

A letter from this office with a copy of your Opinion will be mailed to the applicant's address after the Opinion has been signed by the Chairperson. It is important to remember that *the appeal time begins after the date of the written Opinion not the meeting date.*

APPLICANT'S SIGNATURE _____ DATE: _____

INFORMATION FOR VARIANCE REQUESTS

1. An application for a variance shall be submitted to the Board of Appeals by filing a copy of the application with the Administrator in the Town office. Application shall be handled in the same manner as applications for zoning permits and special exceptions in conformity with the provisions of Article IV, Part 1, Sections 10, 11 and 12.
2. A variance may be granted by the Board of Appeals if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured and substantial justice done. It may reach these conclusions if it finds that:
 - a. If the applicant complies strictly with the provision of the Ordinance, he can make no reasonable use of this property,
 - b. That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provision of this Ordinance would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.
 - (1) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public,
 - (2) The hardship relates to the applicant's land, rather than personal circumstances,
 - (3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties,
 - (4) The hardship is not the result of the applicant's own actions, and
 - (5) The strict enforcement of the provision of the Ordinance would deprive the property owner of rights commonly shared by other owners of property in the area.
 - c. That the granting of a variance will not confer upon an applicant any special privileges that would be denied to other owners of like property and/or structure within the Zoning District.
 - d. That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances with permitted or non-conforming which are related to adjacent parcels.
 - e. That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.
 - f. That the proposed variance is consistent with the Town of Elkton Comprehensive Plan.
 - g. The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.
3. In granting variances, the Board of Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
4. A variance may be issued for an indefinite duration or for a specified duration only. Work must be started within one (1) year of date of variance approval or variance becomes null and void.