

## **Article XIV**

### **Variances**

#### **§31-14.1 Procedure**

- A. A person may request a variance from this Ordinance or the requirements of Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship to the person.
- B. An applicant for a variance shall:
- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
  - (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
  - (3) Verify that the granting of the variance will not confer on the applicant a special privilege that would otherwise be denied to other applicants;
  - (4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;
  - (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
  - (6) Verify that the granting of a variance will not adversely affect water quality.
- C. The Department shall make findings that the applicant has met the requirements in Subsections A and B of this article before the Department may grant a variance.
- D. Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.
- E. There is established by this Ordinance the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial or other original proceeding or appeal in the State concerning an approval of a variance under Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, or this Ordinance.