



**GENERAL INFORMATION
BOARD OF ZONING APPEALS APPLICATIONS**



WORCESTER COUNTY GOVERNMENT CENTER
DEVELOPMENT REVIEW AND PERMITTING
ONE WEST MARKET STREET – ROOM 1201
SNOW HILL, MD 21863-1070
(410) 632-1200
FAX: (410) 632-3008

To: Worcester County Board of Zoning Appeals Applicants
From: Kristen M. Tremblay, Zoning Administrator

Please read through the following materials carefully as your application could be delayed for failure to adhere to County Code Requirements.

- This is a Worcester County Board of Zoning Appeals Application packet which includes a deadline and meeting schedule for the current calendar year, as well as an application form.
- It also includes excerpts from the Worcester County Code which outline the criteria for a special exception and variance requests, drafting standards for site plans, and an excerpt from the Code relative to the criteria for an Administrative Adjustment request.

The application must be completed in full, which includes the original notarized signature of the property owner and applicant, if applicable. The completed application and fee, along with ten **(10) copies of the site plan** for an advertised hearing **OR three (3) copies** of the site plan for an Administrative Adjustment hearing must be submitted in order to process the request.

Please note that there are three (3) separate types of fees:

- The fee for an advertised hearing is \$350
- (Or) the cost for an Administrative Adjustment is \$75.
- Also, the fee for a Forest Conservation or Critical Area variance request is \$100 (to be submitted to Natural Resources).

*If you have questions about which type of fee you are required to submit, please contact Cathy Zirkle for more information.

Checks should be made payable to “**Worcester County.**” Due to the notification requirements for an advertised hearing, the deadline must be strictly adhered to. If possible, the application will be scheduled for the next upcoming meeting. However, should additional staff level review be necessary prior to scheduling the hearing, notice will be provided to the owner and applicant. The application will be acted upon within ninety (90) days of the submission.

***PLEASE NOTE THAT YOU WILL BE REQUIRED TO PRESENT YOUR CASE TO THE BOARD. You may elect to hire legal counsel, but there is no requirement to do so.**

Revised: February 2021

Please also be aware that the following standards are code requirements and that they must be addressed individually at the scheduled hearing.

The specific standards to be met are provided in the attachments.

- Variances: There are four (4) standards that must be met (Section ZS1-116);
- Special Exceptions: There are seven (7) standards that must be met (Section ZS1-116);
- Administrative Adjustments: There are five (5) standards that must be met (Section ZS1-117);
- Critical Area Variances: There are six (6) standards that must be met (Section NR3-111 for the Atlantic Coastal Bays Critical Area/NR3-211 for the Chesapeake Bay Critical Area).

If the request is associated with a Forest Conservation, Critical Area or Shoreline matter, please contact the Department of Environmental Programs to ensure that all standards have been addressed prior to submission and scheduling of the case. There may be additional review fees that should be paid directly to the Department of Environmental Programs in association with the request. Please contact their office at (410) 632-1220 for further questions on these matters.

If you have any questions, please do not hesitate to contact Cathy Zirkle at czirkle@co.worcester.md.us or Kristen Tremblay at ktremblay@co.worcester.md.us.

**2021
BOARD OF ZONING APPEALS
YEARLY SCHEDULE**

DEADLINE	REGULAR HEARING	SPECIAL HEARING
December 16, 2020	January 14, 2021	January 20, 2021
January 13, 2021	February 11, 2021	February 17, 2021
February 10, 2021	March 11, 2021	March 17, 2021
March 10, 2021	April 8, 2021	April 14, 2021
April 14, 2021	May 13, 2021	May 19, 2021
May 12, 2021	June 10, 2021	June 16, 2021
June 9, 2021	July 8, 2021	July 14, 2021
July 14, 2021	August 12, 2021	August 18, 2021
August 11, 2021	September 9, 2021	September 15, 2021
September 15, 2021	October 14, 2021	October 20, 2021
October 13, 2021	November 10, 2021*	November 17, 2021
November 10, 2021	December 9, 2021	December 15, 2021
December 15, 2021	January 13, 2022	January 19, 2022
January 12, 2022	February 10, 2022	February 16, 2022

*The date for the November 2021 regular hearing has been changed due to a holiday on the regularly scheduled day.

PLEASE NOTE: SPECIAL MEETINGS ARE SCHEDULED BY THE BOARD OF ZONING APPEALS ONLY WHEN DEEMED NECESSARY.

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :
CASE NO: _____
DATE FILED: _____
HEARING DATE: _____

APPLICATION BEING MADE FOR:

_____ SPECIAL EXCEPTION	_____ FORESTRY
_____ VARIANCE	_____ CRITICAL AREA
_____ EXPANSION OF NONCONFORMING USE/STRUCTURE	_____ APPEAL
_____ OTHER	
_____ AFTER THE FACT	_____ PROPOSED
	_____ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: _____

LOCATION OF PROPERTY:

TAX MAP: _____ PARCEL: _____ SECTION: _____ LOT/ BLOCK: _____
On the N/S/E/W of: _____
(Feet/Miles), N/S/E/W of _____

PROPERTY OWNER INFORMATION:

Owner's Name: _____ Telephone: _____
Address: _____ E-Mail: _____

APPLICANT INFORMATION:

Applicant's Name: _____ Telephone: _____
Address: _____ E-Mail: _____

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? _____ If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? _____

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: _____ FROM CENTERLINE OF ROAD REAR : _____
_____ RIGHT OF WAY OF A STATE ROAD LEFT SIDE: _____
_____ FROM PROPERTY LINE RIGHT SIDE: _____

ZONING DISTRICT: _____ **TAX DISTRICT:** _____

Signature of Owner or Legal Representative

Signature of Applicant

*****SEE NEXT PAGE FOR NOTARY*** (BOTH OWNER AND APPLICANT TO BE NOTARIZED)**

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this _____ day of _____
20 _____ before me, a Notary Public in and for the State and County aforesaid,
personally appeared _____, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this _____ day of _____
20 _____ before me, a Notary Public in and for the State and County aforesaid,
personally appeared _____, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

Notary Public

My Commission Expires: _____

ZONING AND SUBDIVISION CONTROL
SUBSECTION §ZS 1-116
DRAFTING STANDARDS

In the case of Special Exceptions, Variances, Expansion of Nonconformities and for Administrative Adjustments, every application shall be accompanied by a site plan meeting the following requirements:

- (1) Drafting Standards. The site plan and all supporting drawings shall be prepared on one (1) or more reproductive sheets. Applications with drawings larger than eleven by seventeen inches (11"x17") in size shall provide additional copies for review as may be required. The plan may be prepared at any conventional scale, provided all information is clear and legible. The plan shall contain sufficient detail, labeling and dimensions to be easily understood. All lot dimensions shall be based on actual measurement or deed description.
- (2) General Data. The site plan shall identify the name and address of the property owner and applicant if not the same, the general location of the property by use and an insert of vicinity map, north arrow, scale, date and zoning classifications. The plan shall also bear the signatures of the applicant, property owner, or their attorney and the person who prepared the site plan.
- (3) Layout. The plan shall show all property lines, structures, use areas, roads, access points, vehicular circulation, parking areas, pedestrian circulation, signs, yard setbacks, drainage ways, utility lines, easements, landscaping, exterior lighting, fences, walls and other physical features. Both existing and proposed features shall be shown and labeled as such.
- (4) Elevations. The plans shall show typical schematic elevations of the major buildings and structures and of any freestanding signs. The elevations shall indicate the type of construction and basic exterior materials and color treatment(s).
- (5) Relationship to Abutting Roads and Properties. The plan shall show the location of abutting roads, structures, use areas, parking lots, fences, walls, signs, and other significant physical features within one hundred feet (100') of the property line.
- (6) General Description. Accompanying the site plans shall be a written description of the project and its intended use or operation. Such description shall be typed on sheets eight and one-half by eleven inches (8 ½" x 11") in size.
- (7) Other Data. The Board may require such additional data, drawings, or documentation as it deems necessary to adequately review the application for compliance with the intent and provisions of this title.

ZONING AND SUBDIVISION CONTROL
SUBSECTION §ZS 1-117
ADMINISTRATIVE ADJUSTMENTS

- (e) Limitations and Standards. Administrative Adjustments may only be made in the following cases and subject to the standards contained herein:
- (1) A proposed encroachment into a required yard setback which is less than or equal to twenty percent (20%) of the required setback where the applicant has affirmatively demonstrated each of the following:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
 - B. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Title.
 - C. The special conditions or circumstances did not result from actions of the applicant.
 - D. The condition or circumstances is not one that could be reasonably provided for legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.
 - E. The granting of the administrative adjustment would not be contrary to the public interest and there is an unnecessary hardship of other than a financial nature.
 - (2) An after-the-fact encroachment into a required setback which is less than or equal to five percent (5%) of the required yard setback, but in no case greater than one foot (1'), where in addition the criteria contained in Section ZA 1-116(c)(4), the applicant has affirmatively demonstrated that the encroachment resulted from an error in the layout or construction of the structure which was indeterminate until the time of final inspection.
 - (3) A reduction in the off-street parking requirements contained in Section ZS1-320 hereof of not greater than twenty percent (20%) where, on a case by case basis, it is demonstrated that due to the particular nature of a use or business, the condition, shape or size of a particular property, or a special circumstance as determined by the administrative hearing official that such reduction is appropriate.
 - (4) A modification of the off-street parking requirements contained in this Title with respect to the layout, arrangement, separation, or setback, but not with regard to the number of parking spaces, where such modification serves to reduce an environmental impact or to achieve greater compliance with the provisions of this Title for an existing nonconforming use or structure.
 - (5) A modification of the separation distance between an accessory apartment located within an accessory building and the principle building on the property where such modification serves to reduce an environmental impact.

ZONING AND SUBDIVISION CONTROL
SUBSECTION §ZS 1-116
VARIANCES

- (c) (4) The Board of Zoning Appeals may authorize, upon appeal, in specific cases such variance from the setback or lot area provision of this Title as will not be contrary to the public interest where, owing to special or unique conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship other than a financial nature.
- A. A variance from the terms of this title shall not be granted unless and until the applicant has demonstrated each of the following:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved.
 2. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
 3. The special conditions or circumstances did not result from actions of the applicant.
 4. The condition of circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.
- B. A variance shall only be granted which modifies the setback, area, or lot width provisions of this Title, and the Board of Zoning Appeals shall be without authority to grant a variance which would allow a use not otherwise permitted under the terms of this Title in the district involved.
- C. Variances may be granted only for individual lots pursuant to specific applications. No 'blanket' variance is permitted.

ZONING AND SUBDIVISION CONTROL
SUBSECTION §ZS 1-116
SPECIAL EXCEPTIONS

- (c) (3) To hear and decide only such special exceptions as the Board is specifically authorized to pass on according to the provisions of this Title and to decide such questions as are involved in determining whether special exceptions should be granted.
- A. A special exception may be granted only when the Board finds, from a preponderance of the evidence of record, that the proposed use or structure:
1. Will be in conformance with the County's Comprehensive Plan.
 2. Will be in harmony with the general character of the neighborhood considering population density, the design, scale, and bulk of any proposed new structures, the intensity and character of activity, traffic, and parking conditions or the number of similar uses.
 3. Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods; will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground-or-surface-water quality.
 4. Will have no detrimental effect on vehicular or pedestrian traffic.
 5. Will not adversely affect the health, safety, morals, security or general welfare of residents, workers, or visitors in the area.
 6. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage and other public improvements.
 7. Will meet the definitions and specific standards set forth elsewhere in this Title for such use.

**NATURAL RESOURCES ARTICLE
ATLANTIC COASTAL BAYS CRITICAL AREA
SUBSECTION §NR 3-111
CRITICAL AREA VARIANCES**

§NR 3-111 Standards. The provisions for granting such a ‘*critical area*’ variance shall include evidence submitted by the applicant that the following standards are met:

**PLEASE ADDRESS EACH STANDARD BELOW AND SUBMIT
ALONG WITH THE BOARD OF ZONING APPEALS APPLICATION**

Prepared by, or on behalf of:

OWNER: _____

RE: _____ **Tax Map** _____ **Parcel** _____ **Section** _____ **Lot** _____

DATE: _____

- (1) Special conditions or circumstances exist that are peculiar to the applicant’s land or structure and a literal enforcement of provisions and requirements of the County’s Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship.

- (2) A literal interpretation of the provisions of the County’s Atlantic Coastal Bays Critical Area Program and related laws will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Atlantic Coastal Bays Critical Area.

- (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County’s Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Critical Area.

- (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant nor does the request arise from any condition relating to land or building use, either permitted or nonconforming on any neighboring property.

- (5) The granting of the variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County’s Atlantic Coastal Bays Critical Area Program.

- (6) The Board of Zoning Appeals shall not make a decision relative to the request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein.

- (7) If this variance request is an ‘After-the-Fact’ variance, the granting of this variance can not be made until a notice of violation has been issued, administrative or civil penalties have been paid, and a mitigation plan has been approved by the Department of Environmental Programs.

Prepared by: _____
(Owner/Applicant)

Date

For additional information, please contact Jenelle Gerthoffer, Natural Resources Administrator, within the Department of Environmental Programs at 410-632-1220 ext. 1147 or jgerthoffer@co.worcester.md.us