



TRAPPE BOARD OF APPEALS VARIANCE APPLICATION

APPLICATION PROCEDURE FOR ZONING VARIANCE

Please read the attached material thoroughly. The documents in the application packet should be completed and returned to the Office of Planning and Zoning with a \$_____ filing fee, made payable to **Town of Trappe**, Maryland. (contact the town clerk for the fee clerk@trappemd.net)

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing and sign posting and other pertinent dates. The applicant/agent is responsible for noting these dates and complying with them. Direct any questions to the Town's Zoning Administrator at (410) 443-0087.

1. **Application for Appeal:** Complete the “**Purpose of Appeal**”. This informs the Board what the Variance application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Variance Requirements:** These documents contain questions you will be required to address during the hearing. They are the basis for the appeal. All questions must be addressed, do not leave any questions unanswered.
3. **Adjacent Property Owners:** Employees for the Town of Trappe will notify adjacent property owners in accordance with the Trappe Zoning Ordinance.
4. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
5. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of the property, location of all existing buildings, tree lines and proposed additions showing setbacks from property lines and names of adjoining roads. The site plan must be drawn to scale. Contact the Zoning Administrator for the number of site plans needed for your project along with (1) additional copy if the property is located on a state highway.
6. **Incomplete Application:** The application shall be delivered to the Trappe Board of Appeals/Trappe Town Office. If the application is incomplete in any respect, it will be returned to the applicant, and shall not be considered filed. All required Federal, State and/or local permits or approvals must be obtained prior to application submittal.
7. **Covenants:** If your property has a covenant please provide a copy when application is submitted to this office.

INFORMATIONAL PURPOSES - VARIANCE

Please read and if you have any questions, contact the Town Zoning Administrator at (410) 443-0087.

Public Hearing Notice: The Board of Appeals shall fix a reasonable time for the hearing of applications, interpretation of district boundaries, and appeals. At least fourteen (14) days before the date of the hearing, the Board shall send notices of the time and place of such hearing to the applicant or appellant, the Planning Commission, and to the owners of property located within 200 feet of the property affected, as shown on the Maps of the Department of Assessments and Taxation on the date the notices are mailed.

Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one (1) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least fourteen (14) days prior to the hearing. The Board shall cause the site affected to be posted for at least 10 days prior to the hearing with the time, place, and nature of the hearing. The Board shall decide all applications and appeals within a reasonable time. Upon the hearing any party may appear in person, by agent, or by attorney.

Advice of the Planning Commission: Before deciding any application for variance, the Board of Appeals shall seek the advice of the Planning Commission in reference to such applications. The advice of the Planning Commission shall concern itself with the impact of the variance upon the Board of Appeals. The Board may request from the Planning Commission such technical service, data, or factual evidence as will further assist the Board in reaching decisions.

Repeated Applications: If an application or appeal is disapproved by the Board of Appeals, thereafter the Board shall not be required to consider another application for substantially the same proposal on the same premises, until after one year from the date of such disapproval. If an appeal to the Board is perfected and the public hearing advertised, and thereafter the applicant withdraws that application or appeal, he shall be precluded from filing another application or appeal for substantially the same proposal on the same premises for six months.

Certification

I have read the Zoning Ordinance for the Town of Trappe concerning the regulations governing Board of Appeals VARIANCE's (Title II Section 2 Subsection 2.10 (4)) and will comply with these regulations and all future regulations of the Town, County, and State and that any violation of said regulations may result in revocation of the permit. I understand that approval of a variance does not release the applicant from the requirement to obtain a building permit, if applicable, pay all applicable fees, and comply with all requirements of the law

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This original package must be returned with original signatures and dates; you do not need to make additional copies of this package. The only additional copies required will be site plans, floor plans, elevation drawings and miscellaneous exhibits.

VARIANCE

SITE PLAN REQUIREMENTS

* Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North must be noted on the plan.

* Show all boundary lines and lot size.

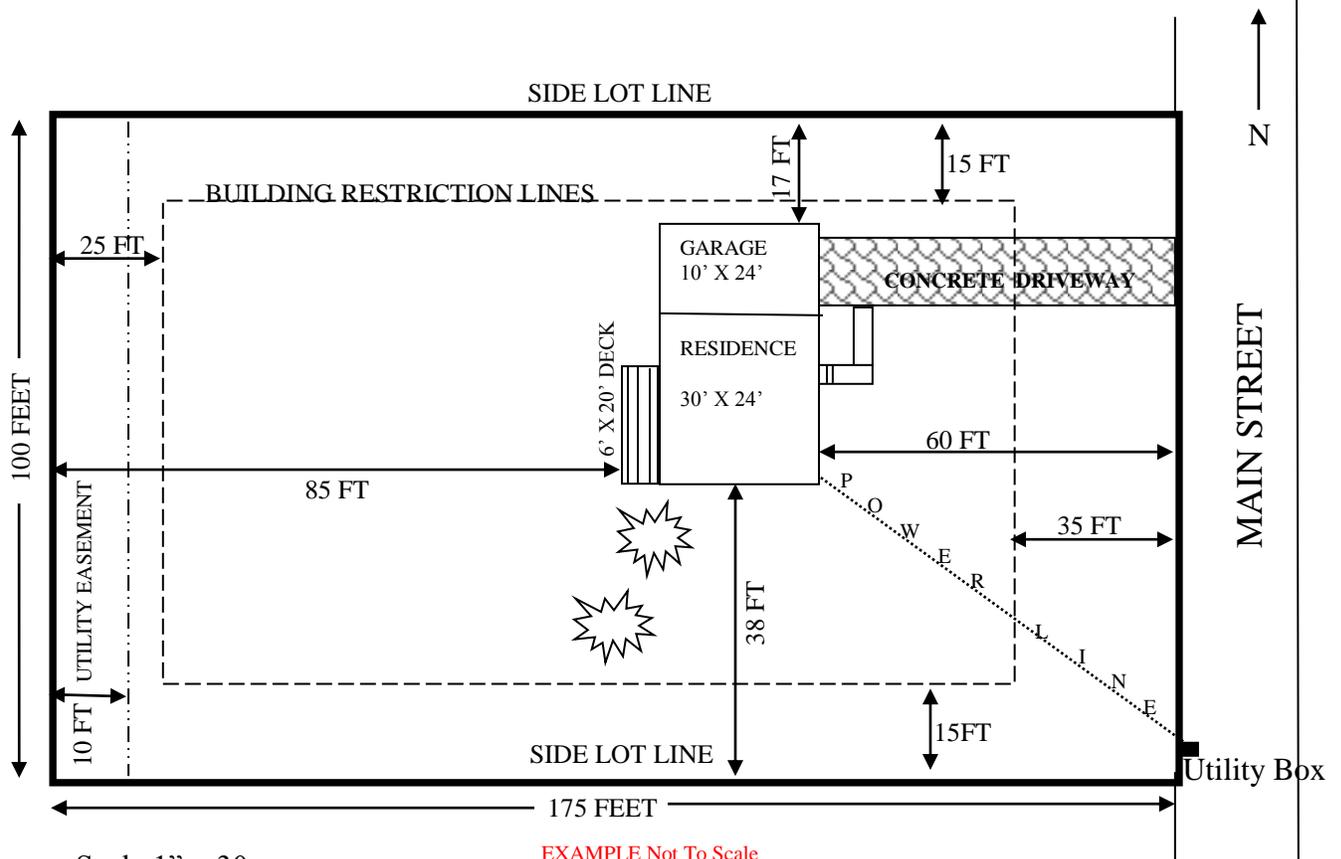
* Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, setbacks, including setbacks from state highway to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling.

* Show location of underground power lines and all other utility lines & boxes.

* Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.

* Location of on-site parking and driveways (provide space for at least two cars).

EXAMPLE SITE PLAN



Scale 1" = 30

 = Oak trees (mature)

EXAMPLE Not To Scale

OFFICIAL USE ONLY

Hearing Date _____ Appeal No. _____ Filing Date _____

Neighbors _____ Petitioners _____
Notified _____ Notified _____

Fees Paid, Town Clerk	Date	Amount Paid
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To the Honorable Chairman of the Trappe Board of Appeals,

Pursuant to the provisions of the Town of Trappe Zoning Ordinance, request is hereby made for: **Variance**

Purpose of Appeal: Variance request, state fully the kind of variance desired and reasons therefore. Please give a **detailed description**, may be written or typed on a separate page if needed, label as Attachment A.

Location of Property: _____

Tax Map _____ **Grid** _____ **Parcel** _____ **Lot** _____ **Size** _____ **Zone** _____

Property Owner: _____

Address of Owner: _____

Telephone Number: _____ (_____) _____

Has above property ever been subject of previous Appeal(s)? _____

If so, give Appeal number(s) and date(s) _____

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief. I understand that approval of a variance does not release the applicant from the requirement to obtain a building permit, if applicable, pay all applicable fees, and comply with all requirements of the law

Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.

TRAPPE BOARD OF APPEALS

APPEAL NO. _____
HEARING DATE _____
PLANNING COMMISSION REVIEW DATE _____

"VARIANCE REQUIREMENTS"

Section 11 – Trappe Zoning Ordinance

Power of the Board of Appeals – Section 11 of the Trappe Zoning Ordinance

Variations – To authorize upon application in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted unless and until the applicant has demonstrated that:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

b. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

c. The special conditions or circumstances do not result from actions of the applicant.

d. Granting the variance requested will not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

NOTE: In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance and shall be punishable under the provisions of "PENALTIES FOR VIOLATION".

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved.

Decisions of the Board: All decisions or actions of the Board shall be taken by resolution, in which at least two members present must cast concurring votes. Each resolution shall contain a statement of the grounds and findings forming the bases for such action or decision, and the full text of said resolution shall be incorporated into the transcript of the meeting.

Date

Signature of Applicant or Designated Agent

References:

1. Trappe Comprehensive Plan
2. Trappe Town Code
3. File

All structures must be staked out prior to the Board's site visit.

PLEASE PRINT OR WRITE LEGIBLY

Detailed Location Directions to Applicant's Property:

PLEASE STAKE OUT ALL STUCTURES WHEN APPLICATION HAS BEEN SUBMITTED TO THIS OFFICE.

Building Permit: If the Board of Appeals grants your request and upon compliance of any conditions imposed you may then apply for your building permit. Permit Applications need to be submitted to the Trappe Zoning Administrator.

Decision: A written decision will be prepared containing a statement as to the findings of fact and the conclusions of law upon which such decision is based. The Board's Attorney will render a written decision within 30 days after completion of the hearing. Any person aggrieved by any decision of the Board may appeal the same to the Talbot County Circuit Court within thirty (30) days of the Board's written decision.