



## 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 Town Office – Planning and Zoning with a \$750.00 filing fee, made payable to Town of Trappe, Inc.

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing, 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 Zoning Administrator at 410-443-0087.

1. **Application for Appeal:** Complete the “Purpose of Appeal”. This informs the Board what the application is for. You may attach additional typed sheets if more 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:** 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/agent is responsible for preparing a site plan which includes dimensions of the property, location of all existing buildings, tree lines, names of adjoining roads, and proposed additions showing setbacks from property lines. The site plan must be drawn to scale. Contact the Zoning Administrator for the number of site plans needed for your project.
6. **Incomplete Application:** The application shall be delivered to the 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 the application is submitted.

**INFORMATIONAL PURPOSES – VARIANCE**

*Please read and if you have any questions, contact the 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 affected property, 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.

**Planning Commission Recommendation:** Before deciding any application, the Board of Appeals shall seek the advice of the Planning Commission in reference to such application. 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 a decision.

**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 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 (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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Applicant/Agent

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Date

To the Honorable Chairman of the Trappe Board of Appeals,

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

**Purpose of Appeal:** State fully the kind of variance desired and reasons therefore. Give a detailed description (may be written or typed on a separate page if needed – label as Attachment A)

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**Location of Property:** \_\_\_\_\_

**Tax Map:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Zone:** \_\_\_\_\_

**Size:** \_\_\_\_\_

**Owner Name:** \_\_\_\_\_

**Owner Address:** \_\_\_\_\_

**Owner Telephone Number:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

**Has above property ever been subject of previous appeal(s)?** \_\_\_\_\_

**If yes, give appeal number(s) and date(s):** \_\_\_\_\_

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the foregoing appeal are true to the best of my (our) knowledge and belief. I (we) 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.

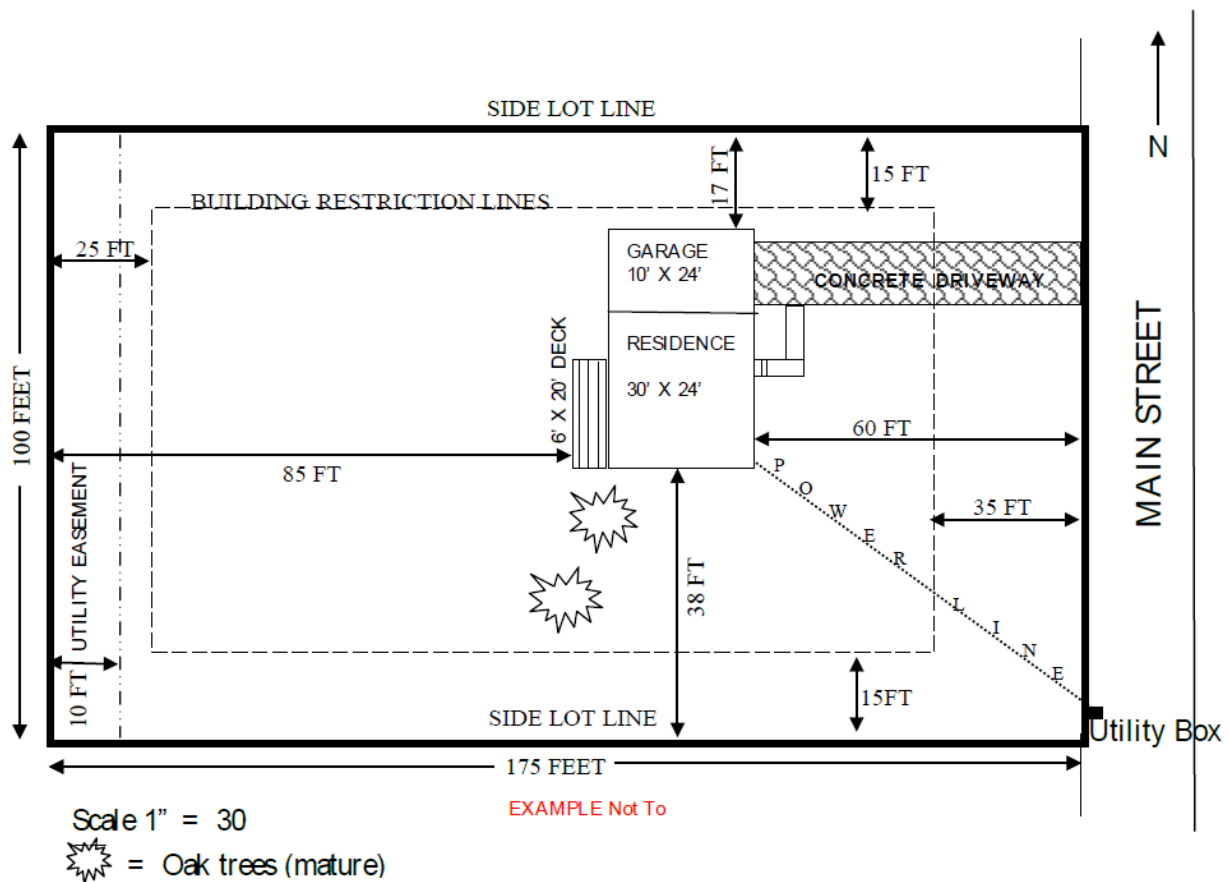
\_\_\_\_\_  
Applicant/Agent Signature

\_\_\_\_\_  
Date

## 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, dimensions, and use of all existing and proposed buildings and structures on the site – distances from property lines, including setbacks from state highway to the proposed structure; measurements need to be taken from the closest point of the structure
- Location of underground power lines and all other utility lines and boxes
- Location and name 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

### Example Site Plan



This original package must be returned with the 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 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 provision 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 or buildings in the same district

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- 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

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

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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

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**Detailed Location Directions to the Applicant's Property**

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**Stake Out Proposed Structures**

Please stake out all structures when application is submitted to the Town Office. All structures must be staked out prior to the Board's site visit.

**Building Permit:** If the Board of Appeals grants the applicant's request and upon compliance of any conditions imposed applicant may then apply for a building permit. Permit applications must be submitted to the Zoning Administrator.

**Written 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.

**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.

**Note:** In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of the Zoning 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 the Zoning Ordinance in the district involved.

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Applicant/Agent Signature

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Date

**IMPORTANT**

**APPLICATIONS ON WHICH ALL REQUIRED INFORMATION AND FEES ARE NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING AND SHALL NOT BE CONSIDERED FILED.**