



BOARD *of* APPEALS

Zoning and Administrative

VARIANCES

Information • Instructions • Application

*Please read all instructions before
completing the application.*

Variances

A variance is a request for permission to deviate from the guidelines outlined in Section 27-4 (Zones and Zone Regulations) of the Prince George's County Zoning Ordinance. These guidelines regulate lot size, lot width, building height, building setbacks from property lines, and the percentage of property covered with parking and structures.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Under certain circumstances, the Board of Appeals (or the M-NCPPC Planning Board or District Council in conjunction with certain zoning cases) may grant the property owner relief from the strict application of the Zoning Ordinance. Such relief may be granted on the basis of facts presented at a public hearing, when the Board, Council or Planning Board finds that there exists exceptional conditions of shape, topography, or other extraordinary situations peculiar to the specific property which could result in unusual practical difficulties or undue hardship to the property owner, provided that such variance may be granted without causing substantial impairment to the intent, purpose and integrity of the General Plan.

Where the granting of a variance is dependent upon practical difficulties or unnecessary hardship, the ***evidence must be substantial and should not be merely for the convenience of an applicant***. The phrase "practical difficulties or unnecessary hardships" sufficient for the granting of a variance from the Zoning Ordinance means difficulties or hardships which are peculiar to the situation of the applicant and are of such degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant.

The criteria for determining unusual hardship as grounds for granting a variance, is whether the zoning restrictions in question, when applied to the particular property and its surrounding environment, constitute an unreasonable (arbitrary and capricious) interference to the basic right of ownership. The plight of the owner of real property seeking a variance must be due to the unique circumstances and not the general conditions in the neighborhood. ***Mere financial hardship is not sufficient, and the fact that the variance will make realty more valuable is not sufficient grounds to justify the variance. In addition, any self-imposed hardship, a hardship caused by any action(s) of property owner, must be disregarded by the Board of Appeals when evaluating the evidence presented.***

If a variance is approved that permits the erection of a building or structure, the variance will not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit. If a variance is denied, a variance request covering the same subject may not be filed within a 12-month period, and following a second denial, the request may be filed within an 18-month period.

Within thirty (30) days from the date the Board issues a variance decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

All applicants who are applying for variances in a Residential Zone, shall post the property with a sign(s) at least fifteen (15) days prior to the scheduled hearing date. The sign shall be provided by the Board of Appeals (stakes are not provided) and posted in accordance with Section 27-3407(b). **Signs may NOT be nailed or attached in any fashion to a tree or fence.**

Municipalities

All properties that are requesting a variance or waiver which is located within the City/Town limits of a municipality will be referred to the appropriate municipality for recommendation. Comments will be forwarded to the Board of Appeals to incorporate into the Boards review. The municipality will be

provided at least 30 days to make their recommendation to the Board of Appeals. Petitioners are encouraged to contact their municipality in order work with the City/Town Councils.

INSTRUCTIONS TO APPLICANTS
FOR VARIANCES FROM THE BOARD OF APPEALS

An application requesting a variance shall be filed with the Board of Appeals for Prince George's County. All applications and documents shall be emailed to Boardofappeals@co.pg.md.us

(Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities.)

Applications must contain all required information documents:

- Completed application,
- One (1) copy of the certified site plan
- One (1) copy of the building elevation plan(s)
- At least four (4) printed photographs; One (1) of each yard (front, sides and rear) illustrating conditions on the property that might cause the need for a variance and/or showing the character of the surrounding neighborhood
- One (1) copy of any violation notice, corrective order or stop work order (all pages) (if the need for a variance is due to the violation)
- If a grading permit is required, a copy of the Type 2 Tree Conservation Plan or a Letter of Exemption will be required at the time of application
- All applications shall receive an email link to the Payment Portal website, in order to pay the required filing fees, sign posting fees and language interpretation fee. A waiver of the filing fee may be obtained due to a financial hardship. (See Fee Schedule)
- Driveway variances - Apron Permits: Approved apron permits must be obtained from the Department of Permitting, Inspections and Enforcement, Site Road Section and submitted as part of this variance package.

Payment:

Payment of Filing Fee, Sign Posting Fee and requested Language Interpreter Fee may be made by online payment with E-Check, Credit or Debit Card. (Visa, Mastercard, American Express and Discover). Once all documents are filed with the Board of Appeals, an email will be sent for a link to the Payment Portal in order to make the payment. Please note, cash payments are not accepted.

FILING FEE SCHEDULE: The following schedule of filing fees applies to all variance applications submitted to the Board of Appeals.

- (1) Variances
 - (a) Existing single-family attached and detached residences \$ 200.00
 - (b) Single-family attached and detached residences that are proposed, newly constructed or under construction \$ 500.00
 - (c) All other structures \$ 1,500.00

SIGN POSTING FEES: The following is a schedule of sign posting fees. Two signs per abutting street, for frontage 1,000 feet or less in length, is required, with an additional sign for each additional 1,000 feet.

- (1) Sign for posting on properties in all zones (two (2) signs) \$ 30.00
- (2) Sign for posting on Corner Lots (four (4) signs) \$ 60.00
- (3) Each additional sign over four (4) when application involves a public utility right-of-way (per sign) \$ 5.00
- (4) The Department of Environmental Resources shall not be required to pay sign posting fees

TRANSLATION /INTERPRETER SERVICES: If arranged in advance, foreign language interpreter assistance is available for hearings (family members or friends of Petitioner may not provide interpreter services).
\$ 30.00

OTHER FEE RELATED INFORMATION: Appellant shall pay any costs related to re-advertisement of a hearing unless the need for re-advertisement is caused by governmental error/action.

Once a variance application is filed, it will be several weeks before a property owner's request will come before the Board at a virtual public hearing. Application for a variance is no assurance that it will be granted. The public hearing provides the opportunity for owners and other interested persons to give testimony in support of their positions.

As required by law, notices of the public hearing will be sent by certified mail, return receipt requested, to the property owner, all adjoining property owners, and any municipality at least fifteen (15) days prior to the scheduled hearing. Notices will be sent to any listed homeowners/citizens/civic/community association(s) and other listed interested parties by regular first-class mail. The law requires that the owner of the property appear at the hearing, where the Board will expect the owner to explain the need for the variance, give reasons why the requirements of the Code cannot be met, and state any hardship that will be suffered if the variance is not granted.

Property Owners who are unable to be present, corporations, limited liability companies, or other business entities **must** be represented by an attorney, licensed to practice in the State of Maryland, at any hearing before the Board.

At the conclusion of the public hearing, the Board may or may not vote on the request at that time. If the Board chooses to do so, they may take the case under advisement or hold the record open until a future date. Any case not decided at the conclusion of the public hearing will be brought up for discussion at a future meeting of the Board and a vote on the request will occur in public. Once the Board has voted on the request, a written order will be mailed to all parties. *Before any building permit will be processed by the County Permits Office, a copy of the Board's written order and approved site plan/elevation must be presented. Approval of any variance is contingent upon development of the property in compliance with the Board-approved site and elevation plans.*

If additional assistance is needed to complete the application, or for any further information, contact the Board of Appeals office at (301) 952-3220 during business hours (Monday-Friday, 8:30 a.m. – 5:00 p.m.).

IMPORTANT: Applications on which all required information is not furnished will be returned for completion before processing. For further information regarding Board of Appeals policies and procedures, see Sections 27-3303, 27-3613 and 27-3616 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/> (Rev. 10/17)

Notice

The Board of Zoning Appeals Site Plan Requirements

Note: Site plan requirements for each agency may vary. Site plan acceptance from any agency does not constitute acceptance from another agency.

In accordance with the Prince George's County Code, a "site plan" submitted to the Board of Appeals must include and identify the following:

- Drawn to Scale by a Certified Engineer, Surveyor or Architect
Site Plan Must Include Certificate or MD Registration
- Scale Must Be Noted on the Site Plan
- Dimensions of All Structures/Number of Stories (including all fences/walls to include fence/wall height)
- Building Setbacks
- Lot Size (Square Footage)
- Legal Description of Property
- North Arrow
- Streets, Alleys, Easements and Right-of-Ways

**Failure To Provide These Requirements Will Result
In The Rejection Or Delay Of Application Acceptance.
(No Exceptions)**



BOARD of APPEALS

Zoning and Administrative

Wayne K. Curry Administration Building
1301 McCormick Drive, 3rd Floor
Largo Maryland 20774
(301) 952-3220
boardofappeals@co.pg.md.us

Received Stamp

(USE BLACK INK ONLY)
PLEASE READ ALL INSTRUCTIONS
BEFORE FILLING OUT APPLICATION

APPLICATION FOR A VIRTUAL VARIANCE

(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)

For assistance in completing questions below, see corresponding paragraphs on *Instructions to Applicants*, which is designed to help you fill out this form.

Owner(s) of Property

(AS SHOWN ON DEED)

Address of Owner(s) _____

City _____ State _____ Zip Code _____

Telephone Number (home) _____ (cell) _____ (work) _____

E-mail address: _____

Location and Legal Description of the Property involved:

Street Address _____

City _____

Lot(s) _____ Block _____ Parcel _____

Subdivision Name _____

Professional Service:

► Engineer ► Contractor ► Architect: (if different from above): (circle one) **If none, use N/A:**

Name: _____ Phone Number: _____

Address: _____ Email Address: _____

Attorney representing applicant: If none, use N/A

Name: _____ Phone Number: _____

Address: _____ Email Address: _____

All Legal Representatives must submit a letter of representation.

Association Name(s) & Address(es) (Homeowners/Citizens/Civic and/or Community). If none, use N/A:

Name: _____

Address: _____

Municipality (Incorporated City/Town) If none, use N/A

Name _____

PROPOSED WORK:

What will be or has been constructed on the property which has required a variance? _____

For increase in fence height or wall height, please see below.

Security Exemption Plan Approval (Section 27-6610)

For increase in fences height or wall height over the allowable height indicated in Section 27-6603. **If none, use N/A:**

Please indicate the requested increase in fence/wall height: _____

Reason for increase:

Has a Violation Notice / Stop Work Order / Correction Notice been issued to the Property Owner regarding the subject property? If none, use N/A:

No _____ Yes _____ Date Issued: _____ Violation Notice No. # _____

Inspector's Name: _____

Do you need the services of a foreign language interpreter or sign language interpreter at your hearing? (\$30.00 fee required) If none, use N/A:

Foreign Language Yes _____ No _____

Sign Language Yes _____ No _____

Foreign Language: _____

SIGNATURE PAGE

Signature of Property Owner by deed

Legal Representative (Attorney)

Printed Name

IMPORTANT:

Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing. When complete, please forward completed application and documents to boardofappeals@co.pg.md.us

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