

COUNTY ORDINANCE NO. 04-30

A BILL ENTITLED

AN ACT CONCERNING the Clarification of the Circumstances under which the Queen Anne's County Board of Appeals may issue a Variance under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of clarifying the circumstances under which the Board of Appeals may issue a variance;

BY AMENDING Section 18-1-121(b) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-121(b) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-121 Limitations with Respect to Variance.

(b) Circumstances.

A variance may not be granted unless the Board specifically finds that:

- (1) Literal enforcement of this Subtitle would result in unnecessary hardship or practical difficulty as the result of specified conditions;
- (2) Those conditions are peculiar to the property involved;
- (3) Those conditions are not the result of any action taken by the appellant;
- (4) The variance will not be contrary to the public interest; and
- (5) Evaluation of alternatives proves the variance is required.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Ransom

DATE: 6-15-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 9-7-04