



SNOW HILL BOARD OF APPEALS REQUIREMENTS

In order for a case to be placed on the next available docket, you must submit the following items:

1. Completed application, signed by property owner and contract purchaser if owner not making application.
2. A copy of the deed to the subject property.
3. Application fee of \$300.00 plus advertising cost for single/double family requests and \$450.00 plus advertising cost for multifamily and commercial requests.
4. Stake-out corners of proposed construction.
5. A site plan/survey, must be drawn to scale.

Please note the Board of Appeals will hear a maximum of four (4) cases per night. The agenda is filled on a first come, first served basis. Your application packet must be complete to reserve a space at the Board's next meeting



MAYOR AND COUNCIL OF SNOW HILL

MEMORANDUM

To: Snow Hill Board of Zoning Appeals Applicants
From: Code Enforcement Officer
Re: Snow Hill Board of Zoning Appeals Applications

This is a Snow Hill Board of Zoning Appeals Application packet which includes an application form and excerpts from 200-103.D. and 200-103.E. which outline the criteria for a special exception and variance request. You must also submit a site plan as required in Article XVI, § 200-91 B.) Drafting standards for the site plan include:

- a. All drawings shall be prepared on one or more reproducible sheets eighteen by fourteen (18 x 14) inches in size. The plan may be prepared in any conventional scale, provided that 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.
- b. The plan shall identify the name and address of the property owner and applicant, the general location of the property by use of an insert vicinity map, North arrow, scale, date and zoning classifications. The plan shall also bear the signatures of the applicant, the property owners or their attorney and the person who prepared the site plan.
- c. The plan shall show all property lines, structures, building entrances, use areas, road access points, vehicular circulation, parking areas, pedestrian circulation, signs, yard setbacks, drainage ways, utility lines, easements, landscaping, exterior lighting, fences and walls and other physical features, Both existing and proposed features shall be shown and labeled as such.
- d. Show location of abutting roads, structures, use areas, parking lots, fences, walls, signs and other significant features within 100 feet of property line.
- e. The plan shall show typical schematic elevations of the major buildings or structures and of free standing signs. The elevations shall indicate the type of construction and basic materials and color treatment.
- f. Accompanying the site plan shall be a written description of the project and its intended use or operation. (Sheets shall be 8 1/2 by 11 inches).
- g. The Planning Commission may also require additional data, drawings or documentation as it deems necessary to adequately review the application for compliance with the intent and provisions of this chapter.

The application must be completed in full which requires the original signature of the property owner and applicant if not the current owner. The completed application, along with ten copies of the site plan and appropriate fee must be submitted to the Town of Snow Hill Code Enforcement Officer in order to be placed on the next agenda. The cost for this process is \$ 300.00 plus advertising cost for Single/double family only and \$450.00 plus advertising cost for multifamily and commercial. Checks should be made to "Town of Snow Hill".

Please contact the Code Enforcement Officer or Planner with any questions you may have concerning this matter. If a preliminary meeting is felt to be necessary please call and schedule an appointment.

Thanks in advance for your compliance with these requirements.

KH
Enclosures

BOARD OF APPEALS
Snow Hill, Maryland

Office Use Only

Case No.: _____

Date Filed: _____

Paid: _____

To the Board of Appeals:

Pursuant to Article XVIII, §200-101 of the Snow Hill Zoning Ordinance, adopted May 10, 1988, enacted or as amended, a request is hereby made for:

- Variation from strict application of said ordinance
- Decision on allegation of error
- Special Exception
- Amend stipulations of previous appeal case

Purpose of Appeal: (Describe variance requested or alleged error. If Special Exception requested state fully the kind of exception desired and reasons therefore.)

Applicable Section(s) of Code: _____

Property Located: _____ Contains: ___ acre(s)

Map: _____ Block: _____ Parcel: _____ Lot: _____ Zoning District: _____ E.D. _____

Owner of property: _____

Address of owner: _____ Telephone # _____

Applicant's name and address if different from above: _____

_____ Telephone # _____

Has property in question ever been subject of previous appeal: _____ If so, give appeal number and /or date : _____

FLOODPLAIN: YES ___ NO ___ EXEMPT ___ CRITICAL AREAS: YES ___ NO ___

HISTORIC DISTRICT: YES ___ NO ___

Permission is hereby granted to conduct necessary inspections of these premises for which this appeal is requested.

No fees shall be refunded if an application is withdrawn after the publication of the public hearing notice.

Signature of Owner

Signature of Applicant

IMPORTANT: A sketch of the property with proposed buildings or uses must be submitted by the applicant. Applications on which all required information is not furnished will be returned for completion before processing.

SPECIAL EXCEPTION - CRITERIA FOR REVIEW BY THE BOARD OF APPEALS

This Guide is intended to assist you in preparing for you zoning appeal case.

Parties interested in obtaining review and appeal to the Board of Appeals for their project under the special exception section of the Town of Snow Hill Zoning Ordinance should understand the parameters used by the Appeals Board in their decision.

A Special Exception is defined as:

SPECIAL EXCEPTION - A use that would not be appropriate generally or without restriction throughout a district, but which, if controlled as to number, area, location or relation to the surrounding land, could be appropriate within that district. Such uses may be permitted as "special exceptions" only if specific provision for such use is made in the applicable district regulations.

This means in part that (1) the project must be labeled in that zoning district as a special exception or a similar use, and (2) such use may be permitted only under specific provisions as approved by the Appeals Board which includes its appropriateness to the surrounding land.

The Board of Appeals uses the following guidelines in deciding each case under the special exception section:

To hear and decide only such special exceptions as the Board of Appeals is specifically authorized to pass on, according to the provisions of this chapter, and to decide such questions as are involved in determining whether special exceptions should be granted.

A special exception may be granted only when the Board of Appeals finds from a preponderance of the evidence of record that the proposed use or structure:

- a. Will be consistent with the Town's Comprehensive Plan;
- b. Will be in harmony with the general character of the neighborhood, considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses;
- c. Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods;
- d. Will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity;
- e. Will have no detrimental effect on vehicular or pedestrian traffic;

- f. Will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area;
- g. Meets the definitions and specific standards set forth elsewhere in this chapter for such use.

The key elements in this paragraph for the applicant to understand are the sections underlined. If there are no adverse impacts, then the applicant may wish to note that they do not exist. The applicant should also indicate the positive points of his/her request and if any negative uses would exist, then whatever efforts would be put in place by applicant to mitigate their impact.

The following also applies to all exceptions and should prove self-explanatory:

1. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden or persuasion on all questions of fact which are to be determined by the Board;
2. In all cases, the Board of Appeals shall be satisfied that the proponents of the special exception intend to use or begin construction for the purpose of using the special exception within twelve (12) months of the approval of the special exception. If the proponents should fail to use or start construction of the special exception within twelve (12) months of the approval of the special exception or complete the construction within a reasonable period, the approval shall be considered abandoned and shall terminate (become void).
3. Should a special exception granted by the Board of Appeals or approved after the adoption of this chapter under Section 200-103, be destroyed or damaged by fire or other casualty, such use may be reconstructed, restored or replaced to the same degree that existed prior to the fire or other casualty without further action of the Board.

PLEASE NOTE: You may elect to be represented by legal counsel or you may represent yourself. If you choose to represent yourself, please be prepared to address the issues outlined above.

CHECKLIST FOR SPECIAL EXCEPTIONS (200-103.D)

A special exception may only be granted by the Board of Appeals if they find from a **preponderance of the evidence of record** that the proposed use or structure:

1. Will be consistent with the Town of Snow Hill's Comprehensive Plan.
2. Will be in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic, and parking conditions and number of similar uses.
3. Will not be detrimental to use, peaceful enjoyment, economic value, or development of surrounding properties or surrounding neighborhoods.
4. Will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activities.
5. Will have no detrimental effect on vehicular or pedestrian traffic.
6. Will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area.
7. Meets the definition and specific standards set forth elsewhere in the Zoning Ordinance for such use.

* Unless otherwise designated by the Board, any special exception shall be implemented within twelve (12) months from its approval. If it has not been so implemented, it shall be considered abandoned and shall terminate.

VARIANCES – CRITERIA FOR REVIEW BY THE BOARD OF APPEALS

This Guide is intended to assist you in preparing for your zoning appeal case.

Parties interested in an appeal to the Board of Appeals for their project under the variance section of the Town of Snow Hill Zoning Ordinance should understand the parameters used by the Appeals Board in their decision.

A Variance is defined as:

Variance – A modification only of density, bulk or area requirements in the zoning ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of the ordinance would result in unnecessary hardship.

The key words are underlined and are consistent with the restriction that apply under each zoning district in the Zoning Ordinance, for example the minimum setbacks permitted in that District.

The Board of Appeals uses the following guidelines in deciding each case under the variance section:

1. The variance is not contrary to the public interest;
 - a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved;
 - b. Literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;
 - c. The special conditions or circumstances did not result from action of applicant;
 - d. Granting the variance will not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same district.

The key word under this section is hardship. The burden is placed on the applicant to prove to the Board that by not receiving their approval, it would be an unnecessary hardship, including financial hardship on them. All other sections as described are important to the applicant for making his/her case.

PLEASE NOTE: You may elect to be represented by legal counsel or you may represent yourself. If you choose to represent yourself, please be prepared to address the issues outlined above.

CHECKLIST FOR VARIANCE (200-103.E)

(1) The Board of Appeals shall have the power to authorize, upon appeal, in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted unless and until the applicant has demonstrated each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.**
- b. The special condition or circumstances did not result from the action of the applicant.**
- c. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.**
- d. Granting the variance will not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same district.**

(2) A variance shall only be granted which modifies the density, bulk or area provisions of this chapter, and under no circumstances shall the Board of Appeals grant a variance which would allow a use not permissible under the terms of this chapter in the district involved.