

ADMINISTRATIVE ADJUSTMENT

Section 100.F.1 of the Zoning Regulations permits the Department of Planning and Zoning Director to adjust the bulk regulations of a zoning district or bulk regulations in the supplementary zoning district regulations up to 20% in accordance with the provisions applicable to variances granted by the Hearing Authority. However, adjustments to density and minimum lot size are not permitted.

PROCESS

Submission

Petitions are submitted to the Department of Planning and Zoning. A plan that contains the items listed on the petition checklist must accompany the petition. At submission, a staff member briefly checks the petition for completeness.

Completeness Review

A DPZ planner reviews the petition in more detail to determine if it contains adequate information for an evaluation of all criteria. If deficiencies are identified, the applicant is notified in writing and given the opportunity to correct or supplement the information provided in the petition.

Scheduling

After the petition is complete, a hearing date is assigned by the Director's designee. The hearing date will be determined by the legal notice posting requirement and the number of cases in review.

Public Hearing Sign

A public hearing sign must be posted on the property 15 days prior to the hearing. The Department of Planning and Zoning supplies the posters to the petitioner, who is responsible for erecting and maintaining them. Prior to the hearing the petitioner must sign an affidavit attesting that the property has been posted in accordance with the applicable requirements.

Hearing

The DPZ Director or a designee conducts the hearing in accordance with the DPZ's Rules of Procedure. The Petitioner or a designated representative must attend the hearing to present testimony supporting the petition and to answer any questions. Petitioners may choose to represent themselves or may engage an attorney or other qualified professional to present the case. The Petitioner is required to describe the request and how it relates to the applicable criteria. Any individuals interested in the petition may attend the hearing and present testimony.

Decision

The Director issues a written Decision and Order that contains Findings of Fact, Conclusions of Law, an evaluation of the following criteria and any conditions the Director finds appropriate.

Review Criteria

The Zoning Regulations contain the following four standards used to evaluate variance requests. Administrative Adjustments to the bulk regulations are subject to the same standards.

1. That there are unique physical conditions, including irregularity, narrowness or shallowness of the lot shape; exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
3. That such practical difficulties or hardships have not been created by the owner. Where all other required findings are made, however, the purchase of a lot subject to the restrictions sought to be varied, shall not itself, constitute a self-created hardship.
4. That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.

Appeals

The decision may be appealed to the Howard County Hearing Authority. The Hearing Authority will conduct a hearing *de novo*, which means the hearing will not be based upon the record established in the case.

Expiration of Administrative Adjustments

The Administrative Adjustment becomes void unless a building permit conforming to the administrative adjustment plan is obtained within two years, and substantial construction is completed within three years from the date of the decision.