



Division of Planning & Zoning

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## ADMINISTRATIVE ADJUSTMENT FILING PROCEDURES

### Purpose:

The purpose of the administrative adjustment process is to provide an abbreviated method of relief for property owners seeking minor and minimally-invasive adjustments to certain dimensional standards enumerated in the Washington County Zoning Ordinance.

***If you believe there is a potential for neighborhood opposition, it is strongly recommended that an application be submitted directly to the Board of Zoning Appeals pursuant to the standard variance process.***

### Applicability:

In accordance with Section 25.8 of the Washington County Zoning Ordinance:

*Upon petition by the property owner, the Zoning Administrator may grant an adjustment in an amount not to exceed 20% of the unmodified standard from the provisions of the following dimensional bulk requirements:*

1. *Buffer Yard and Building/Structure Setback Requirements;*
2. *Distance requirements outlined in Section 4.9;*
3. *Building Height; and*
4. *Parking Space and Parking Aisle Dimensions*

*Administrative adjustments may only be requested for prospective relief and may not be used to rectify after-the-fact errors. The adjustment shall be judged pursuant to the same limitations, guides, and standards applicable to variances granted by the Board of Zoning Appeals outlined in Section 25.56 of this Ordinance.*

### Procedures:

- **Incomplete applications will not be accepted.**
- Applications may be filed between 8:00 am and 3:00 pm Monday through Friday.
- Applications must be filed with the Permits and Inspections department with three (3) complete sets of the following information:
  1. A completed Administrative Adjustment Request application
  2. A plot plan (concept plan), drawn to a scale indicating the following information:
    - Appropriate property identifiers (address, tax map/block/parcel data, etc.)
    - Outline of the entire property;
    - Location of all existing and/or proposed structures with measurements from structures to property lines;
    - Location of existing and/or future septic and wells;
    - Any street right-of-ways or other easements (i.e. utility, storm water management, etc.);
    - Existing/proposed entrance/exit to property, driveways, etc.; and
    - Existing/proposed parking areas
  3. If the request is for a commercial use, in addition to the above, the following additional information will be required:
    - Location of any freestanding signage;
    - Number of employees (existing/proposed);
    - Hours of operation; and
    - Proposed landscaping and lighting.

4. Provide name and mailing address of owners of land adjacent to and confronting (across any public or private street) the subject property, developed (improved) or not, on all sides. Property owner information may be obtained at the Maryland State Assessment Office at [http://sdatcert3.resiusa.org/rp\\_rewrite](http://sdatcert3.resiusa.org/rp_rewrite)
5. A written statement demonstrating the specific reason(s) for the adjustment request including, section(s) being appealed, and that the request conforms to the standards for variances listed below.
6. If you are not the property owner, a notarized affidavit from the property owner authorizing the adjustment request shall be submitted
7. Other information the applicant feels will be useful to justifying their request
8. The appropriate filing fee of \$75.00 by cash; check made payable to the Washington County Treasurer, or credit card. Filing fees are **non-refundable** and may not be applied toward the application of a Board of Zoning Appeals request should the administrative modification be denied by the Zoning Administrator.

***\*\*Again, it is recommended that if you anticipate any neighborhood opposition to your request, then an application should be submitted directly to the Board of Zoning Appeals.\*\****

### **Standards for Variances:**

The Zoning Administrator shall decide all requests based on the same standards for variances required of the Board of Zoning Appeals as stated in the excerpted language from the Section 25.56 of the Washington County Zoning Ordinance as follows:

- A. *Practical Difficulty*
  1. *Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and*
  2. *Denying the variances [adjustments] would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and*
  3. *Granting the variance [adjustment] would observe the spirit of the Ordinance and secure public safety and welfare.*
- B. *Undue Hardship*
  1. *Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and*
  2. *The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and*
  3. *The hardship is not the result of the applicant's own actions.*

### **Decision:**

The Zoning Administrator shall render a decision within ten (10) days of the end of the public comment period. The decision will be in the form of a written opinion with findings of fact. Copies of the decisions of the Zoning Administrator in all administrative adjustment cases shall be sent to the Board of Zoning Appeals as a matter of information.

Denial of an adjustment request shall not prevent the applicant from immediately filing a variance request for the same relief with the Washington County Board of Zoning Appeals. All variance requests coming before the Board following the denial of an administrative adjustment will heard and decided on a de novo basis, that is, the hearing before the Board shall proceed and be decided as if the request for administrative adjustment had never occurred.