



Town of Sharpsburg Board of Zoning Appeals

106 East Main Street
P.O. Box 368
Sharpsburg, Maryland 21756
301-432-4428
Fax: 301-432-8990

Filing Procedures

- **Incomplete applications will NOT be accepted.**
- **All applications must include ALL items listed at Section 902 of the Zoning Ordinance required to be submitted with a Zoning Permit application.**
- **Applications may be filed between _____ a.m. and _____ p.m. Monday through Friday.**

Variance Request – If you are requesting a variance, you should be prepared to tell the Board why you cannot comply with the strict terms of the Ordinance without practical difficulty or unnecessary hardship; in so doing, you should be aware of the following criteria set forth at Section 1005 of the Town of Sharpsburg Zoning Ordinance:

No variance to the provisions of this Ordinance shall be granted by the Board unless the Board finds that the appellant has proved that the following standards are satisfied:

- The variance will not be contrary to the public interest.
- That a literal enforcement of the Ordinance would result in either practical difficulty and/or unnecessary hardship.
- The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- The granting of the variance will not permit the establishment within a District of any use which is prohibited in that District.
- There must be proof of special or unique circumstances or conditions that are peculiar to the land or buildings for which the variance is sought, such as a narrow or irregular lot. These circumstances shall be described in the findings.
- The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will provide the needed relief.
- It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded.
- The need for the variance is not self-created, and is not the result of any action taken by the applicant.

Special Exception Request – If you are requesting a special exception, you should be prepared to discuss the following criteria excerpted from Section 1006 of the Town of Sharpsburg Zoning Ordinance:

The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general

requirements as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location:

- Be in accordance with the Sharpsburg Comprehensive Plan and consistent with the spirit, purposes, and intent of this Ordinance.
- Be suitable for the property in question, and designed so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
- Be suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- Not result in significant nuisances or significant hazards to the public health and safety.
- The standard for the grant or denial of a special exception is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zoning district.

Administrative Appeal – If you are making an administrative appeal, you should be prepared to discuss the following criteria excerpted from Section 1004 of the Town of Sharpsburg Zoning Ordinance:

Upon appeal from a decision by the Zoning Administrator, the Board shall decide any question 1) involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto; 2) where it is alleged there is error in any order, requirement, decision, or determination, including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Administration in the enforcement of this Ordinance.

Requirements:

- Applicants must make application in person and shall submit **nine (9)** complete sets of the items listed below.
- Incomplete applications will not be accepted.
- ***It is very important that you are very clear as to the measurements/changes you wish to make, if an appeal is to be granted.***

Fee Schedule:

- Variance 600.00
- Special Exception 600.00
Includes Change and Expansion of Non-Conforming Use
- Appeal Charging Administrative Error 250.00

The Board shall render a written decision within thirty (30) days after completion of the hearing.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, or board, bureau of the jurisdiction, may appeal the same to the Circuit Court of Washington County in a manner set forth in Section 4.08 of Article 66B of the Annotated Code of Maryland. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.