



# CRITICAL AREA VARIANCE CRITERIA

If you are requesting a variance from the Critical Area regulations, the following criteria for Critical Area Variance approval must be addressed when you present your case to the Board of Appeals at the public hearing:

## Zoning Ordinance Article 11-1.01.B

A critical area variance may be granted only if the applicant demonstrates, and the Board of Appeals finds that the applicant has met each of the following variance standards:

- the variance will not result in injury to the public interest; and
- granting the variance will not adversely affect the implementation of the Comprehensive Plan; and
- the variance is the minimum adjustment necessary to afford relief from the regulations; and
- special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship; and
- a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County; and
- the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area; and
- the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Appeals may consider that fact; and
- the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.

## Note:

Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

The Comprehensive Plan is the official policy document for the County and is used when evaluating projects. It may be viewed on the County's website at <http://www.calvertcountymd.gov/documentcenter/view/254>