



FOREST CONSERVATION VARIANCE CRITERIA

If you are requesting a variance from the Forest Conservation regulations the following criteria for Forest Conservation 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.C

1. A variance may only be granted if the applicant demonstrates and the Board of Appeals finds that peculiar and unusual practical difficulties or unwarranted hardships exist on a parcel, and such difficulties and hardships are created by exceptional narrowness, shallowness, or shape of the parcel, by reason of exceptional topographical conditions, or by other extraordinary situations or conditions affecting the property.
2. A variance shall 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
 - the variance request is not based upon conditions or circumstances which are the result of actions by the applicant; 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 Forest Conservation Program would result in unwarranted hardship; and
 - a literal interpretation of the Calvert County Forest Conservation Program will deprive the applicant of rights commonly enjoyed by other properties in similar areas; and
 - granting the variance will not confer upon an applicant any special privilege that would be denied to other applicants; and
 - the variance request does not arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property; and
 - the granting of a variance will not adversely affect water quality.

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>