

TOWN OF CHEVY CHASE
ADMINISTRATIVE VARIANCES
STANDARD OPERATING PROCEDURES

Applicability

- The Town allows for certain proposed improvements that do not meet the Town's building requirements to be approved by the Town Manager and Mayor through an administrative variance process that does not require a public hearing.

Application

- An application for an administrative variance must include the same submittal materials as a variance that requires a public hearing. The Council sets the fee for an administrative variance by resolution.

Standards

- The Town Manager and Mayor will approve a variance through the administrative variance process only if they find that the standards outlined in the Code for variance approval are met (a preponderance of the evidence of the following):
 - The property or public right-of-way involved in the application is of such exceptional narrowness, shallowness, shape or subject to such limitations of record, or topographical conditions or other extraordinary situations or conditions peculiar to the specific property that it is impossible or impractical or would cause peculiar or unusual practical difficulties to, or undue hardship upon the owner of such property to conform fully to Chapter 4 of the Code;
 - The variance is reasonably necessary to grant relief;
 - The variance would not be detrimental to the public health, safety and welfare, or use and enjoyment of adjoining or neighboring properties;
 - The variance is the minimum reasonably necessary to overcome the aforesaid extraordinary situation or condition; and
 - The variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any duly adopted and approved master plan affecting the subject property or right-of-way.

Review

- Upon receipt of a complete application, the Town Manager will review the record for the request and will consult with the Mayor if he/she has concerns that the standards for approval are not satisfied.
 - If, following such a consultation, the Mayor or Town Manager feels that they cannot approve the request administratively, it will be scheduled for public hearing. Staff will advise the applicant that the variance cannot be approved administratively, and will schedule the request for consideration by the entire Council at a public hearing. Notice of the public hearing will be provided as required by the Code.
- If, after reviewing the record, the Town Manager feels that the standards for approval are met, staff will prepare a notice summarizing the variance request, along with illustrative exhibits, to be distributed by hand to all abutting and confronting properties. In addition,

a Public Notice sign will be placed in the yard of the subject property briefly describing the request, and the written notice will be placed on the Town's website. The Council will be provided the summary notice, as well as the complete record of the variance application.

- The written notice, Public Notice sign, and web posting will advise the public and the Council that the variance will be approved unless written objection to the approval is submitted to the Town Office by the close of business 15 days hence.

Administrative Approval

- If no written objection is received by the Town during the 15 day notification period, staff will send the variance record to the Town Attorney to prepare a decision, to be signed by the Town Manager and Mayor, granting the variance request.

Public Hearing Consideration

- If written objection, from the public or any member of the Town Council, is received by the Town during the 15 day notification period, staff will advise the applicant that the variance cannot be approved administratively and will schedule the request for consideration by the entire Council at a public hearing. Notice of the public hearing will be provided as required by the Code.

Approved May 5, 2016