



CITY OF BOWIE
15901 Excalibur Road
Bowie, Maryland 2071 6

APPLICATION FOR VARIANCE FROM THE CITY OF BOWIE ZONING ORDINANCE

USE THIS FORM FOR THE FOLLOWING VARIANCE REQUESTS ONLY:

- *Fences (Section 26-2)
- *Residential Parking (Section 26-12)
- *Residential Storage (Section 26-11)

Property Owner: _____

Property Address: _____

Telephone Number: (H): _____ (W): _____ (Email): _____

Owner Address (if different from the property address):

Describe your request (purpose of and reason for variance):
(Additional pages may be attached, if needed)

NOTE: A variance may only be granted by the Board of Appeals when:

1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;
2. The strict application of this Chapter will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and
3. The variance will not substantially impair the intent, purposes or integrity of the policies of the City.

The Board cannot consider statements of approval or consent from neighbors regarding properties with similar circumstances. Adjoining property owners will be notified of this request and hearing date.

Applicants Signature: _____ Date: _____

Printed Name: _____

VARIANCE REQUEST MUST BE ACCOMPANIED BY ONE COPY OF SITE PLAN OR SURVEY WHICH ACCURATELY DEPICTS THE LOCATION OF ALL RELEVANT FEATURES OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, STRUCTURES, PROPERTY LINES, SETBACK LINES AND THE LOCATION, SIZE AND SCOPE OF THE REQUESTED VARIANCE.

For Office Use Only :

Date request received at Bowie City Hall: _____

Variance Request No.: VR# _____



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

To: Variance Applicants

From: Jamie L. Braun, Administrative Review Board/Board of Appeals City Liaison

Re: Hearing Procedures

Date: August 15, 2019

The Board of Appeals hears requests for variance under the procedure outlined in the Bowie City Code, Chapter 26, Sections 26-14 and 26-15. Each variance request is governed by the code and ordinances. **A variance may only be granted where all three criteria below are met.**

- (1) the property in question has exceptional narrowness, shallowness, or shape, exceptional topographical conditions or other extraordinary situations or conditions;
- (2) the strict application of the Bowie zoning ordinance from which the applicant seeks relief will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and
- (3) the variance will not substantially impair the intent, purposes, or integrity of the policies of the City.

An applicant is responsible for proving the request for variance meets each one of these criteria. The referenced hardship in number (2) must arise from the peculiar nature of the land, not from the property owner's personal circumstances. A variance should not be granted where the referenced hardship is created by the property owner's actions, such as proceeding with construction that violates an ordinance.

The Board of Appeals sits as a quasi-judicial body for the purpose of taking testimony and receiving evidence that might be material and appropriate. The Board has Rules of Procedures for the conduct of its hearings. The hearing will be recorded. Each witness will be required to take an oath, promising to speak truthfully in their testimony. The official record of the hearing will include the hearing recording as well as all supporting documentation and exhibits. No person will be permitted to make factual representations to the Board unless the witness has taken the requisite oath.

The Rules of Procedures include:

1. The initial introduction of reports and official documents by the City
2. Opening statements by the applicant and the City.
3. The applicant will present their case first.
 - The City's representative, the opposition, the Board of Appeals members and, when requested by the Board, the City Attorney, may ask questions, or cross examine, the applicant and any witnesses presented by the applicant. Questions are to be phrased briefly and designed to elicit an answer and should not take the form of statements or declarations. The questions are not to be argumentative or personal in nature. The Chairperson may require questions to be put in written form and asked by the City Attorney or his representative. There may be a re-direct and re-cross examination of the applicant and their witnesses.
4. Upon completion of the applicant's case, the opposition and/or the City's representative may present its case. The applicant, members of the Board of Appeals and, when requested by the Board, the City Attorney, may ask questions, or cross examine, the witnesses. A re-direct and re-cross examination of the witnesses may follow.
5. The applicant may present evidence to rebut any evidence introduced by the opposition subject to further cross-examination, but no new testimony may be introduced.
6. The applicant will present their summation, followed by the opposition's summation.

The burden of proof is on the applicant to show material and substantial evidence that they are entitled to the relief requested and the request meets all prescribed standards and requirements of the Bowie City Code.

At the end of the presentation, the Board of Appeals may grant, grant with modifications or deny the petition. Failure of the Board to reach a majority consensus results in denial of the request. The final Decision and Order of the Board of Appeals will be issued in writing, signed by the Chairperson and will be accompanied by findings of fact and conclusions of law. The decision will be issued within thirty days or as soon thereafter as reasonably possible.