

PROPOSED MINOR VARIATION PROCEDURES (November 7, 2017)

The Department of Planning and Zoning will use the following procedures for Minor Variations to proffered conditions that may be considered for approval by the Board of Supervisors under Par. 5 of Section 18-204 of the Zoning Ordinance. A description of each step and a general timeline are provided below.

1. RECEIPT OF A REQUEST (Week 1)

- a. A request for a Minor Variation may be filed by a property owner, contract purchaser, or owners association (the same entities that can file for a PCA). If the requestor is not the owner of the subject property, owner concurrence is required.
- b. The request will be processed by the Zoning Evaluation Division Interpretation Branch.
- c. A request should be submitted as a letter, and include demonstration of compliance with "a" above, related graphic material, as appropriate, the required fee, and an affidavit.
- d. Initial Staff review will include a determination by the Director, ZED that the proposed request is permitted under the Zoning Ordinance as a Minor Variation. If permitted, the request will be distributed for review. If not permitted under the Zoning Ordinance as a Minor Variation, the request will be returned to the requestor.
- e. Minor Variation requests will be logged-in and tracked in an automated database system in the same way as are current Interpretation/Minor Modification requests.

2. DISTRIBUTION (Week 1)

- a. Each Minor Variation request will be distributed to the Board of Supervisors member and Planning Commissioner for the particular magisterial district; the Board member and Planning Commissioner of the adjacent district, if the property is located within $\frac{1}{4}$ mile of the magisterial district boundary; and the Executive Director of the Planning Commission.
- b. Board member agreement to proceed with a proposal as a Minor Variation will be verified by Staff.
- c. Requests will be distributed to functional agency reviewers as needed, depending on the subject (same as Single Issue PCA).
- d. Information on requests filed for Minor Variations will be sent to any Community Association as may be identified by the Board member in a particular magisterial district.

3. EVALUATION AND PREPARATION OF BOARD ITEM (Weeks 1-5)

- a. Staff will analyze the request based upon the approved zoning and proffers, and impacts, including those on adjacent properties, in accordance with the Zoning Ordinance provisions for Minor Variations.
- b. Staff will coordinate with the District Board member on evaluation and scheduling.

- c. Staff will schedule the Board Action Item for a Board of Supervisors meeting approximately 60 days following the filing of a complete request.
 - d. Board Item titles will be provided to the Clerk to the Board 5 weeks prior to Board of Supervisors meeting.
 - e. Based on the completed analysis, Staff will prepare a County Executive Action Item, which will include a recommendation on the Minor Variation request.
 - f. At any point in the evaluation process, the Board may deny the request to process the issue as a Minor Variation, at which point the applicant may file a PCA for the request.
4. NOTICE PACKAGE (Week 4)
 - a. Notifications are required by the Zoning Ordinance and the State Code. Staff will send the notice package and instructions to the requester 30 days prior to the Board meeting. Notices are to be completed by the requester.
 - b. Notices must be sent by the requestor and postmarked no later than 15 days prior to the scheduled Board meeting.
 - c. Notice receipts will be reviewed by the Planning Commission Staff.
5. SUBMITTING BOARD ACTION ITEM (Week 5)
 - a. The Action Item for Minor Variation will be submitted to the Clerk to the Board for inclusion in the Board package on the Friday 12 business days prior to the Board meeting.
 - b. The Item will be posted in the Board package on the Wednesday before the Board meeting.
6. AFFIDAVIT (Weeks 6 - 7)
 - a. No more than 14 business days but no less than 7 business days before the scheduled Board meeting, the requester must submit a reaffirmation of the affidavit to Office of the County Attorney for review and approval (or submit a revised affidavit with concurrent reaffirmation).
 - b. If the affidavit requirement is not met, the Board Action Item will be deferred (unless the Board waives its policy).
7. BOARD DECISION (Week 8)
 - a. The Minor Variation request is considered by the Board as an "Action Item" under Items presented by the County Executive at a public meeting.
 - b. ZED Staff will present the Minor Variation request to the Board.
8. CLERK'S LETTER/RECORDS (Week 8+)

- a. A draft letter on the Board action will be prepared by the Clerk to the Board and reviewed by ZED staff.
- b. A letter will be issued by the Clerk to the Board documenting Board Action and outlining any implementation required.
- c. Action on the Minor Variation will be recorded in Zoning and Planning System (ZAPS) (or future system) under zoning application number.