cause why the conditional use should not be revoked, the deciding body must revoke the conditional use approval.

8. The Planning Director must note the revocation of any conditional use in the official zoning maps.

## Section 7.3.2. Variance

### A. Applicability and Description

The Board of Appeals may grant a variance from any requirement of this Chapter.

### B. Application Requirements

1. A property owner or another party authorized by the property owner may file a variance application with the Board of Appeals.
2. The applicant must submit the following for review:
   a. application form and fees required by the Board of Appeals;
   b. documentation of interest in the proposed development site under Section 7.3.2.B.1;
   c. statement of justification outlining how the proposed development satisfies the criteria for approving the application;
   d. survey plat or scaled drawing showing boundaries, frontage, and topography;
   e. certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
   f. list of abutting and confronting property owners in the County tax records;
   g. list of any civic and homeowners associations within 1/2 mile;
   h. scale plans, illustrations, sections, elevations, or specifications showing all existing and proposed buildings and structures; and
   i. supplementary documentation to be introduced in support of the application.
3. Public notice is required under Division 7.5.

### C. Hearing Date

The Board of Appeals must schedule a public hearing to begin no later within 60 days after the application was accepted, except that the hearing date may be extended to 120 days from acceptance if the Board of Appeals requests advice from the Planning Director, Planning Board, or the Hearing Examiner.

### D. Review and Recommendation

1. The Board of Appeals may request review by the Planning Director, Planning Board, or Hearing Examiner.
2. If the Board of Appeals requests review by the Planning Director, Planning Board, or Hearing Examiner the review follows the same procedure as a conditional use application.
3. When an error committed or discovered during the course of construction on a site where a property owner holds a valid building permit to construct a detached house or townhouse building type in a new residential subdivision results in the violation of a required setback, and a variance would involve less than 10% of the setback requirement, the Board of Appeals may hear the application for the variance at the next regularly scheduled hearing if:
   a. the property owner makes a written request to the Board of Appeals; and
   b. the Board of Appeals members present make a unanimous vote to allow the application.
4. **Amendment of an Application**

   An applicant may amend the application before the hearing if the Board of Appeals approves a motion to amend after giving 10 days' notice to all parties entitled to original notice of filing. If an amendment would alter materially an applicant's proposal or evidence, the Board of Appeals may postpone the hearing to a date that permits all interested parties adequate time to review the amendment.

### E. Necessary Findings

Granting the variance may only authorize a use of land allowed by the underlying zone. To approve a variance, the Board of Appeals must find that:

1. denying the variance would result in no reasonable use of the property; or

2. each of the following apply:
   a. one or more of the following unusual or extraordinary situations or conditions exist:
      i. exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;
      ii. the proposed development uses an existing legal nonconforming property or structure;
      iii. the proposed development contains environmentally sensitive features or buffers;
      iv. the proposed development contains a historically significant property or structure; or
      v. the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood;
   b. the special circumstances or conditions are not the result of actions by the applicant;
   c. the requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property;
   d. the variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan; and
   e. granting the variance will not be adverse to the use and enjoyment of abutting or confronting properties.

### F. Decision

1. The Board of Appeals must act by an affirmative vote of 3 members to approve, approve with conditions, or deny the application within 30 days after the close of the record of the public hearing. If the required number of affirmative votes is not obtained, the application is denied.
2. Any party aggrieved by a decision of the Board of Appeals may file a petition for judicial review of the decision within 30 days after the Board of Appeals action to the Circuit Court and thereafter to the Court of Special Appeals.

### G. Duration of Approval

1. The applicant must submit an application for a building permit, site plan, or conditional use within 12 months after the issuance of a variance. If a decision on a variance is appealed to a court, this time limit runs from the date of the final court order in the appeal.
2. After approval of a variance, the Board of Appeals may extend the time limit to obtain a building permit or file an application for a site plan or conditional use if the evidence of record establishes that drawing of architectural plans, preparation of the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity. If the Board of Appeals grants an extension, the Board of Appeals must set a date by which the erection or alteration of the building must be started or the use established.
3. Approval of a variance entitles the applicant or successor to obtain a building permit or file a site plan or conditional use application to the standard granted by the variance.
4. The conditions approved by the Board of Appeals are binding upon the applicant, successors, and assigns.

### H. Recording Procedures

The Board of Appeals must maintain any resolution concerning a variance in its permanent files and must record an approved variance in the land records within 30 days after approval.

## Section 7.3.3. Sketch Plan

### A. Applicability and Description

1. Development under optional method in the CRT, CR, EOF, or LSC zone requires approval of a sketch plan.
2. A sketch plan describes a project at an early stage to provide the public and the Planning Board the chance to review a proposed development for general design, density, circulation, public benefits, and relationship to the