

## **1.13 Variances**

### **A. General**

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend variances to these subdivision regulations to the Board of Commissioners so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not recommend nor the Board of Commissioners grant such variances unless it shall make findings based upon the evidence presented to it in each specific case:

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
- (4) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

### **B. Conditions**

In approving variances, the Board of Commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

### **C. Procedures**

A petition for any such variance shall be submitted in writing by the subdivider for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Applicants shall pay any administrative fee established by the County at the time of the application or request.

## **1.14 Prohibited Acts, Enforcement, and Penalties**

**A.** No owner or agent of the owner, of any land located within the territorial jurisdiction of the County, shall subdivide his/her land in violation of these regulations or transfer or sell land by reference to, exhibition of or any other use of a plat showing a subdivision of land before the plat has been properly approved under these regulations and recorded in the office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land does not exempt the transaction from these regulations.

**B.** The Register of Deeds shall not record a plat of any subdivision unless the plat has been approved in the manner prescribed by these regulations or the owner has certified that the subdivision is exempt from these regulations. (See 1.4C and D)