

Resolution No.: 7-09-1  
Adopted: 7-16-09  
Effective: 8-8-09

**THE VILLAGE OF MARTIN'S ADDITIONS**

**SUBJECT: A RESOLUTION TO ADOPT PROCEDURES TO PROCESS APPLICATIONS FOR VARIANCES FROM THE VILLAGE BUILDING REGULATIONS OF CHAPTER 7, ARTICLE 4 AND TO ADOPT A VARIANCE APPLICATION FILING FEE.**

WHEREAS, the Village of Martin's Additions (the "Village") is a duly incorporated municipality in the State of Maryland; and

WHEREAS, Article 23A, Section 2(b)(33) of the Maryland Code authorizes municipal corporations within the State to establish and collect reasonable fees and charges associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation; and

WHEREAS, pursuant to Section 7-405 of the Code of Ordinances of the Village of Martin's Additions, the Council is authorized to consider applications for variances from the strict application of any specific requirement in Chapter 7, Article 4 of the Village Code; and

WHEREAS, based on the recommendation of the Village Manager, the Village Council finds that the average cost to the Village of processing an application for a variance equals or exceeds the fee established by this Resolution; and

WHEREAS, the Village Council finds that the fee set forth in this Resolution bears a reasonable relationship to the recovery of actual costs incurred by the Village; and

WHEREAS, the Village Council finds that the establishment of the attached administrative procedures and application filing fee are consistent with Chapter 7, Article 4 of the Village Code and in the public interest; and

WHEREAS, this Resolution was considered in open session on July 16, 2009.

NOW, THEREFORE, BE IT:

RESOLVED that the attached Procedures for Processing an Application for Variance be and are hereby adopted by the Village Council, and it is further,

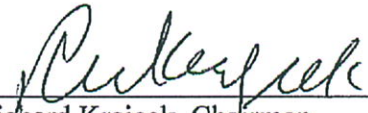
RESOLVED that the application filing fee for an application for a variance shall be \$ 1,500, as reflected on the attached amended Schedule of


Fees, and it is further,


RESOLVED, that the foregoing Resolution shall become effective on the 8<sup>th</sup> day of August, 2009, and it is further,

RESOLVED, that written notice of the adoption of the foregoing Resolution shall be provided to Village residents in accordance with Section 502(d) of the Village Charter, and it is further,

RESOLVED, that the foregoing Resolution shall be permanently filed by the Secretary and kept available for public inspection.

  
\_\_\_\_\_  
Richard Krajeck, Chairman  
Village Council

I,   
\_\_\_\_\_, Secretary of the Village Council, hereby certify that the foregoing Resolution was adopted by the Village Council in public session on the 16<sup>th</sup> day of July, 2009.

  
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LARRY WASSON, Secretary  
Village Council



Village of Martin's Additions  
7013 B Brookville Road  
Chevy Chase, MD 20815

**Procedures for Processing an Application for a Variance  
in the Village of Martin's Additions**

Applications for variances submitted under Section 7-405 of the Code of Ordinances of the Village of Martin's Additions shall be processed according to the following procedures.

**Written Application.** A property owner who has been denied a building permit for nonconformance with the Village building regulations may apply to the Village Council for a variance from the strict application of the terms of Chapter 7, Article 4 of the Village Code. Such requests shall be submitted to the Village Manager on the application form provided by the Village Manager, as may be amended from time to time. A variance application must be accompanied by a boundary survey with a margin of error of .1 foot or less.

**Public Hearing.** Upon submission of an application for a variance, and the payment of the applicable filing fee, a public hearing on the application will be scheduled by the Village Manager. Unless a special hearing is scheduled, the hearing on the application for the variance will take place at a regularly-scheduled monthly meeting of the Village Council, time permitting. At the hearing, any party may appear in person or by agent or attorney. The hearing shall be conducted pursuant to regular Council procedures or regulations promulgated by the Council.

**Notice of Hearing.** At least twenty (20) days prior to the scheduled hearing, the Village Manager shall post notice of the hearing at the applicant's property that is the subject of the variance request and shall mail written notification of the hearing to all adjoining and confronting property owners by first class mail.

**Filing Fee.** No application for a variance shall be processed until the applicant has paid a non-refundable application fee to the Village. The Council shall, by resolution, determine the application fee which shall be included on the schedule of building permit fees required by Section 6-307 of the Village Code. Pursuant to Resolution No. 7-09-1 introduced and adopted July 16, 2009 and effective: 8-8-09 the filing fee for variance has been set at \$1,500.