





Tom Haller and Chip Reed, representing the Chamber of Commerce, noted two problems with the legislation. First, the amendments to Section 27-229, which prohibit the Board of Appeals from granting any variances for Special Exceptions, create a problem for applicants who request variances in conjunction with minor amendments to Special Exceptions. These amendments are decided by the Planning Board, and the proposed legislation would require the variance to be decided by the Zoning Hearing Examiner, which would lengthen and complicate the minor amendment process. The Committee agreed to allow the Planning Board to decide variances in these cases. The Chamber also opposes the new language in Section 27-316, which states that "variances granted under the authority of this Section are applicable only to the Special Exception use the variance was granted in conjunction with." The Committee agreed to insert the words "the structure or" before the words "Special Exception use".

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

The Office of the Zoning Hearing Examiner is authorized to decide Special Exceptions by Section 27-312 of the Zoning Ordinance, and this decision is final unless it is appealed, called up by the Council, or involves a variance. Recently enacted State law (HB 907) enables the District Council to permit the ZHE to decide variances. This legislation (CB-92-1992) provides the authority to the ZHE to decide variances with Special Exceptions, subject to an appeal to the District Council. It will eliminate Special Exception cases automatically going before the District Council when a variance is involved, which is estimated at 22 cases annually. The Council will, however, retain the power to finally decide all Special Exceptions. This legislation also prohibits the Board of Appeals from granting a variance for a Special Exception, and states that variances granted by the District Council in conjunction with a Special Exception are applicable only to the Special Exception use. Currently, the variance is considered to be applicable to the property, not a specific case.

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