

16.212—Procedure

No variance or exception to the zoning regulations and zoning districts shall be granted until after the hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard, and unless the Board shall affirmatively find:

(a) That practical difficulty or unnecessary hardship will result in the strict enforcement of the zoning regulations and zoning districts;

(b) That any variance granted or any special exception to the terms of the regulations made are in harmony with the general purpose and intent of the zoning regulations and districts;

(c) That any special exception made or variance granted shall not adversely affect the surrounding and vicinal properties.

No special use shall be authorized unless the Board shall affirmatively find after a hearing upon the matter that the granting of the special use will not adversely affect the surrounding properties and is in harmony with the comprehensive zoning map and general plan.

No final determination shall be made by the Board of Appeals in any zoning matter until it has considered the report of the Planning Board.

16.213—Conduct of Hearings

All public hearings on zoning matters shall be conducted in accordance with the Rules of Procedure adopted by the Board of Appeals provided that no hearing on any zoning application shall be had unless at least ~~fifteen (15)~~ THIRTY (30) days' notice of the time and place of the beginning of such hearing shall be published in ~~an official paper~~ TWO NEWSPAPERS of general circulation in Howard County and unless the property subject of the zoning application shall be posted with time and date of the hearing for at least ~~fifteen (15)~~ THIRTY (30) days prior to the said hearing. The Board shall prepare an official record of its proceedings in each case, which shall include testimony and exhibits, but it shall not be necessary to transcribe the testimony unless requested for Court review. Every decision and order in a zoning matter shall be in writing and shall be accompanied by findings of fact and conclusions of law and shall be made a part of the record of proceedings.

16.214—Judicial Review

Appeals from decisions of the Board in zoning matters shall be taken in accordance with the provisions of Section 501 of The Howard County Charter.

16.215—Enforcement

In addition to any other remedies provided by law, the zoning enforcement officer may institute any appropriate action or proceedings to compel compliance with a decision of the Board of Appeals in any zoning matter.

16.216—Severability

If any clause, sentence, part or parts of this title, or of any section thereof shall be held unconstitutional or invalid such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this title or of any section thereof. The County Council hereby declares that it would have passed the remaining parts of this title or any section thereof if it had known such clause, sentence, part or parts or any section thereof should be declared invalid or unconstitutional.