

- A. The applicant;
- B. The local jurisdiction or any other government agency; or
- C. Any other person deemed appropriate by the local jurisdiction.

(4) A variance to a local jurisdiction's critical area program may not be granted unless:

(i) Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the critical area program would result in unwarranted hardship to the applicant;

(ii) The local jurisdiction finds that the applicant has satisfied each one of the variance provisions; and

(iii) Without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program.

(5) This subsection does not apply to building permits or activities that comply with a buffer exemption plan or buffer management plan of a local jurisdiction which has been approved by the Commission.

**(6) NOTWITHSTANDING ANY PROVISION OF A LOCAL LAW OR ORDINANCE, OR THE LACK OF A PROVISION IN A LOCAL LAW OR ORDINANCE, ALL OF THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO, AND SHALL BE APPLIED BY, A LOCAL JURISDICTION IN THE CONSIDERATION, PROCESSING, AND DECISION ON AN APPLICATION FOR A VARIANCE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any applications for variances under the Chesapeake Bay and Atlantic Coastal Bays Critical Area Program, except for property in the North Shore Community of Anne Arundel County for which a variance was applied for in 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007.

Approved by the Governor, April 24, 2007.