

REGARDING PETITIONS FOR MODIFICATION OF SPECIAL EXCEPTIONS

PLEASE TAKE NOTICE

Effective immediately, all parties who make submissions, after an initial filing, in **Special Exception**, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purposes of this requirement, a party includes:

1. Counsel of record who have formally entered their appearance;
2. Any person to whom the Board has granted Intervener status and;
3. The Applicant, Petitioner or Appellant in the case.
4. **Parties who submit any document of more than 20 pages should number the pages of such documents clearly and consecutively.**

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY, MARYLAND**

**INSTRUCTIONS FOR FILING PETITION TO MODIFY A SPECIAL EXCEPTION
(Please Read Carefully)**

1. **Dual filing is required. Submit an electronic copy of your complete submission to BOA@montgomerycountymd.gov AND send the hard copies to our office at 100 Maryland Avenue, Suite 217, Rockville, Maryland 20850. Address correspondence to: Chairman, Board of Appeals for Montgomery County, Stella B. Werner Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850.**
2. **At the time of filing an application, the correct fee must be paid in accordance with the current schedule of fees adopted by the Montgomery County Council. Checks or money orders should be made payable to Montgomery County, Maryland. *Cash cannot be accepted.* No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee.**

**DATA TO ACCOMPANY PETITION FOR MODIFICATION OF SPECIAL EXCEPTION
(Section 59-A-4.22, Montgomery County Code 2004, as amended)**

Each Petition for Special Exception must be accompanied at the time of its filing by **eight (8) copies of all documents that include:**

1. Survey plats, or other accurate drawings, showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
 2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition.
 3. Statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved, and any special conditions or limitations which the Applicant proposes for adoption by the Board.
 4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
 5. An original certified copy of official zoning vicinity map of 1,000 foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties, along with a list of those adjoining and confronting property owners in the county tax records who are entitled to notice of the filing under subsection 59-A-4.46. Purchase maps from the Maryland-National Capital Park and Planning Commission, 2425 Reedie Drive, Wheaton, Maryland, (Phone: 301-495-4610). **The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.**
 6. If Petitioner is not the owner of the property involved, lease, rental agreement, or contract to purchase by which Petitioner's legal right to prosecute the petition is established.
 7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan deemed pertinent by the Petitioner. (Available at M-NCPPC, 2425 Reedie Drive, Wheaton)
 8. Except a petition for telecommunications facility, a preliminary forest conservation plan prepared under Chapter 22A or a confirmation that the inventory is not required under Chapter 22A-5.
 9. An approved natural resources inventory prepared in accordance with the technical manual adopted by the Planning Board or a confirmation that the inventory is not required under Chapter 22A-5.
- ** Applications for telecommunications facilities see additional requirements in Section 59-A-4.22(13).**
10. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
 11. All additional exhibits which the Petitioner intends to introduce.
 12. Summary of what the Petitioner intends to prove, including the names of Petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the Petitioner's case.
 13. A listing of the names and mailing addresses of the adjoining and confronting property owners (see Section 59-A-4.46) who are entitled to notice of the filing. This information is available from the State Department of Assessments and Taxation, 30 West Gude Drive, Suite 400, Rockville, Maryland, 20850, (Phone: 240-314-4500). Please also list any local citizens associations and any municipality or special taxing district within which the property is located. Please use BOA Form 5.

IMPORTANT

It is suggested that Petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1.2 of the Zoning Ordinance and the particular subsection pertaining to the use desired.

Special Exception petitions require that a Board of Appeals' sign be posted on the property *within three (5) days* after the application is accepted by the office. A deposit for the sign of \$220 is required: \$110 will be refunded *to the Applicant when the sign is returned*.

PETITION TO MODIFY SPECIAL EXCEPTION UNDER ZONING ORDINANCE
(Please note instructions on reverse side)
(PLEASE PRINT)

Petition is hereby made for a major modification of a special exception under the Zoning Ordinance for the Montgomery-Washington Regional District in Montgomery County, Maryland (Chap. 59, Mont. Co. Code 2004, as amended) as follows:

Petitioner(s) _____

Property to be used: Lot _____ Block _____ Subdivision _____

Street Address. _____ City _____ State _____ Zip _____

Zone Classification _____ Tax Account No. _____

Proposed Use _____

Zoning Ordinance subsection providing for proposed use: Sec 59-G-2. _____
(in accordance with sections 59-G-1 through 59-G-2)

Owner of property: Name _____
Address _____

Petitioner's present legal interest in above property: (check one)

Owner (including joint ownership) Lessee Tenant other than lessee Contract Purchaser

Other (Describe) _____

Has any previous application for a special exception involving this property been made to the Board of Appeals, by this Petitioner, or by anyone else to this Petitioner's knowledge? _____

If so, give Case Number(s): _____

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Signature of Attorney - **(Please print next to signature)**

Signature of Petitioner(s) - **(Please print next to signature)**

Address of Attorney

Address of Petitioner(s)

Telephone Number Email Address

Home Telephone Work Telephone Email Address

Special Exception Annual Billing Information (Please Print)

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

LIST OF ABUTTING AND CONFRONTING PROPERTY OWNERS

(Please see information on reverse side)

Case Number:

	NAME	MAILING ADDRESS (Please add Zip Code)
PETITIONER/ APPELLANT		
ATTORNEY/ AGENT		
PROPERTY OWNER		

NOTE: Because this list will be used to help generate the Board’s mailing list for this case, please provide the Applicant’s name and address, that of any attorney or agent hired by the Applicant, and the name of the property owner (if different from the Applicant), in addition to the list of abutting and confronting property owners. You may use additional sheets if needed.

ABUTTING AND CONFRONTING PROPERTY OWNERS

NAME	ADDRESS (Please add Zip Code)	LOT/PARCEL	BLOCK

**REGARDING NOTICE OF PUBLIC HEARINGS BEFORE
THE BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND**

Section 59.7.5.2.E of the Zoning Ordinance, Montgomery County Code, 2024, requires that notice of public hearings be mailed to “...all abutting and confronting property owners, civic and homeowners associations within ½ mile, any municipality within ½ mile, and pre-submittal meeting attendees if applicable.... for a sign variance, the deciding body must also send notice of the hearing to any special taxing district in which the proposed sign would be located and the technical staff of the Planning Board if the sign would be located on a property with a site plan....”

It is the responsibility of applicant(s) to supply the names and addresses of all such owners as shown on the current State Department of Assessment and Taxation records, and to list those persons on the reverse side of this form. The tax office is located at *30 West Gude Drive, Suite 400, Rockville, MD, 20850, Phone: 240-314-4500.*

Instructions for Abutting and Confronting Property Owners

There are two different ways to access information about Abutting and Confronting Property Owners from the Maryland State Department of Assessment and Taxation (Phone: 240-314-4500). The first is to go to the [Maryland SDAT website](#).

Click on “Real Property,” then click on “Real Property Data Search.”

(1) Select Montgomery County

(2) Select Street Address

- Enter Street Name
- Click on the SEARCH button.
- Review property addresses for those that share a common boundary and any property that faces your lot.

The second is to access this information via [MCAtlas](#), which provides a map view that may make it easier to ascertain which properties abut and confront the subject property:

- Enter the address for the subject property in the search box at the upper right side of the screen, and push “Enter.”
- With your mouse, left click on the property for which you would like to view ownership information. A red dot will appear on the property.
- Click on the “Account #” link from the left hand column to access the SDAT information for that property and view the ownership information.
- Repeat this process as necessary for all abutting and confronting properties.