

# REGARDING PETITIONS FOR A VARIANCE UNDER ZONING ORDINANCE

## 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.

## MONTGOMERY COUNTY BOARD OF APPEALS

### INSTRUCTIONS FOR FILING PETITION FOR VARIANCE

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 all correspondence to: Chairman, Montgomery County Board of Appeals, Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850.
2. A filing fee is required in the amount of \$440.00\*\* for a single family residence; \$880.00 for a single-family residence under construction or newly constructed; \$2,750.00 for a multi-family dwelling or \$3,300.00 for commercial and/or industrial. [\*\*If the variance is only for the existing non-conforming dwelling in excess of 20 years old, the filing fee is \$220.00.]
3. Variance applications require that a Board of Appeals sign be posted on the property within five (5) days after the application is filed. A deposit fee for the sign of \$220.00 is required; however, \$110.00 will be refunded to the applicant when the sign is returned in accordance with Board Rule 1.8.

NOTE: A check or money order, for the filing fee and the sign deposit fee, payable to Montgomery County, Maryland is required at the time of filing. Cash cannot be accepted.

#### DATA TO ACCOMPANY APPLICATION FOR VARIANCE

Each application for variance must be accompanied at the time of filing by an original and two (2) copies of all pertinent information required. (No application can be accepted by the staff unless it contains all pertinent information and is accompanied by the required filing fee. See Section 59.7.6.1.C.2 of the Zoning Ordinance.) All drawings should be to scale.

1. Completed application form; application and sign and fees;
2. If the applicant is not the owner of the subject property, documentation of legal interest in the property;
3. Statement of justification outlining how the proposed development satisfies the criteria for approving the variance;
4. Survey plat or scaled drawing showing boundaries, frontage, relevant topography, the location and dimensions of all existing and proposed structures, the distances of such structures from the nearest property lines; **the drawing must accurately illustrate the requested variance(s), the lot area and all applicable setbacks for the subject property;**
5. Certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property. The map may be purchased from the Maryland-National Capital Park and Planning Commission, 2425 Reedie Drive, Wheaton, Maryland, 20902, (Phone: 301-495-4610). **The complete, original map (as issued by M-NCPPC) and two (2) copies must accompany the petition;**
6. List of abutting and confronting property owners in the County tax records; list of any civic and homeowners associations within ½ mile (this information is available at [Maryland Department of Assessments and Taxation](#), 30 West Gude Drive, Suite 400, Rockville, MD 20850, 240-314-4510), and from [MCAtlas](#).
7. Scale plans, illustrations, sections, elevations or specifications showing all existing and proposed buildings and structures;
8. Any supplementary documentation to be introduced in support of the application; and
9. A letter from the Department of Permitting Services denying a building permit application.

Please consult Section 59.7.3.2.A, Chapter 59, Montgomery County Code, 2024, as amended, regarding the Board's authority to grant variances.

**BOARD OF APPEALS  
FOR  
MONTGOMERY COUNTY, MARYLAND  
(240) 777-6600**

**Docket No. A-** \_\_\_\_\_  
**Date Filed** \_\_\_\_\_  
**Hearing Date** \_\_\_\_\_  
**Time** \_\_\_\_\_

**PETITION FOR VARIANCE UNDER ZONING ORDINANCE**

(Please Note Instructions on Reverse Side)

**(PLEASE PRINT)**

Name of Petitioner(s): \_\_\_\_\_

Address of Petitioner(s): \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Description of property involved: Lot \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Subdivision \_\_\_\_\_

Street and No. \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_ Zone Classification \_\_\_\_\_

Appellant's present legal interest in above property (check one): Tax Account No. \_\_\_\_\_  
\_\_\_\_ Owner (including joint ownership) \_\_\_\_ Other (describe) \_\_\_\_\_

If not owner, name and address of owner:

What variance is requested, and what is the pertinent section of the Zoning Ordinance? \_\_\_\_\_

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:

\_\_\_\_ narrowness \_\_\_\_ shallowness \_\_\_\_ shape \_\_\_\_ topography \_\_\_\_ other extraordinary situations or conditions peculiar to this property.

Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: \_\_\_\_\_

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? \_\_\_\_\_

Date of recording of plat of present subdivision: \_\_\_\_\_; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: \_\_\_\_\_

Has any previous variance application involving this property been made to the Board of Appeals?  
If so, give Case Number(s): \_\_\_\_\_

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

\_\_\_\_\_  
Name of Attorney/Agent (Print Name next to Signature)

\_\_\_\_\_  
Signature of Petitioner(s) (Print Name next to Signature)

\_\_\_\_\_  
Address of Attorney

\_\_\_\_\_  
Address of Petitioner

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Email Address

## 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

[illegible]

**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.