

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. The People's Counsel for Montgomery County if he has filed a Notice of Intention to Participate in a case;
3. Any person to whom the Board has granted Intervener status and;
4. The Applicant, Petitioner or Appellant in the case.
5. **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. Address all correspondence to: Chairman, Montgomery County Board of Appeals, Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850, (Phone: 240-777-6600).
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 \$3300.00 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 three (3) 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.

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 four (4) 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-A-4.3(c) of the Zoning Ordinance.) All drawings should be to scale.

1. The original and three copies of the building permit denial notice indicating variance(s) required issued by the Department of Permitting Services, Construction Permit Plan Review Office (see Section 59-A-4.3(b) of the Zoning Ordinance).
2. **Accurate site plan** showing boundaries, dimensions, topography and frontage of the property, the location and dimensions of all existing and proposed structures, the distances of such structures from the nearest property line, with all required setbacks clearly shown. (See Section 59-A-4.2). **(Note: Please submit the copy of your site plan stamped and signed by the Department of Permitting Services. The site plan must illustrate the requested variance(s) and all applicable setbacks for the subject property including the Lot area.)**
3. 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 application.
4. An original certified copy of the official zoning vicinity map of 1,000 feet radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. The map may be purchased from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, 20910, (Phone: 301-495-4610). The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.
5. 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: 240-314-4510). 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.
6. All additional exhibits which the applicant intends to introduce. Applications for variances from an established building line (EBL) under Section 59-C-1.323(a), should identify all lots used to calculate the EBL, and show the calculations that determine the applicable EBL, as well as the locations of all structures and front yard setbacks on those lots.
7. A written summary of what the applicant expects to prove, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the applicant's case.

Please consult Section 59-G-3.1, Chapter 59, Montgomery County Code, 1994, as amended, regarding the Board's authority to grant variances.

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

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

Home Phone

Work Phone

(OVER)

