



TOWN OF POOLESVILLE
19721 Beall Street
P.O. Box 158
Poolesville, MD 20837
301-428-8927
www.poolesvillemd.gov

BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPLICATION

In accordance with Section 10.D-G of the Poolesville Zoning Ordinance to assist Staff in the review of a Special Exception application to the Board of Zoning Appeals (BZA), the applicant must supply all of the information contained in this application form. The application must be signed by **all owners** of the real estate which is subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

Incomplete applications will be subject to scheduling delay. Applicants are encouraged to meet with Staff prior to filing. A public hearing will be scheduled after the Planning Commission provides a recommendation.

Approval of a Special Exception by the BZA does not relieve the applicant from other requirements, including but not limited to, sign(s), building, zoning and use permits or site plans.

Application No. _____
Date Filed _____
PC Agenda Date _____
Property Posted _____
Legal Ad _____
PC Recommendation _____
BZA Hearing _____
Decision _____
Time Limit _____
Date of Decision _____
Opinion Rendered _____

As part of this application, the following must be provided:

1. \$650.00 Application Fee
2. A plat or building location survey of the subject property drawn to scale (see requirements on page 4)
3. As applicable, Building permit, Zoning Code Compliance Permit, and Sign Permit applications. Site plans (where applicable) may be submitted after the BZA application has been approved at the public hearing.
4. Ten (10) copies

It is the applicants responsibility to make a good faith effort to provide the Zoning Administrator, as applicable, with a current list containing the accurate names and mailing addresses of all interested parties. For purposes of this provision, "interested parties" shall mean landowners of confronting and adjoining properties.

Legal Notices

The following shall occur at least 15 days prior to the Public Hearing: notice of the hearing shall be advertised by the Board of Zoning Appeals as a legal advertisement in the local newspaper, posting of a sign upon the property and letters to adjacent and confronting land owners within 100 feet of the subject property.

Definition of a Special Exception Use

A use conditionally permitted in a particular Zoning District under this ordinance that must be undertaken only following the issuance of a Special Use Permit by the Board of Zoning Appeals pursuant to standards and criteria established in this ordinance.

The Town of Pooleville Zoning Ordinance

To grant a Special Exception use as permitted in the Zoning Ordinance, the Board of Zoning Appeals makes findings as specified in Section 10, D-G

In order to issue a Special Exception, the Board must make the following written findings regarding the Special Exception Use sought and all of the following can be met:

1. The proposed use does not affect adversely the general plan for the physical development of the Town, as embodied in this Chapter (ordinance) and in any Master Plan or portion thereof adopted by the Town of Pooleville; and
2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
3. The standards set forth for each particular use for which a Special Exception may be granted have been met.
4. A service need exists for the proposed use due to an insufficient number of similar uses presently available to serve the population in the Town, and that the use at the location proposed will not result in a multiplicity or saturation of similar uses in Town.

Please note: Approval of a Special Exception is separate from Homeowners Association (HOA) and covenants. Homeowners should consult their HOA. The Board of Appeals cannot enforce HOA, which are private contractual agreements.

AFFIDAVIT OF SPECIAL EXCEPTION POSTING

I hereby certify that I placed, or caused to be placed upon the property which is the subject of petition for a Special Exception Application No. _____, the sign furnished by the Board of Zoning Appeals for Application No. _____; and that the sign was posted within five (5) days after being provided for by the Town, and said sign was erected within ten (10) feet of the boundary line of the most traveled public road which abuts the property, and facing in such manner as can most readily be seen by the public, not less than two and one-half (2 ½) feet from the ground, and further, that the sign has been continuously maintained to the date of the hearing.

I understand that the sign is to be maintained in the same position until at least twenty (20) days following the date of publication of the Board’s resolution in the case or if there is a request for reconsideration or rehearing, until twenty (20) days following the date of the Board’s decision on such reconsideration or rehearing. If the case is appealed to the courts and is remanded to the Board, upon remand signs shall be re-posted according to the rules for filing a new application.

Applicant(s) Signature

Date

Property Owner(s) Signature (If different than Applicant)

Date

Submission Requirements and Checklist for a Special Exception In accordance with Section 10.D-G of the Zoning Code

An application for a Special Exception must go to the Planning Commission for a recommendation.

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. A 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. Certified copy of any available official zoning vicinity map of one-thousand 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 the list of such adjoining and confronting property owners as reflected by the County tax records.
6. If the petitioner is not the owner of the property involved, the lease, rental agreement or contract to purchase by which the petitioners legal right to prosecute is established.
7. Applicable Master Plan maps reflecting proposed land use, zoning and transportation, together with any portions of the applicable Master Plan deemed pertinent by the petitioner.
8. All additional exhibits which the petitioner intends to introduce.
9. A summary of what the petitioner expects to prove, including the names of the petitioners witnesses, summaries of the testimonies of any expert witnesses and estimated time required for presentation of the petitioners case.
10. Ten (10) copies of the above requirements to be submitted.
11. Required Fee

Criteria

In accordance with Section 10.D.2 of the Zoning Ordinance

Special Exceptions: To hear and decide requests for Special Exceptions to the terms of this Ordinance upon which the Board is required to pass. The Board shall grant requests for such Special Exceptions when in the judgement of the Board such Special Exceptions shall be in compliance with the general purpose and intent of the Zoning Ordinance. The Board shall also have the authority to revoke any Special Exception after giving notice and the opportunity for a public hearing to all parties concerned upon a finding that any of the terms and conditions of the grant of the Special Exception have been violated.

1. Date: _____, 20_____
2. Applicants Name:* _____
 Address: _____
 Phone: _____ Fax: _____
 Email: _____
3. Property Owners Name: _____
 Address: _____
 Phone: _____ Fax: _____
 Email: _____
4. Legal Description of the Subject Property (list all parcels that apply)
 Property Address: _____
 Tax Map # and Parcel(s): _____
 Liber and Folio(s): _____
 Property Area in Square Feet or Acres: _____
5. What is this request for:
 Home Occupation, Special Guest Houses/Rooms
 Bed and Breakfast Kennel Other: _____
 Child Care (8 or less) Group daycare
 Accessory Apartment – separate dwelling
 Adult Housing related facilities for elderly or handicapped persons, primary use
6. Description of the Existing (or former) use(s) of the property and current zoning:

7. Description of the proposed use(s) of the property: (include the hours of operation and the activities to be conducted on the site. Be as specific about your proposed use as possible.

8. List the applicable section(s) of the Town of Poolesville Zoning Ordinance for which the Special Exception use is being requested.

9. Is this request consistent with the purposes and intent of the Town of Pooleville Zoning Ordinance? Why or why not?

10. Please describe how the proposed use would affect traffic conditions surrounding the subject property:

11. Please describe how this proposed use would change the existing land use characteristics: (i.e. – from residential to incidental home occupation)

12. Justification for the request:

a. The proposed use does not affect adversely the general plan for the physical development of the Town, as embodied in this Chapter (ordinance) and in any Master Plan or portion thereof adopted by the Town of Pooleville; and

b. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

c. The standards set forth for each particular use for which a Special Exception may be granted have been met.

d. A service need exists for the proposed use due to an insufficient number of similar uses presently available to serve the population in the Town, and that the use at the location proposed will not result in a multiplicity or saturation of similar uses in Town.

13. Please describe any proposed work to be done to the property: (i.e. new structures, building additions, ADA compliance, etc.)

14. How would granting this Special Exception affect the following:

a. The number of people residing or working in the immediate area and the orderly growth of the community?

b. The most appropriate use of land and structure?

c. The peaceful enjoyment of people in their homes and the conservation of property values?

d. The use of surrounding property and property values caused by the existence of odors, dust, gas, smoke, fumes, vibrations, glare and noise?

e. List case numbers of all applicants filed within the past three (3) years pertaining to any portion of subject property.

Applicant Certification

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have reviewed and read relevant provisions of the Poolesville Zoning Ordinance outlining the Town's Board of Zoning Appeals application and approval procedures.

The Board shall have the authority to revoke any Special Exception after giving notice and the opportunity for a public hearing to all parties concerned upon a finding that any of the terms of conditions of the grant of the Special Exception have been violated.

Signature of Applicant

Date

Signature of Owner(s) (if different than applicant)

Date

Please submit an original completed application to the following:

Town of Poolesville
19721 Beall Street
P.O. Box 158
Poolesville, MD 20837