



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

BOARD OF ZONING APPEALS
VARIANCE APPLICATION

To assist staff in the review of a Variance Application to the Board of Zoning Appeals (BZA), the applicant must supply all of the information contained in this application form. Application shall be filled out in accordance with Section 10.D-G. This application must be signed by **all owners** of the real estate which is the 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 within 45 days of the receipt of a completed application.

Approval of a Variance by the BZA does not relieve the applicant from other requirements including, but not limited to, signs, 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 below on page 4)
3. As applicable, 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. 10 copies

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 Class I legal advertisement in the local newspaper, posting of a sign upon the property, and letters to adjacent and confronting land owners.

Variance

A variance is a deviation from the minimum standards of the Zoning Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.

The Board of Zoning Appeals shall grant a Variance to the Zoning Ordinance if it finds that **all** of the following can be met and the Variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a Variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; **and**
4. Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

Affidavit of Variance Posting

I hereby certify that I placed, or caused to be placed upon the property which is the subject of petition for a Variance 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 Variance
In accordance with Section 10.D-G of the Zoning Code**

An application for a Variance must go to the Planning Commission for a recommendation to the Board of Zoning Appeals

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. All additional exhibits which the petitioner intends to introduce.
4. A summary of what the petitioner expects to prove, including the names of the petitioner's witnesses, summaries of the testimonies of any expert witnesses and estimated time required for presentation of the petitioner's case.
5. Ten (10) copies of the above requirements are to be submitted.
6. Required Fee \$650.00

1. Date: _____, 20_____
2. Applicant's Name* _____
 Address: _____
 Phone: _____ Fax: _____
 Email: _____
3. Property Owner's 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. Description of the Existing (or former) Use(s) of the Property and Current Zoning:

6. 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.)

7. Description of Any Proposed Work to be Done to the Property: (i.e. building additions, ADA Compliance, etc.)

8. Description of the Variance Request:

9. List the Applicable Section(s) of the Zoning Ordinance from which the Variance is Requested:

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

10. Is the Request Consistent with the Purpose and Intent of the Town of Poolesville's Zoning Ordinance? Why or Why not?

11. In your opinion, would the Variance adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents?

12. In your opinion, explain how the Variance request arises from special conditions or attributes which pertain to the property for which a Variance is sought and which were not created by the person seeking the Variance:

13. In your opinion, how would granting the Variance eliminate an unnecessary hardship and permit a reasonable use of the land?

14. In your opinion, would the Variance allow the intent of the Zoning Ordinance to be observed and substantial justice done?

15. List case numbers of all applications filed within the past three (3) years pertaining to any portion of the 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 received and read the Zoning Ordinance of the Town of Poolesville and the Town’s Board of Zoning Appeals application and approval procedures.

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