



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

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

1. **Address correspondence to: Chairman, Board of Appeals for Montgomery County, Stella B. Werner Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850 (Telephone number: 240-777-6600)**
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 1994, 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. 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.**