



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* Mid-Atlantic Builders
 Address: 6120 Executive Blvd, Suite 303, Rockville, MD 20852
 Phone: 410-320-3405 Fax: _____
 Email: Thartman@midatlanticbuilders.com
3. Property Owner's Name: MAB of MD 4, LLC
 Address: 6120 Executive Blvd, Suite 303, Rockville, MD 20852
 Phone: 410-320-3405 Fax: _____
 Email: Thartman@midatlanticbuilders.com
4. Legal Description of the Subject Property (List all parcels that apply)
 Property Address: 17100 Evans Way
 Tax Map # and Parcel(s): CT22
 Liber and Folio(s): 68743/ 00268
 Property Area in Square Feet or Acres: 4084 sq ft
5. Description of the Existing (or former) Use(s) of the Property and Current Zoning:
Formerly the Willard Family Farm
Currently - The Willard Subdivision AKA Ferry Crossing
Zoned - Town Center Overlay
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.)
Proposed use is a new single family detached home to be constructed
7. Description of Any Proposed Work to be Done to the Property: (i.e. building additions, ADA Compliance, etc.)
8' x 10' Deck
8. Description of the Variance Request:
Requesting consideration for a variance to permit construction of an 8' x 10' deck at rear of the property. The proposed deck encroaches 6'8" over the 20' rear property line setback.
9. List the Applicable Section(s) of the Zoning Ordinance from which the Variance is Requested:
We are requesting a variation to the rear setback as listed in the development standards of the Poolesville overlay zoning, specifically related to deck encroachments.

*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?

Yes. It is consistent with the purpose and intent of Poolesville's zoning, which emphasizes flexibility and reasonable development within established standards.

This is a practical improvement to a residential property without harming neighbors.

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

No, The requested variance does not adversely affect the public health, safety, or welfare of the adjacent owners, nor does it adversely affect the rights of the neighbors for their property or for the enjoyment of their property.

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:

The existing placement of the home and setbacks limit where a small deck can be added. These conditions were created by the original lot layout and not by the prospective homebuyer.

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

Allowing this minor encroachment enables the homeowner to have a small, normal residential deck without negatively affecting neighboring lots, while providing an exterior area to congregate and enjoy the property and community.

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

Yes. Granting a variance would still uphold the intent of the zoning ordinance by allowing a reasonable improvement while maintaining fairness to neighboring properties, ensuring substantial justice is 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.

Tim Hartman

Signature of Applicant

1/22/2026

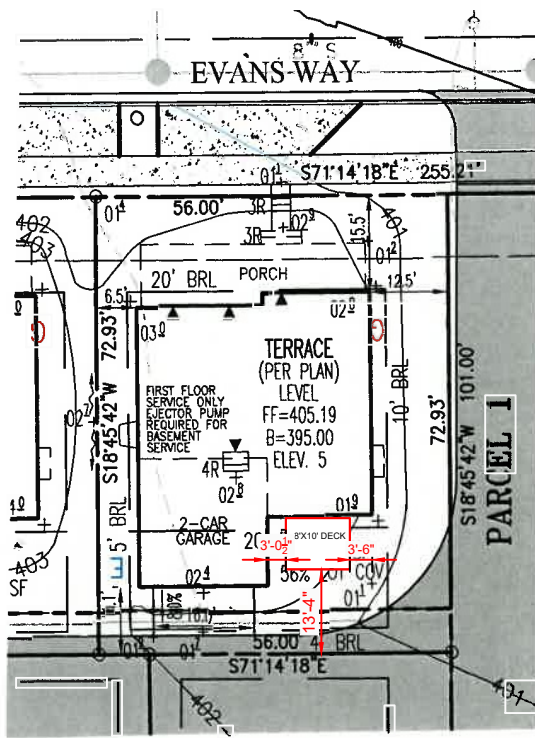
Date

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

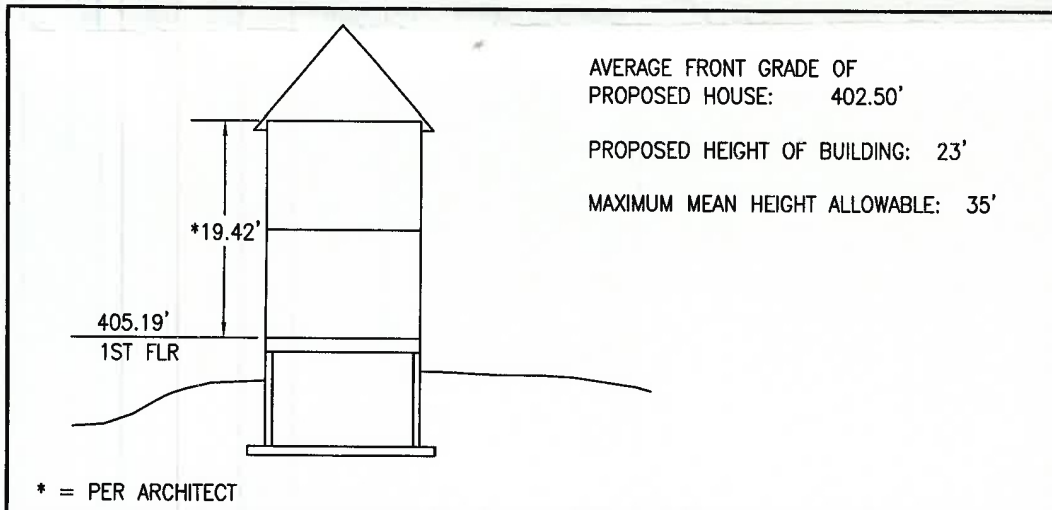
Date

Please submit an original completed application to the following:

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



HEIGHT EXHIBIT - PROPOSED HOUSE



* = PER ARCHITECT

AVERAGE FRONT GRADE
OF PROPOSED HOUSE: 402.50'

PROPOSED FIRST FLOOR ELEVATION: 405.19'

DIFFERENCE IN HEIGHT: 2.69'

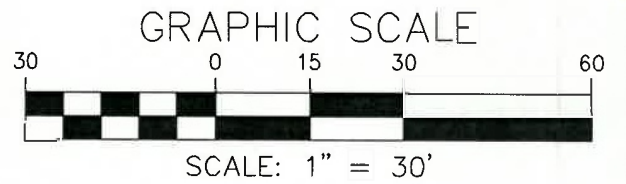
HEIGHT OF BUILDING FROM FIRST
FLOOR TO CEILING OF HIGHEST LIVING SPACE: 19.42'

TOTAL PROPOSED HEIGHT: 22.11'

TOTAL HEIGHT ROUNDED UP: 23'

SITE DATA - LOT 8

1. ZONE: P-COMM
2. AREA: REQUIRED MINIMUM 4,000 SF
LOT SIZE: 4,084 SF
3. SETBACKS:
REQUIRED:
FRONT: 15'
SIDE: 5' / 10' CORNER
REAR: 20' / 4' GARAGE
PROVIDED:
FRONT: 15.5'
SIDE: 12.5' LEFT; 6.5' RIGHT
REAR: 11.1' GARAGE
4. MAXIMUM BUILDING HEIGHT:
ALLOWED: 23'
PROVIDED: 35'
5. LOT COVERAGE:
MAX. ALLOWED: N/A
PROVIDED: 56%

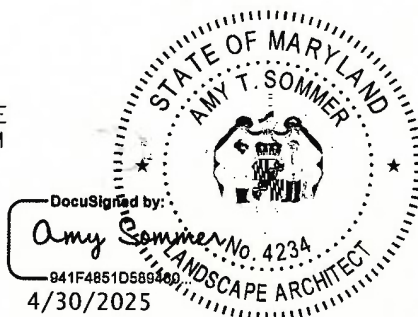


PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND,

LICENSE NUMBER: 4234

EXPIRATION DATE: 10/20/2025



HEIGHT CERTIFICATION - LOT 8

WILLARD PROPERTY
3rd ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPI Associates Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1781 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpi.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: Mid-Atlantic Builders, Inc. 11611 Old Georgetown Road, 2nd Floor Rockville, MD 20852	PRELIMINARY PLAN NO: 0 00000	SITE PLAN NO: 0 00000
DESIGN: SSS	SHEET: 1	OF: 1
DRAFT: SSS	DATE: 4/25/25	FILE NO: 2024-1104
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