



Village of Martin's Additions

7013 B Brookville Road
Chevy Chase, MD 20815
Email: manager@martinsadditions.org
301-656-4112 (Phone) 301-656-0030 (Fax)
Form Updated: June 1, 2020

Building Permit/Request Denied _____
Variance Request Filed _____
Variance Number: _____
Hearing Date: _____ **Decision:** _____

**Application for Variance from the
Village of Martin's Additions Building Regulations
[See Chapter 7, Section 7-405 of VMA Building Regulations]**

Variance requests are considered by the Village Council at public hearings. Hearings take place at the monthly meetings of the Council, time permitting. The Council may, in its discretion, schedule a special meeting. Public notice of a variance request must be mailed to neighboring properties at least 20 days in advance of the hearing. Thus, based on the date of filing of the completed variance application, there may be insufficient time to hear the request at the next regularly-scheduled monthly meeting of the Council.

Applicant Name: _____

Address and Lot Number: _____

City _____ **State** _____ **Zip** _____

Phone: _____ **E-Mail** _____

Property Owner(s) (if other than applicant):

Name: _____

Address: _____

City _____ **State** _____ **Zip** _____

Phone: _____ **E-Mail** _____

Briefly Describe Each Variance Requested (if part of larger project, please include context):

Burden of Proof: In order for the Village Council to grant a petition for a variance, an applicant for a variance must prove that:

- By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the lot, the strict application of the Village Code would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.
- Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions; and
- Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

Variance Request Guidelines: The Council may grant a variance from the Village of Martin’s Additions zoning regulations by relaxing the standard which has caused a peculiar or unusual practical difficulty or exceptional or undue hardship. Examples of the zoning standards that may be altered are minimum front, rear, and side yard setbacks, and height requirements. The Council strictly applies the requirements for a variance because a variance can change the development standards that all other property owners in the Village of Martin’s Additions must follow.

Please note that the difficulty or hardship that would be remedied by the proposed variance must result from the application of zoning standards, not from the action or inaction of the property owner. In other words, *the condition which a variance relieves must not be self-inflicted by the owner.* Personal circumstances are not a basis for consideration of whether to grant or deny a requested variance. The Council can impose conditions to lessen the effects of a variance on a neighboring property and the community. See page 4 of this application for the Code citation.

This variance is requested for (Check all): Main Building Accessory Building

- Building height Flat Roof
- Wall plane height: Front Side Rear
- Wall plane length: Front Side Rear (Accessory Building)
- Setback(s):
 - Front setback
 - Rear setback
 - Side setback: One Side Sum of both sides Additional side setback
- Projections (main buildings): bay windows, oriel entrances, balconies, vestibules
- Unenclosed porches, decks, breezeways, steps, stoops, exterior stairways, terraces
- Air conditioning units, heat pumps
- Building coverage Non-vegetative surface area
- Curb cut Driveway width Front loading garage
- Other: _____

This variance is requested because this property (check all that apply):

- is exceptionally narrow has unusual topographical conditions
- is exceptionally shallow has other extraordinary situations or conditions
- is unusually shaped

Describe the condition(s) checked above and how this property compares to other properties in the Village of Martin’s Additions:

This variance is requested because conforming to the Village’s building code would (check all that apply):

- result in exceptional or undue hardship cause peculiar or unusual practical difficulties

Explain why conforming to the Village Code would cause peculiar or unusual practical difficulties:

Describe why the variance is the minimum reasonably necessary to overcome the exceptional condition:

Explain why the variance would not be detrimental to the use and enjoyment of neighboring properties:

List of Required Filing Documents to Complete Application for Variance:

- Boundary survey** with a margin of error of 0.1 foot or less.
- Accurate site plan** showing boundaries, dimensions, area, topography and frontage of the subject property, the location and dimensions of all existing and proposed structures, the distances of such structures from the nearest lot lines, with all required setbacks clearly shown.
- Plans**, architectural drawings, photographs, elevations, specifications, or other detailed information depicting fully the exterior appearance of existing and proposed construction.
- A list of the names and mailing addresses** of the adjoining and confronting property owners who are entitled to notice of this variance application.

Abutting Neighbor #1:
Name _____
Street Address _____

Abutting Neighbor #2:
Name _____
Street Address _____

Abutting Neighbor #3:
Name _____
Street Address _____

Abutting Neighbor #4:
Name _____
Street Address _____

Confronting Neighbor #1:
Name _____
Street Address _____

Confronting Neighbor #2:
Name _____
Street Address _____

[Attach more pages as necessary to provide a complete list of all abutting and confronting neighbors.]

- EBL Calculations:** Applications for variances from an established building line (EBL) should identify all lots used to calculate the EBL, and the calculations that determine the applicable EBL, and the locations of all structures and front yard setbacks on those lots.
- All additional exhibits** which the applicant intends to introduce at the Village Council review meeting.
- A non-refundable filing fee** of \$1,500 made payable to “Village of Martin’s Additions” for the first variance request and \$250 for each subsequent variance in the request. Cash not accepted.

Section 7-405. Variances

(a) A property owner may apply to the Village Council for a variance from the strict application of the terms of this Article. The Council may authorize a variance from the strict application of any specific requirement of this Article when the standards described herein are met.

(b) Processing and Public Hearing Requirement

(1) Applications for a variance shall be submitted to the Village Manager and shall include the following:

(i) Written application on the form provided by the Village Manager, including a statement detailing the specific provisions of this Article from which a variance is sought;

(ii) Detailed information pertaining to the nature and extent of the variance sought, including the following: (a) a boundary survey with a margin of error of +/- one-tenth (0.10) of a foot, or better, showing boundaries, dimensions, area, topography, and frontage of the lot involved, as well as the location and dimensions of all buildings existing and proposed to be erected, and the distances of the buildings from the nearest lot lines; and (b) plans, architectural drawings, photographs, elevations, specification or other detailed information depicting fully the exterior appearance of existing and proposed construction;

(iii) A summary of what the applicant expects to prove at the hearing, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time for presentation of the applicant's case; and

(iv) Any additional exhibits which the applicant intends to introduce at the hearing.

(2) The Council shall hold a public hearing on all applications for the grant of a variance. A minimum of twenty (20) days prior to the scheduled hearing, the Village Manager or his or her designee shall post notice of the hearing at the applicant's property that is the subject of the variance request and mail written notice to all adjoining and confronting

property owners by first-class mail.

(c) Standards for decision on variances: The Council may grant petitions for variances upon proof by the applicant by a preponderance of the evidence that: (1) by reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the lot, the strict application of this

Article would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property;

(2) such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions; and

(3) such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

(d) Conditions. In granting a variance, the Council may impose such conditions as it determines, in its judgment, are necessary to protect the public health, safety, and welfare.

(e) Decision. The decision of the Council granting or denying a variance shall be in writing and shall be final and effective as of the date the Council approves the written decision.

(f) Duration. A building permit for the construction authorized by the variance must be obtained within twelve (12) months of the effective date of the variance or the variance shall be void, unless an extension is granted in writing by the Code Enforcement Officer. The Code Enforcement Officer may grant an extension of the variance, upon such

conditions as the Code Enforcement Officer may set, upon a reasonable showing that there has been no material change in circumstances since the effective date of the decision approving the variance and despite due diligence by the recipient of the variance, additional time is necessary to secure a building permit.

(Ord. No. 4-09-2, adopted 5/27/09, effective 6/16/09; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understood all requirements, and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager’s designee, and/or the Council to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

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Applicant/Property Owner Signature	Print Name	Date
<hr/>	<hr/>	<hr/>
Applicant/Property Owner Signature	Print Name	Date
<hr/>	<hr/>	<hr/>

Date Variance Application Received by VMA: _____
Non-refundable Filing Fee. Date and Check Number: _____
Date Notice of Variance Application Posted on Subject Property*: _____
Date of Written Notification to Confronting and Adjoining Neighbors*: _____
(*must be at least 20 days prior to public hearing)
Date of Village Council review:** _____
****usually the 3rd Thursday of each month)**