

Filing Requirements & Scheduling

The filing of an administrative appeal with the Board must meet requirements specified within the County Code section relevant to the particular agency determination which is being appealed. County Code Section 27-3613 outlines the requirements of filing a zoning appeal with the Board. Any appellant must note an appeal within 30 days after the refusal of a permit, issuance of a notice, or other decision, unless otherwise specifically noted.

Required Items

- In filing an **administrative appeal**, an appellant must submit to the Board a request in writing for the appeal, together with a copy of the agency determination/decision from which the appeal is being taken and the appropriate filing fees.
- In filing a **zoning appeal**, an appellant must submit to the Board a request in writing for the appeal, together with a copy of the agency determination/decision from which the appeal is being taken and the appropriate filing fees.
- In filing a **variance**, an appellant must submit to the Board the provided application. Other documents required include site plan, elevation plans, photographs, other documents requested by the Board and the appropriate filling fees.

Scheduling Appeals and variances

Appeals are scheduled for public hearing as expeditiously as possible in accordance with the requirements of the various codes and regulations. The County Code states that the Chairman of the Board of Appeals determines the time and place of all meetings.

Hearing Notices

Notices of hearing are sent by certified mail, return receipt requested, to all parties entitled by law to receive notice of the hearings. Zoning appeals require notice 15 days prior to hearings. In variance appeals, all properties, and in zoning appeals not involving variances, properties which are zoned industrial or commercial, signs must be posted advertising public hearings for 15 days prior to the hearings.

Requests for Continuance

- Requests for continuance of a hearing should be made at least 54 hours prior to the hearing, except when emergencies occur. The validity of an emergency is determined by the Board.
- In variance cases, a continuance requested by petitioner is granted until such time as the petitioner requests that the case be brought forward for hearing.
- If a continuance is requested by another party of record in a variance case, the reason for the request is ascertained by staff and the petitioner is contacted to see if there is any objection to a postponement. If there is none, the hearing is continued until a later date.
- If the petitioner objects, the Board's Chairman is apprised of request, reason, and objection. The Chairman will then make a decision as to the request for continuance.
- In all other appeals, the County is contacted as to whether it objects and, if so, the Chairman decides whether the request is granted.

Appealing a Board Decision

Within 30 days from the date of the issuance of any decision of the Board of Appeals, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County pursuant to Title 7, Chapter 200 of the Maryland Rules of Procedure.

Public Hearings & Meetings

All hearings are open to the public. Either by link invitation or by viewing through the Prince George's County Live Video Stream.

Rules & Responsibilities

- The Board is required to maintain adequate records of all hearings and keep minutes of its proceedings.
- Before making its decision on any appeal, or a request to grant additional time to cease a violation, the Board must hold a public hearing on the matter.
- All actions of the Board must be taken by resolution, in which at least 3 members must concur.
 - Each resolution shall contain a statement of the grounds and findings forming the basis of the action.
 - The text of the resolution and record of members' votes shall be incorporated into the minutes or other records of the Board.

Notice of Public Hearings

All public hearings are advertised by mailing notices of hearing by certified mail, return receipt requested, to all persons of record at least 15 days prior to the hearing. In all zoning appeals, adjoining property owners and municipalities, where applicable, are automatically persons of record. In all zoning appeals except those involving zoning violation notices for properties in a residential zone, the property must be posted with a sign or signs advertising the public hearing at least 15 days prior to the hearing.

Closed Sessions

All Board of Appeals hearings are public hearings; however, if necessary, a part of the meeting may be conducted in closed session. Closed sessions may be called during the course of a meeting or public hearing in order to allow the members to obtain advice from counsel. Members are not permitted to deliberate among themselves unless in an open, public session.

Representation

A petitioner, or counsel representing petitioner, must be present at the hearing. A petitioner which is a corporation, limited liability company, or other business entity must be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the petitioner (or any other person or entity) is not permitted to advocate.

Continuances

Hearings may be adjourned and continued.

- If the date, time, and place of the continued hearing is publicly announced at the time of the adjournment, no further notice of the continuation is required.
- If the date, time, and place is **not** publicly announced at the time of the adjournment, notice must be given in the same manner as with the original hearing.

Ex Parte Communications

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Section 2-296 of the County Code, Ex Parte Communications, applies to cases pending before the Board. This section states:

- "An official shall not consider any ex parte or private communication from any person, whether oral or written, which the official knows or should know may be intended to influence the decision on the merits of any matter where a determination or decision by the official is required by law to be made upon facts established by a record of testimony. Any such ex parte or private communication received by the official shall be made a public record by the official and filed in the matter in question, and if made orally, shall be written down in substance for this purpose by the official, made a public record and filed in the matter in question. A communication to the Clerk of the County Council, Board of Appeals or similar agency, concerning the status or procedures of a pending matter shall not be considered an ex parte or private communication. This Subsection shall not apply to legal advice rendered by the Office of Law and shall not apply to technical advice or explanation rendered by or at the request of the appropriate official of the County."

If a member of the Board has any doubts as to whether a communication relates to the merits of a case, the member is advised to consider it so and include it in the record.