

**BOARD OF ZONING APPEALS
CHECKLIST**

THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE BOARD OF ZONING APPEALS AND IS TO BE PROVIDED BY THE APPLICANT:

The application form must be completed by the applicant in its entirety. Incorrect or inaccurate information may result in dismissal of the appeal on procedural grounds.

- Application and justification statement

- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and any special conditions of the property that may justify the request

- The fee has been determined by the City Council. **\$200.00**

FOR OFFICE USE:

Case Number: _____ Date Filed: _____ Hearing Date: _____

Placard Posted on Property: _____ Notice Published in Newspaper: _____

Decision of Board: _____

Applicant (s) Notified of Decision by mail: _____

ARTICLE VI HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 77. Hearing Required on Appeals and Applications

1. Before making a decision on an appeal or an application for a variance, special exception, determination of legal nonconforming status, or a petition from the Zoning Official to revoke a special exception, the Board of Appeals shall hold a hearing on the appeal or application.
2. Subject to Subsection 3., the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
3. The Board of Appeals may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
4. The Board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. The Board shall announce the date and hour of continuance of such hearing while in session.

Section 78. Notice of Hearing

The Zoning Official shall give notice of any hearing required by Section 77 as follows:

1. Notice shall be given at least 15 days in advance of public hearing. Notice of such hearings shall be posted on the subject property and at the Department of Public Works, and notice shall be published on two occasions in a newspaper of general circulation at least 15 days prior to the public hearing.
2. Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice before the hearing.
3. The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

Section 79. Evidence

1. The provisions of this section apply to all hearings for which a notice is required by Section 77.
2. All persons who intend to present evidence to the board, rather than arguments only, shall be sworn.
3. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available; but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is

not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

Section 80. Modification of Application at Hearing

1. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Appeals, the applicant may agree to modify his application, including the plans and specifications submitted.
- 2.. Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Official.

Section 81. Record

1. A tape recording shall be made of all hearings required by Section 77, and such recordings shall be kept for at least 90 days. Accurate minutes shall also be kept of all such proceedings.
2. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the City for at least 90 days.

Section 82. Written Decision

1. Any decision made by the Board of Appeals regarding an appeal or variance or issuance or revocation of a special exception shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
2. In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts, whenever this chapter requires the same as a prerequisite to taking action.

Section 83. Judicial Review

1. Every decision of the Board of Appeals shall be subject to review by the Circuit Court.
2. The petition must be filed with the Court within 30 days after the latter of the following occurrences;
 - a. A written copy of the Board's decision has been filed, or
 - b. A written copy of the Board's decision has been mailed by first class mail to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

3. The filing of an appeal does not automatically stay the order or action of the Board of Appeals. Upon motion and after hearing, the court may grant a stay, unless prohibited by law, upon conditions as to bond or otherwise that the court considers proper.
4. Cost of Transcript. The Department of Public Works shall be responsible for transmitting the transcript, along with the complete record of the hearing, to the court. The appellant shall be responsible for the cost of preparing the transcript.
5. Upon its determination of the case, the Circuit Court shall file a formal order embodying its final decision. An appeal may be taken before the Court of Special appeals of Maryland or the Court of Appeals of Maryland, during the period and in the manner prescribed by the rules of the Court of Appeals, from any decision of the Circuit Court. In such cases, the award of costs shall be subject to the discretion of the Court of Appeals.

Section 84. Reserved

Section 85. Reserved