

REGARDING APPEALS CHARGING ERROR IN ADMINISTRATIVE ACTION OR DETERMINATION

PLEASE TAKE NOTICE

Effective immediately, all parties who make submissions, after an initial filing, in Special Exception, Variance and **Administrative Appeals** cases, must furnish copies of the submission to all other parties in the case. For the purposes of this requirement, a party includes:

1. Counsel of record who have formally entered their appearance;
2. The People's Counsel for Montgomery County if he has filed a Notice of Intention to Participate in a case;
3. Any person to whom the Board has granted Intervener status and;
4. The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

REGARDING APPEALS CHARGING ADMINISTRATIVE ERROR

PLEASE TAKE NOTICE

- (1) That the parties may be represented by counsel or represent themselves.
- (2) That the parties have the opportunity to present witnesses; cross-examine witnesses, and present supporting documentation.
- (3) That there are pre-hearing procedure requirements as set forth in Section 2A-7, Montgomery County Code, 2004, as amended.
- (4) That the parties may request a continuance of the hearing by written request if made not less than five (5) days prior to the date of hearing.
- (5) That a verbatim record and transcript of the hearing will be made where said record and transcript is required by law; or, in the alternative, that any party may request that such record of the transcription be made at his or her expense.
- (6) That there is a right, subject to the provisions of the State Public Information Law, to inspect and copy at the requesting party's own expense, documents of any party, administrative authority or investigating governmental agency involved where such inspection is not otherwise prohibited by law.
- (7) **Parties who submit any document of more than 20 pages should number the pages of such documents clearly and consecutively.**

**BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600**

**APPEAL CHARGING ERROR
IN ADMINISTRATIVE ACTION OR DETERMINATION**

Please note instructions on reverse side.
Attach additional sheets if required for answers.

Appeal is hereby made pursuant to Section 2-112 of the Montgomery County Code 2004, as amended, from the decision or other action of an official or agency of Montgomery County specified below which Appellant contends was erroneous.

Official or agency from whose action or determination this appeal is made: _____

Brief description of action or determination from which this appeal is made (attach document indicating such action or determination) _____

Date of that action or determination: _____

Brief description of what, in appellant's view, the ruling or action should have been: _____

Number of Section, and Subsection, if any, of the Montgomery County Code 2004, as amended, or citation or other statutory provision, which appellant contends was misinterpreted: _____

Reason for appeal: _____

Description of real property, if any, involved in this appeal: Lot _____ Block _____ Parcel _____
Subdivision _____ Street and Number _____
City _____ Zip _____ Zone Classification _____

Name of Property owner: _____

Mailing address of property owner if different from above address: _____

Appellant's present legal interest in above property, if any: ___ Owner (including joint ownership) ___ Lessee
___ Contract to lease or rent ___ Contract to purchase ___ Neighbor ___ Civic Association ___ Other

Explain _____

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Signature of Attorney (*Please print next to signature*)

Signature of Appellant(s) (*Please print next to signature*)

Address of Attorney

Address of Appellant(s)

Telephone Number

Home Telephone Number

Work Telephone Number

INSTRUCTION FOR FILING APPEAL CHARGING ERROR

IN ADMINISTRATIVE RULING OR ACTION

1. Address all correspondence to: Chairman, Montgomery County Board of Appeals, Stella B. Werner Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850. Phone (240) 777-6600.
2. Send with the appeal a check or money order made payable to MONTGOMERY COUNTY, MARYLAND, to cover filing fee. Cash cannot be accepted.

\$220* - residential or commercial property

* Refundable if appeal is granted.

INFORMATION TO ACCOMPANY APPEAL

1. An original and two (2) copies of Appeal Application (BOA Form 3).
2. A listing of the names and mailing addresses of the adjoining and confronting property owners (see Section 59-7.6.1.C.5) 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: 240-314-4510. 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.
3. Three (3) copies of the ruling or other document indicating official agency action from which this appeal is made.

SUGGESTION FOR APPELLANTS

It is suggested that appellants consult Chapter 2A (1)–(11) of the Montgomery County Code 2004, as amended.

**REGARDING NOTICE OF PUBLIC HEARINGS BEFORE
THE BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND**

Section 59-7.5.2.E of the Zoning Ordinance, Montgomery County Code, 2014, requires that notice of public hearings be mailed to “...all abutting and confronting property owners, civic and homeowners associations within ½ mile, any municipality within ½ mile, and pre-submittal meeting attendees if applicable.... for a sign variance, the deciding body must also send notice of the hearing to any special taxing district in which the proposed sign would be located and the technical staff of the Planning Board if the sign would be located on a property with a site plan....”

It is the responsibility of applicant(s) to supply the names and addresses of all such owners as shown on the current State Department of Assessment and Taxation records, and to list those persons on the reverse side of this form. The tax office is located at 30 West Gude Drive, Suite 400, Rockville, MD, 20850, Phone: 240-314-4510.

Instructions for Abutting and Confronting Property Owners

There are two different ways to access information about Abutting and Confronting Property Owners from the Maryland State Department of Assessment and Taxation (Phone: 240-314-4510). The first is to go to the Maryland SDAT website:

www.dat.state.md.us

Click on “Real Property,” then click on “Real Property Data Search.”

- (1) Select Montgomery County
- (2) Select Street Address
 - Enter Street Name
 - Click on the SEARCH button.
 - Review property addresses for those that share a common boundary and any property that faces your lot.

The second is to access this information via MCAtlas, which provides a map view that may make it easier to ascertain which properties abut and confront the subject property:

<http://www.mcatlas.org/zoning/>

- Enter the address for the subject property in the search box at the upper right side of the screen, and push “Enter.”
- With your mouse, left click on the property for which you would like to view ownership information. A red dot will appear on the property.
- Click on the “Account #” link from the left hand column to access the SDAT information for that property and view the ownership information.

Repeat this process as necessary for all abutting and confronting properties.