

## **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 three (3) 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. Four (4) 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.1 of the Zoning Ordinance, Montgomery County Code, 2004, as amended, requires that notice of public hearing 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."

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, Maryland, 20850, Phone: 240-314-4510.

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**Instructions for Adjoining and Confronting Property Owners**

Website for the Maryland State Department of Assessment and Taxation

[www.dat.state.md.us](http://www.dat.state.md.us)  
(Phone: 240-314-4510)

**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.