

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 10

### Bill No. 57 -2025

Introduced by: David Yungmann at the request of the Board of Appeals

**SHORT TITLE:** Adoption – Updated Rules of Procedure for the Howard County Board of Appeals

**AN ACT** repealing and re-enacting Subtitle 2 “Rules of Procedure of the Board of Appeals” of Title 2 “Administrative Procedure” of the Howard County Code to revise the Rules of Procedure of the Board of Appeals; and generally relating to the Rules of Procedure.

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Introduced and read first time \_\_\_\_\_, 2025. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2025.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2025 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved by the County Executive \_\_\_\_\_, 2025

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, Section 501(c) of the Howard County Charter authorizes the Howard  
2 County Board of Appeals to adopt and amend rules of practice and procedure that govern its  
3 proceedings; and

4  
5           **WHEREAS**, Subtitle 2 of Title 2 “Administrative Procedures” of the Howard County  
6 Code sets forth the current Rules of Procedure of the Board of Appeals; and

7  
8           **WHEREAS**, the current Rules of Procedure were first adopted via the approval of  
9 Council Bill No. 95-1989, and this proposed update of the Rules of Procedure would signify the  
10 first comprehensive update of these Rules in over 35 years; and

11  
12           **WHEREAS**, the Board of Appeals and their support staff have engaged in an extensive  
13 review and drafting process of these proposed Rules of Procedure over a span of 14 months,  
14 which included more than 35 meetings and over 275 hours;

15  
16           **NOW, THEREFORE,**

17  
18    ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, on  
19 *this \_\_\_\_\_ day of \_\_\_\_\_, 2025 that Subtitle 2 “Rules of Procedure for the Board of*  
20 *Appeals” of Title 2 “Administrative Procedure” of the Howard County Code is repealed and re-*  
21 *enacted to read as shown in the attached “Exhibit A” of this Act.*

**EXHIBIT A**

**RULES OF PRACTICE AND PROCEDURE  
OF THE  
BOARD OF APPEALS**

**INTRODUCTION**

1  
2           THESE RULES OF PRACTICE AND PROCEDURE (THE RULES) HAVE BEEN ADOPTED BY THE  
3 BOARD OF APPEALS UNDER AUTHORITY GRANTED BY THE HOWARD COUNTY CHARTER, SECTION  
4 501. ADDITIONAL GUIDANCE MAY BE FOUND IN THE HOWARD COUNTY CHARTER, HOWARD  
5 COUNTY CODE, AND THE HOWARD COUNTY ZONING REGULATIONS. THE BOARD OF APPEALS  
6 SHALL REGULARLY REVIEW THE RULES TO ENSURE CURRENTNESS, ACCURACY AND COMPATIBILITY  
7 WITH EXISTING REGULATIONS. THE REVIEW SHALL OCCUR DURING A PUBLIC MEETING HELD BY  
8 FEBRUARY 15<sup>TH</sup> OF EACH CALENDAR YEAR.

9           THE BOARD OF APPEALS (THE BOARD) IS AN INDEPENDENT BOARD APPOINTED BY THE  
10 COUNTY COUNCIL AND IS COMPOSED OF HOWARD COUNTY RESIDENTS WHO ARE REGISTERED  
11 VOTERS. BOARD MEMBERS MUST COMPLY WITH SPECIFIC REQUIREMENTS AND STANDARDS  
12 INCLUDED IN THE HOWARD COUNTY EMPLOYEE MANUAL THAT PERTAIN TO EXECUTIVE EXEMPT  
13 EMPLOYEES. THE HOWARD COUNTY EMPLOYEE MANUAL IS AVAILABLE ONLINE AT .

14           FOR FURTHER INFORMATION AND ASSISTANCE, PARTIES MAY CONTACT THE BOARD’S  
15 ADMINISTRATIVE OFFICES OR REVIEW THE BOARD OF APPEALS USER'S GUIDE, AVAILABLE ON THE  
16 BOARD’S WEBSITE AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

1 **APPLICABILITY**

2 THESE RULES SHALL BE GOVERNED BY AND CONSTRUED UNDER THE LAWS OF THE STATE  
3 OF MARYLAND AND THE LAWS OF HOWARD COUNTY AND SHALL APPLY TO THE BOARD OF  
4 APPEALS. UNLESS OTHERWISE SPECIFIED, THE TERM ‘BOARD OF APPEALS’ SHALL BE DEEMED TO  
5 INCLUDE THE BOARD OF APPEALS HEARING EXAMINER.

6 IN THE EVENT OF ANY CONFLICT OR INCONSISTENCY BETWEEN THE PROVISION OF THESE  
7 RULES AND THE TERMS OF ANY OTHER POLICY OR PROCEDURE, THE PROVISIONS OF THESE RULES  
8 SHALL GOVERN. NOTWITHSTANDING THE FOREGOING, IN THE EVENT OF ANY CONFLICT OR  
9 INCONSISTENCY BETWEEN THESE RULES AND MARYLAND STATE LAW, THE HOWARD COUNTY  
10 CHARTER, OR ANY APPLICABLE LOCAL HOWARD COUNTY LEGISLATION, THE LATTER SHALL  
11 PREVAIL AND GOVERN.

12 IF RELEVANT GUIDANCE IS DEFINED ELSEWHERE IN HOWARD COUNTY POLICY OR  
13 PROCEDURE, THOSE TERMS SHALL COMPLEMENT THESE RULES AND NOT BE CONSIDERED  
14 PRESCRIPTIVE.

15  
16 **DEFINITIONS**

17 TERMS USED IN THESE RULES SHALL HAVE THE DEFINITION PROVIDED IN ANY STANDARD  
18 DICTIONARY UNLESS SPECIFICALLY DEFINED BELOW.

- 19 1) *ADMINISTRATIVE APPEAL*. APPEALS FROM ANY FINAL ORDER, DECISION, REQUIREMENT, OR  
20 INTERPRETATION MADE BY AN ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT OF ANY  
21 MATTER AUTHORIZED BY THE MARYLAND CODE, LAND USE, AND AS PROVIDED IN ZONING  
22 REGULATIONS.

- 1        2) *ADMINISTRATIVE AGENCY*. A BOARD, COMMISSION, DEPARTMENT OR OTHER UNIT OF  
2            COUNTY GOVERNMENT WHICH IS AUTHORIZED BY LAW TO MAKE RULES OR ADJUDICATE  
3            CONTESTED CASES.
- 4        3) *AFFIDAVIT*. A WRITTEN STATEMENT, SIGNED UNDER PENALTIES OF PERJURY, AFFIRMING  
5            THAT THE STATEMENTS IT CONTAINS ARE FACTUAL BASED UPON THE AFFIANT'S PERSONAL  
6            KNOWLEDGE OR TO THE BEST OF THE AFFIANT'S KNOWLEDGE, INFORMATION, AND BELIEF.
- 7        4) *AGENCY*. A BOARD, COMMISSION, DEPARTMENT, OR OTHER UNIT OF COUNTY  
8            GOVERNMENT AUTHORIZED BY LAW TO MAKE RULES OR ADJUDICATE CONTESTED CASES.
- 9        5) *APPEAL*. THE COMPLAINT TO A HIGHER TRIBUNAL OF AN ALLEGED INJUSTICE DONE OR  
10            ERROR COMMITTED BY AN INFERIOR ONE, WHOSE JUDGMENT OR DECISION THE TRIBUNAL  
11            ABOVE IS CALLED UPON TO CORRECT OR REVERSE.
- 12        6) *APPELLANT*. AN INDIVIDUAL OR ENTITY SEEKING REVIEW OF A LOWER AUTHORITY'S  
13            DECISION.
- 14        7) *BASIS FOR DECISION*. FINDINGS SUPPORTED BY SUBSTANTIAL EVIDENCE AND COMPORTING  
15            WITH DUE PROCESS. REQUIRES THAT THE AGENCY RECORD CONTAINS SUFFICIENT  
16            RELEVANT EVIDENCE THAT A REASONABLE MIND MIGHT ACCEPT AS ADEQUATE TO SUPPORT  
17            THE AGENCY'S CONCLUSION. THE EVIDENCE MUST BE BOTH PROBATIVE AND RELIABLE TO  
18            SATISFY THIS REASONABLENESS TEST.
- 19        8) *BOARD OF APPEALS ADMINISTRATIVE OFFICE*. THE PHYSICAL OFFICE SPACE WHERE THE  
20            PUBLIC MAY REQUEST ASSISTANCE ON MATTERS WITHIN THE JURISDICTION OF THE BOARD  
21            OF APPEALS. THE BOARD ADMINISTRATOR AND OTHER SUPPORT PERSONNEL STAFF THE  
22            OFFICE.

- 1        9) *BOARD OF APPEALS ADMINISTRATOR*. AN INDIVIDUAL WHO MAINTAINS CASE FILES, MAKES  
2        DOCKET ENTRIES, ISSUES PROCESSES, AND GENERALLY SERVES AS THE MINISTERIAL ARM OF  
3        THE BOARD, AS FURTHER DEFINED WITHIN THIS SECTION.
- 4        10) *BOARD OF APPEALS ALTERNATE MEMBER*. A REGISTERED VOTER AND RESIDENT OF THE  
5        COUNTY APPOINTED BY THE COUNCIL FROM A COUNTY-WIDE LIST OF APPLICANTS AS AN  
6        AT-LARGE MEMBER. THE MEMBER SERVES IN A SUBSTITUTE CAPACITY TO HEAR AND  
7        DECIDE CASES, AS NEEDED, AT THE REQUEST OF THE CHAIRPERSON AND ONLY DURING THE  
8        ABSENCE OF A BOARD OF APPEALS REGULAR MEMBER. ALTERNATE MEMBERS SERVE A  
9        TERM DEFINED BY LEGISLATION AND PERFORM THE DUTIES AS DETAILED ELSEWHERE IN  
10       REGULATION.
- 11       11) *BOARD OF APPEALS LEGAL ADVISOR*. A LAWYER WHO PROVIDES THE BOARD WITH AN  
12       INFORMED UNDERSTANDING OF THE BOARD’S LEGAL RIGHTS AND OBLIGATIONS AND  
13       EXPLAINS THEIR PRACTICAL IMPLICATIONS. THE LEGAL ADVISOR ZEALOUSLY ASSERTS THE  
14       BOARD’S POSITION UNDER THE RULES OF THE ADVERSARY SYSTEM AND ACTS AS AN  
15       EVALUATOR BY EXAMINING THE BOARD’S LEGAL AFFAIRS AND REPORTING THEM TO THE  
16       CLIENT OR TO OTHERS.
- 17       12) *BOARD OF APPEALS REGULAR MEMBER*. A REGISTERED VOTER AND RESIDENT OF HOWARD  
18       COUNTY APPOINTED BY THE COUNTY COUNCIL TO SERVE FOR A TERM AS DEFINED BY  
19       LEGISLATION. BOARD MEMBERS ARE ENTRUSTED TO HEAR AND DECIDE APPEALS FROM  
20       DECISIONS MADE BY AN ADMINISTRATIVE OFFICER OR AGENCY; HEAR AND DECIDE  
21       REQUESTS TO VARY A REGULATION OF THE ZONING ORDINANCE (VARIANCE); HEAR AND  
22       DECIDE REQUESTS FOR CONDITIONAL USE APPROVAL; AND HEAR AND DECIDE A REQUEST TO  
23       EXPAND A NONCONFORMING USE OR STRUCTURE.

- 1 13) *BUSINESS DAY*. ANY DAY THE BOARD OF APPEALS ADMINISTRATIVE OFFICE IS OPEN FOR  
2 THE TRANSACTION OF PUBLIC BUSINESS.
- 3 14) *CASE IN CHIEF*. THE PORTION OF A HEARING WHEREBY THE PARTY WITH THE BURDEN OF  
4 PROOF IN THE CASE PRESENTS ITS EVIDENCE. THE TERM DIFFERS FROM A REBUTTAL,  
5 WHEREBY A PARTY SEEKS TO CONTRADICT THE OTHER PARTY'S EVIDENCE.
- 6 15) *CONCLUSIONS OF LAW*. A BRIEF EXPLANATION OF THE LEGAL PRINCIPLE THAT APPLIES TO  
7 THE FACTS. AN ANALYSIS OF HOW THE LAW SUPPORTS THE FINDINGS OF FACT. DECISION  
8 BASED ON LEGAL PRECEDENTS OR STATUTES.
- 9 16) *CONCURRING OPINION*. AN INDEPENDENT OPINION WRITTEN BY A BOARD MEMBER WHO  
10 AGREES WITH THE MAJORITY OPINION BUT OFFERS ADDITIONAL COMMENT OR  
11 CLARIFICATION.
- 12 17) *CONDITIONAL USE*. CERTAIN LAND USES WHICH ARE NOT PERMITTED AS A MATTER OF  
13 RIGHT BUT MAY BE ALLOWED IF APPROVED BY THE BOARD OF APPEALS.
- 14 18) *CONTESTED CASE*. A PROCEEDING IN WHICH A PERSON'S LEGAL RIGHTS, DUTIES, OR  
15 PRIVILEGES ARE REQUIRED BY LAW OR CONSTITUTIONAL RIGHT TO BE DETERMINED ONLY  
16 AFTER AN OPPORTUNITY FOR A PUBLIC HEARING.
- 17 19) *DAY*. REFERRING TO A CALENDAR DAY UNLESS OTHERWISE INDICATED.
- 18 20) *DE NOVO OR DE NOVO HEARING*. A LATIN TERM THAT MEANS "ANEW," "FROM THE  
19 BEGINNING," OR "AFRESH." AN APPEAL DURING WHICH NEW EVIDENCE MAY BE PRESENTED  
20 AND NEW DETERMINATIONS MADE. NO WEIGHT IS GIVEN TO PRIOR FINDINGS OR  
21 CONCLUSIONS. AN APPEAL IN WHICH A CASE IS COMPLETELY RETRIED.
- 22 21) *DISSENTING OPINION*: AN INDEPENDENT OPINION WRITTEN BY A BOARD MEMBER WHO  
23 DISAGREES WITH THE MAJORITY OPINION.

- 1       22) *DOCKET*. A FORMAL ABRIDGED RECORD OF THE PROCEEDINGS. THE CASE FILE FOR A  
2           MATTER BEFORE THE BOARD.
- 3       23) *DILATORY TACTICS*. INTENTIONAL ACTIONS TAKEN BY ONE PARTY TO CAUSE DELAYS OR  
4           POSTPONE THE RESOLUTION OF A DISPUTED MATTER; STRATEGIES OFTEN EMPLOYED TO  
5           CREATE STRESS AND HARDSHIP FOR THE OPPOSING PARTY AND TO GAIN AN UNFAIR  
6           ADVANTAGE.
- 7       24) *EX PARTE*. BY AND FOR ONE SIDE ONLY; PARTISAN.
- 8       25) *FILED*. THE STATUS OF A DOCUMENT OR OTHER INSTRUMENT WHEN RECEIVED AND  
9           ACCEPTED BY THE BOARD OF APPEALS ADMINISTRATIVE OFFICE. WHEN COMPUTING A  
10          TIME FOR FILING A DOCUMENT, THE LAST DAY SHALL BE INCLUDED. IF THE LAST DAY FALLS  
11          ON A SATURDAY, SUNDAY, A RECOGNIZED HOLIDAY, OR OTHER DAY ON WHICH THE OFFICE  
12          IS NOT OPEN THE ENTIRE DAY, THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY ON  
13          WHICH THE OFFICE IS OPEN THE ENTIRE DAY DURING OFFICIAL BUSINESS HOURS
- 14       26) *IRRELEVANT*. TESTIMONY OR OTHER OFFERING NOT IMPORTANT OR PERTINENT TO THE  
15          MATTER AT HAND OR AN ISSUE BEING CONSIDERED. SYNONYMOUS WITH IMMATERIAL.
- 16       27) *LEADING QUESTION*. A TYPE OF QUESTIONING THAT SUGGESTS THE ANSWER. IN GENERAL,  
17          LEADING QUESTIONS ARE NOT ALLOWED DURING THE DIRECT EXAMINATION OF A WITNESS.
- 18       28) *LEGAL MEMORANDUM*. A WRITTEN SUMMARY OF A CASE SUBMITTED TO THE BOARD BY THE  
19          PARTIES INVOLVED IN A CONTESTED MATTER. THIS MEMORANDUM IS ORDERED AT THE  
20          DISCRETION OF THE PRESIDING OFFICIAL, WHO WILL ALSO ESTABLISH THE PAGE LIMIT AND  
21          SUBMISSION DEADLINE. EACH MEMORANDUM MUST INCLUDE A BRIEF STATEMENT OF THE  
22          QUESTIONS FOR REVIEW, PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW,



1 AND ANY RELIED-UPON EXHIBITS. NO NEW EVIDENCE OR EXHIBITS SHALL BE SUBMITTED  
2 VIA THE LEGAL MEMORANDUM.

3 29) *LEGAL SUFFICIENCY REVIEW*. A FORMAL ANALYSIS CONDUCTED BY A LEGAL EXPERT TO  
4 DETERMINE IF MATERIAL, SUBJECT TO REVIEW, COMPLIES WITH EXISTING LAWS,  
5 CONSTITUTIONAL PRINCIPLES, AND LEGAL PRECEDENTS, ENSURING IT IS LEGALLY SOUND  
6 AND ENFORCEABLE.

7 30) *MATTER*. ANY LITIGATION, ADMINISTRATIVE PROCEEDING, CLAIM OR ANY OTHER  
8 REPRESENTATION, EXCEPT AS EXPRESSLY LIMITED IN A PARTICULAR RULE.

9 31) *MOTION*. A REQUEST TO THE BOARD SEEKING SPECIFIC ACTION IN A CASE. AN APPLICATION  
10 TO THE BOARD OF APPEALS FOR AN ORDER SHALL BE MADE BY MOTION, WHICH, UNLESS  
11 MADE DURING A HEARING, SHALL BE MADE IN WRITING AND SET FORTH THE RELIEF OR  
12 ORDER SOUGHT.

13 32) *MAJORITY VOTE*. THREE-FIFTHS.

14 33) *ON THE RECORD APPEAL FILE*. THE COMPLETE CASE FILE AND A TRANSCRIPT OF ALL  
15 PROCEEDINGS CONDUCTED BY THE LOWER REVIEWER.

16 34) *OPINION*. A WRITTEN EXPLANATION OR ANALYSIS OF THE REASONING BEHIND THE BOARD'S  
17 DECISION, INCLUDING FINDINGS OF FACTS AND CONCLUSIONS OF LAW.

18 35) *ORDER*. A RULING OR MANDATORY DIRECTION OF THE BOARD, INCLUDING A COMMAND OF  
19 THE PRESIDING OFFICIAL WHILE PERFORMING ADMINISTRATIVE PROCEDURES OR  
20 CONDUCTING HEARING.

21 36) *PARTY*. A PERSON OR ENTITY NAMED OR PERMITTED TO PARTICIPATE IN A HEARING BEFORE  
22 THE BOARD.

- 1 37) *PETITIONER*. A PERSON OR ENTITY REQUESTING THE BOARD'S REVIEW OF A MATTER BY  
2 FILING A PETITION FOR APPEAL.
- 3 38) *PREPONDERANCE OF EVIDENCE STANDARD*. IF THE PROPOSITION IS MORE LIKELY TO BE TRUE  
4 THAN NOT TRUE. THE STANDARD IS SATISFIED IF THERE IS A GREATER THAN FIFTY PERCENT  
5 CHANCE THAT THE PROPOSITION IS TRUE.
- 6 39) *PROBATIVE*. INFORMATION RELEVANT TO AN ISSUE AND USEFUL TO PROVE OR DISPROVE A  
7 FACT.
- 8 40) *PROFFER*. AN OFFER OF PROOF; A SUMMARY OFFER OF INFORMATION. DURING A HEARING,  
9 A PARTY MAY PRESENT THE BOARD WITH AN ORAL SUMMARY OF WHAT THE EVIDENCE  
10 WOULD HAVE SHOWN, OR WITNESS WOULD HAVE SAID, SO THE BOARD MAY DETERMINE  
11 ADMISSIBILITY OR FOR OTHER PURPOSES. PROFFERS ARE MADE FOR THE SAKE OF  
12 CONVENIENCE, SO THE BOARD DOES NOT HAVE TO LISTEN THROUGH LENGTHY EVIDENCE  
13 DEEMED INADMISSIBLE OR INSIGNIFICANT. A PROFFER CAN BE A FIRST OFFER OR PROPOSAL.
- 14 41) *PUBLIC RECORD*. A RECORD MAINTAINED IN A GOVERNMENT OFFICE AVAILABLE FOR  
15 INSPECTION BY THE PUBLIC.
- 16 42) *QUASI-JUDICIAL*. HAVING JUDICIAL CHARACTER DEFINED BY THE RIGHT TO HOLD HEARINGS  
17 AND CONDUCT INVESTIGATIONS INTO DISPUTED CLAIMS AND ALLEGED INFRACTIONS OF  
18 RULES AND REGULATIONS AND TO MAKE DECISIONS IN THE GENERAL MANNER OF COURTS.  
19 MUCH LIKE IN A CIVIL OR CRIMINAL CASE, THE BOARD HEARS EVIDENCE AND DECIDES THE  
20 FACTS.
- 21 43) *REBUTTAL*. EVIDENCE OR ARGUMENTS INTRODUCED TO COUNTER, DISPROVE, OR  
22 CONTRADICT AN OPPOSING PARTY'S EVIDENCE OR ARGUMENT.

- 1 44) *RELIABILITY*. PERTAINS NOT TO RELEVANCY BUT RATHER TO CREDIBILITY AND WHETHER  
2 THE EVIDENCE IS WORTHY OF BELIEF.
- 3 45) *REMOTE PROCEEDING*. ANY HEARING OR MEETING CONDUCTED IN WHOLE OR PART BY  
4 TELEPHONE, VIDEO, OR OTHER AUDIO-VISUAL MEANS, OR BY A COMBINATION OF IN-  
5 PERSON, AUDIO, AND AUDIO-VISUAL MEANS. ALSO REFERRED TO AS A VIRTUAL  
6 PROCEEDING.
- 7 46) *SPECIAL EXCEPTION*: SEE CONDITIONAL USE
- 8 47) *SUBSTANTIAL EVIDENCE STANDARD*. MEANING MORE THAN A MERE SCINTILLA. REQUIRES  
9 THAT THE AGENCY RECORD CONTAINS SUFFICIENT RELEVANT EVIDENCE THAT A  
10 REASONABLE MIND MIGHT ACCEPT AS ADEQUATE TO SUPPORT THE AGENCY'S CONCLUSION.  
11 SATISFYING THE REASONABLENESS TEST REQUIRES THE EVIDENCE TO BE BOTH PROBATIVE  
12 AND RELIABLE. SUBSTANTIAL EVIDENCE IS A DEFERENTIAL STANDARD LOWER THAN  
13 PREPONDERANCE OF THE EVIDENCE.
- 14 48) *SUBSTANTIVE AMENDMENT*. A MODIFICATION THAT HAS A SIGNIFICANT IMPACT AND RISES  
15 ABOVE THAT OF A TECHNICAL ADJUSTMENT.
- 16 49) *TECHNICAL AMENDMENT*. ADJUSTMENTS TO A PLAN OR DOCUMENT THAT COMPLEMENT  
17 EXISTING RESOURCES AND STRATEGIES. CONSIDERED LESS THAN SUBSTANTIVE IN NATURE.
- 18 50) *TIMELINESS*. AN ACTION COMPLETED WITHIN A PRESCRIBED TIME PERIOD SPECIFIED BY  
19 RELEVANT LAW, REGULATION, OR OTHER ORDER.
- 20 51) *VARIANCE*. A DEVIATION FROM LAND USE AND DEVELOPMENT REGULATIONS.
- 21

**RULE 1.0 ORGANIZATION**

1  
2 A. MEMBERS. THE COUNTY BOARD OF APPEALS SHALL CONSIST OF FIVE RESIDENTS WHO ARE  
3 REGISTERED VOTERS OF THE COUNTY AND APPOINTED BY THE COUNCIL. THE BOARD OF  
4 APPEALS MAY EXERCISE ITS AUTHORITY AND FUNCTION ONLY WHEN CONVENED AS A BOARD.  
5 APPOINTED MEMBERS HAVE NO AUTHORITY TO ACT INDIVIDUALLY WITHOUT DELEGATION OF  
6 AUTHORITY FROM THE BOARD. IT IS BOTH THE RIGHT AND THE RESPONSIBILITY OF EACH  
7 BOARD MEMBER TO MEANINGFULLY PARTICIPATE IN HEARINGS AND OTHER MEETINGS.

8 B. ALTERNATE MEMBERS. IF ONE REGULAR MEMBER OF THE BOARD OF APPEALS IS ABSENT, HAS A  
9 CONFLICT OF INTEREST, OR IS OTHERWISE UNABLE TO PARTICIPATE IN A HEARING, AN  
10 ALTERNATE MEMBER SHALL BE SELECTED FROM THE EXISTING POOL OF APPOINTED  
11 ALTERNATE MEMBERS TO TEMPORARILY SERVE IN THE REGULAR MEMBER'S ABSENCE. AN  
12 ALTERNATE MEMBER OF THE BOARD OF APPEALS SHALL BE A REGISTERED VOTER AND  
13 RESIDENT OF THE COUNTY AND SHALL BE APPOINTED BY THE COUNTY COUNCIL FROM A  
14 COUNTY-WIDE LIST OF APPLICANTS AS AN AT-LARGE MEMBER. WHENEVER POSSIBLE, THE  
15 ALTERNATE MEMBER SHALL BE OF THE SAME POLITICAL AFFILIATION AS THE ABSENT REGULAR  
16 MEMBER. THE ALTERNATE MEMBER SHALL SERVE A TERM AS DEFINED BY LEGISLATION. GIVEN  
17 THE SCOPE AND COMPLEXITY OF THE BOARD'S SUBJECT, THE COUNCIL SHALL CONSIDER  
18 COUNTY RESIDENTS WITH PRIOR HOWARD COUNTY BOARD OF APPEALS EXPERIENCE DURING  
19 THE ALTERNATE MEMBER SELECTION PROCESS.

20 C. ALTERNATE MEMBER POWERS AND FUNCTIONS. AN ALTERNATE MEMBER SHALL SERVE ON THE  
21 BOARD ONLY IN THE ABSENCE OF A PERMANENT MEMBER. AN ALTERNATE MEMBER SHALL  
22 MEET THE SAME QUALIFICATIONS AS A PERMANENT MEMBER, INCLUDING COMPLETION OF ALL  
23 REQUIRED TRAINING AND OTHER REQUIREMENTS OF THESE RULES OF PRACTICE AND

1 PROCEDURE. WHEN SERVING AS THE FIFTH BOARD MEMBER, THE ALTERNATE MEMBER SHALL  
2 HAVE AND EXERCISE ALL THE POWERS AND DUTIES OF A REGULAR MEMBER OF THE BOARD  
3 AND SHALL FULLY PARTICIPATE DURING INDIVIDUAL MATTERS BASED ON A REGULAR  
4 MEMBER'S TEMPORARY ABSENCE.

5 1) AT THE REQUEST OF THE CHAIRPERSON, AN ALTERNATE MEMBER SHALL BE SELECTED  
6 FROM AN EXISTING POOL OF THOSE CURRENTLY SERVING A TERM AS AN APPOINTED  
7 ALTERNATE MEMBER AND SHALL ATTEND AND FULLY PARTICIPATE IN SPECIFIC  
8 HEARINGS OR MEETINGS. IF ALL FIVE REGULAR MEMBERS ARE PRESENT, THE  
9 ALTERNATE MEMBER SHALL NOT ATTEND OR BE PERMITTED TO PARTICIPATE IN  
10 HEARINGS, WORK SESSIONS, OR OTHER PUBLIC MEETINGS BEFORE THE BOARD EXCEPT  
11 FOR REQUIRED TRAINING AND EDUCATION EVENTS. AT NO TIME SHALL MORE THAN FIVE  
12 BOARD MEMBERS PARTICIPATE AS THE BOARD OF APPEALS.

13 2) WHEN AN ALTERNATE MEMBER PARTICIPATES IN THE FIRST OR INITIAL DATE OF A  
14 DOCKETED MATTER, THAT MEMBER SHALL CONTINUE TO FULLY PARTICIPATE DURING  
15 ANY SUBSEQUENT CONTINUATION DATES THROUGH THE FINAL DISPOSITION OF THE  
16 MATTER, AND THE REGULAR MEMBER SHALL REMAIN ABSENT.

17 3) ALL DOCKETED CASE HEARINGS REQUIRE A FULL BOARD OF FIVE MEMBERS TO  
18 PARTICIPATE. AN ALTERNATE MEMBER SHALL TEMPORARILY FILL THE POSITION OF ONE  
19 ABSENT REGULAR BOARD MEMBER. IF MORE THAN ONE REGULAR MEMBER IS ABSENT,  
20 THE CHAIRPERSON SHALL POSTPONE THE MEETING.

21 4) BOARD MEMBERS WHO PARTICIPATE IN A CASE DURING THE INITIAL HEARING DATE  
22 SHALL BE THE SAME MEMBERS TO HEAR AND DECIDE THE MATTER THROUGH FINAL  
23 DISPOSITION.

1 D. PRESIDING OFFICERS. EACH JANUARY, THE FIVE REGULAR BOARD MEMBERS SHALL ELECT  
2 ONE CHAIRPERSON AND ONE VICE-CHAIRPERSON BY MAJORITY VOTE DURING A PUBLIC  
3 MEETING. THE VICE-CHAIRPERSON SHALL ASSUME THE CHAIRPERSON'S DUTIES IF THE  
4 CHAIRPERSON IS ABSENT OR UNABLE TO SERVE. THE BOARD CHAIRPERSON AND VICE-  
5 CHAIRPERSON SHALL BE RESPONSIBLE FOR THE BOARD'S COMPLIANCE WITH THE MARYLAND  
6 OPEN MEETINGS ACT TRAINING REQUIREMENTS WHICH SHALL COMPLETE ALL REQUIRED  
7 TRAINING PROVIDED BY STATE LAW WITHIN 14 DAYS OF THEIR ELECTION.

8 E. CHAIRPERSON RESPONSIBILITIES.

- 9 1) CONDUCT FULL, FAIR, AND IMPARTIAL HEARINGS AND MEETINGS;
- 10 2) SCHEDULE HEARINGS AND MEETINGS;
- 11 3) TAKE ACTION TO AVOID UNNECESSARY DELAYS IN THE DISPOSITION OF THE  
12 PROCEEDINGS AND MAINTAIN ORDER;
- 13 4) ADMINISTER OATHS AND AFFIRMATIONS;
- 14 5) ISSUE SUBPOENAS FOR WITNESSES AND THE PRODUCTION OF EVIDENCE UPON THE  
15 BOARD'S MOTION OR THE MOTION OF A PARTY;
- 16 6) RULE UPON OFFERS OF PROOF AND ADMIT RELEVANT AND MATERIAL EVIDENCE;
- 17 7) LIMIT UNDULY REPETITIOUS TESTIMONY AND REASONABLY LIMIT THE TIME FOR  
18 PRESENTATIONS;
- 19 8) RULE ON SCHEDULING MATTERS, INCLUDING CONTINUANCES AND POSTPONEMENTS;
- 20 9) DIRECT PARTIES TO SUBMIT LEGAL MEMORANDA, PROPOSED FINDINGS OF FACT, AND  
21 PROPOSED CONCLUSIONS OF LAW;

1 10) ISSUE SUCH ORDERS AS ARE NECESSARY TO PROCURE PROCEDURAL SIMPLICITY AND  
2 ADMINISTRATIVE FAIRNESS AND TO ELIMINATE UNJUSTIFIABLE EXPENSE AND DELAY;  
3 AND

4 11) CONDUCT HEARINGS IN A MANNER SUITED TO ASCERTAIN THE FACTS AND SAFEGUARD  
5 THE RIGHTS OF THE PARTIES TO A HEARING.

6 F. HEARING EXAMINER. THE COUNTY COUNCIL MAY APPOINT HEARING EXAMINERS TO CONDUCT  
7 HEARINGS AND MAKE DECISIONS CONCERNING MATTERS WITHIN THE JURISDICTION OF THE  
8 BOARD OF APPEALS. DECISIONS OF AN EXAMINER MAY BE APPEALED TO THE BOARD OF  
9 APPEALS AS PROVIDED BY LAW. AN EXAMINER SHALL BE A MEMBER IN GOOD STANDING OF THE  
10 BAR OF THE MARYLAND COURT OF APPEALS AND, AT THE TIME OF APPOINTMENT, SHALL HAVE  
11 KNOWLEDGE OF ADMINISTRATIVE AND ZONING LAW, PRACTICE, AND PROCEDURE. WHILE  
12 HOLDING THE POSITION OF HEARING EXAMINER, THE HEARING EXAMINER MAY NOT  
13 REPRESENT ANY CLIENT INVOLVING LAND USE IN HOWARD COUNTY.

14  
15 **RULE 2.0 ADMINISTRATIVE OPERATIONS**

16 A. HOURS OF OPERATION. THE BOARD OF APPEALS ADMINISTRATIVE OFFICES SHALL BE OPEN TO  
17 THE PUBLIC BY APPOINTMENT FROM AT LEAST 8:30 A.M. TO 4:30 P.M., MONDAY THROUGH  
18 FRIDAY OF EACH WEEK EXCEPT:

- 19 1) ON DAYS DESIGNATED UNDER COUNTY REGULATION FOR THE OBSERVANCE OF LEGAL  
20 HOLIDAYS BY COUNTY EMPLOYEES OR;  
21 2) ON DAYS WHEN THE OFFICE IS CLOSED DUE TO EMERGENCY, INCLEMENT WEATHER, OR  
22 OTHER GOOD CAUSE BY ORDER OF THE CLERK OF THE BOARD OF APPEALS.

1 B. BOARD OF APPEALS CLERK; ROLES AND RESPONSIBILITIES. THE COUNTY COUNCIL

2 ADMINISTRATOR SHALL HAVE THE FOLLOWING ROLES AND RESPONSIBILITIES:

3 1) BE THE CLERK OF THE BOARD OF APPEALS AND THE TEMPORARY OFFICIAL CUSTODIAN OF  
4 RECORDS FOR THE DURATION OF MATTERS DOCKETED WITH THE BOARD OF APPEALS.

5 2) FOR LAND USE ISSUES, ALL RECORDS AND DOCUMENTS HELD BY THE DEPARTMENT OF  
6 PLANNING AND ZONING SHALL BE TRANSFERRED TO THE BOARD OF APPEALS CLERK  
7 IMMEDIATELY UPON THE DOCKETING OF A PETITION. FOLLOWING THE ADJUDICATION OF A  
8 DOCKETED MATTER, THE CLERK SHALL RETURN AND TRANSFER ALL RECORDS TO THE  
9 DIRECTOR OF PLANNING AND ZONING, WHO SHALL RETAIN THE DOCUMENTS AS REQUIRED  
10 AS THE PERMANENT CUSTODIAN OF RECORDS.

11 C. BOARD OF APPEALS ADMINISTRATOR; ROLES AND RESPONSIBILITIES. THE BOARD OF APPEALS

12 ADMINISTRATOR SHALL REPORT TO THE BOARD OF APPEALS CLERK AND SHALL:

13 1) BE THE OFFICIAL CUSTODIAN FOR BOARD MEMBERS' TRAINING AND COMPLIANCE  
14 RECORDS;

15 2) ENSURE ALL HEARINGS AND MEETINGS OF THE BOARD ARE AUDIO AND VIDEO  
16 RECORDED AND LIVE STREAMED WHEN APPLICABLE;

17 3) DRAFT AND MAINTAIN THE MINUTES OF BOARD MEETINGS;

18 4) ACCEPT PETITIONS, MOTIONS, AND CORRESPONDENCE TO THE BOARD;

19 5) HAVE LEAD ADMINISTRATIVE RESPONSIBILITY FOR PROVIDING PUBLIC NOTICE,  
20 INCLUDING MEETING AGENDA DEVELOPMENT, AS REQUIRED FOR ALL HEARINGS AND  
21 MEETINGS;



- 1           6) PREPARE A DRAFT AGENDA FOR THE CHAIRPERSON'S APPROVAL AS SOON AS  
2           PRACTICABLE BEFORE PUBLIC POSTING;
- 3           7) MAINTAIN THE DOCKET IN EACH CASE;
- 4           8) DOCKET PETITIONS RECEIVED FOLLOWING THESE RULES AND ENSURE ONLY THE PROPER  
5           FORMS ARE UTILIZED AND CONTAIN THE INFORMATION PRESCRIBED BY THE BOARD OF  
6           APPEALS;
- 7           9) RECORD THE ACTIONS OF THE BOARD, AND DRAFT MEETING MINUTES FOR REVIEW AND  
8           APPROVAL BY THE BOARD;
- 9           10) COORDINATE RESPONSES TO MOTIONS AS DIRECTED BY THE CHAIRPERSON AND  
10          PREPARE BOARD ORDERS FOR THE CHAIRPERSON'S SIGNATURE;
- 11          11) AT THE DIRECTION OF THE CHAIRPERSON, CONDUCT AND RECORD ROLL CALL VOTES;
- 12          12) CREATE AND PRODUCE AGENDA ITEMS AND OTHER BOARD DOCUMENTS, MAKING SUCH  
13          ARTICLES AVAILABLE TO BOARD MEMBERS NO LATER THAN 1 WEEK BEFORE A  
14          SCHEDULED BOARD SESSION, WHENEVER PRACTICABLE;
- 15          13) RECEIVE AND DISSEMINATE DRAFT WRITTEN HEARING DECISIONS AND ORDERS FOR  
16          BOARD MEMBER REVIEW, APPROVAL, AND PUBLIC POSTING;
- 17          14) MAINTAIN AN ACCURATE BOARD MEMBER ROSTER, INCLUDING EMAIL AND PHONE  
18          NUMBER CONTACT INFORMATION. NO BOARD MEMBERS' PERSONAL CONTACT  
19          INFORMATION SHALL BE PUBLICLY POSTED;
- 20          15) PREPARE AND SUBMIT A MONTHLY BOARD MEMBER ATTENDANCE REPORT TO THE  
21          COUNCIL ADMINISTRATOR AND THE CHAIRPERSON BY THE 10TH DAY OF EACH MONTH.

1 THE REPORT SHALL LIST EACH MEMBER'S ABSENCES, VIRTUAL ATTENDANCE, AND IN-  
2 PERSON ATTENDANCE DURING SCHEDULED SESSIONS FOR THE PRECEDING MONTH;

3 16) POST ALL HEARING AND MEETING-RELATED DOCUMENTS ONLINE FOR PUBLIC  
4 CONSUMPTION ON THE BOARD OF APPEALS WEBSITE AS SOON AS POSSIBLE FOLLOWING  
5 RECEIPT AS PRESCRIBED BY THESE RULES.

6 D. BOARD OF APPEALS ADMINISTRATIVE ASSISTANTS. THE BOARD OF APPEALS CLERK MAY ASSIGN  
7 ADMINISTRATIVE ASSISTANTS WHO SHALL REPORT TO THE BOARD ADMINISTRATOR AND  
8 PERFORM ADMINISTRATIVE DUTIES AS ASSIGNED BY THE BOARD THROUGH THE  
9 ADMINISTRATOR.

10 E. LEGAL ADVISOR. THE BOARD'S LEGAL ADVISOR SHALL REPORT TO THE BOARD OF APPEALS  
11 AND SHALL:

- 12 1) ATTEND ALL MEETINGS OF THE BOARD UNLESS EXCUSED BY THE CHAIRPERSON;
- 13 2) *IDENTIFY RELEVANT LEGAL ISSUES.* PROACTIVELY MONITOR LEGAL LANDSCAPES AND  
14 IDENTIFY POTENTIAL LEGAL RISKS THAT COULD AFFECT THE BOARD'S OPERATION;
- 15 3) *PROVIDE CLEAR EXPLANATIONS.* EXPLAIN COMPLEX LEGAL CONCEPTS IN A WAY THAT IS  
16 UNDERSTANDABLE TO BOARD MEMBERS WITHOUT A COMPREHENSIVE LEGAL  
17 BACKGROUND;
- 18 4) *OFFER LEGAL ADVICE.* ADVISE THE BOARD ON APPROPRIATE LEGAL COURSES OF ACTION  
19 BASED ON THEIR DECISION-MAKING NEEDS;
- 20 5) *REPORT ON COMPLIANCE STATUS.* KEEP THE BOARD UPDATED ON THE ORGANIZATION'S  
21 COMPLIANCE WITH RELEVANT LAWS AND REGULATIONS;

- 1       6) *PRESENT LEGAL OPTIONS*. PRESENT DIFFERENT LEGAL OPTIONS AND POTENTIAL  
2           CONSEQUENCES OF EACH OPTION TO THE BOARD FOR CONSIDERATION;
- 3       7) ASSIST ANY INDIVIDUAL BOARD MEMBER(S) DESIRING TO PUBLISH AN INDEPENDENT,  
4           CONCURRENT, OR MINORITY OPINION. ANY OPINION(S) SHALL BE INCORPORATED AS PART  
5           OF THE BOARD'S FINAL DECISION AND ORDER;
- 6       8) OBTAIN THE BOARD'S GUIDANCE PRIOR TO AND WHILE REPRESENTING THE BOARD BEFORE  
7           ANY COURT OF LAW. PROVIDE THE BOARD WITH REGULAR LEGAL UPDATES ON ANY  
8           MATTERS ADJUDICATED BY THE BOARD AND SUBSEQUENTLY APPEALED TO A COURT OF  
9           LAW. PROVIDE THE BOARD WITH ANY DOCUMENTS SUBMITTED BY A PARTY DURING  
10          PROCEEDINGS IN A COURT OF LAW DURING A CASE IN WHICH THE BOARD IS NAMED AS A  
11          PARTY; AND
- 12       9) PROVIDE BOARD OF APPEALS MEMBERS WITH A MEMORANDUM OF LAW FOR EACH  
13          DOCKETED MATTER NO LATER THAN 5 DAYS BEFORE THE SCHEDULED INITIAL HEARING  
14          DATE.
- 15       a) THE CONFIDENTIAL MEMORANDUM SHALL CONTAIN RELEVANT POINTS OF LAW,  
16           PERTINENT PUBLISHED LEGAL OPINIONS AND PRIOR BOARD DECISIONS, A SUMMARY OF  
17           PRELIMINARY LEGAL ISSUES FOR THE BOARD'S CONSIDERATION, AND STANDARDS OF  
18           EVALUATION FOR THE BOARD TO CONTEMPLATE WHEN DETERMINING FINDINGS OF  
19           FACT AND CONCLUSIONS OF LAW.
- 20       b) THE BOARD MAY ALSO REQUEST THAT COUNSEL PROVIDE A SIMILAR LEGAL  
21          MEMORANDUM BEFORE DELIBERATION.
- 22

1 **RULE 3.0 PETITION PROCESS**

2 A. FORM AND CONTENTS OF PETITIONS. THE BOARD OF APPEALS SHALL PRESCRIBE THE FORM AND  
3 CONTENTS OF PETITIONS TO BE USED BY THE BOARD OF APPEALS AND THE HEARING EXAMINER  
4 AND SHALL BE THE ONLY PETITION FORMS USED. EACH CORRECTLY FILED PETITION SHALL  
5 RECEIVE A UNIQUE DOCKETING NUMBER FORMATTED AS REQUIRED BY THESE RULES. THE  
6 ONLY APPROVED PETITION FORM(S) TO BE USED BY AN APPELLANT CAN BE FOUND ONLINE ON  
7 THE BOARD’S WEBSITE AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-](https://cc.howardcountymd.gov/zoning-land-use/board-appeals)  
8 [APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals). NO OTHER FORM SHALL BE ACCEPTED.

9 B. ACCURACY. THE PETITIONER SHALL ENSURE THE ACCURACY AND COMPLETENESS OF THE  
10 INFORMATION REQUIRED IN THE PETITION BEFORE SUBMISSION. A COMPLETED PETITION SHALL  
11 BE FILED IN PERSON WITH THE BOARD ADMINISTRATOR OR ONLINE WHEN AVAILABLE. ABSENT  
12 PRIOR WRITTEN AUTHORIZATION FROM THE CHAIRPERSON, ALL FORMS OR OTHER DOCUMENTS  
13 RELATED TO A DOCKETED MATTER SHALL BE SUBMITTED FOR THE BOARD'S CONSIDERATION IN  
14 THE SAME MANNER AS THE ORIGINAL PETITION.

15 C. SUBMISSION. PETITIONS THAT ARE INCOMPLETE OR INCORRECT WILL NOT BE DOCKETED.  
16 SUBMITTING AN INACCURATE OR INCOMPLETE PETITION DOES NOT EXTEND THE FILING  
17 DEADLINE REQUIREMENTS. IT IS THE SOLE RESPONSIBILITY OF THE PETITIONER TO ENSURE  
18 THEIR CASE IS FILED ON TIME.

19 D. NOTIFICATION REQUIRED. DURING THE PENDENCY OF A MATTER, A PARTY MUST NOTIFY THE  
20 BOARD ADMINISTRATOR OF A CHANGE IN THE PARTY'S MAILING ADDRESS, EMAIL ADDRESS,  
21 AND PHONE NUMBER.

22 E. AMENDMENTS TO A PETITION.

- 1) AMENDMENTS TO A DOCKETED PETITION SHALL BE MADE ONLY DURING A PUBLIC HEARING.
- 2) THE BOARD MAY CONTINUE, SUSPEND, OR POSTPONE A HEARING IN RESPONSE TO A PROPOSED AMENDMENT.
- 3) THE BOARD MAY ORDER THAT AN AMENDED PETITION BE REMANDED TO THE PRIOR REVIEWING AGENCY OR MAY REQUEST ADDITIONAL AGENCY REVIEW AS NEEDED.
- 4) A MAJORITY VOTE SHALL DECIDE ANY BOARD ACTION BASED ON PETITION AMENDMENTS.
- F. PAYMENT OF FEES. AT THE TIME OF FILING, THE PETITIONER SHALL PAY THE REQUIRED FEES PER THE CURRENT SCHEDULE OF FEES ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.
- G. REFUND OF FEES. IF THE BOARD OF APPEALS REVERSES THE DECISION OF AN ADMINISTRATIVE AGENCY AFTER AN APPEAL HEARING, THEN THE BOARD SHALL ORDER THE DIRECTOR OF FINANCE TO REFUND ALL ADMINISTRATIVE HEARING AND FILING FEES UPON REQUEST BY THE PETITIONER.
- 1) A REQUEST FOR FEES TO BE REFUNDED MAY BE MADE AT ANY TIME; HOWEVER, THE REQUEST MUST BE SUBMITTED NO LATER THAN 7 DAYS AFTER THE CONCLUSION OF THE BOARD'S DELIBERATION. A REQUEST MAY BE SUBMITTED VERBALLY DURING A PUBLIC HEARING OR IN WRITING AS DETAILED IN THESE RULES.
- 2) NO REQUEST SHALL BE CONSIDERED IF RECEIVED FOLLOWING THE ISSUANCE OF THE BOARD'S FINAL WRITTEN DECISION AND ORDER.
- H. SCHEDULING. WHEN CORRECTLY SUBMITTED, EACH APPEAL PETITION WILL BE DOCKETED BY THE BOARD ADMINISTRATOR AND POSTED ON THE ONLINE PUBLIC CALENDAR FOR THE BOARD OF APPEALS. THE BOARD ADMINISTRATOR SHALL NOTIFY THE CHAIRPERSON OF ANY NEWLY DOCKETED CASE WITHIN 2 BUSINESS DAYS FOLLOWING RECEIPT OF A COMPLETED PETITION BY

1 THE ADMINISTRATOR. THE BOARD ADMINISTRATOR SHALL PROVIDE ALL RELATED CASE  
2 MATERIALS TO THE CHAIRPERSON SO THE ANTICIPATED COMPLEXITY OF THE MATTER MAY BE  
3 ASSESSED FOR SCHEDULING PURPOSES.

4 1) THE CHAIRPERSON WILL SCHEDULE THE MATTER WITHIN 2 BUSINESS DAYS OF  
5 NOTIFICATION AND DIRECT THE BOARD ADMINISTRATOR TO PREPARE A SCHEDULING  
6 ORDER FOR THE CHAIRPERSON'S SIGNATURE AND ISSUANCE.

7 2) APPEALS SHALL BE HEARD IN ORDER OF THEIR SUBMISSION. HOWEVER, THE BOARD MAY  
8 REARRANGE THE SEQUENCE OF CASES FOR EFFICIENCY AS NECESSARY.

9 3) THE BOARD ADMINISTRATOR SHALL SERVE EACH PARTY WITH A SCHEDULING ORDER  
10 WITHIN 2 BUSINESS DAYS OF THE ORDER BEING SIGNED BY THE CHAIRPERSON. THE  
11 ADMINISTRATOR MAY PERFECT THE SERVICE OF ANY BOARD ORDER VIA EMAIL.

12 4) EACH SCHEDULING ORDER SHALL STATE THE DATE, TIME, AND LOCATION THAT A NAMED  
13 PARTY MUST APPEAR BEFORE THE BOARD. WHENEVER PRACTICAL, THE INITIAL  
14 SCHEDULING ORDER SHALL BE ISSUED AT LEAST 37 DAYS BEFORE THE INITIAL HEARING  
15 DATE.

16 5) ALL MATERIALS RELATED TO A DOCKETED CASE SHALL BE DIGITALLY UPLOADED WITH A  
17 TIME STAMP TO THE BOARD OF APPEALS PUBLIC WEBSITE BY THE ADMINISTRATOR WHEN  
18 THE SCHEDULING ORDER IS ISSUED.

19  
20 **RULE 4.0. PUBLIC NOTICE**

21 A. ADVERTISING.

- 1) THE BOARD ADMINISTRATOR SHALL POST A HEARING NOTICE ON THE BOARD OF APPEALS WEBSITE AND THE BOARD'S NOTICE BOARD IN THE GEORGE HOWARD BUILDING. THE HEARING NOTICE SHALL INCLUDE THE SAME INFORMATION AS THE NOTICE POSTED ON THE PROPERTY BY THE PETITIONER.
- 2) FOR VARIANCES IN RESIDENTIAL DISTRICTS, THE NOTICE SHALL BE POSTED AT LEAST 15 CONSECUTIVE DAYS BEFORE THE INITIAL HEARING.
- 3) FOR ALL OTHER PETITIONS, THE NOTICE SHALL BE POSTED FOR AT LEAST 30 CONSECUTIVE DAYS BEFORE THE SCHEDULED INITIAL HEARING.
- 4) FOR 60 DAYS FOLLOWING THE ENACTMENT OF THESE RULES BY THE COUNTY COUNCIL, THE BOARD ADMINISTRATOR SHALL PROVIDE WEEKLY NOTICE IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN HOWARD COUNTY. THE NEWSPAPER ADVERTISEMENT SHALL INFORM READERS THAT ALL PUBLIC NOTICES FOR BOARD OF APPEALS MATTERS CAN BE FOUND ONLINE AT THE BOARD OF APPEALS WEBSITE. NO FURTHER NEWSPAPER ADVERTISING SHALL BE REQUIRED BY ANY PARTY FOLLOWING THE 60-DAY PERIOD.

B. SIGNAGE POSTING.

- 1) EXCEPT IN ADMINISTRATIVE APPEALS FROM A NOTICE OF VIOLATION OF COUNTY LAWS OR REGULATIONS, THE PROPERTY INVOLVED SHALL BE POSTED WITH THE TIME, DATE, AND PLACE OF THE INITIAL HEARING. THE SIGN SHALL INCLUDE THE WEBSITE ADDRESSES FOR THE DEPARTMENT OF PLANNING AND ZONING AND THE BOARD OF APPEALS.

1 a) FOR VARIANCES IN RESIDENTIAL DISTRICTS, THE PROPERTY SHALL BE POSTED FOR AT  
2 LEAST 15 DAYS CONSECUTIVELY IMMEDIATELY BEFORE THE SCHEDULED INITIAL  
3 HEARING DATE.

4 b) FOR ALL OTHER PETITIONS, THE PROPERTY SHALL BE POSTED FOR AT LEAST 30 DAYS  
5 CONSECUTIVELY IMMEDIATELY BEFORE THE SCHEDULED INITIAL HEARING DATE.

6 c) IF A WEATHER-RELATED EVENT, VANDALISM, OR OTHER UNEXPECTED DISRUPTION  
7 PREVENTS THE CONTINUOUS DISPLAY OF THE POSTING, THEN THE PETITIONER MUST  
8 IMMEDIATELY NOTIFY THE BOARD OF APPEALS AND REPOST THE PROPERTY AS SOON AS  
9 PRACTICAL.

10 d) IN ALL CASES, THE PETITIONER SHALL REMOVE POSTING SIGNAGE WITHIN 15 DAYS  
11 FOLLOWING THE CONCLUSION OF THE HEARING.

12 C. SIGNAGE POSTERS. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE THE  
13 NUMBER OF POSTERS REQUIRED AND THEIR LOCATION.

14 1) THE PETITIONER SHALL BEAR THE EXPENSE OF POSTING.

15 2) THE SIGN POSTERS SHALL BE ERECTED BY THE PETITIONER PERPENDICULAR TO THE ROAD  
16 WHICH SERVES AS THE MAILING ADDRESS OF THE SUBJECT PROPERTY.

17 3) THE DEPARTMENT OF PLANNING AND ZONING SHALL CREATE THE REQUIRED POSTERS WITH  
18 WRITTEN INSTRUCTIONS FOR PLACEMENT WITHIN 2 DAYS OF THE MATTER BEING DOCKETED  
19 BY THE BOARD ADMINISTRATOR.

20 4) SIGNS AND INSTRUCTIONS FOR PLACEMENT SHALL BE PICKED UP BY THE PETITIONER, BY  
21 APPOINTMENT, FROM THE BOARD OF APPEALS ADMINISTRATIVE OFFICES.



1 D. AFFIDAVIT OF POSTING. THE BOARD OF APPEALS SHALL PRESCRIBE THE FORM AND CONTENTS  
2 OF THE AFFIDAVIT OF POSTING TO BE USED BY THE BOARD OF APPEALS.

3 1) AT THE TIME OF THE INITIAL HEARING, THE APPELLANT SHALL SIGN THE REQUIRED  
4 AFFIDAVIT STATING THAT THE SIGN WAS POSTED AS REQUIRED. THE AFFIDAVIT SHALL BE  
5 ENTERED INTO THE OFFICIAL RECORD AS A PRELIMINARY MATTER ON THE INITIAL HEARING  
6 DAY.

7 2) THE APPELLANT SHALL PROVIDE A PRINTED PHOTO OF EACH SIGN INSTALLED AS DIRECTED,  
8 AND THE IMAGE(S) SHALL BE ATTACHED TO THE AFFIDAVIT.

9 3) THE PETITIONER SHALL PROVIDE THE BOARD ADMINISTRATOR WITH TWO COPIES OF THE  
10 REQUIRED AFFIDAVIT WITH ORIGINAL SIGNATURE(S).

11 4) THE REQUIRED AFFIDAVIT OF POSTING CAN BE ACCESSED ONLINE AT THE BOARD'S WEBSITE  
12 AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

13 E. POSTING FOR OTHER ADMINISTRATIVE APPEALS HEARD DE NOVO. IF A PETITIONER CANNOT POST  
14 A PROPERTY BECAUSE THE PETITIONER DOES NOT OWN THE PROPERTY, THE PETITIONER SHALL  
15 SEND A COPY OF THE PETITION AND WRITTEN NOTIFICATION OF THE PLACE, TIME, AND DATE OF  
16 THE HEARING TO THE PROPERTY OWNER.

17 1) THE PETITIONER SHALL FILE AN AFFIDAVIT OF WRITTEN NOTIFICATION WITH THE BOARD  
18 ADMINISTRATOR.

19 2) AT THE TIME OF THE INITIAL HEARING, THE AFFIDAVIT SHALL BE ENTERED INTO THE  
20 OFFICIAL RECORD AS A PRELIMINARY MATTER.

1 3) THE REQUIRED AFFIDAVIT OF WRITTEN NOTIFICATION CAN BE ACCESSED ONLINE AT THE  
2 BOARD’S WEBSITE AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-](https://cc.howardcountymd.gov/zoning-land-use/board-appeals)  
3 [APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

4 F. POSTING FOR CLARIFICATION OR REVOCATION OF A CONDITIONAL USE WHEN THE DEPARTMENT OF  
5 PLANNING AND ZONING IS THE PETITIONER. THE DEPARTMENT OF PLANNING AND ZONING SHALL  
6 TAKE THE FOLLOWING ACTIONS.

7 1) SEND WRITTEN NOTIFICATION OF THE PLACE, TIME, AND DATE OF THE INITIAL HEARING TO  
8 THE ADJOINING AND CONFRONTING PROPERTY OWNERS AND;

9 2) ATTEMPT TO POST THE PROPERTY WITH SIGNS AS REQUIRED.

10 3) AT THE TIME OF THE INITIAL HEARING, THE DIRECTOR OF THE DEPARTMENT OF PLANNING  
11 AND ZONING SHALL SIGN THE REQUIRED AFFIDAVIT OF POSTING AS REQUIRED AND AT THE  
12 TIME OF THE INITIAL HEARING, THE AFFIDAVIT SHALL BE ENTERED INTO THE OFFICIAL  
13 RECORD AS A PRELIMINARY MATTER.

14 4) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL FILE AN AFFIDAVIT  
15 OF WRITTEN NOTIFICATION WITH THE BOARD ADMINISTRATOR AND AT THE TIME OF THE  
16 INITIAL HEARING, THE AFFIDAVIT SHALL BE ENTERED INTO THE OFFICIAL RECORD AS A  
17 PRELIMINARY MATTER.

18 G. COMPLIANCE WITH POSTING REQUIREMENTS. IF ANY QUESTION ARISES REGARDING COMPLIANCE,  
19 THE PETITIONER MUST PROVE COMPLIANCE.

20 1) IF THE BOARD DETERMINES THAT THE PETITIONER HAS SUBSTANTIALLY COMPLIED WITH THE  
21 PUBLIC NOTICE REQUIREMENT, THE BOARD SHALL PROCEED WITH THE HEARING.

1 2) IF THE BOARD DETERMINES THAT THE PETITIONER HAS MADE A GOOD FAITH EFFORT TO  
2 COMPLY WITH THE POSTING REQUIREMENTS, THE BOARD MAY GRANT THE PETITIONER A  
3 REASONABLE OPPORTUNITY TO CORRECT THE NONCOMPLIANCE.

4 3) IF THE BOARD DETERMINES THAT THE PETITIONER HAS NOT MADE A GOOD FAITH EFFORT TO  
5 COMPLY WITH THE POSTING REQUIREMENTS, THE BOARD SHALL DISMISS THE PETITION.

6  
7 **RULE 5.0. MEETINGS AND HEARINGS**

8 A. CASES. EXCEPT AS PROVIDED IN SUBSECTIONS (1) AND (2), WHEREVER IN THIS CODE OR THE  
9 ZONING REGULATIONS A MATTER IS AUTHORIZED TO BE HEARD AND DECIDED BY THE BOARD OF  
10 APPEALS, THE MATTER MAY FIRST BE HEARD AND DECIDED BY A HEARING EXAMINER;  
11 HOWEVER, IN ALL MATTERS, THE BOARD SHALL HAVE THE DISCRETION TO SELECT AND HEAR  
12 CASES TO ENSURE TIMELY AND FAIR CASE RESOLUTION WHILE MINIMIZING DELAYS AND  
13 UNNECESSARY EXPENDITURES

14 1) WHEREVER IN THIS CODE OR THE ZONING REGULATIONS A PERSON IS AUTHORIZED TO  
15 APPEAL A DECISION MADE BY AN ADMINISTRATIVE AGENCY AFTER AN OPPORTUNITY FOR A  
16 CONTESTED CASE HEARING, THE APPEAL WILL BE HEARD AND DECIDED BY THE BOARD.

17 2) THE BOARD WILL HEAR AND DECIDE A CASE IF THE BOARD DETERMINES THAT THE HEARING  
18 EXAMINER IS UNABLE TO HEAR THE CASE BECAUSE OF A CONFLICT OF INTEREST OR OTHER  
19 DISQUALIFICATION.

20 B. QUORUM. A MAJORITY OF THE BOARD OF APPEALS (THREE OR MORE MEMBERS) CONSTITUTES A  
21 QUORUM. A QUORUM SHALL BE PRESENT DURING THE ENTIRETY OF ANY BOARD MEETING OR  
22 HEARING.

- 1        1) BOARD MEMBERS WHO PARTICIPATE IN MEETINGS VIRTUALLY SHALL HAVE THEIR CAMERAS  
2            ON AND BE VISIBLE AT ALL TIMES WHEN PRACTICABLE WHILE THE MEETING IS IN SESSION.
- 3        2) WHEN ANY BOARD MEMBER OR OTHER PARTY TO A HEARING PARTICIPATES VIRTUALLY, THE  
4            PRESIDING OFFICIAL SHALL CONDUCT A PRELIMINARY ROLL CALL TO ENSURE ALL  
5            PARTICIPANTS HAVE WORKING AUDIO AND VIDEO TECHNOLOGY.
- 6    C. SCHEDULED BY CHAIRPERSON. THE BOARD OF APPEALS SHALL HOLD MEETINGS AS SCHEDULED  
7            BY THE CHAIRPERSON, INCLUDING PRELIMINARY HEARINGS WHEN THE CHAIRPERSON DEEMS  
8            THEM NECESSARY.
- 9    D. OPEN TO THE PUBLIC. THE PUBLIC IS ALLOWED TO ATTEND AND OBSERVE ANY OPEN SESSION OF  
10           THE BOARD OF APPEALS. EXCEPT WHEN AUTHORIZED BY LAW OR WHEN THE PRESIDING  
11           OFFICIAL EXPRESSLY INVITES PUBLIC TESTIMONY, QUESTIONS, COMMENTS, OR OTHER FORMS OF  
12           PUBLIC PARTICIPATION, NO MEMBER OF THE PUBLIC MAY PARTICIPATE.
- 13   E. AGENDA. A MEETING AGENDA SHALL BE MADE AVAILABLE TO THE PUBLIC AS SOON AS THE  
14           MEETING DATE AND TIME HAVE BEEN ESTABLISHED, THE TOPICS OF THE MEETING ARE KNOWN,  
15           AND THE DOCUMENT HAS BEEN APPROVED FOR PUBLICATION BY THE CHAIRPERSON. IN ALL  
16           CASES, MEETING AGENDAS SHALL BE MADE AVAILABLE AT LEAST 24 HOURS BEFORE A BOARD  
17           MEETING.
- 18   F. ACCOMMODATION. UPON WRITTEN REQUEST OF A PARTY, WITNESS, OR REPRESENTATIVE WHO  
19           CANNOT HEAR, SPEAK, OR UNDERSTAND THE SPOKEN OR WRITTEN ENGLISH LANGUAGE, THE  
20           BOARD SHALL PROVIDE A QUALIFIED INTERPRETER DURING ANY PROCEEDING IN WHICH THE  
21           PARTY, WITNESS, OR REPRESENTATIVE IS PARTICIPATING. AN INTERPRETER SHALL TAKE AN  
22           OATH OR AFFIRMATION THAT THE INTERPRETER WILL ACCURATELY INTERPRET THE

1 PROCEEDINGS. IF A PARTY, WITNESS, OR REPRESENTATIVE REQUESTS OTHER ACCOMMODATION,  
2 THE BOARD SHALL PROVIDE REASONABLE ACCOMMODATION AS REQUIRED BY LAW.

3 G. DISRUPTIVE CONDUCT. A PERSON ATTENDING AN OPEN PUBLIC MEETING MAY NOT ENGAGE IN  
4 ANY CONDUCT, INCLUDING VISUAL DEMONSTRATIONS SUCH AS THE WAVING OF PLACARDS,  
5 SIGNS, OR BANNERS, THAT DISRUPT THE SESSION OR INTERFERE WITH THE RIGHT OF MEMBERS OF  
6 THE PUBLIC TO ATTEND AND OBSERVE THE SESSION. THE PRESIDING OFFICIAL MAY CLEAR THE  
7 ROOM OF DISRUPTIVE INDIVIDUALS OR RECESS THE MEETING OR HEARING WHILE ORDER IS  
8 RESTORED.

9 H. RECORDING, PHOTOGRAPHING, AND BROADCASTING OF OPEN SESSION. A MEMBER OF THE  
10 PUBLIC, INCLUDING ANY REPRESENTATIVE OF THE NEWS MEDIA, MAY RECORD DISCUSSIONS AT  
11 AN OPEN MEETING IF THE RECORDING DEVICE DOES NOT DISTURB PEOPLE OBSERVING OR  
12 PARTICIPATING IN THE SESSION. THE PRESIDING OFFICER MAY RESTRICT THE MOVEMENT OF A  
13 PERSON USING A RECORDING DEVICE IF SUCH RESTRICTION IS NECESSARY TO MAINTAIN THE  
14 ORDERLY CONDUCT OF THE SESSION.

15 I. RECORDING NOT PART OF RECORD. A RECORDING OF AN OPEN PUBLIC SESSION MADE BY A  
16 MEMBER OF THE PUBLIC, OR ANY TRANSCRIPT DERIVED FROM SUCH A RECORDING, SHALL NOT  
17 BE DEEMED A PART OF THE RECORD OF ANY PROCEEDINGS.

18 J. OPEN HEARINGS. EVIDENCE SHALL BE PRESENTED TO THE BOARD OF APPEALS ONLY IN  
19 HEARINGS OPEN TO THE PUBLIC. NO BOARD OF APPEALS MEMBER OR THEIR STAFF SHALL  
20 COMMUNICATE WITH ANYONE OTHER THAN THE BOARD'S LEGAL ADVISOR, ADMINISTRATIVE  
21 STAFF, OR A BOARD MEMBER REGARDING THE MERITS OF A CASE BEFORE ISSUING THE FINAL  
22 WRITTEN DECISION AND ORDER.

1 K. EX PARTE PROHIBITED. ALL COMMUNICATION BETWEEN INTERESTED PARTIES AND THE BOARD  
2 OF APPEALS REGARDING ANY SPECIFIC ASPECT OF A DOCKETED MATTER MUST BE IN WRITING  
3 AND SUBMITTED AS A MOTION TO THE BOARD ADMINISTRATOR UNLESS OTHERWISE NOTED. IF A  
4 RESPONSE IS REQUIRED, IT WILL BE PROVIDED IN WRITING.

5 L. PLACE AND TIME OF HEARINGS AND MEETINGS. THE BOARD OF APPEALS HEARINGS AND  
6 MEETINGS SHALL BE HELD IN THE GEORGE HOWARD BUILDING, ELLICOTT CITY, MARYLAND,  
7 UNLESS THE CHAIRPERSON SCHEDULES OTHERWISE. THE BOARD OF APPEALS MEETS UP TO ONCE  
8 A WEEK. THE HEARING EXAMINER SHALL BE RESPONSIBLE FOR SCHEDULING THEIR CASES.

9 1) GENERALLY, MEETINGS ALTERNATE BETWEEN DAYTIME SESSIONS (UP TO 8 HOURS) AND  
10 EVENING SESSIONS (UP TO 4 HOURS).

11 2) QUARTERLY MEETINGS, WHEN NEEDED, ARE DEDICATED TO BOARD MEMBERS' CONTINUING  
12 EDUCATION (1-1.5 HOURS) AND MAY BE PART OF AN EVENING, DAY, OR STAND-ALONE  
13 SESSION.

14 3) WHEN NEEDED, WORK SESSIONS MAY BE SCHEDULED TO ADDRESS ADMINISTRATIVE  
15 MATTERS UNRELATED TO A PARTICULAR CASE.

16 M. WITNESS PARTICIPATION. ANY MEMBER OF THE PUBLIC MAY REQUEST TO TESTIFY AT ANY  
17 MEETING DURING WHICH THE BOARD ACCEPTS TESTIMONY.

18 1) INDIVIDUALS WISHING TO TESTIFY SHALL SIGN UP ONLINE AT THE BOARD OF APPEALS  
19 WEBSITE BEFORE OR ON THE DAY OF A MEETING OR HEARING.

20 2) MEMBERS OF THE PUBLIC WHO APPEAR IN PERSON AND WISH TO TESTIFY BUT DID NOT SIGN  
21 UP ONLINE IN ADVANCE SHALL USE THE PUBLIC ACCESS COMPUTER IN THE HEARING ROOM  
22 TO COMPLETE THE ONLINE SIGN-UP REGISTRATION PROCESS.

1 3) ANY PERSON WISHING TO TESTIFY IN OPPOSITION TO A DOCKETED PETITION MUST SIGN UP TO  
2 DO SO BEFORE THE END OF THE APPELLANT’S CASE, AFTER WHICH PUBLIC TESTIMONY  
3 REGISTRATION WILL BE CLOSED.

4 N. CONTINUANCES. HEARINGS THAT ARE CONTINUED AT THE CONCLUSION OF A SESSION SHALL  
5 HAVE THE DAY AND TIME OF ANY SUBSEQUENT SESSION ANNOUNCED BY THE PRESIDING  
6 OFFICIAL IMMEDIATELY BEFORE THE HEARING IS RECESSED UNLESS A CONTINUATION DATE WAS  
7 PREVIOUSLY NOTICED. IT IS UNNECESSARY TO REPOST A PROPERTY FOLLOWING THE  
8 COMPLETION OF AN INITIAL SESSION.

9 O. POSTPONEMENTS AND DISMISSALS.

10 1) ALL REQUESTS FOR POSTPONEMENT MUST BE FILED AS A MOTION DETAILING COMPELLING  
11 CIRCUMSTANCES FOR A DELAY AND MUST INCLUDE NECESSARY SUPPORTING  
12 DOCUMENTATION.

13 2) MOTIONS SHALL BE ADDRESSED TO THE CHAIRPERSON AND RECEIVED BY THE BOARD  
14 ADMINISTRATOR AS SOON AS THE NEED FOR POSTPONEMENT IS KNOWN OR ANTICIPATED.  
15 ABSOLUTELY NO ORAL REQUESTS WILL BE ALLOWED OR CONSIDERED.

16 3) NO REQUESTS FOR POSTPONEMENT OF A HEARING SHALL BE GRANTED ABSENT COMPELLING  
17 CIRCUMSTANCES. THE FOLLOWING ARE EXAMPLES OF COMPELLING CIRCUMSTANCES THAT  
18 MAY BE CONSIDERED.

19 a) HEARING DATE CONFLICT: THE FIRST CASE SET TAKES PRECEDENCE.

20 b) DEATH OR SERIOUS ILLNESS. SERIOUS ILLNESS OF, OR DEATH IN THE FAMILY OF, A  
21 PARTY, COUNSEL, OR NECESSARY WITNESS.

- 1 c) CONFLICTING VACATION SCHEDULE. VACATIONS SCHEDULED BEFORE THE HEARING  
2 DATE WAS SET.
- 3 d) HEARING CARRYOVER. A PARTY OR COUNSEL BECOMING INVOLVED IN A CARRYOVER  
4 MATTER IN ANOTHER JURISDICTION.
- 5 e) HEARINGS THAT FALL ON A RELIGIOUS OR CULTURAL HOLIDAY/CELEBRATION DAY.
- 6 4) ALL POSTPONEMENT MOTIONS SHALL BE FILED AS SOON AS POSSIBLE BUT NO LATER THAN 5  
7 DAYS FOLLOWING THE ISSUANCE OF THE BOARD'S SCHEDULING ORDER, ABSENT PRIOR  
8 WRITTEN PERMISSION FROM THE CHAIRPERSON.
- 9 5) MOTIONS FILED INCORRECTLY OR IMMEDIATELY PRECEDING THE SET HEARING DATE WILL  
10 NOT RECEIVE A RULING, AND NAMED PARTIES MUST APPEAR ON THE SCHEDULED DATE.
- 11 6) FAILURE BY A NAMED PARTY TO APPEAR AS ORDERED MAY RESULT IN THE IMMEDIATE  
12 DISPOSITION OF A MATTER BY A MAJORITY VOTE OF THE BOARD.
- 13 7) IF A POSTPONEMENT IS GRANTED FOR AN INITIAL HEARING DATE, THE PETITIONER SHALL  
14 REPOST THE PROPERTY WITH THE NEW HEARING DATE AND TIME. THE PARTY WHOSE MOTION  
15 TO POSTPONE WAS GRANTED SHALL BEAR SIGNAGE POSTING EXPENSES ASSOCIATED WITH  
16 REPOSTING.
- 17 8) UPON A PARTY'S THIRD REQUEST FOR POSTPONEMENT, THE BOARD MAY DISMISS THE  
18 PETITION BY A MAJORITY VOTE.
- 19 9) THE BOARD SHALL DISMISS A PETITION WHERE IT LACKS JURISDICTION TO PROCEED.
- 20 10) A CASE MAY BE TRANSFERRED TO THE INACTIVE DOCKET THROUGH A MOTION AND ORDER  
21 FOR 180 DAYS. IF A NAMED PARTY DOES NOT REQUEST THE CASE BE RETURNED TO THE  
22 ACTIVE DOCKET BEFORE THE 180-DAY EXPIRATION, THE BOARD MAY DISMISS THE MATTER



1 WITHOUT FURTHER NOTICE. A MOTION TO PLACE A MATTER ON THE INACTIVE DOCKET SHALL  
2 BE A POSTPONEMENT REQUEST.

3 P. CORRESPONDENCE. WRITTEN CORRESPONDENCE SUBMITTED TO THE BOARD WITHOUT THE  
4 REQUIRED WRITTEN CERTIFICATION OF SERVICE SHALL IMMEDIATELY BE REJECTED AND  
5 RETURNED BY THE BOARD ADMINISTRATOR. THE BOARD SHALL NOT CONSIDER THE  
6 COMMUNICATION.

7 Q. PENDING CASES IN COURT. THE BOARD SHALL CONDUCT A LIMITED PUBLIC HEARING FOR ANY  
8 DOCKETED CASE WHERE A MOTION TO STAY HAS BEEN SUBMITTED ALLEGING THAT THE SAME  
9 MATTER IS PENDING IN A COURT OF LAW. THE SOLE PURPOSE OF THE EVIDENTIARY HEARING  
10 SHALL BE TO DETERMINE IF THE DOCKETED PETITION INVOLVES SUBSTANTIALLY THE SAME  
11 ISSUES AS A CASE ALREADY FILED AND PENDING IN A COURT OF LAW. THE BURDEN SHALL BE  
12 UPON THE MOVANT TO DEMONSTRATE BY SUBSTANTIAL PROBATIVE EVIDENCE THAT THE  
13 MATTER IN COURT AND BEFORE THE BOARD INVOLVES THE SAME DISPUTED ISSUES.

14 1) IF THE BOARD DETERMINES THAT THE TWO CASES INVOLVE SUBSTANTIALLY THE SAME  
15 ISSUES, NO FURTHER HEARINGS SHALL BE CONDUCTED, AND THE BOARD ADMINISTRATOR  
16 SHALL CHANGE THE CASE STATUS TO "PENDING" UNTIL AN INTERESTED PARTY PROVIDES  
17 WRITTEN NOTIFICATION TO THE BOARD ADMINISTRATOR THAT THE COURT OF LAW HAS  
18 ISSUED A FINAL DECISION. UPON RECEIVING SUCH NOTIFICATION, THE MATTER WILL BE  
19 MOVED TO THE BOARD'S "ACTIVE" CASE CALENDAR AND SCHEDULED FOR A HEARING AT THE  
20 EARLIEST FEASIBLE DATE.

21 2) IF A NAMED PARTY FAILS TO NOTIFY THE BOARD WITHIN 45 DAYS AFTER THE COURT'S FINAL  
22 DECISION ISSUANCE, THE BOARD MAY, BY ITS INITIATIVE OR MOTION OF ANOTHER, DISMISS  
23 THE DOCKETED MATTER WITHOUT FURTHER NOTICE.

1  
2 **RULE 6.0. CASES**

3 A. CATEGORIES. THE BOARD OF APPEALS ADJUDICATES CASES FALLING INTO TWO MAIN  
4 CATEGORIES:

- 5 1) MATTERS UNDER ORIGINAL JURISDICTION. UNLIKE APPELLATE JURISDICTION, WHEN A  
6 HIGHER TRIBUNAL REVIEWS A LOWER TRIBUNAL'S DECISION, ORIGINAL JURISDICTION  
7 MEANS THE BOARD CAN HEAR AND DECIDE A CASE FOR THE FIRST TIME BEFORE ANY  
8 APPELLATE REVIEW BY A COURT OF LAW. SOME LAND USE CASES, INCLUDING  
9 CONDITIONAL USES, VARIANCES, AND NONCONFORMING USES, MAY HAVE A HEARING  
10 CONDUCTED BY A HEARING EXAMINER. A DECISION OF THE HEARING EXAMINER MAY BE  
11 APPEALED, LEADING TO A DE NOVO REVIEW BY THE BOARD. DURING THE BOARD'S  
12 REVIEW, A NEW HEARING IS CONDUCTED, AND THE CASE IS RECONSIDERED FROM THE  
13 BEGINNING WITHOUT REGARD TO ANY PREVIOUS FINDINGS OR LEGAL CONCLUSIONS.  
14 PARTIES ARE ALLOWED TO INTRODUCE NEW EVIDENCE AND PRESENT NEW ARGUMENTS.
- 15 2) APPEALS OF AN ADMINISTRATIVE AGENCY DECISION. THESE CASES INVOLVE CONTESTED  
16 MATTERS RESULTING FROM ANY FINAL ORDER, DECISION, REQUIREMENT, OR  
17 INTERPRETATION MADE BY AN ADMINISTRATIVE OFFICIAL TO ENFORCE ANY REGULATED  
18 MATTER.

19 THE CASES DESCRIBED IN SUBSECTION 2 ABOVE ARE FURTHER CATEGORIZED INTO TWO  
20 SUBCATEGORIES:

- 21 i. DE NOVO APPEALS OF AN ADMINISTRATIVE AGENCY DECISION. THIS CATEGORY  
22 INCLUDES SUBJECT MATTERS INVOLVING CERTAIN DECISIONS BY THE DEPARTMENT OF

1 PLANNING AND ZONING IN RESPONSE TO ALTERNATE COMPLIANCE REQUESTS AND  
2 PLANNING BOARD DECISIONS RELATED TO DEVELOPMENT PLANS.

3 a) DURING A HEARING BEFORE THE BOARD, NO CONSIDERATION IS GIVEN TO ANY PRIOR  
4 RULINGS, FINDINGS OF FACT, OR CONCLUSIONS OF LAW. THE BOARD'S HEARING IS  
5 BASED ON THE ORIGINAL ADMINISTRATIVE AGENCY'S ACTION.

6 b) PARTIES TO THE MATTER MAY CALL WITNESSES, INTRODUCE NEW EVIDENCE, AND  
7 PRESENT NEW ARGUMENTS.

8 ii. *ON THE RECORD APPEALS OF ADMINISTRATIVE AGENCY DECISIONS.* THIS CATEGORY  
9 INCLUDES DECISIONS BY THE ADMINISTRATIVE AGENCIES FOLLOWING A QUASI-  
10 JUDICIAL PUBLIC HEARING.

11 a) THESE CASES ARE NOT SUBJECT TO REVIEW BY A HEARING EXAMINER AND MUST BE  
12 APPEALED DIRECTLY TO THE BOARD OF APPEALS.

13 b) THE ADMINISTRATIVE AGENCY INVOLVED MUST HAVE CONDUCTED A QUASI-JUDICIAL  
14 PUBLIC HEARING DURING WHICH AN OFFICIAL RECORD WAS CREATED.

15 c) THE BOARD'S SCOPE OF REVIEW DURING THE APPEAL IS CONFINED TO THE ESTABLISHED  
16 WRITTEN RECORD. NO NEW EVIDENCE OR WITNESSES MAY BE INTRODUCED.

17 ARGUMENTS BEFORE THE BOARD MUST FOCUS SOLELY ON THE LEGAL BASIS

18 REGARDING WHETHER THE AGENCY'S DECISION WAS ERRONEOUS, ARBITRARY,

19 CAPRICIOUS, OR CONTRARY TO LAW.

20 REGARDLESS OF THE SUBCATEGORY, THE STANDARD FOR REVIEW IS BASED ON WHETHER THE  
21 ADMINISTRATIVE AGENCY DECISION WAS ERRONEOUS, ARBITRARY, CAPRICIOUS, OR CONTRARY TO  
22 LAW. THE DISTINCTION BETWEEN SUBCATEGORIES DEPENDS ON WHETHER A QUASI-JUDICIAL  
23 HEARING WAS HELD, INVOLVING SWORN TESTIMONY AND THE ADMISSION OF EVIDENCE, AS WELL

1 AS IF AN OFFICIAL RECORD WAS CREATED DURING THE ADMINISTRATIVE AGENCY'S DECISION-  
2 MAKING PROCESS.

3 THE FOLLOWING TERMS SHALL HAVE THE SPECIFIED MEANINGS WHEN USED TO IDENTIFY THE  
4 STATUS OF A PARTICULAR CASE:

5 a) *RECEIVED*: A PETITION FOR APPEAL HAS BEEN SUBMITTED AND OFFICIALLY DOCKETED  
6 BY THE ADMINISTRATOR.

7 b) *ACTIVE*: A MATTER CURRENTLY UNDER CONSIDERATION BY THE BOARD.

8 c) *PENDING*: A MATTER IN WHICH THE PUBLIC HEARING HAS BEEN CONCLUDED AND IS  
9 AWAITING A WRITTEN FINAL DECISION AND ORDER.

10 d) *CLOSED*: A MATTER FOR WHICH A FINAL WRITTEN DECISION AND ORDER HAS BEEN  
11 ISSUED TO ALL PARTIES.

12 e) *INACTIVE (ALTERNATIVELY KNOWN AS THE UNSCHEDULED DOCKET)*: PROCEEDINGS ARE  
13 ON HOLD FOR UP TO 180 DAYS, AS AGREED UPON BY THE PARTIES THROUGH A MUTUAL  
14 MOTION AND GRANTED ORDER. DURING THE 180 DAYS, THE MATTER IS HELD IN  
15 ABEYANCE WHILE THE PARTIES PURSUE A SETTLEMENT OR OTHER RESOLUTION. EITHER  
16 PARTY HAS THE RIGHT TO REACTIVATE THE CASE, WHICH WILL BE MANAGED  
17 FOLLOWING THE RULES.

18 B. VENUE. WHEN SUBMITTING A PETITION FOR APPEAL, THE APPELLANT MAY HAVE THE CASE  
19 HEARD BY EITHER A HEARING EXAMINER OR THE BOARD OF APPEALS, UNLESS OTHERWISE  
20 PROHIBITED.

21 1) CASES DECIDED BY A HEARING EXAMINER MAY BE FURTHER APPEALED TO THE BOARD OF  
22 APPEALS IN ACCORDANCE WITH THESE RULES.

1           2) A FINAL DECISION AND ORDER OF THE BOARD OF APPEALS MAY BE APPEALED TO A COURT  
2           OF LAW PURSUANT TO SECTION 501(D) OF THE HOWARD COUNTY CHARTER.

3 C. TIMELINESS. AN INDIVIDUAL WISHING TO APPEAL ANY FINAL ORDER, DECISION, REQUIREMENT,  
4 OR INTERPRETATION MADE BY AN ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT OF ANY  
5 MATTER MUST FILE AN APPEAL PETITION WITHIN 30 DAYS OF THE DATE OF THAT  
6 ADMINISTRATIVE DECISION UNLESS THE LAW PROVIDES A DIFFERENT PERIOD OR METHOD FOR  
7 APPEAL.

8 D. ATTENDANCE. EACH NAMED PARTY IN A DOCKETED CASE AND REGULAR BOARD MEMBER IS  
9 EXPECTED TO ATTEND ALL MEETINGS AND HEARINGS IN PERSON, ABSENT COMPELLING  
10 CIRCUMSTANCES.

11           1) VIRTUAL PARTICIPATION. ANY BOARD MEMBER REQUESTING TO PARTICIPATE  
12           VIRTUALLY MUST REQUEST PERMISSION IN WRITING FROM THE CHAIRPERSON.  
13           PERMISSION SHALL ONLY BE GRANTED IN CASE OF COMPELLING CIRCUMSTANCES AS  
14           DEFINED BY THESE RULES, SUCH AS ILLNESS OR FAMILY EMERGENCIES THAT PREVENT  
15           THE BOARD MEMBER FROM ATTENDING IN PERSON.

16           2) ABSENCE. ANY BOARD MEMBER UNABLE TO ATTEND A SCHEDULED HEARING OR  
17           MEETING MUST NOTIFY THE CHAIRPERSON AND BOARD ADMINISTRATOR IN WRITING AS  
18           SOON AS THE MEMBER BECOMES AWARE OF THEIR ANTICIPATED ABSENCE. THE  
19           CHAIRPERSON SHALL IMMEDIATELY REQUEST AN ALTERNATE MEMBER BE CALLED UP  
20           OR ASSIGNED FROM THE POOL OF ALTERNATE APPOINTED MEMBERS AS DEFINED BY  
21           THESE RULES.

22           3) THE BOARD ADMINISTRATOR SHALL PROVIDE WRITTEN NOTIFICATION TO THE  
23           CHAIRPERSON AND BOARD CLERK ANY TIME A REGULAR OR ALTERNATE MEMBER HAS

1 ACCUMULATED 3 ABSENCES WITHIN 12 MONTHS. THE CHAIRPERSON SHALL NOTIFY THE  
2 COUNTY COUNCIL AND REQUEST ACTION, INCLUDING POTENTIAL REMOVAL AND  
3 REPLACEMENT OF THE DELINQUENT BOARD MEMBER.

4 E. VOTING. ONLY BOARD MEMBERS WHO PARTICIPATED DURING ALL PORTIONS OF A HEARING OR  
5 WORK SESSION SHALL BE ELIGIBLE TO VOTE ON A MATTER OR DECIDE A DOCKETED CASE. A  
6 FINAL DECISION SHALL HAVE THE CONCURRENCE OF A MAJORITY OF THE BOARD.

7  
8 **RULE 7.0 WORK SESSION GUIDELINES**

9 WORK SESSIONS SERVE AS A LESS FORMAL SETTING THAN PUBLIC HEARINGS AND ARE INTENDED  
10 TO ALLOW THE BOARD TO DELIBERATE PUBLICLY ON PETITIONS, ADMINISTRATIVE MATTERS, OR  
11 OTHER ISSUES REQUIRING DISCUSSION.

12 A. ATTENDANCE. MEETING ATTENDEES MAY ATTEND WORK SESSIONS IN PERSON OR VIRTUALLY AS  
13 PERMITTED BY THESE RULES; HOWEVER, REMOTE ATTENDEES MAY NOT HAVE ACCESS TO  
14 PHYSICAL MATERIALS SHARED DURING IN-PERSON DISCUSSIONS.

15 B. OPENING OF THE WORK SESSION. FOLLOWING INTRODUCTORY REMARKS, THE PRESIDING  
16 OFFICIAL SHALL ANNOUNCE THE PURPOSE OF THE WORK SESSION AND CONDUCT A ROLL CALL  
17 OF ATTENDING MEMBERS.

18 C. WORK SESSION PROCEDURES.

19 1) WORK SESSIONS ARE OPEN TO PUBLIC OBSERVATION. MEMBERS OF THE PUBLIC,  
20 GOVERNMENT OFFICIALS, AND OTHER INDIVIDUALS MAY ATTEND BUT MAY NOT  
21 PARTICIPATE WITHOUT EXPRESS PERMISSION FROM THE PRESIDING OFFICIAL.

22 2) THE SESSION SHALL FOLLOW A PRE-ESTABLISHED AGENDA TO GUIDE AND STRUCTURE  
23 DISCUSSION.



- 1 B. TO AVOID EVEN THE APPEARANCE OF IMPROPRIETY, A MEMBER MUST DISQUALIFY THEMSELF  
2 AS TO THOSE MATTERS AND QUESTIONS IN WHICH A MEMBER HAS A DIRECT PERSONAL OR  
3 PECUNIARY INTEREST IN THE OUTCOME, WHICH DIFFERS FROM THE INTEREST OF OTHER  
4 CITIZENS.
- 5 C. ANY MEMBER WHO BELIEVES THEY MAY HAVE A CONFLICT OF INTEREST OR OTHER POTENTIAL  
6 DISQUALIFYING CONCERN SHALL REQUEST A WRITTEN OPINION FROM THE HOWARD COUNTY  
7 ETHICS COMMISSION BEFORE PARTICIPATING AND SHALL NOTIFY THE BOARD OF THEIR  
8 REQUEST. BOARD OF APPEALS MEMBERS MAY VOLUNTARILY RECUSE THEMSELVES FROM A  
9 MATTER WITHOUT SEEKING AN ADVISORY OPINION FROM THE ETHICS COMMISSION.
- 10 D. MEMBERS ACKNOWLEDGE THAT BY PARTICIPATING IN A HEARING OR WORK SESSION, THEY  
11 HAVE EVALUATED BOTH THE SUBJECT MATTER, AND THE PARTIES INVOLVED, AND THEY ARE  
12 NOT AWARE OF ANY CONFLICTS OF INTEREST OR REASONS THAT WOULD PREVENT THEM FROM  
13 FULLY PARTICIPATING.
- 14 E. DUE TO THE COMPLEXITY OF THE QUASI-JUDICIAL PROCESS AND THE BOARD'S AUTHORITY TO  
15 LIMIT INDIVIDUAL PROPERTY RIGHTS, BOARD MEMBERS SHALL NOT PARTICIPATE AS MEMBERS  
16 OF ANY OTHER MUNICIPAL COUNTY BOARD, COMMISSION, OR TASK FORCE WHILE SERVING AS A  
17 MEMBER OF THE BOARD OF APPEALS.
- 18 F. EXCEPT FOR BOARD MEMBERSHIP, BOARD OF APPEALS MEMBERS SHALL NOT BE EMPLOYED BY  
19 THE HOWARD COUNTY GOVERNMENT NOR SERVE AS AN ELECTED OFFICIAL TO PUBLIC OFFICE  
20 IN HOWARD COUNTY.

21



1 **RULE 9.0 RECORD OF HEARINGS**

2 A. OFFICIAL RECORD. THE BOARD OF APPEALS SHALL MAINTAIN AN OFFICIAL RECORD OF ITS  
3 PROCEEDINGS IN EACH CASE AS REQUIRED BY LAW AND POLICY. THIS RECORD SHALL INCLUDE  
4 ALL TESTIMONY AND EXHIBITS AND A RECORDING OF THE PROCEEDINGS.

5 B. TRANSCRIPTION OF TESTIMONY. ALL REQUESTS FOR TRANSCRIPTIONS OF TESTIMONY SHALL BE  
6 MADE IN WRITING TO THE BOARD ADMINISTRATOR. THE REQUESTING PARTY SHALL PAY THE  
7 COST FOR TRANSCRIPTION BEFORE THE SERVICE IS PERFORMED. THE TRANSCRIBER SHALL  
8 CERTIFY THE ACCURACY OF ANY TRANSCRIPT.

9  
10 **RULE 10.0 EVIDENCE**

11 A. TECHNICAL REPORTS AND EXPERTS. A PARTY WISHING TO SUBMIT A TECHNICAL REPORT OR  
12 SIMILAR DOCUMENTARY EVIDENCE FOR THE BOARD'S CONSIDERATION MUST FILE ONE DIGITAL  
13 COPY AND EIGHT HARD COPIES OF THE PROPOSED EXHIBIT WITH THE BOARD ADMINISTRATOR  
14 AT LEAST 10 DAYS BEFORE THE DATE OF THE SCHEDULED HEARING. THE PARTY MUST ALSO  
15 PROVIDE ONE DIGITAL OR HARD COPY TO AN OPPONENT IN A CONTESTED CASE AT LEAST 10  
16 DAYS BEFORE THE DATE OF THE SCHEDULED HEARING. IF TECHNICAL REPORTS ARE FILED LATE,  
17 THE BOARD MAY ELECT TO CONTINUE THE HEARING TO A LATER POINT TO ALLOW ADEQUATE  
18 TIME FOR REVIEW OF THE PROPOSED EXHIBIT.

19 B. TESTIMONY. EXPERT TESTIMONY MAY BE ADMITTED, IN THE FORM OF AN OPINION OR  
20 OTHERWISE, IF THE TESTIMONY WILL ASSIST THE BOARD IN UNDERSTANDING THE EVIDENCE OR  
21 DETERMINING A FACT IN ISSUE. THE BOARD MAY ONLY QUALIFY A WITNESS AS AN EXPERT  
22 AFTER EVALUATING THE FOLLOWING CRITERIA.

- 1) WHETHER THE WITNESS IS QUALIFIED AS AN EXPERT BY KNOWLEDGE, SKILL, EXPERIENCE, TRAINING, OR EDUCATION; AND
- 2) THE APPROPRIATENESS OF THE EXPERT TESTIMONY ON THE PARTICULAR SUBJECT; AND
- 3) WHETHER A SUFFICIENT FACTUAL BASIS EXISTS TO SUPPORT THE EXPERT TESTIMONY.

C. ADMISSIBILITY. ANY EVIDENCE WHICH WOULD BE ADMISSIBLE UNDER THE RULES OF EVIDENCE APPLICABLE IN JUDICIAL PROCEEDINGS IN THE STATE OF MARYLAND SHALL BE ADMISSIBLE IN HEARINGS BEFORE THE BOARD OF APPEALS.

1) THE TECHNICAL RULES OF EVIDENCE DO NOT BIND THE BOARD, BUT THE BOARD WILL APPLY THOSE RULES SO THAT PROBATIVE EVIDENCE CAN BE CONVENIENTLY BROUGHT FORTH.

2) THE BOARD MAY EXCLUDE IMMATERIAL OR UNDULY REPETITIOUS TESTIMONY OR EVIDENCE.

3) THE BOARD MAY LIMIT THE NUMBER OF WITNESSES WHEN TESTIMONY IS CUMULATIVE.

D. BOARD QUESTIONS. BOARD MEMBERS PARTICIPATING IN A HEARING SHALL HAVE THE AUTHORITY TO ASK QUESTIONS OF WITNESSES BEFORE COMMENCING DELIBERATIONS. IF, DURING DELIBERATIONS, THE BOARD DESIRES FURTHER INFORMATION FROM A PARTY, IT SHALL REOPEN THE PRESENTATION OF EVIDENCE PORTION OF THE HEARING AND POSE THE QUESTION. THE BOARD MAY ALLOW THE APPELLANT, OPPONENT, AND THE BOARD'S LEGAL ADVISOR TO RESPOND TO THE SPECIFIC QUESTION(S) BEFORE RESUMING DELIBERATIONS.

### **RULE 11. ADMISSION OF EVIDENCE**

A. DECISIONS OF THE BOARD SHALL BE BASED ONLY ON COMPETENT MATERIALS AND SUBSTANTIAL EVIDENCE IN THE RECORD. THE PRESIDING OFFICIAL SHALL FUNCTION TO KEEP

1 DISCUSSION AND DELIBERATION FOCUSED ON APPLICABLE STANDARDS AND RELEVANT  
2 EVIDENCE. THE FOLLOWING PROCESS SHALL BE USED WHEN A PARTY WISHES TO PRODUCE AND  
3 ENTER EVIDENCE INTO THE RECORD DURING A HEARING.

- 4 1) THE MOVING PARTY SHALL REMAIN SEATED, ABSENT THE PRESIDING OFFICIAL'S  
5 PERMISSION TO THE CONTRARY, AND PROVIDE EIGHT HARD COPIES OF THE ITEM TO THE  
6 BOARD ADMINISTRATOR.
- 7 2) PARTIES ARE ENCOURAGED TO PROVIDE AN ELECTRONIC COPY OF THE ITEM TO OPPOSING  
8 PARTIES AND THE ADMINISTRATOR BEFORE THE HEARING.
- 9 3) THE ADMINISTRATOR SHALL PROVIDE ONE COPY TO THE OPPOSING PARTY AND THE  
10 BOARD'S LEGAL ADVISOR, AND ONE COPY TO EACH MEMBER. THE ADMINISTRATOR SHALL  
11 RETAIN ONE COPY, WHICH SHALL SERVE AS THE ONLY OFFICIAL COPY OF THE ITEM IN THE  
12 RECORD. THE ITEM SHALL BE MARKED FOR IDENTIFICATION ONLY, AND THE  
13 ADMINISTRATOR SHALL ANNOUNCE HOW IT WILL BE LABELED.
- 14 4) THE MOVING PARTY SHALL ASK THE WITNESS TO IDENTIFY THE MARKED ITEM. THE  
15 WITNESS SHOULD PROVIDE A BRIEF AND LIMITED DESCRIPTION OF THE ITEM AND NOT  
16 TESTIFY AS TO THE SPECIFIC CONTENT OR MEANING. THE WITNESS SHALL PROVIDE HOW  
17 THE MARKED ITEM RELATES TO THEIR TESTIMONY AND THE CONTESTED MATTER.
- 18 5) ONCE THE WITNESS HAS FINISHED ANSWERING, THE MOVING PARTY SHALL SEEK TO HAVE  
19 THE ITEM ENTERED AS EVIDENCE.
- 20 6) AFTER CONSIDERING ANY OPPOSITION TO THE EXHIBIT, THE PRESIDING OFFICIAL SHALL  
21 RULE ON THE REQUEST TO MOVE THE ITEM INTO EVIDENCE. IF THE PRESIDING OFFICIAL  
22 DENIES THE REQUEST, THE ITEM SHALL REMAIN IN THE RECORD FOR IDENTIFICATION  
23 PURPOSES ONLY; HOWEVER, IT SHALL NOT BE ADMITTED AS EVIDENCE.

1 B. BY REFERENCE. PUBLIC RECORDS, PREVIOUS DECISIONS AND ORDERS OF THE BOARD OF  
2 APPEALS, TECHNICAL STAFF REPORTS, PLANNING BOARD RECOMMENDATIONS, AND HOWARD  
3 COUNTY LAWS AND REGULATIONS PERTAINING TO THE PARTICULAR CASE SHALL BE RECEIVED  
4 BY THE BOARD OF APPEALS MEMBERS FOR CONSIDERATION AT LEAST 14 DAYS BEFORE AN  
5 INITIAL HEARING. THE MATERIALS SHALL BE INCLUDED AND ACCESSIBLE IN THE PUBLIC ONLINE  
6 RECORD FOR THE CASE.

7 C. EXHIBITS. EXHIBITS AND PLATS ADMITTED INTO EVIDENCE MAY NOT BE MOUNTED AND SHALL  
8 BE FOLDED TO A MAXIMUM SIZE OF 9 INCHES BY 14 INCHES. AN EXACT DUPLICATE OF THE  
9 EXHIBIT MAY BE MOUNTED AND USED FOR PRESENTATION PURPOSES DURING THE HEARING.

10 D. HEARSAY EVIDENCE. WITNESS TESTIMONY OFFERED AS HEARSAY MAY BE ACCEPTED FOR  
11 EITHER SUPPLEMENTING OR EXPLAINING ANY DIRECT EVIDENCE, PROVIDED IT IS NOT OFFERED  
12 TO PROVE THE TRUTH OF THE MATTER ASSERTED. HEARSAY EVIDENCE SHALL NOT, IN AND OF  
13 ITSELF, BE CONSIDERED SUFFICIENT TO SUPPORT A FINDING OR DECISION.

14

15 **RULE 12. MOTIONS**

16 A. FORM. A PARTY MAY REQUEST THE BOARD TO ADDRESS A MATTER BY FILING A WRITTEN  
17 REQUEST AS A MOTION TO THE BOARD.

18 B. CERTIFICATION. ALL MOTIONS SHALL INCLUDE CERTIFICATION THAT A COPY WAS PROVIDED TO  
19 ALL PERSONS KNOWN TO HAVE AN INTEREST IN THE CASE, INCLUDING BUT NOT LIMITED TO THE  
20 PETITIONER, THE PROPERTY OWNER, THE ADMINISTRATIVE AGENCY, AND ANY PERSON  
21 ENTITLED TO WRITTEN NOTIFICATION UNDER THESE RULES. THE CERTIFICATION SHALL STATE,  
22 "ANY PERSON INTERESTED IN RESPONDING TO THE MOTION SHALL FILE A WRITTEN RESPONSE  
23 WITH THE BOARD WITHIN 5 DAYS OF THE DATE THAT THE MOTION WAS FILED." THE BOARD

1 MAY RULE ON THE PENDING MOTION ANY TIME 10 BUSINESS DAYS AFTER THE ORIGINAL FILING  
2 DATE.

3 C. FORMATTING. EXCEPT AS OTHERWISE PROVIDED, ANY PAPER FILED WITH THE BOARD SHALL BE  
4 8½ INCHES WIDE AND 11 INCHES LONG, SHALL HAVE A TOP MARGIN AND LEFT-HAND MARGIN  
5 OF NOT LESS THAN 1 INCH, AND SHALL BE WITHOUT A BACK OR COVER. ALL WRITING SHALL BE  
6 IN BLOCK LETTER, 11-POINT FONT, AND DOUBLE-SPACED.

7  
8 **RULE 13. APPEARANCES BEFORE THE BOARD OF APPEALS**

9 A. PARTIES. AN INDIVIDUAL OR ANY OTHER LEGAL ENTITY MAY BECOME A PARTY TO  
10 PROCEEDINGS BEFORE THE BOARD BY REGISTERING ONLINE. PARTIES MUST PROVIDE THEIR  
11 NAME AND ADDRESS OR THE NAME AND ADDRESS OF THE ENTITY THEY REPRESENT BEFORE THE  
12 APPELLANT’S CASE IN CHIEF CONCLUDES UNLESS DIRECTED OTHERWISE BY THESE RULES.

13 B. APPEARANCE. INDIVIDUALS MAY APPEAR BEFORE THE BOARD, PROVIDED THEY ARE A PARTY  
14 OR ARE DULY AUTHORIZED TO REPRESENT A PARTY TO THE PROCEEDINGS BEFORE THE BOARD.  
15 ALL PARTIES ARE REQUIRED TO PRESENT THEIR CASE EFFICIENTLY. DELAYING PROCEEDINGS  
16 WILL NOT BE TOLERATED. ANY PERSON EMPLOYING DILATORY TACTICS SHALL BE REMOVED  
17 FROM PARTICIPATING FURTHER IN THE CASE.

18 C. PARTIES TO ADMINISTRATIVE APPEALS FROM NOTICE OF VIOLATION. PARTIES TO AN  
19 ADMINISTRATIVE APPEAL FROM THE ISSUANCE OF A NOTICE OF VIOLATION OF COUNTY LAWS  
20 OR REGULATIONS ARE LIMITED TO THE PETITIONER AND THE ADMINISTRATIVE AGENCY  
21 ISSUING THE VIOLATION NOTICE.

- 1 D. PARTIES TO ADMINISTRATIVE APPEALS ON THE RECORD. PARTIES TO AN ADMINISTRATIVE  
2 APPEAL TO BE HEARD BY THE BOARD ON THE RECORD ARE LIMITED TO THE ADMINISTRATIVE  
3 AGENCY AND THE PARTIES OF RECORD BEFORE THE ADMINISTRATIVE AGENCY.
- 4 E. SPOKESPERSON. WHEN A GROUP OF INDIVIDUALS APPEARS IN OPPOSITION TO A PETITION, THE  
5 PRESIDING OFFICIAL MAY REQUEST THEM TO ELECT A SPOKESPERSON. THE SPOKESPERSON  
6 SHALL HAVE THE POWER TO CROSS-EXAMINE WITNESSES, CALL WITNESSES, INTRODUCE  
7 EVIDENCE ON BEHALF OF THE GROUP, OBJECT TO THE INTRODUCTION OF EVIDENCE, MAKE  
8 OPENING AND CLOSING STATEMENTS, AND ACT IN A REPRESENTATIVE CAPACITY SOLELY ON  
9 BEHALF OF THOSE INDIVIDUALS ELECTING THE SPOKESPERSON. INDIVIDUALS NOT ELECTING TO  
10 BE REPRESENTED BY A SPOKESPERSON MAY ACT INDEPENDENTLY.
- 11 F. REPRESENTATION BY ATTORNEY-AT-LAW. ANY PARTY IN A HEARING MAY BE REPRESENTED BY  
12 AN ATTORNEY-AT-LAW ADMITTED TO PRACTICE LAW BEFORE THE SUPREME COURT OF  
13 MARYLAND. AN ATTORNEY, ACTING UNDER AN AGREEMENT WITH A CLIENT FOR LEGAL  
14 REPRESENTATION, SHALL FILE A WRITTEN NOTICE OF APPEARANCE WITH THE BOARD BEFORE  
15 APPEARING ON A PARTY'S BEHALF AT A HEARING. THE NOTICE OF APPEARANCE SHALL LIST THE  
16 NAMES AND ADDRESSES OF INDIVIDUALS OR ENTITIES THE ATTORNEY REPRESENTS AND THE  
17 ATTORNEY'S FIRM NAME, THEIR NAME, ADDRESS, AND TELEPHONE NUMBER.
- 18 G. WITHDRAWAL OF APPEARANCE. AN ATTORNEY MAY WITHDRAW THEIR APPEARANCE BY  
19 PROVIDING THE BOARD WITH WRITTEN NOTICE.

20

21

#### **RULE 14. SUBPOENAS**

- 22 A. ISSUANCE. THE BOARD MAY ISSUE A SUBPOENA ON ITS OWN INITIATIVE AND MAY GRANT OR  
23 DENY A REQUEST BY PARTIES TO A PROCEEDING.

1 B. REQUESTS. A PARTY ENTITLED TO THE ISSUANCE OF A SUBPOENA UNDER THESE RULES SHALL  
2 REQUEST THE ISSUANCE OF A SUBPOENA THROUGH WRITTEN MOTION. REQUESTS FOR  
3 SUBPOENAS MUST BE RELEVANT, REASONABLE IN NATURE AND SCOPE, AND NOT OPPRESSIVE.

4 1) A MOTION FOR SUBPOENA TEMPLATE FORM CAN BE FOUND ON THE BOARD OF APPEALS  
5 WEBSITE AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

6 2) A MOTION FOR SUBPOENA SHALL INCLUDE THE FOLLOWING INFORMATION:

7 a) THE NAME AND ADDRESS OF THE WITNESS WHOSE TESTIMONY IS TO BE COMPELLED.

8 b) A CLEAR AND CONCISE PROFFER OF THE CONTENT AND RELEVANCE OF THE  
9 EXPECTED TESTIMONY.

10 c) A LIST OF ALL DOCUMENTS OR ITEMS SOUGHT TO BE PRODUCED.

11 d) REGULATORY CITATIONS IN SUPPORT OF THE REQUEST

12 C. ISSUANCE AND SERVICE OF A SUBPOENA.

13 1) THE CHAIRPERSON SHALL CONSIDER AND DECIDE ON A MOTION FOR SUBPOENA WITHIN 5  
14 DAYS OF RECEIPT.

15 2) IF GRANTED, THE SUBPOENA SHALL BE SIGNED BY THE CHAIRPERSON AND PROMPTLY  
16 DELIVERED TO THE PERSON REQUESTING THE SUBPOENA, WHO SHALL BE RESPONSIBLE FOR  
17 ARRANGING SERVICE FOR THE SUBPOENA AT LEAST 7 DAYS BEFORE THE DATE OF THE  
18 HEARING.

19 3) THE PERSON SERVING THE SUBPOENA SHALL CERTIFY THROUGH AN AFFIDAVIT OF SERVICE  
20 THAT THE SUBPOENA WAS SERVED PERSONALLY OR BY CERTIFIED MAIL. AN AFFIDAVIT OF  
21 SERVICE TEMPLATE FORM CAN BE FOUND ON THE BOARD OF APPEALS WEBSITE AT  
22 [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

- 1 4) THE CHAIRPERSON SHALL ALSO RULE ON ANY MOTIONS TO QUASH OR MODIFY A  
2 SUBPOENA.
- 3 5) IF A MOTION TO GRANT, QUASH, OR MODIFY A SUBPOENA IS DENIED, A PARTY MAY APPEAL  
4 THE CHAIRPERSON'S DECISION BY FILING A MOTION FOR RECONSIDERATION. THE FULL  
5 BOARD OF APPEALS WILL HEAR AND DECIDE THE MOTION FOR RECONSIDERATION DURING A  
6 PUBLIC HEARING.

7 D. COMPLIANCE. A PERSON WHO IS SUBPOENAED TO APPEAR AT A HEARING OR PRODUCE  
8 DOCUMENTS MAY BE HELD IN CONTEMPT IF THE PERSON UNJUSTIFIABLY:

- 9 1) FAILS OR REFUSES TO COMPLY WITH A SUBPOENA FOR APPEARANCE.
- 10 2) APPEARS BUT FAILS OR REFUSES TO TESTIFY UNDER OATH; OR
- 11 3) REFUSES TO COMPLY WITH A DIRECTIVE OF THE PRESIDING OFFICIAL AT THE HEARING TO  
12 ANSWER A RELEVANT QUESTION OR TO PRODUCE A RECORD, INCLUDING AN ELECTRONIC  
13 RECORD, THAT HAS BEEN SUBPOENAED UNLESS THE DIRECTIVE IS OVERRULED BY A  
14 MAJORITY VOTE OF THE MEMBERS OF THE BOARD OF APPEALS WHO ARE PRESENT AT THE  
15 HEARING.

16 E. ENFORCEABILITY. BY A MAJORITY VOTE, THE BOARD OF APPEALS MAY DIRECT THEIR LEGAL  
17 ADVISOR TO REQUEST A COURT OF COMPETENT JURISDICTION TO ENFORCE THE SUBPOENA,  
18 COMPELLING THE ATTENDANCE OF WITNESSES AND REQUIRING THE PRODUCTION OF BOOKS,  
19 PAPERS, DOCUMENTS, AND OTHER MATERIALS RELEVANT TO THE CASE AS DETAILED IN THE  
20 SUBPOENA.

21



1 **RULE 15. PROCEEDINGS**

2 A. OVERVIEW. THE BOARD OF APPEALS IS AN ADMINISTRATIVE AGENCY THAT PERFORMS QUASI-  
3 JUDICIAL FUNCTIONS, MEANING THE PROCESS IS LIKE THAT OF A COURT. PROCEEDINGS BEFORE  
4 THE BOARD SHALL BE GOVERNED BY ALL APPLICABLE LAW, INCLUDING THE MARYLAND  
5 ANNOTATED CODE, HOWARD COUNTY CODE, AND ESTABLISHED CASE LAW. THE BOARD IS  
6 EMPOWERED TO DETERMINE A PERSON'S OR ENTITY'S RIGHTS UNDER CERTAIN COUNTY  
7 ORDINANCES. MATTERS UNDER THE JURISDICTION OF THE BOARD OF APPEALS INCLUDE BUT  
8 ARE NOT LIMITED TO HEARINGS ON APPEALS AND REVIEWS OF ANY FINAL ORDER,  
9 REQUIREMENT, DECISION, OR DETERMINATION MADE BY AN ADMINISTRATIVE AGENCY OR BODY  
10 AND HEARINGS ON APPLICATIONS FOR PERMITS OR VARIANCES. MATTERS CONCERNING SUCH  
11 RIGHTS MAY ONLY BE DETERMINED BY THE BOARD AFTER CONDUCTING A QUASI-JUDICIAL  
12 PROCEEDING.

13 B. QUESTIONING. QUESTIONING SHOULD BE CONCISE AND FOCUS SOLELY ON THE CRITERIA FOR  
14 CONSIDERATION AS DEFINED BY CODE. IN THE CASE OF CROSS-EXAMINATION, QUESTIONS MUST  
15 RELATE ONLY TO STATEMENTS MADE BY THE WITNESS DURING DIRECT EXAMINATION. NO  
16 STATEMENTS OR SPEECHES SHOULD PRECEDE QUESTIONS. ALL QUESTIONS MUST BE  
17 INTERROGATIVE AND MUST NOT BE ARGUMENTATIVE OR SUGGEST ANYTHING ABOUT THE  
18 PERSONALITY OR MOTIVES OF THE WITNESS. AT THE DISCRETION OF THE PRESIDING OFFICIAL,  
19 QUESTIONS OR CROSS-EXAMINATION SHALL BE PUT IN WRITTEN FORM AND ASKED BY THE  
20 BOARD'S LEGAL ADVISOR.

21 C. QUESTIONING AN APPELLANT WITNESS. TYPICALLY, THE OPPOSITION OR A SPOKESPERSON  
22 CROSS-EXAMINES, BUT ANY INDIVIDUAL WISHING TO QUESTION THE PETITIONER'S WITNESS  
23 MAY DO SO WITH LEAVE FROM THE PRESIDING OFFICIAL. THE PRESIDING OFFICIAL MAY GRANT

1 THIS LEAVE AFTER RECOGNIZING THE INDIVIDUAL WHO WISHES TO QUESTION THE PETITIONER'S  
2 WITNESS AND AFTER THE INDIVIDUAL HAS GIVEN THEIR NAME, HOME ADDRESS, AND, IF  
3 APPROPRIATE, ITS LOCATION WITH REFERENCE TO THE PROPERTY WHICH IS THE SUBJECT OF THE  
4 HEARING.

5  
6 **RULE 16. DE NOVO HEARING PROCEDURES**

7 A. OATH. AN INDIVIDUAL TESTIFYING SHALL GIVE HIS OR HER NAME AND ADDRESS AND TAKE THE  
8 FOLLOWING OATH GIVEN BY THE PRESIDING OFFICIAL: "DO YOU SOLEMNLY PROMISE TO SPEAK  
9 TRUTHFULLY IN THE TESTIMONY YOU ARE ABOUT TO GIVE?"

10 B. ORDER OF PRESENTATION.

11 1) BOARD'S LEGAL ADVISOR INTRODUCES REPORTS AND OFFICIAL DOCUMENTS PERTAINING  
12 TO THE CASE.

13 2) OPENING STATEMENTS.

14 3) PETITIONER'S PRESENTATION.

15 4) DIRECT EXAMINATION OF WITNESSES.

16 5) CROSS EXAMINATION OF WITNESSES BY THE OPPOSITION, BY BOARD MEMBERS, AND BY  
17 THE BOARD'S LEGAL ADVISOR.

18 6) RE-DIRECT EXAMINATION OF PETITIONER'S WITNESS.

19 7) RE-CROSS EXAMINATION OF PETITIONER'S WITNESSES.

20 8) OPPOSITION'S PRESENTATION.

21 9) DIRECT EXAMINATION OF OPPOSITION'S WITNESSES.

22 10) CROSS EXAMINATION OF OPPOSITION WITNESSES BY THE PETITIONER, BY BOARD MEMBERS,  
23 AND BY THE BOARD'S LEGAL ADVISOR.

1 11) RE-DIRECT EXAMINATION OF OPPOSITION'S WITNESSES.

2 12) RE-CROSS EXAMINATION OF OPPOSITION'S WITNESSES.

3 13) *PETITIONER'S REBUTTAL*. THE PETITIONER MAY PRESENT EVIDENCE TO REBUT ANY  
4 EVIDENCE INTRODUCED BY THE OPPOSITION, BUT NO NEW LINE OF TESTIMONY MAY BE  
5 INTRODUCED.

6 14) PETITIONER'S SUMMATION.

7 15) OPPOSITION'S SUMMATION.

8 C. *BURDEN OF PROOF*. THE BURDEN OF PROOF IS ONE OF A PREPONDERANCE OF THE EVIDENCE.  
9 BY COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE, THE APPELLANT MUST SHOW THAT  
10 THEY ARE ENTITLED TO THE RELIEF REQUESTED AND THAT THE REQUEST MEETS ALL  
11 PRESCRIBED STANDARDS AND REQUIREMENTS.

12 D. *THE BOARD'S ACTION*. AT THE END OF THE PRESENTATION, THE BOARD OF APPEALS WILL  
13 DELIBERATE DURING AN OPEN PUBLIC MEETING. THE BOARD MAY GRANT OR DENY THE  
14 PETITION, STATING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW THROUGH THE ISSUANCE  
15 OF A WRITTEN FINAL DECISION AND ORDER. ALTERNATIVELY, THE BOARD MAY TAKE THE CASE  
16 UNDER ADVISEMENT FOR FURTHER DELIBERATION AND LATER DECISION.

17 1) THE BOARD MAY NOT CONSIDER EVIDENCE FROM EITHER SIDE AFTER THE HEARING IS  
18 CONCLUDED.

19 2) THE BOARD MAY ORDER LEGAL MEMORANDA TO BE SUBMITTED BY THE PROPONENT AND  
20 OPPONENT SUMMARIZING THEIR ARGUMENTS AND PROPOSED FINDINGS OF FACTS AND  
21 CONCLUSIONS OF LAW.

22

1 **RULE 17. ADMINISTRATIVE APPEAL HEARING PROCEDURES**

2 A. DE NOVO APPEALS. THE PROCEDURES OUTLINED IN THE DE NOVO HEARING PROCEDURES  
3 SECTION OF THESE RULES APPLY TO ADMINISTRATIVE APPEALS HEARD DE NOVO, EXCEPT FOR  
4 THE BURDEN OF PROOF.

5 1) *BURDEN OF PROOF.* IN AN APPEAL OF AN ADMINISTRATIVE AGENCY'S ISSUANCE OF A  
6 NOTICE OF VIOLATION OF COUNTY LAWS AND REGULATIONS, THE BURDEN OF PROOF IS  
7 UPON THE ADMINISTRATIVE AGENCY TO SHOW THAT THE APPELLANT VIOLATED THE LAWS  
8 OR REGULATIONS IN QUESTION BY A PREPONDERANCE OF THE EVIDENCE.

9 2) IN ALL OTHER DE NOVO APPEALS NOT RELATED TO A NOTICE OF VIOLATION, THE BURDEN  
10 OF PROOF IS UPON THE APPELLANT TO SHOW THAT THE ACTION TAKEN BY THE  
11 ADMINISTRATIVE AGENCY WAS CLEARLY ERRONEOUS, ARBITRARY, CAPRICIOUS, OR  
12 CONTRARY TO LAW.

13  
14 B. APPEALS ON THE RECORD.

15 1) *RECORD TRANSCRIPT.* WITHIN 30 DAYS OF FILING AN APPEAL ON THE RECORD FROM AN  
16 ACTION OF AN ADMINISTRATIVE AGENCY, THE APPELLANT SHALL FILE WITH THE BOARD  
17 ADMINISTRATOR ONE DIGITAL COPY AND ONE HARDCOPY OF THE TRANSCRIPT RECORD OF  
18 THE HEARING BEING APPEALED AND SHALL SERVE ONE DIGITAL COPY OF THE TRANSCRIPT  
19 RECORD WITH THE ADMINISTRATIVE AGENCY. THE BOARD ADMINISTRATOR SHALL  
20 PROVIDE EACH BOARD MEMBER WITH A COPY OF THE TRANSCRIPT WITHIN 2 DAYS  
21 FOLLOWING RECEIPT.

1        2) *MEMORANDUM OF APPELLANT.* WITHIN 15 DAYS OF FILING THE TRANSCRIPT, THE  
2            APPELLANT SHALL FILE A MEMORANDUM STATING CONCISELY ALL POINTS ON WHICH THE  
3            APPEAL IS BASED AND AN ARGUMENT SUPPORTING EACH POINT.

4        3) *FILING REQUIREMENTS.* THE APPELLANT SHALL FILE ONE DIGITAL COPY AND ONE HARD  
5            COPY OF THE MEMORANDUM WITH THE BOARD ADMINISTRATOR AND SHALL SERVE ONE  
6            DIGITAL COPY TO THE ADMINISTRATIVE AGENCY. THE BOARD ADMINISTRATOR SHALL  
7            PROVIDE EACH BOARD MEMBER WITH A COPY OF THE MEMORANDUM WITHIN 2 DAYS  
8            FOLLOWING RECEIPT. THE MEMORANDUM SHALL INCLUDE:

- 9            a) POINTS OF LAW;
- 10           b) REFERENCES TO LEGAL AUTHORITY;
- 11           c) PAGE CITATIONS OF PORTIONS OF THE TRANSCRIPT RECORD; AND
- 12           d) EXHIBITS BY NUMBER.

13       4) *ADMINISTRATIVE AGENCY'S REPLY MEMORANDUM.* WITHIN 15 DAYS OF THE APPELLANT'S  
14           MEMORANDUM BEING FILED, THE ADMINISTRATIVE AGENCY SHALL FILE A REPLY  
15           MEMORANDUM WITH THE BOARD. THE AGENCY SHALL FILE ONE DIGITAL COPY AND ONE  
16           HARD COPY OF THE MEMORANDUM WITH THE BOARD ADMINISTRATOR AND SHALL SERVE  
17           ONE DIGITAL COPY TO THE APPELLANT. THE MEMORANDUM SHALL ANSWER CONCISELY  
18           ALL POINTS ON WHICH THE APPEAL IS BASED AND AN ARGUMENT AGAINST EACH POINT. THE  
19           BOARD ADMINISTRATOR SHALL PROVIDE EACH BOARD MEMBER WITH A COPY OF THE  
20           REPLY MEMORANDUM WITHIN 2 DAYS OF SUBMISSION. THE ARGUMENTS SHALL INCLUDE:

- 21           a) POINTS OF LAW;
- 22           b) REFERENCES TO LEGAL AUTHORITY;
- 23           c) PAGE CITATIONS TO PARTICULAR PORTIONS OF THE RECORD TRANSCRIPT; AND

1 d) EXHIBITS BY NUMBER.

2 5) *SANCTIONS FOR LATE FILING OF MEMORANDUM.*

3 a) IF THE APPELLANT FAILS TO FILE THE REQUIRED MEMORANDUM IN A TIMELY MANNER,  
4 THE BOARD MAY DISMISS THE APPEAL.

5 b) IF THE ADMINISTRATIVE AGENCY FAILS TO FILE THE REQUIRED REPLY MEMORANDUM  
6 IN A TIMELY MANNER, THE BOARD MAY RULE ON ITS OWN INITIATIVE, FOR SUMMARY  
7 JUDGMENT IN FAVOR OF THE APPELLANT WITHOUT FURTHER NOTICE.

8 6) *ORAL ARGUMENTS.* THE BOARD MAY ENTERTAIN ORAL ARGUMENTS BASED ON THE  
9 RECORD. THE BOARD MAY LIMIT THE LENGTH OF ORAL ARGUMENTS.

10 7) *BURDEN OF PROOF.* THE BURDEN OF PROOF SHALL BE ON THE APPELLANT TO SHOW THAT  
11 THE ACTION TAKEN BY THE ADMINISTRATIVE AGENCY WAS CLEARLY ERRONEOUS,  
12 ARBITRARY, CAPRICIOUS, OR CONTRARY TO LAW.

13 8) *THE BOARD'S ACTION.* THE BOARD MAY DISMISS, AFFIRM, OR MODIFY THE AGENCY'S  
14 ACTION. ALTERNATIVELY, THE BOARD MAY REMAND THE ACTION TO THE AGENCY FOR  
15 FURTHER PROCEEDINGS OR AN ALTERNATE DISPOSITION.

16  
17 **RULE 18. DECISION AND ORDER: PROCESS AND ISSUANCE**

18 A. *DECISION AND ORDER.* ALL DOCKETED MATTERS HEARD BY THE BOARD OF APPEALS SHALL  
19 RECEIVE DISPOSITION THROUGH THE ISSUANCE OF A FINAL DECISION AND ORDER.

20 1) THE WRITTEN DECISION AND ORDER OF THE BOARD SHALL BE SIGNED BY THE VOTING  
21 BOARD MEMBERS AND THE BOARD'S LEGAL ADVISOR WHO PREPARED THE DOCUMENT.

22 2) THE BOARD'S FINAL DECISION AND ORDER SHALL INCLUDE FINDINGS OF FACT AND  
23 CONCLUSIONS OF LAW.

1 3) THE DECISION AND ORDER SHALL BE MADE A PART OF THE RECORD OF THE PROCEEDINGS,  
2 FILED WITH THE DEPARTMENT OF PLANNING AND ZONING AS PART OF THE PERMANENT  
3 RECORD, AND MAINTAINED AS PART OF THE OFFICIAL RECORDS OF THE COUNTY.

4 B. DISSENTING OR CONCURRING OPINION. ANY MEMBER(S) OF THE BOARD OF APPEALS WHO  
5 PARTICIPATED IN A HEARING MAY FILE A DISSENTING OR CONCURRING OPINION. SUCH  
6 DISSENTING OR CONCURRING OPINION(S) SHALL BE MADE A PART OF THE RECORD OF  
7 PROCEEDINGS AND INCLUDED AS PART OF THE BOARD'S FINAL DECISION AND ORDER.

8 C. DECISION AND ORDER TIMELINE.

9 1) THE BOARD SHALL DELIBERATE AND DECIDE ON EACH CASE NO LATER THAN 30 DAYS  
10 AFTER ALL PARTIES HAVE RESTED THEIR CASE.

11 2) A FINAL WRITTEN DECISION AND ORDER SHALL BE ISSUED NO LATER THAN 60 DAYS AFTER  
12 THE BOARD HAS DELIBERATED AND DECIDED A CASE.

13 3) THE BOARD'S LEGAL ADVISOR SHALL PROVIDE THE BOARD ADMINISTRATOR WITH A  
14 PRELIMINARY DRAFT VERSION OF THE WRITTEN DECISION AND ORDER, INCLUDING FINDINGS  
15 OF FACTS AND CONCLUSIONS OF LAW DETERMINED BY THE BOARD, NO LATER THAN 30  
16 DAYS AFTER THE BOARD HAS RENDERED ITS VERBAL DECISION DURING A PUBLIC HEARING.

17 4) THE BOARD ADMINISTRATOR SHALL PROVIDE EACH BOARD MEMBER WITH AN ELECTRONIC  
18 COPY OF THE PRELIMINARY DRAFT DECISION AND ORDER WITHIN 1 DAY.

19 5) THE BOARD SHALL DIRECT THEIR LEGAL ADVISOR TO MAKE AMENDMENTS TO THE DRAFT  
20 DECISION AND ORDER NO LATER THAN 5 DAYS AFTER THE PRELIMINARY DRAFT HAS BEEN  
21 TRANSMITTED TO THE BOARD ADMINISTRATOR.

22 6) BOARD MEMBER-DIRECTED AMENDMENTS MAY INCLUDE ANY CONCURRENT OR DISSENTING  
23 OPINION.

- 1 7) THE BOARD'S LEGAL ADVISOR SHALL PROVIDE A FINALIZED WRITTEN DECISION AND  
2 ORDER TO THE BOARD ADMINISTRATOR NO LATER THAN 45 DAYS AFTER THE BOARD HAS  
3 RENDERED ITS ORAL DECISION DURING A PUBLIC HEARING.
- 4 8) THE BOARD ADMINISTRATOR SHALL PROVIDE EACH BOARD MEMBER WITH AN ELECTRONIC  
5 COPY OF THE UNSIGNED FINAL DECISION AND ORDER WITHIN 1 DAY.
- 6 9) THE BOARD ADMINISTRATOR SHALL ARRANGE TO HAVE THE DOCUMENT SIGNED BY ALL  
7 BOARD MEMBERS NO LATER THAN 5 DAYS FOLLOWING RECEIPT FROM THE BOARD'S LEGAL  
8 ADVISOR.
- 9 10) *EXTENSION*. THE BOARD, AT THE REQUEST OF THE BOARD'S LEGAL ADVISOR, AND WITH  
10 GOOD AND SUFFICIENT REASON, MAY EXTEND THE TIME FOR ISSUANCE OF A WRITTEN  
11 DECISION AND ORDER TO NO LATER THAN 75 DAYS AFTER THE BOARD ISSUES ITS ORAL  
12 DECISION.
- 13 a) AN EXTENSION OF TIME SHALL BE CONSIDERED ONLY DURING A PUBLIC MEETING.
- 14 b) THE BOARD'S LEGAL ADVISOR MUST NOTIFY NAMED PARTIES INVOLVED IN A MATTER  
15 BEING CONSIDERED FOR AN EXTENSION OF TIME AT LEAST 5 DAYS BEFORE THE PUBLIC  
16 MEETING WHERE THE EXTENSION WILL BE DISCUSSED.
- 17 c) AT THE PRESIDING OFFICIAL'S DISCRETION, PARTIES SHALL HAVE THE OPPORTUNITY TO  
18 BRIEFLY BE HEARD DURING A PUBLIC HEARING BEFORE THE BOARD'S DELIBERATION  
19 AND DECISION OF AN EXTENSION REQUEST.
- 20 11) *PUBLICATION*. THE BOARD ADMINISTRATOR SHALL POST THE FINAL DECISIONS AND  
21 ORDERS:



1 a) ELECTRONICALLY MAIL THE FULLY SIGNED FINAL DECISIONS AND ORDERS TO EACH  
2 NAMED PARTY OR THEIR REPRESENTATIVES WITHIN 3 DAYS OF RECEIPT FROM THE  
3 COUNTY SOLICITOR.

4 b) ON THE BOARD OF APPEALS WEBSITE FOR PUBLIC CONSUMPTION WITHIN 3 DAYS OF  
5 RECEIPT FROM THE COUNTY SOLICITOR.

6 D. APPEALS FROM DECISIONS OF THE BOARD. ANY PERSON, OFFICER, DEPARTMENT, BOARD, OR  
7 BUREAU OF THE COUNTY WHO BELIEVES THEY ARE AGGRIEVED BY A DECISION OF THE BOARD  
8 OF APPEALS MAY APPEAL TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN 30 DAYS OF  
9 THE DECISION.

10 1) THE BOARD OF APPEALS SHALL BE A PARTY TO ALL APPEALS AND SHALL BE REPRESENTED  
11 BY THE OFFICE OF LAW AT ANY SUCH HEARING.

12 2) ONCE AN APPEAL IS FILED IN CIRCUIT COURT, THE BOARD NO LONGER RETAINS  
13 JURISDICTION AND MAY NOT SUSPEND ITS DECISION AND ORDER OR CONSIDER A MOTION  
14 FOR RECONSIDERATION.

15

16 **RULE 19. REVISORY POWER OF THE BOARD**

17 A. REQUEST OF A PARTY. WITHIN 15 DAYS OF THE BOARD PUBLISHING A FINALIZED WRITTEN  
18 DECISION AND ORDER, A PARTY OF RECORD MAY FILE A MOTION FOR RECONSIDERATION. THE  
19 BOARD SHALL CONSIDER THE WRITTEN MOTION AS SOON AS PRACTICABLE, PREFERABLY  
20 DURING THE NEXT PUBLIC HEARING OR MEETING.

21 1) THE BOARD MAY REVISE ITS DECISION AND ORDER IF THE PARTY PETITIONING FOR  
22 RECONSIDERATION ESTABLISHES A MISTAKE OF FACT OR ERROR OF LAW.



1 **RULE 21. REQUIRED TRAINING**

2 A. WITHIN 6 MONTHS OF APPOINTMENT, EACH BOARD MEMBER, INCLUDING ALTERNATE  
3 MEMBERS, SHALL:

- 4 1) COMPLETE THE "PLANNING COMMISSION, PLANNING BOARD AND BOARD OF APPEALS  
5 EDUCATION COURSE" AS DEFINED IN THE ANNOTATED CODE OF MARYLAND AND OFFERED  
6 THROUGH THE MARYLAND DEPARTMENT OF PLANNING.
- 7 2) REVIEW MATERIALS FROM PUBLICLY OFFERED PLANNING COURSES DESIGNED BY THE  
8 HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING THAT EDUCATE RESIDENTS ON  
9 HOW THE PLANNING AND LAND DEVELOPMENT PROCESS WORKS AND COMPLETE IN-PERSON  
10 OR VIRTUAL TRAINING IF SUCH COURSES ARE OFFERED.

11

12 **RULE 22. REQUIRED EDUCATION**

13 THIS SECTION OUTLINES THE REGULATIONS GOVERNING THE QUASI-JUDICIAL PROCESS,  
14 LAND USE LAW, AND PUBLIC PLANNING EDUCATION, COLLECTIVELY REFERRED TO AS THE  
15 EDUCATION PROGRAM. THE PRIMARY OBJECTIVE OF THE EDUCATION PROGRAM IS TO ENHANCE  
16 THE BOARD MEMBERS' UNDERSTANDING OF THEIR ROLES AND RESPONSIBILITIES. BOARD MEMBERS  
17 ARE STRONGLY ENCOURAGED TO SEEK ADDITIONAL FORMAL LEARNING OPPORTUNITIES BEYOND  
18 THE FOUNDATIONAL CURRICULUM OF THE EDUCATION PROGRAM.

19 A. DEFINITIONS. THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANING WITHIN THIS  
20 SECTION.

- 21 1) *APPROVED COURSE.* A COURSE, APPROVED BY THE BOARD OF APPEALS CLERK, OFFERED BY  
22 A PERSON, INSTITUTION, ORGANIZATION, OR ENTITY THAT SATISFIES THE MANDATORY

1 CURRICULUM OF THE EDUCATION PROGRAM AND FOR WHICH MEMBERS SHALL RECEIVE  
2 CERTIFICATION.

3 2) *AUTHORIZED INSTRUCTOR*. LICENSED PROFESSIONAL PLANNERS OR ATTORNEYS  
4 EXPERIENCED IN LAND USE MATTERS LICENSED TO PRACTICE IN MARYLAND AND WHO  
5 PROVIDE DIRECT STUDENT INSTRUCTION

6 3) *CERTIFICATE OF COMPLETION*. WRITTEN DOCUMENTATION PROVIDED TO MEMBERS  
7 SERVING AS EVIDENCE OF SATISFACTORY COMPLETION OF AN APPROVED COURSE.

8 4) *COURSE PROVIDER*. AN INSTITUTION, ORGANIZATION, ENTITY, OR INDIVIDUAL QUALIFIED  
9 BY TRAINING AND EXPERIENCE TO OFFER AN APPROVED COURSE.

10 5) *EXEMPTIONS*. MEMBERS WHO PROVIDE DOCUMENTED PROOF OF COMPLETING A MORE  
11 EXTENSIVE COURSE OF STUDY IN QUASI-JUDICIAL PROCESS, LAND USE LAW, AND PLANNING  
12 THAN WHAT IS REQUIRED BY THE EDUCATION PROGRAM SHALL BE EXEMPT FROM  
13 COMPLETING THAT REQUIREMENT. NONETHELESS, ALL BOARD OF APPEALS MEMBERS  
14 MUST MEET THE MANDATED TRAINING STANDARDS SET FORTH IN THESE REGULATIONS.

15 B. *REQUEST FOR CONTINUING EDUCATION*. ANY BOARD MEMBER WISHING TO ATTEND A  
16 CONTINUING EDUCATION OFFERING SHALL SUBMIT A WRITTEN REQUEST FOR APPROVAL TO THE  
17 CLERK THROUGH THE BOARD ADMINISTRATOR. REQUEST FORMS CAN BE FOUND ONLINE ON  
18 THE BOARD'S WEBSITE AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-USE/BOARD-](https://cc.howardcountymd.gov/zoning-land-use/board-appeals)  
19 [APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

20 1) REQUESTS COMPLIANT WITH THIS SECTION SHALL BE DEEMED APPROVED PENDING  
21 BUDGETARY RESTRICTIONS.

1 2) WRITTEN REQUESTS TO ATTEND TRAINING SHALL BE SUBMITTED AT LEAST 30 DAYS BEFORE  
2 THE EDUCATIONAL OFFERING WHENEVER POSSIBLE AND SHALL CONTAIN THE FOLLOWING  
3 INFORMATION.

4 a) THE TITLE OF THE COURSE AND THE NAME OF THE HOSTING ORGANIZATION.

5 b) COURSE LENGTH, INCLUDING THE TOTAL NUMBER OF SESSIONS, LENGTH OF SESSION(S),  
6 AND THE FREQUENCY WITH WHICH THEY WILL BE OFFERED.

7 c) A DESCRIPTION OF THE COURSE CONTENT, PREFERABLY A SYLLABUS. ANY PRACTICAL  
8 WORK REQUIREMENT TO BE COMPLETED BY THE BOARD MEMBERS SHALL BE IDENTIFIED  
9 IN THE REQUEST.

10 d) A LIST OF ANY TEXT OR MATERIALS TO BE USED DURING THE COURSE, INCLUDING  
11 WHETHER THE TEXT OR MATERIALS SHALL BE MANDATORY OR RECOMMENDED.

12 e) IF AVAILABLE, THE INSTRUCTORS' NAMES, CREDENTIALS, AND RELEVANT  
13 PROFESSIONAL EXPERIENCE.

14 f) A LIST OF WHICH CORE EDUCATIONAL CONTENT AREA IS TO BE COVERED AND HOW  
15 MUCH TIME WILL BE DEDICATED TO EACH OF THE FIVE DOMAINS OUTLINED IN THIS  
16 SECTION.

17 C. CURRICULUM. THIS SECTION SETS FORTH THE BASIC REQUIREMENTS FOR THE EDUCATION  
18 PROGRAM CURRICULUM. COURSE PROVIDERS MAY OFFER COMBINED OR SEPARATE COURSES  
19 AND CLASSES FOR NEW OR EXPERIENCED MEMBERS. HOWEVER, THE COURSE MUST COVER  
20 EACH TOPIC LISTED IN THIS SECTION TO BE CONSIDERED FOR APPROVAL AND APPLICABLE TO  
21 THE MANDATORY EDUCATION REQUIREMENT. THE EDUCATIONAL PROGRAM SHALL HAVE FIVE  
22 KEY SEGMENTS TOTALING 5 HOURS OF CONTINUING EDUCATION ANNUALLY AND AN  
23 ADDITIONAL 3 HOURS BIANNUALLY, AS LISTED BELOW.

- 1        1) *APPLICATIONS & PETITIONS.* (1.5 HOURS ANNUALLY) THE PURPOSE OF THE DEVELOPMENT  
2        APPLICATION REVIEW PROCESS SEGMENT OF THE EDUCATION PROGRAM IS TO PROVIDE AN  
3        OVERVIEW OF DEVELOPMENT APPLICATIONS THAT COME BEFORE THE BOARD, THEIR  
4        ADMINISTRATION, REVIEW, AND HEARING PROCESS. MANDATORY TOPICS INCLUDE HOW TO  
5        READ, ANALYZE, AND REVIEW A LAND DEVELOPMENT PLAN. IN ADDITION TO THE  
6        TECHNICAL ASPECTS OF READING A PLAN, THE ANALYSIS SHALL EXPLORE SITE VISITS AND  
7        THE PLAN'S RELATIONSHIP TO LOCAL DESIGN STANDARDS AND REGULATIONS, INCLUDING  
8        SITE PLAN, SUBDIVISION, ZONING, AND HEALTH REGULATIONS. THE ANALYSIS SHALL ALSO  
9        EXPLORE THE RELATIONSHIP BETWEEN COUNTY AND STATE REGULATIONS. THE OVERVIEW  
10       OF THE PLAN REVIEW SHALL INCLUDE THE ROLE OF REPORTS FROM COUNTY  
11       PROFESSIONALS, SUBJECT MATTER EXPERTS, THE APPLICANTS, AND THE PUBLIC.
- 12       2) *DECISION MAKING.* (1.5 HOURS BI-ANNUALLY) DETERMINING FINDINGS OF FACT AND  
13       CONCLUSIONS OF LAW, AND STANDARDS FOR REVIEW.
- 14       3) *GENERAL PLAN.* (2 HOURS ANNUALLY) UNDERSTANDING THE GENERAL PLAN OF HOWARD  
15       COUNTY AND RELATED COMPONENTS, INCLUDING BUT NOT LIMITED TO HOWARD COUNTY  
16       COMPLETE STREETS, THE HOWARD COUNTY LANDSCAPING MANUAL, AND ADEQUATE  
17       PUBLIC FACILITIES (APFO). CORRELATING THE RELATIONSHIP OF THE GENERAL AND  
18       COMPREHENSIVE ZONING PLANS TO THE ORDINANCES AND REGULATIONS.
- 19       4) *LAW.* (1.5 HOURS ANNUALLY) REVIEW OF MARYLAND LAND USE ACT, COUNTY LAND USE  
20       LAW, LOCAL REDEVELOPMENT AND HOUSING LAW, OR OTHER RELEVANT LAND USE AND  
21       PLANNING LAWS AND RULES.
- 22       5) *QUASI-JUDICIAL PROCEDURES.* (1.5 HOURS BI-ANNUALLY) THIS DOMAIN PROVIDES AN  
23       OVERVIEW OF THE BOARD'S RESPONSIBILITIES IN CONDUCTING AND PARTICIPATING IN

1 HEARINGS. IT COVERS KEY ELEMENTS OF THE HEARING PROCEDURE, INCLUDING QUORUM  
2 REQUIREMENTS, THE ROLES OF THE APPLICANT, OPPONENTS, PUBLIC, BOARD MEMBERS  
3 (INCLUDING THE CHAIR), AND EXPERT WITNESSES. PARTICIPANTS WILL ALSO LEARN ABOUT  
4 THE MANAGEMENT OF EVIDENCE, PUBLIC QUESTIONING AND TESTIMONY, BOARD  
5 INQUIRIES, THE BURDEN OF PROOF, MOTIONS AND RESOLUTIONS, AND QUALIFICATIONS FOR  
6 PARTICIPATION IN A HEARING.

### 8 **RULE 23. ELECTRONIC SUBMISSIONS**

9 A. DEFINITIONS. THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS IN THE  
10 CONTEXT OF THIS SECTION.

11 1) *ENVELOPE*: A SINGLE EMAIL OR ELECTRONIC FOLDER IN WHICH SUBMISSIONS ARE FILED.

12 AN ENVELOPE SHOULD CONTAIN ALL SUBMISSIONS RELATED TO ONE CASE THAT ARE FILED  
13 SIMULTANEOUSLY. FOR EXAMPLE, A NEW CASE ENVELOPE MIGHT INCLUDE THE FOLLOWING  
14 FIVE SUBMISSIONS IN ONE ENVELOPE: A COMPLETED PETITION, EXHIBITS TO THE PETITION,  
15 CERTIFICATION OF SERVICE, AND A PRELIMINARY MOTION. DO NOT USE SEPARATE  
16 ENVELOPES FOR SUBMISSIONS FILED SIMULTANEOUSLY IN THE SAME CASE

17 2) *FILER*. A PERSON WHO UTILIZES ELECTRONIC FILING, SUCH AS EMAIL OR OTHER DIGITAL  
18 MEDIUM, TO MAKE A SUBMISSION TO THE BOARD OF APPEALS.

19 3) *FILING CODE*. AN APPROVED CAPTION OF A SUBMISSION. ONLY THE BOARD  
20 ADMINISTRATOR SHALL USE FILING CODES FOR ORDERS. A LIST OF APPROVED FILING  
21 CODES MAY BE FOUND ONLINE AT [HTTPS://CC.HOWARDCOUNTYMD.GOV/ZONING-LAND-](https://cc.howardcountymd.gov/zoning-land-use/board-appeals)  
22 [USE/BOARD-APPEALS](https://cc.howardcountymd.gov/zoning-land-use/board-appeals).

23 4) *SUBMISSION*: A PDF OR JPEG FILE CONTAINED WITHIN AN ENVELOPE OR INDIVIDUALLY.

- 1 B. E-FILING PROCESS. WHEN AUTOMATED FILING IS UNAVAILABLE IN A DOCKETED CASE, A PARTY  
2 MAY FILE AN ELIGIBLE SUBMISSION BY EMAIL. SUBMISSIONS SHALL BE DIRECTED TO  
3 BOA@HOWARDCOUNTYCOUNCIL.COM. THE EMAIL'S SUBJECT LINE SHALL BE FORMATTED AS  
4 "DOCKET NUMBER \_ FILING \_ CODE \_ PARTY LAST NAME". AN EXAMPLE OF AN ACCEPTABLE  
5 EMAIL SUBJECT LINE FOR AN ELECTRONIC SUBMISSION IS BA-99-000 \_ MOTION  
6 POSTPONEMENT \_ SMITH.
- 7 1) THE ADMINISTRATOR SHALL REJECT ANY EMAIL SUBMISSION THAT IS NOT PROPERLY  
8 FORMATTED AS REQUIRED BY THESE RULES. A REJECTED SUBMISSION MUST BE  
9 RESUBMITTED FOR CONSIDERATION BY THE BOARD AND DOES NOT EXTEND A DEADLINE  
10 FOR SUBMISSION.
- 11 2) AN ELECTRONIC SUBMISSION RECEIVED WITHOUT ANY ATTACHMENT SHALL BE REJECTED  
12 AND THE ADMINISTRATOR SHALL ENTER A NO-DOCUMENT INCLUDED NOTATION IN THE  
13 ONLINE RECORD.
- 14 C. ELECTRONICALLY FILE (E-FILE) A SUBMISSION. AN INDIVIDUAL MAY NOT E-FILE A SUBMISSION  
15 ON BEHALF OF ANOTHER UNLESS THE FILER IS AN ATTORNEY REPRESENTING A PARTY TO A  
16 MATTER.
- 17 1) ALL E-FILE SUBMISSIONS SHALL BE CAPABLE OF BEING CONVERTED INTO ELECTRONIC  
18 FORMAT AND THAT, IN ELECTRONIC FORMAT, MAY BE CONVERTED INTO A LEGIBLE PAPER  
19 DOCUMENT.
- 20 2) A PARTY WISHING TO SUBMIT A FILE THAT EXCEEDS THE PERMITTED SIZE CAPACITY SHALL  
21 CONTACT THE BOARD ADMINISTRATOR FOR FURTHER DIRECTION AND ACCESS TO A CLOUD-  
22 BASED MASS STORAGE REPOSITORY.



- 1 D. EXEMPTION FROM E-FILE. THE FOLLOWING TYPES OF EMAIL SUBMISSIONS SHALL NOT BE E-  
2 FILED WITHOUT PRIOR AUTHORIZATION OF THE BOARD ADMINISTRATOR.
- 3 1) AN ORIGINAL PETITION FOR APPEAL.  
4 2) A SINGLE DOCUMENT OF MORE THAN 50 PAGES.  
5 3) OVERSIZED DOCUMENTS, SUCH AS BLUEPRINTS, MAPS, AND PLATS.  
6 4) ITEMS THAT CANNOT BE FILED ELECTRONICALLY BECAUSE OF THEIR PHYSICAL NATURE.
- 7 E. SUBMISSION REVIEW BY BOARD ADMINISTRATOR. AS SOON AS PRACTICABLE, THE BOARD  
8 ADMINISTRATOR SHALL REVIEW EACH DOCUMENT SUBMISSION FOR COMPLIANCE WITH THE  
9 RULES OF PROCEDURE. IF THE ADMINISTRATOR DETERMINES THAT THE SUBMISSION IS NON-  
10 COMPLIANT, THE ADMINISTRATOR SHALL REJECT THE SUBMISSION AND PROMPTLY NOTIFY THE  
11 FILER.
- 12 F. SUBMISSION REJECTION. THE ADMINISTRATOR SHALL NOTE ON THE ONLINE DOCKET THAT A  
13 SUBMISSION WAS RECEIVED BUT WAS REJECTED FOR NONCOMPLIANCE WITH THE RULES OF  
14 PROCEDURE.
- 15 1) NO FURTHER DESCRIPTION OF THE NATURE OF THE REJECTED SUBMISSION SHALL BE  
16 ENTERED.  
17 2) A CORRECTED AND REFILED SUBMISSION SHALL NOT REFERENCE THE FILING OF THE  
18 REJECTED SUBMISSION.  
19 3) A FILER WHOSE SUBMISSION WAS DENIED BY THE ADMINISTRATOR MAY SEEK A REVIEW OF  
20 THE ACTION BY FILING A MOTION FOR RECONSIDERATION BY THE BOARD.
- 21 G. BOARD OF APPEALS PUBLIC WEBSITE AND CALENDAR. ALL CONTESTED CASE MATTERS BEFORE  
22 THE BOARD OF APPEALS SHALL BE PUBLISHED BY THE ADMINISTRATOR ON THE BOARD'S  
23 WEBSITE [HTTPS://CC.HOWARDCOUNTYMD.GOV](https://cc.howardcountymd.gov) AS SOON AS PRACTICABLE UPON DOCKETING.

- 1) EACH MATTER WITHIN THE INDIVIDUAL CASE CALENDAR SHALL BE CATEGORIZED IN THE FOLLOWING CHRONOLOGICAL FORMAT UNDER THE "CASE MATERIALS" SECTION. THE TITLE OF THE INFORMATION HEADINGS SHALL READ "FILE DATE, DOCUMENT NAME, COMMENT." EACH DOCUMENT NAME SHALL BE HYPERLINKED TO THE PHYSICAL DOCUMENT AND VIEWABLE ONLINE.
- 2) THE BOARD ADMINISTRATOR SHALL ENSURE THAT ALL DOCKETED MATTERS ARE KEPT CURRENT AND UP TO DATE IN THE ONLINE SYSTEM.
- 3) THE BOARD ADMINISTRATOR SHALL ENTER ANY RELEVANT INFORMATION IN THE COMMENT SECTION IF A NOTATION IS REQUIRED FOR A CASE.