

# Prince George's County Council

## Agenda Item Summary

---

**Meeting Date:** 7/21/2009  
**Reference No.:** CB-020-2009  
**Draft No.:** 2  
**Proposer(s):** County Executive  
**Sponsor(s):** Bland, Dernoga  
**Item Title:** An Ordinance amending the Zoning Ordinance to reduce the notification period by an appellant to the Board of Zoning Appeals for a refusal of permit or zoning violation notice

---

**Drafter:** Jacqueline B. Woody, Department of Environmental Resources  
**Resource Personnel:** Thomas F. Matzen, Department of Environmental Resources

---

### LEGISLATIVE HISTORY:

|                            |   |                          |          |
|----------------------------|---|--------------------------|----------|
| <b>Date Presented:</b>     | 6/2/2009  | <b>Executive Action:</b> |          |
| <b>Committee Referral:</b> | 6/2/2009 - PZED                                       | <b>Effective Date:</b>   | 9/7/2009 |
| <b>Committee Action:</b>   | 6/17/2009 - FAV(A)                                    |                          |          |
| <b>Date Introduced:</b>    | 6/23/2009   |                          |          |
| <b>Public Hearing:</b>     | 7/21/2009 - 10:00 AM                                  |                          |          |
| <b>Council Action (1)</b>  | 7/21/2009 - ENACTED                                   |                          |          |
| <b>Council Votes:</b>      | MB:A, WC:A, SHD:A, TD:A, CE:-, AH:A, TK:A, EO:A, IT:A |                          |          |
| <b>Pass/Fail:</b>          | P   |                          |          |
| <b>Remarks:</b>            |   |                          |          |

---

### AFFECTED CODE SECTIONS:

27-231

---

### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 6/17/2009**

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Olson, Dernoga and Exum)

Staff provided an overview of the legislation and informed the committee of written referral comments that were received. CB-20-2009 amends the Zoning Ordinance to change the length of time required to notify the Board of Appeals of a request to appeal for refusal of permit or zoning violation from 30 days to 5 days.

Tom Matzen, representing the Department of Environmental Resources (DER), informed the committee that the intent of the legislation is to reduce the processing time for violations and DER has looked at the entire process and the only area where the County has control, due to other timeframes mandated by the Courts, is the 30-day appeal period. Mr. Matzen noted that most appeals are received on the 29th or 30th day and shortening this time period would assist with moving violations forward a little faster.

The Planning Board supports CB-20-2009. The Office of Law reviewed CB-20-2009 and found it to be in proper legislative form with no legal impediments to its enactment.

Anne Carter, Board of Appeals Administrator, addressed the committee and provided a memorandum dated June 10, 2009 to PZED Chairman Dean. Ms. Carter's comments are as follows: "In determining whether or not to accept an appeal, Board staff would assume that "issuance of the notice (page 2, line 8) is the date that the violation notice or other decision is mailed by the County. If the mailing envelope containing a postmark is not retained by the recipient and submitted with the appeal, the only date one may use to determine whether an appeal is timely is the date noted at the top of the violation notice. Whether or not that date is the mailing date of the notice is unknown, but even assuming that it is the mailing date, it is highly unlikely that a recipient will have more than two or three days to file a timely appeal."

To address concerns raised by Ms. Carter and to ensure sufficient time to appeal a violation notice, the committee changed "five (5) days" to "five (5) business days" and clarified what is meant by "issuance of the notice". The following sentence was added in Draft-2, page 2, lines 9-11: "For purposes of this subsection, "issuance of a zoning violation" means the earlier of the date of posting, the date of personal service, or if mailed, the date that the notice was postmarked."

---

**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation will reduce the length of time an appellant can request an appeal for a refusal of permit, zoning violation notice or other decision to the Board of Zoning Appeals.

---

**CODE INDEX TOPICS:**

---

**INCLUSION FILES:**

---