



# BOARD *of* APPEALS

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Zoning and Administrative

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# Organization

- The Board of Appeals is comprised of two boards, namely: **Board of Zoning Appeals** for the Maryland-Washington Regional District in Prince George's County and **Board of Administrative Appeals**.
- The Board of Appeals currently consists of five members who must be residents of Prince George's County and are appointed by the County Council.
- Board members' terms of office are coterminous with the terms of County Council members. The Board members sit on the Board until their successors are appointed and sworn. The County Council designates the Chair and Vice Chair of the Board.
- All Board members must complete an education course on land use planning mandated by State law (The Smart and Sustainable Growth Act of 2009). The Council appoints an attorney to serve under contract as the attorney for the Board. The attorney for the Board is required to be present at all meetings of the Board.

# Staffing

- The Board maintains three full-time staff (Administrative Aides) to assist in performing its daily functions:
- An Administrative Assistant serves as Administrator to the Board and supervises the three administrative aides.
- The Council Administrator of the Prince George's County Council is the appointing authority for Board of Appeals staff, and the Clerk of the Council assumes all departmental responsibilities for Board staff.
- The Administrator of the Board serves as the Clerk to the Board during hearings and is responsible for the daily operation of the administrative office.

# Authority and Enabling Legislation

- Laws of Maryland, Chapter 448-1927; General Resolution No. 2-1968 created the Board of Appeals by merging the existing Board of Zoning Appeals with the created Board of Administrative Appeals.
- Prince George's County became a chartered county in 1970 and the Maryland-Washington Regional District Act, Land Use Article, allows the land use authority given to the Board of Appeals within the Maryland-Washington Regional District.
- The five-member Board of Appeals is appointed by the County Council under the authority of Express Powers Act, Local Government Article, Annotated Code of Maryland, to hear zoning appeals and general administrative appeals.
- **Ex Parte Communications** - An applicant, an applicant's agent, a person who is (or who may become) a person of record, or anyone appearing on behalf of a person of record in a decision, shall not communicate off the record with any official or review board member conducting the hearing concerning any pending application. The official or the review board may, however, consider requests regarding scheduling.

# Jurisdiction

- All actions or decisions of the Board of Appeals are taken by resolution and all matters are heard and filed separately within the respective jurisdictions of the Board of Zoning Appeals and the Board of Administrative Appeals.
- The municipalities of College Park, Bowie, Greenbelt, and New Carrollton are empowered to grant zoning variances within those jurisdictions.
- The Board is authorized to grant the requested variances if it finds that the provisions of Section 27-3613(d) Applicable Code Section and Authority of the Prince George's County Zoning Ordinance have been met.
- Administrative appeals are reviewed when decisions made by the Department of Permitting, Inspections and Enforcement (DPIE), other County Departments, or agencies are aggrieved by those decisions.
- The Board also grants extensions of the grace period for correction or cessation of zoning violations.

# Statistics

## Board of Appeals Variance Case Status (2020 - present)

Status	
Approved	258
Denied	13
Withdrawn	46
Pending	36
Dismissed	31
Total	425

### Variance Type

Front Yard Setback	139	Front Building Line	87
Side Yard Setback	117	Fence Height	70
Rear Yard Setback	57	Accessory Building Location	42
Lot Coverage	117	Accessory Building Setback	22
Net Lot Area	91	Parking Location Waiver	82
Front Street Line	45	Validation of existing condition(s)	130

### Other factors

Violation	84	Interpreter	54	Revised site plan(s)	85
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