

Administrative Hearings in Anne Arundel County

If someone wants to change the way a property may be used, establish a use not normally permitted or be relieved of following the letter of the law; he can apply to the Administrative Hearing Office (AHO)

This office conducts public hearings on all petitions for zoning reclassifications, special exceptions and variances. Properties can be re-zoned; leeway granted (variances) from the application of the law or special exceptions might be given. After the Administrative Hearing, the next level of appeal is the County Board of Appeals or the Circuit Court.

The Administrative Hearing Officer of Anne Arundel County (AHO) is part of the Executive Department, but is required to be independent and may not necessarily agree with the County. (Title 1, 2-1-501)

To notify surrounding property owners, large signs must be posted prior to the hearing giving the date and nature of the hearing. Separate notices of the hearings go to community associations in the area and property owners within 175 feet of the property for which a change is sought. You can go to Planning and Zoning to review their file ahead of time.

At the hearing all members of the public may give testimony about the requested change. It is important not to be too repetitive in the hearing. Each person testifying should have something different to say on the issue to assist the AHO in his decision. Letters may be submitted at the hearing as well.

A person appearing as a representative of a group will need to have a resolution signed on behalf of the group giving you permission to express the opinion of the group or its Board of Directors. You may seek to participate as a party to the hearing, sitting at the counsel table and cross examining the Applicant's witnesses.

If you or your community oppose or support a change in the application of law or a rezoning, you or it must "participate" in the hearing by attending and signing in or by providing a signed letter expressing your views. An officer of the association or an attorney may represent the association. Even if an organization or individual participates in the hearing, they may not be able to appeal an adverse decision unless one of them owns land in close proximity to the property.

A person who lives close to the property has "standing" which gives him the right to appeal if the decision does not go his way. To appeal a decision that you do

not agree with, you need: 1. to have participated in the administrative hearing and 2. have standing to appeal.

If you are dissatisfied with the outcome, you must file an appeal of the AHO's decision with the County Board of Appeals within 30 days of the decision appealed from. A decision that is not appealed becomes final.