



City of Annapolis
Planning Commission
Department of Planning and Zoning
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February 6, 2025

Planning Commission Findings & Recommendations
Ordinance O-33-24: Appeals Process
for Property Developments in Annapolis

Factual Background

O-33-24 was drafted to clarify a party's right to appeal to the Circuit Court from the Planning Commission, Board of Appeals, and Historic Preservation Commission only. The other quasi-judicial commissions did not receive clarification under this ordinance. It also clarifies the appeal process when the Director of Planning and Zoning or the Department of Public Works makes a decision which is appealable to the City's Zoning Board of Appeals.

Its primary function was to eliminate the temporary stop on development, construction or other project work, called a "stay," while decisions and determinations are being challenged in Circuit Court; and generally dealing with the appeals process in Titles 17 and 21 of the City Code.

Procedural Status

O-33-24 was introduced by Alderwoman Finlayson and Co-sponsored by Mayor Buckley and Ald. Schandelmeier. It was heard on First Reader on December 9, 2024, and was referred to the Planning Commission, Economic Matters Committee and the Rules and City Government Committee. On January 8, 2025, after the Planning Commission's consideration of the Ordinance, the Board of Appeals issued its own comments to the Ordinance. That four-page memo is attached as part of the Planning Commission's Findings.

Planning Commission Hearing

The Planning Commission held a virtual public hearing on January 2, 2025 at 7:00 pm. The proceedings were broadcast live and recorded on the Annapolis Boards and Commissions YouTube Channel (<https://www.youtube.com/watch?v=iGMBK2zn9VM>).

Annapolis Director of Planning & Zoning Chris Jakubiak introduced the legislation and gave an overview of the intent. The following Commissioners were in attendance: Steven Reilly, Bob Waldman, Diane Butler, Quinten Cummins, Everett Bellamy and Alex Pline.

Concerns were raised about the situation where a developer takes the risk that they will win at Circuit Court, moves ahead to build the project, and causes irreversible damage. An example used was a developer clearing forest and then having a Circuit Court decision which upholds the aggrieved party. While the forest clearing action theoretically can be rectified by replanting, it is an action that cannot be done in a reasonable timeframe.

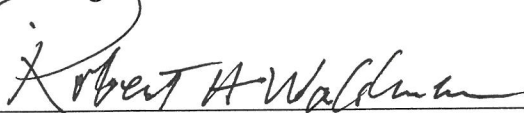
At the same time, the Commission expressed concerns about delays in projects by appeals whose sole purpose is to cause project delays. While this is the right of any appellant, the barrier to filing such an appeal is low. The Commission believes this legislation balances the rights on both sides of a dispute.

Concerns were also raised about whether the Board of Appeals will have input to the legislation because of its direct impact to that Board. The Commission was assured that the Board of Appeals plans to draft comments and that if the Board's comments are issued prior to the Commission's findings, it can review them.

After considerable discussion, the Commission voted unanimously to approve the legislation with the following conditions:

1. The Planning Commission will defer to the Board of Appeals on all issues which impact the Board of Appeals. Please see attached memo dated January 8, 2025, also referenced in Legistar as Board of Appeals Report. (Unanimous vote)
2. Challenges to a Final Forest Conservation Plan shall automatically stay potentially irreversible actions such as cutting down trees, pending resolution of the appeal from the Building Board of Appeals to the Circuit Court. (Unanimous vote)
3. Sections 17 and 21 Appeal Procedures.
 - A. Appeal Procedures.
 1. An appeal may be filed within 30 days of notification of the decision being challenged.
Notice shall be given to those people who have communicated in writing to the Director of Planning and Zoning or Department of Public Works on the matter. (Mr. Waldman voted against)

The voting Commissioners authorized the Chair to sign on their behalf.



Robert Waldman, Chair