

(g) **[(f)]** Hearing on Appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(h) Modification of Orders Appealed From. In exercising the above-mentioned powers such board may, in conformity with the provisions of this subtitle, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

[(22(i))]

4.08 Appeals to the Courts

(a) Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or by a reclassification by the local legislative body, or any taxpayer, or any officer, department, board, bureau of the **[municipality]** jurisdiction, may appeal the same to the circuit court of the county. Such appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100 Subtitle B.

(b) **[(1)]** Testimony Upon Hearing. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. **[In Washington County the appeal shall be heard do novo without the intervention of a jury.]**

(c) **[(m)]** When Costs Not Allowed Against Board; Exception. Costs shall not be allowed against the board unless it shall appear to the circuit court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

(d) **[(n)]** Issues have Preference Under this Section. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

(e) **[(o)]** Decision of Circuit Court; Appeal to Court of Appeals; Awarding of Costs. Upon its determination of the case, the circuit court shall file a formal order embodying its final decision. An appeal may be taken to the Court of Appeals of Maryland, during the period and in the manner prescribed by rules of the Court of Appeals, from any decision of the circuit court reviewing a decision of the board of appeals. In such cases the award of costs shall be subject to the discretion of the Court of Appeals.

5.00 Subdivision Control

[(24)]

5.01 Subdivision Jurisdiction

[The territorial jurisdiction except in Frederick County, of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within