



<b>DPZ office use only:</b> BA Case No.: <u>BA-22-023C+V</u> Date Submitted: <u>7/20/23</u>
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**PETITION OF APPEAL OF  
HEARING EXAMINER DECISION  
TO THE HOWARD COUNTY BOARD OF APPEALS**

A person who wishes to appeal a decision of the Hearing Examiner to the Board of Appeals must use this petition form. A person must have been a party to the original case before the Hearing Examiner in order to file an appeal. In addition, it is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person.<sup>1</sup> The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of the issuance of the Hearing Examiner decision.

1. **Name of Case** In the Matter of Maryland International School  
 BA Case No. 22-023C&V  
 Date Decision and Order Mailed June 23, 2023
  
2. **Reason for Appeal** See Attachment A
  
3. **Name of Appellant** See Attachment B  
 Trading as (if applicable) \_\_\_\_\_  
 Mailing address \_\_\_\_\_  
 Phone number(s) \_\_\_\_\_  
 Email \_\_\_\_\_  
 Name of principal contact (if different) \_\_\_\_\_
  
4. **Counsel for Appellant** G. Macy Nelson  
 Mailing Address 600 Washington Avenue, Suite 202, Towson, Maryland 21204  
 Phone number(s) 410-296-8166 ext. 290  
 Email gmacynelson@gmacynelson.com  
 Secondary contact for counsel (if any) \_\_\_\_\_

<sup>1</sup> As a brief explanation of this concept, "Generally speaking, ... a person 'aggrieved' ... is one whose personal or property rights are adversely affected by the decision .... The decision must not only affect a matter in which the protestant has a specific interest or property right, but his interest therein must be such that he is personally and specifically affected in a way different from that suffered by the public generally." The Department of Planning and Zoning does not advise persons on whether they may or may not qualify as being aggrieved. Persons intending to file an appeal may want to obtain separate legal advice on this issue because it may have an impact on the validity of the appeal.

**5. Declaration of Interest**

The Appellant is the original petitioner

The Appellant was a party to the original case

**6. Amended Petition (This section is to be completed only if the Appellant was the petitioner in the original case before the Hearing Examiner and the case was other than an administrative appeal)**

If the original petition was substantively amended during the hearing before the Hearing Examiner, the appeal will proceed on the amended petition unless the original petitioner elects to proceed on the original petition. If you are the original petitioner, complete one of the following:

I elect to proceed on the original petition

I agree to proceed on the amended petition

Note: This section does not apply to a case that came before the Hearing Examiner as an appeal of an administrative decision.

**7. Copies:** The Appellant must submit **one signed original and nine copies of the signed original**, for a total of **10 copies**, of this petition. If supplementary documents or other materials are included, **10** complete sets must be submitted.

**8. Public Notice Requirements**

a. Posting: If the Appellant is the owner or has a beneficial interest in the subject property, the Appellant must (i) post the property in accordance with Section 2.203(b) of the Rules of Procedure of the Board of Appeals and (ii) file an Affidavit of Posting as required by Section 2.203(c).

If the Appellant is not the owner or does not have a beneficial interest in the subject property, the posting of the property is not required; however, the Appellant must send copies of the petition and notification of the public hearing to the property owner and the adjoining property owners in accordance with Section 2.203(e) of the Rules of Procedure of the Board of Appeals.

b. Advertising: The Appellant must (i) advertise the date, time and place of the initial public hearing of this appeal petition before the Howard County Board of Appeals in accordance with Section 2.203(a) of the Rules of Procedure of the Board of Appeals and (ii) file a Certificate of Advertising as required by Section 2.203(c).

c. Responsibility for Compliance: In accordance with Section 2.203(g), the Appellant is responsible for assuring compliance with the advertising and posting requirements of the Board of Appeals.

**9. On The Record Appeals**

The appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an "on the record" appeal requires that within 30 days of filing an administrative appeal, the appellant file a record transcript of the hearing being appealed. In addition, within 15 days of filing the transcript, the appellant must file a memorandum addressing the points of law upon which the appeal is based.

**10. Signatures**

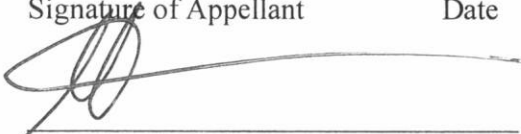
By signing below, the Appellant hereby affirms that:

- The Appellant has read the instructions on this form and has filed herewith all of the required accompanying information.
- All of the statements and information contained in or filed with this petition are true and correct.
- The Appellant agrees to furnish such additional plats, reports, plans, or other materials the Department of Planning and Zoning and/or the Board of Appeals may require in connection with the filing of this petition.
- The Appellant agrees to pay all costs in accordance with the current schedule of fees.

See Attachment C

\_\_\_\_\_  
Signature of Appellant                      Date                      Print Name of Appellant

\_\_\_\_\_  
Signature of Appellant                      Date                      Print Name of Appellant



\_\_\_\_\_  
Signature of Attorney (If any)

**Make checks payable to "Director of Finance."**

<b>For DPZ use only: Filing Fee is \$250.00 plus \$25.00 per poster if required.</b>	
Hearing fee:	\$ _____
Poster fee:	\$ _____
TOTAL:	\$ _____
Receipt No.	_____

**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

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**2. Reason for Appeal**

The Zoning Hearing Examiner erred because the Applicant failed to satisfy the required findings for a Conditional Use for a Private School (Academic), the expansion of an existing Conditional Use for a Private School (Academic), a Conditional Use for a Child Day Care Center and a Nursery School, the expansion of an existing Conditional Use for a Child Day Care Center and a Nursery School, a variance from the maximum height restriction of 34 feet to 51.24 feet, setbacks and/or variances for the proposed accessory structures, and a Conditional Use for Athletic Facilities, Outdoor.

Citizen-Appellants reserve the right to raise additional reasons for the appeal.

## ATTACHMENT B

### 3. Name of Appellants

David Marc  
6145 Old Washington Road  
Elkridge, Maryland 21075

Deborah Marc  
6145 Old Washington Road  
Elkridge, Maryland 21075

Kimberly Marc  
6151 Old Washington Road  
Elkridge, Maryland 21075

Michael Marc  
6151 Old Washington Road  
Elkridge, Maryland 21075

Jan McVey  
6134 Old Washington Road  
Elkridge, Maryland 21075

Larry Weatherholt  
6134 Old Washington Road  
Elkridge, Maryland 21075

Cheryl Marc  
6112 Old Washington Road  
Elkridge, Maryland 21075

Frederick Marc  
6112 Old Washington Road  
Elkridge, Maryland 21075

Carol Kelehan  
6108 Old Washington Road  
Elkridge, Maryland 21075

Steve Kelehan  
6108 Old Washington Road  
Elkridge, Maryland 21075

ATTACHMENT C

10. Signatures

David Marc 6/28/23  
Signature of Appellant Date

David Marc  
Printed Name of Appellant

Deborah Marc 6/28/23  
Signature of Appellant Date

Deborah Marc  
Printed Name of Appellant

Kimberly Marc 6/27/23  
Signature of Appellant Date

Kimberly Marc  
Printed Name of Appellant

Michael Marc 6/27/23  
Signature of Appellant Date

Michael Marc  
Printed Name of Appellant

Jan McVey 7/2/23  
Signature of Appellant Date

Jan McVey  
Printed Name of Appellant

Larry Weatherholt 7/2/23  
Signature of Appellant Date

Larry Weatherholt  
Printed Name of Appellant

Cheryl Marc 6-30-23  
Signature of Appellant Date

Cheryl Marc  
Printed Name of Appellant

Frederick Marc 6/30/23  
Signature of Appellant Date

Frederick Marc  
Printed Name of Appellant

Carol Kelehan 6/28/23  
Signature of Appellant Date

Carol Kelehan  
Printed Name of Appellant

Steve Kelehan 6-28-23  
Signature of Appellant Date

Steve Kelehan  
Printed Name of Appellant