

IN THE MATTER OF : BEFORE THE  
NARESH C. DAS : HOWARD COUNTY  
Petitioner : BOARD OF APPEALS  
 : HEARING EXAMINER  
 : Case No. BA 15-024C&V  
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**ORDER**

The undersigned, serving as the Howard County Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure and the Howard County Zoning Regulations, considered a request from Petitioner NARESH C. DAS, in Board of Appeals Case No. BA 15-024C&V, for an extension of the time period to obtain building permits and substantially complete all required improvements in connection with a conditional use approval of a religious facility and related variances, which was granted by the Board of Appeals in an Amended Decision and Order dated March 3, 2020.

The March 3, 2020, Amended Decision and Order was the subject of a Petition for Judicial Review of the Decision of the Howard County Board of Appeals filed in the Howard County Circuit Court on August 16, 2021, and, on December 13, 2021, the Circuit Court dismissed the appeal as untimely. The appellants in that Circuit Court action, on January 13, 2022, filed a Notice of Appeal of the Circuit Court's dismissal to the Maryland Court of Special Appeals (now the Appellate Court of Maryland). On **March 7, 2022**, the Court of Special Appeals entered an order administratively closing the case as a result of the Circuit Court having stricken the notice of appeal.

Under Section 130.0.I.3.a. of the Howard County Zoning Regulations, “a Decision and Order approving a Conditional Use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision.” Under Section 130.0.I.3.c. of the Howard County Zoning Regulations, “[t]he Hearing Authority may grant as many as two extensions of the time limits given above. The extensions shall be for a period of time not to exceed three years each, and may be granted in accordance with the following procedures:

- (1) A request for an extension shall be submitted by the property owner prior to the expiration of the Conditional Use approval, explaining in detail the steps that have been taken to establish the use.
- (2) The property owner shall certify that a copy of the request for an extension has been sent by certified mail to adjoining property owners and to the addresses given in the official record of the Conditional Use case for all persons who testified at the public hearing on the petition.
- (3) The Hearing Authority shall provide opportunity for oral argument on the request at a work session if requested by any person receiving notice of the request. If no response is received within 15 days of the date of the written notification, a decision on the request may be made by the Hearing Authority without hearing oral argument.
- (4) The Hearing Authority may grant the request if it finds that establishment of the use in accordance with the approved Conditional Use plan has been diligently pursued. If oral argument is presented on the request, the Hearing Authority may deny the request if any of the oral arguments allege that changes have taken place in the circumstances which led to the original decision to approve the Conditional Use.”

On or about March 6, 2024, and in accordance with Section 131.0.1.3.c. of the Howard County Zoning Regulations, the petitioner requested extensions -- for an additional three (3) years -- to obtain building permits and to achieve substantial construction. In its request, Petitioner stated that it has been diligently pursuing its plans and permits but has been delayed primarily as a result of funding difficulties caused by the pandemic and the

lengthy appeals. Petitioner stated that it has made changes to bring the existing building structure to code and that a certificate of occupancy was issued in June 2023. It has cleared the area where the new building will be constructed and has contacted both civil engineering firms and architectural firms.

Based upon the foregoing, I find the following.

- (1) The request for an extension was submitted by the property owner on March 6, 2024. This date was not prior to the initial expirations of the Conditional Use approval, which would have happened on March 3, 2022 (for building permits) and March 3, 2023 (for substantial completion), but because of the lengthy appeal process ending on March 7, 2022, the requisite time periods will be measured from **March 7, 2022**, rather than March 3, 2020, and I will accept the March 6, 2024 written extension request as timely.
- (2) The request explained the steps that have been taken to establish the use.
- (3) The property owner certified that a copy of the request for an extension was sent by certified mail to adjoining property owners and to the addresses given in the official record of the Conditional Use case for all persons who testified at the public hearing on the petition.
- (4) I need not provide opportunity for oral argument on the request as no response has been received within 15 days of the date of the written notification and thus a decision on the request may be made without hearing oral argument.
- (5) Establishment of the use in accordance with the approved Conditional Use plan has been diligently pursued.

**WHEREFORE**, it is this 28th day of March 2024, by the Howard County Hearing Examiner, **ORDERED**:

A. that the request from Petitioner, NARESH C. DAS, in Board of Appeals Case No. BA 15-024C&V, for an extension of the time period to obtain building permits and substantially complete all required improvements in connection with a conditional use approval of a religious facility and related variances, which was granted by the Board of Appeals in an Amended Decision and Order dated March 3, 2020, (and which was the subject of appeals concluding on March 7, 2022) shall be and hereby is **GRANTED**;

B. That the time period for obtaining building permits and the time period for the completion of substantial construction as required by Section 131.0.1.3.c. of the Howard County Zoning Regulations be, and the same is hereby **EXTENDED** until **March 7, 2027, to obtain building permits** and until **March 7, 2028, to substantially complete all required improvements**, which were approved as part of the Conditional Use; and

C. The variances approved shall also be extended through March 7, 2028.

**HOWARD COUNTY HEARING EXAMINER**

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Katherine L. Taylor

Date Mailed: \_\_\_\_\_