

HOWARD COUNTY BOARD OF APPEALS

KINCAID, LLC AND
IMH COLUMBIA, LLC
Appellants,

BEFORE THE HOWARD COUNTY BOARD
OF APPEALS
BA Case No: BA-799-D & BA-801-D
(consolidated)
KINCAID, LLC and IMH COLUMBIA, LLC,
vs. HOWARD COUNTY PLANNING BOARD

ORDER DENYING REQUEST TO POSTPONE

UPON CONSIDERATION of the Joint Motion for Continuance filed by IMH Columbia, LLC, and Kincade, LLC, the Appellants, in the above-captioned matter, it is this 22nd day of May 2024, that the following findings of fact and order are issued;

As an initial matter, the Board of Appeals Chairperson is the undersigned. Mr. Hunt retired from his position several months ago.

To the extent Appellants' correspondence is being submitted as a preliminary motion, it was not correctly filed or served upon the parties. Section 2.207(e) of the Howard County Code of Ordinances requires that all preliminary motions include a certificate of service stating, "any person interested in responding to the motion file a written response with the Board within fifteen days of the date that the motion was filed." Appellants' motion includes no such certification.

Section 2.204(h) of the Howard County Code requires "All requests for postponement of the initial hearing date must be received by the Board of Appeals in writing, before the scheduled

date of the initial hearing." The Code does not require postponement requests to be submitted as a motion. Accordingly, the imperfect service of the Appellants' submission is irrelevant.

It is this 22nd day of May 2024;

ORDERED, that the Joint Request for Postponement shall be the first request for postponement made on behalf of the Appellants, individually and mutually, and it is further;

ORDERED, that hearings shall be scheduled within the discretion of the Board of Appeals Chairperson and that no requests for postponements of a hearing shall be granted absent compelling circumstances, and it is further;

ORDERED, that the party seeking a postponement bears the burden of demonstrating compelling circumstances warranting such substantial action, and that the Appellants, represented by counsel, have the option to appear either remotely or in person without further permission; and it is further;

ORDERED, that after considering the request and finding no showing of compelling circumstances presented, the motion is **DENIED**, and it is further;

ORDERED, all parties shall appear for the initial hearing scheduled for July 18th, 2024, at 9:00 am, with a reserved hearing continuation, if needed, on July 25th, 2024, at 6:30 pm.

It is so ORDERED.

HOWARD COUNTY BOARD OF APPEALS

CHAIRPERSON



Gene T. Ryan