



DPZ office use only:	
	BA-24-022C
BA Case No.:	_____
Date Submitted:	3/6/2025

**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.¹ 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 Charles Siperko
 BA Case No. 24-022C
 Date Decision and Order Mailed March 3, 2025; A copy of the Order Dismissing Petition is attached.

2. **Reason for Appeal** The Hearing Examiner's Decision and Order is contrary to law. The Board of Appeals has original jurisdiction for the proposed conditional use.

3. **Name of Appellant** Charles Siperko
 Trading as (if applicable) _____
 Mailing address 6717 Mink Hollow Road, Highland, MD, 20777
 Phone number(s) _____
 Email _____
 Name of principal contact (if different) _____

4. **Counsel for Appellant** Sang W. Oh, Talkin & Oh, LLP
 Mailing Address 5100 Dorsey Hall Drive, Ellicott City, MD 21042
 Phone number(s) 410-964-0300
 Email soh@talkin-oh.com
 Secondary contact for counsel (if any) gpagani@talkin-oh.com

¹ 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.

 3/5/25^{CS} Charles Siperko
Signature of Appellant Date Print Name of Appellant

Signature of Appellant Date Print Name of Appellant

 3/5/25
Signature of Attorney (If any)

Make checks payable to “Director of Finance.”

For DPZ use only: Filing Fee is \$2,050.00 plus \$50.00 per poster if required.	
Hearing fee:	\$ 2,050
Poster fee:	\$ 50
TOTAL:	\$ 2,100
Receipt No.	174592

IN THE MATTER OF : BEFORE THE
Charles Siperko : HOWARD COUNTY
Appellant : HEARING EXAMINER
: Case No. BA – 24-022C

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ORDER DISMISSION PETITION

Katherine L. Taylor, serving as a Howard County Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, having reviewed the Technical Staff Report of the Howard County Department of Planning and Zoning (“DPZ”), determines as follows:

1. Rule 3.3. Dismissal, states that the hearing examiner *will dismiss* a petition if the hearing examiner lacks jurisdiction to hear the petition.

2. Section 16.801 of Title 16 of the Howard County Code states:

(7) Other zoning changes. The Department of Planning and Zoning shall receive all petitions related to zoning matters, such as conditional uses, variances, and nonconforming uses. The Department shall accept and review these applications and petitions and shall transmit them to the Hearing Examiner for the Board of Appeals. For all petitions related to variances in nonresidential districts, *conditional uses*, and extension, enlargement, or alteration of nonconforming uses, *the Department shall prepare findings and analysis in a technical staff report and shall submit the petitions, findings and analysis to the Hearing Examiner for the Board of Appeals.* The technical staff report shall be made available to the Hearing Examiner and the general public at least two weeks prior to any required public meeting or hearing. If the Hearing Examiner approves a petition subject to an amendment or modification of the petition and the approval is appealed to the Board of Appeals, the Department will prepare and submit to the Board its findings and analysis concerning the amendment or modification in a technical staff report. The technical staff report shall be made available to the Board of Appeals and the general public at least two weeks prior to any required public meeting or hearing.

3. The DPZ did not, in the Technical Staff Report, include findings and analysis as required by the Code. DPZ stated:

Go-kart racing is not listed as a permitted activity. Therefore, the Department of Planning and Zoning is unable to evaluate the petition for compliance with General Standards in Section 131.0.B and minimum criteria in Section 131.0.N.6.

See, February 12, 2025, Technical Staff Report of DPZ, p. 3.

4. Because the required findings and analysis have not been prepared by DPZ, and because said findings and analysis are required before the Hearing Examiner may go forward with the hearing on a conditional use petition, the Hearing Examiner lacks jurisdiction to hear the petition.

Accordingly, it is this **3rd day of March 2025**, by the Howard County Hearing Examiner:

ORDERED, that the Petition shall be and hereby is **DISMISSED**, and

FURTHER ORDERED, that the hearing scheduled for March 4, 2025, before the Howard

County Hearing Examiner shall be and hereby is **CANCELLED**.

HOWARD COUNTY HEARING EXAMINER

Katherine L.
Taylor

Digitally signed by
Katherine L. Taylor

Katherine L. Taylor

Date Mailed: _____