



For DPZ Office use only:

BA Case No. 821-D

Date Submitted: 6/26/25

ADMINISTRATIVE APPEAL PETITION TO THE HOWARD COUNTY HEARING AUTHORITY

A person who wishes to appeal a departmental decision must use this petition form. It is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person¹. The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of issuance of the departmental ruling or action.



1. APPEAL REQUEST

BRIEF DESCRIPTION OF RULING OR ACTION FROM WHICH THIS APPEAL IS
TAKEN: See Attachment A.

DATE OF RULING OR ACTION: See Attachment A.

BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW, IF ANY, PRESENTED BY
THIS APPEAL: See Attachment A.

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR
ACTION: See Attachment A.

OTHER FACTORS WHICH THE APPELLANT WISHES THE HEARING AUTHORITY
TO CONSIDER: See Attachment A.

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.

2. **APPELLANT'S NAME** See Attachment B.
TRADING AS (IF APPLICABLE) _____
ADDRESS See Attachment B.
PHONE NO. (H) See Attachment B **(W)** _____
EMAIL See Attachment B
3. **COUNSEL FOR APPELLANT** G. Macy Nelson and Alex Votaw
COUNSEL'S ADDRESS 600 Washington Avenue, Suite 200
COUNSEL'S PHONE NO. 410-296-8166
EMAIL gmacynelson@gmacynelson.com and alex@gmacynelson.com
4. **RESPONDENT** Howard County Department of Planning and Zoning (DPZ)
RESPONDENT'S ADDRESS 3430 Court House Drive, Ellicott City, MD 21043
5. **PROPERTY IDENTIFICATION (IF REAL PROPERTY IS INVOLVED)**
ADDRESS OF SUBJECT PROPERTY 4411 Manor Lane, Ellicott City, MD

TOTAL ACREAGE OF PROPERTY 52.67 acres
PROPERTY LOCATION 4411 Manor Lane, Ellicott City, MD
COUNCIL DISTRICT 5 **ELECTION DISTRICT** 2-17 **ZONING DISTRICT** RC-DEO
TAX MAP # 0029 **GRID #** 0005 **PARCEL/LOT #** 19/3
6. **APPELLANT'S INTEREST IN SUBJECT PROPERTY**
☐ OWNER (Including joint ownership) ☒ OTHER (Describe and give name and address of owner) See Attachment A.

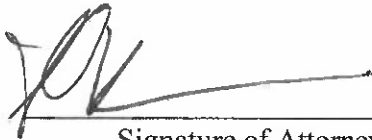
7. **ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING**
A) The Appellant must submit **one (1) signed original and nine (9) copies of the signed original**, for a total of **ten (10) copies**, of this petition. If supplementary documents or other materials are included, **ten (10) complete sets** must be submitted.
B) 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.

- C) The undersigned agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the posters as required and submit an affidavit of posting at, or before the time of the hearing. 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.
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The undersigned agrees to pay all costs in accordance with the current schedule of fees.

8. SIGNATURES

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.



Signature of Attorney

Signature of Appellant

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TOTAL: \$ _____

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Signature of Appellant

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Signature of Attorney



Signature of Appellant

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Signature of Appellant

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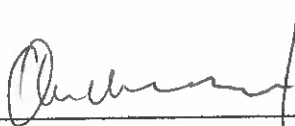
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Signature of Appellant

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Signature of Appellant

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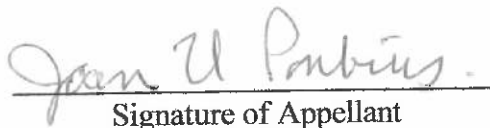
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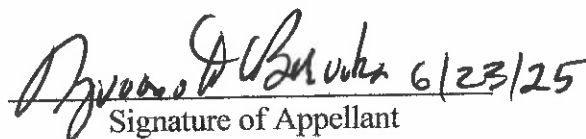
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Signature of Appellant

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Signature of Attorney

Zula Domenech
Signature of Appellant

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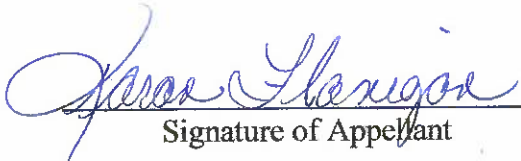
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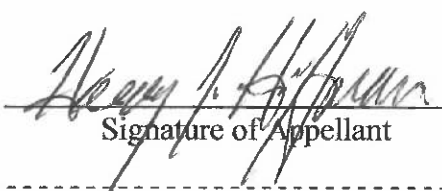
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Signature of Attorney

Signature of Appellant

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Hearing Fee: \$ _____

Poster Fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

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Signature of Attorney



Signature of Appellant

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Signature of Appellant

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Signature of Attorney

Honor E. Reed

Signature of Appellant

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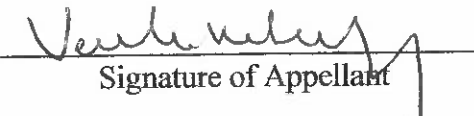
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Signature of Attorney



Signature of Appellant

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Signature of Appellant

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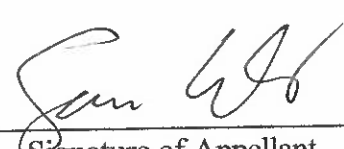
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Signature of Attorney



Signature of Appellant

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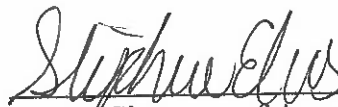
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Signature of Appellant

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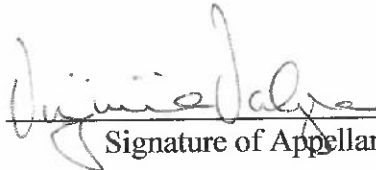
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Signature of Attorney



Signature of Appellant

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Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

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I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Jan M. Pantus
Witness

Serg V. M. *6/25/25*
Signature Date

Witness

Signature Date

Witness

Signature Date

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

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Joan Parker
Witness

Valued B... 06/25/2025
Signature Date

Joan Parker
Witness

Al... 06/25/25
Signature Date

Witness

Signature Date

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Henry J. Hoffman
Witness

Henry J. Hoffman
Witness

Witness

Filip Broecking 6-23-2025
Signature Date

Joan El Pines 6/23/2025
Signature Date

Signature

Date

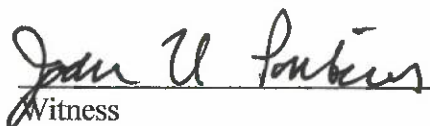
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Signature Date

Witness

Signature Date

Witness

Signature Date

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Joan U. Antunes
Witness

Sara Domachio 6.23.25
Signature Date

Joan U. Antunes
Witness

[Signature] 6/23/25
Signature Date

Witness

Signature Date

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Joan U Antun
Witness

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Joan U Antun
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Joan U. Purbies
Witness

Joan U. Purbies
Witness

Witness

Harry J. Hoffman 23 Jun 2025
Signature Date

James J. Gen 23 Jun 25
Signature Date

Signature

Date


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Witness

 6/26/2025

Signature Date

Witness

Signature Date

Witness

Signature Date

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Joan U. Poutier
Witness

Carroll Reed 23 Jun 2025
Signature Date

Joan U. Poutier
Witness

Carol E. Reed 23 Jun 2025
Signature Date

Witness

Signature Date

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I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Joan Butts
Witness

Valerie Huber 6/26/25
Signature Date

Witness

Signature Date

Witness

Signature Date

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

County Website: www.howardcountymd.gov

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Joan U. Portney
Witness

Anne D. Gilbert 6-25-2025
Signature Date

Witness

Signature Date

Witness

Signature Date

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Joan U. Pauter
Witness

Joan U. Pauter
Witness

Witness

Sam G. Jell 6/26/25
Signature Date

Mythia Ellis 6/26/25
Signature Date

Signature

Date

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Jean U. Pantus -
Witness

Virginia Dalgas June 25, 2025
Signature Date

Witness

Signature Date

Witness

Signature Date

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County Website: www.howardcountymd.gov



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director


www.howardcountymd.us

FAX 410-313-3391

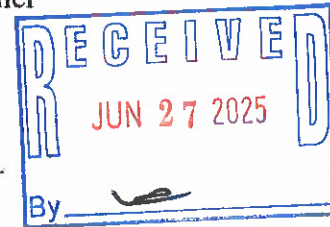
TDD 410-313-2323

Subject: Hearing Examiner Case No. BA 806-D

To: Howard County Board of Appeals Hearing Examiner

From: Lynda Eisenberg, AICP, Director 
Department of Planning and Zoning

Date: May 28, 2025



After receiving the Decision and Order in Case No. BA 806-D (the “D&O”), representatives of the Department of Planning and Zoning (“DPZ”) reopened its investigation into potential zoning violations occurring at 4411 Manor Lane, Ellicott City, Maryland. In response to the D&O, DPZ conducted a thorough investigation for compliance with the Howard County Zoning Regulations (“HCZR”) and conducted site inspections on May 10, 2025 (Craft Fair and Maker’s Market), May 15, 2025, May 23, 2025, and May 25, 2025. Traffic counts were collected on April 19, 2025, April 20, 2025, April 26, 2025, and April 27, 2025. The results of DPZ’s investigation are documented below:

HCZR § 104.0.B&C: Permitted Uses

The property has two principal uses that are permitted by right; one single family detached dwelling unit, and farming. The single family detached dwelling unit use is approximately 3.5 acres. The farming use is approximately 42.9 acres and includes crop production and animal husbandry. The property is in the Agricultural Land Preservation Program and assessed as an agricultural use by the Maryland Department of Assessments and Taxation, which is indicative of a farm.

Permitted structures and uses accessory to the single family detached dwelling unit include a swimming pool and circular driveway, which are normal and customarily incidental to a single-family detached dwelling (HCZR §104.0.C.1).

Permitted uses accessory to the principal farming use include a farm stand (HCZR § 104.0.C.10), agritourism enterprise (HCZR § 104.0.C.15), and farm brewery – class 1A (HCZR § 104.0.C.16). Permitted structures accessory to the principal farming use includes a pumphouse/well house building (144 SF), farm equipment and material storage area (22,136 SF), run-in shed (780 SF), farm storage shed (600 SF), multi-use farm building containing an office for the farming use, agritourism enterprise space (900 SF), and farm brewery (2,145 SF), tent used for agritourism enterprise (1,100 SF), another brewery building (4,300 SF), and event facility/agricultural building (“The Barn at Manor Hill”, 2,300 SF of event space, 800 SF agricultural use). The area occupied by the farm accessory uses, including event parking, is 6.3 acres. The area of the farm accessory uses are 12% of the property and 15% of the area of the primary farming use. Square footages are approximate. DPZ determined the accessory uses remain secondary, incidental and subordinate to the principal farming use.

Regarding the “The Barn at Manor Hill”, the Department of Planning and Zoning determined that the structure is compliant with the HCZR. The main floor of the structure is part of the agritourism enterprise,

and the ground floor is used for chicken keeping. These are uses described in the HCZR definition of “farming” and can be excluded from the maximum cumulative lot coverage (HCZR § 128.0.A.12). This determination is based on the definition of Agritourism Enterprise (HCZR § 103.0), which states: *Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. This term includes farm tours, farm stays, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.* (emphasis added).

HCZR § 128.0.I: Special Farm Permit (“SFP”) Road Access and Frontage

The property has an approved SFP for a large farm stand (larger than 300 SF) and an agricultural enterprise. The property is located on and has access to a local road (Manor Lane). A large farm stand and agritourism enterprise may front on and have direct access to a local road if:

1. **Access to an arterial or collector public road right-of-way is not feasible.** Manor Lane is the only public road that provides access or frontage to the property. With no other frontage or access, direct access to a collector or arterial road is not feasible.
2. **Access to the local road is safe based on road conditions and accident history.** Traffic counts were taken by camera adjacent to the property entrance for four days: Saturday April 19, 2025, Sunday April 20, 2025, Saturday April 26, 2025, Sunday April 27, 2025. The access from the commercial driveway to Manor Lane has adequate access geometry and sight distance and does not appear to block any other points of access. Based on the maximum 6 trips per minute during the peak hour created during the events of April 27, 2025, Manor Lane appears to support this volume of traffic. Accident analysis was reviewed from the Baltimore Metropolitan Council (“BMC”) crash dashboard. These are crashes reported to the police. Between 2018 and 2023 there were 8 crashes at the Manor Lane/Beech Creek/MD 108 intersection. The report does not differentiate whether a vehicle was accessing or leaving Manor Lane or Beech Creek Drive. Expanding the dashboard range to other nearby intersections, this number of accidents is comparable with other intersections along MD 108 during this time frame. No accidents referenced the cause as alcohol related within the report. No accidents have occurred at this intersection in 2024 through 2025.

Saturday April 19, 2025:

Manor Lane Peak hour: 3:45-4:45

Peak 15-minute interval: 3:45-4:00

Number of trips in both directions during 15-minute interval: 40 trips (2.6 trips per minute)

Sunday April 20, 2025:

Manor Lane Peak hour: 4:30-5:30

Peak 15-minute interval: 4:30-4:45

Number of trips in both directions during 15-minute interval: 14 (1 per minute)

Saturday April 26, 2025:

Manor Lane Peak hour: 3-4

Peak 15-minute interval: 3:15-3:30

Number of trips in both directions during 15-minute interval: 27 (2 per minute)

Sunday April 27, 2025:

Manor Lane Peak hour: 2:45-3:45

Peak 15-minute interval: 2:45-3:00

Number of trips in both directions during 15-minute interval: 84 (5.6 per minute)

3. **That the use of the road for access will not unduly conflict with other uses that access the local road.** Inspections were conducted during advertised event and non-event days. No conflicts were observed.

No violation of the regulations was observed during the DPZ inspections.

HCZR § 128.0.I.3: Farm Stand, Special Farm Permit (SFP-19-002)

The general criteria for large farm stands (over 300sf) are:

1. **The use is located on a parcel of at least 50 acres or a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.** The property is 52.67 acres and is subject to an ALPP easement.
2. **The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.** No sales of products other than the beer produced on the property were observed being sold during the May 10, 2025, inspection.
3. **The farm stand use will support the agricultural use of the property, and will not have significant adverse impacts on the neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.** No adverse impacts were observed during the inspections. The farm stand is only operated Friday – Sunday. A farm stand selling products from the property supports the farm in at least two ways; financial profit from the sale and word of mouth advertising.
4. **The area of the farm stand does not exceed 500 square feet, plus an additional 500 square feet for each additional 25 acres of lot area beyond 50 acres, up to a maximum of 3,000 square feet of area.** The property is permitted to have 500 SF of farm stand. The inspection revealed four 10x10 farm stand stations within the interior of the property. The farm stand special farm permit shows the location of one farm stand either within the multi-use farm building or outside of the building.
5. **Notwithstanding the front setback requirements of the applicable zoning district, the minimum front setback for farm stands is 25 feet.** The farm stand complied with the setback requirement and was at least 25 feet of any property line.
6. **Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.** The off-street parking areas were seen in use during the May 10, 2025, inspection. No dust was observed, and screening was effective.

7. **Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.** Sight distance was observed on May 23, 2025. Sight distance from the entrance to the property exceeds 700 feet. The design of the driveway entrance is advantageous to neighboring properties since a berm and natural downslope mitigate both view and sound.
8. **Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.** There are no areas open to customers that are close to the property boundaries, except for access to the property. Areas open to customers are 150' or more from the nearest property lines and cordoned off from casual entry. The boundaries are clearly marked through both fencing and landscaping.

DPZ determined that the permit holder shall apply for a renewal of the farm stand special farm permit to show the location of the 10x10 farm stands, which is different than the originally approved plan.

HCZR § 128.0.I.5: Agritourism Enterprise, Special Farm Permit (SFP-16-002)

The general criteria for Agritourism Enterprises:

1. **The use is located on a parcel of at least 50 acres or a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.** The property is 52.67 acres and is subject to an ALPP easement.
2. **The use supports the agricultural use of the property and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.** An agritourism enterprise supports the agricultural use of the property through any profit brought in by activities and by bringing awareness of the agricultural operation to the public mind. No adverse impacts to neighboring properties were observed during the inspections.
3. **Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.** The off-street parking areas were seen in use during the May 10, 2025, inspection. No dust was observed, and screening was effective.
4. **Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.** Sight distance was observed on May 23, 2025. Sight distance from the entrance to the property exceeds 700 feet. The design of the driveway entrance is advantageous to neighboring properties since a berm and natural downslope mitigate both view and sound.
5. **Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.** There are no areas open to customers that are close to the property boundaries, except for access to the property. Areas open to customers are 150' or more from the nearest property lines and cordoned off from casual entry. The boundaries are clearly marked through both fencing and landscaping.

6. **The use will operate only between the hours of 6 a.m. and 10 p.m. Any outdoor lighting shall comply with the requirements of Section 134.0.** The advertised hours of operation for the agritourism enterprise are Fridays from 4:00pm to 9:00pm, Saturdays and Sundays from 12:00pm to 7:00pm. However, the publicly available calendar of events shows a “Goat Yoga on the Farm” class from 10:30am to 12:00pm. This class is outside the advertised hours of operation, but within the hours of operation permitted by the Special Farm Permit. A pair of low intensity lights are located on two of the buildings involved in the Agritourism Enterprise (two light per building). The lights are less than 8 feet above the ground, are unshielded, and have translucent enclosures.
7. **Agritourism uses may include festivals or similar events held for the purpose of marketing products grown on the farm or farm-related education or recreation, provided that festivals are limited to no more than 4 per year and no more than 8 days per year.** The inspection on May 10, 2025, occurred during an event that counts toward the 4 events per year limitation.

No violation of the regulations was observed during the DPZ inspections. DPZ will continue to monitor the events occurring at the farm to determine continued compliance.

HCZR § 128.0.O: Farm Brewery – Class 1A (DPZ Permit 13-002)

The criteria for a Farm Brewery:

1. **The use is located on a lot or parcel of at least 5 acres. This use is permitted on any such parcel, including parcels with agricultural preservation easements and preservation parcels, excluding cluster preservation parcels in the RR District existing on July 4, 2011 for which easements have not been donated to the Agricultural Land Preservation Program.** The property is 52.67 acres and is subject to an ALPP easement.
2. **Access to an arterial or collector public road right-of-way is not feasible.** Manor Lane is the only public road that provides access or frontage to the property. With no other frontage or access, direct access to a collector or arterial road is not feasible.
3. **Access to the local road is safe based on road conditions and accident history.** Traffic counts were taken by camera adjacent to the property entrance for four days; Saturday April 19, 2025, Sunday April 20, 2025, Saturday April 26, 2025, Sunday April 27, 2025. The access from the commercial driveway to Manor Lane has adequate access geometry and sight distance and does not appear to block any other points of access. Based on the maximum 6 trips per minute during the peak hour created during the events of April 27, 2025, Manor Lane appears to support this volume of traffic. Accident analysis was reviewed from the Baltimore Metropolitan Council (“BMC”) crash dashboard. These are crashes reported to the police. Between 2018 and 2023 there were 8 crashes at the Manor Lane/Beech Creek/MD 108 intersection. The report does not differentiate whether a vehicle was accessing or leaving Manor Lane or Beech Creek Drive. Expanding the dashboard range to other nearby intersections, this number of accidents is comparable with other intersections along MD 108 during this time frame. No accidents referenced the cause as alcohol related within the report. No accidents have occurred at this intersection in 2024 through 2025.

Saturday April 19, 2025:

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Number of trips in both directions during 15-minute interval: 14 (1 per minute)

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Manor Lane Peak hour: 3-4

Peak 15-minute interval: 3:15-3:30

Number of trips in both directions during 15-minute interval: 27 (2 per minute)

Sunday April 27, 2025:

Manor Lane Peak hour: 2:45-3:45

Peak 15-minute interval: 2:45-3:00

Number of trips in both directions during 15-minute interval: 84 (5.6 per minute)

4. **If the local road is internal to a residential cluster subdivision, the subject property adjoins an arterial or collector highway, the local road access point is within 400 feet of its intersection with the arterial or collector highway, and there are no intervening driveways between the arterial or collector highway and the access to the property along the local road. The local road is not internal to a residential cluster subdivision.**
5. **That the use of the road for access will not unduly conflict with other uses that access the local road.** Inspections have been conducted both during an advertised agritourism enterprise event and non-event days. No conflict has been observed.
6. **The driveway providing access to the proposed site shall not be shared with other properties; however the Director of Planning and Zoning may waive this criteria if the petitioner provides affidavits from all persons who also share the driveway that they do not object to the use of the driveway for the use. If the use of a shared driveway is allowed, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway. The Director of Planning and Zoning shall prescribe appropriate conditions and safeguards to ensure the petitioner's responsibility for repair of any damage or deterioration of the shared driveway caused by the use. The driveway providing access to the property is not shared with other properties.**
7. **All winery or brewery related structures and uses associated with the winery or brewery, excluding cultivation areas shall be at least 75 feet from all lot lines and where possible minimize the impact on surrounding properties. All brewery related structures are at least 150 feet from all lot lines.**

8. **For a farm winery Class 1A use, the planting of at least two acres of grapes or other fruit on the property shall be initiated upon approval and successfully established within two years of approval. For a farm brewery Class 1A use, the planting of at least two acres of a primary ingredient used in the brewing of malt-based or grain-based beverages on the premises shall be initiated upon approval and successfully established within one year of approval.** The farm brewery plants 10 acres of a primary ingredient (corn). It is not known if the ingredient was initiated upon approval of the Farm Brewery Permit (12/12/2013) or successfully established within one year of approval (12/12/2014). Aerial photos from 2016 through 2023, and inspections conducted on May 10, 2025 and May 15, 2025, indicate successful establishment of 10 acres of a crop, which are affirmed as corn in 2025.
9. **Appropriate screening of adjoining parcels shall be provided, which may include a solid fence, wall, landscaping or a combination that presents an attractive and effective buffer.** Inspections indicate the property boundaries are effectively screened by a combination of fencing and landscaping.
10. **The use shall be consistent with and support the farm and its production, shall not interfere with the implementation of soil conservation and water quality best management practices, and shall not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the farm winery property.** The area of the farm brewery consists of two buildings with a combined lot coverage of approximately 6,445 SF, or 0.03% of the area of the farming use of the property. The farm brewery is located approximately 500 feet from the edge of the nearest stream buffer and 600 feet from the nearest floodplain. No steep slopes are known to exist on the property. DPZ concludes the farm brewery does not impact protected environmental features on the property.
11. **The use shall be compatible with the rural character of the farm and the surrounding area.** The farm brewery structures cannot be distinguished from other agricultural structures from their exteriors.
12. **A Farm Winery or Brewery may produce, serve and sell food to complement wine or beer tasting in accordance with Article 2B of Maryland State Code.** This criterion is permissive. It would be allowed if it occurred.
13. **In addition to the beverages produced by the use, the retail sale of promotional items identifying the same winery or brewery, such as glassware, clothing, bottle openers or similar items, is permitted as an accessory use. Plants or produce grown on-site may also be sold.** This criterion is permissive. It would be allowed if it occurred.
14. **Visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m., Sunday through Thursday; and 10:00 a.m. and 10:00 p.m., Friday and Saturday. DPZ may reduce the hours for visitors, but shall not increase them. The hours for winery or brewery processing and production operations are not limited.** During the May 15, 2025, inspection, the permit holder, Mr. Marriner, stated the farm operation does not permit farm brewery visitation, and the brewery use is for processing and production operations. Visitation is under the farm stand and agritourism enterprise special farm permit.
15. **At any one time, the number of visitors to the winery or brewery shall not exceed 50 visitors.** During the May 15, 2025, inspection, the permit holder, Mr. Marriner, stated the farm

operation does not permit farm brewery visitation, and the brewery use is for processing and production operations. Visitation is under the farm stand and agritourism enterprise special farm permit.

16. **The number of barrels brewed by a farm brewery may not exceed the number of barrels allowed by State law.** State law regulates the number of barrels allowed. The permit holder, Mr. Marriner, stated during the May 15, 2025, inspection that production is below what is permitted by State law.
17. **A zoning permit is required for the use. As part of the approval process, the owner shall submit a site layout, which includes acreage, screening, parking, and building locations. If approved, after the required two-year or one-year time period, as applicable, the owner shall provide documentation to DPZ proving compliance with the planting requirements in Section 128.0.O.1.e and that it remains in compliance with all the other approval criteria. Thereafter, permit renewal is not required unless a violation occurs. It is the responsibility of the winery or brewery owner to obtain any other required Federal, State and County approvals required prior to operating the use.** The permit holder, Mr. Marriner, submitted a site layout which included acreage, screening, parking and building locations on June 6, 2013. DPZ finds no record that he provided documentation to DPZ proving compliance with the planting requirements or that it remained in compliance with all other approval criteria.

DPZ determined that the permit holder shall apply for a renewal of the farm brewery permit to prove compliance with the planting requirement. The D&O references “whether truck traffic generated by the existing uses on the property continue to conform to the intensity of the truck traffic described by the owner when DPZ approved the farm brewery permit.” DPZ investigated the property based on the criteria established by the HCZR, which do not provide a limitation on truck traffic. DPZ evaluated the road conditions based on the criteria in the HCZR’s.

ATTACHMENT A

1. APPEAL REQUEST

BRIEF DESCRIPTION OF RULING OR ACTION FROM WHICH THIS APPEAL IS TAKEN:

In Aug. 2022, a group of 15 Manor Lane residents submitted Zoning Violation Complaint CE-22-126. It alleged that Manor Hill Brewery and Manor Hill Farm are violating various conditions of permits granted by the Department of Planning and Zoning (DPZ) for a Farm Brewery and Agritourism Enterprise. DPZ issued a letter stating that no violation was found. Citizens appealed the determination to the Hearing Examiner and hearings were conducted on 2/22/23 and 3/30/23. The Hearing Examiner wrote a D&O on 5/1/2023 requiring that DPZ more seriously investigate whether the activities at Manor Hill comply with the Farm Brewery and Agritourism Permits. Nearly 7 months after the D&O was issued, the Manor Lane homeowners involved in the Appeal received notice that DPZ had again found no permit violations. This finding was again appealed, with the Hearing Examiner again issuing a decision and order (BA-806 Decision and Order) on Feb 27, 2025 instructing the DPZ to reopen the case and again investigate the alleged violations to address specific issues identified by the Hearing Examiner in her Decision and Order. On May 28, 2025 DPZ issued another response finding no violation. Appellants are appealing DPZ's response.

DATE OF RULING OR ACTION:

The Hearing Examiner's Decision and Order for case BA-806 was ruled on Feb 27, 2025. The DPZ's response came 90 days later, on May 28, 2025.

BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW, IF ANY, PRESENTED BY THIS APPEAL

The DPZ's response to D&O of Case BA-806 is inadequate and conflicts with the Hearing Examiner's ruling.

The D&O included orders to investigate use of Manor Hill Farm for compliance with county zoning regulations. The response of the DPZ to the orders includes error of fact and law. Also, the action that the DPZ proposes to take is inadequate in bringing the use of the parcel into compliance with the county's zoning regulations.

Order to Reopen Violation Case CE-22-126

The Hearing Examiner ordered DPZ to reopen the violation case CE-22-126 (4411 Manor Lane) and listed 6 issues DPZ must investigate. DPZ's investigation and subsequent determinations violated the express requirements of the Hearing Examiner as follows.

The Orders 1) and 2) of D&O BA-806D were similar in that they required determining if the traffic stemming from use at the Manor Hill Farm complied with the requirements under HCZR §§ 128.0.I, 128.0.h, and 128.0.I.5.b, including determining whether it had a negative impact on the neighboring properties ability to use the road for pedestrian uses. The Hearing Examiner determined that evaluating only the capacity of the road to accommodate the average daily trips was not sufficient to determine whether the uses on the Subject Property conflict with other uses of Manor Lane. DPZ did not appeal the Hearing Examiner's decision and thus is bound by her determinations. DPZ does not have the authority to disregard or conflict with the Hearing Examiner's determinations. However, in their response, DPZ failed to evaluate whether the amount of traffic impacted pedestrian uses or other uses of Manor Lane and instead evaluated only capacity. DPZ's response refers to a traffic study conducted on two weekends, April 19&20, 2025 and April 26&27, 2025. DPZ only concluded that "Manor Lane appears to support this volume of traffic." DPZ Response 5. This evaluation is inadequate and conflicts with the Hearing Examiner's express conclusions and orders because it again only looks at capacity and fails to evaluate the impact of that traffic on other uses along Manor Lane, like pedestrian uses.

The traffic counts as described by the DPZ, as well as additional information provided by the complete traffic study, support the residents' claim that the traffic to and from Manor Hill Farm is excessive and falls outside of the county's own Public Roadway Design Criteria as found in the Howard County Complete Streets Design Manual. The DPZ also failed to consider or address residents' testimony as to the traffic hindering egress to their driveways, their inability to use the road for walking, biking, and the concern of allowing their children to play in the front yard.

Moreover, DPZ did not address the fact that under County Resolution Number 139 under 1980 Legislative Session #35 - 10/6/80, Manor Lane was closed as a through-road with reasons listed, including the fact that the road was not designed for substantial vehicular traffic, specifically mentioning trucks.

Order 3) was to determine if the Special Farm Uses remained accessory to parcel's principal use as a farm. Again, the DPZ's response provided information that supports the residents' view that accessory use has exceeded that allowed under zoning regulations.

For example, in the RC zoning district, accessory structures are restricted to 2,200 square feet, while those that the DPZ measured at Manor Hill Farm exceed 10,000 square feet.

Order 4) was to investigate adherence to regulations under the Farm Brewery Permit. Among other things, the Hearing Examiner required DPZ to determine “whether truck traffic generated by the existing use on the Property continue to conform to the intensity of the truck traffic described by the Owner when DPZ approved the farm brewery permit.” DPZ did not appeal the Hearing Examiner’s decision. Thus, DPZ does not have the authority to disregard the Hearing Examiner’s express instructions provided in her Decision and Order. However, DPZ’s response regarding truck traffic was only that the Howard County Zoning Regulations do not provide limitations on truck traffic. DPZ’s determination violates the D&O issued by the Hearing Examiner because DPZ failed to determine whether the truck traffic generated by the existing use of the Subject Property conformed to the intensity of the truck traffic described by the Owner when the use was approved. DPZ’s decision to disregard these express instructions illegally exceeded DPZ’s limited authority.

The Hearing Examiner made a legal determination that “the number of visitors at the Property at any one time when alcohol is being sold must be 50 or less” because only the Farm Brewery permit authorizes the Owner to sell alcohol on the Subject Property and the Farm Brewery permit limits visitors to 50 people at a time. D&O 58. DPZ did not appeal the Hearing Examiner’s decision and thus has no authority to disregard or contradict this legal determination. In line with this finding, the Hearing Examiner required DPZ to investigate “whether visitors to the brewery exceed the 50-person limit under HCZR § 128.0.O.1.1. when the Owner hosted events at the Subject Property at which any alcoholic beverage from the brewery is sold, possessed or consumed.” D&O 63. In the DPZ’s response, the farm brewery permit owner, Randy Marriner is described as stating on May 15, 2025, that there is no farm brewery visitation. DPZ failed to determine how many people were in attendance at events where alcohol was sold on the Subject Property. Thus, DPZ’s response violates the Hearing Examiner’s express orders and exceeds DPZ’s authority when the response attempts to contradict the Hearing Examiner’s legal determinations.

The Hearing Examiner required DPZ to investigate whether “the Owner uses the corn grown on the Subject Property as a primary ingredient in its beers.” D&O 63. DPZ’s response fails to show that DPZ investigated this issue. The only reference to a farm agricultural product was corn, but the DPZ gave no confirmation that the Owner actually uses the corn grown on the Subject Property as a primary ingredient in any of the brewed

beers, nor did they confirm that the amount of brewed beer is consistent with the supposed use of that limited corn supply as a primary product.

Order 5) directed the DPZ to determine if agritourism at Manor Hill adheres to zoning regulations. The DPZ did acknowledge that a festival held on May 10, 2025 counts towards the limit of four events per year. However, DPZ failed to investigate whether “the Owner hosted more than four festivals or similar events on the Property.” D&O 63. DPZ did not acknowledge, for example, that, as per the Manor Hill website calendar, similar festivals are held nearly every weekend, including the days of the DPZ’s traffic study (Oyster Fest on April 19, and Charmed Farm Festival April 27). Also, DPZ did not provide the basis for allowing the catering of events through the use of food trucks.

The Hearing Examiner required DPZ to determine whether the “activities hosted on the Property under the Agritourism Enterprise permit are related to agriculture and/or are for the purpose of marketing products grown on the farm or farm-related education or recreation.” D&O 63. DPZ failed to determine whether the activities hosted on the property related to agriculture or are used for marketing products grown on the farm or include farm-related education or recreation. Thus, DPZ’s response fails to satisfy the requirements of the Hearing Examiner’s Decision and Order.

Order 6) dictated that DPZ determine whether the Farm Stand use on the Subject Property adheres to the zoning regulations. The DPZ argued that the sale of items supported the farm through financial profit and advertising. The DPZ did not address the requirement that the farm stand support the agricultural use of the property or provide the basis of how these sales support farming in the context of production of crops, livestock, or other agricultural or horticultural commodities.

Finally, DPZ does acknowledge that Mr. Marriner *provided no record that he provided documentation to the DPZ proving compliance with the planting requirements and all other approval criteria*. However, the DPZ then states that the permit holder shall apply for *a renewal of the farm brewery permit to prove compliance with the planting requirement*. The narrow scope of the required permit renewal suggests that criteria other than the planting requirement will not be taken into account. Further, the DPZ claims that agritourism is occurring at the farm with “continued compliance” of regulations, when this is clearly not the case.

Order Declaring the “Barn” Unlawful

The Hearing Examiner made a legal determination that the “Taproom and Barn on the property are (1) not legitimate farm buildings, and (2) far exceed the 2,200 SF maximum.” D&O 54. The Hearing Examiner then concluded that

while the Taproom may be legitimately related to the brewery, the Barn has no brewery or farm or agricultural component and is advertised by the Owner himself as a venue or location for events. Thus, the Barn (plus all other buildings on the site that are not legitimate farm buildings) exceeds the 2,200 SF Maximum allowed for accessory buildings in the RC Zoning District.

D&O 56. DPZ did not appeal the Hearing Examiner’s determination and thus has no authority to disregard or contradict this legal determination. In other words, DPZ is bound by this determination. In line with this finding, the Hearing Examiner ordered that the “‘Barn’ on the Property. . . is not a legitimate farm building. . . [is] subject to and in fact exceed[s] the maximum 2,200 SF [limit]. . . and [is] hereby declared to be unlawful.” D&O 64. The Hearing Examiner further ordered that “DPZ shall in its decision, state that the ‘Barn’ on the Property. . . is not a legitimate farm building and thus it. . .[is] subject to and in fact exceed[s] the maximum 2,200 SF. . . and accordingly under HCZR § 102.0A, [is] hereby declared to be unlawful.” D&O 65.

DPZ’s decision did not make the required statement even though DPZ stated that the Barn includes “2,300 SF of event space.” DPZ Response 1. Thus, DPZ’s decision violates the Hearing Examiner’s D&O. DPZ further concluded that the event space “can be excluded from the maximum cumulative lot coverage” because the event space is “part of the agritourism enterprise” which is a use “described in the HCZR definition of ‘farming.’” DPZ Response 2. The Hearing Examiner expressly rejected this legal interpretation in her D&O at pages 53–56. DPZ did not appeal the Hearing Examiner’s decision and thus cannot reject or contradict her legal determination. DPZ’s response, which conflicts with the Hearing Examiner’s legal determination, therefore exceeds DPZ’s authority,

Appellants reserve the right to raise additional issues.

MANNER IN WHICH THE APPELLANT(S) ARE AGGRIEVED BY THE RULING OR ACTION.

Appellants are property owners/residents adjacent to the Subject Property and/or located along Manor Lane who are impacted by, among other things, the traffic generated by the

Subject Property. As the Hearing Examiner determined, “any person who lives along [Manor Lane], and who is negatively affected by the use of the road for access, has standing.” D&O 34.

The level of traffic hinders the ability of residents to enjoy their individual properties and the neighborhood. The recent traffic study confirms that residential traffic (that entering or exiting Manor Lane, but not traveling to or from the end of the road to the Manor Hill parcel) falls below 200 trips, while weekend traffic on the Lane measured up to 5.6 vehicles a minute, including 1,400 trips in and out of Manor Hill Farm on a single day. Traffic includes drivers who lay on their horn while passing our homes, and make obscene gestures. Due to the traffic, we don’t feel safe walking on the street, or allowing our children to ride bikes or even play in the front yards. Our front yards are no longer peaceful on weekends. People from Manor Lane and other neighborhoods who previously enjoyed walking on the Lane have changed the time of their walks to low-traffic periods or simply have abandoned using the Lane for recreation. Weekend traffic associated with Manor Hill also impinges on the residents’ egress to and from their driveways and can cause backups trying to turn on to route 108. Manor Hill traffic during the week includes loud big rigs and other trucks which also disrupt the rural and otherwise peaceful settings of our homes.

The use at Manor Hill is not compatible with the rural character of the farm and the surrounding area, which impacts Appellants’ property values and ability to use and enjoy their properties in a manor different than the general public.

OTHER FACTORS WHICH THE APPELLANT(S) WISH THE HEARING AUTHORITY TO CONSIDER

In the time since the original complaint, the Maryland Alcohol, Tobacco, Cannabis Commission (ATCC) clarified that the State Farm Brewery license refers to privileges conducted within the brewery of a farm and does not extend the privileges of sale and drinking of alcohol to the entire farm. In the DPZ’s response, Mr. Marriner clarifies that there is no longer visitation to the brewery. The appellants would like the Hearing Authority to consider then, that the ongoing sale and drinking of alcohol at Manor Hill Farm is unlicensed.

Manor Hill Farm includes two acres of hops poles that failed to produce hops, and is now being used as a picnic area. The use of these two acres is no longer agricultural production, but accommodation of visitation. DPZ failed to include these two acres in their measurement of accessory structures, and failed to address the measured 10,000+

square feet of accessory structures which exceeds the county's limit in the RC zoning district of 2,200 square feet. In contrast, in 2016, in case CE-16-191; at a farm operation at 4713 Manor Lane, DPZ issued a violation for exceeding the restriction of 2,200 square feet of accessory structures. This illustrates that zoning regulations that have been applied on Manor Lane are not being applied in the much more egregious case at Manor Hill Farm.

6. APPELLANT'S INTEREST IN SUBJECT PROPERTY.

Appellants are property owners/residents adjacent to the Subject Property and/or located along Manor Lane who are impacted by, among other things, the traffic generated by the Subject Property. Some Appellants also filed the zoning violation complaint with DPZ.

Attachment B

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