

HOWARD COUNTY HEARING EXAMINER

IN THE MATTER OF
DR. SARA VIA, ET AL.

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REGARDING

Case No. BA-821D

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4411 Manor Lane
Ellicott City, MD 21042

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**Memorandum in Support of Motion for Preliminary Determination that the
Department of Planning and Zoning Failed to Comply with the Hearing Examiner's
Previous Decision and Order**

In August of 2022, a group of Manor Lane residents ("Citizen-Petitioners") submitted a Zoning Violation Complaint CE-22-126 which alleged that Manor Hill Brewery and Manor Hill Farm, located at 4411 Manor Lane ("Subject Property"), are violating various conditions of permits granted by the Howard County Department of Planning and Zoning ("DPZ") for a Farm Brewery, Farm Stand, and Agritourism Enterprise. DPZ issued a letter stating that no violation was found. Citizens appealed DPZ's determination and the Hearing Examiner held that DPZ failed to adequately investigate the Zoning Violation Complaint. The Hearing Examiner remanded the case to DPZ, ordering DPZ to more seriously investigate whether the activities on the Subject Property comply with the Farm Brewery, Farm Stand, and Agritourism Permits applicable to the Subject Property. DPZ did not appeal the Hearing Examiner's decision.

DPZ issued another letter stating that no violation was found. Citizen-Petitioners again appealed DPZ's decision and the Hearing Examiner again found that that DPZ failed

to adequately investigate Citizen-Petitioners' Zoning Violation Complaint. The Hearing Examiner's Decision and Order dated February 27, 2025 ("BA-806 D&O") contained legal conclusions and specific instructions to DPZ on remand. DPZ did not appeal BA-806 D&O. On May 28, 2025, DPZ issued another response finding no violation. Citizen-Petitioners again appealed DPZ's decision.

As outlined in Attachment A of Citizen-Petitioner's Appeal, Citizen-Petitioners assert that DPZ's response letter is inconsistent with several legal conclusions reached by the Hearing Examiner in BA-806 D&O and fails to comply with the Hearing Examiner's specific instructions on remand. The question of whether DPZ complied with the BA-806 D&O requires only a preliminary determination and does not require an evidentiary hearing because this question relates only to DPZ's May 28, 2025 decision and BA-806 D&O. Therefore, Citizen-Petitioners respectfully request that the Hearing Examiner first consider the threshold question of whether DPZ's May 28, 2025, response letter complies with BA-806 D&O.

It is undisputed that DPZ did not appeal the BA-806 D&O, thus DPZ lacks authority to disregard or make determinations that conflict with the Hearing Examiner's legal conclusions and remand instructions. For this reason, the Hearing Examiner should find that DPZ's May 28, 2025, response letter is arbitrary and capricious and/or contrary to law without conducting an evidentiary hearing.

In accordance with Section 7.5 of the Hearing Examiner's Rules of Procured, Citizen-Petitioners' counsel for Citizen-Petitioners certify that a copy of this Motion was

provided to all persons entitled to written notification under Section 2.203 of the Board's Rules of Procedure (identified in Attachment A). Counsel further certify that counsel stated in such correspondence that, "any person interested in responding to this motion must file a written response with the hearing examiner within fifteen days of the date that the motion was filed."

Respectfully Submitted,

G. Macy Nelson /A.L.V.

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2025, a copy of the foregoing Memorandum in Support of Motion for Preliminary Determination that DPZ Failed to Comply with the Hearing Examiner's Previous Decision and Order was served electronically on the Hearing Examiner with a copy served electronically to:

David Moore, Esq.
Senior Assistant County Solicitor
3450 Court House Drive
Ellicott City, Maryland 21043
dmoore@howardcountymd.gov

Adjoining Property Owners and Interested Persons
(See Attachment A)
Via U.S. Mail

G. Macy Nelson / AL.V.
G. Macy Nelson

Attachment A

Subject Property:

4411 Manor Lane
Ellicott City, MD 21042

Adjoining Properties:

The Marriner Family Irrevocable Trust
4415 Manor Lane
Ellicott City, MD 21042
Mailing Address: 4411 Manor Lane
Ellicott City, MD 21042

The Marriner Family Irrevocable Trust
4425 Manor Lane
Ellicott City, MD 21042
Mailing Address: 4411 Manor Lane
Ellicott City, MD 21042

Mary E. Marriner Tr and Marriner Family Irrevocable Trust
Manor Lane
Ellicott City, MD 21042
Mailing Address: 4411 Manor Lane
Ellicott City, MD 21042

Russell P. Howey
4515 Manor Lane
Ellicott City, MD 21042

Clarkland Farm, LLC
10572 State Route 108
Ellicott City, MD 21042
Mailing Address: 4370 Centennial Lane
Ellicott City, MD 21042

Howard County, Maryland Department of Public Works
Pudding Lane
Ellicott City, MD 21043
Mailing Address: 3430 Court House Drive
Ellicott City, MD 21043

Arian Hamidi and Liela C. Hamidi
10540 Pudding Lane
Ellicott City, MD 21042

Seung Chung and Sharon Chung
10549 Pudding Lane
Ellicott City, MD 21042

John Lee Carroll, Jr.
Manor Lane
Ellicott City, MD 21042
Mailing Address: 3841 Manor Lane
Ellicott City, MD 21042

Genevieve Anne Carroll
Manor Lane
Ellicott City, MD 21402
Mailing Address: P.O. Box 35
Queenstown, MD 21658

Pamela J. Miller and Kenneth M. Griffin
4380 Mannor Lane
Ellicott City, MD 21042

Gerald Henline and Anna Marie Henline
4400 Manor Lane
Ellicott City, MD 21042

Daniel D. Helfrich and Mary S. Helfrich
4420 Manor Lane
Ellicott City, MD 21042

Russell P. Howey
4510 Manor Lane
Ellicott City, MD 21042