

HOWARD COUNTY BOARD OF APPEALS

AIDAN AND SARA MORRELL, ET AL.

Petitioner

vs.

HOWARD COUNTY DEPARTMENT OF PLANNING
AND ZONING (DPZ)

Respondent

BEFORE THE

HOWARD COUNTY BOARD OF APPEALS

BA Case No: BA-813D

ORDER ON MOTION TO NARROW SCOPE AND EXCLUDE IRRELEVANT EVIDENCE

UPON CONSIDERATION of the Motion to Narrow the Scope of Appeal and Exclude Irrelevant Evidence filed July 29, 2025, by Interested Party W.R. Grace & Co.-Conn, and the Response filed August 13, 2025, by Petitioners, it is on this 18th day of August, 2025, I find the following:

1. The Board's jurisdiction is limited under Howard County Zoning Regulations §130.0(B)(4) to hearing appeals alleging that the Department of Planning and Zoning ("DPZ") erred in the interpretation or application of the Zoning Regulations. Hearings before the Board are de novo. Howard County Code §16.304(a).
2. DPZ's enforcement authority under HCZR §102.0 extends only to "violations," defined in §102.0(A) as existing or ongoing uses or structures contrary to the regulations. Speculative or future activities do not constitute violations.
3. Environmental permitting, emissions analysis, and related technical findings fall under the jurisdiction of the Maryland Department of the Environment (MDE) and the EPA, and are not within the jurisdiction of the Board of Appeals in the context of this matter.
4. Evidence concerning speculative or future uses of the Property is irrelevant to this appeal and must be excluded.
5. Evidence of proposed activities may only be admitted if it is directly probative of whether a prohibited use was already occurring at the time of DPZ's September 2024 inspection.

After due consideration of the submissions and pursuant to the authority granted under the Board's Rules of Procedure §2.207(e):

ORDERED, that the Motion is GRANTED IN PART and DENIED IN PART, consistent with the findings above.

HOWARD COUNTY BOARD OF APPEALS
CHAIRPERSON


Gene T. Ryan