



For DPZ Office use only:

BA Case No. BA-224D

Date Submitted: 9/08/2025

**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 person<sup>1</sup>. 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: Decision and Order for Case No. AA-24-012.

Denial of Petition for Administrative Adjustment from Section 128.0.A.12.a.(1)(a) of the  
Zoning Regulations to permit an 89 sq. ft. (15%) addition to an existing 600 sq. ft. detached garage.

DATE OF RULING OR ACTION: August 7, 2025

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

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR  
ACTION: The Petitioner's vehicle used for his work as a masonry contractor  
is the smallest size truck available in the marketplace and will not fit within  
an existing 600 square foot detached garage.

OTHER FACTORS WHICH THE APPELLANT WISHES THE HEARING AUTHORITY  
TO CONSIDER: Please see Insert A attached.

<sup>1</sup> 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** Jonathan Miller  
**TRADING AS (IF APPLICABLE)** \_\_\_\_\_  
**ADDRESS** 10430 Shady Acres Lane, Laurel, MD 20723  
**PHONE NO. (H)** 3019435093 **(W)** \_\_\_\_\_  
**EMAIL** Jon@millercci.com

3. **COUNSEL FOR APPELLANT** Evan J. Feldman, Esq., and CarneyKelehan LLP  
**COUNSEL'S ADDRESS** 10715 Charter Drive, Suite 200, Columbia, MD 21044  
**COUNSEL'S PHONE NO.** 410-740-4600  
**EMAIL** EJF@carneykelehan.com

4. **RESPONDENT** Director of the Department of Planning and Zoning  
**RESPONDENT'S ADDRESS** 3430 Court House Drive, Ellicott City, MD 21043

5. **PROPERTY IDENTIFICATION (IF REAL PROPERTY IS INVOLVED)**  
**ADDRESS OF SUBJECT PROPERTY** 10430 Shady Acres Lane, Laurel, MD 20723  
\_\_\_\_\_  
**TOTAL ACREAGE OF PROPERTY** 4.35 acres  
**PROPERTY LOCATION** 10430 Shady Acres Lane, Laurel, MD 20723  
**ELECTION DISTRICT** \_\_\_\_\_ **ZONING DISTRICT** \_\_\_\_\_  
**TAX MAP #** 47 **GRID #** 7 **PARCEL/LOT #** 120-838-1022

6. **APPELLANT'S INTEREST IN SUBJECT PROPERTY**  
☒ **OWNER** (Including joint ownership) ☐ **OTHER** (Describe and give name and address of owner) \_\_\_\_\_  
\_\_\_\_\_

7. **ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING**

**A) The Appellant must submit one (1) signed original and three (3) copies of the signed original, for a total of four (4) copies, of this petition. If supplementary documents or other materials are included, four (4) 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.


D) The undersigned also agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

E) The undersigned also agrees to furnish such additional plats, reports, plans, or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with the filing of this petition.  
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

For DPZ office use only: **(Filing fee is \$1,500.00 plus \$50.00 per poster)**

Hearing Fee: \$ \_\_\_\_\_

Poster Fee: \$ \_\_\_\_\_

TOTAL: \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

(Make check payable to "Director of Finance")

County Website: [howardcountymd.gov](http://howardcountymd.gov)

**PLEASE READ CAREFULLY  
DATA TO ACCOMPANY PETITION**

**Drawings:** Where a parcel of land and/or building(s) as defined in the Zoning Regulations is involved in that which is being appealed, petition forms must be accompanied by **(10) copies of required drawings** showing the following information:

- ☐ (a) Courses and distances of outline boundary lines and the size of the property
- ☐ (b) North arrow
- ☐ (c) Existing zoning of subject property and adjoining property
- ☐ (d) Location, extent, boundary lines and area of any current use and proposed change in use
- ☐ (e) Any existing or proposed building(s), structures, signs, points of access, natural features, landscaping, parking, and other objects and/or uses on subject property which may be relevant to the petition
- ☐ (f) Same as (e) above, if any, of adjoining property which may be required in the proper examination of the petition
- ☐ (g) Location of subject property in relation, by approximate dimension, to nearest intersection of two public roads
- ☐ (h) Ownership of effected roads
- ☐ (i) Election District in which the subject property is located
- ☐ (j) Tax Map number on which the subject property is located
- ☐ (k) Name and local community in which the subject property is located or name of nearby community
- ☐ (l) Name, mailing address, telephone number (and e-mail address, if any) of the appellant
- ☐ (m) Name, mailing address, telephone number (and e-mail address, if any) of attorney, if any
- ☐ (n) Name and mailing address of property owner
- ☐ (o) Any other information as may be necessary for full and proper consideration of the appeal.

BA Case # \_\_\_\_\_

PETITIONER: Jonathan Miller

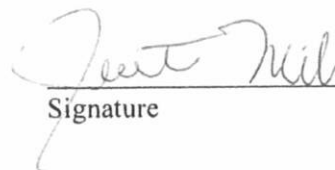
ADDRESS: 10430 Shady Acres Lane, Laurel, MD 20723

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

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN BA CASE # \_\_\_\_\_ FOR A ZONING CHANGE AS REQUESTED.

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.

  
\_\_\_\_\_  
Witness

 9-04-2025  
\_\_\_\_\_  
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](http://www.howardcountymd.gov)**

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INSERT A to #1 of Administrative Appeal Petition  
to the Howard County Hearing Authority  
Petitioner Jonathan Miller – Case No. AA-24-012

Pursuant to Section 128.0.A.12.a.(1)(a) of the Howard County Zoning Regulations, the maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling in a planned public water and sewer service areas is 600 square feet. The subject property is zoned R-20 and *is* within a planned public water and sewer area, but it is also approximately 4.35 acres in size, which is significantly larger than the size of lots typically seen in developments that are serviced by planned public water and sewer (i.e., ½ to 1 acre lots). Accordingly, a maximum cumulative lot coverage of 2,200 sq. ft. for lots greater than 2 acres (or even 1,200 sq. ft. for lots 2 acres or less) permitted for lots in the RC or RR district (pursuant to Section 128.0.A.12.a.(1)(c) or 128.0.A.12.a.(1)(b), respectively), represents a more appropriate size restriction for a lot size like that of the subject property, notwithstanding that it is in a planned public water and sewer service area.

The unique physical condition of the subject property being located in a planned public water and sewer service area despite its large acreage has subjected it to smaller size restrictions for permitted accessory structures than would otherwise be allowed for like-sized properties not located in such planned water and sewer areas.

This creates a hardship for the Petitioner, as his vehicle (a Ford F-250 Extended Cab pickup), required for his use as a masonry contractor, is too large to fit in a garage that is limited to 600 square feet. There is not a smaller truck available from any manufacturer that would reasonably meet the Petitioner's occupational needs.

If granted, the administrative adjustment being sought would not alter the essential character of the neighborhood in which the lot is located, will not substantially impair the appropriate use of adjacent property, will not be detrimental to the public welfare and is the minimum variance necessary to afford relief. In addition, an extra 89 square feet of space added onto a 600 square foot garage cannot be noticed even from a reasonably close range.

**IN THE MATTER OF  
JONATHAN MILLER  
PETITIONER**

**\* BEFORE THE DIRECTOR OF  
\* DEPARTMENT OF PLANNING & ZONING  
\* CASE NO. AA-24-012  
\* 10430 Shady Acres Lane (the "Property")**

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### **DECISION AND ORDER**

On July 9, 2025, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of Mr. Jonathan Miller, for an Administrative Adjustment from Section 128.0.A.12.a.(1)(a) of the Zoning Regulations to exceed the 600-square-foot maximum cumulative lot coverage for all accessory structures on a residentially zoned lot developed with a single-family detached dwelling within the planned public water and sewer service area, as authorized under the Administrative Adjustment Procedure, Section 100.0.F.1. The Petitioner is proposing an 89-square-foot addition to an existing 600-square-foot detached garage. The notice of the hearing was posted on the Property in accordance with all applicable regulations. The Petitioner, Mr. Jonathan Miller was in attendance. No one testified in opposition.

Prior to the introduction of testimony, the following items were incorporated into the record by reference:

1. The Howard County Zoning Regulations.
2. The Subdivision and Land Development Regulations.
3. The Administrative Procedures Act of the Howard County Code.
4. Original and amended Administrative Adjustment Petition and Plans submitted by the Petitioner.

Mr. Justin Tyler, Designee for the Director of Planning and Zoning, provided a report on the Property and petition. Mr. Miller concurred with the report and stated that the purpose of this Administrative Adjustment was for relief from the required accessory structure lot coverage restrictions for a proposed addition to an existing detached garage. Mr. Miller stated that due to the size of his personal vehicle, the proposed addition is required to store the vehicle in his garage along with his wife's personal vehicle and provide usable space. Mr. Miller stated that multiple properties in the vicinity have detached accessory structures that are similar in design and size to the proposed overall size of the expanded detached garage, indicating that the proposed addition would maintain the neighborhood's character and not adversely affect public welfare. Mr. Miller further explained that the proposed



addition to the detached garage would be less visible than those on adjacent properties due to the property being on the terminus of Shady Acres Lane which is designated as a private street. Mr. Miller stated this was a self-created hardship and came to the County to rectify any potential violations. However, he did assert that the size and dimensions of his personal vehicle was not self-created, as he purchased the vehicle from the dealership in the current configuration. Mr. Miller concluded that the requested 89-square-foot expansion represents the minimum necessary to provide a functional and usable space for the storage of his personal vehicle, and that this adjustment would be imperceptible from adjacent properties.

Based upon the testimony and exhibits presented at the hearing, and the plans and materials submitted by the Petitioner as part of the petition, the Director makes the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. The Property is located approximately 20 feet northwest of the terminus of Shady Acres Lane. The Property is identified as Tax Map 47, Grid 7, Parcels 120 & 1022, and is addressed as 10430 Shady Acres Lane. The Property is zoned R-20 (Residential- Single) and is approximately 4.35 acres in size.
2. The Property is irregular in shape, within the Planned Service Area for water and sewer and is not encumbered by any environmentally sensitive areas. The site falls from an elevation of 358 feet along the southern boundary of the Property to 312 feet along the northwestern boundary. The Property was developed in 1904 with a single family detached house.
3. All adjoining properties are zoned R-20, are irregular in shape and are developed with residential structures/uses. To the north is MD Route 216.
4. The Property Owner is proposing to construct an 89-square-foot addition to an existing 600-square-foot detached garage. This addition would exceed the maximum permitted square footage for accessory structures. The existing detached garage is currently compliant with the required setbacks.
5. The existing detached garage is currently 600 square feet. There are two other existing accessory structures on the Property; a 548-square-foot concrete block shed, and a 2,199-square-foot metal sided building, both pre-dating the 2013 Regulations that restricted the cumulative lot coverage for all accessory structures on a lot.
6. Section 128.0.A.12.a(1)(a) regulates the total cumulative lot coverage for accessory structures residential on residential lots within the Planned Public Water and Sewer Service Area.



7. Shady Acres Lane is designated as a Private Road.

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Director makes the following Conclusions of Law:

1. The Property is irregular in shape and is developed with single family detached home. There are no unique physical conditions on the Property that prevent compliance with the required 600-square-foot accessory structure lot coverage requirement or deprive the owner of reasonable use of the Property.
2. The surrounding properties are developed with residential structures, are irregular in shape and are also zoned R-20. Several of the nearby properties have detached accessory structures. An adjustment of 89 square feet or 15% is not likely to be discernable from the adjoining lots. Therefore, the proposed adjustment is unlikely to alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
3. The petition does not substantiate the existence of practical difficulties or hardships that prevent compliance with the required 600-square-foot lot coverage requirement for accessory structures.
4. The Administrative Adjustment is denied; therefore, the requirement to demonstrate that this variance is the minimum variance necessary to afford relief, within the intent and purpose of the Regulations, does not apply.

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this \_\_\_\_ day of July, 2025 by the Director of the Department of Planning and Zoning for Howard County, ORDERED that the petition of Mr. Jonathan Miller, for an Administrative Adjustment from Section 128.0.A.12.a.(1)(a) of the Zoning Regulations to exceed the 600-square-foot maximum cumulative lot coverage for all accessory structures on a residentially developed lot in the planned public water and sewer service area, for an 89-square-foot addition to an existing 600-square-foot detached garage, be and the same is hereby **DENIED**.

DocuSigned by:  
*Lynda Eisenberg*  
DE9E18E4B5B1444

Lynda D. Eisenberg, AICP, Director  
Department of Planning and Zoning

Prepared By:

*Justin Tyler*

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Justin Tyler, Director's Designee

Notice: A person aggrieved by this decision may appeal it to the Howard County Hearing Authority within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time, the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Hearing Authority. The person filing the appeal will bear the expense of providing notice and advertising the hearing.

