



For DPZ Office use only:	
BA Case No.	<u>BA-8270</u>
Date Submitted:	<u>9/24/25</u>

**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 attached supplement.

DATE OF RULING OR ACTION: August 27, 2025

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

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR
ACTION: See attached supplement.

OTHER FACTORS WHICH THE APPELLANT WISHES THE HEARING AUTHORITY
TO CONSIDER: To be set forth at the hearing on this matter.

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** Tim Harman
TRADING AS (IF APPLICABLE) _____
ADDRESS c/o Talkin & Oh, LLP, 5100 Dorsey Hall Drive, Ellicott City, MD 21042
PHONE NO. (H) _____ **(W)** _____
EMAIL tharman@heffnerandweber.com
3. **COUNSEL FOR APPELLANT** Sang W. Oh, The Law Offices of Talkin & Oh, LLP
COUNSEL'S ADDRESS 5100 Dorsey Hall Drive, Ellicott City, MD 21042
COUNSEL'S PHONE NO. 410-964-0300
EMAIL soh@talkin-oh.com
4. **RESPONDENT** Howard County 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 _____
7116 John Calvert Court, Elkridge, MD 21075
TOTAL ACREAGE OF PROPERTY 0.489±
PROPERTY LOCATION 7116 John Calvert Court, Elkridge, MD 21075
COUNCIL DISTRICT 1 **ELECTION DISTRICT** 3 **ZONING DISTRICT** R-20
TAX MAP # 37 **GRID #** 11 **PARCEL/LOT #** 94/3
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.

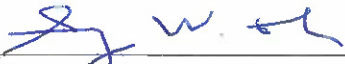
B) The appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an "on the record" appeal requires that within 30 days of filing an administrative appeal, the appellant file a record transcript of the hearing being appealed. 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. _____

County Website: howardcountymd.gov

(Make check payable to "Director of Finance")

**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: Tim Harman

ADDRESS: 7116 John Calvert Court, Elkridge, MD 21075

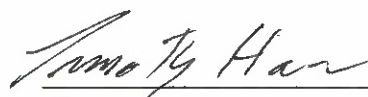

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

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

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

SUPPLEMENT TO ADMINISTRATIVE APPEAL PETITION
TO THE HOWARD COUNTY HEARING AUTHORITY

1. APPEAL REQUEST

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

Howard County Department of Planning and Zoning's ("DPZ") decision letter dated August 27, 2025 (attached hereto) denying the reconsideration request to reverse DPZ's denial of alternative compliance application WP-25-064, submitted for the Arrington Manor project (the "Arrington Manor Alternative Compliance Request").

WP-25-064 is a request for an alternative compliance to Section 16.120(b)(4)(iii) of the Subdivision and Land Development Regulations, specifically, requesting placement of a forest conservation easement on Appellant's residential lot. In the WP-25-064 denial letter, DPZ erroneously concluded that strict enforcement of Section 16.120(b)(4)(iii) of the Subdivision and Land Development Regulations would not result in practical difficulty or unreasonable hardship for the Appellant.

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

Appellant asserts that the denial of the Arrington Manor Alternative Compliance Request is erroneous, arbitrary, and capricious. Appellant seeks to place a forest conservation easement on the existing property at 7116 John Calvert Court, Elkridge, MD 21075 (the "Property"). The proposed forest conservation easement is in accordance with the Property's zoning (R-20), and the property meets the applicable criteria under Section 16.104 of the Subdivision and Land Development Regulations. DPZ's rationale that they would experience difficulty in enforcing the proposed forest conservation on the Property is not an adequate reason for denying the proposed waiver. The waiver should be approved if the application meets the applicable criteria under Section 16.104, which is the matter in this case. Restricting forest conservation to properties greater than 10 acres means that DPZ would prefer to allow the existing forest to be removed and instead require a fee to be paid. The existing vegetation screens the noise wall for I-95 for this neighborhood, and no one is in favor of the removal that DPZ favors. Instead, DPZ should have decided on this application based on the applicable criteria, rather than whether residents will adhere to established forest conservation boundaries.

Detailed information is available and will be presented at the hearing on this matter.

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR ACTION:

Appellant is the owner of the property that is the subject of the August 27, 2025 DPZ denial letter and is aggrieved by DPZ's determination that strict enforcement of Section 16.120(b)(4)(iii) of the Subdivision and Land Development Regulations would not result in practical difficulty or unreasonable hardship.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

■ Ellicott City, Maryland 21043

■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

August 27, 2025

Tim Harman
7116 John Calvert Ct
Elkridge, MD 21075
tharman@heffnerandweber.com

RE: WP-25-064 Arrington Manor
Reconsideration Request

Dear Mr. Harman:

This letter is to inform you that your request for reconsideration to reverse the Department's denial of the alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On August 27, 2025, the Director of the Department of Planning and Zoning considered and **denied your reconsideration request** with respect to **Section 16.120(b)(4)(iii)** of the Subdivision and Land Development Regulations, **which requires that lots and parcels less than 10 acres not being encumbered by forest conservation easements**, to allow the placement of a portion of the required forest conservation easement at the rear of each lot. However, the Director considered and **approved your reconsideration request** with respect to **Section 16.144(p) (the payment of fees and posting of financial obligations within 120 days of receiving approval of the final plan)** and **Section 16.144(q) (the developer shall submit to the Department of Planning and Zoning the final subdivision plat for recordation and approval within 180 days of final plan approval)** of the Subdivision and Land Development Regulations, and **grants a 180-day extension from the extended May 28, 2025 deadline to complete the Developer's Agreement, pay all required fees, and submit the final record plat.**

Reconsideration Denial of this Alternative Compliance to Section 16.120(b)(4)(iii) of the Subdivision and Land Development Regulations is based on the following:

The Planning Director hereby **denies your reconsideration request** and determined that you have not satisfactorily demonstrated that strict enforcement of **Section 16.120(b)(4)(iii)** would result in an unreasonable hardship or practical difficulty.

The Department of Planning and Zoning is denying the reconsideration request for relief from **Section 16.120(b)(4)(iii)** because the request does not meet the justifications required for approval under the alternative compliance criteria. **The applicant is not being denied rights commonly enjoyed by others. Placing forest conservation easements on residential lots of this size has consistently led to long-term encroachment issues, as future homeowners often attempt to use the space for typical backyard activities that conflict with easement restrictions.** The proposed lots are significantly smaller than the size typically considered appropriate for accommodating forest conservation easements, raising concerns under **Section 16.104(b)(2)**, which states that a waiver shall not have the effect of nullifying the intent and purpose of the subtitle. Allowing onsite easements on lots of this size would undermine that intent, which includes ensuring the long-term protection of environmental resources while maintaining practical and enforceable development standards. There are no unique physical site constraints that prevent compliance. The environmental features on the property are generally located along the boundaries and outside the primary development area. The subdivision has already achieved technical completion, with forest conservation requirements proposed to be met through off-site banking. Approving this request would confer a special privilege not granted to others and would contradict the regulation's intent to preserve usable yard space while protecting environmental resources. Although the modification is not directly detrimental to public health or safety, it would create long-term enforcement challenges and reduce the effectiveness of the forest conservation program.

The Planning Director hereby **approves your reconsideration request** and determined that you have satisfactorily demonstrated that strict enforcement of **Sections 16.144(p) and Section 16.144(q)** would result in an unreasonable

hardship or practical difficulty and additional time requested for the extension is warranted. The length of the extension has been increased from your original request in consideration of the processing time of this alternative compliance request.

Reconsideration Approval of this Alternative Compliance to Sections 16.144(p) and 16.144(q) of the Subdivision and Land Development Regulations is subject to the following conditions:

- Completion of the Developer's Agreement and payment of fees for F-20-047 **on or before November 24, 2025.**
- Submission of the original Final Plat to the Division of Land Development for signature approval and recordation **on or before November 24, 2025.**

The Planning Director's decision was based on the following:

- On April 28, 2025, pursuant to Section 16.104, the Director of the Department of Planning and Zoning (DPZ) approved your request for alternative compliance with respect to Sections 16.144(p) and 16.144(q) of the Subdivision and Land Development Regulations. This approval established a new milestone date of May 28, 2025.
- On May 28, 2025, DPZ received a request to reconsider the denial of Section 16.120(b)(4)(iii) and to grant a 60-day extension to the revised due date to allow time for DPZ to complete its review of the reconsideration request. The applicant requested additional time to process the Developer's Agreement and to submit the plat mylars while the reconsideration request is under review.

The Planning Director hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.144(p) and Section 16.144(q) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Unreasonable hardship or practical difficulties may result from strict compliance with the regulations. The applicant has requested an additional 60-day extension to the previously approved May 28, 2025, deadline to allow for the processing and review of a reconsideration request. Staff is proposing a 180-day extension to the May 28, 2025, deadline. Approval of this extension will provide adequate time for the applicant to finalize the Developer's Agreement and submit the plat mylar for recordation. Given the established review history of the plan, granting this extension will allow the project to remain active while completing the required processing. Approval of the alternative compliance promotes efficiency of the plan review process since all agency comments have been addressed on the current final plan.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits.

If you have any questions, please contact Kathryn Bolton at (410) 313-3369 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

1D2E2CF6431548F...

Jill Manion, Acting Chief
Division of Land Development

JM/kb

cc: Research
DED
DLD
Real Estate Services
FCC