

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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**Citizen-Petitioners' Reply to DPZ's Response to Motion for Preliminary  
Determination**

Since the DPZ filed their opposition to Citizen-Petitioners' Motion for Preliminary Determination, Counsel for both parties have had conversations to try to reach an agreement regarding the procedure for the September 9, 2025 hearing. The parties were not able to reach consensus. Counsel for DPZ believes that DPZ witnesses should be permitted to testify before the Hearing Examiner makes a decisions. Citizen-Petitioners continued to assert that, as a preliminary matter, this case can and should be resolved via the requested Preliminary Determination. With this reply, Citizen-Petitioners seek to clarify the scope of their preliminary determination request.

Citizen-Petitioners assert that DPZ's Response Letter dated May 28, 2025 was legally erroneous and arbitrary and capricious for two reasons. First, the Response Letter contains legal determinations that directly conflict with the findings and order of the Hearing Examiner in her Decision and Order (BA-806D D&O). Second, the Response Letter demonstrates that DPZ again failed to adequately investigate Citizen-Petitioners'

zoning violation complaint and therefore DPZ's finding of no violation is arbitrary and capricious and unsupported by substantial evidence.

The first issue is a pure question of law and can be entirely resolved via legal argument. Accordingly, if the Hearing Examiner agrees with Citizen-Petitioners on the first issue, the case should be remanded back to DPZ on that ground alone, without need for an evidentiary hearing. Conversely, if the Hearing Examiner does not agree with Citizen-Petitioners as to the first issue or requires further evidence, then the October 16, 2025, hearing could be used to present evidence and testimony from witnesses. Citizen-Petitioners specifically request that the September 9, 2025, hearing be limited to a preliminary determination as to whether DPZ's Response Letter contains the following legal errors:

**1. Application of 50-person limit under HCZR Section 128.0.O.1.1.**

The Subject Property has three special farm permits—a Farm Brewery permit, an Agritourism Enterprise permit, and a Farm Stand Permit. The Hearing Examiner found that selling alcohol on the Subject Property is authorized only under the Farm Brewery permit. BA-806D D&O, page 23. Accordingly, the Hearing Examiner determined that “unless efforts are made to physically separate the brewery from the Agritourism event on the Property, the number of visitors at the Property at any one time when alcohol is being sold must be 50 or less.” BA-806D D&O, page 58. Based on the Property Owner's own website and the evidence presented in the case, the Hearing Examiner further determined that the Taproom, a building approved under the Farm Brewery permit, is either “used as the

dispensary for the brewery (that is, alcohol is sold) and is allowed under the Farm Brewery Permit and limited to 50 visitors, or the Taproom is used for private events (at which alcohol is not sold) which would be prohibited altogether (because a private event by definition cannot be an Agritourism event).” D&O BA 806-D, page 59.

In accordance with her findings, the Hearing Examiner ordered that “that DPZ shall reopen the violation case CE-22-126 (4411 Manor Lane) and shall. . . determine. . .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.” BA-806D D&O, page 63.

DPZ refused to comply with this order and instead offered its own legal interpretation that the 50-person limit did not apply to events hosted on the Subject Property where alcoholic beverages from the brewery are sold, possessed, or consumed because, according to DPZ, visitation to the Subject Property occurs under the Agritourism Enterprise and Farm Stand permits, not the Farm Brewery permit. DPZ Response Letter, pages 7–8.

Notably, DPZ presented this exact legal interpretation to the Hearing Examiner in BA-806D and the Hearing Examiner summarily rejected the interpretation as legally erroneous as noted above. DPZ did not appeal the Hearing Examiner’s decision and therefore is legally bound to the legal interpretations included in her Decision and Order.

Additionally, the Farm Stand is located within the Farm Brewery's Taproom, and according to DPZ, alcoholic beverages produced by the Farm Brewery were observed being sold at the farm stand on May 10, 2025. DPZ Response Letter, page 3.

Therefore, DPZ's legal determination that the 50-person limit does not apply to Agritourism Enterprise events or visitation to the Farm Stand within the Taproom while alcohol is being sold conflicts with the Hearing Examiner's Decision and Order and thus is legally erroneous. Citizen-Petitioners request that the Hearing Examiner vacate DPZ's decision and remand with instructions to determine whether the attendance at any activities on the Subject Property where alcoholic beverages produced on the Subject Property are being sold, possessed or consumed exceeds the 50-person limit regardless of whether the event is hosted under the Agritourism Enterprise or Farm Stand permits.

## **2. Evaluation of Truck Traffic.**

The Hearing Examiner determined that "when a complaint is made that a permit's requirements are being violated because the Property is not in full compliance with all aspects of the use *as it was approved*, an investigation should both review the conditions of approval and compare those conditions with the current use." BA 806-D D&O, page 46 (emphasis in original).

The Hearing Examiner found that when DPZ initially approved the Subject Property's special farm permits, DPZ did so based, in part, on DPZ's conclusion that the specific type and frequency of the anticipated truck traffic "would not conflict with other uses of the road." BA 806-D D&O, page 57. Accordingly, the Hearing Examiner

concluded that “DPZ had a duty to investigate whether the current truck traffic conforms to this aspect of the farm brewery permit approval.” *Id.*

The Hearing Examiner ordered that “that DPZ shall reopen the violation case CE-22-126 (4411 Manor Lane) and shall. . . determine. . . 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 refused to comply with this order and instead offered its own legal interpretation that it need not evaluate the intensity of the truck traffic because, according to DPZ, the HCZR does not impose a limitation on truck traffic. *See* DPZ Response Letter, page 8.

Notably, DPZ presented this exact legal interpretation to the Hearing Examiner in BA-806D and the Hearing Examiner summarily rejected the interpretation as legally erroneous. BA-806D D&O, pages 57–58. DPZ did not appeal the Hearing Examiner’s decision and therefore is legally bound to the legal interpretations included in her Decision and Order.

Therefore, DPZ’s legal determination that it need not evaluate the intensity of the truck traffic conflicts with the Hearing Examiner’s Decision and Order and thus is legally erroneous. Citizen-Petitioners request that the Hearing Examiner vacate DPZ’s decision and remand with instructions to evaluate the intensity of the current truck traffic as ordered by the Hearing Examiner in BA-806D D&O.

### **3. Determination of whether accessory structures on the Subject Property exceed the 2,200 square-foot maximum.**

The Hearing Examiner noted that HCZR Section 128.0.A.12 limits the maximum cumulative lot coverage permitted for all accessory structures located on the Subject Property to 2,200 square feet. BA-806D D&O, page 4. The Hearing Examiner acknowledged that legitimate farm buildings are exempt from this requirement so long as the buildings are subordinate and incidental to the principal use (farming). BA-806D D&O, page 4–5. However, commercial uses are not permitted in accessory structures. BA-806D D&O, page 5.

The Hearing Examiner found that “the overwhelming evidence demonstrates that the accessory structures on the Property, when considered together, exceed the allowed 2,200 square feet.” BA-806D D&O, page 54. The Hearing Examiner explained as follows:

While the HCZR exempt “legitimate farm buildings” from the maximum square footage, it is clear that the Taproom and Barn on the property are (1) not legitimate farm buildings, and (2) far exceed the 2,200 SF maximum. The Owners’ own website refers to both the Taproom and the Barn as able to hold “private events” and expressly classifies the Barn as a “venue.” And a visual inspection of the buildings shows clearly that they each exceed 2,200 SF.

[...]

Even if DPZ considered the Taproom, as the dispensary for the brewery, as a place in which farming activities (aka “brewing activities”) take place, the law is that it that those activities are required to remain incidental and also that only the specific activities allowed under the Farm Brewery Permit are allowed – those include product tasting, product sales, site tours, and educational program, but not social events with no farming component.

[...]

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.

Thus, the Property is currently in violation of the HCZR by having accessory structures that are not legitimate farm buildings and that total greater than 2200 square feet, and DPZ's failure not only to investigate whether, but also to find that, the maximum square footage is currently exceeded was contrary to law

BA-806D D&O, pages 54–56.

The Hearing Examiner Ordered as follows:

**FURTHER ORDERED**, that the “Barn” on the Property (the one identified on the Owner’s website as venue called “the Barn at Manor Hill”) is not a legitimate farm building and thus it, along with all other non-farm-related structures on the Property, are subject to and in fact exceed the maximum 2,200 SF for accessory structures allowed in the RC Zoning District under HCZR §128.0.A.12, and accordingly under HCZR §102.0.A., are hereby declared to be unlawful;”

BA-806D D&O, pages 62–64.

**FURTHER ORDERED**, that DPZ shall, in its decision, state that the “Barn” on the Property (the one identified on the Owner’s website as venue called “the Barn at Manor Hill”) is not a legitimate farm building and thus it, along with all other non-farm-related structures on the Property, are subject to and in fact exceed the maximum 2,200 SF for accessory structures allowed in the RC Zoning District under HCZR §128.0.A.12, and accordingly under HCZR §102.0.A., are hereby declared to be unlawful;

BA-806D D&O, pages 64–65.

DPZ's Response letter confirms that the Barn includes 2,300 square feet of "event space." Nevertheless, DPZ refused to comply with the Hearing Examiner's order and did not, in its decision, state that the "Barn" on the Subject Property is not a legitimate farm building. Instead, DPZ presented its own legal interpretation that the Barn is a legitimate farm building because the event space is part of the agritourism enterprise use which is part of the definition of farming. DPZ Response Letter, pages 1–2.

Notably, DPZ presented this exact legal interpretation to the Hearing Examiner in BA-806D and the Hearing Examiner summarily rejected the interpretation as legally erroneous. BA-806D D&O, pages 54–55. DPZ did not appeal the Hearing Examiner's decision and therefore is legally bound to the legal interpretations included in her Decision and Order.

DPZ's legal determination that the Barn is a legitimate farm building and DPZ's failure to state that the Barn exceeds the accessory structure maximum conflict with the Hearing Examiner's Decision and Order and thus are legally erroneous. Citizen-Petitioners request that the Hearing Examiner vacate DPZ's decision and remand with instructions to issue a response letter which states that the Barn on the Subject Property is not a legitimate farm building and exceeds the accessory structure maximum of 2,200 square-foot as required by the Hearing Examiner in her previous decision.

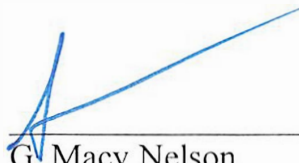
### **CONCLUSION**

Citizen-Petitioners' intent is to streamline the case to preserve both the County and Citizen-Petitioners' time and resources. As such, Citizen-Petitioners request that the



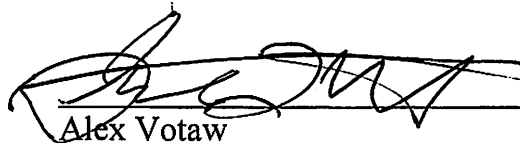
Hearing Examiner limit the scope of the September 9, 2025, hearing to oral argument about whether DPZ's legal determinations related to the 50-person limit, truck traffic, and accessory structures (as described above) were legally erroneous and in conflict with the Hearing Examiner's Decision and Order. If the Hearing Examiner concludes that any of these legal determinations were erroneous and/or in conflict with the Hearing Examiner's Decision and Order, Citizen-Petitioners request that the Hearing Examiner remand on those issues alone without need for an evidentiary hearing. If the Hearing Examiner concludes that these legal determinations were valid, or if the Hearing Examiner wants additional evidence, Citizen-Petitioners request that such an evidentiary hearing take place on the October 15, 2025, hearing date.

Respectfully Submitted,



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G. Macy Nelson  
AIS No. 8112010268  
gmacynelson@gmacynelson.com  
Law Office of G. Macy Nelson, LLC  
600 Washington Avenue, Suite 202  
Towson, Maryland 21204  
(410) 296-8166



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Alex Votaw

AIS No. 2112150190

alex@gmacynelson.com

Law Office of G. Macy Nelson, LLC

600 Washington Avenue, Suite 202

Towson, Maryland 21204

(410) 296-8166

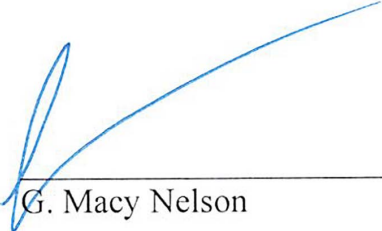
*Counsel for Citizen-Petitioners*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of September, 2025, a copy of the foregoing Reply to DPZ's Response to the Motion for Preliminary Determination 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

## **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