

Howard County Board of Appeals

Maryland International School, Inc. *

Petitioner * BA Case No. BA-22-023C&V

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Citizen-Protestants' Written Proffer

Pursuant to the October 3, 2025 order (“Order”)¹ of the Chair of the Howard County Board of Appeals (“Board”) clarifying the scope and procedure on remand, Citizen-Protestants’ file this written proffer.

On remand, the Board is tasked with determining whether the Applicant has provided sufficient setbacks for the buildings, structures, parking areas, and outdoor activity areas in the proposed development.

Citizen-Protestants intend to provide evidence and testimony demonstrating that the Applicant’s proposed development fails to provide adequate setbacks for three buildings/structures: (1) the addition to the existing school (Building 1); (2) the parking garage and auditorium (Building 4); and (3) the athletic field retaining wall.

¹ The Board, in its Order, provided that the Board will only permit “narrowly tailored technical clarifications directly related to setback measurements, right-of-way/lot line baselines, or the application of HCZR definitions necessary to complete the record on setbacks” testimony and/or evidence during the remand hearing. The Board, in its Order, instructed “any party seeking to offer such narrowly tailored technical clarifications [to] file a written proffer identifying the specific clarification and its relevance to setbacks no later than October 29, 2025.”

Citizen-Protestants intend to produce the following witnesses to give testimony:

1. David Marc: Citizen-Protestants proffer that David Marc will testify about how Citizen-Protestants believe the Board should interpret and apply the setback requirements. David Marc will also analyze whether the Applicant's conditional use plan satisfies the setback requirements.
2. Michael Marc: Citizen-Protestants proffer that Michael Marc will testify about how Citizen-Protestants believe the Board should interpret and apply the setback requirements. Michael Marc will also analyze whether the Applicant's conditional use plan satisfies the setback requirements.

Citizen-Protestants intend to produce the following exhibits:

1. Howard County Zoning Regulations (provided as Attachment 1): the Howard County Zoning Regulations exhibit will provide a copy of various sections of the Howard County Zoning Regulations (HCZR's) that Citizen-Protestants believe are relevant to the Board's consideration of the setback issue.
2. SDP-24-024 Sheet 3 (provided as Attachment 2): the SDP-24-024 Sheet 3 exhibit is a pdf copy of Sheet 3 from the most up to date version of the Applicant's Site Development Plan (SDP-24-024). This exhibit is necessary to show both the existing right-of-way and the ultimate right-of-way for Old Washington Road because the Applicant's prior conditional use plan (Applicant's Exhibit 2) only depicts the existing right-of-way for Old Washington Road. The SDP-24-024 Sheet

3 exhibit is also necessary to show the private right-of-way located along the western boundary of the Subject Property which was not depicted on the Applicant's prior conditional use plan.

3. Building 1 Setback (provided as Attachment 3): the Building 1 Setback exhibit is a screenshot from sheet three of SDP-24-024 where color has been added to highlight how the Applicant is measuring the setback for the proposed addition (Building 1)—namely that the Applicant is measuring the setback from the existing right-of-way of Old Washington Road not from the ultimate right-of-way for Old Washington Road.
4. SDP-24-024 - Review Comment (provided as Attachment 4): the SDP-24-024 Review Comment exhibit includes two sheets showing comments from the Howard County Department of Planning and Zoning (DPZ) regarding how the Applicant should be measuring the setback for the proposed development—confirming that the setback should be measured from the ultimate right-of-way of Old Washington Road. Sheet one was produced by downloading the comment directly from the Pdox website and sheet two is a screenshot of that comment from the Pdox website.
5. Building 4 Setback (provided as Attachment 5): the Building 4 Setback exhibit is a screenshot from sheet three of SDP-24-024 where color has been added to highlight how the Applicant is measuring the setback for the proposed parking garage and auditorium (Building 4)—namely that the Applicant is measuring the setback from the property line and not from the edge of a private right-of-way.

6. Glenelg Country School Setback (provided as Attachment 6): the Glenelg Country School Setback exhibit consists of a pdf copy of the Glenelg Country School Expansion conditional use plan and then a screenshot of a portion of the conditional use plan where color has been added to highlight how the Glenelg Country School applied the 50 foot conditional use setback from a private right of way on/near the school property.
7. Athletic Field Retaining Wall Setback (provided as Attachment 7): the Athletic Field Retaining Wall Setback exhibit consists of two screenshots from sheet three of SDP-24-024 where color has been added to highlight how the Applicant is measuring the setback at the southeast corner and the southwest corner of the proposed athletic field retaining wall.
8. Setback Calculation Sheet (provided as Attachment 8): the Setback Calculation Sheet is intended to outline the setback analysis of Citizen-Petitioners' witnesses. Citizen-Protestants proffer that the sheet will be used during the testimony of the witnesses to explain the witness's setback analysis for Building 1, Building 4, and the two corners of the athletic field retaining wall.
9. Building 1 Markup (provided as Attachment 9): the Building 1 Markup exhibit provides a visual summary of the witness's setback analysis for Building 1. This exhibit shows the setback required when the setback is measured from the ultimate right-of-way for Old Washington Road as opposed to the existing right-of-way.

10. Building 4 Markup (provided as Attachment 10): the Building 4 Markup exhibit provides a visual summary of the witness's setback analysis for Building 4. This exhibit shows the total setback required when the 50-foot minimum conditional use setback is combined with to the additional 2 for 1 setback required for buildings that exceed the maximum building height restrictions. The exhibit shows the total required setback measured from the private right-of-way as opposed to the property line.
11. Athletic Field Retaining Wall SE Corner Markup (provided as Attachment 11): the Athletic Field Retaining Wall SE Corner Markup exhibit provides a visual summary of the witness's setback analysis for the southeast corner of the athletic field retaining wall. This exhibit shows the total setback required when the 50-foot minimum conditional use setback is combined with the additional 2 for 1 setback required for structures that exceed the maximum height restrictions.
12. Athletic Field Retaining Wall SW Corner Markup (provided as Attachment 12): the Athletic Field Retaining Wall SW Corner Markup exhibit provides a visual summary of the witness's setback analysis for the southwest corner of the athletic field retaining wall. This exhibit shows the total setback required when the 50-foot minimum conditional use setback is combined with the additional 2 for 1 setback required for structures that exceed the maximum height restrictions.

Respectfully submitted,

G. Macy Nelson /A.L.V.

G. Macy Nelson

AIS No. 8112010268

Law Office of G. Macy Nelson, LLC

600 Washington Avenue, Suite 202

Towson, Maryland 21204

(410) 296-8166

Email: gmacynelson@gmacynelson.com

A handwritten signature in black ink, appearing to read 'Alex Votaw', with a stylized flourish at the end.

Alex Votaw

AIS No. 2112150190

Law Office of G. Macy Nelson, LLC

600 Washington Avenue, Suite 202

Towson, Maryland 21204

(410) 296-8166

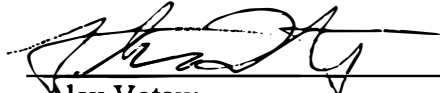
Email: alex@gmacynelson.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 2025, a copy of the foregoing

Written Proffer was served electronically on:

Thomas G. Coale, Esquire
Perry, White, Ross & Jacobson
54 State Circle
Annapolis, Maryland 21401
Email: tom@pwrjmaryland.com


Alex Votaw