



DPZ office use only:

BA Case No.: BA-8278

Date Submitted: 1/21/2026

**PETITION OF APPEAL OF
HEARING EXAMINER DECISION
TO THE HOWARD COUNTY BOARD OF APPEALS**

A person who wishes to appeal a decision of the Hearing Examiner to the Board of Appeals must use this petition form. A person must have been a party to the original case before the Hearing Examiner in order to file an appeal. In addition, it is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person.¹ The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of the issuance of the Hearing Examiner decision.

1. **Name of Case** Speedfloor Mid Atlantic LLC v. Howard County Department of Planning and Zoning in WP-25-064

BA Case No. 827-D

Date Decision and Order Mailed December 23, 2025. A copy of the D&O is attached hereto.

2. **Reason for Appeal** See attached supplement.

RECEIVED

JAN 21 2026

BY:

3. **Name of Appellant** Speedfloor Mid Atlantic LLC

Trading as (if applicable) _____

Mailing address _____

Phone number(s) _____

Email _____

Name of principal contact (if different) Timothy Harman

4. **Counsel for Appellant** Sang W. Oh

Mailing Address Talkin & Oh, LLP - 5100 Dorsey Hall Drive, Ellicott City, MD 21042

Phone number(s) (410) 964-0300

Email soh@talkin-oh.com

Secondary contact for counsel (if any) gpagani@talkin-oh.com

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.

5. Declaration of Interest

☒ The Appellant is the original petitioner

☐ The Appellant was a party to the original case

6. Amended Petition (This section is to be completed only if the Appellant was the petitioner in the original case before the Hearing Examiner and the case was other than an administrative appeal)

If the original petition was substantively amended during the hearing before the Hearing Examiner, the appeal will proceed on the amended petition unless the original petitioner elects to proceed on the original petition. If you are the original petitioner, complete one of the following:

☐ I elect to proceed on the original petition
N/A

☐ I agree to proceed on the amended petition

Note: This section does not apply to a case that came before the Hearing Examiner as an appeal of an administrative decision.

7. Copies: The Appellant must submit **one signed original and nine copies of the signed original**, for a total of **10 copies**, of this petition. If supplementary documents or other materials are included, **10** complete sets must be submitted.

8. Public Notice Requirements

a. Posting: If the Appellant is the owner or has a beneficial interest in the subject property, the Appellant must (i) post the property in accordance with Section 2.203(b) of the Rules of Procedure of the Board of Appeals and (ii) file an Affidavit of Posting as required by Section 2.203(c).

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.

b. Advertising: The Appellant must (i) advertise the date, time and place of the initial public hearing of this appeal petition before the Howard County Board of Appeals in accordance with Section 2.203(a) of the Rules of Procedure of the Board of Appeals and (ii) file a Certificate of Advertising as required by Section 2.203(c).

c. Responsibility for Compliance: In accordance with Section 2.203(g), the Appellant is responsible for assuring compliance with the advertising and posting requirements of the Board of Appeals.

9. On The Record Appeals

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.

10. Signatures

By signing below, the Appellant hereby affirms that:

- The Appellant has read the instructions on this form and has filed herewith all of the required accompanying information.
- All of the statements and information contained in or filed with this petition are true and correct.
- The Appellant agrees to furnish such additional plats, reports, plans, or other materials the Department of Planning and Zoning and/or the Board of Appeals may require in connection with the filing of this petition.
- The Appellant agrees to pay all costs in accordance with the current schedule of fees.

Timothy Harman 4/15/26 TIMOTHY HARMAN
Signature of Appellant Date Print Name of Appellant

Signature of Appellant Date Print Name of Appellant

Sy W. al
Signature of Attorney (If any)

Make checks payable to "Director of Finance."

For DPZ use only: Filing Fee is \$2,050.00 plus \$50.00 per poster if required.

Hearing fee: \$ _____
Poster fee: \$ _____
TOTAL: \$ _____

Receipt No. _____

APPEAL OF HEARING EXAMINER DECISION TO THE BOARD OF APPEALS
SUPPLEMENT

RE: Speedfloor Mid Atlantic, LLC; Appellant (BA 827-D)

6474, 6478, 6482, 6486 Lawyers Hill Road, Elkridge, MD 21075 (the “Property”)

2. Reason for Appeal

The Appellant, Speedfloor Mid Atlantic, LLC submits this supplement to its appeal of the Hearing Examiner’s December 23, 2025 Order of Dismissal (the “Order”).

PROCEDURAL BACKGROUND

On September 24, 2025, pursuant to HCZR §130.0.A.3, the Appellant timely appealed the Department of Planning and Zoning’s (“DPZ”) August 27, 2025 letter denying reconsideration of the denial of Appellant’s request for alternative compliance to WP-25-064, relating to §16.120(b)(4)(iii) for Arrington Manor (the “Reconsideration Denial Letter”). Appellant’s counsel made a typographical error in its September 24, 2025 appeal, erroneously using the property owner’s mailing address (7116 John Calvert Court, Elkridge, MD 21075) as the subject property address instead of the physical property address (6474, 6478, 6482, 6486 Lawyers Hill Road, Elkridge, MD 21075).

On October 8, 2025, Appellant’s counsel filed a letter explaining this typographical error, including revised appeal pages with the correct property address (6474, 6478, 6482, 6486 Lawyers Hill Road, Elkridge, MD 21075). The appeal itself was unaltered except to correct the property address and to change the Appellant’s name from Tim Harman to Speedfloor Mid Atlantic, LLC c/o Tim Harman. The October 8, 2025 revisions did not alter the substance of the original September 24, 2025 appeal of DPZ’s Reconsideration Denial Letter, they merely corrected typographical errors.

On November 12, 2025, Appellant’s counsel submitted a letter to Chairman Gene Ryan of the Board of Appeals, under Section 16.302(c) of the Howard County Code, requesting that this case be heard by the Board of Appeals in the first instance instead of the Hearing Examiner for reason that the Hearing Examiner ought to be disqualified from hearing any matter involving Appellant’s counsel. A copy of this letter is attached hereto. During its November 13, 2025 meeting, the Board of Appeals voted to decline any action on this letter.

The Hearing Examiner conducted a hearing on November 19, 2025 on Appellant’s administrative appeal of the Reconsideration Denial Letter. In her December 23, 2025 Order, the Hearing Examiner dismissed the September 24, 2025 appeal concerning 7116 John Calvert Court for violations of Howard County Code §16.302(a) and for failure to meet the burden of proof under §16.104. The Hearing Examiner also dismissed the October 8, 2025 amended appeal

concerning 6474, 6478, 6482, and 6486 Lawyers Hill Road for violations of Howard County Code §§16.105 and 130.0.A.3 (untimely appeal), §16.302(a), and for failure to meet the burden of proof under §16.104.

STANDARD OF REVIEW AND GOVERNING PROVISIONS

Appeals to the Board of Appeals from decisions made pursuant to the Director of Planning and Zoning's administrative decision-making authority are heard in accordance with the Board of Appeals Rules of Procedure, and when a matter is authorized to be heard and decided by the Board of Appeals, the matter will first be heard and decided by a Hearing Examiner under Howard County Code §16.302(a).

Under Board of Appeals Rules of Procedure §2.210, administrative appeals are de novo, and the burden of proof is on the appellant to show that the action taken by the administrative agency was clearly erroneous, arbitrary and capricious, or contrary to law.

ARGUMENT

I. The Order's reliance on Howard County Code §16.302(a) to dismiss for "violation" of that section is contrary to the statute's jurisdictional function and the de novo framework.

The Order concludes that Appellant's timely appeal "must be dismissed" because Appellant's counsel stated at the outset that no witnesses or documents would be presented, and characterizes this as "clear evidence of violation of Section 16.302(a)."

In the November 12, 2025 letter to Chairman Ryan, Appellant's counsel specifically requested under Section 16.302(c) for the case to be heard by the Board of Appeals in the first instance instead of the Hearing Examiner. As stated in the attached letter, the Hearing Examiner should have been disqualified from this matter and from all matters involving Appellant's counsel for her failure to be fair and impartial in matters involving Appellant's counsel. During the November 19, 2025 hearing on the instant appeal, Appellant's counsel declined to present its case before the Hearing Examiner for the aforementioned reasons and for those reasons stated in the attached November 12, 2025 letter to Chairman Ryan.

Section 16.302(a) allocates initial hearing authority to the Hearing Examiner; it is not an independent sanctioning mechanism for dismissal where the appellant initially declines to proceed. The proper course of the Hearing Examiner within a de novo appeal is to adjudicate the appeal on the merits based on the record developed at the hearing. If there is no evidence presented at the hearing, the Hearing Examiner is limited to issuing a denial. The Hearing Examiner's dismissal for a supposed "violation" of §16.302(a) misapplies a jurisdictional provision. Appellant reserves the right to raise additional issues at the hearing on this matter.

II. The Order’s dismissal for failure to meet the burden of proof under §16.104 was premature where the de novo appeal framework contemplates adjudication on evidentiary grounds, not sua sponte dismissal.

Section 16.104(a)(1) authorizes DPZ to grant waivers where unreasonable hardship or practical difficulties may result from strict compliance and, for requests to waive or alter the requirements in Article II and Article III of this subtitle, only if all four criteria in §§16.104(a)(1)(i)-(iv) are met.

The Order states that DPZ found Appellant did not satisfy the criteria and that Appellant “failed to pursue an appeal from this finding,” and further dismisses for “failure to meet its burden of proof under §16.104.”

In a de novo appeal under §2.210 of the Rules of Procedure, the burden of proof is satisfied through presentation of evidence at a hearing. Where the Hearing Examiner cut off the proceeding with a dismissal premised on an asserted “violation” of §16.302(a), the dismissal for failure of proof was necessarily premature. Appellant’s counsel submitted a written appeal of DPZ’s Reconsideration Denial Letter, clearly asserting that the Appellant’s Alternative Compliance Applications to DPZ did in fact meet the criteria for waivers under §§16.104(a)(1)(i)-(iv). The Hearing Examiner refused to fulfill her responsibility under §16.302(a) as the initial reviewer of an administrative appeal, and instead chose to dismiss the instant appeal without addressing the arguments asserted in Appellant’s written appeal. Appellant reserves the right to raise additional issues at the hearing on this matter.

III. The Order incorrectly identifies and applies timeliness constraints under HCZR §130.0.A.3.

The Order concludes that §130.0.A.3 of the Howard County Zoning Regulations requires an appeal be filed within 30 calendar days of DPZ’s action. The Order’s disposition treated the October 8, 2025 corrective filing as a “new” appeal and dismissed it as untimely.

The Appellant’s September 24, 2025 appeal was timely, challenging DPZ’s August 27, 2025 decision within the required 30-day period. The original September 24 filing properly asserted the arguments on appeal despite minor errors, and therefore, its filing date should have been honored. The September 24, 2025 transmittal letter and petition are attached hereto. The October 8 submittal was a non-substantive amendment to the appeal, filed solely to ensure accuracy of the appeal. The record shows that DPZ and the Hearing Examiner were apprised of the correct property identification through the October 8 revision, which expressly stated the appeal remained unchanged except for correcting typographical errors. The transmittal accompanying the revised filing stated: “The original appeal was filed on September 24, 2025, and this revised filing corrects typographical errors within the Petition and Supplement. Please note that the appeal remains unchanged except for correcting these errors.” The correction was submitted promptly within the pendency of the appeal, the legal advertisements and hearing

notice poster reflected the correct subject property, and there is no identified prejudice from accepting the amendment. The October 8, 2025 transmittal letter and amended petition are attached hereto.

The Howard County Charter and Code establish the 30-day window for appeals; they do not prohibit nor penalize clerical corrections to a filing already made on time. See Howard County Charter art. V, § 501(d) (30 days to appeal Board decisions) and Howard County Code § 2.211(e) (30-day appeal period to Circuit Court from Board decisions) — both provisions speak to the timeliness of the appeal itself, not to the permissibility of clerical corrections after the deadline when the substance is unchanged.

The Rules of Procedure of the Board of Appeals expressly address amendments to petitions. Under § 2.202(b), if amendments are made before or during the hearing, the Board may continue or remand as appropriate; under § 2.202(c), “substantive amendments” trigger additional process (e.g., remand to DPZ/Planning Board). The Rules thereby distinguish substantive changes from routine, non-substantive corrections. By definition, Appellant’s edits—limited to typographical corrections—are non-substantive and do not require the Board of Appeals to treat them as a new filing or as jurisdictionally defective.

The Hearing Examiner Rules of Procedure incorporate a “substantial compliance” standard for procedural requirements (e.g., public notice) and authorize case-management flexibility to correct technical defects where parties act in good faith. That same principle applies to filings: technical defects that do not alter the merits should not block adjudication. Accepting minor corrections accords with the Hearing Examiner’s rules and longstanding administrative practice. The County Code further states the Hearing Examiner must adopt rules consistent with Board procedures, underscoring administrative flexibility and a focus on fair process rather than hyper-technical exclusion.

Denying routine clerical corrections would set a harmful, inconsistent precedent. Howard County’s legislative and administrative materials emphasize transparent, orderly administration and reasonable accommodation for non-substantive, good-faith corrections, such as the correction Appellant’s counsel made on October 8. The Hearing Examiner’s Order contradicts County practices and the substantial compliance framework, elevating form over substance.

Appellant reserves the right to raise additional issues at the hearing on this matter.

IV. The DPZ reconsideration denial rests on interpretations of §16.120(b)(4)(iii) and §16.104(b)(2) that warrant de novo review before the Board of Appeals.

DPZ denied reconsideration of Appellant’s alternative compliance request, stating the request did not satisfy alternative compliance criteria, reasoning that the applicant was not denied rights commonly enjoyed by others, that easements on lots of this size lead to encroachment issues, and citing §16.104(b)(2) to assert that a waiver shall not have the effect of nullifying the intent and purpose of the subtitle.

The Appellant's request for alternative compliance relates to §16.120(b)(4)(iii), which addresses residential lot usability and the placement of environmentally sensitive features relative to building envelopes, including allowances and setbacks for steep slopes, floodplains, wetlands, streams, buffers, and forest conservation easements under specified circumstances.

The interplay between §16.120(b)(4)(iii)'s lot usability standards and §16.104's waiver criteria is a mixed question of law and fact suited to de novo adjudication. The Board of Appeals should allow Appellant to present evidence addressing (a) whether strict conformance would deprive the applicant of commonly enjoyed rights; (b) whether any unique physical conditions produce practical difficulty or unreasonable hardship other than economic; (c) whether relief would confer a special privilege; and (d) whether the modification would be detrimental to public health, safety, or welfare, all within the constraints of §16.104 and the specific environmental and dimensional parameters in §16.120(b)(4)(iii). Appellant reserves the right to raise additional issues at the hearing on this matter.

**SPEEDFLOOR MID
ATLANTIC LLC**

Appellant
v.

HOWARD COUNTY DEPARTMENT OF

PLANNING AND ZONING IN WP-25-064

Appellee

: BEFORE THE

: HOWARD COUNTY

: BOARD OF APPEALS

: HEARING EXAMINAR

: BA Case No. 827D

ORDER OF DISMISSAL

On November 19, 2025, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, attempted to conduct a hearing on the administrative appeal of Speedfloor Mid Atlantic, LLC (Appellant). Appellant is appealing the Department of Planning and Zoning's (DPZ) August 27, 2025 letter denying Appellant's request for reconsideration of DPZ's denial of Appellant's request for alternative compliance to WP-25-064. Appellant's request for Alternative Compliance which was denied was to §16.120(b)(4)(iii) for Arlington Manor. The appeal is filed pursuant to §130.0.A.3 of the Howard County Zoning Regulations (HCZR).

The Appellants certified to compliance with the notice and posting requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure. Mr. Sang Oh, Esq. appeared on behalf of Appellant. No one testified on behalf of Appellant and no evidence was adduced on behalf of Appellant's appeal.

BACKGROUND

The approximately 0.489-acre property is located at the terminus of John Calvert Court, south of Montgomery Road, west of Ruxton Road, and northwest of I-95, also identified as 7166 John Calvert Court, Elkridge, Maryland (the Property). The Appellant has not provided information on the improvements, if any, on the Property, which lies in Council District 1, and is identified as Tax Map 37, Grid 11, Parcel 94, Lot 3, in the R-20 (Residential: Single) Zoning District.

At sometime prior to May 28, 2025 (Appellant failed to provide any information or documents) Appellant requested alternative compliance to §16.120(b)(4)(iii) to place a forest conservation easement on Appellant's property. On or about May 28, 2025 (Appellant failed to provide any information or documents) DPZ denied Appellant's request for alternative compliance. At some date after May 28, 2025 (Appellant failed to provide any information or documents) Appellant filed a request for reconsideration from DPZ's denial. On

August 27, 2025, DPZ issued its letter denying Appellant's request for reconsideration of the denial of alternative compliance. A copy of this denial from DPZ is in the record.

On September 24, 2025, Appellant filed an Appeal from the August 27, 2025 DPZ denial of reconsideration for 7116 John Calvert Court, Elkridge, Maryland, in Council District 1, in the R-20 zoning district, also identified as Tax Map 37, Grid 11, Parcel 94, Lot 3. On October 8th, 2025 Appellant's Counsel, Mr. Sang Oh, filed an amended Appeal to make "minor typographical corrections". The "minor typographical corrections" included the complete removal of the property which is the subject of the appeal and the complete substitution of another property, 6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge. This substituted property is 2.56 acres, in the R-ED (Residential: Environmental Development) zoning district, Tax Map 38, Grid 2, Parcel 19.

Appellant's requested Alternative Compliance is from §16.120(b)(4)(iii) of the Howard County Code:

Sec. 16.120. - Lot layout.

(b) Lot Design:

(4) Usable design. Residential lots shall be designed to be usable in terms of:

- (i) Regular, generally rectangular lot shape;**
- (ii) Lot dimensions generally not exceeding a three to one lot depth to lot width ratio;**
- (iii) Not being encumbered by environmentally sensitive features:**
 - a. For a lot or buildable preservation parcel 20,000 square feet or greater in size, excluding any pipestem area, steep slopes may be on the lot if located no closer than 35 feet from the building envelope. A deck may project ten feet**

- beyond the building envelope;
- b. For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope;
 - c. For R-20 infill subdivisions that are restricted in using optional lot sizes under subsection 16.121(a) of this subtitle, steep slopes, floodplains, wetlands, wetlands buffers, streams, and stream buffers may be located on lots, provided that the building envelope is no closer than 35 feet from these environmental features, and provided that a deck may project ten feet beyond the building envelope; and
 - d. For condominium units and rental apartments, protected environmental features shall be located in open space with units no closer than 15 feet from the protected features;

The August 27, 2025 letter from DPZ denied reconsideration of the denial of alternative compliance for WP-25-062, stating that “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 evidentiary hearing on the Appeal noted September 24, 2025 concerning 7116 John Calvert Court, Elkridge was scheduled and attempted to be heard on November 19, 2025. Mr. Oh joined the hearing virtually while

he was driving on I-95. Mr. Oh was on video while driving and did not pull off the road. While driving Mr. Oh stated that he would not have any witnesses or documents in the Appeal. Mr. Oh stated that Appellant would not be present and that Mr. Oh would not put on a case.

STANDARD OF REVIEW

The right to appeal an administrative decision is wholly statutory.

Howard County v. JJM, Inc., 301 Md. 256, 261, 482 A.2d 908, 910 (1984) (citing *Maryland Bd. V. Armacost*, 286 Md. 353, 354-55, 407 A.2d 1148, 1150 (1979); *Criminal Injuries Comp. Bd. V. Gould*, 273 Md. 486, 500, 331 A.2d 55, 64 (19751); *Urbana Civic Ass'n v. Urbana Mobile Viii., Inc.*, 260 Md. 458, 461, 272 A.2d 628, 630 (1971).

Pursuant to Howard County Code §16.105, appeals to the Board of Appeals of decisions made pursuant to the Director of Planning and Zoning's administrative decision-making authority shall be heard in accordance with the Board of Appeal's Rules of Procedures. Subtitle 2.-Rules of Procedure of the Board of Appeals, Section 2.210 provides that administrative appeals such as the instant appeal are *de novo* and the burden of proof is on the appellant to show that the action taken by the Administrative Agency was clearly erroneous, and/or arbitrary and capricious, and/or contrary to law. Per Howard County Code § 16.302(a) Jurisdiction of Hearing Examiner), when a matter is authorized to be heard and decided by the Board of Appeals, the matter will first be heard and decided by a Hearing Examiner. Hearing Examiner Rule of Procedure 10.2(c) assigns the burden of proof in an appeal from an administrative agency decision

of showing by substantial evidence that the action taken by the administrative agency was clearly erroneous, arbitrary and capricious, or contrary to law. See also, Hearing Examiner Rules of Procedure, Rule 10.2.(c)

APPLICABLE LAW

Sec. 16.104. - Waivers

(a) Authority to Grant.

- (1) So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this subtitle, except as prohibited in subsection (d), in situations where the Department finds that unreasonable hardship or practical difficulties may result from strict compliance with this subtitle and for requests to waive or alter the requirements in article II and article III of this subtitle all of the following criteria are met:**
 - (i) Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;**
 - (ii) The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations;**
 - (iii) The variance will not confer on the applicant a special privilege that would be denied to other applicants; and**
 - (iv) The modification is not detrimental to the public health, safety or welfare or injurious to other properties.**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- (1) Sec.16.104. So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this subtitle, except as prohibited in subsection (d), in situations where the Department finds that unreasonable hardship or practical difficulties may result from strict**

compliance with this subtitle and for requests to waive or alter the requirements in article II and article III of this subtitle all of the following criteria are met:

- (i) Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;**

DPZ found that strict conformance with the requirements would not deny Appellant of rights commonly enjoyed by others and Appellant failed to pursue an appeal from this finding.

- (ii) The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations;**

This finding requires the Appellant to satisfy both the uniqueness prong of the variance test and the practical difficulty or unreasonable hardship test. Maryland cases have used the terms 'unique,' 'unusual,' and 'peculiar' to describe [the uniqueness] step in the variance analysis." *Dan's Mountain Wind Force, LLC v. Allegany Cnty. Bd. of Zoning Appeals*, 236 Md. App. 483,494 (2018).

The uniqueness prong of the variance test requires the Applicants to prove, and the Directors to find, that the alleged special conditions on the Subject Property are not shared by other nearby properties - that "the plight of the owner [is] due to unique circumstances and not to general conditions in the neighborhood." *Marino v. City of Balt.*, 215 Md. 206, 219 (1957). "It must be shown that the hardship affects the particular premises and is not common to other property in the neighborhood." *Easter v. Mayor and City Council of Baltimore*, 195 Md. 395,400

(1950). "[T]he property whereon structures are to be placed (or uses conducted) [must be] - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property." *Cromwell v. Ward*, 102 Md. App. 691, 694 (1995); see also *Dan's Mountain Wind Force, LLC v. Allegany Cty. Bd. of Zoning Appeals*, 236 Md. App. 483, 492 (2018).

DPZ found no practical difficulty or unreasonable hardship and Appellant failed to pursue an appeal from this finding.

CONCLUSION

The Appeal filed September 24, 2025 from the August 27, 2025 letter from DPZ is predicated on property identified as 7116 John Calvert Court, Elkridge, Maryland. The Subject Property is 0.485 acre in the R-20 zoning district, Tax Map 37, Grid 11, Parcel 94, Lot 3. The alleged "typographical corrections" on the revised October 8 Appeal are not typographical but a complete new Appeal concerning not 7116 John Calvert Court but 6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge. This newly identified property is 2.567 acres in the R-ED zoning district, Tax Map 38, Grid 2, Parcel 19. §130.0.A.3 of the HCZR requires that an appeal be filed "30 calendar days from the date of the action of the Department of Planning and Zoning". The October 8 appeal for Lawyers Hill Road was not timely filed and must be dismissed.

Appellant elected not to pursue an appeal when Counsel elected not to participate and provide witnesses and evidence in support of the September 24, 7116 John Calvert Court Appeal. Per Howard County Code § 16.302(a) Jurisdiction of

Hearing Examiner), when a matter is authorized to be heard and decided by the Board of Appeals, the matter will first be heard and decided by a Hearing Examiner. Mr. Oh stated that Appellant would not provide testimony or evidence to support his appeal and therefore the Hearing Examiner was precluded from hearing the appeal and deciding the appeal based on the evidence adduced from the Appellant. Making a video call while driving down I-95 and stating that no evidence would be provided and that Appellant would not participate in the appeal is clear evidence of violation of Section 16.302(a). Therefore, any timely Appeal must be dismissed.

ORDER

Based upon the foregoing, it is this 23rd day of December, 2025, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That Appellant's September 24, 2025 appeal of the August 27, 2025 letter from the Department of Planning and Zoning denying reconsideration of the previous denial of Alternative Compliance for WP-25-064 at 7116 John Calvert Court, Elkridge, Maryland, 0.489 acre in the R-20 (Residential: Single) Zoning District, Council District 1, Tax Map 37, Grid 11, Parcel 94, Lot 3 be and is hereby **DISMISSED** for violations of Howard County Code § 16.302(a) and for failure to meet its burden of proof under § 16.104; and it is further **ORDERED,**

That Appellant's October 8, 2025 appeal of the August 27, 2025 letter from the Department of Planning and Zoning denying reconsideration of the previous denial of Alternative Compliance for WP-25-064 at 6474, 6478, 6482, 6486 Lawyers Hill Road, Elkridge, Maryland, 2.567 acres in the R-ED (Residential: Environmental Development) Zoning District, Council District 1, Tax Map 38, Grid 2, Parcel 19, be and is hereby **DISMISSED** for violations of Howard County Code §§ 16.105 and 130.0.A.3 for failure to timely note an appeal, for violation of

Howard County Code § 16.302(a) and for failure to meet its burden of proof under § 16.104;

HOWARD COUNTY**HEARING EXAMINER**

Joyce Nichols

NOTICE: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals 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 Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.

LAW OFFICES OF
TALKIN & OH, LLP
COLUMBIA OFFICE
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November 12, 2025

Gene Ryan, Chairman
Howard County Board of Appeals
3430 Courthouse Drive
Ellicott City, MD 21043
Attn. Kel Berg

RE: BA 827-D Tim Harman

Dear Mr. Chairman:

Please accept this letter as a request under Section 16.302(c) of the Howard County Code for the above-referenced case to be heard by the Board of Appeals in the first instance instead of the Hearing Examiner for the reason that the Hearing Examiner ought to be disqualified from hearing any matter involving the undersigned as attorney for the applicant. This request is being made with the full knowledge and consent of Tim Harman, my client and the petitioner for the *de novo* administrative appeal in this case.

As the Board may be aware, in prior cases, the undersigned as well as other attorneys from Talkin & Oh, LLP have a number of cases over the years, that were denied by the current Hearing Examiner J. Nichols. Ms. Nichols' decisions were subsequently appealed to the Board of Appeals where the Board reversed the Hearing Examiner's decision. In many instances, the Board's decision of reversal was appealed but affirmed by appellate courts. *E.g.*, BA 781-D AGS Borrower Lakeview, LLC; BA 787-D Taylor Service Company; BA 22-006V SSM Hospitality, LLC; 95-058E Chase Land, LLC.

In BA 796-D Michelle & Brandley Kline, our office was notified that this Hearing Examiner would not permit an appeal of her decision and ordered Kel Berg not to schedule a hearing before the Board of Appeals. This office had to write to the then BOA Chairman, Steve Hunt, who overrode the Hearing Examiner's position and scheduled the hearing before the BOA. Afterwards, the Hearing Examiner expressed her displeasure to the undersigned for the letter to Chairman Hunt and the Board's ruling rendered her hearings as essentially pointless if her orders can be avoided with an appeal.

At our most recent hearing where this Hearing Examiner converted the appeal of a special farm permit into an enforcement hearing by admitting irrelevant evidence without explanation and forcing witnesses to take an oath subject to the penalty of perjury despite the absence of authority to do so, the undersigned engaged in a vociferous, verbal argument with the Hearing Examiner where we both spoke over one another. The client for the undersigned was quoted in the

Gene Ryan
November 12, 2025
Page 2

Baltimore Sun as having stated that “the hearing was ‘extremely unfair’ and ‘was impacted by prior interactions between [the undersigned] and the hearing examiner, Nichols.’” “Howard Hearing Examiner sides with West Friendship neighbors in farm dispute.” Baltimore Sun, November 4, 2025. Young stated, “There was a pre-existing negative relationship between the two of them that I feel confident influenced her decision-making process.” *Id.*

The Maryland Rules for Judicial Conduct in Md. Rule 18-101.2, which is also applicable to conduct by quasi-judicial decision-makers requires “[a] judge to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary. A judge cannot act in a way that would create in reasonable minds a perception of impropriety. A judge must avoid “conduct that compromises or appears to compromise the . . . integrity and impartiality of a judge [as such] undermines public confidence in the judiciary.”

To conclude anything other than the disqualification of the Hearing Examiner is warranted, Ms. Young’s statement to the media would have to be concluded to be an unreasonable belief. Given the history of disagreements over cases and decisions, statements made by the Hearing Examiner, both in private and on the record, it is reasonable to members of the public interacting with the Hearing Examiner to have concern about her ability to be fair and impartial in matters involving the undersigned.

We, hereby, request that the Board disqualify the Hearing Examiner from hearing any matters involving the undersigned. We request that the Board hear and decide BA 827-D Tim Harman in the first instance and that the November 19, 2025 hearing currently set before the Hearing Examiner be continued on that date and that a continuation date for the hearing be scheduled before the Board of Appeals and that such hearing be scheduled without the necessity of repeating public notice requirements.

We thank you for your attention to this matter.

Very truly yours,

Talkin & Oh, LLP



Sang W. Oh

LAW OFFICES OF
TALKIN & OH, LLP
COLUMBIA OFFICE
5100 DORSEY HALL DRIVE
ELLCOTT CITY, MARYLAND 21042-7870

(410) 964-0300
(301) 596-6500
Fax: (410) 964-2008



REVISED

October 8, 2025

Via e-mail and hand delivery

Ms. Tamara Frank
Howard County Department of
Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043
tfrank@howardcountymd.gov

**Re: Revised Administrative Appeal Petition to the Hearing Authority
6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge, MD 21075
Speedfloor Mid Atlantic LLC, Appellant**

Dear Tamara:

Enclosed please find four copies of the Revised Administrative Appeal Petition on behalf of the Appellant, Speedfloor Mid Atlantic LLC, regarding the property located at 6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge, MD 21075 (Tax Map 38, Grid 2, Parcel 19). The original appeal was filed on September 24, 2025, and this revised filing corrects typographical errors within the Petition and Supplement. Please note that the appeal remains unchanged except for correcting these errors.

Please note that Sang W. Oh will be the attorney of record for Speedfloor Mid Atlantic LLC.

Should you have any questions concerning this matter, please feel free to contact our office.

Sincerely,
TALKIN & OH, LLP

Gina M. Pagani
Paralegal

Enclosures



For DPZ Office use only:

BA Case No. BA-827D
Date Submitted: 9/24/2025

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 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.

REVISED

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** Speedfloor Mid Atlantic LLC, c/o 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 _____
6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge, MD 21075
TOTAL ACREAGE OF PROPERTY 2.567±
PROPERTY LOCATION 6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge, MD 21075
COUNCIL DISTRICT 1 **ELECTION DISTRICT** 3 **ZONING DISTRICT** R-ED
TAX MAP # 38 **GRID #** 2 **PARCEL/LOT #** 19
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: \$ _____

County Website: howardcountymd.gov

Poster Fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

(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: Speedfloor Mid Atlantic LLC, c/o Tim Harman

ADDRESS: 6474, 6478, 6482, and 6486 Lawyers Hill Road, 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.

Andres
Witness

Timothy Har 9/22/25
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

I. 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 6474, 6478, 6482, and 6486 Lawyers Hill Road, Elkridge, MD 21075 (the "Property"). The proposed forest conservation easement is in accordance with the Property's zoning (R-ED), 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.

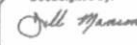
The Planning Director hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.144(p) and Section 16.144(q) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application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

102E2CF8431548F...

Jill Manion, Acting Chief
Division of Land Development

JM/kb

cc: Research
DED
DLD
Real Estate Services
FCC

LAW OFFICES OF
TALKIN & OH, LLP
COLUMBIA OFFICE
5100 DORSEY HALL DRIVE
ELLCOTT CITY, MARYLAND 21042-7870

(410) 964-0300
(301) 596-6500
Fax: (410) 964-2008

September 24, 2025

Via e-mail and hand delivery

Ms. Tamara Frank
Howard County Department of
Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043

Re: Administrative Appeal Petition to the Hearing Authority
7116 John Calvert Court, Elkridge, MD 21075
Tim Harman, Appellant

Dear Tamara:

Enclosed please find four copies of the Administrative Appeal Petition on behalf of the Appellant, Tim Harman, regarding the property located at 7116 John Calvert Court, Elkridge, MD 21075 (Tax Map 37, Grid 11, Parcel 94, Lot 3).

Attached to this letter please find a check in the amount of \$1,550.00 that will cover the filing fee and the public notice poster for this matter.

Please note that Sang W. Oh will be the attorney of record for Tim Harman.

Should you have any questions concerning this matter, please feel free to contact our office.

Very truly yours,

TALKIN & OH, LLP



Alexa Apgar
Legal Assistant

Enclosures



For DPZ Office use only:

BA Case No. BA-827D

Date Submitted: 9/24/25

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.

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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.

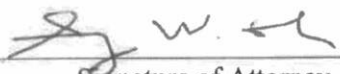
B) The appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an "on the record" appeal requires that within 30 days of filing an administrative appeal, the appellant file a record transcript of the hearing being appealed.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

(Make check payable to "Director of Finance")

County Website: 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:

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- ☐ (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.

Ana Casare
Witness

Tommy Han 9/22/25
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