

IN THE MATTER OF : BEFORE THE
BFEA-CURTIS FARM, LLC : HOWARD COUNTY
PETITIONER : BOARD OF APPEALS
: HEARING EXAMINER
: BA Case No. 25-005C

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DECISION AND ORDER

On January 21, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the Petition of BFEA-Curtis Farm, LLC (Petitioner) for a Conditional Use for Historic Building Uses (Professional Office) in the R-20 (Residential: Single) Zoning District, filed pursuant to Section 131.0.N.27 of the Howard County Zoning Regulations (HCZR).

Petitioner certified to compliance with the notice, posting, and advertising requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure. Christopher De Carlo, Esquire represented the Petitioner BFEA-Curtis Farm, LLC. Stephen Ferrandi (Property owner) and Paul Cavanaugh (Civil engineer) testified in support of the

Petition. Tim Nary cross-examined the witnesses and testified regarding the Petition.

Petitioner introduced into evidence the following exhibits:

1. Conditional Use Plan (November 2025).
2. Paul Cavanaugh Resume
3. GIS Aerial
4. Neighborhood Preservation Easement
5. D&O BA-17-032C

Respondent introduced into evidence the following exhibit:

1. Photo of Sign re cemetery area

FINDINGS OF FACT

Based upon the evidence of record, the Hearing Examiner finds as follows:

1. Property Identification. The Property is located west of MD 100, north of Snowden River Parkway, in the southeast intersection of Richards Valley Road and Waterloo Road. The Property encompasses 7.46 acres of land, is located in Council District 2, at Tax Map 37, Grid 1, Parcel 751, and is identified as 5771 Waterloo Road, Ellicott City, Maryland. (the "Property")

2. Property Description. The irregularly shaped 7.46-acre property contains a 2,855 square foot historic house (currently used as an office), stone barn, detached garage, two wood sheds, chicken coop, wood barn, well house, a grain building, and a cemetery. (Howard County Historic Site Inventory H0-37-7). The primary structure is

listed in the Historical Sites Inventory as H0-439, Curtis-Shipley House, and has been designated a historic structure by resolution of the Howard County Council. There is a Maryland Historic Trust easement on the subject Property and the Trust will need to grant approval for any modifications to the Property or structures. The entire site is encumbered with a Neighborhood Preservation Easement and permits historic building conditional uses.

The Property is partly covered by a stream buffer on the southeast corner. The Conditional Use plan proposes two (2) forest conservation easements bordering the north side of the Property and along its eastern and western property lines. The highest elevation is approximately 432 feet at the north corner of the Property and descends to an elevation of approximately 398 feet at the south corner of the Property.

3. Vicinal Properties.

Direction	Zoning	Land Use
North	R-A-15	Talbot Drive / Single-family attached
South	R-20	Waterloo Road / Single-family detached
East	R-A-15	Logans Way / Single-family attached
West	R-A-15	Richards Valley Road / Single-family attached / HOA Open Space

4. Roads. Waterloo Road is a Minor Arterial road and has four (4) lanes within a 100 foot right of way. Access on Waterloo Road consists of one ingress/egress point and one right turn only exit. The speed limit is 45 miles per hour. As of 2023, Waterloo Road had a daily traffic count of 12,305 AADT, per the Maryland Department of Transportation.

5. Water and Sewer Service. The Property is located inside the Planned Service Area for Water and Sewer. The Property is served by public water and private sewer.

6. General Plan. The Property is designated as Single-Family Neighborhood in the Future Land Use Map of HoCo By Design.

Waterloo Road is depicted as a Minor Arterial on the Functional Road Classification Map.

7. Reported Agency Comments. There are no Agency of Department comments in objection to the Petition.

The Health Department commented: "The proposal to expand employees is possible. However, Health does not have septic records for this historical property. We would have to fully evaluate the existing septic system, if the choice was to retain it as is. Health strongly recommends connecting to public sewer. The property is already

connected to public water, let's abandon the old & undersized septic system and hook into the grid. You may encounter difficulty proposing a brand-new parking lot on top of the existing septic system."

The Development Engineering Division "takes NO EXCEPTION to the request for a Historic Building Conditional Use for professional offices based on the justification presented in the application. This is subject to completing the SDP-22-030 design plans to approval which show the northernmost entrance being eliminated, a reconfiguring of the parking/access, and the existing gravel pavement being removed from the end of the proposed parking to MD Rte 108 as MSHA requires that entrance to be closed with curb and gutter. (The included exhibit does not reflect review comments for SDP-22-030)."

The Department of Inspections, Licenses and Permits stated: "The Maryland Accessibility Code requires a change in use, such as a dwelling to an office building, is required to be accessible. Provide parking and an accessible route to the building."

The Division of Land Development:

CRITERIA: Potential to comply with all technical requirements:

- A site development plan (SDP) for office use and related site improvements will be required should this conditional use be granted. Proposed site improvement and features shall be evaluated by DPZ staff and county agencies as part of the SDP submission requirements.

The proposed site improvements, such as parking, landscaping, forest conservation, stormwater management, driveways, walkways, and drainage systems shall all be evaluated as part of the forthcoming SDP submittal.

- Subsequent to the SDP submission, Planning Board review shall be required for

recommendation regarding the on-site cemetery in accordance with Section 16.1304 of Subtitle 13 of the County Code.

- This project shall be subject to Historic Preservation review/ comment due to the historic house (Curtis-Shipley Farmstead) that exists on the property.
- The property is encumbered with a Maryland Historic Trust easement. The Trust must approve the use proposed and development proposal prior to the approval of the SDP.

The existing historic house doesn't comply with current setbacks. However, Section 128.0.B.1. of the Zoning Regulations states - a structure or use which does not comply with current bulk requirements, but which complied with the requirements in effect when it was constructed, may remain in place and may be maintained or repaired as necessary.

CRITERIA: Existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures:

- Landscape requirements will be reviewed and evaluated at the SDP stage.
- A Type-C landscape perimeter edge will be required for the proposed commercial (office) use since all abutting properties are residential uses. A type-B landscape perimeter edge is required adjacent to the public roads.

CRITERIA: The number of parking spaces will be appropriate to serve the particular use. Parking areas loading areas, driveway and refuse areas will be appropriately located and buffered or screened from public roads and

residential uses to minimize adverse impacts on adjacent properties:

- Parking requirements will be reviewed and evaluated at the SDP stage. The Zoning Regulations require 3.3 parking spaces per 1,000 SF of office floor space, for office use. Based on the proposed uses, and the required ratios outlined in Section 133.0.D.3.a. of the Zoning Regulations, the proposed development appears to have adequate parking capacity.
- The adjacent property is residential use. All loading, driveway and refuse areas shall be adequately screened per landscape comments above.

CRITERIA: The proposed use will not have greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere (streams,

wetlands, floodplain, forest conservation, etc.)

- There do not appear to be environmental impacts within the Limit of Disturbance as shown on the conditional use exhibit. An environmental concept plan for the site must be approved prior to the site development plan to identify any impacts to streams, wetlands, and their buffers, floodplain, steep slopes and specimen trees on site which are protected from disturbance, per the Subdivision and Land Development Regulations. The existing natural environmental conditions of the subject site must be thoroughly assessed by an environmental professional and findings

must be provided with the forthcoming SDP.

- This project is subject to the County's Forest Conservation Act, per Section 16.1202 of the Code and the Forest Manual. A forest stand delineation and forest plan must accompany the forthcoming SDP to demonstrate how forest conservation is to be provided for this project. If the site contains specimen trees, the approval of an alternative compliance application is required for the removal of any specimen trees, if applicable.
- Please be informed that approval of a Conditional Use plan and specific site design does not serve as unwarranted hardship justification for any potential alternative compliance requests to the Subdivision and Land Development Regulations. The existing natural environmental conditions of the subject site must be thoroughly assessed by an environmental professional and findings must be provided with the forthcoming SDP.
- This project is subject to the County's Forest Conservation Act, per Section 16.1202 of the Code and the Forest Manual. A forest stand delineation and forest plan must accompany the forthcoming SDP to demonstrate how forest conservation is to be provided for this project. If the site contains specimen trees, the approval of an alternative compliance application is required for the removal of any specimen trees, if applicable.
- Please be informed that approval of a Conditional Use plan and specific site design does not serve as unwarranted hardship justification for any potential alternative compliance requests to the Subdivision and Land Development Regulations. Future review of the site development plan for compliance with the

Forest Conservation regulations may cause changes to the plan. If such changes do not constitute "minor modifications" as defined in Section 131.0.1.2.c, these changes may require a new hearing by the Hearing Authority, unless otherwise specified in the Decision and Order.

CRITERIA: Design Advisory Panel review:

The proposed development is not subject to Design Advisory Panel (DAP) review as it is not within the boundaries of a DAP review area.

8. Historic Preservation Commission.

Background & Scope of Work: This property is not located in a historic district but does have a Maryland Historic Trust easement and is listed on the Historic Sites Inventory as HO-439, the Curtis-Shipley House.

The farmstead is approximately 7.46 acres and includes eight contributing buildings: the two-story frame gable-roof house with a two-story service ell, dairy/smokehouse, garage, bank barn, granary, wagon shed/corncrib, hog barn, chicken house and a historic cemetery, #37-7 Shipley family cemetery. The Inventory states: This old Shipley house sits on the first land ever granted in Howard County to Adam Shipley in 1689. In 1883 James A. Shipley acquired the property and added to the original structure, circa 1890. The Applicant is seeking pre-application advice for the installation of a stone entrance sign and to expand the current entrance, driveway and parking as part of a Conditional Use filed with the Department of Planning and Zoning as BA-17-032C.

Staff conducted a site visit and notes that the property is constrained. The existing farm field appears open and expansive, but the northern open field has tile drainage, as noted in a blue square in Figure 1. There is an existing asphalt driveway that is a single lane running from the southern edge of the property from Waterloo Road (operating as the main entrance to the site) to the back (north side of the historic barn). A wood fence runs adjacent to this driveway to the eastern right side of the drive (Figure 2). There is another driveway that arches behind the main house that exits on to Waterloo Road, on the northwest side of the house. This driveway loop is mostly crushed gravel (Figure 3).

Staff Comments: The Curtis-Shipley property is significant both architecturally and historically, depicting a great example of a small farmstead in the eastern part of Howard County, which has transitioned from rural agriculture to suburban development patterns. Maryland Historic Trust has an easement on this property and will need to grant approval for any modifications to the property or structures. The Secretary of the Interior's Standards for Treatment of Historic Properties recommends "Retaining the historic relationship between buildings and the landscape." And recommends against "Removing or destroying features from the site, such as fencing, paths or walkways, masonry balustrades, or plant material."

9. Zoning History.

There have been two previous zoning cases located at the Property. As stated in the Petitioners Narrative Supplement, there was a previous Hearing Examiner case, BA-17-032C, which was a request for the use of a historic building for professional offices. This 2017 request was approved by the Hearing Examiner

in 2020. This approval has since expired and is the reason the Petitioner has submitted this request, BA-25-005C. The Petitioner asserts that there have been no substantial or material changes since the approval of BA-17-032C.

The other previous zoning case was a Zoning Regulation Amendment (ZRA) in 2022, ZRA-202. This amendment was to amend Section 131.0.N.27 Historic Building Uses to make certain historic venue uses permitted as a Conditional use in certain zoning districts. This amendment was approved.

10. The Requested Conditional Use. The Petitioner is requesting approval of a 2,855 square foot professional office currently operating within a historic structure, known as Curtis-Shipley House (HO-439). The professional office currently has three employees, but the Petitioner seeks to expand to 14 employees within the next five (5) years. The hours of operation are 7:00 AM to 9:00 PM Monday-Friday, and 9:00 AM to 6:00 PM Saturdays and Sundays. There are many accessory detached structures on the Property including a stone barn, garage, woodshed, wood barn, etc. The proposal includes 19 parking spaces for the use.

BURDEN OF PROOF

The Court of Appeals of Maryland has frequently expressed the applicable

standards for judicial review of the grant or denial of a Conditional Use. The Conditional Use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The Conditional Use is a valid zoning mechanism that delegates to an administrative body a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating this presumption. The legislative body has statutorily determined that a Conditional Use is compatible in a particular zoning district absent specific facts adduced to the contrary at a particular location. The duties given the hearing body are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the Zoning Plan.

The Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. These prescribed standards and requirements are conditions precedent to the approval of a conditional use. If he shows to the satisfaction of the zoning body that the conditions precedent have been met and that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest to a greater extent than if the proposed use were located elsewhere, he has met his burden.

The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly

debatable, the matter is one for the zoning body to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a Conditional Use is arbitrary, capricious, and illegal. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Rockville Fuel & Feed Co. v. Board of Appeals of Gaithersburg, 257 Md. 183, 187-88, 262 A.2d 499, 502 (1970); Montgomery County v. Merlands Club, Inc., 202 Md. 279, 287, 96 A.2d 261, 264 (1953); Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

These standards dictate that if a requested Conditional Use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1325 (1981). See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

The appropriate standard to be used in determining whether a requested Conditional Use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed and the particular location proposed would have any adverse effects above and beyond those inherently associated with such a Conditional Use irrespective of its location within the zone. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Deen v. Baltimore Gas & Electric Co., 240 Md. 317, 330-31; 214 A.2d 146, 153 (1965); Anderson v. Sawyer, 23 Md. App. 612, 617-18, 329 A.2d 716, 720, 724 (1974). Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1331 (1981). See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

CONCLUSIONS OF LAW

1. Neighborhood Preservation Density Exchange Option (Section 128.0.K.2.d.(3))

A prohibition on future use or development of the parcel for uses incompatible with the Neighborhood Preservation Parcel Easement. Only principal or accessory residential uses, Historic Building Uses Conditional Uses, or principal or accessory Swimming Pool Community uses are permitted in accordance with the Zoning Regulation.

The Property is subject to a Neighborhood Preservation Easement. The Deed indicates that Historic Building Uses Conditional Uses are permitted. The request is for a Historic Building Uses Conditional Use for a professional office.

2. General Criteria for Conditional Uses (Section 131.0.B)

HCZR Sections 131.0.8.1-3 requires the Hearing Authority to evaluate whether the proposed Conditional Use will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district in which it is located through the application of three standards; harmony *with* the General Plan, intensity of use, and atypical adverse impacts.

A. Harmony and Intensity of Use

Section 131.0.B.1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.

While HoCo By Design policies are not directly related to Conditional Use requests for Historic Building uses, the use is in harmony with the below HoCo By Design policies and implementing actions that encourage public access and awareness of historic buildings and incentivize restoration and adaptive reuse.

Quality By Design, QBD-6 Policy Statement: "Strengthen existing historic preservation programs and initiatives in Howard County." HoCo By Design, Chapter 7, QBD-51.

Implementing Action 3: "Evaluate ways to strengthen preservation and maintenance of historic properties outside of historic districts." HoCo By Design, Chapter 7, QBD-51.

Implementing Action 4: "Strengthen historic preservation programs to both prevent demolition and demolition by neglect, and to better incentivize restoration and adaptive reuse." HoCo By Design, Chapter 7, QBD-51.

Section 131.0.B.2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.

The professional office use is within the historic structure and is approximately 2,855 square feet. The area of the existing building and associated parking will occupy 5,000 square feet, which is 1.5% of the 7.46- acre property. The Property has sufficient area to accommodate the proposed use and parking. All bulk regulations are met.

The site has direct access to and frontage on Waterloo Road. Waterloo Road is classified as a Minor Arterial Road which is an appropriate classification for the number

and types of vehicles associated with the use. There no refuse or loading are proposed.

Therefore, the nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the use are appropriate.

B. Adverse Impacts

Unlike HCZR Section 131.0.B.1 which concern the proposed use's harmony or compatibility with the General Plan, or Section 131.0.B.2, which concerns the on-site effects of the proposed use, compatibility with neighborhood is measured under Section 131.0.B.3's six off-site "adverse effect" criteria: (a) physical conditions; (b) structures and landscaping; (c) parking areas and loading, (d) access, (e) impact on environmentally sensitive areas; and (f) impact on the character and significance of historic sites. These six adverse impact tests gauge the off-site effects of the proposed conditional use.

Inherent in the assessment of a proposed conditional use under these criteria is the recognition that virtually every activity has the potential for adverse impact. The assessment therefore accepts some level of such impact in light of the beneficial purposes the zoning body determined to be inherent in the use. Thus, the question in the matter before the Hearing Examiner is not whether the proposed use would have adverse effects in an R-20 Zoning District but whether there are facts and circumstances showing the particular use proposed at the particular location would have any adverse effects above and beyond those inherently associated With such a special exception [conditional] use irrespective of its location within the zones.

People's Counsel for Baltimore County v. Loyola College in Maryland, 406 Md. 54, 956 A.2d 166 (2008); *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981); *Mossburg v. Montgomery*, 107 Md. App. t, 666 A.2d 1253 (1995).

For the reasons stated below, Petitioners have met their burden of presenting sufficient evidence under HCZR Section 131.0.B.3 to establish the proposed use will not have adverse effects on vicinal properties beyond those ordinarily associated with a Historic Building Use Conditional Use in the R-20 Zoning District.

Section 131.0.B.3.a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.

The Property is 7.46 acres. All activities associated with the professional office use, aside from parking, will occur indoors. The use will not generate any physical conditions that will be discernable from abutting vicinal properties.

The adverse effects associated with the professional office use, such as noise, dust, fumes, odors, vibrations, increased lighting, hazards or other physical conditions would not be greater at the subject site than generally elsewhere in the R-20 zoning district.

Section 131.B.3.b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.

The use will be located within the existing historic building. There are no expansions, additions, or alterations proposed. The parking area is located away from all property lines and the public road and will be screened by existing and proposed

landscaping as shown on the Conditional Use plan.

The Conditional Use plan indicates a proposed entrance sign along the frontage of Waterloo Road. The height of the proposed entrance sign is seven feet and is not subject to setback requirements.

The location, nature and height of the structures and landscaping will not hinder or discourage the development or use of adjacent land and structures more at the Property than generally elsewhere in the R-20 zoning district.

Section 131.0.B.3.c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

Pursuant to Section 133.0 of the Howard County Zoning Regulations, the off-street parking requirement for an office is 3.3 spaces per 1,000 square feet. The Petitioner proposes a 2,855 square foot office use, which requires 10 spaces. The Conditional Use plan indicates 17 standard parking spaces plus 2 handicap parking spaces. The parking area is situated behind the historic building and on the western portion of the driveway loop. The Plan indicates existing and proposed landscaping to assist in screening the parking from adjacent properties.

The Petitioner does not propose refuse or loading areas and anticipates to continue using a private contractor to transport trash.

No refuse or loading areas are proposed.

Section 131.0.B.3.d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the

convenience or safety of shared use of the driveway.

The sight distance will be formally evaluated at the site development plan stage, if the Conditional Use request is approved. Provided in the Decision and Order for BA-17-032C is an estimated stopping sight distance of over 500 feet in both directions on Waterloo Road. The D&O states the 500 feet sight distance appears to provide safe access with adequate stopping sight distance per the American Association of State Highway and Transportation Official (AASHTO) Guidelines.

Waterloo Road is a Minor Arterial. To verify sight distance for Minor Arterials, AASHTQ recommends an intersection sight distance analysis, which will be evaluated during Site Development Plan review.

Section 131.0.B.3.e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

The closest environmentally sensitive area is the terminus of an intermittent stream on the site. The Conditional Use plan does not show any proposed impact to the stream buffer. With this in consideration, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere in the R-20 zoning district.

Section 131.0.8.3.f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

According to 131.0.N.27, exterior alterations to historic structures associated with Historic Building Uses shall be reviewed by the Historic Preservation Commission (HPC). The HPC evaluated the request in March 2019 with BA-17-032C and the Division of Resource Conservation provided comments that the HPC does not need to see the request again. The HPC minutes from the 2019 meeting are provided.

The closest off-site historic site is the "Peter Harmon House" (HO-438), which is located approximately 450 feet west of the Property. Three houses and Waterloo Road separate the two properties and will obstruct the view of the office from the historic site. Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere in the R-20 zoning district.

3. Specific Criteria Historic Building Use (Section 131.0.N.27)

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-2"0, R-12, R-6C, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops, bakeries (provided all goods baked on the premises shall be sold at retail from the premises), furniture upholstery, and similar services, personal service establishments, and seasonal sale of Christmas trees or other decorative plant materials, provided that:

Section 131.0.N.27.a. The building is a historic structure as defined in these regulations.

The proposed office is within a structure listed in the Howard County Historic Sites Inventory as HO-439, Curtis-Shipley House, and has been designated a historic structure by resolution of the Howard County Council. The Petition complies with Section 131.0.N.27.a.

Section 131.0.N.27.b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.

This criterion does not apply as the Petitioner is not proposing any dwelling

units.

Section 131.0.N.27.c. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 88ZR was adopted adding the historic building use category to these regulations.

This criterion does not apply as the Petitioner is not proposing any extensions or enlargements of the historic house.

Section 131.0.N.27.d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.

There are no exterior alterations of the historic structure proposed. The proposed parking in the Conditional Use plan is in alignment with a recommendation made by staff and HPC at their March 2019 meeting. Specifically, staff and HPC recommended "shifting the parking further to the west side of the loop driveway. This double-loaded (parking) design shifts cars from a central portion of the site to the side of all the historic buildings. This design also opens the views from the house (on the west side) to the fields and outbuildings, allowing for connectivity among the historic structures and open fields."

Section 131.0.N.27.e. An historic building converted into a community meeting hall or office, shall be subject to the following standards:

(1) No material or equipment shall be stored outside of structures.

No outdoor storage is proposed.

(2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of way and screened from the roadway and adjacent properties.

The proposed parking spaces indicated on the Conditional Use plan are over 30 feet from all property lines and Waterloo Road. The Plan shows existing and

proposed landscaping and vegetation to screen the parking from the adjacent properties and roadway. The historic structure will also serve as a buffer between the parking and roadway.

(3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan.

The site has frontage on and direct access onto Waterloo Road, which is designated as a Minor Arterial Road.

Section 131.0.N.27.f. On an ALPP purchased or dedicated property, the following additional criteria are required:

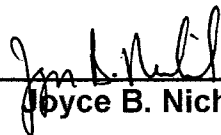
- (1) The use shall not interfere with the farming operations or limit future farming production.**
- (2) Any new building or building addition associated with the use, including any outdoor storage and parking.**

The Property is not subject to an ALPP easement. This Section is not applicable.

ORDER

Based upon the foregoing, it is this 5th day of February, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the Petition of BFEA-Curtis Farm, LLC., for a Conditional Use for a Historic Building Use, in a R-20 (Residential: Single) Zoning District, Tax Map 37, Grid 1, Parcel 751, Council District 2, identified as 5771 Waterloo Road, Ellicott City, Maryland, be and is hereby **GRANTED**.

HOWARD COUNTY BOARD OF APPEALS**HEARING EXAMINER**

Joyce B. 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.