

IN RE:	*	BEFORE THE
CORRIDOR SQUARE LLC	*	HOWARD COUNTY
PETITIONER	*	ZONING BOARD
	*	Case No.: ZB-1130M
	*	

PETITIONER’S RESPONSE TO EXCEPTIONS OF PROTESTANT DAVID ZINNER

Corridor Square, LLC (“Petitioner”), by and through its undesignated counsel, and pursuant to Section 2.405C.3 of the Rules of Procedure of the Howard County Zoning Board, hereby submits this Response to the Exceptions of Protestant David Zinner, and states as follows:

I. Introduction

Petitioner is seeking to amend the Zoning Map of Howard County, Maryland (the “Zoning Map”) to reclassify approximately 3.91 acres of land from the TOD (Transit Oriented Development) Zoning District to the B-2 (Business: General) Zoning District. The rezoning request includes a Documented Site Plan (the Plan) as permitted under Section 100.0.G.2 of the Howard County Zoning Regulations (the “HCZR”) for motor vehicle fueling facility, convenience store, and car wash uses.

The proposed development will result in Route 1 frontage improvements that will unify Route 1 between Route 103 and Route 100 including (1) the widening of Route 1 to provide an additional lane, (2) the installation of contiguous sidewalk connections, and (3) the installation of a shared use pedestrian and bicycle path. *See*, Pet. Ex.1, Sheets 3, 6, and Pet. Ex. 18. Petitioner is also proposing a new signalized intersection between Parcel 279 and the adjacent auto repair use that will provide direct and safe access to the Site and the Memorial Park, improving current traffic conditions. *Id.* Further, Petitioner’s proposed redevelopment of these underutilized sites will

provide millions in new tax base and revenue to the County. Lastly, the proposed redevelopment will result in the perpetual preservation and beautification of over 4 acres of the core of the Rosa Bonheur Memorial Park providing a public green space that honors and memorializes the history and legacy of the site as shown in the illustration below:



(Copy of Image from Pet. Ex. 1, Sheet 23)

II. The Zoning Board’s jurisdiction in this zoning matter does not include review of the Howard County Cemetery Preservation Act.

Before moving to the substance, a few items must be highlighted. First, it must be noted that despite references in his Exceptions to “we” and the Rosa Bonheur Society (“RBS”), Mr. Zinner does not represent any group including RBS in this matter. RBS is not a party in this case and Mr. Zinner’s testimony and participation is limited to him as an individual. Second, Mr. Zinner does not live within the vicinity of the Subject Properties or in Elkrigde, nor does he have any relatives or pets interred in the Memorial Park.

Third, although wholly irrelevant in this zoning matter for the reasons cited by the Hearing Examiner in her Report and explained below, Mr. Zinner conveniently fails to mention that the alleged “desecration” of the Memorial Park, *i.e.* the exhumation of human remains in 2023, occurred in accordance with State and County Law. Nor does he mention that the Howard County State’s Attorney’s Office has informed him that authorization was given and notice was provided as required by law for the exhumations. (*See*, Written Timeline of Candy Warden submitted to the Planning Board: “March 01, 2023 – Daivd Zinner discovered that State’s Attorney [] had **approved** exhumations and/or removals...”; and “January 02, 2024 – Daivd Zinner reported via e-mail: ... Howard County State’s Attorney [] called me back this morning ... He said a second Rosa Bonheur authorization for disinterment (of nine human burials) was **approved** on August 9, 2023, published in the Baltimore Sun on July 6, 2023”) (emphasis added). Further, he fails to mention the State’s Office of Cemetery Oversight (“OCC”) dismissed all complaints regarding this allegation. (*Id.* “June 26, 2025 – The OCO dismissed the complaints filed by RBS ...”).

Fourth, similar to his arguments during the hearings, Mr. Zinner’s exceptions do not focus on the proposed zoning of the Subject Properties, but instead on the development of the Memorial Park. Of critical importance for the Zoning Board, these arguments would apply to any development of the Memorial Park property regardless of the zoning designation. In fact, these same concerns would be present, and greater, if instead of seeking this re-zoning request, which limits the development to only 2.10 acres of the Memorial Park, the whole of the Memorial Park was developed under the current TOD zoning district with a high density mix-used development fronting on Dorsey Run Road. In addition, regarding alleged incompatibility, Mr. Zinner fails to acknowledge that the rezoning area includes the redevelopment of a former gas station site

meaning that the Memorial Park existed for decades directly adjacent to a gas station with no compatibility issues.

Nevertheless, Mr. Zinner primarily argues in his Exceptions that the Hearing Examiner's Report failed to take into account the Howard County Cemetery Preservation Act (the "Act"), which is codified under Section 16.300, *et seq.* of the Howard County Code of Ordinances (the "Code"). This position misunderstands the Hearing Examiner's Report, the sequential zoning and development process in Howard County, and the Zoning Board's authority and jurisdiction in this matter.

This is a zoning map amendment case based on a mistake in the 2013 comprehensive zoning with a documented site plan ("DSP") for specific uses. It is not a development plan case. The Hearing Examiner correctly noted in her Report that while zoning and development are interrelated, they are distinct and sequential processes. Zoning approval, especially with a DSP, locks in the uses for the Subject Properties, but it does **not** approve the development of those uses in conformance with the technical requirements of the Howard County Subdivision and Land Development Regulations contained in Subtitle 16 of the Code.

This is no different than when the prior Council in 2013 zoned the property Transit Oriented Development (TOD). The prior Council did not approve a TOD development during the 2013 zoning, it just set the zoning for the property allowing the TOD uses on the land **if** the proposed development could meet the technical requirements of the Code during the site development plan process. Here, the same principle applies, even with the DSP.

If the Zoning Board approves this request, it is not approving a development plan. It is instead switching the zoning to the appropriate commercial zoning classification because of the Council's mistake in 2013. The DSP component then further restricts the zoning by limiting the

uses allowed on the property under the B-2 to those on the DSP. To be clear, the DSP is a tool to limit the zoning uses allowed on the property; it does not approve the construction of those uses or mandate approval of any subsequent site development plan. It merely allows the project to proceed to the development plan stage. And it is at the site development plan stage that the Petitioner must demonstrate compliance with all of the technical requirements of the Code. These technical requirements include, but are not limited to, compliance with stormwater management, traffic, forest conservation, historic preservation, and, in this case, cemetery preservation. If the developer cannot comply with these requirements during the site development plan stage, then the development is never approved and constructed. As the Hearing Examiner correctly noted in her Report, it is at this stage Mr. Zinner's and the other protestants' concerns regarding the specifics of the development of the Memorial Park are relevant in relation to the Act.

Indeed, this is clear by the plain language of the Act. Sec. 16.1304 of the Code specifically triggers the Act “[w]hen a property owner proposes to develop a property, **through submission of a subdivision sketch plan, preliminary equivalent sketch plan, or a site development plan,** on which is located a cemetery.” (emphasis added). Petitioner is not seeking approval of a subdivision sketch plan, preliminary equivalent sketch plan, or site development plan with this request and, therefore, compliance with the Act is not triggered. We are at the zoning stage before this process kicks in. Moreover, under the Act approval jurisdiction is assigned to the Cemetery Preservation Board, the Planning Board and the Department of Planning and Zoning, **not** the Zoning Board during a mistake zoning case. *See*, Sec. 16.1304(e) of the Code.

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests the Zoning Board adopt the Hearing Examiner's Report and approve the Petition. Petitioner has demonstrated a mistake

during the last comprehensive rezoning justifying reclassification, has demonstrated that the B-2 is the appropriate zoning district, and has met all the criteria of approval for its Documented Site Plan uses. Petitioner expressly reserves the right to address any other exceptions noted by Mr. Zinner, or any other party, during oral argument.

Dated: April 27, 2026

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Certificate of Service

I hereby certify that on this 27th of April, 2026, a copy of the foregoing was sent by electronic mail to the following:

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