

Donna Gorjon : BEFORE THE
Appellant : HOWARD COUNTY
v. : BOARD OF APPEALS
HOWARD COUNTY DEPARTMENT OF : HEARING EXAMINER
PLANNING AND ZONING : BA Case No. 829D
IN CE-26-17
Appellee

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DECISION AND ORDER

On June 11, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, conducted a hearing on the administrative appeal of Donna Gorjon (Appellant). Appellant is appealing the Department of Planning and Zoning’s March 10, 2026, letter finding no zoning violations at the Subject Property, as alleged in her January 21, 2026 Complaint, located at 10450 Waterfowl Terrace, Columbia, Maryland. The appeal is filed pursuant to §130.0.B.4 of the Howard County Zoning Regulations (HCZR).

The Appellant 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. Ms. Donna Gorjon, Appellant, testified on her own behalf. Mr. David Moore, Esq., Senior Assistant County Solicitor, Howard County, appeared on behalf of Appellee Department of Planning and Zoning (DPZ). Everett James, Code Enforcement Supervisor, and Maurice Blanding, Code Enforcement Inspector, testified on behalf of Appellee. The Property Owners Marcie Karen Weil and Lawrence Schoen were also present but did not testify.

Appellant presented the following Exhibits:

1. Consolidated Appeal Packet
 - A-0 Lawrence J. Schoen letter to Geoff Goins (Nove 17, 2023)
 - A-1 Goins email to Schoen (Nove 28, 2023)
 - A-2 Building Permit B250003489 (issued Nove 12, 2025)
 - A-3 Accela Permit Workflow Record
 - A-4 -D-1 Not submitted
 - G-1 April 2025 Boundary survey showing left side setbacks
 - G-2 Collectively 4 photos of the left side of the house including the shed
 - G-3 Photo of shed with annotations
 - H-1 and H-2 Photos of Roof heights
 - I-1 Hearing Examiner Notice (2 documents)
 - I-2 DPZ letter re hearing requirements
 - I-3-I-6 Certified mailing
 - I-7 Administrative Appeal Affidavit

I-8 Baltimore Sun Certificate of Mailing (6 pages)

J 4 1974 MLS listing photos

K-1 Not submitted

K-2 2 photos of the garage construction

L-1 1969 Plot Plan and circa 1969 house photo

L-2 3 copies of the 2023 boundary survey with various annotations

M-1 2023 Boundary Survey and 3 photos

M-2 Partial interior layout

N Not submitted

O1-O-3 Correspondence between Gorjon and Village of Wild Lake Covenant
Advisor

P Gorjon notes of her meeting with Inspector Blanding

Q-1-Q-2 Photos of roof lines during construction

Appellee presented the following Exhibits:

1. November 2023 email exchange between Geoff Goins (DPZ) and Lawrence Schoen including attached photos
2. DPZ closure letter dated March 10, 2026, in response to filed Complaint
3. April 2025 Boundary Survey including Zoning Reviewer Note

BACKGROUND

The approximately 13,764 sq ft property is located on the north side of Waterfowl Terrace, adjacent to Wilde Lake, west of Little Patuxent Parkway, north of Governor Warfield Parkway and east of Cedar Lane, identified as 10450 Waterfowl Terrace,

Columbia, Maryland (the Property). The Property is a four-sided pie shape. The Subject Property lies in Council District 4, and is identified as Tax Map 30, Grid 19, Parcel/Lot 241, in the N-T (New Town) Zoning District.

The Property Owners, Marcie Karen Weil and Lawrence Schoen, applied for Building Permit B25003489 on August 29, 2025, which was approved November 12, 2025. The issuance of this Building Permit was not appealed. On January 21, 2026, Appellant, a neighbor, filed a written Complaint with DPZ. Appellant did not submit a copy of this Complaint therefore it is not in evidence. On March 2, Inspector Blanding allegedly emailed Appellant stating that he had inspected the property and found no violations. Appellant did not produce a copy of this email, and it is not in the record. On March 10, 2026, DPZ sent a letter to Appellant finding no zoning violations. By correspondence dated March 16, 2026, Appellant allegedly contested this finding with DPZ. By email dated March 26, 2026, Inspector Blanding allegedly maintained his finding of no zoning violations on the Subject Property alleged in the Complaint. Appellant failed to provide either of these documents and therefore they are not in the record.

It is from the March 10, 2026, letter from DPZ finding no zoning violations alleged in the Complaint that the instant appeal is noted.

As a basis for the instant appeal, Appellant argues that:

The core question is whether DPZ permissibly authorized a 27×28 fully enclosed attached garage to encroach into a required 7.5-foot side yard setback, relying on Howard County Zoning Regulations §120.0.B.2.a.2, when: (1) the predicate “attached shed” condition is undocumented and contradicted by every independent source; (2) the prior structures were demolished, extinguishing any prior nonconforming condition; and (3) the

new garage constitutes a materially greater encroachment in mass, volume, height, and neighborhood impact than any prior condition.

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 Vill., 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 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.

MOTION TO DISMISS

At the conclusion of Appellants evidentiary case, Appellee, DPZ, orally argued to have the appeal dismissed (1) that the Hearing Examiner is without jurisdiction to hear any claims arising from the November 12, 2025 issuance of Building Permit B25003489 as its issuance was not timely appealed and therefore is not properly before the Hearing Examiner, and (2) that Appellant has failed to state a claim upon which relief can be granted. The Motion was taken under advisement.

CONCLUSIONS OF LAW

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. Appellant has failed to meet her burden of proof of showing by substantial evidence that the denial of her Complaint, along with DPZ's finding of no violation based on the Complaint, was clearly erroneous, arbitrary and capricious, or contrary to law. Appellant failed to provide a copy of her Complaint and therefore the basis of her Complaint is unknown. Knowing what the Complaint was based on is fundamental to a determination of whether DPZ's finding was clearly erroneous, arbitrary and capricious, or contrary to law. DPZ's finding is predicated on the Complaint which has not been provided. Therefore Appellant has failed to state a claim upon which relief can be granted.

Much of Appellants testimony is historical in nature and the issuance of the

Building Permit essentially negates any historical arguments which are subsumed into the Building Permit. Building Permit B25003489 was issued November 12, 2025, and was not appealed. Your Hearing Examiner is without jurisdiction in the instant Administrative Appeal to consider any issues arising from the Building Permit, which approval is final.

ORDER

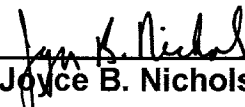
Based upon the foregoing, it is this 15th day of June, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That Appellant's appeal of the March 10, 2026 letter from DPZ finding no violations alleged in the Complaint, for the Property identified as 10450 Waterfowl Terrace, Columbia, Maryland, in the N-T (New Town) Zoning District, Council District 4, Tax Map 30, Grid 19, Parce/Lot 241, be and is hereby **DENIED**, and it is further **ORDERED**,

That Appellee's Motion to Dismiss be, and hereby is **GRANTED**, and the instant Appeal is **DISMISSED**.

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.