

DAVID MARC, et al : BEFORE THE
Appellants : HOWARD COUNTY
v. : BOARD OF APPEALS
HOWARD COUNTY DEPARTMENT OF : HEARING EXAMINER
PLANNING AND ZONING : BA Case No. 830D
IN SDP-24-024
Appellee

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DECISION AND ORDER

On June 16, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, began an evidentiary hearing on the administrative appeal of David Marc, et al (Appellants). Appellants are appealing the Department of Planning and Zoning’s March 24, 2026, letter notifying Maryland International School that its application for SDP-24-024 is technically complete. The Subject Property is located at 6135 Old Washington Blvd, Elkridge, Maryland. The appeal is filed pursuant to §130.0.B.4 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. Ms. Alex Votaw, Esq appeared on behalf of Appellants David Marc, et al. Mr. Christopher DeCarlo, Esq. appeared on behalf of the Property Owner Maryland International School. No one appeared on behalf of the Appellee Department of Planning and Zoning.

MOTION TO DISMISS

At the onset of the hearing, Maryland International School (School) presented an oral Motion to Dismiss. The School argued that the Hearing Examiner has no jurisdiction to decide the instant appeal as the letter advising that the application for SDP-24-04 was technically complete is not a final appealable decision. Appellants argued that §16.301 would permit the Board of Appeals to hear the appeal and that the powers of the Hearing Examiner were the same as the Board of Appeals. The Motion to Dismiss was granted and the parties requested that a Decision and Order be issued.

APPLICABLE LAW

SECTION 130.0: - Hearing Authority

B. Powers of the Hearing Authority

The Hearing Authority shall have the following powers related to zoning:

4. Appeals of Administrative Decisions

- b. To hear and decide appeals where it is alleged the Department of Planning and Zoning has erred in the interpretation or application of any provisions of the Zoning Regulations.

Sec. 16.301. - Powers.

The Howard County Board of Appeals shall have the following powers:

- (b) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any administrative official in the application, interpretation, or enforcement of this title or of any regulations adopted pursuant to it.

Sec. 16.103. - Administration.

- (b) *Department of Planning and Zoning Responsible for Final Action.* The Department of Planning and Zoning is responsible for the final approval or disapproval of proposed subdivisions and site developments. In making its decision on a subdivision or site development plan the Department shall consider the reports and recommendations of the review committee and other appropriate agencies to which it has sent the plan for comment and recommendation.

- (e) *Types of Final Action.* Final action by the Department of Planning and Zoning on a subdivision or site development submittal shall be:

- (1) Approval;
- (2) Approval with required modification; or
- (3) Denial.

Sec. 16.105. - Appeals.

- (a) *Appeal to Board of Appeals.* A person aggrieved by an order of the Department of Planning and Zoning may, within 30 days of the issuance of the order, appeal the decision to the Board of Appeals.

**ARTICLE V. - PROCEDURES FOR FILING AND PROCESSING SITE DEVELOPMENT
PLAN APPLICATIONS****Sec. 16.156. - Procedures.***(g) Report of Review Committee; Additional Information:*

- (1) Within 60 days of active processing time from submission of the site development plan, the Department of Planning and Zoning shall provide the developer with a written report of the findings of the Review Committee including the comments of the Review Committee and its recommendations.
- (2) If the Department of Planning and Zoning or the Review Committee indicates that additional information is needed in order to decide whether to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

(i) Approval/Denial of Site Development Plan:

- (1) Within 60 days of active processing time from submission of the site development plan or, if additional information was requested, within 45 days of receiving the information, the Department of Planning and Zoning shall indicate to the developer in writing whether the site development plan is approved, approved with modifications or denied.

CONCLUSIONS OF LAW

A letter finding that a plan is technically complete, subject to ProjectDox markups and attached conditions, is not a final appealable order. Examples of technically complete letters can be found at Howard County Code §127.3 (Continuing Light Industrial) and HCZR §16.156 (b) (technically complete sketch plans). Section 16.156 (g) (procedures for approval of a Site Development Plan (SDP)) requires that the Department of Planning and Zoning (DPZ) provide a written report of the findings of the review committee including the comments of the review committee and its referring agencies. Section 16.156(i) requires that DPZ approval of a SDP be in

writing and must either approve, approve with modifications, or deny the SDP. There are no other options. Likewise, §16.103(e) states that final action on a submitted subdivision or site development is limited to approval, approval with modifications or denial.

Section 16.105(a) provides that any person aggrieved by an **order** of the Department of Planning and Zoning may appeal the decision to the Board of Appeals. A SDP may only be disposed of by an order approving, approving with modifications, or denying the SDP. An order is required before a petition for appeal is ripe. A letter that a SDP application is technically complete is not an order and does not finally approve, approve with modifications, or deny an application for a SDP. The instant appeal is premature.

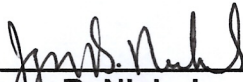
ORDER

Based upon the foregoing, it is this 18th day of June, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That Appellees Motion to Dismiss Appellant's appeal of the March 24, 2026 letter from DPZ notifying Maryland International School that its application for SDP-24-024 is technically complete subject to ProjectDox markups and attached conditions, for the Property identified as 6135 Old Washington Blvd, Elkridge, Maryland, be and is hereby **GRANTED**, and it is further **Ordered**, that the instant appeal be and hereby 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.