

DPZ office use only:

BA Case No.: 829D

Date Submitted: 7/15/26

**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** Donna Gorjon v. Howard County Dept. of Planning and Zoning in CE-26-17
BA Case No. BA-829D
June 15, 2026
Date Decision and Order Mailed _____
2. **Reason for Appeal** The Hearing Examiner dismissed the Petition on improper and/or curable procedural grounds, without reaching the merits. Appellant requests a de novo hearing before this Board. See Addendum A.
3. **Name of Appellant** Donna Gorjon
Trading as (if applicable) _____
Mailing address 10475 State Route 108, Columbia, MD 21044
Phone number(s) 240-417-1046
Email Gorjondo@att.net
Name of principal contact (if different) _____
4. **Counsel for Appellant** Pro se
Mailing Address _____
Phone number(s) _____
Email _____
Secondary contact for counsel (if any) _____

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

☐ 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.

 7/15/20
Signature of Appellant Date Donna Gorjón
Print Name of Appellant

Signature of Appellant Date Print Name of Appellant

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. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

ADDENDUM A

Reference: Item 2, Petition of Appeal

On June 11, 2026, Appellant presented eight grounds of appeal before Hearing Examiner Nichols in Case CE-26-17, challenging DPZ's March 10, 2026 determination that no zoning violation existed at 10450 Waterfowl Terrace. The Hearing Examiner dismissed the Petition on procedural grounds without reaching any of the eight grounds presented.

Appellant requests that this Board hear the matter de novo and rule on the eight grounds originally presented.

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		

.....
.....

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

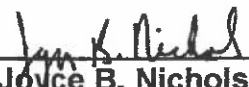
Based upon the foregoing, it is this 15th day of June, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

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.

BEFORE THE HOWARD COUNTY BOARD OF APPEALS HEARING EXAMINER
FOR HOWARD COUNTY, MARYLAND

DONNA GORJON

*

BA CASE NO. 829D

Appellant

*

v.

*

HOWARD COUNTY DEPARTMENT
OF PLANNING & ZONING
IN CE-26-17

*

*

Appellee

*

* * * * *

OFFICIAL TRANSCRIPT OF PROCEEDINGS OF
HEARING HELD ON JUNE 11, 2026

HOWARD COUNTY HEARING EXAMINER:
Joyce B. Nichols

APPELLANT DONNA GORJON
Appeared on her own behalf

COUNSEL FOR THE APPELLE:
David Moore, Esq.
Senior Assistant County Solicitor for Howard County

BOARD SECRETARY:
Kel Berg

Transcribed from digital audio recording by:

Alison Mathieson
Official Court Reporter and Transcriber

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APPELLANT'S EXHIBITS

Exhibit No.	Exhibit Sub No.	Description
1		Consolidated Appeal Packet
	A-0	Lawrence J. Schoen letter to Geoff Goins - November 17, 2023
	A-1	Goins email to Schoen - November 28, 2023
	A-2	Building Permit B250003489 - Issued November 12, 2025
	A-3	Accela Permit Workflow Record
<i>*Note</i>	<i>A-4 to D-1</i>	<i>Not Submitted</i>
	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
	H1 & H2	Photos of Roof heights
	I-1	Hearing Examiner Notice (2 documents)
	I-2	DPZ letter re hearing requirements
	I-3 to I-6	Certified mailing
	I-7	Administrative Appeal Affidavit
	I-8	Baltimore Sun Certificate of Mailing (6 pages)
	J	41974 MLS listing photos
<i>*Note</i>	<i>K-1</i>	<i>Not Submitted</i>
	K-22	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
O-1 to O-3	Correspondence between Gorjon and Village of Wilde Lake Covenant Advisor
P	Gorjon notes of her meeting with Inspector Blanding
Q-1 to Q-2	Photos of roof lines during construction

APPELLEE'S EXHIBITS

Exhibit No.	Description
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

1 June 11, 2025

2 Howard County Board of Appeals Hearing Examiner

3 BA Case No. 829D

4

5 The proceedings began on the record before the Howard
6 County Board of Appeals Hearing Examiner

7 Hearing Examiner Nichols: We are here for an appeal,
8 829-D by Donna Gorjon for a property at 10450 Waterfall
9 Terrace in Columbia. The appeal is based on the March 10,
10 2026 letter from the Department of Planning and Zoning
11 with regards to CE2617 in which the department found that
12 they had inspected the property and found no violations.
13 An appeal from that letter was timely filed.

14 Now before we get really started, I need to get a few
15 housekeeping things done. So, Ms. Gorjon, you mentioned a
16 variety of documents that are not in front of me. So, I
17 need to get copies of them from you. So, you reference a,
18 let's see, what's your first reference? You reference the
19 permit itself, the building permit itself, B25003489 which
20 was issued on November 12, 2025. Do you have a copy of
21 that?

22 Ms. Gorjon: *(inaudible - no mic on)*

23 Hearing Examiner Nichols: Okay, great. Do you have
24 copies for everybody?

25 Ms. Gorjon: Yes.

1 **Ms. Gorjon:** Oh great. Okay, so thank you so much.

2 **Ms. Gorjon:** *(inaudible - no mic on)*

3 **Hearing Examiner Nichols:** Oh no, no, we haven't seen
4 anything like this. You sent this but I don't see the
5 permit in here.

6 **Ms. Gorjon:** *(inaudible - no mic on)*

7 **Hearing Examiner Nichols:** Okay, so if you could help
8 me by finding the documents for me that would be great.
9 Okay, so we're looking for the permit.

10 And I don't have all those attachments. None of those
11 attachments came through.

12 **Ms. Gorjon:** *(inaudible - no mic on)*

13 **Hearing Examiner Nichols:** Okay, so the permit, I'm
14 going to take this apart a little bit.

15 So, we have the permit. Okay, let me check that one
16 off. We have the permit.

17 There is the zoning which is this, this thing right
18 here, right? I don't need to worry about that.

19 Let's see, there is an owner's letter to DPZ November
20 17, 2023. Okay, that's the owner's letter.

21 I don't care about this one. Um, Geoff Goins' email
22 November 28, 2023.

23 No, that's 826. We're looking for November 28, '23.
24 Yeah, it's an email November 28, 2023.

25 **Ms. Gorjon:** *(inaudible - no mic on)*

1 **Hearing Examiner Nichols:** Oh, it just lined up that
2 way. Right, okay, Let's see.

3 Alright, and then your March 19, 2026 letter to DPZ.
4 You called it attachment Q and we didn't have attachments.
5 So, I'm looking for the March 19, 2026, your letter to
6 DPZ.

7 **Ms. Gorjon:** *(inaudible - no mic on)*

8 **Hearing Examiner Nichols:** Correct. You apparently
9 sent, you said you sent in a letter on March 19th to DPZ
10 and so I'm looking for that.

11 **Ms. Gorjon:** *(inaudible - no mic on)*

12 **Hearing Examiner Nichols:** Okay, and you don't have
13 it.

14 **Ms. Gorjon:** I don't have it *(inaudible - no mic on)*.

15 **Hearing Examiner Nichols:** Okay, no, I mean, do you
16 have it? Yeah, let's go see.

17 I'm also looking for the March 26 email from
18 Inspector Blanding.

19 **Ms. Gorjon:** *(inaudible - no mic on)*

20 **Hearing Examiner Nichols:** So, you don't have, you
21 don't have that with you. Okay, how about the March 26
22 email response from Inspector Blanding, in response to
23 your March 19th letter?

24 **Ms. Gorjon:** *(inaudible - no mic on)*

25 **Hearing Examiner Nichols:** No, you don't have that

1 either. Okay. Then how about your January 21st written
2 complaint to DPZ?

3 **Ms. Gorjon:** No, I didn't include that.

4 **Hearing Examiner Nichols:** You don't have it?

5 **Ms. Gorjon:** No.

6 **Hearing Examiner Nichols:** Okay, it's going to be
7 very hard --

8 **Ms. Gorjon:** I included the information that I
9 believed to be specifically, you know, related, you know,
10 to what the complaint, you know, was about and it was
11 already in the record.

12 **Hearing Examiner Nichols:** I understand that, but
13 you're appealing something which I'm not able to look at.
14 Your letter of appeal, I don't really know what you
15 appealed because I can't see the letter. I don't know what
16 your correspondence with Mr. Blanding was the middle to
17 late part of March. Therefore, I wouldn't be able to
18 consider it and there also apparently was a communication
19 with Inspector Blanding. I'm not sure from or to, either
20 the inspector was the recipient or he sent the letter on
21 March 2nd of 2026.

22 **Ms. Gorjon:** No, I don't, I don't have.

23 **Hearing Examiner Nichols:** You don't have that
24 either?

25 **Ms. Gorjon:** No.

1 **Hearing Examiner Nichols:** Alright, I am a little
2 concerned because I don't have information particularly
3 relevant to your appeal because I don't have your appeal
4 letter. I do know what DPZ said and then I don't have
5 anything with regards to any correspondence you had after
6 that date.

7 But, be that as it may, those are the documents I was
8 looking for that you referenced.

9 One other thing is the application that you filled
10 out is not complete, so I need you to fill out the council
11 district that the property is in.

12 **Ms. Gorjon:** Uh-huh. That is not in the document?

13 **Hearing Examiner Nichols:** No, no, you left it all
14 blank in your petition. You left it all blank. So, I need
15 to know the council district, the election district, the
16 zoning district, that means the zone it's in, the tax map
17 number, the grid number, and the parcel and lot number of
18 the property in question at 10450 Waterfowl Terrace.

19 **Ms. Gorjon:** My recollection is that document was
20 totally, you know, completed.

21 **Hearing Examiner Nichols:** This is your document,
22 this is your handwriting, and it's blank.

23 **Ms. Gorjon:** May I approach?

24 **Hearing Examiner Nichols:** Uh-huh, yeah.

25 **Ms. Gorjon:** Alright.

1 **Hearing Examiner Nichols:** And I'm just going to show
2 you the copy here. This is, well I need this because I
3 wrote on it, but that's your application.

4 **Ms. Gorjon:** *(inaudible - not near a mic)*

5 **Hearing Examiner Nichols:** Okay, well, okay, if you
6 filled it out, you can show it to me, that's fine.

7 **Ms. Gorjon:** *(inaudible - not near a mic)*

8 **Hearing Examiner Nichols:** You can just tell me and
9 I'll fill in the blanks here.

10 So, what is the council district?

11 **Unknown:** It's the same as yours. So, whatever
12 district you're in.

13 **Ms. Gorjon:** I'm looking at the document because it
14 had written -- oh, wait a minute, here we are, the
15 election district, district five.

16 **Hearing Examiner Nichols:** I'm sorry, say it again?

17 **Ms. Gorjon:** District five.

18 **Hearing Examiner Nichols:** Okay, five, great, okay.

19 **Ms. Gorjon:** Tax map 0030.

20 **Hearing Examiner Nichols:** 0030.

21 **Ms. Gorjon:** The grid 0019.

22 **Hearing Examiner Nichols:** 0019.

23 **Ms. Gorjon:** Parcel lot 0241.

24 **Hearing Examiner Nichols:** 0241 and the zoning is NT,
25 Newtown. Okay, super. Okay, thank you very much.

1 **Ms. Gorjon:** For the record, it was in the record.

2 **Hearing Examiner Nichols:** Yeah, thank you very much.

3 I appreciate you finding it.

4 Okay, those were the housekeeping items that I had.

5 So, Ms. Gorjon, this is your case, this is your
6 appeal. So, you get to go first and witnesses have to be
7 sworn in. Anybody who wants to testify needs to sit in
8 that chair there and I will swear you in.

9 So, would you like to make an opening argument or
10 would you like to just put a witness on? The witness can
11 be you.

12 **APPELLANT'S CASE-IN-CHIEF**

13 **Ms. Gorjon:** Okay, well, first of all, I do want to
14 say good evening to you, Ms. Nichols. My name is Donna
15 Gorjon and I'm the appellant in this matter representing
16 myself.

17 **Hearing Examiner Nichols:** Okay.

18 **Ms. Gorjon:** I reside at 10454 Waterfowl Terrace,
19 Columbia, Maryland, the property immediately adjacent to
20 this -

21 **Hearing Examiner Nichols:** Are you kind of testifying
22 because if you are, I need to put you under oath.

23 **Ms. Gorjon:** No, I'm just, you know, giving my
24 introduction.

25 **Hearing Examiner Nichols:** Okay.

1 **Ms. Gorjon:** I'm immediately adjacent to the subject
2 property at 10450 Waterfowl Terrace for approximately 57
3 years. On these properties, I also have another property
4 across the street, 10457 -

5 **Hearing Examiner Nichols:** I'm going to feel much
6 more comfortable if we swear you in because you're talking
7 personally.

8 So, let's let you sit right here at the very end
9 there and I'm going to swear you in. Right there, the
10 single seat right there. And you can take any papers you
11 want with you.

12 **Ms. Gorjon:** So, am I going to be speaking from
13 there?

14 **Hearing Examiner Nichols:** Yeah, you're going to
15 speak from there, right. I'm going to swear you in, ma'am.

16 **TESTIMONY OF DONNA GORJON**

17 **Hearing Examiner Nichols:** Do you solemnly swear or
18 affirm under the penalties of perjury that the responses
19 given and statements made to be the truth, the whole
20 truth, and nothing but the truth?

21 **Ms. Gorjon:** Yes.

22 **Hearing Examiner Nichols:** Thank you. Please state
23 your name and address for the record.

24 **Ms. Gorjon:** Okay. Again, my name is Donna Gorjon,
25 10454 Waterfowl Terrace, Columbia, Maryland.

1 **Hearing Examiner Nichols:** Alright, thank you. What
2 would you like to say today?

3 **Ms. Gorjon:** Okay, now we're back on target. May I
4 sit down?

5 **Hearing Examiner Nichols:** Oh, yes, please. Yes,
6 please do.

7 **Ms. Gorjon:** Well, I wanted to start with, I'm
8 appealing on the DPZ.

9 Now, can everyone hear me? Okay, great.

10 I'm appealing the DPZ Code Enforcement Determination
11 CE2617, reflected in the March 10, 2026 closure letter,
12 which concluded that there were no zoning violations
13 associated with building permit B25003489, authorizing
14 construction of an attached garage at 10450 Waterfowl
15 Terrace.

16 I have submitted a consolidated appeal packet to the
17 Board in advance of the hearing. I have also prepared a
18 tabbed exhibit binder, which I would like to present to
19 the Board at this time, but we've presented it to you
20 already.

21 Tonight, I will present photographs, surveys, plans,
22 correspondence, and other documents from the
23 administrative record that demonstrate several important
24 factual questions that remain unresolved.

25 My appeal rests on a single foundational defect. The

1 entire authorization for this garage encroachment rests in
2 one factual assertion, that an existing shed was attached
3 to the dwelling. That assertion originated with the
4 property owner's own letter to DPZ. DPZ adopted it without
5 independent verification. Every independent documentary
6 source contradicts it.

7 I also will address five issues. First, the shed
8 attachment classification is undocumented.

9 Second, the prior structures were demolished,
10 extinguishing any non-conforming conditions.

11 Third, the new garage improperly intensifies the non-
12 conformity.

13 And fourth, DPZ's measurement methodology was
14 unanchored.

15 And fifth, no FDP compatibility analysis was
16 conducted.

17 The foundation documents in the approval chain is in
18 an email from Geoff Goins, DPZ Zoning Division Chief,
19 dated November 28, 2023. That email states, "As your house
20 is a non-compliant structure, section 128.0.B.2.a applies.
21 This includes the carport and shed, as they are
22 connected."

23 That single email became the basis for the Accela
24 zoning approved and the permit that was issued. That is in
25 Exhibit A. But that characterization did not originate

1 with DPZ. It originated with the property owner 11 days
2 before the Goin's email on November 17, 2023.

3 Lawrence Schoen wrote a letter representing that the
4 shed was connected to the dwelling and built on a
5 foundation. DPZ adopted that characterization without
6 independent verification. That is Exhibit A-0.

7 **Counsel Moore:** Just so the record's clear, I did
8 receive an email just -- For the record, David Moore from
9 the County Office of Law, representing the Department of
10 Planning and Zoning. I don't have physical copies of what
11 she's referencing as exhibits. These may be in an email I
12 received a short time ago from the Board Administrator,
13 but as we're talking about it here, I don't know whether I
14 have these exhibits.

15 **Ms. Gorjon:** Sir, thank you for asking.

16 *(inaudible discussion between parties - not near*
17 *mics)*

18 **Hearing Examiner Nichols:** Yeah, and we need one more
19 copy if you have it.

20 *(inaudible discussion between parties - not near*
21 *mics)*

22 **Hearing Examiner Nichols:** Mr. Moore, the exhibits
23 that were referenced are attachments to the documents you
24 just got, A-0, and A1.

25 **Counsel Moore:** I found pages tabbed accordingly in

1 this notebook.

2 **Ms. Gorjon:** Ms. Nichols, shall I move forward?

3 **Hearing Examiner Nichols:** Mr. Moore?

4 **Counsel Moore:** Yeah, I don't have any objection at
5 the present time.

6 **Ms. Gorjon:** Okay, thank you.

7 The entire approval chain for Building Permit
8 B25003489 rests on a single factual assertion that the
9 existing carport and shed were connected to the house.
10 That originated exclusively from the property owner's own
11 written representation to DPZ. No independent structural
12 analysis, field investigation, or construction
13 documentation.

14 Wilde Lake Architectural Committee approved a record
15 or architectural verification was conducted before DPZ
16 accepted the characterization that everything was
17 connected.

18 Every independent documentary that we have to present
19 today show that there has been no -- we have not been able
20 to identify something that doesn't contradict. The
21 information and documentation that we have on record does
22 not coincide with what DPZ notes.

23 The shed attachment characterization originated with
24 the owner's own letter to DPZ, November 17, 2023. DPZ
25 adopted it without independent verification. That

1 unverified characterization drove the Goins' email, which
2 was on November 28, 2023. The Accela zoning approval,
3 September 4, 2025, and the CE2617 closure, March 10, 2026.
4 The entire approval chain is built on unverified owner
5 representation.

6 My central legal issues? The core question is whether
7 DPZ permissibly authorized a 27 by 28 full enclosed
8 attached garage to encroach into a required 7.5 foot side
9 yard setback.

10 Relying on Howard County zoning regulations
11 120.0.B.2.a.2., when, one, the predicate attached shed
12 condition is undocumented and contradicted by every
13 independent source. And two, the prior structures were
14 demolished, extinguished from prior non-conforming
15 conditions. And three, the new garage constitutes a
16 materially greater encroachment in mass, in volume, height
17 and neighborhood impact than in any prior condition.

18 What I believe the grounds are for appeal. Ground
19 one, the shed attachment classification lacks any
20 documented structural evidence. It rests solely on owner
21 representation with no independent DPZ verification.

22 Ground two, physical encroachment. The garage
23 structure crosses the property line established by new
24 license survey and field evidence.

25 Ground three, demolition of the prior structures

1 eliminated the prior non-conforming condition.

2 Ground four, no WLAC, meaning Wilde Lake-
3 Architectural Committee, approval record exists for shed
4 construction or carport roof removal in any of the Wilde
5 Lake records.

6 Ground five, inspector conduct. When questioned, DPZ
7 deflected to allege issues at 10454 Waterfowl Terrace
8 rather than defending the determination on its merits.
9 This is in Exhibit P.

10 Ground six, improper non-conformity analysis. DPZ
11 narrowly limited review to a single, yes.

12 **Hearing Examiner Nichols:** Can I just stop you for a
13 minute?

14 **Ms. Gorjon:** Yes.

15 **Hearing Examiner Nichols:** We don't have an Exhibit
16 P. Mine end in O.

17 **Counsel Moore:** There is one in the back with a tab
18 that doesn't have a letter written on it. It appears to be
19 a set of handwritten notes dated March 17, 2026.

20 **Hearing Examiner Nichols:** My last page is an O-3.

21 **Unknown:** Yes, it's that one.

22 **Hearing Examiner Nichols:** Okay, thank you.

23 **Ms. Gorjon:** Shall I move forward?

24 **Hearing Examiner Nichols:** Yes, yes.

25 **Ms. Gorjon:** Okay, thank you.

1 Ground seven, DPZ's height determination rested on
2 visual field observation alone with no measured elevation
3 data, benchmark references, or certified survey.

4 And ground eight, no FDP compatibility analysis was
5 conducted regarding massing, scale, and community
6 character.

7 At this point, I would like...

8 **Hearing Examiner Nichols:** Who prepared these notes?

9 **Ms. Gorjon:** Pardon me?

10 **Hearing Examiner Nichols:** Who prepared these notes?

11 **Ms. Gorjon:** The list?

12 **Hearing Examiner Nichols:** This exhibit P, who
13 prepared it? Who wrote it?

14 **Ms. Gorjon:** Oh, I did. Those were my written notes
15 per a conversation with the inspector.

16 **Hearing Examiner Nichols:** Okay, you wrote it on DPZ
17 letterhead.

18 **Ms. Gorjon:** Yeah, well, I was sitting at the table
19 talking on the phone and I had to take whatever piece of
20 paper was in front of me, you know, to keep notes.

21 **Hearing Examiner Nichols:** I understand. I just
22 wanted to get it straight.

23 **Ms. Gorjon:** Okay. Okay. All right.

24 Ms. Nichols, may I proceed with some exhibits?

25 **Hearing Examiner Nichols:** Yes, yes. Okay.

1 **Ms. Gorjon:** *(inaudible - not talking into mic)* I'm
2 on Exhibit L - *(inaudible - not talking into mic)*. We
3 should be looking at Exhibit L. *(inaudible - not talking*
4 *into mic)*.

5 **Counsel Moore:** L1, L2, L what? I don't have a plain
6 L.

7 **Hearing Examiner Nichols:** Well, we can't hear you
8 because you're not talking in the mic. So, do you want
9 this to become an exhibit, the picture?

10 **Ms. Gorjon:** Yes. Because I was asked to move to this
11 location, my exhibits are over there. So, can I go back to
12 that table or must I stay here?

13 **Hearing Examiner Nichols:** It's better where you are.

14 **Ms. Gorjon:** Stay where I am? Okay.

15 **Hearing Examiner Nichols:** That's where the witness
16 testifies.

17 **Ms. Gorjon:** So, let's bring the exhibits here,
18 please. Okay. And the plot plan, the original plot plan.

19 Okay, now we're here. L-1. What we're looking at in
20 this exhibit is an original plot plan from 1969. And as
21 you look at this plan, you do not see any annotation at
22 that time that there was any shed at the property. There's
23 no demarcation at the face of the house. There's no
24 demarcation from the plot plan of 1969 that would indicate
25 that there ever was a shed on the property at that time,

1 1969.

2 Then, please move to Exhibit J. In Exhibit J, we also
3 see a picture of the same house and when you see this
4 representation of the home, you see an automobile on the
5 far right. You see an empty parking space.

6 **Hearing Examiner Nichols:** Which J? J-1-B, J-1-A.
7 Just plain J? Okay.

8 **Ms. Gorjon:** In this photograph, what we see, and
9 again, this is a historical photograph, we do not see any
10 shed at that time.

11 **Hearing Examiner Nichols:** When was the photo taken?

12 **Ms. Gorjon:** This was in around the late '69, '70s.
13 It was early '70s.

14 **Hearing Examiner Nichols:** Where did you get the
15 photo?

16 **Ms. Gorjon:** This photo I got from the archives of
17 James Rouse.

18 **Hearing Examiner Nichols:** Okay, thank you.

19 **Counsel Moore:** If I may, I realize the rules of
20 evidence are liberal in administrative hearings, but on
21 what basis do you know that this is a fair and accurate
22 representation of this particular property from 1969?

23 **Ms. Gorjon:** I got it from the archives of James
24 Rouse.

25 **Counsel Moore:** And, I mean, do you have a copy of

1 the request you submitted to them or what they submitted
2 back to you?

3 **Ms. Gorjon:** No, I went there in person. I researched
4 the archives for Columbia, James Rouse, and within that
5 evidence of what existed, you know, back, you know, in the
6 early '60s and '70s, I was able to obtain these photos.

7 **Counsel Moore:** If the hearing examiner -- I would
8 suggest it's inadmissible, but I realize the rules are
9 liberal, so I realize the hearing examiner will consider
10 it for whatever it's worth.

11 I don't know that an adequate foundation has been
12 laid as to whether this fairly and accurately represents
13 this house in 1969, much less at a relevant time period.

14 **Hearing Examiner Nichols:** So, I can't even see that
15 the street address is the same.

16 **Unknown Male:** Do we have the exhibit?

17 **Ms. Gorjon:** I don't think that's in our book. I
18 don't think so.

19 **Hearing Examiner Nichols:** Maybe somebody has a
20 better photo than me. Are you objecting to relevancy, Mr.
21 Moore?

22 **Counsel Moore:** I mean, I do think there's a
23 foundation issue as well as a relevancy issue. It's
24 certainly a relevancy issue because what the house looked
25 like in 1969 doesn't tell you what it looked like before

1 any present renovations.

2 **Hearing Examiner Nichols:** Okay, so you'd like to
3 have exhibit A not admitted?

4 **Counsel Moore:** Correct.

5 **Hearing Examiner Nichols:** Alright. Is there any
6 response to that, ma'am?

7 **Ms. Gorjon:** Yes, my question to Mr. Moore is...

8 **Hearing Examiner Nichols:** No, no, you don't get to
9 ask him.

10 **Ms. Gorjon:** Oh, I don't get to ask him?

11 **Hearing Examiner Nichols:** He says this picture is
12 not relevant and there's a foundation issue and you get to
13 respond and he says it should not become part of the
14 record and you can respond to his suggestion that there
15 are foundation issues and that the picture is not
16 relevant.

17 **Ms. Gorjon:** So, when he's saying the photograph is
18 not representative of the current house, is that what
19 you're saying, Mr. Moore? Oh, I can't ask him a question?

20 **Hearing Examiner Nichols:** You're not supposed to ask
21 him questions, but he's saying that this picture is so far
22 back in time there's nobody to validate it, there's nobody
23 that can testify to it.

24 **Ms. Gorjon:** Well, this is exactly what I'm trying to
25 validate. I lived next door to this house in 1969. This is

1 a photograph of the home taken from James Rouse's
2 archives, you know, with Columbia Association and that is
3 why I felt that this photo would be appropriate.

4 **Hearing Examiner Nichols:** So, Mr. Moore, do you have
5 any further questions to help? If she lived next door and
6 can personally identify the photo?

7 **Counsel Moore:** For what it's worth, I think it was
8 my first question to her on this was who could tell us
9 this fairly and accurately represented it. It sounds like
10 she's now saying she can say that it fairly and accurately
11 represented the house at the time.

12 **Unknown Male:** There is also a neighbor over here
13 that can testify.

14 **Counsel Moore:** If she's saying that it fairly and
15 accurately represents the house as it appeared in 1969,
16 then I don't have an objection as to the foundation. I do
17 still have an objection to relevance because things can
18 change between 1969 and 2026.

19 **Hearing Examiner Nichols:** And I understand that. So,
20 Ms. Gorjon, you're saying that you lived next to this
21 house in '69 and this picture fairly represents what the
22 house looked like in '69?

23 **Ms. Gorjon:** Yes.

24 **Hearing Examiner Nichols:** Okay. We can go on.

25 **Unknown Male:** So, I can't see the left side where

1 the shed would be though. Why is the picture cut off
2 there?

3 **Ms. Gorjon:** No, it's not. Excuse me. The picture is
4 not cut off. You see the edge of the roof here and there
5 is nothing cut off, it's just this is a darker side of the
6 photograph. However, let's look at another image as well.

7 And looking at the same house, we see a car in the
8 parking lot and here we are again. We see a little bit
9 more, but there's not a shed in the picture. That's what
10 we're trying to show.

11 **Hearing Examiner Nichols:** Is this J-1-B?

12 **Ms. Gorjon:** This is J.

13 **Hearing Examiner Nichols:** J-1-B?

14 **Ms. Gorjon:** This is Exhibit J.

15 **Hearing Examiner Nichols:** So, the other photo was J.

16 **Ms. Gorjon:** J-1.

17 **Hearing Examiner Nichols:** And now you've moved on to
18 another photo. Is there writing across the bottom of
19 yours? The photo in your hand? Is there a tab across the
20 bottom of that picture?

21 **Ms. Gorjon:** This one? No, there's not a tab across
22 it.

23 **Hearing Examiner Nichols:** So, that's still J?

24 **Ms. Gorjon:** Yes, it's still J, yes.

25 **Hearing Examiner Nichols:** Alright, okay.

1 **Ms. Gorjon:** Ms. Nichols, we do have a representative
2 from our neighborhood who's here who could also testify
3 that the house actually was on Waterfowl Terrace in 1969.

4 **Hearing Examiner Nichols:** No, well, right now it's
5 time for you to testify and if anybody else wants to
6 testify after that, they can.

7 **Ms. Gorjon:** Okay, great, thank you. Are there any
8 other questions regarding the photographs?

9 **Hearing Examiner Nichols:** No, you can go on.

10 **Ms. Gorjon:** Okay, alright.

11 Okay, the purpose of showing the pictures was to,
12 again, illustrate that the attached characterization
13 originated with the owner's letter, the Goins' email. That
14 characterization without any documented independent
15 structural analysis, field investigation, or construction
16 record on record view.

17 Then, we also have some additional, you know, images
18 that we would like to share. Those images are referred to
19 on G2. In G2, we have another representation of the garage
20 area of the home. When you look at the picture, you will
21 see here is the exterior back wall of the house.

22 **Unknown Male:** Is there more than one G2?

23 **Ms. Gorjon:** Yes.

24 **Unknown Male:** Which G2 should we be looking at? This
25 is what my G2 looks like.

1 **Counsel Moore:** For the record, there are at least
2 four documents in the notebook I was provided labeled G2.

3 **Ms. Gorjon:** Yes, you're correct.

4 **Hearing Examiner Nichols:** So, which one are we
5 talking about? We're talking about the one that's only
6 labeled G2?

7 **Ms. Gorjon:** For the designation of the property, and
8 we used G2 to represent the same house, same place, and
9 that is why you see G2, G2, G2. Just to give, you know, a
10 visual picture of what the garage and house look like from
11 the same angle position.

12 Again, what I want to note that we have the front
13 face of the house. We do see a shed, but we do not see
14 that the shed is attached to the house. What you see is
15 shed, space, house. This is in G2.

16 In this picture of G2, same location, but now from a
17 different perspective on the other side. Here, again, we
18 see a shed. We see the face of the house, and we see the
19 roof of the house. Shed, roof, house. The shed, again, is
20 not attached. There's a clear space between the roof and
21 the shed. A clear space from the plane, the front plane of
22 the house to the shed.

23 **Hearing Examiner Nichols:** Is that the one with the
24 canoe in it?

25 **Ms. Gorjon:** Yes. Yes.

1 And in this picture, G2 again, we are looking at the
2 perspective of the shed, and again, we see the edge of the
3 shed. We see a brick step, step one, step two, step three,
4 step four, going down. We see the front plane of the
5 house, and we also see the wall of the shed. There clearly
6 is a separation between the house, the front level of the
7 house, and the shed.

8 **Hearing Examiner Nichols:** Mr. Moore, do you have any
9 questions with regards to the validity of these photos?
10 When they were taken?

11 **Counsel Moore:** Ma'am, are these photos that you've
12 taken, that you yourself took contemporaneously?

13 **Ms. Gorjon:** No. No.

14 **Counsel Moore:** When are these photos from?

15 **Ms. Gorjon:** Most of them are historical photos and
16 images. This one here, this one wasn't historical. This
17 one.

18 **Counsel Moore:** What about the --

19 **Ms. Gorjon:** This one, excuse me, sir. Correction,
20 please.

21 **Counsel Moore:** When you say this one, it's the one
22 showing what appears to be an HVAC unit and some stairs?

23 **Ms. Gorjon:** Yes.

24 **Counsel Moore:** Because the record is audio and
25 can't, you know, see the picture necessarily. There's a

1 video record as well, but --

2 **Ms. Gorjon:** So, we have brick steps.

3 **Counsel Moore:** Yes.

4 **Ms. Gorjon:** We see a HV system.

5 **Counsel Moore:** Uh-huh.

6 **Ms. Gorjon:** We see, it looks like concrete that is
7 at the base of the actual steps that lead down, you see
8 the shed --

9 **Counsel Moore:** So, when's that picture from?

10 **Ms. Gorjon:** When or where?

11 **Counsel Moore:** When.

12 **Ms. Gorjon:** When.

13 **Unknown Male:** It was in --

14 **Counsel Moore:** I'm asking you, ma'am. Do you know?
15 You're the witness right now.

16 **Ms. Gorjon:** This picture was taken.

17 **Counsel Moore:** No, no, no, sir. You can't, you can't
18 tell the witness anything. I'm asking her the question.

19 **Ms. Gorjon:** This was circa 2023.

20 **Counsel Moore:** Did you take it?

21 **Ms. Gorjon:** So this is a more recent. No, I did not
22 take this picture.

23 **Counsel Moore:** Okay.

24 **Ms. Gorjon:** This photo was taken, you know, by Mario
25 Gorjon.

1 **Counsel Moore:** Do you know whether it fairly and
2 accurately represents -- did you see what that scene, when
3 the picture was taken?

4 **Ms. Gorjon:** I was standing there. I didn't have the
5 camera in my hand.

6 **Counsel Moore:** Okay. So, does it fairly and
7 accurately represent what it shows?

8 **Ms. Gorjon:** It accurately, accurately shows what was
9 present. And again, I repeat, here we see the side of the
10 house. We see the steps that lead down and we see the shed
11 right here. And you can see there is no attachment.

12 However, I want to show another picture taken at the
13 same year. This is another G2. In this photograph, what we
14 see is you get a full range. Again, you see the side of
15 the shed.

16 **Hearing Examiner Nichols:** Which photo is this?

17 **Ms. Gorjon:** Still in G2. We're in G2.

18 **Counsel Moore:** Describing it, this is the G2
19 photograph that shows what appears to be a dirt footpath.

20 **Ms. Gorjon:** Yes.

21 **Counsel Moore:** I'm trying to make some observations
22 so they can --

23 **Ms. Gorjon:** Actually, that's an erosion, you know,
24 path that was coming --

25 **Counsel Moore:** Okay. A dirt path.

1 **Ms. Gorjon:** Well, okay. We can call it a dirt path.

2 Okay.

3 But here is the shed. Here are the steps that lead,
4 again, one, two, three, four brick steps. We have a
5 concrete path. And again, we see the air conditioner unit.
6 The shed is here. And in this picture, which is more
7 clear, we see the sub-station, you know, for the
8 electrical system right here. Right there.

9 **Counsel Moore:** Does this picture fairly and
10 accurately represent the house at the time the picture was
11 taken?

12 **Ms. Gorjon:** Absolutely.

13 **Counsel Moore:** And you know that from personal
14 observation?

15 **Ms. Gorjon:** Yes.

16 **Counsel Moore:** And when is this from?

17 **Ms. Gorjon:** This is also, you know, from
18 approximately 2023. So, it's a fairly recent picture. It's
19 not a historical picture.

20 **Counsel Moore:** When you say approximately 2023, I'm
21 a little confused. Approximately an entire year.

22 **Ms. Gorjon:** Well, within that year, in the summer.
23 Well, based on looking at the pictures, we see lots of
24 foliage on the trees. We see green grass.

25 **Counsel Moore:** Well, I realize --

1 **Ms. Gorjon:** So, this would have been, you know, in
2 the summer.

3 **Counsel Moore:** I realize how one can reach
4 conclusions from the photo of when it appears to be from.
5 I'm asking if you know from your personal recollection.

6 **Ms. Gorjon:** My personal recollection is that it was
7 in the summer of 2023.

8 **Counsel Moore:** Okay. The other two photos you showed
9 that you labeled as G2, the ones that show, I guess, what
10 is the shed under the carport roof.

11 **Ms. Gorjon:** Uh-huh.

12 **Counsel Moore:** When are those photos from?

13 **Ms. Gorjon:** Those were older images. The ones that
14 I'm showing right now --

15 **Counsel Moore:** I'm asking about those. I'm sorry.

16 **Ms. Gorjon:** The first pictures that I had shown to
17 you were more historic. They were from other, you know,
18 previous years.

19 **Counsel Moore:** And do you know what years they were
20 from?

21 **Ms. Gorjon:** No.

22 **Counsel Moore:** So, you don't know when they depict
23 the house?

24 **Ms. Gorjon:** No. I don't know the exact year. No.

25 **Counsel Moore:** Do you know whether they fairly and

1 accurately depict the house whenever they were taken?

2 **Ms. Gorjon:** Yes. I'm absolutely sure.

3 **Counsel Moore:** How do you know that?

4 **Ms. Gorjon:** Because I live there in the house next
5 door. And, in addition to that, I own the property across
6 the street also. So, between both houses, yes. I was very
7 familiar what this house looked like.

8 **Counsel Moore:** Okay. And what years would those
9 photos, those other two we're talking about that are more
10 historic, in what years would they fairly and accurately
11 depict?

12 **Ms. Gorjon:** I would say late '60s, early '70s.

13 **Counsel Moore:** When you say late '60s, what do you
14 mean?

15 **Ms. Gorjon:** Like '69.

16 **Counsel Moore:** Okay. You sound like you're giving an
17 approximation.

18 **Ms. Gorjon:** Approximation, yes.

19 **Counsel Moore:** Okay. And did the house still look
20 like that in 2026?

21 **Ms. Gorjon:** Yes. In terms of the overall structure
22 of the building, yes. There has never been, you know, any
23 major construction that had been done to change anything,
24 you know, to the actual building.

25 **Counsel Moore:** Not that you observed anyway.

1 **Ms. Gorjon:** Yeah.

2 **Counsel Moore:** Okay. I don't have any questions
3 right now on foundation.

4 **Hearing Examiner Nichols:** Alright. Thank you. You
5 can continue.

6 **Ms. Gorjon:** Okay. What I also wanted to note on this
7 picture, you know, you were talking, so I didn't want to
8 interrupt you. Okay. One thing I wanted you to note on
9 here also, you see a stake marker right here on the
10 property, right here. That's a stake that was put in
11 around 2023, by the surveyor that was working on the
12 behalf of Mr. Schoen. And there's the stake right there.

13 So again, when you were asking questions of relevancy
14 and, you know, when was this actually happening, we can
15 really mark it down closer to 2023 based on the actual
16 markers that were put in in that year, in that summer.

17 **Counsel Moore:** How do you know who put the marker
18 in?

19 **Ms. Gorjon:** How do I know who the marker was?

20 **Counsel Moore:** You just said who put it in. How do
21 you know that? What's your foundation for that statement?

22 **Ms. Gorjon:** Well, no, I didn't say he did it. I said
23 that Mr. Schoen had a surveyor on the property marking his
24 property.

25 **Counsel Moore:** How do you know that?

1 **Ms. Gorjon:** Because they were standing outside, and
2 I saw them standing there, and I saw them walking down and
3 had their tools and appropriate measurement tools to do
4 the actual survey.

5 **Counsel Moore:** I see. So, you saw an individual with
6 what appeared to be surveyor's tools putting that post in?

7 **Ms. Gorjon:** Yes.

8 **Counsel Moore:** Okay. Thank you.

9 **Ms. Gorjon:** And additionally, looking at the same,
10 you know, photo, I want to note the pathway erosion,
11 because there had been a lot of rain in 2023, and the
12 water was -- you mentioned it as being a pathway, but it's
13 not really a pathway. This was created by erosion. There
14 was a lot of water, and the water was leading from the
15 edge of the driveway all the way around down the hill, and
16 that was creating a major erosion problem in 2023.

17 What else I want to say about this photo, I think I
18 covered everything, but I think what's a key point here is
19 this electrical, you know, system, you know, that was
20 there. It's on the face of the front of the building, and
21 what we will determine later is that when the new
22 construction started, the electrical company came and
23 moved this system that was on the side of the house from
24 down the steps over to the front of the, I mean, to the
25 other side of the building. And I think this is what

1 we're trying to, you know, represent, that there's one
2 factor here, that the shed was not connected to the house.
3 The shed was not connected, which is shown in all the
4 artifacts that I wish to share today.

5 Do you have any other questions about the exhibits
6 here, these that were shown?

7 **Counsel Moore:** This is your opportunity to present
8 testimony.

9 **Ms. Gorjon:** Okay. Again, what we're trying to show
10 is observable evidence of physical separation, physical
11 separation. We have a shed that maintains its own exterior
12 wall, which you've seen. No continuous common exterior
13 wall is visible from the field experience. What I saw,
14 what anyone else could see.

15 Two, the shed roof appears visually independent from
16 the principal dwelling roof line. No continuous
17 uninterrupted roof plane is visible. The survey itself
18 depicts a physical separation gap between the shed and the
19 dwelling wall.

20 M-2, this was a surveyor certificate. It was a
21 boundary survey that was taken at 10450 Waterfowl Terrace
22 by Dietz Surveying Company, and there are important
23 factors we need to look at here.

24 On the survey itself, one, we do see that he, on the
25 survey, marked three steps leading from the garage down.

1 **Hearing Examiner Nichols:** So, I'm sorry, Kel, do you
2 have an M-2?

3 **Counsel Moore:** I was just about to ask. I have an M-
4 2, but it's not that document.

5 **Hearing Examiner Nichols:** I have an M-1.

6 **Counsel Moore:** I do have an M-2, and it's what
7 appears to be a half of a structure diagram.

8 **Hearing Examiner Nichols:** I don't have an M-2.

9 **Ms. Gorjon:** So, what you're looking at is M-2?

10 **Hearing Examiner Nichols:** None of us have that.

11 **Ms. Gorjon:** So, in the artifact for M-2, again, we
12 see another plan.

13 **Hearing Examiner Nichols:** We don't have it, so we're
14 not seeing it. None of us have that.

15 **Unknown:** *(inaudible)*

16 **Hearing Examiner Nichols:** Right, and that's not what
17 she's holding up. Is that a plan? Is that an interior
18 plan?

19 **Ms. Gorjon:** This is the interior plan, yes.

20 **Hearing Examiner Nichols:** Okay.

21 **Ms. Gorjon:** You do have it? Okay.

22 Now, I would like to direct you to Exhibit L-2. In
23 Exhibit L-2, again, we are looking at a surveyor's
24 certificate and boundary survey, and within that survey,
25 there is annotation that shows that there is a gap between

1 the shed and the house. You see it is demarked as proposed
2 garage. However, we do see a shed that's there. We also
3 see demarcation that shows the steps that lead from the
4 garage, you know, to the exterior. Again, showing that
5 there is a gap between the shed and the house, as shown on
6 L-2.

7 Continuing with the same survey that was done, and
8 this survey was done on September 23rd, '23, by DEETS. The
9 same survey, but different markings this time. This
10 particular one was from DMZ, and at the top of the page on
11 the L-2 of this one, it says "Any drawing", handwritten it
12 says, "Any drawings showing height of house elevation."
13 That was written by DMZ at the top. And looking at the
14 actual, you know, plot, again, we see that the annotation
15 of the sizes covered the same indications that there were,
16 you know, steps.

17 So, when one looks at this, you would think that
18 perhaps there are no steps, because the annotation that
19 shows the size of the steps is covering it in this one.
20 Same plot plan, but the demarcation is different.

21 **Hearing Examiner Nichols:** Well, this is the same
22 dated...

23 **Ms. Gorjon:** Yes, that is the point I'm trying to
24 make, that there were three different plot plans that were
25 presented by DEETS Surveying. Each one was done on the

1 same date, which was 9-28-2023, but each one represented
2 something different. Same plot plan, same date, same
3 company.

4 **Hearing Examiner Nichols:** So, the first one you
5 showed us is dated April 26, '23. The second one you
6 showed us is 9-28-23.

7 **Ms. Gorjon:** No. Date 4-28-23. I'm sorry, I can't
8 read it. It says 4-28 on each of them. I apologize, I said
9 9, that's what I was reading.

10 **Hearing Examiner Nichols:** It could just be a poor
11 reproduction, and it's difficult to tell, right?

12 **Ms. Gorjon:** Yeah, simply that.

13 However, what I'm trying to show is that we have the
14 same company, DEETS Surveying, introduced these plans, one
15 to, well to DMZ, but we have two different ones. And then
16 the same plot plan was presented to Wilde Lake
17 Architectural Committee, and much of the information that
18 was presented in the surveys to DMZ were different. That's
19 the point I'm trying to make.

20 If we look at L-2, same survey, this one is for, from
21 DMZ, we see an annotation at the top, and in that
22 annotation, it says, "Zoning reviewer note. Existing
23 attached shed projects beyond current 7.5 side setback.
24 New attached garage is proposed to project no more into
25 existing setback than the existing shed. This is permitted

1 per Howard County Zoning Code Section 120.B.2.a. See email
2 from Geoff Goins, a copy of which will be uploaded as
3 supporting document for this permit."

4 So again, we're looking at documents where DMZ did
5 already notify that there is a 7.5 setback. However,
6 reflect back to an email by Mr. Goins, and in the email --
7 And we must remember that the email from Goins was two
8 years prior to submitting the application for permitting
9 the new construction at Waterfowl Terrace.

10 So, Goins' letter was two years prior, and between
11 the year that, you know, 2023 whatever, until the current
12 time in 2025, when the application for the permit, things
13 change, and no verification that anyone from DMZ went back
14 to the property to review what the conditions were at the
15 time that the new application had been submitted.

16 So, we've looked at scale. The pictures that I've
17 shown you regarding the original house was a very modest
18 open carport and small shed. The structural type? It was
19 very open air and a transitional carport like many of the
20 homes on Waterfowl Terrace.

21 The volume and massing? There was minimal, minimal
22 enclosed volume on the subject property.

23 Also, functional use. It was an open carport, you
24 know, with a shed, but the shed was not attached.

25 The roof form was a low hip roof. The profile was

1 low.

2 And lastly, after the demolition, there was no
3 reference of how you could really determine, was the shed
4 there? Because it was gone. It was demolished. It was
5 taken away.

6 The non-conformity intensification issue is
7 significant as well. Even assuming that the prior shed
8 condition constituted a lawful non-conforming
9 encroachment, the proposed garage is not a continuation of
10 that condition.

11 The survey expressly states the existing carport and
12 shed are to be demolished. It is writing on the survey.

13 Demolition eliminates the prior non-conforming
14 condition.

15 The proposed garage introduces a materially different
16 structure form with greater mass, greater height, enclosed
17 volume, and neighborhood impact.

18 So, then we move to the degree of non-conformity. The
19 phrase, degree of non-conformity, should not be
20 interpreted narrowly as a single horizontal setback
21 measurement. A complete interpretation considers the
22 totality of the non-conforming condition, including
23 structural intensity and permanence, visual dominance and
24 wall plane near the property line, bulk and mass, enclosed
25 volume versus open carport, roof height and roof volume,

1 change in use of character of the structure, neighborhood
2 compatibility and contextual impact, topographic
3 amplification on sloped terrain. Yes, sloped terrain.
4 Terrain that not only sloped but sloped into Wilde Lake,
5 which was the back property consisting of.

6 Proximity to adjoining property which is
7 approximately five to six feet at 10454 and practical
8 impact upon adjacent owners and occupants. This is what we
9 see every day.

10 Now if you look on page 13, if we are in you know the
11 same place, you see another picture of the home. I showed
12 you a larger version of it and you had asked me, well
13 someone had asked me, what was the prior condition? Well
14 that's the prior condition. It was an open carport, low
15 profile and modest. Again, the historical condition of
16 what it looked like.

17 But now what is of concern, DPZ used a roll-o-tape,
18 rolling wheel tool with no visible property line markers,
19 no benchmarks as a reference and no stamped survey. DPZ
20 acknowledged no visible property line markers were
21 present. That was in the notes of DPZ. And I'll repeat, no
22 visible property line markers were present.

23 So, if there are no property lines present, how can
24 we possibly know what we're measuring? Whether we have a
25 roller tape, a tape measure, any tool must have the

1 markers on the property.

2 The 4.8 setback compliance conclusion rests on an
3 unverified and unanchored baseline.

4 Height and ridge comparisons, the garage versus the
5 clear story. The DPZ inspector on March 10th states, "The
6 garage does not supersede the height of the house." This
7 conclusion was based solely on visual field observation
8 during a walk around inspection. No measurement, measured
9 elevation data, no benchmarks, no references, no grade
10 elevation analysis or certified section elevation
11 certification was documented.

12 No measured elevation data was provided by DPZ to
13 support the conclusion that the garage ridge does not
14 exceed the clear story elevation. Visual field
15 observations alone are insufficient to determine relative
16 ridge elevations, particularly on a sloped terrain where
17 the topographic differential between the two measurement
18 points is not documented. We must have documented
19 measurements in order to make a qualified decision.

20 As you look on page 15, you see photographs of the,
21 you know, home during construction. Again, I must note
22 that there are measurements here that were not verifiable
23 by me. However, it gives us a visual of what does happen,
24 you know, when DPZ does not do the measurements to show
25 what really is happening.

1 **Hearing Examiner Nichols:** Who prepared this photo or
2 the document?

3 **Ms. Gorjon:** I did it on the computer. I did it.

4 **Hearing Examiner Nichols:** Did you take the picture?

5 **Ms. Gorjon:** I took the picture and I, you know,
6 fumbled around and I figured out how to do it and I got
7 the measurements, okay?

8 **Hearing Examiner Nichols:** So, you prepared this?

9 **Ms. Gorjon:** Yes, I prepared it, yes. I did not
10 prepare it as a professional, but I do believe that DPZ
11 needed to do this type of measurement to really verify
12 what was the difference. What was the height? Is there
13 actually a high point that is higher than the existing
14 clear story of the home? Because as I understand, and as
15 it has been written, there is a limit on the elevations of
16 your garage when it relates to the height of the actual
17 house.

18 So this, again, is a depiction that I did on the
19 computer. However, I believe that DPZ could also do this
20 before saying, well, I looked at it and it's fine. No
21 measurements. Measurements needed to be done to qualify
22 what was being represented.

23 The garage ridge height, the actual measured
24 elevation proposed garage roof ridge, not in the
25 administrative record.

1 Clear story ridge height, actual measured elevations
2 of principal dwelling clear story, not in the
3 administrative record.

4 Grade reference points, finished grade elevations at
5 both measurement locations, not documented.

6 Topographic differentials, grade elevations, not
7 differential between garage and clear story locations, not
8 analyzed.

9 Lastly, certified section elevation, certified
10 elevation analysis not provided by DPZ or the applicant.
11 In spite of that question being raised in writing by DPZ
12 reviewer, what's the height? But that was not completed.

13 As we move onto 16, the administrative record
14 contains no measured elevation data, no benchmark
15 reference, no grade elevation analysis, and no certified
16 section or elevation documentation to support DPZ's
17 conclusion that the garage ridge does not exceed the clear
18 story.

19 DPZ's determination rested solely on a visual field
20 observation during a walk around inspection. A visual
21 observation is not sufficient for measured evidence.

22 **Counsel Moore:** I'm going to have to -- We've had a
23 lot of repetitious testimony and at this point I'm going
24 to begin objecting to the same points being testified to
25 repeatedly.

1 **Ms. Gorjon:** We can move on to page 17.

2 FDP and neighborhood compatibility, Columbia,
3 Newtown.

4 **Counsel Moore:** This is not a criteria in the appeal
5 before the Zoning Hearing Examiner.

6 **Hearing Examiner Nichols:** You are correct. So, let's
7 move past section 9 and move on.

8 **Ms. Gorjon:** That moves us to section 10. Inspector
9 conduct.

10 And this is based on, you know, written notes of a
11 conversation with DPZ field inspector Blanding. When asked
12 to defend the determination on his merits -

13 **Counsel Moore:** This is not relevant to whether the
14 ultimate closeout letter issued by Mr. Blanding's
15 supervisor is reversible error or not.

16 **Hearing Examiner Nichols:** Because it occurred after
17 the fact.

18 **Counsel Moore:** Also, because it's not relevant to
19 the validity of the decision. If she intends to criticize
20 inspector Blanding, she can contact his supervisor and
21 complain about that, but it's not a basis for appealing
22 his supervisor's decision in this matter unless it's
23 somehow connected to his supervisor's decision.

24 **Hearing Examiner Nichols:** Alright, I'm going to
25 sustain that objection and ask that you move on to section

1 11.

2 **Ms. Gorjon:** Okay, in section 11 we're talking about
3 supplemental documentary observations and absence of the
4 attached wall.

5 The supplemental exhibit represents observations
6 drawn directly from the documentary record before the
7 reviewing authority. Specifically, it addresses whether
8 the documents of record depict or identify a shed attached
9 to the existing residence.

10 **Hearing Examiner Nichols:** You've already gone
11 through all of these points as well. I'm not going to
12 strike them, but I'm going to ask you to --

13 **Ms. Gorjon:** Okay. We did talk about historical
14 landscape. We did talk about the boundary, you know,
15 surveys.

16 **Hearing Examiner Nichols:** Right. So, I'm not
17 striking it, but I'm asking you to move on.

18 **Ms. Gorjon:** That's fine. So, we can move onto the
19 administrative record.

20 The owner requests for DPZ interpretation. Schoen's
21 letter dated November 17th, 11 days before Goin's email,
22 the property owner, Lawrence, submitted a letter --

23 **Counsel Moore:** I'm going to object as to foundation.
24 Also, relevance because it wouldn't be timely in terms of
25 the present appeal. I don't, however, have any objection

1 to the document if she has a copy of any correspondence
2 involving Mr. Goin's being in the record. I think it's
3 part of DPZ's file and I don't have a problem with it
4 being reviewed.

5 It's not relevant to this particular appeal because
6 it wouldn't be timely.

7 **Hearing Examiner Nichols:** Right. There is there is
8 an email from Mr. Goin's which is Exhibit A-1.

9 **Counsel Moore:** And I don't object to that being part
10 of the record.

11 **Hearing Examiner Nichols:** That was in '23.

12 **Counsel Moore:** Right, but as I noted, 2023 is not
13 relevant in a timeliness fashion to the present appeal.

14 **Hearing Examiner Nichols:** Right, right.

15 Alright, so I think we're working our way up to the
16 present here on page 21. You get to the crux of the case,
17 I think, which is the building permit.

18 **Ms. Gorjon:** Are we at page 21?

19 **Hearing Examiner Nichols:** Yes.

20 **Ms. Gorjon:** The Accela Permit Workflow?

21 **Hearing Examiner Nichols:** Yes.

22 **Ms. Gorjon:** Okay. The internal Howard County Accela
23 Permit Workflow record for B25003489 shows the zoning task
24 was initially placed on hold on September 3rd, 2025, with
25 a comment, "proposed work encroaches the 7.5 setback from

1 a property line."

2 A second zoning task was then approved on 9-4-2025
3 with a comment "per attached email from G. Goin's."
4 Significance? The zoning approval was granted by
5 administrative email reference, not by independent field
6 determination or documented structural analysis. This is
7 the core procedural deficiency in the approval chain.

8 **Counsel Moore:** Objection. This is argument, not
9 testimony at this point.

10 **Hearing Examiner Nichols:** Yeah. Do you have
11 anything else that you can testify to personally?

12 **Ms. Gorjon:** For clarification, we're not proceeding
13 with the Accela Permit Workflow record?

14 **Hearing Examiner Nichols:** We have the Accela. We
15 have --

16 **Counsel Moore:** If I may ask in terms of the
17 foundation of what this document is page 21 of 26 in the
18 petitioner's or the appellant's binder, is this your
19 typewritten version of records you obtained from the
20 county or is this a copy of the actual county record?

21 **Ms. Gorjon:** Which? I don't know what you're
22 referring to.

23 **Counsel Moore:** This document that you've got on page
24 -- my copy is, it's at the beginning of the binder you
25 provided and it is page 21 of 26. It appears to carry over

1 from the prior page that has a header of Section 12
2 Administrative Record Exhibit A and it has sections
3 labeled A-3 Accela Permit Workflow Record and A-4 through
4 A-6 Complaint, Inspection and Closure.

5 This, this literal document itself, is this a
6 document you put together or is this a document you got
7 from the county?

8 **Ms. Gorjon:** I don't have my glasses, I can't see.

9 **Counsel Moore:** Well, it was the document you were
10 just reading from?

11 **Ms. Gorjon:** Well, I was speaking and making
12 reference to the zoning approval was granted by --

13 **Counsel Moore:** This whole page, 21 to 26.

14 **Ms. Gorjon:** Okay, yes, I'm looking at that.

15 **Counsel Moore:** Did you create this document or is
16 this a document you obtained from the County?

17 **Ms. Gorjon:** No, no, no, this is, no, everything in
18 here is what I, you know, created and so I have the
19 application date, issue date, owner, contractor,
20 architect, description, zoning --

21 **Counsel Moore:** This is her testimony of what she
22 interprets the county records to show. I'm going to
23 object. If she wants to introduce the actual county
24 records, I'm of course not going to object, but I don't
25 know whether this is complete or accurate without

1 comparing it to the county records.

2 **Ms. Gorjon:** Well, what, what information do you
3 want? We listed the date --

4 **Counsel Moore:** The county records you based it on.

5 **Ms. Gorjon:** It would be from the Accela information
6 that was sent.

7 **Counsel Moore:** Did you get a copy of that?

8 **Ms. Gorjon:** It's not included in this, no. However,
9 I would like to say --

10 **Counsel Moore:** I'm going to the Appellant's version
11 of what's in the county records, mostly because I just, I
12 don't know whether it's complete.

13 **Hearing Examiner Nichols:** Right, and that was the
14 point I was trying to make in the very beginning. I can't
15 take testimony on documents that you haven't put in front
16 of me.

17 So, like on page 21, towards the bottom, you have the
18 block of March 2nd and what you say it said, and yet when
19 I asked you for a copy of that document, you said you
20 could not provide it.

21 On January 22nd, the case opened. I have no document
22 to look at. I don't even have a copy of your complaint.

23 So, any document -- March 10th, we have that document
24 because that was attached, but we can't accept your
25 version of what the county documents say.

1 **Ms. Gorjon:** We can move on to section 13, which is
2 basically procedural compliance. Shall we move past that?

3 **Hearing Examiner Nichols:** I can take notice that the
4 appropriate publications were made.

5 **Ms. Gorjon:** Okay.

6 **Hearing Examiner Nichols:** So, we're onto page 23,
7 and this is what you are requesting.

8 **Ms. Gorjon:** So, we are now at page 23 of 26. What I
9 would like to say is that this whole conversation started
10 based on a letter and an email, and only an email, DPZ was
11 making decisions regarding a non-compliant construction of
12 a garage, and not only the garage, but the entire house.
13 There has been...

14 **Hearing Examiner Nichols:** I think where you are now
15 really is closing argument, and so if you have nothing
16 that you can testify to personally, I'll let you move on
17 with your case and call any other witnesses. Then you'll
18 get to talk about what you want at the close of the case.

19 **Ms. Gorjon:** Okay.

20 **Hearing Examiner Nichols:** So, you can come on back
21 here to your previous seat here. Is there anybody else
22 that you wish to have testify?

23 **Ms. Gorjon:** Okay. We do have an individual who would
24 like to testify about the validity of one of the exhibits
25 that were presented.

1 **Hearing Examiner Nichols:** Okay, if you want to call
2 him as part of your case, you can come back and sit in
3 your seat over here, and you can tell me your next
4 witness.

5 **Ms. Gorjon:** Okay. Rex Dalrymple.

6 **Hearing Examiner Nichols:** Alright, sir. If you could
7 come up and take the same seat being vacated right now.
8 And I'm going to swear you in, sir. You can sit down and
9 swear you in.

10 **TESTIMONY OF REX DALRYMPLE**

11 **Hearing Examiner Nichols:** Do you solemnly swear or
12 affirm under the penalties of perjury that the responses
13 given and statements made should be the truth, the whole
14 truth, and nothing but the truth.

15 **Mr. Dalrymple:** Yes.

16 **Hearing Examiner Nichols:** Thank you, sir. Would you
17 state your name and address for the record?

18 **Mr. Dalrymple:** Yeah, Rex Dalrymple, 10422 Green
19 Mountain Circle, Columbia, Maryland, 21044.

20 **Hearing Examiner Nichols:** Thank you. Would you spell
21 your last name for me?

22 **Mr. Dalrymple:** Yes, D like David, A-L-R-Y, M like
23 Mary, P like Paul, L-E.

24 **Hearing Examiner Nichols:** Thank you so much. Okay,
25 what would you like to say tonight?

1 **Mr. Dalrymple:** I didn't come to the hearing to
2 testify. I came to the hearing strictly for information.
3 I'm looking at neighbors on both sides. Excuse me.

4 **Hearing Examiner Nichols:** Well, sir, I'm not
5 compelling you to testify. You testify if you want. You
6 don't testify if you don't want to.

7 **Mr. Dalrymple:** Yeah. The pictures, we've we have
8 lived at this address since 1974.

9 **Hearing Examiner Nichols:** How does Green Mountain,
10 where is Green Mountain in relationship to Waterfowl
11 Terrace?

12 **Mr. Dalrymple:** It is one, two, three, four, about
13 four or five homes from the subject property. It's Green
14 Mountain Circle. Green Mountain Circle, Waterfowl Terrace
15 intersects Green Mountain Circle, one home apart.

16 **Hearing Examiner Nichols:** Okay, great, thank you.

17 **Mr. Dalrymple:** We're one home off the corner on
18 Green Mountain Circle as opposed to the property being on
19 Waterfowl Terrace.

20 **Hearing Examiner Nichols:** Right, okay, thank you.

21 **Mr. Dalrymple:** Yeah, we've lived at the current home
22 since 1974, and the pictures presented, as far as I am
23 concerned, are accurate in accordance with what we have
24 observed since 1974. They are accurate based on our -- and
25 we have walked and worked in that area since 1974.

1 **Hearing Examiner Nichols:** Alright, thank you, sir.
2 Do you have any questions?

3 **Counsel Moore:** I appreciate you being here and I
4 understand.

5 You may not know, because maybe you've never been in
6 a position to observe, but have you ever noticed the shed?
7 Was the shed connected to at the like the roofline to the
8 carport it was beneath?

9 **Mr. Dalrymple:** I can give you an opinion.

10 **Counsel Moore:** Okay.

11 **Mr. Dalrymple:** I can't give you a fact.

12 **Counsel Moore:** If you don't know, then I'd rather
13 you not testify. I'm asking if you've ever observed.

14 **Mr. Dalrymple:** My opinion is it was not connected.
15 It was a separate structure and as I recall, it was placed
16 there after we purchased our property in 1974. And it was
17 there primarily to buffer Jim Rouse from the home next
18 door, from the Warhan home.

19 **Counsel Moore:** If I may approach the witness.

20 **Hearing Examiner Nichols:** Yes.

21 **Counsel Moore:** This is a packet, sir, I'll show you.
22 I'm going to refer to it as Department of Planning and
23 Zoning Exhibit 1. It's a packet of materials, but I'm
24 going to ask you specifically to look at the last page.
25 It's a photograph. Does that fairly and accurately depict

1 the connection between the carport roof and the shed at
2 Waterfowl Terrace?

3 **Mr. Dalrymple:** *(inaudible - not near the mic)*

4 **Counsel Moore:** You're not certain?

5 **Mr. Dalrymple:** No.

6 **Counsel Moore:** Okay. *(inaudible - not near a mic)*
7 being in a position to observe that particular angle if
8 this is the shed.

9 **Mr. Dalrymple:** *(inaudible - not near the mic)*

10 **Counsel Moore:** So, if that depicts it, they are in
11 fact connected. You've just never been in a position to
12 make that observation.

13 **Mr. Dalrymple:** I can give you -- in my opinion, the
14 shed was not connected to the house.

15 **Counsel Moore:** I'm not asking for your opinion. I'm
16 asking for your actual factual observation.

17 **Mr. Dalrymple:** I can't -

18 **Counsel Moore:** Right. Well, that's what you said.
19 You don't know.

20 **Mr. Dalrymple:** I don't know.

21 **Counsel Moore:** Right. I'm not asking you to testify
22 anything you don't know. I don't have any other questions.

23 **Hearing Examiner Nichols:** Alright. Thank you. And
24 thank you, sir.

25 Thank you for coming.

1 **Mr. Dalrymple:** Thank you.

2 **Hearing Examiner Nichols:** Ms. Gorjon, do you have
3 any further witnesses?

4 **Ms. Gorjon:** No.

5 **Hearing Examiner Nichols:** Okay, al right. So, your
6 evidentiary part of the case is done. We'll get back to
7 you at the end.

8 So, Mr. Moore, on behalf of DPZ.

9 **Counsel Moore:** I'm ready to proceed, Your Honor.

10 **APPELLEE'S CASE-IN-CHIEF**

11 **Counsel Moore:** I will note briefly just a motion to
12 dismiss on the basis that without establishing the
13 foundation in terms of what decision she's appealing. She
14 hasn't provided any documentation. She's provided
15 testimony from which one can possibly guess what it is
16 she's challenging, but she hasn't actually presented the
17 hearing examiner exactly what she's challenging.

18 And accordingly, I don't think her case can succeed
19 unless, you know, we fix it for her by putting in that
20 record of evidence. So, I would ask that it be dismissed
21 because there's no need for us to put on a case. If we
22 were to rest now, her case couldn't succeed.

23 **Hearing Examiner Nichols:** So I'm going to -- Do you
24 want to be heard on that, Ms. Gorjon?

25 **Ms. Gorjon:** Do I address it to you or to Mr. Moore?

1 **Hearing Examiner Nichols:** Either one.

2 **Ms. Gorjon:** Okay. To both of you.

3 I do believe that we have provided sufficient
4 documentation to show that there was a gap between the
5 main front of the house and the shed. It's very clear in
6 the photographs that you can see that the wall, I mean,
7 the shed was not attached. And that is very critical. That
8 is why we are here.

9 Historical evidence up till now, there was not an
10 attachment of the shed to the wall. Conditions like, for
11 example, the gas and electrical meters on the wall
12 attached to the house that's facing the shed. It is not
13 physically possible to have a shed attached to a wall
14 where the gas and electrical panels are right there on the
15 wall. And that's clearly shown in the photographs.

16 Again, I will show, because sometimes maybe we're not
17 seeing what we need to see, but in this photo, we see
18 right here where there is a separation. It is very clear.
19 You can see the sunlight beaming through. You see an
20 electrical or gas meter on the wall. How is it possible
21 for a shed to be attached even close to an area that is
22 designated as a utility section?

23 **Hearing Examiner Nichols:** Ma'am, the motion is to
24 dismiss based on your failure to provide a copy of your
25 complaint. And you need to defend the fact that you did

1 not provide a copy of the complaint. So, I don't know what
2 your appeal is based on. I don't know what the appeal that
3 you filed with DPZ is based on.

4 **Ms. Gorjon:** It is based on the fact that DPZ
5 considered allowing a permit for a garage to be built
6 based on the law that says that it's acceptable because
7 the shed was attached, connected to the house. It was
8 simple. It wasn't a detail. Was the house connected to the
9 shed? That's simply what the question was. And our
10 objective was to show that the house was not at any time
11 connected to the shed.

12 **Hearing Examiner Nichols:** I don't know that that's
13 simply your appeal because I haven't seen your appeal. You
14 haven't provided a copy of your appeal. I don't know what
15 your appeal is.

16 **Ms. Gorjon:** The appeal was part of the record.

17 **Hearing Examiner Nichols:** So, I asked for a copy of
18 it to begin with.

19 **Ms. Gorjon:** Okay.

20 **Hearing Examiner Nichols:** I asked for a copy of your
21 January 21, 2026 written complaint with DPZ, that you
22 filed with DPZ that started this procedure.

23 **Ms. Gorjon:** What I would like to say is in the
24 application process, the very first thing that we submit
25 is that in the application that is presented DPZ. And that

1 application...

2 **Hearing Examiner Nichols:** I mean, you filed an
3 appeal from that.

4 **Ms. Gorjon:** Right, yes.

5 **Hearing Examiner Nichols:** I need to see it.

6 **Ms. Gorjon:** You know, what I'm trying to say is that
7 the application to apply for the appeal required me to
8 state in detail why I was doing it. And that is in the
9 documentation that was submitted to DPZ to start the
10 appeal. It is within the context of the actual
11 application.

12 **Hearing Examiner Nichols:** Okay, well, you didn't
13 provide a copy here. That's Mr. Moore's point.

14 Mr. Moore, I'm going to take your motion to dismiss
15 under advisement and maybe you can hit the highlights of
16 your case.

17 **Counsel Moore:** Yes, Your Honor. May I proceed?

18 **Hearing Examiner Nichols:** Yes.

19 **Counsel Moore:** May I proceed with the understanding
20 that I don't wish to undermine our motion by putting on as
21 complete of a case as I can.

22 **Hearing Examiner Nichols:** Understand.

23 **Counsel Moore:** The county is going to call Everett
24 James.

25 **Hearing Examiner Nichols:** I'm sorry, you have no

1 document in front of you. It's not your burden to produce
2 it.

3 **Counsel Moore:** I understand. I wish to call Everett
4 James.

5 **Hearing Examiner Nichols:** Okay.

6 **TESTIMONY OF EVERETT JAMES**

7 **Hearing Examiner Nichols:** So, sir, I need to swear
8 you in. Thank you.

9 I solemnly swear or affirm under the penalties of
10 perjury that the responses given and statements made
11 should be the truth, the whole truth, and nothing but the
12 truth.

13 **Mr. James:** Yes, I do.

14 **Hearing Examiner Nichols:** Thank you. Please state
15 your name and address for the record.

16 **Mr. James:** My name is Everett James. Is it my
17 address? I'm sorry.

18 **Counsel Moore:** Your business address.

19 **Mr. James:** Oh.

20 **Hearing Examiner Nichols:** Oh, it's your business
21 address.

22 **Mr. James:** 3430 Courthouse Drive. My apologies.

23 **Hearing Examiner Nichols:** You work for DPZ?

24 **Mr. James:** Yes, ma'am.

25 **Hearing Examiner Nichols:** Thank you so much.

DIRECT EXAMINATION OF EVERETT JAMES

1

2 **Counsel Moore:** What is your job with the county?

3 **Mr. James:** I work as the Code Enforcement Supervisor
4 for the Code Enforcement Division.

5 **Counsel Moore:** Within the Department of Planning and
6 Zoning?

7 **Mr. James:** Yes, sir.

8 **Counsel Moore:** How long have you been with the
9 county?

10 **Mr. James:** Slightly over a year.

11 **Counsel Moore:** And where were you before you were
12 with Howard County?

13 **Mr. James:** I worked in San Francisco, California as
14 a Code Enforcement Supervisor for Daly City.

15 **Counsel Moore:** And how long did you work in San
16 Francisco?

17 **Mr. James:** Eight years.

18 **Counsel Moore:** Okay. And was it in a similar kind of
19 Code Enforcement capacity to which you serve with Howard
20 County?

21 **Mr. James:** Yes.

22 **Counsel Moore:** Is Maurice Blanding one of the Code
23 Enforcement workers who you supervise?

24 **Mr. James:** Yes.

25 **Counsel Moore:** Did there come a time when you were

1 asked to review a complaint related to CE2617 Waterfowl
2 Terrace?

3 **Mr. James:** Yes.

4 **Counsel Moore:** And what was the nature of the
5 complaint as you recall it?

6 **Mr. James:** Well, as I recall it, it was an issue
7 with the garage portion of the house. And there were
8 discrepancies in height, I guess, between the complainant
9 and what we were putting based on our investigations of
10 this property.

11 **Counsel Moore:** Was the complaint also in terms of
12 the footprint of the addition?

13 **Mr. James:** Yes. There were some setback issues as
14 well.

15 **Counsel Moore:** And did Mr. Blanding conduct the
16 actual on-site inspection to investigate the complaint?

17 **Mr. James:** He did. He conducted multiple
18 inspections, as I recall.

19 **Counsel Moore:** Did you review the records and the
20 investigatory file that Mr. Blanding compiled as part of
21 that investigation?

22 **Mr. James:** I saw the notes that he placed in the
23 file.

24 **Counsel Moore:** Okay.

25 **Mr. James:** But overall, it wasn't just specific to

1 one inspection. It's just being on top of the case
2 overall. I'll review the notes periodically.

3 **Counsel Moore:** Sure.

4 **Mr. James:** We also discussed this case multiple
5 times in our meetings.

6 **Counsel Moore:** You discussed it with Mr. Blanding?

7 **Mr. James:** Mr. Blanding and my supervisor, Julia
8 Sauer, as well.

9 **Counsel Moore:** Right. Okay. And what was the outcome
10 in terms of what Mr. Blanding was recommending be done
11 with the particular zoning complaint?

12 **Mr. James:** I'm sorry, could you repeat that
13 question?

14 **Counsel Moore:** What was your understanding of the
15 conclusion of Mr. Blanding's investigation?

16 **Mr. James:** That there was no violation. The
17 complaint was not - he checked to see if the complaint
18 could be verified, and it could not.

19 **Counsel Moore:** Okay. And did you have any concerns
20 regarding whether he had adequately investigated the
21 complaint based on your communications with him and any
22 portions of the file you may have reviewed?

23 **Mr. James:** He was asked by my supervisor to conduct
24 the final inspection just to put a cap on what we'd done.
25 So, we were expecting the same results, but we wanted --

1 he went back out with the wheel that you referred to and
2 took those measurements. That's what I recall as his last
3 inspection.

4 **Counsel Moore:** Right. I guess what I'm asking is
5 overall, to the extent you recall, when you reviewed
6 before -- because you ultimately issued the closeout
7 letter in this case, did you not?

8 **Mr. James:** Yes, I did.

9 **Counsel Moore:** Okay. Before you issued that closeout
10 letter, were you satisfied that Mr. Blanding had completed
11 a thorough and sufficient investigation to make a
12 determination?

13 **Mr. James:** I was.

14 **Counsel Moore:** And were you satisfied with the
15 conclusion that he recommended?

16 **Mr. James:** Yes, I was.

17 **Counsel Moore:** And what was that conclusion that you
18 - you actually, though, issued the closeout letter,
19 correct?

20 **Mr. James:** Yes.

21 **Counsel Moore:** And what was the conclusion of that
22 closeout letter?

23 **Mr. James:** That there was no violation associated
24 with the property.

25 **Counsel Moore:** No violation based on the

1 allegations?

2 **Mr. James:** Correct.

3 **Counsel Moore:** Okay. I mean, you're not saying that
4 they have all clear and there are no potential zoning
5 issues?

6 **Mr. James:** Not at all.

7 **Counsel Moore:** Just what you investigated in
8 relation to the complaint?

9 **Mr. James:** Yes.

10 **Counsel Moore:** Okay. And you issued that letter on
11 March the 10th of 2026?

12 **Mr. James:** Yes.

13 **Counsel Moore:** I put in front of you what I will
14 indicate for the record as Department of Planning and
15 Zoning Exhibit Number 2. Is this the March 10th, 2026
16 closeout letter that you issued in reference to the
17 Waterfowl Terrace property?

18 **Mr. James:** Yes, it is.

19 **Counsel Moore:** I would ask that Department of
20 Planning and Zoning Exhibit Number 2 be admitted into
21 evidence.

22 **Hearing Examiner Nichols:** So accepted.

23 **Counsel Moore:** Mr. Blanding, is there any -- I'm
24 sorry, Mr. James, is there any additional investigation
25 that you can think of today? You've been sitting here

1 listening to Ms. Gorjon's testimony, correct?

2 **Mr. James:** Yes, I have.

3 **Counsel Moore:** Is there any additional investigation
4 that you believe the department should have done, or I
5 should say, was required to do before your department --
6 different than it did do before your closeout letter was
7 issued?

8 **Mr. James:** No.

9 **Counsel Moore:** Would you go back and do it
10 differently now?

11 **Mr. James:** No, I would not.

12 **Counsel Moore:** You're satisfied that your closeout
13 letter was the correct decision?

14 **Mr. James:** Yes.

15 **Counsel Moore:** No other questions for Mr. James?

16 **Hearing Examiner Nichols:** Thank you. Ms. Gorjon, you
17 can ask Mr. James questions if you want.

18 **Ms. Gorjon:** Okay.

19 **CROSS-EXAMINATION OF EVERETT JAMES**

20 **Ms. Gorjon:** Good evening, Mr. James.

21 **Mr. James:** Good evening, Ms. Gorjon.

22 **Ms. Gorjon:** With reference to Mr. Blanding's
23 inspection, in his report he uploaded pictures of the
24 property of where he had taken measurements. And I'm
25 looking at one of the images of the photographs that was

1 in the record, and there are absolutely no markers on the
2 property.

3 So, at the time that Mr. Blanding had done the
4 measurements, there were no markers. So, what was he
5 measuring, if there was nothing to help him determine if
6 the setback measurements were accurate?

7 **Mr. James:** My understanding is that he used the
8 building itself to measure from to determine the setback
9 from the building structure.

10 **Ms. Gorjon:** Yes, we understand. Of course, he had a
11 building, but from the building to where was he measuring?
12 Because you have to have some type of demarcation
13 indicating from the base of the house out to establish
14 what the setback is. And there were no markings. So yes,
15 there was a building. But what was he actually measuring?

16 **Mr. James:** I wasn't present at the actual
17 inspection, so I would relay that question to Mr.
18 Blanding, who was there. I think he could answer it more
19 accurately.

20 **Counsel Moore:** We'll be calling Mr. Blanding next.

21 **Ms. Gorjon:** Next, I have another image.

22 **Hearing Examiner Nichols:** Are you just going to ask
23 him about the image?

24 **Ms. Gorjon:** Yes.

25 **Hearing Examiner Nichols:** Okay.

1 **Ms. Gorjon:** Yes. This image was also in the record
2 from Mr. Blanding, uploaded on March 2nd.

3 **Mr. James:** Thank you.

4 **Ms. Gorjon:** What we observe in that particular photo
5 is the roller tape that Mr. Blanding used. But something
6 else we need to look at, and what we've discussed earlier,
7 that this is not flat land. It is sloped land, it is
8 terraced land.

9 **Hearing Examiner Nichols:** Let him answer your
10 question. It's not your turn to testify. You can ask
11 questions.

12 **Ms. Gorjon:** But in looking at that picture, what do
13 you observe? And do you believe that that tool, for that
14 type of measurement that needs to be made, is appropriate?

15 **Mr. James:** So, you're referring to both pictures, or
16 just the one on the left?

17 **Ms. Gorjon:** The one on the left, yes.

18 **Mr. James:** With the roller?

19 **Ms. Gorjon:** With the roller.

20 **Mr. James:** And your question is what regarding that?

21 **Ms. Gorjon:** Would that be the appropriate tool to
22 measure setback given the terrain?

23 **Mr. James:** That is the tool that we use. You know, I
24 wasn't there to speak on the terrain, to be honest with
25 you, so I can't speak to the exact route that he used, as

1 opposed to another one.

2 **Ms. Gorjon:** Thank you.

3 **Hearing Examiner Nichols:** Alright, Mr. James, I have
4 a couple questions for you.

5 **Mr. James:** Yes.

6 **Hearing Examiner Nichols:** You are familiar with the
7 building permit in question?

8 **Mr. James:** I haven't --

9 **Hearing Examiner Nichols:** That's okay. You're aware
10 of it?

11 **Mr. James:** Yes, I am.

12 **Hearing Examiner Nichols:** Are you aware, do you know
13 whether or not that permit was appealed, the issuance of
14 that permit was appealed?

15 **Mr. James:** I don't.

16 **Hearing Examiner Nichols:** You don't know?

17 **Mr. James:** No.

18 **Hearing Examiner Nichols:** Okay, thank you.

19 Alright, Mr. Moore, any further questions?

20 **Counsel Moore:** Not for Mr. James.

21 **Hearing Examiner Nichols:** Nope? Okay. Next witness.

22 **Counsel Moore:** Maurice Blanding.

23 **TESTIMONY OF MAURICE BLANDING**

24 **Hearing Examiner Nichols:** Hi, thank you, sir. Do you
25 solemnly swear and affirm under the penalties of perjury

1 that the responses given and statements made should be the
2 truth, the whole truth, and nothing but the truth?

3 **Mr. Blanding:** I do.

4 **Hearing Examiner Nichols:** Thank you. Please state
5 your name and business address for the record.

6 **Mr. Blanding:** Maurice Blanding, 3430 Courthouse
7 Drive.

8 **DIRECT EXAMINATION OF MR. BLANDING**

9 **Counsel Moore:** Mr. Blanding, you work for the County
10 Department of Planning and Zoning?

11 **Mr. Blanding:** Yes, sir.

12 **Counsel Moore:** And how long have you been with the
13 county?

14 **Mr. Blanding:** Almost two years.

15 **Counsel Moore:** And before Howard County, were you
16 employed by any other county?

17 **Mr. Blanding:** Yes.

18 **Counsel Moore:** Where were you employed?

19 **Mr. Blanding:** Baltimore County and Baltimore City.

20 **Counsel Moore:** And in what capacities were you
21 employed by those jurisdictions?

22 **Mr. Blanding:** Code enforcement officer, special
23 investigation officer.

24 **Counsel Moore:** Approximately how long have you
25 worked in government code enforcement overall?

1 **Mr. Blanding:** Since 2007.

2 **Counsel Moore:** Okay, so about nine years.

3 **Mr. Blanding:** No, since 2007.

4 **Counsel Moore:** Sorry, so 19 years.

5 **Mr. Blanding:** Yes.

6 **Counsel Moore:** We're not still in the 2010s. I'm
7 sorry.

8 Mr. Blanding, you were assigned the investigation at
9 Waterfowl Terrace that Mr. James was testifying about?

10 **Mr. Blanding:** Yes, sir.

11 **Counsel Moore:** And let's start where the hearing
12 examiner left off with Mr. James. Do you happen to know,
13 was there ever an appeal, to your knowledge taken, of the
14 building permit that was issued for this property?

15 **Mr. Blanding:** No, not at all. No, sir.

16 **Counsel Moore:** Okay, you're not aware of there being
17 any appeal challenging that permission?

18 **Mr. Blanding:** Not at all.

19 **Counsel Moore:** Did you look at the permit in
20 reference to this complaint?

21 **Mr. Blanding:** Yes, I did review the permit.

22 **Counsel Moore:** Was the construction that you
23 observed on site consistent with the building permit
24 approved by the Department of Inspection, Licensing and
25 Permits?

1 **Mr. Blanding:** Yes, from what I read, yes.

2 **Counsel Moore:** Okay. Did you take measurements when
3 you were out on site to investigate the compliance with
4 the code of the structure that was being built?

5 **Mr. Blanding:** Yes, sir.

6 **Counsel Moore:** Was the structure, based upon your
7 measurements, consistent with the building plans that had
8 been approved by the Department of Inspection, Licensing
9 and Permits?

10 **Mr. Blanding:** Yes, sir.

11 **Counsel Moore:** Was it in violation of the Howard
12 County zoning regulations, factoring in what information
13 you had in front of you?

14 **Mr. Blanding:** I can't hear you because he's talking.

15 **Counsel Moore:** I'm sorry. Based on your observations
16 and based upon the information you had regarding the
17 property, did you find any zoning violations at the
18 property in your investigation of this complaint?

19 **Mr. Blanding:** No, sir.

20 **Counsel Moore:** Did you report to the Department of
21 Planning and Zoning Enforcement Committee as well as your
22 supervisor, Mr. James, regarding the outcome of your
23 investigation?

24 **Mr. Blanding:** Yes, sir.

25 **Counsel Moore:** How many times did you go out to the

1 site?

2 **Mr. Blanding:** Three times.

3 **Counsel Moore:** Okay. Did you have follow-up
4 communications with the complainant in the matter in the
5 course of that investigation?

6 **Mr. Blanding:** Yes.

7 **Counsel Moore:** Did you perform follow-up
8 investigative visits based upon feedback from Ms. Gorjon?

9 **Mr. Blanding:** Yes, sir.

10 **Counsel Moore:** And despite that follow-up
11 investigation, did you find any documented evidence of a
12 zoning violation generated by the garage structure that
13 was being built on the house?

14 **Mr. Blanding:** No, sir.

15 **Counsel Moore:** Did you have occasion to review any
16 survey materials applicable to the property and the
17 structure?

18 **Mr. Blanding:** Yes.

19 **Counsel Moore:** And were those survey materials
20 consistent with the property being in compliance with the
21 zoning regulations?

22 **Mr. Blanding:** Yes, it did.

23 **Counsel Moore:** I'm showing you what I'll refer to as
24 Department of Planning and Zoning Exhibit Number 3. Are
25 you familiar with this document?

1 **Mr. Blanding:** Yes, sir.

2 **Counsel Moore:** Is this a boundary survey of 10450
3 Waterfowl Terrace, Howard County, Maryland?

4 **Mr. Blanding:** Yes, sir.

5 **Counsel Moore:** This is a document I think that may
6 actually be in the record already under the petitioner's
7 case, but is this document one of the documents that you
8 reviewed?

9 **Mr. Blanding:** Yes, sir.

10 **Counsel Moore:** And is this document consistent with
11 your observations and measurements on site as to whether
12 or not the property was in compliance with the building
13 permit granted by the Department of Inspections, Licensing
14 and Permits and the Howard County Zoning Regulations?

15 **Mr. Blanding:** Yes, sir.

16 **Counsel Moore:** It was in compliance?

17 **Mr. Blanding:** It was in compliance, yes, sir.

18 **Counsel Moore:** Did you have occasion to make
19 observations with respect to the relative height of the
20 garage structure that was being constructed as an
21 attachment to the house as comparison to the roofline of
22 the main house itself?

23 **Mr. Blanding:** Yes, sir.

24 **Counsel Moore:** Based upon your visual observations,
25 did you have any questions regarding whether the garage

1 was any taller than the house itself?

2 **Mr. Blanding:** No, sir. Per my photographs, the
3 foundation of the house was higher than the garage.

4 **Counsel Moore:** The foundation? So, the house started
5 at a higher footprint?

6 **Mr. Blanding:** Yes.

7 **Counsel Moore:** And did the ultimate roofline of the
8 house exceed that of the garage?

9 **Mr. Blanding:** Yes.

10 **Counsel Moore:** Did you feel the need to conduct any
11 actual like tape measure measurements of the house to make
12 that assessment or were you comfortable with your personal
13 observations?

14 **Mr. Blanding:** I was extremely comfortable with the
15 observation.

16 **Counsel Moore:** No other questions for Mr. Blanding?

17 **Hearing Examiner Nichols:** Alright. Ms. Gorjon?

18 **CROSS-EXAMINATION OF MR. BLANDING**

19 **Ms. Gorjon:** Good evening, Mr. Blanding.

20 **Mr. Blanding:** Good evening.

21 **Ms. Gorjon:** *(inaudible - not near the mic)*

22 **Hearing Examiner Nichols:** You have to go to the
23 microphone.

24 **Ms. Gorjon:** Mr. Blanding, the image that I just gave
25 to you is from your record, your personal record of

1 pictures that you had taken. And looking at that image,
2 you do see the garage and the clear story. And you stated
3 that you looked at it and observed that the roof did not
4 supersede the clear story. But when you look at that
5 picture, tell me what your observations are.

6 **Mr. Blanding:** The same thing I just said. The
7 foundation of the property is higher than the roof of the
8 garage, the height of the garage.

9 **Ms. Gorjon:** So, the foundation is one perspective.
10 But when you look at that picture and you look at the
11 ridge, the high-end ridge of the roof, is it not higher
12 than the clear story in the photograph?

13 **Mr. Blanding:** Not from what I see. No, ma'am.

14 **Hearing Examiner Nichols:** Are the pictures in the
15 record or what are you showing?

16 **Mr. Blanding:** This wasn't my photo. This is not a
17 picture that I took.

18 **Ms. Gorjon:** Oh, that's not yours. Yeah. Okay, sorry.

19 **Hearing Examiner Nichols:** So, you're asking him to
20 look at I-1-2.

21 **Ms. Gorjon:** This is another one of your photos.

22 **Counsel Moore:** I'm sorry, what document are we
23 looking at?

24 **Ms. Gorjon:** *(inaudible - not near mic)*

25 **Counsel Moore:** But what exhibit number is it?

1 **Ms. Gorjon:** This is his photo.

2 **Counsel Moore:** It needs to have an exhibit number
3 for purposes of reference for the record, though.

4 **Hearing Examiner Nichols:** What she showed me was
5 exhibit I-1-2, but I don't have that.

6 **Counsel Moore:** Yeah, I don't know that I do either.

7 **Ms. Gorjon:** So, may I show this and ask a question
8 about this?

9 **Hearing Examiner Nichols:** Where did you get that
10 picture?

11 **Ms. Gorjon:** This was not in the packet that we
12 submitted.

13 This is a separate picture, a photo, representing, out of
14 his record, and I wanted to show it to him and ask him
15 again (*inaudible - not near mic*).

16 **Hearing Examiner Nichols:** Mr. Moore, you probably
17 have some questions.

18 **Counsel Moore:** I'm sorry?

19 **Hearing Examiner Nichols:** You probably have some
20 questions about that photo?

21 **Counsel Moore:** Well, yeah, I was just trying to
22 start off so that the record is clear with an
23 identification of it, like as petitioner's exhibit,
24 whatever.

25 **Hearing Examiner Nichols:** She said it's not an

1 exhibit, whatever.

2 The other exhibit that she's about to show is
3 actually H-1.

4 **Counsel Moore:** H-1?

5 **Hearing Examiner Nichols:** I think.

6 **Counsel Moore:** I don't know that I have an H.

7 **Hearing Examiner Nichols:** It's a double photo with
8 annotations on it, Mr. Moore. It looks something like
9 this.

10 **Counsel Moore:** I'm looking. I mean, I was looking in
11 alphabetical order and in alphabetical order where H
12 should be, I don't have.

13 **Ms. Gorjon:** *(inaudible - not near mic)*

14 **Counsel Moore:** I have an I-1, that is not that. I
15 have an I-2, that is not that. I have an I-3, 4, 5, an I -
16 I guess it's 8, and then one that actually is I-8, and
17 then another I-8, and then another I-8.

18 **Ms. Gorjon:** Can I see this?

19 **Counsel Moore:** Sure. Yeah, because I don't think I
20 have this.

21 This is not what she's holding in her hand, though.

22 **Hearing Examiner Nichols:** No, no, no. It's the other
23 document she's about to --

24 **Counsel Moore:** Right, right.

25 **Hearing Examiner Nichols:** But I'm sure you have

1 questions about this photo.

2 **Counsel Moore:** I will, but in order to ask them, I'm
3 trying to get it labeled so that the record can show what
4 document I'm talking about.

5 **Hearing Examiner Nichols:** Right, and so far it's not
6 labeled.

7 **Counsel Moore:** Right.

8 **Ms. Gorjon:** *(inaudible - not near mic)*

9 **Hearing Examiner Nichols:** So, for the record, we
10 have a photo that Ms. Gorjon wishes to present to Mr.
11 Blanding. As of this moment, the photo is unidentified,
12 and I will - well, you want to voir dire it and then I'll
13 mark it?

14 **Counsel Moore:** Well, I mean, I don't have a problem
15 with her initially asking the witness about it. She has to
16 lay a foundation. I don't know whether she will
17 successfully lay a foundation.

18 **Hearing Examiner Nichols:** Okay, all right.

19 **Ms. Gorjon:** The photograph that I wanted to show Mr.
20 Blanding was from his record. It's a photo that -

21 **Counsel Moore:** I'm going to object to her
22 testifying. Maybe she's making a proffer, but I think at
23 this point, if we can just identify it, she can ask Mr.
24 Blanding if he even knows what it is. If he does, then he
25 may be able to answer questions about it.

1 **Hearing Examiner Nichols:** Yeah, go ahead and hand
2 him the photo.

3 **Ms. Gorjon:** So, I'm going to hand him this photo.

4 **Hearing Examiner Nichols:** Yeah.

5 **Ms. Gorjon:** Go again. As you observe this particular
6 photo that was taken by you --

7 **Counsel Moore:** Objection, foundation.

8 **Ms. Gorjon:** Pardon me?

9 **Counsel Moore:** She's just asserted it's taken it by
10 him. She may be able to ask him if he's ever seen this
11 photo before.

12 **Ms. Gorjon:** Was this picture taken by you, Mr.
13 Blanding?

14 **Mr. Blanding:** Yes, it was.

15 **Ms. Gorjon:** Was this picture in your history of
16 photographs that were submitted as part of your record?

17 **Mr. Blanding:** Yes.

18 **Ms. Gorjon:** Okay. When you look at this picture,
19 what do you see in terms of the relationship of the height
20 of the garage versus the clear story?

21 **Mr. Blanding:** So, this was the first picture that I
22 took, and my chief and supervisor asked me to go back and
23 obtain a better photo, and that was the other photo that
24 you actually saw that depicted the property to be higher
25 than the garage.

1 So, this was the first initial photo, and I went back
2 and took another one to confirm the height of the house is
3 higher than the garage.

4 **Ms. Gorjon:** So, Mr. Blanding, you did return. You
5 took another picture and have an image, and when you
6 observe this image, what do you see in terms of the
7 relationship of the roof wall to the clear story?

8 **Mr. Blanding:** It still appears to me that the house
9 is higher than the garage, but I came back to take a
10 better photo to show the difference in the height.

11 **Ms. Gorjon:** And again, this was strictly based on
12 observation, and you used no measurement tools to make
13 your decision.

14 **Mr. Blanding:** Even though I didn't use any
15 measurement tools, I did speak with another counterpart in
16 my department, and the height of the house is actually 34
17 feet.

18 **Ms. Gorjon:** So, you spoke with another team member,
19 and that person who never came out to the property was
20 able to tell you that it was the height of 34?

21 **Mr. Blanding:** 34 feet, yes.

22 **Ms. Gorjon:** 34 feet?

23 **Mr. Blanding:** Yes, ma'am.

24 **Ms. Gorjon:** Okay. May I show the photograph to Ms.
25 Nichols?

1 **Counsel Moore:** If we're talking about Mr. Blanding's
2 photograph that hasn't been identified clearly as an
3 exhibit, I don't have any objection to it. He said clearly
4 that he took this photo.

5 **Hearing Examiner Nichols:** Is that the photo you want
6 to show me?

7 **Counsel Moore:** I mean, it still needs to be marked
8 for the record purposes.

9 **Hearing Examiner Nichols:** I'm just trying to figure
10 out what she wants to give me.

11 **Counsel Moore:** I believe it's the photograph that
12 she indicated Mr. Blanding took, although now she has two
13 photos in hand, so I assume -- are they different photos
14 or the same photo?

15 **Mr. Blanding:** Different photos.

16 **Counsel Moore:** Are they both your photos?

17 **Mr. Blanding:** Yes.

18 **Counsel Moore:** Okay. No objection, then.

19 **Hearing Examiner Nichols:** You can't talk to me.
20 Thank you very much. You can sit down, though. I'll take
21 these.

22 Okay, so Mr. Blanding, there's one photo that -- So,
23 one photo is taken a little closer up than the other
24 photo?

25 **Mr. Blanding:** Yes, ma'am.

1 **Hearing Examiner Nichols:** Okay. Which photo did you
2 take the first time?

3 **Mr. Blanding:** The one in your right hand.

4 **Hearing Examiner Nichols:** The closer up?

5 **Mr. Blanding:** The closer up.

6 **Hearing Examiner Nichols:** And then you went back and
7 took the second photo?

8 **Mr. Blanding:** Further away. Yes, ma'am. At a
9 different height level as well.

10 **Hearing Examiner Nichols:** Okay. So do you want these
11 in the record, ma'am?

12 **Ms. Gorjon:** Yes.

13 **Hearing Examiner Nichols:** Okay, then I'm going to
14 mark them.

15 **Counsel Moore:** No objections.

16 **Hearing Examiner Nichols:** Yeah, I'm going to mark
17 them. Since we have a peculiar way of marking here, we'll
18 mark them Q. The closer up was the first one, right?

19 **Mr. Blanding:** Yes. Yes, ma'am.

20 **Hearing Examiner Nichols:** We're going to mark them
21 Q1 and Q2. Go ahead.

22 **Ms. Gorjon:** Mr. Blanding, as I look at the photos
23 from your record, each photo does state the date that the
24 images were uploaded. And the two images that I presented
25 say uploaded on March 10th, 26. That was photo number one.

1 And as we look at the other photo, it also says uploaded
2 on March 10th, 2026, by Maurice Blanding. And you said you
3 went back two times. Did you go back two times on the same
4 day?

5 **Mr. Blanding:** Yes, ma'am.

6 **Ms. Gorjon:** Okay.

7 **Hearing Examiner Nichols:** Yeah, that's what he said.
8 He came back.

9 **Ms. Gorjon:** Thank you.

10 **Hearing Examiner Nichols:** Alright, so you have no
11 questions with regard to the --

12 **Ms. Gorjon:** I have another photo. And the photos
13 that I'm sharing with you are from Mr. Blanding's record.
14 That is why I, you know, didn't add it to our exhibits,
15 because they were his photos. But now that he has an
16 opportunity to address them, that is why I'm asking him
17 questions about them.

18 Mr. Blanding, again, I see you have a -- Well,
19 describe to me, what do you observe in the photo that I
20 have showed?

21 **Mr. Blanding:** It's two photos that are in this
22 paper. Which photo would you like me to describe?

23 **Ms. Gorjon:** The photo that has the roller tape.

24 **Mr. Blanding:** It shows the roller tape where I
25 measured from the corner of the garage and 4.8 feet out

1 from the corner of the garage. So that roller tape stops
2 where the 4.8 measurement, which is also in the survey.

3 **Ms. Gorjon:** Okay. So, it's understood that what you
4 measured from the wall of the garage was 4.8?

5 **Mr. Blanding:** The front corner of the garage, yeah.

6 **Ms. Gorjon:** The front corner was 4.8?

7 **Mr. Blanding:** Setback.

8 **Ms. Gorjon:** And that was no marker, again, to really
9 help you determine if that 4.8 was actually compliant?

10 **Mr. Blanding:** The county does not --

11 **Ms. Gorjon:** Yes, you were able to get 4.8, but how
12 do you know that it was compliant?

13 **Mr. Blanding:** Well, the county does not conduct
14 surveys. So, there were no markers out there. The only
15 thing that I could use was the base of the corner of the
16 garage to the setback side of the property, which on the
17 survey is at 4.8, and that's what I measured out to.

18 **Ms. Gorjon:** Yes, 4.8. Again, how do you know 4.8
19 meets the regulation of how far from the garage to the
20 adjacent property was compliant?

21 **Mr. Blanding:** Well, the actual setback says 7.5, and
22 on the survey it measured 4.8, so I measured it out to 4.8
23 as it was shown in the survey.

24 **Ms. Gorjon:** Thank you.

25 **Mr. Blanding:** No problem.

1 **Ms. Gorjon:** It was only that picture that I had a
2 question about. The roller tape.

3 **Mr. Blanding:** Okay. Sure.

4 **Ms. Gorjon:** Ms. Nichols, may I make a comment here
5 regarding the roller tape?

6 **Hearing Examiner Nichols:** No, you can only ask Mr.
7 Blanding questions.

8 **Ms. Gorjon:** Okay, all right. I have another question
9 then on Mr. Blanding. Roller tapes are tools that are
10 field tools. Understood. But each tool operates
11 differently depending on if you have flat, level ground,
12 and if you have terrain that is not flat.

13 In your opinion, what was the terrain lot like when
14 you were using the roller tape to measure the distance
15 from the garage, you know, to the property 10454?

16 **Mr. Blanding:** There was rough terrain due to the
17 construction debris around the property. You can see in
18 the photo that there's stones and other type of items in
19 the grass right here. It's not even grass, it's just like
20 dirt, really. So, the terrain wasn't necessarily level,
21 but because it's a roller tape, we can roll it on whatever
22 terrain it is to get the measurement.

23 And if you show the other photo, it shows that it
24 says 4.8 from where I stopped at during my measurements.

25 **Ms. Gorjon:** That is understood. 4.8, it measures.

1 However, in your opinion, if the ground is not level, if
2 the ground is wet, if the ground has leaves and rocks in
3 it on the ground, would that have some impact on the
4 correct measurement using the roller tape?

5 **Mr. Blanding:** No, ma'am. And your husband was
6 videotaping me while I was doing the roller tape, so he
7 was present during that inspection.

8 **Ms. Gorjon:** Thank you.

9 **Mr. Blanding:** You're welcome.

10 **Hearing Examiner Nichols:** Alright, anything further,
11 Mr. Moore of Mr. Blanding?

12 **Counsel Moore:** No, thank you.

13 **Hearing Examiner Nichols:** Alright. Thank you, Mr.
14 Blanding. No problem. Your next witness, Mr. Moore?

15 **Counsel Moore:** The county is going to rest your
16 honor.

17 **Hearing Examiner Nichols:** Okay. All right, then.
18 Before we have closing, Mr. Schoen or Ms. Weil, you are
19 the owners of the subject property. Would either one of
20 you wish to testify tonight?

21 **Counsel Moore:** One moment, your honor.

22 Thank you, your honor. Thank you for the pause. No,
23 I'm fine.

24 **Hearing Examiner Nichols:** Oh, no, okay. I was asking
25 Mr. Schoen and Ms. Weil. You are the owners of the

1 property. Do either one of you wish to testify tonight?

2 **Mr. Schoen:** I don't wish to testify. We followed all
3 the rules and we're very careful to do it and hire
4 professionals.

5 **Hearing Examiner Nichols:** Okay, now you're
6 testifying.

7 **Mr. Schoen:** Okay.

8 **Hearing Examiner Nichols:** Alright. We're about to
9 get to closing arguments, but Mr. Moore, help me with
10 housekeeping. You borrowed this exhibit from Ms. Berg.
11 Make sure she gets it back.

12 **Counsel Moore:** I did already.

13 **Ms. Gorjon:** Ms. Nichols.

14 **Hearing Examiner Nichols:** Yes, ma'am. So, it's time
15 for closing argument. If you would like to make a closing
16 argument.

17 **Ms. Gorjon:** I do have a closing argument. However, I
18 still had an exhibit I wanted to refer to that are in the
19 files. M-1.

20 **Hearing Examiner Nichols:** M1 is in the file.

21 **Ms. Gorjon:** When we're looking at M --

22 **Hearing Examiner Nichols:** No, you can't testify to
23 it. The time for testimony is past, but M-1 is in the
24 file. So, now it's the time for closing argument. So, you
25 can tell me what you want and why you want it.

1 **Ms. Gorjon:** Alright. So, we cannot refer to the
2 exhibit M-1 at all?

3 **Hearing Examiner Nichols:** It's time for you to tell
4 me what it is you want and why you should get it.

5 **APPELLANT'S CLOSING ARGUMENT**

6 **Ms. Gorjon:** Okay.

7 Well, my objective is not to penalize neighboring
8 property owners. Rather, the objective is to ensure that
9 Howard County zoning regulations are applied consistently,
10 That the factual record is accurately evaluated, and that
11 the neighboring residents receive the protections intended
12 by those regulations.

13 If errors occurred during the review process, the
14 appellant respectfully requests corrective action through
15 remand, modification, or other appropriate relief to
16 achieve compliance with applicable law.

17 The record before the hearing examiner establishes a
18 determination that originated from unverified owner
19 representations. Was adopted without independent
20 structural analysis or field verification. Is contradicted
21 by every independent documentary source available.

22 It rests on a line marker and when questioned
23 directly was not met, not with explanation, but with
24 deflection and an implied counter threat.

25 The appellant, me, respectfully submits that this

1 record warrants the relief requested. My objective is to
2 reverse the approval of permit B25003489 if it is
3 determined that the permit was issued based on an
4 incorrect interpretation or application of the Howard
5 County zoning regulations. Remand the matter to DPZ for
6 review under the correct legal and factual standards,
7 including consideration of all relevant historical
8 records, surveys, architectural plans, and applicable New
9 Town requirements. Require any modifications necessary to
10 bring the project into compliance with applicable zoning
11 regulations, development standards and any applicable New
12 Town FDP requirements.

13 If compliance cannot be achieved through
14 modification, require the property owner to pursue any
15 necessary variants or other zoning relief through the
16 established public process.

17 Determine whether DPZ's interpretation relied upon
18 owner representations concerning the shed's attachment
19 status and whether sufficient independent verification was
20 performed before approval of permit B25003489.

21 And lastly, grant such other relief as the hearing
22 examiner deems appropriate and consistent with the
23 evidence presented.

24 The appellant, me, is a resident of 10454 Waterfowl
25 Terrace, directly impacted by the permit approval at 10450

1 Waterfowl Terrace. The objective of this appeal is not to
2 penalize neighboring property owners. Rather, the
3 objective is to ensure that Howard County's zoning
4 regulations are applied consistently, that the factual
5 record is accurately evaluated, and that neighboring
6 residents receive the protections intended by those
7 regulations.

8 The historical record, including photographs,
9 surveys, architectural plans, and agency correspondence,
10 presents evidence that warrants careful review of the
11 assumptions and conclusions underlying the permit
12 approval.

13 The appellant, me, respectfully submits that these
14 materials raise legitimate questions regarding whether the
15 applicable regulations were correctly interpreted and
16 applied.

17 Respectfully, Donna Gorjon.

18 **Hearing Examiner Nichols:** Alright. Thank you very
19 much. Mr. Moore?

20 **CLOSING ARGUMENT OF APPELLEE**

21 Thank you, Your Honor.

22 This case is, it's a little sad in that when you
23 listen to the testimony, you realize we're dealing with
24 neighbors who have lived next to each other for 50 years.

25 **Ms. Gorjon:** Correction. No, we have not been

1 neighbors for 50 years.

2 **Counsel Moore:** I'm sorry. I was thinking of the
3 witness who'd been there since '74.

4 But we are dealing with Columbia. This is the Rouse
5 community that has such a deserved reputation for
6 neighborliness. I'm not saying anyone's being
7 unneighborly. I'm saying neighbors are unfortunately in
8 front of the hearing examiner on a property line
9 construction project where the record shows that the
10 property owner who the complaint was filed against went
11 through the county permitting process and got a building
12 permit. There were surveys done, and nonetheless, a DPZ
13 investigation was generated.

14 They went out there. They did the job correctly. They
15 took the appropriate measurements. They went back out more
16 than once. They had feedback from their supervisors over,
17 this picture doesn't seem like a fair representation, go
18 back out, take another picture.

19 They really did do a thorough investigation here, and
20 there wasn't a zoning violation. They measured against the
21 appropriate documents, including the building permit,
22 which isn't timely appealed. I mean, there's no appeal of
23 the permit here because the building permit was issued
24 outside the limitations period for an appeal.

25 I hope folks are able to move forward, and this

1 doesn't cause ongoing strife, but the department did its
2 job, and the appeal should be denied because the
3 department did meet the statutory standards it's expected
4 to follow.

5 Even though that was done, I still feel sad that such
6 a wonderfully neighborly community has to be resolved in a
7 forum like this.

8 **Hearing Examiner Nichols:** So, would you agree I do
9 not have jurisdiction to deal with anything arising from
10 the building permit as it was not appealed?

11 **Counsel Moore:** Correct. It wasn't timely appealed.

12 **Hearing Examiner Nichols:** Okay, and so I gather from
13 your motion that you believe I really don't have
14 jurisdiction to decide anything really arising from a
15 complaint that's not in front of me.

16 **Counsel Moore:** That was my motion, yes.

17 **Hearing Examiner Nichols:** Okay, alright. Anything
18 further?

19 **Counsel Moore:** No.

20 **Hearing Examiner Nichols:** Okay, alright. That being
21 said, the evidence you're hearing in this matter will
22 deemed to have been concluded, and a decision and order
23 will be forthcoming, and I thank everybody here for their
24 participation tonight.

25 **Hearing was adjourned.**

C E R T I F I C A T I O N

I, ALISON MATHIESON, official transcriber for the Howard County Board of Appeals Hearing Examiner, do hereby certify that I transcribed the hearing in Case No. BA 829-D, In the Matter of Donna Gorjon v. Howard County Department of Planning & Zoning, which hearing was held on June 11, 2026 and that I transcribed the testimony.

I FURTHER CERTIFY that the attached pages, numbering from 1 through 90, constitute the official transcript of this hearing as transcribed by me from the recordings of the Howard County Board of Appeals Hearing Examiner.

IN WITNESS WHEREOF, I have hereunto subscribed my name on the 9th day of July 2026.


ALISON MATHIESON

