

DPZ office use only:

BA Case No.: BA-830D

Date Submitted: 7/30/26

**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** Maryland International School
BA Case No. BA 830-D
Date Decision and Order Mailed June 18, 2026

2. **Reason for Appeal** See Attachment A

3. **Name of Appellant** See Attachment A
Trading as (if applicable) _____
Mailing address _____
Phone number(s) _____
Email _____
Name of principal contact (if different) _____

4. **Counsel for Appellant** The Law Office of G. Macy Nelson, LLC
Mailing Address 600 Washington Ave, Suite 202, Towson, MD 21230
Phone number(s) 410-296-8166 ext 303
Email alex@gmacynelson.com
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.

David Marc 7/15/26
Signature of Appellant Date

David Marc
Print Name of Appellant

Deborah Marc 7/15/26
Signature of Appellant Date

Deborah Marc
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. _____

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Frederick Marc Frederick Marc
Signature of Appellant Date Print Name of Appellant

Cheryl Marc Cheryl Marc
Signature of Appellant Date Print Name of Appellant

Signature of Attorney (If any)

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Michael Marc 7/14/26 Michael Marc
Signature of Appellant Date Print Name of Appellant

Kimberly Marc 7/14/26 Kimberly Marc
Signature of Appellant Date Print Name of Appellant

Signature of Attorney (If any)

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Larry Weatherholt 7/15/26 Larry Weatherholt
Signature of Appellant Date Print Name of Appellant

Jan McVey 7/15/26 Jan McVey
Signature of Appellant Date Print Name of Appellant

Signature of Attorney (If any)

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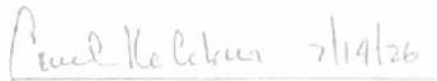
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- The Appellant agrees to pay all costs in accordance with the current schedule of fees.


Signature of Appellant Date

Steve Kelehan
Print Name of Appellant


Signature of Appellant Date

Carol Kelehan
Print Name of Appellant

Signature of Attorney (If any)

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Signature of Appellant

Date

Print Name of Appellant

Signature of Appellant

Date

Print Name of Appellant



Signature of Attorney (If any)

Make checks payable to "Director of Finance."

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

County Website: www.howardcountymd.gov

ATTACHMENT A

2. Reason for Appeal

Appellants appeal the decisions of the Hearing Examiner in BA 830-D because the Hearing Examiner's decisions were legally erroneous and unsupported by substantial evidence. This case concerns decisions by DPZ in the process of approving SDP-24-024 for the Maryland International School. The Hearing Examiner considered all of this appeal on June 16, 2026.¹

BA 830-D concerned the decision of DPZ that SDP-24-024 is technically complete subject to the ProjectDOX markups and attached conditions. The Hearing Examiner erred legally when she concluded that the technically complete determination is not a final appealable order. Citizen-Appellants appealed the decision for all of the reasons provided in Citizen-Appellants' comments submitted to DPZ in the course of the SDP review.

Citizen-Appellants reserve the right to raise additional issues.

3. Name of Appellants

David Marc
6145 Old Washington Road
Elkridge, MD 21075
davejoemarc@aol.com
410-796-5083

Deborah Marc
6145 Old Washington Road
Elkridge, MD 21075
dmhairstation@aol.com
410-796-5083

¹ Appellants originally filed an appeal of BA 830-D as well as BA 823-D, BA 825-D, and BA 826-D on July 17, 2026. Subsequently, DPZ requested that Appellants filed this amended version of the appeal for BA 830-D for clarity.

Frederick Marc
6112 Old Washington Road
Elkridge, MD 21075
frederick.marc@stvinc.com
443-520-1230

Cheryl Marc
6112 Old Washington Road
Elkridge, MD 21075
cmarc26379@comcast.net
443-520-1230

Kimberly Marc
6151 Old Washington Road
Elkridge, MD 21075
kamarc429@gmail.com
410-236-2657

Michael Marc
6151 Old Washington Road
Elkridge, MD 21075
michael.marc@stvinc.com
410-236-2657

Jan McVey
6134 Old Washington Road
Elkridge, MD 21075
janmcvey@gmail.com
443-537-5386

Larry Weatherholt
6134 Old Washington Road
Elkridge, MD 21075
olddude199@gmail.com
443-537-5386

Carol Kelehan
6108 Old Washington Road
Elkridge, MD 21075
cabinetstevek@gmail.com
410-207-8389

Steve Kelehan
6108 Old Washington Road
Elkridge, MD 21075
cabinetstevek@gmail.com
410-207-8389

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

.....

.....

DECISION AND ORDER

On June 16, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, began an evidentiary hearing on the administrative appeal of David Marc, et al (Appellants). Appellants are appealing the Department of Planning and Zoning's March 24, 2026, letter notifying Maryland International School that its application for SDP-24-024 is technically complete. The Subject Property is located at 6135 Old Washington Blvd, Elkridge, Maryland. The appeal is filed pursuant to §130.0.B.4 of the Howard County Zoning Regulations (HCZR).

The Appellants certified to compliance with the notice and posting requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure. Ms. Alex Votaw, Esq appeared on behalf of Appellants David Marc, et al. Mr. Christopher DeCarlo, Esq. appeared on behalf of the Property Owner Maryland International School. No one appeared on behalf of the Appellee Department of Planning and Zoning.

MOTION TO DISMISS

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

APPLICABLE LAW

SECTION 130.0: - Hearing Authority

B. Powers of the Hearing Authority

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

4. Appeals of Administrative Decisions

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

Sec. 16.301. - Powers.

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

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

Sec. 16.103. - Administration.

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

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

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

Sec. 16.105. - Appeals.

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

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

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

(i) Approval/Denial of Site Development Plan:

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

CONCLUSIONS OF LAW

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

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

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

ORDER

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

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

HOWARD COUNTY BOARD OF APPEALS

HEARING EXAMINER



Joyce B. Nichols

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.