

IN THE MATTER OF	:	BEFORE THE
Jay Andrew Komsa	:	HOWARD COUNTY
CE-26-8	:	BOARD OF APPEALS
Appellant	:	HEARING EXAMINER
	:	BA Case No. BA-833D

.....

DECISION AND ORDER

On September 22, 2026, David Moore, Senior Assistant County Solicitor, on behalf the Howard County Department of Planning and Zoning, filed Administrative Agency's Motion to Dismiss the above referenced appeal. On October 5, 2026 Appellant Jay Andrew Komsa filed his Appellant's Opposition to the Administrative Agency's Motion to Dismiss. Your Hearing Examiner reviewed the Motion to Dismiss and the Response thereto.

FINDINGS OF FACT

On February 28, 2026 the Howard County Department of Planning and Zoning (DPZ) inspected the subject Property. As a result of this inspection, on March 5, 2026, DPZ issued a Formal Notice, CE-26-8, to Jay Andrew Komsa (Appellant), of violations of the Howard County Zoning and/or Subdivision and Land Development Regulations, at

4335 Roxbury Mill Road, Brookville, Maryland (the subject Property). The Formal Notice found violations of §§104.B & C, 106.1. B & C, and 101.0.O of the Howard County Zoning Regulations. The violation is "The use of the property as a motor vehicle storage facility including the storage of buses, boats and recreation vehicles, which is prohibited in the RC (Rural Conservation) zoning district." The corrective action required is "Cease the use of the property as a motor vehicle storage facility." The Formal Notice required corrective action and the property be brought into compliance with the zoning regulations within 30 days of March 5, 2026, subject to civil penalties daily and other legal action in a court of law.

On April 21, 2026, Appellant met with DPZ staff to try to persuade DPZ that the commercial storage of cars, buses, boats and recreation vehicles is a permitted accessory use to farming and to reconsider pursuing the March 5, 2026, Notice of Violation. On July 1, 2026, DPZ sent a responsive letter to Jay Andrew Komsa stating as follows:

"On March 5, 2026, the Department of Planning and Zoning (DPZ) issued you a Notice of Violation for noncompliance with the Zoning Regulations. The violation is the use of the property as a motor vehicle storage facility, including storage of buses, boats and recreational vehicles (RVs). In April, you met with DPZ staff to discuss the commercial storage of RVs or boats as a permitted accessory use to your principal farming use.

DPZ has reviewed whether the commercial storage of RVs and boats owned by others and stored on a property meets the intent of an accessory use pursuant to Section 106.1.C. 1.h of the Zoning Regulations.

An accessory use must be both customarily incidental and subordinate to the principal use. In this context, farming is the principal use of the property. While farming operations may include a range of accessory activities, those activities must be commonly associated with and directly supportive of the agricultural use.

DPZ determined the commercial storage of RVs and boats owned by third parties for compensation does not meet this standard for the following reasons.....

Based on the above, DPZ finds that the commercial storage of RVs and boats owned by others and stored for a fee does not qualify as an accessory use to farming, as it is neither customarily incidental nor subordinate to the principal farming use. Instead, it constitutes a separate commercial use that is not permitted in the RC-DEO zoning district. As such, your property remains in violation of the Zoning Regulations and the use of your property for motor vehicle storage, including storage of RVs and boats, must cease within 30 days of the date of this letter (on or before July 31, 2026)."

On July 17, 2026 Appellant filed an Administrative Appeal Petition, citing as the "ACTION FROM WHICH THIS APPEAL IS TAKEN: DPZ written determination dated July 1, 2026 (J. Sauer, Chief), Case CE-26-8, holding that storage of recreational vehicles and boats at 4335 Roxbury Mill Road is not a permitted accessory use under Sec. 106.1.C.1.h, and ordering the use to cease by July 31, 2026."

MOTION TO DISMISS

On September 22, 2026, the Senior Assistant County Solicitor filed on behalf of the Department of Planning and Zoning, the Administrative Agency's Motion to Dismiss and raised the following issues.

1. A Notice of Violation is not appealable by the alleged violator
2. The July 1, 2026 letter is not an appealable decision
3. Appellant cannot manufacture an appeal where there is no jurisdiction

RELEVANT STATUTES

Sec. 16.1602(b). of the Howard County Code provides “After investigation, if the Director believes that a violation of the subdivision and land development regulations set forth in subtitle 1 of this title or the Howard County Zoning Regulations exists or has occurred, the Director may issue a notice of violation to the alleged violator.” An alleged violator shall make the correction within the time required by the notice of violation. § 16.1602(f) An alleged violator may not appeal a notice of violation issued under this section. § 16.1602(g)

Sec. 16.1603.(a) provides that the Director of DPZ may issue a citation to an alleged violator: (1) After the issuance of a notice of violation if the violation continues after the reasonable time Stated in the notice of violation has passed; or (2) If law or regulation does not require the issuance of a notice of violation, when the Director determines that a violation of the subdivision and land development regulations set forth in Subtitle 1 of this Title or the Howard County Zoning Regulations exists or has occurred. Sec. 16.1603(b) provides the required contents of the citation including the amount of the monetary fine.

Sec. 16.1604 authorizes the Hearing Examiner to conduct hearings on citations and §16.1605 establishes the procedures for such hearings.

Sec. 102.0.B. provides for the enforcement of zoning violations as follows:

“Upon becoming aware of any violation of these Regulations, the Department of

Planning and Zoning may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, conversion or use in violation of any of the provisions of these Regulations. The Department of Planning and Zoning may give notice that activities on the premises are in violation of the Zoning Regulations and may order an end to these activities within 10 days, or a reasonable specified time. The Department of Planning and Zoning shall serve the notice personally, or by Registered Mail addressed to the premises of the violation, or to the person or corporation committing or permitting the violations, or by posting the premises. If the violation does not cease within the time specified by the Department of Planning and Zoning, the Department of Planning and Zoning shall take whatever action necessary to end the violation. A Zoning Violation Notice issued under this section is not appealable pursuant to Section 130.0.A.3 of these Regulations.”

“The Department of Planning and Zoning may enforce the Zoning Regulations by issuing citations to alleged violators to be heard in Court or in Administrative Proceedings as provided by Law.”

Sec. 130.0.B.4 provides the Hearing Examiner with the authority “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.”

CONCLUSIONS OF LAW

CE-26-8 is a Formal Notice of Violation issued March 5, 2026, to Jay Andrew Komsa for the subject Property, 4335 Roxbury Mill Road, Brookeville, Maryland.

§ 16.1602(b). An alleged violator may not appeal a notice of violation issued under this Section and Appellant did not appeal this Formal Notice. §16.1602(g). A Zoning Violation Notice issued under this section is also not appealable pursuant to §130.0.A.3. § 102.0.B.

Sec. 16.1603.(a) provides that the Director of DPZ may issue a citation to an alleged violator. This citation is appealable and heard by the Hearing Examiner.

§16.1604. Appellant was not issued a citation.

On July 1, 2026, DPZ sent a letter to Appellant stating its interpretation that an accessory use must be both customarily incidental and subordinate to the principal use. In this context, farming is the principal use of the property. While farming operations may include a range of accessory activities, those activities must be commonly associated with and directly supportive of the agricultural use.

DPZ determined the commercial storage of RVs and boats owned by third parties for compensation does not meet this standard for the following reasons:

"1. Not Customarily Associated with Farming

The storage of RVs and boats for unrelated third parties is not a use that is commonly, habitually, or traditionally associated with farming operations. Commercial storage of non-agricultural vehicles is not customary to farming.

2. Not Incidental to the Farming Use

The activity constitutes a distinct commercial enterprise rather than a subordinate component of the farm operation. The storage of multiple large vehicles, particularly when conducted for a fee, introduces a level of intensity, traffic, and site utilization that is independent of and not secondary to the agricultural use.

3. Commercial Nature of the Activity

The acceptance of compensation for storage establishes the activity as a commercial use. This type of use is more appropriately classified as a motor vehicle storage facility, which is not permitted as an accessory use to farming or single-family homes. Motor vehicle storage is only permitted in the M-1 and M-2 districts (manufacturing; light & heavy).

4. Lack of Functional Relationship

There is no direct functional relationship between the storage of privately owned RVs or boats and farming. As such, the use does not support or enhance the principal farming operation.

Based on the above, DPZ finds that the commercial storage of RVs and boats owned by others and stored for a fee does not qualify as an accessory use to farming, as it is neither customarily incidental nor subordinate to the principal farming use. Instead, it constitutes a separate commercial use that is not permitted in the RC-DEO zoning district.”

The July 1, 2026 letter does not constitute an administrative decision and order as it is not accompanied by an appropriate written order. The letter was timely appealed to the Hearing Examiner (Board of Appeals) on July 17, 2026. Sec. 130.0.B.4 provides the Hearing Examiner with the authority “To hear and decide appeals

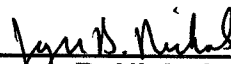
where it is alleged the Department of Planning and Zoning has erred in the interpretation or application of any provisions of the Zoning Regulations.” The July 1, 2026 letter clearly contains an interpretation and application of provisions of the Zoning Regulations. The Hearing Examiner has jurisdiction to hear and decide the instant appeal.

ORDER

Based upon the foregoing, it is this 8th day of October, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Administrative Agency's Motion to Dismiss BA 833D, be and is hereby **DENIED**. The appeals hearing before the Hearing Examiner will proceed as scheduled on November 18, 2026.

**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.