
CR24-2026 A RESOLUTION to amend the Howard County Charter to increase the number of members of the Howard County Board of Appeals

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To CouncilMail <CouncilMail@howardcountymd.gov>

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Dear Councilmembers,

The apparent intent of CR24 is to solve just one issue with the Board of Appeals: not having a quorum in attendance. However, it leaves unaddressed the many problems that have caused the conflict in recent years and creates other issues.

At the outset, it needs to be noted that somehow the Council has gotten into the policy of each councilmember appointing one Board of Appeals member from their councilmanic district. At the recent joint meeting with the Board of Appeals, the councilmembers spoke of "my appointee," or spoke about how their appointee sent a resignation letter to just them and not to the full Council. The Charter does not specify councilmanic appointments and by adding two more members, it must be recognized that this procedure will no longer be possible.

In this regard, while the Charter amendment updates the political party affiliation, it fails to address how to keep the members distributed across all five councilmanic districts. It could say "at least one from each councilmanic district" or "no more than two from each councilmanic district." Nor does the amendment explain how to stagger seven, five-year terms. One method would be to have five-year terms from the date of appointment rather than all beginning on the first day in January with appointees filing unexpired terms.

The amendment also fails to address the concern of the public regarding the experience and education requirements for the members of the Board.

Other concerns are more structural in nature:

1. the de novo review of the hearing examiner by the Board;
2. a system that has variances and conditional uses approved by the Hearing Examiner and Board except in New Town and PGCC where such approvals are before the Planning Board with subsequent appeal to the Hearing Examiner and Board;
3. increases in fees for Board of Appeals cases which appear to make the many non-land use matters prohibitively expensive;
4. that the DPZ Director is legally the clerk and is "the custodian of the records of proceedings, shall accept petitions, motions and correspondence to the Board, and shall maintain the docket in each case." (Passing amendments to the Rules of Procedure would correct this);
5. these administrative responsibilities are being performed by the Board Administrator, a position which does not legally exist, and the Board is the appointing authority (Section 501(e)) for the Secretary and Administrative Assistant, not the Council Administrator; and
6. a Hearing Examiner who has not been lawfully appointed as mandated in the Charter by County Council resolution.

Please let me know if you need clarification of these issues.

Thank you,

Joel Hurewitz