

COURT OF APPEALS OF MARYLAND

Falls Road Community Ass'n, Inc. v. Baltimore County, Maryland

437 Md. 115 (2014) · No. No. 39, September Term, 2012 · Decided February 25, 2014

SUMMARY

The Maryland Court of Appeals held that neighbors and a community association were not required to exhaust a new administrative process before seeking declaratory relief to enforce restrictions contained in final County Board of Appeals orders. The court upheld the denial of mandamus because County officials retained discretion over zoning enforcement and contractual remedies. It also recognized that ancillary injunctive relief may be granted under the Maryland Uniform Declaratory Judgments Act when necessary or proper to implement a declaratory judgment.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	McDonald, J.; Barbera, C.J.; Harrell, J.; Battaglia, J.; Greene, J.; Adkins, J.; Bell, C.J.
JURISDICTION	Maryland
DECIDED	February 25, 2014
DOCKET	No. 39, September Term, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Community Association and individual neighbors sought mandamus and declaratory relief in the Circuit Court for Baltimore County concerning alleged violations of County Board of Appeals zoning orders and lease restrictions governing a restaurant parking lot and outdoor seating area. The circuit court granted summary judgment against the mandamus claims, conducted a bench trial on the declaratory judgment claim, and denied declaratory relief. The Court of Special Appeals affirmed. The Court of Appeals granted certiorari and a conditional cross-petition.
STANDARD OF REVIEW	Whether exhaustion of administrative remedies was required was reviewed de novo. Summary judgment on the mandamus claims was reviewed without deference because it involved questions of law. The circuit court's factual findings after the bench trial were reviewed for clear error. The denial of declaratory relief was generally reviewed for

	abuse of discretion, although statutory interpretation was reviewed without deference.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Falls Road Community Association, Inc., individual neighbors v. Baltimore County, Maryland, Oregon, LLC

TOPICS

exhaustion of remedies administrative law declaratory judgment municipal law remedies

PRACTICE AREAS

administrative law municipal law civil procedure remedies real estate

QUESTIONS PRESENTED

1. Whether the Community Association was required to initiate another administrative proceeding before seeking judicial enforcement of final County Board of Appeals orders.
2. Whether common-law mandamus could compel County officials, acting as zoning regulators or as the restaurant's landlord, to pursue enforcement or contractual remedies.
3. Whether the circuit court had authority under the Maryland Uniform Declaratory Judgments Act to issue a declaratory judgment concerning violation of the Board of Appeals orders and to award ancillary injunctive relief.

HOLDINGS

1. The Community Association was not required to initiate another proceeding under BCZR §§ 500.6 or 500.7 before seeking judicial enforcement of the final Board of Appeals orders under the circumstances presented.
2. Common-law mandamus was unavailable to compel County officials to take zoning enforcement action because the decision whether and how to deploy enforcement resources was discretionary rather than ministerial.
3. Common-law mandamus was unavailable to compel County officials to pursue contractual remedies against Oregon under the lease.
4. The circuit court had authority to issue a declaratory judgment concerning whether the Board of Appeals orders were violated by paving the parking lot and, if so, to determine what ancillary injunctive relief was necessary or proper.

KEY QUOTATIONS

“There are a myriad of discretionary decisions made in determining how to employ limited resources.” (at 29)

“The issuance of a declaratory judgment does not depend on the specificity of a party’s request for ancillary relief to enforce the declaration.” (at 40)

FACTUAL BACKGROUND

Baltimore County leased approximately 2.63 acres at Oregon Ridge Park to Oregon, LLC for operation of a restaurant. Final County Board of Appeals orders restricted the property, including by requiring the parking lot to remain unpaved unless otherwise required by law and limiting outdoor events and structures. Despite those restrictions, the parking lot was paved and expanded, and large objects described by the parties as either umbrellas or prohibited tents appeared in the outdoor seating area. County officials declined to pursue enforcement, prompting the Community Association and neighbors to seek mandamus and declaratory relief.

PROCEDURAL HISTORY

The circuit court held that County enforcement decisions were discretionary and therefore not subject to common-law mandamus. After trial, it found that paving the parking lot violated the Board of Appeals orders, but denied declaratory relief on the ground that a declaration would not terminate the controversy and that ancillary injunctive relief had not been adequately requested. The Court of Special Appeals affirmed, concluding that the plaintiffs had failed to exhaust administrative remedies and agreeing with the circuit court's treatment of mandamus and declaratory relief. The Court of Appeals affirmed in part, reversed in part, and remanded for further proceedings on declaratory relief.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Special Appeals was affirmed in part and reversed in part. The case was remanded to that court with directions to remand it to the Circuit Court for Baltimore County for further proceedings consistent with the opinion, including consideration of a declaratory judgment and any necessary or proper ancillary injunctive relief. Costs were split equally between the petitioners and respondents.

CASES CITED

- 203 Md. App. 425, 438, 38 A.3d 493 (2012)
- Forster v. Office of the Public Defender, 426 Md. 565, 580, 45 A.3d 180 (2012)
- Mathews v. Cassidy-Turley Maryland, Inc., 435 Md. 584, 598, 80 A.3d 269 (2013)
- Converge Services Group, LLC v. Curran, 383 Md. 462, 477, 860 A.2d 871 (2004)
- Zappone v. Liberty Life Insurance Co., 349 Md. 45, 60-61, 706 A.2d 1060 (1998)
- Renaissance Centro Columbia, LLC v. Broida, 421 Md. 474, 483-85, 27 A.3d 143 (2011)
- Maryland Reclamation Associates, Inc. v. Harford County, 382 Md. 348, 364-65, 855 A.2d 351 (2004)
- Arroyo v. Board of Education of Howard County, 381 Md. 646, 661-62, 851 A.2d 576 (2004)
- Soley v. State Commission on Human Relations, 277 Md. 521, 526, 356 A.2d 254 (1976)
- Goodwich v. Nolan, 343 Md. 130, 145-46, 680 A.2d 1040 (1996)
- Talbot County v. Miles Point Property, LLC, 415 Md. 372, 394-97, 2 A.3d 344 (2010)

- Brack v. Wells, 184 Md. 86, 89-91, 40 A.2d 319 (1945)
- Harvey v. Marshall, 389 Md. 243, 276 n.18, 310-12, 884 A.2d 1171 (2005)
- Inmates of Attica Correctional Facility v. Rockefeller, 477 F.2d 375, 380 (2d Cir. 1973)
- Nova Research, Inc. v. Penske Truck Leasing Co., 405 Md. 435, 458-59, 952 A.2d 275 (2008)
- Bankers and Shippers Insurance Co. v. Electro Enterprises, Inc., 287 Md. 641, 653, 415 A.2d 278 (1980)
- Beane v. McMullen, 265 Md. 585, 615-17, 291 A.2d 37 (1972)

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