

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2561

September Term, 2015

ALLAN PICKETT

v.

FREDERICK CITY HISTORIC
PRESERVATION COMMISSION

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 8, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Allan M. Pickett filed the instant appeal from an order of the Circuit Court for Frederick County affirming a decision of the Frederick County Historic Preservation Commission (“Commission”) with respect to property formerly owned by Pickett. Because Pickett no longer has a right to appeal the Commission’s decision, the appeal is dismissed as moot.

Section 8-308 of the Land Use Article of the Maryland Code (2012) provides that “[a]ny person aggrieved by a decision of a [local historic preservation] commission may appeal the decision[.]” “In order to be ‘aggrieved’ by an administrative decision, a person must have [a]n interest such that he is personally and specifically affected in a way different from . . . the public generally.” *Chesapeake Bay Foundation, Inc. v. Clickner*, 192 Md. App. 172, 184 (2010) (citations and internal quotation marks omitted). *See also Baltimore Bldg. & Const. Trades Council AFL-CIO v. Barnes*, 290 Md. 9, 23 (1981) (stating that “one is not an aggrieved party so as to be entitled to appeal unless the judgment or order appealed from was rendered on a matter in which the appellant has some interest or right of property.”) (citation omitted).

Any interest that Pickett may have had in the property that is the subject of his appeal was extinguished on October 3, 2016, when the United States Supreme Court denied Pickett’s petition for a writ of certiorari of this Court’s decision, in which we affirmed the order of the circuit court foreclosing Pickett’s right to redeem the subject property.¹ Consequently, Pickett is no longer “aggrieved” by the decision of HPC with respect to the

¹ *Pickett v. City of Frederick, et al.*, No. 759, September Term, 2014 (filed October 6, 2015), *cert. denied* 446 Md. 293 (2016), *cert. denied*, 137 S.Ct. 202 (2016).

subject property, and his appeal is moot. *See Comm. for Responsible Dev. on 25th St. v. Mayor & City Council of Baltimore*, 137 Md. App. 60, 69 (2001) (stating that “[a] case is moot when there is no longer an existing controversy between the parties at the time it is before the court so that the court cannot provide an effective remedy.”) (citation omitted). *See also Messer v. Town of Chapel Hill*, 485 S.E.2d 269, 270 (N.C. 1997) (holding that any controversy between plaintiff and town as to constitutionality of amendment to zoning ordinance became moot upon sale of plaintiff’s property to a third party while the appeal was pending.)

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**