Circuit Court for Carroll County
Case No. C-06-CV-22-000198

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1205

September Term, 2023

IN THE MATTER OF JACQUELYN HICKS, ET AL.

Shaw,
Tang,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: January 10, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This is an appeal from a judgment entered by the Circuit Court for Carroll County, reversing a decision by the Carroll County Board of Zoning Appeals. The origins of this case date back to 2015, when the Board approved a conditional use application for a "country inn with catering facilities" filed by Appellant's predecessor in interest. In 2019, Appellees, Jacquelyn and Steven Hicks, challenged an Amended Simplified Site Plan for the property claiming that it represented a "substantial change" from the Board's 2015 approval.[1] The Board disagreed and determined that the Site Plan aligned with its 2015 Decision. Appellees then sought judicial review in the Circuit Court for Carroll County. The court reversed the Board's decision, finding that it was not based on substantial evidence. This appeal timely followed. Appellant presents two questions for our review:

1. Is the Board's 2022 Decision affirming the 2019 Plan's approval supported by substantial evidence?

2. Does Carroll County Code § 158.133(D)(7) permit a party to challenge any and all aspects of a duly approved conditional use where the Board imposed no additional conditions?

We affirm the Board's decision, and accordingly, reverse the circuit court.

BACKGROUND

On February 6, 2015, Appellant's predecessor in interest submitted a conditional use of property application for 817 Fridinger Mill Road in Westminster, for a "country inn" with the Board of Zoning Appeals. They amended the application several weeks later to

[1] Appellees' initial appeal to the Board was denied in 2019. On judicial review, the circuit court upheld the Board's decision. This Court reversed and remanded the case in an unreported opinion. Appellee's appeal was reconsidered by the Board and an opinion was issued on May 2, 2022.

add an accessory use as a "wedding/banquet facility." The Board notified adjoining property owners that a hearing would be held on March 24, 2015.

Jennifer Snyder, representing Appellant's predecessor in interest, testified at the hearing. Mrs. Snyder stated that there would be outdoor weddings and functions under an arbor at the property, and that "probably, most people aren't getting married until around noon, maybe after noon into 4, 5 o'clock, and of course if they just wanted to do a reception there then that would be after the wedding." She testified that the hours of operation could be open to change. She also stated that the larger house would have five rooms available for rent. In response to Appellees' questions about outdoor events and noise, Mrs. Snyder clarified that there would be "outdoor functions" at the "gazebo" or the "pavilion" and that "[w]e can only hope that we can work that out such that it doesn't interfere with [Appellees'] use of [their] property. I think there's going to be facilities in the plans, some outdoor functions, some during daytime hours."

Appellees, Jacquelyn and Steven Hicks testified, and they expressed their concerns about outdoor events and noise. Mrs. Hicks stated, "We're just concerned about it being an every weekend thing that would impact the peaceful enjoyment of our property." She later testified, "I am concerned about the noise, though. Because unless you live there you would be very surprised at how the noise carries." Mr. Hicks testified, "We'd just like to be able to have a quiet evening."

On March 27, 2015, the Board granted Appellant's request for a conditional use of the property for a "country inn with catering facilities." The Board acknowledged that the

Hicks were concerned about the noise from the property. The Board, however, determined that the grant of the conditional use "was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of the adjacent properties." The Board stated that "the proposed project would not generate adverse effects (i.e. ***noise***, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone." (Emphasis added). The Board concluded by stating that its decision was "[b]ased on findings of fact made by the Board."[2] Appellees did not appeal the 2015 Decision.

On August 20, 2015, Appellant submitted their Initial Site Plan and, on February 22, 2016, the Carroll County Bureau of Development Review approved it.[3] The "Initial Site Plan showed proposed walkways comprising a formal garden, and 68 parking spaces (including three permanent handicapped accessible parking spaces) and a 50'x50' tent to be located as a replacement for an existing 50'x35.5' building." *In re Hicks*, No. C-06-

[2] The Board's 2015 Decision contained no specific conditions for the conditional use of the property but had one general condition not applicable to the current case. In its findings of fact, the Board noted "wedding season would be from approximately May to October[,]" "[f]ive rooms would be available to rent over weekends[,]" and "[i]nitially, weddings occurring there would be outside."

[3] Carroll County Code § 155.050(A)(1) mandates "all principal permitted and conditional uses in any district shall be subject to a site plan review by all applicable review agencies as determined by the Director." In addition, § 155.050(A)(2) stipulates a zoning certificate can only be issued if the Planning and Zoning Commission approve the site plan.

CV-22-198 (Cir. Ct. Carroll Cnty. 2023) (internal quotation marks omitted). The Plan stated, in its Purpose Note, that "[n]o rooms will be available for rent." The County Code, however, required all country inns have rooms available for rent. Appellees did not appeal the Initial Site Plan, but they did inform the Bureau of the error. The Bureau subsequently instructed Appellant to submit an amended site plan.

On April 26, 2019, Bureau Chief, Clayton R. Black, approved an Amended Site Plan – the 2019 Plan. Appellees timely appealed that Plan.[4] In their appeal, they argued the 2019 Plan "substantially changed" the use of the site from the use described in the initial application and hearing that was approved by the Board in 2015. Appellees argued Carroll County Code § 158.133(D)(7) obligated the Board to hold a hearing if it wanted to approve substantial changes not included in the initial application and hearing.

A hearing was scheduled for July 23, 2019. The Bureau and Appellant's lawyers argued that Appellees were simply re-challenging the 2015 Decision and that the 2019 Plan was consistent with the 2015 Decision. The Board then asked Appellees what evidence they anticipated presenting, and after considering Appellees' proffer, the Board declined to allow Appellees the opportunity to present evidence or to cross-examine witnesses. Following the hearing, the Board affirmed the 2019 Plan.

[4] *See* Carroll County Code §158.133(B)(1); Land Use §4-305(1) (granting boards of appeals authority to hear appeals of orders and decisions from administrative officials); *see also* Carroll County Code §158.133(D)(2) (individuals have thirty days to file an appeal of an administrative order or decision).

Appellees then sought judicial review of the decision in the Circuit Court for Carroll County. The circuit court affirmed the Board's ruling. Appellees appealed to the Appellate Court of Maryland, and on February 1, 2022, in an unreported opinion, the case was reversed and remanded for an evidentiary hearing. *Steven Hicks, et al. v. Royer House, LLC*, No. 215-2020, 2022 WL 304911 (2022). We found that the Board violated Appellees' due process rights by granting a summary disposition without giving them an evidentiary hearing. *Id.* at *8.

On April 27, 2022, in accordance with the remand, the Board held an evidentiary hearing. The hearing, with witnesses and exhibits, lasted a full day. The Board concluded "that there were no substantial differences between the [2019 Plan] and what the BZA approved at the 2015 Hearing." The Board's decision included thirty-nine findings of fact.

Appellees again sought judicial review. On July 19, 2023, the Circuit Court for Carroll County reversed the Board's 2022 Decision and vacated approval of the 2019 Plan.[5] The court stated that whereas the Board's "decision kept its 'eye on the ball' as to the legal issue, its findings of fact [however] constituted a 'swing and a miss' as they were not based upon substantial evidence." Specifically, the court found the Board's 2022 Decision was not supported by substantial evidence for the findings regarding the music to be played during events, the tents to be erected, and the occurrence of outdoor receptions.

Appellant timely appealed. Additional facts will be included as necessary.

[5] The circuit court also considered two other issues that are not relevant for our review.

STANDARD OF REVIEW

An appellate court reviewing the decision of an administrative agency must analyze whether the "'administrative agency erred[,]'" "'not whether the circuit . . . court erred.'" *Bayly Crossing, LLC v. Consumer Prot.*, 417 Md. 128, 136 (2010) (quoting *Consumer Prot. Div. v. Morgan*, 387 Md. 125, 160 (2005)). To determine if the administrative agency erred, we "look 'through the circuit court's'" decision. *People's Couns. for Balt. Cnty. v. Loyola Coll. in Md.*, 406 Md. 54, 66-67 (2008) (quoting *People's Couns. for Balt. Cnty. v. Surina*, 400 Md. 662, 681 (2007)).

DISCUSSION

I. The Board's decision was supported by substantial evidence.

In the case before us, our role "'is not to substitute'" our judgment for the judgment of the administrative agency. *Loyola Coll. in Md.*, 406 Md. 66-67 (quoting *United Parcel Serv., Inc. v. People's Couns. for Balt. Cnty.*, 336 Md. 569 (1994)). Rather, we analyze whether "there is substantial evidence on the record as a whole to support the agency's findings and conclusions, and . . . determine if the administrative decision is premised upon an erroneous conclusion of law." *Montgomery Cnty. v. Butler*, 417 Md. 271, 283 (2010) (cleaned up). "Substantial evidence" is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Balt. Lutheran High Sch. Ass'n v. Emp't Sec. Admin.*, 302 Md. 649, 662 (1985).

We examine "whether the issue before the administrative body is 'fairly debatable,' that is, whether its determination is based upon evidence from which reasonable persons

could come to different conclusions." *White v. North*, 356 Md. 31, 44 (1999) (quoting *Sembly v. Cnty. Bd. of Appeals*, 269 Md. 177, 182 (1973)); *see also City of Hyattsville v. Prince George's Cnty. Council*, 254 Md. App. 1, 25 (2022) ("If substantial evidence supports the conclusion of the zoning agency, the courts may not disturb that conclusion, even if substantial evidence to the contrary exists."). The substantial evidence test can be satisfied by testimony and other supporting facts even if there is conflicting testimony. *See B.H. v. Anne Arundel Cnty. Dep't of Soc. Servs.*, 209 Md. App. 206 (2012). We also defer to an agency's expertise in interpreting its regulations. *Bayly Crossing*, 417 Md. at 137 (citing *Schwartz v. Md. Dep't of Nat. Res.*, 385 Md. 534, 554 (2005)).

In analyzing the matter before us to determine whether there was substantial evidence in the record, we first examine the applicable Carroll County Codes. Section 158.133(G) provides:

> (G) **Limitations, guides, and standards.** Where in these regulations certain powers are conferred upon the BZA or the approval of the BZA is required before a conditional use may be issued, the BZA shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted. The application for a conditional use shall not be approved where the BZA finds the proposed use would adversely affect the ***public health, safety, security, morals, or general welfare, would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood***. In deciding such matters, the BZA shall give consideration, among other things, to the following:
>
> ***
>
> (4) The effect of the proposed use upon the ***peaceful enjoyment*** of people in their homes;

***

> (6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare, and ***noise*** upon the use of surrounding property values;

(Emphasis added).

Section 158.133(D)(7) states:

> If evidence is offered during the hearing concerning site plans, site or building locations, or any plans of construction which are not included as part of the application for a building permit/zoning certificate, those plans shall be incorporated in the application, and no substantial change shall be made in the plans presented to the BZA without the approval of the BZA. ***The BZA shall not approve a substantial change in the plans unless a hearing is held***.

(Emphasis added).

"Interpreting the pure meaning of a statute is deemed a question of law." *Bayly Crossing*, 417 Md. at 137 (citing *Miller v. Comptroller of Md.*, 398 Md. 272, 280–81). Courts interpret county codes under the usual principles of statutory interpretation. *Bel Air Realty Assoc. P'Shp*, 148 Md. App. at 259. To start, we look at the terms of the code and we try to gather its legislative intent. *Id.* If the statute is unclear, we give deference to an expert agency's interpretation of the law. *Bayly Crossing*, 417 Md. at 137 ("That is especially true (and justified) where the implicated statutory provisions are ambiguous or unclear."). *But see id.* (citing *Schwartz*, 385 Md. at 554) (stating that we are generally "non-deferential" "to an 'agency's conclusion of law'"). If the language and the meaning of the statute, however, are clear and unambiguous, then "we apply the statute as written, without resort to other rules of construction." *Lockshin v. Semsker*, 412 Md. 257, 275

(2010) ("We neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute.").

In our view, the language of Carroll County Code § 158.133(D)(7) clearly specifies that the Board must hold a hearing before approving "a substantial change in the plans[.]" While the Code does not define the words "substantial" or "change", a commonly used and everyday resource, Merriam-Webster Dictionary defines "substantial" as "consisting of or relating to substance [essential nature]; significantly great[,]" and "change" as "to make different in some particular; to make radically different." *Substantial*, MERRIAM-WEBSTER DICTIONARY (11th ed. 2003); *Change*, MERRIAM-WEBSTER DICTIONARY (11th ed. 2003).

Appellant argues "substantial change" means to "make a thing's essential nature different or radically different, or make a great difference in its character." Appellant analogized the phrase substantial change in the county code here to the "change-mistake rule" in piecemeal zoning cases. Under the change-mistake rule, a property may be rezoned if "there was a mistake in the prior original or comprehensive zoning or evidence that there has been a **substantial change** in the character of the neighborhood[.]" *Mayor & Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 535–36 (2002) (emphasis in Appellant's brief). According to the Appellant, any change must be "significant and unanticipated" to the "character" of their plans for it to be a substantial change. *Id.* at 538.

Appellees argue that the county code requires a significant difference from what was initially approved in the 2015 Decision. Appellees disagree with Appellant's definition because of Appellant's usage of the term "character" and their analogy to the

"change-mistake" standard from the piecemeal zoning cases. Appellees argue that "character" should not be read into a statute where it is not expressly written. Appellees dispute the interpretation that the change-mistake rule is analogous because that rule applies specifically to "piecemeal rezoning of property." Moreover, the county code does not have the same "modifying language" and applies specifically to conditional uses, not a "comprehensive zoning plan."

We agree with Appellees' analysis. The plain meaning of the code simply requires a significant difference. We reiterate that, under the rules of statutory construction, the plain meaning of a statute is paramount and once ascertained does not require our further analysis. *Chesapeake and Potomac Telephone Co. of Md., et al. v. Dir. of Fin. for the Mayor and City Council of Balt.*, 343 Md. 567, 578–79 (1996). We conclude, based on a plain reading, that the language of Carroll County Code § 158.133(D)(7) is unambiguous and that the phrase "substantial change" means to make significantly different a matter of substance.

Our next task is to determine whether there was substantial evidence in the record from the 2022 hearing such that the Board properly decided that there was no substantial change between the 2019 Plan and the 2015 approval. There are three key areas for our consideration: the playing of music, erecting tents, and hosting outdoor receptions.

The Board's opinion was issued on May 2, 2022. Prior to making its decision, the Board reviewed its 2015 Findings and Conclusions, the conditional use application and testimony from the hearing. The Board then considered testimony from the 2022 hearing.

Its opinion included thirty-nine findings of fact and concluded that there were no substantial changes. We highlight the following findings of fact:

> 4. It is clear that at a wedding reception music, disc jockeys, and live bands are a typical part of them.
>
> 5. It was clear to the BZA Board in 2015 that music would be included as part of the reception.
>
> 6. The Board found that the introduction of music at a wedding reception was not a substantial change from what the 2015 BZA approved.
>
> 7. The weddings and the receptions were to be outside of a structure and inside of a structure. Exhibit 2 page 25.
>
> 9. Mrs. Snyder recalled there being testimony about a tent or an outside facility at the 2015 hearing. This testimony may have been designated as inaudible in the transcript. Board members reviewed the video of the hearing and it shows periods of time when people appeared to be speaking and yet there is an inaudible notation in the transcript.
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> 12. The dimensions of the tent are 50' and 80'. Appellee Exhibit 2.
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> 15. There have been zero noise citations on the [] property.
>
> 16. [Appellant's predecessor] was aware of the Hicks' noise complaints. At first he used two phone apps to measure the noise. One app was known as "Decibel X". He bought two professional decibel meters. He would monitor the noise on his property on an hourly or half hour basis. He would go to the property lines to monitor the music. He told the DJ's not to use subwoofers. After the sound expert provided him with advice he changed the height and direction of speakers. The speakers were pointed toward the house.
>
> 21. [Appellant's predecessors] would walk to the top of the hill every hour or every half hour and perform decibel

> readings on the music. They wanted noise to be at the appropriate levels at the lot lines.
>
> 22. The vinyl tent was put up and taken down every year, because it was stored and cleaned.
>
> 23. [Appellant's predecessor] assumed that every wedding would include music at the 2015 hearing.
>
> 24. [Appellant's predecessor] bought two professional decibel readers and before that he used phone apps to perform the decibel readings at events.
>
> 26. [Appellant's predecessors] knew what the decibel reading at the tent would mean at the property lines.
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> 30. Sheriff James T. DeWees wrote a July 22, 2019 letter to the Board. Exhibit 9. The letter confirmed the following: The Sheriff's Office does not currently have noise meters that are properly calibrated; the Sheriff's Office does not currently have deputies who are certified to operate noise meters; and at present there does not exist a citation the Sheriff's Office would issue in the event a violation was noted.
>
> 39. Since 2015 the only evidence of any people complaining about the music at the [property were] the Hicks.

(cleaned up).

The Music

Appellant argues that neither music nor noise is a necessary feature of a site plan, and neither were included in the application for conditional use or the 2019 Site Plan. Appellant contends "the fact that its application specified facilities for weddings and/or banquets is, in itself, evidence of the use of incidental features, like music." Appellant asserts that the circuit court substituted its own judgment for that of the Board.

Appellees agree that "music" was not mentioned during the 2015 hearing or referenced in the 2015 Decision granting the conditional use. They, nevertheless, contend: that music is an important issue; that the Board's resolution regarding it was not supported by substantial evidence; and that the Board improperly relied on non-authoritative internet sources, not discussed during either hearing, to link music to weddings. Appellees argue that the Board's finding "that every wedding would include music" was based on an assumption which was improper because assumptions do not rise to the level of substantial evidence. Appellees do acknowledge that the Board made several findings related to noise and music in its 2022 Decision.

While Appellees assert that there was no basis for the Board's decision regarding music, we note Appellees have not provided any authority for a governmental agency to regulate or prevent the use of "music" on one's private property. The Carroll County Code does not regulate music; it addresses noise volume. Specifically, Section 93.01 of the county code prohibits the use of "music producing devices" that produce an "unreasonably loud noise." Viewing Appellees' argument in that light, the issue is one of music volume or its amplification which was addressed by the Board.

At the 2015 hearing, Appellees did not express any concerns about music. Mrs. Hicks testified, "I am concerned about the noise," and Mr. Hicks reiterated, "We'd just like to be able to have a quiet evening." Mrs. Snyder replied to the Appellees' concerns, "[w]e can only hope that we can work that out such that it doesn't interfere with [Appellees'] use of [their] property." Mrs. Snyder also stated that she was "aware" of the noise ordinances

and knew that she could not violate them. The Board, ultimately granting approval of the conditional use, addressed the testimony about noise by stating, "the proposed project would not generate adverse effects (i.e. ***noise***, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone."

In its 2022 decision, the Board again considered the issue of noise. Findings 15, 16, 20, 21, 24, 26, 30, and 39, all relate to noise and demonstrate that the Board's finding of no substantial change was based on substantial evidence. For example, in findings 15 and 39, the Board highlighted that Appellant has not been cited for any noise violations and no other neighbors had complained about the noise from the time of the 2015 hearing to the time of the 2022 hearing. The findings also included testimony that Appellants were sensitive to Appellees' concerns and had actively sought to ensure that the music volume remained within acceptable limits. Based on the testimony, specifically, findings 16, 21, 24, and 26, the Board reasonably concluded that there were no substantial changes in the noise levels between the 2015 approval and the 2019 Amended Site Plan. In sum, the Board's noise determinations were based on substantial evidence.

The Erection of the Tent

Appellant contends that there is ample evidence in the record to support the Board's determination that the erection of a tent shown on the 2019 Plan was not a substantial change from its 2015 Decision. Appellant contends that while tents were not referenced to in the 2015 hearing, the use of "pavilions," "canopies," "gazebos," and "arbors" for outdoor functions were. According to Appellant, such outdoor coverings function similar to tents.

Further, its representative, Mrs. Snyder, stated during the 2015 hearing that there would be "outdoor functions" at the "gazebo" or the "pavilion" and that "[w]e can only hope that we can work that out such that it doesn't interfere with [Appellees'] use of [their] property." In addition, the tent appeared in the site plan in 2016 which the Appellees did not appeal.

Appellees note that the word "tent" is absent from the application and testimony at the 2015 hearing or in the Board's Decision. They compare the 2019 Plan to a drawing included in Appellant's 2015 conditional use application. That drawing depicts a gazebo but does not depict a tent. Appellees contend that the Board never considered the connection between amplified music and the tent for outdoor functions and how it would affect noise in the area.

Based on our review, we hold that the Board reasonably found that the use of a tent in place of a pavilion or a gazebo was not a substantial change of the use of the property. We also hold that the Board reasonably understood Mrs. Snyder's statements during the hearing about "facilities in the plans" to include outdoor structures such as tents. While the Board made no express findings about a nexus between tents and noise, the Board clearly made separate findings about noise and tents based on substantial evidence in the record.

Outdoor Receptions

Appellant asserts that the word "function" was used during the 2015 hearing to refer to both weddings and receptions, and that the Board considered that the applicants would have outdoor receptions. Appellant points to the transcript:

> Member Kramer: We saw the premises and the property and so forth. You have a walking trail in the back. You have an arbor. Do you have functions or do you plan functions outside under that arbor and so forth?
>
> [Appellant's Predecessor]: Yes.

Appellees argue that outdoor receptions are a substantial change from what the Board approved in its 2015 Decision. Appellees contend that the testimony from the hearing did not mention that there would be outdoor receptions. Appellees suggest that the Board's finding that "receptions were to be outside of a structure" "actually focused on whether the existing structure could accommodate restroom needs for the projected 100 guests for indoor events."

Again, we do not agree. The word "functions" as used in the transcript from the 2015 hearing indicates that outdoor receptions were originally considered. In her testimony, Mrs. Snyder referred to functions generally as including weddings and receptions when she answered questions about outdoor functions from Board members.

In 2022, the Board confirmed as much, in its findings of fact, when it found that "weddings and receptions were to be outside of a structure and inside of a structure." The Board, as Appellees noted, did reference a section of the transcript that discussed outdoor bathroom facilities in its 2022 Decision but its discussion was not restrictive. During the hearing, the Board asked Mrs. Snyder if the outdoor bathroom facilities would be used instead of the indoor facilities. Mrs. Snyder responded that guests "would use the inside facility" "if the function was inside" but they could "have that option of using the outside [facilities] as well."

Based on the record before us, we hold that there is substantial evidence to support the Board's determination regarding outdoor receptions. The testimony presented regarding this issue was clearly considered and incorporated in the Board's decision.

Accessory Use

While the parties did not extensively discuss this argument in the 2022 hearing, Appellees tangentially argued that the accessory use as a wedding venue surpassed the primary use as a country inn and that this transformation is a substantial change. Again, we do not agree. The record indicates that in its 2022 decision, the Board noted that "[i]t was clear that the owners of the Royer House wanted a wedding venue at the 2015 hearing." The conditional use permitted Appellant to use the property as both a country inn and as a wedding venue. This is no substantial, substantive change from the initial approval.

Schultz Standard

Appellees argued in the circuit court and now here that the conditional use of the property does not comply with *Schultz v. Pritts*. Under the *Shultz* standard, a conditional use should not be granted if it will have adverse effects "above and beyond that ordinarily associated with such uses." *Schultz v. Pritts*, 291 Md. 1, 22 (1981). The standard "focuse[s] on the particular locality involved around the proposed site." *Loyola Coll. in Md.*, 406 Md. at 102 (citing *Schultz*, 291 Md. at 15).

Appellees contend that the amplified music from the property disturbed their individual peace and produced an adverse effect that diminished their general welfare. However, they have not shown that the music emanating from Appellant's country inn and

wedding venue is "above and beyond" what is normally associated with a wedding venue or that it was different here than it would be anywhere else in its district. As previously discussed, there was testimony from the 2022 hearing that Appellant has never been cited for a noise violation in the many years they have been hosting weddings. In short, the conditional use does not violate the *Schultz* principles.

In sum, our role, as the reviewing court, is not to substitute what we determine to be the better interpretation of the facts. Our responsibility is also not to substitute the judgment of the agency for our own. As stated in *City of Hyattsville,* "Because substantial evidence in the record supported (the conclusions of the District Council), there is no basis for a court to substitute its judgment." *City of Hyattsville*, 254 Md. App. at 59. Here, we conclude that the Board's decision was based on substantial evidence.

II. The Carroll County Code does not permit a party to challenge an approved conditional use application where the Board imposed no additional conditions.

The Carroll County Code provides expressly the manner and method for appealing a decision by the Board granting a conditional use application. It states: "An appeal . . . pursuant to an application for a conditional use . . . shall be filed as part of an application for a zoning certificate." Carroll County Code § 158.133(D)(1). The Code adds that the appeal "shall be filed within 30 days from the date of the action being appealed." Carroll County Code § 158.133(D)(1). The Code further provides the requirements for a conditional use application. *See* Carroll County Code § 158.133(G).

Petitioners generally have thirty days to appeal a final decision from an administrative agency. *See* Carroll County Code §158.133(D)(2); *see also* Md. R. 7-203 ("Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days [of an agency decision.]"). As the Supreme Court has explained, "it is . . . important that a judicial decision be certain — in other words, that there is an end to the process of review." *Hiob v. Progressive Am. Ins. Co.*, 440 Md. 466, 471 (2014). This provides parties with clarity and certainty. *Id.*

Appellant, in 2015, applied for a conditional use of their property as a country inn with a "wedding/banquet facility." The Board then reviewed their application, heard testimony from the applicant and interested parties, including both Mr. and Mrs. Hicks, and reached a final decision. Appellees then had an opportunity to appeal the Board's decision but they chose not to do so. While the Appellees did timely appeal the approval of the 2019 Amended Simplified Site Plan, they cannot now challenge any and all aspects of the initial approval of the conditional use from 2015.

JUDGMENTS OF THE CIRCUIT COURT FOR CARROLL COUNTY REVERSED WITH INSTRUCTIONS TO AFFIRM THE DECISION OF THE CARROLL COUNTY BOARD OF ZONING APPEALS; COSTS TO BE PAID BY APPELLEE.