

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ALLEN BARZAK

v.

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

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Civil No. – JFM-16-2062

MEMORANDUM

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2016 OCT 24 PM 3:03
CLERK'S OFFICE
AT BALTIMORE

Plaintiff has instituted this *pro se* action against the Board of County Commissioners of Worcester County, Maryland. Defendant has filed a motion to dismiss. Plaintiff has responded to the motion.¹ The motion will be granted.

Plaintiff complains that his plan to host a three-day floating concert in the waters of the Isle of Wight Bay (located in Worcester County) over the July 4th weekend in 2015 was interfered with by the County. Plaintiff had obtained a permit from the Maryland Department of Natural Resources to hold the event but the County stopped the event on the basis that plaintiff had not obtained permits from the County's Board of Zoning Appeal, the County Health Department, local and State law enforcement, and the State Highway Administration.


This was not the first effort by plaintiff to hold a three-day concert. He had attempted to do so in 2014. The difference between the 2014 plan and the 2015 plan was that plaintiff was going to locate the concert stage on a floating barge in 2015. Plaintiff's contention is based upon the fact that in light of the fact that the concert was going to be held on the water, the only permit he needed to obtain was from the Department of Natural Resources. This is incorrect.

¹ Plaintiff has titled his response as "Motion to Deny Dismissal and Amended Complaint." To the extent that plaintiff is attempting to amend his complaint, the motion is denied.

Specifically, the County's zoning ordinance provides that whenever land abuts a wetlands boundary line, the zoning ordinance "shall be deemed to extend to such wetlands boundary line, and all other land and water areas beyond the boundary line." The Code further provides that "uses not specifically permitted by the district regulations are prohibited unless authorized by special exception upon a termination of the Board of Zoning Appeals." It is also to be noted that the permit issued by the Department of Natural Resources provided that the permit "does not relieve the sponsor organization of the event from obtaining any other needed permit(s) that may be required by local enforcement, any city, county, state or federal government entity that may require any component to be specifically permitted."

A separate order dismissing plaintiff's complaint is being entered herewith.

Date: *October 24, 2016*



J. Frederick Motz
United States District Judge