



# Howard County Board of Appeals

George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043-4392

## MINUTES

February 17, 2022

**BA 781-D – AGS Borrower Lakeview Retail**

### **Board Members Present:**

Bill Santos, Chair  
Steve Hunt, Vice Chair  
Gene Ryan  
Jean Xu

### **Staff:**

Ashley Aguilar, Board Administrator  
Kel Berg, Recording Secretary  
Barry Sanders, Board Counsel

Approval of minutes - December 16, 2021

Motion – Steve Hunt, 2<sup>nd</sup> Gene Ryan

***Passed unanimously***

*Preliminary Matter:* Election of Chair and Vice Chair

- Reappointment of William Santos as Chair for 2022

Motion – Steve Hunt, 2<sup>nd</sup> Jean Xu

***Passed unanimously***

- Reappointment of Steve Hunt as Vice Chair for 2022

Motion – William Santos, 2<sup>nd</sup> Gene Ryan

***Passed unanimously***

*Preliminary Matter – AGS Lakeview:*

- Jean Xu not present at Oct 14<sup>th</sup> hearing. She noted she did listen to the hearing and review evidence.
- Jean Xu late to December 16<sup>th</sup> hearing. She noted she did listen to the hearing and review evidence.
- Jean Xu noted she completed a site visit of the subject property in this case.

Board resumes hearing **BA 781-D – AGS Borrower Lakeview Retail**, continued from 12/16/2021

Rebuttal for the Petitioner: Sang Oh, Esq.

**Witness for the Petitioner:**

1. Zach Fisch

**Petitioner Exhibits:**

1. FDP 125-A (Exhibit 3)
2. Road Classifications (Exhibit 5)
3. Lakeview Landscapes (Exhibit 6)

Opposition Present: Chris Alleva, Joel Hurewitz, Brian England, Jessica Bellah

**Witnesses for the Opposition:**

1. Christopher Alleva
2. Joel Hurewitz
3. Brian England
4. Jessica Bellah

**Opposition Exhibits:**

1. Howard County Design Manual

Board members asked questions to Mr. Fisch.

**Recess**

Mr. Hurewitz re-crossed Mr. Fisch.

Petitioner made closing remarks.

Opposition made closing remarks.

*Chris Alleva preliminary matter.* Asked for the level of proof the appellant is required to provide and clarification of de novo appeal.

The Board went into deliberations.

Motion to remand to the Planning Board to reconsider their decision.

Motion – Steve Hunt, 2<sup>nd</sup> Jean Xu

*Yea: Members Hunt, Santos and Xu. Nay: Member Ryan. **The motion passed.***

Mr. Oh asked for the Board to reconsider their decision.

Motion to reconsider remand to the Planning Board to reconsider their decision.

Motion – Gene Ryan, 2<sup>nd</sup> William Santos

*Yea: Members Hunt, Ryan and Santos. Nay: Member Xu. The motion passed.*

Motion to grant the appeal.

Motion – Gene Ryan, 2<sup>nd</sup> William Santos

*Yea: Members Ryan and Santos. Nay: Members Hunt and Xu. The motion failed.*

Motion to stay the decision pending further action by the Board.

Motion – William Santos, 2<sup>nd</sup> Gene Ryan

*Unanimous. The motion passed.*

The Board adjourned at 10:50 p.m.

**MINUTES APPROVED**

3/10/2022 *Kel L. Berg*