



Howard County Board of Appeals

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

MINUTES

August 9, 2022

BA 21-010C KDC Solar HR Streetlights, LLC

Webex

Board Members Present:

Steve Hunt, Acting Board Chair
Felita Phillips
Gene Ryan
Jean Xu

Staff:

Ashley Aguilar
Kel Berg
Barry Sanders

Call to order at: 6:42 p.m.

Administrative Matter

Approval of Minutes – August 2, 2022
Motion – Felita Phillips, 2nd Gene Ryan
The motion passed.

Preliminary Matter - Preliminary motion for summary denial of the conditional use
Poll - Does the Board grant or deny the preliminary notion for summary denial of the conditional use?
Vote to deny – Ryan, Phillips, Hunt

BA 21-010C KDC Solar HR Streetlights, LLC

Appeal the Hearing Examiner Decision and Order dated June 30, 2021 regarding due process and Zoning Ordinance requirements (13825 Howard Road Dayton 21036). Each Board member present has visited the subject property as required by the Zoning Regulations.

Opening statement by Tom Coale on behalf of Petitioner.

Opening statement by J. Carroll Holzer on behalf of Sharon Keeny, Devin Keeny, Roy Keeny and Dorothy Titherington,

Witnesses for the Petitioner:

Robert Vogel
Walter Serafyn

Petitioner Exhibits:

Exhibit 1 – Email to prove Amended Plan was sent to J. Carroll Holzer on 1/5/2022
Exhibit 2 – Amended Plan (December 2021)

Direct examination of Mr. Vogel by Tom Coale.

Cross-examination of Mr. Vogel by J. Carroll Holzer

Board member questions for Mr. Vogel.

Recess

Direct examination of Mr. Serafyn by Tom Coale.

Cross-examination of Mr. Serafyn by J. Carroll Holzer.

Board member questions for Mr. Serafyn.

Redirect examination from Tom Coale.

End of Petitioner's Presentation

Recess

Opposition's Presentation

Witnesses for the Opposition:

Roy Keeny
Dorothy Titherington

Opposition Exhibits:

Exhibit 1 – Roy Keeny Photos

- (A) Howard Road posted speed limit sign before Solar Lane
- (B) Howard Road sight distance at Rural Rhythm Lane
- (C) School bus warning sign before Solar Farm entrance
- (D) Limited sight distance sign on Howard Road west toward Solar Farm entrance
- (E) Solar Farm location slopes onto adjacent resident property
- (F) Solar Farm location slopes onto adjacent resident property
- (G) Solar Farm location slopes onto adjacent resident property

Exhibit 2 - Photo – Dorothy Titherington Border Impact
Exhibit 3 - 1991 Easement PDF

Direct examination of Mr. Keeny by Mr. Holzer.

Cross-examination of Mr. Keeny by Tom Coale.

Board member questions for Mr. Keeny.

Direct examination of Ms. Titherington by Mr. Holzer.

Cross-examination of Ms. Titherington by Tom Coale.

Board member questions for Ms. Titherington.

Direct examination of three more witnesses by Mr. Holzer to be continued at next hearing.

The next hearing date to continue the case TBD.

The Board adjourned at 9:59 p.m.

MINUTES APPROVED

8/25/22 *Kel L. Bug*