

BA 702-D AMHA, LLC, et al.
September 8, 2015
Minutes

Board Members Present:

James Howard (Chair)
Genevieve Walker-Lightfoot (Vice-Chair)
James Walsh
John Lederer
Steven Hunt

Attorneys:

Barry Sanders, Board Attorney
Kathryn Taylor and Andrea LeWinter for AMHA, LLC
Sang Oh, for Two Farms, Inc.
Paul T. Johnson for Howard County Department of Planning and Zoning

Continuation of Motions Hearing

Hearing Begins @ 6:43 p.m.

Board reconvened to hear closing arguments on the preliminary motions. No written submissions were given. Each party was given 20 minutes.

Sang Oh, Esq., and Andrea LeWinter, Esq., gave closing arguments.

Chairman Howard allowed the Board to ask questions of the attorneys.

7:42 p.m. – The Board closed the record and began deliberations.

DELIBERATIONS:

Mr. Walsh expressed his opinion that there had to be some interest in the property and that AMHA should be considered an adjacent property owner but felt British American was not. He expressed his opinion that AMHA was *prima facie* aggrieved and felt British American was not, based on their distance. Even if AMHA or British American is *prima facie* aggrieved there is not an absolute aggrievement and must be specially aggrieved.

Board discussed whether the right in/right out would be an aggrievement to AMHA and whether there was actually a safety concern with the right in/right out. Various Board members expressed their opinion that they did not believe there would be an increased safety issue based on the right in/right out and the potential for a U-turn after the right in/right out. Several Board members expressed the opinion that the right in/right out would not affect property values.

7:52 p.m. - Mr. Sanders polled the Board on the Preliminary Motion to Dismiss for lack of standing.

Board Vote

Mr. Lederer, grant, Mr. Walsh, grant, Ms. Walker-Lightfoot, grant, Mr. Hunt, grant and Chairman Howard, grant.