



Howard County Board of Appeals

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

MINUTES

June 6, 2023

BA 766-D – British American Bldg., LLC et al. Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

Steve Hunt, Chair
Gene Ryan, Vice Chair
Felita Phillips
Jean Xu

Staff:

Kel Berg
Kiasten Miller
Barry Sanders

Call to order at: 6:37 p.m.

BA 766-D British American Bldg., LLC et al.

Appeal of Planning Board approval of SDP-17-041 Royal Farm Store 186 (SE corner of Snowden River Parkway & Minstrel Way).

All members present confirmed that they completed a site visit of the subject property.

Preliminary Matters

- Motion to Dismiss for Lack of Standing (dated 9/15/2022, filed by Two Farms Inc.)
- Motion to Deny Two Farms Inc. Motion to Dismiss for Lack of Standing (dated 3/4/2022, filed by James Mazzullo)

The Board will first address the Motion to Dismiss for Lack of Standing. The Board held evidentiary hearing on Motion to Dismiss.

Entry of appearance by Sang Oh on behalf of Respondent Two Farms Inc.

Opening arguments by Sang Oh on behalf of Respondent.

Witnesses for the Respondent:

Chris Rosata

Mickey Cornelius

Respondent Exhibits:

Exhibit 1 – Chris Rosata Curriculum Vitae

Exhibit 2 – Chris Rosata Certified Appraiser State License

Exhibit 3 – View of 9620/9623 Gerwig Lane (panned back)

Exhibit 4 – View of 9620/9623 Gerwig Lane (close up)

Exhibit 5 – View of Minstrel Way – Collision Center

Exhibit 6 – Map Depicting Distance from MPD to Efficient Properties

Exhibit 7 – Map Depicting Distance from Retail Stores to Efficient Properties

Exhibit 8 – Map Depicting Distance from Property Line to Retail Stores

Exhibit 9 – SDAT Search Result for 9620 Gerwig Lane

Exhibit 10 – SDAT Search Result for 9630 Gerwig Lane

Exhibit 11 – SDAT Search Result for Hotel

Exhibit 12 - SDAT Search Result for Exxon Nova Oil

Exhibit 13 – SDAT Search Result for:

(A) Taco Bell

(B) Kentucky Fried Chicken

Exhibit 14 – SDAT Search Result for Twinkies

Direct examination of Mr. Rosata by Sang Oh.

Cross-examination of Mr. Rosata by James Mazzullo.

Direct examination of Mr. Cornelius by Sang Oh.

Cross-examination of Mr. Cornelius by James Mazzullo.

Board member questions for Mr. Cornelius.

Redirect examination from Sang Oh.

Opening arguments and testimony by Appellant James Mazzullo in opposition to Motion to Dismiss.

Cross-examination of Mr. Mazzullo from Sang Oh.

Board member questions for Mr. Mazzullo.

Closing argument by Sang Oh.

Closing argument by James Mazzullo.

Deliberations:

Board enters into deliberations to discuss the Motion to Dismiss for Lack of Standing filed by Two Farms Inc.

Vote:

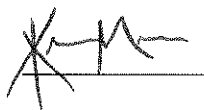
In the matter of BA 766-D British American Building, LLC et al. on the Motion to Dismiss for Lack of Standing filed by Two Farms Inc., the Board will vote to grant or deny.

Grant: Unanimous. The motion passed.

The Board granted the Motion to Dismiss for Lack of Standing filed by Two Farms Inc. for BA 766-D British American Bldg., LLC et al. The case is dismissed.

The Board adjourned at 9:02 p.m.

MINUTES APPROVED

 7.18.23