



Howard County Board of Appeals

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

MINUTES December 5, 2023 BA 789D – Lubna Khan Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

Steve Hunt, Chair
Gene Ryan, Vice Chair
Lynn Foehrkolb
Jean Xu

Staff:

Kel Berg
Kiasten Miller
Barry Sanders

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

Administrative Matters

Approval of Minutes – November 7, 2023
Motion – Jean Xu, 2nd Gene Ryan
Unanimously approved. The motion passed.

BA 789D – Lubna Khan

Administrative Appeal Petition appealing DPZ letter dated April 12, 2022 because SDP 99-125 cited in the letter is correct but location of the dumpster according to SDP 22-195 is on southwest side of building. (12345 S. Wake Forest Road, Clarksville, MD 21029)

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

Preliminary Matter: Letter from Lubna Khan regarding recusal in BA 789D of any Board Member with conflict of interest. After review of the letter, Chair Hunt stated that no Board Members had a conflict of interest.

Preliminary Matter: Motion to Strike in the Alternate Dismiss with Prejudice Clarksville Ridge Professional Center, LLC Entry of Appearance as an Interested Party filed by Lubna Khan. Ms. Khan and Mr. Oh were allowed 5 minutes each to speak on the motion.

The Board was polled – In the Appellant’s Motion to Strike in the Alternate Dismiss with Prejudice Clarksville Ridge Professional Center, LLC Entry of Appearance as an Interested Party the Board will vote to grant or deny.

Unanimously denied.

The Board allowed 10 minutes per side for opening statements.

Opening statement by Lubna Khan, Appellant.

Opening statement by Stephen Yaeger, Esquire, Respondent representing DPZ.

Opening statement by Sang Oh, Esquire on behalf of Interested Party Clarksville Ridge Professional Center, LLC

Opening presentation by Lubna Khan.

Appellant Exhibits:

Exhibit 1 – Advertisement Cost for Refund

Exhibit 2 – Clarksville Email from Christopher DeCarlo 9/2/2022

Exhibit 3 – Pictures of Vultures

Exhibit 4 – Pictures of Trash

Exhibit 5 – Pictures of Roof Damage

Exhibit 6 – Pictures in 2023 of Landscape, Trash and Vultures

Exhibit 7 – Pictures in 2022 of Dumpster Relocation Zoning to Sidewalk

Exhibit 8 – Pictures Northcrest Montessori

Exhibit 9 – BA 01-67V Non-residential Variance Petition

Exhibit 10 –SDP 99-125 Clarksville Glen North (a Site Development Plan – not original)

Exhibit 11 – Letter from Megan Reuwer to Lubna Khan

Exhibit 12 – 2 Documents

(A) Zoning Violation Letter 4/13/2022

(B) Formal Notice of Violation 4/13/2022

Exhibit 13 – DPZ Request 2/25/2022 and Health Department Complaint 10/19/2021

Exhibit 14 – Forged SDP 99-125 Clarks Glen North (large plan)

Exhibit 15 – marked for identification but not admitted

Exhibit 16 – Clarksville Red Line Record and Forged SDP

Exhibit 17 – DPZ Speed Memo 3/28/2011

Exhibit 18 – Pictures of Dumpster on Loading Dock

Exhibit 19 – DPZ Code Enforcement Process

Exhibit 20 – Howard County DPZ Red Line Procedures

Exhibit 21 – marked for identification but not admitted

Exhibit 22 – Pictures of Dumpster Relocated 5/17/2023

Exhibit 23 – DPZ Correspondence to Richard Talkin 6/14/2022

Exhibit 24 – DPZ Correspondence to Lubna Khan 6/14/2022

Exhibit 25 through Exhibit 31 – marked for identification but not admitted

Exhibit 32 – Northcrest Montessori Letter from Health Dept. 4/4/2018

Exhibit 33 – Health Dept. PIA Record Letter 8/1/2022

Exhibit 34 – Health Dept. Email Communication with DPZ Regarding Dumpster 9/21/2021

Exhibit 35 – *marked for identification but not admitted*

The next hearing date to continue the case is December 19, 2023.

The Board adjourned 10:10 p.m.

MINUTES APPROVED

[Signature] 12.19.2023