



# Howard County Council Zoning Board of Howard County

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

## BOARD MEMBERS

Liz Walsh, Chairperson  
Opel Jones, Vice Chairperson  
Deb Jung  
Christiana Rigby  
David Yungmann

Kel Berg, Board Administrator

Minutes (Approved)  
Zoning Board Administrative Meeting  
Monday, November 20, 2023, 6:30 p.m.  
Banneker Room and Web-based Virtual Meeting  
Streamed at <https://cc.howardcountymd.gov/Online-Tools/Watch-Us>

**Members Present:** Liz Walsh, Zoning Board Chairperson; Opel Jones (arrived late), Zoning Board Vice Chairperson; Deb Jung, Zoning Board Member, Christiana Rigby, Zoning Board Member and David Yungmann, Zoning Board Member.

**Staff Present:** Kel Berg, Board Administrator, Kiasten Miller, Administrative Assistant; Amankaya Montero Carranza, Administrative Assistant; Michelle Harrod, Council Administrator; and David Moore, Principal Attorney.

The Chairperson called the meeting to order at **6:31** p.m.

The Chairperson stated that the purpose of this Zoning Board Administrative Meeting is to consider 3 cases currently on the unscheduled docket, as well as to discuss ZB 1118M Erickson Living Properties II, LLC.

### **Approval of Minutes**

Ms. Walsh moved to approve the minutes of July 19, 2023. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion was: Yea: Board Members Jung, Rigby and Walsh. Abstain: Board Member Yungmann. [Dr. Jones was not present at the time to vote]

The motion to approve the minutes passed.

### **Case Consideration**

As a brief overview, we are meeting pursuant to Howard County Code §16.203A(a)(4) based upon the petition and supporting documents as well as Howard County Zoning Regulation 100.0.I to discuss cases have been on the unscheduled docket for over 180 days.

### **Discussion on Unscheduled Docket**

Howard County Zoning Regulation Section 100.0.I.3 mandates as follows: “After 180 cumulative days, an

inactive petition shall be dismissed by the ... Zoning Board ....". Three cases remained beyond the unscheduled docket this year, as follows:

**ZB 1128M – LUTHERAN VILLAGE AT MILLER’S GRANT**

Zoning request for an amended Preliminary Development Plan in the PSC Zoning District.  
(9000 Father’s Legacy, Ellicott City, MD 21042)  
Council District 1  
*Placed on USD 3/10/2023*

**ZB 1124M – A.R. Levering, LLC**

To change zoning from R-ED to M-2 for 0.4 acres  
(5481 Levering Avenue, Elkridge, MD 21075)  
Council District 1  
*Placed on USD 2/16/2023*

**ZB 1123M – Shri Sad Guru Krupa, LLC**

AZM: To rezone 5.20 acres from CE-CLI to B-2 for a proposed motor vehicle fueling station & retail commercial  
(7525 & 7541 Washington Blvd., Elkridge, MD 21075)  
Council District 3  
*Placed on USD 4/15/2021*

The Chair stated that unless a majority of the Board objects, her strong preference is that the Board adhere to explicit regulation, and that the Chair dismiss all three cases administratively (this time and in any similarly situated cases in the future).

**Discussion and Vote on Unscheduled Docket**

Ms. Rigby asked about the process for dismissing the USD cases and Mr. Moore replied that because no testimony has begun, the cases would need to begin the process again.

Chair Walsh stated that she will dismiss all three USD cases, because 180 days has been exceeded. She stated that the Board should confirm that the Administrator could authorize the dismissal of USD cases without having to hold a meeting.

**Motion and Vote**

Ms. Walsh moved that going forward, the Zoning Board delegate the ability to dismiss to the Board Administrator, once a case has been on the unscheduled docket for more than 180 days, pursuant to Howard County Zoning Regulation Section 100.0.I.3. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion was: Yea: Zoning Board Members Jung, Rigby, Walsh and Yungmann.

The motion passed.

## **Discussion on ZB 1118M Erickson Living Properties II, LLC**

This issue is regarding the Zoning Board's March 2022 grant of CEF districting to Petitioner Erickson Living Properties. In the governing Decision and Order, the first four required enhancements pertain to MIHUs. Specifically, the Zoning Board required that Petitioner:

1. Make provision for at least 10% of all dwelling units to be MIHUs, which is a requirement and not an enhancement, and do so such that residents of the MIHUs are able to remain in the CCRC, proceeding along the continuum of care as non-MIHU CCRCs residents may, up to and including the advanced care units, in part by a scholarship fund provided by Petitioner totaling \$2,500,000.00 and \$500,000.00 benevolent fund.
2. Charge a monthly fee for the MIHUs no greater than as shall be determined by the Department of Housing and Community Development Board as a part of their existing MIHU public process.
3. Provide that any remaining personal assets of MIHU residents that remain at the conclusion of their residence at the CCRC shall be refundable to the former residents or their estates. Petitioner shall execute an alternative compliance agreement and operating agreement applicable to MIHUs regarding the monthly fee, along with recordation of a covenant or memorandum that documents accommodations in perpetuity.
4. Satisfy the MIHU requirements with respect to every phase of the development before they may proceed to any further phase, with MIHU units equally distributed throughout all residential buildings and phases of the development. Petitioner shall not and by accepting this approval and proceeding with development waives any right or opportunity to convert or seek to convert MIHU units to market rate units at any time.

The Chair stated that her ongoing discussions as to the actual attainability of MIHUs required as part of this County's existing and planned Continuing Care Retirement Communities suggest that these requirements cannot possibly be met. Unless a majority see otherwise, the Chair would advise on hearing from Office of Law about potential enforcement, remedies, and next steps.

Ms. Rigby asked if any representation or written statements have been made to the Zoning Board and Ms. Walsh replied no.

## **Motion and Vote**

Ms. Walsh moved that this meeting be closed in accordance with Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland, to consult with Counsel to obtain legal advice. The topic is action permitted by the Board regarding compliance with prior Decision and Order stipulations. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion was: Yea: Zoning Board Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion passed.

The Zoning Board adjourned to closed session at 6:43 p.m.

The Zoning Board returned to the Banneker Room and the open WebEx following the conclusion of the closed session. The Chairperson announced that the closed session ended at 7:08 p.m.

### **Statement of Closed Meeting**

As required by Section 3-306(c)(2) of the *General Provisions* Article of the Annotated Code of Maryland, the following is a report of the Zoning Board's closed session of November 20, 2023. The Zoning Board met in closed session at 6:43 p.m. on November 20, 2023 in the C. Vernon Gray Room of the George Howard Building, pursuant to Section 3-305(b)(7) of the *General Provisions* Article of the Annotated Code of Maryland, to consult with Counsel to obtain legal advice. The topic was action permitted by the Board regarding compliance with prior Decision and Order stipulations.

The topics actually discussed were the first four required enhancements pertaining to MIHUs; and obtaining legal advice on MIHU breakdowns of payments, conditions, and initiating an inquiry.

No action was taken by the Zoning Board Members.

The following persons were present at the closed session:

Zoning Board Members Present: Liz Walsh, Chairperson; Opel Jones, Vice Chairperson; Deb Jung; Christiana Rigby, and David Yungmann.

Staff Present: Kel Berg, Board Administrator and David Moore, Board Counsel.

The closed session ended at 7:08 p.m.

### **Continuation of Zoning Board Administrative Meeting**

The Chair stated that the Board's Office will work on updating the docket for the USD cases.

Adjourned: **7:10 p.m.**