



# Howard County Board of Appeals

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

## MINUTES

January 25, 2024

BA 789D – Lubna Khan

Hybrid Hearing (Banneker Room and Webex)

### Board Members Present:

Felita Phillips, Vice Chair  
Lynn Foehrkolb  
Steve Hunt  
Jean Xu

### Staff:

Kel Berg  
Kiasten Miller  
Barry Sanders

Call to order at: 6:38 p.m.

### Administrative Matters

Approval of Minutes – January 24, 2024

Motion – Lynn Foehrkolb, 2<sup>nd</sup> Jean Xu

*Unanimously approved. The motion passed.*

### BA 789D – Lubna Khan (continued from December 5, 2023, December 19, 2023 and January 11, 2024)

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 99-125 is on southwest side of building. (12345 S. Wake Forest Road, Clarksville, MD 21029)

*Preliminary Matter:* Lubna Khan objects to how she was allowed to question a witness and allowance of DPZ to submit an exhibit electronically at the previous hearing. Vice Chair Phillips stated Ms. Khan will have the opportunity to voice her objections in her summation.

Continuation of the case.

**Witnesses for the Respondent:**

Tamara Frank

Direct examination of Tamara Frank by Stephen Yaeger, Esquire, Respondent representing DPZ.

**Respondent Exhibits:**

Exhibit 4 – DPZ Complaint from Lubna Khan 2/25/2022

Exhibit 5 – Photos of Dumpster 3/17/2022

Exhibit 6 – DPZ Notice of Violation 4/13/2022

Exhibit 7 – DPZ Letter to Lubna Khan 4/13/2022

Exhibit 8 – Email From Brian Shepter to Lubna Khan 4/20/2022

Exhibit 9 – Photos of Dumpsters in Approved Location per SDP-99-125 (5/17/2022)

Exhibit 10 – City of Frostburg Zoning Ordinance from Elaws.com (excerpt)

Cross-examination of Ms. Frank by Lubna Khan.

Board member questions for Ms. Frank.

**Recess**

End of Respondent's case.

Appellant's rebuttal case from Lubna Khan.

**Recess due to technical difficulties**

Continuation of Appellant's rebuttal case.

**Appellant Exhibits:**

Exhibit 64 – Maryland Code from justia.com (excerpt)

*Exhibit 65 – Maryland Code Criminal Law 10-110 (excerpt) (marked for identification but not admitted)*

*Exhibit 66 – Previous Exhibits (ex. 17, ex. 63) and several SDP excerpts (Gateway Commerce Center, Village of Cedar Ridge and Clarks Glen North) (marked for identification but not admitted)*

Exhibit 67 – Copies of Lubna Khan's Checks

*Exhibit 68 – Combination of Documents - MD Division of State Documents (excerpts) and MD Code from justia.com (excerpts) (marked for identification but not admitted)*

Exhibit 69 – Emails from Laurie Boone and Anthony LaRose 4/18/2022

*Exhibit 70 – Several emails from Brian Shepter, Lubna Khan and Annette Merson (marked for identification but not admitted)*

End of Appellant's rebuttal case.

The next hearing date to continue the case is March 5, 2024. Written summations of 15 pages per side will be due on February 26, 2024 by 4pm to the Board of Appeals office. Closing arguments will be allotted a sum total of 10 minutes per side.

The Board adjourned 10:12 p.m.

MINUTES APPROVED

KYM 2/6/2024