



Howard County Board of Appeals

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

MINUTES

March 14, 2024

BA 796D – Michelle & Bradley Kline, et al. Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

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

Staff:

Kel Berg
Amankaya Montero Carranza
Barry Sanders

Call to order at: 6:36 p.m.

Administrative Matters

Approval of Minutes – March 13, 2024
Motion – Lynn Foehrkolb, 2nd Jean Xu
Unanimously approved. The motion passed.

BA 796D – Michelle & Bradley Kline, et al. (continued from March 13, 2024)

Appeal of Department of Planning and Zoning's letter dated April 10, 2023, which approved WP-23-055 for the subject property (5819 Lawyers Hill Road, ElkrIDGE MD 21075).

Preliminary Matter: Mr. Nelson stated that this was not a final appealable order according to the Hearing Examiner. Mr. Hunt stated that when he was Chair he permitted the case to be scheduled before the Board. Chair Ryan stated that the Board had jurisdiction over the appeal of the Hearing Examiner decision.

Preliminary Matter: Mr. Nelson stated that the Applicant sent in exhibits at 4:30 p.m., disclosing the curriculum vitae of two expert witnesses. Mr. Oh stated that this is a de novo appeal with no restriction on presenting new evidence. Chair Ryan stated that they would rule on the exhibits as they came in.

The Board allowed 10 minutes per side for opening statements.

Opening statement by G. Macy Nelson, Esquire on behalf of Appellants.

Opening statement by Sang Oh, Esquire, Respondent representing Edmund Pollard and Joyce Adcock.

Witnesses for the Appellants:

Liz Walsh

Robert Andrew Roth

Direct examination of Liz Walsh by G. Macy Nelson.

Cross-examination of Ms. Walsh by Sang Oh.

Board member questions for Ms. Walsh.

Redirect examination reserved from G. Macy Nelson.

Re-cross from Sang Oh.

Direct examination of Robert Andrew Roth by G. Macy Nelson.

Cross-examination of Robert Andrew Roth by Sang Oh.

Board member questions for Mr. Roth.

Recess

Redirect examination from G. Macy Nelson.

Re-cross from Sang Oh.

Appellants Exhibits:

Exhibit 1 – HC Press Release by Mark Miller 3/24/2023

Exhibit 2 – Aerial Photo of Lawyers Hill Development

Exhibit 3 – HC GIS Aerial Photo of Lawyers Hill Development (outlined in red by Mr. Nelson's office)

Exhibit 4 – HC GIS Aerial Photo with Property Lines (highlighted by Mr. Nelson's office) and Addresses of Highlighted Lots

Exhibit 5 – Topographic Map of Lawyers Hill Development Properties with Color Coded Elevation

Exhibit 6 – HC GIS Topographic Map with Contour Lines of Lawyers Hill Development

Exhibit 7 – HC GIS Topographic Map with Contour Lines of Lawyers Hill Development (zoomed in)

Exhibit 8 – Photo of Wetland Area and Edge of Deer Fence

Exhibit 9 – Photo of Wetland Area with Fallen Tree and Stream

Exhibit 10 – Photo of Wetland Area and Deer Fence

Exhibit 11 – Photo of Wetland Area with Fallen Tree and Stream (zoomed in)


Exhibit 12 – Ho Co GIS Photo of Lawyers Hill Area with Soil Overlay

- Exhibit 13 – Ho Co GIS Aerial Photo with Property Lines and Locations of Specimen Trees
- Exhibit 14 – Copy of Alternative Compliance Application (in color)
- Exhibit 15 – Large Format Plan – Lawyers Hill Overlook with Specimen Trees proposed to remove
- Exhibit 16 – DPZ letter to Edmond Pollard and Joyce Adcock 1/6/2023
- Exhibit 17 – Large Format Plan – Alternative Design of Lawyers Hill Overlook with Specimen Trees
- Exhibit 18 – DPZ Letter to Edmond Pollard and Joyce Adcock 4/10/2023 and Alternative Compliance Final Decision Action Report

The next hearing date to continue the case is TBD.

The Board adjourned 9:42 p.m.

MINUTES APPROVED

 4/2/2024