



Howard County Board of Appeals

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

MINUTES

June 27, 2024

BA 23-012V – Alejandro Rodriguez (Deliberations)
BA 810D – In the Matter of the Appeal of Dr. Sara Via, et al.
Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

Gene Ryan, Chair
Felita Phillips, Vice Chair
Lynn Foehrkolb
Robbyn Harris
Jean Xu

Staff:

Kel Berg
Amankaya Montero Carranza
Barry Sanders

Call to order at: 6:39 p.m.

Administrative Matters

Approval of Minutes – June 18, 2024

Motion – Lynn Foehrkolb, 2nd Felita Phillips

Yea: Board Members Foehrkolb, Harris, Phillips and Ryan. Abstain: Board Member Xu.
Approved 4-0. The motion passed.

BA 22-012V – Alejandro Rodriguez (continued from April 23, 2024 and June 13, 2024)

Appealing Hearing Examiner's Decision and Order dated August 16, 2023, which denied the variances. (3202 Florence Road, Woodbine, MD 21797)

Deliberations:

Board enters into deliberations for case BA 22-012V – Alejandro Rodriguez.

Vote:

In the matter of BA 22-012V Alejandro Rodriguez, on his petition of appeal from the August 16, 2023 decision of the Hearing Examiner, which denied the variances, the Board will vote to grant or deny his petition of appeal.
Deny: Board Members Foehrkolb, Harris, Phillips, Ryan and Xu.

The Board denied the Petition of BA 22-012V Alejandro Rodriguez.

Recess.

BA 810D – In the Matter of the Appeal of Dr. Sara Via, et al.

Appealing Hearing Examiner's Order dated March 28, 2024, denying Motion to Quash Subpoena.
(4411 Manor Lane, Ellicott City, MD 21042)

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

Preliminary Matter considered by the Board:

- Does Board of Appeals have jurisdiction to hear this case when it is a matter currently before the Hearing Examiner.

The Board allows 5 minutes per side for Petitioner's and Protestant's oral arguments regarding jurisdiction of the case. Both parties agree Board of Appeals should hear the case.

Deliberations regarding jurisdiction of the case.

Board member questions for Mr. Gunderson and Dr. Via, collectively.

The Board continued deliberations.

The Board was polled – Does Board of Appeals have jurisdiction to hear this case when it is a matter currently before the Hearing Examiner. The Board will vote yes or no to move forward with the case.

Yea: Board Members Harris, Phillips and Ryan. Nay: Board Members Foehrkolb and Xu.

The Board will move forward with the case.

Case presentation by Eric Gunderson, Esquire on behalf of Petitioner.

Case presentation by Dr. Sara Via, Protestant.

Protestant Exhibits:

Exhibit 1 – PDF Presentation of Slides

Board member questions for Dr. Via.

Rebuttal argument by Eric Gunderson.

Board member questions for Mr. Gunderson.

Follow-up statements by Dr. Via.

Deliberations:

Board enters into deliberations for case BA 810D In the Matter of the Appeal of Dr. Sara Via, et al.

Vote:

In the matter of BA 810D In the Matter of the Appeal of Dr. Sara Via, et al. on the petition of appeal from the March 28, 2024 decision of the Hearing Examiner denying Motion to Quash Subpoena, the Board will vote to grant or deny the Motion to Quash Subpoena.

Grant: Board Members Harris, Phillips, Ryan, and Xu. Deny: Board Member Foehrkolb.

The Board granted the Petition of BA 810D In the Matter of the Appeal of Dr. Sara Via, et al.

The Board adjourned at 9:01 p.m.

MINUTES APPROVED

Kel Berg 7/25/2024

