



Howard County Board of Appeals

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

MINUTES July 25, 2024 WORK SESSION Hybrid Hearing (CVG Room and Webex)

Board Members Present:

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

Staff:

Kel Berg
Kiasten Miller
Amankaya Montero Carranza
Barry Sanders

Call to order at: 9:08 a.m.

Administrative Matters

Approval of Minutes – June 27, 2024
Motion – Lynn Foehrkolb, 2nd Jean Xu
Unanimously approved. The motion passed.

Introduction and Synopsis

The Board of Appeals is convening in a public Work Session to receive input from members of the public, government representatives, and other subject matter experts.

The purpose of this session is to review and propose amendments to the Board's administrative practices, procedures, and policies consistent with the Howard County Charter, Article V.

The proposed amendments will clarify specific requirements and standards and make stylistic and technical corrections.

All proposed amendments will be submitted to the Howard County Council for review and approval.

Public Input

Stu Kohn – Howard County Citizens Association
Joel Hurewitz
Alan Schneider
Chris Alleva

Public Input Summary

1. Mr. Kohn provided a document with concerns and questions to improve the prospects of conducting hearings.
2. Mr. Hurewitz had questions regarding the staff members and DPZ Director.
3. Mr. Schneider asked about general duties and how decisions affect the interests of the citizens vs. special interests.
4. Mr. Alleva provided several documents: BOA Open Meetings Act violations; Broida case decision; Hikmat vs. Howard County; BOA Testimony on ROP, and BOA rules markup.

Council Member Input

Deb Jung
Liz Walsh

Council Member Input Summary

1. Ms. Jung spoke about process.
2. Ms. Walsh spoke about de novo cases, the standard of review, rules of law, ex parte communication, training and qualifications.

Subject Matter Input

DTCS

TJ Mayotte
Sean Masterson

Questions from the Board

1. Question: Could Board of Appeals members have County email addresses?
Answer: This is a policy question, not a technology question. A decision would need to be made on giving County email addresses to all Boards.
2. Question: Could there be an online portal for tracking documents and automation of cases?
Answer: Yes, it takes time, money and effort. The new Rules of Procedure should be sent to DTCS before sending to the County Council and look at the end to end process of the resident perspective.

Office of Law

Gary Kuc

Questions from the Board

1. Question: How to track Circuit Court cases?
Answer: The Schedule of Hearings has this information. Anyone can check the Circuit Court website for the information.

2. Question: How do code rule changes affect Board of Appeals rules?

Answer: Power to change rules initially begins with the Board of Appeals. State Code changes may require amending Board of Appeals rules if they are in conflict.

3. Question: Could a cheat sheet be provided with a list of legal terms for the Board?

Answer: Office of Law will work with the Board for each separate case.

DPZ

Jessica Bellah

Questions from the Board

1. Question: Why doesn't DPZ attend hearings?

Answer: It depends on the specific case and the role DPZ would play. It is a policy level decision.

2. Question: Could you clarify the DPZ Administrative Appeal Petition form?

Answer: DPZ is unsure when the documents were created and who updates but will find out.

3. Question: Why is there a discrepancy in fees?

Answer: The website will be updated. Fees are adopted by the County Council.

4. Question: May Petitioners bypass the Hearing Examiner and go straight to the Board of Appeals?

Answer: This would be a decision made by the County Council.

5. Question: Could you clarify signage and posting?

Answer: DPZ maintains signage information on the website.

Next Steps

The Board discussed how best to move forward to revise the Rules of Procedure. The Board will meet publicly to discuss each issue and agreed to break the Rules of Procedure into sections for each scheduled Work Session. The Board will have written proposals in advance of the meetings.

The next scheduled dates to continue the Work Session are August 1, 2024 at 9 a.m. and August 8, 2024 at 5:30 p.m.

The Board adjourned 3:30 p.m.

MINUTES APPROVED

Keel Burg 8/1/2024

