



Howard County Board of Appeals

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

MINUTES

June 5, 2025

BA 24-022C – Charles Siperko Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

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

Staff:

Kel Berg
Barry Sanders
Tsega Girma
Kiasten Miller

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

Administrative Matters

Approval of Minutes – May 1, 2025
Motion – Lynn Foehrkolb, 2nd Felita Phillips
Unanimously approved. The motion passed.

Preliminary Matters

- Retirement announcement of Barry Sanders from Office of Law
- Jean Xu has resigned from Board of Appeals

BA 24-022C – Charles Siperko (continued from May 1, 2025)

Appeal of Hearing Examiner's Decision and Order dated March 3, 2025 (6717 Mink Hollow Road, Highland, MD 20777).

Preliminary Matters to be considered by the Board:

- Motion for Preliminary Determination that Go-Kart Racing is not a Permitted Activity and Memorandum in Support of Motion for Preliminary Determination that Go-Kart Racing is not a Permitted Activity, filed by G. Macy Nelson, Esquire, on behalf of Citizen Protestants on May 28, 2025.

The Board determined that a written certification of service was not included with the Motion under Section 2.207(e), and the Board agreed to dismiss the Motion.

- The Board must determine if go-karting constitutes a permitted use under the Howard County Zoning Regulations, and whether they have jurisdiction to hear the case.

The Board allows 2 minutes per side for Petitioners' and Protestants' opening statements regarding the preliminary matter. All parties agreed to reserve opening statements.

Witnesses for the Petitioner:

Joseph Rutter
Charles Siperko
Zachary Claman De Melo
Raphael Matos

Direct examination of Joseph Rutter by Sang Oh.

Petitioner Exhibits:

Exhibit 1 – Revised Conditional Use Plan (March 2025)

Exhibit 2 – Documents

(A) – BA 482D Hearing Examiner Decision and Order (June 30, 2003)

(B) – BA 482D Board of Appeals Decision and Order (December 9, 2004)

Exhibit 3 – Howard County Code of Ordinances Section 21.313 – Restrictions on use of Certain Vehicles

Exhibit 4 – Dictionary Definition of “athletic field”

Exhibit 5 – Howard County Zoning Code Section 100.0 – General Provisions

Exhibit 6 – Code of Maryland Regulations (COMAR) Section 09.12.64

Exhibit 7 – Code of Maryland Regulations (COMAR) Section 26.02.03.02

Exhibit 8 – Photos

(A) Photo of Mr. Siperko's son

(B) Photo of Mr. Siperko's son in car on racetrack

(C) Photo of Mr. Siperko's son

(D) Photo of Mr. Siperko's son in car on racetrack

(E) Photo of Mr. Siperko's son standing on racetrack

Exhibit 9 – Sarah Troxel document on Karting

Cross-examination of Mr. Rutter by G. Macy Nelson.

Cross-examination of Mr. Rutter by Stuart Kohn.

Cross-examination of Mr. Rutter by Daniel O'Leary.

Cross-examination of Mr. Rutter by Joel Hurewitz.

Recess

Resume cross-examination of Mr. Rutter by Joel Hurewitz.

Board member questions for Mr. Rutter.

Redirect examination from Sang Oh.

Re-cross from G. Macy Nelson.

Re-cross from Joel Hurewitz.

Follow-up Board member questions for Mr. Rutter.

Direct examination of Chris Siperko by Sang Oh.

Cross-examination of Mr. Siperko by G. Macy Nelson.

Protestants Exhibits:

Exhibit 1 – Notice of Violation 1/12/2024

Cross-examination of Mr. Siperko by Stuart Kohn.

Cross-examination of Mr. Siperko by Joel Hurewitz.

Board member questions for Mr. Siperko.

Direct examination of Zachary Claman De Melo by Sang Oh.

Cross-examination of Mr. De Melo by G. Macy Nelson.

Cross-examination of Mr. De Melo by Joel Hurewitz.

Direct examination of Raphael Matos by Sang Oh.

Cross-examination of Mr. Matos by Joel Hurewitz.

End of Petitioner's case on the legal jurisdiction matter.

Recess

Closing arguments by Mr. Nelson.

Closing arguments by Mr. Oh.

Board member questions for Mr. Oh and Mr. Nelson.

Deliberations

Board members Foehrkolb, Harris, Phillips and Ryan deliberated if a go kart track constitutes a permitted use under the Howard County Zoning Regulations, based on being qualified as an athletic field, and whether they have jurisdiction to hear the case.

The Board was polled – Does the Board have jurisdiction to hear this Conditional Use Petition as filed, the Board will vote yes or no.

Unanimously agreed yes.

Follow up questions for the Board concerning the hearing:

G. Macy Nelson

Stuart Kohn

Daniel O’Leary

The next hearing date to continue the case is June 26, 2025 at 9 a.m.

The Board adjourned at 3:07 p.m.

MINUTES APPROVED

Kel L. Berg 6/26/2025