



# Howard County Board of Appeals

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

## MINUTES

November 13, 2025

### BA 22-023C&V – Maryland International School, Inc. Hybrid Hearing (Banneker Room and Webex)

#### Board Members Present:

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

#### Staff:

Kel Berg  
Tsega Girma Kyere  
Kiasten Miller

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

#### Administrative Matters

Approval of Minutes – November 6, 2025  
Motion – Lynn Foehrkolb, 2<sup>nd</sup> Robbyn Harris  
*Unanimously approved. The motion passed.*

#### Preliminary Matter

Discussion of letter sent to the Board by Sang Oh, Esquire, on November 12, 2025. The letter requests that the Hearing Examiner be recused from Case BA 827D scheduled for November 19, 2025, that the Board hear Case BA 827D under Section 16.302(c) of the Howard County Code, and that the Hearing Examiner be disqualified from hearing any of his future cases.

As the letter was received on November 12, 2025, Office of Law has not had time to provide analysis. The Board may consider the request and decide to hear the case, deny the request, or defer consideration until a request for postponement is filed.

*Straw poll* – Is the Board in favor of postponing the request; the Board will vote yes or no.

*Unanimously agreed.*

### **Motion and Vote**

Motion to decline to consider any action by the Board requested in letter sent by Sang Oh, Esquire on November 12, 2025.

Motion – Lynn Foehrkolb, 2<sup>nd</sup> Marisa McCurdy

*Yea: Board Members Foehrkolb, Harris, McCurdy and Ryan. Nay: Board Member Phillips.*

*Approved 4-1. **The motion passed.***

### **Preliminary Matter**

Ms. Foehrkolb asked Office of Law for an update on the Decision and Order for Case BA 24-022C. Ms. Girma Kyere replied that the Chair had provided edits, and that once the edits are discussed a final draft will be issued by November 21, 2025.

**BA 22-023C&V – Maryland International School, Inc.** Board of Appeals Decision and Order dated November 14, 2024 granted Petition of Appeal of Hearing Examiner's Decision and Order dated June 23, 2023. Rehearing is based on Memorandum Opinion and Order of the Circuit Court dated September 2, 2025 (6135 Old Washington Road, Elkridge, MD 21075).

*Preliminary Matter:*

- Ms. McCurdy was not a member of the Board of Appeals when this case was first heard. She confirmed that she completed a site visit of the subject property, listened to the recordings and reviewed all of the evidence submitted.

Opening statements by Tom Coale, Esquire on behalf of Petitioner.

Opening statements by Alex Votaw, Esquire on behalf of Appellants.

Appellants' presentation.

### **Recess**

Continuation of Appellants' presentation.

### **Recess**

### **Motion and Vote**

Mr. Ryan moved that this meeting be closed in accordance with Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland, to consult with Counsel to obtain legal advice. The topic is legal advice regarding code status interpretation. The motion was seconded by Ms. Harris.

The roll call vote called by the Administrator on the motion was: Yea: Board Members Foehrkolb, Harris, McCurdy, Phillips and Ryan.

The motion passed.

The Board of Appeals adjourned to closed session at 9:05 p.m.

The Board of Appeals returned to the Banneker Room and the open WebEx following the conclusion of the closed session. The Chairperson announced that the closed session ended at 9:34 p.m.

### **Statement of Closed Meeting**

As required by Section 3-306(c)(2) of the *General Provisions* Article of the Annotated Code of Maryland, the following is a report of the Board of Appeal's closed session of November 13, 2025. The Board of Appeals met in closed session at 9:05 p.m. on November 13, 2025 in the Large Conference Room of the George Howard Building, pursuant to Section 3-305(b)(7) of the *General Provisions* Article of the Annotated Code of Maryland, to consult with Counsel to obtain legal advice. The topic was code status interpretation.

The topic actually discussed was the analysis the Circuit Court wanted the Board of Appeals to articulate regarding the retaining wall and the auditorium for this case, and whether the setbacks in the Conditional Use Plan were adequate.

No action was taken by the Board Members.

The following persons were present at the closed session:

Board Members Present: Gene Ryan, Chairperson; Lynn Foehrkolb, Vice Chairperson; Robbyn Harris; Marisa McCurdy and Felita Phillips.

Staff Present: Kel Berg, Board Administrator and Tsega, Girma Kyere, Senior Assistant County Solicitor.

The closed session ended at 9:34 p.m.

### **Continuation of Board of Appeals Hearing**

*Straw poll* – Under the Howard County Zoning Regulations Section 103.0(A)(P) regarding principal and accessory structures, is Building #4 (auditorium and parking garage) an accessory use or principal use; the Board will vote “principal” or “accessory”.

*Unanimously agreed “principal”.*

*Straw poll* – Under the Howard County Zoning Regulations Section 131.0(N)(48)(f), does the Board find the setbacks on the Conditional Use Plan are measured from the lot line or the edge of the private right-of-way; the Board will vote “lot line” or “private right-of-way”).

*Unanimously agreed “lot line”.*

*Straw poll* – Does the Board find that the Conditional Use Plan complies with the Howard County Zoning Regulations under Section 131.0(N)(48)(c)(f); the Board will vote yes or no.

*Unanimously agreed.*

*Straw poll* – Under the Howard County Zoning Regulations Section 103.0(A)(P), does the Board find that the setback should be measured from the base of the wall to the lot line or from the top of the wall to the lot line; the Board will vote “base” or “top”.

*“Top”: Board Members Foehrkolb, Harris, Phillips and Ryan. Base: Board Member McCurdy.*

*“Top” agreed 4-1.*

*Straw poll* – Does the Board find that the retaining wall is subject to the requirements for a 50 foot setback under the Howard County Zoning Regulations Section 131.0(N)(48)(f); the Board will vote yes or no.

*Yea: Board Member McCurdy. Nay: Board Members Foehrkolb, Harris, Phillips and Ryan.*

*The 50 foot setback does not apply to the wall 4-1.*

*Straw poll* – For the auditorium, garage and retaining wall, does the Board find that the proposed Conditional Use Plan showed adequate setbacks in accordance with the requirements of the Howard County Zoning Regulations as required by the Court; the Board will vote yes or no.

*Unanimously agreed.*

The Board requests that Mr. Coale submit an Order consistent with the Board's findings of this remand hearing to the Office of Law for drafting the Board's opinion. This is due by November 19, 2025 and the Decision and Order is due to be issued by December 31, 2025.

The Board adjourned at 10:10 p.m.

#### **MINUTES APPROVED**

Kel L. Berg Approved via email 11/21/2025