



# Howard County Board of Appeals

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

## MINUTES

May 28, 2026

### BA 25-019C – Trotter 5857, LLC 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  
Gary Kuc  
Aaron Weiss  
Kiasten Miller

Call to order at: 6:35 p.m.

#### Administrative Matters

Approval of Minutes – May 21, 2026  
Motion – Lynn Foehrkolb, 2<sup>nd</sup> Robbyn Harris  
*Unanimously approved. The motion passed.*

#### **BA 25-019C – Trotter 5857, LLC** (continued from March 19, 2026 and May 21, 2026)

Appeal of Hearing Examiner's Decision and Order dated December 22, 2025 (3173 Saint Charles Place, Ellicott City, MD 21042).

#### *Preliminary Matters to be considered by the Board:*

- Entry of Appearance filed by Boyd Rutherford on behalf of the Terra Maria Homeowners Association, Inc. on May 27, 2026.

Section 2.208 of the Rules of Procedure states that written notification of representation should be provided to the Board before the hearing begins. The Board agreed without objection that the Entry of Appearance will be inadmissible.

- Executed Statement filed by Boyd Rutherford on behalf of the Terra Maria Homeowners Association, Inc. on May 27, 2026.

Section 2.204(c) of the Rules of Procedure states that evidence shall be presented to the Board only in hearings open to the public and that the Board shall not receive written testimony outside of a hearing. The Board agreed without objection that the Executed Statement will be inadmissible.

Before closing the record, Board members asked follow up questions to Mr. Tom Coale.

*Deliberations:*

Board enters into deliberations for case BA 25-019C Trotter 5857, LLC.

The Board reviewed the specified criteria of the Rules of Procedure Section 131.0 for Conditional Uses regarding (B) General Standards Required for Approval, (C) Additional Standards Required in Certain Residential Districts, and (N) Conditional Uses and Permissible Zoning Districts.

*The Board unanimously agreed on the criteria.*

**Motion and Vote:**

In the matter of BA 25-019C Trotter 5857, LLC on the proposed Conditional Use Petition for a 62 unit age-restricted adult housing apartment building and related parking, with the following conditions of 1) removal of black top 2) putting in plantings and 3) if there is an exterior trash receptacle it shall be screened or buffered, the Board will vote to grant or deny.

Motion – Lynn Foehrkolb, 2<sup>nd</sup> Robbyn Harris

*Unanimously granted.*

***The Board granted BA 25-019C Trotter 5857, LLC on the proposed Conditional Use Petition for a 62 unit age-restricted adult housing apartment building and related parking, with the following conditions of 1) removal of black top 2) putting in plantings and 3) if there is an exterior trash receptacle it shall be screened or buffered.***

**Motion and Vote**

Mr. Ryan moved that this meeting be closed in accordance with Section 3-305(b)(7)(8) of the General Provisions Article of the Annotated Code of Maryland, to consult with Counsel to obtain legal advice and to consult with staff, consultants or other individuals about pending or potential litigation. The topics are a pending subpoena request; a pending refund request; a pending Open Meetings Act complaint, and the status of several Board of Appeals cases. The motion was seconded by Ms. Foehrkolb.

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 the hearing at 8:26 p.m. and met in closed session at 8:27 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 May 28, 2026. The Board of Appeals met in closed session at 8:27 p.m. on May 28, 2026 in the Banneker Room of the George Howard Building, pursuant to Section 3-305(b)(7)(8) of the *General Provisions* Article of the Annotated Code of Maryland, to consult with Counsel to obtain legal advice and to consult with staff, consultants or other individuals about pending or potential litigation. The topics are a pending subpoena request; a pending refund request; a pending Open Meetings Act complaint, and the status of several Board of Appeals cases. The motion was seconded by Ms. Foehrkolb.

The topics actually discussed were:

- A subpoena request filed for case BA 828D Hillstreet Overlook, LLC.
- A refund request for BA 818D / BA 819D Agila Sundaram and Mukesh Kumar
- An Open Meetings Act Complaint for a Joint County Council/Board of Appeals meeting held on November 17, 2025.
- Updates on the Decision and Orders for BA 827D Speedfloor Mid-Atlantic, LLC and BA 813D Aidan and Sara Morrell, et al.
- Updates on stayed cases BA 799D Kincaid, LLC / BA 801D IMH Columbia, LLC / BA800D Kincaid, LLC / BA 802D IMH Columbia, LLC.
- Updates on cases completed or pending in Circuit Court - BA 21-010C KDC Solar HR Streetlight, LLC, BA 790D Lubna Khan, BA 24-022C Charles Siperko, BA 22-023C&V Maryland International School, Inc.

Action was taken by the Board Members, requesting Office of Law to respond to the subpoena request, respond to the refund request, respond to the Compliance Board, and to make edits to the Decision and Order for case BA 813D Aidan and Sara Morrell, et al.

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, Gary Kuc, County Solicitor and Aaron Weiss, Board Counsel.

The closed session ended at 9:06 p.m.

**MINUTES APPROVED**

Kel L. Berg 6/4/2026