Howard County
Board of Appeals

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

MINUTES
October 15, 2026
BA 823D – David Marc, et al.
Hybrid Hearing (Banneker Room and Webex)

Board Members Present:

Lynn Foehrkolb, Vice Chair
Robbyn Harris
Marisa McCurdy
Felita Phillips

Staff:

Kel Berg
Aaron Weiss

Call to order at: 9:03 a.m.

Administrative Matters

Approval of Hearing Minutes – October 1, 2026
Motion – Felita Phillips, 2nd Marisa McCurdy
Unanimously approved. ***The motion passed.***

BA 823D – David Marc, et al.
Appeal of Hearing Examiner's Decision and Order dated June 22, 2026, which denied the appeal of the Department of Planning and Zoning's decision letter dated June 23, 2025, which approved an alternative compliance application and an application for a variance in case WP-25-076 (6135 Old Washington Road, Elkridge, MD 21075).

The Board resumed the hearing for closing arguments.

Summations (10 minutes per side):

Petitioner's Summations
Ms. Alex Votaw, Esquire

Interested Party (MDIS) Summations
Mr. Christopher DeCarlo, Esquire

Recess

Deliberations:

Board enters into deliberations for case BA823D David Marc, et al.

Issues presented by governing code sections regarding the Administrative Agency decision to approve the request for a variance to remove a specimen tree:

1. Howard County Code Section 16.1216(c)(1): Describe the special conditions peculiar to the property which would cause the unwanted hardship.
Affirmed, Appellants failed to meet their burden: Unanimous

2. Howard County Code Section 16.1216(c)(2): Describe how enforcement of these regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.
Affirmed, Appellants failed to meet their burden : Unanimous

3. Howard County Code Section 16.1216(c)(3): Verify that the granting of a variance will not adversely affect water quality.
Affirmed, Appellants failed to meet their burden : Unanimous

4. Howard County Code Section 16.1216(c)(4): Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.
Affirmed, Appellants failed to meet their burden : Unanimous

5. Howard County Code Section 16.1216(c)(5): Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.
Affirmed, Appellants failed to meet their burden : Unanimous

6. Howard County Code Section 16.1216(c)(6): Verify that the condition did not arise from a condition relating to land or building use, either permitting or nonconforming, on a neighboring property.
Affirmed, Appellants failed to meet their burden : Unanimous

7. Howard County Code Section 16.1216(c)(7): Provide any other information appropriate to support the request.
Affirmed, Appellants failed to meet their burden : Unanimous

Vote:

In the matter of the request for a variance to remove a specimen tree in Case BA 830D David Marc, et al. the Board will vote to grant or deny the appeal on this issue.
Deny: Unanimous

The Board denied the appeal of the variance to remove a specimen tree in Case BA 830D David Marc, et al.

The Board resumed deliberations.

Deliberations:

Issues presented by governing code sections regarding the Administrative Agency decision granting the alternative compliance application to disturb steep slopes:

1. Howard County Code Section 16.104(a)(1): Will strict conformance deprive MDIS of rights commonly enjoyed by others in a similar area.
Affirmed, Appellants failed to meet their burden : Unanimous

2. Howard County Code Section 16.104(a)(2): Does the uniqueness of the property result in practical difficulty or unreasonable hardship.
Affirmed, Appellants failed to meet their burden : Board Members Foehrkolb, Harris and Phillips
Reverse: Board Member McCurdy found that Appellants met their burden to show error

3. Howard County Code Section 16.104(a)(3): Will applicant receive a special privilege denied to others.
Affirmed, Appellants failed to meet their burden : Unanimous

4. Howard County Code Section 16.104(a)(4): Will granting relief be detrimental to public health, safety or welfare or injurious to other properties.
Affirmed, Appellants failed to meet their burden : Unanimous

5. Howard County Code Section 16.116(d)(1)(i): Will applicant return all areas of disturbance to their natural condition to the greatest extent possible.
Affirmed, Appellants failed to meet their burden : Unanimous

6. Howard County Code Section 16.116(d)(1)(ii): Will the proposal adequately mitigate and minimize adverse impacts to water quality and fish, wildlife and vegetative habitat.
Affirmed, Appellants failed to meet their burden : Unanimous

7. Howard County Code Section 16.116(d)(1)(iii): Grading, removal of vegetive cover and trees, or construction shall be limited to the minimum necessary to afford relief. The least damaging designs are required.
Affirmed, Appellants failed to meet their burden : Unanimous

Vote:

In the matter of the alternative compliance to disturb steep slopes in Case BA 830D David Marc, et al. the Board will vote to approve or deny the appeal of agency error on this issue.
Deny: Board Members Foehrkolb, Harris and Phillips.
Approve: Board Member McCurdy.

The Board denied the appeal of agency error on the alternative compliance to disturb steep slopes in Case BA 830D David Marc, et al.

The Board adjourned at 11:04 a.m.

MINUTES APPROVED
Kel L. Berg 10/27/2026