

**Sayers, Margery**

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**From:** Kimberly Kepnes <kimberly.kepnes@monumentsothebysrealty.com>  
**Sent:** Monday, November 25, 2019 12:16 PM  
**To:** Walsh, Elizabeth; CouncilMail  
**Subject:** Written Testimony for CB-61 and Related Legislation  
**Attachments:** CB61 Testimony Kepnes.pdf

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Dear Liz,

Thank you for your advocacy in District 1 and the assistance provided Historic Ellicott City residents and business owners through the recovery process and with associated legislation before the Howard County Council.

As you know, I am concerned by council bills which may, as an intended or unintended consequence, negatively impact, burden, limit or restrict individual businesses and property owners from being able to make improvements to their property and/or to change a use permitted by right under current zoning regulations.

As it stands, an individual business or property owner is not permitted to change the primary use of their property from one permitted use to another permitted use without the approval of the Department of Planning and Zoning (DPZ). This includes changes to residential and commercial uses which are already and presently permitted as a matter of right under the current zoning regulations. For example, a business owner who would like to change his or her business use from office to retail or restaurant to retail or office to apartment must follow the same application process as developers who are subdividing land for the purposes of building more housing.

I provided written testimony previously under CB-38 detailing the Office of Planning and Zoning definition of “development” as “The establishment of a principal use on a site, a change in a principal use of a site or the improvement or alteration of a site by construction...” Under this definition, business and property owners are treated as developers impacting a site even when there is no new construction, no alteration of grading and/or, quite possibly, no changes to the interior of the building.

I believe there were proposed amendments to CB-38 which addressed, to some degree, the distinction between a developer seeking to subdivide or make alterations to a site, including new construction applications where there is grading on the site, and an individual or individuals seeking only an interior building permit or a change to a use of the property already permitted as a matter of right under the zoning regulations.

Please give a voice to these individual business and property owners in your consideration and deliberation of council bills, including the current CB-61, to redefine “development” and provide specific exception to individual business and property owners who are applying for interior building permits only and/or are seeking building use changes which are already permitted as a matter of right under the current zoning regulations. These business and property owners should not be required to submit a Site Development Plan or Alternative Compliance Application as developers seeking the “..improvement or alteration of a site by construction”.

Your interest to protect and promote individual business and property owners’ rights from being the targets of legislation and the unintended bureaucratic consequences which follow is greatly needed and appreciated by residents, business and property owners, alike.

Respectfully,

Kimberly

Kimberly Kepnes  
District 1 resident, business and property owner  
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Ellicott City, MD 21043

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November 25, 2019

Elizabeth Walsh  
Howard County Council

Via Email: [ewalsh@howardcountymd.gov](mailto:ewalsh@howardcountymd.gov); [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

Reference: Council Bill 61-2019

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