

JONATHAN L. MILLER AND * BEFORE THE
SONYA A. MILLER, * PLANNING BOARD OF
PETITIONER, * HOWARD COUNTY, MARYLAND
ZRA 155 *

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MOTION: *To recommend approval of the Zoning Regulation Amendment petition request to amend Section 131.0.N.28 of the Zoning Regulations to allow certain properties located in the R-20 zoning district to be eligible to apply for Conditional Use approval of a home-based contractor business.*

ACTION: *Recommended Approval; Vote 3 to 1.*

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RECOMMENDATION

On May 7, 2015, the Planning Board of Howard County, Maryland, considered the petition of Jonathan L. Miller and Sonya A. Miller, for an amendment to the Zoning Regulations to amend Section 131.0.N.28 of the Zoning Regulations, allowing properties that are two acres or greater in size and located in the R-20 zoning district to apply for a Conditional Use for a home-based contractor. The amendment would also modify Section 131.0.N.28 of the Zoning Regulations to add specific structure and parking setback requirements for home-based contractor uses in the R-20 zoning district, and modify the chart outlining Conditional Uses and permissible zoning districts in Section 131.0.N. of the Zoning Regulations.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended denial of the petition based on findings that the proposed amendments would conflict with PlanHOWARD 2030 Policy 6.4, which states, "Establish policies to protect and promote commercially and industrially zoned land for future job and business growth opportunities." The proposed amendment would encourage contractors to conduct business in residentially zoned R-20 districts, and discourage the establishment of new contractor's offices in industrial and commercial zoned areas where the use is intended and much more appropriate. Additionally, Section 128.0.C.2. of the Howard County Zoning Regulations already allows Home-Based Contractors on lots 2 acres or larger in the R-20 zoning district provided that they meet certain criteria. Therefore, even without the proposed amendment, home-based contractors may be located in the R-20 zoning district, and in close proximity to businesses and residences in which they serve. Finally, contractor's offices are also currently permitted as a matter of right in the BR

1 (Business Rural), M-1 (Manufacturing: Light), and M-2 (Manufacturing: Heavy) zoning districts. These are
2 zoning districts that may, in some cases, be close in proximity to residential zoning districts, but are more
3 amenable to a contractor's office which is typically associated with large equipment, construction vehicles,
4 and a high volume of traffic. Contractor's offices are also currently permitted as a Conditional Use in the RC
5 (Rural: Conservation) and RR (Rural: Residential) zoning districts, which in some cases are in very close
6 proximity to other residential zoning districts.

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8 The Petitioner was represented by Mr. William Erskine. Mr. Erskine stated the following:
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- 10 • The Petitioner's property (the Property) used to abut Route 216, but Baltimore Gas and Electric took
11 a sliver of the Property that abutted Route 216 for a right-of-way.
- 12 • The Property does not meet the requirements for a home-based contractor under Section 128.0 of the
13 Zoning Regulations since it does not have 60 feet of road frontage.
- 14 • In 1986, Mr. Miller was told by someone in the Department of Planning and Zoning that he was
15 allowed to have a home-based contractor business.
- 16 • The General Plan encourages building sustainable communities. Consistent with General Plan policy
17 3.9, this amendment would help to reduce employee miles driven because it would reduce the
18 distance between where people live and where they work.
- 19 • General Plan figure 5.2 reveals that Howard County is losing its essential trades (carpenters, masons,
20 electricians, etc.). Howard County is not promoting a diverse economy, and this amendment would
21 help create more diversity.
- 22 • Home-based contractors are already allowed in the R-20 zoning district, this amendment would just
23 allow properties that are less than 3 acres that do not have road frontage to apply for a conditional
24 use.

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26 Mr. John Miller spoke in support of the proposal. Mr. Miller stated that he was told by the Department of
27 Planning and Zoning that he was grandfathered. He also stated that he has never received any complaints,
28 that he maintains the private road, and that his lawnmower makes more noise than anything related to his
29 business on the Property.

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31 Ms. Sonya Miller, Mr. Jacob Miller, and Mr. Zach Miller also spoke in support of the petition and stated that
32 a lot of neighbors support the petition and that the business provides a positive service for the community.
33 Ten other people from the community spoke in support of the petition. All of the supporters repeatedly stated
34 that the business at the Miller's property has never disturbed them, noise has never been an issue, and that the

1 Millers are continually helping the community by plowing the private road, lending their large trucks for
2 transporting mulch for local fundraisers, and generally being good neighbors.

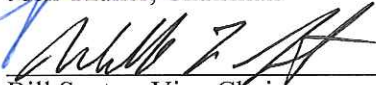
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4 The Planning Board expressed that it would be fair to allow people with cases like the Millers to go
5 before the Hearing Examiner with their proposal, and that there should not be too many restrictions on home-
6 based businesses. However, it was also expressed by Mr. Santos that this proposed amendment would
7 potentially impact a large number of properties in the R-20 District, so he felt it would be best to recommend
8 denial of the amendment request.

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10 Erica Roberts made the motion to recommend the amendment to Section 131.0.N.28 of the Zoning
11 Regulations to allow certain properties located in the R-20 zoning district to be eligible to apply for
12 Conditional Use approval of a home-based contractor business. The motion passed by a vote of 3 to 1.

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14 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 6th day of
15 June, 2015, recommends that ZRA 155, as described above, be **APPROVED**.

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19 HOWARD COUNTY PLANNING BOARD

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21 
22 Josh Tzucker, Chairman

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24 Bill Santos, Vice-Chair


25 
26 Jacqueline Easley

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28 Erica Roberts

29 Absent

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31 Phil Engelke

32 ATTEST:

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34 Marsha S. McLaughlin, Executive Secretary