

**Rosemont Homeowners Association, Inc.
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June 6, 2015

Council Member Mary Kay Sigaty
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: Howard County Department of Planning and Zoning Case ZRA 155-Miller

Dear Ms. Sigaty:

The Rosemont Homeowners Association consists of 35 households residing on Rosemont and Leslie Drives in North Laurel.

The purpose of this letter is two fold: First, we want to express our opposition to amending Section 131.0.N of the County Zoning Regulations as proposed by Jonathan and Sonya Miller in petition ZRA – 155. Second, we are advocating for many of our members who own property contiguous with, or in close proximity to, the property of the Petitioners. On May 7, 2015 the Planning Board heard the Petitioners arguments and voted to endorse the amendment to the County Council.

Upon considering the merits of ZRA-155 we think you will agree with us: it seeks to embed inappropriate business activities into residential districts; it is contrary to strategic policy directing contractors to locate in zones designated for them; it may be corrosive to a neighborhood's social fabric; and it creates implementation costs.

We believe that in its general scope the proposed change is not good land use policy. In a narrower sense we believe that it could be potentially disruptive to many of our members and others like them.

In its general sweep the Petitioners are asking that Section 131.0.N be modified to allow properties that are 2 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 main, if not the sole reason, for the proposal is that the Petitioners run a masonry contracting business from their R-20 property. That use was found to be in violation of the existing zoning regulations. The Petitioners seek to bring their

property back into conformance by reducing the lot line setback requirements, and eliminating the requirement that a home-based contractor business must have 60 feet of frontage on a public road (Miller Construction is on a private road).

In order to support their proposal the Petitioners have opined:

- By allowing home-based contracting businesses in the R-20 residential zone the altered regulations would increase the stock of affordable housing.
- The Petitioners allege that home-based contracting businesses in residential areas would shrink the distance between home and work, perhaps even making them one in the same. This arrangement reduces transportation costs, and the costs associated with business related mortgages and leases. A home-based contracting business owner would not be required to travel to a business or industrial district to access, warehouse, or service equipment. By reducing the costs of business, this proximity would make housing more affordable.
- By allowing home-based contracting businesses in the R-20 zone the costs of trades-related services would be reduced, while simultaneously encouraging economic and employment diversity in Howard County.
- The Petitioners suggest that allowing contractor businesses to operate in residential areas would increase the number and proximity of “essential trades”-plumbers, HVAC technicians, etc. This proximity would necessarily lower the costs of their services by reducing the tradesman’s transportation costs, while also serving the social need to increase the population of tradesmen to offset those that work in such sectors “... as IT, and jobs that require masters degrees”. The regulation change is presented as a corrective for such socioeconomic ills- which the Petitioner calls “location inefficiencies”.
- The Petitioner has also noted by forcing businesses to locate operations outside residential districts the County has established regulations that smother entrepreneurialism and choke business initiative.

Missed in the Petitioner’s economic arguments are the costs and burdens associated with getting a Special Exception.

If a Special Exception for home-based contracting were allowed, an applicant would presumably request an exception allowing them to conduct business in the R-20 district. Such application will require the preparation of submission documents, activating a formal review process. Would this not be a burden- a public as well as private expense? What about enforcement of any Hearing Examiner imposed conditions? Would not enforcement depend mostly on complaints, neighbors surveilling other neighbors, and a general deterioration of discourse?

These are certainly potential negative social costs of the regulation change.

While silent on the socioeconomic and political merits of the proposal, the Howard County Department of Planning and Zoning's April 17, 2015 *Technical Staff Report* recommended denial of ZRA – 155, noting:

- “...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 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.”
- “Contractor’s offices are also currently permitted as a matter of right in the BR, M-1 and M-2 zoning districts. These are zoning districts that may, in some cases, be close in proximity to residential zoning districts, but are more amenable to a contractor’s office which is typically associated with large equipment, construction vehicles, and a high volume of traffic.”
- “Contractor’s offices are also currently permitted as a conditional use in the RC and RR zoning districts, which in some cases are in very close proximity to other residential zoning districts.”
- “The proposed amendment would conflict with Plan HOWARD 2030 (General Plan) policy 6.4, which states that we should ‘establish policies to protect and promote commercially and industrially zoned land for future job 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.”
- In presenting their conclusions to the Planning Board May 7, 2015, Planning and Zoning staff also made the point that contractor operations within residential districts have been associated with problem traffic patterns. Specifically, the

creation of “pipe stems”-commercial traffic accessing a business via a street running through a residential area. Hence the policy of encouraging contractor operations in zones designated for them.

We support the findings and conclusions of County staff--the provisions for home-based contracting businesses in County zoning arrangements support rational separation of land uses within established policy objectives. The current regulations seek to preserve community and quality of life in residential areas. A “rational location efficiency” is one reason why Howard County properties are generally deemed desirable and costly; many are willing to pay the costs of housing, schools and government.

It is an irony that the R-20 resident could pay qualitatively, and perhaps financially, for the “location inefficiency” of a construction contractor business in their backyard.

We believe that the spirit of the existing regulations think of a home-based contracting business as other than heavy construction. Plumbers, electricians, HVAC and similar “essential trade” businesses are generally low impact. We believe that earthmoving, concrete mixing, and heavy material handling are not characteristic of most “home service” trades.

We believe that the Petitioners’ arguments for changing the regulations; affordable housing, reduced costs of home services, and increased social diversity, lack validity and supporting evidence. We also believe that encouraging home-based contractors to locate in residential districts would be found to be in direct conflict with the majority view of Howard County residents.

In conclusion, after considering the merits of ZRA-155, we think you will agree with us: it’s premise is not only contrary to established strategic policy directing contractors to locate in zones designated for them, but creates potentially conflicting and cost-ineffective land uses.



Ms. Jodi DeStefano, President
Rosmont Homeowners Assoc.



Douglas Isokait, Secretary
Rosemont Homeowners Assoc.

c.c. Ms. Marsha S. McLaughlin, Director, Howard County Department of Planning and Zoning