

FW: Miller Petition for R-20 Zoning Regulation Amendment

Clay, Mary

Sent: Friday, July 24, 2015 10:45 AM
To: CouncilMail
Importance: High

Testimony for CB 37-2015.

Mary T. Clay | Special Assistant to Council Chairperson Mary Kay Sigaty

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From: JErbacher1@verizon.net [mailto:JErbacher1@verizon.net]
Sent: Thursday, July 23, 2015 9:57 PM
To: Sigaty, Mary Kay
Cc: Clay, Mary
Subject: Miller Petition for R-20 Zoning Regulation Amendment
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July 24, 2015

My name is Jim Erbacher, I am the original owner at 10457 Rosemont Drive since 1985 and member of the Rosemont Homeowners Association (RHOA) since its inception.

I would like to voice my objection to amending the Howard County Zoning Regulations' Home-Based Contractor provisions potentially allowing such uses in the R-20 zone. This change could potentially allow Mr. & Mrs. John Miller to run a masonry contracting firm from their residence on Shady Acres Lane. The current cessation of noise, since the Millers were notified they were in violation of the zoning laws, may only return or increase if they are granted such an allowed use.

Many people testified at this hearing about the character of the Millers. We have no doubt that they are fine, upstanding citizens of Howard County. The claim the Millers were misled when they purchased their home, regarding the ability to run a home business, is unfortunate. However, he and the other residents of this area knew we were surrounded by R-20 zoned land with all of the restrictions that distinction demands.

There have been numerous complaints over the years by my neighbors at RHOA meetings, about noise coming from the Miller's property. These complaints were forwarded by letter to the Millers from the RHOA, requesting some relief. Three of my good friends on Rosemont Drive, the Williams' (10466), Carey's (10454), and the Hart's (10450), whose properties were adjacent to the Millers, moved from our neighborhood, in part, due to the Miller's use of their property to run their business.

The only time that the RHOA and the Millers had any other interaction was in the early 1990's when the community fought BG&E regarding the placement of high voltage power lines in the Route 216 corridor. At the time, the RHOA suggested the Millers hold off on selling their land to the utility; Mr. Miller responded that he believed the property's value would diminish if he waited for it to be condemned. He sold that land.

The RHOA protests prevailed, since we acquired proof that the original intention of the Public Service Commission was to have the lines run north of the proposed 216 highway, where they stand today.

The Millers continued to use the land as their own until BG&E sued them in 2001 mainly because of the construction and heavy use of a dirt bike track. Even prior to the sale, he would have had the acreage, but still not the public road frontage, thus disqualifying him from seeking a use exception. The BG&E issue is mute. Mr. Miller was not in the condemnation sights of the public utility, but rather a willing seller who later ironically became a trespasser on his former parcel.

In the minutes of a community meeting sent to RHOA, Mr. Erskine, attorney for Mr. John Miller, promised to keep us informed of the status of the county process concerning the Millers petition. The President and Secretary of the RHOA were told that our association would be notified by the County of scheduled hearing dates. The residents of Shady Acres Lane seemed to be notified, why weren't we? One of our members who owns a home contiguous with the Miller's lot, Dave Novak, discovered the hearing was being held on July 20. He made this discovery while performing a web search for county zoning hearings, a couple of hours before the meeting on the afternoon of July 20. As addressed by Mr. Cohen while speaking on another issue that night, were we (just RHOA) the victims of the "ghosts in the system" used for announcing meetings by the Planning Board--- or did Mr. Erskine not want our objections to be heard?

The lack of notification of the July 20 Council meeting may be perfectly legal, but we find it at least unethical. Some property owners contiguous or near the Miller's property consider any outcome of the hearing illegitimate.

Can you keep us informed in the future?

Note:

Minutes of the Community Meeting dated April 29, 2015 at 6:00 pm Jonathan and Sonya Miller, 10430 Shady Acres Lane, Laurel MD 20723 (Tax Map 47, Parcel 120) Community meeting held April 29, 2015 in meeting room 3 of the Emmanuel United Methodist Church. excerpt from Page 3 and 4: "The parties in attendance were asked and seem to agree that communication between neighbors could be better than it has been in the past. In furtherance of this goal Mr. Erskine circulated the community sign in sheet where attendees were provided an opportunity to provide contact information whereby Mr. Erskine or the Millers could contact them with updates on this zoning regulation amendment proposal. Several of the attendees suggested that it would be more convenient to have communications go through a point of contact and for that reason Mr. Doug Isokait was nominated to be that contact for the Rosemont Drive community. "

Sincerely,

Jim Erbacher
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