

C337-2015

**ZRA-155 Jonathan and Sonya Miller**

Novak, Dave (Buch Construction) [NovakD@MedImmune.com]

**Sent:** Tuesday, July 28, 2015 4:11 PM

**To:** Sigaty, Mary Kay

**Cc:** CouncilMail

**Attachments:** ZRA 155 Letter to Ms Siga~1.docx (15 KB)

**FILE COPY**

Ms. Sigaty,

Thank you for allowing me to testify against ZRA 155 the evening of July 20, 2015.

I was very frustrated with the misconceptions that certain people were conveying to you, and the council about ZRA 155.

I'm in an occupation that I have to have accurate data to ensure that the outcome of my project will work as designed.

Erroneous data in my field can cause catastrophe results. When I know data is erroneous, or the data is someone's pipe dream, it makes my blood boil.

I'm very lucky to be in an occupation (Engineering) that I don't have to be deceitful.

My attached letter is straight forward, and to the point why ZRA 155 should not be approved.

Sincerely,

David Novak

10462 Rosemont Drive

Laurel Maryland, 20723

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David A Novak  
10462 Rosemont Drive  
Laurel, Maryland, 20723

July 27, 2015

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

**RE: ZRA 155 Jonathan L. Miller and Sonya A. Miller**

Dear Ms. Sigaty,

My name is Dave Novak and I reside at 10462 Rosemont Drive. My property is contiguous with Jonathan and Sonya Miller's, the petitioners in ZRA-155. I have lived at this address since 1986.

I want to take this opportunity to testify against amending the Howard County Zoning Regulations to allow home-based contractors to seek a Special Exception if such operations exist on 2 acres or more in a residential R-20 zone.

I believe the actions surrounding ZRA-155 is a case study in what this kind of regulatory change would mean. If implemented the regulation would encourage "home-based" industrial uses to seek approval to operate in residential neighborhoods.

When Miller construction, a masonry contractor, is operating behind my property I can assure you and the Council it is not the pastoral activity that he and his supporters describe. Materials and equipment are frequently on the move in and around his warehouse. Contrary to Mr. Miller's assertion that "... his lawnmower makes more noise than anything related to his business..." (Planning Board minutes, June 6, 2015, page 2, line 28) frequent and loud engine and material handling noises, and their attendant visual and aesthetic qualities, define this property for what it is: an active construction contracting activity. Further, unlike such dynamic businesses cited in commercial zones intended for such uses, Miller Construction has no real business hours. Equipment and warehouse operations continue on weekends and into the night.

As ZRA-155 encourages conflicting land-use, it also showcases social disruption. Construction and related businesses, equipment yards and structures, and their operations are inherently incompatible with residential neighborhoods. This proximity promotes conflict: complaints of noise, traffic and other exports from such activities would invariably occur-witness the case here with ZRA-155.

I, and the other residents of our neighborhood, believe we have a right to peace and quiet. To achieve this state we should have to “win” conflicts with aggravating parties.

Mr. Miller’s petition has been socially divisive. Most of his supporters in his entourage reside on the private road he maintains “gratis”. Why wouldn’t they support him? I certainly would. Do you really want to codify a provision that may invite community dissension?

ZRA-155 is also instructive of the zoning regulations themselves. If an aggravated party, with a long history of violating the regulations, can successfully change the regulations by simply claiming a series of “misunderstandings”, of claiming to be victimized by public utilities, by forwarding unsubstantiated economic arguments, and by mobilizing a jury of the self- interested as character references-what does that say about the weight of the regulations? Especially when the regulations specifically provide zoning districts for contracting activities.

Does the Council want to invite further such petitions from other businesses? Are the standing regulations sound or not? The Planning and Zoning staff seem to believe that they are.

In the final analysis the history of ZRA-155 is a case study in what the regulatory change would mean. The black letter change is minor: shrinking setbacks to 2 acres, allowing private road frontage. The social and economic impact may be more significant-submissions for Special Exceptions, neighborhood conflicts, weakened zoning statutes, and opening avenues for conflicting uses.

County zoning regulations intend to promote a compatible social and economic tapestry. ZRA-155 intends only to further private interests at the expense of public harmony.

In the interests of all Howard County residents, let the regulations stand as they are.

Dave Novak