

Rosemont Homeowners Assoc. Opposition to 37-2015(ZRA-155)

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To: Sigaty, Mary Kay; CouncilMail

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Attachments: Ltr to Council CB37-2015.pdf (59 KB)

Ms. Sigaty-

This is in followup to the letter we forwarded you via postal mail regarding our opposition to the passage of Council Bill 37-2015(ZRA-155).

We continue to feel that amending the Zoning Regulations allowing home-based contractors on parcels 2 acres or more to operate in residential districts is simply bad policy. Further, as you know, it may negatively impact some of our members near or contiguous with the Miller Construction site.

Douglas Isokait, Secretary
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August 25, 2015

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

RE: COUNCIL BILL 37-2015 (ZRA-155)

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 to once again express our opposition to amending Section 131.0.N of the County Zoning Regulations as proposed by Jonathan and Sonya Miller (Miller Construction) in Council Bill 37-2015(ZRA-155).

The Miller Construction site lies behind and contiguous with some of our members properties. It consists of what appears to be a prefabricated building which provides material storage and garages equipment. Surrounding the structure is a cleared area where cement mixers and other construction equipment often reside. Of course items must be moved about the site and to and from it.

We remain convinced that this kind of use in a residential district is inappropriate.

Regarding the proposed amendment, our concerns focus on three areas: the nature of the testimony thus far; our desire that the Council evaluate the proposal on its technical merits; and our concerns should Miller Construction, and similar industrial businesses, be established in residential zones.

The nature of the testimony regarding this ZRA thus far focused almost solely on the Petitioner's character. We believe that by now it has been firmly established that the Petitioner is an upstanding and contributing citizen. In fact we also share this opinion.

We do want to point out that some of the Petitioners most adamant supporters may have an economic interest in the continuing viability of Miller Construction on the private Shady Acres Lane. It has been stated in previous testimony that before Miller Construction began its operations on the Lane it was a gravel road, which Miller Construction subsequently paved. The cost to pave the road to the specification set out in the Howard County Design Manual for this class of road is about \$350 per foot/lane, or in the quarter-mile run of Shady Acres \$462,000 (assuming one lane). If ten addresses front on the Lane, that is a cost for each of \$46,200. It was further stated that Miller Construction asked for contributions to pave the road, but if a resident could not afford to do so it was not collected.

If Miller Construction maintains the road and provides snow removal *gratis*, that is also a significant benefit to having the contractor reside at the end of the Lane.

Thus far in the testimonial record there has been scarce mention of the technical merits of modifying Section 131.0.N of the zoning regulations. The modification would allow properties that are 2 acres or greater in size, and located in the R-20 zoning district, to apply for Conditional Use for a home-based contractor.

We believe the technical merits of the proposal are summed up in the Howard County Department of Planning and Zoning's April 17, 2015 *Technical Staff Report*, which recommended denial of ZRA – 155, noting that the existing zoning regulations:

1. Allow home-based contractors in the R-20 zoning district on lots 2 acres or larger and if they meet other conditions (Section 128.0.C.2 of the Howard County Zoning Regulations).
2. Allow home-based contractor's offices in the BR, M-1 and M-2 zoning districts. The report noted that these districts, in some cases, may be in close proximity to residential zoning districts, but are more amenable to large equipment, and construction vehicles.
3. Allow home-based contractor's offices as a Conditional Use in the RC and RR zoning districts, which, as was noted, in some cases are in very close proximity to other residential zoning districts.
4. The proposed amendment conflicts 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 report noted that 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.

We believe that these findings support rational separation of land uses within the existing regulations.

We would also point out that 2 acres is not much bigger than a typical subdivision lot. It would seem that there may be many lots of 2 acres or more in the R-20 district. This preponderance may only further encourage Conditional Use/Special Exception requests.

Finally, we have concerns should Miller Construction, and similar industrial businesses, operate in residential zones.

The realities of masonry contracting is that equipment and material must be moved and operated. This activity will occur in the backyards of some of our members. The basic fact is that servicing Miller Construction's commercial clients will require an active site situated in a residential neighborhood. These conditions could be duplicated elsewhere in the R-20 district if the amendment is approved.

Most businesses are profit-seeking by definition. If Miller Construction obtains profit opportunities there may be pressure to enlarge the business, or operate it more vigorously. Again, this dynamic could be repeated elsewhere if the amendment is approved.

Finally, the proposed amendment redefines the concept of "home-based" contracting businesses. A masonry contractor serving commercial clients is industrial in nature, moving heavy materials and running noisy equipment. We believe it is a stretch to call this kind of business "home-based," as if to imply it is plumber with a van, or a carpenter with a pickup. It is clearly an industrial operation embedded in a residential district.

In conclusion, we hope that the Council bases its evaluation of the proposed amendment on its regulatory implications and the potential impacts of allowing industrial uses in residential neighborhoods. Basing your decision on the preponderance of character witnesses may not serve the public interest- and that is what the Council, and this process, is about.

Ms. Jodi DeStefano, President
Rosemont Homeowners Assoc.

Douglas Isokait, Secretary
Rosemont Homeowners Assoc.