

ZRA-155 Jonathan and Sonya Miller

David Novak [novakengineering@gmail.com]

Sent: Thursday, September 03, 2015 11:51 AM

To: Sigaty, Mary Kay

Cc: CouncilMail; novakengineering@gmail.com

Attachments: Dave Novak Ltr to Council~1.docx (2 MB)

Please see attached letter referencing ZRA 155 Jonathan and Sonya Miller

David A. Novak
10462 Rosemont Drive
Laurel, Maryland 20723

September 3, 2015

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

RE: BILL 37-2015 (ZRA-155)

Dear Ms. Sigaty:

My name is David Novak and I reside at 10462 Rosemont Dr. I have lived at this address since 1986. My property is contiguous with Jonathan and Sonya Millers' property, the Petitioner in ZRA-155.

As I did in July I would once again like 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 would like to help the Council visualize what allowing Home-Based Contractors to be embedded in the R-20 district would look like. As you can see in figure 1, Miller Construction operates in close proximity to several properties on Rosemont Drive, including mine. Any sound exported from yard operations invariably finds its way to our properties.

Additionally, the topography of the area puts Rosemont households at a higher elevation than the Miller Construction site. This topographical feature means that Rosemont households are looking down onto the warehouse site- always having visual contact with this little bit of industry in our backyards. There is little doubt that if you visited my property as a perspective buyer you would ask, what's was going on over there? The answer would not be reassuring to the buyer.

It is noteworthy that all but a few of the households on Shady Acres Lane have visual contact with the warehouse site. Most of the households on the Lane are further away from the site than the nearby Rosemont properties, and therefore less likely to receive sounds from it.

Figure 2 is an image of the Miller Construction site itself. It depicts the warehouse/garage structure, and related equipment and materials. (This image does not show the fleet of cement mixers currently stored on the site).

The warehouse/garage structure was built after the Millers purchased this property in the 1990s. Please keep in mind that an email (July 28, 2015) from Mr. Miller to the Council stated that his operation did not get “bigger and bigger” as I testified. When I made that statement did I give a time frame when this operation got bigger? I guess the building of this large structure means that the Millers operation was downsizing.

Is it really such a good idea to encourage this kind of conflicting land-use? It seems that the only element of “home-based” in this operation is the fact that the Millers reside next door to the warehouse/garage.

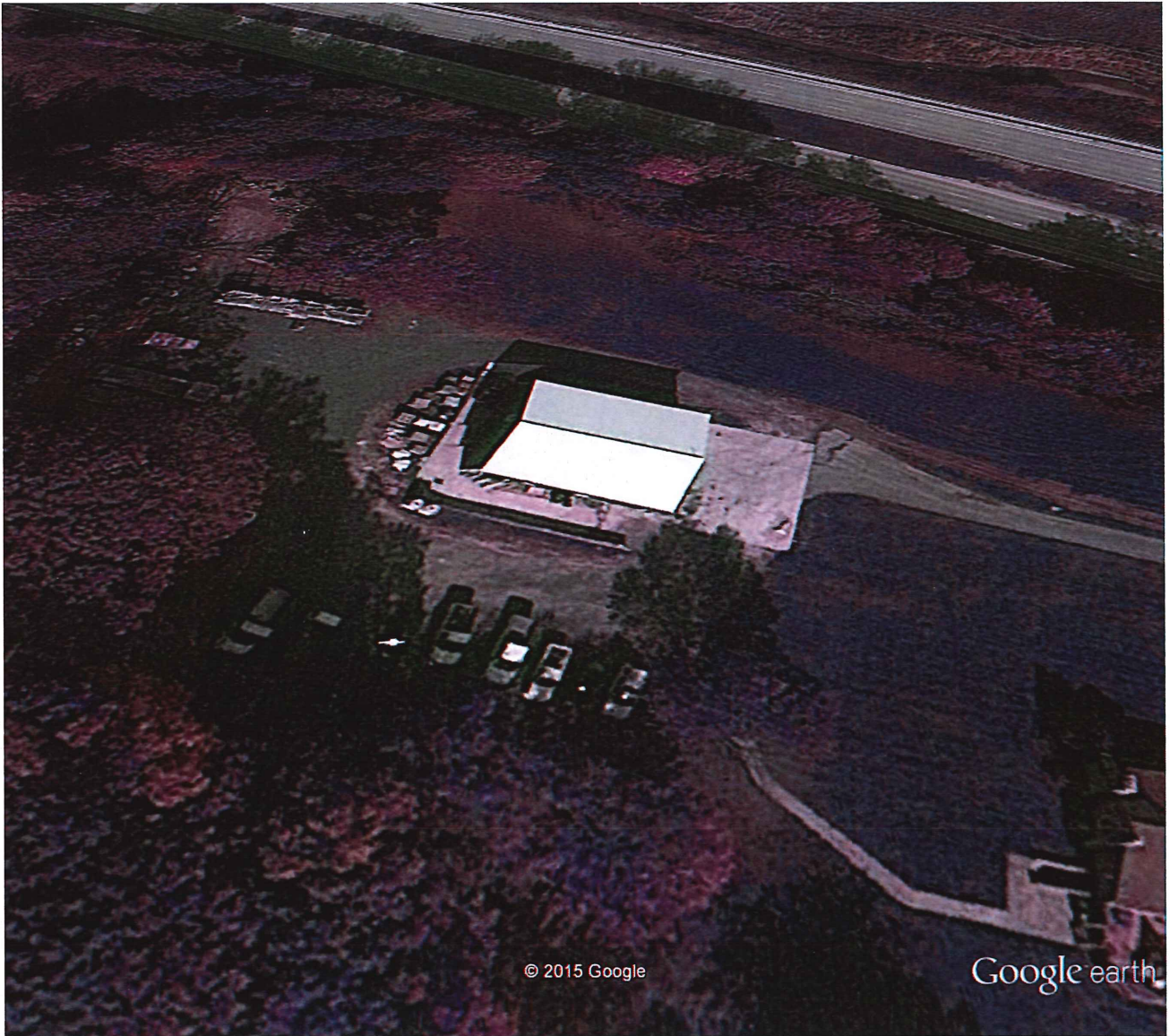
I have testified before regarding the potential impact of allowing these kinds of industrial uses in residential areas. Let me repeat- Miller Construction on Shady Acres Lane is not a pastoral operation, despite the testimony of Mr. Miller and his allies. From our perspective, many households on Rosemont Drive will be forced to witness the resurgence of yard operations if the Petitioner is successful in getting a Special Exception for this kind of industrial use.

I’m curious if the Council read the original complaint to the County of this commercial business operating in a residential zoned property? Did the County do their due diligence in notifying all agencies that should be notified? With satellite imagery it’s hard to deny any activities that take place on your property anymore.

In closing I would like to remind the Council that it is constituted and was elected in the public trust. County land use policy should not be made on the basis of character testimony.

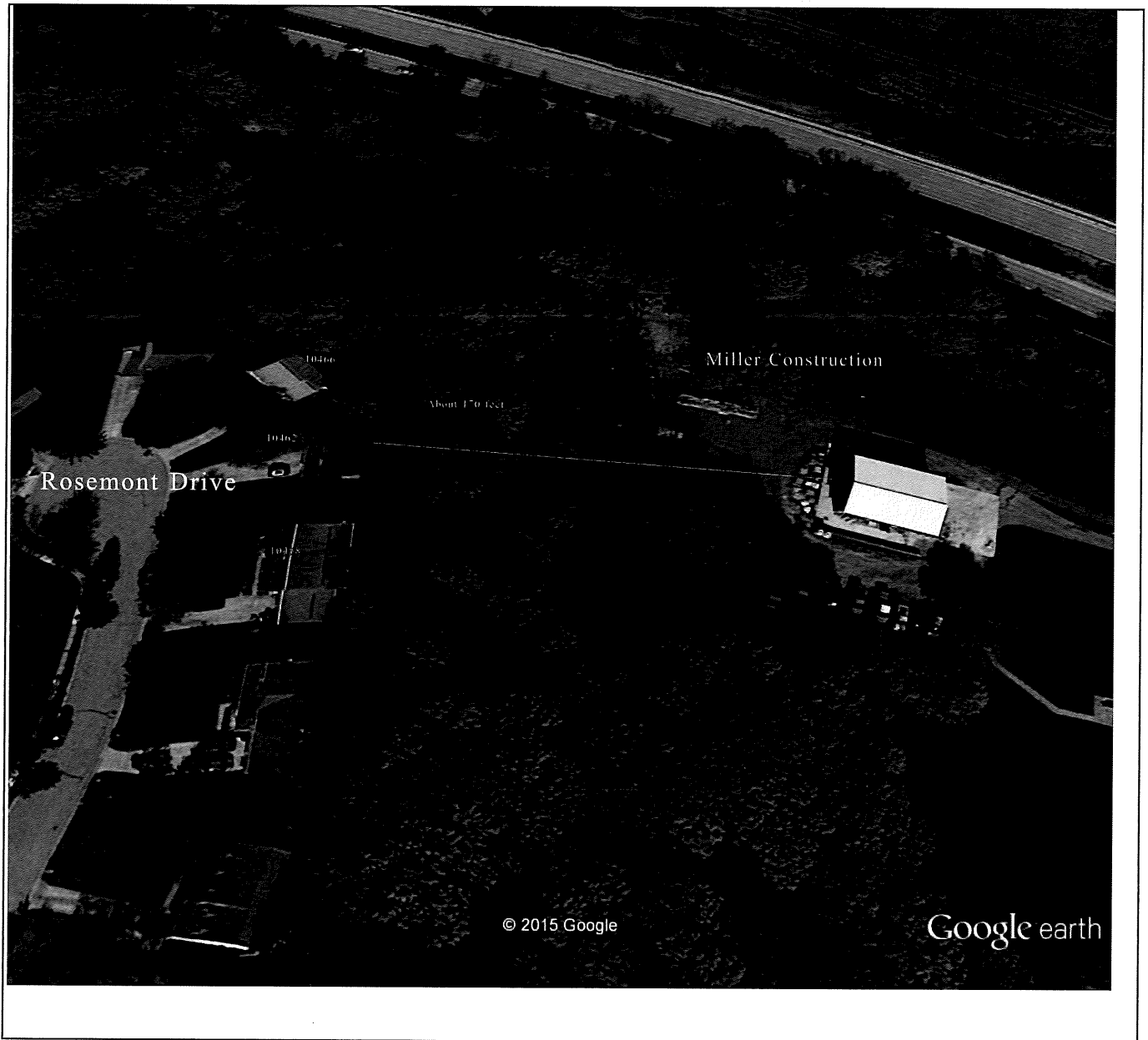
Private interests, no matter how good the person holding them, should not trump the public welfare.

David A. Novak



MILLER CONSTRUCTION WAREHOUSE, MATERIAL AND VEHICLES

Image taken 10/23/14



ROSEMONT RESIDENTS PROXIMITY TO CONTRACTOR SITE