

Introduced 7/6/15  
Public hearing 7/20/15 Tabled 7/31/15  
Council action 10/5/15 Extended life &  
Executive action 10/8/15 tabled 9/31/15  
Effective date 12/8/15

### County Council of Howard County, Maryland

2015 Legislative Session

Legislative day # 8

**BILL NO. 37 - 2015 (ZRA - 155)**

**Introduced by the Chairperson  
at the request of Jonathan L. Miller and Sonya A. Miller**

**AN ACT** amending the Howard County Zoning Regulations' Home-Based Contractors conditional use to permit the Home-Based Contractors conditional use in the R-20 zoning district under certain conditions; and generally relating to Home-Based Contractors.

Introduced and read first time July 6, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 20, 2015 and concluded on \_\_\_\_\_, 2015.

Tabled July 31, 2015  
Extended life & tabled Sept 8, 2015  
By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time October 5, 2015 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 7<sup>th</sup> day of October, 2015 at 4 a.m. (P)

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

Approved/Vetoed by the County Executive on October 8, 2015.

Allan H. Kittleman  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard**  
2 **County Zoning Regulations are hereby amended to read as follows:**

3  
4 *By amending:*

5 *Section 131.0: "Conditional Uses"*

6 *Subsection N. 28 "Home-Based Contractors"*

7  
8  
9  
10 **Howard County Zoning Regulations**

11  
12 **SECTION 131.0: CONDITIONAL USES**

13  
14 **N. Conditional Uses and Permissible Zoning Districts**

15  
16 **28. Home-Based Contractors**

17 A Conditional Use may be granted in the RC [[and]], RR AND R-20 Districts  
18 for home-based contractors, subject to the following requirements, except that  
19 landscape contractors have separate requirements elsewhere in Section  
20 131.0.N., and home-based contractors meeting the requirements of Section  
21 128.0.C.2 are permitted accessory uses:

22 a. The minimum lot size is three acres IN THE RC AND RR DISTRICTS; AND  
23 ~~TWO ACRES IN THE R-20 DISTRICT. THE MINIMUM LOT SIZE IS 2.5 ACRES~~  
24 IN THE R-20 DISTRICT AND THE LOT SHALL ABUT AN INTERMEDIATE  
25 ARTERIAL HIGHWAY, AS DESIGNATED IN THE GENERAL PLAN.

26 b. The number of commercial vehicles parked on the site shall be limited to  
27 three commercial vehicles for lots up to six acres, and five commercial  
28 vehicles for lots larger than six acres and not more than 20 acres.

29 On lots larger than 20 acres, the Hearing Authority may approve  
30 additional commercial vehicles, as is determined to be appropriate based  
31 upon the character of the property and its relation to the surrounding area.

32 c. On lots six acres or fewer, the area used for parking and storage of  
33 commercial vehicles, equipment and supplies, whether exterior or  
34 interior, shall be limited to no more than 50% of the area of the lot or  
35 10,000 square feet, whichever is less. On lots larger than six acres, the

1 area used for these purposes shall be limited to no more than 5% of the  
2 lot or one acre, whichever is less.

3 d. IN THE RR AND RC DISTRICTS, ~~[[S]]~~structures used for the Conditional  
4 Use shall be at least 50 feet from lot lines and all outdoor parking or  
5 storage areas shall be at least 100 feet from lot lines. ~~IN THE R-20~~  
6 ~~DISTRICT, STRUCTURES USED FOR THE CONDITIONAL USE SHALL BE AT~~  
7 ~~LEAST 30 FEET FROM LOT LINES AND ALL OUTDOOR PARKING OR~~  
8 ~~STORAGE AREAS SHALL BE AT LEAST 50 FEET FROM LOT LINES.~~

9 E. IN THE R-20 DISTRICT, STRUCTURES FOR AND USES OF THE HOME-  
10 BASED CONTRACTOR CONDITIONAL USE SHALL BE RESTRICTED AS  
11 FOLLOWS:

- 12 (1) THE USE SHALL NOT ALTER THE RESIDENTIAL APPEARANCE  
13 OF THE NEIGHBORHOOD.
- 14 (2) THE STRUCTURES USED FOR THE CONDITIONAL USE SHALL  
15 BE AT LEAST 100 FEET FROM THE NEAREST RESIDENTIAL LOT  
16 LINES.
- 17 (3) OUTDOOR PARKING OR STORAGE AREAS SHALL BE AT LEAST 75  
18 FEET FROM RESIDENTIAL LOT LINES AND SCREENED FROM  
19 PUBLIC STREETS AND RESIDENTIAL LOTS BY SOLID WALLS,  
20 FENCES, OR A TREE BUFFER AT LEAST 25 FEET WIDE.

21 e-F. The location and design of the operation shall be such that the use will  
22 not be a nuisance to residents of neighboring properties due to noise, dust  
23 or fumes. Particular consideration shall be given to the location of  
24 loading areas, parking and circulation areas, and driveways in relation to  
25 neighboring properties.

26 f-G. If the driveway providing access to the proposed site is shared with other  
27 properties, the petitioner shall demonstrate that the use will not result in  
28 damage to or deterioration of the shared driveway or in increased hazards  
29 to other users of the driveway.

30 g-H. Parking and storage areas shall be restricted as follows:

- 31 (1) Supplies shall be stored within a building, except that mulch,  
32 compost, soil, sand, stone and other natural materials may be  
33 stored outdoors. Supplies stored outdoors must be fully screened

1 from surrounding properties and roads by vegetation, fencing or  
2 other appropriate means in accordance with the County  
3 Landscape Manual.

4 (2) Equipment shall be either stored within a building or screened  
5 from surrounding properties and roads by vegetation, fencing or  
6 other appropriate means in accordance with the Howard County  
7 Landscape Manual.

8 ~~h~~.I. The Hearing Authority shall establish the maximum number of  
9 employees permitted on the lot and the maximum allowable number of  
10 employee trips per day.

11 ~~i~~.J. The Hearing Authority shall establish the days and hours of operation.

12 ~~j~~.K. New structures or additions to existing structures shall be designed to be  
13 compatible in appearance and scale with other residential or agricultural  
14 structures in the vicinity, as demonstrated by architectural elevations or  
15 renderings that shall be submitted with the petition.

16 ~~k~~.L. Minor repairs to vehicles or equipment shall be permitted, provided such  
17 activities take place inside a building. Body work, engine rebuilding,  
18 engine reconditioning, painting and similar activities shall not be  
19 permitted.

20 ~~l~~.M. Where two or more adjacent lots are under common ownership and used  
21 as a single homesite, home-based contracting uses may be located on a  
22 different lot than the principal dwelling, if the Hearing Authority  
23 determines that this will provide a more compatible location in relation to  
24 vicinal properties that effective screening will be provided by using  
25 existing site features, or that it will result in decreased impacts on  
26 neighboring lots.

27 ~~m~~.N. On an ALPP purchased or dedicated easement property, the following  
28 additional criteria are required:

29 (1) The use shall not interfere with the farming operations or limit  
30 future farming production.

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(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

*Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the publisher of the Howard County Zoning Regulations is authorized hereby to amend the Conditional Uses and Permissible Zoning Districts chart attached to Section 131 of the Zoning Regulations in order to reflect the substantive changes made by this Act.*

*Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill 37-2015

BY: Mary Kay Sigaty

Legislative Day No: 11  
Date: October 5, 2015

Amendment No. 1

1 (This amendment would restrict the conditions under which a home-based contractor conditional  
2 use located in the R-20 zoning district could be approved).  
3  
4  
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6 On page 1, in line 22, strike “; AND” and substitute a period. On the same page, strike  
7 line 23, in its entirety and substitute “THE MINIMUM LOT SIZE IS 2.5 ACRES IN THE  
8 R-20 DISTRICT AND THE LOT SHALL ABUT AN INTERMEDIATE ARTERIAL HIGHWAY,  
9 AS DESIGNATED IN THE GENERAL PLAN.”  
10

11 On page 2, beginning in line 3, after the period, strike the remainder of the subsection  
12 through line 6; and substitute the following:

- 13 “E. IN THE R-20, DISTRICT STRUCTURES FOR AND USES OF THE HOME-BASED  
14 CONTRACTOR CONDITIONAL USE SHALL BE RESTRICTED AS FOLLOWS:  
15 (1) THE USE SHALL NOT ALTER THE RESIDENTIAL APPEARANCE OF THE  
16 NEIGHBORHOOD.  
17 (2) THE STRUCTURES USED FOR THE CONDITIONAL USE SHALL BE AT  
18 LEAST 100 FEET FROM THE NEAREST RESIDENTIAL LOT LINES.  
19 (3) OUTDOOR PARKING OR STORAGE AREAS SHALL BE AT LEAST 75 FEET  
20 FROM RESIDENTIAL LOT LINES AND SCREENED FROM PUBLIC STREETS  
21 AND RESIDENTIAL LOTS BY SOLID WALLS, FENCES, OR A TREE BUFFER  
22 AT LEAST 25 FEET WIDE.”  
23

24 Renumber the remainder of the subsection accordingly.  
25

ADOPTED 10/5/15  
FILED \_\_\_\_\_  
SIGNATURE Jessica Edwards

roduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2015 Legislative Session

Legislative day # 8

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**Introduced by the Chairperson  
at the request of Jonathan L. Miller and Sonya A. Miller**

**AN ACT** amending the Howard County Zoning Regulations' Home-Based Contractors conditional use to permit the Home-Based Contractors conditional use in the R-20 zoning district under certain conditions; and generally relating to Home-Based Contractors.

Introduced and read first time \_\_\_\_\_, 2015. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2015 and concluded on \_\_\_\_\_, 2015.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time \_\_\_\_\_, 2015 and Passed\_\_\_\_, Passed with amendments \_\_\_\_, Failed\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

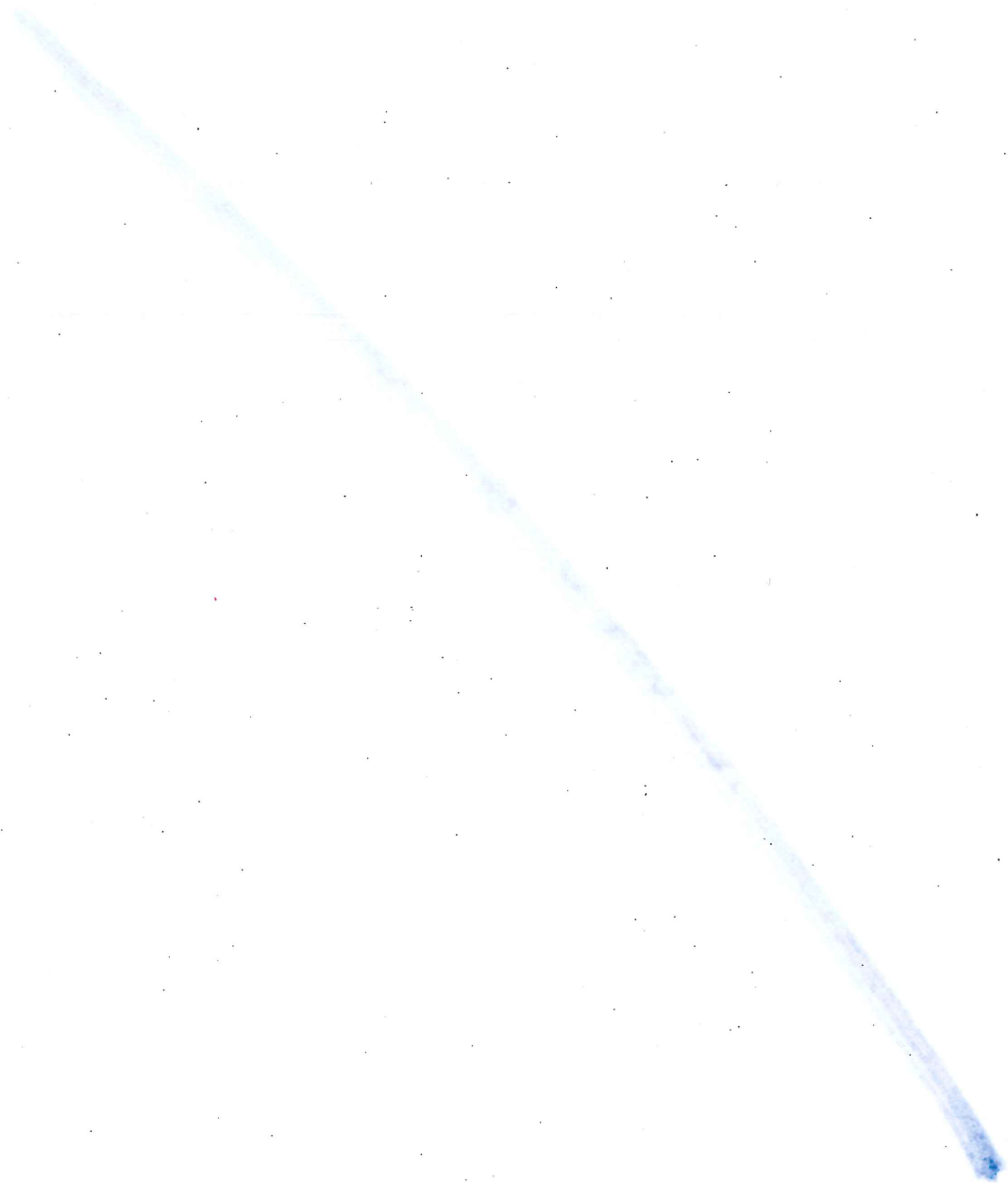
Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Allan H. Kittleman, County Executive

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19 landscape contractors have separate requirements elsewhere in Section  
20 131.0.N., and home-based contractors meeting the requirements of Section  
21 128.0.C.2 are permitted accessory uses:

- 22 a. The minimum lot size is three acres IN THE RC AND RR DISTRICTS; AND  
23 TWO ACRES IN THE R-20 DISTRICT.
- 24 b. The number of commercial vehicles parked on the site shall be limited to  
25 three commercial vehicles for lots up to six acres, and five commercial  
26 vehicles for lots larger than six acres and not more than 20 acres:

27 On lots larger than 20 acres, the Hearing Authority may approve  
28 additional commercial vehicles, as is determined to be appropriate based  
29 upon the character of the property and its relation to the surrounding area.

- 30 c. On lots six acres or fewer, the area used for parking and storage of  
31 commercial vehicles, equipment and supplies, whether exterior or  
32 interior, shall be limited to no more than 50% of the area of the lot or  
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- d. IN THE RR AND RC DISTRICTS, [[S]]structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines. IN THE R-20 DISTRICT, STRUCTURES USED FOR THE CONDITIONAL USE SHALL BE AT LEAST 30 FEET FROM LOT LINES AND ALL OUTDOOR PARKING OR STORAGE AREAS SHALL BE AT LEAST 50 FEET FROM LOT LINES.
- e. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
- f. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- g. Parking and storage areas shall be restricted as follows:
  - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.
  - (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
- h. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- i. The Hearing Authority shall establish the days and hours of operation.
- j. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural



1 structures in the vicinity, as demonstrated by architectural elevations or  
2 renderings that shall be submitted with the petition.

3 k. Minor repairs to vehicles or equipment shall be permitted, provided such  
4 activities take place inside a building. Body work, engine rebuilding,  
5 engine reconditioning, painting and similar activities shall not be  
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7 l. Where two or more adjacent lots are under common ownership and used  
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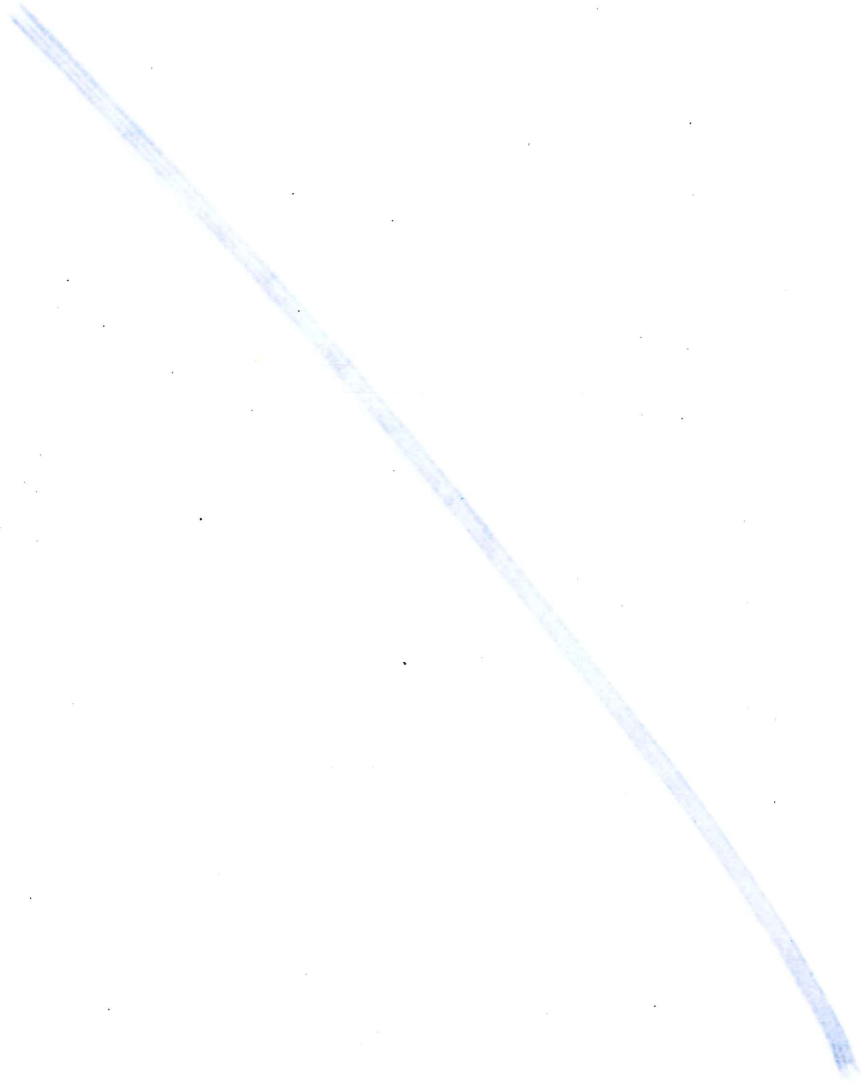
14 m. On an ALPP purchased or dedicated easement property, the following  
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22 **Section 2. Be it further enacted** by the County Council of Howard County, Maryland, that the  
23 publisher of the Howard County Zoning Regulations is authorized hereby to amend the Conditional  
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25 order to reflect the substantive changes made by this Act.

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27 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that this Act  
28 shall become effective 61 days after its enactment.





# Howard County Council

George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043-4392

## COUNCILMEMBERS

Mary Kay Sigaty, Chairperson  
District 4  
Jon Weinstein, Vice Chairperson  
District 1  
Calvin Ball  
District 2  
Jennifer Terrasa  
District 3  
Greg Fox  
District 5

ZRA= 155  
Tech staff Report= ✓  
Planning Board = ✓  
Legislation = CB37-2015

March 3, 2015

TO: Marsha McLaughlin, Director  
Department of Planning & Zoning

RE: ZRA-155, Jonathan & Sonya Miller

Attached is Petition No. ZRA-155, filed by William Erskine, Esq. on behalf of Jonathan & Sonya Miller, to allow certain properties (2 acres or larger) located in the R-20 District to be eligible to apply for a Conditional Use approval of a home-based contractor business (Sec. 131.0.N.28)

Please notify our office when you schedule this case before the Planning Board. Should you have any questions, please contact me at 313-2395 or Theodore Wimberly at 313-2001.

Robin Regner  
Administrative Assistant

### Attachment

cc: Council Members  
Paul Johnson, Esq.  
Theodore Wimberly  
Jessica Feldmark  
Jennifer Sager  
T. Sieglein  
William Erskine, Esq.



**PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY**

DPZ Office Use Only:  
Case No. ZRA- 155  
Date Filed: \_\_\_\_\_

**1. Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To allow certain properties (2 acres or larger) located in the R-20 District to be eligible to apply for a conditional use approval of a home-based contractor business.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

**2. Petitioner's Name** Jonathan L. Miller and Sonya A. Miller

Address 10430 Shady Acres Lane, Laurel, Maryland 20723

Phone No. (W) 301-490-3404 (H) 301-637-4904

Email Address jon@millercci.com

**3. Counsel for Petitioner** William E. Erskine, Esq.

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Fulton, Maryland 20759

Counsel's Phone No. Office: 301-575-0363; Mobile 443-864-8844

Email Address WErskine@offitkurman.com

**4.** Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed to permit resident owners of certain properties within the R-20 District to be eligible to apply for conditional use approval for a home-based contractor business; currently this is only available in the RR and RC zoning districts of the county.

\_\_\_\_\_  
\_\_\_\_\_

2015 FEB 26 P 12:12  
RECEIVED  
HOWARD COUNTY COUNCIL



5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County See attached narrative in response to Section 5.

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[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. See attached narrative in response to Section 6.

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[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . See attached narrative in response to Section 7.

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[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

See attached narrative in response to Section 8.

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[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. None.

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[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled

"Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[ Double Bold Brackets ]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Jonathan L. Miller  
Petitioner's name (Printed or typed)

Jonathan L. Miller 2-25-15  
Petitioner's Signature Date

Sonya A. Miller  
Petitioner's name (Printed or typed)

Sonya Miller 2-25-15  
Petitioner's Signature Date

\_\_\_\_\_  
Petitioner's name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature Date

William G. Enck  
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

\* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

**APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.**

\*\*\*\*\*

**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)

Revised: 07/12  
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

**INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD**

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.





PETITIONER: Jonathan L. Miller

**DISCLOSURE OF CONTRIBUTION**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR  
PARTY OF RECORD: Jonathan Miller

**RECIPIENTS OF CONTRIBUTIONS:**

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>none</u>	<u>none</u>	<u>none</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Jonathan L. Miller

Signature: *JL Miller*

Date: 2-25-15



PETITIONER: Sonya A. Miller

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This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR PARTY OF RECORD: SONYA MILLER

**RECIPIENTS OF CONTRIBUTIONS:**

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>NONE</u>	<u>NONE</u>	<u>NONE</u>
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Sonya A. Miller  
Signature: Sonya Miller  
Date: 2-25-15





## **EXHIBIT A**

### Response to Section 5

The proposed zoning regulation amendment (ZRA) will permit certain properties (two (2) acres or larger) within the R-20 district to be eligible to make application for approval of a Home Based Contractor conditional use. The proposed ZRA does not alter the permitted or accessory uses within the R-20 district; therefore, eligible R-20 zoned properties must first satisfy the criteria under Howard County Zoning Regulation (HCZR) Section 131.0 and also receive approval from the Howard County Hearing Authority before receiving approval for a Home Based Contractor conditional use.

Approval of this proposed ZRA will be in harmony with the current General Plan for Howard County (PlanHoward 2030). Specifically, the proposed ZRA will promote the general plan policy of creating sustainable communities by permitting Home Based Contractor businesses to be located on appropriate properties within the Planned Service Area (PSA); whereas under current law such Home Based Contractor conditional uses are only permitted in the RR and RC districts - which are generally located outside of the PSA. The current regulatory scheme unnecessarily creates significant *location inefficiencies* because without justification it mandates a significant geographical separation between Home Based Contractor Businesses and the vast majority of the residences and businesses that they serve which are by design located within the PSA.

The geographic separation mandated by the current regulatory scheme is in fact contrary to the general plan goal of reducing automobile dependence and traffic congestion on our highways. General Plan Policy 3.9 calls for the reduction of employee travel miles; yet the current

regulatory scheme mandates that Home Based Contractors drive significant distances on crowded and congested highways as they travel from the rural west areas of our county to work sites within the PSA. (Think southbound Route 32 in the morning!)

Adoption of the proposed ZRA will also encourage *diverse* economic development within Howard County. According to General Plan Figure 5-2, construction jobs within Howard County actually decreased by 1,465 jobs (an 11% decrease) between 2001 and 2009. At the same time, the total number of jobs in Howard County actually increased by 22,112 positions (a 13% increase). These statistics provide stark testimony to the fact that Howard County economic development policies, while very effective at creating high skilled positions often requiring an advanced degree, have not been very effective in creating job opportunities for non-degree holding workers in the essential trade industries including but not limited to general contracting; home improvement; plumbing; electrical contracting; masonry; HVAC and the like. The absence of skilled essential tradesmen in Howard County undermines the quality of life in Howard County because our citizens and businesses find it increasingly difficult to obtain the essential services they need at reasonably affordable prices. Illustrative of this point is the extreme difficulty that many Howard County citizens and businesses experienced in obtaining plumbing services during the month of February, 2015 – a month characterized by extremely cold temperatures that resulted in an unprecedented number of frozen and burst pipes. Equally, frustrating is the difficulty of obtaining HVAC mechanical services during the now all too common summer heatwaves experienced by Howard County residents and businesses.

Finally, adoption of the requested ZRA will promote the General Plan goal of maintaining an adequate supply of affordable housing opportunities. The requested ZRA will take advantage of “location efficiencies” having the effect of reducing the total cost of housing (see, PlanHoward

2030 page 125). Presently, a Home Based Contractor residing on R-20 zoned property within the PSA must lease or purchase separate industrial or commercially zoned property to operate his or her contracting business. While this is certainly appropriate for larger contracting businesses; it is both unnecessary and overly burdensome for smaller lower intensity contracting businesses. Requiring these smaller lower intensity contractors to lease or purchase separate industrial or commercial property dramatically increases their overall cost of living in Howard County, contrary to the stated goals of the General Plan.

#### Response to Section 6

The proposed ZRA will further the purpose of the Zoning Regulations and zoning maps by preserving and promoting the health, safety and welfare of the community. As discussed in Section 5 above, the proposed ZRA does not alter the permitted or accessory uses within the R-20 district; therefore, eligible R-20 zoned properties must first satisfy the criteria under Howard County Zoning Regulation (HCZR) Section 131.0 and also receive approval from the Howard County Hearing Authority before receiving approval for a Home Based Contractor conditional use. Because the Hearing Authority may only approve a Home Based Contractor conditional use if it is satisfied that a specific conditional use plan satisfies both the general criteria for approval under HCZR Sec. 131.0.B as well as the specific criteria for approval as provided in HCZR Sec. 131.0.N.28, the health, safety and welfare of the community will be preserved and promoted by virtue of the oversight of the Hearing Authority.

The purpose of the Zoning Regulations will be further preserved and promoted by adoption of the proposed ZRA. Significantly, the proposed ZRA will

1. Prevent and help to alleviate the over-crowding of the land and the undue congestion of population on the highways;
2. Promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses, while having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways;
3. Create substantial location efficiencies and will help to provide for adequate housing choices in a suitable living environment within the economic reach of all citizens including citizens employed in the essential trade industries.

#### Response to Section 7

In addition to the public benefits described in Section 5 and Section 6 above, the proposed ZRA will benefit the general public by helping to ensure that essential trade services will be available to the citizens and businesses of Howard County located within the PSA. Adoption of the proposed ZRA will also help to mitigate the cost of these essential trade services by reducing or eliminating the significant location inefficiencies mandated under the current regulatory scheme.

#### Response to Section 8

The proposed ZRA would potentially impact any property two (2) acres or larger located within the R-20 zoning district. The number of properties impacted by this proposed ZRA is in excess of 12. Notwithstanding, and as previously stated above, the proposed ZRA does not alter the permitted or accessory uses within the R-20 district; therefore, eligible R-20 zoned properties must first satisfy the criteria under Howard County Zoning Regulation (HCZR) Section 131.0 and also receive approval from the Howard County Hearing Authority before receiving approval

for a Home Based Contractor conditional use. Because the Hearing Authority may only approve a Home Based Contractor conditional use if it is satisfied that a specific conditional use plan satisfies both the general criteria for approval under HCZR Sec. 131.0.B as well as the specific criteria for approval as provided in HCZR Sec. 131.0.N.28 the health, safety and welfare of the community will be preserved and promoted by virtue of the oversight of the Hearing Authority. In the event that other properties within the R-20 zoning district should apply and qualify for a Home Based Contractor conditional use, the public benefits resulting from such applications and approvals would be of the same general character as described in Sections 5 – 7 above.

4831-6030-5442, v. 1















PETITIONERS' PROPOSED TEXT

**28. Home-Based Contractors**

A Conditional Use may be granted in the RC ~~[[and]]~~, RR AND R-20 Districts for home-based contractors, subject to the following requirements, except that landscape contractors have separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

- a. The minimum lot size is three acres **IN THE RC AND RR DISTRICTS; AND TWO ACRES IN THE R-20 DISTRICT.**
- b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.

On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.

- c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.
- d. **IN THE RR AND RC DISTRICTS, [[S]]**Structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines. **IN THE R-20 DISTRICT, STRUCTURES USED FOR THE CONDITIONAL USE SHALL BE AT LEAST 30 FEET FROM LOT LINES AND ALL OUTDOOR PARKING OR STORAGE AREAS SHALL BE AT LEAST 50 FEET FROM LOT LINES.**
- e. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
- f. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- g. Parking and storage areas shall be restricted as follows:
  - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.
  - (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
- h. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- i. The Hearing Authority shall establish the days and hours of operation.
- j. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.

**PETITIONERS' PROPOSED TEXT**

- k. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.
- l. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Hearing Authority determines that this will provide a more compatible location in relation to vicinal properties that effective screening will be provided by using existing site features, or that it will result in decreased impacts on neighboring lots.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with the farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.



**EXAMPLE OF HOW TEXT WOULD APPEAR IF PROPOSED TEXT IS ADOPTED**

HCZR Section 131.0.N – Conditional Uses

**N. Conditional Uses and Permissible Zoning Districts**

Conditional Use	Zoning Districts																																
	RC	RR	R-ED	R-20	R-12	R-SC	R-SA-B	R-H-ED	R-A-15	R-AD-T	R-MH	R-SI	R-VH	CCT	TO-D	CA-C	TN-C	PGC-C	HO	HC	PO-R	FEC	BR	O-T	B-1	B-2	SC	M-1	M-2	CE	I		
Age-Restricted Adult Housing			✓	✓	✓	✓	✓	✓	✓	✓																✓	✓						
Agribusiness	✓	✓																															
Aircraft Landing and Storage Areas (Private Ownership)	✓																																
Animal Hospitals	✓	✓																															
Antique Shops, Art Galleries and Craft Shops	✓	✓																															
Athletic Facilities, Outdoor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																					
Barber Shop, Hair Salon, and Similar Personal Service Facilities	✓	✓		✓																													
Bed and Breakfast Inns	✓	✓	✓	✓	✓	✓								✓																			
Bottling of Spring or Well Water	✓	✓																															
Buses, Boats, or Recreational Vehicles																												✓					











**EXAMPLE OF HOW TEXT WOULD APPEAR IF PROPOSED TEXT IS ADOPTED**

separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

- a. The minimum lot size is three acres in the RC and RR districts; and two acres in the R-20 district.
- b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.

On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.

- c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.
- d. In the RR and RC districts, structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines. In the R-20 district, structures used for the Conditional Use shall be at least 30 feet from lot lines and all outdoor parking or storage areas shall be at least 50 feet from lot lines.
- e. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
- f. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- g. Parking and storage areas shall be restricted as follows:
  - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.
  - (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
- h. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- i. The Hearing Authority shall establish the days and hours of operation.
- j. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- k. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.

**EXAMPLE OF HOW TEXT WOULD APPEAR IF PROPOSED TEXT IS ADOPTED**

- I. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Hearing Authority determines that this will provide a more compatible location in relation to vicinal properties that effective screening will be provided by using existing site features, or that it will result in decreased impacts on neighboring lots.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with the farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.



**FILE COPY**

MKS  
JF

**Rosemont Homeowners Association, Inc.**  
c/o Douglas Isokait  
10442 Rosemont Dr.  
Laurel, MD 20723

HOWARD COUNTY COUNCIL  
RECEIVED

2015 SEP -2 P 1:31

isokait@verizon.net

August 27, 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.

FILE COPY

**Ms. Sigaty**  
**Council Bill 37-2015(ZRA-155)**  
**Pg. 2**

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.

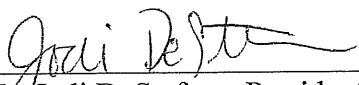
Finally, we have concerns should Miller Construction, and similar industrial businesses, operate in residential zones.

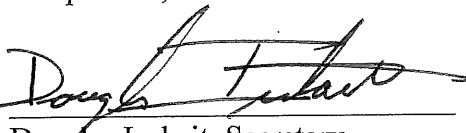
The realities of masonry contracting is that equipment and material must be moved and operated. This activity will occur in the backyards of some of our members. The basic fact is that servicing Miller Construction's commercial clients will require an active site situated in a residential neighborhood. 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.

Amendment 1 to Council Bill 37-2015

BY: Mary Kay Sigaty

Legislative Day No: //  
Date: October 5, 2015

Amendment No. 1

1 (This amendment would restrict the conditions under which a home-based contractor conditional  
2 use located in the R-20 zoning district could be approved).  
3  
4  
5

6 On page 1, in line 22, strike “; AND” and substitute a period. On the same page, strike  
7 line 23, in its entirety and substitute “THE MINIMUM LOT SIZE IS 2.5 ACRES IN THE  
8 R-20 DISTRICT AND THE LOT SHALL ABUT AN INTERMEDIATE ARTERIAL HIGHWAY,  
9 AS DESIGNATED IN THE GENERAL PLAN.”  
10

11 On page 2, beginning in line 3, after the period, strike the remainder of the subsection  
12 through line 6; and substitute the following:

- 13 “E. IN THE R-20, DISTRICT STRUCTURES FOR AND USES OF THE HOME-BASED
- 14 CONTRACTOR CONDITIONAL USE SHALL BE RESTRICTED AS FOLLOWS:
- 15 (1) THE USE SHALL NOT ALTER THE RESIDENTIAL APPEARANCE OF THE
- 16 NEIGHBORHOOD.
- 17 (2) THE STRUCTURES USED FOR THE CONDITIONAL USE SHALL BE AT
- 18 LEAST 100 FEET FROM THE NEAREST RESIDENTIAL LOT LINES.
- 19 (3) OUTDOOR PARKING OR STORAGE AREAS SHALL BE AT LEAST 75 FEET
- 20 FROM RESIDENTIAL LOT LINES AND SCREENED FROM PUBLIC STREETS
- 21 AND RESIDENTIAL LOTS BY SOLID WALLS, FENCES, OR A TREE BUFFER
- 22 AT LEAST 25 FEET WIDE.”

23  
24 Renumber the remainder of the subsection accordingly.  
25



**CB37 Future Screening**

Jacob Miller [jacob@miller-ci.com]

**Sent:** Wednesday, September 30, 2015 4:10 PM

**To:** CouncilMail

**Attachments:** CB37 Future Screening.pdf (94 KB)

**FILE COPY**

Council Members,

Please see attached letter regarding future, proposed screening for our property. Thank you for your time and consideration throughout the past several months.

Jacob

JACOB MILLER  
PROJECT MANAGER

O: 301.490.3404

C: 301.873.3064





September 29<sup>th</sup> 2015

Dear Council Members:

Thank you for your consideration in allowing us to operate our business as we have for the past twenty-five years. If we are allowed to continue operations, we will ensure that the visual impact is minimized by installing adequate visual screening between the residence of Rosemont and our property. The most effective visual screening would be Leyland cypress planted adjacent to each other to provide a constant, 12 month screen between the Rosemont residence and our property.

Additionally, the current residence of Myron Katzoff at 10433 Shady Acres Lane is the only property on Shady Acres Lane that overlooks our operation. Though they are one of our strongest supporters, if the Katzoff's ever relocate and the new tenant is disrupted by our operation, we will plant proper 12 month screening to minimize their visual impact.

Jacob Miller



**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)

**FILE COPY**

Please see attached letter referencing ZRA 155 Jonathan and Sonya Miller

ЛИТЕ СОБА

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.

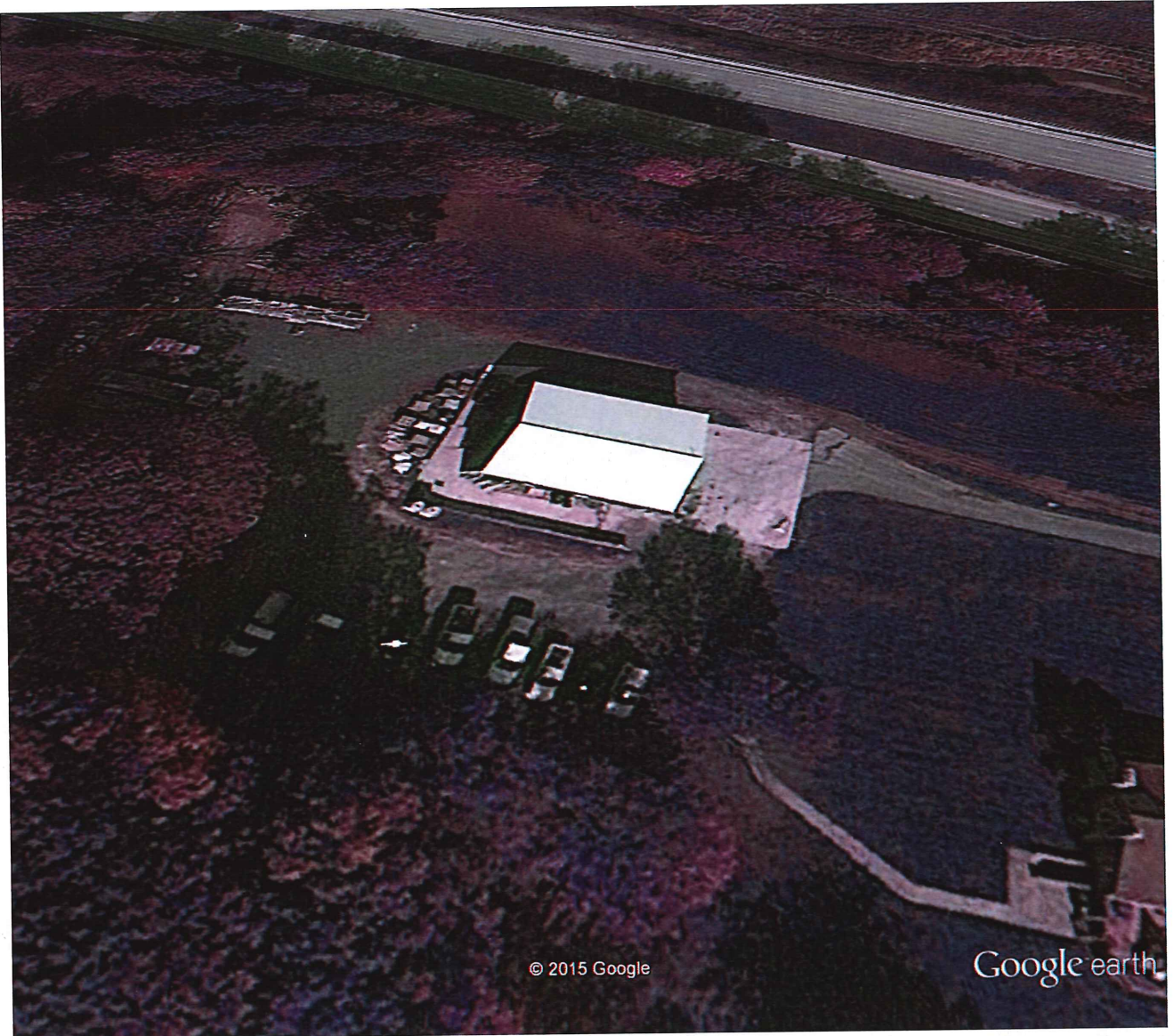
I have testified before regarding the potential impact of allowing these kinds of industrial uses in residential areas. Let me repeat- Miller Construction on Shady Acres Lane is not a pastoral operation, despite the testimony of Mr. Miller and his allies. From our perspective, many households on Rosemont 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**

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

Doug [isokait@verizon.net]

**Sent:** Saturday, August 29, 2015 3:49 PM

**To:** Sigaty, Mary Kay; CouncilMail

**Cc:** destefano19@gmail.com; gh6pts@verizon.net; elloza\_rodas@verizon.net; mtetm@yahoo.com

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

**FILE COPY**

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  
Rosemont Homeowners Assoc., Inc.  
isokait@verizon.net





**Rosemont Homeowners Association, Inc.**  
**c/o Douglas Isokait**  
**10442 Rosemont Dr.**  
**Laurel, MD 20723**

isokait@verizon.net

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.

**Ms. Sigaty**  
**Council Bill 37-2015(ZRA-155)**  
**Pg. 2**

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.

**FILE COPY**

**CB 37 - 2015, Jonathan Miller and Sonya Miller Conditional Use**

bhfoston@comcast.net

**Sent:** Wednesday, August 19, 2015 1:33 PM

**To:** CouncilMail

**Cc:** Jennings, Gregory [gregoryjennings0@gmail.com]; Midon, Nichelle [nichelle.midon@verizon.net]; Midon, Maro [marco.midon1@verizon.net]; peebsang@aol.com; jjfelsen [jjfelsen@yahoo.com]; Baswell, Sandra [needcareer56@yahoo.com]

Dear Howard County Council Members,

The Southern Howard County Civic Association, Inc. (SHCCA) is expressing support for CB37-2015. SHCCA recognizes that small businesses represent an important part of the Howard County community and understands the need for changes in the zoning regulations to accommodate some home based contractors.

The business referenced in the legislation provides gainful employment to members of the community. Consideration of conditional use with noise abatement restrictions could help allay the concerns of surrounding neighbors.

Again, the SHCCA supports legislation that would provide an opportunity for this business to continue to operate. Thank you for your consideration.

Best regards,

Bibi H. Perrotte-Foston

Founder & President

Southern Howard County Civic Association, Inc. (SHCCA)

FILE COPY

**FW: Letterto County council**

Feldmark, Jessica

**Sent:** Monday, August 10, 2015 3:28 PM

**To:** Sayers, Margery

**FILE COPY**

Jessica Feldmark

Administrator

Howard County Council

410-313-3111

[jfeldmark@howardcountymd.gov](mailto:jfeldmark@howardcountymd.gov)

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**From:** Sigaty, Mary Kay

**Sent:** Monday, August 10, 2015 10:13 AM

**To:** Fox, Greg; Weinstein, Jon; Feldmark, Jessica; councilrecords

**Subject:** FW: Letterto County council

Testimony for CB 37-2015.

Mary Clay

Special Assistant to Mary Kay Sigaty

Howard County Council, District 4

[mclay@howardcountymd.gov](mailto:mclay@howardcountymd.gov)

410-313-2001

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**From:** captainoverboard1 <[captainoverboard1@gmail.com](mailto:captainoverboard1@gmail.com)>

**Date:** Thursday, August 6, 2015 at 5:09 PM

**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>

**Subject:** Fwd: Letterto County council

----- Forwarded message -----

**From:** captainoverboard1 <[captainoverboard1@gmail.com](mailto:captainoverboard1@gmail.com)>

**Date:** Thu, Aug 6, 2015 at 5:08 PM

**Subject:** Fwd: Letterto County council

**To:** [jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)

----- Forwarded message -----

**From:** captainoverboard1 <[captainoverboard1@gmail.com](mailto:captainoverboard1@gmail.com)>

**Date:** Thu, Aug 6, 2015 at 5:06 PM

**Subject:** Fwd: Letterto County council

**To:** [cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)

----- Forwarded message -----

**From:** captainoverboard1 <[captainoverboard1@gmail.com](mailto:captainoverboard1@gmail.com)>

**Date:** Thu, Aug 6, 2015 at 4:43 PM

**Subject:** Letterto County council

**To:** Dale Martins <[captainoverboard1@gmail.com](mailto:captainoverboard1@gmail.com)>



On Aug 6, 2015 10:03 AM, "Sonya Miller" <[sonya@millerci.com](mailto:sonya@millerci.com)> wrote:

Dear County Council Member,

My husband Tim Martins met Jon Miller in the early 1990s. Tim was a Superintendent for Eichberg Construction working on the same project. Jon and Tim became friends.

After Tim and I got married we continued our friendship with Jon and Sonya.

Jon and Sonya are always giving to the community from donating to local churches, to the boy scouts and helping emergency personal get to and from work on snowy days.

The Millers keep their road plowed with the equipment stored on their property. If they are forced to move their business to another location it will impact everyone on their street.

Jon provides services for Angel Flight, which is a nonprofit organization where pilots donate their time and bear the expenses flying people with medical needs in remote locations to medical facilities.

This is a shame that such a respectable family of Howard County has been subjected to this Stress. We should all be proud to know this family.

Please consider their request.

Sincerely,

Tim and Dale Martins



**FW: CB37-2015/ ZRA155**

Feldmark, Jessica

**Sent:** Monday, August 10, 2015 3:28 PM**To:** Sayers, Margery**FILE COPY**

Jessica Feldmark

Administrator

Howard County Council

410-313-3111

jfeldmark@howardcountymd.gov

**From:** Sigaty, Mary Kay**Sent:** Monday, August 10, 2015 10:04 AM**To:** Feldmark, Jessica; councilrecords**Subject:** FW: CB37-2015/ ZRA155

Testimony for CB 37-2015.

**From:** "Laima.Rivers" <[laima.rivers@verizon.net](mailto:laima.rivers@verizon.net)>**Date:** Saturday, August 8, 2015 at 5:32 PM**To:** Jon Weinstein <[jweinstein@howardcountymd.gov](mailto:jweinstein@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>**Subject:** CB37-2015/ ZRA155

I would like to take this opportunity to let you know our feelings on the case: ZRA155-Miller-Home Based Contractors

We have known the Miller family for over 20 years and fully support keeping their business at their current location.

This is the kind of family any one would be lucky to have as neighbors. As an example, several years ago following an unusually big snow storm, their sons came to the rescue of Herons Flight in Laurel. A couple of days had passed since the storm and still no snow plow had shown up on our street. Imagine our surprise, when we finally heard the sound of equipment cleaning the street and when we looked out the window, there were the Miller boys plowing a path down the street. We had neither asked for nor expected their help, but there they were. We don't live on the same street as the Millers—we live about half a mile from the Miller residence, but still, they came, helping where they could. Who wouldn't want people like this living in their neighborhood?

The Miller Business is neither an eyesore nor generates any more noise than a neighbor who has a diesel engine pick up truck—no more noise than a lawn mower. I honestly cannot understand why anyone would complain about their business.

Recently, we had a major renovation in our home. In talking to the skilled laborers—carpenters, electricians, plumbers, etc. it was a bit disquieting to hear that none of these craftsmen lived in the area. In fact, they came over from the Eastern Shore because as they put it, they couldn't afford to live here. The contractor we used is based in Carroll County; the cabinet store is located in Montgomery County. All these jurisdictions benefitted from our business, but not Howard County. I mention this because I feel very strongly that these are lost



opportunities. As this country slowly recovers from our great recession, 4 out of 5 new hires take place at small businesses. We need to promote Howard County as a jurisdiction that welcomes small businesses; by doing so, county residents benefit in a variety of ways --from increased job opportunities, to the convenience of patronizing local businesses, and of course, by increasing our tax base. We need to bring in more small businesses to Howard County and hold on to the ones we already have.

I sincerely hope you do whatever needs to be done to keep the Millers and their business right where it is.

Thank you for your consideration.

Laima and Tom Rivers  
8822 Herons Flight  
Laurel, MD 20723

**Testimony Regarding Bill 37-2015 (ZRA-155)**

Kim [kmorgen@verizon.net]

Sent: Thursday, July 30, 2015 9:18 PM

To: Sigaty, Mary Kay; CouncilMail; Doug Isokait [isokait@verizon.net]

**FILE COPY**

Dear Councilperson Mary Kay Sigaty:

As a resident of Rosemont Drive, I want to submit testimony encouraging the County Council to vote "no" to Bill 37 - 2015 (ZRA - 155). If approved the bill would encourage businesses such as Miller Construction to operate in residential zones.

I have experienced what this can mean.

Before the recent zoning violation, Miller Construction was frequently moving equipment that could be heard (backup beeping, engine noise, equipment noise) and seen from the back deck, disturbing outdoor activities and the relative quiet of the wooded back yard.

I do not want to see this activity resume. I believe that even if a Hearing Examiner imposes conditions on Miller Construction, the construction activity will negatively affect the neighborhood's outdoor environment and my wooded back yard which is a MD DNR Certified Maryland Wild Acres, and A NWF Wildlife Backyard Habitat.

As a taxpayer, I am also concerned about traffic and the effect of heavy trucks on residential roads. I should not have to experience residential-based construction equipment (trailers with front end loaders/bobcats and dump trucks) on neighborhood roads, nor should I be asked to pay for any street maintenance as a result. I am further concerned that construction yard activities may lower home resale values.

I believe that the "home-based contractor" as envisioned in the current regulations for R-20 intends to accommodate businesses such as plumbers, HVAC, and similar home services-not construction contracting yards and warehouses. Encouraging such businesses in residential neighborhoods, even through a Special Exception process, is not preferred.

Economic arguments that focus on the need to encourage business and jobs by co-locating construction related contractors in residential neighborhoods are simply false. Such operations have zones established for them. Miller Construction belongs in a commercial space, not literally in my backyard. I agree with the Howard County Department of Planning and Zoning's April 17, 2015 Technical Staff Report recommending denial of ZRA - 155, noting that 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.

There are more appropriate zoning districts for construction contractors, and R-20 is not one of them.

Let's keep our neighborhoods family friendly and peaceful.

Kim

**FILE COPY**

Ms. Sigaty and Council Members,

I'm writing to oppose approval of Bill 37-2015(ZRA-155). My understanding is that the impetus behind changing the zoning regulations is the fact that the Millers' masonry construction company was operating out of compliance with Howard County Zoning Regulations for some time and that they were caught. They hired a law firm and have since proposed changes to the regulations that would bring them into compliance assuming they received a Special Exception to operate in the R-20 zoning district.

My first question is why not ask them to come into compliance with current regulations instead of change the law because they won't follow it? This could mean that they move major equipment storage and operations elsewhere, there are plenty of commercial areas where construction companies would be welcomed and where they could grow without impacting residents, as most companies strive to do. To my knowledge there is no data, research, or study that indicates the need to change current laws.

The view from my deck often includes concrete mixers and occasionally other pieces of equipment needed to run what is euphemistically called a "home-contracting" business. I ask that you visit the Miller property yourself, examine the equipment needed to run the company, the structures that have been erected, and consider those neighbors who are impacted. Would you approve the change in law if this was your back yard? Again, it seems like changing the zoning law because someone was caught violating it is not the way to run the county. Let the regulations stand as written. There is no need to allow such uses in residential zones when more appropriate districts are already designated for such uses.

Thank you for taking the time to read this and I appreciate your consideration of the impact on the neighbors who actually see and hear the operations.

Respectfully,

Jason Daigle  
10466 Rosemont Dr  
Laurel, MD 20723

FILE COPY



**Testimony & Disposition of Bill No. 37-2015(ZRA-155)**

Mark Glick [glickmk@verizon.net]

Sent: Saturday, July 25, 2015 1:48 PM

To: CouncilMail

Cc: Clay, Mary

**FILE COPY**

The purpose of this letter is to express my opposition to amending Section 131.0.N of the County Zoning Regulations as proposed by Jonathan and Sonya Miller in petition ZRA – 155.

I was briefed on a list of talking points, however it is a simple as this. Living behind and in close proximity to the millers sucks!

Its is like living next to a 24 hour construction zone. The constant noise of heavy construction equipment is extremely annoying , When I come home from a hard days works it would be nice to relax, not listen to the constant noice of heavy equipment behind my house. Besides the noise the ground rumbles under my home because of the heavy equipment! I implore you not to allow this business the Millers have created in a residential neighborhood to expand.

Thank you for your consideration.

Mark Glick

Rosemont Community

glickmk@verizon.net

FILE COPY

**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

To the extent this electronic communication or any of its attachments contain information that is not in the public domain, such information is considered by MedImmune to be confidential and proprietary. This communication is expected to be read and/or used only by the individual(s) for whom it is intended. If you have received this electronic communication in error, please reply to the sender advising of the error in transmission and delete the original message and any accompanying documents from your system immediately, without copying, reviewing or otherwise using them for any purpose. Thank you for your cooperation.



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

**FW: Disposition of Bill No. 37-2015(ZRA-155)**

Sigaty, Mary Kay

**Sent:** Tuesday, July 28, 2015 2:37 PM

**To:** Sayers, Margery

**FILE COPY**

**From:** Doug [mailto:isokait@verizon.net]

**Sent:** Thursday, July 23, 2015 11:55 AM

**To:** Sigaty, Mary Kay

**Cc:** Clay, Mary

**Subject:** Disposition of Bill No. 37-2015(ZRA-155)

Ms. Sigaty:

Our association was taken off guard by the July 20, 2015 hearing on Bill 37-2015(ZRA-155). We were not aware that the Council was hearing testimony on that date, only learning of the hearing a hour before it commenced. We are disappointed about the lack of notification, especially given the fact that we are on record as opposing changing the Zoning Regulations to allow home-based contractors in R-20 districts.

We feel that the lack of notification may contribute to significantly biasing the Council into favoring the change. We feel that the issue relates to sound land use, and is not a matter of personal character or private interests. Shifting the issue into this realm does not promote good policy analysis, and does not adequately consider the interests of all County residents.

Again, we agree with the April 17, 2015 Technical Staff Report supporting our position. Arguments to the contrary suggesting "location inefficiencies," jobs, and the health of business in Howard County are simply not supported—empirically or in theory.

We ask that you inform us of the disposition of the bill, and to please let us know when future actions are pending.

Douglas Isokait,  
Secretary  
Rosemont Homeowners Association





**Fwd: We oppose Bill 37-2015 (ZRA-155)**

Doug [isokait@verizon.net]

Sent: Sunday, July 26, 2015 11:49 AM

To: CouncilMail

Cc: Sigaty, Mary Kay

**FILE COPY**

Please include this testimony as regards the upcoming consideration of Council bill 37-2015 (ZRA-155).

Douglas Isokait, Secretary  
Rosemont Homeowners Association  
isokait@verizon.net

-----Original Message-----

From: Eckert  
Date: Jul 26, 2015 11:20:47 AM  
Subject: We oppose Bill 37-2015 (ZRA-155)  
To: "isokait@verizon.net" <isokait@verizon.net>

Dear Mr. Isokait,

I am writing to oppose Bill 37-2015 (ZRA-155) that would allow home contractors to operate their businesses in R-20 districts.

We live at 10458 Rosemont Drive. We chose this property, which is at the end of a cul-de-sac, because of its rural location and the peace and quiet it affords us, especially my wife, who works from home. Our entire property, and that of several of our neighbors in Rosemont, adjoins the Millers'.

Allowing Mr. Miller to operate a construction business -- which he admits he has done illegally for years before asking for this exception to the law -- would lead to noise at all hours of the day and depress our property values.

After we moved in here, we found out that the previous owners of our property moved out because of the noise from Mr. Miller's construction business.

We support your efforts, and those of our Homeowners' Association, to oppose this.

Please forward my message to the proper authorities.

Sincerely,

Mark H. Eckert  
10458 Rosemont Drive  
Laurel, MD 20723



**FW: ZRA 155-Response to County Council Meeting**

**FILE COPY**

Sigaty, Mary Kay

**Sent:** Tuesday, July 28, 2015 4:13 PM

**To:** Feldmark, Jessica

**Cc:** Sayers, Margery; councilrecords

**Attachments:** Document #1.pdf (169 KB) ; Document #2.pdf (349 KB) ; Document #3.pdf (313 KB) ; Document #4.pdf (77 KB) ; Document #5.pdf (278 KB) ; Document #6.pdf (202 KB) ; Document #7.pdf (277 KB) ; Document #8.pdf (165 KB) ; Document #9.pdf (187 KB)

CB37-2015.

**From:** Jon Miller [mailto:jon@millercci.com]

**Sent:** Tuesday, July 28, 2015 3:15 PM

**To:** Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg

**Subject:** ZRA 155-Response to County Council Meeting

Dear Council Members,

We appreciate the opportunity that was provided to us at the County Council meeting for you to hear the amendment for ZRA 155.

It was a long evening with many individuals testifying and much information to digest. There was also untrue testimony from the individual testifying against the ZRA and subsequently from an additional letter from his neighbor. There was no opportunity to rebut any of those claims so we want to set the record straight.

We will provide a chronological timeline of pertinent facts along with documents for substantiation.

May 11 1990 - Millers purchase property\*1

September 1990 - BGE notifies Millers of intent to purchase property.

January 23 1991 – Jon Miller attends Rosemont home owners association meeting.\*2

February 1991 – Jon Miller contacts attorney referred by Rosemont.\*3

April 29 1991 – Millers enter a contract with BGE.\*4

October 21 1999 – Millers are notified of a zoning violation by Howard County DPZ and activities are stopped.\*5

May 14 2014 – Millers are notified of a zoning violation by Howard County DPZ.\*7

BGE

Jon and Sonya Miller purchased 10430 Shady Acres Lane on May 11 1990\*1. Shortly afterwards BGE contacted us to notify us of their intent to purchase a portion of the property, under threat of eminent domain if we would not settle. We didn't want to sell and were invited to the Rosemont home owners association (RHOA) to try to prevent BGE from forcing us to do this.\*2 RHOA provided us with a number for a land use attorney, William Canby, whom was considered the best in the area at that time\*3. We contacted Mr. Canby and explained our predicament. He stated that there was less than a 1 percent probability that we would prevail against BGE and any money that we paid him to represent us in our case would be wasted. Due to the legal advice provided by the attorney that RHOA had given us, we entered a contract with BGE on April 26 1991.\*4

Mr. Jim Erbacher sent an email to Mary Kay Sigaty's office after the County Council meeting stating,"Mr Miller responded that he believed the property's value would diminish if he waited for it to be condemned." This is patently false. After receiving the telephone number for William Canby, I never spoke with anyone from RHOA on this matter again.

Dirt Bikes

On October 21 1999 an Inspector with Howard County DPZ visited our property to tell us we were in violation

ИГЕ СОЪА

for a dirt bike track I had built for my children who were 8 and 11 years old.\*5 We immediately ceased that activity and removed the dirt piles. It was legally resolved by May 22 2000.\*6

Mr. Erbacher claimed that we had received a written complaint from RHOA about the children's dirt bikes. This is also blatantly untrue. My children did have dirt bikes, but we never (not once) had anyone from Rosemont complain to us or indicate that there was a problem.

#### ZRA 155

At the County Council Meeting Mr. Dave Novak stated that our business is getting "bigger and bigger". In 2007 Miller Construction Inc. had 39 employees.\*8 Since then, due to a change in the economy, we have had to downsize. We now employ 16 persons, which includes my wife and 2 sons.\*9 There is only 1 full time employee that comes to our home other than my family. The self-propelled, outdoor equipment owned by Miller Construction includes: 2 forklifts, 1 bobcat, 1 mini excavator and one man lift. We also have 4 pickup trucks, 2 stake body trucks and 2 trailers. Two of the pickup trucks are employee take home vehicles that do not come to our home. Since 2008 we have purchased 1 new pickup truck in 2010 that replaced a truck that was sold, a trailer that replaced one that needed extensive repair and a man lift. A net gain of 1 item.

The only activities that happen at our home is loading or unloading trucks. Brick, block and concrete are delivered on jobsites by our suppliers. The things that we typically load onto trucks are scaffolding, boards, wheelbarrows, shovels, etc. This is done a few times per week, predominately by hand. Unloading or loading a truck for work usually takes a few minutes but not over an hour. These activities usually occur on weekdays between noon and 5 PM but never before 7AM or after 7PM.

We have been a part of Howard County for 25 years, having raised our children, helped those in need and made lasting friendships. We are approachable, compassionate and appreciate the things that the Howard County community represents. We have never had terse discourse with anyone in our area. We are not perfect and have made mistakes but have always tried to remedy the situations expediently.

Thank you for your time.

Jon and Sonya Miller

Document 1

COPY

This Deed, MADE THIS 11th day of May

in the year one thousand nine hundred and ninety by and between JOHN W. WILSON and MONTIE A. WILSON, his wife, parties

of the first part, and JONATHAN L. MILLER and SONYA A. MILLER, his wife, parties

of the second part.

The actual consideration paid or to be paid is \$230,000.00

WITNESSETH, That in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said JOHN W. WILSON and MONTIE A. WILSON

do es grant and convey to the said JONATHAN L. MILLER and SONYA A. MILLER, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives ~~successors~~ and assigns, in fee simple, all

that lot of ground situate in Howard County

and described as follows, that is to say:

FOR DESCRIPTION SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

BEING the same property described in a Deed dated July 11, 1986 and recorded among the Land Records of Howard County in Liber 1733, folio 188, which was granted and conveyed by Mildred H. Riegber and John W. Wilson and Montie A. Wilson, his wife, unto John W. Wilson and Montie A. Wilson, his wife, the Grantors herein.

Document 2

TO: Rosemont BG&E Committee  
FROM: Barbara Wolfert  
RE: Jan. 23, 1991 Meeting Notes

On Jan. 23, a committee meeting was held at Cheryl and Tracy Williams' house from 8 p.m. to approximately 10 p.m. Present were: Tracy and Cheryl Williams, Janet and Jim Erbacher, Nick Pace, Arlene Anderson, Lucy Caffrey, Mike Tomasino, Dave Novak, Rob Dobry, Geoff Griffith, Alan Carey, John Stier, and Barbara Wolfert. Also present was John Miller, the neighbor to the east of Rosemont who was also approached by BG&E, of 10390 Scaggsville Rd. Tracy Williams presided.

John Miller stated that he was approached by Tuck Tyler of BG&E Real Estate. BG&E wants to purchase 1.3 acres out of his 4 acres. His barn would be 20 ft. from the edge of the ROW.

On Jan. 14, during John's absence, BG&E delivered their response to John's letter of Nov. 21, 1990 to Rob Dobry. A copy of this is attached.

Also, while John was gone, on Jan. 22, 1991, BG&E gave Rob Dobry their official proposal to Rosemont, the UNRESTRICTED EASEMENT OPTION, a Proposed ROW Acquisition drawing, and a picture of the poles. Copies of these are also attached to this memo.

Tracy stated that BG&E want rights to cut down trees on his, Griffiths' and Novaks' property, at .7 acre x \$49,000 x 35%

Previous Action Items:

Alan Carey consulted with Mary Macheski about talking to the Milk Producers, then visited George Walgrove, Jr., Manufacturing Division Manager of the Milk Producers. Walgrove told Alan he was unaware of BG&E's desire for a ROW across their land (which is west of Rosemont's Lot 37). Alan and Walgrove walked to the Milk Producers' property to see the survey stakes. Walgrove expressed concern that the power lines would interfere with future development of this property. The committee then discussed whether the presence of power lines would help the Milk Producers in getting their land rezoned as non-residential.

John Stier discussed his contacts with government officials. He read the letter Senator Sarbanes sent BG&E in response to the letter which John had sent to Sarbanes. John asked Marty Madden's office to check with the State of Md. to see if BG&E has permission to use State property along Rt. 216 as part of the ROW. BG&E needs to use 4 properties for their proposed ROW: St. of Md. Highway Commission, John Miller's, Rosemont's and the Milk

TO: Rosemont BG&E Committee  
FROM: Barbara Wolfert  
RE: <sup>Feb. 13</sup>~~Jan. 23~~, 1991 Meeting Notes

On Feb. 13, a committee meeting was held at Cheryl and Tracy Williams' house at 8 p.m. Present were: Tracy and Cheryl Williams, Jim Erbacher, Mike Tomasino, Linda Dobry, Geoff Griffith, Alan Carey, John Stier, and Barbara Wolfert. Tracy Williams presided.

Cheryl had copies of area plats spread out on the kitchen table which she had obtained from Howard Co. Planning & Zoning. Cheryl mentioned she would try to get copies of additional plats.

Tracy has been in contact with John Miller, our neighbor. Miller wanted Canby's phone number.

The committee discussed whether or not to hire an attorney now. We decided to wait to see whether or not PSC would reopen hearings. (Refer to John Stier under Previous Action Items.)

The committee discussed the possible effects of publicity, i.e., TV and newspapers. Would this publicity do us any good? Health and EMF won't be an issue with PSC.

The committee discussed BG&E's Unrestricted Easement Option and objections were voiced to various parts of it. The committee discussed whether or not to start listing items we would want in an agreement with BG&E if we have to negotiate with them. Again, we decided to wait on PSC's actions.

#### Previous Action Items:

Alan Carey, Dave Novak and Tracy Williams visited the PSC and reviewed the 600+ pages of the testimony presented in 1971 at the hearings regarding the BG&E proposed 500KV ROW (Case #6418).

Cheryl Williams visited Howard County Planning and Zoning to copy the plats mentioned above and to review the transcripts of the hearings Howard County had with Pepco regarding Pepco's 500KV ROW through the county. Cheryl copied some of the pages, and she read from these at the meeting. Pepco managed to discount every argument presented at the hearings. Pepco had many lawyers and "experts" at their disposal.

Alan called George I. Walgrove, Jr. of the Milk Producers Assoc. Walgrove is expecting BG&E to contact him soon.

John Stier phoned PSC and talked to Frank Fulton, Director of





BALTIMORE GAS AND ELECTRIC COMPANY

VENDOR CODE \$\$

CHECK NO. 1907398

OUR REF. NO.	INVOICE NO.	PURCHASE ORDER	INVOICE DATE	DISCOUNT	NET AMOUNT	
S10178			4/26/91		\$3,500.00	<i>Document 4</i>
PAYMENT FOR OPTION - 500 KV LOOP			HIGHRIDGE	- PARCEL 1C3		
4/29/91			TOTALS ▶		\$3,500.00	DETACH THIS PORTION BEFORE DEPOSITING CHECK

Document 5

**HOWARD COUNTY GOVERNMENT  
Department of Planning and Zoning**

**ZONING VIOLATION FORMAL NOTICE**

**Case Number:** ZV 99-31

**Date of Notice:** December 3, 1999

**Premises in Violation:**  
10430 Shady Acres Lane  
Laurel MD

**Responsible Party:**  
Jonathan L. Miller  
Sonya A. Miller  
10430 Shady Acres Lane  
Laurel MD 20723

Tax Map 47, Block 7, Parcel 120

An inspection of the premises identified above was conducted on October 21, 1999. You are hereby notified that the following violations of the Howard County Zoning Regulations exist on the premises:

Zoning Regulation Cited	Violation
108.B and 108.C	The establishment or use of a dirt bike/motorcycle track on R-20 (Residential: Single) zoned property

**The violations listed above must be corrected and the property brought into compliance with the Zoning Regulations within 30 days of the date of this notice. If you fail to meet this deadline, you will be subject to the following actions, pursuant to Title 16 and Title 24 of the Howard County Code and Section 102 of the Howard County Zoning Regulations: (1) civil penalties carrying fines of \$250 to \$500 for each day that the violation persists, (2) criminal penalties, and (3) an injunction or other appropriate action in a Court of Law.**

Upon receipt of this notice, please contact Regulations Inspector Joe Lettich by calling (410) 313-2393 or writing to the Department of Planning and Zoning, Division of Public Service and Zoning Administration, 3430 Court House Drive, Ellicott City, MD 21043.

Any person aggrieved by a decision of the Department of Planning and Zoning may file an appeal to the Board of Appeals. An appeal to this notice must be filed within 30 days of the date of the notice and must state the alleged error or other grounds for the appeal. Instructions and forms for filing an appeal may be obtained from the Department of Planning and Zoning.

*Joe Lettich*

\_\_\_\_\_  
Joe Lettich, Regulations Inspector  
Division of Public Service and Zoning Administration

*JPL*  
JRL/HJL:vv.notices.ZV-99-31  
**SHERIFF'S SERVICE**

BALTIMORE GAS AND  
ELECTRIC COMPANY

v.

JONATHAN L. MILLER, *et al.*

ENTERED  
MAY \*28 2000

CLERK, CIRCUIT COURT  
HOWARD COUNTY

IN THE  
CIRCUIT COURT  
FOR  
HOWARD COUNTY

CASE NO.:  
13-C-99-04825 42925

\* \* \* \* \*

CONSENT ORDER

WHEREAS, this matter came before the Court on the Complaint of Baltimore Gas and Electric Company against Jonathan L. Miller and Sonya A. Miller for damages relating to a dispute between the parties relating to a Parcel owned by Baltimore Gas and Electric Company and generally designated as Parcel 1022 of Tax Map 47, Block 7, in Howard County, located north of 10430 Shady Acres Lane in Howard County, Maryland; and

WHEREAS, the matter is presently scheduled to come to trial on the merits on April 27, 2000; and

WHEREAS, the parties have entered into a mutual and voluntary Settlement Agreement resolving the dispute, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the parties now desire to avoid the burden, expense and inconvenience of further litigation by finally settling and compromising all of the matters which were asserted or could have been asserted by any of them in connection with the Complaint, and for that purpose alone consent to entry of this order.

TRUE COPY TEST:

*Margaret D. Loppaport*

CLERK



**HOWARD COUNTY GOVERNMENT**  
*Department of Planning and Zoning*

**ZONING VIOLATION FORMAL NOTICE**

**Case Number:** CE14-24  
**Premises in Violation:**  
10430 Shady Acres Lane  
Laurel, MD. 20723

**Date of Notice:** May 14, 2014  
**Responsible Party:**  
SERVE: Jonathan L. Miller  
10430 Shady Acres Lane  
Laurel, MD. 20723-1214

Tax Map 47, Block 7, Parcel 120

An inspection to the premises identified above was conducted on May 13, 2014 at 1:00 P.M. You are hereby notified that the following violations of the Howard County Zoning and/or Subdivision and Land Development Regulations exist on the premises:

Zoning Regulation Cited	Violation
108.0.B&C, 101.0.O	<p>The maintenance a contractor's business including the storage of related vehicles, equipment, and materials on R-20 (Residential: Single) zoned property.</p> <p><b><u>Corrective Action:</u></b> To abate this notice: cease operation of the contractor's business, remove all related vehicles, equipment, and materials from the property.</p>

The violations listed above must be corrected and the property brought into compliance with the regulations within 30 days of the date of this notice. If you fail to meet this deadline, you will be subject to the following actions, pursuant to Title 16 and Title 24 of the Howard County Code: (1) civil penalties carrying fines of \$250 to \$500 for each day that the violation persists, (2) an order of abatement issued by the Hearing Examiner or the Board of Appeals, and (3) an injunction or other appropriate action in a Court of Law. Pursuant to Title 16, failure to pay any civil fines assessed or any costs incurred by the County for work done to abate the violation shall become a lien on the property.

Upon receipt of this notice, please contact me by calling (410) 313-2350 or writing to the Department of Planning and Zoning, Division of Public Service and Zoning Administration, 3430 Court House Drive, Ellicott City, MD 21043.

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this violation notice are true and that I am competent to testify on these matters.

  
Curtis Braithwaite, Regulations Inspector  
Division of Public Service and Zoning Administration

ANL

ANL/CB:cb

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**



Form 941 for 2007: Employer's QUARTERLY Federal Tax Return  
Department of the Treasury - Internal Revenue Service

970107

OMB No. 1545-0047

Report for this Quarter of 2007 (Check one)

1: January, February, March

2: April, May, June

3: July, August, September

4: October, November, December

OMB 25011 03/05/07

39

Part 1: Answer these questions for this quarter.

1 Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), Dec. 12 (Quarter 4) ... 1

2 Wages, tips, and other compensation.

3 Total income tax withheld from wages

4 If no wages, tips, and other compensation

5 Taxable social security and Medicare:

5a Taxable social security wages. ....

5b Taxable social security tips. ....

5c Taxable Medicare wages & tips. ....

5d Total social security and Medicare

6 Total taxes before adjustments (lines 1-5)

7 TAX ADJUSTMENTS (Read the instructions for Form 941-V.)

7a Current quarter's fractions of ce

7b Current quarter's sick pay. ....

7c Current quarter's adjustments for tips

7d Current year's income tax withheld

7e Prior quarter's social security and Medicare

7f Special additions to federal income tax

7g Special additions to social security and Medicare

7h TOTAL ADJUSTMENTS (Combine lines 7a-7g)

8 Total taxes after adjustments (Combine lines 6 and 7h)

9 Advance earned income credit (EIC) payment

10 Total taxes after adjustment for advance EIC

11 Total deposits for this quarter, including advance EIC

12 Balance due (If line 10 is more than line 11. Follow the instructions for Form 941-V.)

13 Overpayment (If line 11 is more than line 10. Follow the instructions for Form 941-V.)

For Privacy Act and Paperwork Reduction Act

Document 8



Form **941 for 2015:** **Employer's QUARTERLY Federal Tax Return**  
 (Rev. January 2015) Department of the Treasury— Internal Revenue Service

970114

OMB No. 1545-0029

Employer identification number (EIN) 52-2069865

Name (not your trade name) MILLER CONSTRUCTION, INC.

Trade name (if any) Miller Construction, Inc.

Address 10430 SHADY ACRES LN  
LAUREL MD 20723-1214

**Report for this Quarter of 2015**  
 (Check one.)

1: January, February, March

2: April, May, June

3: July, August, September

4: October, November, December

Instructions and prior-year forms are available at [www.irs.gov/form941](http://www.irs.gov/form941).

QBMT2901 03/23/15 FW2

Read the separate instructions before you complete Form 941. Type or print within the boxes.

**Part 1: Answer these questions for this quarter.**

1 Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), Dec. 12 (Quarter 4) ..... 1

15

2 Wages, tips, and other compensation ...

3 Federal income tax withheld from wages,

4 If no wages, tips, and other compensation

5 a Taxable social security wages .....

5 b Taxable social security tips .....

5 c Taxable Medicare wages & tips .....

5 d Taxable wages & tips subject to Additional Medicare Tax withholding ....

5 e Add Column 2 from lines 5a, 5b, 5c, and 5

5 f Section 3121(q) Notice and Demand – Ta

6 Total taxes before adjustments. Add lines

7 Current quarter's adjustment for fractions

8 Current quarter's adjustment for sick pay

9 Current quarter's adjustments for tips and

10 Total taxes after adjustments. Combine lines

11 Total deposits for this quarter, including overpayments applied from Form 941-X, if any, in the current quarter .....

12 Balance due. If line 10 is more than line 11

13 Overpayment. If line 11 is more than line 12

► You MUST complete both pages of Form 941.

For Privacy Act and Paperwork Reduction Act information, see the instructions.

Document 9



# Free WiFi installed in historic Ellicott City

By AMANDA YEAGER  
ayeager@tribune.com

Visitors to historic Ellicott City will now have access to free WiFi as they stroll down Main Street, Howard County Executive Allan Kittleman announced Monday.

The WiFi network, FreeHoCoGov, was installed over the weekend and is accessible from Fels Lane down to the Baltimore County line.

Kittleman said access to free WiFi would make the town "much more inviting" to visitors and locals alike.

"Whether you want to find what's on the menu of a local restaurant or find out if there's space on a ghost tour," visitors can connect to the web to find the answer, he said.

The announcement came as part of a progress report on improvements to Ellicott City. Construction on Parking Lot E, near the intersection of Main Street and Court House Avenue, a new retaining wall behind the lot and a staircase connecting the Circuit Court House to the town below were also completed this weekend, according to county officials.

And a recently formed task force focused on finding ways to reduce flooding in Ellicott City has met several times and will soon turn to considering specific projects, according to Councilman Jon Weinstein, who represents Ellicott City in District 1.

Kittleman said the improvements were "all about sustainability." His budget for fiscal year 2016 included \$2.5 million for Ellicott City projects.

Howard County taxpayers will not incur a cost for the new WiFi network, according to the county's technology director, Chris Merdon. Funding for the project, which is connected through Verizon, comes from a fund that generates revenue by leasing out Howard's Inter-county Broadband Network connection, or ICBN, to local businesses.

Debra Korb, executive director of the Ellicott City Partnership, a group of business owners, preservationists and other stakeholders, said free WiFi would be a plus for Main Street businesses. While the network is not guaranteed to work in shops and restaurants, Merdon said service would likely extend into the buildings.

The new staircase and parking lot will also contribute to the vibrancy of the town, Korb added. Lot E includes 30 new free

spaces — parking is "the biggest concern for our business owners," she said.

The 66-step staircase was a project launched by former County Executive Ken Ulman to address parking concerns in town by connecting Main Street with the court house parking lot. Construction on the stairs, retaining wall and parking lot — which is paved with a pervious concrete — began in June 2014.

Environmental work is underway with funding for a local group, the Restoring the Environment And Developing Youth program, to clear channels in the old town that are blocked by debris, according to Weinstein. Longer term plans to renovate the channels are in the works, he said.

"I'm glad to see so much progress in the first few months," Weinstein said of Kittleman's Ellicott City initiatives.

## POLITICAL NOTEBOOK

# Council considers four zoning regulation amendments



Amanda Yeager

AYEAGER  
@TRIBUNE.COM

Among the legislation that the Howard County Council is considering before it breaks for an August recess are four potential changes to the county's zoning code.

One of the proposals, which would amend regulations for home-based contractors to allow the businesses as a conditional use on land zoned for low-density,

single-family home neighborhoods, attracted a small crowd of proponents at the council's hearing Monday night.

They were there to support Jonathan and Sonya Miller, a North Laurel couple who run a contracting business out of their home on Shady Acres Lane, south of Route 216.

Although their property is not zoned for the use (Jonathan Miller says he mentioned his business plans to a county employee before buying the property in 1990, and the employee told him it was an appropriate use for the land), the two have operated their business for more than two decades without any problems. Recently, however, a county inspector cited them for violating zoning regulations, and they have been faced with the prospect of moving their business if they cannot find a way to meet the rules.

To bring their property into compliance, the Millers are proposing a regulation change that would allow home-based con-

tractors to operate in the R-20 district if they are approved for a conditional use. Currently, contractors are only allowed as a conditional use in rural conservation (RC) and rural residential (RR) zones.

The proposed change would also allow home-based contractors to operate on two acres of land, with a 30-foot setback from lot lines for buildings and a 50-foot setback for outdoor parking or storage areas. The current regulations require three acres and 50- and 100-foot setbacks, respectively, for land zoned RR and RC.

Several neighbors testified that the Millers were conscientious neighbors who paved their gravel lane and plowed the street and shoveled driveways in the winter.

"I can't see a person who would not get along with this guy," said James Hunt, whose mother lives on the same street as the Millers.

"I'm a very light sleeper and I'm up quite often all night long, but never once have I been disturbed by anything that happened next door to us," said Myron Katzoff, who lives next door with his wife, Ellen Katzoff. Their bedroom overlooks the Millers' property.

But David Novak, who lives on Rosemont Lane, which backs up to the Millers' property, told the council he has been disturbed by noise in the backyard and said he has concerns that their business is growing.

Several Rosemont residents have been awakened by construction activity as early as

4:30 a.m., he said.

This isn't the first time Rosemont residents have butted heads with the Millers; in 1999, the neighbors argued over a track the Millers built for their sons to practice dirt biking in their backyard, according to a news report from the time.

But Jonathan Miller said he was not making any noise "outside of the recommended times."

He said most of the business on his property consisted of "paper pushing."

"The only noise I'm making on my property is growing grass," he said.

Council members said they would have to examine the consequences of changing zoning code to accommodate one business.

"Do understand that whatever decisions we make here apply to other parcels," Councilman Greg Fox, a Republican from Fulton, told the Millers.

Changing code to help businesses stay or thrive is a theme of the zoning regulation amendments in front of the council this month, which were all submitted by business owners.

The three others proposals include a change to the office transition district to allow personal service businesses — such as barber shops, nail salons and laundromats — adjacent to residential areas (submitted by Demirel Plaza LLC, which owns an Ellicott City office park); the addition of commercial schools as a matter of right in the B-1 business zone (submitted by C. Godfrey Garvey, who would like to lease space to a driving school);

and the elimination of a maximum building length for apartments in the R-APT zone.

The R-APT zoning amendment was submitted by Michael L. Buch, who has plans to develop apartments on a plot next to Maple Lawn.

Sang Oh, a lawyer for Buch, said the 120-foot length limitation, which could be extended to 300 feet with approval from the Department of Planning and Zoning, was not realistic for a district that allows between 25 and 30 housing units per acre.

The resulting apartments, he said, would need to incorporate structured parking, surrounded by the residences in a donut shape — which would necessitate a much longer building.

"I understand a lot of people are not a fan of high-density housing; that's why we don't have it everywhere," Oh said, but for sites zoned that way, "we would suggest 120 and 300 [feet] are not workable limits."

Four people testified against the R-APT zoning change, including Lisa Markovitz, who suggested the council create a variance that would require a development to go through an approval process before being granted a length extension.

Council Chairwoman Mary Kay Sigaty, a Democrat from west Columbia, said she understood Buch's dilemma: when the council created the R-APT district during the last comprehensive zoning process, "inadvertently, even though we said yes to two areas of higher density apartments, we made it impossible to do that."

**Re: Council Bill 37-2015**

bhfoston@comcast.net

**Sent:** Wednesday, July 22, 2015 9:19 AM

**To:** CouncilMail

**Cc:** Blaumanis, Dace; Terrasa, Jen; Sigaty, Mary Kay

**FILE COPY**

Good Morning All:

Senior Moment - I held on to the first news that Mr. Miller lawn mowing is the problem but that was cleared up as to what his business about. Sorry about.

Ok, we can control the noise from Mr. Miller's business. You may want to investigate the noise from souped up vehicle around the area.

However, I still support CB 37-2015 unless I found out different.

Bibi H. Perrotte-Foston  
Concerned Citizen.

---

**From:** bhfoston@comcast.net  
**To:** councilmail@howardcountymd.gov  
**Cc:** "Dace Blaumanis" <dblaumanis@howardcountymd.gov>, "Jen Terrasa" <jterrasa@howardcountymd.gov>, mksigaty@howardcountymd.gov  
**Sent:** Thursday, July 16, 2015 4:13:31 PM  
**Subject:** Council Bill 37-2015

Dear County Council,

When I heard about Mr. Miller's lawn mowing business in a R20 zone, I got curious. So I contacted Mr. Miller and questioned him.

Wednesday, July 15, 2015 about 6:30 pm I visited Mr. Miller's lawn mowing business at 10430 Shady Acres Lane.

To be short:

I was impressed. The location is secluded, ideal and well kept. Mr. Miller provides job for about 16 people.

Economical and environmental, Mr. Miller Lawn Mowing Business is worthy staying where he has it presently.

Small business is the back bone of the American economy. Most small business operates from the owner's home.

Please support Jonathan and Sonya Miller.

Thank you.

Bibi H. Perrotte-Foston  
Concerned Citizen



**FW: Miller Petition for R-20 Zoning Regulation Amendment**

Clay, Mary

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

**FILE COPY**

Testimony for CB 37-2015.

Mary T. Clay | Special Assistant to Council Chairperson Mary Kay Sigaty  
Howard County Council, District 4  
3430 Court House Drive | Ellicott City, MD 21043  
Office: 410.313.2001 | Fax: 410.313.3297

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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  
**Importance:** High

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.

FILE COPY

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  
[JErbacher1@verizon.net](mailto:JErbacher1@verizon.net)  
301-498-5315



CB37-2015

July 19, 2015

My name is Jean Hunt. I have been a neighbor of the Miller Family for 25 years. In that time, they have been wonderful neighbors, always willing to help neighbors at any time, such as plowing driveways and the road. They are also responsible for having the road paved. As far as I am concerned, their business has never been a problem to us and they have been ideal neighbors.

Jean Hunt

10409 Shady Acres Lane

Laurel, MD 20723

July 19,2015

My wife and I have resided at 10433 Shady Acres Lane for a little more than the last 13 and one-half years. Jon and Sonya Miller are our next door neighbors. They have been wonderful neighbors and they have made numerous personal contributions to the quality of life of those living on our lane. In addition, they have operated a reputable and exemplary small-business enterprise that we want to continue. If Howard County hopes to continue to attract such business activity, we believe it is in the best interest of our county to grant the exception they have requested.

Sincerely yours,

Myron J. Katzoff

Re: Legislative Public Hearing

CB37-2015 ZRA 155

We have lived next door to the Millers since we moved into our house 14 1/2 years ago. During that time they have been wonderful neighbors: caring, helpful, reliable, and considerate.

Although they run their business from their home, it is done so unobtrusively that for a while we didn't even know it existed. There has been no noise (other than normal household noise that is expected when raising two active boys, now young men) and no more traffic on the Lane than one would expect from any neighbor. I cannot fathom how anyone could complain about them.

As we understand it, they would be in compliance with the zoning restrictions (and were when they began their business) had the utility company not taken part of their property against their wishes. The utility company hasn't used that land and it serves the same purpose lying vacant as it could have were it still part of the Millers' property. Given the circumstances, fairness dictates that they be allowed to continue their business as and where it is currently run.

Please rule for these fine people. The county needs them, their business, and more people like them.

Respectfully submitted,

Ellen Katzoff

10433 Shady Acres Lane

Laurel Maryland 20723

240-456-0081

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**Council Bill 37-2015**

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**From :** bhfoston@comcast.net

Thu, Jul 16, 2015 04:13 PM

**Subject :** Council Bill 37-2015**To :** councilmail@howardcountymd.gov**Cc :** Dace Blaumanis <dblaumanis@howardcountymd.gov>, Jen Terrasa  
<jterrasa@howardcountymd.gov>, mksigaty@howardcountymd.gov

Dear County Council,

When I heard about Mr. Miller's lawn mowing business in a R20 zone, I got curious. So I contacted Mr. Miller and questioned him.

Wednesday, July 15, 2015 about 6:30 pm I visited Mr. Miller's lawn mowing business at 10430 Shady Acres Lane.

To be short:

I was impressed. The location is secluded, ideal and well kept. Mr. Miller provides job for about 16 people.

Economical and environmental, Mr. Miller Lawn Mowing Business is worthy staying where he has it presently.

Small business is the back bone of the American economy. Most small business operates from the owner's home.

Please support Jonathan and Sonya Miller.

Thank you.

Bibi H. Perrotte-Foston  
Concerned Citizen

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July 19, 2015

To Whom It May Concern:

The Miller's (Jonathan and Sonya) have been an important part of our community for several years. I have been den leader of Boy Scout Troop #602 for many years. Every year, we borrow the Miller's truck to deliver mulch as a fund raiser for the troop. The Miller's provide the truck and fuel at no cost to the boy scouts.

My wife, Lenora, is an operating room nurse at Montgomery General in Olney, MD. A few years ago, we awoke to two feet of snow and the county had not yet plowed our street. We called the Miller's at 4:30 a.m. and Jon Miller immediately plowed to our driveway (approx.  $\frac{3}{4}$  mile) and out to route 216 (another mile) so my wife could get to work and they asked for no compensation in return.

All this could not have happened without small businesses like this in our neighborhood.

Please vote for the ZRA so that the Millers can keep their small business in our neighborhood.

Kim and Lenora Kroll

8790 Teresa Lane

Laurel, MD 20723

**Rosemont Homeowners Association, Inc.**  
c/o Douglas Isokait  
10442 Rosemont Dr.  
Laurel, MD 20723

**FILE COPY**

isokait@verizon.net

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

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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

Mary Kay Sigaty  
ZRA 155-Miller  
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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.

  
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Ms. Jodi DeStefano, President  
Rosemont Homeowners Assoc.

  
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Douglas Isokait, Secretary  
Rosemont Homeowners Assoc.

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