



HCCA

Howard County Citizens Association

Since 1961... The Voice of the People of Howard County

Date: 18 October 2021

Subject: **HCCA Appreciates Introduction of CB77-2021 But Has Concerns**

Good Evening. I am Stu Kohn from Laurel and as President of the Howard County Citizens Association, HCCA I am speaking on their behalf. HCCA very much appreciates that Councilmembers Deb Jung and Christina Rigby are zoning in and undoubtedly recognize by introducing CB77-2021 the current zoning procedures requires a drastic overhaul. We congratulate you both. If you believe the process will be improved with the passage of this Bill then perhaps it's worth a try as the current situation is deplorable. It is BS and in this case we are hoping that BS will mean a Better System.

Having the Hearing Examiner preside over such cases is debatable as to its merits. We only wish the Zoning Board Members will do their job and provide all of us the right of Due Process. Some major examples are as follows:

- All Motions when filed need to be decided prior to closing given by all parties,
- Not have the County Executive interfere to allow any government official that the Zoning Board deems necessary to gather all the facts.
- When allowing a modified plan by the Petitioner which the opposition has not commented on after the Zoning Board declared the case "Closed".
- Not providing a full explanation as to the outcome of motions.
- Potentially permitting additional witnesses to testify when the Petition is not approved and perhaps not allowing additional cross-examination by interested parties.
- Having a lengthy period of time between hearings.
- Not having the Zoning Counsel present when applicable which had this right been allowed then perhaps the major problems would not have been prevalent.

Will the aforementioned problems we all have experienced much to our chagrin be a thing of the past if CB77-2021 is passed? Will the Zoning Counsel be present? If not -- why not as it is not

just for “Change and Mistake cases” especially when referring to the Zoning Board portion of the County website. It states otherwise and doesn’t even mention “Change and Mistake.” You as Zoning Board members chose to ignore it and never made a decision. You only provided us a seminar and never responded. This is plain wrong!

Perhaps had CB41-2019 introduced by Councilman David Yungmann and Councilman Opel Jones voting in favor had passed the zoning process might have been better. This Bill was to establish a Community Case Zoning Navigator to provide an impartial process for assistance to residents, property owners, and petitioners, community stakeholders, to encourage participation and confidence and better understanding of the county land use process.

Please refer to page 3, lines 7 thru 24 regarding Mediation. We strongly suggest you delete this section and completely eliminate from all references in the zoning regulations. The call for Mediation is nothing but a stalling tactic by the Zoning Board from making a decision. You should adhere to the quote by Teddy Roosevelt. “Justice consists not in being neutral between right and wrong, but finding out the right and upholding it, wherever found, against the wrong.” Councilman Opel Jones was absolutely right when in the Hickory Ridge case he was the only member to say, “No” to Mediation. He stated we are here to do a job that’s why we were elected. In the CEF Chapelgate case which I was very involved the Zoning Board wanted us to go to Mediation. On the first day of Mediation the Mediators at the Howard County Community College asked why we were even present. This said it all! By the way why should the Petitioner be required to pay the fees?

Ultimately many of us have been saying for years the Zoning Board and County Council should not be represented by the same individuals. They should be separate. There is a perception of a conflict of interest due to campaign contributions. In addition there is the ex-parte communication problem.

Michael Jordan stated. “I can accept failure, everyone fails at something. But I can't accept not trying.” Yes – our zoning process has indeed failed, but at least you recognize this and yes – something needs to be done. We do appreciate you trying to resolve the matter. It should be a top priority to once and for all resolve in order to achieve the due process we very much expect.

Thank you.

Stu Kohn
HCCA President