



HCCA

Howard County Citizens Association

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

Date: 20 March 2023

Subject: HCCA Testimony for CB10-2023

Dear Council Members,

My name is Stu Kohn from Laurel and testifying as President of HCCA regarding CB10-2023 which is to clarify the role of the Hearing Examiner to hear certain matters in the jurisdiction of the Zoning Board.

Since the onset of CB77-2021 HCCA has and continues to be very involved with the proposed new Rules of Procedures regarding the Zoning Process proceedings. We are extremely pleased that the Council / Zoning Board Members not only listened to our concerns but took action to adopt many of them. When a group of us testified on 1 June 2022 there were many issues raised which caused the Zoning Board to hire Consultants to examine the newly proposed process. Now the development community appears for the first time. We are extremely pleased with the results hoping these new procedures will be beneficial for a better means to bring due process to all. We ask you to please consider the email sent to you this morning which are emphasis of areas of concerns to be included in the Zoning Board Rules of Procedures.

We would like to give a compliment after watching the meeting the Zoning Board conducted last Wednesday to review and make recommendations to the proposed Rules of Procedures. You were without a doubt Outstanding as you unequivocally displayed solid communications. cooperation and organization. You undoubtedly did your homework and have worked extremely hard knowing that improvements to the Zoning Process is a forgone conclusion. This is deeply appreciated by HCCA, and we hope the Zoning Process future will be an experience we can all be proud.

As a side note please consider including in Section 16.108. under the Rules of Construction; Definitions (b) the words "Compatibility" and "Surrounding Area." We need specificity as these are keywords in zoning cases. We are seeking the distance to be included in the definitions. These words are major factors in determining whether the criteria is met in particular zoning cases. Additionally, there are structured issues to be considered for revisions which Mr. Joel Hurewitz will articulate in his testimony.

Again,thank you for your efforts in this most important endeavor.

Stu Kohn
HCCA President

From: stukohn@verizon.net
Date: March 22, 2023 at 6:19:54 PM EDT
To: councilmail@howardcountymd.gov
Cc: stukohn@verizon.net
Subject: HCCA CB10 Testimony
Reply-To: stukohn@verizon.net

Dear Council / Zoning Board Members,

Please see the attachment which is the Howard County Citizens Association, HCCA's CB10-2023 testimony. In addition, here is the contents of the email sent to you on Monday, March 20 = as stated in the testimony.

Dear Zoning Board Members,

Thank you for your efforts in the revision of the Zoning Process as we are hoping changes will provide a better means of due process for all.

We believe it is extremely important to continue discussion and take action on a few of HCCA's recommended revisions to the Zoning Board Rules of Procedure after your last meeting on 15 March. They are as follows:

Subpoenas - The current required filing of 21 days in advance of the hearing needs to be changed. This doesn't make sense as there are cases whereby a key witness will not initially be identified 21 days in advance. Key witnesses who could potentially be subpoenaed could not be known until the case is heard. In the Erickson case we didn't know all of us needed the Director of Housing and Parks and Recreation to be heard but was denied. Certainly one should be able to hear all the evidence required if you believe in justice.

Zoning Counsel - Want to make sure this question has been addressed? Does this include when the case initially is heard by the Hearing Examiners? What criteria will you use as Zoning Board Members as to the appearance of the Zoning Counsel in zoning cases? This requires to be completely spelled out in the Rules.

202g - Has this been discussed? If not why not? This was specifically required by the Request for Quotations (RFQ) under the "Scope of Work" section which stated, It is your obligation to ensure the requested criteria by you is part of the process. The RFQ stated, "The proposed Rules must conform to County Charter Section 202(g). During development of the proposed new Rules of Procedure, the Contractor must meet with each Council Member and respond to the Member's suggestions and recommendations."

The 202g clause is for any amendment, restatement or revision to the Howard County General Plan, the Howard County Zoning Regulations or Howard County Zoning Maps, other than a reclassification map amendment established under the "change and

mistake" principle set out by the Maryland Court of Appeals, is declared to be a legislative act and may be passed only by the Howard County Council by original bill in accordance with the legislative procedure set forth in Section 209 of the Howard County Charter. Such an act shall be subject to executive veto and may be petitioned to referendum by the people of the county pursuant to Section 211 of the Charter.

Sanctions - Has this been discussed as it should be declared when anyone including attorneys who display disorderly conduct?

Motions / Preliminary Matters - Needs to be incorporated as it should be immediately decided by the Zoning Board Chair. Not after the case is closed. It should be addressed, and a decision made by the Chair at the beginning of each applicable time the case is heard.

Your feedback regarding the aforementioned would be appreciated.

Stu Kohn
HCCA President