

The Capital

Top Stories

Residents tell officials they want a say in zoning rewrite

By EARL KELLY, Staff Writer

After listening to a steady string of witnesses for three hours last night, some County Council members said they plan to introduce amendments to fine tune comprehensive subdivision and zoning bills.

The amendments would range from the relatively small matter of restoring current language on the number of dogs that can live in one house, to giving the public greater say in the zoning and subdivision processes.

Witnesses who favored making the process more open to the public said, for example, the proposed subdivision code requires the Board of Appeals to uphold a plan approval by the Office of Planning and Zoning unless the complaining party can show that the decision was "arbitrary and capricious." Merely showing that the decision was wrong would not suffice.

"This provision virtually guarantees that no decision will be set aside," said Drew Koslow of the South River Federation. "Is the County Council ready to codify that the Office of Planning and Zoning is always right?"

Mr. Koslow also said that current law allows the public to attend county sketch plan meetings with developers, but the new code would not permit them to attend. Community associations would only be notified when commercial or industrial development is planned for adjoining property.

"No longer will community associations learn about major residential development site plans," he said.

Council Chairman Ron Dillon Jr., R-Pasadena, said after the hearing that homeowners and community groups need to have an avenue for playing a role in the process.

"The whole issue is something that needs to be looked at," he said.

About 250 people turned out at the Arundel Center in Annapolis for the hearing on the bills, developed by County Executive Janet S. Owens' administration to slim down and simplify county laws and improve consistency between them. The 158-page zoning bill, for example, would replace a 485-page chapter in the County Code.

Many of the roughly 65 people who testified commented on planned changes in the family conveyance process, which allows family members to divide parcels so relatives can build homes.

Critics claim that family conveyances, called "legacy developments" in the legislation, have become little more than a back door by which developers build subdivisions in rural areas.

Supporters like Adam Jentilet, owner of 35 acres in Davidsonville since 1957, say it is a way of keeping families close. He wants to divide his land between his eight children, and is only a few weeks away from submitting a plan to the county for approval.

"We hope our children can each own a lot," Mr. Jentilet said. "It would be patently unfair to deny us our conveyances."

A chief critic of family conveyances said that it doesn't matter who lives in the houses.

"I sympathize with the gentleman, but a development filled with relatives is still a development and does not belong in a rural area," said Joan Turek, president of the Harwood Civic Association.

Councilman Ed Reilly, R-Crofton, who supports keeping family conveyances legal, said on Friday that he was planning to offer amendments that would create tighter restrictions, in an effort to soften the opposition. After last night's testimony, plus e-mail and phone calls on the subject, Mr. Reilly was less certain of public support to save family conveyances.

"My personal evaluation is 80-20 against," he said.

The crowd last night was smaller than expected, and much smaller than hearings on earlier versions of the bills during hearings last summer. Yet the size of the crowd convinced Mr. Dillon to move the deadline for amendments from Feb. 7 to Feb. 27, to give council members more time to evaluate the legislation.

Councilman Barbara Samorajczyk, D-Annapolis Roads, said she would offer several amendments, one to address the definition of steep slopes in the subdivision bill. The bill would open more fragile areas to development by redefining a slope where construction would be banned from a 15 percent to a 25 percent incline.

Sager Williams, a spokesman for Baltimore Gas and Electric, won a number of councilmen to his side when he testified against part of the bill that would allow a 30-foot setback between power transmission lines and buildings instead of the current 100-foot buffer.

"BGE thinks that it is unsafe, that it is dangerous, to build houses that close to transmission lines and gas lines," Mr. Williams said.

Another witness, Laurie Collins of Glen Burnie, testified she would be one dog over the proposed limit of two dogs per lot, compared to the current limit of four.

Her testimony prompted Councilman Ed Middlebrooks, R-Severn, to say: "It doesn't say 'dogs,' it says 'children.' "

Mr. Middlebrooks brought the house down laughing when he explained that his neighbors wanted the amendment to keep him from having any more children.

He went on to say he would get the bill amended to reflect current law.

"We don't want everyone to come running down here," he said of pet owners.

A few witnesses testified in favor of making it easier to develop land.

George Phelps Jr. of Annapolis, on the board of the Anne Arundel Alliance for Fair Land Use, said that 25 percent of all land the county receives from the federal and state governments should be available for building affordable homes for moderate income workers.

A greater number of witnesses complained that the bills go too far in favor of developers.

The last witness to testify, environmentalist John Flood, did not mince his criticism of the bills' architect, Planning and Zoning Officer Joe Rutter.

He noted that Mr. Rutter was sitting with some developers in the audience.

"The fox is in the hen house," Mr. Flood said.

Mr. Rutter was unavailable for comment.

Published January 25, 2005, The Capital, Annapolis, Md.

Copyright © 2005 The Capital, Annapolis, Md.