

The Capital Government

Bill would help citizens groups fight growth

By DAVID ABRAMS, Staff Writer

Del. Bob Costa has introduced a bill that would let more citizens groups fight proposed developments, but opponents are lining up - some saying it goes too far, others, not far enough.

The bill would allow any community or condominium association within a half-mile of a project to appeal a zoning change or building permit approval.

"It gives a voice to our communities," Mr. Costa, R-Deale, told the House Environmental Matters Committee in Annapolis yesterday.

While the bill deals with legal technicalities and the arcane rules of zoning, it would further empower residents in the widening battle to control growth and development.

For citizen and anti-sprawl groups, the bill would give them a seat at the table they don't have now. To opponents, it would open the floodgates to lawsuits and attempts to stymie projects that have already passed through the proper process.

The bill was prompted by a case six years ago where a developer built an 18-home subdivision in Cape St. John near Annapolis. The community association complained that the project ran roughshod over environmental and road safety laws.

In that case, the Cape St. John's Citizens Association was fighting the state, said Dan Semick, a member of the group. This bill only relates to county decisions, but he said the same principle applies: The public is fighting an uphill battle to make sure development laws are followed.

Currently, the law requires anyone filing an appeal to have been involved in a case from the beginning and to be "specially aggrieved." That means the challenger is directly affected by the government's approval of a rezoning, special exception or building permit.

County Planning and Zoning Officer Joe Rutter, who did not attend the hearing, said a simple example would be someone who wants to convert a house into apartments in Deale. A neighbor who shares a driveway with the house could appeal an approval of a variance, but someone who lives in Severna Park could not.

If Mr. Costa's bill passes, any community association would have standing to argue against an approval as long as that association claims borders within half a mile of the

project.

In an interview after the hearing, Mr. Rutter said it would be difficult for his office to figure out an association's borders, much less get a consensus from a group. He said an umbrella organization such as the Greater Severna Park Council could claim standing all the way to Pasadena.

"The biggest problem I've got with it is, where are these associations?" Mr. Rutter said.

The county Office of Law and the Maryland Association of Counties argued that broader rules under Mr. Costa's bill would only lead to more lawsuits.

"The fear that would happen is, in short, you're going to open up the doors for a lot more litigation and appeals by groups that traditionally have been allowed to participate in the process prior to going to court," said Leslie Knapp, associate director of the Association of Counties.

Supporters of tougher controls on growth weren't satisfied with the bill, either. While they thanked Mr. Costa for trying to help them, they said a half-mile is not a wide enough area.

Steve Whisler, representing 28 homeowner's associations in Baltimore County, wanted the bill to apply to any "nonprofit or community associations," a broader definition that would increase the number of groups that could fight projects.

"We want to level the playing field against developers," Mr. Whisler said.

Mr. Costa pushed a similar bill last year that defined the distance as five miles. That bill died in committee over objections from a variety groups, including the Association of Counties.

"Why do we have to keep fighting our county government?" Mr. Semick said. "We're paying taxpayer money to have an Office of Planning and Zoning and Inspections and Permits. What's really happening is we've had the community associations make the best attempt to fight for the local citizenry. Our hands are tied behind our backs without tools such as (legal) standing."

Published February 12, 2006, The Capital, Annapolis, Md.

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