

1 **ELITE FACILITY MANAGEMENT** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **ZRA-206** * **HOWARD COUNTY, MARYLAND**

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6 **MOTION: To not recommend approval of ZRA-206, subject to conditions.**

7 **ACTION: *Approved; Vote 4-0.***

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9 **RECOMMENDATION**

10 On November 16, 2023, the Planning Board of Howard County, Maryland, considered the petition of
 11 Elite Facility Management (Petitioner) to amend Section 128.0.A.12 to increase cumulative lot coverage limits
 12 for all accessory structures on residentially zoned lots developed with single family detached dwellings in the
 13 RC or RR district. Lots meeting this criterion will be allowed an additional 500 square feet of accessory
 14 structures for every acre over three (3) acres. For properties between three (3) and four (4) acres, the maximum
 15 size of an individual accessory structure would be limited to 2,500 square feet.

16 The Planning Board considered the petition and the Department of Planning and Zoning’s (DPZ)
 17 Technical Staff Report.

18 **Testimony**

19 Mr. Sang W. Oh, Esq., of Talkin & Oh LLP, representing Elite Facility Management (Petitioner),
 20 provided additional background on this proposed zoning regulation amendment and the circumstances for the
 21 petitioner. Mr. Oh cited several arguments in favor of the proposal. Mr. Oh stated that in the rural west, a
 22 growing number of properties have transitioned away from agricultural uses, rendering their previously exempt
 23 accessory farm buildings to be nonconforming to lot coverage restrictions. As a result, these formerly exempt
 24 structures are now exceeding the lot coverage limitations specified in Section 128.0.A.12. Mr. Oh contends that
 25 the rural west is lacking athletic facilities compared to the eastern portion of the county and as such lot coverage
 26 restricts future opportunities to construct such amenities. Mr. Oh asserts that the proposed lot coverage increase
 27 is self-regulating due to the inherent restrictions of utilizing additional square footage of accessory structures
 28 on large-acre properties for commercial purposes. In the absence of commercial viability, these properties are
 29 less likely to fully utilize the increased lot coverage allowance. Mr. Oh explained that the Petitioner’s property
 30 has a large accessory building that was built prior to the adoption of lot coverage limitations in 1984. The
 31 petitioner would like to construct an additional accessory building to store equipment, but the lot coverage
 32 limits do not allow his client to proceed. He further contended that the cumulative lot coverage equally restricts
 33 all properties of two acres or greater to the same amount of square footage.

1 Mr. Coleman asked if this ZRA would impact the septic requirements for these properties. Mr. Oh
2 stated that accessory structures cannot be used as residential dwellings but could have bathroom facilities which
3 may require additional septic capacity. Mr. Coleman asked Mr. Oh whether a property owner could use these
4 structures to store contractor equipment and that this ZRA would not alter the conditional use requirement for
5 commercial uses. Mr. Oh stated that contactor storage is only allowed through conditional uses. Mr. Oh
6 acknowledged that there may be instances where large structures built for residential uses could be perceived
7 as being used for commercial purposes but Mr. Oh believes that size of the structures should be commensurate
8 with the size of the property. Mr. Cecil asked whether accessory dwelling units fall under the definition of
9 structure. Mr. DelMonico clarified that lot coverage regulations apply solely to detached accessory structures,
10 in Howard County accessory dwelling units are not permitted in detached accessory structures within the RR
11 and RC zoning districts by-right. Mr. DelMonico acknowledged that the recently adopted HoCo By Design
12 General Plan has policies supporting detached accessory dwelling units, future zoning code updates may
13 involve revisions to lot coverage regulations to ensure consistency and eliminate potential conflicts

14 Two members of the public testified at the hearing, Mr. Chris Alleva testified in support of the proposed
15 ZRA. Ms. Monique Wilkins of 12455 Barnard Way, testified in opposition to the proposed ZRA. Ms. Wilkins
16 lives adjacent to the petitioner's property and expressed concerns that the neighbor is conducting
17 a commercial use on the site and any expansion would likely increase traffic along their shared driveway.

18 Board Discussion and Recommendation

19 In work session, Board members shared concerns related to the lack of any additional limitations on
20 the size and intensity of the accessory structures. Additionally, the Board members grappled with the potential
21 consequences related to conversion of a large accessory building to a dwelling unit or a commercial use.

22 Mr. Cecil motioned to not recommend approval of ZRA 206 unless there are clear definitions to protect
23 against negative impacts on the surrounding community. Ms. Mosier seconded the motion. The motion passed
24 4-0.

25 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 12th day of
26 December 2023, does not recommend approval of ZRA-206, as described above.

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31 HOWARD COUNTY PLANNING BOARD

DocuSigned by:

Edward T. Coleman

Ed Coleman, Chair

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Kevin McAiley

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Kevin McAiley, Vice-chair

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James Cecil

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James Cecil

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Barbara

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Barbara Mosier

Absent

Mason Godsey

ATTEST:

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Lynda Eisenberg

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Lynda Eisenberg, AICP, Executive Secretary