

BLACKROCK CAPITAL INVESTORS, LLC * **BEFORE THE**
PETITIONER * **PLANNING BOARD OF**
ZRA-212 * **HOWARD COUNTY, MARYLAND**

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MOTION: Recommend approval of ZRA-212.

ACTION: *Approved with Amendments; Vote 5-0.*

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RECOMMENDATION

On June 26, 2025, the Planning Board of Howard County, Maryland, considered the petition of Blackrock Capital Investors (Petitioner) to amend the Nursing Homes and Residential Care Facilities conditional use criteria under Section 131.0.N.38. The Petitioner’s original Petition included:

- Removing Section 131.0.N.38.d which states, “Buildings, parking areas and outdoor activity areas will be at least 50-feet from adjoining residentially-zoned properties other than public road right-of-ways.”
- Modifying Section 131.0.N.38.e which states, “At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways” to read “At least 35% of the gross site area shall not be used for buildings, parking areas or driveways.”

Mr. William Erskine, Esq., of Offit Kurman Attorneys at Law, representing the Petitioner, presented an amendment to the original Petition which specifically:

- Keeps Section 131.0.N.38.d. and adds “For sites utilizing buildings and parking areas existing prior to [insert effective date of legislation], the Hearing Authority may reduce or eliminate this setback if the petition includes detailed plans for screening, consisting of combination of a solid fence or wall and landscaping, or equivalent combination, that presents an attractive and effective buffer for neighboring properties.”
- Does not propose any changes to Section 131.0.N.38.e.

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

Testimony

Mr. Erskine began testimony on behalf of the Petitioner, Blackrock Capital Investors, LLC. Mr. Erskine noted that Mr. Arsy Shah is in attendance who is also a representative of Blackrock Capital Investors, LLC. Mr. Erskine explained the proposed amendment is being requested to allow the Inn at Peralynna to apply for a

1 conditional use to convert the existing building into a Nursing Home and Residential Care Facility. The Inn is
2 currently used as a bed and breakfast and boutique hotel with up to nineteen rooms, and approved for indoor
3 social assemblies. Mr. Erskine testified that the Inn property is zoned R-12 and requires a 7.5-foot side setback
4 for structures and a 20-foot use setback from lot lines. Mr. Erskine noted that the Inn property received a
5 variance in 2012 for relief from the 20-foot use setback for the limited social assembly conditional use because
6 the existing principal structure is large.

7 Mr. Erskine testified that the revised amendment will narrow the scope and impact for proposed
8 Nursing Homes and Residential Care Facilities located within existing structures and parking areas. Mr. Erskine
9 testified that the Inn directly adjoins residentially-zoned properties and cannot meet the required 50-foot
10 setback. Mr. Erskine further testified that under the conditional use criteria, Nursing Homes and Residential
11 Care Facilities are limited to sixteen beds and is inherently a quieter use than the existing boutique/hotel use.
12 Mr. Erskine stated that the current boutique/hotel does not require the 50-foot setback from residentially-zoned
13 properties as required for Nursing Homes and Residential Care Facilities proposed as a conditional use.

14 Mr. Erskine explained that the proposed language gives the Hearing Authority the power to reduce the
15 50-foot setback from residentially-zoned properties if the property has existing buildings and parking areas.
16 The amendment also adds language for additional screening and fencing from neighboring properties. Mr.
17 Erskine testified that this will give the Hearing Authority the discretion to reduce the 50-foot setback based on
18 the conditional use application and the proposed additional screening and fencing. Mr. Erskine noted that the
19 proposed language is borrowed heavily from the Funeral Homes and Mortuaries' conditional use criteria. Mr.
20 Erskine stated that the Funeral Homes and Mortuaries use also requires a 50-foot setback from residentially-
21 zoned properties and allows the Hearing Authority to reduce the setback to not less than 20-feet, or to the
22 underlying zoning district setback, whichever is greater. Mr. Erskine stated that there is no other use where the
23 Hearing Examiner may completely eliminate a setback, but that the amendment will provide flexibility for
24 establishing this use, which is supported in the County's general plan, HoCo By Design. Mr. Erskine also
25 provided insight into the Hearing Examiner's authority, specifically that no variances from the dimensional
26 conditional use criteria requirements can be sought. This restricts the Petitioner from applying for a variance
27 from the 50-foot setback from residentially-zoned properties.

28 Ms. Barbra Mosier, Planning Board member, asked the Petitioner to clarify the intended setback
29 requirements. Mr. Erskine explained that a 20-foot setback would be too large but the 7.5-foot setback for the
30 underlying R-12 zoning district would work for this property. Ms. Mosier also asked for clarification regarding
31 the landscaping inconsistencies presented by staff. Ms. Lynda Eisenberg, AICP, Secretary to the Planning
32 Board, explained that the amendment would only impact future Nursing Home and Residential Care Facility
33 projects utilizing existing structures and parking areas. For these projects it's assumed landscaping would exist
34 and the proposed amendment would require additional screening with landscaping and fencing. Mr. Erskine

1 also added that the Hearing Examiner may require additional landscaping as a condition of their approval. Mr.
2 Mason Godsey, Planning Board member, asked about the adverse impacts on future projects. Planning staff
3 explained the difficulty in predicting future development and believes amending the proposal to allow a setback
4 reduction for existing structures and parking areas will lessen the impact on future projects. Mr. James Cecil,
5 Planning Board Vice-Chair, expressed concerns with the Hearing Authority being able to completely eliminate
6 the 50-foot setback from residentially zoned properties. Mr. Erskine stated the Petitioner would be amenable to
7 removing the phrase “or eliminate” from the proposed text. Mr. Kevin McAliley, Planning Board Chair, echoed
8 Mr. Cecil concerns with the word “eliminate” in the proposed text. Mr. McAliley also requested clarification
9 on when the Adequate Public Facilities Ordinance (APFO) is considered in conditional use projects. Ms.
10 Eisenberg explained that the Nursing Homes and Residential Care Facilities only pertain to “beds” not “units”
11 like with age-restricted housing, so this use is not subject to the same APFO requirements. Ms. Eisenberg also
12 stated that the amendment pertains to structures and parking areas that are existing. Mr. McAliley asked how
13 the HoCo By Design Implementing Actions, like DN-12, are implemented. Ms. Eisenberg explained that the
14 Department of Planning and Zoning implements the policies and guidelines in HoCo By Design. Mr. McAliley
15 asked the Board their opinion on the amended language. Mr. Cecil stated he is comfortable with the language
16 because it is limited to the Nursing Homes and Residential Care Facilities conditional use criteria and not all
17 conditional uses.

18 Mr. Shah, representing Blackrock Capital Investors, echoed Mr. Erskine’s testimony and believes a
19 Nursing Home and Residential Care Facility would be a less impactful on the property than the existing use.
20

21 Board Discussion and Recommendation

22 Ms. Mosier asked if the Board wants to consider adding a minimum setback to which the Hearing
23 Authority may reduce the 50-foot setback to, perhaps, the underlying zoning district. Ms. Mosier explained her
24 concern is that under this amendment, the use on a property would inherently be changing to a Nursing Home
25 and Residential Care Facility, which could benefit from a larger setback than the original approved use. Mr.
26 Cecil explained that he is comfortable with the language since the setback reduction would apply only to
27 structures and parking areas that are existing. Mr. McAliley explained he is comfortable with the language,
28 since it gives the Hearing Examiner the authority to reduce the setback..

29 Mr. Cecil motioned to recommend approval of ZRA-212 with an amendment. Mr. Mason seconded the
30 motion. The motion passed 5-0.

31 The amendment is:

- 32 1. Strike the phrase “or eliminate” from the proposed language in Section 131.0.N.38.d.
- 33
- 34

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 8th day of July 2025, recommends that ZRA-212, as described above, be APPROVED WITH AMENDMENTS.

HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAuley

Kevin McAuley, Chair

Signed by:

James Cecil

James Cecil, Vice Chair

Signed by:

Mason Godsey

Mason Godsey

Signed by:

Barbara Mosler

Barbara Mosler

Signed by:

Lynn Moore

Lynn Moore

ATTEST:

DocuSigned by:

Lynda Eisenberg

Lynda Eisenberg, AICP, Executive Secretary