



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

2009 AUG 21

DPZ Office Use Only: Case No. ZRA- 119 Date Filed: 8 54

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend the Zoning Regulations by adding a new Conditional Use for Boutique Hotels. The proposed text is contained in the Supplement which is attached hereto.

Blank lines for additional text in section 1.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Cynthia Lynn & David Lynn

Address 10605 Route 108, Columbia, Maryland 21044
Phone No. (W) 410-715-4600 (H)
Email Address peralynna@aol.com

3. Counsel for Petitioner Richard B. Talkin, Esquire

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, MD 21042-7870
Counsel's Phone No. (410) 964-0300
Email Address rtalkin@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed This proposed Amendment will allow for a Conditional Use for "Boutique Hotels," to serve community needs in residential areas. Today, there is a need for places with a select number of rooms that do not adversely effect a neighborhood and that provide needed services.

Blank lines for additional text in section 4.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County See the Supplement to Petition which is attached hereto.

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[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. The proposed Conditional Use will provide and promote the health, safety and welfare of the community by providing much needed services in close proximity to residents and families who need these serves in a way that is not over-bearing.

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[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) See the Supplement to Petition attached hereto.

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[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? YES

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The impact should not be great. The number of sites where this conditional use can go is limited by the minimum and maximum number of guest rooms required, and the requirement of frontage and direct access to an arterial road. These limitations will affectively limit the number of potential locations, and will also discourage Boutique Hotels that are either too small or too large. Furthermore, the Conditional Use process will further hinder any potential of proliferation

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. See the Supplement to Petition attached hereto. Further information will be available at the hearing in this matter.

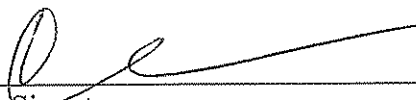
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[ Double Bold Brackets ]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

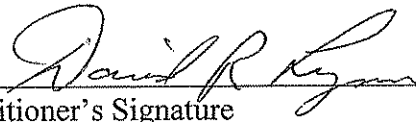
**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

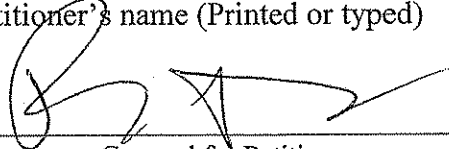
11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Cynthia Lynn  
 Petitioner's name (Printed or typed)

  
 Petitioner's Signature 8/19/08  
 Date

David Lynn  
 Petitioner's name (Printed or typed)

  
 Petitioner's Signature 8/19/09  
 Date

  
 Signature - Counsel for Petitioner  
 Richard B. Talkin, Esquire  
 5100 Dorsey Hall Drive  
 Ellicott City, Maryland 21042  
 (410) 964-0300

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee.....	\$695.00.	If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)
Each additional hearing night.....	\$510.00*	

**The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

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**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

IN THE MATTER OF:

\* BEFORE THE

CYNTHIA LYNN & DAVID LYNN

\* HOWARD COUNTY COUNCIL

Petitioners

\*

TO AMEND THE ZONING  
REGULATIONS OF HOWARD COUNTY

\* ZRA Case # \_\_\_\_\_

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**SUPPLEMENT TO PETITION  
TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY**

Petitioners, Cynthia Lynn and David Lynn (collectively the "Petitioner"), by and through their attorneys Richard B. Talkin and Talkin & Oh, LLP, respectfully submit this Supplement in support of its Petition to Amend the Zoning Regulations of Howard County.

The Petitioner requests a new Conditional Use for a "Boutique Hotel," for consideration by the Hearing Authority. The details of this use are shown on the attached proposed Text Amendment.

In general, this Conditional Use allows for small Boutique Hotels, on small lots with a minimum and maximum number of rooms, and indoor, but no outdoor, social activities. This Conditional Use is allowed in only the R-12 zoning district.

The minimum lot size for this Conditional Use is one (1) acre and the maximum lot size is two (2) acres. The property must have frontage and direct access to an arterial road as designated on the General Plan.

There is a requirement that the owner of the property, or, the owner(s)' agent, must reside on the property.

The Inn at Peralynna, for which this regulation is requested, is located on Clarksville Pike, east of Eliots Oak Road, on the southside. The building is approximately 20,000 square feet in size, on a 1.2 acre lot. The owner-operators are Cynthia and David Lynn, who reside on the property.

The Inn was constructed in 1996, with some added additions since then. The Lynns initially started renting four rooms to boarders who were out of town corporate employees that would stay at the Inn while conducting business locally.

The Inn became such a popular place for lodging, that an application was made for a Special Exception for a Boarding House to allow up to 19 guests. This was approved by the Board of Appeals. After, this approval, in 2001, "Boarding House," was removed as a Conditional Use in all zones except RC and RR.

When the Lynns applied for the building permit, they were advised that there was no such use recognized under the Building Code as "Boarding House." They were told that if they had more than 8 rooms, they would be considered a hotel. They were issued a hotel license.

The Lynns had anticipated that the changes in their home that would be necessary to accommodate more guests, would be along the lines of creating more bedroom space, more bathroom space, and to add on to the kitchen, since they were simply expanding what they were already doing.

This was an under-estimation of what would be required by the County. Because it had been designated as a hotel by the County, it had to satisfy all the requirements applicable to hotels. Fire escapes were put off of every room and two (2) fire hydrants installed. A water suppression system was constructed. They were required to install a sprinkler system throughout the entire home. There was a great deal of expense involved because of all of the conditions that need to be met under the Regulations for "hotels."

Once in operation, the Lynns found out that there was a large demand for meetings and personal gatherings in a smaller, less commercial setting. After a period during which their use was questioned, the Lynns decided to file this request for an Amendment to the Zoning Regulations in order to resolve any questions as to their use, and, because they saw that the Inn could fill a demand and need in the County. They understand that if this Amendment is passed, this is a Conditional Use. The Petitioners also understand that the Hearing Examiner has the authority to impose conditions or restrictions on the use of the property as a Boutique Hotel.

One Portion of the General Plan that touches on the concept behind this proposal is on p.169, *Box 5-1, Key Concepts*, that define "Community Structure." One idea within that Section is that it is the goal for neighborhoods to include more diverse uses so that daily needs are met closer to home. Allowing appropriately-located neighborhood properties to provide a venue for the services that can be offered by a Boutique Hotel, serves this purpose.



There is minimal discussion in the General Plan of home-based businesses, yet there are a number of businesses permitted in residential zones in the zoning Regulations. These include: (1) beauty parlors or beauty shops; (2) bed and breakfast inns; (3) cemeteries and mausoleums; (4) charitable or philanthropic institution; (4) child day care center and nursery school, day treatment and care facilities; (5) communication towers or antenna; (6) country club or golf course; (7) country inn; (8) funeral home or mortuary; (9) home occupations (10) kennels or pet grooming establishments; (11) nonprofit clubs, lodges, community halls and camps; (12) nursing homes and residential care facilities; (13) structures used primarily for religious activities; (14) retreat center; (15) school buses, parking and storage; (16) private schools, colleges and universities; and (17) public utility uses. All of these uses, with varying degrees of restrictions and requirements, may be located in residential zones, and so they are presumed to serve the public good. Allowing Boutique Hotel uses would serve the same public purpose. The proposed amendment has the same qualities as other uses allowed in the R-12 zoning district.

The Boutique Hotel would have to have frontage on and direct access to an arterial road; be on a lot with a minimum of one acre and a maximum of two acres; not be allowed to have outdoor social assemblies, and require the owner or their agents to reside on site.

All of this is underlined by the fact that this is a Conditional Use. The Hearing Authority has the power to deny a request for any particular property, or

impose conditions and restrictions deemed appropriate for the particular location to ensure compatibility with the neighborhood.

Demand for these uses as provided by the Inn at Peralynna show that there is a public need for a facility such as this. The requirements and restrictions built into the regulation amendment, and the fact that this is a Conditional Use, provide sufficient safeguards for the public to ensure that a proposed location for a Boutique Hotel will be compatible with the community. The Inn at Peralynna requests that the County Council permit the Inn to make application to the Hearing Examiner to show how it can function within the community.

## PETITIONER'S PROPOSED TEXT

Section 1. Be it enacted by the County Council of Howard County, Maryland, that a new Number 17.A "Boutique Hotel", is added to Subsection N "Conditional Uses and Permissible Zoning Districts", of Section 131 "Conditional Uses" of the Howard County Zoning Regulations to read as follows:

"17.A. Boutique Hotel

A CONDITIONAL USE MAY BE GRANTED IN THE R-12 DISTRICT FOR A BOUTIQUE HOTEL, PROVIDED THAT:

1. THE MINIMUM LOT SIZE SHALL BE 1 ACRE. THE MAXIMUM LOT SIZE SHALL BE 2 ACRES. THE PARCEL SHALL HAVE FRONTAGE AND DIRECT ACCESS TO AN ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN.
2. ACCESSORY OUTDOOR SOCIAL ASSEMBLY USES ARE NOT PERMITTED. INDIVIDUAL GUESTS MAY USE OUTDOOR SPACES.
3. ACCESSORY INDOOR SOCIAL ASSEMBLY EVENTS, WITH FOOD AND DRINK, MAY BE PERMITTED.
4. THE FRONT SETBACK FOR PARKING SHALL BE THE SAME AS THE FRONT SETBACK FOR STRUCTURES.
5. THE OWNER OR OWNERS AGENT OF THE BOUTIQUE HOTEL SHALL RESIDE ON THE PROPERTY.
6. THE MAXIMUM FLOOR AREA RATIO ("FAR") FOR THE BOUTIQUE HOTEL SHALL BE 0.5 FAR.
7. USE SHALL HAVE BETWEEN 15 AND 20 HOTEL ROOMS.
8. ON-SITE HOTEL PARKING MUST MEET MINIMUM PARKING REQUIREMENTS FOR HOTEL OR MOTEL USES. OFF-SITE AND VALET PARKING SHALL NOT BE PROVIDED.
9. MEALS MAY BE SERVED, HOWEVER, THERE SHALL BE NO PUBLIC RESTAURANT USE.

Section 2. And be it further enacted by the County Council of Howard County, Maryland, that 14 the provisions of this act shall become effective 61 days after enactment. 15