



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us
FAX 410-313-3467
TDD 410-313-2323

October 1, 2008

TECHNICAL STAFF REPORT

*Petition Accepted on September 25, 2009
Planning Board Meeting of October 22, 2009
County Council Hearing to be scheduled*

Case No./Petitioners: ZRA-119 – Cynthia Lynn & David Lynn

Request: Zoning Regulation Amendment to amend Section 131.N., Conditional Uses and Permissible Zoning Districts, by establishing a new Conditional Use category for “Boutique Hotel”.

Department of Planning and Zoning Recommendation:

APPROVAL WITH REVISIONS

I. DESCRIPTION OF PROPOSAL

- The Petitioners propose one amendment to the Zoning Regulations. The proposed amendment would create a new Conditional Use category called Boutique Hotel; this is an undefined term but in essence, the use is intended to apply to a relatively small hotel located in a residential, R-12-zoned area.
- The Petitioners for this case previously were the applicants for ZRA 101 - Peralynna Properties, Inc., a Zoning Regulation Amendment proposal considered in 2008. Similarly to ZRA 101, this current petition is directly associated with the Inn at Peralynna (the “Inn”), an existing lodging-related use with a complex zoning history that is located on the south side of MD 108 approximately 400 feet east of Eliot’s Oak Road.

As a quick explanation of the history, this use was operating under, but not necessarily in compliance with, an approved Special Exception for a “Boarding House” use in the R-12 District, but later in a 2001 Zoning Regulation Amendment, when the Special Exception regulations were changed to the Conditional Use regulations, the ability to have such a Boarding House use was made only possible in the RC and RR Districts, which altered the authorized zoning status of the Inn.

- In ZRA 101, the Petitioners proposed to amend the existing regulations for the County Inn use category in a manner to permit the Inn to become legitimate through the approval of a Conditional Use under that category.

The Department of Planning and Zoning opposed ZRA 101 largely on the basis that it had the potential to impair the intended purposes of the Country Inn use category. In this new ZRA-119, the Petitioners have corrected that problem by proposing an entirely separate use category.

A. Scope of Proposed Amendments

Much further to the east on MD 108, generally across from the light industrial properties located between MD 108 and Red Branch Road is an R-12 neighborhood backing up to MD 108. Also, in the Elkridge area, there is an R-12 zoned area that adjoins US 1 in the area where northbound US 1 makes the descent to Elkridge.

The noted R-12 neighborhood next to MD 108 does not have any properties that could qualify for the Conditional Use, because all the existing lots are too small and none have direct access to MD 108 because all have access from internal local roads. Even if lots were to be assembled into a larger property, it is highly unlikely that the State Highway Administration would grant an access permit to MD 108 in this area, due to the available access to the local roads.

The noted R-12 properties in Elkridge are unlikely candidates for the Conditional Use category due to the topography of this particular area and also for the need for access permit approval. However, if these issues did not pose a problem, having a Boutique Hotel be approved as a Conditional Use adjoining US 1 would not necessarily be detrimental.

- **One concern with the proposed text is that it does not take into consideration the potential of this use being proposed on the similarly-sized R-12 properties to the east on the Inn.**

Although it may be unlikely to have several of this same type of use in this same location, there is nothing in the proposed text that would prevent it. It is recommended that additional text be added to prevent any other Boutique Hotel use within 1,000 feet of a property on which such a use is approved.

IV. EVALUATIONS AND CONCLUSIONS

- **Despite all the zoning complications associated with the existing Inn facility, the facts indicate that it remains a reasonably successful business endeavor. Due to the zoning complications, however, it is questionable whether the Inn could obtain nonconforming use confirmation based upon how the use actually operates.**

This means that the only possible avenues to permit this business to continue to operate are to rezone the property, a highly unlikely and ill-advised method, or to amend the Zoning Regulations, such as with this ZRA 119.

This amendment proposal does set appropriate limitations while allowing the continuance of this business, so in this manner the proposal is in general harmony with Balanced and Phased Growth Policy No. 4.5 to "Encourage economic growth, provide job opportunities for County residents and ensure the County's fiscal health", even if the business is relatively small.

- **As noted above, with the various proposed criteria, there is a significantly reduced chance for any great proliferation of proposals for Boutique Hotels in the R-12 District, as compared to the manner in which the Petitioners tried to reach approval with ZRA 101.**

Exhibit A – Petitioner’s Proposed Text

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 [sic] SHALL HAVE BETWEEN 15 AND 20 HOTEL ROOMS.
8. ON-SITE HOTEL PARKING MUST MEET MINIMUM PARKING REQUIREMENTS FOR HOTEL AND MOTEL USES. OFF-SITE AND VALET PARKING SHALL NOT BE PROVIDED.
9. MEALS MAY BE SERVED, HOWEVER, THERE SHALL BE NO PUBLIC RESTAURANT USE.