

1 CYNTHIA LYNN AND \* BEFORE THE  
2 DAVID LYNN, PETITIONERS \* PLANNING BOARD OF  
3 ZRA 119 \* HOWARD COUNTY, MARYLAND

4 \* \* \* \* \*

5 MOTION: *To recommend denial of the petition based upon a finding that the proposed*  
6 *Conditional Use category is far too intense a use for the R-12 District, and should*  
7 *not be used to bring the Petitioners' existing lodging use into compliance, and the*  
8 *Board instead suggests that the Petitioners' existing use be brought into*  
9 *compliance by being returned in some manner to the far less intense guest house*  
10 *use as originally approved.*

11 ACTION: *Recommended Denial; Vote 5 to 0.*

12 \* \* \* \* \*

13 On May 3, 2010 and June 17, 2010, the Planning Board of Howard County, Maryland, considered the  
14 petition of Cynthia Lynn and David Lynn for an amendment to the Zoning Regulations to amend Section  
15 131.N., Conditional Uses and Permissible Zoning Districts, by establishing a new Conditional Use category  
16 for "Boutique Hotel". The petition, the Department of Planning and Zoning Technical Staff Report and  
17 Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration.  
18 The Department of Planning and Zoning recommended approval of the petition with certain recommended  
19 revisions to the proposed text.

20 The Petitioner was represented by Richard Talkin. Mr. Talkin expressed that the Petitioners'  
21 circumstances with the ongoing zoning violation case grew out of a disagreement with the County of what  
22 was permitted under the original Special Exception approval for the boarding house. He stated that this  
23 proposed regulation amendment was formulated to address the concerns expressed by the neighbors and to be  
24 as limited as possible. Mr. Talkin pointed out that area of MD 108 in which the Petitioners' property is  
25 located is not a typical R-12 neighborhood because there are other non-residential uses in the vicinity. He said  
26 the revisions proposed by DPZ were acceptable to the Petitioners.

27 Joel Barry Brown testified that he is opposed to the petition because of how it would affect the R-12  
28 District, and he stated that the revisions recommended by DPZ are actually contrary to some of the neighbors'  
29 concerns about the existing use. He emphasized that the maximum floor area ratio of 0.5 is too large and  
30 could lead to an enlargement of the use.

31 Angela Beltram testified in opposition to the petition, noting that it is intended to benefit one specific  
32 use. She pointed out that Conditional Uses are very difficult to deny because they are premised on being  
33 acceptable uses, and she disapproved of this regulation amendment because such a change should be made  
34 only on a more comprehensive basis. Ralph Ballman agreed, and cautioned on adding commercial uses in

1 residential areas. Susan Baron-Robertson stated that she is a neighbor and that she opposes the whole concept  
2 of the Petitioners' use, as the property is of an insufficient size for such a use. Carole Klawansky stated that  
3 she is also a neighbor, explained the past troubles they have experienced with the use, and articulated her  
4 concerns about this use within the neighborhood.

#### 5 Board Discussion

6 The Board reviewed the testimony, staff report, and its previous recommendation for ZRA 101. The  
7 Board agreed that this petition and DPZ's proposed revisions are an attempt to resolve individual zoning  
8 violations through regulatory changes that would impact all R-12 parcels. In keeping with its long standing  
9 position, the Board considers it inappropriate to use county land use policy in such a manner.

10 The Board first considered the need for a Boutique Hotel category and the appropriateness of its  
11 placement in the R-12 district. Upon review of all related categories of regulatory uses that permit overnight  
12 stays and its previous recommendation for ZRA 101, the Board concluded that the need for a new category of  
13 hotel establishments was unproven. As stated in its ZRA 101 recommendation, there must be an analysis of  
14 the utility of the Boutique Hotel conditional use. The Board found that the differentiation between this  
15 category and the others that permit lodging was not demonstrated. Upon review of the opportunities and  
16 restrictions for those other lodging categories, the Board found that the current categories of lodging uses  
17 within the Zoning Regulations are sufficient to address all needs. As such, there is no justification for  
18 creating this proposed new category.

19 However, even if the category was established, the Board concluded that the Boutique Hotel  
20 Conditional Use is too intense a use for placement in a residential zone. The Board concluded that if the  
21 Boutique Hotel category was created its ideal placement would be in mixed use areas such as Downtown  
22 Columbia. However, greater differentiation would be needed to justify why existing regulations would not  
23 suffice. In this petition and DPZ's proposed revisions, attempts to further eliminate eligible parcels via road  
24 classification placement, parcel size restrictions, Floor Area Ratio (FAR) and prohibition against other  
25 Boutique Hotel location within 1,000 feet of another Boutique Hotel, only strengthens the argument that this  
26 regulatory change is solely for the Petitioner's benefit.

27 With respect to the Petitioner's situation that this regulation is attempting to resolve, the Board  
28 unanimously concluded that the Petitioner's use is too intense for a residential area. The Petitioner's creep of  
29 use through operational expansions and changes to include outdoor and indoor "social" gatherings has  
30 negatively impacted the surrounding residential area. When combined with the relatively small lot size, the  
31 negative impact has been substantial. Thus, no gatherings of any kind should be permitted.

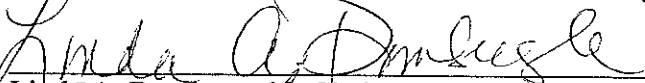
32 In fact, the Board unanimously considers the original use of a Boarding House appropriate. As such,  
33 the Board suggests that the non-conforming use be returned to a more reasonable, primarily residential guest  
34 house use with no social assemblies of any kind associated with it. The Board does support the restoration of


1 Boarding/Guest House regulations (permitting only overnight accommodations) so that the use is no longer  
2 non-conforming.


3 Mr. Tzucker made the motion to recommend denial of the petition, for the reasons as given above,  
4 with the suggestion that the Petitioners' existing use instead be brought into compliance by being returned to  
5 the far less intense guest house use as originally approved . Mr. Yelder seconded the motion. The motion  
6 passed by a vote of 5 to 0.


7 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 16th day of July,  
8 2010 recommends that ZRA 119, as described above, be DENIED.

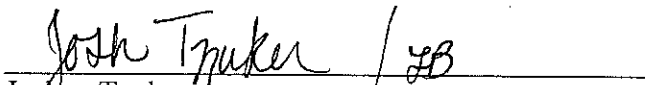
10 HOWARD COUNTY PLANNING BOARD

11   
12 Linda A. Dombrowski, Chairman

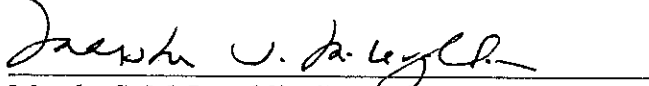
13   
14 David Grabowski, Vice-Chair

15   
16 Tammy J. CitaraManis

17   
18 Paul Yelder

19   
20 Joshua Tzucker / JB

21 ATTEST:

22   
23 Marsha S. McLaughlin, Executive Secretary

