



HOWARD COUNTY RECEIVED  
 PETITION TO AMEND THE  
 ZONING REGULATIONS OF  
 HOWARD COUNTY  
 2008 AUG 21 P 2:26

DPZ Office Use Only:  
 Case No. ZRA 101  
 Date Filed: \_\_\_\_\_

**1. Zoning Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: allow non-historic structures to apply for conditional use approval as a country inn, subject to certain restrictions.

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\_\_\_\_\_

**2. Petitioner's Name** Peralynna Properties, Inc.

Address 10605 Clarksville Pike, Columbia, MD 21044

Phone No. (W) 410-715-4600 (H) \_\_\_\_\_

Email Address \_\_\_\_\_

**3. Counsel for Petitioner** Thomas M. Meachum, Carney Kelehan Bresler Bennett & Scherr, LLP

Counsel's Address 10715 Charter Drive, Suite 200, Columbia, MD 21044

Counsel's Phone No. 410-740-4600

Email Address tmm@carneykelehan.com

**4. The text of proposed amendment(s) to the regulations together with the text of the present regulations showing the proposed amendment(s)** See attached

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**5. Reason(s) for the requested amendment(s) to the Zoning Regulations** See attached Supplement

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6. Statement as to whether or not such amendment will be in harmony with General Plan for Howard County See attached Supplement
7. Any other factors which the petitioner desires the Council to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing (if such hearing is necessary) See attached Supplement
8. The Petitioner agrees to furnish such data as may be required by the County Council and/or Department of Planning and Zoning.
9. 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.

PERALYNNA PROPERTIES, INC.

Thomas M. Meachum 8/29/08 By David R. Lynn 8/29/08  
Attorney's Signature Date Petitioner's Signature Date  
Thomas M. Meachum

p:/tmm/wpdata/Peralynna/Pet to Amend Zoning Regs.pdf

IN THE MATTER OF THE	*	BEFORE THE
PETITION OF		
	*	COUNTY COUNCIL
<b>PERALYNNA PROPERTIES, INC.</b>		
	*	OF
TO AMEND THE ZONING		
REGULATIONS OF	*	HOWARD COUNTY
HOWARD COUNTY		
*        *        *	*	*        *

**SUPPLEMENT TO PETITION**

Peralynna Properties, Inc., Petitioner, by its attorneys, Carney, Kelehan, Bresler, Bennett & Scherr, LLP, and Thomas M. Meachum, respectfully submit his Supplement in support of its Petition to Amend the Zoning Regulations.

The present Zoning Regulations allow for consideration by the Hearing Authority a conditional use for a Country Inn. The details of this use are shown on the attached proposed text amendment.

In general, this conditional use allows short term lodging; a standard restaurant; banquet facility or catering service; and meeting rooms. This conditional use is allowed in all residential districts and historic office. The current regulations only permit historic buildings to apply for this use. There is no requirement that a building be in a historic district, nor of course, are all buildings in such a district historic. Further, "historic structures" (presumably synonymous with "historic building") is defined in the Definition section of the Zoning Regulations as a structure having significant historic or architectural value.

There is no minimum lot size for this conditional use, and no requirement of frontage on a particular classification of road. The only exception to this is if the Country Inn conditional use includes a standard restaurant, in which case the lot must be at least 3 acres and have frontage and direct access to a collector or arterial road.

There are no minimum use or structure setback requirements other than those applicable to the zoning district in which the proposed conditional use is located.

There is no requirement that the Country Inn be operated by individuals who reside on the property.

The Inn at Peralynna is located on Clarksville Pike east of Eliots Oak Road, on the south side. 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 also reside on the property.

The Inn was constructed in 1996, with some additions since then. The Lynns initially started renting four rooms to boarders, who were out of town corporate employees who 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. Soon 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 in order to receive approval to have up to 19 guests, they would have to be a hotel.

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 underestimation 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. 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 hotel requirements.

Since the County had designated the Inn as a hotel, the Lynns believed they could operate as such. They hosted meetings of different organizations. They held wedding receptions, inside the building and on the grounds, and other small catered events. The Lynns found out that there was a large demand for events such as these in a smaller, less commercial setting.

The Lynns thought they were performing everything according to County requirements until last spring when they were informed by Department of Planning and Zoning that these uses were not permitted as a boarding house under the Zoning Regulations.

The Lynns decided to file this request for an amendment to the Zoning Regulations because they saw that the Inn could fill a demand and need in the County. They understand that if this amendment is passed, there is no guarantee they can continue these services, since this is a conditional use. They also understand that the Hearing Examiner has the authority to impose conditions or restrictions on the use of the property as a Country Inn.

The proposed amendment would allow non-historic structures to be sites for a Country Inn. This proposal is distinguished from current regulations permitting historic structures to be Country Inns, as follows:

- a. there is a minimum lot size of one acre, and the parcel has to have frontage and direct access to a collector or arterial road designated in the General Plan;

- b. no outdoor recreational uses would be permitted;
- c. the front setback for parking would be the same as for structures;
- d. the operators of the Country Inn have to reside on the property.

Some of these requirements are present in the current Country Inn requirements for historic structures.

At the request of the Department of Planning and Zoning, the Petitioner also added a new subsection D, that requires the petitioner for the Country Inn conditional use to designate the uses on the site and other details on the actual uses taking place on the site.

One portion of the General Plan that touches on the concept behind this proposal is 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 Country Inn 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 non-historic buildings to offer Country Inn uses would serve the same public purpose.

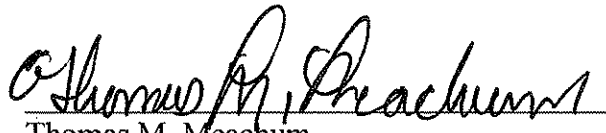
The proposed amendment that allows non-historic buildings to be Country Inns has the same requirements as historic buildings and more. The Country Inn would have to have frontage on and direct access to an arterial or collector road; be on a lot a minimum of one acre; not be allowed to have outdoor recreational uses; have what in some zoning districts would be a greater front setback, since use setbacks are in many zones shorter than building setbacks; and require the operators of the Country Inn to reside on site. If the current Country Inn regulations have adequate protection, certainly these additional requirements and restrictions meet, if not exceed, those safeguards.

All of this text 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 Country Inn will be compatible with the community. The

Inn at Peralynna simply requests that the County Council permit the Inn to make application to the Hearing Examiner to show how it can function within the community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas M. Meachum", written over a horizontal line.

Thomas M. Meachum  
Carney, Kelehan, Bresler, Bennett & Scherr, LLP  
10715 Charter Drive, Suite 200  
Columbia, MD 21044  
(410) 740-4600



30. Country Inn: An historic building in which one or more of the following services is offered: lodging for transient guests on a daily, weekly or similar short term basis; a standard restaurant as defined in these regulations; a banquet facility or catering service; or meeting rooms. A country inn may include related accessory uses such as:
- a. Antique shop, gift shop, Christmas shop, book, candle, card and similar specialty shops;
  - b. Bakery, provided such use is limited to the retail sale from the premises of goods baked on the premises only;
  - c. Arts and crafts exhibits and sale of products;
  - d. Sale of packaged or canned food products special to the establishment;
  - e. Museums and cultural exhibits;
  - f. Recreational uses for the sole use of overnight guests or guests attending meetings or catered events at the inn;
  - g. Any other uses similar to the foregoing and any use normally and customarily incidental to a country inn.

For the purpose of this definition, no boarding house, fast food restaurant, dormitory, fraternity or sorority house shall be considered a country inn.

17. **Country Inn**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH or HO Districts for the conversion of an historic structure to a country inn, provided that:

a. ~~The building is a historic structure as defined in these regulations.~~

ba. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25 percent of the total floor area of all buildings.

cb. If a public restaurant is part of the country inn, the minimum lot size shall be 3 acres unless the parcel has frontage and direct access to a collector or arterial road designated in the General Plan.

fc. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.

D. THE TYPES OF PRINCIPAL AND ACCESSORY USES AND THE LEVEL OF ACTIVITY ON THE SITE ARE SPECIFIED INCLUDING BUT NOT LIMITED TO THE FREQUENCY OR LENGTH OF MEETINGS OR EVENTS, THE MAXIMUM NUMBER OF DAY AND OVERNIGHT GUESTS, AND THE USES OF OUTDOOR AREAS.

E. THE FOLLOWING REQUIREMENTS APPLY IF THE COUNTRY INN IS OPERATED IN A HISTORIC STRUCTURE AS DEFINED BY THESE REGULATIONS:

d(1) Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which Existed on February 8, 1982, when the category for country inns was added to these regulations.

e(2) Exterior alterations to the structure and site are approved by the Historic District Commission as architecturally compatible with the historic structure.

eF. THE FOLLOWING REQUIREMENTS APPLY IF THE COUNTRY INN IS OPERATED IN A BUILDING THAT IS NOT A HISTORIC STRUCTURE:

(1) THE MINIMUM LOT SIZE SHALL BE 1 ACRE, AND THE PARCEL SHALL HAVE FRONTAGE AND DIRECT ACCESS TO A

COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE  
GENERAL PLAN.

- (2) NO OUTDOOR RECREATIONAL USES ARE PERMITTED.
- (3) THE FRONT SETBACK FOR PARKING SHALL BE THE SAME AS  
THE FRONT SETBACK FOR STRUCTURES.
- (4) THE OPERATORS OF THE COUNTRY INN SHALL RESIDE ON THE  
PROPERTY.

Carney, Kelehan  
Bresler, Bennett  
& Scherr LLP

ATTORNEYS AT LAW

ZRA 101

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September 10, 2008

Ms. Robin Regner  
Howard County Zoning Board  
3430 Courthouse Drive  
Ellicott City, MD 21043

RE: Petition to Amend the Zoning Regulations of Howard County  
Peralynna Properties, Inc.  
Our File No. 48431-9001

Dear Ms. Regner:

OF COUNSEL:  
Fulton P. Jeffers  
August W. Steinhilber

IN MEMORIAM:  
Laurence B. Raber

This will acknowledge receipt of your email regarding a new form for the Petition to Amend the Zoning Regulations of Howard County. You also indicated that the new form requested information not requested in the previous form that we used. I will tell you as an aside that we utilized the form on the County website only a few weeks ago. In any event, the following additional information is provided:

In the comparison of the two forms and the information provided in our initial filing, including the Supplement, it appears that questions 1-5 and 9 have already been responded to. The information requested in the other questions are as follows:

Response to Sections 6 and 7:

It is an accepted fact of life that people need places to hold meetings, wedding receptions and other gatherings. There should be a variety of settings for people to congregate, from large halls to more intimate settings, depending upon the size of the gathering and preferences of those who would meet.

Residents of the County currently have theoretical options of meeting at historic structures that have been approved through the conditional use process as Country Inns. The number of Country Inns in the County is not known to the Petitioner, but the number would appear to be small, based on common knowledge.

While there are a number of halls in the County where large events with a large hall environment can be held, there is a smaller number of locations of an aesthetically pleasing nature which can be found. The Petitioner knows this is the case because it has hosted a number of gatherings for people desirous of its more intimate setting.

If historic structures can be eligible to apply for approval as a Country Inn and theoretically be compatible in residential districts, there is no reason to believe that non-historic buildings could not also function in a residential district. The conditional use process identifies these locations where compatibility can exist, especially with the Hearing Authority's power to impose conditions.

The passage of this amendment would provide residents with choices that they need and desire.

Response to Section 8:

Yes, the amendment has the potential of allowing more than one property to apply for this conditional use, to rephrase the question. The Petition would expect that there are more than 12 properties having the potential to apply for such a conditional use.

Businesses on residentially zoned property have existed since the initial passage of zoning regulations (and before). There are a number of commercial and institutional uses that can operate out of residentially zoned property as long as they go through and receive approval in the conditional use process.

For this proposed regulation amendment, the Petitioner proposes to allow non-historic structures to apply for a conditional use for a Country Inn. This is already a permitted conditional use in historic structures. The Petitioner is not aware of any problems with whatever Country Inns may already exist. The proposed amendment has restrictions not found in the current zoning regulations for Country Inns in historic structures, including minimum lot size; no outdoor recreational uses, parking setbacks in the front equal to the structure setback; and the operator of the Country Inn has to reside on the subject property. The intensity of the use can be controlled by the Hearing Authority, so the impact should be minimal.

Ms. Robin Regner  
September 10, 2008  
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If any other information is needed, please so advise me.

Very truly yours,

CARNEY, KELEHAN, BRESLER,  
BENNETT & SCHERR, LLP

A handwritten signature in cursive script, appearing to read "Thomas M. Meachum".

Thomas M. Meachum

TMM/pjm  
cc: Peralynna Properties, Inc.  
Attn: Cynthia Lynn  
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