

PERALYNNA PROPERTIES, INC., \* BEFORE THE  
PETITIONER \* PLANNING BOARD OF  
ZRA 101 \* HOWARD COUNTY, MARYLAND

\* \* \* \* \*

**MOTIONS:** *To recommend denial of the requested ZRA 101 alterations to the Country Inn definition and Conditional Use criteria. To emphasize that the Planning Board does not support the Exhibit B option because the issue requires a detailed evaluation before it should be considered.*

**ACTION:** *Recommended Denial; Vote 5 to 0.  
Does not support Exhibit B option Vote 5 to 0.*

\* \* \* \* \*

On October 23 and November 13, 2008, the Planning Board of Howard County, Maryland, considered the petition of Peralynna Properties, Inc. for an amendment to the Zoning Regulations to amend Section 103.A.30., the definition for Country Inn, to delete the requirement that the building for such a use must be a historic building, and to amend Section 131.N.17 to delete the requirement that the building must be a historic structure, to add a provision requiring specific details on the types of principal and accessory uses on the site, and to add provisions for different specific criteria depending upon whether the Country Inn would be located in an historic structure or a non-historic structure.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended denial of the petition based on findings that the proposed amendments would make the potential for Country Inn proposals to be too great, and that the amendments would diminish the integrity of the Country Inn Conditional Use category. The Department included an option for consideration in the event the County Council is favorable to the basic premise of the petition, but emphasized that it is not endorsing this option. (Exhibit B)

The Petitioner was represented by Richard Talkin. Mr. Talkin stated that the Petitioner finds the Exhibit B option to be acceptable, and it would resolve many of the concerns with the use. He said that they would like to start a dialogue with the neighbors to try to address their concerns and resolve the issues. Virginia Brooks testified that she believes the Peralynna owners have been trying to resolve the concerns of neighbors. Maraquita Mays and Robert Ross testified that the Peralynna wedding operations are exceptional and that Peralynna is a worthy business for Howard County. Dan McCrain testified that he also believes Peralynna has been working with the community and that it is good to support local Howard County businesses. Also testifying in support of the petition were David Lynn and Sheli Kemplin.

1 Joel Barry Brown testified that the Peralynna business has been a detriment to the neighborhood for  
2 ten years and does not qualify as a historic structure. He explained that Peralynna was found to be in violation  
3 of the Zoning Regulations eight months ago, but the business has been delaying coming into compliance and  
4 is continuing to operate as usual. Mr. Brown concluded by stating that there is no community need or support  
5 for the petition. Carole Klawansky stated that her property adjoins the Peralynna property, and that the large  
6 outdoor social assemblies held there cause a great deal of noise and other problems. She emphasized that this  
7 type of business is inappropriate for the neighborhood. Evan Rose testified that the Harper's Choice Village  
8 Board urges the Planning Board to reject ZRA 101, and that the Exhibit B option not be used, because if  
9 accepted the changes could affect many other properties throughout the County. Also testifying in opposition  
10 to the petition were Susan Robertson, Charles Myers, Carl Segal, and Helen Segal.

11 The Planning Board considered thoroughly the petition, the technical staff report, and citizen  
12 testimony. The Planning Board's conclusions from its evaluation yield the following recommendations:  
13

14 **Retain existing language requiring a Country Inn be a historical structure**

15 Created in 1985 for the purpose of facilitating the preservation of historic homes in the rural west, there  
16 has been no substantive change to the regulation until this petition. The only other change was to reinforce  
17 that the Inn's guests were transient and that only goods baked on the premises could be retailed. The  
18 regulations resulted in only a handful of historic properties gaining approval to be a Country Inn which  
19 according to staff was a deliberately intended policy result. In practice and due to the historic structure  
20 requirement, the few Country Inns are located in western Howard County, even though several zones in the  
21 east are eligible.

22 The phrase "historic structure" served as a policy tool to minimize the number of Country Inns and their  
23 impact on adjacent properties in several ways. First it automatically reduced the number of potential homes  
24 that could be approved as Country Inns to a manageable and known number of sites even though the number  
25 of zones where the Country Inn conditional use is permitted is sizable (RC, RR, R-Ed, R-2-, R-12, R-SC, R-  
26 SA-8, R-A-15, R-MH or HO). The historic homes inventory is fairly defined and distinct and not likely to  
27 change substantially over time. Such a finite potential number offers the County certainty as to the total  
28 number of Country Inns that could exist within the different regions of the County.

29 The Planning Board agrees with staff that removing the "historic structure" restriction would result in a  
30 vast number of eligible properties that would significantly and negatively impact any populous region,  
31 particularly in the East. Specifically, the magnitude of impact to the East has not been assessed nor has the  
32 change in economic conditions that may facilitate other non-historic owners to seek to supplement their  
33 income via the Country Inn Conditional Use been reviewed. More importantly such a change would be a  
34 major policy reversal of the legislative intent of Country Inns which is "to give an owner of a historic

1 structure at least the option to adaptively use the historic building for such a purpose and thereby enable it to  
2 be maintained and preserved over time.” (Staff Report page 2)

3 Second, given that historic structures are typically smaller in size than homes recently constructed, the  
4 historic structure language also serves as a de facto cap on the number of allowable guest rooms to ensure  
5 greater compatibility within the affected zone and neighborhood. Deletion of this qualifying factor would  
6 defeat the purpose of the Country Inn category and undermine the conditional use process. The historic  
7 structure designation provides a necessary safeguard to minimize and limit adverse impacts to the  
8 neighborhood and adjacent properties.

9 Third, the Historic District Commission required approval and the restriction that enlargements or  
10 extensions must be less than 50% of the gross floor area of the building as it existed in 1982, ensures massive  
11 structures would not be able to be constructed or negatively impact adjacent properties even when located in  
12 the East. Furthermore, the Historic District Commission’s review and approval act as a gatekeeper in  
13 assuring that no Country Inn becomes too large and incompatible with the character of the site.

14 Therefore, the Planning Board concludes that eliminating the “historic structure” language would  
15 undermine the legislative intent of the Country Inn conditional use, would expand beyond a reasonable and  
16 manageable level the potential number of Country Inns that could also be too large in size and intense in use  
17 for a Country Inn’s permitted zones.

#### 18 19 **Keep existing criteria for Country Inn Conditional Use**

20 Since the Planning Board supports retention of the “historic structure” requirement for a Country Inn,  
21 it sees no reason for petitioner’s amendment for deletion of redundant text or clarification of text to require  
22 only historic structures obtain Historic District Commission approval for expansions or enlargements. For the  
23 same reasons the Planning Board opposes the inclusion of text detailing how a non-historic structure should  
24 gain approval. Because a non-historic structure is larger than a historic one, generally speaking, its  
25 expansion/enlargement would be drastically incompatible with surrounding residential properties to a point  
26 where it dwarfs them.

27 The Planning Board strenuously opposes petitioner’s proposal to reduce the acreage requirement to a  
28 minimum 1 acre for a Country Inn as too small to support a Country Inn use without negatively impacting  
29 adjacent properties particularly for any parcel located in the eastern portion of the county. The petitioner did  
30 not present any supporting documentation or rationale as to how a reduction of minimum acreage requirement  
31 would uphold the purpose and intent of the Country Inn designation especially considering Peralynna  
32 Manor’s original footprint has expanded from 8,000 to 20,000 square feet in 10 years. Reducing the acreage  
33 requirement only serves the specific needs of the Petitioner and increased activities that changed the nature  
34 and intensity of the impact on the adjacent neighborhood. The result, Planning Board believes would be more

1 adverse situations as being experienced with Peralynna Manor.

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3 **Boutique Hotel Concept requires comprehensive analysis**

4 The Planning Board also strongly opposes the proposal to create a Boutique Hotel concept use as  
5 written. No evidence was presented during the hearing as to how existing hotel/motel regulations are  
6 insufficient and have created a market need for this proposed new use. There is no justification yet offered to  
7 place this new use solely in R-12. Instead, this concept as proposed in Exhibit B appears to be crafted solely  
8 to fit Petitioner's current business situation and effectively to eliminate Peralynna Manor's ongoing zoning  
9 violation cases. Neither of these reasons should serve as the basis for a zoning regulation amendment and the  
10 Board, like DPZ, does not endorse this as a viable option.

11 In general, the Planning Board opposes the crafting of legislation for a single individual when  
12 regulations are applied county-wide. With respect to the Boutique Hotel concept, the Board believes if  
13 market demand warrants, a new category separate from Country Inns could be created. However, zoning  
14 regulations should be based on an analysis of demand, impact on adjacent property owners and identification  
15 of specific safeguards required to prevent adverse impacts on the zone in which it is allowed by right or as a  
16 conditional use.

17 The analysis of the usefulness of a Boutique Hotel Conditional Use should include but not be limited  
18 to answering these questions:

- 19 1. What unserved market would it reach? What purpose would it serve that is not being served by  
20 current regulations? Would it be a product for an urban environment instead of a rural environment?
- 21 2. Which zones should a Boutique Hotel be placed in? Does it belong in, adjacent to residential or  
22 commercial property? Should it front on a collector or arterial road? Should the minimum lot size of  
23 a Boutique Hotel be greater if outdoor assembly uses are permitted? What should be the maximum  
24 number of guest rooms permitted? What process for evaluating expansion/enlargements is needed?  
25 What should be the maximum size of a Boutique Hotel be before it is classified as a hotel or motel?
- 26 3. What restrictions such as height limits, setbacks, etc. need to be established to minimize a Boutique  
27 Hotel's impact on surrounding property? If outdoor assembly uses are permitted, what noise,  
28 parking, and lighting requirements and restrictions should be adopted to protect neighbors' quality of  
29 life? What processes are to be put in place to ensure residential neighbors have sufficient opportunity  
30 before or after the use is approved to ensure compliance is achieved?

31 Staff's presentation of Exhibit B raises the distinction between the impacts experienced by closely  
32 adjacent residential uses to the indoor use of lodging of a limited number of guests versus the impact they  
33 would experience with the additional ability to hold large outdoor social assemblies. Recently the county  
34 intentionally limited outdoor social assemblies to the RC District, to historic structures and to lots five acres

1 or more in size. Given staff concerns and the testimony it received from Peralynna's neighbors, the Board  
2 strongly supports the current regulations for outdoor social assemblies including the minimum 5 acre  
3 requirement. Permitting such an expanded use at Peralynna because the owner chose to improve the property  
4 beyond its permitted uses (approved as non-conforming Boarding House) creates undue hardship on the  
5 adjacent residences and those others in close proximity.

6 Any financial hardship Petitioner may experience because of their conscious decision to intensify the  
7 limited use for which they were permitted under the regulations should not be considered or justify  
8 Petitioner's request. To do so would undermine the integrity of the conditional use process and allow the  
9 Petitioner to circumvent the regulations. The focus should be on the adverse impact such a use would have on  
10 the adjacent community and upholding the integrity conditional use process for the R-12 zone. In this case,  
11 the Petitioner chose to ignore both to the detriment of the well established adjacent residential community.  
12 The Board does not believe the facts support the need to alter the R-12 zoning to include a modified Country  
13 Inn definition or creation of a new specifically tailored Boutique Hotel category.

14 Ms. Dombrowski made the motion to recommend denial of the requested ZRA 101 alterations to the  
15 Country Inn definition and Conditional Use criteria. Ms. CitaraManis seconded the motion. The motion  
16 passed by a vote of 5 to 0.

17 Ms. Dombrowski made the motion that the Planning Board does not support the Exhibit B option  
18 because the issue requires a much more detailed evaluation before it should be considered. Mr. Rosenbaum  
19 seconded the motion. The motion passed by a vote of 5 to 0.

20 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 1<sup>st</sup> day of  
21 January, 2009, recommends that ZRA 101, as described above, be DENIED, and that the Exhibit B option  
22 should not be considered.

23  
24 HOWARD COUNTY PLANNING BOARD

25 David Grabowski  
26 David Grabowski, Chairman

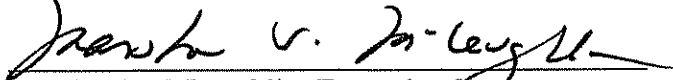
27 Gary Rosenbaum  
28 Gary Rosenbaum, Vice-Chair

29 Linda A. Dombrowski  
30 Linda A. Dombrowski

31 Tammy J. CitaraManis  
32 Tammy J. CitaraManis  
33

  
Paul Yelder

ATTEST:

  
Marsha S. McLaughlin, Executive Secretary