

Tax Map/Block/Parcel
No. 58-05-593
Case 5944

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: LaQuinta Mays
2509 W. Ellamont Street
Baltimore, MD 21216

ATTORNEY: N/A

REQUEST: Request for an expansion of an existing Conditional Use for an assisted living facility to go from 5 to 15 beds.

LOCATION: The site is located at 1246 Deer Park Road, Westminster, Maryland on property zoned "A" Agricultural in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 158.070(E)(1)(r).

HEARING HELD: April 27, 2016

FINDINGS AND CONCLUSION

On April 27, 2016, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of an existing Conditional Use for an assisted living facility to go from 5 to 15 beds. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Laquinta Mays testified on behalf of Exceptional Care Assisted Living Facility. On November 6, 2015 the Board previously granted an assisted living facility that would accommodate no more than five residents. In the past the facility had allowed up to nine individuals living on the property. The owner who was granted approval in 2015 wanted to use the upper level of the facility for personal living space. In the instant request that second floor space would also be used for the assisted living residents. Ms. Mays is the manager of Exceptional Care Assisted Living Facility. The only change from the previous Board approval would be the increase of beds for the residents on the second floor. There would be no exterior modifications to the property. She has worked in the field since about 2003.

Mr. Daniel Allen testified in favor of the application. He stated that no one currently lives on the property. The request was for a total of fifteen assisted living residents. He and Ms.

Mays are the new owners of the property. The previous owner was Rosalind Cheeks. Under Ms. Cheeks, the assisted living facility was located on the first floor only. He stated that there would be twenty-four hour care for the residents. There were kitchen and dining room facilities on both the first and second floor. He owns another assisted living facility in Baltimore City and helps to manage an assisted living facility in Baltimore County. He has worked in the field since approximately 2003/2004. There is no elevator in the building. The building is handicapped accessible. It was his experience that most residents in an assisted living facility did not have their own vehicles. In his experience, he was only familiar with one resident that had a vehicle. There are laws that pertain to needed parking spaces for residents and he was aware of them. The visiting hours at the facility would be from 8 a.m. to 10 p.m. Family members would have twenty-four hour access to their loved ones living at the assisted living facility.

An April 11, 2016 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning and Nokomis Ford, Planning Technician, states that the subject property has a land use designation of agricultural. The request is compatible with the vision and goals for the area. The staff finding is that this request is consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant.

May 3rd, 2016
Date

Melvin E. Baile, Jr.
Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.