

Tax Map/Block/Parcel
No. 46-14-1184

Case 5483

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Michael and Victoria Ryan
400 East Main Street
Westminster, Maryland 21157

ATTORNEY: Brad Webb

REQUEST: A conditional use for an assisted living facility for 8 beds.

LOCATION: The site is located at 528 Ann Drive, Westminster, MD 21157, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-93

HEARING HELD: July 28, 2009

FINDINGS AND CONCLUSION

On July 28, 2009, the Board of Zoning Appeals (the Board) convened to hear a request conditional use for an assisted living facility for 8 beds. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant currently operates a small assisted living facility for senior citizens in Taneytown. She hopes to open another 8 bed facility on this 2.5 acre (+-) lot which is improved with a residence. The property is served by public water and sewer service.

No significant exterior changes are planned for the 2,200 sq. ft. residence. The property is located on a residential street. It is already well screened from surrounding residences by trees. The interior of the residence will be reconfigured to house up to 8 residents, although it is anticipated that only 5 persons will reside there. One staff person per 8 hour shift will cook, clean, and care for the residents. Applicant Victoria Ryan will do all of the grocery shopping for the facility. The facility meets all County requirements for parking. Few, if any of the residents will own vehicles. It is anticipated that there will be only a couple of deliveries per week. A small additional parking area will be paved on the north side of the property adjacent to the driveway.

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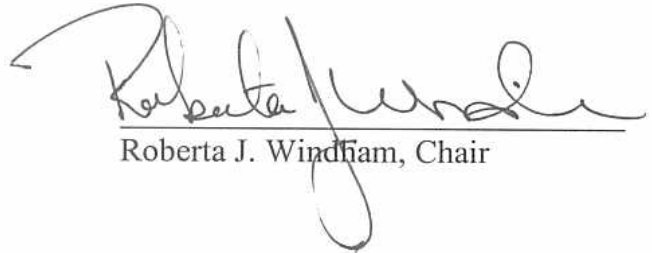
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Neighbors appeared in opposition to the proposed facility. Most cited parking concerns and traffic safety. In addition, some characterized the proposal as a business which did not fit into their residential neighborhood.

Based on all of the above, the Board found that traffic generated by this facility will be minimal. As noted earlier, it is likely that none of the residents of the facility will drive. One employee per 8 hour shift will drive to and from the residence. In addition, there will be occasional visitors. All in all, there will be less traffic generated by this use than by a typical home which houses several different drivers. There was no evidence to support the neighbor's contentions that traffic hazards will increase from this minimal amount of cars. The parking requirements of the County have been met for this project. There was no evidence of any potential decrease in property values in the neighborhood from the proposed use. Rather, the exterior of the property will be improved with landscaping and other cosmetic amenities. No evidence of noise, dust, fumes or odors was presented by opponents. The facility will be clean and quiet. In short, an assisted living facility for senior citizens at this location would not generate adverse effects above and beyond those normally associated with such a use. As such, the conditional use was granted, with the condition that a tree screen shall be erected between the proposed new parking area on the north side of the property adjacent to the driveway and the Kunert property (526 Ann Drive).

8/24/09

Date



Roberta J. Windham, Chair