

Tax Map/Block/Parcel
No. 63-11-268

Building Permit/Zoning
Certificate No. 05-1571

Case 5080

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Bruce Wentworth
P.O. Box 747
Finksburg, MD 21048

ATTORNEY: Charles M. Preston

REQUEST: An appeal of the Zoning Administrator's determination that a proposed use of a retirement community constitutes a Conditional Use and not a principal permitted use, and, in the alternative, a request for a Conditional Use for a retirement community (55 years of age and older) consisting of 7 single family homes.

LOCATION: The site is located at 3920 London Bridge Road (Village of Gold Bond, Section Two), Sykesville, on property zoned "R-40,000" Residential District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A (1) and (2), 223-63 D and 223-2

HEARING HELD: June 22, 2005

FINDINGS AND CONCLUSION

On June 22, 2005, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's determination that a proposed use of a retirement community constitutes a conditional use and not a principal permitted use, and, in the alternative, a request for a conditional use for a retirement community (55 years of age and older) consisting of 7 single family homes. The Board made the following findings and conclusion:

The Zoning Administrator first determined that an age restricted (55+) seven lot subdivision in the R-40,000 zone requires the grant of a conditional use. We agree. Section 223-63D of the Code, which governs the R-40,000 zone, lists retirement homes as conditional uses requiring Board authorization. The term "retirement home" is defined in Section 223-2 as "a development consisting of one or more buildings designed to meet the needs of, and exclusively

OFFICIAL DECISION

C5080

Page Two

for, the residences of senior citizens.” We find that the proposed development fits squarely within the definition of “retirement home” and uphold the determination of the Zoning Administrator that a conditional use is required.

Turning to the conditional use, the Applicant is proposing a subdivision of seven “stand alone” homes. Residents would be restricted by covenant to only those 55 and over. Previously, the Planning Commission denied a standard residential plan for the subdivision due to an inadequacy of schools in the region. The “55 and over” limitation is designed to eliminate any impact on the schools and therefore overcome the inadequacy hurdle.

The Board finds that the seven lot age-restricted community will not generate adverse effects here above and beyond those normally associated with such a use. There will not be any perceptible traffic increase or noise. Accordingly, the use is granted, subject to the following condition that:

The (55+) age restriction shall be clearly printed on all plats, plans, and deeds for this subdivision.

Date

7/20/05


Jacob M. Yingling, Chairman