

Tax Map/Block/Parcel
No. 39-20-893

Building Permit/Zoning
Certificate No. 05-0942

Case 5078

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

APPLICANT: D&D LLC
C/O Patton Contractors
10 Venture Way
Sykesville, MD 21784

ATTORNEY: Clark R. Shaffer

REQUEST: A modification of conditional use approval granted in BZA Case 3833 (dated May 13, 1993) or, in the alternative, a conditional use for a maximum of 88 children.

LOCATION: The site is located on the south side of MD Route 27 on Goldenrod Terrace, Westminster, on property zoned "I-R" Restricted Industrial District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-99 G, 223-118 B and 223-186 A (2)

HEARING HELD: June 2, 2005

FINDINGS AND CONCLUSION

On June 2, 2005, the Board of Zoning Appeals (the Board) convened to hear a modification of conditional use approval granted in BZA Case 3833 (dated May 13, 1993) or, in the alternative a conditional use request for a maximum of 88 children. The Board made the following findings and conclusion:

The proposed use is located on the north side of Goldenrod Terrace along MD Rte. 27 in the greater Westminster area. Goldenrod Terrace is a two lane undivided street that extends southward from Rte. 27, then turns toward the east to its terminus as a cul de sac. In addition to serving the subject property, Goldenrod Terrace serves three other commercial uses and 12 residences. The property was granted as a conditional use for a professional and business office for the property, which is zone "I-R" – Restricted Industrial in 1993. Site plan approval for the building was received in 1998. The building is currently under construction.

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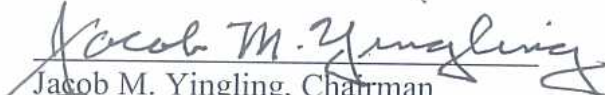
The Applicants wish to open a day care center for up to 80 children in the building on the subject property. The center would also use a 14 seat passenger van to transport school age children to and from school while in their care. The facility would be licensed by the State of Maryland. Children at the center would range in age from 6 months to 12 years. Drop off of children will commence at 6:30 A.M. and the facility will close at 6:00 P.M. There will be 3 outdoor play areas for the children. There will be no weekend hours. The center will have 9 full-time employees.

A qualified traffic engineer testified for the Applicants that the proposed day care center will not have an adverse impact on the traffic conditions in the vicinity of the site. However, the County's traffic engineer testified that the Applicant's traffic study did not utilize the criteria set forth in the County Department of Works Design Manual, which are the criteria applied during the site plan process.

The Board finds that the proposed use at this location is entitled to the grant of a conditional use with certain conditions. We are concerned that the site plan approval is almost 7 years old and that no further traffic review is required, specifically to consider the effect of an 80 child center on the intersection at Rte. 27 and Goldenrod Terrace. Accordingly, the conditional use is granted, subject to the receipt of and approval by the County Traffic Engineer of a traffic study conducted by the Applicant in accordance with Department of Public Works Design Manual Criteria showing that the impact of the center will not result in a failure of the intersection at MD Rte. 27 and Goldenrod Terrace.

Date

6/23/05



Jacob M. Yingling, Chairman