

**Tax Map/Block/Parcel
No. 45-6/12-22/241**

**Building Permit/Zoning
Certificate No. 98-3280**

Case 4367

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

APPLICANT: Marc Silverman
1431 Longhill Drive
Rockville, Maryland 20854

ATTORNEY: John T. Maguire
189 East Main Street
Westminster, Maryland 21157

REQUEST: A conditional use request for retirement homes (160 lowrise housing units and 38 35 single family cottage units) for senior citizens on property zoned "R-10,000" Residence District

LOCATION: 112 Bond Street in Election District 7

BASIS: Article 7, Section 7.2(c) (The Carroll County Zoning Ordinance)

HEARING HELD: December 29, 1998

FINDINGS AND CONCLUSION

On December 29, 1998, the Board of Zoning Appeals (the Board) convened to hear the conditional use request for a retirement community consisting of 150 lowrise housing units in two buildings and 35 separate single family cottage units for senior citizens at 112 Bond Street on property zoned "R-10,000" Residence District in Election District 7. The applicant, Mr. Marc Silverman, originally requested approval for 160 lowrise housing units and 38 single family cottage units but amended this request at the hearing. Mr. Silverman, a real estate broker and the contract purchaser of the property at 112 Bond Street, requested the conditional use pursuant to Article 7, Section 7.2(c) of the Carroll County Zoning Ordinance. Section 7.2(c) of Ordinance 1E requires Board authorization for retirement homes subject to prior approval of the site development plan and exterior design of the structure by the Commission (the Carroll County Planning and Zoning Commission).

Mr. Silverman testified he has a contract to purchase 19.4 acres of land at 112 Bond Street, Westminster from Carroll County Bank and Trust Company and R. Neal Hoffman, Co-Trustees for of the estate of Elmer and Ethel Frock. The parties also have agreed that 7.5 acres in the rear of the property will be conveyed to the adjoining neighbors William Randolph and L. Diane Groft in

exchange for 2.35 acres of land from the Grofts' tract of land. The exchange of land was made from an area to the rear of the site which has a steep grade to an area on the front of the site which is more feasible for the retirement units. Mr. Silverman's site will include approximately 14.5 acres of land. Historically, beginning in 1930s, the property was used for a public pool and swim club. In 1965, a main building was constructed for use as a banquet hall and it was in operation until the mid 1990s. The pool was subsequently filled and covered with earth. The pool and the banquet hall building are to be removed from the site.

Mr. Silverman testified that for several years he has been studying senior housing trends and demographics and he has identified a need for senior housing in Carroll County. Based on research, he estimated that the target market for the senior housing units is individuals between the ages of 65 and 70 that live in the area. The senior housing at the location will be available for individuals age 55 and older. In compliance with the Fair Housing Act, individuals residing at the location will be required to comply with covenants and restrictions. Individuals seeking housing must meet strict eligibility requirements which are based on income. No children will be permitted to reside at the location. The apartments will be owned by Mr. Silverman and leased to individuals. The cottages will be sold, based on the median housing prices in the area, or rented. Mr. Silverman plans to secure financing through the Maryland State Tax Credit Program for the project by March 31, 1999. The Program allows corporations to invest money in affordable housing projects to gain certain tax benefits.

Most of the apartments will be one bedroom as Mr. Silverman's research showed that most individuals seeking retirement rental units are single persons. The apartments will include a small kitchen, living room, closets, one bathroom, and a storage area. The cottages will include a one car garage with one off-street parking pad, two bedrooms, storage area, kitchen, living room, and bath. The cottages will be constructed slab on grade. All of the units will be accessible in accordance with American with Disabilities Act standards. There will be a special area for a community dining room (with a seating capacity for 10 to 15 individuals), a media room, an exercise room, and an examining room. An office for staff will be provided. Employees at the location will include an activities director, resident manager, and maintenance staff.

Mr. Joseph Cronyn, a Realtor and Broker with Lipman Frizzel & Mitchell, LLC, prepared a Market Feasibility Analysis for the project, identified in the record as Applicant's Exhibit 2. Carroll County was identified as the primary geographic market area for tenants with approximately 20% of the tenants coming from Baltimore County or elsewhere. The number of income-qualified senior households available in Carroll and nearby Baltimore counties is sufficient to support the project since it will have a high capture rate among the senior households likely to be seeking new rental units in a typical year. The other market rate senior-restricted rental community in the Westminster area is expanding but will be rented to capacity by Spring 1999 and will not exhaust its waiting list. There are long waiting lists at all senior rental communities in Carroll County, but predominately for heavily subsidized units. The applicant's proposed project will offer significantly lower rents than the older family communities in the market area.

Mr. Ron Brasher, an architect and planner at D. R. Brasher, testified the project will include two three story apartment buildings and single story cottages. The buildings will be constructed in a traditional style influenced by the historical homes in Westminster. Construction material will include brick and other materials compatible with homes in the neighborhood. Parking at the location will be on site and designed to shield neighborhood residents from the parking areas. The road system includes two entrances and there will be exterior street lighting installed at the location including the installation of light poles at each of the cottages. Mr. Brasher testified that the use of the site is consistent with the orderly growth of the community.

Mr. Martin Hackett, Vice President of Residential and Commercial Projects with Carroll Land Services, testified that as senior housing the site will not impact the school facilities. Mr. Hackett testified that during the site development review process the Applicant will be required to address concerns raised by the City of Westminster in regard to public water and sewer. The two access roads will provide adequate access for emergency equipment. There are existing stormdrains located on the site. Stormwater management facilities are planned on the site in the area facing Bond Street.

A traffic report was presented by Robert L. Morris, P.E., with Robert T. Morris, Inc. Mr. Morris testified that Bond Street was in excellent condition. The street carries an average daily traffic volume of approximately 4,200 vehicles in two directions, with peak hour volume of approximately 380 vehicles. These volumes represent approximately 27% of the Bond Street's capacity. The street's sight distance uphill is 470 feet and the downhill sight distance is 2,100 feet. The posted speed limit on Bond Street is 30 miles per hour (mph). The average speed measured at the location is 36 mph in the north direction and 34 mph in the south direction. The proposed development would generate 19 trips during the morning peak hour and 24 trips during the evening peak hour. If these same units were not age restricted, Mr. Morris opined that it would result in 109 trips in the morning peak hour and 126 trips in the evening peak hour. With the age restrictions, there would be peak hour trip reductions of 83% in the morning and 81% in the evening. Neither age-restrictive or non-age-restrictive development would result in traffic volumes on Bond Street that are in excess of within the street's capacity.

Mr. Paul LeDuc, a neighbor of the proposed development, testified that he was concerned about the accessibility of the proposed stormwater management pond to small children. He asked that the stormwater management ponds at the location be surrounded with fencing.

The Board finds that the proposed use is a desirable one at this location and, based on the testimony of Applicant's traffic expert, that this use will not result in any traffic problems in the area. The Board finds that this use is consistent with the surrounding neighborhood, and will not decrease the value of surrounding homes. The Board finds that there is a need for affordable senior housing in Carroll County, and Applicant has presented a attractive proposal to address that need. The Board hereby approves the application of Mr. Marc Silverman for a conditional use request for retirement homes, 150 lowrise housing units in two buildings and 35 single family cottage units, for senior citizens at 112 Bond Street on property zoned "R-10,000" Residence District in Election District 7. Approval is conditioned with a requirement that all wet stormwater management facilities and or

ponds be fenced with appropriate fencing unless restricted otherwise by a state or county agency. Site plan approval is required pursuant to the Zoning Ordinance.

1-14-99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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January 13, 1999