

Tax Map/Block/Parcel  
No. 53/59-1-200

Building Permit/Zoning  
Certificate No. 98-2677

Case 4353

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

**APPELLANT:** M.E.F. Partnership  
614 Bosley Avenue  
Towson, Maryland 21204

**APPELLANT'S  
ATTORNEY:** Michael T. Pate, Esquire  
Covahey and Boozer, PA  
614 Bosley Avenue  
Towson, Maryland 21204

**PROPERTY  
OWNER:** Atelka J. Ward  
2604 Old Westminster Pike  
Westminster, Maryland 21157

**APPLICANT:** Fred Smith  
7 Timberpark Court  
Lutherville, Maryland 21093

**APPLICANT'S  
ATTORNEY:** John R. Wise, Esquire  
100 Light Street, Suite 1100  
Baltimore, Maryland 21202-1053

**REQUEST:** An appeal of the decision of the Zoning Administrator in Case ZA-412, dated August 12, 1998, granting a variance increasing the maximum height requirement from 35 feet to 55 feet for school buildings on property zoned "C" Conservation District and "R40,000" Residential District.

**LOCATION:** Located at 2604 Old Westminster Pike in Election District 4.

**BASIS:** Basis: Article 15, Section 15.2 and Article 17, Section 17.2; Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** October 27, 1998

**FINDINGS AND CONCLUSION**

On October 27, 1998, the Board of Zoning Appeals (the Board) convened to hear the appeal of the Zoning Administrator's decision in Case ZA-412, dated August 12, 1998,

granting a variance increasing the maximum height requirement from 35 feet to 55 feet for school buildings at 2604 Old Westminster Pike on property zoned "C" Conservation District and "R40,000" Residential District in Election District 4. Both zones permit schools as principal uses. The appellant, M.E.F. Partnership, was represented by Michael Pate, Esquire. The applicant, Mr. Fred Smith was represented by John Wise, Esquire.

The applicant had requested the variance pursuant to Article 15, Section 15.5.3 of the Zoning Ordinance. The Zoning Administrator held a hearing on August 5, 1998 and on August 12, 1998 issued a decision granting the variance. The appellant filed a timely appeal to this Board pursuant to Section 15.5.4(d). The Ordinance provides that an appeal to the decision of the Zoning Administrator is a de novo hearing.

The applicant seeks to construct a private school for grades Kindergarten through 12, on a 97.5 acre tract of land located in the R-40,000 Residential District and "C" Conservation District. The private school will be designed in "Georgian-style" architecture similar to buildings at Western Maryland College and the University of Virginia. This type of design utilizes tall columns, pitched roofs, and brick construction. Placement of all the buildings would be in a centralized quadrangle on the property. Approval for a variance increasing the maximum height requirement from 35 feet to 55 feet is requested.

Mr. Timothy Henry Sanders, the applicant's architect, testified that the private school will include an administration building, a middle school building, an upper school building, a student union, a library, a natatorium, a gymnasium, and a performing arts building. Tennis courts, a stadium, baseball field, practice fields, and parking areas will also be located on the site. The private school will be accessed from Old Westminster Pike. Brown Road will only be used for emergency traffic purposes. The private school was designed at a height of 55 feet to maximize open space area, to beautify the site, to convey leadership to students, to reduce security concerns, and to construct a functional gymnasium. The private school will be on three floors and the third floor will be part of the roof. The height is 14 feet between each floor level. The gymnasium will be built in the back of the campus. The building and site will comply with Fire Code regulations.

No boarding will be offered on the campus. Enrollment is planned for 600 to 640 students.

The applicant presents that it would cause a practical difficulty to construct the school without the variance. The gymnasium would not be functional. The buildings would have to be spread out occupying more open space. Security concerns would increase due to the larger area the buildings would occupy. The Board agrees the school contemplated is a unique use which cannot be constructed without the variance. The decision of the Zoning Administrator is hereby affirmed.

The applicant also argues in the alternative that a variance is not required pursuant to Section 15.4(d) of the Ordinance which provides that "[i]n any zone where public or quasi-public buildings are permitted such buildings may be erected to a height of one hundred twenty (120) feet but the minimum front, rear and side yards shall be increased one foot for each foot of height above the limit established for the zone in which the building is erected." In the interest of administrative economy, the Board will decide this issue as well. The Board finds the use proposed to be a quasi-public use and therefore Section 15.4(d) would be applicable.

11. 23.98  
Date

Karl V. Reichlin  
Karl V. Reichlin, Chairman

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November 20, 1998