

Tax Map/Block/Parcel
No. 52-13-23
Case 5646

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

APPLICANT: RKM Properties, LLC, c/o Kimbra & Robert Meekins
3703 Wine Road
Westminster, MD 21157

ATTORNEY: Bradford I. Webb

REQUEST: A request for a conditional use for a 16-bed assisted living facility.

LOCATION: The site is located at Off-Conveyances #1 & #2 Nelson Road,
Westminster, on property zoned "A" Agricultural District in
Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A
(24)

HEARING HELD: July 25, 2012

FINDINGS AND CONCLUSION

On July 25, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a 16-bed assisted living facility. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

RKM Properties, LLC requested to place a 16-bed assisted living facility on Nelson Road in Westminster, Maryland. Kimbra Meekins testified as the owner of three assisted living facilities in the county. The other three locations for the Golden Crest assisted living facilities are on St. Paul Road, Evergreen Drive, and Albert Rill Road. Each of the three locations is in Hampstead, Maryland; is located in residential communities; and is a 16-bed assisted living facility. The Golden Crest facilities have been in Carroll County for more than twenty years. She and her husband visit the facilities on a daily basis.

Golden Crest decided to put residents in a one level facility, because it recognized that it was difficult for residents to maneuver in multiple level buildings. Mrs. Meekins testified that there was a need for assisted living facilities in the county. She currently has waiting lists for her present facilities. She typically has ten employees to cover a 16 bed operation. The newest facility would have approximately fifteen employees including nurse's aides, a cook,

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administrative staff, and an activity director. This newest facility would look like the facility at the St. Paul location.

John Lemmerman, a land surveyor, prepared the Concept Plan for the 16-bed assisted living facility. This plan was presented to the Planning Commission during the week of July 16-20, 2012. The facility looks similar to a residential Cape Cod.

He testified in response to the concerns noted by the opposition. He noted that there were two septic areas designated in the plans. There was an area for an initial system and areas for two replacement areas. He noted that a well was drilled on the property where the water flowed at thirty gallons a minute. The septic system is designed to handle double the amount of actual consumption. The actual water consumption at the Evergreen location was about 700 gallons per day at peak times. The water and sewer systems at the new facility would not be a problem.

Carol Nelson testified in opposition to the conditional use. She had a problem with wells and septic tanks necessary to sustain the facility in the middle of two farms. Her issue was water and sewer. She did not believe that twenty people living in a house was residential and that the request was for a commercial facility.

In considering the necessary factors, the Board authorized the conditional use requested by Mrs. Meekins. The conditional use is consistent with the provisions of the zoning ordinance and will not unduly affect residents of adjacent properties, the values of those properties or public interests.

26 July 2012
Date

Gary Dunkleberger
Gary Dunkleberger, Vice Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.