

**Tax Map/Block/Parcel
No. 74-10-570**

Case 5401

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

APPLICANT: AVA Care, LLC
c/o George R. Harrison
2810 Kaywood Place
Sykesville, MD 21784

ATTORNEY: Isaac Menasche

REQUEST: Expansion of a non-conforming use by the construction of a two-story addition of 2,440 sq. ft. per story, more or less, at the rear of the existing non-conforming building to eliminate semi-private rooms and permit the same number of authorized residents to have private rooms at Oakland Manor Assisted Living Facility.

LOCATION: The site is located at 2810 Kaywood Place, Sykesville, on property zoned "R-20,000 & Conservation" Residential & Conservation Districts in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Section 223-9 (A)

HEARING HELD: April 29, 2008

FINDINGS AND CONCLUSION

On April 29, 2008, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of a non-conforming use by the construction of a two-story addition of 2,440 sq. ft. per story, more or less, at the rear of the existing non-conforming building. The Board made the following findings and conclusion:

The subject property is a non-conforming assisted living facility on 3.278 acres (+-) with a split zoning designation of "R-20,000 and C-Conservation". The facility is licensed for 60 residents. It currently has 36 residents and 37 rooms. The Applicant wishes to expand the non-conforming use by adding a 2-story addition of 2,440 square feet per story at the rear of the existing building. This will allow the facility to eliminate semi-private rooms and have 55 private rooms. The 17 new rooms will be 12' x 15', and the existing rooms will also be renovated during the project. The property is served by public water and a private septic system.

OFFICIAL DECISION

Case 5401

Page Two

This is a 24-hour care facility with 20 full-time and 2 part-time employees. Typically, there are about 8 employees per 8 hour shift on the premises. Employees assist the residents with bathing, dressing, feeding, and the administration of medicines.

The addition will not enlarge the original footprint of the dwelling. Traffic is negligible, as the residents' needs are typically met at the facility. Noise will not be generated by the addition to the building.

The Board had concerns regarding the ability of emergency vehicles to access the property via the existing driveway. In addition, the Board heard testimony from a neighbor who resides at 6305 Oakland Mills Road who wishes to see additional screening between his property and the expanded facility.

Based on the above, the Board found the proposed structural alteration and enlargement of the existing non-conforming assisted living facility to be appropriate. There will be no effect on traffic, the neighborhood, property values, or the peaceful enjoyment of persons in their homes from the proposed expansion. There will be no additional noise, dust, or fumes generated by expanded facility. Accordingly, the request for the 2-story addition was approved.

The Board requested that, during the site plan process, the following conditions be considered. The existing driveway should be increased to accommodate emergency vehicles. In addition, a tree line should be erected by the Applicant between the subject property and the residential property at 6305 Oakland Mills Road. (IMP #74-10-393) to screen the improved buildings.

5/21/08
Date


Jacob M. Yingling, Chairman